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August 1, 2018

Via Email

The Honorable Isaac McDuffie Stone, III
Chair, S.C. Commission on Prosecution Coordination
Post Office Box 11561
Columbia, SC 29211-1561

Dear Solicitor Stone:

The Law Enforcement and Criminal Justice Subcommittee appreciates the S.C. Commission on Prosecution Coordination's (SCCPC) partnership in the oversight process. As follow up from the meeting on July 24, 2018, and in preparation for the next meeting scheduled for August 20, 2018, the Subcommittee seeks additional information from the agency. Please provide this information by Wednesday, August 15, 2018.

Case Management Orders

1. Please provide copies of the different case management orders you referenced during the July 24, 2018, meeting and any recommendations for how to achieve uniformity.

Warrant Approval

2. Please provide a flow chart which illustrates the current process regarding warrants and a chart which illustrates the process for warrant approval recommended by SCCPC.

Investigative Grand Juries

3. If the agency has one, please provide a recommendation, and rationale, for having investigative grand juries in counties. Also, please state whether it would start state-wide or in pilot counties and, if in pilot counties, the length of time in which it would be piloted and what would be analyzed after the pilot to determine whether to extend the program statewide or eliminate the program. Please obtain, and provide in the response, input from potentially impacted parties.
4. If the agency has one, please provide a recommendation, and rationale, for having a state racketeer influenced and corrupt organizations act. Please obtain, and provide in the response, input from potentially impacted parties.

General Data

5. Please provide a list of types of data the agency recommends collecting annually (e.g., backlog by circuit) and/or every three years (e.g., caseload analysis), and the following for each type of data:
 - a. to whom it would be available, and
 - b. what may be gained from knowing it (e.g., notice that changes may be needed in certain circuits to address backlog, number of prosecutors and public defenders needed to maintain reasonable caseload per attorney, etc.)

Evidence Data

6. Please provide a chart which lists each law enforcement department currently utilizing a cloud based evidence database and the following information for each department:
 - a. County;
 - b. Circuit;
 - c. Year department began using database;
 - d. Upfront cost to department to use database;
 - e. Annual cost to department to use database;
 - f. Whether department believes use of the database has made transfer of evidence easier and/or more efficient; and
 - g. Any other comments the department has regarding use of the database.

Case Status Data

7. Has the agency ever inquired why the detailed data from summary courts, such as the data the agency mentions in its July 16, 2018, letter would be beneficial (e.g., types of cases being prosecuted, numbers and dispositions by type, whether attorneys or law enforcement officers are prosecuting the cases, etc.) is not collected? If so, what was learned from those conversations?
8. Does the agency have any estimate of the upfront and annual costs to collect the type of data it seeks from summary courts?
9. Does the agency believe having this type of data may potentially decrease the overall costs of prosecuting cases?

Diversion Programs

10. Can an individual participate in a diversion program more than once?
11. Please provide a comparison of the costs to the state and county associated with a drug court diversion program versus a regular prosecution track which ends in incarceration.
12. Does the agency know the recidivism rate for each of the drug courts in the state? If so, please provide this data.
13. Does the agency know the recidivism rate for each of the other diversion programs, by county? If so, please provide this data and explain where it is available to the public, if anywhere. If no, how is the agency measuring whether each of the other diversion programs are successful?
14. Please provide a chart which outlines the types of offenses/circumstances which may qualify for each of the different diversion programs.
15. Please provide the current reports referenced in the agency's July 16, 2018, letter (e.g., diversion programs and prosecution data).
16. Does the agency have a timeline for evaluating current pre-trial intervention (PTI) standards, which it states in its July 16, 2018, letter it plans to do in the near future?
17. Will analysis of whether outcomes are being achieved be part of the agency's evaluation of PTI standards and guidelines?
18. What else will the agency consider when evaluating PTI standards and guidelines?

Definition of “case” and backlog¹


19. Please communicate with potentially impacted parties regarding the definition of the term “case” proposed by the agency, including when it may be utilized (e.g., determining backlog, caseload per attorney, etc.), and provide input from the potentially impacted parties, including any definition upon which all parties agree.

Terminology

20. Does the agency have any recommendations as to changing the term “solicitor” to “district attorney” in South Carolina to be consistent with other states?

The Subcommittee looks forward to working collaboratively with the agency during the oversight process. Please work with Committee staff to determine a format for responding to the questions. As a reminder, the Committee’s expectations are provided in its Standard Practice 9. Thank you and your team for your service to the citizens of South Carolina.

Sincerely,



Edward R. Tallon Sr.
Subcommittee Chair

cc: The Honorable Wm. Weston J. Newton
The Honorable Katherine E. “Katie” Arrington
The Honorable William M. “Bill” Hixon
The Honorable Jeffrey E. “Jeff” Johnson

¹ The General Assembly stated the following when creating the SCCPC in 1990: (1) The importation, sale, and use of dangerous narcotic substances in South Carolina has reached epidemic levels; and (2) This epidemic has resulted in an explosion in drug-related crimes, many of which are violent in nature; and (3) On January 1, 1990, there was a **record backlog** of forty-two thousand five hundred seventy-seven **criminal cases in General Sessions and Family Courts**; and (4) There is a need to provide **uniform and efficient administration of justice** through the prosecution of criminal cases in South Carolina. 1990 Act No. 485, Preamble (emphasis added).