



Orange County Youth Deflection Program (YDP)

Summary of Program: With the support and approval of Judicial District 15B District Court Judge's Office, the District Attorney's Office, the Public Defender's Office, the Orange County Clerk of Court, the Orange County Criminal Justice Resource Department, the Sheriff of Orange County, and the Chiefs of Police for Chapel Hill, Carrboro, Hillsborough, Mebane and UNC, Orange County is starting a new youth pre-petition deflection program. The Youth Deflection Program (YDP) is for youth 17 and younger who commit low level, non-violent offenses and who, in the discretion of law enforcement, could be better served with a referral to the CJRD's Youth Behavioral Health Liaison rather than a petition that leads to their involvement in the juvenile justice system¹.

For most youth that commit minor offenses, law enforcement interaction is the doorway to the juvenile justice system. Once a juvenile is apprehended for a criminal violation, it is the officer who first determines if the juvenile will be referred into the justice system or will be diverted. Research shows deflection and diversion is more effective in reducing recidivism than conventional judicial interventions. The Annie E. Casey Foundation shares the following about deflection in Juvenile Justice:

Juvenile deflection programs and approaches hold youth accountable for their behavior without resorting to legal sanctions, court oversight or the threat of confinement. When youth assessed as low risk are diverted, they are 45% less likely to reoffend than comparable youth facing formal court processing. Research has shown that responses such as counseling, skill building and restorative justice reduced reoffending by 10% compared with 1% percent reductions from juvenile probation supervision.²

In December 2019, Raise the Age went into effect in NC establishing that 16 and 17 year olds who commit low level crimes will no longer be charged as adults. This positive juvenile justice reform is and will have a marked impact on youth, safeguarding them from the collateral consequences of involvement with the adult criminal system. However, involvement in the juvenile justice system also has collateral consequences for a young person's future. Minimizing direct court involvement for low risk youth is the goal of the Youth Deflection Program. A senior associate with the Annie E. Casey Foundation, Jaquita Monroe, stated "Deflection is a win for everyone. The young person can grow out of age-appropriate misbehaviors without the consequences of formal system involvement. With fewer youth on probation caseloads, probation agencies can focus their resources and time on supporting the young people with the greatest need."

The purpose of this program is to deflect individuals from first time charges and petitions to juvenile justice for eligible low-level offenses. Rather than issuing a juvenile petition or making an arrest where probable cause exists, law enforcement officers in Orange County will instead issue a YDP referral that will initiate the deflection process by directing the youth to contact the CJRD's Youth Behavioral Health Liaison, who will serve as the YDP Coordinator. The officer will simultaneously complete a summary and a Referral Form to forward to their agency Law Enforcement Liaison. After the Liaison confirms that the youth is appropriate for deflection, and in consultation with DJJ, the Law Enforcement Liaison will then submit the information to the Youth Behavioral Health Liaison who will meet with the youth and prepare a deflection plan. Deflection plans will include programming tailored for the individual youth, such as

¹ DJJ continues to provide diversion programming for referred youth providing services for 6 months (or more) utilizing multiple assessments. OC-YDP does not replace a DJJ referral, but is an alternative deflection referral option for law enforcement, where appropriate. A youth's failure to comply with an OC-YDP referral will result in notification to law enforcement and a likely DJJ referral.

² <https://www.aecf.org/blog/what-is-juvenile-diversion>

community service hours, mental health and substance use education or treatment, leadership classes, and restorative justice opportunities. After a period of no more than 90 days, the YDP Coordinator will determine if there has been successful compliance with the deflection plan terms. If there is compliance, no petition will be filed. If there has not been compliance, the YDP Coordinator will notify the Law Enforcement Liaison to discuss the most appropriate action forward.

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

Eligibility

- 17 years old or younger at the time of offense
- No juvenile record
- Must be a misdemeanor or low-level non-violent felony offense
- Final discretion on referral remains with law enforcement officers and the District Attorney's Office³
- Restitution, if required, must be resolved outside the process⁴

Referral Process

- Officer determines there is probable cause to arrest or file a juvenile petition for a criminal charge and that this would otherwise occur
- Officer gives youth a Program Postcard and explains the requirement to contact the Coordinator within 72 hours
- Officer completes an Referral Form and Incident Summary and submits it to their Law Enforcement Liaison within 48 working hours
- The Liaison confirms eligibility, reviews and supplements Referral Form and Summary as needed and submits the Referral Form to YDP Coordinator within 48 working hours

Intake Process

- YDP Coordinator receives Referral and Summary Forms
- YDP Coordinator will communicate with DJJ for an additional information about the youth
- Coordinator sets up appointment with youth and parent/guardian within 10 days
- At meeting, the intake interview is completed, the Release to Opt-in is signed, a general release is signed, the Deflection Plan is entered

³ If a victim objects to the youth being referred to YDP, the officer will advise the Law Enforcement Liaison of this on the Incident Report. The Liaison will then contact the victim and if there is still an objection, the victim will be referred to the District Attorney's office for the final determination of eligibility.

⁴ Restitution will not be collected in YDP. If a victim is requesting restitution that information will be noted on the Summary and the Law Enforcement Liaison and YDP Coordinator can speak to the victim about civil remedies and the benefits of YDP. If the restitution issue cannot be resolved quickly, the DA's Office will make the final decision regarding the youth's eligibility for YDP.

- The Deflection Plan will include 8-15 hours of community service, classes or other treatment or diversionary programming based on the individual needs of the youth
- The Deflection Plan must be completed within 90 days of being entered
- No admission of guilt is requested or required

Youth Programming

- All programs and deflection requirements are provided to participants free of charge
- The Program Coordinator will recruit and maintain a list of agencies and entities providing appropriate youth classes or programs for participants
- A memorandum of understanding between CRJD and the Youth Program will be entered
- Programming options will include, but are not limited to- community service, substance use education, treatment or classes, mental health treatment, leadership and skills building classes, teen court and restorative justice processes
- Community resources information will be provided to every participant and their parent/guardian. Assessments can be conducted and services outside the Deflection Plan can be recommended by the Youth Behavioral Health Liaison for the Criminal Justice Resource Department or any other stakeholder of the program

Compliance

- The Deflection Plan compliance will be monitored by the Program Coordinator
- Plan requirements must be completed by the youth within 90 days
- Upon confirmation of compliance, the Program Coordinator will release the youth from the program and notify the Law Enforcement Liaison
- In the case of non-compliance or new charges for the youth, the Law Enforcement Liaison will be notified so that the filing of a petition can be considered
- Records of Participants and compliance will be maintained by the Criminal Justice Resource Department and quarterly updates will be provided to the Advisory Committee and Judicial stakeholders

Administration, Liaison and Advisory Committee

Program Coordinator: Tami Pfeifer, Orange County Criminal Justice Resource Department, Youth Behavioral Health Liaison 919-698-9130; tpfeifer@orangecountync.gov

Advisory Committee – OC PAD Advisory Committee

Law Enforcement Liaisons:

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