



# COLUMBIA POLICE DEPARTMENT

*"Policing Excellence through Community Partnerships"*

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| <b>Subject:</b> <i>Judicial Systems</i>  |   |                                       |
| <b>Amends/Supersedes:</b> <i>Section 05, Chapter 06, Judicial Systems 2008</i> | <b>Chief of Police:</b><br><i>W.A. Huddle</i> |                                       |
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## 1.0 DIRECTIVE

The Columbia Police Department shall actively seek improvements in the criminal justice system. Once identified, such improvements shall be implemented if feasible.

## 2.0 PRE-TRIAL RELEASES

The following programs and procedures will be utilized for the pre-trial release of offenders.

### 2.1 Release on Recognizance (ROR)

A person charged with an offense and who is taken into custody will be properly served with a traffic summons and/or arrest warrant and after proper booking will be summoned back to court (ROR) by use of a summons form provided by the Columbia Municipal Court.

A person charged with any of the following offenses will not be ROR but will remain in custody until a cash, or surety bond has been posted with the court for their release, or until the next session of bond setting is convened:

- Shoplifting, 1st offense under \$1000.00
- Soliciting for immoral purposes
- Prostitution offenses (including soliciting and loitering)
- Driving under the influence
- Driving under suspension, 2nd offense
- Public drunk
- Resisting arrest
- Trespassing
- Criminal domestic violence
- Simple assault
- Carrying a concealed weapon (pistol)
- Unlawful possession of a pistol (city offense)

- No driver's license (except expired driver's license)
- Discharging firearms in the city
- Persons in contempt who have not satisfied the sentence of the court

Any person charged with a General Sessions Court offense will remain in custody until the next session of bond setting is convened.

## 2.2 Release on Bail

The South Carolina Constitution (Article I, Section 15) guarantees all persons the right to bail pending trial (except those persons charge with capital offenses or offenses punishable by life imprisonment) and further provides that excessive bail cannot be charged.

SC Code of Laws §17-15-10 states that any person charged with aailable offense must be released on bail unless such release:

- Would not reasonably assure the appearance of the accused at trial
- Would result in an unreasonable danger to the community

If the Municipal Court Judge finds that an accused person falls into one or both of the above conditions it is the Judge's responsibility to determine the amount of bail or other conditions of release that would reasonably assure appearance and/or alleviate the danger to the community.

## 2.3 Alcohol Education Program (AEP)

The Alcohol Education program is for individuals aged 17 - 21 who are charged with alcohol related offense(s) as determined by the Solicitor's office. The participants attend alcohol education sessions and complete 20 hours of community service. Upon completion, the offender may apply to the court for the expungement of their arrest record.

## 2.4 Pre-Trial Intervention (SC Code of Laws §17-22-10 to §17-22-150)

Pre-Trial Intervention is a voluntary program that intervenes in a case before it goes to court. This program allows a defendant to be diverted from a possible conviction in court and to clear their record upon successful completion of the program.

An offender who wishes to be accepted into the PTI Program must first:

- Furnish the PTI program with complete information on any matter dealing with the charge against the offender and the offender's prior history and current activities
- Agree to make restitution for any losses to the victim in the case
- Pay a non-refundable \$100.00 application fee
- Keep all scheduled appointments
- Agree to commit no more crimes
- Agree to give up their free time in order to participate in the various programs

If an offender is accepted in the program the Solicitor will hold the offender's charges from coming up in court. Before the charges are dismissed the offender must meet the following requirements:

- Pay a non-refundable \$250 participation fee
- Perform a minimum of 30 hours volunteer work
- Attend an arranged tour of the Department of Corrections
- Agree to find a job or enroll in school full-time

- Actively take part in counseling sessions, group activities and educational classes
- Remain enrolled in the program a minimum of 90 days and no more than one year
- Pay back the victim of the charge for losses incurred
- Not be rearrested while enrolled in PTI
- Attend a dismissal session where procedures for clearing the record are explained in detail
- Not leave the state while the charges are in effect without the specific permission of the PTI program

If at any time it is determined that the above requirements were not met, the offender will be terminated from the program and the case returned to court for full prosecution.

When an arrested person makes application to attend the Pre-Trial Intervention Program the Richland County Solicitor's Office will investigate their background and criminal history. A recommendation form will be sent to the arresting officer for completion. If the arresting officer recommends the Pre-Trial Program, he simply checks the appropriate box. If the officer declines to recommend Pre-Trial, the officer is required to furnish his reasons for denial in the comments section of the form. The Solicitor's Office will utilize the information gathered to make the final decision regarding admission into the Pre-Trial Intervention Program.

### **3.0 HABITUAL OFFENDER PROGRAM (SC CODE OF LAWS §56-1-1020)**

For the purpose of this chapter a habitual offender is any person whose driving record over the previous three (3) year period, as maintained by the South Carolina Department of Highways and Public Transportation, has accumulated the following convictions:

**Three (3) or more convictions**, singularly or in combination of any of the following separate and distinct offences arising from separate acts:

- Voluntary manslaughter, involuntary manslaughter or reckless homicide resulting from the operation of motor vehicle
- Operating or attempting to operate a motor vehicle while under the influence of intoxicating liquor, narcotics or drugs
- Driving or operating a motor vehicle in a reckless manner
- Driving a motor vehicle while his license, permit or privilege to drive a motor vehicle has been suspended or revoked, except a conviction for driving under suspension for failure to file proof of financial responsibility
- Any offense punishable as a felony under the Motor Vehicle Laws of this state or any felony in the commission of which a motor vehicle is used
- Failure of the driver of a motor vehicle involved in any accident resulting in the death or injury of any person to stop close to the scene of such accident and report his identity

**Ten or more convictions** of separate and distinct offenses involving moving violations that are required to be reported to the Highway Department and for which four (4) or more points are assigned.

### **4.0 MAJOR OFFENDER PROGRAM (SC CODE OF LAWS §17-25-45)**

For the purpose of this chapter, a Major Offender is any person who has three (3) convictions for any of the following violent crimes:

- Murder
- Assault and battery with intent to kill

- Criminal sexual conduct 1st and 2nd degree
- Voluntary manslaughter
- Kidnapping
- Armed robbery
- Trafficking in drugs
- Burglary 1st and 2nd degree
- Arson 1st and 2nd degree

A conviction is considered a second conviction only if the date of the commission of the second crime occurred subsequent to the imposition of the sentence for the first offense

#### 4.1 Procedures

It is the responsibility of the investigating officer involved in an arrest for any of the above violent crimes to check all records to see if the suspect will be prosecuted under the Major Offender Program.

The Criminal History Check on the suspect will be completed before obtaining a warrant authorization from the Solicitor's Office.

When the suspect falls within the criteria to be prosecuted under the Major Offender Program, the Solicitor's Office will be contacted and the case reviewed with the Solicitor for completeness and accuracy.

#### 4.2 Penalties

Any person who falls within the criteria established for the Major Offender Program may, except for a crime for which a sentence of death has been imposed, upon the third conviction in this state for such crime be sentenced to life imprisonment without parole. The decision to obtain a sentence of life imprisonment without parole will be at the discretion of the Solicitor.

### 5.0 CRIMINAL CASE ACCOUNTABILITY

The Columbia Police Department and the Fifth Circuit Solicitor's Office have signed a cooperative agreement to review cases that are dismissed or not prosecuted for reasons including but not limited to insufficient case preparation or alleged case mishandling by the Police Department.

### 6.0 DIVERSIONARY PROGRAMS

Officers of the Columbia Police Department may utilize social service diversionary programs when in the best interest of the Department and the service community.

Officers may agree to allow, or recommend that, an individual enter a specialized program at a social service agency after consultation with any other officers involved with the individual, all victims involved - if any, and the Solicitor's Office when applicable. Officers may refer individuals with problems related to drugs, alcohol, mental health, etc. to the appropriate social service agency. A listing of social service agencies and the programs they provide will be maintained at the Telephone Response Unit.

### 7.0 COORDINATION WITH JUDICIAL OFFICERS

In an attempt to maintain an active and mutually advantageous relationship with judicial officers, the Captain of Investigation will meet on a semi-annual basis with the Prosecutors and Judges of the courts. The Crime Scene Investigations Unit Supervisor will attend these meetings to apprise the Prosecutors and Judges of the latest information concerning the abilities of Investigators and the laboratory in developing information for prosecution.

The semi-annual meeting will also benefit law enforcement and laboratory representatives by providing them with

knowledge of the investigative and procedural concerns of the prosecutors and courts.