

# PRE-TRIAL DIVERSION CHECKLIST



Is Defendant Eligible for a “Pre-Trial Diversion Program”?

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## WHEN?

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- Is Defendant an Adult First Time Felony Offender?  
No previous felony conviction, probation, deferred probation, or prior pre-trial diversion program. No holds above Class C or pending felonies in another jurisdiction (unless agreement with that county to hold pending case).
  
- Is Offense Non-Violent and Eligible for Diversion?  
The following charges are ineligible for pre-trial diversion:
  - aggravated felony charges
  - offenses involving death
  - anything sexual
  - family violence/child abuse charges
  - arson charges
  - F1 Man/Del charges (F2 case by case determination)
  - Felony intoxication offenses
  
- Is Defendant interested in dismissal of charge(s) upon successfully completing a diversion program?

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## How?

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- Fill out Pre-Trial Diversion Referral Form
- Fill out Consent to Proceed to Assessment
- To Obtain and Submit Above Forms Email [jaildiversion@dallascounty.org](mailto:jaildiversion@dallascounty.org)

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## THEN WHAT?

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- **If case accepted for diversion assessment, Defendant will be contacted to set up assessment appointment with Criminal Justice Division (goal within 20 days of referral)**
- **After assessment, Attorney will be notified of potential placement, pending ADA approval**
- **ADA contacts Attorney with agreement details (Pre-Trial Specialty Court, Pre-Trial Intervention Agreement, or Referral to Mental Health Division)**
- **If Defendant successful, case is dismissed or does not proceed to Grand Jury and Defendant is eligible for file for immediate expunction of arrest**
- **If Defendant does not successfully complete the Pre-Trial Diversion Program, the Defendant may be reassessed for alternate diversion or case transferred to original prosecutor for traditional prosecution**