



Office of the District Attorney

Pre-Prosecution Diversion Program PPD Client Information Packet

**Twelfth Judicial District
Lincoln and Otero County
State of New Mexico**

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REMEMBER:

Participation in the Pre-Prosecution Program was your choice; therefore, you are expected to successfully complete all of the program requirements with **MINIMUM** supervision. This program is a benefit to you and you should be willing to do what is required to keep from obtaining a criminal record.

INFORMATION

The purpose of this packet is to answer any questions you may have while you are participating in the Diversion Program. Keep this quick-reference handy to refer to when questions arise, but remember I am always available to assist you should the need arise. If you are unsure about something, please call me...it is far better to spend a few minutes contacting me than to make an incorrect assumption and violate the terms of your Pre-Prosecution Diversion Program Agreement.

This program has two portions:

1. Supervised:

- a. You must meet monthly or as directed by the PPD Director**
- b. You may be required to pay a supervision fee assessed by the PPD Director. (Fee will be removed once placed in unsupervised)**
- c. You Must complete community service within 6 months**
- d. You must complete ASPEN Class within 3 months**
- e. You must start any Counseling or Evaluations required by the PPD Director**
- f. A mandatory of six (6) months must be completed to advance to the unsupervised portion of the program**
- g. Any violations of the PPD contract will extend the supervision period for another three (3) months**

2. Unsupervised:

- a. You no longer have to report monthly to the Director**
- b. You must complete any Counseling prior to being released from the program**
- c. You must report any involvement with Law Enforcement Agencies**
- d. You must report any changes such as vehicle information, address, telephone number, or contact information**
- e. A mandatory six (6) months must be completed in the unsupervised portion of the program prior to being released**
- f. Any violations during the unsupervised portion of the program will place you back into the supervised portion for a mandatory period of three (3) months. This will extend the total time of being in the program with a maximum of twenty four (24) months.**

You will sign a contract for twenty four (24) months with the possibility of release in twelve (12) months at the prosecuting attorney's approval.



*** * * ELIGIBILITY & REQUIREMENTS * * ***

1. A Defendant must meet the following minimum criteria to be eligible for PPD:

- a. Defendant must not have any prior felony conviction for a violent crime
- b. Defendant must not have any felony convictions for any crime in the past ten years
- c. Crime alleged to have been committed must be non-violent in nature
(Exception: Domestic disputes not involving a minor)
- d. If previously on a probation, must not have been revoked or unsatisfactorily discharged.
- e. Defendant has not been admitted into a similar program for the previous ten years
- f. Defendant must be willing to participate in the PPD program and submit to all requirements
- g. Crime alleged does not involve a substantial sale or possession of controlled substances

2. Additional criteria set by Twelfth Judicial District Attorney:

- a. Defendant must not own/possess any weapons without the consent of the PPD Director
- b. Medical Marijuana will not be permitted; defendant must obey all laws to include any and all Federal laws. (Medical Marijuana is not federally recognized)
- c. Certain Misdemeanor offenses and criminal history may be cause for rejection into PPD. (Prosecuting Attorney will review all previous misdemeanor offenses)

3. PPD mandatory requirements?

- a. Defendant must complete State Sponsored Second Chance ASPEN class within 3 month of being accepted
- b. Defendant must meet with the PPD director monthly or as directed by the PPD Director
- c. Defendant must complete a set amount of community service as directed by the PPD director
- d. Defendant must complete any counseling as directed by the PPD director
- E. Defendant must complete 6 months supervised and 6 months unsupervised to be eligible for any early release other than 24 months. (PPD is not to exceed 24 months without just cause)



*** * * REPORTING * * ***

1. When do I report?

*You must meet with the PPD Director each month by appointment only. If you can't keep your appointment you must call and speak directly to the Director to reschedule at least **24** hours prior to your appointment.*

2. How do I report?

- *In person, unless otherwise instructed due to geographical constraints.*

3. Where do I report?

Three options:

1. *District Attorney's Office in Alamogordo NM*
2. *Lincoln County - Tuesday's Only*
 - a. *Ruidoso Police Department located on Mecham Road*
 - b. *District Attorney's Office in Carrizozo NM*

4. Do I fill out a written report?

Yes, every time you report you will fill out a written report.

5. What happens if I don't report?

- *You will receive a violation letter -*
 - *Two (2) violations and you are terminated*
- *You will remain in the supervised portion of the program and remain longer in the program if you receive a violation letter.*

6. Can I bring someone with me to report?

You may bring a friend or family member if necessary; however, due to space your visitor may be asked to wait in the outer office.

7. How long is my appointment?

- *Appointments generally last only about 15 minutes but can run up to 45 minutes. Do **NOT** arrive for your appointment in a rush to be somewhere else! Allow ample time for this appointment each month.*



*** * * SUPERVISION FEES and RESTITUTION PAYMENTS * * ***

1. How do I make my payments?

- *Money orders and cashier's checks are the **only** acceptable form of payment.*
- *Money for supervision fees are made payable to the District Attorney.*
- *Money for restitution payments is made payable to the victim.*

2. When are my payments due?

Payments are due each month unless otherwise arranged with the Director.

3. Where do I make my payments?

All payments, including restitution payments are made through the District Attorney's Office.

- *You must bring your payment to the DA's Office during your monthly visit or*
- *With Directors permission, You can mail your payment to:*

District Attorney's Office

1000 New York Avenue, Room 101

Alamogordo, NM 88310

4. What happens if I don't make my payments?

- *You will receive a violation letter -*
 - *Two (2) violations and you are terminated*
- *You will remain in the supervised portion of the program and remain longer in the program if you receive a violation letter.*

5. Where do I buy a money order?

Money orders can be purchased at Banks, grocery stores, convenience stores, or the U.S. Post Office.

6. Where do I get a cashier's check?

Cashier's checks are available at your bank or financial institution.



*** * * Community Service Work * * ***

1. What is community service work?

Community Service work is volunteer work that you do without pay for a non-profit organization in the community.

2. How many hours do I work?

The number of hours is determined by the type of charge, the Prosecuting Attorney and the PPD Director.

3. Where do I perform community service work?

Any non-profit community agency, such as:

- Churches
- Schools
- Community Centers
- Public Library
- Zoos or Animal shelters
- Community Outreach Programs such as Habitat for Humanity or Boys & Girls clubs
- Salvation Army
- Any Non-Profit Organization
- ****See Attachment***

4. How do I verify my service hours?

You will be given a community service time sheet that requires the signature and phone number of the person supervising your community service work. You must turn these in frequently in order for the Director to keep track of your hours.

5. How long do I have to complete my community service work?

Community Service hours are to be completed within the first six (6) months of the Program.



6. What happens if I fail to perform my community service hours within six (6) months?

- *You will receive a violation letter and you will remain on the supervised portion of the program.*
- *If not completed within 12 months you will receive a violation letter.*
- *If not completed within 18 months you will be terminated from PPD*

7. Can I make a charitable contribution in lieu of working community service hours?

You are allowed to make a charitable contribution to a non-profit organization in lieu of working community service hours. Contributions are determined by multiplying the total number of hours you wish to donate by \$7.25.

*** * * Travel * * ***

1. Can I travel outside of the County?

- *If under a Bond or court order, you must have permission from your defense attorney, Judge or bondsman.*
- *If not under a court order or bondsman, you must receive permission from the PPD Director.*

2. What about travel for my job?

You must notify the PPD Director about your job related travel.

3. What about travel for personal reasons?

Contact the PPD Director two (2) days in advance of your travel plans. Give the following information:

- *Your Destination*
- *Your estimated date of departure*
- *Your estimated return date*
- *Where you will be staying (Hotel, RV and/or Camp Ground, Friend, or Relatives*

4. What about emergency travel?

Emergencies do arise. If you have an emergency, notify the PPD Director as soon as possible. If it is after hours, call and leave a message on voice-mail.



*** * * A.S.P.E.N. Second Chances Program * * ***

1. What is the A.S.P.E.N. Second Chances Program?

The A.S.P.E.N. Second Chances Life Values Program is an educational program with the goal of providing you with information concerning the negative effects of criminal behavior. The class is a one day class from 8am - 4pm.

2. Do I have to attend the program?

Attendance of the one-day course is mandatory.

Termination from the PPD Program will result in failure to attend

3. What does it cost?

The cost is \$100 (cash or money order) to be paid at the time of the course. This is an offender responsible program; please plan accordingly.

4. What happens if I can't make the class?

***You will be terminated from PPD.** You have 90 days in which to attend the class. It is offered once every other month in Alamogordo, as well as a minimum of once per month in various surrounding communities. Choose the time and location that best suits your schedule; however, **you only have 90 days** in which to complete the class. To avoid possible problems with attendance, it is best to plan on attending right away. Do not wait until the end of the 90-day period due to unforeseen circumstances which may occur.*

5. Do I need to register?

You must register: There are two ways to register:

*1. Call the toll free number: **1-866-512-7736***

2. Register online at www.aspenofamerica.com

a. Use the date you entered into PPD as any court dates required when registering online.

3. If you register and fail to attend class, there is an additional \$25 penalty assessed at the next registration.

You must complete the entire course in order to obtain your Certificate and must provide proof of attendance.



Pre-Prosecution Diversion Program

*** * * PPD PROGRAM OVERVIEW * * ***

RANDOM DRUG AND ALCOHOL TESTING:

You are responsible for any and all costs related to any drug or alcohol testing. You have twenty four (4) hours to report to a testing center once notified by the PPD Director. All results must be sent to the District Attorney's Office to the attention of the PPD Director. All result documentation must be verifiable with contact of testing centers name and phone number. Any positive testing may be evaluated by a separate laboratory which will be at your expense.

Known Testing Centers:

- A. Alamogordo/Ruidoso
 - 1. White Sands Alcohol and Drug Compliance Center located at 1111 Washington Street, Alamogordo NM 88310.
- B. El Paso / Chaparral
 - 2. RI-TECH: 11551 Chito Samaniego, (915) 351-0174

RESTITUTION:

To be paid to victim in the form of a money order. All payments will be brought to the PPD director prior to mailing the payment so that a copy of the money order can be used for record keeping.

COUNSELING:

One of the following types of counseling will be required based on pending charges with the 12th Judicial District Attorney's Office:

___ Domestic Violence ___ Anger Management ___ Parenting ___ Substance Abuse Screening ___ Financial / Budget Management ___ Mental Health Screening ___ Defensive Driving

Known Counseling Centers:

- A. Alamogordo NM
 - 1. COPE – 909 S. Florida Ave – (575) 437-2673
 - 2. PMS – 1900 East Tenth (10th) Street – (575) 439-2860
 - 3. Canyon Light Counseling Center – 1301 Cuba Ave – (575) 437-2453
- B. Ruidoso/ Carrizozo/Capitan
 - a. PMS – 1400 Sudderth Drive – (575) 630-0571
 - b. Mark OvRick – 1096 Mecham. Suite 202 – (575) 808-8380
- C. Chaparral
 - a. Chaparral Family Health Services – 204 Angelina Blvd – (575) 824-8100



COMMUNITY SERVICE:

You are required to perform a certain amount of community service and it must be completed within (6) six months of being placed into PPD.

Or

You may donate the equivalent hours in the form of a money order to any Non-Profit organization.

A. To determine donation amount:

a. Total number of hours to donate multiplied by \$7.25 an hour

i. Example: 80 hours x \$7.25 = \$580.00

60 hours x \$7.25 = \$435.00

40 hours x \$7.25 = \$290.00

20 hours x \$7.25 = \$145.00

10 hours x \$7.25 = \$72.50

If you elect to donate, you must bring the Money Order to the PPD Director to ensure your community service hours are recorded according to the scale compared to hours worked and hours donated. **A receipt from any Non-Profit organization stating you donated to them will not be accepted.**

Community service hours may be worked all in one location or in numerous locations as long as you complete the total number of hours assigned to you!