

Directive # 14-05

[Questions or comments may
be directed to 609-292-0012]

TO: Assignment Judges

FROM: Philip S. Carchman, J.A.D.

RE: Standardized Pretrial Intervention Program (PTI) Forms

DATE: October 4, 2005

This Directive promulgates for statewide use a standard set of forms for processing Pretrial Intervention Program (PTI) cases through the Criminal and Probation Divisions of the Superior Court. The Conference of Criminal Division Managers, Conference of Chief Probation Officers, and AOC staff from both Divisions worked together to develop the forms. On the recommendation of those two Conferences as well as the Conference of Criminal Presiding Judges, the Judicial Council approved the forms.

Accordingly, effective December 1, 2005, the following forms shall be used, replacing any corresponding forms now in use in the vicinages:

1) **Pretrial Intervention Program Summary and Application (Attachment 1)**

This document is a combined brochure describing the program and an application for PTI. It should be given to anyone requesting information about the PTI Program and to those defendants interested in applying for participation in the program.

Vicinages currently use a variety of documents to inform people about the PTI program, with those documents providing varying degrees of information. The vicinages also use a variety of program

applications, ranging in length from one page to six pages. In most instances, at the time of application the Criminal Division already possesses a significant amount of background information on the defendant. Therefore, in order to avoid the duplicative gathering of information, the application has been reduced to only that information that is most critical for the screening of applications. Detailed information about the defendant and the underlying charges needed to make a determination on the application should be gathered during the subsequent interview process with staff in the Criminal Division.

2) **Pretrial Intervention Order of Postponement (Attachment 2)**

This form standardizes the form of court order postponing proceedings on the underlying offense(s) during the defendant's participation in the PTI Program (with the period of postponement specifically set forth in the order).

3) **Standard Conditions of PTI Supervision (Attachment 3)**

This form standardizes the format for advising defendants of the Standard Conditions of PTI Supervision and for providing defendants with notice as to the potential consequences for failure to comply with the required conditions.

4) **Special Conditions of PTI Supervision (Attachment 4)**

Similarly, this form standardizes the format for advising defendants of the Special Conditions of PTI Supervision and for providing defendants with notice as to the potential consequences for failure to comply with the required special conditions.

5) **Pretrial Intervention Order of Termination (Attachment 5)**

This form standardizes the form of court order terminating a defendant from participation in the PTI Program. The order, superseding the order of postponement, reactivates the underlying charges against the defendant and schedules the next court event.

- 6) **Pretrial Intervention Order of Dismissal (Attachment 6)**
This form standardizes the form of court order formally dismissing the charges against a defendant after successful completion of the PTI Program.

P.S.C.

Attachments

cc: Chief Justice Deborah T. Poritz
Criminal Presiding Judges
Theodore J. Fetter, Deputy Administrative Director
AOC Directors and Assistant Directors
Trial Court Administrators
Criminal Division Managers
Finance Division Manager
Vicinage Chief Probation Officers
John Pizarro, Probation Service Division
John J. Wieck, Criminal Practice Division
Mary Irvén, Probation Services Division
Steven D. Bonville, Special Assistant
Francis W. Hoeber, Special Assistant

ATTACHMENT 1

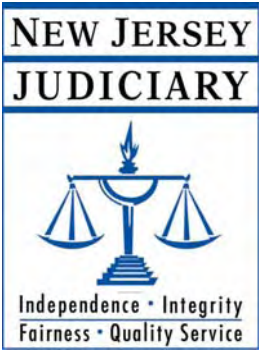
PTI PROGRAM SUMMARY AND APPLICATION

ATTACHMENT 1

PTI PROGRAM SUMMARY AND APPLICATION

Submit this application to:

PRETRIAL INTERVENTION (PTI)



For Office Use Only

Fee Waived_____

Fee Paid_____

Program Summary and Application

For More Information

Superior Court Criminal Division

Telephone:

What is the Pretrial Intervention Program (PTI)?

The Pretrial Intervention Program (PTI) provides defendants, generally first-time offenders, with opportunities for alternatives to the traditional criminal justice process of ordinary prosecution. PTI seeks to render early rehabilitative services, when such services can reasonably be expected to deter future criminal behavior. The PTI program is based on a rehabilitative model that recognizes that there may be an apparent causal connection between the offense charged and the rehabilitative needs of a defendant. Further, the rehabilitative model emphasizes that social, cultural, and economic conditions often result in a defendant's decision to commit crime.

Simply stated, PTI strives to solve personal problems which tend to result from the conditions that appear to cause crime, and ultimately, to deter future criminal behavior by a defendant.

What Are the Benefits of the Pretrial Intervention Program (PTI)?

- ☐ If PTI is successfully completed, there is no record of conviction and the defendant avoids the stigma of a criminal record. Although no record of a conviction exists, a defendant may want to file for an expungement to remove any record of the original arrest.
- ☐ Early intervention allows rehabilitative services to be provided soon after the alleged offense, in an attempt to correct the behavior that led to the offense.
- ☐ Some of the costs associated with the formal court process are eliminated through acceptance into PTI.
- ☐ PTI provides early resolution of a case, which serves the interests of the victim, the public and the defendant.
- ☐ PTI reduces the burden on the court and allows resources to be devoted to more serious criminals.

What are the Conditions for Participation in Pretrial Intervention?

Supervision under the PTI program may run from 6 months to three years and is provided by the Probation Division. Certain standard conditions are imposed on those accepted into PTI, such as, random urine monitoring, and assessments of fees, penalties and fines. Additional conditions may also be imposed to require the performance of community service, payment of restitution, and submission to psychological and/or drug and alcohol evaluations with compliance to recommended treatment programs.

If a defendant successfully completes all the conditions of PTI, then the original charges are dismissed on the recommendation of the Criminal Division Manager with consent by the prosecutor, and there is no record of conviction.

If a defendant does not successfully complete the conditions of PTI, then the defendant is terminated from the PTI program and the case is returned to the ordinary course of prosecution.

Who is Eligible for Pretrial Intervention (PTI)?

Any defendant who is charged with an indictable offense may apply.

Admission guidelines stated in the Court Rules set the following criteria:

- ☐ **Age** - PTI is designed for adults.
- ☐ **Jurisdiction** - Only defendants charged with indictable offenses in New Jersey may apply.
- ☐ **Minor Violations** - Charges that would likely result in a suspended sentence without probation or a fine are generally not eligible. Those charged with ordinance, health code and other similar violations are not eligible.
- ☐ **Prior Record of Convictions** - PTI generally excludes defendants who have been previously convicted.
- ☐ **Parolees and Probationers** - Generally excluded without prosecutor's consent and considered only after consultation with parole and probation departments.
- ☐ **Defendants Previously Diverted** - Excludes defendants who have previously been granted a diversionary program or conditional discharge.

How Does One Apply for Pretrial Intervention?

Applications to PTI must be made no later than 28 days after indictment. There is a \$75 non-refundable application fee. In certain instances, this fee may be waived.

The application process includes an interview with the defendant by a staff member of the Criminal Division of the Superior Court. A written report is prepared detailing the decision for admittance or rejection into the PTI program. When a defendant is accepted into PTI on the recommendation of the Criminal Division, with the consent of the prosecutor and the defendant, the judge may postpone all further proceedings against the defendant for a period not to exceed 36 months.

The applicant may appeal a rejection to the Presiding Judge of the Criminal Division within 10 days of the rejection.

Application for PTI

Name:

Address:

City:

State:

Zip Code:

Phone#

D.O.B.

Soc. Security #

Indictment or Complaint #

Prosecutor File # (if known)

Have you previously been enrolled in PTI or received a conditional discharge?

Yes_____

No_____

I have read the information contained in this brochure and wish to apply for enrollment to PTI.

Signature of Defendant

Date

ATTACHMENT 2

PTI ORDER OF POSTPONEMENT



PRETRIAL INTERVENTION

ORDER OF POSTPONEMENT

STATE OF NEW JERSEY

VS.

☐ 1st ORDER

☐ 2nd ORDER

☐ 3rd ORDER

ADDRESS

ZIP

COUNTY

PROMIS NUMBER(S)

CAPS ID NUMBER

IND / ACC / COMPLAINT
NUMBER(S), CHARGES
AND STATUTES

RELATED DISORDERLY PERSONS
AND MOTOR VEHICLE CHARGES

In accordance with the provisions of N.J.S.A. 2C:43-12 & 13 & R. 3:28, and upon the recommendation of the PTI Director and with the consent of the Prosecutor and defendant to the attached listed terms and conditions of the supervisory treatment, it is ORDERED that all further proceedings be and are postponed for a period of _____ months, beginning _____.

DATE

JUDGE

DATE

PROSECUTOR

DATE

PTI DIRECTOR

I consent to the conditions set forth in the standard and special conditions. I agree to a postponement of further proceedings for a period not to exceed three years. During this period I waive my right to a speedy trial on this or any related charges, including disorderly persons offenses and motor vehicle charges. In addition, I agree to waive any double jeopardy claim as to any remanded disorderly persons offenses and / or motor vehicle violations.

DATE

DEFENDANT

DATE

ATTORNEY

ATTACHMENT 3

STANDARD CONDITIONS OF PTI SUPERVISION



PRETRIAL INTERVENTION

FIRST NAME

MIDDLE NAME

LAST NAME

PROMIS NUMBER(S)

CAPS ID NUMBER

STANDARD CONDITIONS OF PTI SUPERVISION

1. You shall obey all federal, state, and municipal laws and ordinances. You shall notify your probation officer within 24 hours if you are arrested or issued a complaint summons in any jurisdiction.
2. You shall report to your probation officer as directed.
3. You shall answer all inquiries by your probation officer truthfully.
4. You shall permit your probation officer to visit your residence or any other suitable place.
5. You shall promptly report any change of address or residence to your probation officer.
6. You must obtain permission if you wish to move outside the state.
7. You shall seek and maintain gainful employment, and promptly notify your probation officer when you change your place of employment or find yourself out of work.
8. You shall cooperate in any test, treatment and/or counseling deemed necessary by your probation officer during the PTI period of postponement.

If the court finds that you have not complied with the conditions of your PTI Supervision, the Court may modify the conditions of PTI Supervision, or terminate you from the program. If you are terminated from PTI Supervision, your charges will be reactivated and criminal court proceedings will resume.

Failure to comply with the payment requirements may result in further Court action including termination, attachment of your wages, filing of a civil judgment, or extension of your PTI Supervision for purposes of collection.

I have received a copy of the Standard Conditions of PTI Supervision which have been read and explained to me. I may request a copy of the official court order from my probation officer. I understand the above conditions of PTI Supervision and that they apply to me, and I further understand that failure to comply on my part constitutes a violation of PTI Supervision and may cause my termination from the program and prosecution of the charges against me.

DATE

DEFENDANT

DATE

PROBATION OFFICER

ATTACHMENT 4

SPECIAL CONDITIONS OF PTI SUPERVISION



PRETRIAL INTERVENTION

SPECIAL CONDITIONS OF PTI SUPERVISION

FIRST NAME		MIDDLE NAME		LAST NAME	
PROMIS NUMBER(S)			CAPS ID NUMBER		
COMMUNITY SERVICE <input type="checkbox"/> YES <input type="checkbox"/> NO HOURS: _____		DRIVER'S LICENSE SUSPENSION <input type="checkbox"/> YES <input type="checkbox"/> NO		LICENSE NUMBER _____ LENGTH OF SUSPENSION _____ MONTHS	
RESTITUTION IN THE TOTAL AMOUNT OF: \$ _____		PAYABLE THROUGH: <input type="checkbox"/> PROBATION <input type="checkbox"/> DIRECT PAY			
PAYABLE TO:					
<input type="checkbox"/> DRUG / ALCOHOL TESTING AND / OR COUNSELING AS DIRECTED					
<input type="checkbox"/> MEDICAL / PSYCHOLOGICAL TESTS / EVALUATIONS AND / OR COUNSELING AS DIRECTED					
<input type="checkbox"/> ENROLLMENT FEE (VCCB) N.J.S.A. 2C:43-3.1 (2)(d) \$50.00		<input type="checkbox"/> Drug Enforcement Demand Reduction Penalty N.J.S.A. 2C:35-15a \$ _____		<input type="checkbox"/> Drug Abuse Education (DAEF) Fund N.J.S.A. 2C:43-3.5 \$50.00	
<input type="checkbox"/> FORENSIC LAB FEE N.J.S.A. 2C:35-20A. \$ _____		<input type="checkbox"/> Safe Neighborhoods Assessment N.J.S.A. 2C:43-3.2a(2) \$75.00		<input type="checkbox"/> Forfeit Weapons:	
ADDITIONAL CONDITIONS OR COMMENTS					
My financial obligations imposed by the court total \$ _____.					
<input type="checkbox"/> I agree to pay \$ _____ today.					
<input type="checkbox"/> I agree to make payments at the rate of \$ _____ per _____.					
<input type="checkbox"/> I agree to pay the total amount forthwith.					
<p>I have received a copy of the Special Conditions of PTI Supervision which have been read and explained to me. I may request a copy of the official court order from my probation officer. I understand the conditions of PTI Supervision and that they apply to me, and I further understand that failure to comply on my part constitutes a violation of PTI Supervision and may cause my termination from the program and prosecution of the charges against me.</p> <p>I understand that if the offenses for which I am being enrolled into PTI were committed on or after March 1995, I will be charged a fee each time I make a payment through probation.</p> <p>■ No fee on payments of \$3.00 or less ■ \$1.00 fee on payments of \$3.01 to \$9.99 ■ \$2.00 fee on payments of \$10.00 or more</p> <p>You must report to _____ on _____ at _____.</p> <p>You must comply with all standard and special conditions of supervision imposed by the court.</p>					
DATE		DEFENDANT			
DATE		PROBATION OFFICER			

ATTACHMENT 5

PTI ORDER OF TERMINATION

STATE OF NEW JERSEY

SUPERIOR COURT OF NEW JERSEY

_____ COUNTY
Complaint / Indictment / Accusation No. (s)

VS

PROMIS # _____
CAPS # _____
Prob. Officer _____

Defendant

**PRETRIAL INTERVENTION
ORDER OF TERMINATION**

Upon application of the Vicinage Chief Probation Officer and recommendation of the Criminal Division Manager for an Order terminating the defendant from participation in said program, and the defendant:

- ☐ having been notified to appear before this Court for a termination hearing and having not appeared,
- ☐ having appeared to contest such recommendation,
- ☐ having waived the opportunity to a termination hearing,

It is on this _____ day of _____, _____,
ORDERED, that the defendant is hereby terminated from participation in the Pretrial Intervention Program and the charges against the participant are reactivated and returned to the ordinary course of prosecution, and;

It is further **ORDERED** that all records relating to the defendant's application to and participation in said program, shall be considered confidential in accordance with R 1:38, and;

It is further **ORDERED** that any pretrial release condition(s) previously set are hereby continued, the defendant be placed on the active court calendar, and is scheduled before Judge _____ in Courtroom _____ on _____ at _____.

Judge of the Superior Court

Distribution: Criminal Division
Probation Division
Prosecutor

Defense Attorney
Defendant

ATTACHMENT 6

PTI ORDER OF DISMISSAL

STATE OF NEW JERSEY

SUPERIOR COURT OF NEW JERSEY
_____ COUNTY
Complaint / Indictment / Accusation No(s)

VS

Promis # _____
CAPS # _____
Prob. Officer _____

Defendant

**PRETRIAL INTERVENTION
ORDER OF DISMISSAL
UNDER *RULE 3:28***

Upon application of the Vicinage Chief Probation Officer and recommendation of the Criminal Division Manager for an Order to Dismiss the above captioned Complaint(s)/Indictment(s)/Accusation(s) pursuant to *Rule 3:28* and with the consent of the Prosecutor and defendant;

The Court having considered the report of the Pretrial Intervention Program concerning the defendant's participation and noting that the defendant has released the complainant from any claims which might arise from failure to prosecute this matter in the ordinary course;

It is on this _____ day of _____, _____, **ORDERED** that the Complaint(s)/Indictment(s)/Accusation(s) is/are hereby dismissed and matter adjusted without cost to the defendant.

It is further **ORDERED** that bail posted in this matter be discharged.

Judge of the Superior Court

I hereby consent to the entry
of the above Order

Defendant

Prosecutor

Distribution: Criminal Division
Finance Division
Probation Division

Prosecutor
Defense Attorney
Defendant