



Massachusetts Juvenile Diversion Assessment Study

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January, 2015

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This project was supported by grant number 2011-JF-FX-0047 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs to the Massachusetts Executive Office of Public Safety and Security, Office of Grants and Research. The opinions, findings, conclusions, and recommendations expressed in this report are those of the author(s) and do not necessarily reflect the views of the Commonwealth of Massachusetts or the Office of Justice Programs.

Acknowledgments

The Massachusetts Juvenile Diversion Assessment Study was funded by the Massachusetts Juvenile Justice Advisory Committee (JJAC) in coordination with the Executive Office of Public Safety and Security (EOPSS) through a federal grant from the Office for Juvenile Justice and Delinquency Prevention (OJJDP). The authors would like to thank Andrew Polk of EOPSS for his ongoing guidance and support. In addition, we would like to thank Lynsey Heffernan with the Massachusetts Department of Youth Services' Juvenile Detention Alternatives Initiative and former member of JJAC, Barbara Kaban, of the Committee for Public Counsel Services for their commitment to the project. We would also like to thank our subject matter experts in juvenile justice and diversion for their ongoing input and review: Harry Wilson and Kim Bones of ICF International. Finally, we would like to extend a special thank you to all 11 Massachusetts District Attorneys and their staff for their cooperation and participation in the assessment.

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Executive Summary

On behalf of the Massachusetts Juvenile Justice Advisory Committee (JJAC), in collaboration with the Executive Office of Public Safety and Security (EOPSS), ICF International (ICF) conducted an assessment of District Attorneys' (DAs') offices' pretrial juvenile diversion practices across the Commonwealth. Findings from this assessment are intended to provide a snapshot of DAs' juvenile diversion practices in Massachusetts and make recommendations regarding the enhancement and wider use of promising diversion practices. The purpose of the assessment is also to provide DAs, their staff, and other juvenile justice stakeholders with a better understanding of the state of practice in order to make informed decisions regarding their diversion programs.

Methodology

In order to gain a better understanding of DAs' pretrial juvenile diversion practices, this assessment included three primary tasks: (1) Background Review, (2) Literature Review, and (3) Key Informant Interviews. This assessment is largely descriptive in nature and is meant to provide an initial look at DA-based pretrial juvenile diversion in Massachusetts.

To inform the development of the interview protocol and reduce burden on interview participants, researchers first conducted a background review of public data sources to collect information on jurisdictional characteristics (e.g., population demographics, youth demographics), crime statistics, juvenile court statistics, school statistics, youth initiatives, and existing diversion programming within the community. In conjunction with the background review, the research team conducted a literature review that addressed juvenile justice trends in the United States, juvenile diversion philosophies, model diversion programs and strategies, and background information on juvenile justice in Massachusetts.

Finally, the research team conducted semi-structured telephone interviews with staff within each of the 11 DAs' offices who were most knowledgeable regarding juvenile diversion programs and practices within their office. The interviews were designed to collect detailed information on diversion programs and practices, including: key program elements (e.g., target population, eligibility criteria, and decision-making and referral protocols); services provided as part of the diversion program; perceived challenges and limitations; and offices' data collection practices. Over a two-month period, the research team conducted interviews with 14 participants, representing all 11 DAs' offices, which generally included DAs, Assistant District Attorneys (ADAs), diversion program staff, juvenile unit staff and attorneys, and other special programs staff.

Scan of Practice Findings

Key Informant Interviews

As the core element of the scan of practice, the key informant interviews provide an in-depth understanding of DA-based pretrial juvenile diversion programs and practices across the Commonwealth. Of the 11 participating DAs' offices, 10 indicated that their office uses diversion for juvenile defendants in some capacity (informal or formal) and one office specified that they do not use diversion.

In regards to diversion program operation and structure, eight of the offices reported operating their program through the DA's office budget, while three offices receive state and/or federal funding, and two offices receive other funding (e.g., other non-government grants). Seven of the offices reported that their program uses dedicated diversion staff,¹ such as diversion case managers, program specialists, or other juvenile justice staff, to run the program. Seven offices indicated that they rely on formal written policies and procedures to guide the operation of their program. For the three offices that do not employ formal written policies, two indicated that they use less formal standards and guidelines for making diversion decisions.

All offices reported routinely using diversion prior to arraignment; however, four offices indicated that diversion may also occur during the pre-complaint stage in cases where youth are referred directly by law enforcement or a clerk magistrate to the DA's office. In addition, three offices reported that, while not as common, diversion may also be used post-arraignment on a case-by-case basis. The most common diversion eligibility criteria include offense type, age, and criminal history, while many offices also consider whether or not youth accept responsibility for the offense and their willingness to cooperate and successfully complete diversion.

Once youth are referred to the program, offices employ similar intake and decision-making processes. In a typical case, youth are summoned into court, giving ADAs and diversion staff an opportunity to review the case (e.g., police report, background check) prior to the court hearing. In most instances, respondents reported conducting the initial meeting/intake with youth and their parent/guardian just prior to the arraignment hearing. In a typical diversion intake meeting, DA diversion staff sit down with youth and their parent/guardian to discuss the conditions of diversion; assess the needs of the youth and their family; develop an individualized diversion plan; and sign a diversion contract. Two offices use a screening tool as part of the intake process, while three offices refer youth to a community-based provider for a counseling assessment.

Although ADAs within the juvenile courts are typically responsible for making the final diversion decision, the decision to divert youth was described by many offices as a collaborative process among key agencies and stakeholders. Stakeholders most commonly involved in the diversion process (e.g., making referrals, providing input) include: youth and their families, clerk magistrates, school personnel (e.g., school administrators, school resource officers), victims, law enforcement, probation, Department of Children and Families (DCF) case workers, defense representatives, and police prosecutors.

Eight of the offices use a diversion contract to formalize the agreement between youth and their office. Many of the diversion contracts include information related to: program requirements (e.g., youth will not commit other offenses); any specific conditions for the case; program length; and conditions for termination of diversion. Seven offices also reported that under the terms of their diversion contract, any information youth disclose to personnel during their participation in the program cannot be used as evidence against them should their case be adjudicated. Those offices that do not include such a provision in their contract or do not have a diversion contract, also noted the importance of abiding by these standards of practice.

¹ DA staff, such as case workers and diversion specialists, whose primary role within their office is to oversee juvenile diversion programming, including identifying eligible youth, conducting diversion intake procedures, collaborating with key stakeholders, providing support and planning assistance for diverted youth, and monitoring youth compliance with diversion conditions.

Most diversion programs last between three to six months, with three offices reporting that their program length varies depending on the case. Although most interview respondents indicated that diversion plans are unique to each youth, the most common conditions used include: community service; essays or apology letters; educational programming; counseling; referrals to special diversion programs (e.g., youth court),² restitution; abiding by school and home rules, and accepting responsibility. A few offices also use drug and alcohol screenings as conditions of their diversion program. Many offices reported affording youth some leeway when they fail to comply with diversion conditions, although all offices indicated that obtaining a new offense typically results in an automatic termination from the diversion program. Despite this, many offices reported handling program termination decisions on a case-by-case basis, usually expressing program termination as a last resort.

Within the one DA's office that does not use diversion for juvenile defendants, diversion is being practiced in the jurisdiction through a coordinated effort between law enforcement and the courts. Although practices vary across the jurisdiction, in a typical diversion case, the police chief and clerk magistrate will collectively decide to put certain low-level cases on hold for six months to one year. During that time youth are required to stay out of trouble and participate in some form of community programming, such as community service. This informal approach to juvenile diversion has allowed law enforcement and the courts to take a more active role in diverting youth from any formal court processing.

Across all 11 DAs' offices, the most common data consistently collected on court-involved youth includes gender, age, residence information (e.g., city/town, zip code), and criminal history. Just about half of the offices collect data on personal or family history (e.g., prior involvement with social services), school history, such as discipline and attendance records, and victim information (e.g., race of victim). In regards to other demographic data, only four offices collect information on language (e.g., languages other than English spoken in the home). None of the offices collect information on family income or citizenship status. Five offices reported collecting some type of race/ethnicity data.

In regards to diversion program data collection, most of the 10 offices using diversion track data on program participation dates (e.g., dates of entry and exit from the program); diversion services, such as youths' compliance with diversion conditions and information on services received (e.g., counseling, youth compliance); the most serious charge/offense at the point of diversion referral (e.g., property, person); and when the diversion referral occurs (e.g., pre-arraignment, post-arraignment). About half of the offices collect information on the level of the most serious charge/offense (e.g., misdemeanor), as well as the results of the criminal background check.³ Several offices also reported tracking the total number of offenses at the point of diversion referral and the diversion decision (i.e., whether the office accepts or rejects). When tracking program exit status, most of the offices reported tracking whether the youth successfully or unsuccessfully exited the program; however, few offices tend to capture more detailed information related to why a youth may have unsuccessfully exited the program, such as termination based on a new arrest.

² These are programs for diverted youth provided by a range of organizations, such as community-based organizations, social service agencies, law enforcement, schools, courts, and other juvenile justice agencies, that oftentimes target specific subpopulations of youthful offenders (e.g., fire setting behavior).

³ Criminal background checks include a review of the Court Activity Record Information (CARI) and Criminal Offender Record Information (CORI) systems.

Discussion and Recommendations

Findings from this assessment highlight the variation between DAs' offices related to diversion program structure, eligibility, decision processes, and services. One of the major themes from the scan of practice is the importance of **prevention** in driving DA diversion programs, including preventing youth from obtaining a criminal record, preventing deeper system involvement, and preventing future offending. One theme that arises is the important role that **stakeholder involvement and collaboration** play in the diversion process, with most offices reporting high involvement from a range of stakeholders, such as the courts, schools, law enforcement, and probation. Stakeholders are critical for identifying eligible youth and referring them to diversion; providing input in the decision-making process; providing valuable knowledge regarding specific youth and/or the community context; providing services, such as community service opportunities and counseling; and providing assistance in monitoring youth progress and compliance. Another key theme is the role of **discretion and flexibility** in the diversion process. Many offices noted the importance of enforcing consistent and standard practices, while also assessing each case individually to understand the totality of the circumstances. Many respondents expressed using discretion and flexibility across many elements of program operation, most notably when assessing youth eligibility, monitoring program compliance, and making program termination decisions.

Recommendations for Practice

Based on the scan of practice, ICF researchers extracted recommendations for improving diversion programs and practices across the Commonwealth. The primary recommendations from this assessment include:

- The use of standardized screening and assessment tools to measure risk factors (e.g., reoffending) and identify the needs of youth (e.g., mental health and substance use) early in the diversion process.
- The collection of systematic and comprehensive data related to court-involved youth and diversion programming in order to more effectively measure program performance and assess youth outcomes.
- Recruitment of trained diversion staff who are able to develop rapport with youth and provide more in-depth case management and guidance throughout the diversion process.
- Continued enhancement of interagency collaboration and stakeholder involvement through improved referral protocols and mechanisms; MOUs and other formalized interagency agreements; frequent opportunities for multi-stakeholder case reviews and discussion; and ongoing information sharing among key stakeholders.

Limitations

The background review was developed based on information collected through public sources on DA diversion programs and jurisdictional characteristics, which may not align with the interview findings collected as part of the scan of practice (e.g., due to outdated website information) and should not be interpreted as being representative of DA diversion offerings. Rather, this information is meant to provide a snapshot of each jurisdiction.

The primary limitation of this assessment is its exploratory nature. In addition, the findings in this report are limited to DAs' offices and are not representative of all stakeholder groups involved in juvenile diversion, such as law enforcement, courts, probation, juvenile diversion participants and their families, or community-based providers.

Conclusions

The assessment highlights the importance of interagency collaboration, dedicated diversion staff, formalized policies and protocols (e.g., diversion contract, office policy), and some level of flexibility and discretion to account for unique or special circumstances. In addition, findings suggest the need for continued innovation and creativity in regards to diversion interventions, such as youth courts and restorative justice practices, more systematic data collection and record keeping, and the use of standardized screening and assessment tools.

Findings from this assessment are intended to provide a landscape of DAs' juvenile diversion practices across Massachusetts and make recommendations regarding the enhancement and wider use of model diversion practices. In particular, the purpose of the assessment is to provide DAs, their staff, and other juvenile justice stakeholders with a better understanding of the state of practice in order to make informed decisions regarding their diversion programs.

1. Introduction

With funding from the Juvenile Justice Advisory Committee (JJAC), in collaboration with the Massachusetts Executive Office of Public Safety and Security (EOPSS), ICF International (ICF) was tasked with conducting an assessment of pretrial juvenile diversion practices among District Attorneys' (DAs') offices across the Commonwealth. The purpose of the assessment is to document the landscape of DA-based pretrial juvenile diversion practices in order to provide DAs, their staff, and other juvenile justice stakeholders with a better understanding of the state of practice, as well as recommendations regarding the enhancement and wider use of model diversion practices. As part of this assessment, ICF conducted a background review to gather relevant information from public data sources; a literature review to provide a foundation of knowledge on juvenile justice trends in the United States, juvenile diversion philosophies, model diversion programs and strategies implemented at various points within the juvenile justice system, and background information on juvenile justice in Massachusetts; and key informant interviews with DAs' diversion staff to document what juvenile diversion programs and practices currently exist, their components, and where gaps may exist in diversion opportunities for juvenile defendants. This assessment is meant to serve as a starting point for documenting juvenile diversion programs and practices, identifying strategies for program enhancement, and encouraging multi-system coordination to implement promising programs and practices at multiple decision points throughout the juvenile justice system in Massachusetts.

1.1 Juvenile Justice Trends in the United States

Over the course of the twentieth century, the juvenile justice system underwent major shifts in the treatment of juvenile offenders. Following the establishment of the first juvenile court in 1899, juvenile courts proliferated across the U.S. during the early half of the century. These early courts focused on youth rehabilitation, well-being, and individualized justice, which led to substantial procedural deviations from the criminal court model. For example, in contrast to criminal courts, juvenile courts could consider legal and extra-legal factors during the intake process, cases could be handled informally without full judicial action, and due process protections were largely deemed unnecessary. By the 1950s and 1960s, however, there was growing concern among professionals regarding the increasingly punitive nature of the juvenile courts, with youth being sentenced to long or indefinite periods of institutionalization in the name of rehabilitation. The individualized and informal nature of the system that was intended to protect children came to be perceived as arbitrary, unfair, and in conflict with due process rights. As a result of these concerns, a series of U.S. Supreme Court decisions and federal legislation called for increased formalization. Many of the Supreme Court decisions extended the due process rights of adults to juveniles, such as the right to counsel and protection against self-incrimination (Bilchik, 1999). The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq.), which first established the Office of Juvenile Justice and Delinquency Prevention, encouraged the deinstitutionalization of juvenile offenders and called for juvenile and adult offenders to be separated when held in the same facilities. During the 1980s and 1990s, increasing serious youth crime and declining faith in the rehabilitative model led to the reversal of many of the juvenile justice reforms established in the decades prior. From 1980 through 1994, juvenile violent crime rates spiked, with the rate of juvenile arrests for violent crime increasing by 70% between 1987 and 1994 (Puzzanchera, 2013). The increased fear of serious youth crime and emphasis on law and order ushered in a wave of state legislation that mandated more punitive treatment of juvenile offenders, such as mandatory automatic waivers to adult criminal court for serious offenders, relaxed confidentiality restrictions, greater sentencing authority, and harsher punishments (e.g., mandatory minimum

sentences, juvenile life without parole) (Bilchik, 1999; Public Interest Projects, 2013). Following the turn of the twentieth century, youth violent crime rates were on the decline. Recognizing the profound social and monetary costs of incarceration, jurisdictions across the U.S. have begun to refocus juvenile justice reform efforts toward a system that balances public safety and youth accountability with positive youth development (Public Interest Projects, 2013; Puzzanchera, 2013). A series of landmark U.S. Supreme Court decisions within the past decade have also contributed toward a more compassionate juvenile justice system. In 2005, the Supreme Court eliminated the death penalty for juveniles (*Roper v. Simmons*, 543 U.S. 551), followed by a ruling in 2010 that found juvenile life without parole (JLWOP) sentences in non-homicide cases to be unconstitutional (*Graham v. Florida*, 560 U.S. 48). One year later in *J.B.D. v. North Carolina* (564 U.S., 2011), the Supreme Court ruled that age should be taken into account when determining whether to apply the Miranda warning for interrogations where minors may reasonably believe they are in custody. In its most recent decision, the Supreme Court expanded its ruling in *Graham v. Florida* (2010) to homicide cases, effectively ending JLWOP (*Miller v. Alabama*, 567 U.S., 2012).

This latest wave of change in the juvenile justice system is evidenced by the reductions in youth contact throughout the juvenile justice system. According to the most recent statistics, there has been an overall downward trend in juvenile arrest rates over the past decade, decreasing 21% from 2001 to 2010 (Puzzanchera, 2013). Moreover, violent offenses account for a small proportion of all juvenile arrests (approximately 225 arrests per 100,000 juveniles ages 10-17), compared to property offenses (1,084 arrests per 100,000 juveniles ages 10-17) (OJJDP, 2012). Cases handled in the juvenile court system over the same time period mirrored this overall trend, with total delinquency cases across all offenses decreasing by 19% (Puzzanchera & Hockenberry, 2013). A recent report released by the Annie E. Casey Foundation (2013) states that the youth confinement rate in the U.S. is also steadily declining and hit a 35-year low in 2010. From 2001 to 2010, the youth confinement rate fell from 335 to 225 per 100,000 youth. Despite these positive trends, youth continue to be processed through the juvenile justice system at alarming rates. In 2010 alone, law enforcement agencies made 1.6 million juvenile arrests, over 31 million youth were under juvenile court jurisdiction (Puzzanchera, 2013; Puzzanchera & Hockenberry, 2013), and 70,972 youth were held in confinement (Annie E. Casey Foundation, 2013).

1.1.1 Disproportionate Minority Contact

Similar to the adult criminal justice system, the juvenile justice system continues to contend with the overrepresentation of racial and ethnic minorities. In 2010, 17% of the U.S. juvenile population was black; yet, black youth accounted for 51% of all juvenile arrests for violent crimes and 33% of property crime arrests in the same year. In contrast, the percentage of white youth in 2010 was 76%, with 47% of violent crime arrests and 64% of property crime arrests involving white youth. This disparity was most pronounced for robbery in which black youth were arrested at ten times the rate of white youth (Puzzanchera, 2013). As of 2010, black youth accounted for 33% of delinquency cases in the U.S. and 16% of all youth under juvenile court jurisdiction. The total rate of delinquency cases processed in juvenile court for black youth (87.6) was more than double the rate for white youth (36.4) in 2010 (Puzzanchera & Hockenberry, 2013). In addition, although the overall youth confinement rate has declined substantially over the past decade, racial and ethnic disparities continue to exist. In 2010, the rate of black youth in confinement exceeded that of white youth by nearly five times, while Hispanic and American Indian youth were nearly two to three times more likely to be confined than white youth, respectively (Annie E. Casey Foundation, 2013). Although the disparities for

black youth are most pronounced, substantial disparities have also been documented throughout the juvenile justice system for both Hispanic and American Indian youth. One study found that Hispanic youth are 2.3 times more likely to be arrested and 2.4 times more likely to be prosecuted as adults than white youth. The inconsistent classification of Hispanic youth in local, state, and federal statistics, which frequently categorize Hispanic youth in the white race category, make it challenging to accurately estimate the level of disparity (Villaruel & Walker, 2001). Another study calls attention to the overrepresentation of American Indian youth in the federal juvenile population, who account for 70% of youth under Federal Bureau of Prison (BOP) custody on any given day. This overrepresentation is largely due to the fact that certain offenses committed on tribal land fall under federal jurisdiction, whereas those same offenses committed outside of tribal lands would be handled at the state or local level (Andrews, 2003).

The causes of disproportionate minority contact (DMC) in the juvenile justice system are complex and multi-layered, extending through all stages of the juvenile justice system. In a 1990 review of 46 studies examining DMC, Pope and Feyerherm concluded that there are substantial race effects in the processing of youth in the juvenile justice system. The body of research they assessed also demonstrated that racial disparities could occur at any stage of juvenile justice processing and tends to intensify as minority youth proceed into later stages of the system, resulting in a cumulative disadvantage. In 2001, Pope, Lovell, and Hsia extended this earlier review by assessing DMC studies from March 1989 through December 2001. Their review looked specifically at decision-making in the juvenile justice system and whether race proved to be a factor in youth processing. Similar to the previous review, the majority (74%) of studies found race effects in the processing of youth. According to Pope, Lovell, and Hsia (2001), “the preponderance of the research over three decades documents evidence of racial disparities, at least at some stages within the juvenile justice system” (p. 5). Studies have also found that racial disparities in the juvenile justice system cannot be fully explained through legal (e.g., seriousness of offense, prior contact with law enforcement) or extra-legal (e.g., age, gender, race) factors (Bishop, 2005; Engen, Steen, & Bridges, 2002; Leiber, 2002; Pope & Feyerherm, 1993; Pope & Leiber, 2005; Pope, Lovell, & Hsia, 2001). The body of research on racial and ethnic disparities in juvenile court outcomes has generally found that court outcomes are both directly and indirectly influenced by race, racial biases are more likely to occur early in system processing than in later stages, and racial disparities are exacerbated as youth penetrate further into the system (Engen, Steen, & Bridges, 2002; Frazier & Cochran, 1986; Lieber & Johnson, 2008; Leiber & Stairs, 1999; Rodriguez, 2010). Although explanations for these disparities vary, researchers note that inherent system bias, local policies and practices, and other social conditions, such as the family environment or underemployment, may contribute to DMC (Pope, Lovell, & Hsia, 2001).

Beginning in 1988 with the reauthorization of the JJDP Act (Pub. L. No. 93–415, 42 U.S.C. 5601 et seq.), states receiving funding under the Act were required to report the proportion of juvenile minorities in confinement relative to their proportion of the general population; this was followed by amendments to the Act in 1992 that made the reduction of disproportionate minority confinement a core requirement. Finally, in 2002, this core requirement was expanded from “disproportionate minority confinement” to “disproportionate minority contact” (Cabaniss et al., 2007; OJJDP, n.d.a). To assist states and local jurisdictions in identifying racial disparities and carrying out DMC reduction efforts, OJJDP employs the relative rate index (RRI), a standardized equation that compares the representation of minority youth with white youth at various stages of the juvenile justice system. An RRI of one indicates that there is the same rate of representation across race/ethnic groups, whereas an RRI of two would translate to minority youth being two times as likely as their white peers to be represented at a particular decision

point. According to the *Disproportionate Minority Contact Technical Assistance Manual* sponsored by OJJDP, the RRI is a critical measurement tool used during the DMC identification and monitoring stage to provide descriptive information related to both the prevalence and nature of DMC. The Manual cautions, however, that the RRI is not meant to provide information related to the causes of DMC, nor strategies for reducing it. Despite federal mandates, states and local jurisdictions face ongoing barriers in their DMC reduction efforts. Methodological challenges with measuring DMC at various decision points, such as inconsistent reporting mechanisms on youth race and ethnicity, buy-in among agencies providing data, and instances where “a racial ‘minority’ may be the statistical majority” complicate the identification of racial disparities (Feyerherm, Snyder, & Villarruel, 2009).

1.1.2 Female Youth in the Juvenile Justice System

Despite overall national downward trends in youth contact with the juvenile justice system in recent years, female youth have become a growing proportion of system-involved youth. Between 2001 and 2010, juvenile arrest rates decreased across many offenses; however, the arrest rates for females tended to decrease at a more modest rate than for males. For instance, property crime arrests for male youth decreased by 32%, whereas female youth arrests decreased by 9%. Beginning in 1980, there has also been a gradual convergence of male and female youth arrest rates for violent crimes, which is linked to the large relative increase in female youth arrests over the past three decades. In 2010, nearly one-third (29%) of all juvenile arrests involved females (Puzzanchera, 2013). These same trends can be seen in the delinquency case rate for female and male youth. Between 1985 and 2010, delinquency cases involving female youth increased by 69%, dwarfing the 5% increase for males during the same time period. In addition, the proportion of delinquency cases involving females increased from 19% in 1985 to 28% in 2010 (Puzzanchera & Hockenberry, 2013).

As females become a larger proportion of the juvenile justice population, it is important to consider gender differences related to risk factors for system involvement, as well as the differential treatment of and impact on female youth being processed through the juvenile justice system. Several studies have found that mental health disorders are strongly linked to delinquent behavior among female youth (Calhoun, 2001; Wasserman, et al., 2005) and call attention to the high rates of mental illness among girls in the juvenile justice system (Teplin et al, 2002; Abram et al., 2003). The high rate of mental health disorders among delinquent female youth both stems from and is compounded by the high rates of physical and sexual abuse that are “virtually universal among girls in contact with the justice system” (Veysey, 2003, p.2). In addition to mental health disorders, this history of abuse can also lead female youth to engage in self-harming behaviors, as well as involvement in status offenses and delinquency (Veysey, 2003). There is also a strong link between trauma and delinquency among girls, including trauma related to maltreatment, poverty, and family functioning (Bright & Johnson-Reid, 2008; Galbavy, 2003; Holsinger & Holsinger, 2005; Leve & Chamberlain, 2004). Study findings have shown that female youth who experienced abuse and neglect in childhood are almost twice as likely to be arrested as those without a history of trauma (Widom, 2000). Female youth come in contact with the justice system often as a result of strategies they developed to cope with childhood trauma, such as running away, attempts to self soothe or medicate, fighting back, and gang affiliation. The criminalization of these behaviors is exacerbated by the fact that the juvenile justice system is not designed for and often does not have the capacity to meet the unique needs of female youth (Veysey, 2003). Other common precursors to delinquent behavior for female youth include living in disadvantaged urban neighborhoods (Chauhan & Reppucci,

2009), involvement in foster or group care (Johansson & Kempf-Leonard, 2009), and substance abuse (Huizinga, et al., 2000; Obeidallah-Davis, 2002).

1.1.3 Mental Health Needs Among System-Involved Youth

In recent years, there has been increasing attention on a national level paid to the mental health needs of youth involved in the juvenile justice system and a greater recognition that mental health trends among system-involved youth largely mirror their adult counterparts. In spite of recent breakthroughs in policies and programs at the federal, state, and local level to address the mental health needs of this population, there continues to be a paucity of information on the needs and characteristics of, as well as the services provided to youth involved in the juvenile justice system (Cocozza & Skowrya, 2000). Similar to their adult counterparts, studies have generally found that youth involved in the juvenile justice system have a higher prevalence of mental health disorders than those in the general population. Recent statistics have shown that, of youth placed in secure detention facilities, 70% may suffer from a mental health disorder, with female youth (81%) being more likely to experience a disorder than males (67%) (Shufelt & Cocozza, 2006). Rates of psychosis among youth in detention facilities are estimated to be 10 times greater than the general youth population (Fixel et al., 2008). The prevalence of mental health disorders has also been shown to increase as youth progress through the juvenile justice system. A recent study reveals that around 35% of youth met the criteria for a psychiatric disorder at intake, compared to an estimated 59% at detention and 64% in secure post adjudication. Rates of substance abuse disorders followed a similar trend. The rate of substance abuse disorders at intake was approximately 17%, compared with 39% at detention and 47% at secure post adjudication (Wasserman et al., 2010). Findings from a study by Teplin and colleagues (2002) discovered that 74% of girls and 66% of boys in a sample of youth in detention met the criteria for at least one mental health disorder. The study also confirmed that youth tend to develop new or additional disorders as they age, with those youth in the sample below the age of 13 demonstrating the lowest prevalence rates of disorders. The high rates of youth with mental health disorders placed in juvenile justice facilities, coupled with the scarcity of community-based mental health alternatives, call attention to the growing tendency toward the “criminalization of the mentally ill” (Skowrya & cocozza, 2007). A 2004 report from Congress reveals that in 33 states, youth with mental health needs and no criminal charges filed against them are placed in detention due to the lack of alternative placements (U.S. House of Representatives, 2004). Recognizing that youth who commit serious crimes or present a risk to public safety must be placed in the juvenile justice system, Cocozza and Skoyra (2000) contend that for other youth, “their penetration into the juvenile justice system and placement into juvenile detention and correctional facilities will serve to further increase the number of mentally ill youth in the Nation’s juvenile facilities who are receiving inadequate mental health services” (p. 8).

1.1.4 Status Offenders

Status offenses represent a category of behaviors that are considered illegal only because the person committing them is a minor. Such behaviors generally include running away, truancy, curfew violations, ungovernability (also known as stubbornness, incorrigibility, or being beyond parental control), and liquor law violations (e.g., underage drinking). Over the past decade, there has been a downward trend nationally in the number of status offenses petitioned for formal court processing. Between 2002 and 2010, the number of status offense cases handled in juvenile and family courts fell by 33%. Despite this overall positive trend, there is a continued overreliance on courts to handle status offenses, with an estimated 137,000 status offense

cases formally petitioned in 2010. Relying on courts to manage status offense cases has serious consequences and can result in deeper juvenile justice system involvement, including detention and out-of-home placement. Of the status offense cases petitioned in 2010 at a national level, youth in 10,400 cases spent time in detention, 76,200 cases were formally adjudicated, and 6,100 cases resulted in out-of-home placement. Truancy cases accounted for roughly three-quarters (34%) of all out-of-home placements, followed by ungovernability (22%) and liquor law violations (20%) (Puzzanchera & Hockenberry, 2013).

According to a recent report published by the Vera Institute of Justice's Status Offense Reform Center (Salsich & Trone, 2013), courts are poorly suited to handle status offense cases. They are often overburdened, slow to respond, and ill equipped to address the constellation of underlying factors that led to the offense, such as family issues, mental health needs, and school or community environment. Recognizing the negative impact of system involvement, the high cost of court processing, and the ethical implications of detaining youth who do not pose a risk to public safety, the report recommends a community-based response to status offenders. The report goes on to conclude that "families require a faster response and a different kind of response than courts and the juvenile justice system as a whole can offer" (p.4).

1.1.5 Impact of System Involvement

Evidence collected from a recent systematic review (Petrosino, Turpin-Petrosino, & Guckenburg, 2010) of experimental studies assessing the effects of system processing on youth delinquency strongly indicates that formal processing through the juvenile justice system does not deter youth from subsequent delinquency. In fact, system processing was found to *increase* delinquency across all measures, including prevalence, incidence, severity, and self-report. Such negative effects were even more pronounced when system processing was compared to a diversion program as opposed to release with no intervention (i.e., "doing nothing"). Some researchers contribute these criminogenic effects to "labeling" (Elliott, Dunford, & Knowles, 1978; Lincoln, 1976; Lipsey, Cordray, & Berger, 1981; Schur, 1973), whereby youth who are formally processed will be labeled as a delinquent and may receive differential treatment from family, peers, community, and law enforcement that put them under increased scrutiny. In addition, involvement in the juvenile justice system is also associated with developmental, psychiatric, and community risk factors (Bonham, 2006). Studies have demonstrated that juvenile detention disrupts normal development and can cause irreversible damage (Arredondo et al., 2001; Steinberg and Schwartz, 2000). For instance, system involvement has been shown to impede youths' natural engagement with families, school, and work (Golub, 1990); slow down the natural process of "aging out" of delinquency (Bushway, 1998; Golub, 1990); and introduce youth to more delinquent skills and behavior (Dishion, McCord, & Poulin, 2006).

1.2 Diversion

In an effort to reduce their reliance on the juvenile justice system, states are increasingly turning to community-based alternatives and diversion programs. Juvenile diversion programs are generally recognized as a mechanism to "divert, or channel out, youthful offenders from the juvenile justice system" (Bynum & Thompson, 1996). The primary objective is to redirect youth away from formal processing in the juvenile justice system and provide an alternative that meets youths' individual needs (Austin, Johnson, & Weitzer, 2005). Diversion programs vary greatly in terms of the decision point at which youth are diverted (e.g., before arrest, during court intake), the use of formal or informal procedures, and the types of programs and interventions used in tandem with diversion (Lundman, 1993; OJJDP, n.d.b). Proponents of diversion programs argue

that they can serve as a more cost-effective alternative to formal court proceedings, reduce the stigmatization (i.e. labeling) that oftentimes accompanies formal court involvement, reduce recidivism rates, and increase youth access to programs and services (Beck et al., 2006; Dick, et al., 2004).

Despite the promise of diversion programs, studies have yielded mixed results. Early studies of diversion programs provided evidence of reductions in delinquent behavior (Shelden, 1999; Krisberg & Austin, 1993; Davidson et al., 1990). As part of a recent meta-analysis of experimental studies of juvenile diversion programs (Schwalbe et al., 2012), researchers examined five program types, including case management, individual treatment, family treatment, youth court, and restorative justice. Family treatment was the only diversion program that resulted in significantly lower recidivism rates. A more recent meta-analysis conducted by Wilson and Hoge (2013) found diversion to be more effective at reducing recidivism than formal juvenile justice processing. Researchers also found many variables that influenced diversion effectiveness, such as the point in which youth are diverted. Programs that diverted low-risk youth prior to arraignment were found to be more effective than those that diverted youth after charges had been filed. These same effects were not found, however, for medium- to high-risk youth. Further, diversion programs that were less invasive, mainly involving some form of warning or caution with no further action, were found to be more effective at reducing recidivism for low-risk youth, whereas more intensive intervention-based programs that involve diversion conditions and participation in diversion programming were less effective for low-risk youth. Regardless of the level of the diversion intervention used, however, researchers found that diversion was more effective at reducing recidivism than traditional juvenile justice processing.

Following the “get tough on crime” and zero tolerance era of the 1980s and 1990s, the last decade has seen a resurgence of empirical research on diversion; however, the evidence base remains unclear, with little consensus about what works (Schwalbe et al., 2012). Although it is important to acknowledge the limitations and varying effectiveness of juvenile diversion programs, such programs hold promise for many jurisdictions looking to develop mechanisms for holding juvenile offenders accountable for their actions in developmentally appropriate ways.

1.3 Diversion Programs and Strategies

This section provides an overview at the national level of diversion strategies and selected model programs used in lieu of formal court processing (i.e., pre-adjudication) that target youth who are considered low-level, and first time youth offenders. The programs and strategies described in this section were implemented by a variety of juvenile justice stakeholders, such as community-based providers, courts, prosecutors, probation, law enforcement, and others.

1.3.1 Treatment and Intensive Case Management

Over the past three decades there has been a growing base of evidence supporting the treatment of delinquent youth. However, many of the treatment interventions that have proven to be effective, such as multisystemic therapy (MST) (Borduin et al., 1995; Henggeler et al., 2009; Henggeler et al., 1992; Timmons et al., 2006), functional family therapy (FFT) (Alexander et al., 1998; Barnoski, 2004; Gordon et al., 1988; Sexton, & Turner, 2010), and aggression replacement training (ART) (Drake, 2007; Goldstein et al., 1998; Washington State Institute for Public Policy, 2004), target serious/violent youth offenders (OJP, n.d.b; n.b.d; n.b.i). Moreover, these interventions have typically been evaluated using a sample of youth who have been formally adjudicated and who are at risk of out-of-home placement, or who currently reside in a

juvenile facility (Schwalbe, 2012). There is a more limited evidence base for treatment interventions targeting youth who have been diverted from the juvenile justice system; however, several programs have shown to be effective at reducing recidivism.

Family Solutions Program

In an effort to prevent repeat youth delinquency and improve personal and family well-being, the Family Solutions Program (FSP) is designed to help first-time youth offenders and their families find solutions to family conflict and poor decision making within a group setting. Program eligibility is determined by the juvenile court or school personnel addressing truancy. A risk assessment is administered at the beginning of the intervention to provide information on family background and other characteristics (e.g., socio-economic status). The program includes 10 weekly, 2-hour sessions focusing on topics such as group social support, successful parenting practices, anger management, the process of good decision making, and family cooperation (OJP, n.d.c). A 2004 evaluation of the FSP program developed by the Families 4 Change organization in Georgia (Quinn, William, & VanDyke, 2004) found overall positive effects of the program. Youth who completed FSP were significantly less likely to reoffend when compared to youth who dropped out of the program and probation comparison youth.

Michigan State University Adolescent Diversion Project

Recognized as a model OJJDP program, the Adolescent Diversion Project (ADP), created in 1976, diverts youth from formal court proceedings and provides community-based services to diverted youth and their families. University student volunteers serve as caseworkers and receive intensive training in diversion, behavioral intervention techniques, and advocacy. Once youth are referred by the court, caseworkers provide tailored services and support to youth through individualized sessions. Over the course of the 18-week program, caseworkers spend 6-8 hours each week working with youth at their home, school, and community to build youths' skills related to family, school, employment, and free-time, as well as their understanding of available community resources (OJP, n.d.a). Evaluation findings found that youth who went through the ADP program had significantly lower recidivism rates when compared to diverted youth who received no services and youth who were formally adjudicated (Davidson et al., 1987; Smith et al., 2004).

Project Back on Track

Project Back on Track is an after-school program targeting youth ages 12-17 with a substance abuse disorder. Developed through a collaborative between the Family Service of Roanoke Valley and the Carilion Department of Psychiatry and Behavioral Medicine in Roanoke, VA, the program accepts referrals for court-involved youth who are first-time offenders. The project involves an intensive substance abuse services program for youth and their families that includes outpatient counseling, wraparound care coordination, psychiatric evaluations, service learning, and family nights where youth and their families receive psycho-educational classes (Family Service of Roanoke Valley, 2013). A 2000 study (Myers et al.) assessing the effectiveness of the program found that clients who completed the program were less likely to recidivate than those in the control group.

1.3.2 Serving Youth with Mental Health Needs

In response to the nationally high rates of mental health disorders among system-involved youth, several states have implemented diversion strategies that target youth with behavioral health disorders. Beginning in 2012, eight states⁴ were awarded funding through a coordinated initiative between the Substance Abuse and Mental Health Services Administration (SAMHSA) and the MacArthur Foundation to improve systems and services for youth with mental health needs. As a result of this initiative, these eight states have made substantial strides toward this end, such as improving policies and programs; increasing coordination of services; increasing cost efficiency; improving outcomes for youth; and developing sustainable policies and programs. Several of the states implemented school-based diversion programs that seek to avoid formal school disciplinary measures and arrest through a coordinated response and shared decision-making among key stakeholders (e.g., school officials, law enforcement). Michigan was the only state to implement a law enforcement diversion program. As result of this initiative, Michigan developed statewide Crisis Intervention Teams (CIT) and Crisis Intervention Teams for Youth (CIT-Y), a subset of specially trained law enforcement officers who serve as primary or secondary responders to every call involving a mental illness. Other states implemented probation-intake diversion programs. These programs tended to focus on developing policies and procedures for implementing behavioral health screenings to guide services and treatment of youth with mental health needs. Although these programs are still in their infancy and little is known about their proven effectiveness, each state's commitment to implementing evidence-based practices provides a promising model (NCMHJJ & TAC, 2013). A full description of an earlier model program developed in Texas a part of the MacArthur Foundation's Models for Change (MFC) initiative is highlighted below.

Texas Front-End Diversion Initiative

Preliminary findings from a pre-adjudication diversion initiative for youth with mental health needs in Texas reveal positive outcomes for youth participating in the program. Beginning with a 2007 MacArthur Foundation MFC grant, a multi-agency collaborative in Texas developed the Front-End Diversion Initiative. This probation-based diversion initiative is designed to divert youth with mental health needs under deferred prosecution supervision from adjudication by utilizing specialized juvenile probation officers to link youth and their families to community resources (Front-End Diversion Initiative, 2009). Preliminary program outcomes show that youth participating in the program had more contacts with their probation officer, received greater access to community resources, engaged in active problem solving with their probation officer, and were less likely to be adjudicated (Colwell, Villarreal, & Espinosa, 2012).

1.3.3 Youth Courts

In a growing number of jurisdictions across the U.S., youth courts (also known as peer or teen courts) are being used as an alternative to formal adjudication and school disciplinary proceedings. Youth courts serve as diversion programs in which youth are tried and sentenced by their peers for minor offenses and problem behaviors (OJP, n.d.). Youth court proceedings are carried out almost entirely by minors who serve in varying roles (e.g., attorneys, court clerks, bailiff, jurors, judge), with little to no intervention from adults (Godwin, Steinhart, & Fulton, n.d.). According to Peterson (2009), peer judgment and positive peer pressure are unique aspects of youth court diversion programs that set it apart from other voluntary diversion programs. Peterson goes on to state that "If peer pressure contributes to the approximately 2.2 million

⁴ Arkansas, Kentucky, Michigan, Minnesota, Mississippi, New York, South Carolina, and Virginia.

juvenile arrests each year, it can be redirected to become a force leading juveniles to law abiding behavior” (p. 52). Moreover, youth courts are also credited with holding youth offenders accountable for their actions, educating youth on the legal system, increasing youths’ awareness of the impact of their actions, and empowering youth to address juvenile crime in their community (Godwin, Steinhart, & Fulton, n.d.).

As of 2010, there were over 1,050 youth court diversion programs in operation in 49 states and the District of Columbia. Youth courts vary widely in terms of their operation. Just under half (42%) of youth courts are operated by the juvenile justice system (e.g., courts, juvenile probation, law enforcement), whereas just under one-third (36%) are school-based programs and 22% are operated by community-based, nonprofit organizations. Youth courts also vary as to whether an admission of guilt is required, the structure of the court (e.g., adult judge model, youth judge model, peer jury model), types of offenses accepted, and sentencing options (e.g., restitution, jail tour, mentoring) (National Association of Youth Courts, 2014). Findings from a multi-site study suggest that youth courts represent a promising alternative to formal system processing that significantly reduced recidivism in some of the study sites (Butts, Buck, & Coggeshall, 2002). However, additional research is needed to parse out the effectiveness of different program models. Information on the Independence Youth Court in Missouri, which uses a youth judge model, is described below.

Independence Youth Court

The Independence Youth Court (IYC) located in Independence, Missouri is a diversion program targeting low-level offenders ages 7-16. Similar to the traditional teen or youth court model, IYC provides an opportunity for youth offenders to be tried by a court comprised of their peers with little adult intervention. IYC uses a youth judge model rather than a youth jury to oversee cases and make sentencing decisions. Youth who are found not guilty must still comply with the diversion agreements set forth by the county or their case will be reverted back through traditional court processing. Youth can be referred to IYC more than once for minor offenses. The majority of program referrals are made by law enforcement, with a small portion from schools (OJP, n.d.e). A program assessment (Butts, Buck, & Coggeshall, 2002) found that youth who participated in IYC were significantly less likely to recidivate compared with youth in the comparison group.

1.3.4 Restorative Justice

Restorative justice represents a unique crime response strategy that is designed to hold youth offenders accountable, provide an opportunity for meaningful involvement of and closure for victims, and build a support network for youth offenders. Restorative justice conferences bring together victims, offenders, families, and other key stakeholders to engage in dialogue related to the crime and its impact. Conferences typically operate by having the victim and other affected parties describe the impact of the crime, a case conferencing session where participants decide on the appropriate sanctions (e.g., restitution, community service), and an apology from the offender (McGarrell, 2001). Research tends to suggest that restorative justice leads to high levels of satisfaction among victim participants (McCold & Wachtel, 1998; Strang et al., 1999) and positive changes in offender attitudes (Strang et al., 1999). Several restorative justice programs identified as promising or effective by OJJDP, including the Indianapolis Family Group Conferencing (FGC) Experiment and the Minneapolis Center for Victim-Offender Mediation (see program descriptions below), have also shown evidence of reduced recidivism rates.

Indianapolis Family Group Conferencing Experiment

The Indianapolis FGC Experiment, or Indianapolis Restorative Justice Conference Project, is a diversion program targeting first-time offenders ages 11-14 who have committed a non-serious, non-violent offense, have no other pending charges, and admit responsibility for the offense. The project brings together the offender and victim, as well as a group of supporters, such as parents, siblings, neighbors, and teachers to participate in a family group conference, a strategy rooted in the principles of restorative justice. The conference facilitator guides offenders through a series of prompts that allow them to understand the impact of the crime on the victim, their family, and the community. Offenders are also typically asked to apologize to the victim and the group. Following the apology, the group develops and agrees on a plan to hold the offender accountable for his/her actions. Typical sanctions include restitution, community service, or individualized plans that address specific elements of the case (OJP, n.d.f). Evaluation results reveal that FGC treatment participants were more likely than control group participants to complete their program. In addition, younger participants and those arrested by a municipal officer (as opposed to a school officer) were less likely to fail their program. FGC treatment participants also demonstrated a rate of rearrests 23% lower than the control group (McGarrell & Hipple, 2007).

Minneapolis Center for Victim-Offender Mediation

Based on the restorative justice model, the goal of the Minneapolis Center for Victim-Offender Mediation is to provide closure to victims, impress upon offenders the harm caused by the offense, and compensate victims through restitution, while also serving as a diversion program for juvenile offenders. The program is operated through a partnership between a local community-based nonprofit and the juvenile court. The majority of youth who participate in the program are referred through the juvenile court or probation staff, while a small number of referrals are also received from prosecutors and law enforcement. Youth can be referred from any point in the juvenile justice process and the program accepts youth who commit any property offenses or minor assaults (OJP, n.d.h). Evaluation findings revealed generally positive outcomes. Youth offenders who participated in the program were significantly less likely to recidivate and were significantly more likely to complete their restitution obligation than those in the control group. Furthermore, mediation had a positive impact on both victims' and offenders' satisfaction with the juvenile justice system (Umbreit & Coates, 1992).

1.3.5 Multi-Strategy Initiatives

The Miami-Dade Juvenile Assessment Center National Demonstration Project (NDP) is designed to transform the front end of the juvenile justice system by improving screening, assessment, and intervention services provided by juvenile assessment centers (JACs) and similar centralized intake facilities. As part of the project, the JAC created the Post-Arrest Diversion (PAD) program, a post-arrest diversion program for first-time offenders charged with misdemeanors. Youth are brought to the JAC by the arresting officer who fingerprints the youth to check for prior arrests. Qualifying youth with no prior arrests are flagged for JAC staff, who then reach out to a parent or guardian. If the parent/guardian refuses to come or a suitable guardian cannot be reached, normal processing is resumed. Once a parent/guardian arrives, JAC staff provide a description of the PAD program and its requirements, which are mutually agreed upon by the State's Attorney's Office, the victim, and the arresting officer. If they agree to the terms, youth and their parent/guardian are then asked to sign a deferred prosecution agreement. Once admitted to the program, JAC staff conduct an in-depth evaluation and

develop a supervision and treatment plan. The program typically lasts for 60 days and involves case management and on-site follow-up with JAC staff, linkages to community service providers, and some form of sanction, such as restitution or community service (Cocozza et al., 2005).

Extensive evaluations of program effectiveness at reducing recidivism have been performed on several diversion models developed as part of the NDP. Research led by Dembo and colleagues suggests that a multi-pronged approach combining sanctions, restitution, and psychosocial interventions are more effective at preventing recidivism than intensive case management, monitoring, and sanction-only programs (Cocozza et al., 2005; Dembo, et al., 2007; Dembo, Wareham, & Schmeidler, 2005; Dembo, et al., 2005; Dembo et al., 2008; Waters et al., 2005).

1.3.6 Other Prevention and Diversion Initiatives

Although this report is primarily focused on DA-based juvenile diversion programs, other stakeholders, such as law enforcement and schools, have initiated their own juvenile diversion programs and strategies. This section describes several prevention and diversion initiatives undertaken by other key juvenile justice stakeholders.

LAW ENFORCEMENT CIVIL CITATION PROGRAMS

Police officers often represent youths' first contact with the juvenile justice system, and therefore play an important role in early diversion from system involvement. The law-enforcement based diversion programs discussed below highlight the ways in which multiple juvenile justice agencies and stakeholders can work in tandem to provide coordinated diversion programming for youth.

In 2011, the Florida legislature passed a law authorizing the improvement and expansion of juvenile civil citation programs that divert youth prior to arrest across the state (Fla. Stat. § 985.12). Youth who commit a first-time misdemeanor offense in Florida are eligible for a civil citation, which may be issued in the field by a law enforcement officer or at a Juvenile Assessment Center (JAC). The arrest paperwork is held as pending until the program is successfully completed, which may include up to 50 hours of community service, counseling, substance abuse and/or mental health treatment, letters of apology, and restitution among other conditions. In addition, all youth accepted into the program are required to receive an assessment of their needs and an individualized service plan to meet their needs. If the youth does not complete the program as agreed upon, the arrest paperwork is filed and the youth is formally processed through the court system. The Florida Department of Juvenile Justice stresses that in addition to the benefits this system provides to the youthful offender, the civil citation program saves the state roughly \$4,600 per case (Roberts, 2014). During Fiscal Year 2010-2011, the most recent year of complete data for Florida's civil citation program, 3,465 youth were released from the civil citation program, 2,745 (79%) of whom successfully completed the program. After one year, only 6% of those who completed the program had a new adjudication or conviction (Roberts, n.d.)

As part of a civil citation pilot program, a Nebraska statute passed in 2012 (Neb. Rev. Stat. § 43-248.02) authorized peace officers in the state to issue civil citations to youth who commit a misdemeanor offense. Peace officers must also submit a copy of the citation to the county attorney, JAC, and the youth's parent/guardian. Upon receipt of the citation, youth are then

required to report to a JAC where they may be assigned to participate in community service, family counseling, alcohol or drug testing, and mental health or substance abuse treatment.

TRUANCY PROGRAMS

Truancy represents the greatest proportion of status offenses petitioned for juvenile court processing (36%) nationally (Puzzanchera & Hockenberry, 2013) and is often viewed as a pathway to more serious offending. Several risk factors have been linked to truancy, including family issues (e.g., lack of parental supervision, domestic violence), school environment (e.g., school size and attitude of school staff), economic influences (e.g., single-parent homes), and student-level factors (e.g., mental health needs, substance abuse) (Baker, Sigmon, & Nugent, 2001). There are many different models for truancy reduction, including court, school, and community-based programs. According to a recent report issued by the Vera Institute of Justice (Salsich & Trone, 2013), school-based interventions can be especially effective. The report highlights a school-based truancy reduction program in Clark County, Washington where students who skip school are required to attend a truancy workshop to learn about the short- and long-term consequences of truancy and sign a statement promising to improve school attendance. Students who fail to meet the standards of the promise are enrolled in the Truancy Project. Project staff assess students' mental health needs, provide ongoing supervision and monitoring through home-visits and frequent follow-up, and connection to needed support services. Data show that truant youth referred to court dropped from 40% during the 2008 school year to 10% in 2011. Information related to a community-based approach is provided below.

West Valley Community Truancy Board (WVCTB)

The WVCTB was first developed in 1996 by the West Valley School District in Spokane County, Washington to help connect truant students with school, community, and court resources. The goal of the program is to promote school re-engagement and increased graduation rates. The program is operated through a collaborative network of community, school, and juvenile justice officials. Students who receive a filing of a stayed truancy petition by the school district are referred to the WVCTB. The board members, comprised of community, court, and school representatives, then review the student's history of academic performance and school attendance. Students and their parent/guardian are asked to participate in a CTB meeting where a meeting administrator provides an overview of potential court consequences if the student fails to meet school attendance standards; meeting participants discuss the potential barriers to regular school attendance (e.g., peer harassment, obligations to care for younger siblings); and members of the board engage students and their family in a discussion of resources and solutions to facilitate school attendance. The meeting concludes with recommendations issued by the board that are signed by the student, parent/guardian, and present board members. In 2007, WVCTB was selected to participate in the MacArthur Foundation's MFC initiative. As part of this initiative, the WVCTB program was able to expand services to include a court-based truancy specialist who is responsible for student follow-up and monitoring of student compliance with CTB recommendations. Early evaluation findings suggest that WVCTB is a promising strategy for combatting truancy. Moreover, the WVCTB model has been replicated in multiple school districts throughout the county (Spokane County Model for Change Project, n.d.).

1.3.7 Strategies for Successful Diversion Implementation

In order to develop diversion programs that are carried out in a fair, consistent, and effective manner, there are four principles of effective diversion programs that are supported by the literature (Cocozza et al., 2005). These include systematic and standardized **screening and assessment** of youth; **limiting the extent to which youth are processed through the juvenile justice system**; encouraging **family involvement** through the use of holistic, family-centered interventions; and **collaboration** among a wide network of community-based service providers and stakeholders. A guidebook⁵ for pre-adjudication diversion policies and practice developed by the MFC initiative in Pennsylvania (2010) also supports the need for long-term involvement, commitment, and support from key stakeholders, including juvenile courts, law enforcement, victim services, community-based service providers, and schools, and suggests that jurisdictions implementing diversion programs utilize formal written agreements with those entities providing services and/or referrals. Recognizing family involvement as a key element of diversion success, the guidebook notes that families should have access to information and resources that will help them make informed decisions and should be given opportunities to participate in decision-making related to their child's service plan. The guidebook also cautions against the potential for net-widening, a process by which diversion programs increase the number of youth processed formally through juvenile justice interventions, and recommends that diversion policies and protocols focus on those youth who would otherwise be formally adjudicated if not for an intervention. Guiding principles established by the MFC initiative's blueprint for juvenile justice reform also highlight the need for shared responsibility among youth, communities, and the juvenile justice system to hold youth responsible for their actions, safeguard the welfare of children and youth, and promote a healthy transition into adulthood (MacArthur Foundation, 2014).

1.4 Juvenile Justice in Massachusetts

In recent years, Massachusetts has experienced several landmark juvenile justice policy changes. Beginning in 2012, Massachusetts enacted significant reforms to the former Children in Need of Services (CHINS) law (M.G.L. c. 119), which seeks to prevent the criminalization of status offenses and encourage a coordinated community-based response. Additionally, in September of 2013, Massachusetts successfully passed the "Raise the Age" legislation, which increased the age of juvenile court jurisdiction from 17 to 18. This legislation means that 17-year olds can no longer be automatically processed as adults through the court system (Citizens for Juvenile Justice, n.d.). This change has been cited as improving the Commonwealth's ability to more effectively serve 17-year-olds who come in contact with the juvenile justice system in developmentally appropriate ways. The legislation has also brought Massachusetts in alignment with the majority of other states and the Federal Government that set 18 as the age of adult criminal jurisdiction (Office of the Child Advocate, 2014). Also in 2013, the Massachusetts Supreme Judicial Court addressed juvenile justice sentencing policies, most notably deciding in favor of the retroactive application of the U.S. Supreme Court's decision in *Miller v. Alabama* (567 U.S., 2012) and ruling that the imposition of life without parole sentences for juveniles is unconstitutional under the Massachusetts Constitution (*Diatchenko v. District Attorney for the Suffolk District & Others*, 466 Mass. 655, 2013; *Commonwealth v. Brown*, 466 Mass. 676, 2013).

⁵ A link to the guidebook can be found in Appendix E: Diversion Resources.

Consistent with national trends, Massachusetts has experienced a marked decline in the rate of juvenile arrests in recent years. Between 2003 and 2012, juvenile arrest rates declined by 48% in Massachusetts, compared to a 41% decline nationally (JJAC, 2014). Additionally, between 2007 and 2012, the number of juvenile detentions and arraignments also declined substantially in Massachusetts. Specifically, the number of arraignments decreased by 56%, while detentions decreased by 54% (Commonwealth of Massachusetts, 2014a). These downward trends in the use of secure detention have been due, in part, to programs such as the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI), which seeks to reduce the reliance on secure detention for juveniles and reduce racial disparities in the juvenile justice system (n.d.). In Massachusetts, JDAI is a statewide initiative led by the Department of Youth Services (DYS) in collaboration with judicial, probation, legal and law enforcement partners. The initiative was first implemented in two counties in 2006 and has since expanded to include local collaboratives in the six most populous counties (Commonwealth of Massachusetts, 2014d). According to the most recent data, between 2012 and 2013, JDAI has reduced the proportion of youth detained in secure facilities from 79% to 66% and increased the proportion of youth who are housed in alternative settings (i.e., community based foster homes and shelter care) from 21% in 2012 to 34% in 2013 (CfJJ, 2014).

In addition to these positive trends, a recent report released by Citizens for Juvenile Justice (CfJJ) (2014) highlights several promising programs in Massachusetts used to divert youth prior to arraignment. The report calls attention to the growing use of restorative justice programs as an alternative to arraignment and the positive impact on youth outcomes. In particular, 97% of participants of C4RJ, a restorative justice program based in Middlesex County (see callout box in section 3.2.1), have successfully completed the program, and both victims (92%) and offenders (83%) involved in the program reported high satisfaction with the process. Furthermore, program data shows that between 2000 and 2009, only 16% of participants were cited for a new offense following the completion of the program, compared to 18% for youth who participate in restorative justice programs nationally (Barbee, 2011). Another pretrial juvenile diversion program highlighted in the report is the Cambridge Safety Net Collaborative, a diversion program led by the Cambridge Police Department in close collaboration with Cambridge schools and other juvenile justice stakeholders. As part of the program, specially trained law enforcement officers work with certain first-time offenders and their families to develop an individualized Youth Service Plan based on a risk/needs assessment. Youth are also connected with an adolescent psychologist to ensure that their service plan addresses any mental health needs. If completed successfully, cases are not referred on for court processing. The program has been cited as not only reducing juvenile arrest rates, but also encouraging a culture of prevention and positive youth intervention (CfJJ, 2014).

At the state level, the JJAC, a State Advisory Group (SAG) established by the JJDP Act (Pub. L. No. 93-415, 42 U.S.C. § 5601 et seq.), helps to inform juvenile justice policy and delinquency prevention efforts. The JJAC is responsible for working with EOPSS to develop a statewide plan for juvenile justice and delinquency prevention efforts and directing federal grant funds toward programs, projects, and activities that seek to address identified issues in the Commonwealth. The JJAC also provides policy recommendations and guidance to relevant state agencies, the Governor, and the state legislature on strategies for meeting the goals laid out in the JJDP Act, including the deinstitutionalization of status offenders; reducing DMC; maintaining required levels of sight and sound separation between adults and juveniles held in the same detention facility; and removing juveniles from adult jails (Commonwealth of Massachusetts, 2014b; 2014c). Despite recent positive trends related to reducing youths' contact with the justice

system, the JJAC (2014) has identified several key areas for continued juvenile justice system improvement, including:

- Improving sight and sound separation in detention facilities, specifically court holding facilities;
- Reducing the overrepresentation of minority youth in the justice system;
- Improving the collection of juvenile justice data to better inform policy;
- Increasing the number of alternatives to secure detention;
- Recognizing and treating children and youth impacted by trauma;
- Reviewing and revising Massachusetts laws related to competence to stand trial in juvenile delinquency proceedings; and
- Increasing the number of evidence-based programs for at-risk and system-involved youth.

Recognizing the limited information available regarding pretrial juvenile diversion programs and practices operated by DAs' offices across the Commonwealth (e.g., program structure, eligibility criteria, decision-making processes, and services offered), the JJAC (2014) has identified the need to map existing programs and identify communities where programs serving at-risk and system-involved youth can be further enhanced. This assessment will begin to fill this gap by providing a snapshot of DA-based juvenile diversion programs and recommendations regarding the enhancement and wider use of model diversion practices.

2. Methodology

This section provides an overview of the assessment methodology. It begins with a description of project goals, followed by an overview of each phase of the scan of practice design.

2.1 Project Goals

The assessment was guided by two primary goals. The first was to document what pretrial juvenile diversion programs and practices currently exist in DAs' offices (formal and informal), major program elements, services provided, and gaps or barriers in diversion opportunities for juvenile defendants. Secondly, researchers sought to identify promising elements of juvenile diversion programs and provide recommendations for how DA-based diversion programs and practices can be improved and/or expanded without jeopardizing public safety. Ultimately, this assessment was geared toward improving services and supports for juvenile defendants by providing information to the field regarding the current state of practice for DA-based pretrial juvenile diversion programs and facilitating information sharing among DAs, their staff, and other juvenile justice stakeholders in Massachusetts.

2.2 Scan of Practice

In order to gain a better understanding of pretrial juvenile diversion practices within DAs' offices across the Commonwealth, this assessment included three primary tasks: (1) Background Review, (2) Literature Review, and (3) Key Informant Interviews. This assessment is largely descriptive in nature and is meant to provide an initial look at DA-based pretrial juvenile diversion practices in Massachusetts.

2.2.1 Background Review

The purpose of the background review was to inform the development of the interview protocol; provide the research team with important contextual information prior to the interviews; and reduce burden on interview respondents by ensuring that information was not requested during the interview that could be obtained through publicly available sources.

To carry out the background review, researchers conducted a systematic search of national, state, and local data sources to compile all relevant information, including the 2010 U.S Census reports; the 2012 Federal Bureau of Investigation's (FBI's) *Uniform Crime Report* (UCR); OJJDP's data tool for juvenile populations; Massachusetts Juvenile Court Department statistical reports; Massachusetts Department of Education statistical reports; and websites maintained by DAs' offices, sheriffs' departments, and municipal police departments. Each source was reviewed to capture the following information:

- Population demographics (counties' total population; population by race/ethnicity; median household income; percentage of persons below the poverty level; and foreign born population).
- Youth demographics (counties' total youth population ages 7-17, as well as population by race/ethnicity and sex).
- County government information (DA's Office, Public Defender's Office, and Sheriff's Department).

- County crime statistics (violent and property offenses).
- Juvenile court statistics (number of applications for complaints, delinquency cases,⁶ youthful offender indictments,⁷ adult cases, and juvenile court sessions).
- Public school data (public school districts, total enrollment in public schools, attendance data, and student characteristics, including the percentage of students who have a first language other than English and students who qualify as low income).
- DAs' diversion programming (description of diversion programming from DAs' office websites).
- Youth initiatives (other initiatives in the county targeting at-risk youth).

Once compiled, data for each county was entered into a standard profile template.

2.2.2 Literature Review

To set up the assessment, ICF conducted a literature review to provide a foundation of knowledge on juvenile justice trends in the United States, juvenile diversion philosophies, model diversion programs and strategies, and background information on juvenile justice in Massachusetts. To accomplish this, researchers conducted a systematic review of scholarly literature and agency web resources, such as OJJDP's *Model Programs Guide* and the MacArthur Foundation's *MFC Initiative*.

2.2.3 Key Informant Interviews

To better understand the landscape of DA-based pretrial juvenile diversion programs across the Commonwealth, researchers conducted semi-structured telephone interviews with staff from each of the 11 DA's offices who were most knowledgeable regarding juvenile diversion programs and practices within their office. The interviews were designed to collect detailed information on diversion programs and practices, including: key program elements (e.g., target population, eligibility criteria, and decision-making and referral protocols); services provided as part of the diversion program; perceived challenges and limitations; and offices' data collection practices.

The interview protocol⁸ was developed based on information gathered from the literature and document reviews, as well as feedback provided by ICF's internal subject matter experts and project partners. The protocol is semi-structured, with general questions followed by probes to elicit more information. The research team pilot tested the protocol with subject matter experts and project partners who assessed the protocol's readability and applicability.

The protocol was designed to collect information related to the following four constructs:

⁶ Delinquency cases may involve youth ages 7-17 who commit any Massachusetts offense, excluding murder. For juveniles adjudicated as delinquent for a misdemeanor or felony, the maximum penalty is Department of Youth Services (DYS) commitment to age 18.

⁷ Youthful offender indictment cases involve youth ages 14-17 charged with a felony offense meeting one or more of the following criteria: offense causing serious bodily injury, youth had a previous commitment to DHS, or the offense violates certain firearm statutes. Juveniles indicted as a youthful offender can be sentenced to DHS commitment to age 21; DHS commitment to age 21 with an adult suspended license; or any adult sentence allowed by law.

⁸ See Appendix B for the interview protocol.

- Background information
- Diversion programs and practices
 - Program history
 - Decision-making processes and procedures
 - Diversion interventions
 - Stakeholder perceptions
- Offices not practicing diversion
- Youth data collection⁹

Prior to conducting outreach to individual DA's offices, EOPSS sent a letter signed by the Secretary of Public Safety and Security to all DAs' offices, informing DAs about the assessment, describing the components, providing contact information for the research team, and encouraging their participation. Following the initial invitation letter, the research team conducted outreach to all DAs' offices to identify the most appropriate staff to participate in the interview (e.g., diversion staff, juvenile unit staff) and schedule a convenient time for the telephone interview. Over a two-month period, the research team conducted interviews with 14 participants, representing all 11 DAs' offices.¹⁰ Interview participants generally included DAs, Assistant District Attorneys (ADAs), diversion program staff, juvenile unit staff and attorneys, and other special programs staff. Figure 1 below provides an overview of interview participation by DA's office.

Figure 1: Participation in Key Informant Interviews by District Attorney's Office

| District Attorney's Office | County(ies) | Telephone Interviews | Follow-Up Data Survey |
|----------------------------|--------------------------------|----------------------|-----------------------|
| Berkshire | Berkshire | • | • |
| Bristol | Bristol | • | • |
| The Cape and the Islands | Barnstable, Dukes, & Nantucket | • | • |
| Essex | Essex | • | • |
| Hampden | Hampden | • | • |
| Middlesex | Middlesex | • | • |
| Norfolk | Norfolk | • | • |
| Northwestern | Franklin & Hampshire | • | • |
| Plymouth | Plymouth | • | • |
| Suffolk | Suffolk | • | • |
| Worcester | Worcester | • | • |

⁹ In order to minimize burden on interview participants, they were given the opportunity to answer questions related to their office's youth data collection practices over the phone or by completing a follow-up web survey.

¹⁰ There are a total of 11 DAs' offices in Massachusetts, representing 14 counties.

2.2.4 Data Analysis

ICF requested permission to record all interviews. The transcriptions from these recordings, as well as notes from interviews that were not recorded, were then input into PASW Statistics 18 database (SPSS)¹¹ and coded to extract key themes. Once coded, the interview data was analyzed using descriptive statistics (e.g., frequencies, averages).

3. Scan of Practice Findings

This section presents findings from the background review and key informant interviews.

3.1 Background Review

The following section provides a summary of information obtained through public sources on DA diversion programs and jurisdictional characteristics; therefore, this information may not align with the interview findings collected as part of this assessment (e.g., due to outdated website information) and should not be interpreted as being representative of DA diversion offerings but rather is meant to provide a snapshot of each jurisdiction.

Figure 2: Background Review Findings Overview

| | Berkshire | Bristol | The Cape & Islands | Essex | Hampden | Middlesex | Norfolk | Northwestern | Plymouth | Suffolk | Worcester |
|--|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|---------------------|-------------------|---------------------|
| District Demographics | | | | | | | | | | | |
| Total Population ¹² | 130,866 | 551,082 | 243,227 | 755,618 | 465,923 | 1,537,215 | 681,845 | 231,335 | 499,759 | 722,023 | 806,163 |
| Total Youth Population (Ages 7-17) ¹³ | 16,080 | 76,097 | 26,564 | 108,383 | 68,292 | 199,650 | 96,819 | 25,519 | 76,378 | 74,471 | 117,397 |
| District Crime Statistics¹⁴ | | | | | | | | | | | |
| Violent Crime Rate | 220.1 per 100,000 | 498.3 per 100,000 | 334.3 per 100,000 | 360.2 per 100,000 | 568.3 per 100,000 | 202.5 per 100,000 | 178.3 per 100,000 | 175.1 per 100,000 | 348.6 per 100,000 | 864.2 per 100,000 | 392.1 per 100,000 |
| Property Crime Rate | 1,345.7 per 100,000 | 2,220.4 per 100,000 | 2,183.1 per 100,000 | 1,762.9 per 100,000 | 3,228.7 per 100,000 | 1,499.9 per 100,000 | 1,295.9 per 100,000 | 1,065.6 per 100,000 | 1,658.4 per 100,000 | 2,930 per 100,000 | 1,842.7 per 100,000 |
| Juvenile Court Statistics^{15 16} | | | | | | | | | | | |

¹¹ PASW Statistics 18 is a statistical database used for quantitative data analysis.

¹² The census population estimate of each judicial district for 2012. U.S. Census Bureau. (2012). *American FactFinder fact sheets*. Retrieved from http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml#none.

¹³ Puzzanchera, C., Sladky, A. & Kang, W. (2013). *Easy access to juvenile populations: 1990-2012*. Retrieved from <http://www.ojdp.gov/ojstatbb/ezapop/>.

¹⁴ FBI Uniform Crime Reporting Statistics. (2012). *UCR data online*. Retrieved from <http://www.ucrdatatool.gov/Search/Crime/Local/RunCrimeOneYearofData.cfm>.

¹⁵ Commonwealth of Massachusetts. (2014). *Juvenile courts by county*. Retrieved from <http://www.mass.gov/courts/court-info/trial-court/juv/jc-by-county-gen.html>.

¹⁶ Commonwealth of Massachusetts. (2014). *Fiscal year 2013 juvenile court department statistics*. Retrieved from <http://www.mass.gov/courts/docs/courts-and-judges/courts/juvenile-court/jc-2013stats.pdf>.

Figure 2: Background Review Findings Overview

| | Berkshire | Bristol | The Cape & Islands | Essex | Hampden | Middlesex | Norfolk | Northwestern | Plymouth | Suffolk | Worcester |
|---|-----------|---------|--------------------|---------|---------|-----------|---------|--------------|----------|---------|-----------|
| Juvenile Courts | 1 | 4 | 5 | 4 | 3 | 4 | 2 | 4 | 3 | 4 | 4 |
| Application for Complaint* | 269 | 1,098 | 445 | 1,384 | 1,101 | 1,044 | 732 | 294 | 464 | 924 | 1,592 |
| Delinquency Cases* | 193 | 912 | 193 | 1,151 | 1,089 | 911 | 476 | 219 | 381 | 874 | 1,041 |
| Youthful Offender Indictments* | 2 | 20 | 0 | 9 | 11 | 6 | 9 | 20 | 5 | 17 | 3 |
| Adult Cases* | 14 | 32 | 2 | 16 | 13 | 34 | 11 | 5 | 5 | 19 | 102 |
| Public School Statistics¹⁷ | | | | | | | | | | | |
| Public School Districts | 18 | 24 | 22 | 32 | 14 | 58 | 34 | 35 | 29 | 4 | 53 |
| Total Enrollment | 16,729 | 81,117 | 27,998 | 110,781 | 69,850 | 208,342 | 100,966 | 27,927 | 79,888 | 69,628 | 127,544 |
| % Speak English as a Second Language | 3.5% | 10.0% | 6.2% | 22.5% | 18.9% | 18.3% | 11.1% | 5.1% | 8.2% | 48.0% | 15.1% |
| % Meeting Low Income Qualification | 41.7% | 40.7% | 28.2% | 40.1% | 58.6% | 25.7% | 19.0% | 32.4% | 29.9% | 72.5% | 35.8% |
| Juvenile Diversion and Youth Programming | | | | | | | | | | | |
| DA Diversion Program | | • | • | • | • | • | • | • | • | | • |
| Other County Youth Initiative | • | • | • | • | | • | • | • | • | • | • |

*As of fiscal year 2013, complaints for delinquency, adult cases, and indictments for youthful offender cases now include one or more charges/indictments and are assigned one docket number.

¹⁷ Massachusetts Department of Elementary and Secondary Education (n.d.). Retrieved from <http://profiles.doe.mass.edu/search/map.aspx>.

3.2 Key Informant Interviews

In order to develop a more comprehensive and in-depth understanding of DA-based pretrial juvenile diversion programs and practices across the Commonwealth, researchers conducted semi-structured telephone interviews with staff from each of the 11 DA's offices who were most knowledgeable regarding juvenile diversion. This section begins with a description of diversion programming implementation and structure. It then describes the varying diversion processes, from the original decision to divert to case monitoring and program completion. The section concludes with a discussion of stakeholder experiences with and perceptions of diversion programming; the perceived goals of offices' diversion programs; challenges and barriers to diversion; and the strengths of offices' diversion programs. For information on the components of DAs' diversion programs, refer to Appendix C.

3.2.1 Diversion Programs and Practices

Of the 11 participating DAs' offices, 10 indicated that their office uses diversion for juvenile defendants in some capacity (informal or formal) and one office specified that they do not use diversion (see section 3.2.3 for additional information).

The following section describes diversion programming across the 10 offices that reported using diversion.

PROGRAM IMPLEMENTATION AND STRUCTURE

The impetus for implementing a diversion program varied by office, with many respondents indicating that the program was an initiative spearheaded by office leadership, while others noted that the implementation of diversion programming in neighboring jurisdictions was a motivating factor. In addition, the primary reasons listed for implementing a diversion program include: preventing deeper system involvement (i.e., offering juvenile defendants a second chance); concentrating resources (e.g., staff time, funding) on more serious cases; providing educational opportunities for youth; lowering the recidivism rate; and reducing court costs. One office also noted that their diversion program was implemented, in part, to promote standard practices and ensure that diversion opportunities were offered consistently across their jurisdiction. In nine of the offices, respondents indicated that their office looked to neighboring jurisdictions and/or established best practices as a model for developing their program. Many of these offices also reported exchanging information, sharing existing diversion materials (e.g., diversion contract, procedural manuals), and in some cases, traveling to neighboring jurisdictions to meet with diversion staff.

"We are very focused on improving outcomes for young people."

In regards to funding, nine of the offices reported receiving funding for program operation at the local, state, or federal levels (e.g., grants, line item in office budget) at some point in their program's history. Eight of these offices fund their diversion program at least in part through the DA's budget, while three offices receive state and/or federal funding, and two offices receive other funding (e.g., other non-government grants). Seven of the offices also reported that their program uses dedicated diversion staff,¹⁸ such as diversion case managers, program specialists, or other juvenile justice staff, to run the program. These staff are generally

¹⁸ DA staff, such as case workers and diversion specialists, whose primary role within their office is to oversee juvenile diversion programming, including identifying eligible youth, conducting diversion intake procedures, collaborating with key stakeholders, providing support and planning assistance for diverted youth, and monitoring youth compliance with diversion conditions.

responsible for working with ADAs to identify youth eligible for diversion; conduct intake procedures with youth and their families; connect youth to available services and programs in the community; and monitor program compliance. In addition, seven offices rely on formal written policies and procedures to guide the operation of their program. Key components of offices' policies include:

- Eligibility criteria;
- Intake procedures;
- Guidelines for referral sources (e.g., law enforcement, schools);
- Diversion conditions (e.g., voluntary program, no new offenses); and
- Diversion decision-making procedures.

For the remaining three offices that do not employ formal written policies, two indicated that they use less formal standards and guidelines for making diversion decisions. According to one interview respondent, institutionalized collaborative practices among ADAs in the juvenile unit, law enforcement, clerk magistrates, and defense attorneys guide diversion decision-making within their jurisdiction, whereby the decision to divert is largely left to the discretion of ADAs assigned to juvenile court.

DIVERSION PROCESS

All offices reported routinely using diversion prior to arraignment; however, four offices indicated that diversion may also occur during the pre-complaint stage in cases where youth are referred directly by law enforcement or a clerk magistrate to the DA's office. In addition, three offices reported that, while not as common, diversion may also be used post-arraignment on a case-by-case basis.

The overall goal expressed by many respondents was the importance of safeguarding youth from arraignment and ensuring that they do not obtain a criminal record. As one respondent stated, "The arraignment is important because it is really the only carrot we have to offer...so what we are trying to do is preserve the record because we know it can be damaging for future endeavors."

As illustrated in Figure 3 below, the most common diversion eligibility criteria include offense type, age, and criminal history, while many offices also consider whether or not youth accept responsibility for the offense and their willingness to cooperate and successfully complete diversion programming. All offices reported offense type as a key consideration. Most offices accept low-level offenses that do not pose a significant public safety risk, with some exceptions based on the entirety of the case. In addition, rather than outlining eligible offenses, many offices identified types of offenses that were excluded from diversion. The most common exclusions include cases involving: sexual offenses, serious bodily injury/violent offenses, assault/battery, firearms, drug distribution, drunk driving, gang activity, and motor vehicle offenses. One respondent stated that their office is trying to do what is just in recognizing that "kids sometimes make poor decisions. Instead of punishing them and giving [them a] record that will affect their lives forever, [we] want to provide education to them through our diversion programs and make it a teachable moment."

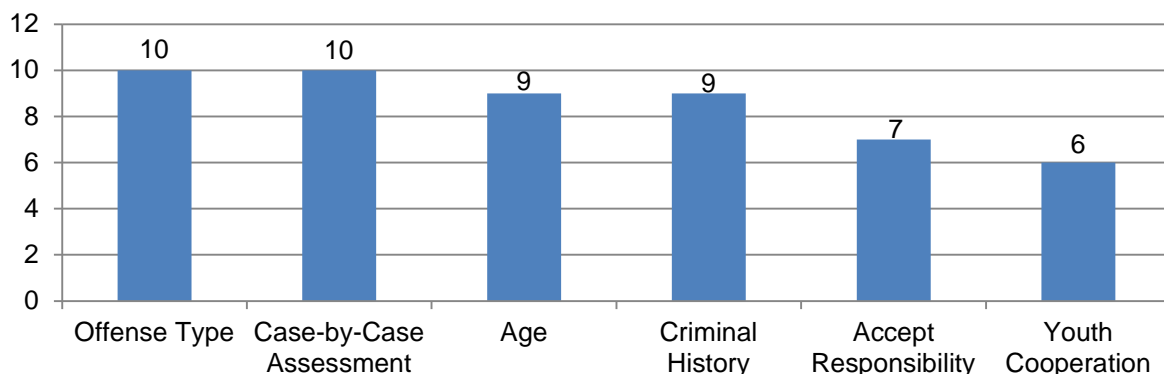
In regards to criminal history, all offices using this criterion indicated that their program is targeted for first time offenders; however, some offices exhibited more flexibility than others in interpreting this criterion. For example, some offices look not only at previous delinquency charges, but also review any prior contact with law enforcement or the courts (e.g., dismissals, cases continued without a finding) as potential conditions for ineligibility. On the other hand, a few offices indicated that while it is preferable to admit youth with no prior record, they will consider youth with minor records. In addition, two offices reported that, on occasion, they will accept youth who previously participated in diversion.

One respondent discussed the philosophical dilemma that often presents itself when determining eligibility criteria for juvenile diversion, stating:

"Originally, only juveniles charged with certain minor misdemeanors were eligible for the diversion program. As we grew and developed, we expanded the eligibility criteria to include more misdemeanor crimes as well as various felonies. We fully recognize that diversion eligibility needs to be based not only on the criminal conduct in question, but also on an assessment of the juveniles themselves and in view of their particular background and circumstances. I love the concept of the program."

Most offices also noted age as a factor in diversion decisions, with most of these accepting youth ages 7-18. While age was not the most important factor for most offices, age proved to be prohibitive for some diversion conditions (e.g., community service) (see additional information under *Diversion Interventions* below). Finally, some offices stressed the importance of youths' acceptance of responsibility for the crime, as well as their perceived level of cooperation and willingness to engage in the program as important considerations for diversion eligibility. In light of eligibility requirements that may compel youth to disclose case information or admit guilt, it is important to note that the majority of offices reported that any such information disclosed as part of the diversion program cannot be used as evidence against diverted youth should their case be adjudicated. In addition to these formal eligibility criteria, ten offices indicated that, to varying degrees, they examine each diversion referral on a case-by-case basis to weigh all the circumstances surrounding the case before making a decision.

Figure 3: Diversion Eligibility Criteria (n=10)*



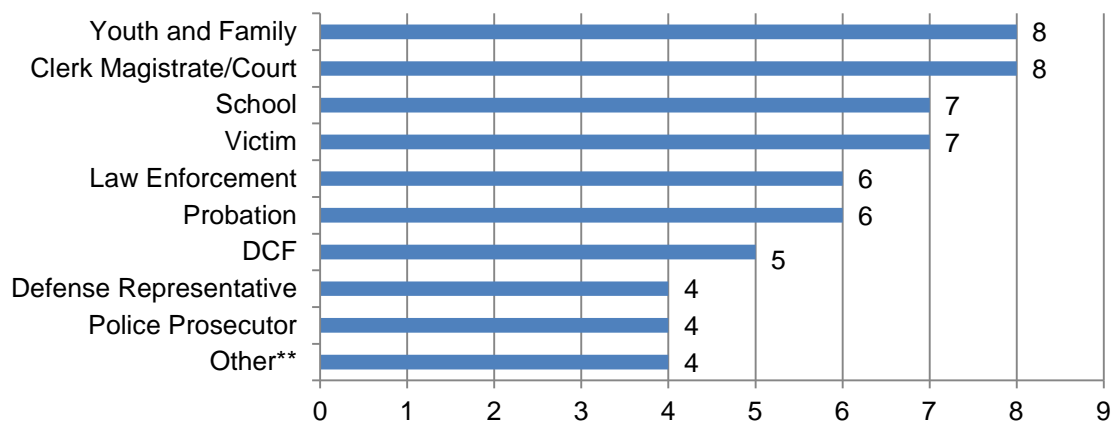
*Some offices reported multiple response categories.

Once youth are referred to the program, offices employ similar intake and decision-making processes. In most cases, youth are summoned into court, giving ADAs and diversion staff an opportunity to review the case (e.g., police report, background check) prior to the court hearing. In one jurisdiction, diversion case workers participate in the clerk magistrate hearing where all parties, including the defendant, case worker, law enforcement officer, and clerk magistrate, discuss the facts of the case and make a joint determination regarding diversion. Typically,

however, DAs' offices do not become aware of eligible youth until a complaint has been issued. In one jurisdiction, the lag time between a summons and the court appearance is used to hold a diversion meeting in which DA staff discuss the types of cases, potential sanctions, available resources, and ultimately make diversion decisions based on a team assessment of the case.

Although ADAs within the juvenile courts are typically responsible for making the final diversion decision, the decision to divert youth was described by many offices as a collaborative process among key agencies and stakeholders. Stakeholders most commonly involved in the diversion process (e.g., making referrals, providing input) include: youth and their families, clerk magistrates, school personnel (e.g., school administrators, school resource officers), victims, law enforcement, probation, Department of Children and Families (DCF) case workers, defense representatives, and police prosecutors (see Figure 4).

Figure 4: Stakeholder Involvement in Diversion (n=9)*



*Some offices reported multiple response categories.

**"Other" responses include: community service sites, counseling agencies, victim advocates, and other social service agencies.

In most instances, interview respondents conduct the initial meeting/intake with youth and their parent/guardian just prior to arraignment. One respondent noted that, where possible, he prefers to shield youth from ever stepping into the courtroom. In a typical diversion intake meeting, DA diversion staff sit down with youth and their parent/guardian to discuss the conditions of diversion; assess the needs of the youth and their family; develop an individualized diversion plan; and sign a diversion contract. Two offices conduct a separate intake with parents in order to obtain additional information on the youth and family separate from that reported by the youth. One office also discussed the importance of collecting detailed information from youth in order to build rapport. Their office's intake questionnaire collects information related to: school (e.g., favorite class, favorite teacher, grades, school discipline); youths' employment; family information (e.g., divorce, legal guardianship, siblings); past court involvement, past involvement with social services, and counseling among others. In addition, two offices use a screening tool as part of the intake process. The tools employed by these offices are used to assess depression, alcohol or drug use, and the need for programming to address fire setting behavior. Two offices refer youth to a community-based provider for a counseling assessment on a case-by-case basis to assess whether counseling is needed, while one office has made community-based counseling assessments a requirement of all youth accepted into the diversion program.

Eight of the offices use a diversion contract to formalize the agreement between youth and their office. Many of the diversion contracts include information related to: program requirements (e.g., youth will not commit other offenses); any specific conditions for the case; program length; and conditions for termination of diversion. Seven offices also reported that under the terms of their diversion contract, any information youth disclose to personnel during their participation in the program cannot be used as evidence against them should their case be adjudicated. Those offices that do not include such a provision in their contract or do not have a diversion contract, also noted the importance of abiding by these standards of practice. This was viewed by many respondents as an essential component of the diversion program for ensuring that youth received the full benefit of diversion programming.

DIVERSION INTERVENTIONS AND CONDITIONS

Most diversion programs last between three to six months, with three offices reporting that their program length varies depending on the case. Most offices also reported that they will often extend diversion beyond the original contract period on an as-needed basis.

Although most respondents indicated that diversion plans are unique to each youth, the most common conditions used include: community service; essays or apology letters; educational programming; counseling; referrals to special diversion programs (e.g., youth court),¹⁹ restitution; abiding by school and home rules, and accepting responsibility (see Figure 5). Four offices also use drug and alcohol screenings as conditions of their diversion program.

Community service was reported by all offices as a core condition of their diversion program. Many offices described working with youth on an individual basis to identify community service opportunities that would be most meaningful and enriching to the youth. In some instances, respondents discussed age barriers to community service in which youth under a certain age could not participate in unsupervised community service; however, in these cases, some offices use their own staff to supervise youth engaged in community service, while others found service opportunities in alternative settings that offer supervision, such as working with a neighbor or local church, or completing a school project.

Youth are also frequently asked to write an essay or a letter of apology, with essay topics ranging from discussing career goals and what

PROGRAM HIGHLIGHT Middlesex County Restorative Justice

As part of its juvenile diversion program, the Middlesex DA's office coordinates varying programs and services with a range of community-based providers and juvenile justice stakeholders, one of which includes the Juvenile Court Restorative Justice Diversion (JCRJD) program (n.d.). JCRJD is a community-based restorative justice diversion program designed to shield youth from the court process, empower impacted parties, address the underlying causes of violence, and heal communities affected by crime. JCRJD works with the offending youth, the victim(s), members of the community, and other identified stakeholders, such as law enforcement, to conduct restorative justice practices. While the size, composition, and structure of these practices vary, the ultimate goal is to provide a space for the responsible party to make amends with the victim(s), community, and themselves. JCRJD was initially piloted in the Lowell juvenile court session, but has since expanded services countywide. In addition to JCRJD, the DA's office also works with Communities for Restorative Justice (C4RJ) (2014), a nonprofit partnership between community members and law enforcement to provide restorative justice opportunities. C4RJ holds restorative justice circles to discuss the offense and its impact and agree upon appropriate sanctions. The program is currently offered in 13 communities across the county.

¹⁹ These are programs for diverted youth provided by a range of organizations, such as community-based organizations, social service agencies, law enforcement, schools, courts, and other juvenile justice agencies, that oftentimes target specific subpopulations of youthful offenders (e.g., fire setting behavior).

youth learned through their experience with the justice system to how their actions affect the community, their family, and themselves. The most commonly cited educational program used by DAs' offices was 3rd Millennium Classrooms (2014),²⁰ which offers evidence-based online education courses on alcohol, marijuana, and shoplifting for court-involved youth, as well as an alcohol and drug awareness course for parents. In addition to online educational programs, offices also reported connecting youth to after-school tutoring and assistance, GED programs, and providing connections with college or technical programs.

Eight of the offices use counseling as a condition of diversion. In many cases, youth are either referred to counseling or instructed to continue with existing counseling services. As noted previously, three offices refer youth to a community-based provider for a counseling assessment; however, only one office instituted counseling assessments as a formalized requirement for all youth accepted into the diversion program. One respondent noted that long waiting lists to see a counselor can be a barrier to service provision for youth, although a few respondents noted that the MassHealth program²¹ has improved access to community-based counseling services, as well as other needed services and educational programs for youth and their families

Many of the offices refer youth to special diversion programs provided by community-based organizations, social service agencies, law enforcement, schools, courts, and other juvenile justice agencies. Nearly half of the offices referring to special programs cited the Salvation Army's *Bridging the Gap Program*.²² Bridging the Gap is a program targeted for court-involved or at-risk youth ages 12-17 that provides life-skills training for youth on topics related to dealing with peer pressure, anger management, job seeking and financial planning, and the effects of drugs and alcohol among others. The program seeks to prevent future offending and is currently available in 13 communities across the Commonwealth where there is an identified need for alternatives to violent and risky behavior for youth (The Salvation Army, 2014). Several of the special diversion programs cited focused on fire setting or risky driving behavior, substance abuse treatment and education, and mental health services. Other programs include the use of youth courts and restorative justice programs (see text boxes above for descriptions). According to one respondent, youth court has not only provided an important alternative to arraignment for more serious youth offenses, but has also provided youth with access to restorative justice programming that would otherwise not be

PROGRAM HIGHLIGHT Bristol County Youth Court

There are two youth courts operated in Bristol County in the cities of New Bedford and Fall River. The New Bedford youth court was implemented in 2002 and is held in a student-constructed courtroom located in a vocational high school. The Fall River youth court was established in 2009 and is held in the Fall River Police Station. Both youth courts are structured so that an adult, typically a volunteer ADA, serves as the judge, while local youth carry out the proceedings as attorneys, bailiff, and jurors. The youth courts are targeted toward higher level youth offenses (e.g., breaking and entering, shoplifting, assault) that would otherwise be adjudicated. Because youth court is based on the restorative justice model, the sanctions are often focused on repairing the harm done to the victim, the community, and the youth and their families. Sanctions often include community service, letters of apology, and other activities unique to the offense and the individual. The youth courts in Bristol County serve as a unique alternative to formal juvenile justice involvement and cases are often referred by the DA's office, law enforcement, and school resource officers within the county, meaning that diversion can often happen before a complaint is ever issued.

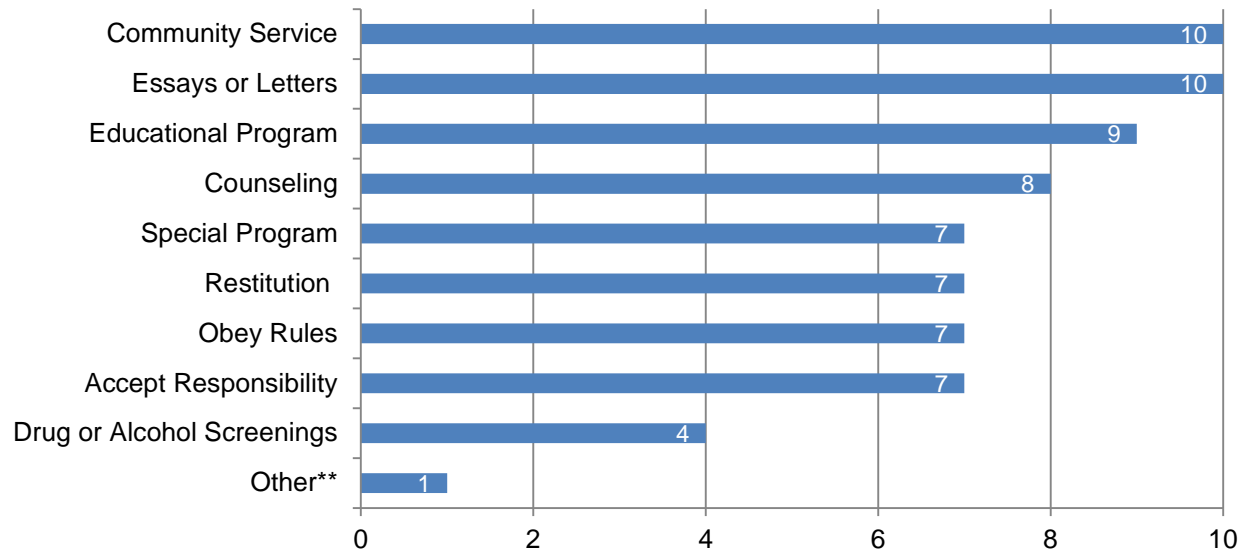
²⁰ See Appendix E for a web link to this resource.

²¹ MassHealth is a public health insurance program operated by the Commonwealth of Massachusetts for low- and medium-income residents.

²² See Appendix E for a web link to this program.

available due to limited resources.

Figure 5: Diversion Conditions (n=10)*



*Some offices reported multiple response categories.

***"Other" responses include: providing access to job or career training, and DCF and DMH programs and supports.

Diversion services are most frequently delivered through community-based organizations; although, some diversion services are provided through schools, the juvenile courts, DAs' offices, and law enforcement. In regards to connecting youth to programs and services within the community (e.g., community service opportunities, counseling), most of the offices use informal referral mechanisms, often providing youth and their families with a list of available resources in the community. About half of the offices have MOUs in place with at least some of the providers and programs in their community that they work with most frequently. In most cases, respondents expressed having a strong collaborative relationship with community-based organizations, social service agencies, law enforcement, the courts, and other stakeholder groups.

PROGRAM MONITORING

In regards to monitoring program progress and compliance, practices varied among the DAs' offices. Many respondents reported coordinating directly with community-based organizations and other stakeholders, such as DCF case workers, to ensure youth compliance, while others noted that open communication with youth and their families helped them to stay informed regarding youth progress and guide them through the diversion requirements. At a minimum, many offices receive written confirmation and/or reports from community-based organizations on youths' performance. A few offices have created more formalized timelines and reporting mechanisms to ensure that youth complete certain requirements at designated time points in order to stay on track. Interview respondents in these

"It is the responsibility of the case worker to make sure that these [conditions] are done in a timely way but it's not black and white. It's not hard and fast...One thing that is automatic would be a new offense while they're in diversion. That would probably be the most black and white that I could cite. Other than that, there is flexibility built in because there is a kind of relationship that the case worker has with these kids."

offices noted that the timeline helped to create more structure for youth so that they do not wait until the last minute to complete their requirements. One respondent also reported having monthly check-in calls with each diversion participant to discuss how the program is going.

In relation to program termination, the majority of respondents indicated that for youth who do not comply with the diversion conditions, they try to afford youth some leeway to become compliant. In some cases, youth run into practical barriers to completing their diversion requirements, such as long waiting lists for counseling services or family issues that arise. Not surprisingly, all offices reported that obtaining a new offense typically results in an automatic termination from the diversion program. Aside from obtaining a new offense, however, the majority of offices address program termination decisions on a case-by-case basis, usually expressing program termination as a last resort.

3.2.2 Stakeholder Perceptions

Interview respondents were asked to provide feedback regarding their experiences with and perceptions of juvenile diversion within their jurisdiction. There was wide agreement among interview respondents that there is adequate support for juvenile diversion among the local judiciary and leadership within the DAs' offices. Respondents reported relatively high satisfaction with juvenile diversion programs and practices within their office, as well as their jurisdiction as a whole. Respondents also generally agreed that there is adequate collaboration and coordination among youth-serving organizations/agencies within their jurisdiction; however, lower ratings on this item indicate that there may be room for increased interagency collaboration and coordination to better serve youth involved in diversion.

MISSION AND GOALS

The most common goals of diversion programs reported across all offices was preventing youth from obtaining a criminal record, followed by the prevention of future offending. Relatedly, many interview respondents also expressed a desire to safeguard youth from deeper involvement in the juvenile justice system, while also holding them accountable for their actions. A few respondents also noted the hope that diversion would improve youth outcomes by increasing their access to needed services and supports, such as education, career training, and counseling. Finally, a few offices also noted that diversion allows their staff and the courts to conserve resources and focus on cases involving more serious offenses.

CHALLENGES AND BARRIERS

Interview respondents discussed a range of challenges in operating their offices' diversion programs, which include:

- Limited resources (e.g., staff, funding);
- Transportation for youth to access community programs and services;
- Lack of program intensity;
- Short program length;
- Issues that arise within the family or the home (e.g., lack of parental support, divorce);

"The challenge can be the circumstances from which a child is coming. Their home situation, their vulnerability as far as mental health issues, educational issues, drug and alcohol issues, and the short period of time that we serve them. And the nature of the program is that it's not as intense supervision as it might be with an active probation, which is good and bad. For some kids it's great."

- Resistance to change among key stakeholders;
- Youth with needs beyond the capacity of available services (e.g., mental health needs, education, substance abuse issues);
- Lack of sufficient coordination among key stakeholders to create a safety net for court-involved and at-risk youth; and
- Lack of program awareness among key stakeholders.

PROGRAM STRENGTHS

The program strengths described by many of the offices mirrored the diversion program goals expressed by respondents. The more common strengths discussed include:

- Standardization of diversion practices across the jurisdiction (i.e., fair, transparent, and consistent);
- Reducing recidivism;
- Improving youth outcomes through greater access to services and supports;
- Providing youth with a second chance; and
- Holding youth accountable for their actions while preventing the negative impacts of court-involvement.

3.2.3 Other Diversion Practices

In addition to DA-based pretrial juvenile diversion programs, there is often diversion that may occur prior to arraignment by other stakeholders, such as law enforcement and clerk magistrates. For example, rather than arresting youth and referring them to court, officers may instead choose to notify the parents or issue a warning. When asked whether youth in their jurisdiction are diverted by law enforcement before coming to the attention of the court, four of the offices reported that law enforcement does divert youth; however, only one respondent indicated that law enforcement diversion was formal in nature. In most cases, DAs' offices appear to be leading the more formalized diversion efforts in their jurisdictions, with many respondents noting that law enforcement will often make diversion recommendations and/or referrals directly to the DA's office.

One DA's office indicated that while their office does not use diversion for juvenile defendants; informal diversion is being practiced in the jurisdiction through a coordinated effort between law enforcement and the courts. Pre-complaint diversion has been informally operated among law enforcement (typically

"And sometimes when you set up a [formal] program like that, all [of] a sudden you lose a lot of what you had before. Great I have the statistics, but I don't have the real feeling for this now. Then people start to let the program take care of itself. I want the police thinking about these things."

police chiefs) and the courts (typically clerk magistrates) for decades, whereby the DA's office and probation are generally not involved in the diversion process. Although practices vary across the jurisdiction, in a typical diversion case, the police chief and clerk magistrate will collectively decide to put certain low-level cases on hold for six months to one year. During that

time youth are required to stay out of trouble and participate in some form of community programming, such as community service. Although it is recognized that formal diversion programs allow for greater consistency in diversion practices and more systematic data collection, among other benefits, informal diversion was also noted as fostering natural stakeholder collaboration and investment in youth diversion. Another respondent discussed the benefits of informal diversion among juvenile justice stakeholders, stating, “I wouldn’t want to have the program unless everyone else was fully invested in it...it’s only [going to] work if people do it for the right reasons, not because they are dragged into it. Right now that’s the way it is operating. People are doing it for the right reasons.”

3.3 Data Collection Practices

At the conclusion of the interview, interview respondents were asked to list the types of data their office collects related to court-involved youth and diversion programming. The following section describes the data collection practices across all 11 offices.

3.3.1 Data Collection on Court-Involved Youth

Across all 11 DAs’ offices, the most common data consistently collected on court-involved youth includes gender, age, residence information (e.g., city/town, zip code), and criminal history (see Figure 6). Roughly half of the offices collect data on personal or family history (e.g., prior involvement with social services), school history, such as discipline and attendance records, and victim information (e.g., race of victim). In regards to other demographic data, only four offices collect information on language (e.g., languages other than English spoken in the home). None of the offices collect information on family income or citizenship status. Five offices reported collecting some type of race/ethnicity data. Most of the data collected on court-involved youth was obtained through law enforcement agencies, followed by self-reports from youth and their families. In addition, several offices reported collecting data from courts, schools, probation, and internally through the DA’s office, while a few also obtain data from DCF and community-based service providers.

Figure 6: Data Collection on Youth Demographics and History (n=11)

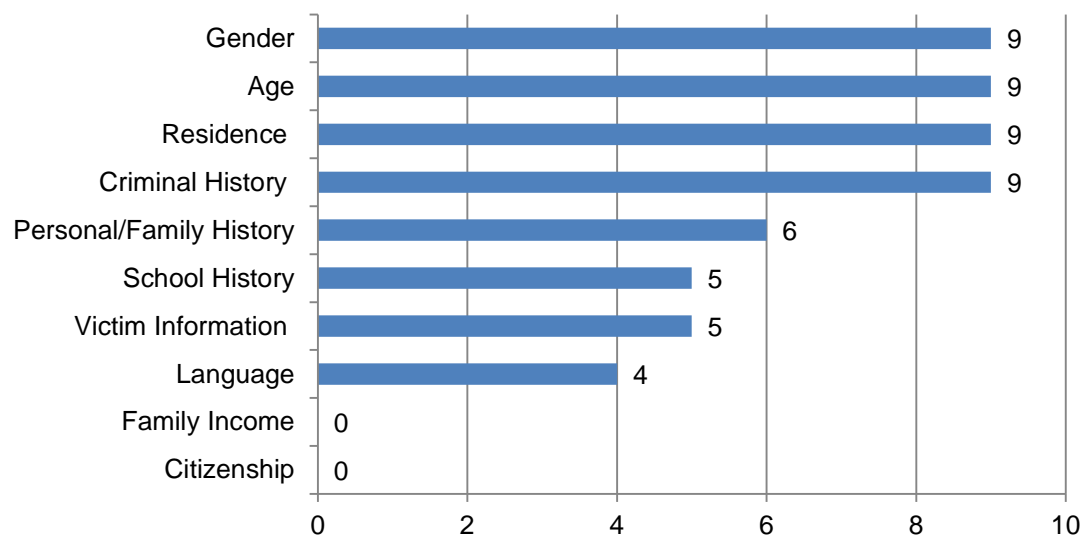
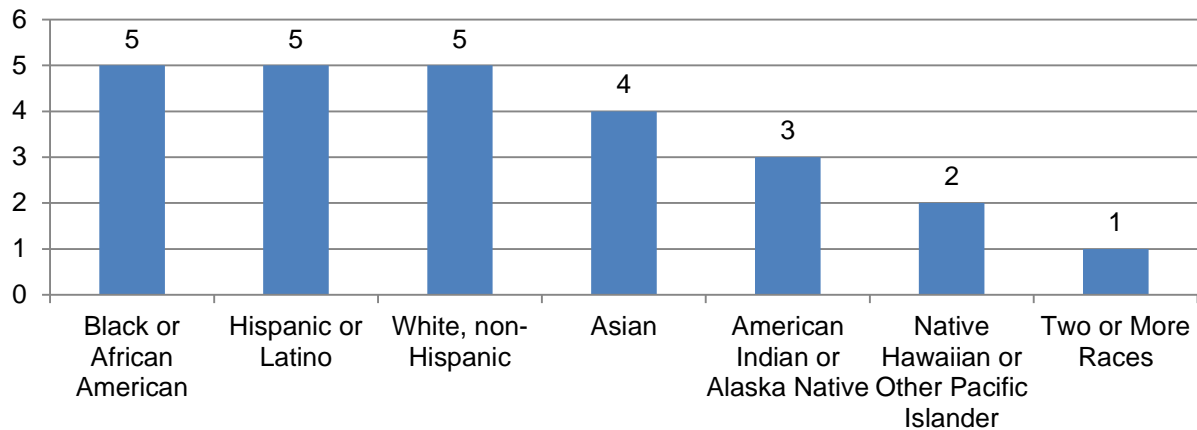
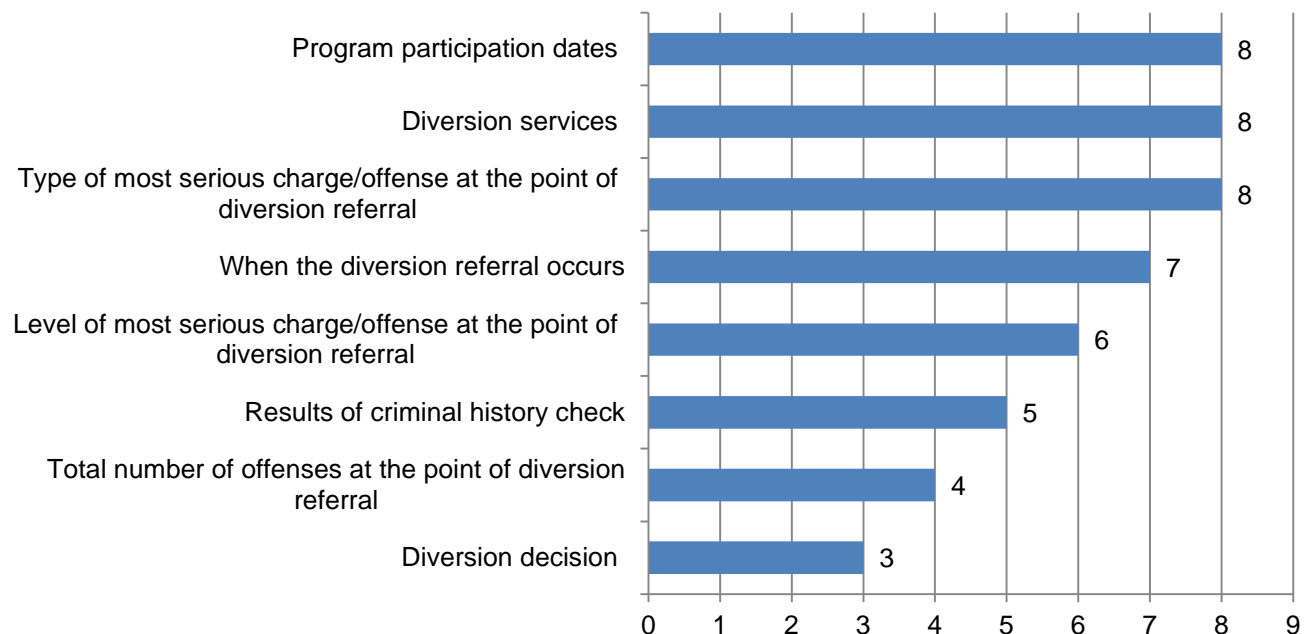


Figure 7: Data Collection on Race/Ethnicity (n=11)


As illustrated in Figure 8 below, most of the offices using diversion track data on program participation dates (e.g., dates of entry and exit from the program); diversion services, such as youths' compliance with diversion conditions and information on services received (e.g., counseling, youth compliance); the most serious charge/offense at the point of diversion referral (e.g., property, person); and when the diversion referral occurs (e.g., pre-arraignment, post-arraignment). Seven of the offices collect information on the level of the most serious charge/offense (e.g., misdemeanor) and six track the results of the criminal background check.²³ A few offices also reported tracking the total number of offenses at the point of diversion referral and the diversion decision (i.e., whether the office accepts or rejects).

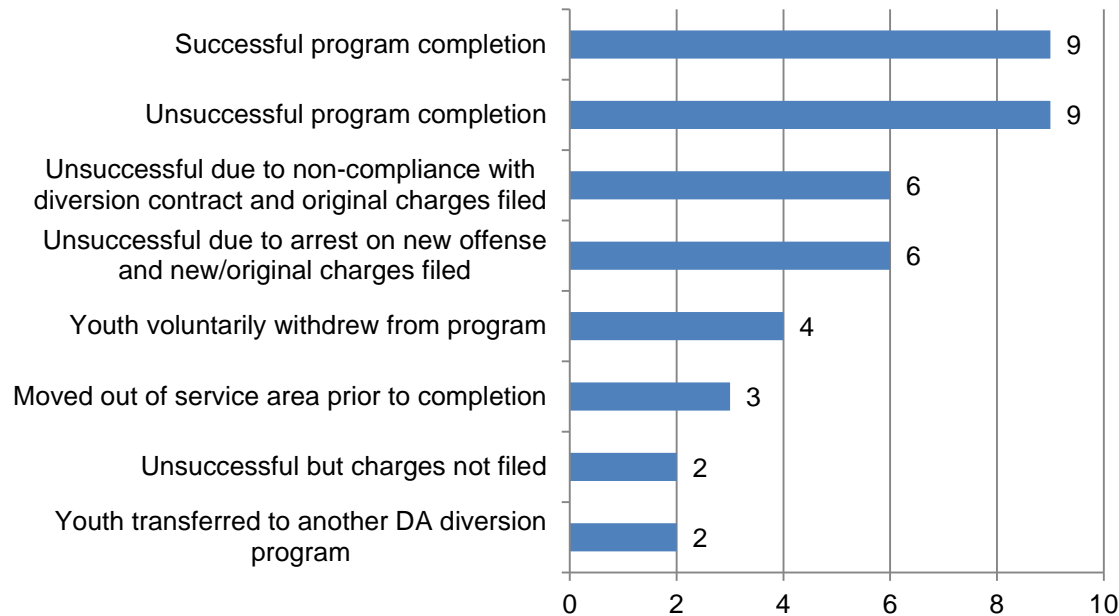
Figure 8: Data Collection on Diversion Programming (n=10)*


*The listed sample size represents the number of respondents who completed at least one item; individual sample sizes for each item varied from 9 to 10.

²³ Criminal background checks include a review of the Court Activity Record Information (CARI) and Criminal Offender Record Information (CORI) systems.

In regards to tracking program exit status, most of the offices track whether the youth successfully or unsuccessfully exited the program; however, few offices tend to capture more detailed information related to why a youth may have unsuccessfully exited the program, such as termination based on a new arrest (see Figure 9 below).

Figure 9: Data Collection on Youth Exit Status (n=10)*



*The listed sample size represents the number of respondents who completed at least one item; individual sample sizes for each item varied from 9 to 10.

Due to the nature of tracking youth compliance with diversion conditions, offices most frequently capture diversion programming information through self-reports from youth and their families and from community-based service providers. Several offices also collect information from schools, law enforcement, internally through the DA's office, and courts, while a few offices also collect information from DCF. Only one office reported collecting diversion programming data through probation.

4. Discussion and Recommendations

Findings from this assessment highlight the variation between DAs' offices related to diversion program structure, eligibility, decision processes, and services. For example, although all of the DAs' offices reported using community service as a condition of diversion, offices varied in the way youth are assigned to community service sites, referral procedures, and methods for monitoring youth progress and compliance. One of the major themes from the scan of practice is the importance of **prevention** in driving DA diversion programs, including preventing youth from obtaining a criminal record, preventing deeper system involvement, and preventing future offending. Additionally, respondents also discussed the importance of improving youth outcomes by increasing access to needed services and supports, as well as conserving court resources to focus on more serious cases.

One theme that arises is the important role that **stakeholder involvement and collaboration** play in the diversion process, with most offices reporting high involvement from a range of

stakeholders, such as the courts, schools, law enforcement, and probation. Stakeholders are critical for identifying eligible youth and referring them to diversion; providing input in the decision-making process; providing valuable knowledge regarding specific youth and/or the community context; providing services, such as community service opportunities and counseling; and providing assistance in monitoring youth progress and compliance.

Another key theme is the role of **discretion and flexibility** in the diversion process. Many offices noted the importance of enforcing consistent and standard practices, while also assessing each case individually to understand the totality of the circumstances. Many respondents expressed using discretion and flexibility across many elements of program operation, most notably when assessing youth eligibility, monitoring program compliance, and making program termination decisions. For instance, most offices only accept first-time offenders; however, many respondents indicated that they will make exceptions on a case-by-case basis to allow youth to participate in the program. Several offices also indicated that, on occasion, they will allow youth to participate in diversion more than once.

This assessment also provides a better understanding of program limitations and areas for improvement. Recommendations for practice and future directions for diversion programs are discussed in section 4.1 below.

4.1 Recommendations for Practice

Based on the scan of practice, ICF researchers extracted recommendations for improving diversion programs and practices across the Commonwealth. The primary recommendations from this assessment include:

- The use of standardized screening and assessment tools to measure risk factors (e.g., reoffending) and identify the needs of youth (e.g., mental health and substance use) early in the diversion process.
- The collection of systematic and comprehensive data related to court-involved youth and diversion programming in order to more effectively measure program performance and assess youth outcomes.
- Recruitment of trained diversion staff who are able to develop rapport with youth and provide more in-depth case management and guidance throughout the diversion process.
- Continued enhancement of interagency collaboration and stakeholder involvement through improved referral protocols and mechanisms; MOUs and other formalized interagency agreements; frequent opportunities for multi-stakeholder case reviews and discussion; and ongoing information sharing among key stakeholders.

4.1.1 Screening and Assessment

The use of standardized screening and assessment tools in juvenile diversion is widely recognized as a key component of operating an effective diversion program (Boutilier & Cohen, 2009; Cocozza et al., 2005; Dembo et al., 2008; Johnson et al., 2013). One of the cited benefits of using a standardized tool is the reduction of idiosyncratic decision making among diversion stakeholders, which can introduce individual biases and contextual factors that may influence the overall accuracy of predicting future behavior (e.g., the likelihood that youth will reoffend)

(Dawes, Faust, & Meehl, 1989). According to a recent report sponsored by the National Academy of Sciences (Johnson et al., 2013), instituting a standard protocol in the decision-making process can reduce the level of inconsistencies and enhance juvenile justice personnel's ability to make sound decisions. The report also highlights the need for standardized tools that not only measure the risk of reoffending, but also identify the needs of youth, such as mental health, substance abuse, and counseling needs, that could be served through community-based interventions. In order to ensure that youth are diverted into community-based services as early as possible, Skowrya and Coccozza (2007) recommend using screening and assessment tools regularly at the earliest point when juvenile justice officials come into contact with youth.

Information gathered through the key informant interviews indicates that only two offices use a screening tool as part of the diversion intake process. The tools employed by these offices are used to assess depression, alcohol or drug use, and the need for programming to address fire setting behavior. Two offices refer youth to a community-based provider for a counseling assessment on a case-by-case basis to assess whether counseling is needed, while one office has made community-based counseling assessments a requirement of all youth accepted into the diversion program. Many offices rely on the police report, court records, a criminal history check, and consulting key stakeholders to make diversion decisions; however, none of the offices reported using a risk assessment tool to guide them in the decision-making process. Often, offices collect more in-depth information regarding the youth and their family as part of the intake process once the youth has been diverted. These findings related to the use of screening and assessment is similar to diversion practices nationally. A 2009 study conducted by Chassin and colleagues found that nationally, only about half of all diversion programs use standardized screening instruments.

Despite the support for using standardized screening and assessment tools in the diversion process, selecting the appropriate tool can be challenging. Additionally, there is an ongoing debate related to the elements and structure of instruments. For example, some tools are targeted for specific subpopulations of youth, such as females, to account for potentially unique needs and risk factors. Figure 10 provides an overview of some of the most rigorously tested and widely used instruments.

Figure 10: Domains Assessed by Instrument*

| Instrument | Substance Use/Abuse | Mental Health | Family Issues | School Issues | Abuse |
|--|---------------------|---------------|---------------|---------------|-------|
| ASAP (Adolescent Self-Assessment Profile) | • | • | • | • | • |
| Child and Adolescent Functional Assessment Scale (CAFAS) | • | • | • | • | • |
| Colorado Client Assessment Record (CCAR) | • | • | • | • | • |
| Colorado Juvenile Risk Assessment (CJRA) | • | • | • | • | • |
| Colorado Young Offender-Level of Service Inventory (CYO-LSI) | • | • | • | • | • |
| Denver Risk & Resiliency Check Up (DRRCU) | • | • | • | • | • |
| Global Appraisal of Individual Needs (GAIN) instrument-Short screener (GAIN-SS) Quick (GAIN-Q) and the full version (GAIN-I) | • | • | • | • | • |
| Massachusetts Youth Screening Instrument 2 | • | • | | | • |

Figure 10: Domains Assessed by Instrument*

| Instrument | Substance Use/Abuse | Mental Health | Family Issues | School Issues | Abuse |
|---|---------------------|---------------|---------------|---------------|-------|
| (MAYSI-2) | | | | | |
| North Carolina Family Assessment Scale (NCFAS) (R: Reunification) | | | • | • | • |
| Practical Adolescent Dual Diagnosis Interview (PADDI) | • | • | | | |
| Substance Use Survey (SUS-1A) | • | • | | | |
| Youth Assessment and Screening Instrument (YASI) | • | • | • | • | • |
| Psychopathy Checklist: Youth Version (PCL-YV) | | • | | | • |

*This table was adapted from the Omni Institute's *Statewide Evaluation of Juvenile Diversion Programming: Literature Review* (2013). See Appendix A for the full citation.

4.1.2 Data Collection

Results of the key informant interviews revealed a lack of systematic and comprehensive data collection across many of the DAs' offices. This trend reflects the findings of the *Massachusetts FFY 2014 Three Year Plan Update Report* (JJAC, n.d.), which states that the lack of a unified data system in the juvenile justice system has been an impediment to overall system improvement efforts. A new court-based system has recently been implemented in Massachusetts; however, the full scope of this system is not yet clear and the JJAC (n.d.) report recommends improving the collection of juvenile justice data to better inform policy.

In order to ensure that diversion programs are meeting their stated goals and objectives, it is critical for DAs' offices to implement a standard record keeping and data collection system. This will allow offices to assess the need for program adjustments over time; identify whether program goals and objectives are being met, for whom, and why; and provide justification for additional resources and supports. The *MFC Juvenile Diversion Guidebook* (2011) recommends incorporating key stakeholders throughout the data collection and/or evaluation process to ensure not only buy-in, but also ensure that program goals meet the needs of key stakeholders, are relevant, realistic to achieve, and quantifiable. The guidebook also provides a framework for developing a data collection system and a blueprint for an evaluation logic model.²⁴

4.1.3 Program Staffing

Seven of the offices using diversion reported that their program uses dedicated diversion staff, such as diversion case managers, program specialists, or other juvenile justice staff, to oversee and operate the program. It is recognized that many ADAs and other DA support staff may play an active role in the diversion process; however, for the purpose of this assessment, dedicated diversion staff refers to those staff who provide more intensive case management and whose primary role within their office is to oversee juvenile diversion programming, including identifying eligible youth, conducting diversion intake procedures, collaborating with key stakeholders, providing support and planning assistance for diverted youth, and monitoring youth compliance with diversion conditions.

Offices that employed diversion staff are able to give more one-on-one attention to diverted youth; engage with youth from the initial hearing or referral stage through the completion of the

²⁴ See Appendix E for a web link to this resource.

program; build rapport with youth; provide more intensive case monitoring; and more actively engage with stakeholders. For these reasons, it is important for offices to consider partnering with outside organizations or recruiting trained diversion staff who are able to develop rapport with youth and provide more in-depth case management and guidance throughout the diversion process.

4.1.4 Collaboration

Although interagency collaboration and stakeholder engagement was relatively high among most offices, this is a component of diversion programming that can be continually enhanced. Cocozza and colleagues (2005) recommend encouraging family involvement through the use of holistic, family-centered interventions and facilitating collaboration among a wide network of community-based service providers and stakeholders. Additionally, it is important for families to have access to information and resources that will help them make informed decisions and to be given opportunities to participate in decision-making related to their child's service plan (MacArthur Foundation, 2014). All offices using diversion reported involving youth and their families in the decision-making process; however, it is unclear how involved families are through the duration of the diversion program.

A guidebook for pre-adjudication diversion policies and practice developed by the MFC initiative in Pennsylvania (2010) also supports the need for long-term involvement, commitment, and support from key stakeholders and suggests that jurisdictions implementing diversion programs utilize formal written agreements with those entities providing services and/or referrals. Currently, half of the offices using diversion have formal MOUs in place, while just over half indicated that they use informal referral mechanisms for connecting youth to available services. Offices typically provide youth with a resource book of available services, and youth are often then responsible for identifying and seeking out services. It is also recognized that formalized interagency agreements and referral mechanisms are not always appropriate for every community and in every context. For some DAs' offices, there is a strong history of interagency relationships and collaboration that may not require an MOU, and for some may do a disservice. Another important component of collaboration is educating and training key stakeholders. In order for diversion to operate efficiently, it is imperative that stakeholders involved early in the process, such as law enforcement and clerk magistrates, are educated about the availability of diversion, eligibility criteria, and the process of referring youth for diversion. One interview respondent noted that encouraging stakeholders to use the DA's diversion program instead of diverting at earlier stages (e.g., pre-complaint by law enforcement or the clerk magistrate) has been an ongoing challenge to ensuring consistent practices across the jurisdiction.

One of the primary barriers to running an effective diversion program cited by another respondent is the lack of a sufficient support network among relevant stakeholders in the community to ensure that youth successfully complete the program. To address this issue, one office is seeking to develop a task force of partners representing diverse community stakeholders, such as law enforcement, schools, DCF, mental health providers, parents/guardians, and other community-based organizations, to review diversion cases and support youth through completion of the diversion program and beyond.

Offices can continue to enhance interagency collaboration and stakeholder involvement around diversion programming through multiple avenues depending on what is most appropriate for that community, such as: improved referral protocols and mechanisms; MOUs and other formalized

interagency agreements; frequent opportunities for multi-stakeholder case reviews and discussion; and ongoing information sharing among key stakeholders.

4.2 Limitations

This section identifies the limitations of the scan of practice, specifically related to the background review and key informant interviews. The background review was developed based on information collected through public sources on DA diversion programs and jurisdictional characteristics, which may not align with the interview findings collected as part of the scan of practice (e.g., due to outdated website information) and should not be interpreted as being representative of DA diversion offerings. Rather, this information is meant to provide a snapshot of each jurisdiction.

Although findings from this assessment will provide important insight and information for juvenile justice practitioners and policymakers in Massachusetts, the primary limitation is the exploratory nature of this assessment. In addition, the findings in this report are limited to diversion practices within DAs' offices and are not representative of all stakeholder groups involved in juvenile diversion, such as law enforcement, courts, probation, juvenile diversion participants and their families, or community-based providers.

5. Conclusions

The assessment highlights the importance of interagency collaboration, dedicated diversion staff, development and use of policies and protocols (e.g., diversion contract, office policy), and some level of flexibility and discretion to account for unique or special circumstances. In addition, findings suggest the need for continued innovation and creativity in regards to diversion interventions, such as youth courts and restorative justice practices, more systematic data collection and record keeping, and the use of standardized screening and assessment tools. Due to limited available financial resources to implement the proposed recommendations, this assessment is also intended to encourage key stakeholders to enhance diversion programs by sharing practices, resources, and lessons learned.

Findings from this assessment are intended to provide a landscape of DAs' juvenile diversion practices across Massachusetts and suggest recommendations regarding the enhancement and wider use of model diversion practices. In particular, the purpose of the assessment is to provide DAs, their staff, and other juvenile justice stakeholders with a better understanding of the state of practice in order to make informed decisions regarding their diversion programs.

Appendix A: References

References

- 3rd Millenium Classrooms. (2014). Court courses. Retrieved from <http://web.3rdmilclassrooms.com/courses/court>.
- Abram, K.M., Teplin, L.A., McClelland, G.M., & Dulcan, M.K. (2003). Comorbid psychiatric disorders in youth in juvenile detention. *Archives of General Psychiatry*, 60, 1097-1108.
- Alexander, J. F., Pugh, C., & Parsons, B. (1998). *Functional family therapy*. Boulder, CO: Institute of Behavioral Science, Regents of the University of Colorado.
- Andrews, C. (2003). *OJJDP tribal youth initiatives*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Annie E. Casey Foundation. (n.d.). *JDAI Sites*. Retrieved from <http://www.jdaihelpdesk.org/SitePages/jdai-sites.aspx>.
- Annie E. Casey Foundation. (2013). Reducing youth incarceration in the United States. Data Snapshot Kids Count. Retrieved from <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/R/ReducingYouthIncarcerationSnapshot/DataSnapshotYouthIncarceration.pdf>.
- Anspach, D.F., & Ferguson, A.S. (2005). *Part II: Outcome Evaluation of Maine's Statewide Juvenile Drug Treatment Court Program*. Augusta, Me.: University of Southern Maine. Retrieved from <http://www.maine.gov/dhhs/samhs/osa/pubs/correct/2005/jdtcoutcomeeval.pdf>.
- Arredondo, D.E. (2003). Child development, children's mental health and the juvenile justice system. *Stanford Law and Policy Review*, 14, 13-28.
- Austin, J., Johnson, K.D., & Weitzer, R. (2005). *Alternatives to the secure detention and confinement of juvenile offenders*. *Juvenile Justice Bulletin*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Baker, M.L., Sigmon, J.N., & Nugent, M.E. (2001). *Truancy reduction: Keeping students in school*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.
- Barbee, C. (2011). *In-depth analysis of C4RJ's 2010 recidivism study*. Concord, MA: Communities for Restorative Justice.
- Barnoski, R. (2004). *Outcome evaluation of Washington State's research-based programs for juvenile offenders*. Olympia, WA: Washington State Institute for Public Policy. Retrieved from www.wsipp.wa.gov/rptfiles/04-01-1201-ES.pdf.
- Beck, V.S., Ramsey, R.J., Lipps, T.R., & Travis, L.F. (2006). Juvenile diversion: An outcome study of the Hamilton County, Ohio, unofficial juvenile community courts. *Juvenile and Family Court Journal* 57(1):1-10.

- Belenko, S.R. (2001). *Research on drug courts: A critical review, 2001 update*. New York, N.Y.: Columbia University Press and National Center on Addiction and Substance Abuse.
- Bilchik, S. (1999). *Juvenile justice: A century of change. Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Bishop, D. (2005). The role of race and ethnicity in juvenile justice processing. In D. Hawkins & K. Kempf-Leonard (Eds.), *Our children, their children: Confronting racial and ethnic differences in American juvenile justice* (pp. 23-82). Chicago, IL: University of Chicago Press.
- Bonham, E. (2006). Adolescent mental health and the juvenile justice system. *Pediatric Nursing*, 32 (6), 591-595.
- Bonnie, R.J., Johnson, R.L., Chemers, B.M., & Schuck, J.A. (Eds.). (2013). *Reforming juvenile justice: A developmental approach*. Washington, DC: The National Academy Press.
- Borduin, C.M., Mann, B.J., Cone, L.T., Henggeler, S.W., Fucci, B.R., Blaske, D.M., & Williams, R.A. (1995). Multisystemic treatment of serious juvenile offenders: Long-term prevention of criminality and violence." *Journal of Consulting and Clinical Psychology*, 63(4), 569–78.
- Boutilier, A. & Cohen, M. (2009). *Diversion literature review*. Bethesda, MD: Development Services Group, Inc.
- Bright, C. L., & Jonson-Reid, M. (2008). Onset of juvenile court involvement: Exploring gender-specific associations with maltreatment and poverty. *Children and Youth Services Review*, 30, 914-927.
- Bynum, J.E., & Thompson, W.E. (1996). *Juvenile Delinquency: A Sociological Approach* (3rd ed.). Needham Heights, MA: Allyn and Bacon.
- Bureau of Justice Assistance. (2003). *Juvenile drug court. Strategies in practice*. Washington, DC: Author.
- Bushway, S.D. (1998). The impact of an arrest on the job stability of young white American men. *Journal of Research in Crime and Delinquency*, 34(4).
- Butts, J.A., Buck, J., & Coggeshall, M.B. (2002). *The impact of teen court on young offenders*. Washington, D.C.: The Urban Institute, Justice Policy Center. Retrieved from <https://www.ncjrs.gov/pdffiles1/ojjdp/237391.pdf>.
- Cabaniss, E.R., Frabutt, J.M., Kendrick, M.H., & Arbuckle, M.B.. (2007). Reducing disproportionate minority contact in the juvenile justice system: Promising practices. *Aggression and Violent Behavior*, 12, 393-401.
- Calhoun, G. B. (2001). Differences between male and female juvenile offenders as measured by the BASC. *Journal of Offender Rehabilitation*, 33, 87-96.

- Chassin, L. (2008). Juvenile justice and substance abuse. *Future of Children* 18(2), 165-184.
- Chauhan, P., & Reppucci, N.D. (2009). The impact of neighborhood disadvantage and exposure to violence on self-report of antisocial behavior among girls in the juvenile justice system. *Journal of Youth and Adolescence*, 38, 401-416.
- Citizens for Juvenile Justice. (n.d.). Justice for kids: Keeping kids on the right side of the law. Retrieved from <http://www.cfjj.org/justiceforkids.php>.
- Citizens for Juvenile Justice. (2014). *Unlocking potential: Addressing the overuse of juvenile detention in Massachusetts*. Boston, MA: Author.
- Cocozza, J.J., & Skowrya, K.R. (2000). Youth with mental health disorders: Issues and emerging responses. *Journal of the Office for Juvenile Justice and Delinquency Prevention*, 7(1), 3-13.
- Cocozza, J. J., Veysey, B. M., Chapin, D. A., Dembo, R., Walters, W., & Farina, S. (2005). Diversion from the juvenile justice system: The Miami-Dade juvenile assessment center post-arrest diversion program. *Substance Use & Misuse*, 40(7), 935–951.
- Colwell, B., Villarreal, S.F., & Espinosa, E.M. (2012). Preliminary outcomes of a pre-adjudication diversion initiative for juvenile justice involved youth with mental health needs in Texas. *Criminal Justice and Behavior*, 39, 447-460.
- Commonwealth of Massachusetts. (2014a). *JDAI in Massachusetts*. Retrieved from <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/jdai/jdai-in-massachusetts.html>.
- Commonwealth of Massachusetts. (2014b). *JJAC Overview*. Retrieved from <http://www.mass.gov/eopss/law-enforce-and-cj/justice-prev/jjac/jjac-overview.html>.
- Commonwealth of Massachusetts. (2014c). *Juvenile Justice and Delinquency Prevention Act*. Retrieved from <http://www.mass.gov/eopss/law-enforce-and-cj/justice-prev/juvenile-justice-and-delinquency-prevention-act.html>.
- Commonwealth of Massachusetts. (2014d). *The History of JDAI in Massachusetts*. Retrieved from <http://www.mass.gov/eohhs/gov/commissions-and-initiatives/jdai/the-history-of-jdai-in-massachusetts.html>.
- Commonwealth v. Brown, 466 Mass. 676, 2013
- Communities for Restorative Justice. (2014). About communities for restorative justice. Retrieved from <http://www.c4rj.com/whoweare.about.php>.
- Davidson, W.S., Redner, R., Blakely, C.H., Ernshoff, J.G., & Mitchell, C.M. (1987). Diversion of juvenile offenders: An experimental comparison. *Journal of Consulting and Clinical Psychology* 55(1), 68–75.

- Davidson, W.S., Redner, R., Admur, R.L., & Mitchell, C.M. (1990). *Alternative treatments for troubled youth: The case of diversion from the justice system*. New York, N.Y.: Plenum Press.
- Dembo, R., Walters, W., Wareham, J., Burgos, C., Schmeidler, J., Hoge, R. D., & Underwood, L. (2008). Evaluation of an innovative post-arrest diversion program: 12-month recidivism analysis. *Journal of Offender Rehabilitation*, 47, 356–384.
- Dembo, R., Wareham, J., Poythress, N., Cook, B., & Schmeidler, J. (2007). The impact of arbitration intervention services on arbitration program completion. *Journal of Offender Rehabilitation*, 43, 27–59.
- Dembo, R., Wareham, J., Pythress, N., Meyers, K., & Schmeidler, J. (2008). Psychosocial functioning problems over time among high-risk youths: A latent class transition analysis. *Crime & Delinquency*, 54(4), 644-670.
- Dembo, R., Wareham, J., & Schmeidler, J. (2005). Evaluation of the impact of a policy change on a diversion program. *Journal of Offender Rehabilitation*, 41, 1–27.
- Dembo, R., Wareham, J., Schmeidler, J., & Chirikos, T. N. (2005). Evaluation of the impact of a policy change on diversion program recidivism and justice system costs: 12-month follow-up. *Journal of Offender Rehabilitation*, 41, 93–122.
- Diatchenko v. District Attorney for the Suffolk District & Others, 466 Mass. 655, 2013.
- Dick, A.J., Pence, D.J., Jones, R.M., & Geertsens, H.R. (2004). The need for theory in assessing peer courts. *American Behavioral Scientist*, 47, 1448–1461.
- Dishion, T.J., J. McCord, and F. Poulin. (2006). When interventions harm: Peer groups and problem behavior. *American Psychologist*, 54(9), 755-764.
- Drake, E. (2007). *Evidence-Based juvenile offender programs: Program description, quality assurance and cost*. Olympia WA: Washington State Institute for Public Policy. Retrieved from www.wsipp.wa.gov/rptfiles/07-06-1201.pdf.
- Elliott, D.S., Dunford, F.W., & Knowles, B.A. (1978). *Diversion—A study of alternative processing practices: An overview of initial study findings*. Boulder, CO: Behavioral Research Institute.
- Engen, R. L., Steen, S., & Bridges, G.S. (2002). Racial disparities in the punishment of youth: A theoretical and empirical assessment of the literature. *Social Problems*, 49, 194-220.
- Family Services of Roanoke Valley. (2013). Project back on track. Retrieved from <http://www.fsrv.org/index.php/youth-development/project-back-on-track>.
- Faxel, S., Doll, H., Langstrom, P., & Langstrom, N. (2008). Mental disorders among adolescents in juvenile detention and correctional facilities: A systematic review and metaregression

- analysis of 25 surveys. *Journal of the American Academy of Child and Adolescent Psychiatry*, 47(9), 1010-1019.
- Feyerherm, W., Snyder, H.N., & Villarruel, F. (2009). Chapter 1: Identification and monitoring. In *Disproportionate Minority Contact Technical Assistance Manual* (4th ed.) (pp. 1.1–1.54). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Frazier, C. E. & Cochran, J. (1986). Detention of juveniles: Its effects on subsequent juvenile court processing decisions. *Youth & Society*, 17, 286-385.
- Front-End Diversion Initiative (FEDI). (2009). *Front-End Diversion Initiative program: Policy and procedure manual overview*. Austin, TX: Juvenile Probation Commission.
- Galbavy, R. J. (2003). Juvenile delinquency: Peer influences, gender differences and prevention. *Journal of Prevention & Intervention in the Community*, 25, 65-78.
- Godwin, T.M., Steinhart, D.J., & Fulton, B.A. (n.d.). *Peer justice and youth empowerment: An implementation guide for teen court programs*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Goldstein, A. P., Glick, B., & Gibbs, J. C. (1998). Aggression replacement training: A comprehensive intervention for aggressive youth. Champaign, IL: Research Press.
- Golub, A. (1990). *The Termination Rate of Adult Criminal Careers*. Pittsburgh, PA: Carnegie Mellon.
- Gordon, D.A., Arbuthnot, J., Gustafson, K.E., & McGreen, P. (1988). Home-based behavioral-systems family therapy with disadvantaged juvenile delinquents. *American Journal of Family Therapy*, 16(3), 243–55.
- Graham v. Florida, 560 U.S. 48 (2010).
- Hartmann, D. J. & Rhineberger, G. M. (2003). *Evaluation of Kalamazoo County Juvenile Drug Treatment Court Program*. Kalamazoo, MI: Kercher Center for Social Research, Western Michigan University.
- Henggeler, S. W., Borduin, C. M., Schoenwald, S. K., Rowland, M. D., & Cunningham, P. B. (2009). *Multisystemic treatment of antisocial behavior in children and adolescents* (Second ed.). New York: Guilford Press.
- Henggeler, S.W., Melton, G.B., & Smith, L.A. (1992). Family preservation using multisystemic therapy: An effective alternative to incarcerating serious juvenile offenders. *Journal of Consulting and Clinical Psychology*, 60(6), 953–61.
- Holsinger, K., & Holsinger, A. M. (2005). Differential pathways to violence and selfinjurious behavior: African American and white girls in the juvenile justice system. *Journal of Research in Crime & Delinquency*, 42, 211-242.

- Huizinga, D., Loeber, R., Thornberry, T.P., & Cothorn, L. (2000). *Co-occurrence of delinquency and other problem behaviors. Juvenile Justice Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- J.B.D. v. North Carolina, 564 U.S. (2011).
- Johansson, P., & Kempf-Leonard, K. (2009). A gender-specific pathway to serious, violent, and chronic offending? Exploring Howell's risk factors for serious delinquency. *Crime & Delinquency*, 55, 216-240.
- Juvenile Court Restorative Justice Diversion. (2014). Our mission. Retrieved from <http://jcrjdlowell.wix.com/jcrjd>.
- Juvenile Justice Advisory Committee (JJAC). (2014). *Massachusetts FFY2014 three year plan update*. Retrieved from <http://www.mass.gov/eopss/law-enforce-and-cj/justice-prev/jjac/jjac-overview.html>.
- Juvenile Justice and Delinquency Prevention Act of 1974, 42 U.S.C. § 5601 (1974).
- Krisberg, B.A., & Austin, J.F. (1993). *Reinventing juvenile justice*. Newbury Park, CA: Sage Publications.
- Latessa, E.J., Sullivan, C., Blair, L., Sullivan, C.J., & Smith, P.S. (2013). *Final report outcome and process evaluation of juvenile drug courts*. Cincinnati, OH: Center for Criminal Justice Research, University of Cincinnati, School of Criminal Justice.
- Leiber, M. (2002). Disproportionate minority confinement (DMC) of youth: An analysis of efforts to address the issue. *Crime and Delinquency*, 48(1), 3-45.
- Leiber, M. J. & Johnson, J. (2008). Being young and black: What are their effects on juvenile decision making? *Crime & Delinquency*, 54, 560-81.
- Leiber, M., & Stairs, J. (1999). Race, contexts, and the use of intake diversion. *Journal of Research in Crime and Delinquency*, 36, 56-86.
- Leve, L. D., & Chamberlain, P. (2004). Female juvenile offenders: Defining an early onset pathway for delinquency. *Journal of Child and Family Studies*, 13, 439-452.
- Lincoln, S.B. (1976). Juvenile referral and recidivism. In R.M. Carter & M.W. Klein (Eds.), *Back on the street: Diversion of juvenile offenders*. Englewood Cliffs, N.J.: Prentice-Hall.
- Lipsey, M.W., Cordray, D.S., & Berger, D.W. (1981). Evaluation of a juvenile diversion program: Using multiple lines of evidence. *Evaluation Review*, 5(3), 283-306.
- Lundman, R.J. (1993). *Prevention and Control of Juvenile Delinquency* (2nd ed.). New York, N.Y: Oxford University Press.
- MacArthur Foundation. (2014). Principles. Retrieved from <http://www.modelsforchange.net/about/Background-and-principles/Principles.html>.

- McCold, P., & Wachtel, B. (1998). *Restorative policing experiment: The Bethlehem Pennsylvania police family group conferencing project*. Pipersville, PA: Community Service Foundation.
- McGarrell, E.F. (2001). *Restorative justice conferences as an early response to young offenders*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- McGarrell, E.F., & Hipple, N.K. (2007). Family group conferencing and reoffending among first-time juvenile offenders: The Indianapolis experiment. *Justice Quarterly*, 24(2), 221–46.
- Metzger, A. (2014). *Massachusetts prosecutors: Juveniles who commit murder should spend at least 35 years behind bars*. MassLive. Retrieved from http://www.masslive.com/politics/index.ssf/2014/01/massachusetts_prosecutors_juve.html.
- Miller v. Alabama, 567 U.S. (2012).
- Mitchell, O., Wilson, D. B., Eggers, A., & MacKenzie, D. L. (2012). Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts. *Journal of Criminal Justice*, 40(1), 60-71.
- Models for Change Juvenile Diversion Workgroup. (2011). *Juvenile diversion guidebook*. Author.
- Models for Change initiative in Pennsylvania. (2010). Guide to developing pre-adjudication diversion policy and practice in Pennsylvania. Retrieved from <http://www.modelsforchange.net/publications/309>.
- Myers, W.C., Burton, P.R.S., Sanders, P.D., Donat, K.M., Cheney, J., Fitzpatrick, T.M., & Monaco, L. (2000). Project Back-on-Track at 1 year: A delinquency treatment program for early-career juvenile offenders. *Journal of American Child and Adolescent Psychiatry*, 39(9), 1127–1134.
- National Association of Youth Courts. (2014). Facts and stats. Retrieved from http://www.youthcourt.net/?page_id=24.
- National Center for Mental Health and Juvenile Justice (NCMHJJ) & Technical Assistance Collaborative (TAC). (2013). *Improving diversion policies and programs for justice-involved youth with co-occurring mental and substance use disorders: An integrated policy academy /action network initiative*. Delmar, NY & Boston, MA: Authors.
- Obeidallah-Davis, D. (2002). *Data from the Project on Human Development in Chicago neighborhoods (PHDCN): A prospective study of serious delinquency in adolescent girls*. Retrieved from <https://www.ncjrs.gov/pdffiles1/nij/grants/197521.pdf>.
- Office of the Child Advocate. (2014). Governor signs raise the age into law. Retrieved from <http://www.mass.gov/childadvocate/feature-stories/governor-signs-raise-the-age-into-law.html>.

- Office of Justice Programs (OJP). (n.d.a). Adolescent diversion project (Michigan State University). Retrieved February 9, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=332>.
- Office of Justice Programs (OJP). (n.d.b). Aggression replacement training (ART). Retrieved February 13, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=254>.
- Office of Justice Programs (OJP). (n.d.c). Family solutions program (FSP). Retrieved February 9, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=321>.
- Office of Justice Programs (OJP). (n.d.d). Functional family therapy (FFT). Retrieved February 13, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=122>.
- Office of Justice Programs (OJP). (n.d.e). Independence Youth Court (IYC). Retrieved February 9, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=328>.
- Office of Justice Programs (OJP). (n.d.f). Indianapolis family group conferencing experiment. Retrieved February 9, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=250>.
- Office of Justice Programs (OJP). (n.d.g). Maine juvenile drug treatment courts. Retrieved February 13, 2014 from CrimeSolutions.gov, <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=339>.
- Office of Justice Programs (OJP). (n.d.h). Minneapolis Center for Victim-Offender Mediation. Retrieved February 9, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=333>.
- Office of Justice Programs (OJP). (n.d.i). Multisystemic therapy (MST). Retrieved February 13, 2014 from CrimeSolutions.gov, <http://www.crimesolutions.gov/ProgramDetails.aspx?ID=192>.
- Office of Justice Programs (OJP). (n.d.j). Special feature: Youth/teen court diversion programs. Retrieved from <https://www.ncjrs.gov/youthcourts/>.
- Office of Juvenile Justice and Delinquency Prevention (OJJDP). (2012). *Statistical Briefing Book*. Retrieved from http://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05214.
- Office of Juvenile Justice and Delinquency Prevention (OJJDP). (n.d.a). *Authorizing legislation*. Retrieved from <http://www.ojjdp.gov/about/legislation.html>
- Office of Juvenile Justice and Delinquency Prevention (OJJDP). (n.d.b). *OJJDP Model Programs Guide*. Retrieved from <http://www.ojjdp.gov/mpg/progTypesDiversion.aspx>.

- Peterson, S.B. (2009). Made in America: The global youth justice movement. *Reclaiming Children and Youth*, 18(2), 48-52.
- Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). *Formal system processing of juveniles: Effects on delinquency*. Oslo, Norway: The Campbell Collaboration.
- Pope, C. E., & Feyerherm, W. (1990). Minority status and juvenile justice processing. *Criminal Justice Abstracts*, 22(2), 327-336; 22(3), 527-542.
- Pope, C., & Feyerherm, W. (1993). *Minorities and the juvenile justice system: Research summary*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Pope, C.E., & Leiber, M. (2005). Disproportionate minority confinement/contact (DMC): The federal initiative. In D. Hawkins & K. Kempf-Leonard (Eds.), *Our children, their children: Confronting racial and ethnic differences in American juvenile justice* (pp. 351-389). Chicago, IL: University of Chicago Press.
- Pope, C. E., Lovell, R., & Hsia, H. M. (2002). *Disproportionate minority confinement: A review of the research literature from 1989 through 2001*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Public Interest Projects. (2013). *The fourth wave: Juvenile justice reforms for the twenty-first century*. Retrieved from <http://www.publicinterestprojects.org/wp-content/uploads/2013/09/The-Fourth-Wave-Long.pdf>.
- Puzzanchera, C. (2013). *Juvenile arrests 2010. Bulletin*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Puzzanchera, C. & Hockenberry, S. (2013). *Juvenile court statistics 2010*. Pittsburg, PA: National Center for Juvenile Justice.
- OMNI Institute. (2013). *Statewide evaluation of juvenile diversion programming: Literature review*. Denver, CO: Author.
- Quinn, W., & VanDyke, D. (2004). A multiple family group intervention for first-time juvenile offenders: Comparisons with probation and dropouts on recidivism. *Journal of Community Psychology*, 32(2).
- Roberts, T. (n.d.). *2011-201 civil citation*. Tallahassee, FL: Florida Department of Juvenile Justice.
- Roberts, T. (2014). *Florida's statewide civil citation: Part of the community, part of the solution*. Tallahassee, FL: Florida Department of Juvenile Justice.
- Rodriguez, N. (2010). The cumulative effect of race and ethnicity on juvenile court outcomes and why preadjudication detention matters. *Journal of Research in Crime and Delinquency*, 47(3), 391-413.

Roper v Simmons, 543 U.S. 551 (2005).

Salsich, A. & Trone, J. (2013). *From courts to communities: The right response to truancy, running away, and other status offenses*. New York, NY: Vera Institute of Justice.

The Salvation Army. (2014). Getting young lives back on track. Retrieved from <http://massachusetts.salvationarmy.org/MA/BridgingtheGap>.

Schur, E. (1973). *Radical nonintervention: rethinking the delinquency problem*. Englewood Cliffs, NJ: Prentice-Hall.

Schwalbe, C.S., Gearing, R.E., MacKenzie, M.J., Brewer, K.B., & Ibrahim, R. (2012). A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical Psychology Review*, 32, 26-33.

Sexton, T.L., & Turner, C.W. (2010). The effectiveness of functional family therapy for youth with behavioral problems in a community practice setting. *Journal of Family Psychology*, 24(3), 339–48.

Shelden, R.G. (1999). *Detention diversion advocacy: An evaluation*. *Juvenile Justice Bulletin*. Washington, D.C.: Office of Juvenile Justice and Delinquency Prevention.

Shufelt, J.L., & Cocozza, J.J. (2006). *Youth with mental health disorders in the juvenile justice system: Results from a multistate, multisystem prevalence study*. Delmar, N.Y.: National Center for Mental Health and Juvenile Justice.

Skowrya, K.R. & Cocozza, J.J. (2006). *A blueprint for change: Improving the system response to youth with mental health needs involved with the juvenile justice system*. *Research and Program Brief*. Delmar, NY: The National Center for Mental Health and Juvenile Justice.

Skowrya, K.R. & Cocozza, J.J. (2007). *Blueprint for change: A comprehensive model for the identification and treatment of youth with mental health needs in contact with the juvenile justice system*. Delmar, N.Y.: The National Center for Mental Health and Juvenile Justice and Policy Research Associates, Inc. Retrieved from <http://www.ncmhjj.com/Blueprint/pdfs/Blueprint.pdf>.

Smith, E.P., Wolf, A.M., Cantillon, D.M., Thomas, O., & Davison, W.S. (2004). The adolescent diversion project: 25 years of research on an ecological model of intervention. *Prevention & Intervention in the Community*, 27(2), 29–47.

Spokane County Model for Change Project. (n.d.). Spokane county toolkit for community truancy board replication. Retrieved from <http://www.modelsforchange.net/publications/475>.

Steinberg, L., & Schwartz, R.G. (2000). Developmental psychology goes to court. In T. Grisso & R.G. Schwartz (Eds.), *Youth on trial: A developmental perspective on juvenile justice* (pp. 9-31). Chicago: The University of Chicago Press.

- Strang, H., Barnes, G.C., Braithwaite, J., & Sherman, L.W. (1999). *Experiments in restorative policing: A progress report on the Canberra reintegrative shaming experiments (RISE)*. Canberra, Australia: Australian National University.
- Teplin, L.A., Abram, K.M., McClelland, G.M., Dulcan, M.K., & Mericle, A.A. (2002). Psychiatric disorders in youth in juvenile detention. *Archives of General Psychiatry*, 59 (12), 1133-1143.
- Timmons-Mitchell, J., Bender, M.B., Kishna, M.A., & Mitchell, C.C. (2006). An independent effectiveness trial of multisystemic therapy with juvenile justice youth. *Journal of Clinical Child and Adolescent Psychology*, 35, 227-36.
- Umbreit, M.S., & Coates, R.B. (1992). *Victim offender mediation: An analysis of programs in four states of the U.S.*. Minneapolis, MN: Citizens Council Mediation Services. Retrieved from <https://www.ncjrs.gov/pdffiles1/Digitization/140263NCJRS.pdf>.
- U.S. House of Representatives. (2004). *Incarceration of Youth Who Are Waiting for Community Mental Health Services in the United States*. Washington, D.C.: Committee on Government Reform.
- Veysey, B.M. (2003). *Adolescent Girls with Mental Health Disorders Involved with the Juvenile Justice System. Research and Program Brief*. Delmar, NY: National Center for Mental Health and Juvenile Justice.
- Villaruel, F. A., & Walker, N. E. (2001). *Donde esta la justicia? A call to action on behalf of Latino and Latina youth in the U.S. justice system*. Washington, DC: Building Blocks for Youth.
- Washington State Institute for Public Policy. (2004). *Outcome evaluation of Washington State's research-based programs for juvenile offenders*. Olympia, WA: Author. Retrieved from <http://www.wsipp.wa.gov/rptfiles/04-01-1201.pdf>.
- Wasserman, G. A., McReynolds, L. S., Ko, S. J., Katz, L. M., & Carpenter, J. R. (2005). Gender differences in psychiatric disorders at juvenile probation intake. *American Journal of Public Health*, 95, 131-137.
- Wasserman, G.A., McReynolds, L.S., Schwalbe, C.S., Keating, J.M., & Jones, S.A. (2010). Psychiatric disorder, comorbidity, and suicidal behavior in juvenile justice youth. *Criminal Justice and Behavior*, 37(12), 1361-1376.
- Walters, W., Dembo, R., Beaulaurier, R., Coccozza, J. J., De La Rosa, M., Poythress, N., Skowrya, K., & Veysey, B.M. (2005). The Miami-Dade juvenile assessment center national demonstration project: An overview. *Journal of Offender Rehabilitation*, 41, 1-37.
- Widom, C. (2000). Childhood victimization: Early adversity, later psychopathology. *National Institute of Justice Journal*.

- Wilson, H.A. & Hoge, R.D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice and Behavior*, 40 (5), 497-518.
- Wright, D., & Clymer, B. (2001). *Evaluation of Oklahoma drug courts, 1997-2000. (Technical Report)*. Oklahoma Criminal Justice Resource Center.

Appendix B: Instruments

Stakeholder Interview Protocol: District Attorney's Office

Introduction Script

Hello, thank you for agreeing to speak with me today. My name is _____ with ICF International. As you may already be aware, we are working on an assessment of pretrial juvenile diversion practices in Massachusetts supported by the Executive Office of Public Safety and Security (EOPSS) and the Juvenile Justice Advisory Committee (JJAC). The purpose of the assessment is to better understand what pretrial juvenile diversion programs and practices currently exist, their specific components/elements, and where gaps may exist in diversion opportunities for juvenile defendants. We also hope to understand what elements of existing programs are promising and make recommendations to you and other stakeholders regarding the enhancement and wider use of model diversion practices.

Before we begin, we wanted to let you know that participation in this interview is completely voluntary; you may choose not to answer any question, or stop participating at any time. The information you give us is confidential in that all information collected will be reported in aggregate; we will not report your name in any of our reports. In the event that we want to discuss any elements of your program in our report, we will first obtain your permission. You will have a chance to review anything we write based on your interviews before it is published for accuracy and to let us know if there is anything sensitive that you are uncomfortable with. Does all of that make sense?

Would it be okay for us to record the interview so that we can go back to it if needed? Only the research team will have access to this audio recording. Upon transcription of these recordings, we will destroy the recordings themselves.

If you have any questions about this assessment or this interview process, you can contact me or the Project Manager, Emily Niedzwiecki by email (Emily.Niedzwiecki@icfi.com) or telephone at (703) 225-2175. You may also contact the chairperson of ICF Incorporated, LLC's Institutional Review Board (IRB), Janet Griffith by email (Janet.Griffith@icfi.com) or telephone at (703) 934-3000.

Before we begin, do you have any questions? If you agree, we will begin the tape now. (Ask permission to begin taping and proceed with taping according to interviewee's agreement.)

Interview Information

Interviewee(s):

DA's Office:

Position:

Date:

Lead Interviewer:

Interview Support:

A. District Attorney's Office Information

1. What is your role within the office?
2. How many staff does your office have in total (e.g., prosecutors, paralegals, *diversion staff*, victim witness advocates)?
3. Does your office have a separate juvenile division?
 - a. If yes, how many staff work in this division?
4. Does your office use diversion for juvenile defendants?
 - a. **If yes**, proceed to section B
 - b. **If no**, proceed to section C

B. Diversion Practices

For this next set of questions, I'm going to ask you general questions about your office's diversion practices. We understand that you may not know how every prosecutor may informally make diversion decisions, so we would like you to answer to the best of your ability given your knowledge of juvenile diversion in your office. Additionally, for each question, *think about how practices may differ based on the juvenile session*.

Program History

1. Does your office's diversion program(s) have an official name?
 - a. If yes, what is the name?
2. When was the program started?
3. What was the impetus for starting the program?
4. How was the program developed (i.e., was it modeled after a program in a neighboring jurisdiction or an identified best practice)?
5. Does your office receive (or has it received in the past) specified funding (local, state, or federal sources) for program operation (either directly to the DA's Office or jointly awarded to multiple agencies)?
 - a. If yes, please describe.

Decision-Making

6. Does your office have formal written policies, protocols, or procedures that guide the operation of the diversion program?
 - a. If yes,

- When were they developed (i.e., when the program was first implemented)?
- Would you be willing to share these protocols/procedures?
- b. If no,
 - Are there standards or guidelines for diversion decisions within your office?
 - i. If yes, please describe.
- 7. Does the diversion program operate in all of the juvenile sessions within your jurisdiction?
- 8. Next, I want to walk through a typical diversion referral/decision-making process:
 - a. Are youth in your county diverted by law enforcement personnel before they come to the attention of the court?
 - If yes, what percentage of cases do you estimate are diverted prior to the court petition?
 - If yes, in what cities or towns do law enforcement-based juvenile diversion programs/policies exist?
 - b. At which stage in the court process does your office divert youth (e.g., pre- or post-arraignment)?
 - c. What are the eligibility requirements for youth to be considered for diversion (e.g., offense type, first offense, criminal history, age)?
 - Aside from the formal eligibility requirements, are there other considerations that are taken into account?
 - d. What is the process for identifying eligible youth (i.e., who and how are these cases flagged for further review)?
 - Is a screening or assessment tool used to determine diversion eligibility?
 - i. If so, would you be willing to share this tool with us?
 - e. Who has the authority and/or is typically responsible for making diversion referrals?
 - f. Who has decision-making authority once the referral is made?
 - Are other offices (e.g., social service agencies, court, law enforcement, probation, schools) involved in the decision-making process?
 - i. If so, please describe.

- Are families involved in the decision-making process?
 - i. If so, please describe.
- Are victims involved in the decision-making process?
 - i. If so, please describe.
- g. Do youth have access to counsel at the time of the diversion decision-making in your jurisdiction?
 - If yes, please describe the role of counsel in the decision-making process.

Diversion Intervention

9. What are the conditions of diversion/program requirements (e.g., restitution, treatment, restorative practices, community service, curfew, school attendance)?
10. What agencies/organizations provide programs or services?
 - a. School
 - b. Law enforcement
 - c. Court (e.g., youth court, juvenile drug court, mental health court)
 - d. Juvenile Justice Agency
 - e. Community-based organizations
11. Can you please describe these programs/services (e.g., length of service, dosage, counseling approach) or point us to other resources that can provide additional information?
12. What is the length of the diversion program(s)?
13. How are youth assigned to programs or services?
14. Are these programs/services generally available throughout the jurisdiction or are they concentrated in certain areas (e.g., only offered in certain neighborhoods, towns)?
15. Does your office have MOUs or other formal agreements in place with community- or systems-based service providers (e.g., nonprofits, law enforcement, other jurisdictions, and schools)?
 - a. Are there formal referral mechanisms or procedures in place for connecting youth with programs/services?
 - If not, how are youth typically connected with available programs/services?
 - b. Would you be willing to share any of these formal agreements or protocols with us?
16. Do any of the diversion programs/services target specific youth populations (e.g., low-income, female youth, youth with mental health needs)?

17. Do youth/families access health insurance (e.g. Mass Health) to pay for any mental health services?
18. How does your office monitor program compliance for youth under diversion (e.g., tracking progress, supervision/oversight, frequency and nature of check-ins)?
 - a. Please describe the role of the organization(s) providing services in monitoring and reporting youth compliance.
19. What are the criteria/guidelines for revocation of diversion?
 - a. Who has decision-making authority to revoke diversion?
 - b. How are youth processed once they are removed from the diversion program (e.g., continue with the delinquency process)?
 - c. If the case moves forward with formal proceedings, are there guidelines stipulating whether or not information youth disclosed related to the crime during the diversion process can be used against him/her?

Stakeholder Perceptions

Now I'm going to ask you to rate your experience for the following statements:

| Statement | 1 (SD) | 2 (D) | 3 (N/A) | 4 (A) | 5 (SA) |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| 20. There is adequate collaboration and coordination around juvenile diversion among youth-serving agencies/organizations within your jurisdiction. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 21. There is adequate support for juvenile diversion from your office's leadership. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 22. There is adequate support for juvenile diversion from the local judiciary (e.g., court administrator, judges). | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 23. You are satisfied with juvenile diversion programs/practices within your office . | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| 24. You are satisfied with juvenile diversion programs/practices within your jurisdiction . | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

For the following set of questions, I'm going to ask you about your experience with and perceptions of juvenile diversion practices within your jurisdiction as a whole.

25. What is the goal of juvenile diversion within your jurisdiction (e.g., cost savings, improve outcomes for youth)?
26. What do you perceive to be the greatest challenge or limitation to juvenile diversion within your jurisdiction?
27. What do you perceive to be the primary barriers (e.g., transportation, family functioning, employment, school) to youth:
 - a. Participation in diversion programs?

b. Successfully completing diversion programs?

28. What do you perceive to be the greatest strength of juvenile diversion within your jurisdiction?

[Refer to section D]

C. NO Diversion

1. Why has your office chosen not to use diversion for juvenile defendants?
2. Would you like to see a diversion program implemented in your jurisdiction?
 - a. If yes, what would you like to see in a diversion program?
 - b. What do you perceive to be the greatest barriers to developing a diversion program in your office?

[Refer to section D]

D. Youth Data Collection

For this last section, I'm going to ask you about the types of data your office collects on court-involved youth and diversion programming. You can choose to complete this section now over the phone, or I can send you a follow-up email with a survey link where you can complete the information in a 5-10 minute survey format.

1. Which of the following data fields does your office track in its case management system on court-involved youth?

| | |
|--|--|
| Youth demographics: Gender | <input type="radio"/> Yes <input type="radio"/> No |
| Youth demographics: Age | <input type="radio"/> Yes <input type="radio"/> No |
| Youth demographics: Family income | <input type="radio"/> Yes <input type="radio"/> No |
| Youth demographics: Citizenship | <input type="radio"/> Yes <input type="radio"/> No |
| Youth demographics: Language | <input type="radio"/> Yes <input type="radio"/> No |
| Race/Ethnicity: American Indian or Alaska Native | <input type="radio"/> Yes <input type="radio"/> No |
| Race/Ethnicity: Asian | <input type="radio"/> Yes <input type="radio"/> No |
| Race/Ethnicity: Black or African American | <input type="radio"/> Yes <input type="radio"/> No |
| Race/Ethnicity: Hispanic or Latino | <input type="radio"/> Yes <input type="radio"/> No |
| Race/Ethnicity: Native Hawaiian or Other Pacific Islander | <input type="radio"/> Yes <input type="radio"/> No |
| Race/Ethnicity: White, non-Hispanic | <input type="radio"/> Yes <input type="radio"/> No |
| Race/Ethnicity: Two or More Races | <input type="radio"/> Yes <input type="radio"/> No |
| Residence (e.g., city/town, zip code) | <input type="radio"/> Yes <input type="radio"/> No |
| Personal/family history (e.g., prior involvement with social services, mental health disorder) | <input type="radio"/> Yes <input type="radio"/> No |
| School history (e.g., school discipline, truancy) | <input type="radio"/> Yes <input type="radio"/> No |
| Criminal history (e.g., prior contact with police, prior court involvement) | <input type="radio"/> Yes <input type="radio"/> No |

| | |
|---|--|
| Victim information (e.g., race of victim) | <input type="radio"/> Yes <input type="radio"/> No |
| Other, please describe | <input type="radio"/> Yes <input type="radio"/> No |

a. Please select the source(s) from which youth data is collected:

- | | |
|---|--|
| <input type="checkbox"/> Youth/Youth's Family Self-Report | <input type="checkbox"/> Probation |
| <input type="checkbox"/> Court | <input type="checkbox"/> Department of Children and Families |
| <input type="checkbox"/> School | <input type="checkbox"/> Community-Based Service Provider |
| <input type="checkbox"/> Law Enforcement | <input type="checkbox"/> Other, _____ |
| <input type="checkbox"/> DA's Office | |

2. Which of the following data fields does your office track in its case management system on diversion programming?

| | |
|---|--|
| When the diversion referral occurs (e.g., pre-arraignment, post-arraignment) | <input type="radio"/> Yes <input type="radio"/> No |
| Results of Court Activity Record Information (CARI) & Criminal Offender Record Information (CORI) review at the point of diversion referral | <input type="radio"/> Yes <input type="radio"/> No |
| Type of most serious charge/offense at the point of diversion referral (e.g., person, property, drug) | <input type="radio"/> Yes <input type="radio"/> No |
| Level of most serious charge/offense at the point of diversion referral (e.g., misdemeanor) | <input type="radio"/> Yes <input type="radio"/> No |
| Total number of offenses at the point of diversion referral (e.g., number of misdemeanors) | <input type="radio"/> Yes <input type="radio"/> No |
| Diversion decision (e.g., accepts, office rejects) | <input type="radio"/> Yes <input type="radio"/> No |
| Program participation dates (e.g., date of diversion decision) | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Successful completion | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Unsuccessful | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Unsuccessful due to non-compliance with diversion contract and original charges filed | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Unsuccessful due to arrest on new offense and new/original charges filed | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Unsuccessful but charges not filed | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Youth/youth's family chose court after originally accepting diversion referral | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Transferred to another DA diversion program | <input type="radio"/> Yes <input type="radio"/> No |
| Program exit status: Moved out of service area prior to completion | <input type="radio"/> Yes <input type="radio"/> No |
| Diversion services (e.g., services received, youth compliance) | <input type="radio"/> Yes <input type="radio"/> No |
| Other, please describe | <input type="radio"/> Yes <input type="radio"/> No |

a. Please select the source(s) from which youth data is collected:

- ☐ Youth/Youth's Family Self-Report
- ☐ Court
- ☐ School
- ☐ Law Enforcement
- ☐ DA's Office

- ☐ Probation
- ☐ Department of Children and Families
- ☐ Community-Based Service Provider
- ☐ Other, _____

3. Do you have any additional comments about data collection within your office or about this survey?

Appendix C: Diversion Profiles

Diversion Profiles

The following profiles provide a snapshot of each DA's juvenile diversion program and illustrate some of the key similarities and differences across offices. The profiles were compiled based on information obtained through the key informant interviews with DAs' office staff (please see section 2.2.3 for a full description of the methodology). Due to the confidentiality agreement used as part of the key informant interviews, all interview respondents were given an opportunity to review and approve their office's profile for inclusion in the report.²⁵ The juvenile diversion profiles capture the core elements of each program, including: program structure (policies, funding sources, and staff); the diversion process (eligibility criteria, point of diversion, screening and assessment tools, and stakeholder involvement); diversion intervention (program length, conditions of diversion, program termination, and diversion services).

Please refer to the following glossary for definitions of program elements highlighted in the profiles.

Case-by-Case Assessment = Characteristics of an office's diversion program that allow for flexibility and discretion among key decision-makers related to program operation, such as eligibility criteria and program termination decisions. For example, an office may generally only accept first-time offenders; however, given the totality of the circumstances, may accept youth with a record to participate in the program.

Dedicated Diversion Staff = DA staff, such as case workers and diversion specialists, whose primary role within their office is to oversee juvenile diversion programming, including identifying eligible youth, conducting diversion intake procedures, collaborating with key stakeholders, providing support and planning assistance for diverted youth, and monitoring youth compliance with diversion conditions.

Defense Representative = May include defense counsel, defense advocates, defense bar, and Committee for Public Counsel Services among others.

Derivative Use Clause = An immunity clause often outlined in diversion contracts stipulating that information youth disclose as part of the diversion process (i.e., to diversion staff, counselors) cannot be used against him/her in court.

Diversion Services = This section lists the types of organizations/agencies that provide programs and services for youth participating in diversion programming.

Multiple Diversion Opportunities = Refers to offices that will consider offering diversion more than once on a case-by-case basis.

Program Model = This section refers to existing diversion models that offices used to develop their diversion program, including neighboring jurisdictions' diversion programs and established best practices.

Screening and Assessment = This section refers to screening and/or assessment tools (e.g., counseling assessment) administered either internally by diversion staff or through referrals to other mental health professionals.

²⁵ Ten DAs' offices granted permission to present information on pretrial juvenile diversion practices within their jurisdiction.

Special Diversion Programs = These are programs for diverted youth provided by a range of organizations, such as community-based organizations, social service agencies, law enforcement, schools, courts, and other juvenile justice agencies, that oftentimes target specific subpopulations of youthful offenders (e.g., fire setting behavior).

Stakeholder Involvement = Stakeholders commonly involved in the diversion process, such as making referrals and providing input in the decision to divert.

Youth Accepts Responsibility = A diversion requirement that youth accept responsibility for the offense.

Youth Engagement = A diversion requirement that youth demonstrate a willingness to engage in the program and comply the diversion conditions.

Diversion Characteristics by District Attorney's Office

| | Berkshire | Bristol | The Cape & Islands | Essex | Hampden | Middlesex | Norfolk | Northwestern | Plymouth | Worcester |
|------------------------------------|-----------|----------|--------------------|------------|----------|-----------|--------------------|--------------|----------|-----------|
| Program Structure | | | | | | | | | | |
| Office Uses Diversion | | • | • | • | • | • | • | • | • | • |
| Formal Diversion Policies/Contract | | • | • | • | • | • | • | • | • | • |
| Derivative Use Clause | | • | • | • | • | • | | • | • | |
| Diversion Staff | | | • | • | • | • | • | • | • | |
| Program Length | | 4 Months | 6 Months | 4-6 Months | 6 Months | Varies | 3 Months or longer | Varies | 3 Months | 3 Months |
| Program Model | | | | | | | | | | |
| Neighboring Jurisdiction | | • | • | • | • | | | | | • |
| Identified Best Practice | | | | • | | • | • | • | | • |
| Funding Sources | | | | | | | | | | |
| Federal | | | • | | | | | | • | |
| State | | | | • | | | | | • | |
| Local | | | | | | | | | | |
| DA Budget | | • | • | • | • | • | • | • | • | |
| Other Grants | | | | | | | | • | | |
| Other | | | | | | | | | | • |
| Eligibility Criteria | | | | | | | | | | |
| Age | | Varies | 7-18 | 7-18 | 7-18 | <18 | Varies | 7-18 | 7-17 | Varies |
| Case-by-Case Assessment | | • | • | • | • | • | • | • | • | • |
| Criminal History | | • | • | • | • | • | • | • | • | • |
| First Offense | | • | • | • | • | • | • | • | • | • |
| Multiple Diversion Opportunities | | • | | | | | | • | | |

Diversion Characteristics by District Attorney's Office

| | Berkshire | Bristol | The Cape & Islands | Essex | Hampden | Middlesex | Norfolk | Northwestern | Plymouth | Worcester |
|--|-----------|---------|--------------------|-------|---------|-----------|---------|--------------|----------|-----------|
| Offense Type | | • | • | • | • | • | • | • | • | • |
| Youth Accepts Responsibility | | • | • | • | • | • | • | • | | |
| Youth Engagement | | • | | • | • | • | • | • | | |
| Point of Diversion | | | | | | | | | | |
| Pre-Complaint | | | • | | | • | • | • | | |
| Pre-Arraignment | | • | • | • | • | • | • | • | • | • |
| Post-Arraignment | | | • | | | | | • | | |
| Screening and Assessment | | | | | | | | | | |
| Screening Tool | | | • | | | | • | | | |
| Counseling Assessment Tool | | | • | • | | | | • | | |
| Stakeholder Involvement | | | | | | | | | | |
| Clerk Magistrate/Courts | | | • | • | • | • | • | • | • | • |
| Defense Representative | | • | | | | | • | • | | • |
| Department of Children and Families | | | • | | • | • | | • | • | |
| Law Enforcement | | | • | • | • | • | • | • | | |
| Police Prosecutor | | | | | | • | • | | • | |
| Probation | | • | • | | • | | | • | • | • |
| School | | • | • | • | | • | • | • | • | |
| Victim | | | | • | • | • | • | • | • | • |
| Youth and Family | | • | • | • | • | • | • | • | • | |
| Other* | | • | • | | | | | • | • | |
| Diversion Interventions and Conditions | | | | | | | | | | |

| Diversion Characteristics by District Attorney's Office | | | | | | | | | | |
|---|-----------|---------|--------------------|-------|---------|-----------|---------|--------------|----------|-----------|
| | Berkshire | Bristol | The Cape & Islands | Essex | Hampden | Middlesex | Norfolk | Northwestern | Plymouth | Worcester |
| Accept Responsibility | | • | • | • | • | • | • | • | | |
| Alcohol/Drug Screening | | | • | • | | • | | • | | |
| Community Service | | • | • | • | • | • | • | • | • | • |
| Counseling | | • | • | • | • | • | | • | • | • |
| Educational Programs/Courses | | • | • | • | • | • | • | • | • | • |
| Letter of Apology/Essay | | • | • | • | • | • | • | • | • | • |
| Obey Home/School Rules | | • | • | | • | • | | • | • | • |
| Restitution (if applicable) | | • | • | • | • | • | • | • | • | |
| Special Diversion Programs | | • | | | • | • | • | • | | • |
| Other** | | | | • | | | | • | | |
| Diversion Services | | | | | | | | | | |
| Community-Based Organization | | • | • | • | • | • | • | • | • | • |
| Court | | | | | | • | | • | | • |
| District Attorney's Office | | | • | | | | • | • | • | |
| Juvenile Justice Agency | | | | | | | | | | |
| Law Enforcement | | | • | | | | | • | | |
| School | | | • | | | | | • | | |
| Other*** | | | | | | | | • | | |
| Program Termination | | | | | | | | | | |
| New Offense | | • | • | • | • | • | • | • | • | • |
| Failure to Comply | | • | • | • | • | • | • | • | • | • |
| Case-by-Case Assessment | | • | • | | • | • | • | • | • | |

**"Other" includes: community service sites, counseling agencies; social, mental health, and substance abuse service providers; and community-based organizations.

***"Other" includes: GED, technical or college programs, and job/career training, and DCF and DMH programs and supports.

***"Other" includes: social, mental health, and substance abuse service providers.

| Berkshire District Attorney's Office | | |
|---|--|--|
| Program Structure | | |
| Office Uses Diversion: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | | Policies: <input type="checkbox"/> Office Policy/Standard Operating Procedures <input type="checkbox"/> Diversion Contract <input type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None |
| Program Model: <input type="checkbox"/> Neighboring Jurisdiction <input type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | | <input type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ |
| | | Dedicated Diversion Staff: <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Age: _____ <input type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Criminal History <input type="checkbox"/> First Offense <input type="checkbox"/> Multiple Diversion Opportunities </div> <div> <input type="checkbox"/> Offense Type <input type="checkbox"/> Youth Accepts Responsibility <input type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input type="checkbox"/> Pre-Complaint <input type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | | Screening and Assessment: <input type="checkbox"/> Screening Tool <input type="checkbox"/> Counseling Assessment |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Clerk Magistrate/Courts <input type="checkbox"/> Defense Representative <input type="checkbox"/> Department of Children and Families <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Police Prosecutor </div> <div> <input type="checkbox"/> Probation <input type="checkbox"/> School <input type="checkbox"/> Victim <input type="checkbox"/> Youth and Family <input type="checkbox"/> Other: _____ </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: _____ _____ | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Accept Responsibility <input type="checkbox"/> Alcohol/Drug Screening <input type="checkbox"/> Community Service <input type="checkbox"/> Counseling <input type="checkbox"/> Educational Programs/Courses <input type="checkbox"/> Letter of Apology/Essay </div> <div> <input type="checkbox"/> Obey Home/School Rules <input type="checkbox"/> Restitution (if applicable) <input type="checkbox"/> Special Diversion Programs <input type="checkbox"/> Other: _____ </div> </div> | |
| Program Termination: <input type="checkbox"/> New Offense <input type="checkbox"/> Failure to Comply <input type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Community-Based Organization <input type="checkbox"/> Court <input type="checkbox"/> District Attorney's Office </div> <div> <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

| Bristol District Attorney's Office | | |
|--|--|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input checked="" type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input checked="" type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input checked="" type="checkbox"/> Neighboring Jurisdiction <input type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Age: <u>Varies</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <div style="margin-left: 20px;"><input checked="" type="checkbox"/> First Offense</div> <input checked="" type="checkbox"/> Multiple Diversion Opportunities </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Offense Type²⁶ <input checked="" type="checkbox"/> Youth Accepts Responsibility <input checked="" type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | Screening and Assessment: <input type="checkbox"/> Screening Tool <input type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Clerk Magistrate/Courts <input checked="" type="checkbox"/> Defense Representative <input type="checkbox"/> Department of Children and Families <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Police Prosecutor </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> School <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input checked="" type="checkbox"/> Other: <u>Victim Advocates</u> </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>4 Months</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Accept Responsibility <input type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses²⁷ <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input checked="" type="checkbox"/> Special Diversion Programs²⁸ <input type="checkbox"/> Other: _____ </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input checked="" type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Community-Based Organization <input type="checkbox"/> Court <input type="checkbox"/> District Attorney's Office </div> <div style="width: 45%;"> <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

²⁶ Office excludes: sex offenses, firearms cases, and other serious cases.

²⁷ Office uses educational programs, such as 3rd Millennium Classrooms.

²⁸ Office refers youth to special diversion programs, such as youth court.

| Cape and the Islands District Attorney's Office | | |
|--|---|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input checked="" type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input checked="" type="checkbox"/> Neighboring Jurisdiction <input type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input checked="" type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Age: <u>7-18</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <div style="margin-left: 20px;"><input checked="" type="checkbox"/> First Offense</div> <input type="checkbox"/> Multiple Diversion Opportunities </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Offense Type²⁹ <input checked="" type="checkbox"/> Youth Accepts Responsibility <input type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input checked="" type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input checked="" type="checkbox"/> Post-Arrestment | Screening and Assessment: <input checked="" type="checkbox"/> Screening Tool <input checked="" type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input type="checkbox"/> Defense Representative <input checked="" type="checkbox"/> Department of Children and Families <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Police Prosecutor </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> School <input type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input checked="" type="checkbox"/> Other: <u>Community Service Sites, Counseling Agencies</u> </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>6 Months</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Accept Responsibility <input checked="" type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses³⁰ <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input type="checkbox"/> Special Diversion Programs <input type="checkbox"/> Other: _____ </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input checked="" type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Community-Based Organization <input type="checkbox"/> Court <input checked="" type="checkbox"/> District Attorney's Office </div> <div style="width: 48%;"> <input type="checkbox"/> Juvenile Justice Agency <input checked="" type="checkbox"/> Law Enforcement <input checked="" type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

²⁹ Office excludes: driving under the influence, sex offenses, assault/battery or other serious bodily injury, and drug distribution cases.

³⁰ Office uses educational programs, such as 3rd Millennium Classrooms.

| Essex District Attorney's Office | | |
|---|---|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input checked="" type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input checked="" type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input checked="" type="checkbox"/> Neighboring Jurisdiction <input checked="" type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input checked="" type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Age: 7-18 <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> First Offense <input type="checkbox"/> Multiple Diversion Opportunities </div> </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Offense Type³¹ <input checked="" type="checkbox"/> Youth Accepts Responsibility <input checked="" type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | Screening and Assessment: <input type="checkbox"/> Screening Tool <input checked="" type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input type="checkbox"/> Defense Representative <input type="checkbox"/> Department of Children and Families <input checked="" type="checkbox"/> Law Enforcement <input checked="" type="checkbox"/> Police Prosecutor </div> <div style="width: 45%;"> <input type="checkbox"/> Probation <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input type="checkbox"/> Other: _____ </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>4-6 Months</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Accept Responsibility <input checked="" type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses³² <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 45%;"> <input type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input type="checkbox"/> Special Diversion Programs <input checked="" type="checkbox"/> Other: <u>GED, Technical or College Programs, Job/Career Training.</u> </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Community-Based Organization <input type="checkbox"/> Court <input type="checkbox"/> District Attorney's Office </div> <div style="width: 45%;"> <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

³¹ Office permits non-violent offenses.

³² Office uses educational programs, such as 3rd Millennium Classrooms.

| Hampden District Attorney's Office | | |
|---|--|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input checked="" type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input checked="" type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input checked="" type="checkbox"/> Neighboring Jurisdiction <input type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Age: <u>7-18</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <div style="margin-left: 20px;"><input checked="" type="checkbox"/> First Offense</div> <input type="checkbox"/> Multiple Diversion Opportunities </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Offense Type³³ <input checked="" type="checkbox"/> Youth Accepts Responsibility <input checked="" type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | Screening and Assessment: <input type="checkbox"/> Screening Tool <input type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input type="checkbox"/> Defense Representative <input checked="" type="checkbox"/> Department of Children and Families <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Police Prosecutor </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Probation <input type="checkbox"/> School <input checked="" type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input type="checkbox"/> Other: _____ </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>6 Months</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Accept Responsibility <input type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses³⁴ <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input checked="" type="checkbox"/> Special Diversion Programs³⁵ <input type="checkbox"/> Other: _____ </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input checked="" type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Community-Based Organization <input type="checkbox"/> Court <input type="checkbox"/> District Attorney's Office </div> <div style="width: 45%;"> <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

³³ Office excludes: gang activity, aggressive or violent offenses, and drug distribution cases.

³⁴ Office uses educational programs, such as 3rd Millennium Classrooms.

³⁵ Office refers youth to special diversion programs, such as Bridging the Gap.

| Middlesex District Attorney's Office | | |
|---|---|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input checked="" type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input checked="" type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input type="checkbox"/> Neighboring Jurisdiction <input checked="" type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Age: <u>18 or Younger</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <input checked="" type="checkbox"/> First Offense <input type="checkbox"/> Multiple Diversion Opportunities </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Offense Type³⁶ <input checked="" type="checkbox"/> Youth Accepts Responsibility <input checked="" type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input checked="" type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | Screening and Assessment: <input type="checkbox"/> Screening Tool <input type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input type="checkbox"/> Defense Representative <input checked="" type="checkbox"/> Department of Children and Families <input checked="" type="checkbox"/> Law Enforcement <input checked="" type="checkbox"/> Police Prosecutor </div> <div style="width: 48%;"> <input type="checkbox"/> Probation <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input type="checkbox"/> Other: _____ </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>Varies</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Accept Responsibility <input checked="" type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses³⁷ <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input checked="" type="checkbox"/> Special Diversion Programs³⁸ <input type="checkbox"/> Other: _____ </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input checked="" type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Community-Based Organization <input checked="" type="checkbox"/> Court <input type="checkbox"/> District Attorney's Office </div> <div style="width: 48%;"> <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

³⁶ Office permits misdemeanors or felonies that if committed by an adult would have been in district court. Exclusions include: minimum mandatory offenses (e.g., drug and firearms cases), motor vehicle offenses, serious assault or other violent offenses, sexual offenses, and gang-related offenses.

³⁷ Office uses educational programs, such as 3rd Millennium Classrooms' STOPLifting course for shoplifting offenses.

³⁸ Office refers youth to special diversion programs, such as Bridging the Gap, Court Clinic, and restorative justice programs (C4RJ and JCRJD).

| Norfolk District Attorney's Office | | |
|--|---|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input type="checkbox"/> Neighboring Jurisdiction <input checked="" type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Age: <u>Varies</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <input checked="" type="checkbox"/> First Offense <input type="checkbox"/> Multiple Diversion Opportunities </div> <div style="width: 48%;"> <input checked="" type="checkbox"/> Offense Type³⁹ <input checked="" type="checkbox"/> Youth Accepts Responsibility <input checked="" type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input checked="" type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | Screening and Assessment: <input checked="" type="checkbox"/> Screening Tool <input type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input checked="" type="checkbox"/> Defense Representative <input type="checkbox"/> Department of Children and Families <input checked="" type="checkbox"/> Law Enforcement <input checked="" type="checkbox"/> Police Prosecutor </div> <div style="width: 48%;"> <input type="checkbox"/> Probation <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input type="checkbox"/> Other: _____ </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>3 Months or longer</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Accept Responsibility <input type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 48%;"> <input type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input checked="" type="checkbox"/> Special Diversion Programs⁴⁰ <input type="checkbox"/> Other: _____ </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input checked="" type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input checked="" type="checkbox"/> Community-Based Organization <input type="checkbox"/> Court <input checked="" type="checkbox"/> District Attorney's Office </div> <div style="width: 48%;"> <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

³⁹ Office permits low-risk crimes and excludes cases in which there is a victim involved, unless the victim consents to diversion.

⁴⁰ Office refers youth to special diversion programs, such as the Gateway program, Caron Drug and Substance Abuse program, and the Norfolk Fire Sense program.

| Northwestern District Attorney's Office | | |
|---|--|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input checked="" type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input checked="" type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input type="checkbox"/> Neighboring Jurisdiction <input checked="" type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input checked="" type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Age: <u>7-18</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <input checked="" type="checkbox"/> First Offense <input checked="" type="checkbox"/> Multiple Diversion Opportunities </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Offense Type⁴¹ <input checked="" type="checkbox"/> Youth Accepts Responsibility <input checked="" type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input checked="" type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input checked="" type="checkbox"/> Post-Arrestment | Screening and Assessment: <input type="checkbox"/> Screening Tool <input checked="" type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input checked="" type="checkbox"/> Defense Representative <input checked="" type="checkbox"/> Department of Children and Families <input checked="" type="checkbox"/> Law Enforcement <input type="checkbox"/> Police Prosecutor </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input checked="" type="checkbox"/> Other: <u>Social, Mental Health, and Substance Abuse Service Providers.</u> </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>Varies</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Accept Responsibility <input checked="" type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses⁴² <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input checked="" type="checkbox"/> Special Diversion Programs⁴³ <input checked="" type="checkbox"/> Other: <u>DCF and DMH Programs and Supports.</u> </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input checked="" type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Community-Based Organization <input checked="" type="checkbox"/> Court <input checked="" type="checkbox"/> District Attorney's Office </div> <div style="width: 45%;"> <input type="checkbox"/> Juvenile Justice Agency <input checked="" type="checkbox"/> Law Enforcement <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> Other: <u>Social, Mental Health, and Substance Abuse Service Providers.</u> </div> </div> | |

⁴¹ Office permits minor offenses; however, more serious offenses are considered when deemed appropriate.

⁴² Office uses educational programs, such as 3rd Millennium Classrooms' STOPLifting Program, NoFIRES program, Essex District Attorney's Think Before You Send, and the 'Alive at 25' driver attitudinal retraining course.

⁴³ Office refers youth and families to special diversion programs, such as Massachusetts Department of Public Health Bureau of Substance Abuse Services Central Intake and Care Coordination; Phoenix House; Motivating Youth Recovery (MYR), Brattleboro; and Big Brothers Big Sisters.

| Plymouth District Attorney's Office | | |
|--|---|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Policies: <input type="checkbox"/> Office Policy/Standard Operating Procedures <input checked="" type="checkbox"/> Diversion Contract <input checked="" type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None | |
| Program Model: <input type="checkbox"/> Neighboring Jurisdiction <input type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input checked="" type="checkbox"/> Federal <input checked="" type="checkbox"/> State <input type="checkbox"/> Local | <input checked="" type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input type="checkbox"/> Other: _____ | Dedicated Diversion Staff: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Age: <u>7-17</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <input checked="" type="checkbox"/> First Offense <input type="checkbox"/> Multiple Diversion Opportunities </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Offense Type⁴⁴ <input type="checkbox"/> Youth Accepts Responsibility <input type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ </div> </div> | | |
| Point of Diversion: <input type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | Screening and Assessment: <input type="checkbox"/> Screening Tool <input type="checkbox"/> Counseling Assessment | |
| Stakeholder Involvement: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input type="checkbox"/> Defense Representative <input checked="" type="checkbox"/> Department of Children and Families <input type="checkbox"/> Law Enforcement <input checked="" type="checkbox"/> Police Prosecutor </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Probation <input checked="" type="checkbox"/> School <input checked="" type="checkbox"/> Victim <input checked="" type="checkbox"/> Youth and Family <input checked="" type="checkbox"/> Other: <u>Community-based organizations</u> </div> </div> | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>3 Months</u> | Conditions of Diversion: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input type="checkbox"/> Accept Responsibility <input type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses⁴⁵ <input checked="" type="checkbox"/> Letter of Apology/Essay </div> <div style="width: 45%;"> <input checked="" type="checkbox"/> Obey Home/School Rules <input checked="" type="checkbox"/> Restitution (if applicable) <input type="checkbox"/> Special Diversion Programs <input type="checkbox"/> Other: _____ </div> </div> | |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input checked="" type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | Diversion Services: <div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <input checked="" type="checkbox"/> Community-Based Organization <input type="checkbox"/> Court <input checked="" type="checkbox"/> District Attorney's Office </div> <div style="width: 45%;"> <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ </div> </div> | |

⁴⁴ Office permits non-violent offenses and some domestic violence cases.

⁴⁵ Office uses educational programs, such as 3rd Millennium Classrooms.

| Worcester District Attorney's Office | | |
|---|--|---|
| Program Structure | | |
| Office Uses Diversion: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | | Policies: <input checked="" type="checkbox"/> Office Policy/Standard Operating Procedures <input type="checkbox"/> Diversion Contract <input type="checkbox"/> Derivative Use Clause <input type="checkbox"/> None |
| Program Model: <input checked="" type="checkbox"/> Neighboring Jurisdiction <input checked="" type="checkbox"/> Identified Best Practice | | |
| Funding Sources: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Local | | <input type="checkbox"/> DA Budget <input type="checkbox"/> Other Grants <input checked="" type="checkbox"/> Other: _____ |
| | | Dedicated Diversion Staff: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| Diversion Process | | |
| Eligibility Criteria: <input checked="" type="checkbox"/> Age: <u>Varies</u> <input checked="" type="checkbox"/> Case-by-Case Assessment <input checked="" type="checkbox"/> Criminal History <input checked="" type="checkbox"/> First Offense <input type="checkbox"/> Multiple Diversion Opportunities | | |
| <input checked="" type="checkbox"/> Offense Type ⁴⁶ <input type="checkbox"/> Youth Accepts Responsibility <input type="checkbox"/> Youth Engagement <input type="checkbox"/> Other: _____ | | |
| Point of Diversion: <input type="checkbox"/> Pre-Complaint <input checked="" type="checkbox"/> Pre-Arrestment <input type="checkbox"/> Post-Arrestment | | Screening and Assessment: <input type="checkbox"/> Screening Tool <input type="checkbox"/> Counseling Assessment |
| Stakeholder Involvement: <input checked="" type="checkbox"/> Clerk Magistrate/Courts <input checked="" type="checkbox"/> Defense Representative <input type="checkbox"/> Department of Children and Families <input type="checkbox"/> Law Enforcement <input type="checkbox"/> Police Prosecutor | | |
| <input checked="" type="checkbox"/> Probation <input type="checkbox"/> School <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Youth and Family <input type="checkbox"/> Other: _____ | | |
| Diversion Interventions and Conditions | | |
| Program Length: <u>3 Months</u> | Conditions of Diversion: <input type="checkbox"/> Accept Responsibility <input type="checkbox"/> Alcohol/Drug Screening <input checked="" type="checkbox"/> Community Service <input checked="" type="checkbox"/> Counseling <input checked="" type="checkbox"/> Educational Programs/Courses <input checked="" type="checkbox"/> Letter of Apology/Essay | |
| | | <input checked="" type="checkbox"/> Obey Home/School Rules <input type="checkbox"/> Restitution (if applicable) <input checked="" type="checkbox"/> Special Diversion Programs ⁴⁷ <input type="checkbox"/> Other: _____ |
| Program Termination: <input checked="" type="checkbox"/> New Offense <input checked="" type="checkbox"/> Failure to Comply <input type="checkbox"/> Case-by-Case Assessment <input type="checkbox"/> Other: _____ | | Diversion Services: <input checked="" type="checkbox"/> Community-Based Organization <input checked="" type="checkbox"/> Court <input type="checkbox"/> District Attorney's Office |
| | | <input type="checkbox"/> Juvenile Justice Agency <input type="checkbox"/> Law Enforcement <input type="checkbox"/> School <input type="checkbox"/> Other: _____ |

⁴⁶ Office permits shop lifting offenses and fire setting. The program excludes: offenses involving a weapon, drug offenses, and cases with extreme aggravating factors.

⁴⁷ Office refers youth to special diversion programs, such as court-based Teen Ride program for driving offenses.

Appendix D: Data Collection Tables

Data Collection on Court-Involved Youth by District Attorney's Office⁴⁸

| | Berkshire | Bristol | The Cape & Islands | Essex | Hampden | Middlesex ⁴⁹ | Norfolk | Northwestern | Plymouth | Worcester |
|---|-----------|---------|--------------------|-------|---------|-------------------------|---------|--------------|----------|-----------|
| Youth Demographics | | | | | | | | | | |
| Gender | | • | • | • | • | • | • | • | • | |
| Age | | • | • | • | • | • | • | • | • | |
| Family Income | | | | | | | | | | |
| Citizenship | | | | | | | | | | |
| Language | | • | | • | | | • | • | | |
| Race/Ethnicity | | | | | | | | | | |
| American Indian or Alaska Native | | • | • | | | | | • | | |
| Asian | | • | • | | | | • | • | | |
| Black or African American | | • | • | | • | | • | • | | |
| Hispanic or Latino | | • | • | | • | | • | • | | |
| Native Hawaiian or Other Pacific Islander | | | • | | | | | • | | |
| White, non-Hispanic | | • | • | | • | | • | • | | |
| Two or More Races | | | • | | | | | | | |
| Youth History and Case Information | | | | | | | | | | |
| Residence (e.g., city/town, zip code) | | • | • | • | • | • | • | • | • | |
| Personal/Family History (e.g., prior involvement with social services) | | • | | • | • | | • | • | • | |
| School History (e.g., school discipline, truancy) | | • | • | • | | | | • | • | |
| Criminal History (e.g., prior contact with police, prior court involvement) | | • | • | • | • | • | • | • | • | |
| Victim Information | | | • | • | • | | | • | • | |

⁴⁸ Due to the confidentiality agreement used as part of the key informant interviews, all interview respondents were given an opportunity to review and approve their office's data collection information for inclusion in the report. Ten DAs' offices granted permission to present information on their office's data collection on court-involved youth.

⁴⁹ Beginning in 2015, the Middlesex DA's office will begin tracking race/ethnicity data based on police report records.

Data Collection on Diversion Programming by District Attorney's Office⁵⁰

| | Berkshire | Bristol | The Cape & Islands | Essex | Hampden | Middlesex | Norfolk | Northwestern | Plymouth | Worcester |
|---|-----------|---------|--------------------|-------|---------|-----------|---------|--------------|----------|-----------|
| Diversion Programming | | | | | | | | | | |
| When the diversion referral occurs (e.g., pre-arraignment, post-arraignment) | | • | • | • | | • | • | • | • | |
| Results of Court Activity Record Information (CARI) & Criminal Offender Record Information (CORI) review at the point of diversion referral | | | | • | | • | • | • | • | |
| Type of most serious charge/offense at the point of diversion referral (e.g., person, property, drug) | | • | • | • | • | • | • | • | • | |
| Level of most serious charge/offense at the point of diversion referral (e.g., misdemeanor) | | | | • | • | • | • | • | • | |
| Total number of offenses at the point of diversion referral | | | | • | | | • | • | • | |
| Diversion decision (e.g., accepted, rejected) | | | | | | • | • | • | | |
| Program participation dates (e.g., date of diversion decision) | | • | • | • | • | • | • | • | • | |
| Program exit status: Successful completion | | • | • | • | • | • | • | • | • | • |
| Program exit status: Unsuccessful | | • | • | • | • | • | • | • | • | • |
| Program exit status: Unsuccessful due to non-compliance with diversion contract and original charges filed | | | | • | • | • | • | • | • | |
| Program exit status: Unsuccessful due to arrest on new offense and new/original charges filed | | | | • | • | • | • | • | • | |
| Program exit status: Unsuccessful but charges not filed | | | | | | • | • | | | |
| Program exit status: Youth/youth's family chose court after originally accepting diversion referral | | | | • | | | • | • | • | |
| Program exit status: Transferred to another DA diversion program | | | | | | | • | | • | |
| Program exit status: Moved out of service area prior to completion | | | | • | | | • | | • | |
| Diversion services (e.g., services received, youth compliance) | | • | • | • | • | • | • | • | • | |

⁵⁰ Due to the confidentiality agreement used as part of the key informant interviews, all interview respondents were given an opportunity to review and approve their office's data collection information for inclusion in the report. Ten DAs' offices granted permission to present information on their office's data collection on diversion programming.

Appendix E: Diversion Resources

| Diversion Resources ⁵¹ | |
|--|---|
| Topical Resources | |
| National Center for Mental Health and Juvenile Justice & Technical Assistance Collaborative, <i>Improving Diversion Policies and Programs for Justice-Involved Youth with Co-occurring Mental and Substance Use Disorders: An Integrated Policy Academy /Action Network Initiative</i> | http://www.ncmhjj.com/wp-content/uploads/2013/10/improvingdiversionstrategies.pdf |
| OJJDP, <i>Disproportionate Minority Contact Technical Assistance Manual</i> | http://www.ojjdp.gov/compliance/dmc_ta_manual.pdf |
| OJJDP, <i>Easy Access to Juvenile Populations: 1990-2012</i> | http://www.ojjdp.gov/ojstatbb/ezapop/ |
| Programmatic Resources | |
| 3 rd Millennium Classrooms, <i>Court Courses</i> | http://web.3rdmilclassrooms.com/courses/court |
| Annie E. Casey Foundation, <i>JDAI Helpdesk</i> | http://www.jdaihelpdesk.org/default.aspx |
| Bureau of Justice Assistance, <i>Juvenile Drug Courts: Strategies in Practice</i> | https://www.ncjrs.gov/pdffiles1/bja/197866.pdf |
| Florida Department of Juvenile Justice, <i>Florida Civil Citation</i> | http://www.djj.state.fl.us/partners/our-approach/florida-civil-citation |
| Florida Department of Juvenile Justice, <i>Civil Citation Implementation Guide</i> | http://www.djj.state.fl.us/docs/partners-providers-staff/civil-citation-implementation-guide.pdf?sfvrsn=6 |
| Florida Department of Juvenile Justice, <i>Civil Citation Model Plan</i> | http://www.djj.state.fl.us/docs/partners-providers-staff/model-plan.pdf?sfvrsn=8 |
| MacArthur Foundation, <i>Models for Change Initiative</i> | http://www.modelsforchange.net/index.html |
| Models for Change Initiative, <i>Juvenile Diversion Guidebook</i> | http://www.modelsforchange.net/publications/301 |
| Models for Change Initiative, <i>Guide to Developing Pre-Adjudication Diversion Policy and Practice in Pennsylvania</i> | http://www.modelsforchange.net/publications/309 |
| Models for Change Initiative, <i>Spokane County (WA) Toolkit for Community Truancy Board Replication</i> | http://www.modelsforchange.net/publications/475/Spokane_County_WA_Toolkit_for_Community_Truancy_Board_Replication.pdf |
| Models for Change Initiative, <i>Texas Front End Diversion Initiative Program Policy and Procedure Manual</i> | http://www.modelsforchange.net/publications/372/Texas_Front_End_Diversion_Initiative_Program_Policy_and_Procedure_Manual.pdf |
| National Association of Youth Courts | http://www.youthcourt.net/ |
| OJJDP, <i>Model Programs Guide</i> | http://www.ojjdp.gov/mpg/ |
| OJP, <i>CrimeSolutions – Juveniles</i> | https://www.crimesolutions.gov/TopicDetails.aspx?ID=5 |
| Washington State Institute for Public Policy, <i>Evidence-Based Juvenile Offender Programs: Program Description, Quality Assurance, and Cost</i> | http://www.wsipp.wa.gov/ReportFile/986 |
| Massachusetts Resources | |

⁵¹ This table presents information for accessing the diversion resources covered in this report and is not meant to be an exhaustive list of all resources.

| Diversion Resources ⁵¹ | |
|---|---|
| Berkshire District Attorney's Office | http://www.mass.gov/berkshireda/juvenile-justice-unit.html |
| Bristol District Attorney's Office | http://www.bristolda.com |
| Cape and Islands District Attorney's Office | http://www.mass.gov/capeda/community-programs/juvenile-diversion/ |
| Essex District Attorney's Office | http://www.mass.gov/essexda/prevention-and-intervention/school-safety/juvenile-diversion.html |
| Hampden District Attorney's Office | http://www.hampdenda.com/juvenile_justice.html |
| Middlesex District Attorney's Office | http://middlesexda.com/prevention/Juvenile.php |
| Norfolk District Attorney's Office | http://www.mass.gov/da/norfolk/juvenilejustice.html |
| Northwestern District Attorney's Office | http://www.northwesternda.org/juvenile-justice |
| Plymouth District Attorney's Office | http://www.mass.gov/daplymouth/pdfs/brochures/juvenilediversion.pdf |
| Suffolk District Attorney's Office | http://www.suffolkdistrictattorney.com/ |
| Worcester District Attorney's Office | http://worcesterdac.com/ |
| Massachusetts Juvenile Detention Alternatives Initiative | http://www.mass.gov/jdai |
| Communities for Restorative Justice | http://www.c4rj.com/index.php |
| Juvenile Court Restorative Justice Diversion | http://jcrjdlowell.wix.com/jcrjd |
| Juvenile Justice Advisory Committee, <i>2012-2013 Annual Report and FY2014 Three-Year Plan (Update)</i> | http://www.mass.gov/eopss/law-enforce-and-cj/justice-prev/jjac/jjac-overview.html |
| The Salvation Army, <i>Bridging the Gap</i> | http://massachusetts.salvationarmy.org/MA/BridgingtheGap |