



LAW ENFORCEMENT
ASSISTED DIVERSION

Collaboration Between Social Service Providers & Law Enforcement

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March 16, 2013
Washington, D.C.

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Basic Concept of LEAD

- Pre-booking arrest diversion program
- Social services, instead of incarceration
- People arrested for low-level drug offenses or engaging in sex work
- To improve public safety and public order, and to reduce the criminal behavior of people who participate in the program



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Origins of LEAD

- Traditional Drug Enforcement (pre-2002)
- Racial Disparity Litigation (2001-2008)
- Program Model from UK
- Political Buy-In (2008-2011)
- Private Foundation Money (Ford Foundation & Open Societies Foundation)
- Launch!
 - Belltown neighborhood of Seattle: Oct. 1, 2011
 - Skyway neighborhood of King County: Jan. 1, 2013



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Law Enforcement Stakeholders

- Seattle Police Department
- King County Sheriff's Office
- Seattle City Attorney's Office
- King County Prosecuting Attorney's Office
- Washington Department of Corrections

Other Stakeholders


- Seattle Office of the Mayor
- The King County Executive
- Seattle City Council
- King County Council
- Evergreen Treatment Services / REACH Program
- The Defender Association's Racial Disparity Project
- The ACLU of Washington
- Community Advisory Board members





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Governing Structure of LEAD


- Memorandum of Understanding signed by stakeholders
- Policy Coordinating Group (meets quarterly)
- Consensus decision-making

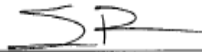

 Mike McGinn
 Seattle Mayor
 Date: 10-14-10



 Dow Constantine
 King County Executive
 Date: 9-16-10

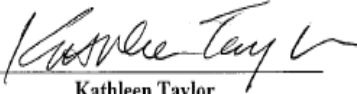

 Peter Holmes
 Seattle City Attorney
 Date: 10-4-2010


 Dan Satterberg
 King County Prosecutor
 Date: 9/23/10


 John Diaz
 Chief of Police
 Seattle Police Department
 Date: 9/21/10


 Sue Rahr
 King County Sheriff
 Date: 10/1/10


 Floris Mikkelsen
 Director, The Defender Association
 Date: 9/22/2010


 Kathleen Taylor
 Executive Director, ACLU of Washington
 Date: 10/15/2010



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Operational Workgroup

- Meets every two weeks
 - Staffs LEAD participants' cases
 - Problem-solving of daily operations
 - Significant policy change decisions are made by the Policy Coordinating Group
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- Key to operational success: collaboration & information-sharing
 - Participants sign a release of information allowing stakeholders to share information



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Community Involvement

- Initial Focus Groups
- Community Advisory Board (quarterly meetings)
- Regular Presentations to Community Groups
- Stakeholders' participation in other projects



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Paths Into Lead

- Arrest Diversion
- Social Contact

Considerations

- Eligibility Criteria (Liability)
- Referral Process
 - Maintain Business Practices
 - Use, But Cabin Officer Discretion
- Officer Feedback



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Excluding Factors for Arrest Diversion

- Amount of drugs over 3 grams (except for marijuana & pills)
- Not amenable to diversion
- Delivery or possession with intent to deliver and reason to believe selling is for profit (not subsistence dealing)
- Exploitation of minors or others in dealing
- Promoting prostitution
- Criminal history (violence, firearms, sex offense, etc.)



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Social Contact Eligibility Criteria

- Prior documented involvement with narcotics or prostitution
 - Document involvement includes: conviction, criminal charges, jail booking, arrest, or any other police documentation.
- Within the LEAD neighborhood (either Belltown or Skyway)
- Within the last 24 months



LEAD Service Provider: ETS / REACH Project

- REACH Project was established in 1996.
 - **Population Served:** chronically homeless and addicted
 - **Mission:** To increase clients' stability through individually delivered intensive case management.
 - **Harm Reduction Approach:** case management not contingent on abstinence
 - **Clinical Approach:**
 - Motivational interviewing
 - Client-centered, not Facility Based
 - Multi-Disciplinary
 - Systems Advocacy
- REACH awarded LEAD contract in August 2011.



LEAD Participants—Snapshot

- Individuals who have been referred to LEAD: 101
- Active participants: 88
 - Male: 49%
 - Female: 51%
 - African American: 57%
 - White: 27%
 - Latino/a: 4%
 - Biracial, Native American, Pacific Islander: 11%
 - Referred for drug offenses: 87.5%
 - Referred for sex work: 12.5%



LEAD Interventions

- Outreach and engagement – “It’s all about relationships”
- Assessment and service planning
- Individual case management
 - Transportation
 - Accompaniment to appointments
- Group treatment and activities
- Housing placement and maintenance
- Nursing, Mental Health and Chemical Dependency Interventions
- Education / Job Training / Employment
- Legal Concerns



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Domain—Number of Participants	Comments
Housing – -Sober / Transitional: 26% -Permanent: 22% -Motels: 40%	Housed at time of admission –25% Housed since time of admission –50%
Addiction Treatment –accessed by 42%	MMT –40% IP / OP –60% In Process –1%
Mental Health Treatment –6%	underlying treatable MH concerns but addiction is barrier to engaging in MH Rx
Employment & Training: 20%	Training / School –8% Employed Since Admission – 10%



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Unique Aspects of LEAD Services

- Non-Displacement Principle
- Pros & Cons of Unrestricted Funding
- Hiring Staff



Evaluation

- Evaluation built into project design
- Private funding for evaluation design
- Plan is to collect data while proceeding with project
- Using questions from validated instruments for intake
- Begin formal evaluation at end of two years (October 2013)
- Conduct stakeholder process evaluation
- Key questions for final evaluation: recidivism and cost-benefit
- Cost benefit primarily focusing on criminal justice system (for savings reinvestment), but other benefits crucial to consider as well



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Underlying Principles of Collaboration

- Initial Focus Group of Officers
- Continued Trainings / Meetings
- No significant changes in each agency's business practices
- Maintain each agency's discretion
- Regular Feedback
- Regular Staffings
- Shared goals & objectives
- Troubleshooting
- Consensus decision-making



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Strengths of Collaboration

- Additional information about participants
- Additional accountability for participants
- Additional motivation for participants
- Additional resources for participants
- New options for participants

Areas of Growth for Collaboration

- Expanding methadone access to jails outside of King County
- Facilitate drug / alcohol assessments while participants in jail



Challenges of Collaboration

- Ethical challenges of information-sharing: avoiding case managers inadvertently acting as “snitches”
- Requirements that conflict with harm reduction: participants may have probation conditions requiring abstinence
- Laws that conflict with harm reduction: after LEAD was launched, “Swift & Certain” legislation was passed for individuals under DOC supervision
- Disagreements between stakeholders about whether a participant should continue in LEAD
- Officers’ desire for “increased accountability” and criteria to terminate participants
- Compromising with regards to expectations for how quickly LEAD participants can accomplish certain steps



Case Example #1

- “Joe” was one of the very first referrals to LEAD. In fact, he was referred to LEAD during its trial phase in September 2011.
- Joe was difficult to locate to begin engaging. He was homeless and had been addicted to heroin for over three decades.
- His LEAD case manager, “Max,” was conducting intensive outreach to find Joe, and had just begun working with officers to find Joe.
- Shortly after Joe was referred to the program, the LEAD program conducted a training with officers on the LEAD protocol. Many of the officers are very skeptical of the program. They point to the example of Joe who was referred to the program, but who they still see sleeping out on the streets. The officers expected that Joe would already be off the streets and in temporary housing.



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Case Example #2

- “John” is referred to LEAD in October 2011.
- John is under DOC supervision from an older case.
- John’s case manager, “Ted,” encourages John to meet his probation requirements, which include checking in regularly with his probation officer.
- Ted also gets John’s permission to communicate directly with his probation officer, as well as the DOC officers who work regularly with the LEAD program.
- On one occasion, John fails to check in with his probation officer. The probation officer calls Ted to ask where John is. Ted knows that if he tells the probation officer where John is, that may lead to John’s arrest. However, Ted knows that he cannot lie to the probation officer. Ted also does not want to harm his budding relationship with DOC.



Case Example #3

- “Tom” is referred to LEAD in October 2012.
- Tom is also under DOC supervision on an older case.
- WA state has enacted new legislation, called “Swift & Certain.” Under this legislation, when a person under DOC supervision violates his/her probation conditions, that person is automatically sanctioned to serve 1-3 days in jail, and possibly up to 30 days in jail for aggravated violations. This legislation eliminated DOC’s discretion to issue alternative sanctions for probation violations.
- Tom has been working with his case manager, Larry, on accessing benefits and getting methadone treatment.
- Whenever Tom has a dirty UA, he is incarcerated, which interrupts the progress he is made toward accessing benefits & methadone.
- Tom’s probation officer also makes it a condition of his probation that Tom “comply” with the LEAD program.



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Questions

LEAD website: <http://leadkingcounty.org/>