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**ANNUAL REPORT
1980-1981**

**SOUTH CAROLINA
PAROLE AND COMMUNITY
CORRECTIONS BOARD**



Printed Under the Direction of the
State Budget and Control Board

81871

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1980-1981 NCJRS

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✓ SOUTH CAROLINA

ACCOLATIONS

PAROLE AND COMMUNITY CORRECTIONS BOARD



Printed Under the Direction of the
State Budget and Control Board

U.S. Department of Justice
National Institute of Justice

81871

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LETTER OF TRANSMITTAL SOUTH CAROLINA PAROLE AND COMMUNITY CORRECTIONS 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 Fortieth Annual Report covering the actions of South Carolina Parole and Community Corrections Board for the period July 1, 1980 through June 30, 1981.

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-

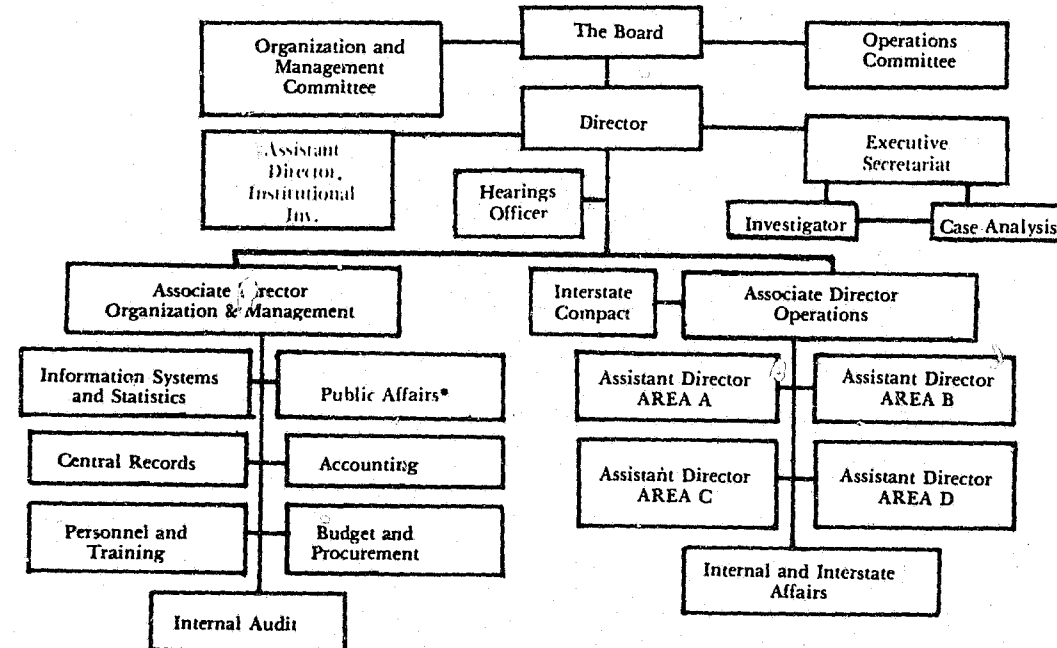
proaches. For this reason we have worked closely with available educational and community resources.

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)

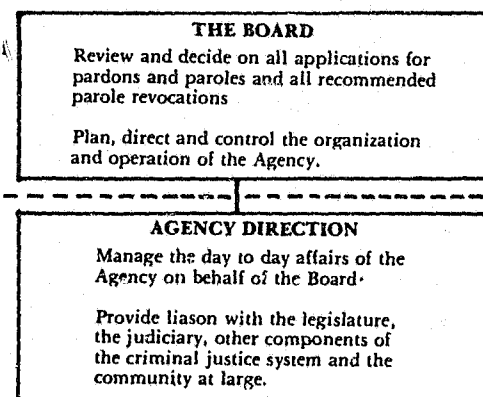
On June 15, 1981 Governor Riley approved Bill #S234 changing our name to Parole and Community Corrections Board, among other things. Refer to Title 24, Chapter 21 for amendments, as well as Chapter 23, for additional responsibilities. We will be referred to in the future as Parole and Community Corrections Board.

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.



ORGANIZATION AND MANAGEMENT

Provide the agency managers with the intelligence necessary to make informed decisions with respect to the disposition of resources under their control.

Provide administrative support to the Board.

Provide accounting, budgetary, personnel management, statistical, systems, training, public affairs and central record services for the agency.

OPERATIONS

Oversee and direct the probation, parole and pardon activities of the agency.

Provide the Board with the intelligence necessary to make informed parole and pardon decisions.

ALL FIELD OFFICES

Conduct all investigations.

Provide counselling, referral and supervisory services to all probationers and parolees within the state.

Develop community resources.

STATE OF SOUTH CAROLINA PAROLE AND COMMUNITY CORRECTIONS 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 and Community Corrections 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 Parole and Community Corrections Board considered 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

Parole criteria has been amended to conform with new law.

An investigation will be conducted by the staff of the Board to compile the information as outlined above to be considered by the 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 PAROLE AND COMMUNITY CORRECTIONS 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.
12. In accordance with the Appropriation Act of 1980, as passed by the General Assembly, I shall pay a supervision fee of \$120.00 per year.

The following tables depict the parole activity within South Carolina for FY 1981. The total number of cases reviewed by the Parole Board was 2908.

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 '81

| County | White | Black | Race | | Other | Male | Female | 20 < Under | 21-25 | 26-35 | 36-50 | 51 < Over | Total |
|--------------|-------|-------|--------|---------|-------|------|--------|------------|-------|-------|-------|-----------|-------|
| | | | Indian | Chnese. | | | | | | | | | |
| Abbeville | 4 | 10 | 0 | 0 | 0 | 11 | 3 | 3 | 2 | 5 | 3 | 1 | 14 |
| Aiken | 19 | 18 | 0 | 0 | 0 | 37 | 0 | 6 | 18 | 7 | 5 | 1 | 37 |
| Allendale | 1 | 7 | 0 | 0 | 0 | 6 | 2 | 1 | 3 | 2 | 1 | 1 | 8 |
| Anderson | 42 | 24 | 0 | 0 | 0 | 65 | 1 | 18 | 20 | 16 | 11 | 1 | 66 |
| Bamberg | 3 | 5 | 0 | 0 | 0 | 7 | 1 | 0 | 1 | 3 | 3 | 1 | 8 |
| Barnwell | 3 | 3 | 0 | 0 | 0 | 6 | 1 | 1 | 1 | 4 | 0 | 0 | 6 |
| Beaufort | 19 | 14 | 0 | 0 | 0 | 27 | 6 | 3 | 16 | 11 | 2 | 1 | 33 |
| Berkeley | 9 | 12 | 0 | 0 | 0 | 20 | 1 | 3 | 8 | 7 | 3 | 0 | 21 |
| Calhoun | 3 | 4 | 0 | 0 | 0 | 7 | 0 | 1 | 3 | 2 | 1 | 0 | 7 |
| Charleston | 50 | 87 | 0 | 0 | 0 | 129 | 8 | 31 | 48 | 44 | 7 | 7 | 137 |
| Cherokee | 16 | 4 | 0 | 0 | 0 | 20 | 0 | 2 | 8 | 6 | 2 | 2 | 20 |
| Chester | 6 | 8 | 0 | 0 | 0 | 14 | 0 | 2 | 3 | 4 | 4 | 1 | 14 |
| Chesterfield | 5 | 5 | 0 | 0 | 0 | 9 | 1 | 2 | 4 | 4 | 0 | 0 | 10 |
| Clarendon | 4 | 7 | 0 | 0 | 0 | 11 | 0 | 1 | 3 | 4 | 2 | 1 | 11 |
| Colleton | 4 | 8 | 0 | 0 | 0 | 12 | 0 | 2 | 4 | 4 | 2 | 0 | 12 |
| Darlington | 7 | 11 | 0 | 0 | 0 | 17 | 1 | 1 | 6 | 8 | 3 | 0 | 18 |
| Dillon | 3 | 3 | 0 | 0 | 0 | 6 | 0 | 3 | 2 | 1 | 0 | 0 | 6 |
| Dorchester | 6 | 6 | 0 | 0 | 0 | 11 | 1 | 4 | 2 | 4 | 2 | 0 | 12 |
| Edgefield | 1 | 9 | 0 | 0 | 0 | 10 | 0 | 4 | 2 | 3 | 1 | 0 | 10 |
| Fairfield | 3 | 5 | 0 | 0 | 0 | 8 | 4 | 0 | 4 | 3 | 0 | 1 | 8 |
| Florence | 23 | 35 | 0 | 0 | 0 | 54 | 4 | 14 | 17 | 21 | 5 | 1 | 58 |
| Georgetown | 10 | 11 | 0 | 0 | 0 | 20 | 1 | 5 | 8 | 5 | 2 | 1 | 21 |
| Greenville | 119 | 92 | 0 | 0 | 0 | 201 | 10 | 47 | 81 | 61 | 18 | 4 | 211 |
| Greenwood | 9 | 9 | 0 | 0 | 0 | 17 | 1 | 3 | 5 | 7 | 2 | 1 | 18 |
| Hampton | 2 | 1 | 0 | 0 | 0 | 3 | 0 | 1 | 1 | 0 | 1 | 0 | 3 |

TABLE I (Continued)
PAROLES GRANTED BY COUNTY ACCORDING TO RACE, SEX, AGE
FY '81

| County | Race | | | | | Sex | | 20 < Under | 21- 25 | Age | | 51 < Over | Total |
|---------------------------|-------|-------|--------|--------|--------|-------|-------|------------|--------|--------|--------|-----------|-------|
| | White | Black | Indian | Chnse. | Jpnse. | Other | Male | Female | | 26- 35 | 36- 50 | | |
| Horry | 34 | 32 | 0 | 0 | 0 | 0 | 63 | 3 | 20 | 23 | 9 | 1 | 66 |
| Jasper | 7 | 4 | 0 | 0 | 0 | 0 | 9 | 2 | 4 | 3 | 1 | 0 | 11 |
| Kershaw | 6 | 9 | 0 | 0 | 0 | 0 | 15 | 0 | 6 | 3 | 3 | 1 | 15 |
| Lancaster | 14 | 13 | 0 | 0 | 0 | 0 | 26 | 1 | 9 | 7 | 3 | 2 | 27 |
| Laurens | 10 | 7 | 0 | 0 | 0 | 0 | 16 | 1 | 6 | 7 | 1 | 0 | 17 |
| Lee | 3 | 1 | 0 | 0 | 0 | 0 | 3 | 1 | 0 | 2 | 2 | 0 | 4 |
| Lexington | 25 | 18 | 0 | 0 | 0 | 0 | 40 | 3 | 19 | 12 | 5 | 2 | 43 |
| McCormick | 1 | 4 | 0 | 0 | 0 | 0 | 5 | 0 | 3 | 2 | 0 | 0 | 5 |
| Marion | 7 | 10 | 0 | 0 | 0 | 0 | 17 | 0 | 4 | 3 | 5 | 0 | 17 |
| Marlboro | 10 | 11 | 0 | 0 | 0 | 0 | 21 | 0 | 6 | 6 | 1 | 3 | 21 |
| Newberry | 6 | 15 | 0 | 0 | 0 | 0 | 20 | 1 | 9 | 7 | 3 | 0 | 21 |
| Oconee | 14 | 2 | 0 | 0 | 0 | 0 | 16 | 0 | 4 | 5 | 3 | 1 | 13 |
| Orangeburg | 5 | 26 | 0 | 0 | 0 | 0 | 31 | 0 | 10 | 15 | 0 | 1 | 31 |
| Pickens | 50 | 10 | 0 | 0 | 0 | 0 | 57 | 3 | 24 | 20 | 7 | 4 | 60 |
| Richland | 44 | 91 | 1 | 0 | 0 | 0 | 121 | 15 | 53 | 53 | 16 | 2 | 136 |
| Saluda | 2 | 2 | 0 | 0 | 0 | 0 | 4 | 0 | 1 | 1 | 0 | 0 | 4 |
| Spartanburg | 47 | 44 | 0 | 0 | 0 | 0 | 87 | 4 | 32 | 30 | 8 | 5 | 91 |
| Sumter | 12 | 20 | 0 | 0 | 0 | 0 | 27 | 5 | 10 | 13 | 4 | 1 | 32 |
| Union | 12 | 12 | 0 | 0 | 0 | 0 | 23 | 1 | 6 | 6 | 5 | 0 | 24 |
| Williamsburg | 2 | 8 | 0 | 0 | 0 | 0 | 10 | 0 | 1 | 2 | 3 | 1 | 10 |
| York | 38 | 40 | 0 | 0 | 0 | 0 | 75 | 3 | 29 | 13 | 7 | 3 | 78 |
| Grand Total | 720 | 777 | 1 | 0 | 0 | 0 | 1,414 | 84 | 526 | 469 | 166 | 52 | 1,498 |
| Percentage of Total | 48.0 | 51.8 | 0.0 | 0.0 | 0.0 | 0.0 | 94.3 | 5.6 | 35.1 | 31.3 | 11.0 | 3.4 | |

TABLE II
FREQUENCY OF PAROLE REVOCATION
FY 1981

| | | |
|---|----|------------------------|
| Revoked within the first three months . | 14 | 0.93% of total paroled |
| Revoked within the first six months ... | 23 | 1.54% of total paroled |
| Revoked within the first year | 71 | 4.74% of total paroled |

TABLE III
TOTAL NUMBER OF PAROLE REVOCATIONS BY COUNTY
FY 1981

| County | Revocations | County | Revocations |
|--------------------|-------------|--------------------------|-------------|
| Abbeville | 1 | Greenwood | 4 |
| Aiken | 13 | Hampton | 0 |
| Allendale | 0 | Horry | 2 |
| Anderson | 7 | Jasper | 0 |
| Bamberg | 1 | Kershaw | 0 |
| Barnwell | 1 | Lancaster | 0 |
| Beaufort | 1 | Laurens | 4 |
| Berkeley | 1 | Lee | 1 |
| Calhoun | 0 | Lexington | 8 |
| Charleston | 20 | McCormick | 1 |
| Cherokee | 3 | Marion | 2 |
| Chester | 2 | Marlboro | 3 |
| Chesterfield | 0 | Newberry | 1 |
| Clarendon | 0 | Oconee | 5 |
| Colleton | 1 | Orangeburg | 4 |
| Darlington | 6 | Pickens | 14 |
| Dillon | 1 | Richland | 49 |
| Dorchester | 1 | Saluda | 0 |
| Edgefield | 2 | Spartanburg | 25 |
| Fairfield | 1 | Sumter | 2 |
| Florence | 8 | Union | 1 |
| Georgetown | 4 | Williamsburg | 2 |
| Greenville | 57 | York | 7 |
| | | Out of State | 27 |
| | | TOTAL | 293 |
| | | Revoked Absconders | 59 |
| | | GRAND TOTAL | 352 |

PAROLE REVOCATION PRELIMINARY HEARINGS

| | |
|-------------------------|----|
| 3rd Quarter, 1980 | 29 |
| 4th Quarter, 1980 | 20 |

| | |
|-------------------------|-----|
| 1st Quarter, 1981 | 35 |
| 2nd Quarter, 1981 | 28 |
| TOTAL | 112 |

TABLE IV
PAROLE TERMINATIONS BY CATEGORY
FY 1981

| | | | |
|---------------------------|-------|---------------------------------|----|
| Expirations | 766 | Expungements | 0 |
| Revocations | 293 | Terminated by Court Order | 0 |
| Terminated by Death | 40 | Discharged by Pardons | 27 |
| TOTAL | 1,126 | | |

TABLE V
EDUCATIONAL CLASSIFICATION OF PAROLEES
FY 1981

| Education Level | Male | Female | Total |
|------------------------------------|-------|--------|-------|
| None | 10 | 0 | 10 |
| First Grade | 3 | 0 | 3 |
| Second Grade | 8 | 0 | 8 |
| Third Grade | 19 | 0 | 19 |
| Fourth Grade | 26 | 2 | 28 |
| Fifth Grade | 24 | 1 | 25 |
| Sixth Grade | 50 | 5 | 55 |
| Seventh Grade | 72 | 1 | 73 |
| Eighth Grade | 138 | 5 | 143 |
| Ninth Grade | 209 | 14 | 223 |
| Tenth Grade | 269 | 17 | 286 |
| Eleventh Grade | 184 | 9 | 193 |
| Twelfth Grade | 144 | 9 | 153 |
| High School Graduate | 185 | 12 | 197 |
| First Year Technical School | 12 | 0 | 12 |
| Second Year Technical School | 9 | 2 | 11 |
| Third Year Technical School | 0 | 0 | 0 |
| Fourth Year Technical School | 1 | 0 | 1 |
| Technical School Graduate | 2 | 0 | 2 |
| First Year College | 19 | 4 | 23 |
| Second Year College | 16 | 1 | 17 |
| Third Year College | 7 | 1 | 8 |
| Fourth Year College | 5 | 0 | 5 |
| College Graduate | 2 | 1 | 3 |
| TOTAL | 1,414 | 84 | 1,498 |

Percentages

| | |
|--------------------------|--------------|
| None | 10 or 0.7% |
| Elementary School | 138 or 9.2% |
| Junior High School | 439 or 29.3% |
| High School | 829 or 55.3% |
| Technical School | 26 or 1.7% |
| College | 56 or 3.7% |

TABLE VI
OFFENSE CLASSIFICATION OF PAROLEES ACCORDING TO SEX, RACE, AGE
FY '81

| Offense | Sex | | | Race | | | 20 & Under | | | Over 20 | | | Total | |
|-------------------------------|-------|--------|-------|-------|-------|-------|------------|-------|-------|---------|-------|-------|-------|-------|
| | Male | Female | White | Black | All | | White | Black | Other | Total | White | Black | | Other |
| | | | | | Other | Total | | | | | | | | |
| Homicide..... | 192 | 24 | 80 | 136 | 0 | 5 | 12 | 0 | 17 | 75 | 124 | 0 | 199 | |
| Kidnapping..... | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | |
| Sexual Assault..... | 27 | 0 | 10 | 16 | 1 | 0 | 3 | 0 | 3 | 10 | 13 | 1 | 24 | |
| Robbery..... | 167 | 4 | 51 | 120 | 0 | 16 | 36 | 0 | 52 | 35 | 84 | 0 | 119 | |
| Assault..... | 133 | 5 | 59 | 79 | 0 | 10 | 10 | 0 | 20 | 49 | 69 | 0 | 118 | |
| Arson..... | 4 | 1 | 5 | 0 | 0 | 3 | 0 | 0 | 3 | 2 | 0 | 0 | 2 | |
| Extortion..... | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | |
| Burglary..... | 364 | 1 | 194 | 171 | 0 | 64 | 39 | 0 | 103 | 130 | 132 | 0 | 262 | |
| Larceny..... | 132 | 8 | 74 | 66 | 0 | 23 | 23 | 0 | 46 | 51 | 43 | 0 | 94 | |
| Stolen Vehicle..... | 19 | 1 | 14 | 6 | 0 | 4 | 3 | 0 | 7 | 10 | 3 | 0 | 13 | |
| Forgery and Counterfeiting... | 77 | 60 | 30 | 47 | 0 | 4 | 5 | 0 | 9 | 26 | 42 | 0 | 68 | |
| Fraudulent Activity..... | 19 | 10 | 12 | 7 | 0 | 1 | 0 | 0 | 1 | 11 | 7 | 0 | 18 | |
| Embezzlement..... | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | |
| Stolen Property..... | 46 | 4 | 26 | 24 | 0 | 5 | 1 | 0 | 6 | 21 | 23 | 0 | 44 | |
| Damage Property..... | 6 | 0 | 5 | 1 | 0 | 0 | 1 | 0 | 1 | 5 | 0 | 0 | 5 | |
| Dangerous Drugs..... | 157 | 8 | 100 | 65 | 0 | 5 | 2 | 0 | 7 | 95 | 63 | 0 | 158 | |
| Sex Offenses..... | 14 | 1 | 9 | 6 | 0 | 2 | 2 | 0 | 4 | 7 | 4 | 0 | 11 | |
| Obscenity..... | 2 | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 1 | |
| Family Offenses..... | 3 | 2 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 3 | |
| Obstructing Justice..... | 2 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | 1 | 0 | 1 | |
| Bribery..... | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | |
| Weapon Offenses..... | 10 | 0 | 6 | 4 | 0 | 1 | 0 | 0 | 1 | 5 | 4 | 0 | 9 | |
| Traffic Offenses..... | 55 | 0 | 36 | 19 | 0 | 1 | 1 | 0 | 2 | 35 | 18 | 0 | 53 | |
| Health-Safety..... | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | |
| Invasion of Privacy..... | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | |
| Grand Total..... | 1,498 | 1,414 | 84 | 720 | 777 | 1 | 147 | 138 | 0 | 285 | 573 | 639 | 1,213 | |

PROBATION

The South Carolina Parole and Community Corrections 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.
13. In accordance with the Appropriation Act of 1980, as passed by the General Assembly, I shall pay a supervision fee of \$120.00 per year.

The ensuing tables reflect the probation activity for FY 1981. 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 1981**

| <i>Counties</i> | <i>Total Processed</i> | <i>Total Receiving Probation</i> |
|---------------------|----------------------------|--|
| Abbeville | 296 | 81 |
| Aiken | 369 | 172 |
| Allendale | 69 | 41 |
| Anderson | 490 | 261 |
| Bamberg | 125 | 48 |
| Barnwell | 109 | 43 |
| Beaufort | 281 | 178 |
| Berkeley | 294 | 164 |
| Calhoun | 74 | 40 |
| Charleston | 991 | 611 |
| Cherokee | 447 | 313 |
| Chester | 266 | 164 |
| Chesterfield | 361 | 85 |
| Clarendon | 308 | 163 |
| Colleton | 168 | 89 |
| Darlington | 487 | 263 |
| Dillon | 287 | 108 |
| Dorchester | 306 | 127 |
| Edgefield | 142 | 43 |
| Fairfield | 238 | 122 |
| Florence | 1,110 | 619 |
| Georgetown | 292 | 84 |
| Greenville | 2,025 | 936 |
| Greenwood | 647 | 281 |
| Hampton | 70 | 19 |
| Horry | 864 | 379 |
| Jasper | 83 | 54 |
| Kershaw | 288 | 108 |
| Lancaster | 325 | 210 |
| Laurens | 372 | 184 |
| Lee | 177 | 84 |
| Lexington | 852 | 420 |
| McCormick | 106 | 41 |
| Marion | 265 | 165 |
| Marlboro | 429 | 143 |
| Newberry | 380 | 140 |
| Oconee | 211 | 90 |
| Orangeburg | 394 | 214 |
| Pickens | 839 | 227 |
| Richland | 1,899 | 848 |
| Saluda | 145 | 43 |
| Spartanburg | 1,684 | 888 |
| Sumter | 661 | 368 |
| Union | 273 | 146 |
| Williamsburg | 147 | 103 |
| York | 2,084 | 389 |
| TOTALS | 22,640 | 10,299 |

TABLE VIII
PROBATION RECEIVED BY COUNTY ACCORDING TO RACE, SEX, AGE
FY 1981

| County | Race | | | | | | Sex | | 20 & Under | 21-25 | Age | | | Total |
|------------------|-------|-------|--------|--------|--------|-------|------|--------|------------|-------|-------|-------|-----------|-------|
| | White | Black | Indian | Chnse. | Jpnse. | Other | Male | Female | | | 26-35 | 36-50 | 51 & Over | |
| Abbeville..... | 47 | 34 | 0 | 0 | 0 | 0 | 73 | 8 | 13 | 26 | 26 | 11 | 5 | 81 |
| Aiken | 112 | 60 | 0 | 0 | 0 | 0 | 155 | 17 | 30 | 41 | 50 | 40 | 11 | 172 |
| Allendale..... | 10 | 31 | 0 | 0 | 0 | 0 | 40 | 1 | 9 | 8 | 11 | 9 | 4 | 41 |
| Anderson..... | 188 | 73 | 0 | 0 | 0 | 0 | 236 | 25 | 61 | 75 | 67 | 41 | 17 | 261 |
| Bamberg | 15 | 33 | 0 | 0 | 0 | 0 | 46 | 2 | 8 | 12 | 10 | 14 | 4 | 48 |
| Barnwell | 16 | 27 | 9 | 0 | 0 | 0 | 41 | 2 | 8 | 12 | 14 | 6 | 3 | 43 |
| Beaufort | 111 | 67 | 0 | 0 | 0 | 0 | 161 | 17 | 27 | 64 | 61 | 20 | 6 | 178 |
| Berkeley | 112 | 50 | 0 | 0 | 0 | 2 | 155 | 9 | 49 | 37 | 39 | 29 | 10 | 164 |
| Calhoun..... | 6 | 34 | 0 | 0 | 0 | 0 | 40 | 0 | 7 | 11 | 8 | 10 | 4 | 40 |
| Charleston | 325 | 283 | 0 | 0 | 0 | 3 | 535 | 76 | 172 | 170 | 175 | 69 | 25 | 611 |
| Cherokee | 243 | 70 | 0 | 0 | 0 | 0 | 288 | 25 | 70 | 61 | 79 | 83 | 20 | 313 |
| Chester | 72 | 92 | 0 | 0 | 0 | 0 | 153 | 11 | 33 | 41 | 46 | 34 | 10 | 164 |
| Chesterfield ... | 43 | 42 | 0 | 0 | 0 | 0 | 80 | 5 | 29 | 17 | 23 | 10 | 6 | 85 |
| Clarendon | 44 | 119 | 0 | 0 | 0 | 0 | 152 | 11 | 26 | 35 | 57 | 29 | 16 | 163 |
| Colleton | 45 | 44 | 0 | 0 | 0 | 0 | 84 | 5 | 14 | 26 | 25 | 14 | 10 | 89 |
| Darlington | 142 | 121 | 0 | 0 | 0 | 0 | 231 | 32 | 65 | 48 | 58 | 73 | 19 | 263 |
| Dillon | 63 | 41 | 4 | 0 | 0 | 0 | 98 | 10 | 30 | 28 | 28 | 16 | 6 | 108 |
| Dorchester | 84 | 43 | 0 | 0 | 0 | 0 | 117 | 10 | 31 | 30 | 34 | 22 | 10 | 127 |
| Edgefield | 17 | 26 | 0 | 0 | 0 | 0 | 39 | 4 | 13 | 8 | 14 | 6 | 2 | 43 |
| Fairfield | 42 | 80 | 0 | 0 | 0 | 0 | 116 | 6 | 18 | 18 | 35 | 35 | 16 | 122 |
| Florence | 347 | 272 | 0 | 0 | 0 | 0 | 562 | 57 | 113 | 171 | 186 | 114 | 35 | 619 |

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| | | | | | | | | | | | | | | |
|---------------------------|-------|-------|-----|-----|-----|-----|-------|-------|-------|-------|-------|-------|-----|--------|
| Georgetown ... | 43 | 41 | 0 | 0 | 0 | 0 | 74 | 10 | 15 | 16 | 24 | 21 | 8 | 84 |
| Greenville | 633 | 302 | 0 | 0 | 0 | 1 | 807 | 129 | 241 | 262 | 253 | 132 | 48 | 936 |
| Greenwood | 147 | 134 | 0 | 0 | 0 | 0 | 264 | 17 | 82 | 59 | 77 | 47 | 16 | 281 |
| Hampton | 12 | 7 | 0 | 0 | 0 | 0 | 18 | 1 | 2 | 5 | 6 | 4 | 2 | 19 |
| Horry..... | 283 | 96 | 0 | 0 | 0 | 0 | 356 | 23 | 121 | 91 | 103 | 48 | 16 | 379 |
| Jasper..... | 21 | 32 | 0 | 0 | 0 | 1 | 51 | 3 | 7 | 16 | 18 | 9 | 4 | 54 |
| Kershaw | 51 | 56 | 0 | 0 | 0 | 1 | 102 | 6 | 27 | 23 | 25 | 20 | 13 | 108 |
| Lancaster | 135 | 75 | 0 | 0 | 0 | 0 | 196 | 14 | 67 | 48 | 63 | 25 | 7 | 210 |
| Laurens | 95 | 88 | 0 | 0 | 0 | 1 | 168 | 16 | 33 | 48 | 62 | 31 | 10 | 184 |
| Lee | 30 | 54 | 0 | 0 | 0 | 0 | 77 | 7 | 16 | 19 | 32 | 8 | 9 | 84 |
| Lexington | 349 | 71 | 0 | 0 | 0 | 0 | 376 | 44 | 107 | 129 | 100 | 56 | 28 | 420 |
| McCormick.... | 18 | 23 | 0 | 0 | 0 | 0 | 31 | 10 | 8 | 10 | 10 | 8 | 5 | 41 |
| Marion | 75 | 88 | 2 | 0 | 0 | 0 | 136 | 29 | 23 | 32 | 56 | 38 | 16 | 165 |
| Marlboro | 76 | 67 | 0 | 0 | 0 | 0 | 131 | 12 | 32 | 35 | 42 | 26 | 8 | 143 |
| Newberry | 62 | 78 | 0 | 0 | 0 | 0 | 123 | 17 | 32 | 28 | 53 | 20 | 7 | 140 |
| Oconee | 76 | 14 | 0 | 0 | 0 | 0 | 85 | 5 | 17 | 26 | 27 | 11 | 9 | 90 |
| Orangeburg ... | 100 | 114 | 0 | 0 | 0 | 0 | 191 | 23 | 42 | 52 | 64 | 41 | 15 | 214 |
| Pickens | 193 | 34 | 0 | 0 | 0 | 0 | 189 | 38 | 60 | 64 | 60 | 31 | 12 | 227 |
| Richland | 344 | 501 | 0 | 0 | 1 | 2 | 746 | 102 | 180 | 228 | 257 | 137 | 46 | 848 |
| Saluda | 19 | 24 | 0 | 0 | 0 | 0 | 38 | 5 | 7 | 10 | 15 | 9 | 2 | 43 |
| Spartanburg ... | 594 | 288 | 1 | 0 | 0 | 5 | 800 | 88 | 247 | 228 | 228 | 142 | 43 | 888 |
| Sumter | 172 | 196 | 0 | 0 | 0 | 0 | 331 | 37 | 76 | 77 | 115 | 68 | 32 | 368 |
| Union..... | 82 | 64 | 0 | 0 | 0 | 0 | 135 | 11 | 56 | 35 | 28 | 24 | 3 | 146 |
| Williamsburg .. | 29 | 74 | 0 | 0 | 0 | 0 | 93 | 10 | 16 | 30 | 32 | 17 | 8 | 103 |
| York | 227 | 162 | 0 | 0 | 0 | 0 | 338 | 51 | 128 | 103 | 95 | 55 | 8 | 389 |
| GRAND TOTAL . | 5,950 | 4,325 | 7 | 0 | 1 | 16 | 9,258 | 1,041 | 2,468 | 2,613 | 2,891 | 1,713 | 614 | 10,299 |
| Percentage of Total | 57.7 | 41.9 | 0.0 | 0.0 | 0.0 | 0.1 | 89.8 | 10.1 | 23.9 | 25.3 | 28.0 | 16.6 | 5.9 | |

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TABLE IX
PROBATION REVOCATIONS BY COUNTY
FY 1981

| County | Revocations | County | Revocations |
|--------------------|-------------|--------------------|-------------|
| Abbeville | 5 | Hampton | 0 |
| Aiken | 24 | Horry | 10 |
| Allendale | 3 | Jasper | 0 |
| Anderson | 40 | Kershaw | 7 |
| Bamberg | 1 | Lancaster | 9 |
| Barnwell | 2 | Laurens | 24 |
| Beaufort | 9 | Lee | 1 |
| Berkeley | 2 | Lexington | 11 |
| Calhoun | 1 | McCormick | 1 |
| Charleston | 19 | Marion | 12 |
| Cherokee | 14 | Marlboro | 5 |
| Chester | 12 | Newberry | 15 |
| Chesterfield | 5 | Oconee | 16 |
| Clarendon | 3 | Orangeburg | 5 |
| Colleton | 5 | Pickens | 25 |
| Darlington | 8 | Richland | 78 |
| Dillon | 4 | Saluda | 1 |
| Dorchester | 1 | Spartanburg | 92 |
| Edgefield | 1 | Sumter | 15 |
| Fairfield | 3 | Union | 9 |
| Florence | 40 | Williamsburg | 9 |
| Georgetown | 4 | York | 18 |
| Greenville | 122 | Out of State | 18 |
| Greenwood | 36 | TOTAL | 745 |

TABLE X
PROBATION TERMINATIONS BY CATEGORY
FY 1981

| Reason | Number Released |
|---------------------------------|-----------------|
| Expirations | 6,910 |
| Revocations | 752 |
| Terminated by Death | 133 |
| Expungements | 84 |
| Terminated by Court Order | 2,369 |
| Discharged by Pardons | 0 |
| TOTAL | 10,248 |

TABLE XI
PROBATION BY OFFENSE ACCORDING TO SEX, RACE, AGE
FY 1981

| Offense | Total | Sex | | Race | | | 20 & Under | | | Over 20 | | | Total | |
|---------------------------------|-------|-------|--------|-------|-------|-------|------------|-------|-------|---------|-------|-------|-------|-------|
| | | Male | Female | White | Black | All | | White | Black | All | White | Black | | All |
| | | | | | | Other | Other | | | | | | | |
| Treason..... | 1 | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Homicide..... | 98 | 80 | 18 | 42 | 56 | 0 | 0 | 9 | 4 | 0 | 13 | 33 | 52 | 85 |
| Kidnaping..... | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Sexual Assault..... | 46 | 45 | 1 | 22 | 23 | 1 | 3 | 6 | 0 | 0 | 9 | 19 | 17 | 37 |
| Robbery..... | 97 | 88 | 9 | 43 | 53 | 1 | 20 | 15 | 0 | 35 | 23 | 38 | 1 | 62 |
| Assault..... | 519 | 463 | 56 | 219 | 298 | 2 | 42 | 59 | 0 | 101 | 177 | 239 | 2 | 418 |
| Arson..... | 35 | 23 | 12 | 24 | 11 | 0 | 7 | 3 | 0 | 10 | 17 | 8 | 0 | 25 |
| Extortion..... | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Burglary..... | 748 | 715 | 33 | 397 | 348 | 3 | 198 | 131 | 1 | 330 | 199 | 217 | 2 | 418 |
| Larceny..... | 1,784 | 1,591 | 193 | 931 | 849 | 4 | 466 | 305 | 1 | 772 | 465 | 544 | 3 | 1,012 |
| Stolen Vehicle..... | 173 | 169 | 4 | 93 | 79 | 1 | 42 | 29 | 0 | 71 | 51 | 50 | 1 | 102 |
| Forgery and Counterfeiting..... | 361 | 276 | 85 | 156 | 205 | 0 | 42 | 54 | 0 | 96 | 114 | 151 | 0 | 265 |
| Fraudulent Activity..... | 438 | 264 | 174 | 225 | 210 | 3 | 25 | 16 | 0 | 41 | 200 | 194 | 3 | 397 |
| Embezzlement..... | 6 | 3 | 3 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 3 | 3 | 0 | 6 |
| Stolen Property..... | 368 | 332 | 36 | 181 | 187 | 0 | 49 | 58 | 0 | 107 | 132 | 129 | 0 | 261 |
| Damage Property..... | 150 | 139 | 11 | 100 | 50 | 0 | 34 | 11 | 0 | 45 | 66 | 39 | 0 | 105 |
| Dangerous Drugs..... | 1,464 | 1,272 | 192 | 1,130 | 330 | 4 | 349 | 57 | 1 | 407 | 781 | 273 | 3 | 1,057 |
| Sex Offenses..... | 82 | 78 | 4 | 56 | 25 | 1 | 13 | 7 | 0 | 20 | 43 | 18 | 1 | 62 |
| Obscenity..... | 32 | 30 | 2 | 24 | 8 | 0 | 1 | 1 | 0 | 2 | 23 | 7 | 0 | 30 |
| Family Offenses..... | 18 | 13 | 5 | 11 | 7 | 0 | 1 | 1 | 0 | 2 | 10 | 6 | 0 | 16 |
| Gambling..... | 3 | 1 | 2 | 1 | 2 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 3 |
| Commercial Sex Offenses..... | 2 | 2 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| Liquor Offenses..... | 70 | 50 | 20 | 26 | 44 | 0 | 1 | 1 | 0 | 2 | 25 | 43 | 0 | 68 |
| Obstructing the Police..... | 224 | 210 | 14 | 109 | 115 | 0 | 37 | 17 | 0 | 54 | 72 | 98 | 0 | 170 |
| Flight-Escape..... | 8 | 4 | 4 | 3 | 5 | 0 | 0 | 1 | 0 | 1 | 3 | 4 | 0 | 7 |

TABLE XI (Continued)
PROBATION BY OFFENSE ACCORDING TO SEX, RACE, AGE
FY 1981

| Offense | Sex | | Race | | | 20 & Under | | | Over 20 | | |
|-------------------------------|--------|-------|--------|-------|-------|------------|-------|-------|---------|-------|-------|
| | Total | Male | Female | White | Black | Other | All | Total | White | Black | Other |
| | | | | | | | | | | | |
| Obstructing Justice | 53 | 32 | 21 | 21 | 31 | 1 | 4 | 5 | 17 | 30 | 1 |
| Bribery | 4 | 4 | 0 | 2 | 2 | 0 | 0 | 0 | 2 | 2 | 0 |
| Weapon Offenses | 284 | 265 | 19 | 133 | 150 | 1 | 25 | 41 | 108 | 135 | 0 |
| Public Peace | 23 | 20 | 3 | 16 | 7 | 0 | 6 | 11 | 10 | 2 | 0 |
| Traffic Offenses | 2,955 | 2,864 | 91 | 1,804 | 1,149 | 2 | 175 | 208 | 1,629 | 1,116 | 2 |
| Health-Safety | 5 | 4 | 1 | 5 | 0 | 0 | 3 | 3 | 2 | 0 | 0 |
| Invasion of Privacy | 18 | 18 | 0 | 14 | 4 | 0 | 3 | 6 | 11 | 1 | 0 |
| Smuggling | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |
| Election Laws | 1 | 1 | 0 | 1 | 0 | 0 | 1 | 1 | 0 | 0 | 0 |
| Antitrust | 3 | 3 | 0 | 1 | 2 | 0 | 0 | 0 | 1 | 2 | 0 |
| Tax Revenue | 5 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 5 | 0 | 0 |
| Conservation | 13 | 12 | 1 | 13 | 0 | 0 | 3 | 0 | 10 | 0 | 0 |
| Crimes Against Person | 24 | 19 | 5 | 12 | 12 | 0 | 4 | 9 | 8 | 7 | 0 |
| Property Crimes | 118 | 107 | 11 | 74 | 44 | 0 | 43 | 53 | 31 | 34 | 0 |
| Morals — Decency Crimes | 32 | 24 | 8 | 27 | 5 | 0 | 2 | 2 | 25 | 5 | 0 |
| Public Order Crimes | 31 | 29 | 2 | 22 | 9 | 0 | 5 | 8 | 17 | 6 | 0 |
| GRAND TOTAL | 10,299 | 3,258 | 1,041 | 5,950 | 4,325 | 24 | 1,613 | 851 | 4 | 2,468 | 3,474 |
| | | | | | | | | | | 20 | 7,831 |

TABLE XII
EDUCATIONAL CLASSIFICATION OF PROBATIONERS
FY 1981

| Education Level | Male | Female | Total |
|------------------------------------|-------|--------|--------|
| None | 39 | 0 | 39 |
| First Grade | 31 | 0 | 31 |
| Second Grade | 52 | 6 | 58 |
| Third Grade | 115 | 7 | 122 |
| Fourth Grade | 95 | 8 | 103 |
| Fifth Grade | 116 | 12 | 128 |
| Sixth Grade | 261 | 15 | 276 |
| Seventh Grade | 362 | 40 | 402 |
| Eighth Grade | 633 | 57 | 690 |
| Ninth Grade | 1,029 | 116 | 1,145 |
| Tenth Grade | 1,513 | 154 | 1,667 |
| Eleventh Grade | 1,400 | 173 | 1,573 |
| Twelfth Grade | 438 | 46 | 484 |
| High School Graduate | 2,423 | 301 | 2,724 |
| First Year Technical School | 4 | 0 | 4 |
| Second Year Technical School | 1 | 0 | 1 |
| Third Year Technical School | 0 | 0 | 0 |
| Fourth Year Technical School | 0 | 0 | 0 |
| Technical School Graduate | 2 | 0 | 2 |
| First Year College | 226 | 29 | 255 |
| Second Year College | 263 | 33 | 296 |
| Third Year College | 96 | 20 | 116 |
| Fourth Year College | 18 | 4 | 22 |
| College Graduate | 141 | 20 | 161 |
| TOTAL | 9,258 | | 10,299 |
| Percentages | | | |
| None | 39 | 0 | 0.4% |
| Elementary School | 718 | 7 | 7.0% |
| Junior High School | 2237 | 21 | 21.7% |
| High School | 6448 | 62 | 62.6% |
| Technical School | 7 | 0 | 0.1% |
| College | 850 | 8 | 8.3% |

**PARDON ACTION
FY 1981**

| | |
|--|-----|
| Applications considered for pardon | 252 |
| Pardons granted | 231 |
| Applications rejected | 21 |

The South Carolina Parole and Community Corrections 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 juridical 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
PROBATIONERS ACCEPTED BY SOUTH CAROLINA
FOR OTHER STATES
FY 1981**

| <i>State</i> | <i>Number Supervised</i> | <i>State</i> | <i>Number Supervised</i> |
|----------------------------|------------------------------|----------------------|------------------------------|
| Alabama | 7 | Montana | 2 |
| Alaska | 0 | Nebraska | 1 |
| Arizona | 2 | Nevada | 1 |
| Arkansas | 1 | New Hampshire | 1 |
| California | 6 | New Jersey | 8 |
| Colorado | 0 | New Mexico | 3 |
| Connecticut | 4 | New York | 22 |
| Delaware | 5 | North Carolina | 138 |
| District of Columbia | 5 | North Dakota | 0 |
| Florida | 86 | Ohio | 4 |
| Georgia | 98 | Oklahoma | 0 |
| Hawaii | 0 | Oregon | 1 |
| Idaho | 0 | Pennsylvania | 7 |
| Illinois | 4 | Rhode Island | 0 |
| Indiana | 3 | South Dakota | 0 |
| Iowa | 3 | Tennessee | 7 |
| Kansas | 2 | Texas | 19 |
| Kentucky | 1 | Utah | 0 |
| Louisiana | 9 | Vermont | 0 |
| Maine | 0 | Virginia | 20 |
| Maryland | 10 | Washington | 4 |
| Massachusetts | 1 | West Virginia | 1 |
| Michigan | 3 | Wisconsin | 1 |
| Minnesota | 2 | Wyoming | 1 |
| Mississippi | 2 | Puerto Rico | 0 |
| Missouri | 6 | TOTAL | 501 |

TABLE XIV
PAROLEES ACCEPTED BY SOUTH CAROLINA
FOR OTHER STATES
FY 1981

| <i>State</i> | <i>Number Supervised</i> | <i>State</i> | <i>Number Supervised</i> |
|----------------------------|------------------------------|----------------------|------------------------------|
| Alabama | 6 | Montana | 0 |
| Alaska | 0 | Nebraska | 0 |
| Arizona | 0 | Nevada | 0 |
| Arkansas | 1 | New Hampshire | 0 |
| California | 0 | New Jersey | 10 |
| Colorado | 0 | New Mexico | 0 |
| Connecticut | 2 | New York | 14 |
| Delaware | 0 | North Carolina | 43 |
| District of Columbia | 1 | North Dakota | 0 |
| Florida | 19 | Ohio | 5 |
| Georgia | 18 | Oklahoma | 2 |
| Hawaii | 0 | Oregon | 0 |
| Idaho | 0 | Pennsylvania | 8 |
| Illinois | 4 | Rhode Island | 0 |
| Indiana | 1 | South Dakota | 1 |
| Iowa | 0 | Tennessee | 1 |
| Kansas | 0 | Texas | 8 |
| Kentucky | 5 | Utah | 1 |
| Louisiana | 0 | Vermont | 0 |
| Maine | 0 | Virginia | 7 |
| Maryland | 2 | Washington | 1 |
| Massachusetts | 2 | West Virginia | 2 |
| Michigan | 0 | Wisconsin | 0 |
| Minnesota | 0 | Wyoming | 0 |
| Mississippi | 0 | Puerto Rico | 0 |
| Missouri | 0 | TOTAL | 164 |

TABLE XV
PROBATIONERS ACCEPTED BY OTHER STATES
FOR SOUTH CAROLINA
FY 1981

| <i>State</i> | <i>Number Supervised</i> | <i>State</i> | <i>Number Supervised</i> |
|----------------------------|------------------------------|----------------------|------------------------------|
| Alabama | 17 | Mississippi | 6 |
| Arizona | 6 | Missouri | 7 |
| Arkansas | 2 | Montana | 1 |
| California | 19 | Nevada | 1 |
| Colorado | 2 | New Hampshire | 2 |
| Connecticut | 8 | New Jersey | 11 |
| Delaware | 4 | New Mexico | 1 |
| District of Columbia | 7 | New York | 41 |
| Florida | 116 | North Carolina | 235 |
| Georgia | 164 | North Dakota | 1 |
| Hawaii | 3 | Ohio | 18 |
| Idaho | 1 | Oklahoma | 5 |
| Illinois | 21 | Pennsylvania | 17 |
| Indiana | 9 | Rhode Island | 2 |
| Kansas | 3 | Tennessee | 31 |
| Kentucky | 4 | Texas | 30 |
| Louisiana | 13 | Utah | 1 |
| Maine | 2 | Virginia | 34 |
| Maryland | 19 | Washington | 2 |
| Massachusetts | 7 | West Virginia | 7 |
| Michigan | 13 | Wisconsin | 3 |
| Minnesota | 7 | Wyoming | 1 |
| | | TOTAL | 904 |

**TABLE XVI
PAROLEES ACCEPTED BY OTHER STATES
FOR SOUTH CAROLINA
FY 1981**

| <i>State</i> | <i>Number Supervised</i> | <i>State</i> | <i>Number Supervised</i> |
|----------------------------|------------------------------|----------------------|------------------------------|
| Alabama | 3 | Michigan | 4 |
| Alaska | 1 | Minnesota | 1 |
| Arizona | 2 | Mississippi | 5 |
| Arkansas | 1 | Missouri | 2 |
| California | 7 | Nebraska | 1 |
| Colorado | 2 | New Jersey | 11 |
| Connecticut | 3 | New York | 27 |
| District of Columbia | 6 | North Carolina | 95 |
| Florida | 41 | Ohio | 9 |
| Georgia | 48 | Oklahoma | 4 |
| Idaho | 1 | Oregon | 1 |
| Illinois | 9 | Pennsylvania | 15 |
| Indiana | 3 | Tennessee | 4 |
| Iowa | 1 | Texas | 10 |
| Kansas | 1 | Utah | 1 |
| Kentucky | 5 | Virginia | 18 |
| Louisiana | 5 | Washington | 2 |
| Maryland | 8 | West Virginia | 4 |
| Massachusetts | 2 | Wisconsin | 1 |
| TOTAL | | 364 | |

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 XVII and XVIII represent the agent's activities including investigations for fiscal year 1981. Table XVII depicts the actual number of individuals reporting to the agent as well as number of clients under the agent's supervision. Table XVIII shows the total number of investigations completed during Fiscal Year.

**TABLE XVII
ACTIVITIES
FY 1981**

| | <i>Number Reporting</i> | <i>Actual Caseload</i> |
|--|-----------------------------|----------------------------|
| Probation | 16,205 | 19,597 |
| Parole | 2,790 | 2,891 |
| Out of State | 931 | 949 |
| Total | 19,926 | 23,437 |
| Total number of supervising agents | 166 | 166 |
| Agents in Charge (no caseload) | 12 | 12 |
| Overall average caseload . | 120 | 141 |

**TABLE XVIII
INVESTIGATIONS
FY 1981**

| | |
|---------------------------------|---------------|
| Pre-Sentence | 544 |
| Pre-Parole 10 pt. | 2,442 |
| Pre-Parole 4 pt. | 498 |
| Out of State | 1,330 |
| Supplemental | 997 |
| Pardon | 333 |
| Probation Violations | 3,503 |
| Parole Violations | 579 |
| Pre-Parole Institutionals | 3,480 |
| Miscellaneous | 108 |
| TOTAL | 13,814 |

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) months 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 Pre-sentence Pilot Project was funded by federal funds using a state match.

Number of Employees — FY 1981

State:

| | |
|----------------------|------------|
| Administrative | 8 |
| Officers | 192 |
| Support | 116 |
| TOTAL | 316 |

Other:

| | |
|---|------------|
| Pre-sentence Project (Terminated 5-31-81) | 10 |
| CETA (Terminated 9-30-80) | 2 |
| GRAND TOTAL | 328 |

| | |
|---------------------|----|
| New Employees | 72 |
| Resignations | 38 |
| Retirement | 7 |

The individuals listed below received State Service Awards during FY 1981:

| Name | Class Title | Years of Service |
|----------------------------|----------------------------------|------------------|
| Doris C. Alewine | Executive Secretary | 10 |
| Thomas L. Copeland . . | Regional Director Prob. & Parole | 10 |
| Frances P. Eaker | Payroll Clerk | 10 |
| Susan G. Frick | Staff Assistant I | 10 |
| James W. Grant | Probation & Parole Officer I | 10 |
| A. Clifton Hodge | Probation & Parole Officer II | 10 |
| Joseph O. Pace | Probation & Parole Officer III | 10 |
| Betty J. Roberts | Probation & Parole Officer I | 10 |
| Thomas C. Sawyer, Jr. | Probation & Parole Officer II | 10 |
| Herbert Stepney | Probation & Parole Officer I | 10 |
| Royce R. Still | Probation & Parole Officer II | 20 |
| Grady A. Wallace | Agency Director | 20 |
| Roy D. Stutts | Probation & Parole Officer III | 30 |

TRAINING AND STAFF DEVELOPMENT

The South Carolina Parole and Community Corrections Board has an established training program to meet the changing needs of both the agency and the staff. The program addresses 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 Parole and Community Corrections Board are required to successfully complete the Orientation & Basic Certification Training during the probationary period (first six months) of their employment. The Certification Training is provided by the Training Division. 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 Division. Less than satisfactory performance on this training constitutes a failure to meet the established performance standards of the 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 Certification Training will be conducted at a site selected by the Training Division. 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 Division prior to attendance.

Additional training, based on the assessment of an individual's job performance, may be prescribed. In such circumstances, the Training Division 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, is instrumental in structuring the training program and closely monitoring the activities of the training division. The members of the Training Advisory Council for FY 1981 are listed below:

Betty J. Roberts — Agent — Coastal Region
 Josephine G. Boyles — Secretary — Coastal Region
 Charles P. McQueen — Agent — Pee Dee Region
 Patty Truett — Secretary — Pee Dee Region
 Frank L. Barton — Agent — Midlands Region
 Nancy Reynolds — Secretary — Midlands Region
 James R. (Randy) Walker — Agent — Piedmont Region
 Shirley Edwards — Secretary — Piedmont Region

During FY 1981 the following training activities were conducted:

| Class | No. Class Hours | No. Times Offered | Total Attending |
|--|-----------------|-------------------|-----------------|
| Basic Firearms & Defensive Tactics | 40 | 5 | 63 |
| In-Service Firearms | 20 | 6 | 113 |
| Training of Trainers I | 35 | 2 | 19 |
| Training of Trainers II | 18 | 1 | 10 |
| Orientation/Basic — Agents | 80 | 1 | 17 |
| Orientation/Basic — Agents | 120 | 1 | 19 |
| Orientation/Basic — Secretaries | 30 | 1 | 19 |
| Assessment Interviewing for | | | |
| Treatment Planning | 24 | 1 | 6 |
| Assertive Skills | 18 | 1 | 13 |
| Stress Management | 18 | 1 | 17 |

| | | | |
|---|----|---|----|
| Basic Group Skills | 24 | 2 | 17 |
| Advanced Group Skills | 24 | 1 | 6 |
| Intermediate Group Skills | 30 | 1 | 1 |
| Nutrition & Behavior | 12 | 1 | 1 |
| S. C. School of Alcohol and Drug Studies | 40 | 1 | 8 |
| Total number of Training Hours for FY '81: 852 | | | |
| Total number of participants: 349 | | | |

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

Barton, Frank — Agent — Richland County
 Chiles, George — Interstate Compact Administrator
 Copeland, Tommy — Assistant Director — Piedmont Region
 Drolet, Carole — Agent — Beaufort County
 Fields, Steve — Agent — Beaufort County
 Ford, Ed — Agent — Richland County
 Franklin, George — Agent-in-Charge — McCormick County
 Hiott, Jim — Hearing Officer
 Into, D. J. — Agent-in-Charge — Jasper County
 Irvin, John — Agent-in-Charge — Oconee County
 Kennedy, Hal — Agent — Clarendon County
 Little, Pat — Agent — York County
 Maloney, John — Assistant Director — Coastal Region
 McLaughlin, John — Investigator — Central Office
 Moser, Ken — Agent-in-Charge — Dorchester County
 Phillips, Margaret — Agent — York County
 Pratt, J. P., II — Associate Director of Operations
 Sewell, Gene — Agent — Spartanburg County
 Walker, Randy — Agent — Greenwood County
 Weatherington, Rick — Agent — Greenville County

III. BUDGET RECAPITULATION

The chart below reflects the agency expenditures and appropriation for FY 1981:

Funds Expended:

| Category | State | Federal | Total |
|------------------------|-------------|-----------|-------------|
| Personal Service | \$3,911,552 | \$ 74,058 | \$3,985,610 |
| Other Expenses | 1,097,108 | 28,669 | 1,125,777 |
| TOTAL | \$5,008,660 | \$102,727 | \$5,111,387 |

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 \$84,783,754. 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 \$5,934,863.

Our responsibility consists of supervising over 33,000 cases during the 1981 fiscal year, with a caseload of 23,437 as of June 30, 1981. The average cost per client per year under probation/parole supervision amounts to approximately \$218.00. Compared to costs in excess of \$6,278.00 (FY '81) per offender institutionalized per year, the State economically has saved the taxpayers a tremendous amount of money.

From July 14, 1980 through June 30, 1981 a total of \$746,872.00 was collected through Supervision Fees and turned in to the General Fund of the State of South Carolina with \$6,240.00 being paid in refunds, leaving a net amount of \$740,632.00.

APPENDICES

Appendix A Legislative Authority

CHAPTER 21

Department Of Parole And Community Corrections

- Article 1. Parole and Community Corrections Board
- Article 3. Executive Director
- Article 5. Probation
- Article 7. Parole; Release For Good Conduct
- Article 9. Uniform Act For Out of State Parole Supervision
- Article 11. Pardons, Commutation of Death Sentence

Article I

Parole And Community Corrections Board

Sec.

- 24-31-10. Parole and Community Corrections Board.
- 24-21-11. Misconduct, etc. of Board Member.
- 24-21-12. Board Members Salaries.
- 24-21-13. Responsibilities of Board.
- 24-21-14. Commissioner, Responsibilities, Notice to be Given.
- 24-21-20. Assistants.
- 24-21-30. Board to Hold Regular Meetings.
- 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.
- 24-21-80. Probationers and Parolees to Pay Fee; Delinquency; Exemption.
- 24-21-90. Account and Receipt for Fee Payments; Depost of Funds.

§ 24-21-10. Parole and Community Corrections Board.

The Department of Parole, and Community Corrections, hereafter referred to as the "Department", shall be governed by the Parole and Community Corrections Board, hereafter referred to as the "Board" which shall be composed of seven members. The terms of office of the members shall be for six years and until their respective successors are appointed and qualified. Six of the seven members shall be appointed from each of the congressional districts and one member shall be appointed at large. The current members of the Board of Probation, Parole, and Pardon will constitute the Board until the expiration of their appointments. All vacancies now existing or subsequently occurring among the members of the Board shall be filled as soon as practicable, by gubernatorial appointment 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 consent of the Senate.

A Chairman shall be elected annually by a majority of the membership of the Board. The Chairman may serve consecutive terms."

§ 24-21-11. Misconduct, etc. of board member.

If any member of the Board shall be guilty of misconduct, persistent neglect of duty, malfeasance, misfeasance or nonfeasance in office, or has not the capacity to properly discharge his duties, he shall be subject to removal by the Governor upon any of the foregoing causes being made to appear to the satisfaction of the Governor. Before removing any such officer, the Governor shall inform him in writing of the specific charges brought against him and give him an opportunity, on reasonable notice, to be heard. Appeal therefrom may be made by such officer in the manner provided for in Section 1-3-250.

§ 24-21-12. Board Members Salaries.

The members of the Board shall draw no salaries, but each member of the Board shall be entitled to such per diem as may be authorized by law for boards, commissions and committees, plus actual and necessary expenses incurred pursuant to the discharge of official duties.

§ 24-21-13. Responsibilities of Board.

It shall be the duty of the Board to oversee, manage and control the Department. The Board shall develop written policies and procedures for the following:

- (a) the supervising of offenders on probation, parole, and furlough;
- (b) the granting of paroles and pardons;
- (c) the operation of community based correctional programs.

§ 24-21-14. Commissioner, Responsibilities, Notice to be Given.

The Board shall appoint a Commissioner of Pardons and Paroles, who shall be responsible for scheduling meetings of the Board, assuring that appropriate cases and investigations are prepared for the Board, maintaining the official records of the Board, and such other administrative duties as assigned by the Board relating to Board activities.

The Commissioner shall have academic and professional qualifications commensurate with his duties and responsibilities including a background in the social sciences or criminal justice field. Salary for the Commissioner shall be determined by law.

The Commission shall give a thirty-day written notice of any hearing of the board considering parole for a prisoner who has been convicted of a crime of violence to the following persons:

- (a) Any victim of the crime who suffered damage to his person as a result thereof or in the event such victim is deceased, to members of his or her immediate family; to the best of its ability;
- (b) The solicitor who prosecuted the prisoner or his successor in the jurisdiction in which the crime was prosecuted;
- (c) The law enforcement agency that was responsible for the arrest of the prisoner concerned."

§ 24-21-20. Assistants.

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

§ 24-21-30. Board to hold regular meetings.

The Board shall hold regular meetings, as may be necessary to carry out its duties, but at least four times each year, and as many extra meetings as the Chairman, or the Governor acting through the Chairman, may order. The Board may preserve order at its meetings and punish any disrespect or contempt committed in its presence. The Chairman may direct the members of the Board to meet as three-member panels to hear matters relating to paroles and pardons as often as necessary to carry out the Board's responsibilities. Membership on such panels shall be periodically rotated on a random basis by the Chairman. At the meetings of the panels, any unanimous vote shall be considered the final decision of the Board, and the panel may issue an order of parole with the same force and effect of an order issued by the full Board pursuant to Section 24-21-650. Any vote that is not unanimous shall not be considered as a decision of the Board and the matter shall be referred to the full Board which shall decide it based on a vote of a majority of the membership."

§ 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.

§ 24-21-80. Probationers and parolees to pay fee; delinquency; exemption.

Every person granted parole by the Probation, Parole and Pardon Board (Board), and every adult placed on probation by a court of competent jurisdiction shall be required to pay one hundred twenty dollars per year toward offsetting the cost of his supervision for so long as he remains under supervision. This fee is due and payable on the date of sentencing or date of parole and each anniversary thereafter for the duration of the supervision period. The payment of the fee shall be a condition of parole or probation and a delinquency of two months or more in making payments shall operate as a revocation of parole or probation rendering the violator liable to serving out any remaining part of his sentence. *Provided*, however, that the Board, in the case of parolees, or a court of competent jurisdiction, in the case of probationers, may exempt the probationer or parolee from payment of any part or all of the yearly fee during any part or all of the term, where the Board or the court determines that such payments would work a severe hardship on the parolee or probationer. Delinquencies of two months or more in payment of any reduced fee shall operate in the same manner as delinquencies for the full amount.

§ 24-21-90. Account and receipt for fee payments; deposit of funds.

Each probation officer shall keep an accurate account of the money he collects pursuant to §§ 24-21-80 and 24-21-90 and shall give a receipt to the probationer or parolee for each payment. Money collected shall be forwarded to the Board where it shall be deposited in the State Treasury.

HISTORY: 1980 Act No. 517 Part II, § 6B, eff June 10, 1980.

Editor's Note —

1980 Act No. 517, section 6D provides as follows: "It is the intent of the General Assembly that the fees collected from probationers and parolees by the Probation, Parole and Pardon Board be used, in future years, for the hiring of additional parole and probation staff. The Budget and Control Board is directed to take this intent into consideration in developing budget recommendations for fiscal year 1981-82."

Article 3

Executive Director; Probation Officers

Sec.

- 24-21-210. Board to employ Executive Director.
- 24-21-220. Responsibilities of Executive Director.
- 24-21-230. Appointment of probation officers and clerical assistants.
- 24-21-240. Oath of probation officers.
- 24-21-250. Pay and expenses 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. Board to employ executive director.

The Board shall employ an Executive Director of the Department. The Board shall have the power at any time to remove the Executive Director for inefficiency, improper conduct or for any other just cause or reason after due notice to him of its intention, and an opportunity for the Executive Director to be heard. The Executive Director shall receive such salary as may be provided by law. The Executive Director shall also be paid traveling and other necessary expenses in the performance of his official duties and shall give full time to the work. The Executive Director shall possess academic and professional qualifications commensurate with his duties and responsibilities."

§ 24-21-220. Responsibilities of executive director.

The Executive Director, together with the Board, shall be vested with the exclusive management and control of the Department and shall be responsible for the management of the Department and for the proper care, treatment, supervision and management of offenders under its control. The Board shall manage and control the Department through the Executive Director selected by it and it shall be the duty of the Executive Director to carry out the policies of the Board. The Board shall delegate to the Executive Director authority to manage the affairs of the Department, subject to the Board's control and supervision. The Executive Director shall employ within his office such personnel as may be necessary to carry out his duties and responsibilities including the functions of probation and parole supervision, community based programs, financial management, research and planning, staff development and training, and internal audit. The Board shall cause the Executive

Director to make full and complete reports to each regular meeting of the full Board of the fiscal affairs of the Department and of the general conditions relating thereto. The Executive Director shall make annual written reports to the Board, the Governor, and the General Assembly, providing statistical and other information pertinent to the Department's activities."

§ 24-21-230. Executive director to employ probation officers.

The Executive Director shall employ such probation officers as required for service in the State and such clerical assistants as may be necessary. Such probation and parole officers shall be required to take and pass such psychological and qualifying examinations as directed by the Board. The Executive Director shall insure that each probation officer shall receive such training as required by the Board. Until such initial employment requirements are met, no person may take the oath of a probation officer nor exercise the authority granted thereto."

§ 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.

§ 24-21-250. Pay and expenses of probation officers.

The probation officers shall be paid salaries, to be fixed by the Board, not to exceed two thousand one hundred dollars per annum, payable semimonthly, and shall also be paid traveling and other necessary expenses incurred in the performance of their official duties as probation officers when such expense accounts have been authorized and approved by the supervisor of probation or the supervisor of parole.

§ 24-21-260. Place where probation officers shall work.

Probation officers appointed under § 24-21-230 shall be assigned to serve in such courts or districts or otherwise as the supervisors of probation and parole may determine.

§ 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 fully 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 nonpayment 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 nonpayment 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 appropri-

ate 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 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.

Provided, that if after January 1, 1984, the Board shall find that the statewide case classification system provided for in Chapter 23 of this Title has been implemented, that an intensive supervision program for parolees who require more than average supervision has been implemented, that a system for the periodic review of all parole cases in order to assess the adequacy of supervisory controls and of parolee participation in rehabilitative programs has been implemented, and that a system of contracted rehabilitative services for parolees is being furnished by public and private agencies, then in all cases cognizable under this chapter the Board may, upon ten days' written notice to the solicitor and judge who participated in the trial of any prisoner, to the victim or victims, if any, of such felony, and to the sheriff of the county where the prisoner resides or will reside, 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 the crime of murder, armed robbery, criminal sexual assault, assault and battery with intent to kill or kidnap-

ping, shall have served at least one third of the term; *provided*, that for any other crime the prisoner shall have served at least one fourth of the term;

(2) Who, if sentenced to life imprisonment or imprisonment for any period in excess of forty 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.

Provided, further, that the provisions of this section shall not affect the parole ineligibility provisions for murder and armed robbery as set forth respectively in Section 16-3-20, and Section 16-11-330.

Provided, further, that in computing parole eligibility, no deduction of time shall be allowed in any case for good behavior, but that after June 30, 1981, there shall be deductions of time in all cases for earned work credits, notwithstanding the provisions of Section 16-3-20, Section 16-11-330 and Section 24-13-230.

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. Notwithstanding any other provision of this section or of law, no prisoner who has served a total of ten consecutive years or more in prison shall be paroled until the Board has first received a report as to his mental condition and his ability to adjust to life outside the prison from a duly qualified psychiatrist or psychologist."

§ 24-21-620. Board to review cases.

Within the ninety day period preceding a prisoner having served one-fourth of his sentence, the Board, either acting in a three-member panel or meeting as a full Board, shall review the case, regardless 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; *provided*, that in cases of prisoners in confinement due to convictions for non-violent crimes, an administrative hearing officer may be appointed by the Commissioner of Pardons and Paroles to review the case who shall submit to the full Board written findings of fact and recommendations, which shall be the basis for a determination by the Board. Upon an affirmative determination, the prisoner shall be granted a provisional parole. Upon a negative determination, the prisoner's case shall be reviewed every twelve months thereafter for the purpose of such determination."

§ 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.

§ 24-21-635. Determine time for eligibility to be paroled.

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 of earned work credits awarded pursuant to Section 24-13-230.

§ 24-21-640. Board to consider record.

The 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 Board shall establish written, specific criteria for the granting of parole and provisional parole. Such criteria shall reflect all of the aspects of this section. The criteria shall be made available to all prisoners at the time of their incarceration and the general public. 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.

§ 24-21-645. Board may issue order.

The Board may issue an order authorizing the parole which shall be signed either by a majority of its members or by all three members meeting as a parole panel on the case, ninety days prior to the effective date of the parole. A provisional parole order shall include the terms and conditions, if any, to be met by the prisoner during the provisional period and terms and conditions, if any, to be met upon parole. Upon satisfactory completion of the provisional period, the Executive Director or one lawfully acting for him, shall issue an order, which, if accepted by the prisoner, shall provide for his release from custody.

§ 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 with 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 sen-

tence 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 identify 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.

Definitions

Section 24-21-940. A. 'Pardon' means that an individual is fully pardoned from all the legal consequences of his crime and of his conviction, direct and collateral, including the punishment, whether of imprisonment, pecuniary penalty or whatever else the law has provided.

B. 'Successful completion of supervision' as used in this article shall mean free of conviction of any type other than minor traffic offenses.

Section 24-21-950. The following guidelines shall be utilized by the Board when determining when an individual is eligible for pardon consideration.

A. Probationers shall be considered upon the request of the individual anytime after discharge from supervision.

B. Persons discharged from a sentence without benefit of parole shall be considered upon the request of the individual anytime after the date of discharge.

C. Parolees shall be considered for a pardon upon the request of the individual anytime after the successful completion of five years under supervision. Parolees successfully completing the maximum parole period, if less than five years, shall be considered for pardon upon the request of the individual anytime after the date of discharge.

D. An inmate shall be considered for pardon prior to parole eligibility date only when he can produce evidence comprising the most extraordinary circumstances.

Section 24-21-960. Any individual who has a request for pardon considered but denied, must wait for a period of one year from the date of denial to become eligible for re-application.

Section 24-21-970. Consideration shall be given to any inmate afflicted with a terminal illness where life expectancy is one year or less.

Section 24-21-980. Once delivered, a pardon cannot be revoked unless it was obtained through fraud. If a pardon is obtained through fraud, it is void.

Section 24-21-990. A pardon shall fully restore all civil rights lost as a result of a conviction, which shall include the right to:

- (1) register to vote;
- (2) vote;
- (3) serve on a jury;
- (4) hold public office;
- (5) testify without having the fact of his conviction introduced for impeachment purposes unless the crime indicates a lack of veracity;
- (6) not have his testimony excluded in a legal proceeding if convicted of perjury;
- (7) be licensed for any occupation requiring a license.

Section 24-21-1000. For those applications to be granted a pardon, a certificate or pardon shall be issued by the Board stating that the individual is absolved from all legal consequences of his crime and conviction, and that all of his civil rights are restored.

Chapter 23

Case Classification System and Community Corrections Plan

Article 1

Development of a Statewide Case Classification System and a Community Corrections Plan

§ 24-23-10. Case classification system and community corrections plan.

The Board shall develop a plan for the implementation of a statewide case classification system. The Board, the Department of Corrections, and the Governor's Office shall jointly develop a specific plan for the statewide implementation of new community-based correctional programs. The plan shall include descriptions of the new programs, the eligibility criteria for placing offenders on the programs, the administrative and legal requirements for implementation, the projected impact of the programs on the state inmate population and the financial requirements and timetable for the statewide implementation of the programs. These plans shall be submitted to the Legislature by January, 1982.

Section 24-23-20. The case classification plan shall provide for case classification system consisting of the following:

- (a) Supervisory control requirements which include, but are not limited to, restrictions on the probationer/parolee's movement in the community, living arrangements, social associations and reporting requirements;
- (b) Rehabilitation needs of probationer/parolee including, but not limited to, employment, education, training, alcohol and drug treatment, counseling and guidance with regard to alcohol and drug abuse, psychological or emotional problems, or handicaps;
- (c) Categorization of the offender as to the extent and type of staff time needed, possible assignment to specialized caseload or treatment programs, and specifics as to the degree of perceived risk posed by the probationer/parolee;
- (d) Identification of strategies and resources to meet the identified needs, and specific objectives for the probationer/parolee to strive to meet such as obtaining employment, participating in a counseling program, and securing better living arrangements;
- (e) Periodic and systematic review of cases to assess the adequacy of supervisory controls, participation in rehabilitation programs, and need

for recategorization based upon the behavior and progress of the probationer/parolee; and

(f) Regular statewide monitoring and evaluation of the case classification by appropriate supervisory, classification, and program development/evaluation staff in the central administrative office.

Section 24-23-30. The community corrections plan shall include but not be limited to describing the following community-based program needs:

(a) An intensive supervision program for probationers and parolees who require more than average supervision;

(b) A supervised inmate furlough program whereby inmates under the jurisdiction of the Department of Corrections can be administratively transferred to the supervision of state probation and parole agents for the purposes of pre-release preparation, securing employment and living arrangements, or obtaining rehabilitation services;

(c) A contract rehabilitation services program whereby private and public agencies, such as the Department of Vocational Rehabilitation and Mental Health and the various county commissions on alcohol and drug abuse, provide diagnostic and rehabilitative services to offenders who are under the Board's jurisdiction;

(d) Community-based residential programs whereby public and private agencies as well as the Board establish and operate halfway houses for those offenders who cannot perform satisfactorily on probation or parole;

(e) Expanded use of presentence investigations and their role and potential for increasing the use of community-based programs, restitution and victim assistance; and

(f) Identification of programs for youthful and first offenders.

Section 24-23-40. The community corrections plan shall provide for:

(a) The Board's development, implementation, monitoring and evaluation of statewide policies, procedures and agreements with state agencies, such as the Departments of Vocational Rehabilitation and Mental Health and the Commission on Alcohol and Drug Abuse, for purposes of coordination and referral of probationers and parolees for rehabilitation services.

(b) The Board's development of specific guidelines for the vigorous monitoring of restitution orders and fines to increase the efficiency of collection and development of a systematic reporting system so as to notify the judiciary of restitution and fine payment failures on a regular basis.

(c) The Board's development of a program development-and-evaluation capability so that the Department can monitor and evaluate the

effectiveness of the above programs as well as to conduct research and special studies on such issues as parole outcomes, revocations and recidivism.

(d) The Board's development of adequate training and staff development for its employees.

Article 2

Sentencing and Probation Procedures

Section 24-23-110. Judges of the Court of General Sessions may suspend the imposition or the execution of a sentence and may impose a fine and a restitution without requiring probation. The Board shall implement the necessary policies and procedures to ensure the payment of such fines and restitution and report to the court failures to pay.

Section 24-23-120. A Judge of the Court of General Sessions who has reason to believe a defendant suffers from a mental disorder, retardation, or substantial handicap, shall order a presentence investigation to be completed and submitted to the Court.

Section 24-23-130. Upon the satisfactory fulfillment of the conditions of probation for a period of two years, the court may, with the recommendation of the head probation officer in charge of the responsible county probation office, terminate the probationer from supervision.

Article 3

Funding

Section 24-23-210. The community corrections program shall be supported by revenue generated as follows:

A. When any person is convicted, pleads guilty or nolo contendere, or forfeits bond to any offense which is within the jurisdiction of a municipal or magistrate's court, other than a nonmoving traffic violation, there is hereby imposed an assessment, in addition to any other cost or fine imposed by law, in the sum of two dollars.

B. When any person is convicted, pleads guilty or nolo contendere, or forfeits bond to any offense within the jurisdiction of the Court of General Sessions, there is hereby imposed an assessment, in addition to any other cost or fine imposed by law, in the sum of twenty dollars. Additionally, when sentencing a person convicted of an offense which has proximately caused physical injury or death to the victim the court may order the defendant to pay an assessment commensurate with the offense committed, not to exceed twenty thousand dollars, for the benefit of victims of crimes.

Provided, that any judge of competent jurisdiction may suspend imposition of all or part of the assessments made under this section upon finding that such a requirement would place severe financial hardship upon the offender or his family.

Section 24-23-220. Any offender required under this article to pay an assessment shall make such payment to the clerk of court in that county within the time frame specified by the judge. The clerk of court, after duly noting and recording the receipt of such payments, shall transfer those funds to the State Treasurer who shall deposit them in the State's General Fund. One-half of these funds shall be appropriated to the Department for the express purpose of developing and operating community corrections programs. The remainder of the funds shall be utilized as the Legislature shall direct, with priority being given to such victim assistance programs as may be enacted.

Section 24-23-230. The assessments, collections and transfers specified in this article shall become effective on July 1, 1981. For fiscal year 1981-1982 only, the Legislature may appropriate no more than five percent of the funds projected to be collected during fiscal year 1981-1982 to the Department for the development and administration of community corrections programs; the balance of one-half of the funds collected shall be retained in the General Fund for operation of the community corrections programs in subsequent years; the remainder of the funds collected shall be utilized for the development and operation of such victim assistance programs as may be enacted.

RELATED LEGISLATIVE AUTHORITY

Furloughs

Section 24-13-710. The Department of Corrections and the Parole and Community Corrections Board will jointly develop the policies, procedures, guidelines and cooperative agreement for the implementation of a supervised furlough program which will permit carefully screened and selected inmates who have not committed the crime of murder, armed robbery, criminal sexual assault, assault and battery with intent to kill or kidnapping to be placed on furlough under the supervision of State Probation and Parole agents. The Department and the Parole and Community Corrections Board shall assess a fee sufficient to cover the cost of the participant's supervision and any other financial obligations incurred because of his participation in the supervised furlough program as provided by this article. The two agencies shall jointly develop and approve written guidelines for the program to include, but not be limited to, the selection criteria and process, requirements for supervision, conditions for participation and removal. The cooperative agreement between the two agencies will specify the responsibilities and authority for implementing and operating the program. Inmates approved and placed on the program will be under the supervision of agents of the Department of Parole and Community Corrections who will be responsible for insuring the inmate's compliance with the rules, regulations and conditions of the program as well as monitoring the inmate's employment and participation in any of the prescribed and authorized community-based correctional programs such as vocational rehabilitation, technical education and alcohol/drug treatment. Eligibility criteria for the program shall require that the inmate accomplish all of the following:

- (1) Maintain a clear disciplinary record for at least six months prior to consideration for placement on the program;
- (2) Demonstrate to Department of Corrections officials a general desire to become a law abiding member of society;
- (3) Satisfy any other reasonable requirements imposed upon him by the Department of Corrections.

END