

### **Accountability Report Transmittal Form**

Agency Name: South Carolina Commission on Prosecution Coordination

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Agency Director's e-mail: dross@cpc.sc.gov

Agency Contact Person: David M. Ross

Agency Contact Person's E-mail: dross@cpc.sc.gov

Agency Contact's Telephone Number: 803-343-0765

## **South Carolina Commission on Prosecution Coordination Accountability Report for FY 2012/2013**

### **SECTION I. EXECUTIVE SUMMARY**

The Commission 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.

#### **1. Purpose, Mission, Vision and Values:**

##### **Mission Statement**

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 objects which will benefit and improve the Office of Solicitor.

In carrying out its mission, the Commission's responsibilities include:

- Support of the fair, just, and swift administration of justice by the Offices of the Solicitors;
- Coordination of all administrative functions of the Offices of the Solicitors, including the provision of human resources services for the two members of each of the 16 Solicitors' staff who are employees of the agency;
- Submission of the budgets of the solicitors and their affiliate services to the General Assembly;
- Coordination of pre-trial intervention and other diversionary programs within the Solicitors' offices;
- Collection of data and reports as required by the South Carolina General Assembly;
- Development and direction of legal education programs and training programs for solicitors and their staff to help improve
  - the legal knowledge and advocacy skills of prosecutors,
  - the effectiveness and efficiency of the prosecution of criminal cases in this State,
  - augmented investigation of crimes,
  - the provision of victim services, and
  - office administration;
- Creation of materials, including publications such as newsletters and manuals, to assist prosecutors and others in Solicitors' Offices with the day-to-day performance of their job functions;
- Service as a source of information for and assistance with legal and ethics issues for state prosecutors;

- Service as a source of information for the Legislative and Judicial Branch on issues related to state criminal prosecution;
- Coordination and cooperation with other state, local, and federal government agencies involved in the criminal justice system;
- Serving as a liaison with South Carolina non-governmental entities involved in the criminal justice system, including those representing the interests of the South Carolina Bar, crime victims, and criminal defense interests; and
- Serving as a liaison with national criminal justice entities involved in the criminal justice system.

## **2. Major Achievements from FY 2011/12:**

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

- Provided 20 training sessions for 1230 persons.
- Applied for and received federal grants for training prosecutors and defense attorneys on handling capital (death penalty) cases;
- Applied for and received federal grants for the John R. Justice Student Loan Forgiveness Program;
- Prepared and submitted the S.C.C.P.C. Report on Diversion Programs to the Sentencing Oversight Committee;
- Responded to trial and research assistance requests from the Solicitors' Offices;
- Prepared and submitted statistics regarding CDV prosecutions;
- Reviewed criminal and criminal justice related legislation, and provided information to both the Solicitors and the Legislature.
- Agency transitioned to IT support being provided by Division of State Information Technology.

## **3. Key Strategic Goals for the Present and Future Years**

- Increase funding for the 16 Circuit Solicitors' Offices;
- Creation of a new website that will allow for restricted access to more relevant and helpful information by the Solicitors' Offices, to include access to research, training materials, sample pleadings, and online registration for training programs, with a long-term goal of being able to offer streaming education videos online;
- Install the Alcohol Education Program (AEP) software program and develop an interface between the Office of Solicitor and SLED;
- Administer federal grant funding for capital litigation training and the John R. Justice Student Loan Forgiveness program;
- Provide timely notification and information to the Solicitors' Offices on changes to or pronouncement/enactment of laws by the courts and legislature;
- Serve as a resource for prosecutors in trial or preparing for trial who have questions related to ethics, substantive criminal law, procedural criminal law, and evidence.
- Conduct monthly training programs – to include training for prosecutors, victim advocates, prosecution investigators, diversionary program staff, and other staff of the Solicitors' Offices, law enforcement and judges – on topics such as capital litigation,

DUI, evidence, forensic science, investigation, trial advocacy, and substantive and procedural criminal law; and

- Co-sponsor and/or support trainings of other agencies and organizations, including the Magistrates Intensive Training and the Conference(s) of the South Carolina Solicitors' Association.

#### **4. Key Strategic Challenges**

Key strategic 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 judicial requirements, which challenge the agency in fulfilling its statutory obligations; and
- the lack of resources needed to accomplish its goals, including
  - the lack of sufficient dedicated funding for prosecutors, investigators, victim advocates, and support staff in the Solicitors' Offices;
  - the lack of dedicated funding for training.

#### **5. How the Accountability Report is Used to Improve Organizational Performance**

The Accountability Report will be used as a strategic planning tool by the agency. Its preparation and contents allow for a yearly review of the Commission's goals and objectives in the context of what the Commission has done and is doing. It is useful in not only identifying long and short range goals, human resource needs, financial issues, and community based strategic challenges, but in also planning how to meet the goals and resolve the needs and challenges.

## **SECTION II. ORGANIZATIONAL PROFILE**

### **1. Main Products and Services and the Primary Methods by which these are Delivered:**

- Coordination of all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;
- Preparation and submission of the budgets of the Solicitors and their affiliate services to the General Assembly;
- Development and hosting of legal education programs and training programs for staff of the Solicitors' Office;
- Creation and publication of educational materials for the staff of the Solicitors' Offices, including training materials, books, and newsletters;
- Research assistance for the Solicitors' Offices on legal and ethics issues;
- Service as liaison between the Solicitors' Offices, as well as between the Solicitors' Offices and the South Carolina Legislature, the Solicitors' Offices and national criminal justice and prosecution organizations, and the Solicitors' Offices and prosecutors from other states;
- Assistance to the Solicitors in maintaining a PTI program in each Judicial Circuit; and
- Assistance to the Solicitors in maintaining other diversionary programs in each Judicial Circuit.

### **2. Key Customers**

The key customers served by this agency are the sixteen (16) Judicial Circuit Solicitors and their staff: the deputy and assistant solicitors, the Judicial Circuit Victim/Witness Assistance Advocates, the Pretrial Intervention Directors, other diversionary program staff, Investigators, and other staff. Their key requirements/expectations are that the Commission will;

- pursue full funding for their Offices from the Legislature and other sources;
- provide administrative support and human resources assistance for state and grant funded (through the Commission) personnel;
- provide administrative and technical assistance with statewide computer programs utilized by the Solicitors' Offices;
- act as liaison between the Solicitors' Offices, as well as between the Solicitors' Offices and the South Carolina Legislature, the Solicitors' Offices and national criminal justice and prosecution organizations, and the Solicitors' Offices and prosecutors from other states;
- offer legal education and other training opportunities for the staff of the Solicitors' Offices and other members of the criminal justice community;
- provide administrative support for the Conferences of the South Carolina Solicitors' Association;
- monitor legislation and provide timely information on such to the Solicitors' Offices;
- draft legislation as requested by the Solicitors;
- monitor the South Carolina appellate courts and the Supreme Court of the United States and provide timely information on cases of interest to the Solicitors' Offices;
- work on amicus curiae pleadings as requested by the Solicitors' Offices; and
- respond to research, analytical, and strategic assistance requests from the Solicitors' Offices.

### **3. Key Stakeholders**

The key stakeholder groups in the Commission and its work, other than our customers identified above, are

- the citizens of South Carolina;
- victim advocacy groups;
- law enforcement agencies, institutions, and officers;
- South Carolina Attorney General's Office;
- the courts;
- the South Carolina Legislature;
- criminal justice agencies such as the South Carolina Department of Corrections, South Carolina Department of Juvenile Justice, South Carolina Department of Probation, Parole, and Pardon Services;
- other state and local agencies who serve individuals who are impacted by the commission of crime, such as the South Carolina Department of Disabilities & Special Needs, South Carolina Department of Social Services, and South Carolina Department of Mental Health; and
- the South Carolina Bar.

### **4. Key Suppliers and Partners:**

The only key suppliers to the Commission are the Division of State Information Technology (DSIT) and periodic private vendors. Partners of the Commission are other criminal justice related departments and agencies.

### **5. Operating Location:**

The operation location of the South Carolina on Prosecution Coordination is: 1200 Senate Street, Suite B-03, Columbia, South Carolina 29201. Thirty-two of the Commission's 40 employees work out of the Judicial Circuit Solicitors' Offices, one (1) elected Solicitor and one (1) administrative assistant in each of the 16 Judicial Circuits.

### **6. Employees:**

The Commission has a total of forty (40) full-time employees:

- one (1) Executive Director;
- two (2) Administrative Assistants;
- one (1) State PTI/Grants Coordinator;
- one (1) Education Coordinator;
- one (1) Staff Attorney;
- one (1) Traffic Safety Resource Prosecutor (grant position); and
- one (1) TSRP administrative assistant (grant position);
- sixteen (16) Judicial Circuit Solicitors, who are elected by the public; and
- sixteen (16) Administrative Assistants (each Office of the Solicitor has an Administrative Assistant who, by statute, is an employee of the Commission).

All employees are unclassified.

### **7. Regulatory Environment:**

The Commission complies with all federal and state regulatory requirements placed upon it as a state agency/business and as an employer. In addition, the attorneys employed by the

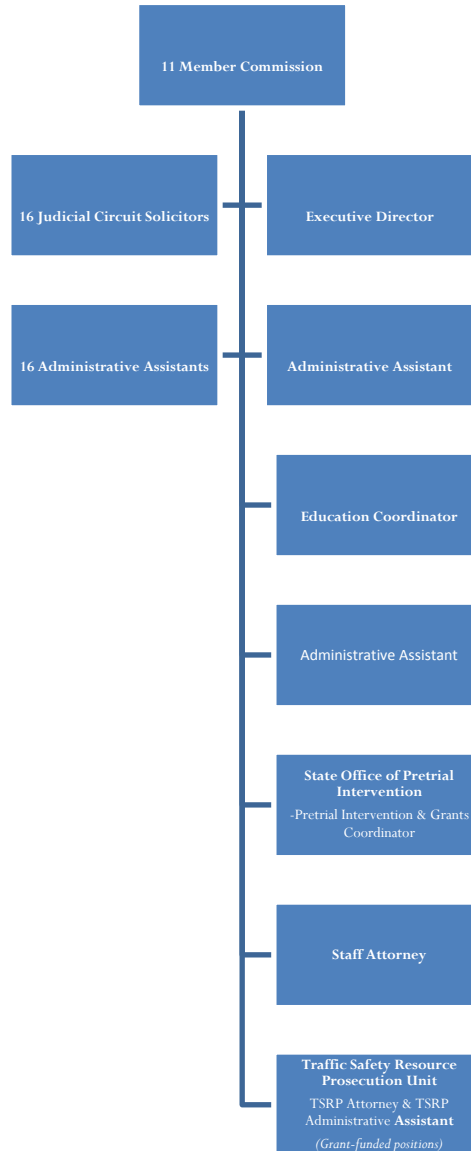
Commission all must be admitted to practice before the South Carolina Supreme Court and maintain their license with the South Carolina Bar and meet all continuing legal education requirements established by the Supreme Court. The Commission also has legislatively imposed reporting requirements (on numbers and disposition of certain types of criminal cases and diversionary program information) with which it complies, in addition to reporting requirements imposed as grant conditions.

#### **8. Performance Improvement System(s):**

The Commission receives feedback, both formal and informal, from not only its Key Customers, but also some from portions of its Key Stakeholder groups. The formal feedback is primarily solicited and received through written evaluations distributed at its training programs. Informal feedback is received year-long. Any constructive criticism is evaluated and, when appropriate, has resulted in changes. In addition, the Commission regularly solicits ideas and suggestions from its Key Customers; these are often used or implemented. A good example of this would be the use of suggestions when planning trainings and selecting speakers.

#### **9. Organizational Structure:**

For FY 2012/13, the Commission's organizational chart was as follows.



#### 10. Expenditures/Appropriations Chart:

For FY 2012/13, the Commission's Expenditures/Appropriations Chart was as follows.

#### BASE BUDGET EXPENDITURES AND APPROPRIATIONS

Major Budget Categories	FY 11-12 Actual Expenditures		FY 12-13 Actual Expenditures		FY 13-14 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 3,017,786	\$2,890,820	\$ 3,056,782	\$2,964,346	\$ 3,235,314	\$ 3,138,164



Other Operating	\$ 546,313	\$ 226,938	\$ 309,654	\$ 198,730	\$ 428,050	\$ 206,609
Special Items	\$11,947,839	\$3,629,530	\$14,724,458	\$6,923,065	\$17,231,147	\$ 9,084,147
Permanent Improvements						
Case Services						
Distributions to Subdivisions						
Fringe Benefits	\$ 1,498,176	\$1,456,357	\$ 1,535,084	\$1,502,505	\$ 1,695,732	\$ 1,658,740
Non-recurring						
<b>Total</b>	\$17,010,114	\$8,203,645	\$19,625,977	\$11,588,646	\$22,590,243	\$14,084,660

#### OTHER EXPENDITURES

Sources of Funds	FY 11-12 Actual Expenditures	FY 12-13 Actual Expenditures
Supplemental Bills		
Capital Reserve Funds		
Bonds		

### MAJOR PROGRAM AREAS

Program Number and Title	Major Program Area Purpose (Brief)	FY 11-12 Budget Expenditures	FY 12-13 Budget Expenditures	Key Cross References for Financial Results*
05000000	To fund the 16 Solicitors' Offices	<b>State:</b> 9,004,347.00 <b>Federal:</b> <b>Other:</b> 5,947,614.00 <b>Total:</b> 14,951,961.00 <b>% of Total Budget:</b> 88%	<b>State:</b> 9,699,810.98 <b>Federal:</b> <b>Other:</b> 7,405,919.25 <b>Total:</b> 17,105,730.23 <b>% of Total Budget:</b> 87%	
01010000	To coordinate the administrative and diversion functions of the 16 Solicitors' Offices and to provide legal education and trainings.	<b>State:</b> 433,011.29 <b>Federal:</b> 126,966.00 <b>Other:</b> <b>Total:</b> 559,977.00 <b>% of Total Budget:</b> 3%	<b>State:</b> 386,330.45 <b>Federal:</b> 598,832.80 <b>Other:</b> <b>Total:</b> 985,163.25 <b>% of Total Budget:</b> 5%	

**Below: List any programs not included above and show the remainder of expenditures by source of funds.**  
Employer Contributions

<b>Remainder of Expenditures:</b>	<b>State:</b> 1,456,357.00 <b>Federal:</b> 41,819.00 <b>Other:</b> <b>Total:</b> 1,498,176.00 <b>% of Total Budget:</b> 9%	<b>State:</b> 1,502,504.57 <b>Federal:</b> 32,579.00 <b>Other:</b> <b>Total:</b> 1,535,083.57 <b>% of Total Budget:</b> 8%
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\* Key Cross-References are a link to the Category 7 - Business Results. These References provide a Chart number that is included in the 7th section of this document.

### SECTION III: ELEMENTS OF MALCOLM BALDRIDGE CRITERIA

#### 1. Senior Leadership, Governance, and Social Responsibility:

The Membership of the actual 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 Pretrial Intervention Program, a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor. The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State.

There is a permanent Executive Committee of the South Carolina Commission on Prosecution Coordination which is composed of the five Judicial Circuit Solicitors appointed by the Governor pursuant to S.C. Code Section 1-7-920(6) whose duties shall include the development and implementation of policies for a Commission Personnel Plan that shall include: establishment of policies and procedures for the employment and separation of employees;

establishment of guidelines for the effective management and supervision of employees; and review staff requirements and needs of the Commission and Solicitors.

Within the staff of the Commission, there is an Executive Director who oversees and directs the day-to-day operation of the Commission.

The Executive Director ensures the performance, management, and development of the agency's workforce to utilize its full potential in accomplishing the organization's overall mission, strategy, and agency goals by the following means.

The Executive Director uses a hands-on approach in accomplishing the SCCPC's mission. He is always available by to provide information and to hear concerns of the 16 elected Solicitors and their staff. He meets regularly with the 16 elected Solicitors to provide them information on the issues which are impacting or have the potential to impact their offices. These issues include funding, legislation, pending appeals, legal decisions and concerns from other agencies and stakeholders in the criminal justice system. He also regularly meets personally with the Victim/Witness Directors and Pre-Trial Intervention Directors of the 16 Solicitor's Offices. He also seeks out the opinions and concerns of other Executive Directors and stakeholders within the criminal justice system. The Executive Director believes that "coordination" is not only the agency's title but is also vital to constantly improving the criminal justice system. The hands-on approach provides valuable input and interaction in developing agency strategies and goals to meet its customer's needs.

Within the agency itself:

- He has an open door policy and employees are always free to express suggestions and concerns.
- He works with employees, individually and as a group, on planning to ensure that all employees maintain high standards of integrity, conduct themselves appropriately, and are vested in the mission of the agency.
- Planning ensures that employees understand their job responsibilities (in general and in regard to specific tasks) and how their job and work contribute to the goals of the agency.
- Planning ensures that employees are able to accomplish the work of the agency by identifying obstacles that may hinder or prevent good performance and/or the accomplishment of tasks (such as scheduling conflicts, lack of resources, etc.) and allowing for those obstacles to be minimized or eliminated.
- Planning maximizes the ability of the relatively small staff of the agency to serve its customers in the most effective and efficient manner.
- He monitors employees to ensure that they are working efficiently and effectively, and that work of the agency is accomplished.
- Monitoring allows for issues to be addressed before the workforce and the work of the agency are negatively impacted. It allows for the shifting of priorities and/or staff to ensure that the work of the agency is accomplished in the most efficient and effective manner.
- He provides employees with the education and training where needed to maintain or improve skills and/or result in better organization and individual performance.

- He provides employees with clear job descriptions and evaluates employees on an annual basis to ensure that employees are retained on the basis of the adequacy of their performance, inadequate performances are corrected, and employees are separated who cannot or will not improve their performance to meet required standards.
- He provides appropriate incentives and recognition for excellence in performance.

## 2. Strategic Planning

The Executive Director is continuously be involved in strategic planning for the Commission to ensure its efficient operation and the effective delivery of services to its customers. The Executive Director observes and analyzes the working operation of the agency on a daily basis to determine what problems or weaknesses may exist and timely responds to address them.

- For the purpose of soliciting input as to the agency's objectives and action plans, the Executive Director meets both formally and informally, with (1) members of the Commission; (2) the Commission central office staff; (3) the sixteen (16) elected Solicitors; and (4) members of the offices of the sixteen (16) elected Solicitors. The Executive Director interacts on a regular basis with legislators and legislative staff; law enforcement; and other government agencies and organizations related to the criminal justice field.
- Action plans are implemented through the establishment of both short- and long-term goals, and objectives for each. Goals and objectives are set based on statutorily imposed duties and needs as determined from communication with staff, with the agency's customer base, and others involved in the criminal justice system and criminal prosecution. The Executive Director either personally directs or closely monitors the implementation of the action plans and is, thus, able to make changes as circumstances dictate.
- Accomplishments are measured by the Executive Director through direct observation and feedback from the key customers, and sustained through the Executive Director's determined efforts to ensure that the Commission and its staff have the resources necessary to reach its goals.

STRATEGIC PLANNING			
PROGRAM NUMBER AND TITLE	SUPPORTED AGENCY STRATEGIC PLANNING GOAL/OBJECTIVE	RELATED FY 11-12 AND BEYOND KEY AGENCY ACTION PLAN/PLAN/INITIATIVE(S) AND TIMELINE FOR ACCOMPLISHING THE PLAN(S)	KEY CROSS REFERENCES FOR PERFORMANCE MEASURES*
Office of the Solicitor	Development of the agency's budget which includes state budgets of the Solicitors, to the General Assembly.	Meeting with the elected Solicitors and Commission Members so that budget priorities can be discussed and decided.	A budget that reflects the needs of the agency and the Solicitors is timely prepared and submitted to the General Assembly.

	Develop and propose a yearly legislative agenda to enhance the effectiveness of prosecution and law enforcement.	Meet with the elected Solicitors to receive input on legislative priorities.	Through coordination with the Attorney General and law enforcement representatives, a South Carolina Law Enforcement Legislative agenda is drafted and presented to the General Assembly.
Administration	<p>Coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices.</p> <p>Provide legal education programs as well as legal updates to prosecutors and law enforcement agencies throughout South Carolina.</p>	<p>Coordination and development of agency activities so that the agency's mission and statutorily required mandates are carried out in an effective and efficient manner.</p> <p>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>The agency satisfies its obligations to coordinate all activities involving the prosecution of criminal case in South Carolina.</p> <p>See Education Coordinator below and Category 7-Results.</p>
State Office of Pretrial Intervention	Assist the Solicitors in maintaining a Pretrial Intervention Program and other diversion programs in each Judicial Circuit.	<p>To collect data on approximately 13,000 statewide applications per year and the associated accepted/rejected information on each participant; run generation reports weekly; and provide statistical information to the Office of Solicitor upon request.</p> <p>Provide statewide training to all pretrial intervention personnel for compliance with the continuing educational</p>	See Category 7-Results.

		requirements promulgated by the Commission.	
Traffic Safety Resource Prosecution Unit	Within the Commission is the TSRP Unit composed of a TSRP Attorney Specialist and one (1) full-time Administrative Assistant. Currently, this program is being funded by the Department of Transportation, National Highway Traffic and Safety Administration through the SC Department of Public Safety. The goal of the grant is to establish a clearinghouse of DUI related information for prosecutors, law enforcement, judges, and other entities to enhance the effective prosecution of DUI cases.	To provide DUI training of prosecutors, law enforcement, and summary court judges; newsletter publications; and telephone assistance; legal updates; and public awareness campaigns.	See Category 7-Results.
Education Coordinator	Within the Commission there is an Education Coordinator whose primary responsibility is to provide resources to the prosecutors of South Carolina. The Education Coordinator is to coordinate and develop legal education programs and training programs for Solicitors and their affiliate services; to provide resource materials and legal updates to the Solicitors' Offices; and to	Offer legal education and training programs on a monthly basis.  Read published opinions of the South Carolina appellate courts and Supreme Court of the United States and email out summaries to the Offices of Solicitor.  Create and electronically publish two newsletters: <i>The Higher Standard</i> and <i>The Prosecution Reporter</i> (the continued publication of the latter is under evaluation). a. write case summaries for <i>The Prosecution Reporter</i> ; b. write articles for <i>The Higher Standard</i> ; c. solicitor others to write articles for <i>The Higher Standard</i> ; and d. locate articles of interest to reprint with permission in <i>The Higher Standard</i> .	See Category 7-Results.

	<p>respond to requests for research and case analysis assistance as requested by members of the Solicitors' Office.</p>	<p>Update <i>The Prosecutor's Deskbook</i> and the <i>Prosecution Bootcamp</i> books.</p> <p>Work on creating and collecting resource materials for use by others in the office, members of the Solicitors' Offices and eventual inclusion on the Commission's website.</p> <p>Work with others in the office on locating funding for and creating a new website.</p> <p>Provide research, cases analysis, and legal drafting assistance to members of the Solicitors' Offices.</p> <p>Provide assistance to the Solicitors in drafting pleadings in cases in which they participate as amicus curiae.</p> <p>Review, summarize, and/or draft legislation as needed.</p>	
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### 3. Customer and Market Focus

The agency's customers are largely determined through the agency's enabling statute, the members of the agency's Commission, and the agency's mission statement.

The agency's primary customers within and also outside the agency are the 16 elected Circuit Solicitors and the staff leadership in each of the 16 Circuits (which includes the Deputy Solicitors, Assistant Solicitors and the Directors of the Pretrial Intervention Programs, Drug Treatment Courts, Juvenile Arbitration Programs, Alcohol Education Programs, Traffic Education Programs, and Worthless Check Units as well as other staff members who makeup each Solicitor's Office).

The agency also works with (1) representatives from the Executive, Legislative, and Judicial branches on matters related to state criminal prosecution and/or criminal laws and procedures; and (2) representatives from organizations, such as the South Carolina Sheriffs' Association, the South Carolina Municipal Association, the South Carolina Association of Counties, South Carolina Bar, the South Carolina Commission on Indigent Defense, South Carolina Criminal Defense Lawyers Association, and various victim organizations, in reviewing proposals or responding to questions from the Legislature.

The agency determines the requirements, needs and expectations of those customers not only from the agency's enabling statute, the members of the agency's Commission, and the agency's mission statement, but also through communication directly with the Solicitors and their staff and from monitoring legislative and judicial developments in South Carolina, the United States Supreme Court, and other jurisdictions.

The Agency determines the satisfaction of agency's customers primarily through feedback, both solicited and unsolicited.

#### **4. Measurement, Analysis and Knowledge Management**

The agency receives data and feedback from the elected Solicitors that pertain to caseload and staffing levels. The agency also monitors the dispositional reports provided by the Judicial Department. Caseload trends and staffing levels are taken into account when determining what the budget priorities should be for each fiscal year.

The agency also keeps track of how many training sessions are provided to prosecutors, law enforcement, diversion staff and victim advocates as well as how many participants there were at each session. This information is taken into account in planning the following years training offerings. See Category 7: Results.

Information and data are stored on a central server that staff members can access. This allows a staff member to compare education materials, data, and reports. This is extremely helpful in staying current and always being able to provide relevant information to the agency's key customers.

During FY 12/13, the Commission provided statistical data to the Legislature, the Commission, the Solicitors, and others in three (3) areas. This data was gathered and compiled primarily by the PTI/Grants Coordinator.

The South Carolina Commission on Prosecution Coordination collects statistical and financial data as required by state law, grant awards, and as requested by the Commission or Solicitors. The information is collected from each of the Solicitors' Offices. Most legislatively required reports are required following the close of the fiscal year. The Commission collects data, compiles reports, and distributes the data and reports, including:

- Victim/Witness Assistance annual reports for SOVA;
- Reports on diversionary programs as required by S.C. Code of Laws §17-22-1120 (Drug Treatment Court Program information is maintained by the Commission as well as the contact information for the Education, Intervention, and Support Services within the Office of the Solicitor – Alcohol Education Program, Expungements, Drug Treatment Court Program, Juvenile Arbitration, Pretrial Intervention, and Worthless Check Units); and
- Reports on CDV dispositions.

#### **5. Workforce Focus**



The Executive Director ensures the performance, management, and development of the workforce to utilize its full potential in accomplishing the organization's overall mission, strategy, and agency goals.

- The Executive Director establishes clear designation of job duties and expectations.
- The Executive Director maintains an open door policy so that all staff members will feel comfortable in engaging in one-on-one discussions about issues that may arise.
- The Executive Director provides opportunities for training as necessary to improve or increase the skills of those employed in the central office.
- The Executive Director delegates authority as necessary for staff to accomplish assigned tasks.

The agency has not had a formal employee evaluation system in place but has plans to implement one for FY 2013/14.

Employees were able to take advantage of a number of training sessions or seminars on a variety of topics.

The agency is located in state owned office space in the Wade Hampton Building and parking is provided.

## **6. Process Management**

The Executive Director continuously strives to improve the agency work process and to improve its work product in order to deliver organizational success.

- The Executive Director is responsible for identifying any problems that cause the actual performance of the agency's processes or work product to be less than the desired.
- When problems are identified, the Executive Director works with staff and others to generate a solution for the problem, implement the solution, and evaluate and, as necessary, further refine the solution until the problem is solved.
- The Executive Director determines what future needs might be and assesses the current budget to determine if those needs can be met or if additional resources such as staff and technology upgrades will be required.

## **7. Results**

### **OFFICE OF SOLICITOR:**

According to the S.C. Judicial Department, the 16 Solicitors' Offices disposed of 118,992 General Sessions criminal cases during FY 2012/13 and there were 107,111 General Sessions criminal cases pending on June 30, 2013.

### **PTI/GRANTS COORDINATOR:**

The State Pretrial Intervention Coordinator both planned and coordinated meetings and trainings for PTI personnel and created resource materials as shown below.

- SCAPIP Fall Conference (*coordination*) April 2013
- “2013 Directory of Education, Intervention and Support Services within the Office of the Solicitor” April 2013
- PTI Director’s Meetings: October 2012  
December 2012  
January 2013  
March 2013
- PTI Director’s Retreat May 2013
- SCAPIP Meetings: August 2012  
September 2012  
October 2012  
January 2013  
February 2013  
March 2013  
June 2013
- Solicitor’s Conference September 2012
- Expungement Meetings: January 2013  
March 2013  
August 2013
- Worthless Check Unit Meeting February 2013
- Drug Court Meeting April 2013
- Victim/Witness Meetings: July 2012  
September 2012  
December 2012  
March 2013  
June 2013

The State Pretrial/Grants Coordinator also completed the following:

- Administered the John R. Justice Grant October 1, 2012 – September 30, 2013
- Collected statistics for Criminal Domestic Violence Prosecutors Prosecution Provision
- Diversion Programs (Quarterly Programmatic Reports).

The State Pretrial Intervention Coordinator collected the following data on cases referred to the PTI Offices within the Solicitors’ Offices.

FY 2012/13 CASE VOLUME AND INFORMATION: (7/1/2012 - 6/30/2013)

Applications	12,186
Accepted	8,203
Pending Acceptance	1,230
Rejected	1,480

Pending Completion	2,572
Successfully Completed	8,372
Unsuccessfully Completed	1,596
Total Community Service Hours	1,304,144.40
Total Restitution Paid to Victims	\$411,477.17
Total Cases with Restitution	9,635
Number of Applications of Magistrate Cases	3,197
Number of Applications of Municipal Cases	5,109
Number of Applications of General Sessions Cases	4,155

### **TRAFFIC SAFETY RESOURCE PROSECUTION UNIT:**

Within the Commission is the Traffic Safety Resource Prosecution (TSRP) Unit composed of a Traffic Safety Resource Prosecutor Attorney and one full-time Assistant. Currently, this program is fully funded by a grant from the U.S. Department of Transportation, National Highway Traffic and Safety Administration (NHTSA) through the SC Department of Public Safety's Office of Highway Safety (OHS). The goal of the grant is to establish a clearinghouse of traffic-related information and aide for prosecutors, law enforcement, judges, and other entities to enhance the effective prosecution of traffic crime cases, specifically alcohol-related traffic crimes. Additionally, the TSRP conducts trainings and speaking engagements on DUI and traffic-related topics for prosecutors, law enforcement, judges, and other entities to attend. The TSRP additionally serves as a daily 'on-call' resource for any of the aforementioned entities regarding questions related to traffic law and DUI prosecution, enforcement, and adjudication.

During FY 12/13, the TSRP Unit conducted the following trainings:

- **Training Programs:**

Title of Training Program	Sponsor/ Cosponsor	Date(s)	Location	Attendees
"Prosecuting the Impaired Driver"	Sponsor	April 10-11, 2013	Columbia	53 (33 Law Enforcement, 9 Judges, 11 Prosecutors)
"Prosecuting the Impaired Driver"	Sponsor	May 8-9, 2013	Anderson	46 (26 Law Enforcement, 6 Judges, 14 Prosecutors)
"Prosecuting the Impaired Driver"	Sponsor	June 12-13, 2013	Columbia	57 (34 Law Enforcement, 14 Judges, 6 Prosecutors, 3 Other)
"Prosecuting the Impaired Driver"	Sponsor	July 17-18, 2013	North Charleston	49 (29 Law Enforcement, 11 Judges, 9 Prosecutors)
"Magistrate's Advisory Council Intensive Training"	Co-Sponsor*	August 20-21, 2012	Columbia	55 (55 Judges)

Seminar”				
* The South Carolina Commission on Prosecution Coordination co-sponsors the two days upon which DUI and general criminal law is covered at the annual “Magistrate’s Advisory Council Intensive Training Seminar.” For those two days of the training, the Commission is responsible for developing the agenda, recruiting the prosecution speakers for those two days of training, and for compiling the training materials.				
Total TSRP Numbers for FY 2012-2013:	5 Training Programs			
	260 Total Persons Attended Training Programs (122 Law Enforcement, 95 Judges, 40 Prosecutors, 3 Others)			

### **Training Presentations:**

For FY 2012-2013, the Traffic Safety Resource Prosecutor prepared materials for and made the following presentations.

<b>Topic(s) of Presentation</b>	<b>Title of Training Program</b>	<b>Date</b>	<b>Location</b>	<b>Attendees</b>
SC Current Issues in Traffic Law	NAPC Winter Meeting	December 3, 2012	Nashville, TN	Prosecutors
Checkpoint Procedure / Extending Traffic Stops	“Search and Seizure”	January 11, 2013	Columbia	Prosecutors, Law Enforcement
SC DUI Law & Issues	SC Court Administration Magistrate Orientation	March 27, 2013	Columbia	Judges
DUI Issues at Trial	“Prosecuting the Impaired Driver”	April 10, 2013	Columbia	Prosecutors, Judges, Law Enforcement
Law Update & Victim Issues from the Prosecutor’s Perspective	SC Victim Rights Week	April 25-26, 2013	Columbia	Victim Advocates
DUI Issues at Trial	“Prosecuting the Impaired Driver”	May 8, 2013	Anderson	Prosecutors, Judges, Law Enforcement
SC Court System Overview / Traffic Law Overview for Victim Advocates	Core Training for Victim Advocates on Crime Victims’ Rights, Communication, Case Management, and Ethics	May 17, 2013	Columbia	Victim Advocates
DUI Issues at Trial	“Prosecuting the Impaired Driver”	June 13, 2013	Columbia	Prosecutors, Judges, Law Enforcement
Traffic Case Law and Emerging Issues	Circuit Meetings of the South Carolina Law Enforcement Network	2012-2013	Statewide	Law Enforcement

### **Publications:**

The Traffic Safety Resource Prosecution Unit publish its own newsletter and contribute to

another newsletter published by the South Carolina Commission on Prosecution Coordination.

- **Publications**

- *Behind the Wheel* Newsletter
  - published Volume 13, Issue 1 – December, 2012;
  - published Volume 13, Issue 2 – June, 2013;

**Other :**

The Traffic Safety Resource Prosecutor serves as Member of the South Carolina Impaired Driving Prevention Council (Member of Enforcement/Prosecution/Adjudication Subcommittee), Member, SC MADD Operations Council, and attends and presents at SC Law Enforcement Network meetings across the state.

**EDUCATION COORDINATOR AND STAFF ATTORNEY:**

Within the Commission there is an Education Coordinator and Staff Attorney whose primary responsibility is to provide resources to the prosecutors of South Carolina. They coordinate and develop legal education programs and training programs for Solicitors and their affiliate services; provide resource materials and legal updates to the Solicitors' Offices; and respond to requests for research and case analysis assistance as requested by members of the Solicitors' Office.

**Training Programs:**

The Education Coordinator and Staff Attorney are responsible for planning, coordinating, and conducting the training for staff of the Solicitors' Offices (excluding summary court DUI training for which the Traffic Safety Resource Prosecutor Unit is responsible). In addition to soliciting ideas for trainings from all members of the Solicitors' Offices and outside sources, one or both meets with the Deputy Solicitors once or twice a year to discuss training and publications.

During FY 2012 – 2013, the Commission conducted 19 training programs (non-DUI related) that the Commission either solely conducted (sponsored) or co-sponsored.

<b>Title of Training Program</b>	<b>Sponsor/ Cosponsor</b>	<b>Date(s)</b>	<b>Location</b>	<b>Attendees</b>
"Sexual Assault Prosecutions: Special Considerations"	Sponsor	July 20, 2012	Columbia	48 (37 prosecutors; 5 other government attorneys; 2 investigators, and 4 law enforcement officers)
"Prosecuting Cases in Family Court"	Sponsor	August 24, 2012	Columbia	33 (32 prosecutors; and 1 other attorney)
"2012 South Carolina Solicitors' Association Annual Fall Conference"	Co-Sponsor*	September 23-26, 2012	Myrtle Beach	537 (342 prosecutors, 40 investigators, 61 diversion program staff, 73 victim advocates, 9 paralegals, and 12 administrative staff)
"Human Trafficking in SC: Break the Invisible Chains:"	Co-Sponsor†	October 19, 2012	Columbia	18‡ (1 prosecutor; 2 other attorneys; 1 victim advocate;

Help Victims of Human Trafficking”				and 14 law enforcement officers)
“Competency to Stand Trial and the Intellectually Disabled”	Sponsor	October 26, 2012	Columbia	26 (22 prosecutors, 1 judge, 1 other government attorney; and 2 others)
“Appeals: What YOU Need to Know”	Sponsor	November 30, 2012	Columbia	18 (10 prosecutors; and 8 law enforcement officers)
“Bond Estreatments: Law and Practice”	Sponsor	November 30, 2012	Columbia	35 (23 prosecutors; and 13 other Solicitor office staff)
“FOIA Law and Issues for Government Attorneys”	Sponsor	December 12, 2012	Columbia	36 (32 prosecutors; 1 other government attorney; 2 law enforcement; and 1 other)
“Ethics for Government Attorneys”	Sponsor	December 14, 2012	Columbia	23 (21 prosecutors; and 2 other attorneys)
“Constitutional Limitations on Police Searches: Checkpoints, Traffic Stops, Other Warrantless Searches, and Search Warrants”	Sponsor	January 11, 2013	Columbia	120 (57 prosecutors; and 63 law enforcement officers)
“Family Court Workshop”	Sponsor	February 13, 2013	Columbia	33 (27 prosecutors; 3 other Solicitor Office staff; 1 other attorney; and 2 others)
“Trial Advocacy for Prosecutors: Concession-Based Cross-Examination”	Sponsor	February 13, 2013	Columbia	4 (4 prosecutors)
“Ethics for Prosecutors”	Sponsor	February 15, 2013	Columbia	18 (17 prosecutors; and 1 other attorney)
“Capital Litigation for Prosecutors: Advanced Training”	Sponsor	March 2013	Isle of Palms	53 (51 prosecutors; and 2 other attorneys)
“2013 Prosecution Bootcamp”	Co-Sponsor**	April 15–19, 2013	Myrtle Beach	55 (54 prosecutors; and 1 other attorney)
“The South Carolina Evidence Preservation Act: Duties of and Liability for Evidence Custodians”	Sponsor	May 16, 2013	Columbia	173 (14 prosecutors; 6 investigators; 3 judges; 117 law enforcement officers; 8 coroners; 22 Clerks of Court and employees; and 3 others)
“Core Training for Victim Advocates on Crime Victims Rights, Compensation and SOVA, Criminal Justice System and Court Procedures, and Specialized Training”	Sponsor	May 17, 2013	Columbia	23 (21 victim advocates; and 2 prosecutors)
“Investigating and Prosecuting Child Homicides”	Sponsor	June 14, 2013	Columbia	83 (24 prosecutors, 2 investigators, 1 victim

				advocate, 52 law enforcement officers, and 4 other)
<p><i>NOTE: When used, “investigators” denotes investigators in Solicitors’ Offices. When counted separately from other law enforcement officers, investigators employed by Solicitors’ Offices and the Attorney General’s Offices are referred to as “investigators.” If not counted separately, any prosecution investigators are included in the law enforcement officer count.</i></p> <p><i>* The annual Solicitors’ Conference is sponsored by the South Carolina Solicitors’ Association, but the Commission worked with the Association on the development of the training agenda, and is thereafter responsible for the training component of the Conference.</i></p> <p><i>** The Prosecution Bootcamp is a program sponsored by the South Carolina Solicitors Association, but the Commission co-sponsors and is solely responsible for the training aspect of it (development of the training agenda and materials, registration, speaker selection, on-site management, etc.).</i></p> <p><i>‡ The “Human Trafficking in SC: Break the Invisible Chains: Help Victims of Human Trafficking” was co-sponsored by the Commission, with the Commission solely responsible for accreditation of training for prosecutors and victim advocates.</i></p>				
Total Numbers for FY 2012-2013:		19 Training Programs		
		1337 Total Persons Attended Training Programs  <i>Breakdown of Total: 770 Prosecutors; 61 Diversion Staff; 96 Victim Advocates; 310 Law Enforcement (includes prosecution investigators); 7 other government attorneys; 10 other attorneys; 9 prosecution paralegals; 28 Solicitor administrative staff; 22 Clerks of Court and employees; 8 coroners; 4 judges; and 12 others.</i>  <i>NOTE: Because the total number of attendees at the trainings on Human Trafficking (October 2012) are not available, the actual number of persons attending the FY 2012-2013 training programs was actually greater than 1337.</i>		

### **Training Presentations:**

For FY 2012-2013, the Education Coordinator prepared materials for and made the following presentations.

Title of Presentation	Title of Training Program	Date	Location	Attendees
“Constitutional Law Update for Sexual Assault Prosecutors”	“Sexual Assault Prosecutions: Special Considerations”	July 20, 2012	Columbia	Prosecutors Investigators Law Enforcement
“Bails and Bonds”	“Magistrates Advisory Council Intensive Training Seminar”	August 21, 2012	Columbia	Summary Court Judges
“Understanding the Right to (and Waiver of) Counsel and Jury Trial”	<i>Same as above</i>	August 21, 2012	Columbia	Summary Court Judges
“Competency to Stand Trial and the Prosecutor: A	“Competency to Stand Trial and the Intellectually	October 26, 2012	Columbia	Prosecutors

Review of the Law and Statutory Obligations Imposed on the Prosecutor when a Defendant is Declared Not Competent to Stand Trial	Disabled			
"South Carolina Criminal Appeals Process and Procedure"	"Appeals: What YOU Need to Know"	November 30, 2013	Columbia	Prosecutors Law Enforcement
"Ethics Issues in Closing Argument"	"Ethics for Government Attorneys"	December 14, 2012	Columbia	Prosecutors Other Government Attorneys
"Search and Seizure General Overview"	"Constitutional Limitations on Police Searches: Checkpoints, Traffic Stops, Other Warrantless Searches, and Search Warrants"	January 11, 2013	Columbia	Prosecutors Law Enforcement
"Warrantless Searches"	<i>Same as above</i>	January 11, 2013	Columbia	Prosecutors Law Enforcement
"Search Warrants: Legal Requirements"	<i>Same as above</i>	January 11, 2013	Columbia	Prosecutors Law Enforcement
"Search Warrants: Practical Considerations for Law Enforcement Officers in Obtaining and Executing"	"Constitutional Limitations on Police Searches: Checkpoints, Traffic Stops, Other Warrantless Searches, and Search Warrants"	January 11, 2013	Columbia	Prosecutors Law Enforcement
"Final Thoughts: Report Writing, Returns, and Suppression Hearings"	"Constitutional Limitations on Police Searches: Checkpoints, Traffic Stops, Other Warrantless Searches, and Search Warrants"	January 11, 2013	Columbia	Prosecutors Law Enforcement
"Providing Competent Representation, Moving Cases, and Achieving Justice"	"22 <sup>nd</sup> Annual Criminal Practice in South Carolina" South Carolina Bar CLE Program	February 22, 2013	Columbia	Attorneys Judges
"Group Discussion: Identifying Challenges, Legislative Priorities, and Training Needs for Family Court Prosecutors and Staff"	"Family Court Prosecutors' Workshop"	February 13, 2013	Columbia	Prosecutors
"Common Ethics Issues for Prosecutors and How to Avoid Them"	"Ethics for Prosecutors"	February 15, 2013	Columbia	Prosecutors
"Concession-Based Cross-Examination: Application"	"Trial Advocacy for Prosecutors: Concession-Based Cross-Examination"	February 15, 2013	Columbia	Prosecutors
"Discovery Obligations of the Capital Prosecutor"	"Capital Litigation for Prosecutors: Advanced"	March 19, 2013	Isle of Palms	Prosecutors



	Training”			
“Discovery: Review of Constitutional, Statutory, and Ethical Obligations as well as Practical Suggestions for Compliance”	“Prosecution Bootcamp”	April 15, 2013	Isle of Palms	Prosecutors
“Protecting Your Case and Preserving the Record”	<i>Same as above</i>	April 15, 2013	Isle of Palms	Prosecutors
“Prosecutor Ethics and Professionalism”	<i>Same as above</i>	April 19, 2013	Isle of Palms	Prosecutors
“Overview of the S.C. Criminal Justice System and Court Procedures”	“Core Training for Victim Advocates on Crime Victims Rights, Compensation and SOVA, Criminal Justice System and Court Procedures, and Specialized Training”	May 17, 2013	Columbia	Victim Advocates
“Review of the Act and Procedures”	“The South Carolina Evidence Preservation Act: Duties of and Liability for Evidence Custodians”	May 16, 2013	Columbia	Prosecutors Investigators Law Enforcement Clerks of Court Judges Coroners

The Education Coordinator and Staff Attorney both created additional training materials for presentation at Commission Trainings that they did not personally make.

### **Publications:**

The Education Coordinator and Staff Attorney publish one newsletter, *The Higher Standard*, focusing on advocacy, investigative, legal, and prosecution issues and trends. For this newsletter, the Coordinator writes articles and solicits and edits articles written by others. This newsletter, which has an approximate average length of 16-20 pages, is published on a quarterly newsletter based upon the availability of content.

The second newsletter started by the Education Coordinator, *The Prosecution Reporter* (which consisted solely of summaries and excerpts from the published opinions issued the previous month(es) by the South Carolina appellate courts and the United States Supreme Court (criminal and other opinions of interest to prosecutors)), was not published this year inasmuch as emails to the Solicitors’ Offices, from the Education Coordinator and Staff Attorney, of important case summaries have taken its place

### **Resource Materials:**

The Education Coordinator and Staff Attorney are responsible for updating *The Prosecution Deskbook*, a reference manual for the Offices of Solicitor. Due to the creation and distribution of

another similar resource by the Fifteenth Judicial Circuit Solicitors' Office, the newest update of Deskbook was pushed back until December 2013. In 2014, it will be totally revised.

For purposes of the Prosecution Bootcamp program, the Education Coordinator edited, contributed to, and updated *Prosecution Bootcamp: A Manual on South Carolina Criminal Law and Procedure for New Attorneys in South Carolina's Solicitors' Offices*. This manual, which consists of chapters written by Deputy Solicitors, senior Assistant Solicitors, and the Education Coordinator, is reviewed and updated each year.

A lengthy survey of relevant South Carolina appellate opinions (published) from September 1, 2007, through the present continues to be compiled and updated. The survey is set out in a chronological format so as to allow the readers to follow changes in the common law, but a topical index of all of the cases included is being updated.

The Education Coordinator and Staff Attorney keep abreast of judicial and legislative developments not only in South Carolina, but in other states and the federal courts as well. Between issues of the newsletters and when otherwise necessary, they provide information on important issues, developments, or cases of interest to the Solicitors and their staff.

#### **Consultation(s):**

The Education Coordinator and Staff Attorney provided regular consultations and assistance to the Office of Solicitor on issues related to the prosecution function and substantive criminal law, prosecution duties, media relations, ethics, criminal procedure, statutory interpretation, evidence, constitutional law, and advocacy. The large majority of these consultations and assists continue to be for prosecutors in trial or preparing for trial. They also provided assistance to Solicitors and members of their offices who are training prosecutors, judges, law enforcement, and others. In addition, she provided assistance to other agencies, coroners, and law enforcement agencies, which were directed to her by other members of the Commission staff or the Solicitors' Offices.

The Education Coordinator also serves as a liaison between the attorney staff of the various Solicitors' Offices – forwarding requests for assistance and sharing information submitted by prosecutors in one office with the others through the Deputy Solicitors. She does the same with information requested by or received from prosecutors in other states.

#### **Legislation:**

As assigned, the Education Coordinator and Staff Attorney drafted, reviewed, monitored, and researched legislation, and provided information to the Commission and Solicitors on such. They also, when needed, attended meetings of various legislative Committees and Subcommittees.

The Education Coordinator and Staff Attorney also prepared summaries of bills and enacted legislation for use by the Commission's Executive Director, as well as the Solicitors and their staff.

#### **Amicus Curiae:**

The Education Coordinator also worked on two cases in which the Solicitors participated or contemplated participation, in the Supreme Court of South Carolina, as *amicus curiae*. Her work included research, coordination, and the drafting of legal pleadings (including briefs).

**Grants:**

The Education Coordinator worked on the Capital Litigation Initiative Grant received from the U.S. Department of Justice Office of Justice Programs (the monies from which are evenly divided between the Commission, for capital prosecution training, and the South Carolina Commission on Indigent Defense, for capital defense training). In addition to working on the prosecution training conducted under this grant, she worked on budget matters, grant revisions, and grant reporting for the current grant award, as well as completing an application for a new award.