

# RESTRUCTURING & SEVEN-YEAR PLAN

## Commission on Indigent Defense

Date of Submission: 3/9/2015

Please provide the following for this year's Restructuring and Seven-Year Plan Report.

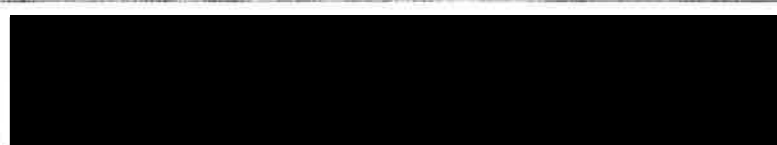
	Name	Date of Hire	Email
Agency Director	Patton Adams	01/04/2005	padams@sccid.sc.gov
Previous Agency Director	Tyre D. Lee	01/02/1994	unknown

	Name	Phone	Email
Primary Contact:	Lisa Campbell	803-734-1168	lcampbell@sccid.sc.gov
Secondary Contact:	Hugh Ryan	803-734-1338	hryan@sccid.sc.gov

Is the agency vested with revenue bonding authority? (re: Section 2-2-60(E))  No

I have reviewed and approved the enclosed 2015 Restructuring and Seven-Year Plan Report, which are complete and accurate to the extent of my knowledge.

Current Agency Director  
(Sign/Date):



(Type/Print Name):

Patton Adams

If applicable,  
Board/Commission  
Chair  
(Sign/Date):



(Type/Print Name):

Harry A. Dest

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*Insert the appropriate page numbers once the agency has completed the report.*

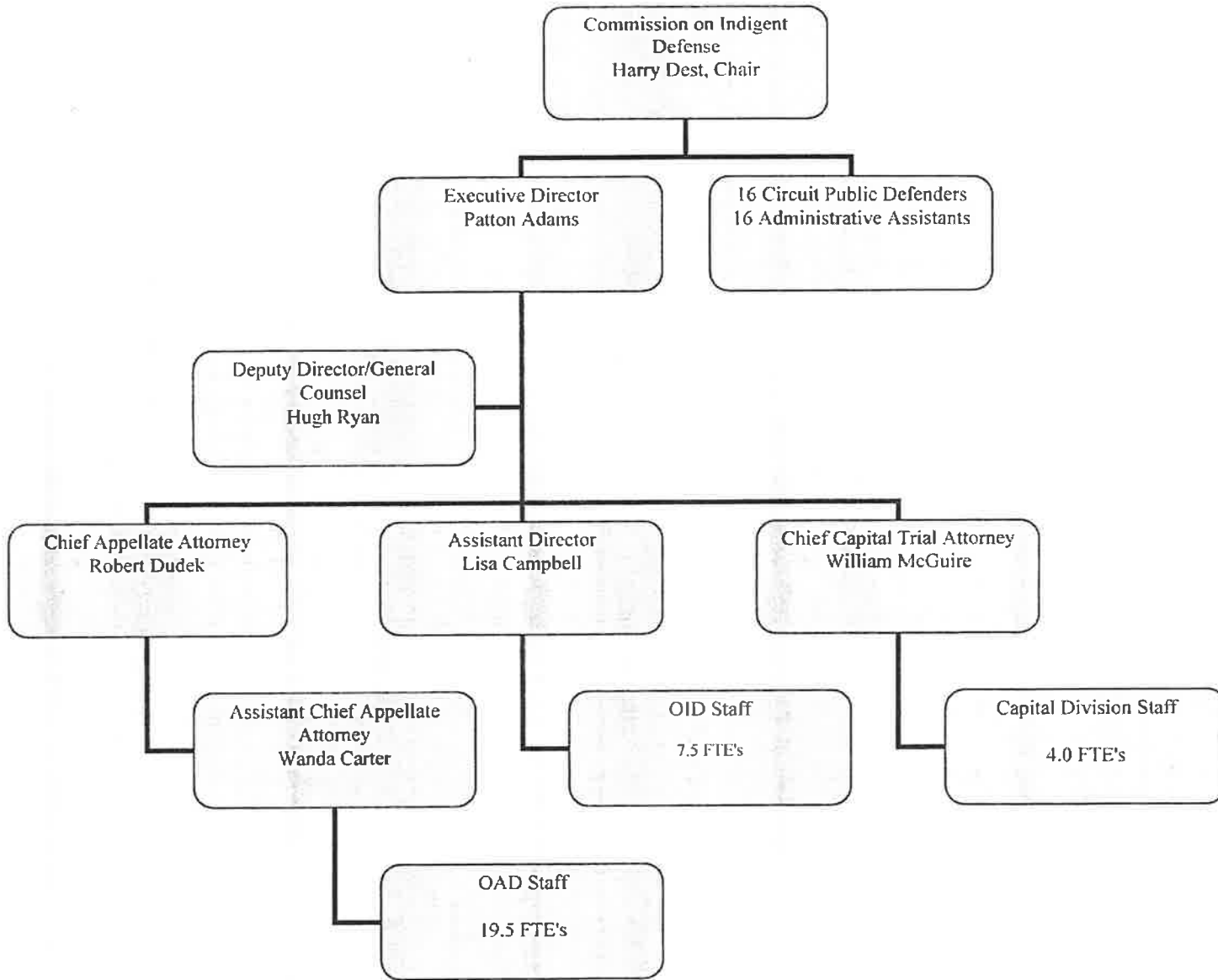
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Agency Name: Indigent Defense  
 Agency Code: E23  
 Agency Section: 61

### Similar Information Requested Chart

**INSTRUCTIONS:** Please provide details about other reports which investigate the information requested in the Restructuring Report. This information is sought in an effort to avoid duplication in the future. In the columns below, please list the question number in this report, name of the other report in which the same or similar information is requested, section of the other report in which the information is requested, name of the entity that requests the other report and frequency the other report is required. **NOTE:** Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Restructuring Report Question #	Name of Other Report	Section of Other Report	Entity Requesting Report	Freq. Other Report is Required
Commission on Indgent Defense	Historical Perspective	Accountability Report	A-1	Executive Budget Office	Annually
Commission on Indgent Defense	Purpose/Mission	Accountability Report	Program Expenditures	Executive Budget Office	Annually
Commission on Indgent Defense	Major Program Areas	Accountability Report	Major Program Areas	Executive Budget Office	Annually
Commission on Indgent Defense	Legal Standards Chart	Office of Senate Oversight Restructuring	Restructuring	Senate	Annually



Agency Name: Indigent Defense

Agency Section: 61

Agency Code: E23

## Historical Perspective Chart

**INSTRUCTIONS:** Please provide information about any restructuring or major changes in the agency's purpose or mission **during the last ten years**. NOTE: Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Year	Description of Restructuring that Occurred	Description of Major Change in Agency's Purpose or Mission
Commission on Indigent Defense	2006	Merged Office of Appellate Defense into Commission	To achieve greater efficiency in the delivery of indigent defense services
Commission on Indigent Defense	2007	Indigent Defense Act	Created a statewide public defender system to provide consistent and fair statewide standards and accountability for the delivery of legal representation to indigent citizens in state courts
Commission on Indigent Defense	2008	Creation of Capital Trial Division	Provides greater cost efficiency and effectiveness by providing qualified, experienced representation in capital trials

## **Commission on Indigent Defense Executive Summary**

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, raised by SCCID, assisted in carrying out the event.

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 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.



Agency Name: Indigent Defense  
 Agency Section: 61  
 Agency Code: E23

## Historical Perspective Chart

**INSTRUCTIONS:** Please provide information about any restructuring or major changes in the agency's purpose or mission **during the last ten years**. NOTE: Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Year	Description of Restructuring that Occurred	Description of Major Change in Agency's Purpose or Mission
Commission on Indigent Defense	2006	Merged Office of Appellate Defense into Commission	To achieve greater efficiency in the delivery of indigent defense services
Commission on Indigent Defense	2007	Indigent Defense Act	Created a statewide public defender system to provide consistent and fair statewide standards and accountability for the delivery of legal representation to indigent citizens in state courts
Commission on Indigent Defense	2008	Creation of Capital Trial Division	Provides greater cost efficiency and effectiveness by providing qualified, experienced representation in capital trials

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**Purpose/Mission/Vision Chart**

**INSTRUCTIONS:** Provide information about the date the agency, in its current form, was initially created and the present purpose, mission and vision of the agency, with the date each were established in paranthesis. The Legal Standards Cross Reference column should link the purpose, mission and vision to the statutes, regulations and provisos listed in the Legal Standards Chart, which they satisfy.

Agency Submitting Report	Date Agency created	Purpose	Mission	Vision	Legal Standards Cross References
Commission on Indigent Defense	July 1, 1994	To provide legal representation to indigent citizens in state courts as mandated by state and federal law	To provide an efficient and effective system for representation of indigent citizens in state courts as mandated by state and federal law	Reduce case loads for public defenders and provide adequate resources to provide efficient and effective legal representation	Purpose: 1-7 Mission: 1-7 Vision: 1-7

## **Commission on Indigent Defense Key Performance Measure Results**

- **Provide a quality, unified, cost effective and efficient statewide system for the delivery of indigent defense to all eligible citizens of the state**
- **Data collection and analysis to determine trends and provide information for funding requests and budget analysis**
- **A sustainable public defender training program with emphasis on training for newly hired public defenders**
- **Statewide uniform and standardized criteria for determination of indigency**

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## Key Partner Agencies Chart

**INSTRUCTIONS:** List the names of the other state agencies which have the biggest impact on the agency's mission success (list a minimum of three); partnership arrangements established and performance measures routinely reviewed with the other entity. The Major Program Areas Cross References Column should link the Partner Agency to the major program area, in the Major Program Areas Chart, on which it has the biggest impact. NOTE: Responses are not limited to the number of rows below that have borders around them, please list all that are applicable and a minimum of three.

Agency Submitting Report	Agency w/ Impact on Mission Success	Partnership Arrangement Established	Performance Measures Routinely Reviewed Together	Major Program Areas Cross Reference
Commission on Indigent Defense	N/A	N/A	N/A	N/A

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Key Deliverables Chart

INSTRUCTIONS: Provide information about the agency's key deliverables (i.e. products or services); primary methods by which these are delivered; and, as applicable, actions that may reduce the general public and/or other agencies initial or repetitive need for the deliverable. List each deliverable on a separate line. If there are multiple ways in which the deliverable is provided, list the deliverable multiple times with each delivery method on a separate line. In the "Three Greatest" column, indicate and rank the three most significant deliverables the agency brings to the people of South Carolina with #1 being the most significant. For the deliverables which are not one of three most significant, do not put anything in this column. The Major Program Areas Cross References Column should link the deliverable to the major program area, in the Major Program Areas Chart, within which that product or service is provided. NOTE: Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Item #	Deliverable (i.e. product or service)	Three Most Significant (#1, #2, #3)	Primary Method of Delivery	What can be done to reduce the general public and/or other agencies initial need for this deliverable? (i.e. preventive measures before the citizen or agency needs to come to the agency)	What can be done to reduce the general public and/or other agencies need to return for this deliverable? (i.e. preventive measures to ensure they do not need to come back to the agency for this service or product after already receiving it once)	If deliverable is identified as one of the three most significant, what would allow the agency to focus on it more?	Major Program Area Cross Reference
Commission on Indigent Defense	1	Legal representation to indigent defendants in state court	1	Public Defender Representation	Community Resources providing holistic solutions to causes of crime such as homelessness, substance abuse and alternative sentencing for non violent offenses	Providing services such as shelter, substance abuse rehab and alternative sentencing	Additional funding for resources in public defender offices to provide social/holistic assistance to offenders	I, III
	2							
	3							
	4							
	5							
	6							

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## Key Customers Chart

**INSTRUCTIONS:** Provide information about the key customer segments identified by the agency and each segment's key requirements/expectations. A customer is defined as an actual or potential user of the agency's deliverables. Please be as specific as possible in describing the separate customer segments (i.e. do not simply put "public.") The Deliverables Cross References column should link customer groups to the deliverable listed in the Key Deliverables Chart, which they utilize. **NOTE:** Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Item #	Customer Segments	Requirements/Expectations	Deliverables Cross References
Commission on Indigent Defense	1	SC citizens qualified for representation	Legal Representation as required by state and federal law	I, III
	2			
	3			
	4			
	5			
	6			

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## Key Stakeholder Chart

**INSTRUCTIONS:** Provide information about the agency's key stakeholder groups and their key requirements and expectations. A stakeholder is defined as a person, group or organization that has interest or concern in an agency. Stakeholders can affect or be affected by the agency's actions, objectives and policies. Please be as specific as possible in describing the separate stakeholder groups (i.e. please do not simply put "the public.") The Deliverables Cross References column should link stakeholder groups to the deliverable, listed in the Key Deliverables Chart, for which they group has the most interest or concern. NOTE: Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Item #	Stakeholder Group	Requirements/Expectations	Deliverables Cross References
Commission on Indigent Defense	1	Indigent Defendants	Legal representation as mandated by state and federal law	I, III
	2			
	3			
	4			
	5			
	6			

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Overseeing Body - General Chart

**INSTRUCTIONS:** Provide information about the body that oversees the agency and to whom the agency head reports including what the overseeing body is (i.e. board, commission, etc.); total number of individuals on the body; whether the individuals are elected or appointed; who elects or appoints the individuals; the length of term for each individual; whether there are any limitations on the total number of terms an individual can serve; whether there are any limitations on the number of consecutive terms an individual can serve; and any other requirements or nuances about the body which the agency believes is relevant to understanding how the agency performs and its results.

Agency Submitting Report	Type of Body (i.e. Board, Commission, etc.)	# of Times per Year Body Meets	Total # of Individuals on the Body	Are Individuals Elected or Appointed?	Who Elects or Appoints?	Length of Term	Limitations on Total Number of Terms	Limitations on Consecutive Number of Terms	Challenges imposed or that Agency staff and the Body have faced based on the structure of the overseeing body	Other Pertinent Information
Commission on Indigent Defense	Commission	Minimum of 4	13	Appointed	Governor, House, Senate, Supreme Court and SC Bar	4 years	None	None	None	N/A



Agency Name: Indigent Defense  
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### Overseeing Body - Individual Members Chart

**INSTRUCTIONS:** Provide information about the individual members on the body that oversees the agency including their name, contact information, length of time on the body, profession and whether they are a Senator or House Member. The Major Program Areas Cross References Column should link the individual to the major program area, in the Major Program Areas Chart, in which the individual has a particular influence, if any, by way of serving on a subcommittee within the body, task force, etc. NOTE: Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Name of Individual on Body	Contact Information	Profession	Date First Started Serving on the Body	Last Date Served on the Body	Length of Time on the Body (in years)	Senator or House Member? (put Senate or House)	Major Program Areas Cross Reference
Commission on Indigent Defense	Harry A. Dest	803-628-3031	Circuit Public Defender	1995	Current	20	No	III
	Edward B. Cottingham	803-791-1667	Circuit Court Judge, Retired	2007	Current	8	No	I
	Gerald Malloy	803-212-6172	State Senator	2007	Current	8	Yes	I
	G. Murrell Smith	803-778-2471	House Member	2007	Current	8	Yes	1
	Ashley Pennington	843-958-1870	Circuit Public Defender	2009	Current	8	No	III
	Douglas Strickler	803-765-2592	Circuit Public Defender	2009	Current	8	No	III
	Jack D. Howle, Jr	803-774-6138	Circuit Public Defender	2009	Current	8	No	III
	Ashlin Potterfield	803-376-2001	Attorney	2007	Current	8	No	I
	John S. Nichols	803-779-7599	Attorney	2011	Current	4	No	I
	Walker Wilcox	843-664-3373	Attorney	2013	Current	2	No	I
Yvonne Murray-Boyles	803-252-9700	Attorney	2013	Current	2	No	I	

**INSTRUCTIONS:** Provide information about the agency's Major Program Areas as those are defined in the Appropriations Act. When completing columns B - K, the agency can copy and paste the information the agency submitted in the Program Template of the FY 2013-14 Accountability Report, just make sure of the following:

a) List only the programs that compose at least 80% of the total budget and include the % of total budget. The remainder of the programs should be "listed ONLY" in the box labeled "Remainder of Programs", with those program expenditures detailed in the box labeled "Remainder of Expenditures." If the agency has trouble understanding what is requested, refer to the 2012-13 Accountability Report, Section II, number 11.

b) The "Associated Objective(s)" column in the Program Template of the FY 2-13-14 Accountability report has been changed to "Key Performance Measures Cross References." The Key Performance Measures Cross References column should link major programs to charts/graphs in the Key Performance Measurement Processes Section (ex. Chart 5 2-1 or Graph 5 2-2). If the agency has trouble understanding what is requested, refer to the 2012-13 Accountability Report, Section II, number 11; and

c) An additional column, titled "Legal Standards Cross References," has been added at the end. The Legal Standards Cross Reference column should link major programs to the statutes, regulations and provisions listed in the Laws Section of this report, which they satisfy. Included below is an example, with a partial list of past Major Program Areas from the Department of Transportation. The example does not include information in the columns under expenditures, key performance measures cross reference, legal standards cross references or remainder of expenditures, however the agency must complete these columns when submitting this chart in final form. Please delete the example information before submitting this chart in final form. NOTE: Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

**NOTE:**  
 Key Performance Measures Cross References Column links major programs to the charts/graphs in the Key Performance Measurement Processes Section of the Restructuring Report  
 Legal Standards Cross References Column links major programs to the statutes, regulations and provisions they satisfy which are listed in the Laws Section of the Restructuring Report.

Agency Submitting Report	Program/Title	Purpose	FY 2012-13 Expenditures				FY 2013-14 Expenditures				Key Performance Measures Cross Reference	Legal Standards Cross References
			General	Other	Federal	TOTAL	General	Other	Federal	TOTAL		
Commission on Indigent Defense	Administration	Establishes and monitors programs and services for the delivery of legal representation to indigent defendants in state courts.	\$ 504,892.00	\$ 11,208,390.00	\$ -	\$ 11,713,282.00	\$ 7,042,790.00	\$ 6,917,408.00	\$ -	\$ 13,960,198.00	1.1	1-7
Commission on Indigent Defense	Division of Appellate Defense	Represents indigents in the majority of criminal appeals, including death penalty appeals before the SC Court of Appeals and the SC Supreme Court.	\$ 697,216.00	\$ 425,858.00	\$ -	\$ 1,123,074.00	\$ 644,188.00	\$ 505,653.00	\$ -	\$ 1,150,841.00	1.1	1-7
Commission on Indigent Defense	Office of Circuit Public Defenders	Provides a consistent and fair statewide public defender system with standards and accountability for the delivery of legal representation to indigent defendants in state courts.	\$ 6,783,714.00	\$ 3,425,474.00	\$ -	\$ 10,209,188.00	\$ 10,642,228.00	\$ 5,350,269.00	\$ -	\$ 15,992,497.00	1.4	1-7
Commission on Indigent Defense	Death Penalty Trial Division	Provides cost effective representation and resources for capital trial statewide.	\$ -	\$ 356,893.00	\$ 67,481.00	\$ 428,374.00	\$ -	\$ 375,642.00	\$ -	\$ 804,016.00	1.2	1-7
Commission on Indigent Defense	State Employer Contributions	Employer contributions for agency employees.	\$ 1,805,098.00	\$ 96,884.00	\$ -	\$ 1,901,982.00	\$ 1,880,155.00	\$ 93,720.00	\$ -	\$ 1,973,875.00	1.1	N/A
Commission on Indigent Defense	Non-recurring Appropriations	IT Carryforward	\$ -	\$ 189,705.00	\$ -	\$ 189,705.00	\$ -	\$ -	\$ -	\$ 189,705.00	1.1	N/A
Remainder of Programs: List any programs not included above and show the remainder of expenditures by source of funds.			NONE									
Remainder of Expenditures: None			% of Total Budget	% of Total Budget	% of Total Budget	% of Total Budget	% of Total Budget	% of Total Budget	% of Total Budget	% of Total Budget		

Agency Name: Indigent Defense

Agency Code: E23

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## Legal Standards Chart

**INSTRUCTIONS:** List all state and federal statutes, regulations and provisos that apply to the agency ("Laws") and a summary of the statutory requirement and/or authority granted in the particular Law listed. Included below is an example, with a partial list of Laws which apply to the Department of Juvenile Justice and Department of Transportation. The agency will see that a statute should be listed again on a separate line for each year there was an amendment to it. Please delete the example information before submitting this chart in final form. **NOTE:** Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Item #	Statute/Regulation/Provisos	State or Federal	Summary of Statutory Requirement and/or Authority Granted
Commission on Indigent Defense	1	US Constitution 6th Amendment	Federal	Guarantees a citizen a speedy trial, a fair jury, an attorney if the accused person wants one, and the chance to confront the witnesses who is accusing the defendant of a crime,
Commission on Indigent Defense	2	US Constitution 14th Amendment	Federal	Requires the state to provide equal protection and due process under the law
Commission on Indigent Defense	3	SC Code Section 16-3-26	State	Death Penalty Statute
Commission on Indigent Defense	4	SC Code Section 17-3-5 et. seq.	State	Defense of Indigents
Commission on Indigent Defense	5	SC Code Section 20-70-100, et. seq.	State	Legal representation in child abuse and neglect cases
Commission on Indigent Defense	6	SC Code Section 44-48-10, et. seq.	State	Sexually Violent Predator Act
Commission on Indigent Defense	7	2015 SC Appropriations Act Part 1B, Section 61	State	Budget and Proviso Authority

Agency Name: Inherent Defense													Cost to Complete Report					
Agency Code: E23																		
Agency Section: 01																		
Agency Submitting Report	Item #	Report Name	Legislative Entity Requesting Report	Law Requiring Report	Stated Intent of Report	Year First Required to Complete Report	Reporting Freq.	# of Days in which to Complete Report	Month Report Template is Received by Agency	Month Agency is Required to Submit the Report	# of Staff Members Needed to Complete Report	Approx. Total Amount of time to Complete Report	Approx. Total Cost to Agency to Complete (considering staff time, etc.)	Positive Results of Reporting	Method in which Report Template is Sent to Agency (i.e. via email; receive notice that it is available online; etc.)	Format in which Report Template is Sent to Agency	Method in which Agency Submits Completed Report (i.e. email; mail; click submit on web based form, etc.)	Format in which Agency Submits Completed Report (word, excel, web based form, etc.)
Commission on Inherent Defense	1	Restructuring Report	House Legislative Oversight Committee	1-30-10(O)(1)	Increased Efficiency	2015	Annually	30	February	March	1	8 hours	\$400	ED	Email and Handcopy	Word and Excel	Email and Handcopy	Word and Excel
Commission on Inherent Defense	2	Accountability Report	Executive Budget Office		Increased Efficiency		Annually	60	July	September	4	70	\$1,000	Review/Analysis	Email and Handcopy	Word and Excel	Email and Handcopy	Word and Excel
Commission on Inherent Defense	3	Restructuring Report	Office of Senate Counsel		Increased Efficiency	2015	Annually	30	March	March	1	2	\$200	ED	Email and Handcopy	Word and Excel	Email and Handcopy	Word and Excel

**DESCRIPTION:** Identify the Agency's internal audit system and policies during the past five fiscal years including the date the agency first started performing audits, individuals responsible for hiring the internal auditors, individuals to whom internal auditors report, the head internal auditor, general subject matters audited, the individual or body that makes decision of when internal audits are conducted, information considered when determining whether to conduct an internal audit, total number of audits performed in the last five fiscal years, # of months to look for shortest audit, # of months for longest audit, average number of months to complete an internal audit, and date of the most recent Peer Review of Self-Assessment by SC State Internal Auditors Association or other entity (if other entity, name of that entity)

**Note:** All audits are not the result of suspicious activity or alleged improper actions. Often times regular audits are required by statute regulation or an agency's standard operating procedure simply as a method of ensuring operations are staying on track.

Agency Submitting Report	Does agency have internal auditors? Y/N	Date Internal Audits Began	Individuals responsible for hiring internal auditors	Individuals to whom internal auditors report	Name and contact information for head internal auditor	General subject matters audited	Who makes decision of when an internal audit is conducted	Information considered when determining whether to conduct an internal audit	Do internal auditors conduct an agency wide risk assessment routinely? Y/N	Do internal auditors routinely evaluate the agency's performance measurement and benchmark systems? Y/N	Total Number of Audits performed in last five fiscal years	# of months for shortest audit	# of months for longest audit	Avg. # of months needed to conduct audit	Date of most recent Peer Review of Self-Assessment by SCIAAA or other entity (if other entity, name of that entity)
Commission on Indigent Defense	N														

Agency Name: Indigent Defense  
 Agency Code: E23  
 Agency Section: 61

## Personnel Involved Chart

**INSTRUCTIONS:** List the name of all personnel at the agency who were consulted or performed work to obtain the information utilized when answering the questions in these reports, their title and their specific role in answering the question (i.e. searched the agency documents, asked for information because they are in charge of the department, etc.) Please delete the example information and instructions row before submitting this chart in final form. **NOTE:** Responses are not limited to the number of rows below that have borders around them, please list all that are applicable.

Agency Submitting Report	Name	Phone	Email	Department/Division	Title	Question	Role in Answering Question
Commission on Indigent Defense	Lisa Campbell	803-734-1168	<a href="mailto:lcampbell@sccid.sc.gov">lcampbell@sccid.sc.gov</a>	Administration	Assistant Direction	All	SCEIS; SC Legislature Online, Executive Budget Office

## Commission on Indigent Defense Key Performance Measurement Processes

### A. Results of Agency's Key Performance Measurements

Mission Effectiveness: The agency has implemented several programs to provide more effective and cost efficient indigent representation

- The contract method, authorized by the Indigent Defense Act of 2007, provides for a smooth administration of cases appointed under Court Rule 608. At present nearly every attorney in the state is eligible for appointment to some type of case, regardless of their particular area of practice and its relevance to the type of case. The contract system focuses only on competent attorneys experienced in representation for the types of cases that qualify for indigent defense, thus producing better results at less cost, and a lower rate of appeals, while also minimizing the risk of malpractice and grievance.
- The agency continues its arrangement with the Nelson Mullins law firm to provide, at no cost, appellate attorneys to assist the agency's appellate division in brief writing and oral arguments before the state's appellate courts to help alleviate the crushing caseload that our appellate division must handle. There are approximately 1400 cases at any one time among ten (10) in-house appellate attorneys. Plans are underway to initiate a Court of Appeals Appellate Lawyer Project, involving selective private attorneys writing appellate briefs and arguing cases in the SC Court of Appeals pro bono.
- The lack of standardization in the determination of indigency is one of the key factors in assuring that resources are allocated to those citizens that qualify under federal poverty guidelines and to further ascertain the guidelines and qualifications for a determination of indigency are consistent throughout the state. To achieve this goal, the agency plans to review procedures of other states used to determine indigency and compare procedures used in South Carolina to develop a standard procedure to be implemented statewide. This proposed procedure will be submitted to the Chief Justice for discussion and approval by the Court and revision of South Carolina Appellate Court Rule 602 to incorporate the standardized procedure. The agency plans to initiate discussions with key stakeholders for assistance in implementation of docket management reforms, and other reforms, where agreed upon, based on a year-long study and analyses of the process by which the thresh hold issue of indigency is determined in SC, including a nationwide study of various means and procedures for determination of indigency used by other states; when appointment of counsel occurs/should occur; process of making appointments and by whom; verification of indigency determinations; and standardization of policies and procedures; recommendations for procedural changes, and recommendations to the SC Supreme Court for revisions in the SC Appellate Court Rules governing these issues to clarify, standardize and streamline the process.

- The agency plans to continue the development and implementation of technology which will identify the collateral consequences of each of the state's criminal offenses, by CDR code, for quick reference by public defenders when consulting with their clients. Our technology continues to be a national model and has been the subject of several seminar presentations around the country. Additionally, the agency collects statistics on the operation of the indigent defense system in the state and provides information and material to interested parties including the Executive, Legislative and Judicial agencies of state government.

Mission Efficiency: The primary operation of the agency is providing cost effective representation, either through staff appellate attorneys, public defenders or private attorneys appointed by the courts. Operational performance is measured by maintaining accurate accounting records and compiling accurate statistical information.

- Information is collected and statistics are analyzed to determine trends and make comparisons. This data provides the basis for funding requests and budget analysis.
- The speed and efficiency in processing payments to our customers and the accuracy of the accounting and statistical data collected are measures for the Office of Indigent Defense, while effective representation at a reasonable cost to the state is the measure for the Division of Appellate Defense, the Capital Trial Division and the Circuit Public Defender Division.
- Information is collected from payment requests concerning case types, using standardized criminal codes and detailed expense information. From this information, we are able to determine usual and average expenses for various aspects of a case. This information is often provided to judges and attorneys to assist them in determining what is "reasonable and necessary" for representation in court. The agency has published a "bench book" that provides information on all expert witnesses, including fees charged for any expert that has provided services for indigent defense over the past three years. This has proved to be an invaluable tool in determining the "reasonableness" of an experts proposed charges. Information is also collected from Public Defenders on their county funding, caseloads, staffing, etc. for comparison with funding for solicitors.
- The agency has recently been able to begin implement a permanent, statewide, sustainable, professional training program for (1) new public defenders entering the workforce (3 years or less), (2) all other public defenders, and (3) appointed or contracted members of the private Bar. For new public defenders, the program is in 12-month cycles with participants meeting in six (6) 3-day sessions of intense essential skills and trial advocacy training, a total of at least 18 days of training per individual following a nationally accredited curriculum. Attendance and participation is mandatory with a recurring faculty of experienced trial advocates consisting of private attorneys, law



professors, active and retired trial judges and senior public defenders conducting the sessions. Concurrently, a strict and mandatory mentoring program will be developed for all public defenders in their first year of employment and experienced supervision provided at the local level. For experienced public defenders and members of the private Bar, the training program will develop a schedule of continuing trial advocacy seminars on a recurring basis and identify and engage experienced trial advocates as faculty. The result will be a fully trained and professionally qualified corps of public defenders in the state.

**Quality:** The agency has developed standards for public defender caseloads and the creation of a committee by the Chairman to address this issue, the agency has worked with the Chairman to assemble information and materials on caseload standards from as many states as possible throughout the country and has developed and published the Performance Standards for Public Defenders and Assigned Counsel (Non-Capital) and Juvenile Performance Standards effective July 1, 2013. The information is available on the agency website.

Our technology continues to be a national model and has been the subject of several seminar presentations around the country. The agency continues to have inquiries and/or visits from representatives of state indigent defense organizations in several states, bringing the number of states which have looked at our system to more than ten.

**Workforce Engagement:** The "open-door" policy provides the forum for any employee to communicate with any other employee, including division heads, supervisors, deputy directors and the executive director without any restriction. Email, telephone and personal communication avenues are provided to all staff members. Customers and other stakeholders can contact agency personnel through the website, which provides direct link email or telephone numbers.

- The Commission and the Executive Director establish all policies and procedures. Budget and other matters are proposed by the Executive Director to the Commission which accepts, rejects or modifies the proposal.
- Recurring and long term agency policy decisions are determined by the Chairman and the Executive Director and then submitted to the full commission for ratification.
- The Executive Director is delegated the authority by the commission to make emergency policy decisions and to supervise the day-to-day operations of the agency.
- Performance Expectations are determined by the Executive Director.
- Organizational Values are established by the Executive Director and the Commission. Ethical Behavioral Standards are those expected to be followed by all state employees.
- Staff meetings are used to determine how the agency is functioning. Employees are encouraged to bring up problems and suggest solutions. Informal conversations often

result in solving most issues. Suggestions are reviewed and considered based on administrative and fiscal merit.

- All staff members work toward achieving maximum effectiveness and cost efficiency in delivering our services.
- Staff is encouraged to engage in educational, training and professional development opportunities that may enhance their career growth.
- While no formal assessment measures are implemented, close daily interaction between senior staff, supervisors and administrative staff provides effective communication and monitoring of all agency activities.
- Staff members are encouraged and allowed time to participate in relevant community activities, including speaking at professional conferences and other forums that include the legal community that we serve.
- Frequent meetings are held with all circuit public defenders; a comprehensive manual of performance standards and guidelines has been developed; periodic agency staff meetings on a division or overall basis occur; employees are encouraged to attend professional development seminars and programs.

#### Operational/Work System Performance:

- Implementation of technology initiatives, including electronic processing of payment requests, has reduced redundant processes and greatly increased the speed and efficiency in the work processes resulting in improved customer service.
- We ensure that all employees are informed of changes and obtain feedback from the staff when new procedures or processes are implemented.
- Organizational knowledge, new technology, cost controls and other efficiency and effectiveness factor are incorporated by informing staff of all agency activities and providing a forum for their ideas and implementation of any changes or improvements that may be needed.
- Improvements in technology and automation are continually being upgraded to provide faster and more efficient response to our customer's needs. Information technology improvements are the key factor to improving the performance of the agency, as well as the organizations we support and provide services for.

*The following response applies to each performance measurement included in response to Subsection A:*

a. i. The agency has succeeded in providing a system for the efficient and effective delivery of representation to indigent defendants in state courts. Current, reliable data concerning the delivery of indigent defense services in most other states is not available. The last significant study and comparison of indigent defense was performed in 2005.

ii. The agency communicates with like agencies in other states as well as participating in state and national organizations involved in indigent defense. South Carolina is a benchmark for other indigent defense programs both in terms of the statewide public defender system that provides professionalism and accountability and the technology utilized by the agency.

iii. Carl Richey of Justice Works P.O. Box 150811, Ogden, UT 84415.

b. Patton Adams, Executive Director – performance is continually monitored through case data analysis and financial analysis.

c. Over the last several years the agency has seen a decline in the revenue generated to the agency from fine and fee collection. This is an alarming trend that is analyzed by monthly revenue reports. The agency is dependent on this revenue stream for many of its critical programs.

d. The agency has reasonable control of data provided by our database systems.

#### B. Most Critical Performance Measures

1. The effectiveness and efficiency of the agency's performance are directly related to the other components of quality, workforce engagement and operational performance. All aspects must combine to achieve the desired outcome and fulfillment of the mission.

#### C. Databases/Document Management

- Justice Works – Each public defender office inputs data on cases assigned to their offices. The Division of Appellate Defense uses a similar system designed by this company to input and track all appeals assigned to the division. This data is available in real time to the agency.
- Electronic Voucher Processing System – Contract and court appointed attorneys are required to register every case they are appointed on and provide the same data elements required by public defenders as well as fees and expenses for each case.
- Document Management System – Appellate Defense utilizes a document imaging system to scan case files and transcripts.
- SCEIS – Finance, Human Resources and MMO

#### D. Recommended Restructuring

No. The agency has not identified any duplicative or unnecessary division, programs or personnel.

## VI. Seven-Year Plan

### A. General

1. No. The agency has no formal plan but continues to seek resources for implementation of improved technology and programs to increase efficiency and cost effectiveness.

### B. Current/Recommended Actions

### C. Additional Questions

1. Implementation of a statewide standardized indigency screening; continued improvements in technology and continued public defender training programs will have the biggest impact on the agency's effectiveness in accomplishing its mission.

2. The fundamental requirement for accomplishing the objectives is adequate funding.

3. The agency website can be accessed at [www.sccid.sc.gov](http://www.sccid.sc.gov)

4. The agency is pleased to provide any additional information to the Committee or the public. Contact information for all agency personnel can be found on our website.

5. a. Five hours

b. Four hours

# COMMISSION ON INDIGENT DEFENSE CHARTS APPENDIX

## ***VII. Excel Charts***

Please send an electronic copy of the entire Excel Workbook and print hard copies of each of the Charts to attach here. Please print the charts in a format so that all the columns fit on one page. Please insert the page number each chart begins on below.

Similar Information Requested Chart _____	(i)
Agency Organizational Chart _____	(ii)
Historical Perspective Chart _____	4
Purpose, Mission Chart _____	5
Key Products Chart _____	8
Key Customers Chart _____	9
Key Stakeholders Chart _____	10
Key Partner Agency Chart _____	7
Overseeing Body Chart (General and Individual Member) _____	11-12
Major Program Areas Chart _____	13
Legal Standards Chart _____	14
Agency Reporting Requirements Chart _____	15
Internal Audits Chart _____	16
Personnel Involved Chart _____	17

Does the agency already provide the information requested on this page, or similar information, in a report required by another entity? If yes, add the appropriate information to the Similar Information Requested Chart. If the agency looks in the Excel document attached, there is a template for the agency to complete for any questions which ask for the same information under the tab labeled, "Similar Info Requested."