

South Carolina Commission on Prosecution Coordination

Overview of Agency

Overview of Agency

- **Creation**
- **Mission**
- **Vision**
- **Governing Body**
- **Staff**
- **Duties**

Creation & Mission

- **Creation**
 - 1990 by General Assembly Act No. 485 (S. 1411)
- **Mission**
 - Enhance the professionalism and effectiveness of South Carolina's Solicitors and their staff.
- **Vision**
 - Enhance the ability of South Carolina's prosecutors to seek justice.

Governing Body & Staff

- **Commission – 11 members**
 - 5 elected Solicitors
 - Victim/witness advocate
 - Diversion program representative
 - Chair, Senate Judiciary Committee (or designee)
 - Chair, House Judiciary Committee (or designee)
 - Chief of South Carolina Law Enforcement Division
 - Director of S.C. Department of Public Safety
- **Staff**
 - 39 total
 - 32: 16 elected Solicitors and 16 Administrative Assistants
 - 7: positions with the agency

Staff

- **7 staff positions (6 State-funded & 1 grant)**
 - Executive Director
 - Education Coordinator/Senior Staff Attorney
 - Staff Attorney
 - Administrative Assistant 1
 - PTI Coordinator
 - Administrative Assistant 2 (vacant)
 - Traffic Safety Resource Prosecutor (Grant)

SCCPC Duties

** specifically set out in or derived from S.C. Code Section 1-7-940, other statutes listed in Laws Chart, and Provisos listed in Laws Chart*

- Coordination of administrative functions of the Solicitors' Offices;
- Continuing education;
- Legal resources;
- Technical assistance;
- Preparation and submission of Solicitors' budgets;
- Legislative mandated reports; and
- Service on councils and/or task forces

Coordination of Administrative Functions of the Solicitors' Offices

- Human Resources Services
 - For 16 elected Solicitors and 16 Administrative Assistants (1 in each of the 16 Solicitors' Offices)
- Diversion programs
 - PTI Guidelines and Standards
- Specific Prosecution Issues
 - Example – Domestic Violence Fatality Review Committees

Administrative Functions of the Agency

- Human Resources Services
 - For agency “staff”
- Grant Administration
 - John R. Justice (loan forgiveness for state prosecutors and state and federal public defenders)
 - Traffic Safety Resource Prosecutor
- General Office Administration

Continuing Education

- Providing continuing education to prosecutors, prosecution staff, and affiliate services
 - Average of at least 1 training per month
 - Experienced and knowledgeable speakers (including experienced prosecutors, law enforcement, and experts from other agencies)
 - Extensive written materials (including outlines, PowerPoint™ slide presentations, forms, samples)

Continuing Education

- Numbers

- Average of 22 trainings each calendar year since 2012 (14 so far in 2018)

- From 1.5 – 26+ hours in length

- Over 10,000 persons have attended since January 2012

- Prosecutors (all levels)

- Prosecution Investigators

- Prosecution Victim
Advocates

- Diversion Program staff

- Prosecution paralegals

- Law Enforcement personnel

- Judges (primarily Summary Court)

- Other government attorneys (non-criminal defense)

- Clerks of Court staff

- Other government employees

Continuing Education

- Prosecution Bootcamp
 - 5-day intensive training program
 - New prosecutors <2 years experience
 - Designed to provide opportunity to improve trial advocacy skills
 - Provides training in basic criminal law and procedure, including ethical obligations
 - Includes lectures from senior prosecutors, discussion workshops, and performance workshops critiqued by senior prosecutors

Continuing Education

- SCSA Solicitors' Conference
 - Role of the Commission
 - Annual training for members of the Solicitors' Offices
 - Average of 14 hours of training
 - Expert speakers in various aspects of criminal law and procedure, including new trends in criminal law and evidence
 - Presentations from nationally-recognized speakers

Continuing Education

- General Trainings – examples:
 - Evidence
 - Search & Seizure
 - Trial Advocacy
 - Forensic Science
- Specialized trainings
 - DV
 - DUI
 - Sexual Assault & Child Sexual Assault
 - Death Penalty
- Co-sponsor trainings with other agencies when requested
- Assist other agencies with trainings by providing speakers or identifying potential speakers

Legal Resources

- Legal Updates
 - Case law and legislative updates for Solicitors' Offices and staff, and other prosecutors and law enforcement when appropriate
 - Publication of 2 Manuals intended solely for prosecutors to provide overview of criminal law and evidentiary procedures, and guidance in prosecuting cases

Technical Assistance

- Provide assistance to prosecutors, victim advocates, diversion staff, investigators, paralegals, and law enforcement
 - Assist with general questions (*i.e.*, meaning or application of laws, legal research, ethics issues, etc.)
 - Assist with specific questions regarding particular cases (*i.e.*, reviewing pleadings, analyzing issues and/or law, strategy, ethics issues, etc.)
- Provide prosecution assistance (handle cases) upon request
- Serve as a clearinghouse
- Work with other criminal-justice related agencies
- Provide input to legislative working groups, subcommittees, and individual legislators as requested

Preparation, Submission, and Disbursement of Solicitors' Budgets

- Work with the Solicitors to plan, prepare, and submit an annual budget that addresses their state funding needs.
- Throughout the fiscal year, disburse funds to the 16 Solicitors' Offices as provided for in the Appropriations Act.

Legislatively Mandated Reports

- TEP
- Diversion Programs
- DV Prosecutions
- DUI Prosecutions
- Detailed Expenditure and Associated Revenue Streams Report

Service on Councils and/or Task Forces

- Statutory-mandated
 - Attorney General's Interagency Task Force on Human Trafficking
 - Victim Services Coordinating Council
 - Adult Protection Coordinating Council
- Other task forces as requested
 - S.C. Impaired Driving Prevention Council
- Other working groups or committees as requested
 - S.C. Domestic Violence Advisory Committee

Customers/Clients

- Primary customer – Solicitors and their staff
- Other – non-Solicitor prosecutors and their staff
- Also provide direct services to law enforcement agencies/officers

Evaluation of Customer/Client Satisfaction

- Trainings – directly request feedback on satisfaction with and usefulness of
 - Evaluations



SOUTH CAROLINA COMMISSION ON PROSECUTION COORDINATION

COURSE EVALUATION

**“The South Carolina Freedom of Information Act:
Legal & Practical Considerations”**

July 24, 2017

Francis Marion University
Florence, South Carolina

Name: (optional):	Title:
Judicial Circuit/Agency:	County:

1. No. of Staff in Office () 1-5 () 5-10 () 11-20 () 20-30 () Over 30
2. Years of Experience () 1-3 () 4-10 () over 10
3. Program was: () Excellent () Good () Fair () Poor
4. Materials were () Excellent () Good () Fair () Poor
5. Will this program benefit you in your work? () Yes () No

Most useful part of the program:
Suggestion(s) for future programs:

Poor **Fair** **Good** **Excellent**
 1 2 3 4 5 6 7 8 9 10

Section	Speaker/Topic	Assess the Materials	Assess the Presentation	CLE/CJA Minutes
1	Lisowski/ Changes to FOIA			150
	Whitsett Changes to FOIA			
2	Lisowski/ What to Do Once You Get a Request			30
	Nunn/ What to Do Once You Get a Request			
	Total Available CLE*/CJA** Minutes: <i>*CLE Course No. 176490</i> <i>**SCCJA Lesson Plan No. 5518</i>			180

Evaluation of Customer/Client Satisfaction

- Trainings – directly request feedback on satisfaction with and usefulness of
 - Evaluations
- Technical Assistance & Other Services
 - Not previously evaluated, BUT do receive feedback from customers
 - As result of this process, instituting annual evaluation of services provided

Goals, Strategies, & Objectives

Goal 1: Protect the community by vigorously but fairly prosecuting those who violate the law

- **Strategy 1.1** - Reduce the average time it takes to dispose of general sessions cases
 - **Objective 1.1.1** - Solicitors continue to hire additional general session prosecutors with the additional funding that was provided in the FY 16-17 budget and continued in the FY 17-18 budget
 - **Objective 1.1.2** - Reduce the average time it takes to dispose of general sessions cases
 - **Objective 1.1.3** - Reduce the number of cases that have been pending for over 541 days

Goals, Strategies, & Objectives

Goal 1: Protect the community by vigorously but fairly prosecuting those who violate the law

- **Strategy 1.2** - Upgrade all Solicitors' Offices' prosecution case management systems, information technology storage and e-discovery
 - **Objective 1.2.1** - Enable each Solicitors' Office to have a secure, cloud based, prosecution case management system, data storage and e-discovery platform
- **Strategy 1.3** - Eliminate the practice of law enforcement officers prosecuting their own cases in magistrates or municipal Court
 - **Objective 1.3.1** - Hire additional prosecutors with the additional funding provided in the FY 16-17 and FY 17-18 budget so all domestic violence cases are handled by a prosecutor whether the cases are in general sessions court, magistrates, or municipal court.

Goals, Strategies, & Objectives

Goal 2: Provide quality support services to the Offices of Solicitor

- **Strategy 2.1** - Provide administrative support to the Offices of Solicitor
 - **Objective 2.1.1** – Provide human resources assistance to each Solicitor and administrative assistant (one per circuit).
 - **Objective 2.1.2** – Provide state budget support for the Solicitors' Offices
 - **Objective 2.1.3** – Coordinate administrative functions of the diversion programs of the Solicitors' Offices

Goals, Strategies, & Objectives

Goal 2: Provide quality support services to the Offices of Solicitor

- **Strategy 2.2** – Enhance the professionalism and effectiveness of Solicitors and their staff
 - **Objective 2.2.1** – Conduct regular training for prosecutors and staff on a wide variety of topics.
 - **Objective 2.2.2** – Provide technical assistance to prosecutors and staff
 - **Objective 2.2.3** – Provide timely legislative updates
 - **Objective 2.2.4** – Provide regular case law updates.

Goals, Strategies, & Objectives

Goal 2: Provide quality support services to the Offices of Solicitor

- **Strategy 2.3** – Work with SLED to write a new computer program that will modernize the PTI database as well as add additional diversion databases
 - **Objective 2.3.1** – Complete the final stage of writing the computer program
 - **Objective 2.3.2** – Have users test the new databases once they are built and resolve any unforeseen issues
 - **Objective 2.3.3** – Migrate existing data into the new database

Goals, Strategies, & Objectives

Goal 3: Operate in an effective and efficient manner to enable staff to accomplish the mission of the agency

- **Strategy 3.1** – Enable staff to perform job duties
 - **Objective 3.1.1** – Obtain sufficient funding for agency to operate
 - **Objective 3.1.2** – Provide administrative services
 - **Objective 3.1.3** – Provide sufficient resources for staff

Goals, Strategies, & Objectives

Goal 3: Operate in an effective and efficient manner to enable staff to accomplish the mission of the agency

- **Strategy 3.2** – Respond to inquiries and requests for assistance from the public (persons other than those covered by Goal 2)
 - **Objective 3.2.1** – Timely and efficiently respond to requests from members of the public for documents (including subpoenas and Freedom of Information requests)
 - **Objective 3.2.2** – Timely and efficiently respond to inquiries and requests for assistance from the General Assembly
 - **Objective 3.2.3** – Timely and efficiently respond to inquiries and requests for assistance from state, county, and local government agencies
 - **Objective 3.2.4** – Timely and efficiently respond to inquiries and requests for assistance from criminal justice-related non-governmental agencies

Goals, Strategies, & Objectives

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 - **Objective 3.2.4** – Timely and efficiently respond to inquiries and requests for assistance from criminal justice-related non-governmental agencies

Laws

- As listed in Laws Chart, numerous statutes directly address the Commission
 - Creation, composition, purpose, & operation
 - Additional duties imposed (previously discussed)

Recommended Law Changes

- Internal Agency Recommendation
 - Electronic transfer of state appropriations/
funds to Circuit Solicitors' Offices

Recommended Law Changes

1. Section 1-7-420. Assistant solicitor for 1st judicial circuit.
2. Section 1-7-430. Additional assistant solicitor for 1st judicial circuit.
3. Section 1-7-440. Assistant solicitor for 3rd judicial circuit.
4. Section 1-7-450. Assistant solicitor for 4th judicial circuit.
5. Section 1-7-460. Assistant solicitors for 5th judicial circuit.
6. Section 1-7-470. Assistant solicitor for 7th judicial circuit.
7. Section 1-7-480. Assistant solicitor for 8th judicial circuit.
8. Section 1-7-490. Assistant solicitors for 9th judicial circuit.

Recommended Law Changes

9. Section 1-7-500. Assistant solicitor for tenth judicial circuit.
10. Section 1-7-510. Assistant solicitor for thirteenth judicial circuit.
11. Section 1-7-520. Assistant solicitor for fourteenth judicial circuit.
12. Section 1-7-530. Assistant solicitor for sixteenth judicial circuit.
13. Section 1-7-533. Special investigator for third judicial circuit.
14. Section 1-7-540. Special investigator and assistant special investigator for ninth judicial circuit.
15. Section 1-7-940. Duties
16. Section 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.

Recommended Law Changes

- ##1-14: Statutes unnecessary
 - Sections 1-7-405 and 406, and General Appropriations Act
- #15: Section 1-7-940(a)(4) requires the Commission to provide blank indictments to the Solicitors' Offices
 - Unnecessary – all prepared now on computers
- #16: Section 22-3- 546 provides that a Solicitor in a circuit with 5 or more counties (14th) may establish program through which may prosecute 1st offense criminal domestic violence offenses in General Sessions Court (instead of in Summary Court).
 - Unnecessary because 2015 Domestic Violence Reform Act changed law so that the lowest level of domestic violence is to be tried in General Sessions Court unless the Solicitor decides to try the case in Summary Court (see Section 16-25-20(D))

Questions?