



Lookout Mountain Pre-Trial Intervention Program (PTIP) Handbook

Office of the District Attorney Chris A. Arnt
Lookout Mountain Judicial Circuit

Established May 14, 2021

Lookout Mountain Pre-Trial Intervention Program

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Lookout Mountain Pre -Trial Intervention Program

Welcome to the Lookout Mountain Judicial Circuit **Pre-Trial Intervention Program**

Welcome to the Lookout Mountain Judicial Circuit Pre-Trial Intervention Program (PTIP). Created in 2021 by District Attorney Chris A. Arnt, this program serves as an alternative to prosecuting first-time offenders through the criminal justice system. The PTIP program is designed with the following goals in mind:

- Deter future criminal conduct;
- Reduce the number of less serious cases in the courts;
- Provide restitution to the victim;
- Provide an offender with an opportunity to accept responsibility without having a criminal conviction on their record, therefore, reducing the rate of recidivism;
- Provide rehabilitative services, life-skills training, and other opportunities to correct underlying issues that led to the criminal activity instead of incarceration; and
- Protect the community by supervising participants.

This handbook is designed to answer your questions about what is expected of you as a participant in this program. In addition to abiding by the program requirements laid out in your application and agreement, you must also abide by any special conditions explained during the program orientation.

Lookout Mountain Pre -Trial Intervention Program

Introduction

Lookout Mountain PTIP was established by the District Attorney's Office pursuant to OCGA § 15-18-80 as an alternative to traditional prosecution for eligible offenders in the Superior Courts of Catoosa, Chattooga, Dade and Walker Counties. The program is designed for low-risk offenders who have committed non-violent crimes.

Eligible offenders who are approved for participation in the program will be required to enter into a written contractual agreement that sets forth the terms and conditions of the program including the specific conditions that they must satisfy in order to complete the program. Participants will be supervised by Georgia Probation Services Inc. for a specified length of time.

The decision to request to participate in PTIP must be made freely and voluntarily and should be made with the advice of counsel. Participation will occur prior to adjudication, and successful completion of the program will result in a dismissal or Nolle Prosequi (Nolle Pros) of the charges. Additionally, the District Attorney's dismissal or Nolle Pros will instruct that the case SHALL be restricted in the participant's criminal history through GCIC. PTIP is designed to benefit the individual participant as well as the overall criminal justice system for the Lookout Mountain Judicial Circuit.

Violation of or failure to abide by or complete the terms of PTIP shall result in discharge from the program, in which event the offender's criminal case will return to the traditional criminal prosecution process. Any monies paid during the course of participation of the program, including application and administrative fees and restitution payments are non-refundable and shall not be returned to the participant if discharged from the program. Community service work or other actions taken by the participant while in the program may or may not be credited towards any final disposition of the offender's case at the discretion of the court.

Applicants may withdraw their application or withdraw from the program at any time and have their case returned to Superior Court to proceed with the traditional criminal prosecution process.

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Admission Criteria

The Lookout Mountain Pre-Trial Intervention Program is established pursuant to OCGA § 15-18-80 and in accordance with said statute, the following admission criteria and guidelines are established:

- The nature of the crime (OCGA § 15-18-80 (d) (1));
- The prior arrest record of the applicant (OCGA § 15-18-80 (d) (2));
- The notification and response of the victim (OCGA § 15-18-80 (d) (3));
- Additionally, applicants must be at least 17 years of age, and must display:
 - The willingness to abide by all rules and regulations of PTIP;
 - The ability to make full restitution to the victim at the time of entry into the program;
 - The ability to comply with random drug and alcohol screenings and/or comply with recommended counseling;
 - The willingness to acknowledge wrongdoing and accept responsibility;
 - A good-faith willingness to participate in the program;

Regarding the nature of the crime and the prior arrest record of the applicant, the following are restrictions that, as a general rule, will make someone **ineligible** for entry into PTIP:

- Offenses with insufficient evidence to prove the offenses beyond a reasonable doubt shall be dismissed;
- Any felony involving violence;
- Any drug offense involving possession with intent to distribute, sale, or trafficking;
- Any offense involving the possession of a Schedule I Controlled Substance, pursuant to OCGA § 16-13-25, except small personal use amounts of Tetrahydrocannabinols, commonly known as THC, OCGA § 16-13-25 (3) (P).
- Any offense involving the possession of a Schedule II Controlled Substance, pursuant to OCGA § 16-13-26, except small personal use amounts of cocaine, or methamphetamine;
- Any drug offense involving the possession of a substance that was illegally obtained from the applicant's employer;
- Any offense of manufacture of marijuana except when evidence establishes that the manufacturing was being done for personal use;
- An individual who is currently on felony probation, felony parole, or is under a sentence entered under the First Offender Act or OCGA § 16-13-2 (conditional discharge) for a felony offense;
- An individual with a prior felony conviction or a prior felony sentence that was completed under the First Offender Act or OCGA § 16-13-2 (conditional discharge);
- More than two (2) misdemeanor convictions, not counting a citation offense, in the last 10 years;
- Any prior misdemeanor for a sexual offense, including, but not limited to, sexual battery and public indecency;
- The current charges include a DUI;

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- Any offense that requires a mandatory minimum sentence of incarceration that, by law, cannot be stayed, probated, or paroled (OCGA § 15-18-80 (e));
- Any sexual offense;
- Any offense involving a residential burglary;
- Any offense involving a victim for which the victim timely states a reasonable and good faith opposition
- Any individual who has previously been enrolled in any Pretrial Intervention Program in this jurisdiction or another jurisdiction;
- Any individual affiliated with criminal gangs and gang activity;
- Any individual who is charged with an act of family violence:
- Any individual who has willfully failed to appear in court while on bond;
- Any individual who has previously escaped from prison, or jail, or a mental hospital;
- Any theft, fraud, or forgery from an employer that involves a scheme that took place over a period of time, i.e., not an impulsive or isolated act.
- Any individual who has previously refused an offer of Pre-Trial Intervention;
- Any individual who has demonstrated an established pattern of criminality regardless of the number and type of convictions

Drug-related charges may require increases in the overall length of the program as well as the frequency and intensity of drug testing and/or counseling.

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Process to Apply and Enter into PTIP

Acceptance into PTIP is at the sole discretion of the District Attorney and his designees.

Process to apply and/or enter PTIP:

1. Referral from Assistant District Attorneys (ADAs):

- a. All ADAs in the Lookout Mountain Judicial Circuit will review cases using the above-stated guidelines for eligibility.
- b. If a defendant appears to be eligible for participation, the ADA will ensure the victim is contacted and any restitution amount is determined. Law enforcement involved in the case shall also be contacted when appropriate. The ADA shall discuss PTIP with these parties and notes shall be made in Tracker (the DA's Office file tracking program) of the opinions of the victim and law enforcement regarding the defendant's participation in PTIP.
- c. The ADA shall prepare a PTIP Agreement and all other necessary forms.
- d. The ADA shall contact the defendant's attorney (or the defendant if unrepresented) to make an offer that the case can enter into PTIP with the conditions set forth in the Agreement.
- e. The defendant shall undergo a clinical evaluation at a treatment provider, at their own expense, approved by the District Attorney's Office to determine what specific issues the particular Defendant may have and which track is most suitable for the defendant.
- f. The above steps shall be completed prior to indictment or accusation when possible.
- g. Should the defendant accept the offer, the defendant, with counsel if represented, shall meet at the District Attorney's office with the ADA to complete all the necessary paperwork, including, but not limited to, the PTIP Agreement and the other necessary forms such as the Waivers and Acknowledgements Form.
- h. Defendant shall be notified of the date and time in which they will be required to meet with Georgia Probation Services for orientation regarding supervision.
- i. Should the defendant not accept the offer, the defendant's case shall proceed with prosecution through Superior Court.

2. Referrals from Defendant/Attorney:

- a. If a defendant is interested in his/her case being screened for entry into PTIP, the defendant or the attorney shall submit the PTIP Application Form to the ADA assigned the case.
- b. Upon receipt of the Application, the ADA shall proceed with the same steps as explained in section (1) above.

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Administration of PTIP

Fees:

- All fees paid, including but not limited to, the administrative program fee, restitution, and the supervision fees, are non-refundable. The total amount of all monies to be paid shall be included in the PTIP Agreement.
- The administrative program fee of \$200.00 shall be paid at the initial meeting with **Georgia Probation Services** (GPSI). The Payment shall be made in a manner accepted by GPSI. The fee shall be paid by GPSI to the clerk of court within 30 days of receipt from the participant.
 - o Said fee may only be waived in part or in whole upon written showing of good cause to the District Attorney and upon approval of the District Attorney.
- All participants will pay a monthly supervision fee to **GPSI** of \$46.00 a month. This monthly fee will be for each month for the length of the program as determined by the program Agreement.
 - o This will be payable to **GPSI** in the manner and deadlines set by GPSI.
 - o How often, when, and where each participant will report will be determined by GPSI based on the specifics of the case, the conditions of the Agreement, and the progress being made by the participant.
- There shall be two tracks within PTIP and more fully described below:

Track 1:

- The participant shall pay a separate fee for all drug/alcohol testing during the length of the program.
- This fee shall not be waived in part or in whole.
- The participant shall, at the time of testing, pay the testing fee in a manner accepted by GPSI.
- Any additional tests ordered by Georgia Probation Services shall be paid at the time of the test.
 - The fees for such tests are shown in Exhibit A.
 - The form of those payments shall be made as directed by Georgia Probation Services.

Track 2:

- The participant shall pay for any drug/alcohol testing when ordered by GPSI and shall be paid at the time of the test in a manner approved by GPSI.
 - The fees for such tests are shown in Exhibit A.
 - The form of those payments shall be made as directed by Georgia Probation Services.

All fees provided to Georgia Probation Services shall be documented and proof of payment shall be provided to the participant.

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Restitution:

In addition to the administrative fee and the drug/alcohol testing fees, if applicable, the participant shall pay any and all **restitution** owed in full at the time of the initial meeting with GPSI.

Failure to pay restitution in full at the initial meeting with GPSI will result in the Participant's removal from PTIP unless the PTIP agreement allows for payment of restitution in monthly increments (see below).

- The amount of restitution will be determined by the District Attorney or the ADA assigned to the case prior to the participant entering PTIP and shall clearly be established in the PTIP Agreement.
- Restitution shall only be waived in part or in whole or be made payable in monthly increments upon written showing of good cause to the District Attorney and upon approval by the District Attorney.
-

Noncompliance and Termination:

- At the sole discretion of the District Attorney or his designee, noncompliance with the terms and conditions of PTIP shall result in termination from PTIP and the case will then be submitted for prosecution in the traditional criminal justice system. Termination may result from the following, but is not limited to these circumstances:
 - Being charged with a new violation of a local, state, or federal law while participating in PTIP;
 - Positive drug or alcohol tests;
 - Failure to pay fees and restitution as directed;
 - Failure to complete counseling and/or treatment as directed;
 - Failure to perform community service; and
 - Failure to comply with any of the agreed upon conditions in the PTIP Agreement.
- If the participant has not complied with PTIP, the District Attorney or his designee may allow the participant a period of time to come into compliance, may extend the length of the program, or may elect to terminate the participant from PTIP immediately;
- No fees or restitution paid into PTIP shall be returned to the participant in the event the participant does not successfully complete PTIP, which includes voluntary withdrawal from the program.

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Successful Completion:

- After the period established in the PTIP Agreement and upon successful completion of all the terms and conditions of PTIP, Georgia Probation Services shall provide notice of such to the District Attorney's Office. A new criminal history shall be obtained for the participant.
- Upon verification of the participant's successful completion of all terms and conditions of PTIP, the District Attorney or his designee shall properly note such in Tracker and submit a dismissal/nolle prosequi to the proper court.
- Participants who successfully complete PTIP are eligible for record restriction pursuant to OCGA § 35-3-37. Record restriction approval shall be reflected on the dismissal or nolle prosequi form which shall be submitted to the Clerk of Court upon signature of the proper court.

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PTIP Tracks

Once accepted into the Pre-Trial Intervention Program, the participant will be required to follow all program guidelines regardless of the Track.

General Conditions:

- Appear at the District Attorney's Office to sign the required documents at the time specified by the ADA assigned to the case;
- Abstain from using any illegal drugs, alcohol or unapproved medications;
- Comply with all special conditions explained at program orientation, which may include community service work, mentoring work, counseling, classes, no contact or stay away provisions, or other conditions specific to your individual case;
- Do not associate with people who engage in illegal activities;
- Report to Georgia Probation Services (GPSI) as directed by GPSI and the ADA, including the initial report date;
 - Administrative Program Fee of \$200 and restitution in full shall be paid at the initial meeting with GPSI, unless PTIP agreement states otherwise and only with approval by the District Attorney.
- Provide any and all necessary information to GPSI;
- Any community service work must be performed at a location approved by GPSI;
- Do not violate any local, state, or federal law;
- Immediately report any contact you have with any form of law enforcement to GPSI, except for minor traffic offenses that do not involve drug or alcohol use;
- Maintain gainful employment or school participation to the best of the participant's ability;
- Agree to the waiver of rights explained in the PTIP Waivers and Acknowledgements Form
- Acknowledge wrongdoing and accept responsibility for the crimes; and
- Actively and willingly participate in program.

Failure to follow these rules may result in your case being referred back to Superior Court for prosecution.

- Track I (substance abuse track):

- Based on the initial charges, as well as the substance abuse history or any other information or evidence provided that indicates that the participant has a substance abuse problem, participants will be placed into this Track.
- This determination is at the sole discretion of the District Attorney or his designee;
- Participants shall complete a minimum length of 6 months and a maximum of 12 months;
- The length of the program is at the sole discretion of the District Attorney or his designee based on the crime committed, opinion of law enforcement and victim(s), as well as any aggravating or mitigating circumstances surrounding the case;

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- The length of time of the program shall be established in the PTIP Agreement;
- Length of the program shall not be shortened or lengthened beyond the period designated in the PTIP Agreement without written consent of the District Attorney or Chief ADA;
- Participants shall submit to a drug/alcohol test at the day of the initial report date to GPSI; Positive tests at this initial screening shall not be excused;
- Participants are subject to random screening at the sole discretion of GPSI and are responsible for payment for all screenings with a minimum of 2 tests per month;
- Participants shall undergo a substance abuse evaluation, at their own expense, within 1 week of their initial report date to GPSI. The evaluation report shall be provided to GPSI. Participants shall attend any and all recommended treatment outlined in the evaluation report at their own expense.
- Participant will complete any further treatment or classes that the District Attorney or his designee believes is appropriate based on the charges, substance abuse history, or any other information or evidence available.
- Participant shall complete a minimum of 40 hours of community service unless, for good cause, the assigned ADA believes less is appropriate.

- Track II (non-substance abuse Track):

- Participants shall complete a minimum of 3 months and a maximum of 12 months;
- The length of time of the program shall be established in the PTIP Agreement;
- Length of the program shall not be shortened or lengthened beyond the period designated in the PTIP Agreement without written consent of the District Attorney or Chief ADA;
- The assigned ADA will note in the Agreement whether or not the Participant will be subject to random drug/alcohol screenings;
- Participants that are subject to random drug/alcohol screening at the discretion of GPSI and are responsible for payment for all screenings with a minimum of 3 and a maximum of nine over the course of the program;
- Participant will complete any further treatment or classes that the District Attorney or his designee believes is appropriate based on the charges, substance abuse history, or any other information or evidence available;
- Participant shall complete a minimum of 40 hours of community service unless, for good cause, the assigned ADA believes less is appropriate;

Treatment courses/classes

Each above Tracks will also include additional requirements of certain courses/class for the Participant to complete. These classes further the stated purpose of PTIP, specifically by providing rehabilitative services, life-skills training, and other opportunities to correct underlying issues that led to the criminal activity instead of incarceration.

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The specific course/class that the Participant shall complete will be based on the assigned ADA's review of the charges, history of the Participant including substance abuse history, and any other information or evidence available to the ADA. The required courses shall be completed through Civics Academy, and may include one or more of the following programs:

- Substance abuse evaluation & treatment program
- Anger Management Program
- Mental Health Evaluation and Treatment Program
- Theft Impact Program
- Job/Life Skills Program

The Participant is responsible for registering, paying for, and completing whatever course are chosen in the PTIP Agreement Form.

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APPENDICES:

Authorizing Statute

Application Form

Sample PTIP Forms:

Pre-Trial Intervention Program Agreement

Pre-Trial Intervention Program Waivers and Acknowledgement of Rights

Acceptance of Case into Pre-Trial Intervention Program

Consent Order

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AUTHORIZING STATUTE

O.C.G.A. § 15-18-80 (as amended effective July 1, 2019)

(a) The prosecuting attorneys for each judicial circuit of this state shall be authorized to create and administer a Pretrial Intervention and Diversion Program. The prosecuting attorney for state courts, probate courts, magistrate courts, municipal courts, and any other court that hears cases involving a violation of the criminal laws of this state or ordinance violations shall also be authorized to create and administer a Pretrial Intervention and Diversion Program for offenses within the jurisdiction of such courts. Upon the request of the district attorney or solicitor and with the advice and express written consent of such attorney, the state or local governing authority may enter into a written contract with any entity or individual for the purpose of monitoring program participants' compliance with a Pretrial Intervention and Diversion Program.

(b) It shall be the purpose of such a program to provide an alternative to prosecuting offenders in the criminal justice system.

(c) Entry into the program shall be at the discretion of the prosecuting attorney based upon written guidelines.

(d) The prosecuting attorney implementing said program shall create written guidelines for acceptance into and administration of the program. These guidelines shall include, but are not limited to, consideration of the following:

- (1) The nature of the crime;
- (2) The prior arrest record of the offender; and
- (3) The notification and response of the victim.

(e) No prosecuting attorney shall accept any offender into the program for an offense for which the law provides a mandatory minimum sentence of incarceration or imprisonment that cannot be suspended, probated, or deferred.

(f) The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed \$1,000.00 for the administration of the program. Such fee may be waived in part or in whole or made payable in monthly increments upon a showing of good cause to the prosecuting attorney. Any fee collected under this subsection shall be collected by the clerk of court and made payable to the general fund of the political subdivision in which the case is being prosecuted; provided, however, that the clerk of court shall deduct amounts due pursuant to

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subsection (a.1) of Code Section 47-17-60 and shall remit such amounts to the secretary-treasurer of the Peace Officers' Annuity and Benefit Fund in accordance with said Code section.

(g) The prosecuting attorney shall be further authorized to collect restitution on behalf of victims. Any restitution collected under this subsection shall be made payable to and disbursed by the clerk of the court in which the case would be prosecuted.

(h) No program created pursuant to this Code section shall be construed as a violation of Code Section 15-13-35 or 15-18-26.

Lookout Mountain Pre -Trial Intervention Program

APPLICATION FORM

Introduction:

Please provide the following information if you wish to apply for the Lookout Mountain Judicial Circuit Pre-Trial Intervention Program (PTIP) as an alternative to having your criminal case prosecuted in the Superior Court. Application to and participation in the Program is strictly voluntary and participants may withdraw from participation at any time and have their case returned to Superior Court.

False Statements made in this application, during the admission process or in the course of your participation in the Program may disqualify you from the program and may subject you to additional criminal prosecution. It is a felony offense to knowingly and willfully make a false, fictitious, or fraudulent statement or representation to a member of the District Attorney's Office in a matter within the District Attorney's jurisdiction. O.C.G.A. §16-10-20.

Date of referral: _____ **Requested by:** _____

Indictment, accusation or warrant # _____ **Date of arrest:** _____

ADA: _____ **Defense Attorney:** _____

Case status: _____ **Restitution:** _____

Applicant currently incarcerated? Y/N Where: _____

Applicant currently on probation? Y/N For what/where: _____

Applicant previously participated in any pretrial diversion/intervention program? Y/N

If so, when _____ where: _____ Offense: _____

Was program completed? Y/N Completion date: _____

Number of previous arrests: _____

Number of misdemeanor convictions: _____

Number of felony convictions: _____

Any previous history of substance abuse? Y/N Substances: _____

Any previous treatment? Y/N Where/When: _____

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Personal Information:

Applicant's full legal name:	DOB:	SSN:
Physical address where you live:	City:	State: ZIP: DLN:
Mailing address: (if same as above, enter "same")	City:	State: ZIP: Best Phone #:
Other phone numbers (indicate home, work, cell, etc.):	Alternate Contact Person and Phone #:	
Email Address or any other contact information:		
Legal dependents: (indicate names and ages of children or other legal dependents and whether they are living with you or if you are currently paying child support):		

Education/Employment Information:

Place of Employment (include address and phone number if not entered above):	Supervisor:
If not employed, indicate reason (seeking employment, disabled, full-time student, etc.):	
School Attending (if full-or part-time student):	
Indicate education level or last grade completed:	Can you read, write, and speak the English language?
Please describe any sources of income that you are currently receiving including employment income, government assistance, financial support from another source:	

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Currently taking medication: Y/N If so:

Medication:	Dosage/Frequency	Reason for Medication

Last date of usage of marijuana, CBD, hemp, alcohol, or controlled substance:

Substance	Last Usage Date	How Long have you been using this substance

Other Information:

Lookout Mountain Pre-Trial Intervention Prgra

Please provide us with any additional information which you feel may be helpful to us in determining whether or not you qualify for pre-trial intervention:

Certification:

I, _____, wish to be considered for admission into the Pre-Trial Intervention Program. I hereby swear and affirm that the information contained in this application is true and correct to the best of my knowledge. I understand that making a false statement in this application may disqualify me from participation in the Lookout Mountain Pre-Trial Intervention Program and may subject me to criminal prosecution including prosecution for False Statements, a felony offense, pursuant to O.C.G.A. §16-10-20.

Applicant

Date

Lookout Mountain Pre -Trial Intervention Program

BLANK PROGRAM AGREEMENT AND FORMS

IN THE SUPERIOR COURT OF % COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
VS.

Case Number:

Charges:

Defendant_

PRE-TRIAL INTERVENTION PROGRAM AGREEMENT

The State of Georgia, by and through the Office of the District Attorney for the Lookout Mountain Judicial Circuit and represented by the undersigned Assistant District Attorney for said office, hereafter “the State,” and the above-named Defendant presently charged in the above-captioned case, hereafter “the Participant,” hereby enter into the following agreement and contract in order that the Participant may enter into the Lookout Mountain Pre-Trial Intervention Program:

1.

The Participant agrees to abide by all of the rules and requirements of the Lookout Mountain Pre-Trial Intervention Program as outlined in this Agreement and is able and willing to meet all criteria necessary to enter said program.

2.

The Participant understands that if he/she should fail to complete the requirements set forth in this Agreement, that this case will be returned to the traditional criminal justice system for prosecution.

3.

The Participant has been advised of his/her constitutional rights by the undersigned attorney and understands that he/she is required to waive certain of these rights and is voluntarily waiving those rights to enter the program.

4.

The Participant **admits guilt** and **accepts responsibility** for the above references crime(s) as charged or referred.

5.

- (X) The Participant shall be placed in () Track I () Track II as outlined in the PTIP Handbook.
- (X) The Participant shall be supervised for a period _____ of months. Supervision services shall be provided by **Georgia Probation Services (GPSI)**. GPSI shall have the sole discretion to determine when, where, and how often a participant shall report and if reporting can be done in person, by phone, or virtually.
- (X) The Participant shall meet with GPSI on _____ for the initial report.

Additionally, the Participant agrees to abide by the following conditions and to complete the following requirements as indicated below:

- (X) Participant shall comply with **all general conditions as specified in Exhibit A attached below.**
- (X) Program administration fee: () \$200 () Other _____ Initials of DA: _____. Entire amount due at initial report date. () Payments of \$_____ per month towards administration fee.
- (X) Monthly supervision fee: \$46 per month for length of program.

All payments shall be paid through GPSI and in a manner acceptable to GPSI.

- () Pay restitution in the amount of _____ to: _____.
 - () Payable at initial meeting with GPSI.
 - () Payable under the following conditions: _____ Initials of DA approving _____
- () Perform community service work: () 20 hrs. () 40 hrs. () 80 hrs. () Other: _____
- () Obtain High School diploma or General Equivalency Degree (GED)
- () Will be subject to drug/alcohol tests pursuant to the guidelines of the PTIP Handbook depending on what Track participant is placed in. **LEAVE UNCHECKED ONLY IF IN TRACK II AND ASSIGNED ADA DETERMINES NO DRUG/ALCOHOL TESTING IS NEEDED.**

Track I: drug/alcohol screening at the time of the initial report date to **GPSI** and subject to random screening at the sole discretion of GPSI with a minimum of 2 tests per month. The Participant must pay for all drug/alcohol screens, as described in the Handbook, including Exhibit A of the Handbook.

Track II: subject to random drug/alcohol screening at the discretion of GPSI with a minimum of 3 and a maximum of 9 screenings during the length of the program. The Participant must pay for all drug/alcohol screens, as described in the Handbook, including Exhibit A of the Handbook.

Will pay for a substance abuse evaluation within 2 weeks of entry into this program. The results of the evaluation are to be submitted to GPSI by the Participant and the Participant shall follow all recommendations in the results of the evaluation.

Enroll in and successfully complete the following program(s) at the Defendant's own expense, which shall be completed by _____ (which is halfway through the length of this program):

Substance abuse treatment program

All Counties

Center for Hope

LMCS

Other _____

Anger Management Program

All Counties

LMCS

Other _____

Mental Health Evaluation and Treatment Program

Theft Impact Program

All Counties

Other _____

Job/Life Skills Program

() Have no contact, directly or indirectly, in person, by telephone, by e-mail, social media, or other electronic means, or by contact through third parties, with _____

() Stay away from property of: _____

Located at: _____

Other: _____

6.

The State agrees to hold the Participant's case and not seek further Court action thereon or further prosecute said case while the Participant is participating in the Lookout Mountain Pre-Trial Intervention Program.

7.

The State agrees that upon the Participant's successful completion of the program including all requirements indicated in paragraph 2, above, the State will dismiss the above-captioned criminal charges or if the charges have been filed in court by accusation or indictment, will petition the Court to consent to a nolle prosequi (dismissal) of the criminal case file. Upon dismissal of the case, pursuant to OCGA §35-3-37, the State will consent to record restriction as authorized by law.

Agreed to this the _____ day of _____, 2021.

%, Assistant District Attorney
Lookout Mountain Judicial Circuit
Georgia State Bar#
Address
Address
Phone: %; Fax: %
Email: %

Attorney for Defendant
Georgia State Bar #

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Exhibit A

In addition to any specific conditions agreed to in the program contract, participants in the Lookout Mountain Pretrial Intervention Program shall be required to abide by the following general rules and conditions. **(Please initial next to each rule)**

- _____ 1. Abstain from using any alcohol, illegal drugs, or unapproved medications;
- _____ 2. Do not associate with people who engage in illegal activities;
- _____ 3. Report to Georgia Probation Management (GPSI) as directed by GPSI and the ADA, including the initial report date;
- _____ 4. Provide any and all necessary information to GPSI.
- _____ 5. Any community service work must be performed at a location approved by GPSI;
- _____ 6. Do not violate any local, state, or federal law;
- _____ 7. Immediately report any contact you have with any law enforcement personnel to GPSI.
- _____ 8. Maintain gainful employment or school participation to the best of the participant's ability;
- _____ 9. Agree to the Pre-Trial Intervention Waiver and Acknowledgement of Rights Form;
- _____ 10. I acknowledge that I have received and read the PTIP Handbook. I further acknowledge that I understand the rules and policies in the Handbook and that I will abide by those rules and policies.
- _____ 11. I understand that termination or withdrawal from this program will result in my case being returned to its assigned court for prosecution. I also understand that if I am terminated or withdraw from the program any fees and/or restitution paid will not be refunded, and I may not have the opportunity to apply for re-admission.

I have read and understand the above rules and conditions and agree to abide by the same while participating in the Lookout Mountain Pre-Trial Intervention Program.

DEFENDANT

DATE

Lookout Mountain Pre -Trial Intervention Program

IN THE IN THE SUPERIOR COURT OF % COUNTY STATE OF GEORGIA

STATE OF GEORGIA
VS.

Case Number:

Charges:

Defendant_

PRE-TRIAL INTERVENTION PROGRAM WAIVERS AND ACKNOWLEDGEMENT OF RIGHTS

I, _____, defendant in the above-styled case hereby, acknowledge the following regarding entry into the Lookout Mountain Judicial Circuit's Pre-Trial Intervention Program (PTIP):

Initial each after reading:

- ____ 1. If I pleaded not guilty to the above charges I would have the right to assistance of counsel during a trial, the right to a speedy and public trial by a judge or jury, the right to confront witnesses against me, the right to use the subpoena power of the Court to bring witnesses into court on my behalf, the right to testify or not testify, my failure to not testify could not be used against me in any way, and that the State would have to prove my guilt beyond a reasonable doubt.
- ____ 2. If I withdraw from or do not successfully complete PTIP, I would maintain these above rights.
- ____ 3. I withdraw any demand for speedy trial filed under OCGA §§ 17-7-170 and 17-7-171. I further agree that should I withdraw from or do not successfully complete PTIP, that the period of time from the date of my signature below to the date I withdraw or am removed from the Program shall not be considered by a Court in any claim that my Constitutional right to a speedy trial was violated.
- ____ 4. I agree that my admission of guilt in the PTIP Agreement is admissible in any proceeding against me should I withdraw from or do not successfully complete PTIP.
- ____ 5. While I am participating in PTIP, I agree to a search of my person, property, vehicle, or residence at any time, with or without a warrant, when requested by any law enforcement officer or any member of the District Attorney's Office. I agree that such individuals can remove, forcibly if necessary, any locks or other hindrances which may prevent access to such places and property for the purpose of any such search. I consent to the use of anything seized during such a search in any prosecution that may arise from said search.

Lookout Mountain Pre -Trial Intervention Program

- ___ 6. I agree that the period of time from the date of my signature below to the date I withdraw or am removed from the Program shall not be considered when calculating the Statute of Limitations for the offenses listed above.
- ___ 7. I consent to communication, within or outside my presence, regarding my medical, psychological, or substance abuse history among the following individuals: any evaluator or counselor, physician, psychiatrist, or psychologist who participates in any counseling or treatment required as a condition of this program, or screening evaluation to enter the program, any representative of the District Attorney's Office and my attorney. I further consent to the release of the results of any drug/alcohol testing required as a condition of this program to the individuals described above, and that such results may be made part of the public record of my case in the event that such testing results in my termination from the program.

I have read and understood the above items. I further acknowledge that I agree with all of the above items and I am doing so freely, voluntarily, and knowingly.

Defendant

The below signed attorney acknowledges that I have explained all of the items on this form with my client. My client has indicated that he/she understands and agrees to all of these items, and it is my belief that he/she is doing so freely, voluntarily, and knowingly.

Attorney for Defendant
Georgia State Bar #:

Lookout Mountain Pre -Trial Intervention Program

IN THE SUPERIOR COURT OF % COUNTY STATE OF GEORGIA

STATE OF GEORGIA
VS.

Case Number:

Charges:

Defendant_

ACCEPTANCE OF CASE INTO PRE-TRIAL INTERVENTION PROGRAM

The above-styled case has been accepted in to the Pre-Trial Intervention (PTIP) administered by the Lookout Mountain Judicial Circuit District Attorney's Office pursuant to OCGA § 15-18-80. Based on this Acceptance as well as the attached PTIP Agreement and other documents associated with the Program, the Clerk of Superior Court shall accept the following payments from Georgia Probation Services:

- () The Program Administration Fee pursuant to OCGA § 15-18-80 (f);
- () Restitution on behalf of the below named victim(s) in the below amount(s) pursuant to OCGA § 15-18-80
- (g).

Victim Name: _____

Amount: _____

%, Assistant District Attorney
Lookout Mountain Judicial Circuit
Georgia State Bar#
Address
Address
Phone: %; Fax: %
Email: %

Lookout Mountain Pre -Trial Intervention Program

IN THE SUPERIOR COURT OF % COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
VS.

Case Number:

Charges:

Defendant_

CONSENT ORDER

Having been informed that the above named Defendant has been accepted and has entered into the Lookout Mountain Pre-Trial Intervention Program with the consent of the District Attorney's office, pursuant to OCGA § 15-18-80, IT IS HEREBY ORDERED the above-styled case shall not be placed on any upcoming trial calendar while the Defendant participates in PTIP. The Clerk of Court, pursuant to OCGA § 15-18-80 is authorized to collect any administration fee and any restitution to be collected on behalf of the victim.

SO ORDERED this _____ day of _____, 2021.

Judge, % County Superior Court
Lookout Mountain Judicial Circuit

Consented to by:

Defendant

Attorney for Defendant
Georgia State Bar #

Exhibit A: List of testing fees

On Site Drug test \$25.00

On Site Alcohol test \$15.00

Laboratory Confirmation test \$35.00

Synthetic Marijuana test \$50.00

Laboratory Hair Follicle test \$75.00