

# Why a Diversion Program for 16-17 year olds in Durham, NC?

- North Carolina is one of only two states in the country that charges 16 year olds for misdemeanor crimes in adult criminal court.
- The impact of an adult criminal arrest or citation is public record and can indelibly harm a teenager's future.



# Durham Statistics

## for 16-17 year old misdemeanor offenders

- In 2012, 632 misdemeanor charges were taken out on 16 and 17 year olds. Of these, 47 were ordered to supervised probation; 90 were placed on unsupervised probation and 495 charges were dismissed with/out mandated program participation.
- Estimates from Durham LEO and NC Administrative Office of the Courts show between 501-531 young people ages 16-17 would have been eligible for MDP in 2012-2013.
- MDP has opened 120 referrals in Durham County; 2 youth did not complete MDP and we have seen 113 successful completions to date.



# Objectives

- Understand the reasoning for, and benefits of, a misdemeanor diversion program
- Recognize when a diversion opportunity presents itself
- Understand the steps involved in the diversion process
- Understand the steps law enforcement must take to successfully refer an offender to the MDP Coordinator



# Partners for Misdemeanor Diversion



# Eligibility for MDP

- Any 16 -17 year old first time misdemeanor offender (with the exception of firearms offenses, sex offenses, and traffic matters).
- Law enforcement shall maintain discretion as to who he or she will refer for diversion. **It is the philosophy of both Durham Police Department and Office of the Sheriff, that diversion is the preferred outcome where appropriate.**



# Referral process for law enforcement

- The officer will give the youth a “post card” and explain its contents with an emphasis on contacting the coordinator within 48 hours of referral.
- Finally, the officer will complete their agency created IR and send the one page MDP referral sheet to MDP Coordinator within 24 hours.
- If an officer opts not to utilize MDP and make an arrest for a misdemeanor allegation, detailed rationale should be in the narrative to support this use of their discretion.



# Intake Screening

- The one page referral form will be sent directly to the Program Coordinator and they will double check for eligibility.
- Youth/Parent will contact Coordinator for intake screening within 48 hours of IR being issued.
- Following intake, youth is given a Diversion Court Date and referred to a community diversion program based on individual needs and reason for referral.

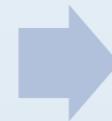


# Consequences of Adult Allegations

All arrest/allegations in the adult legal system can have a lifelong negative impact for a young person, even if the case is diverted.



Direct Consequences – jail, probation, fines, etc.



Indirect or Collateral Consequences – denial of employment, denial of public benefits (including financial aid for college), loss of housing, loss of professional licenses, deportation, etc.



Where does that leave a child for their future?



# MDP Court

- All youth will be required to attend a Diversion Court session, with a Judge and prosecutor educating them about consequences of crime and taking responsibility for their actions.
- Role play scenario of actual adult criminal court misdemeanor case is completed.
- Direct and collateral consequences of adult criminal involvement is reviewed by Judge and Prosecutor.



# MDP Programs

- Program examples:

Making A Change – problem solving skills, analyzing thoughts and feelings before acting.

BECOMING Leadership Skills – utilization of strengths, leadership traits, dealing with peer pressure.

Carolina Outreach Independent Living Skills – resume, career assessments, budgeting, renting your first place.

- Additional program options are: Teen Court, Mediation at CRC, Durham TRY (LIFT), P.R.O.U.D., and The Volunteer Center for community service.



# Additional Services Provided

- Any youth in need of further substance abuse and/or mental health services will be referred to BECOMING/Alliance, Carolina Outreach, or Duke for an evaluation and any recommended treatment.
- Tutoring, mentoring, employment assistance, and extracurricular activities are also available if needed.
- Community resource guides are provided to all families.
- All services provided with MDP are free of charge.

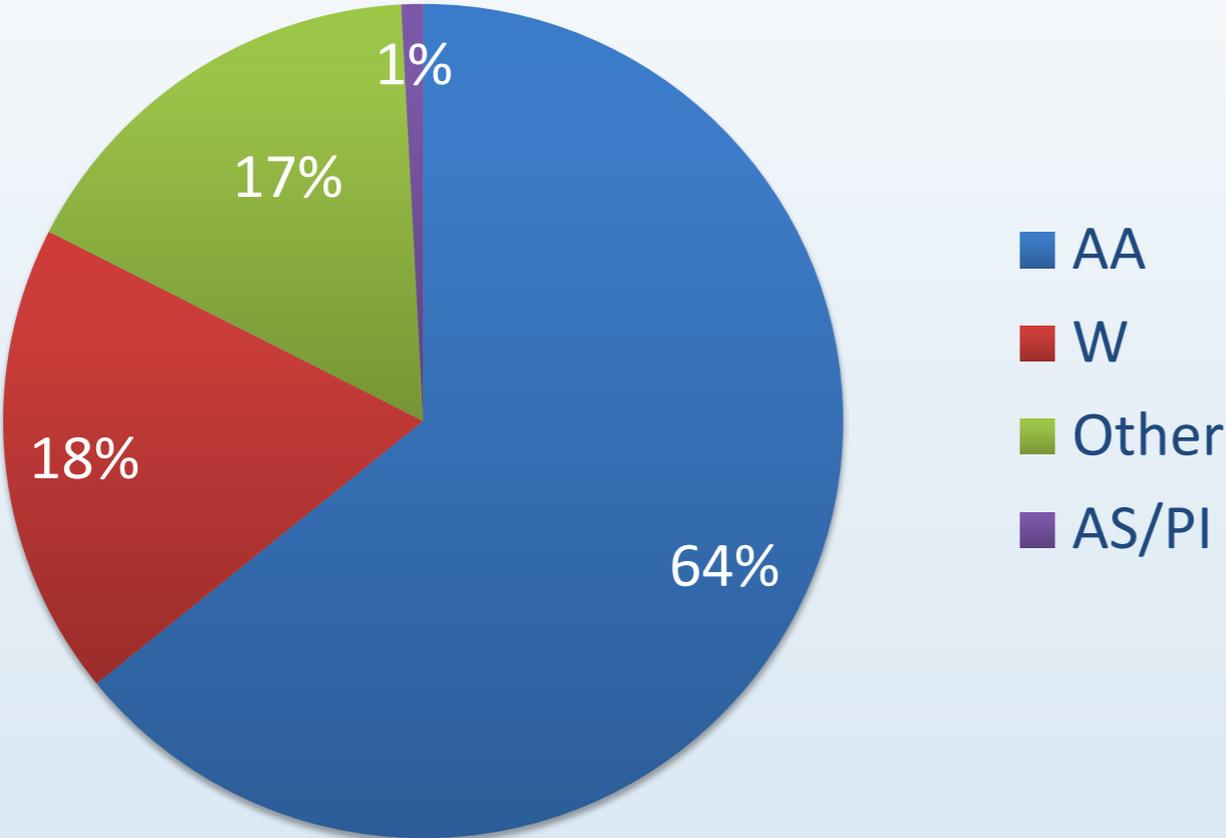


# Final Notifications for Completion

- Upon completion successful completion of MDP program, the coordinator will notify law enforcement, schools, and partnering agencies.
- The youth is then released from MDP and the IR is closed out with youth having no record or adult criminal history.
- If any youth does not comply or complete assigned MDP program, the referring officer will be notified and can opt to move forward in criminal court for prosecution.



# Intakes by Race/Ethnicity

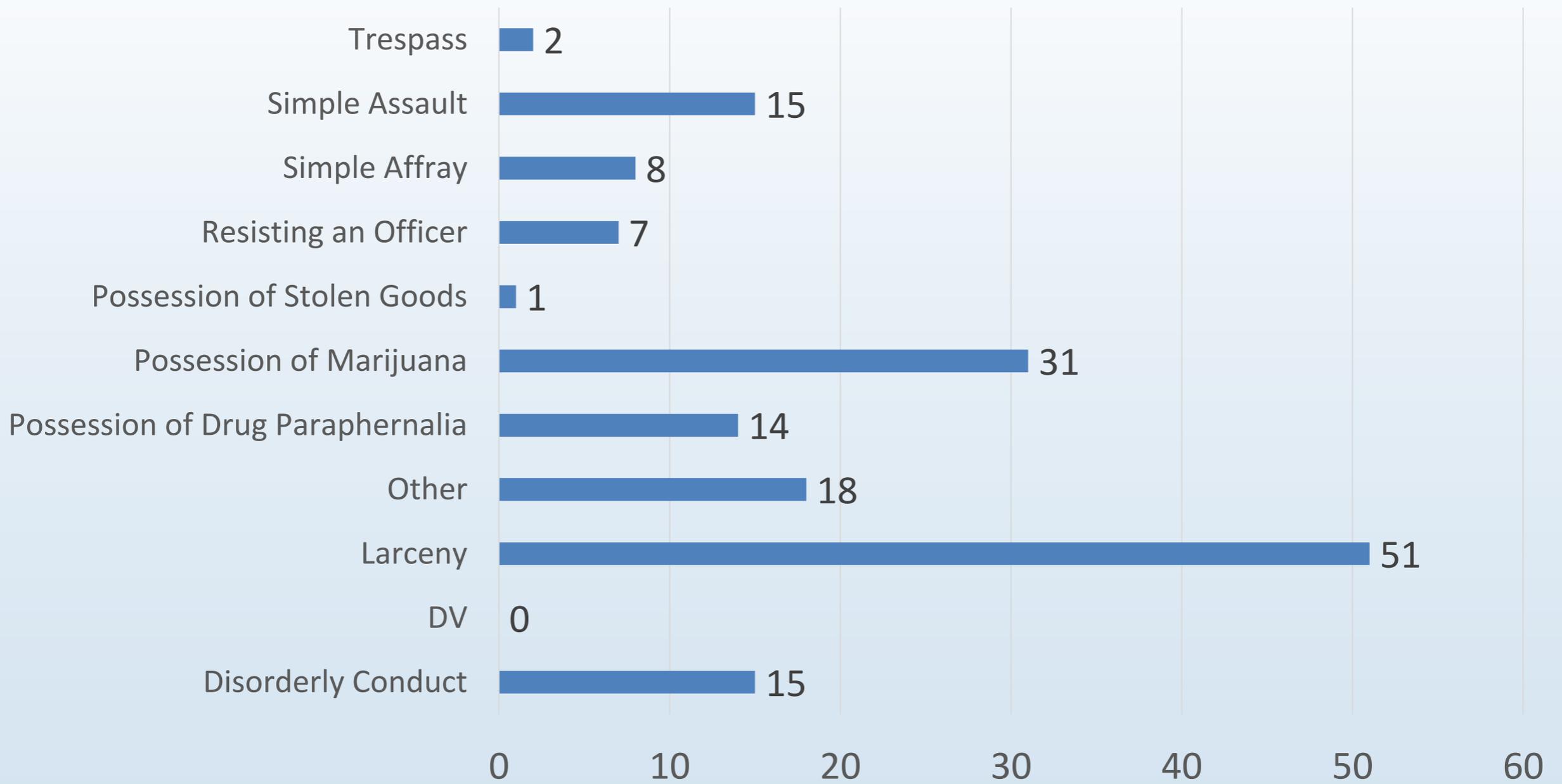


Race, Gender	16	17	Grand Total	%
<b>AA</b>	<b>44</b>	<b>33</b>	<b>77</b>	<b>64.2%</b>
F	11	12	23	19.2%
M	33	21	54	45.0%
<b>W</b>	<b>15</b>	<b>7</b>	<b>22</b>	<b>18.3%</b>
F	9	4	13	10.8%
M	6	3	9	7.5%
<b>Other</b>	<b>10</b>	<b>10</b>	<b>20</b>	<b>16.7%</b>
F	4	2	6	5.0%
M	6	8	14	11.7%
<b>AS/PI</b>		<b>1</b>	<b>1</b>	<b>0.8%</b>
M		1	1	0.8%
<b>Grand Total</b>	<b>69</b>	<b>51</b>	<b>120</b>	

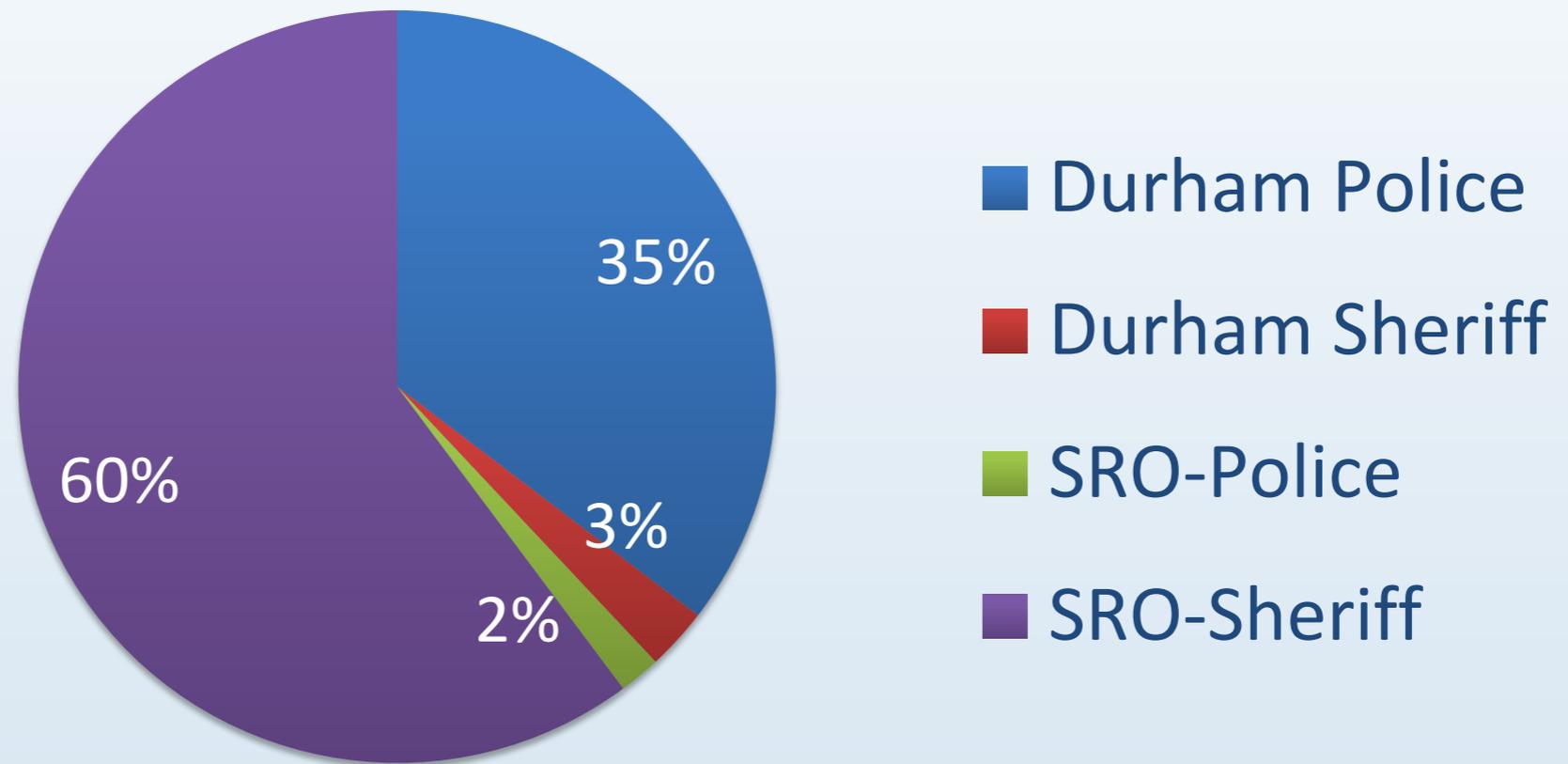
AA=Black/African American, W=White/Caucasian, AS/PI=Asian / Pacific Islander, Other=Hispanic



# Referral Offenses



## # Intakes by Referral Source



# Thank YOU for making a lifelong difference in the futures of our youth!

If you want more information or have questions please contact Kelly Andrews

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