

The Supreme Court of South Carolina

RE: Specialized Caseload Sanctions and Incentives Pilot  
Program (SWIFT)

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ORDER

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The South Carolina Department of Probation, Parole and Pardon Services (SCDPPPS) has asked the Supreme Court of South Carolina to approve implementation of a specialized caseload sanctions and incentives (SWIFT) pilot program to be conducted in Anderson, Greenville, and York counties. The request and recommendation to adopt the SWIFT pilot program originated from the Director of SCDPPPS with the previously obtained support of the Tenth Circuit Solicitor's Office, the Thirteenth Circuit Solicitor's Office, the Sixteenth Circuit Solicitor's Office, the detention center director in each of the three jurisdictions, and the Chief Administrative Judge in each of the three jurisdictions.

The SWIFT pilot program is supported by a federal grant from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance titled Swift, Certain, and Fair (SCF) Supervision Program: Applying the Principles Behind Project HOPE Grant. The overall goal of the SWIFT program is to reduce recidivism and improve outcomes through the application of SCF principles for domestic violence offenders and sex offenders who have been sentenced to a term of probation by a Court of General Sessions in South Carolina.

SCDPPPS intends to achieve this goal, with the support of the Courts of General Sessions in the relevant jurisdictions, by: (1) improving the timeliness of certain sanctions utilized to respond to violations to ensure probationers connect the sanction to the behavior; (2) using specialized, caseload specific violation matrices to ensure the sanctions and rewards are applied with consistency and predictability; and (3) enhancing the current incentive process to ensure incentives are used and appropriate behavior is rewarded. Supervision programs that allow for swift responses to violations have been utilized in other states with positive results, including improved compliance and greater success rates.

I find the interests of justice are not impaired by such a pilot program, and indeed the hope is that this program will improve the processes and implementation of probation conditions, swiftly address violations of supervision, incentivize positive behavior, and ultimately result in improvements in the safety of the citizens of South Carolina. Therefore, the request to establish the pilot is granted as set forth below.

## **Establishment of the South Carolina SWIFT Pilot Program**

Pursuant to the provisions of Article V, Section 4 of the South Carolina Constitution,

IT IS ORDERED that the SWIFT pilot program be established in Anderson, Greenville, and York Counties as a specialized caseload sanctions and incentives program for domestic violence offenders and sex offenders who reside in one of these counties, and who have been sentenced to a term of probation by a Court of General Sessions in South Carolina. The SWIFT program shall be implemented by SCDPPPS and the Chief Administrative Judges for Anderson, Greenville, and York Counties through the application of Swift, Certain, and Fair principles in an effort to reduce recidivism and improve outcomes.

IT IS ORDERED that participants in the SWIFT program will be identified and qualified for participation by criteria set forth by SCDPPPS in establishing specialized probation caseloads.

IT IS FURTHER ORDERED that the SWIFT program will operate and be implemented pursuant to the following processes:

A SWIFT program participant will, if possible, be provided an expedited administrative hearing before a neutral SCDPPPS Hearings Officer within 48 hours of the service of a warrant or citation charging the participant with a violation of probation, for a determination of whether, by a preponderance of the evidence, a violation occurred.

A SWIFT program participant may represent himself or herself at the administrative hearing or retain private counsel at the participant's expense. If the participant cannot afford to hire an attorney and meets the requirements for indigent representation as established by the Public Defender's Office in the county, the participant will be appointed a public defender. See Rule 602(a), SCACR.

At the administrative hearing, SWIFT program participants may have witnesses present to testify for them, and they may present evidence on their own behalf. It is the responsibility of the participant to have witnesses and any private counsel present. SWIFT program participants shall have the right to question any person making allegations against them at the hearing.

At the conclusion of the administrative hearing, the Hearings Officer may recommend revocation of the SWIFT program participant's probation and reinstatement of a portion of his or her suspended sentence, to be served as "weekend time" not exceeding 48 hours of continuous incarceration per week, for up to four consecutive weeks.

If the SWIFT program participant CONSENTS to the recommended revocation, it will be presented to a judge of the Court of General Sessions for execution WITHOUT a hearing. If the assigned judge of the Court of General Sessions is satisfied with the Hearings

Officer's proposed order, the judge may sign the order requiring the SWIFT program participant to serve the "weekend time" at the county detention center. Upon release from incarceration, the SWIFT program participant shall resume serving his or her term of probation.

If the SWIFT program participant DOES NOT CONSENT to the recommended revocation, his or her case will be removed from the SWIFT process and will be forwarded to the Court of General Sessions for a standard violation hearing.

**The Court of General Sessions ultimately retains authority over the final disposition of any SWIFT program participant's probation violation.**

**Effective Date**

This Order is effective immediately and shall remain in effect unless rescinded or modified by future order of the Chief Justice.

**IT IS SO ORDERED.**

s/Donald W.  
Beatty  
Donald W. Beatty  
Chief Justice of South Carolina

Columbia, South Carolina  
August 29, 2023