

Flynn D. Broady, Jr.
Office of the District Attorney
District Attorney
Cobb Judicial Circuit

Diversion Program

Frequently Asked Questions

Eligibility:

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

A: Pretrial participants are **not** required to live in Cobb County.

2) Q: Are applicants charged with violent offenses eligible for this program?

A: Except in the case of certain family violence charges, applicants charged with violent offenses involving serious injury or weapons are not typically accepted.

3) Q: How does the family violence program differ from the traditional program?

A: Participants with family violence charges are generally required to attend a 24-week Family Violence Intervention Program in addition to the typical requirements.

4) Q: Does a participant need to be able to speak English to participate in the program?

A: To apply for the program you do not need to speak and read English, however it is the participants responsibility to provide an interpreter for orientation and any required meetings as well as translate the required documentation.

Drug Screening:

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

A: Generally, a participant will be required to receive drug and alcohol testing at the Cobb County Superior Court Drug Lab. However, should the participant not reside in Cobb County, arrangements may be made with the Diversion Coordinator for testing to occur at an alternative lab. Alternative testing facilities must be approved in advance, and in writing with the Diversion Coordinator.

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

A: Participants in the Cobb County Diversion Program are provided an extensive list of medications which may result in a positive drug screen. At the time of acceptance into the program you will be required to submit a list of all prescribed medications to the Diversion Coordinator. Should a participant's physician deem it medically necessary for the participant to take an otherwise prohibited drug, that physician must provide written documentation of that need, which then must be provided to the Diversion Coordinator. The Diversion Coordinator will determine how this issue will be resolved.

- 7) 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: Upon acceptance into the program any positive drug screen may result in additional requirements or termination from the program. This includes positive tests for THC. Any use of CBD products that could result in a positive drug screen are prohibited. Out of state prescriptions for marijuana are not accepted.

- 8) Q: Are participants allowed to drink alcohol in moderation?

A: Participants in the program are prohibited from consuming alcohol. A positive test indicating alcohol consumption may result in additional requirements or termination from the program.

Fees:

- 9) Q: Can the \$200.00 administrative fee be waived?

A: Although the \$200.00 administrative fee is required individual circumstances will be taken into consideration, as well as the cost of completing the assigned requirements in making a final determination of fees.

- 10) Q: What must be paid at program orientation?

A: The administrative fee, any restitution owed, and any reimbursement for appointed attorney's fees should be paid or arrangements made for submitting payment at orientation. Participants must comply with all payment arrangements as scheduled. Charges will not be dismissed or nolle prossed until all fees and restitution have been paid.

Program Requirements:

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

A: Community service performed online will not generally be accepted. All completed community service is subject to verification by the Diversion Coordinator

12) 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. You should ask for documentation of completion of your community service on the organizations' letterhead, and documentation should include a contact person in the organization for verification of completion.

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

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

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

A: Community service cannot be provided at a private business. Community service must provide a benefit to the community, not simply free labor for a private business.

Court and Legal Issues:

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

A: Whether you must attend court appearances while in the program can only be answered by the Judge assigned to the case. No one involved with this program has authority to excuse a defendant or an attorney from a court date.

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

A: A defendant, through his or her attorney, may apply for diversion immediately after arrest. However, participants and their attorneys should be aware that most cases will be accused especially in situations where fees and restitution are paid through a payment plan.

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

A: Applicants to the Pretrial Diversion Program must have an attorney. If you cannot afford an attorney you should apply for representation through the Cobb County Circuit Defender's Office.

18) 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. It is highly recommended that the participant checks his or her criminal history after the nolle prosequi has been entered, and review it with his or her attorney, to ensure removal from their criminal history.

For more information, please refer to the participant handbook or call the Diversion Coordinator at 770-528-2179.