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** (inc. ICE) 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 or major accident
- Anything sexual
- Family violence/child abuse charges/interference with child custody
- Arson charges
- F1 Man/Del charges (F2 case by case determination)
- Felony intoxication offenses
- No gang affiliation noted on TLETS
- No deadly weapon enhancements or aggravated felony offenses
- No offenses involving a Glock switch firearm
- If theft case, if restitution to victim more than $5,000, most likely not eligible
    - Restitution must be undisputed
- Select other offenses after review by ADA

☐ Is the case either **preindictment or within 120 days of indictment**? Not eligible for PTD 120 days after indictment.
Note: Submit your referral and waivers will be granted after review by DAO

HOW?

☐ Fill out Pre-Trial Diversion Referral Packet (Rev. 10/1/26)

☐ To Obtain Form Scan QR Code, visit DA website, or email jaildiversion@dallascounty.org

☐ Submit Form and schedule assessment by email jaildiversion@dallascounty.org or visit DA Diversion window in person with your client on the 1st floor, across from the cafeteria exit, Room A9-3

THEN WHAT

- **After assessment, Attorney will be notified of potential placement, pending ADA approval**
- **After CSCD PTD 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 is 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**
Revised 10.7.26

Revised 10.14.26