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ANNUAL REPORT
1979-1980

SOUTH CAROLINA
PROBATION, PAROLE
AND
PARDON BOARD



Printed Under the Direction of the
State Budget and Control Board

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U.S. Department of Justice
National Institute of Justice

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PARDON BOARD



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APR 1980

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LETTER OF TRANSMITTAL SOUTH CAROLINA PROBATION, PAROLE AND PARDON BOARD

To His Excellency, Governor Richard Riley, The Budget and Control Board and Members of the General Assembly.

In compliance with State statute, we present herewith our Thirty-ninth Annual Report covering the actions of South Carolina Probation, Parole and Pardon Board for the period July 1, 1979 through June 30, 1980.

For the interest, support and trust which you, the Budget and Control Board, and Members of the General Assembly have vested in us, we are most grateful. Our sincere appreciation is expressed for the excellent cooperation received from other State and Federal Agencies as well as the Citizens of this State in rendering vital services for the rehabilitation of our fellow human beings.

Respectfully submitted,
GRADY A. WALLACE, *Director*

I. INTRODUCTION

PURPOSE AND GOAL

The "correctional" philosophy that currently seems to hold the greatest promise, based on social science theory and somewhat limited research, is that of reintegrating the offender into the community. One purpose of this organization is to supervise those adult offenders who have been placed on probation by the Courts, with the ultimate goal of successfully reintegrating those individuals back into their community. Another purpose of this agency is to supervise those individuals released on parole. Parole is not clemency, not a right, nor a reduction of sentence. Parole is a means of release of a prisoner from imprisonment but not from the legal custody of the State. Few things about parole evoke consensus, but there is some agreement that one objective and measure of success is reduction of recidivism. Even this consensus quickly becomes less firm when two specific functions are examined: 1) provision of supervision and control to reduce the likelihood of criminal acts while the offender is serving his sentence in the community (the "surveillance" function) and 2) provision of assistance and services to the parolee, so that noncriminal behavior becomes possible (the "helping" function).

While parole has on occasion been attacked as "leniency", it is basically a means of public protection, or at least has a potential to serve this purpose if properly cased. Arguments couched in terms of "leniency" deflect attention from a more important problem. The fact that a sizable number of offenders do return to the community from confinement each year. The task before this organization is to improve parole programs so that they may contribute to the reintegration of these offenders.

Also, the restoration of citizenship by Pardon is vested in the authority of this Board. Originally, the power of executive clemency was exercised through the Governor's Office. However, with the establishment and later revisions of the policies of the Probation and Parole Board, administration of these functions became a responsibility of this agency of government.

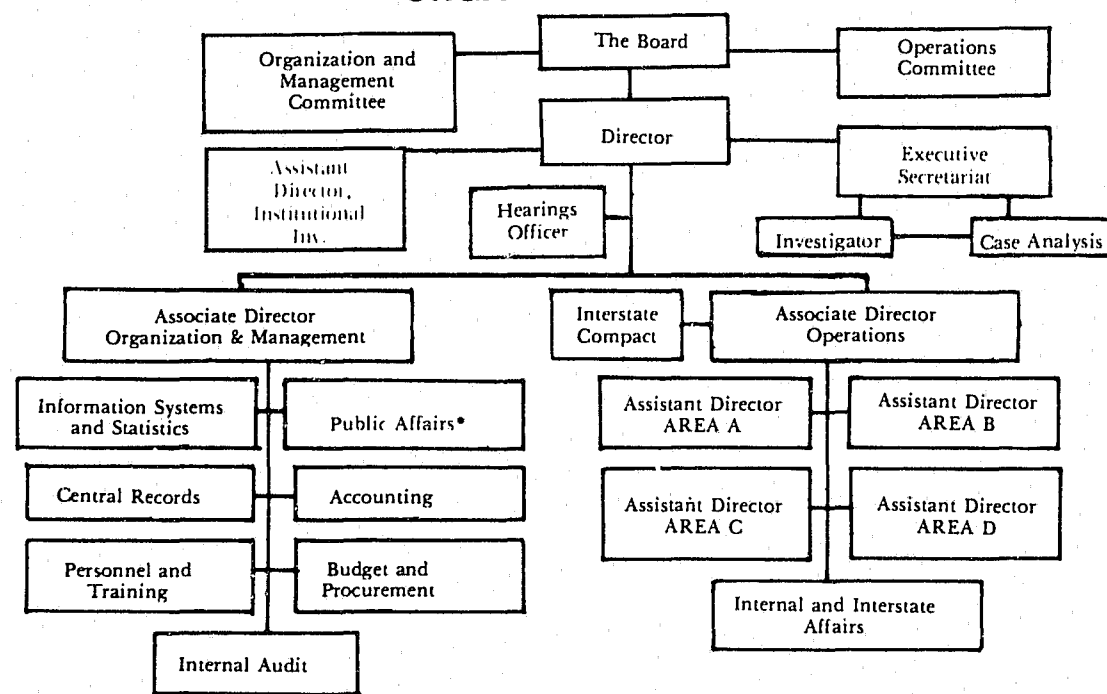
The probation and parole agents in South Carolina have accepted the mammoth responsibility of providing proper counsel and guidance to the offenders under their supervision. Authorities agree for the most part that probation and parole are casework services to men and women released under supervision. This service is planned so that the needs of each offender will be met on an individual basis. We conclude that our overall program must include prevention as well as treatment ap-

proaches. For this reason we have worked closely with available educational and community resources.

LEGISLATIVE PROVISIONS

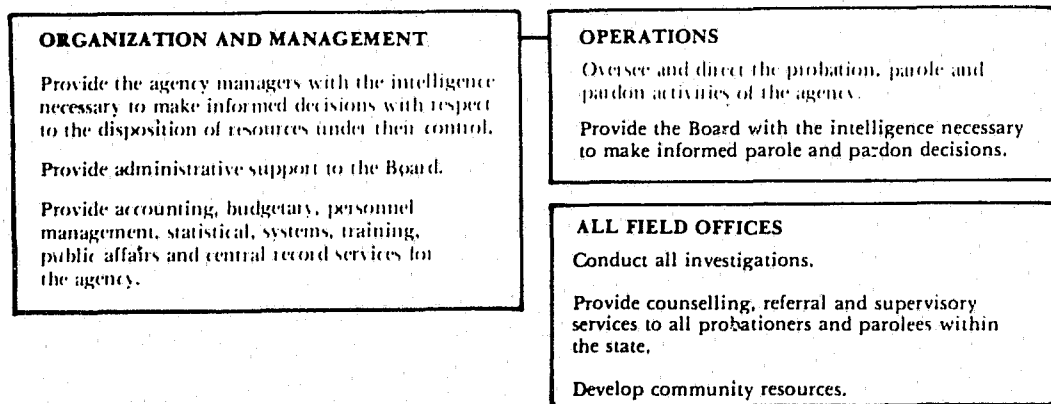
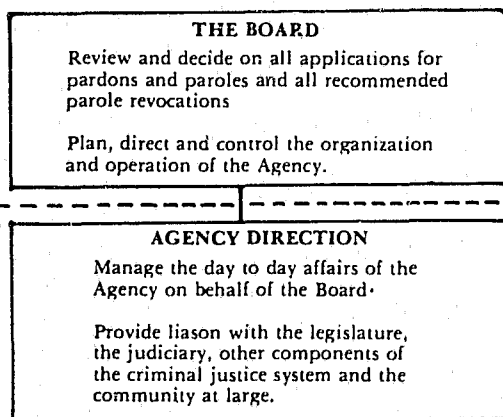
The South Carolina Probation, Parole and Pardon Board was created by an Act of the General Assembly and signed into law October 8, 1941. The statutory authority for the Board can be found in the Constitution of the State of South Carolina 1895, Article IV §11. The history of the organizational procedures and general provisions of the Probation, Parole and Pardon Board can be found in the Code of Laws of South Carolina 1962, Volume II, Chapter II, §55-551 through §55-617; The revisions and current operating authority can be located in the Code of Laws of South Carolina 1976, Volume 9, Chapter 21, §24-21-10. (See Appendix A)

ORGANIZATIONAL CHART



DESCRIPTION OF FUNCTIONAL OPERATIONS

MISSION: To reform offenders by returning them to their families and communities and providing them with the opportunity to be self-supporting.



**STATE OF SOUTH CAROLINA
PROBATION, PAROLE AND PARDON BOARD**

Hon. Walter D. Tyler, Jr., *Chairman*
District Six
Florence, S. C.

Hon. Charles R. Sanders, Jr., *Vice Chairman*
District Three
Greenwood, S. C.

Hon. Marion Beasley
District Four
Fountain Inn, S. C.

Hon. Rhett Jackson
District Two
Columbia, S. C.

Hon. John E. Huss, D.D.
District One
Charleston, S. C.

Hon. Lee R. Cathcart
District Five
Winnsboro, S. C.

Hon. H. L. Lackey
Member-At-Large
Columbia, S. C.

G. A. Wallace
Director

II. Statistical Summary

PAROLE

The authority to grant parole for an offender is vested in the South Carolina Parole Board. The Board is comprised of seven members, one from each Congressional District and one at large. The members are appointed by the Governor with the advice and consent of the Senate to serve for a period of six years and until their respective successors are appointed and qualified.

Form #40 below describes the criteria that has been established for considering an individual for parole. This form is given to the inmate by the Parole investigator during the preliminary parole interview.

Form #40

SOUTH CAROLINA PROBATION, PAROLE AND PARDON BOARD — Criteria For Parole The South Carolina Probation, Parole and Pardon Board is mandated under Code of Laws of South Carolina 1976 Section 24-21-640 to consider "Circumstances Warranting Parole". This section states:

"The Probation, Parole and Pardon Board shall carefully consider the record of the prisoner, before and after imprisonment, and no such prisoner shall be paroled until it shall appear, to the satisfaction of the Board, that the prisoner has shown a disposition to reform that, in the future, he will probably obey the law and lead a correct life, that by his conduct he has merited a lessening of the rigors of his imprisonment, that the interests of society will not be impaired thereby and that suitable employment has been secured for him."

The South Carolina Probation, Parole and Pardon Board adopts the following criteria to guide their parole decisions as mandated by the above Statute:

Whether there is a substantial risk that the individual will not conform to the conditions of parole.

Whether the individual's release at the time of consideration would depreciate the seriousness of the individual's crime or promote disrespect for law.

Whether the individual's release would have substantial adverse effect on institutional discipline.

Whether the individual's continued correctional treatment, vocational or other training in the institution will substantially enhance his capacity to lead a law abiding life when released at a later date.

In applying the above, the South Carolina Probation, Parole and Pardon Board will further consider the following factors:

Sentence Data
 Present Offense
 Prior Criminal Record
 Personal and Social History
 Institutional Experience
 Changes in Motivation and Behavior
 Parole Plans
 Community Resources Availability
 Community Opinion
 Results of Psychological Tests and Evaluations
 Impressions Gained from the Hearing

An investigation will be conducted by the staff of the Parole Board to compile the information as outlined above to be considered by the Parole Board. Each inmate will be granted a personal appearance before the Parole Board when the case is scheduled to be heard.

The publishing of this criteria in no way binds the Parole Board to favorable parole consideration in any case under consideration.

Should an individual receive parole status, the following conditions must be adhered to. The violation of any of these conditions will be sufficient grounds for the revocation of the parole issued, and the execution of the remainder of the original sentence imposed.

1. I shall report immediately upon arrival at my destination to the Parole Agent under whose supervision I am paroled either by mail, telephone or personal visit.
2. I shall not change my residence or employment or leave the State without first procuring the consent of my Parole Agent.
3. I shall each month, until my final release, make a full and truthful report to SOUTH CAROLINA PROBATION, PAROLE AND PARDON BOARD as instructed to do so by my supervising Parole Agent.
4. I shall not use narcotic drugs, except when properly prescribed by a licensed physician.

5. I shall not use alcoholic beverages to excess and will not visit places of bad reputation where alcoholic beverages are sold and or used.
6. I shall avoid injurious habits and shall not associate with persons of bad reputation or harmful character.
7. I shall in all respects conduct myself honorably, work diligently at a lawful occupation, and support my dependents, if any, to the best of my ability.
8. I shall refrain from the violation of any Federal, State or Municipal Penal Law.
9. I hereby waive all extradition rights and process and agree to return when said Board directs.
10. I shall not, during the period of my parole, carry a concealed weapon and will not purchase or use any weapon.
11. I shall promptly and truthfully answer all inquiries directed to me by the State Board and my Parole Agent and allow him to visit me at my home, employment site or elsewhere, and carry out all instructions he gives.

The following tables depict the parole activity within South Carolina for FY 1980. The total number of cases reviewed by the Parole Board was 2200.

Table I presents the total number of paroles granted according to race, sex, and age by county. Table II presents the frequency of parole revocation for those individuals placed on parole as of July 1, 1979 according to specific time periods. Table III portrays by county the total number of parole revocations during FY 1980. These figures include those individuals who were on parole prior to July 1, 1979, as well as those placed on parole during the fiscal year. Table IV categorically sets forth the number of parole terminations. Table V reflects the educational classification of those individuals placed on parole. Table VI classifies the parole data according to offense and further by sex, race, and age group.

TABLE I
PAROLES GRANTED BY COUNTY ACCORDING TO RACE, SEX, AGE
FY '80

County	Race						Sex		Age					Total
	White	Black	Indian	Chnse.	Jpnse.	Other	Male	Female	20 & Under	21- 25	26- 35	36- 50	51 & Over	
Abbeville	3	3	0	0	0	0	4	2	2	1	2	1	0	6
Aiken	24	17	0	0	0	0	37	4	7	11	15	6	2	41
Allendale	0	8	0	0	0	0	8	0	1	2	4	1	0	8
Anderson	45	20	0	0	0	0	64	1	17	26	16	5	1	65
Bamberg	2	1	0	0	0	0	3	0	0	2	1	0	0	3
Barnwell	2	3	0	0	0	0	5	0	1	2	2	0	0	5
Beaufort	16	13	0	0	0	0	28	1	10	11	8	0	0	29
Berkeley	12	7	0	0	0	0	18	1	4	7	5	2	1	19
Calhoun	0	6	0	0	0	0	6	0	1	2	2	1	0	6
Charleston	48	74	0	0	0	0	117	5	29	38	44	8	3	122
Cherokee	10	4	0	0	0	0	13	1	1	3	8	2	0	14
Chester	8	9	0	0	0	0	17	0	3	5	5	4	0	17
Chesterfield ...	3	6	0	0	0	0	7	2	1	2	5	1	0	9
Clarendon	1	7	0	0	0	0	8	0	2	3	2	0	1	8
Colleton	4	8	0	0	0	0	12	0	2	6	3	1	0	12
Darlington	5	9	0	0	0	0	12	2	2	6	4	2	0	14
Dillon	3	5	0	0	0	0	7	1	3	3	2	0	0	8
Dorchester	15	4	0	0	0	1	20	0	7	9	3	1	0	20
Edgefield	2	7	0	0	0	0	9	0	1	3	2	2	1	9
Fairfield	3	8	0	0	0	0	10	1	4	1	4	2	0	11
Florence	15	21	0	0	0	0	34	2	6	13	12	3	2	36
Georgetown ...	9	16	0	0	0	0	25	0	3	17	3	0	2	25
Greenville	98	98	0	0	0	0	177	19	44	66	57	26	3	196
Greenwood	9	10	0	0	0	0	17	2	5	6	5	3	0	19
Hampton	0	4	0	0	0	0	4	0	0	3	1	0	0	4

TABLE I (Continued)
PAROLES GRANTED BY COUNTY ACCORDING TO RACE, SEX, AGE
FY '80

County	Race						Sex		Age					Total
	White	Black	Indian	Chnse.	Jpnse.	Other	Male	Female	20 & Under	21- 25	26- 35	36- 50	51 & Over	
Horry	22	18	1	0	0	0	38	3	9	11	16	4	1	41
Jasper	3	3	0	0	0	0	6	0	0	3	1	2	0	6
Kershaw	4	6	0	0	0	1	11	0	3	5	3	0	0	11
Lancaster	15	10	0	0	0	0	24	1	8	11	5	1	0	25
Laurens	10	11	0	0	0	0	20	1	5	6	6	3	1	21
Lee	1	4	0	0	0	0	3	2	1	2	1	1	0	5
Lexington	16	16	0	0	0	0	31	1	8	12	6	5	1	32
McCormick	2	7	0	0	0	0	8	1	3	1	1	3	1	9
Marion	3	13	0	0	0	0	15	1	3	5	4	2	2	16
Marlboro	12	9	1	0	0	0	21	1	4	11	3	4	0	22
Newberry	10	7	0	0	0	0	17	0	8	3	4	2	0	17
Oconee	15	4	0	0	0	0	16	3	6	2	6	5	0	19
Orangeburg	14	20	0	0	0	0	33	1	8	12	9	4	1	34
Pickens	54	13	0	0	0	0	67	0	12	25	16	11	3	67
Richland	44	99	0	0	0	0	133	10	25	56	47	15	0	143
Saluda	0	4	0	0	0	0	4	0	1	2	0	1	0	4
Spartanburg	44	48	0	0	0	0	86	6	26	25	30	7	4	92
Sumter	16	20	0	0	0	0	33	3	13	8	11	3	1	36
Union	11	10	0	0	0	0	21	0	11	3	5	2	0	21
Williamsburg	2	3	0	0	0	0	5	0	0	5	0	0	0	5
York	26	28	1	0	0	0	54	1	12	19	15	7	2	55
Grand Total	661	721	3	0	0	2	1,308	79	322	475	404	153	33	1,387
Percentage of Total	47.6	51.9	0.2	0.0	0.0	0.1	94.3	5.6	23.2	34.2	29.1	11.0	2.3	

TABLE II
FREQUENCY OF PAROLE REVOCATION
FY 1980

Revoked within the first three months	4	0.29% of total paroled
Revoked within the first six months	20	1.44% of total paroled
Revoked within the first year	48	3.46% of total paroled

TABLE III
TOTAL NUMBER OF PAROLE REVOCATIONS BY COUNTY
FY 1980

<i>County</i>	<i>Revocations</i>	<i>County</i>	<i>Revocations</i>
Abbeville	4	Greenwood	1
Aiken	9	Hampton	0
Allendale	0	Horry	2
Anderson	4	Jasper	0
Bamberg	0	Kershaw	1
Barnwell	0	Lancaster	3
Beaufort	4	Laurens	1
Berkeley	1	Lee	0
Calhoun	0	Lexington	2
Charleston	13	McCormick	0
Cherokee	2	Marion	1
Chester	3	Marlboro	0
Chesterfield	0	Newberry	3
Clarendon	0	Oconee	5
Colleton	3	Orangeburg	4
Darlington	0	Pickens	9
Dillon	2	Richland	28
Dorchester	1	Saluda	0
Edgefield	2	Spartanburg	8
Fairfield	3	Sumter	2
Florence	2	Union	2
Georgetown	5	Williamsburg	1
Greenville	28	York	8
		Out of State	8
		TOTAL	175

**TABLE IV
PAROLE TERMINATIONS BY CATEGORY
FY 1980**

Expirations	767	Expungements	0
Revocations	175	Terminated by Court Order	0
Terminated by Death	26	Discharged by Pardons	15
		TOTAL	983

**TABLE V
EDUCATIONAL CLASSIFICATION OF PAROLEES
FY 1980**

<i>Education Level</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
None	23	2	25
First Grade	3	0	3
Second Grade	5	0	5
Third Grade	11	0	11
Fourth Grade	17	1	18
Fifth Grade	15	0	15
Sixth Grade	52	1	53
Seventh Grade	68	6	74
Eighth Grade	162	13	175
Ninth Grade	188	17	205
Tenth Grade	273	15	288
Eleventh Grade	191	6	197
Twelfth Grade	29	1	30
High School Graduate	231	16	247
First Year Technical School	2	0	2
Second Year Technical School	2	0	2
Third Year Technical School	1	0	1
Technical School Graduate	1	0	1
First Year College	11	0	11
Second Year College	15	0	15
Third Year College	1	1	2
Fourth Year College	3	0	3
College Graduate	4	0	4
TOTAL	1,308	79	1,387
Percentages			
None		25 or 1.8%	
Elementary School		105 or 7.6%	
Junior High School		454 or 32.7%	
High School		762 or 54.9%	
Technical School		6 or 0.4%	
College		35 or 2.5%	

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**TABLE IV
PAROLE TERMINATIONS BY CATEGORY
FY 1980**

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None	23	2	25
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Second Grade	5	0	5
Third Grade	11	0	11
Fourth Grade	17	1	18
Fifth Grade	15	0	15
Sixth Grade	52	1	53
Seventh Grade	68	6	74
Eighth Grade	162	13	175
Ninth Grade	188	17	205
Tenth Grade	273	15	288
Eleventh Grade	191	6	197
Twelfth Grade	29	1	30
High School Graduate	231	16	247
First Year Technical School	2	0	2
Second Year Technical School	2	0	2
Third Year Technical School	1	0	1
Technical School Graduate	1	0	1
First Year College	11	0	11
Second Year College	15	0	15
Third Year College	1	1	2
Fourth Year College	3	0	3
College Graduate	4	0	4
TOTAL	1,308	79	1,387
Percentages			
None			25 or 1.8%
Elementary School			105 or 7.6%
Junior High School			454 or 32.7%
High School			762 or 54.9%
Technical School			6 or 0.4%
College			35 or 2.5%

TABLE VI
OFFENSE CLASSIFICATION OF PAROLEES ACCORDING TO SEX, RACE, AGE
FY 1980

Offense	Total	Sex		Race			20 & Under			Over 20			Total	
		Male	Female	White	Black	All Other	All	White	Black	Other	All	White		Black
Homicide	182	158	24	64	117	1	15	21	0	36	49	96	1	146
Kidnapping	3	3	0	3	0	0	1	0	0	1	2	0	0	2
Sexual Assault	25	25	0	5	20	0	3	13	0	16	2	7	0	9
Robbery	226	217	9	84	142	0	22	54	0	76	62	88	0	150
Assault	130	122	8	47	82	1	7	9	0	16	40	73	1	114
Arson	6	6	0	2	4	0	1	0	0	1	1	4	0	5
Extortion	2	2	0	2	0	0	0	0	0	0	2	0	0	2
Burglary	283	278	5	168	112	3	53	39	0	92	115	73	3	191
Larceny	165	160	5	91	74	0	27	15	0	42	64	59	0	123
Stolen Vehicle	47	47	0	22	25	0	4	8	0	12	18	17	0	35
Forgery and Counterfeiting	65	55	10	29	36	0	1	3	0	4	28	33	0	61
Fraudulent Activity	25	23	2	17	8	0	2	0	0	2	15	8	0	23
Embezzlement	4	3	1	4	0	0	0	0	0	0	4	0	0	4
Stolen Property	38	37	1	15	23	0	1	1	0	2	14	22	0	36
Damage Property	8	8	0	4	4	0	1	2	0	3	3	2	0	5
Dangerous Drugs	121	110	11	66	55	0	12	3	0	15	54	52	0	106
Sex Offenses	5	5	0	3	2	0	0	2	0	2	3	0	0	3
Obscenity	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Drunkenness	2	2	0	1	1	0	0	0	0	0	1	1	0	2
Obstructing the Police	7	4	3	2	5	0	0	1	0	1	2	4	0	6
Flight — Escape	1	1	0	1	0	0	1	0	0	1	0	0	0	0
Obstructing Justice	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Weapon Offenses	3	3	0	2	1	0	0	0	0	0	2	1	0	3
Traffic Offenses	35	35	0	26	9	0	0	0	0	0	26	9	0	35
Invasion of Privacy	1	1	0	0	1	0	0	0	0	0	0	1	0	1
Crimes Against Person	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Grand Total	1,387	1,308	79	661	721	5	151	171	0	322	510	550	5	1,065

PROBATION

The South Carolina Probation, Parole, and Pardon Board is charged with the responsibility of supervising those offenders who have received a sentence of probation. These offenders, it is believed, can derive the greatest benefit from this non-institutional program.

The following are conditions for Probation:

1. Refrain from the violation of any State, Federal or Municipal Laws.
2. Refrain from associating with any person who has a criminal record.
3. Refrain from the unlawful use of intoxicants and you will not frequent places where intoxicants are sold unlawfully.
4. Refrain from the unlawful use of narcotic drugs and you will not frequent places where drugs are sold, dispensed or used unlawfully.
5. Refrain from having in your possession firearms or other weapons.
6. Work diligently at a lawful occupation.
7. Remain within the State of South Carolina unless permitted to leave by your supervising probation agent.
8. Agree to waive extradition from any state of the United States.
9. Follow the advice and instructions of the probation agent.
10. Permit the probation agent to visit your home, place of employment or elsewhere at any time.
11. Report to the probation agent as directed.
12. Pay all fines as ordered by the court.

The ensuing tables reflect the probation activity for FY 1980. Table VII shows the number of individuals who were processed by the courts and placed on probation. Table VIII further classifies those individuals received on probation according to race, sex, and age. Table IX depicts the probation revocation data by county of supervision. Table X presents categorically the number of individuals released from probation status. Table XI sets forth probation data according to offense and further classifies the information by sex, race, and age. Table XII indicates the educational classification of those individuals on probation.

**TABLE VII
DEFENDANTS PROCESSED BY COURTS
AND PLACED ON PROBATION
FY 1980**

<i>Counties:</i>	<i>Total Processed</i>	<i>Total Receiving Probation</i>
Abbeville	187	87
Aiken	499	309
Allendale	116	73
Anderson	573	299
Bamberg	91	63
Barnwell	137	74
Beaufort	267	205
Berkeley	288	177
Calhoun	93	58
Charleston	984	579
Cherokee	453	242
Chester	228	127
Chesterfield	422	121
Clarendon	196	140
Colleton	159	79
Darlington	287	210
Dillon	157	64
Dorchester	214	112
Edgefield	157	77
Fairfield	262	118
Florence	936	554
Georgetown	347	152
Greenville	1,812	782
Greenwood	671	194
Hampton	91	60
Horry	1,143	371
Jasper	144	77
Kershaw	335	111
Lancaster	403	176
Laurens	457	205
Lee	179	111
Lexington	868	514
McCormick	131	48
Marion	248	118
Marlboro	439	150
Newberry	479	117
Oconee	291	117
Orangeburg	544	319
Pickens	476	249
Richland	1,719	788
Saluda	230	95
Spartanburg	1,605	845
Sumter	655	307
Union	291	144
Williamsburg	126	87
York	2,032	568
TOTALS	22,422	10,473

TABLE VIII
PROBATION RECEIVED BY COUNTY ACCORDING TO RACE, SEX, AGE
FY 1980

County	Race							Sex		20 & Under	Age				Total
	White	Black	Indian	Chnse.	Jpnse.	Other	Unkn.	Male	Female		21- 25	26- 35	36- 50	51 & Over	
Abbeville	45	42	0	0	0	0	0	77	10	14	23	23	20	7	87
Aiken	203	106	0	0	0	0	0	278	31	70	81	83	48	27	309
Allendale	16	57	0	0	0	0	0	70	3	6	20	26	18	3	73
Anderson	227	72	0	0	0	0	0	272	27	87	84	73	46	9	299
Bamberg	22	41	0	0	0	0	0	55	8	13	14	19	9	8	63
Barnwell	28	46	0	0	0	0	0	70	4	15	13	25	11	10	74
Beaufort	129	75	0	0	0	1	0	180	25	54	75	53	18	5	205
Berkeley	124	53	0	0	0	0	0	172	5	45	42	42	27	21	177
Calhoun	19	39	0	0	0	0	0	55	3	5	11	20	14	8	58
Charleston	331	247	0	0	0	1	0	526	53	162	156	155	79	27	579
Cherokee	186	55	0	0	0	1	0	216	26	51	49	65	62	15	242
Chester	62	65	0	0	0	0	0	115	12	31	23	34	32	7	127
Chesterfield	72	49	0	0	0	0	0	116	5	39	25	29	21	7	121
Clarendon	43	97	0	0	0	0	0	129	11	15	36	49	28	12	140
Colleton	37	42	0	0	0	0	0	74	5	17	11	24	17	10	79
Darlington	109	101	0	0	0	0	0	192	18	48	43	63	41	15	210
Dillon	40	24	0	0	0	0	0	62	2	14	16	16	13	5	64
Dorchester	81	31	0	0	0	0	0	104	8	38	24	18	20	12	112
Edgefield	29	48	0	0	0	0	0	76	1	16	16	20	15	10	77
Fairfield	47	71	0	0	0	0	0	110	8	23	27	28	26	14	118
Florence	292	262	0	0	0	0	0	510	44	120	124	166	108	36	554
Georgetown	83	69	0	0	0	0	0	132	20	29	43	41	27	12	152
Greenville	597	184	0	0	1	0	0	671	111	194	232	201	116	39	782
Greenwood	106	88	0	0	0	0	0	163	31	62	55	45	23	9	194
Hampton	29	31	0	0	0	0	0	56	4	20	10	17	10	3	60

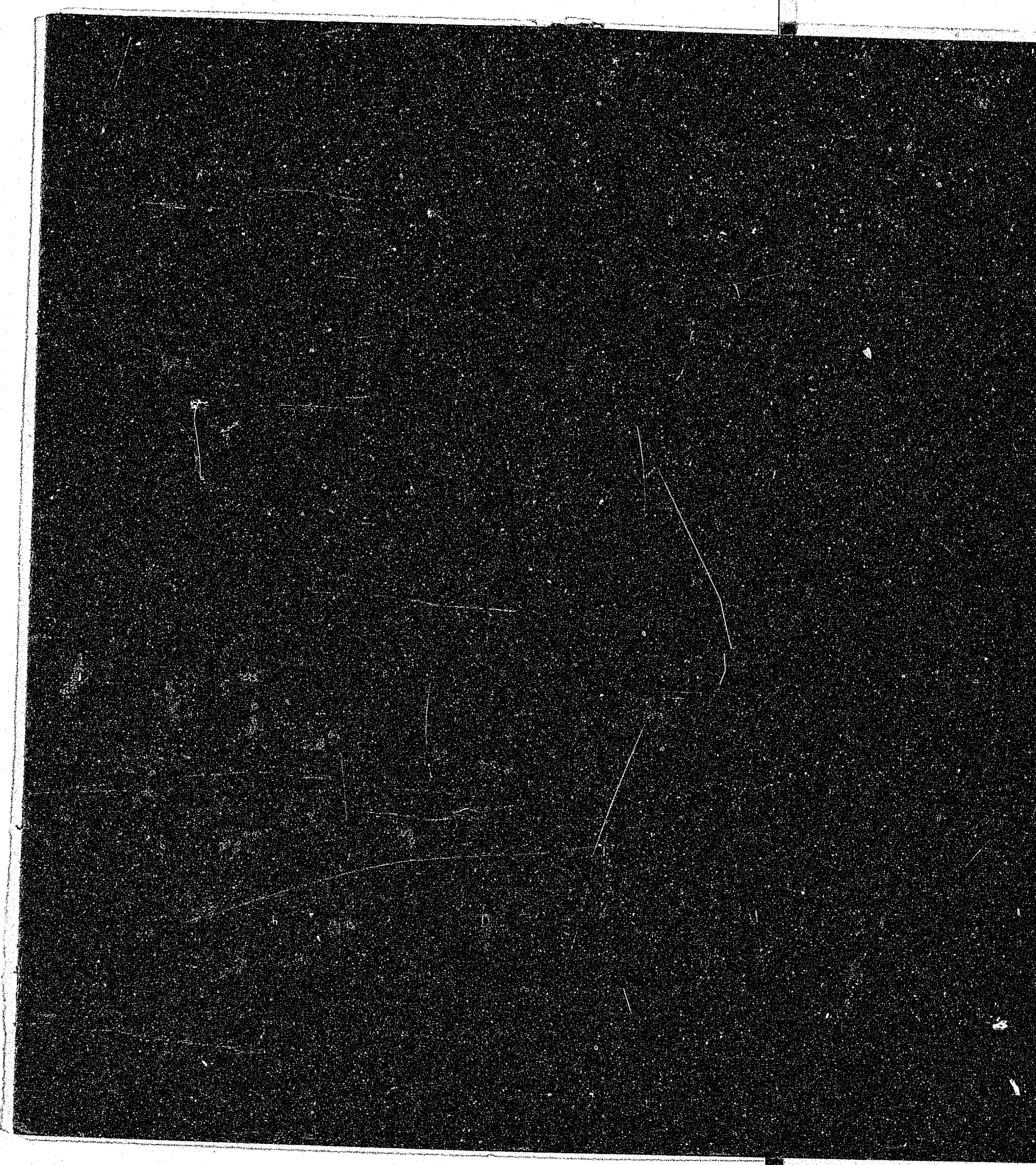
Horry	272	99	0	0	0	0	0	321	50	122	82	93	58	16	371
Jasper	36	41	0	0	0	0	0	72	5	14	18	26	15	4	77
Kershaw	64	47	0	0	0	0	0	96	15	26	27	35	19	4	111
Lancaster	112	64	0	0	0	0	0	167	9	50	41	48	26	11	176
Laurens	146	59	0	0	0	0	0	192	13	47	47	56	42	13	205
Lee	36	75	0	0	0	0	0	107	4	20	20	31	23	17	111
Lexington	392	121	1	0	0	0	0	464	50	127	128	139	84	36	514
McCormick	26	22	0	0	0	0	0	43	5	8	11	10	12	7	48
Marion	62	56	0	0	0	0	0	108	10	17	16	41	30	14	118
Marlboro	77	72	1	0	0	0	0	139	11	39	43	43	18	7	150
Newberry	56	61	0	0	0	0	0	105	12	27	34	27	23	6	117
Oconee	103	14	0	0	0	0	0	110	7	32	28	31	23	3	117
Orangeburg	110	209	0	0	0	0	0	293	26	61	63	110	56	29	319
Pickens	229	20	0	0	0	0	0	224	25	82	65	58	37	7	249
Richland	350	434	1	0	1	2	0	683	105	175	213	215	142	43	788
Saluda	30	65	0	0	0	0	0	90	5	12	22	28	23	10	95
Spartanburg	555	289	0	0	0	1	0	733	112	200	213	246	135	51	845
Sumter	151	156	0	0	0	0	0	276	31	80	58	93	54	22	307
Union	83	61	0	0	0	0	0	126	18	41	33	38	21	11	144
Williamsburg	19	67	0	0	0	1	0	83	4	7	15	33	25	7	87
York	353	214	0	0	0	1	0	518	50	187	144	140	77	20	568
GRAND TOTAL	6,219	4,241	3	0	2	8	0	9,431	1,042	2,562	2,574	2,876	1,792	669	10,473
Percentage of Total	59.3	40.4	0.0	0.0	0.0	0.0	0.0	90.0	9.9	24.4	24.5	27.4	17.1	6.3	

**TABLE IX
PROBATION REVOCATIONS BY COUNTY
FY 1980**

<i>County</i>	<i>Revocations</i>	<i>County</i>	<i>Revocations</i>
Abbeville	5	Hampton	6
Aiken	27	Horry	4
Allendale	6	Jasper	3
Anderson	23	Kershaw	9
Bamberg	0	Lancaster	8
Barnwell	2	Laurens	31
Beaufort	9	Lee	1
Berkeley	3	Lexington	22
Calhoun	0	McCormick	1
Charleston	40	Marion	3
Cherokee	26	Marlboro	2
Chester	5	Newberry	30
Chesterfield	2	Oconee	14
Clarendon	5	Orangeburg	5
Colleton	10	Pickens	16
Darlington	3	Richland	51
Dillon	2	Saluda	3
Dorchester	2	Spartanburg	74
Edgefield	4	Sumter	4
Fairfield	3	Union	11
Florence	18	Williamsburg	3
Georgetown	3	York	67
Greenville	129	Out of State	13
Greenwood	33	TOTAL	741

**TABLE X
PROBATION TERMINATIONS BY CATEGORY
FY 1980**

<i>Reason</i>	<i>Number Released</i>
Expirations	6,578
Revocations	741
Terminated by Death	133
Expungements	55
Terminated by Court Order	1,607
Discharged by Pardons	0
TOTAL	9,114



**TABLE XI
PROBATION BY OFFENSE ACCORDING TO SEX, RACE, AGE
FY 1980**

Offense	Total	Sex		Race			20 & Under			Over 20			Total	
		Male	Female	White	Black	All Other	White	Black	All Other	White	Black	All Other		
Homicide	94	73	21	50	44	0	9	4	0	13	41	40	0	81
Kidnapping	2	2	0	2	0	0	0	0	0	0	2	0	0	2
Sexual Assault	20	20	0	9	11	0	1	1	0	2	8	10	0	18
Robbery	84	75	9	30	54	0	14	19	0	33	16	35	0	51
Assault	551	492	59	228	323	0	42	49	0	91	186	274	0	460
Arson	34	31	3	26	7	1	6	0	0	6	20	7	1	28
Extortion	6	5	1	3	3	0	1	0	0	1	2	3	0	5
Burglary	538	506	32	303	234	1	174	119	0	293	129	115	1	245
Larceny	1,750	1,552	198	933	815	2	451	288	0	739	482	527	2	1,011
Stolen Vehicle	261	256	5	156	105	0	99	38	0	137	57	67	0	124
Forgery and Counterfeiting	355	238	117	152	201	2	51	57	0	108	101	144	2	247
Fraudulent Activity	394	232	162	208	186	0	31	16	0	47	177	170	0	347
Embezzlement	11	8	3	6	5	0	0	0	0	0	6	5	0	11
Stolen Property	299	263	36	156	143	0	52	34	0	86	104	109	0	213
Damage Property	154	142	12	110	44	0	44	11	0	55	66	33	0	99
Dangerous Drugs	1,493	1,312	181	1,165	325	3	451	68	0	519	714	257	3	974
Sex Offenses	99	97	2	76	22	1	20	2	0	22	56	20	1	77
Obscenity	31	28	3	23	8	0	8	4	0	12	15	4	0	19
Family Offenses	24	17	7	16	8	0	4	1	0	5	12	7	0	19
Gambling	5	5	0	4	1	0	0	0	0	0	4	1	0	5
Commercial Sex Offenses	7	1	6	7	0	0	0	0	0	0	7	0	0	7
Liquor Offenses	80	65	15	35	45	0	2	0	0	2	33	45	0	78
Obstructing the Police	291	262	29	159	132	0	44	23	0	67	115	109	0	224
Flight — Escape	12	9	3	8	4	0	0	2	0	2	8	2	0	10
Obstructing Justice	11	8	3	9	2	0	2	0	0	2	7	2	0	9
Bribery	2	1	1	2	0	0	0	0	0	0	2	0	0	2

TABLE XI (Continued)
PROBATION BY OFFENSE ACCORDING TO SEX, RACE, AGE
FY 1980

Offense	Total	Sex		Race			20 & Under			Over 20			Total	
		Male	Female	White	Black	Other	White	Black	Other	White	Black	Other		
Weapon Offenses	310	280	30	146	164	0	24	11	0	35	122	153	0	275
Public Peace	24	21	3	17	7	0	4	3	0	7	13	4	0	17
Traffic Offenses	3,381	3,294	87	2,069	1,309	3	185	31	0	216	1,864	1,278	3	3,165
Health — Safety	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Civil Rights	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Invasion of Privacy	8	8	0	5	3	0	3	1	0	4	2	2	0	4
Smuggling	6	3	3	3	3	0	1	0	0	1	2	3	0	5
Antitrust	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Tax Revenue	3	1	2	2	1	0	0	0	0	0	2	1	0	3
Conservation	41	41	0	38	3	0	10	1	0	11	28	2	0	30
Crimes Against Person	1	1	0	1	0	0	1	0	0	1	0	0	0	0
Property Crimes	63	58	5	40	23	0	24	9	0	33	16	14	0	30
Morals — Decency Crimes	3	3	0	3	0	0	1	0	0	1	2	0	0	2
Public Order Crimes	22	18	4	16	6	0	6	5	0	11	10	1	0	11
GRAND TOTAL	10,473	9,431	1,042	6,219	4,241	13	1,765	797	0	2,562	4,454	3,444	13	7,911

TABLE XII
EDUCATIONAL CLASSIFICATION OF PROBATIONERS
FY 1980

<i>Education Level</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
None	56	4	60
First Grade	25	1	26
Second Grade	68	3	71
Third Grade	132	4	136
Fourth Grade	115	10	125
Fifth Grade	197	5	202
Sixth Grade	259	28	287
Seventh Grade	364	51	415
Eighth Grade	682	75	757
Ninth Grade	992	105	1,097
Tenth Grade	1,401	167	1,568
Eleventh Grade	1,380	167	1,547
Twelfth Grade	131	8	139
High School Graduate	2,906	314	3,220
First Year Technical School	1	1	2
Technical School Graduate	4	0	4
First Year College	203	28	231
Second Year College	275	36	311
Third Year College	77	14	91
Fourth Year College	27	2	29
College Graduate	136	19	155
TOTAL	9,431	1,042	10,473
Percentages			
None	60 or 0.6%		
Elementary	847 or 8.1%		
Junior High School	2269 or 21.7%		
High School	6474 or 61.8%		
Technical School	6 or 0.1%		
College	817 or 7.8%		

**PARDON ACTION
FY 1980**

Applications considered for pardon	158
Pardons granted	145
Applications rejected	13

The South Carolina Probation, Parole, and Pardon Board follows a policy of giving consideration to the removal from parole, by the exercising of the pardon power, those parolees who have completed successfully at least five years under parole supervision. It also gives serious consideration to the restoration of citizenship to those who have completed a prior sentence and proved their reliability in the community. The above action represents both types of cases. Inasmuch as all PARDONS issued are complete (non conditional), it is felt that action on such applications should be studied seriously and this power exercised sparingly as a reward for good adjustment and proven citizenship efforts and not in lieu of parole action unless an admitted error has been made in the Judicial process.

INTERSTATE SUPERVISION OF PAROLE AND PROBATION

The Constitution of the United States and the Interstate Compact for the Supervision of Parolees and Probationers, are the only two juridicial documents that have formal and practical application throughout all fifty states.

The only published source of information on the Compact is the *Handbook on Interstate Crime Control*, published by the Council of State Governments.

There were two primary reasons for the creation of the Compact: 1.) the ever increasing mobility of the American citizen, which frequently results in his conviction away from his home state, although it is in his home state that rehabilitation is more likely to occur, because of the positive influences of family and friends; 2.) the need to eliminate "sundown probation" — a procedure whereby a criminal sentence would be suspended if the offender left the state by sundown. To improve protection of communities, each state found it mutually advantageous to supervise its resident probationers and parolees who had been convicted in other states. South Carolina actively participates in this mutual agreement contract. The following tables reflect the number of probationers and parolees accepted by South Carolina for other States as well as those probationers and parolees accepted in other States for South Carolina.

**TABLE XIII
ACCEPTED BY SOUTH CAROLINA
FOR OTHER STATES
FY 1980**

<i>State</i>	<i>Number Supervised</i>	<i>State</i>	<i>Number Supervised</i>
Alabama	16	Montana	0
Alaska	0	Nebraska	0
Arizona	2	Nevada	2
Arkansas	1	New Hampshire	0
California	5	New Jersey	12
Colorado	5	New Mexico	1
Connecticut	5	New York	26
Delaware	1	North Carolina	150
District of Columbia	3	North Dakota	1
Florida	82	Ohio	10
Georgia	104	Oklahoma	1
Hawaii	0	Oregon	0
Idaho	1	Pennsylvania	7
Illinois	4	Rhode Island	1
Indiana	1	South Dakota	1
Iowa	1	Tennessee	11
Kansas	3	Texas	21
Kentucky	1	Utah	0
Louisiana	3	Vermont	0
Maine	0	Virginia	16
Maryland	15	Washington	3
Massachusetts	3	West Virginia	0
Michigan	5	Wisconsin	0
Minnesota	1	Wyoming	1
Mississippi	3	Puerto Rico	0
Missouri	3	TOTAL	532

**TABLE XIV
ACCEPTED BY OTHER STATES FOR SOUTH CAROLINA
FY 1980**

<i>State</i>	<i>Number Supervised</i>	<i>State</i>	<i>Number Supervised</i>
Alabama	17	Missouri	11
Alaska	1	Montana	1
Arizona	6	Nebraska	4
Arkansas	5	New Hampshire	1
California	23	New Jersey	26
Colorado	4	New Mexico	2
Connecticut	9	New York	55
Delaware	2	North Carolina	289
District of Columbia	12	North Dakota	2
Florida	131	Ohio	27
Georgia	158	Oklahoma	10
Hawaii	2	Oregon	1
Illinois	18	Pennsylvania	23
Indiana	15	Rhode Island	2
Iowa	1	Tennessee	27
Kansas	3	Texas	44
Kentucky	12	Utah	1
Louisiana	16	Virginia	49
Maine	2	Washington	7
Maryland	16	West Virginia	12
Massachusetts	10	Wisconsin	5
Michigan	18	Wyoming	1
Minnesota	3	TOTAL	1,098
Mississippi	14		

AGENT ACTIVITIES

The role of the Probation and Parole agent is quite a varied one. Not only are these agents responsible for the supervision of those individuals placed on probation or parole, but their responsibilities include the enforcement of the conditions that must be adhered to by the probationers and parolees. In addition to the supervision and counselling responsibilities, the agents must also conduct various investigations and complete required monthly reports.

The agent's role is currently changing in South Carolina from that of a caseworker/counselor to that of a community resource manager. This essentially means that the agent will have primary responsibility for

meshing the probationer's/parolee's identified needs with a range of available services and for supervising the delivery of those services. In order to help our field staff accomplish these goals we have instituted a classification system in our efforts to better serve our clients. This system not only addresses the risks elements or potential recidivism of the client, but it also addresses the needs of the client in an effort to help him reintegrate into a productive citizen of society.

Tables XV and XVI represent the agent's activities including investigations for fiscal year 1980. Table XV depicts the actual number of individuals reporting to the agent as well as number of clients under the agent's supervision. Table XVI shows the total number of investigations completed during Fiscal Year.

**TABLE XV
ACTIVITIES
FY 1980**

	<i>Number Reporting</i>	<i>Actual Caseload</i>
Probation	16,280	19,549
Parole	2,496	2,578
Out of State	902	926
Total	19,678	23,053
Total number of supervising agents	145	145
Agents in Charge (no caseload)	11	11
Overall average caseload	136	159

**TABLE XVI
INVESTIGATIONS
FY 1980**

Pre-Sentence	827
Pre-Parole 10 pt.	2,273
Pre-Parole 4 pt.	315
Out of State	1,151
Supplemental	815
Pardon	207
Probation Violations	2,869
Parole Violations	423
Miscellaneous	232
TOTAL	9,112

PERSONNEL

PERSONNEL POLICY

Employment:

This Agency has an approved affirmative action plan and is in compliance with the Equal Employment Opportunity Act. Hiring and promotional advancement is based upon job qualification and availability of positions without regard to sex, race, national origin or religious preference.

Probation Period:

Each new employee must satisfactorily complete a six (6) month probationary period before obtaining permanent status.

Carrying and Use of Firearms:

The policy of this agency is that Probation and Parole Agents will not routinely carry weapons in the performance of their duties. Agents are, however, authorized by South Carolina Statute 24-21-280 to carry a weapon in certain situations; specifically, a) while serving a warrant, b) within an identified high crime area, c) when prior knowledge of a situation indicates that the agent's life may become endangered, or d) when transporting prisoners. Additionally it is recommended that weapons *NOT* be housed in the Probation and Parole Offices.

An agent is *NOT* permitted to carry a weapon until successfully completing the agency approved training course in the use of firearms and defensive tactics. After the initial certification by this agency, the agent must be re-certified annually. The agent will be trained in the use of the .38 special, 4 inch barrel. This is the recommended firearm to be used in the aforementioned situation. Magnum ammunition will not be allowed.

It is the responsibility of this agency to provide proper training in the use of firearms; but it is *NOT* this agency's policy to provide the individual agents with weapons or ammunition.

Performance Appraisal:

This Agency utilizes an individual performance appraisal system which is designed to assist each employee in improving his work performance and in developing his capabilities.

We have an interest in career development, and the performance appraisal system is intended to be used to foster this end.

The following chart presents the current staff according to specific categories. Administration includes the Agency Director and Agency

line personnel. The Agent category includes all agents and agents-in-charge. The Support Category includes all other staff. This organization receives federal funds from the Department of Labor under the Comprehensive Employment Training Act. The number of individuals employed under this act are not categorized.

Number of Employees — FY 1980

<i>State:</i>	
Administrative	8
Officers	175
Support	101
TOTAL	284
 <i>Other:</i>	
Presentence Project	11
CETA	2
GRAND TOTAL	297
 New Employees	 40
Resignations	26
Retirement	3

The individuals listed below received State Service Awards during FY 1980:

<i>Name</i>	<i>Class Title</i>	<i>Years of Service</i>
Gladys R. Hahn	Secretary I	10
Sadie N. Lee	Secretary I	10
John C. Maloney	Regional Director Prob. & Parole	10
J. L. Stoller	Probation & Parole Officer II	10
Dorothy E. McCarter ..	Accountant II	20
Troy J. Norton	Supervisor of Paroles	20
Helen M. Riley	Secretary I	20

TRAINING AND STAFF DEVELOPMENT

The South Carolina Probation, Parole and Pardon Board has revised the training program to meet with the changing needs of both the agency and the staff. The revisions address the standards established for probation and parole personnel by the American Correctional Association's Commission on accreditation.

The training policy for the agency is as follows:

All personnel employed by the South Carolina Probation, Parole, and Pardon Board are required to successfully complete the Basic Orientation Certification Training during the probationary period (first six months) of their employment. The Basic Orientation Certification Training is provided by the South Carolina Probation, Parole, and Pardon Board Training Unit. Successful completion of this training is defined as achieving a minimum of seventy-five (75) percent on all tests and evaluations administered by the Training Unit. Less than satisfactory performance on this training constitutes a failure to meet the established performance standards of the South Carolina Probation, Parole, and Pardon Board and will be grounds for denial of permanent employment status. Training participants are required to attend the training program as follows:

Individuals classified as Agents:

A minimum of four (4) calendar weeks, to include one (1) week of Firearms and Defensive Tactics training.

Individuals classified as Secretaries:

A minimum of one (1) calendar week.

All Basic Orientation Certification Training will be conducted at a site selected by the Staff Development and Training Specialist. Training is presently offered at the South Carolina Criminal Justice Academy in Columbia, S. C., and trainees reside at this facility for the duration of the Training Period.

Annual Re-Certification of all employees is required. Re-Certification is defined as successful completion of at least forty (40) hours or the criteria-referenced equivalent for agents and at least twenty (20) hours or the criteria-referenced equivalent for secretaries of in-service training. In-service training must be approved by the Training Unit prior to attendance.

Additional training, based on the assessment of an individual's job performance, may be prescribed. In such circumstances, the Training Unit will have the responsibility for approving the content of special

training and for establishing the criteria to be achieved in order for the training to be considered successfully complete.

The Training Advisory Council, composed of two representatives from each of the four regions, has been instrumental in revamping the training program and closely monitoring the activities of the training unit in FY 80. The members of the Training Advisory Council for FY 1980 are listed below:

- Betty J. Roberts, Agent, Coastal Region
- Josephine G. Boyles, Secretary, Coastal Region
- Charles P. McQueen, Agent, Pee Dee Region
- Patricia G. Martin, Secretary, Pee Dee Region
- Frank L. Barton, Agent, Midlands Region
- Elizabeth K. Phillips, Secretary, Midlands Region
- James R. (Randy) Walker, Agent, Piedmont Region
- Carolyn R. Nichols, Secretary, Piedmont Region

The agency began implementation of the mandatory basic orientation training in January, with the mandatory in-service training beginning in February, 1980.

During FY 1980 the following training activities were conducted at the S. C. Criminal Justice Training Academy:

<i>Class</i>	<i>No. Class Hours</i>	<i>No. Times Offered</i>	<i>Total Attending</i>
Basic Instructor Training	80	1	18
Orientation Evaluation	40	1	43
Basic Orientation Certification	60	2	24
Basic In-Service Certification — Agent	40	5	96
Basic In-Service Certification (Secretarial/Administrative)	20	6	115
Basic Firearms and Defensive Tactics	40	1	24
Counseling Skills Development	18	1	9

The Agency's Certification training was conducted by an in-house staff of trainers listed alphabetically:

- Barton, Frank — Agent — Richland County
- Carroll, M. H. — Assistant Director — Midlands Region
- Chiles, George — Interstate Compact Administrator
- Copeland, Tommy — Assistant Director — Piedmont Region
- Ford, Ed — Agent — Richland County
- Franklin, George — Agent-In-Charge — McCormick County
- Heath, Mark — Agent-In-Charge — Marlboro County

Hiott, Jim — Hearing Officer
 Into, D. J. — Agent-In-Charge — Jasper County
 Irvin, John — Agent-In-Charge — Oconee County
 Maloney, John — Assistant Director — Coastal Region
 Moser, Ken — Agent-In-Charge — Dorchester County
 Pratt, J. P., II — Associate Director of Operations
 Sewell, Gene — Agent — Spartanburg County
 Walker, Randy — Agent — Greenwood County

Additional training was provided by the S. C. Commission on Alcohol and Drug Abuse training unit and assistance in Firearms and Defensive Tactics training, as well as fingerprinting was provided by instructors from the S. C. Criminal Justice Academy and the S. C. Department of Corrections training staff.

III. BUDGET RECAPITULATION

The chart below reflects the agency expenditures and appropriation for FY 1980:

Funds Expended:			
<i>Category</i>	<i>State</i>	<i>Federal</i>	<i>Total</i>
Personal Service	\$3,446,302	\$133,700	\$3,580,002
Other Expenses	<u>1,072,769</u>	<u>58,312</u>	<u>1,131,081</u>
TOTAL	\$4,519,071	\$192,012	\$4,711,083

It is interesting to note that our clients, while under probation/parole status, earned in wages over the past year an amount in excess of \$82,469,281. These wages allowed them to support their dependents and to accept their share of financial responsibilities. State taxes alone on these earnings would amount to over \$5,772,849, a figure far in excess of this agency's appropriation.

Our responsibility consists of supervising over 32,000 cases during the 1980 fiscal year, with a caseload of 23,053 as of June 30, 1980. The average cost per client per year under probation/parole supervision amounts to approximately \$204.00. Compared to costs in excess of \$5,500.00 (FY '80) per offender institutionalized per year, the State economically has saved the taxpayers a tremendous amount of money.

APPENDICES

Appendix A

Legislative Authority

CHAPTER 21

Probation, Parole and Pardon

- Article 1. Probation, Parole and Pardon Board.
- Article 3. Supervisors of Probation and Parole; Probation Officers.
- Article 5. Probation.
- Article 7. Parole; Release for Good Conduct.
- Article 9. Uniform Act for Out-of-State Parolee Supervision.
- Article 11. Pardons; Commutation of Death Sentences.

Article I

Probation, Parole and Pardon Board

- Sec.
- 24-21-10. Probation, Parole and Pardon Board.
- 24-21-20. Assistants.
- 24-21-40. Record of proceedings.
- 24-21-50. Hearings, arguments, and appearances by counsel or individuals.
- 24-21-60. Cooperation of public agencies and officials; surveys.
- 24-21-70. Records of prisoners.

§ 24-21-10. Probation, Parole and Pardon Board.

The Probation, Parole and Pardon Board shall consist of one member from each congressional district of the State, and one at large member who shall serve without salary but shall receive actual traveling expenses and a per diem while in the performance of their official duties. The terms of office of the members of the Board shall be for a period of six years and until their respective successors are appointed and qualified. The members of the Board shall be appointed by the Governor by and with the advice and consent of the Senate. All vacancies occurring

among the members of the Board shall be filled as soon as practicable by the Governor by appointment by and with the advice and consent of the Senate for the unexpired term. In the event of a vacancy occurring during a recess of the Senate the Governor may fill such vacancy by appointment for the unexpired term pending the convening of the Senate and action by it upon such appointment. The Board shall elect annually between January fifteenth and January thirtieth a chairman from its members.

CASE NOTES

§ 24-21-20. Assistants.

When the necessity of the service requires, the Board shall appoint one or more assistants and fix their salaries.

§ 24-21-40. Record of proceedings.

The Board shall keep a complete record of all its proceedings and hold it subject to the order of the Governor or the General Assembly.

§ 24-21-50. Hearings, arguments and appearances by counsel or individuals.

The Board shall grant hearings and permit arguments and appearances by counsel or any individual before it at any such hearing while considering any case for parole, pardon or any other form of clemency provided for under law.

ATTORNEY GENERAL'S OPINIONS

Defendant has no constitutional right to have counsel appointed. — One appearing before Probation, Parole and Pardon Board is not entitled as matter of constitutional right to have counsel appointed to represent him. 1962-63 Ops. Att'y Gen., No. 1551, p 121.

Apprising defendant of his right to be represented by counsel. — It would not be inappropriate to apprise a defendant of his right to be represented by counsel but such procedure is not necessary. 1962-63 Ops. Att'y Gen., No. 1551, p 121.

§ 24-21-60. Cooperation of public agencies and officials; surveys.

Every city, county or State official or department shall render all assistance and cooperation within his or its fundamental power which may further the objects of this chapter. The Board, the supervisors of probation and parole and the probation officers may seek the cooperation of such officials and departments and especially of the sheriffs,

jailers, magistrates, police officials and institutional officers. The supervisor of parole may conduct surveys of the State Penitentiary, county jails and camps and shall obtain such information as will enable the Board to pass intelligently upon all applications for parole. The Commissioner of the Department of Corrections and the wardens, jailers, sheriffs, supervisors or other officers in whose control a prisoner may be committed shall aid and assist the supervisor of parole and the probation officers in such surveys.

§ 24-21-70. Records of prisoners.

The Commissioner of the Department of Corrections, when a prisoner is confined in the State Penitentiary, the sheriff of the county, when a person is confined in the county jail, and the county supervisor or chairman of the governing body of the county if there be no county supervisor, when a prisoner is confined upon the chain gang of any county, shall keep a record of the industry, habits and deportment of such prisoner, as well as any other information which may have theretofore been requested of such officer by the Board or the supervisor of parole and furnish it upon request of the Board or the supervisor.

Article 3

Supervisors of Probation and Parole; Probation Officers

Sec.

- 24-21-210. Supervisors of probation and parole.
- 24-21-220. General duties of supervisors.
- 24-21-230. Appointment of probation officers and clerical assistants.
- 24-21-240. Oath of probation officers.
- 24-21-260. Place where probation officers shall work.
- 24-21-270. Offices for probation officers.
- 24-21-280. General duties and powers of probation officers.
- 24-21-290. Information received by probation officers shall be privileged.

§ 24-21-210. Supervisors of probation and parole.

The Probation, Parole and Pardon Board may appoint a supervisor of probation and a supervisor of parole, who shall serve as its executive secretaries and shall each receive such salary as may be provided by law. They shall also be paid traveling and other necessary expenses in the performance of their official duties and shall give their entire time to the work.

§ 24-21-220. General duties of supervisors.

The supervisors of probation and parole shall consult and cooperate with the courts and institutions in the development of methods and procedure in the administration of probation and parole, shall direct the work of the probation officers appointed under § 24-21-230 and shall arrange a conference of probation officers and judges. They shall make annual written reports with statistical and other information to the Board and the Governor.

Probation, Parole and Pardon

§ 24-21-230. Appointment of probation officers and clerical assistants.

This Board shall appoint such probation officers as are required for service in the State and such clerical assistants as may be necessary.

§ 24-21-240. Oath of probation officers.

Each person appointed as a probation officer shall take an oath of office as required of State officers, which shall be noted of record by the clerk of court.

§ 24-21-270. Offices for probation officers.

The governing body of each county in which a probation officer serves shall provide, in or near the courthouse, suitable office space for such officer.

The provisions of this section, as they relate to office space in the courthouse, shall not apply to Richland County.

§ 24-21-280. General duties and powers of probation officers.

A probation officer shall investigate all cases referred to him for investigation by the judges of the courts, by the supervisor of probation or by the supervisor of parole and shall report in writing thereon. He shall furnish to each person released on probation under his supervision a written statement of the conditions of probation and shall instruct him regarding them. He shall keep informed concerning the conduct and condition of each person on probation or parole under his supervision by visiting, requiring reports and in other ways and shall report thereon in writing as often as the court, the supervisor of probation or the supervisor of parole may require. He shall use all practicable and suitable methods, not inconsistent with the conditions imposed by the court, the supervisor of probation or the supervisor of parole, to aid and encourage persons on probation or parole to bring about improvement in their conduct and condition. A probation officer shall keep detailed records of his work, shall make such reports in writing to the supervisors of

probation and parole as they may require and shall perform such other duties as the supervisors of probation and parole may require. A probation officer shall have, in the execution of his duties, the powers of arrest and to the extent necessary for the performance of his duties the same right to execute process as is given by law to the sheriffs of this State. In the performance of his duties of probation and parole investigation and supervision he shall be regarded as the official representative of the court and the Board.

CASE NOTES

A ministerial recorder who was also a city probation officer did not have the authority to arrest persons as would probation officers appointed by the probation and parole board. *State v Sachs* (1975, SC) 216 SE2d 501.

Probation, Parole and Pardon ATTORNEY'S GENERAL OPINIONS

Transportation of prisoner on county public works to parole board hearing. — A prisoner serving on the county public works being considered for parole, if brought to Columbia to appear personally before the Probation, Parole and Pardon Board, must be transported by proper custodial authorities which could be either guards from the county public works or the State Penitentiary, and probation and parole officers are not vested with authority to transport the prisoner. 1965-66 Ops. Att'y Gen., No. 2094, p 196.

§ 24-21-290. Information received by probation officers shall be privileged.

All information and data obtained in the discharge of his official duty by any probation officer shall be privileged information, shall not be receivable as evidence in any court and shall not be disclosed directly or indirectly to anyone other than the judge or others entitled under this chapter to receive reports, unless and until otherwise ordered by a judge of the court, the supervisor of parole or the supervisor of probation.

Article 5 Probation

Sec.

24-21-410. Court authorized to suspend imposition of sentence for probation after conviction for any offense except those punishable by death or life imprisonment.

- 24-21-420. Report of probation officer on offense and defendant.
- 24-21-430. Conditions of probation.
- 24-21-440. Period of probation; discharge.
- 24-21-450. Arrest for violation of terms of probation; bond.
- 24-21-460. Action of court in case of violation of terms of probation.

§ 24-21-410. Court authorized to suspend imposition of sentence for probation after conviction for any offense except those punishable by death or life imprisonment.

After conviction or plea for any offense, except a crime punishable by death or life imprisonment, the judge of any court of record with criminal jurisdiction at the time of sentence may suspend the imposition or the execution of a sentence and place the defendant on probation or may impose a fine and also place the defendant on probation.

Corrections, Probations, etc.

CASE NOTES

Intent of section. — This section [Code 1962 § 55-591] is intended to give trial judges the right, at the time of the sentence, to provide for a suspension of a part of such imprisonment and a placing of a defendant on probation after serving a designated portion of the term of imprisonment. *Moore v Patterson*, 203 SC 90, 26 SE2d 319 (1942).

Any criminal court of record may suspend sentence. — Under this section [Code 1962 § 55-591] any court of record with criminal jurisdiction is authorized to suspend the execution of a sentence, in whole or in part, and place the defendant on probation. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

This section [Code 1962 § 55-591] extends the power to suspend sentences to many felonies as well as misdemeanors. *Moore v Patterson*, 203 SC 90, 26 SE2d 319 (1942); *State v Best*, 257 SC 361, 186 SE2d 272 (1972).

Suspension must be ordered at the time of sentence. *Moore v Patterson*, 203 SC 90, 26 SE2d 319 (1942).

The power to suspend sentences has to be exercised at the time the sentences are imposed, and the trial judge has no right thereafter to suspend the sentences. *State v Best*, 257 SC 361, 186 SE2d 272 (1972).

Under this section [Code 1962 § 55-591], the judge of any court of record with criminal jurisdiction is authorized to suspend, at the time of sentence, the execution of the sentence, in whole or in part, and place the defendant on probation or may impose a fine and also place the defendant on probation. *State v Best*, 257 SC 361, 186 SE2d 272 (1972).

Suspension after partial service of sentence. — In imposing a sentence of imprisonment on the chain gang or in the State Penitentiary, the court may provide for its suspension and the release of the defendant on probation after service of a portion of the sentence. *State v Germany*, 216 SC 182, 57 SE2d 165 (1949).

In imposing a sentence of imprisonment, the court may require the service of a portion of the term and suspend the execution of the remainder thereof, placing the defendant on probation. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

This section [Code 1962 § 55-591] gives the trial judge the right, at the time of the sentence, to provide for a suspension of a part of the imprisonment, and the placing of the defendant on probation after serving a designated portion of the term of imprisonment. *State v Best*, 257 SC 361, 186 SE2d 272 (1972).

Discretion of judge is not limited. — The General Assembly, in authorizing the suspension of sentences in certain felonies, did not intend to limit the exercise of the discretion of the trial judges, but intended that it be exercised by suspending sentences either in whole or in part. *Moore v Patterson*, 203 SC 90, 26 SE2d 319 (1942).

Previously imposed sentence should not be altered. — It is requisite to the orderly administration of justice that when a trial judge has imposed a sentence and the term of court at which such was done has terminated, or when the trial judge has completed his service in a circuit, the previous sentence should not be altered, amended, modified, or changed. *State v Best*, 257 SC 361, 186 SE2d (1972).

Probation is not a matter of right, but a matter of grace, and may be granted to a deserving accused by the trial judge in the exercise of his sound discretion. *State v Cantrell*, 250 SC 376, 158 SE2d 189 (1967).

Applied in *State v Petty*, 245 SC 40, 138 SE2d 643 (1964).

Cited in *Clardy v Ford*, 203 SC 44, 26 SE2d (1943); *State v Bolin*, 209 SC 108, 39 SE2d 197 (1946); *State v Kimbrough*, 212 SC 348, 46 SE2d 273 (1948).

Probation, Parole and Pardon

ATTORNEY'S GENERAL OPINIONS

Magistrate's court may not. — A magistrate's court, not being a court of record, is not empowered to suspend a sentence. 1963-64 Ops. Att'y Gen., No. 1766, p 281.

A defendant can be ordered to pay support payments to his wife and children as terms of probation. 1963-64 Ops. Att'y Gen., No. 1743, p 242.

§ 24-21-420. Report of probation officer on offense and defendant.

When directed by the court the probation officer shall fully investigate and report to the court in writing the circumstances of the offense and the criminal record, social history and present condition of the defendant, including, whenever practicable, the findings of a physical and mental examination of the defendant. When the services of a probation officer are available to the court no defendant charged with a felony and, unless the court shall direct otherwise in individual cases, no other defendant shall be placed on probation or released under suspension of sentence until the report of such investigation shall have been presented to and considered by the court.

§ 24-21-430. Conditions of probation.

The court shall determine and may impose by order duly entered and may at any time modify the conditions of probation and may include among them any of the following or any other.

The probationer shall:

- (1) Refrain from the violation of any State or Federal penal laws;
- (2) Avoid injurious or vicious habits;
- (3) Avoid persons or places of disreputable or harmful character;
- (4) Permit the probation officer to visit at his home or elsewhere;
- (5) Work faithfully at suitable employment as far as possible;
- (6) Pay a fine in one or several sums as directed by the court;
- (7) Support his dependents; and
- (8) Follow the probation officer's instructions and advice regarding recreational and social activities.

Corrections, Probations, etc.

CASE NOTES

A state may not constitutionally imprison beyond the maximum duration fixed by statute a defendant who is financially unable to pay a fine. A statute permitting a sentence of both imprisonment and fine cannot be parlayed into a longer term of imprisonment than is fixed by the statute since to do so would be to accomplish indirectly as to an indigent that which cannot be done directly. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

The equal protection clause of the Fourteenth Amendment requires that the statutory ceiling placed on imprisonment for any substantive offense be the same for all defendants irrespective of their economic status. *William v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

Once the State has defined the outer limits of incarceration necessary to satisfy its penological interests and policies, it may not then subject a certain class of convicted defendants to a period of imprisonment beyond the statutory maximum solely by reason of their indigency. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

When the aggregate imprisonment exceeds the maximum period fixed by the statute and results directly from an involuntary non-payment of a fine or court costs, there is an impermissible discrimination that rests on ability to pay. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

And holding applies equally to imprisonment for involuntary non-payment of court costs. — The holding regarding imprisonment for involuntary nonpayment of fines applies with equal force to imprisonment for involuntary nonpayment of court costs. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

Inability to pay court costs cannot justify imprisoning an indigent beyond the maximum statutory term since the equal protection clause prohibits expanding the maximum term specified by the statute simply because of inability to pay. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

But imprisonment for willful refusal to pay not precluded. — Nothing in this decision precludes imprisonment for willful refusal to pay a fine or court costs. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

Nor is imposition of maximum penalty on indigent. — Nothing in this holding precludes a judge from imposing on an indigent, as on any defendant, the maximum penalty prescribed by law. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

Holding does not deal with alternative sentences. — This holding does not deal with a judgment of confinement for nonpayment of a fine in the familiar pattern of alternative sentence of "\$30 or 30 days." *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

The mere fact that an indigent in a particular case may be imprisoned for a longer time than a nonindigent convicted of the same offense does not give rise to a violation of the equal protection clause. *Williams v Illinois*, 399 US 235, 90 S Ct 2018, 26 L Ed 2d 586 (1970).

Applied in *State v White*, 218 SC 130, 61 SE2d 754 (1950); *State v Petty*, 245 SC 40, 138 SE2d 643 (1964).

Stated in *Moore v Patterson*, 203 SC 90, 26 SE2d 319 (1942).

Cited in *State v Clough*, 220 SC 390, 68 SE2d 329 (1951).

§ 24-21-440. Period of probation; discharge.

The period of probation or suspension of sentence shall not exceed a

period of five years and shall be determined by the judge of the court and may be continued or extended within the above limit. Upon the satisfactory fulfillment of the conditions of probation or suspension of sentence the court shall by order duly entered discharge the defendant.

ATTORNEY'S GENERAL OPINIONS

Two consecutive sentences of five years probation each. — When a defendant is sentenced to two consecutive sentences of five years probation each, the two sentences are equivalent to a general sentence, and the period of probation is limited to the statutory maximum of five years. 1962-63 Ops. Att'y Gen., No. 1575, p 143.

§ 24-21-450. Arrest for violation of terms of probation; bond.

At any time during the period of probation or suspension of sentence the court, or the court within the venue of which the violation occurs, may issue or cause the issuing of a warrant and cause the defendant to be arrested for violating any of the conditions of probation or suspension of sentence. Any police officer or other officer with power of arrest, upon the request of the probation officer, may arrest a probationer. In case of an arrest the arresting officer shall have a written warrant from the probation officer setting forth that the probationer has, in his judgment, violated the conditions of probation and such statement shall be warrant for the detention of such probationer in the county jail or other appropriate place of detention, until such probationer can be brought before the judge of the court, or of the court within the venue of which the violation occurs. Such probation officer shall forthwith report such arrest and detention to the judge of the court, or of the court within the venue of which the violation occurs, and submit in writing a report showing in what manner the probationer has violated his probation. *Provided*, that any person arrested for the violation of the terms of probation shall be entitled to be released on bond pending a hearing, and such bond shall be granted and the amount thereof determined by a magistrate in the county where the probationer is confined, or by the magistrate in whose jurisdiction the alleged violation of probation occurred.

CASE NOTES

Issuance of warrant within probationary period is necessary to continue jurisdiction of the court and cannot be dispensed with. Therefore, it is necessary that there be proof of the statutory requirement, and in the absence of, such an order of revocation is void. *State v Hutto*, 252 SC 36, 165 SE2d 72 (1968).

With reference to the requirement that the warrant be issued during the period of probation, it is only provided that during this period the warrant shall be issued, which is the pertinent jurisdictional fact. *State v Hutto*, 252 SC 36, 165 SE2d 72 (1968).

Otherwise probation may not be revoked after probation period has ended. — In the absence of a showing that a warrant was issued during the probationary period charging the defendant with a violation of probation, the lower court is without jurisdiction to revoke a probationary sentence after the period of probation has ended. *State v Hutto*, 252 SC 36, 165 SE2d 72 (1968).

This section [Code 1962 § 55-595] authorizes the court to issue or cause the issuing of a warrant only during the period of probation and, in the absence of the timely issuance of such warrant, the court is without authority to revoke the probation after the probationary period has passed, even though the violation occurred during such period. *State v Hutto*, 252 SC 36, 165 SE2d 72 (1968).

Revoking the suspension of a sentence can be done only by a court of competent jurisdiction before which the defendant has been taken on a warrant charging a violation of the conditions of probation. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

It involves judicial discretion. — The revocation of the suspension of the execution of a sentence involves the exercise of judicial discretion. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

And the Probation, Parole and Pardon Board has no jurisdiction to revoke the suspension of a sentence and place it in execution. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

§ 24-21-460. Action of court in case of violation of terms of probation.

Upon such arrest the court, or the court within the venue of which the violation occurs, shall cause the defendant to be brought before it and may revoke the probation or suspension of sentence and shall proceed to deal with the case as if there had been no probation or suspension of sentence except that the circuit judge before whom such defendant may be brought shall have the right, in his discretion, to require the defendant to serve all or a portion only of the sentence imposed. Should only a portion of the sentence imposed be put into effect, the remainder of such sentence shall remain in full force and effect and the defendant may again, from time to time, be brought before the circuit court so long as all of his sentence has not been served and the period of probation has not expired.

CASE NOTES

Order of revocation need not be made within probationary period. — This section [Code 1962 § 55-596] and Code 1962 § 55-595 do not require that the order of revocation be made within the probationary period. It is only provided that during this period the warrant shall be issued, which is the pertinent jurisdictional fact. *Lovell v State*, 223 SC 112, 74 SE2d 570 (1953).

Where defendant in DWI proceeding was originally sentenced at a term designated for jury trial under one statute, and his suspended sentence was partially revoked under another statute for violation of probation, an order vacating the revocation of probation arising out of the second proceeding was void where not made under either of the above statutory sections, and defendant was liable for service of the remaining sentence as ordered in the revocation of probation. *State v Moulds* (1975, SC) 215 SE2d 445.

Article 7

Parole; Release for Good Conduct

SEC.

- 24-21-610. Part of sentence required to be served as prerequisite to parole.
- 24-21-620. Review by Board of prisoner's case after prisoner has served one third of sentence.
- 24-21-630. Effect of time served while awaiting trial upon determination of time required to be served for eligibility for parole.
- 24-21-640. Circumstances warranting parole; reports of parolees.
- 24-21-650. Order of parole.
- 24-21-660. Effect of parole.
- 24-21-670. Term of parole.
- 24-21-680. Violation of parole.
- 24-21-690. Effect of release after service of full time less good conduct deduction.
- 24-21-700. Special parole for persons eligible for parole except for psychiatric disabilities.

§ 24-21-610. Part of sentence required to be served as prerequisite to parole.

In all cases cognizable under this chapter the Probation, Parole and Pardon Board may, upon ten days' written notice to the solicitor and judge who participated in the trial of any prisoner, parole such prisoner convicted of a felony and imprisoned in the State Penitentiary, in any jail or upon the public works of any county:

(1) Who, if sentenced for not more than thirty years, shall have served at least one third of the term,

(2) Who, if sentenced to life imprisonment or imprisonment for any period in excess of thirty years, shall have served at least ten years, or

(3) Who, if he is a first offender and is sentenced for an indeterminate term shall have served the minimum for which he was sentenced.

Not deducting in any instance any allowance of time for good behavior.

Notwithstanding the provisions of this section, the Board may parole any prisoner not sooner than one year prior to the prescribed date of parole eligibility, when based on medical information furnished to it, the Board determines that the physical condition of the prisoner concerned is so serious that he would not be reasonably expected to live for more than one year.

CASE NOTES

When a person is sentenced to a term of years, and the sentence is suspended after the service of a portion of that term, under the 1963 amendment to item (1) of this section [Code 1962 § 55-611] an application for parole may be made only after service of one third of the entire sentence. *Picklesimer v State*, 254 SC 596, 176 SE2d 536 (1970).

The word "term" used in the 1963 amendment to item (1) of this section [Code 1962 § 55-611] refers to the whole term for which a prisoner is sentenced. It includes that portion of the sentence suspended. *Picklesimer v State*, 254 SC 596, 176 SE2d 536 (1970).

Suspension means serving portion of sentence at home. — When a portion of a sentence is suspended it merely means that a person is permitted to serve a portion of his sentence at home. The sentence is the total of the part served at the prison and at home. *Picklesimer v State*, 254 SC 596, 176 SE2d 536 (1970).

Applied in *Bearden v Manning*, 238 SC 187, 119 SE2d 670 (1961).

Cited in *State v Williams*, 221 SC 107, 69 SE2d 371 (1952); *State v Morris*, 243 SC 225, 133 SE2d 744 (1963).

ATTORNEY'S GENERAL OPINIONS

This section [Code 1962 § 55-611] as amended in 1963 has the same effect as it had prior to the 1962 amendment. 163-64 Ops. Att'y Gen., No. 1606, p 21.

Procedure for parole may be changed after conviction and sentence. — The procedure to be followed in determining whether a parole is to be granted, has been violated, and is to be revoked, may be changed by

statute after conviction and sentence and where it is changed the latter law applied and is to be used. 1963-64 Ops. Att'y Gen., No. 1606, p 21.

Where part of sentence suspended, prisoner must nevertheless serve one third of original sentence. — A prisoner having a sentence with a portion suspended, will be required to serve one third of the original maximum sentence, including the suspended portion, to bring his case within the jurisdiction of the Probation, Pardon and Parole Board for parole action. 1963-64 Ops. Att'y Gen., No. 1606, p 21.

The words "original sentence" mean the whole of a sentence, including the unsuspended part, and the suspended portion is an inseparable part of the sentence. 1963-64 Ops. Att'y Gen., No. 1606, p 21.

Life sentence plus ten years considered as one general sentence exceeding thirty years for parole purposes. — Inasmuch as a life sentence is considered the same as a sentence for more than thirty years under item (2) of this section [Code 1962 § 55-611], the aggregation of an additional ten-year sentence would not affect the time the prisoner's record should be considered for parole purposes because the sum total of the two would equal one general sentence of more than thirty years. 1965-66 Ops. Att'y Gen., No. 1982, p 34.

§ 24-21-620. Review by Board of prisoner's case after prisoner has served one third of sentence.

After a prisoner has served one third of his sentence, if such sentence exceeds one year, the Board shall review his case, irrespective of whether or not any application has been made therefor, for the purpose of determining whether or not such prisoner is entitled to any of the benefits provided for in this chapter.

§ 24-21-630. Effect of time served while awaiting trial upon determination of time required to be served for eligibility for parole.

For the purpose of determining the time required to be served by a prisoner before he shall be eligible to be considered for parole, notwithstanding any other provision of law, all prisoners shall be given benefit for time served in prison in excess of three months while awaiting trial or between trials.

§ 24-21-640. Circumstances warranting parole; reports of parolees.

The Probation, Parole and Pardon Board shall carefully consider the record of the prisoner, before and after imprisonment, and no such

prisoner shall be paroled until it shall appear, to the satisfaction of the Board, that the prisoner has shown disposition to reform that, in the future, he will probably obey the law and lead a correct life, that by his conduct he has merited a lessening of the rigors of his imprisonment, that the interests of society will not be impaired thereby and that suitable employment has been secured for him. The paroled prisoner shall, as often as may be required, render a written report to the Board giving such information as may be required by the Board which shall be confirmed by the person in whose employment the prisoner may be at the time.

§ 24-21-650. Order of parole.

The Board shall issue an order signed by at least two thirds of its members authorizing the parole, with terms and conditions, if any. Thereupon the supervisor of parole, or one lawfully acting for him, shall issue a parole order, which, if accepted by the prisoner, shall provide for his release from custody.

§ 24-21-660. Effect of parole.

Any prisoner who shall have been paroled shall be subject during the remainder of his original term of imprisonment, up to the maximum, to the conditions and restrictions imposed in the order of parole or by law imposed. Every such paroled prisoner shall remain in the legal custody of the Board and may at any time on the order of the Board be imprisoned as and where therein designated.

CASE NOTES

The word "parole" is used in contradistinction to suspended sentence and means leave of absence from prison during which the prisoner remains in legal custody until the expiration of his sentence. *Sanders v Macdougall*, 244 SC 160, 135 SE2d 836 (1964).

Every paroled prisoner remains in the legal custody of the Board and may at any time be imprisoned on its order. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

And continues to serve sentence. — A prisoner upon release on parole continues to serve his sentence outside the prison walls. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

§ 24-21-670. Term of parole.

Any prisoner who may be paroled under authority of this chapter shall continue on parole until the expiration of the maximum term or terms

specified in his sentence without deduction of such allowance for good conduct as may be provided for by law.

§ 24-21-680. Violation of parole.

Upon failure of any prisoner released on parole under the provisions of this chapter to do or refrain from doing any of the things set forth and required to be done by and under the terms of his parole, the order of parole shall be cancelled and the prisoner shall thereupon and thereafter have the status of an escaped convict, be arrested without a warrant and be required to serve the part of the sentence that remains unserved. But such prisoner shall be eligible to parole thereafter when and if the Board thinks such parole would be proper. The Board shall be the sole judge as to whether or not a parole has been violated and no appeal therefrom shall be allowed, *Provided*, that any person arrested for violation of terms of parole may be released on bond, for good cause shown, pending final determination of the violation by the Probation, Parole and Pardon Board. No bond shall be granted except by the presiding or resident judge of the circuit wherein the prisoner is arrested, or, if there be no judge within such circuit, by the judge, presiding or resident, in an adjacent circuit, and the judge granting the bond shall determine the amount thereof.

CASE NOTES

Effect of amendments. — The 1962 amendment added the proviso. The 1965 amendment rewrote the proviso.

Minimal due process requirements. — In *Morrissey v Brewer*, 408 US 471, 92 SC 2593, 33 L. Ed. 2d 484 (1972), the United States Supreme Court established minimal due process requirements for preliminary and final proceedings held to determine whether or not a parolee has violated the terms of his parole agreement while conditionally free from incarceration, and whether, if so, such a violation warrants revocation of the parole theretofore granted. *Russell v Cooper*, 263 SC 526, 211 SE2d 655 (1975).

Parolee must be afforded preliminary probable cause type hearing to determine whether there is reasonable ground to believe that the arrested parolee has committed acts that would constitute a violation of parole conditions. *Russell v Cooper*, 263 SC 526, 211 SE2d 655 (1975).

But where admittedly, appellant had violated conditions of his parole, the preliminary probable cause hearing was not required. *Russell v Cooper*, 263 SC 526, 211 SE2d 655 (1975).

Or where criminal conviction supports violation. — A parolee is not entitled to a preliminary hearing where the violation of parole with

which he has been charged is supported by a criminal conviction in an independent criminal proceeding. *Russell v Cooper*, 263 SC 526, 211 SE2d 655 (1975).

Revocation can only restore defendant to original status. — An order revoking parole simply restores a defendant to the status he would have occupied had this form of leniency never been extended to him. The effect of such a revocation does not exceed or transcend the effect of the original sentence. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

And parole expires with unsuspended portion of sentence. — A prisoner's parole necessarily expires with the expiration of the unsuspended portion of his sentence, because, thereafter, there is no sentence in execution which can be served outside the prison walls or which requires his confinement when the Board revokes its prior action. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

Hence, attempted revocation is ineffective after unsuspended sentence served. — Where the Board issued an order purporting to revoke a prisoner's parole, but the suspended sentence never had been put in execution by a court of competent jurisdiction, and the unsuspended portion of said sentence had been duly served, the court properly ordered that petitioner be discharged from custody on his petition for a writ of habeas corpus. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

ATTORNEY'S GENERAL OPINIONS

Indigent defendants are not entitled to counsel in revocation proceedings before the Probation, Parole and Pardon Board. 1966-67 Ops. Att'y Gen., No. 2351, p 185.

§ 24-21-700. Special parole for persons eligible for parole except for psychiatric disabilities.

Any prisoner who is otherwise eligible for parole under the provisions of this article, except that his mental condition is deemed by the Probation, Pardon and Parole Board to be such that he should not be released from confinement may, subject to approval by the Veterans Administration, be released to the custody of the Veterans Administration or to a committee appointed to commit such prisoner to a Veterans Administration Hospital. Such a special parole shall be granted in the sole discretion of the Board and, when so paroled, a prisoner shall be transferred directly from his place of confinement to a Veterans Administration Hospital which provides psychiatric care. When any prisoner paroled for psychiatric treatment is determined to be in a suitable condition to be

released, he shall not be returned to penal custody except for a subsequent violation of the conditions of his parole.

Article 9

Uniform Act for Out-of-State Parolee Supervision

SEC.

24-21-810. Short title.

24-21-820. Compact with other states.

24-21-830. "State" defined.

§ 24-21-810. Short title.

This article may be cited as the "Uniform Act for Out-of-State Parolee Supervision."

HISTORY: 1962 Code § 55-632; 1952 Code § 55-632; 1948 (45) 1749.

§ 24-21-820. Compact with other states.

The Governor of this State having, pursuant to the authority granted him by Act No. 686 of 1948 (Acts 1948, p. 1749), executed a compact on behalf of the State of South Carolina with certain of the United States legally joining therein in the form herein set forth, such compact shall have full force and effect of law in this State and the proper officers and judicial and administrative authorities of this State shall enforce and carry out the provisions of such compact, which is in terms as follows:

A COMPACT

Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes." The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; (b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than six continuous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; *provided, however*, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

(5) That the Governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

(7) That this compact shall continue in force and remain binding upon

such executing state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending six months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

§ 24-21-830. "State" defined.

The word "state" as used in § 24-21-820 means any one of the several states, the Commonwealth of Puerto Rico, the Virgin Islands, or the District of Columbia.

Article II

Pardons; Commutation of Death Sentences

SEC.

24-21-910. Duty of Board with respect to reprieves or commutation of death sentences.

24-21-920. Clemency in other cases.

24-21-930. Order of pardon.

§ 24-21-910. Duty of Board with respect to reprieves or commutation of death sentences.

The Probation, Parole and Pardon Board shall consider all petitions for reprieves or the commutation of a sentence of death to life imprisonment which may be referred to it by the Governor and shall make its recommendations to the Governor regarding such petitions. The Governor may or may not adopt such recommendations but in case he does not he shall submit his reasons for not doing so to the General Assembly. The Governor may act on any such petition without reference to the Board.

§ 24-21-920. Clemency in other cases.

In all other cases than those referred to in § 24-21-910 the right of granting clemency shall be vested in the Board.

ATTORNEY'S GENERAL OPINIONS

This section [Code 1962 § 55-642] and Code 1962 § 55-309 do not constitute carte blanche authority for the granting of paroles to individuals recommended for clemency without regard to actual eligibility dates. 1971-72 Ops. Att'y Gen., No. 3362, p 210.

§ 24-21-930. Order of pardon.

An order of pardon shall be signed by at least two thirds of the members of the Board. Upon the issue of such order by the Board the supervisor of parole, or one lawfully acting for him, shall issue a pardon order which shall provide for the release of the prisoner from custody.

END