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# Deferred Prosecution Program

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A second chance for first time offenders

6/15/2015

The Deferred Prosecution Program is a limited supervision program designed to give the young person in trouble for the first time a chance to rehabilitate him or herself without the stigma of a criminal conviction.

## **Mission Statement**

Tim Curry, former Tarrant County Criminal District Attorney, stated the Mission when he began the Deferred Prosecution Program in the summer of 1973.

Briefly, the Deferred Prosecution Program is a limited supervision probation program designed to give the young person in trouble for the first time a chance to rehabilitate himself (or herself) without the stigma of criminal convictions. After the probationary period is successfully completed, the pending charges are dismissed.

Since that time, the Program has changed. Through the years, it became a supervision program for offenders after case dismissal, so that if the Program was not successfully completed, the case was refiled. Some changes were needed. As early as a 1975 Program review, an unintended consequence was noted. The requirement that participants have no prior criminal arrest record seemed to disproportionately disqualify some young people.

A team of prosecutors, investigators, staff and criminal defense attorneys reviewed the Program in 2015 to ensure that it continues to meet the goal of giving youthful offenders an opportunity for rehabilitation without acquiring a record of conviction as well as to address the program requirements so it is available to all equally.

That collaboration resulted in the enclosed Deferred Prosecution Program.

## **Program Parameters**

Deferred Prosecution Program, also known as DPP, is available for youthful offenders, age 17 to 24 at the time of the offense, who have not been previously convicted of an offense, and who are willing and able to rehabilitate themselves.

Deferred Prosecution Program consists of two separate tracks. Track A is the traditional DPP consisting of an application with strict screening controls, background investigation, an orientation interview, and an agreement to abide by the terms of the Program.

Track B focuses on offenders with marijuana and some substance abuse charges. It also consists of an application with strict screening controls, background investigation, an orientation, and an agreement to abide by the terms of the Program. The supervisory period includes drug testing to ensure that the offender has stopped his or her drug use. Negative drug test results are required to enter and to successfully complete the supervisory period.

Upon successful completion of the supervisory period in either Track A or B, the pending case will be dismissed.

### **Application**

An offender must apply within 90 days of the filing of his or her case. If the completed application is not received within 90 days, the application will not be considered, no exceptions. A completed application includes all of the following:

DPP Questionnaire, fully completed by the applicant

Two (2) signed letters of recommendation. Each letter must state that it is written by an adult person who is not a relative or co-defendant, state that the writer has known the applicant for at least three (3) years, and state the nature of the pending criminal charge.

Personal statements

High school diploma, transcript, college transcript, or GED certificate

Negative drug test, given at Tarrant County Community Supervision and Corrections Department (Necessary paperwork will be provided when application is turned in to obtain drug test)

Non-refundable initial partial program fee of \$25.00.

## **Fee**

The Program fee for Track A is \$125; \$25 due with application; \$100 due on date of orientation.

The Program fee for Track B is \$225; \$25 due with application; \$200 due on date of orientation.

## **Orientation**

The applicant must attend an orientation before being accepted into DPP. The applicant must be accompanied by a parent or an adult accountability partner. The remainder of the program fee must be paid in full at the conclusion of the orientation. The Waivers completed and signed by applicant and defense attorney must be presented at the beginning of the orientation.

## **Length of Program**

The term of supervision is four (4) months for misdemeanor offenses and eight (8) months for felony offenses. If restitution is owed, the term of supervision can be extended to eight (8) months to allow full payment.

## **Expunction**

Upon successful completion of the Program, the offender is entitled to an immediate expunction under Art. 76.011 TEXAS GOVERNMENT CODE and Art. 55.01 CODE OF CRIMINAL PROCEDURE. Expunction is not included in the cost of the program. An attorney is required to file the proper paperwork for an expunction and additional court costs are required.

## **Implementation**

### Former DPP (available for cases filed on or before 6/14/15)

1. Applicant must be 17-21 at time of offense
2. Cannot apply with the new charges that are allowed under the new program
3. All former rules apply i.e. type of offense, Except for class C citation disqualifications
4. Must apply within 60 days of file date, 30 days to turn in application – No exceptions will be considered after June 30
5. Interview for all applications received by May 31, 2015. Last day for ACDA interviews is July 1, 2015
6. Orientation for all applications received June 1, 2015 and later. Will be conducted separately from new program orientations due to the fee difference
7. Orientations will be conducted on Thursday afternoons in the 4<sup>th</sup> floor Media Room
8. Will report for four (4) months for misdemeanors and eight (8) months for felonies
9. Drug Testing (if required) will be performed at a private lab at defendant's expense
10. Case dismissed after

### orientation DPP (for cases filed

### on or after 6/14/15)

1. Begins with cases filed on or after June 15, 2015, no exceptions
2. Applicant must be 17-24 at time of offense
3. Application must be received no later than 90 days from file date, no exceptions
4. Orientation for all applicants
5. Orientations will be conducted on Thursday afternoons in the 4<sup>th</sup> floor Media Room
6. Drug testing will be performed by CSCD (first come, first served)
  - a. Central 200 W Belknap St, (basement) MALES only 7:30 am – 5:00 pm
  - b. Central 300 W Belknap St, (4<sup>th</sup> floor) FEMALES only 8:00 am – 5:00 pm
  - c. 3210 Miller Ave (Miller Complex) MALE only 7:00 am – 6:00 pm
  - d. 3210 Miller Ave (Miller Complex) FEMALE only 9:00 am – 6:00 pm
  - e. Participants given 2 chances within 30 minutes to provide a sample, if no sample is given after 2 attempts it is referred to the referring person as a Stall Violation
7. Will report for four (4) months for misdemeanor and eight (8) months for felonies, will extend (if needed for restitution) up to eight (8) months for misdemeanor
8. Case dismissed upon successful completion of program

### **DPP Track A – eligible offenses**

1. Theft and theft of service, where the value is less than \$20,000 – (M to SJF)
2. Unauthorized use of a vehicle – (SJF)
3. Burglary (vehicle, building, coin operated machine – (M to SJF)
4. Credit card and debit card abuse – (F)
5. Removal, destruction or concealment of writing
6. Criminal mischief, where the loss is less than \$20,000 – (M to SJF)
7. Criminal trespass – (M)
8. Evading arrest, no vehicle, no injury – (M)
9. Failure to ID – (M)
10. False report to police officer – (M)
11. Forgery – (F)
12. Purchase or furnish alcohol to minor – (M)
13. Sell or make alcohol available to a minor – (M)
14. Failure to stop at accident or Failure to give notice fixed object – (M)
15. Tampering with government record – (M to SJF)
16. Graffiti – pecuniary loss less than \$20,000 – (M to SJF)
17. Silent or abusive calls – 911 – (M)
18. Fraudulent use or possession of identifying information, less than five items – (SJF)
19. Trademark counterfeiting, less than \$20,000 – (M to SJF)
20. Labeling unauthorized recording – (M to SJF)
21. Possession, manufacture, distribution of instrument to commit retail theft – (M)

### **DPP Track B – eligible offenses**

1. Possession of marihuana under 2 ounces – (M)
2. Possession of marihuana 2-4 ounces – (M)
3. Possession of marihuana under 2 ounces, drug free zone – (M)
4. Possession of marihuana 2-4 ounces, drug free zone – (SJF)
5. Possession of controlled substance (PG3), under 28 grams – (M)
6. Possession of controlled substance (PG2A), under 2 ounces – (M)
7. Possession of controlled substance (PG2A), under 1 gram – (M)
8. Possession of a dangerous drug – (M)
9. Possession of controlled substance (PG1), under 1 gram – (SJF)

## **Disqualifications**

### Applicant

1. Over 24 years old at the time of the offense
2. Previous juvenile adjudication
3. Member of mental health priority population
4. Positive drug screen with application
5. Previous conviction or supervision for Class B offenses and above
6. Previous participation in DPP

### Offense

7. Multiple offenses not occurring out of same criminal episode
8. Offense committed after first arrest or while on bond
9. Injuring or placing anyone in danger during course of offense
10. Gang related offense

### **DPP -Track A**

Application completed within 90 days of case filing

Orientation – must bring parent or accountability partner

At conclusion of orientation

pay remainder of program fee

present Waiver of Rights and Judicial Admissions signed by defendant and  
defense attorney

receive Conditions of Deferred Prosecution Program

Paperwork

Waiver of Rights and Judicial Admissions

Conditions of Deferred Prosecution Program

Conditions

Monthly reports

Follow supervision conditions

Unsuccessful completion = trial court will be notified to set case

Successful completion = case dismissed and eligible for immediate expunction

Successful completion – follow every condition of Deferred Prosecution Program

### **DPP – Track B**

Application completed within 90 days of case filing

Orientation – must bring parent or accountability partner

At conclusion of orientation

pay remainder of program fee

present Waiver of Rights and Judicial Admissions signed by defendant and  
defense attorney

receive Conditions of Deferred Prosecution Program

Paperwork

Waiver of Rights and Judicial Admissions

Conditions of Deferred Prosecution

Conditions:

Monthly reports

Random urinalysis and hair tests, results must be negative; final hair test 15 days before  
end of term

Sanctions

First positive UA – termination from program

Unsuccessful completion = trial court notified to set case

Successful completion = case dismissed and eligible for immediate expunction

Successful completion - follow every condition of Deferred Prosecution Program