

AGENCY NAME:	Indigent Defense		
AGENCY CODE:	E230	SECTION:	61



## Fiscal Year 2014-15 Accountability Report

### SUBMISSION FORM

#### AGENCY MISSION


Created by Secs.17-3-319, *et.seq.*, and amended by Article 3 in 2007 to create a statewide and unified indigent defense system in the State, the Commission distributes all funds appropriated by the General Assembly for the defense of indigents; established performance standards and guidelines for public defenders and court-appointed private attorneys; appoints its Executive Director and the State's 16 Circuit Public Defenders; provides oversight for fiscal and performance accountability throughout the system; handles all appeals of indigent defendants in the State's appellate courts; and represents indigent defendants in the trial of capital cases throughout the State. The commission also serves as a resource for compilation of accurate statistical data covering the indigent defense system in the State and reports annually to the General Assembly. The agency consists of three divisions: Indigent Defense Division, Appellate Division and Capital Trial Division.

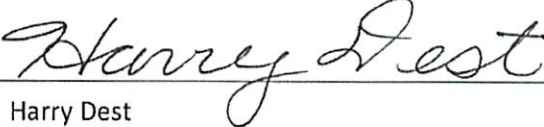
Please identify your agency's preferred contacts for this year's accountability report.

	<u>Name</u>	<u>Phone</u>	<u>Email</u>
PRIMARY CONTACT:	Lisa Campbell	803-734-1168	lcampbell@sccid.sc.gov
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I have reviewed and approved the enclosed FY 2014-15 Accountability Report, which is complete and accurate to the extent of my knowledge.

<b>AGENCY DIRECTOR</b> <b>(SIGN/DATE):</b>	 9/9/15
<b>(TYPE/PRINT NAME):</b>	Patton Adams

<b>BOARD/CMSN CHAIR</b> <b>(SIGN/DATE):</b>	 9-8-15
<b>(TYPE/PRINT NAME):</b>	Harry Dest

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## **AGENCY'S DISCUSSION AND ANALYSIS**

Throughout the fiscal year the Agency continued to meet with representatives of the municipalities of South Carolina to discuss with them the constitutional requirement of indigent representation in municipal courts and the need for adequate municipal funding for the representation. This included meetings with the municipal judges, municipal attorneys, city administrators and managers, and representatives of the Municipal Association of South Carolina. The agency also briefed legislators and staff on this issue, and the end result was a proviso in the FY15-16 budget (61.13) which directs municipalities to provide adequate funding for representation of indigents in their courts.

The agency continued to promote its booklet *South Carolina Juvenile Collateral Consequences Checklist* Throughout the state to guidance counselors, sheriff's departments, school districts, church groups, and others, and continued to make presentations before the groups and students as well. The agency worked closely with the USC School of Law Children's Center on this effort. Approximately 4,000 additional booklets were distributed statewide. The booklet has been a big success, and the agency continues to get requests for presentations on this important issue.

SCCID continued to provide key staff support to the public defender subcommittee of the Supreme Court's General Sessions Docket Committee chaired by Justice Beatty. This Committee was formed to make recommendations concerning the adoption of a statewide order to uniformly govern the trial docket in the Courts of General Sessions, and three (3) circuit public defenders serve on it. The agency staff provided many hours of research, drafting and preparation of reports thoroughly addressing the many issues raised regarding the daily operations of the state's criminal courts, and coordinated weekly conferences for the public defender representatives. This committee continues in existence.

As a major initiative for the year the agency developed a sustainable training program for public defenders beginning with a three (3) part series designed for public defenders with 0-3 years' experience. It is known as Public Defense 101, 102, and 103, and consisted of over 50 hours of intense training over a bifurcated 8 days, two sessions of which were held in the Richland and Beaufort County Courthouses. There were about 50 participants at each session which were certified for CLE credits. This format will become a standard for all new public defenders in the system each year. In addition the training program will consist of seminars on specific topics for all public defenders, and training for appellate attorneys, paralegals, and investigators. Authorization was approved in the FY15-16 budget for a training director. The establishment of a sustainable training and professional development program for public defenders fulfills a mission of the agency as detailed in the 2007 Indigent Defense Act.

Throughout the fiscal year the agency continued its technological improvements for the statewide case management and data collection system and developed numerous upgrades to improved efficiencies. The SCCID technology system serves as both a means for public defender case management and as a data warehouse wherein SCCID at the state level has immediate access to case data as it is entered at the local level. Many of the upgrades that were installed fine-tuned the data that the system collects and sorts. This provides transparency in decision making and budget planning throughout the state's unified public defense system. In addition the agency has been installing a case management system for the appellate division which will result in significant efficiencies in handling appellate cases. This is due for completion in late 2015. Our technology has been hailed as a model in the nation, and has been the subject of many seminar presentations at the national level,

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including at the 2015 national conference of the American Council of Chief Defenders and the 2015 annual conference of the National Legal Aid and Defender Association. It has been replicated by over 15 states and jurisdictions, and in this fiscal year was studied by the New York City defender office, the Bronx Defenders, the Syracuse, NY Defender office, and numerous other public defender operations throughout the country.

During the fiscal year SCCID assisted the SC Public Defender Association in planning and preparation for its annual conference; continued the 10<sup>th</sup> annual Summer Rural Extern program in which students from the Charleston School of Law are paired with a rural public defender office and assist for a period of at least 6 weeks, at no compensation, but for class credit. This has been a highly successful program and has led to many participants becoming public defender throughout the state upon admission to the Bar. It consistently attracts about 12-14 participants each summer. The agency also assisted the SC Public Defender Investigator Association in planning its 2015 annual conference and secured legislative speakers and others for its agenda. The agency teamed with the USC School of Law in co-hosting the bi-annual National Defender Leadership Institute sponsored by the National Legal Aid and Defender Association and held at the USC Law School in June, 2015. It was attended by over 70 participants from throughout the country as well as Guam, and among the speakers were Chief Justice Jean Hoefer Toal and Chief Justice-elect Costa M. Pleicones.

Discussions continued with the USC College of Social Work, which completed its study of the cost effective value in staffing public defense offices with more social workers to address some of the core reasons why people may have gotten into trouble and to assist in reducing recidivism. This is known nationally as holistic representation and has been highly successful in other states. Two SC county offices are presently testing this approach – Aiken and Charleston – and the USC study has resulted in a further USC study underwritten by a USC grant to fine tune this approach and develop models for its use in urban and rural counties. The results of this study are expected in the spring of 2016.

Throughout the year SCCID has continued to implement the unified statewide system created by the Indigent Defense Act of 2007. The Commission is very active and supportive in its role and meets quarterly, and more frequently as needed. The Agency continues to hold quarterly (and more frequently) meetings with all Circuit Public Defenders to discuss impact issues and further achieve a unified system. The increase in the number of appellate attorneys from 10 to 12 has eased some of the pressure on the heavy appellate caseload and we have worked with the Supreme Court in trying to speed up appeals and reduce the number of continuances. In addition we continue to work successfully with private law firms who agree on a pro bono basis to assist in briefing and orally arguing indigent appellate cases, and working with Chief Judge John Few we have partnered with the Court of Appeals in developing an annual program for private attorneys who wish to assist by having them complete a CLE certified seminar and agreeing to handle at least one (1) indigent appeal. This annually has produced about 50 additional attorneys to assist our appellate department.

Our Rule 608 contract system continues to be a big success and continues to receive top marks from judges and private attorneys alike. Now in its third year, we have been able to define a track record insofar as costs are concerned and while the agency has had to subsidize it beyond the funds appropriated for it, we feel that with some additional funding in FY116-17 we will see the costs level off to a predictable level for the future. The contract system has also resulted in a reduction of agency staff time in reviewing vouchers which in turn has allowed for a realignment of staff responsibilities without having to add additional staff.

The agency has appeared frequently in general sessions and family courts throughout the state and in the Supreme Court to be heard on a variety of issues, particularly the approval of attorney fees, representation in capital cases, and case-specific expert witness expenses. This has resulted in a significant cost saving for the system and has emphasized the agency's position that state statutes, court administrative orders and agency


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policies and procedures must be correctly and strictly followed by the legal community in the handling of indigent cases.

During the fiscal year significant progress has been made in providing representation in all Magistrates Courts in the state, and this has been a priority of the Commission as new funding has been appropriated both by the state legislature and counties throughout the state. It is a goal of all circuit defenders to achieve in their respective circuits, and efforts continue as the agency seeks additional funding for indigent representation.

SCCID has continued its study of means and procedures for determination of indigent status in each county of the state, and this has included studying the processes used in other states. This issue is tied into the Beatty Committee of the SC Supreme Court, but has not been addressed directly as yet by that committee. It is the agency's hope that recommendations from these findings can be made to the Court for revisions to statutes and Court rules in order to clarify, standardize and streamline the process throughout the state. In addition, the legislature through its FY15-16 budget has directed the agency to provide similar recommendations to the General Assembly by January, 2016.

On a national level SCCID has participated in several national seminars and has been active in shaping national public defense issues. The 13<sup>th</sup> Circuit Public Defender John Mauldin currently serves as Chairman of the Board of Directors of the national legal Aid and Defender Association. The agency's Executive Director serves on the Board of Directors of that organization and vice-chairman of its Defender Division as well as vice chairman of the American Council of Chief Defenders.

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Program Template										
Program/Title	Purpose	FY 2013-14 Expenditures				FY 2014-15 Expenditures				Associated Objective(s)
		General	Other	Federal	TOTAL	General	Other	Federal	TOTAL	
I. Administration	Establishes and monitors programs and services for the delivery of legal representation to indigent defendants in State courts	\$ 7,042,790	\$ 6,917,408	\$ -	\$ 13,960,198	\$ 7,532,489	\$ 5,568,171	\$ -	\$ 13,100,660	1.1
II. Division of Appellate Defense	Represents indigents in the majority of criminal appeals, including death penalty appeals before the SC Court of Appels and the SC Supreme Court	\$ 644,188	\$ 506,533	\$ -	\$ 1,150,721	\$ 750,034	\$ 522,617	\$ -	\$ 1,272,651	1.1
III. Office of Circuit Public Defenders	Provides a consistent and fair statewide public defender system with standards and accountability for the delivery of legal representation to indigent defendants in State courts	\$ 10,542,229	\$ 3,352,269	\$ -	\$ 13,894,498	\$ 11,096,034	\$ 3,921,210	\$ -	\$ 15,017,244	1.4
IV. Death Penalty Trial Division	Provides cost effective representation and resources for capital trials statewide	\$ -	\$ 375,542	\$ -	\$ 375,542	\$ -	\$ 387,303	\$ -	\$ 387,303	1.2
V. State Employer Contributions	Employer contributions for agency employees	\$ 1,885,155	\$ 93,720		\$ 1,978,875	\$ 1,968,972	\$ 142,800	\$ -	\$ 2,111,772	1.1
VI. Non-Recurring Appropriations	IT Carry Forward	\$ -	\$ 67,974		\$ 67,974	\$ -	\$ 67,974	\$ -	\$ 67,974	

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Type	Goal	Item # Strat	Object	Description
G	1	1.1		<b>Provide a quality, unified cost effective and efficient statewide system for delivery of indigent defense to all eligible citizens</b>
-			1.1.1	<i>Maintain a sustainable public defender training program with mandatory training for all newly hired public defenders</i>
-			1.1.2	<i>Maintain mandatory mentoring for all public defender in their first year of employment</i>
-			1.1.3	<i>Continue to pursue opportunities to partner with other organizations to provide professional development programs</i>
G		1.2		<b>Implement standardized screening and determination of indigency criteria statewide</b>
-			1.2.1	<i>Analyze processes that determine indigency, including means and procedures used in other states</i>
-			1.2.1	<i>Make recommendations to the SC Supreme Court and the SC General Assembly for revisions to statutes and rules governing</i>
G		1.3		<b>Continue technology development and implementation</b>
-			1.3.1	<i>Implement Quick Reference of Collateral Consequences for each of the states criminal offense codes and make available to all</i>
-			1.3.2	<i>Continue upgrades and implementation of technology in case management and data collection systems, including appellate</i>
-			1.3.3	<i>Implement an interface between public defender case management system and Court Administration to increase efficiency in</i>
G		1.4		<b>Increase public defender population to provide adequate representation and decrease case loads</b>
-			1.4.1	<i>Obtain funding to hire additional public defenders to provide representation in all magistrate courts as required by statute</i>
			1.4.2	<i>Monitor and assist in providing indigent representation in municipal courts with adequate funding by municipalities</i>

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Performance Measurement Template									
Item	Performance Measure	Last Value	Current Value	Target Value	Time Applicable	Data Source and Availability	Reporting Freq.	Calculation Method	Associated Objective(s)
1	Professional development for newly hired public defenders	10	10	16	July 1 - June 30	Annual Agency HR & Funding Survey	Annually	# of Circuits with training programs	1.1.1
2	Mandatory mentoring for newly hired public defenders	3	3	16	July 1 - June 30	Annual Agency HR & Funding Survey	Annually	# of Circuits with mentoring programs	1.1.2