

Diversion Programs

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Fifth Circuit Solicitor's Office



Diversion Programs

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Diversion Programs

- Purpose: Allow defendant time to demonstrate responsible behavior
- Designed to enable offenders to avoid criminal charges and a criminal record. Provides an alternative to traditional prosecution
- We recognize not all offenses need to be dealt with through guilty pleas/trials
- Self-sustaining programs

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Pre-Trial Intervention Program

- Established in 1980
- Provides first time offenders an alternative to prosecution, intervention & second chance through rehab services
- Exclusions:
 - Accepted in another intervention program
 - Charged w/violent crime/some traffic-related offenses/DUI/specific felonies statutorily excluded such as blackmail

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Pre-Trial Intervention Program (cont.)

- Eligible:
 - Not previously been accepted in PTI
 - Offender poses no threat to community
 - Likely to respond to rehabilitative services
 - No prior substantial criminal history
- Participants required to perform community service, make restitution & participate in individual and group counseling
- Goal: to determine and address root causes of criminal activity to deter future criminal behavior

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Recidivism rates Richland

2019 PTI Richland report
 Completions= 513 people
 closed warrants= 1732
 Justice engaged after 48 months (convicted or pending)
35 people for 6.82% (recidivism)

2020 PTI Richland (Covid impact)
 2020 Applied- 360
 2020 Accepted - 307 (85.2%)
 2020 Completed PTI -375 year to year
 Total warrants closed= 794

Convictions- 11 people over 48 months

Recidivism within 48 months= 2.93%

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Other considerations about Diversion

- Take into consideration position of victim and Law Enforcement into account
- Not necessarily controlling but Diversion may also help with a swift and complete resolution of the charge especially if restitution is involved.
- Do not use Diversion as a dumping ground for a case you already know suffers evidentiary issues. If case needs to be dismissed then dismiss it.

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Traffic Education Program (TEP)

- Established to educate drivers & give opportunity to have tickets dismissed to keep records clean
- Eligibility:
 - Traffic offenses punishable by fine/loss of 4 points or less
 - No significant history of traffic violations
 - Has not previously participated in TEP
 - PTI/AEP participants are eligible for TEP
 - CDL not allowed per statute
- Program requirements:
 - pay fees
 - complete community service if required
 - complete online traffic education program

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Advantage of TEP for Driver and Court

- Drivers benefit from a dismissed ticket for up to 4 points (moving violation)
- Traffic ticket can be expunged upon dismissal for a fee.
- Court benefits by collecting \$140 in fees from the TEP program and a reduction in their pending traffic docket.
- Traffic cases closed quickly and \$140 fee payable directly to the local Treasurer office (Magistrate or Municipal)

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Alcohol Education Program (AEP)

- Offers alternative to pleading guilty or having a trial
- Designed to combat underage drinking & high-risk behavior
- Persons 17-20 charged with alcohol related offenses qualify
- To participate you must ask for a referral to AEP at court appearance; if approved you will be notified by mail

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AEP/TEP and Family Court

- Both AEP and TEP require a UTT for acceptance.
- TEP – one ticket only in one county
- AEP- multiple tickets as long as they fit statute
- If the person is a juvenile and the case is diverted into Family Court then a petition is required in the Fifth Circuit.
- Often the FC petition can then be handled directly by the FC judge or sent to JPTI.

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Community Service Vendors

- Each locality should have a list of Community Service vendors available to Diversion programming. These vendor relationships are important to help participants locate and quickly access their requirement to give back to the community. Most CS vendors are generally known such as local food banks, shelters, Goodwill, Habitat for Humanity and other non-profits.

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Worthless Check Program

- Free program for victims of bad checks
- Transfers collection process from the victim to Solicitor's Office
- If payment is collected (option to use Set Off Debt), restitution sent to victim, fees paid to county/court & case is closed
- If payment is NOT made, prosecution process is initiated and criminal charges are filed, warrant prepared and arrest made

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Standardized Diversion Forms across all Circuits

- Since 2022 the SC Prosecution Commission has been working with the Circuits to standardize forms and processes across Diversion programs. PTI has been completed at this time.
- Many Circuits are now operating with updated databases to help with reporting features for all programs.
- Making sure there is an accurate count of participation, completion, rejection, termination and follow-up prosecution is critical in the assessment of these programs.

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Treatment Courts-post conviction diversion

- **Adult Drug Treatment Program -1996**
 - Supervised, intensive, outpatient drug treatment program
 - 12 months or longer (General Sessions)
 - Purpose to coordinate with criminal justice and public health systems to reduce drug use, increase public safety and improve quality of life for the community
 - Treatment Court average success rate across all programs= 70%

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Treatment Courts

➤ **Adult Drug Treatment Program**

- Eligibility determined by Solicitor's Office; Drug Court Judge has final authority
- Can apply if you have history of drug use/convictions for drug/drug-related crimes
- Defendant must admit guilt by plea to enter program
- 12 month treatment plan

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Treatment Courts (cont.)

➤ **Veterans Treatment Program**

- Designed to assist veterans w/ pending charges or pled charges
- Purpose is to divert veterans from traditional court system & provide w/ tools needed to lead productive lives
- Collaborative programs w/ veteran mentors, US Dept of Veteran Affairs, veterans service organizations
- Goal to honor/help men & women who served nation by providing substance abuse counseling, mental health treatment & assistance with other needs

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Treatment Courts (cont.)

➤ **Veterans Treatment Program (cont.)**

- Eligible
 - Charged w/ non-violent misdemeanor and/or felony offenses
 - Receive veteran's services benefits
 - Diagnosis of treatable behavioral, mental health and/or chemical dependence problem
- Treatment may include:
 - Anger Management/Domestic Abuse counseling
 - Family/Marriage counseling
 - Substance Abuse/Mental Health counseling geared toward PTSD/combat trauma

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Treatment Courts (cont.)

➤ **Veterans Treatment Program** (cont.)

- Program requirements
 - Assessments to determine needs
 - Screening by VA to determine eligibility for services
 - Appear in Veterans Court three x month
 - Weekly random drug testing/compliance w/ treatment/requirements
 - Maintain contact w/ assigned veteran mentor

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Treatment Courts (cont.)

• **DUI Treatment Program**

- Purpose to collaborate w/ criminal justice and public health systems to treat offenders resulting in reduction of drug use, increase public safety & improve quality of life in community
- Eligible
 - Residents of Richland/Kershaw County
 - History of alcohol/drug dependence & convictions
 - Desire to change and remain alcohol/drug free

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Treatment Courts (cont.)

• **DUI Treatment Program**

- Exclusions:
 - Prior conviction/probation for violent crime
 - CDV charges
 - Criminal Sexual Conduct w/ a Minor
 - Companion weapon charges
 - Gang affiliation
 - History of selling/dealing drugs
 - Pending charges

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Treatment Courts (cont.)

- **DUI Treatment Program** (cont.)
 - 12 month-18 month treatment program
 - Three intensive phases
 - Group sessions
 - Self-help meetings (AA/NA)
 - Alcohol monitoring device (24/7) first 6 months
 - Random drug testing
 - Proof of Employment
 - Graduation contingent on meeting program requirements & financial obligations
 - Success rate = 85% completion

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Adult Mental Health Court

- Voluntary Court Diversion Program administered by Probate Court but under the Solicitor's office effective June 2021; established in 2003;
- MH Court seeks to address inappropriate involvement of mentally ill individuals in the criminal justice system
- Treatment is obtained through collaboration with judicial, mental health and substance abuse systems

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Adult Mental Health Court (cont.)

- Eligibility:
 - Must have an identifiable mental illness w/ or w/out co-occurring disorder of substance abuse
 - Able to understand program
 - Committed a misdemeanor and/or non-violent felony entry follows guilty plea 12-18 month on felony cases no more than 12 months on summary cases
 - Reside in Richland County
 - No pending cases/sign all release of confidential information

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Adult Mental Health Court (cont.)

➤ Goals

- Decrease reoccurring arrests
- Decrease length of jail stay
- Increase access to services
- Increase accountability
- Address public safety concerns

➤ Hearings held weekly at Richland County Judicial Center, 1701 Main St, Columbia, SC

➤ Successful completion means dismissal

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Mental Health Court Structure

- Team members- Judge, ASOL, Defender, Mental Health , S/A Treatment provider and Vocational Rehab
- Assessment for S/A – dual treatment model
- Weekly MH counseling while attending SA treatment.
- Lots of work on the front end-big time commitment by participant.
- Phase 1 can last 3-9 months.
- Vocational Rehab and MH Housing options possible

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Current MH Numbers and success

- The program currently has about 23 people engaged.
- Phase 1= 11
- Phase 2=6
- Phase 3=2
- Phase 4=4
- Graduations held twice a year.
- Recidivism since 2021- 2 people have reoffended after completion. Success rate about 70% of accepted people.

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Homeless Court

- Voluntary program for individuals who are homeless (now or at time of charge)
- Purpose to encourage participants to receive & complete treatment/rehabilitation programs in exchange for possibility of dismissal of fines/offense
- Managed by Columbia City Court
- Only offenses that occurs in the City of Columbia may be considered

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Extended jurisdiction through partnership

- Our graduates often do not have charges in Columbia. We will submit Consent Orders to any Summary Court in Richland County to try and help remove a barrier.
- We also will send letter to outside jurisdiction to advocate for a graduate.
- Richland County has been a partner in these efforts since August 2023.

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Homeless Court (cont.)

- Offenses NOT eligible:
 - CDV/Assault/Battery 3rd degree/DUI
- Will consider TIA bench warrants for offense less than 30 days (reopen cases)
- Charges generally indicative of Homelessness
- Participants must show they are or were at the time of offense experiencing homelessness & are transitioning out of homelessness

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Homeless Court (cont.)

- Participation must be approved by Solicitor's Office
- Court is an informal proceeding w/ judge, solicitor & attorney, bailiff, treatment providers & court administration- written orders used to track cases
 - Held at Transitions Homeless Shelter, 2025 Main St, Columbia, SC 4th Tuesday each month at 2pm
 - Assigned an attorney (public defender)

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QUESTIONS ON ANY MATERIAL
PRESENTED PLEASE REACH
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