

**EARLY INTERVENTION PROGRAM
MIDDLE JUDICIAL CIRCUIT
DISTRICT ATTORNEY’S OFFICE**

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SELECTION OF CANDIDATES

The prosecuting attorney shall evaluate all warrants and arrestees for candidacy prior to formal charging. Exceptions should be limited to cases indicted before the development of this program or unless requested by the District Attorney.

- Charged with a relatively minor, non-violent offense, with low victim impact
- Only minimal prior misdemeanor or juvenile record, if any
- No felony conviction nor open felony arrest
- No more than 2 misdemeanor convictions in the past 5 years
- Not be presently under sentence
- No major drug or alcohol dependence

If a case involves a victim, a discussion of the proposed invitation to the accused for pretrial diversion must be discussed with said victim first. If the victim objects to the proposal, the invitation should be canceled except for extraordinary cases.

Any restitution owed must be identified and made a part of the candidate's case plan. Additionally, if a no-contact order is in place, this feature will be made a part of the candidate's case plan.

NOTIFICATION OF CANDIDATES

Once pre-approved, a candidate will receive a notice to appear to complete an Early Intervention Program Application. The clerk of court should be asked to send the accused official notice to appear on a specified time and date, which should correspond with a calendared motion day.

ACCEPTANCE AND ORIENTATION OF CANDIDATES

Candidates report to the courthouse to apply for the program and, if accepted, should complete an Early Intervention Agreement and receive the following documents:

- Order of appearance for 12 months, once a month.
- Candidate Progress Notes Sheet.

Candidates will also receive a brief education about the criminal justice process. This can be achieved by requiring each candidate to observe a calendar call and/or attend a presentation about the consequences of being a convicted felon. Ideally, an agent from collaborative service providers will attend the orientation and will contribute to the presentation. These speakers may include ministers, counselors, educators, employers, or non-profit volunteers.

A candidate's enrollment in the program shall require satisfaction of six general areas, based upon the candidate's needs or deficiencies in one or more of the following areas:

- | | |
|---------------|----------------------|
| A. Education | D. Mental Health |
| B. Employment | E. Community Service |
| C. Sobriety | F. Restitution |

After the individualized case plan is developed and discussed, the candidate signs an Agreement which broadly sets out the rules of the program. The original Agreement is retained in our files and shall serve to document any program violations and drug screen results, which shall be signed off on by the candidate, our office, and the collaborative service provider.

PROGRAM REQUIREMENTS

Education. All candidates are required to have a high school diploma or GED to qualify for graduation from the Early Intervention Program. If a candidate does not have either, obtaining a GED will be the primary focus of his/her case plan.

Employment. During the term of the program, gainfully employed candidates must keep their job or transition into a better job. Unemployed candidates must actively pursue employment throughout the 12-month term. Actively pursuing employment includes, but is not limited to, submitting a job application; looking for a job, making progress notes on the sources researched, such as newspapers, websites, workforce investment office, job fair, job board, asking at church, etc.; and getting job training or workforce consultation.

Sobriety. People with major drug or alcohol dependence are not eligible for the program. However, where there is occasional drug or alcohol use or abuse, candidates may select from secular or faith-based treatment options. Candidates will be randomly drug screened. If a candidate screens positive for drugs, in order to stay in the program, s/he must undergo a substance abuse evaluation and any treatment recommendations.

Mental Health. A wide range of counseling services is made available to select candidates, where appropriate. These services are provided by both secular and faith-based providers. Some of these services are made available locally at the Family Connection building. Should a candidate wish to counsel with an outside source, any licensed practitioner or facility will be accepted.

Community Service and Involvement. Every candidate must volunteer **at least 120 hours** of time and talent for the benefit of a charitable enterprise in the Middle Judicial Circuit. This may include attending and/or participating in faith-based activities. Candidates will only get credit for community service and involvement hours that are reported on the activity log and witnessed.

Restitution. Any candidate owing restitution must repay the victim in full before graduation will be approved. Candidates will be instructed as to payee and amount. All restitution payments must be made payable by money order or cashier's check directly to the victim, but delivered to the District Attorney's Office for transmission to the victim.

COLLABORATIVE ORGANIZATIONS

The District Attorney's Office collaborates with various entities to make educational and counseling services locally available to candidates. These entities include, but are not limited to, the likes of:

- Department of Community Supervision. Performs drug screen upon candidates at each Pre-Trial Diversion Performance Review.
- Community Project Hope. Faith-based services providing individual mentoring and life skills support to candidates.
- Clouds of Hope Substance Abuse and FVIP counseling. Counselor Clayton D'Andrade offers classes each week for substance abuse, family violence, and anger management.
- Jefferson County SHIPS for Youth. Provides a meeting space for counseling sessions and other activities as needed.
- We will add collaborative organizations to this list as we get them.

SUPERVISION OF CANDIDATE PERFORMANCE

Upon enrollment, candidates are given an order to appear in court – signed by a superior court judge – which shall set forth six separate court appearances over the course of six consecutive months. On these days, candidates will meet one on one at the courthouse with an agent of the pretrial diversion program to discuss performance, challenges, and any other matter to encourage candidate success. The candidate will also submit a drug screen, the results of which shall be noted on the Early Intervention Agreement. Any program violations will be brought to the Court's attention.

Candidates are responsible for documenting performance (be it work, school, community service, or counseling). Candidates will be provided progress reports to record their achievements and will be instructed to submit a progress report at each court appearance. Additional documentation which is appropriate for submission includes, but is not limited to, pay stubs, completed community service timesheets, and proof of GED.

Unemployed candidates shall maintain a detailed record of their active pursuit of employment, noting dates of action and contact information for employers, instructors, or service providers.

Candidates assigned to complete coursework shall maintain a record of all classes attended and shall provide the District Attorney's Office a copy of coursework transcripts.

Candidates assigned to an apprenticeship or other uncompensated training shall maintain a record of all activities, noting dates of attendance verified by an instructor's signature.

Candidates assigned to a course of substance abuse, anger management, or other mental health counseling shall maintain a record of sessions attended, noting dates of attendance and verified by a service provider's signature.

Candidates assigned to participate in a faith-based program shall be responsible for fully participating in that program and providing the District Attorney's Office a record of that participation.

TERMINATION OF CANDIDATES

Should a candidate fail to perform to the terms of the Agreement, s/he shall receive written notice of a STRIKE noted on the face of the Early Intervention Agreement and signed off on by the candidate and the District Attorney's Office. Behavior that may result in a strike includes, but is not limited to, failure to schedule an appointment as directed, failure to attend appointments without an excuse, failure to pay fees or perform community service, a positive drug screen, and disrespectful behavior. If a candidate receives THREE STRIKES, s/he will be terminated from the program.

Candidates shall automatically be terminated from the program in the event of an arrest or a petition by child support recovery. Candidates consent to this automatic termination provision in the signed agreement.

Once a decision to terminate a candidate has been made, the candidate shall receive formal, written notice of the termination as well as a notice to appear in court for the next stage of prosecution of the felony charge.

GRADUATION OF CANDIDATES

Once a candidate completes the program, the candidate's criminal history will be run to ensure no intervening arrests have occurred since the time of candidate enrollment in the Early Intervention Program. If there has been no such arrest, the pending charge(s) are dismissed. The District Attorney's Office will provide the participant successful candidates written notice of completion which may serve as proof of the diversion in the event of any challenge to the state of the criminal charge.

CASE DISMISSAL

The dismissal, filed with the clerk of the court, will state as follows:

Other – Defendant’s satisfaction of Early Intervention Agreement with the State. The terms of said agreement specifically provided for record restriction of the arrest record for said charge(s). Based on these facts, the State dismisses the above-referenced charge(s) and does not oppose restriction of this record pursuant to O.C.G.A. § 35-3-37.

CASELOAD MEASUREMENT

In order to provide meaningful metrics in Tracker, any case enrolled in Early Intervention shall be classified in Case Attributes as Status “Special Program” and Program as “Pre-Trial Diversion,” which are selections from the drop-down menu. In the event an indicted or accused matter is enrolled in Pre-Trial Diversion, the Status shall be listed as “Active,” and the candidate will be required to appear at any calendar call in addition to the other six court-ordered appearances.

After enrollment and upon issuance of the return-to-court order, the secretary shall calendar all six court days on the office court calendar and in Tracker, listing the appearances as “Early Intervention Status Review.”

At each Status Review, the investigator shall make an entry in Tracker to note the findings of the review. This will allow for an assessment of a candidate’s progress in the absence of the physical file.

DOCUMENTATION

1. Early Intervention Program Application
2. Early Intervention Agreement
3. Candidate Progress Notes Sheet
4. Work Excuse
5. Dismissal