

PRETRIAL DIVERSION PROGRAM
District Attorney's Office
Cobb Judicial Circuit

FREQUENTLY ASKED QUESTIONS

Eligibility:

Q: Do Pretrial Diversion participants have to live in Cobb County?

A: *No. However, all drug screening must be done at the Cobb County drug lab. Therefore, all participants must be able to get to the lab during business hours whenever prompted. This will usually mean that anyone living outside the metro Atlanta area will not be able to comply with this condition.*

Q: Are violent offenses eligible for this program?

A: *Cases of family violence can be considered. However, violent offenses that are not related to a domestic relationship generally are not eligible.*

Q: How does the domestic violence track differ from the traditional program?

A: *In cases of domestic violence, the length of the program is increased from six months to nine months to allow time for the participant to complete a 24-week batterer's intervention program.*

Drug Screening:

Q: Can a participant find a comparable lab outside Cobb County for drug screening?

A: *No. All screening must be done at the Cobb County lab. The practice of allowing outside screening became unmanageable and has been discontinued.*

Q: Will a positive drug screen be excused if the participant has a valid prescription for a medication which may cause that result?

A: *No. Any positive drug screen result will result in termination from the program. Participants should refer to the participant handbook for a list of medications which can be safely taken and consult with their doctors to find alternative, safe medications.*

Q: Is there a "grace period" of 30 days or more during which a participant may test positive for marijuana at the beginning of the program, while the drug metabolizes out of the system?

A: *No. Any test indicating the use of an illegal drug at any time after the defendant's arrest may be grounds for termination from this program.*

Q: Are participants allowed to drink alcohol in moderation?

A: *No. Participants may not consume any alcohol. Therefore, any positive result for alcohol on any drug screen may result in termination from the program.*

Fees:

Q: Can the \$200 administrative fee be waived?

A: *Only in very rare cases would the fees be waived and at the discretion of the District Attorney's Office. Any participant requesting such a waiver should be prepared to document an extraordinary circumstance or hardship which would make such action necessary.*

Q: What must be paid at program orientation?

A: *The administrative fee, any restitution owed, and any reimbursement for appointed attorney's fees must be paid at orientation. Defendants will not be allowed to participate in orientation unless all monetary obligations are paid. Delayed or installment payments will not be accepted under any circumstances.*

Program Requirements:

Q: Can a participant do community service online (for example, by using www.quickcommunityservice.com)?

A: *No. Online community service is not accepted by this program.*

Q: Will a participant be provided with a list of approved community service organizations and a log for recording service hours?

A: *At orientation for the Pretrial Diversion Program you will be provided a list of recommended community service locations but not a log for recording hours.*

Q: Will community service hours completed before program orientation be accepted?

A: *Yes. Community service performed after arrest but before program orientation can be counted toward this program's requirements if the hours are completed at a location approved by the Pretrial Diversion Coordinator.*

Q: Can community service be performed for a private business if the participant is not paid?

A: *No. Community service must provide a benefit to the community, not simply free labor for a private business.*

Court and Legal Issues:

Q: Once a defendant has filed an application to participate in Pretrial Diversion, may he or she be excused from upcoming court dates?

A: *That question can only be answered by the judge hearing the case. No one involved with this program has authority to excuse a defendant or an attorney from a court date.*

Q: Can a defendant apply for this program prior to an accusation or indictment being filed?

A: *Yes. Please refer to the application instructions included with the application paperwork. However, participants and their attorneys should be aware that cases requiring payment of restitution must be indicted or accused.*

Q: Does an applicant have to have an attorney to apply for Pretrial Diversion?

A: *The decision to retain counsel is personal to each applicant. However, due to the various legal implications regarding participation in this program, the advice of counsel, though not required, is recommended.*

Q: If a defendant completes this program, will the record of the arrest be restricted?

A: *Charges that are nolle prossed or dismissed because a defendant successfully completed the Pretrial Diversion Program will be restricted from public view.*

For more information, please consult the program participant handbook, or contact Maurice Brown at 770-528-3025.