

Accountability Report Transmittal Form

Agency Name Commission on Indigent Defense

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COMMISSION ON INDIGENT DEFENSE FY 2005-2006 ACCOUNTABILITY REPORT

Section I-Executive Summary:

1. Mission and Values:

The Commission on Indigent Defense, through the Office of Indigent Defense, the Office of Appellate Defense and divisions created within the Commission on Indigent Defense, and in cooperation and consultation with state agencies, professional associations and other groups concerning the administration of criminal justice and the improvement and expansion of defender services, establishes and monitors programs and services for the delivery of legal representation to indigent defendants in State Courts.

The Office of Indigent defense establishes criteria to be used in the determination of indigency and qualifications for services for indigent legal representation 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 pertaining to the delivery of indigent defense services.

2. Major Achievements from Past Year:

- The merger of Appellate and Indigent Defense has resulted in a more unified delivery of service to indigent clients and the State of South Carolina, has provided more flexibility, and eliminated competing budgetary interests. The united system with one oversight board will enhance South Carolina's ability to make progressive policy measures for the defense of indigent persons.
- Provided \$14.3 million for the representation of indigent persons in the criminal justice system, of this amount the Agency
- Distributed over \$8.4 million to the state's Public Defender offices for operating expenses;
- Processed payments of \$1,456,475 for fees and expenses in capital cases;
- Paid \$2,215,501 to appointed counsel for fees and expenses in non capital cases;
- Paid \$1,231,529 to appointed counsel for fees and expenses in civil appointment cases
- Paid \$390,551 for transcripts in indigent appeals cases
- Provided resources and information when requested to the state's public defender offices, appointed counsel, the judiciary and other parties concerning the legal representation of indigent citizens.
- Disbursed \$1.5 million to local Legal Aid Services for operating expenses
- Received, processed and paid 3,314 requests for payment from appointed counsel in civil cases
- Received, processed and paid 3,261 requests for payment from appointed counsel in other cases

3. Key Strategic Goals:

The main goal of the agency is to provide the resources necessary to appointed counsel, both Public Defenders and private attorneys, to 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 as possible after receiving the necessary and statutorily mandated documents. Additionally, the agency collects statistics on the operation of the indigent defense system in the State and provides 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 and to represent indigent clients in the appeal process. The majority of this funding comes from non-appropriated sources derived from fine surcharges and application fees. This source of funding has not proved sufficient for the criminal defense system and South Carolina currently ranks 49th in indigent defense spending per capita. Only a portion of the per capita distribution to the Public Defender Offices is appropriated by the General Assembly. Since FY 2000-2001, the agency has not received any recurring appropriated funds for the Death Penalty, Conflict Fund or Civil Appointment Fund.

The major barrier to the successful operation of the agency is adequate appropriated funding. The non-appropriated sources of revenue have peaked, as other agencies have been funding from these same sources, raising the surcharge on fines to 107.5%. This source has not shown significant increases over the past years to meet the growing demands of this agency. While sources such as these may provide a good supplemental base for funding, in order for the source to remain adequate, sufficient appropriated funding is a necessity.

Section II – Organizational Profile

1. Main Products and Services:

The Office of Indigent Defense disburses money to provide for the state's share of the maintenance of the local Public Defender Offices and reimburses private attorneys for their time and expenses in representing indigent clients when appointed by the courts. The Division of Appellate Defense provided representation of indigent clients in direct appeals and post conviction relief actions.

2. Key Customers:

The key customers of this agency are the Defender Corporations of this state, attorneys appointed to represent indigent persons in the State Courts and indigent clients represented by the Division of Appellate Defense.

The agency has one location: 1330 Lady Street, Suite 401, Columbia, SC. While not having direct control over the State's Public Defenders, all of the state's 46 counties are served by 39 Defender Corporations located across the state.

3. Key Stakeholders:

The key stakeholders are the citizens of the State of South Carolina, who are provided legal representation as guaranteed by the State and US Constitution.

4. Key Supplier:

The General Assembly is the key supplier for the agency, as it provides the funding for the agency to meet the goals of its mission.

5. Operation Locations:

The agency is located at 1330 Lady Street, Suite 401, Columbia, SC 29201.

6. Number of Employees:

1 Unclassified FTE (Executive Director) and 27.01 Classified FTEs.

The Commission appoints the Executive Director, who oversees the general operation of the agency. The Executive Director is responsible for the day-to-day operation of the Office of Indigent Defense and the Division of Appellate Defense.

7. Regulatory Environment:

The agency operates under applicable federal law, state statutes, provisos, rules and regulations, including SC Appellate Court Rules.

8. Key Strategic Challenges:

The primary mission of the agency is to provide representation of indigent defendants statewide and a lack of adequate appropriated funding results in South Carolina being ranked 49th in this area. Since the agency was created in 1993, there has been a strong need and desire to create a state public defender system, with a capital trial team, and other divisions to provide the needed services. There is also a great need for improvement in information technology, training and professional development for defense attorneys, but efforts to acquire the necessary funding for these initiatives have not been successful.

9. Performance Improvement System:

The Executive Director and the Commission set performance expectations.

10. Organizational Structure:

The Commission appoints the Executive Director who oversees the general operation of the agency. The executive Director is responsible for the day-to-day operation of the agency. The agency has two divisions, the Office of Indigent Defense and the Division of Appellate Defense.

11. Expenditures/Appropriations Chart (attached)

12. Major Program Areas Chart (attached)

Section III – Elements of Malcolm Baldrige Award Criteria

Category 1 – Leadership:

1. How do senior leaders set, deploy and ensure two-way communication for:

Short and Long Term Direction: The Commission and the Executive Director establish all policies and procedures. 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 supervise the day-to-day operations of the agency.

Performance Expectations: Determined by the Executive Director.

Organizational Values: Established by the Executive Director and the Commission.

Empowerment and Innovation: the Executive Director and the Commission review Suggestions.

Organizational and Employee Learning: Determined by the Executive Director and the Commission

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 and other stakeholders?

The Executive Director has direct contact with the agency's customers. He is available to any person who calls and often gets calls from attorneys, judges, public defenders and other agency personnel. The agency has an open door, open phone policy.

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

The agency does not serve the public.

4. How do senior leaders maintain fiscal, legal and regulatory accountability?

The Executive Director is responsible for final accountability. Staff is trained to examine all requests for payment to ensure that all required documentation is provided and that all statutes, policies and procedures are complied with.

5. What key performance measures are regularly reviewed by your senior leaders?

The speed and accuracy of processing payment requests and the resolution of problems are reviewed and acted upon in a timely fashion by staff members and the Executive Director. In the Appellate Division, attorney staff members are expected to maintain and keep current their legal knowledge and reduce the same to written form for their cases.

6. 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? How do their personal actions reflect a commitment to the organizational values?

Staff meetings are used to determine how the agency is functioning. Employees are encouraged to bring up problems and suggest solutions. Informal conversations often result in solving most issues. Suggestions are reviewed and considered based on administrative and fiscal merit. All staff members work toward achieving maximum effectiveness and cost efficiency in delivering our services.

7. How do senior leaders promote and personally participate in succession planning and the development of future organizational leaders?

Staff is encouraged to engage in educational, training and professional development opportunities that may enhance their career growth.

8. How do senior leaders create an environment for performance improvement, accomplishment of strategic objectives and innovation?

While no formal assessment measures are implemented, close daily interaction between senior staff, supervisors and administrative staff provides effective communication and monitoring of all agency activities.

9. How does senior leadership actively support and strengthen the communities in which your organization operates? Include how senior leaders and employees contribute to improving these communities.

Staff members are allowed time to participate in relevant community activities, including a speaking at professional conferences and other forums that include the legal community that we serve.

Category 2 – Strategic Planning (Chart Attached)

The Strategic Planning process begins with a review of the previous year's budget and workload by the Executive Director and Administrative Manager/Assistant Director, to determine needs for the upcoming year. The Commissioners are consulted on budget and operational goals. Suggestions and input is also sought from the Chief Public Defenders from each Defender Corporation, the SC Bar Association, the SC Public Defender Association, the SC Association of Criminal Defense Lawyers and the Chief Justice of the SC Supreme Court. The primary mission of this agency is centered on funding for public defenders and appointed counsel and representation of indigents at the appellate level, and most of the planning concerns budget matters. There has been a strong desire to establish a statewide public defender system for the past fifteen years, but efforts to move forward with these initiatives have not been successful due to inadequate funding. There is also a desperate need for additional attorneys at the trial and appellate level to adequately represent the ever-increasing caseload and bring the caseload numbers into compliance with standards set by the American Bar Association.

Category 3 – Customer Focus:

1. How do you determine who your customers are and what their key requirements are?

The main mission of the agency is to aid in providing adequate representation of indigent persons in the State's court systems. This is done by providing funding to supply those persons with an attorney and the resources needed for the 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 best suited to determine the effectiveness of the agency.

2. How do you keep your listening and learning methods current with changing customer/business needs and expectations?

The open door-open phone policy in the agency allows anyone to voice a concern or discuss an issue with the Executive Director or any other staff member. Conferences and seminars throughout the year provide the opportunity to listen to ideas or suggestions and to develop new approaches to providing services. The agency does not have a policy of "non change". When a concern, criticism or complaint is expressed, the policy or procedure is reviewed and changed if it will increase efficiency or save time or money. The policy of the agency is that everything can be improved upon.

3. How do you use information from customers/stakeholders to keep services or programs relevant and provide for continuous improvement?

Communication with the public defender offices, attorneys and other organizations provides input on procedures or policy that may need to be updated. As stated above, when a suggestion is made, the information is reviewed and acted upon to make changes if it provides for more efficient and effective delivery of services.

4. How do you measure customer/stakeholder satisfaction and dissatisfaction, and use this information to improve?

An annual survey of the public defender corporations provides the opportunity for comments and suggestions. Also seminars and conferences that are attended by public defenders, private attorneys and other representatives of the state's judicial system allows agency leadership to interact and

exchange information and ideas. Suggestions from appointed attorneys and the legal community are reviewed and implemented if they can provide more efficient and cost-effective methods of delivery of our services.

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

Part of the customer group is comprised of public defenders and private attorneys appointed to indigent cases. The agency provides information through funding for published seminar materials and appearing at seminars and conferences to explain agency policy and procedures. The Executive Director makes on site visits to the public defender offices, judges, law school administrators and indigent defense programs in neighboring states. The other part is comprised of indigents that are represented by staff attorneys in the Division of Appellate Defense. Success criteria is based on the ability to provide effective representation at a reasonable cost to the citizens of South Carolina.

Category 4 – Measurement, Analysis and Knowledge Management:

1. How do you decide which operations, processes and systems to measure for tracking financial and operational performance?

The primary operation of the agency is providing cost effective representation, either through staff appellate attorneys, public defenders or private attorneys appointed by the courts. Operational performance is measured by maintaining accurate accounting records and compiling accurate statistical information.

2. How do you use data/information analysis to provide effective support for decision making throughout your organization?

Information is collected and statistics are analyzed to determine trends and make comparisons. This data provides the basis for funding requests and budget analysis.

3. What are your key measures, how do you review them, and how do you keep them current with business needs and direction?

The speed and efficiency in processing payments to our customers and the accuracy of the accounting and statistical data collected are measures for the Office of Indigent Defense, while effective representation at a reasonable cost to the state is the measure for the Division of Appellate Defense.

4. How do you select and use key comparative data and information to support operational and strategic decision-making and innovation?

Information is collected from payment requests concerning case types, using standardized criminal codes and detailed expense information. From this information, we are able to determine usual and average expenses for various aspects of a case. This information is often provided to judges and attorneys to assist them in determining what is ‘reasonable and necessary’ for representation in court. Information is also collected from Public Defenders on their county funding, caseloads, staffing, etc. for comparison with funding for solicitors.

5. How do you ensure data integrity, timeliness, accuracy, security and availability for decision-making?

Information collected includes the date the request is received, the date processed and the date mailed to the recipient. Several processes verify financial information and reporting functions and are automated to produce reports for budgeting and financial tracking.

6. How do you translate organizational performance review findings into priorities for continuous improvement?

By observing trends provided by analysis of statistical data, reviewing workload and duties of staff and cross training employees to provide back up staffing when required.

7. How do you collect, transfer and maintain organizational and employee knowledge (you knowledge assets)? How do you identify and share best practices?

By cross training support staff to perform multiple tasks and function in different areas as needed, information and knowledge is shared continually. The staff is routinely informed about agency projects, activities and goals.

Category 5 – Human Resource Focus:

1. How do you organize and manage work: to enable employees to develop and utilize their full potential, aligned with the organizations objectives, strategies and action plans; and to promote cooperation, initiative, empowerment, innovation and your desired organizational culture?

When funding permits, employees are encouraged to participate in educational, training and professional development opportunities. Employees are also encouraged to learn and assume additional job duties and responsibilities within the agency. Cross training and sharing of information and work procedures also provide a platform for sharing improvements in the work process.

2. How do you evaluate and improve your organization’s human resource related processes?

The agency follows state regulations and procedures for human resource processes.

3. 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? How do you evaluate the effectiveness of this education and training? How do you encourage on the job use of the new knowledge and skills?

The agency has no formal or in-house programs. Employees are encouraged to avail themselves of courses and programs offered by other agencies and organizations if time and funding permit.

4. How does your employee performance management system, including feedback to and from employees, support high performance and contribute to the achievement of your action plans?

The agency is small and there is a considerable amount of friendship and willingness to work together among all employees. All employees are encouraged to help each other in their work. Because employees are trained in many different areas, an employee can perform another's job and can pitch-in when one employee's workload is greater than another's or when someone is on leave. Staff is encouraged to communicate any problems or make suggestions for improvement in any procedures.

5. How do you motivate your employees to develop and utilize their full potential?

When funding permits, employees are encouraged to participate in educational, training and professional development programs. Employees are also encouraged to learn and assume additional job duties and responsibilities within the agency.

6. What formal and/or informal assessment methods and measures do you use to determine employee well being, satisfactions, and motivation? How do you use other measures such as employee retention and grievances? How do you determine priorities for improvement?

Every employee is reminded that they can discuss any problems with the Director or Administrative Manager. Because of the size of the agency, and the daily contact with each other, employees are encouraged to discuss problems and give advice to each other. Again, because of the friendships that have developed over years of working together, co-workers provide a support system for the staff.

7. How do you maintain a safe, secure and healthy work environment? (Include your workplace preparedness for emergencies and disasters.)

The Agency only occupies one suite of offices in an office building in Columbia. Safety and health hazards are examined by almost daily visible observations of each employee's work area and common areas within the building.

Category 6 – Process Management:

1. What are your key processes that produce, create or add value for your customers and your organization. How do you ensure that these processes are used?

Implementation of technology initiatives, including electronic processing of payment requests, will automate redundant processes and greatly increase the speed and efficiency in the work processes resulting in improved customer service.

2. How do you incorporate organizational knowledge, new technology, changing customer and mission-related requirements, cost controls, and other efficiency and effectiveness factors such as cycle time into process design and delivery?

By ensuring that all employees are informed of changes and obtaining feedback from the staff when new procedures or processes are implemented.

3. How does your day-to-day operation of these processes ensure meeting key performance requirements?

By informing staff of all agency activities and providing a forum for their ideas and implementation of any changes or improvements that may be needed.

4. How do you systematically evaluate and improve your key product and service related processes?

Improvements in technology and automation are continually being upgraded to provide faster and more efficient response to our customer's needs.

5. What are your key support processes, and how do you improve and update these processes to achieve better performance?

Information technology improvements are the key factor to improving the performance of the agency and the organizations that we support and provide services for.

Category 7 – Business Results:

7.1 What are your performance levels and trends for the key measures of mission accomplishment and organizational effectiveness?

These are measured by the collection of statistical data on the operation of the indigent defense systems statewide.

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

Requests for payments that are correctly submitted are processed and forwarded to the Comptroller General's Office within five (5) working days of receipt. Appropriated Public Defender payments are processed within the first five (5) workings days of the month. Supplemental Public Defender payments are processed within seven (7) working days of receipt of the notice of deposit of the funds in the agency's account.

7.3 What are your performance levels for the key measures of financial performance?

The agency's financial performance is controlled by the amount of money appropriated by the General Assembly.

7.4 What are your performance levels and trends for the key measures of Human Resource Results?

The agency has experienced very little turn over in employment. Employees are recognized and rewarded for their job performance in accordance with State Human Resource Regulations. The agency has utilized reclassification and performance increases to retain employees whenever possible.

7.5 What are your performance levels and trends for the key measures of regulatory/legal compliance and community support?

Not applicable.

Accountability Report Appropriations/Expenditures Chart

Base Budget Expenditures and Appropriations

Major Budget Categories	FY 04-05 Actual Expenditures		FY 05-06 Actual Expenditures		FY 06-07 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$ 304,524	\$ 304,524	\$ 1,021,023	\$ 1,021,023	\$ 974,110	\$ 974,110
Other Operating	\$ 127,726	\$ 56,417	\$ 173,261	\$ 141,767	\$ 651,399	\$ 651,399
Special Items	\$ 13,358,094	\$ 3,188,651	\$ 14,097,454	\$ 4,688,651	\$ 14,161,703	\$ 4,688,651
Permanent Improvements	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Case Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Distributions to Subdivisions	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fringe Benefits	\$ 80,110	\$ 71,298	\$ 270,780	\$ 270,780	\$ 263,001	\$ 263,001
Non-recurring	\$ -	\$ -	\$ 78,553	\$ 78,553	\$ 3,187,022	\$ 3,187,022
Total	\$ 13,870,454	\$ 3,620,890	\$ 15,641,071	\$ 6,200,774	\$ 19,237,235	\$ 9,764,183

Other Expenditures

Sources of Funds	FY 04-05 Actual Expenditures	FY 05-06 Actual Expenditures
Supplemental Bills	\$ -	\$ -
Capital Reserve Funds	\$ -	\$ -
Bonds	\$ -	\$ -