



Office of the District Attorney

Flynn D. Broady, Jr.

District Attorney

Cobb Judicial Circuit

Pretrial Diversion Program

Participant Handbook

Pretrial Diversion Program
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Welcome to the Cobb County

Pretrial Diversion Program

Welcome to the Cobb County Pretrial Diversion Program. This Handbook is designed to answer your questions about what is expected of you as a diversion participant. In addition to abiding by the program requirements written in the admission paperwork and this handbook, you must also abide by any special conditions explained during program orientation. If you still have questions after reading this handbook, please contact the Diversion Coordinator.

Introduction

The Pretrial Diversion Program was created pursuant to O.C.G.A. § 15-18-80 as an alternative to the prosecution of low level to intermediate offenses in the criminal justice system. It is also one component of the Restorative Justice Initiative under the administration of District Attorney Flynn D. Broady, Jr. The program is designed for nonviolent offenders who have committed crimes that did not result in serious injury to a victim, or who have committed crimes involving domestic violence. Each individual accepted to participate in the Pretrial Diversion Program will be required to enter into a contractual agreement, and will be subject to an individualized program of supervision, which may include counseling, education, mentoring, drug screening, and community service, for a specified period of time in lieu of traditional prosecution. The average length of time in the program is six to nine months.

The decision to request to participate in the Pretrial Diversion Program must be made freely and voluntarily and should be made with the advice of legal counsel. Representation by an attorney is required to be in the program. Participation will occur prior to adjudication, and successful completion of the program will result in a dismissal or Nolle Prosequi of the charges. The program is designed as a balance between rehabilitation and punishment which benefits both the individual participant as well as the overall criminal justice system for Cobb County.

Participant Responsibilities

Once accepted into the Pretrial Diversion Program, you will be required to follow **all** program guidelines listed below:

- Attend all Court appearances unless you have been excused by the Judge. Please do not ask the Diversion Coordinator whether you have to go to an upcoming court date. **No one affiliated with the District Attorney's Office has the authority to allow you to miss court.**
- Attend program orientation as scheduled.
- You must abstain from using any illegal drugs, alcohol or unapproved medications.
- Comply with all drug screen procedures.
- Comply with all special conditions explained at program orientation, which may include community service, mentoring, counseling, education or other conditions specific to your individual case.
- Do not associate with people who engage in illegal activities.
- Immediately report any contact you have with any form of law enforcement, except for minor traffic offenses that do not involve drug or alcohol use.
- Maintain gainful employment or school participation to the best of your ability.

Orientation and Drug Testing Location

The District Attorney's office is located on the third floor of the Superior Court building on 70 Haynes Street, Marietta, Georgia 30090. Orientation, reporting and necessary meetings will occur either at this office, other designated location or virtually by zoom. The Superior Court Drug Lab is located in the basement of Building "D," and the Magistrate building at 30 Waddell Street, Marietta, Georgia 30090. The Superior Court building and Magistrate building are connected by the walkway over Haynes Street.

Community Service Work

You may be required to complete community service hours as a condition of this program. Most participants can expect to complete 40 hours, and the community service must be completed at a charitable, nonprofit, or government organization which has been approved by the Diversion Coordinator. Some examples of approved organizations are MUST Ministries, Right In The Community, Cobb County Animal Control and Cobb County Parks and Recreation. Private businesses are not acceptable.

A list of suggested locations will be provided at the program orientation. However, should you wish to complete community service at other locations, you must seek approval from our office. You will need to provide a name and telephone number for the organization and a contact person who can confirm the organization's willingness to log all community service hours and provide supporting documentation on organization letterhead.

Counseling

As a part of an individualized diversion program you may be required to receive an evaluation regarding alcohol and drug dependency, anger and violence, or mental health. These evaluations will be provided to the Diversion Coordinator. Should the evaluation require treatment, you may be required to complete that treatment as a part of diversion program. In addition, the Diversion Coordinator may require, at her discretion, Moral Reconciliation Therapy, Behavior Modification Therapy or other program as suited to the individualized needs of the participant.

Education

Those participants who do not have a high school diploma or General Education Diploma may be required to enter in a program designed to complete these requirements. Individualized programs will be created based on the individual needs of the participant.

Identification

In order to complete your drug screening, you should have a government issued identification with a picture or at a minimum a copy of your book in sheet with an identifiable picture.

Drug Testing

Superior Court Drug Lab

30 Waddell Street

Marietta, Georgia 30090

Lab hours

Monday—Friday

8:30-4:30 (closed 11:30-1:00)

(770) 528-1520

You may be tested for alcohol and drug consumption **randomly** throughout the program. Drug testing will occur by the Superior Court Drug Lab unless another testing location has been approved by the Diversion Coordinator. When giving a urine sample you will be observed by someone of the same gender to ensure freedom from errors or tampering.

- A positive test may result in additional program requirements or termination from the program and your case may be returned to the assigned judge for traditional prosecution.
- If you submit a diluted sample (with a creatinine of 19 ng or below) or if you miss a test, you may be subject to increased screening, extended time in the program, additional requirements or termination from the program.

- You must be punctual and be prepared to submit a specimen when requested. Tampering with or diluting a drug screen will be grounds for termination from the program
- Only one participant is allowed in the testing area at a time. A staff member must accompany you at all times during drug testing.
- You must make sure that both your name and date are on the specimen bottle.
- You will not be allowed to leave the testing area or to drink excessive fluids until a specimen is rendered.
- You may not carry purses, coats, bags, etc. into the testing area.
- Shirt sleeves should be rolled up to the elbow, and you may be asked to remove additional clothing to ensure the validity of a specimen. You should lift your shirt to waist level and pants and underwear should be pulled to the knees before the specimen is obtained.
- The test cup must contain a minimum 1/3 level to be adequate for testing.
- You must make sure that the specimen bottle is closed properly. If a sample is not sealed properly then it is not testable.

There is no “grace period” for the use of marijuana. **Any positive screen, indicating the use of any illegal drug or alcohol, at any time during your participation in the program may result additional program requirements or possible termination from the program.**

Dilute Drug Screens

Dilute drug screens occur when an individual drinks too much liquid of any kind in a short period of time prior to their drug testing, usually in an effort to flush their system of alcohol and drugs. Your body will maintain homeostasis, an equilibrium, in which you take in fluids and excrete waste fluids in the urine according to your body's needs. This occurs normally in the absence of kidney disease.

Creatinine is a by-product of protein metabolism; any unused creatinine is dissolved in the urine as a waste product. It is easily measured in relationship to the amount of fluid in which it is dissolved. For drug screening purposes, there is no other reason to measure creatinine other than to be able to tell whether or not a person is trying to dilute their urine. The more fluid in urine, the less creatinine can be measured. The less fluid in urine, the more creatinine can be measured.

The normal level of creatinine in urine ranges from 60 mg/dl to 300 mg/dl. A dilute urine sample means that the creatinine level is equal to or below 19mg/dl. The creatinine levels can change daily, but most people will have a "normal" value range for themselves most of the time.

Eating extra protein, exercising, and running have no significant effect on the creatinine level measured in urine due to the body's built-in equalizer, homeostasis. The only thing that affects a dilute sample is the amount of fluid taken in within a short period of time prior to providing the urine sample. If you are seeing results that show you are getting close to a dilute sample, try to stop drinking any fluids 2-4 hours prior to providing the sample. Then resume your normal fluid intake. You should not "hold" your urine for a long time before giving a sample. This is not good for your bladder and will not have a significant effect on urine dilution. Try to avoid more than 1-2 cups of tea per day since tea is a diuretic. In other words, it causes your body to make extra urine and may throw off your normal body balance if taken in excessive amounts. This can lead to a dilute urine sample. Avoid products that claim to "beat a drug test." These usually are nothing but a diuretic in disguise.

If you have a medically diagnosed kidney disease, you will need to bring proper documentation from your physician that states specifically why you might test with dilute urine specimens. This should be done prior to admission into the program.

Medication Guidelines

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 you have concerns about medications and over-the-counter products that are not referenced in this guide, please consult with your doctor and the drug lab personnel. In case of an emergency, medications given by an emergency professional may be taken, but within 24 hours, you must notify the Diversion Coordinator of the situation and the

medication taken. You must bring proof of medical treatment and a copy of any prescription given or the actual bottle of medication to the drug lab when screening.

Do not eat poppy seeds. Do not take herbal supplements and teas, diet aids, muscle building substances containing creatine, power drinks, etc. while enrolled in the program unless prescribed by a medical professional. These items sometimes contain chemicals that may cause positive drug screens for certain individuals. Some over-the-counter products, cold/allergy and cough medications also contain phenylephrine, pseudoephedrine or dextromethorphan (DM). All of these products may cause positive screens and must be avoided while in this program, unless medically necessary.

Most antibiotic medications may be taken without resulting in a positive drug screen. However, some stronger antibiotic medications (i.e., Levaquin) may cause a positive screen. Many pain medications can also lead to positive screens, as well. You must consult with your physician about whether alternatives such as higher-dose NSAIDs (Non-Steroidal Anti-Inflammatory Drugs) may work in place of these drugs. Because of the high risk for cross-reaction as THC, use of Cannabidiol oil/CBD oil/Hemp products where not medically necessary should also be avoided while in this program. **If your prescribing physician believes that no alternative medications will adequately address your medical needs, you must have him or her document this opinion in writing and you must provide that documentation to the Diversion Coordinator immediately.**

The following medications should NOT cause a positive screen result and are usually appropriate for use during this program

Pain/Headaches

Arthrotec (diclofenac/ misoprostol)

Cataflam (diclofenac)

Clinoril (sulindac)

Dolobid (diflunisal)

Indocin/Indocin LA (indomethacin)

Mobic (meloxicam)

Celebrex (celecoxib)

Daypro (oxaprozin)

Feldene (piroxicam)

Lodine (etodolac)

Motrin (ibuprofen)

Naprosyn/Anaprox/Naprelan (naproxen)

Ponstel (mefenamic acid)

Tolectin/Tolectin DS (tolmetin)

Voltaren (diclofenac)

Migraine

Amerge (naratriptan)

Frova (frovatriptan)

Maxalt (rizatriptan)

Pain Medications

Actron

Advil

Advil Migraine

Aleve Arthritis

Anacin

Anacin-3

Bayer Aspirin

BC Headache Powder

Doan's Backache

Ecotrin

Excedrin Migraine

HeadOn

Orudis KT

Tylenol Arthritis Pain

Tylenol Go Tabs

Orudis/Oruvail (ketoprofen)

Relafen (nabumetone)

Toradol (ketorolac)

Axert (almotriptan)

Imitrex (sumatriptan)

Relpax (eletriptan)

ActivOn

Advil LiquiGels

Aleve

Aleve Liquid Gels

Anacin Aspirin Free

Aspirin

BC Arthritis Strength

Bufferin

Excedrin

Excedrin Tension Headache

Motrin IB

Tylenol 8 Hour

Tylenol Extra Strength

Tylenol Menstrual Relief

Tylenol Rapid Release

Tylenol Regular Strength

Cough & Cold

Airborne

Cepacol Sore Throat Lozenges

Cepacol Sore Throat Spray

Chloraseptic Daily Defense

Chloraseptic Lozenges

Chloraseptic Spray

Cold Eze Zinc Lozenges

Fisherman's Friend Cough Drops

Halls Cough Drops

Mucinex

N'ICE

Ocean Nasal Spray (saline mist)

Ayr Nasal Spray (saline mist)

Ricola Cough Drops

Robitussin Chest Congestion (alcohol free)

Robitussin Cough Drops

Robitussin Honey Cough Drops

Sucrets Cough Drops

Sucrets Defense

TheraFlu Chest Congestion

Tylenol Chest Congestion (alcohol free)

Vicks 44 Sore Throat Lozenges

Vicks 44 Sore Throat Spray

Vicks Casero

Vicks Cough Drops

Vicks VapoRub

Zicam

Antivirals

Amantadine

Famvir (famciclovir)

Rimantadine

Tamiflu (oseltamivir)

Valtrex (valacyclovir)

Zovirax (acyclovir)

Allergy - Over the Counter

Claritin (loratadine)

Tavist-1 (clemastine fumarate)

Alavert (loratadine)

Zyrtec (cetirizine)

Allergy - Prescription Only

Allegra (fexofedadine)

Beconase/Beconase AQ

Vancenase/Vancenase AQ (beclomethasone)

Clarinet (desloratadine)

Flonase (fluticasone)

Nasacort/Nasacort AQ (triamcinolone)

Nasarel (flunisolide)

Nasonex (mometasone)

Rhinocort (budesonide)

Diarrhea/Upset Stomach/Heartburn/Constipation

Alka Seltzer

Beano

Colace

Correctol

Daisorb

Donnagel

Dulcolax

Ex-Lax

Fiber Con

Gas-X

Imodium AD

Imodium Advanced

Lactinex

Maalox

Mylanta

Mylanta Gas

Pepcid AC

Pepcid Complete

Pepto-Bismol

Phazyme

Prilosec OTC

Roloids

Tagamet HB

TUMS

Zomig (zolmitriptan)

Nausea/Vertigo

Emetrol

Nauzene

Pepto-Bismol

Sedatives/Anxiety Agents

Melatonin

L-Tryptophan

Other Resources

Visit www.cobbda.com and click on the link entitled “Accountability Courts/ and Pretrial Diversion” to view or download:

Policy Changes and Handbook Revisions

From time to time, this handbook will be revised and policies will change. Should changes occur while you are in the program you will be notified. Please feel free to ask questions if you are ever unsure about any rule or policy. It is always best to err on the side of caution instead of guessing and later finding out the hard way that you were wrong.

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