

PRE-TRIAL DIVERSION CHECKLIST

IS DEFENDANT ELIGIBLE FOR A PRE-TRIAL DIVERSION PROGRAM RESULTING IN DISMISSAL

*ULTIMATE DECISION: PROSECUTORIAL DISCRETION



WHEN?

- ☐ 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.
- ☐ Is Offense Non-Violent and Eligible for Diversion?
The following charges are ineligible for pre-trial diversion:
 - Felony charges involving assault, violence or threat of violence
 - Offenses involving death
 - Anything sexual
 - Family violence/child abuse charges
 - Arson charges
 - F1 Man/Del charges (F2 case by case determination)
 - Felony intoxication offenses
 - No gang affiliation noted on TLETS
 - If theft case, if restitution to victim more than \$5,000, most likely not eligible
- ☐ Is the case either **preindictment or within 120 days of indictment**? Not eligible for PTD 120 days after indictment.

How?

- ☐ Fill out Pre-Trial Diversion Referral and Consent Form
- ☐ To Obtain Form Scan QR Code, visit DA website, or email jaildiversion@dallascounty.org
- ☐ Submit Form in person with your client and schedule assessment in CJD office on 8th floor (8:30-1 daily) or email form to jaildiversion@dallascounty.org

THEN WHAT

- After assessment, Attorney will be notified of potential placement, pending ADA approval
- After CJD recommendation, (within about 45 days) ADA contacts Attorney with agreement details (Pre-Trial Specialty Court, Pre-Trial Intervention Agreement, or Referral to MH Div)
- If Defendant successful, case is dismissed or does not proceed to Grand Jury and Defendant is eligible to file for 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

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