



# Caseload Equalization

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FY 2015-2016 Funding Request



# Current conditions in South Carolina

- **Second** in the number of women killed by men
- **Sixth** highest crime rate in the country

## South Carolina exceeds national crime rates in all but one category

(Rate per 100,000 residents)

	Violent Crime	Murder/ Manslaughter	Rape	Robbery	Aggravated Assault	Property Crime	Burglary	Theft	Motor vehicle theft
South Carolina	558.8	6.9	35.5	95	421.4	3822.2	954.5	2588.3	279.5
United States	386.9	4.7	26.9	112.9	242.3	2859.2	670.2	1959.3	229.7
	<b>44%</b>	<b>47%</b>	<b>32%</b>	<b>-16%</b>	<b>74%</b>	<b>34%</b>	<b>42%</b>	<b>32%</b>	<b>22%</b>

SOURCE: 2012 crime stats compiled by the Federal Bureau of Investigation

### Public safety numbers

- 114,442** number of new criminal cases filed every year
- 305** number of prosecutors to handle those cases
- 375** average caseload of each prosecutor
- 423** average number of days to get a case to court

### Delays hurt public safety

- The older a case gets, the harder it is to prove
- Victims should have the right to a speedy trial along with defendants
- Criminals get out on bond and hurt more people

### Strategy

To improve the crime rate in South Carolina we must confront the overwhelming caseloads and bring them in line with national standards.

#### American Bar Association Standards

No more than 150 felonies or 400 misdemeanors

#### US Department of Justice

Average prosecutor prosecutes 94 felonies per year

(range is 81-121 depending on size of jurisdiction)

### Our plan

Establish a state-funded **minimum** number of prosecutors based on 400 cases per attorney:

1. Each county gets one prosecutor
2. Each circuit gets additional prosecutors based on caseload

#### Benefits:

- State-funded prosecutors can be placed throughout circuits according to need
- Prosecutors will attack both violent and non-violent crime
- Reduction in the time it takes to get cases to court
  - ⇒ Cases will be stronger
  - ⇒ Criminals do not get out on bond and hurt someone else
  - ⇒ Victims get their day in court



## Current Caseload

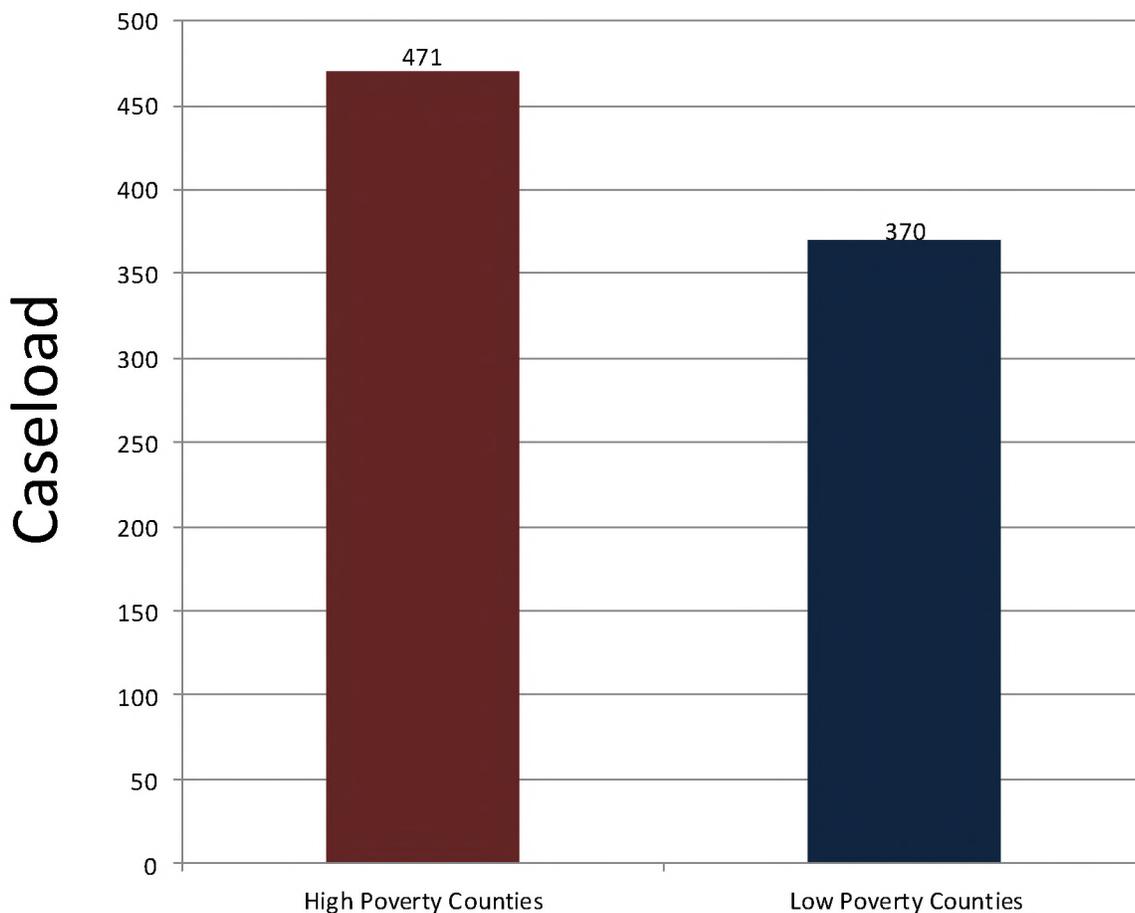
- An average of 114,442 new General Sessions cases were filed in FY 13 and 14.
- The state's 16 judicial circuits employ 305 General Sessions prosecutors.
- The average caseload per prosecutor is 375 cases, but varies dramatically among counties.
- 3 counties do not currently have prosecutors; 26 counties have caseloads exceeding 400 cases per attorney

	Poverty rate	Average case Intake	Current # of prosecutors	Current cases per prosecutor
Dorchester	11.4%	1650.5	5	330.10
Beaufort	11.6%	2082.5	8	260.31
Lexington	12.4%	4693	18	260.72
York	13.2%	6030.5	18	335.03
McCormick	14.1%	158	0	-
Berkeley	14.3%	2823.5	9	313.72
Greenville	15.2%	14533	34	427.44
Kershaw	16.1%	1590.5	3	530.17
Anderson	16.2%	3583.5	8	447.94
Richland	16.4%	8829.5	38	232.36
Newberry	16.7%	929	1.5	619.33
Spartanburg	17.0%	7588	24	316.17
Charleston	17.7%	8475	32	264.84
Horry	18.0%	8404.5	15	560.30
Saluda	18.1%	484.5	0	-
Calhoun	18.2%	334.5	1	334.50
Sumter	18.2%	2585.5	6	430.92
Pickens	18.4%	3787.5	6	631.25
Aiken	18.9%	2676	6	446.00
Oconee	19.2%	1916.5	3	638.83
Edgefield	19.8%	576.5	2	288.25
Florence	19.9%	3209.5	6	534.92
Laurens	20.0%	3040.5	5	608.10
Georgetown	20.1%	1470.5	3	490.17
Greenwood	20.7%	2832.5	6	472.08
Abbeville	20.8%	695.5	1.5	463.67
Lancaster	20.8%	1893.5	5	378.70
Union	21.5%	1210	2	605.00
Colleton	21.6%	1042.5	3	347.50
Darlington	22.3%	2494	4	623.50
Jasper	22.4%	611.5	2	305.75
Clarendon	22.8%	858	2	429.00
Cherokee	22.8%	1427	3	475.67
Fairfield	23.2%	416	2	208.00
Chester	24.0%	751	1	751.00
Orangeburg	24.5%	1794.5	7	256.36
Chesterfield	24.5%	900.5	1	900.50
Hampton	24.7%	411.5	1	411.50
Marion	25.2%	959.5	1	959.50
Bamberg	26.8%	498.5	2	249.25
Lee	27.5%	345	2	172.50
Barnwell	28.7%	683.5	2	341.75
Marlboro	29.2%	977.5	2	488.75
Williamsburg	29.9%	837	2	418.50
Dillon	32.8%	1148	2	574.00
Allendale	36.3%	202.5	0	-
Average	17%	114442	305	375.22



# Economic disparity in prosecution

- In South Carolina, 34 counties have poverty rates that exceed the state average of 17 percent.
- Of those counties, 32 have full-time prosecutors that carry an average caseload of 471 cases per attorney.
- Of the 12 counties with average or lower-than-average poverty rates, 11 have full-time prosecutors that carry an average of 370 cases per attorney.
- This means that prosecutors in poorer counties carry caseloads that are 27 percent higher than prosecutors in more affluent counties.

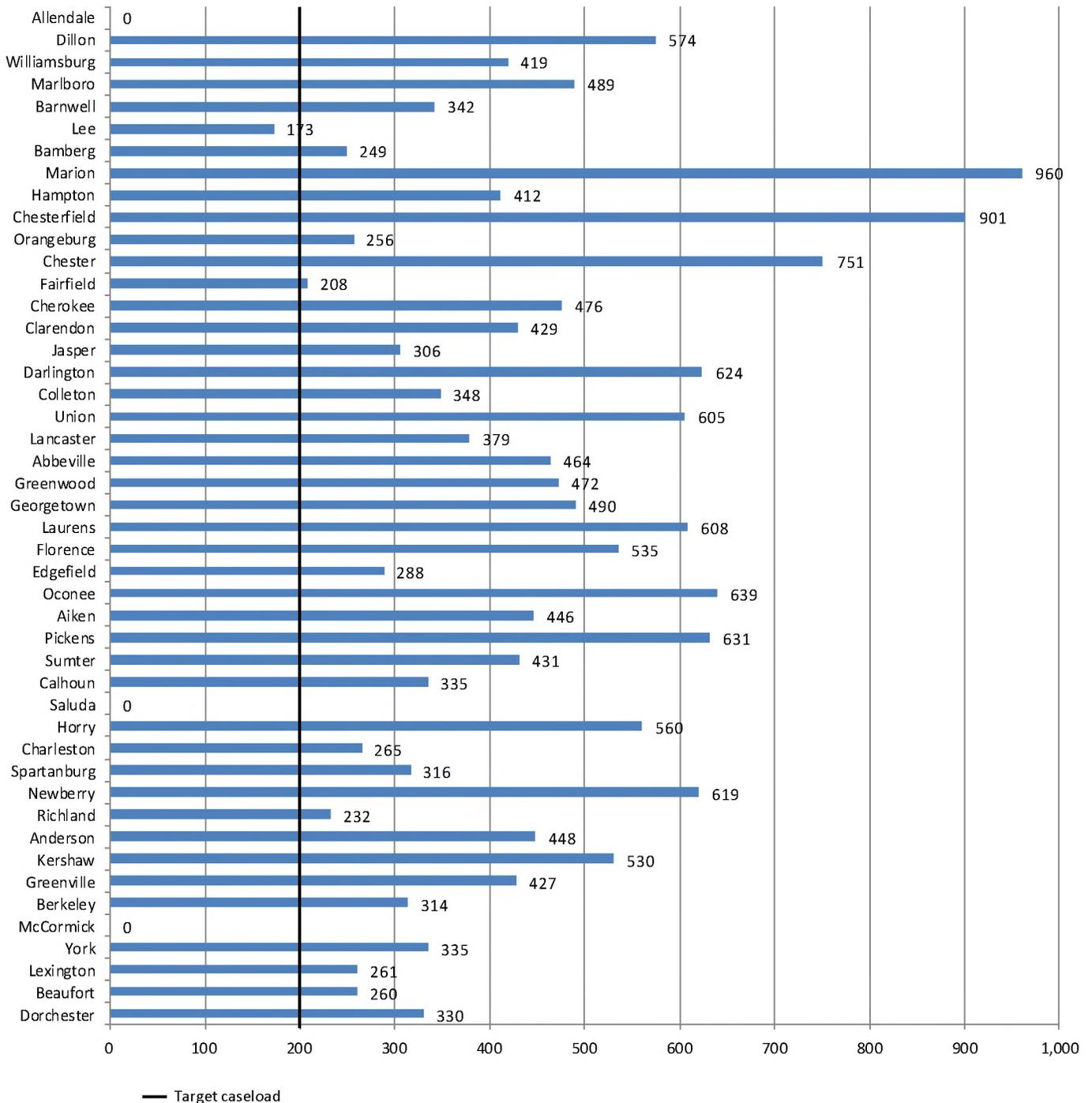




# Current Caseload

- Counties with higher poverty rates tend to have the highest caseloads per prosecutor
- The blank counties have no caseload per attorney analysis because they have no dedicated prosecutors.

**Cases per prosecutor**  
(Counties sorted from highest poverty to lowest)





# Current Funding

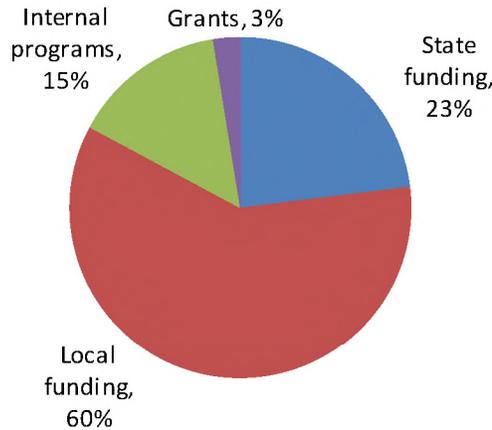
- The state accounts for only 23 percent of the funding for Solicitors' Offices.
- Counties and municipalities make up 60 percent of the funding of prosecution.

## 2014-15 Estimated State Funding

Judicial Circuit State Support	\$5,872,002
Law Enforcement Funding	\$3,181,890
Court Fee Funding	\$206,013
Violent Crime Prosecution	\$1,600,000
DUI Funding	\$1,179,041
CDV Funding	\$1,600,000
Victim Assistance	\$132,703
Traffic Education Program	\$29,621
Drug Court Funding	\$2,384,367
Conditional Discharge (Drug Court)	\$424,452
Drug Court Funding Direct Appropriations	\$747,381
<b>Total</b>	<b>\$17,357,490</b>
<b>Total for Prosecution</b>	<b>\$13,638,946</b>
<b>Total for Drug Court/Victim Assistance</b>	<b>\$3,718,544</b>

 Funding for prosecution

## Current Funding Breakdown





## National Caseload Standards

Every profession has a metric by which a capacity per employee is determined. This is done to ensure that a certain level of quality is maintained and that the organization is adequately staffed to handle its workload. In the case of teachers, it is the number of students per teacher.

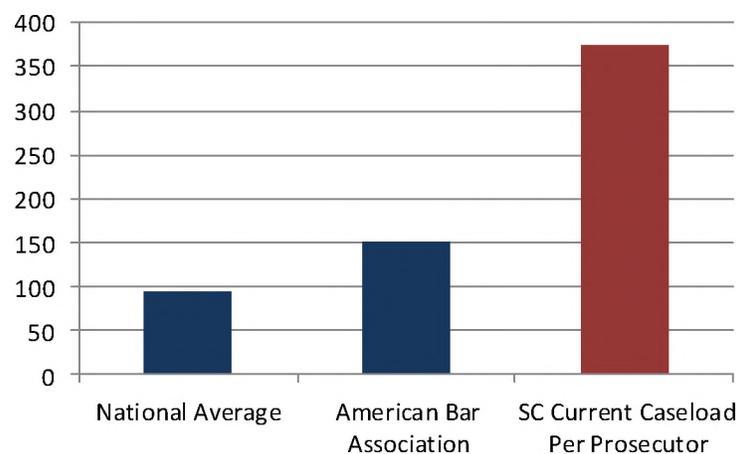
Lawyers must follow a rigid set of standards for professional conduct. Attorneys must give every case the attention it deserves. Prosecutors must conduct a diligent and thorough review of each case to determine whether the facts warrant the charges and to ensure that the rights of the victim and defendant are not infringed upon. The implications of having overworked prosecutors can be dire.

The American Bar Association has set a criminal caseload standard of no more than 150 felony cases or 400 misdemeanor cases per attorney. In South Carolina, our attorneys prosecute both felonies and misdemeanors. For instance, the Fourteenth Judicial Circuit averages 75 percent felonies and 25 percent misdemeanors.

In the most recent survey of all prosecutors offices throughout the country, the United States Department of Justice found that the average felony caseload per prosecuting attorney was 94.

**In South Carolina, we are operating at 2.5 times the ABA standard and four times the national average. Considering the national benchmarks, South Carolina prosecutors should handle approximately 200 cases per attorney.**

Measuring SC by national benchmarks and averages





# Funding Request

The South Carolina Commission on Prosecution Coordination is requesting an additional \$7,764,929 from the General Assembly to pay for half of the necessary prosecutors throughout the state, and to ensure that every county has at least one, full-time prosecutor.

- This approach gets us closer to the 200 cases per attorney benchmark when local funding is included.
- Counties that seek a higher level of service will continue to pay for enhancements.
- All counties will have at least one, full-time dedicated prosecutor.
- The state provides the foundation for professional prosecutorial services.

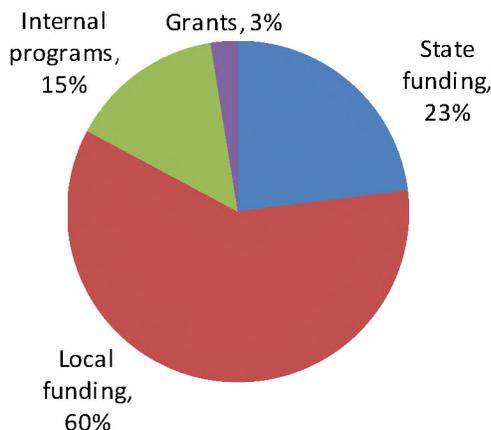
## Calculation

Average Case Intake	114442
Prosecutors needed (200 cases per atty)	572.21
State-funded prosecutors (50% of total)	286.105
Cost @ \$75K per attorney (\$50K salary)	\$ 21,457,875
Current state funding for prosecution	\$ 13,692,946
Additional state funding needed	\$ 7,764,929

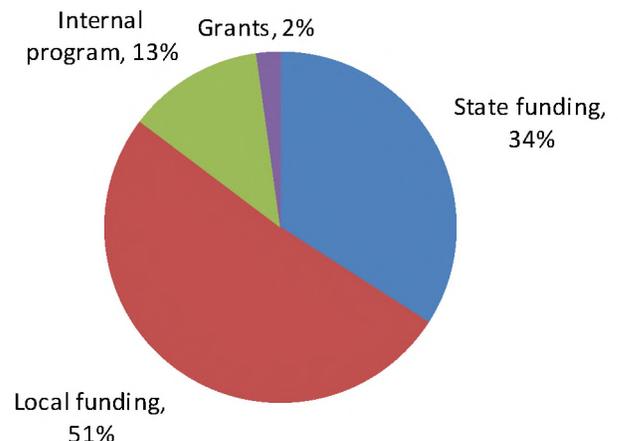
## Distribution

One prosecutor for every county	\$ 3,450,000
Distributed based on county caseload percentage	\$ 4,314,929

### Current Funding Breakdown



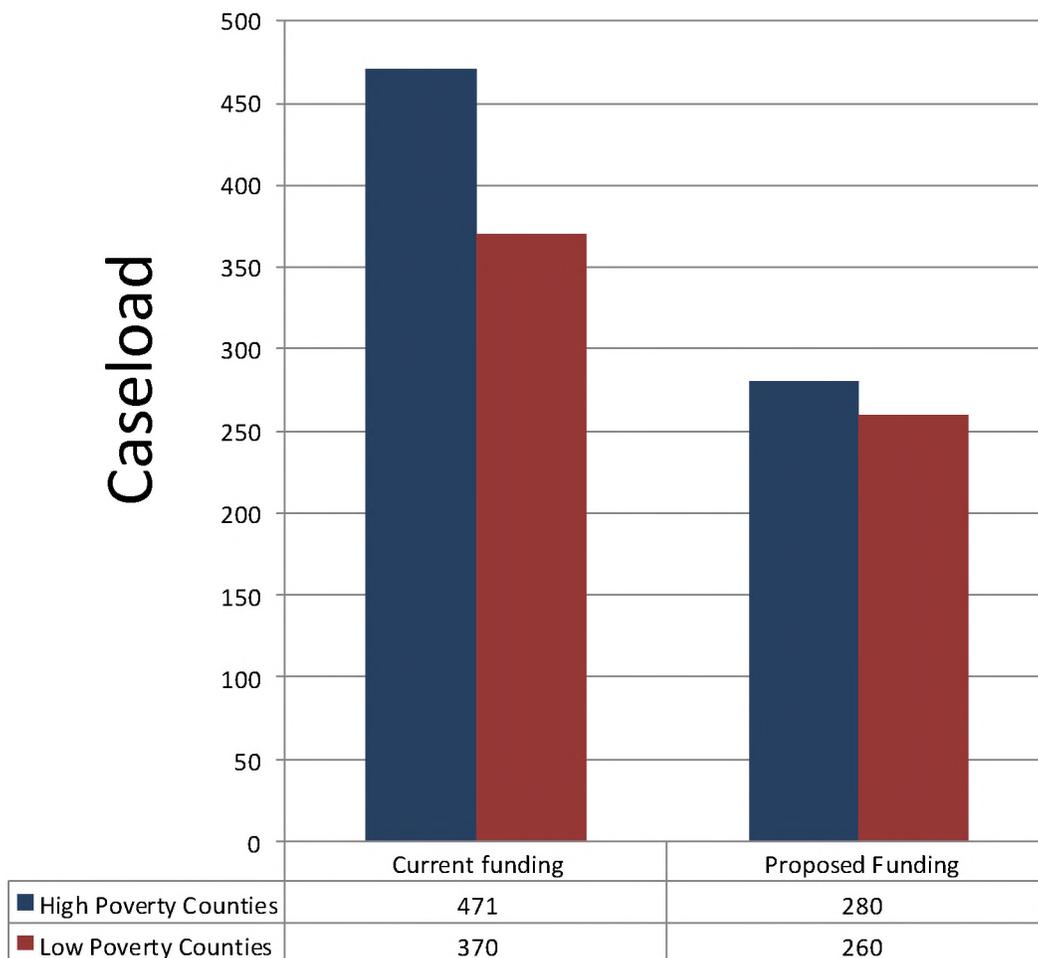
### Proposed Funding Breakdown





# Reducing economic disparity in prosecution

- This funding proposal would **equalize the caseload between high and low poverty counties** by providing the foundation for professional prosecutorial services throughout the state.
- Currently, counties with higher-than-average poverty levels carry prosecutor caseloads that are 27 percent higher than counties with average or lower-than-average poverty rates.
- With this proposal, higher-than-average poverty counties would only have 8 percent higher caseloads.





# Results of Funding

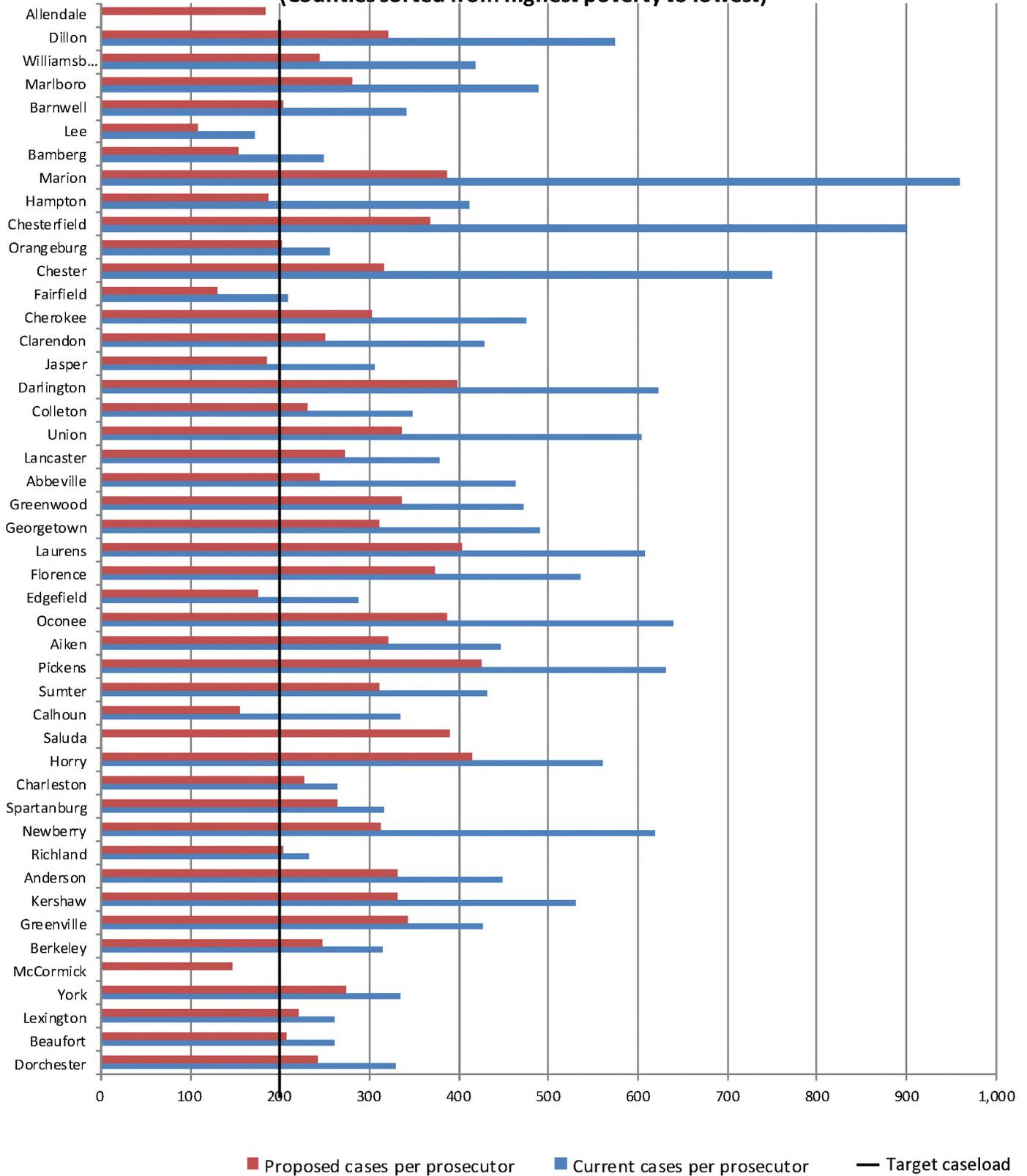
	Poverty rate	Average Case Intake	Current # of Prosecutors	Current cases per prosecutor	Proposed # of Prosecutors	Proposed cases per prosecutor
Dorchester	11.4%	1650.5	5	330.10	6.8	241.66
Beaufort	11.6%	2082.5	8	260.31	10.0	207.28
Lexington	12.4%	4693	18	260.72	21.4	219.72
York	13.2%	6030.5	18	335.03	22.0	273.72
McCormick	14.1%	158	0	-	1.1	146.37
Berkeley	14.3%	2823.5	9	313.72	11.4	247.25
Greenville	15.2%	14533	34	427.44	42.3	343.52
Kershaw	16.1%	1590.5	3	530.17	4.8	331.38
Anderson	16.2%	3583.5	8	447.94	10.8	331.76
Richland	16.4%	8829.5	38	232.36	43.4	203.26
Newberry	16.7%	929	1.5	619.33	3.0	313.11
Spartanburg	17.0%	7588	24	316.17	28.8	263.34
Charleston	17.7%	8475	32	264.84	37.3	227.45
Horry	18.0%	8404.5	15	560.30	20.2	415.55
Saluda	18.1%	484.5	0	-	1.2	389.60
Calhoun	18.2%	334.5	1	334.50	2.2	154.28
Sumter	18.2%	2585.5	6	430.92	8.3	311.51
Pickens	18.4%	3787.5	6	631.25	8.9	425.37
Aiken	18.9%	2676	6	446.00	8.3	320.66
Oconee	19.2%	1916.5	3	638.83	5.0	386.12
Edgefield	19.8%	576.5	2	288.25	3.3	175.24
Florence	19.9%	3209.5	6	534.92	8.6	372.61
Laurens	20.0%	3040.5	5	608.10	7.5	403.86
Georgetown	20.1%	1470.5	3	490.17	4.7	310.28
Greenwood	20.7%	2832.5	6	472.08	8.4	336.24
Abbeville	20.8%	695.5	1.5	463.67	2.8	244.07
Lancaster	20.8%	1893.5	5	378.70	7.0	272.37
Union	21.5%	1210	2	605.00	3.6	335.34
Colleton	21.6%	1042.5	3	347.50	4.5	230.43
Darlington	22.3%	2494	4	623.50	6.3	398.80
Jasper	22.4%	611.5	2	305.75	3.3	184.89
Clarendon	22.8%	858	2	429.00	3.4	250.05
Cherokee	22.8%	1427	3	475.67	4.7	302.50
Fairfield	23.2%	416	2	208.00	3.2	129.63
Chester	24.0%	751	1	751.00	2.4	315.87
Orangeburg	24.5%	1794.5	7	256.36	8.9	201.58
Chesterfield	24.5%	900.5	1	900.50	2.5	367.15
Hampton	24.7%	411.5	1	411.50	2.2	186.46
Marion	25.2%	959.5	1	959.50	2.5	386.53
Bamberg	26.8%	498.5	2	249.25	3.3	153.36
Lee	27.5%	345	2	172.50	3.2	108.71
Barnwell	28.7%	683.5	2	341.75	3.3	204.42
Marlboro	29.2%	977.5	2	488.75	3.5	279.97
Williamsburg	29.9%	837	2	418.50	3.4	244.68
Dillon	32.8%	1148	2	574.00	3.6	320.93
Allendale	36.3%	202.5	0	-	1.1	183.79
Average	17%	114442	305	375.22	408.5	280.13



# Results of Funding

## Cases per prosecutor

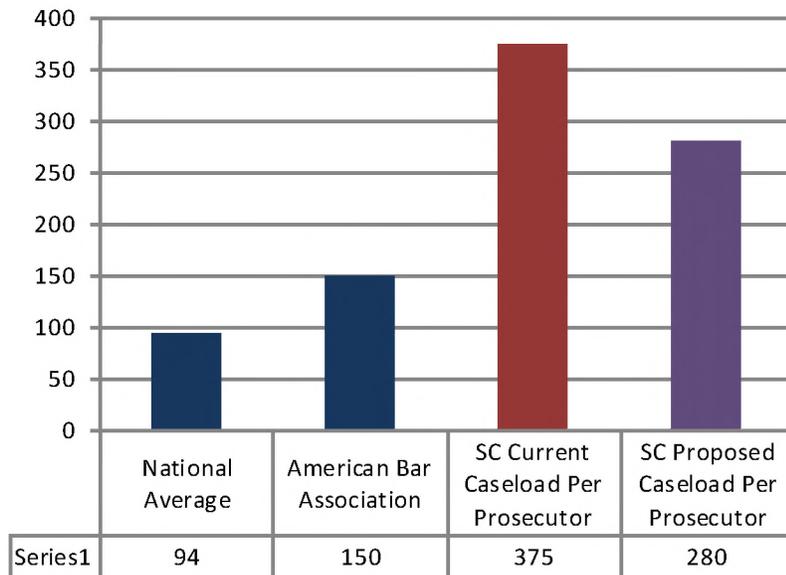
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# Results of Funding

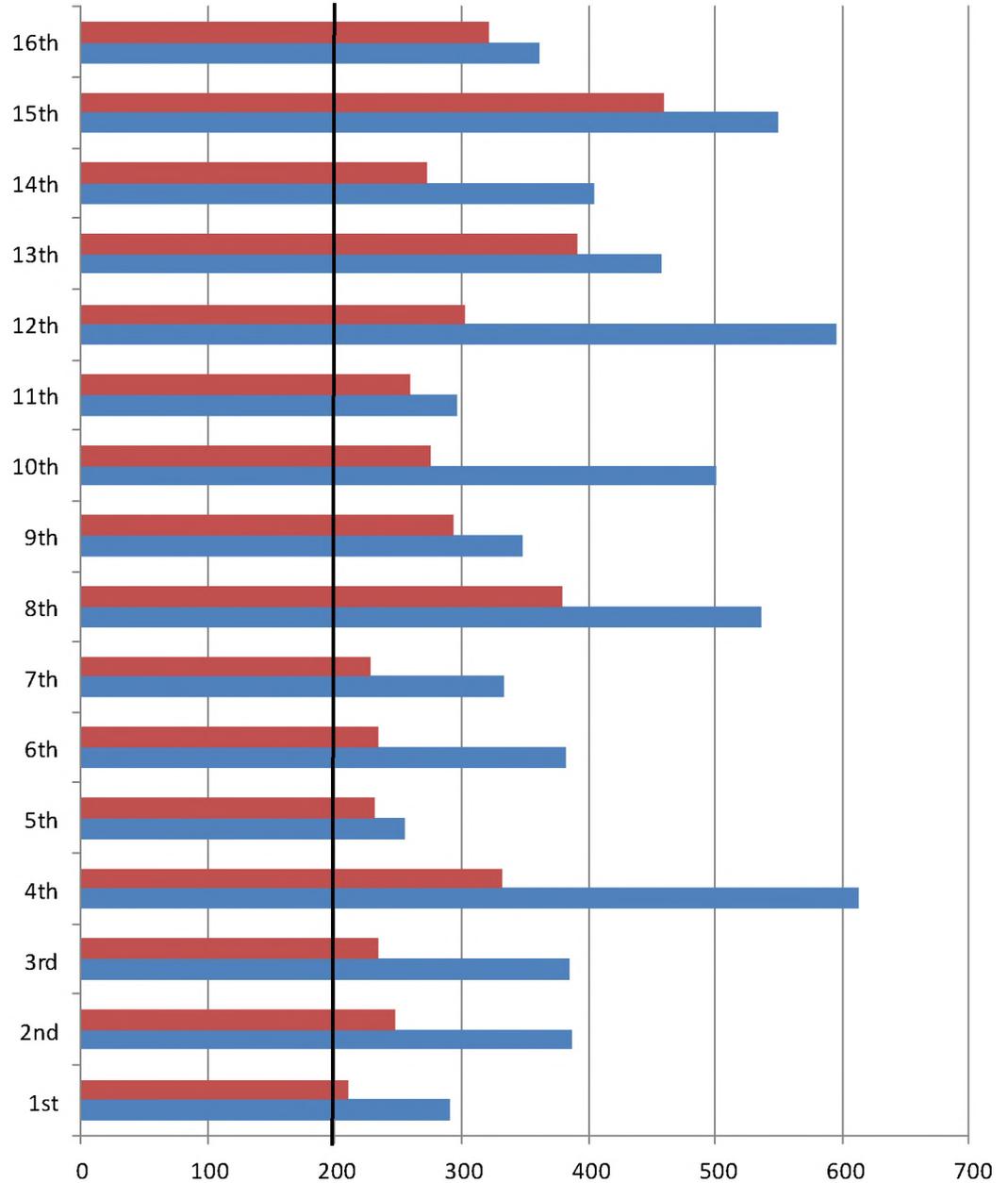
<u>Before</u>	<u>After</u>
<ul style="list-style-type: none"> <li>• 3 counties did not have full-time prosecutors</li> <li>• 26 counties had more than 400 cases per prosecutor</li> <li>• 2 counties in line with 200 cases per attorney target</li> <li>• Average caseload per prosecutor is 375</li> </ul>	<ul style="list-style-type: none"> <li>• All counties have full-time prosecutors</li> <li>• 3 counties have more than 400 cases per prosecutor</li> <li>• 14 counties in line with 200 cases per attorney target</li> <li>• Average caseload per prosecutor is 280</li> </ul>





# Circuit caseload

## Cases per prosecutor



	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th	14th	15th	16th
Proposed caseload per prosecutor	211	248	234	332	230	234	229	380	294	275	259	303	391	273	459	322
Current caseload per prosecutor	291	386	385	613	254	383	334	536	348	500	296	596	458	405	549	362

— Target caseload