

Law Enforcement and Criminal Justice Subcommittee Meeting

Monday, August 20, 2018

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AGENDA

South Carolina
House of Representatives



Legislative Oversight Committee

LAW ENFORCEMENT AND CRIMINAL JUSTICE SUBCOMMITTEE

Chairman Edward R. Tallon Sr.

The Honorable Katherine E. (Katie) Arrington

The Honorable William M. (Bill) Hixon

The Honorable Jeffrey E. (Jeff) Johnson

Monday, August 20, 2018

11:00am

Room 110 - Blatt Building

Pursuant to Committee Rule 6.8, S.C. ETV shall be allowed access for internet streaming whenever technologically feasible.

AMENDED AGENDA

- I. Approval of Meeting Minutes**
- II. Discussion of the study of the Commission on Prosecution Coordination**
- III. Adjournment**

MEETING MINUTES

Chair Wm. Weston J. Newton

*First Vice-Chair:
Laurie Slade Funderburk*

Legislative Oversight Committee

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William K. (Bill) Bowers
Neal A. Collins
MaryGail K. Douglas
William M. (Bill) Hixon
Jeffrey E. (Jeff) Johnson
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Law Enforcement and Criminal Justice Subcommittee

Tuesday, August 14, 2018

11:00 am

Blatt Room 110

Archived Video Available

- I. Pursuant to House Legislative Oversight Committee Rule 6.8, South Carolina ETV was allowed access for streaming the meeting. You may access an archived video of this meeting by visiting the South Carolina General Assembly's website (<http://www.scstatehouse.gov>) and clicking on *Committee Postings and Reports*, then under *House Standing Committees* click on *Legislative Oversight*. Then, click on *Video Archives* for a listing of archived videos for the Committee.

Attendance

- I. The Law Enforcement and Criminal Justice Subcommittee meeting was called to order by Subcommittee Chairman Edward R. Tallon, Sr., on Tuesday, July 24, 2018, in Room 511 of the Blatt Building. All members of the Subcommittee, except Representative Katie Arrington, were present for either all or a portion of the meeting.

Minutes

- I. House Rule 4.5 requires standing committees to prepare and make available to the public the minutes of committee meetings, but the minutes do not have to be verbatim accounts of meetings. It is the practice of the Legislative Oversight Committee to provide minutes for its subcommittee meetings.
- II. Representative Johnson makes a motion to approve the meeting minutes from the prior Subcommittee meeting.

Rep. Johnson's motion to approve the minutes from the July 24, 2018, meeting:	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Discussion of the Commission on Indigent Defense

- I. Subcommittee Chairman Tallon swears in the following agency personnel:
 - a. Mr. Boyd Young, Chief Capital Defender; and
 - b. Mr. Robert M. Dudek, Chief Appellate Defender.
- II. Subcommittee Chairman Tallon explains the purpose of the meeting today is for agency representatives to provide an overview of the following:
 - a. process for individuals involved in the following types of cases:
 - i. criminal cases (including murder and death penalty);
 - ii. sexually violent predator civil commitment cases;
 - iii. post-conviction relief cases; and
 - iv. juvenile criminal cases;
 - b. differences in how counties and courts screen for whether an individual qualifies as an indigent, and thus is entitled to legal representation from the state;
 - c. agency's Death Penalty Trial Division; and
 - d. agency's Division of Appellate Defense.
- III. Mr. Hugh Ryan, Director of the S.C. Commission on Indigent Defense, provide remarks on the topics outlined by Subcommittee Chairman Tallon. Members ask questions, which Director Ryan and other applicable agency personnel answer.

- IV. Subcommittee members make various motions during the meeting, which are listed below. A roll call vote is held for these motions, and, among the members present, the motions pass unanimously.

Rep. Johnson's motion that the Subcommittee Study include a recommendation that the agency work with applicable entities, to determine the following: (a) could a system be setup that would run the necessary information from an individual's application for indigent representation, but only show a judge whether the individual does or does not qualify as indigent, without providing the judge access to any other information of the individual; and (b) if it is possible to setup this type of system, (i) how much it would cost initially, and on an ongoing basis, and (ii) could the state retain the rights over the system so the state could license it to other states, thereby creating a revenue stream to cover any initial or ongoing costs.	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

Rep. Johnson's motion that the Subcommittee Study include a finding that S.C. Code Section 17-3-45(a), which states "clerk of court or other appropriate official" is another example of lack of clarity regarding which entity is responsible for ensuring accurate collection and remittance of the fines and fees. This issue, relating to fines and fees which fund indigent defense services, further supports the Committee's recommendation from its study of the Law Enforcement Training Council and Criminal Justice Academy that the General Assembly should clarify statutes regarding fines and fees (e.g. to indicate which entity is responsible for ensuring county and local governments properly collect and remit these and additional options for enforcement to ensure compliance).	Yea	Nay	Not Voting (Absent)
Rep. Arrington			✓
Rep. Hixon	✓		
Rep. Johnson	✓		
Rep. Tallon	✓		

- V. There being no further business, the meeting is adjourned.

STUDY TIMELINE

The House Legislative Oversight Committee's (Committee) process for studying the Commission on Prosecution Coordination (SCCPC, Commission, Prosecution Coordination, or agency) includes actions by the full Committee; Executive Subcommittee (Subcommittee); the agency; and the public. Key dates and actions are listed below in Figure 2.

Legislative Oversight Committee Actions

- December 19, 2017 - Prioritizes the agency for study
- January 12, 2018 - Provides the agency notice about the oversight process
- January 23 - March 1, 2018 - Solicits input about the agency in the form of an online public survey
- April 26, 2018 - Holds **Meeting #1** to obtain **public input** about the agency

Executive Subcommittee Actions

- June 18, 2018 - Holds **Meeting #2** to discuss an **overview of the agency** and the agency's **deliverables and strategic plan**
- July 24, 2018 - Holds **Meeting #3** to discuss agency finances and continue discussion of the agency's **deliverables and strategic plan**
- August 20, 2018 - (TODAY) Holds **Meeting #4** to discuss authority of Office of the Attorney General over solicitors; warrant approval process; county investigative grand juries; cloud-based evidence databases; and continue discussion of the agency's deliverables and strategic plan

Commission on Prosecution Coordination Actions

- March 31, 2015 - Submits its **Annual Restructuring and Seven-Year Plan Report**
- January 11, 2016 - Submits its **2016 Annual Restructuring Report**
- September 2016 - Submits its **2015-16 Accountability Report**
- September 2017 - Submits its **2016-17 Accountability Report**
- April 6, 2018 - Submits its **Program Evaluation Report**
- June, 2018 - TBD - Responds to Subcommittee's inquiries

Public's Actions

- January 23 - March 1, 2018 - Provides input about the agency via an **online public survey**
- April 26, 2018 - Provides testimony about the agency
- Ongoing - Submits written comments on the Committee's webpage on the General Assembly's website (www.scstatehouse.gov)

Figure 1. Key dates in the study process (December 2017 - present).

AGENCY SNAPSHOT

Prosecution Coordination Commission

Major Agency Positions

Executive Director

Oversees overall management of agency; coordinates and develops agency activities; monitors legislation and provides input as needed; and works with Solicitors.

Pre-trial Intervention and Grants Coordinator

Coordinates the activities of Circuit Solicitor Diversion programs and ensures grant and legislative reports are completed in a timely manner.

Education Coordinator / Senior Staff Attorney

Develops and conducts trainings for Solicitors' staff; prepares legal updates; and assists prosecutors.

Traffic Safety Resource Prosecutor

Acts as resource on, and conducts training for, prosecutors for traffic-related criminal cases, pursuant to a grant from the National Highway Traffic Safety Administration.

Staff Attorney

Assists in providing trainings for Solicitors' staff, preparing legal updates, and providing assistance to prosecutors.

Administrative Assistants

Performs human resources functions and assists Executive Director in preparation of budget and financial management of agency. Prepares correspondence, organizes files, maintains records, and performs other administrative duties for Executive Director and staff.

FY 17-18 Resources

Employees
Available FTE: 7*
*not including one Solicitor and administrative assistant/circuit

Filled FTE: 6

Funding
\$36.79 million
appropriated and authorized

CHALLENGES

As identified by the agency

- Addressing ability to provide reports, trends, and performance measures without a centralized data system in which solicitors from all circuits enter information.
- Assisting solicitors' offices with processing and turning over discovery in a timely manner without sufficient data storage for large body camera files.
- Raising additional funding from counties to eliminate the large disparity in funding of solicitors' offices across the 46 counties.

SUCCESSES

As identified by the agency

- Increasing the quality and quantity of training, resources, and technical assistance available to prosecutors.
- Receiving increased funding based on an analysis of the number of incoming cases compared to the number of prosecutors (caseload equalization)
- Updating procedures and resources to improve the prosecution of domestic violence cases, including efforts to have all domestic violence cases prosecuted by attorney prosecutors rather than law enforcement officers.

Figure 2. Snapshot of the major agency positions, fiscal year 2017-18 resources (employees and funding), successes, and challenges.¹

JUDICIAL CIRCUITS MAP



Figure 3. Map of judicial circuits.²

OVERVIEW OF AGENCY

Legal Directives

Basis for creating the agency

The General Assembly stated the following when **creating the SCCPC** in 1990:

- The importation, sale, and use of dangerous narcotic substances in South Carolina has reached epidemic levels; and
- This epidemic has resulted in an **explosion in drug-related crimes**, many of which are violent in nature; and
- On January 1, 1990, there was a record **backlog of forty-two thousand five hundred seventy-seven criminal cases** in General Sessions and Family Courts; and
- There is a **need to provide uniform and efficient administration of justice through the prosecution of criminal cases** in South Carolina. (emphasis added)³

To address these issues, the General Assembly directed the SCCPC, “to coordinate all activities involving the prosecution of criminal cases in this State.”⁴ Other specified duties of the SCCPC include⁵:

- (1) coordinate all administrative functions of the solicitors' offices and any affiliate services;
- (2) submit the budgets of the solicitors and their affiliate services to the General Assembly;
- (3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services, and provide legal updates on matters of law affecting prosecution of criminal cases; and
- (4) provide blank indictments for the Solicitors.

Unlike the S.C. Commission on Indigent Defense and circuit public defenders, the General Assembly did not expressly provide in statute that the SCCPC has authority to require any information, set any policies or procedures, or take any other type of action to ensure solicitors are complying with their legal duties or to “provid[ing] uniform and efficient administration of justice.”⁶ However, the General Assembly did authorize the agency to promulgate any regulations necessary to assist it in performing its duties, which include “coordinat[ing] all activities involving the prosecution of criminal cases.”⁷

While the Commission has not promulgated any regulations, it has adopted policies and standards for the solicitors’ operation of pre-trial diversion programs. The **SCCPC believes it could promulgate regulations which require solicitors to provide specific information or follow certain policies related to other aspects of prosecution, but asserts it is unclear whether the agency has statutory authority to create an enforcement mechanism to ensure compliance with the policies, procedures, or regulations.**⁸

Roles of SCCPC v. Solicitors

The State Constitution provides the “**Attorney General shall be the chief prosecuting officer** of the State with authority to supervise the prosecution of all criminal cases in courts of record” and each judicial circuit will have a solicitor elected by the public, and the **General Assembly shall provide in law the duties of the circuit solicitors.**⁹ The General Assembly states solicitors are to perform the duty of the Attorney General, which is to “supervise the prosecution of all criminal cases in courts of record,” and assist the Attorney General, or each other, in all prosecution on behalf of the state when directed by the Governor or called upon by the Attorney General.¹⁰

Thus, the General Assembly has tasked the SCCPC with “**coordinat[ing]** all activities involving the prosecution of criminal cases,” providing specific examples of the activities to coordinate, and has tasked solicitors with “**supervis[ing]** the prosecution of all criminal cases in courts of record.”¹¹

It is important to note this differs from public defenders who are not elected by the public and are instructed by the General Assembly to follow the policies and procedures of the S.C. Commission on Indigent Defense, which include, but are not limited to, setting standards for performance.¹²

The General Assembly noted there was a backlog of criminal cases when creating the SCCPC. While the General Assembly provides that individual solicitors have exclusive authority to determine the order in which cases are called for trial, in 2012 the Supreme Court of South Carolina declared the statute unconstitutional and placed control of the docket with the judiciary.¹³ The General Assembly also requires the Attorney General and solicitors to conduct annual examinations of the offices of the clerk of the court, sheriff, and register of deeds in each county, to determine if those officers are performing their duties under the law, and make a report to the General Assembly, as it has since 1837.¹⁴

Specific duties of SCCPC and finances

In the past, the General Assembly has vacillated as to whether the SCCPC should keep details on expenditures and revenues. From 1979 through 2005 solicitors were required by statute to provide a report on expenditures.¹⁵ From 2005 to 2016, there was no requirement for solicitors to report their expenditures. Since fiscal year 2015-16, the General Assembly has enacted a proviso annually which requires the SCCPC to obtain detailed expenditure reports and associated revenue streams for each solicitor.¹⁶

The SCCPC has other general and specific duties in law. The agency has interpreted these legal duties to require numerous deliverables, which are included in detail in later sections of this packet.

Mission and Vision

The agency provides S.C. Code Ann. Section 1-7-940 as the basis for its mission and vision.¹⁷ It also provides Rule 3.8, Comment 1, S.C. Rules of Professional Conduct (Rule 407, SCACR) as additional basis for its mission.¹⁸ The mission, vision, and supporting legal basis are below.

SCCPC's **mission** is to enhance the professionalism and effectiveness of South Carolina's Solicitors and their staff. We do this by providing legal education and publications, providing technical assistance, coordinating with other state, local, and federal agencies involved in the criminal justice system, providing administrative functions for the solicitors at the state level, as well as being a resource for the General Assembly on a range of issues.¹⁹

SCCPC's **vision** is to enhance the ability of South Carolina's state prosecutors to seek justice.²⁰

S.C. Code Ann. Section 1-7-940, which relates to SCCPC's duties, states the following:

(A) The commission has the following duties:

- (1) coordinate all administrative functions of the offices of the solicitors and any affiliate services operating in conjunction with the solicitors' offices;
- (2) submit the budgets of the solicitors and their affiliate services to the General Assembly;
- (3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State;
- (4) provide blank indictments for the circuit solicitors.

(B) Nothing in this section may be construed to displace or otherwise affect the functions and responsibilities of the State Victim/Witness Assistance Program as established in Section 16-3-1410.

Rule 3.8, Comment 1, S.C. Rules of Professional Conduct (Rule 407, SCACR), states:

A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence. Precisely how far the prosecutor is required to go in this direction is a matter of debate and varies in different jurisdictions. Many jurisdictions have adopted the ABA Standards of Criminal Justice Relating to the Prosecution Function, which in turn are the product of prolonged and careful deliberation by lawyers experienced in both criminal prosecution and defense. Applicable law may require other measures by the prosecutor and knowing disregard of those obligations or a systematic abuse of prosecutorial discretion could constitute a violation of Rule 8.4.

ORGANIZATION OF AGENCY

Figure 4 includes an organizational chart, current as of August 2018.

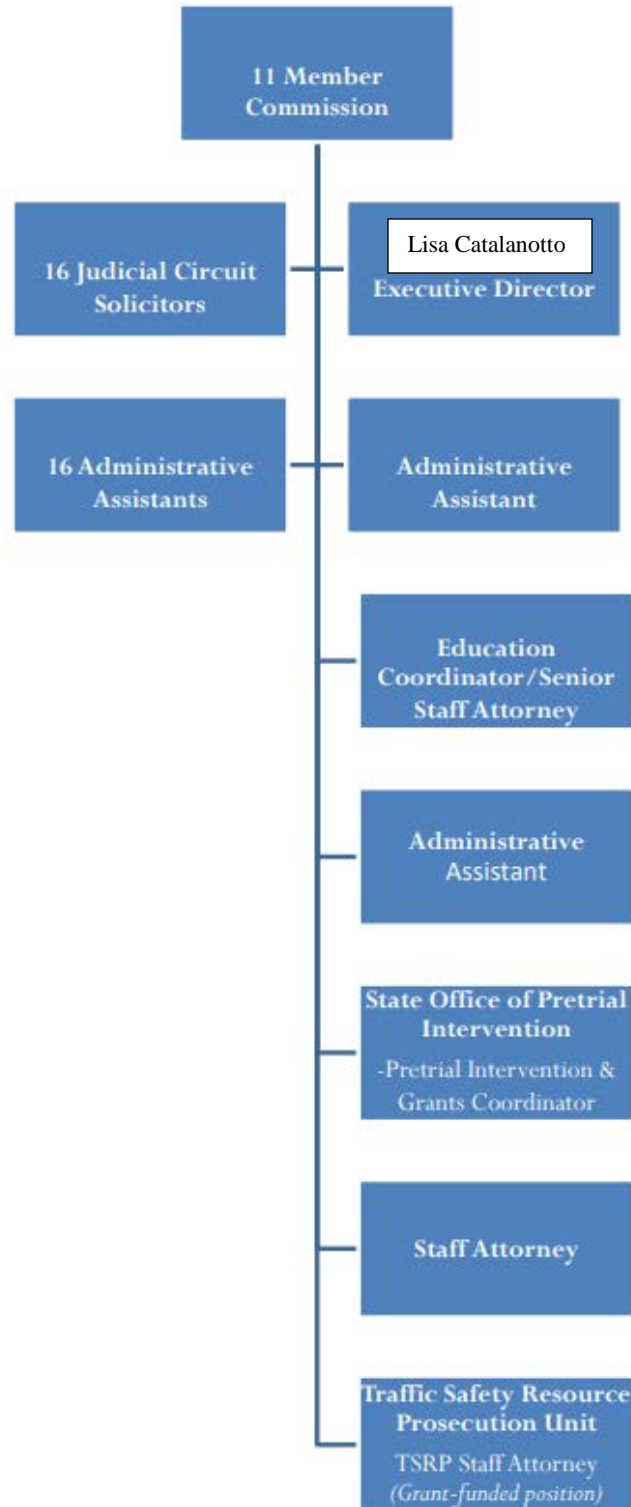


Figure 4. Agency Organizational Chart as of August 2018.²¹

CONSTITUTIONAL AND STATUTORY AUTHORITY

Constitutional and statutory authority relating to law enforcement and prosecution of crimes

General Assembly

State constitution provisions:

- Sheriffs
 - General Assembly provides the duties and compensation of sheriffs;²²
- Solicitors
 - General Assembly divides the state into judicial circuits;²³
 - General Assembly provides the duties and compensation of judicial circuit solicitors;²⁴ and
- Other Officials to enforce criminal laws
 - General Assembly provides the duties and compensation of other appropriate officials to enforce the criminal laws of the State, to prosecute persons under these laws, and to carry on the administrative functions of the courts of the State.²⁵

Attorney General

State constitution and other sources state the following about the authority of the Office of the Attorney General:

- State Constitution
 - Attorney General is the chief prosecuting officer of the state;²⁶
 - Attorney General has authority to supervise the prosecution of all criminal cases in courts of record;²⁷
- State Statutes
 - Attorney General will consult with and advise solicitors in matters relating to the duties of their offices.²⁸
 - When required by the Attorney General, solicitors shall perform the duty of the Attorney General and give their counsel and advice to the Governor and other State officers, in matters of public concern;²⁹
 - When directed by the Governor or Attorney General, solicitors shall assist the Attorney General, or each other, in all prosecution on behalf of the state;³⁰
 -
- South Carolina Supreme Court decisions:
 - Attorney General is the chief prosecuting officer of the state for both criminal and civil proceedings;³¹
 - Attorney General has authority to prosecute cases in magistrate and municipal courts;³²
 - Duties of the Attorney General, as chief prosecuting officer of the state, are performed by the Attorney General not only through his immediate staff, but through his constitutional authority to supervise and direct the activities of the solicitors or prosecuting attorneys located in each judicial circuit of the state;³³
 - General Assembly may not limit the Attorney General's prosecutorial authority granted in the state constitution;³⁴ and
 - The South Carolina Constitution and South Carolina case law place the unfettered discretion to prosecute solely in the prosecutor's hands; prosecutors may pursue a case to trial, or they may plea bargain it down to a lesser offense, or they may simply decide not to prosecute the offense in its entirety.³⁵

Appendix C includes the full decisions of the cases cited.

CRIMINAL JUSTICE SYSTEM

What is the sequence of events in the state criminal justice system in South Carolina?

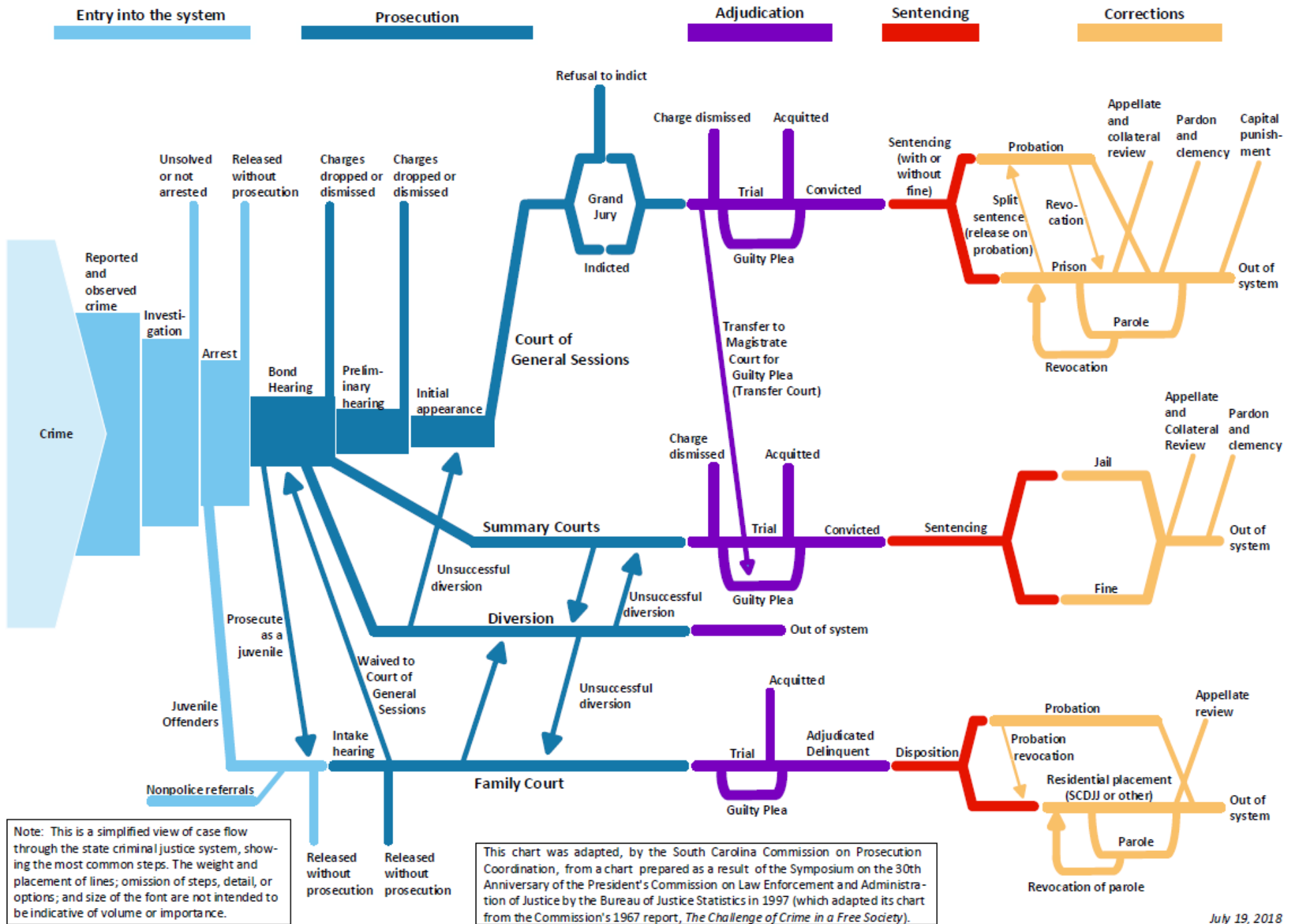


Figure 5. Criminal justice system flow chart.

Investigative Grand Juries and State RICO Act

During the July 24, 2018, Subcommittee meeting, the topic of investigative grand juries was discussed.³⁶ According to SCCPC, one benefit of having investigative grand juries in the county is proximity to witnesses.³⁷ An example provided was an investigation into Colleton County gang activity, which, if done through the investigative state grand jury would require witnesses traveling three hours away.³⁸ Additional benefits to investigative grand juries mentioned include the (1) ability to subpoena witnesses, so they are required to come, which ensures information is provided by those who otherwise do not want to do so; and (2) secret nature of the grand jury which allows witnesses to talk to law enforcement.³⁹ SCCPC offered the possibility of having a temporary or periodical investigative grand jury in counties, as opposed to a standing one.⁴⁰

There was also testimony about a state racketeer influenced and corrupt organizations (RICO) act, like in Georgia and North Carolina, which would allow for arresting and prosecuting large groups of criminals at the same time.⁴¹

The Subcommittee requested additional details from the agency in an August 1, 2018, letter.⁴² In response, SCCPC stated it plans to provide further details regarding a recommendation, and rationale, for having investigative grand juries in counties, as well as a state (RICO) act, after its next regularly scheduled meetings of both the Commission and solicitors at the end of September.⁴³

Warrant Approval

Adult criminal cases usually begin with the request and issuance of warrants. In a June 22, 2018, letter the Subcommittee asked the agency to provide recommendations for more efficient and effective ways to analyze cases, including, but not limited to, warrant approval. Below is the response provided by the agency.⁴⁴

Many jurisdictions across the country use some form of warrant approval system to ensure the cases being filed by law enforcement are prosecution-worthy. In many places, this step in the process occurs shortly after arrest, in some places it occurs prior to the issuance of a warrant. This may improve the overall effectiveness of the criminal justice system in South Carolina by filtering out cases that are not supported by the evidence or require further investigation before they can be successfully prosecuted. If this is something the legislature would like to explore, there is at least one solicitor's office that would be willing to serve as a pilot program. The most significant issues to address prior to implementation include the following:

1. Review Prior to Arrest
 - a. Providing the resources to allow for 24/7 on call review of cases. In the event the individual investigated poses an imminent threat to public safety (as will certainly be the case for a number of individuals), any delay in review and arrest that allowed for additional crimes to be committed by the suspect would rightly be intolerable to the public.
2. Review After Arrest
 - a. Establishing a process to allow for sufficient time for law enforcement to assemble their file and present it to the prosecution after taking the suspect into custody. The process would have to address the procedural considerations involved in the issuance of process by a summary court judge along with a mechanism to allow for the solicitor's decision to be reported back to the court allowing for the warrant to go forward. Questions regarding bond and law enforcement liability for cases that were rejected by the prosecution would need to be addressed as well.
3. In either scenario, the review function would have to be established by law as a function of the prosecution to allow for prosecutorial immunity to extend to the decision making process of accepting or rejecting a warrant.

4. Search warrants should be included in the review process. Simple errors in the issuance of these warrants can be catastrophic and a simple mechanism requiring review could avoid many of these problems.

The agency states it is currently working on language to submit to the Subcommittee that more particularly addresses the issues present in South Carolina.

Evidence Data

As part of the prosecution process, law enforcement officers must transfer evidence they obtain during their investigation to the solicitors' offices for prosecution.

According to SCCPC, much of the evidence today originates in digital format.⁴⁵ This includes videos from body cameras, police cars, and public and private surveillance, as well as incident reports that are typed into computers, and photographs taken by digital cameras.

SCCPC explains that law enforcement agencies not utilizing cloud based systems remove the digital content and download it onto computer discs and thumb drives, document what is supposedly on the disks, then drive the discs to the solicitor's office where the solicitor's staff returns it to digital format by uploading it or scanning it into a case management system.⁴⁶

SCCPC believes this process is not only inefficient considering the use of computer discs, thumb drives, and personnel time but it also prevents a pure audit process that would allow the prosecutor, defense attorney, and court to hold law enforcement accountable for providing all relevant material.⁴⁷

Table 1 includes information SCCPC provided on the pros and cons of all applicable parties (e.g., law enforcement entities, solicitors' offices, court administration, individual defendants, etc.) utilizing a cloud-based system for evidence. Appendix D includes a listing of law enforcement agencies in each judicial circuit currently using a cloud-based evidence database, along with the year they began using it, related costs, and comments on whether the agency believes it has improved efficiency. Below is a brief summary of that information.

- 21 counties use a cloud-based evidence database in at least one law enforcement agency
- 46 police departments in 21 counties use a cloud-based evidence database
 - Has the database made transfer of evidence easier and/or more efficient?
 - 25 = Yes; 19 = no comment; 1 = No; 1 = Not efficient for individual officer
 - Upfront cost to use database → \$0 to \$38,889
 - Annual cost to use database → \$0 to \$143,000
- 18 county Sheriff's Offices use cloud-based evidence database
 - Has the database made transfer of evidence easier and/or more efficient?
 - 11 = Yes; 6 = no comment; 1 = states it is not regularly used
 - Upfront cost to use database → \$0 to \$336,140
 - Annual cost to use database → \$0 to \$200,000

Table 1. Summary of pros and cons of utilizing a cloud based evidence storage system from SCCPC.

Utilization of Cloud Based Evidence Storage	
Pros	Cons
<p>Efficiency</p> <p>Utilizing a cloud based evidence storage platform provides a quicker method of information dissemination (sending an email link to someone for them to access the data is much more efficient than putting a copy on a DVD and mailing or delivering it to another person). A single link can be shared many times.</p> <p>Example: The “old” way is to receive a copy of a DVD (which might be misplaced, damaged, stolen, might require special software to view, etc.) and then transferring that data by making copies of the DVD for distribution by mail or by hand (is laborious and time consuming). With cloud based storage, a particular file can be shared with the appropriate parties via an email link that requires authentication to view.</p>	
<p>Redundancy</p> <p>Once in the system data will not be lost or misplaced.</p>	
<p>Protection against tampering of evidence</p> <p>Versioning occurs when the original component is changed, and it also records by whom the change has taken place. Versioning acts as a form of backup of the original dataset.</p>	
<p>Security and accountability</p> <p>The data transfer in the cloud is encrypted, and the platform on which the data is residing is encrypted. The person who accesses the data must have (a) email access and (b) the password that has been set up by the email address user. The platform records both the email address and IP address of the person accessing the data. A log of who accesses the data is maintained. The data transfer in the cloud is encrypted, and the platform on which the data is residing is encrypted.</p>	<p>Security</p> <p>Similar scenarios exist whether the data is physical or not. Example: someone downloads the file locally and their laptop is stolen and hacked, or the laptop is taken by someone who has phished the credentials of the laptop owner.</p>
<p>Accessibility</p> <p>The data is readily accessible from multiple platforms so long as one has the ability to remotely access the data store.</p>	<p>Ex-employees</p> <p>This is for both DVD and cloud based. Ex-employees should have access to data removed at the time of dismissal (requires removing access to be part of the human resources’ dismissal process).</p>
<p>Cost</p> <p>The amount of money saved in expediting the transfer of data is immense. For instance, the value of the amount of time a lawyer spends dealing with sharing or transferring DVD data (finding the data, copying it, mailing or delivering it, and driving back one time) would pay for the software of 20 people for a month. Example: Imagine five lawyers having the ability to move data around securely through the internet per month: three data transfers each in a month (cloud based storage takes less than five minutes to transfer each time, as compared to transferring information via a DVD – for which the lawyer must find data, copy DVD, meet with person or get package mailed with signature security at extra expense – which takes between 30 minutes to an hour each and that’s not even delivering the data). Money and time is saved with cloud based evidence storage and sharing.</p>	<p>Implementation</p> <p>Requires supervisors to require 100% adoption within the organization for it to be consistent.</p>
	<p>Upload and download times for large files</p> <p>If the file is extremely large and the upload speed is minimal, it takes a long time to transfer data.</p>

Definition of “case”

While SCCPC currently utilizes some of Court Administration’s data regarding cases, and would like to collect/utilize additional data, to ensure data in reports from Court Administration, SCCPC, and S.C. Commission on Indigent Defense (which also utilizes case status data), can be compared apples to apples, there first needs to be a uniform definition for the term “case.”

SCCPC acknowledges Court Administration, SCCPC, and S.C. Commission on Indigent Defense currently do not utilize a uniform definition of the term “case” for purposes of calculating cases by county and circuit, caseloads, etc.⁴⁸

SCCPC proposes that cases be calculated as events, which would be consistent with how law enforcement calculates cases.⁴⁹ SCCPC provides the following as an example:

Assume a defendant breaks into a home, steals stereo equipment and assaults the homeowner. Later the same day the defendant travels across town and breaks into another home, steals more stereo equipment and assaults another homeowner. The defendant is charged with burglary, larceny and assault for the first break in. He is also charged with burglary, larceny and assault for the second break in. Court Administration counts this situation as six different cases. Law enforcement considers these two separate events and assigns two case numbers.

PRODUCTS AND SERVICES

In the Program Evaluation Report, the Committee asks an agency to provide a list of its deliverables (i.e., products and services) as well as additional information related to laws, customers, costs, and potential negatives impacts.⁵⁰ Table 2 includes an overview of the deliverables provided by the agency and Tables 3.1 - 3.33 include additional information about each of the deliverables.

Table 2. List of the agency's deliverables.

Item # ⁵¹	Deliverable	Does law require, allow, or not address it?
1A&B	Administrative functions of the solicitors' offices, coordinate	<u>Required by</u> S.C. Code Ann. Section 1-7-940(A)(1). Duties.
2	State budget support to solicitors, provide	<u>Required by</u> S.C. Code Ann. Section 1-7-940(A)(2). Duties.
3	Solicitors' expenditure reports, collect and submit to legislature	<u>Required by</u> Proviso 117.109, 2017-2018 Appropriation Act Part 1B
4-10	Legal issues, including legislation and court rules affecting prosecutors and prosecution,...	<u>Required by</u>
	provide technical assistance	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	provide and assist with general research	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	develop, coordinate, and conduct training	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	act as clearinghouse for distribution of publications	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	provide updates	S.C. Code Ann. Section 1-7-940(A)(3). Duties.
	monitor	<u>Not specifically mentioned in law, but provided to achieve the requirements of</u> S.C. Code Ann. Section 1-7-940(A)(3). Duties.
11	Blank indictments to the solicitors' offices, provide	<u>Required by</u> S.C. Code Ann. Section 1-7-940(A)(3). Duties.

Item # ⁵¹	Deliverable	Does law require, allow, or not address it?
12-15	Domestic violence...	<u>Required by</u>
	prosecutions, collect/maintain non-privileged data, and prepare/submit annual report	Proviso 60.7, 2017-2018 Appropriation Act, Part 1B
	First-time offender programs, collect reports	S.C. Code Ann. Section 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.
	fatalities, develop protocols related to the review	S.C. Code Ann. Section 16-25-720. Establishment of interagency circuit-wide committees; protocols; membership of committees; confidential information; limitation in investigations; access to information.
	Fatality Review Committees, collect and maintain reports from each solicitor	<u>Not specifically mentioned in law, but provided to achieve the requirements of</u> S.C. Code Ann. Section 16-25-720.
16	Driving under the influence...	<u>Required by</u>
	prosecutions, collect/maintain information, and prepare/submit annual report	Proviso 60.9, 2017-2018 Appropriation Act, Part 1B
17-19	Traffic education programs...	<u>Required by</u>
	procedures, oversee administration	S.C. Code Ann. Section 17-22-310. Prosecutorial discretion of Circuit Solicitor to establish traffic education program; administration.
	Reports, collect from each solicitor	S.C. Code Ann. Section 17-22-360. Annual report.
	identifying information of participants, maintain	S.C. Code Ann. Section 17-22-370. Submission of information necessary for creation and maintenance of list of participants.

Item # ⁵¹	Deliverable	Does law require, allow, or not address it?
20-22	Alcohol education programs...	<u>Required by</u>
	procedures, oversee administration	S.C. Code Ann. Section 17-22-510. Prosecutorial discretion of Circuit Solicitor to establish alcohol education program; administration.
	enrollment and completion, maintain records	S.C. Code Ann. Section 17-22-530. Disposition of alcohol-related offense on completion of program.
	identifying information of participants, maintain	S.C. Code Ann. Section 17-22-560. Records.
23-25	Pre-trial intervention...	<u>Required by</u>
	procedures for these programs, oversee administration	S.C. Code Ann. Section 17-22-30. Circuit solicitors to establish pretrial intervention programs; oversight of administrative procedures.
	coordinator office, create and maintain	S.C. Code Ann. Section 17-22-40. Pretrial intervention coordinator; staff; funding.
	solicitors' inquiries regarding eligibility, respond to	S.C. Code Ann. Section 17-22-130. Reports and identification as to offenders accepted for intervention program.
26	Diversion programs (including pre-trial intervention, traffic education, and alcohol education), collect and report data on all	<u>Required by</u> S.C. Code Ann. Section 17-22-1120. Diversion program data and reporting.
27	Prosecutors and Defenders Public Service Incentive Program, develop, implement and administer	<u>Required by</u> Proviso 117.63, 2017-2018 Appropriation Act, Part 1B

Item # ⁵¹	Deliverable	Does law require, allow, or not address it?
28-30	Serve on...	<u>Required by</u>
	Adult Protection Coordinating Council	S.C. Code Ann. Section 43-35-310. Council created; membership; filling vacancies.
	Victim Services Coordinating Council	S.C. Code Ann. Section 16-3-1430(B)(5). Victim assistance services; membership of Victim Services Coordinating Council.
	Attorney General's Interagency Task Force on Human Trafficking	S.C. Code Ann. Section 16-3-2050. Interagency task force established to develop and implement State Plan for Prevention of Trafficking in Persons; members; responsibilities; grants.
31	Disburse funds to the S.C. Center for Fathers and Families, from within the SCCPC budget	<u>Required by</u> Section 60, 2017-2018 Appropriation Act, Part 1A
32-37	Disburse funds to the solicitors' offices...	<u>Required by</u>
	from the appropriations to the SCCPC	Section 60, 2017-2018 Appropriation Act, Part 1A; Provisos 60.1 through 60.4 and 60.6 through 60.12, 2017-2018 Appropriation Act, Part 1B
	from traffic education programs \$140 application fee for summary court (County Magistrate and City/Town Municipal) level offenses (6.74%)	S.C. Code Ann. Section 17-22-350(B)&(C). Fees; waiver; distribution of fee proceeds.
	from filing fees on civil court motions	S.C. Code Ann. Section 8-21-320. Motion fees.
	from conditional discharge fees	S.C. Code Ann. Section 44-53-450(C). Conditional discharge; eligibility for expungement.
	from a portion of \$25 surcharge imposed on fines, forfeitures, escheatments or other monetary penalties	S.C. Code Ann. Section 14-1-212. Surcharges on fines; distribution.
	from surcharge drug convictions	S.C. Code Ann. Section 14-1-213. Surcharge on monetary penalties imposed for drug offenses; apportionment and use of funds; examination of financial records by State Auditor.

Table 3.1. Additional details about Deliverable #1A & B: Administrative functions of the solicitors' offices, coordinate.

Administrative functions of the solicitors' offices coordinate

(Deliverable #1A & B⁵²)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(1).

- Components:
- A. Human resources assistance for the solicitor and one administrative assistant in each judicial circuit
 - B. Diversion programs in the solicitors' offices, coordinates and provides support for

- Greatest harm if not provided:
- A. No human resources support and assistance for each solicitor and administrative assistant (both are state employees)
 - B. No coordinating state agency for solicitors' offices affiliate services, negatively impacting consistency and efficiency

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate...	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: SCCPC does not formally evaluate the outcome obtained by customers, but is informed if there is a problem.

Table 3.2. Additional details about Deliverable #2: State budget support to solicitors, provide.

State budget support to solicitors, provide

(Deliverable #2⁵³)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(2).

Components: Prepares and submits budgets of judicial circuit solicitors to General Assembly

Greatest harm if not provided: Solicitors' offices would be without a coordinating state agency, negatively impacting the preparation and submission of a budget, which serves all 16 judicial circuits and is cognizant of the special circumstances and needs of each, and receipt of state budgeted funds negatively impacting the ability of the solicitors' offices to prosecute cases

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.3. Additional details about Deliverable #3: Solicitors' expenditure reports, collect and submit to legislature.

Solicitors' expenditure reports, collect and submit to legislature (Deliverable #3⁵⁴)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by Proviso 117.109, 2017-2018 Appropriation Act Part 1B.

Components: Provides expenditure reports and revenue streams for each judicial circuit solicitor to Chairmen of Senate Finance Committee and House Ways and Means Committee

Greatest harm if not provided: The Chairmen of Senate Finance Committee and House Ways and Means Committee would be without information on expenditures and revenues for each circuit

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate...	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

*Legal issues, including legislation and court rules affecting
prosecutors and prosecution*

Table 3.4. Additional details about Deliverable #4: Legal education and other training, develop, coordinate, and conduct.

Legal education and other training, develop, coordinate, and conduct (Deliverable #4⁵⁵)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(3).

Components: Provides legal education and training for solicitors' offices and affiliate services, other prosecution offices, and law enforcement

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money:

1. Allow for sharing of state training facilities by state agencies with no or nominal rental fees.
2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes*
customers served?	Yes*

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No*

*Table Note: (1) **Evaluation of outcome** - Historically, SCCPC has not formally evaluated the outcome obtained by customers, but it has relied upon the informal feedback from the 16 solicitors. SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (survey to be conducted on at least an annual basis). (2) **Attendance** - Attendance numbers change each year, but SCCPC maintains a record. (3) **Charging of Fees** - SCCPC does not charge a registration fee for its educational and training programs; it does, however, co-sponsor some programs where the co-sponsor charges a registration fee to cover program costs (e.g., speaker expenses, meeting space, AV equipment, provided meals and refreshments, etc.). None of the money is received by SCCPC (e.g., the annual conference of the Solicitors' Association of South Carolina, Inc. and the Prosecution Bootcamp). SCCPC is either solely or primarily responsible for the educational and training aspects of the program, but the Association collects nominal registration fees and is responsible for all non-SCCPC expenses).

Table 3.5. Additional details about Deliverable #5: Legal updates, provide.

Legal updates, provide (Deliverable #5⁵⁶)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required, by S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Provides case law updates, legislative summaries, and other legal updates to solicitors' offices and, as applicable, other prosecution offices
 2. Legal updates are forwarded to the solicitors and the deputy solicitors for them to distribute to staff as appropriate; SCCPC distributes to other prosecutors and law enforcement as appropriate.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (survey to be conducted on at least an annual basis).

Table 3.6. Additional details about Deliverable #6: Legislation, monitor.

Legislation, monitor (Deliverable #6⁵⁷)

No law change would be required to curtail or eliminate the deliverable.
Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Monitors legislation related to criminal justice system, juvenile justice system, evidence, court procedure, law enforcement, and other matters related to prosecutors and prosecution, and prepares legislative summaries for Solicitors' Offices and, as applicable, other prosecution and law enforcement; and provides testimony, input, and assistance as requested by solicitors, legislators, legislative staff, and criminal justice entities
 2. Legislative summaries are forwarded to the solicitors and the deputy solicitors for them to distribute to staff as appropriate; SCCPC distributes to other prosecutors and law enforcement as appropriate.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

- How General Assembly can help avoid harm, other than money:
1. Encourage state government to provide more assistance and options to state agencies for websites and secure distribution of materials and information via the Internet.
 2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate...	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Table 3.7. Additional details about Deliverable #7: Court rules affecting prosecutors and prosecution, monitor changes to.

Court rules affecting prosecutors and prosecution, monitor changes to (Deliverable #7⁵⁸)

No law change would be required to curtail or eliminate the deliverable.

Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Provides announcements and summaries of potential and actual changes to court rules for solicitors' offices and, as applicable, and other prosecution offices.
 2. Information on potential and actual rule changes are forwarded to the solicitors and the deputy solicitors for them to distribute to staff as appropriate; SCCPC distributes to other prosecutors and law enforcement as appropriate.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

- How General Assembly can help avoid harm, other than money:
1. Encourage state government to provide more assistance and options to state agencies for websites and secure distribution of materials and information via the Internet.
 2. Continued support of SCCPC and its mission

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (survey to be conducted on at least an annual basis)

Table 3.8. Additional details about Deliverable #8: Act as clearinghouse for distribution of publications.

Act as clearinghouse for distribution of publications (Deliverable #8⁵⁹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 1-7-940(A)(3).

- Components:
1. Provides prosecution handbooks and other information related to the prosecution of criminal cases and affiliate services.
 2. SCCPC creates two handbooks/manuals for prosecutors in the solicitors' offices - one is distributed electronically through the solicitors and deputy solicitors and the other is distributed in print at the annual Prosecution Bootcamp program; other information is distributed to prosecutors and prosecution staff electronically either through the solicitors and deputy solicitors or directly.

Greatest harm if not provided: Staff of the solicitors' offices would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

- How General Assembly can help avoid harm, other than money:
1. Enact legislation allowing for the sharing of transcripts of court proceedings among criminal prosecutors and criminal defense attorneys without additional payment to or permission from a state-employed court reporter once a copy has been purchased by a state, county, or city prosecution or public defender office or agency.
 2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate...	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Table 3.9. Additional details about Deliverable #9: Technical legal assistance, provide.

Technical legal assistance, provide (Deliverable #9⁶⁰)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 1-7-940(A)(3).

Components: Responds to requests for assistance from prosecutors (including law enforcement officers who prosecute their own cases) with substantive and practical questions related to specific criminal prosecutions.

Greatest harm if not provided: Staff of the solicitors' offices and other attorney and law enforcement prosecutors would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money:

1. Dependent upon state funding, statutorily require that prosecutions of all driving under the influence cases be attorneys (prohibit the prosecution of any criminal charges by law enforcement) and provide additional resources to Solicitors' Offices to prosecute these cases in the summary courts (County Magistrate and City/Town Municipal).
2. Consider (a) creating statutory attorney-client privilege between lawyers at SCCPC and prosecutors and law enforcement officers who call for assistance with specific cases, and/or (b) extending prosecutorial immunity to the attorneys in SCCPC who provide assistance to state, county, and local prosecutors (lawyer and law enforcement).
3. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate...	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Table 3.10. Additional details about Deliverable #10: General legal research and assistance, provide.

General legal research and assistance, provide (Deliverable #10⁶¹)

No law change would be required to curtail or eliminate the deliverable.
Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 1-7-940(A)(3).

Components: Responds to requests for assistance with general legal research and questions for prosecutors, victim advocates, diversion staff, investigators, paralegals, other prosecution staff and, as appropriate, law enforcement.

Greatest harm if not provided: Staff of the solicitors' offices, other prosecutors, and law enforcement would be inadequately prepared to perform their job responsibilities competently, efficiently, and properly resulting in the uneven and unfair administration of justice.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	Yes*
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

*Table Note: Historically, SCCPC has not formally evaluated the outcome obtained by customers, but has relied upon the informal feedback from the 16 solicitors; SCCPC has recently instituted a formalized process for evaluating the outcome of its training and legal services deliverables (annual survey)

Deliverables related to...

Blank Indictments

Table 3.11. Additional details about Deliverable #11: Blank indictments to the solicitors' offices, provide.

Blank indictments to the solicitors' offices, provide (Deliverable #11⁶²)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 1-7-940(A)(3).

Components: Blank indictments are no longer printed and provided to the solicitors' offices because the indictments are now generated on computers and printed.

Greatest harm if not provided: None. Agency recommends (law recommendation #5) deletion of the law requiring this deliverable because indictments are now computer generated and SCCPC no longer provides printed blank indictments.

How General Assembly can help avoid harm, other than money: Amend S.C. Code Ann. §1-7-940(A) to remove (4), because the solicitors' offices prepare indictments on their own (most, if not all, via computers without using preprinted forms).

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the...	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Domestic Violence

Table 3.12. Additional details about Deliverable #12: Domestic violence fatalities, develop protocols related to the review of.

Domestic violence fatalities, develop protocols related to the review of (Deliverable #12⁶³)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 16-25-720.

- Components:
1. Develops protocols for use of Judicial Circuit Domestic Violence Fatality Review Committees, and by coroners and others conducting autopsies.
 2. In the protocol SCCPC developed for the committees, a two-year review process was included so that changes could be made to address issues identified by the committees and SCCPC.

Greatest harm if not provided: The solicitors' committees would not have operational guidance and there would be no consistency in how the 16 different committees operate, which could result in inadequate fatality reviews.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.13. Additional details about Deliverable #13: Domestic Violence Fatality Review Committees, collect and maintain reports from each solicitor.

Domestic Violence Fatality Review Committees, collect and maintain reports from each Solicitor (Deliverable #13⁶⁴)

No law change would be required to curtail or eliminate the deliverable.

Deliverable is not specifically mentioned in law, but provided to achieve the requirements of S.C. Code Ann. Section 16-25-720.

Components: Collects and maintains annual reports from the Solicitors' Judicial Circuit's Domestic Violence Fatality Review Committees

Greatest harm if not provided: This information would not be centrally maintained and reviewed for purposes of determining what suggestions should be presented to the solicitors for their joint consideration.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate...	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.14. Additional details about Deliverable #14: First-time domestic violence offender programs, collect reports on.

First-time domestic violence offender programs, collect reports on
(Deliverable #14⁶⁵)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 22-3-546.

Components: Collects reports from judicial circuit solicitors with five or more counties regarding programs for first offense domestic violence offenders

Greatest harm if not provided: There would be no reports from judicial circuit solicitors with five or more counties regarding programs for first offense domestic violence offenders.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.15. Additional details about Deliverable #15: Domestic violence prosecutions, collect/maintain non-privileged data, and prepare/submit annual report.

Domestic violence prosecutions, collect/maintain non-privileged data, and prepare/submit annual report (Deliverable #15⁶⁶)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Proviso 60.7, 2017-2018 Appropriation Act, Part 1B.

Components: Collects and retains non-privileged information and data regarding domestic violence prosecutions and provides annual report to General Assembly (this proviso is included twice in the Laws Chart because it imposes two deliverables -the other deliverable is disbursing appropriated funds to the solicitors' offices)

Greatest harm if not provided: There would no central repository for this information or report, as required by Proviso 60.7, 2017-2018 Appropriations Act, and the General Assembly would be without information related to domestic violence prosecutions.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Driving under the influence (DUI)

Table 3.16. Additional details about Deliverable #16: Driving under the influence, prosecutions, collect/maintain information, and prepare/submit annual report.

Driving under the influence, prosecutions, collect/maintain information, and prepare/submit annual report
(Deliverable #16⁶⁷)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Proviso 60.9, 2017-2018 Appropriation Act, Part 1B.

Components: Collects and retains non-privileged information and data regarding driving under the influence prosecutions and provides annual report to General Assembly

Greatest harm if not provided: There would no central repository for this information, and the General Assembly would be without information related to driving under the influence prosecutions.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate...	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Diversion programs (pre-trial intervention, alcohol education, and traffic education)

The following diversion programs are required by law to be offered in every county: (1) Pre-trial Intervention; (2) Alcohol Education; and (3) Traffic Education.⁶⁸ Table 10.17 includes general statistics on diversion programs. Appendix C includes a list of which diversion programs offered in each county. Note that the following diversion programs are required by law to be offered in every county: (1) Pre-trial Intervention; (2) Alcohol Education; and (3) Traffic Education.⁶⁹ The other programs are allowed in law, but not required.

Table 10.17. Diversion programs, general statistics.

Program Name	Counties in which it is offered	Judicial Circuits in which the program is offered in none of the counties
Pre-trial Intervention;	46 of 46	
Alcohol Education	46 of 46	
Traffic Education	46 of 46	
Worthless Check Program	43 of 46	1st
Drug Court	36 of 46	
Veterans Court	11 of 46	1 st - 4 th , 6 th , 9 th - 12 th , 15 th , 16 th
Mental Health Court	8 of 46	1 st - 4 th , 6 th - 8 th , 10 th - 12 th
Juvenile Arbitration	41 of 46	
Juvenile Drug Court	14 of 46	2 nd - 4 th , 7 th , 8 th , 10 th , 11 th , 15 th
Juvenile Pre-trial Intervention	17 of 29	1 st - 3 rd , 6 th , 8-11 th , 15 th

Table 3.18. Additional details about Deliverable #17: Traffic education programs, oversee administration of procedures.

TRAFFIC EDUCATION programs, oversee administration of procedures
(Deliverable #17⁷⁰)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-310.

Components: Oversees administration of procedures for traffic education programs established by judicial circuit solicitors

Greatest harm if not provided: There would be no coordination of traffic education programs among the solicitors' offices.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.19. Additional details about Deliverable #18: Traffic education programs, collect reports of solicitors.

.TRAFFIC EDUCATION programs, collect reports of solicitors (Deliverable #18⁷¹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-360.

Components: Makes annual traffic education programs reports prepared by judicial circuit solicitors available to the public

Greatest harm if not provided: This information would not be compiled as required by Section 17-22-360.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.20. Additional details about Deliverable #19: Traffic education programs, maintain identifying information of participants.

.TRAFFIC EDUCATION programs, maintain identifying information of participants (Deliverable #19⁷²)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-370.

Components: Maintains identifying information on all participants in traffic education program

Greatest harm if not provided: There would no central repository for this information. Offenders would be able to participate in the program more than once (participation is limited to one time under Section 17-22-320).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.21. Additional details about Deliverable #20: Alcohol education programs, oversee administration of procedures.

ALCOHOL EDUCATION programs, oversee administration of procedures (Deliverable #20⁷³)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-510.

Components: Oversees administration of procedures for alcohol education programs established by judicial circuit solicitors

Greatest harm if not provided: There would be no coordination of alcohol education programs among the solicitors' offices.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.22. Additional details about Deliverable #21: Alcohol education programs, maintain records of enrollment and completion.

ALCOHOL EDUCATION programs, maintain records of enrollment and completion (Deliverable #21⁷⁴)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-530.

Components: Maintains records of disposition of cases of successful and unsuccessful completion of alcohol education program so a person cannot benefit from the program more than once

Greatest harm if not provided: There would no central repository for this information and persons might be able to go through the program more than once (participation is limited to one time under Section 17-22-520).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.23. Additional details about Deliverable #22: Alcohol education programs, maintain identifying information of participants.

ALCOHOL EDUCATION programs, maintain identifying information of participants (Deliverable #22⁷⁵)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-560.

Components: Maintain identifying information on all participants in alcohol education program

Greatest harm if not provided: There would no central repository for this information, which is necessary to ensure that a person does not participate in a program more than once (participation is limited to one time under Section 17-22-520).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.24. Additional details about Deliverable #23: Pre-trial intervention programs, oversee administration of procedures.

.PRE-TRIAL INTERVENTION programs, oversee administration of procedures (Deliverable #23⁷⁶)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-30.

Components: Oversees administration of procedures for pre-trial intervention programs established by judicial circuit solicitors

Greatest harm if not provided: There would be no coordination of pre-trial intervention programs among the solicitors' offices.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.25. Additional details about Deliverable #24: Pre-trial intervention coordinator, create and maintain the office.

.PRE-TRIAL INTERVENTION coordinator, create and maintain the office
(Deliverable #24⁷⁷)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-40.

Components: Creates the office of Pre-Trial Intervention Coordinator to assist in establishing and maintaining pre-trial intervention programs

Greatest harm if not provided: There would be no coordination and support of pre-trial intervention programs among the solicitors' offices; and offices would be without some assistance in ensuring that offenders do not participate in pretrial intervention more than once contrary to legislative intent (participation is limited to one time under Section 17-22-50).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.26. Additional details about Deliverable #25: Pre-trial intervention, respond to solicitors' inquiries regarding eligibility.

PRE-TRIAL INTERVENTION, respond to solicitors' inquiries regarding eligibility (Deliverable #25⁷⁸)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-130.

Components: Respond to solicitors' inquiries re intervention eligibility

Greatest harm if not provided: Offenders would be able to participate in the program more than once, contrary to legislative intent, without this means of verifying past participation in an intervention program.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the...	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.27. Additional details about Deliverable #26: All diversion programs (including pre-trial intervention, traffic education, and alcohol education), collect and report data.

All diversion programs (including pre-trial intervention, traffic education, and alcohol education), collect and report data
 (Deliverable #26⁷⁹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 17-22-1120.

Components: Collects data on all diversion programs of judicial circuit solicitors and provides annual report to Sentencing Reform Oversight Committee

Greatest harm if not provided: There would no central repository for this information, and the Sentencing Reform Oversight Committee would be without information related to diversion programs as required by 17-22-1120.

How General Assembly can help avoid harm, other than money:

1. Include prosecution representatives in appointments to legislative oversight committees that include non-legislator members.
2. Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	Yes
outcome obtained?	Yes
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Public Service Incentive Program

Table 3.28. Additional details about Deliverable #27: Prosecutors and Defenders Public Service Incentive Program, develop, implement, and administer.

Prosecutors and Defenders Public Service Incentive Program, develop, implement, and administer
(Deliverable #27⁸⁰)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Proviso 117.63, 2017-2018 Appropriation Act, Part 1B.

Components: Develop, implement, and administer Prosecutors and Defenders Public Service Incentive Program, and submit report of number of applicants and impact of program to Senate Finance Committee or House Ways and Means Committee

Greatest harm if not provided: Law students, who are incurring increasingly high student loan debt, will forego joining a prosecutor or public defender office upon graduation because of the low pay (when compared to private practice or even some other government positions).

How General Assembly can help avoid harm, other than money:

1. Adopt tax incentives for lawyers who serve as full-time state and county prosecutors and public defenders
2. Consider scholarships or grants for law students who, upon graduation and admission to the South Carolina Bar, work in county prosecutor and public defender offices for an agreed period of time.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	Yes
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Note: Agency states the program is currently suspended because it is not funded by the General Assembly.

Deliverables related to...

Service on a council or task force

Table 3.29. Additional details about Deliverable #28: Adult Protection Coordinating Council, provide representative to serve on council.

Adult Protection Coordinating Council, provide representative to serve on council (Deliverable #28⁸¹)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 43-35-310.

Components: Provide representative to serve on Adult Protection Coordinating Council

Greatest harm if not provided: The council would not receive input from SCCPC (the collective, statewide perspective of the trial prosecutors who prosecute cases related to the emotional, physical, and financial abuse and exploitation of, as well as other crimes committed against, vulnerable adults and, as a result, can provide the council with problems identified within the criminal justice system impacting them).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.30. Additional details about Deliverable #29: Victim Services Coordinating Council, provide representative to serve on council.

Victim Services Coordinating Council, provide representative to serve on council (Deliverable #29⁸²)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 16-3-1430(B)(5).

Components: Provides representative to serve on Victim Services Coordinating Council

Greatest harm if not provided: The council would not receive input from SCCPC (the collective, statewide perspective of the trial prosecutors and victim/witness advocates who interact with victims and the agencies and groups who provide services to victims and, as a result, can assist the council with identifying coordination, policy, and procedural issues that need to be addressed to improve victim services).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

Table 3.31. Additional details about Deliverable #30: Attorney General's Task Force on Human Trafficking, provide representative to serve on task force.

Attorney General's Task Force on Human Trafficking, provide representative to serve on task force (Deliverable #30⁸³)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by S.C. Code Ann. Section 16-3-2050.

Components: Provides representative to serve on Interagency Task Force on Human Trafficking

Greatest harm if not provided: The task force would not receive input from SCCPC (the collective, statewide perspective of the trial prosecutors who encounter victims of human trafficking, prosecute cases related to human trafficking, and work with other agencies and groups involved in prosecution, provision of services to, and public education on trafficking; and, as a result, can assist the task force with identifying coordination, policy, and procedural issues that need to be addressed to better address the issue of human trafficking and the needs of its victims).

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the....	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Disbursing funds to S.C. Center for Fathers and Families

Table 3.32. Additional details about Deliverable #31: S.C. Center for Fathers and Families, disburse funds within the SCCPC budget appropriated for center.

S.C. Center for Fathers and Families, disburse funds within the SCCPC budget appropriated for center
 (Deliverable #31⁸⁴)

Law change would be required to curtail or eliminate the deliverable. Deliverable is required by Part 1A, Section 60, 2017-2018 Appropriation Act.

Components: Disburses funds within the SCCPC budget appropriated for the South Carolina Center for Fathers and Families

Greatest harm if not provided: Unknown. According to the agency, this is simply pass-thru funding to a non-profit agency. These funds are not connected to SCCPC or the solicitors' offices.

How General Assembly can help avoid harm, other than money: Unknown, see greatest harm if not provided.

Other agencies whose mission the deliverable may fit within: Unknown, see greatest harm if not provided.

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	No
customers served?	No

Costs	
Does the agency know the...	
cost it incurs, per unit?	No
Does the law allow...	
charging to cover the agency's costs?	No

Deliverables related to...

Disbursing funds to Solicitors' Offices

Table 3.33. Additional details about Deliverables #32-37: Solicitors' offices, disburse funds to from various sources.

Solicitors' offices, disburse funds to from various sources

(Deliverables #32-37⁸⁵)

Law change would be required to curtail or eliminate any of these deliverables, see details below.

Components; limits on use of funds, if any; and law requiring disbursement of funds to Solicitors' Offices:

Disburses funds from:

- SCCPC budget - Can be used for any purpose
 - Use - Any purpose
 - Laws - (1) Section 60, 2017-2018 Appropriation Act, Part 1A; (2) Provisos 60.1 through 60.4 and 60.6 through 60.12, 2017-2018 S.C. Appropriation Act, Part 1B
- 6.74% of \$140 application fee for traffic education programs offered for magistrate and municipal level offenses
 - Use - Traffic education program operations only
 - Laws - S.C. Code Ann. Section 17-22-350(B) & (C)
- First \$450,000 of filing fees for motions in common pleas and family courts
 - Use - Drug court operations in third, fourth, and eleventh judicial circuits only
 - Laws - S.C. Code Ann. Section 8-21-320
- Conditional discharge fee (\$350 in general sessions court and \$150 in summary court)
 - Use - Drug court operations only, distributed per capita
 - Laws - S.C. Code Ann. Section 44-53-450(C)
- 18.50% of \$25 surcharge imposed on all fines, forfeitures, escheatments, or other monetary penalties imposed on all misdemeanor traffic offenses or non-traffic violations
 - Use - Any purpose
 - Laws - S.C. Code Ann. Section 14-1-212
- \$150 surcharge on all drug convictions
 - Use - Drug court operations only
 - Laws - S.C. Code Ann. Section 14-1-213

Greatest harm if not provided: Lack of these funds for operation.

How General Assembly can help avoid harm, other than money: Continued support of SCCPC and its mission.

Other agencies whose mission the deliverable may fit within: None.

Customers/Clients	
Does the agency evaluate....	
customer satisfaction?	No
outcome obtained?	No
Does agency know the number of...	
potential customers?	Yes
customers served?	Yes

Costs	
Does the agency know the....	
cost it incurs, per unit?	Yes
Does the law allow...	
charging to cover the agency's costs?	No

STRATEGIC PLAN, RESOURCE ALLOCATION, AND ASSOCIATED PERFORMANCE MEASURES

In the Program Evaluation Report, the **Committee asks an agency how it allocates its human and financial resources to accomplish its goals** (i.e., broad expression of a long-term priority) **and objectives** (i.e., specific, measurable and achievable description of an effort the agency is implementing to achieve a goal) in the agency's strategic plan.⁸⁶ The Committee also asks the agency to list any funds the agency spent or transferred not toward the agency's comprehensive strategic plan.

The agency did not list any funds being spent or transferred not directly toward the agency's strategic plan for fiscal year 2016-17.⁸⁷ The agency also did not estimate any funds being spent or transferred not directly toward the agency's strategic plan in fiscal year 2017-18.⁸⁸

Tables 4.1 through 9.1 include an overview of the agency's strategic plan, resources allocated to its goals and objectives, and associated performance measures, if any.

Table 4.1. Strategic plan, Goal 1: Conduct research on and monitor Marine Species - strategies, objectives, and resource (human and financial) allocations.

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

Associated Organization Unit: Determined by each individual circuit solicitor
Responsible Employee(s): Determined by each individual circuit solicitor
Employee have input in budget? Yes.

Resources Utilized			
	2016-17		2017-18
<u>FTE equivalents utilized</u>	32		<u>FTE equivalents utilized</u> 32
<u>Total spent</u> 89	\$35,771,567* (97.23%)		<u>Total budgeted</u> 90 \$35,784,935* (97.22%)

*Table Note: All state funding provided for the accomplishment of Goal 1 is received by the SCCPC as pass-through funds to the solicitors' offices, and the SCCPC has no control over how that money is spent. None of the six SCCPC FTEs spend time on this goal (it is accomplished by the solicitors and their staff).

Strategies and Objectives

- 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
- 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.

Performance Measures

- Determined and tracked by each individual solicitor (none required in state law)

Table 5.1. Strategic plan, Goal 2, Strategy 2.1: Provide administrative support to the offices of solicitor.

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 offices of solicitor
- Objective 2.1.3** Coordinate administrative functions of the diversion programs of the offices of solicitor

Responsible Employee(s): Executive Director (Ms. Amie Clifford has covered since May 2018 while the agency searches for a new executive director)
 Ms. Tina Thompson (responsible for more than 3 years)
 Ms. Ellen Dubois (responsible less than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 2.1

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	FTE equivalents utilized	Total spent ⁹¹ / budgeted ⁹²
2016-17	3 FTE	\$191,560 (0.52%)
2017-18	3 FTE	\$193,093 (0.52%)

Performance Measures

- No performance measures associated with Strategy 2.1.

Table 6.1. Strategic plan, Goal 2, Strategy 2.2: Enhance the professionalism and effectiveness of solicitors and their staff.

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

Responsible Employee(s): Ms. Amie Clifford (responsible for more than 3 years)
 Mr. Mark Rapoport (responsible for more than 3 years)
 Mr. Mattison Gamble (responsible for more than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 2.2

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent⁹³ / budgeted⁹⁴</u>
2016-17	4 FTE	\$490,368 (1.33%)
2017-18	4 FTE	\$493,584 (1.34%)

Table 6.2. Performance measures associated with Strategy 2.2.

Performance Measure	Type of Measure		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Trainings held, number of Required by: Agency selected (not required by federal or state government) Time Applicable: July - June	Output	Target:	DNE	15-20	15-20	15-20	15-20	15-20
		Actual:	21	21	22	26	24	Trend Line
Persons trained, number of Required by: Agency selected (not required by federal or state government) Time Applicable: July - June	Output	Target:	DNE	DNE	DNE	1,000	1,000	1,000
		Actual:	1,412	1,434	2,014	1,784	1,931	Trend Line
Continuing education hours provided, number of Required by: Agency selected (not required by federal or state government) Time Applicable: July - June	Output	Target:	DNE	DNE	DNE	100	100	100
		Actual:	143.17	159.4	151.75	142.75	184.65	Trend Line

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure. "DNE" means did not exist.

Table 7.1. Strategic plan, Goal 2, Strategy 2.3: Work with S.C. Law Enforcement Division to write a new computer program that will modernize the pre-trial intervention database as well as add additional diversion databases.

GOAL 2 Provide quality support services to the offices of solicitor

Strategy 2.3 Work with S.C. Law Enforcement Division to write a new computer program that will modernize the pre-trial intervention 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

Responsible Employee(s): Executive Director (Ms. Amie Clifford has covered since May 2018 while the agency searches for a new executive director)

Employee have input in budget? Yes, the responsible employee has input into the budget for Strategy 2.3

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent⁹⁵ / budgeted⁹⁶</u>
2016-17	1 FTE	\$212,169 (0.58%)
2017-18	1 FTE	\$215,204 (0.58%)

Performance Measures

- No performance measures associated with Strategy 2.3.

Table 8.1. Strategic plan, Goal 3, Strategy 3.1: Enable staff to perform job duties.

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

Responsible Employee(s): Executive Director (Ms. Amie Clifford has covered since May 2018 while the agency searches for a new executive director)
Ms. Tina Thompson (responsible for more than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 3.1

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	FTE equivalents utilized	Total spent ⁹⁷ / budgeted ⁹⁸
2016-17	2 FTE	\$37,792 (0.10%)
2017-18	2 FTE	\$38,002 (0.10%)

Performance Measures

- No performance measures associated with Strategy 3.1.

Table 9.1. Strategic plan, Goal 3, Strategy 3.2: Respond to inquiries and requests for assistance from the public (persons other than those covered by Goal 2).

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 entities

Responsible Employee(s): Ms. Amie Clifford (responsible for more than 3 years)
 Mr. Mark Rapoport (responsible for more than 3 years)
 Mr. Mattison Gamble (responsible for more than 3 years)

Employee have input in budget? Yes, each of the responsible employees has input into the budget for Strategy 3.2

External Partner(s): Attorney General; Criminal Justice Academy; Judicial Department; S.C. Law Enforcement Division; Commission on Indigent Defense; Department of Public Safety; Department of Juvenile Justice; Department of Mental Health; law enforcement agencies; county and local governments

	<u>FTE equivalents utilized</u>	<u>Total spent⁹⁹ / budgeted¹⁰⁰</u>
2016-17	4 FTE	\$83,303 (0.23%)
2017-18	4 FTE	\$84,038 (0.23%)

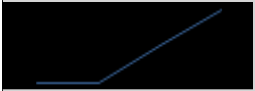

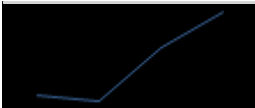
Performance Measures

- No performance measures associated with Strategy 3.2.

OTHER PERFORMANCE MEASURES TRACKED BY THE AGENCY

Table 10 includes information on other performance measures the agency tracks, which the agency does not specifically associate with any aspect of its strategic plan.

Table 10. Other performance measures tracked by the agency.

Performance Measure	Type of Measure		2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
General sessions cases added, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	DNE	DNE	DNE
		<u>Actual:</u>	DNE	113,771	113,711	120,407	127,017	Trend Line 
General sessions cases disposed of, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	More than 114,891	More than 114,891	More than 114,981
		<u>Actual:</u>	DNE	115,763	117,281	114,891	123,915	Trend Line 
Cases pending in general sessions, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	Less than 113,168	Less than 113,168	Less than 113,168
		<u>Actual:</u>	DNE	105,933	104,947	113,168	118,860	Trend Line 

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
General sessions cases added, 3 year average of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	DNE	DNE
		<u>Actual:</u>	DNE	DNE	114,198	115,930	120,378
Pending general sessions cases over 541 or 545 days old, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	Less than 19,486	Less than 19,486
		<u>Actual:</u>	DNE	DNE	20,590	19,486	18,897
General sessions incoming cases assigned to a prosecutor during the previous three years, average number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	281	281
		<u>Actual:</u>	DNE	DNE	377	383	331

Performance Measure	Type of Measure	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Days, from arrest to disposition (resolution of a criminal charge, which may be either conviction, not guilty verdict, or dismissal), of a general sessions case, average number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Output	<u>Target:</u>	DNE	DNE	DNE	Less than 365	Less than 365
		<u>Actual:</u>	DNE	DNE	416	398	400
Counties without an assigned prosecutor, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	0	0
		<u>Actual:</u>	DNE	DNE	DNE	3	0
Full-time general sessions prosecutors, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	408	408
		<u>Actual:</u>	DNE	DNE	303	303	364 or less (some are part-time)
Circuits with secure, cloud based, prosecution case management system, data storage and e-discovery platform, number of <u>Required by:</u> Agency selected (not required by federal or state government) <u>Time Applicable:</u> July - June	Input / Activity	<u>Target:</u>	DNE	DNE	DNE	DNE	16
		<u>Actual:</u>	No Data	No Data	No Data	No Data	No Data

Table Note: For each measure, the agency identified which "type of measure" it considered the performance measure. "DNE" means did not exist.

AGENCY RECOMMENDATIONS

In the Program Evaluation Report, the Committee asks the agency to provide a list of recommendations related to internal changes and changes in laws, which may improve the agency's efficiency and effectiveness, or update antiquated laws.¹⁰¹ Below are the agency recommendations.

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

- Law Recommendations
 - #1: S.C. Code Ann. 1-7-420. Assistant solicitor for first judicial circuit.
 - #2: S.C. Code Ann. 1-7-430. Additional assistant solicitor for first judicial circuit.
 - #3: S.C. Code Ann. 1-7-440. Assistant solicitor for third judicial circuit.
 - #4: S.C. Code Ann. 1-7-450. Assistant solicitor for fourth judicial circuit.
 - #5: S.C. Code Ann. 1-7-460. Assistant solicitors for fifth judicial circuit.
 - #6: S.C. Code Ann. 1-7-470. Assistant solicitor for seventh judicial circuit.
 - #7: S.C. Code Ann. 1-7-480. Assistant solicitor for eighth judicial circuit.
 - #8: S.C. Code Ann. 1-7-490. Assistant solicitors for ninth judicial circuit.
 - #9: S.C. Code Ann. 1-7-500. Assistant solicitor for tenth judicial circuit.
 - #10: S.C. Code Ann. 1-7-510. Assistant solicitor for thirteenth judicial circuit.
 - #11: S.C. Code Ann. 1-7-520. Assistant solicitor for fourteenth judicial circuit.
 - #12: S.C. Code Ann. 1-7-530. Assistant solicitor for sixteenth judicial circuit.
 - #13: S.C. Code Ann. 1-7-533. Special investigator for third judicial circuit.
 - #14: S.C. Code Ann. 1-7-540. Special investigator and assistant special investigator for ninth judicial circuit.
 - #15: S.C. Code Ann. 1-7-940. Duties
 - #16: S.C. Code Ann. 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.

Internal Change #1: Electronic transfer of state appropriations/funds to Circuit Solicitors' Offices

To facilitate electronic transfer of state funds to Solicitors' Offices

- a. Stage of analysis: SCCPC has been exploring the feasibility of implementing the electronic transfer of state appropriations and funds to the 16 Circuit Solicitors' Offices. Currently, SCCPC has checks printed on a quarterly basis for each of the various funds that must be distributed. Those checks are then manually put into envelopes and mailed to the 16 Solicitors' Offices.
- b. Board/Commission approval: The Commission has not been notified of SCCCP's plan as of yet.
- c. Performance measures impacted and predicted impact: SCCPC believes this change will make the distribution of funds much more efficient and will greatly reduce the time it takes SCCPC staff to process checks.
- d. Impact on amount spent to accomplish the objective(s): A reduction in operating cost by SCCPC and the Treasurer's Office will be realized due to the elimination of paper checks, envelopes and postage.
- e. Anticipated implementation date: July 15, 2018.

Law Change Recommendation #1 - S.C. Code Ann. Section 1-7-420	
Law	S.C. Code Ann. Section 1-7-420. Assistant solicitor for first judicial circuit.
Summary of Current Law	Provides that the Solicitor of the First Judicial Circuit may appoint a Dorchester County attorney as an assistant solicitor in Dorchester County, upon the approval of the local legislative delegation, whose term of office shall be coterminous with the Solicitor's, and that the salary and other expenses shall be covered by Dorchester County.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-420. Assistant solicitor for first judicial circuit. The solicitor of the first judicial circuit may, upon the approval of a majority of the Dorchester County legislative delegation, appoint an attorney who is a resident of Dorchester County as his assistant who shall perform any of the duties and functions imposed by law upon the circuit solicitor relating to Dorchester County. The term of the assistant solicitor shall be coterminous with that of the solicitor and he shall receive such compensation as may be provided by law. The compensation of the assistant solicitor and any other expenses incurred pursuant to the provisions of this section shall be borne by Dorchester County.</p> <p>In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.</p> <p>HISTORY: 1962 Code Section 1-257.1:1; 1970 (56) 2073.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #2 - S.C. Code Ann. Section 1-7-430.

Law	S.C. Code Ann. Section 1-7-430. Additional assistant solicitor for first judicial circuit.
Summary of Current Law	Provides the Solicitor of the First Judicial Circuit may appoint an attorney residing in the circuit to serve as an assistant solicitor at the pleasure of the solicitor, with the salary to be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-430. The solicitor of the first judicial circuit may appoint an assistant solicitor, who shall be a licensed attorney-at law residing in the circuit, to serve at the pleasure of the solicitor and have such responsibility as the solicitor shall direct. The salary to be paid such assistant solicitor shall be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.</p> <p>HISTORY: 1962 Code Section 1-257.1:2; 1974 (58) 2989.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #3 - S.C. Code Ann. Section 1-7-440.

Law	S.C. Code Ann. Section 1-7-440. Assistant solicitor for third judicial circuit.
Summary of Current Law	Provides the Solicitor of the Third Judicial Circuit may appoint an attorney residing in the circuit to serve as an assistant solicitor at the pleasure of the solicitor, with the salary to be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-440. Assistant solicitor for third judicial circuit. The solicitor of the third judicial circuit may appoint an assistant solicitor, who shall be a licensed attorney at law residing in the circuit, to serve at the pleasure of the solicitor and have such responsibility as the solicitor shall direct. The solicitor shall also determine the salary to be paid such assistant solicitor and such salary shall be paid from funds provided by Public Law 90-351, The Omnibus Crime Control and Safe Streets Act of 1968, as amended.</p> <p>HISTORY: 1962 Code Section 1-257.1:3; 1971 (57) 24.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #4 - S.C. Code Ann. Section 1-7-450.

Law	S.C. Code Ann. Section 1-7-450. Assistant solicitor for fourth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Fourth Judicial Circuit may appoint an attorney residing in the circuit to serve as an assistant solicitor, whose term of office shall be coterminous with the Solicitor's, and who shall receive a salary as provided by the General Assembly, one fourth of which shall be paid by each county of the circuit.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-450. Assistant solicitor for fourth judicial circuit. The solicitor of the fourth judicial circuit may appoint an attorney, who is a resident of the circuit, as an assistant solicitor, who shall perform such duties and functions as may be assigned him by the solicitor. His term shall be coterminous with that of the solicitor and he shall receive as compensation for his services such salary as may provided by the General Assembly, one fourth of which shall be paid by each county of the circuit.</p> <p>HISTORY: 1962 Code Section 1-257.2; 1966 (54) 2014.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #5 - S.C. Code Ann. Section 1-7-460.

Law	S.C. Code Ann. Section 1-7-460. Assistant solicitors for fifth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Fifth Judicial Circuit may appoint competent attorneys residing in the circuit to serve as assistant solicitors, whose term of office shall be coterminous with the Solicitor's, and who shall receive a salary as provided by the respective county councils.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-460. Assistant solicitors for fifth judicial circuit. The circuit solicitor of the fifth judicial circuit may appoint competent attorneys, who are residents of the circuit, as assistant solicitors who shall perform any and all of the duties and functions imposed by law upon the circuit solicitor as the solicitor shall authorize, designate and direct. The solicitor shall designate in which county of the circuit such assistant solicitors shall perform their duties. The assistant solicitors shall be appointed by the solicitor to serve for the same term as the solicitor. The assistant solicitors performing services in Kershaw County shall receive as compensation for their services such annual salary as may be provided by the Kershaw County Council and the assistant solicitors performing services in Richland County shall receive as compensation for their services such annual salary as may be provided by the Richland County Council.</p> <p>HISTORY: 1962 Code Section 1-258; 1959 (48) 139; 1975 (59) 819.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #6-S.C. Code Ann. Section 1-7-470.

Law	S.C. Code Ann. Section 1-7-470. Assistant solicitor for seventh judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Seventh Judicial Circuit may appoint a competent attorney residing in Spartanburg County to serve as assistant solicitor in Spartanburg County (and thereafter commissioned by the Governor), whose term of office shall be coterminous with the Solicitor's, and who shall receive a salary from Spartanburg County as provided by the General Assembly and \$800 per year for travel; the assistant solicitor shall appear and represent the State in magistrates' courts when requested by the sheriff's department or highway patrol located in Spartanburg County, and he shall prosecute appeals from magistrates' courts in that county.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-470. Assistant solicitor for seventh judicial circuit. The circuit solicitor of the seventh judicial circuit may appoint a competent attorney, who is a resident of Spartanburg County, as assistant solicitor. He shall perform any and all of the duties and functions now or hereafter imposed by law upon the circuit solicitor in Spartanburg County, as the solicitor of the circuit shall authorize, designate and direct. The assistant solicitor shall be appointed by the solicitor of the seventh judicial circuit and shall after appointment be commissioned by the Governor; provided, however, the solicitor of the seventh judicial circuit shall have the right to remove the assistant solicitor from office at his pleasure, and in no event can the assistant solicitor be appointed for a period beyond the term of office of the circuit solicitor. The assistant solicitor shall receive from Spartanburg County as compensation for his services such sum per year as may be provided by the General Assembly, payable the first and fifteenth of each month, and eight hundred dollars per year for travel. The assistant solicitor shall appear and represent the State in magistrates' courts when requested by the sheriff's department or the highway patrol located in Spartanburg County. He shall further prosecute appeals from magistrates' courts in that county.</p> <p>HISTORY: 1962 Code Section 1-260; 1953 (48) 401.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #7 - S.C. Code Ann. Section 1-7-480.	
Law	S.C. Code Ann. Section 1-7-480. Assistant solicitor for eighth judicial circuit.
Summary of Current Law	Creates in the Eighth Judicial Circuit Solicitor's Office an assistant solicitor position, with a salary equal to one half of that received by the solicitor and the same amount for expenses as the Solicitor, with each county in the circuit to pay its pro rata share of such salary and expense allowance.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-480. Assistant solicitor for eighth judicial circuit.</p> <p>There is hereby created the office of assistant solicitor for the eighth judicial circuit, the qualifications for which shall be the same as those of a solicitor. The assistant solicitor shall be appointed by and serve at the pleasure of the circuit solicitor and shall perform such duties as may be assigned to him by the solicitor.</p> <p>The assistant solicitor shall receive an annual salary equal to one half of that received by the solicitor. He shall also receive the same amount for expenses as received by the solicitor. Each county in the circuit shall pay its pro rata share of such salary and expense allowance based upon population according to the latest official United States census. Such amounts shall be paid monthly in equal payments by the treasurer of each county in the circuit from the general fund of the county.</p> <p>HISTORY: 1962 Code Section 1-260.01; 1970 (56) 2276.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #8 - S.C. Code Ann. Section 1-7-490.

Law	S.C. Code Ann. Section 1-7-490. Assistant solicitors for ninth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Ninth Judicial Circuit may appoint seven competent attorneys residing in the circuit as assistant solicitors, six in Charleston County (two upon the approval of the local legislative delegation) and one in Berkeley County (upon the approval of the local legislative delegation); and provides for salaries to be paid by the respective counties.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-490. Assistant solicitors for ninth judicial circuit. The Circuit Solicitor for the Ninth Judicial Circuit may appoint seven competent attorneys, each of whom are residents of the circuit, as his assistants who shall perform any and all of the duties and functions now or hereafter imposed by law upon the circuit solicitor as the solicitor of the circuit shall authorize, designate and direct. The assistant circuit solicitors shall be designated in their appointment as first, second, third, fourth, fifth and sixth assistants for Charleston County and assistant circuit solicitor for Berkeley County. The first and second assistants shall enter upon their duties upon the approval of the majority of the Charleston County Legislative Delegation. The first assistant shall receive such compensation for his services as may be provided by law and the second assistant such compensation as may be provided by law to be paid by the County of Charleston. The third assistant shall receive such compensation for his services as may be provided by law, such compensation to be paid from federal funds or from funds appropriated by the Governing Body of Charleston County. The fourth assistant shall devote full time to his duties as assistant solicitor and shall receive such compensation for his services as may be provided by law to be paid from funds appropriated by the Governing Body of Charleston County. The fifth assistant shall receive such compensation for his services as may be provided by law to be paid from funds appropriated by the Governing Body of Charleston County. The sixth assistant shall devote full time to his duties as assistant solicitor and shall receive such compensation for his services as may be provided by law to be paid from funds appropriated by the Governing Body of Charleston County or from federal funds made available to the Governing Body of Charleston County for such purpose. The assistant circuit solicitor for Berkeley County shall enter upon his duties upon the approval of the majority of the Berkeley County Legislative Delegation and shall receive such compensation for his services as may be provided by law to be paid by the County of Berkeley.</p> <p>HISTORY: 1962 Code Section 1-260.1; 1952 (47) 2076; 1966 (54) 2154; 1969 (56) 2; 1975 (59) 74; 1975 (59) 574; 1976 Act No. 480, Section 1; 1976 Act No. 660, Section 1.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #9 - S.C. Code Ann. Section 1-7-500.

Law	S.C. Code Ann. Section 1-7-500. Assistant solicitor for tenth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Tenth Judicial Circuit may appoint an attorney residing in the circuit as an assistant solicitor, upon the approval of the legislative delegation from Anderson and Oconee Counties, whose term of office shall not exceed that of the Solicitor; and provides for the salary and other compensation and how it is to be distributed between the two counties.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-500. Assistant solicitor for tenth judicial circuit. The solicitor of the tenth judicial circuit may employ a lawyer residing in his circuit to assist in performing the duties of his office. The term of office shall be at the pleasure of the solicitor; however, such term shall not extend beyond the term of office of the employing solicitor; provided, that the person named by the solicitor shall be confirmed by a majority of the members of the Anderson and Oconee delegations. The salary for the person provided by this section shall be such sum annually as may be provided by the General Assembly, to be paid as follows: Seventy per cent shall be paid by Anderson County and thirty per cent shall be paid by Oconee County and such sum shall be paid by the two counties in the same manner that county officers are paid by such counties. The assistant solicitor may receive from time to time such further compensation as the General Assembly may provide.</p> <p>HISTORY: 1962 Code Section 1-260.2; 1957 (50) 325.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #10- S.C. Code Ann. Section 1-7-510.

Law	S.C. Code Ann. Section 1-7-510. Assistant solicitor for thirteenth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Thirteenth Judicial Circuit may appoint a Greenville County attorney as a full-time assistant solicitor in Greenville County, whose term of office shall be coterminous with the Solicitor's, and that the salary and other expenses shall be covered by Greenville County.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-510. Assistant solicitor for thirteenth judicial circuit. The solicitor of the thirteenth judicial circuit may appoint an attorney who is a resident of Greenville County as his full time assistant who shall perform any of the duties and functions imposed by law upon the circuit solicitor relating to Greenville County. The term of the assistant solicitor shall be coterminous with that of the solicitor and he shall receive such compensation as may be provided by the county council for Greenville County. The compensation of the assistant solicitor and any other expenses incurred pursuant to the provisions of this section shall be borne by Greenville County.</p> <p>HISTORY: 1962 Code Section 1-260.6; 1973 (58) 219.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #11 - S.C. Code Ann. Section 1-7-520.

Law	S.C. Code Ann. Section 1-7-520. Assistant solicitor for fourteenth judicial circuit.
Summary of Current Law	Creates in the Fourteenth Judicial Circuit Solicitor's Office an assistant solicitor position, with a salary equal to one half of that received by the solicitor and the same amount for expenses as the Solicitor, with each county in the circuit to pay its pro rata share of such salary and expense allowance.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-520. Assistant solicitor for fourteenth judicial circuit. There is hereby created the office of assistant solicitor for the fourteenth circuit, the qualifications for which shall be the same as those of a solicitor. The assistant solicitor shall be appointed by and serve at the pleasure of the circuit solicitor and shall perform such duties as may be assigned to him by the solicitor. The assistant solicitor shall receive an annual salary equal to one half of that received by the solicitor. He shall also receive the same amount for expenses as received by the solicitor. Each county in the circuit shall pay its pro rata share of such salary and expense allowance based upon population according to the latest official United States census. Such amounts shall be paid monthly in equal payments by the treasurer of each county in the circuit from the general fund of the county.</p> <p>HISTORY: 1962 Code Section 1-260.7; 1969 (56) 716.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #12 - S.C. Code Ann. Section 1-7-530.

Law	S.C. Code Ann. Section 1-7-530. Assistant solicitor for sixteenth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Thirteenth Judicial Circuit may appoint an attorney residing in the circuit as a full-time assistant solicitor for a term of one year, and the salary and other expenses shall be covered by Union and York Counties.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-530. Assistant solicitor for sixteenth judicial circuit. The solicitor of the sixteenth judicial circuit may appoint an attorney who is a resident of the circuit as an assistant solicitor who shall perform such duties and functions as may be assigned to him by the solicitor. The term of office shall be for a period of one year and the assistant solicitor shall receive for his services such compensation as is provided for in the appropriations acts of Union and York Counties.</p> <p>HISTORY: 1962 Code Section 1-260.9; 1971 (57) 26.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #13 - S.C. Code Ann. Section 1-7-533.

Law	S.C. Code Ann. Section 1-7-533. Special investigator for third judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Third Judicial Circuit may appoint a special investigator, who may carry a handgun while engaged in official duties, who is required to post a bond and who will be commissioned by the Governor; he shall have the powers and duties as constables.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs. HISTORY: 1976 Act No. 690, Art. IX, Section 2; 1977 Act No. 119, Section 1.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds. HISTORY: 1979 Act No. 191, Section 1.</p>
Agency's Recommended Language	<p>SECTION 1-7-533. Special investigator for third judicial circuit. The solicitor of the third judicial circuit may appoint a special investigator to serve at the pleasure of the solicitor and have such responsibility as the solicitor shall direct. The solicitor shall determine the salary to be paid the investigator which shall be paid from such funds as may be provided by law. The investigator, while engaged in official duties of his office, is authorized to carry a pistol or other handgun. He shall give a bond in the sum of two thousand dollars which shall be in the same form and under the same conditions as required for police officers. He shall be commissioned by the Governor and shall have all the powers and duties provided for constables in Section 23-1-60, Code of Laws of South Carolina, 1976, and shall be a "police officer" as defined in Section 9-11-10.</p> <p>HISTORY: 1976 Act No. 491, Section 1.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #14 - S.C. Code Ann. Section 1-7-540.	
Law	S.C. Code Ann. Section 1-7-540. Special investigator and assistant special investigator for ninth judicial circuit.
Summary of Current Law	Provides that the Solicitor of the Ninth Judicial Circuit may appoint two competent circuit residents to serve as special investigator and assistant special investigator, whose term shall not exceed that of the Solicitor; they may carry a handgun while engaged in official duties, must post a bond and be commissioned by the Governor, and shall have the powers and duties as constables; their salaries shall be covered by Charleston County and the special investigator shall receive a spending allowance of not less than \$1,500.
Agency's Rationale for Revision	<p>Eliminate; unnecessary in light of the General Appropriations Act and S.C. Code Ann. Sections 1-7-405 and 1-7-406.</p> <p>SECTION 1-7-405. Appointment of assistant solicitors, investigators and secretaries. Each solicitor may appoint as many assistant solicitors, investigators and secretaries as he deems necessary and whose salaries are provided by the counties of the circuit in which they serve. They shall serve at the pleasure of the solicitor and shall have such responsibilities as he directs.</p> <p>SECTION 1-7-406. Full-time assistant solicitor and investigator for each judicial circuit. Notwithstanding any other provision of law, each judicial circuit of this State, in addition to its other assistant solicitors, shall have one assistant solicitor and one investigator who shall be full-time employees. Such assistant solicitor and investigator for each circuit shall be appointed by the solicitor of that circuit, shall serve at his pleasure and shall have such responsibilities as the solicitor directs. The compensation of each such assistant solicitor and investigator or such other staff as may be designated by each solicitor for his circuit and related employment expenses shall be as provided by the General Assembly in the annual general appropriations act. Nothing contained herein shall prohibit the funds so provided for such staff to be designated by the solicitor as being utilized with local and federal funds.</p>
Agency's Recommended Language	<p>SECTION 1-7-540. Special investigator and assistant special investigator for ninth judicial circuit. The circuit solicitor for the ninth judicial circuit may appoint two competent residents of the circuit who shall be designated as special investigator and assistant special investigator for his office. The special investigator and assistant special investigator shall work under the direction of the solicitor as full time employees. Their appointment shall be for a period not exceeding the term for which the solicitor was elected. The special investigator and assistant special investigator shall each give a bond in the sum of two thousand dollars, which shall be in the same form and provide the same conditions as required by law of peace officers. The special investigator and assistant special investigator shall be commissioned by the Governor and shall have all the powers, rights and duties, within the ninth judicial circuit, as any State constable, as provided in Section 23-1-60. The special investigator and assistant special investigator shall be "police officers," as defined in Section 9-11-10. The special investigator shall receive such salary as may be provided by law, and an expense allowance of not less than fifteen hundred dollars, such sums to be paid by the Governing Body of Charleston County. The assistant special investigator shall receive such compensation for his services as may be provided by law, such compensation to be paid from federal funds or from funds appropriated by the Governing Body of Charleston County.</p> <p>HISTORY: 1962 Code Section 1-260.3; 1966 (54) 2155; 1969 (56) 656; 1975 (59) 74.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #15- S.C. Code Ann. Section 1-7-940.

Law	S.C. Code Ann. Section 1-7-940. Duties.
Summary of Current Law	Outlines the duties of SCCPC: (1) coordinate all administrative functions of the Solicitors' offices and any affiliate services; (2) submit the budgets of the Solicitors and their affiliate services to the General Assembly; (3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services, and provide legal updates on matters of law affecting prosecution of criminal cases; and (4) provide blank indictments for the Solicitors.
Agency's Rationale for Revision	Modify to delete (A)(4); unnecessary because the Offices of Solicitor do not use preprinted forms, but instead generate indictments on their computers.
Agency's Recommended Language	<p>SECTION 1-7-940. Duties.</p> <p>(A) The commission has the following duties:</p> <p>(1) coordinate all administrative functions of the offices of the solicitors and any affiliate services operating in conjunction with the solicitors' offices;</p> <p>(2) submit the budgets of the solicitors and their affiliate services to the General Assembly;</p> <p><u>and</u></p> <p>(3) encourage and develop legal education programs and training programs for solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State;</p> <p>(4) provide blank indictments for the circuit solicitors.</p> <p>(B) Nothing in this section may be construed to displace or otherwise affect the functions and responsibilities of the State Victim/Witness Assistance Program as established in Section 16-3-1410.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

Law Change Recommendation #16 - S.C. Code Ann. Section 22-3-546.	
Law	S.C. Code Ann. Section 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.
Summary of Current Law	Provides that Solicitors with five or more counties may establish program for first offense CDV charges so that they may be tried in General Sessions Court instead of the summary courts, and requires that the results of any such programs be submitted to SCCPC.
Agency's Rationale for Revision	<p>Eliminate; statute only applies to first offense CDV (which carried 30 days and was triable in the Summary Court) and to only one judicial circuit; unnecessary in light of replacement of crime of CDV with tiered crimes of DV, and S.C. Code Section 16-25-20(D)(1), which increased the penalty such that the lowest degree of DV (3rd degree) must be prosecuted in General Sessions Court unless the Solicitor decides to prosecute them in the Summary Court.</p> <p>SECTION 16-25-20. Acts prohibited; penalties. (D) A person commits the offense of domestic violence in the third degree if the person violates subsection (A). (1) A person who violates this subsection is guilty of a misdemeanor and, upon conviction, must be fined not less than one thousand dollars nor more than two thousand five hundred dollars or imprisoned not more than ninety days, or both. Notwithstanding the provisions of Sections 22-3-540, 22-3-545, and 22-3-550, an offense pursuant to the provisions of this subsection may be tried in summary court.</p> <p>(A) It is unlawful to: (1) cause physical harm or injury to a person's own household member; or (2) offer or attempt to cause physical harm or injury to a person's own household member with apparent present ability under circumstances reasonably creating fear of imminent peril.</p>
Agency's Recommended Language	<p>Title 22 - Magistrates and Constables</p> <p>Article 5 - Criminal Jurisdiction</p> <p>SECTION 22-3-546. Establishment of program for prosecution of first offense misdemeanor criminal domestic violence offenses.</p> <p>A circuit solicitor, in a circuit with five or more counties, may establish a program under his discretion and control, to prosecute first offense misdemeanor criminal domestic violence offenses, as defined in Section 16-25-20, in general sessions court. Whether to establish a program, and which cases may be prosecuted in general sessions court, are within the sole discretion of the solicitor. A solicitor shall report the results of the program to the Prosecution Coordination Commission.</p> <p>HISTORY: 2006 Act No. 366, Section 2, eff June 9, 2006.</p>
Presented and Approved by Board/Commission	Not approved (Commission met to discuss draft report, but will not meet again until after deadline for submission of report).
Other agencies potentially impacted	None

APPENDICES

Appendix A. Diversion programs offered by solicitors' offices

Diversion programs offered by the offices of solicitor by circuit and county¹⁰²

For purposes of this listing, a diversion program is a program that, if successfully completed, results in the charge(s) against the defendant being dismissed. Programs that result in a reduction in charge(s) requiring conviction or that are for treatment purposes only, prior to or after sentencing, are not considered diversion programs for this listing.

Diversion Programs Offered by the Offices of Solicitor												
Circuit	County	Required in law ¹⁰³			Allowed in law, but not required ¹⁰⁴							
		Pre-trial Interven	Alcohol Ed.	Traffic Ed.	Worth less Check	Drug Court	Veterans Court	Mental Health Court	Juvenile Arbitration	Juv. Drug Court	Juv. Pre-trial Interven.	Other
1	Calhoun	X	X	X					X	X		
	Dorchester	X	X	X		X						Youth Mentor (juvenile)
	Orangeburg	X	X	X					X	X		Youth Mentor (juvenile)
2	Aiken	X	X	X	X	X			X			
	Bamberg	X	X	X	X	X			X			
	Barnwell	X	X	X	X	X			X			
3	Clarendon	X	X	X	X	X**			X			
	Lee	X	X	X	X	X**			X			
	Sumter	X	X	X	X	X**			X			
	Williamsburg	X	X	X	X	X**			X			
4	Chesterfield	X	X	X	X	X			X		X	
	Darlington	X	X	X	X				X		X	
	Marlboro	X	X	X	X	X			X		X	
	Dillon	X	X	X	X				X		X	
5	Kershaw	X	X	X	X	X	X	X	X	X	X	
	Richland	X	X	X	X	X	X	X	X	X	X	DUI Court Homeless Court Juvenile Mental Health
6	Chester	X	X	X	X	X			X	X		
	Lancaster	X	X	X	X	X			X	X		
	Fairfield	X	X	X	X	X			X	X		
7	Cherokee	X	X	X	X	X**	X		X			
	Spartanburg	X	X	X	X	X**	X		X		X	Domestic Violence SIP Program**
8	Abbeville	X	X	X	X	X	X		X			
	Greenwood	X	X	X	X	X	X		X			
	Laurens	X	X	X	X	X	X		X			
	Newberry	X	X	X	X	X	X		X			
9	Berkeley	X	X	X	X	X		X	X	X		
	Charleston	X	X	X	X	X		X	X	X		

Table Note: A double asterisk (**) indicates a program operates in two ways, one of which is as a diversion program (the successful completion of which results in a dismissal of the charge) and the other is as a treatment option for defendants placed on probation.

Diversion Programs Offered by the Offices of Solicitor												
Circuit	County	Required in law ¹⁰⁵			Allowed in law, but not required ¹⁰⁶							
		Pre-trial Interven	Alcohol Ed.	Traffic Ed.	Worthless Check	Drug Court	Veterans Court	Mental Health Court	Juvenile Arbitration	Juv. Drug Court	Juv. Pre-trial Interven.	Other
10	Anderson	X	X	X	X	X			X			
	Oconee	X	X	X	X	X			X			
11	Edgefield	X	X	X	X	X**						Truancy Alternative Program
	Lexington	X	X	X	X	X**			X			
	McCormick	X	X	X	X	X**						
	Saluda	X	X	X	X	X**						
12	Florence	X	X	X	X	X			X	X	X	Early Childhood Intervention (Juvenile)
	Marion	X	X	X	X	X			X	X	X	Early Childhood Intervention (Juvenile)
13	Greenville	X	X	X	X	X	X	X	X	X	X	New Start Substance Abuse Intervention Program
	Pickens	X	X	X	X		X		X		X	New Start Substance Abuse Intervention
14	Allendale	X	X	X	X				X		X	
	Beaufort	X	X	X	X	X**	X	X	X	X	X	
	Colleton	X	X	X	X				X		X	
	Hampton	X	X	X	X				X		X	
	Jasper	X	X	X	X				X		X	
15	Horry	X	X	X	X	X		X	X			Juvenile Diversion
	Georgetown	X	X	X	X	X						Juvenile Diversion
16	Union	X	X	X	X				X			Veterans Diversion Program
	York	X	X	X	X	X		X	X	X	X	Truancy Court (juvenile) Domestic Violence Initiatives Program Veterans Diversion Program

Table Note: A double asterisk (**) indicates a program operates in two ways, one of which is as a diversion program (the successful completion of which results in a dismissal of the charge) and the other is as a treatment option for defendants placed on probation.

Appendix B. Data collected by court administration

Data Collected by Court Administration ¹⁰⁷

Circuit Court - General Sessions

Obtained from:

Clerk of Court transmits data to the Judicial Department at least once a month, although daily transmissions are encouraged.

Maintained in:

The data is then maintained in the web based County Stats Portal (Portal).

Data fields routinely transmitted:

Case Number	Defendant Name	Defendant's Attorney
Warrant / Ticket Number	Defendant Address, City, State, Zip Code	Solicitor
File Date	Defendant Sex	Disposition Date
Restore Date	Defendant Race	Disposition Code
Transfer Date	Defendant Social Security Number	Conviction Code (CDR)
Arrest Date	Defendant Date of Birth	Sentence Literal
Offense Code (CDR)	Defendant Driver License State	Judge Code
Initial Judge / Summary	Defendant Driver's License Number	
Court Judge Code		

Data Sharing:

Only the South Carolina Law Enforcement Division and the South Carolina Department of Motor Vehicles have data sharing agreements with the South Carolina Judicial Department. SCCPC does not have a data sharing agreement with the Judicial Department.

General Access:

The Solicitors and the Attorney General's Office have access to the Portal to review specific case records and run standard reports. The Portal helps reconcile their data with the Clerk of Court's data.

SCCPC does not currently have access. Requests for data are authorized by South Carolina Court Administration under Rule 610, SCACR.

Reports Available:

The Solicitors and the Attorney General's Office have the ability to run the following reports on information from general sessions court:

Criminal Records Summary of Activity by Circuit/County	Self-Audit Report
Summary of Criminal Record Dispositions by Type	Pending Criminal Cases
Criminal Records Management Average Age of Pending and Disposed Cases	Pending Criminal Cases over 180 days of arrest
Criminal Records Management Age of Pending Cases	

Also, the South Carolina Judicial Department posts monthly reports and annual reports using the data in the Portal, which can be found here: (1) Monthly reports -

<https://www.sccourts.org/monthlyReports/>; and (2) Annual reports -

<http://www.sccourts.org/annualReports/>.

Circuit Court - Common Pleas

Obtained from:

Clerk of Court transmits data to the Judicial Department at least once a month, although daily transmissions are encouraged.

Maintained in:

The data is then maintained in the web based County Stats Portal.

Data fields routinely transmitted:

Case Number	Plaintiff	Judge Code
File Date	Plaintiff Attorney	Jury / Non Jury
Restore Date	Disposition Date	Refer Master in Equity Date
Nature of Action Code*	Disposition Code	Defendant
Nature of Action Code Description	Disposition Code Description	Defendant Attorney
		Comments

Reports Available:

The South Carolina Judicial Department posts monthly reports and annual reports using the data in the Portal, which can be found here: (1) Monthly reports - <https://www.sccourts.org/monthlyReports/> ; and (2) Annual reports - <http://www.sccourts.org/annualReports/>.

Summary Court - Magistrate (County) and Municipal (City/Town) Courts

Data Type #1

(Available BUT not track or collected by court administration)

- Data - The fields listed below

System ID	Defendant Name	Disposition
County Number	Defendant Date of Birth	Disposition Date
Offense Code	Defendant Social Security Number	Conviction Code
Warrant Number	Date of Arrest	Sentence Literal (Must include fines)
		Filler for future use

- Maintained - In the web based County Stats Portal.
- Reports Available - The Summary Courts on the Case Management System (CMS), can transmit data to South Carolina Law Enforcement Division using CMS and Portal. All Magistrate (County) Courts are on CMS. Approximately 27% of Municipal (City/Town) Courts are on CMS

Data Type #2

(Available and collected by court administration)

- Data - Financial and caseload data (totals or summary level, no case level data is routinely collected)
- Maintained - In the web based County Stats Portal.
- Reports Available - Statewide Magistrate and Municipal Court report which is an internal Court Administration document; however, it can and has been provided upon request under Rule 610, SCACR.

Data Type #3

(Available and collected by court administration)

- Data - Total dollar amount of fines and fees collected by categories (see below)
- Maintained - Unknown
- Reports Available - Unknown

Total dollar amount of fines and fees collected by each Magistrate and Municipal Court for the following:

\$100 DUS for DPS Pullout	88.84% Assessment or the 88% + 7.5%	\$12 DUI assessment
Bond Estreatments	64.65% Assessment to State	\$100 DUI for DPS Pullout
Fines for Game & Fish Violations	35.35% Assessment to County	\$100 (DUI) To Spinal Cord Research
Fines for Axle & Gross Weight	Magistrate Civil Fees	\$50 BUI BA Test Fee
Fines for PSC	3% Fee for Installments Payments	\$25 DUI BA Test Fee
Insurance Fraud	\$25 Law Enforcement Funding	\$100/\$150 Drug Court Assessment
\$41 Fraudulent Check Admin. Charge	\$5 CJA Fee	\$25 Conviction Surcharge
\$25 Summons & Complaint Fee	General Sessions Fine (56% to County)	\$100 Conviction Surcharge
\$10.00 All other Civil Filing Fees	General Sessions Fines (44% to State)	\$150 Conditional Discharge Fee
Fines for Cruelty to Animals (50% to Humane Society)	11.16% Victim/Witness Assessment or the 12%	Fines Retained by County without assessments
		GRAND TOTAL

Data Type #4

(Available and collected by court administration)

- Data - Number of staff members for each Summary Court, whether the staff member is full time or part time, staff salary, and staff email address
- Maintained - Unknown
- Reports Available - Unknown

Data Type #5

(Available and collected by court administration)

- Data - Case totals (see details below)
- Maintained - Unknown
- Reports Available - Unknown

Magistrate Court case totals, the following is collected from each Court:

DISPOSITION REPORT FOR JULY 1, 2014 TO JUNE 30, 2015													
DISPOSITIONS	CASE S	GUILT			NOT			NOLL JURY TRIAL	PROBATION	OTHER			PENDIN END OF PERIOD
		FORFEITURE	BENCH TRIAL	JURY TRIAL	BENCH TRIAL	JURY TRIAL	1			2	3		
TYPE =>	TOTAL	1	2	3	4	5	6	7	8	9	TOTAL		
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0	0	0	0	0		
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0	0	0	0	0		

DUI DOCKET												
DISPOSITIONS	TOTAL	1	2	3	4	5	6	7	8	9	TOTAL	
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0	0	0	0	0	
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0	0	0	0	0	

OTHER TRAFFIC												
DISPOSITIONS	TOTAL	1	2	3	4	5	6	7	8	9	TOTAL	
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0	0	0	0	0	
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0	0	0	0	0	

CIVIL													
DISPOSITIONS	CASE S	DEFAULT	SETTLE	FIND FOR FOR	FIND	JUDICIAL	OTHE					TOTAL	END OF PERIOD
TYPE =>	TOTAL	1	2	3	4	5	6					TOTAL	
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0					0	
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0					0	

AGE OF PENDING	JURY				NON JURY				TOTAL NUMBER OF DISPOSED	
	CRIMINAL	DUI 1ST	TRAFFIC	CIVIL	CRIMINAL	DUI 1ST	TRAFFIC	CIVIL	SUMMONS	
AGE IN DAYS										
1 - 30 DAYS										
OLD										
LANDLORD / TENANT										
21 - 60 DAYS										

Municipal Court case totals, the following is collected from each Court

DISPOSITION REPORT FOR JULY 1, 2014 TO JUNE 30, 2015											
DISPOSITIONS	CASES TOTAL	GUILTY			NOT GUILTY			TRANSFERR ED	OTHER		PEN DI NG
		1	2	TRIA	BENC H	LL E JURY TRIAL	NO TRIAL				
TYPE =>	0	0	0	0	0	0	0	0	0	0	0
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0	0	0	0	0
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0	0	0	0	0

DUIDOCKET											
DISPOSITIONS	TOTA	1	2	3	4	5	6	7	8	9	TOTAL
TYPE =>	0	0	0	0	0	0	0	0	0	0	0
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0	0	0	0	0
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0	0	0	0	0

OTHER TRAFFIC											
DISPOSITIONS	TOTA	1	2	3	4	5	6	7	8	9	TOTAL
TYPE =>	0	0	0	0	0	0	0	0	0	0	0
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0	0	0	0	0
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0	0	0	0	0

MUNICIPAL ORDINANCE											
DISPOSITIONS	CASES TOTAL	FORFEITURE	BENCH	3	BENC H	JURY TRIAL	NOLL	TRANSFERR	OTHE	CONTINU	END OF PERIOD
TYPE =>	0	0	0	0	0	0	0	0	0	0	0
JULY 1 THROUGH DECEMBER 31, 2014	0	0	0	0	0	0	0	0	0	0	0
JANUARY 1 THROUGH JUNE 30, 2015	0	0	0	0	0	0	0	0	0	0	0

AGE OF	AGE IN DAYS	JURY			NON JURY			TOTAL NUMBER OF DISPOSED
		CRIMINAL	DUI 1ST	MUNICIPAL	CRIMINAL	DUI 1ST	MUNICIPAL	
	1 - 30 DAYS	0	0	0	0	0	0	
	31 - 60 DAYS	0	0	0	0	0	0	
	OLD	0	0	0	0	0	0	
		0	0	0	0	0	0	

Family Court

Obtained from:

Clerk of Court transmits data to the Judicial Department at least once a month, although daily transmissions are encouraged.

Maintained in:

Data fields routinely transmitted:

Case Number	Plaintiff	Judge Code
File Date	Plaintiff Attorney	Defendant
Restore Date	Disposition Date	Defendant Attorney
Nature of Action Code*	Disposition Code	Comments
Nature of Action Code Description	Disposition Code Description	

*The Family Court juvenile data is structured differently than General Sessions' data. No CDR codes are transmitted to the South Carolina Judicial Department, instead Nature of Action Codes are used. For Juvenile cases, the Nature of Action Codes are:

1. Truancy	2. Incurrigible	3. Runaway
4. Criminal Offense – Drug	5. Criminal Offense – Against a Person	6. Criminal Offense – Property
7. Criminal Offense – Public Order	8. Criminal Offense – Other	9. Juvenile Delinquency – Other

Given the confidentiality of juvenile cases, the case appears as "STATE VS CONFIDENTIAL" and only the case number is used to identify cases in South Carolina Judicial Department internal reports (e.g., monthly reports reviewed by the Chief Judges for Administrative Purposes).

Reports Available:

The South Carolina Judicial Department posts monthly reports and annual reports using the data in the Portal, which can be found here: (1) Monthly reports - <https://www.sccourts.org/monthlyReports/>; and (2) Annual reports - <http://www.sccourts.org/annualReports/>.

Appendix C. Case law regarding Attorney General's authority

Case decisions in this appendix include the following:

- State v. Long (S.C. 2014) 406 S.C. 511, 753 S.E.2d 425;
- State v. Needs (S.C. 1998) 333 S.C. 134, 508 S.E.2d 857, rehearing denied; and
- Ex parte McLeod (S.C. 1979) 272 S.C. 373, 252 S.E.2d 126.

406 S.C. 511
Supreme Court of South Carolina.

The STATE, Petitioner,
v.
Michael Morris LONG, Respondent,
and
The State, Petitioner,
v.
Paul Gwinn, Respondent.
Appellate Case No. 2013-001519.

No. 27347.

|
Heard Nov. 6, 2013.

|
Decided Jan. 8, 2014.

Synopsis

Background: Attorney general petitioned for review of two criminal cases in the municipal courts of Batesburg-Leesville and West Columbia.

[Holding:] The Supreme Court of South Carolina, Pleicones, Justice, held that Attorney General had the authority to prosecute criminal cases in magistrate and municipal courts.

Ordered accordingly.

Attorneys and Law Firms

****425** Attorney General Alan McCrory Wilson, Solicitor General Robert D. Cook and Deputy Solicitor General J. Emory Smith, Jr., all of Columbia, for Petitioner.

S. Jahue Moore, Jr., of Moore Taylor & Thomas, PA of West Columbia SC, for Respondents Michael Morris Long and Paul Gwinn.

Opinion

Justice PLEICONES.

***512** These cases ask whether the Attorney General has the authority to prosecute cases in magistrate and municipal court. We hold that the Attorney General, as the chief prosecuting officer for the State of South Carolina, has the authority to prosecute cases in magistrate and municipal courts.

***513 Facts**

The Attorney General petitioned this Court to review two municipal courts' rulings addressing whether the Attorney General has the authority to prosecute criminal cases ****426** in magistrate and municipal courts.¹ This Court granted the request to consolidate the cases, stayed the lower court proceedings, and issued a writ of certiorari to review this issue.

The first case involves the prosecution of Paul Gwinn. The case was brought in the municipal court of Batesburg-Leesville and involves a Criminal Domestic Violence (CDV) charge under S.C.Code Ann. § 16-25-20(A) (Supp.2012). When the case was called for trial, Mr. Gwinn made a motion that the Attorney General could not prosecute the case because the municipal court was not a court of record, citing S.C. Const. art. V, § 24 (2009). The municipal court found that the Attorney General could prosecute the case.

The second case involves the prosecution of Michael Morris Long.² The case involves a CDV charge in municipal court for the city of West Columbia. Mr. Long moved to disqualify the Attorney General's office from prosecuting the case, arguing that the Attorney General is authorized to prosecute cases only in courts of record. The court granted the motion, ruling that the Attorney General did not have the authority to prosecute the case under art. V, § 24.

We granted certiorari to address whether the Attorney General may prosecute cases in summary courts.

Discussion

[1] The question before this Court is whether the Attorney General may prosecute cases in summary courts without violating art. V, § 24. We hold that art. V, §

24 authorizes the Attorney General to prosecute cases in summary courts.

Respondents contend that the plain language of art. V, § 24 limits the Attorney General's prosecutorial authority to "courts of record," and therefore, he or she is constitutionally *514 prohibited from prosecuting cases in summary courts. We disagree.

Article V, § 24 reads in pertinent part:

... [T]he Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record.

[2] [3] [4] When this Court is called to interpret our Constitution, it is guided by the principle that both the citizenry and the General Assembly have worked to create the governing law. *See Miller v. Farr*, 243 S.C. 342, 346, 133 S.E.2d 838, 841 (1963) (noting that the Constitution is construed in light of the intent of its framers and the people who adopted it). The Court will look at the "ordinary and popular meaning of the words used," *Richardson v. Town of Mount Pleasant*, 350 S.C. 291, 294, 566 S.E.2d 523, 525 (2002), keeping in mind that amendments to our Constitution become effective largely through the legislative process. *Miller*, at 347, 133 S.E.2d at 841. For this reason, the Court applies rules of construction similar to those used to construe statutes. *Fraternal Order of Police v. South Carolina Dept. of Revenue*, 352 S.C. 420, 574 S.E.2d 717 (2002).

Looking to the plain language, art. V, § 24 performs two functions. First, it firmly establishes the Attorney General as the chief prosecuting officer of the State of South Carolina for both criminal and civil proceedings. *See State ex rel. McLeod v. Snipes*, 266 S.C. 415, 419, 223 S.E.2d 853, 854 (1976) ("While [art. V, § 24] designated the Attorney General as the chief prosecuting officer for the first time ..."). Second, art. V, § 24 grants the Attorney General the authority to supervise prosecutions in "courts of record."³ At issue **427 here is only the *515 Attorney General's ability to serve as a prosecutor, not his authority to supervise prosecutions.

[5] [6] Respondents argue that the use of the phrase "courts of record" demonstrates that the intent behind

art. V, § 24 was to prevent the Attorney General from prosecuting cases in summary courts. Stated differently, the Respondents argue that absence of any mention of "summary courts" evidences intent that the Attorney General would not have authority in "summary courts."⁴ We disagree. The only arguable limitation that the inclusion of "courts of record" in art. V, § 24 places on the Attorney General is in reference to his supervisory authority. The Constitutional Amendment's reference to *supervisory* authority in courts of record in no way describes or limits the Attorney General's authority to prosecute a case. *See Segars-Andrews v. Judicial Merit Selection Com'n*, 387 S.C. 109, 118, 691 S.E.2d 453, 458 (2010) (stating that constitutional provisions will not be construed to impose limitations beyond their clear meaning). Accordingly, we hold that art. V, § 24 does not prevent the Attorney General from prosecuting cases in summary courts.⁵

*516 Furthermore, this Court has always regarded the Attorney General as the State's chief prosecuting officer with broad common law and statutory authority to prosecute any case on behalf of the State. *State ex rel. McLeod v. Snipes*, 266 S.C. 415, 419, 223 S.E.2d 853, 854 (1976) (recognizing the Attorney General as the chief "prosecuting officer of the state"); *see also State ex rel. Condon v. Hodges*, 349 S.C. 232, 240, 562 S.E.2d 623, 627 (2002) (recognizing the Attorney General as the "chief law officer of the state"); *State ex rel. Daniel v. Broad River Power Co.*, 157 S.C. 1, 153 S.E. 537 (1929); *State ex rel. Wolfe v. Sanders*, 118 S.C. 498, 110 S.E. 808 (1920).

Finally, we have held that the enactment of art. V, § 24 represented no practical change in the Attorney General's authority, *Snipes*, 266 S.C. at 419, 223 S.E.2d at 854 (1976) ("While this constitutional provision designated the Attorney General as the chief prosecuting officer for the first time, it represented no practical change in the situation of the Attorney General from that which existed prior to the adoption of this provision of the Constitution in 1973"), and this Court acknowledged more than a century ago that the Attorney General may prosecute cases in summary court. *See State v. Nash*, 51 S.C. 319, 28 S.E. 946 (1898) (noting that the Attorney General may request a jury in magistrate court). In light of this Court's long standing recognition of the broad prosecutorial authority of the Attorney General and the limited practical effect art. V, § 24 had on that authority, we hold that art. V, § 24 **428 does not

expressly nor implicitly restrict the Attorney General from prosecuting cases in summary courts, and that as the “chief prosecuting officer” of the State of South Carolina, the Attorney General may prosecute cases in summary courts.

We therefore uphold the ruling of the municipal court of Batesburg–Leesville, reverse the ruling of municipal court for *517 the city of West Columbia, lift the stay of the proceedings, and remand these cases to proceed in accordance with this opinion.

CONSTITUTION CONSTRUED

TOAL, C.J., BEATTY, KITTREDGE and HEARN, JJ.,
concur.

All Citations

406 S.C. 511, 753 S.E.2d 425

Footnotes

- 1 Magistrate and municipal courts will be referred to collectively as summary courts.
- 2 Both Mr. Long and Mr. Gwinn will be referred to collectively as Respondents.
- 3 Magistrate and municipal courts are not courts of record. The General Assembly determines whether a court is a court of record. While the General Assembly has so designated the circuit court, probate court, family court, the court of appeals, and the Supreme Court, it has not so designated summary courts. See S.C.Code Ann. § 14–5–10 (1977) (“The circuit courts herein established shall be courts of record”); S.C.Code Ann. § 14–23–1120 (Supp.2012) (“The court of probate shall be a court of record”); S.C.Code Ann. § 63–3–20(C) (2010) (“The family courts shall be courts of record ...”); S.C.Code Ann. § 14–8–240 (Supp.2012) (recognizing the Court of Appeals as a “court of record”); S.C.Code Ann. § 14–3–410 (1977) (“The Supreme Court shall be a court of record ...”). Additionally, the General Assembly has designated magistrate proceedings “as summary.” S.C.Code Ann. § 22–3–730 (2007) (“All proceedings before magistrates shall be summary ...”). Furthermore, the General Assembly has distinguished magistrate and municipal courts from courts of record. S.C.Code Ann. § 17–13–140 (2003) (“Any magistrate or recorder or city judge having the powers of magistrates, or any judge of any court of record ...”); S.C.Code Ann. § 1–9–70 (2005) (recognizing procedures for emergency interim successors for judges in “courts of record” and “courts not of record”).
- 4 To the extent that Respondents argue that the General Assembly has limited the Attorney General's authority, the General Assembly may not limit the authority granted to the Attorney General through art. V, § 24. *State v. Thrift*, 312 S.C. 282, 440 S.E.2d 341 (1994) (discussing the grant of prosecutorial authority in art. V, § 24, “[t]his power arises from our constitution and cannot be impaired by legislation”). Accordingly, we do not address the statutory arguments raised by Respondents.
- 5 Moreover, Respondents' construction would lead to a plainly absurd result. This Court will construe a constitutional amendment in a similar manner as it does a statute. *Fraternal Order of Police, supra*. When construing a statute, this Court will reject a meaning when it would lead to a result so plainly absurd that it could not have possibly have been intended by the General Assembly or would defeat the plain legislative intention. *Kiriakides v. United Artists Commc'ns, Inc.*, 312 S.C. 271, 275, 440 S.E.2d 364, 366 (1994). Respondents' reading of art. V, § 24 places the Attorney General as the chief prosecuting officer for the State but prevents him from prosecuting a CDV merely because the case is in summary court. We find that the framers could not possibly have intended that the chief prosecuting officer of the State cannot prosecute in summary court but a solicitor or a police officer can.

333 S.C. 134
Supreme Court of South Carolina.

The STATE, Respondent,
v.
Scott A. NEEDS, Appellant.

No. 24856.

|
Heard Sept. 22, 1998.

|
Decided Nov. 23, 1998.

|
Rehearing Denied Jan. 6, 1999.

Synopsis

Defendant was convicted in the Circuit Court, Cherokee County, Henry F. Floyd, J., of murder and first degree burglary. Defendant appealed. The Supreme Court, Waller, J., held that: (1) witness was competent to testify, despite her conflicting statements to police and admissions of perjury; (2) charging defendant's girlfriend with various offenses after she testified as alibi witness for defendant at pretrial hearing was not prosecutorial misconduct; (3) evidence concerning victim's insurance policies was admissible; (4) circumstantial evidence charge that instructed jurors to "seek some other rational or logical explanation other than the guilt of the accused" was harmless error; and (5) defendant was not entitled to new trial based on newly discovered evidence.

Affirmed.

Attorneys and Law Firms

****859 *139** Assistant Appellate Defender Robert M. Dudek of the South Carolina Office of Appellate Defense, Columbia, and Joseph C. Smithdeal of Greenwood, for appellant.

Attorney General Charles M. Condon, Deputy Attorney General Donald J. Zelenka, Assistant Attorney General Lauri J. Soles, Assistant Attorney General S. Creighton Waters, all of Columbia, and Solicitor Holman C. Gossett of Spartanburg, for respondent.

Opinion

***140** WALLER, Justice:

A jury convicted appellant of murder and first degree burglary. He was sentenced to life in prison on each conviction, to be served consecutively. We affirm the convictions.

FACTS

Lawrence Warmoth died April 25, 1993, when he was shot three times in the head while lying alone in his own bed. Investigators discovered no murder weapon, no eyewitnesses, and no physical evidence linking appellant to the crime. The key evidence ****860** against appellant was the testimony of Nancy P. Smith, appellant's girlfriend at the time and the mother of appellant's young son.

Ms. Smith offered the following testimony: Appellant frequently said he hated Mr. Warmoth, his stepfather, and talked about killing him or having him killed. Appellant borrowed her car and left her apartment at 10:30 p.m. to go to work April 24, 1993. Upon his return a few hours later at 3:30 a.m., appellant told her that he "was taking care of some business, he was finally taking care of his family." Appellant later told her that he expected his mother, Sandra Needs Warmoth, to give him \$100,000 in proceeds from his stepfather's life insurance policies to start a business.

Nearly two weeks after the murder, appellant confessed to Ms. Smith that he had killed his stepfather. Appellant described the shooting to her in detail, saying he walked in the house, down the hall, and asked his stepfather for money to go to the store. Appellant told her that his stepfather began to sit up in bed and said "Scott what?" just before appellant shot him three times in the head. Appellant told her that he used "exploding bullets," which police could not trace to him.

An investigator testified he interviewed appellant at his stepfather's house shortly after police were called to the scene. Appellant stated he was with Ms. Smith the night of the murder, except from 11 p.m. to 12:30 a.m. when he went to a fast food restaurant. He did not admit any involvement in the murder.

The State's theory of the case was that appellant killed his stepfather because he hated him and wanted a share of the life *141 insurance proceeds. The defense's theory was that police did a sloppy investigation, and Ms. Smith implicated appellant because she was angry he planned to marry another woman.

ISSUES

1. Did the trial judge err in ruling Ms. Smith was competent to testify against appellant?
2. Did the trial judge err in denying appellant's motions to dismiss the charges based on prosecutorial misconduct or, in the alternative, to suppress Ms. Smith's testimony?
3. Did the trial judge err in allowing the State to impeach Ms. Smith under the new South Carolina Rules of Evidence after another judge had refused to qualify her as a court witness under prior case law?
4. Did the trial judge err in admitting evidence of insurance policies on the victim's life?
5. Did the trial judge's circumstantial evidence and reasonable doubt charges shift the burden of proof to defendant in violation of the constitution?
6. Did the trial judge err in denying appellant's motion for a new trial based on after discovered evidence?

1. COMPETENCY OF MS. SMITH

[1] Ms. Smith initially provided an alibi for appellant, at his urging, by telling police he was with her the night of the murder, except from 11:30 p.m. to 12:30 a.m. Ms. Smith told police about appellant's confession to her in August 1993, four months after the murder. She admitted lying in her initial statement. Ms. Smith changed her statement again in May 1994, giving police a similar statement which implicated appellant, but insisting appellant had couched his entire story in "hypothetical" terms. The State called the case for trial in June 1994.¹ At a pretrial hearing, Ms. Smith recanted her statements about appellant's

confession to her and testified appellant was with her when his stepfather was murdered. *142 She also produced a diary describing that evening with appellant.

Ms. Smith testified against appellant as described above at the September 1995 trial. On cross examination, she admitted her testimony directly conflicted with the testimony she gave at the June 1994 pretrial hearing. The diary she testified about at the pretrial **861 hearing was a fake, created at appellant's suggestion, Ms. Smith testified. She no longer was scared to testify against appellant because she had remarried, Ms. Smith told jurors. In short, Ms. Smith was first a potential witness for appellant, then a potential witness for the State, then a potential witness for appellant, and—finally—an actual witness for the State at trial.

Appellant contends the trial judge erred in denying his motion to prevent Ms. Smith from testifying because she was not competent under Rule 601(b)(2), SCRE. Her conflicting statements to police and admissions of perjury made her incompetent because she did not understand the duty of a witness to tell the truth. The Court should not uphold a conviction based solely on the testimony of a "pathological liar," appellant asserts. We disagree.

[2] "Every person is competent to be a witness except as otherwise provided by statute or these rules." Rule 601(a), SCRE. Courts presume a witness to be competent because bias or other defects in a witness's testimony—revealed primarily through cross examination—affect a witness's credibility and may be weighed by the factfinder. *See State v. Smith*, 199 S.C. 279, 282, 19 S.E.2d 224, 225 (1942) ("the established practice [is] to allow a rather full and thorough cross-examination of the witnesses for both the State and the defendant in the criminal Courts by way of questions tending to test memory, veracity or credibility"); *accord* Mueller and Kirkpatrick, *Modern Evidence*, § 6.1 (1995); 98 C.J.S. *Witnesses* § 458 (1957).

[3] A witness must have personal knowledge of the matter and must swear or affirm to tell the truth. Rules 602 and 603, SCRE. "A person is disqualified to be a witness if the court determines that ... the proposed witness is incapable of understanding the duty of a witness to tell the truth." Rule *143 601(b)(2), SCRE.² The purpose of Rule 601(b) is to provide a minimum standard for the competency of a witness. Notes to Rule 601, SCRE. Even a convicted perjurer may testify as long as he or

she meets the minimum standard. *See State v. Merriman*, 287 S.C. 74, 337 S.E.2d 218 (Ct.App.1985) (explaining the abolition of the prohibition against testimony by a convicted perjurer).

[4] [5] A proposed witness understands the duty to tell the truth when he states that he knows that it is right to tell the truth and wrong to lie, that he will tell the truth if permitted to testify, and that he fears punishment if he does lie, even if that fear is motivated solely by the perjury statute. *State v. Green*, 267 S.C. 599, 606, 230 S.E.2d 618, 621 (1976). As succinctly explained by the Pennsylvania Supreme Court, in order to be competent to testify, a witness must have the ability (1) to perceive the event with a substantial degree of accuracy, (2) remember it, (3) communicate about it intelligibly, and (4) be mindful of the duty to tell the truth under oath. *Commonwealth of Pennsylvania v. Goldblum*, 498 Pa. 455, 447 A.2d 234, 239 (Pa.1982).

[6] [7] The party opposing the witness has the burden of proving a witness is incompetent. *Pennsylvania v. Goldblum*, *supra*. The determination of a witness's competency to testify is a question for the trial court, and the trial court's decision will not be overturned absent an abuse of discretion. *State v. Camele*, 293 S.C. 302, 360 S.E.2d 307 (1987); *State v. Green*, *supra*.

In this case, Ms. Smith swore to tell the truth and had personal knowledge of the matter. The trial judge stated he believed, based upon Ms. Smith's *in camera* testimony, that she understood her duty to tell the truth. When questioned by the judge, Ms. Smith stated outside the jury's presence that she understood her duty to tell the truth, and that she would face perjury charges if she lied in court. The trial *144 judge did not abuse his discretion in ruling that Ms. Smith was competent to testify under Rule 601(b)(2), SCRE.

**862 [8] After the trial court properly has determined a witness is competent, the resolution of the credibility of the witness is within the province of the jury. *See State v. Patterson*, 324 S.C. 5, 16, 482 S.E.2d 760, 765 ("inquiry as to the weight a juror would give one kind of witness over another invades the jury's province to determine credibility"), *cert. denied*, 522 U.S. 853, 118 S.Ct. 146, 139 L.Ed.2d 92 (1997); *State v. Ingram*, 266 S.C. 462, 468, 224 S.E.2d 711, 713 (1976) ("resolution of the credibility of witnesses is within the province of the jury"), *overruled on*

other grounds, *State v. Torrence*, 305 S.C. 45, 406 S.E.2d 315 (1991). "[T]his Court has more than once held that the jury is the judge of which contradictory statement of the witness is the truth." *Soulios v. Mills Novelty Co.*, 198 S.C. 355, 364, 17 S.E.2d 869, 874 (1941).

The prosecutor and appellant questioned Ms. Smith extensively about her conflicting statements. Ms. Smith testified she lied in her initial statement to police; she lied when she modified her August 1993 statement to say appellant had been speaking "hypothetically"; and her testimony at trial directly conflicted with her testimony at the June 1994 pretrial hearing. She told jurors she was testifying truthfully at the trial. While Ms. Smith's credibility conceivably was in shreds, it was for the jury to decide whether to believe her testimony after the trial judge properly ruled she was competent to testify.

2. PROSECUTORIAL MISCONDUCT

[9] After changing her statement several times, Ms. Smith testified as an alibi witness for appellant at a pretrial hearing in June 1994. A grand jury later indicted Ms. Smith on charges of obstruction of justice, accessory after the fact of a felony, and misprision of a felony. Ms. Smith agreed to plead guilty to misprision of a felony, and the State planned to dismiss the other indictments.³

*145 Appellant argues the trial judge erred in denying his motion to dismiss the indictments against him due to prosecutorial misconduct. The prosecutor committed misconduct by charging Ms. Smith with crimes after she testified in appellant's favor at the pretrial hearing. Those charges were improper attempts to intimidate Ms. Smith into testifying as a State's witness, appellant contends. We disagree.

Challenges alleging prosecutorial misconduct typically involve a prosecutor's improper efforts to collect evidence or unfair trial tactics. *E.g.*, *State v. Huggins*, 325 S.C. 103, 481 S.E.2d 114 (1997) (prosecutor in closing argument discussed statements that were not in evidence); *State v. Chisolm*, 312 S.C. 235, 439 S.E.2d 850 (1994) (prosecutor improperly and secretly taped telephone conversation with defendant, who had called prosecutor but had an attorney); *State v. Robinson*, 305 S.C. 469, 409 S.E.2d 404 (1991) (prosecutor allegedly used previously suppressed evidence at trial); *State v. Atkins*, 303 S.C. 214, 399 S.E.2d

760 (1990) (prosecutor allegedly obtained confidential medical records in violation of attorney-client privilege); *State v. Pee Dee News Co.*, 286 S.C. 562, 336 S.E.2d 8 (1985) (prosecutor asked improper hypothetical questions at trial); *State v. Craig*, 267 S.C. 262, 227 S.E.2d 306 (1976) (prosecutor's conduct at trial allegedly was calculated to arouse unfair prejudice against defendant). This case is somewhat unusual because appellant challenges the use of one of the most fundamental powers of a prosecutor—the power to bring charges against a person the prosecutor believes has committed a crime.

[10] [11] “In the ordinary case, so long as the prosecutor has probable cause to believe that the accused committed an offense defined by statute, the decision whether or not to prosecute, and what charge to file or bring before a grand jury, generally rests entirely in his discretion.” *United States v. Armstrong*, 517 U.S. 456, 464, 116 S.Ct. 1480, 1486, 134 L.Ed.2d 687, 698 (1996) (quoting *Bordenkircher v. Hayes*, 434 U.S. 357, 364, 98 S.Ct. 663, 668, 54 L.Ed.2d 604, 611 (1978)). A prosecutor's discretion is subject to constitutional constraints. A prosecutor may not, for instance, base the decision to prosecute **863 on unjustifiable standards such as race, religion, or other arbitrary classifications. *Id.*; accord *United States v. Olvis*, 97 F.3d 739 (4th Cir.1996); 27 C.J.S. *District *146 & Prosecuting Attorneys* § 14(1) (1959); 63C Am.Jur.2d *Prosecuting Attorneys* §§ 20–25 (1997). Nor may a prosecutor lob baseless threats or charges at a potential defense witness in an effort to prevent the witness from testifying. See *State v. Williams*, 326 S.C. 130, 485 S.E.2d 99 (1997) (improper intimidation of witness may violate defendant's due process right to present defense witnesses freely if the intimidation amounts to substantial government interference with witness's free and unhampered choice to testify); Annot., 88 A.L.R.4th 388 (1991) (collecting cases on improper intimidation).

[12] [13] [14] [15] “[T]he South Carolina Constitution⁴ and South Carolina case law⁵ place the unfettered discretion to prosecute solely in the prosecutor's hands.... Prosecutors may pursue a case to trial, or they may plea bargain it down to a lesser offense, or they may simply decide not to prosecute the offense in its entirety. The Judicial Branch is not empowered to infringe on the exercise of this prosecutorial discretion; however, on occasion, it is necessary to review and interpret the results of the prosecutor's actions.” *State v. Thrift*, 312 S.C. 282, 291–92, 440 S.E.2d 341, 346 (1994).

Furthermore, a trial court generally has no power to dismiss a properly drawn indictment issued by a properly constituted grand jury before trial unless a statute grants that power to the court. The prosecutor may, of course, request the dismissal of an indictment or charge. *State v. Ridge*, 269 S.C. 61, 236 S.E.2d 401 (1977); *Ex Parte State*, 263 S.C. 363, 210 S.E.2d 600 (1974).

In this case, the evidence showed that Ms. Smith had concealed information and lied to investigators to protect appellant, facts she ultimately admitted at trial. The prosecutor had probable cause to believe Ms. Smith had committed one or more of the indicted crimes, and he did not commit misconduct by pursuing the charges. The trial judge properly rejected appellant's dismissal motion.

In the alternative, appellant argues the trial judge should have suppressed Ms. Smith's testimony because it obviously was not reliable. This argument is another way of asserting *147 Ms. Smith was not competent to testify. As explained in Issue 1, the trial judge properly determined Ms. Smith was competent to testify and her credibility was a question for the jury.

3. NEW RULES OF EVIDENCE

[16] The State called appellant's case for trial in June 1994. The State asked the Honorable John C. Hayes, III, in a pretrial motion to qualify Ms. Smith as a court's witness so that the State could cross examine and impeach her.⁶ Judge Hayes denied the State's motion after a hearing because Ms. Smith was not an eyewitness to the crime. The State appealed Judge Hayes' decision because, without Ms. Smith's testimony, the State likely would not survive a directed verdict motion at trial.⁷

**864 The State asked this Court to dismiss the appeal August 9, 1995, saying the recent adoption of the South Carolina Rules of Evidence rendered the appeal moot.⁸ The Court dismissed the appeal August 15, 1995. The new Rules of Evidence took *148 effect September 3, 1995. The State again called appellant's case for trial September 26, 1995.

Appellant asked the trial judge to prohibit Ms. Smith from testifying. He asserted that Judge Hayes had refused to qualify Ms. Smith as a court's witness and prohibited

the State from impeaching her testimony. Those rulings were the law of the case because the State had abandoned the appeal, appellant argued. The trial judge denied appellant's motion, concluding the new Rules of Evidence applied to appellant's trial. Under Rule 607, SCRE, "[t]he credibility of a witness may be attacked by any party, including the party calling the witness."

Appellant now argues the trial judge erred in denying his motion. If the State pursued a frivolous appeal of Judge Hayes' order simply to delay matters until the new Rules of Evidence took effect, the Court should not sanction such conduct by awarding the State a "windfall" by its decision.

[17] We find appellant's arguments unconvincing for three reasons. First, courts generally agree that trials occurring before the effective date of new evidence rules are controlled by the rules or case law in effect at the time of trial. New evidence rules usually apply to trials that occur after those rules take effect. See *State v. Byram*, 326 S.C. 107, 114 n. 7, 485 S.E.2d 360, 363 n. 7 (1997) (applying case law in effect at time of defendant's trial, not new Rule 607 on impeachment that took effect later); *State of North Carolina v. McDonald*, 312 N.C. 264, 321 S.E.2d 849, 852 n. 1 (N.C.1984) (same); *Tuer v. McDonald*, 112 Md.App. 121, 684 A.2d 478, 482 n. 2 (Md.Ct.Spec.App.1996) (applying new evidence rules to case tried after new rules took effect), *aff'd*, 347 Md. 507, 701 A.2d 1101 (Md.1997).⁹ Nothing in the Rules of Evidence indicates the Court intended to delay application of the rules under these circumstances. The rules took effect about three weeks before appellant stood trial, more than enough time for appellant to receive notice of them. Cf. *149 *State v. Von Dohlen*, 322 S.C. 234, 471 S.E.2d 689 (refusing to conduct *in favorem vitae* review in death penalty case where defendant, whose trial began day the Court issued an opinion abolishing such reviews, had notice of that abolition), *cert. denied*, 519 U.S. 972, 117 S.Ct. 402, 136 L.Ed.2d 316 (1996).

Second, Judge Hayes did not rule that the State could not impeach Ms. Smith. He only denied the State's motion to qualify Ms. Smith as a court's witness. Although the effect of that ruling prevented the State from impeaching Ms. Smith under existing case law, that was not the judge's actual ruling. Consequently, there was no impeachment ruling that could become the law of the case. In any event, the State did not impeach Ms. Smith at trial because she freely admitted on direct examination that she initially lied

to police and offered directly conflicting testimony at the pretrial hearing.

Third, appellant offers no evidence showing the State pursued a frivolous appeal of Judge Hayes' order to delay the trial until the new rules took effect. Both parties filed their final briefs in November 1994, and the appeal was proceeding in the usual manner when the State asked the Court to dismiss it. In sum, the trial judge properly applied the new Rules of Evidence at appellant's trial.

4. LIFE INSURANCE POLICIES

[18] Appellant asked the trial judge to exclude all testimony about insurance policies on his stepfather's life because appellant did not know about the policies and did not stand to derive any benefit from them. He also argued that evidence of the policies would be highly prejudicial. The trial judge initially **865 excluded testimony about the insurance policies, but later reversed his ruling and allowed the testimony under Rule 801(d)(2), SCRE.

Ms. Smith testified appellant told her that his mother, Mrs. Warmoth, "owed a lot of people money." Appellant said killing his stepfather would allow his mother to collect \$260,000 from his stepfather's life insurance policies. He also said his mother intended to give him \$100,000 of the proceeds to start a business, Ms. Smith testified. Joyce Floyd, the personnel manager at the stepfather's employer, testified the stepfather had a \$20,000 policy naming Mrs. Warmoth as the *150 beneficiary. Carolyn Cooley, personnel manager at Mrs. Warmoth's employer, testified Mrs. Warmoth had an additional \$190,000 policy on her husband when he died. That policy also named Mrs. Warmoth as the beneficiary.

Appellant argues the trial judge erred in admitting testimony about the life insurance policies because there was no competent evidence showing appellant stood to derive a benefit from the policies. The jury could have disregarded Ms. Smith's unreliable testimony, but the objective testimony of the personnel managers improperly bolstered Ms. Smith's testimony and "created the illusion of a nexus between appellant and the insurance policies." We disagree.

[19] [20] The State is not required to prove motive in a homicide prosecution. *State v. Damon*, 285 S.C.

125, 328 S.E.2d 628 (1985), *overruled on other grounds*, *State v. Torrence*, 305 S.C. 45, 406 S.E.2d 315 (1991); *State v. Underwood*, 127 S.C. 1, 120 S.E. 719 (1923). Nevertheless, the State may introduce evidence that a defendant carried an insurance policy on a victim's life, where the policy named the defendant as the beneficiary, to establish motive in a homicide. *State v. Thomas*, 159 S.C. 76, 156 S.E. 169 (1930). The State also may introduce evidence that a defendant carried an insurance policy on the victim's life when there is some showing that the defendant would derive some benefit from the proceeds of the policy. *State v. Hartfield*, 272 S.C. 407, 252 S.E.2d 139 (1979) (evidence of policy on victim's life that named defendant's brother as beneficiary would be admissible if defendant would receive some benefit from the policy); *State v. Vermillion*, 271 S.C. 99, 245 S.E.2d 128 (1978) (upholding admission of evidence that defendant had a policy on life of his father, the victim, which named defendant's wife as beneficiary).

We conclude the trial judge properly admitted Ms. Smith's testimony that appellant told her about the insurance policies and the potential loan from his mother as admissions by a party-opponent. Rule 801(d)(2), SCRE. Since Ms. Smith's testimony was admissible, the judge properly admitted the personnel managers' testimony, which simply established the existence of the policies.

The evidence showed that appellant would have directly benefited from the proceeds of his stepfather's life insurance *151 through a \$100,000 loan from his mother.¹⁰ The trial judge did not abuse his discretion in admitting evidence of the insurance policies. *See State v. Tucker*, 319 S.C. 425, 462 S.E.2d 263 (1995) (appellate court will not reverse the trial judge's decision to admit or exclude evidence unless the trial judge abused his discretion and petitioner demonstrates prejudice); *State v. McElveen*, 280 S.C. 325, 313 S.E.2d 298 (1984) (same).

5. JURY INSTRUCTIONS

[21] In instructing the jury on circumstantial evidence, the trial judge stated:

The law also requires ... that to the extent that the State relies on circumstantial evidence, the State must prove all of the circumstances relied upon beyond a reasonable doubt. Circumstances relied upon by

the State must be wholly and in every particular consistent with each other. And the circumstances must point conclusively, that is, beyond a reasonable doubt, to the guilt of the accused, to the exclusion of every other logical or rational conclusion. That is, the circumstances must be absolutely inconsistent with any other logical or **866 rational conclusion than the guilt of the accused.

Now, ladies and gentlemen, in the consideration of circumstantial evidence, *you, the jury, must seek some other rational or logical explanation other than the guilt of the accused. And if such logical or rational explanation can be found upon consideration of the circumstances, you, the jury, cannot convict upon circumstantial evidence...*

I further instruct you, ladies and gentlemen, the mere fact the circumstances are strongly suspicious and the guilt of the defendant is probable, it is not sufficient to sustain a conviction, because the proof offered by the State must exclude every other reasonable or rational or logical conclusion except the guilt of the defendant, and such proof must *152 satisfy you, the jury, of the defendant's guilt beyond a reasonable doubt.¹¹

The judge further instructed the jury that

[a] reasonable doubt is a doubt which makes an honest, sincere, conscientious juror *in search of the truth* in the case hesitate to act. Proof beyond a reasonable doubt must, therefore, be proof of such a convincing character that a reasonable person would not hesitate to rely and to act upon it in the most important of his or her own affairs.

In addition, the judge instructed jurors twenty-six other times throughout his charge that the State had the burden of proving a defendant guilty beyond a reasonable doubt.

Appellant contends the emphasized language in the circumstantial evidence instruction shifted the burden of proof to him by telling jurors they must seek some explanation other than his guilt. He also asserts the "in search of truth" language in the definition of reasonable doubt exacerbated the problem and further shifted the

burden of proof to him. Appellant argues the charge is deficient under *State v. Manning*, 305 S.C. 413, 409 S.E.2d 372 (1991), and *State v. Raffaldt*, 318 S.C. 110, 456 S.E.2d 390 (1995).

In *State v. Manning*, the Court granted the defendant a new trial based on a defective charge. The charge was defective because the trial judge (1) defined "reasonable doubt" as synonymous with the term "moral certainty," (2) defined a reasonable doubt as a "doubt which honest people, such as you, when searching for the truth can give a real reason," and (3) required the jury to "seek some reasonable explanation of the circumstances" other than guilt when considering *153 circumstantial evidence. The circumstantial evidence instruction "turns the State's burden of proof on its head by requiring the jury find a 'reasonable explanation' of the evidence inconsistent with [a defendant's] guilt before it can find him not guilty." *Id.*, 305 S.C. at 416-17, 409 S.E.2d at 374 (citing *Cage v. Louisiana*, 498 U.S. 39, 111 S.Ct. 328, 112 L.Ed.2d 339 (1990)).

Taken as a whole and considering the three defects, the charge in *Manning* violated the Due Process Clause of the Fourteenth Amendment because a reasonable juror could have interpreted it to allow a finding of guilt based on a degree of proof below the reasonable doubt standard. The Court urged the trial bench to limit its definition of a reasonable doubt to "the kind of doubt that would cause a reasonable person to hesitate to act." *Id.*, 305 S.C. at 417, 409 S.E.2d at 375.

In *State v. Raffaldt*, *supra*, the Court again found error in a circumstantial evidence charge that required the jury to "seek some reasonable explanation other than the guilt of the accused." However, the defendant failed to demonstrate prejudicial error because the trial judge extensively charged **867 that the State had the burden of proving the defendant guilty beyond a reasonable doubt. The judge also properly defined reasonable doubt as "the kind of doubt which would cause a reasonable person to hesitate to act." *Id.*, 318 S.C. at 115-16, 456 S.E.2d at 393.

The Court since has explained that it was the combination of defective instructions, especially the "moral certainty" and "real reason" language, that prompted it to find a due process violation in *Manning*. See *State v. Whipple*, 324 S.C. 43, 50, 476 S.E.2d 683, 687 (affirming convictions

where trial court defined a reasonable doubt as a doubt "for which you could give a reason," and noting trial court never used "moral" or "grave certainty" or "substantial doubt"), *cert. denied*, 519 U.S. 1045, 117 S.Ct. 618, 136 L.Ed.2d 541 (1996); *State v. Hoffman*, 312 S.C. 386, 395, 440 S.E.2d 869, 874 (1994) (affirming convictions where trial court used "seek" language in circumstantial evidence charge because reasonable doubt charge did not contain "moral or grave certainty" or "real reason," and concluding the charge when read as a whole did not shift the burden to defendant); *154 *State v. Johnson*, 306 S.C. 119, 131, 410 S.E.2d 547, 553 (1991) (affirming convictions where trial court did not use "moral certainty" language in conjunction with "substantial" or "grave" doubt in defining reasonable doubt, although those terms also are disfavored); *accord State v. Chute*, 324 S.C. 584, 595, 480 S.E.2d 85, 90 (Ct.App.1996) (affirming conviction where trial court defined a reasonable doubt as a doubt that would cause a reasonable person to hesitate to act and as "a doubt for which a reason can be given" because it did not refer to "moral or grave certainty" or a "real reason"), *cert. denied*, 522 U.S. 982, 118 S.Ct. 442, 139 L.Ed.2d 379 (1997); *State v. Kirkpatrick*, 320 S.C. 38, 46, 462 S.E.2d 884, 889 (Ct.App.1995) (affirming conviction where trial court defined a reasonable doubt as "one for which you could give a reason," and noting trial court did not use "moral or grave certainty" or "real reason" in conjunction with erroneous circumstantial evidence charge).

Prior to *Manning*, the Court tacitly approved a reasonable doubt charge containing the language about an honest juror "in search of the truth." See *Singletary v. State*, 281 S.C. 444, 316 S.E.2d 369 (1984). In fact, trial judges have talked about jurors searching for the truth for more than a century. See *State v. Cleland*, 148 S.C. 86, 145 S.E. 628 (1928); *State v. Way*, 38 S.C. 333, 17 S.E. 39 (1893). In *Manning*, the Court pointed to the "in search of the truth" language contained in the reasonable doubt charge as contributing to its defective nature. *Manning*, 305 S.C. at 415, 409 S.E.2d at 374. However, appellate courts since have seemed to allow the use of the phrase—at least when it is not combined with other offending terms outlined in *Manning*. See *State v. Hoffman*, 312 S.C. at 395, 440 S.E.2d at 874; *State v. Kirkpatrick*, 320 S.C. at 46, 462 S.E.2d at 889.

In this case, the trial judge's circumstantial evidence charge was erroneous because it instructed jurors to seek a reasonable explanation other than the guilt of the accused.

However, we conclude it was harmless error beyond a reasonable doubt because the trial judge instructed jurors twenty-six other times throughout his charge that the State has the burden of proving a defendant guilty beyond a reasonable doubt. *See State v. Raffaldt, supra; see also State v. Smith*, 315 S.C. 547, 446 S.E.2d 411 (1994) (jury instructions should be considered as a whole, and if as a whole they are free from *155 error, any isolated portions which may be misleading do not constitute reversible error); *State v. Rabon*, 275 S.C. 459, 272 S.E.2d 634 (1980) (a jury charge which is substantially correct and covers the law does not require reversal). The charge also was harmless error because it did not contain the other troubling language identified in *Manning* and subsequent cases, the phrases “moral certainty,” “grave certainty,” or “a doubt for which you can give a real reason.” *See State v. Whipple, supra; State v. Hoffman, supra; State v. Johnson, supra.*

[22] We again take this opportunity to strongly urge the trial courts to avoid using any “seek” language, or any of the other offending terms described above, when charging jurors on either reasonable doubt or circumstantial evidence. Such language is unnecessary and runs the risk of unconstitutionally **868 shifting the burden of proof to a defendant. We have identified two appropriate ways to define reasonable doubt¹² *156 and two appropriate ways to charge circumstantial evidence.¹³ Trial courts should rarely find it necessary to deviate from those approved charges.

6. AFTER DISCOVERED EVIDENCE¹⁴

[23] At trial, an investigator testified police received reports that a young boy heard fussing and a gunshot while riding by the victim's house on a bicycle at midday April 25, 1993. Police also received reports about a gray Cadillac and a lowrider motorcycle, neither of which was known to neighbors, passing through the neighborhood late the previous evening. *157 Appellant argued in closing that police failed to investigate thoroughly those leads and others.

The Jennings family lived about 100 yards from the victim's house, which could be seen from the Jennings' residence. At the new trial hearing, appellant's lawyer submitted an affidavit stating that Mrs. Jennings told him

before the trial that no one in her family knew anything about the murder. A private investigator hired by appellant testified she and fellow investigators diligently canvassed the victim's neighborhood in 1994, searching **869 for the boy mentioned in the police report as a potential witness to the murder.

Mary Kay Needs, appellant's wife, testified she visited the Jennings family in March 1996. She secretly taped a conversation in which the young boys, nine-year-old Steven and ten-year-old Michael, purportedly described hearing a gunshot and seeing a man run from the victim's house. A friend who was with Mrs. Needs offered similar testimony about the conversation with the Jennings boys.

Steven Jennings, who was six when the murder occurred, testified at the hearing he told Mrs. Needs that he saw a tall, white male with black hair and wearing black clothes outside the victim's house at about 6 p.m. on April 25, 1993. He testified he did not know whether he heard a gunshot. Michael Jennings, who was seven when the murder occurred, offered a similar description of the man. He testified he did not hear a gunshot. James M. Jennings, the boys' father, testified he was not sure whether his boys told Mrs. Needs they heard a gunshot and saw someone running from the victim's house that day.

The trial judge denied the motion for a new trial based on after discovered evidence. Appellant argues the judge erred because the boys' testimony was clearly material to the issue of guilt. Appellant diligently tried to locate the boys before trial, but could not. “With the State's entire case revolving around an admitted perjurer who changed her story five times, it is reasonable to think [the boys'] testimony would probably have changed the result of the trial,” appellant contends. We disagree.

[24] [25] To prevail on a motion for a new trial based on after discovered evidence, a defendant must show (1) the *158 evidence is such as will probably change the result if a new trial is granted; (2) the evidence has been discovered since the trial; (3) the evidence could not have been discovered prior to trial by the exercise of due diligence; (4) the evidence is material; and (5) the evidence is not merely cumulative or impeaching. *State v. Prince*, 316 S.C. 57, 447 S.E.2d 177 (1993); *State v. Irvin*, 270 S.C. 539, 243 S.E.2d 195 (1978). The granting of such a motion is not favored and, absent error of law or abuse of discretion, an appellate court will not disturb the trial

judge's denial of the motion. *State v. Irvin, supra*; *State v. Freeman*, 319 S.C. 110, 459 S.E.2d 867 (Ct.App.1995).

We conclude appellant has not met his burden. It is true the State's case against appellant was not overwhelming, especially since the State's key witness had offered so many contradictory statements. But we do not believe the evidence appellant would present at a new trial would change the outcome of the trial.

Furthermore, appellant knew about reports the police had received about a possible young witness, the Cadillac, and the lowrider motorcycle before the trial. It is unclear why appellant's private investigators, in the exercise of due diligence, did not insist on speaking directly to the boys instead of just their mother before the trial. Finally, given the boys' lack of testimony at the post-trial hearing about a gunshot or a man running from the victim's house, the evidence appellant would offer is merely cumulative. Appellant would have little or no more evidence to argue to the jury than he did in the first trial.

CONCLUSION

[26] [27] We dispose of appellant's remaining issues pursuant to Rule 220(b)(1), SCACR, and the following authorities: Issue 4: *State v. Conyers*, 326 S.C. 263, 487 S.E.2d 181 (1997) (argument is not preserved for

appeal when appellant failed to assert it at trial); *State v. Meyers*, 262 S.C. 222, 203 S.E.2d 678 (1974) (same); Issue 2: *State v. Robinson*, 310 S.C. 535, 426 S.E.2d 317 (1992) (in considering motion for directed verdict, judge is concerned with existence or non-existence of evidence, not with its weight; judge should submit case to *159 jury if there is any substantial evidence which reasonably tends to prove the guilt of the accused, or from which his guilt may be fairly or logically deduced); *State v. Rowell*, 326 S.C. 313, 487 S.E.2d 185 (in reviewing denial of directed verdict motion, appellate court must review the evidence in the light most favorable to the State; if there is any direct **870 evidence or any substantial circumstantial evidence reasonably tending to prove the guilt of the accused, an appellate court must find that the case was properly submitted to the jury), *cert. denied*, 522 U.S. 923, 118 S.Ct. 319, 139 L.Ed.2d 246 (1997).

For the reasons outlined above, appellant's convictions are

AFFIRMED.

FINNEY, C.J., TOAL, MOORE and BURNETT, JJ., concur.

All Citations

333 S.C. 134, 508 S.E.2d 857

Footnotes

- 1 The case did not go to trial until September 1995 because the State appealed the circuit court's refusal to designate Ms. Smith as a court witness, as discussed in Issue 3.
- 2 Rule 601(b) also requires the proposed witness to be capable of expressing himself to the judge and jury, as was required prior to the adoption of the Rules of Evidence. See *Abbott v. Columbia Mills Co.*, 110 S.C. 298, 96 S.E. 556 (1918); 97 C.J.S. *Witnesses* § 49 (1957). That provision is not at issue in this case.
- 3 The trial judge sentenced Ms. Smith to eighteen months in prison on the charge of misprision of a felony at the end of appellant's trial. Three months later, before Ms. Smith had reported to prison, the judge changed the sentence to ten years in prison, suspended upon the service of ninety days, with five years probation.
- 4 S.C. Const. art. V, § 24.
- 5 *State v. Johnson*, 287 S.C. 171, 337 S.E.2d 204 (1985); *State ex rel. McLeod v. Snipes*, 266 S.C. 415, 223 S.E.2d 853 (1976).
- 6 Under the law then in effect, a party could not impeach the party's own witness unless the court declared the witness to be hostile. A party had to show actual surprise and harm, however, in order to have a witness declared hostile. See *State v. Anderson*, 304 S.C. 551, 406 S.E.2d 152 (1991), *superseded in part by Rules of Evidence as noted in State v. Byram*, 326 S.C. 107, 114 n. 7, 485 S.E.2d 360, 363 n. 7 (1997).

The State knew Ms. Smith intended to recant her statement, which meant the State would be unable to show surprise at trial. The State wanted to qualify Ms. Smith as a court's witness in order to impeach her. To do so, the State had to show (1) the prosecution is unwilling to vouch for the veracity or integrity of the witness, (2) there is a close relationship

- between the accused and the prospective court's witness, (3) there is evidence that the proposed witness was an eyewitness to the act giving rise to the prosecution, (4) the witness gave a sworn statement concerning the relevant facts which have been or will probably be contradicted, and (5) the absence of the witness' testimony would likely result in a miscarriage of justice. *Riddle v. State*, 314 S.C. 1, 7, 443 S.E.2d 557, 561 (1994).
- 7 See *State v. McKnight*, 287 S.C. 167, 337 S.E.2d 208 (1985) (the State may immediately appeal a pretrial order granting the suppression of evidence which significantly impairs the prosecution of a criminal case).
- 8 The State's letter is not in the record of this case, but is contained in the Court's files.
- 9 Accord *State of North Carolina v. Riddick*, 316 N.C. 127, 340 S.E.2d 422, 424 n. 1 (N.C.1986); *State of Utah v. Smith*, 726 P.2d 1232, 1236 n. 4 (Utah 1986); *State of New Jersey v. Kately*, 270 N.J.Super. 356, 637 A.2d 214, 216 n. 1 (N.J.Super.Ct.App.Div.1994); *In re Welfare of Bennett*, 24 Wash.App. 398, 600 P.2d 1308, 1311 (Wash.Ct.App.1979).
- 10 Appellant possibly would have benefited in an indirect way, i.e., the proceeds would have been available for his mother to pay her debts and perhaps assist appellant and his siblings. We do not decide whether such an indirect benefit is sufficient to admit evidence of insurance proceeds as a motive under *State v. Vermillion*, *supra*.
- 11 The judge at appellant's request substituted the phrase "logical and rational conclusion" for "reasonable hypothesis," the phrase usually used in this charge. Appellant may not on appeal object to the use of the substituted phrase because he asked for that change and the judge agreed. See *State v. Stroman*, 281 S.C. 508, 316 S.E.2d 395 (1984) (party may not complain about an error induced by the party's own conduct); *State v. Epes*, 209 S.C. 246, 39 S.E.2d 769 (1946) (same); Rule 20(b), SCRCrP (stating "[a]ny objection [to jury instructions] shall state distinctly the matter objected to and the grounds for objection. Failure to object in accordance with this rule shall constitute a waiver of objection"). While we do not address the validity of the "logical or rational conclusion" language, we urge trial courts to use the approved charges described below.
- 12 "A reasonable doubt is the kind of doubt that would cause a reasonable person to hesitate to act." *State v. Manning*, *supra*.
The trial court also may use the following charge or combine it with the *Manning* charge:
The State has the burden of proving the Defendant guilty beyond a reasonable doubt. Some of you may have served as jurors in civil cases where you were told that [it] is only necessary to prove the fact is more likely true than not, such as by the greater weight or preponderance of the evidence. In criminal cases, the State's proof must be more powerful than that. It must be beyond a reasonable doubt.
Ladies and gentlemen, proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. There are very few things in this world that we know with absolute certainty. And in criminal cases, the law does not require proof that overcomes every possible doubt. The law doesn't require that.
If, based on your consideration of the evidence, you are firmly convinced that the Defendant is guilty of the crime charged, you must find him guilty. You must find him guilty. If on the other hand you think there is a real possibility that he is not guilty, you must give him the benefit of the doubt and find him not guilty.
State v. Darby, 324 S.C. 114, 477 S.E.2d 710 (1996) (endorsing definition of reasonable doubt developed by the Federal Judicial Center and cited with approval in Justice Ginsberg's concurring opinion in *Victor v. Nebraska*, 511 U.S. 1, 114 S.Ct. 1239, 127 L.Ed.2d 583 (1994)).
Neither charge is mandatory. *State v. Johnson*, 315 S.C. 485, 445 S.E.2d 637 (1994); *State v. Longworth*, 313 S.C. 360, 438 S.E.2d 219 (1993). In fact, it is within a trial judge's discretion to refuse to define reasonable doubt at all. *State v. Adams*, 322 S.C. 114, 470 S.E.2d 366 (1996).
- 13 The well established charge is that when the State relies upon circumstantial evidence, a jury may not convict a defendant unless every circumstance relied upon by the State be proven beyond a reasonable doubt; and all of the circumstances so proven be consistent with each other and taken together, point conclusively to the guilt of the accused to the exclusion of every other reasonable hypothesis. It is not sufficient that they create a probability, though a strong one, and if, assuming them to be true, they may be accounted for upon any reasonable hypothesis which does not include the guilt of the accused, the proof has failed.
State v. Edwards, 298 S.C. 272, 379 S.E.2d 888 (1989); *State v. Littlejohn*, 228 S.C. 324, 89 S.E.2d 924 (1955); *State v. Harry*, 321 S.C. 273, 468 S.E.2d 76 (Ct.App.1996).
We recently approved another charge that makes no distinction between direct and circumstantial evidence:
There are two types of evidence which are generally presented during a trial—direct evidence and circumstantial evidence. Direct evidence is the testimony of a person who asserts or claims to have actual knowledge of a fact, such as an eyewitness. Circumstantial evidence is proof of a chain of facts and circumstances indicating the existence of a fact. The law makes absolutely no distinction between the weight or value to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence. You should

weigh all the evidence in the case. After weighing all the evidence, if you are not convinced of the guilt of the defendant beyond a reasonable doubt, you must find [the defendant] not guilty.

State v. Grippon, 327 S.C. 79, 83–84, 489 S.E.2d 462, 464 (1997).

- 14 After appellant appealed, this Court remanded the case in June 1996 at appellant's request for a hearing to consider his motion for a new trial based upon after discovered evidence.

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272 S.C. 373

Supreme Court of South Carolina.

Ex parte Daniel R. McLEOD, in his capacity as Attorney General of, and Chief Prosecuting Officer for, the State of South Carolina, In re Investigation of Allegations arising from irregularities alleged to have occurred in the Court of Magistrate, Margie CANNON in Charleston County of October 28, 1977.

No. 20881.

|
Feb. 12, 1979.

Synopsis

Attorney General requested that he, or his assistants, be permitted to appear before grand jury for purpose of presenting to that body evidence developed during an investigation into alleged improprieties of certain individuals in connection with a trial before a magistrate in Charleston County and also that a court stenographer be present to record such testimony. The General Session Court, Charleston County, Ernest A. Finney, Jr., J., denied that request but authorized Attorney General to take certain other actions, and he appealed. The Supreme Court, Lewis, C. J., held that: (1) neither counsel for State nor defense are allowed to be present in grand jury room during body's examination of witnesses and deliberations and (2) lower court did not err in denying Attorney General's request.

Affirmed.

Attorneys and Law Firms

***126 *374** Atty. Gen. Daniel R. McLeod and Asst. Attys. Gen., Joseph R. Barker and Brian P. Gibbes, Columbia, for appellants.

Robert B. Wallace, Morris D. Rosen and George E. Campsen, Jr., Charleston, for respondents.

Opinion

LEWIS, Chief Justice:

This matter arises out of a request by the Attorney General of South Carolina that he, or his assistants, be permitted

to appear before the grand jury for Charleston County for the purpose of presenting to that body evidence developed during an investigation into alleged improprieties of certain individuals in connection with a trial before a magistrate in Charleston County.

The Attorney General conceiving that a proper consideration of the matter under inquiry by the grand jury required the assistance of his office and after first obtaining the permission of the Foreman of the grand jury to appear before that body for such purpose, requested the trial judge ***375** to grant him, or his assistants, the right to enter the grand jury room for the purpose ****127** of assisting the grand jury in their investigation by examining witnesses and providing the grand jury with whatever legal advice that body might request. The Attorney General further requested that a court stenographer, after being sworn to secrecy, be present to record the testimony which would be sealed, subject to being made public only upon court order.

The lower court denied the request of the Attorney General that he, or his assistants, be permitted to enter the grand jury room for the purpose of examination and cross-examination of witnesses and that a court stenographer be present to record the testimony presented to the grand jury, but authorized the Attorney General to take the following actions in connection with the investigation:

(1) Submit to the grand jury either orally or in writing a full and complete statement of the investigation;

(2) Submit to the grand jury a full and complete summary of all the evidence;

(3) Submit to the grand jury evidence gathered during the investigation, such as documents, statements, tapes, pictures, etc.;

(4) Submit to the grand jury the names of individuals whom he feels should be questioned by the grand jury along with a summary of the testimony to be secured from the witnesses;

(5) Submit a list of questions that he feels the grand jury should ask the witnesses; and

(6) Submit, orally or in writing, a summary of his opinion of the law concerning the allegations of the investigation.

Pertinent portions of the order of the trial judge also stated:

Nothing in this order shall be construed as prohibiting consultation between the grand jury and representatives from the Attorney General's office even to the extent that *376 the grand jury may, during the course of the examination of a witness, recess and consult with representatives of the Attorney General's office.

The trial judge also ruled that individuals, who are called as witnesses before the grand jury and are identified from the allegations as potential defendants, should be fully advised of their right to counsel and their right to have counsel available to consult, not in the grand jury room, but during recess of the grand jury proceedings.

The Attorney General has appealed from only the rulings of the lower court which deny his request to enter the grand jury room for the purpose of examination and cross-examination of witnesses and to have a stenographer present to record the testimony taken before the grand jury. The remaining rulings of the trial judge are, therefore, not before the court; are not involved in this appeal; and we indicate no opinion thereabout.

The sole questions presented are as follows:

Did the lower court err in denying the request of the Attorney General that he, or his assistants, be permitted to enter the grand jury room to examine and cross-examine witnesses before that body; and to allow the court stenographer to enter the grand jury room and transcribe the testimony heard by the grand jury?

The permitted scope of participation by the State's prosecutory staff in the proceedings of the grand jury must be determined in the light of the settled public policy of this State relative to the secrecy of the grand jury deliberations.

The Attorney General is made the chief prosecuting officer of the State by the following provisions of Article V, Section 20, of the South Carolina Constitution:

The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record.

*377 [1] These duties as chief prosecuting officer of the State are performed by the Attorney General, not only through his immediate staff, but through his constitutional authority to supervise and direct the activities of the solicitors or prosecuting attorneys located in each judicial circuit of the State. Discussions, therefore, in our **128 prior decisions concerning the authority or right of the solicitor to participate in the proceedings of the grand jury relate ultimately to such authority of the Attorney General.

The basic legal principles governing the operation of the grand jury in this State have become established over a period of many years. No principle has been followed more closely than that which protects the secrecy of the proceedings of the grand jury and was reaffirmed by this court in *Margolis v. Telech*, 239 S.C. 232, 122 S.E.2d 417. *Margolis* recognized the prior authority of *State v. Rector*, 158 S.C. 212, 155 S.E. 385, in which the following from *Ruling Case Law* was quoted with approval:

It has long been the policy of the law, in furtherance of justice, that the investigation and deliberations of a grand jury should be conducted in secret, and that for most intents and purposes all its proceedings are legally sealed against divulgence.

[2] [3] Adherence to the foregoing long established public policy has prohibited the prosecuting attorney from entering the grand jury room for the purpose of presenting evidence through the examination and cross-examination of witnesses. We adhere to the settled rule in this State that neither counsel for the State nor defense are allowed to be present in the grand jury room during the body's examination of witnesses and deliberations.

In arguing for an expanded role for the Attorney General in grand jury proceedings, the State attempts to distinguish most of this State's case law on the subject and relies on its interpretation of the English common law, the rules adopted in some of the other States, and certain

Federal *378 precedents. It is contended that the grand jury system presently employed in South Carolina is in need of revision. Admittedly, arguments that our present jury system is in need of revision in certain limited respects have some appeal. If, however, the fundamental principle of secrecy in grand jury proceedings as long followed in our prior decisions is to be changed, it should come as the result of a comprehensive study and evaluation of all facets of the question and not through a process of judicial erosion.

For the foregoing reasons, the presence or use of a court stenographer in proceedings before the grand jury is likewise not permissible.

The portion of the judgment under appeal is accordingly, affirmed.

LITTLEJOHN, NESS, RHODES and GREGORY, JJ.,
concur.

All Citations

272 S.C. 373, 252 S.E.2d 126

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Appendix D. Law enforcement using a cloud-based evidence database

The included chart provides a listing of law enforcement agencies in each judicial circuit currently using a cloud-based evidence database, along with the year they began using it, related costs, and comments on whether the agency believes it has improved efficiency.

**LISTING OF LAW ENFORCEMENT AGENCIES IN EACH JUDICIAL CIRCUIT CURRENTLY USING A CLOUD-BASED EVIDENCE DATABASE
(with additional information requested by the Legislative Oversight Subcommittee)**

Circuit	County	LEA	Year LEA began Using Cloud-Based Database	Upfront Cost for LEA to Use Cloud-Based Database	Annual Cost for LEA to Use Cloud-Based Database	Does LEA believe use of CBD has made transfer of evidence easier and/or more efficient?	Comments
1	Calhoun	n/a					
	Dorchester	Summerville Police Department	Unknown	Unknown	Unknown	Unknown	Summerville PD is using cloud based technology to send some reports and videos to the Solicitor's Office. It is not efficient for us, because the Solicitor's Office then has to transfer the data to disc (or some other form) to send as discovery to the defense.
	Orangeburg	n/a					
2	Aiken	2 nd Circuit Solicitor	2016	N/A	N/A	Yes	Uses ProDocs
		Aiken County Sheriff's Office	2016	N/A	N/A	Unknown	Uses ProDocs
		Aiken Public Safety	2016	N/A	N/A	Unknown	Uses ProDocs
		Burnettown Police Department	2016	N/A	N/A	Unknown	Uses ProDocs
		North Augusta Public Safety	2016	N/A	N/A	Unknown	Uses ProDocs
		Salley Police Department	2016	N/A	N/A	Unknown	Uses ProDocs
	Aiken/Barnwell	Centerra (SRS)	2016	N/A	N/A	Unknown	Uses ProDocs
	Bamberg	Bamberg County Sheriff's Office	2018	N/A	N/A	Unknown	Uses ProDocs
		Bamberg Police Department	2018	N/A	N/A	Unknown	Uses ProDocs
		Denmark Police Department	2018	N/A	N/A	Unknown	Uses ProDocs
Denmark Tech. Police Department		2018	N/A	N/A	Unknown	Uses ProDocs	

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		Ehrhardt Police Department	2018	N/A	N/A	Unknown	Uses ProDocs	
		Olar Police Department	2018	N/A	N/A	Unknown	Uses ProDocs	
	Barnwell	Barnwell Sheriff's Office	2018	N/A	N/A	Unknown	Uses ProDocs	
		Barnwell Police Department	2018	N/A	N/A	Unknown	Uses ProDocs	
		Blackville Police Department	2018	N/A	N/A	Unknown	Uses ProDocs	
		Williston Police Department	2018	N/A	N/A	Unknown	Uses ProDocs	
	Circuit-Wide	S.C. DJJ	2016	N/A	N/A	Unknown	Uses ProDocs	
		S.C. Attorney General	2016	N/A	N/A	Unknown	Uses ProDocs	
		S.C. Dept. of Mental Health	2016	N/A	N/A	Unknown	Uses ProDocs	
		S.C.D.P.S. (SCHP)	2016	N/A	N/A	Unknown	Uses ProDocs	
		SLED	2016	N/A	N/A	Unknown	Uses ProDocs	
	3	Clarendon	n/a					Solicitor: None of our four counties' law enforcement agencies utilize a cloud based database. This situation causes delay in receiving reports and does not allow efficient sharing of case file information.
		Lee	n/a					
Sumter		n/a						
Williamsburg		n/a						
4	Chesterfield	Chesterfield County Sheriff	2017	N/A	N/A	Yes	Uses the sync tool only – provided through the Solicitor's Office to upload case files (notes, videos, etc.) BWC videos are stored on external hard drives in evidence locker	
		Cheraw Police Department	2017				Evidence.com	

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		Chesterfield Police Department	2017				Evidence.com
	Darlington	Darlington Police Department	2017	3-year contract	Estimated \$4000	Yes	Axon – Offsite (BWC Videos Only) *can share videos with shared partners
		Hartsville Police Department	2017	5-year contract	Estimated \$3000	Yes	Axon – Offsite *Set up originally to send evidence directly from cloud- based storage. Ran into issues – chain of custody issues / evidence regulations
	Marlboro	n/a					
	Dillon	Dillon County Sheriff	2018	\$3700	\$3500	Yes	*On-Site & Offsite; migrating from PMI Evidence Track/Fluid to a cloud base storage program; SAFE. Transfer should be completed by October 2018
5	Kershaw	Kershaw County Sheriff	2014	\$56,331.00	\$10,781.04	Yes	This database is user friendly
		Camden Police Department	2017	\$27,000	\$4,800	Not efficient for individual officer.	
	Richland	Midlands Tech Police	2016	12,000.00	4,000.00	Yes, evidence.com/Axon is very helpful and easy to use.	Overall we have been very pleased with the services.
		Probation, Parole, and Pardon	2018	N/A – Free during testing period.	N/A – Free during testing period.	Still in Pilot	Final decision regarding full agency implementation has not been made at this time (8/2/2018).
		Richland County Sheriff	2017	\$336,140	\$418,668	The cloud based database has without a doubt made the transfer and sharing of video evidence more	Our experience with cloud based data sharing and storage has been exceptional. One of the main reasons is because we are able to access and share the information

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						efficient, saving man hours and funds.	from a remote locations (to include mobile devices, tablets or laptops at any hour of day). This can lead to not only efficiency but also in situations of officer involved incidents and the safety of the community we can access the data immediately.
6	Chester	Great Falls Police Department	n/a				Does not use cloud-based storage.
		Chester City Police Department	2016	Currently uses server storage (WatchGuard Digital Body and In Car Camera Systems), which was purchased in 2016 for \$71,200.00.		The dedicated server is at half-capacity, and they may have to spend \$5,000 to \$9,000 in the next 3 years on an additional server. Although Cloud-Share storage is included in this price, any additional web-based evidence storage will incur additional fees once their 3 year contract (which they began in 2016) has expired. The Dept also anticipates additional costs in the future for new 4RE Systems for additional vehicles in the future (charge of \$2,500 per vehicle to include setup, training and configuration) as well as costs for Vista Body Cameras to be replaced in the future once the 3 year warranty has expired.	
		Chester County Sheriff's Department		Yearly contract with Axon Enterprise for \$62,946.72. This contract includes unlimited warrant with overnight replacement for body cameras, unlimited cloud storage for video, 60 user licenses for web access, unlimited partner agency access and 5 year equipment refresh/update.			
	Lancaster	n/a					
	Fairfield	Fairfield County Sheriff's Office	2014	0	0	See comment.	Not regularly used.
Winnsboro Dept. of Public Safety		2017	\$23,000 (\$16,000)	\$10,000	Yes	Only used for body cameras.	

**LISTING OF LAW ENFORCEMENT AGENCIES IN EACH JUDICIAL CIRCUIT CURRENTLY USING A CLOUD-BASED EVIDENCE DATABASE
(with additional information requested by the Legislative Oversight Subcommittee)**

Circuit	County	LEA	Year LEA began Using Cloud-Based Database	Upfront Cost for LEA to Use Cloud-Based Database	Annual Cost for LEA to Use Cloud-Based Database	Does LEA believe use of CBD has made transfer of evidence easier and/or more efficient?	Comments
				covered by grant)			
7	Cherokee	n/a					
	Spartanburg	Wellford Police Department	2016	\$9500	\$4500	Yes	Need for funding from the state to maintain the cost of the cloud base database.
		Spartanburg Police Department	2010	\$236,787	\$124,280	Yes	
		Spartanburg Sheriff's Office	2014	\$95,456.30	\$45,718	Yes	
8	Abbeville						
	Greenwood						
	Laurens						
	Newberry						
9	Berkeley	n/a					
	Charleston	Charleston County Solicitor's Office	2017 (construction of system began in 2016)	\$275,000 Hardware + \$65,000 Software = Total initial cost \$340,000	\$15,000 Yearly Maintenance Cost Will need to add additional hardware storage as needed support the cloud	Yes cloud-based storage and software this has improved the initial transfer of case information to the Solicitor's Office and reduced the time in receiving initial discovery/evidence. We have reduced the need for hard disc previous used for in-car video, body worn camera video, as well as other video and audio	Solicitor: The Charleston County Solicitor's Office is currently receiving cloud-based discovery/evidence from 9 different local Law Enforcement Agencies in Charleston County area. We will be expanding this project later this year to adding additional Law Enforcement Agencies from the local area. In addition to receiving the discover/evidence through our current cloud-based system we can use the current system to make this

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					<p>developed by Charleston County IT. Cost for additional hardware storage will be determined by the vendor a time of purchase and by the amount of storage needed at time of purchase.</p>	<p>evidence with the agencies currently using the system. We are still working out some of the challenges associated with the various video players and files types when trying to play these items through CJIS compliant web based cloud-based application.</p> <p>Just beginning the second year using this new cloud based discovery/evidence project; currently making some major software enhancements. These new enhancements to the current product will make the product more user friendly for Law Enforcement, Prosecutor's, Defense Counsel and Staff. It will allow LE to upload discovery/evidence faster and all information will be arranged in an organized file structure. This new file structure will allow video files to if arranged in a single central file allowing</p>	<p>same discovery/evidence, as well as redacted copies of this discovery/evidence, available to defense counsel, expert witness, or other parties as needed.</p>

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							them to be downloaded to a PC and played, or in some cases played within the cloud-based program.
10	Anderson	Pendleton Police Department	2016	\$12,000 (+/-)	\$8,000 (+/-)		Only used for body cameras (Axon-Evidence.com).
	Oconee	Oconee Sheriff's Department	2013	\$46,635	Just under \$20,000, but about to increase	Yes	Extremely secure and provides more storage than they could ever have afforded.
		Seneca Police Department	June 2016	\$38,889	\$32,076	Yes	Only used for body cameras (Axon-Evidence.com).
11	Edgefield	n/a					
	Lexington	Lexington County Sheriff's Department	2017	\$68,000 (For approximately 60 users) To be fully compliant with the statutory mandate, LCSD will need to outfit approximately 225 total users at an additional cost of approximately	Current annual cost for 60 users is approximately \$61,000.00. LCSD plans to add another 120 users this year bringing their expected annual cost after this year	Yes	Solicitor: Quality, secure cloud storage is not inexpensive. However, when the LCSD analyzes the ongoing costs of ever increasing storage demands over time and the necessary additional security, backup, maintenance and support costs to support a local storage solution, it quickly becomes evident neither option is inexpensive. Cloud-based storage through the LCSD's chosen vendor allows remarkably cost-effective scalable storage that meets our security requirements while allowing convenient sharing and accountability of the evidence.

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				y \$215,000.00.	to \$200,000.00.		Solicitor: The method of how the other law enforcement agencies in Lexington County store their electronic evidence is unknown.
	McCormick	n/a					Solicitor: The method of how law enforcement agencies in McCormick County store their electronic evidence is unknown.
	Saluda	n/a					Solicitor: The method of how law enforcement agencies in Saluda County store their electronic evidence is unknown.
12	Florence						
	Marion						
13	Greenville	Greenville Police Department	2017	None. Cloud storage is part of BWC contract. All upfront costs are directly related to BWC program equipment and setup.	\$156,570.48 \$147,470 + 6% tax	Upload and sharing procedures have aided in both collection and sharing of digital evidence.	Costs and fees listed are broken out of the overall Officer Safety Program Contract. The listed costs are for Unlimited Storage. Evidence. Com Annual licenses (for full functionality and management). Total BWC program costs exceeds \$230,000/yr including cloud solution and applicable taxes.
	Pickens	n/a					

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14	Allendale	Allendale County Sheriff's Office	2017	\$0	\$0	No response	
		Fairfax Police Department	2017	\$0	\$0	No response	
		Allendale Police Department	2017	\$0	\$0	Yes	
	Beaufort	Port Royal Police Department	2017	\$0	\$0	Yes	The SYNC app is a great asset as typical video uploads will kick you out of evidence.com due to time issues.
		Beaufort Police Department	2017	\$0	\$0	Yes	Overall yes, but uploading larger pieces of evidence can be timely and depends greatly on format.
		Bluffton Police Department	2017	\$0	\$0	Yes	Overall it's much easier. The only downside is that it takes a long time to upload videos.
	Colleton	Colleton County Sheriff's Office	2017	\$0	\$0	Yes	Uploading L3 videos can be timely, but overall the system has been very helpful.
		Walterboro Police Department	2017	\$0	\$0	Yes	
	Hampton	Hampton County Sheriff's Office	2017	\$0	\$0	Yes	
		Yemassee Police Department	2017	\$0	\$0	Yes	It would be helpful if each department had more than one log in, so that if a person is at training or out of pocket someone else could also upload.
		Estill Police Department	2017	\$0	\$0	Yes	Also have Evidence.com for bodycams. LEA: The solicitor's Office purchased a license for our agency

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							and has provided this system to our agency free of charge. We have incurred no additional costs and/or expense by using Evidence.com. Since we began using this system, we have experienced very few problems and the transition has been seamless.
		Hampton Police Department	2017	\$0	\$0	No	Our department of 12 full-time officers does not have the resources to upload every piece of evidence. It generally falls on one person. Evidence.com is cumbersome and could be streamlined. Our internet is only 10 MBs and uploading L3 videos can take a day or longer.
	Jasper	Jasper County Sheriff's Office	2017	\$0	\$0	Yes	Also have Evidence.com for bodycams
		Ridgeland Police Department	2017	\$0	\$0	Yes	Also have Evidence.com for bodycams
	Circuit-Wide	S.C. State Law Enforcement Division	2017	\$0	\$0	Yes	It is easier on the individual Agents not having to deliver the Investigative Reports to the Solicitor; however, in the cases that have many dvds and/or cds, it takes a long time for me to upload them into the program. I have had to leave it uploading overnight on several occasions because it indicated it would take, for example, 15+ hours to upload the videos. It is a time

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							consuming process uploading some reports to Evidence.com.
		S.C. Highway Patrol	2017	\$0	\$0	No	It is much less efficient. I spend hours uploading information and this can only be done from the solicitor's office due to the amount of data to be uploaded and upload speeds in Colleton county, per First Sgt. Chad Pearson.
		14th Circuit Solicitor's Office	2017	\$13,000	\$13,999	Yes	Licenses, storage fees and training have been provided to all law enforcement agencies in the 14th Circuit through a contract negotiated by the Solicitor's Office. It will continue to pay these fees going forward so that law enforcement incurs no costs for this service. Only the Beaufort County Sheriff's Office has declined to participate and still manually delivers digital evidence by discs, which have to be burned by their office and uploaded again once delivered to our office.
15	Horry	Atlantic Beach Police Department	2018				Solicitor: Using free year long trial; has not shared a case with Solicitor's Office.
		Horry County Detention Center	2018				Solicitor: Has not shared a case with Solicitor's Office.
		Horry County Sheriff's Department	2018				Solicitor: Has not shared a case with Solicitor's Office.

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		15th Circuit Drug Enforcement Unit – Horry County	October 2017	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
		Coastal Carolina University Department of Public Safety	June 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
		Conway Police Department	January 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
		Horry County Police Department	December 2017	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
		Loris Police Department	March 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
		Myrtle Beach Police Department	May 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	

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		North Myrtle Beach Police Department of Public Safety	July 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
		Surfside Beach Police Department	May 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
	Georgetown	Georgetown County Sheriff's Office	June 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
		15 th Circuit Drug Enforcement Unit – Georgetown County	June 2018	Basic account – \$180 Pro account – \$468	Costs for the accounts are annually	Yes	
16	Union	n/a					
	York	Rock Hill Police Department	2016	\$0.00	\$143,000	Yes	
		York Police Department	2017	\$38,000	\$27,500	Yes	Sharing Videos is much easier now than it has ever been.

COMMITTEE CONTACT INFORMATION



- Website - <http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee.php>
- Phone Number - 803-212-6810
- Email - HCommLegOv@schouse.gov
- Location - Blatt Building, Room 228

1 Visual Summary Figure 1 is compiled from information in the Commission on Indigent Defense study materials available online under "Citizens' Interest," under "House Legislative Oversight Committee Postings and Reports," and then under "Indigent Defense, Commission on"

<http://www.scstatehouse.gov/committeeinfo/houselegislativeoversightcommittee/agencyphpfiles/indigentdefense.php> (accessed April 17, 2018).

2 South Carolina Judicial Department, <https://www.sccourts.org/circuitcourt/circuitmap.cfm> (accessed June 11, 2018).

³ 1990 Act No. 485, Preamble.

4 S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created; 1990 Act No. 485 (S. 1411)

⁵ S.C. Code of Laws Section 1-7-940.

6 S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created; 1990 Act No. 485 Preamble; See also, S.C. Code of Laws Section 17-3-340(l)(1). "The commission shall approve and implement programs, services, rules, policies, procedures, regulations, and standards as may be necessary or advisable to fulfill the purposes and provisions of this article in the delivery of indigent services. This includes, but is not limited to, standards for: (1) maintaining and operating circuit public defender offices, including requirements regarding qualifications, training, and size of the legal and support staff of the offices and access to data and records, including business records, in each circuit public defender office;"

7 S.C. Code Ann. 1-7-990. Promulgation of regulations; S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created

⁸ The Law Enforcement Training Council (LETC) is an example of an entity with the ability to ensure compliance with its regulations by those in positions which are elected by the public (e.g., sheriffs). However, the authority to enforce is specifically stated in statute. S.C. Code Ann. 23-23-80(5) "(5) make such regulations as may be necessary for the administration of this chapter, including the issuance of orders directing public law enforcement agencies to comply with this chapter and all regulations so promulgated;"

⁹ S.C. Constitution, Article 5, Section 24. It goes on to state the General Assembly shall also provide in law the selection, duties, and compensation of other appropriate officials to enforce the criminal laws of the State, to prosecute persons under these laws, and to carry on the administrative functions of the courts of the State; and the Attorney General is the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases.

¹⁰ S.C. Code Ann. 1-7-320. Solicitors shall perform duties of Attorney General and assist in prosecutions; Section 24, Article V, S.C. State Constitution; See also, *State ex rel. McLeod v. Snipes*, 266 S.C. 415, 420, 223 S.E.2d 853, 855 (1976) (The Supreme Court of South Carolina has recognized that, "Although the Attorney General is designated the chief prosecuting officer and has 'authority to supervise the prosecution of all criminal cases in courts of record', the fact remains that the solicitors are elected in this State by the people and maintain a strong measure of independence. While he has the authority to supervise the prosecution of all criminal cases, it is a fact of common knowledge that the duty to actually prosecute criminal cases is performed primarily and almost exclusively by the solicitors in their respective circuits except in unusual cases or when the solicitors call upon the Attorney General for assistance.")

¹¹ S.C. Code Ann 1-7-910. Commission on Prosecution Coordination created; 1990 Act No. 485 (S. 1411); S.C. Code Ann. 1-7-320. Solicitors shall perform duties of Attorney General and assist in prosecutions; Section 24, Article V, S.C. State Constitution.

¹² S.C. Code of Laws Section 17-3-340(l)(1). "The commission shall approve and implement programs, services, rules, policies, procedures, regulations, and standards as may be necessary or advisable to fulfill the purposes and provisions of this article in the delivery of indigent services. This includes, but is not limited to, standards for: (1) maintaining and operating circuit public defender offices, including requirements regarding qualifications, training, and size of the legal and support staff of the offices and access to data and records, including business records, in each circuit public defender office;"

¹³ 1990 Act No. 485, Preamble; S.C. Code of Laws Section 1-7-330. In *State v. Langford*, 400 S.C. 421, 735 S.E.2d 471 (2012), the Supreme Court held that, because the setting of the trial docket is the prerogative of the court, the statute violated the separation of powers clause by giving the Solicitors that authority.

14 S.C. Code of Laws Section 1-7-730. Examination of offices of county officers. "The Attorney General and solicitors shall annually, at such times as they may deem expedient, examine into the condition of the offices of the clerk of the court of common pleas and general sessions, of the sheriff and of the register of deeds in the counties of the respective solicitors and ascertain if such officers have discharged the duties which now are, or shall be, required of them; and they shall make a report of the condition of said offices and of the manner in which said officers have discharged their duties to the circuit court in each county, respectively, at the fall term in each year, and also to the General Assembly at its annual session."

¹⁵ 1979 Act No. 191, Section 3; S.C. Code of Laws Section 1-7-408; 2005 Act No. 164, Section 37, eff June 10, 2005

¹⁶ 2015-16 General Appropriations Act, Part 1B, Proviso 117.113; 2016-17 General Appropriations Act, Part 1B, Proviso 117.110; 2017-18 General Appropriations Act, Part 1B, Proviso 117.109

¹⁷ Agency's PER, Strategic Plan Summary Chart.

¹⁸ Agency's PER, Strategic Plan Summary Chart.

¹⁹ Agency's PER, Strategic Plan Summary Chart.

²⁰ Agency's PER, Strategic Plan Summary Chart.

²¹Agency PER, Organizational Charts.

²² S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation. The General Assembly also may provide by law for the age and qualifications of sheriffs and coroners, and the selection, duties, and compensation of other appropriate officials to enforce the criminal laws of the State, to prosecute persons under these laws, and to carry on the administrative functions of the courts of the State. The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.); See also, 1965 S.C. Op. Atty. Gen. No. 1791, 1965 WL 8659 (Functions of a sheriff are not immutable and exclusive, but are subject to legislative alteration and control); 1967 S.C. Op. Atty. Gen. No 2252, 1967 WL 8568 (Confirms powers and duties of the office of sheriff are within the legislative power and may be varied, abridged, or increased at the pleasure of the legislature.)

²³ S.C. Constitution Article 5, Section 13. Judicial circuits. The General Assembly shall divide the State into judicial circuits of compact and contiguous territory. For each circuit a judge or judges shall be elected by a joint public vote of the General Assembly; provided, that in any contested election, the vote of each member of the General Assembly present and voting shall be recorded. He shall hold office for a term of six years, and at the time of his election he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge. The General Assembly may by law provide for additional circuit judges, to be assigned by the Chief Justice. Such additional circuit judges shall be elected in the same manner and for the same term as provided in the preceding paragraph of this section for other circuit judges, except that residence in a particular county or circuit shall not be a qualification for office.

²⁴ S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation. The General Assembly also may provide by law for the age and qualifications of sheriffs and coroners, and the selection, duties, and compensation of other appropriate officials to enforce the criminal laws of the State, to prosecute persons under these laws, and to carry on the administrative functions of the courts of the State. The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.)

²⁵ S.C. Constitution, Article 5, Section 24. Law enforcement officials, prosecutors and administrative officers; Attorney General. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation. The General Assembly also may provide by law for the age and qualifications of sheriffs and coroners, and the selection, duties, and compensation of other appropriate officials to enforce the criminal laws of the State, to prosecute persons under these laws, and to carry on the administrative functions of the courts of the State. The Attorney General shall be the chief prosecuting officer of the State with authority to supervise the prosecution of all criminal cases in courts of record. (1972 (57) 3176; 1973 (58) 161; 1973 (58) 863; 1975 (59) 46; 1985 Act No. 9; 1989 Act No. 10; 1995 Act No. 35.)

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²⁸ S.C. Code of Laws Section 1-7-100.

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- ²⁹ S.C. Code of Laws Section 1-7-320.
- ³⁰ S.C. Code of Laws Section 1-7-320.
- ³¹ State v. Long (S.C. 2014) 406 S.C. 511, 753 S.E.2d 425.
- ³² State v. Long (S.C. 2014) 406 S.C. 511, 753 S.E.2d 425.
- ³³ Ex parte McLeod (S.C. 1979) 272 S.C. 373, 252 S.E.2d 126.
- ³⁴ State v. Long (S.C. 2014) 406 S.C. 511, 753 S.E.2d 425.
- ³⁵ State v. Needs (S.C. 1998) 333 S.C. 134, 508 S.E.2d 857, rehearing denied.
- ³⁶ July 24, 2018 Subcommittee meeting at 30:44; 34:59; 41:28 in the archived video.
- ³⁷ July 24, 2018 Subcommittee meeting at 30:44 in the archived video.
- ³⁸ July 24, 2018 Subcommittee meeting at 30:44 in the archived video.
- ³⁹ July 24, 2018 Subcommittee meeting at 30:44 in the archived video.
- ⁴⁰ July 24, 2018 Subcommittee meeting at 30:44 in the archived video.
- ⁴¹ July 24, 2018 Subcommittee meeting at 30:44; and 42:05 in the archived video.
- ⁴² Letter from Oversight Subcommittee to Prosecution Coordination (August 1, 2018), Question 3 and 4, available at [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20Oversight%20Subcommittee%20to%20SCCPC%20\(August%201,%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20Oversight%20Subcommittee%20to%20SCCPC%20(August%201,%202018).pdf) (accessed August 16, 2018)
- ⁴³ Letter from SCCPC to Subcommittee (August 15, 2018), Question 3 and 4, available at [https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Subcommittee%20with%20attachments%20\(August%2015,%202018\).pdf](https://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Subcommittee%20with%20attachments%20(August%2015,%202018).pdf) (accessed August 16, 2018)
- ⁴⁴ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 1.
- ⁴⁵ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 16.
- ⁴⁶ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 16.
- ⁴⁷ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 16.
- ⁴⁸ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 14.
- ⁴⁹ S.C. House of Representatives, House Legislative Oversight Committee, "Letter from SCCPC to Oversight Subcommittee (July 16, 2018)," under "Committee Postings and Reports," under "House Legislative Oversight Committee," under "Prosecution Coordination Commission," and under "Correspondence," [http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20\(July%2016,%202018\).pdf](http://www.scstatehouse.gov/CommitteeInfo/HouseLegislativeOversightCommittee/AgencyWebpages/ProsecutionCoordination/Letter%20from%20SCCPC%20to%20Oversight%20Subcommittee%20with%20attachments%20(July%2016,%202018).pdf) (accessed July 18, 2018). Question 14.
- ⁵⁰ Agency PER, Deliverables Chart.
- ⁵¹ Item numbers are the ones utilized in agency's program evaluation report.

52 Item numbers are the ones utilized in agency's program evaluation report.
53 Item numbers are the ones utilized in agency's program evaluation report.
54 Item numbers are the ones utilized in agency's program evaluation report.
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64 Item numbers are the ones utilized in agency's program evaluation report.
65 Item numbers are the ones utilized in agency's program evaluation report.
66 Item numbers are the ones utilized in agency's program evaluation report.
67 Item numbers are the ones utilized in agency's program evaluation report.
68 Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)
69 Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)
70 Item numbers are the ones utilized in agency's program evaluation report.
71 Item numbers are the ones utilized in agency's program evaluation report.
72 Item numbers are the ones utilized in agency's program evaluation report.
73 Item numbers are the ones utilized in agency's program evaluation report.
74 Item numbers are the ones utilized in agency's program evaluation report.
75 Item numbers are the ones utilized in agency's program evaluation report.
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79 Item numbers are the ones utilized in agency's program evaluation report.
80 Item numbers are the ones utilized in agency's program evaluation report.
81 Item numbers are the ones utilized in agency's program evaluation report.
82 Item numbers are the ones utilized in agency's program evaluation report.
83 Item numbers are the ones utilized in agency's program evaluation report.
84 Item numbers are the ones utilized in agency's program evaluation report.
85 Item numbers are the ones utilized in agency's program evaluation report.
86 Department of Administration, Executive Budget Office, "2016-17 Accountability Report Technical Assistance Guide," under Agency Accountability Reports <http://www.admin.sc.gov/files/FY%202016-17%20Accountability%20Report%20Technical%20Assistance.pdf> (accessed July 21, 2017). See also, Agency PER.
87 Agency PER, Comprehensive Strategic Finances Chart
88 Agency PER, Comprehensive Strategic Finances Chart
89 and Percentage of total amount appropriated and authorized to spend
90 and Percentage of total amount appropriated and authorized to spend
91 and Percentage of total amount appropriated and authorized to spend
92 and Percentage of total amount appropriated and authorized to spend
93 and Percentage of total amount appropriated and authorized to spend
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97 and Percentage of total amount appropriated and authorized to spend
98 and Percentage of total amount appropriated and authorized to spend
99 and Percentage of total amount appropriated and authorized to spend
100 and Percentage of total amount appropriated and authorized to spend
101 Agency PER, Question 18 and 19.
102 July 16, 2018 letter - Chart 7
103 Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)

¹⁰⁴ Worthless Check Program (authorized by S.C. Code Section 17-22-710); Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Veterans Court (authorized by S.C. Code Section 14-29-30); Mental Health Court (authorized by S.C. Code Section 14-31-40); Juvenile Arbitration (recognized by S.C. Code Section 17-22-1120(B), and Proviso 67.6, 2018-2019 S.C. Appropriations Act, Part 1B)); Juvenile Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Juvenile Pre-Trial Intervention (authorized by S.C. Code Section 17-22-30)

¹⁰⁵ Pre-Trial Intervention (mandated by S.C. Code Section 17-22-30); Alcohol Education Program (mandated by S.C. Code Section 17-22-510); Traffic Education Program (mandated by S.C. Code Section 17-22-310)

¹⁰⁶ Worthless Check Program (authorized by S.C. Code Section 17-22-710); Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Veterans Court (authorized by S.C. Code Section 14-29-30); Mental Health Court (authorized by S.C. Code Section 14-31-40); Juvenile Arbitration (recognized by S.C. Code Section 17-22-1120(B), and Proviso 67.6, 2018-2019 S.C. Appropriations Act, Part 1B)); Juvenile Drug Court (recognized by S.C. Code Section 17-22-1120(B)); Juvenile Pre-Trial Intervention (authorized by S.C. Code Section 17-22-30)

¹⁰⁷ July 16 letter - Attachment A