



**MIDDLESEX DISTRICT ATTORNEY'S OFFICE
JUVENILE AND YOUNG ADULT DIVERSION PROGRAMS
2019**

Program Description:

The Middlesex District Attorney's Office (MDAO) Juvenile and Young Adult Diversion Programs are designed to work with eligible young offenders as an alternative to prosecution. Participation in the diversion program is completely voluntary and begins *prior* to arraignment (the first appearance in court). The diversion program allows the youth the opportunity to complete a remedial program and/or community service instead of formal prosecution. If the youth satisfies all of the requirements of diversion, there will be no further proceedings in the criminal justice system related to the matter. This program allows participants to take responsibility for their conduct and be provided a road map to a successful future *without having a criminal record*.

Goals of the Juvenile and Young Adult Diversion Programs:

- Acceptance of responsibility and consequences;
- Educate and reform;
- Prevent future criminal conduct; and
- Keep youth out of criminal justice system and prevent creation (or extension) of criminal record (BOP).

How do the Juvenile and Young Adult Diversion Programs work?

Once a youth is accepted into the Diversion Program, he/she will enter into an individualized written agreement with the MDAO. In formulating the diversion agreement, the nature of the offense as well as the needs of the community, the victim, and the youth will be considered. The agreement may include a combination of conditions including but not limited to counseling, educational programs, community service, letter of apology, remedial measures, and restitution to victims. The MDAO will monitor the youth's compliance throughout their participation in the program. If the youth successfully completes the program, the youth will not have a board of probation record. If the youth does not satisfactorily complete the program or withdraws from the program, the MDAO may seek an arraignment on the criminal complaint.

Who is eligible for the Juvenile and Young Adult Diversion Programs?

- A youth who commits an offense while under the age 18 for a juvenile and under the age of 26 for a YA.
- The offense with which the youth is charged is a misdemeanor or felony that if committed by an adult could be prosecuted in District Court.
- Diversion is not available for mandatory offenses, offenses involving the possession/use of firearms, offenses involving school-based threats, certain victim crimes, and certain motor vehicle offenses.

What else will be considered?

- Criminal history if any.
- The youth's sincere willingness to accept responsibility and participate in the program.
- The likelihood that the youth will be cooperative and agreeable to the diversion services, terms, and conditions.
- Mitigating or aggravating factors, including but not limited to the entirety of the circumstances, the nature of the particular criminal activity, and whether there is an identifiable victim.
- Input from the police, victim(s) and any school or education program that the youth attends/has attended.