

State of South Carolina



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Solicitor, Ninth Judicial Circuit

Dear Parents,

This packet of information was developed to help parents who have family currently involved in the criminal justice system. While we cannot directly involve you in your son or daughter's case, we hope this packet will be a useful tool as this process unfolds.

Additional information can be obtained on the web at www.scsolicitor9.org. There are several frequently asked questions from family members but we will attempt to answer the most common ones.

My child didn't actually do anything; they were just with the wrong crowd!

Our staff does understand that some participants may be criminally charged for the poor choices their friends have made. However, while that may be true, Pretrial Intervention and Alcohol education participants need to see that "they" are ultimately responsible for their choice of friends and activities. We hope to open this dialogue with each of our clients so our clients may have better insight, and take ownership for their own decisions. If the above is true for your family, it is often hard to understand why our programs will not just allow parents to fulfill their child's obligations to get this process completed quicker. We do understand the younger the participant, the more stress this experience causes his/her family. Nevertheless, it is the program participants who must realize the stress on their family and decide they do not want to be involved in the criminal system ever again. Our program requirements for participants are designed to address that very issue.

I don't even know what your program is supposed to do. How does it work?

The South Carolina state law allows first time offenders the opportunity to get their record clean by successfully completing the "diversion programs" of Alcohol Education and Pretrial Intervention. Enrollment and successful completion of our programs is a non conviction status; as a result, the client never has to go to trial on these charges. There are certain age and criminal charge restrictions present, but an easy to fill-out program application can decide if this is the correct choice for your dependant. Our application is available on the solicitor's web site. The application may be printed and completed prior to the walk-in application appointment. If you would like to assist your dependant with this process, the best option is to print and complete the document before his/her walk-in application appointment.

There are two levels of charges that come to Pretrial Intervention and Alcohol Education. The court often refers young people to our office because they usually had little prior legal involvement. Once program eligibility has been established through our application process, each participant receives a collection of requirements and experiences from his or her assigned case manager. Participants are given a specific date to provide proof of the completed requirements. Each requirement that the case manager assigns is designed to increase knowledge and to teach skills participants may need to avoid future difficulties.

(How does it work?) cont.

This knowledge is critical for the participant to obtain, since a person is allowed only one opportunity to attend PTI and AEP. Most participants initially come to this program “solely” to allow this charge to be dismissed and then expunged. However, while we recognize *why* people come to our programs that is not the only goal we hope to achieve in PTI or AEP. We want all participants to leave this experience armed with knowledge that they may use in the future to avoid additional problems with the criminal justice system. We know that as concerned parents, you wish the same for your dependant.

Why can't I help do this process, they don't know how to handle things like this?

First and foremost, these are not juvenile programs. All participants in PTI and AEP have been charged as adults. Therefore, it is critically important for the PTI participant to take responsibility for the choices that put them in this difficult situation. It is significant that the young person sees how he/ she have played a role in the circumstances of his/ her arrest. *You actually do help your PTI or AEP participant by allowing your child to experience the safe but uncomfortable consequences of his/ her poor choices.* To support your dependant further, you may review documents that he/she will bring home from their meetings with us. All participants are given a requirement sheet. This sheet lists all the items to be completed and the dates that each document is due. Usually, requirements include counseling or education, community service, drug testing and program fees. If there is a meeting scheduled with the program, then it will be given to your son or daughter in writing. Encourage your participant to share those papers with you so that you have the opportunity to remind he or she of what is due. Also, if you are your child's transportation, there will not be a surprise appointment that you must take him or her to at the last minute.

What happens at the first PTI meeting? We handle two levels of criminal charges in our PTI program. The first level is all misdemeanor offenses. The second are general sessions (more serious) charges. These two groups have very different application processes. For misdemeanor/magistrate level charges, we do **walk in applications on Thursdays from 9:00am to 4:00pm.** All applicants are required to bring 3 things in order to apply. They are:

1. A recent picture ID
2. A \$100 money order or cashiers check for PTI and \$150 for AEP
3. A Social security card.

It also helps to speed up the process, if the applicant brings a *copy of his/ her court referral* to PTI. Often the courts have already sent the referral, but it will save you an unnecessary trip if you come to PTI or AEP before we have received the document from the court. We can not move forward on a walk in day without the court referral. The application process will last approximately 20 minutes. Walk-ins are on a first come, first serve basis.

For General Sessions PTI applicants, the process is very different. Although the needed items for applications are the same (ID, Money order, and SSC), these applicants are mailed a **letter of appointment.** We receive the majority of applicant referrals from Assist. Solicitors in the 9th Circuit Solicitors office who have decided to give the defendant the opportunity for diversion. Since the possible consequences of a General Sessions conviction is much greater, we invest more time and use a greater level of PTI staff involvement in these charges. Parents are welcome to observe the first meeting for General Sessions cases. This application process usually takes an hour and a half to complete.

When will we know if our son or daughter can be accepted into PTI?

If the individual gives the PTI case manager a full and truthful history of prior legal involvement when they apply, the applicant will know immediately if they can be accepted into the program. We will do a thorough criminal history check after the first meeting to ensure eligibility.

Can someone go to PTI if they have already been in AEP?

Yes, by law, they can do each program only once.

My dependant is not living locally because he/she is in college. Can I drop off items that are required by the programs?

Yes. You may drop off items that are required but because this is the participant's legal charge and responsibility, we cannot discuss the specifics of the case with you. However, PTI/AEP staff will be happy to discuss general program process questions that you may have.

What is the age range for these programs and how long does it take?

PTI is age 17 and up. The minimum amount of time an individual can be in PTI is 3 months, the maximum is one year. Both magistrate/ municipal and general sessions charges may go to PTI.

AEP is for ages 17 to 20, and can be completed as quickly as one month. This program is only for misdemeanor offenses.

Can my son or daughter participate in PTI or AEP if he/she doesn't live here?

Yes. We do many out-of-area supervision cases for AEP and PTI. The participant will receive their individual requirements for his/her case from this office but both community service and counseling may be done outside of the area. The case manager will explain the process in detail to the participant when he or she applies to the program.

What happens when they have completed everything they are supposed to?

When a client completes all of the requirements, they should advise his/her case manager by voicemail message that he/she believes that they have finished all assigned tasks as well as provided the documentation of completion. If all documents have been received by the case manager, then the case manager puts the file in for *successful* completion. This means that our administrative staff will complete a second criminal history records check to ensure the participant has no new criminal violations. If the record is clear, all administrative documents are then created. The successful letter goes directly to the PTI or AEP participant. The defense attorney (if there is one), the referring court or solicitor, the arresting officer and any victim listed in the case all receive a copy of the successful completion document. When the successful letter to the client is prepared, so is his/her expungement document and expungement direction sheet. **It is the participant's responsibility to file the document for expungement.** Once filed, it takes approximately 6 weeks for the expungement process to be completed. *Unsuccessful* participants are not eligible for expungements.

Pre-Trial Intervention and Alcohol Education programs are a great privilege; they are not a legal right. Ninth Circuit Solicitor Scarlett Wilson and her staff are all in hope that all program participants will take full advantage of the opportunity they have been given to start over. Successful completion of the PTI and AEP programs can greatly improve your son or daughter's chance for a life free from the burden of a criminal record.