



The Massachusetts Youth Diversion Program: Impact Report

YEAR ONE OF IMPLEMENTATION
(JANUARY – DECEMBER 2022)

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THE COMMONWEALTH OF MASSACHUSETTS
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Table of Contents

Executive Summary.....	3
Background	4
The JJPAD Process	6
Structure of the Diversion Learning Labs.....	7
Program Data	9
Referrals	9
Creating a Diversion Agreement.....	12
Intake, Process, and Demographic Data	12
Risk / Needs Assessment	15
Behavioral Health Screening.....	18
Diversion Agreement.....	19
Case Closure	20
Lessons Learned	26
Conclusion.....	30
Appendix A: MYDP Diversion Process Map	31
Appendix B: Request for Response	32
Appendix C: Diversion Coordinator Training Requirements.....	33

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Executive Summary

Historically, access to evidence-based youth diversion programming has varied widely across the Commonwealth. In its [2019 report on diversion](#), the state’s Juvenile Justice Policy and Data (JJPAD) Board found that there were no statewide standards or guidelines in Massachusetts regarding the use of diversion, and no entity that provided oversight for diversion practices. That report recommended the creation of a statewide diversion program to ensure that youth across the Commonwealth had equitable access to high quality, state-funded diversion programming.

As a result of that report, with funding allocated by the Legislature in the state budget, the Office of the Child Advocate (OCA) partnered with the Department of Youth Services (DYS) to launch the Massachusetts Youth Diversion Program (MYDP), a multiphase state-funded youth diversion initiative that provides high-quality, evidence-based programming that can serve as an alternative to arresting youth or prosecuting them through the Juvenile Court. Phase I of the MYDP consisted of a “Learning Lab” that piloted the new model in three counties between January 2022 and December 2022.

This report provides analysis, lessons learned, and insights into the creation and implementation of the Learning Labs, including:

- Background information that provides the research behind diversion, as well as the process that led to the creation of the MYDP.
- Program data, including total referrals, the demographic profile of Learning Lab participants, diversion requirements, and case outcomes.
- Lessons learned, which highlight both the strengths of the program as well as challenges faced in the first year of implementation.

Through the creation of the MYDP, Massachusetts has made substantial progress in providing evidence-based diversion programming to youth who would be better served outside of the traditional juvenile justice system. The Learning Lab phase allowed the MYDP to put program to practice and use the lessons learned to inform any necessary changes prior to implementing statewide.

The Learning Lab phase officially ended in December 2022. The program expanded to Plymouth and Hampden Counties in 2023, and DYS and OCA are currently in the process of selecting additional expansion sites to launch by 2024.

Background

Research shows that diverting youth away from the juvenile justice system can be an effective strategy for improving life outcomes for youth, preserving and protecting public safety, and reducing court processing costs.¹ Although many youth will engage in risky/unlawful behavior as a normal part of adolescence, most youth mature and grow out of this behavior without any state intervention.

A small percentage of youth will go on to re-offend as adults. This risk can be reduced, however, if a child receives the right support – which is why the use of diversion can ultimately improve public safety. Rigorous research has found that youth who have participated in evidence-based diversion programs are *less likely to re-offend* than youth who are formally processed through the juvenile court.²

¹ [Massachusetts Juvenile Justice Data and Policy Board](https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download). (2019). Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

² Wilson, H. & Hoge, R. (2013) The effect of Youth Diversion Programs on Recidivism: A meta-Analytic Review. *Criminal Justice and Behavior*. Vol. 40, No. 5, May 2013, 497-518. http://users.soc.umn.edu/~uggen/Wilson_CJB_13.pdf

Why Invest in Diversion?

Diverting youth from the juvenile justice system can be an effective strategy for improving life outcomes for youth, preserving and protecting public safety, and reducing court processing costs for the Commonwealth.

- **Diversion improves public safety:** One meta-analysis of 45 studies showed that **diversion was more effective in reducing recidivism than traditional court processing.** Another meta-analysis of 19 studies specific to police-based diversion showed that youth were less likely to reoffend when they received diversion.
- **Diversion helps reduce justice system contact, which can be harmful in and of itself.** A significant body of research shows that contact with the juvenile justice system can increase a youth's likelihood for other negative outcomes, such as academic failure.
- **Diversion reduces the risk of future justice system involvement:** Relative to diverted youth, youth who were formally processed were more likely to be re-arrested, more likely to be incarcerated, engaged in more violence, reported a greater affiliation with delinquent peers, reported lower school enrollment, were less likely to graduate high school within 5 years, reported less ability to suppress aggression, and had lower perceptions of opportunities.
- **Diversion is developmentally appropriate:** As youth age, their ability to update and refine their decision-making strategies increases. Teenage brains work differently than adults'; they lack the cognitive control to connect in-the-moment decisions to long-term goals. And, research indicates that late adolescents are more responsive to positive feedback than to punishment. Therefore, diversion allows time for a youth's brain to continue to develop while holding the youth accountable and forgoing the negative consequences of deeper involvement in the juvenile justice system.

Sources:

Wilson, H. & Hoge, R. (2013) The effect of Youth Diversion Programs on Recidivism: A meta-Analytic Review. *Criminal Justice and Behavior*. Vol. 40, No. 5, May 2013, 497-518. http://users.soc.umn.edu/~uggen/Wilson_CJB_13.pdf

Cauffman, E., et. al. (2020). Crossroads in Juvenile Justice: The Impact of Initial Processing Decision on Youth Five Years after First Arrest. *Development and Psychopathology*. <https://faculty.lsu.edu/pfricklab/pdfs/juvenilejustice-pdfs/dpcauffmanetalmaincrossroadsweb.pdf>

Campbell Collaboration. (2018). Police-led diversion of low-risk youth reduces their future contact with the justice system. https://campbellcollaboration.org/media/k2/attachments/0287_CJCG_Wilson_Youth_diversion_PLS_EN.pdf

Steinberg, L. et al. (2009). Age Differences in Future Orientation and Delay Discounting. <https://srcd.onlinelibrary.wiley.com/doi/10.1111/j.1467-8624.2008.01244.x>

Hammerer, D. et al. (2011). Life Span Differences in Electrophysiological Correlates of Monitoring Gains and Losses during Probabilistic Reinforcement Learning. *J Cogn Neurosci* 2011; 23 (3): 579–592. Doi: <https://doi.org/10.1162/jocn.2010.21475>

MYDP Program Goals

Reduce the likelihood of future offending by youth in the program and increase public safety

Support positive youth development

Hold youth responsible for their actions

Promote and ensure equity in the process

Historically, access to evidence-based youth diversion programming has varied widely across the Commonwealth. In its 2019 report on diversion, the state’s [Juvenile Justice Policy and Data \(JJPAD\) Board](#) found that there were **no statewide standards or guidelines in Massachusetts regarding the use of diversion, and no entity that provided oversight for diversion practices.**³ That report recommended the creation of a statewide diversion program to ensure that youth across the Commonwealth had equitable access to high quality, state-funded diversion programming.

As a result of this report, with funding allocated by the Legislature in the state budget, the Office of the Child Advocate (OCA) partnered with the Department of Youth Services (DYS) to launch the Massachusetts Youth Diversion Program (MYDP), a multiphase state-funded youth diversion initiative that provides high-quality, evidence-based programming that can serve as an alternative to arresting youth or prosecuting them through the Juvenile Court. Phase I of the MYDP consisted of a “Learning Lab” that piloted the state model in three counties between January 2022 and December 2022.

The JJPAD Process

The JJPAD Board was charged by the state legislature⁴ with studying and reporting on:

- The quality and accessibility of diversion programs available to juveniles
- The system of community-based services for children and juveniles who are under the supervision, care or custody of the Department of Youth Services or the Juvenile Court
- The gaps in services identified by the committee with respect to children and young adults involved in the juvenile justice system.

During the JJPAD board’s first meeting in December 2018, the Community-Based Intervention (CBI) Subcommittee was formed to focus on the above topics. In its first two years of meeting, the CBI Subcommittee:

³ [Massachusetts Juvenile Justice Data and Policy Board](#). (2019). Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth. <https://www.mass.gov/doc/improving-access-to-diversion-and-community-based-interventions-for-justice-involved-youth-0/download>

⁴ [M.G.L. Chapter 119, Section 89](#).

- **Conducted a review of the use of juvenile diversion across the Commonwealth**, which resulted in the Board’s 2019 report [Improving Access to Diversion and Community-Based Interventions for Justice-Involved Youth](#). This report details the subcommittee’s research findings, including the fact that access to evidence-based diversion programming varied widely across the state. The group recommended creating a state diversion program, which paved the way for the formation of the MYDP. The findings and recommendations were informed by presentations from various juvenile justice stakeholders, surveys, interviews conducted with juvenile justice practitioners and youth involved in the justice system, and extensive research into statewide diversion infrastructure and funding models.
- **Developed the [Massachusetts Youth Diversion Model Program Guide](#)**. A product of over a year of extensive research on other diversion models in the Commonwealth and across the country, the Guide is the programmatic basis for the MYDP. The guide provides guidance on the role of diversion program staff, information sharing and data collection, and continuous quality improvement.

In the Fall of 2020, the OCA and DYS announced that DYS would administer the MYDP Learning Lab using funding allocated to the OCA in the state budget process. DYS issued a Request for Responses (RFR) in 2021 that led to the selection of three community-based providers to pilot the state model in three counties:

- Essex (with diversion services provided by [Family Services of the Merrimack Valley](#))
- Middlesex (with diversion services provided by [NFI Massachusetts](#))
- Worcester (with diversion services provided by [Family Continuity](#))

Collectively, the pilot sites were called “Diversion Learning Labs.”

Structure of the Diversion Learning Labs

Each county diversion provider has a diversion coordinator whose role is to:

- accept referred youth to the program,
- conduct risk & needs screening and assessments at intake,
- work with the youth and their family to develop a diversion agreement,
- match the youth with services and supports that align with identified risks and needs, and
- provide ongoing mentoring and case management.

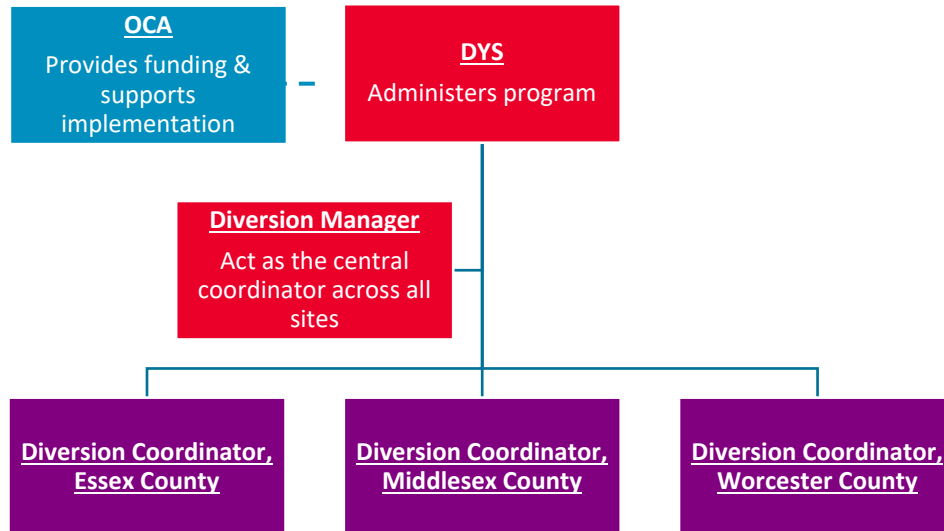


Figure 1: MYDP Org Chart

Additionally, DYS hired a Diversion Manager to act as the central coordinator and contract manager across all sites. The OCA works closely with DYS to monitor implementation, including monthly reviews of program data and other programmatic support. The diversion process⁵ begins with a referral to the diversion provider from practitioners legally permitted to divert youth away from the traditional juvenile justice system. The four system practitioners who are legally permitted to divert youth are police, clerk magistrates, district attorneys, and judges.

From there, the steps include:

- **Creating a diversion agreement:** the diversion coordinator contacts the youth and their parent/guardian and explains the diversion program. If the youth and parent/guardian agree to participate, the coordinator will collect pertinent background information, conduct a screening to match services/interventions to the youth’s risk/need level, and work collaboratively with the youth and their family to build a diversion agreement.
- **Case management:** if the youth and parent/guardian agree to the diversion agreement, the diversion coordinator then connects the youth to community-based services (e.g., individual therapy, family programming, recreational programming) and sets the target length of the program based on the youth’s risk/need. The coordinator monitors the progress of the participating youth, adjusting services and target time frames when necessary.
- **Case closure:** As the diversion program comes to an end, coordinators determine if the youth has successfully fulfilled their diversion obligations. Success looks different for each youth participating in diversion. In general, a case is closed successfully when the participating youth makes meaningful progress on or completes the diversion

⁵ See Appendix A for the full process, taken from the JPAD Board’s *Model Program Guide*.

requirements and avoids other unlawful activities.⁶ Once a case is successfully closed, there is no further juvenile justice system involvement, and the diversion record remains confidential.

More details on each process point can be found in the corresponding sections below.

Program Data

The data presented in this report is from Calendar Year 2022 (January 1, 2022-December 31, 2022), covering Phase I (the “Learning Labs”) of implementation of the MYDP. The data was collected monthly by the diversion coordinators and submitted to DYS. Data is presented by process point and include both Learning Lab totals and county sub-totals for all measures.

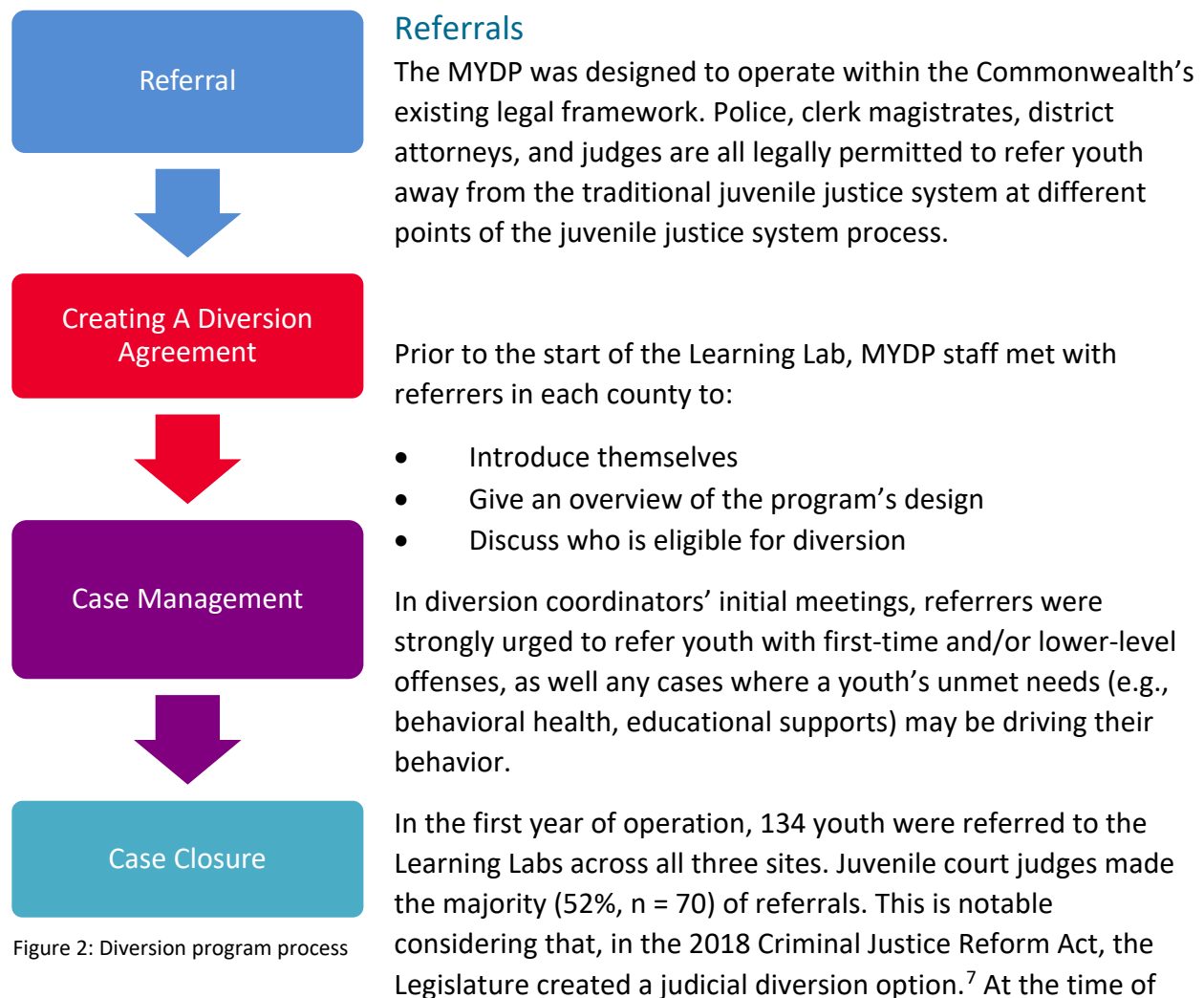


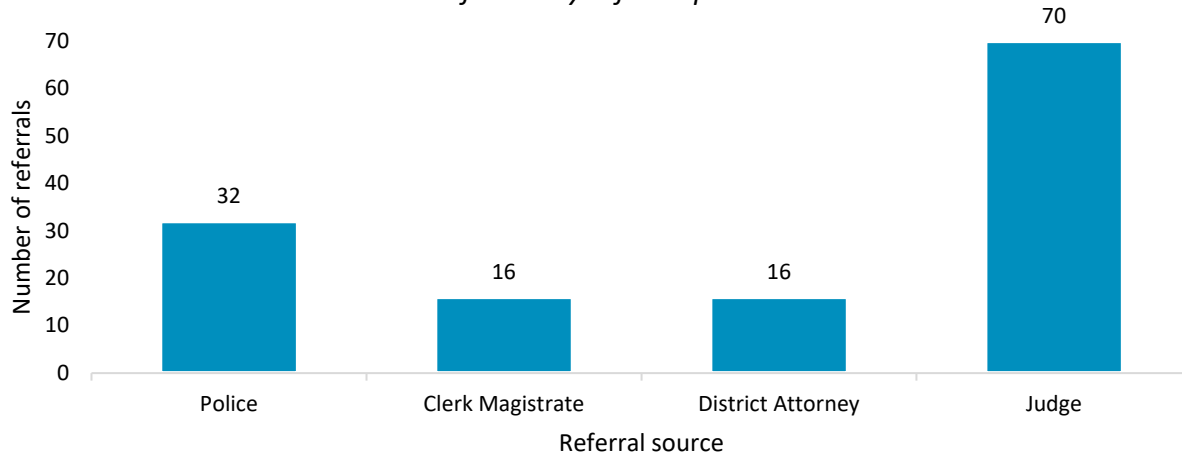
Figure 2: Diversion program process

⁶ [Massachusetts Juvenile Justice Data and Policy Board](https://www.mass.gov/doc/diversion-model-program-guide/download). (2021). Massachusetts Youth Diversion Program: Model Program Guide. <https://www.mass.gov/doc/diversion-model-program-guide/download>

⁷ See: <https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter69>

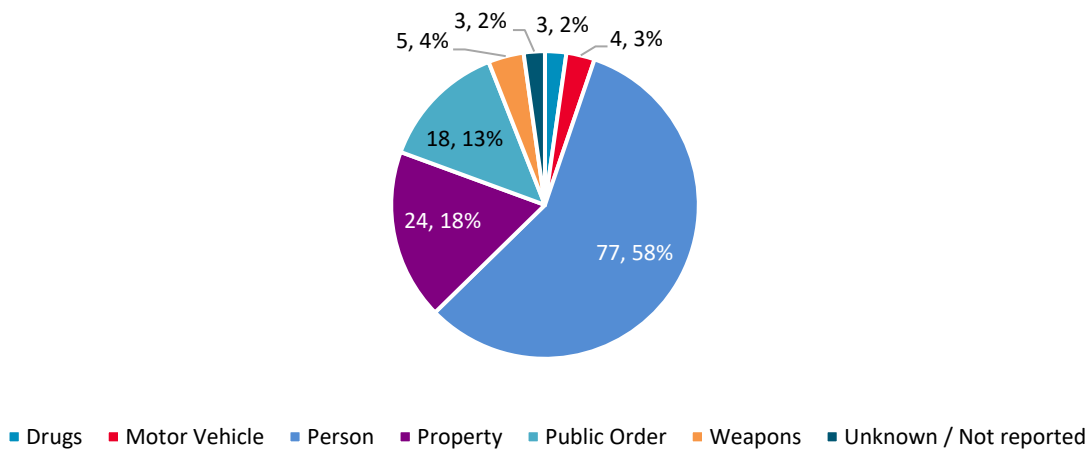
the bills passing, however, practitioners reported that many judges were unable to fully utilize that option due to a lack of local diversion services. The MYDP has helped fill that gap.

Figure 3:
Referrals by referral point



More than half (58%, n = 77) of all referrals were for youth alleged to have committed person offenses,⁸ which aligns with trends seen in the Juvenile Court.⁹

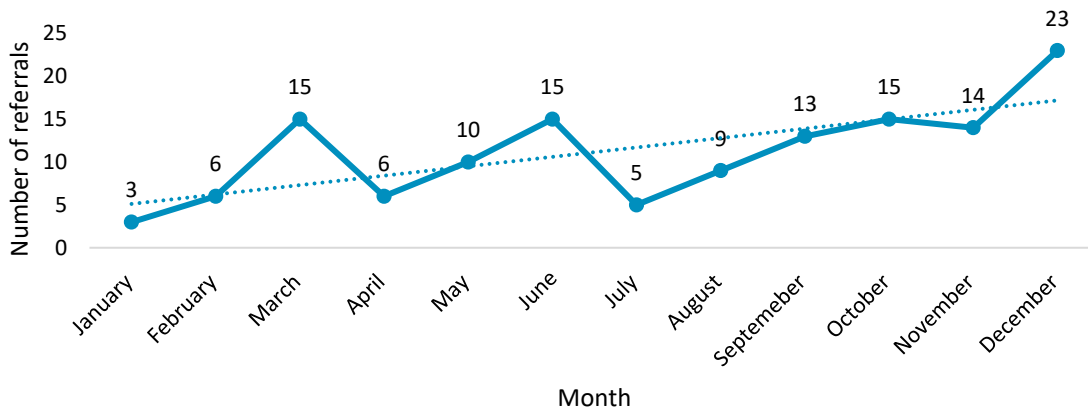
Figure 4:
Referrals by offense type



⁸ Out of the 77-person related offenses, 83% (n=63) were for assault and battery.

⁹ In FY22, persons offenses represented 44% (n=3,854) of all applications for complaint. [Massachusetts Juvenile Justice Data and Policy Board. FY2022 Annual Report. https://www.mass.gov/doc/jipad-2022-annual-report/download](https://www.mass.gov/doc/jipad-2022-annual-report/download)

Figure 5:
Monthly referrals (n=134)



Referrals increased throughout the year, with the program averaging 11 referrals monthly.

In CY22:

- The Essex County diversion coordinator received 39 referrals, 92% of which were made by judges and 8% made by police departments. Seventy-seven percent of referrals were for youth alleged to have committed person offenses.
- The Middlesex County diversion coordinator received 34 referrals, most of which (44%) were made by the district attorney’s office. Most (65%) referrals were made for youth alleged to have committed person offenses.
- The Worcester County diversion coordinator received 61 referrals, accounting for almost half (46%) of all Learning Lab referrals statewide. Unlike Essex and Middlesex County, police were the most frequent referrer (43%). Forty percent of referrals were made for youth alleged to have committed person offenses.

	Police	Clerk Magistrate	District Attorney	Judge
Essex	3	0	0	36
Middlesex	3	3	15	13
Worcester	26	13	1	21

	Drugs	Motor Vehicle	Person	Property	Public Order	Weapons	Not known
Essex	2	1	30	3	2	0	1
Middlesex	1	1	22	4	3	3	0
Worcester	0	2	25	17	13	2	2

Creating a Diversion Agreement

After a referral is made, the diversion coordinator is responsible for creating a diversion agreement. Diversion agreements outline the requirements the youth agrees to follow during the diversion period, including participation in any interventions identified by the coordinator during the information gathering process. Diversion requirements are tailored to the unique needs of the youth and family, the needs of the victim (if applicable), and take into consideration any unmet behavioral health needs that may have led to the diversion referral. During this time, the diversion coordinators:

- Conduct an intake process that includes the collection of additional information about the youth and their family, including demographic data (race/ethnicity, primary language, gender identity, etc.).
- Administer screening tools to better understand any behavioral health needs that may be at the root of the alleged delinquent behavior and assess effective interventions. Diversion coordinators use two validated screening tools: the Massachusetts Youth Screening Instrument – Second Version (MAYSI-2) and the Youth Level of Service/Case Management Inventory Screening Version (YLS/CMI:SV) respectively.
- Collaborate with the youth and their family to understand the youth’s unique strengths and incorporate those into the case management process as protective factors.

The data presented below details each of these programmatic elements.

Intake, Process, and Demographic Data

In CY22, 79% (n= 106) of referred youth had reached the intake process¹⁰ at the end of the Learning Lab phase. It is at this stage that demographic data is collected. Demographic data is self-identified by the referred youth.

In CY22:

- 46% (n=49) identified as Hispanic or Latino, 42% (n=44) identified as white, 8% (n=9) identified as Black or African American and 4% (n=4) identified as Asian or Multi-racial
- 62% (n=66) identified as male and 38% (n=40) identified as female
- 28% (n= 30) reported being involved with the Department of Children and Families (DCF)¹¹
- 94% (n=100) reported English as their primary language
- 9% (n=10) identified as LGBTQ+

¹⁰ Of the remaining 28 referrals, 22 had agreed to participate and were in the process of scheduling their intake with the diversion coordinator at the time the data was pulled, and 6 referrals did not reach a diversion agreement.

¹¹ At time of intake.

In Essex, the majority of participants identified as Hispanic or Latino (71%, n = 24). In Middlesex County, 45% (n=13) of participants identified as Hispanic or Latino. The majority (65%, n=28) of participants served in Worcester County identified as white. In Worcester and Middlesex, the majority of participants identified as male. However, in Essex County, the majority of participants identified as female.

Figure 6:
Learning Lab participants by race/ethnicity

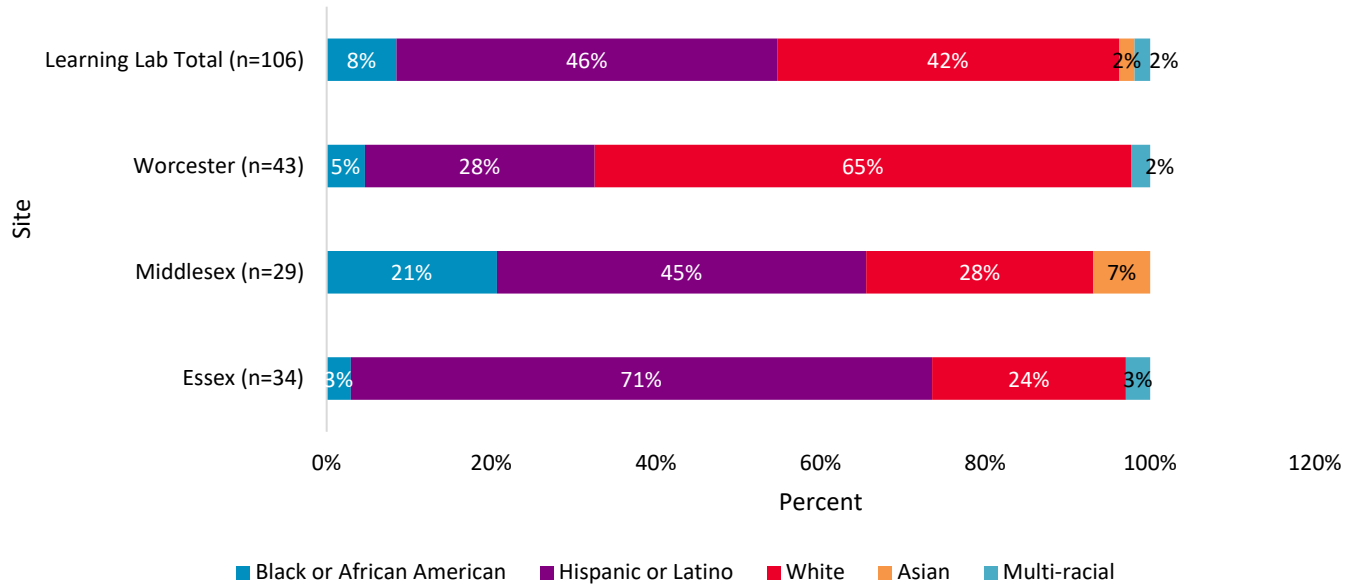


Figure 7:
Learning Lab Participants by gender identity

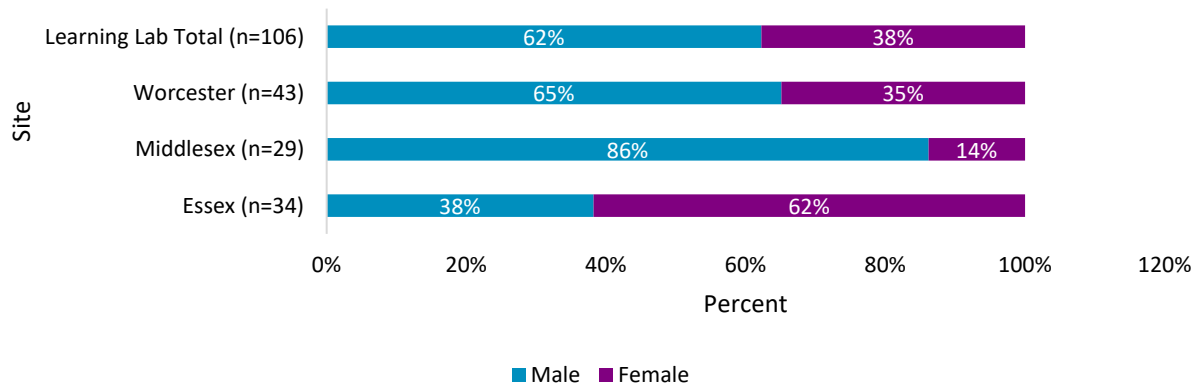
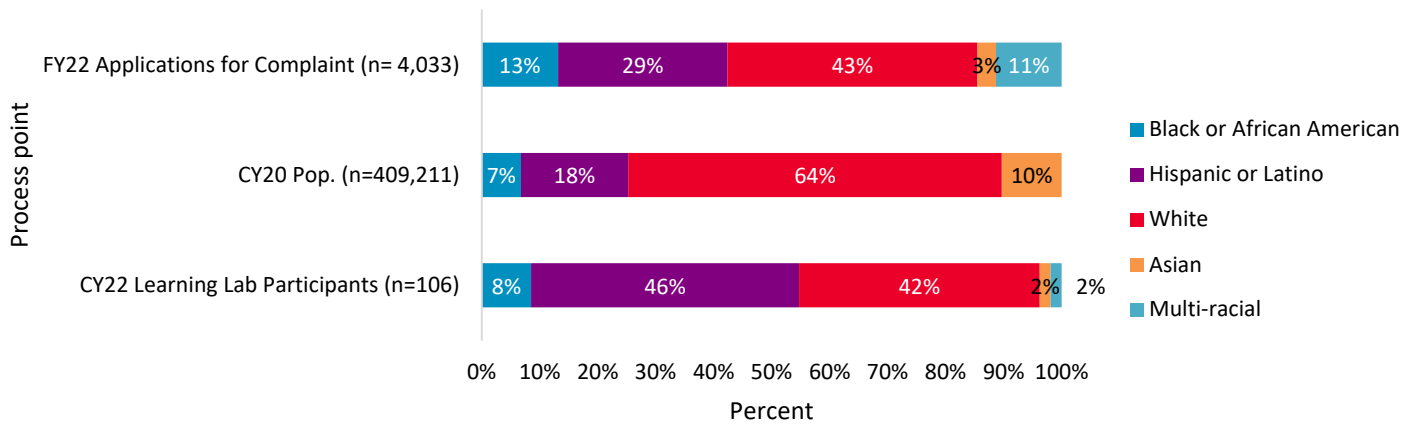


Figure 8:
Race / ethnicity across process points



One of the goals of diversion – and the MYDP – is to help combat the overrepresentation of Black and Latino youth in the juvenile justice system.¹² Figure 8 compares the race/ethnicity of learning lab participants to that of youth who were the subject of an FY22 application for complaint in those counties as well as to the general youth (12-17) population in those counties.¹³ This comparison demonstrates the following:

- **Hispanic/Latino youth make up a significantly higher percentage (46%) of Learning Lab participants than of youth who were the subject of an application for complaint (29%) or of the general population (18%).** This *may* mean that the MYDP is helping to reduce disparities in the juvenile justice system for Hispanic/Latino youth by providing an alternative to formal court processing.
- **Black youth make up a slightly smaller percentage (11%) of Learning Lab participants than of youth who were the subject of an application for complaint (13%), yet still a larger percentage than of the general population (7%).** This indicates that additional work is needed to ensure Black youth have equitable access to the diversion program, and that the MYDP can play a role in reducing overall disparities for Black youth in the justice system.

The race/ethnicity comparisons have some limitations. The size of the sample (n=106) is relatively small, which means that the differences in demographic make-up noted above in some cases represent only a few youth. It is also important to note that this data cover the

¹² [Massachusetts Juvenile Justice Data and Policy Board](https://www.mass.gov/doc/jjpad-2022-annual-report/download). FY2022 Annual Report. <https://www.mass.gov/doc/jjpad-2022-annual-report/download>

¹³ An application for delinquent complaint may be filed when a police officer or other person believes a youth has committed a delinquent offense.

start-up period of implementation. During this period, building relationships with referrers in suburban areas in some counties has been faster/easier than urban referrers, which likely impacts the demographics of referred youth in this first year. This is an issue program staff have been focused on, and this data will continue to be monitored in future years to identify if progress is being made. As more data become available, creating a sample size that allows for further disaggregation, MYDP plans to also examine demographic data by referral source and offense type, as well as conducting more intersectional analysis (e.g. race x gender).

Risk / Needs Assessment

During the intake process, diversion coordinators administer the YLS/CMI:SV. This is an actuarial tool designed to provide an estimate of the level of risk for future antisocial behaviors, as well as an indication of areas of need for intervention to reduce that risk in youth alleged of committing a delinquent offense.

Risk, need, responsivity, and fidelity are the Principles of Effective Intervention (PEI) in juvenile justice and provide a roadmap for staff to take an individualized approach when working with youth. The risk principle tells staff who to treat and with what intensity of intervention; the need principle tells staff what to treat; the responsivity principle tells staff how to treat; and the fidelity principle tells staff how to do the work in alignment with evidence-based principles. Research indicates that when staff follow PEI, youth are provided with more appropriate treatment options and the likelihood of recidivating is reduced.¹⁴

The MYDP utilizes the short version of the YLS-CMI:SV (“the screener”), which contains eight questions corresponding to the eight

Length of Diversion

Research indicates that prolonged exposure to the juvenile justice system, including diversion, does not necessarily benefit youth, and in some cases, does more harm than good.

The MYDP Model Program Guide provides the following general guidelines to be used when initially setting diversion timelines:

Less than 3 months: Youth with low risk/needs should typically participate in diversion no longer than 3 months.

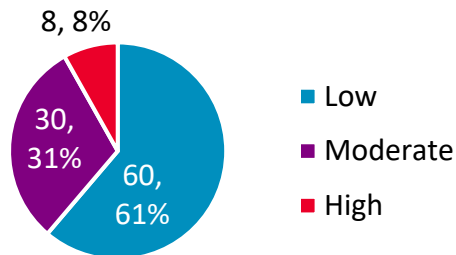
3 months – 6 months: Youth with moderate to high risk/needs should typically participate in diversion programming between 3 and 6 months.

6 months – 9 months: Youth with particularly high needs that require longer-term interventions may need to participate in diversion programming for 6 to 9 months.

¹⁴ To learn more, see the *Massachusetts Youth Diversion Program: Model Program Guide*
<https://www.mass.gov/doc/diversion-model-program-guide/download>

risk/need domains, with all youth.¹⁵ Diversion coordinators also administer the longer YLS-CMI (full version) for youth who score above a certain level on the YLS/CMI:SV.¹⁶ These tools identify the youth’s risk level (low, moderate, or high) as well as their highest areas of needs.

Figure 9:
Risk/need level



This information is then used to match youth with specific, individualized interventions that address these need areas.

Of the youth screened with the YLS/CMI:SV (n=98¹⁷), the majority were reported as being “low” (61%, n=60) risk of future reoffending. The two most common identified needs among participants were an increase in structured leisure/recreation time and support in school performance or gaining employment. Thirty-nine percent of youth met the screener cutoff and were assessed with the full YLS/CMI, which indicated that only 8% of

participants were considered “high risk.”

In the early months of programming, more youth were being screened in as “moderate or high” risk than was initially anticipated. As a result, a review of the use of the YLS screener and additional training for diversion staff was conducted in the fall of 2022 to ensure fidelity to the process and the use of the tool. After that, the percent of youth screened in as “moderate or high” risk decreased and began to align with what was anticipated in program design. This trend has continued through 2023.

This report reflects data from all of 2022, with a significant portion of the data on risk levels being collected prior to this re-training. Based on the above, it seems likely that some number of youth were identified as moderate or high risk who in reality were low or moderate. This is a common challenge in the first year of implementation and demonstrates the importance of tracking data carefully and making course corrections as necessary.

¹⁵ The eight domains are: (1) history of delinquency/conduct disorders; (2) current school or employment problems; (3) antisocial peer associations; (4) substance abuse problems; (5) leisure/recreation problems; (6) personality/behavior disorders; (7) antisocial attitudes/values.

¹⁶ As part of the Learning Lab process, the first year of conducting the YLS included working with the Law & Psychiatry Program at UMass Chan to designate a cutoff score to determine who “screens-in” as moderate to high risk and needs a full assessment with the YLS/CMI. This process had diversion coordinators administer both the YLS/CMI:SV and the YLS/CMI to 49 of the referred youth. The Law & Psychiatry Program at UMass Chan analyzed these data and recommended a YLS/CMI:SV cutoff score of 4. A diversion coordinator now administers the full YLS/CMI for any youth scoring higher than a 4 to determine their risk level. As part of the MYDP’s commitment to continuous quality assurance, diversion coordinators attend and complete YLS booster training twice per year to ensure fidelity to the model.

¹⁷ At the end of CY22, there were 8 participants at the intake stage that were in the process of scheduling their YLS screener.

Data in the charts and graphs below indicate the risk level that was determined after all indicated screening and assessments were conducted.

Table 3: Risk/need by county (number)			
	Low	Moderate	High
Essex	16	11	2
Middlesex	14	9	4
Worcester	30	10	2

Across all four referral sources, judges were the most likely to refer “moderate” or “high” risk youth.

Figure 10:
Risk/Need level by referral source

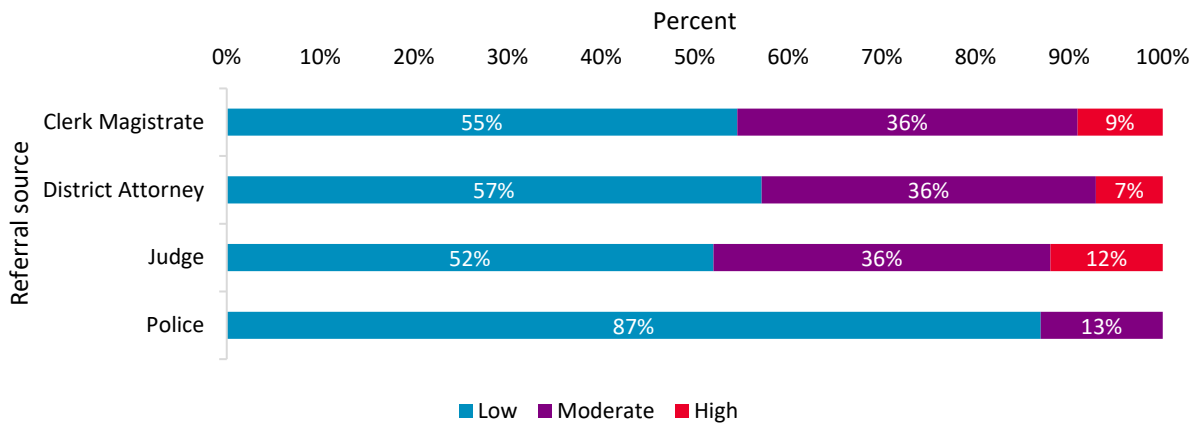
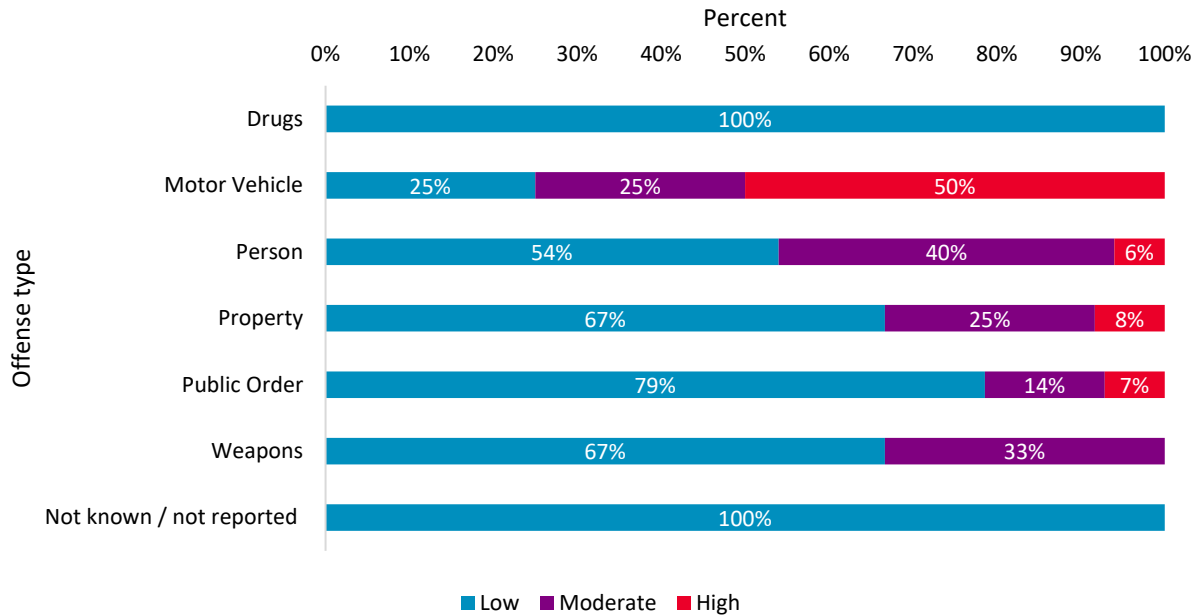


Figure 11:
Risk/Need level by offense type



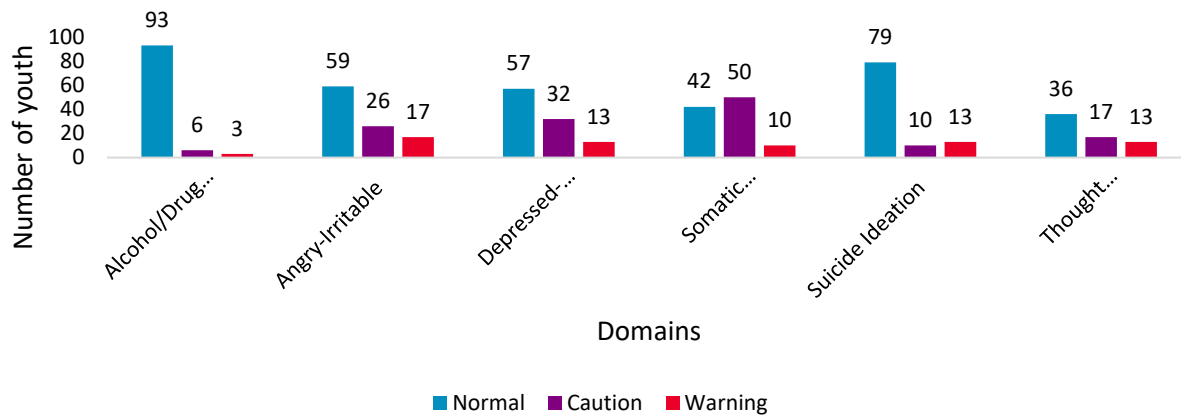
Behavioral Health Screening

The MAYSI-2 is a behavioral health screening tool that assists diversion staff in identifying youths’ current behavioral health symptoms. Diversion coordinators use these results to inform the diversion agreement. The MAYSI-2 consists of 52 items, answered “yes” or “no” by each youth concerning whether the behaviors, thoughts, or feelings expressed in each item have been true for the youth in the past few months. Cut-off scores (Caution/Warning) across each of the tool’s six clinical domains are used to identify “critical cases” in need of (a) a referral for a mental health assessment, and, in some cases (b) an immediate staff/clinical response, particularly if the tool reveals a youth to be suicidal.

In the first year, 102 MAYSI-2s were conducted. Based on their MAYSI results, diversion coordinators recommended:

- 24 youth for a mental health evaluation and treatment as indicated
- 10 youth for a substance use evaluation and treatment as indicated
- 4 youth for individual counseling

Figure 12:
MAYSI-2 Levels



Diversion Agreement

After the diversion coordinator understands the context of both the alleged offense and the youth’s current situation and builds a case plan, they craft the individualized diversion agreement.¹⁸ Diversion agreements include general program rules and information about the youth and their case plan, and the actions required to complete the diversion program, referred to as “diversion requirements.”

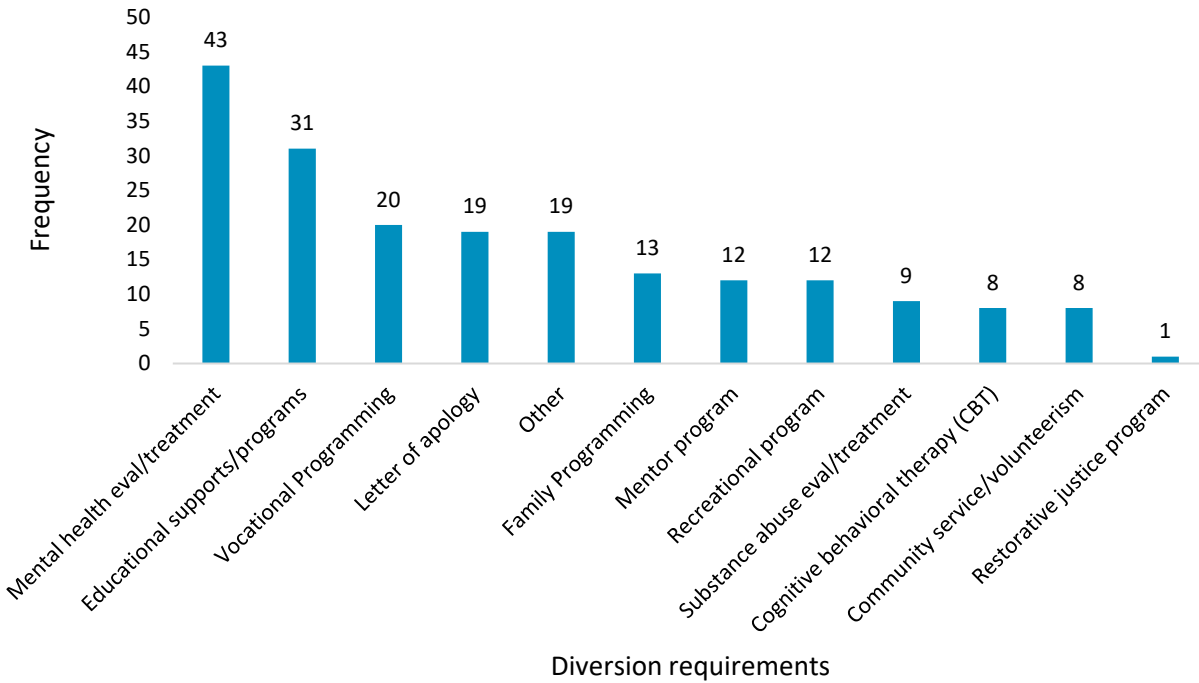
Per program guidelines, youth have two to three diversion requirements as part of their diversion agreement. Diversion requirements are developed by the diversion coordinators by taking information from:

- The results of the YLS-CMI/SV and MASYI-2 assessments
- Youth identified strengths and interests
- The details of the alleged offense
- If applicable, victim input

Diversion requirements are often a mix of addressing any behavioral health or educational needs, introducing youth to more prosocial activities, and helping youth take responsibility for their actions. Diversion coordinators work to connect youth to services in their community and hold sessions with youth throughout the diversion agreement. In these sessions, diversion coordinators work with youth on building skills that can help them avoid future delinquency, such as coping skills and learning how to better manage conflict. Figure 12 below shows all diversion requirements assigned to youth in CY22.

¹⁸ The MYDP diversion agreement template can be found in the *Model Program Guide*. For more information see: <https://www.mass.gov/doc/diversion-model-program-guide/download>

Figure 13:
CY22 diversion requirements

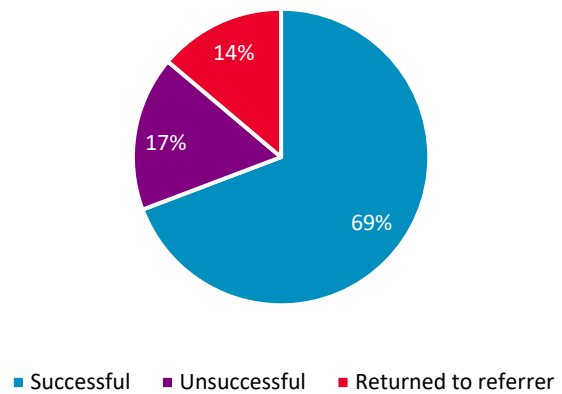


If the youth and their family accept the diversion agreement, the diversion process has officially begun. During the length of the diversion program, the coordinator monitors the progress of the participating youth, adjusting services and target time frames when necessary.

Case Closure

Diversion cases can be closed successfully or unsuccessfully. They can also be returned to a referrer, either before or after a diversion agreement is reached.

Figure 14:
CY22 diversion cases closed
(n=65)



In CY22, 65¹⁹ diversion cases were closed as follows:

- **45 (69%) were closed successfully.** Generally, youth are considered successful when they:
 - Make meaningful progress, as determined by the diversion coordinator, on/complete their diversion requirements
 - Avoid other unlawful activities²⁰
- **11 (17%) were closed unsuccessfully.** Reasons for an unsuccessful case closure can include:
 - Youth was arrested or charged with a new offense and the original referrer withdrew the case
 - Youth did not make meaningful progress on their diversion requirements²¹
 - Youth/family stop participating in program
- **9 (14%) were returned to referrer.** Cases are returned to referrer (after a diversion agreement was reached) when:
 - The youth wishes to continue with traditional court process
 - The referrer withdraws a case from the diversion process
 - The original case is dismissed in court

For the purpose of assessing the “success” of the program, a return to a referrer should not be considered a negative outcome. It is important that participation in diversion be voluntary; if a youth wants to dispute their charges through the traditional court process, that is their right and it may well lead to a better outcome for them. Similarly, if a referrer or the court decides to dismiss a case, that obviates the need for diversion.

Once a case is closed, diversion coordinators are responsible for sending notice to the original referrer regarding the case closure status. If youth are successful, coordinators can also share some of the youth’s general successes in the program. If youth are not successful, coordinators must refer them back to the original referring agency and will provide reasons for the

¹⁹ In total, there were 71 referrals closed. However, six of those referrals **did not reach a diversion agreement**, and therefore the referred case never opened as a diversion case. There were a number of reasons a case did not reach the diversion agreement stage, including the youth wishing to continue with the traditional court process, the referrer withdrawing the case prior to the diversion agreement stage, or the diversion coordinator being unable to contact the youth/family after multiple attempts through a variety of mediums to the extent possible (e.g. phone, email, letter to home). Due to the small number of cases and the fact that these cases were never open as a diversion case, these six were omitted from analysis.

²⁰ If youth are re-arrested during their diversion participation, coordinators must alert the original referrer of the new arrest. Coordinators will also provide a recommendation to the original referrer on whether they recommend continued diversion participation for the original offense, or if diversion participation should be terminated. Referrers may recommend continuing with diversion or withdraw the case. If they continue, youth can still complete the diversion program successfully.

²¹ Coordinators make significant efforts to help youth make progress on their diversion requirements, which may include revising the requirements as needed. A case is only closed unsuccessfully after a youth has been given time, support, and encouragement but is still not actively engaging in services.

unsuccessful case closure. At that point, it is up to the discretion of the original referrer if they want to proceed with the traditional court process.

From referral to case close, the average successful case lasted 4.03 months total, and 2.78 months from establishing the diversion agreement to case close (see Table 4). When separated by youths' risk level, the average case did not exceed the recommended timelines.

Table 4: Case length by risk/need*				
	Referral to Intake (Average number of Days)	Intake to Agreement (Average number of Days)	Agreement to Case Close (Average number of Months)	Total (Average number of Months)
All closed cases				
Low (n=36)	25	16.7	2.2	3.6
Moderate (n=15)	16	24	3.6	5.0
High (n=6)	10	33	5.6	7.2
Successful				
Low (n=33)	23	16	2.2	3.5
Moderate (n=9)	14	23	4	5.2
High (n=2)	12	25.5	6	7.3
Unsuccessful				
Low (n=2)	32.5	9	2.9	4.3
Moderate (n=3)	14	14	4	5
High (n=2)	9.5	47	5.7	7.5
Returned to referrer				
Low (n=1)	100	49	.9	5.9
Moderate (n=3)	23.3	38.6	2.2	4.3
High (n=2)	6	38	4.8	6.3
*Due to missing/incomplete YLS data, totals may not match the total number of case closures reported.				

Figure 15:
Case closures by case closure status

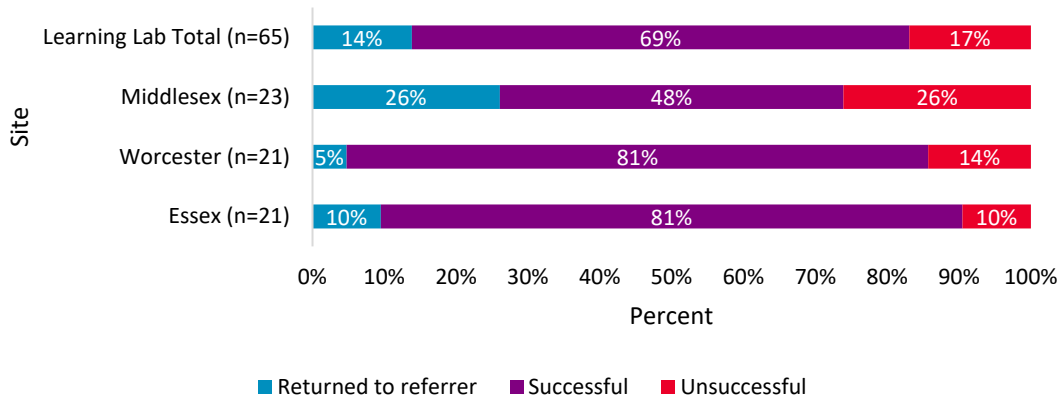


Figure 16:
Case closures by referral point

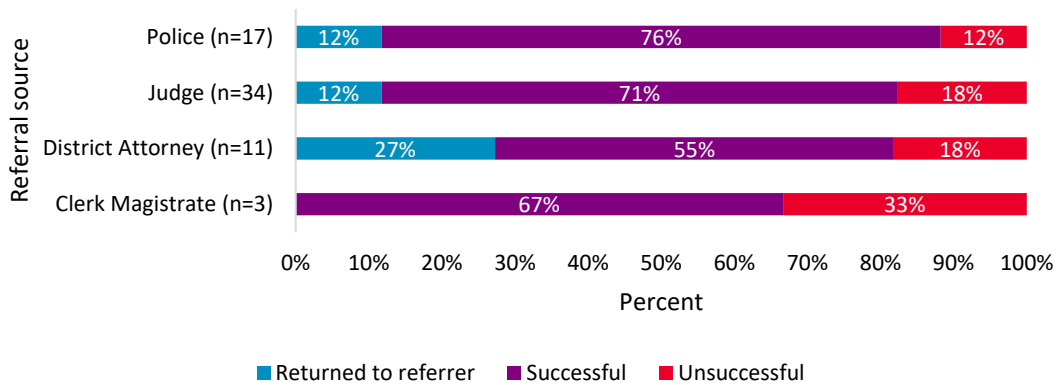


Figure 17:
Case closures by risk/need

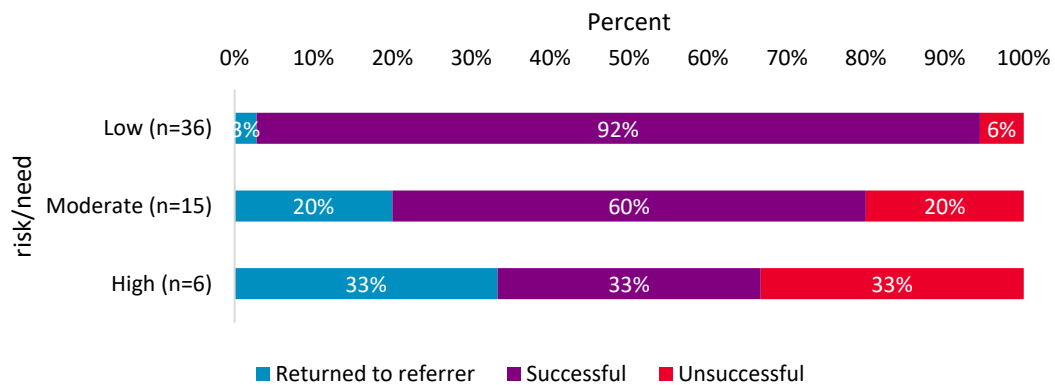
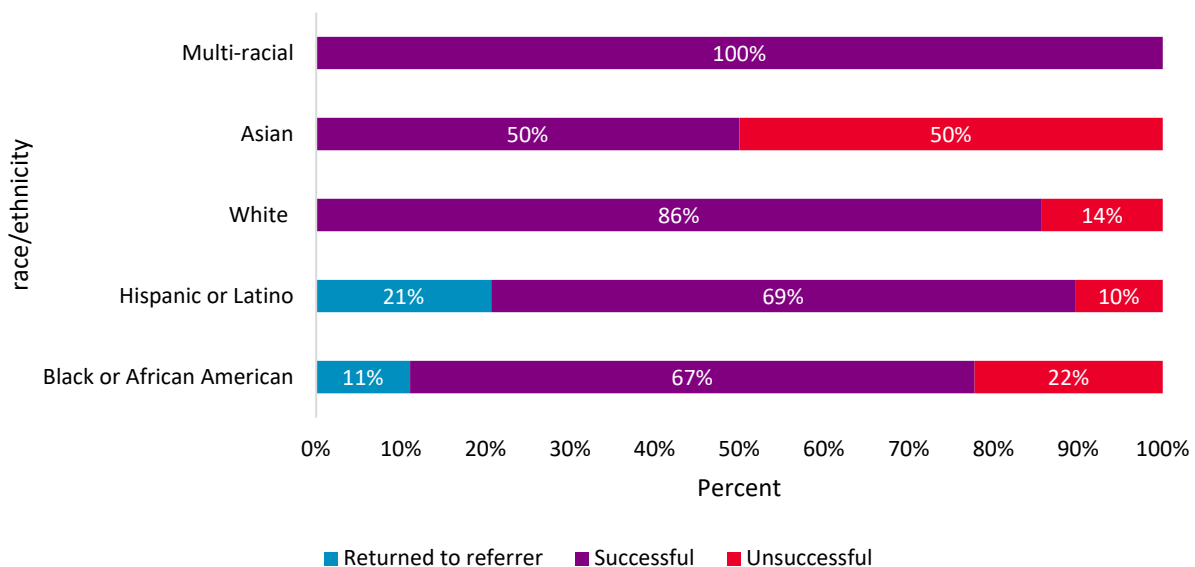


Figure 18:
Case closures by race/ethnicity



Youth who successfully complete their diversion program have a final meeting with the diversion coordinator to:

- Celebrate and reflect on their achievements
- Ask any remaining questions they have regarding how the closing of their diversion case impacts the alleged offense that resulted in the diversion referral²²
- Take a short post-diversion survey on their experience

The coordinator can also use this time to make any recommendations regarding next steps (e.g. any additional supports as needed).

Because each diversion agreement is tailored to the individual, success in the diversion program looks different for each youth. Below are some examples of diversion cases that closed successfully during CY22:

- One program graduate and their family were able to work with their diversion coordinator to meet with the special education staff at the youth’s school. Through that process, it was confirmed that the youth qualified for an individualized education program (IEP), and the coordinator worked to ensure the youth received an IEP that provided additional academic and social emotional supports during the school day. Since then, the youth has seen major improvements in both their academics and their peer relationships.

²² For example, youth may ask diversion coordinators to explain what will be reported back to the original referrer, or to confirm that participation in a diversion case would not result in a juvenile record.

- For another program graduate, it was determined through the intake process that they needed a more intensive mental health assessment. The diversion coordinator was able to connect the youth with outpatient therapy close to their home. Throughout their time enrolled in the MYDP, the youth leveraged the skills they were cultivating in therapy to make positive change in their life, such as enrolling in a GED program and creating stronger relationships with their family.
- For a youth referred for a vandalism offense, graduation from the program included a restorative justice approach of cleaning the recreation center where the offense took place. The diversion coordinator accompanied the youth after school to the recreation center, where they worked on building the youth’s confidence to resist peer pressure. Since graduation, the youth has gotten more involved in school activities and even joined their school’s football team.

“[The diversion program was [a] Good experience, [I] felt cared for.” - Learning Lab Participant

“The Diversion program is one that will help you realize your mistakes and learn from them. It helped me admit that I had to change, and it changes a person for the better.” - Learning Lab Participant

Graduates from the program have reported a positive experience. 37 youth responded to a post program survey, in which:

- 86% (n=32) of youth agreed that after completing the program, they felt they could stay out of trouble.
- 86% (n=32) noted that the program helped them reflect on any harm they may have caused
- 68% (n=25) reported 8 and above, when asked how valuable the program was (on a scale of 1-10)

Lessons Learned

When implementing a pilot program, it is important to take notes of the strengths of the program and the challenges faced.

Some keys to success:

- **Strong, committed diversion coordinators.** The success of the program relies deeply on the diversion coordinator. The diversion coordinator is in many ways the face of the program. They work directly with youth and families, helping them navigate an (at times) stressful process. Diversion coordinators also act as a liaison between the program, youth, and referrer. Keeping these lines of communication open, clear, and organized is vital to maintaining relationships with referrers, ensuring that they will continue to refer youth.

The diversion coordinators are highly qualified to work with this population of youth. They have educational backgrounds in related fields, such as Criminal Justice, Social

Work, and Psychology, and prior experience working with youth. They also go through a significant amount of training prior to taking cases and receive regular coaching on intake, assessment, and case management.²³ The qualifications, training, and experience ensure they are able to effectively conduct an intake, build rapport with youth and their families, implement screening tools, and build and manage an evidence-based case plan.

The diversion coordinators are also the stewards of programmatic data. They are responsible for maintaining the data from their site and submitting it monthly to DYS. While there were some initial challenges with data collection, the diversion coordinators were diligent in their data entry and management.

Finally, the importance of the relationships between diversion coordinators, youth, and their families cannot be understated. It is clear, both from the diversion case data and the youth survey data, that the diversion coordinators were deeply invested in the success of the many youth whose cases they managed. This commitment to both the youth and their families and the program is and continues to be a touchstone of the program and ultimately what makes it successful for so many youth.

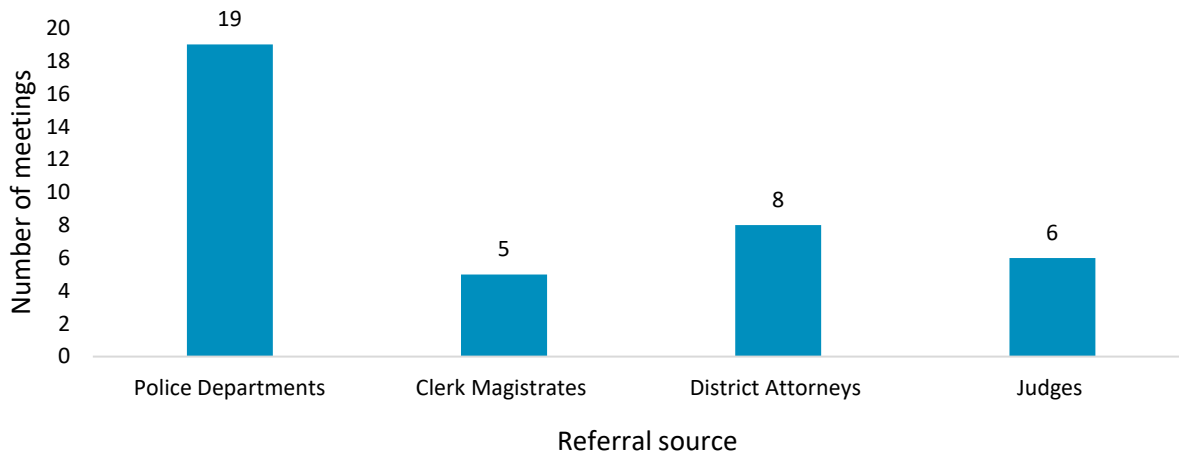
- **Successful long-term relationships with referrers.** The process of meeting with referrers (police, clerk magistrates, district attorneys and judges) began prior to the Learning Labs accepting referrals. In these meetings, the MYDP staff introduced the program model and answered any questions referrers may have had. The juvenile justice system in Massachusetts operates with slight differences in each county. Therefore, when setting these meetings, MYDP staff tailored their approach to each specific county. Those strategies took into consideration:
 - **Any existing relationships with referrers in that county.** For example, in Worcester, the community-based organization Family Continuity had an existing relationship with various police departments in the county, which likely led to police being the most frequent referrer in that county in the first year of implementation.
 - **The political landscape of the county.** It is important to identify the existing formal/informal power dynamics and relationships that exist between juvenile justice system actors in each county. This information can help identify which system actors in each county support diversion and can be recruited to introduce the program to others. In Essex County, for example, the First Justice of the Juvenile Court in Essex County wrote a letter in support of bringing the diversion program to Essex County during the contract bid (RFR) process. The First Justice has continued to be a champion for the diversion program in Essex

²³ See Appendix D for diversion training requirements.

and helped make connections with other potential referrers as well. Judges in Essex County made the vast majority of referrals to the program in the first year.

County referrals by referral source data was monitored closely throughout the Learning Lab phase. If referrals decreased from a certain referral source, MYDP staff were quick to reach out and to discuss the reasons for that decrease and rectify issues if there were any. In total, MYDP staff held 38 meetings during the course of the Learning Lab with referrers.

Figure 19:
Recruitment meetings by referral source



Some challenges experienced during implementation:

- Staff turnover.** Given the important role the diversion coordinators play, and the fact that there is generally only one per site, any staff turnover can cause significant challenges to the program. This was experienced during year one of programming at one of the Learning Lab sites. Although the diversion coordinators’ parent agency supervisors are trained to step in as needed, the hiring, training, and onboarding process is time consuming. Not having a full-time diversion coordinator for a period of time was a challenge for the program and one which could potentially impact youth’s experience and success with the program. Ensuring continuity of operations is key. It also suggests that, when warranted by case numbers, expanding the number of diversion coordinators in a county can be helpful to ensure continued operations during any periods of turnover or staff leave.
- Establishing buy-in from all referrers in each county.** The MYDP has had mixed experiences establishing buy-in from referrers in each county. Not all potential referrers in each county agreed to participate and send referrals in the first year.

Referrers in each county were initially contacted after a diversion coordinator had been hired and trained. The intended goal of this approach was for the diversion coordinators to be able to accept referrals immediately, to capitalize on any enthusiasm following the initially meeting. However, the process of setting up meetings and working with potential referrers took longer than anticipated, particularly as this initial phase coincided with the 2021/2022 Omicron variant of COVID-19 causing another wave of shutdowns and delaying meetings. This led to lower-than-expected referrals in the first few months as MYDP staff worked to schedule meetings with various juvenile justice system actors.

All of this resulted in a change in process. Although the original RFR required applicants to have at least one letter of support from a referrer in their county, moving forward, a greater emphasis was placed, in both the application and the scoring process of the RFR, on the need for applicants to have already had conversations with as many potential referrers in their county as possible. Documentation of these conversations, such as letters of support, are now requested in the application and are taken into consideration when awarding contracts.

For current sites, the MYDP continues to periodically conduct outreach to hesitant referrers. The program hopes that by demonstrating the quality of the diversion work and continuing efforts at maintaining communication and addressing any concerns, more potential referrers will decide to participate.

- **Challenges in connecting with youth and families.** Throughout the program, diversion coordinators reported challenges in connecting with youth and their guardians. This happened throughout the process, including:
 - **After a referral was made.** Some youth and their families were initially difficult to contact. For those cases, diversion coordinators reported that families were non-responsive to numerous attempts at outreach. At times, diversion coordinators requested assistance from the referrer.
 - **At intake.** Once the diversion coordinator did establish contact, some youth experienced challenges getting to the initial intake appointment (e.g. no transportation to appointment, legal guardian refusing to participate, going no contact after the intake appointment was scheduled).

In many cases these challenges delayed the intake process. In some cases (n=5) the diversion coordinator was unable to reach the agreement phase with a youth/family due to lack of communication or participation. Over time, diversion coordinators have increased the intensity of outreach in the initial stages in hopes of overcoming this barrier, but it remains an ongoing implementation challenge. Given that the goal of

diversion is to reach youth and families who have unmet needs and are often living in difficult circumstances, this will likely remain a challenge in at least some cases.

Conclusion

Through the creation of the MYDP, Massachusetts has made substantial progress in providing evidence-based diversion programming to youth who would be better served outside of the traditional juvenile justice system. The Learning Lab phase allowed the MYDP to put program to practice and use the lessons learned to inform any necessary changes prior to expansion. The Learning Lab officially ended in December 2022 with the announcement that the MYDP would be expanding to two additional counties:

- Plymouth County (with diversion services provided by Old Colony YMCA)
- Hamden County (with diversion services provided by Gandara)

At the time of this report, DYS has issued an additional RFR, with the goal of expanding to at least two more sites in FY24. Additionally, demand in the original “Learning Lab” sites is growing. To meet this need, DYS has provided funding to hire an additional diversion coordinator in one county and is monitoring other counties to determine if and when additional staff will be needed.

As part of the program’s commitment to continuous quality improvement, the MYDP has partnered with ForHealth Consulting at UMass Chan Medical School to conduct an extensive evaluation of the program. This forthcoming evaluation will act as a more comprehensive review of the program and its impact.

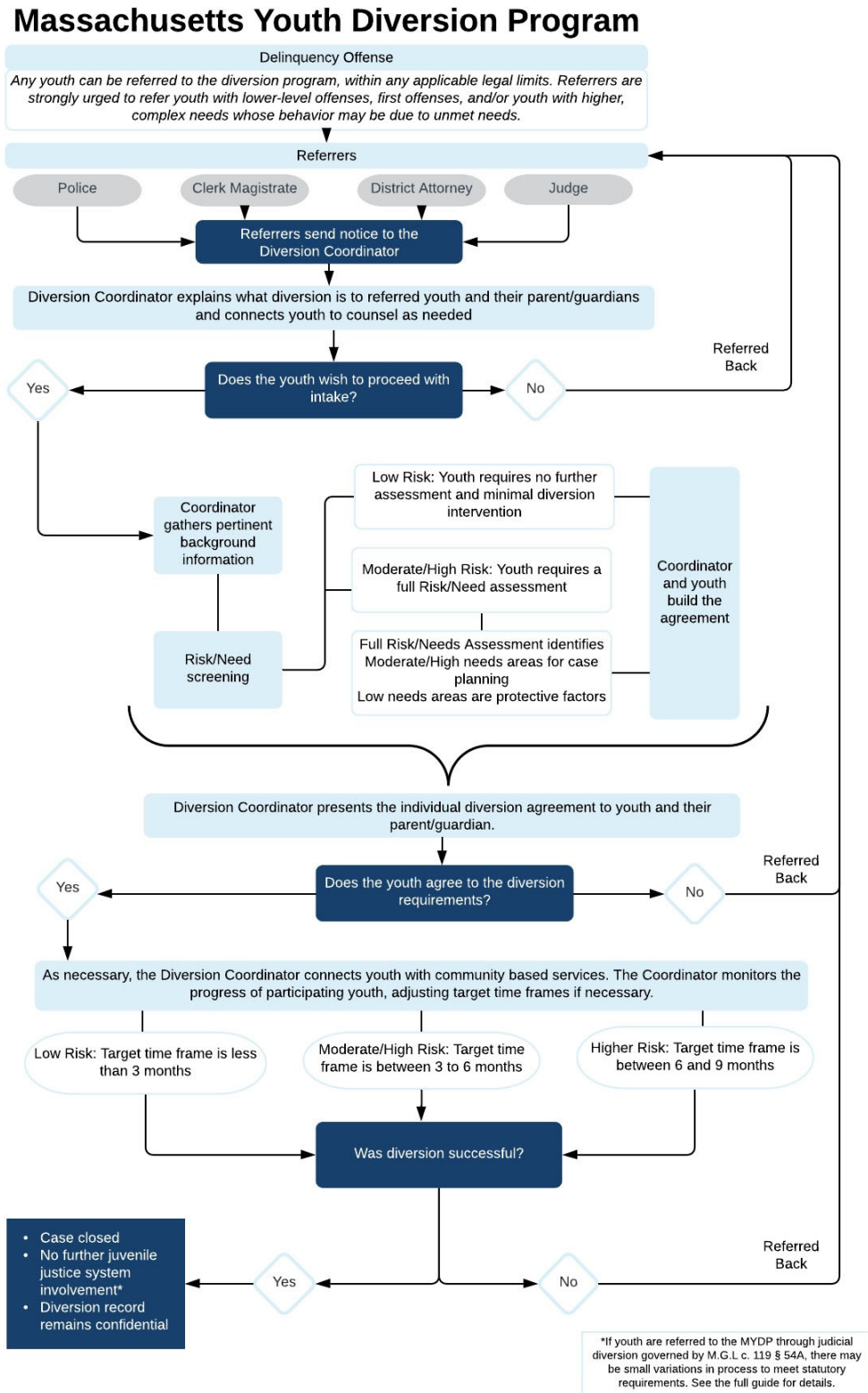
Appendix A: MYDP Diversion Process Map

Section 2.1
Making a Referral

Section 2.2
Creating a Diversion Agreement

Section 2.3
Case Management

Section 2.4
Diversion Wrap-Up



Appendix B: Request for Response

DYS has issued three RFRs in connection with the MYDP, including:

- The initial RFR, in 2021, soliciting bids for the three pilot “Learning Lab” sites, linked [here](#).
- In 2022, with the goal of expanding the program to two additional counties/sites, linked [here](#).
- In 2023, with the goal of expanding the program to at least two more sites in FY24, linked [here](#).

Appendix C: Diversion Coordinator Training Requirements

In addition to the trainings outlined below, each provider agency conducts internal trainings with the diversion coordinators. Those trainings can include:

- Orientation to the provider agency, including any needed onboarding
- Compliance courses, like HIPAA, Bloodborne Pathogens, Sexual Harassment, Fire Safety, Cultural Diversity, and more.
- Employee wellness and development courses to promote wellbeing and longevity.
- Computer courses, including the Microsoft Office Suite.

After initial trainings, diversion coordinators receive scheduled weekly supervision from their direct supervisor to troubleshoot challenges and barriers, support quality assurance, and support their ongoing skill development.

Table 6: Diversion Coordinator Trainings		
Training	Description	Frequency/Length
DYS Administered Trainings		
Introduction to the MYDP	An introduction into the program, including the background, the structure and the principles of the <i>Model Program Guide</i>	1 hour
Presenting the MYDP	Coaching on how to best present the MYDP program to stakeholders	1 hour
Data / Reporting	A review of the protocols and best practices for collecting and reporting program data	1 hour
Victim Witness/ Restorative Justice	An introduction into restorative justice principals focused on repairing the harm of the alleged offense	1 hour
Conversations in Racial Equity	Designed to broaden awareness and train diversion coordinators on how to bring a Diversity, Equity, and Inclusion (DEI) lens to their work	4 hours
The Law & Psychiatry Program at UMass Chan Administered Trainings		
MAYSI-2	Introduction to the background and use of the MAYSI-2 tool	3 hours
YLS/CMI:SV Workshop	Introduction to the background and use of the YLS/CMI:SV tool	4 hours
YLS/CMI Workshop	Introduction to the background and use of the YLS/CMI tool	2 days
Ongoing Booster Training on the YLS/CMI	Refresher trainings to ensure fidelity to the use of the tool	Once a year
Case Plan Training	An introduction	1 day
Ongoing Coaching of Case Planning	Coaching on case planning practices based on periodic reviews of any current case plans	Twice a year

Commonwealth of Massachusetts

Office of the Child Advocate



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