

ISAAC McDUFFIE STONE III, CHAIRMAN  
SOLICITOR, FOURTEENTH JUDICIAL CIRCUIT

KEVIN S. BRACKETT  
SOLICITOR, SIXTEENTH JUDICIAL CIRCUIT

BARRY J. BARNETTE  
SOLICITOR, SEVENTH JUDICIAL CIRCUIT

THOMAS E. POPE  
REPRESENTATIVE, DISTRICT NO. 47

MARK A. KEEL  
CHIEF, STATE LAW ENFORCEMENT DIVISION

ROBERT G. WOODS IV  
DIRECTOR, SC DEPARTMENT OF PUBLIC SAFETY



# SCCPC

South Carolina Commission  
on Prosecution Coordination

1200 SENATE STREET, SUITE B-03, WADE HAMPTON BUILDING  
COLUMBIA, SOUTH CAROLINA 29201  
(803) 343-0765

LISA H. CATALANOTTO  
EXECUTIVE DIRECTOR

SCARLETT A. WILSON, VICE-CHAIRMAN  
SOLICITOR, NINTH JUDICIAL CIRCUIT

JIMMY A. RICHARDSON II  
SOLICITOR, FIFTEENTH JUDICIAL CIRCUIT

GREG HEMBREE  
SENATOR, DISTRICT NO. 28

JENNY W. RUSS  
DIRECTOR OF DIVERSION PROGRAMS  
FIRST JUDICIAL CIRCUIT

MERRI PARKER  
VICTIM/WITNESS ASSISTANCE ADVOCATE  
TENTH JUDICIAL CIRCUIT

July 28, 2022

Dear Representative Wooten:

Please find attached responses to the eight questions included in your letter of July 11, 2022. If I or the commissioners of the South Carolina Commission on Prosecution Coordination (SCCPC) can be of further assistance, please let me know.

Very Truly Yours,

Lisa H. Catalanotto

Attachment

cc: The Honorable Isaac McDuffie Stone III  
The Honorable Wm. Weston J. Newton  
Charles L. Appleby, IV

## Questions to Prosecution Coordination Commission

### Members of Commission

- 1. What reasons, if any, support the Attorney General not serving as a member of the Prosecution Coordination Commission since the State Constitution makes the Attorney General the Chief Prosecutor for the State and the Commission was created “to coordinate all activities involving the prosecution of criminal cases in this State”? (See S.C. Code Section 1-7-910).**

The Commission is the voice of the sixteen South Carolina solicitors that prosecute 95% of all criminal cases in the state. Our jobs and therefore our challenges are much different than those of the South Carolina Attorney General. The Law Enforcement and Criminal Justice Subcommittee of the SC House Legislative Oversight Committee (“Subcommittee”) only needs to look to testimony provided in 2018 by the SC Commission on Prosecution Coordination (SCCPC) to get a better understanding of this dynamic. Over a period of several months the SCCPC testified before the Subcommittee on matters concerning docket management, the impact of increased digital evidence and the need for electronic discovery, the need for a county level investigative grand jury, and many other issues unique to the sixteen solicitors.

The South Carolina General Assembly routinely reaches out to the SCCPC asking for input on the effect of proposed criminal statutes at the local level. Every year the SCCPC develops state budget request proposals on behalf of the sixteen solicitors and represents the solicitors at budget meetings with the Governor’s Office and with House and Senate subcommittees explaining the necessity for appropriate resources and explaining how previous allocations have been used. Each year, the SCCPC prepares roughly sixty statutorily required reports concerning the ongoing activities of the sixteen solicitors’ offices. The Office of the Attorney General is rarely, if ever, involved in these processes.

If the Attorney General is placed on the SCCPC as a commission member, he will immediately become the de facto chair of the commission. The responsibility of representing the sixteen solicitors will go to the Attorney General and away from a commission that has been representing the solicitors for thirty-two years. The Attorney General does not have the perspective nor the understanding of the unique challenges of the solicitors; nevertheless, he would become the sole voice for the solicitors.

### Post-Conviction Relief (PCR)

- 2. What are the pros and cons of Solicitors handling post-conviction relief matters within their own judicial circuits instead of the Attorney General’s Office?**

The primary problem with solicitors handling post-conviction relief matters is that the solicitors are, themselves, witnesses in these cases. This presents ethical as well as logistical challenges that would be nearly impossible to overcome. The Attorney General handles these matters because they are civil in nature and require testimony of the people involved in the prosecution of the underlying criminal case. The prosecutor is a necessary witness.

### Case Management Systems

- 3. What, if anything, will the Commission do, before releasing funds to each solicitor’s office for purchase of their individual case management systems, to ensure systems purchased are capable of integration with the South Carolina judicial branch, all state and local law enforcement departments, and other offices of circuit solicitor? (e.g., will there be certain data fields each solicitor’s office is required to have in their case management systems before receiving funding for their individual system? If so, how will those fields be determined? If determination does not include collaboration with other state agencies that transfer information back and forth with Solicitor’s offices (e.g., Attorney General’s Office, Sexually Violent Predator Multidisciplinary Team, etc.), is the agency willing to consider this?)**

The SCCPC is planning on requiring the sixteen solicitors to provide a letter to the SCCPC indicating that the case management system they are purchasing is capable of integrating with other case management systems, law-enforcement records management systems and the central database being developed at SCCPC office. The solicitors' case management systems should also be capable of integration with other state agency systems assuming that the other systems are sufficiently advanced.

**4. Please list the systems at the judicial branch and law enforcement departments with which the Commission understands solicitors' systems must be capable of "integration."**

The law enforcement systems with which the solicitors' case management systems should be capable of integration with include the systems of all law enforcements departments, including but not limited to, the State Law Enforcement Division (SLED), the South Carolina Department of Public Safety (SCDPS), the state's forty-six sheriffs' offices and municipal police departments; provided, however, that their systems are sufficiently advanced.

The judicial systems with which the solicitors' case management systems should be capable of integration are those of the individual county Clerks of Court, provided, however, that their systems are sufficiently advanced. In turn, the systems of the Clerks of Court should integrate with the South Carolina Judicial Branch.

Prosecution case management systems contain attorney work product as well as confidential information that cannot be disseminated pursuant to ethical rules and state law. Accordingly, the solicitors' case management systems will only share information that is not confidential.

**5. Please list examples of information that will be available for transfer between systems as part of the "integration."**

The information in the solicitors' prosecution case management systems that will be available for transfer to the SCCPC, and non-law enforcement agencies will be docket management information. The information that will be available for transfer between law enforcement agencies and other solicitors' offices will include evidence, police reports, booking information and information concerning the parties in the case.

**6. Please list the entities the Commission believes fall within "state and local law enforcement departments."**

See the answer to Question 4.

**7. Please provide examples of how each circuit solicitor will "detail the capabilities" for their individual case management system.**

Good case management systems provide two functions: docket management and case management. Docket management consists of working with the number of cases that are coming into the system, the number of cases that are being disposed of and information concerning how these cases are resolved. Case management involves multiple people any solicitor's office working on an individual case. The individual case includes, but is not limited to, information on the parties involved, communication logs, case flow triggers, discovery logs, document production and evidence. Each Solicitor will determine which case management system satisfies these needs for their individual offices.

- 8. Is the Commission willing to work with the entities below to reach a consensus among prosecutors, courts, and public defenders on (1) how cases will be counted (e.g., defendant, warrant, indictment) and (2) certain data fields/formats that will exist across all entities, so agency and other data applications provide consistent information on caseloads and applicable information can be efficiently shared between the entities?**
- a. Solicitors' Offices (recently received \$9M for upgrade of case management systems; share information with the courts; send case information to other Solicitors and the Attorney General's Office when transferring cases)**
  - b. Court Administration (e.g., Judges, Clerks of Court, etc.) (received \$22M for upgrade of case management system)**
  - c. Commission on Indigent Defense (utilizes a single case management system for all public defenders and appellate work)**
  - d. Attorney General's Office (in process of researching case management systems to purchase; receives files from solicitor's office to handle appeals; receives and sends files from multiple entities as part of Sexually Violent Predator Proceedings)**
  - e. Other agencies the Attorney General's Office has authorized to prosecute (e.g., Department of Insurance, Department of Employment and Workforce, etc.)**

Yes. Regarding how cases are counted, the case management systems are capable of counting cases in three formats: defendants, warrants, and charges/indictments. However, the most appropriate way of counting cases is by events. By way of example, a single defendant may commit two burglaries over a three-week period. In each one of these burglaries the defendant may have stolen something and assaulted someone. Therefore, the defendant is charged with burglary, larceny, and assault for each of these burglary events. In this case there is one defendant with six warrants or charges, but two instances/events. Solicitors and law enforcement usually refer to instances/events as cases.