

AGENCY NAME:	South Carolina Commission on Prosecution Coordination		
AGENCY CODE:	E-21	SECTION:	60



Fiscal Year 2014-15 Accountability Report

SUBMISSION FORM

AGENCY MISSION

The South Carolina Commission on Prosecution Coordination (SCCPC) was created to coordinate all activities involving the prosecution of criminal cases in this State. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the South Carolina Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program (PTI), a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor.

The mission of the South Carolina Commission on Prosecution Coordination is to improve South Carolina's Criminal Justice System by enhancing the effectiveness and professionalism of South Carolina's Solicitors and their staff through activities such as coordination of prosecution services, education, information, association, and interaction; and to achieve objectives which will benefit and improve the Office of Solicitor.

Please identify your agency's preferred contacts for this year's accountability report.

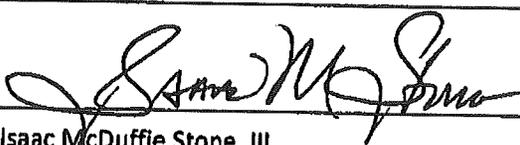
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I have reviewed and approved the enclosed FY 2014-15 Accountability Report, which is complete and accurate to the extent of my knowledge.

AGENCY DIRECTOR (SIGN/DATE):	
(TYPE/PRINT NAME):	David M. Ross

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BOARD/CMSN CHAIR
(SIGN/DATE):


(TYPE/PRINT NAME): Isaac McDuffie Stone, III

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AGENCY'S DISCUSSION AND ANALYSIS

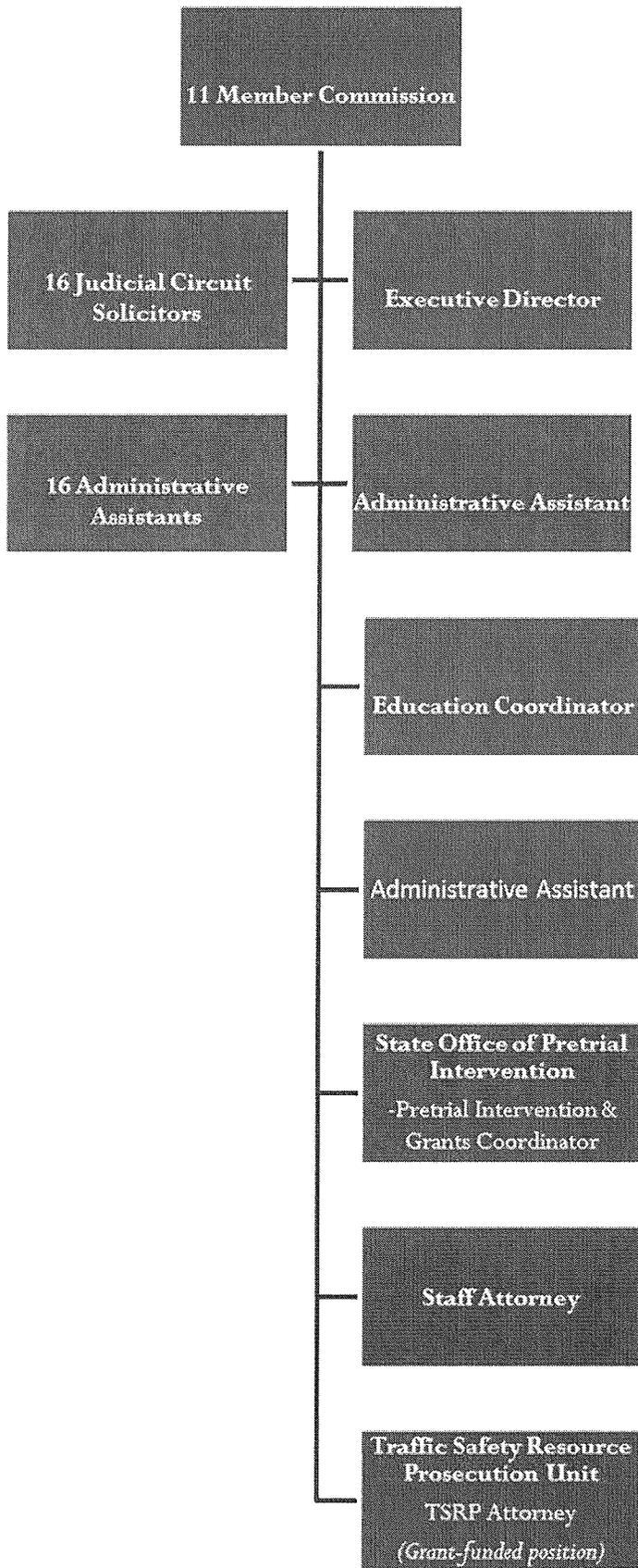
AGENCY'S DISCUSSION AND ANALYSIS

Notable Achievements from FY 2014/15:

The Commission's notable achievements from the past year are listed below.

- Completed study of appropriate caseload standards for General Sessions Court prosecutors.
- Provided 21 training sessions offering 147.75 continuing education hours for 2274 persons covering a variety of topics relevant to the prosecution of crimes in South Carolina's state courts, including domestic violence, immigration issues, human trafficking, drug crimes, homicides, sex crimes, gang issues, expungements, FOIA, driving under the influence, and ethics and professionalism.
- Provided timely legal updates to the Circuit Solicitors' Offices on actions of the Courts and Legislature.
- Applied for and received federal grants for the John R. Justice Student Loan Forgiveness Program.
- Applied for and received Traffic Safety Resource Prosecutor grant (a federal grant passed through the South Carolina Department of Public Safety's Office of Highway Safety and Justice Programs).
- Prepared and submitted the SCCPC Report on Diversion Programs to the Sentencing Oversight Committee.
- Assisted prosecutors with trial, appellate, and research issues.
- Prepared and submitted statistics regarding CDV and DUI prosecutions to the Legislature.
- Reviewed criminal and criminal justice related legislation and provided information to both the Solicitors and the Legislature.
- Continued work on building a new website.

The SCCPC has a "central office," manned by seven employees, which provides support services for the 16 Solicitors' Offices. Its budget includes all state funding for the 16 Solicitors' Offices, each of which is overseen by an elected Solicitor.



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Program Goal 1. Provide quality support services to the Offices of Solicitor.

The SCCPC provides quality support services to the Offices of Solicitor in a number of ways, chief among them is providing regular training for all prosecution staff, technical assistance to prosecution staff, and timely distribution of updates on judicial and legislative actions.

Regular Training: During FY 14/15, the SCCPC conducted 21 trainings attended by 2274 persons. These trainings, which varied from 2.0 hours to 26.75 hours, offered 147.75 hours of training. This training focused on the needs of prosecutors, prosecution paralegals, prosecution investigators, prosecution victim advocates, diversion program staff, and prosecution administrative staff. This training included the Prosecution Bootcamp program, which was created to train prosecutors with two or less years of prosecution experience and the first offering was conducted in 2009. The program, which is now a five-day program, includes not only lectures on necessary topics related to criminal law, ethics, and prosecutor discretion, but also trial advocacy training. Students are required to perform portions of a trial (jury argument and witness examination) and are critiqued by experienced faculty on both the substance and style of their performance. The FY 14/15 program trained 38 new prosecutors. Materials were developed for the trainings that not only allowed the attendees to follow the speakers, but were intended to be useful resource materials once the training attendees returned to their offices. Training hours are accredited by the South Carolina Bar, the Criminal Justice Academy and South Carolina Office of Victim Services Education and Certification. Every training that is conducted has an evaluation form by which the agency measures the effectiveness of the training. Attendees assess training speakers' presentations and materials in numerical format and the evaluation forms also allow for comments. These forms are collected at the end of each training and reviewed to determine how the training may be improved in the future. Training programs conducted by the agency consistently receive high marks by attendees.

Technical Assistance: During FY 14/15 the SCCPC served as a direct resource for the Solicitors' Offices on all aspects of prosecution, trial, appellate, and research issues. The SCCPC continued to provide regular legislative and case law updates to all offices of the Solicitor through trainings, meetings, conferences, and email.

Secure Computer Data by Continuing to Contract with DSIT for IT and Computer Support: The agency continues to contract with the Department of State Information Technology (DSIT) for IT and computer support. The SCCPC migrated its office shared drive from internal storage to DSIT hosted storage during FY12/13 and contracted with DSIT for desktop and laptop support so that anti-virus/anti-malware protection is kept current. This ensured secure access to the contents of the SCCPC data storage, as well as a backup system in the event of data loss. The SCCPC continued to use DSIT as its IT and computer support provider during FY14/15. For FY15/16, The S.C. General Assembly appropriated additional recurring state funding which will allow the SCCPC to continue utilizing DSIT as its IT and computer support provider for FY15/16 and beyond.

Developed Guidelines for the Proper Caseload each Prosecutor Should Handle: Over the past year, the SCCPC worked with the Circuit Solicitors and developed guidelines for the proper caseload each General Sessions Court prosecutor should handle. The study found that South Carolina prosecutor

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caseloads far exceed the national average. The study looked at various statistics on a national, statewide, and county level.

Program Goal 2. Protect the community by vigorously, but fairly, prosecuting those who violate the law.

The primary strategy in meeting this goal is to reduce the time from arrest to disposal of the case in every judicial circuit. An increase in funding will allow Circuit Solicitors the opportunity to hire additional prosecutors and staff, which would reduce the average prosecutor caseload in each circuit. This reduction will allow prosecutors and staff to effectively manage a caseload and focus on reducing the overall time it takes to reach a resolution on each case.

There are approximately 305 full-time prosecutors handling cases in General Sessions Court.

According to the South Carolina Judicial Department, in FY2014/15: there were 113,711 cases added in General Sessions Court, the 16 Solicitors' Offices disposed of 117,281 cases, and there were 104,947 cases pending on June 30, 2015. The three-year yearly average for incoming cases is 114,198.

For the FY2015/16 budget, the General Assembly did not provide any increase in funding for the Offices of Solicitor. Increased funding is needed to handle the workload in as timely a manner as the public expects. As was stated in our budget request last year, South Carolina is consistently one of the top states in the number of violent crimes committed on a per-capita basis. South Carolina also consistently ranks highest or near highest in the nation in the number of women killed by men. The prosecution of violent crime remains a top priority for the Solicitors, but is challenging due to the lack of resources. The continued lack of funding causes delays in prosecution, increased backlogs, victims having to wait for extended periods of time for their case to be heard, an increase in the number of inmates in the local jail, as well as violent offenders being released on bond and thereby committing more crimes while they await trial. These types of crimes require more personnel, more time, and more resources to prosecute than non-violent crimes do.

Current Conditions in South Carolina:

- **Second** in the number of women killed by men
- **Sixth** highest violent crime rate in the country on a per-capita basis

Public Safety Numbers:

- 114,198** average number of new criminal cases filed every year
- 305** number of prosecutors to handle those cases
- 374** average caseload of each prosecutor
- 423** average number of days to get a case to court

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Public Safety Concerns:

- The older a case gets, the harder it is to prove
- Victims should have the right to a speedy trial along with defendants
- Delays in bringing cases to court results in defendants getting out on bond where they commit even more crime.

Strategy:

To improve the crime rate in South Carolina we must confront the overwhelming caseloads and bring them in line with national standards and averages. Bringing down the average caseload will significantly reduce the time the time it takes to bring cases to court.

National Caseload Standards

Every profession has a metric by which a capacity per employee is determined. This is done to ensure that a certain level of quality is maintained and that the organization is adequately staffed to handle its workload. In the case of teachers, it is the number of students per teacher.

Lawyers must follow a rigid set of standards for professional conduct. Attorneys must give every case the attention it deserves. Prosecutors must conduct a diligent and thorough review of each case to determine whether the facts warrant the charges and to ensure that the rights of the victim and defendant are not infringed upon. The implications of having overworked prosecutors can be dire.

A 2011 Northwestern University Law Review article notes that, in 1968, a national commission created by the Department of Justice¹ studied the problem of excessive public defender caseloads and adopted a recommendation that defenders handle no more than 150 felonies *or* 400 misdemeanors in any year. The article goes on to say that in subsequent years, these guidelines have been widely endorsed by criminal justice organizations, the American Bar Association and academic commentators. The article suggests that these standards should also apply to prosecutors.² South Carolina solicitors prosecute both felonies and misdemeanors. For instance, the Fourteenth Circuit Solicitor’s caseload is made up of approximately 75 percent felonies and 25 percent misdemeanors.

In the most recent survey of all prosecutors’ offices throughout the country, the U.S. Department of Justice found that the average felony caseload per prosecuting attorney was 94.³

In South Carolina, we are operating at 2.5 times the U.S. Department of Justice standard (for defenders) and four times the national average. Considering the national benchmarks, South Carolina prosecutors should handle approximately 200 cases per attorney.

U.S. Department of Justice No more than 150 felonies or 400 misdemeanors (per public defender)

U.S. Department of Justice Average prosecutor prosecutes 94 felonies per year (range is 81-121 depending on size of jurisdiction)

¹ In 1973, the Task Force on the Courts of the National Advisory Commission on Criminal Justice Standards & Goals (created by the U.S. Department of Justice in 1968) studied the problem of excessive public defender caseloads and

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adopted a recommendation that defenders handle no more than 150 felonies or 400 misdemeanors in any year.

² Adam M. Gershowitz & Laura R. Killinger, "The State Never Rests: How Excessive Prosecutorial Caseloads Harm Criminal Defendants," 105 *Northwestern Univ. L. Rev.* 261, 262-267 (2011).

³ U.S. Dep't of Justice, Bureau of Justice Statistics, 2007 *National Census of State Court Prosecutors: Prosecutors in State Courts, 2007—Statistical Tables (December 2011)* (NCJ 234211).

The 16 elected Solicitors are responsible for keeping the citizens of South Carolina safe and are committed to doing so, but much more funding is crucial if a significant reduction in the number of pending cases, especially cases involving violent crime, is to be made.

Key future challenges include:

- the number of criminal cases in both the General Sessions and Family Courts, as well as the increasing complexity of the cases and evolving legal requirements, which challenge the SCCPC in fulfilling its statutory obligations; and
- the lack of resources needed to accomplish its goals, including
 - the lack of sufficient dedicated funding for prosecutors, investigators, victim advocates, and support staff in the Solicitors' Offices; and
 - the lack of dedicated funding for training.

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 Accountability Report

Agency Code: **E21** Section: **060**

Strategic Planning Template

Type	Goal	Strat	Item #	Object	Description
G	1				Provide quality support services to the Offices of Solicitor
S	1.1				Enhance the professionalism and effectiveness of South Carolina's Solicitors and their staff.
O		1.1.1			<i>Conduct regular training for prosecutors and staff on a wide variety of topics</i>
O		1.1.2			<i>Provide technical assistance to prosecutors and staff</i>
O		1.1.3			<i>Provide timely legislative updates</i>
O		1.1.4			<i>Provide regular case law updates</i>
S	1.2				Upgrade Pretrial Intervention Database to make entry of information more efficient as well as add other Diversion Programs to the Database
O		1.2.1			<i>Work with SLED to write new computer program that will interface with all 16 Solicitor's Offices</i>
G	2				Protect the community by vigorously but fairly prosecuting those who violate the law
S	2.1				Reduce the time it takes to dispose of criminal cases
O		2.1.1			<i>Use caseload standards that were developed over the last year to show that general sessions caseloads are too high</i>
O		2.1.2			<i>Obtain additional funding in order to increase the number of assistant solicitors and staff so that caseloads are more manageable and cases can be handled in a timely manner</i>

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Item	Performance Measure		Current Value	Target Value	Time Applicable	Data Source and Availability	Reporting Freq.	Calculation Method	Performance Measurement Template	
	Last Value	15-20							Associated Objective(s)	Associated Objective(s)
1	Number of Trainings Held	20	21	15-20	July 1-June 30	SCPC	Annually	N/A	1.1.1	1.1.1
2	Number of Persons Trained	1,230	2,274	N/A	July 1-June 30	SCPC	Annually	N/A	1.1.1	1.1.1
3	Continuing Education Hours provided	144	148							
4	Number of General Sessions cases added	113,771	113,711	N/A	July 1-June 30	S.C. Judicial Department	Annually	N/A	2.1.1, 2.1.1	2.1.1, 2.1.1
5	Number of General Sessions cases disposed of	115,829	117,281	N/A	July 1-June 30	S.C. Judicial Department	Annually	N/A	2.1.1, 2.1.2	2.1.1, 2.1.2
6	Pending General Sessions caseload	106,153	104,947	N/A	30-Jun	S.C. Judicial Department	Annually	N/A	2.1.1, 2.1.2	2.1.1, 2.1.2
7	Number of Full-Time General Sessions Prosecutors	305	305	408 for FY15/16 (571 over the next 3- July 1-June 30 5 years)	July 1-June 30	SCPC	Annually	Based upon an average caseload of 200 cases per prosecutor with the State funding 1/2 of the needed prosecutors.	2.1.1, 2.1.2	2.1.1, 2.1.2