

**ERATH COUNTY ATTORNEY
PRE-TRIAL INTERVENTION PROGRAM**

PROGRAM SUMMARY & CRITERIA FOR ADMISSION



FOR APPLICATIONS AND ADDITIONAL INFORMATION, CONTACT:

**Erath County Attorney
100 W. Washington
Stephenville, Texas 76401
254-965-1453
COATTORNEY@CO.ERATH.TX.US**

PRE-TRIAL INTERVENTION PROGRAM SUMMARY

The Pre-Trial Intervention Program (PTIP) is a program designed to educate, rehabilitate, treat, and divert prosecution of certain offenders with little or no criminal history in the criminal justice system, those that have a mental health illness and military veterans. PTIP uses a rigorous application process to identify offenders who are likely to respond to education, treatment and self-correction. In this way, low-risk offenders are sanctioned and rehabilitated to prevent future recidivism while lessening the burden on court resources best suited for rehabilitation and punishment of high-risk offenders.

PTIP is operated by the Erath County Attorney's Office and Erath County Community Supervision and Corrections Department (CSCD). Participation in PTIP by a Defendant is voluntary. Acceptance into the program is at the discretion of the Erath County Attorney's Office. The Prosecutor will consider the facts and circumstances of the alleged offense, the Defendant's criminal history, mental health history, military service and any victim impact information provided when determining whether or not to approve an application for the program. Upon approval for admission to PTIP, Defendant enters into a contractual agreement with the Prosecutor's Office which includes voluntarily waiving certain constitutional rights and signing a confession of guilt to the offense alleged in the Information filed in court. All information obtained during the process including the PTIP Application, the PTIP Agreement, and information obtained during the term of the PTIP will be used against the Defendant on the issue of guilt and punishment of any later prosecution for the offense. However, if Defendant is denied admission into the PTIP, any written information obtained as a result of the PTIP Application will not be used against Defendant during the prosecution for the offense.

Defendant is required to strictly comply with the conditions and requirements of the PTIP Agreement during the term of supervision. Upon successful completion of the PTIP, Prosecutor agrees to dismiss the criminal charge pending against the Defendant. If Defendant violated the PTIP Agreement, Defendant will be remanded back to court to formally enter a plea of guilty to the offense alleged and accept a pre-negotiated sentence for punishment. Violations of the PTIP are determined solely by the Prosecutor and Defendant is not entitled to a hearing to determine if a violation occurred.

To be considered for admission into the program, Defendant and his/her attorney must complete the PTIP Application and submit it together with any supporting documents to Prosecutor at **least 7 business days prior to Defendant's pretrial setting and prior to any MOTIONS TO SUPPRESS being filed.** No applications will be considered outside of these time periods. Defendant must submit proof of a clean UA, taken at the Defendant's expense with the Application. The UA must be certain minimum standards which are attached hereto and be conducted by CSCD by appointment only. The defendant's attorney must be willing to continue their representation during the term of the PTIP.

The term of the PTIP will generally be anywhere from 6-18 months depending on the offense charged.

ELIGIBILITY CRITERIA FOR PTIP

Defendant must meet the following minimum criteria to be eligible for PTIP, the only exception that will be made are those Defendants that have a diagnosed mental illness that is connected in some way to the alleged offense or those Defendants that have served in the military and suffer from psychological or behavioral issues as a result of that service. Defendants and their attorneys must be able to connect any mental health or behavioral issues as a result of military service to the alleged offense before the Defendant will be considered for admission to PTIP.

1. Defendant must admit his or her guilt to the offense charged and accept full responsibility for the commission of said offense.
2. Defendant must not have any criminal history involving offenses punishable by confinement in jail or prison within the past (10) years regardless of disposition, any adjudicated offenses as a juvenile within the past (5) years, or unadjudicated juvenile offenses within the past (2) years.
3. Defendant must not have any adult criminal history, regardless of disposition, involving any offense that is the same or similar offense as the offense charged that is the subject of the PTIP application.
4. Defendant must have access to the internet and have an e-mail account in order to fulfill the conditions of the PTIP.
5. Defendant must be willing and able to be monitored using an ignition interlock device with a camera or a Secure Continuous Remote Alcohol Monitor (SCRAM), or other approved form of remote alcohol monitoring at their expense. Some form of remote alcohol monitoring will be required for all DWI offenses.
6. Defendant must provide proof of a clean urinalysis with submission of the PTIP Application.
7. Defendant cannot commit any new offense during the pendency of the PTIP Application.
8. Defendant must pay any and all restitution owed resulting from the offense and provide proof of same prior to the date of signing the PTIP Agreement.
9. Defendant must execute a weapon forfeiture for any weapon seized for any reason as part of the Defendant's criminal case.
10. Defendants seeking admission as a result of a mental illness must submit documentation of their mental illness diagnosis.
11. Defendants seeking admission as a result of their military service must provide a copy of their DD214 with the application.
12. The following offenses are not eligible for PTIP:
 - a. Any offense under Tex. Penal Code Chapter 43;
 - b. Any offense under Tex. Penal Code Chapter 21;
 - c. Driving While Intoxicated involving injury to another;
 - d. Driving While Intoxicated with a BAC > .15;
 - e. Driving While Intoxicated cases where the Defendant refused all field sobriety tests and refused a blood or breath test;
 - f. Resisting Arrest;