

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Capital and Non-Capital Investigator Policies

(Adopted by Commission February 19, 2009)

- I. SCCID will maintain a list of approved investigators that agree to adhere to investigator policies and rates established by SCCID. In order to receive payment from SCCID an investigator must be on the list of approved investigators maintained by SCCID and adhere to the following policies and regulations.
 - a. Investigators must meet and continue to adhere to all SLED licensing requirements and policies pertaining to private investigators.
 - b. SCCID must be provided proof that investigator is licensed by SLED prior to being placed on approved list. SCCID must be immediately notified of any change in status concerning SLED licensing. SCCID must be notified of any criminal or civil action brought against investigator in any federal, state or local jurisdiction.
 - c. The investigator must have a separate business address and taxpayer identification number from the attorney of record.
 - d. Investigators shall receive a maximum of \$50 per hour for work performed.
 - e. Investigators shall not charge both an hourly rate and flat fee for the service of subpoenas and other documents. SCCID assumes any flat fee service rate includes service time, mileage and any other cost associated with document service. When deciding to bill on an hourly or flat fee rate investigator agrees to select the method resulting in lowest cost to SCCID.
 - f. All investigative activities must be conducted in conformity with the instructions of the attorney with whom the investigator is working. It is the role of the attorney to determine the scope of the investigation, as well as the degree, nature and duration of the investigator's involvement.
 - g. The investigator is the agent of the attorney and the attorney shall adhere to Rule 5.3 of the South Carolina Rules of Professional Conduct pertaining to responsibilities regarding non-lawyer assistants. All bills, invoices, etc. for services rendered shall be submitted for review by the attorney for whom the investigator is working prior to submission to SCCID. The attorney as supervisor of the investigator shall insure the investigator bill is proper and that SCCID is only being billed for necessary services authorized by the attorney.

- h. Upon submission of bill investigator warrants that bill is accurate and all work has been actually performed and is in accordance with these guidelines.
 - i. Attendance at trials or other court hearings is authorized only for attending those portions of the trial when the investigators presence is necessary. Attendance for an entire trial or hearing will not be compensated, unless extraordinary circumstances exist and the attorney obtains prior approval from the trial court.
- II. SCCID may in its sole and absolute discretion remove from the list of approved investigators any investigator for failing to adhere to these guidelines, or for any conduct which the Commission finds inappropriate for investigative services performed on behalf of indigent clients in this State.