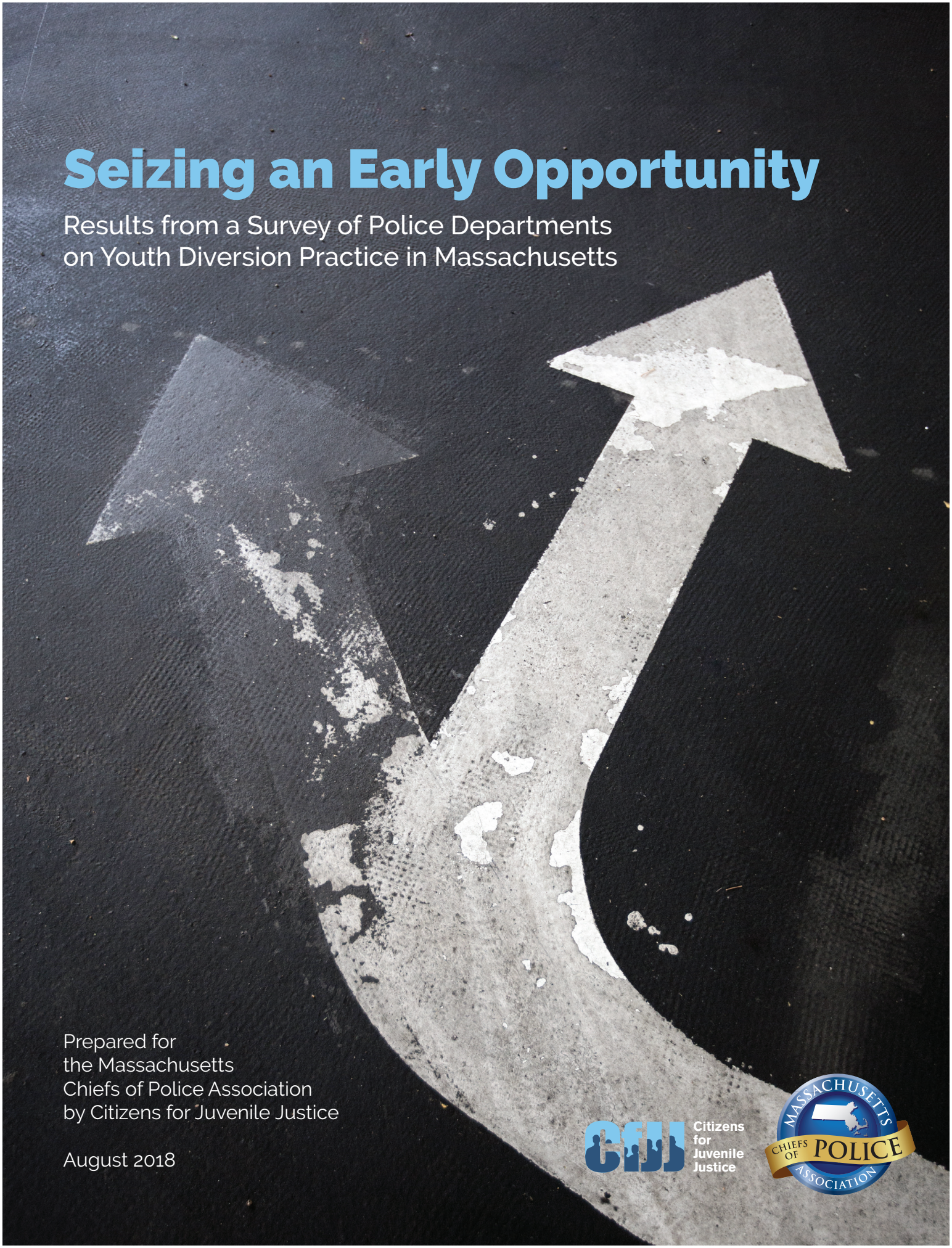

Seizing an Early Opportunity

Results from a Survey of Police Departments on Youth Diversion Practice in Massachusetts

Prepared for
the Massachusetts
Chiefs of Police Association
by Citizens for Juvenile Justice

August 2018

Citizens for Juvenile Justice

Massachusetts Chiefs of Police Association

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Compiled primarily by Joshua Dankoff, Project Director, Massachusetts Child Welfare and Juvenile Justice Leadership Forum. Special thanks to Chief Kevin Kennedy, Lincoln Police Department, for ongoing advice on the entire process of survey and partnership with Massachusetts Chiefs of Police Association. Survey design benefited from input from Hannah Legerton, Citizens for Juvenile Justice. Survey management, data cleaning, and initial tables provided by Rimonda Maroun, then a PhD Candidate, U-Mass Lowell. Research and/or editing contributions made by Naoka Carey, Gwen Saffran, Jaime Fong, Gracie Burger, Max Jungreis, Reilly Loynd, Andrew Gove, and Lena Shapiro.

Executive Summary

Background and Purpose of Report

Large numbers of youth come in contact with the juvenile justice system every year: nationwide, police arrested over 920,000 children under the age of 18 in 2015,[1] while Massachusetts police departments made more than 7,600 arrests in 2015.[2] Quite frequently, a contributing factor to contact with the juvenile system is one or more unaddressed problems (such as mental health or substance abuse) in the young person's life, which are unlikely to be treated effectively with formal juvenile adjudication. Early intervention for youth is key to reducing their risk of committing crime and keeping them on the path to success.

The police play an influential gate-keeping role in determining whether a young person officially enters the juvenile justice system, or remains in the community.

The police play an influential gate-keeping role in determining whether a young person officially enters the juvenile justice system, or remains in the community. There is a compelling body of evidence on the negative effects court processing has on young people, underscoring the critical opportunity of police departments to support the positive development of youth. Instead of contributing to the certain creation of a formal record and possible experience of pre-trial or post-adjudication incarceration, police can help a young person get back and stay on track to a successful future. By offering pre-arrest diversion, the police have the unique opportunity to reduce the impact of a criminal record on a young person while more efficiently spending taxpayer dollars on practices proven to improve public safety.

Research shows that arresting a young person for the first time doubles their risk of dropping out of high school, even when controlling for socioeconomic, educational and family characteristics.[3] Court processing further increases the risk of school drop-out,[4] and also increases the risk of further delinquency when compared to diversion from formal processing.[5] Though the stakes of formal juvenile system involvement are demonstrably high, police departments have substantial capacity to influence the scope and terms of justice system contact. The police are uniquely situated to direct the trajectory of youth toward better outcomes through diversion, while still ensuring accountability at the community level.

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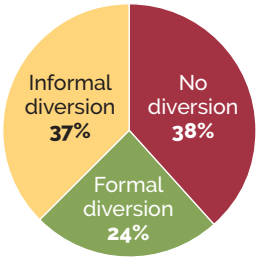
This report represents the first state-wide examination of police diversion practice in Massachusetts. Despite the extensive literature regarding the benefits of diverting young people from the justice system, there is an absence of research on the efforts of Massachusetts police departments to keep youth out of court and in their communities. Reporting on the first survey of its kind in Massachusetts, this report seeks to catalyze further study to fill the gap in knowledge regarding police-level youth diversion through an exploration of the following questions: What are the contours of current police

diversion practice for young people in Massachusetts? What do we know about which towns offer diversion, what they offer, and how consistently their diversion programs align with best practices in the field?

Does your department offer police-level diversion?



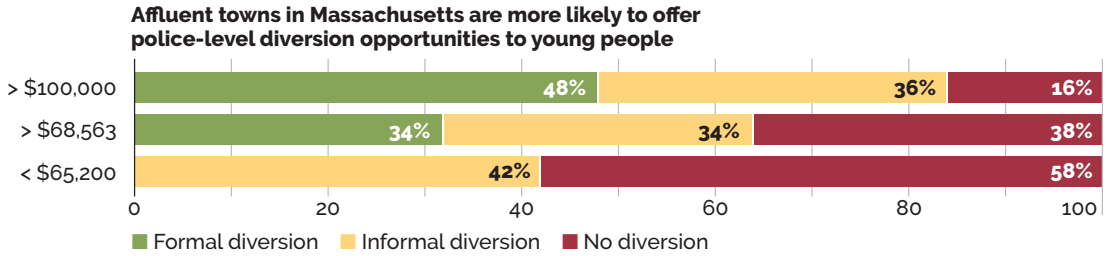
The report presents data from an online survey of 95 (of the 357) police departments in Massachusetts, and includes information about the departments that offer formal and informal diversion to young people, as well as how such youth are deemed eligible for diversion, the interventions available, stakeholder collaboration, funding, staffing, training, and data collection practices. By providing the first comprehensive analysis of youth diversion in Massachusetts, this report aims to serve as a resource for police chiefs considering the creation or expansion of diversion programming, as well as for policymakers seeking to support such work.

Key Findings

Finding 1. *There is a wide range of youth diversion practices at the police level in Massachusetts, which reflects that no guidance exists from legislative or other authorities on the practice.* In this survey, 24% of responding departments (23 of 95) reported offering formal diversion, 37% (35 of 95) reported offering informal diversion, and 38% (36 of 95) reported offering no diversion.[6] The variation in working definitions of diversion presents a challenge to the standardized census and evaluation of such programs. For example, roughly a quarter of responding departments reported having formal diversion programs, but only between 6 and 13% reported having formal mission statements, written definitions of diversion, diversion policies, or standard operating procedures.

Finding 2. *Larger towns in Massachusetts are more likely to offer formal diversion at the police level to young people.* In this survey, formal diversion is reportedly offered in 34% of responding municipalities with populations above 15,000, but in only 16% of the municipalities with populations below 15,000. However, some smaller departments in Middlesex County have found a cost-effective strategy to partner with a community organization and pool resources to offer formal diversion for youths in their jurisdiction.

Finding 3. *Affluent towns in Massachusetts are more likely to offer police-level diversion opportunities to young people.* Almost half of the responding municipalities with median household incomes above $100,000 reportedly offer formal diversion, and more than 80% of those towns offer either formal or informal diversion. By contrast, no municipality with a median household income below $65,200 offers formal diversion, and only about 40% of those towns offer informal diversion.



Finding 4. *There is a wide range of variation in which youth are deemed eligible for police-level diversion within and between Massachusetts police departments.* Several pre-screening tools have been developed as standardized approaches to fair treatment, yet only four departments reported using such a mechanism to determine diversion eligibility. Most of the responding departments seem to leave eligibility determination

up to their officers' broad discretion, which can result in unequal and unfair access to diversion. A majority of these departments consider diversion appropriate (1) when a youth accepts responsibility, (2) if the youth is facing her/his first offense, and/or 3) if the family agrees to the diversion process. Nearly half the respondents automatically consider diversion for status offenses, and 44% automatically consider it for school-based offenses.

Finding 5. *In-state diversion models exist already.* Massachusetts boasts several police diversion programs that have been recognized nationally and that provide a range of options for departments wishing to work toward youth accountability at the community level in a manner that avoids the deleterious effects of court involvement. These programs are offered in large, medium and small municipalities. Massachusetts programs highlighted in this report:

- **Communities for Restorative Justice (C4RJ)** provides an opportunity for smaller departments to share resources and provide diversion at a low cost;
- **Cambridge Police's Safety Net Collaborative** identifies at-risk children, sometimes well before arrest, and links them to services; and
- **Massachusetts Arrest Screening Tool for Law Enforcement (MASTLE)** is an objective screening tool used by the Brookline Police at the point of arrest to identify which children are eligible for diversion.

Massachusetts is well-placed to improve the policy framework under which police departments can facilitate community accountability of young people accused of wrongdoing.

Key Recommendations

Massachusetts is well-placed to improve the policy framework under which police departments can facilitate community accountability of young people accused of wrongdoing as an alternative to arrest and formal processing through the Juvenile Court. However, the variation and discretion involved in police diversion practice reflect the current lack of policy guidance from the Massachusetts Legislature, or any other state entity. In other words, this report finds that the capacity to increase police-level diversion for youth exists, but cannot be capitalized upon without a centralized commitment from state leaders.

Immediate Steps for Police Consideration:

- *Police chiefs* interested in exploring diversion should reach out to departments identified in this report for guidance, and to the Massachusetts Chiefs of Police Association for tools and technical assistance.[7]
- *Massachusetts Chiefs of Police Association* can support police departments wishing to develop or expand youth diversion. This can take the form of institutionalizing a committee on youth diversion, encouraging mentorship programs between departments, and supporting training on how to create a diversion program. To impact racial and ethnic disparities at arrest, targeted strategies should be developed that focus on increasing availability of diversion in towns/cities with a high number of arrests as well as those with large populations of children of color. For diversion to reduce racial disparities within towns, processes should be put in place to ensure that "all legally similar youth must be equally likely to be diverted away from formal processing and possible secure confinement."[8]
- *Diversion Programs* that are currently in place should ensure that they are using the best-known practices and learn from other programs across the state. Current

programs are recommended follow the lead of the best working programs. Diversion programs should make use of tools like MASTLE to screen youth for diversion, and ensure that they are using the best practices to keep youth back on the right track. Programs should aim to work with youth individually, specifying programming to the youth's strengths.

- *Police Departments:* Building on the initial success of the MASTLE (an objective screening tool to informing police officers in the arrest/divert decision point) in reducing the number of arrests and addressing racial and ethnic disparities at the point of arrest in Brookline, Massachusetts, other departments may wish to consider its adoption as a tool. Furthermore, it's clear that police departments should begin to collect data to show exactly which youth are chosen for diversion and why. Without being able to analyze who is chosen for diversion, understanding whether diversion has a net-widening effect, or whether diversion only reaches certain demographics within a community becomes more difficult.
- *Police Departments* are recommended to adopt practices in their diversion programs that evaluate and build on youth's individual strengths, in line with the principles of Positive Youth Development.
- *Police Departments* should be aware of, and avoid the potential net-widening effects of adopting formal diversion programs. Police as gatekeepers should not formally divert young people—especially low risk black and Latino youth—who they would have warned and released in the absence of such a program.[9]
- *Police Departments* that do have or that develop diversion programs should ensure that they are collecting data about the program in order to measure the success of various diversion programs throughout the state. Departments should ensure that the data that is collected in the course of a diversion program (such as intake forms or mental health history) is protected against collateral use in future criminal complaints against the youth. Departments should be aware of and counter possible net-widening and further entrenchment of racial and ethnic disparities.

Further steps/stakeholders:

- *The Attorney General's Office* should consider offering guidance around the benefits and appropriateness of having multiple 'off-ramps' from juvenile justice system processing, including both police and District Attorney diversion. Such guidance could highlight the positive impacts of using discretion in favor of community accountability versus court-driven accountability, including benefits to the accused (by avoiding deleterious effects of court processing), the victim (through restorative justice processes), and the community (through public safety and cost savings).
- *The Massachusetts Legislature* should provide financial incentives or legislation (i.e. through a grant program) to encourage or require departments to create partnerships that offer community accountability as an alternative to arrest for low- and medium-risk young people. The Massachusetts Legislature should further ensure that any diversion statute geared toward police prohibit incriminating statements made by participants later being used against them in court if they fail to complete the diversion program, similar to the protection in the May 2018 legislation which creates judicial diversion.[10]
- *Academic and non-profit partners* should engage in further research, especially that

which identifies the short- and long-term costs and benefits to communities of diverting young people from further system involvement, and which focuses on child outcomes and community accountability.

Report Outline

This report intends to contribute to the literature on youth diversion at the police level in Massachusetts. Part 1 of this report introduces the concept of diversion within the context of the American juvenile justice system. Part 1 also outlines the methodology undertaken to gather qualitative and quantitative data from Massachusetts police departments, and describes the national and state-wide policy framework. Part 2 describes the array of diversionary tactics employed across the state, referencing other states' programs when relevant. Part 3 presents analysis of the findings from the Massachusetts police diversion survey, as well as recommendations for increasing and improving upon diversionary offerings for young people in the Commonwealth. Part 4 includes a series of recommendations for different stakeholders who may be interested in improving the ecosystem for police diversion from arrest for young people in Massachusetts.

1. Introduction

a. What is Police Diversion?

Diversion, as a broad concept, is the effort to channel offenders out of the justice system[11] in order to offer a less damaging experience and potentially address the underlying causes of the behavior that brought the person in contact with the law.[12] Diversion is supported by research that formal system processing and imprisonment have criminogenic effects, and that long-term youth development is better supported with decriminalization, deinstitutionalization, and diversion.[13] While children can be diverted by police, prosecutors, clerk magistrates, or even judges (pre- or post-arraignment), when utilized early in the process — at the initial point of police contact — diversion can avoid many of the negative effects that go along with contact with the juvenile justice system. Young offenders are frequent targets of diversion programming. Neurological and psychosocial research shows that they are unable to consider the long-term consequences of their behavior, are more susceptible to risk-taking, and tend to prioritize peer acceptance over adult influence.

Police play a crucial gate-keeping role in determining whether the child will enter the justice system or remain in the community, and this decision will have a significant impact on the trajectory of that child's life. While there are indeed valid reasons for the police to choose to arrest a young person, the evidence-based best practices and national standards maintain that the vast majority of youth delinquency can be addressed more effectively in the community.

There is mounting evidence that the mere experience of the juvenile justice system, even if a child spends only a brief time in overnight lockup[14] or pre-trial detention, can have strong negative effects on the child's future, including further involvement in the criminal justice system, and negative educational and employment outcomes.[15] Research shows that arresting a young person for the first time doubles their risk of dropping out of high school, even when controlling for socioeconomic, educational and family characteristics.[16] Court processing further increases the risk of school drop-out,[17] and also increases the risk of further delinquency when compared to diversion.[18] "Processing was not as effective as "doing nothing" (i.e., diversion without services) and was even more negative when [compared to] diversion … coupled with some type of service or intervention (i.e., diversion with services)."[19] The natural desistence of most first-time offenders suggests the need for police departments to think carefully before referring children to the 'traditional' juvenile justice system in the interests of public safety and the futures of the children in our communities.[20] Diverted youth will still be held accountable, but in the community; where the problems that may have led to their offense can better be addressed, and where they can get back on track to successful develop-

ment instead of suffering the criminogenic label and experience of a formal record. Improvements in our understanding of the teenage brain over the last two decades have shown that young people are more susceptible to risk-taking, tend to prioritize peer acceptance over adult influence, and lack the ability to consider long-term consequences of behavior.

In 2015, there were more than 7,600 juvenile (age 7–17) arrests in Massachusetts.[21] There is no data, however, on juveniles who were diverted from arrest by the police. The absence of a statutory mandate regarding police diversion has created a discretionary and disparate array of programs and practices, with no standardized requirements to follow best practices or track progress. The result is that young people across the Commonwealth receive different opportunities to avoid court involvement, depending on a range of factors. The higher arrest rates among youth of color in Massachusetts — and nationwide — suggest that this population experiences the negative impacts of justice system involvement more often and severely.[22] It is important that institutions and researchers disaggregate data by demographic factors including race, ethnicity, and average income in order to be aware of and correct for disproportionate state responses to certain youth. Equal opportunities for diversion should be equally available to all children throughout all stages of the juvenile justice process — regardless of skin color or income level. It is critical to assess whether these taxpayer-funded programs are offered fairly or are effective — an impossible task without data. Indeed, Massachusetts is home to several national models of police departments addressing the underlying causes of youth offending through accountability mechanisms that are innovative, community-based, and holistic. These models are provided as successful examples in this report, but it is important to recognize that there is no 'one size fits all' diversion program. Cities and towns of any size can develop unique, meaningful diversion programs that incorporate best practices for children while holding them accountable within the community. Collecting and sharing the data to support the Commonwealth's various municipalities is imperative to this process.

b. Why is Police Diversion Important?

Police play a critical gatekeeping role at the front end of the juvenile justice system; this role can affect the trajectory of a young person's chances of success. This report aims to fill a gap in knowledge to answer the following question: What are the contours of current police diversion practice for young people in Massachusetts? As a preliminary exploration of the current police diversion of youth in Massachusetts, this report intends to serve as an impetus for further study into the variation and benefits of this practice.

The *purpose* of this report is to provide a snapshot of the current scope of police diversion practice in Massachusetts. In so doing, this report serves as a preliminary effort to fill the gap in knowledge concerning where, how, and which youth are diverted at the police level across the state. By establishing such illuminating data, this report aims to be a resource for police chiefs and policymakers by informing and supporting efforts to improve or implement police diversion. It serves to complement the *2015 Massachusetts Juvenile Diversion Assessment Study,* which documents diversion practice at the DA level.[23] By focusing here on police-level diversion, this report helps deepen our understanding of the varied practices that exist across the state to divert youth from court processing. Finally, the report intends to be a source document for members of the Child Welfare and Juvenile Justice Leadership Forum in their work to provide continual system improvement, by ensuring that at-risk children who have contravened some

social norms can be linked to meaningful services at the community level prior to, and instead of, entering the juvenile justice system. To the extent that diversion programs can be expanded and applied equitably to all children in Massachusetts, we have reason to believe that the overall number of children arrested and processed by the Juvenile Court will continue to decline, and that racial and ethnic disparities will also be reduced. Finally, this report aims to catalyze further study to build upon the thin body of literature on state-wide efforts to divert youth from formal court processing not just at the police level, but throughout the juvenile justice system.

c. Methodology

This report presents data from an online survey of 95 police departments in Massachusetts.[24] The survey asked departments to identify whether they had a diversion program and queried on the level of formality of that program, how a youth is deemed eligible for diversion, the interventions available, stakeholder collaboration, funding, staffing, training, and data collection practices. The full survey is available in Appendix B. The survey results were combined with census data on municipal population, racial and ethnic makeup, and median household income.[25] Finally, police reports to the FBI[26] were used to add the number of juvenile arrests in Massachusetts from 2015 to the data set. This report presents an analysis of the Massachusetts data within the context of available national models and best practices. See the Appendix for a copy of the survey tool and a more detailed description of the methodology.

2. Legal/Policy Framework and Best Practices for Police Diversion

a. Legal Framework for Police Diversion

National: The concept of diversion is predicated on the belief that processing certain youth through the juvenile justice system will have criminogenic effects and that addressing the cause of the offense within the context of the community will have better results. Despite its widespread use throughout both the juvenile and criminal justice systems today, there is no universally accepted definition or criteria for a diversion program.[27] As such, there is no national legal framework for police-level diversion programs for youth.

Massachusetts: There is no specific legal or policy guidance from the Massachusetts Legislature or any other state entity. Police officers generally have the power to bring anyone believed to be in violation of a criminal statute before the court, by arrest or summons. In 2018, Massachusetts passed legislation decriminalizing first time misdemeanor offenses for which the statutory punishment is a fine and/or imprisonment for not more than 6 months (Chapter 69 of the Acts of 2018, §72). Youth committing these offenses are no longer subject to arrest and therefore may not be subject to police diversion. Data collected for this report preceded the change in the law and therefore may not reflect changes in diversion practices as a result of the new law. Instead of being based in research, the decision to initiate court proceedings is usually left up to the officer's subjective evaluation of a young person's flight risk or threat to public safety. In general, it appears that police departments operate diversion programs across the Commonwealth based on their broad discretion to decide whether to pursue criminal complaints against alleged offenders. Many departments offer policy guidance internally, and there is case law limiting police action. While Boston did not respond to the survey, one example of internal police policy on discretion is the Boston Police Department Rule 113: Police officers "shall exercise their discretion so as to achieve the ends of justice and in a manner consistent with the rule of law and Departmental policy."[28] "Discretion" in this rule is defined as "the authorized capacity to make judgments and choose from among a variety of actions, within the limits of law and Departmental policy, to resolve a problem."[29] Ultimately, the lack of standardization across the state in terms of legal standards for police diversion provides important context for the wide range of diversion policies in place. See Appendix C for in-state diversion policies.

The positive impact of diversion practice has been acknowledged by the Massachusetts Sentencing Commission, the Massachusetts Juvenile Court, and the Massachusetts Supreme Judicial Court.

This is not to say that Massachusetts institutions have failed to acknowledge the concept of youth diversion. The multiple benefits of youth diversion as a whole have been publicly acknowledged by the Massachusetts Probation Service, which announced in March 2017 that it would be offering grants to cities or towns in the Commonwealth targeting juvenile diversion.[30] In the absence of a specific statute mandating police

diversion of youth, the guidelines of Massachusetts' justice institutions mentioned below could be seen as a framework for departments interested in and engaging in such practice.

The **Massachusetts Sentencing Commission** must consider best practices, including diversion, when developing its guidelines.[31] Furthermore, the Juvenile Court bench book provides specific legal guidelines, written within the framework of considering children, families, and public safety in a broader context.[32] The Massachusetts Juvenile Court's mission is "to promote opportunities for children to reside in a safe, stable, permanent family environment, to strengthen families, to rehabilitate juveniles, to protect the public from delinquent and criminal behavior and to decide all cases fairly and impartially with dedication, integrity and professionalism."[33] Its legal code "shall be liberally construed so that the care, custody and discipline of the children brought before the court shall approximate as nearly as possible that which they should receive from their parents, and that, as far as practicable, they shall be treated, not as criminals, but as children in need of aid, encouragement and guidance," pursuant to G.L. c. 119, §53. The Massachusetts Supreme Judicial Court has recently held that "the principal aim and underlying philosophy of our juvenile justice system … is not a punitive scheme strictly akin to the adult criminal justice system. Rather, it is primarily rehabilitative, cognizant of the inherent differences between juvenile and adult offenders, and geared toward 'the correction and redemption to society of delinquent children.' "[34]

In 2016, the Juvenile Court Sentencing Best Practices provided guiding principles for youth diversion based on research pertaining to youth development and the positive outcomes associated with community-based diversion. It notes that research supports the notion that "less may be best" for some youth and encourages judges to consider "whether the issue facing the juvenile is best addressed in the juvenile court system, or whether the issue is best addressed through some other service delivery system."[35] The principles also note that "research suggests that youth given the opportunity for diversion have lower rates of recidivism."[36] While these principles are written with juvenile court judges in mind, the research pertaining to youth development and the positive outcomes associated with community-based diversion are highly relevant to police actors. The principles can be found in full in the appendix.

b. Best Practices for Police Diversion

The Coalition for Juvenile Justice partnered with the National Council of Juvenile and Family Court Judges in 2013 to develop The National Standards for the Care of Youth Charged with Status Offenses, the most comprehensive report on the subject to date.[37] Although limited to those young people charged with status offenses,[38] these Standards can also be helpful for state and local agencies wishing to develop their own youth diversion programs; the framework for diverting status offenders and low-level offenders from formal system involvement is virtually identical. The report highlights seven standards regarding efforts to avoid court involvement, including that "Law enforcement systems should focus on prevention and intervention by connecting children and families to services in lieu of charging or detaining children."[39] This national standard is supported by studies that indicate that diversion programs for low-level delinquents have a more positive effect on the youth than formal court involvement and are more cost-effective, and that the least restrictive interventions produce the best outcomes for public safety.[40]

The International Association of Chiefs of Police (IACP) partnered with the John D. and Catherine T. MacArthur Foundation in 2011 on a multi-year project called "Law Enforcement's Leadership Role in the Advancement of Promising Practice in Juvenile Justice." The IACP intended for its 2014 report[41] with 33 recommendations to draw attention to the largely untapped potential of the police to initiate "smart on crime" reforms in the juvenile justice system. The summit participants identified three obstacles to promoting alternatives to arrest: 1) ineffective strategies; 2) lack of alternatives; and 3) need for referral and assessment systems. Directly in line with this report, the IACP describes the necessity of diversion programs on the basis that police are often forced to choose between arresting the youth and doing nothing, resulting in extremely high rates of low-level arrests. Police, the report notes, should connect youth and families with effective developmental services that address the underlying causes of delinquent behavior, and the report urges law enforcement agencies to seek out collaboration with youth-serving community partners to minimize juvenile justice system involvement.[42] The IACP report highlights the Cambridge Safety Net Initiative and the Brookline Police Department diversion programs as promising practices in the field, both of which are also included in this report.

The Justice Department's 2013 Smart on Crime Initiative identified five criminal justice reforms to ensure fair and effective law enforcement in the face of limited budgets, three of which relate directly to diversion:[43]

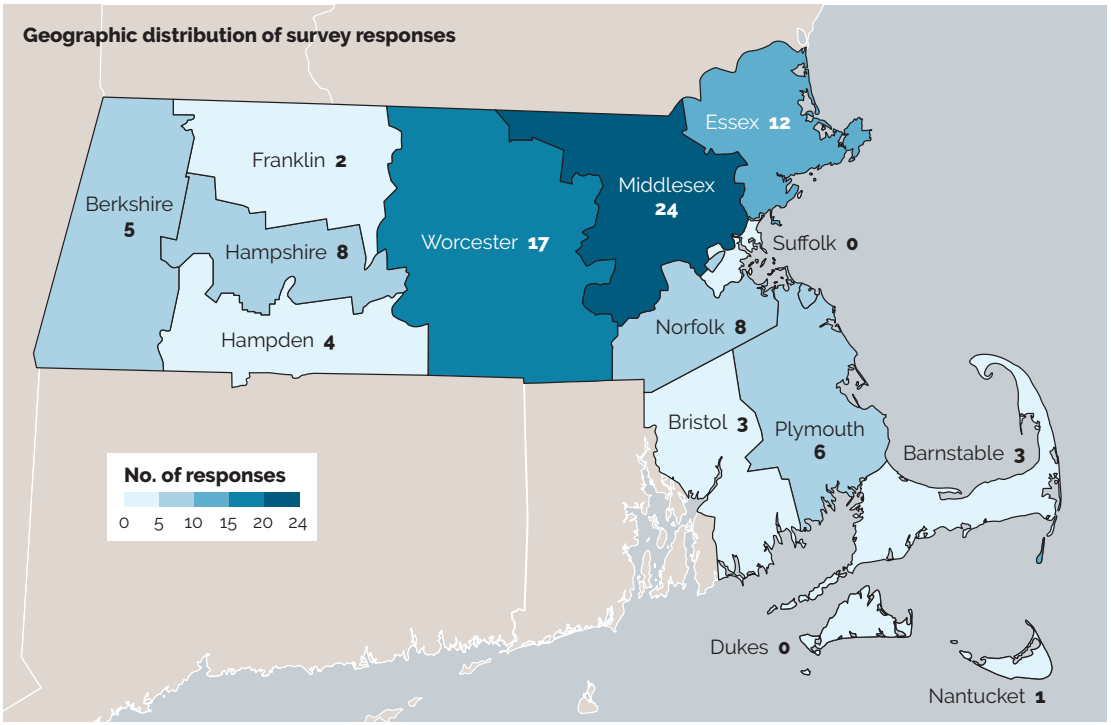
- To ensure finite resources are devoted to the most important law enforcement priorities
- To promote fairer enforcement of the laws and alleviate disparate impacts of the criminal justice system
- To ensure just punishments for low-level, nonviolent convictions

Though primarily directed toward adult offenders in the federal system, this comprehensive review provides a powerful framework for the concept of diversion as both a cost-saving and just measure. It boldly suggests that many aspects of the justice system exacerbate, rather than alleviate, the problems faced by struggling communities, encouraging prosecutors to consider alternatives to court processing and incarceration. While not a mandate, it does urge the expanded use of diversion programs for non-violent and low-level offenders, in part to alleviate prison overcrowding. Furthermore, the Department's 2014-2018 Strategic Plan directly calls for the increased use of diversion in order to meet its goal of "ensuring and supporting the fair, impartial, efficient, and transparent administration of justice."[44] Citing the unprecedented growth of the prison population,[45] the plan asserts that not only does mass incarceration weaken communities, it is financially unsustainable and displaces other public safety investments that have more evidence of success.[46] In order to ensure broader public safety and address high rates of urban violence, justice budgets must allocate funds more effectively to community-based alternatives to incarceration by "enhancing the use of diversion programs."[47]

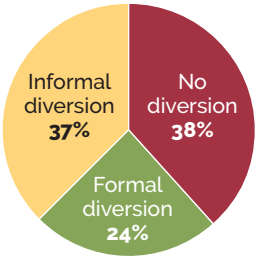
3. Findings

a. Characteristics of Responding Police Departments

The 95 police departments that responded to the survey represent 27% of the total number of departments in the state.[48] The constituencies of these departments represent more than 1.96 million people, which represents 29% of the population of the entire state.[49] Departments responded from 12 out of 14 Massachusetts counties (see figure below).



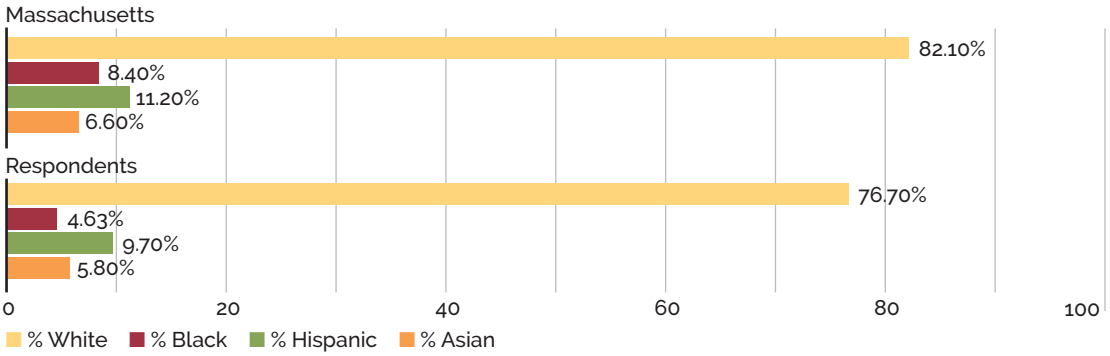
Does your department offer police-level diversion?



Of the 95 responding departments, 43% of responding departments represent municipalities with a population above 15,000. In terms of income, 67% of responding municipalities (64 out of 95) have a median household income above the Massachusetts average of $68,563. Further, 27% of responding municipalities (26 out of 95) have a median household income above $100,000.

Concerning racial diversity, 64% of municipalities (61 out of 95) have a population that is at least 85% White/Caucasian. Only two of the responding cities have White populations under 50%. Of the 95 departments that responded, 56 (59%) indicated a willingness to provide additional data on youth diversion.

Racial composition of responding municipalities compared to Massachusetts



Source: US Census. https://www.census.gov/quickfacts/MA.

b. What Police Departments Practice Diversion; What Policies Are in Place?

i. National Context

The limited literature on police-level diversion programs for youth was a primary impetus for this report. There is no national survey of youth diversion programs. In 2011, Models for Change published the Juvenile Diversion Guidebook, which includes results from a questionnaire administered to 36 programs across 13 states.[50] This guidebook also presents a review of statutes pertaining to diversion in 49 states, though Massachusetts is the only state without a youth diversion statute. The Guidebook's statutory review reveals a range of points in the pre-adjudication process within which diversion may be implemented. By its very definition, however, diversion will be more successful the earlier it is initiated along the juvenile justice processing continuum. As such, the focus of this survey was diversion practices at the point of initial contact with law enforcement. The variation in what is considered diversion, either formal or informal, presents an obstacle to a standardized review of police-level youth diversion in Massachusetts. A universal definition for these practices — which is currently lacking — is necessary in order to evaluate and then improve upon the diversion practices that exist.

ii. Massachusetts Findings

The extent of the use of diversion by police.

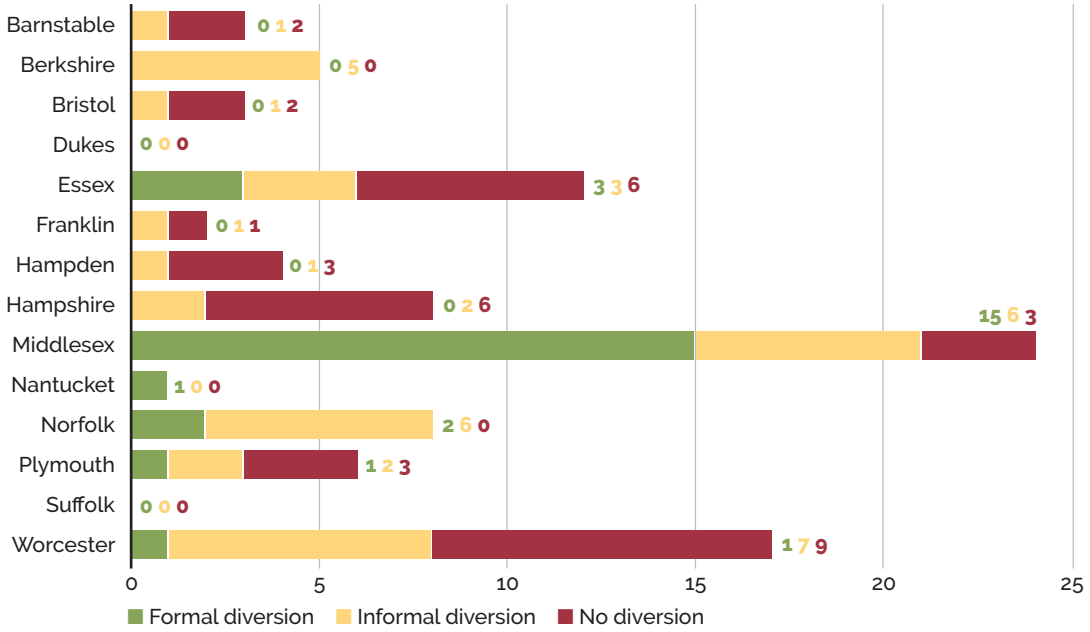
There is a wide range of youth diversion practice in Massachusetts. Of responding police departments, 24% (or 23 out of 94[51]) reported that they offer formal diversion at the police level to youth. Another 37% (or 35 out of 94) report that they offer informal diversion. Finally, 38% (or 36 out of 94) departments report that they offer no police level diversion.

Policies, SOPs, Mission of Diversion Program.

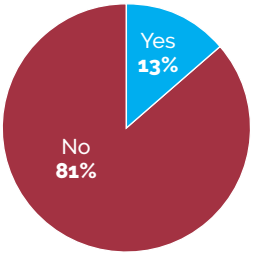
In order to better understand the extent of the formality of the diversion practice, the survey asked whether departments have a written definition of diversion, a mission statement, a policy or standard operating procedure, or whether the department uses a diversion contract.

Few responding departments, 12 out of 94, reported having a written definition of diversion, and 13 of the departments report having a diversion policy or standard operating procedure. A diversion contract is used in 12 out of 94 departments, and only 6 out of 94 report having a mission for their diversion program. Additionally, 13 out of 94 reported having some other diversion procedures, and 9 out of these 13 identified the DA's office or court for diversion as a key partner. Finally, 32 departments report that they

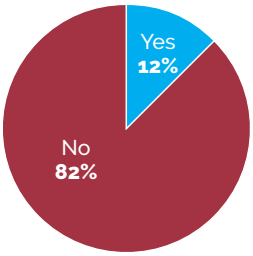
Police diversion practice by county: Middlesex County boasts most responding police departments with formal diversion



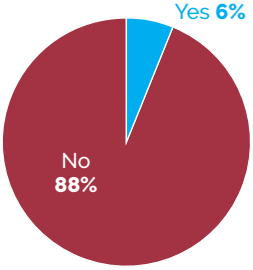
Police diversion in Massachusetts is largely not standardized



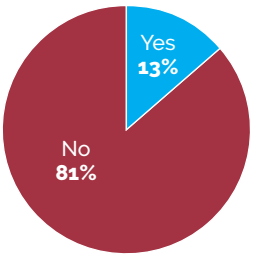
Written definition of diversion



Diversion policy or SOP



Mission statement

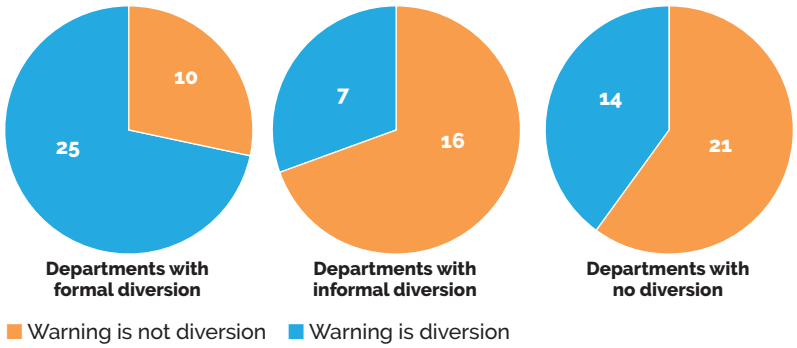


"Other" diversion procedures

utilize informal discretionary diversion, including 4 departments that had indicated in an earlier question that they have neither formal nor informal diversion.

Further to the definition of diversion, the survey asked whether a 'warning' given to a young person was considered a 'diversion'. The results were split evenly at with 47 respondents saying 'yes' and another 47 saying 'no.' A warning is considered as 'diversion' by 71% of departments that offer only informal diversion, but only 30% of departments with formal diversion and 38% of departments with no diversion. The split results to this question reflect the void in policy guidance in this area from legislative and policy-making bodies in Massachusetts.

Wide range in 'diversion' definition: Departments with formal diversion programs less likely to consider a warning as diversion

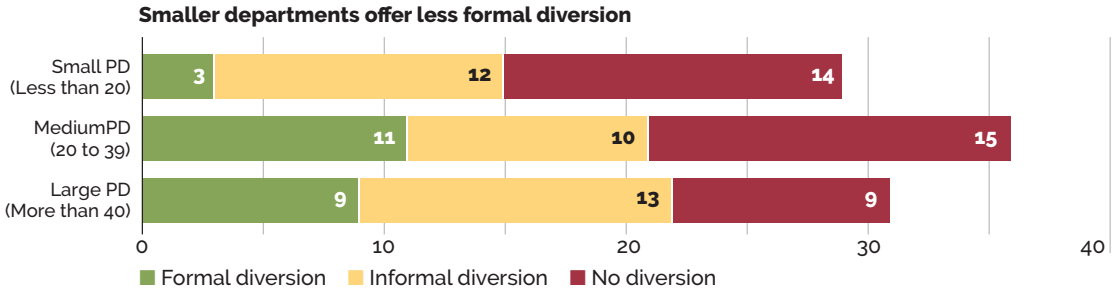


Analysis by population, race, and income.

Population: Less than half of responding departments (41 out of 95) are from municipalities with a population above 15,000. From these larger towns and cities, 34% (14 out of 41) report offering formal diversion, and another 34% offer informal diversion. That means that fully 78% of the larger departments that responded to the survey offer some type of diversion, whether formal or informal, to young people. Out of the 54 responding municipalities with a population below 15,000, only 16% (9 out of 54) offer formal diversion, while another 39% (21 out of 54) offer informal diversion.

Analysis: It is possible that smaller departments do not feel that they have the resources to take on a diversion program themselves. Out of the eight municipalities with a population over 50,000, two offer formal diversion, another three offer informal diversion and three (including the most populous city that responded) do not offer diversion at all.

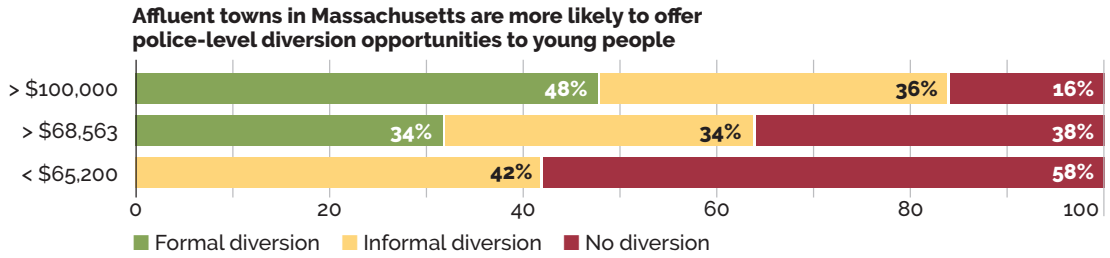
Another way to consider population is by size of police department. Of the 29 departments with fewer than 20 sworn officers, only 3 departments (or 10%) offer formal diversion, while an additional 12 (41%) offer informal diversion. Among the 36 departments with between 20 and 39 sworn officers, formal diversion is offered by 11 (or 31%), informal diversion by 10 (or 28%). Among the 31 responding departments with 40 or more sworn officers, 9 (or 31%) offer formal diversion, and 13 (42%) offer informal diversion. Typically, smaller departments offer less formal diversion than larger departments, which is unsurprising given the perception that diversion programs cost staff time and money. Two of the three smaller departments that report offering formal diversion do so through a multi-town agreement with Communities for Restorative Justice (C4RJ), a Massachusetts program that is highlighted later in this report.



Population Takeaway: Larger departments offer formal diversion at a higher rate than smaller departments, but some smaller departments in Middlesex County have found a cost-effective strategy to partner with a community organization and pool resources to offer formal diversion for youths in their jurisdiction.

Race: Out of 95 respondents, 34 municipalities have a white population less than 85%. Of these, fully 28 municipalities have either formal or informal diversion of youth (14 with a formal program, and 14 with an informal diversion). This is encouraging, though it should be noted that the larger towns have a higher percentage of non-white children, so the size of the town could account for the higher levels of diversion offered. Because we do not have information on the demographics of which children within each town who accessed police diversion, we are unable to say whether diversion programs are applied fairly within municipalities.

Income: In 30 of the 95 respondents, the median household income is below the Massachusetts median of 68,563.[53] Out of these 30, only 1 municipality reported offering a formal diversion program, while an additional 13 offer informal diversion. While 25% of the overall survey respondents report offering formal diversion, only 3% of the poorer municipalities offer such a program. Furthermore, the 19 lowest income responding municipalities (including any municipality below a median household income of 65,200) do not offer formal diversion at all, though 42% (8 out of 19) offer informal diversion. By contrast 22 out of 64 (or 34%) of responding municipalities with a median household income above the Massachusetts median offer formal diversion, and another 34% offer informal diversion. Out of the 25 municipalities with a median household income above $100,000, 48% (12 out of 25) offer formal diversion and another 36% (9 out of 25) offer informal diversion.



Arrest Rate: We calculated a crude arrest/summons rate by municipality by dividing the number of juvenile arrests and summons by the youth population age 5-19.[53] From the 26 municipalities in our data set with the highest arrest rates,[54] 4 (or 15%) report offering formal diversion to youth, while 9 (34%) report offering informal diversion. An additional 13 (50%) report no diversion. By contrast, among the municipalities with the lowest arrest rate (below 3/1000), 23% (10 out of 42) offer formal diversion, while 33% (14 out of 42) offer informal diversion, and 43% (18/42) offer no diversion.

% of departments that offer diversion:	Municipal arrest rate (2015) <3/1000	>7/1000
Formal	23%	15%
Informal	33%	34%
None	43%	50%
N=	42	26

In other words, children who live in municipalities with higher arrest rates have a smaller chance of having access to formal diversion as an option in response to alleged wrong-doing.

c. Diversion, staffing and funding

One police department survey respondent stated that: "Diversion is part of what we do; there is no extra expense to the department."

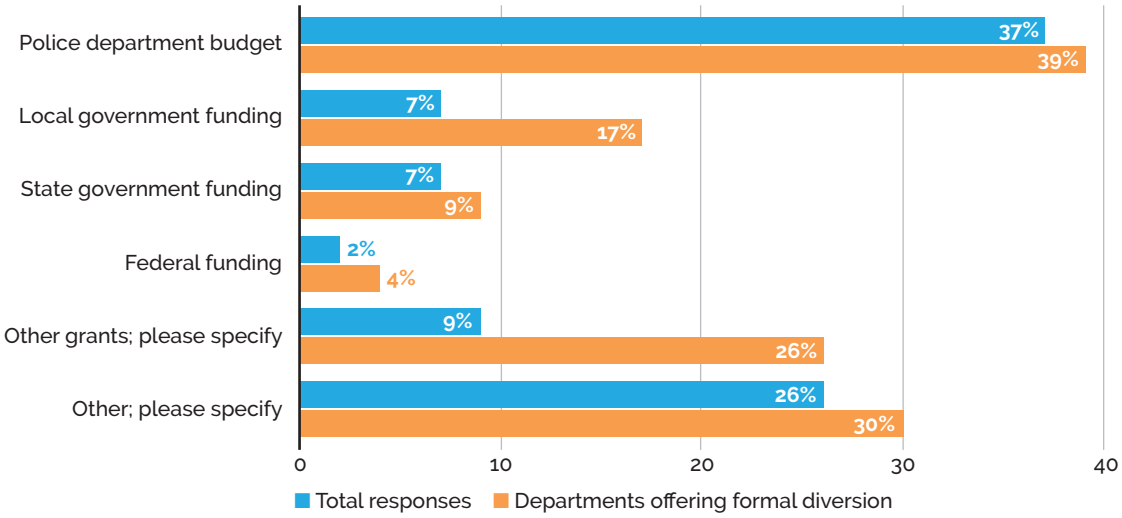
Funding: Survey data gathered on the sources of police diversion funding shows that there is a substantial lack of funding provided by local, state, and federal governments. Diversion efforts are shown to be primarily funded by individual police department budgets, as 37% of the total 94 departments, and 39% of the 23 departments that offer formal diversion rely on their departments' budgets for the operation out of diversion projects and programs. Aside from local police department budgets, another principal source of police diversion funding is District Attorney (DA) offices. In response to questions about 'other sources of funding' 9 of the 95 total departments, and 7 of the 23 departments that offer formal diversion indicated that they rely on DA funding to carry out diversion efforts. Again, here we see district attorneys as a primary partner for police departments offering diversion. One department reported that diversion "is part of what we do; there is no extra expense to the department."

How is your diversion program funded?

	All responses (out of 95) N	Percent	Of formal diversion (out of 23) N	Percent
Police department budget	35	37%	9	39%
Local government funding	7	7%	4	17%
State government funding	7	7%	2	9%
Federal funding	2	2%	1	4%
Other grants; please specify	9	9%	6	26%
Other; please specify	25	26%	7	30%

Undoubtedly, additional availability of funding would enable more formal diversion programs to be established. It is outside the scope of this report to do a formal cost-benefit analysis on diversion programs versus arrest and court treatment, though further research on that topic would be beneficial.

Sources of police diversion funding



Staffing

Survey data collected on the sources of police diversion staffing illustrate that there is ample opportunity both within the preexisting police department and surrounding communities to staff diversion programs. The survey results demonstrate that most often, 34% of the total departments that responded and 57% of the departments that responded saying they do have a formal diversion program in place have a designated police officer dedicated to overseeing the diversion program. The next most common resource for staffing as indicated by the survey results, 22% of the total 95 responders and almost half, 48%, of the 23 responders, is another type of staff assigned to overseeing the diversion program. This is extremely significant to note because it illustrates the ways in which police departments with diversion programs in place have drawn from their preexisting employees to staff the program which means that new staff is not necessarily needed in order to staff a successful program.

Next, it is important to note that almost 20% of the 23 departments that responded as having a formal program in place look towards community-based organizers as a source of staff to oversee their program. This illustrates community partnership as a viable option for staffing for programming.

This is relevant because only 1 of the 23 departments that responded as having a formal program in place responded as having no staff in place at all. This means that having people in place to staff these programs is imperative to their success, and these data provide us with insight as to how to do so without having to hire externally.

Who is dedicated to overseeing a police diversion program?

	All responses (out of 95)		Of formal diversion (out of 23)	
	N	Percent	N	Percent
Police officer dedicated to overseeing police diversion program	32	34%	13	57%
Social worker dedicated to overseeing police diversion program	2	2%	1	4%
Community-based organization staff dedicated to overseeing police diversion program	5	5%	4	17%
Other type of staff dedicated to overseeing police diversion program	21	22%	11	48%
No dedicated staff to oversee diversion program	33	25%	1	4%

Training

Survey data collected on the types of training provided to diversion staff and police officers working with youth shows little uniformity in the training offered. While 59% of departments report training on one of the topics mentioned, the most frequent training was on de-escalation (29%) and restorative justice techniques (27%). This lack of uniformity in training fits with the larger trend of a lack of standard practices among police departments as to how diversion is handled. There is room for police departments (especially small departments) to collaborate to standardize practices. Departments wishing to establish diversion programs for youth may also wish to invest in training on subjects that get at the nuances of working with young people, such as adolescent brain development and de-escalation.

While many police departments do offer some kind of diversion program for juveniles, many of them do not track who is selected for diversion making it difficult to track racial or class disparities. The use of a screening tool could be used to more objectively decide which youth are eligible for diversion but large scale use has failed to catch on. It is important to note that many diversion programs require a youth to accept responsibility for the alleged act, and all require the child youth to consent to entry in the diversion program.

How are diversion staff or police officers working with youth trained? Check all that apply

	Responses	
	N	Percent
Cultural competence	14	15%
Adolescent brain development	16	17%
De-escalation	28	29%
Restorative Justice	26	27%
Motivational interviewing	9	9%
Other	17	18%
Departments that train on any of the above topics	56	59%
Departments reporting no training on any of the above topics	39	41%

d. Determining Diversion Eligibility; Screening Tool Use

i. National standards/best practices

Police departments may exercise a range of options to determine a young person's eligibility for diversion, ranging from the informal discretion of an individual officer, to the application of a formalized risk/needs screening tool. Risk and needs assessments are "standardized tools that help practitioners collect and synthesize information about a youth to estimate that youth's risks of recidivism [or appearance in court] and identify other factors that, if treated and changed, can reduce the youth's likelihood of reoffending."[55] Both risk and needs assessments allow limited resources to be focalized. Assessments are intended to be research-based and objective, and can promote fairness and trust in law enforcement.[56] Methods that identify and assess dynamic risk factors as well as a youth's needs, refer/provide community interventions to address issues, and monitor services "hold considerable promise."[57] Those interested in developing/using screening tools at the point of arrest should be aware of and address due process concerns raised by screening tools' collection and use of information.

ii. Massachusetts Findings

In Massachusetts, police departments decide which youth are eligible for diversion through a variety of methods. A majority of departments responding to the survey (57% of responding departments) determine eligibility for diversion based on a case by case basis. Only four departments (4%) identified the use of a pre-screening tool to determine eligibility.

How does your department identify who is eligible for diversion?

	Responses	
	N	Percent
Case by case assessment	54	57%
Other process	28	29%
Meeting criteria on a pre-screening tool	4	4%
Counseling assessment [58]	2	2%

A majority of departments consider diversion appropriate when (1) a youth accepts responsibility, (2) if the youth is facing her/his first offense, and 3) if the family agrees to the diversion process. Behavioral health needs were identified by 40% of respondents, and a child's age was identified by 32% of respondents.

What are the eligibility requirements for youth to be considered for diversion?

	Responses	
	N	Percent
Youth accepts responsibility	52	55%
Family agrees [59]	52	55%
Criminal history, first offense	51	54%
Responding officer judgment call	39	41%
Youth with apparent or identified mental or behavioral health needs	38	40%
Age	30	32%
Other circumstances	21	22%

Are there specific types of offenses that are automatically considered open for diversion? Check all that apply.

	Responses	
	N	Percent
School-based offense automatically considered open for diversion	42	44%
Other offense automatically considered open for diversion; please specify	25	26%
Non-violent drug crime automatically considered open for diversion	31	33%
Status offense automatically considered open for diversion	47	49%
Public order offense automatically considered open for diversion	37	39%
Property offense automatically considered open for diversion	28	29%

Out of the 52 departments that indicate that a youth must accept responsibility to be eligible for diversion, 7 departments had earlier reported that they offer neither formal nor informal diversion. This could mean that there are more departments that offer informal diversion than reported earlier, or that responding officers believe that it is a good policy, even if that is not their own department's policy.

Other circumstances that departments consider include: Court input (4/95), DA office input (4/95), victim, the type of crime (2/95), and whether there has been prior diversion.

Parental involvement

In some municipalities, parents of the offender are involved during the process in order to create a more comprehensive Diversion Program. In 36% of municipalities the parent or guardian must sign a contract in order for the youth to participate in the Diversion Programs. Requirements like the contract attempt to involve the parents and family of the youth in order to ensure a larger change in the youth's behavior.

Is the parent/guardian/family involved in any of the following?

	Responses	
	N	Percent
Parent/guardian/family signs a contract for participation	34	36%
Parent/guardian participates in services	30	32%
Parent/guardian/family is a part of case planning/case conferences	25	26%
Other parent/guardian/family involvement	21	22%

Massachusetts Practice Model 1: MASTLE Screening Tool to Determine Diversion Eligibility

The Massachusetts Arrest Screening Tool for Law Enforcement (MASTLE) is an objective, validated screening tool to be used by commanding officers. Typically, the decision to arrest is at the police officer's discretion; the purpose of the MASTLE is to shift that subjective discretion to objectivity. When deciding whether to arrest a juvenile, officers can use the MASTLE to evaluate the likelihood that the juvenile will be rearrested or fail to appear for arraignment if arrested. Screening tools such as the MASTLE save time and resources by indicating to police which juveniles should be referred to diversion programs and which should be arrested. Further, the MASTLE keeps low-risk youth out of the juvenile justice system, which has been associated with drug and alcohol abuse, depression and suicidality, and re-offending. This research-based tool aims to diminish racial and ethnic disparities in the juvenile justice system and to reduce the overall number of youths in the system. It also holds departments accountable for their decisions and enables departments to track arrest and diversion data. It is designed with both "impartiality and fairness in mind" in order to help build trust between law enforcement and the public.

Since December 2015, Brookline Police Department has used MASTLE to help inform the officer about what action to take when in contact with a young person (ie. whether to arrest, divert/refer to services, or take no action). Brookline Police enacted the MASTLE through internal policy entitled Special Order 2015-21 (Juvenile MATRIX). MASTLE's early use has resulted in a 71% reduction in arrest (from a total of 28 arrests in 2015 to only 2 arrests in the first 6 months of 2016). The MASTLE's use has also reduced the racial disparities in arrest, and initial data suggests a 0% recidivism rate (as of September 1, 2016) from diverted youth.

Use of the MASTLE is free, though there is an expectation of data collection and aggregate data sharing on its use. For more information on MASTLE generally, see http://www.nysap.us/MASTLEbrief%20Nov%2015.pdf. For more information on its application in Brookline, please contact Deputy Superintendent Michael Gropman at mgropman@brooklinema.gov.

Sources: University of Massachusetts Medical School. Vincent, G. M., Gropman, M., Moreno-Rivera, F., & Perrault, R. (2015, November 17). *Massachusetts Arrest Screening Tool for Law Enforcement: Executive Summary.* Brookline Police Department.

iii. Recommendations

There is room for increased use of an objective screening tool to assist police officers in determining diversion eligibility. Building on the initial success of the MASTLE in reducing the number of arrests and addressing racial and ethnic disparities at the point of arrest in at least one Massachusetts police department, other departments may wish to consider its adoption as a tool. Furthermore, it's clear that police departments should begin to collect data to show exactly which youth are chosen for diversion and why. Without being able to analyze who is chosen for diversion, understanding whether diversion has a net-widening effect or whether diversion only reaches certain demographics within a community becomes more difficult.

e. Diversion Program Design

i. National standards/best practices

Section 2.b above highlights best practices for police diversion, including details from the IACP's "Law Enforcement's Leadership Role in the Advancement of Promising Practice in Juvenile Justice" report. Diversion programs are not standardized nation-wide, or even state-wide. Many diversion programs hold youth accountable for errant behavior by encouraging them to become more invested in their communities and other programs have experimented with restorative justice. Restorative justice practices aim to build community relationships and safeguards so that the community is better able to prevent such acts in the future. Research on restorative justice models indicates high levels of satisfaction from both offenders and victims, as well as lower rates of recidivism.[60]

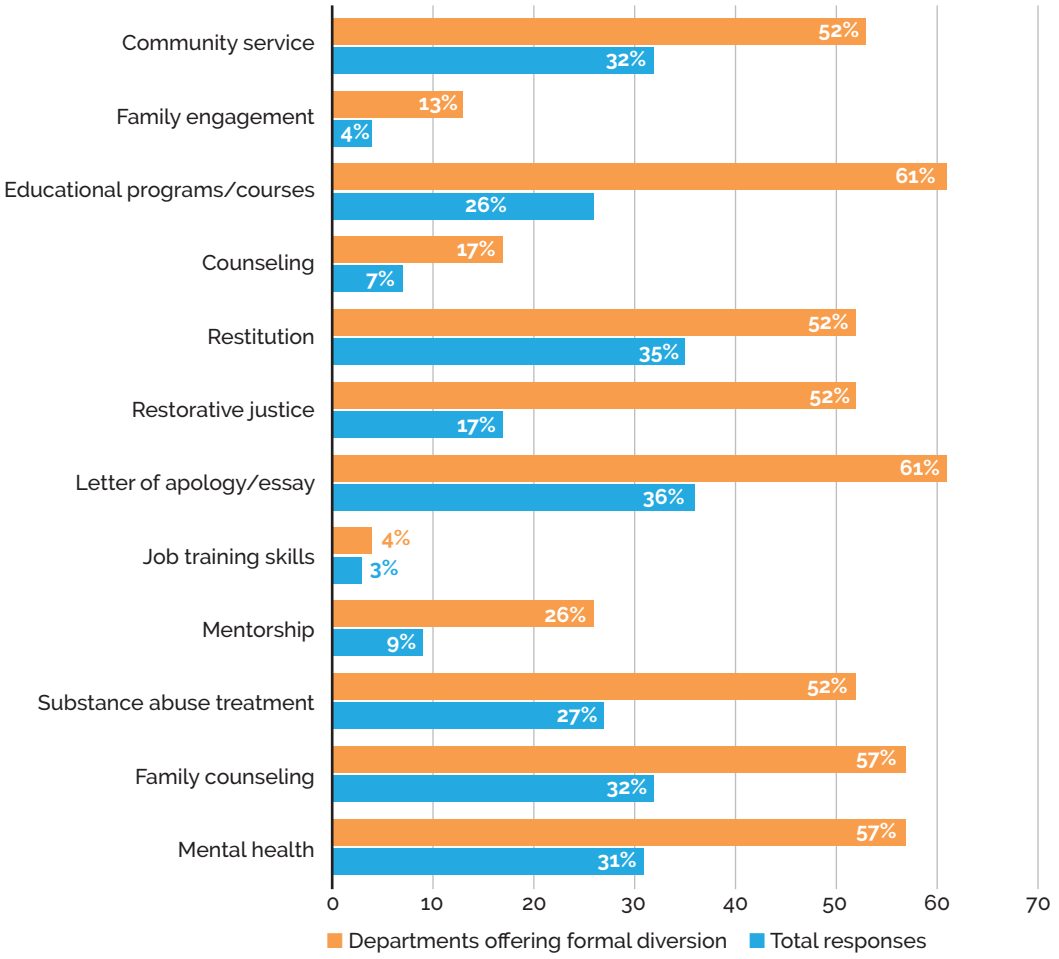
There have been significant changes in the last decade in the way that police are encouraged and trained to respond to people suffering from and exhibiting signs of mental illness. Given that an estimated 65-70% of youth involved in the juvenile justice system have some form of mental illness,[61] access to counseling, therapy and mental health screenings are imperative for diversion programs to help youth avoid becoming further entwined with the justice system. Police-led diversion programs can help link youth to mental health services that they may otherwise not have had access to, without the negative trauma and collateral consequences associated with arrest and court involvement.

Part of the challenge in determining the effectiveness of diversion programs is simply collecting the data because police departments are not required to maintain these records. Discovering the effects of different diversion programs on the recidivism rate and who is chosen for diversion programs requires police to keep better records of the young people who are diverted away from the justice system.

ii. Massachusetts Findings

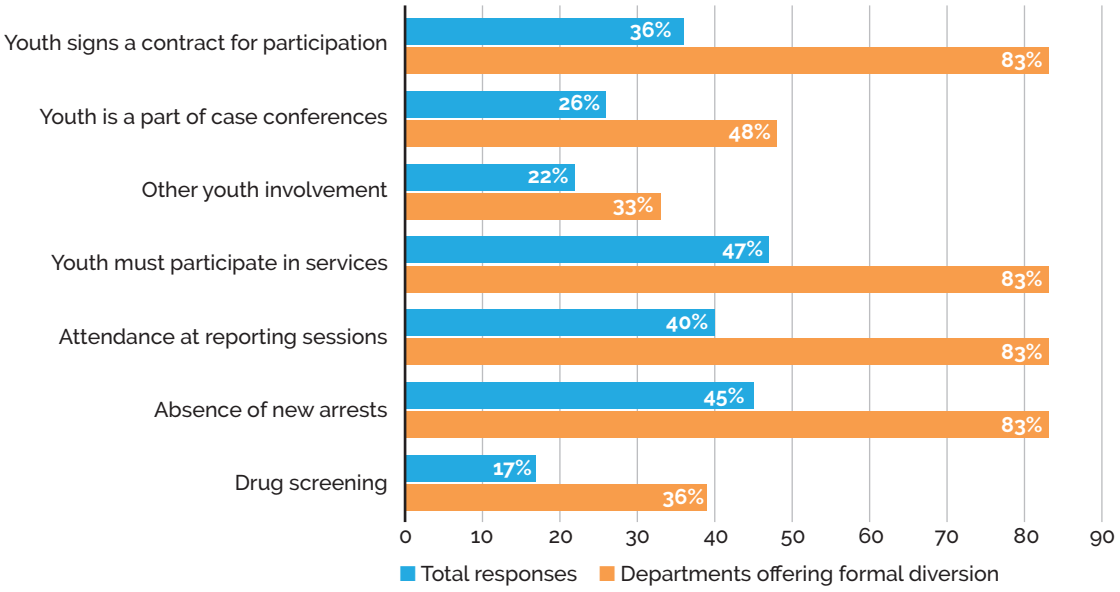
Regarding the contours of diversion programming in Massachusetts,[62] a majority of police department respondents that offer formal diversion link youth to educational programs, require letters of apology, restitution, or community service, or refer to mental health or family counseling. Just over half of these departments report using restorative justice mechanisms. A much smaller percentage reported family engagement, counseling, or job training skills. Thematically, the links to community programs and processes (such as restorative justice or community service) as well as links to services (including substance abuse, family, counseling, and mental health) are generally in line with Models for Change best practices.

Contours of diversion programming



A large majority (i.e. above 80%) of departments that offer formal diversion require a youth to: participate in services, take attendance at services, sign a contract for participation, and not be re-arrested. Almost 50% of formal diversion programs (11 out of 23) involve the youth in case conferencing, and just under 40% require drug screening. These good practices are also recognized by all of the departments responding, though at lower levels.

Requirements of youth diversion



What is the average length of a youth's involvement in the diversion program?

	All responses (out of 95)		Of formal diversion (out of 23)	
	N	Percent	N	Percent
Less than 1 month	4	4%	0	0%
1 to 3 months	11	12%	5	22%
3 to 6 months	20	21%	10	43%
6 to 12 months	13	14%	3	13%
Other	14	15%	3	13%
Blank	33	35%	2	9%

The most common length of diversion programs for is 3-6 months, with 43% of departments offering formal diversion reporting that this is their length of program. No formal diversion program is shorter than 1 month, and 14% are between 6 and 12 months.

In what ways, if any, does the diversion program seek to identify and build on an individual youth's strengths and competencies? Please check all that apply.

	All responses (out of 95)		Of formal diversion (out of 23)	
	N	Percent	N	Percent
Youth participates in setting program goals	21	22%	13	57%
Incentives tailored to individual youth	21	22%	9	39%
Other (please specify)	5	5%	0	0%
There is nothing in place for this yet	32	34%	2	9%

A majority of responding police departments with formal diversion programs either tailored incentives to individual youth (39%) or involved youth in setting program goals (57%). Eleven departments (45%) in total said they used both. Of responding departments without formal diversion, 88% did not use either of these practices in their program. Over a third (34%) of responding departments without formal diversion had no practices that addressed youth's strengths and competences.

Takeaway: Although some departments try to take individual youth's abilities into account when creating their diversion programs, there is no standardly practiced method for doing so. A significant number of departments do not tailor their programs based on youth's strengths at all.

iii. Recommendations

Rather than using diversion programs as a less restrictive punishment, police-led diversion programs should help identify programs that address young people's underlying needs to help them get on the right track. Youth who struggle with school, family life or mental illness should be provided with services to overcome such obstacles. Departments are recommended to adopt practices in their diversion programs that evaluate and build on youth's individual strengths, in line with the principles of Positive Youth Development.

f. Diversion Program Completion, Consequences for Non-Compliance, and Collateral Use of Information

i. National standards/best practices

When has a youth successfully completed the program?

"The Department's goal is to coordinate juvenile justice and delinquency prevention that meets the needs of juveniles while holding juveniles accountable for their actions. When appropriate, referral to local service agencies will be the preferred Department response."
–Brookline Police

Typically, a youth has successfully completed a program when they have fulfilled all the stipulations of that program, which are agreed upon at the outset. Examples of requirements can include but are not limited to community service, a written or verbal apology to the victim, restitution, counseling, and anger management classes. Often, a program will use "evidence-based mental health screening and assessment tools and structured instruments to assess a youth's needs."[63] Some programs require urinalysis to screen for drug use in order to direct a juvenile towards drug abuse treatment. Attendance at diversion program appointments may also be a requirement, as well as school attendance. Generally, youth are also expected to avoid new charges or arrests, but some programs allow the youth to continue as long as the new arrest is for an act that would fall into the original eligibility criteria. The conditions of the diversion programs should be clearly stated in an agreement or contract between the program and the juvenile and his/her caregiver(s). The objectives and conditions must be measurable, "rather than vague conditions ('show respect')," and should have a set timeline for completion.[64] Some programs, such as "warn and release" diversion programs, do not have any conditions with which a juvenile must comply.[65]

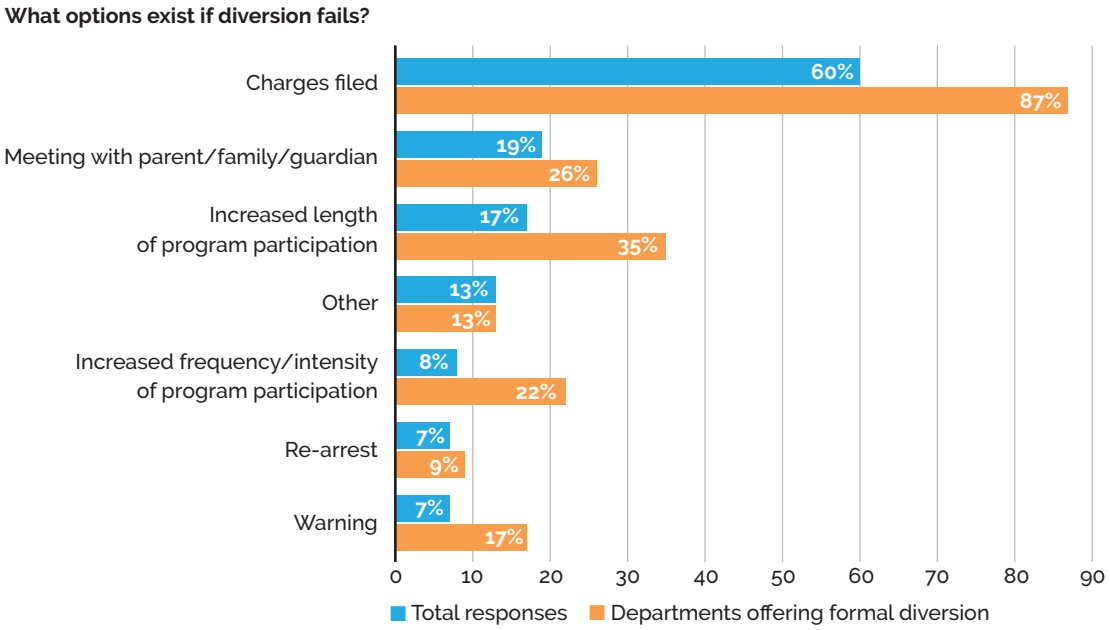
What are the consequences for non-compliance?

There are several things that may happen should a juvenile not meet the diversion program's requirements. Frequently, the program's services are terminated and the youth is rerouted to the formal juvenile justice system: charges are reinstated, petitions are filed, arraignment is undertaken, and/or detention is mandated.[66] It is not only the juveniles who need to comply; sometimes when families failed to comply with diversion program requirements "the youth were often removed from the home and placed by the juvenile court, thus causing greater penetration into the juvenile justice system than had they not become involved in the diversion program."[67]

Other options are dismissal from the program without formal charges, or program adjustments.[68] When a youth is dismissed without the filing of formal charges, it may be with the stipulation that they will be ineligible for diversion if they are arrested on other charges. The Juvenile Diversion Guidebook (2011) argues that petitioning for formal processing when a youth is dismissed from a diversion program is counter-productive, as many youth in diversion programs are first-time offenders charged with minor crimes. Youth returned to juvenile court will have a delinquency record. Dismissal from a diversion program without formal processing or program adjustments are strongly recommended over dismissal with formal processing.

ii. Massachusetts findings

The most common response to a young person not following the diversion program is that charges are filed. A minority of departments (35% with formal diversion) report that one response is that the diversion program could be increased in length, and a further 26% report that a meeting with the parent/guardian/family is an appropriate option. These additional responses suggest that the filing of charges is not necessarily an immediate consequence and that some level of flexibility may exist in practice.



As a minor mistake by a youth can result in them being reintegrated into the juvenile justice system, the implementation of graduated responses can help avoid sending youths back to the system for non-serious matters. Graduated responses can be described as a grid-based set of strategies that help various system actors decide how to appropriately respond to juveniles who are non-compliant. The various system actors who implement graduated responses may include probation, schools, and police. In Massachusetts, juvenile probation has a working framework on graduated response and is currently working in partnership with the Department of Youth Services on finalizing and implementing their model.[69]

Looking outside of the Commonwealth, the Connection School-Based Diversion Initiative has developed a Graduated Response Model, where four different levels of intervention strategies are outlined to properly address the various levels of behavioral incidents by youths in school. Under this, school policy violations will result in classroom intervention, disruptive behavior or verbal student conflict will result in school administration intervention, inappropriate behavior or insubordination will result in assessment and service provision, and a weapons violation or drug possession will result in law enforcement intervention.[70] With graduated response models such as this in place, sanctions will be based on the seriousness of a youth's actions, ensuring proportional disciplinary approaches and meaningful alternatives to direct interaction with the juvenile justice system.

g. Diversion as a Collaboration between Police and other Stakeholders

i. National standards/best practices

Effective diversion programs rely on the collaboration and partnership between police and other vital stakeholders, such as education-based organizations, mental health organizations, community service providers, families, attorneys, and judges. As communities continue to play a key role in outcomes for youth, collaboration between juvenile justice stakeholders and community stakeholders remains essential for the prevention of youths entering the system. With community-based alternatives to detention, more pragmatic solutions are brought to the table and a greater level of support is provided for youth. Some national best practices of collaborative diversion efforts include "Creative Justice" in King County, Washington[71] and the Juvenile Diversion Program in Pennington County, South Dakota.[72]

One program in Cambridge, Massachusetts provides an example of the effectiveness of collaboration between police and local child-serving agencies. Cambridge's Safety Net Collaborative is a partnership between police, schools, and more than two dozen non-profits and city organizations that work together as case managers to the city's children, showing a reduction in juvenile arrests by 70 percent.[73]

ii. Massachusetts Findings

Though not all police departments have a formal diversion program set in place, it is apparent that most departments see the importance of diversion practices and the need for collaboration to effectively divert youth away from the juvenile justice system. With the importance of community accountability in mind, police turn towards collaborative efforts with organizations and stakeholders that are able and willing to address the underlying needs of kids.

The most common collaborative effort that takes place when implementing diversion programs occurs between police and district attorneys, shortly followed by efforts between police and schools. Survey data show that the relationship between police and DAs remain strong as a large amount of police departments, both with or without formal diversion programs, significantly rely on DA offices or collaborative efforts between police and DA offices to handle diversion practices. This collaborative effort is more notable among the departments with formal diversion programs in place, with 91% of those 23 departments indicating that they turn towards collaboration with DA offices, in comparison to 62% of all departments who responded to the survey. Aside from DA offices, collaboration between schools and police remains important as school-based incidents continue to be a key driver of juvenile arrests. By establishing relationships between police and schools, steps can be made towards encouraging school disciplinary actions in lieu of formal police and juvenile court processes.

Which stakeholders does your department collaborate with in implementing diversion programs?

	Responses	
	N	Percent
Schools	58	61%
Department of Child and Family Services	36	38%
Clerk Magistrate/Courts	50	53%
District Attorney's Office	59	62%
Defense representatives	17	18%
Mental/behavioral health organizations	26	27%
Hospitals/healthcare organization	11	12%
Community-based organizations	23	24%
Other agencies/organizations not listed	8	8%

Within the survey, a certain number of departments mentioned collaborative efforts between other organizations and agencies that primarily deal with mental health, restorative justice, and substance abuse prevention. These programming efforts include Communities for Restorative Justice (C4RJ), Crisis Intervention Teams (CIT), the THP Project Purple Initiative[74],Q-Drug (Quabbin Drug Resistance Unifying Group)[75], Riverside Mental Health Services, and Reading Coalition Against Substance Abuse (RCASA).

While the survey was intended to differentiate between police diversion practice, and diversion at the DA, Clerk Magistrate, or Juvenile Court level, several departments indicated in text boxes that diversion is either within the purview of one of these other actors or that the police work in close collaboration with one of these actors.

Quoting one department's survey response: *"We do not have a diversion program in place. We do work with the Juvenile Court system and prefer to resolve the majority of complaints/issues at the Magistrate Level. At this level we address intervention through different programs and organizations. Restitution is also addressed. Any issues handled at this level will be continued for an agreed upon period of time and such agreement*

Massachusetts Practice Model 2: Community Partnership Model

In the survey response, several departments highlighted a partnership with Communities for Restorative Justice C4RJ.

Communities for Restorative Justice (C4RJ) is a non-profit organization that operates as a partnership between community members and police departments to offer restorative justice in the wake of crime. Their aim is "to provide a process by which victims are heard and understood, offenders take responsibility for harm, and where loved ones and community members offer support."

C4RJ operates in 18 communities in Massachusetts, primarily in Middlesex County. Departments pay annual dues which enables a department to refer cases to C4RJ. While the program serves both youth and adults, about 80% of their cases involve young people under 18, and 90% of cases under 21. C4RJ worked on 28 cases in 2016 from 51 offenders. An agreement since late 2015 allows the Middlesex DA diversion unit to refer cases to C4RJ. This has allowed for cases from communities where there is no existing police relationship.

C4RJ considers itself a restorative justice model, and does not describe its own work as "diversion."

How a case works: Each department develops internal criteria to determine eligibility for C4RJ. Police refer a case to C4RJ for a restorative justice circle either pre- or post-arrest. Community volunteers facilitate a restorative circle that brings together the victim and offender to repair the harm, affirm accountability for the offender, and restore a sense of community values.

Data collection. C4RJ does an evaluation at the end of each case asking multiple stakeholders (including offender, victim, family, and police) questions about how well the victim was made whole; how well the offender was held accountable, and others. In 2010, a study on recidivism up to that point showed a recidivism rate of 16%.

Partnerships Departments pay annual dues to be a member ($1200 in 2016) for access to quarterly meetings of police Chief's Council and the ability to refer cases. Departments are asked to make physical space available for restorative circles and to have officers participate in those circles. C4RJ is interested in growing its model responsibly; they want to make sure that they have volunteers from the communities where they work. In general, expansion has been grassroots, either with people in community approaching police chief, or police chiefs looking into and seeing the value in diverting cases through restorative justice.

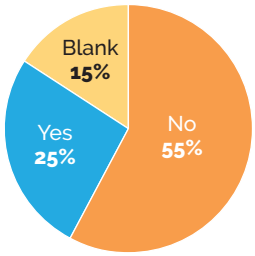
For more information on Communities for Restorative Justice, please see www.c4rj.com.

is made between the clerk magistrate and the department's court officer. If all requirements are met then the offense is dismissed. If the offense is severe enough, absent an arrest, then it is moved forward to the court process in front of a judge. There are times when a troubled youth is confronted on the police department level we recommend they participate in one of our basketball programs which has had good results, but this is an informal recommendation. As a small rural agency, our department works closely with Juvenile Court when dealing with juveniles to offer them the best opportunity for services they may need given the situation. It is our goal to make the experience with law enforcement and educational/learning one in effort to promote change in behavior."

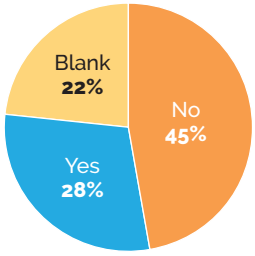
iii. Access to Counsel

Attorneys from the Youth Advocacy Division of the Committee for Public Counsel Services are available to advise young people on the diversion process, though this service is not well known among police departments. Only 26% of survey respondents report awareness CPCS counsel is available to youth considering engaging in the diversion process. A slightly higher number (28%) of departments report that they routinely offer youth attorney counsel on diversion. The data collected shows a general low level of knowledge among police departments about the availability of legal counsel in diversion cases. This may be the result of the common practice among police departments of delegating issues relating to diversion to the office of the district attorney.

Is responding officer aware that counsel from CPCS is available to advise on diversion process?



Youth and/or caregivers routinely offered attorney counsel on diversion process?



iv. National standards / best practices

Due to the inherently ambiguous nature of diversion, it is frequently an informal process on which data is rarely collected. For example, giving a child warning may or may not be considered diversion and may or may not require the collection of any identifying information. However, for departments wishing to engage in more formal diversion programming to address underlying needs at the community level through collaborative partnership, data collection is a requirement. This section outlines some important considerations of data collection, as well as data handling with regards to police diversion. Data collection is important for many reasons, including:

- Tracking outcomes to understand the impact of diversion and other interventions: Enables departments and municipalities to know the results of the diversion intervention on the alleged offender, the community, and the victim (especially if there was a restorative justice element).

Massachusetts Practice Model 3: Cambridge Safety Net Collaborative: Example of innovative collaboration in Massachusetts

The Safety Net Collaborative (SNC) of Cambridge, Massachusetts, uses a multi-agency integrated model of preventative services for at-risk youth ages 10 to 17. An integrative working model involves all who work with children and young people : The SNC encompasses Cambridge Police Department Youth & Family Services Unit, Cambridge Health Alliance, Department of Human Services (DHSP) and Cambridge Public Schools. The mission statement of the SNC is "to foster positive youth development, promote mental health, support safe school and community environments, and limit youth involvement in the juvenile justice system through coordinated prevention, intervention, and diversion services for Cambridge youth and families."

Youth resource officers (YROs) are actively and imperatively involved in the SNC. The YROs operate in three categorical prongs: prevention, intervention, and diversion. YROs seek to build relationships and serve as positive role models through their presence in schools, youth centers, and the community to prevent delinquent behavior. They intervene and connect youth with resources before social, emotional, or behavioral challenges escalate to delinquency. Lastly, YROs divert youth who have committed non-violent offenses to programs that may involve clinical services and peer and mentoring support. Each YRO goes through training in youth

development, multicultural competency, youth mental health, youth and family systems and services, and the fundamentals of case management. Since implementing this model, community arrests have decreased by 50%. While juvenile arrests have declined nationally since the 1990s, Cambridge has had the steepest percentage rate of decline from 2008 through 2012 when compared with neighboring counties and the national arrest rate. There is not yet sufficient data, however, to directly link the decline in juvenile arrests with the SNC program.

Although Cambridge has devoted significant resources to develop a Youth and Family Services Unit (which participates in the Safety Net Collaborative, there are practices within the Safety Net Collaborative that can be adopted even in small communities. Police-based, pre-complaint diversion can be implemented regardless of capacity so that juveniles avoid that first contact with the juvenile court system. What is key to making police-based diversion effective are sustainable partnerships with behavioral health and community agencies so that the diversion becomes an opportunity for police to connect a young person with services and supports that can hopefully address the underlying issues that lead to contact with law enforcement.

For more information, please contact Dr. Jamie Barrett, jgbarret@gmail.com.

- Understanding and Race/Ethnicity data: Enables departments to understand whether their policies and practices are having a disproportionately adverse impact on communities of color. Collection of this data also enables the tracking of equity initiatives' efficacy.

Can information collected by the program be used collaterally?

Many diversion programs require an admission of guilt as a prerequisite; which may violate a young person's Fifth Amendment rights, so around ten state diversion statutes prohibit incriminating statements made by participants later being used against them in court if they fail to complete the diversion program.[76] In some jurisdictions (including Vermont), this protection applies to the entire diversion process, and in others it only applies to the screening, assessment, and treatment portions of the diversion programs. Several states have laws protecting disclosures made by juveniles during diversion and/or assessment, including Georgia,[77] Montana,[78] Nevada,[79] Illinois,[80] Michigan,[81] Nebraska,[82] and North Dakota.[83] Different jurisdictions handle confidentiality differently: some have protective statutes, some develop Memorandums of Understanding (MOUs), and some extend therapist-patient confidentiality to protect the juvenile.[84]

In sum, there are risks to young people when police collect too much data, especially if there are not clear agreements in place on the use of that data. Police departments should work to ensure that their data collection/handling does not upset a future possible referral of a case to the District Attorney's office. At the same time, departments want to make sure that data protections are in place to ensure that information that is collected as part of a risk screening or diversion program cannot be later used against a young person should the case move forward.

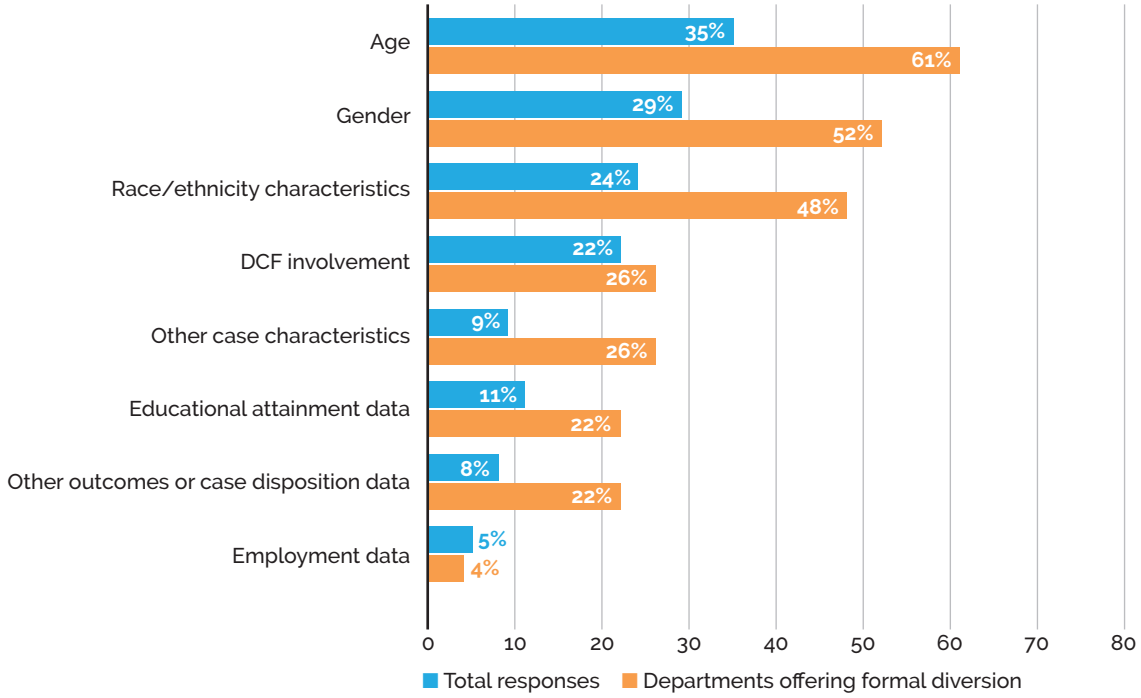
v. Massachusetts Findings on Data Collection

As seen on the charts below, only 35% of police departments report conducting any data collection on diversion. There appears to be a low level of data collection on

the longer-term outcomes of young people (as evidenced by only 5% of departments collecting employment data and 11% collecting education data).

While 24% of departments report collecting race and ethnicity data, only NIBRS (one of two police data systems) effectively collects both race and ethnicity. The UCR system does not adequately collect ethnicity information, which makes data analysis of Latinx arrests impossible. Most Massachusetts municipalities use NiBRS; Boston is moving toward NiBRS, as is Lawrence.

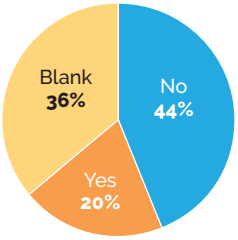
Departments collect the following data ...



Fully 20% of responding departments indicated that information collected within a diversion program could be used in subsequent criminal complaints. Another 36% of respondents left this answer blank.

vi. Recommendations

Can information collected by the diversion program (e.g., intake or mental health history) be used in the subsequent criminal complaint?



Police departments that offer formal or informal diversion should inform young people of the availability of legal counsel for youth on the diversion process. Departments establishing new diversion programs should build this step into their policies and practice and should look for other community organizations to partner with.

Furthermore, police departments should ensure that they are collecting data on diversion programs and follow proper data collection retention/non-disclosure policies. Departments should ensure that the data collected are protected against collateral use in future criminal complaints. The Massachusetts Legislature should ensure that any diversion statute prohibit incriminating statements made by participants later being used against them in court if they fail to complete the diversion program. This would be in line with the May 2018 criminal justice legislation which, in the context of judicial diversion, protects from admissibility against a child in any proceeding "(i) a request for assessment; (ii) a decision by the child not to enter a program; (iii) a determination by probation or by a program that the child would not benefit from diversion; and (iv) any statement made by the child or the child's family during the course of assessment."[85]

4. Compiled recommendations

Massachusetts is well-placed to improve the policy framework under which police departments can facilitate community accountability of young people accused of wrongdoing as an alternative to arrest and formal processing through the Juvenile Court. However, the variation and discretion involved in police diversion practice reflect the current lack of policy guidance from the Massachusetts Legislature and any other state entity. In other words, this report finds that the capacity to increase police-level diversion for youth exists but cannot be capitalized upon without a centralized commitment from state leaders.

Immediate Steps for Police Consideration:

- *Police chiefs* interested in exploring diversion should reach out to departments identified in this report for guidance, and to the Massachusetts Chiefs of Police Association for tools and technical assistance.[86]
- *Massachusetts Chiefs of Police Association* can support police departments wishing to develop or expand youth diversion. This can take the form of institutionalizing a committee on youth diversion, encouraging mentorship programs between departments, and supporting training on how to create a diversion program. To impact racial and ethnic disparities at arrest, targeted strategies should be developed that focus on increasing availability of diversion in towns/cities with a high number of arrests as well as those with large populations of children of color. For diversion to reduce racial disparities within towns, processes should be put in place to ensure that "all legally similar youth must be equally likely to be diverted away from formal processing and possible secure confinement."[87]
- *Diversion Programs* that are currently in place should ensure that they are using the best known practices and learn from other programs across the state. Current programs are recommended follow the lead of the best working programs. Diversion programs should make use of tools like MASTLE to screen youth for diversion and ensure that they are using the best practices to keep youth back on the right track. Programs should aim to work with youth individually, specifying programming to the youth's strengths.
- *Police Departments:* Building on the initial success of the MASTLE (an objective screening tool to informing police officers in the arrest/divert decision point) in reducing the number of arrests and addressing racial and ethnic disparities at the point of arrest in Brookline, Massachusetts, other departments may wish to consider its adoption as a tool. Furthermore, it's clear that police departments should begin to collect data to show exactly which youth are chosen for diversion and why. Without being able to

analyze who is chosen for diversion, understanding whether diversion has a net-widening effect or whether diversion only reaches certain demographics within a community becomes more difficult.

- *Police Departments* are recommended to adopt practices in their diversion programs that evaluate and build on youth's individual strengths, in line with the principles of Positive Youth Development.
- *Police Departments* that do have or that develop diversion programs should ensure that they are collecting data about the program in order to measure the success of various diversion programs throughout the state. Departments should ensure that the data that is collected in the course of a diversion program (such as intake forms or mental health history) is protected against collateral use in future criminal complaints against the youth.
- *Police Departments* should be aware of, and avoid the potential net-widening effects of adopting formal diversion programs. Police as gatekeepers should not formally divert young people—especially low risk black and Latino youth—who they would have warned and released in the absence of such a program.[88]

Further steps/stakeholders:

- *The Attorney General's Office* should consider offering guidance around the benefits and appropriateness of having multiple 'off-ramps' from juvenile justice system processing, including both police and District Attorney diversion. Such guidance could highlight the positive impacts of using discretion in favor of community accountability versus court-driven accountability, including benefits to the accused (by avoiding deleterious effects of court processing), the victim (through restorative justice processes), and the community (through public safety and cost savings).
- *The Massachusetts Legislature* should provide financial incentives or legislation (i.e. through a grant program) to encourage or require departments to create partnerships that offer community accountability as an alternative to arrest for low- and medium-risk young people.
- *The Massachusetts Legislature* should further ensure that any diversion statute prohibit incriminating statements made by participants later being used against them in court if they fail to complete the diversion program.
- *Academic and non-profit partners* should engage in further research, especially that which identifies the short- and long-term costs and benefits to communities of diverting young people from further system involvement, and which focuses on child outcomes and community accountability.

5. Appendices

a. Methodological Notes

Census note: The data in relation to the demographics of the responding municipalities to the diversion survey came from the United States Census Bureau. Specifically, the 2014 American Community Survey contains information on demographic, income, and housing estimates (age, sex, race, households, housing, etc.) at the municipality level. Demographic information for the two college/university police department respondents came from their respective websites.

Weaknesses in the data set: It is possible that because the survey is self-reporting and optional, departments that are not offering diversion declined to fill out the survey. This could suggest that the dataset over represents departments that have diversion programs. While this is an incomplete data set (only 95 out of 351 departments responded), this report is the largest data set to document police diversion of youth in Massachusetts that can be found in the literature.

b. Survey Tool

The below is a copy of the Police Diversion Survey questions used as a basis for this report. Data collection occurred between September and November 2016.

I am 18 years or older and voluntarily agree to participate in this research project by checking the "I accept" button below. () I Accept () I Decline

This information (questions 1 and 2) is being collected should the survey administrators have follow up questions of clarity and for mapping purposes. Individual contact details will not appear in the report without permission.

1) Police Department Information a. Department Name b. County c. Size of Department (# of sworn officers) =

2) Survey Contact Information a. Name of person completing the survey b. Title/position c. Email d. Phone number

Please answer the following questions based on your department's youth diversion practices. For the purposes of this survey, "Diversion" may broadly be defined as any practice by which police officers divert a youth from arrest or further involvement in the juvenile justice system beyond contact with the PD.

3) Does your department offer police-level diversion? () Yes, we have a formal youth diversion program () Yes, we divert youth informally but do not have a formal diversion program () No

4) Does your department have any of the following? Check all that apply. ☐ Written definition of diversion ☐ Diversion program mission statement ☐ Diversion policy/stan-

dard operating procedures ☐ Diversion contract ☐ Informal/discretionary diversion ☐ None ☐ Other (please specify) _____

5) If you have a written definition of diversion, please copy and paste here.

6) If you have a diversion program mission statement, please copy and paste here.

7) Does your department consider giving youth a 'warning' a form of diversion? () Yes () No

8) Does your department track when an officer gives a 'warning' to youth with no additional referral? () Yes () No

9) Which of the following demographic data do you collect related to your department's youth diversion program? Please check all that apply.☐ Race/ethnicity characteristics☐ Gender ☐ Age ☐ DCF involvement ☐ Educational level ☐ Employment data ☐ Other case characteristics (please specify): ___☐ Other outcomes or case disposition data (please specify): __ ☐ None of the above

10) How does your department identify who is eligible for diversion? ☐ Case by case assessment (i.e. responding officer's judgment call) ☐ Counseling assessment ☐ Meeting criteria on a pre-screening tool. Please indicate the tool (for example, YLS/CMI, MASTLE, etc.) _____ ☐ Other process; please explain: _____

11) What are the eligibility requirements for youth to be considered for diversion by your department? Check all that apply. ☐ Youth accepts responsibility ☐ Family agrees to participate ☐ Criminal history: First offense ☐ Criminal history: Youth with a record may be eligible ☐ Age (please specify) _____ ☐ Youth with apparent of identified mental or behavioral health needs ☐ Responding officer judgment call ☐ Other circumstances (please specify): _____

11a) Are there specific types of offenses that are automatically considered open for diversion? Check all that apply. ☐ Non-violent drug offense ☐ Misdemeanor ☐ Public order ☐ Property ☐ School-based offense ☐ Status offense ☐ Other; please specify _____

11b) Please specify if there are specific offense charges automatically EXCLUDED from diversion.

12) Which stakeholders does your department collaborate with in implementing diversion programs? Please check all that apply. ☐ Schools ☐ Department of Children and Families ☐ Clerk Magistrate/Courts ☐ District Attorney's Office ☐ Defense representatives ☐ Mental/behavioral health organizations ☐ Hospitals/healthcare organization ☐ Community-based organizations _____ ☐ Other agencies/organizations not listed _____

13) Are youth and/or caretakers routinely offered attorney counsel to advise them on the diversion process? () Yes () No

13a) Are you aware that an attorney from the Committee for Public Counsel Services' (CPCS) Youth Advocacy Division is available for youth or their family to advise on the diversion process, should you or they wish to speak to one? () Yes () No

14) How is your diversion program funded? ☐ Police department budget ☐ Local government funding ☐ State government funding ☐ Federal funding ☐ Other grants; please specify _____ ☐ Other; please specify _____

15) Who is dedicated to overseeing a police diversion program? ☐ Police officer(s) ☐ Social worker(s) ☐ Community-based organization staff ☐ Other type of staff (please specify) _____ ☐ No, our department does not have staff dedicated to overseeing police diversion

16) How are diversion staff or police officers working with youth trained? Check all that apply. ☐ Cultural competence ☐ Adolescent brain development ☐ De-escalation ☐ Restorative Justice ☐ Motivational interviewing ☐ Other _____

How are youth and families engaged and motivated in the diversion program?

17) If the decision has been made to divert the youth, which of the following may be required? Please check all that apply: ☐ Youth signs a contract for participation ☐ Youth is a part of case conferences ☐ Youth must participate in services ☐ Attendance at reporting sessions ☐ Absence of new arrests ☐ Drug screening ☐ Other (please specify): _____

18) Is the parent/guardian/family involved in any of the following? Please check all that apply: ☐ Parent/guardian/family signs a contract for participation ☐ Parent/guardian/family is a part of case planning/case conferences ☐ Parent/guardian/family participates in services ☐ Other (please specify): ___

19) What interventions are available through the police-level diversion program? Please check all that apply. ☐ Mental health treatment ☐ Substance abuse treatment ☐ Mentorship ☐ Job training skills ☐ Letter of apology/essay ☐ Restorative justice ☐ Restitution ☐ Life skills training ☐ Educational support programs/courses ☐ Family counseling ☐ Other family engagement; please explain how _____ ☐ Community service ☐ Other; please specify _____

20) In what ways, if any, does the diversion program seek to identify and build on an individual youth's strengths and competencies? Please check all that apply. ☐ Youth participates in setting program goals ☐ Incentives tailored to individual youth ☐ Other (please specify) _____ ☐ There is nothing in place for this yet

21) What is the average length of a youth's involvement in the diversion program? () Less than 1 month () 1-3 months () 3-6 months () 6-12 months () Other: _____

22) When has a youth successfully completed the program? Check all that apply.

23) What are the potential consequences when the diversion program rules are not followed? ☐ Re-arrest ☐ Charges filed ☐ Warning ☐ Increased frequency/intensity of participation ☐ Increased length of program participation ☐ Meeting with parent/family/guardian ☐ Other:____

24) Can information collected by the diversion program (e.g., intake or mental heath history) be used in the subsequent criminal complaint? () Yes () No

25) Which of the following youth outcome information do you collect related to your department's diversion program? Check all that apply. ☐ Recidivism of youth. If available, please provide the recidivism rate of youth who were diverted in 2015: _____☐ Educational enrollment and attendance ☐ Academic achievement ☐ HS diploma ☐ GED attainment ☐ Vocational training ☐ Employment ☐ Strengthened family outcomes ☐ Increased community connections ☐ Other (please specify) _____ ☐ None of the above

26) Is there anything else you would like to add on this subject?

27) Can the researchers contact you by email after this survey to ask about the number of youth who were given warnings, arrested, or diverted in 2015 in your municipality? () Yes () No

If "no" to question 3 … 4) Why has your department chosen not to use diversion? AND 4b) Are you aware of interest in developing police-led diversion programming within your department?

c. List of Diversion Definitions, Mission/Purpose Statements[89]

Police Department	*Diversion Definition, Program Information, and/or Mission Statement*
Lexington	Use Handling Youthful Offenders and Community Based Justice (Communities for Restorative Justice) policies; available upon request.
Bedford	As a component to its community policing philosophy, the Bedford Police Department is committed to identifying and utilizing public and private community and social service agencies that may assist it in carrying out its objectives. When appropriate, Department members may request referrals to pro-grams described in this policy and similar programs that are committed to success-fully resolving police-related matters outside the traditional criminal justice system. 6-page Diversion Policy available upon request
Dunstable	Least Coercive Alternative Officers may exercise reasonable discretion. Reasonable discretion means the least coercive alternative, consistent with public safety, public order and the best interests of the juvenile. Officers should consider: • The nature of the offense; • The age of the juvenile; • The juvenile's prior contacts with the police; • The availability of community-based rehabilitation programs; • The victim's recommendation. Reasonable enforcement alternatives include: • Outright release with no further action. • Informal counseling and release to the juvenile's legal custodian. • Referral to community-based services, including a recognized diversion program. • Any violation of Chapters 89 or 90, which is not punishable by imprisonment or by fine of not more than $100, or any city ordinance regulating the operation of any motor vehicle, may result in a complaint being issues against a child be-tween 16 and 18 years of age without first proceeding against him/her as a delinquent criminal complaint • Arrest Officers should cooperate with the prosecutor in preparing and presenting cases in court or seeking referrals for services post-arraignment. Informal Counseling or Referral Officers who decide to informally counsel or refer a juvenile shall complete a field interview and/or incident report. The report must clearly identify any juvenile involved, the nature of the incident, and the reason for the officers' disposition. PURPOSE: The Town of ____ recognizes that not all delinquent acts must result in a criminal record for the juvenile. Occasionally, an offense is committed by an individual that is more an aberration of generally good behavior than an act of criminal intent. The ____ Diversion Program will address those instances and seek to address the underlying issues giving rise to harmful acts.

The Department's goal is to coordinate juvenile justice and delinquency prevention that meets the needs of juveniles while holding juveniles accountable for their actions. When appropriate, referral to local service agencies will be the preferred Department response.

When appropriate, referral to local service agencies will be the preferred Department response. Referral to local social service agencies rather than the juvenile justice system can often have profoundly positive, long term effects. This is especially relevant for low level juvenile offenders who have committed certain mis-demeanors, status offenses, and minor disorder offenses. Diversion will include the use of graduated sanctions to respond to each delinquent act, requiring juveniles to make restitution, perform community service for damages caused by their delinquent acts, and engage in restorative justice practices for increasing victim satisfaction with the imposed sanctions. This policy also endorses the use of alternative approaches to affecting positive change in juveniles who have come in contact with law enforcement, subject to review of the Community Service Deputy Superintendent.

Use the Middlesex County District Attorney Policy

The _____ County DA's Juvenile Diversion Program is designed for first time of-fenders who are charged with minor offenses; i.e. liquor under 21, disorderly conduct, disturbing the peace, trespassing, shoplifting. We have a program for both juveniles and young adults. Prior to arraignment, eligible candidates sign a contract and enter into the program. At this point the arraignment date is continued for three months.

In today's society, our juveniles face many difficulties and pressures associated with growing up. Some juveniles find themselves in court due to minor errors in judgment. I feel that these juveniles deserve a chance to learn a valuable lesson from their mistake. They need to pay their fair debt to the victim or the public, and earn a chance to be spared a criminal record. That is why this program is so important. The Juvenile Diversion Program was created and implemented by [the] former District Attorney ... It was designed to provide a second chance to deserving juvenile offenders. Since the program's inception, it has been shown that the overwhelming majority of the juveniles that have successfully completed the pro-gram have learned valuable lessons of personal and community responsibility. They never again had any problems with the law. My office shall continue our commitment to help these juveniles who have made mistakes, and to prosecute those who present a danger to society.

Follow the standards and procedures set forth by the Essex County District Attorney's Office

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All officers shall be aware of the alternatives to arrest and shall at all times utilize proper discretion in making a decision to arrest a juvenile. Unless the juvenile has committed a violent crime of a serious nature, has committed an offense in violation of MGL 209A or 258E, officers shall use the least intrusive options available such as non-criminal citations, applications for complaints seeking the issuance of a summons or utilization of the social diversion programs available through partner agencies and programs such as family and youth services, Student Safety Network and other programs

geared towards assisting youthful offenders in lieu of court.

Reasonable enforcement alternatives include:

- Informal counseling and release to the juvenile's legal custodian.
- Referral to community-based services, including a recognized diversion pro-gram. Application for a criminal complaint.
- Arrest.
- Diversion of alcohol related juvenile cases, the adjusting of alcohol related juvenile cases or alternative sentencing programs are defined and dictated by the court. It will be the responsibility of the juvenile detective to represent the department in court concerning participation in these programs.
- When conveying the department's position, the Juvenile detective will con-sider factors such as: a. The nature and seriousness of the alleged offense; b. Whether the act involved violence; c. Whether the juvenile was under the influence of drugs and/or alcohol during the incident; d. The juveniles past record if any and e. The availability of court approved community based rehabilitation programs

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Diversion: A program available to certain first time juvenile offenders allowing them to participate in appropriate counseling, education, and community service projects in lieu of further court action.

d. Sample Massachusetts Police Diversion Policy Language

i. Massachusetts Arrest Screening Tool for Law Enforcement (MASTLE) Sample Policy

Source: MASTLE Manual: Systems and Psychosocial Advances Research Center, at the University of Massachusetts Medical School. 2015.

Context for [MASTLE] Use and Framework

The MASTLE was intended for use after youth are taken into police custody but have not yet been processed or arraigned It should be used by an experienced well-trained, senior officer in a position of command This commander would not have been present at the scene of the crime The purpose of having a supervisor or officer-in-charge (OIC) utilize the MASTLE is threefold First, a thorough examination of the facts and circumstances leading up to the detainment can be undertaken Second, a thorough review of the influences, activities, and background of the youth prior to the detention can be undertaken Third, the OIC or other supervisory personnel will not be influenced by factors that may unnecessarily influence the decision to process, release, or divert the youth; such as the youth's conduct at the time of detainment

The MASTLE should be completed in a controlled setting (for example, the police station) with information about the youth's household and length of residence, family background, juvenile record, and prior contact with law enforcement It will be necessary to have a brief discussion with the youth to obtain some of the information to complete the tool The MASTLE is intended for use post-detainment, pre-arraignment and/or pre- processing as part of a comprehensive diversion policy

Example Policy

Police departments should develop a standard policy and procedures explaining how and when the MASTLE will be completed and used. An example of a comprehensive model policy would include the following steps:

It shall be the policy of _____ to complete a thorough Juvenile Screening that includes a check of the juvenile record, runaway status, wants and warrants, Missing Persons, history of suicidal ideation or attempts in detention, and an in-house file review, as well as the completion of the MASTLE prior to the formal booking process. This tool will be used to assist the OIC with juvenile placement options following police detention.

Step 1. Officer makes an arrest of an eligible juvenile offender in the field and transports him or her to the station Standard arrest procedures would apply Miranda shall be administered and a phone call allowed.

Step 2. The OIC will be thoroughly briefed on the arrest and will contact a parent The OIC will interview the youth and parent (if at all possible) to determine the basic background information necessary to complete all of the screening The OIC completes the MASTLE in order to fulfill the federal mandate A favorable score on the MASTLE (Low to Moderate risk of rearrest) and commensurate negative findings on the other screening components allows the OIC to select from the following options:

- Refer the matter to the clerk magistrate for a show cause hearing; notify juvenile probation and juvenile resource officers, notify a parent/guardian, release the juvenile to the parent(s), and submit a special report.
- Outright release with no further action, provided, however, that no arrest has been made and the juvenile is released to a parent/guardian A brief report explaining this course of action taken is necessary.
- Refer the matter to the juvenile resource officers for follow up and placement in the diversionary program This would be for first-time offenses involving the possession of illegal substances including alcohol or drugs.
- Refer the matter to a juvenile resource officer in the Community Service Division for follow up (for misdemeanor offenses excluding assault-related crimes) The purpose is to direct the juvenile to a licensed professional for appropriate assistance and placement with social service agency program determined by a LICSW/LMHW, etc.
- Refer the juvenile to the CIT program, or if in immediate need, the emergency mental health service, if based on your training and experience, the juvenile exhibits behaviors consistent with a juvenile in need of mental health assistance.

Step 3. Though the youth has been formally arrested but not formally processed, state and federal mandates still apply Additionally, by submitting the MASTLE and incident report to a neutral party within the juvenile justice system, judicial oversight is maintained (in this case by a court magistrate) This is important as it ensures transparency and can guard against allegations of police harassment and abuse

Step 4. Normal booking procedures would apply if there is a non-favorable score on the MASTLE (High risk of rearrest and, in some cases, Moderate risk of rearrest) and commensurate affirmative findings on other screening components This would result in standard booking processes: juvenile probation notification, bail process, ultimate release to parent/guardian or transportation to a secure Alternative Lock-up Program, and submittal of the incident report and a criminal complaint application to the police prosecutor and the District Court

Step 5. A bail clerk shall be contacted in all cases when detention is recommended by juvenile probation as the right to bail is afforded all individuals held in the state

Step 6. Formal complaint applications for referral to the Juvenile Court should be restricted to those cases involving serious criminal conduct, repeated criminal violations, or high MASTLE scores Delinquent acts that should require referral to the Juvenile Justice System may be specified

A comprehensive policy must also include oversight and periodic review. This is the essence of management and supervision Systemic review and analysis ensures that the tool is being properly utilized

The MASTLE also may be used in the field prior to arrest to determine if arrest, transport, and processing are necessary IF information for completing the MASTLE can be accessed in the field. Field use would require consultation with a parent or prominent caregiver, electronic access to record information, as well as strict supervisory oversight and review A policy delineating proper release and referral from the field is suggested in departments that meet these parameters.

ii. Excerpt from Policy and Procedure 44B-Town of Lexington, MA (2013, reviewed 2016)

C. Enforcement Alternatives [44.2.1] [1.2.7]

1. Officers dealing with juveniles in enforcement capacities may exercise reasonable discretion in deciding appropriate action. Officers shall use the least coercive and most reasonable alternative, consistent with preserving public safety, order and individual liberty.

Whenever reasonable and possible, an officer will request a summons for a juvenile rather than taking him/her into custody.

Alternatives available include the following:

- Outright release with no further action, or release following informal counseling when no arrest has been made. Officers may turn the juvenile over to his/her parent or guardian when appropriate; [44.2.1(a)]
- Informal referral to an appropriate community social service agency; [1.1.3]
- Limited custody and station house warning. The juvenile shall be held in non-secure custody until released to his/her parent(s) or guardian;
- Issue a citation or apply for a summons or complaint; and [44.2.1(b) (c)]
- Arrest.

Criteria When Choosing an Alternative

- In considering a course of action, the officer shall consider the nature of the offense, the age of the juvenile, the juvenile's prior contacts with the police, the availability of community-based rehabilitation programs, and, in some cases, the recommendation of the complainant or victim. [44.2.1(b)] [1.1.3]
- Whenever the School Resource Officer is available he should be contacted in order to determine if he has prior knowledge with the juvenile.

e. Resources for Developing Diversion Programs and Policies

i. Juvenile Diversion Guidebook, Models for Change, 2011.

Available at: http://www.modelsforchange.net/publications/301

The Juvenile Diversion Guidebook includes an accessibly written and straightforward guide to developing and improving a diversion program and policy. It provides detailed directions for developing:

- Intake Criteria (including referral and eligibility and the use of screening and assessment tools),
- Operational Policies (including participant requirements, linking to services, incentives, conceptualizing consequences of failure to comply and program completion/exit criteria),

- Legal Protections (including ensuring appropriate protections on the derivative use of information collected during diversion programs, and access to legal counsel), and
- Quality Assurance (including program integrity and outcome evaluation

ii. OJJDP Model Program Guide: Diversion Program

Available at: https://www.ojjdp.gov/mpg-iguides/topics/diversion-programs/index.html

The I-Guide was designed for those interested in implementing a pre-adjudication diversion program (that is, a program that diverts youth from formal processing before they go to court). Pre-adjudication diversion can occur at different contact points in the juvenile justice system, such as arrest, referral, and intake. Pre-adjudication diversion seeks to divert youths who would otherwise have been formally processed in juvenile court. Potential users may include juvenile court judges and court services personnel; prosecutors; juvenile probation officers; mental health or treatment service providers; juvenile defense attorneys and public defenders; law enforcement; members of the community; victims; parents; and juveniles themselves.

How can this I-Guide help me?

Users of this I-Guide can be at any point in the pre-implementation stage of a program. The I-Guide can be helpful for:

- People who want to start a diversion program, but first need to conduct a community needs assessment to understand the extent of the problem in their jurisdiction.
- People who want to select a diversion program to implement, but need more background information on the types of programs to choose from.
- People who are close to starting a diversion program in their community, but want more information on issues such as sustainability or handling unanticipated setbacks that may occur once a program begins.

Steps to Take:

Start

- Establishing clear programs goals
- Conducting a needs assessment
- Doing supportive research
- Getting stakeholder buy-in
- Identifying specific jurisdictional issues

Support

- Procuring funding
- Providing program training
- Addressing adaptation as needed

Secure

- Handling unanticipated problems or setbacks
- Ensuring long-term sustainability

f. Excerpt from Massachusetts Juvenile Court Sentencing Best Practices

In 2016, the Juvenile Court Sentencing Best Practices provided guiding principles, including awareness of the following research:[90]

- As a general proposition, research on adolescent brain development indicates that adolescents are (a) less able than adults to control impulses through reason, (b) disposed to over-value short term benefits as compared to long term consequences, and (c) are immensely susceptible to negative peer influences.

- Adolescents develop over time and pose less of a public safety risk as they become less impulsive and more capable of making considered decisions. Pursuant to the maturational arc of adolescence, under a theory experts call "natural desistance," research suggests that more than half of the juveniles who are arraigned would not return to juvenile court.
- In the vast majority of cases, the goals of juvenile court can be met through community-based rehabilitation. Unnecessary institutional confinement, even for one night, may lead to harmful exposure to negative peer influences, and may have the unintended consequence of an adolescent self-identifying as an offender, and may actually increase recidivism rates among juvenile offenders.
- Research also supports the notion that "less may be best" for some juveniles. It is worth considering whether the issue facing the juvenile is best addressed in the juvenile court system, or whether the issue is best addressed through some other service delivery system. Research suggests that youth with a low risk to reoffend should be involved with the court minimally (if not diverted). Youth with a moderate to high risk of reoffending should be subject to the minimum level of supervision and control necessary to promote public safety.
- Decision makers should be cognizant of the principles of Positive Youth Development (PYD), to ensure the youth has their formative needs met to make a successful transition into adulthood. Principles of PYD include ensuring the youth has access to nurturing relationships with caring adults, positive peer relationships, good physical and mental health, effective education and job skills, and leadership and autonomous decision making opportunities.
- A sentencing/dispositional judge should strive to be ever-mindful of the effects of implicit bias on decision making. Disparate treatment of minority individuals has long-reaching impact. Youth of color are vastly over-represented in the justice system.
- The potential benefits of diversion and pre-trial probation as a dispositional tool should be considered whenever possible. Research suggests that youth given the opportunity for diversion have lower rates of recidivism.
- In the complex system of juvenile justice, careful consideration should be given to whether the youth before the court is "dually-involved" (i.e. a youth with both DCF and delinquency involvement) or whether the youth has mental health issues. Many of these youth have significant trauma histories, and have often suffered significant disruption/losses in their normal functioning and development. A sentencing/dispositional judge may wish to consider an integrated "team approach," where diversion and/or other appropriate case services can be explored.

g. Additional Resources on Diversion.

- Disrupting School-Justice Pathways for Youth with Behavioral Health Needs. Available at http://www.ncjfcj.org/sites/default/files/NCJFCJ_SJP_ResponderModel_Final.pdf
- Massachusetts Juvenile Diversion Assessment Study, Niedzwiecki, et al. January, 2015 (focused on DA diversion). Available at https://www.cfjj.org/s/MADiversion_FinalReport_2015-01-14-FINAL.PDF
- Strategies for Youth, Model Guidelines for Handling Youth. Available at http://strategiesforyouth.org/for-police/model-guidelines/
- Enhancing Supports to Reduce School-Based Arrests: The Connecticut School-Based Diversion Initiative. February 23, 2017. Child Health and Development Institute. Available at http://www.ct.gov/opm/lib/opm/cjppd/cjcjpac/20170223_cjpacppt_dept_of_edu.pdf

Endnotes

1 OJJDP Statistical Briefing Book. Online.2015. Available: http://www.ojjdp.gov/ojstatbb/crime/qa05101.asp?qaDate=2015. Released on March 27, 2017.

2 Massachusetts 2015 data compiled by the author from NIBRS and UCR (for Boston). Data excludes Lawrence, MA.

3 Gary Sweeten. Who Will Graduate? Disruption of High School Education by Arrest and Court Involvement. 23 JUSTICE QUARTERLY 4 (Dec. 2006). Available at http://www.masslegalservices.org/system/files/library/H.S.ed_and_arrest_ct_involvement_study_by_Sweeten.pdf

4 Ibid.

5 Anthony Petrosino, Carolyn Turpin-Petrosino, and Sarah Guckenburg. Formal System Processing of Juveniles: Effects on Delinquency. No. 9 of CRIME PREVENTION RESEARCH REVIEW (2013), Washington, D.C.: U.S. Department of Justice, Office of Community Oriented Policing Services. Available at http://www.ric-zai-inc.com/Publications/cops-w0692-pub.pdf.

6 For the purposes of the survey and this report, "diversion" is broadly defined as any practice by which police officers divert a youth from arrest or further involvement in the juvenile justice system beyond contact with the Police Department. The survey did not define 'formal' or 'informal' diversion, but rather deferred to police departments' understanding of these terms.

7 This report is not, and should not be construed as, legal advice to police departments. Any department considering a change of policy in favor of youth diversion should seek counsel on the implications of such a change.

8 Traci Schlesinger. "Decriminalizing Racialized Youth through Juvenile Diversion." Future of Children, Spring 2018. 59 (at 68). Available at: https://futureofchildren.princeton.edu/sites/futureofchildren/files/media/vol28issue1.pdf

9 Schlesinger, at p. 71.

10 Section 75 of Chapter 69 of the acts of 2018 (modifying Chapter 119, Section 54A(c)(3)).

11 William E. Thompson and Jack E. Bynum, Juvenile Delinquency: A Sociological Approach, (Rowman & Littlefield, 1996).

12 D. Wayne Osgood and Hart F. Weischselbaum, "Juvenile Diversion: When Practice Matches Theory," Journal of Research in Crime and Delinquency 21:1, (1984): 33-56.

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10 Ibid.

20 Laurence Steinberg, Elizabeth Cauffman, and Kathryn C. Monahan. Psychosocial Maturity and Desistance From Crime in a Sample of Serious Juvenile Offenders. Office of Juvenile Justice and Delinquency Prevention Juvenile Justice Bulletin (Mar. 2015), Washington, D.C.: U.S. Department of Justice, Office of Justice Programs. Available at https://www.ojjdp.gov/pubs/248391.pdf

21 NIBRS data via FBI. Boston data based on UCR reports.

22 JDAI RRI Dashboard. https://public.tableau.com/shared/SPFJD7C2W?:display_count=yes&:showVizHome=no

23 Niedzwiecki, et al. ICF International (2015) "Massachusetts Juvenile Diversion Assessment Study." Available at: https://www.cfjj.org/s/MADiversion_FinalReport_2015.pdf . The Assessment Study 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.

24 95 departments submitted complete surveys. An additional 16 departments began answering the survey, but did not provide substantive information as to their diversion programs, and therefore are not considered as part of this report.

25 US Census Bureau's American Community Survey 2014 results. https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml
26 The FBI data set includes a total of 2,164 juvenile arrests reported in 2015 from 98 of the 111 responding departments in this survey. It should be noted that the FBI data set was missing information from 11 municipal departments and the two university departments: six of the municipal respondents' data were labeled as 'not reported,' and another five were blank.
27 Wong, Jennifer S., Jessica Bouchard, Jason Gravel, Martin Bouchard, and Carlo Morselli. 2016. "Can At - Risk Youth Be Diverted From Crime? A Meta - Analysis of Restorative Diversion Programs." Criminal Justice and Behavior: 1-20.
28 Boston Police Department Rules and Procedures; Rule 113. Available at: https://static1.squarespace.com/static/5086f19ce4b0ad16ff15598d/t/52af5e9ce4b0dbce9d22a755/1387224732197/Rule+113.pdf
29 Ibid. Rule 113.
30 Massachusetts Probation Service Newsletter. Mar. 2017, 2:4. Available at: http://www.mass.gov/courts/docs/probation/newsletter-march-2017.pdf
31 Massachusetts General Laws, Chapter 287, § 87.
32 Massachusetts Juvenile Court Bench Book. MCLE New England, 3:1 (2014).
33 Available at: http://www.mass.gov/courts/court-info/trial-court/juv/
34 Commonwealth v. Magnus M., 461 Mass. 459, 461 (2012). Emphasis added.
35 Juvenile Court Working Group on Best Sentencing Practices. Dispositional and Sentencing Best Practices for Delinquent and Youthful Offender Matters. Commonwealth of Massachusetts Trial Court, Juvenile Court Department (Apr. 2016).
36 Ibid.
37 Coalition for Juvenile Justice, National Standards for the Care of Youth Charged with Status Offenses (2013).
38 A status offense is conduct that would not be a crime if committed by an adult, e.g. truancy, running away, violating curfew laws, or possessing alcohol or tobacco.
39 Coalition for Juvenile Justice, National Standards (2013), 13.
40 National Juvenile Justice Network, The Truth about Consequences—Studies Point towards Sparing Use of Formal Juvenile Justice System Processing and Incarceration, (Washington, D.C.: Jan. 2012). Available at: http://www.njjn.org/uploads/digital-library/NJJN-Truth-about-Consequences_Fact-Sheet-FINAL_Jan23-2012.pdf.
41 International Association of Chiefs of Police and John D. and Catherine T. MacArthur Foundation, Law Enforcement's Leadership Role in Juvenile Justice Reform: Actionable Recommendations for Policy and Practice, (July 2014). Available at: http://www.theiacp.org/portals/0/documents/pdfs/JuvenileJusticeSummitReport.pdf
42 Ibid: 9.
43 U.S. Department of Justice, Smart on Crime: Reforming the Criminal Justice System for the 21st Century, (Aug. 2013). Available at: www.justice.gov/sites/default/files/ag/legacy/2013/08/12/smart-on-crime.pdf 45 U.S. Department of Justice, Fiscal Years 2014-2018 Strategic Plan. Available at: www.justice.gov/sites/default/files/jmd/legacy/2014/02/28/doj-fy-2014-2018-strategic-plan.pdf
44 Since 1980, the U.S. population has grown by 1/3 while the federal prison population has grown by more than 800%.
45 Department of Justice, Strategic Plan, 50.
46 Ibid: 51.
47 There are 357 police departments in Massachusetts. See chart on pg. 15 https://www.bjs.gov/content/pub/pdf/csllea08.pdf (2008). There were also 16 incomplete survey responses. In total, the 111 respondents represent 109 municipalities and two university police departments.
48 Population total is 1,966,622 out of a state total of 6,794,422.
49 Models for Change. 2011. Juvenile Diversion Guidebook. Available at http://www.modelsforchange.net/publications/301 .
50 One of the 95 respondents did not respond to this one question, but the rest of the survey was complete. Hence a denominator of 94, rather than 95.
51 Data pulled from Census based on median household Massachusetts income in 2015 dollars from 2011-2015. See http://www.census.gov/quickfacts/table/INC110215/25 .
52 Calculated as # of juvenile arrests or summons in 2015 / youth population age 5-19 X 1000. This is imprecise given that children age 5-6 are below the age of criminal responsibility in Massachusetts, and that teenagers aged 18-19 are considered adults. Also, for municipalities with a small population, a couple of arrests can move this number quite a lot. Finally, arrest data was compiled from department reports to the FBI, and this data was unavailable from 6 departments out of 95. As this analysis does not highlight individual towns, but rather looks at trends, it is hoped that this information is useful despite these methodological weaknesses.
53 Namely arrest rates above 7 per 1000 based on the calculation in footnote 52.
54 Development Services Group, Inc. (2015). Risk and Needs Assessment for Youths [Literature Review]. Washington, DC.: Office of Juvenile Justice and Delinquency Prevention. http://www.ojjdp.gov/mpg/litreviews/RiskandNeeds.pdf
55 Vincent, G. M., & Gropman, M. (2016). Obtaining Legitimacy through Objective Decision Making Pre-Arrest Screening of Youth (USA, Town of Brookline, Brookline Police Department).

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57 One of the two departments that report using a counseling assessment further clarified that they consult with their county DA office's Juvenile Diversion Program Coordinator.
58 Note that it is unclear from the wording of the question whether this refers to the accused's family or the victim's family.
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64 Models for Change Juvenile Diversion Workgroup, 2011.
65 Models for Change Juvenile Diversion Workgroup, 2011.
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67 Models for Change Juvenile Diversion Workgroup, 2011.
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72 Pennington County, SD. (n.d.) State's Attorney Office – Juvenile Diversion. Retrieved from http://www.pennco.org/index.asp?SEC=433072B4-E1B6-4648-BE17-0428AD8216C1&Type=B_BASIC
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77 Ga Code. Ann. § 15-11-69(c).
78 Mont. Code Anno. § 41-5-1303.
79 N.R.S. 62C.200(6).
80 705 ICLS 405 § 5-305(3).
81 M.C.L.A. § 722.825(2).
82 Neb.Rev.St § 43-260.04(5).
83 NDCC § 27-20-10(3).
84 Models for Change Juvenile Diversion Workgroup, 2011.
85 Section 75 of Chapter 69 of the acts of 2018 (modifying Chapter 119, Section 54A(c)(3)).
86 This report is not, and should not be construed as, legal advice to police departments. Any department considering a change of policy in favor of youth diversion should seek counsel on the implications of such a change.
87 Schlesinger at p 68. Available at: https://futureofchildren.princeton.edu/sites/futureofchildren/files/media/vol28issue1.pdf
88 Schlesinger, at p. 71.
89 This chart was copied from responses to questions 5 and 6 in the survey. The named departments have given permission for being identified with their diversion definition.
90 Juvenile Court Working Group on Best Sentencing Practices. Dispositional and Sentencing Best Practices for Delinquent and Youthful Offender Matters. Commonwealth of Massachusetts Trial Court, Juvenile Court Department (Apr. 2016). The selections on this page have been edited for length.

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