

## Pretrial Diversion Reporting Guidance

The OCA Monthly Court Activity report is the foundation for the data used to create the Annual Performance Measures Report (PMR). OCA Monthly Reporting Instructions are provided to ensure that all counties are following the established guidelines and use the same corresponding data to comply with the reporting instructions for pretrial diversion (PTD) cases. Recently, PTD has been a topic of conversation as clerks and courts review procedures and evaluate the accuracy of case filings and dispositions reported on the OCA monthly report.

For many years, PTD cases have been handled a variety of ways through the courts. Regardless of how they are processed in your county, if the case is filed with the clerk of the court, then it should be reported as a case filed and disposed according to [OCA reporting instructions](#).

PTD dispositions are generally where we receive the most questions and until recently, these cases may have been left pending or set Inactive for the duration of the program, and if completed successfully, the PTD case would be dismissed. If the defendant was unsuccessful the case would move forward with prosecution.

For the OCA Monthly Court Activity report, Annual Performance Measures Report (PMR), and soon to come, case-level reporting of court data, a few things have been identified as issues with reporting PTD cases to OCA.

OCA Monthly reporting instructions have always required these cases be reported as DISPOSED under Deferred Adjudication at the time the defendant is placed on the program.

1. PTD is not a qualifying reason to set a case INACTIVE, because it should be reported DISPOSED. **An INACTIVE case does not affect the [clearance rate](#), but a DISPOSITION will improve the rates.**
2. By leaving the PTD cases pending it increases the Active Pending case count and increases Age of Active Pending and Age at Disposition on the PMR.
3. Varied processes for reporting create data integrity concerns for workload analysis.
4. In moving to a case-level reporting platform, creating schematics for collecting data will not work unless uniformity exists in reporting information submitted.

The OCA Monthly Report requires PTD cases be included and reported as a DISPOSITION on the same line as deferred cases. For unsuccessful completion of the program the case is filed and reported as **Motions to Revoke/Deferred Adjudication** for Non-Compliance for PTD contracts. (Screenshots below are from the Statutory County Court Instructions):

**Line 13. PLACED ON DEFERRED ADJUDICATION**

Report the number of cases in which the defendant was placed on deferred adjudication, probation, community supervision or pre-trial diversion. These cases should be reported at the time the defendant is first placed on deferred adjudication, probation, community supervision or a pre-trial diversion program.

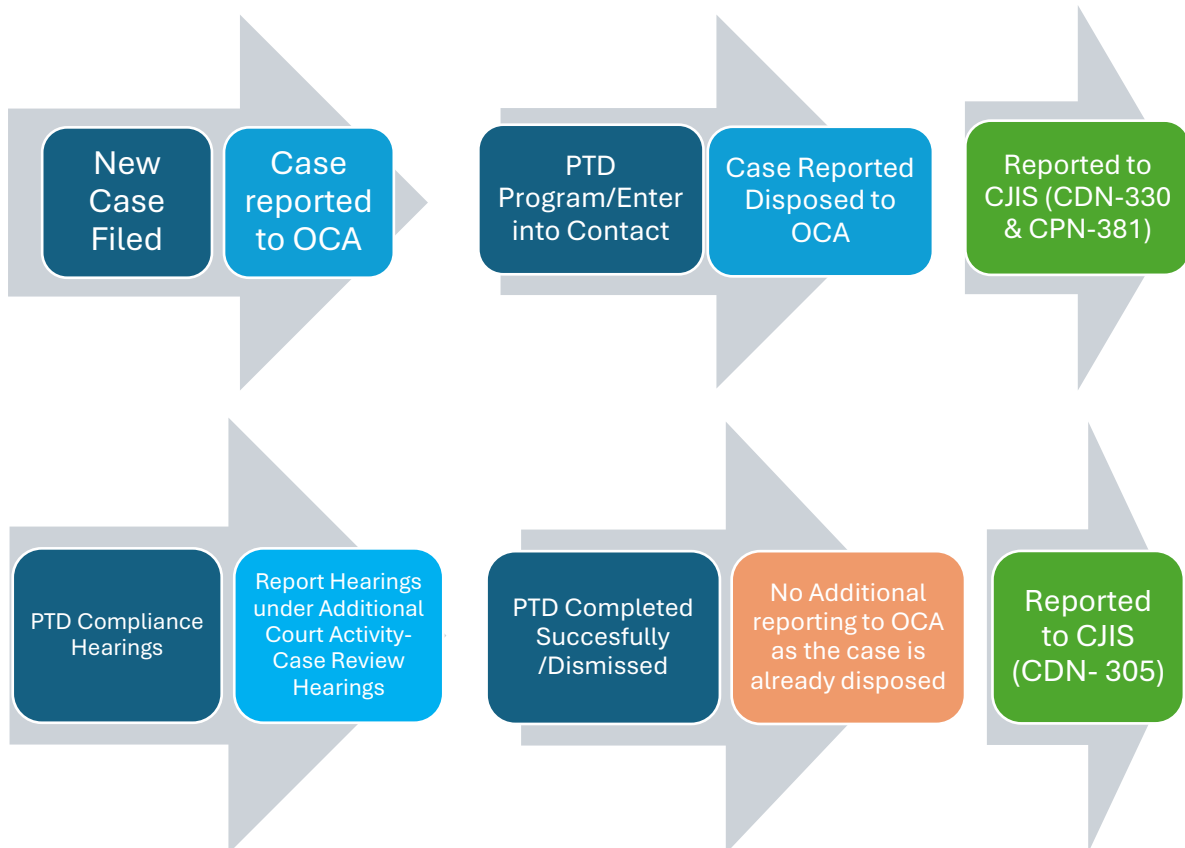
**NOTE:** Do **not** include cases in which a motion to revoke was filed, the motion was denied, and deferred adjudication/probation/community supervision, etc. was continued. These cases are reported on Line 16b, *Motions to Revoke Denied/Probation Continued*.

**Line 4. MOTIONS TO REVOKE PROBATION/COMMUNITY SUPERVISION OR DEFERRED ADJUDICATION FILED**

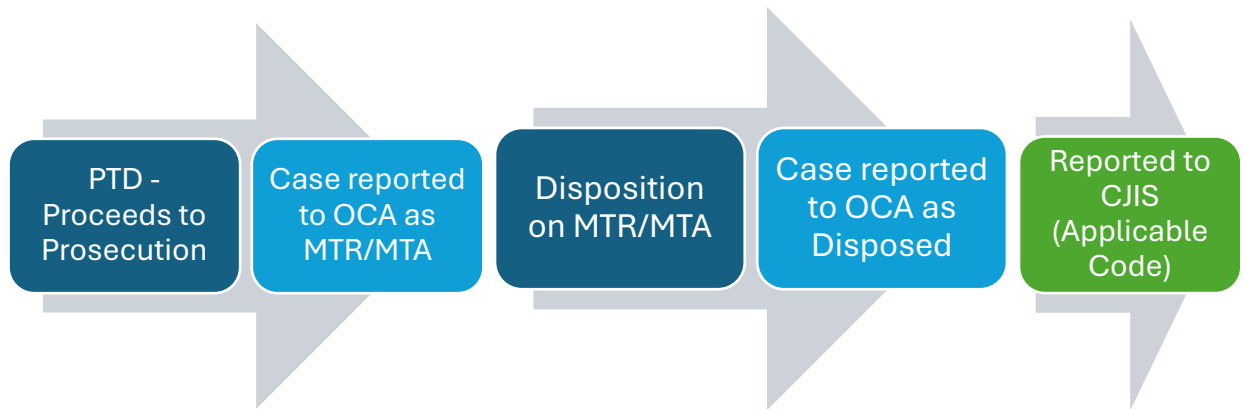
Report the number of cases that had previously been reported disposed but have been restored to the court's pending caseload due to the filing of a motion to revoke, modify, extend, or continue probation/community supervision or deferred adjudication. Also include cases in which the defendant did not comply with pre-trial diversion program requirements. Report all relevant motions filed during the month, even if they were also disposed of this month.

*If possible, report the motion under the case category for which the defendant was ultimately found guilty or placed on probation, community supervision, or deferred adjudication.*

**Pretrial Diversion Process for Reporting – Case Filed to Disposition**



Texas Office of Court Administration  
Data & Research Division



As we work together to provide the most accurate and consistent case information throughout the state, OCA continues to be committed to assisting clerks and courts around the state and developing processes and “Best Practices” for improving court reporting.

If you have any questions or need assistance, please reach out to [judinfo@txcourts.gov](mailto:judinfo@txcourts.gov).

Data & Research Division  
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Sample Order for Pretrial Diversion Disposition

CAUSE NO. \_\_\_\_\_

|                |   |                         |
|----------------|---|-------------------------|
| STATE OF TEXAS | § | IN THE _____ COURT OF   |
| §              |   |                         |
| vs.            | § | _____ COUNTY, TEXAS     |
| §              |   |                         |
| _____          | § | _____ JUDICIAL DISTRICT |

MEMORANDUM REGARDING DEFENDANT’S ENTRY INTO PRETRIAL DIVERSION

On \_\_\_\_\_, it was brought to the Court’s attention that the Defendant and his/her Attorney entered into a pretrial diversion program with the State of Texas. Unless ordered by the Court, all future dates set in this Court are vacated by this Court. Furthermore, the Court orders that the Defendant comply with any and all terms of the pretrial diversion program and the case reported disposed in accordance with Office of Court Administration reporting guidelines.

Acknowledged the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Judge Presiding