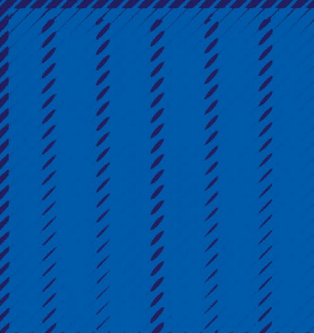


Blueprint for Smart Justice
South Carolina



Blueprint *for* Smart Justice South Carolina

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Executive Summary

Over the past five decades, the United States has dramatically increased its reliance on the criminal justice system as a way to respond to drug addiction, mental illness, poverty, and broken schools. As a result, the United States today incarcerates more people, in both absolute numbers and per capita, than any other nation in the world. Millions of lives have been upended, and families torn apart. The mass incarceration crisis has transformed American society, damaged families and communities, and wasted trillions of taxpayer dollars.

We all want to live in safe and healthy communities, and our criminal justice policies should be focused on the most effective approaches to achieving that goal. But the current system has failed us. It's time for the United States to dramatically reduce its reliance on incarceration, and invest instead in alternatives to prison, including approaches better designed to break the cycle of crime and recidivism by helping people rebuild their lives.

The ACLU's Campaign for Smart Justice is committed to transforming our nation's criminal justice system and building a new vision of safety and justice. The Campaign is dedicated to cutting the nation's incarcerated population in half and combatting racial disparities in the criminal justice system.

To advance these goals, the Campaign partnered with the Urban Institute to conduct a two-year research project to analyze the kinds of changes needed to cut the number of people in prison in each state by half and reduce racial disparities in incarceration. In every state, Urban Institute researchers identified primary drivers of incarceration. They then predicted the

impact of reducing prison admissions and length of stay on state prison populations, state budgets, and the racial disparity of those imprisoned.

The analysis was eye-opening.

In every state, we found that reducing the prison population by itself does little to diminish racial disparities in incarceration — and in some cases would worsen them. In South Carolina — where the imprisonment rate of Black adults was more than four times that of white adults¹ — reducing the number of people imprisoned will not on its own reduce racial disparities within the prison system. These findings confirm for the Campaign that urgent work remains for advocates, policymakers, and communities across the nation to focus on efforts like policing and prosecutorial reform that are specific to combatting these disparities.

South Carolina's prison population increased threefold between 1980 and 2009, when it peaked at 23,486.² As of June 2018, it had declined to 18,958,³ partially due to reforms enacted by the state. Still, in 2016, 411 out of every 100,000 South Carolinians were imprisoned,⁴ and nearly 2 percent of the state's adult population was under some form of correctional control.⁵

The number of people being admitted to South Carolina's prisons every year is on the decline, decreasing 17 percent between 2014 and 2018; in 2018, 7,577 people were admitted to prison in the state.⁶ That year, nearly a quarter of those who were admitted to prison had been convicted of a drug offense, which was the most common offense leading to a prison term in the state.⁷ Even though overall admissions have been declining, the number of admissions for drug offenses has remained relatively constant, meaning that they

are making up a growing proportion of people admitted to prison every year in the state.⁸ Three hundred and sixty-five people were admitted to prison in South Carolina in 2018 for traffic offenses, accounting for 5 percent of all admissions.⁹

South Carolina has harsh sentencing laws that trigger lengthy terms of imprisonment for people convicted of multiple offenses, including mandatory sentences of life without parole for those convicted of a third “serious offense,” which can include certain kinds of burglary and drug distribution near a school.¹⁰

Communities of color suffer particularly severe consequences of the state’s reliance on incarceration as a means of addressing social problems. Black South Carolinians comprise only 26 percent of the state’s adult population, yet they made up 61 percent of the prison population in 2017.¹¹ And the number of women in prison in South Carolina has skyrocketed, increasing nearly fivefold between 1980 and 2016.¹² Many of those in prison have mental health needs, with 19 percent of the state’s prison population classified as mentally ill in 2018. A particularly high proportion – more than half (52 percent) – of women in prison fell into that category.¹³

All this incarceration is expensive. In 2017, the state spent \$544 million of its general fund on corrections, accounting for 7 percent of the state’s total fund and requiring tradeoffs in other state spending priorities such as education.¹⁴

So what’s the path forward?

There are a number of reforms that South Carolina could implement that would drastically reduce the number of people incarcerated in the state’s prisons and jails. Putting funds into a holistic public defender service program that is adequately funded and goes beyond the current underfinanced and overstressed system would ensure that people facing charges have adequate representation. South Carolina needs to invest in more pretrial intervention and diversion programs that put people who would benefit from help into forms of treatment for drug abuse and mental health needs rather than locking them up behind bars. Court-based programs, including drug, veterans,

and mental health courts, can be effective in certain circumstances, with adequate precautions.

In addition, South Carolina passed legislation that empowered municipalities in the state to run their own courts and determine which offenses would be treated asailable. This has fueled the passage of municipal ordinances creating new crimes to fit their jurisdictions, resulting in the criminalization of many behaviors that would be civil ordinance offenses in other states.¹⁵ Decriminalizing drug, traffic, and other offenses across the state would do much to ensure that poverty in South Carolina is not treated as a criminal condition. And preventing judges from setting the highest possible bail for people charged with a crime would ensure that bail is not unconstitutionally used as a collection mechanism.¹⁶ Many of those incarcerated in the state’s jails languish for unconscionably long periods, often due to the failure of solicitors to bring cases in a timely manner.¹⁷ Passing a stronger speedy trial law could ensure that people’s lives are not wrecked when facing a charge that may not even result in a conviction.

Eliminating mandatory minimum sentences, reducing the sentencing ranges for drug and other offenses, and expanding opportunities for compassionate release, earned time off of sentences, and early parole would also help to reduce the state’s swollen prison population. For more practical solutions to South Carolina’s mass incarceration crisis, see the sections on “Reducing Admissions” and “Reducing Time Served” below.

If South Carolina were to adopt the changes outlined in this Smart Justice 50-State Blueprint forecaster chart and achieve a 50 percent reduction in its prison population, it would save nearly half a billion dollars by 2025 – money that could be better spent on schools, infrastructure, and services for residents of the state.

Ultimately, the answer is up to South Carolina’s voters, policymakers, communities, and criminal justice advocates as they move forward with the urgent work of ending South Carolina’s obsession with mass incarceration.

The State of the South Carolina Prison System

On April 16, 2018, the deadliest prison riot in the United States since 1993 took place at Lee Correctional Institution in Bishopville, South Carolina. Seven people who were incarcerated were killed and more than 20 others were hospitalized. The riot continued for over seven hours, as the facility was severely understaffed.¹⁸ Legislative reform has failed to address the staffing issue.

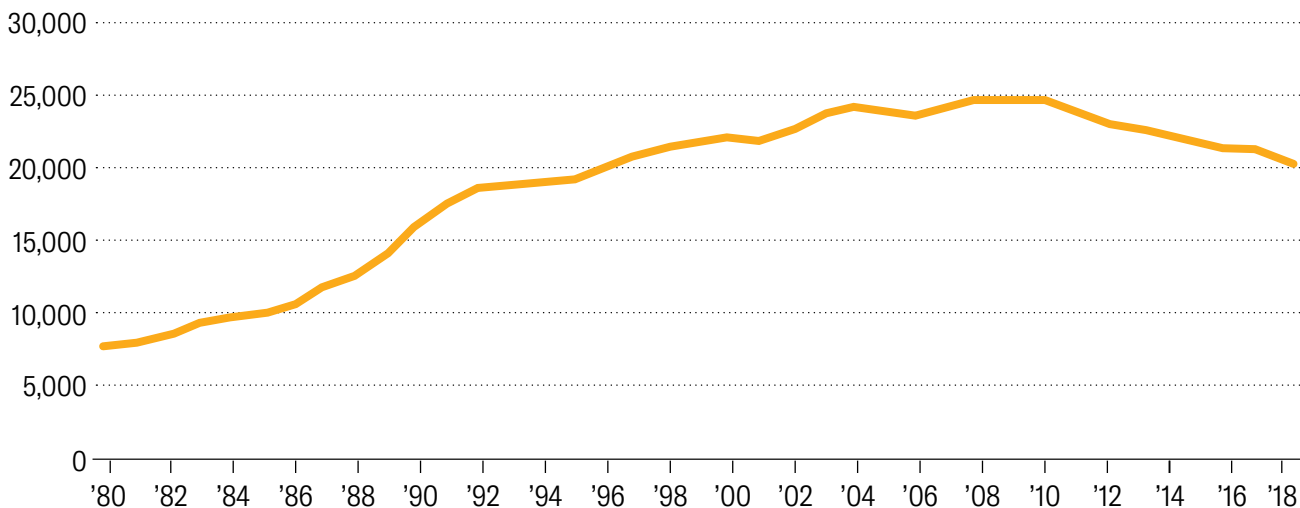
South Carolina has slightly more than 2,000 correctional officers; 4,000 correctional officers are needed to meet industry standards to ensure the safety of the people who are incarcerated and the officers.¹⁹ The situation is getting worse, not better. The Department of Corrections (SCDC) had 85 fewer correctional officers in February 2019 than it had in April 2018, when the riot occurred.²⁰ The state unemployment rate of 4.1 percent makes it even harder

to recruit and retain correctional officers. Since the Lee riots, the SCDC has relied upon lockdown of facilities in order to provide a modicum of safety to its understaffed prisons.²¹ When facilities are on lockdown, there is no visitation and no access to educational programs.

Between 1980 and 2018, South Carolina's average daily prison population grew 157 percent.²² As of 2018, there was an average of 20,245 people in South Carolina prisons on any given day.²³ When you include people in local jails and on community supervision, like probation and parole, the reach of the criminal justice system is even greater: In 2016, South Carolina had nearly 2 percent (1.77 percent) of its adult population under some form of correctional control.²⁴

The average daily population of South Carolina prisons increased threefold between 1980 and 2009, when it

SOUTH CAROLINA PRISON POPULATION



AT A GLANCE

SOUTH CAROLINA PRISONS

South Carolina's average daily prison population grew **157 percent** between 1980 and 2018.

411 out of every 100,000 South Carolina residents were in prison in 2016.

Nearly **2 percent** of South Carolina's population was under some form of correctional control as of 2016.

South Carolina had the **35th highest** adult correctional control rate in the country in 2015.

peaked at 24,734. The average daily prison population then declined by 18 percent between 2009 and 2018,²⁵ due in part to Justice Reinvestment reforms enacted in 2010.²⁶ Despite this decline, 411 out of every 100,000 South Carolina residents were in prison in 2016, a rate

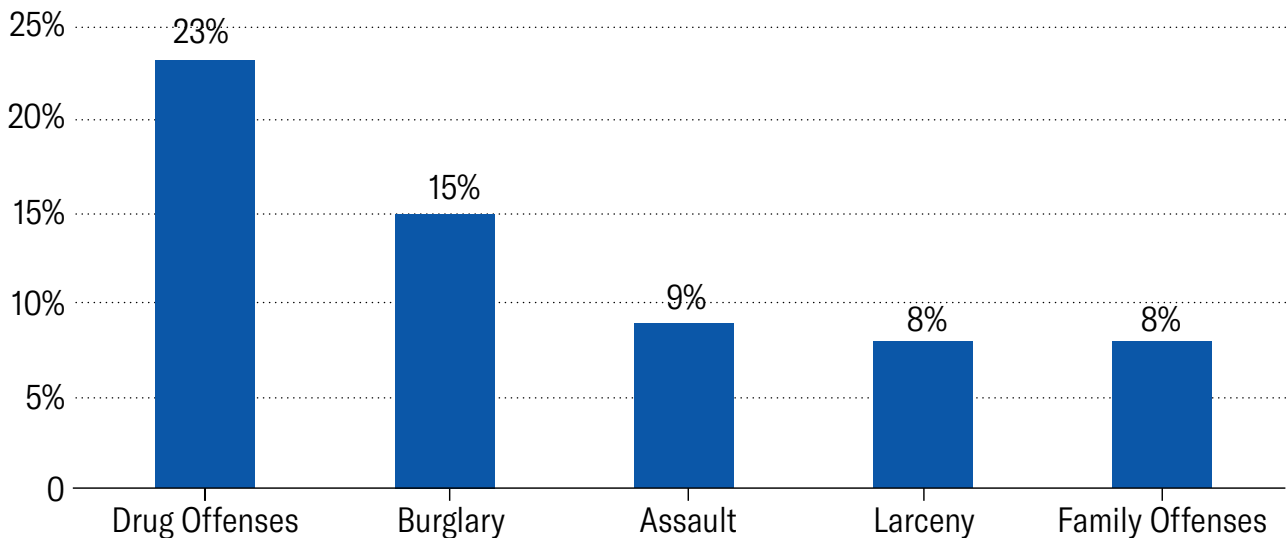
higher than the national state imprisonment rate in the same year (397 per 100,000).²⁷

What Is Driving People Into Prison?

The number of people admitted to South Carolina prisons²⁸ each year decreased 17 percent between 2014 and 2018; in 2018, 7,577 people were admitted to South Carolina prisons.²⁹

In South Carolina, a litany of offenses³⁰ drives people into prisons. In 2018, nearly one in four (23 percent) people admitted to South Carolina prisons had been convicted of a drug offense, the most common controlling offense among people entering prison in the state.³¹ Approximately one-third (32 percent) of admissions in 2018 were for property offenses, including 15 percent of all admissions for burglary and 8 percent for larceny. Additionally, 365 people were admitted to South Carolina prisons in 2018 for traffic offenses, accounting for 5 percent of all admissions. Other common offenses in 2018 admissions to South Carolina prisons included assault (9 percent); family offenses, which include nonviolent offenses like

SOUTH CAROLINA PRISON ADMISSIONS BY TOP OFFENSE TYPE (FY 2018)



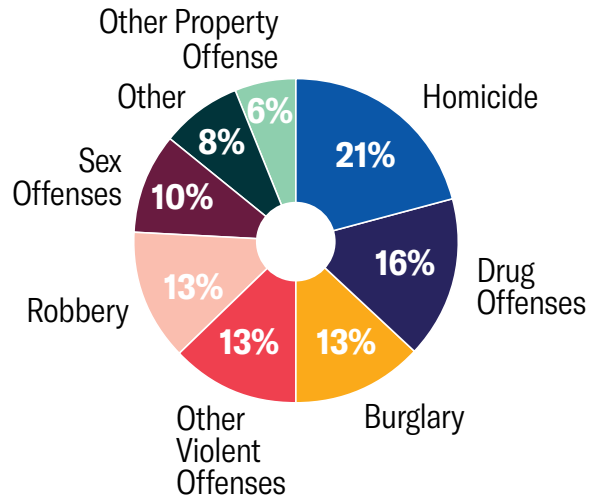
abandonment or neglect (8 percent); and robbery (6 percent).³²

Convictions for drug offenses are a significant contributor to South Carolina prison admissions. Despite a significant decrease in annual prison admissions between 2014 and 2018 – a 17 percent decrease – the number of admissions for drug offenses has remained relatively constant, meaning drug offenses are making up a growing proportion of all admissions (20 percent in 2014 and 23 percent in 2018).³³ In 2015, 21 percent of all admissions to South Carolina prisons were for drug offenses, including 8 percent for drug possession and 13 percent for drug distribution.³⁴

Revocations from community supervision also contribute to South Carolina prison admissions. Although admissions for parole and probation revocations decreased 20 percent between 2014 and 2018, they still accounted for more than one in seven (15 percent) admissions to South Carolina prisons in 2018.³⁵

Additionally, a lack of access to treatment options and reentry support for people who have served time in South Carolina prisons means many return to prison. Although South Carolina’s three-year recidivism rate has decreased from 34 percent of people released in 2005, one in four (25 percent) people released from

SOUTH CAROLINA PRISON POPULATION BY OFFENSE TYPE (2018)



South Carolina prisons in 2015 returned to prison within three years.³⁶

The Current Prison and Jail Population

In 2018, at least 40 percent of the South Carolina prison population was serving time for a nonviolent offense, including drug and property crimes.³⁷ In part due to sentencing policy reform in the last several years, the number of people imprisoned in South Carolina for drug offenses has diminished significantly, decreasing 21 percent between 2014 and 2018. Nevertheless, as of June 2018, there were 3,074 people in South Carolina prisons serving sentences for drug crimes, accounting for nearly one in every six (16 percent) people imprisoned. Sentences for property offenses accounted for another one in five (20 percent) people imprisoned in South Carolina in 2018, including 13 percent of the total prison population serving time for burglary. Other common offenses in the 2018 prison population included robbery (13 percent) and assault (7 percent).³⁸

In addition to people in prison, 10,670 people were incarcerated in local jails in South Carolina in 2015, 75

AT A GLANCE

SOUTH CAROLINA JAIL AND PRISON POPULATION

In 2018, drug offenses accounted for **23 percent** of all prison admissions in South Carolina.

10,670 people were incarcerated in local jails in South Carolina in 2015.

25 percent of people released from South Carolina prisons in 2015 returned to prison within three years.

AT A GLANCE

LENGTH OF IMPRISONMENT AT A GLANCE

The average sentence length for people in South Carolina prisons grew by **12 percent** between 2014 and 2018.

2 out of 3 people whose cases were heard by South Carolina's parole board in 2017 were denied parole.

6 percent of people in South Carolina prisons in 2018 were serving life-without-parole sentences.

percent of whom were being detained pretrial and had not been convicted of a crime.³⁹

Why Do People Stay in Prison for So Long?

As the number of people entering prison each year has decreased, the length of time they serve has grown. The average time served for people released from South Carolina prisons increased 10 percent between 2014 and 2018, reaching 2 years and 8 months for people released in 2018. The number of people released from South Carolina prisons who had served more than 10 years increased 15 percent over the same time period, and 6 percent of all people released in 2018 had served at least 10 years.⁴⁰ The average sentence length for people in South Carolina prisons increased 12 percent between 2014 and 2018, reaching 14 years and 11 months in 2018.⁴¹

Although the proportion of cases heard by the South Carolina Board of Pardons and Paroles that were granted parole more than doubled between 2010 and 2017, fewer cases are being considered; the number of cases heard decreased 20 percent over the same time period, from 4,165 in 2010 to 3,329 in 2017. Two out of every three people whose parole cases were heard in 2017 were denied parole.⁴²

South Carolina has harsh sentencing laws that trigger long sentences for people convicted of multiple offenses. For example, anyone convicted of a third “serious offense” – which includes crimes like drug distribution near a school and certain kinds of burglary – is automatically subject to a sentence of life without the possibility of parole.⁴³

Life-without-parole sentences contribute to the South Carolina prison population through a “stacking effect,” meaning that a relatively small number of people are admitted to prison to serve a life-without-parole sentence each year (40 people in 2018⁴⁴), but they stay in prison for a very long time and can therefore contribute to prison population growth over time. Although admissions to South Carolina prisons for life-without-parole sentences decreased by 25 percent between 2014 and 2018,⁴⁵ the number of people in prison serving life-without-parole sentences increased by 11 percent in just those five years. In 2018, 6 percent of the prison population in South Carolina was serving a life-without-parole sentence.⁴⁶

Who Is Imprisoned

Black South Carolinians: Incarceration in South Carolina has a profoundly disparate impact on Black communities. In 2017, the imprisonment rate of Black adults in South Carolina (1,176 per 100,000) was more than four times that of white adults. In 2017, one in every 40 adult Black men in South Carolina was in prison. Although they made up just 26 percent of the state’s adult population, Black people made up 61 percent of the prison population in South Carolina in 2017.⁴⁷

Women in South Carolina: The number of women in South Carolina prisons has increased nearly fivefold between 1980 and 2016 (a 374 percent increase), far outpacing the growth of the total South Carolina prison population, which grew 174 percent over the same time period.⁴⁸

Older South Carolinians: Between 2014 and 2018, the number of people in prison age 50 or older – a group generally considered to pose a negligible risk to public safety⁴⁹ – increased by 5 percent, despite

the total prison population decreasing by 13 percent over the same time period. In 2018, one in five people (20 percent) in South Carolina prisons was age 50 or older.⁵⁰

People With Mental Health and Substance Use Disorders

Mental health needs are prevalent in South Carolina's prison population. As of June 2018, 19 percent of the South Carolina prison population was classified by SCDC as mentally ill. This rate is much higher for women: In the same year, more than half (52 percent) of women imprisoned in South Carolina were classified as mentally ill.⁵¹

Additionally, as of June 2018, SCDC identified 34 percent of the prison population as being "chemical dependent," according to a drug dependency screening tool. This rate is also much higher for women: In the same year, more than half (51 percent) of women imprisoned in South Carolina were classified as being chemical dependent.⁵²

AT A GLANCE

MENTAL HEALTH AND SUBSTANCE USE DISORDERS

34 percent of South Carolina's prison population was considered "chemical dependent" as of June 2018.

As of June 2018, **19 percent** of South Carolina's prison population was classified as mentally ill.

AT A GLANCE

YOUTH JUSTICE

The number of youth admitted to detention in South Carolina increased **4 percent** between 2011 and 2017.

Almost **60 percent** of youth in detention in FY 2017 were there for misdemeanors or administrative reasons.

Only **31 percent** of South Carolina's youth are Black, yet 63 percent of youth admitted to detention in the state in FY 2017 were Black.

Youth Justice

The South Carolina Department of Juvenile Justice (DJJ) is on the cusp of change. On June 6, 2016, the Legislature passed a bill that increased the age of juvenile justice jurisdiction from 17 to 18.⁵³ This law will go into effect on July 1, 2019. The DJJ has a history of over relying on the use of detention for youth. From FY2011 to FY2017, the number of referrals to solicitors for delinquency hearings decreased by 25 percent.⁵⁴ However, the number of youth admitted to detention increased by 4 percent over the same period.⁵⁵

In FY 2017, 68 percent of detained youth were held for less than a week and 31 percent were held for less than three days.⁵⁶ Almost 60 percent of youth in detention were there for either misdemeanors or administrative reasons in FY 2017. In FY 2017, only 400 of 3,286 detained youth were held for a felony-level offense against a person.⁵⁷

Moreover, youth of color are incarcerated at disproportionate rates. Only 30 percent of South Carolina's youth are Black, yet Black youth constituted 55 percent of the referrals for delinquency adjudication and 63 percent of youth who were admitted to detention in FY 2017.⁵⁸

AT A GLANCE

BUDGET

South Carolina spent **\$544 million** of its general fund on corrections in 2017.

Corrections general fund spending in South Carolina increased by **90 percent** between 1985 and 2017.

South Carolina will need to hire close to **2,000** new corrections officers unless it adopts reforms that reduce the number of people it incarcerates.

Budget Strains

As South Carolina's imprisoned population has risen, so has the cost burden. In 2017, South

Carolina spent more than \$500 million (\$544 million) of its general fund on corrections, accounting for 7 percent of the state's total general fund. Corrections general fund spending nearly doubled (90 percent increase) between 1985 and 2017, forcing tradeoffs in other state spending priorities like education: Higher education general fund spending decreased 22 percent over the same time period.⁵⁹ Further, there is a significant gap in corrections officer staffing in jails and prisons across the state; SCDC would need to double its current staffing in order to adhere to industry standards.⁶⁰

Ending Mass Incarceration in South Carolina: A Path Forward

Mass incarceration is a result of many systems failing to support our communities. To end it, we must develop policies that better address inadequacies throughout our education, health care, and economic systems – to name a few. There are many potential policy changes that can help South Carolina end its mass incarceration crisis, but it will be up to the people and policymakers of South Carolina to decide which changes to pursue. To reach a 50 percent reduction, policy reforms will need to reduce the amount of time people serve in prisons and/or reduce the number of people entering jail and prison in the first place.

Reducing Admissions

To end mass incarceration, South Carolina must break its overreliance on jails and prisons as a means to hold people accountable for their crimes. Evidence indicates that prisons seldom offer adequate solutions to wrongful behavior. In fact, imprisonment can be counterproductive – increasing cycles of harm and violence, and failing to provide rehabilitation for incarcerated people or adequate accountability to the survivors of crime.⁶¹ Here are some strategies:

- **Invest in statewide holistic public defender services:** Access to counsel can be critical to a person’s success, whether during the pretrial stage or upon release from custody. Access to an attorney means little if they lack the time, resources, or skills to be an effective advocate. The lack of adequate statewide funding for public defender services often leaves people without access to the quality of counsel and due process protections that the Constitution requires. Further, many people going

through the criminal legal system have other unaddressed legal needs that either have driven them into the system or are exacerbated by their being entangled in the system. The Legislature should invest in holistic public defender services that can provide assistance to people who have housing, treatment, employment, family court, and/or transportation needs through comprehensive social services. Holistic public defender services should be adequately funded by the Legislature and free of cost to people using the services; the Legislature should also eliminate the use of contract attorneys and repeal any statutes that allow recoupment of fees for attorney services provided to people who are indigent. Models, such as that of the Bronx Defenders, have been successful in implementing holistic defense services,⁶² and South Carolina should be looking to learn from and adapt these strategies.

- **Expand access to pretrial intervention and diversion programs:** South Carolina has established solicitor-run Pre-Trial Intervention Programs (PTI),⁶³ but these programs should use evidence-based treatments rather than one-size-fits-all requirements. This intervention program should be fully funded and offered free of cost. There also should be no limits on the number of times a person can go through PTI programs. Other successful models include ones that divert people to treatment and support services before arrest and solicitor-led programs that divert people before they are charged. Diversion programs have proven especially effective with youth.⁶⁴ Lawmakers can explore

such interventions at multiple phases in the system, whether through decriminalization or alternatives to arrest, charges, or incarceration.

- **Alternatives to incarceration:** South Carolina system actors – legislators, judges, and solicitors – should implement programs that provide alternatives to incarceration and address root causes of many of the state’s admissions to prison. Programs offering support services such as substance use treatment, mental health care, employment, housing, health care, and vocational training – often with a community service requirement – have significantly reduced recidivism rates for participants.⁶⁵ Court-based programs, including drug, veterans, and mental health courts, can be effective in certain circumstances, with adequate precautions. For crimes involving violence, restorative justice programs – which are designed to hold responsible people accountable and support those who were harmed – can be particularly promising. When they are rigorous and well implemented, these processes have not only been demonstrated to reduce recidivism for defendants,⁶⁶ but they have also been shown to decrease symptoms of posttraumatic stress in victims of crime.⁶⁷ Solicitors and judges who embrace these solutions can fulfill their responsibilities to the public safety and to supporting victims in their healing – and can often generate far better results than imprisonment can deliver.
- **Implement “Raise the Age”:** The South Carolina Legislature extended the juvenile justice jurisdiction from 17 to 18 years of age. The Legislature must invest and fund a long-term strategy to implement this crucial change to the system. Further, policymakers must enact policy and wield discretion in a way that leads to fewer youth being prosecuted, adjudicated, and incarcerated. South Carolina system actors – legislators, judges, and solicitors – should adopt community-based alternatives to incarceration for youth and push to end youth detention.
- **Expanded treatment – mental health:** Mental health diversion is an effective way to redirect people with disabilities out of the criminal legal system and into supportive community treatment. Diversion programs have been shown to be effective for people charged with both nonviolent and violent offenses.⁶⁸ When implemented effectively, diversion reduces arrests, encourages voluntary treatment in the community, and saves money.⁶⁹ Effective diversion programs coordinate with community services that provide a wide range of substantial, quality wraparound treatment and support for people with disabilities to access housing, employment, and intensive, individualized supports in the community. After an initial investment in community supports, diversion programs have the potential to save jurisdictions large amounts of money.⁷⁰ One way to support treatment options is to expand Medicaid so that South Carolinians have greater access to mental health treatment and substance use treatment while on probation/parole and after their separation from the criminal justice system. For example, Charleston County, with funding from the MacArthur Foundation, established the Charleston County Criminal Justice Coordinating Council in 2016 with the goal of reducing incarceration while enhancing public safety. The council helped open the Tri-County Crisis Stabilization Center, which provides a professionally staffed alternative safe place for persons struggling with mental illness or homelessness. This gives law enforcement a place other than jail to take people to address their needs.⁷¹ Other communities in South Carolina should consider similar alternatives to incarceration.
- **Expanded treatment – addiction:** Substance use disorders are often underlying drivers of a substantial number of crimes, including and especially more serious offenses like burglaries, robberies, and assaults. Addressing substance use through treatment rather than incarceration can more effectively reduce crime.⁷² In Charleston County, the Tri-County Crisis

“Merely reducing sentence lengths, by itself, does not disturb the basic architecture of the New Jim Crow. So long as large numbers of African Americans continue to be arrested and labeled drug criminals, they will continue to be relegated to a permanent second-class status upon their release, no matter how much (or how little) time they spend behind bars. The system of mass incarceration is based on the prison label, not prison time.”¹⁰¹

— From *The New Jim Crow*, Michelle Alexander

Stabilization Center is poised to open beds for treatment of substance use issues.⁷³ Other South Carolina jurisdictions could follow this lead and provide real-time alternatives to jail for people who are under the influence.

- **Support decriminalization and defelonization:** When South Carolina passed legislation that authorized the establishment of municipal courts, those courts had limited criminal jurisdiction. There are now more than 200 municipal courts in South Carolina,⁷⁴ which has fueled the passage of municipal ordinances creating new crimes to fit their jurisdictions. The system is self-perpetuating and results in the criminalization of many behaviors that would be civil ordinance offenses in other states. Further, with the exception of a few traffic offenses, all crimes in South Carolina are jailable offenses. For example, a police officer could decide to arrest and jail a pedestrian whom they observed violating the open container law.⁷⁵ Legislators should actively employ decriminalization strategies that eliminate criminal penalties while embracing diversion and alternatives to incarceration. This includes the decriminalization of traffic offenses and drug possession, as well as working to undo

the criminalization of poverty across South Carolina.

- **Enact pretrial justice reform: South Carolina can significantly reduce its rates of pretrial detention** by enacting laws and judicial policies that improve fairness and the administration of equitable justice in the pretrial process. In many counties, the judge setting bail for municipal- or magistrate-level offenses will set it at the highest amount that the defendant might be required to pay in fees and fines if they were found guilty, effectively transforming bail into a collection mechanism.⁷⁶ This is unconstitutional, and the practice should be ended immediately. Further, while detained pretrial, research shows many people face significant collateral damage, such as job loss or interrupted education.⁷⁷ And far too often, people who cannot afford bail end up in jail for weeks, months, or, in some cases, years as they wait for their day in court. When this happens, the criminal justice system leaves them with a difficult choice: take a plea deal or fight the case from behind bars. After even a short stay in jail, taking a plea deal sounds less burdensome than losing everything, which is likely why evidence shows that pretrial detention significantly increases a defendant’s risk of conviction.⁷⁸

The current pretrial system harms people of color in particular. Research shows that people of color are detained at higher rates across the country when unable to meet bail and that courts set significantly higher bail amounts for them.⁷⁹ In order to significantly reduce pretrial detention and combat racial disparities, the South Carolina Legislature should eliminate cash bail and limit pretrial detention to the rare case where a person poses a serious, clear threat to another person. The Charleston County Criminal Justice Coordinating Council is experimenting with providing a pretrial service report, which includes an “objective” assessment of risk to the bond-setting magistrate.⁸⁰ Too often, such assessments perpetuate the disparate impact on people of

color and other protected classes both by relying on biased data and by including factors that weigh unfavorably against these groups.⁸¹ It is too early to know how the Charleston experiment will change rates of incarceration, but policymakers should be diligent in their mission to make sure the use of risk assessments do not disparately impact South Carolinians of color.

- **Solicitor reform:** Solicitors are the most powerful actors in the criminal legal system, with the ability to wield the power of the state against an individual to deprive that person of life, liberty, and property. The Legislature should aim to enact solicitor reform that increases transparency, enhances oversight, and embraces diversion and alternatives to incarceration. In South Carolina, solicitors have critical control over the court dockets, giving them the power to keep a defendant detained pretrial in jail for long periods of time. A solicitor is elected in each of the 16 judicial circuits. The initial decisions of whether to charge someone with a crime and, if so, what and how many charges, have a major impact on every aspect of a person's experience with the system, not least of which is the amount of time someone faces and eventually serves incarcerated and whether people are provided with the option of diversion. There should be a mechanism for the state, counties, and voters to review and assess those decisions overall to ensure that they make these decisions appropriately. Moreover, solicitors occasionally wrongfully convict a person, whether through prosecutorial misconduct or the conviction of an innocent person. The establishment of Conviction Integrity Units would add oversight to a solicitor's decisions, which encourages them to use greater scrutiny when reviewing and charging cases. Solicitors also handle funds from many sources, including grants and funds from civil forfeiture, which raises a number of concerns. In early 2019, a solicitor pled guilty to misusing the funds entrusted to him.⁸²

The Legislature should require solicitors to publish an annual financial audit and make it

A NOTE ON SPECIALTY COURTS

South Carolina, through its Supreme Court, has authorized certain judges to preside over “specialty courts” such as mental health, veterans, homeless, and drug courts. Judges presiding over these specialty courts can be pulled from the circuit courts, family courts, or probate courts, or they can be municipal or magistrate judges. Many of these courts function in an ad hoc and informal fashion without clear standards or uniform recordkeeping. The ACLU has concerns about the growing use of these courts. They may violate due process rights, including the rights to notice, hearing, and counsel, and may needlessly subject people with disabilities to criminal justice control. And they require significant resources that would be better spent providing upfront services in the community.

Where established, participation in these courts must be voluntary and not require a guilty plea. Specialty court providers must be disability-competent and informed in public health, addiction, and treatment. A probate court judge, for example, should not be able to make the medical determination that a defendant should be required to terminate methadone treatment. People in these courts must have access to counsel, and supervision should not last beyond the length of any sentence that would have been imposed for the underlying charge. Participants should be allowed to quit the program and either take a plea agreement or stand trial, protected by all due process rights, at any time. All programs must be tailored to meet individual needs, including having specialized, evidence-based options for people with dual diagnoses (mental health and substance use disorders). Finally, the response to lapses or non-compliance should be enhanced case management, not incarceration.

publicly available. The Legislature should also pass a bill that requires statewide, uniform data collection by each Circuit Solicitor so that wrongful convictions, prosecutorial misconduct, accession to diversion, timeliness of disposition,

and disparate impact on vulnerable communities can be reviewed. Such transparency should make solicitors more responsive to the values of the communities they serve and give the voters an opportunity to cast more informed votes.

- **Enact speedy trial reform:** Many people in South Carolina’s jails are there for unconscionably long periods of time, often due to the failure of solicitors to bring cases in a timely manner.⁸³ The Legislature must enact a stronger speedy trial law that provides people with a right to be brought to trial within a specified period of time and provides them with remedies when the state fails to do so. Specifically, the speedy trial rights of people who are incarcerated pretrial should be the strongest of all people going through the system, since there is inevitable harm the person suffers when their liberty and freedom are deprived from them prior to trial. Any legislation passed must also be diligent in limiting both the reasons for which the speedy trial clock can be tolled and the amount of time the clock can be tolled for.
- **Expanding judicial options at sentencing:** The Legislature can also limit the circumstances in which a judge is required to impose a prison sentence instead of community supervision, especially for drug offenses and in situations when the mandatory prison sentence is triggered by a prior felony. Judges must also have a variety of tools at their disposal besides imprisonment, allowing them to require treatment, mental health care, restorative justice, or other evidence-based alternatives to incarceration. These programs should be available to the court in all or most cases, regardless of the severity of the offense or someone’s prior criminal history. The court, not the Legislature or the solicitors, should be in a position to decide whether such an option is appropriate in individual cases.

Reducing Time Served

Reducing the amount of time people serve, even by just a few months, can lead to thousands of fewer people in South Carolina’s prisons. Here’s how:

- **Eliminate mandatory minimum sentences:** The South Carolina Legislature can amend the criminal code to eliminate mandatory minimums for all crimes. Mandatory minimums lead people to remain incarcerated for time periods that are beyond reasonable and that are not in the best interest of either the individual who is incarcerated or the public.
- **Sentencing reform – general:** The Legislature can amend South Carolina’s criminal code to reduce sentencing ranges, including and especially for drug offenses, burglary and other property offenses, robbery, public order offenses, nonviolent family offenses, driver’s license suspensions, and assault. The Legislature should also consider abolishing sentences of life without parole, simultaneously expanding programs and services available to support people’s eventual release.
- **Sentencing reform – enhancements:** The Legislature can also limit the circumstances and the severity of South Carolina’s prior felony sentencing by eliminating sentencing enhancements, recognizing that they do not serve as a deterrent and are inadequate in addressing underlying drivers of crime. The presence of even a single prior felony can both substantially increase the sentencing range and delay initial parole eligibility. Multiple prior felonies trigger even more substantial enhancements to both sentencing range and initial parole eligibility. Prior convictions should have no bearing on the sentencing of new convictions.
- **Professionalize the Board of Pardons and Paroles:** The South Carolina Board of Pardons and Paroles is required by statute to use an evidence-based assessment tool to guide its parole decisions;⁸⁴ it has failed to adopt such

an instrument. Further, the board is a non-professional citizen board that is not equipped to make informed decisions based upon evidence of rehabilitation. The board should consist of professional members with subject matter expertise who have been trained on reviewing applications for parole or pardons.

- **Parole reform:** In addition, improving parole and release policies and practices to ensure that eligible people are paroled more quickly is another key way to reduce the amount of time people spend in prison. South Carolina needs to enact parole reform that expands access to early release and provides clear guidelines to parole boards about how to make decisions in an equitable way. SCDC and the South Carolina Department of Probation, Parole, and Pardon Services should adopt standardized criteria that reward people in prison for pursuing education and exhibiting good behavior. Such standards have been shown to improve prison climate and reduce recidivism.⁸⁵
- **Eliminate parole revocations for technical violations:** Parole revocations for technical violations are often due to the onerous conditions and unreasonable requirements placed on people who are released, yet who are not given adequate support to meet them. Incarceration for technical violations that do occur should be eliminated entirely; instead, parole officers should be required by the Department of Probation, Parole, and Pardon Services to provide supportive services to ensure a person's successful completion of parole.
- **Earned time/earned credit reform:** The Legislature can also consider expanding the availability of earned credits against a prison sentence through participation in educational, vocational, and other opportunities. These opportunities would need to be available at every prison facility.
- **Compassionate release:** The South Carolina Legislature should expand access to

compassionate release from prison. The state's prison population is rapidly aging, in large part due to longer average sentence lengths, truth-in-sentencing legislation, sentencing enhancements, and lack of access to parole stemming from a reliance on non-professionals to make parole decisions. Keeping aging and seriously injured or ill people incarcerated significantly taxes prison resources. Studies have shown that incarcerating an older (50 and above) person costs double what it costs to incarcerate a younger person.⁸⁶ What is more, keeping older people behind bars does not serve the goal of incapacitation, particularly as studies have clearly shown that as people age their propensity to commit crime significantly declines.⁸⁷ There is also clear evidence showing that older persons have much lower rates of recidivism than their younger counterparts.⁸⁸

- **Medical release:** In an order issued in 2014 in *T.R., P.R., K.W., et al. v. South Carolina Department of Corrections*, South Carolina was found to have failed to provide adequate treatment for people who are incarcerated who suffer from chronic mental illness.⁸⁹ While improvements have been made, the state has yet to marshal the resources needed to rectify the failures delineated in that decision. The Legislature needs to provide adequate funding for the medical needs of people who are incarcerated while adopting policies that expand medical release, including medical parole, for people with long-term medical needs or terminal illnesses. Prison is not the appropriate place of treatment for people with these medical needs.

Reducing Racial Disparities

Reducing the number of people who are imprisoned in South Carolina will not on its own significantly reduce racial disparities in the prison system.

People of color (especially Black, Latino, and Native American people) are at a higher risk of becoming involved in the justice system, including living under heightened police surveillance and being at higher risk

for arrest. This imbalance cannot be accounted for by disparate involvement in illegal activity, and it grows at each stage in the justice system, beginning with initial law enforcement contact and increasing at subsequent stages, such as pretrial detention, conviction, sentencing, and post-release opportunity.⁹⁰ Focusing on only one of the factors that drives racial disparity does not address issues across the whole system.

Racial disparity is so ingrained in the system that it cannot be mitigated by solely reducing the scale of mass incarceration. Shrinking the prison population across the board will likely result in lowering imprisonment rates for all racial and ethnic populations, but it will not address comparative disproportionality across populations. For example, focusing on reductions to prison admissions and length of stay in prison is critically important, but those reforms do not address the policies and practices among police, solicitors, and judges that contribute greatly to the racial disparities that plague the prison system.

New Jersey, for example, is often heralded as one of the most successful examples of reversing mass incarceration, passing justice reforms that led to a 26 percent decline in the state prison population between 1999 and 2012.⁹¹ However, the state did not target racial disparities in incarceration and, in 2014, Black people in New Jersey were still more than 12 times as likely to be imprisoned as white people — the highest disparity of any state in the nation.⁹²

Ending mass incarceration is critical to eliminating racial disparities but insufficient without companion efforts that take aim at other drivers of racial inequities outside of the criminal justice system. Reductions in disparate imprisonment rates require implementing explicit racial justice strategies.

Some examples include:

- Ending overpolicing in communities of color
- Evaluating solicitors' charging and plea-bargaining practices to identify and eliminate bias
- Investing in diversion and community-based alternatives to detention in communities of color

- Reducing the use of pretrial detention and eliminating wealth-based incarceration
- Ending sentencing enhancements based on location (e.g., drug-free school zones and public property, such as parks and housing)
- Requiring racial impact statements before any new criminal law or regulation is passed and requiring legislation to proactively rectify any potential disparities that may result with new laws or rules
- Eliminating discriminatory gang sentencing enhancements that disproportionately target people of color
- Abolishing the death penalty. Numerous studies illustrate racial disparities are rampant throughout the capital sentencing process.
- Addressing any potential racial bias in risk assessment instruments used to assist decision-making in the criminal justice system
- Removing law enforcement from schools and encouraging judges to use their power to dismiss cases that originate with school officials or on school grounds when the matter may be adequately addressed through school disciplinary or regulatory process to avoid incarcerating children during their most formative years
- Eliminating fines and fees, which effectively criminalize poverty
- Shifting funding from law enforcement and corrections to community organizations, job creation, schools, drug and mental health treatment, and other social service providers

Reducing Disability Disparities

The rates of people with disabilities in the U.S. criminal system are two to six times that of the general population.⁹³ In particular, people with mental illness are dramatically overrepresented in jails and prisons across the country.⁹⁴

- People showing signs of mental illness are twice as likely to be arrested as people without mental illness for the same behavior.⁹⁵
- People with mental illness are sentenced to prison terms that are, on average, 12 percent longer than those of other people in prison.⁹⁶
- People with mental illness stay in prison longer because they frequently face disciplinary action from conduct that arises due to their illness — such as attempted suicide — and they seldom qualify for early release because they are not able to participate in rehabilitative programming, such as educational or vocational classes.⁹⁷

Furthermore, sentencing reforms appear to leave people in prison with mental health needs behind.

Screening tools to evaluate psychiatric disabilities vary by state and jurisdiction, but the most reliable data indicates that more than half of jail populations and close to half of prison populations have mental health disabilities.⁹⁸ The fact that people with mental health disabilities are arrested more frequently, stay incarcerated longer, and return to prisons faster is not due to any inherent criminality related to psychiatric disabilities. It arises in part because of the lack of accessible and appropriate mental health treatment in the community; in part because of a perception of dangerousness by police, solicitors, and judges; and in part because prison staff and probation officers fail to recognize and accommodate disability.

Many people of color in jails and prisons are also people with disabilities, and efforts to reduce disability

TAKING THE LEAD

Solicitors: They make decisions on when to prosecute an arrest, what charges to bring, and which plea deals to offer and accept. They can decide to divert people to treatment programs (for example, drug or mental health programs) rather than send them to prison. And they can decide not to charge enhancements that greatly increase the length of sentences.

State lawmakers: They decide which offenses to criminalize, what penalties to include, how long sentences can be, and when to take away discretion from judges. They can change criminal laws to remove prison as an option when better alternatives exist, and they can also fund the creation of new alternatives, including diversion programs that provide supported housing, treatment, and vocational training. And they can decide to sufficiently fund mental health and substance use treatment so that it is available for people who need it before they encounter the criminal legal system. They could modify the jurisdiction of municipal courts to allow for some civil jurisdiction and therefore allow the cities to enforce some ordinances without making them crimes.

Parole boards: They decide when to allow people to leave prison. If the parole board is trained to consider and accommodate disability issues, they may recognize and release more people who have disciplinary issues in their records that are due to a lack of accommodations for their disabilities. The state should consider replacing the current citizen parole board with professionals who could more dispassionately evaluate the rehabilitation of the person who is incarcerated.

Judges: They often have discretion over pretrial conditions imposed on defendants, which can make a difference. For example, individuals who are jailed while awaiting trial are more likely to plead guilty and accept longer prison sentences than people who are not held in jail pretrial. Judges can also have discretion in sentencing and should consider alternatives to incarceration when possible.

disparities must go hand in hand with efforts to reduce racial disparities.⁹⁹ Not surprisingly, many of the strategies to reduce disability disparities are similar to approaches that reduce racial disparities. Some examples include:

- Investing in pre-arrest diversion:
 - Creating behavioral health centers, run by state departments of health, as alternatives to jails, or emergency rooms for people experiencing mental health crises or addiction issues. The Charleston experiment with the Tri-County Crisis Stabilization Center could be replicated in other communities. Its expansion to providing sobering beds, however, is critical to its overall success.
 - Training dispatchers and police to divert people with mental health issues who commit low-level nuisance crimes to these behavioral health centers. Jurisdictions that have followed this approach have significantly reduced their jail populations.¹⁰⁰
- Ending custodial arrest for low-level public order charges, such as being drunk in public, urinating in public, loitering, trespassing, vandalism, simple possession of marijuana, open container offenses, misdemeanor shoplifting, and sleeping on the street. If needed, refer people who commit these crimes to behavioral health centers.
- Requiring solicitors to offer diversion for people with substance use and mental health needs for non-serious charges
- Passing legislation to eliminate the one-time-only limitation on pretrial intervention referrals
- Evaluating solicitors' charging and plea-bargaining practices to identify and eliminate disability bias
- Requiring solicitors' offices be transparent in their charging decisions and plea deals
- Investing in diversion programs and alternatives to detention designed for people with disabilities, including programs that provide supportive housing, Assertive Community Treatment, wraparound services, and mental health supports
- Reducing the use of pretrial detention while increasing reminders of court dates and other supports to ensure compliance with pretrial requirements. Other communities should adopt use of text messages to remind defendants of court appearances, as they are used in Charleston County.
- Reducing reincarceration due to parole or probation revocations through intensive case management, disability-competent training for officers on alternatives to incarceration and reasonable modifications to requirements of supervision, and no return to incarceration for first and second technical violations
- Addressing bias against mental disabilities in risk assessment instruments used to assist decision-making in the criminal justice system
- Shifting funding away from law enforcement and corrections into supportive housing, intensive case management, schools, drug and mental health treatment, community organizations, job creation, and other social service providers

Forecaster Chart

There are many pathways to cutting the prison population in South Carolina by 50 percent. To help end mass incarceration, communities and policymakers will need to determine the optimal strategy to do so. This table presents one potential matrix of reductions that can contribute to cutting the state prison population in half by 2025. The reductions in admissions and length of stay for each offense category were selected based on potential to reduce the prison population, as well as other factors. To chart your own path to reducing mass incarceration in South Carolina, visit the interactive online tool at <https://urbn.is/ppf>.

CUTTING BY 50%: PROJECTED REFORM IMPACTS ON POPULATION, DISPARITIES, AND BUDGET

Impact Compared to 2025 Baseline*				
Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Drug offenses	<ul style="list-style-type: none"> Reduce average time served for drug distribution and other drug offenses by 60% (from 2.65 to 1.06 years) Institute alternatives that reduce admissions for drug distribution and other drug offenses by 60% (603 fewer people admitted) Institute alternatives that end all admissions for drug possession (620 fewer people admitted) 	16.51% reduction (3,077 fewer people)	White: 3.4% increase Black: 1.2% decrease Hispanic/Latino: 15.5% decrease Native American: 2.2% increase Asian: 3.9% increase Other: 11.5% decrease	\$52,497,260
Burglary	<ul style="list-style-type: none"> Reduce average time served by 60% (from 2.66 to 1.07 years) Institute alternatives that reduce admissions by 40% (393 fewer people admitted) 	10.89% reduction (2,030 fewer people)	White: 1.3% decrease Black: 0.5% increase Hispanic/Latino: 6.5% increase Native American: 6.1% decrease Asian: 3.4% decrease Other: 4.9% increase	\$30,548,153
Robbery	<ul style="list-style-type: none"> Reduce average time served by 50% (from 5.04 to 2.52 years) Institute alternatives that reduce admissions by 40% (167 fewer people admitted) 	7.41% reduction (1,381 fewer people)	White: 3.6% increase Black: 2.2% decrease Hispanic/Latino: 4.2% increase Native American: 1.7% increase Asian: No change Other: 1.9% increase	\$18,143,782
Assault	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.79 to 0.71 years) Institute alternatives that reduce admissions by 40% (284 fewer people admitted) 	5.19% reduction (967 fewer people)	White: 0.2% decrease Black: No change Hispanic/Latino: 1.6% increase Native American: 2.4% decrease Asian: 1.0% increase Other: 1.6% increase	\$15,577,430

Impact Compared to 2025 Baseline*

Offense category**	Policy outcome	Prison population impact	Impact on racial and ethnic makeup of prison population***	Cost savings****
Theft	<ul style="list-style-type: none"> Reduce average time served by 60% (from 0.93 to 0.37 years) Institute alternatives that reduce admissions by 50% (458 fewer people admitted) 	3.65% reduction (680 fewer people)	White: 2.2% decrease Black: 1.1% increase Hispanic/Latino: 2.8% increase Native American: 5.9% decrease Asian: 0.3% decrease Other: 3.2% increase	\$11,563,191
Public order offenses*****	<ul style="list-style-type: none"> Reduce average time served by 60% (from 0.67 to 0.27 years) Institute alternatives that reduce admissions by 60% (566 fewer people admitted) 	2.84% reduction (529 fewer people)	White: 1.0% decrease Black: 0.4% increase Hispanic/Latino: 2.7% increase Native American: 1.8% decrease Asian: 2.9% increase Other: 1.2% increase	\$9,307,927
Fraud	<ul style="list-style-type: none"> Reduce average time served by 60% (from 0.75 to 0.30 years) Institute alternatives that reduce admissions by 50% (245 fewer people admitted) 	1.57% reduction (293 fewer people)	White: 1.0% decrease Black: 0.5% increase Hispanic/Latino: 0.8% increase Native American: 1.6% increase Asian: 1.6% increase Other: 0.5% increase	\$5,075,190
Motor vehicle theft	<ul style="list-style-type: none"> Reduce average time served by 60% (from 0.83 to 0.33 years) Institute alternatives that reduce admissions by 60% (152 fewer people admitted) 	0.94% reduction (176 fewer people)	White: 0.3% decrease Black: 0.1% increase Hispanic/Latino: 0.3% increase Native American: 1.0% increase Asian: 1.0% increase Other: 1.0% increase	\$2,999,982
Weapons offenses*****	<ul style="list-style-type: none"> Reduce average time served by 60% (from 1.07 to 0.43 years) 	0.62% reduction (116 fewer people)	White: 0.3% increase Black: 0.2% decrease Hispanic/Latino: 0.3% increase Native American: 0.6% increase Asian: 0.6% increase Other: 0.1% increase	\$1,753,343

*The baseline refers to the projected prison population based on historical trends, assuming that no significant policy or practice changes are made.

**The projections in this table are based on the offense that carries the longest sentence for any given prison term. People serving prison terms may be convicted of multiple offenses in addition to this primary offense, but this model categorizes the total prison term according to the primary offense only.

***This column represents the percent change in the share of the prison population made up by each racial/ethnic group. It compares the proportion of the population made up by a group in the 2025 baseline prison population to the proportion of the population made up by that group when the reform scenario is applied. We then calculate the percent change between those two proportions. Racial and ethnic disproportionality is traditionally measured by comparing the number of people in prison — of a certain race — to the number of people in the state’s general population of that same race. For example, nationally, Black people comprise 13 percent of the population, while white people comprise 77 percent. Meanwhile, 35 percent of people in state or federal prison are Black, compared to 34 percent who are white. While the proportion of people in prison who are Black or white is equal, Black people are incarcerated at nearly three times their representation in the general population. This is evident in South Carolina, where Black people make up 61 percent of the prison population in 2017 but constitute only 26 percent of the state’s total adult population that year.

****Note: Cost impact for each individual policy change represents the effect of implementing that change alone and in 2015 dollars. The combined cost savings from implementing two or more of these changes would be greater than the sum of their combined individual cost savings, since more capital costs would be affected by the population reductions.

*****Some public order offenses include drunk or disorderly conduct, escape from custody, obstruction of law enforcement, court offenses, failure to comply with sex offense registration requirements, prostitution, and stalking, as well as other uncategorized offenses.

*****Some weapons offenses include unlawful possession, sale, or use of a firearm or other type of weapon (e.g., explosive device)

Total Fiscal Impact

If South Carolina were to implement reforms leading to the changes above, 9,249 fewer people would be in prison in the state by 2025, a 50 percent decrease. This would lead to a total cost savings of \$417,478,894 by 2025.

Methodology Overview

This analysis uses prison term record data from the National Corrections Reporting Program to estimate the impact of different policy outcomes on the size of South Carolina’s prison population, racial and ethnic representation in the prison population, and state corrections spending. First, trends in admissions and exit rates for each offense category in recent years are analyzed and projected out to estimate a baseline state prison population projection through 2025, assuming recent trends will continue. Then, a mathematical model is used to estimate how various offense-specific reform scenarios (for example, a 10 percent reduction in admissions for drug possession or a 15 percent reduction in length of stay for robbery) would change the 2025 baseline projected prison population. The model allows for reform scenarios to include changes to the number of people admitted to prison and/or the average length of time served for specific offenses. The model then estimates the effect that these changes would have by 2025 on the number of people in prison, the racial and ethnic makeup of the prison population, and spending on prison. The analysis assumes that the

changes outlined will occur incrementally and be fully realized by 2025.

All results are measured in terms of how outcomes under the reform scenario differ from the baseline projection for 2025. Prison population size impacts are measured as the difference between the 2025 prison population under the baseline scenario and the forecasted population in that year with the specified changes applied. Impacts on the racial and ethnic makeup of the 2025 prison population are measured by comparing the share of the prison population made up by a certain racial or ethnic group in the 2025 baseline population to that same statistic under the reform scenario and calculating the percent change between these two proportions. Cost savings are calculated by estimating the funds that would be saved each year based on prison population reductions relative to the baseline estimate, assuming that annual savings grow as less infrastructure is needed to maintain a shrinking prison population. Savings relative to baseline spending are calculated in each year between the last year of available data and 2025, and then added up to generate a measure of cumulative dollars saved over that time period.

Endnotes

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- 8 SCDC, *Most Serious Offense of Inmates Admitted to SCDC, Fiscal Years 2014-2018* (September 17, 2018), http://www.doc.sc.gov/research/AdmissionsTrend/Admission_Trend_MSO_Distribution_FY14-18.pdf. Note: Refers to fiscal years.
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- 26 The Justice Reinvestment Initiative is a data-driven approach to state criminal justice reform that seeks to control corrections costs and reinvest savings in practices demonstrated to improve safety. South Carolina engaged in the Justice Reinvestment Initiative process, successfully passing legislation in 2010 through S.B. 1154: Omnibus Crime Reduction and Sentencing Reform Act of 2010. *Pew Charitable Trusts, Public Safety in South Carolina* (August 13, 2015), <https://www.pewtrusts.org/en/research-and-analysis/fact-sheets/2013/01/14/public-safety-in-south-carolina>.
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