

Pretrial Intervention (PTI)

The Pretrial Intervention (PTI) Program 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.

Legal Resources

For more information on PTI and criteria for admission, you can review the New Jersey laws that apply:

Statutes: N.J.S.A. 2C:43-12 and -13 are available at www.njleg.state.nj.us.

Court Rules: Rule 3:28-1 through 10 are available at www.njcourts.gov.



STUART RABNER
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What is the Pretrial Intervention Program (PTI)?

Are you an adult or juvenile facing criminal court for the first time? If so, you might be able to apply to the Pretrial Intervention Program (PTI). If you are accepted, you could avoid a conviction. PTI can help you get counseling, supervision, and other services to help you get your life back on track. If you complete all of the conditions set by the court, the charges will be dismissed.

Applying to PTI

You can get an application online on the Judiciary's website, njcourts.gov/forms/12305_pti_app.pdf or in the criminal division at every county courthouse. You should apply as early as you can, before an indictment if possible. The application must be submitted before the first case disposition conference after your arraignment. If you file after that time, you might not be accepted into PTI.

You should talk to an attorney before applying. Always appear at all required court events while your application is pending. If you miss court, a warrant can be issued for your arrest.

Bring your application to the criminal division office in the county where you were charged. There is a \$75 non-refundable application fee. The fee might be waived if you can prove you cannot afford to pay it.

Your case might be investigated. Court staff might interview you, your family, employers, victims, schools, social agencies that you have worked with and others. They might set up a meeting with you to develop a plan of counseling or supervision before you are enrolled in PTI. The court will notify you if your application is accepted or rejected.

Conditions for Participation in PTI

If you are accepted into PTI, the judge can

postpone further court action against you for up to 36 months. You would be required to pay certain mandatory penalties, such as the \$50 Victims of Crime Compensation Office (VCCO) penalty and a \$75 Safe Neighborhoods Services Fund Assessment (SNSFA). You might have to pay other penalties, fees, fines, and restitution.

You can be in the PTI program for up to 36 months. You will have a probation officer assigned to your case. You must meet the conditions set by the court, such as random drug screening, community service, mental health and/or drug and alcohol evaluations, and compliance with treatment recommendations.

If you do not comply with the conditions set by the court, you can be removed from the PTI program. If that happens, the charges against you will be reinstated. You will once again face prosecution.

Do you qualify for PTI?

You cannot apply to PTI if

- you were enrolled before in PTI.
- you were in the conditional discharge or conditional dismissal program.
- you had charge(s) dismissed after participating in the Veterans Diversion Program.
- you have participated before in a diversionary program in any other state or federal court for a felony or indictable offense.
- you are charged with a disorderly persons or petty disorderly persons offense, or with a municipal ordinance or other non-criminal offense. **Exception:** You can apply if your disorderly persons or petty disorderly persons charge involved domestic violence.

You must have the prosecutor's approval to apply if

- you are charged with a crime that has a jail sentence or mandatory minimum period of parole ineligibility.

- you have a prior conviction for an indictable offense in New Jersey, or the same type of crime, for example, a felony in another state or federal court.

If either of these situations apply to you, you must attach a statement to your PTI application. The statement must make a strong case why your application should be considered. The criminal division will file your application, but it will not be considered by the court unless the prosecutor agrees to consider it.

Your application is unlikely to be accepted if

- you are a public employee or officer charged with a crime that involves your employment or office.
- you are charged with a crime or offense that involves domestic violence that was committed while you have a restraining order against you or which involved violence or the threat of violence.

If either of these two categories applies, you must attach a statement to your PTI application. The statement must make a strong case why your application should be considered.

Appealing a PTI Decision

If your application for PTI is denied, you can challenge that decision by filing a motion in court. Your motion can be filed with the presiding judge of the criminal division or with the judge to whom the case has been assigned. You must file the motion within 10 days after receiving the notice of the denial.

Expungements

There will be no record of a conviction if you complete PTI. You can choose to file for an expungement to remove the arrest record and criminal complaint. You can find forms and information at njcourts.gov or in the criminal division of your local county courthouse.