



Assessing the Impact of South Carolina's Parole and Probation Reforms

Justice Reinvestment Initiative

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In 2009, South Carolina's criminal justice system was in crisis, facing rising costs and a rapidly growing prison population. There were 24,612 people serving time in the state's prisons, and the prison population was expected to grow by 3,200 over the next five years—at a cost of \$458 million to the state. Meanwhile, the state's violent crime rates were among the worst in the nation and recidivism was on the rise.

In response, South Carolina legislators enacted comprehensive criminal justice reform to strengthen public safety, implement fair and effective sentencing policies, and control the growth of corrections costs. In 2010, Senate Bill (SB) 1154, the Omnibus Crime Reduction and Sentencing Reform Act, was signed into law by Governor Mark Sanford.

Policy changes enacted by SB 1154 included restructuring penalties for certain violent, drug, and property offenses; expanding the amount of earned time available to people in prison; broadening eligibility for probation and parole; mandating postrelease supervision; and enhancing the use of administrative responses to technical violations of supervision terms.

This brief focuses on South Carolina's use of administrative responses to parole and probation violations.¹ These administrative actions are important alternatives to incarceration for people who violate the terms of their supervision, and increased use of these responses was projected to generate significant cost savings for the state. We identified the following trends in policy and public safety outcomes related to the use of administrative responses:

- The total number of administrative responses given to people on supervision increased from 42,999 in fiscal year (FY) 2010 to 62,424 in 2015. The average number of responses received per person per year increased nearly 42 percent over the same period. But not all types of

responses were used more frequently. For example, between FY 2010 and FY 2015 there were more reprimands, fee exemptions, and fee restructures but fewer home visits and public-service employment sanctions.

- Recidivism among people on supervision has declined for each cohort since FY 2010. Nearly 10 percent of people who began supervision as the FY 2010 cohort were incarcerated or reincarcerated within a year. That share fell to 8 percent for the FY 2011 cohort and below 5 percent for the FY 2014 cohort.
- After controlling for demographic and case-specific variables and the number of administrative responses given, people who began their supervision after implementation of SB 1154 (FY 2011 and beyond) were less likely than people in the FY 2010 cohort to be incarcerated or reincarcerated after one, two, and three years.

Background

In 2009, South Carolina's corrections population reached an all-time high of 24,612 (Pew Center on the States 2010). The population had nearly tripled over the previous 25 years, and state spending on prisons had increased by more than 500 percent since 1983, rising from \$63.7 million to \$394 million (South Carolina Sentencing Reform Oversight Committee 2015).

Despite increasing spending on public safety, South Carolina had the highest reported violent crime rate in the country each year from 2002 to 2008 and an increasing recidivism rate. The state's corrections population was projected to grow by more than 3,200 by 2014, which would have raised operating costs for the South Carolina Department of Corrections (SCDC) by \$141 million, with an additional \$317 million needed for the construction of a new prison (Pew Center on the States 2010).

In response, the state created a Sentencing Reform Commission made up of legislators, members of the judiciary, and the director of the SCDC. The commission requested technical assistance through the Justice Reinvestment Initiative, a public-private partnership jointly funded by the Bureau of Justice Assistance and The Pew Charitable Trusts. The Pew Charitable Trusts and its partners, Applied Research Services Inc. and the Crime and Justice Institute, analyzed state sentencing and corrections data to identify drivers of growth in the prison population (Pew Center on the States 2010). This analysis identified four main drivers:

- Sentencing policies had led to an increase in the number of people sent to prison for low-level offenses on short sentences. Between 2000 and 2009, admissions to prison rose 26 percent. Forty-four percent of people admitted in 2009 had a sentence of less than 18 months.
- The number of people sent to prison for nonviolent offenses (mainly drug and property crimes) had increased sharply in previous decades. For example, the share of people in prison incarcerated for drug-related offenses increased from 6 percent in 1980 to 20 percent in 2009. In 2009, 49 percent of people in the state's prisons were being held for nonviolent offenses.

- More people on parole or probation were returning to prison for technical violations of their release terms, not new crimes, because of the lack of alternatives used by the Department of Probation, Parole and Pardon Services (PPP). In 2009, parole or probation revocations made up 24 percent of prison admissions. Of the 3,205 people on parole or probation who were sent to prison, 66 percent had only committed technical violations.
- The rate at which the Board of Pardons and Paroles granted parole had been dropping for several years. Between 2004 and 2009, parole approval rates fell from 26 percent to 11 percent; in 2009, the board approved 511 releases and denied 3,993. Releases approved by the parole board represented only 3.5 percent of all people released from prison in that year (South Carolina Sentencing Reform Commission 2010).

The Sentencing Reform Commission held more than 14 hearings and numerous working group meetings to consider these findings and build consensus on policy recommendations. The commission also solicited input from criminal justice stakeholders, such as law enforcement personnel, prosecutors, defense attorneys, and victims' advocates (Pew Center on the States 2010).

In February 2010, after nearly a year of hearings, meetings, and deliberation, the Sentencing Reform Commission submitted a final set of 24 recommendations to the state legislature. These recommendations were ultimately codified in SB 1154, the Omnibus Crime Reduction and Sentencing Reform Act of 2010. Cosponsored by 26 senators and supported by a unanimous vote in the Senate and a 97 to 4 vote in the House, SB 1154 was signed into law by Governor Mark Sanford on June 2, 2010. The portion of the law relating to administrative sanctions took effect on January 1, 2011. The bill introduced four main policy changes:

- Restructuring penalties for certain violent, property, and drug offenses to reserve prison space for people convicted of more serious offenses
- Expanding eligibility for probation and parole
- Increasing the amount of earned time available to people in prison
- Strengthening community supervision by mandating postrelease supervision, authorizing earned discharge, enhancing the available administrative responses to supervision violations, and using risk assessments to guide supervision decisions

This brief focuses on the use of administrative actions to respond to technical violations of probation or parole supervision. SB 1154 codified and formally encouraged the use of these responses in hopes of reducing reliance on incarceration. Evidence indicates that SB 1154 has had a significant impact in the five years since its enactment. Between 2010 and 2015, the average daily prison population in South Carolina declined 12 percent. Annual admissions declined 31 percent over the same period. As of 2016, estimated correctional savings from the bill amount to at least \$491 million, some of which will be reinvested into policies to improve public safety (Harvell, Welsh-Loveman, and Love 2016).

Administrative Responses to Supervision Violations

The Sentencing Reform Commission analysis identified parole and probation revocations for noncriminal violations as a key factor driving prison growth in South Carolina (South Carolina Sentencing Reform Commission 2010). To address this issue, SB 1154 formally authorized and encouraged PPP agents to use administrative responses to violations and mandated that they use evidence-based risk assessments to guide supervision decisions.

In response to a violation of the terms and conditions of any supervision program operated by the department, whether pursuant to statute or contract with another state agency, the probation agent may, with the concurrence of his supervisor and, as an alternative to issuing a warrant or citation, serve on the offender a notice of administrative sanctions. The agent must not serve a notice of administrative sanctions on an offender for violations of special conditions if a sentencing court provided that those violations would be heard by the court. The administrative sanctions must be equal to or less restrictive than the sanctions available to the revoking authority, with the exception of revocation. (SC Code § 24-21-110)

PPP agents are authorized to use several types of responses, including the following:

- **Verbal or written reprimands.** A notice given verbally or in writing that the terms of supervision have been violated.
- **Public-service employment sanctions.** An assignment to work a certain number of hours in an unpaid position in a nonprofit or tax-supported agency.
- **Public-service employment conversions.** A conversion of fees, fines, or other monetary obligations to public-service employment hours for a person deemed unable to pay.
- **Fee exemptions.** An exemption of fees, fines, or other monetary obligations for a person deemed unable to pay.
- **Fee restructures.** An adjustment of the rate or frequency of payment for fees, fines, or other monetary obligations for a person deemed unable to pay.
- **Home visits.** A visit to the home of a person on supervision (in addition to the initial home visit always conducted in the first 30 days of supervision).

Use of Administrative Responses and Their Public Safety Implications

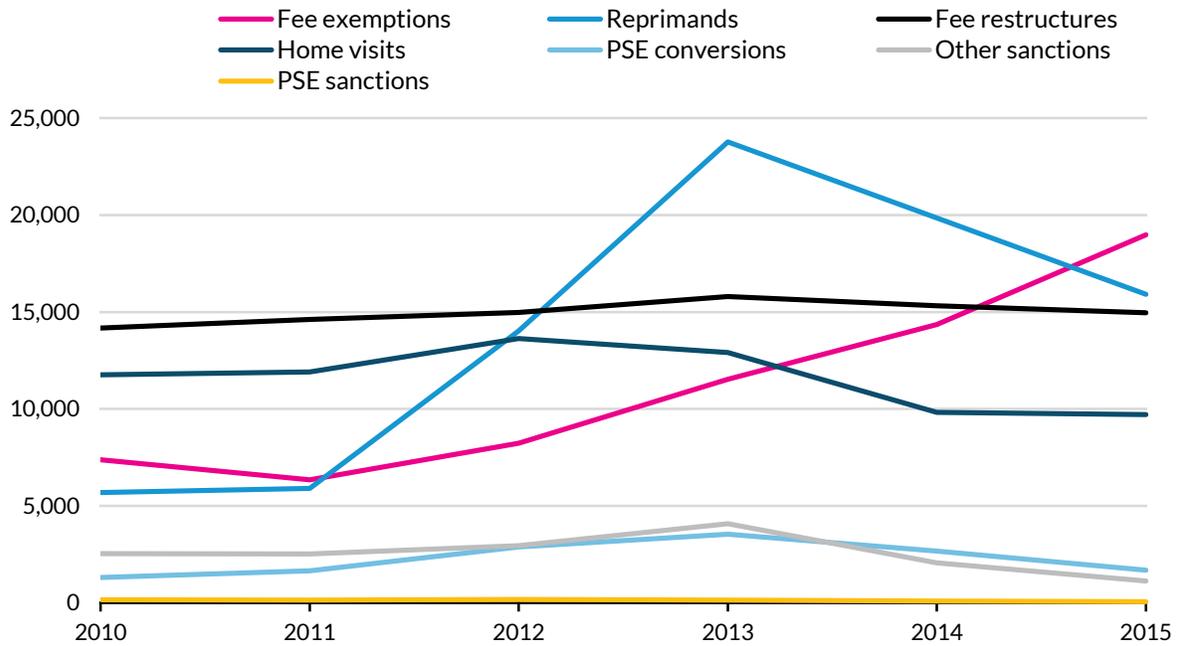
This brief analyzes data on individuals provided by PPP and SCDC to investigate trends in the use of administrative responses and in recidivism among people on parole or probation.

USE OF ADMINISTRATIVE RESPONSES INCREASED, BUT NOT FOR ALL TYPES OF RESPONSES

As shown in figure 1, the total number of administrative responses to supervision violations increased by 45 percent from 42,999 in FY 2010 (before implementation of SB 1154) to 62,424 in FY 2015 (the most recent data available).

However, this increase was not consistent across all types of responses.² We found a nearly 180 percent increase in reported reprimands (from 5,689 to 15,916) and a nearly 20 percent decrease in home visits (11,754 to 9,703) over this period. The number of reported public-service employment sanctions also declined. Several types of fee forgiveness—fee exemptions, fee restructures, and conversions of fees into public-service employment hours—were all reported more frequently.

FIGURE 1
Total Administrative Responses per Fiscal Year, by Type



Source: Urban Institute analysis of data provided by the South Carolina Department of Probation, Parole and Pardon Services.
Note: PSE = Public-service employment.

Though figure 1 depicts only the aggregate number of responses used and does not account for the total number of people on supervision, table 1 reports the average number of responses given per person per year while they were on supervision (i.e., from their supervision begin date until either their supervision end date or June 30, 2015, the end of the most recent fiscal year for which data are available).

TABLE 1

Average Number of Administrative Responses per Person per Year

	2010	2011	2012	2013	2014	2015	Change 2010-15
Reprimands	0.202	0.310	0.463	0.515	0.473	0.396	97%
PSE sanctions	0.003	0.003	0.003	0.002	0.001	0.001	-70%
PSE conversions	0.039	0.055	0.063	0.054	0.041	0.012	-69%
Fee exemptions	0.145	0.173	0.223	0.261	0.254	0.172	19%
Fee restructures	0.339	0.333	0.357	0.348	0.336	0.396	17%
Home visits	0.275	0.309	0.333	0.304	0.328	0.509	85%
Other responses	0.071	0.076	0.082	0.072	0.042	0.035	-51%
Total	1.073	1.259	1.524	1.554	1.474	1.522	42%

Source: Urban Institute analysis of data provided by the South Carolina Department of Probation, Parole and Pardon Services.

Note: PSE = Public-service employment.

Table 1 presents a similar story as figure 1: the average number of responses received per person per year increased from FY 2010 to FY 2015 by nearly 42 percent (1.07 responses to 1.52). Again, this increase was not consistent across all types of responses. For example, the average number of reprimands per year increased from approximately 0.20 in FY 2010 to 0.40 in FY 2015, but the average number of public-service employment conversions decreased from approximately 0.04 to 0.01 (a nearly 70 percent decline).

Table 2 presents the share of people on supervision who received one or more responses of any type. These numbers are broken down by cohorts of people who began supervision in each year. Generally, subsequent cohorts receive more administrative responses.

TABLE 2

Share of People on Supervision Who Received One or More Responses

Years after beginning supervision	Supervision Cohorts					All cohorts
	2010	2011	2012	2013	2014	
One	64.1	64.9	71.2	69.9	65.4	67.0
Two	74.3	75.4	79.1	77.9		76.6
Three	76.8	77.2	81.0			78.3
Four	77.5	77.8				77.6
Five	77.9					77.8

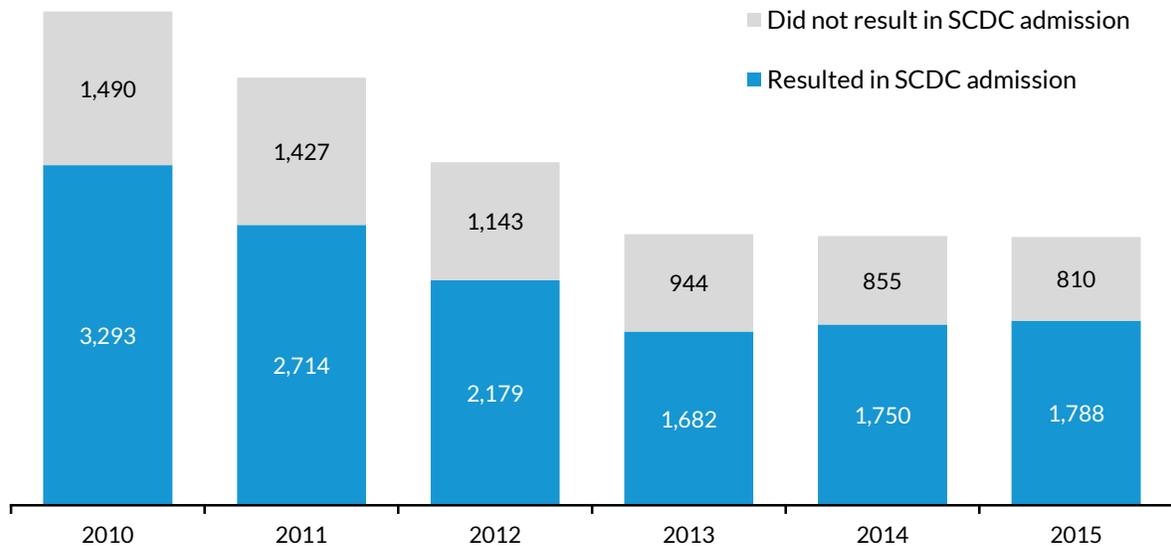
Source: Urban Institute analysis of data provided by the South Carolina Department of Probation, Parole and Pardon Services.

RECIDIVISM DECLINED

The total number of revocations, particularly compliance revocations for technical violations of supervision terms, declined significantly after the passage of SB 1154. Figure 2 depicts trends in revocations as reported by PPP in its November 2015 report to the Sentencing Reform Oversight Committee (South Carolina Department of Probation, Parole and Pardon Services 2015a).

The total number of compliance revocations decreased 46 percent between FY 2010 and FY 2015, as did the number of compliance revocations resulting in admission to an SCDC facility. However, the percentage of compliance revocations resulting in admission remained relatively stable

FIGURE 2
Trends in Compliance Revocations
Number of revocations



Source: South Carolina Department of Probation, Parole and Pardon Services, *Report to the Sentencing Reform Oversight Committee* (Columbia: South Carolina Department of Probation, Parole and Pardon Services, 2015).

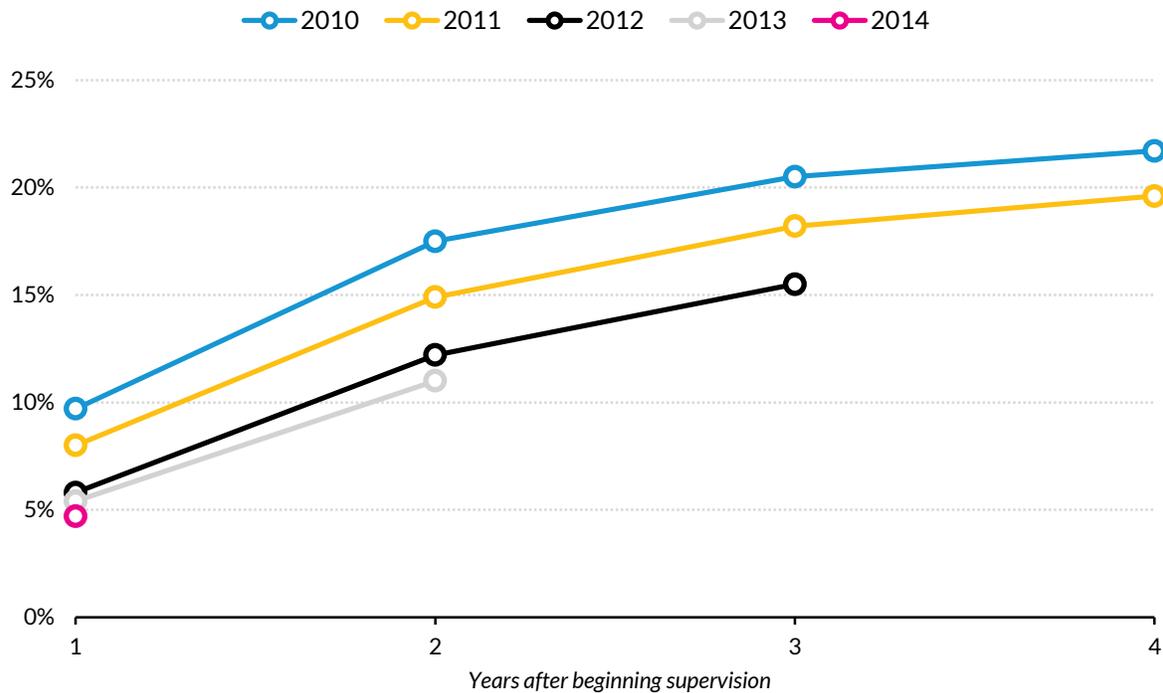
Note: SCDC = South Carolina Department of Corrections.

We conducted a preliminary analysis of the public safety impact of SB 1154’s reforms by examining trends in recidivism by individual (defined as incarceration or reincarceration of a person on supervision) before and after implementation.

Figure 3 presents recidivism rates for cohorts of people who began supervision between FY 2010 and FY 2014. We find that recidivism among people on supervision decreased substantially. Nearly 10 percent of the FY 2010 cohort were incarcerated or reincarcerated within one year, compared with 8 percent of the FY 2011 cohort and less than 5 percent of the FY 2014 cohort. Recidivism rates were steadily lower for each subsequent cohort.

FIGURE 3

Recidivism Rates among Pre- and Postreform Supervision Cohorts



Source: Urban Institute analysis of data provided by the South Carolina Department of Probation, Parole and Pardon Services and the South Carolina Department of Corrections.

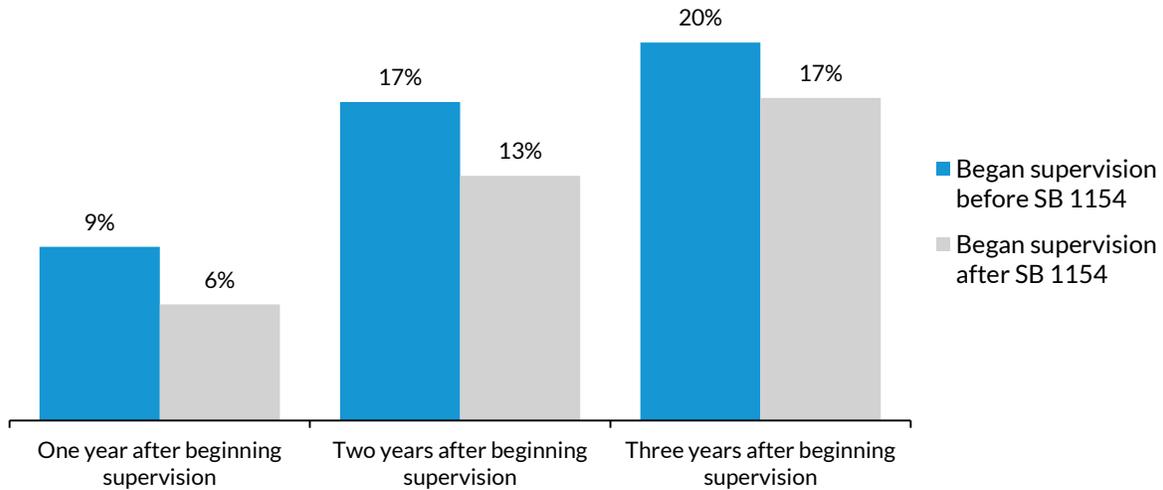
Note: Rates are cumulative over time.

Figure 4 illustrates the likelihood—after controlling for a number of demographic and case-specific variables³—of revocation among people who began supervision before implementation of SB 1154 and those who began supervision after. We estimate significantly lower rates of recidivism among people who began supervision after implementation, even while holding constant the number of responses received per person per year. People who began supervision after implementation were 33 percent less likely than people in previous cohorts to be incarcerated or reincarcerated after one year. These results indicate that SB 1154’s approach to supervision policies kept people on supervision out of prison through methods other than increased use of administrative responses in place of reincarceration.

FIGURE 4

Recidivism Rates for Pre- and Postreform Supervision Cohorts

Predicted rate of incarceration or reincarceration within SCDC



Source: Urban Institute analysis of data provided by the South Carolina Department of Probation, Parole and Pardon Services and the South Carolina Department of Corrections.

Notes: SCDC = South Carolina Department of Corrections; SB 1154 = Senate Bill 1154, or the Omnibus Crime Reduction and Sentencing Reform Act of 2010. Rates are cumulative over time. Differences between pre- and postreform cohorts are statistically significant at the $p < 0.001$ level.

Challenges to Implementing SB 1154 Reforms

Our analyses indicate that use of administrative responses has increased since implementation of the Sentencing Reform Act, and evidence shows that returns to prison have declined. However, efforts to reform supervision policy and practice as originally outlined in SB 1154 have faced significant delays and roadblocks.

SB 1154 required that PPP develop policies around a “structured decision-making guide designed to enhance public safety, which uses evidence-based practices and focuses on considerations of offenders’ criminal risk factors.”⁴ PPP has begun using a COMPAS risk and needs assessment to evaluate the risk level of people on supervision and has achieved 85 percent compliance among agents in administering the assessment (South Carolina Department of Probation, Parole and Pardon Services 2015b). But as of January 2017, the agency was still working to implement a decisionmaking matrix, which it planned it roll out in March 2017, representing the culmination of supervision reform efforts. The matrix will require agents responding to a supervision violation to select from a guided menu of appropriate administrative responses based on the person’s risk assessment. This system intends to help standardize supervision practices across the state, improve the accuracy of data collection and reporting, and make agents more aware of the options available to them. Now seven years removed

from the passage of SB 1154, the delay in implementing the matrix represents a significant impediment to full rollout of supervision reform.

Until this system is in place, PPP and outside observers are limited in their ability to fully understand and evaluate supervision practices across the state. The quality of available data presents a significant challenge to effective implementation of these reforms. The current system does not track supervision violations systematically; only responses to violations are cataloged in a searchable database. This limitation makes it difficult to understand trends in how different types of responses are used, how supervision practices have changed over time, and how effectively these practices have reduced recidivism and returns to prison. Further, because certain types of responses, such as drug and mental health program referrals, are not systematically tracked, currently available data do not reflect the full range of supervision policy and practice.

Throughout the implementation process, PPP has faced a lack of funding (as described by the Sentencing Reform Oversight Committee in its annual reports). Specifically, savings from SB 1154 reforms have not been reinvested to support PPP. Each year since 2010, the Sentencing Reform Oversight Committee has recommended that these savings, amounting to a total maximum reinvestment of \$8,299,333 from 2010 to 2015, be allocated to PPP, but the agency has not received this funding. As the number of people on supervision grows, the committee has expressed concerns about PPP's ability to continue implementation and ensure sustainability of reforms with its current resources (South Carolina Sentencing Reform Oversight Committee 2015).

Conclusion and Recommendations

From 2010 to 2015, following the passage of SB 1154, the Department of Probation, Parole and Pardon Services increased its use of administrative responses to supervision violations. Although overall use of responses expanded, some types of responses were used more frequently while use of others declined.

We find preliminary evidence that implementation of SB 1154 is associated with reduced recidivism rates among people on supervision, as rates declined each year following implementation. Even when controlling for demographic and case-specific factors and the number of responses imposed, the passage of the bill was associated with a reduced likelihood of people on supervision returning to prison.

Because of limitations in data availability, we were only able to examine how many responses people received while on supervision and not how many supervision violations occurred or what responses were used for specific violations. This made it difficult to compare administrative responses and revocation as potential responses to violations. For example, reincarceration could have decreased because PPP instead used administrative responses to address the types of behaviors that previously would have led to reincarceration. Or use of administrative responses and other practices affected by SB 1154 could have caused a change in behavior that made incarceration or reincarceration less likely.

We recommend that South Carolina invest in the implementation of supervision reforms and move forward with a more standardized system that encourages evidence-based supervision practices.

Funneling reinvestment savings from SB 1154 to PPP is a logical first step. We also recommend that the state focus on performance measurement and improving data collection. Better data on supervision violations, agent responses, and outcomes will allow the state to more precisely evaluate the effectiveness of its reforms and track progress over time.

Technical Appendix

TABLE A.1

Results of Logistic Regression Models Predicting Incarceration after Beginning Supervision

	One-Year Recidivism		Two-Year Recidivism		Three-Year Recidivism	
	Odds ratio	Standard error	Odds ratio	Standard error	Odds ratio	Standard error
SB 1154 implementation	0.643***	0.020	0.727***	0.018	0.816***	0.020
Administrative responses ^a	0.791***	0.010	0.841***	0.009	0.864***	0.009
Race ^b	1.038	0.030	1.032	0.024	1.021	0.025
Gender ^c	1.664***	0.070	1.706***	0.057	1.768***	0.061
Age	0.975***	0.001	0.971***	0.001	0.971***	0.001
Supervision type ^d	0.775***	0.034	0.815***	0.028	0.871***	0.030
Severity of offense ^e	1.099***	0.006	1.116***	0.005	1.132***	0.005
Violent offense ^f	0.792***	0.051	0.776***	0.040	0.684***	0.037
Constant	0.139***	0.010	0.273***	0.016	0.299***	0.018

^a Responses per person per year on supervision.

^b 1 = white; 0 = not white.

^c 1 = male; 0 = female.

^d 1 = parole; 0 = probation.

^e Values between 1 and 8, based on misdemeanor versus felony status and punishment range for the offense.

^f 1 = violent; 0 = not violent.

*** $p < 0.001$

Notes

1. The Department of Probation, Parole and Pardon Services refers to these actions as administrative *sanctions*. We instead use the term administrative *responses* to reflect that not all actions are punitive.
2. Our analysis can only measure the number of actions reported by agents. It is possible that the trends we see are simply changes in the number of responses reported rather than the true number of responses used. Further, there are some types of responses, such as referral to a drug or mental health treatment program, that may be used by PPP agents but are not captured in our dataset.
3. For more details on this analysis, see the technical appendix.
4. S.C. Code Ann. § 24-21-13(1).

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