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Cite and Release Diversion Policy

I. Purpose

In 2019, the Bexar County Criminal District Attorney's Office, in conjunction with local law enforcement agencies, improved and expanded Cite and Release Diversion Program in Bexar County.

Eligible program participants who receive a citation instead of being arrested and successfully complete assigned programs benefit by avoiding an arrest (which may include having to post a bond to be released) and will not have the citation appear on their criminal record. Officers writing a citation are able to return to duty in significantly less time than it takes for officers to make an arrest. The Cite and Release Diversion Program also prevents Bexar County taxpayers from having to pay costs associated with booking a person into jail.

II. Policy

The Bexar County Criminal District Attorney's Office may accept individuals into the Cite & Release Diversion Program after law enforcement has decided to issue a citation and the individual has been cited for one of the following charges eligible under the statute;

- SEC. 481.121(B)(1)&(2) MISD. MARJI POSS.
- SEC. 481.1161 (B)(1)&(2) MISD POSS PG2A
- SEC. 28.03 (B)(2) CLASS B CRIM MISCH
- SEC. 31.03 (E)(2)(A) CLASS B THEFT
- SEC. 31.04 (E)(2) CLASS B THEFT SERVICE
- TEX. CODE. CRIM. PRO ANN. ART. 14.06- DWLI
- SEC. 28.08 (B)(2)&(3) MISD. GRAFFITI
- SEC. 38.114 (C) CLASS B CONTRABND IN CORRECTIONAL FACILITY

In order to be admitted into the Bexar County Criminal District Attorney's Cite and Release

Diversion Program, a cited individual must not have any additional pending criminal charges, and must not have been arrested on a companion charge at the time of being cited, as the additional offense would create a pending case in the office.

An individual may be ineligible for the program if they have been previously rejected from the program for an unsuccessful completion within the past 2 years.

An individual may be ineligible for the program if they have successfully completed the program two or more times within the past four years.

A cited individual may be removed for the program if they are charged with a new criminal offense while completing their assigned Cite and Release Diversion Program.


Additional criminal history is not a factor when determining eligibility for the program, unless otherwise specified.

If an individual is not eligible to participate in the Bexar County Criminal District Attorney's Cite and Release Diversion Program, or they have voluntarily stopped participating in the program, the original case may be filed for prosecution. Once it is determined that an individual is not eligible for diversion, the diversion case file may return to the Bexar County Criminal District Attorney's Office and a new case file is created. The case is then filed as an at large case and a summons may be issued for the defendant to appear in court.

III. Disposition – Successful Completion of Cite and Release Diversion Program

Upon successful completion of the assigned diversion program, the Bexar County Criminal District Attorney's Office will not proceed with criminal charges from the cited conduct.

The District Attorney's Office reserves the right to revise, supplement, or rescind any portion of this policy from time to time as deemed appropriate, in its sole and absolute discretion.



Joe D. Gonzales
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