

PROGRAM PURPOSE

The purpose of the OC PAD program is to provide law enforcement officers the discretion to divert individuals who commit certain eligible low-level misdemeanor offenses from the criminal justice system and to provide these individuals with accountability, appropriate programming that addresses any therapeutic needs and to provide information about the collateral consequences of criminal justice involvement.

The goal is to increase community safety and well-being by offering earlier and direct access to interventions and information that reduce the likelihood of recidivism and allow law enforcement to prioritize more pressing public safety issues.

Pre-arrest diversion programs are more effective and less costly than court referrals and incarceration and have long-term economic benefits for social service and medical systems.

In addition, pre-arrest diversion improves community relations with law enforcement, reduces racial disparities and improves public health outcomes.

ELIGIBILITY

- Individual must be 18 years or older
- No adult criminal charges or criminal record (can have a juvenile record)
- No prior OC PAD or MDP referrals
- Must have committed one of the eligible misdemeanor offenses
- Final discretion on diversion referral remains with law enforcement officers and the District Attorney's Office¹
- Restitution, if required, must be resolved outside the OC PAD process²

¹ If a victim objects to the individual being diverted, the victim will be referred to the District Attorney's office for the final determination of eligibility.

² Restitution will not be collected by the CJRD. If a victim is requesting restitution, that information will be noted on the Incident Report and the Coordinator can speak to the victim about civil remedies and the benefits of diversion. If the restitution issue cannot be resolved quickly, the DA's Office will make the final decision regarding the individual's eligibility for OC PAD.



The Orange County Pre-Arrest Diversion Program began operation on February 4, 2019, with the full support and approval of:

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

Participating agencies include Carpe Diem, UNC Wellness, Freedom House, StreetSafe, Dispute Settlement Center, Josh's Hope, UNC ASAP, and Pathways to Change.



Orange County Courthouse
106 E. Margaret Lane
Hillsborough, NC 27278
919-245-2312

www.orangecountync.gov/CJRD





COMPLIANCE

After a period of 90 days, the Diversion 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 Diversion Coordinator will notify the law enforcement liaison who in turn notifies the referring officer so that formal charges can be filed.



PROGRAM INFORMATION

Rather than issuing a citation or making an arrest where probable cause exists, law enforcement officers in Orange County will instead have the discretion to issue an OC PAD referral that will initiate the pre-arrest diversionary process by directing the individual to contact the Diversion Coordinator at the Criminal Justice Resource Department.

The referring officer, upon confirming eligibility for OC PAD, will simultaneously complete an Incident Report and an OC PAD Referral Form to forward to the Diversion Coordinator. The referred individual will be given a card with information about the OC PAD Program and will be required to contact the Diversion Coordinator within 72 hours of the incident.

The Diversion Coordinator or CJRD Director will meet with each referred individual to complete an intake assessment and prepare a diversion plan. Diversion plans will include programming tailored for the individual, and can include sanctions or interventions such as community service hours, mental health and substance use treatment, educational classes, and restorative justice opportunities.

It is important to note that this program should not be used UNLESS the law enforcement officer would otherwise initiate a formal criminal process.

ELIGIBLE OFFENSES

Must have committed one of the following eligible misdemeanor offenses:

- **Disorderly Conduct** (14-288.4)
- **Intoxicated and Disruptive** (14-444)
- **Local Ordinance Offenses (Loitering, Panhandling, Public Urination, Sleeping on Park Bench, Noise Ordinance)**
- **Open Container**
- **Possession of Drug Paraphernalia** (90-113.22)
- **Possession or Consumption of Alcoholic Beverage in State Park - Eno River State Park** (07 NCAC 13B.1003 (a) [G.S. 143B-135.6])
- **Resist/Delay/Obstruct** (14-223)
- **Second Degree Trespass** (14-159.13)
- **Shoplifting** (14-72.1)
- **Simple Assault/Affray** (14-33(a))
- **Simple Possession of a C/S** (90-95(a)(3))
- **Underage Drinking Consume and/or Possession** (18B-300)
- **Unleashed Animal in a Park - Eno River State Park** (07 NCAC 13B.1004 (a) [G.S. 143B-135.6])



DIVERSION COORDINATOR

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DEPARTMENT LIAISONS

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