



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 (PPD) is your choice. Therefore, you are expected to successfully complete all of the program requirements with **MINIMUM** supervision. The PPD program is a benefit and you should be willing to do whatever is required to keep from obtaining a criminal record.

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

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

- a. The Defendant shall have no prior Felony convictions for Violent Crimes.
- b. The Crime alleged to have been committed by the defendant is non-violent in nature, with the exception of Domestic Violence not involving a minor.
- c. The defendant is willing to participate in the program and submit to all program requirements.

2. The District Attorney may require as a program requirement that a defendant agree to such reasonable conditions as the District Attorney Deems Necessary to ensure that the defendant will observe the laws of the United States and the various States and the ordinances of any Municipality. The 12th Judicial District Attorney has deemed the following as additional requirements:

- a. Defendant must not purchase or possess any weapons such as pistols, rifles, shotguns, bow and arrow, crossbow, explosive devices, and knives with blades longer than 2-3 inches in length (Pocket knife length) without the consent of the Judge, Prosecuting Attorney, or 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 at this point)
- c. Certain previous Misdemeanor and Municipal offenses and probation violations may be cause for rejection into PPD.
- d. Defendant will abstain from any alcohol or illegal drug use to include no purchase, distribution, or selling of such material. (Exception: Employment that requires the sale of Alcohol such as a waitress, waiter or bartender)

3. PPD mandatory requirements?

- a. Defendant may be required to complete State Sponsored Second Chance ASPEN class within 12 months of being accepted.
- b. Defendant must meet with the PPD Director monthly or as directed by the PPD Director.
- c. Defendant must complete 80 hours community service within six (6) months
- d. Defendant must complete any counseling as directed by the PPD director
- e. Defendant must complete GED if not graduated from High School
- f. Defendant must be employed or obtain higher education
- E. Defendant must complete 6 months supervised and 6 months unsupervised to be eligible for any earlier release other than 24 months. (PPD is not to exceed 24 months without just cause)



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: Supervised & Unsupervised

Defendant will sign a probation contract for Twenty-Four (24) months with the possibility of release in twelve (12) months **at the prosecuting attorney's approval**. Prosecuting Attorney is the only individual authorized to release anyone any earlier than Twenty-Four (24) months.

1. Supervised: (First 6 Months)

- a. You must meet monthly or as directed by the PPD Director
- b. You will be required to pay a PPD fee of \$85.00 per month assessed by the District Attorney.**
- c. You Must complete community service if required
- d. You must complete ASPEN Class within 6 months if required
- e. You must start any Counseling or Evaluations required by the PPD Director within the first 2 months of being placed on PPD
- f. A mandatory of six (6) months must be completed to advance to the unsupervised portion of the program
- g. While on the supervised portion of the program, 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 continue to pay your PPD fee in the amount of \$85.00.
- c. You must still complete any Counseling prior to being considered for any early release from the program
- d. You must report any involvement with Law Enforcement Agencies
- e. You must report any changes such as vehicle information, address, telephone number, or contact information
- f. A mandatory six (6) months must be completed in the unsupervised portion of the program prior to being considered for an early release.
- g. 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.

**12-month review will be completed by the Prosecutor and the PPD Director.
Release from the program is at the discretion of the Prosecutor.**



* * * **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.
- **By telephone:** Only if approved by attorney and PPD Director. If by telephone check-in, you must mail in PPD Fee and all Reports

3. *Where do I report in person?*

Three options:

1. District Attorney's Office – 1000 NY Ave, Alamogordo NM
2. Lincoln County – Tuesday's Only
 - a. Ruidoso Police Department located on Mechem Road
 - b. District Attorney's Office in Carrizozo NM

4. *What happens if I don't report?*

- You will receive a violation letter –
 1. Receive Two (2) violations and you are terminated
 2. You will remain in the supervised portion of the program for an extended time period of 3 months for each violation

6. *Can I bring someone with me to report?*

1. You may bring a friend or family member; however, due to space your visitor may be asked to wait in the outer office.
2. Any friend or family member you request to sit in during the meeting will not be subject to confidentiality.

7. *How long is my appointment?*

- Appointments generally last only about 15 - 20 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.



*** * * PPD FEES * * ***

1. How do I make my payments and how much are the fees?

1. **Money orders and cashier's checks** are the **only acceptable** form of payment.
2. Money for PPD fees are made payable to the District Attorney.
3. PPD Fee's are assessed in the amount of \$85.00 for 12 months.

2. When is my PPD Fee is due?

1. Payments are due during each monthly visit while on the supervised portion of the program.
2. During the unsupervised portion of the program, payments are to be mailed to the District Attorney's office or brought into the office.

Mailing Address:

**District Attorney's Office
1000 New York Avenue, Room 101
Alamogordo, NM 88310
Attn: PPD Supervision Fee**

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

You will receive a violation letter –

After Two (2) violations, you will be terminated

- If you receive a violation, you will remain in the supervised portion or brought back into the supervised portion of the program if unsupervised for extended time of 3 months, thus eliminating the possibility of an early release in 12 months.

4. Where do I buy a money order?

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

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

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



*** * * IF REQUIRED, RESTITUTION PAYMENTS * * ***

1. *How do I make my payments?*

Money orders and cashier's checks are the *only acceptable* form of payment.
Restitution payments are made payable to the victim.

2. *When are my payments due?*

Payments are subject to be paid in monthly payments. Payments are due by the 30th or 31st of each month.

Restitution payments must be paid in full by the 23rd month of PPD

3. *Where do I make my payments?*

All payments are made through the District Attorney's Office. You must bring your payment to the DA's Office. The PPD Director will instruct you through the payment process.

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

If Restitution is not paid in full on or before the end of your 23rd month, you will be terminated.

5. *Restitution Procedure:*

1. Bring money order to your monthly check in.
2. PPD Director will make a copy and draft a letter to send to the victim.
3. Defendant will receive a copy of the letter and money order as receipt of payment
4. PPD Director will mail Restitution payment to victim.



*** * * 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.

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: 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!

2. How many hours do I work?

The Pre-Prosecution diversion Program PPD Director.

3. Where do I perform community service work?

Any non-profit community agency (See Attached)

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 80 hours 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 State of New Mexico or City of El Paso Texas?*

You must receive permission from the PPD Director to leave the State of New Mexico and or the City of El Paso, Texas.

2. *What about travel for my job?*

You must notify the PPD Director about your job related travel conditions. Permission will be granted to remain employed.

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 may be required as determined by the PPD Director.

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 six (6) months 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. To avoid possible problems with attendance, it is best to plan on attending right away. Do not wait until the end of your six (6) month 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.



Additional Requirements

RANDOM DRUG AND ALCOHOL TESTING:

You are responsible for any and all costs related to any drug or alcohol testing. You have twenty-four (24) 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:

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
 - a. COPE – 909 S. Florida Ave – (575) 437-2673
 - b. PMS – 1900 East Tenth (10th) Street – (575) 439-2860
 - c. Canyon Light Counseling Center – 1301 Cuba Ave – (575) 437-2453
 - d. CHINS – (Parenting classes) – 504 24th Street – (575) 434-9588
- B. Ruidoso/ Carrizozo/Capitan/Chaparral
 - a. PMS – 1400 Sudderth Drive – (575) 630-0571
 - b. Mark OvRick – 1096 Mecham. Suite 202 – (575) 808-8380
 - c. Chaparral Family Health Services – 204 Angelina Blvd – (575) 824-8100



Twelfth Judicial District
State of New Mexico
OTERO, LINCOLN COUNTIES

John Sugg
DISTRICT ATTORNEY

NOTE: PLEASE SEND
RESPONSE TO ADDRESS
INDICATED BELOW

Date: _____

Re: State of New Mexico vs. _____

I, _____, agree to the following special condition of PPD:

Any drug use that is not prescribed by a physician is strictly prohibited while participating in the Pre-Prosecution Diversion Program (PPD). Medical Marijuana, regardless of my legal ability to possess it, is prohibited under Federal Law and shall be prohibited from use while participating in PPD. I understand that the use of any controlled substance not prescribed by a physician or the use of Medical Marijuana after acceptance into the PPD program, shall cause my dismissal from the PPD program.

Defendant's Signature

Date

Defense Attorney Signature

Date

Notary:

SUBSCRIBED AND SWORN before me this ____ day of _____,
20____.

My Commission Expires:

Notary Signature and Seal:



Application Process

Submission:

1. Defendant must be represented by an Attorney
2. Defendant's attorney is offered PPD by the prosecuting attorney
3. Defendant has 30 days to apply upon being offered PPD

PPD Director receives PPD Application:

1. PPD Application initial review by PPD Director
 - a. All documents signed and notarized by defendant and defense attorney
 - b. Review of prior criminal history
 - c. Make sure a statement is provided
2. After initial review of application, it is given to the prosecuting attorney for their review. Prosecuting attorney reviews the following:
 - a. Statement
 1. Does it meet the Statute
 2. Does it identify who, what, where, when
 3. Does it identify any statements or remarks revealed to authorities such as in the police report
 4. Statement may require revision. A letter requesting the revision will be sent to the Defense Attorney with a deadline set.
 - b. Contacts Victims and Police Officer as to their concerns about placing the defendant into PPD.
 - c. Review of past criminal history and concerns revealed by the PPD Director during his/her initial review.

Acceptance or Denial

1. If Prosecution accepts Statement and all concerns are accepted, PPD Director will call defendant in for interview.
2. After interview is complete, a decision as to acceptance or denial will be determined by PPD director.
3. A formal letter will be sent to Defense counsel as to the determination of acceptance or denial. If denied, reasons for denial will be addressed in formal letter to the defense counsel.