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## **How did South Carolina's prisons become so dangerous? Why do we need sentencing reform now?**

**South Carolina enacted draconian laws that led more people into prison for much longer periods of time.** Several decades ago, South Carolina enacted so-called "truth in sentencing" measures aimed at ensuring those convicted of violent offenses served most of their sentences regardless of their behavior while incarcerated. In addition, legislators passed "Three Strikes" and mandatory minimum sentencing policies that greatly increased the amount of time many would remain incarcerated. These policies brought about a substantial increase in the state prison population while also resulting in funding for critical programs being slashed.

**South Carolina was an early leader in sentencing reform and one of 34 states to see prison populations and crime rates decline simultaneously as a result.** The South Carolina legislature enacted sentencing reforms in 2010 that focused on reducing the number of low-level, non-violent offenders sent to prison. This early embrace of diversionary programs in lieu of incarceration paid dividends, allowing the state to close prisons and save precious taxpayer funds. At the same time, those left inside prison were serving lengthy sentences with little hope of early release, regardless of their behavior. Legislators passed up the opportunity to enact a second, much-needed round of reforms in 2019 aimed at modernizing our state sentencing laws to provide behavioral and programmatic incentives tied to expanded opportunities for early release.

**Chronic prison staffing shortages have resulted in deplorable prison conditions.** Despite offering hiring bonuses and salary increases, the South Carolina Department of Corrections (SCDC) has been unable to hire and retain enough correctional officers to run a safe prison system. SCDC Director Stirling, himself, has acknowledged that we "cannot hire our way out of" (the state prison staffing) shortage. This lack of sufficient staff often means people are locked in their cells day and night for extended periods, creating an environment similar to solitary confinement and potentially causing long-term psychological and cognitive damage. In this environment, there are not enough officers to transport incarcerated people to necessary medical appointments; and educational, rehabilitation and vocational programs often cease to take place.

**South Carolina's prisons are unsafe for staff and incarcerated people.** The riot at Lee Correctional Institution in April 2018 marked the largest loss of life inside a state prison in 25 years. South Carolina has failed in its constitutional requirement to ensure a safe prison environment, causing many incarcerated individuals to increasingly turn to gangs to protect their personal safety. The dangerous and inhumane conditions in South Carolina prisons have also resulted in an increase in the number of suicides and assaults in recent years.

**New sentencing reform must give judges more discretion to craft fair sentences and expand opportunities for incarcerated people to earn early release by completing prison programs and maintaining positive behavior.**

*"By any measure, sentencing reform in South Carolina has already been a resounding success,"* said state Sen. Chip Campsen, R-Charleston, who helped pass the 2010 legislation. *"It's not soft on crime. It's smart on crime and soft on the taxpayer."* But stopping there will not resolve the prison crisis facing our state today. Research strongly shows that most individuals "age out" of criminal behavior, meaning that for most, South Carolina's lengthy sentences are unnecessarily punitive and keep

individuals behind bars much longer than necessary to protect the public. In addition, Pew Research Center has concluded that not only is there no increased public safety benefit to longer periods of incarceration, but in general, incarceration is not more effective at reducing recidivism than non-custodial sanctions.

**South Carolina can enhance public safety and save money by releasing incarcerated people who no longer pose a threat to public safety.** As SCDC Director Stirling frequently reminds us, most individuals who are sentenced to time in our state prisons will return to our communities within five years or less. Corrections experts advise us that both prisons and society are safer when incarcerated people have incentives to improve behavior, access to addiction and mental health resources, and opportunities to acquire life skills. We all benefit when incarcerated people have access to quality vocational, educational and rehabilitation programs that help prepare them for re-entry into society. Tying these incentives to the potential of early release results in budget savings and a safer state.

**As our prison population ages, there is a need to expand opportunities for release via geriatric and medical parole.** Elderly incarcerated people comprise a growing segment of our state prison population. These older, sicker and dying incarcerated individuals are the least likely to re-offend, and the most expensive to house, according to national corrections experts. Even so, the rate of medical and geriatric parole applications granted in South Carolina remains unacceptably small.

**Safely reducing our state prison population will require eliminating mandatory minimum and Three Strikes sentencing and expanding opportunities for early release for those serving “no-parole” sentences.** With many decades of hindsight, the “tough on crime” policies enacted in the past have clearly exacted steep financial and human costs. South Carolina’s 2010 sentencing reform measures successfully reduced its prison population while also keeping the public safe. SCDC was able to close six prisons, and these measures saved the state \$400 million, according to lawmakers.

**Providing incarcerated individuals with access to high-quality educational, vocational, and rehabilitation programs, and tying program completion to earlier release opportunities improves the safety of prisons and communities.** For those currently incarcerated, the Brennan Center for Justice, Prison Policy Initiative, Families Against Mandatory Minimums (FAMM), and many other respected national criminal justice organizations urge states such as South Carolina to repeal the damaging policies of yesteryear and replace them with common sense policies that have been shown to reduce recidivism by providing incarcerated people with the tools they need to thrive once they leave prison. Experts agree that planning for the safe reentry of individuals back into society should begin on the first day of incarceration. As SCDC implements its new classification system, this is the ideal time to incorporate robust programming, rewarding individuals that take advantage of these opportunities.

**We must also revamp our state parole system.** Today, many incarcerated people in South Carolina are serving parole-eligible sentences. Despite this fact, the Parole Board frequently denies parole, even for individuals who have availed themselves of all existing prison programs and have maintained exemplary behavioral records. This is particularly true for those serving time for offenses the state has defined to be violent, regardless of whether there was any actual violence involved. Our parole system provides far better results for those with wealth and access to skilled legal counsel than for those who lack both. Leading experts on parole recommend that parole eligible individuals should:

- Have face-to-face parole hearings in front of the Parole Board;
- Be provided with a process to challenge incorrect information that the Board may use to deny parole;
- Have the opportunity to present positive testimony from individuals who know them best, including correctional staff; and
- Be assured that prosecutors and survivors of violent crimes are precluded from participating in the parole process. Their input was already considered at the time of sentencing, and a parole board hearing is designed to assess an incarcerated person’s current status.

South Carolina could also immediately reduce its prison population in a safe manner by eliminating the possibility of incarceration for technical violations of probation or parole.