



**OFFICE OF THE DISTRICT ATTORNEY
SECOND JUDICIAL DISTRICT
STATE OF NEW MEXICO**

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MISDEMEANOR PRE-PROSECUTION DIVERSION

SCOPE This policy provides guidance for the admission and administration of certain misdemeanor cases in the Pre-Prosecution Diversion Program.

DURATION Permanent.

VERSION Version 1.0. Issued July 2021

OBJECTIVE To provide a framework for procedures and responsibilities of PPD with respect to eligible misdemeanor cases.

Misdemeanor PPD includes two tracks

1. PPD Compliance 6 months - PPD simply monitors compliance with minimal supervision and ensures that the defendant is not committing new crimes, signs waivers, releases, and compliance with other programs they have been admitted into.
2. Standard supervision - Defendant is required to participate for a period of 6-12 months with full supervision.

PROCEDURES

Misdemeanor PPD eligibility

- Once a case has been screened for viability, a PPD offer is made to the defense attorney or Public Defender.
- Based on eligibility and at the discretion of PPD staff, the defendant will be placed under one of two tracks of supervision.
- Cases that will not be accepted are DWIs, charges that are sexual in nature, or defendants with significant violent criminal history.

Misdemeanor PPD referrals

- Cases will be identified by Metro Attorneys and staffed with PPD for eligibility prior to a PPD offer being extended. Cases will be staffed by being entered into a spreadsheet by Metro Attorneys to be approved by PPD staff. Once approved, the offer may be extended to the defendant and counsel.
- Eligible cases should be identified at or prior to arraignment, with offers being extended no later than the first pre-trial conference within 30 days of arraignment.
- When a PPD offer is made and accepted the assigned ADA will advise the PPD staff member so follow up can be made to schedule an intake interview with the PD/defense attorney

Intake

- After referral, PPD staff will notify the assigned ADA when an intake has occurred for a Nolle Prosequi to be filed.
- An intake may not be required for PPD Compliance Track 1 based on the defendant's needs.
- Intake will be conducted on all Standard Supervision Track 2 cases. A typed, signed and notarized PPD packet, along with an admission statement, must be submitted by the defendant and defense attorney at the time of the PPD intake. The packet must be approved by the division supervisor/PPD officer in order to accept a case into PPD.
- PPD will conduct an intake with the defendant and defense attorney in-person to ensure the defendant's understanding of the program, purpose, and consequences of giving an admission statement. An individualized treatment plan will be created during the intake process based on the client's needs to ensure compliance and success.
- An admission statement may not be necessary in all cases and where necessary, the admission may be to the elements of state statute disorderly conduct ([§30-20-1](#)).

Supervision

- PPD staff oversees program compliance.
- Scheduled supervisory sessions will only be conducted during working hours and in the office.
- PPD staff conducts interviews and investigations to identify risks, such as mental health, criminal history, and life experiences. PPD staff provides resources and support based on individual needs.
- All notes are entered into CMS and into the PPD module within CMS.
- PPD staff will adhere to all HIPPA laws and regulations when dealing with sensitive information.
- Files are audited to ensure compliance with state laws and regulations.