



The State of South Carolina

Office of Solicitor

Twelfth Judicial Circuit

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Juvenile Diversion Programs

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Twelfth Judicial Circuit Juvenile Diversion Programs

Program Narrative

Early Crime Prevention Program, Arbitration Program, Juvenile Pretrial Intervention Program

The Twelfth Judicial Circuit Juvenile Diversion Programs are community-centered programs for first time offenders of a non-violent/non-status offense. 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 certified and trained volunteer Arbitrators 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 programs offer the opportunity for the juvenile to request expungement of a criminal record, while simultaneously promoting offender accountability, victim reparation and restoring community pride. The Arbitration Program is funded by a South Carolina State Legislature Grant administered by the Department of Juvenile Justice. The Early Crime Prevention and Pretrial Intervention Programs are funded through the Solicitor's Office.

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

- 1) **Volunteer Arbitrators** - preside over Arbitration Hearings and monitor the juvenile's progress until program completion
- 2) **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 Juvenile Diversion Programs within the Solicitor's Twelfth Judicial Circuit. All programs are based on referrals from the Department of Juvenile Justice along with the Solicitor's decision to divert. There are certain criteria for each Diversion Program which is listed below.

- 1) **Early Crime Prevention Program (Up to age 11)** – This program is age level appropriate up to the age of twelve that meet the following criteria:
 - A) First time non-violent/non-status offender below the age of twelve.
 - B) Actively enrolled in school

This program provides early intervention for younger children in hopes of preventing future involvement within 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. When a successful closure takes place, the juvenile has the opportunity to request that his/her record be expunged. 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.

- 2) **Juvenile Arbitration Program (Up to age 17)** – 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. There are no fee's associated with this program. The qualifications for this program are as follows:
 - A) First time non-violent/non-status offender.
 - B) Must be actively enrolled in school.
 - C) Offender must submit an admission of guilt for the crime committed.
 - D) Juvenile and Parent/Guardian must sign a Waiver of Rights agreement that waives rights normally afforded in traditional Juvenile Court proceedings.

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 with a recommendation from the Department of Juvenile Justice to the Solicitor as to how to move forward with the case.

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 victim(s) and their 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 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 are 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 Director within seven days of the hearing. The Program Director and the Solicitor will review the case. The disposition can be upheld, assigned to another Arbitrator, referred back to Department of Juvenile Justice or dismissed. The Solicitor has final approval on any decision.

When the juvenile completes the sanction contract successfully, closure notices are sent to all parties involved in the incident as well as the Department of Juvenile Justice. A successful completion of the program allows opportunity for the juvenile to request for their record to be expunged. When a juvenile does not complete the program successfully, his/her case is referred back to the local Department of Juvenile Justice for formal intake into the Juvenile Court System for further proceedings.

3. **Juvenile Pretrial Intervention Program-** This program is available for juvenile offenders 17 years of age and younger who have been charged prior with a crime with the successful completion of the Arbitration program or referrals based on the Solicitor's decision to divert. The eligibility of this program has several determining factors.
 - A) The offender must pose no threat to the community.
 - B) The offender must not continue to be involved in criminal activities.
 - C) The offender is likely to respond quickly to rehabilitative treatment.
 - D) Participants must be enrolled in School, Adult Education, or a GED program if applicable.

The Solicitor makes the final decision regarding admission into the program. If the applicant is accepted and approved for the program, the participant must pay a \$100 non-refundable application fee and a non-refundable \$100 participants fee, required to attend all educational

programs, 50 hours of community service as well as other requirements as deemed appropriate. If the juvenile completes the program successfully, the closure notice is sent to the Department of Juvenile Justice and the juvenile has the opportunity to request record expungement. If the juvenile is unsuccessful, the case is returned to Department of Juvenile Justice for further Court proceedings.