

South Carolina Commission on Prosecution Coordination

Executive Summary

The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State. The increase of criminal cases in both the General Sessions and Family Courts challenge the agency in fulfilling its statutory obligations. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pre-Trial Intervention Program (PTI), a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor.

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

- Six (6) DUI training seminars which provided continuing legal education (CLE) credits for prosecutors, continuing law enforcement (CLEE) credits for officers, and Judicial Continuing Legal Education (JCLE) for judges
- Two (2) victim/witness assistance advocates training programs
- Three (3) PTI orientation training programs
- State PTI Office processed approximately 11,000 applicants for participation in local PTI programs
- Two (2) Child Abuse Prosecution training programs
- Six (6) newsletter publications of *Behind the Wheel*, a DUI newsletter
- Over 60 child sexual abuse cases were reviewed by the agency resulting in either consultations or criminal prosecutions
- Established a wide-area network via internet using VPN technology to connect the Offices of Solicitor to a centralized statewide adult and juvenile statewide prosecutorial case management system
- Development and distribution of a youth alcohol public awareness kit, "Grave Decisions," with South Carolina Educational Television Network and South Carolina Department of Public Safety. Over 1,000 copies of the video was distributed to Solicitors, Pretrial Intervention Directors, Juvenile Arbitration Directors, School Resource Officers, middle and high school principals, and other community agencies.

Business Overview

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention Directors and their programs representing the forty-six (46) counties of this State, and those Solicitor-based Investigators.

The Commission has the following duties:

1. Coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;
2. Submit the budgets of the Solicitors and their affiliate services to the General Assembly;
3. Encourage and develop legal education programs and training programs for Solicitors and their affiliate services, organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and act as a clearinghouse and distribution source for publications involving Solicitors and their affiliate services and provide legal updates on matters of law affecting the prosecution of cases in this State; and
4. Provide blank indictments for the Circuit Solicitors.

The Commission has a total of forty-two (42) full-time employees and two (2) part-time employees. There are sixteen (16) Judicial Circuit Solicitors; sixteen (16) Administrative Assistants; one (1) Executive Director; one (1) Deputy Director; one (1) Administrative Assistant to the Commission; one (1) State PTI Coordinator; one (1) PTI Records Manager; one (1) Child Abuse Attorney Specialist; one (1) State Victim/Witness Assistance Coordinator; one (1) Child Victim/Witness Advocate (federal); one (1) Information Technology Specialist (federal); one (1) DUI Attorney Specialist (federal); and, two (2) part-time DUI Support Personnel (federal)

The following operation locations applies to the SC Commission on Prosecution Coordination:

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Base Budget Expenditures and Appropriations

Major Budget Categories	00-01 Actual Expenditures		01-02 Actual Expenditures		02-03 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$2,657,845	\$2,546,594	\$2,718,030	\$2,579,515	\$2,700,520	\$2,572,692
Other Operating	\$840,537	\$304,533	\$1,004,062	\$307,036	\$511,680	\$259,043
Special Items	\$7,983,476	\$7,933,753	\$6,975,342	\$5,963,009	\$5,585,474	\$5,585,474
Permanent Improvements	\$	\$	\$	\$	\$	\$
Case Services	\$	\$	\$	\$	\$	\$
Distributions to Subdivisions	\$	\$	\$	\$	\$	\$
Fringe Benefits	\$1,159,338	\$1,122,022	\$1,199,648	\$1,165,959	\$1,172,948	\$1,139,252
Non-recurring	\$	\$	\$	\$	\$	\$
Total	\$12,641,196	\$11,906,902	\$11,897,082	\$10,015,519	\$9,970,622	\$9,556,461

Other Expenditures

Sources of Funds	00-01 Actual Expenditures	01-02 Actual Expenditures
Supplemental Bills	\$	\$
Capital Reserve Funds	\$	\$
Bonds	\$	\$

The key suppliers of criminal justice data and information to the Commission are the various law enforcement, correctional, rehabilitative, executive, legislative and judicial entities of the federal, state and local governments.

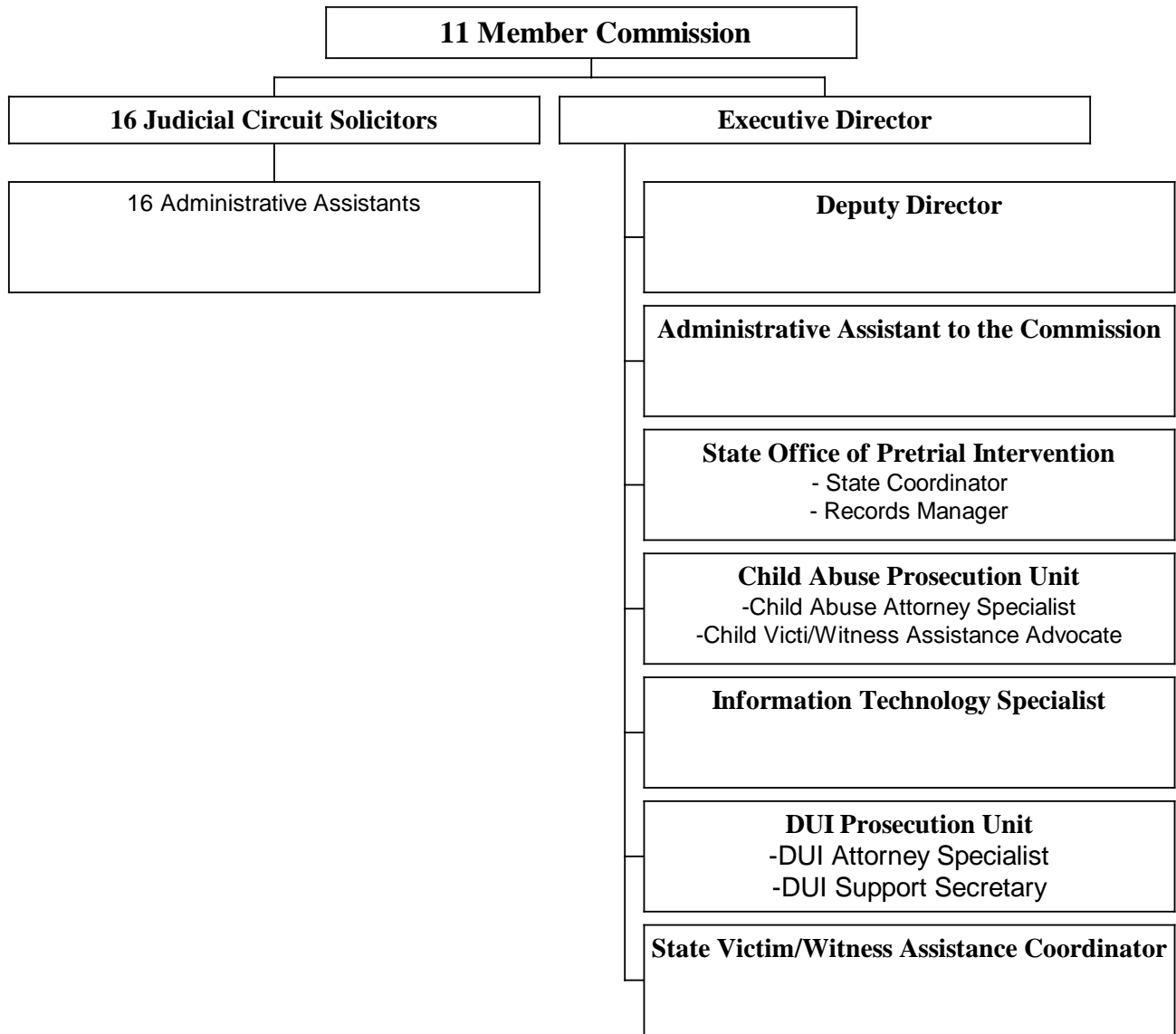
The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State. The Commission is governed by Sections 1-7-910 through 1-7-1000 of the South Carolina Code of Laws. The pretrial intervention programs are governed by Sections 17-22-10 through 17-22-170 of the South Carolina Code of Laws. The following duties pertain to the Commission:

1. coordinates all administrative functions of the offices of the solicitors and any affiliate services;
 - a. coordination of prosecutorial issues with law enforcement entities
 - b. coordination of prosecutorial issues with judicial entities
 - c. coordination of prosecutorial issues with rehabilitation entities
 - d. coordination of prosecutorial issues with victim/witness assistance programs
 - e. coordination of prosecutorial issues with Pretrial Intervention Programs
 - f. coordination of prosecutorial issues with Alternative Programs
 - Drug Treatment Courts
 - Juvenile Arbitration
 - Community Advocacy Pilot Program
 - Pretrial Intervention Programs
2. the submission of the budgets of the solicitors and their affiliate services to the General Assembly;
 - a. preparation of the Budget Requests
 - b. preparation of the Detail Budget
 - c. preparation of the Annual Accountability Report
 - d. preparation of Fiscal Impacts for the General Assembly
3. providing both legal education and training programs;
 - a. accredited CLE training for Prosecutors
 - b. accredited JCLE training for Circuit, Family and Summary Court Judges
 - c. accredited CLEE training for Law Enforcement, Investigators And Coroners
 - d. accredited CEU training for Victim/Witness Assistance Advocates (VWAA)
 - e. accredited CEU training for Pretrial Intervention (PTI) personnel
4. a source for the distribution of publications that impact solicitors' offices and affiliate services;
 - a. Training manuals for prosecutors, judges, law enforcement, investigators, coroners, VWAA, and PTI personnel
 - b. Legislative Update
 - c. *Behind the Wheel* newsletter publication
 - d. SC PTI and Juvenile Services State Data Directory
 - e. Victim/Witness Assistance Advocates Directory
 - f. National publications for highway safety issues, information technology, training programs,
 - g. "Grave Decisions" youth alcohol public awareness kit,
5. a statewide prosecution unit for abuse and sexual assault cases involving child victims as both the primary and secondary prosecutorial unit

6. providing blank indictments; and
 - a. a contract exists between the Commission and Wentworth Printers for the preparation, printing and distribution of indictments
7. assisting the solicitors in establishing and maintaining a Pretrial Intervention Program in each judicial circuit
 - a. currently, there are thirty (30) programs across the State in the sixteen judicial circuits
 - b. developed the “SC Pretrial Intervention Standards”
 - c. developed the “SC Pretrial Intervention Standardized Procedures”
 - d. Submits and updates the participants’ records to State Law Enforcement Division (SLED)
 - e. prepares and provides participant reports to the local PTI Directors
 - f. Criminal History Check on PTI applicants
 - g. coordination with SLED on PTI database and NCIC issues
 - h. management of the State PTI Form
 - i. researches PTI information on behalf of the Offices of the Solicitors.
 - j. Coordinates by-annual Directors’ training/meetings
 - k. Research and assist other criminal and juvenile justice agencies as it pertains to PTI
 - l. Continue the coordination for developing a PTI software program with local offices and SLED

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South Carolina Commission on Prosecution Coordination



LEADERSHIP:

The Commission is composed of the Chairmen of the Senate and House Judiciary Committees or their legislative designees, the Chief of the SC Law Enforcement Division, the Director of the Department of Public Safety, a director of a Judicial Circuit Pretrial Intervention Program, a Judicial Circuit Victim-Witness Assistance Advocate, and five Judicial Circuit Solicitors appointed by the Governor. The Commission was created to coordinate all activities involving the prosecution of criminal cases in this State.

There is created a permanent Executive Committee of the South Carolina Commission on Prosecution Coordination which is composed of the five Judicial Circuit Solicitors appointed by the Governor pursuant to SC Code Section 1-7-920(6) whose duties shall include the development and implementation of policies for a SCCPC Personnel Plan which shall include: establishment of policies and procedures for the employment and separation of employees; establishment of guidelines for the effective management and supervision of employees; and review staff requirements and needs of the Commission and Solicitors.

The sixteen (16) Judicial Circuit Solicitors represent the various judicial circuits as established by law. There is one solicitor for each judicial circuit, to be elected by the qualified electors of the circuit, who holds his office for the term of four years. A solicitor must be licensed to practice law by the South Carolina Bar at the time of his election and throughout his term. The Solicitors of this State are full-time employees of the State of South Carolina. The Solicitors are officers of the Executive Department of this State. On behalf of the State, the Circuit Solicitor's office prosecutes trial-level criminal cases and handles juvenile matters. The Solicitor attends the courts of General Sessions for their respective circuits. Preparation of the dockets for General Sessions Court is exclusively vested in the circuit solicitor and the solicitors determine the order in which the cases on the docket are called for trial. Their legal authorization is established in the Constitution of South Carolina, Article V, Section 20, and the Code of Laws of South Carolina, Title 1, Section 1-7-310 (1977), establishes the position of Circuit Solicitor.

STRATEGIC PLANNING:

The SCCPC meets on a regular basis to address the coordination of all activities involving the prosecution of criminal cases in this State. The Commission serves to coordinate all administrative functions of the offices of the solicitor and any affiliate services operating in conjunction with the Solicitor's office. The Commission promulgates those regulations necessary to assist it in performing its required duties.

The Executive Committee of the SCCPC meets on a regular basis to develop and implement a personnel plan and to address any specific personnel request that relate to hiring, separation and related matters regarding its employees.

The Judicial Circuit Solicitors serve as the Agency Head for any Commission employee working directly under his supervision.

On behalf of the State, the Solicitor coordinates the prosecution of trial-level criminal cases and handles juvenile matters in the Judicial Circuit. State appropriations are provided to the Office of Solicitor for these specific purposes.

Proviso 33.3 of the General Appropriations Act provides that the amount appropriated and authorized in this section for Judicial Circuits (16) State Support may, upon approval of the Commission, be used to fund necessary administrative and personnel costs of the Commission and other expenditures approved by the Commission, not to exceed 5% of the appropriation, and the balance thereafter remaining shall be apportioned among the circuits on a per capita basis and based upon the official census of 1990. Payment shall be made as soon after the beginning of the first and third quarter as practical.

CUSTOMER FOCUS:

The Commission serves the Offices of the sixteen (16) Judicial Circuit Solicitors and any affiliate services operating in conjunction with the Solicitors' offices. Currently, those affiliate services are as follows: Pretrial Intervention programs, Victim/Witness Assistance programs, Investigator programs; Drug Treatment Courts, and Juvenile Arbitration programs.

INFORMATION AND ANALYSIS:

The primary clientele served by this agency are the sixteen (16) Judicial Circuit Solicitors, the deputy solicitors and assistant solicitors throughout the State, the Judicial Circuit Victim/Witness Assistance Advocates and their programs, the Pretrial Intervention programs representing the forty-six (46) counties of this state, and those Solicitors-based investigators.

The Commission is providing statistical data in five (5) areas: information technology, Child Abuse Prosecution, State Office of Pretrial Intervention, DUI Prosecution Unit, and State Victim/Witness Assistance Coordinator.

A. Information Technology: The SC Commission on Prosecution Coordination recognizes South Carolina's need for a statewide automated juvenile and criminal justice information management system and the importance of maintaining the support of such a system. The Commission is in the final stages of developing a case management system for the state's prosecutors. The primary funding source has been a Juvenile Justice Incentive Block Grant awarded by the Office of Justice Programs, S.C. Department of Public Safety. The Commission has contracted with the University of South Carolina for the development of the software and has selected pilot sites for the testing of the software. This project is consistent with similar statewide initiatives for the automation of other criminal justice agencies.

- In Spring of 2002, CJJIMS went into production mode with pilot sites
- Each pilot site required extensive on-site training and re-training as new features were introduced
- Several demonstrations were given to county officials and other state agencies concerning the functionality of CJJIMS
- Meetings were held with members from the Offices of Solicitors, SLED and OIR concerning software and Internet security
- IT Specialist attended two classes from Oracle University in preparation of SCCPC obtaining full responsibility of CJJIMS from the vendor in FY 2002-03
- SCCPC continues to obtain full intellectual ownership of CJJIMS software and management of computer hardware used for CJJIMS and the secure Internet connectivity

B. Child Abuse Prosecution Unit: Within the Commission is the Child Abuse Prosecution Unit composed of an experienced attorney who prosecutes cases involving traumatized child victims in rural districts/regions where resources are limited. A Child Victim/Witness Assistance Advocate assists the Child Abuse Attorney Specialist by performing certain duties.

Case Statistics:

Cases Assigned for Prosecution	45
Cases for Consultation	12
Parole Hearings	<u>5</u>
Total:	62

Victim Services:

Child Victims of Physical Abuse or Sexual Assault	68
Adults Survivors of Sexual Assault	9
Parents or Guardians of Abuse Victims	<u>78</u>
Total:	155

Training Presentations:

Lecturer, *2001 Prevent Child Abuse SC Conference*, September 28, 2001
 Lecturer, *2001 SC Solicitors' Association Conference*, October 2, 2001

Publications:

Sexual Assault and Child Abuse Prosecutions – Trial Notebook, published September 30, 2001
Victim Advocacy for Kids: Crimes Against Children, Training Materials, published June 15, 2001

C. State Office of Pretrial Intervention: Within the Commission is the State Office of Pretrial Intervention whose responsibility is to assist the Solicitor in each judicial circuit in establishing and maintaining a pretrial intervention program. The State Pretrial Intervention Coordinator and such staff which are necessary to assist in the implementation of the provisions of SC Code Sections 17-22-10 through 17-22-170 are within this office.

(1) Calendar Year 1998 Case Volume and Information:

Applications	10,665
Accepted	9,294
Pending Acceptance	166
Rejected	1,183
Pending Completion	801
Successfully Completed	7,480
Unsuccessfully Completed	1,755
Total Community Service Hours	310,538

Total Restitution Paid to Victims	\$1,381,787.19
Total Cases with Restitution	7,159

Number of Applications of Magistrate Cases	2,881
Number of Applications of Municipal Cases	2,867
Number of Applications of General Sessions Cases	5,130

(2) Training and Resource Materials :

“PTI Standardized Procedures” (Revised)	October 2001
SC PTI and Juvenile Services State Data Directory	June 2001
“Nuts and Bolts” New Hire Training	August 8, 2001
	September 4, 2001
	January 10, 2002
Rewrite and testing of PTI Software to include a graphical user interface with windows application.	FY 01-02
Directors’ training on Criminal Domestic Violence	August 3, 2001

D. DUI Prosecution Unit Within the Commission is the DUI Unit composed of a DUI Attorney Specialist and two (2) part-time Administrative Assistants. Currently, this program is being funded by the Department of Transportation, National Highway Traffic and Safety Administration through the SC Department of Public Safety. The goal of the grant is to establish a clearinghouse of DUI related information for prosecutors, law enforcement, judges, and other entities to enhance the effective prosecution of DUI cases.

(1) Training and Resource Materials:

<u>DUI Newsletter – Behind the Wheel</u>	August 2001 October 2001 December 2001 January 2002 April 2002 June 2002
<u>Felony DUI Prosecution</u>	August 24, 2001
<u>Accident Reconstruction</u>	June 16-20, 2002
<u>DUI Trial Advocacy from “A” to “V” (Arrest to Verdict) Training</u>	March 18-19, 2002 April 11-12, 2002 May 8-9, 2002 June 27-28, 2002
<u>Southeastern Association of Reconstruction Specialists</u>	June 16-20, 2002

Coordinated with SC ETV and the SC Department of Education to develop a DUI video for underage drinking and driving to be distributed statewide. The public awareness kit, "Grave Decisions," includes a 55-minute video, a student/teacher workbook, and a survey.

E. State Victim/Witness Assistance Coordinator: Within the Commission there is a State Victim/Witness Assistance Coordinator whose primary responsibility is to coordinate the functions of the Victim/Witness Assistance Programs in the Office of Solicitor.

(1) Training and Resource Materials:

June 6, 2001 – SC Commission on Prosecution Coordination Victim/Witness Assistance Advocates Directory

June 15, 2001 Victim Advocacy for Kids: Crimes Against Children.

September 30 – October 3, 2002 "United We Stand"

December 7, 2001 Underserved Populations Training

HUMAN RESOURCES:

The Commission encourages and develops legal education programs and training programs for solicitors and their affiliate services, organizes and provides seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State, and acts as a clearinghouse and distribution source for publications involving the solicitors and their affiliate services and provides legal updates on matters of law affecting the prosecution of cases in this State.

The Commission surveys the various Solicitors' offices and affiliate services to ascertain the need for future various training components as well as the skill level. Each Agency Head is responsible for the submission of an annual employee performance evaluation. These evaluations are utilized to determine the criteria for future training programs throughout the various affiliate services.

PROCESS MANAGEMENT:

The Commission provides blank indictments for the Judicial Circuit Solicitors. Currently, the Commission is in the final phases of providing an electronic process for developing General Sessions Court indictments and Family Court petitions in a prosecutorial-based case management system. The prosecutorial-based case management system will also allow the sharing of criminal and juvenile justice information among the various Solicitors' offices. In addition, the Commission is constructing a website to improve the communication of information relating to the various Solicitors' offices and their affiliate services.

RESULTS:

The South Carolina Commission on Prosecution Coordination's primary purpose is the coordination of activities involving the prosecution of criminal cases in this State. The South Carolina Court Administration is the State's repository of criminal records for both General Sessions Court and Family Court. Court Administration's year-end reports best describe the activities of the Office of Solicitor as it relates to adult and juvenile prosecutions. In the area of adult criminal prosecution, please consider the following: In fiscal year 2001-2002, the Solicitors of this State disposed of 115,936 General Sessions criminal warrants. In the area of juvenile criminal prosecution, please consider the following: In fiscal year 2000-2001, the Solicitors of this State disposed of 23,042 Family Court petitions. This is an increase of 25% from ten years earlier.*

South Carolina Court Administration's goal of the disposition of criminal cases within 180 days from the date of arrest is a significant factor in all prosecutorial decisions. Currently, 70% of all Family Court petitions are being disposed of within 180 days or less and 47% of all General Sessions warrants are being disposed of within 180 days or less. The number of General Sessions Court and Family Court cases handled by the sixteen (16) Judicial Circuit Solicitors have consistently increased over the past decade. However, there is annually an increasing backlog of cases to be addressed. Without proper funding of the Offices of Solicitor and other criminal and juvenile justice agencies, the backlog will continue to increase and cases will become more stale as they await their dispositional dates.

*SC Court Administration Family Court statistics for FY 2001-2002 were unavailable at the time of this report.