

Massachusetts Youth Diversion Program (MYDP)

Police-Initiated Diversion FAQ

What is the Massachusetts Youth Diversion Program (MYDP)?

The MYDP is a diversion program run by the Department of Youth Services. Its goal is to provide police officers, court clerks, district attorneys and Juvenile Court judges with an alternative to arresting or arraigning a youth. The MYDP provides a comprehensive intake, works with the youth and their family to develop an evidence-based diversion agreement, connects the youth with services as appropriate, and manages the case until diversion is completed.

For more details on how the MYDP operates, please see the *MYDP Referrer's Toolkit*.

The MYDP was developed following two years of study and planning by the [state Juvenile Justice Policy and Data Board](#), involving representatives across the juvenile justice system, including law enforcement, district attorneys, Probation, the Juvenile Court, DYS, public defenders, DMH, DCF, and DPH.

How is this different from other diversion programs?

There are currently a range of diversion programs across the state of Massachusetts. Some programs are led by law enforcement: for example, the Cambridge Police Department has run the [Safety Net program](#), a nationally-recognized police diversion program, for many years. Other programs are run by District Attorney offices. The MYDP does not replace these programs. It is simply another option, and we hope wherever possible to work in partnership with existing programs.

Before the MYDP, all these programs were paid for at the local level. This meant that youth in some communities – especially better-resourced communities in our state – had more diversion programming options than youth in other communities. Many programs were grant funded and would sometimes close when the grant ran out. When developing the program, we also heard from many potential referrers that they would like more support for diversion.

The MYDP is paid for by the state. The ultimate goal is to ensure that high quality diversion planning, case management and programming is available in *every* community, and to reduce the case management and tracking burden on referrers that choose to participate.

You make the referral – let us do the work from there!

Who can refer youth to the MYDP?

Police officers, court clerks, district attorneys and Juvenile Court judges may all make a referral to the program. A police officer would make a referral in place of making an arrest or applying for a delinquency complaint.

A youth's attorney can make a recommendation to the district attorney's office or the court that a youth be referred to the MYDP, but the ultimate decision would lie with the DA or the judge.

Which youth can be referred to the MYDP?

Police officers may refer any youth to the MYDP that they believe would be an appropriate candidate for diversion. In making that decision, we recommend officers consider the following factors:

- Police officers 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.
- Other appropriate candidates for the MYDP are **youth with higher needs, complex cases, or whose unmet needs might be driving the delinquent behavior**. Diverting these youth can help them get connected with helpful services *faster* than if they were processed through the traditional court system.
- As the referrer, a police officer may consult with the local 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.
- Police officers should **only refer youth who they have probable cause to believe committed a delinquent offense** and that, in the absence of diversion, they otherwise would have processed in the juvenile justice system. If you previously would have given a youth a warning, we recommend you continue with that practice.

Do police officers have the legal authority to refer a youth to the Massachusetts Youth Diversion Program?

Yes. In many situations, police officers have discretion to decide whether or not to pursue a delinquency complaint against a youth.

Police-initiated diversion is a common practice among law enforcement, even if it has not always been called “diversion.” For example, if a police officer issues a “warning” rather than making an arrest, they have chosen to divert a youth from the juvenile justice system. Police officers may refer a youth to the MYDP instead of making an arrest and/or applying for a delinquency complaint under this same principle of discretion.

A [study conducted in 2018 by the Massachusetts Chief of Police Association \(MCOPA\)](#) and Citizens for Juvenile Justice found that dozens of police departments across the state were

offering formal and/or informal diversion. Many have developed partnerships with local community organizations that provide diversion referral services.

Is a youth required to participate in the MYDP?

No. A youth is offered diversion as an opportunity to receive services and avoid involvement with the juvenile justice system. However, participation is not required.

Youth are offered the opportunity to consult with an attorney prior to agreeing to participate in diversion and can be appointed counsel by CPCS. In some cases, a youth may prefer to contest a complaint in Juvenile Court rather than participating in diversion, and they have the right to do that.

If a youth declines to participate in diversion, the original referrer will be notified, and the referrer may then decide if they will proceed with filing an application for complaint with the Juvenile Court.

What are the benefits of police-initiated diversion?

Police-initiated diversion is [rated by the National Institute of Justice as an effective, evidence-based practice](#) for reducing future delinquent behavior. It works because reducing the youth's on-going contact with the justice system and connecting them with services that address their developmental needs have been shown in numerous studies to *decrease* the likelihood that a youth will re-offend.

By offering diversion, police officers have the opportunity to get a youth connected with helpful services *faster* than if they were processed through the court system.