

Agency Name:	Commission On Indigent Defense		
Agency Code:	E230	Section:	61



Fiscal Year FY 2025-2026
Agency Budget Plan

FORM A - BUDGET PLAN SUMMARY

OPERATING REQUESTS (FORM B1)	For FY 2025-2026, my agency is (mark):		
	<input checked="" type="checkbox"/>	Requesting General Fund Appropriations.	
	<input type="checkbox"/>	Requesting Federal/Other Authorization.	
	<input type="checkbox"/>	Not requesting any changes.	
NON-RECURRING REQUESTS (FORM B2)	For FY 2025-2026, my agency is (mark):		
	<input type="checkbox"/>	Requesting Non-Recurring Appropriations.	
	<input type="checkbox"/>	Requesting Non-Recurring Federal/Other Authorization.	
	<input checked="" type="checkbox"/>	Not requesting any changes.	
CAPITAL REQUESTS (FORM C)	For FY 2025-2026, my agency is (mark):		
	<input type="checkbox"/>	Requesting funding for Capital Projects.	
	<input checked="" type="checkbox"/>	Not requesting any changes.	
PROVISOS (FORM D)	For FY 2025-2026, my agency is (mark):		
	<input type="checkbox"/>	Requesting a new proviso and/or substantive changes to existing provisos.	
	<input type="checkbox"/>	Only requesting technical proviso changes (such as date references).	
	<input checked="" type="checkbox"/>	Not requesting any proviso changes.	

Please identify your agency's preferred contacts for this years budget process.

PRIMARY CONTACT: SECONDARY CONTACT:	<u>Name</u>	<u>Phone</u>	<u>Email</u>
	Rodney Grizzle	(803) 734-1168	rgrizzle@sccid.sc.gov
	Donna Bridges	(803) 734-1451	dbridges@sccid.sc.gov

I have reviewed and approved the enclosed FY 2025-2026 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

SIGN/DATE: TYPE/PRINT NAME:	<u>Agency Director</u>	<u>Board or Commission Chair</u>

This form must be signed by the agency head “not a delegate.”

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BUDGET REQUESTS			FUNDING					FTES				
Priority	Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	Recurring General Fund Increase for Office of Circuit Public Defender; Defense of Indigents/Per Capita	2,980,000	0	0	0	2,980,000	0.00	0.00	0.00	0.00	0.00
TOTALS			2,980,000	0	0	0	2,980,000	0.00	0.00	0.00	0.00	0.00

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FORM B1 RECURRING OPERATING REQUEST

AGENCY PRIORITY	1
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Recurring General Fund Increase for Office of Circuit Public Defender; Defense of Indigents/Per Capita
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Provide a brief, descriptive title for this request.

AMOUNT	General:\$2,980,000 Federal: \$0 Other: \$0 Total: \$2,980,000
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What is the net change in requested appropriations for FY 2025-2026?Â This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	0.00
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Please provide the total number of new positions needed for this request.

FACTORS ASSOCIATED WITH THE REQUEST	Mark X for all that apply:	
	<input type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input checked="" type="checkbox"/>	Change in case load/enrollment under existing program guidelines
	<input type="checkbox"/>	Non-mandated change in eligibility/enrollment for existing program
	<input type="checkbox"/>	Non-mandated program change in service levels or areas
	<input type="checkbox"/>	Proposed establishment of a new program or initiative
	<input type="checkbox"/>	Loss of federal or other external financial support for existing program
	<input type="checkbox"/>	Exhaustion of fund balances previously used to support program
	<input type="checkbox"/>	IT Technology/Security related
	<input type="checkbox"/>	HR/Personnel Related
	<input type="checkbox"/>	Consulted DTO during development
	<input type="checkbox"/>	Related to a Non-Recurring request â€ If so, Priority #

STATEWIDE ENTERPRISE STRATEGIC OBJECTIVES	Mark X for primary applicable Statewide Enterprise Strategic Objective:	
	<input type="checkbox"/>	Education, Training, and Human Development
	<input type="checkbox"/>	Healthy and Safe Families
	<input type="checkbox"/>	Maintaining Safety, Integrity, and Security
	<input type="checkbox"/>	Public Infrastructure and Economic Development
	<input checked="" type="checkbox"/>	Government and Citizens

ACCOUNTABILITY OF FUNDS	Strategy 1.1 Enhance the Circuit Public Defender System. Continuing to recruit and retain public defenders by offering competitive salaries and hiring and retaining critical staff to support the additional attorneys. Objective measurements of success will be a more efficient criminal justice system resulting in a reduction in the number of pending warrants, more timely resolution of cases and increased quality of client representation.
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What specific strategy, as outlined in the most recent Strategic Planning and Performance Measurement template of agencyâ€™s accountability report, does this funding request support? How would this request advance that strategy? How would the use of these funds be evaluated?

RECIPIENTS OF	Funding will be allocated to the 16 Circuit Public Defender Offices on a per capita basis as established by proviso 61.1 (FY 24-25 Appropriations Act H. 5100)
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FUNDS

What individuals or entities would receive these funds (contractors, vendors, grantees, individual beneficiaries, etc.)? How would these funds be allocated using an existing formula, through a competitive process, based upon predetermined eligibility criteria?

**JUSTIFICATION OF
REQUEST**

Once again, the South Carolina Commission on Indigent Defense (SCCID) and the Commission on Prosecution Coordination (SCCPC) have worked together in preparation of budget proposals to maintain a balanced approach to managing the criminal docket in South Carolina.

An effective and efficient criminal justice system will best serve clients, victims, county correctional facilities, courts, and the citizens (taxpayers) of South Carolina.

Recurring funding appropriated in FY 24 (SCCID made no request for additional funding for FY 25) for assistant public defender recruitment and retention has resulted in a statewide increase of approximately 78 additional public defenders over a two-year period. However, 27 vacancies remain as competitive pay is still a struggle while competing against private industry and better funded government entities. The average pay of attorneys employed by the State of S.C. with 6-10 years of experience is \$106,215 versus a salary of \$93,264 of public defenders with the equivalent experience.

While the FY24 recurring, funding has allowed PD offices to make significant attorney hires there is now a critical need to hire staff to support these attorneys. Currently there is a ratio of 3 attorneys to 1 staff member. These positions include investigators, paralegals, litigation support specialist (who can provide IT support, body camera downloads, trial support and other assigned tasks in the critical technology realm) and other administrative staff.

This funding is critical as PDs continue to handle huge caseloads averaging approximately 400 warrants per PD and continue to work through the huge COVID created court backlog.

Please thoroughly explain the request to include the justification for funds, potential offsets, matching funds, and method of calculation. Please include any explanation of impact if funds are not received. If new positions have been requested, explain why existing vacancies are not sufficient.

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FORM D “ PROVISO REVISION REQUEST

NUMBER	61.NEW
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Cite the proviso according to the renumbered list (or mark “NEW”).

TITLE	Public Defender Tier-System Grant Carryforward
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Provide the title from the renumbered list or suggest a short title for any new request.

BUDGET PROGRAM	III. Office of Circuit Public Defender
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Identify the associated budget program(s) by name and budget section.

RELATED BUDGET REQUEST	#2
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Is this request associated with a budget request you have submitted for FY 2025-2026? If so, cite it here.

REQUESTED ACTION	Add
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Choose from: Add, Delete, Amend, or Codify.

OTHER AGENCIES AFFECTED	n/a
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Which other agencies would be affected by the recommended action? How?

SUMMARY & EXPLANATION	<p>This new proviso will allow the Commission on Indigent Defense to carryforward any unexpended balance on June thirtieth of the prior year into the new year to be spent on the Public Defender Tier-System Grant program. This proviso will conform to funding.</p>
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Summarize the existing proviso. If requesting a new proviso, describe the current state of affairs without it. Explain the need for your requested action. For deletion requests due to recent codification, please identify SC Code section where language now appears.

FISCAL IMPACT	<p>The request for funding is \$5,600,000 in recurring State Funds will support the creation of a grant administered by the Commission on Indigent Defense (SCCID) to work in conjunction and collaboration with a three-tier prosecution grant being proposed by the Commission on Prosecution Coordination (SCCPC) for those Offices of Circuit Solicitor implementing or planning to implement a tier-based docket management system. The goal is to fulfill the intent of the S. C. Supreme Court’s Docket Management Order (as Amended January 15, 2025) that states “because public defenders must also have adequate time to prepare for court, it would be beneficial for Chief Public Defenders to create a similar system [docket management] tailored to their respective Solicitor’s system”.</p>
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Provide estimates of any fiscal impacts associated with this proviso, whether for state, federal, or other funds. Explain the method of calculation.

PROPOSED PROVISO TEXT	<p>61.NEW (INDEF: Public Defender Tier-System Grant Carryforward) Any unexpended balance from the Public Defender Tier-System Grant program on June Thirtieth of the prior year, may be carried forward into the current fiscal year and expended for the Public Defender Tier-System Grant program.</p>
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Paste existing text above, then bold and underline insertions and strikethrough deletions. For new proviso requests, enter requested text above.

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**FORM E – AGENCY COST SAVINGS AND GENERAL FUND REDUCTION
CONTINGENCY PLAN**

TITLE	Agency Cost Savings and General Fund Reduction Contingency Plan
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AMOUNT	\$1,500,581
<i>What is the General Fund 3% reduction amount? This amount should correspond to the reduction spreadsheet prepared by EBO.</i>	

ASSOCIATED FTE REDUCTIONS	No reduction in State Authorized FTE’s. However, a reduction in Rule 608 funding would result in a loss of the agency’s ability to pay contract and Court appointed attorneys for representation of indigent clients.
<i>How many FTEs would be reduced in association with this General Fund reduction?</i>	

PROGRAM / ACTIVITY IMPACT	<div>1. Administration</div> <div>Rule 608 Appointment</div>
<i>What programs or activities are supported by the General Funds identified?</i>	

SUMMARY	<p>If the 3% General fund reduction were to be implemented, SCCID would take the cuts from our budget lines as follows:</p> <table><tr><td>Rule 608 Appointment</td><td>(1,500,581)</td></tr><tr><td>SCCID 3% Reduction</td><td>(1,500,581)</td></tr></table> <p>This reduction would decrease this agency’s ability to fund the much-needed legal representation for the indigent citizens of South Carolina. The reduction of Rule 608 Appointment funds would restrict the ability to pay private contract and/or court appointed attorneys representing the indigent citizens of South Carolina and would also increase the backlog of cases in General Sessions, Family Court (DSS cases), Sexual Violent Predator and Post Conviction Relief (PCR) cases.</p>	Rule 608 Appointment	(1,500,581)	SCCID 3% Reduction	(1,500,581)
Rule 608 Appointment	(1,500,581)				
SCCID 3% Reduction	(1,500,581)				

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AGENCY COST SAVINGS PLANS

SCCID continues to look for ways to be more efficient with less resources. In FY24, SCCID did not fill four FTE positions within the agency and have absorbed those job responsibilities within the existing staff.

What measures does the agency plan to implement to reduce its costs and operating expenses by more than \$50,000? Provide a summary of the measures taken and the estimated amount of savings. How does the agency plan to repurpose the savings?