

LGFCU Excellence in Innovation Award Project Evaluation

Project ID	HS-12
Title of Program	Misdemeanor Diversion Program
Program Category	Human Services
Submission Date	6/1/2017 3:53:09 PM
County	Cumberland
Employee	Callie Gardner
Employee title	Director
Email	cgardner@co.cumberland.nc.us
County Department	Pretrial Services
Phone	910-677-5532
Address	PO Box 1829 Fayetteville, NC 28302-1829
County Manager	Amy Cannon
Supervisor	Melissa Cardinali
Implementation Date	9/1/2016
FLSA Designation	Exempt
Project Team Members	Callie Gardner Caroline Melvin

Description of Productivity Improvement

The Misdemeanor Diversion Program is a collaborative effort between Cumberland County government, law enforcement, the district attorney's office, public defender and court system officials to give 16- and 17-year-old teens a second chance. It is coordinated through the Cumberland County Pretrial Services Department with existing staff. The program has shown to be a success in its first eight months, with 71 referrals, 50 current participants and 15 teenagers completing the program.

The purpose of the MDP is to divert first-time arrests or citations for eligible misdemeanor charges. Rather than issuing a citation or making an arrest where probable cause exists, law enforcement officers instead issue a referral that will initiate the diversionary process by directing the youth to contact the MDP Representative. The officer will simultaneously complete an Incident Report and an MDP Referral Form. After the officer confirms that the youth is eligible for MDP, the officer submits the information to the MDP Representative within 48 hours. The youth must contact the MDP Representative within 48 hours. The MDP Representative will meet with the youth and prepare a diversion plan and require the youth to attend a mandatory court session. Diversion plans will include programming tailored for the individual youth, such as community service hours, leadership classes, and mentoring. After a period of no more than 90 days, the MDP Representative 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 Representative will notify the Law Enforcement Officer so that the filing of formal charges can be considered.

It is important to note that this program should not be used unless the law enforcement officer would otherwise initiate a formal criminal process against a 16- or 17-year-old.

Description of why this project was initiated

As of this application submission, North Carolina was the only state that had not passed legislation to raise the age of teens prosecuted in the adult system to 18 years old. All 16- and 17-year-olds charged with criminal offenses are prosecuted as adults. Even when charges are dismissed, if the arrest and court records are not expunged, the incident and youth's record of arrest follows him or her into adulthood, creating significant impediments to employment and education. The direct and indirect (or collateral) consequences of the arrest in the adult legal system can also have an impact on public benefits, housing, licenses and legal residency status. Cumberland County's Misdemeanor Diversion Program was created in September 2016 for 16- and 17-year-olds who have no adult criminal record. Rather than issuing a citation or making an arrest where probable cause exists, law enforcement officers in Cumberland County can issue the youth a referral with instructions to contact the MDP. The teenager has 90 days to complete the program, which may include community service, classes, mentoring and other requirements. If the teen does not complete the assigned program, law enforcement is notified and can opt to move forward with criminal court prosecution.

The eligibility requirements are:

- 16 or 17 years old at time of offense
- No adult criminal record (can have a juvenile record)
- Must be a misdemeanor offense. However, sex offenses, firearms offenses and traffic offenses are specifically excluded
- Final discretion on MDP referral remains with law enforcement officers and the District Attorney's Office

The first session was held in November and to date, 71 teenagers have been referred to the program. Of those, 15 have completed the diversion program and 50 are currently participating. Five teens were referred to the program, but did not choose to enroll and only one enrollee did not complete the program.

Quantifiable results (sustainability, cost savings, cost avoidance and/or a higher level of service).

Indication of what resources were used and what was done with any accrued time savings

Existing staff in Pretrial Services coordinate the program. About \$1,000 has been spent so far in start-up costs.

Under the MDP, these 16- and 17-year-olds who successfully complete the program can save money for themselves, as well as money saved on the state and county level. For an individual, the cost savings include: court costs, \$180; community service, \$250; supervision fee, \$40; and fines can cost \$50 and up. Collaboration on the state and county level is essential for the program. The County's

Pre-trial Services Office works with the District Attorney's Office, Public Defender's Office and other court system officials. The enrolled teenagers participate in community service, classes, mentoring and other requirements to keep them from receiving a criminal charge on their record. All the community agencies involved with the MDP program work together and offer their services free of charge to help the young people.

With the MDP, Law Enforcement Officers can divert young first-time offenders for less serious misdemeanors that are simply stupid mistakes. These cases are frequently dismissed several months and court dates down the road. They tap precious court resources along the way. Why not use a program with swift and certain defined responsibilities to hold young people accountable without jeopardizing their future?

Other descriptive information

The MDP allows law enforcement officers in Cumberland County to issue a referral to the program rather than issuing a citation and making an arrest. This program can help change a young person's life. If the charge is placed on the individual, it will make it hard for him or her to succeed. One mistake will place challenges in their lives that could have a lasting impact. The Cumberland County MDP Program wants to reach out to those young people and help them. They have 90 days to complete the process and a rehabilitation program is tailored to them. A court session is held in the beginning of the program and a mock trial is held to show the teenagers what they would face if they do not agree to participate in the program and have charges on their records. The MDP allows Cumberland County to intervene before a young person is in the criminal justice system due to a mistake. The program gives young people a second chance at a great future and a good life.