

A PROCESS EVALUATION OF THE MISDEMEANOR DIVERSION PROGRAM IN DURHAM COUNTY, NORTH CAROLINA

Will Engelhardt, Storm Ervin, Daniel S. Lawrence, and Rudy Perez



Supported by the John D. and Catherine T. MacArthur Foundation



This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is a competition designed to support efforts to improve local criminal justice systems across the country that are working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

More information is available at www.SafetyandJusticeChallenge.org.



Supported by the John D. and Catherine T. MacArthur Foundation





ABOUT THE URBAN INSTITUTE

The nonprofit Urban Institute is a leading research organization dedicated to developing evidence-based insights that improve people's lives and strengthen communities. For 50 years, Urban has been the trusted source for rigorous analysis of complex social and economic issues; strategic advice to policymakers, philanthropists, and practitioners; and new, promising ideas that expand opportunities for all. Our work inspires effective decisions that advance fairness and enhance the well-being of people and places.

Contents

Acknowledgments	v
Executive Summary	vi
A Process Evaluation of the Misdemeanor Diversion Program in Durham County, North Carolina	1
Appendix. Methodology	25
Notes	31
About the Authors	32
Statement of Independence	34

Abbreviations

CJRC	Criminal Justice Resource Center
DCSO	Durham County Sheriff's Office
DPD	Durham Police Department
MDP	Misdemeanor Diversion Program
Urban	Urban Institute

Acknowledgments

This report was funded by the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge Research Consortium. We are grateful to them and to all our funders, who make it possible for Urban to advance its mission.

The views expressed are those of the authors and should not be attributed to the Urban Institute, its trustees, or its funders. Funders do not determine research findings or the insights and recommendations of Urban experts. Further information on the Urban Institute's funding principles is available at urban.org/fundingprinciples.

Launched in 2019, the Consortium advances criminal justice research, grounded in the efforts and data of Safety and Justice Challenge sites, to expand the field's collective knowledge of how to safely reduce the overuse and misuse of jails and racial and ethnic disparities through fair and effective pretrial reforms. The Consortium comprises research organizations that develop and are granted projects under independent review by a panel of academic, policy, and practice experts, including people with lived experience. The Consortium is managed by the Institute for State and Local Governance at the City University of New York.

We are grateful to our partners at the Durham County Criminal Justice Resource Center, without whose partnership on such a detailed process evaluation this report would not have been possible. We would like to thank Evelyn McCoy, a training and technical assistance manager at the Urban Institute, for her detailed technical review of this report, and stakeholders in Durham County, North Carolina, and staff at the Institute for State and Local Governance for their comments and considerations.

Executive Summary

Before its Raise the Age legislation in December 2019, North Carolina was one of the few states that still automatically charged 16- and 17-year-olds as adults in its justice system. In 2013, led by then-chief district court judge Marcia Morey, a group of stakeholders from Durham County, North Carolina, started the Misdemeanor Diversion Program (MDP) to prevent 16- and 17-year-olds from entering the justice system. The first of its kind in North Carolina, the program began in March 2014 and expanded over time to include people of all ages. It has also been replicated in certain counties throughout the state. The MDP allows law enforcement officers in Durham County to redirect people accused of committing their first misdemeanor crime(s) to community-based services in lieu of citation or arrest. The purpose is to diminish unnecessary arrests and time in jail, and the collateral consequences associated with being charged with and potentially convicted of a crime. What is particularly unique about this program is that it occurs prearrest and precharge, meaning someone law enforcement officers may believe has committed a crime is not arrested or charged and does not formally enter the justice system in any way.

In 2020 and 2021, with support from the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge Research Consortium, the Urban Institute conducted an in-depth process evaluation of the MDP, the findings of which are detailed in this report. This process evaluation was one component of Urban's research on the MDP; the research team is also conducting an outcome evaluation that will be described in a fall 2021 report.

Key Takeaways

Through interviews, we found that community stakeholders and program participants believe the MDP is impactful, particularly in that it diverts people from being charged with a crime and entered into the justice system. Interviewees also generally believe the program was deeply needed in Durham County because too many people were being unnecessarily arrested and incarcerated. Some stakeholders critiqued the program for not addressing the need for diversion enough by making eligibility requirements too restrictive and not allowing enough people to access the program, which they consider essential to diverting people from the criminal justice system precharge. Many interviewees believe other communities would benefit from implementing similar programs to divert people from the justice system.

Our process evaluation yielded four key takeaways for jurisdictions interested in replicating the MDP. First, buy-in from law enforcement is critical because it is needed to start the diversion process. Second, support from local leaders, such as elected officials, will help develop local law enforcement buy-in and support. Third, qualified program staff with deep community connections are essential. And fourth, a philosophy of keeping people out of the justice system altogether will lead to increased participant satisfaction and reduce collateral consequences associated with any justice involvement.

A Process Evaluation of the Misdemeanor Diversion Program in Durham County, North Carolina

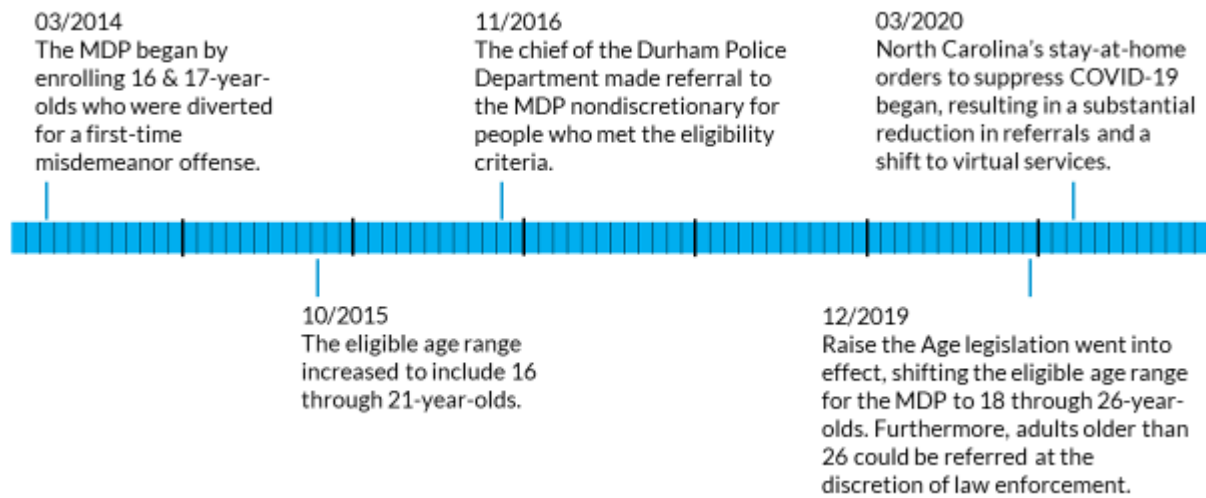
Before its Raise the Age legislation in December 2019, North Carolina was one of the few remaining states that automatically charged 16- and 17-year-olds as adults in its justice system. In 2013, leading up to the implementation of the Misdemeanor Diversion Program (MDP)—a program intended to divert 16- and 17-year-olds in Durham County, North Carolina, accused of committing their first misdemeanor crime(s) from the justice system—eligibility for the program was determined through meetings and conversations with stakeholders from the judiciary, the Durham Police Department (DPD), the Durham County Sheriff's Office (DCSO), the Durham County District Attorney's Office, the Durham County Public Defender's Office, the Durham County Criminal Justice Resource Center (CJRC), the City of Durham mayor's office, and the Durham County Board of Commissioners. It was decided that people in Durham County would be eligible for the MDP if all allegations were misdemeanors (except for allegations of firearms offenses, sexual offenses, and traffic matters) and if they had no prior adult misdemeanor or felony arrests.

The MDP allows law enforcement officers in Durham County to redirect people accused of committing their first misdemeanor crime(s) to community-based services in lieu of citation or arrest. The purpose is to diminish unnecessary arrests and time in jail, and the collateral consequences associated with being charged with and potentially convicted of a crime. What is particularly unique about this program is that it occurs prearrest and precharge, meaning someone law enforcement officers may believe has committed a crime is not arrested or charged and does not formally enter the justice system in any way.

From its launch in March 2014 through September 2015, only people ages 16 and 17 were eligible to participate in the MDP. In October 2015, eligibility was expanded to include people ages 16 to 21. In December 2019, the state's Raise the Age legislation took effect, requiring that youth up to age 18 remain outside the adult justice system and only be processed in the juvenile justice system. Consequently, the MDP updated its eligibility criteria to serve people ages 18 through 26, and allowed for adults of any age to be referred to the program at a law enforcement officer's judgement. Figure 1 shows a timeline detailing changes to the MDP from 2014 through 2020.

FIGURE 1

Timeline of the Misdemeanor Diversion Program in Durham County, North Carolina



URBAN INSTITUTE

Source: Urban research team.

Note: MDP = Misdemeanor Diversion Program.

Any law enforcement agency in the county can refer people to the MDP, but the DPD is reportedly the primary referring agency, followed by the DCSO. The role of law enforcement in the program has changed. Initially, referral was left to officers' discretion across all county law enforcement agencies. In November 2016, the DPD chief of police made referral to the program by DPD officers nondiscretionary for people meeting the eligibility criteria. This means if a person meets the eligibility criteria, the officer is expected to refer them to the MDP, a notable structural change applauded by local supporters of the program. Referral to the MDP by the DCSO remains discretionary. School resource officers were the primary DCSO staff making referrals to the MDP, and now that people 16 to 17 years old are no longer eligible for the program (owing to the Raise the Age legislation that took effect in December 2019), the DCSO has reported large reductions to its program referrals. Moreover, since March 2020, referrals have reportedly declined considerably, primarily because of policing and program responses to the COVID-19 pandemic. In total, the MDP has served more than 750 participants since the program's inception, with a reported successful-completion rate of nearly 100 percent.

The program's components have been developed iteratively since 2014 to meet participants' needs. Staff developed and implemented it with the intent of reducing undue burden on participants while keeping them out the justice system entirely whenever possible. Its core components include an informal assessment conducted by the program coordinator, participation in a mock court appearance, and referral to and participation in community-based services (which vary based on participants' needs and availability of services at the time of their involvement). The program coordinator—who has been the program's sole full-time employee since its

inception—and other relevant stakeholders (such as CJRC staff members) also provided trainings about the program to other jurisdictions in North Carolina, some of which implemented similar programs.

The Process Evaluation

Despite having operated for more than six years and having been replicated in other jurisdictions, the MDP has never been evaluated. Starting in June 2020, Urban engaged in a process evaluation to document the program’s implementation and stakeholders’ perceptions of the program, including satisfaction and perceived impact. Urban is pairing the process evaluation with an outcome evaluation that began in October 2020 to see how the perceived impacts reported by relevant stakeholders align with measurable impacts.

To conduct this process evaluation, the Urban research team reviewed program materials; held semistructured interviews with staff, program partners, community stakeholders, and program participants; and checked back with relevant stakeholders to review and refine findings and materials developed during the evaluation. The research team interviewed 23 people, including stakeholders and participants, who represented many perspectives, roles, and experiences related to the program. Stated perceptions were largely similar across stakeholders and participants, and a clear narrative about the program was identified throughout the interviews. A full description of the methodology used for this process evaluation is included in appendix A. The subsequent sections of this report describe the program model, perceptions of the program, implementation challenges, and lessons learned via a mix of data sources used as part of the process evaluation and detailed in appendix A. A report on the results of the outcome evaluation will be published by the Urban evaluation team in fall 2021.

Background on the MDP

The MDP began in March 2014 as leaders in Durham County grappled with how to keep youth out of adult court and without permanent criminal records. North Carolina was one of the last states to enact Raise the Age legislation (which it did in December 2019) that excludes people younger than 18 from adult court. The push by leaders in Durham County to keep 16- and 17-year-olds out of the adult court system outpaced that of the state’s elected officials, so the county began an iterative process of identifying partners and developing the diversion program.

The program began after then–chief district judge Marcia Morey began a committee in Durham County to develop methods for diverting 16- and 17-year-olds from the local justice system. The committee consisted of representatives from the Chief District Court, people from the CJRC, the Criminal Justice Advisory Committee, the Durham County Board of Commissioners, the district attorney, a representative from the public defender’s

office, the mayor, and members from the DPD and the DCSO to get the MDP up and running. One committee member noted they did not have a particular program model in mind when the committee was formed. Because the state's efforts to "raise the age" were not gaining the necessary political momentum, the committee wanted to see what it could achieve in Durham County to get youth out of the adult court system.

If we can't get Raise the Age passed, what can we do? Let's try MDP.

—MDP stakeholder

Although most stakeholders we spoke with have supported the program since the outset, many suggest that there has been skepticism from the DPD and DCSO since they began planning the program. Law enforcement support was critical for the program to get off the ground because law enforcement officers are the stakeholders who refer people to the MDP in lieu of arrest. Without their support and engagement, the program could not operate. For example, support among school resource officers from the DCSO was critical early on because the program was originally intended for people ages 16 and 17; early buy-in from the DPD was also important because it is by far the largest law enforcement office in Durham County.

After meeting for approximately a year, all committee members, including law enforcement, expressed support for the program. The support from law enforcement largely owed to concessions that other stakeholders made around the eligibility requirements for the program: law enforcement wanted eligibility to be restricted to people who committed certain misdemeanor offenses and had never been charged with a prior offense. Other stakeholders were willing to concede on this issue because they knew they needed law enforcement support for the program to operate and for referrals to be made. The MDP was designed as a prearrest option for 16- and 17-year-olds charged with certain misdemeanor offenses, and discretion over whether to refer someone was left to law enforcement. Although one stakeholder noted that their hope for the program was to reduce racial disparities in the justice system, this was not identified as the overarching goal of the program during its initial conception and design.

Our frustration of not getting Raise the Age passed...knowing what it [the criminal justice system] was doing to so many of your teenagers...it [the MDP] was us trying to get a lot more equity...for me, it was racial equity.

—MDP stakeholder

The Theory Behind the Program

The program's overarching goal is to keep participants out of the criminal justice system completely, while addressing some of the root causes of why they may have engaged in a crime. The idea is that by engaging in the program they can avoid being charged with an offense, and if they do not complete it, they are referred back to the law enforcement officer who referred them, who decides whether to file charges. According to one interviewee, stakeholders wanted the program "to look like an education and therapeutic approach."¹ Stakeholders also hope not to burden participants, so they limited the program requirements to relatively few hours (10) and expect participants not to be contacted, engaged with, or required to meet any additional requirements after completing the program. This is because they believe that the main benefit of the program is the diversion from the justice system and that all other components are secondary. They believe a participant's basic needs should take priority over the program.

We really tried not to disrupt [program participants'] lives too much.

—MDP stakeholder

Staffing the Program

The MDP only has one full-time staff person: the MDP coordinator. The same person has served in this position since the program began, after applying for the program and being hired competitively through a county-run hiring process. The qualifications for the position originally followed Durham County's requirements related to all case manager positions. Requirements for the position included a bachelor's degree in criminal justice, social work, counseling, or any human services-related field, along with three years of experience with case management or counseling. The position was later reclassified to a program coordinator position, which is a higher classification in Durham County. This was done because the position also requires experience with trainings, reporting, and communication with the courts, which is not a requirement for case manager positions. The program coordinator position requires a bachelor's degree in human services or a related field and two years of experience doing case management with criminal justice populations and/or populations with behavioral health needs. At certain times when referrals to the program have been particularly high, the CJRC has identified part-time staff to provide additional coverage and support for the coordinator, but the coordinator has for the most part been the only person managing the program.

The MDP coordinator is responsible for conducting intake sessions with new participants, reviewing case files for people referred to the program, tracking participants' progress, engaging participants,

providing updates to county stakeholders, and maintaining partnerships with community-based organizations and justice system stakeholders. Stakeholders regularly mentioned that the MDP coordinator has a lot of responsibility, and one said that the program's success "rested on the shoulders of [the MDP coordinator]."² One service provider who regularly provides services to MDP participants said, "Without [the MDP coordinator's] outreach to us, we never would've heard of the program and wouldn't be able to do the work we do with [MDP participants]."³ The MDP coordinator also provides trainings about the program and helps law enforcement officials understand how it operates.

The Program Model

The MDP is now a prearrest diversion program for people ages 18 through 26 (and older adults at the judgement of law enforcement officers) charged with certain misdemeanor offenses.⁴ Stakeholders shared that potential participants are primarily referred to the program via the DPD or DCSO. At the time of the incident bringing someone in contact with law enforcement and after an officer has determined whether they are eligible, the officer is meant to inform them that they should reach out to the MDP (which means calling the MDP coordinator or the CJRC's main office) within 48 hours after the incident. After the potential participant reaches out to the program, the coordinator schedules an intake appointment to review the program's purpose, review the person's strengths and needs, and determine the best resources for them. According to stakeholders, the intake appointment is conversational in nature and is extremely useful for determining how best to engage participants based on the information they provide about their needs, their interests, and challenges they may be facing.

From there, the participant attends a mock court session and completes 10 hours of programming over at most a 90-day period at a community-based organization that is identified based on their need(s) as determined by the MDP coordinator, with input and feedback from the participant. Programming can include life skills courses, restorative justice efforts, teen court services, and mental health and/or substance use treatment.

The Logic Model

As part of this evaluation, the research team developed a logic model (table 1) based on a review of materials and information gathered from semistructured interviews, with direct input from the MDP coordinator, who reviewed and updated the logic model on two occasions. It conveys how the MDP is intended to work and includes the program's inputs, outputs/activities, intended outcomes, and indicators of those outcomes. Although the age of eligibility for the MDP has changed several times, the logic model uses the current eligible age range (18 to 26; adults older than 26 can be referred at officers' and deputies' judgement) when describing program eligibility.

TABLE 1

Logic Model of the Misdemeanor Diversion Program in Durham County, North Carolina

Inputs	Outputs	Outcomes	Indicators
1. A law enforcement officer responds to an incident either while on duty or through a 911 call.	1a. An officer or deputy assesses the nature of the allegation. 1b. An officer or deputy assesses the MDP eligibility of the person allegedly involved in crime. 1c. An officer or deputy writes up an incident report.	Short- and intermediate-term outcomes <ul style="list-style-type: none"> ▪ divert participants from arrest ▪ connect participants to appropriate services ▪ get participants to complete the MDP Long-term outcomes <ul style="list-style-type: none"> ▪ reduce participant contact with law enforcement ▪ prevent participants' involvement with the criminal justice system ▪ postprogram increase community understanding of diversion programs 	Short- and intermediate-term indicators <ul style="list-style-type: none"> ▪ arrests ▪ jail bookings ▪ a quarterly report from the chief of police to the mayor ▪ statewide adoption of diversion programs and/or legislation
2. A law enforcement officer refers the (eligible) person allegedly involved in a crime to the MDP coordinator.	2a. If an officer finds that someone allegedly involved in crime meets the eligibility criteria, they send the incident report and referral (within 24 hours) to the MDP program coordinator. A person is eligible if they are alleged to have committed a qualifying nonviolent misdemeanor offense, are age 18 to 26 (adults older than 26 can be referred per officer/deputy judgement), and have no criminal history.		
3. The program coordinator enrolls the participant.	3a. Upon receiving a referral, the coordinator enters the potential participant's information into an internal database. 3b. Within 48 hours of someone being notified by an officer that they will be referred to the program, they are to call the MDP coordinator to set up an intake appointment. 3c. During the intake appointment with the potential participant and their family, the program coordinator will do the following: <ul style="list-style-type: none"> ▪ discuss the purpose of the program and collateral consequences ▪ focus on the person's strengths/needs and plans ▪ evaluate which resources and services would be best for the person based on the incident and need 		
4. The participant engages in the MDP for a maximum of 90 days.	4a. Participants attend a diversion "mock" court session to do the following: <ul style="list-style-type: none"> ▪ learn about the consequences of criminal behaviors and taking responsibility for their actions ▪ engage in a role-playing scenario of an adult-criminal-court misdemeanor case ▪ witness direct and collateral consequences of adult criminal involvement being reviewed by a judge and participating attorneys 4b. Participants attend 10 hours of community programs/resources based on their specific needs. Examples of needs include substance use education, substance use treatment, tutoring, restorative justice processes, anger management group classes, and/or mental health services. Examples of programs include life skills courses, restorative justice programming, community service, and therapy.		
5. The participant completes the MDP program.	5a. Once a participant completes the program, the program coordinator informs law enforcement of that completion and that participants' case will be closed, meaning they are neither charged with a crime nor arrested for the incident. <ul style="list-style-type: none"> ▪ If a participant is not compliant with MDP requirements, the program coordinator reaches out to them via phone or letter to inform them. ▪ If a participant does not complete the program, the coordinator notifies law enforcement, which may decide to issue a warrant for the original allegation. 		

Source: Urban Institute review of program materials, stakeholder interviews, and input from the MDP coordinator.
 Note: MDP = Misdemeanor Diversion Program.

Funding the Program

Sources of funding for the MDP have changed according to stakeholders who have been directly involved in funding or have helped secure it. The program originally hired a part-time coordinator using discretionary funds from the CJRC. Sometime later, program staff applied for and were awarded funding from the Governor's Crime Commission to cover the costs of its first year of operation. The MDP received a second year of funding from the Governor's Crime Commission that required a 25 percent match to the commission's amount, which was provided from the CJRC budget. In 2016, the Durham County Board of Commissioners approved funding for the full-time MDP coordinator position, and since then that position has been a line item for the county, under the CJRC. In addition, the program now provides funding to community-based organizations where participants complete their 10 hours. These providers report that this funding is minimal and that when the MDP began in 2014, many partnering community-based organizations (i.e., faith-based organizations, treatment providers, housing assistance services, life skills services, and restorative justice programs) volunteered their services.

Trainings

There have been numerous training sessions since the MDP launched. When it began, the program coordinator conducted trainings with DPD officers and DCSO school resource officers to introduce them to the process of referring people to the program. Interviewees say that DPD officers were more receptive to the training than DCSO school resource officers, but that officers from both agencies often pushed back with concerns about not arresting people for certain charges. According to interviewees, certain officers felt they would always want to arrest people for certain activities, such as two students physically fighting at school. The idea that officers would not make these arrests was hard for some to understand, and officers expressed this during these trainings and, according to interviewees, sometimes expressed anger and frustration that a diversion program was being implemented in Durham County.

Misdemeanor diversion program staff and stakeholders began trainings with DCSO school resource officers in March 2014 to train them on the program before the school year ended. The MDP conducted three initial rounds of trainings with the DCSO before they started making referrals to the program. The MDP also conducted another training with school resource officers, school principals, and

guidance counselors before the start of the 2015–2016 school year, even though it had not been a full year since initial trainings.

For the DPD, MDP staff and stakeholders conducted a training for all command staff in March 2014 that lasted approximately an hour and a half. In coordination with the DPD’s training division, the MDP was able to conduct in-person trainings with the entire DPD in April and May of 2014. The MDP staff conducted trainings multiple trainings a day four days a week, with each training lasting approximately 45 minutes. Although training sessions differed in certain ways, all of them included a PowerPoint presentation reviewing the goals and components of the MDP, a review of the referral form and referral process, distribution of post cards (digital and hard copies) that further described the program, and an opportunity for questions and answers about the program.

Following this initial rollout of trainings, MDP staff conducted trainings with DCSO and DPD officers via North Carolina’s Basic Law Enforcement Training Academy for new officers being sworn into service. The MDP also continued yearly in-person trainings for the DCSO and DPD to remind command staff and officers about the program and assist with questions and concerns.

There were a couple of times when those trainings got a little heated.

—MDP stakeholder

Stakeholders reported that the training sessions were difficult but important for building buy-in from law enforcement. Stakeholders believe that communities looking to replicate the MDP would benefit from implementing law enforcement training “early and often” to educate officers about the program, address their questions and concerns about it, build understanding of it, and identify people in law enforcement to champion it. Stakeholders also noted that it is critical to have a trainer who knows how to communicate well with law enforcement for this training to succeed because difficult conversations can surface quickly.

In addition, MDP and CJRC staff and stakeholders provided training to other jurisdictions in North Carolina on developing and implementing similar diversionary programs. Stakeholders from Durham County provided this training because other jurisdictions heard about the MDP and were interested in ways to divert youth from the justice systems in their communities because the state had not yet passed Raise the Age. To implement these trainings, Durham County stakeholders went to some districts and

assisted others remotely. Durham County also hosted a statewide MDP meeting in Durham with the Southern Coalition for Social Justice, and some jurisdictions attended a training with MDP staff at statewide and/or national juvenile justice conferences. Thirty-nine counties out of 100 were trained by MDP staff, but stakeholders report that they only know of seven jurisdictions that started prearrest diversion coming out of these trainings. Of these seven, some completely followed the MDP model, whereas others only implemented components. To know the exact number of jurisdictions following the model, additional outreach to these communities would be needed, which is beyond the scope of this evaluation.

Diversion, Enrollment, and Engagement

In this section, we review the processes whereby eligible people are referred to and enrolled in the MDP and what program engagement looks like after people are enrolled.

Referrals to the MDP and the Start of Diversion

Until 2016, referral to the MDP was entirely contingent upon a law enforcement officer's discretion. Starting in November 2016, the DPD chief issued a general order making referral of eligible people nondiscretionary, meaning officers were required to refer anyone who met the eligibility requirements. Stakeholders who support the MDP applauded this decision by the chief, who was hired to the position in April 2016. But DCSO officers continue to have discretion over referrals because DCSO leadership has not issued a general order making referral nondiscretionary.

To refer someone to the program who has been accused of a misdemeanor crime, an officer determines whether they meet the eligibility requirements (i.e., they have committed a qualifying misdemeanor, are in the eligible age range, and have no previous conviction). The officer then searches the North Carolina Statewide Warrant Repository while in the field via their agency's intranet to review the person's criminal history. If the officer finds they meet the requirements, they can give them a card containing information about the MDP and tell them to contact the program coordinator within 48 hours. Next, the officer drafts an incident report and completes a referral to send to the program coordinator detailing the nature of the offense and involved person. If the MDP does not hear from the referred person within a week, the coordinator sends them a letter, email, and/or text and tells them they have 15 days to contact the coordinator. The coordinator also informs law enforcement that the communication went out. If the person does not respond to the communication, the coordinator tells law enforcement and they can issue a warrant, but no stakeholders report that a warrant has ever been

issued. Stakeholders report that people referred to the program have almost always gotten in touch with the MDP coordinator. Stakeholders and participants say this likely owes to participants' understanding that they will avoid being charged or arrested by participating in the program, a clear incentive for following through with the referral.

Enrolling in the Program

During intake, the MDP coordinator is introduced to the program participant and their family (if they attend) and describes the allegation as written in the law enforcement officer's report. The coordinator then informs them they can choose to go before a judge if they do not agree with the allegation although stakeholders report this option has never been exercised. Participants attending the intake meeting have always chosen to enroll in the program because it is made clear to them that they will not be charged with a crime if they complete it, so there is little to no incentive for disputing the allegation because it will not be formally issued in the justice system if they complete the MDP.

After introducing the program, the coordinator reviews the person's demographics, history of mental health needs, use of psychotropic medicines, hospitalizations, and substance use, if any of this information is available. The coordinator also conducts a verbal "assessment" of the potential participant, which is really "just a conversation," as one stakeholder put it. The coordinator intentionally makes the assessment conversational while gathering needed information through open-ended questions. Making it conversational allows the coordinator to get a full picture of the participant, challenges they are experiencing, and how they can help them. The coordinator believes this informal assessment is critical to the program's success because it allows the program to be adapted to each participant's needs.

After the assessment, the coordinator determines what community-based services are most suitable for the participant. Options have included therapy, life skills courses, restorative justice programming, and other services arranged through the court system. If the coordinator finds a participant needs therapy, therapy supersedes other services. The coordinator works with the participant to ensure the MDP does not interfere with their daily activities, such as work or school. "We really tried not to disrupt their life too much," said one stakeholder.⁵

Program Engagement

Each program participant is required to participate in a mock court session, during which they are brought into a courtroom to witness an “actor” going in front of a judge, prosecutor, public defender, and bailiff. When doing so, the program participant does not know that this is a mock court session, and they are led to believe the “actor” is an actual defendant. To demonstrate the collateral consequences of committing a crime and what the court has the legal right to do regarding punishments and sanctions, these officials proceed as if they are bringing charges against the defendant. After this mock session, the participant is informed that this experience was just a mock court appearance. Then, the officials convey some of the lessons the participant should learn from the experience. The parents or guardians of 16- and 17-year-old participants also often attended the mock court sessions. Stakeholders have positive perceptions of the sessions, but participants do not report finding them useful.

In addition to the mock sessions, MDP participants receive 10 hours of programming, which varies depending on participants’ needs and what services are available while they are participating. Stakeholders and participants gave positive feedback about all the services that had been provided through the program. One stakeholder described them as “useful, but not overly prescriptive.”⁶ Although charges are not filed against people who complete the program, law enforcement keeps an incident report detailing who goes through the program, but it is not for public record. Finally, an officer has the discretion to charge someone if they do not complete or engage with the MDP, but this has reportedly never happened. If a person does not complete the MDP, they are not automatically charged with a crime; instead, the involved officer can decide whether to give them one more opportunity not to be charged with a crime. Stakeholders designed the program to divert people from criminal charges, and they do not want an officer to feel obligated to charge someone who does not complete it.

It isn't a real court session....so you're really just acting...the idea of it is to provide a reality check to them [program participants].

—MDP stakeholder

Perceptions of the MDP

In this section, we discuss the varying perceptions of Durham County’s Misdemeanor Diversion Program among staff, stakeholders, and participants.

Support of and Resistance to the Program

Everyone interviewed strongly supports the MDP. Much of the initial support among stakeholders for the program stemmed from their shared belief that North Carolina should no longer charge 16- and 17-year-olds as adults. Many believed strongly—from the inception of the program in 2014 until the passing of the “raise the age” legislation in 2019—that one of the program’s greatest benefits was allowing young people to stay out of the adult court system. Now, many interviewees support the program because it keeps *adults* out the justice system. As one stakeholder said, “We know that any criminal justice involvement—even one day in jail—can have negative results for all people.”⁷ Others support it because they believe there should be more diversionary options and approaches before arrest in Durham County and the community at large. Stakeholders particularly noted that they support the program because it provides an opportunity to reduce racial disparities in arrests and provides people of color in Durham County a way to avoid arrest. Importantly, though, many stakeholders believe the program does not by itself do enough to address these disparities. Interviewees note there were very few diversionary programs in the county (particularly at the prearrest stage) when the program started. Interviewees support the MDP as an innovative way to reduce the impact of the justice system and provide an example for community change.

Several stakeholders strongly support the program but believe it does not “do enough” (in the words of one interviewee) to reduce countywide arrests and incarceration. They want it to expand eligibility requirements to include more offenses, including additional misdemeanor charges (e.g., firearm possession) and some felony charges. They also feel people should be eligible for the program even if they have previously been arrested. Simply put, many stakeholders feel the program has positively impacted participants but that too few people have been able to participate, leaving more people involved in the local justice system than has been necessary. Others want referral to the program to be automatic, meaning if someone meets the eligibility criteria they are diverted from the system by all law enforcement officers without discretion.

Others support the program but want these types of diversionary options to be made available to more people in the community, meaning they believe too many people are still being arrested and incarcerated in Durham County. They believe the MDP does not reach enough people who could

benefit from diversion. They believe that Durham County needs to add more diversionary services and rely less on traditional legal-system responses, especially considering the county's racial disparities in arrests and incarceration.

None of the interviewed stakeholders expressed resistance to the program, but several noted that when it was being developed, there was notable resistance from law enforcement agencies and law enforcement associations. Most of that resistance involved concern among local law enforcement officers that the program could take away their ability to determine whether an arrest could be made in certain situations, an ongoing concern during the early years of program implementation. In addition, numerous officers believed this type of program would infringe on their ability to perform their duty and would override their power to use discretion. Over time—through trainings, interactions with the program staff and participants, and changes in law enforcement leadership—law enforcement agencies generally became more supportive of the program.

Although the MDP's trainings with law enforcement were sometimes difficult, they educated participants and made them more aware of the program, allowing some law enforcement officers to start to use the program and regularly refer people to it. Several law enforcement staff even became champions of the program. As referrals increased, more officers started to have positive experiences with the program staff and participants, which in turn improved their perceptions about the MDP. Finally, changes in formal leadership increased support for the program among officers, especially as the new DPD chief expressed public support for it and made referring people to the program nondiscretionary. Through this engagement with the program, some law enforcement support was more formal (e.g., the DPD chief's decision to make program referrals nondiscretionary, and DPD staff assistance with a life skills class for MDP participants), whereas some was more informal (e.g., several staff became informal champions of the program). Though support for the program among law enforcement has increased, non-law enforcement stakeholders note that law enforcement in Durham County consistently requests that the eligibility criteria remain limited to certain misdemeanor offenses and people who have never been charged with a crime, even though other city and county officials support expanding the eligibility criteria. Law enforcement stakeholders' opposition to this stems from their belief that they should continue to have discretion to arrest people for certain charges.

It took time. I think there was probably some skepticism from law enforcement at first about whether the program could be successful or not.

—MDP stakeholder

Perceived Usefulness of the Program among Stakeholders

Three themes repeatedly arose during interviews with stakeholders involved in implementing at least one component of the program. First and foremost, they believe the MDP is useful because it allows people to avoid becoming justice involved, which they believe has collateral negative consequences for anyone but especially for people charged with a crime at a young age. Second, the program provides participants an opportunity to learn about the potential consequences of their actions and to avoid criminal activity. Third, it is a learning opportunity for justice system stakeholders, who often do not view the justice system as a means to divert people from punishment and incarceration and provide them needed services. To this third point, many stakeholders feel the program has made it possible to develop other diversionary services, which have reportedly become more common in Durham County since 2014.

A stakeholder who has knowledge of data from the city of Durham reports that they have seen a “drop in misdemeanor drug charges...and feel certain that it is related to the MDP.”⁸ Other stakeholders disagree: several feel that although the program has been impactful for participants, it is not producing substantive change in the community and is only, in the words of one interviewee, a “band-aid on the problem.”⁹ As another put it, their concern is that the MDP is a “boutique program” that does not create systemic change, which many believe is badly needed.¹⁰ A leading reason is the restrictive eligibility requirements that limit the number of people who can participate. As a participant asked, “Why was I able to get into this program and not so many others from my community that look like me that also need it?”¹¹

Moreover, some stakeholders wonder whether alternatives-to-incarceration programs like the MDP can actually “broaden the net” of people who enter the justice system. That is, they wonder whether, if the program didn’t exist, law enforcement would simply not charge the person for a crime anyway, and then the person wouldn’t be arrested or engage in the program. Importantly, stakeholders who expressed this were speculating and did not substantiate it or necessarily claim it is true.

Furthermore, some stakeholders are concerned that the program has not been as effective at achieving its goals since it began only serving people 18 and older as of December 2019. The program was designed and developed to serve people younger than 18, and some stakeholders and participants feel that much of it addresses needs specific to that age group. Many of the services regularly provided to participants were not designed for adults; for example, although stakeholders consider the mock court appearance relevant for participants of all ages, participants feel it may be more useful for younger people who might find it “scarier” than for adults who may know it is just an “act.”

Perceived Usefulness of the Program among Participants

Participants believe the program has had a notable impact on their lives, specifically because it allowed them to avoid arrest and the potential negative consequences of being charged with a crime. They consider this the program’s biggest impact, and the one they are most thankful for. One participant noted they also appreciated the community-based services they were referred to and considered the opportunity to participate in them beneficial because they built connections that have aided them since they completed the program. For example, one participant has regularly reached out to the MDP coordinator since completing the program and considers the coordinator someone they can rely on. This participant is glad to be able to talk to the coordinator about school and career-related questions in particular.

Another participant believes the program only impacted them by helping them avoid arrest and could not point to services or other program components that benefited them. They feel they simply did not need the program’s services. Moreover, one participant noted that the mock court appearance was “obviously fake” and not impactful—they could tell stakeholders were “acting” and that they were trying to do a “scared straight type thing.”¹² They wondered whether it would be better suited for a younger audience (i.e., people younger than 18). Another participant lamented that the program was impactful for them and that it was unfair that others from their community could not have the same opportunity. They want the MDP to be more widely available, and their involvement left them with some feelings of guilt for having been offered this opportunity when others were not.

Perceived Impact of Eligibility Requirements and Officer Discretion

Stakeholders and participants alike consider the program’s eligibility requirements its weakest component. Stakeholders and participants who believe the scope and reach of the program is not large enough—and therefore not impactful enough—largely cite the few charges that qualify people for the

program. Many feel that law enforcement officers' training and the requirement that referral be nondiscretionary can only "go so far," as one interviewee put it, as long as restrictions keep eligible charges to "shoplifting or smoking marijuana."¹³ Relatedly, interviewees report that stakeholders in law enforcement have consistently expressed that they do not want to change the eligibility requirements.

When a program is new and somewhat radical, you make concessions...you test the water.

That's what you do. That's how you get buy-in.

—MDP stakeholder

Stakeholders were not all clear on whether law enforcement officers do or do not have discretion over program referrals. Some stakeholders, including some DPD staff, were unaware that the DPD had made program referrals nondiscretionary. Others were aware of this but believed officers were not regularly updated or educated about the general order and felt referrals were still discretionary in practice because officers simply may not be aware of it. Others said the general order had impacted the program directly by requiring officers to make referrals and indirectly by demonstrating that DPD leadership supported the program. As part of its outcome evaluation, the Urban evaluation team plans to measure the impact of DPD making referrals nondiscretionary.

Implementation Challenges

Staff and stakeholders cited different challenges related to the MDP's implementation beginning in 2014, including policy changes, buy-in among law enforcement, turnover, and problems presented by the pandemic.

There Was No Playbook

When the MDP started in 2014, the core stakeholders involved researched other diversion programs implemented in the United States but did not completely follow any preexisting models or programs because they couldn't find any that addressed the specific needs of their community, which had occurred because Raise the Age had not been passed; rather, they developed the program according to their specific needs. As one stakeholder said, "In some ways, we just made it up."¹⁴ This had notable benefits. The program was designed to respond to the needs of participants, evolve as different

partners became involved, and incorporate components specifically for the target population, which initially comprised people ages 16 and 17.

The downside of developing the program without basing it on another model or evidenced-based practice is that it brought unexpected and unanticipated implementation challenges. For example, staff working on the MDP initially thought they would be overwhelmed by referrals, but they received very few when the program launched. To correct this, they implemented trainings and provided regular outreach to law enforcement agencies. Moreover, they developed the program to be dependent on external partners, including law enforcement and community-based service providers, meaning external factors often directly impacted it. Building support among law enforcement was integral because officers are needed to initiate the diversion process by referring participants, and the MDP coordinator's ability to develop relationships with community-based service providers allowed the program to operate as designed. It would be difficult for other jurisdictions to replicate the MDP without these relationships and community services.

In some ways, we just made it up.

—MDP stakeholder

Changes in State Policy (Raise the Age)

Durham County community members' and officials' desire to "raise the age" and exclude 16- and 17-year-olds from the local adult justice system was the impetus for the MDP. Most people working with the program believed that Raise the Age legislation should be passed and were relieved when it was in 2019. In the meantime, they iteratively developed a program for youth and emerging adults. The court reenactments were targeted toward youth and emerging adults, and the MDP regularly connected participants to services developed for youth, such as teen court. Since the MDP began only serving adults, it is unclear whether it and its related services have been as relevant for people 18 and older.

Law Enforcement Buy-In

Since 2014, there has been broad support for the MDP in Durham County among stakeholders from the judiciary, the county board of commissioners, and service providers. But the one group that was slow to buy in, law enforcement, is arguably the most critical to the program's success. Proponents of the

program worked to cultivate support among law enforcement from the program’s inception, starting by agreeing to limit eligibility to people accused of first-time misdemeanor offenses. They have maintained support from law enforcement by not changing the eligibility requirements, despite calls from some stakeholders to do so.

Furthermore, MDP stakeholders believed the training for law enforcement would build support among officers, but MDP staff quickly learned the training was not particularly well received. They modified the training and improvised to allow for discussions and dialogue about the program, which they believe helped build support among law enforcement. At times, MDP stakeholders engaged more formally with law enforcement by asking them to cohost classes for MDP participants and attend mock court sessions. Other times, “champions” of the program in law enforcement were identified less formally, and MDP staff worked with them to implement and expand the reach of the program. Finally, changes in DPD leadership resulted in a police chief who provided explicit support for the program and more formal agency-wide support for the program via a general order making referral to the program nondiscretionary.

In order for this to work, they needed law enforcement to endorse the idea...That was a major accomplishment at the time...I give a lot of credit to law enforcement for coming on board.

—MDP stakeholder

Turnover among Key Partners

Because the MDP only has one full-time staff member, the model relies heavily on strong local partnerships with justice system stakeholders and community-based organizations. Interviewees frequently praised the MDP coordinator for the relationships they cultivated with stakeholders across agencies and with participants and their families. But turnover among partners was identified as a challenge the program had to overcome on multiple occasions. For example, the district judge who was acknowledged as a driving force behind the program left in April 2017, and partners and staff had to figure out how to adjust without the program’s biggest champion. The primary assistant district attorney and public defender working with the mock trial court also changed positions and the MDP had to find replacements to serve in these roles. Moreover, on several occasions, key contacts at the

district attorney's office, the public defender's office, the sheriff's office, and the police department left their respective agencies, and the MDP coordinator had to ensure referrals to and education about the program continued, primarily by "picking up the phone and calling people or stopping by people's offices, prior to COVID-19. Basically it required all the little things that go into relationship building to keep referrals coming and the program running."¹⁵

Referral Rates and COVID-19

Rates of referrals from law enforcement were reportedly low at times during implementation. Stakeholders reported they were quite low (fewer than two people a week) in 2014 and 2015. Staff and stakeholders attempted to increase referral rates, and as of this writing more than 750 people have been referred to and enrolled in the program. From its inception in March 2014 until North Carolina issued stay-at-home orders to suppress COVID-19 in March 2020, the MDP averaged roughly 11 referrals a month. We will compare this referral rate with the share of arrests made among people with eligible charges in the fall 2021 outcome evaluation.

The stay-at-home order issued in March 2020 was a challenge for the program: referrals rapidly fell and remained low throughout 2020 and into 2021. The pandemic had other effects the program had to adapt to: the programs it regularly connected participants to mostly moved to virtual services, the mock court sessions were suspended, and the MDP coordinator needed to conduct assessments virtually. There have been very few program referrals during the pandemic, which has been the biggest test of the program's sustainability.

Lessons Learned

Stakeholders and staff mentioned a number key lessons learned throughout the MDP's implementation. These include the importance of buy-in from law enforcement for prearrest diversion programs, the importance of adaptability, lessons related to staffing, and the need for prearrest diversion in Durham County in general.

Law Enforcement Buy-In Is Needed

Because the MDP is a prearrest diversion program, it is unsurprising that buy-in and support from law enforcement is necessary for its success. Stakeholders and participants mentioned this repeatedly in

different ways. A participant said, “If the officer hadn’t told me about this program, I would’ve had no idea about it, and I was obviously excited for the opportunity.”¹⁶

At first, informal support for the MDP was challenging to acquire and required a range of activities to build. Officers’ lack of awareness of the program became another issue and MDP staff responded by implementing formal training and conducting informal outreach to officers. In addition, stakeholders needed to build formal support for the program among law enforcement, support they received when the DPD made referrals to the program nondiscretionary on general order from the chief of police.

Finally, the COVID-19 pandemic has affected law enforcement activities in Durham County in ways that have reportedly reduced the number of arrests and reduced rates of referrals to the MDP, and these rates remain low. For a prearrest diversion program like the MDP to succeed, it is necessary to have constant and adaptive engagement from staff and partners and regular referrals of eligible people. This is particularly difficult for the MDP because it only has one full-time staff person. To scale it, additional funds would need to be secured via the county or other sources, and the eligibility requirements would need to be expanded to increase referral rates. Stakeholders believe additional staff members are not needed so long as eligibility requirements are not changed.

The MDP Is Not a “One Size Fits All” Model

Staff and stakeholders said they do not follow a particular program model and would not encourage other jurisdictions to do so for similar diversion programs. For example, the assessment the MDP coordinator performs is not a traditional needs assessment but more of “a guided conversation,” as they put it, that helps them understand each person’s goals and challenges. The coordinator uses information gathered during these assessment to refer people to community services, which have constantly shifted and evolved: whereas some programs were created specifically for the MDP (e.g., life skills classes), many already existed and were identified and cultivated through informal relationships with program providers.

The program’s only two core components that have remained consistent since it launched are the MDP coordinator, who provides individualized care and coordination with participants and relevant stakeholders, and mock court sessions where participants see what would happen if they were charged with a crime. Much of the MDP’s success has owed to the coordinator making connections in the community and individually supporting participants, and this means it may be difficult for other jurisdictions to replicate this approach. In addition, because of the adaptable program model, people entering the program may have had dramatically different experiences, especially if they entered the

program in different years and at different ages. The program transitioned to serving adults only in 2019, and the Urban research team is hopeful that it can continue to adapt to the needs of people in the target population.

Although certain elements of the MDP may make it difficult to replicate, four key takeaways from its implementation could be helpful for other jurisdictions interested in developing prearrest diversion programs. First, as discussed in detail above, buy-in from law enforcement is critical. Second, support from local leaders, such as elected officials, will help develop local buy-in and support. Third, having qualified program staff with deep community connections is essential. Fourth, a philosophy of keeping people out of the justice system altogether will at minimum increase participant satisfaction.

The Theory of Change Is the Key to Success

The MDP was founded on the principle that involvement in the justice system at any level can have a profoundly negative impact on someone's life. Its theory of change is simple: keeping people out of the justice system entirely can have a positive impact on people's lives without risking people's safety. As such, it distinguishes itself from many other diversion programs in that participants who complete it are never charged with a crime, arrested, or incarcerated, and they avoid the collateral consequences of these events. The program was also founded on the idea that the services it provides should not be burdensome for participants and should instead be useful for them. Finally, the program operates under the belief that once a person completes the program, their involvement should not be part of public record (indeed, participation never has been part of public record) and there should be no expectation that they will engage with the program after completion. Stakeholders believe this philosophy of minimizing expectations and requirements is one reason stakeholders and participants have considered it successful. Stakeholders recommend that other jurisdictions looking to replicate the MDP model start with this principle of minimal expectations and requirements.

Staffing Is Critical

The feedback stakeholders and participants gave most consistently is that they associate the MDP with its coordinator and their work. Stakeholders repeatedly highlighted the coordinator's compassion, engagement, detail-oriented approach, and community connections. Because the coordinator is the MDP's only full-time staff member and has been for most of the program's implementation, the program's success has relied almost completely on its having hired and retained someone who

understands the program’s mission and theory of change and is willing to devote the time and effort to implement it appropriately.

Eligibility Requirements Limit Potential Impact

Many stakeholders who support the MDP feel that the program’s eligibility requirements have always been too restrictive. Importantly, though, these stakeholders also decided that to start the program and continue it with support from law enforcement, eligibility had to be limited to people meeting criteria officers approved of, such as people accused only of certain misdemeanors and who had no previous charges. Many feel the program’s impact is limited because people who could benefit from being diverted from arrest cannot access it, even though it could easily support them. Many stakeholders consider this a missed opportunity.

Prearrest Diversion Is Needed in Durham County

The need for a program like the MDP in Durham County was well articulated by stakeholders and participants. All stakeholders feel that people—youth in particular—do not need to be arrested and deserve “a second chance,” as some put it, if they do not pose a threat to public safety. Interviewees from law enforcement believe the program has been useful and impactful. Again, though, many stakeholders believe that it has not gone far enough and that the community needs more prearrest diversion opportunities. In particular, participants and stakeholders note that people of color in Durham County are disproportionately arrested, incarcerated, and involved in the MDP, and many want the county’s diversionary options to be expanded to address this.

Questions for Continuation

When North Carolina’s Raise the Age legislation took effect, the MDP transitioned to only serving adults. Shortly thereafter, the COVID-19 pandemic began in the United States, directly reducing referrals to the program and changing the way it operates. It is difficult to separate the most recent change in the age of eligibility and the impact of the pandemic on the program; that said, each of these factors has negatively impacted the program. Two primary questions about the program remain: Can it continue to be impactful serving only adults? And can it be impactful during the COVID-19 pandemic?

Conclusion

The MDP was developed out of a perceived need to keep 16- and 17-year-olds out of Durham County's adult justice system in the absence of a state law that would do so, but the program has only served adults since North Carolina passed Raise the Age legislation. Still, stakeholders and program participants consider it useful. Local elected officials attribute decreases in misdemeanor drug arrests to the MDP, and participants believe the program has directly impacted their lives by allowing them to avoid arrest and the collateral consequences associated with justice system involvement.

Where the MDP may be lacking is in its scope and reach: many stakeholders believe its strict eligibility requirements are too narrow. Stakeholders largely attribute this to unwillingness among law enforcement to expand the program's eligibility requirements. The program cannot operate without law enforcement support, so it has continued to only serve people accused of certain misdemeanors who have never been charged with a previous offense. Because the COVID-19 pandemic hit the United States shortly after the state's Raise the Age legislation took effect, dramatically reducing referrals to the MDP, questions remain about how sustainable the program will be as one that only serves adults.

Appendix. Methodology

To begin the process evaluation, the Urban research team had introductory conversations with members of the CJRC—the organization that currently administers the MDP—and with the MDP program coordinator. During those conversations, the research team requested and received background materials about the program, such as eligibility requirements, training materials, descriptions of community-based services participants are referred to, and descriptions of the program. The research team reviewed the materials, synthesized the information in them via notes for internal use, and used this information to inform an interview guide that the team used for semistructured interviews of stakeholders and participants. The team also used these materials to draft a preliminary logic model. During the semistructured interviews, some stakeholders identified or referenced additional materials; the research team requested these materials from the relevant stakeholders and then followed a similar process of synthesizing the information and using it to update the logic model and to develop follow-up questions for relevant stakeholders as part of the semistructured interviews.

The research team, in consultation with the MDP and CJRC staff, also identified relevant stakeholders to interview as part of the process evaluation. Urban conducted semistructured interviews of 21 relevant stakeholders who were directly involved in conceiving the program, developing it, referring people to it, implementing it, providing services for it, or advising on it. Interviewees included staff from the DCSO, current and former DPD staff, MDP staff, CJRC staff, current and former judiciary members of Durham County’s District Court, current and former staff of the Durham County District Attorney’s Office, former staff with the Durham County Public Defender’s Office, staff from the City of Durham mayor’s office, members of the Durham County Board of Commissioners, the members of the North Carolina House of Representatives, members of the Religious Coalition for a Nonviolent Durham, former staff of the Carolina Justice Policy Center, and staff from the Life Skills Foundation.

All interviews were conducted between November 2020 and February 2021. Because of the COVID-19 pandemic, the research team could not travel to Durham County to meet with stakeholders in person as planned. Instead, all interviews were conducted via Zoom, which was approved by Urban’s institutional review board. Most interviewees used the video function of Zoom to conduct the interviews, but a few interviewees, at their request, used only the phone function. All but one of the interviews were conducted by two members of the research team. One member of the team led the interview while the other led detailed note-taking, although both took notes and both asked questions during the interviews. Only one interview included three members of the research team, and that was

because it was an interview with the MDP coordinator, was an hour longer than the other interviews, and included a deeper review of program materials. The research team wanted additional note-takers during that interview in particular, which is why it was a three-person team. Each interview lasted for approximately 45 minutes to an hour, with the exception of the interview of the MDP coordinator, which lasted closer to two hours.

Before conducting each interview, the research team read a statement to the interviewee about the nature of the research, informed the interviewee that their participation was entirely voluntary and they could stop the interview at any time and refuse to answer any question. They were also provided information on the potential risks and benefits associated with participating in the interview, and then were asked to provide verbal informed consent to participate in the interview. All interviewees consented, and no interviewee refused to answer any questions. There were some stakeholders the research team reached out to and requested to interview but never responded or could not conduct an interview because of scheduling conflicts. Most interviews were conducted with only one interviewee at a time, but some had more than one interviewee at the request of certain stakeholders. The research team adjusted the informed-consent process for these interviews, acknowledging the additional risks associated with multiple interviewees being present in an interview.

The interview team developed and used an interview guide to conduct these semistructured interviews, which was approved by Urban's institutional review board. The interview guide covered multiple areas of interest, as detailed in table A.1.

TABLE A.1

Urban Research Team’s Guide for Interviewing Stakeholders from the Misdemeanor Diversion Program in Durham County, North Carolina

Domain	Question topics
Background information on the interviewee and connection to the program	Questions focused on the interviewee’s current professional position, responsibilities, time frame and experience working on the relevant subject matter, and connection and role on the MDP specifically.
Planning around the MDP	Questions focused on the interviewee’s perceptions around the impetus for the program, factors that affected the design of the program, who worked on the planning of the program, and what the process looked like for planning and funding the program originally.
Implementation of the MDP	Questions were around how the interviewee described the mission, goals, and objectives of the program, how the program has changed over time, funding for the program, timeline of the program, key components and activities of the program, and enrollment and referral processes. Questions also focused on the use of community services, determination of completion of the program, the interviewee’s organization’s role and activities with the program, change in the interviewee’s role with the program over time, technology and resources that stakeholders use to implement the program, review of state and local policies that impact the program, factors that facilitate or impede implementation, and other diversionary options that exist in the community.
Partnerships and collaboration	Questions asked for an overview of the partners and organizations that the interviewee worked with related to the program, roles of partners and their change in roles over time, perception of interactions with partners, the differences between formal and informal partnerships, general impressions of local collaborations and specific partnerships, challenges to partnering with others, and what has worked well.
Data and outcomes	Questions centered around the key outcomes that the interviewee’s organization measured, the outcomes that the interviewee believed the MDP measured, information on how the data were collected and analyzed, and information on relevant reports or publications that are used by the interviewee or others involved in the program.
Perceived impact and areas for improvement	Questions were around the interviewee’s perceptions of the impact of the program on a range of local practices and on the people who participated in the program, thoughts about what worked best about the program, thoughts about what should be improved about the program, lessons learned, and thoughts on how best to sustain the program moving forward.
Conclusion	All interviewees were asked whether there was any other information that seemed relevant to the evaluation that they would like to share, but had not been covered by the time the interview was concluding.

Source: Urban research team.

Note: MDP = Misdemeanor Diversion Program.

Because the interviews were all semistructured, they also included follow-up questions that were not part of the interview guide. The research team also asked questions that were specific to an interviewee’s role and experience, or omitted questions from the interview guide that did not seem relevant to the interviewee’s experience.

The research team also conducted two semistructured interviews with current and former MDP participants. The research team had intended to interview more current and former participants, but for reasons detailed in the next section, the research team could not interview more participants, despite a range of outreach and recruitment strategies. For the two participants that were interviewed, the research team followed a similar approach as was used for interviewing the relevant stakeholders. The research team developed an interview guide and informed-consent protocol for conducting the interviews via Zoom by two members of the research team for approximately 45 minutes to an hour. The MDP coordinator recruited the participants, using language provided by the Urban research team to describe the program, and informing all participants that their participation was entirely voluntary. Upon completion of the interview, participants were provided a \$20 Amazon gift card to thank them for their time. The interview guide covered the areas of interest detailed in table A.2.

TABLE A.2
Urban Research Team’s Guide for Interviewing Participants from the Misdemeanor Diversion Program in Durham County, North Carolina

Domain	Question topics
Enrollment in the program	Questions focused on how the interviewee was connected to the program, what their experience with law enforcement was like, why they chose to enroll in the program, how they were connected to the program, and what their experience first meeting with the MDP coordinator was like.
Program engagement	Questions were around what their experiences were like once the program started, what the mock courtroom appearance was like, what the referral to services was like, what services they were referred to, what their experience was like receiving those services, what their experience was like engaging with program staff and partners, what additional resources were made available to them, how long they were in the program, what challenges they experienced with the program, and what their experience was like completing the program (if relevant).
Perceived needs	Questions were around what the interviewee’s perceived needs were when they were participating in the program, whether the program addressed these needs, how the program addressed their needs, and the types of services the interviewee thought would be beneficial for them.
Program perceptions	Questions focused on what the interviewee learned during participation in the program, what the interviewee liked and disliked about the program, what the interviewee liked and disliked about program staff and partners, whether the program was supportive of their needs, whether the interviewee was glad to participate in the program and would recommend it to others, how the program could be improved, and what resources the interviewee wished were available.
Final reflections	Final questions focused on recommendations for the program generally, the program staff and partners, and other participants. They also were offered the opportunity to provide any information that seemed relevant to them that the research team had not specifically asked about.

Source: Urban research team.

Note: MDP = Misdemeanor Diversion Program.

As the interviews occurred over several months, the notes were reviewed and used to iteratively develop the logic model further. Once the logic model was further developed, the research team went

over it with the MDP coordinator via Zoom and made changes and updates to it in real time based on the feedback and information that was provided.

Notes from all interviews were coded and analyzed to identify themes to inform the development of this report. Initially, the research team intended to use NVivo software to code and analyze the data, but because there were fewer interviews than planned, the research team hand-coded and analyzed the themes following a codebook that the research team also developed. The codebook used domains that aligned closely with the areas of interest that were developed for the interview guides. The codes themselves aligned closely with the subject matter that interviewees were asked about under these areas of interest. Some additional codes and themes were identified as well, based on the nature of the interviews, such as how the COVID-19 pandemic impacted program operations.

The themes and information identified from these interviews largely informed this report, and sometimes were supplemented by information gleaned from the program materials the research team received. In addition, the research team provided a draft of this report to some of the interviewees for their review and to provide feedback on the content to ensure captured the information accurately and fairly.

Limitations

Because this report documents qualitative information and is not paired with the outcome evaluation, it does not demonstrate whether the program has achieved measurable change in program participants' lives. Because this evaluation began more than six years after the program started, it can only document information on the inception and early implementation of the program based on self-reported information and corresponding documentation.

In addition, the research team could not interview as many current and former participants as intended. Initially, the research team planned to conduct focus groups of current and former program participants, but recruitment of participants was more challenging than anticipated. This owed in part to a low number of active participants during the time of the evaluation because responses to the pandemic in Durham County dramatically reduced the number of people referred to the program. It also owed to the fact that follow-up with former participants is not part of the program model, meaning that once people complete the program, they are no longer expected to have to engage with it again and are not expected to keep their contact information up-to-date with the program. The MDP coordinator reached out to participants by phone, text, email, and video call, and the research team did the same.

The research team also offered \$20 gift cards to thank participants for participating in interviews, but could still only identify two people willing to be interviewed. As such, response rates from former participants were extremely low. Finally, the research team intended to observe the mock court appearances as part of the process evaluation, but these were suspended throughout the entirety of our evaluation because of the pandemic, making observation impossible. Instead, the research team asked questions about details of the mock court appearance during interviews, in lieu of observations.

Notes

- ¹ Interview with MDP stakeholder, 2021.
- ² Interview with MDP stakeholder, 2020.
- ³ Interview with MDP stakeholder, 2020.
- ⁴ The age of eligibility has changed since the program's inception.
- ⁵ Interview with MDP stakeholder, 2021.
- ⁶ Interview with MDP stakeholder, 2021.
- ⁷ Interview with MDP stakeholder, 2020.
- ⁸ Interview with MDP stakeholder, 2021.
- ⁹ Interview with MDP stakeholder, 2020.
- ¹⁰ Interview with MDP stakeholder, 2021.
- ¹¹ Interview with MDP participant, 2021.
- ¹² Interview with MDP participant, 2021.
- ¹³ Interview with MDP stakeholder, 2021.
- ¹⁴ Interview with MDP stakeholder, 2021.
- ¹⁵ Interview with MDP stakeholder, 2021.
- ¹⁶ Interview with MDP participant, 2021.

About the Authors

Will Engelhardt is a senior training and technical assistance manager for the Urban Institute's Justice Policy Center and was a co-principal investigator on this project. He leads projects on behavioral health interventions for justice-involved people, prison and jail operations, and reentry to the community. He currently coleads a 30-site process evaluation of the Bureau of Justice Assistance's Comprehensive Opioid Abuse Program and is a site lead for the Prison Research and Innovation Network. He previously managed the Pay for Success Initiative and Pay for Success Administrative Data projects, providing technical assistance to jurisdictions around alternative financing methods for social services. Engelhardt holds a BA from Hampshire College and an MSW from the Hunter College Silberman School of Social Work.

Storm Ervin is a research associate in the Justice Policy Center, where she conducts research and evaluations on multidisciplinary justice projects. She is the co-principal investigator for the evaluation of a trauma-informed abusive-partner intervention program. In addition, she manages and analyzes data on several other projects that assess justice system responses to intimate partner violence, evaluate trauma-informed care and victim services for incarcerated women throughout the country, and examine the process and impact of an organization that serves people harmed by gender-based violence and domestic violence.

Daniel S. Lawrence is a former principal research associate with the Justice Policy Center and was a co-principal investigator on this project. His research focuses on police legitimacy and procedural justice, police technology, police screening and hiring practices, and community policing. He conducts quantitative and qualitative research and has received grants from the National Institute of Justice, the Bureau of Justice Assistance, and other funders. His work has appeared in peer-reviewed journals, including the *Journal of Experimental Criminology*, *Policing: An International Journal of Police Strategies and Management*, and *Police Practice and Research: An International Journal*. Lawrence holds a BS in criminal justice from Northeastern University and an MA and PhD in criminology, law, and justice from the University of Illinois at Chicago.

Rudy Perez is a research analyst in the Justice Policy Center, where he works on projects related to policing and community safety and case processing and decisionmaking. Before joining Urban, Perez was a research coordinator with Rice University, conducting research on decisionmaking and behavior.

He also worked with the University of Texas School of Public Health on projects related to policing and interventions for reducing homelessness and reincarceration among adults experiencing homelessness in Dallas. While an undergraduate, he was involved in research investigating the effects of cognitive bias and implicit bias on human decisionmaking. He graduated from the University of Texas at Dallas with honors and completed his honors thesis on human reasoning and decisionmaking.

STATEMENT OF INDEPENDENCE

The Urban Institute strives to meet the highest standards of integrity and quality in its research and analyses and in the evidence-based policy recommendations offered by its researchers and experts. We believe that operating consistent with the values of independence, rigor, and transparency is essential to maintaining those standards. As an organization, the Urban Institute does not take positions on issues, but it does empower and support its experts in sharing their own evidence-based views and policy recommendations that have been shaped by scholarship. Funders do not determine our research findings or the insights and recommendations of our experts. Urban scholars and experts are expected to be objective and follow the evidence wherever it may lead.

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is a competition designed to support efforts to improve local criminal justice systems across the country that are working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

More information is available at www.SafetyandJusticeChallenge.org.



This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

www.SafetyAndJusticeChallenge.org



Supported by the John D. and Catherine T. MacArthur Foundation