

SOUTH CAROLINA OFFICE OF INDIGENT DEFENSE

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Office of State Budget
Attn.: Karen Amos
1122 Lady Street, 12th Floor
Columbia, SC 29201

RE: Annual Accountability Report, Letter of Transmittal

Dear Ms. Amos:

Enclosed, please find a copy of this Agency's Annual Accountability Report for Fiscal Year 1999-2000.

This Agency's Mission Statement was chosen by the Commission late in 1993 after an examination of the statutory requirements of the agency and a determination of the direction in which the Commission wanted the agency to proceed. Once this statement was finalized, it was broken down into separate actions which the agency could develop and work with once it became operational. These activities became the objectives of the Agency. At the end of each year, the Commission reviews the activities to determine if these goals have been met and where improvement and change are needed.

I realize that this transmittal letter does not go into great detail about what is done, but again, with an agency this small and structured primarily to disburse money by formula or statute, there is not a great deal to explain. If you have any questions, please don't hesitate to contact me at 734.1343.

Sincerely yours,

TYRE D. LEE, JR.
Executive Director

TDL/cp
ENCLOSURE:
Annual Accountability Report

SC COMMISSION ON INDIGENT DEFENSE
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ANNUAL ACCOUNTABILITY REPORT
FOR FISCAL YEAR 1999-2000

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 this fiscal year, the Office of Indigent Defense became responsible for administering two new programs funded with non 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, Sexual Violent Predators, 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.

MISSION STATEMENT:

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.

DESCRIPTION OF PROGRAMS:

Priority Ranking: Priority # 1

Program Name: Administration

Program Cost:

During the past fiscal year, the Commission received funding from three sources to administer this program. These being State appropriations, non recurring revenue from the FY 1997-1998 surplus, and from "other" sources. The "other" sources are a fine surcharge or "add on" imposed by statute on all criminal offenses with the exception of non moving traffic violations, and a application fee payable by all persons who seek appointment of counsel in the judicial system. State funding was appropriated at \$3,640,189. The non recurring funding was set at \$500,000 and specifically designated for the Conflict Fund. The Other Funds sources produced funding in the amount of \$5,607,852.37

Program Goal:

The Office of Indigent Defense is to establish and monitor programs and services for the delivery of legal representation of indigent defendants in State Courts. The office will establish criteria to be used in the determination of indigence and qualifications for services of the offices of Public Defenders and administer appropriate distribution of funding for indigent defense. Additionally, the office will establish and supervise training programs for the Public Defender offices across the State as well as implement a central reporting system for the accurate compilation of statistical data regarding the operation of Public Defender Offices and serve as a clearing house and distribution source for publications and materials involving indigent criminal defense.

Program Objectives:

- ! To establish and monitor programs and services for the delivery of legal representation of indigent defendants in State Courts;
- ! To establish criteria to be used in the determination of indigence and qualifications for services from the offices of Public Defenders;
- ! To administer appropriate distribution of funding for indigent defense;
- ! To establish and supervise training programs for the Public Defender offices;

- ! To implement a central reporting system for the accurate compilation of statistical data regarding the operation of Public Defender Offices;
- ! To serve as a clearing house and distribution source for publications and materials involving indigent criminal defense.

Performance Measures:

- ! Compiled and analyzed statistical data relating to costs of capital and non capital cases in this state;
- ! Distributed \$5.3 million to the state's Public Defender offices for operating expenses, \$2.6 million in private attorney fees and for expenses in capital cases, \$1.4 million in private attorney fees and for expenses in non capital cases, and \$209,522.34 for transcripts in indigent appeals;
- ! 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
- ! Installed a "hit counter" which shows the frequency a web site is visited on the Agency's Internet Web Site. In the first two months the "hit counter" showed that the site was visited over 600 times by persons seeking information or needing to download forms used by Public Defenders and the private bar in the representation of court appointed indigent clients.

Priority Ranking: Priority # 2

Program Name: Legal Aid Funding

Program Cost: The Commission receives funding from a percentage of the civil filing fees collected by the State Treasurer monthly and holds these funds pending a biannual distribution to the state's five Legal Services offices. This source produced funding in the amount of \$1,630,155.81 last fiscal year.

Program Goal: The Office of Indigent Defense collects these funds monthly, holds them, and then makes disbursements to each of five Legal Services offices of the monies collected on December 31st and June 30th of each year.

Program Objectives:

- ! To collect, hold and disburse these funds in the amounts and to the entities prescribed by the S.C. Legal Services Association as prescribed by statute.

Performance Measures:

- ! Distributed slightly over \$1.6 million to the state's five Legal Services offices for operating expenses.

Priority Ranking: Priority # 3

Program Name: Civil Appointment Fund

Program Cost: Funded with \$1.5 Million of non recurring money

Program Goal:

The Commission on Indigent Defense is to provide the funding to reimburse attorneys who are appointed in civil cases and to provide the expenses necessary in Post Conviction Relief cases and Sexual Violent Predator cases.

Program Objectives:

- ! To establish and monitor programs for the reimbursement of attorneys appointed for the legal representation of indigent persons in certain civil actions in State Courts.

Performance Measures:

- ! The Office of Indigent Defense received, processed, and paid 520 vouchers from attorneys representing clients in Post Conviction Relief Cases for approximately \$350,000;
- ! The Office of Indigent Defense received, processed, and paid 778 vouchers from attorneys representing clients in Abuse and Neglect Cases for approximately \$115,000;
- ! The Office of Indigent Defense received, processed, and paid 669 vouchers from attorneys representing the *Guardians ad litem* in Abuse and Neglect Cases for approximately \$99,000;
- ! The Office of Indigent Defense received, processed, and paid 33 vouchers from attorneys representing clients in Termination of Parental Rights Cases \$12,000; and
- ! The Office of Indigent Defense received, processed, and paid 25 vouchers from attorneys representing clients in Sexual Violent Predator Cases for approximately \$46,000.

Priority Ranking: Priority # 4

Program Name: Appellate Conflict Fund

Program Cost: Funded with \$340,000 of non recurring money

Program Goal:

The Commission on Indigent Defense is to provide the funding to reimburse attorneys who are appointed to handle capital and non capital appeals when the Office of Appellate Defense is unable to do so due to a conflict of interest.

Program Objectives:

- ! To establish and monitor programs for the reimbursement of attorneys appointed for the legal representation of indigent persons in certain types of appeals.

Performance Measures:

- ! The Commission on Indigent Defense provided funding for one capital appeal and one non capital appeal during FY 1999-2000 for a total expenditure of approximately \$7,500.