

Introduction

The Middlesex District Attorney's Office ("MDAO") is committed to transparency, and to this end we use a data-driven approach to identify and address any racial or ethnic disparities in the implementation of our programs. One area of particular importance to the MDAO is its juvenile diversion program. This program provides an alternative to the criminal justice system for juveniles who have been charged with crimes.

In 2020, there were 564 juvenile cases referred to our office. 105 of these cases were dismissed prior to arraignment. Additionally, our office provided juveniles in 192 cases with the opportunity to participate in the MDAO juvenile diversion program. This means that of the 564 cases received by the MDAO, 297 juvenile cases – over fifty percent of the cases referred to our office – either were dismissed outright or were offered the opportunity to avoid criminal prosecution through the MDAO's juvenile diversion program. A racial and ethnic breakdown of every stage of the juvenile diversion process is provided below.

Demographics of Juvenile Cases Received by Our Office in 2020

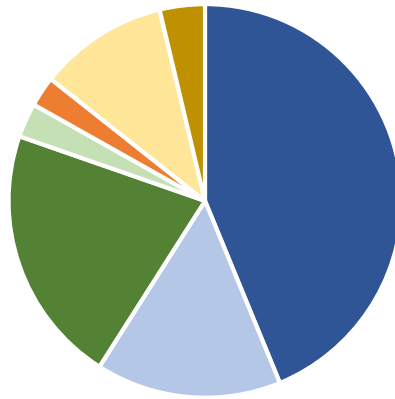
The racial and ethnic breakdown of the 564 juvenile cases received by our office in 2020 is as follows:

- White, no ethnicity provided: 247 of 564 cases (43.79%)
- White, ethnicity Hispanic: 86 of 564 cases (15.25%)
- Black, no ethnicity provided: 120 of 564 cases (21.28%)
- Black, ethnicity Hispanic: 16 of 564 cases (2.84%)
- Asian, no ethnicity provided: 14 of 564 cases (2.48%)
- Race not provided, ethnicity Hispanic: 60 of 564 cases (10.64%)
- No race or ethnicity provided: 21 of 564 cases (3.72%)¹

¹ MDAO utilizes the same racial/ethnic demographic categories as the United States Census Bureau. None of the juveniles in cases referred to our office in 2020 identified as members of the following racial/ethnic demographic groups:

- American Indian/Alaska Native, no ethnicity provided
- American Indian/Alaska Native, ethnicity Hispanic
- Asian, ethnicity Hispanic
- Native Hawaiian/Pacific Islander, no ethnicity provided
- Native Hawaiian/Pacific Islander, ethnicity Hispanic

Demographics of All MDAO Juvenile Cases by Percentage



- White, no ethnicity provided
- White, ethnicity Hispanic
- Black, no ethnicity provided
- Black, ethnicity Hispanic
- Asian, no ethnicity provided
- Race not provided, ethnicity Hispanic
- No race or ethnicity provided

Demographics of Dismissed Cases

In 2020, 105 out of the 564 total cases (18.62%) were dismissed prior to arraignment. The demographic breakdown of the cases that were dismissed is as follows:

White, no ethnicity provided: 36 of 247 cases (14.57%)

White, ethnicity Hispanic: 20 of 86 cases (23.26%)

Black, no ethnicity provided: 20 of 120 cases (16.67%)

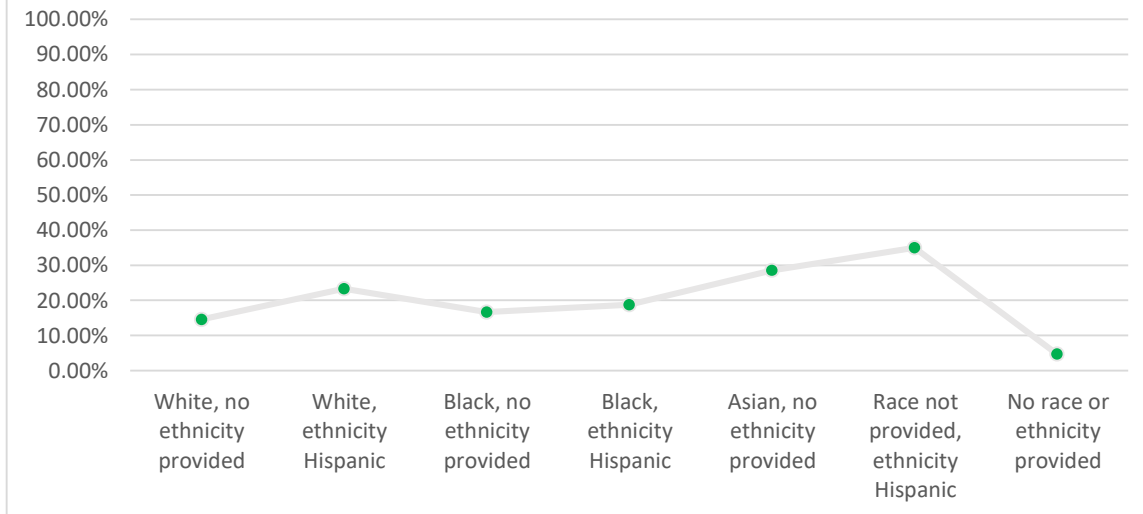
Black, ethnicity Hispanic: 3 of 16 cases (18.75%)

Asian, no ethnicity provided: 4 of 14 cases (28.57%)

Race not provided, ethnicity Hispanic: 21 out of 60 cases (35%)

No race or ethnicity provided: 1 out of 21 cases (4.76%)

Demographics of Cases Dismissed Prior to Arraignment



Eligibility Criteria for Diversion

In order to be eligible for the diversion program, a juvenile must not have had significant prior criminal involvement, e.g., open gun case, be willing to accept responsibility for his or her conduct and be willing to participate and engage in diversion programming.

All cases are presumptively eligible for diversion except for cases involving the following:

- (1) Felonies that would be prosecuted in Superior Court if committed by an adult, e.g., armed robbery, arson, or home invasion
- (2) Serious assaultive behavior, serious bodily injury, or gang-related criminal conduct
- (3) Rape or other sexual offenses
- (4) Offenses with minimum mandatory sentences
- (5) Motor vehicle offenses
- (6) Significant-other domestic violence
- (7) Threats to bomb schools or commit shootings in schools
- (8) Possession or use of firearms

Demographics of Cases Eligible for Diversion

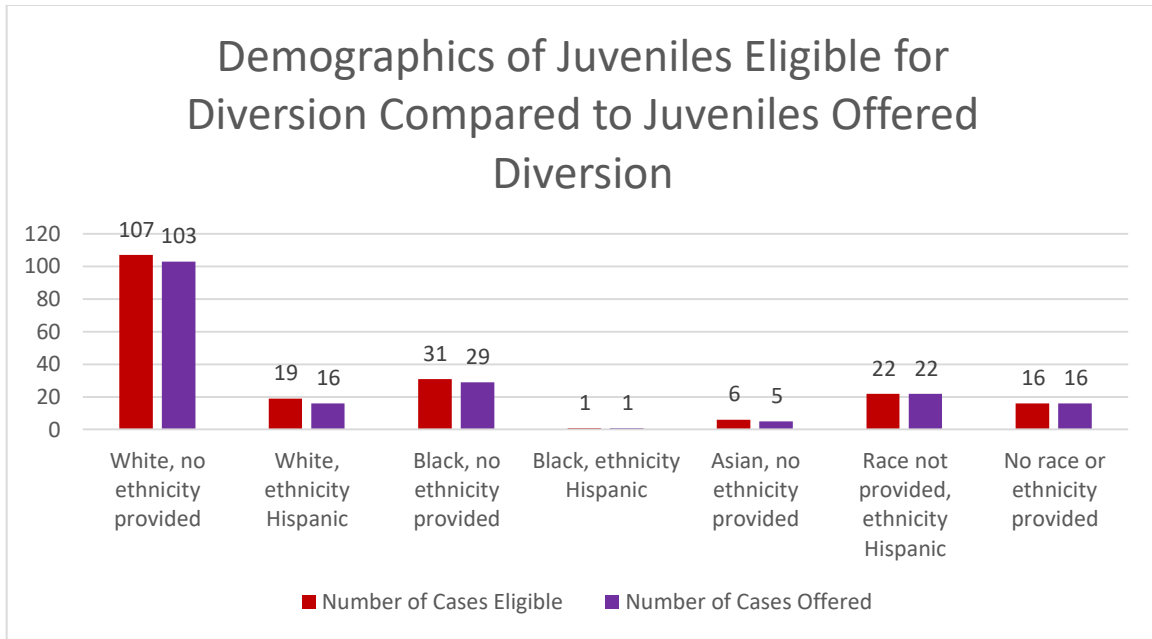
After the dismissal of 105 cases, 459 cases remained. The MDAO carefully reviewed each of these cases, and determined that 202 cases were eligible for diversion. The breakdown of the eligible cases within each demographic group is as follows:

White, no ethnicity provided: 107 cases eligible out of 211 cases (50.71%)
White, ethnicity Hispanic: 19 cases eligible out of 66 cases (28.79%)
Black, no ethnicity provided: 31 cases eligible out of 100 cases (31%)
Black, ethnicity Hispanic: 1 case eligible out of 13 cases (7.69%)
Asian, no ethnicity provided: 6 cases eligible out of 10 cases (60%)
Race not provided, ethnicity Hispanic: 22 cases eligible out of 39 cases (56.41%)
No race or ethnicity provided: 16 cases eligible out of 20 cases (80%)

Demographics of Juveniles Offered Diversion

We offered diversion in 192 of the 202 cases that were eligible for diversion. The racial and ethnic breakdown of the juveniles in these cases is as follows:

White, no ethnicity provided: 103 offered of 107 eligible cases (96.26%)
White, ethnicity Hispanic: 16 offered of 19 eligible cases (84.21%)
Black, no ethnicity provided: 29 offered of 31 eligible cases (93.55%)
Black, ethnicity Hispanic: 1 offered of 1 eligible case (100%)
Asian, no ethnicity provided: 5 offered of 6 eligible case (83.33%)
Race not provided, ethnicity Hispanic: 22 offered of 22 eligible cases (100%)
No race or ethnicity provided: 16 offered of 16 eligible cases (100%)



Juvenile Diversion Acceptance Rate

Participation in the juvenile diversion program is entirely voluntary. In 2020, juveniles in 192 cases were offered the opportunity to participate in the juvenile diversion program and 166 accepted, representing an 86% acceptance rate. The breakdown of the acceptance rate within each demographic group is as follows:

White, no ethnicity provided: 88 acceptances out of 103 cases (85.44%)

White, ethnicity Hispanic: 14 acceptances out of 16 cases (87.50%)

Black, no ethnicity provided: 25 acceptances out of 29 cases (86.21%)

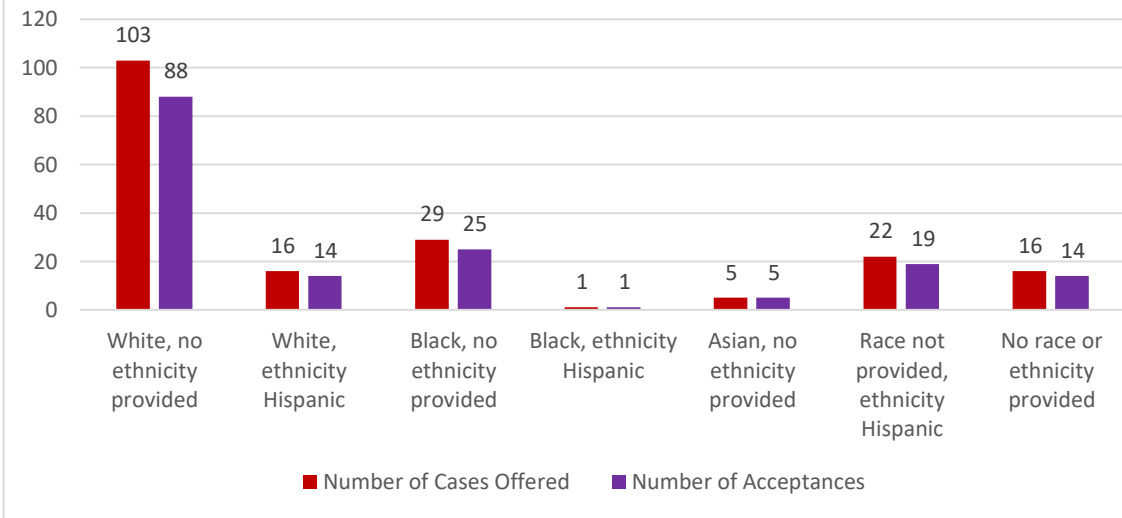
Black, ethnicity Hispanic: 1 acceptance out of 1 case (100%)

Asian, no ethnicity provided: 5 acceptances out of 5 cases (100%)

Race not provided, ethnicity Hispanic: 19 acceptances out of 22 cases (86.36%)

No race or ethnicity provided: 14 acceptances out of 16 cases (87.50%)

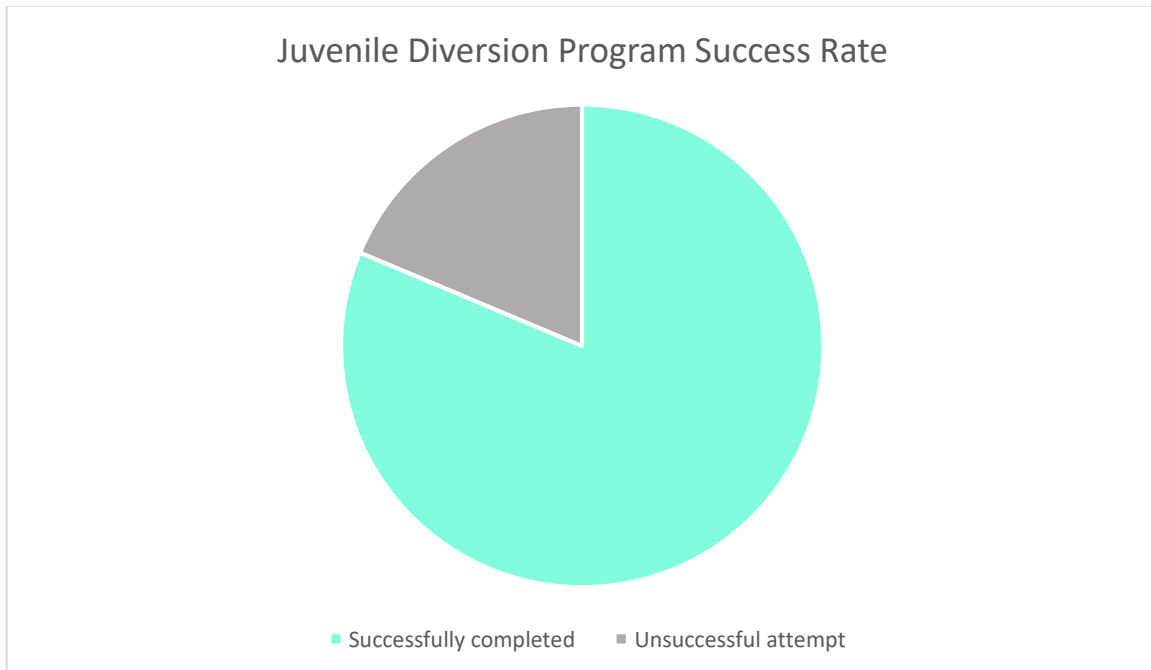
Demographics of Cases Offered Diversion Compared to Accepted Diversion



Juvenile Diversion Success Rate

In 2020, 135 of the 166 juvenile participants successfully completed the diversion program and were never arraigned on their cases, reflecting an overall success rate of 81%.

Juvenile Diversion Program Success Rate



Demographic Success Rate of Diversion Program

The demographic success rate of those who participated in the juvenile diversion program is as follows:

White, no ethnicity provided: 72 of 88 cases (81.82%)

White, ethnicity Hispanic: 11 of 14 cases (78.57%)

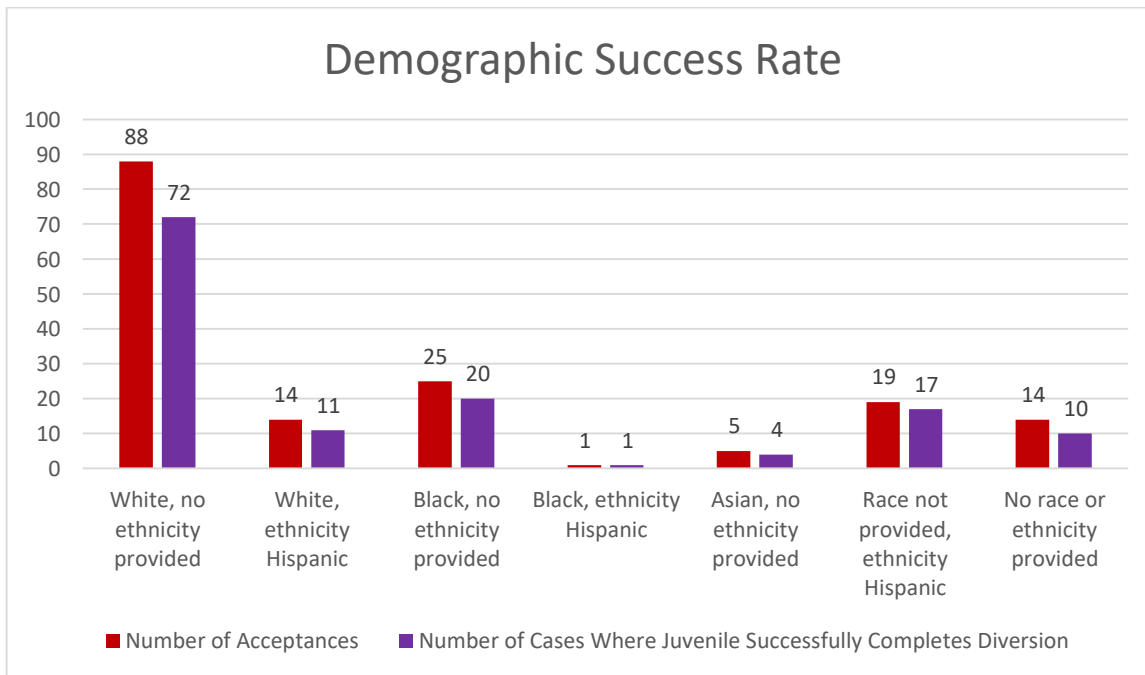
Black, no ethnicity provided: 20 of 25 cases (80%)

Black, ethnicity Hispanic: 1 of 1 case (100%)

Asian, no ethnicity provided: 4 of 5 cases (80%)

Race not provided, ethnicity Hispanic: 17 of 19 cases (89.47%)

No race or ethnicity provided: 10 of 14 cases (71.43%)



Town-by-Town Demographics

The table below displays a town-by-town breakdown by incident location of all 564 juvenile cases that were referred to the MDAO in 2020. The table breaks these cases down by racial/ethnic demographics and includes the following: (1) the number of juvenile cases eligible for diversion, (2) the number of juvenile cases offered diversion, (3) the number of juvenile cases

where diversion was accepted, and (4) the number of juvenile cases where diversion was successfully completed.