

AGENCY NAME:	S. C. commission on Prosecution Coordination		
AGENCY CODE:	E-21	SECTION:	60

**Fiscal Year 2015-16
Accountability Report**

SUBMISSION FORM

AGENCY MISSION	<p>The South Carolina Commission on Prosecution Coordination (SCCPC) was created to coordinate all activities involving the prosecution of criminal cases in this State. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the South Carolina Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program (PTI), a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor.</p> <p>The mission of the South Carolina Commission on Prosecution Coordination is to improve South Carolina’s Criminal Justice System by enhancing the effectiveness and professionalism of South Carolina’s solicitors and their staff through activities such as coordination of prosecution services, education, information, association, and interaction; and to achieve objectives which will benefit and improve the Office of Solicitor.</p>
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AGENCY VISION	<p>To enhance the ability of South Carolina’s state prosecutors to seek justice.</p>
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Please state yes or no if the agency has any major or minor (internal or external) recommendations that would allow the agency to operate more effectively and efficiently.

RESTRUCTURING RECOMMENDATIONS:	No
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AGENCY NAME:	S. C. commission on Prosecution Coordination		
AGENCY CODE:	E-21	SECTION:	60

I have reviewed and approved the enclosed FY 2015-16 Accountability Report, which is complete and accurate to the extent of my knowledge.

**AGENCY DIRECTOR
(SIGN AND DATE):**

 9-14-16

(TYPE/PRINT NAME):

David M. Ross

**BOARD/CMSN CHAIR
(SIGN AND DATE):**

 9-14-16

(TYPE/PRINT NAME):

Isaac M. Stone, III

AGENCY NAME:	S. C. commission on Prosecution Coordination		
AGENCY CODE:	E-21	SECTION:	60

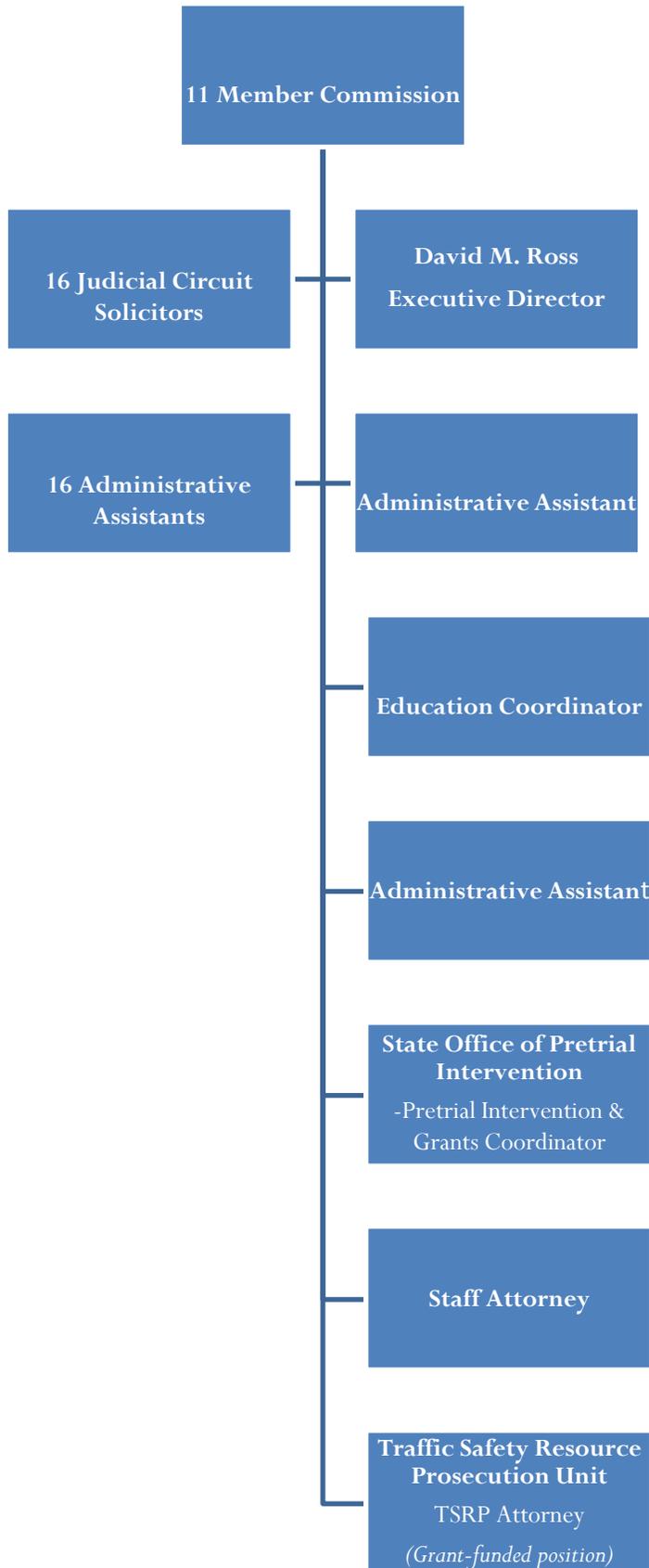
AGENCY'S DISCUSSION AND ANALYSIS

Notable Achievements from FY 2015/16:

The Commission's notable achievements from the past year are listed below.

- With Governor Haley and the General Assembly's strong support, the SCCPC was able to accomplish Objective 2.1.2 from FY14/15 and funding was increased in the amount of \$10,806,989 for FY16/17. The SCCPC used the General Sessions caseload standards that were developed in 2015 to show what funding was needed and how it would be used. This increased funding will allow Solicitors to ensure that every county has a prosecutor, reduce the average caseload of prosecutors to 281 cases or less, and eliminate the practice of law enforcement officers having to prosecute their own domestic violence cases in Summary Court (Magistrate and Municipal Court).
- Passage of legislation creating Domestic Violence Fatality Review Committees in each Circuit.
- Provided 26 training sessions offering 151.50 continuing education hours for 1875 persons covering a variety of topics relevant to the prosecution of crimes in South Carolina's state courts, including domestic violence, victim's rights, drugs, child exploitation, gang issues, evidence preservation, criminal record expungements, DNA expungements, FOIA, driving under the influence, boating under the influence, juveniles, paralegal training, and ethics and professionalism.
- Provided timely legal updates to the Circuit Solicitors' Offices on actions of the Courts and Legislature.
- Applied for and received federal a grant for the John R. Justice Student Loan Forgiveness Program.
- Applied for and received a Traffic Safety Resource Prosecutor grant (a federal grant passed through the South Carolina Department of Public Safety's Office of Highway Safety and Justice Programs).
- Prepared and submitted the SCCPC Report on Diversion Programs to the Sentencing Oversight Committee.
- Assisted prosecutors with trial, appellate, and research issues.
- Prepared and submitted statistics regarding CDV and DUI prosecutions to the Legislature.
- Reviewed criminal and criminal justice related legislation and provided information to both the Solicitors and the Legislature.
- Continued work on building a new website.

The SCCPC has a "central office," manned by seven employees, which provides support services for the 16 Solicitors' Offices. Its budget includes all state funding for the 16 Solicitors' Offices, each of which is overseen by an elected Solicitor.



AGENCY NAME:	S. C. commission on Prosecution Coordination		
AGENCY CODE:	E-21	SECTION:	60

Program Goal 1. Protect the community by vigorously, but fairly, prosecuting those who violate the law.

The primary strategy in meeting this goal is to reduce the time from arrest to disposal of a criminal case in every judicial circuit. The increase in funding that was strongly supported by the Governor and the General Assembly will allow Circuit Solicitors to hire additional prosecutors which will reduce the average prosecutor caseload in each circuit. This reduction will allow prosecutors and staff to effectively manage their caseloads and allow them to focus on reducing the overall time it takes to reach a resolution on each case. Victims will see their cases resolved more quickly, defendants will wait less time in jail, and fewer defendants should be let out on bond because of delays. Additionally, law enforcement officers will no longer prosecute their own domestic violence cases in Summary Court (Magistrate and Municipal Court) and, instead, a prosecutor will prosecute the cases.

In last year’s accountability report we highlighted that: “South Carolina is consistently one of the top states in the number of violent crimes committed on a per-capita basis. South Carolina also consistently ranks highest or near highest in the nation in the number of women killed by men.” These are still true statements. South Carolina has moved up to first in the number of women killed by men and has the sixth highest violent crime rate in the country on a per-capita bases.

The FY16/17 funding increase will enable Solicitors to hire approximately 103 prosecutors over the next year and pave the way for South Carolina to improve its rankings in these categories.

Program Goal 2. Provide quality support services to the Offices of Solicitor.

The SCCPC provides quality support services to the Offices of Solicitor in a number of ways; chief among them is providing regular training for all prosecution staff, technical assistance to prosecution staff, and timely distribution of updates on judicial and legislative actions.

Regular Training: During FY 15/16, the SCCPC conducted 26 trainings attended by 1791 persons. These trainings, which varied from 2.0 hours to 28.25 hours, offered 151.50 hours of training. This training focused on the needs of prosecutors, prosecution paralegals, prosecution investigators, prosecution victim advocates, diversion program staff, and prosecution administrative staff. This training included the Prosecution Bootcamp program, which was created to train prosecutors with two or less years of prosecution experience and the first offering was conducted in 2009. The program, which is now a five-day program, includes not only lectures on necessary topics related to criminal law, ethics, and prosecutor discretion, but also trial advocacy training. Students are required to perform portions of a trial (jury argument and witness examination) and are critiqued by experienced faculty on both the substance and style of their performance. The FY 15/16 program trained 42 new prosecutors. Materials were developed for the trainings that not only allowed the attendees to follow the speakers, but were intended to be useful resource materials once the training attendees returned to their offices. Training hours are accredited by the South Carolina Bar, the Criminal Justice Academy, and South Carolina Office of Victim Services Education and Certification. Every training that is conducted has an evaluation form, which the agency uses in determining the effectiveness of the training. Attendees assess training speakers’ presentations and materials in numerical format and the

AGENCY NAME:	S. C. commission on Prosecution Coordination		
AGENCY CODE:	E-21	SECTION:	60

evaluation forms also allow for comments. These forms are collected at the end of each training and reviewed to determine how the training may be improved in the future. Training programs conducted by the agency continue to receive high marks by attendees.

Technical Assistance: During FY 15/16 the SCCPC served as a direct resource for the Solicitors’ Offices on all aspects of prosecution, trial, appellate, and research issues. The SCCPC continued to provide regular legislative and case law updates to all offices of the Solicitor through trainings, meetings, conferences, and email.

Risk Assessment and Mitigation Strategies:

If the SCCPC does not meet its goals and objectives, then the criminal justice system will be adversely impacted and the safety of the general public will suffer. Solicitors have to have sufficient numbers of prosecutors and staff in order to handle the volume of cases that come through the criminal courts in order to ensure that they are resolved in a timely and appropriate manner. Prosecutors and staff have to be well trained in order for cases to be effectively and efficiently prosecuted. Victim’s rights as well as defendant’s rights have to be protected, and having adequate resources is crucial to protecting those rights. The General Assembly can ensure that adequate funding is provided so that there are a sufficient number of prosecutors and support staff and that they are well trained so that criminal cases can be handled in a timely manner.

Key future challenges include:

- the number of criminal cases in both the General Sessions and Family Courts, as well as the increasing complexity of the cases and evolving legal requirements, which challenge the SCCPC in fulfilling its statutory obligations; and
- the lack of resources needed to accomplish its goals, including
 - the lack of sufficient dedicated funding for investigators, victim advocates, and support staff in the Solicitors’ Offices; and
 - the lack of dedicated funding for training.

Agency Name: South Carolina Commission on Prosecution Coordination

Fiscal Year 2016-17
Accountability Report

Agency Code: E-21 Section: 60

Strategic Planning Template

Type	Goal	Item # Strat	Object	Associated Enterprise Objective	Description
G	1			Maintaining Safety, Integrity and Security	Protect the community by vigorously but fairly prosecuting those who violate the law
S		1.1			Reduce the average time it takes to dispose of General Sessions cases
O			1.1.1		<i>Circuit Solicitors will hire additional General Sessions prosecutors with the additional funding that was provided in the FY2016/17 budget.</i>
O			1.1.2		<i>Reduce the average caseload of assistant solicitors to 281 cases</i>
O			1.1.3		<i>Hire prosecutors for the 3 counties that do not currently have one.</i>
O			1.1.4		<i>Reduce the number of cases that have been pending over 541 days</i>
S		1.2			Eliminate the practice of law enforcement officers prosecuting their own cases in Summary Court (Magistrates or Municipal Court)
O	1.2.1				<i>Hire additional prosecutors with the additional funding that was provided in the FY2016/17 budget so that all Domestic Violence cases are handled by a prosecutor whether the cases are in General Sessions Court or Summary Court.</i>
G	2			Government and Citizens	Provide quality support services to the Offices of Solicitor
S		2.1			Enhance the professionalism and effectiveness of South Carolina's Solicitors and their staff
O			2.1.1		<i>Conduct regular training for prosecutors and staff on a wide variety of topics</i>
O			2.1.2		<i>Provide technical assistance to prosecutors and staff</i>
O			2.1.3		<i>Provide timely legislative updates</i>
O			2.1.4		<i>Provide regular case law updates</i>
S		2.2			Work with SLED to write a new computer program that will modernize the Pretrial Intervention Database as well as add additional Diversion Databases
O			2.2.1		<i>Complete and agree on the scope of the project and the requirement details</i>
O			2.2.2		<i>Have users test the new Databases once they are built and work out any unforeseen issues</i>
O			2.2.3		<i>Migrate existing data into the the new Database</i>
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Agency Name: S.C. Commission on Prosecution Coordination

Fiscal Year 2015-16
Accountability Report

Agency Code: E-21 **Section:** 060

Legal Standards Template

Item #	Law Number	Jurisdiction	Type of Law	Statutory Requirement and/or Authority Granted	Associated Program(s)
1	1-7-910-1-7-1000	State	Statute	SCCPC Enabling Statute	I, II, III
2	17-22-10 - 17-22-170	State	Statute	Pretrial Intervention Program	I, II
3	17-22-300 - 17-22-370	State	Statute	Traffic Education Program	I, II
4	17-22-500 - 17-22-560	State	Statute	Alcohol Education	I, II
5	17-22-710	State	Statute	Worthless Check Unit Program	I, II
6	17-22-910 - 17-22-950	State	Statute	Expungement Programs	I, II
7	17-22-1120	State	Statute	Diversion Program Data and Reporting	I, II
8	8-21-320	State	Statute	\$25 assessment for every motion made in the court of common pleas and family court motions fee	II
9	14-1-204 (B)(1)	State	Statute	\$50 filing fee paid for filing complaints or petitions	II
10	44-53-450(C)	State	Statute	\$350 fee - 100% distributed to solicitors per capita to be used only for drug courts Conditional Discharge Fee - General Sessions	II
11	44-53-450(C)	State	Statute	\$150 fee - 100% distributed to solicitors per capita to be used only for drug courts Conditional Discharge Fee - Magistrates	II
12	44-53-450(C)	State	Statute	\$150 fee -100% distributed to solicitors per capita to be used only for drug courts Conditional Discharge Fee - Municipal	II
13	14-1-212	State	Statute	\$25 surcharge on all misdemeanor traffic offenses or non-traffic violations Conviction Surcharge - Law Enforcement Funding	II
14	14-1-213	State	Statute	\$150 surcharge on all drug convictions - 100% distributed to solicitors per capita used only for drug courts	II
15	17-22-350(B)	State	Statute	\$140 application fee - after 9.17% is paid to county government the balance is paid to treasurer and 6.74% distributed to solicitors per capita	II
16	17-22-350(C)	State	Statute	\$140 application fee - after 9.17% is paid to county government the balance is paid to treasurer and 6.74% distributed to solicitors per capita	II
17	2015 SC Appropriations Act Part 1B, Section 60 Provisos	State	Proviso	Budget and Proviso Authority	I, II, III
18	Section 1-5-40	State	Statute	Secretary of State to monitor the Commission and its members	I, II
19	8-11-260	State	Statute	Employees of SCCPC are exempt from Article 3, Chapter 11, Title 8 (personnel administration and grievance procedure)	I
20	8-13-770	State	Statute	Members of the General Assembly allowed to serve on the SCCPC Commission	I, II
21	16-1-130	State	Statute	Exempts diversion programs operated by SCCPC and Solicitors from statutory eligibility	II
22	43-35-310	State	Statute	Provides for SCCPC membership on Adult Protection Coordinating Council	I
23	22-3-546	State	Statute	Solicitors with 5 or more counties may establish program for first time CDV offenders, results	II
24	16-3-1410	State	Statute	Provides for SCCPC membership on Victim Services Coordinating Council	I

25	16-3-2050	State	Statute	Provides for SCCPC membership on Victim Services Coordinating Council	I
26	S.C. Constitution Article V Section 24	State		Provides for Judicial Circuit Solicitor and Term of Office	II
27	1-7-310 - 1-7-407	State	Statute	General statutes relating to the election and duties of Solicitors	II
28	16-25-510 - 550	State	Statute	Mandates Community Domestic Violence Coordinating Council	II
29	16-25-710 - 750	State	Statute	Mandates Domestic Violence Fatality Review Committees	I, II
30	Proviso 67.6	State	Proviso	Juvenile Arbitration/Community Advocacy Program	II
31	Proviso 117.62	State	Proviso	CID and PCC Agency Head Salaries-Agency Head Salary Commission	I, III
32	Proviso 117.63	State	Proviso	Prosecutors and Defenders Public Service Incentive Program	I, II
33	Proviso 117.110	State	Proviso	Detailed Expenditure/Revenue Reports PCC/CID	I, II

Agency Name: South Carolina Commission on Prosecution Coordination

Fiscal Year 2015-16
Accountability Report

Agency Code: E-21 Section: 060

Partner Template

Name of Partner Entity	Type of Partner Entity	Description of Partnership	Associated Objective(s)
S.C. Judicial Department	State Government	The S.C. Judicial Department determines how many Circuit Court Judges and Family Court Judges are assigned to hold court and how often they are assigned. Solicitors work with the Judicial Department on how many weeks of court are needed for each county. The Judicial Department collects statistics on the number of cases that are filed and disposed of and reports those statistics to the Solicitors	Goal 1
Attorney General's Office	State Government	Solicitors work with the Attorney General's Office on a variety of matters: appeals, post-conviction relief, legislative initiatives, and training.	Goal 1, 2.1
SLED	State Government	Solicitors work with the State Law Enforcement Division on a daily basis (SLED conducts forensic analysis on numerous cases, it brings charges against individuals, and provides assistance to local law enforcement who also bring charges against individuals).	Goal 1, 2.1, 2.2
Department of Public Safety	State Government	Solicitors prosecute cases made by the S.C. Highway Patrol and the S.C. Transport Police. The Traffic Safety Resource Prosecutor works closely with the Department of Public Safety on a range of issues.	Goal 1, 2.1
S.C. Commission on Indigent Defense	State Government	Solicitors work with Public Defenders on a daily basis in order to move cases through the court system.	Goal 1
Local Law Enforcement Agencies	Local Government	Solicitors prosecute cases made by local law enforcement agencies and work extensively with them (Municipal Police Departments and County Sheriffs Departments).	Goal 1, 2.1

Agency Name: S.C. Commission on Prosecution Coordination

Fiscal Year 2015-16
Accountability Report

Agency Code: E-21 Section: 060

Report Template

Item	Report Name	Name of Entity Requesting the Report	Type of Entity	Reporting Frequency	Submission Date (MM/DD/YYYY)	Summary of Information Requested in the Report	Method to Access the Report
1	Restructuring Report	House Legislative Oversight Committee	State	Annually	March		Online
2	Restructuring Report and Cost Savings Plan	Senate Oversight Committee	State	Annually	January		Online
3	Accountability Report	Executive Budget Office	State	Annually	September		Online
4	Driving Under the Influence Prosecution Annual Report	General Assembly	State	Annually	August	To report prosecution statistics relating to DUI prosecution funding	By Request
5	Criminal Domestic Violence Prosecution Annual Report	General Assembly	State	Annually	August	To report prosecution statistics relating to CDV prosecution funding	By Request
6	Omnibus Report	General Assembly	State	Annually	October	To report statistics relating to Solicitors' Diversion Programs	By Request
7	Victime/Witness Programs	General Assembly	State	Annually	October	To report use of funds	By Request
8	Revenue/Expenditure Reports	General Assembly	State	Annually	September	To report funding sources	By Request

Agency Name: S.C. Commission on Prosecution Coordination

Fiscal Year 2015-16
Accountability Report

Agency Code: E-21 **Section:** 060

Oversight Review Template

Item	Name of Entity Conducted Oversight Review	Type of Entity	Oversight Review Timeline (MM/DD/YYYY to MM/DD/YYYY)	Method to Access the Oversight Review Report
1	Office of the State Auditor	State	07/01/2013 to 06/30/2014	Online