

## South Carolina Commission on Prosecution Coordination

### Section I. 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.

#### 1. Mission Statement:

The SC Commission on Prosecution Coordination (SCCPC) coordinates all administrative functions of the offices of the Solicitors and affiliate services to include submission of the budgets, developing and providing both legal education and training programs, and serving as a clearinghouse and distribution source for publications involving Solicitors and affiliate services, provide blank indictments, and assists the Solicitors in establishing and maintaining a pretrial intervention program in each judicial circuit.

#### 2. Major Achievements from FY 2009/10

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

- Five (4) 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
- Four (4) publications of *Behind the Wheel*, a DUI newsletter
- One (1) articles published on Highway Safety Issues
- One (1) Co-sponsored training with the Magistrates Intensive Training Council
- Six (2) Highway Patrol trainings
- Five (5) training/speaking engagements for the TSRP
- Eight (8) of the sixteen Circuit LEN Meetings: TSRP attended and/or presented
- Two (2) statewide sponsored Victim/Witness Assistance Advocates Training Programs
- One (1) statewide sponsored "Nuts and Bolts" of Victim/Witness Assistance Advocates training
- One (1) Victim/Witness Assistance Advocates Circuit Directory prepared and distributed
- Sixty-three (63) Victim/Witness Assistance Advocates received a minimum of twelve CEUs of training
- Acquired federal funding for the Child Victim/Witness Assistance Advocate position within the Commission on Prosecution Coordination
- Submit SOVA "Financial and Programmatic Reports" to the General Assembly
- Two (2) PTI training programs

- State PTI Office processed approximately 14,000 applicants for participation in local PTI programs
- One (1) sponsored Child Abuse Prosecution training program
- One (1) Child Abuse Prosecution training manual publication
- Four (4) Lectures by Child Abuse Attorney
- Thirty-four (34) prepared and/or assessment of Cases for Trial
- Approximately 63 child sexual abuse cases were reviewed by the agency resulting in either consultations or criminal prosecutions
- Served approximately 60 “Parents and Guardians of Abuse Victims”
- One (1) training engagement by the Child Abuse Prosecutor
- Prepared and submitted statistics regarding CDV and DUI prosecutions
- Seventeen (17) sponsored one day trainings on various criminal justice issues
- Co-sponsored one (1) Winter Conference and one (1) Fall Training Conferences with the S.C. Solicitors’ Association
- Sponsored one (1) “Prosecutorial Bootcamp” (14 CLEs)
- Updated and distributed the *Prosecutor’s Deskbook*
- Seventeen (17) training/speaking engagements for the Education Coordinator
- Five (5) issues of *The Prosecutor Report*, a monthly newsletter containing summaries and excerpts from the published opinions issued the previous month by the South Carolina Appellate Courts and the United States Supreme Court, were distributed to the Office of Solicitor.
- Two (2) issue of *The Higher Standard*, a quarterly newsletter focusing on advocacy, investigative, legal, and prosecution issues and trends, was distributed to the Office of Solicitor.
- Implemented additional SCEIS Accounting programs.

### **3. Key Strategic Goals for the Present and Future Years**

- Restore funding for the Judicial Circuits State Support
- Restore funding for the Victim Witness Assistance Programs
- Secure funding and provide an option for Assistant Solicitors to participate in the Police Officers Retirement System
- Secure funding for the maintenance agreement for developing and installing a Solicitors’ Case Management System in each Judicial Circuit Solicitor’s Office
- Secure funding for a centralized data base for participation in an Alcohol Education Programs in the Judicial Circuit Solicitors’ Offices
- Secure funding the Prosecutors and Defenders Public Incentive Program
- Implement a web-access software for registering to attend training seminars
- Develop and install an Alcohol Education Program (AEP) software program between Office of Solicitor and SLED
- Assist in training for Drug Treatment Courts in the Judicial Circuit Solicitors’ Offices
- Administer federal grant funding for Criminal Domestic Violence Prosecutors in each Judicial Circuit Solicitors’ Offices
- Administer federal grant funding for Driving Under the Influence Prosecutors in each Judicial Circuit Solicitors’ Offices

- Approximately 63 child sexual abuse cases were reviewed by the agency resulting in either consultations or criminal prosecutions
- Weekly publications of Legislative actions
- Publication of budgetary actions by the General Assembly
- 4 publication of the *“Behind the Wheel”*
- 6 publications of *“Prosecutor Reporter”*
- 4 publications of *“Higher Standard”*
- Sponsor 1 Prosecutorial Capital Litigation Case Training
- Sponsor 4 DUI trainings for prosecutors, law enforcement officers and judges
- Sponsor 4 CDV training for prosecutors, law enforcement officers and judges
- Sponsor 1 day trainings for staff of the educational, intervention and support services within the Office of Solicitor
- Sponsor 12 Prosecutorial trainings on various criminal justice issues/trial advocacy
- Sponsor 2 CSC trainings for prosecutors
- Sponsor 2 Victim/Witness Assistance Advocate training
- Co-sponsor 1 Magistrates Intensive Training
- Co-sponsor the training programs of the SC Solicitors’ Winter and Fall Conference

#### **4. Business Overview of the Opportunities and Barriers**

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.

#### **5. How the Accountability Report is Used to Improve Organizational Performance**

The Accountability Report provides for strategic planning for the agency. It assists the Commission in determining long and short range goals, human resource needs, financial issues, and community based strategic challenges.

## **Section II. Organizational Profile:**

### **1. 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.
5. Assist the Solicitors in maintaining a PTI program in each Judicial Circuit

### **2. Key Customers**

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.

### **3. Key Stakeholders**

Ultimately it is the citizens of the State of South Carolina; however, 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.

### **4. Key Suppliers and Partners:**

The key suppliers and partners are the sixteen Judicial Circuit Solicitors and their staff as well as the other criminal justice agencies.

### **5. Operating Location:**

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

1401 Main Street, Suite 825  
Post Office Box 11561 (29211-1561)  
Columbia, South Carolina (29201)  
Phone: (803) 343-0765  
Fax: (803) 343-0766  
E-mail: [wdbilton@cpc.sc.gov](mailto:wdbilton@cpc.sc.gov)

### **6. Employees** *(all unclassified)*

The Commission has a total of forty-two (42) full-time unclassified employees and one (1) part-time employee. There are sixteen (16) Judicial Circuit Solicitors who are elected by the public. Each Office of the Solicitor has sixteen (16) Administrative Assistants who are

unclassified employees. In the Columbia Office there is employed (1) Executive Director; one (1) Deputy Director; one (1) Administrative Assistant to the Commission; one (1) State PTI Coordinator; one (1) Information Technology/Accountability Coordinator; one (1) Child Abuse Attorney; one (1) Education Coordinator; one (1) State Victim/Witness Assistance Coordinator (vacant); and, one (1) Traffic Safety Resource Prosecutor (federal); and, one (1) full-time TSRP Support Personnel (federal) who are all unclassified.

#### **7. Regulatory Environment:**

Section 1-7-990 of the SC Code of Laws provides that the Commission on Prosecution Coordination may promulgate those regulations necessary to assist it in performing its required duties. The Commission has adopted training certification standards for personnel within the local Pretrial Intervention programs and the Victim/Witness Assistance Advocates programs.

#### **8. Your Performance Improvement System(s):**

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
    - Worthless Check Units
    - Traffic Education Programs
    - Alcohol Education Programs
    - Expungements
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 Agency Inventory Documentation
  - c. preparation of the Detail Budget

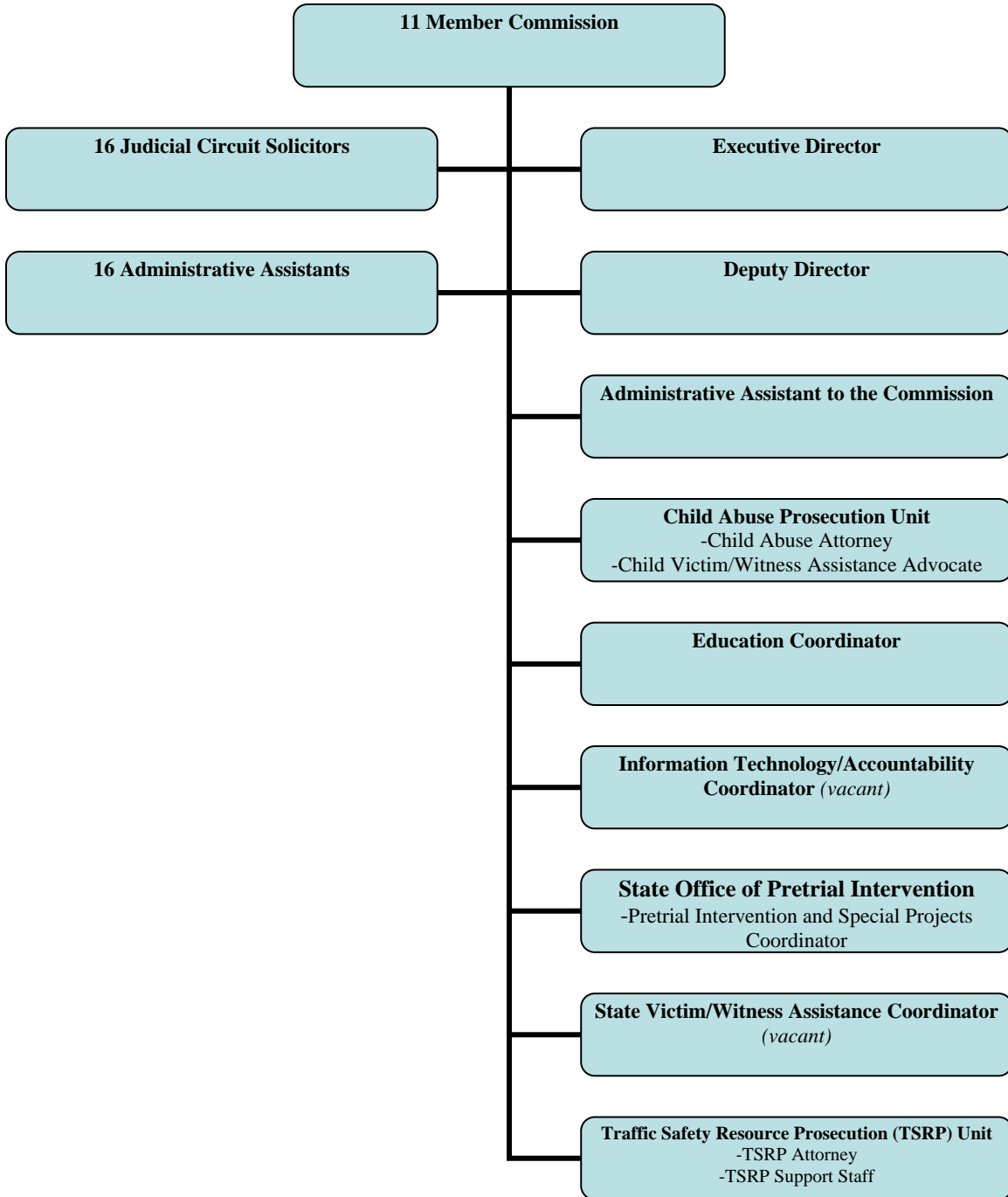
- d. preparation of the Annual Accountability Report
  - e. preparation of Fiscal Impacts for the General Assembly
3. providing both legal education and training programs;
    - a. accredited CLE training for Prosecutors
    - b. accredited JCLE training for Circuit, Family and Summary Court Judges
    - 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 Victim/Witness Certification through the Office of the Governor
    - f. 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 Updates
    - c. *Behind the Wheel* newsletter publication
    - d. Directory of Education, Intervention and Support Services
    - e. Victim/Witness Assistance Advocates Directory
    - f. National publications for highway safety issues, information technology, training programs,
    - g. "Grave Decisions" and "Grave Consequences" youth alcohol public awareness kits
    - h. "The Prosecutor Report" distributed on a monthly basis
    - i. "The Higher Standard" distributed on a quarterly basis
  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 implementing the PTI software program with local offices and SLED

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# South Carolina Commission on Prosecution Coordination

## Organizational Chart FY 09/10





## Accountability Report Appropriations/Expenditures Chart Example

The chart form is available at [www.budget.sc.gov](http://www.budget.sc.gov) . Use the chart for Section II Business Overview Item 3 in the accountability report.

### Base Budget Expenditures and Appropriations

Major Budget Categories	03-04 Actual Expenditures		04-05 Actual Expenditures		05-06 Appropriations Act	
	Total Funds	General Funds	Total Funds	General Funds	Total Funds	General Funds
Personal Service	\$	\$	\$	\$	\$	\$
Other Operating	\$	\$	\$	\$	\$	\$
Special Items	\$	\$	\$	\$	\$	\$
Permanent Improvements	\$	\$	\$	\$	\$	\$
Case Services	\$	\$	\$	\$	\$	\$
Distributions to Subdivisions	\$	\$	\$	\$	\$	\$
Fringe Benefits	\$	\$	\$	\$	\$	\$
Non-recurring	\$	\$	\$	\$	\$	\$
<b>Total</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>	<b>\$</b>

### Other Expenditures

Sources of Funds	03-04 Actual Expenditures	04-05 Actual Expenditures
Supplemental Bills	\$	\$
Capital Reserve Funds	\$	\$
Bonds	\$	\$

**Major Program Areas**

<b>Program Number and Title</b>	<b>Major Program Area Purpose (Brief)</b>	<b>FY 08-09 Budget Expenditures</b>		<b>FY 09-10 Budget Expenditures</b>		<b>Key Cross References for Financial Results*</b>
01050000 Administration	Judicial Circuits State Support	<b>State:</b> 3,785,600.00		<b>State:</b> 4,033,164.00		
		<b>Federal:</b>		<b>Federal:</b>		
		<b>Other:</b>		<b>Other:</b>		
		<b>Total:</b> 3,785,600.00		<b>Total:</b>		
		<b>% of Total Budget:</b> 29%		<b>% of Total Budget:</b> 24%		
01010000 Administration	Personnel Services	<b>State:</b> 3,123,553.00		<b>State:</b> 3,093,055.00		
		<b>Federal:</b> 95,926.00		<b>Federal:</b> 155,473.00		
		<b>Other:</b> 11,583.00		<b>Other:</b> 7,443.00		
		<b>Total:</b> 3,231,062.00		<b>Total:</b> 3,255,971.00		
		<b>% of Total Budget:</b> 24%		<b>% of Total Budget:</b> 20%		
		<b>State:</b>		<b>State:</b>		
		<b>Federal:</b>		<b>Federal:</b>		
		<b>Other:</b>		<b>Other:</b>		
		<b>Total:</b>		<b>Total:</b>		
		<b>% of Total Budget:</b>		<b>% of Total Budget:</b>		
		<b>State:</b>		<b>State:</b>		
		<b>Federal:</b>		<b>Federal:</b>		
		<b>Other:</b>		<b>Other:</b>		
		<b>Total:</b>		<b>Total:</b>		
		<b>% of Total Budget:</b>		<b>% of Total Budget:</b>		

**Below: List any programs not included above and show the remainder of expenditures by source of funds.**

Other Operating, Employer Contributions, Drug Court Treatment Programs

<b>Remainder of Expenditures:</b>	<b>State:</b> 5,013,719.00	<b>State:</b> 5,767,060.00
	<b>Federal:</b> 69,366.00	<b>Federal:</b> 1,384,181.00
	<b>Other:</b> 1,160,545.00	<b>Other:</b> 2,232,035.00
	<b>Total:</b> 6,243,630.00	<b>Total:</b> 9,383,276.00
	<b>% of Total Budget:</b> 47%	<b>% of Total Budget:</b> 56%

\* 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.

### **Section III: Category 1: SENIOR LEADERSHIP, GOVERNANCE, AND SOCIAL RESPONSIBILITY:**

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.

### **Category 2: 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.

- to coordinate all administrative functions of the offices of the Solicitors and any affiliate services operating in conjunction with the Solicitors' offices;
- to submit the budgets of the Solicitors and their affiliate services to the General Assembly;
- to encourage and develop legal education programs and training programs for Solicitors and their affiliate services;
- to organize and provide seminars to help increase the effectiveness and efficiency of the prosecution of criminal cases in this State;
- to act as a clearinghouse and distribution source for publications involving Solicitors and their affiliate

services;

- to provide legal updates on matters of law affecting the prosecution of cases in this State;
- to assist the Solicitors in maintaining a Pretrial Intervention Program in each Judicial Circuit;
- to aid the Solicitors in addressing the burgeoning caseloads in the state;
- to provide a special prosecutor to handle sensitive cases involving crimes of child abuse and sexual assault;
- to provide a Traffic Safety Resource Prosecutor to train and network on state laws, caselaw and trial techniques on driving under the influence issues;
- to provide criminal history data to the Pretrial Intervention Programs across the state; and,
- to provide blank indictments to the sixteen Judicial Circuit Solicitors.

### **Category 3: CUSTOMER AND MARKET 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, CDV Programs, Child Abuse Prosecutions, Alcohol Education Program, Traffic Education Programs and Juvenile Arbitration Programs.

### **Category 4: MEASUREMENT, ANALYSIS AND KNOWLEDGE MANAGEMENT**

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 (6) areas: Information Technology/Accountability Coordinator, Child Abuse Prosecution, State Office of Pretrial Intervention, State Victim/Witness Assistance Coordinator, Education Coordinator, and Traffic Safety Resource Prosecution.

**A. INFORMATION TECHNOLOGY/ACCOUNTABILITY COORDINATOR:** The S.C. Commission on Prosecution Coordination recognizes South Carolina's need for the collection of data regarding criminal and juvenile data. The information is being gleaned statewide and the information is being collected on various programs within the Office of Solicitor. Statistical and financial information is outlined in state law and reports are required 60 days following the close of the fiscal year. Victim/Witness Assistance annual reports for SOVA are distributed, collected, and forwarded to the appropriate representatives by the ITAC and/or Administrative Assistant to the Commission. Pursuant to S.C. Code of Laws §17-22-1120, the SCCPC will be responsible for collecting data on all programs administered by a circuit solicitor, the Commission on Prosecution Coordination, or a court, which divert offenders from prosecution to an alternative program or treatment. Drug Treatment Court Program information is maintained by the ITAC as well as the contact information for the Education, Intervention, and Support Services within the Office of the Solicitor (Alcohol Education Program, Expungements, Drug Treatment Court Program, Juvenile Arbitration, Pretrial Intervention, and Worthless Check Units). The Commission's website is maintain by the ITAC.

**B. CHILD ABUSE PROSECUTION UNIT:**

Within the Commission is the Child Abuse Prosecution Unit composed of an experienced attorney who prosecutes cases involving child victims in rural districts/regions where resources are limited and /or other judicial circuits where specialized knowledge may be needed. A Child Victim/Witness Assistance Advocate assists the Child Abuse Attorney Specialist by performing certain duties.

**Case Statistics:**

Preparation and/or Assessment of Cases for Trial: **63**

Cases with final disposition:		<b>34</b>
Pled Guilty	12	
Trial	4	
Prepared for trial during annual period and subsequently pled guilty after 6/30/10	10	
Prepared for trial during annual period and subsequently convicted by trial after 6/30/10	2	
Nolle prossed (following conviction for other crimes)	3	
Nolle prossed (declined prosecution)	1	
Reviewed with final recommendation	2	

Additional cases with court preparation and/or assessment during annual period (includes pre-trial court proceedings, motions, victim meetings, etc.) **29**

**Victim Services**

Child Victims of Physical Abuse or Sexual Assault	63
Parents or Guardians of Abuse Victims	60
Additional cases involving post-conviction services	<u>9</u>
Total:	<b>132</b>

(Note – statistics do not include cases referred to the Child Abuse Attorney for prosecution after July 1, 2010)

**Training Presentations:**

Lecturer, 2009 Solicitor’s Conference, training segment entitled “Obtaining DNA Samples,” September 30, 2009, Hilton Head Island, South Carolina

Lecturer, Child Abuse & Sexual Assault Prosecutions, training segments entitled “2009 Case Law Update” and “Practice Tips in Child Sexual Assault Prosecutions: Utilization of the Child Hearsay Exception, Expert Witnesses, & Evidence,” July 24, 2009, Columbia, South Carolina

Lecturer, The Law Governing the Prosecution’s Access to and Disclosure of Evidence, training segment entitled “Obtaining Bodily Samples from Suspects and Others: Law, Procedure, and Practice,” December 18, 2009, Columbia, South Carolina

Lecturer, Competency Hearings and Commitments: Mental Health and Mental Retardation Issues, training segment entitled “The Defense Expert: Practical and Strategic Suggestions for Effectively Challenging the Conclusions of a Defense Expert,” May 21, 2010, Columbia, South Carolina

**Publications:**

*Sexual Assault and Child Abuse Prosecutions - Trial Notebook*, revised and published September 27, 2009 via CD-Rom

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. Additionally, the General Assembly passed S1154 (A273, R262) of 2010 which provides for the gathering of statistics which begins July 1, 2010. The provisions are as follows:

Section 17-22-1120. (A) In addition to the information collected and processed by the Office of Pretrial Intervention Coordinator within the Commission on Prosecution Coordination pursuant to Articles 1, 3, 5, and 7, Chapter 22, Title 17, the Office of Pretrial Intervention Coordinator shall be responsible for collecting data on all programs administered by a circuit solicitor, the Commission on Prosecution Coordination, or a court, which divert offenders from prosecution to an alternative program or treatment.

(B) This shall include programs administered by circuit solicitors, which are either statutorily mandated or established by judicial order, and shall include, but are not limited to: alcohol education programs; drug courts for adults or juveniles; traffic education programs; worthless checks units; pretrial intervention; mental health courts; or juvenile arbitration.

(C) Notwithstanding the provisions of Section 17-22-130, 17-22-360, 17-22-370, or 17-22-560, the Office of Pretrial Intervention Coordinator shall collect and make available for public inspection an annual report on the numbers of individuals who apply for a diversion program, the number of individuals who begin a diversion program or treatment, the number of individuals who successfully complete a program or treatment within a twelve-month period, the number of individuals who do not successfully complete a program or treatment within the same twelve-month period, but who are still participating in the program or treatment, the number of individuals who did not complete the program within the twelve-month period and who have been prosecuted for the offense committed, and the number of individuals with fees fully or partially waived for indigence. The data collected and made available for public inspection shall be listed by each county, by each program or treatment, and the offense originally committed, but shall not contain any identifying information of the participant.

**(1) FY 2009/10 Case Volume and Information: (7/1/2009-6/30/10)**

Applications	13,940
Accepted	10,143
Pending Acceptance	1,945
Rejected	1,465
Pending Completion	3,539
Successfully Completed	10,099
Unsuccessfully Completed	1,598

Total Community Service Hours	1,600,070.20
Total Restitution Paid to Victims	\$2,631,857.29
Total Cases with Restitution	11,810

Number of Applications of Magistrate Cases	3,711
Number of Applications of Municipal Cases	5,219
Number of Applications of General Sessions Cases	5,336

**(2) Training and Resource Materials:**

SCAPTI Fall Conference ( <i>coordination</i> )	October 2009
<u>2009 Directory of Education, Intervention and Support Services within the Office of the Solicitor</u>	June 2010
PTI Director's Meetings	September 2009 December 2009 March 2010 June 2010
SCAPIP Meetings	August 2009 September 2009 October 2009 January 2010
NAPSA Conference	September 2009

**(3) Program Development:**

- Alcohol Education Program Software
- Traffic Education Program (date extended to July 1, 2010)
- Diversion Programs (Quarterly Programmatic Reports)

**D. Traffic Safety Resource Prosecution:** Within the Commission is the TSRP Unit composed of a Traffic Safety Resource Prosecutor and one (1) full-time Support Secretary. 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) Publications

*Behind the Wheel* (TSRP Newsletter) Volume 7 Issue 3 (released July 2008)  
*Behind the Wheel* (TSRP Newsletter) Volume 9 Issue 1 – (released October 2008)  
*Behind the Wheel* (TSRP Newsletter) Volume 9 Issue 2 – (released January 2009)  
*Behind the Wheel* (TSRP Newsletter) Volume 9 Issue 3 – (released April 2009)

Article: *The Higher Standard* (South Carolina Commission on Prosecution Coordination Quarterly Newsletter) Volume 2, Issue 2 (released May 2008)

Article: *South Carolina Trooper* (South Carolina Highway Patrol Quarterly Magazine) Volume 21, Number 3 (released November 2008)

(2) Agency Sponsored Trainings

Highway Patrol Training

Date:	April 22, 2010	Attendees:	20 Troopers	Columbia, SC
Date:	April 29, 2010	Attendees:	20 Troopers	Columbia, SC

Prosecuting the Impaired Driver Trainings:

Date:	February 24-25, 2010	Attendees:	12 judges
	Columbia, SC		43 law enforcement officers
			9 prosecutors/attorneys

Date:	March 24-25, 2010	Attendees:	12 judges
	Florence, SC		51 law enforcement officers
			7 prosecutors/attorneys

Date:	May 19-20, 2010	Attendees:	26 judges
	Anderson, SC		54 law enforcement officers
			8 prosecutors/attorneys

Date:	June 16-17, 2010	Attendees:	23 judges
	N. Charleston, SC		41 law enforcement officers
			7 prosecutors/attorneys

Magistrates Advisory Council Intensive Training Seminar

Date:	August 17-18, 2009	Attendees:	62 judges	Columbia, SC
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(3) Magistrates' Orientation School – SC Criminal Justice Academy

Date:	July 29, 2009	Topic:	DUI – The State's Perspective
		Attendees:	32 Magistrate judges



“Train the Trainer” – SC Commission on Prosecution Coordination

Date: January 14-15, 2010                      Topic: Effective DUI Presentations  
Attendees:     12 prosecutors

USC Law School – Career Day Presentations

Date: February 3, 2010                      Topic: Alternative Legal Careers  
Attendees:     100 students

NHTSA Region 4 Law Enforcement Liaison Conference

Date: March 2-4, 2010                      Topic: TSRP Program Goals & Functions; SC Highways  
Or Dieways Campaign  
Attendees:     150 Law Enforcement personnel

Magistrates’ Orientation School – SC Criminal Justice Academy

Date: March 17, 2010                      Topic: DUI – The State’s Perspective  
Attendees:     25 Magistrate judges

**(4)     Any other relevant measures for the DUI Unit of the SCCPC**

SC Highway Patrol DUI Team Enactment Ceremony (July 1, 2009)

Attended press conference announcing SCHP’s new DUI team, consisting of 31 troopers statewide.

2009 NAPC Annual Summer Conference (July 8-11, 2009, Orlando, FL)

Attended conference in Orlando with 14 other TSRPs, NDAA members, NHTSA personnel and prosecutor coordinators from across the nation; discussed DWI courts, source code and updated case law.

South Carolina Trooper Magazine- Vol. 22, No. 2 (August 24, 2009)

TSRP authored article on SC’s Ignition Interlock Device laws and programs.

2009 DUI Challenge Ceremony (December 16, 2009)

Attended ceremony where local law enforcement from across the state were recognized for their hard work and dedication to traffic safety; over 600 law enforcement, Office of Highway Safety, MADD volunteers and others were in attendance.

Data-Driven Approaches to Crime and Traffic Safety (DDACTS) (January 28, 2010)

Attended DDACTS conference sponsored by SCDPS, BJA, NIJ and NHTSA; made contact with law enforcement regarding upcoming DUI training seminars.

Media Campaigns:

WIS-TV: Newswatch on Underage Drinking Laws (August 16, 2009)

Sober Or Slammer (August 20, 2009)

Hands Across The Border (September 1-4, 2009)

Operation: Lifesaver 2009 (September 16, 2009)

DU-Why? – WMBF News (Myrtle Beach) Special Report (November 23, 2009)

LEN Meetings:

<b>Date</b>	<b>Circuit</b>	<b>Counties</b>
7/16/09	8 <sup>th</sup>	Abbeville, Greenwood, Laurens, Newberry
7/30/09	14 <sup>th</sup>	Allendale, Hampton, Colleton, Jasper, Beaufort
7/31/09	5 <sup>th</sup>	Richland, Kershaw
9/1/09	2 <sup>nd</sup>	Aiken, Barnwell, Bamberg
9/4/09	15 <sup>th</sup>	Horry, Georgetown
12/4/09	9 <sup>th</sup>	Charleston, Berkeley
12/14/09	14 <sup>th</sup>	Allendale, Hampton, Colleton, Jasper, Beaufort
2/10/10	2 <sup>nd</sup>	Aiken, Barnwell, Bamberg
3/10/10	10 <sup>th</sup>	Oconee, Anderson
6/24/10	11 <sup>th</sup>	Lexington, Saluda, Edgefield, McCormick
6/30/10	8 <sup>th</sup>	Abbeville, Greenwood, Laurens, Newberry

E. EDUCATION COORDINATOR: Within the Commission there is a Education Coordinator whose primary responsibility is to provide resources to the prosecutors of South Carolina. The Education Coordinator is to coordinate and develop legal education programs and training programs for Solicitors and their affiliate services; to provide legal updates as it relates to the Office of Solicitor; and to aid the Solicitors in addressing the burgeoning caseloads in the state. The following measureable performances apply:

**Training Programs:**

For FY 2009-2010, the Education Coordinator planned, coordinated, and/or otherwise worked on the following training programs.

<b>Title of Training Program</b>	<b>Sponsor/ Cosponsor</b>	<b>Date(s)</b>	<b>Location</b>	<b>Attendees</b>
Child Abuse and Sexual Assault Prosecutions	Sponsor	July 24, 2009	Columbia, South Carolina	66 (57 Prosecutors, 3 Other Attorney, 1 Prosecution Investigator, 2 Victim Advocates, 1 Law Enforcement, and 2 Other)
Prosecuting Cases In Family Court	Sponsor	August 21, 2009	Columbia, South Carolina	37 (35 prosecutors and 2 judge-speakers)
2009 South Carolina Solicitors' Association Fall Conference	Co-sponsor	September 28 – October 1, 2008	Hilton Head, South Carolina	337 (244 Prosecutors, 25 Other Attorneys, 34 Prosecution Investigators, and 34 Others)
The Investigation and Prosecution of Criminal Domestic Violence	Co-Sponsor	October 30, 2008	Columbia, South Carolina	51 (24 Prosecutors, 23 Law Enforcement, 1 Judge, and 3 Victim-Witness Advocates)
Understanding Prison Sentences, Probation, and Parole	Sponsor	November 20, 2009	Columbia, South Carolina	38 (34 Prosecutors, 2 SCPPP Attorney-Speaker, and 2 DOC Attorney-Speaker)
The Law Governing the Prosecution's Access to and Disclosure of Evidence	Sponsor	December 18, 2009	Columbia, South Carolina	37 (33 Prosecutors, 2 Attorney-Speakers, and 2 Investigators)

Train the Trainer: The Art of Critiquing Trial Advocacy Skills	Sponsor	January 14, 2010	Columbia, South Carolina	7 (Prosecutors, including 3 speakers and 4 participants)
Train the Trainer: The Art of Critiquing Trial Advocacy Skills	Sponsor	January 15, 2010	Columbia, South Carolina	7 (Prosecutors, including 3 speakers and 4 participants) (different participants than those on 14 <sup>th</sup> )
Prosecution Bootcamp	Co-sponsor	February 17-19, 2010	Isle of Palms, South Carolina	52 (Prosecutors: 34 Prosecutor-Participants and 18 Faculty Members)
Constitutional Limitations on Law Enforcement Interrogations and Searches: Obtaining and Using Confessions and Seized Evidence	Sponsor	April 30, 2010	Columbia, South Carolina	86 (34 Prosecutors, 49 Law Enforcement, and 1 Prosecution Investigator)
The Investigation and Prosecution of Criminal Domestic Violence	Co-sponsor	May 6, 2010	Hardeeville, South Carolina	60 (18 Prosecutors, 5 Judges, 13 Victim Advocates, 23 Law Enforcement, and 1 Other)
Competency Hearings and Commitments: Mental Health and Mental Retardation Issues	Sponsor	May 21, 2010	Columbia, South Carolina	43 (38 Prosecutors, 3 DMH Attorneys, and 1 DMH non-attorney speaker)
The Investigation and Prosecution of Criminal Domestic Violence	Co-sponsor	May 28, 2010	Florence, South Carolina	58 (9 Prosecutors, 6 Judges, 14 Victim Advocates, 23 Law Enforcement, and 7 Other)
Capital Litigation for Prosecutors Part I: Overview	Sponsor	June 1-3, 2010	Myrtle Beach, South Carolina	48 (Prosecutors, includes 14 of the speakers)
The Investigation and Prosecution of Criminal Domestic Violence	Co-sponsor	June 3, 2010	Anderson, South Carolina	44 (9 Prosecutors, 2 Judges, 8 Victim Advocates, 23 Law Enforcement, and 2 Other)
The Investigation and Prosecution of Criminal Domestic Violence	Co-sponsor	June 18, 2010	Rock Hill, South Carolina	81 (18 Prosecutors, 5 Judges, 7 Victim Advocates, 42 Law Enforcement, and 9 Other)
The Investigation and Prosecution of Criminal Domestic Violence	Co-sponsor	June 29, 2010	N. Charleston, South Carolina	59 (12 Prosecutors, 2 Judges, 13 Victim Advocates, 24 Law Enforcement, and 8 Other)

### **Publications:**

The Education Coordinator continues to publish issues of two different newsletters:

- *The Prosecution Reporter*, a semi-monthly newsletter containing summaries and excerpts from the published opinions issued the previous month(es) by the South Carolina appellate courts and the United States Supreme Court (criminal and other opinions of interest to prosecutors) were published. The Coordinator is the sole author of the materials included in this newsletter. Five issues of this Newsletter were published.
- *The Higher Standard*, a newsletter focusing on advocacy, investigative, legal, and prosecution issues and trends was published. For this newsletter, the Coordinator writes articles and edits articles written by others. Two issues of this Newsletter were published.

**Resource Materials:**

The Education Coordinator updated *The Prosecution Deskbook*, a reference manual for the Offices of Solicitor. This manual is reviewed and updated each year and then distributed on CD to all attorney members of the Solicitors’ Offices.

For purposes of the Prosecution Bootcamp program, the Education Coordinator edited, contributed to, and coordinated the updating of *Prosecution Bootcamp: A Manual on South Carolina Criminal Law and Procedure for New Attorneys in South Carolina’s Solicitors’ Offices*. This manual is reviewed and updated each year.

A topical index of relevant South Carolina appellate opinions (published) from September 1, 2007 has also been compiled.

**Consultation(s):**

The Education Coordinator has provided consultations and assistance to the Office of Solicitor on issues related to the prosecution function and substantive criminal law, prosecution duties, media relations, ethics, criminal procedure, statutory interpretation, evidence, constitutional law, and advocacy. The majority of these consultations and assists have been for prosecutors in trial or preparing for trial. At the request of the Office of Solicitor assistance has been provided to law enforcement agencies.

F. STATE VICTIM/WITNESS ASSISTANCE COORDINATOR: (*Vacant*) 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:

July 2009                      S.C. Commission on Prosecution Coordination Victim/Witness Assistance Advocates Directory

February 2010              “Victim/Witness Assistance Advocates Winter Conference”

**Category 5: WORKFORCE FOCUS**

The Commission has a total of forty-two (42) full-time employees and one (1) part-time employee. There are sixteen (16) Judicial Circuit Solicitors who are elected by the public. Each Office of the Solicitor has an Administrative Assistant. There are (16) Administrative Assistants, one per judicial circuit. In the Columbia Office there is employed: (1) Executive Director; one (1) Deputy Director; one (1) Administrative Assistant to the Commission; one (1) State PTI and Special Projects Coordinator; one (1) Information Technology/Accountability Coordinator; one (1) Child Abuse Attorney; one (1) Child Victim/Witness Assistance Advocate (federal); one (1) Education Coordinator; one (1) State Victim/Witness Assistance Coordinator (vacant); one (1) Traffic Safety Resource Prosecutor (federal); and, one (1) full-time TSRP Support Personnel (federal). All positions are unclassified.

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 FY 2009/10, the Solicitors of this State disposed 120,946

in General Sessions Court. In FY 2009/10, the Solicitors of this State disposed of 15,869 Family Court petitions.

To address the burgeoning caseload in workforce, 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; acts as a clearinghouse and distribution source for publications involving 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 Solicitors' offices and affiliate services to ascertain current needs in the following areas of the criminal and juvenile justice systems: funding; changes in state law; burgeoning caseloads; establishment of effective criminal and juvenile programs; legal seminars for prosecutors; training programs for affiliate services; networking; and publications.

#### **Category 6: PROCESS MANAGEMENT**

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:

#### **Category 7: 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 FY 2009/10, the Solicitors of this State disposed 120,946 in General Sessions Court. In FY 2009/10, the Solicitors of this State disposed of 15,869 Family Court petitions.