

Accountability Report Transmittal Form

Agency Name \_\_\_\_\_ Commission on Indigent Defense E-23

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## **COMMISSION ON INDIGENT DEFENSE FY 2000-2001 ACCOUNTABILITY REPORT**

Because of this Agency's size and unique function, essentially disbursing funds to public and private entities involved in the defense of indigent persons, some of these questions involved in Malcolm Baldrige Award Criteria are either not applicable or they are not workable. For instance, with only six employees, when something needs to be done, the Executive Director might go directly to the employee responsible or he might just do it himself. It will not be delegated down through levels of management. This report will attempt to address everything else as fully as possible.

### Section I - Executive Summary

The Commission on Indigent Defense and its operational arm, the Office of Indigent Defense, were created in 1993. The main focus of the creation of the Commission was to improve the delivery of indigent criminal defense in the state and to provide additional funding to lighten the burden on the counties which were facing extraordinary expenses in capital litigation.

The Office of Indigent Defense, through its annual survey attempts to accurately determine what programs are presently located in the counties and how they are functioning.

The Office of Indigent Defense administers the distribution of funding for indigent defense. This involves payments to the individual Defender Corporations of money earmarked for such in the annual appropriations act and supplemental or additional funds collected from fines and fees. In addition to these funds, the office also makes payments to private attorneys appointed to represent indigent defendants in both capital and non capital cases.

In fiscal year 1999-2000, the Office of Indigent Defense became responsible for administering two new programs which became funded with recurring funds: The Civil Appointments Fund and the Appellate Conflict Fund. These programs provide funding to reimburse attorneys appointed to represent persons appealing criminal convictions where the S.C. Office of Appellate Defense is unable to represent a client due to a conflict of interest, and to reimburse attorneys who are appointed to represent clients in civil matters such as Post Conviction Relief cases, Sexual Violent Predator cases, attorneys for Guardians *ad litem* in child abuse cases, parents in abuse and neglect cases and in cases in which the State is seeking to terminate parental rights. In addition the Civil Appointment Fund reimburses attorneys appointed in other civil type cases which may not fit into a distinct category.

Finally, the Office participated in training programs for the Public Defender offices across the State with the SC Public Defenders Association, and provides information on expert witnesses and other sources of expertise when called upon to do so by Public Defenders and appointed counsel.

In fiscal year 1997-1998, this Agency became responsible for collecting and disbursing funds generated by an increase in the court filing fees for civil cases to the State's Legal Aid offices. The Agency only serves as a conduit for these funds, collecting them monthly and disbursing them twice a year.

Unfortunately, because of this Agency's size and the uniqueness of its mission, there is almost no ability to coordinate or cooperate with other state agencies.

## 1. Major Achievements from the Past Year:

- Compiled and analyzed statistical data relating to costs of capital and non capital cases in this state;
- Funded the Criminal Defense System as follows:
  - Dispensed almost \$10 million for the representation of indigent persons in the criminal justice system:
  - Distributed \$5.5 million to the state's Public Defender offices for operating expenses;
  - Paid approximately \$2.5 million in private attorney fees and for expenses in capital cases and processed 156 vouchers (Vouchers do not equate to the number of cases in capital matters as each case may have numerous vouchers submitted during the course of the proceedings.);
  - Paid approximately \$1.12 million in private attorney fees and for expenses in non capital cases, processing 932 vouchers; and
  - Paid \$311,300.20 for transcripts in indigent appeals processing 1119 vouchers for these items;
- In conjunction with the SC Public Defender's Association, aided and participated in training programs for the state's Public Defenders;
- Compiled and analyzed statistical data relating to the operation of the state's 39 Public Defender Offices;
- Provided resources and information when requested to the state's Public Defender offices and to private appointed attorneys representing indigent defendants; and
- Maintained the Agency's Internet Web Site which averaged 300 visits per month. The site provided access to persons seeking information or needing to download forms used by Public Defenders and the private bar in the representation of court appointed indigent clients.
- Distributed almost \$1.7 million to the state's five Legal Services offices for operating expenses.
- The Office of Indigent Defense received, processed, and paid 460 vouchers from attorneys representing clients in Post Conviction Relief Cases for approximately \$367,000;
- The Office of Indigent Defense received, processed, and paid 453 vouchers from attorneys representing clients in Abuse and Neglect Cases for approximately \$170,000;
- The Office of Indigent Defense received, processed, and paid 1218 vouchers from attorneys representing Guardians *ad litem* in Abuse and Neglect Cases for approximately \$180,000;
- The Office of Indigent Defense received, processed, and paid 56 vouchers from attorneys representing clients in Termination of Parental Rights Cases for approximately \$66,000;
- The Office of Indigent Defense received, processed, and paid 35 vouchers from attorneys representing clients in Sexual Violent Predator Cases for approximately \$94,000; and
- The Office of Indigent Defense received, processed, and paid 11 vouchers from attorneys representing clients in matters which are not classified above for approximately \$3,000.
- The Commission on Indigent Defense provided funding for seven appeals during FY 2000-2001 for a total expenditure of approximately \$9,300. In addition the Agency sponsored a successful request to the Legislature for a Joint Resolution allowing it to pay for appeals handled by private attorneys prior to this program being created. While approved in fiscal year 2000-2001, this resolution was not signed by the Governor until August 31, 2001.

## 2. Mission and Values:

The Office of Indigent Defense establishes and monitors programs and services for the delivery of legal representation of indigent defendants in State Court. The office establishes criteria to be used in the determination of indigence and qualifications for services of the offices of Public Defenders and administers appropriate distribution of funding for indigent defense. Additionally, the office establishes and supervises training programs for the Public Defender offices across the State as well as implementing a central reporting system for the accurate compilation of statistical data regarding the operation of Public Defender Offices and serves as a clearing house and distribution source for publications and materials involving indigent criminal defense.

## 3. Key strategic goals

The main goal of this Agency is to provide the resources necessary to appointed attorneys, whether they be Public Defenders or private attorneys, to adequately represent those indigent or otherwise appointed clients in the State's criminal, civil and family courts. In order to accomplish this goal, the funding for attorneys must be delivered as quickly and as possible after the receipt of all the necessary and statutorily mandated documents. Additionally, the Agency is to collect statistics on the operation of the indigent defense system in the State and provide information and material to interested parties.

## 4. Opportunities and Barriers

The main purpose of this Agency is to disburse money to the indigent legal system in this State. A portion of this money comes from non appropriated sources derived from fine surcharges and application fees. The remainder comes from funds appropriated by the Legislature. The fine and fee source has generated funds for indigent criminal defense including the defense of capital cases and as a source of revenue for the Legal Aid system in this State.

This source of funding has not proved sufficient for the criminal defense system. Two years ago, payments in non capital cases were running up to **EIGHT** months behind and in capital cases up to **THREE** months behind. This past year, the Legislature appropriated some recurring funds for these services and the Agency actually ended the year with a small surplus thus allowing the Agency to start the year current on all its obligations.

The main barrier to the successful operation of this Agency is adequate appropriated funding. The non appropriated sources of revenue have maxed out as other agencies have been funded from these same sources raising the surcharge on fines to 100%. This source has not shown significant increases over the past years to meet the demands of this Agency. While these sources may provide a good supplemental base for funding, to remain adequate, strong appropriated funds are necessary.

## Section II - Business Overview

1. The Agency has six (6) employees: 1 Executive Director, 1 Administrative Manager, and 4 staff persons.
2. The Agency has one primary location: 1122 Lady Street, Columbia, SC. While not having direct control over the State's Public Defenders, all of the State's 46 counties are served by the 39 Defender Corporations located across the State.

3. Expenditures/appropriations:

**Base Budget Expenditures and Appropriations**

Major Budget Categories	99-00 Actual Expenditures		00-01 Actual Expenditures		01-02 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$183,157	\$183,157	\$211,848	\$211,848	\$212,571	\$212,571
Other Operating	\$151,775	\$151,775	\$123,165	\$123,165	\$57,530	\$57,530
Special Items	\$13,451,520	\$5,688,980	\$12,234,519	\$5,058,200	\$10,158,804	\$4,608,804
Permanent Improvements	\$0	\$0	\$0	\$0	\$0	\$0
Case Services	\$0	\$0	\$0	\$0	\$0	\$0
Distributions to Subdivisions	\$0	\$0	\$0	\$0	\$0	\$0
Fringe Benefits	\$42,036	\$42,036	\$52,654	\$52,654	\$47,337	\$47,337
Non-recurring	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$13,828,488</b>	<b>\$6,065,948</b>	<b>\$12,622,186</b>	<b>\$5,445,867</b>	<b>\$10,476,242</b>	<b>\$4,926,242</b>

**Other Expenditures**

Source of Funds	99-00 Actual Expenditures	00-01 Actual Expenditures
Supplemental Bills	\$0.00	\$0.00
Capital Reserve Funds	\$0.00	\$0.00
Bonds	\$0.00	\$0.00

4. The key customers of this Agency are the Defender Corporations of this State and attorneys appointed to represent indigent persons in the State courts.
5. The key supplier is the State Legislature as it provides the funding this Agency disburses.
6. The Agency disburses money to provide for the State's share of the maintenance of the local Public Defender Offices and to reimburse private attorneys for their time and expenses in representing indigent clients appointed by the courts.
7. With only six employees, the Agency's organizational structure is simple. The Commission appoints the Executive Director and oversees the general operation of the Agency. The Executive Director is responsible for the day to day operation of the Office of Indigent Defense which is the operational arm of the Agency. The Agency is divided into a Criminal Division and a Civil Division although the staff actually is cross trained to function in either division.

## Section III - Elements of Malcolm Baldrige Award Criteria

### **Catagory 1 - Leadership**

1. How do senior leaders set, deploy and communicate:

a) Short and long term direction are set by the Commission and the Executive Director. Budget and other matters are proposed by the Executive Director to the Commission which accepts, rejects or modifies the proposal. Major policy decisions which are likely to be recurring and long term are decided by the Chairman and the Executive Director and are submitted to the full Commission for ratification. The Executive Director is delegated authority to make emergency policy decisions and to supervis the day to day operation of the Office of Indigent Defense.

b) Performance expectations are set by the Executive Director after consultation and discussion with the staff.

c) Organizational values are decided by the Executive Director and the Commission.

d) Empowerment and innovation are shared by all members of OID after discussion. With an agency as small as this one, regular staff meetings are simple and all staff members feel free to discuss ideas and problems they encounter.

e) Organizational and employee learning has been through encouraging staff to avail themselves of every oppportunity to learn new procedures and ideas.

f) Ethical behavior standards are those expected to be followed by all State employees.

2. How do senior leaders establish and promote a focus on customers?

With the size of this agency, the Executive Director has direct contact with the Agency's "customers". He is available to talk with any person who calls, and in fact often gets call from attorneys who simply want a particular form sent to them. The Agency has an open door, open phone policy.

3. What key performance measures are regularly reviewed by your senior leaders? (Actual results are to be reported in Category 7.)

The speed of which vouchers are processed and the resolution of problems which surface with payments are reviewed by the Executive Director.

4. How do senior leaders use organizational performance review findings and employee feedback to improve their own leadership effectiveness and the effectiveness of management throughout the organization?

Staff meetings are used to determine how the Agency is functioning. Because of the size of the Agency, all employees are encouraged to bring up problems and to suggest solutions.

5. How does the organization address the current and potential impact on the public of its products, programs, services, facilities and operations, including associated risks?

This Agency doesn't serve the public as a whole.

6. How does senior leadership set and communicate key organizational priorities for improvement?

Again, this Agency's size allows us to communicate with our employees face to face.

7. How does senior leadership and the agency actively support and strengthen the community? Include how you identify and determine areas of emphasis.

Rather than drawing names of employees at Christmas for gifts, the Agency solicits the name of a needy family from a local social services agency and what their needs are as far as clothing, small appliances, and toys for any children. Once this information is obtained, the employees purchase or encourage donations from merchants known to the employees to try to obtain as much as is needed for the family and then wrap the gifts. These are delivered before Christmas. In the past, the employees even obtained and decorated a Christmas tree. All the employees divide the costs equally. The decision to begin using this method of community involvement was discussed and agreed to by all employees of the Agency after deciding how the Agency as a group could benefit the community.

## **Category 2 - Strategic Planning**

1. What is your Strategic Planning process, including participants, and how does it account for:
  - a. Customer needs and expectations?
  - b. Financial, societal and other risks?
  - c. Human resource capabilities and needs?
  - d. Operational capabilities and needs?
  - e. Supplies/contractor/partner capabilities and needs?

The Strategic Planning process begins with a review of the previous year's budget and work load by the Director and Administrative Manager as to the what the Office of Indigent Defense needs for the coming year. The Commissioners are consulted as to what they believe needs to be accomplished within the next year both budget wise and operation wise. In addition, input is sought from the SC Bar Association and some additional "customer" related organizations such as the SC Public Defender Association and the SC Association of Criminal Defense Lawyers. Because so much of what this Agency does is centered on payments to organizations and attorneys, most of the planning done by the Agency is budget planning. When the Agency was in its infancy, there was a good deal of desire for the Agency to become involved in training of defense attorneys and to establishing a capital trial team. However, the Agency has been unsuccessful in acquiring the necessary funding to accomplish either.

2. How do you develop and track action plans that address your key strategic objectives?

Basically, because the Agency is so small, we can delegate jobs, establish completion dates for each phase, and check on the progress of each phase by asking the person responsible to describe his or her progress.

3. How do you communicate and deploy your strategic objectives, action plans and performance measures?

Again, because of the size of the Agency, most communication is by personal, face to face contact.

### **Category 3 – Customer Focus**

1. Identify key customers and stakeholders.

The key customers of this Agency are the local Public Defender offices and the members of the private Bar who wish to be reimbursed for their time and expenses.

2. How do you determine who your customers are and what are their key requirements?  
The main purpose of this Agency is to aid in providing adequate representation of indigent persons involved in the State's court systems. This is done by providing the funding to supply those persons with an attorney and the resources needed for their legal action. The question of client satisfaction is addressed by the courts. Since the attorneys are the ones requesting the reimbursement and resources, they are the persons best suited to determine the effectiveness of this Agency and are the ultimate customers.
3. How do you keep your listening and learning methods current with changing customer/business needs?

As stated above, the Executive Director has an open door-open phone policy. If an attorney voices a concern about a method of payment or policy which affects that attorney, he is encouraged to discuss that issue with the Director. The Director also tries to attend certain legal seminars dealing with the areas for which the Agency provides service to listen to criticism and to develop new approaches to providing services.

4. How do you use information from customers/stakeholders to improve services or programs?

When information is received, it is examined to determine if there is a need to change procedures to speed up the payment process or eliminate the problem. In addition, information is evaluated to determine if it might provide a better way of doing things.

5. How do you measure customer/stakeholder satisfaction?

At present, customer satisfaction is not measured other than trying to process vouchers as quickly as possible, but the Agency is examining ways to measure customer responses.

6. How do you build positive relationships with customers and stakeholders? Indicate any key distinctions between different customer groups.

The two distinct differences between customers are that part of the customer base is made up of Public Defenders and the other part by private attorneys. The Agency has in the past tried to provide information through the funding of published seminar materials and appearing at some seminars as a speaker to explain the Agency's policies and procedures. Unfortunately, because of budget cut backs, the Agency will be unable to continue publishing seminar material.

### **Category 4 – Information and Analysis**

1. How do you decide which operations, processes and systems to measure?
2. How do you ensure data quality, reliability, completeness and availability for decision-making?
3. How do you use data/information analysis to provide effective support for decision-making?
4. How do you select and use comparative data and information?

### **Category 5 – Human Resources**

1. How do you and your managers/supervisors encourage and motivate employees (formally and/or informally) to develop and utilize their full potential?

In the past, money was made available for education or training to encourage employees to increase their education and skills levels. Because of budget restraints this money has been eliminated.

2. How do you identify and address key developmental and training needs, including job skills training, performance excellence training, diversity training, management/leadership development, new employee orientation and safety training?

The Agency's size, shortness of operation, and low turnover mean that most employees were hired within the first three years of operation. They are encouraged to take advantage of any programs offered by the State.

3. How does your employee performance management system, including feedback to and from employees, support high performance?

The Agency is so small that there is a considerable amount of friendship and willingness to work together among all the employees. All employees are encouraged to help each other in their work. Because they are all cross-trained, any employee can perform another's job and can pitch-in to help when one employee's work load is greater than the others.

4. What formal and/or informal assessment methods and measures do you use to determine employee well being, satisfaction, and motivation?

Each employee is reminded that they can discuss any problems with the Director or Administrative Manager. The Agency employs "flex time" to help employees work around family and personal demands. Because of the size of the Agency and the daily contact with each other, employees are encouraged to discuss problems and to give advice to each other.

5. How do you maintain a safe and healthy work environment?

The Agency occupies a small suite in an office building in Columbia. Safety and health hazards are examined by almost daily visible observations of each employees' work area.

6. What is the extent of your involvement in the community?

Rather than drawing names of employees at Christmas for gifts, the Agency solicits the name of a needy family from a local social services agency and what their needs are as far as clothing, small appliances, and toys for any children. Once this information is obtained, the employees purchase or encourage donations from merchants known to the employees to try to obtain as much as is needed for the family and then wrap the gifts. These are delivered before Christmas. In the past, the employees even obtained and decorated a Christmas tree. All the employees divide the costs equally.

### **Category 6 – Process Management**

1. What are your key design and delivery processes for products/services, and how do you incorporate new technology, changing customer and mission-related requirements, into these design and delivery processes and systems?
2. How does your day-to-day operation of key production/delivery processes ensure meeting key performance requirements?
3. What are your key support processes, and how do you improve and update these processes to achieve better performance?
4. How do you manage and support your key supplier/contractor/partner interactions and processes to improve performance?

### **Category 7 – Results**

1. What are your performance levels and trends for the key measures of customer satisfaction?

Vouchers which are correctly submitted are processed and forwarded to the Comptroller General's Office within five (5) working days of receipt. Deficient vouchers are completely processed and forwarded to the Comptroller General's Office within three (3) working days of receipt of the necessary documentation to correct the deficiency. Appropriated Public Defender payments are processed within the first five working days of the month. Supplemental Public Defender payments are processed within five working days of receipt of the notice of deposit of the funds in the Agency's account.

2. What are your performance levels and trends for the key measures of mission accomplishment?

The collection of statistical data on the operation of the indigent defense system.

3. What are your performance levels and trends for the key measures of employee satisfaction, involvement and development?

Employee turnover rate.

4. What are your performance levels and trends for the key measures of supplier/contractor/partner performance?

The only supplier, so to speak, is the Legislature. It is impossible to determine its performance level as quite often the amount of money received through appropriations is a political issue.

5. What are your performance levels and trends for the key measures of regulatory/legal compliance and citizenship?

6. What are your current levels and trends of financial performance?

The Agency's financial performance is governed by the amount of money appropriated by the Legislature.