



DENTON COUNTY
FIRST OFFENDER DRUG PROGRAM

The Honorable Steve Burgess



FIRST OFFENDER DRUG PROGRAM

Primary Mission and Purpose

To improve the overall quality and efficiency of the criminal courts by diverting low risk / low needs drug offenders to a program that will enhance public safety, reduce crime, hold offenders accountable, increase sobriety among drug offenders, reduce congestion in the criminal court dockets, and reduce costs to our community. The individuals in the First Offender Drug Program are first time offenders who would be considered a "self-correctors."

Eligibility

In order to be considered for the First Offender Drug Program (FODP) an applicant must be arrested for a drug offense.

The following offenses may be eligible for the First Offender Drug Program:

1. Possession of a Controlled Substance, Under 1 gram,
2. Possession of a Controlled Substance, 1-4 grams
3. Possession of a Controlled Substance, 4-400(only if that Substance is in Penalty Group 2)
4. Possession of a Controlled Substance under 28 grams, PG 3 and 4
5. Tampering with Evidence – Destruction of Marijuana or other Controlled Substance

An applicant must also be approved by the Criminal District Attorney's Office.

Arrests that Prevent Admission into the Program

An applicant cannot have been convicted, have a past community supervision or deferred adjudication, be on a current community supervision or deferred adjudication for **any** criminal offense other than Class C misdemeanors. Likewise, the applicant cannot have any current pending arrests (other than Class C misdemeanors) that did not arise out of the same transaction as the drug offense for which the applicant is seeking admission. Juvenile arrests are addressed on a case by case basis.

Entry Process

Step 1: A Defendant speaks with his/her attorney or the attorney speaks with the client about participating in the First Offender Drug Program.

Step 2: Defendant's attorney requests consideration by emailing the Assistant District Attorney, Rick Daniel, at rick.daniel@dentoncounty.gov requesting consideration.

Step 3: The Assistant Criminal District Attorney approves or denies Defendant for the First Offender Drug Program and notifies the attorney of record.

Step 4: If approved, Defendant's attorney is notified and requested to select a plea date from a list of available plea dates (FODP plea dockets are once a month on a designated Wednesday at 1:00 pm in the 158th Judicial District Court).

Step 5: The Defendant's attorney notifies the Assistant District Attorney of the selected plea date.

Step 6: The Assistant District Attorney has the case transferred to the 158th Judicial District Court and set for a plea on the selected date.

Step 7: The Defendant will report to Denton County Community Supervision at 650 South Mayhill, Denton Texas, 76208, on the Monday of the week prior to the week of the scheduled plea to submit to a UA.

Step 8: The UA will be sent to the lab and tested during the week and two days prior to the plea.

Step 9: If the UA results are positive, the court coordinator for the 158th Judicial District Court will remove the Defendant's case from the plea docket and notify Defense Counsel of the new announcement setting on the court's regular docket.

If the UA results are negative, the Defendant will be notify by phone to return to the Denton County Community Supervision at 650 South Mayhill, Denton Texas, 76208, at 10:00 am on the day of the plea to pay the \$575 fee for the program and complete the orientation. After going to community supervision at 10:00 am, the Defendant and Defense Counsel will go to the 158th Judicial District Court at 1:00 pm to enter the Defendant's plea and enter the program.

Primary Program Requirements

The First Offender Drug Program is designed to be minimalistic and defendants will receive minimum supervision. There are no progressive sanctions. Any violation of the programs requirements will result in automatic removal. Individuals removed from the program will not be allowed back into the program. No consumption of unapproved controlled substances, alcohol or CBD products is allowed while in the program. Defendants have only one appearance in court. That appearance is the scheduled appearance for the initial plea and admission to the program.

The length of the program is 180 days.

The cost of the program is \$575.00 which includes testing done at Denton County CSCD.

The \$575.00 must be paid the day before court.

A \$180.00 lab fee must be paid within sixty (60) days of the plea.

The participant must provide 16-18 clean random UAs over the 180 days.

The participant must complete an 8 hour drug education program or chemical dependency class.

If the defendant violates any terms or conditions of the program, a discharge letter is completed by Denton County CSCD and signed by the presiding Judge. The Court Administrator will notify the Assistant Criminal District Attorney and Attorney of Record of the removal and the next court setting.

If the defendant successfully completes the program, the Assistant Criminal District Attorney will dismiss the case. The Judge does not see the defendant for dismissal if he or she successfully completes the program.

ANY VIOLATION OF PROGRAM CONDITIONS OR FAILURE TO MEET THE REQUIREMENTS WILL RESULT IN AUTOMATIC REMOVAL FROM THE PROGRAM. PARTICIPANTS REMOVED FROM THE PROGRAM WILL NOT BE ALLOWED BACK INTO THE PROGRAM

Program Cost (Program fee covers cost of all testing done through Denton County CSCD)

\$575.00	Paid prior to entry into the program Pays for the 180-day program Pays for the 16-18 Random Urinalysis over the 180 days
\$ 45.00	Paid when taking the 8 Hour Drug Education Program
\$180.00*	Restitution for the DPS Lab Fee Paid within 60 days of the plea *(Lab fee may vary if a non DPS lab was used by the PD)