

AGENCY NAME:	South Carolina Commission on Indigent Defense		
AGENCY CODE:	E230	SECTION:	61



Fiscal Year 2020-21 Agency Budget Plan

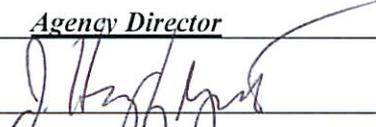
FORM A - BUDGET PLAN SUMMARY

OPERATING REQUESTS (FORM B1)	For FY 2020-21, my agency is (mark "X"): <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 2020-21, my agency is (mark "X"): <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 2020-21, my agency is (mark "X"): <input type="checkbox"/> Requesting funding for Capital Projects. <input checked="" type="checkbox"/> Not requesting any changes.
PROVISOS (FORM D)	For FY 2020-21, my agency is (mark "X"): <input type="checkbox"/> Requesting a new proviso and/or substantive changes to existing provisos. <input checked="" type="checkbox"/> Only requesting technical proviso changes (such as date references). <input type="checkbox"/> Not requesting any proviso changes.

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

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

I have reviewed and approved the enclosed FY 2020-21 Agency Budget Plan, which is complete and accurate to the extent of my knowledge.

	<u>Agency Director</u>	<u>Board or Commission Chair</u>
SIGN/DATE:		
TYPE/PRINT NAME:	J. Hugh Ryan, III	Harry A. Dest

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

Fiscal Year 2020-21 Budget Request Executive Summary

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

BUDGET REQUESTS			FUNDING					FTES				
Priority	Request Type	Request Title	State	Federal	Earmarked	Restricted	Total	State	Federal	Earmarked	Restricted	Total
1	B1 - Recurring	Salary Equalization for the Circuit Public Defender Administrative Assistants	216,701				216,701					0.00
2	B1 - Recurring	Criminal Justice System Workload Parity	7,800,000				7,800,000					0.00
3	B1 - Recurring	Caseload (Workload) Equalization	7,600,000				7,600,000					0.00
4							0					0.00
5							0					0.00
6							0					0.00
7							0					0.00
8							0					0.00
9							0					0.00
10							0					0.00
11							0					0.00
12							0					0.00
13							0					0.00
14							0					0.00
15							0					0.00
16							0					0.00
17							0					0.00
18							0					0.00
19							0					0.00
20							0					0.00
21							0					0.00
22							0					0.00
23							0					0.00
24							0					0.00
25							0					0.00
26							0					0.00
27							0					0.00
28							0					0.00
29							0					0.00
30							0					0.00
TOTAL BUDGET REQUESTS			15,616,701	0	0	0	15,616,701	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	Salary Equalization for the Circuit Public Defender Administrative Assistants
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$216,701 Federal: Other: Total: \$216,701
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What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	N/A
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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 checked="" type="checkbox"/>	Change in cost of providing current services to existing program audience
	<input 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"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – 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	

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ACCOUNTABILITY OF FUNDS	<p>This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The recurring funding request of \$216,701 is to increase the salaries of the 16 Circuit Public Defender Administrative Assistants.</p>
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What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency'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 FUNDS	<p>The 16 Circuit Public Defender Administrative Assistants</p>
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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	<p>During the 2018 Legislative Oversight review of SCCID, it was discovered that the Public Defender Administrative Assistant make \$10,000 less than the Circuit Solicitor's Administrative Assistants for similar work requirements. At the time that the Circuit Public Defender system was established, the positions of the Circuit Public Defender and their Administrative Assistants were supposed to have been appropriated the same salary as the Circuit Solicitor and their Administrative Assistants. It was discovered that this was not the case for the Public Defender Administrative Assistants. SCCID has experienced a 50% annual turnover rate for Circuit AA positions over the past several years, largely due to the low salary. This funding request is to increase the salary of each of the 16 Circuit Administrative Assistants from \$27,257 to \$37,451 to match the salary of the Circuit Solicitor Administrative Assistant and reduce turnover.</p>
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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 B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	2
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Criminal Justice System Workload Parity
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$7,800,000 Federal: Other: Total: \$7,800,000
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What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	N/A
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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"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – 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	

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ACCOUNTABILITY OF FUNDS	<p>This funding request is based upon the Strategy 1.1 Enhance the Circuit Public Defender System. The recurring funding request of \$7,800,000 is to increase the number Public Defenders, Support Staff, Investigators and other personnel necessary to effectively and efficiently move the criminal dockets in all 16 Judicial Circuits.</p>
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What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency'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 FUNDS	<p>The 16 Circuit Public Defender Offices.</p>
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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	<p>In budget years subsequent to the creation of the State-wide Public Defender System (created in 2007), the Public Defenders have been unable to reach caseload parity with prosecutors as envisioned by Act 108. Public Defenders currently have a workload of approximately 450 warrants (per Public Defender), significantly higher than their prosecutor counterparts. To reduce this disparity significant funding is necessary to hire additional attorneys, support staff, investigators, etc. These additional resources will benefit not only public defenders, but the entire criminal justice system through more efficient movement of the criminal docket, lowering jail costs to the counties, providing victims a quicker resolution of their case and defendants with representation as mandated by the 6th Amendment of the U.S. Constitution. For the year end FY17-18, Solicitors Offices total funding, as reported in accordance with Proviso 117.108, was \$90,400,274 versus \$38,180,968 for the Public Defender Offices.</p>
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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 B1 – RECURRING OPERATING REQUEST

AGENCY PRIORITY	3
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Provide the Agency Priority Ranking from the Executive Summary.

TITLE	Caseload (Workload) Equalization
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Provide a brief, descriptive title for this request.

AMOUNT	General: \$7,600,000 Federal: Other: Total: \$7,600,000
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What is the net change in requested appropriations for FY 2020-21? This amount should correspond to the total for all funding sources on the Executive Summary.

NEW POSITIONS	N/A
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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"/>	Consulted DTO during development
<input type="checkbox"/>	Related to a Non-Recurring request – 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	

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ACCOUNTABILITY OF FUNDS	<p>This budget request would benefit the agency’s primary goal of ensuring the effective legal representation of South Carolina citizens eligible for Indigent Defense Services and support the efficient functioning of the entire criminal justice system by allowing the Circuit Public Defender Offices to obtain additional attorneys to address the ever-increasing caseloads. Since FY2015-16 the Circuit Public Defender Offices have seen a 16.64% increase in warrants handled by their offices.</p> <p>FY15-16 108,247 warrants FY16-17 116,500 warrants FY17-18 122,349 warrants FY18-19 126,256 warrants</p>
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What specific strategy, as outlined in the FY 2019-20 Strategic Planning and Performance Measurement template of agency’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 FUNDS	<p>The funds requested would be disbursed to the 16 Circuit Public Defender Offices throughout the State. The current process of distribution of funds is on a per capita basis using the most current Census figures. The current census is from 2010.</p>
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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	<p>Through discussions with the Prosecution Coordination Commission, it is the agency’s understanding they will request approximately \$9.5 million as part of their Caseload Equalization Plan. In order to maintain some semblance of parity with the Circuit Solicitors Offices and their request for Caseload Equalization funding, SCCID is requesting \$7,600,000 in new recurring funds for the Circuit Public Defender Offices. As noted, the number of warrants handled by the Public Defender Offices has increased from 108,247 (FY15-16) to 126,256 (FY18-19) marking a 16.64% increase. The average number of warrants per Public Defender has risen to approximately 450. For the year end FY17-18, Solicitors Offices total funding, as reported in accordance with Proviso 117.108, was \$90,400,274 versus \$38,180,968 for the Public Defender Offices</p>
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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	61.11
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Cite the proviso according to the renumbered list for FY 2020-21 (or mark "NEW").

TITLE	Capital Case Contract Attorneys
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Provide the title from the FY 2019-20 Appropriations Act or suggest a short title for any new request.

BUDGET PROGRAM	I. Administration, Death Penalty Trial Funds
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Identify the associated budget program(s) by name and budget section.

RELATED BUDGET REQUEST	N/A
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Is this request associated with a budget request you have submitted for FY 2020-21? If so, cite it here.

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

OTHER AGENCIES AFFECTED	None
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Which other agencies would be affected by the recommended action? How?

SUMMARY & EXPLANATION	<p>This amendment will allow the agency to retain, by contract, attorneys and other professional services frequently used in capital litigation. This will further allow the agency to reduce cost associated with these services.</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.

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FISCAL IMPACT	<p>This amended Proviso will allow the agency to contract for services to assist appointed counsel in capital proceedings. By contracting for these services, the agency will be able to better manage and anticipate the costs associated with the capital cases.</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>61.11. (INDEF: Capital Case Contract Attorneys) Funds appropriated from the Death Penalty Trial Fund may be used by the commission to retain, on a contractual basis, the service of attorneys qualified to provide representation in capital proceedings to include: capital trials, post-conviction relief actions, re-sentencing, appeals or any other capital litigation proceeding. <u>The commission may use these funds to retain, on a contractual basis, the services of other professionals to assist court appointed attorneys to provide effective representation in the above capital proceedings.</u></p>
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Paste FY 2019-20 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	(\$957,005) <i>What is the General Fund 3% reduction amount (minimum based on the FY 2018-19 recurring appropriations)? This amount should correspond to the reduction spreadsheet prepared by EBO.</i>
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ASSOCIATED FTE REDUCTIONS	None for State Authorized FTE's <i>How many FTEs would be reduced in association with this General Fund reduction?</i>
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PROGRAM/ACTIVITY IMPACT	<ul style="list-style-type: none"> I. Administration <ul style="list-style-type: none"> Rule 608 Appointment II. Office of Circuit Public Defender <ul style="list-style-type: none"> Defense of Indigents/Per Capita DUI Defense of Indigents Criminal Domestic Violence
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What programs or activities are supported by the General Funds identified?

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SUMMARY

If the 3% General fund reduction were to be implemented, SCCID would take the cuts from our budget lines as follows:

Rule 608 Appointment	(309,132)
Defense of Indigent per capita	(405,377)
DUI Defense of Indigent	(105,433)
Criminal Domestic Violence	<u>(137,063)</u>
 SCCID 3% Reduction	 (957,005)

This reduction would see the decrease in this agency’s ability to fund the much-needed legal representation for the indigent citizens of South Carolina in the court system of our state. The reduction of these funds means that the county Public Defender Offices will not be able to fund attorney positions to handle the new cases that are brought to court everyday thus increasing the caseload of the already strained public defenders that are working in the 16 judicial circuits now. The reduction on staff could cause the judicial docket to slow down even further thus creating additional problems for other agencies of the state. The reduction of funds for the Rule 608 Appointment would mean that SCCID would not be able to pay the private contract attorneys for handling the cases of the indigent citizens of South Carolina and would increase the backlog of cases for the Public Defenders in the 16 judicial circuits.

Please provide a detailed summary of service delivery impact caused by a reduction in General Fund Appropriations and provide the method of calculation for anticipated reductions. Agencies should prioritize reduction in expenditures that have the least significant impact on service delivery.

AGENCY COST SAVINGS PLANS

SCCID continues to look for ways to be more efficient with less resources. In FY18-19, SCCID was unable to find any cost savings that would reach the \$50,000 threshold. In FY19-20 the agency will continue to monitor expenses and look for ways to reduce expenditures without cutting services to the citizens of South Carolina.

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?