

Steuben County District Attorney's Driver Safety Diversion and Reduction Program Information Packet

WHEN YOU GET A TRAFFIC TICKET, YOU HAVE THREE OPTIONS:

- Contact the Court and ask them to schedule a trial for you to fight the ticket;
- Contact the Court and tell them you want to plead guilty and pay the fines;
- Apply for the Driver Safety Diversion Program with the District Attorney's Office to see if your ticket can be withdrawn or reduced.
 - Withdrawl - No fine or points on your license.
 - Reduced - Plead guilty to a lesser charge than your original ticket.

Only the Court can tell you how much your fines or points will be. The District Attorney's office will not talk to you about your traffic ticket.

PROGRAM HIGHLIGHTS:

- Everything is handled by mail, so it does not matter where you live - even Canada.
- You must apply within 90 days of the date the ticket was issued. This will be waived if you submit written approval from the Court with your application.
- It is your responsibility to contact the Court and let them know which option you choose to pursue. *Failure to do so could result in your license being suspended.*
- You must appear as directed on any Court date. Request an adjournment from the Court to participate in the program. Be mindful of any date they give you.
- During the review process, your packet will first be assessed to see if your ticket can be withdrawn. If not, you will be processed for a possible reduction.
- It could take up to 30 days to review your packet. You will be notified by mail of your next step. Incomplete packets will be returned with a cover letter requesting you include the missing items.
- If admitted, you will receive a letter by mail scheduling you for an approved New York State Department of Motor Vehicle Driver Safety class. Your program fee covers this class if you attend our course in Bath, NY. For your convenience, an online course is available for an additional fee. If you are NOT admitted, you will receive further instructions by mail and your program fee will be returned to you.
- If you fail to complete the program in a timely manner, you forfeit your program fee. The Court will be notified and will schedule you for a trial.
- *All determinations are made under the discretion of the District Attorney and are FINAL. Your case will not be revisited later for a better offer.*

HOW TO APPLY:

1. Enter a **Not Guilty plea** on the ticket – either by completing the “Not Guilty” box on the ticket and mailing it to the Court or by appearing in Court on the scheduled date.
2. Notify the Court you want to apply for the Diversion Program. Request an adjournment.
3. Put the following **five (5) items** in an envelope:
 - a. Certified Check or Money Order for \$250.00 dollars
 - Payable to “Steuben County Diversion Program”.
 - Payable in U.S. Dollars only. Canadian checks must be drawn on a bank located in the U.S. Check with your local bank for details.
 - b. A copy of the traffic ticket;

- c. Completed Driver Safety Diversion and Reduction Affidavit/Application (included in this packet);
 - If you know you are not eligible for a withdrawal, mark “Reduction Only” in the mitigating circumstances.
 - d. An Abstract of your Driving Record from your state DMV
 - Canadians submit a 3 year Driving Record;
 - e. A self-addressed stamped envelope.
4. Address and mail (or personally deliver) the envelope to:

**Steuben County District Attorney
Attn: Driver Safety Diversion Program
3 East Pulteney Square
Bath, NY 14810**

****If the Judge said you are not eligible for a withdrawal of your ticket or your ticket is for one of the “reduction only” offenses listed below, send all of the above EXCEPT for the \$250. Please conspicuously write “Reduction Only” on your Affidavit/Application form. *All other tickets will be considered for a withdrawal.***

POSSIBLE REDUCTION ONLY OFFENSES:

- Failure to “Move Over” for Emergency Vehicle – VTL 1144-a (a or b).*
- Failure to Yield to an Emergency Vehicle – VTL 1144-(a).*
- Speeding greater than 30mph over posted speed limit.
- Speeding 89 mph or greater in any posted zone.
- Any offense in School Zone.*
- Any offense in a Construction Zone.*
- Any offense committed during operation of a Commercial Vehicle/CDL licensed operator.

NOTE: * Tickets involving School Zone, Construction Zone or Failure to Yield/Move Over must be explained in the “Mitigating Circumstances” portion of the Affidavit/Application Form.

OFFENSES NOT ALLOWED INTO THE PROGRAM:

Any violation of the Penal Law, Environmental Conservation Law, Tax Law or any provision outside the Vehicle and Traffic Law.

- DWI, DWAI, DWAI drugs – VTL sec. 1192(1)-(4-a).
- Reckless Driving – VTL sec. 1212.
- Aggravated Unlicensed Operation – any violation of VTL sec. 511.
- Passing a School Bus.
- Leaving the Scene of an Accident.

Questions? See the FAQ sheet at the end of this document for commonly asked questions. All other questions must be submitted to the following email address:

diversion@co.steuben.ny.us

Steuben County District Attorney's Office
Driver Safety Diversion and Reduction Program Affidavit / Application

Name: _____ Email / Phone: _____

Address: _____

Violation: _____ Town of _____ Date of Offense: _____
Type of traffic violation i.e. Speeding 85/65 mph Town where violation occurred Ticket cannot be over 90 days old

I, _____ the defendant, born on _____ request to participate in the Steuben County Driver Safety Diversion Program. I understand my acceptance into the program is discretionary and primarily based on my driving history, along with the issued ticket(s). I hereby waive my speedy trial rights and apply as a participant in the Driver Safety Diversion Program.

I further understand that there is an assessed **PROGRAM FEE** of Two hundred and fifty dollars (**\$250.00**) due with the submission of this application. I fully understand that if I am denied acceptance into the program, my program fee will be returned to me and that the District Attorney's Office will process the application for a possible reduction of the traffic offense. I will be notified by mail if I qualify for a reduction or whether no offer can be made and I will be scheduled for trial. I understand that I am to notify the court that I am pleading NOT Guilty and advising them in writing that I have applied to the Driver Safety Diversion Program.

Application Questions: *Please answer Yes or No to the following questions,*

False statements made in the foregoing instrument are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law.

1. Have you attended or applied for a Traffic Diversion Program in the State of New York within the last 18 months? Yes _____ or No _____
2. Have you been convicted of driving under the influence (DWI, DWAI, DWAI-Drugs), Vehicular Homicide or Involuntary Manslaughter, within the past 10 years? Yes _____ or No _____
3. Have you been convicted of any traffic related offenses within the last 18 months? Yes _____ or No _____
4. At the time of the offense, were you operating the motor vehicle with either a suspended driver's license or suspended insurance? Yes _____ or No _____
5. Were you involved in an accident at the time of the offense? Yes _____ or No _____. *If YES please include an insurance claim report of all payouts made to people involved in the accident in question. Contact your insurance agent for report*

Mitigating Circumstances

The defendant states that at the time of the offense, one or more of the above statements were marked **YES**. Please give a brief statement to the circumstances. NOTE: *Ticket violations that are older than 90 days will not be eligible for the Diversion Program without the court's written approval. Said approval must accompany all submissions where the ticket is older than 90 days.* At this time I would like to request a review for the online course due to the following reasons. *Use the back of this sheet for additional space if necessary.*

All Defendants must send :

1. **This application ; completed**
2. **Certified Check or Money Order for \$250.00**
Made out to the Steuben Traffic Diversion Program
3. **A copy of the traffic ticket(s);**
4. **Abstract of Driving Record from your state DMV**
<http://dmv.ny.gov>
5. **A self-addressed stamped envelope**

To: Steuben County District Attorney's Office
Attn: Driver Safety Diversion and Reduction Program
3 East Pulteney Square
Bath, NY 14810

You will be notified by mail within 30 days if you are accepted into the program.

DO NOT call the DA's Office in regards to the status of your application. You may email diversion@co.steuben.ny.us for an update.

*****False statements made in the foregoing instrument are punishable as a Class A misdemeanor pursuant to section 210.45 of the Penal Law. Accordingly and with notice of the foregoing I hereby affirm that the foregoing statements are true, under penalty of perjury this _____ day of _____, 20_____.*****

SIGNATURE OF DEFENDANT

PRINT NAME OF DEFENDANT

APPLICATION CHECK LIST REMINDER:

All of the following items must be submitted to be considered for the program:

1. **Certified Check or Money Order for \$250 dollars made payable to the Steuben County Traffic Diversion Program;**
2. **A copy of the traffic ticket;**
3. **Completed Driver Safety Diversion Affidavit/Application;**
4. **An Abstract of your Driving Record from your state DMV;**
5. **A self-addressed stamped envelope.**

Address and mail (or personally deliver) the envelope to:

**Steuben County District Attorney
Attn: Driver Safety Diversion Program
3 East Pulteney Square
Bath, NY 14810**

Driver Safety Diversion Program FAQ

1. I got a ticket and was told to call the District Attorney's (DA's) office. What are my options?
2. What is the Diversion Program?
3. Do I want Diversion or a Reduction?
4. Can I speak to an Assistant District Attorney (ADA) about my ticket? ?
5. How do I get my ticket reduced?
6. Do I still have to go to Court?
7. Do I send the \$250 with my application?
8. If I am not accepted into the program, do I get my \$250 back?
9. I don't have \$250 right now for the program. What do I do?
10. How much are my fines going to be?
11. Is it cheaper to pay the fine or do the Diversion Program?
12. I don't live close to Bath. Can I still apply?
13. I live in Canada. Can I still apply?
14. Can I take an online class?
15. I don't have a computer and live out of the area. Can I take a class locally?
16. The Judge said I was not eligible for the Diversion Program. Do I still need to send the \$250?
17. The Judge said I was not eligible for the Diversion Program. Can I still get my ticket reduced?
18. I don't think this ticket was fair. What can I do?
19. I just want to pay the fine. How do I do that?
20. My ticket is over 90 days old. Can I still apply?
21. I am a commercial driver. Can I apply?
22. I am a CDL driver. Can I apply?

1. **I got a ticket and was told to call the District Attorney's (DA's) Office. What are my options?** You have three options: You can do the Diversion Program; you can just pay the fine and get it over with; or you can fight the ticket in Court by scheduling a trial. If you decide to participate in the Diversion Program, read the information packet above and submit your application. The DA's Office will review it to see if your ticket can be dropped or reduced. An Assistant District Attorney (ADA) will not talk to you about your ticket. Everything is handled in writing by mail. This is the ONLY option the DA's Office is involved with. If you want to pay the fine or fight the ticket before the judge (go to trial), you must call the Court listed on your traffic ticket. The DA's Office cannot help you with that. The Court phone numbers are listed at <http://steubencony.org/Files/Documents/da/revised%20town%20and%20village%20steuben.pdf>
2. **What is the Diversion Program?** The Diversion Program is a way for you to potentially have your ticket dropped or reduced. Once you let the Court know you are applying for the Diversion Program, the entire process is handled by mail. When you submit your packet, you pay a program fee of \$250 up front (see the information package above for details.). Based on the ticket you got and your driving record, your application packet is reviewed to determine if you qualify for the program. If you are eligible for a dismissal, once you have provided proof of you completed a NYS approved Safe Driver Course, the DA's office sends a letter to the Court stating they withdraw the charges on the ticket. No points are assessed on your license and no fines are incurred. If you do not qualify, your \$250 will be returned to you and your application will be processed to see if you qualify for a reduction. In either case, you will be notified by mail of your next step. Due to the amount of mail we receive, it could take up to 30 days to process your application.

3. **Do I want Diversion or a Reduction?** When you send in your packet, the program manager will determine what you are eligible for. If your ticket cannot be dropped, your application will be forwarded to an Assistant District Attorney to see if your ticket can be reduced. You will be notified by mail of your next step.
4. **Can I speak to an Assistant District Attorney (ADA) about my ticket?** No. We don't have an ADA dedicated to just handling traffic matters. They fit traffic related cases in and around their other cases, which is why everything is requested in writing. If you wish to have your ticket dropped or reduced, apply for the Diversion Program.
5. **How do I get my ticket reduced?** Submit your application package to the Diversion Program. If you are not eligible for the Diversion Program, your program fee will be returned to you and your application will be assessed by an ADA to see if you qualify for a reduction. You will be notified by mail of your next step.
6. **Do I still have to go to Court?** It is your responsibility to contact the Court and let them know you have applied for the Diversion Program. Some of the Courts will give you a later date and others will just wait to hear back from the DA's Office stating you have completed the program. It is up to you to be mindful of any date the Court gives you. If a date is coming up and you are still going through the Program, you need to call them and let them know where you are in the process. They will advise you.
7. **Do I send the \$250 with my application?** Yes. Your application will be returned to you if the program fee is not included. The only exception is if the Judge has said you are not eligible for the Diversion Program. This means you are not eligible to have your ticket dropped. You may still be eligible for a reduction. If that is the case, please make note of that on the "Mitigating Circumstances" block of your application form.
8. **If I am not accepted into the program, do I get my \$250 back?** Yes. If you do not qualify for the Diversion Program, your program fee will be returned to you along with a letter outlining your next step.
9. **I don't have \$250 right now for the program. What do I do?** There is no payment program available for the Diversion Program. If you apply for a reduction, there is no money required up front. Just annotate on your Affidavit/Application form you want to be considered for a reduction.
10. **How much are my fines going to be?** You will have to call the Court and find out.
11. **Is it cheaper to pay the fine or do the Diversion Program?** I cannot answer that question. You will have to contact the Court and ask how much your fine would be if you just pled guilty to the ticket and paid the fine.
12. **I don't live close to Bath. Can I still apply?** Yes. We have an online option that is available.
13. **I live in Canada. Can I still apply?** Yes. We have an online option that is available.
14. **Can I take an online class?** Perhaps. On the Affidavit/Application form, there is a block you can check to request an online class. Please explain why you feel you should be approved for an online course rather than attend the physical class.

15. **I don't have a computer. Can I take a class locally?** As long as it is a NYS DMV approved class AND you have gotten approval with this office first. Because the course does not belong to Steuben County, you will have to pay to take a different class above and beyond what you paid for the program fee. We cannot process a refund for what you spent on another class. Submit a copy of your completion certificate as soon as you get it as proof you attended a class.
16. **The Judge said I was not eligible for the Diversion Program. Do I still need to send the \$250?** No. The \$250 is only for when we can get your ticket dropped. On your Affidavit/Application form, annotate that the Judge said you were not eligible for Diversion. We will process your application for a reduction.
17. **The Judge said I was not eligible for the Diversion Program. Can I still get my ticket reduced?** What this means is you are not eligible to have your ticket dropped. You may still be eligible to get a reduction. The paperwork is the same for a reduction as it is to get your ticket dropped. The only difference is you need to write on the Affidavit/Application form that you are not eligible for Diversion and are seeking a reduction. Do not submit the \$250 with your application.
18. **I don't think this ticket was fair. What can I do?** Call the Court and ask them to schedule you a trial before the Judge. You can fight the ticket in Court.
19. **I just want to pay the fine. How do I do that?** Call the Court and tell them you want to plead guilty to the ticket and pay the fine.
20. **My ticket is over 90 days old. Can I still apply?** You need to get approval from the Court you got your ticket in. If they agree you can apply, provide proof the Court agreed when you send in your application package.
21. **I am a commercial driver. Can I apply?** Your application will be processed on a case-by-case basis.
22. **I am a CDL driver. Can I apply?** Your application will be processed on a case-by-case basis.