

OFFICE OF THE SOLICITOR
TWELFTH JUDICIAL CIRCUIT
PRETRIAL INTERVENTION PROGRAM
CITY-COUNTY COMPLEX
FLORENCE, S.C.
665-3091

The Pretrial Intervention Program of the Twelfth Judicial Circuit provides a means whereby certain persons charged with non-violent crimes who have no prior significant criminal history can be diverted from the criminal justice process and allowed to achieve rehabilitation by participation in an intervention program funded by the offender and controlled and supervised by the Twelfth Circuit Solicitor.

STATUTORY AUTHORITY

This program is established pursuant to the authority of the Pretrial Intervention Act promulgated by the South Carolina General Assembly in Act No. 360 of the 1980 General Assembly and codified at Section 17-22-10 et. seq., South Carolina Code of Laws (1976), as amended.

STANDARDS OF ELIGIBILITY

The legislature has determined that intervention is appropriate only under the following circumstances:

1. The offender is seventeen (18) years of age or older.
2. There is substantial likelihood that justice will be served if the offender is placed in an intervention program.
3. It is determined that the needs of the offender and the state and better be met outside the traditional criminal justice process.
4. It is apparent that the offender poses no threat to the community.
5. It appears that the offender is unlikely to be involved in other criminal activity.
6. The offender in those cases where it is required is likely to respond quickly to rehabilitative treatment.
7. The offender has no significant history or prior delinquency or criminal activity (Section 17-22-60).

EXCLUSIONS

The offender is not eligible for intervention if he has previously been accepted into an intervention program or if he is charged with the crimes of burglary, arson, kidnapping, blackmail, traffic-related offenses, murder, voluntary manslaughter, assault and battery with intent to kill, criminal sexual conduct, armed robbery or any other crime of violence.

DISCRETIONARY AUTHORITY OF SOLICITOR

Acceptance into the Pretrial Intervention program is not automatic nor is it a matter of statutory or constitutional right. The enabling legislation provides that the Circuit Solicitors are specifically endowed with and retain all discretionary powers under the common law. (Section 17-22-30). Under some circumstances admission is contingent upon the recommendation of the law enforcement agency employing the arresting officer and/or the victim(s) if any.

ADMISSION REQUIREMENTS

The following is required of those who seek admission into the Pretrial Intervention program:

- A. A \$100.00 application fee (non-refundable regardless of acceptance or rejection). NO PERSONAL CHECKS ACCEPTED.
- B. A \$250.00 participation fee (non-refundable).
- C. Complete information as required as to the past criminal record, education, work record, family history, medical, psychiatric treatment, psychological tests, and any other relevant information. (Section 17-22-70).
- D. Must waive in writing his right to a speedy trial.
- E. Must agree in writing to the tolling of all periods of limitations established by statutes or court rules.
- F. Make restitution to the victim in an amount and within a specified period of time as determined by the Solicitor.
- G. Must agree in writing to the conditions of the intervention program.
- H. Must have copy/copies of all warrants and/or tickets, Driver's License and/or picture ID and Social Security Card.

REHABILITATIVE SERVICES

Once an applicant is accepted into the Pretrial Intervention program he will be referred by the Solicitor to community service agency as directed and contracted for by the Solicitor. This may include, but is not limited to, individual and group counseling sessions; voluntary work in the community; referral to other service agencies; tours of correctional institutions and/or court room sessions, and drug screens.

DURATION OF THE PROGRAM

Participation in the program is a minimum of ninety (90) days after which the case will be reviewed to determine if sufficient progress has been made to warrant dismissal from the program. If adequate progress has not been made the case could either be terminated or extended for a period of up to one (1) year.

INVOLUNTARY TERMINATION

Participants may be terminated from the program for any of the following reasons:

- A. Failure to appear for scheduled orientation.
- B. Failure to pay participation fee.
- C. Unexcused tardiness or failure to keep counseling appointment.
- D. Failure to attend scheduled tours.
- E. Failure to carry out plan of action arranged with counselor.
- F. Failure to make outside referral appointment
- G. Failure to appear for scheduled exit interview.
- H. Arrest or conviction while enrolled.
- I. Giving false information on application or otherwise.

DISMISSAL OF CHARGES

In the event that the offender successfully completes the Pretrial Intervention program, the Solicitor shall effect a non-criminal disposition (dismissal) of the charge or charges pending against the offender after which the participant can petition the court for an expungement order destroying his criminal record pursuant to the provisions of Section 17-1-40.