

Legislative Oversight Committee

South Carolina House of Representatives

Post Office Box 11867

Columbia, South Carolina 29211

Telephone: (803) 212-6810 • Fax: (803) 212-6811



Program Evaluation Report

March 16, 2018

PROGRAM EVALUATION REPORT

JANUARY 2018

The contents of this report are considered sworn testimony from the Agency Director.

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

Date of Submission: *March 16, 2018*

Agency Director

Name: J. Hugh Ryan

Start Date: 7/9/2007

Number of Years as Agency Head: 1

Number of Years at Agency: 10

Email: hryan@sccid.sc.gov

Primary Agency Staff Contact for Oversight Study

Name: Rodney Grizzle

Phone: (803) 734-1168

Email: rgrizzle@sccid.sc.gov

Main Agency Contact Information

Phone: (803) 734-1343

Email: N/A

Mailing Address: South Carolina Commission on Indigent Defense
P.O. Box 11433
Columbia, SC 29201

Agency Online Resources

Website address: <https://sccid.sc.gov/>

Online Quick Links:

None

TABLE OF CONTENTS

I. Agency Snapshot	1
A. Successes and Issues.....	1
B. Records Management.....	3
II. Agency Legal Directives, Plan & Resources (Study Step 1: Agency Legal Directives, Plan and Resources)	4
A. History.....	4
B. Governing Body	6
C. Internal Audit Process	9
D. Laws	9
E. Deliverables	10
F. Organizational Units	10
III. Agency Resources and Strategic Plan	10
IV. Performance (Study Step 2: Performance).....	11
V. Strategic Plan Summary	13
VI. Agency Ideas/Recommendations (Study Step 3: Recommendations)	14
A. Internal Changes	14
B. Law Changes	14
VII. Additional Documents to Submit	22
A. Reports	22
B. Organizational Charts.....	22
C. Glossary of Terms.....	22
VIII. Feedback (Optional)	23

I. Agency Snapshot

A. *Successes and Issues*

1. What are 3-4 agency successes?

a. Creation and implementation of a statewide public defender system (17-3-510 et. al)

In 2007 the General Assembly created a statewide public defender system. This system replaced a system of 39 non-profit public defender corporations across the State whose boards in some instances provided very little oversight. This statewide system created a “chain of command” with the Commission able to provide oversight for the statewide public defender system, while still leaving discretion to each circuit to tailor various policies and procedures to best serve the counties in that circuit. The subsequent increase in funding (Circuit Defenders required to receive the same pay and benefits as a Circuit Solicitor as part of statewide system) allowed the public defender (PD) system to attract and retain quality leadership. The creation of a more balanced system (with the PD system receiving funding increases along with prosecution at the state level) has been crucial to the functioning of the entire criminal justice system and benefits all parties involved to include: law enforcement, victims, corrections, judicial, defendants, prosecution, etc.

b. Rule 608 Contract System

The contract system has been a “game changer” for the delivery of indigent legal services in criminal, family and civil court (post-conviction relief, sexually violent predator). Starting in FY 2012-13, \$6.3 million was appropriated for the South Carolina Commission on Indigent Defense (SCCID) to enter into contracts with selected attorneys to handle cases that had previously been assigned to S.C. Bar members, based on procedures established by South Carolina Appellate Court Rule 608. This rule established lists (criminal, civil, or death penalty lists) from which the clerk of court would appoint attorneys, who universally did not want these cases and were often not trained to handle them, to represent indigent clients. A real estate attorney could be assigned to handle a family court abuse and neglect matter for which they had no training or experience. In addition, there was very limited funding, and attorneys often went unpaid exposing the State to being sued for a “taking” of an attorney’s property without just compensation as was established by the S.C. Supreme Court in Ex Parte Brown, 393 S.C. 214 (2011).

The contract system allowed SCCID to take applications and select those attorneys qualified to handle specific types of cases. An example of the improvement in Family Court is that you now have a dedicated group of attorneys representing parents in abuse and neglect, termination of parental rights (TPR) and other actions who are required to be in court, who have established working relationships with Department of Social Services (DSS) and who can be held accountable for their performance in accordance with the policies and procedures outlined in their contracts. (See sample contract attached).

c. Training Program

SCCID’s training program endeavors to provide continuing training and education that is effective, practical and focused on the needs of public defenders and other attorneys appointed to represent indigent persons in South Carolina. Among its successes in recent years, the Commission has established an annual training program for new public defenders and 608 contract attorneys. Beginning in 2014, the Public Defense 101 program began to provide intense

practical seminars and workshops for public defenders with fewer than 3 years' experience. The course consists of three two-to-three-day sessions offered each year from November through May. Participation is mandatory for all new public defenders. The trainings consist of lectures and practical trial workshops conducted by experienced attorneys. The structure of the program allows time to focus on all aspects of representation to prepare attorneys to provide effective representation for their clients.

In 2017, SCCID began working with the Children's Law Center and experienced juvenile defenders to provide ongoing training for public defenders and contract attorneys representing juvenile clients. That program employs a multi-part curriculum devised by the National Juvenile Defender Center for both new and experienced attorneys. It is taught by experienced South Carolina attorneys certified by the Center. In addition to the regular programs, SCCID also provides training for public defenders and contract attorneys on emerging issues in South Carolina criminal law, such as Post-Conviction Relief Actions and Juvenile-Life-Without-Parole cases.

2. What are 3-4 agency challenges? These may include things agency representatives already have a plan to improve.

a. Indigency Screening (See attached report completed in compliance with Proviso 117.142)

Screening of defendants for PD/appointed counsel has been an issue across the State and SCCID conducted an in-depth study of the issue in accordance with Proviso 117.142 of the FY 17-18 Appropriations Bill. Our recommendation as outlined in the attached report proposed a 10-county pilot program, with magistrates conducting screening after being provided with the proper databases to do an actual data driven financial assessment.

Currently House bill, H4380, deals specifically with the screening issue. SCCID has supported the goal of this bill to insure adequate screening with PPP conducting screening in 6 pilot counties. This pilot program should assist in defining the scope of the issue, assessing the necessary resources, and establishing the best policies and procedures to fully implement the legislation.

b. County Funding/Other funds

SCCID is extremely dependent on State funding, as there is a major disparity in funding at the county level between prosecution and defense. In FY 17-18 the total county contribution to public defender offices was approximately \$17 million. It is our understanding counties appropriate nearly \$49 million to solicitor offices. In addition to county funding, solicitor offices have access to funding from many other sources unavailable to the PD office which include: pre-trial intervention (PTI), bond estreatments, forfeitures, expungements, federal grants and other sources. If a reasonable balance of resources is not maintained, the criminal justice system will not function as efficiently as possible.

c. Contract system

While overall the contract system has been a huge improvement over the old Rule 608 system, there is still room for improvement. One of the biggest issues is finding enough qualified contract attorneys, especially in the rural areas of the State where a county may have a very limited number of attorneys. Just like under the old 608 system larger counties have had to support smaller counties. With DSS sometimes having several court days a week in the larger counties it is

often hard to use attorneys from larger counties to support the smaller counties due to conflicting dates.

As attorneys have learned more about the program, seen there is stable funding, etc., the number of qualified applicants has increased each year but we still could use more.

3. What are 3-4 emerging issues agency representatives anticipate having an impact on agency operations in the upcoming five years?

a. Increasing cases

As we have discussed with Prosecution Coordination, Court Administration data continues to show an upward trend in the number of warrants filed each year. For FY14-15 Court Administration data showed 113,848 warrants filed. In FY 15-16 that increased to 120,768 and for FY 16-17 that increased to approximately 127,000. If this trend continues both solicitors and public defender offices are going to require additional attorneys or there will likely be a growing backlog of cases as caseloads increase.

b. Juvenile re-sentencing/sentencing

A major issue concerns the sentencing of juveniles. Our State Supreme Court in State v. Byars held that juveniles facing life without parole sentences (LWOP) in murder cases were entitled to resentencing hearings. This ruling also includes any cases going forward (prospective cases) where a juvenile is facing a LWOP sentence. These cases require significant resources (mitigation experts, psychiatrists, etc.) as our State Supreme Court stated, “the type of mitigation evidence permitted in death penalty sentencing hearings unquestionably has relevance to juvenile life without parole sentencing hearings....”

Another major case involving the sentencing of juveniles is currently pending before the South Carolina Supreme Court in the case of State v. Slocumb, Appellate Case No. 2015-002031, cert. granted (S.C. Sup. Ct. Mar. 24, 2017). One of the questions before the Court is what type of juvenile sentence in essence amounts to a LWOP sentence (de facto life). This ruling could have both retroactive and prospective application as with Byars.

c. Indigency screening

While H4830 may start to address some of the issues with screening it is going to take proper funding and coordination between all entities involved (PPP, Court Administration, Judges, Prosecution, Indigent Defense, etc.) to make the system work in a timely and efficient manner. The various entities involved are going to need to work together to establish policies and procedures on how quickly the screening will occur, the process for PPP notifying the Clerk's, public defenders, solicitors of their determination, the subsequent appointment of counsel for those qualified and any other procedures necessary to create an efficient system.

B. Records Management

4. Is the agency current with transferring records, including electronic ones, to the Department of Archives and History? If not, why?

Yes

5. Please provide the Committee a copy of the agency's records management policy. If the agency does not have a records management policy, what is the agency's plan to create one?

See attached Records Retention Schedule approved by the South Carolina Department of Archives and History (6/20/2016).

II. Agency Legal Directives, Plan & Resources (Study Step 1: Agency Legal Directives, Plan and Resources)

A. History

6. Please provide the major events history of the agency by year, from its origin to the present, in a bulleted list. Include the names of each director with the year the director started and major events (e.g., programs added, cut, departments/divisions changed, etc.).

- 1993
 - 1993 Act 164
 - Commission on Indigent Defense created
 - Office of Indigent Defense Created
 - Tyree Lee appointed as First Executive Director
 - Office of Indigent Defense primary duties:
 - Serve as the entity which distributes all funds appropriated by the General Assembly for the defense of indigents
 - Maintain a list of death-penalty certified attorneys
 - Compile accurate statistical data covering the indigent defense system
 - Report to the General Assembly on the Indigent Defense System
 - Three funds established:
 - Capital Defense Fund
 - Conflicts Fund
 - Public Defender Fund
- 1997
 - Legislature began appropriating funds to pay for representation of indigent persons in abuse and neglect cases, termination of parental rights cases, protective placement cases, and as counsel for guardians' ad litem in those cases.
- 1998
 - Legislature approved method of funding legal aid, the civil counterpart of the Public Defender
 - Funding was placed under Indigent Defense only as a pass-through with the agency collecting and disbursing the funds to the local legal aid offices twice per year.
- 2001
 - As a result of the financial crisis, OID took an initial budget reduction of 42.65%, proportionately the largest reduction of any State agency.

- Further mid-year cuts increased the reduction to more than 55% of the pre-2000 budget.
- 2005
 - T. Patton Adams appointed as Executive Director
 - 2005 Act 103
 - Membership of the Commission revised
 - Duties of the Commission, Office of Indigent Defense and Executive Director revised
 - The Division of Appellate Defense was created within the Commission on Indigent Defense
- 2007
 - 2007 Act 108
 - Membership of Commission Revised
 - The Circuit Public Defender system was established creating sixteen circuit-wide public defender offices in place of the old system of independent public defender corporations.
- 2009
 - Division of Capital Defense created to provide specialized representation in capital murder cases throughout the State
- 2012-2013
 - Contract system implemented for appointment of conflict attorneys in criminal cases, appointment of attorneys in Family Court abuse and neglect and termination of parental rights cases, and appointment of attorneys in certain civil cases such as Post-Conviction Relief and Sexually Violent Predator cases.
- 2014
 - Public Defense 100 series of training seminars and workshops established as an annual program for training new public defenders.
- 2015
 - Position of Deputy General Counsel and Training Director established to provide legal services and stable oversight, coordination and expansion of agency legal training programs.
- 2016
 - Assistant Director Lisa Graves retired
 - Lori Frost named Assistant Director
- 2017
 - Executive Director Patton Adams retired
 - Hugh Ryan appointed as Executive Director
 - Hervery Young appointed Deputy Director and General Counsel
 - Public defender training program expanded to include regular trainings for juvenile defense attorneys.

B. Governing Body

7. Please provide information about the body that governs the agency, if any, and to whom the agency head reports. Explain what the agency's enabling statute outlines about the agency's governing body (e.g., board, commission, etc.), including, but not limited to: total number of individuals in 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; the names of the individuals currently on the governing body, date elected/appointed, and term number; duties of the governing body and any other requirements or nuances about the body which the agency believes is relevant to understanding how it and the agency operate. If the governing body operates differently than outlined in statute, please describe the differences.

Pursuant to Section 17-3-310, S.C. Code of Laws 1976, as amended, the Agency's governing body is the Commission on Indigent Defense.

The Commission consists of thirteen (13) members. Nine (9) are appointed. Two (2) serve as a function of their legislative office. Members are appointed in the manner and for the terms set forth below:

Number	Requirements	Who Appoints	Manner	Term
4 (1 from each judicial region of State)	Must be public defender	Governor	Recommended by Public Defender Association	4 years and until successor appointed and qualifies
1	Member of SC Bar whose principal practice is family law	Governor	Recommended by SC Bar Membership	2 years (may be reappointed)
2	Member of SC Bar whose principal practice is criminal defense law	Governor	Recommended by SC Bar Membership	2 years (may be reappointed)
2	Member of SC Bar whose principal practice is neither criminal defense nor family law	Governor	Recommended by SC Bar Membership	2 years (may be reappointed)
2	1 must be retired circuit court judge 1 must be either retired family court judge or retired appellate court judge	Chief Justice of the SC Supreme Court	NA	4 years and until successor appointed and qualifies
2	Chairmen of the Senate and House Judiciary Committees or their legislative designees	NA	NA	For the terms for which they were elected

There is no limitation on the total number of terms or the number of consecutive terms that an individual can serve.

The Chairman of the Commission is elected by the Commission from its membership. The Chairman serves for a term of two (2) years. The Chairman may be re-elected.

The current members of the Commission are:

Position	Position Title	Current Members	Appointed By	Term Begins	Expiration Date	On Comm. Since*
Chair of House Judiciary Committee	Designee	Smith, G. Murrell Jr.	House Judiciary	NA	NA	NA
Chair of Senate Judiciary Committee	Designee	Gerald Malloy	Senate Judiciary	NA	NA	NA
Judicial Region 1, Public Defender	Member (Chairman)	Dest, Harry A.	Governor Nikki R. Haley	07/01/2015	6/30/2019	2007
Judicial Region 2, Public Defender	Member	Strickler, Douglas S. **	Governor Nikki R. Haley	07/01/2013	6/30/2017	2007
Judicial Region 3, Public Defender	Member	Howle, Jack D. Jr.	Governor Nikki R. Haley	07/01/2015	7/1/2017	2009
Judicial Region 4, Public Defender	Member	Pennington, D. Ashley	Governor Nikki R. Haley	07/01/2015	7/1/2019	2009
Practices criminal defense law	Member	Murray-Boyles, Yvonne R.	Governor Henry McMaster	07/01/2017	7/1/2019	2011
Practices criminal defense law	Member	Epps, William N. Jr.	Governor Henry McMaster	07/01/2017	7/1/2019	2017
Practices family law	Member	Potterfield, Ashlin B.	Governor Henry McMaster	07/01/2017	7/1/2019	2007
Practices neither family or defense law	Member	Nichols, John S.	Governor Henry McMaster	07/01/2017	7/1/2019	2012
Practices neither family or defense law	Member	Willcox, Walker H.	Governor Henry McMaster	07/01/2017	7/1/2019	2011
Retired Circuit Court Judge	Member	Cottingham, Edward B.	Supreme Court	2/26/2016	2/26/2020	2007
Retired Family or Appellate Judge	Member	Costa Pleicones	Supreme Court	7/28/2017	7/28/2021	2017

*Beginning with Current Commission structure established in 2007

**Douglas Strickler is retiring as Circuit Public Defender effective May 1, 2018. The Public Defender Association has been notified regarding nomination of a replacement member for the Commission.

Agency Head:

The agency head is the Executive Director, who is appointed by and answers to the Commission.
§ 17-3-320 S.C. Code of Laws 1976, as amended.

Duties of the Governing Body:

- **SECTION 17-3-310.** Powers and Duties.
 - Establish divisions within the office to administer necessary services and programs
 - Develop rules, policies, procedures, regulations, and standards necessary to comply with state law or regulations and the rules of the Supreme Court including:
 - Nature and scope of services to be provided
 - The clientele to be served
 - Establishment of criteria to be used in the determination of indigency
 - Qualifications for services for indigent legal representation
 - Cooperate and consult with state agencies, professional associations, and other groups concerning
 - The causes of criminal conduct,
 - The rehabilitation and correction of persons charged with and convicted of crimes,
 - The administration of criminal justice, and
 - The improvement and expansion of defender services;
 - Assist the public defenders throughout the State in their efforts to provide adequate legal defense to the indigent.
 - Collect, maintain, review, and publish records and statistics for the purpose of evaluating the delivery of indigent defense representation in the State; and
 - Have the authority to negotiate and enter into contracts, as appropriate, with independent counsel for the provision of indigent defense services in cases in which a conflict of interest exists in a public defender office and in other cases in which indigent representation by independent counsel is necessary or advisable.
 - Establish and administer the rules and procedures for selection of members to serve on the Circuit Public Defender Selection Panels
 - Establish the rules and procedures under which the selection panels shall operate.

HISTORY: 1993 Act No. 164, Part II, Section 45C; 2005 Act No. 103, Section 2, eff July 1, 2005; 2007 Act No. 108, Section 7, eff June 21, 2007.

- **SECTION 17-3-340.** Duties of Commission.
 - Act in the best interest of indigent defendants who are receiving legal representation.
 - Meet at least quarterly and at other times and places as it deems necessary or convenient for the performance of its duties.
 - Elect such officers, other than the chairperson, from the members of the commission as it deems necessary.
 - Adopt rules for the transaction of its business as it desires.
 - Approve the development and improvement of programs which provide legal representation to indigent persons and juveniles accused of violations of criminal law.
 - Approve and implement programs, services, rules, policies, procedures, regulations, and standards for delivery of indigent services. This includes, but is not limited to, standards for:
 - maintaining and operating circuit public defender offices;

- prescribing minimum experience, training, and other qualifications for appointed counsel where a conflict of interest arises between the public defender and an indigent person;
- public defender and appointed counsel caseloads;
- the qualifications, employment, and compensation of public defenders and other circuit public defender office personnel;
- the performance of public defenders and appointed counsel representing indigent persons;
- procedures for prescribing qualifications and performance of independent counsel representing indigent persons in both trial and appellate courts, whether by contract or court appointment;
- providing and compensating experts, investigators, and other persons who provide services necessary for the effective representation of indigent persons;
- determining indigence and for assessing and collecting the costs of legal representation and related services;
- compensation of attorneys appointed to represent indigent persons pursuant to this chapter;
- removing a circuit public defender for cause;
- a uniform definition of a “case” for purposes of determining caseload statistics; and
- accepting contractual indigent defense representation.

HISTORY: 2005 Act No. 103, Section 2, eff July 1, 2005; 2007 Act No. 108, Section 7, eff June 21, 2007.

C. Internal Audit Process

8. Please provide information about the agency's internal audit process, including: whether the agency has internal auditors; a copy of the internal audit policy or charter; the date the agency first started performing audits; the positions of individuals to whom internal auditors report; the general subject matters audited; the position of the person who makes the decision of when an internal audit is conducted; whether internal auditors conduct an agency-wide risk assessment routinely; whether internal auditors routinely evaluate the agency's performance measurement and improvement systems; the total number of audits performed in the last five fiscal years; and the date of the most recent Peer Review or Self-Assessment by the SC State Internal Auditors Association or other entity (if other entity, name of that entity).

The South Carolina Commission on Indigent Defense does not have an internal audit staff. Audits on SCCID are conducted by the State Auditor's Office annually as the Auditor's Office has resources available.

D. Laws

9. Please complete the **Laws Chart** tab in the attached Excel document.

See attached Excel document

E. Deliverables

10. Please complete the **Deliverables Chart** tab in the attached Excel document.

See attached Excel document

11. Please complete the **Deliverables - Potential Harm Chart** tab in the attached Excel document.

See attached Excel document

F. Organizational Units

12. Please complete the **Organizational Units Chart** tab in the attached Excel document.

See attached Excel document

III. Agency Resources and Strategic Plan

13. Please complete the **Comprehensive Strategic Finances Chart** tab in the attached Excel document, to provide the Committee information on how the agency spent its funding in 2016-17.

See attached Excel document

14. Please provide the following information regarding the amount of funds remaining at the end of each year that the agency had available to use the next year (i.e., in 2011-12, insert the amount of money left over at the end of the year that the agency was able to carry forward and use in 2012-13), for each of the last five years.

Year	Amount remaining at end of year that agency could use the next year
<u>2012-13</u>	\$298,131 (General Funds); \$243,800 (Capital Reserve Funds); \$2,600,752 (Special Revenue); \$3,142,683 (Total Funds)
<u>2013-14</u>	\$205,880 (Capital Reserve Funds); \$2,507,660 (Special Revenue); \$2,713,540 (Total Funds)
<u>2014-15</u>	\$137,906 (Capital Reserve Funds); \$2,958,251 (Special Revenue); \$3,096,158 (Total Funds)
<u>2015-16</u>	\$100,000 (Supplemental Funds); \$137,906 (Capital Reserve Funds); \$4,221,190 (Special Revenue); \$4,459,097 (Total Funds)
<u>2016-17</u>	\$920,736 (General Funds); \$100,000 (Supplemental Funds); \$64,819 (Capital Reserve Funds); \$4,712,976 (Special Revenue); \$5,798,531 (Total Funds)

IV. Performance (Study Step 2: Performance)

15. Please complete the **Performance Measures Chart** tab in the attached Excel document.

See attached Excel document

16. After completing the Performance Measure Chart, please pick three agency deliverables and provide the following information for each:

- What is the ideal benchmark outcome? How did the agency determine this to be the benchmark outcome?
- What, if any, entity (i.e., a local/state/federal government entity or a private entity in SC or another state) is the best at meeting that standard?
- Why does the agency consider that entity the best (most efficient, obtains best outcomes, efficient and obtains best outcomes, obtains best outcomes with limited resources, etc.)?
- Actions taken by the agency to obtain ideas on processes or best practices that will allow the agency to continually improve.

Deliverables

South Carolina Commission on Indigent Defense was created to ensure that the citizens of the state of South Carolina, who are not able to afford legal representation based upon the determination of their indigency, receive professional and effective legal representation during their involvement in the judicial system. Based upon our mission, SCCID's primary deliverables are the legal representation of the indigent citizens of South Carolina in criminal, murder, capital murder, civil proceedings, as well as the appeals of convictions in trial courts and Post-Conviction Relief requests.

Benchmarks

The benchmark for these deliverables, legal representation (services), are that these services are provided in the most professional and effective manner possible for the benefit of the indigent citizens of South Carolina. The determination of this benchmark is based upon the American Bar Association's publication of February 2002 entitled, "Ten Principles of A Public Defender Delivery System". In that publication, the American Bar Association provided their 10 fundamental standards for the Public Defense systems and they are as follows:

1. The Public Defense function, including the selection, funding and payment of defense counsel is independent of political influence and subject to judicial supervision only to the same measure as hired counsel.
2. Where the caseload is sufficiently high, the public defense delivery system consists of both a public defender office and active participation of the private bar, through contracts for services.
3. Clients are screened for eligibility, and defense counsel is assigned and notified of appointment, as soon as feasible after clients' arrest, detention, or request for counsel.
4. Defense counsel is provided sufficient time and a confidential space within which to meet with the client.
5. Defense counsel's workload is controlled to permit the rendering of quality representation.
6. Defense counsel's ability, training and experience match the complexity of the case.
7. The same attorney continuously represents the client until completion of the case.
8. There is a parity between defense counsel and the prosecution with respect to resources and defense counsel is included as an equal partner in the justice system.

9. Defense counsel is provided with and required to attend continuing legal education.
10. Defense counsel is supervised and systematically reviewed for quality and efficiency according to nationally and locally adopted standards.

Since the ABA is considered by the entire Public Defender sector as the standard for the delivery of professional and effective legal representation in public defense, it makes perfect sense to implement the 10 fundamental principles of the public defender delivery system into the SCCID's existing Indigent Defense System to ensure that the legal services (deliverables) that are provided to the indigent citizens of South Carolina, meet the standards of professional and effective representation required by the American Bar Association. In the development of the Indigent Defense system in South Carolina, SCCID uses most, if not all of the 10 principles outlined by the ABA, from the independent selection process of the Circuit Chief Public Defenders through the Circuit Public Defender Selection Panels for each circuit, to the establishment of the Rule 608 contact attorneys to allow the participation of the private bar members who wish to work on a contract bases to provide professional and effective legal representation to the indigent citizens of South Carolina, to the development of an acceptable standard of screening to determine eligibility for the appointment of defense counsel for the indigent in South Carolina.

By constantly considering the fundamental principles outlined by the ABA, SCCID will continue to look for ways to improve the Indigent Defense System of South Carolina in the effort to be good stewards of the continued funding to provide professional and effective legal representation to those who are unable to afford legal services.

Entity that is the best at meeting the standard

While the ten principles which comprise, the benchmark do not include specific figures to utilize in determining which entity provides the most professional and effective legal services for indigent citizens, there is a national standard which relates to caseloads and other standards set by individual states.

The National Advisory Commission on Criminal Justice Standards and Goals (NAC) Standard 13.12 states caseloads should not exceed the following¹: (1) 150 felonies per attorney per year; (2) 400 misdemeanors per attorney per year; (3) 200 juvenile delinquencies per attorney per year; (4) 200 mental health per attorney per year; or, (5) 25 appeals per attorney per year.

As further explanation the standard goes on to state that if a defender or assigned counsel is carrying a mixed caseload which includes cases from more than one category of cases, these standards should be applied proportionally (e.g., under the NAC standards a lawyer who has 75 felony cases should not be assigned more than 100 juvenile cases and ought to receive no additional assignments).²

The agency considers the NAC standard as a minimum, and the standard in New Hampshire as the ideal. New Hampshire's caseload limitations for cases awaiting trial or sentencing³:

- o Full-time attorneys providing general felony, misdemeanor, and juvenile delinquency representation shall maintain a caseload of not more than 55 open and active cases. This

¹ <http://www.nlada.org/defender-standards/national-advisory-commission/black-letter>; see also, https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_train_caseloads_standards_ethics_opinions_combined.authcheckdam.pdf

² https://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/ls_sclaid_def_train_caseloads_standards_ethics_opinions_combined.authcheckdam.pdf

³ https://www.americanbar.org/content/dam/aba/publications/books/ls_sclaid_def_securing_reasonable_caseloads.authcheckdam.pdf (pg. 51)

caseload shall be a mixture of felony, misdemeanor, juvenile, and other cases with maximums in each of these categories as follows:

- Felony Maximum—35 cases;
- Misdemeanor Maximum—35 cases;
- Juvenile Delinquency Maximum—25 cases;
- Other Cases—5 cases.

In New Hampshire, the mix of cases totaling 55 for each attorney is determined by the Public Defender Program Executive Director based upon the experience level of the staff attorney and the concentration of these case

Why the agency considers that entity the best

SCCID considers New Hampshire's case load standard the best because since adopting it, the turnover in New Hampshire's Public Defender's Office has been greatly reduced and continues to stay at a low level. This reduction in turnover leads to greater retention of institutional knowledge and experienced attorneys for indigent defendants.

Actions taken by the agency to obtain ideas on processes or best practices that will allow the agency to continually improve.

SCCID is considering the North Carolina Systems Evaluation Project (NCSEP) case outcome data and Key Performance Indicators (KPI) toolkit to assist in developing case outcome data and key performance indicators.⁴ NCSEP states that by using the metrics⁵ it suggests, indigent defense agencies can track their performance over time, evaluate the impact of policy changes, and compare results across defense delivery methods, including retained attorneys, public defenders, assigned counsel, and contract counsel, as well as pro se clients.

V. Strategic Plan Summary

17. Please complete the **Comprehensive Strategic Plan Summary Chart** tab in the attached Excel document.

See attached Excel document

⁴ http://www.ncids.org/Systems%20Evaluation%20Project/PerformanceMeasures/PM_Links.htm

⁵ http://www.ncids.org/Systems%20Evaluation%20Project/PerformanceMeasures/KPIs_Table.pdf

VI. Agency Ideas/Recommendations (Study Step 3: Recommendations)

A. Internal Changes

18. Please list any ideas agency representatives have for internal changes at the agency that may improve the agency's efficiency and outcomes. These can be ideas that are still forming, things agency representatives are analyzing the feasibility of implementing, or things agency representatives already have plans for implementing. For each, include as many of the following details as available:

- a. Stage of analysis;
- b. Board/Commission approval;
- c. Performance measures impacted and predicted impact;
- d. Impact on amount spent to accomplish the objective(s); and
- e. Anticipated implementation date.

The South Carolina Commission on Indigent Defense is in the process of moving from payments of the 608 Attorney payment vouchers by check, to using electronic direct deposit. This internal process change will allow the agency to be more efficient in the processing of payment vouchers requests.

- a. **Stage of analysis:** A plan of implementation has been set
- b. **Board/Commission approval:** Commission has been notified of internal process change, but does not require Commission approval.
- c. **Performance measures impacted and predicted impact:** This internal change will allow SCCID to process voucher payments requests, with recipient to receive their payments in a shorter time.
- d. **Impact on amount spent to accomplish the objective(s):** SCCID anticipates a reduction in other operating costs, due to reduction in need for printed materials both at the agency and by the Comptroller General's office in the printing of checks and mailing cost since payments will be electronically deposited into identified recipient's accounts.
- e. **Anticipated implementation date:** March 1, 2018

B. Law Changes

19. Please review the laws chart to determine ways agency operations may be less burdensome, or outcomes improved, from changes to any of the laws. Also, check if any of the laws are archaic or no longer reflect agency practices. Afterward, list any laws the agency recommends the Committee further evaluate. For each one, include the information below.

- a. Law number and title;
- b. Summary of current law;
- c. Recommendation (eliminate, modify, or add new law) and rationale for recommendation;
- d. Law recommendation number;
- e. Wording of law, with recommended change provided in strike through and underline;
- f. Presented and approved by Board/Commission; and
- g. Other agencies that may be impacted by revising, eliminating, or adding the law.

Law Change Recommendation	
Law	17-3-30 Affidavit of inability to employ counsel; payment of indigent's assets to state; application fee, waiver or reduction of fee; disposition of revenues; fund for screening applicants
Summary of Current Law	Provides for person applying for appointed counsel to file affidavit setting forth assets and pay \$40 fee; fee may be waived or reduced; how fee to be collected, handled and used.
Agency's Rationale for Revision	Eliminate Duplicative: Language of this section is included in § 17-3-45.
Agency's Law Recommendation Number from PER	1
Agency's Recommended Language	<p>SECTION 17-3-30. Affidavit of inability to employ counsel; payment of indigent's assets to state; application fee; waiver or reduction of fee; disposition of fee revenues; fund for screening applicants.</p> <p>(A) A person to whom counsel has been provided shall execute an affidavit that he is financially unable to employ counsel and that affidavit must set forth all his assets. If it appears that the person has some assets but they are insufficient to employ private counsel, the court, in its discretion, may order the person to pay these assets to the general fund of the State.</p> <p>(B) A forty dollar application fee for public defender services must be collected from every person who executes an affidavit that he is financially unable to employ counsel. The person may apply to the clerk of court or other appropriate official for a waiver or reduction in the application fee. If the clerk or other appropriate official determines that the person is unable to pay the application fee, the fee may be waived or reduced, provided that if the fee is waived or reduced, the clerk or appropriate official shall report the amount waived or reduced to the trial judge upon sentencing and the trial judge shall order the remainder of the fee paid during probation if the person is granted probation. The clerk of court or other appropriate official shall collect the application fee imposed by this section and remit the proceeds to the state fund on a monthly basis. The monies must be deposited in an interest bearing account separate from the general fund and used only to provide for indigent defense services. The monies shall be administered by the Office of Indigent Defense. The clerk of court or other appropriate official shall maintain a record of all persons applying for representation and the disposition of the application and shall provide this information to the Office of Indigent Defense on a monthly basis as well as reporting the amount of funds collected or waived.</p> <p>(C) Sufficient funds shall be set aside from allocations provided for the defense of indigent to provide for adequate screening of applications for indigent assistance to ensure the applicant is qualified.</p> <p>HISTORY: 1962 Code § 17-282; 1969 (56) 374; 1977 Act No. 219 Pt II § 19; 1988 Act No. 356, § 1; 1993 Act No. 164, Part II, § 45E; 1994 Act No. 497, Part I, E23 § 14; 1995 Act No. 145, Part IB, E23 § 14; 1996 Act No. 458, Part II, § 26B; 1999 Act No. 100, Part II, § 17; 2007 Act No. 108, § 4, eff June 21, 2007.</p>
Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

Law Change Recommendation	
Law	17-3-40 Creation of claim against assets and estate of person for whom counsel is provided
Summary of Current Law	Appointment of counsel creates a claim against the assets and estate of the person for whom counsel is provided. Claim may be filed, but does not constitute lien unless reduced to judgment by court.
Agency's Rationale for Revision	Eliminate Duplicative: Language of this section is included in § 17-3-45.
Agency's Law Recommendation Number from PER	2
Agency's Recommended Language	<p>SECTION 17-3-40. Creation of claim against assets and estate of person for whom counsel is provided.</p> <p>(a) The appointment of counsel, as hereinbefore provided, creates a claim against the assets and estate of the person who is provided counsel in an amount equal to the costs of representation as determined pursuant to Sections 17-3-50 and 17-3-80, less that amount that the person pays to the defender corporation of the county or counties wherein he is being represented or the judicial department as provided for in Section 17-3-30.</p> <p>(b) Such claim shall be filed in the office of the clerk of court in the county where the person is assigned counsel, but the filing of a claim shall not constitute a lien against real or personal property of the person unless, in the discretion of the court, part or all of such claim is reduced to judgment by appropriate order of the court, after serving the person with at least thirty days' notice that judgment will be entered. When a claim is reduced to judgment, it shall have the same effect as judgments, except as modified by this chapter.</p> <p>(c) The court may, in its discretion, order any claim or judgment waived, modified or withdrawn.</p> <p>(d) The Judicial Department shall be responsible for administering this section, and all moneys collected hereunder shall be paid over to the Judicial Department.</p> <p>HISTORY: 1962 Code § 17-283; 1969 (56) 374; 1977 Act No. 219 Part II § 19; 1988 Act No. 356, § 2.</p>
Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

Law Change Recommendation	
Law	17-3-50 Determination of fees for appointed counsel and public defenders; maximum amounts; authorization to exceed maximum; payment for certain services
Summary of Current Law	Provides hourly rates and caps for fees paid to private appointed counsel, investigators, experts, etc.
Agency's Rationale for Revision	Modify Requested change would conform language of statute to Budget Provisos 61.1 and 61.4 and clarify language to reflect Agency procedures and policies.
Agency's Law Recommendation Number from PER	3
Agency's Recommended Language	<p>SECTION 17-3-50. Determination of fees for appointed counsel and public defenders; maximum amounts; authorization to exceed maximum; payment for certain services.</p> <p>(A) When private counsel is appointed pursuant to this chapter, he must be paid a reasonable fee to be determined on the basis of forty dollars an hour for time spent out of court and sixty dollars an hour for time spent in court. The same hourly rates apply in post-conviction proceedings. Compensation may not exceed three thousand five hundred dollars in a case in which one or more felonies is charged and one thousand dollars in a case in which only misdemeanors are charged. Compensation must be paid from funds available to the Office of Indigent Defense for the defense of indigents represented by court-appointed, private counsel. The same basis must be employed to determine the value of services provided by the office of the public defender for purposes of Section 17-3-40 <u>Section 17-3-45</u>.</p> <p>(B) Upon a finding in ex parte proceedings that investigative, expert, or other services are reasonably necessary for the representation of the defendant, the court shall authorize the defendant's attorney to obtain such services on behalf of the defendant and shall order the payment, from funds available to the Office of Indigent Defense, of fees and expenses not to exceed five hundred dollars as the court considers appropriate.</p> <p>(C) Payment in excess of the hourly rates and limits in subsection (A) or (B) is authorized only if the court certifies, in a written order with specific findings of fact, <u>prior to fees or expenses being incurred</u>, that payment in excess of the rates is necessary to provide compensation adequate to ensure effective assistance of counsel and payment in excess of the limit is appropriate because the services provided were reasonably and necessarily incurred. <u>to be provided are reasonable and necessary. If prior approval by written order of the court is not obtained, no additional fees or expenses shall be paid.</u></p> <p>(D) Nothing in this section shall be construed to alter the provisions of Section 17-3-10 concerning those defendants who are entitled to legal representation.</p> <p>HISTORY: 1962 Code § 17-284; 1969 (56) 374; 1993 Act No. 164, Part II, § 45F; 2007 Act No. 108, § 5, eff June 21, 2007.</p>
Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

Law Change Recommendation	
Law	17-3-80 Appropriation for expenses of appointed private counsel and public defenders; restrictions and limitations
Summary of Current Law	Provided additional funding for indigent defense services for FY 1969-70.
Agency's Rationale for Revision	Eliminate This Section reflects language from a fund that was established for FY 1969-70 that is no longer funded. Expenses of appointed counsel and public defenders are addressed in other code sections and budget provisos.
Agency's Law Recommendation Number from PER	4
Agency's Recommended Language	SECTION 17-3-80. Appropriation for expenses of appointed private counsel and public defenders; restrictions and limitations. In addition to the appropriation as provided by law, there is appropriated for the fiscal year commencing July 1, 1969, the sum of fifty thousand dollars for the establishment of the defense fund which must be administered by the Office of Indigent Defense. This fund must be used to reimburse private appointed counsel, public defenders, and assistant public defenders for necessary expenses, not to exceed two thousand dollars for each case, actually incurred in the representation of persons pursuant to this chapter, so long as the expenses are approved by the trial judge. No reimbursement may be made for travel expenses except extraordinary travel expenses approved by the trial judge. The total state funds provided by this section may not exceed fifty thousand dollars. HISTORY: 1962 Code § 17-287; 1969 (56) 374; 1977 Act No. 219 Pt II § 19; 1987 Act No. 142 § 1; 1993 Act No. 164, Part II, § 45G.
Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

Law Change Recommendation	
Law	17-3-85 Fiscal year-end disposition of unexpended appropriations for payment of private appointed counsel for counties without public defender corporations
Summary of Current Law	Provides for handling of unexhausted funds appropriated for counties without public defender corporations to pay private counsel.
Agency's Rationale for Revision	Eliminate Redundant: The creation of the statewide Circuit Public Defender system in 2007 replaced the previous system in which some counties had public-defender corporations and others did not. All counties are now covered by the statewide Circuit Public Defender system, so funds are no longer appropriated in this manner.
Agency's Law Recommendation Number from PER	5
Agency's Recommended Language	SECTION 17-3-85. Fiscal year-end disposition of unexpended appropriations for payment of private appointed counsel for counties without public defender corporations. At the end of each fiscal year all funds appropriated for counties without public defender corporations which have not been exhausted shall be combined into one fund and any and all claims of private appointed counsel in other counties remaining unpaid by virtue of the exhaustion of appropriated funds in those respective counties shall be paid on a pro rata basis until such fund is exhausted or until all claims are satisfied. After payment of the above, any funds remaining at the end of a fiscal year maintained by the Judicial Department shall revert to the general fund of the State at the end of that fiscal year. HISTORY: 1982 Act No. 466, Part II § 43.
Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

Law Change Recommendation	
Law	17-3-90 Vouchers for payment for services by private appointed counsel and for reimbursement of expenses; approval and submission for payment
Summary of Current Law	Sets forth procedure for approval and submission of vouchers by appointed counsel and public defenders for payment by the Office of Indigent Defense.
Agency's Rationale for Revision	Eliminate Voucher procedures established by Orders of the Supreme Court, budget provisos, and SCCID policies have superseded the procedure set forth in this Section.
Agency's Law Recommendation Number from PER	6
Agency's Recommended Language	SECTION 17-3-90. Vouchers for payment for services by private appointed counsel and for reimbursement of expenses; approval and submission for payment. Private, appointed counsel shall submit a voucher to the Office of Indigent Defense setting forth all details of the appointment for purposes of remuneration pursuant to Section 17-3-50 and reimbursement of expenses pursuant to Section 17-3-80, and the public defender shall do likewise pursuant to Section 17-3-80. It is the duty of the Office of Indigent Defense to present the voucher to the trial judge for approval and to transmit the same to the Comptroller General for payment to the appropriate party. HISTORY: 1962 Code § 17-288; 1969 (56) 374; 1977 Act No. 219 Pt II § 19; 2007 Act No. 108, § 6, eff June 21, 2007.
Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

Law Change Recommendation	
Law	17-3-100 Discretionary authority of judge to appoint counsel not limited; remuneration and reimbursement.
Summary of Current Law	Discretionary authority of judge to appoint counsel not limited; remuneration and reimbursement.
Agency's Rationale for Revision	Modify Refers to § 17-3-80 which the Agency recommends be deleted.
Agency's Law Recommendation Number from PER	7
Agency's Recommended Language	SECTION 17-3-100. Discretionary authority of judge to appoint counsel is not limited; remuneration and reimbursement. Nothing herein contained is designed to limit the discretionary authority of a judge to appoint counsel in any case and any such counsel shall be entitled to remuneration and reimbursement as provided in §§ 17-3-50 and 17-3-80 hereof, so long as funds appropriated herein are available therefor. HISTORY: 1962 Code § 17-289; 1969 (56) 374.
Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

Law Change Recommendation	
Law	17-3-510 Circuit Public Defender Selection Panel; county representation; nomination of Circuit Public Defender; election by South Carolina Prosecution Coordination Commission.
Summary of Current Law	Provides procedure for election of Circuit Public Defenders
Agency's Rationale for Revision	Modify Title of Statute incorrectly states that the Circuit Public Defender is elected by the SC Prosecution Commission
Agency's Law Recommendation Number from PER	8
Agency's Recommended Language	<p>SECTION 17-3-510. Circuit Public Defender Selection Panel; county representation; nomination of Circuit Public Defender; election by South Carolina Prosecution Coordination Commission <u>Commission on Indigent Defense</u>.</p> <p>(A) There is created in each judicial circuit in the State a Circuit Public Defender Selection Panel, the membership of which is composed of, and must be elected by, the active, licensed attorneys who reside within the counties of each judicial circuit. Each county in each judicial circuit must be represented by at least one member and the remaining members must be determined by equal weighting of county population based on the most recent decennial census and the most recent annual county appropriations to public defender operations according to the following formula:</p> <p>(1) percentage of distribution of population plus the percentage of distribution of appropriations for public defender operations divided by two and rounded to the nearest whole number;</p> <p>(2) the weighted values of each county multiplied by the number of remaining members in each Circuit Public Defender Selection Panel determines the number of additional members each county must have on the panel.</p> <p>Judicial circuits with three or less counties must have five members. Judicial circuits with four counties must have seven members. Judicial circuits with five counties must have nine members.</p> <p>(B) A solicitor, assistant solicitor, an employee of a solicitor's office, or an employee of the South Carolina Prosecution Coordination Commission may not serve as a member of a Circuit Public Defender Selection Panel. Members of a Circuit Public Defender Selection Panel must reside in the judicial circuit in which they serve. Circuit Public Defender Selection Panel members shall serve for a term of five years. A vacancy for an appointed member must be in the same manner of the original appointment filled by the appointing authority.</p> <p>(C) By majority vote of its membership, the Circuit Public Defender Selection Panel shall nominate a person to serve as the circuit public defender in the judicial circuit as provided in this article. The commission shall, by majority vote of its members, accept or reject the nomination, but may not substitute the name of another person. Initial appointments of circuit public defenders must be made in order for the first appointees to take office no later than one year from the effective date of this act, for a term of four years. A circuit public defender may be reappointed by the commission to serve successive terms following the same manner of the original appointment. The circuit public defender for each judicial circuit must be a full-time employee of the State and must be compensated and have the same benefits as the circuit solicitor. A circuit public defender may not engage in the private practice of law or another full-time business for profit.</p> <p>(D) A circuit public defender may be removed for cause by a majority vote of the commission.</p> <p>(E) If a vacancy occurs, by death, resignation, or otherwise, in the position of circuit public defender, the commission shall appoint an interim circuit public defender to serve until a replacement has been selected by the commission. The Circuit Public Defender Selection Panel shall nominate a replacement circuit public defender within three months of the occurrence of the vacancy. Selection of a replacement must be in the same manner as the original appointment.</p> <p>HISTORY: 2007 Act No. 108, Section 3, eff June 21, 2007.</p>

Presented and Approved by Board/Commission	2/23/18
Other agencies potentially impacted	None

VII. Additional Documents to Submit

A. Reports

20. Please provide an updated version of the Reports Template from the Accountability Report. In the updated version, please do the following:
- Add any reports necessary so the chart is current as of the date of submission of the Program Evaluation Report and include:
 - Audits performed on the agency by external entities, other than Legislative Audit Council, State Inspector General, or State Auditor's Office, during the last five years;
 - Audits performed by internal auditors at the agency during the last five years;
 - Other reports, reviews or publications of the agency, during the last five years, including fact sheets, reports required by provisos, reports required by the federal government, etc.; and
 - Include the website link for each document in the "Method to Access the Report" column, if website link is available. If website link is not available, enter the method by which someone from the public could access the report. If the method is to call or send a request to the agency, please specify to whom the request must be sent and any details the individual must include in the request.
 - Submit an electronic copy of any internal audits that are not posted online.

See attached updated Report Template.

B. Organizational Charts

21. Please submit electronic copies of the agency's organizational chart for the current year and as many years back as the agency has readily available.

See attached Organizational Charts.

C. Glossary of Terms

22. Please submit a Word document that includes a glossary of terms, including, but not limited to, acronyms used by the agency.

See attached Glossary Word document.

VIII. Feedback (Optional)

After completing the Program Evaluation, please provide feedback to the Committee by answering the following questions:

23. What other questions may help the Committee and public understand how the agency operates, budgets, and performs?
24. What are the best ways for the Committee to compare the specific results the agency obtained with the resources the agency invested?
25. What changes to the report questions, format, etc., would agency representatives recommend?
26. What benefits do agency representatives see in the public having access to the information in the report?
27. What are two-three things agency representatives could do differently next time (or it could advise other agencies to do) to complete the report in less time and at a lower cost to the agency?
28. Please provide any other comments or suggestions the agency would like to provide.

Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
1	US Constitution 6th Amendment	Federal	Statute	Guarantees a citizen the right to a speedy and public trial, an impartial jury, to be informed of the nature and cause of the accusation, to confront witnesses against him, to present witnesses in his favor, and to be represented by an attorney	Yes	Any person entitled to counsel under the Constitution of the United States determined to be financially unable to retain counsel	No
2	US Constitution 14th Amendment	Federal	Statute	Requires the state to provide equal protection and due process under the law.	Yes	Any person entitled to counsel under the Constitution of the United States determined to be financially unable to retain counsel	No
3	14-1-204	State	Statute	26.78 percent of 56 percent of \$100 filing fee in civil actions is paid to the Defense of Indigents Per Capita Fund administered by SCCID. SCCID distributes the funds to SC organizations that are grantees of the Legal Services Corporation. (SCCID acts as pass-through agency for distribution of funds.) Commission on Indigent Defense, Defense of Indigents per capita receives 14.56 percent of additional \$50 filing fee in civil actions. Commission on Indigent Defense, Division of Appellate Defense receives 1.81 percent of additional \$50 filing fee in civil actions.	No	Does not specify a customer	No
4	14-1-206	State	Statute	Persons convicted in general sessions court must pay assessment of 107.5 percent of fine amount. After specified deductions, Office of Indigent Defense receives 14.46 percent of remaining funds for the defense of indigents.	No	Does not specify a customer	No
5	14-1-207	State	Statute	Persons convicted in magistrates court must pay assessment of 107.5 percent of fine amount. After specified deductions, Office of Indigent Defense receives 14.46 percent of remaining funds for the defense of indigents.	No	Does not specify a customer	No

The contents of this chart are considered sworn testimony from the Agency Director.

Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
6	14-1-208	State	Statute	Persons convicted in municipal court must pay assessment of 107.5 percent of fine amount. After specified deductions, Office of Indigent Defense receives 14.46 percent of remaining funds for the defense of indigents.	No	Does not specify a customer	No
7	16-3-26	State	Statute	Punishment for murder; notice to defense attorney of solicitor's intention to seek death penalty; appointment of attorneys for indigent; investigative, expert or other services.	Yes	Any person entitled to counsel under the Constitution of the United States determined to be financially unable to retain counsel	Yes - Other service or product
8	17-3-5	State	Statute	Definitions	No	Does not specify a customer	No
9	17-3-10	State	Statute	Persons entitled to counsel shall be so advised; when counsel shall be provided	Yes	Any person entitled to counsel under the Constitution of the United States determined to be financially unable to retain counsel	Yes - Other service or product
10	17-3-20	State	Statute	Requires that adequate legal counsel be appointed for persons charged with murder, who are determined to be financially unable to retain adequate counsel and that the attorney appointed be paid fees and costs as deemed appropriate by the court.	Yes	Persons charged with murder determined to be financially unable to retain adequate legal counsel. This section specifies a customer/deliverable for the agency as the attorney appointed will be either a public defender or private counsel who will be compensated with indigent defense funds of the Agency.	Yes - Other service or product
11	17-3-30	State	Statute	Affidavit of inability to employ counsel; payment of indigent's assets to state; application fee, waiver or reduction of fee; disposition of revenues; fund for screening applicants	Yes	Any person seeking appointed Counsel.	No - This relates to a customer of the agency for which the deliverable is handled by another entity
12	17-3-40	State	Statute	Creation of claim against assets and estate of person for whom counsel is provided	No	Does not specify a customer	No

The contents of this chart are considered sworn testimony from the Agency Director.

Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
13	17-3-45	State	Statute	Affidavit of assets of persons seeking appointed counsel; application fee; claim against assets and estate of person provided counsel	Yes	Any person seeking appointed Counsel.	No - This relates to a customer of the agency for which the deliverable is handled by another entity
14	17-3-50	State	Statute	Determination of fees for appointed counsel and public defenders; maximum amounts; authorization to exceed maximum; payment for certain services	Yes	Appointed Private Counsel and Public Defenders	No - This relates to a customer of the agency for which the deliverable is handled by another entity
15	17-3-55	State	Statute	Carry-forward of unpaid obligations	No	Does not specify a customer	No
16	17-3-80	State	Statute	Appropriation for expenses of appointed private counsel and public defenders; restrictions and limitations	Yes	Appointed Private Counsel and Public Defenders	Yes - Other service or product
17	17-3-85	State	Statute	Fiscal year-end disposition of unexpended appropriations for payment of private appointed counsel for counties without public defender corporations	No	Does not specify a customer	No
18	17-3-90	State	Statute	Vouchers for payment for services by private appointed counsel and for reimbursement of expenses; approval and submission for payment	Yes	Appointed Private Counsel and Public Defenders	Yes - Other service or product
19	17-3-100	State	Statute	Discretionary authority of judge to appoint counsel not limited; remuneration and reimbursement.	No	Does not specify a customer	No
20	17-3-110	State	Statute	Power of Supreme Court to establish rules and regulations.	No	Does not specify a customer	No
21	17-3-310	State	Statute	Commission on Indigent Defense Created; Appointment of members; terms; powers and duties.	Yes	Indigent Defense Attorneys	Yes
22	17-3-320	State	Statute	Office of Indigent Defense; executive director; appointment; duties	No	Does not specify a customer	No
23	17-3-330 (A)(1-4); (B); (C)	State	Statute	Duties of Office of Indigent Defense: Distribute all funds appropriated by GA for defense of indigents; perform duties of Appellate Defense; compile statistics covering indigent defense in the State;	No	Does not specify a customer	No

The contents of this chart are considered sworn testimony from the Agency Director.

Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
24	17-3-330 (A)(5)	State	Statute	Report annually to the General Assembly on the indigent defense system.	Yes	State Legislature	Yes - Providing a Report
25	17-3-340	State	Statute	Duties of Commission: Approve programs which provide legal representation to indigent persons and juveniles accused of violations of criminal law; Approve policies and standards for Circuit Public Defender Offices, minimum training for appointed counsel; Procedures for qualifications/performance of independent counsel; providing and compensating experts, investigators, etc.to provide effective representation; determining indigence and assessing and collecting costs of legal representation; compensation of appointed attorneys; removing circuit PD for cause; Uniform definition of "case" for determining caseload statistics; accepting contractual indigent defense representation.	No	Does not specify a customer	No
26	17-3-350	State	Statute	Immunity from civil liability for Commission members and Circuit PD Selection Panel members	No	Does not specify a customer	No
27	17-3-360	State	Statute	Division of Appellate Defense created; Administration and staffing; duties and responsibilities	Yes	Persons who the office determines, subject to court review, fall within indigency guidelines who file notice of intent to appeal or desire to appeal conviction in a trial court, a decision of a civil commitment or voluntary placement in a state, county, or municipal facility	Yes - Other service or product
28	17-3-370	State	Statute	Appointment of Counsel by Court: Court can still appoint counsel for disqualified person for conflict or when division deems it advisable not to provide representation	No	Does not specify a customer	No
29	17-3-380	State	Statute	Funding for the commission will be by appropriations in the state General Appropriations Act including federal funds as may be available.	No	Does not specify a customer	No

The contents of this chart are considered sworn testimony from the Agency Director.

Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
30	17-3-510	State	Statute	Circuit Public Defender Selection Panel, county representation, nomination of Circuit Public Defender, election of Circuit Public Defender	No	Does not specify a customer	No
31	17-3-520	State	Statute	Circuit Public Defender, qualification, responsibilities	No	Does not specify a customer	No
32	17-3-530	State	Statute	Chief county public defenders, responsibilities and duties	No	Does not specify a customer	No
33	17-3-540	State	Statute	Maintenance and staffing of county public defender offices	No	Does not specify a customer	No
34	17-3-550	State	Statute	Funding	No	Does not specify a customer	No
35	17-3-560	State	Statute	Administration of Funds	No	Does not specify a customer	No
36	17-3-570	State	Statute	Administration of Personnel	No	Does not specify a customer	No
37	17-3-580	State	Statute	Public Defenders, requirements as to employment	No	Does not specify a customer	No
38	17-3-590	State	Statute	Office space and equipment	No	Does not specify a customer	No
39	17-3-600	State	Statute	Existing contracts for providing indigent defense services: Contracts for indigent services in existence at time Act enacted remain effective until expire or one year from effective date of act, whichever is sooner.	No	Does not specify a customer	No
40	17-27-10	State	Statute	Short Title - Uniform Post-Conviction Relief Act	No	Does not specify a customer	No
41	17-27-20	State	Statute	Persons who may institute proceeding; exclusiveness of remedy	Yes	Person convicted or sentenced for a crime	Yes - Other service or product
42	17-27-30	State	Statute	Jurisdiction of Court	No	Does not specify a customer	No
43	17-27-40	State	Statute	Commencement of Proceedings by filing application	No	Does not specify a customer	No
44	17-27-45	State	Statute	Filing procedures for post-conviction relief actions	No	Does not specify a customer	No
45	17-27-50	State	Statute	Form and contents of application	No	Does not specify a customer	No
46	17-27-60	State	Statute	Court costs and expenses for indigents	Yes	Indigent Post-Conviction Relief applicants	Yes - Other service or product
47	17-27-70	State	Statute	Court procedures on receipt of application	No	Does not specify a customer	No
48	17-27-80	State	Statute	Hearing on application; final judgment	No	Does not specify a customer	No
49	17-27-90	State	Statute	Grounds for relief	No	Does not specify a customer	No
50	17-27-100	State	Statute	Appeals	No	Does not specify a customer	No
51	17-27-110	State	Statute	Rules - Supreme Court may adopt rules deemed necessary. Note: Supreme Court has passed Rule 71.1 South Carolina Rule of Civil Procedure requiring appointment of counsel for indigent applicants in certain PCR actions.	No	Does not specify a customer	No

The contents of this chart are considered sworn testimony from the Agency Director.

Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
52	17-27-120	State	Statute	Construction. Chapter to be interpreted to make law uniform in states that adopt it.	No	Does not specify a customer	No
53	17-27-130	State	Statute	Waiver of attorney-client privilege by allegation of ineffective prior counsel; access to files.	No	Does not specify a customer	No
54	17-27-150	State	Statute	Discovery in post-conviction relief proceeding	No	Does not specify a customer	No
55	17-27-160	State	Statute	Capital case post-conviction relief procedures - provides for appointment of counsel for indigent applicants	Yes	Indigent Post-Conviction Relief applicants in Capital cases	Yes - Other service or product
56	63-7-1620	State	Statute	Legal representation in child abuse and neglect cases. Provides for appointment of legal counsel for children, parents/legal guardians of children, or other persons subject to any judicial proceeding who cannot afford legal representation.	Yes	Children, parents/legal guardians of children, or other persons subject to any judicial proceeding who cannot afford legal representation.	Yes - Other service or product
57	63-7-2560	State	Statute	Representation by Counsel; guardian ad litem - (A)In Termination-of-Parental-Rights actions, requires that the family court appoint counsel to represent parents, guardians, or other persons entitled to legal counsel, who are unable to afford legal representation. (B) Requires appointment of attorney for the guardian ad litem to protect the child's interests in certain circumstances.	Yes	Parents or legal guardians of children, or other persons subject to any judicial proceeding, who cannot afford legal representation.	Yes - Other service or product
58	63-9-320	State	Statute	Persons not required to give consent or relinquishment. In adoption matters, requires that the family court appoint legal counsel to represent an incompetent indigent parent unless good cause is shown to waive that appointment.	Yes	Parents of children, who are subject to a Termination of Parental Rights proceeding and who cannot afford legal representation.	Yes - Other service or product
59	63-19-810	State	Statute	Taking a child into custody. Sets forth rules for detention and release of children accused of violations of criminal laws, requirements for notification of certain persons, information to be provided to those persons, and restrictions of use of such information.	No	Does not specify a customer	No
60	63-19-830	State	Statute	Detention hearings, screenings. Requires court to appoint counsel for child at detention hearing if none is retained. Prohibits child from proceeding without talking to attorney at least once.	Yes	Children charged in delinquency proceedings.	Yes - Other service or product

The contents of this chart are considered sworn testimony from the Agency Director.

Laws

January 2018 PER

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
61	63-19-1040	State	Statute	Indigent defense. In determining indigence for appointment of legal counsel for child in delinquency proceeding, court must determine financial ability of parents to retain counsel. If parents could afford to retain counsel but refuse, court appoints counsel and may order parents of reimburse Indigent Defense Fund or pay court-appointed attorney an amount determined by the court.	Yes	Children charged in delinquency proceedings.	Yes - Other service or product
62	44-48-10	State	Statute	Short Title - Sexually Violent Predator Act	No	Does not specify a customer	No
63	44-48-20	State	Statute	Legislative Findings	No	Does not specify a customer	No
64	44-48-30	State	Statute	Definitions	No	Does not specify a customer	No
65	44-48-40	State	Statute	Notification to team, victim and AG regarding release, hearing or parole, effective date of parole or release; immunity.	No	Does not specify a customer	No
66	44-48-50	State	Statute	Multidisciplinary team; appointments; review of records; membership	No	Does not specify a customer	No
67	44-48-60	State	Statute	Prosecutor's review committee; scope of review; membership requirements.	No	Does not specify a customer	No
68	44-48-70	State	Statute	Petition for probable cause determination.	No	Does not specify a customer	No
69	44-48-80	State	Statute	Determination of probable cause; taking person into custody; hearing; evaluation. Requires notification of right to counsel.	No	Does not specify a customer	No
70	44-48-90	State	Statute	Trial; trier of fact; continuation of trial; assistance of counsel; access of examiners to person; payment of expenses. Requires court to appoint counsel for indigent person and to authorize reasonable payment for expenses for professional expert services.	Yes	Indigent person subject to Act	Yes - Other service or product
71	44-48-100	State	Statute	Standard for determining predator status, control, care, and treatment of person, release, mistrial procedures; persons incompetent to stand trial.	No	Does not specify a customer	No
72	44-48-110	State	Statute	Periodic mental examination of committed persons, report, petition for release; hearing; trial to consider release. Provides for right to counsel; payment for expert services.	No	Does not specify a customer	No
73	44-48-120	State	Statute	Petition for release; hearing ordered by court; examination by qualified expert, burden of proof. Provides for payment for expert services.	No	Does not specify a customer	No
74	44-48-130	State	Statute	Grounds for denial of petition for release.	No	Does not specify a customer	No

The contents of this chart are considered sworn testimony from the Agency Director.

Laws

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Customer/Client		Deliverable
					Does this law specify who (customer) the agency must or may serve?	If yes, who is/are the customer(s)?	Does the law specify a deliverable (service or product) the agency must or may provide?
75	44-48-140	State	Statute	Restricted release of confidential information and records to agencies and Attorney General.	No	Does not specify a customer	No
76	44-48-150	State	Statute	Evidentiary records; court order to open sealed records.	No	Does not specify a customer	No
77	44-48-160	State	Statute	Registration of persons released from commitment.	No	Does not specify a customer	No
78	44-48-170	State	Statute	Involuntary detention or commitment; constitutional requirements.	No	Does not specify a customer	No
79	2016-2017 SC Appropriations Act, Parts 1A & 1B, Section 61	State	Proviso	Budgetary Expenditure and Proviso Authority	No	Does not specify a customer	No

Deliverables

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding		Commission on Indigent Defense										
Date of Submission		March 16, 2018										
Item #	Deliverable	Applicable Laws	Is deliverable provided because...	Optional - Service or Product component(s) (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Associated Organizational Unit	Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product (on an individual or aggregate basis?)	Does the agency know the annual # of potential customers?	Does the agency know the annual # of customers served?	Does the agency evaluate customer satisfaction?	Does the agency know the cost it incurs, per unit, to provide the service or product?	Does the law allow the agency to charge for the service or product?	Additional comments from agency (Optional)
1A	Legal Representation of indigent South Carolina citizens *See Note A for examples of services provided as part of "legal representation."	S.C. Code Ann. 16-3-26 . Crimes and Offenses; Offenses Against the Person. S.C. Code Ann. 17-3-80.* Criminal Procedures; Defense of Indigents. S.C. Code Ann. 17-3-90 . Criminal Procedures; Defense of Indigents.	Require	Legal Services in Capital Murder Cases	Office of Circuit Public Defenders ; Death Penalty Trial Division	No	No	Yes	No	Yes	Yes	S.C. Code Ann. 17-3-30 requires the collection of a \$40 application fee for Public Defender services from an individual who executes an affidavit that he or she is unable to employ counsel. *Agency has recommended elimination of S.C. Code Ann. 17-3-80.
1B		S.C. Code Ann. 17-3-10 and 17-3-90 . Criminal Procedures; Defense of Indigents. S.C. Code Ann. 17-3-80.* Criminal Procedures; Defense of Indigents. S.C. Code Ann. 63-19-830 and 63-19-1040 . Juvenile Justice Code; Detention Hearings, Screenings; Indigent Defense.	Require	Legal Services in criminal cases	Administration; Office of Circuit Public Defenders	No	No	Yes	No	Yes	Yes	S.C. Code Ann. 17-3-30 requires the collection of a \$40 application fee for Public Defender services from an individual who executes an affidavit that he or she is unable to employ counsel. Proviso 61.6 requires every person who is represented by a public defender or appointed counsel and is placed on Probation to be assessed a fee of five hundred dollars to be collected by the Clerk of Court and sent on a monthly basis to the Commission on Indigent Defense. *Agency has recommended elimination of S.C. Code Ann. 17-3-80.
1C		S.C. Code Ann. 17-3-20 and 17-3-90 . Criminal Procedures; Defense of Indigents. S.C. Code Ann. 17-3-80.* Criminal Procedures; Defense of Indigents.	Require	Legal Services in murder cases	Administration; Office of Circuit Public Defenders	No	No	Yes	No	Yes	Yes	S.C. Code Ann. 17-3-30 requires the collection of a \$40 application fee for Public Defender services from an individual who executes an affidavit that he or she is unable to employ counsel. *Agency has recommended elimination of Statute 17-3-80
1D		S.C. Code Ann. 17-3-90 and 17-3-360 . Criminal Procedures; Defense of Indigents. S.C. Code Ann. 17-3-80.* Criminal Procedures; Defense of Indigents.	Require	Legal Services in process of appealing a conviction from a trial court.	Division of Appellate Defense	No	No	Yes	No	Yes	No	*Agency has recommended elimination of S.C. Code Ann. 17-3-80.
1E		S.C. Code Ann. 17-3-90 . Criminal Procedures; Defense of Indigents. S.C. Code Ann. 44-48-90, et seq. Health; Sexually Violent Predator Act.	Require	Legal Services in Sexually Violent Predator Act cases.	Administration; Division of Appellate Defense	No	No	Yes	No	Yes	No	*Agency has recommended elimination of S.C. Code Ann. 17-3-80.
1F		S.C. Code Ann. 17-3-90 . Criminal Procedures; Defense of Indigents. S.C. Code Ann. 63-7-1620 . South Carolina Children's Code; Child Protection and Permanency. S.C. Code Ann. 17-3-80.* Criminal Procedures; Defense of Indigents.	Require	Legal representation in child abuse and neglect cases. Provides for appointment of legal counsel for children, parents/legal guardians of children, or other persons subject to any judicial proceeding who cannot afford legal representation.	Administration	No	No	Yes	No	Yes	Yes	Proviso 61.7 (Defense of Indigents Civil Action Application Fee) requires the collection of a \$40 application fee for the appointment of counsel services from an individual who executes an affidavit that he or she is unable to employ counsel. *Agency has recommended elimination of S.C. Code Ann. 17-3-80.

The contents of this chart are considered sworn testimony from the Agency Director.

Deliverables

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding		Commission on Indigent Defense										
Date of Submission		March 16, 2018										
Item #	Deliverable	Applicable Laws	Is deliverable provided because...	Optional - Service or Product component(s) (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Associated Organizational Unit	Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product (on an individual or aggregate basis?)	Does the agency know the annual # of potential customers?	Does the agency know the annual # of customers served?	Does the agency evaluate customer satisfaction?	Does the agency know the cost it incurs, per unit, to provide the service or product?	Does the law allow the agency to charge for the service or product?	Additional comments from agency (Optional)
1G		S.C. Code Ann. 17-3-90 . Criminal Procedures; Defense of Indigents. S.C. Code Ann. 17-27-20 and 17-27-60 . Court Costs and expenses for indigents. Rule 71.1 S.C. Rules of Civil Procedure. Appointment of Counsel for Hearing (S.C. Code Ann. 17-27-110;). S.C. Code Ann. 17-27-160 . Appointment of counsel for PCR in Capital case. S.C. Code Ann. 17-3-80.* Criminal Procedures; <u>Defense of Indigents</u> .	Require	Post Conviction Relief; Legal services, costs and expenses in Post-Conviction Relief actions.	Administration	No	No	Yes	No	Yes	Yes	Proviso 61.7 (Defense of Indigents Civil Action Application Fee) requires the collection of a \$40 application fee for the appointment of counsel services from an individual who executes an affidavit that he or she is unable to employ counsel. *Agency has recommended elimination of S.C. Code Ann. 17-3-80.
1H		S.C. Code Ann. 17-3-90 . Criminal Procedures; Defense of Indigents. S.C. Code Ann. 63-7-2560 . Representation by Counsel; guardian ad litem. S.C. Code Ann. 63-9-320(2) Persons not required to give consent or relinquishment for adoption of child. S.C. Code Ann. 17-3-80.* Criminal Procedures; <u>Defense of Indigents</u> .	Require	Legal services in Termination-of-Parental-Rights Actions and Adoption Actions.	Administration	No	No	Yes	No	Yes	Yes	Proviso 61.7 (Defense of Indigents Civil Action Application Fee) requires the collection of a \$40 application fee for the appointment of counsel services from an individual who executes an affidavit that he or she is unable to employ counsel. *Agency has recommended elimination of S.C. Code Ann. 17-3-80.
2	Annual Report on Indigent Defense System	S.C. Code Ann. 17-3-330 . Criminal Procedures; Defense of Indigents.	Require		Administration	No	Yes	Yes	No	No	No	
3	Court costs and expenses from indigent South Carolina citizens	S.C. Code Ann. 17-27-60 . Criminal Procedures; Uniform Post-Conviction Procedures Act.	Require		Administration; Office of Circuit Public Defenders	No	No	Yes	No	No	Yes	S.C. Code Ann. 17-3-30 requires the collection of a \$40 application fee for Public Defender services from an individual who executes an affidavit that he or she is unable to employ counsel.
4	Capital case post-conviction relief procedures - provides for appointment of counsel for indigent applicants	S.C. Code Ann. 17-27-160 . Criminal Procedures; Uniform Post-Conviction Procedures Act.	Require		Administration	No	No	Yes	No	Yes	No	

Deliverables

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Deliverable	Applicable Laws	Is deliverable provided because...	Optional - Service or Product component(s) (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Associated Organizational Unit	Does the agency evaluate the outcome obtained by customers / individuals who receive the service or product (on an individual or aggregate basis?)	Does the agency know the annual # of potential customers?	Does the agency know the annual # of customers served?	Does the agency evaluate customer satisfaction?	Does the agency know the cost it incurs, per unit, to provide the service or product?	Does the law allow the agency to charge for the service or product?	Additional comments from agency (Optional)
5	Training	S.C. Code Ann. 16-3-26 . Crimes and Offenses; Offenses Against the Person. S.C. Code Ann. 17-3-10, -20, -90, -310, -360 . S.C. Code Ann. 17-27-60 . Criminal Procedures; Uniform Post-Conviction Procedures Act. S.C. Code Ann. 44-48-90 , et seq. Health; Sexually Violent Predator Act. S.C. Code Ann. 63-19-830 and 63-19-1040 . Juvenile Justice Code; Detention Hearings, Screenings; Indigent Defense. S.C. Code Ann. 63-7-1620 . South Carolina Children's Code; Child Protection and Permanency.	Require	Regular training programs include an annual multi-session basic training program for new indigent defense attorneys, an ongoing series of workshops for juvenile defense attorneys, and other continuing legal education seminars and workshops pertinent to the provision of indigent defense services.	Administration	No	No	Yes	Yes	Yes	No	Training is provided for indigent defense attorneys including public defenders employed by or contracted with the various circuit public defender offices or contracted directly with the Agency to provide indigent defense services.

Note A: Services provided as part of "legal representation," include, but are not limited to:

- (1) work directly with clients to establish trusting, professional relationships which includes (a) maintaining regular contact through correspondence, phone calls, and in-person meetings; (b) visiting incarcerated clients at correctional facilities on a steady basis to discuss case strategies, fact developments, and trial preparation; (c) ensuring all communications with clients remain private; and (d) upholding ethical duties of loyalty and confidentiality to clients throughout all legal representation;
- (2) representing the accused during criminal investigative proceedings, such as (a) attending police line-ups; (b) monitoring physical examinations, such as finger-nail scraping and blood, urine, and DNA testing; (c) being present at the time an accused person is arrested; and (d) arranging for the setting of bail and posting of bond, which allows their clients to be conditionally released pending trial.;
- (3) researching the facts and laws involved in the criminal case, through pre-trial discovery, interviewing key witnesses, and conducting legal research to prepare for court appearances.
- (4) assisting the accused during critical pre-trial phases, such as pretrial conferences with judges and prosecutors, and suppression motions.
- (5) engaging in plea negotiations with the prosecutor, to obtain a reduced sentence or to have the charges dropped;
- (6) actively defending the accused in court during trial by participating in jury selections, raising defenses that may be available and advantageous for the defendant (such as self-defense, defense of property, etc.); making opening statements, examining witnesses on the witness stand, presenting evidence to judges and juries, and making closing arguments at the conclusion of trials.
- (7) attending post-trial sentencing hearings for clients who negotiate plea bargains, or are found guilty at trial. A public defender also may file an appeal if errors in court proceedings prejudiced his client's rights to a fair trial. Appeal work includes tasks such as ordering trial transcripts and filing appellate briefs and motions. A public defender mav request oral arguments before appellate judges. which she must prepare for and attend if her request is granted.

Deliverables - Potential Harms
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Deliverable	Is deliverable provided because... A) Specifically REQUIRED by law (must or shall); B) Specifically ALLOWED by law (may); or C) Not specifically mentioned in law, but PROVIDED TO ACHIEVE the requirements of the applicable law	Optional - Service or Product component(s) (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Greatest potential harm to the public if deliverable is not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential harm	Other state agencies whose mission the deliverable may fit within
1A	Legal Representation of indigent South Carolina citizens *See Note A for examples of services provided as part of "legal representation."	Require	Legal Services in Capital Murder Cases	The indigent citizens of South Carolina would be denied their Constitutional Rights under the 6th Amendment, the right to counsel; and 14th Amendment to equal protection under the law.	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
1B		Require	Legal Services in criminal cases	The indigent citizens of South Carolina would be denied their Constitutional Rights under the 6th Amendment, the right to counsel; and 14th Amendment to equal protection under the law.	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
1C		Require	Legal Services in murder cases	The indigent citizens of South Carolina would be denied their Constitutional Rights under the 6th Amendment, the right to counsel; and 14th Amendment to equal protection under the law.	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
1D		Require	Legal Services in process of appealing a conviction from a trial court.	The indigent citizens of South Carolina would be denied their right to counsel under Section 17-3-360 of the South Carolina Code of Laws	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
1E		Require	Legal Services in Sexually Violent Predator Act cases.	The indigent citizens of South Carolina would be denied their right to counsel under Section 44-48-90 of the South Carolina Code of Laws	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
1F		Require	Legal representation in child abuse and neglect cases. Provides for appointment of legal counsel for children, parents/legal guardians of children, or other persons subject to any judicial proceeding who cannot afford legal representation.	The indigent citizens of South Carolina would be denied their right to counsel under Section 63-7-1620 of the South Carolina Code of Laws	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
1G		Require	Post Conviction Relief; Legal services, costs and expenses in Post-Conviction Relief actions.	The indigent citizens of South Carolina would be denied their right to counsel under Sections, 17-27-60, 17-27-110 and 17-27-160 of the South Carolina Code of Laws	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
1H		Require	Legal services in Termination-of- Parental-Rights Actions and Adoption Actions.	The indigent citizens of South Carolina would be denied their right to counsel under Section 63-7-2560 and 63-9- 320 of the South Carolina Code of Laws	1. Ensure that only those citizens who are indigent, receive appointed counsel. 2. Ensure that indigency screening and appointment of counsel occurs as early as possible.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.

Deliverables - Potential Harms
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Item #	Deliverable	Is deliverable provided because... A) Specifically REQUIRED by law (must or shall); B) Specifically ALLOWED by law (may); or C) Not specifically mentioned in law, but PROVIDED TO ACHIEVE the requirements of the applicable law	Optional - Service or Product component(s) (If deliverable is too broad to complete the remaining columns, list each product/service associated with the deliverable, and complete the remaining columns)	Greatest potential harm to the public if deliverable is not provided	1-3 recommendations to the General Assembly, other than \$ and providing the deliverable, for how the General Assembly can help avoid the greatest potential harm	Other state agencies whose mission the deliverable may fit within
2	Annual Report on Indigent Defense System	Require		The General Assembly would not be able to make educated Budgetary, Policy or Programmatic decisions on the Commission on Indigent Defense	1. Maintain current system of the Annual Report submission to House of Representatives and the Senate through the Budgetary hearings process.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.
3	Court costs and expenses from indigent South Carolina citizens	Require		The indigent citizens of South Carolina right to counsel and access to resources to provide a proper defense as established in Section 17-3-50 of the South Carolina Code of Laws	1. Require the Judiciary to follow the existing standards established in Section 17-3-50 of the South Carolina Code of Laws.	Currently there are no other state agencies have a mission that the Legal Services deliverable would fit within.
4	Capital case post-conviction relief procedures - provides for appointment of counsel for indigent applicants	Require		The indigent citizens of South Carolina would be denied their right to counsel under Section 17-27-160 of the South Carolina Code of Laws	1. Require the Judiciary to follow the existing standards established in Section 17-27-160 of the South Carolina Code of Laws.	Currently there are no other state agencies have a mission that the Legal Services deliverable would fit within.
5	Training	Require		Indigent Defense clients would not receive effective assistance of counsel	1. Ensure that indigent defense clients continue to receive effective assistance of counsel.	Currently there are no other state agencies with a mission that the Legal Services deliverable would fit within.

Note A: Services provided as part of "legal representation," include, but are not limited to:

- (1) work directly with clients to establish trusting, professional relationships which includes (a) maintaining regular contact through correspondence, phone calls, and in-person meetings; (b) visiting incarcerated clients at correctional facilities on a steady basis to discuss case strategies, fact developments, and trial preparation; (c) ensuring all communications with clients remain private; and (d) upholding ethical duties of loyalty and confidentiality to clients throughout all legal representation;
- (2) representing the accused during criminal investigative proceedings, such as (a) attending police line-ups; (b) monitoring physical examinations, such as finger-nail scraping and blood, urine, and DNA testing; (c) being present at the time an accused person is arrested; and (d) arranging for the setting of bail and posting of bond, which allows their clients to be conditionally released pending trial.;
- (3) researching the facts and laws involved in the criminal case, through pre-trial discovery, interviewing key witnesses, and conducting legal research to prepare for court appearances.
- (4) assisting the accused during critical pre-trial phases, such as pretrial conferences with judges and prosecutors, and suppression motions.
- (5) engaging in plea negotiations with the prosecutor, to obtain a reduced sentence or to have the charges dropped;
- (6) actively defending the accused in court during trial by participating in jury selections, raising defenses that may be available and advantageous for the defendant (such as self-defense, defense of property, etc.); making opening statements, examining witnesses on the witness stand, presenting evidence to judges and juries, and making closing arguments at the conclusion of trials.
- (7) attending post-trial sentencing hearings for clients who negotiate plea bargains, or are found guilty at trial. A public defender also may file an appeal if errors in court proceedings prejudiced his client's rights to a fair trial. Appeal work includes tasks such as ordering trial transcripts and filing appellate briefs and motions. A public defender may request oral arguments before appellate judges, which she must prepare for and attend if her request is granted.

Organizational Units
(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Did the agency make efforts to obtain information from employees leaving the agency (e.g., exit interview, survey, evaluation, etc.) in 2014-15; 2015-16; or 2016-17? (Y/N)	2014-15: No 2015-16: No 2016-17: No
---	---

Organizational Unit	Purpose of Organizational Unit	Year	Turnover Rate in the organizational unit	Did the agency evaluate and track employee satisfaction in the organizational unit? (Y/N)	Did the agency allow for anonymous feedback from employees in the organizational unit? (Y/N)	Did any of the jobs in the organizational unit require a certification (e.g., teaching, medical, accounting, etc.)? (Y/N)	If yes, in the previous column, did the agency pay for, or provide in-house, classes/instruction/etc. needed to maintain all, some, or none of the required certifications?	Additional Notes
Administration	Provides leadership and direction for the agency to include administrative, financial and support services.	2014-15:	0.00%	No	No	Yes	Some*	*For Attorneys employed in this division, SCCID pays for basic SC Bar Dues. SCCID does not pay for Continuing Legal Education courses.
		2015-16:	9.09%	No	No	Yes	Some*	
		2016-17:	18.18%	No	No	Yes	Some*	
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.	2014-15:	18.60%	No	No	Yes	Some*	*For Attorneys employed in this division, SCCID pays for basic SC Bar Dues. SCCID does not pay for Continuing Legal Education courses.
		2015-16:	23.26%	No	No	Yes	Some*	
		2016-17:	27.91%	No	No	Yes	Some*	
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.	2014-15:	0.06%	No	No	Yes	None	
		2015-16:	21.88%	No	No	Yes	None	
		2016-17:	28.13%	No	No	Yes	None	
Death Penalty Trial Division	Provides cost effective representation and resources for capital trials statewide.	2014-15:	20.00%	No	No	Yes	Some*	*For Attorneys employed in this division, SCCID pays for basic SC Bar Dues. SCCID does not pay for Continuing Legal Education courses.
		2015-16:	0.00%	No	No	Yes	Some*	
		2016-17:	20.00%	No	No	Yes	Some*	

(Study Step 1: Agency Legal Directives, Plan and Resources)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

If the agency feels additional explanation of data provided in any of the sections below would assist those reading the document in better understanding the data please add a row under the applicable section, label it "Additional Notes," and enter the additional explanation.

<u>Line #</u>	<u>Fiscal Year 2016-17</u>
1	1000000000
2	1000000000
3	1000000000
4	1000000000
5	1000000000
6	1000000000
7	1000000000
8	1000000000
9	1000000000
10	1000000000
11	1000000000
12	1000000000
13	1000000000
14	1000000000
15	1000000000
16	1000000000
17	1000000000
18	1000000000
19	1000000000
20	1000000000
21	1000000000
22	1000000000
23	1000000000
24	1000000000
25	1000000000
26	1000000000
27	1000000000
28	1000000000
29	1000000000
30	1000000000
31	1000000000
32	1000000000
33	1000000000
34	1000000000
35	1000000000
36	1000000000
37	1000000000
38	1000000000
39	1000000000
40	1000000000
41	1000000000
42	1000000000
43	1000000000
44	1000000000
45	1000000000
46	1000000000
47	1000000000
48	1000000000
49	1000000000
50	1000000000
51	1000000000
52	1000000000
53	1000000000
54	1000000000
55	1000000000
56	1000000000
57	1000000000
58	1000000000
59	1000000000
60	1000000000
61	1000000000
62	1000000000
63	1000000000
64	1000000000
65	1000000000
66	1000000000
67	1000000000
68	1000000000
69	1000000000
70	1000000000
71	1000000000
72	1000000000
73	1000000000
74	1000000000
75	1000000000
76	1000000000
77	1000000000
78	1000000000
79	1000000000
80	1000000000
81	1000000000
82	1000000000
83	1000000000
84	1000000000
85	1000000000
86	1000000000
87	1000000000
88	1000000000
89	1000000000
90	1000000000
91	1000000000
92	1000000000
93	1000000000
94	1000000000
95	1000000000
96	1000000000
97	1000000000
98	1000000000
99	1000000000
100	1000000000

[illegible]

Revenue (generated or received) last year																																		
Total																																		
Total generated or received by June 30, 2016 (end of 2015-16)	\$	32,117,316	\$	21,414,635	\$	100,000	\$	-	\$	78,329	\$	160,427	\$	630,093	\$	31,945	\$	8,205	\$	-	\$	10,000	\$	489	\$	611,751	\$	7,351,747	\$	1,627,519	\$	59,231	\$	32,946

Where revenue (generated or received) appears in SCEIS																
	Total															
SCEIS Fund # (Expendable Level - 8 digit) (full set of financials available for each through SCEIS); same Fund may be in multiple columns if multiple funding sources are deposited into it	N/A	10010000	10010000	36340000	30350000	30350000	30350000	30350000	30350000	30980000	43100000	43100000	43130000	43130000	43130000	50550000
SCEIS Fund Description	N/A	General Funds	General Fund (Supplemental Appropriations)	Special Revenue (Capital Reserve Funds)	Operating Revenue	Operating Revenue	Operating Revenue	Operating Revenue	Operating Revenue	Donations	Defense of Indigents Civil Action	Defense of Indigents Civil Action	Indigent Defense	Indigent Defense	Indigent Defense	Federal Grants

Cash balances at start of the year - (Cash balance for each Source of Fund should be entered only once and appear in the column where the Source of Fund is first listed)

once and appear in the column where the Source of Fund is first listed)																															
Total																															
\$	3,096,158	\$	-	\$	-	\$	137,906	\$	114,736	\$	-	\$	-	\$	196,420	\$	-	\$	2,218	\$	35,275	\$	-	\$	615,178	\$	1,994,425	\$	-	\$	-
Cash balance at the end of 2014-15																															
\$	1,362,939	\$	-	\$	100,000	\$	-	\$	(5,160)	\$	-	\$	-	\$	(20,082)	\$	-	\$	-	\$	10,489	\$	-	\$	441,718	\$	835,973	\$	-	\$	-
Change in cash balance during 2015-16																															
\$	4,459,097	\$	-	\$	100,000	\$	137,906	\$	109,576	\$	-	\$	-	\$	176,338	\$	-	\$	2,218	\$	45,764	\$	-	\$	1,056,897	\$	2,830,398	\$	-	\$	-
Total cash balance as of July 1, 2016 (start of 2016-17)																															

Additional Notes:				<p>The totals above include Family & Circuit Filing Fee and Conviction Surcharge.</p> <p>Filing fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.</p> <p>\$25 surcharge on all fines, forfeitures, escheatments, or other monetary penalties imposed in General Sessions, Magistrates, and Municipal Courts, of which 1% goes to SCCID (See S.C. Code Ann. Section 14-1-204(B)(1)(b)). Fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.</p> <p>\$50 fee on civil action filings of which 14.56% goes to SCCID (See S.C. Code Ann. 14-1-204(B)(1)(b)). Fines are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.</p>	<p>The totals above include Traffic Education Program Fees for both Magistrate and Municipal Courts.</p> <p>Fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.</p> <p>Fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.</p> <p>Budget Proviso 61.10 authorized the agency to accept, expend and carry-forward donations.</p>	<p>The totals above include Civil Action Application Fee and Investment earnings.</p> <p>\$40 application fee for the appointment of counsel in a civil action case. Application fees are collected by the Clerk of Courts Office and submitted to the SCCID on a monthly basis.</p> <p>Interest earned from the collection of Source #10 Civil Action Application Fee. The Treasurer's Office remits the interest payments to SCCID on a monthly basis.</p> <p>Fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.</p>	<p>Includes: (1) Fee for filing complaints or petitions in civil actions described in 8-21-310(1)(a) (See, Section 14-1-204(A)(4)), which is legal aid collection that flows through to SC Legal Services;</p> <p>(2) Court Fine Assessment for those who are convicted of, plead guilty or nolo contendere to, or forfeits bond for a criminal offense in General Sessions, Magistrate, and Municipal Courts (see Sections 14-1-206(C)(4), 14-1-207(C)(6) and 14-1-208(C)(6) and Section 14-1-218(4));</p> <p>(3) Application fee for public defender services in General Sessions, Magistrate, and Municipal Courts (See, Section 17-3-30(B)).</p> <p>Fines are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for</p>	<p>\$500 probation fee collected by the Clerks of Court and remitted to SCCID. Fees are collected by the Clerk of Courts Office and submitted to SCCID on a monthly basis.</p>	<p>Interest earned from the collection of the following: (1) Sources #12 Public Defender Application Fee, (2) #13 Court Fine 2, and (3) Source #14 Conviction Surcharge 2. The Treasurer's Office remits the interest payments to SCCID on a monthly basis.</p>	<p>The grants are with the Richland County Public Defenders Office and only flow-through The Commission on Indigent Defense because the grants require a state agency as the grant recipient.</p>
-------------------	--	--	--	--	--	--	--	--	---	---

RESOURCES AGENCY IS ALLOWED TO USE (2016-17)

General Appropriations Act Programs																	
Total																	
State Funded Program #	N/A	0100.010000.000; 0100.190000X000; 0501.000000.000; 10000.010000.000; 1000.100000X000; 1000.150000X000; 1000.160000X000; 9500.050000.000;	9801.500000X000	9803.110000.000	0100.010000.000; 0501.000000.000	0501.000000.000	1000.100000X000	0105.200000X000	0105.200000X000	0105.200000X000	0105.200000X000	0105.200000X000	0100.050000X000; 0100.070000X000; 1000.100000X000	0100.010000.000; 0100.050000X000; 0100.070000X000; 0100.110000X000; 0100.130000X000; 0501.000000.000; 1000.010000X000; 1504.000000.000; 9500.050000.000	0100.070000X000; 1000.100000X000	0100.050000X000; 0100.070000X000; 1000.100000X000	0100.010000.000
State Funded Program Description in the General Appropriations Act	N/A	I. Administration; I.E. Rule 608 Appointment Fund; II. Division of Appellate Defense; III. Office of Circuit Public Defender; III.A. Defense of Indigents/Per Capita; III.B. DUI Defense of Indigents; III.C. Criminal Domestic Violence; V. Employee Benefits.	I. Administration	I. Administration	I. Administration; II. Division of Appellate Defense	II. Division of Appellate Defense	III.A. Defense of Indigents/Per Capita	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration; I.A. Death Penalty Trial Fund; I.B. Conflict Fund; I.C. Legal Aid Funding; I.E. Court-Fine Assessment; II. Division of Appellate Defense; III.A. Defense of Indigents/Per Capita; IV. Death Penalty Trial Division; V. Employee Benefits	I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration

Amounts Appropriated and Authorized (i.e. allowed to spend)

Note: Appropriations and authorizations are based on cash available and amounts estimated to receive during the year

Receipts during the year														
	Total													
	\$ 237,906	\$ -	\$ 100,000	\$ 137,906	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Amounts appropriated, and amounts authorized, to the agency for 2015-16 that were not spent AND the agency can spend in 2016-17														
2016-17 Appropriations & Authorizations to agency (start of year)	\$ 43,814,177	\$ 29,693,710		\$ -	\$ 352,600	\$ -	\$ 900,000	\$ 220,000	\$ -	\$ -	\$ 32,000	\$ -	\$ 12,417,272	\$ -
2016-17 Appropriations & Authorizations to agency (during the year)	\$ 44,052,083	\$ 29,693,710	\$ 100,000	\$ 137,906	\$ 352,600	\$ -	\$ 900,000	\$ 220,000	\$ -	\$ -	\$ 32,000	\$ -	\$ 12,417,272	\$ -
2016-17 Appropriations & Authorizations to agency (during the year)	\$ 201,778	\$ 201,778		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Total allowed to spend by END of 2016-17	\$ 44,253,861	\$ 29,895,488	\$ 100,000	\$ 137,906	\$ 352,600	\$ -	\$ 900,000	\$ 220,000	\$ -	\$ -	\$ 32,000	\$ -	\$ 12,417,272	\$ 198,595

HOW RESOURCES ARE UTILIZED (2016-17)

How Spending Is Tracked

[illegible]

Summary of Resources Available

Comprehensive Strategic Finances
(Study Step 1: Agency Legal Directives, Plan and Resources)

	Revenue (generated or received) sources	Total	Source #1	Source #2	Source #3	Source #4	Source #5	Source #6	Source #7	Source #8	Source #9	Source #10	Source #11	Source #12	Source #13	Source #14	Source #15	Source #16
1A	Revenue (generated or received) Source (do not combine recurring with one-time and please list the sources deposited in the same SCEIS Fund in consecutive columns)	N/A	General Fund Appropriations	General Fund Appropriations	Capital Reserve Fund	Family & Circuit Court Filing Fee	Conviction Surcharge 1	Court Fine 1	Traffic Education Program Fee (Magistrate Court)	Traffic Education Program Fee (Municipal Court)	Donations	Civil Action Application Fee	Investment Earnings 1	Public Defender Application Fee	Court Fines 2	Conviction Surcharge 2	Investment Earnings 2	Federal Grant
17A	Source of Funds		General Fund Appropriations	General Fund Appropriations	Capital Reserve Fund	Family & Circuit Court Filing Fee	Conviction Surcharge 1	Court Fine 1	Traffic Education Program Fee (Magistrate Court)	Traffic Education Program Fee (Municipal Court)	Donations	Civil Action Application Fee	Investment Earnings 1	Public Defender Application Fee	Court Fines 2	Conviction Surcharge 2	Investment Earnings 2	Federal Grant
18A	If source of funds is multi-year grant, # of years, including this year, remaining																	1
19A	External restrictions, (from state/federal govt, grant issuer, etc.), if any, on use of funds		I.E Rule 608 Appointment Funds can only be used for the purpose for which is appropriated and any unexpended funds can be carried-forward into the new fiscal year and spent only on 608 appointment expenditures. III.A Defense of Indigents/Per Capita; III.B DUI Defense of Indigents; III.C. Criminal Domestic Violence are all distributed to the Circuit Public Defender Office on a per/capita method, based upon the 2010 Census.	Supplemental Funds from the FY2015-16 Appropriations Act can be used for Information Technology and Security Infrastructure for the agency.	CRF funds from FY2011-12 Appropriations Act can be used for Information Technology expenditures for the agency.			III.A Defense of Indigents/Per Capita is distributed to the Circuit Public Defender Offices on a Per/Capita method, based upon the 2010 Census.							I.A. Death Penalty Trial Fund; I.B. Conflict Funds; III.A Defense of Indigents/Per Capita; IV. Death Penalty Trail Division are all restricted Funds based upon the requirements of Proviso 61.1. I.C Legal Aid Funding is restricted to the flow-through bi-annual payments made to the SC Legal Services (Non-Profit Entity).			Federal Funds will only reimburse expenditures that have been approved in the Grant's Budget prior to approval of the Grant Award. Copy of the approved Grant Budget available upon request.
20A	State Funded Program Description in the General Appropriations Act		I. Administration; I.E. Rule 608 Appointment Fund; II. Division of Appellate Defense; III. Office of Circuit Public Defender; III.A. Defense of Indigents/Per Capita; III.B. DUI Defense of Indigents; III.C. Criminal Domestic Violence; V. Employee Benefits.	I. Administration	I. Administration	I. Administration; II. Division of Appellate Defense	II. Division of Appellate Defense	III.A. Defense of Indigents/Per Capita	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration; I.A. Death Penalty Trial Fund; I.B. Conflict Fund; I.C. Legal Aid Funding; I.E Court Fine Assessment; II. Division of Appellate Defense; III.A. Defense of Indigents/Per Capita; IV. Death Penalty Trial Division; V. Employee Benefits	I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration
21A	Total Appropriated and Authorized (i.e. allowed to spend) by the end of 2016-17	\$ 44,253,861	\$ 29,895,488	\$ 100,000	\$ 137,906	\$ 352,600	\$ -	\$ 900,000	\$ 220,000	\$ -	\$ -	\$ 32,000	\$ -	\$ 12,417,272	\$ -	\$ -	\$ -	\$ 198,595
	Toward Agency's 2016-17 Comprehensive Strategic Plan. (By Strategy at a minimum, and if possible, by Objective)																	
	Goal 1 - Ensure the Effective Legal Representation of South Carolina Citizens eligible for Indigent Criminal Services																	
	Strategy 1.1 - Enhance the Circuit Public Defender System	\$ 34,524,212	\$ 27,525,411		\$ 18,272			\$ 637,303	\$ 2,248					\$ 6,210,532				\$ 130,446
	Strategy 1.2 - Maintain the Appellate Defense System	\$ 2,081,018	\$ 1,226,375		\$ 18,272	\$ 259,684								\$ 576,688				
	Strategy 1.3 - Ensure Quality Representation in Capital Death Cases	\$ 848,615	\$ 169,264		\$ 18,272									\$ 661,079				
	Goal 2 - Enhance Training and Professional Development of South Carolina Public Defenders and Staff																	
	Strategy 2.1 - Provide mandatory training program for all new Public Defenders and contract attorneys	\$ 104,414	\$ 51,016		\$ 18,272									\$ 35,126				
	Strategy 2.2 - Enhance Mentorine Programs in Circuit Public Defender Offices	\$ 2,685	\$ 2,685															
22A	Total spent toward Strategic Plan	\$ 37,560,944	\$ 28,974,752	\$ -	\$ 73,087	\$ 259,684	\$ -	\$ 637,303	\$ 2,248	\$ -	\$ -	\$ -	\$ -	\$ 7,483,424	\$ -	\$ -	\$ -	\$ 130,446
22A-2	Prior to receiving these report guidelines, did the agency have a comprehensive strategic plan? YES.																	
23A	Spent/Transferred not toward Agency's Comorehensive Strategic Plan																	
24A	Unrelated Purpose #1 - Legal aid flow through to SC Legal Services(nonprofit entity)	\$ 1,317,793	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,317,793		\$ -	\$ -	\$ -
	Total not toward Strategic Plan in 2016-17	\$ 1,317,793	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,317,793	\$ -	\$ -	\$ -	\$ -

END OF YEAR AMOUNT REMAINING (2016-17)																		
Appropriations and Authorizations remaining at end of year																		
25A	Source of Funds	Total	General Fund Appropriations	General Fund Appropriations	Capital Reserve Fund	Family & Circuit Court Filing Fee	Conviction Surcharge 1	Court Fine 1	Traffic Education Program Fee (Magistrate Court)	Traffic Education Program Fee (Municipal Court)	Donations	Civil Action Application Fee	Investment Earnings 1	Public Defender Application Fee	Court Fines 2	Conviction Surcharge 2	Investment Earnings 2	Federal Grant
26A	Recurring or one-time?	N/A	Recurring	One-Time	One-Time	Recurring	Recurring	Recurring	Recurring	Recurring	Recurring	Recurring	One-Time	Recurring	Recurring	Recurring	One-Time	Recurring
27A	State, federal, or Other?	N/A	State	State	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Federal
28A	State Funded Program Description in the General Appropriations Act	N/A	I. Administration; I.E. Rule 608 Appointment Fund; II. Division of Appellate Defense; III. Office of Circuit Public Defender; III.A. Defense of Indigents/Per Capita; III.B. DUI Defense of Indigents; III.C. Criminal Domestic Violence; V. Employee Benefits.	I. Administration	I. Administration	I. Administration; II. Division of Appellate Defense	II. Division of Appellate Defense	III.A. Defense of Indigents/Per Capita	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration; I.A. Death Penalty Trial Fund; I.B. Conflict Fund; I.C. Legal Aid Funding; I.E Court Fine Assessment; II. Division of Appellate Defense; III.A. Defense of Indigents/Per Capita; IV. Death Penalty Trial Division; V. Employee Benefits	I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration
29A	Total allowed to spend by END of 2016-17	\$ 44,253,861	\$ 29,895,488	\$ 100,000	\$ 137,906	\$ 352,600	\$ -	\$ 900,000	\$ 220,000	\$ -	\$ -	\$ 32,000	\$ -	\$ 12,417,272	\$ -	\$ -	\$ -	\$ 198,595
30A	(minus) Spent to Achieve Agency's Comprehensive Strategic Plan	\$ 37,560,944	\$ 28,974,752	\$ -	\$ 73,087	\$ 259,684	\$ -	\$ 637,303	\$ 2,248	\$ -	\$ -	\$ -	\$ -	\$ 7,483,424	\$ -	\$ -	\$ -	\$ 130,446
31A	(minus) Spending/Transferring agency does not control	\$ 1,317,793	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,317,793	\$ -	\$ -	\$ -	\$ -
32A	Appropriations and authorizations remaining from 2016-17	\$ 5,375,124	\$ 920,736	\$ 100,000	\$ 64,819	\$ 92,916	\$ -	\$ 262,697	\$ 217,752	\$ -	\$ -	\$ 32,000	\$ -	\$ 3,616,055	\$ -	\$ -	\$ -	\$ 68,149

Line # Fiscal Year 2017-18

START OF YEAR FINANCIAL RESOURCES AVAILABLE (2017-18)																		
Revenue (generated or received) sources																		
1B	Revenue (generated or received) Source (do not combine recurring with one-time and please list the sources deposited in the same SCEIS Fund in consecutive columns)	Total	Source #1	Source #2	Source #3	Source #4	Source #5	Source #6	Source #7	Source #8	Source #9	Source #10	Source #11	Source #12	Source #13	Source #14	Source #15	Source #16
		N/A	General Fund Appropriations	General Fund Appropriations	Capital Reserve Fund	Family & Circuit Court Filing Fee	Conviction Surcharge 1	Court Fine 1	Traffic Education Program Fee (Magistrate Court)	Traffic Education Program Fee (Municipal Court)	Donations	Civil Action Application Fee	Investment Earnings 1	Public Defender Application Fee	Court Fines 2	Conviction Surcharge 2	Investment Earnings 2	Federal Grant
2B	Recurring or one-time?	N/A	Recurring	One-Time	One-Time	Recurring	Recurring	Recurring	Recurring	Recurring	Recurring	Recurring	One-Time	Recurring	Recurring	Recurring	One-Time	Recurring
3B	State, federal, or Other?	N/A	State	State	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Other	Federal
3B-2	Organizational Unit (or all agency) that generated or received the money	N/A	Administration, Division of Appellate Defense, Office of Circuit Public Defenders	Administration	Administration	Division of Appellate Defense	Division of Appellate Defense	Office of Circuit Public Defenders	Administration	Administration	Administration	Administration	Administration	Administration and Office of Circuit Public Defenders	Agency wide	Administration and Office of Circuit Public Defenders	0	Administration
3B-3	Indicate whether revenue is generated (by agency through sale of deliverables or application for grants) or received (from state or set federal matchline formula)?	N/A	Received from state or set federal match	Received from state or set federal match	Received from state or set federal match	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Generated by agency	Received from state or set federal match
4B	Does this money remain with the agency or go to the General Fund?	N/A	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency	Remain with agency
5B	Revenue (generated or received) last year	Total																
	Total generated or received by June 30, 2017 (end of 2016-17)	\$ 40,216,174	\$ 29,895,488	\$ -	\$ -	\$ 79,225	\$ 153,634	\$ 637,303	\$ 31,887	\$ 7,528	\$ -	\$ 11,530	\$ 676	\$ 620,300	\$ 7,175,473	\$ 1,375,560	\$ 99,119	\$ 128,449
6B	Where revenue (generated or received) appears in SCEIS	Total																
	SCEIS Fund # (Expendable Level - 8 digit) (Full set of financials available for each through SCEIS); same Fund may be in multiple columns if multiple funding sources are deposited into it	N/A	10010000	10010000	36340000	30350000	30350000	30350000	30350000	30350000	30980000	43100000	43100000	43130000	43130000	43130000	43130000	50550000
7B	SCEIS Fund Description	N/A	General Funds	General Fund (Supplemental Appropriations)	Special Revenue (Capital Reserve Funds)	Operating Revenue	Operating Revenue	Operating Revenue	Operating Revenue	Operating Revenue	Donations	Defense of Indigents Civil Action	Defense of Indigents Civil Action	Indigent Defense	Indigent Defense	Indigent Defense	Indigent Defense	Federal Grants

Comprehensive Strategic Finances
(Study Step 1: Agency Legal Directives, Plan and Resources)

Revenue (generated or received) sources	Total	Source #1	Source #2	Source #3	Source #4	Source #5	Source #6	Source #7	Source #8	Source #9	Source #10	Source #11	Source #12	Source #13	Source #14	Source #15	Source #16
Revenue (generated or received) Source (do not combine recurring with one-time and please list the sources deposited in the same SCEIS Fund in consecutive columns)	N/A	General Fund Appropriations	General Fund Appropriations	Capital Reserve Fund	Family & Circuit Court Filing Fee	Conviction Surcharge 1	Court Fine 1	Traffic Education Program Fee (Magistrate Court)	Traffic Education Program Fee (Municipal Court)	Donations	Civil Action Application Fee	Investment Earnings 1	Public Defender Application Fee	Court Fines 2	Conviction Surcharge 2	Investment Earnings 2	Federal Grant
Cash balances at start of the year - (Cash balance for each Source of Fund should be entered only once and appear in the column where the Source of Fund is first listed)																	
	Total																
Cash balance at the end of 2015-16	\$ 4,459,927	\$	\$ 100,000	\$ 137,906	\$ 109,576	\$ -	\$ -	\$ 176,338	\$ -	\$ 2,218	\$ 45,764	\$ -	\$ 1,056,897	\$ 2,830,398	\$ -	\$ -	\$ -
Change in cash balance during 2016-17	\$ 418,688	\$	\$ -	\$ (73,087)	\$ (26,825)	\$ -	\$ -	\$ 39,385	\$ -	\$ (2,218)	\$ 12,206	\$ -	\$ 209,207	\$ 259,529	\$ -	\$ -	\$ -
	Total cash balance as of July 1, 2017 (start of 2017-18)	\$ 5,798,531	\$ 920,736	\$ 100,000	\$ 64,819	\$ 82,751	\$ -	\$ 215,723	\$ -	\$ -	\$ 57,970	\$ -	\$ 1,266,604	\$ 3,089,927	\$ -	\$ -	\$ -
Additional Notes:																	
		Balance of \$920,736 remaining, was Special Carry Forward Funds from The Rule 608 Appointment line within SCCID Budget.	Information Technology and Security Infrastructure is Proviso 118.14 of the FY2015-16 Appropriations Act.	Technology for Docket Management, Electronic Filing and Case Management was CRF for FY2011-12.	Filing fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.	\$25 surcharge on all fines, forfeitures, escheatments, or other monetary penalties imposed in General Sessions, Magistrates, and Municipal Courts, of which 1% goes to SCCID (See S.C. Code Ann. Section 14-1-212(B)(1)(h)). Fees collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.	\$50 fee on civil action filings of which 14.56% goes to SCCID (See S.C. Code Ann. 14-1-204(B)(1)(b)). Fines are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.	Fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.	Fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.	Budget Proviso 6.1.10 authorized the agency to accept, expend and carry-forward donations.	Application fees are collected by the Clerk of Courts Office and submitted to the SCCID on a monthly basis.	Interest earned from the collection of Source #10 Civil Action Application Fee. The Treasurer's Office remits the interest payments to SCCID on a monthly basis.	Fees are collected by the Clerk of Courts Office and submitted to the State Treasurer's Office on a monthly bases for disbursement to our agency.	Includes: (1) Fee for filing complaints or petitions in civil actions described in 8-21-310(11)(a) (See, Section 14-1-204(A)(4)), which is legal aid collection that flows through to SC Legal Services; (2) Court Fine Assessment for those who are convicted of, plead guilty or nolo contendere to, or forfeits bond for a criminal offense. Source #10 Civil Action Application Fee.	\$500 probation fee collected by the Clerks of Court and remitted to SCCID. Fees are collected by the Clerk of Courts Office and submitted to SCCID on a monthly basis.	Interest earned from the collection of the following: (1) Sources #12 Public Defender Application Fee, (2) #13 Court Fine 2, and (3) Source #14 Conviction Surcharge 2. The	The Grants are with the Richland County Public Defenders Office and only flow-through The Commission on Indigent Defense because the grants require a state agency as the grant

RESOURCES AGENCY IS ALLOWED TO USE (2017-18)

General Appropriations Act Programs																					
State Funded Program #			N/A	0100.010000.000; 0100.190000X000; 0501.000000.000; 10000.010000.000; 1000.100000X000; 1000.150000X000; 1000.160000X000;	9801.500000X000	9803.110000.000	0100.010000.000; 0501.000000.000	0501.000000.000	1000.100000X000	0105.200000X000	0105.200000X000	0105.200000X000	0105.200000X000	0105.200000X000	0100.050000X000; 0100.070000X000; 1000.100000X000	0100.010000.000; 0100.050000X000; 0100.070000X000; 0100.130000X000; 0501.000000.000; 1000.010000X000; 1504.000000.000; 9500.050000.000	0100.070000X000; 1000.100000X000	0100.050000X000; 0100.070000X000; 1000.100000X000	0100.010000.000		
State Funded Program Description in the General Appropriations Act			N/A	I. Administration; I.E. Rule 608 Appointment Fund; II. Division of Appellate Defense; III. Office of Circuit Public Defender; III. A. Defense of Indigents/Per Capita; III.B. DUI Defense of Indigents; III.C. Criminal Domestic Violence; V. Employee Benefits	I. Administration	I. Administration	I. Administration; II. Division of Appellate Defense	II. Division of Appellate Defense	III.A. Defense of Indigents/Per Capita	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration; I.A. Death Penalty Trial Fund; I.B. Conflict Fund; I.C. Legal Aid Funding; I.E. Court Fine Assessment; II. Division of Appellate Defense; III.A. Defense of Indigents/Per Capita; IV. Death Penalty Trial Division; V. Employee Benefits	I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration		
Amounts Appropriated and Authorized (I.e. allowed to spend)																					
Note: Appropriations and authorizations are based on cash available and amounts estimated to receive during the year.																					
Amounts appropriated, and amounts authorized, to the agency for 2016-17 that were not spent AND the agency can spend in 2017-18		\$	1,085,555	\$	920,736	\$	100,000	\$	64,819	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
2017-18 Appropriations & Authorizations to agency (start of year)		\$	43,947,189	\$	29,895,488	\$	-	\$	352,600	\$	-	\$	900,000	\$	220,000	\$	-	\$	32,000	\$	-
Total allowed to spend at START of 2017-18		\$	45,032,744	\$	30,816,224	\$	100,000	\$	64,819	\$	-	\$	900,000	\$	220,000	\$	-	\$	32,000	\$	-
2017-18 Appropriations & Authorizations to agency (during the year) (BUDGETED)		\$	28,993	\$	28,993	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-
Total allowed to spend by END of 2017-18		\$	45,061,737	\$	30,845,217	\$	100,000	\$	64,819	\$	-	\$	900,000	\$	220,000	\$	-	\$	32,000	\$	-
Additional Notes:			The \$28,993 was the total of the S.C. Retirement System and Police Officers Retirement System 1% Rate Increase and Health and Dental Insurance Allocation received by the agency.		Information Technology and Security Infrastructure is Proviso 118.14 of the FY2015-16 Appropriations Act.		Technology for Docket Management, Electronic Filing and Case Management was CRF for FY2011-12.	The totals above include Family & Circuit Filing Fee and Conviction Surcharge.			The totals above include Traffic Education Program Fees for both Magistrate and Municipal Courts.			The totals above include Civil Action Application Fee and Investment earnings.			The amount above include the Authorization totals for Public Defender Application Fee, Court Fine, Conviction Surcharge and Investment Earnings				

HOW RESOURCES ARE UTILIZED (2017-18)

How Spending is Tracked																		
16B	Database(s) through which expenditures are tracked		SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS	SCEIS
Summary of Resources Available																		
17B	Source of Funds	Total	General Fund Appropriations	General Fund Appropriations	Capital Reserve Fund	Family & Circuit Court Filing Fee	Conviction Surcharge 1	Court Fine 1	Traffic Education Program Fee (Magistrate Court)	Traffic Education Program Fee (Municipal Court)	Donations	Civil Action Application Fee	Investment Earnings 1	Public Defender Application Fee	Court Fines 2	Conviction Surcharge 2	Investment Earnings 2	Federal Grant
18B	If source of funds is multi-year grant, # of years, including this yr., remaining					0	0		0	0	0	0	0	0		0	0	0
19B	External restrictions (from state/federal/govt, grant issuer, etc.), if any, on use of funds		I.E. Rule 608 Appointment Funds can only be used for the purpose for which is appropriated and any unexpended funds can be carried-forward into the new fiscal year and spent only on 608 appointment expenditures. III.A. Defense of Indigents/Per Capita; III.B. DUI Defense of Indigents; III.C. Criminal Domestic Violence are all distributed to the Circuit Public Defender Office on a per/capita method, based upon the 2010 Census.	Supplemental Funds from the FY2015-16 Appropriations Act can be used for Information Technology and Security Infrastructure for the agency.	CRF funds from FY2011-12 Appropriations Act can be used for Information Technology expenditures for the agency.			III.A. Defense of Indigents/Per Capita is distributed to the Circuit Public Defender Offices on a Per/Capita method, based upon the 2010 Census.							I.A. Death Penalty Trial Fund; I.B. Conflict Funds; III.A. Defense of Indigents/Per Capita; IV. Death Penalty Trial Division are all restricted Funds based upon the requirements of Proviso 6.1.1. I.C. Legal Aid Funding is restricted to the flow-through, bi-annual payments made to the SC Legal Services (Non-Profit Entity).			Federal Funds will only reimburse expenditures that have been approved in the Grant's Budget prior to approval of the Grant Award. Copy of the approved Grant Budget available upon request.
20B	State Funded Program Description in the General Appropriations Act		I. Administration; I.E. Rule 608 Appointment Fund; II. Division of Appellate Defense; III. Office of Circuit Public Defender; III. A. Defense of Indigents/Per Capita; III.B. DUI Defense of Indigents; III.C. Criminal Domestic Violence; V. Employee Benefits	I. Administration	I. Administration	I. Administration; II. Division of Appellate Defense	II. Division of Appellate Defense	III.A. Defense of Indigents/Per Capita	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.F. Professional Training & Development	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration; I.A. Death Penalty Trial Fund; I.B. Conflict Fund; I.C. Legal Aid Funding; I.E. Court Fine Assessment; II. Division of Appellate Defense; III.A. Defense of Indigents/Per Capita; IV. Death Penalty Trial Division; V. Employee Benefits	I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I.A. Death Penalty Trial Fund; I.B. Conflict Fund; III.A. Defense of Indigents/Per Capita	I. Administration
21B	Total Appropriated and Authorized (I.e. allowed to spend) by the end of 2017-18	\$ 45,061,737	\$ 30,845,217	\$ 100,000	\$ 64,819	\$ 352,600	\$ -	\$ 900,000	\$ 220,000	\$ -	\$ -	\$ 32,000	\$ -	\$ 12,417,272	\$ -	\$ -	\$ -	\$ 129,829
Toward Agency's 2017-18 Comprehensive Strategic Plan																		
(By Strategy at a minimum, and if possible, by Objective)																		
Goal 1 - Ensure the Effective Legal Representation of South Carolina Citizens eligible for Indigent Defense Services																		
Strategy 1.1 - Enhance the Circuit Public Defender System			\$ 39,551,247	\$ 29,386,767	\$ 25,000	\$ 16,205				\$ 900,000				\$ 9,093,446			\$	129,829
Strategy 1.2 - Maintain the Appellate Defense System			\$ 2,497,936	\$ 1,236,481	\$ 25,000	\$ 16,205	\$ 352,600							\$ 867,650				
Strategy 1.3 - Ensure Quality Representation in Capital Death Cases			\$ 931,235	\$ 168,268	\$ 25,000	\$ 16,205								\$ 721,762				

Comprehensive Strategic Finances

[illegible]

Performance Measures
(Study Step 2: Performance)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Types of Performance Measures:

Outcome Measure - A quantifiable indicator of the public and customer benefits from an agency's actions. Outcome measures are used to assess an agency's effectiveness in serving its key customers and in achieving its mission, goals and objectives. They are also used to direct resources to strategies with the greatest effect on the most valued outcomes. Outcome measures should be the first priority. Example - % of licensees with no violations.

Efficiency Measure - A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units. Efficiency measures are used to assess the cost-efficiency, productivity, and timeliness of agency operations. Efficiency measures measure the efficient use of available resources and should be the second priority. Example - cost per inspection

Output Measure - A quantifiable indicator of the number of goods or services an agency produces. Output measures are used to assess workload and the agency's efforts to address demands. Output measures measure workload and efforts and should be the third priority. Example - # of business license applications processed.

Input/Activity Measure - Resources that contribute to the production and delivery of a service. Inputs are "what we use to do the work." They measure the factors or requests received that explain performance (i.e. explanatory). These measures should be the last priority. Example - # of license applications received

Performance Measure	Type of Measure:	Agency selected; Required by State; or Required by Federal:	Time Applicable	Target and Actual row labels	Target and Actual Results (Time Period #1)	Target and Actual Results (Time Period #2)	Target and Actual Results (Time Period #3)	Target and Actual Results (Time Period #4)	Target and Actual Results (Time Period #5 - most recent completed)	Target Results Time Period #6 (current time period)	Currently using, considering using in future, no longer using
Increase the number of Full-Time Public Defenders (PD) in all 16 Judicial Circuits	Output Measure	Agency Selected	July - June	Target:	DNE	DNE	DNE	291.50	291.50	291.50	Currently using
				Actual:	DNE	DNE	DNE	236.50	272.50	272.50	
Decrease the number of cases (Warrants) handled by each individual Public Defender	Efficiency Measure	Agency Selected	July - June	Target:	DNE	DNE	DNE	376	376	376	Currently using
				Actual:	DNE	DNE	DNE	464	426	373	
Increase attendance in the Public Defender Training Sessions; PD 101, PD 102 and PD 103	Output Measure	Agency Selected	July - June	Target:	DNE	DNE	DNE	165	165	165	Currently using
				Actual:	DNE	DNE	DNE	79	182	61	
Increase the number of Continuing Education Hours provided to PD's (Continuing Legal Education)	Output Measure	Agency Selected	July - June	Target:	DNE	DNE	DNE	60	60	60	Currently using
				Actual:	DNE	DNE	DNE	48.50	59	48	
Increase number of Judicial Circuits the have mentoring programs for new PD's in the Family and Summary Courts	Output Measure	Agency Selected	July - June	Target:	DNE	DNE	DNE	16	16	16	Currently using
				Actual:	DNE	DNE	DNE	2	7	7	

Comprehensive Strategic Plan Summary
(Study Step 1: Agency Legal Directives, Plan and Resources; and Study Step 2: Performance)

Agency Responding	Commission on Indigent Defense
Date of Submission	March 16, 2018

Mission: The Commission on Indigent Defense, through the Office of Indigent Defense and its divisions, and in cooperation and consultation with other state agencies, professional associations and other groups interested in the administration of criminal justice and the improvement and expansion of defender services, establishes and monitors programs and services for legal representation to indigent defendants charged with criminal offenses in the courts of the state. The agency also manages the Rule 608 Contract program, contracting with attorneys across the state to provide representation in criminal and specific family court cases.

Legal Basis: The Commission and the Office of Indigent Defense were established by Act 164 of 1993, effective July 1, 1993. The Office operates pursuant to §17-3-310, et seq. of the South Carolina Code of Laws, 1976, as amended. Effective July 1, 2005, the Office of Appellate Defense became a division within the agency.

2016-17	
Total # of FTEs available / Total # filled at start of year	Total amount Appropriated and Authorized to Spend
Available FTEs: 69.50 Filled FTEs: 69.50 Temp/Grant: 2.00	\$ 44,253,861

Amount of remaining
\$ 5,375,124

2017-18	
Total # of FTEs available / Total # filled at start of year	Total amount Appropriated and Authorized to Spend
Available FTEs: 70.50 Filled FTEs: 68.50 Temp/Grant: 1.00	\$ 45,061,737

Amount remaining
\$ 0

Vision: To ensure that individuals, determined to be indigent, are provided the highest quality legal defense representation.

Legal Basis: The Commission and the Office of Indigent Defense were established by Act 164 of 1993, effective July 1, 1993. The Office operates pursuant to §17-3-310, et seq. of the South Carolina Code of Laws, 1976, as amended. Effective July 1, 2005, the Office of Appellate Defense became a division within the agency.

2017-18 Comprehensive Strategic Plan Part and Description	Intended Public Benefit/Outcome: (Ex. Outcome = incidents decrease and public perceives that the road is safer)	2016-17				2017-18				Associated Performance Measures	Associated Organizational Unit(s)	Responsible Employee Name & Time staff member has been responsible	Does this person have input into the budget for this aspect?	Partner(s), by segment, the agency works with to achieve the objective	
		# of FTE equivalents utilized	Amount Spent (including employee salaries/wages and benefits)	% of Total Available to Spend	Associated General Appropriations Act Program(s)	# of FTE equivalents planned to utilize	Amount budgeted	% of Total Available to Budget	Associated General Appropriations Act Program(s)						
Goal 1 - Ensure the Effective Legal Representation of South Carolina Citizens eligible for Indigent Defense Services															
Strategy 1.1 - Enhance the Circuit Public Defender System	An increase in the number of Public Defenders creates a more manageable case load and allows for more effective legal representation of the indigent citizens of SC.	37.40	\$ 34,524,212	78.01%	See, Note A at the bottom of the chart	37.40	\$ 39,551,247	87.77%	See, Note A at the bottom of the chart	Increase the number of Full-Time Public Defenders (PD) in all 16 Judicial Circuits; Decrease the number of cases handled by each individual Public Defender	Administration, Office of Circuit Public Defenders	Hugh Ryan (Less than 3 years)	Yes	State Government; Local Government	
Objective 1.1.1 - Provide effective administration for the Circuit Public Defender offices and for the appointment of counsel for all qualified indigent defendants in SC trial courts & Family Court															
Objective 1.1.2 - Increase the number of Public Defenders in each Circuit to Reduce the number of cases handled by each Public Defender to ensure efficient Representation of indigent defendants in all SC trial courts															
Objective 1.1.3 - Increase the number of Investigators in each Circuit															
Objective 1.1.4 - Monitor the Rule 608 Contract System to provide effective representation for parents and other parties in family court matters and to control fees and expenses															
Objective 1.1.5 - Begin Analysis of Interface of the Circuit Public Defender Offices into the Judicial Department's Case Management System (CMS)															
Strategy 1.2 - Maintain the Appellate Defense System	A fully staffed division of 12 attorneys allow the agency to address appeals of convictions from trial courts and ensures that indigent citizens of SC are receiving effective legal representation in their appeals.	24.25	\$ 2,081,018	4.70%	I. Administration; II. Division of Appellate Defense; V. Employee Benefits	25.25	\$ 2,497,936	5.54%	I. Administration; II. Division of Appellate Defense; V. Employee Benefits	SCCID's defender data system maintains a calendar application to ensure appeal submissions and documentation are done in a timely manner. Monitoring of appeals filings ensure indigent clients are receiving professional and effective legal representation.	Administration; Division of Appellate Defense	Bob Dudek (More than 3 years)	Yes	Federal Government; State Government; Individual	
Objective 1.2.1 - Provide effective administration for the Appellate Defense System for all indigent defendants in the SC trial courts															
Objective 1.2.2 - Ensure judicious submission of Direct Appeal or Post Conviction Relief Briefs within the time limits established by the SC Supreme Court															
Strategy 1.3 - Ensure Quality Representation in Capital Death Cases	All Death Penalty Trial Division attorneys are SC Supreme Court Certified to provide effective representation to any indigent citizen of SC in a Capital Death Penalty case.	7.25	\$ 848,615	1.92%	I. Administration; IV. Death Penalty Trial Division; V. Employee Benefits	7.25	\$ 931,235	2.07%	I. Administration; IV. Death Penalty Trial Division; V. Employee Benefits	Continued training of the Death Penalty Trial attorney's ensure that the indigent clients will receive professional and effective legal representation.	Administration; Death Penalty Trial Division	Boyd Young (Less than 3 years)	Yes	Federal Government; State Government; Individual	
Objective 1.3.1 - Provide effective administration for the Capital Defense System for all indigent defendants in the SC trial courts															
Objective 1.3.2 - Require all Capital Trial Division Attorneys be certified South Carolina Supreme Court Death Penalty Qualified															
Goal 2 - Enhance Training and Professional Development of South Carolina Public Defenders and Staff															
Strategy 2.1 - Provide mandatory training program for all new Public Defenders and contract attorneys	Mandatory PD101, PD102 and PD103 training of all Public Defenders with less than three years Public Defender experience, ensure that new Public Defender will be able to provide effective legal representation to any indigent citizen of SC.	0.55	\$ 104,414	0.24%	I. Administration; I.F. Professional Training & Development; V. Employee Benefits	0.55	\$ 378,635	0.84%	I. Administration; I.F. Professional Training & Development; V. Employee Benefits	Increase attendance in the Public Defender Training Sessions; PD 101, PD 102 and PD 103; Increase the number of Continuing Education Hours provided to PD's (CLE)	Administration; Office of Circuit Public Defenders	Lawrence Brown (Less than 3 years)	Yes	Local Government; Individuals	
Objective 2.1.1 - Increase accessibility to PD101, PD 102 and PD 103 Training Classes															
Objective 2.1.2 - Conduct Topic Specific Training to all Public Defenders and Contract Attorneys															
Objective 2.1.3 - Implement online training for all Public Defenders in the Indigent Defense System															
Strategy 2.2 - Enhance Mentoring Programs in Circuit Public Defender Offices	Mentoring Programs in Public Defender Offices allow newer Public Defenders to gain knowledge and experience from more seasoned attorney's which allows for the development of the new attorney's and helps ensure effective legal representation to the indigent citizens of SC.	0.05	\$ 2,685	0.01%	I. Administration; I.F. Professional Training & Development; V. Employee Benefits	0.05	\$ 2,685	0.01%	I. Administration; I.F. Professional Training & Development; V. Employee Benefits	Increase number of Judicial Circuits that have mentoring programs for new PD's in the Family and Summary Courts	Administration; Office of Circuit Public Defenders	Lawrence Brown (Less than 3 years)	Yes	Local Government	
Objective 2.2.1 - Expand Mentoring programs to all 16 Public Defender Circuits															
Objective 2.2.2 - Provide Mentoring opportunities to newly hired PD in Family and Summary Courts															
Spent/Transferred NOT toward Agency's Comprehensive Strategic Plan															
Unrelated Purpose #1 - Legal aid flow through to SC Legal Services (nonprofit entity)			\$ 1,317,739	2.98%		\$ 1,700,000	3.77%								

NOTE A -- I. Administration; I.B. Conflict Fund; I.D. Court Fine Assessment; I.E. Rule 608 Appointment Fund; III. Office of Circuit Public Defender; III. A. Defense of Indigents/Per Capita; III.B. DUI Defense of Indigents; III.C. Criminal Domestic Violence; V. Employee Benefits

**AGREEMENT FOR
ATTORNEY SERVICES
(Criminal Conflicts)**

This Agreement entered into this _____ day of _____ by and between the South Carolina Commission on Indigent Defense (SCCID) and _____ (Attorney).

In consideration of the mutual covenants and promises contained herein, SCCID and Attorney agree as follows:

I. TERM

a. Subject to the provisions for termination set forth below and in Section XI this agreement will begin on the date this Agreement is signed by both parties and expires on _____. SCCID reserves the right and authority in its sole discretion to terminate this Agreement for any reason and at any time upon thirty (30) days notice to Attorney. Upon thirty (30) days notice this Agreement shall be null and void and have no further effect whatsoever. However any egregious conduct shall be grounds for immediate termination of this Agreement. (See Termination Clause, Section XI)

II. SERVICES

a. SCCID contracts with Attorney for the representation of indigent clients in the category or categories of cases and in the counties as set forth in Attachment A of this Agreement (See Attachment A). If Attorney is excused by a Court from an appointment for good cause shown Attorney does not relinquish the right to continue to receive appointments as provided by Attachment A.

b. In performing the legal services described in this Agreement, Attorney at all times shall comply with the requirements of the Rules of Professional Conduct, the South Carolina Rules of Court (to include the Appellate Court Rules, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Evidence, Family Court Rules, Rules of Probate Court, Alternative Dispute Resolution Rules, Rules for the Administrative Law Court Rules), orders or directives of the Courts of this State, applicable South Carolina statutes and all of the uniform policies, guidelines and standards promulgated by SCCID, all of which are hereby expressly incorporated in, merged and made a part of this contract in each and every particular.

c. Attorney shall render to, and on behalf of the indigent clients he or she represents all professional legal services reasonably required from the time of appointment to and including a final adjudication or disposition. When appropriate Attorney agrees to timely file and serve a notice of appeal or petition for review and to take such other actions as may be required to protect the indigent client's interests in accordance with the South Carolina Rules of Appellate Procedure and applicable statutory law. The Division of Appellate Defense or such other counsel as the Court may appoint may prosecute the

appeal as appropriate. Attorney shall notify the Chief Attorney of the Division of Appellate Defense as soon as an appeal or petition for review has been filed and served, and promptly provide all pleadings and other necessary documents to the Division of Appellate Defense or other such counsel appointed by the Court.

d. In performing any work under this Agreement, Attorney shall provide competent representation to the indigent client. Competent representation requires the legal knowledge, skill, thoroughness and preparedness reasonably necessary for that representation. Attorney's business relationships outside of this agreement shall not interfere with the performance of the services specified herein.

e. Notification of Appointment: Within fifteen (15) days of being appointed to a case, Attorney must register the case on the SCCID website as required by the South Carolina Supreme Court (Order dated September 29, 2006) and in accordance with the policies and guidelines of SCCID. Failure to timely and fully register each assigned case as required, including any updates of required data may be grounds for termination of this Agreement, in the discretion of SCCID.

f. If appointment of Attorney is terminated due to the indigent client subsequently obtaining private counsel; or if the indigent client does not continue to qualify as indigent, Attorney shall still be entitled to compensation for fees and expenses properly and reasonably incurred.

g. If for any reason the Court permits Attorney to withdraw or if Attorney is otherwise removed from a case prior to full performance of the duties for reasons other than breach of duty or the provisions of Section XI, Attorney may receive compensation for Attorney's fees for work already satisfactorily performed and reasonably incurred. Subject to the attorney-client and the work-product privilege, if Attorney withdraws or is removed from the case Attorney shall deliver all files, notes, documents and research related to the representation of the client to the successor attorney within 15 days after receiving notice from the successor attorney.

h. Attorney agrees to maintain and to operate continuously throughout the term of this Agreement with at least the minimum number of staff required to deliver the legal services outlined herein.

III. COMPENSATION / EXPENSES/ EXPERT AND OTHER SERVICES

a. For services rendered SCCID agrees to pay a flat fee of \$900 (Nine Hundred Dollars) per case paid upon appointment and the attorney's subsequent registration of the case as described in II(c) followed by processing of payment through the Comptroller General's Office.

b. A case is defined as an action in which an Attorney has been appointed to represent a client under the terms of this Agreement. A newly assigned case is each new unique

client, including a former client with new charges, petitions, or other cause of action but excluding a client with new charges, petitions, or other causes of action that are appointed to Attorney pursuant to this Agreement.

c. Attorney understands and agrees that case related expenses are included in the \$900 flat fee. Attorney agrees to pay all expenses incidental to the performance of this Agreement including but not limited to all salaries, overhead, and all routine and necessary cost and expenses incurred in providing contract services, including routine travel expenses.

d. Outside costs and expenses such as expenses for expert witnesses, investigators, scientific tests and other reasonable and necessary expenses Attorney reasonably believes are necessary for a proper representation of client shall be applied for and reimbursed in accordance with laws of the State of South Carolina and the policies of SCCID. Attorney expressly understands that such expenses must be approved by the court prior to being incurred.

e. In the event Contractor is assigned to an extraordinary case, where the issues presented requires extraordinary time and effort for proper representation of the Client, Contractor may apply in writing to SCCID for additional compensation. Contractor shall immediately make this application to SCCID, in writing, once contractor identifies case may require extraordinary time and effort. A jury trial or contested adjudication in and of itself shall not be deemed extraordinary. However, at SCCID's sole discretion, extensive pretrial litigation, an extended jury trial or extended contested adjudication may be deemed extraordinary. In determining whether to approve a request for additional compensation in an extraordinary case SCCID shall consider the complexity of the case and other equitable factors including the availability and status of SCCID funds. To be considered an extraordinary case the offense charged/indicted must be a violent crime as identified in S.C. Code Section 16-1-60. The amount and timing of an additional compensation that is approved beyond the standard \$900 flat fee is at SCCID's sole discretion. However total compensation shall not exceed the statutory cap of \$3500 as established in S.C. Code Section 17-3-50(A).

IV. QUALIFICATIONS OF ATTORNEY

Attorney represents that he or she:

a. Is a member in good standing of the South Carolina Bar and will immediately notify SCCID in writing of any change in this status.

b. Possesses all municipal, county and state licenses which may be required in order to conduct business as an attorney in the counties and Judicial Circuits described in Attachment A; and that the same shall be kept current in all respects during the term of this Agreement and while any representation of a client is pending hereunder.

c. Is qualified to provide effective and adequate legal representation to indigent persons he or she may represent and meets at least the minimum experience and continuing education requirements identified in the rules, regulations and guidelines promulgated by SCCID and the South Carolina Supreme Court. Attorney will also comply with any CLE requirements mandated by SCCID.

d. Will immediately notify SCCID in writing of any disciplinary action(s) taken or any investigations commenced by the Office of Disciplinary Counsel.

e. Will notify SCCID of all appointed cases handled by Attorney in which there is a judicial finding that the Attorney provided ineffective assistance of counsel.

f. Attorney agrees to immediately notify SCCID if at any time during the period of this contract any claim, lawsuit or any other action (civil or criminal) becomes pending against attorney.

V. INDEPENDENT CONTRACTOR

a. The parties agree that this Agreement does not create the relationship of employer and employee. This Agreement is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association between SCCID and Attorney. Attorney is, and shall at all times be, deemed an independent contractor and shall be wholly responsible for the manner in which Attorney performs the services required by the terms of this Agreement. Attorney exclusively assumes responsibility for the acts of Attorney's employees, agents, subcontractors, and all others acting at the direction of or on behalf of Attorney, as they relate to the services to be provided under this Agreement. Attorney and Attorney's agents and employees shall not be entitled to any rights or privileges as if employees of SCCID or the State of South Carolina, including but not limited to, compensation, insurance and unemployment insurance. It shall be the sole responsibility of Attorney to comply with all applicable federal, state, county, and municipal statutes, ordinances, rules, and regulations in the performance of Attorney's obligations under this Agreement.

VI. NO ASSIGNMENT

a. Attorney shall not delegate or assign his or her obligations under this Agreement, whether in whole or in part, without the prior written consent of SCCID. Attorney shall not assign any monies due or to become due to Attorney under this Agreement without the prior written consent of SCCID.

VII. NO PROHIBITION ON PRIVATE PRACTICE

a. Nothing in this Agreement shall preclude Attorney from representing privately retained clients, including clients involved in cases of a similar nature who are not indigent. Attorney shall not be prohibited from engaging in the private practice of

law, provided that no private case shall be accepted that may cause a conflict of interest with a case appointed to Attorney under this Agreement.

VIII. EXTERNAL COMPENSATION

a. Attorney agrees that compensation for matters directly assigned to Attorney and covered under this Agreement shall be the sole compensation received by Attorney for the particular matters. Attorney shall not be precluded from accepting representation of indigents for matters for which he or she is not directly appointed (i.e., on behalf of other counsel) and for matters not covered by this Agreement.

IX. INDEMNIFICATION/ LEGAL MALPRACTICE INSURANCE

a. Attorney shall indemnify, defend, save, and hold harmless SCCID and the State of South Carolina, their officials, officers, agents, and employees from and against any and all claims, liabilities, losses, and/or causes of action including court costs and attorney's fees that may hereafter at any time be made or brought by anyone for the purpose of enforcing any claim on account of any injury or damage allegedly caused or occurring to any person or property which may arise, in whole or in part, whether intentional or unintentional, from any willful misconduct, or negligent act or omission of Attorney, Attorney's associates, law partners, agents, or employees during performance under this Agreement.

For each attorney furnishing services under this Agreement, prior to the commencement of any representation of a client hereunder, Attorney shall furnish evidence of legal malpractice insurance coverage that is current and in effect of at least \$300,000 per claim/\$500,000 aggregate and Attorney shall retain such insurance for any liability arising out of the services provided even after the attorney is no longer under contract with SCCID.

X. RECORD RETENTION/AUDIT

a. Attorney shall keep detailed records to enable SCCID or its agents to verify all costs, expenses and Attorney's time expended representing all indigent clients in cases appointed under this Agreement and shall make such records available to SCCID and its agents at any reasonable time. The records include supporting documentation necessary to adequately evaluate and substantiate payments made under this Agreement. SCCID and/ or its agents may, at its discretion, audit or inspect Attorney's books and financial records relating to services under this Agreement at any and all reasonable times. Attorney agrees to retain and to make available for inspections, upon reasonable notice, all books, statements, ledgers and other financial records relating to services under this Agreement for a period of five (5) years from the date of each payment, or until all Federal or State audits that may relate to each payment are complete for the applicable fiscal year, whichever is later. All financial records shall be made available to SCCID and/ or its agents at Attorney's place of business. The recordkeeping duties under this Agreement are separate and apart from recordkeeping requirements under Rule 407,

SCACR (the Rules of Professional Conduct) and Rule 417, SCACR (Financial Recordkeeping).

XI. TERMINATION/ CONTRACT EXPIRATION

This Agreement may be terminated as follows:

- a. In addition to any other remedy authorized by law, SCCID shall have the right to terminate this Agreement upon thirty (30) days notice to Attorney if in its sole opinion Attorney or Attorney's agents or employees fail to comply with any of the terms of this Agreement to include those terms expressly incorporated and merged into this Agreement. Such failure shall constitute a material breach of this Agreement by Attorney. In the event of breach of duty in a case by Attorney, Attorney shall not be entitled to payment of Attorney's fees and shall reimburse SCCID for fees already received as an initial flat fee except as may be provided by court order. Any egregious conduct shall be grounds for immediate termination.
- b. In the event Attorney is unable to perform this Agreement due to permanent or temporary disability, injury, continuing disabling sickness, or for other similar causes beyond the control of Attorney, then this Agreement may be terminated. In such event Attorney shall take appropriate steps to withdraw from all appointed cases, including filing motions to withdraw as required by South Carolina law. If Attorney is permitted to withdraw or is terminated in accordance with Section XI(a) from an appointed case, work materials that are not protected by the attorney/client privilege and the work-product privilege shall be turned over to such attorneys as may be subsequently appointed by the Court.
- c. SCCID may, in its sole and absolute discretion, terminate this Agreement for any reason upon thirty (30) days notice to Attorney. Attorney may, in Attorney's absolute discretion, terminate this Agreement without cause upon thirty (30) days notice to SCCID provided that Attorney shall be responsible for all existing obligations to clients already appointed to pursuant to this Agreement.
- d. Attorney understands that because the flat fee compensation is intended to cover the entire case any termination in accordance with Section XI(c) or by expiration of this Agreement does not affect the existing obligations to clients already assigned pursuant to this Agreement and attorneys continuing duty shall continue until final adjudication or disposition as described in Section II(c).
- e. Notice of termination of this Agreement must be given to the other party in writing, sent by certified or registered United States mail, with return receipt requested, addressed to the party for whom it is intended, delivery restricted to the addressee, at the place last specified for giving of notice in compliance with the provisions of this paragraph. For the present, the parties designate the following for giving written notice:

FOR SCCID

South Carolina Commission on Indigent Defense
Attn: J. Hugh Ryan (General Counsel)
PO BOX 11433
Columbia, SC 29211-1433

FOR ATTORNEY

Print name

Address

XII. NO WAIVER/GOVERNING LAW

a. All rights hereunder are cumulative, not alternative, and are in addition to any other rights given by law. The validity, construction, and interpretation of this Agreement shall be governed by the laws of the State of South Carolina and the South Carolina Constitution. Venue for all actions arising from or related to this Agreement shall be in Richland County, South Carolina.

XIII. SEVERABILITY

a. Any section, subsection, paragraph, term, condition, provision or other part (hereinafter collectively referred to as "part") of this Agreement that is judged, held, found, or declared to be voidable, void, invalid, illegal or otherwise not fully enforceable shall not affect any other part of this Agreement, and the remainder of this Agreement shall continue to be of full force and effect. Any agreement of the parties to amend, modify, eliminate, or otherwise change any part of this Agreement shall not affect any other part of this Agreement, and the remainder of this Agreement shall continue to be of full force and effect.

XIV. AMENDMENT OR RENEWAL OF AGREEMENT

a. This Agreement expresses the entirety of the understandings of the parties concerning all matters covered. No renewal of this Agreement, or addition to, or alteration of, the terms of this Agreement, whether by written or verbal understanding of the parties, their officers, agents, or employees shall be valid unless in the form of a written amendment to this Agreement and formally approved by the parties.

XV. MISCELLANEOUS PROVISIONS

a. SCCID's and Attorney's performance under this Agreement are contingent upon appropriation by the Legislature, county funding and any other funding sources necessary to fund the performance of this contract.

b. SCCID's performance under this Agreement is contingent upon written approval of the South Carolina Attorney General in accordance with applicable South Carolina law.

c. The headings used in this Agreement are for illustrative purposes and are not a limitation of any of the rights and obligations of the parties.

d. Attorney shall affix Attorney's name, and Bar number on all communications addressed to SCCID. Attorney shall keep SCCID informed at all times of Attorney's current name and address, telephone and facsimile numbers, e-mail address and tax identification number.

XVI. ENTIRE AGREEMENT

a. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly it is agreed that no deviation from the terms thereof shall be predicated upon any prior representations or agreements whether oral or written. This is the entire agreement of the parties. It may be changed only by an agreement in writing signed by both parties.

STATE OF SOUTH CAROLINA
COMMISSION ON INDIGENT DEFENSE BY:

J. Hugh Ryan III, General Counsel

DATE: _____

ATTEST:_____.

ATTORNEY

Signature: _____

Print name: _____

South Carolina Bar No.: _____

Attorney's Tax ID No.: _____

Attorney's E-Mail Address: _____

Mailing Address:_____.

Fax number _____

Cell number _____

DATE: _____

ATTEST:_____.

Attachment A

(to agreement between SCCID and contracting attorney, dated the_____ day of _____).

Contracting Attorney _____

SC Bar number: _____

Counties covered _____

AGREEMENT FOR ATTORNEY SERVICES

This Agreement entered into this _____ day of _____ by and between the South Carolina Commission on Indigent Defense (SCCID) and _____ (Attorney).

In consideration of the mutual covenants and promises contained herein, SCCID and Attorney agree as follows:

I. TERM

a. Subject to the provisions for termination set forth below and in Section XI this agreement will begin on the date this Agreement is signed by both parties and expires on _____. SCCID reserves the right and authority in its sole discretion to terminate this Agreement for any reason and at any time upon thirty (30) days notice to Attorney. Upon thirty (30) days notice this Agreement shall be null and void and have no further effect whatsoever. However any egregious conduct shall be grounds for immediate termination of this Agreement. (See Termination Clause, Section XI)

II. SERVICES

a. SCCID contracts with Attorney for the representation of indigent clients in the category or categories of cases and in the counties as set forth in Attachment A of this Agreement (See Attachment A). If Attorney is excused by a Court from an appointment for good cause shown Attorney does not relinquish the right to continue to receive appointments as provided by Attachment A.

b. In performing the legal services described in this Agreement, Attorney at all times shall comply with the requirements of the Rules of Professional Conduct, the South Carolina Rules of Court (to include the Appellate Court Rules, Rules of Civil Procedure, Rules of Criminal Procedure, Rules of Evidence, Family Court Rules, Rules of Probate Court, Alternative Dispute Resolution Rules, Rules for the Administrative Law Court Rules), orders or directives of the Courts of this State, applicable South Carolina statutes and all of the uniform policies, guidelines and standards promulgated by SCCID, all of which are hereby expressly incorporated in, merged and made a part of this contract in each and every particular.

c. Attorney shall render to, and on behalf of the indigent clients he or she represents all professional legal services reasonably required from the time of appointment to and including a final adjudication or disposition. When appropriate Attorney agrees to timely file and serve a notice of appeal or petition for review and to take such other actions as may be required to protect the indigent client's interests in accordance with the South Carolina Rules of Appellate Procedure and applicable statutory law. The Division of Appellate Defense or such other counsel as the Court may appoint may prosecute the appeal as appropriate. Attorney shall notify the Chief Attorney of the Division of

Appellate Defense as soon as an appeal or petition for review has been filed and served, and promptly provide all pleadings and other necessary documents to the Division of Appellate Defense or other such counsel appointed by the Court.

d. In performing any work under this Agreement, Attorney shall provide competent representation to the indigent client. Competent representation requires the legal knowledge, skill, thoroughness and preparedness reasonably necessary for that representation. Attorney's business relationships outside of this agreement shall not interfere with the performance of the services specified herein.

e. Notification of Appointment: Within fifteen (15) days of being appointed to a case, Attorney must register the case on the SCCID website as required by the South Carolina Supreme Court (Order dated September 29, 2006) and in accordance with the policies and guidelines of SCCID. Failure to timely and fully register each assigned case as required, including any updates of required data may be grounds for termination of this Agreement, in the discretion of SCCID.

f. If appointment of Attorney is terminated due to the indigent client subsequently obtaining private counsel; or if the indigent client does not qualify or continue to qualify as indigent, Attorney shall still be entitled only to compensation for fees and expenses properly and reasonably incurred.

g. If for any reason the Court permits Attorney to withdraw or if Attorney is otherwise removed from a case prior to full performance of the duties for reasons other than breach of duty or the provisions of Section XI, Attorney may receive compensation for Attorney's fees, costs and expenses for work already satisfactorily performed and reasonably incurred. Subject to the attorney-client and the work-product privilege, if Attorney withdraws or is removed from the case Attorney shall deliver all files, notes, documents and research related to the representation of the client to the successor attorney within 15 days after receiving notice from the successor attorney. The successor attorney shall bear the cost of transmitting all files, notes, documents and research; however such costs may be reimbursable if in accordance with SCCID policy.

h. Attorney agrees to maintain and to operate continuously throughout the term of this Agreement with at least the minimum number of staff required to deliver the legal services outlined herein.

i. Attorney shall report within 5 days to SCCID the continuance of any proceedings and the reason for that continuance.

III. COMPENSATION / EXPENSES/ EXPERT AND OTHER SERVICES

a. For services rendered SCCID agrees to pay a flat fee of \$800 (Eight Hundred Dollars) per case paid upon appointment and the attorney's subsequent registration of the case as described in II(c) followed by processing of payment through the Comptroller General's Office.

b. A case is defined as an action in which an Attorney has been appointed to represent a client under the terms of this Agreement. A newly assigned case is each new unique client, including a former client with new charges, petitions, or other cause of action but excluding an existing client with new charges, petitions, or other causes of action that are appointed to Attorney pursuant to this Agreement.

c. Attorney understands and agrees that case related expenses are included in the \$800 flat fee. Attorney agrees to pay all expenses incidental to the performance of this Agreement including but not limited to all salaries, overhead, and all routine and necessary cost and expenses incurred in providing contract services, including routine travel expenses.

d. Outside costs and expenses such as expenses for expert witnesses, investigators, scientific tests and other reasonable and necessary expenses Attorney reasonably believes are necessary for a proper representation of client shall be applied for and reimbursed in accordance with laws of the State of South Carolina and the policies of SCCID. Attorney expressly understands that such expenses must be approved by the court prior to being incurred.

IV. QUALIFICATIONS OF ATTORNEY

Attorney represents that he or she:

a. Is a member in good standing of the South Carolina Bar and will immediately notify SCCID in writing of any change in this status.

b. Possesses all municipal, county and state licenses which may be required in order to conduct business as an attorney in the counties and Judicial Circuits described in Attachment A; and that the same shall be kept current in all respects during the term of this Agreement and while any representation of a client is pending hereunder.

c. Is qualified to provide effective and adequate legal representation to indigent persons he or she may represent and meets at least the minimum experience and continuing education requirements identified in the rules, regulations and guidelines promulgated by SCCID and the South Carolina Supreme Court. Attorney will also comply with any CLE requirements mandated by SCCID.

d. Will immediately notify SCCID in writing of any disciplinary action(s) taken or any investigations commenced by the Office of Disciplinary Counsel.

e. Will notify SCCID of all appointed cases handled by Attorney in which there is a judicial finding that the Attorney provided ineffective assistance of counsel.

f. Attorney agrees to immediately notify SCCID if at any time during the period of this contract any claim, lawsuit or any other action (civil or criminal) becomes pending against attorney.

V. INDEPENDENT CONTRACTOR

a. The parties agree that this Agreement does not create the relationship of employer and employee. This Agreement is not intended to and shall not be construed to create the relationship of agent, servant, employee, partnership, joint venture, or association between SCCID and Attorney. Attorney is, and shall at all times be, deemed an independent contractor and shall be wholly responsible for the manner in which Attorney performs the services required by the terms of this Agreement. Attorney exclusively assumes responsibility for the acts of Attorney's employees, agents, subcontractors, and all others acting at the direction of or on behalf of Attorney, as they relate to the services to be provided under this Agreement. Attorney and Attorney's agents and employees shall not be entitled to any rights or privileges as if employees of SCCID or the State of South Carolina, including but not limited to, compensation, insurance and unemployment insurance. It shall be the sole responsibility of Attorney to comply with all applicable federal, state, county, and municipal statutes, ordinances, rules, and regulations in the performance of Attorney's obligations under this Agreement.

VI. NO ASSIGNMENT

a. Attorney shall not delegate or assign his or her obligations under this Agreement, whether in whole or in part, without the prior written consent of SCCID. Attorney shall not assign any monies due or to become due to Attorney under this Agreement without the prior written consent of SCCID.

VII. NO PROHIBITION ON PRIVATE PRACTICE

a. Nothing in this Agreement shall preclude Attorney from representing privately retained clients, including clients involved in cases of a similar nature who are not indigent. Attorney shall not be prohibited from engaging in the private practice of law, provided that no private case shall be accepted that may cause a conflict of interest with a case appointed to Attorney under this Agreement.

VIII. EXTERNAL COMPENSATION

a. Attorney agrees that compensation for matters directly assigned to Attorney and covered under this Agreement shall be the sole compensation received by Attorney for the particular matters. Attorney shall not be precluded from accepting representation of indigents for matters for which he or she is not directly appointed (i.e., on behalf of other counsel) and for matters not covered by this Agreement.

IX. INDEMNIFICATION/ LEGAL MALPRACTICE INSURANCE

a. Attorney shall indemnify, defend, save, and hold harmless SCCID and the State of South Carolina, their officials, officers, agents, and employees from and against any and all claims, liabilities, losses, and/or causes of action including court costs and attorney's fees that may hereafter at any time be made or brought by anyone for the purpose of enforcing any claim on account of any injury or damage allegedly caused or occurring to any person or property which may arise, in whole or in part, whether intentional or unintentional, from any willful misconduct, or negligent act or omission of Attorney, Attorney's associates, law partners, agents, or employees during performance under this Agreement.

For each attorney furnishing services under this Agreement, prior to the commencement of any representation of a client hereunder, Attorney shall furnish evidence of legal malpractice insurance coverage that is current and in effect of at least \$300,000 per claim/\$500,000 aggregate and Attorney shall retain such insurance for any liability arising out of the services provided even after the attorney is no longer under contract with SCCID.

X. RECORD RETENTION/AUDIT

a. Attorney shall keep detailed records to enable SCCID or its agents to verify all costs, expenses and Attorney's time expended representing all indigent clients in cases appointed under this Agreement and shall make such records available to SCCID and its agents at any reasonable time. The records include supporting documentation necessary to adequately evaluate and substantiate payments made under this Agreement. SCCID and/ or its agents may, at its discretion, audit or inspect Attorney's books and financial records relating to services under this Agreement at any and all reasonable times.

Attorney agrees to retain and to make available for inspections, upon reasonable notice, all books, statements, ledgers and other financial records relating to services under this Agreement for a period of five (5) years from the date of each payment, or until all Federal or State audits that may relate to each payment are complete for the applicable fiscal year, whichever is later. All financial records shall be made available to SCCID and/ or its agents at Attorney's place of business. The recordkeeping duties under this Agreement are separate and apart from recordkeeping requirements under Rule 407, SCACR (the Rules of Professional Conduct) and Rule 417, SCACR (Financial Recordkeeping).

XI. TERMINATION/ CONTRACT EXPIRATION

This Agreement may be terminated as follows:

a. In addition to any other remedy authorized by law, SCCID shall have the right to terminate this Agreement upon thirty (30) days notice to Attorney if in its sole opinion Attorney or Attorney's agents or employees fail to comply with any of the terms of this Agreement to include those terms expressly incorporated and merged into this Agreement. Such failure shall constitute a material breach of this Agreement by Attorney.

In the event of breach of duty in a case by Attorney, Attorney shall not be entitled to payment of Attorney's fees and shall reimburse SCCID for fees already received as an initial flat fee except as may be provided by court order. Any egregious conduct shall be grounds for immediate termination.

b. In the event Attorney is unable to perform this Agreement due to permanent or temporary disability, injury, continuing disabling sickness, or for other similar causes beyond the control of Attorney, then this Agreement may be terminated. In such event Attorney shall take appropriate steps to withdraw from all appointed cases, including filing motions to withdraw as required by South Carolina law. If Attorney is permitted to withdraw or is terminated in accordance with Section XI(a) from an appointed case, work materials that are not protected by the attorney/client privilege and the work-product privilege shall be turned over to such attorneys as may be subsequently appointed by the Court.

c. SCCID may, in its sole and absolute discretion, terminate this Agreement upon thirty (30) days notice to Attorney. Attorney may, in Attorney's absolute discretion, terminate this Agreement without cause upon thirty (30) days notice to SCCID provided that Attorney shall be responsible for all existing obligations to clients already appointed to pursuant to this Agreement.

d. Attorney understands that because the flat fee compensation is intended to cover the entire case any termination in accordance with Section XI(c) or by expiration of this Agreement does not affect the existing obligations to clients already assigned pursuant to this Agreement and attorneys continuing duty shall continue until final adjudication or disposition as described in Section II(c).

e. Notice of termination of this Agreement must be given to the other party in writing, sent by certified or registered United States mail, with return receipt requested, addressed to the party for whom it is intended, delivery restricted to the addressee, at the place last specified for giving of notice in compliance with the provisions of this paragraph. For the present, the parties designate the following for giving written notice:

FOR SCCID

South Carolina Commission on Indigent Defense
Attn: J. Hugh Ryan (General Counsel)
PO BOX 11433
Columbia, SC 29211-1433

FOR ATTORNEY

Print name

Address

XII. NO WAIVER/GOVERNING LAW

a. All rights hereunder are cumulative, not alternative, and are in addition to any other rights given by law. The validity, construction, and interpretation of this Agreement shall be governed by the laws of the State of South Carolina and the South Carolina Constitution. Venue for all actions arising from or related to this Agreement shall be in Richland County, South Carolina.

XIII. SEVERABILITY

a. Any section, subsection, paragraph, term, condition, provision or other part (hereinafter collectively referred to as "part") of this Agreement that is judged, held, found, or declared to be voidable, void, invalid, illegal or otherwise not fully enforceable shall not affect any other part of this Agreement, and the remainder of this Agreement shall continue to be of full force and effect. Any agreement of the parties to amend, modify, eliminate, or otherwise change any part of this Agreement shall not affect any other part of this Agreement, and the remainder of this Agreement shall continue to be of full force and effect.

XIV. AMENDMENT OR RENEWAL OF AGREEMENT

a. This Agreement expresses the entirety of the understandings of the parties concerning all matters covered. No renewal of this Agreement, or addition to, or alteration of, the terms of this Agreement, whether by written or verbal understanding of the parties, their officers, agents, or employees shall be valid unless in the form of a written amendment to this Agreement and formally approved by the parties.

XV. MISCELLANEOUS PROVISIONS

a. SCCID's and Attorney's performance under this Agreement are contingent upon appropriation by the Legislature, county funding and any other funding sources necessary to fund the performance of this contract.

b. SCCID's performance under this Agreement is contingent upon written approval of the South Carolina Attorney General in accordance with applicable South Carolina law.

c. The headings used in this Agreement are for illustrative purposes and are not a limitation of any of the rights and obligations of the parties.

d. Attorney shall affix Attorney's name, and Bar number on all communications addressed to SCCID. Attorney shall keep SCCID informed at all times of Attorney's current name and address, telephone and facsimile numbers, e-mail address and tax identification number.

XVI. ENTIRE AGREEMENT

a. This document incorporates and includes all prior negotiations, correspondence, conversations, agreements, or understandings applicable to the matters contained herein and the parties agree that there are no commitments, agreements, or understandings concerning the subject matter of this Agreement that are not contained in this document. Accordingly it is agreed that no deviation from the terms thereof shall be predicated upon any prior representations or agreements whether oral or written. This is the entire agreement of the parties. It may be changed only by an agreement in writing signed by both parties.

STATE OF SOUTH CAROLINA
COMMISSION ON INDIGENT DEFENSE BY:

J. Hugh Ryan III, General Counsel

DATE: _____

ATTEST:_____.

ATTORNEY

Signature: _____

Print name: _____

South Carolina Bar No.: _____

Attorney's Tax ID No.: _____

Attorney's E-Mail Address: _____

Mailing Address:_____.

Fax number _____

DATE: _____

ATTEST:_____.

Attachment A

(to agreement between SCCID and contracting attorney, dated the _____ day of _____).

Contracting Attorney _____

SC Bar number: _____

Counties covered _____

Categories of Cases:

Family Court (TPR, Abuse and Neglect)

1330 Lady Street, Suite 401
Post Office 11433
Columbia, South Carolina 29211-1433
Telephone: (803) 734-1330
Facsimile: (803) 734-1397

J. Hugh Ryan, *Executive Director*
Hervy B. O. Young, *Deputy Director and General Counsel*
Lori Frost, *Assistant Director*

TO: Honorable W. Brian White, Chairman of House Ways and Means Committee
Honorable F. Gregory Delleney Jr., Chairman of House Judiciary Committee
Honorable Hugh K. Leatherman Sr., Chairman of Senate Finance Committee
Honorable Luke A. Rankin, Chairman of Senate Judiciary Committee
Commissioners, SC Commission on Indigent Defense

FROM: Office of Indigent Defense (SCCID)

RE: Indigency Screening, Proviso 117.142

Date: November 15, 2017

BACKGROUND

SCCID began to hear concerns from some members of the General Assembly, prior to the start of the 2017 Legislative Session, regarding whether defendants were being adequately screened to assess their financial status for appointed counsel. It was determined this issue should be studied and budget proviso 117.142 was adopted. It states:

117.142. (GP: Indigent Defense Screening Review) The Commission on Indigent Defense and the Judicial Department Court Administration Program shall consult with the Summary Court Judges' Association and Clerks of Court Association on issues regarding the screening of applicants for indigent defense representation. The Commission on Indigent Defense and Court Administration shall make recommendations to the Chairman of the House Ways and Means Committee, the Chairman of the House Judiciary Committee, the Chairman of the Senate Finance Committee, and the Chairman of the Senate Judiciary Committee no later than December 1, 2017 regarding: requirements for applicants to verify their financial status, supporting documentation that should be required of all applicants; who should conduct the screening, what resources are necessary to properly screen applicants and any other recommendations that will assist in ensuring only those applicants that are truly indigent qualify for the services of a public defender or other appointed counsel

ACTIONS TAKEN

In accordance with proviso 117.142, SCCID has commenced an extensive process of researching, meeting with, interviewing, etc. those involved in the screening process and judicial system as a whole. Among those with which meetings, teleconferences, etc. have been held include but are not limited to the following:

- Chief Justice Don Beatty
- Representative Mike Pitts
- Representative Murrell Smith
- Court Administration
- Clerks of Court/ Registrar of Deeds Advisory Committee
- Chairman of Summary Court Judges Association, Judge Phil Newsom
- 16 Circuit Public Defenders
- Judge Ava Bryant (Magistrate Berkeley County)
- Judge Nancy Devine (Magistrate Anderson County)
- Greenville County Office of Indigent Defense
- DSS General Counsel Tony Catone
- DSS Child Support Enforcement (regarding databases available to assess individual's financial status)
- The Clerk of Court or staff member from all 46 Clerk of Court offices
- A Magistrate or Magistrate Court personnel from all 46 counties
- Other state indigent defense systems

INITIAL FINDINGS

Our initial findings confirm data from our most recent Circuit Defender HR survey, that screening is currently being conducted by either the bond court judge (summary court), Clerk of Court or Public Defender Office. Based on the information we have received, the breakdown of what entity screens is as follows:

Clerk of Court Office:	21
Summary Court:	14
Public Defender Office:	10
(3 additional PD offices presume jail cases are indigent and the PD accepts the case)	

***Greenville County has their own screening office (Greenville Indigent Defense). This office also conducts the screening for Pickens County jail cases while the Clerk screens non-jail cases.

In several counties the summary court judge may do an initial screening but the clerk of court office may rescreen someone if there is still a question of indigency or they “reapply”. Also in accordance with Rule 602, SCACR, if “that officer” is unable to make a determination of whether the accused is indigent the determination shall be made by the court in which the matter is to be heard.

Rule 602 addresses many of the steps in the appointment of counsel (screening) process as follows:

RULE 602 DEFENSE OF INDIGENTS

Rules promulgated under the Defense of Indigents Act (Act No. 309) passed by the General Assembly and approved by the Governor on June 17, 1969, were adopted by this Court on January 1, 1970. By Order of this Court dated September 20, 1972, the Rules were amended and now read as

follows:

- (a)** Every person arrested for the commission of a crime within the jurisdiction of the Court of General Sessions, every juvenile to be brought before any court on any charge for which he may be imprisoned, and every person charged with the violation of a probationary sentence shall be taken as soon as practicable before the Clerk of the Court of General Sessions in the county where the charges are preferred, or such other officer or officers as may be designated by the resident judge of the circuit, for the purpose of securing to the accused the right to counsel.

In cases involving criminal charges within the jurisdiction of magistrates' courts, municipal courts, or other courts with like jurisdiction, if a prison sentence is likely to be imposed following any conviction, the presiding judge of the court in which the matter is to be determined shall inform the accused as provided in Rule 2 when the case is called for disposition. The procedures concerning juveniles, as provided in Rule 1 and Rule 2 hereof, shall continue to be followed.

- (b)** The officer before whom the arrested person is taken shall:

- (1)** Inform the accused of the charges against him and of the nature of the charges.
- (2)** Advise the accused of his right to counsel and of his right to the appointment of counsel by the court, if the accused is financially unable to employ counsel.
- (3)** If the accused represents that he is financially unable to employ counsel, take his application for the appointment of counsel or for the services of the Public Defender where the latter is available in the county.

Upon examination of a completed Affidavit of Indigency (Form II), the officer designated to make a determination of indigency shall determine if the accused is indigent. If that officer is unable to make this determination, the final determination whether the accused is indigent shall be made by a judge of the court in which the matter is to be heard.

For purposes of this rule, a person is indigent if that person is financially unable to employ counsel. In making a determination whether a person is indigent, all factors concerning the person's financial condition should be considered including income, debts, assets and family situation. A presumption that the person is indigent shall be created if the person's net family income is less than or equal to the Poverty Guidelines established and revised annually by the United States Department of Health and Human Services and published in the Federal Register. Net income shall mean gross income minus deductions required by law.

- (b)** If application for counsel is approved for the accused, the Clerk of Court or other officer shall immediately notify the Office of Public Defender,

if one exists in the county, and the Public Defender shall immediately thereafter enter upon the representation of the accused. If there is no Public Defender for the county, then the Clerk of Court or other officer shall immediately notify the court, or such person as the resident judge may designate, of the request for counsel and appointment of counsel shall be made immediately with prompt notification thereof to the accused and counsel so appointed.

The initial designation of the Public Defender of appointment of counsel to represent an accused shall be subject to review by the court if it subsequently appears that the accused is in fact financially able to employ counsel, has obtained counsel of his own, or for other good cause shown.

CURRENT SCREENING ISSUES

In almost all circumstances the only requirement for screening is for the defendant to fill out the Affidavit of Indigency form (PD application) without any requirement for supporting documentation. Nearly all of the screening entities assert they check the information provided against the poverty guidelines, referenced in Rule 602. All screening entities have stated it would require additional personnel to conduct an in-depth screening such as a search of property records, financial databases, etc. to verify the information provided by the applicant.

While some Public Defender Offices currently screen there are legitimate concerns about such an arrangement. To ensure the legitimacy of the screening process, it is essential that screeners be free of any conflict of interest or other potential ethical pitfalls. The screening process should not overly empower the solicitor nor cast doubt on the public defender's loyalty to the client or on the presiding judge's impartiality.

Public Defender offices also report it is not uncommon for a defendant to be screened and found ineligible for appointed counsel but then appear before the court and have an attorney appointed. Several circuit judges have acknowledged this does sometimes occur because with the PDs in the courtroom a case can often be quickly disposed of by appointing a public defender.

WHAT IS THE SCOPE OF THE ISSUE?

To state it as concisely, we do not know. There has been no statistics recorded that provides a breakdown of the number of applicants accepted or rejected. Information needs to be collected to analyze the scope of the issue. But first, as we will address later in this memo, there needs to be adequate data available for the screener to make an accurate determination of indigency. It should then be mandated that the screening entity maintain detailed records regarding the number of applications accepted or rejected. This data will allow a proper cost benefit analysis to be conducted as to the scope of this issue and the resources that might be necessary.

POSSIBLE SOLUTIONS

1. The “Greenville Model”

Who Conducts the Screening:

Greenville has its own screening entity called the Office of Indigent Defense. The office is funded by Greenville County and has 3 employees. These independent screeners screen jail cases and those that have already posted bond to determine if defendants qualify for appointed counsel.

Under this option, trained, independent screeners would be set up in each County or Circuit to conduct all screening for indigency.

Process/Requirements for Applicants:

Each person wanting to apply for appointed counsel is provided with a list of documentation that is required to submit an application. Documentation includes, but is not limited to, pay stubs, statements from employer, proof of income for others within the household that are dependents of the defendant, proof of residence and household bills, proof of child support obligations, and proof of real estate ownership.

These screeners meet with each defendant and “pre-screens” them to determine if they are likely to qualify before they complete the application and have to pay the required \$40 fee. If it is likely the person will qualify, the screener will go through the application and supporting documentation with the applicant. A qualified applicant will be assigned to the Public Defender office or conflict counsel. If the person does not pre-qualify, they are not allowed to apply and pay the \$40 fee. However, an applicant that does not qualify, may request the decision to be reviewed by the court.

Necessary Resources:

Greenville County funds this Office of Indigent Defense at around \$200,000 per year for the 3 employees. SCCID estimates a Greenville Model across the State would cost at a minimum approximately \$2.6 million. This is based on 37 screeners at a cost of \$35,000 salary and \$35,000 fringe. This does not include an overhead cost such as office space, equipment, supplies, etc. (Number of screeners in a circuit would be based on population, caseloads, etc.). There is also the issue of what entity would fund this. In Greenville, the screeners are county employees and as noted, it is funded by Greenville County. As would be expected, county officials we have spoken with raised concerns about any requirement to provide such funding.

2. Database Verified Screening

Who will Conduct Screening:

It is our position that best practices indicates that screening should take place as soon as possible after arrest thus during bond court. It is our understanding from the SC Supreme Court, that these judges (courts) should have the technology infrastructure in place to log into a verification database to conduct screening. While we understand these courts may have concerns this will slow

down the bond court process, this is the crucial time to address the issue of the appointment of counsel and would make for a more efficient process as the case moves forward.

Process/Requirements for Applicants:

Under this option, the bond court will have access to The Work Number database to verify information provided by the application to determine indigency. The Work Number is currently being used by the SC Department of Social Services. The database includes employment verification, amount and date of last pay check, amount and date of public assistance benefit or disability benefits. Not being in the database can be verification when someone reports being unemployed.

Necessary Resources:

a. The Work Number Database Access

Whoever is assigned the screening role, one thing is clear, they need the ability to actually conduct a proper screening. The Department of Social Services Child Support Enforcement Division has numerous databases to conduct a financial assessment. They have access to many federal databases such as Social Security and the IRS. They can also request information from the SC Department of Employment and Workforce and SC Department of Revenue. However, they also have a private service called the Work Number (run by Equifax) which provides the most complete picture with one search.

DSS reports they made payments to the Work Number last year of a little over \$1 million dollars for database searches. DSS had a contract for \$800,000 for 180,000 searches and then at a cost of \$4.90 per search above the 180,000 threshold, which they exceeded, thus the bill of over \$1 million.

SCCID estimates the number of searches required would be at a minimum approximately 133,000. This is based on data that the PD office open on average 52,000 cases per year (this only includes general session's cases as to avoid a double count with magistrate court numbers compiled by Court Administration) and that Magistrate Courts handle approximately 70,000 non-traffic related cases per year. This also includes screening for those that do not qualify for a PD which we will estimate as 20% of the applicants.

In discussions with the Work Number representatives they report that in only about 40% of cases does the search actually result in a "hit" in their system, as many people applying for the PD are paid in cash, have a limited financial history, etc. The Work Number only charges for searches where there is actual data (a hit) on an applicant. Thus the estimated price for an annual contract would be in the range of \$350,000 to \$430,000.

For this analysis, we have not included municipal court cases, as PD offices only handle municipal cases where they have a contract with the municipality to handle cases in those courts. This was approximately 3,000 cases in the most recent FY out of over 100,000 non-traffic related cases.

b. Pilot Program

The Agency believes the best course of action is to establish a pilot program to test this

screening process.

The pilot program would include a mixture of large, medium and small counties as well as a mixture of counties where the screening is conducted by the bond court judge, the clerk of court or the Public Defender. After discussions with the Circuit Defenders, the suggestion is to include the following counties in this pilot program:

Allendale	Chester	Clarendon	Marlboro	Laurens
Florence	Aiken	Spartanburg	Horry	Richland

SCCID estimates the cost of using The Work Number database for these counties at between \$99,000 and \$120,000. This is based on an estimated 26,433 cases with a hit rate of 40%.

3. **Enhanced Status Quo** (with mandated documentation required, modified affidavit)

If funding is not available for options 1 or 2, then a potential option would be to mandate certain documentation be provided to verify the information in the application. To put some “teeth” in this requirements would likely require an Administrative Order of the Supreme Court or statute. One recommendation would be to amend or revise the Affidavit of Indigency form to require information similar to a financial declaration required in Family Court. Documents required could include the applicant’s most recent federal and state income tax returns, W-2 forms and schedule C, if self-employed and Copies of current pay stubs or in the absence of such documentation, a written statement of income and deductions from an employer. In Tennessee, they also have a requirement that an applicant show proof they have spoken with at least two private attorneys prior to seeking appointed counsel.

Incarcerated applicants would be presumed indigent. Even upon release on bond, applicants may be prohibited from returning to places any records are stored. Unless the applicant is lawfully prohibited from accessing their records, they should be required to provide proof to the appropriate authority within a specified time from release.

SUMMARY

Indigent screening is an issue that requires constant review. The options herein present a range of possible solutions seeking to ensure that only those applicants that are truly indigent qualify for the services of a public defender or other appointed counsel.



South Carolina Department of Archives & History
Division of Archives and Records Management

APPROVAL OF RECORDS RETENTION SCHEDULE

In accordance with provisions of Title 30, *Code of Laws of South Carolina, 1976*, Sections 30-1-10 through 30-1-140, as amended, the attached Records Retention Schedule is submitted for approval. This schedule supersedes any previously approved schedule for these same records series.

PART I Agency

COMMISSION ON INDIGENT DEFENSE
OFFICE OF APPELLATE DEFENSE

RECORD GROUP # 238

I certify that I am authorized to act for this agency in the disposition of its public records and hereby approve the attached Records Retention Schedule. The schedule meets all legal and audit requirements and the records have no further administrative, fiscal, or legal value to this agency after the expiration of the prescribed retention periods. Records series included in this approval are numbered:

8115 SECOND REVISION AND 13988 REVISED

6-10-2016

Date

Angela S. Gohem

Signature of Agency Representative

Admin. Specialist

Title

PART II Department of Archives and History

The records listed in the attached Records Retention Schedule have been evaluated by this department for their management, research, and permanent value and are approved for retention or disposal as described in this schedule.

6-20-16

Date

W. L. L. L. L.

Director, Department of Archives and History



COMMISSION ON INDIGENT DEFENSE

Record Group Number: 238

OFFICE OF APPELLATE DEFENSE

8115 CASE FILES (NON-DEATH PENALTY)

Description

Legal case files used by the agency's attorneys in pursuing appeals for indigents in all non-death penalty cases. Included in each case file are documents such as: Notice of Intention to Appeal, Indictment, Transcript of Trial, Application for Post Conviction Relief, Return and Notice to Dismiss, Motion to Amend, Pleadings, Final Per Curiam Opinion of Supreme Court, Appellants' Briefs, attorney's notes, and related correspondence.

Retention

Case Files Closed Prior to July 1, 2016:

Agency: 2 months after case is closed,
State Records Center: 15 years, destroy.

Case Files Closed After June 30, 2016:

Agency: 15 years after case is closed, destroy.

SECOND REVISION

13988 DEATH PENALTY CASE FILES

Description

Legal case files used by the agency's attorneys in pursuing appeals for indigents sentenced to death. Included in each case file are documents such as: Notice of Intention to Appeal, Indictment, Transcript of Trial, Application for Post Conviction Relief, Return and Motion to Dismiss, Motion to Amend Pleadings, Final *Per Curiam* Opinion of Supreme Court, Appellants' Briefs, attorneys' notes, and related correspondence.

Retention

Case Files Closed Prior to July 1, 2016:

Agency: 2 months after case is closed,
State Records Center: 15 years,
State Archives: Selection of Needed Documentation. PERMANENT.

SCHEDULE APPROVED 6/20/16



Case Files Closed After June 30, 2016:

Agency: 15 years after case is closed,
State Archives: Selection of Needed Documentation. PERMANENT.

REVISED

SCHEDULE APPROVED 6/20/16

Agency Name: South Carolina Commission on Indigent Defense

Fiscal Year 2016-2017
Accountability Report

Agency Code: E230 Section: 061

Report Template (Updated for LOC Review)

Item	Report Name	Name of Entity Requesting the Report	Type of Entity	Reporting Frequency	Submission Date (MM/DD/YYYY)	Summary of Information Requested in the Report	Method to Access the Report
1	Employee Report	SC Human Affairs Commission	State	Annually	3/31/2017	Annual EEO Personnel Report	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Lori Frost, Human Resource Manager.
2	Employee Report Data Report	SC Human Affairs Commission	State	Annually	8/15/2017	Updates or Corrections to Agency Employees Information to be used in EEO Reporting	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Lori Frost, Human Resource Manager.
3	Affirmative Action Reports	SC Human Affairs Commission	State	Annually	8/18/2017	Plan sets forth employment goals for minorities and women whose representation in the workforce is less than would be reasonably expected by availability estimates of the qualified labor pool.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Lori Frost, Human Resource Manager.
4	Wage and Contribution Report	SC Department of Employment and Workforce	State	Quarterly	March 31 June 30 September 30 December 31	Every employer must file this report for each calendar quarter showing each employee who was in employment at any time during the quarter.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Lori Frost, Human Resource Manager.
5	Minority Business Employment Utilization Plan	SC Department of Administration - OSMBCC	State	Annually	7/30/2017	To emphasize the use of minority small businesses by state agencies in all aspects of procurement.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Jeff Smith, Procurement Manager.
6	Minority Business Employment Utilization Quarterly Reports	SC Department of Administration - OSMBCC	State	Quarterly	April 30 July 29 October 29 January 29	To emphasize the use of minority small businesses by state agencies in all aspects of procurement.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Jeff Smith, Procurement Manager.
7	GAAP Other Payroll Liabilities Reporting (Packet 3.17)	SC Comptroller General	State	Annually	7/22/2017	GAAP requires the recognition and reporting of other payroll liabilities in addition to accrued payroll which include compensated absences and termination/separation liabilities. which include compensated absences and termination/separation liabilities.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.
8	GAAP Operating Expenses Report (Packet 3.09)	SC Comptroller General	State	Annually	8/25/2017	GAAP require the State disclose in the Notes to its financial statements the terms of non-cancelable operating leases	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.
9	GAAP Prepaid Expenses (Packet 3.07)	SC Comptroller General	State	Annually	8/25/2017	Accurate reporting in accordance with GAAP requires the recognition of expenses in the period the benefit is received. Prepaid expenses include expenditures for goods and services whose usage period extends beyond June 30 of the current fiscal year and were paid for in the current fiscal year.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.
10	GAAP Grants and Revenue Reports (Packet 3.03)	SC Comptroller General	State	Annually	9/6/2017	Accurate reporting in accordance with GAAP requires the analysis and recognition of receivables and deferred revenue in connection with grant awards and contributions.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.
11	GP: Information Technology and Information Security Plans Report (Proviso 117.114)	SC Department of Administration	State	Annually	10/1/2016	The report is to update DOA on any changes or updates on the agency's IT plans or IT Security.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.

Agency Name: South Carolina Commission on Indigent Defense

Fiscal Year 2016-2017
Accountability Report

Agency Code: E230 Section: 061

Report Template (Updated for LOC Review)

Item	Report Name	Name of Entity Requesting the Report	Type of Entity	Reporting Frequency	Submission Date (MM/DD/YYYY)	Summary of Information Requested in the Report	Method to Access the Report
12	Mileage Report	SC Department of Administration	State	Quarterly	March 31 June 30 September 30 December 31	Mileage for all employees requesting reimbursement	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Lori Frost, Human Resource Manager.
13	Accountability Report	SC Department of Administration - Executive Budget Office	State	Annually	9/15/2017	the Accountability Report is intended to report on an agency's performance for review by the Governor and the General Assembly. The Accountability Report provides for both a discussion of prior year expenditures and associates expenditures with prospective goals, strategies and objectives to move the agency forward in future years.	South Carolina Legislature Website. http://www.scstatehouse.gov/reports/aar2017/aar2017.php
14	Schedule of Federal Financial Assistance - SFFA	State Fiscal Accountability Authority - State Auditors Office	State	Annually	8/15/2017	Summary of all Federal Funds were received by SCCID for FY15-16	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.
15	Detailed Expenditure/Revenue Reports SCCID	South Carolina House of Representatives Ways & Means Committee and Senate Finance Committee	State	Annually	9/15/2017	Proviso 117.110 of the General Appropriations Act of FY2016-17 requires the Commission on Indigent Defense to provide a detailed revenue and expenditure report for each of the 16 Public Defender Offices. The reports are to be provided to the Chairmen of both the Senate Finance and Ways & Means Committees.	Electronic versions of these reports are provided to the State Library and to the South Carolina General Assembly - Legislative Services Agency. Paper copy is kept by the South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.
16	Fines and Fees Report	South Carolina State Legislature	State	Annually	9/1/2017	Proviso 117.74 requires all agencies to provide and release to the public via that agency's website, a report of all aggregate amounts of fines an fees that are charged and collected by that agency in the prior fiscal year. Copies of this report are submitted the Chairmen of both the Senate Finance and Ways & Means Committees.	Copies of this report are on the South Carolina Commission on Indigent Defense's website; https://sccid.sc.gov/resources/policies
17	Debt Collection Report	South Carolina State Legislature	State	Annually	2/28/2018	Proviso 117.34 of FY17-18 Appropriations Act requires all agencies to provide the Chairmen of the Senate Finance, House Ways & Means Committees and the Inspector General a report detailing the amount of it's outstanding debt and all methods it has used to collect that debt. This report is submitted through the Executive Budget Office for dissemination to the appropriate recipients.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.
18	Indigent Defense Screening Review	South Carolina State Legislature	State	One time	12/1/2017	Proviso 117.142 Required the Commission on Indigent Defense, the Judicial Department, Court Administration and the Summary Court Judges' Association and Clerks of Court Association to discuss the issue of screening applicants for indigent defense representation. The Proviso also required SCCID and Court Administration to make recommendations to the Chairmen of the House Ways & Means Committee, House Judiciary Committee, Senate Finance Committee, and the Senate Judiciary Committee by December 1, 2017.	Paper copy, South Carolina Commission on Indigent Defense. Requests for copies of this report should be submitted to the attention of Rodney Grizzle, Comptroller.

Agency Name: South Carolina Commission on Indigent Defense

Fiscal Year 2016-2017
Accountability Report

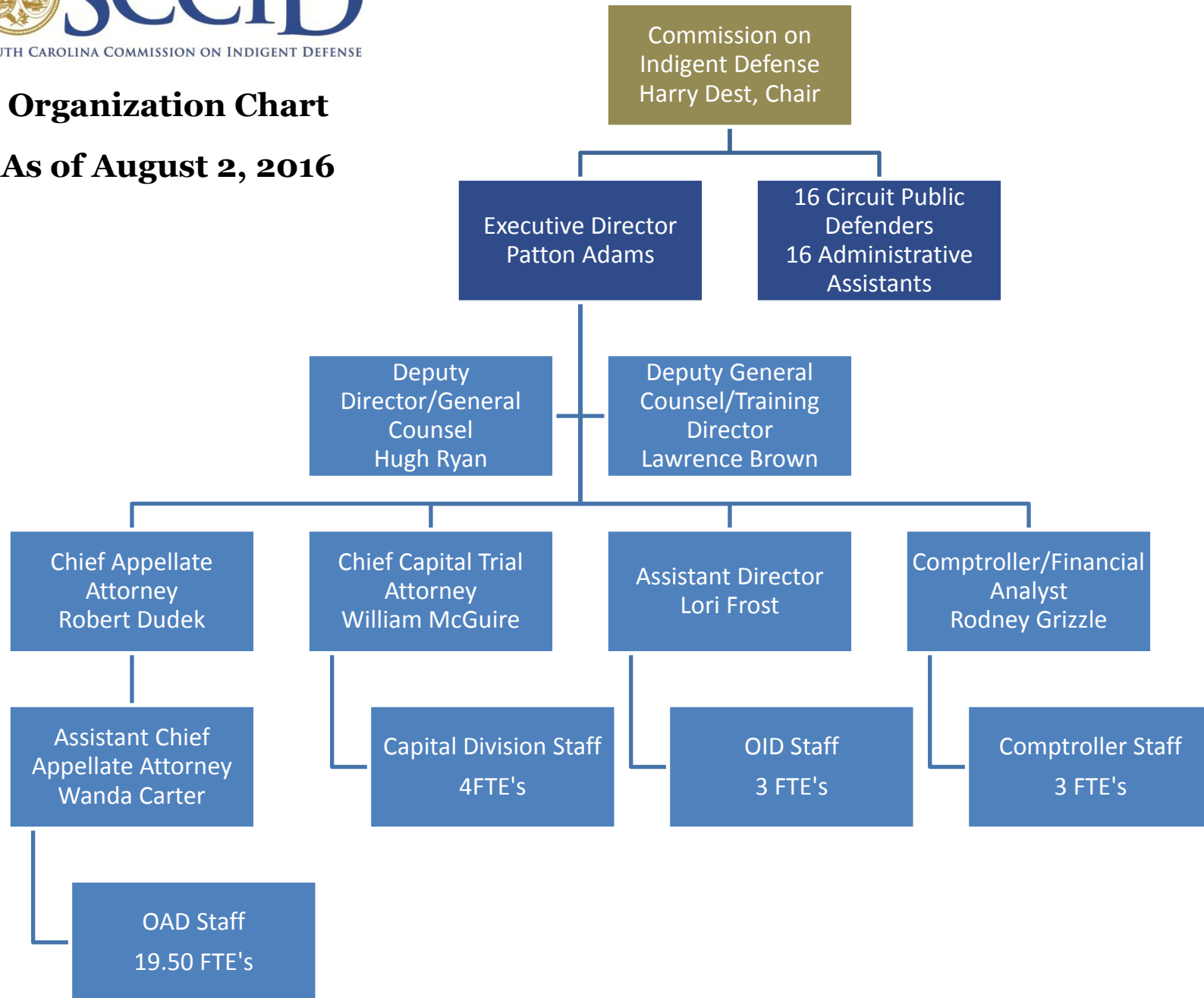
Agency Code: E230 Section: 061

Report Template (Updated for LOC Review)

Item	Report Name	Name of Entity Requesting the Report	Type of Entity	Reporting Frequency	Submission Date (MM/DD/YYYY)	Summary of Information Requested in the Report	Method to Access the Report
19	Materials Management Quarterly Procurement Report	State Fiscal Accountability Authority -Procurement Services	State	Quarterly	March 31 June 30 September 30 December 31	State Statute 11-35-2440, 11-35-3830, 19-445.2015 and 11-35-1220 require all state agencies to report quarterly on Sole Source, Emergency, Trade-in Sales Procurements, Unauthorized (Illegal) Procurements, Preferences and 10% Rule Procurements.	This report is submitted on line on the State Fiscal Accountability Authority Procurement Servcies website via agency login and are retained by the Procurement Services. Request for this report would have to be made to the State Fiscal Accountability Authority Procurement Service Office, 1201 Main Street, Suite 600, Columbia, SC 29201 .
20	Program Evaluation Report - PER	South Carolina House of Representatives Legislative Oversight Committee	State	Annually	3/9/2018	The Program Evaluation Report is an in-depth analysis of the history, programs and processes of the South Carolina Commission on Indigent Defense	South Carolina House of Representatives website. Legislative Oversight Committee. http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php

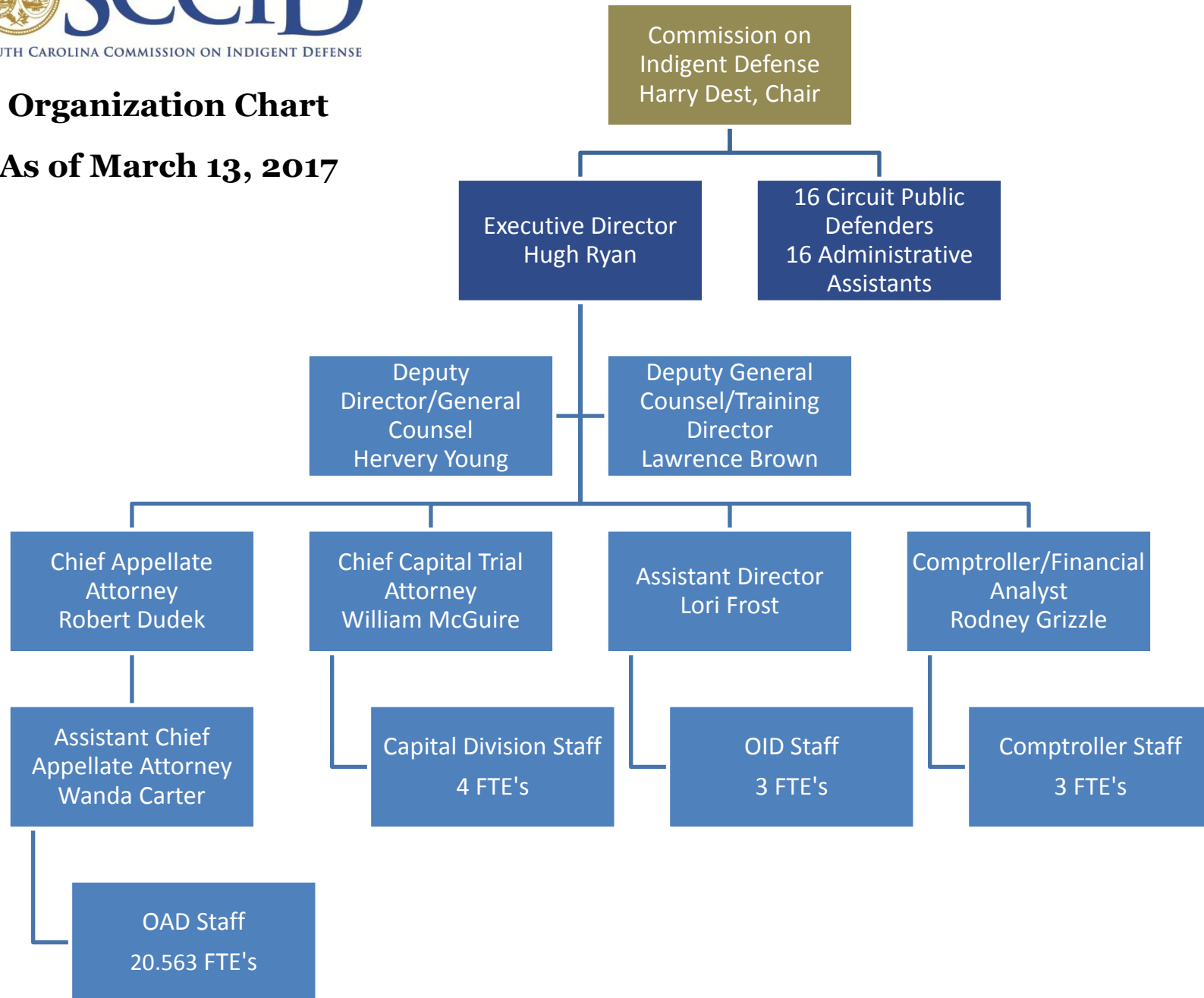
Organization Chart

As of August 2, 2016



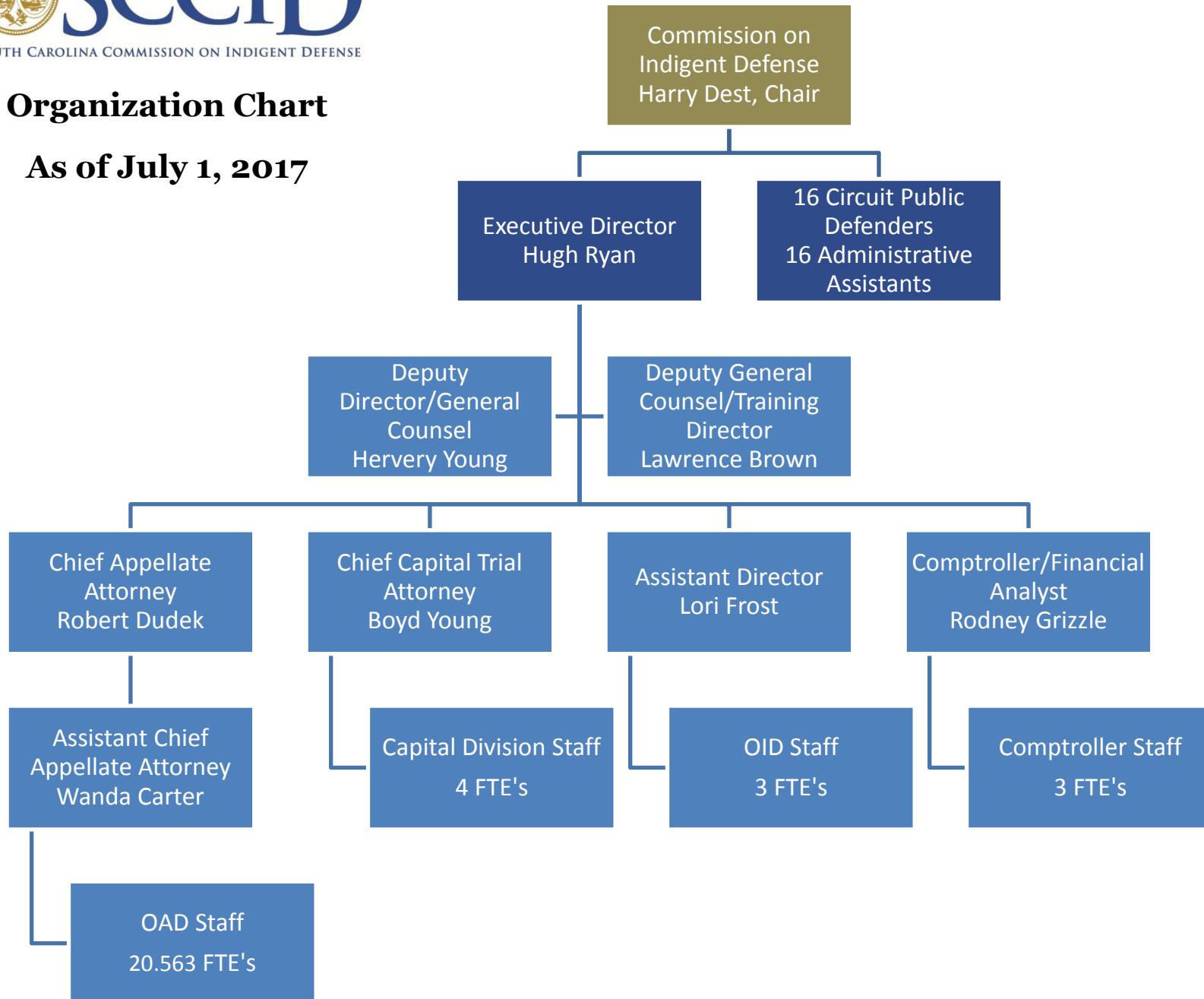
Organization Chart

As of March 13, 2017



Organization Chart

As of July 1, 2017



Glossary of Terms

SCCID	South Carolina Commission on Indigent Defense
OID	Formally the Office of Indigent Defense, now Administration for the Commission on Indigent Defense
OAD	Formally the Office of Appellate Defense, now the Division of Appellate Defense within the Commission on Indigent Defense.
Capital Division	Death Penalty Trial Division of the Commission on Indigent Defense.
608 Contract Attorneys	Attorney's that have been contracted by the Commission on Indigent Defense to handle Civil Court Appointments including Termination of Parental Rights, Abuse and Neglect, Probate Court Commitments, Sexually Violent Predator Act, and Post-Conviction Relief (PCR) and Criminal Conflict cases.
CPD's	Chief Circuit Public Defenders. There are 16 Chief Circuit Public Defenders through-out the State of South Carolina. One for each of the 16 Judicial Circuits.
PD's of APD's	Public Defenders or Associate Public Defenders. The attorney's in the 16 Judicial Circuits in South Carolina, which represent the indigent individuals in the Municipal, Magistrate and General Sessions courts.
PCR	Post-Conviction Relief requests. In South Carolina, a post-conviction relief (PCR) proceeding is a requested review of a criminal conviction. The convicted person (referred to as an "applicant") seeks to prove that his/her original trial lawyer was incompetent in handling his case or that there were other errors that prove his trial was unfair. New counsel may be appointed by the court and an attorney from the Attorney General's Office will represent the State. A hearing may be held before a judge in the county or circuit where the original trial occurred. The judge is required to issue a written order so the ruling will be by written order.
ABA	American Bar Association
NAC	National Advisory Commission on Criminal Justice Standards and Goals
NCSEP	North Carolina Systems Evaluation Project