

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. Participants are not required to reside in Cobb County.*

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 may be increased beyond six 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: *Generally, no. In most circumstances, screening will be done at the Cobb County lab. However, upon a showing of good cause after a full discussion with the Pretrial Coordinator, alternative arrangements for screening may be approved. It should be noted that prior approval is required, absent extenuating circumstances.*

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

A: *It depends. You should take medications only as prescribed by a medical professional. You are required to provide a list of all medications currently taken pursuant to a doctor's prescription at orientation (or as soon after as is possible). If your prescribing physician believes that no alternative medications will adequately address your medical needs, you must have him/her document this opinion in writing and you must provide that documentation to the Diversion Coordinator immediately. Compliance with this procedure will determine how positive drug screens will be viewed.*

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/denial 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 are expected to be paid at orientation. However, upon a showing of good cause, the administrative fee may be paid in installments while in the program, if approved in writing prior to or at orientation. Defendants will not be allowed to participate in orientation unless all monetary obligations are paid or proper alternative arrangements made.*

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 strongly 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 Susan Stern at 770-528-2179.