

House Legislative Oversight Committee
Request for Information about Committee Recommendations, 2020

Agency Responding	Commission on Indigent Defense
Submission Date	11/17/2020

		Agency Responses					
Recommendation Number	Recommendations to Agency and Implementation Notes on File with Legislative Oversight Committee as of August 2019	Status of Implementation	Actual or Anticipated Date of 100% Completion	Estimated Net Financial Savings, Realized or Anticipated, in the 5 Years Following Implementation*	Non-Financial Benefits Realized or Anticipated from Implementing Recommendation	Non-Financial Drawbacks Realized or Anticipated from Implementing Recommendation	Additional Comments (optional)
Report Rec #05	AGENCY: Conduct formal evaluations of circuit public defenders	In Progress	7/1/2021	No savings are anticipated with the implementation of this recommendation.	Anticipated benefit is assuring that Circuit Defenders are performing as expected and will allow issues to be addressed early.	N/A	The evaluation of the Circuit Public Defenders will be done on an annual basis.
Report Rec #09	AGENCY: Train circuit public defenders on making presentations to policy makers (i.e., county council)	Complete	7/1/2019	No savings are anticipated with the implementation of this recommendation.	Provide Circuit Defenders with tools to improve relationships with policy makers to improve financial benefits.	N/A	SCCID has established quarterly training sessions for the Circuit Public Defenders on a range of management topics including making presentations to policy makers, Employment issues, HR training, and other topics as requested by the Circuit Defenders. This process will continue each year.
Report Rec #10	AGENCY: Conduct management training for circuit public defenders	Complete	7/1/2019	No savings are anticipated with the implementation of this recommendation.	Anticipated benefits is the development of better leaders and ensures uniformity in management of Circuit Defender Offices.	N/A	SCCID has established quarterly training sessions for the Circuit Public Defenders on a range of management topics including making presentations to policy makers, Employment issues, HR training, and other topics as requested by the Circuit Defenders. This process will continue each year.
Report Rec #11	AGENCY: Define, in regulation, the term "case" for circuit public defenders to utilize in measuring workload, backlog, and other metrics	Complete	6/30/2020	No savings are anticipated with the implementation of this recommendation.	N/A	N/A	SCCID submitted a proposed regulation in the fall of 2019 that included the definition of the term "case" as used by the agency. However, after discussions with some of the House Regulations Committee members and staff, SCCID withdrew the regulations. The agency has a definition for the term that it has used for more than 10 years that it uses to measure workload, backlog and other metrics. Because this definition has been consistently used and understood, the agency does not believe there is a need to put this definition in regulation.
Report Rec #12	AGENCY: Promulgate regulations outlining a procedure to measure the success of indigent defense representation (e.g., percent of cases ending in non-conviction; percent of felony cases ending in misdemeanor conviction; percent of cases where all charges were resolved jointly)	Complete	6/30/2020	No savings are anticipated with the implementation of this recommendation.	N/A	N/A	Upon review further review this recommendation, SCCID has determined that a regulation is not needed and that the information provided by SCCID's Defender Data System and Proviso 61.9 requiring all Circuit Public Defenders to provide all required information on all cases they handle meets the intent of the committee's recommendation in the measures of success of indigent representation.
Report Rec #13	AGENCY: Research data collection options for how to measure the success of Rule 608 contract attorneys	In Progress	6/30/2021	No savings are anticipated with the implementation of this recommendation.	N/A	N/A	SCCID is working to establish the data-collection options for the Criminal Contract Attorneys with the survey of the Circuit Court judges in evaluating the performance of each attorney. Based upon a Memorandum of Understanding with the Department of Social Services, SCCID has also developed surveys for the Family Court Judges and indigent clients of the attorneys to help evaluate the representation services of the Family Court Contract Attorneys.
Report Rec #14	AGENCY: Determine and track indicators for effective defense during a case (e.g., regular client contact, active investigation, written motion practice)	Complete	12/1/2019	No savings are anticipated with the implementation of this recommendation.	N/A	N/A	A performance evaluation was developed that covers the wide range of necessary skills that a successful public defender must master and distributed to all Circuits for use as the evaluation tool for attorneys.
Report Rec #15	AGENCY: Report concerns, if any, about court rules for the General Assembly's consideration	In Progress	6/30/2021	No savings are anticipated with the implementation of this recommendation.	N/A	N/A	This is an on-going process as Court Rules may require changes from time to time. A recent concern was raised about Criminal Rule 13 and a workgroup of public defenders and solicitors has been formed to explore this rule and determine if any proposals should be made to the Court and/or General Assembly.

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Report Rec #17	AGENCY: Require circuit public defenders to provide regular input to circuit solicitors on establishing and/or revising diversion programs	In Progress	6/30/2021	No savings are anticipated with the implementation of this recommendation.	N/A	N/A	This is an on going process where the Circuit Public Defenders are providing feedback to the solicitors about diverse programs. A group of solicitors and public defenders are presenting on Drug Court programs before the Equitable Justice and Law Enforcement Reform Committee to discuss the benefits of Drug Court and encourage the establishment of Drug Courts in every county in the State.
Report Rec #22	AGENCY: Encourage each public defender to conduct exit interviews and the agency compile statewide data	Complete	3/31/2020	No savings are anticipated with the implementation of this recommendation.	Allows Circuit Defenders to find out things they need to work on or address in the office, prevent turnover and to know what is being done well.	N/A	SCCID has provided each of the Circuit Defenders with an exit interview template to collect information from each employee who leaves their office. The exit interviews will be a continuing process for all 16 circuits.
Report Rec #27	AGENCY: Promulgate in regulation a uniform method to screen applicants for indigent defense representation	In Progress	See Additional Comments.	No savings are anticipated with the implementation of this recommendation.	Allows all citizens and stakeholders to know the process for screening, regardless of which county the are located.	It is difficult to have a uniformed method when the counties operate differently and have varying aspects that prevent something that works in one county with resources and not work in a county with out resources.	SCCID submitted a proposed regulation in the fall of 2019. However, after discussions with some of the House Regulations Committee members and staff, SCCID withdrew the regulations. Subsequent to the withdrawal SCCID began discussions with Counsel to the Chief Justice of the South Carolina Supreme Court regarding the issue of screening. The Court expressed interest in discussing possible solutions. The Agency has been compiling information from SCCID's numerous studies and analysis of the issue to provide alternatives to the Court, should the Court choose to issue a court order or consider amending S.C. Appellate Court Rule 602 (Defense of Indigents). The Agency believes the Court is in the best position to provide guidance and assist with enforcement of standards adopted. The Court can on short notice issue orders to make a changes/addition to the screening process that could require considerable time to amend through the regulatory process.

Note:
 * If implementation of a recommendation will result in a net cost to the agency, please include that as a negative number in column E.