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**THE IMPLEMENTATION OF THE FAMILY CHAOS
DIVERSION PILOT IN WORCESTER, MASSACHUSETTS**

Nina Thacker

May 2018

A RESEARCH PAPER

**Submitted to the faculty of Clark University,
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the degree of Master of Arts
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And accepted on the recommendation of

Laurie Ross, Chief Instructor

ABSTRACT

THE IMPLEMENTATION OF THE FAMILY CHAOS DIVERSION PILOT IN WORCESTER, MASSACHUSETTS

Nina Thacker

In October 2017, the city of Worcester began a three-month pilot program that worked to divert youth charged with domestic assault and battery crimes away from the criminal justice system and towards restorative services. Studies show that incapacitation, especially of low level offenders, does not reduce crime or produce better outcomes for individuals, families, or communities. Thus, it is essential to explore alternatives, such as diversion programs, that work to downsize the prison population, target the factors contributing to delinquency, and rehabilitate rather than purely punish offenders. For this study, I interviewed personnel involved in the implementation of the Family Chaos Diversion Program in Worcester to determine the foundations of the program, its challenges and successes, and recommendations for sustaining a program of this type in the future. Through these interviews, I discovered the efforts of the city of Worcester, the District Attorney's Office, the Clerk's Office, the Probation Office, and community and professional organizations to work together to implement and maintain a program that was an important step towards reforming the justice system. The interviews, combined with scholarship on the topic of juvenile justice reform, demonstrate that the Family Chaos Diversion Program laid a strong foundation for the future of diversion as an effective response to youth crime in the city of Worcester and beyond, but that further expansion of the program and the implementation of tracking measures will be necessary for its future success.

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Introduction

The 1970s were a transitional decade in the history of the American criminal justice system, a decade that incited a shift from rehabilitative to punitive punishment. With this approach to crime, the prison population in the United States has skyrocketed to an exorbitant 2.3 million people today (Wagner and Rabuy, 2017). The United States not only has the highest rate of incarceration in the world, but it also imprisons racial and ethnic minorities at a substantially greater rate than any other country as well (Alexander, 2010, p. 6). The burden of this system has fallen disproportionately on men and women of color; as Mary Pattillo, David Weiman, and Bruce Western (2004) state in their book *Imprisoning America: The Social Effects of Mass Incarceration*: “the criminal justice system has now become a fixture in the passage to adulthood for minority youth with little economic opportunity” (p. 4). This approach to crime has severely failed convicted individuals, who have lost years of their lives behind bars, whether for committing violent crimes or non-violent, low-level offenses.

This system has also devastated families, neighborhoods, and communities—particularly poor and minority—a phenomenon sociologist Megan Comfort terms “secondary prisonization” (Tierney, 2013, para. 29). The consequences of mass incarceration are far reaching—they impact the education, income, housing, and health of communities who lose individuals to prison. Such a high rate of imprisonment destabilizes communities, breaks up families, and affects the economic and political dynamics of certain areas. In communities where large percentages of men are locked away, economic institutions suffer from a lack of human capital in the area, and political institutions suffer from the inability of a great percentage of their population to participate in voting (Pattillo et al., 2004, p. 138).

The unfortunate truth is that imprisoning people at the astounding rate the United States boasts is doing nothing to reduce crime, and in some cases it actually has the reverse effect of raising it. According to Dr. Leidka, a professor at Oakland University in Michigan, “if buildup goes beyond a tipping point, then additional incarceration is not going to gain our society any reduction in crime, and may lead to increased crime” (Tierney, 2013). This effectively means that a certain level of incarceration may reduce crime, but at this period in time, the United States has reached a point of diminishing returns, where the perverse effects of the prison system—broken homes, unstable neighborhoods, inescapable poverty, and societal exclusion—are actually causing the crime rate to increase in areas hit hardest by mass incarceration.

Under the era of mass incarceration, the criminal justice system serves the purpose of incapacitating offenders, not restoring their lives, and it is clear that the effects of this reach far beyond imprisoned individuals. As Bryan Stevenson, the founder of the Equal Justice Initiative in Alabama and a forerunner in the fight towards racial, economic, and criminal justice reform, states in his book *Just Mercy*, “Simply punishing the broken—walking away from them or hiding them from sight—only ensures that they remain broken and we do, too” (Stevenson, 2014, p. 290). It is urgent that we address alternatives to imprisonment for the sake of individuals, families, and communities.

The purpose of this paper is to explore diversion, one method of downsizing the prison population and working to produce better outcomes for individuals who enter the scope of the justice system. According to the Citizens for Juvenile Justice (2017), a Massachusetts organization dedicated to reforming the justice system, diversion is “often used to refer to any opportunity to avoid further formal justice system involvement, whether offered before or after a court filing” (p. 1). Diversion provides an alternative to traditionally imposed sentences, such as

prison, by giving people the opportunity to participate in programs and/or enroll in services instead of following the formal court process of the criminal justice system. Diversion programs tend to include elements of restorative justice that emphasize rehabilitation, standing in stark contrast to the punitive nature of prisons.

This study concentrates on a diversion program piloted in the city of Worcester known as the Family Chaos Diversion Program. Participating in the collaborative Juvenile Detention Alternatives Initiative (JDAI) in the Department of Youth Services (DYS), the city of Worcester partnered with representatives from the District Attorney's Office, the Clerk's Office, the Probation Office, and community and professional organizations to create this program for youth ages 11-17 charged with domestic assault and battery crimes. As an alternative to detention, this program provided eligible youth and their families with the opportunity to receive relevant individual, family and community services rather than following the path of formal court processing, which could include the possibility of a prison sentence.

This paper is rooted in the research question of how to explore and implement effective alternatives to prison that work to provide strong outcomes for individuals, families, and communities. After interviewing representatives involved in implementing this program, it is clear that the thoughtful process of developing the Family Chaos Diversion Program successfully laid the foundation for a culture of diversion and juvenile justice reform in Worcester. Additionally, during its three-month period of operation, the program proved its ability to divert a handful of youth from formal court processing and provide them and their families with services targeted at their individual needs. Moving forward, program personnel need to address questions of program scope and program evaluation if diversion efforts continue to exist in some form in the future.

Conceptual Framework/Literature Review

The juvenile justice system fell in step with the tough-on-crime approach the criminal justice system took starting in the 1970s. This system of sweeping punitive punishment “has moved further away from its original goal of providing treatment in the ‘best interests’ of youth” (Bazemore and Umbreit, 1995, p. 299). Instead, the dominant theory guiding juvenile corrections policies over the past several decades is incapacitation theory, which “argues that reductions in crime rates are achieved through higher imprisonment rates since the offender cannot commit new crimes while incarcerated” (Males et al., 2006, p. 2). As of 2017, there were 40,000 youth in prison and another 20,000 detained in juvenile justice residential facilities (Wagner and Rabuy, 2017). Although the number of youth arrests has fallen significantly in the past decade, law enforcement agencies still arrested over 850,000 people under the age of 18 in 2016 (Office of Juvenile Justice and Delinquency Prevention, 2017). In Massachusetts, the bulk of juvenile offenses fall into the category of “low-level,” meaning “things like disorderly conduct, theft, or minor fights... Serious or chronic offenders who are eligible to be indicted as ‘youthful offenders’ are exceptionally rare: in FY2015 these cases made up only 2% of youth arraigned in Juvenile Court” (Citizens for Juvenile Justice, 2016, p. 3). According to the Citizens for Juvenile Justice (2016), in Massachusetts alone, \$50 million of taxpayer money goes towards confining youth who have committed low-level offenses.

Despite decades dedicated to this system of lockup, the vast majority of the literature on this topic emphasizes the “unproven effectiveness of detention and confinement” (Austin et al. 2005, p. 2). One of the strongest indicators of this failing system is not only that incarcerating youth “fails to reduce recidivism,” but that it can even increase the likelihood of reoffending and future incarceration (Public Safety Performance Project, 2015, para. 2). For example, Mike

Males, Daniel Macallair, and Megan Doyle Corcoran (2006) studied juvenile incarceration and crime rates in California from 1960-2006, finding that as youth confinement fell to record lows in the state of California, so did the juvenile delinquency rate. The dropping crime rates along with the decrease in youth imprisonment rates “directly contradicts incapacitation theory” (Males et al., 2006, p. 12). Similarly, in 2015, Anna Aizer and Joseph Doyle measured the impact of youth imprisonment on future human capital accumulation by looking at high school completion rates and adult recidivism rates. Using data from over 35,000 cases of juvenile offenders in Chicago, they found that incarcerated youth were less likely to complete high school and more likely to be imprisoned again as adults (Aizer and Doyle, 2015). It is difficult to track the youth recidivism rate precisely because states each have different methods and measures, but various studies show that around 50-70% of confined youth recidivate (Austin et al. 2005, p. 2), and others show up to a 75% recidivism rate for youth within three years of being released from confinement (Seigle et al., 2014, p. 1).

It is not only recidivism rates that measure the success of the system; it is also critical to look at other outcomes in a young person’s life after criminal justice system involvement. According to Elizabeth Seigle, Nastassia Walsh, and Josh Weber (2014), over the past two decades, “an overwhelming body of research has emerged, demonstrating that using secure facilities as a primary response to youth’s delinquent behavior generally produces poor outcomes at high costs” (p. 1). The Citizens for Juvenile Justice reported in 2016 that youth arrested for committing low level offenses are twice as likely to drop out of high school. Moreover, if arrests lead to formal court processing, this not only increases dropout likelihood even further but also intensifies the risk of future poor behavior.

There are several theories that help explain why incarceration will not lead to reduced crime or promising outcomes for youth, begging the need for alternatives to detention. Labeling theory argues that classifying youth as “delinquent” may actually increase their association with the label, thereby leading to future delinquent behavior. Differential association theory suggests that incarceration will have negative consequences for youth because of the environment and peers with which they are surrounded in confinement (Development Services Group, 2017). Moreover, confinement causes youth to miss out on formative influences and experiences in their lives; as James Austin, Kelly Dedel Johnson, and Ronald Weitzer (2005) point out, “Detaining or confining youth may also widen the gulf between the youth and positive influences such as family and school” (p. 2). These theories are the foundation of a growing realization about the numerous adverse effects of confinement on juvenile offenders that could be mitigated through the use of alternatives to detention such as diversion programs.

In response to the many studies, findings, and theories questioning the value of juvenile detention, juvenile justice reform has picked up speed in recent years. The trend towards reform is not only founded in the data demonstrating that confinement does not reduce recidivism rates, but also that removing youth from their environment because of delinquent behavior—without addressing the root cause of this behavior—is counterproductive. According to Michelle Carney and Frederick Buttell (2003), “By removing the youth from the community for punishment and not attending to the environmental reinforcers of delinquent behavior, the youth is also removed from those individuals most likely to invest in changing the delinquent pattern of behavior” (p. 552). It has become clear that practices aimed at addressing and intervening in the factors that contribute to delinquent behavior constitute more appropriate responses to youth delinquency than incarceration (Brown, 2015).

Thus, several states and cities across the United States have considered a new response to crime by diverting youth away from the criminal justice system through evidence-based, community-centered efforts and programs. According to the National Institute of Justice, “Juvenile diversion is an intervention strategy that redirects youths away from formal processing in the juvenile justice system, while still holding them accountable for their actions. The goal of diversion programs is to reduce recidivism or the occurrence of problem behaviors without having to formally process youth in the justice system” (para. 1). Diversion programs typically target first-time, low-level, and/or status offenders (behavior that is criminalized for youth but not adults), and these programs can include restorative justice mediation, drug courts, community service requirements, and individual or family treatment programs, among other options (National Institute of Justice). Diversion programs vary in terms of target population, point of contact, setting, structure, and type of intervention (Office of Juvenile Justice and Delinquency Prevention, 2017), but the general goals of these programs include reducing recidivism, responding to youth less severely and more appropriately, and providing intervention and prevention services for youth, all at reduced costs compared to formal justice system processing (Models for Change Juvenile Diversion Workgroup, 2011).

While there is some variation in the literature regarding the value of diversion programs, scholarship points towards the positive impact of these types of programs. In a 2013 study, Anthony Petrosino, Sarah Guckenburg, and Carolyn Turpin-Petrosino looked at the impact of diverting versus formally processing youth offenders. They performed a meta-analysis on 29 experimental studies from 1973-2008 (mostly before 1990) that included 7,304 juvenile offenders age 17 and younger who participated in various diversion programs. The results of this study determined that juveniles who were formally processed in the justice system had a higher

prevalence for future delinquency compared to youth who were diverted from the system. They also found that diversion programs that offered services were the most successful at reducing delinquency, but diversion programs that did not offer services were still more effective than formal system processing. Based on their findings, Petrosino et al. (2013) recommend expanding upon juvenile diversion opportunities. In a 2012 meta-analysis of 73 diversion programs, Holly A. Wilson and Robert D. Hoge echo these findings, determining that “diversion programs, both caution and intervention, are significantly more effective in reducing recidivism than the traditional justice system” (p. 509-510).

There are some arguments against diversion that question its success rate and its true ability to reduce recidivism compared to traditional juvenile justice practices. In a meta-analysis of 28 experimental studies involving 19,301 youth between 1980-2011, Schwalbe et al. (2011) found that a range of diversion programs—case management, individual treatment, restorative justice, and youth court—largely did not reduce recidivism rates for youth. However, they did find that family-based diversions and interventions led to a reduction in recidivism; based on these findings, the authors of this study encourage further research into developing “evidence-based family-interventions and behavioral programs in addition to case management” (Schwalbe et al., 2011, p. 30-32). Other critics argue that diversion is a failed attempt at reform because it focuses on “expanding the use of sanctions for minor offenses rather than decreasing the overall number of youth in secure settings” (Austin et al., 2005, p. 3). One final critique of diversion programs—or of the screening process involved in admitting people into these programs—suggests that these efforts at reforming the juvenile justice system may have the unintended effect of “net-widening.” This means that some formal diversion programs could be targeting

youth who may otherwise have been dismissed from the juvenile justice system more informally (Schwalbe et al., 2011).

Despite these counter-arguments, there are several examples of diversion and mediation programs across the United States that have been more successful than confinement in terms of reducing recidivism and producing better youth outcomes. Some of these programs are from decades ago, whereas others are more recent and still existing. In 1999, the Office of Juvenile Justice and Delinquency Prevention highlighted three successful diversion programs in Washington, Utah, and Texas. Washington had a “fast track” diversion program that brought youth ages 8-17 who were first or second-time offenders in front of a Community Accountability Board that would require community service, counseling options, or restitution to the victim as an alternative to formal court processing. Meanwhile, the Utah Juvenile Court Restitution Program required juvenile offenders to pay restitution money to victims, which could be earned through a “restitution workfund” by doing community service projects. Finally, the Austin, Texas Victim Offender Mediation Program ran mediation sessions between victims and youth charged with property offenses or misdemeanor assaults; the goal of the mediation was to figure out a plan for restoring the victim and creating accountability through financial, personal or community service means of restitution. Evaluations of each of these programs—all with different but similarly-grounded approaches to diversion—showed that they all reduced recidivism rates and saved money (Office of Juvenile Justice and Delinquency Prevention, 1999).

More recently, diversion programs have also proven successful. In a 2015 report, the Public Safety Performance Project of PEW Charitable Trusts highlighted an Ohio program called “Reasoned and Equitable Community and Local Alternatives to the Incarceration of Minors

(RECLAIM Ohio),” which diverts young offenders away from confinement and instead places them under supervision in the community. While outcomes remained unchanged for the highest-risk youth, this program lowered the recidivism rate by half for low-risk and moderate-risk youth (Public Safety Performance Project, 2015). A 2009 evaluation of the Multisystemic Therapy for Youth with Problem Sexual Behaviors, a diversion program that works with juvenile sexual offenders and their families and communities to reduce future offending behavior, showed an “improvement in peer relations, a decrease in self-reported delinquent behavior, and fewer arrests and incarceration” (Development Services Group, 2017, p. 7).

Many states are following this trend of diverting juvenile offenders, as Sarah Alice Brown illustrates in a 2015 report in the National Conference of State Legislatures. In an effort to carry out prevention, intervention, and detention reform, “at least 18 states currently have statutes that support a commitment to evidence-based programs” (Brown, 2015, p. 6). Additionally, several states are investing more money into existing alternatives to prison and funding opportunities for new ones. For example, Ohio, Texas, New York, and Georgia are all working to create community-based initiatives as an alternative to prison. Finally, more than twenty-five states “now use research-informed techniques for assessing risk factors of youth who come into contact with the juvenile justice system to make detention decisions” (Brown, 2015, p. 7-8).

As the country begins to shift towards diversionary practices in the juvenile justice system, there still remains some uncertainty surrounding the subject. There is no clear consensus around which types of approaches are the most effective in terms of program length, type of intervention, and services and treatments provided, among several other factors. Thus, the topic of diversion demands further exploration in the future. Many scholars note the complexity of

measuring outcomes for, and evaluating the success of, diversion programs (Development Services Group, 2017), but they also agree that diversion “holds considerable promise...to hold youth accountable, to help them, and not to wait until problems progress to the point that intensive intervention, or punishment, may be needed” (Mears et al., 2016, p. 41). This means that it is essential to continue assessing these types of programs; evaluating the process by which Worcester’s Family Chaos Diversion Program came about and continuing to monitor this program and others just like it is a critical part of understanding the most appropriate ways to address juvenile offenders in the future.

Methodology

This paper acts as a formative evaluation of Worcester’s Family Chaos Diversion Program. According to Ralf Maslowski and Adrie Visscher (1999), “Formative evaluation...is an integral part of the development process as it provides continual feedback to assist in planning and then producing a particular program” (p. 138). Since this particular diversion program was a new effort for the city of Worcester, it is important to assess the process by which it was developed and implemented in order to measure its foundations and provide recommendations for continued improvement and success if the program exists in the future.

In order to gain insight into the diversion pilot, I conducted interviews with seven of the program personnel involved in one or more points of the process of planning and implementing the program. These program personnel include individuals from the Juvenile Detention Alternatives Initiative (JDAI) of the Department of Youth Services (DYS), the City Manager’s Office, the District Attorney’s Office, the Clerk’s Office, the Probation Office, YOU, Inc., and the Parent Professional Advocacy League (PPAL). I was able to cover a wide array of perspectives in my interviews, but I did not have the opportunity to speak with youth or families

who participated in the program (discussed further in my limitations section at the end of the paper).

I identified interviewees first through my research advisor, Professor Laurie Ross, and then through the interviewees themselves, asking them for recommendations about other people to interview. I reached out to each person by email, and after receiving informed consent about their participation in the study, I carried out the interviews in person or over the phone. I went into each interview with a structured list of questions:

What is your involvement in Worcester's new diversion program?

What was the original intent of the program? What were its goals?

Has the program worked as originally intended?

What challenges have you encountered?

What accomplishments have you seen?

Do you have any recommendations moving forward?

The interviews were semi-structured; I followed the above framework of questions, but I asked other questions as necessary and accepted information that did not fall right into these categories. I typed notes as the interviewees spoke, and after finishing all of the interviews, I organized the notes into categories that would more clearly allow me to evaluate the program. After detailing the results of the interviews, I provide a discussion and analysis of the interviews through the lens of the conceptual framework explored at the beginning of this paper.

Results

Program Foundations

In the early 1990s, the Juvenile Detention Alternatives Initiative (JDAI) began working to divert youth involved in the criminal justice system away from detention. JDAI is a model of

the Annie E. Casey Foundation, which is an organization dedicated to improving outcomes for at-risk youth. In 2006, the Department of Youth Services (DYS) brought the JDAI model to Massachusetts. Over the past few years, the city of Worcester has partnered with JDAI to push forward diversion efforts in the city. In 2015, the city of Worcester launched the Youth Violence Prevention Initiative (YVPI) and started coordinating a working group guided by the ideals of JDAI. Known as the Diversion Working Group, it is chaired by JDAI and composed of members from the City Manager's Office, the District Attorney's Office, the Department of Children and Families (DCF), DHS, the Worcester Police Department, Worcester Public Schools, the Probation Office, the Clerk's Office, and local organizations in Worcester, including YOU Inc., a behavioral health agency for children and families, and the Parent Professional Advocacy League (PPAL), an advocacy and outreach organization for families of children who have mental health needs.

In 2017, this working group began focusing on developing a diversion program for youth in Worcester County. The group carried out extensive planning and discussions before building a model and identifying a funding source. The philosophy behind this diversion program was centered around progressive juvenile justice reform and the idea that too many young people were getting caught up in the criminal justice system and spending time in detention. The question confronting the working group was how to implement a program that addressed the factors contributing to juvenile delinquency by delivering relevant services for youth and families that would hopefully keep them out of the criminal justice system in the future. As the interviewee from the Probation Office stated, "going in front of the judge doesn't provide stability;" this program was an attempt to provide the structure, stability, and assistance that

formal court processing fails to provide for offending youth, while keeping them and their families intact.

To come up with a target population for the program, the Diversion Working Group consulted an assessment of the types of crimes that were prevalent in Worcester County, and they considered the ways in which a diversion program could assist in addressing these crimes. In 2014, a group of students at Clark University in the Community Development Practicum Course worked on a diversion project, which was informed by a consensus from Worcester community members that there needed to be more diversion opportunities in the area. Using data from the Worcester Police Department on juvenile arrests in the city, the group of students recognized a pattern of domestic assaults occurring in the area. The data not only included quantitative information regarding the crime and the arrest, but it also shared the narrative around the crime, including information on the victim and the circumstances surrounding the situation. The data backing up this trend of juvenile domestic assault arrests compounded prior JDAI research into these types of cases.

Thus, the working group agreed, seemingly without conflict, on the population of youth charged with domestic assault and battery as a priority for the city's diversion efforts. They categorized these situations as "family chaos" cases because several interviewees noted that when youth engage in violent domestic behavior, it frequently stems from an underlying trauma in the home rather than a pattern of criminal behavior. When parents call the police about an out-of-control juvenile, the family is often just looking for services or help. Moreover, according to the interviewee from the Probation Office, these "family chaos" charges often involve youth with emotional difficulties or mental health issues, who are not typical violent offenders. Assault may not be the primary issue in these situations—it could be instability within the individual, family,

or home. Thus, the working group targeted this group of youth as a population that could benefit from a diversion program offering services to them and their families.

The scope of cases that could be admitted to the diversion program included youth ages 11-17, who were first-time, low level offenders. This designation of “low level” was never explicitly defined; juvenile domestic assault and battery charges could range from situations involving a young person throwing a cellphone at a sibling, to a teenager shoving a parent, to a boyfriend hitting a girlfriend in the home, so it depended on the circumstances surrounding the cases being screened.

After determining the charges that were eligible for this program, the working group had to figure out at what stage in the criminal justice process diversion was possible. The goal was to reduce interactions with the criminal justice system as much as possible, so the first thought was to divert the youth before an arrest occurs. However, due to a Massachusetts state law, police are mandated to make an arrest whenever there is an allegation of a domestic assault. Consequently, if they arrive to the scene of a domestic violence call, officers must leave the scene with an arrestee, even if the police or the individuals involved do not agree that the circumstances merit it. Because of this mandate, the working group decided to look at opportunities for diversion after arrest. The next obvious stage was diverting a case before it enters the courtroom and comes in front of the judge. Thus, they decided that the point of diversion should be after arrest but before arraignment. Structurally, this means that the case enters the courthouse and passes through the Clerk’s Office and the District Attorney’s Office, but it is diverted before continuing along the formal process and heading to the courtroom for arraignment, where the judge reads the charges to the accused.

Once the working group finished developing the model, JDAI helped guide the collaborative process of applying for a grant from Massachusetts Probation Services to fund the program. After members of the working group crafted the grant, a grant writer for the city of Worcester finalized it before submission. The grant provided \$23,582.40 for the program to run for three months—from October to December 2017. This money was sub-granted to PPAL and YOU Inc., the professional organizations officially in charge of managing the diversion program. Although the narrow time-frame for program operation was limiting, the partners worked hard to set up a structure for the program to run during these months with the hopes of a lasting opportunity coming out of it.

Program Intent

The most basic intent of the Family Chaos Diversion Program was to limit youth exposure to the courthouse. As many interviewees revealed, the idea behind preventing youth exposure to the courtroom, judges, and lockup is that once youth walk into the courthouse, they enter into a system that can trigger a downward spiral. This downward spiral can cause youth to continue to reoffend and revisit the criminal justice system throughout their lives, which not only has adverse effects on them but also on their families and communities. This leads into the other goal of the program, which was to promote the mission of public safety by making sure that youth do not reoffend. The service piece of the diversion pilot assisted with the prevention of offenses happening in the future.

As many interviewees mentioned, youth and families who come into the courthouse often have a traumatic history, especially if they are involved with situations of domestic assault and battery. This program was an attempt to target the root of the problem by responding effectively

to youth and helping them onto a better path instead of locking them up, throwing away the key, and branding them with a criminal record for the rest of their lives.

Program Structure

The first step of the diversion process for this program began in the Clerk's Office. When the Clerk's Office received arrest or non-arrest complaints, they flagged cases that involved domestic complaints, and they alerted the District Attorney's Office. Then, before filing or bring anything to court, the District Attorney's Office read the police report and screened the case to determine whether it could be eligible for diversion. If the case was qualified, the District Attorney's Office spoke with the victim(s) of the crime to see if they were in agreement that the case should be diverted; this was not a requirement for entering the program, but it was an important piece since the victim often lived with the offender.

If the District Attorney's Office determined that the case was eligible for diversion, they sent it over to the case manager, an employee of YOU, Inc., whose position was created for the sole purpose of this three-month pilot. The case manager spoke to the offending youth and his or her family to tell them about options for services, and then she began developing a service plan tailored to the needs of the case. To do this, the case manager carried out an intake process using an evidence-based tool for offenders to understand the risks and needs for each youth. From this process, she was able to develop an individualized treatment plan which included recommendations that she felt suited the youth and the family. These services were all targeted at helping either the individual, the family, or both. The treatment services included programs such as anger management, individual and family therapy, after-school support, and/or a variety of other mental health services that seek to help youth and families deal with past trauma and, according to the case manager, "give them someone to talk to instead of having to carry around

all the weight themselves.” The cost for these services was dependent upon the insurance the families held.

While the case manager had clinical knowledge, the Parent Professional Advocacy League (PPAL) worked side-by-side with her to recommend services and supports that youth or families needed for stabilization. PPAL is not clinical, but their employees are family support specialists who have a wealth of knowledge on community resources within the Worcester and broader Massachusetts community. They also have an understanding of how to deal with access to treatment in Worcester County. PPAL checked in with families daily or weekly throughout the program and provided peer-to-peer support that would not expire even when the diversion program did.

Once the case manager developed the service plan, the District Attorney’s Office had to sign off on it. It is important to note that this program was voluntary, so the youth and families also had to agree to and sign off on whatever the case manager recommended. Once they understood what was expected of them from the family agreement, and if they, the case manager, and the District Attorney’s Office signed the service plan, the case was marked as “diversion” for the purposes of tracking it in the future.

The case manager’s job was to recommend and connect youth with the services; afterwards, the support services took over. The service plan lasted for three months, and a tentative arraignment date was scheduled for the end of that time period. Throughout these three months, the case manager, the District Attorney’s Office, and the participating organizations communicated with one another and with the youth and families. The case manager checked in with families and providers each week to see if they were experiencing any difficulties or challenges with the services. If the youth followed through with and successfully completed the

service plan over the three-month period, the arraignment date was erased and the case was dismissed with no record of the crime committed. However, if the youth did not follow through with the conditions of the service plan, the charges remained and the case went to arraignment at the end of the three-month period.

Program Numbers

During the three-month span of the program, ten cases of juvenile domestic assault and battery came to the attention of the District Attorney's Office. Of these, two went straight to arraignment due to the circumstances surrounding the cases, and eight were eligible for diversion. Seven of the eight youth referred to the diversion program chose to participate; one turned down the service plan and the opportunity for diversion, after which the court set a date for his arraignment.

Program Successes

It is impossible to predict whether the youth who were involved in the Family Chaos Diversion Program will stay away from the criminal justice system in the future, so determining the ultimate outcome of this program will not be achievable for years to come. However, each interviewee identified various accomplishments related to the implementation and functioning of the program.

Structural successes. Several interviews mentioned the process of developing the program as a success in itself. According to the representative from the City Manager's Office, the biggest accomplishment of this program is how the city of Worcester and community partners have come together over the past couple years to work on the Youth Violence Prevention Initiative (YVPI), which sparked interest in diversion efforts and resulted in the development of the Family Chaos Diversion Program. This program is the first of its kind in the

state, which is a significant step forward not only for the state of Massachusetts but for the city of Worcester. This could only have happened, said the same interviewee, with the willingness of the city and community partners to come to the table and have ongoing conversations about diversion efforts.

Moreover, the interviewee from JDAI highlighted the fact that even though it is a work in progress, this program provides a structure to make meaningful change and to begin to track outcomes of youth in diversion programs. It is a “strong and solid building block,” and there is a fundamental understanding between parties about the importance of diversion. This program is the start of a foundation that Worcester can expand upon, which is exciting because according to this interviewee, thinking about diverting low level cases “has been years in the making, and now there is a structure that people do not want to lose.”

Operational successes. Another major accomplishment that many interviewees noted is the fact that the program succeeded at diverting a number of youth away from court. The representative from the District Attorney’s Office discussed that the vast majority of the juvenile domestic assault and battery cases that came through the court during the three-month period were able to enter the diversion program. Among the ones that were eligible for diversion, all but one of the young people were diverted, and only because this last person did not agree to the service plan. The representative from PPAL argued that the program was a success because it helped and provided services for kids and families who were at risk. Additionally, both of these interviewees pointed out that none of the youth who participated in the program reoffended or returned to the courthouse during the three-month period in which the pilot operated. The interviewee from the Clerk’s Office mentioned the significance of the participants walking away

from this program without a criminal record, and instead receiving services for themselves and their families.

The representative from the District Attorney's Office added that the families and the court were happy to have this program as an alternative to prison. The case manager echoed this; she believes the program was successful for the families with whom she worked. Throughout the three months, she received positive feedback from families about programs such as in-home therapy, where therapists enter the home and work on relationship-building in these families and their homes. According to the case manager, "every single parent" was pleased with the program because it kept their child from having a criminal charge and assisted them by providing support and services.

Challenges

The main challenges that interviewees identified were related to time and funding constraints in implementing the Family Chaos Diversion Program as well as the limited scope of the program.

Many interviewees voiced that securing funding for this type of program was—and continues to be—an ongoing challenge. Nearly everyone spoke to the difficulty of obtaining long-term and sustainable funding, but they also discussed the importance of a secure funding source in implementing a longer-term diversion program. Some interviewees also discussed the issue of time constraints. The interviewee from JDAI talked about the balance of trying not to rush the development of the program while also working efficiently to get the ball rolling. She believes the program could have done a better job at using an objective screener for the cases (instead of the District Attorney's Office) and setting up a data system, but they also had to get something moving so nobody lost interest. The representative from the District Attorney's Office

stated that a year would have been a much better time frame, because follow-through with youth and families is a necessary component for these types of programs. It was difficult to carry out the pilot in just three months because the duration of each service plan was three months, so none of the diverted cases were technically solved during the period that the program was in operation.

Another main problem confronting this program, according to many interviewees, was the inconsistent supply of cases, which did not fill the schedule of a 30-hour-per-week case manager position. The case manager herself revealed that it was limiting to have the program focus on one specific charge, because it is not every day that a domestic assault and battery occurs. Because of this, some days and weeks were far more empty than others. The interviewee from the Probation Office also touched on this issue, which he deemed a utilization/management problem because the case manager position was not utilized to its full potential. He believes the program worked but thinks it cannot continue in this capacity because the program has a “full-time person doing part-time work.”

Finally, the PPAL representative identified a problem that nobody else spoke about, which was that the three-month pilot did not include a plan for continuing to support and monitor at-risk families once the grant ended. She revealed that she was making phone calls trying to direct families right before the program ended, and that her organization, PPAL, was committed to continuing to keep families afloat even if there was not necessarily a continued support structure.

Moving Forward

On January 1, 2018, the Family Chaos Diversion Program pilot ended due to the expiration of the grant. However, all seven of the interviewees feel strongly about the importance of the role diversion plays in keeping youth away from the criminal justice system. They are

hopeful about pushing this agenda forward and the continuation of this program in some form in the months and years to come, perhaps not only in Worcester County but in other juvenile courts as well. There are ongoing talks about how to keep this program alive in the future, and although funding poses difficulties, it seems that everyone involved in the implementation of the pilot is invested in sustaining some arrangement of it moving forward. When asked about what will happen at the end of the three-month grant, the interviewees had a number of suggestions for improving and sustaining the program in the future. The recommendations for how to meet the need of diversion and how to allocate resources centered around the structure and scope of the program.

Program structure. Because of funding challenges, some interviewees stated that the structure of the program was only somewhat sustainable, and they recommended incorporating the diversion program into the budget of an already existing agency moving forward. For example, the representative from the Probation Office suggested the Department of Children and Families (DCF) as a possibility, but he is unsure whether DCF would agree to this. The interviewee from the City Manager's Office thinks that it is possible that the District Attorney's Office will incorporate this program into their department.

If the program continues in the future, the PPAL representative voiced that she would like more of a court presence for her organization. She wants to be involved in the court meetings and wants PPAL to have a stronger presence in the court, because there was only enough funding to have a PPAL staff member there for two hours per day. She would also like there to be more partnership and more of a relationship between people in the court, the community, and family organizations moving forward. This would include more regular meetings and the continuation of difficult conversations.

Program scope. Many interviewees discussed altering the scope of the program if it continues to exist in the future. A few interviewees discussed the possibility of developing a diversion program that begins before the point of arrest, but they noted that this would require a change in policy at the state level. If this could happen, the case manager suggested that someone in her position—a clinician or community health worker—could accompany the police to a domestic violence call and begin to provide services on the spot, before an arrest occurs.

In the meantime, while the mandate for police to make an arrest with all domestic violence calls remains, several interviewees commented on the potential to broaden the program to include other charges. The interviewee from the District Attorney’s Office believes the structure of the program is sound and should remain focused on domestic assault and battery cases, because the services that the program provides are targeted at helping youth and families involved in those specific situations. She added that Worcester has other diversion programs that target other types of cases, such as StopLift, which provides an alternative to prosecution for individuals involved in shoplifting crimes.

Other interviewees felt differently about this, urging that the diversion pilot should include youth charged with other crimes who could also benefit from diversion. The JDAI representative mentioned expanding the program to include assault in schools or other low level offenses that cause children to enter detention. The representative from the Clerk’s Office believes the diversion program can only be successful in the future if it is expanded because a lot of struggling youth and families come into the court with other charges. Another reason for broadening the eligible charges is that while the diversion program succeeded at diverting a handful of youth, there were arguably not enough juvenile domestic assault and battery cases during the three-month period to justify a full-time position for the case manager. According to

the interviewee from the Probation Office, it is necessary to look at this utilization aspect of the program and ask whether it is money well spent.

Youth representation. Finally, the JDAI representative noted that this program was developed without young people or families at the table. While the program personnel represent the voices of several different organizations and offices across Worcester, there is a gap in knowledge about youth and family interactions with the criminal justice system that only youth and families themselves can offer. Moving forward, it would be beneficial to have representatives from this constituency as a part of the planning process to provide that missing perspective.

Discussion

A central question that scholars use to assess the juvenile justice system is whether it is promoting the best possible outcomes for youth. As Seigle et al. (2014) state, “Recidivism isn’t the only measure of juvenile justice system success or failure—youth development outcomes such as educational attainment, skill development, behavioral health improvements, and better family functioning, amongst others, are just as important, if not more so, to ensuring youth’s long-term success” (p. 2). As discussed in the literature review earlier, the overwhelming opinion guiding scholarship on this matter is that the punitive nature of the juvenile justice system over the past several decades has proven to have traumatic consequences for youth that may exacerbate delinquent behavior down the line. The critical measure of producing positive youth outcomes can also be used to assess the Family Chaos Diversion Program pilot.

As Bryan Stevenson (2014) argues in his book *Just Mercy*, “Our system traumatizes and victimizes people when we exercise our power to convict and condemn irresponsibly—not just the accused but also their families, their communities, and even the victims of crime” (p. 17).

The Family Chaos Diversion Program embodied this notion that Stevenson and many other scholars have embraced. This diversion program was developed with the mindset that incarceration is not always the most appropriate or beneficial route to take when addressing crime, and that the instance of a juvenile domestic assault and battery charge indicates a need for a more rehabilitative approach. In this sense, the theoretical foundations of the program were sound; the program was rooted in research and data, and all of the partners involved in the process of creating and implementing the program had a deep interest in, and understanding of, the juvenile justice reform agenda. Everyone I interviewed was in agreement about the importance of effectively responding to youth not through incapacitation, but through targeted interventions that address the factors leading to the domestic assault and battery charges by providing support for youth and stability for families. As the representative from PPAL voiced, “I don’t know how you take away hope for any kid.” By working to avoid the harmful effects of court processing and encourage positive future outcomes for youth through diversion, this sentiment rings true in the intentions of this program.

During its three-month period of operation, the program saw success on an individual and family level, and its developmental foundations have implications for policies moving forward. As an alternative to formal court processing, this program provided services and treatment options not only to individual youth but also to families in order to target the root causes of the behavior of youth charged with domestic assault and battery. Seigle et al. (2014) recommend four main principles for programs to follow for “reducing recidivism and improving other outcomes,” which include using risk and needs assessments for youth, recommending a variety of services, and basing these services on the unique developmental needs of each youth. Worcester’s diversion program employed all of these strategies; the case manager used a risk

assessment tool to evaluate each program participant, created a service plan based on the individual needs of each youth and family, and recommended services and treatments across different fields. While only a handful of youth participated in the pilot, the service-based approach to addressing delinquency and the success that youth, families, and program personnel reported indicates promise moving forward.

The fourth principle Seigle et al. (2014) recommend is using data to track recidivism and assess program success as a whole. It will be imperative for program personnel to implement a strategy for tracking diverted youth in order to determine the true, long-term impact of the program. Additionally, as many interviewees indicated, the program will likely need to expand itself to include other charges and other youth if it truly seeks to make a statement and decrease the number of youth formally processed in the juvenile justice system. However, in expanding the program, the city must also be cautious of “net-widening;” in other words, the program must be careful not to over-involve and over-extend itself into the lives of youth who may otherwise have been dismissed without formal court processing. Perhaps the side-effect of net-widening could be avoided through the use of an advanced screening tool that would make a distinction between youth that could benefit from diversion and youth that should not be considered for the program—or for formal court processing—because the charge is at such a low level.

This notion of “low level” offenses brings up another important consideration for the future of the diversion program. The JDAI representative mentioned that in developing the program, which targets “low level” offenders, the term “low level” was never precisely defined, leaving it open for interpretation at the discretion of the District Attorney’s Office. This term poses a challenge in the field of juvenile justice reform because, according to the interviewee, every agency and office defines it differently. Each of the different partners involved in the

development of this program may have a different idea about what constitutes a lower or upper level offense and what makes one youth offender more threatening or higher risk than another. Defining these concepts of level and risk would be beneficial in terms of making sure all program personnel are on the same page about the exact target population of the diversion program.

Finally, it is necessary to note that “a meaningful and effective sanctioning model is only one aspect of the comprehensive agenda for reform currently needed in juvenile justice” (Bazemore and Umbreit, 1995, p. 311). The Citizens for Juvenile Justice (2017) conducted focus groups about the juvenile justice system in Boston, finding that youth feedback centered around recommendations for improving youth-adult relationships and changing the way adults view youth. Youth and adults also voiced the need for better relations between law enforcement and the community, more opportunities for families and communities, and more youth engagement (Citizens for Juvenile Justice, 2017). While diverting youth charged with domestic assault and battery in Worcester County is an important step, it is critical to remember that this program is working to solve one very narrow piece of the complex puzzle of juvenile and criminal justice reform. Diversion programs must work hand-in-hand with other sentencing, detention, and systemic reforms in order to generate meaningful change in the way America approaches criminal justice.

Limitations of Study

It is important to consider the limitations of this study. First and foremost, I was only able to interview a relatively limited number of people. While the interview pool was small, it did cover a large portion of the personnel involved in implementing a wide range of elements in the program. However, I did not have the opportunity to speak with the youth and families who

participated in the diversion pilot. This would have provided a critical firsthand perspective on how well the program suited the needs of participants as well as recommendations for how it could better serve youth and families caught up in the criminal justice system.

Additionally, a true analysis of this program cannot be known for years to come because it is impossible to know whether the youth who participated in the pilot will reoffend and revisit the criminal justice system in the future. Thus, the evaluation for this program must be ongoing; tracking data on participants and tracing whether they recidivate in the future will be an important part of further analyses for this program.

Finally, this study is not necessarily generalizable given that it focuses on a particular program in one specific city. However, the findings can still prove useful to other cities and localities looking to develop diversion programs.

Conclusion

The purpose of this study was to conduct a formative evaluation of Worcester's Family Chaos Diversion Program and assess its potential as an alternative to formal court processing for juvenile offenders. The overwhelming theme of scholarship on this subject speaks to the negative impact of formal court processing on youth and the promise of community-based alternatives to detention for juvenile offenders. After interviewing program personnel in order to gain insight into the process of developing and implementing the three-month pilot, I found that this program was successful at diverting a handful of juvenile offenders away from the prison system, instead providing services and treatment for them and their families. Based on the interviews, this service-based approach seemed to work for the youth and families who participated, demonstrating a strong potential for the future of this program and others like it. Going forward, it will be essential to track the future outcomes of these youth, both in terms of recidivism and

other outcomes such as educational achievement, in order to determine the long-term success of the program. The Family Chaos Diversion Program provides a strong foundation for the future of diversion in Worcester, and hopefully it will continue to grow and inspire widespread diversion efforts in the city, the state, and the country as a whole.

List of References

- Aizer, A., & Doyle Jr, J. J. (2015). Juvenile incarceration, human capital, and future crime: Evidence from randomly assigned judges. *The Quarterly Journal of Economics*, 130(2), 759-803. doi:10.3386/w19102
- Alexander, M. (2010). *The new Jim Crow: Mass incarceration in the age of colorblindness*. New York: The New Press.
- Austin, J., Dedel, K., & Weitzer, R. J. (2005). *Alternatives to the secure detention and confinement of juvenile offenders*. Retrieved from <http://www.networkofcare.org/library/alternativestoyouthdetention.pdf>
- Bazemore, G., & Umbreit, M. (1995). Rethinking the sanctioning function in juvenile court: Retributive or restorative responses to youth crime. *Crime & Delinquency*, 41(3), 296-316. doi:10.1177/0011128795041003002
- Brown, S. A. (2015, September). *Trends in juvenile justice state legislation 2011-2015*. Retrieved from https://www.ncsl.org/documents/cj/Juvenile_Justice_Trends.pdf
- Carney, M. M., & Buttell, F. (2003). Reducing juvenile recidivism: Evaluating the wraparound services model. *Research on Social Work Practice*, 13(5), 551-568. doi:10.1177/1049731503253364
- Citizens for Juvenile Justice. (2016, November). *Less crime for less money: Why Massachusetts should reduce unnecessary and harmful court processing for children and teens*. Retrieved from https://cfjj.org/s/Diversion_White_Paper.pdf
- Citizens for Juvenile Justice. (2017, September). *Visioning an improved youth justice system in Boston*. Retrieved from <https://static1.squarespace.com/static/58ea378e414fb5fae5ba06c7/t/59d532fab07869d26d>

65bc20/1507144444376/Diversion+Boston+Network+White+Paper+FINAL.pdf

Development Services Group, Inc. (2017). *Diversion from formal court processing*. Retrieved from https://www.ojjdp.gov/mpg/litreviews/Diversion_Programs.pdf

Males, M., Macallair, D., & Corcoran, M.D. (2006, July). Testing incapacitation theory: Youth crime and incarceration in California. Retrieved from <https://files.eric.ed.gov/fulltext/ED495136.pdf>

Maslowski, R., & Visscher, A. (1999). The potential of formative evaluation in program design models. In *Design approaches and tools in education and training* (chapter 11). Retrieved from https://link.springer.com/chapter/10.1007/978-94-011-4255-7_11

Mears, D. P., Kuch, J. J., Lindsey, A. M., Siennick, S. E., Pesta, G. B., Greenwald, M. A., & Blomberg, T. G. (2016). Juvenile court and contemporary diversion. *Criminology & Public Policy*, 15(3), 953-981. doi:10.1111/1745-9133.12223

Models for Change Juvenile Diversion Workgroup. (2011). *Juvenile diversion guidebook*. Retrieved from <http://www.modelsforchange.net/publications/301>

National Institute of Justice. (n.d.). Juvenile Diversion Programs. Retrieved from <https://www.crimesolutions.gov/PracticeDetails.aspx?ID=37>

Office of Juvenile Justice and Delinquency Prevention. (1999, August). *Exemplary programs*. Retrieved from <https://www.ojjdp.gov/pubs/jaibgbulletin/exemp.html#1>

Office of Juvenile Justice and Delinquency Prevention. (2017, December 6). *Juvenile arrests*. Retrieved from <https://www.ojjdp.gov/ojstatbb/crime/qa05101.asp>

Pattillo, M., Weiman, D., & Western, B. (2004). *Imprisoning America: The Social Effects of Mass Incarceration*. New York, NY: Russell Sage Foundation.

- Petrosino, A. J., Guckenburg, S., & Turpin-Petrosino, C. (2013). Formal system processing of juveniles: Effects on delinquency. *Crime Prevention Research Review*, volume 9. Retrieved from <https://ric-zai-inc.com/Publications/cops-p265-pub.pdf>
- Public Safety Performance Project. (2015, April 20). *Re-Examining juvenile incarceration*. Retrieved from <http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2015/04/reexamining-juvenile-incarceration>
- Schwalbe, C. S., Gearing, R. E., MacKenzie, M. J., Brewer, K. B., & Ibrahim, R. (2011). A meta-analysis of experimental studies of diversion programs for juvenile offenders. *Clinical Psychology Review*, 32(1), 26-33. doi:10.1016/j.cpr.2011.10.002
- Seigle, E., Walsh, N., & Weber, J. (2014). *Core principles for reducing recidivism and improving other outcomes for youth in the juvenile justice system*. Retrieved from <https://csgjusticecenter.org/wp-content/uploads/2014/07/Core-Principles-for-Reducing-Recidivism-and-Improving-Other-Outcomes-for-Youth-in-the-Juvenile-Justice-System.pdf>
- Stevenson, B. (2014). *Just mercy: A story of justice and redemption*. New York: Spiegel & Grau.
- Tierney, John. (2013, February 18). Prison and the poverty trap. *The New York Times*. Retrieved from <https://www.nytimes.com/2013/02/19/science/long-prison-terms-eyed-as-contributing-to-poverty.html>
- Wagner, P., & Rabuy, B. (2017, March 14). *Mass incarceration: The whole pie 2017*. Retrieved from <https://www.prisonpolicy.org/reports/pie2017.html>
- Wilson, H. A., & Hoge, R. D. (2013). The effect of youth diversion programs on recidivism: A meta-analytic review. *Criminal Justice and Behavior*, 40(5), 497-518. doi:10.1177/0093854812451089

