

18th JUDICIAL DISTRICT PRE - TRIAL DIVERSION



WHAT IS THE PRE-TRIAL DIVERSION PROGRAM?

The Pre-Trial Diversion Program (PTD) is a voluntary diversion program that is offered to select non-violent offenders as an alternative to prosecution. The program is offered to eligible offenders after the case has been reviewed by the District Attorney and it is determined that the offender meets the eligibility criteria.

The Louisiana District Attorney's Association Pre-Trial Diversion Standards (as amended in 2018) are incorporated herein and made a part hereof by reference.

WHAT IS THE PURPOSE OF THE PRE-TRIAL DIVERSION PROGRAM?

The Pre-Trial Diversion Program is designed to deter offenders from future criminal and/or disorderly behavior. Also, the program provides the offender an opportunity to gain awareness of the consequences of future criminal behavior, to avoid additional expenses as related to criminal prosecution, and should he/she successfully complete the program, to have his/her charge(s) refused or dismissed by the District Attorney's Office. Additionally, an offender's participation in the program will lessen the load on the Court System, the Clerk of Court, and Law Enforcement Agencies. Pre-Trial Diversion can be highly beneficial for first time offenders and is a useful tool when deciding how to proceed in certain cases.

CASE REVIEW

The District Attorney's Office reviews each case on an individual basis and looks at multiple factors to determine eligibility, including, but not limited to the circumstances behind the offense and past criminal history.

WHO IS ELIGIBLE TO PARTICIPATE IN THE PRE-TRIAL DIVERSION PROGRAM?

To be eligible for participation in the Pre-Trial Diversion Program, an individual must meet the following criteria, including, but not limited to:

1. Primarily non-violent misdemeanor crimes. However, on rare occasions, some felonies are allowed.
2. The victim must receive full restitution where required and may be required to be paid prior to the offender enrolling into PTD.
3. The offender must present no future probable threat of causing harm to this community.
4. The offender must refrain from criminal behavior; and
5. The offender must show a good faith willingness to participate in the program.

HOW ARE THE PARTICIPANTS SELECTED?

Offenders wishing to participate in the Pre-Trial Diversion Program should complete the Pre-Trial Diversion Request Form. Although having a lawyer is not required to enroll into the Pre-Trial Diversion Program, an offender has a right to seek counsel before filling out any forms. Once the request form is filled out and all questions answered, the offender should return the form to the District Attorney's Office so that the screening process can be started.

Traffic Citations

When an offender is issued a traffic citation and desires to have the charge deemed as a non-moving violation, he or she may submit an on-line request to the District Attorney's Office expressing such desire through the District Attorney's website www.18thjda.org. To enroll in traffic pre-trial, please navigate to the top right side of the page, under Traffic Pre-Trial and select "*Click Here to Apply*". The request will be forwarded to the District Attorney for consideration and review of the case. If the District Attorney deems the violation pre-trial eligible, a letter will be forwarded to the offender with instructions explaining how to resolve the matter.

Misdemeanors (including Wildlife Violations/Juveniles)

When an offender has passed the screening process and is accepted into the PTD program, a formal letter will be issued notifying the offender of such eligibility and advising of an appointment time and date with the Pre-Trial Diversion Coordinator. An enrollment fee of \$350.00, payable to the District Attorney's Office is due at the time of enrollment. The offender's case is monitored by the 18th Judicial District Probation Department which collects \$55.00 per month for supervision. All monies collected are distributed to the same entities and in the same proportion as if the enrollee had gone to court and plead guilty. This process ensures that all entities receive their share of the proceeds collected.

DWI

For a defendant to be considered for admission into the Pre-Trial Diversion Program for a DWI, a few things will be considered, expected, and listed as follows:

- First offense only with extensive state and nationwide criminal history check.
- Completion of three (3) online courses (Effective Decision Making, Impaired and Distracted Driving and Substance Abuse).
- Probation for one (1) year monitored by the 18th Judicial District Court Probation Department (\$55 per month).
- Payment of \$852.00, which is distributed to the various entities in the proportion that it would normally receive had the enrollee plead guilty in court.
- The Program length is 12 months.

Possession of Marijuana

For a defendant to be considered for admission into the Pre-Trial Diversion Program for possession of marijuana, a few things will be considered, expected, and listed as follows:

- First offense only with extensive state and nationwide criminal history check.
- Completion of two (2) online courses (Effective Decision Making and Substance Abuse).
- Random drug screens at participant's cost.
- Probation for one (1) year monitored by the 18th Judicial District Court Probation Department (\$55 per month).
- Payment of \$400.00, which is distributed to the various entities in the proportion that it would normally receive had the enrollee plead guilty in court.
- The Program length is 12 months.

Miscellaneous Non-Violent Misdemeanor Crimes

Eligibility and participation in the pre-trial diversion program for other non-violent misdemeanor crimes is determined on a case-by-case basis by the District Attorney and/or the Pre-Trial Diversion Coordinator.

Low Income/Indigent Participants

The District Attorney's Office understands, acknowledges and takes into consideration the ability to pay by indigent and low-income offenders. Once financial ability has been established, consideration for financial relief may be available.

Completion of Pre-Trial Diversion

Upon successful completion of a defendant's case in Pre-Trial Diversion, the case will be dismissed. The defendant may seek an expungement once the case is dismissed. However, pursuant to La. R.S. 15:578.1, records relating to the diversion of DWI offenses will be maintained for a period of at least five (5) years and are not eligible to be expunged.

Non-Completion

When a defendant is dismissed from the program for any reason, all monies paid will be forfeited and the case will be returned to the proper division for prosecution.

NOTE: With the approval of the District Attorney any and all of the general rules for eligibility into Pre-Trial Diversion program as set forth hereinabove can be waived or suspended when the circumstances indicate that justice is better served in doing so and/or the victim has requested and/or agreed to same.

FOR CONSIDERATION TO PARTICIPATE IN THE PRE-TRIAL DIVERSION PROGRAM, PLEASE COMPLETE THE FORM ON PAGES 6 AND 7 AND SUBMIT TO THE DISTRICT ATTORNEY'S OFFICE.

PRE-TRIAL INTERVENTION PROGRAM
18TH JUDICIAL DISTRICT ATTORNEY'S OFFICE
TONY CLAYTON, DISTRICT ATTORNEY

REQUEST FOR PRE-TRIAL DIVERSION

NAME _____ DATE OF BIRTH _____

ADDRESS _____ CITY _____ STATE _____

CELL PHONE NUMBER _____ HOME PHONE NUMBER _____

EMAIL ADDRESS _____

DO YOU HAVE AN ATTORNEY? YES NO IF YES, WHOM _____

IS YOUR ATTORNEY AWARE THAT YOU ARE APPLYING FOR PRE-TRIAL DIVERSION? YES NO

DATE OF REQUEST FOR PRE-TRIAL DIVERSION _____

CIRRENT CHARGE(S) _____

PARISH: IBERVILLE WEST BATON ROUGE POINTE COUPEE

DATE OF ARREST OR SUMMONS _____ DOCKET NUMBER _____

Please answer the following questions and use "N/A" (Not Applicable) for any fields that do not apply to you.

1. PLEASE LIST ALL PRIOR ARRESTS, MISDEMEANOR SUMMONS, OR TICKETS YOU HAVE RECEIVED FOR ALCOHOL OR DRUG RELATED CHARGES, WHETHER OR NOT THEY RESULTED IN A CONVICTION. PLEASE INCLUDE PLACE, APPROXIMATE DATE, AND OUTCOME.

2. PLEASE LIST ALL PRIOR ARREST(S) OR MISDEMEANOR SUMMONS YOU HAVE RECEIVED FOR ANY OTHER FELONIES OR MISDEMEANORS, WHETHER OR NOT THEY RESULTED IN A CONVICTION. PLEASE INCLUDE PLACE, APPROXIMATE DATE, AND OUTCOME.

3. PLEASE LIST ANY PRIOR PARTICIPATION IN A PRE-TRIAL INTERVENTION OR DIVERSION PROGRAM ANYWHERE, EVEN IF YOU DID NOT COMPLETE THE PROGRAM. PLEASE INCLUDE PLACE AND APPROXIMATE DATE.

DECLARATION OF TRUTHFULNESS

I, _____, DO HEREBY DECLARE AND AFFIRM THAT THE LISTS I SUBMITTED ON THIS APPLICATION FOR PRE-TRIAL DIVERSION CONCERNING ANY PRIOR ARRESTS, CONVICTIONS, AND ANY PREVIOUS PRE-TRIAL INTERVENTION/DIVERSION PARTICIPATION IS TRUTHFUL AND ACCURATE. I UNDERSTAND THAT SHOULD ANY DISCREPANCY BE DISCOVERED AT ANY TIME, I MAY BE EXPELLED FROM THE PROGRAM WITH FORFEITURE OF ALL FEES.

APPLICANT'S SIGNATURE

WE THE UNDERSIGNED TWO WITNESSES, ON _____ WITNESSED, IN OUR PRESENCE, THE SIGNING OF THE ABOVE DECLARATION, BY THE APPLICANT.

SIGNATURE OF WITNESS

SIGNATURE OF WITNESS

PRINTED NAME OF WITNESS

PRINTED NAME OF WITNESS

STREET ADDRESS

STREET ADDRESS

CITY, STATE

CITY, STATE

*******FOR OFFICE USE ONLY*******

DETERMINATION OF ELIGIBILITY FOR PRE-TRIAL DIVERSION

APPROVED _____

DENIED _____

SIGNATURE _____

DATE _____

COMMENTS: