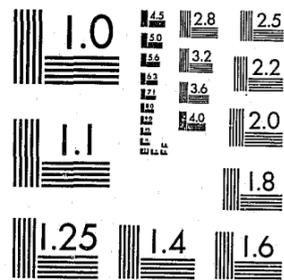


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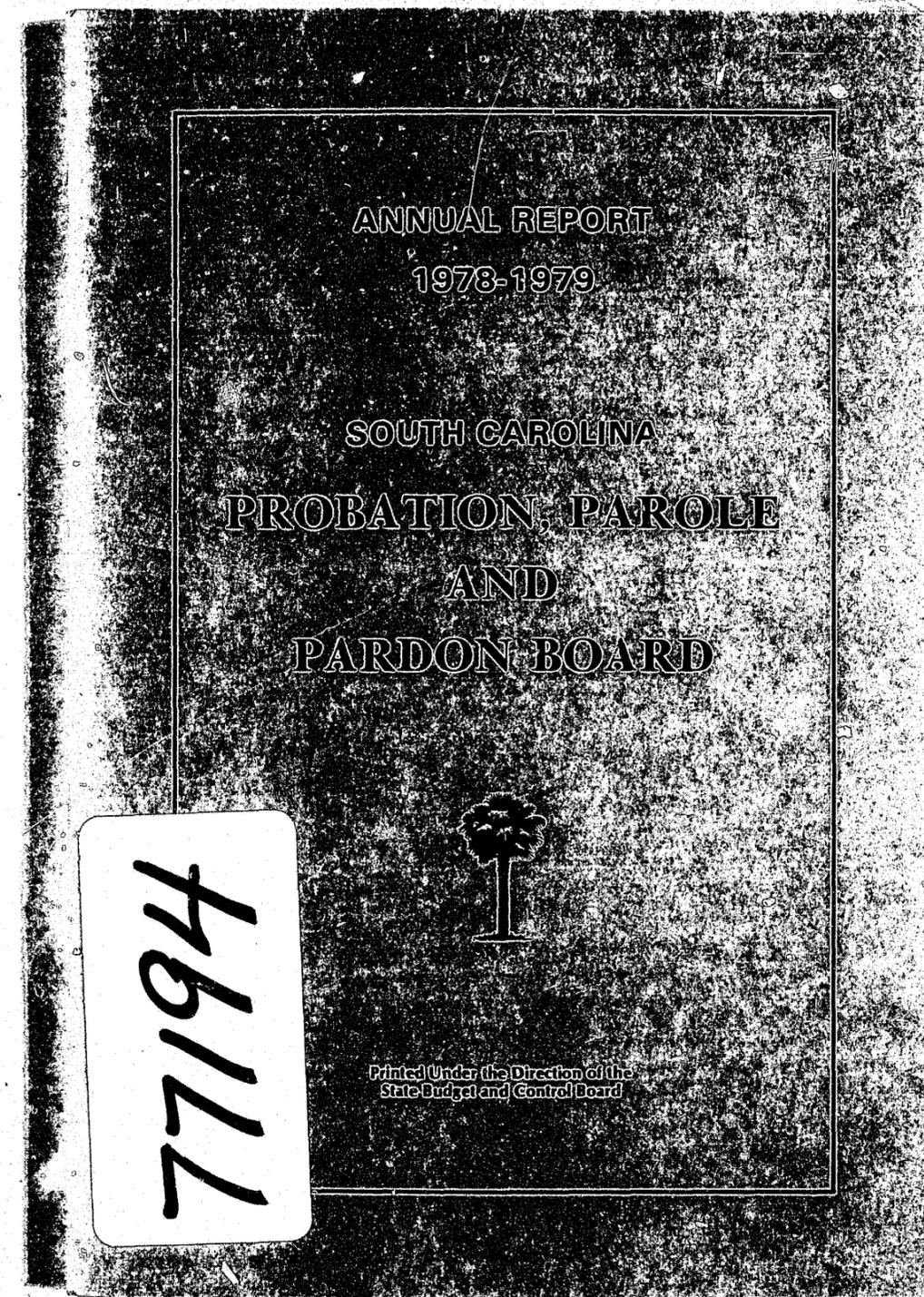
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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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7/14/81



ANNUAL REPORT

1978-1979

X
SOUTH CAROLINA

X
PROBATION, PAROLE
AND
PARDON BOARD

U.S. Department of Justice
National Institute of Justice

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LETTER OF TRANSMITTAL SOUTH CAROLINA PROBATION, PAROLE AND PARDON BOARD

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

In compliance with State statute, we present herewith our Thirty-Eighth Annual Report covering the actions of South Carolina Probation, Parole and Pardon Board for the period July 1, 1978 through June 30, 1979.

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.

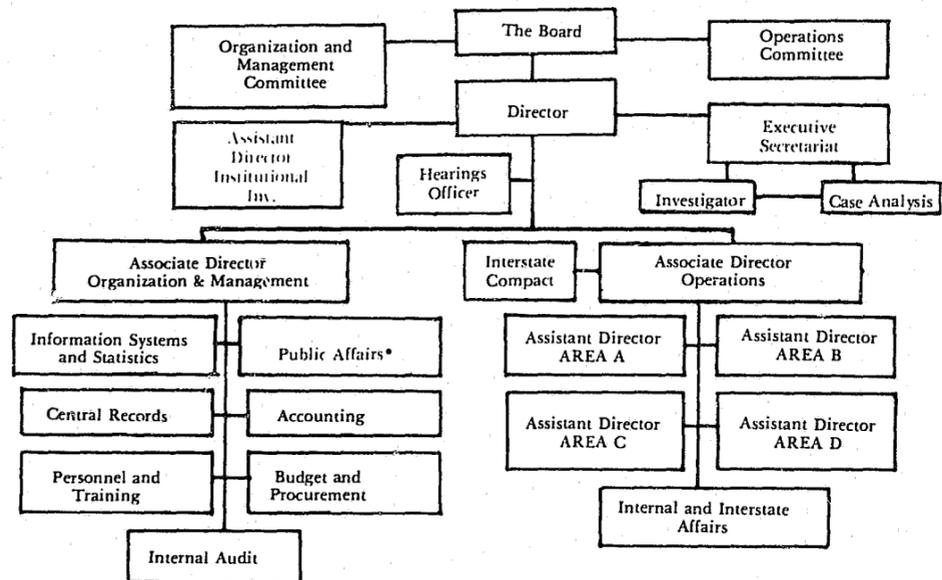
The probation and parole agents in South Carolina have accepted the mammoth responsibility of providing proper counsel and guidance to the offenders under their supervision. Authorities agree for the most part that probation and parole are casework services to

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 approaches. 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 18, 1941. The statutory authority for the Board can be found in the Constitution of the State of South Carolina 1895, Article IV §11. The history of the organizational procedures and general provisions of the Probation, Parole and Pardon Board can be found in the Code of Laws of South Carolina 1962, Volume II, Chapter II, §55-551 through §55-617; The revisions and current operating authority can be located in the Code of Laws of South Carolina 1976, Volume 9, Chapter 21, §24-21-10. (See Appendix A)

ORGANIZATIONAL CHART



DESCRIPTION OF FUNCTIONAL OPERATIONS

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

THE BOARD
 Review and decide on all applications for pardons and paroles and all recommended parole revocations.
 Plan, direct and control the organization and operation of the Agency.

AGENCY DIRECTION
 Manage the day to day affairs of the Agency on behalf of the Board.
 Provide liason with the legislature, the judiciary, other components of the criminal justice system and the community at large.

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
 PROBATION, PAROLE AND PARDON BOARD**

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

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

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

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

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

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

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

G. A. Wallace
Director

II. Statistical Summary

PAROLE

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

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

Form #40

SOUTH CAROLINA PROBATION, PAROLE AND PARDON BOARD — Criteria For Parole

The South Carolina Probation, Parole and Pardon Board is mandated under Code of Laws of South Carolina 1976 Section 24-21-640 to consider "Circumstances Warranting Parole". This section states:

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

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

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

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

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

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

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

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

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

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

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

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

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

The following tables depict the parole activity within South Carolina for FY 1979. The total number of cases reviewed by the Parole Board was 1780.

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, 1978 according to specific time periods. Table III portrays by county the total number of parole revocations during FY 1979. These figures include those individuals who were on parole prior to July 1, 1978, 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 1979

COUNTY	RACE				SEX		AGE						Total
	White	Black	Indian	Chnse	Unkn	Male	Female	20k Under	21-25	26-35	36-50	51 & Over	
Abbeville.....	3	6	0	0	0	8	1	2	1	4	4	0	9
Aiken.....	26	16	0	0	0	40	0	11	14	12	3	2	42
Allendale.....	3	6	0	0	0	9	0	2	2	2	3	2	9
Anderson.....	24	22	0	0	0	42	0	14	12	7	10	3	46
Bamberg.....	1	3	0	0	0	4	0	0	0	3	1	0	4
Barnwell.....	4	8	0	0	0	11	2	3	2	1	0	0	12
Beaufort.....	3	12	0	0	0	15	2	1	0	5	0	0	21
Berkeley.....	11	9	1	0	0	20	3	9	6	9	0	0	35
Calhoun.....	1	2	0	0	0	3	0	5	0	1	0	0	6
Charleston.....	34	52	4	0	0	82	4	28	32	22	0	0	136
Cherokee.....	7	4	0	0	0	10	1	1	2	6	0	0	11
Chester.....	5	15	0	0	0	18	2	0	6	3	3	0	20
Cheserfield.....	4	8	0	0	0	10	0	0	2	3	3	0	12
Clarendon.....	2	5	0	0	0	7	0	2	1	4	2	0	9
Colleton.....	3	6	0	0	0	9	0	3	3	3	0	0	9
Darlington.....	4	8	0	0	0	11	1	3	3	3	0	0	12
Dillon.....	3	4	0	0	0	6	1	3	2	0	0	0	7
Dorchester.....	12	8	0	0	0	19	1	4	5	2	2	2	20
Edgefield.....	2	10	0	0	0	11	1	3	2	2	4	1	12
Fairfield.....	1	6	0	0	0	6	1	2	1	3	3	0	7
Florence.....	9	9	0	0	0	17	1	4	8	3	5	0	18
Greenville.....	10	8	0	0	0	18	0	6	6	3	3	0	18
Greenwood.....	77	7	0	0	0	149	14	41	54	49	15	4	163
Hampdon.....	0	2	0	0	0	19	0	4	3	0	0	0	19
Horry.....	15	17	0	0	0	31	2	6	1	0	1	0	32
Jasper.....	3	5	0	0	0	8	0	1	9	9	7	1	22
Kershaw.....	7	10	0	0	0	15	0	7	4	5	1	0	17
Lancaster.....	13	9	0	0	0	22	0	7	9	6	1	0	22
Laurens.....	13	12	0	0	0	24	1	4	12	6	3	0	25
Lex.....	3	6	0	0	0	9	1	0	14	4	3	0	17
Lexington.....	26	7	0	0	0	31	0	0	0	0	0	0	31
Macon.....	0	1	0	0	0	1	0	0	1	0	0	0	1
Manlio.....	2	8	0	0	0	8	2	1	4	3	1	0	10
Marlboro.....	4	6	0	0	0	10	0	3	7	6	2	1	19
Newberry.....	4	6	0	0	0	10	0	0	5	3	2	0	10
Oconee.....	10	4	0	0	0	14	0	7	10	5	0	0	21
Orangeburg.....	9	15	0	0	0	24	0	9	19	16	3	1	56
Pickens.....	48	8	0	0	0	53	3	17	19	36	11	0	111
Richland.....	28	83	0	0	0	107	4	20	41	36	11	0	181
Saluda.....	1	2	0	0	0	3	0	0	1	2	0	0	3
Spartanburg.....	32	51	0	0	0	76	7	24	25	26	5	3	83
Sumter.....	11	19	0	0	0	28	2	10	6	11	4	1	30
Union.....	7	11	0	0	0	16	2	7	7	4	1	0	18
Williamsburg.....	2	6	0	0	0	8	0	2	4	1	0	0	8
York.....	23	32	0	0	0	55	0	20	15	13	0	1	55
Grand Total.....	534	637	1	0	0	1103	69	297	386	332	132	25	1172
Percentage of Total.....	45.5	54.3	0.0	0.0	0.0	94.1	5.8	25.3	32.9	28.3	11.2	2.1	

**TABLE II
FREQUENCY OF PAROLE REVOCATION
FY 1979**

Revoked within the first three months3	0.26% of total paroled
Revoked within the first six months14	1.19% of total paroled
Revoked within the first year48	4.10% of total paroled

**TABLE III
TOTAL NUMBER OF PAROLE REVOCATIONS BY COUNTY
FY 1979**

County	Revocations		
Abbeville	3	Greenwood	2
Aiken	3	Hampton	0
Allendale	0	Horry	5
Anderson	16	Jasper	0
Bamberg	0	Kershaw	1
Barnwell	1	Lancaster	2
Beaufort	2	Laurens	3
Berkeley	1	Lee	2
Calhoun	0	Lexington	4
Charleston	19	McCormick	0
Cherokee	0	Marion	1
Chester	5	Marlboro	1
Chesterfield	0	Newberry	0
Clarendon	1	Oconee	2
Colleton	0	Orangeburg	6
Darlington	3	Pickens	4
Dillon	0	Richland	30
Dorchester	0	Saluda	1
Edgefield	0	Spartanburg	6
Fairfield	0	Sumter	4
Florence	6	Union	0
Georgetown	3	Williamsburg	1
Greenville	24	York	7
		Out of State	17
		TOTAL	186

**TABLE IV
PAROLE TERMINATIONS BY CATEGORY FY 1979**

Parole		
Expirations.....	723	Expungements.....0
Revocations.....	186	Terminated by Court Order...0
Terminated by Death.....	23	Discharged by Pardons.....4

**TABLE V
EDUCATIONAL CLASSIFICATION OF PAROLEES
FY 1979**

EDUCATION LEVEL	MALE	FEMALE	TOTAL
None.....	5	1	6
First Grade.....	3	0	3
Second Grade.....	5	0	5
Third Grade.....	14	2	16
Fourth Grade.....	11	0	11
Fifth Grade.....	17	0	17
Sixth Grade.....	38	2	40
Seventh Grade.....	69	4	73
Eighth Grade.....	133	12	145
Ninth Grade.....	170	10	180
Tenth Grade.....	219	12	231
Eleventh Grade.....	145	7	152
Twelfth Grade.....	163	11	174
High School Graduate.....	41	2	43
First Year Technical School.....	12	1	13
Second Year Technical School...	3	0	3
First Year College.....	26	3	29
Second Year College.....	17	1	18
Third Year College.....	6	0	6
Fourth Year College.....	6	1	7
TOTAL.....	1103	69	1172

Percentages

None	6 Or	0.5 %
Elementary School	92 Or	7.8%
Junior High School	398 Or	34.0%
High School	600 Or	51.2%
Technical School	16 Or	1.4%
College	60 Or	5.1%

TABLE VI
OFFENSE CLASSIFICATION OF PAROLEES
ACCORDING TO SEX, RACE,
AGE
FY 1979

Offense	SEX			RACE			20 & UNDER			OVER 20			Total	
	Total	Male	Fem.	White	Negro	All Other	White	Negro	All Other	Total	White	Negro		All Other
Treason	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Desertion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Entry	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Homicide	169	138	31	49	120	0	6	12	0	18	43	108	0	151
Kidnapping	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault	21	21	0	11	10	0	2	3	0	5	9	7	0	16
Robbery	204	194	10	55	149	0	23	60	0	83	32	89	0	121
Assault	102	97	5	44	58	0	13	8	0	21	31	50	0	81
Abortion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	7	6	1	1	3	0	2	0	0	2	2	3	0	5
Extortion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	123	122	1	63	60	0	14	19	0	33	49	41	0	90
Larceny	241	237	4	126	114	1	17	35	0	82	79	79	1	159
Stolen Vehicle	23	23	0	11	12	0	7	5	0	12	4	7	0	11
Forgery and Counterfeiting	47	41	6	24	23	0	1	1	0	2	23	22	0	45
Fraudulent Activity	11	9	2	7	4	0	0	1	0	1	7	3	0	10
Embezzlement	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Stolen Property	27	25	2	16	11	0	1	3	0	4	15	8	0	23
Damage Property	2	2	0	2	0	0	0	0	0	0	2	0	0	2

14

Dangerous Drugs	129	124	5	81	48	0	22	5	0	27	59	43	0	102
Sex Offenses	8	8	0	4	4	0	0	1	0	1	4	3	0	7
Obscenity	1	1	0	1	0	0	1	0	0	1	0	0	0	0
Family Offenses	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Gambling	1	0	1	0	1	0	0	0	0	0	0	1	0	1
Commercial Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drunkenness	5	5	0	4	1	0	0	0	0	0	4	1	0	5
Obstructing the Police	8	8	0	3	5	0	0	1	0	1	3	4	0	7
Flight-Escape	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Obstructing Justice	3	2	1	1	2	0	0	0	0	0	1	2	0	3
Bribery	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weapon Offenses	6	6	0	3	3	0	0	1	0	1	3	2	0	5
Public Peace	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Traffic Offenses	28	28	0	21	7	0	3	0	0	3	18	7	0	25
Health-Safety	1	1	0	0	1	0	0	0	0	0	0	1	0	1
Civil Rights	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Invasion of Privacy	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Smuggling	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Election Laws	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Antitrust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tax Revenue	1	1	0	0	1	0	0	0	0	0	0	1	0	1
Conservation	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vagrancy	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Crimes Against Person	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Property Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Morals-Decency Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Public Order Crimes	0	0	0	0	0	0	0	0	0	0	0	0	0	0
GRAND TOTAL	1172	1103	69	534	637	1	142	155	0	297	392	482	1	875

15

PROBATION

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

The following are conditions for Probation:

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

The ensuing tables reflect the probation activity for FY 1979. 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 1979**

Counties:	Total: Processed	Total: Receiving Probation
Abbeville	196	92
Aiken	333	193
Allendale	126	53
Anderson	480	252
Bamberg	64	30
Barnwell	86	44
Beaufort	333	206
Berkeley	253	174
Calhoun	77	32
Charleston	1,369	739
Cherokee	491	268
Chester	242	163
Chesterfield	394	128
Clarendon	219	151
Colleton	192	101
Darlington	329	210
Dillon	164	75
Dorchester	262	98
Edgefield	172	95
Fairfield	161	133
Florence	965	665
Georgetown	364	150
Greenville	1,913	609
Greenwood	546	185
Hampton	117	84
Horry	956	286
Jasper	98	46
Kershaw	341	108
Lancaster	307	175
Laurens	448	214
Lee	180	87
Lexington	517	282
Marion	251	140
Marlboro	301	120
McCormick	80	31

Newberry	288	151
Oconee	234	145
Orangeburg	464	348
Pickens	600	221
Richland	1,292	577
Saluda	95	57
Spartanburg	1,499	672
Sumter	693	276
Union	223	121
Williamsburg	148	112
York	1,630	510
TOTALS:	20,493	9,609

**TABLE VIII
PROBATION RECEIVED BY COUNTY
ACCORDING TO RACE, SEX, AGE
FY 1979**

County	RACE							SEX		AGE					Total	
	White	Black	Indian	Chnse	Jpnse	Other	Unkn	Male	Fem.	20 & Under	21-25	26-35	36-50	51 & Over		
Abbeville	46	46	0	0	0	0	0	84	8	18	18	25	21	23	5	92
Aiken	132	61	0	0	0	0	0	175	18	48	36	45	40	24	2	193
Allendale	19	34	0	0	0	0	0	50	3	6	16	20	9	2	53	
Anderson	184	68	0	0	0	0	0	230	22	100	59	44	39	10	252	
Bamberg	15	15	0	0	0	0	0	26	4	4	3	11	9	3	30	
Barnwell	23	21	0	0	0	0	0	41	3	7	12	15	4	6	41	
Beaufort	135	70	0	0	0	1	0	192	14	63	68	42	23	10	206	
Berkeley	129	45	0	0	0	0	0	165	9	58	36	34	27	19	174	
Calhoun	8	24	0	0	0	0	0	28	4	4	6	11	7	4	32	
Charleston	440	299	0	0	0	0	0	669	70	241	197	171	95	35	739	
Cherokee	184	82	2	0	0	0	0	242	26	88	68	65	36	11	268	
Chester	79	84	0	0	0	0	0	151	12	34	30	47	34	18	163	
Chesterfield	77	51	0	0	0	0	0	119	9	43	35	23	22	5	128	
Clarendon	61	90	0	0	0	0	0	143	8	19	28	40	44	20	151	
Colleton	54	47	0	0	0	0	0	86	15	30	27	23	13	8	101	
Darlington	117	93	0	0	0	0	0	195	15	47	46	60	45	12	210	
Dillon	47	28	0	0	0	0	0	72	3	13	22	24	9	7	75	
Dorchester	60	38	0	0	0	0	0	90	8	25	17	22	24	10	98	
Edgefield	28	67	0	0	0	0	0	84	11	22	17	24	18	14	95	
Fairfield	38	95	0	0	0	0	0	128	5	16	20	39	46	12	133	
Florence	366	299	0	0	0	0	0	604	61	124	152	204	145	40	665	
Georgetown	68	82	0	0	0	0	0	130	20	32	29	40	34	15	150	
Greenville	451	157	1	0	0	0	0	535	74	158	150	146	113	42	609	

(continued on page 20)

**TABLE XI
PROBATION RECEIVED BY OFFENSE
ACCORDING TO SEX, RACE, AND AGE**

Offense	SEX		RACE					20 & UNDER			OVER 20			Total
	Total	Male	Fem.	White	Black	All Other	White	Negro	All Other	Total	White	Negro	All Other	
Treason	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Desertion	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Entry	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Homicide	86	73	13	41	43	2	11	4	0	15	30	39	2	71
Kidnapping	2	1	1	2	0	0	0	0	0	0	2	0	0	2
Sexual Assault	28	28	0	17	11	0	2	3	0	5	15	8	0	23
Robbery	42	42	0	16	26	0	5	10	0	15	11	16	0	27
Assault	544	489	55	235	308	1	43	40	0	83	192	258	1	461
Abortion	1	0	1	0	0	0	0	0	0	0	0	1	0	1
Arson	38	36	2	21	17	0	6	0	0	6	15	17	0	32
Extortion	4	4	0	3	1	0	0	1	0	1	3	0	0	3
Burglary	542	517	25	333	209	0	199	98	0	297	134	111	0	245
Larceny	1493	1327	166	797	695	1	426	306	1	733	371	389	0	760
Stolen Vehicle	212	200	12	133	79	0	76	36	0	112	57	43	0	100
Forgery and Counterfeiting	402	267	135	204	198	0	58	51	0	109	146	147	0	293
Fraudulent Activity	393	255	138	202	190	1	28	19	0	47	174	171	1	346
Embezzlement	20	13	7	14	6	0	2	1	0	3	12	5	0	17
Stolen Property	286	273	13	154	132	0	62	33	0	95	92	99	0	191
Damage Property	161	149	12	112	49	0	62	12	0	74	50	37	0	87

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Dangerous Drugs	1286	1129	157	984	302	0	428	88	0	516	556	214	0	770
Sex Offenses	69	68	1	48	21	0	11	7	0	18	37	14	0	51
Obscenity	19	19	0	18	1	0	8	0	0	8	10	1	0	11
Family Offenses	84	81	3	48	36	0	2	2	0	4	46	34	0	80
Gambling	15	11	4	8	7	0	0	0	0	0	8	7	0	15
Commercial Sex Offenses	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Offenses	58	41	17	16	42	0	0	2	0	2	16	40	0	56
Drunkenness	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Obstructing the Police ...	201	185	16	91	110	0	26	18	0	44	65	92	0	157
Flight-Escape	14	10	4	10	4	0	5	2	0	7	5	2	0	7
Obstructing Justice	18	15	3	12	6	0	0	0	0	0	12	6	0	18
Bribery	4	4	0	1	3	0	0	0	0	0	1	3	0	4
Weapon Offenses	273	246	27	131	142	0	23	17	0	40	108	125	0	233
Public Peace	20	19	1	14	6	0	6	1	0	7	8	5	0	13
Traffic Offenses	3197	3102	95	1835	1360	2	154	37	0	191	1681	1323	2	3006
Health-Safety	6	4	2	4	2	0	1	0	0	1	3	2	0	5
Civil Rights	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Invasion of Privacy	5	5	0	1	4	0	1	2	0	3	0	2	0	2
Smuggling	2	2	0	1	1	0	0	1	0	1	1	0	0	1
Election Laws	1	1	0	1	0	0	0	0	0	0	1	0	0	1
Antitrust	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Tax Revenue	3	1	2	2	1	0	0	0	0	0	2	1	0	3
Conservation	22	22	0	20	2	0	5	0	0	5	15	2	0	17
Vagrancy	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Crimes Against Person ...	6	1	5	2	4	0	0	2	0	2	2	2	0	4
Property Crimes	46	43	3	26	20	0	12	7	0	19	14	13	0	27
Morals-Decency Crimes ..	2	2	0	2	0	0	0	0	0	0	2	0	0	2
Public Order Crimes	4	4	0	3	1	0	2	0	0	2	1	1	0	2
GRAND TOTAL	9609	8689	920	5562	4040	7	1664	800	1	2465	3898	3240	6	7144

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**TABLE XII
EDUCATIONAL CLASSIFICATION
OF PROBATIONERS
FY 1979**

EDUCATIONAL LEVEL	MALE	FEMALE	TOTAL
None	58	4	62
First Grade	17	1	18
Second Grade	80	1	81
Third Grade	121	8	129
Fourth Grade	120	5	125
Fifth Grade	179	10	189
Sixth Grade	253	16	269
Seventh Grade	401	46	447
Eighth Grade	604	57	661
Ninth Grade	958	91	1049
Tenth Grade	1349	161	1510
Eleventh Grade	1267	138	1405
Twelfth Grade	8	0	8
High School Graduate	2730	301	3031
First Year Technical School	6	1	7
Second Year Technical School	4	1	5
Technical School Graduate	12	1	13
First Year College	160	25	185
Second Year College	190	31	221
Third Year College	61	10	71
Fourth Year College	9	0	9
College Graduate	102	12	114
TOTAL	8689	920	9609

PERCENTAGES

None	62 Or	0.6%
Elementary School	811 Or	8.4%
Junior High School	2157 Or	22.4%
High School	5954 Or	62.0%
Technical School	25 Or	0.3%
College	600 Or	6.2%

**PARDON ACTION
1978-1979**

Applications considered for pardon	190
Pardons granted	173
Applications rejected	17

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

INTERSTATE SUPERVISION OF PAROLE AND PROBATION

The Constitution of the United States and the Interstate Compact for the Supervision of Parolees and Probationers, are the only two 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, which serves as Secretariat to the Parole and Probation Compact Administrators' Association.

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 supervised by South Carolina for other States as well as those probationers and parolees supervised in other States for South Carolina.

**TABLE XIII
SUPERVISED BY
SOUTH CAROLINA
FOR OTHER STATES**

STATE	NUMBER SUPERVISED	STATE	NUMBER
Alabama	11	Montana	2
Alaska	4	Nebraska	2
Arizona	2	Nevada	3
Arkansas	4	New Hampshire	1
California	26	New Jersey	54
Colorado	4	New Mexico	1
Connecticut	13	New York	134
Delaware	3	North Carolina	229
District of Columbia	18	North Dakota	13
Florida	141	Ohio	24
Georgia	132	Oklahoma	4
Hawaii	3	Oregon	1
Idaho	1	Pennsylvania	38
Illinois	4	Rhode Island	1
Indiana	3	South Carolina	0
Iowa	1	South Dakota	0
Kansas	6	Tennessee	26
Kentucky	10	Texas	42
Louisiana	10	Utah	2
Maine	0	Vermont	2
Maryland	34	Virginia	42
Massachusetts	5	Washington	5
Michigan	8	West Virginia	1
Minnesota	1	Wisconsin	3
Mississippi	10	Wyoming	1
Missouri	9	Puerto Rico	1
		TOTAL	1,095

**TABLE XIV
SUPERVISED BY
OTHER STATES
FOR SOUTH CAROLINA**

STATE	NUMBER SUPERVISED	STATE	NUMBER
Alabama	16	Missouri	10
Alaska	1	Montana	1
Arizona	6	Nebraska	4
Arkansas	6	New Hampshire	2
California	24	New Jersey	31
Colorado	3	New Mexico	1
Connecticut	9	New York	51
Delaware	2	North Carolina	303
District of Columbia	11	North Dakota	3
Florida	124	Ohio	26
Georgia	164	Oklahoma	9
Hawaii	2	Oregon	1
Illinois	16	Pennsylvania	19
Indiana	17	Rhode Island	1
Iowa	2	South Dakota	1
Kansas	5	Tennessee	27
Kentucky	11	Texas	39
Louisiana	10	Utah	1
Maine	1	Virginia	49
Maryland	14	Washington	10
Massachusetts	9	West Virginia	14
Michigan	17	Wisconsin	5
Minnesota	3	Wyoming	1
Mississippi	11	TOTAL	1093

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 recidivist 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 XIV through XVI represent the agent's activities including investigations for fiscal year 1979. Table XIV depicts the actual number of individuals reporting to the agent while Table XV shows the total number of probationers/parolees under the agent's supervision.

TABLE XV

Number reporting: FY 1979	
Probation	15,022
Parole	2,184
Out of State	956
Total	18,162
Total number of supervising agents	
Agents In Charge (no caseload)	14
Overall average caseload for FY 1979	137

TABLE XVI

Actual Caseload: FY 1979	
Probation	18,197
Parole	2,304
Out of State	987
Total	21,488
Total number of supervision agents	
Agents In Charge (no caseload)	14
Overall average caseload for FY 1979	162

TABLE XVII

Investigations: FY 1979	
Pre-Sentence	652
Pre-Parole 10 pt.	1,997
Pre-Parole 4 pt.	301
Out of State	1,076
Supplemental	744
Pardon	194
Probation Violations	2,692
Parole Violations	422
Miscellaneous	483
Total	8,561

PERSONNEL

PERSONNEL POLICY

Employment:

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

Probation Period:

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

Carrying and Use of Firearms:

Probation and Parole Agents are authorized to carry firearms in the performance of specified duties. **The Policy of this Agency is that Probation and Parole Agents will not carry weapons as a routine matter.** Agents are authorized to carry a weapon when searching for a probation or parole client, when they have a warrant for arrest of an individual, when escorting a prisoner, or when entering an area on official duty where there is a reasonable possibility that an agent's life may be in danger.

Performance Appraisal:

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

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

The following chart presents the current staff according to specific categories. Administration includes the Agency Director and Agency line personnel. The Agent category includes all agents and agents-in-charge. The Support Category includes all other staff. This organization receives federal funds from the Department of Labor under the Comprehensive Employment Training Act. The number of individuals employed under this act are not categorized.

Number of Employees — FY 1979

State:

Administrative	8
Officers.....	167
Support	102
Total.....	277
Other:	
Ceta.....	10
Grand Total	287
New Employees	40
Resignations	34
Retirement.....	3 (2 Officers and 1 Clerk)

The individuals listed below received State Service Awards during FY 1979:

Name	Class Title	Years of Service
George W. Chiles, Jr.	Internal Affairs Officer	10
Julia S. Dixon	Secretary II	10
Charles P. McQueen	Probation & Parole Officer II	10
J. Wallace Mixon	Probation & Parole Officer II	10
Robert J. Moore	Probation & Parole Officer IV	10
Margaret L. Phillips	Probation & Parole Officer II	10
Elise G. Richardson	Secretary I	10
Ray A. Steele	Probation & Parole Officer III	10
Henrietta H. Stutts	Secretary I	10
Monroe H. Carroll, Jr.	Regional Director Prob. & Parole	20
C. Raymond Easler	Probation & Parole Officer III	20
Anne E. High	Clerk III	20
Dorothy W. Johnson	Probation & Parole Officer I	30
Elizabeth K. Phillips	Secretary I	30

TRAINING AND EDUCATION

The South Carolina Probation, Parole and Pardon Board has revised the training program to meet with the changing needs of both the agency and the staff. The revisions address the standards established for probation and parole personnel by the American Correctional Association's Commission on accreditation. The agency will begin implementation of the mandatory basic orientation training session in late September, 1979, with the mandatory advanced training to begin in late November, 1979.

The Training Advisory Council, composed of two representatives from each of the four regions, has been instrumental in revamping the training program and will closely monitor the activities of the training unit in FY 80. Training and education is vitally important for everyone throughout the Criminal Justice System, however, until recently Criminal Justice training was extremely limited. So as to provide the best training possible within the fiscal boundaries, the agency seeks to coordinate training activities with other "system" organizations whenever possible.

Both the pre - and in-service training received by the probation and parole agents were provided for the most part in-house by the South Carolina Probation, Parole, and Pardon Board, with a few advanced training workshops through grant and/or State Personnel Division.

Approximately forty (40) hours of pre-service training and approximately twenty-five (25) hours of in-service were provided.

The number receiving training FY 1979 included:

Supervisors	- 70
Support Staff	- 25

III. BUDGET RECAPITULATION

The chart below reflects the agency expenditures and appropriation for FY 1979:

Funds Expended:

Category	State	Federal	Total
Personal Service	\$3,319,987	\$145,213	\$3,465,200
Other Expenses	320,074	6,542	326,616
TOTAL	\$3,640,061	\$151,755	\$3,791,816

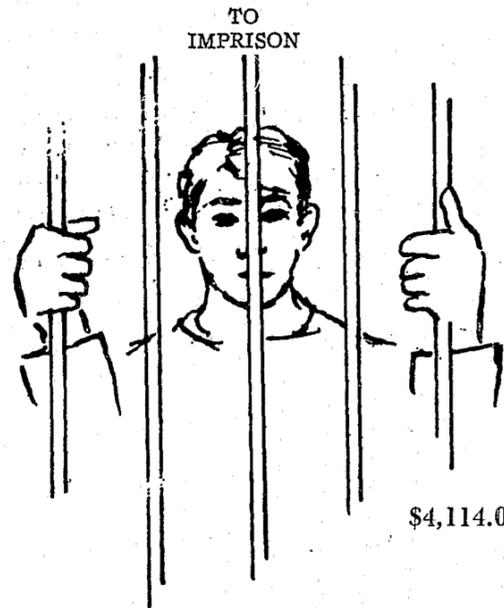
It is interesting to note that our clients, while under probation/parole status, earned in wages over the past year an amount in excess of \$80,380,478. These wages allowed them to support their dependents and to accept their share of financial responsibilities. State taxes alone on these earnings would amount to over \$5,646,729, a figure far in excess of this agency's appropriation.

Our responsibility consists of supervising over 30,000 cases during the 1979 fiscal year, with a case load of 21,488 as of June 30, 1979. The average cost per client per year under probation parole supervision amounts to approximately \$190.00. Compared to costs in excess of

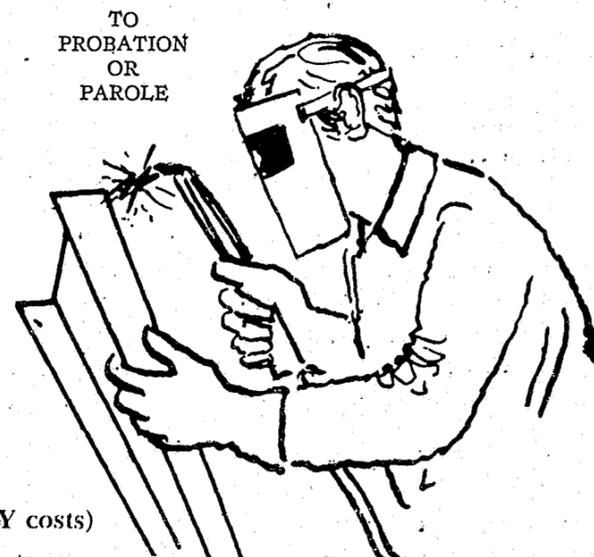
\$4114.00 (FY '78) per offender institutionalized per year, the State economically has saved the taxpayers tremendous amount of money.

COMPARING STATE COSTS

Per Person-Per Year



\$4,114.00 (Based on '78 FY figures)



\$190.00 ('79 FY costs)

APPENDICES

Appendix A

Legislative Authority

CHAPTER 21

Probation, Parole and Pardon

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

Article I

Probation, Parole and Pardon Board

Sec.

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

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

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

CASE NOTES

§ 24-21-20. Assistants.

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

§ 24-21-40. Record of proceedings.

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

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

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

ATTORNEY GENERAL'S OPINIONS

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

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

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

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

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

§ 24-21-70. Records of prisoners.

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

Article 3

Supervisors of Probation and Parole; Probation Officers

Sec.

24-21-210. Supervisor's of probation and parole.

24-21-220. General duties of supervisors.

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

24-21-240. Oath of probation officers.

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

24-21-270. Offices for probation officers.

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

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

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

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

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

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

Probation, Parole and Pardon

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

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

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

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

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

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

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

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

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

probation or parole to bring about improvement in their conduct and condition. A probation officer shall keep detailed records of his work, shall make such reports in writing to the supervisors of probation and parole as they may require and shall perform such other duties as the supervisors of probation and parole may require. A probation officer shall have, in the execution of his duties, the powers of arrest and to the extent necessary for the performance of his duties the same right to execute process as is given by law to the sheriffs of this State. In the performance of his duties of probation and parole investigation and supervision he shall be regarded as the official representative of the court and the Board.

CASE NOTES

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

Probation, Parole and Pardon

ATTORNEY'S GENERAL OPINIONS

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

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

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

**Article 5
Probation**

Sec.

- 24-21-410. Court authorized to suspend imposition of sentence for probation after conviction for any offense except those punishable by death or life imprisonment.
- 24-21-420. Report of probation officer on offense and defendant.
- 24-21-430. Conditions of probation.
- 24-21-440. Period of probation; discharge.
- 24-21-450. Arrest for violation of terms of probation; bond.
- 24-21-460. Action of court in case of violation of terms of probation.

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

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

Corrections, Probations, etc.

CASE NOTES

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

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

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

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

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

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

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

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

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

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

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

Probation is not a matter of right, but a matter of grace, and may be granted to a deserving accused by the trial judge in the exercise of his

sound discretion. *State v Cantrell*, 250 SC 376, 158 SE2d 189 (1967).

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

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

Probation, Parole and Pardon

ATTORNEY'S GENERAL OPINIONS

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

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

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

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

§ 24-21-430. Conditions of probation.

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

The probationer shall:

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

(8) Follow the probation officer's instructions and advice regarding recreational and social activities.

Corrections, Probations, etc.

CASE NOTES

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

The equal protection clause of the Fourteenth Amendment requires that the statutory ceiling placed on imprisonment for any substantive offense be the same for all defendants irrespective of their economic status. *Williams 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 appropriate place of detention, until such probationer can be brought before the judge of the court, or of the court within the venue of which the violation occurs. Such probation officer shall forthwith report such arrest and detention to the judge of the court, or of the court within the venue of which the violation occurs, and submit in writing a report showing in what manner the probationer has violated his probation. *Provided*, that any person arrested for the violation of the terms of probation shall be entitled to be released on bond pending a hearing, and such bond shall be granted and the amount thereof determined by a magistrate in the county where the probationer is confined, or by the magistrate in whose jurisdiction the alleged violation of probation occurred.

CASE NOTES

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

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

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

This section [Code 1962 § 55-595] authorizes the court to issue or cause the issuing of a warrant only during the period of probation

and, in the absence of the timely issuance of such warrant, the court is without authority to revoke the probation after the probationary period has passed, even though the violation occurred during such period. *State v Hutto*, 252 SC 36, 165 SE2d 72 (1968).

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

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

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

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

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

CASE NOTES

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

Where defendant in DWI proceeding was originally sentenced at a term designated for jury trial under one statute, and his suspended sentence was partially revoked under another statute for violation of

probation, an order vacating the revocation of probation arising out of the second proceeding was void where not made under either of the above statutory sections, and defendant was liable for service of the remaining sentence as ordered in the revocation of probation. *State v Moulds* (1975, SC) 215 SE2d 445.

Article 7

Parole; Release for Good Conduct

Sec.

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

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

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

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

24-21-650. Order of parole.

24-21-660. Effect of parole.

24-21-670. Term of parole.

24-21-680. Violation of parole.

24-21-690. Effect of release after service of full time less good conduct deduction.

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

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

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

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

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

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

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

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

CASE NOTES

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

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

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

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

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

ATTORNEY'S GENERAL OPINIONS

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

Procedure for parole may be changed after conviction and sentence. — The procedure to be followed in determining whether a parole is to be granted, has been violated, and is to be revoked, may be changed by statute after conviction and sentence and where it is changed the latter law applied and is to be used. 1963-64 Ops. Att'y Gen., No. 1606, p 21.

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

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

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

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

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

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

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

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

The Probation, Parole and Pardon Board shall carefully consider the record of the prisoner, before and after imprisonment, and no such prisoner shall be paroled until it shall appear, to the satisfaction of the Board, that the prisoner has shown 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 paroled prisoner shall, as often as may be required, render a written report to the Board giving such information as may be required by the Board which shall be confirmed by the person in whose employment the prisoner may be at the time.

§ 24-21-650. Order of parole.

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

§ 24-21-660. Effect of parole.

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

CASE NOTES

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

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

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

§ 24-21-670. Term of parole.

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

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

§ 24-21-680. Violation of parole.

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

CASE NOTES

The Board is the sole judge of whether or not a prisoner has violated his parole, and is authorized to cancel any order for parole, whereupon the prisoner shall "have the status of an escaped convict, be arrested without warrant and be required to serve the part of the sentence that remains unserved." *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

Notice and hearing are not required to revoke parole. — There is no statutory requirement that notice be given on a hearing held on the question of parole revocation. *Sanders v MacDougall*, 244 SC 160, 135 SE2d 836 (1964).

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

And parole expires with unsuspended portion of sentence. — A

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

Hence, attempted revocation is ineffective after unsuspended sentence served — Where the Board issued an order purporting to revoke a prisoner's parole, but the suspended portion of the prisoner's 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).

Applied in *Bearden v State*, 223 SC 211, 74 SE2d 912 (1953).

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.

§24-21-690. Effect of release after service of full time less good conduct deduction.

Any person who shall have served the term for which he has been sentenced less deductions allowed therefrom for good conduct shall, upon release, be treated as if he had served the entire term for which he was sentenced.

Probation, Parole and Pardon

CASE NOTES

As to jurisdiction of Parole Board over released prisoners prior to the 1955 amendment to this section [Code 1962 § 55-617], see *Ex parte Wilson*, 219 SC 139, 64 SE2d 400 (1951).

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

Any prisoner who is otherwise eligible for parole under the provisions of this article, except that his mental condition is deemed by the Probation, Pardon and Parole Board to be such that he should not be released from confinement may, subject to approval by the Veterans Administration, be released to the custody of the Veterans

Administration or to a committee appointed to commit such prisoner to a Veterans Administration Hospital. Such a special parole shall be granted in the sole discretion of the Board and, when so paroled, a prisoner shall be transferred directly from his place of confinement to a Veterans Administration Hospital which provides psychiatric care. When any prisoner paroled for psychiatric treatment is determined to be in a suitable condition to be released, he shall not be returned to penal custody except for a subsequent violation of the conditions of his parole.

Article 9

Uniform Act for Out-of-State Parolee Supervision

Sec.

24-21-810. Short title.

24-21-820. Compact with other states.

24-21-830. "State" defined.

§ 24-21-810. Short title.

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

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

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

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

A COMPACT

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

(1) That it shall be competent for the duly constituted judicial and

administrative authorities of a state party to this compact (herein called "sending state"), to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact (herein called "receiving state"), while on probation or parole, if

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

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

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

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

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

(4) That the duly accredited officers of the sending state will be

permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

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

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

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

§ 24-21-830. "State" defined.

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

Article II

Pardons; Commutation of Death Sentences

Sec.

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

24-21-920. Clemency in other cases.

24-21-930. Order of pardon.

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

The Probation, Parole and Pardon Board shall consider all petitions for reprieves or the commutation of a sentence of death to life imprisonment which may be referred to it by the Governor and shall make its recommendations to the Governor regarding such

petitions. The Governor may or may not adopt such recommendations but in case he does not he shall submit his reasons for not doing so to the General Assembly. The Governor may act on any such petition without reference to the Board.

§ 24-21-920. Clemency in other cases.

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

ATTORNEY'S GENERAL OPINIONS

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

§ 24-21-930. Order of pardon.

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

**Appendix
Personnel Listing
Central Office
County Offices**

**SOUTH CAROLINA PROBATION, PAROLE AND
PARDON BOARD PERSONNEL — CENTRAL OFFICE**

OFFICE OF THE DIRECTOR

GRADY A. WALLACE

Judith H. Davis (Secretary)

Office of the Executive Secretariat

JUDY A. BOLAND

Amanda Armstrong (Secretary)

Velma Archie

Investigators

J. M. KINSEY

John J. McLaughlin, III
Gayle Crosland (Secretary)

Case Analysis

VIRGINIA DIGBY

Cassandra Cockrell

Dorothy Giffin

Dorothy Strickland

Dorothy Sullivan

Office of the Associate Director of Operations

J. P. PRATT, II

Doris C. Alewine (Secretary)

**Assistant Director -
Piedmont Region**

THOMAS L. COPELAND

**Assistant Director -
Midlands Region**

M. H. CARROLL

**Assistant Director -
Pee Dee Region**

MILTON S. TAYLOR, JR.

**Assistant Director -
Coastal Region**

JOHN C. MALONEY

Assistant Director -
T. J. NORTON
G. Eddie Jeffcoat, Jr.
T. P. Taylor, Jr.
Gwendolyn Bright
Marvin Gravino

Interstate Compact Affairs
GEORGE W. CHILES
Susan Frick (Secretary)
William L. Easler (Fugitive Off.)

Hearing Officer
JAMES P. HIOTT
Olive Oppenlander (Secretary)

Office of the Associate Director for Organization & Management
ELIZABETH S. HUNTER
Kay Teague (Secretary)

Administrative Services
Supervisor
HEAVRIN SNYDER
Plummie Bickley, Auditor
Frances Eaker, Payroll Clerk
Gayle T. Price, Trng. Spec.
Jeff Francis, Supply Room
James E. Goddard,
Budget Analyst
Patsy Sowell,
Personnel Tech.
Ken Lumpkin, Jr.,
Supply Room
Dorothy E. McCarter, Accountant

Records Office
KATHREN MILLS
Pamela Hambrick
Billie Cannon
Phyllis Bookert
Betty L. Mitchell
Trudy H. Holland
Karen Walker

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Melinda Selby

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Gladys R. Hahn
Mattie P. Parker

Mary Anna Bonds

Debrah L. Cobb
Rhonda A. Morrison
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Leroy Garrison
Dorothy Johnson
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Evelyn Brooks - R. Hill
Norma Thomas - York

END