

Accountability Report Transmittal Form

Organization Name Commission on Indigent Defense

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COMMISSION ON INDIGENT DEFENSE
FY 2008-2009 ACCOUNTABILITY REPORT
Section I-Executive Summary:

1. Purpose Mission and Values:

The Commission on Indigent Defense, 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 used in the determination of indigency and qualifications for services for indigent legal representation and administers the distribution of appropriated 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.

The Office of Appellate Defense is responsible for the majority of indigent criminal appeals (including death penalty appeals) before the South Carolina Supreme Court and Court of Appeals. The mission of Appellate Defense is to provide superior representation and legal analysis in a cost-efficient manner.

Implementation of the Indigent Defense Act in 2007 created a statewide public defender system that provides standards and accountability for representation and assistance of counsel to indigent defendants in a manner that is fair and consistent throughout the state. It replaced a county based system of 39 Chief Public Defenders, employed by eleemosynary corporations, with 16 Circuit Public Defenders employed by the commission. This will result in fiscal accountability and consistent standards for the delivery of indigent defense services to the citizens of South Carolina.

The newly created Death Penalty Trial Unit will provide a resource for quality, cost effective representation in capital trials on a statewide basis and provide a savings to the state in the cost of representation for indigent defendants in death penalty trials. The Death Penalty Trial Division will significantly reduce the expense of capital litigation, while providing qualified representation from the staff of this division. Capital trials are currently handled almost exclusively by the private bar which results in the state paying near "market rates" for legal services. The agency can now provide legal representation as well as investigation and mitigation services to achieve the desired results.

2. Major Achievements from Past Year:

- Full implementation of the Indigent Defense Act of 2007, which created a judicial circuit based system and replaced 39 Chief Public Defenders with 16 Circuit Public Defenders. The implementation of the Indigent Defense Act of 2007 addressed a serious problem in providing representation to the state's indigent defendants. We achieved the goal of establishing a uniform statewide public defender system, based on judicial circuits rather than a fragmented and inconsistent county based system. This has brought much needed accountability and fiscal responsibility for state funding provided to the public defender operations and will result in professional management of indigent defense at the local level. Further developments, including revising the current method for distribution of funding and revisions to post conviction relief actions will result in substantial savings for the state and more efficient and effective utilization of resources.
- Full implementation and staffing of the Capital Trial Division has provided essential support to the need for qualified capital defense litigation, including investigative and social mitigation providers. This program was created by redirecting funds in the Death Penalty Trial Fund for staffing and operations. Thus far, the pilot program has resulted in a cost savings exceeding the total funding allocated to the division. By providing legal representation, mitigation investigation and administrative support, the cost to the state of death penalty trial representation has been reduced by more than \$500,000. This approach has allowed the agency to curtail the exorbitant cost of fees and expenses when these cases are appointed outside the public defender system.
- Full implementation of the Circuit Public Defender System resulted in statewide transition from the county based defender corporations to the judicial circuit based organizations. Circuit Public Defenders are full time employees of the commission and for the first time in the history of indigent defense in South Carolina, there is standardized delivery and fiscal management of state funding and resources.
- The agency planned to enter into contract negotiations with private attorneys to represent conflict cases and other South Carolina Appellate Court Rule 608 appointments, in both General Sessions and Family Court matters. This project entailed determining required state procurement procedures, drafting of a Request for Proposal, preparing a uniform contract and developing guidelines and requirements for representation of indigents. To inform attorneys throughout the state of the new procedure, an article was written and submitted for publication in SC Bar magazine and related publications. The agency has worked closely with the SC Bar in developing this new procedure for SC Appellate Court Rule 608 appointments which is designed to create a pool of attorneys, on a circuit-wide basis, who are screened and determined to be competent to handle Rule 608 cases and who desire to do so in compliance with the agency's guidelines and standards. This project has been suspended due to budget issues.
- Additional development and refinement has been made to the statewide case data reporting system, providing accurate and timely data on indigent defense representation by public defenders and private court appointed attorneys in all state courts. The full

implementation of the statewide defender system gives authority to the commission to require compliance with data reporting requirements from the public defender offices resulting in consistent and reliable data.

- Continued improvement to the electronic voucher processing system for submission of payment requests to make the system more "user friendly" and to allow for extraction, compilation and analysis of data for budgeting and allocation of resources. An interface with the SCEIS system was developed to coordinate accounting reports and allow for direct submission from the agency system to SAP. The ability to electronically process all disbursement vouchers from receipt to payment has resulted in substantial savings in printing and paper costs, employee time and provides an electronic record for all transactions.

- Continuation, for the third successive year, of the Rural Externship Program, in partnership with the Charleston School of Law to provide law students the opportunity to work with rural public defender offices and gain real world experience in criminal law practice, with minimal cost to the agency.

- Co-sponsorship of the Third Annual Indigent Defense Best Practices Seminar, a Continuing Legal Education seminar for public defenders, in partnership with the Charleston School of Law. This seminar provides the opportunity for public defenders to acquire continuing legal education credits at a fraction of the usual cost. The agency is able to provide this seminar through the generosity of the Charleston School of Law, who provides the facilities and other amenities at no charge to the agency. This year, attendance exceeded 110 public defenders.

- Provision of resources and information to the state's public defender offices, appointed counsel, the judiciary and other parties concerning the legal representation of indigent citizens.

- Provided \$20.9 million for the representation of indigent persons in the criminal justice system, of this amount the Agency:
 - Distributed over \$11.5 million to the state's Public Defender offices for operating expenses;
 - Processed payments of \$2,607,712 for fees and expenses in capital cases
 - Paid \$2,778,893 to appointed counsel for fees and expenses in non capital cases
 - Paid \$2,557,137 to appointed counsel for fees and expenses in Family Court and civil appointment cases

- Paid \$412,660 for transcripts in indigent appeals cases
- Disbursed \$1,899,038 million to local Legal Aid Services for operating expenses
 - Provided quality representation in direct appeals and post conviction relief cases through the Office of Appellate Defense. The division opened 888 new cases in FY09 and closed 1187 during the same period. Appellate Defense is currently handling 1694 active cases, including 19 death penalty cases, with a staff of eight attorneys. The present case load of approximately 212 cases per attorney is almost double the limit recommended by the American Bar Association.
- With funds unavailable for a complete scanning system and new equipment, Appellate Defense took the initiative and used what they already had in place. Since the copier is also a scanner, Appellate Defense has been scanning transcripts, briefs, petitions, etc. into the client's directory. Hopefully, in the future this will minimize the need to keep retrieving so many files from archives. With this procedure, we have been able to e-mail copies of the transcripts, briefs and petitions rather than mailing them.
- Two Appellate Defense employees recently spoke at the Annual S.C. State Court Reporter's conference. They spoke about how to make the workflow between Appellate Defense/Indigent Defense and the Court Reporters run much more smoothly. They have also organized a trial system in which several court reporters are going to try e-mailing transcripts. Hopefully, this will cut down on postage and maybe help with some of the redaction issues. They also addressed the court reporter's concerns about having their checks directly deposited. This should also save on postage.

The primary mission of the Capital Trial Division is direct representation of indigent defendants facing a death penalty prosecution at the state trial level in South Carolina. The Division also provides consulting services to appointed counsel in capital cases.

The Division is staffed by two (2) attorneys, two (2) mitigation specialists, and a paralegal/office administrator. Because the Division became fully staffed with a full case load late into the fiscal year, this fiscal analysis is based upon future estimates using the figures from the Division's last fiscal quarter.

a. Attorney Hours.

The number of hours the attorneys dedicated to casework regarding representation was recorded by the Division. This is to predict, generally, the number of hours that the Commission on Indigent Defense will not be billed in future years, because the

Division attorneys will have worked those hours as opposed to appointed attorneys from the private bar.

By multiplying the casework hours worked in the last quarter by four (4), the attorneys would have accumulated casework hours of approximately 2,400. A likely prediction is that both attorneys will average approximately 2,500 casework hours per year.

The average rate a member of the private bar could bill the Commission on Indigent Defense is approximately One Hundred and Ten (\$110.00) Dollars. This figure multiplied by the number of attorney casework hours expected on an annual basis (5,000) is Five Hundred and Fifty Thousand (\$550,000) Dollars.

b. Mitigation Specialist Hours.

As with the attorneys, the casework hours of the two (2) mitigation specialists were recorded. Using the last quarter hours it is expected that the mitigation specialists will work approximately Two Thousand (2,000) casework hours each per year. There are only four (4) known Mitigation Specialists residing in and practicing in South Carolina. The rate likely to be billed by any mitigation specialist is at least fifty (\$50.00) Dollars per hour. The result of multiplying this conservative rate by the number of expected casework hours from both mitigation specialists is Two Hundred Thousand (\$200,000.00) Dollars.

c. Volunteer Hours

The Chief of the Division has made a concerted effort to recruit attorneys to represent indigent capital defendants on a pro bono basis. To date, and at his request, two (2) attorneys have enrolled as counsel in a death noticed case on a pro bono basis. Those attorneys have also furnished the services of one (1) mitigation specialist, also on a pro bono basis. Further, this particular case involves a defendant whose entire life was spent in Georgia and Tennessee. As a result, the mitigation investigation will involve substantial out of state travel. The Division has arranged for the bulk of that investigation to be undertaken by the pro bono mitigation investigator with no travel cost to be billed to the Commission on Indigent Defense. This case will likely be tried in June of next year.

While it is difficult to predict exactly what the cost savings to the Commission will be in this particular case, a very conservative estimate for the services of the two (2) attorneys and one (1) mitigation specialist (who will undertake a multi-state investigation) is One Hundred Thousand (\$100,000.00) Dollars.

d. Paralegal hours.

It is more difficult to estimate the cost savings provided by having the support of a paralegal, as the Commission does not allow billing for such services. Suffice it to say that such support is invaluable and allows the attorneys and mitigation specialists to dedicate their time to casework hours.

e. Other financial benefit to the state.

The reversal rate of capital cases is extremely high. Approximately 64% of death sentences in South Carolina are reversed. This is in line with the national rate of 68%. Of course, a number of these cases are reversed due to ineffective assistance of counsel. Often this is due to a failure to properly investigate the case. It is not likely that any of the cases assigned to the Division will be overturned in this manner. Fewer reversals obviously obviates the need for expensive retrials.

f. Conclusion.

Using last quarter figures and the current recruitment of pro bono services, it is likely that the Division will responsible for providing approximately Eight Hundred and Fifty Thousand (\$850,000.00) Dollars of services to South Carolina in the upcoming year that the Commission would otherwise be required to purchase. The budget for the Division is Five Hundred Thousand (\$500,000.00) Dollars per year. The value received in return for this expenditure is obviously substantial.

3. Key Strategic Goals For Present and Future Years:

The ultimate goal of the agency is to provide a unified, cost effective and efficient statewide system for the delivery of indigent defense to all eligible citizens of the state.

The mission of the agency also 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. The lack of standardization in the determination of indigency is one of the key factors in assuring that resources are allocated to those citizens that qualify under federal poverty guidelines and to further ascertain the guidelines and qualifications for a determination of indigency are consistent throughout the state. To achieve this goal, the agency plans to review procedures of other states for determination of indigency and compare procedures used in South Carolina to develop a standard procedure to be implemented statewide. This proposed procedure will be submitted to the Chief Justice for discussion and approval by the Court and revision of South Carolina Appellate Court Rule 602 to incorporate the standardized procedure.

Additionally, the agency collects statistics on the operation of the indigent defense system in the State and provides information and material to interested parties including the Executive, Legislative and Judicial agencies of state government.

4. Key Strategic Challenges (mission, operational, human resource, financial and community related):

The main purpose of this agency is to oversee the state's new unified circuit defender system and the representation of indigents pursuant to SC Appellate Court Rule 608 appointments; to disburse money to the indigent legal system in this State; to represent indigent clients in the appeal process; and to provide direct legal representation to indigent defendants charged with capital offenses. The majority of the 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 about 46th 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 Conflict Appointment Fund, Civil Appointment Fund, or the Death Penalty Trial 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 funded 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.

Appellate Defense maintains a constant caseload of over 1500 appeals and post conviction relief actions. The division presently employs eight attorneys, each with a caseload far in excess of recommended ethical and professional standards. The historical lack of sufficient operating revenue, funding and budget cuts and considerable increase in caseload leaves this area severely under funded to accomplish its mission.

5. How This Report is Used To Improve Organizational Performance:

This report provides a guide throughout the year for assessing allocation of resources, adjusting priorities and assessing progress toward goals.

Section II – Organizational Profile

1. Main Products Services and Primary Methods of Delivery:

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 provides representation of indigent clients in direct appeals and post conviction relief actions. The Death Penalty Trial Division provides representation of indigent defendants in capital punishment trials.

2. Key Customer Groups and Their Key Requirements/Expectations:

The key customers of this agency are the citizens of the state who require, but cannot afford legal representation in state courts, the public defenders of this state, and attorneys appointed to represent indigent persons in the State Courts.

3. Key Stakeholders Other Than Customers:

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 Suppliers and Partners:

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 headquarters is located at 1330 Lady Street, Suite 401, Columbia, SC 29201. This location houses the administrative office of the Commission, The Office of Indigent Defense, The Office of Appellate Defense and the Death Penalty Trial Division offices. A Circuit Public Defender Office is located throughout the state in each judicial circuit and a county public defender office is maintained in each of the forty-six counties.

6. Number of Employees:

33 Unclassified FTEs and 32.00 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 agency.

7. Regulatory Environment:

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

8. Performance Improvement System:

The Executive Director and the Commission set performance expectations.

9. 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 four divisions, the Office of Indigent Defense, the Division of Appellate Defense, the Death Penalty Trial Division and the Circuit Public Defenders.

10. Expenditures/Appropriations Chart (attached)

11. Major Program Areas Chart (attached) Programs that comprise 80 % of total budget

Section III – Elements of Malcolm Baldrige Award Criteria

Category 1 – Senior Leadership, Governance and Social Responsibility:

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 the 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.

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.

The Chief Appellate Defender is responsible for the division's overall caseload and communicates with clients, their families, the Courts, other lawyers and all other interested parties.

The Chief Attorney for the Death Penalty Trial Division is responsible for the division's caseload, support staff and activities.

The Circuit Public Defenders are selected for a four year term by a panel comprised of elected representatives from each county bar association within the circuit. They are

responsible for delivery of indigent defense services in criminal proceedings at the local level.

Civil Appointment Cases are handled by private attorneys appointed under South Carolina Appellate Court Rule 608.

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

Daily interaction and communication with the courts, public defenders, and appointed counsel representing indigents, provides information and feedback for assessing the impact and risks for the organization.

4. How do senior leaders maintain fiscal, legal and regulator 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 procedure are complied with.

5. What performance measures do senior leaders regularly review to inform them on needed actions?

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 staff. In the Appellate Division, the Chief Appellate Defender monitors the written and in-court performance of his staff to ensure that they exceed professional and ethical standards. The Chief Attorney for the Death Penalty Trial Division monitors the performance of his staff to ensure that they exceed professional and ethical standards. The Circuit Public Defenders are subject to statutory guidelines and performance standards developed by the commission.

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, including the head of the organization, and the governance board/policy making body? 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 and the accomplishment of strategic objectives?

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 do senior leaders create an environment for organizational and workforce learning?

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

10. How do senior leaders communicate with, engage, empower and motivate the entire workforce throughout the organization? How do senior leaders take an active role in reward and recognition processes to reinforce high performance throughout the organization?

Frequent meetings are held with all circuit public defenders; a comprehensive manual of performance standards and guidelines has been developed; periodic agency staff meetings on a division or overall basis occur; employees are encouraged to attend professional development seminars and programs.

11. How do senior leaders actively support and strengthen the communities in which your organization operates? Include how senior leaders determine areas of emphasis for organizational involvement and support, and how senior leaders, the workforce, and the organization contribute to improving these communities.

Through the agency's Summer Rural Extern Program, law students are placed in rural public defender operations throughout the state; Circuit Public Defender ceremonies were organized by the agency and community leaders were invited to attend; magazine and news articles were written and published to give the citizens a better understanding of the role of public defenders and indigent defense.

Category 2 – Strategic Planning

The Strategic Planning process begins with a review of the previous year's budget and workload by the executive staff to determine needs for the upcoming year. The Commissioners are consulted on budget and operational goals. Suggestions and input is

also sought from the Circuit Public Defenders from each judicial circuit, 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 trial level and at the appellate level, and most of the planning concerns budget matters. 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. Determination of indigency is through a screening process at the local intake level.

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 philosophy of the agency is that everything can be improved upon.

3. What are your key customer access mechanisms, and how do these access mechanisms enable customers to seek information, conduct business, and make complaints?

The agency maintains a website that provides a wealth of information for persons seeking services for indigent representation. There are links to all public defender offices throughout the state, as well direct email to key agency staff members for inquiries. The site also provides links to other judicial agencies and state offices.

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

Seminars, conferences and periodic meetings 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 use information and feedback 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.

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 are based on the ability to provide effective representation at a reasonable cost to the citizens of South Carolina.

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

Guidelines and standards of representation of indigent individuals have been published and made available to criminal defense attorneys throughout the state. They specify the proper way to achieve positive relationships with the clientele. In addition, conferences and the agency's annual Best Practices Seminar also achieve this purpose.

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, including progress relative to strategic objectives and actions plans?

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 select, collect, align and integrate data/information for analysis to provide effective support for decision and innovation throughout your organization?

Information 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 organizational 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, the Capital Trial Division and the Circuit Public Defender Division.

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. The agency has published a "bench book" that provides information on all expert witnesses, including fees charged for any expert that has provided services for indigent defense over the past three years. This has proved to be an invaluable tool in determining the "reasonableness" of an experts proposed charges. 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, reliability, 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 workforce knowledge (knowledge assets)? How do you identify and share and implement best practices, as appropriate?

Cross training of 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 – Workforce Focus:

1. How does management organize and measure work to enable your workforce to: 1) develop their full potential, aligned with the organizations objectives, strategies and action plans; and 2) promote cooperation, initiative, empowerment, teamwork innovation and your 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 achieve effective communication and knowledge/skill/best practice sharing across departments, jobs, and locations? Give examples:

Best Practices Seminar; participatory conferences, including continuing legal education for all attorneys employed by the agency, and other training within each division.

3. How does management recruit, hire, place, and retain new employees? Describe any barriers that you may encounter.

Through the State of SC Human Resources processes.

4. How do you assess your workforce capability and capacity needs, including skills, competencies and staffing levels?

This is a continual process, based on workload assessments for each division.

5. How does your workforce performance management system, including feedback to and from individual members of the workforce, support high performance work and contribute to the achievement of your action plans?

Employees have open access to make suggestions for improvement of our processes and are frequently directly involved in designing and improving our systems.

6. How does your development and learning system for leaders address the following: a) development of personal leadership attributes; b) development of organizational knowledge; c) ethical practices; d) your core competencies, strategic challenges, and accomplishment of action plans?

Best Practice seminars, publication of guidelines and standards of representation of indigents; attending CLE Seminars with ethics requirements.

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

This is based on job functions, evolving systems and experience of employees.

8. How do you encourage on the job use of new knowledge and skills?

Usually the job function will necessitate it.

9. How does employee training contribute to the achievement of your action plans?

A better trained employee produces a better work product more efficiently

10. How do you evaluate the effectiveness of your workforce and leader training and development systems?

Standard yearly review system

11. How do you motivate your workforce to develop and utilize their full potential?

Close daily interaction between senior staff, supervisors and administrative staff provides effective communication and allows supervisors to be continually aware of opportunities for development or utilization of additional skills.

12. What formal and/or informal assessment methods and measures do you use to obtain information on workforce well-being, satisfaction, and motivation? How do you use other measures such as employee retention and grievances? How do you use this information?

Every employee is reminded that they can discuss any problems with their supervisor, as well as the Executive Director, Chief Appellate Attorney or Assistant Directors. 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.

13. How do you manage effective career progression and effective succession planning for your entire workforce throughout the organization?

Through good planning and anticipating agency needs.

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

We are located in a facility that is safe and secure with excellent emergency exits, and in close proximity to emergency care.

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 work areas and common areas within the building.

Category 6 – Process Management:

1. How do you determine, and what are your organizations' core competencies, and how do they relate to your mission, competitive environment, and action plans?

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

2. How do you determine and what are your key work processes that produce, create or add value for your customers and your organization and how do they relate to your core competencies? How do you ensure these processes are used?

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

3. How do you incorporate organizational knowledge, new technology, cost controls, and other efficiency and effectiveness factors, such as cycle time, into process design and delivery?

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

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

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

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

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

Our commission, state judiciary, and national organizations

7. *How does your organization determine the resources needed to meet current and projected budget and financial obligations?*

Agency funding is primarily dependent on fluctuating fine, fee and surcharge collections through the court system. The agency receives minimal appropriated funding, making it difficult to project budget and financial stability to meet statutory mandates.

Category 7 – Results

7.1 *What are your performance levels and trends for the key measures of mission accomplishment/product and service performance that are important to your customers? How do your results compare to those of comparable organizations?*

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 your key measures on customer satisfaction and dissatisfaction (a customer is defined as an actual or potential user of your organization's products or services)? How do your results compare to those of comparable organizations?*

Payment requests and per capita distribution funding are processed in an efficient and timely fashion. Appellate and capital trial attorneys are closely monitored to assure performance standards are met.

7.3 *What are your performance levels for the key measures on financial performance, including measures of cost containment, as appropriate?*

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 workforce engagement, workforce satisfaction, the development of our workforce, including leaders, workforce retention, workforce climate including workplace health, safety and security?*

Agency employees are mature, dedicated, and knowledgeable and work well together to get the work done and achieve agency goals.

7.5 *What are your performance levels and trends for the key measures of organizational effectiveness/operational efficiency, and work system performance (these could include measures related to the following: product, service, and work*

system innovation rates and improvement results; improvements to cycle time; supplier and partner performance; and results related to emergency drills or exercises?

Agency is operated in compliance with all applicable statutes, rules and regulations.

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

Agency personnel are expected to perform in compliance with all applicable statutes, rules and regulations, including professional codes of ethics for professionally licensed employees.

Strategic Planning

Program Number and Title	Supported Agency Strategic Planning Goal/Objective	<u>Related FY 08-09 and beyond</u> Key Agency Action Plan/Initiative(s) and Timeline for Accomplishing the Plan(s)	Key Cross References for Performance Measures*
I.Administration	Continue efforts to implement statewide standards for the delivery of services mandated by Federal and State Constitution and statute.	Adequate funding for agency operations and programs to meet federal and state constitutional and statutory mandates	7

* 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.