

Massachusetts Youth Diversion Program: Referral Toolkit



*In partnership with the Department of Youth Services &
the Office of the Child Advocate*



Table of Contents

Letter from the Commissioner and Child Advocate.....	3
I. About the Massachusetts Youth Diversion Program (MYDP).....	4
Why Diversion?	4
Why MYDP?.....	5
II. MYDP Program Components.....	6
III. Referral Process.....	8
Who can refer a youth?	8
What youth are eligible for referral?.....	8
Notice of Referral	10
IV. Post-Referral Involvement.....	10
<u>Access to Counsel</u>	
V. More Information on the Program.....	12
VI. Background on the JJPAD Board and the Development of the MYDP	12
Appendix A - Bench Card.....	14
Appendix B - MYDP Process Flow Chart.....	15
Appendix C – Referral Form.....	16
Appendix D – Youth ineligible for diversion under M.G.L.....	19

Letter from the Commissioner and Child Advocate

The Massachusetts Youth Diversion Program (MYDP) is the result of several years of study and collaboration with a variety of stakeholders, including representatives from law enforcement, district attorney offices, the Juvenile Court, the Committee for Public Council Services, the Department of Youth Services, the Department of Mental Health, the Department of Public Health, the Department of Children and Families, the Office of the Child Advocate, child advocacy organizations, and a parent representative.

The goal of this program is to provide youth with high quality diversion services and support, in partnership with juvenile justice system practitioners who have authority to make diversion decisions: police officers, juvenile clerk magistrates, district attorneys, and Juvenile Court judges. (In this toolkit, we collectively refer to these partners as “referrers.”)

The MYDP is launching in late 2021 as a Learning Lab. We begin with three Learning Lab sites and provider organizations. Although the program has been developed after extensive research on “what works” (and what doesn’t) with regards to diversion, we know that there are always lessons to be learned once you get to the implementation phase. Our goal, then, is to test the model, track both qualitative and quantitative data, and improve where necessary.

We developed this toolkit to support diversion referrers in connecting youth with the MYDP. It provides a detailed description of the referral process and what referrers can expect from the program. It also includes materials in the appendices that referrers can use to support their involvement in the MYDP and to reference for additional information about their role as referrers.

We hope you will partner with us as we launch and refine this program, because we know we will only be successful with collaboration and ongoing communication. Our goal is to provide a diversion service that helps youth get on the right path, and that you can feel confident referring youth to. We know there may be bumps in the road, and we hope when that happens you will communicate with us so that we can address any challenges moving forward and ultimately improve the program model.

We greatly appreciate all our colleagues and partners as the Learning Lab phase of this program launches.

Sincerely,

Peter Forbes
Commissioner, Department of Youth Services

Maria Mossaides
Director, Office of the Child Advocate

I. About the Massachusetts Youth Diversion Program (MYDP)

The Massachusetts Youth Diversion Program (MYDP) aims to keep eligible youth out of the formal juvenile justice system, providing consistent access to diversion opportunities across the state and high-quality diversion case management that juvenile justice practitioners, families, and youth can feel confident in.

The MYDP is administered through the Department of Youth Services (DYS) and overseen by the Diversion Manager, Daniele Rose. During the learning lab phase (starting in October 2021) the following three community-based organizations operate the program:

1. Family Services of the Merrimack Valley (Essex County)
2. NFI (Middlesex County)
3. Family Continuity) (Worcester County)

Across sites, the following four program goals drive operations:



The success of the Diversion Program requires collaboration and hard work from all system stakeholders. Importantly, professionals with the opportunity to refer youth to the program – police officers, clerk magistrates, district attorneys and judges – play a critical role in achieving the program goals. This Toolkit is written for each of those potential referrers and provides a detailed description of the referral process and what referrers can expect from the program.

Why Diversion?

Most youth will, at some point throughout their adolescent years, engage in risky behaviors, act impulsively, and make poor decision.¹ For some youth, this type of adolescent behavior is met with legal action, though research shows that even without legal action the majority of those

¹ Juvenile Diversion Strategies (2018). National Center for Mental Health and Juvenile Justice. <https://jije.org/wp-content/uploads/2018/09/Juvenile-Diversion-Strategies-and-Models.pdf>

youth will never go on to commit a second offense.² **Diversion is an evidence-based strategy that offers an alternative to traditional juvenile justice system processing, and is supported by research as a beneficial and effective approach for addressing adolescent behavior.**³

Why MYDP?

Despite the evidence that diverting youth works, geographic gaps in diversion programming across the state and limited resources in the programs that *do* exist leave many practitioners feeling forced to use the traditional juvenile justice system just to make sure a youth has access to quality services.

The goal of the MYDP is to fill that gap. The MYDP increases diversion opportunities for youth and provides them with a developmentally appropriate alternative to formal juvenile justice system processing. At the same time, by referring youth to the MYDP, referrers can concentrate their resources on youth who remain in the juvenile justice system, knowing MYDP youth will get access to services and programs they may need, while being held accountable for their actions.

Diversion is an evidence-based strategy that offers an alternative to traditional juvenile justice system processing and is supported by research as beneficial and effective approach for addressing adolescent behavior.

Each youth the referrer deems appropriate for the MYDP will have the opportunity to receive individualized services, engage in a high-quality program with a multitude of benefits, and avoid a juvenile record.

² Juvenile Diversion Strategies (2018). National Center for Mental Health and Juvenile Justice. <https://jije.org/wp-content/uploads/2018/09/Juvenile-Diversion-Strategies-and-Models.pdf>

³ Farrell, Betsinger and Hammond (2018). Best Practices in Youth Diversion. University of Maryland School of Social Work: The Institute for Innovation and Implementation. <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>

II. MYDP Program Components⁴

At each site, a Diversion Coordinator manages the major elements of this program by accepting referrals, conducting assessments, referring youth to services and providing general case management to youth diverted to the program in the coordinator's area.

Conduct evidence- based assessments to determine risk levels and areas to address potential needs

The MYDP will help increase public safety by reducing the likelihood that referred youth commit additional delinquent offenses because their criminogenic needs are addressed. Needs are met by using evidence-based and promising practices that are shown by research to reduce recidivism.

MYDP will use two screening tools:

- 1) The Youth Level of Service/Case Management Inventory: Screening Research Version (YLS/CMI:SRV) is an evidence-based, 8-item risk screener designed to aid the preliminary classification of a youth's risk level and possible intervention needs. If youth scores "Low" on risk and needs, Diversion Coordinators will have a "light touch" to case planning, which research indicates is the best way to prevent recidivism and support positive youth outcomes. Youth assessed as having higher risks or needs will receive more intensive case planning and services, as indicated by research.
- 2) The MAYSI-2 is an evidence-based behavioral health screening tool that assists diversion staff to identify youths' current behavioral health symptoms, as well as substance use and suicide ideation. The MAYSI-2 will be administered to all youth receiving a diversion intake referral. Cut-off scores (Caution/Warning) on its six clinical scales are used to identify youth in need of (a) a referral for a mental health assessment, and, in some cases (b) an immediate staff/clinical response if the youth is in need of critical care, particularly if the youth is suicidal.

When a youth presents with an urgent or critical need to Diversion Coordinator will contact the Director of Special Projects, Site Director, or on call clinician for consultation and assistance. Youth may meet with a Family Continuity clinician to determine next steps which may include accessing psychiatric emergency services at Riverside Community Care through their Youth Mobile Crisis program or at their service location. 1-800-294-4665.

Support positive youth development (PYD) and hold youth responsible for their actions through individualized case plans

⁴ See **Appendix B** for the full flow chart of the MYDP process.

Coordinators understand that youth do not operate their lives in a vacuum, and a successful diversion strategy looks at the entire context surrounding the youth and their offense. Additionally, each youth's case plan is designed with a Positive Youth Development lens (PYD).⁵ Research shows this strength-based approach to youth case management, as opposed to a deficit-based approach or strictly punitive measures, can lead to better, more positive outcomes for youth. Coordinators also take external factors into consideration, such as victim experience and family dynamics. Last, case plans limit the number of requirements youth have, to focus attention on their most immediate risks and needs.

Refer to high-quality services and serve as a partner to solve barriers during the process

Diversion Coordinators make individualized service referrals that target a youth's moderate or high needs areas. The service selection process takes into consideration the youth's motivations, strengths and protective factors, as well as operational logistics like waitlists and eligibility. Coordinators help *youth and their family's* problem solve when they encounter barriers to program participation, such as transportation challenges, safety concerns, and motivation.

Promote and Ensure Equity in the Process

The MYDP is anchored in the belief that all youth, no matter their background or identity, deserve the chance to learn from mistakes and repair harm without the long-term, negative repercussions of a juvenile record. By expanding diversion opportunities and providing high-quality case management, the MYDP aims to reverse disparities seen in our juvenile justice system.

The Learning Lab phase of the MYDP include provisions to share program data with DYS, the OCA, and the JJPAD Board regarding any disparities in referrals and program success rates, so we can address any unintended consequences or disparities in the program early on.

⁵ Research shows a strength-based approach to youth case management, as opposed to a deficit-based approach or strictly punitive measures, can lead to better, more positive outcomes for youth. Case planning and management through a PYD lens can contribute to a youth's long-term growth and decrease future delinquent behavior. For additional information on PYD, see Massachusetts Youth Diversion Program Model Program Guide, Section 1.4, page 12. Youth.gov "Positive Youth Development" <https://youth.gov/youth-topics/positive-youth-development>; For additional information on PYD, see Massachusetts Youth Diversion Program Model Program Guide, Section 1.4, page 12.

III. Referral Process

Referrers have an integral role in ensuring that the MYDP functions as designed. The following section outlines the essential role of the referrer and to collaborate with local Diversion Coordinators.

Diversion Coordinators are your primary point of contact for your local program. Diversion Coordinators are available to:

- **answer questions** referrers may have **regarding a specific youth’s eligibility**;
- **inform referrers on a youth’s progress** in the program once they are participants;
- and serve as **points of contact for general programmatic questions**.

Who can refer a youth?

Police, clerk magistrates, district attorneys, and judges are all eligible referrers and can refer youth to the MYDP at each of their respective process points. Their role is to decide if a youth is appropriate for the MYDP, and if so, refer the youth to the program.

What youth are eligible for referral?

The MYDP will accept all youth into the programs unless statutorily unauthorized.⁶ The table on the next page breaks down when each referrer may encounter a youth who is eligible for diversion and how to refer that youth to the MYDP. Referrers should follow internal department policies regarding diversion, as well as the legal bounds previously mentioned.

In general, **referrers are highly encouraged to divert youth with a first or low-level offense.**

Research demonstrates that most youth, especially those who have a low-level offense, will not go on to commit future offenses.⁷

Questions to consider when determining eligibility:

- Is this the youth’s first offense?
- Is this a lower-level offense?
- Is there reason to believe the youth has unmet needs driving the delinquent act?

If you answer “yes” to any of these questions, the youth may be a good candidate for the MYDP.

Other appropriate candidates for the MYDP are youth with higher needs, complex cases, or whose unmet needs might be driving the delinquent behavior. As the referrer, you may consult with your local

⁶ M.G.L.c. 119 § 54A

⁷ Juvenile Diversion Strategies (2018). National Center for Mental Health and Juvenile Justice. <https://jije.org/wp-content/uploads/2018/09/Juvenile-Diversion-Strategies-and-Models.pdf>

Diversion Coordinator to inquire if a youth may have already participated in the MYDP – however, previous participation does not disqualify a youth from being referred or going through the program again.

Referrer	Eligible Youth	When to Refer	How to Refer
Police: Sutton, Douglas, Uxbridge, Millville, Blackstone Northbridge	All youth deemed appropriate by arresting officer.	Instead of making an arrest or issuing a citation Instead of submitting an application for complaint	Fill out the Referral form and send to Diversion Coordinator, Araya Landry. You will receive confirmation from FC upon receiving the referral.
Clerk Magistrate Brendan Moran	All youth deemed appropriate by hearing clerk magistrate.	Before making a delinquency filing	Fill out the Referral form and send to Diversion Coordinator, Araya Landry. You will receive confirmation from FC upon receiving the referral.
District Attorney	All youth deemed appropriate by charging (assistant) district attorney.	Pre-arraignment	Fill out the Referral form and send to Diversion Coordinator, Araya Landry. You will receive confirmation from FC upon receiving the referral.
Judges Carol Erskine, First Justice Worcester County Juvenile	All youth deemed appropriate by hearing judge, except youth that fall within M.G.L.c. 119 § 54A exceptions ⁸	Pre-arraignment	Fill out the Referral form and send to Diversion Coordinator, Araya Landry. You will receive confirmation from FC upon receiving the referral.

⁸ See Appendix D page 21 for list of ineligible offenses under this statute.

Notice of Referral

If the decision to refer is made, the referrer should send a formal referral notice to the local Diversion Coordinator including the following information:

- ✓ Youth name and contact information
- ✓ Parent/guardian name and contact information. Referrers should indicate who has legal and physical custody of the youth, if that information is available to them at the time of referral
- ✓ The alleged offense, description of the incident and date of the event
- ✓ Does the youth have any prior charge (s), and date of the event
- ✓ Name and contact information for the referrer, including their agency and department information
- ✓ If there was an identified victim of the alleged offense, referrers should include their name and contact information
- ✓ If a youth is referred to diversion after defense counsel has been appointed, counsel's name and contact information should be provided if possible
- ✓ Any other information the referrer deems relevant and would like to share regarding the specific case or youth referred
- ✓ Option to indicate whether the referrer wants a follow up conversation with the Coordinator

IV. Post-Referral Involvement

Once they have received the notice of referral, **Diversion Coordinators will reach out to the youth and their parent/guardian within two business days.** If Coordinators are unsuccessful connecting with the youth after multiple attempts, or if the youth does not agree to participate in the program, coordinators will report that information to the original referrer.⁹ At that point, referrers may decide to proceed with the case through the traditional juvenile system.

⁹ Once Coordinators make contact with the youth and their parent/guardian, they will explain what diversion is, and let them know that they have the opportunity to consult with an attorney (See "Access to Counsel") before agreeing to proceed with the MYDP

The Diversion Coordinator will remain in communication with referrers at various points throughout the diversion program. If at any point the Diversion Coordinator becomes aware that the youth is re-arrested for an additional offense during program participation, the referrer will be alerted and may use their discretion to determine whether it's in the youth's best interest to remain in diversion programming for the original offense, or if the youth should be referred back to juvenile court.

After a referral is made, the Diversion Coordinator will take the following steps:

- **Assessment:** Coordinators assess youth in order to build an individualized case plan. This process includes interviewing youth, their family, and using evidence-based risk/needs screening tools.
- **Victim Connection:** Coordinators will connect with the DYS Victim Witness Unit if there is a victim involved in incident. Any potential victims of the youth's delinquent behavior are notified and given opportunity to express their needs as a result of the youth's actions.
- **Diversion Agreement & Service Referrals:** Diversion Coordinators alert the referrers when the youth signs their diversion agreement. The Diversion Agreement is the formal agreement to participate in the MYDP and includes an individualized plan of services and requirements. Coordinators make referrals to any external services youth are required to participate in per their agreement. Referrers will be informed of the general diversion requirements and an anticipated diversion end date for the youth
- **Case Management:** Diversion Coordinators check-in with youth at a frequency determined during the diversion agreement phase. Coordinators help youth address any additional challenges that may come up throughout the diversion process.
- **Case Completion:** Upon completion, the Coordinator notifies the referrer of the youth's success and the youth's accomplishments on diversion. If the youth does not successfully complete the MYDP, the Coordinator will let the referrer know, and then the referrer will determine if the case should be formally processed through the Juvenile Court or not.

Access to Counsel

Youth referred to the diversion program have the opportunity to consult with an attorney at any point in the diversion process, at no cost to the youth or their family.

Upon receiving a referral, the Diversion Coordinator contacts CPCS to get the name and contact information for an attorney for the youth.

If youth and their family need an attorney, the Coordinator can provide the youth and parent/guardian with the name and contact information for the CPCS attorney and encourage them to contact the attorney before the first intake meeting with the Diversion Coordinator.

process. Participation is voluntary, and if the youth does not agree to participate, the referrer will be notified and their case will be returned to the referrer.

V. More Information on the Program

Pilot Site: Family Continuity,

Address: 76 Church St, Ste. 301, Whitinsville, MA 01588

Phone: 508-488-5056 Cell: 978-857-3357 Fax: 508-234-3944

Website: <https://familycontinuity.org/>

Contact Person: Araya Landry, Diversion Coordinator

Email: alandry@familycontinuity.org; Covering Blackstone Valley Region

Family Continuity will provide a comprehensive case management model to create and track an individualized service system for each participating youth in a way that accounts for their unique life circumstances and risk profile.

The Diversion Coordinator will ensure optimal youth and family engagement to create a 'case plan' based on youth criminogenic needs with interventions that reduce youth risks and increase protective factors and articulate these in a binding 'Diversion Agreement'.

The Coordinator will recommend the youth and family to other additional supports that may include group support. In addition, the Coordinator will also help youth overcome any obstacles to service utilization (e.g. language & transportation) and accompany them to service provider meetings as and when needed.

FC offers an array of services to meet the needs of the youth referred. Services include but are not limited to; therapeutic Mentoring, In Home Behavioral, In Home Therapy, Family Stabilization, Outpatient Clinic, School Based Outpatient Clinic, Outpatient School Based Services, Mobile Crisis Intervention, ICC, Community Support Program, DCF- Contracted Youth Support, Parent Support, and Supervised visits.

The Diversion Coordinator will follow-up with community service providers to sign consent forms to share data and utilize a confidential data tracking/feedback mechanism to monitor that program requirements are being met in a timely fashion.

VI. Background on the JJPAD Board and the Development of the MYDP

The JJPAD Board, which was established by [Chapter 69 of the Acts of 2018](#), is charged with evaluating juvenile justice system policies and procedures and making recommendations to improve outcomes. The JJPAD Board is chaired by the Child Advocate and comprised of members representing a broad spectrum of organizations involved in the juvenile justice system.

In 2019, through the work of its Community Based Interventions (CBI) Subcommittee, the Board [released a report](#) detailing findings from the subcommittees' research and analysis of opportunities for diversion across the Commonwealth. The report, *Improving Access to*

Diversion and Community-Based Interventions for Justice-Involved Youth, highlighted several key findings, including:

- Diverting youth from formal processing by the juvenile justice system can be an effective intervention strategy.
- Juvenile justice decision-makers across the Commonwealth are increasingly aware of the importance of diversion, and more and more decision-makers are establishing diversion practices.
- There is wide variation in diversion policies and practices across the state, and an opportunity to improve outcomes by adopting evidence-based practices.
- We do not currently collect the data that would be needed to fully understand or assess our current diversion system(s).
- The current structure of our diversion system likely contributes to systemic inequities.
- Although Massachusetts devotes significant funding to behavioral health and youth services, juvenile justice system practitioners see distinct gaps in the availability of community-based interventions for justice-involved youth.
- More infrastructure support is needed to effectively connect youth with services that do exist and overcome barriers.

The 2019 legislative report recommended the state launch a *statewide diversion learning lab* across three pilot sites, with the goals of:

- Improving communication and coordination of diversion across the state;
- Improving the quality and consistency of diversion work by developing common infrastructure, policies and procedures; and
- Testing and refining the statewide diversion model.

In its second year, the Subcommittee developed a [Diversion Model Program Guide](#) to support the launch of the statewide diversion learning lab. The Guide comes following extensive research on other diversion models here in the Commonwealth and across the country, and over a year of discussion.

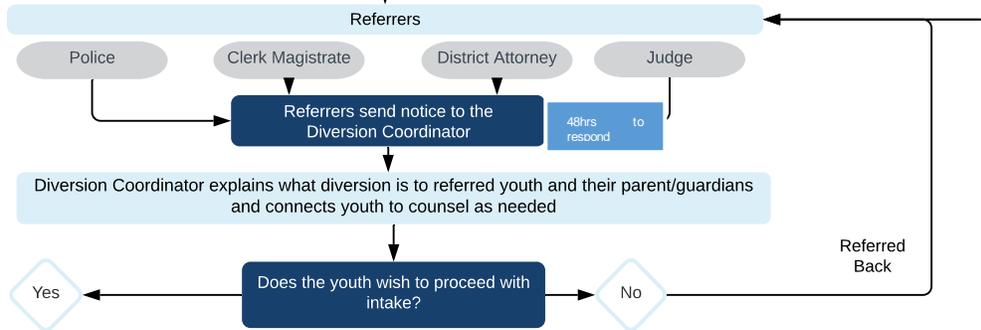
Appendix A - Bench Card

<h1>Massachusetts Youth Diversion Program Referral Process Bench Card</h1>		
<p>Who is eligible?</p>	<p>The MYDP is available for any juvenile delinquency case the referrer considers appropriate, within any legal bounds. Referrers are strongly urged to refer youth with first-time and/or lower- level offenses, as well as cases where a youth’s unmet needs may be driving the delinquent behavior (e.g. behavioral health, educational supports, etc.).</p>	<p>Important contact information: Araya Landry, alandry@familycontinuity.org Office Line: 508-488-5056 Cell: 978-857-3357 Fax: 508-234-3944</p>
<p>What services are available?</p>	<p>Assessments, Case planning, Case management, and development of diversion agreement. Outpatient Treatment, child psychology, in home therapy, therapeutic mentoring, youth support, family stabilization, school-based outpatient and mental health treatment.</p>	
<p>Who do I contact?</p>	<p>Referrers should contact the local Diversion Coordinator for additional information about the MYDP. Referrers may also contact Daniele Rose at the Department of Youth Services.</p>	
<p><i>For more information, please reference the MA Youth Diversion Program Referral Toolkit. If you require a copy of this toolkit, please contact Daniele Rose (857) 225-1566 or Daniele.m.rose@mass.gov</i></p>		

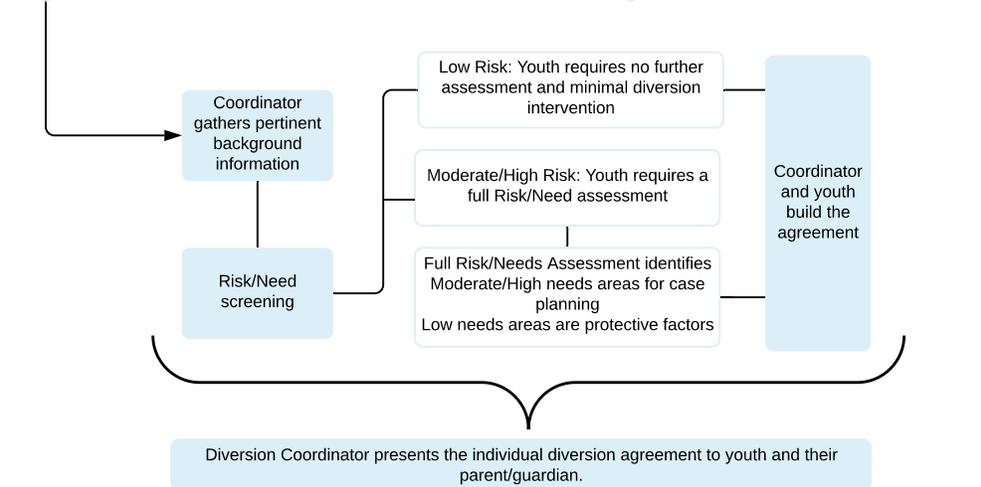
Appendix B - MYDP Process Flow Chart

Section 2.1
Making a Referral

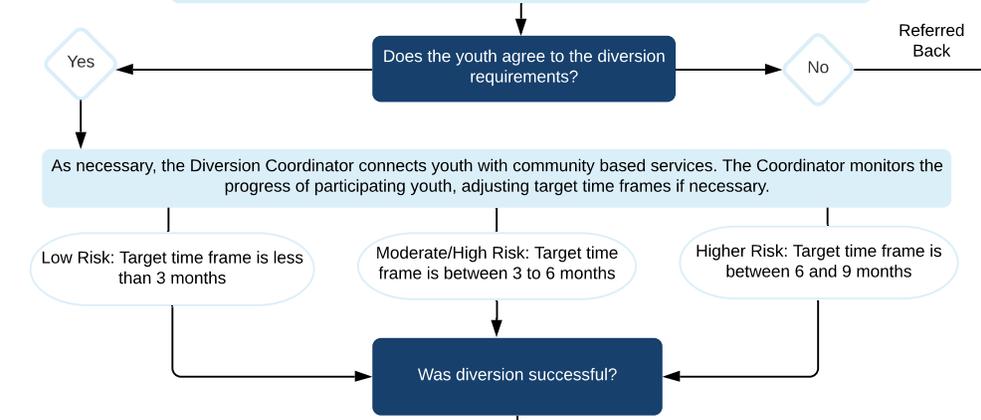
Delinquency Offense
Any youth can be referred to the diversion program, within any applicable legal limits. Referrers are strongly urged to refer youth with lower-level offenses, first offenses, and/or youth with higher, complex needs whose behavior may be due to unmet needs.



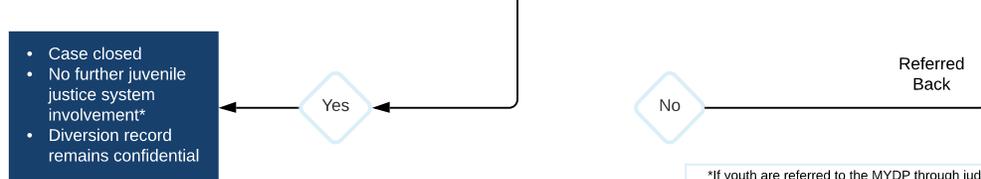
Section 2.2
Creating a Diversion Agreement



Section 2.3
Case Management



Section 2.4
Diversion Wrap-Up



*If youth are referred to the MYDP through judicial diversion governed by M.G.L. c. 119 § 54A, there may be small variations in process to meet statutory requirements. See the full guide for details.

Appendix C – Referral Form

Police, Clerk Magistrates, District Attorneys and Judges can refer youth to Massachusetts' youth diversion programming by securely sending this completed form (to the best of their ability) by email to the Diversion Coordinator.

Refers can divert any youth they think would benefit from the program and that they are legally allowed to divert. Referrers are strongly encouraged to divert the following youth in particular: youth with first offenses, youth with low level offenses, youth with higher needs and/or complex cases whose unmet needs might be driving delinquent behavior.

Youth Contact Information

Name: _____ Phone Number: _____

E-mail Address: _____

Address: _____

Parent/Guardian Contact Information

Name: _____ Phone Number: _____

E-mail Address: _____

Address: _____

Does this person have physical and/or legal custody? Yes No

Referral Contact Information

Name: _____ Phone Number: _____

E-mail Address: _____ Agency/Department: _____

Referrer Role: Police Officer Clerk Magistrate (Assistant) District Attorney Judge

(check one)

Case Information:

Alleged Charge: _____ Date of incident: _____

Does youth have any prior charge/s: YES/ NO Date of incident/s: _____

Description of the Alleged Event:

If relevant: Alleged Victim Contact Information: _____

If relevant: Defense Counsel Contact Information: _____

Any other information about this youth/case you would like to share with the Diversion Coordinator?

You will receive notice if the youth has accepted participation in the diversion program.

Do you wish to be contacted by the Diversion Coordinator for any other follow-up before then? Yes No

Referrer Signature: _____ Date: _____

Appendix D – Youth ineligible for diversion under M.G.L.

Ineligible Judicial Diversion:

A child otherwise eligible for diversion pursuant to this section shall not be eligible for diversion if the child is indicted as a youthful offender

or if the child is charged with a violation of 1 or more of the offenses enumerated in the second sentence of section 70C of chapter 277:

chapter 90 § 22F,	chapter 209A,	chapter 268 § 18,
chapter 90 § 24,	chapter 265,	chapter 268 § 19,
chapter 90 § 24D,	chapter 266 § 25,	chapter 268 § 20,
chapter 90 § 24G,	chapter 268 § 1,	chapter 268 § 23,
chapter 90 § 24L	chapter 268 § 2,	chapter 268 § 28,
chapter 90 § 24N ,	chapter 268 § 3,	chapter 268 § 31
chapter 90B § sections 8,	chapter 268 § 6,	chapter 268 § 36
chapter 90B § 8A	chapter 268 § 6A,	chapter 268A,
chapter 90B § 8B,	chapter 268 § 6B,	chapter 269 § 10,
chapter 119 § 34,	chapter 268 § 8B,	chapter 269 § 10A,
chapter 119 § 36,	chapter 268 § 13,	chapter 269 § 10C,
chapter 119 § 39,	chapter 268 § 13A,	chapter 269 § 10D,
chapter 119 § 51A,	chapter 268 § 13B,	chapter 269 § 10E,
chapter 119 § 51E,	chapter 268 § 13C,	chapter 269 § 11B,
chapter 119 § 51F,	chapter 268 § 14,	chapter 269 § 11C,
chapter 119 § 55,	chapter 268 § 14B,	chapter 269 § 11E,
chapter 119 § 63	chapter 268 § 15,	chapter 269 § 12,
chapter 119 § 63A,	chapter 268 § 15A,	chapter 269 § 12A,
chapter 119A,	chapter 268 § 16,	chapter 269 § 12B,
chapter 209,	chapter 268 § 17,	chapter 269 § 12D

chapter 269 § 12E
chapter 272 § 1,
chapter 272 § 2,
chapter 272 § 3,
chapter 272 § 4,
chapter 272 § 4A,
chapter 272 § 4B,
chapter 272 § 6,
chapter 272 § 7,

chapter 272 § 8,
chapter 272 § 12,
chapter 272 § 13,
chapter 272 § 16,
chapter 272 § 28,
chapter 272 § 29A
chapter 272 § 29B
other than the offenses in
subsection (a) of section
13A of chapter 265 and

sections 13A and 13C of
chapter 268,
or if the defendant is
charged with an offense for
which a penalty of
incarceration greater than 5
years may be imposed or
for which there is a
minimum term penalty of
incarceration or which may
not be continued without a
finding or placed on file.