



ELIGIBILITY FOR ACCEPTANCE INTO THE MIDDLESEX DISTRICT ATTORNEY'S PRE-ARRAIGNMENT MENTAL HEALTH PROGRAM & GUIDELINES FOR CANDIDATES' PARTICIPATION

1. The candidate must be willing to undergo an assessment.
2. Eligibility of individuals, and charges, will be assessed on a case-by-case basis. We will consider, among other things, the nature of the offense, the existence of a record, and whether any prior offense(s) is recent or remote in time.
3. The decision to either divert or prosecute a case is solely within the discretion of the Middlesex District Attorney's Office.
4. The candidate must agree to all of the terms and conditions of the Mental Health Program contract.
5. The candidate will be informed that his/her participation in the program is voluntary and that he/she may withdraw from the program at any time.
6. A participant's pending criminal charge(s) will be prosecuted upon voluntary withdrawal from the program or termination for failure to abide by the program conditions.
7. Upon successful completion of the program and any requirements, where a case has been diverted pre-arraignment, the participant's charge/s will be dismissed and there will be no arraignment entry on the participant's record.
8. The candidate must have no significant prior criminal involvement.

Cases Eligible:

- a. Any misdemeanor (except those involving firearms, significant-other domestic violence, or motor vehicle offenses – see below)
- b. Any felony that can be prosecuted in the district court (except if otherwise ineligible – see below)
- c. Any case involving a victim after consultation with the victim

Cases Ineligible:

- d. Minimum mandatory offenses
- e. Motor vehicle offenses
- f. Significant-other domestic violence cases
- g. School-based threats
- h. Cases involving the possession or use of firearms*
- i. Cases involving serious assaultive or threatening behavior, serious bodily injury, sexual offenses or conduct, or gang related activity

NOTE: The final determination of eligibility for the diversion program is within the discretion of the Middlesex District Attorney's Office and may be based on additional factors not specifically included within these guidelines.

*Cases involving use/possession of other weapons may be considered after a fact-specific review.