



**MIDDLESEX DISTRICT ATTORNEY'S OFFICE
JUVENILE AND YOUNG ADULT DIVERSION PROGRAM
2023**

Program Description:

The Juvenile and Young Adult Diversion program is designed to work with eligible young people as an alternative to prosecution. Our diversion program operates under a pre-arraignment model and can be either pre- or post-complaint. Diversion allows a young person the opportunity to complete an individually-tailored program in lieu of prosecution and may include conditions such as educational programs, counseling, community service, letters of apology, and restitution. Participation in the diversion program is voluntary and requires a youth to accept responsibility for his or her conduct and engage in the program to best of their ability. If the youth satisfies all of the requirements of their diversion program, there will be no further proceedings related to the case and no resulting entry on a CORI/BOP for the diverted charge(s).

Goals of the Juvenile and Young Adult Diversion Program:

- Foster acceptance of responsibility and consequences
- Connect youth to supportive services
- Confront and address systemic inequities that lead to disproportionate court system involvement for young people of color
- Prevent creation (or extension) of criminal records (through a pre-arraignment model)
- Prevent future criminal conduct
- Supplement and conserve police, court, and prosecutorial resources

Who is Eligible to Participate?

- Any juvenile under the age of 18 or any young adult up to age 26.
- Willing to accept responsibility for his or her actions and conduct
- Willing to participate and engage in diversion programming.
- No significant prior criminal involvement.

**Note that past criminal history is NOT in and of itself a disqualifying factor for juveniles or young adults.*

Cases Eligible for Diversion:

- Any misdemeanor *unless involving firearms, significant-other domestic violence, or motor vehicle offenses - see below*
- Any felony that if committed by an adult could be prosecuted in district court *unless otherwise ineligible - see below*
- Any case involving a victim - after consultation with the victim

Cases Ineligible

- Minimum mandatory offenses
 - Motor vehicle offenses
 - Significant-other domestic violence cases
 - School-based threats
 - Cases involving the possession or use of firearms*
- *Cases involving use/possession of other weapons may be considered after a fact-specific review.*
- Cases involving serious assaultive or threatening behavior, serious bodily injury, sexual offenses or conduct, or gang-related activity

NOTE: Our program is pre-arraignment to avoid the creation or extension of a criminal record. Should circumstances develop post arraignment which would indicate that a juvenile or young adult matter should have been sent for diversion review, the matter may be reviewed for diversion eligibility despite an arraignment already having taken place. If determined to be eligible for diversion and if diversion is successfully completed, the Middlesex District Attorney's Office will then work with the diversion participant and counsel to expunge the diverted matter from the diversion participant's CORI.