

# Philadelphia District Attorney's Office



## Pre-Trial Diversion Programs

*Preventing Future Crime and  
Preserving Judicial Resources  
Through  
Non-Traditional Prosecution*

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- Summary Diversion

## **Accelerated Misdemeanor Program – Tier I (AMP I)**

- **Program Eligibility**

Non-violent first time offenders charged with a misdemeanor are the typical candidate for this program. Defendants are accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

No plea is entered and the case is maintained in a pre-trial statusing posture. Upon successful completion of the program, the Commonwealth withdraws prosecution.

- **Details and Length**

Defendants accepting the program are required to complete either 12 or 18 hours of community service and pay court costs. Defendants accepting an AMP I offer are colloquied by the sitting Judge and must meet with the community service coordinator prior to leaving court. Details on community service sites are provided by the coordinator. Community service must be completed at an approved non-profit location. Payment is made in the basement of the Criminal Justice Center.

Generally, defendants are expected to have their requirements fulfilled within five weeks of accepting the terms. They may finish them earlier if they so desire. If a defendant is unable to complete either the community service portion or pay the court costs in full after five weeks, the Judge may provide an extension. The defendant must provide proof that at least half of their community service is complete and more than half of their fines and costs have been paid.

- **Program Completion**

Defendants are expected to provide verification to court staff showing all requirements are satisfied five days prior to their next court listing. By completing their terms of the program and submitting them in advance, a defendant's presence can be waived from future court dates. Once verified that it is complete, prosecution is withdrawn. Should a defendant fail to comply with the terms of the program or get arrested on new charges before completing the program, AMP will be revoked and the case will be sent to a trial room.

- **Expungement Eligibility**

Upon successful completion, defendants are eligible for expungement without opposition.

- **Contact**

DA\_AMP@phila.gov

## **Accelerated Misdemeanor Program – Tier II (AMP II)**

- **Program Eligibility**

Candidates primarily include defendants charged with non-violent misdemeanor offenses with a recent history of non-violent prior arrests and limited number of convictions. Defendants are accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

Defendants are offered a Negotiated Stipulated Trial with a disposition of Guilty or admission into the Section 17 or Section 18 programs without entering a guilty plea.

- **Details and Length**

Defendants are required to complete either community service or a dependency treatment program and pay court costs. A determination of whether community service or a dependency treatment offer is conveyed is made on a case-by-case basis and at the discretion of the ADA assigned to the AMP room and in consultation with staff from the Philadelphia Health Management Corporation (PHMC). Defendants will receive an initial screening in court. Should they require dependency treatment, PHMC court staff will provide additional instructions for compliance. Based upon the results of the evaluation, a course of treatment will be prescribed for the defendant. Defendants who reside out-of-county or who have private insurance will be provided instructions on how to seek treatment on their own. Once the defendant returns to court with proof of treatment, it will be verified by PHMC staff, and then a disposition may be entered. Defendants who are determined not to be drug and alcohol dependent are offered community service (generally between 24-36 hours) in lieu of treatment and they can enter a disposition at their first status listing.

Program length varies for each defendant. The primary factor for those defendants participating in dependency programs is compliance with treatment requirements and negative drug testing results. Defendants who are able to arrange for treatment and make exceptional progress can complete AMP II within three court listings (roughly three months). Defendants who have community service obligations can satisfy their court ordered requirements at a much quicker rate.

- **Program Completion**

After entering their disposition, defendants are required to provide continuing proof of treatment (or proof of completing community service hours) and pay court costs. Once a defendant fulfills their required obligations, the case is marked complete. The defendant is not required to return to court or register with probation. Should a defendant fail to comply with treatment requirements, complete community service or get convicted on new charges before

completing the program, they will be found in violation of the program and sentenced to new terms which may include probation or jail.

- **Expungement Eligibility**

Cases disposed of by Negotiated Stipulated Trial are not eligible for expungement. Cases that are disposed of via the Section 17 or Section 18 programs may be eligible for expungement depending on the defendant's criminal history.

- **Contact**

DA\_AMP@phila.gov

## **Accelerated Rehabilitation Disposition (ARD)**

- **Program Eligibility**

Defendants are first time offenders charged with relatively minor offenses requiring a more lengthy period of supervision than the AMP program provides. Defendants are accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

Prior to entering the ARD program, defendants must agree to a probationary sentence with conditions imposed. A final disposition is held in abeyance by the court.

- **Details and Length**

Defendants seeking ARD must first agree to give up their right to a speedy trial while their case is being considered. Once accepted, conditions of ARD generally include: payment of court costs, participation in rehabilitative classes and/or community service, payment of restitution (if restitution is requested by a victim, the defendant is expected to pay half of the restitution up front at the first ARD listing date). Defendants complete the terms of ARD under the supervision of the probation department. They are generally expected to comply with the terms of the program for a period ranging from six months to, no more than, two years. Specific lengths are based upon the nature of the crime and charges. If the defendant fails to complete the sentence, they will be removed from the program and the case will go to trial. Examples of grounds for removal include: committing another crime while participating in ARD, failure to make required restitution payments, and failure to complete special mandates such as attending anger management.

- **Program Completion**

Once the program is completed, the original criminal charges are dismissed.

- **Expungement Eligibility**

Defendants who successfully comply with the terms of ARD are eligible to have their cases expunged automatically by the First Judicial District.

- **Contact**

DA\_ARD@phila.gov

## **Domestic Violence Diversion**

- **Program Eligibility**

The target participant is a defendant charged with a first-time domestic violence misdemeanor. The charged offense cannot be a felony, nor can it involve strangulation, the use of a weapon, serious injury, or sexual abuse. Defendants must not have any previous arrests or convictions for domestic abuse-related charges. They cannot be on probation/parole for a felony, have records of revoked probation, have two or more open misdemeanor cases, have been sentenced to a prison sentence for a violent felony within the past 10 years, or have an extensive bench warrant history.

Eligible cases and participants will be identified by the District Attorney's Office Charging Unit. Referral requests for defendants who were not initially flagged by DACU for diversion will be considered for participation; however, these referrals must be received by the District Attorney's Office DV Diversion ADA within two weeks of arrest and/or at least one week before the trial listing in order to be considered. Continuances at the first trial listing for DV Diversion Court referrals and consideration will not be granted absent extenuating circumstances. There are two Tiers to this program. The defendant's prior history of arrests, convictions and severity of the incident are used in making a determination of either Tier I or Tier II.

- **Disposition**

Outcomes are based upon specific tiers of the program. In order for a defendant to be admitted into Tier II DV Diversion, s/he must enter a conditional guilty plea, which will remain in "open" status until completion of treatment and all program requirements. Tier I DV Diversion does not require a guilty plea, but Tier I offenders must still complete all treatment requirements to remain compliant with the diversion program.

- **Details and Length**

The program addresses perpetrators of domestic violence against both intimate and non-intimate partners. Intimate partner DV Diversion involves cases where the perpetrator and victim are spouses, former spouses, boyfriend/girlfriend, or same sex partners. Non-intimate partner DV Diversion allows for the diversion of cases where the perpetrator and victim have a blood or otherwise familial relationship. Both intimate partner and non-intimate partner offenders will be classified into one of two Tiers. The Tier determination is based on the offender's past criminal history and the circumstances of the instant arrest.

The main difference between intimate partner and non-intimate partner diversion is the type of treatment required for completion of the program. Intimate partner diversion defendants will be required to complete treatment at Menenergy (currently the only Philadelphia-based batterers' intervention program) or another recognized BIP in order to complete the terms of DV

Diversion. Non-intimate partners will be required to complete outpatient treatment in a program designed to teach coping skills to individuals with impulsivity and anger control issues.

Generally, the program lasts for a six-month period; however, if treatment is recommended, the length of the status period will be determined by the length of treatment, but not less than six months. Both intimate partner and non-intimate partner offenders will be evaluated by the Public Health Management Corporation's Forensic Services Department (FIR). If defendants are deemed amenable to treatment, they must complete any and all treatment recommended by the FIR evaluation, as well as BIP treatment for intimate partner offenders.

For each Tier category, the initial status listing will occur within 30 days of the offender's official entry into the program, and subsequent status listings will be held every 45 days.

- **Program Completion**

The BIP (or other service provider for non-intimate partner DV Diversion defendants) is charged with determining successful treatment completion by program participants. Additionally, DV Diversion Court defendants must have incurred no new arrests and have no reported incidents of further domestic violence. The defendant must pay any restitution owed to the complainant, pay court costs and fines, and comply with the services required as a condition of the treatment program. Prosecution will be withdrawn by the Commonwealth when all terms of the program have been fulfilled.

- **Expungement Eligibility**

If a Tier I defendant successfully completes the conditions of DV Diversion Court, after one year, the defendant may file a motion for expungement. The Commonwealth reserves the right to oppose the expungement request.

- **Contact**

DA\_DVDiv@phila.gov

## **Drug Treatment Court**

- **Program Eligibility**

Defendants are non-violent drug or drug related offenders with no more than two previous juvenile adjudications or adult convictions. Most often the lead charge is Possession with Intent to Deliver. Arrests involving guns and mandatory sentences based upon weight are not eligible (school zone mandatory cases are treated on a case-by-case basis).

- **Disposition**

Defendants plead no contest and have this plea held in abeyance until completion of the program.

- **Details and Length**

The program covers four phases over a twelve month period. These phases are steps towards sobriety and include mandatory drug and alcohol treatment, regular urine testing, meetings with case managers, and attendance at monthly progress listings before a supervising judge. Infractions of the program will result in the defendant receiving one of the program's graduated sanctions. Sanctions include writing essays, increased reporting and short jail stays.

Phase 1 lasts one month and focuses on non-medical detoxification and assessment of the defendant. The assessment determines the severity of the defendant's substance abuse issues and whether the defendant is in need of dual diagnosis treatment. Dual Diagnosis treatment focuses simultaneously on a defendant's substance abuse treatment and their mental health treatment. During Phase 1 a housing assessment is completed to establish whether the defendant is in need of alternative housing. Phase 2 lasts three months and is the most intensive treatment part of the program. In addition to treatment, the defendant will receive needed life skills training and counseling. Phase 3 lasts four months and focuses on relapse prevention as well as an aftercare plan for the defendant. An aftercare plan is created for the defendant to facilitate their transition from treatment to a sober lifestyle via the implementation of relapse prevention tools. The defendant may be encouraged to attend 12 step meetings, obtain a sponsor and continue to work towards establishing a sober network. Phase 4 lasts four months. During these four months the defendant must maintain 100% abstinence from drugs and alcohol and is encouraged to implement their treatment aftercare plan. It is important to note that any missed treatment sessions or relapses will hinder the defendant's progression through the program, causing their length of time in Drug Treatment Court to exceed the twelve month period.

- **Program Completion**

Upon completion of the four phases, defendants graduate, whereupon their no contest plea is withdrawn and charges are dismissed with prejudice. The case is marked closed at that point.

- **Expungement Eligibility**

If the defendant remains crime-free and drug and alcohol free during the following year, their case will be expunged.

- **Contact**

DA\_DTC@phila.gov

## **DUI Treatment Court and DUI Intermediate Punishment**

- **Program Eligibility**

County Intermediate Punishment primarily targets offenders who would otherwise be serving a sentence in the county jail. The Intermediate Punishment Program focuses on defendants who are in level 3 and level 4 of the Sentencing Matrix. Philadelphia has two separate IP funded programs for DUI's, DUI Treatment Court and DUI-IP.

There are two eligibility groups for this program:

- Potential one year mandatory minimum case for third offense DUI

Defendants are reviewed using statutory guidelines for Intermediate Punishment sentencing as a base; however, additional factors such as residency, details of the specific incident and prior criminal history are considered as additional factors

- Potential 90 day mandatory minimum for second offense DUI

Defendants who are initially reviewed for DUI Treatment Court. Similar considerations are taken into account as described above. If a defendant is not eligible for DUI Treatment Court, but is otherwise eligible for IP sentencing under that statutory guidelines for Intermediate Punishment, they will be referred to the DUI-IP program. Typically this includes defendants with more numerous or serious prior contacts with the criminal justice system.

- **Disposition**

Defendants plead guilty and a portion of their mandatory jail time is converted to house arrest.

- **Details and Length**

### *DUI Treatment Court*

Defendants facing a 90 day mandatory sentence are mandated to spend 10 days in custody. If they have proof of work, they may be eligible to serve weekends. The remaining portion of their mandatory sentence is served on house arrest. Defendants facing a one year mandatory sentence must serve 90 days in custody with the remaining mandatory period on house arrest. They are not eligible to serve their time on weekends.

Upon release, the court program they enter consists of four phases which take a year to complete and focus on determining the severity of the defendant's substance abuse issue and a course of treatment. These four phases are steps towards sobriety and include mandatory treatment, regular urine testing, meetings with case managers, and attendance at monthly progress listings before a supervising judge. Defendants are required to use a sobriety machine as part of the program as well. Infractions of the program will result in the defendant receiving one of the

program's graduated sanctions. Sanctions include writing essays, increased reporting and short jail stays.

#### *DUI Intermediate Punishment*

Defendants are required to spend 20 days in custody and serve the remaining 70 mandatory days on house arrest. This will be followed by 275 days on IP probation. While on IP probation, the defendant will need to report regularly to his probation officer, submit regular urine tests and attend the FIR recommended treatment program. At the conclusion of IP probation they are required to serve a subsequent year probation under general supervision. Additionally, defendants must complete 40 hours of Community Service.

- **Program Completion**

#### *DUI Treatment Court*

Upon completion of the four phases, paying any outstanding restitution and mandatory program and court costs, defendants graduate and their court supervision is terminated. The case is marked closed at that point.

#### *DUI Intermediate Punishment*

A defendant's direct obligation to the court ends upon his plea. Should he remain in compliance with the terms of his IP and subsequent general probation, and pays any outstanding restitution and mandatory court costs, the case will be closed. Failure to remain in compliance may result in a violation of probation hearing.

- **Expungement Eligibility**

Defendants are not eligible to have their records expunged at the termination of their case.

- **Contact**

DA\_DUITC@phila.gov

## **Future Forward**

- **Program Eligibility**

Targeted defendants are 24 years of age or older, who are Philadelphia residents and have a high school degree or GED and are interested in obtaining college credit. They are first-time felony offenders charged with a non-violent crime, with no more than one prior misdemeanor conviction. Defendants must pass the Community College of Philadelphia's (CCP) entrance exam and be eligible for federal financial aid. Defendants are not drug dependent and accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

Defendants enter a nolo contendere plea and the Court defers entry of judgment while the defendant completes the program

- **Details and Length**

The program is approximately one-year in length. Individuals who are offered admission to CCP, after completing testing and financial aid requirements, will be enrolled in three courses for three consecutive semesters. These courses will be administered in conjunction with CCP's Reentry Support Project (RSP). Specific classes will be required in the first semester; however, students will be given greater flexibility in subsequent semesters. In addition to College courses, program participants will be required to attend personal, academic, and professional development workshops and activities coordinated by RSP. Each month, participants also appear for progress listings before a supervising judge. Participants must remain in good academic standing and not get re-arrested to continue in the program.

- **Program Completion**

Program participants must successfully earn a minimum of 27 College credits during their three semesters to be considered as program completers (it will be at each program participant's discretion as to whether he or she wants to continue enrollment at the College after his or her third semester and having earned 27 credits). If the defendant successfully completes these requirements, the Court will dismiss the case with prejudice. Individuals who are terminated from the program due to non-compliance prior to completion will have a guilty verdict entered by the Court and they will be sentenced accordingly. Participants who are terminated from the program due to cognitive issues will be permitted to withdraw their plea after the first semester and have their case diverted to another program or sent for trial.

- **Expungement Eligibility**

If the defendant does not get arrested, and subsequently convicted, within one year from successful completion of Future Forward and all court costs are paid the case will be expunged.

- **Contact**

DA\_ARD@phila.gov or DA\_TCY@phila.gov

## **Intermediate Punishment – non DUI (County and State)**

- **Program Eligibility**

*County Intermediate Punishment*-- Defendants are non-violent offenders with no convictions for crimes of violence and they are dependent on drugs/alcohol.

*State Intermediate Punishment*-- Defendants are non-violent drug-offenders with no convictions for crimes of violence; however, they have a more extensive criminal history and they are dependent on drugs/alcohol.

- **Disposition**

*County Intermediate Punishment* – Defendants enter a guilty plea.

*State Intermediate Punishment* – Defendants enter a guilty plea.

- **Details and Length**

*County Intermediate Punishment*

Defendants get a FIR (Forensic Intensive Recovery) evaluation. This evaluation will let the court know what kind of treatment a defendant needs. Usually three types of treatment are recommended: Intensive Outpatient, Short-term Inpatient and Long-term Inpatient. County IP is divided into two Tiers.

- 1) Tier 1: This is a non-house arrest IP program for defendants in Level 3 of the Sentencing Matrix. Defendant must follow the treatment recommendations of the FIR evaluation and they will be placed on intensive probation during the IP probation. Intensive probation will include monthly home visit and increased office visits. After the defendant successfully completes one year of IP, he will be placed on a general probation for an additional year. Total sentence is 2 years of supervision.
- 2) Tier 2: This is the traditional IP-house arrest program for defendants in Level 4 of the Sentencing Matrix. The type of treatment needed will determine the length of house arrest which will be served. Generally, the length and details of the County Intermediate Punishment program are as follows, though probation tails will be determined on a case by case basis.
  - Intensive Outpatient —will require one year of IP which consists of six months of house arrest, 40 hours community service, followed by two years of reporting probation.
  - Short term Inpatient— will require one year of IP which consists of three months of house arrest, 40 hours community service, followed by two years of reporting probation.

- Long term Inpatient-- will require one year of IP which consists of 40 hours community service, followed by two years of reporting probation.

### *State Intermediate Punishment*

Defendants will generally get offered State Intermediate Punishment and an alternative State Prison Sentence. If agreeable, the defendant is then committed to Department of Corrections for a thorough drug evaluation. The Department of Corrections conducts an assessment of the defendant and provides a report to the court within 60 days. If the Department of Corrections determines that the offender is suitable, then the defendant is sentenced to a 24 months of Intermediate Punishment. This flat two year sentence begins in a state institution and continues to the community. The sentence comprises of the following:

- A minimum of seven months in SCI and no less than two months must be spent in an institutional drug/alcohol treatment program.
- A minimum of two months in a community based inpatient drug/alcohol treatment program.
- A minimum of six months in treatment through a drug/alcohol outpatient treatment facility.
- A period of reintegration into community for the balance of the sentence.

If the defendant is deemed to not be in need of drug/alcohol treatment, he or she will automatically get the alternative state sentence offered by the Commonwealth at the time of their plea. The defendant's plead guilty knowing that if they are not accepted into the program the alternative state sentence automatically applies. The alternative state sentence is at the discretion of the DA's Office and based on the facts of the case and the defendant's record (arrest and convictions).

- **Program Completion**

Defendants are considered to have satisfied their IP requirements upon completion of their sentence. Infractions of the program will result in the defendant receiving one of the program's graduated sanctions. Examples of sanctions include, extending the defendant's probation period or having to repeat certain treatment requirements.

- **Expungement Eligibility**

Defendants are not eligible to have their records expunged at the termination of their case.

- **Contact**

DA\_IP@phila.gov

## **Mental Health Court**

- **Program Eligibility**

Defendants in Mental Health Court are serving a county sentence and/or probation for a non-violent felony crime and have been diagnosed with a serious mental illness. Defendants are accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

Mental Health Court is a "Re-entry" program as opposed to a "Diversion" Court. Defendants must be currently serving a sentence, and/or is in custody awaiting sentencing.

- **Details and Length**

Mental Health Court is a collaborative problem solving court which provides an alternative to incarceration for non-violent felony offenders with mental illness and co-occurring disorders by preparing individuals for re-entry into more effective treatment modalities in supervised community settings. The FJDMHC employs a multidisciplinary, collaborative approach that combines intensive wrap-around treatment and individualized probation supervision. The court identifies individuals who are willing to accept a higher level of supervision in exchange for being placed in treatment facilities outside the Philadelphia Prison System. Participants are monitored throughout the re-entry process through a continuum of care through Department of Behavioral Health treatment teams.

Participants receive routine court status where progress and compliance is closely monitored. Those who show a record of compliance may earn rewards, which could include less frequent court dates, gift cards, recognition in yearly achievement ceremonies, or even early termination of their sentence. Those who are non-compliant receive sanctions, which may include jury box observations, written essay assignments, increased frequency of court dates and/or probation visits, short or longer term custody, or removal from the program.

- **Program Completion**

Defendants remain under the supervision of Mental Health Court until the presiding Judge terminates their case because they have: 1) complied with all the treatments goals 2) have met the max treatment they can receive 3) are living an independent life with mental health meds and/or treatment 4) and are not a danger to themselves or the community. The program can also expire when the supervision legally terminates, but probation will be revoked and a new period will be ordered if the defendant needs the supervision services and treatment.

- **Expungement Eligibility**

There is no opportunity for expungement, as felony dispositions have already been entered on the defendant's case.

- **Contact**

DA\_MHC@phila.gov

## **Mental Health Court - Competency**

- **Program Eligibility**

Defendants must be found legally incompetent due to their mental illness and have active cases pending in either the Municipal Court or the Court of Common Pleas.

- **Disposition**

Generally, no disposition is entered while defendants' cases are being statused for mental health competency.

- **Details and Length**

The court orders mental health evaluations for defendants and orders mental health treatment, either through inpatient commitments to the Forensic Unit of the Philadelphia Detention Center or Norristown State Hospital, or outpatient treatment services as a condition of bail. Cases are brought back for periodic status dates for as long as competency remains an issue or until the case expires.

- **Program Completion**

Once competency is established, cases either return to the docket of the judge from which the case came, or for some Common Pleas level cases, they may formally be moved to the First Judicial District's Mental Health Court for disposition and supervision.

- **Expungement Eligibility**

There are generally no dispositions entered as a part of this program, therefore there are no expungement issues.

- **Contact**

DA\_MHC@phila.gov

## **Project Dawn Court**

- **Program Eligibility**

Targeted defendants are women with open prostitution cases, who have a non-violent record, and history of convictions for prostitution. Defendants are accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

When a defendant enters into Project Dawn Court, her plea is held in abeyance while she undergoes the program. If the defendant successfully completes the program, the Commonwealth will withdraw prosecution and she will graduate without a new conviction.

- **Details and Length**

Project Dawn seeks to connect non-violent repeat prostitution offenders with therapeutic and reentry services, while attempting to reduce recidivism of prostitution and related crimes. The program provides drug treatment as well as trauma counseling for abuse (physical, sexual and emotional) that often dates back to adolescence. Once a defendant enters Project Dawn she must complete four phases of treatment. Specifically she is required to: 1) stay clean for 30 days; 2) attend 90 days of out-patient services; 3) undergo 120 days of intensive treatment for sexual trauma; and 4) participate in 120 of days of reintegration preparation. Specific services are based upon the results of a Forensic Intensive Recovery (FIR) evaluation. Services include counseling for post-traumatic stress disorder, childhood sexual abuse, drug treatment and, parenting classes. Defendants are required to appear in court monthly (or more if deemed necessary by the Court and Project Dawn team) where her progress is assessed before a judge. Violations of the program's terms result in the defendant facing a series of escalating sanctions. She is also required to restart the particular phase of the program they are undergoing. Defendants can complete the program within one year of acceptance.

- **Program Completion**

Once all four phases have been completed, the defendant graduates the program and their case is dismissed with prejudice.

- **Expungement Eligibility**

Upon successful completion of Project Dawn, if the defendant remains arrest free for one year, the underlying case may be expunged.

- **Contact**

DA\_PDC@phila.gov

## **Sexual Education and Responsibility (SER)**

- **Program Eligibility**

Defendants are non-violent offenders charged with Patronizing a Prostitute who have limited prior contacts with the criminal justice system. Defendants are accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

If a defendant would otherwise qualify for AMP I, no plea is entered and the case is maintained in a status quo posture. Upon successful completion of the program, the Commonwealth withdraws prosecution. Defendants are offered a Negotiated Stipulated Trial with a disposition of Guilty or admission into the Section 17 or Section 18 programs via No-Contest Plea if they would otherwise qualify for AMP II.

- **Details and Length**

Cases are listed under the auspices of the AMP program. In lieu of serving probation or doing community service, defendants are required to attend a one day program offered by the Joseph J. Peters Institute. The program focuses on the impact of patronizing prostitutes on defendants, their families, victims and the community. Defendants are required to pay a one-time \$250 program fee. They are also liable for court costs consistent with the AMP program.

- **Program Completion**

By attending the program, paying the \$250 program fee, and related court costs the case will be closed. The defendant is required to follow the same procedures as other AMP defendants as it relates to future court appearances consistent with whether they have been designated AMP I or AMP II.

- **Expungement Eligibility**

Expungement follows the AMP program policy. Defendants who have cases listed in AMP I will be eligible for expungement without opposition upon successful completion. Cases disposed of by Negotiated Stipulated Trial under AMP II are not eligible for expungement. Cases that are disposed of via the Section 17 or Section 18 programs under AMP II may be eligible for expungement depending on the defendant's criminal history.

- **Contact**

DA\_AMP@phila.gov

## **Small Amount of Marijuana (SAM)**

- **Program Eligibility**

Defendants arrested with less than 30 grams of marijuana may be eligible for this program. Defendants are accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

By agreeing to enter the program, defendants enter no plea. The case is maintained as an open pre-trial matter. However, upon successful completion of the class, the Commonwealth withdraws prosecution.

- **Details and Length**

Defendants must appear before a trial commissioner for a status hearing. At that time they are offered the opportunity to enter the SAM program or ask for a trial. Should they choose to enter the program; the SAM program has two requirements. First, defendants must attend a class about the criminal justice system and the consequences of committing crimes. The class takes place one Saturday a month at the Criminal Justice Center. Second, defendants must bring a money order in the amount of \$200 to the class. The \$200 covers the costs associated with this program. No cash or personal checks are accepted.

If a Defendant is currently on probation, choosing this Diversion Program will typically not result in a violation of probation. However they may be asked to submit to additional drug testing by the Probation Department or asked to begin taking drug tests if they were not already ordered as part of their probation.

- **Program Completion**

By attending the class and paying the \$200 program fee, the case will be closed. Defendants will not need to return to court. The District Attorney's Office will automatically withdraw the charges.

- **Expungement Eligibility**

Upon successful completion, defendants' cases are automatically expunged by the First Judicial District.

- **Contact**

DA\_SAM@phila.gov

## **Summary Diversion Program**

- **Program Eligibility**

The majority of defendants charged with a summary citation who have not previously participated in the program are eligible, with the exception of the following charges due to the nature of the charge and therefore are automatically scheduled for trial:

- Cruelty to Animals;
- Criminal Mischief;
- Cutting Weapons / Weapons.

Any defendant issued citations by the following agencies also are not permitted to enroll and are automatically scheduled for trial:

- Pennsylvania SPCA;
- Department of Agriculture;
- Vehicle Fraud Investigations;
- Department of Revenue.

- **Disposition**

No plea is entered. Upon successful completion of the class, prosecution is withdrawn.

- **Details and Length**

Defendants attend the Summary Diversion Program on a Saturday in the Criminal Justice Center. The cost of the Summary Diversion Program Class is \$200. Full payment must be made by money order and payable on the day they attend the program. If this is the first time, a defendant has been charged with underage drinking or false ID, upon successful completion of the program the Court will amend the charge to disorderly conduct and the defendant will not lose their license. This will only apply once, if the defendant is cited again with underage drinking / false ID, PennDOT will be notified of the license or permit suspension.

- **Program Completion**

Upon successful completion of the program and payment of court costs, the defendant will not have to appear for any future court date pertaining to this matter. Failure to complete the program will result in the matter being referred for a trial.

- **Expungement Eligibility**

The defendant's summary arrest record will be automatically expunged. The expungement takes approximately nine months to complete and is coordinated by the First Judicial District.

- **Contact**

Please contact the First Judicial District's Municipal Court office

## **The Choice is Yours (TCY)**

- **Program Eligibility**

Targeted defendants are between the ages of 18-30 year old. They are first-time felony drug offenders charged with Possession with Intent to Deliver a Controlled Substance (PWID), with no more than one prior misdemeanor conviction. Defendants are not drug dependent and accepted at the discretion of the District Attorney's Office and after a careful review of their case.

- **Disposition**

Defendants enter a nolo contendere plea and the Court defers entry of judgment while the defendant completes the program

- **Details and Length**

Once the TCY Program is offered to a defendant, to accept, he/she must waive their preliminary hearing and enter the one month TCY Orientation. Successful completion of the orientation requires a defendant to: 1) be on time and attend the program everyday; 2) compile personal documents; 3) participate in workshops, classes and individual coaching sessions; 4) complete a required number of community service hours; and, 5) other activities as determined by the TCY staff. After a defendant successfully completes the orientation they will officially enter the TCY Program by entering a nolo contendere plea and begin the one year TCY Program. During the TCY Program defendants engage in a variety of activities including: 1) job readiness training; 2) computer classes; 3) education and skills training; 4) community service; 5) job placement and advancement; 6) mentoring; and, 7) regular court check-ins with the TCY judge. If a defendant is not recommended for the TCY Program, after the orientation, then their case will be removed from the TCY Program and proceed along a normal trial path. For those defendants who are in the TCY Program and fail to comply with the requirements of the program, graduated sanctions are imposed.

- **Program Completion**

If the defendant successfully completes the TCY Program, the Court will dismiss the case with prejudice. They will then participate in a graduation ceremony. Individuals who are terminated from the program prior to completion will have a guilty verdict entered by the Court and they will be sentenced accordingly.

- **Expungement Eligibility**

If the defendant does not get arrested, and subsequently convicted, within one year from successful completion of the TCY Program and all court costs and lab fees are paid, the TCY case will be expunged.

- **Contact**

DA\_TCY@phila.gov

## **Veteran's Court**

- **Program Eligibility**

Eligible defendants must be charged with a non-violent misdemeanor crime and be a former or active member of the military. Felony and gun related offenses or those defendants with convictions for those types of crimes within the last ten years are ineligible. Participants are generally targeted for consideration after being interviewed by the First Judicial District's Pre-Trial Unit.

- **Disposition**

Each case is reviewed for offers by the District Attorney's Office on a case-by-case basis. Defendants proceed by way of either pretrial statusing, no contest plea with verdict withheld, negotiated stipulated trial or guilty plea. The majority of the cases are resolved without a verdict being entered.

- **Details and Length**

Candidates meet with Veteran's Administration (VA) officials who are located at the Criminal Justice Center. The VA staff schedules eligible defendants for an assessment to determine appropriate needs and levels of care, and directs them to benefits to which they may be entitled. Based upon the results of the assessment, the VA staff is able to make a recommendation as to the particular needs of a defendant and the programs available within the VA to aid them. Programs include: drug and alcohol treatment; mental health treatment; medical referrals; as well as housing; and employment training and assistance. Defendants will be responsible for completing their treatment program under Court supervision. If they chose to enter the program, and fulfill its terms, they will be assigned a "Mentor" from the VA to guide them through the process and provide assistance as they work to resolve their criminal matters. Court ordered supervision for cases where a plea or stipulated trial takes place may be reporting or non-reporting. If applicable, completion of treatment can count as credit towards a portion of any unserved prison sentence. Specific program lengths vary by crime and disposition; however, Veteran's Court oversight will not exceed the length of any probation sentence.

- **Program Completion**

Cases are resolved on a case-by-case basis depending on the specific legal status of the case. Upon a successful conclusion to a participant's case, they will be eligible to attend a graduation ceremony recognizing their achievement.

- **Expungement Eligibility**

Cases that are entered into the program as pre-trial statuses may be expunged once it is dismissed by the Court.

- **Contact**

DA\_Vet@phila.gov