

The State of South Carolina



OFFICE OF SOLICITOR

Twelfth Judicial Circuit

Juvenile Diversion Programs
Community Arbitration, Juvenile Pretrial
Intervention and Early Crime Prevention
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Office of Solicitor Twelfth Judicial Circuit Diversion Programs Florence and Marion Counties

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Twelfth Judicial Circuit Juvenile Diversion Programs are community-centered programs for first-time, non-violent/non-status juvenile offenders.

The main focus is to take qualifying children out of the formal Juvenile Court System and to divert them to an informal arbitration setting conducted by a certified and trained Arbitrator of that child's community. The first goal of this program is to provide a cost-effective way for juvenile offenders to accept responsibility for their actions, while lowering the caseload of the Juvenile Justice System. These diversion programs offer community involvement in which trained, certified volunteers arbitrate between all parties involved in an offense. The program offers the opportunity for the juvenile to avoid establishing a criminal record, while simultaneously promoting offender accountability, victim reparation and restoring community pride.

The Programs are funded by a SC State Legislature Grant administered by the Department of Juvenile Justice (DJJ).

These programs operate in a cost-effective manner through the use of community volunteers. Community volunteers may be divided into three categories:

- 1) **Volunteer Arbitrators** - preside over arbitration hearings and monitor the juvenile's progress until program completion
- 2) **Volunteer Community Service Sites** – public or private, non-profit agencies willing to supervise the work of juvenile's required to complete a specified number of hours of community service work without pay
- 3) **Correctional Facilities** – tours of area correctional facilities aimed at educating the juveniles to the realities of prison life.

There are three Diversion Programs within the Solicitor's Twelfth Judicial Circuit.

Early Crime Prevention Program (Up to age 12) – This program is age level appropriate which is geared toward first time non-violent/non-status offenders below the age of twelve. This program provides early intervention for younger children in hopes of preventing future involvement with the Judicial System. A certified community arbitrator holds a hearing and assigns age appropriate sanctions for the juvenile to complete. There is a \$50 fine imposed, where the child must work and earn the money to pay back the community. Once the juvenile has completed the program successfully, the case is closed and notifications are sent out to all parties involved in the case. If the juvenile does not meet requirements of the program or does not complete the program successfully, the case is then referred back to The Department of Juvenile Justice for further action.

Juvenile Arbitration Program (Up to age 16) – The Arbitration Program is a diversion program designed to divert first time non-violent/non-status offenders out of the Family Court system and into an informal arbitration setting that is held by certified community volunteers. Participation into the Arbitration Program is strictly **voluntary**, as it is an alternative to the traditional court system. In arbitration, everyone involved in the incident is invited to attend (the juvenile and their parent/guardian, the victim and arresting officer). If a juvenile forgoes the opportunity for arbitration, he/she will be processed traditionally by the local Department of Juvenile Justice. The formal DJJ process may result in prosecution in Family Court and the establishment of a permanent juvenile record.

The three goals of the Juvenile Arbitration Program are:

- To hold the juvenile offenders accountable for their crimes and for the harm they have caused on the victims and communities.
- To increase competency and awareness of future choices of juvenile offenders so that they can become productive, law abiding citizens.
- To ensure public safety by strengthening the community's capacity to prevent and control crime.

An arbitration hearing consists of three basic phases, they are:

1) Waiver of Rights

Because the arbitration process is not a formal Court process, the juvenile must waive certain rights that would be afforded in a court of law. The Waiver of Rights agreement is explained to prior to the start of the hearing. The Waiver must be signed by the juvenile and his/her parent/guardian in order for the hearing to proceed.

2) Admission of Guilt

To participate in the Arbitration Program the juvenile must admit guilt. By this admission, the juvenile is acknowledging his/her actions. However, it should be noted that any admission made by a juvenile at an Arbitration Hearing relating to an alleged incident is confidential, but not privileged information.

3) Disposition

Each participant is given the opportunity to give his/her account of the incident and each may express what punishment he/she feels the juvenile should receive. After determining the facts of the case, the arbitrator negotiates the appropriate actions that the juvenile must take to restore justice to his or her victim(s) and community within 90 days of the hearing date. These sanctions are written on a dispositional form and signed by all parties involved. These sanctions are designed to allow the juvenile to make right his/her wrongdoing. The sanctions should be both appropriate to the offense and productive for the juvenile.

Any participating party not satisfied with the hearing outcome may appeal the arbitrator's decision by contacting the Program Coordinator within seven days of the hearing. The Program Coordinator and the Solicitor will review the case. The disposition can be upheld, assigned to another arbitrator, referred back to DJJ or dismissed. The Solicitor has final approval on any decision.

When the juvenile completes the sanction contract to the satisfaction of his/her arbitrator, the case is closed with no formal court record of the offense. When a juvenile does not complete the program his/her case is referred to the local Department of Juvenile Justice for formal intake into the Juvenile Court System.

Juvenile Pretrial Intervention Program- This program is for juvenile offenders 16 years of age and younger who have been charged with a crime. The eligibility of this program has several determining factors. All parties involved in the case are contacted and a criminal history is processed. The offender must pose no threat to the community and is likely to respond quickly to rehabilitative treatment. The Solicitor makes the final decision regarding admission into the program. Participants must be enrolled in school, Adult Education, or a GED program if applicable. If the applicant is accepted and approved for the program, the participant must pay a \$100 non-refundable participants fee, required to attend all educational programs, 50 hours of community service as well as other requirements as deemed appropriate.

Once the juvenile turns the age of 18 and has completed his or her program successfully and does not commit another crime, the juvenile will have the opportunity to request for their record to be expunged through a written court request.