



MISDEMEANOR DIVERSION PROGRAM (MDP)

MISDEMEANOR DIVERSION PROGRAM BACKGROUND

Until recently, North Carolina was the only state that prosecuted all youths aged 16 or 17 charged with criminal offenses in the adult system. While Raise the Age legislation has now passed in North Carolina, **the law does not take effect until December 2019.**

As a result, youths aged 16 or 17 will continue to be charged in the adult criminal justice system. Even when charges are dismissed, the incident and youth's record of arrest follows him or her into adulthood, creating significant impediments to employment and education. The consequences of an arrest in the adult legal system can also impact public benefits, housing, licenses and legal residency status.

The purpose of the MDP is to divert first-time arrests or citations of youths aged 16 or 17 for eligible misdemeanor charges from the adult criminal justice system.

The Orange County MDP began operation on April 15, 2016 with the full support and approval of:

- *Judicial District 15B Resident Superior Court Judges*
- *Chief District Court Judge's Office*
- *District Attorney's Office*
- *Public Defender's Office*
- *Orange County Clerk of Court*
- *Sheriff of Orange County*
- *Criminal Justice Resource Department*
- *Chiefs of Police for Chapel Hill, Carrboro, Hillsborough, Mebane and UNC*



ELIGIBILITY

- 16 or 17 years old at time of offense
- No prior adult record
- Misdemeanor offense (excluding sex, firearm and traffic offenses)
- Law enforcement retains discretion



Orange County Courthouse
106 E. Margaret Lane
Hillsborough, NC 27278
919-245-2303

www.orangecountync.gov/CJRD



PROGRAM INFORMATION



Process

Rather than issuing a citation or making an arrest where probable cause exists, law enforcement officers in Orange County can instead issue a youth citation that will initiate the diversionary process by directing the youth to contact the **MDP Coordinator**.

Law enforcement liaisons confirm that the youth is eligible for the MDP and submit the information to the MDP Coordinator. The Coordinator meets with youth to assess their needs and prepare a diversion plan that includes up to 15 hours of programming and a mandatory educational court session.

Compliance

After a period of no more than 90 days, the MDP Coordinator will determine if there has been successful compliance with the diversion plan terms. If there is compliance no charges will be filed. If there has not been compliance the MDP Coordinator will notify the law enforcement liaison who in turn notifies the referring officer so that the filing of formal charges can be considered.

YOUTH PROGRAMMING

Diversion plans are developed by the MDP Coordinator and include 8–15 hours of programming tailored to the individual.

Programming may include:

- **Community Service, Volunteers for Youth**
Community service hours at non-profit worksites.
- **Juvenile Court/School Liaison**
Collaboration between the school, youth, family and justice system to assist struggling youth.
- **Mediation, Dispute Settlement Center**
Restorative Justice via a Restorative Justice Circle, victim offender mediation or an accountability process.
- **Teen Court, Volunteers for Youth**
A peer court designed to educate youth about the legal system and the collateral consequences of their actions.
- **What's Next, Boomerang**
Life skills building session to increase self-efficacy.
- **Substance Use and/or Mental Health Assessment, Treatment and Education: CJRD, UNC-ASAP, Freedom House, Carpe Diem and StreetSafe.**



PROGRAM CONTACTS

Desmond Frierson, MDP Coordinator
919.245.2312
dfrierson@orangecountync.gov

Jamison Sykes, OCSO Liaison
919.245.2900
jsykes@orangecountync.gov

Steve Lehew, CHPD Law Enforcement Liaison
919.968.2862
slehew@townofchapelhill.org

Will Quick, CPD Law Enforcement Liaison
919.918.7397
wquick@townofcarrboro.org

Davis Trimmer, HPD Law Enforcement Liaison
919.296.9525
davis.trimmer@hpdnc.org

J.T. Walker, UNC-Police Law Enforcement Liaison
919.966.2120
jtwalker@psafety.unc.edu