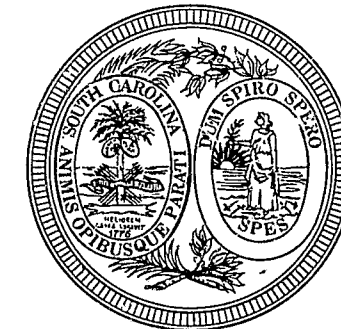


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YOUTHFUL OFFENDER SERVICES

INFORMATION GUIDE



81776

South Carolina Department of Corrections

William D. Leeke
Commissioner

U.S. Department of Justice
National Institute of Justice

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PREFACE

This brochure has been developed as a general informational guide for Youthful Offender inmates, their families, SCDC and other criminal justice employees, volunteer workers, and interested members of the public. This brochure provides a complete overview of the entire Youthful Offender Services Branch operations. Reference is directed to the pertinent sections of the SCDC Policy Manual if more detailed and specific information is desired.

YOUTHFUL OFFENDER SUPERVISORY PERSONNEL

Edwin D. Moore, Chief
Youthful Offender Services Branch

J. Barry Mock, Supervisor
Institutional Services

C. Ray McBride, Supervisor
Presentence, Parole and Aftercare

OFFICE LOCATIONS

Central Office

Youthful Offender Services Branch
S.C. Department of Corrections
P.O. Box 21787, 4444 Broad River Road
Columbia, S.C. 29221
Phone: 758-6718 or 758-6851

Area Presentence and Parole Offices

2221 Devine Street, Suite 400
Columbia, S.C. 29205
Phone: 758-2203

6296 Rivers Avenue, Suite 302
North Charleston, S.C. 29406
Phone: 792-7500

Piver Bldg., 2nd Floor
203 Laurel Street
Conway, S.C. 29526
Phone: 248-6052

200 West Evans Street, Room 702
Florence, S.C. 29501
Phone: 665-4639

339 East Main Street, Room 16
Rock Hill, S.C. 29730
Phone: 328-9049

114 Williams Street, Suite D
Greenville, S.C. 29601
Phone: 271-3760

269 South Church Street, Room 221
Spartanburg, S.C. 29301
Phone: 585-8774

Park Plaza Office Bldg., Suite 17
1 Park Avenue
Greenwood, S.C. 29646
Phone: 229-3148

118 Laurens Street NW, Suite 1
Aiken, S.C. 29801
Phone: 648-3994

The Youthful Offender Institutional Classification Caseworkers may be contacted at the appropriate Youthful Offender facilities.

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THE YOUTHFUL OFFENDER SERVICES BRANCH

The Youthful Offender Services Branch is an administrative unit within the Division of Classification and Community Services of the SCDC assigned the responsibilities and duties for carrying out the purpose of the Youthful Offender Act.

THE YOUTHFUL OFFENDER ACT

Portions of the Youthful Offender Act of primary importance are quoted below. They are listed under subject headings for ease in finding the part that may be of particular interest.

ESTABLISHMENT OF A YOUTHFUL OFFENDER ADMINISTRATIVE UNIT

"SECTION 1. There is hereby created within the Department of Corrections a Youthful Offender Division. The Division shall be staffed by appointees and designees of the Commissioner of the Department of Corrections. The staff members shall be delegated such administrative duties and responsibilities as may be required to carry out the purpose of this Act."

DEFINITIONS

"SECTION 2. As used herein:

- (a) Department means the Department of Corrections.
- (b) Division means the Youthful Offender Division.
- (c) Commissioner means the Commissioner of the Department of Corrections.
- (d) Youthful Offender means all male and female

offenders who are seventeen, but less than twenty-five years of age at the time of conviction.

- (e) Treatment means corrective and preventive guidance and training designed to protect the public by correcting the anti-social tendencies of Youthful Offenders, this may also include vocational and other training deemed fit and necessary by the Division.
- (f) Conviction means a judgement in a verdict or finding of guilty, plea of guilty or plea of nolo contendere to a criminal charge where the imprisonment may be at least one year, but excluding all offenses in which the maximum punishment provided by law is death or life imprisonment.

TYPES OF SENTENCES

"SECTION 5. In the event of a conviction of a Youthful Offender, the court may:

- (a) Suspend the sentence and place the Youthful Offender on probation.
- (b) Release the Youthful Offender to the custody of the Division prior to sentencing for an observation and evaluation period of not more than sixty days.....and findings, along with recommendations for sentencing, shall be returned with the Youthful Offender to the court for sentencing.
- (c) If the offender is under the age of twenty-one, without his consent, sentence the Youthful Offender indefinitely to the custody of the

Department for treatment and supervision pursuant to this Act until discharged by the Division, the period of such custody not to be in excess of six years. If the offender is twenty-one years of age, but less than twenty-five years of age, he may be sentenced in accordance with the above procedure if he consents thereto in writing. No Youthful Offender shall be sentenced more than twice under the provisions of this Act.

- (d) If the court shall find that the Youthful Offender will not derive benefits from treatment, then the court may sentence the Youthful Offender under any other applicable penalty provision. The Youthful Offender shall be placed in the custody of the Department."

FACILITIES

"SECTION 6. Youthful Offenders shall undergo the treatment in minimum security institutions, including training schools, hospitals, farms, forestry and other camps, including vocational training facilities and other institutions and agencies that will provide the essential varieties of treatment.

In as far as practical and to the greatest degree possible, such institutions, facilities and agencies shall be used only for the treatment of committed Youthful Offenders, and such Youthful Offenders shall be segregated from other offenders, and classes of committed Youthful Offenders shall be segregated according to their needs for treatment.

CONDITIONAL AND UNCONDITIONAL RELEASE

"SECTION 12. A Youthful Offender shall be released conditionally under supervision on or before the

expiration of four years from the date of his conviction and shall be discharged unconditionally on or before six years from the date of his conviction.

SUPERVISION DURING CONDITIONAL RELEASE

"SECTION 14. Committed Youthful Offenders permitted to remain at liberty under supervision or conditionally released shall be under the supervision of supervisory agents appointed by the Division. The Division is authorized to encourage the formation of voluntary organizations composed of members who will serve without compensation as voluntary supervisory agents and sponsors. The powers and duties of voluntary supervisory agents and sponsors shall be limited and defined by regulations adopted by the Division."

REVOKING CONDITIONAL RELEASE

"SECTION 15. If at any time before the unconditional discharge of a committed Youthful Offender, the Division is of the opinion that such Youthful Offender will be benefited by further treatment in an institution or other facility any member of the Division may direct his return to custody or, if necessary, may issue a warrant for the apprehension and return to custody of such Youthful Offender and cause such warrant to be executed by an appointed supervisory agent, or any policeman. Upon return to custody, such Youthful Offender shall be given an opportunity to appear before the Division or a member thereof. The Division may then, or at its discretion, revoke the order of conditional release."

SENTENCE SUSPENSION POWER OF THE COURT AND JURISDICTION OF THE PARDON AND PAROLE BOARD

"SECTION 16. Nothing in this Act shall limit or affect

the power of any court to suspend the imposition or execution of any sentence and place a Youthful Offender on probation.

Nothing in this Act shall be construed in any way to amend, repeal, or affect the jurisdiction of the Probation, Pardon and Parole Board. For parole purposes, a sentence pursuant to Section 5 (c) shall be considered a sentence for six years."

FUNCTIONS AND PROCEDURES OF THE YOUTHFUL OFFENDER SERVICES BRANCH

As mandated by the Youthful Offender Act, the Youthful Offender Services Branch provides three primary functions: Presentence Investigation Services, Institutional Services and Parole and Aftercare Services. Within the context of these functions, two Branch Boards have been established: (a) The Youthful Offender Parole Review Board and (b) the Youthful Offender Revocation Board. The operational guidelines of these two Boards are as follows:

A. Youthful Offender Parole Review Board

1. The purpose of this Board is to determine initial release date or any subsequent release dates of all Youthful Offenders.
2. The Youthful Offender Parole Review Board is comprised of the following members: Commissioner, SCDC (Ex Officio); Chief, Youthful Offender Services Branch, Chairman; Supervisor, Youthful Offender Institutional Services, and one other Supervisory Staff Member of the Division of Classification and Community Services as designated by the Chairman, Youthful Offender Parole Review Board.

3. Each Youthful Offender is initially placed in a 7, 10, or 13 month category, determined at the time of intake by type of offense committed. (Individuals committed for Armed Robbery must serve a minimum of three years.) A tentative release date is established after computation of jail time, or any aggregated sentences imposed by the Court. His case is then reviewed for release by the Parole Review Board during the month preceding his tentative release date.
4. The Parole Review Board thoroughly examines the record of each Youthful Offender being considered for release. This record includes a summation of all intake data as well as institutional progress and adjustment reports.
5. The Chairman, Parole Review Board, or his designee, personally informs the Youthful Offender of the Board's final decision. In the event the Parole and Review Board denies release, the Youthful Offender is given the reasons for denial, recommendations to enhance future release and the date of his next review.
6. The Chairman, Youthful Offender Parole Review Board submits to the Commissioner, SCDC, a list for final approval of all Youthful Offenders recommended for conditional release (parole).

B. Youthful Offender Parole Revocation Board

1. The purpose of this Board is to determine parole revocation in those cases of Youthful

Offenders who have allegedly violated the conditions of their conditional release.

2. The Youthful Offender Parole Revocation Board is comprised of the following members: Chief, Youthful Offender Branch, Chairman; and two other supervisory staff members of the Division of Classification and Community Services designated by the Chairman.
3. The Youthful Offender Branch is empowered to issue an arrest warrant for a Youthful Offender who is charged with violation of his conditional release (parole).
4. The Youthful Offender Branch will afford a charged parole violator a preliminary revocation hearing in the local community by a neutral hearing officer within five (5) working days after notification of arrest.
5. When probable cause for parole revocation exists, notice of a revocation hearing will be given to the charged parole violator by the hearing officer at the end of preliminary hearing.
6. Within twelve (12) working days after the charged parole violator's institutional recommitment, the Parole Revocation Board will convene to receive appropriate testimony. The Youthful Offender Branch provides security and transportation to the R&E Center for the parolee charged.
7. The accused parole violator may be represented by legal counsel. Also, he is afforded the opportunity to present

appropriate witnesses and testimony in his behalf. At the conclusion of the hearing, a determination is made concerning revocation, and the Chairman of the Revocation Board verbally notifies the parolee of the decision reached in his case. Formal written notification is forwarded to the parolee within ten (10) working days of the hearing.

PRESENTENCE INVESTIGATION SERVICES

PURPOSE

The sentencing functions of our courts are crucial to the effective administration of justice, prevention of crime and correction of criminals. However, the majority of criminal cases involve guilty pleas, and far too often judges are expected to give an appropriate penalty based on only the most fragmentary knowledge of the convicted offender. The possible consequences are self-evident. Therefore, it is essential that a sentencing judge have a means to obtain factual and diagnostic case study of the offender that will assist him in making the best possible disposition.

The Youthful Offender Act provides just such a service by offering the courts the option of placing a convicted Youthful Offender in the custody of the Youthful Offender Division for a sixty (60) day evaluation and observation period prior to sentencing. This includes a thorough presentence investigation and subsequent report.

EVALUATION AND INVESTIGATION PROCEDURES

During his evaluation period, the Youthful Offender undergoes a comprehensive appraisal of his basic strengths and weaknesses by the professional staff of the

Department of Corrections' Reception and Evaluation Center. The process involves:

- Personal history interview
- Medical examination
- Personality and intelligence testing
- Psychological evaluation
- Educational evaluation
- Adjustment and behavioral observation

Simultaneously, a Youthful Offender Parole Supervisor is assigned to conduct a field investigation and compile a detailed background history of the offender through personal contact and correspondence with individuals and organizations in the offender's community who have knowledge of his activities and behavior. Such sources usually include:

- Immediate family
- Relatives and friends
- School authorities
- Law enforcement agencies
- Previous employers
- Family and circuit courts
- Social service agencies

Using data assembled and analyzed by the Youthful Offender Parole Supervisor, a determination is made as to the treatment that would serve the best interests of both the offender and society. A concise narrative report is then prepared giving a clear picture of his history and evaluation assessment. The report is more than a mere compilation of tangible facts; it also presents a clinical interpretation of the offender's present attitudes, feelings and emotional responses, together with an estimate of his prospects for change.

The report concludes with a recommendation as to whether the offender should be granted probation or be

incarcerated in a correctional institution. In either case, a specific program of treatment, designed to meet the offender's individual needs, is included as part of the recommendation to assist probation authorities or correctional staffs in their respective efforts.

DISPOSITION

The completed presentence investigation report is approved and forwarded by the Chief, Youthful Offender Services Branch to the sentencing court for final adjudication. Since the report often contains highly privileged and confidential information about the offender and his family, access to its contents is restricted to the court only unless the court gives express permission for the release of this information to specific persons.

The presiding judge now has a complete and factual diagnostic study of the offender to use as a guide in imposing sentence with greater assurance that he has adopted the proper course of action.

If the Court renders a decision of probation, the offender returns to his community in a probationary status for a specified time under supervision of the South Carolina Probation, Pardon and Parole Board. Should the Court award a sentence of confinement, it may either send the offender to the Department of Corrections under an indeterminate Youthful Offender Act sentence, or prescribe a sentence for a specific period not under the provision of the Youthful Offender Act.

INSTITUTIONAL SERVICES

PURPOSE

The responsibilities of Institutional Services begin the day the Youthful Offender is admitted to the South Carolina Department of Corrections and continues until the Youthful Offender is released from confinement.

At the Reception and Evaluation Center, the Youthful Offender undergoes a series of tests and diagnostic interviews. Shortly after being admitted, he participates in an orientation with the staff and Youthful Offender representative to learn what he may expect during his incarceration and to clarify any questions he may have concerning his sentence. All processes of this initial phase are usually completed within a month.

INSTITUTIONAL ASSIGNMENT

When all reports and processing are completed, the Youthful Offender representative reviews the findings and makes recommendation for assignment to an institution and involvement in treatment programs. The Classification and Assignment Board then interviews the Youthful Offender personally and informs him of its decision.

The following factors are carefully considered by the Assignment Board in making their decision:

- (1) Results of the tests taken at the Reception and Evaluation Center.
- (2) Need or aptitude for a specific type of vocational training.
- (3) The space available at the various institutions.

- (4) Previous escapes, if any.
- (5) Wanted or detainers, if any.
- (6) The type of crime committed.
- (7) Previous criminal record, if any.
- (8) Health.

Male Youthful Offenders are likely to be sent to one of the following institutions:

- (1) MacDougall Youth Correction Center. (Located forty-five (45) miles northwest of Charleston near Ridgeville)
- (2) Givens Youth Correction Center. (Located five (5) miles southeast of Greenville)
- (3) Manning Correctional Institution. (Located five (5) miles north of Columbia on Route 21)
- (4) Aiken Youth Correction Center. (Located eight (8) miles east of Aiken on Highway 1)
- (5) Kirkland Correctional Institution. (Located just north of Columbia off Broad River Road)

Female Youthful Offenders will be sent to Women's Correctional Center on the same day they are admitted to the Department. (Located just north of Columbia, off Broad River Road)

All of the above institutions, with the exception of Manning Correctional Institution, Kirkland Correctional Institution, and portions of the Women's Correctional Center, are designated as "open" or minimum security

institutions. This means they have no walls or fences and inmates live in dormitories, wards, or rooms. Manning Correctional Institution is a medium security institution enclosed by fences. However, the inmates live in wards rather than individual rooms or cells. Kirkland Correctional Institution is a maximum security institution but has individual rooms or cells with 2 to 3 persons in each room.

Youthful Offenders will not be placed in the population at Central Correctional Institution (CCI). However, for behavior and security problems, or for protective custody, Youthful Offenders may be transferred to CB #2, which is a lock-up facility within CCI. Those Youthful Offenders having severe behavior problems may be transferred to the Maximum Security Center which is located on the grounds of CCI. In either case, Youthful Offenders will be segregated appropriately.

Youthful Offenders may not be transferred to a county facility to serve their sentence.

INSTITUTIONAL PROGRAMS

After being transferred to an assigned institution, the Youthful Offender is placed in school if he/she does not already have a high school diploma or GED. If he/she qualifies for vocational training and an opening is available, he/she may be selected to learn a trade. All efforts are made to involve the Youthful Offender in vocational training so that he/she can more readily secure employment upon release. Various work assignments, which may differ by institution, are utilized to help the Youthful Offender develop good work habits to assist him/her in retaining a job in the community. If enrolled in the educational program, he/she will attend vocational training half-days and attend educational classes half-days unless he/she has a high school diploma. A high school graduate will probably work at a

job assignment during the half-days he/she is not taking vocational training. Individuals not enrolled in either the educational program or vocational training will be assigned to a full-time job. It should be noted that he/she will be graded on work assignment performance as well as educational and vocational training.

Psychological Services may assist in determining individual treatment needs of Youthful Offenders. Youthful Offenders deemed to have severe emotional or psychiatric problems may be placed in the Psychiatric Unit. Youthful Offenders deemed retarded or severely socially deprived may be placed in the Special Learning Unit. The Pastoral Care Department is available to those Youthful Offenders who desire spiritual counseling or wish to attend worship services. Other special programs are available for related drug and alcohol counseling. Additionally, the Vocational Rehabilitation Department and other agencies actively counsel and provide services. Medical services will be provided as needed.

Youthful Offenders who meet specific criteria will be considered for participation in the 120-Day Accelerated Community Work Release Program four months prior to their release date. Youthful Offenders serving a minimum three-year sentence for Armed Robbery may be considered for the Regular One Year Work Release Program during the last year of incarceration. If disapproved at that time, they may be considered again for the 120-Day Accelerated Work Release Program.

Approval of Youthful Offenders for the Work Release Program is dependent upon their overall adjustment, recommendation by the institutional staff, approval by Youthful Offender Services, Community Services, and the availability of bedspace. During the first thirty (30) days of this program, the individual will participate in an orientation program at one of the Pre-release Centers prior to being transferred to a Work Release Center.

INSTITUTIONAL ADJUSTMENT

A Youthful Offender Caseworker is available at each institution to counsel and help the Youthful Offender to adjust to institutional life. The Youthful Offender receives daily services from the permanent staff of the institution and the intense involvement of the caseworker demonstrates the interest in and concern about his/her success in self-improvement.

The Youthful Offender Caseworker will answer questions regarding tentative review and release dates, Work Release eligibility dates and criteria for placement, sentences, transfers, etc. The Caseworker will apprise the Youthful Offender of the adjustment and progress necessary for parole in the minimum amount of time. The Youthful Offender Caseworker will monitor, document, and report on a Youthful Offender's progress and adjustment while incarcerated for program, treatment, and paroling purposes.

Youthful Offenders charged with institutional rules violations may appear before an Adjustment Committee hearing at which a Youthful Offender Caseworker will be present. If found guilty, his/her tentative parole review date may be extended. The specific amount of extension will be determined by the Youthful Offender Parole Review Board.

PAROLE AND AFTERCARE SERVICES

PURPOSE

The South Carolina Department of Corrections has the responsibility for the parole and aftercare supervision of all offenders sentenced under the Youthful Offender Act. The Act authorizes the Division to revoke an order of parole or conditional release, when this action is deemed necessary, and to return the Youthful Offender to a correctional institution for further treatment.

Parole is a release from confinement subject to supervision under rules and regulations following the serving of a portion of a court sentence in a correctional institution. Released Youthful Offenders are normally placed under the supervision of the Parole and Aftercare Services Section for a period of two years. All parolees with exemplary adjustment will be considered for possible early termination from parole after completing one year of supervision (minimum time required by law).

Parole Supervisors are responsible for providing constant, direct professional supervision for the Youthful Offenders, as well as organizing and developing the services of volunteers to assist in the aftercare supervision. The Section and Regional Supervisors of Presentence Parole and Aftercare provide administrative supervision, guidance, and direction to the Parole Supervisors who perform their assignments in their designated areas of the state. Parolees showing deviant or anti-social behavior are placed on maximum supervision. Parole Supervisors possess a knowledge of current constitutional rights for parolees and of the legal ramifications involved in supervision of Youthful Offender Parolees. Full investigations are conducted on all referrals or complaints made against parolees, whether minor or major in nature, and appropriate action is taken when indicated. Parole Supervisors recruit and supervise volunteers who assist parolees to readjust to community life. A good working relationship is maintained with community agencies such as Vocational Rehabilitation Offices, Mental Health Clinics, Tech Centers, Drug Treatment Centers, etc. to assist parolees on collateral treatment.

PRE—RELEASE INVESTIGATIONS AND PLANNING

Parole Supervisors interview Youthful Offenders and conduct pre-release community investigations for those cases in his geographic area and make necessary arrangements for Youthful Offenders to re-enter

communities by contacting families, friends, and interested agencies.

PAROLE REGULATIONS

The following is a partial list of the more significant rules and regulations which the Youthful Offender must accept as conditions of his release under supervised parole:

- (1) He will notify his Parole Supervisor immediately of any changes in residence or employment.
- (2) He will not leave the state without permission from his Parole Supervisor.
- (3) He will maintain or actively pursue gainful employment unless engaged in some other program approved by his Parole Supervisor.
- (4) He will make monthly written reports of his activities, and he will report personally to his Parole Supervisor as directed.
- (5) He will not drink alcoholic beverages to excess, and he will not purchase, possess, use or sell illegal drugs.
- (6) He will refrain from violation of any Federal, State or Municipal penal law.

A complete list of all conditions under which release is granted is contained in the Parolee's Certificate of Release to which he/she must agree prior to release following a complete explanation. They are not intended to be regimented, hard and fast regulations, but are utilized by the Parole Supervisor to encourage planning, thought and stability toward a productive community adjustment.

SUPERVISORY DUTIES OF PAROLE SUPERVISORS

Personal visits are made to parolees with a frequency of visits dictated by the progress of the individual parolee. Guidance, encouragement or corrective advice is given as needed. Contacts with parents, guardians, or interested parties also are made to determine and verify the progress of parolees.

Alleged violations of conditions of release are examined fully by Parole Supervisors and, after consultation with Regional and Section Supervisors, appropriate action is taken. Parole Supervisors are responsible for explaining their constitutional rights to parolees, and they must be innovative in exploring alternatives to recommitment of parolees to correctional institutions. If a warrant is deemed necessary, it is prepared under direction of the Supervisor of Pre-sentence, Parole and Aftercare after final authorization by the Chief of Youthful Offender Services.

PAROLE VOLUNTEER PROGRAM

As each Youthful Offender is interviewed and given parole instructions prior to release, the services of a volunteer worker are discussed. The Volunteer Worker should be an individual willing to accept the parolee's shortcomings and assist the parolee in problem areas. The following should aid the Volunteer in dealing with the Youthful Offender:

(1) **ACCEPTANCE** - This is the most important factor involved in rehabilitation. You must be able to accept the individual as he is. This may be difficult. Because of his background and environment he probably has a vastly different set of values than your own. If at any time during your relationship with the Youthful Offender you find that you cannot be accepting of him, you should not hesitate to discuss the situation

with a parole supervisor. If you do not like him, you cannot be effective in working with him. If you can accept him "as is," he will be aware of this acceptance and the basis for rehabilitation has been established.

(2) **ADVICE** - Be cautious in giving advice to the Youthful Offender. He has received much of this, and unless it is given from his point of view, it may fall on deaf ears. In other words, your method of solving a particular problem may not be the best way for him to solve a similar problem for himself. Advice is better received if it is sought.

(3) **LISTENING** - Hear the Youthful Offender out. Let him talk. Avoid the tendency to pass judgement and moralize. By being willing to listen, you will better understand him and his problems, his needs, his capabilities and his limitations. Determine his interests and encourage him to channel them and his energies into socially acceptable paths.

(4) **COMMUNICATION** - Talk to him on his level. Do not talk over his head. Use simple, non-technical language. Communication is one of the keys to developing a good working relationship. Always remember, actions speak louder than words. The Youthful Offender will readily recognize your sincerity or lack of it. It is not so important what you say, but how you say it.

GLOSSARY OF LEGAL TERMS

The below listed definitions are some of the more commonly used legal terms which may serve as a ready reference for those who are not familiar with legal terminology.

ACCESSORY - One who contributes to the commission of a crime; one who, though not present at the commission of an offense, becomes guilty of the offense as a participator. This participation may occur either before, during, or after the crime.

ACQUITTAL - The formal and legal certification of the innocence of a person who has been charged with a crime.

ADJUDICATION - Action of a court formally deciding or determining a case.

AFFIDAVIT - A voluntarily written statement of facts, given under oath and taken before an official authorized to administer such an oath.

APPEAL - The defendant in all criminal cases is entitled to have his case held by a higher court if he can show that there was error in either the facts presented or the law applied in his previous trial.

ARRAIGNMENT — A procedural device whereby an accused is brought before a judge before his trial and informed of what charges are being brought against him. He is then asked to state whether he will plead guilty or not guilty at his trial. The trial is held after the arraignment.

ASSAULT - An intentional unlawful threat of bodily harm to another by force. An unlawful act which places another in reasonable fear of receiving immediate physical harm (battery).

ASSAULT AND BATTERY OF A HIGH AND AGGRAVATED NATURE - The unlawful and violent injuring of another person, accompanied by aggravating circumstances, such as the use of a deadly weapon.

ATTEMPT - An attempted crime is one in which the

intent to commit the crime is combined with the failure to successfully carry it out. Common offenses in this area include: attempted robbery, assault, auto theft, burglary, forcible entry, larceny, purse snatch, rape, robbery and strong-arm robbery.

BAIL (BOND) - To procure the release of a person from legal custody by guaranteeing that he shall appear at the time and place designated and submit himself to the jurisdiction and judgment of the court.

BATTERY - Any unlawful beating or other wrongful physical violence or constraint, inflicted on another human being without his consent.

CRIMINAL CONTEMPT - An act which is disrespectful to court or is calculated to obstruct the administration of justice.

DEFENDANT - A person summoned by a court to answer a charge or complaint, in any species of action, civil or criminal.

DETAINER - A written order from an authorized officer to a jail or correctional institution, authorizing the stated institution to hold the offender pending future action on additional charges.

DUE PROCESS - This term refers to the criteria for fundamental justice which cannot be denied in any court of law. It involves the exercise of the legal powers of the government, but under the safeguards and protections of individual rights as set up under the U.S. Constitution.

EMBEZZLEMENT - The fraudulent misappropriation of money or property for one's own personal use or benefit when it had been entrusted to one's care or custody as a clerk, trustee, agent, or public official.

EXTRADITION - An obligation, though it cannot be enforced, that the state into which a fugitive has fled, deliver the fugitive back to the state which has jurisdiction of the crime.

FELONY - A major criminal offense that is punishable by death, imprisonment, or a heavy fine. Some common examples of felonies are: assault and battery, rape, bigamy, kidnapping, arson, burglary, larceny, embezzlement, robbery, counterfeiting, bribery, manslaughter, and murder.

FORGERY - Falsely making or materially altering any writing with intent to defraud.

FRAUD - A general term synonymous with bad faith, dishonesty, infidelity, unfairness, cheating, deceit, etc. Usually refers to deceitful conversation and obtaining money or property by false pretenses, or a deceitful and false representation of fact.

GRAND JURY - A jury of inquiry who hears complaints and accusations in criminal cases and decides whether the case ought to be tried. If they decide that it should, they ask a "true bill" of indictment, often simply call a "true bill." If they decide there is not enough evidence to try the accused, the indictment is said to be quashed.

HABEAS CORPUS - This act is considered the great constitutional guarantee of personal liberty. It requires the release of the accused unless just cause for detention can be shown to the satisfaction of the court.

HABITUAL OFFENDER - Generally, one who is subject to police surveillance and arrest on suspicion because of his previous criminal record and lack of honest employment.

HOMICIDE - The killing of any human creature; the act

of a human being taking away the life of another human being. Excusable homicide refers to the killing of a human being either by misadventure or self-defense. Justifiable homicide is committed intentionally, but without evil design, under necessity or duty, and done blamelessly, as in an official lawfully executing a death sentence or in order to prevent an otherwise unavoidable felony. Felonious homicide is the wrongful killing of a human being without justification or excuse in law; there are two degrees of felonious homicide, manslaughter and murder. Manslaughter is the unlawful killing of another without malice. It may be either voluntary, as in the sudden heat of passion, or involuntary, as when there is not intention to kill or commit an unlawful act of great bodily harm. Murder is distinguished from manslaughter in that malice and aforethought, either expressed or implied, is its very essence. First degree murder includes the elements of deliberate and premeditated design, and accompanying the commission of some of the more destructive felonies. Second degree murder carries with it a purpose to kill, formed instantaneously in the mind, and a lack of justification, excuse or provocation.

INCARCERATION - Imprisonment; confinement in a jail or penitentiary.

INDETERMINATE SENTENCE - An offender is sentenced to a correctional institution for an indefinite period of time, but usually not to exceed a set maximum number of years.

INDICTMENT - An accusation in writing found and presented by a Grand Jury, to the court, charging a person therein named has done some act which, by law, is a crime.

LARCENY - Unlawfully stealing the property or goods of another person with intent of converting the property to

the taker's use. Grand larceny, a felony, involves property valued above a certain amount which varies among the states (in South Carolina that amount is \$50.00). Petit larceny involves goods valued below a certain arbitrary standard which is \$50.00 in South Carolina. Robbery, which involves the elements of force and fear in taking property or money from the person of another, is a subcategory of larceny. Strong-arm robbery involves a weaponless offender; highway robbery occurs on or near a public highway. Synonymous with larceny are the terms "stealing and "theft."

MAGISTRATE - Magistrates are judges of courts whose jurisdiction involves petty crimes not punishable by imprisonment more than 30 days. Magistrates also issue arrest warrants and search warrants for good cause shown by citizens and police.

MISDEMEANOR - A lower offense than a felony, generally punishable by fine or imprisonment (other than in the penitentiary). Misdemeanors include all indictable offenses which do not amount to felony, such as libel, conspiracy, attempts, solicitations to commit felonies, traffic violations, public drunkenness, simple assault, gambling and disorderly conduct.

NOTARY PUBLIC - An official authorized to certify or attest documents, take depositions, affidavits, administer oaths, and to perform certain other commercial related task.

PAROLE - A release under parole supervision of a convicted law violator after having served a portion of his sentence in a correctional institution.

PERJURY - A felony which involves deliberate lying under oath.

PLAINTIFF - The person who brings a suit in a court of law.

PLEA BARGAINING - An agreement between the prosecuting officer and the defendant whereby the defendant pleads guilty and receives a reduced sentence. This procedure is subject to the court's approval.

PRE-PAROLE INVESTIGATION - A report prepared by the parole supervisor on the post release plans for the offender about to be released.

PRESENTENCE INVESTIGATION - A personal diagnostic study and community investigation presented to the judge at his request to help in determining an appropriate sentence.

PROBATION - A convicted law violator allowed to remain in free society while under supervision in lieu of serving a sentence in a correctional institution.

PUBLIC DEFENDER - An attorney employed at public expense to defend poor or destitute persons who have been accused of crimes.

RECIDIVISM - Reconviction of a criminal; this serves as a measure of correctional effectiveness. A recidivist is an habitual criminal.

REVOCAION OF PAROLE - Action taken in conjunction with re-confinement of offender as a result of violation of parole conditions.

SOLICITOR - Also call the prosecuting attorney, the solicitor is an elected official who acts in each circuit for the state in prosecuting criminals.

SUBPOENA - A written legal order directing a person to appear in court to give testimony, produce specified records, etc.

SUMMONS - A legal order directing a person to appear in court as a defendant to answer a suit which has been brought against him.

TRUE BILL - A grand jury decision which is a bill of indictment. It indicates that sufficient evidence has been received to warrant a trial. Upon issuance of a "true bill," the suspect is held for trial. On the contrary, a "no bill" decision results in the release of the accused for lack of evidence to constitute a valid case against him.

VANDALISM - Willful or malicious destruction, injury or defacement of public or private property.

VERDICT - The formal finding of a jury usually composed of 12 persons on the evidence presented them in a court trial. Each juror acts independently and voluntarily in forming his conclusion of guilty or not guilty. In most states, a unanimous verdict is required, but in a few states, a lesser number such as three-fourths will convict, but never in capital cases.

WARRANT - Usually a writ or certificate issued by a magistrate or other authority, addressed to a sheriff or other officer, requiring him to arrest a certain person and bring him before the magistrate or court to answer some offense he is charged with.

YOUTHFUL OFFENDER - All male and female offenders who are between the ages of 17 and 21 that are committed to the Department of Corrections under the Youthful Offender Act. (A person between the ages of 21 and 25 can be committed under the act, but only with their written consent.)

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