

<b>AGENCY NAME:</b>	Indigent Defense		
<b>AGENCY CODE:</b>	E23	<b>SECTION:</b>	61



## Fiscal Year 2013-14 Accountability Report

### SUBMISSION FORM

AGENCY MISSION	<p>Created by Secs.17-3-319, <i>et.seq.</i>, and amended by Article 3 in 2007 to create a statewide and unified indigent defense system in the State, the Commission distributes all funds appropriated by the General Assembly for the defense of indigents; established performance standards and guidelines for public defenders and court-appointed private attorneys; appoints its Executive Director and the State's 16 Circuit Public Defenders; provides oversight for fiscal and performance accountability throughout the system; handles all appeals of indigent defendants in the State's appellate courts; and represents indigent defendants in the trial of capital cases throughout the State. The commission also serves as a resource for compilation of accurate statistical data covering the indigent defense system in the State and reports annually to the General Assembly. The agency consists of three divisions: Indigent Defense Division, Appellate Division and Capital Trial Division.</p>
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Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
<b>PRIMARY CONTACT:</b>	Lisa Campbell	803-734-1168	lcampbell@sccid.sc.gov
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I have reviewed and approved the enclosed FY 2013-14 Accountability Report, which is complete and accurate to the extent of my knowledge.

**AGENCY DIRECTOR**  
**(SIGN/DATE):**

*Patton Adams*      9/15/14

**(TYPE/PRINT NAME):**

Patton Adams

**BOARD/CMSN CHAIR**  
**(SIGN/DATE):**

9/15/14

**(TYPE/PRINT NAME):**

Harry A. Dest

*Harry A. Dest*

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## AGENCY'S DISCUSSION AND ANALYSIS

In August 2013, the Commission published the *South Carolina Juvenile Collateral Consequences Checklist*, an easy to read pamphlet that explains the most significant collateral consequences of a juvenile adjudication. Collateral consequences refer to the civil penalties that attach to a juvenile adjudication beyond the sentence itself. Disenfranchisement, revocation of professional licenses and ineligibility for military service are a few examples. In distributing the pamphlet, the agency has targeted professional groups that work with at-risk youth on a daily basis. We have given presentations at numerous events, including the Magistrate and Municipal Judges Conference, Leadership South Carolina, eight regional guidance counselor conferences, the South Carolina School Resource Officer Association's Annual Conference, the quarterly Juvenile Arbitration directors meeting, the Columbia Sertoma Club and numerous high schools throughout the State. These presentations have been well received. At the request of sheriff's departments, guidance counselors, school districts and other youth professionals, over 8,000 copies of the booklet have been distributed so far. Plans to provide a "Quick Reference of Collateral Consequences" available on the agency website are underway and the booklet will continue be made available to interested organizations.

The agency provided extensive administrative support to the Circuit Public Defenders appointed by the South Carolina Supreme Court to sit on the General Sessions Docket Committee. Chaired by the Honorable Justice Beatty, the Committee was formed to make recommendations concerning the adoption of a statewide order to uniformly govern the trial docket in the Court of General Sessions. Circuit Public Defenders Harry Dest, John Mauldin and Orrie West comprised the Circuit Public Defender Subcommittee. The agency provided administrative support to the subcommittee in preparing for monthly Committee meetings spanning from May to August, 2014. The agency aided the Committee by researching, drafting and preparing detailed reports that thoroughly addressed the many issues raised regarding the day-to-day operations of South Carolina's criminal courts. The agency provided a representative to coordinate weekly conferences among Circuit Public Defenders, prepare supplemental documentation and to attend Committee meetings.

SCCID in conjunction with the Charleston School of Law hosted a major national symposium in observance of the 50<sup>th</sup> anniversary of the US Supreme Court decision *Gideon v. Wainwright* which brought together 28 of the country's top scholars, judges and legal practitioners to discuss the impact of this landmark decision on the delivery of public defense services. Attendees came from several states and the symposium attracted news coverage in national criminal defense media outlets. The keynote speaker was Washington attorney Abe Krash who was law clerk to Justice Abe Fortis, the author of the opinion, and who was his primary assistant in research of the issues and writing of the opinion itself. Other participants included attorneys who argued some of the leading cases preceding and subsequent to the *Gideon* decision. This program was entirely planned, assembled and conducted by SCCID, with logistical assistance from the CSOL. Private funding, which was raised by SCCID, assisted in carrying out the event.

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The agency conducted a year-long study and analysis of fees and fines which are remitted to SCCID from the State and directly in the case of probation fees to try to determine why remittances have been shrinking over the last several years. This voluminous study was shared with other agencies which are recipients of portions of the same fees and fines, and was presented to both the House Ways and Means and Senate Finance sub-committees in budget hearings. This helped in the development of a strict provision in the 2014-15 budget requiring local governments to certify that all fees and fines due to the state are being correctly and timely remitted. We are continuing our efforts to identify counties that are not remitting fine and fee collections as required by law, or processing it incorrectly.

During 2013-14 the agency undertook major improvements to its technology to enhance its capabilities throughout the state for individual public defender case management and for more efficient access to data at the state level. The SCCID technology system serves as both a means for public defender case management and as a data warehouse wherein SCCID at the state level has immediate access to case data as it is entered at the local level. This provides transparency in decision making and budget planning throughout the state's unified public defense system. Our technology has been hailed as a model in the nation, and has been the subject of many seminar presentations at the national level, and studied and replicated by over 15 states and jurisdictions. Upgrades to the website and data collection systems are in progress.

During 2013-14 the agency assisted the SC Public Defender Association in planning and preparation for its annual meeting; assisted the SC Public Defender Investigators Association in planning and presenting at its annual conference; and hosted our 8<sup>th</sup> annual Public Defender Best Practices Seminar in conjunction with the Charleston School of Law. During the year we began the process of developing a sustainable training and professional development program for public defenders and their staffs and opened discussions with the USC School of Law to assist in this process. We also continued for the 9<sup>th</sup> year our Summer Rural Extern program whereby CSOL law students are paired with a rural public defender office and assist for a period of at least 6 weeks, at no compensation but for class credit. This has been a highly successful program and has led to many participants becoming public defenders throughout the state upon admittance to the Bar. We are working on extending the program at the USC School of Law.

A training program for public defenders has been established and SCCID will host the first session "Public Defender Training 101" in late November, 2014. All newly hired public defenders will be required to attend training.

In the spring of 2014 we opened discussions with the USC College of Social Work which has led to a partnership in which the College is studying the sociological profiles of many indigent defendants and the individual defender approach to representation to determine if there is a social and cost effective value in staffing public defense offices with more social workers who can address some of the core reasons why people may have gotten into trouble, and assist in getting the reasons addressed. This is known nationally as holistic defense or representation and has been highly successful in other states in reducing recidivism and identifying and addressing warning signs in an individual's immediate environment. Because of heavy caseloads and the need to concentrate on an individual's defense, often the root causes of a problem are not adequately identified or addressed, such as drug and alcohol abuse or addiction, lack of adequate housing, joblessness, social security and veterans' benefits problems, etc. In other jurisdictions the assistance of a social worker on these issues has helped immeasurably in

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resolving many criminal matters and in preventing recurrences. The study is designed to determine the level and extent of success and its cost effectiveness.

Throughout the year SCCID has continued to implement the unified statewide system created in 2007, and continues to hold quarterly (and more frequently) meetings with the Circuit Public Defenders to discuss impact issues, and has succeeded in increasing the number of appellate defenders by two through new FY15 budget funding, now staffed at 12. We were able to increase private attorney assistance with appeals from 4 to 15 attorneys from one law firm, at no cost; and working with Judge Few, Chief Judge of the Court of Appeals, we attracted nearly 49 additional attorneys throughout the state to assist in handling appeals at no cost to the agency. This has been a tremendous help to our appellate division in trying to reduce the heavy appellate caseload, which frequently is as high as 1600 pending cases for a staff of 10 attorneys. In addition, we have been diligent and vigilant in monitoring fees and costs associated with cases which are assigned to outside counsel, and have made frequent court appearances both to recommend fee ranges and to contest proposed fee orders. Our Rule 608 contract system has proven to be a big success, hailed by many judges, and has provided a means to manage the costs in the cases assigned to outside counsel, which are largely Family Court cases, post conviction relief, and criminal conflicts. This has also resulted in a reduction of staff time in reviewing many vouchers which in turn has allowed a realignment of staff responsibilities without having to add any additional staff.

On a national level we have participated in several national seminars and been active in shaping national public defense issues. The Executive Director serves on the Board of Directors of the National Legal Aid and Defender Association (NLADA) and is the Vice Chair of its Defender Division and Vice Chair of the American Council of Chief Defenders. The 13<sup>th</sup> Circuit Public Defender, John Mauldin, is currently serving a two-year term as the Chairman of the Board of Directors of the NLADA.

SCCID will continue efforts to obtain additional funding to hire public defenders to provide representation in magistrate courts as required by statute and to hire sufficient public defender staff to reduce caseloads that currently average 565 cases per attorney.

The agency is conducting a survey to determine the means and procedures for determination of indigency in each county in the state, as well as processes used in other states. Recommendations from these findings will be made to the SC Supreme Court for revisions to rules governing these issues to clarify, standardize and streamline the process throughout the state.

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Strategic Planning Template

Type	Item #			Description
	Goal	Strat	Object	
G	1			Provide a quality, unified cost effective and efficient statewide ssystem for the delivery of indigent defense to all eligible citizens of the state.
S		I.I		Provide a fully trained and professionally qualified corps of public defenders throughout the state
O			1.1.1	Establish a sustainable public defender training program with required training for all newly hired public defenders
O			1.1.2	Conduct a strict and mandatory mentoring program for all public defenders in their first year of employment
O			1.1.3	Pursue opportunities to partner with other organizations to provide professional development programs
S		1.2		Implement standardized screening and determination of indigency criteria statewide
O			1.2.1	Analyze processes that determine indigency, including means and procedures used in other states
O			1.2.1	Make recommendations to the SC Supreme Court for revisions to rules governing these issues to clarify, standardize and streamline the process
S		1.3		Continue technology development and implementation
O			1.3.1	Implement Quick Reference of Collateral Consequences for each of the states criminal offense codes available to all public defenders through agency database/website
O			1.3.2	Continue upgrades and implementation of technology in case management and data collection systems
O			1.3.3	Implement an interface between public defender case management system and Court Administration to increase efficiency in both systems
S		1.4		Increase public defender population to provide adequate representation and decrease case loads
O			1.4.1	Obtain funding to hire additional public defenders to provide representation in all magistrate courts as required by statute
O			1.4.2	Obtain funding to hire additional public defenders to decrease case load from current average of 565 cases per public defender

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Performance Measurement Template

Item	Performance Measure	Last Value	Current Value	Target Value	Time Applicable	Data Source and Availability	Reporting Freq.	Calculation Method	Associated Objective(s)
1	Training for newly hired public defenders	10	10	16	July 1-June 30	Annual Agency HR & Funding Survey	Annually	# of Circuits with training programs	1.1.1
2	Mandatory mentoring for newly hired public defenders	3	3	16	July 1-June 30	Annual Agency HR & Funding Survey	Annually	# of Circuits with mentoring programs	1.1.2
3	Hire additional public defenders to alleviate current excessive case loads and provide representation in Magistrate Courts	322	565	300	July 1-June 30	Annual Agency HR & Funding Survey	Annually	Cases opened divided by number of public defenders	1.4.2

