

State of South Carolina

Charleston County
101 Meeting Street, Suite 400
Charleston, SC 29401
Phone (843) 958-1900
Fax (843) 958-1905



Berkeley County
300-B California Avenue
Moncks Corner, SC 29461
Phone (843) 723-3800 ext. 4529
Fax (843) 719-4588

SCARLETT A. WILSON

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 daughters' case, we hope this packet will be as 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 client's 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 their family. Nevertheless, it is the program participant 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 in our programs is a non conviction status; as a result, the clients never have to go to trial on these charge(s). 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. It may be printed and completed prior to applying in person or the application can be completed online, and they may pay the application fees with a debit/credit card. If you would like to assist your dependent with this process that is an option.

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 have 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 their assigned case manager. Participants are given a specific date to provide proof of

the completed requirements. Each requirement 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 them 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 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 important the young person sees how they themselves played a role in the circumstances of their arrest. *You actually do help your PTI or AEP participant by allowing them to experience the safe but uncomfortable consequences of his/her poor choices.* To support them further, you may review documents your dependant will bring home from their meetings with us. All participants are given a *requirement sheet.* This sheet lists all 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, 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 them of what is due. Also, if you are their transportation, there will not be a surprise trip you must take them 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 is general sessions (more serious) charges. We do **walk in applications Monday - Friday from 9:00 to 4:00.** 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/ or pay either using a Debit/Credit Card.
3. A Social security card.

It also helps to speed the process, with misdemeanor/magistrate level charges if the applicant brings *a copy of their 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 with out it. The application process will take 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.

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

If when they apply, the individual gives the PTI case manager a full and truthful history of prior legal involvement, the applicant will know immediately. We will do a thorough criminal history check after their application is received 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 they are 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. PTI/AEP staff will be happy to discuss general program process questions you may have.

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

PTI is age 18 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 they don'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 they apply to the program.

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

When a person completes all requirements, they should advise his/her case manager by voicemail message that they believe they have finished and provided the documents for all assigned tasks. 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 [with some stipulations on juvenile] listed in the case all receive a copy of the successful completion document. When the successful letter to the client is prepared, so is their 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.

This 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 each program participant 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.