

LEAD[®] Done Well: What Makes It Different?

**Presentation to the MacArthur Foundation's
Safety and Justice Challenge Network
Public Defender Association/LEAD National Support Bureau
November 12, 2019**

Who We Are:

The LEAD National Support Bureau

a Project of the Public Defender Association

A 501c3 nonprofit justice system reform organization



Presenters



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Director
Public Defender Association
LEAD co-designer

Presenters



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LEAD National Support Bureau
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Co-originator: LEAD in Albany, NY

Presenters

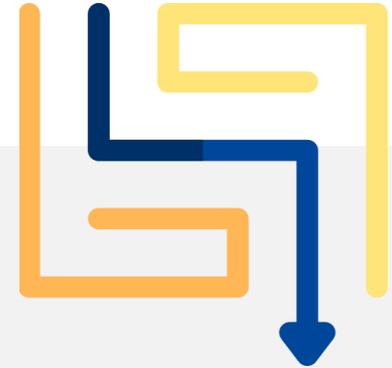


Byrne Sherwood
Manager of Behavioral Health Programs
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LEAD New Orleans

LEAD National Support Bureau

LEAD National Support Bureau (Bureau)

- Project of Public Defender Association
- Based in Seattle; staff located in Minneapolis, Albany, California Bay Area; regional contractor experts
- Established in 2016 to respond to jurisdictions that are developing LEAD initiatives across the country and internationally
- Provides technical assistance, training, and strategic support



First Things First: What Do We Mean by “Diversion”?

What LEAD Is Not:

- Not **self-referral** to treatment via law enforcement (PAARI, Angel Program)
- Not **diversion to treatment** (PAARI, Quick Response Team)
- Not **overdose response** (Drug Abuse Response Team, Stop-Triage-Engage-Educate-Rehabilitate)
- Not a **crisis/co-responder** model (Mobile Crisis, CIT, Co-Responders)
- Not a **therapeutic court** (drug court, community court, mental health court, homelessness court, veterans' court)

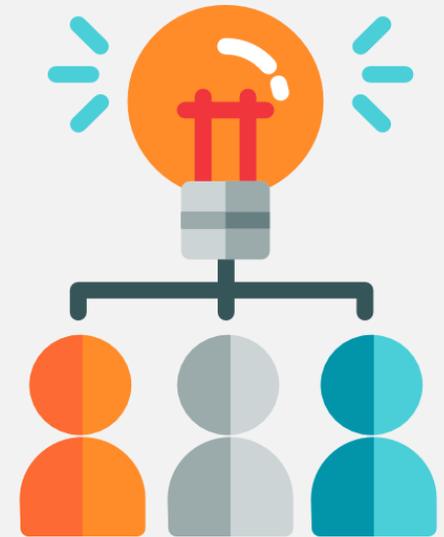
What LEAD Is Not:

- Not **managed within the justice system**:
 - Not post-booking
 - Not pre-filing
 - Not post-filing
 - Not drug court
- Not charges **held in abeyance or citations** (Civil Citation Network)

So, Then: What *Is* LEAD[®]?

How LEAD Began

- Beginning in the 1980s and continuing for decades, arrests for low-level drug crimes in Seattle showed **indisputable racial disparities** with extremely damaging consequences.
- After a decade of contentious debate, in the mid-2000s a group of stakeholders asked: What if we could use arrest **only as a last resort** for drug offenses?
- What if we gave officers **a new alternative** to arrest/don't arrest?
- What if that could yield **better outcomes** for everybody?



How LEAD Began

- The result was **LEAD: Law Enforcement Assisted Diversion**
- Launched as a pilot in Seattle in 2011, LEAD is the nation's first *pre-arrest, pre-bookings diversion initiative*.
- In 2015, LEAD was recognized by Obama administration, earned formal federal recognition as a promising practice, and received bipartisan support for a dedicated federal grant program.
- The LEAD model is now being replicated in 59 sites across the nation, with dozens more queuing up.

What Is LEAD?

- Diverts people whose problems are driven by behavioral illnesses **out of** the justice system whenever possible and **into** long-term, non-coercive case management
- Law enforcement officers are primary portal for diversion, **in partnership** with case management, service providers, prosecutors, community leaders, and health agencies



LEAD Collective Leadership

Collective governance and management is at the Center of every LEAD site.

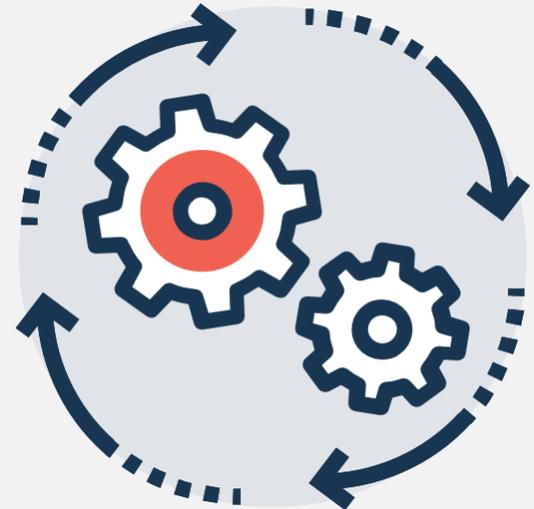


- Multi-agency **Policy Coordinating Group (PCG)** provides collective governance and joint decision-making, and **Operational Work Group (OWG)** manages day to day coordination and case reviews, implementing policies set by PCG.
- Mechanism for review and oversight by civil rights organizations.
- Communications agreement and coordination among partners (including prosecutors, case managers, law enforcement, civil rights groups) is necessary for consistent alignment and coordination.

LEAD's Funded Functions

Essential funded functions:

- Project/partnership management (should be at arm's length)
- Outreach/screening capacity
- Case management
- Flexible funds for client needs
- Project-specific prosecutors
- Data and administrative support



How Does LEAD Work?

- Presented with an arrestable offense, officer can instead offer LEAD as an alternative to arrest/booking; sometimes done at investigative detention stage.
- Officers are also authorized to make “social contact” referrals.
- If person accepts, officer does direct hand-off to case manager.
- Case manager does immediate triage at the scene, begins to form relationship.
- Case is diverted entirely out of the justice system: Criminal filing is not pursued if individual signs release of information and completes intake assessment.

Keys to LEAD

- Client's slow start is expected, and services not contingent on performance – no one “fails” LEAD
- Not a divert-to-treatment approach
- Rooted in evidence: Stages of change, harm reduction, peer-focused, client-directed, long-term case management
- Only requirements: Complete a psychosocial intake and sign a release of information
- Field-based, not office-based

Keys to LEAD

LEAD Golden Rule:

Within each partner's zone of authority, every partner does what s/he believes is most likely to actually accomplish behavior change.

In other words, always do what makes most sense. No absolutes. No immunity from arrest or prosecution for future conduct. But, mindful of the limits and harm of those approaches.

LEAD Nuts and Bolts

- Original diverted case does not proceed to court – but most LEAD participants have other cases both pre- and post-entry.
- Prosecutors reconcile such cases with each person’s individual intervention plan, and officers coordinate with case managers and prosecutors about how to respond to subsequent offenses.
- Judges continue cases, grant prosecutors’ release motions, and consider LEAD information outside a “compliance” framework.

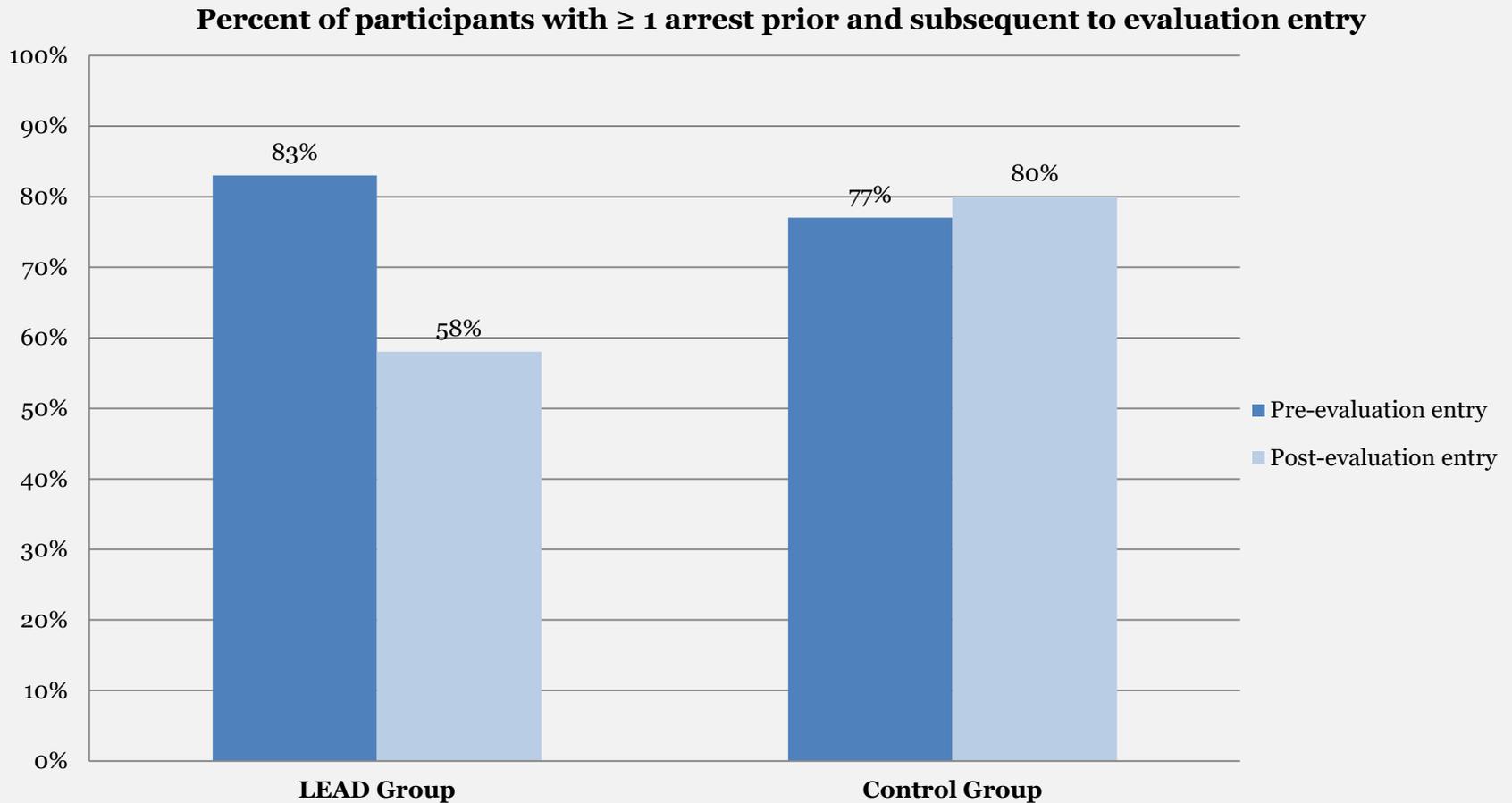
LEAD Impacts

LEAD Outcomes

Evaluations by University of Washington showed:

- 58% decrease in rates of re-arrest
- 39% decrease in new felonies filed
- 87% decrease in prison admissions
- 89% increase in permanent housing
- 33% increase in legitimate income

LEAD Effects on Recidivism



LEAD Cost-Benefit

Justice systems costs analysis:

- For participants, post-enrollment justice-systems costs **fell** by \$2,100
- For control group, justice-systems costs rose by \$5,981
- Net difference of more than \$8,000 per client in justice-systems costs alone
- General rule of thumb for program cost (varies with geography and project developmental stage): \$6,000 per participant per year

LEAD Paradigm Shifts

LEAD is not a “program,” any more than an officer taking somebody to jail is a “program.” LEAD is a new, collective, system of response.

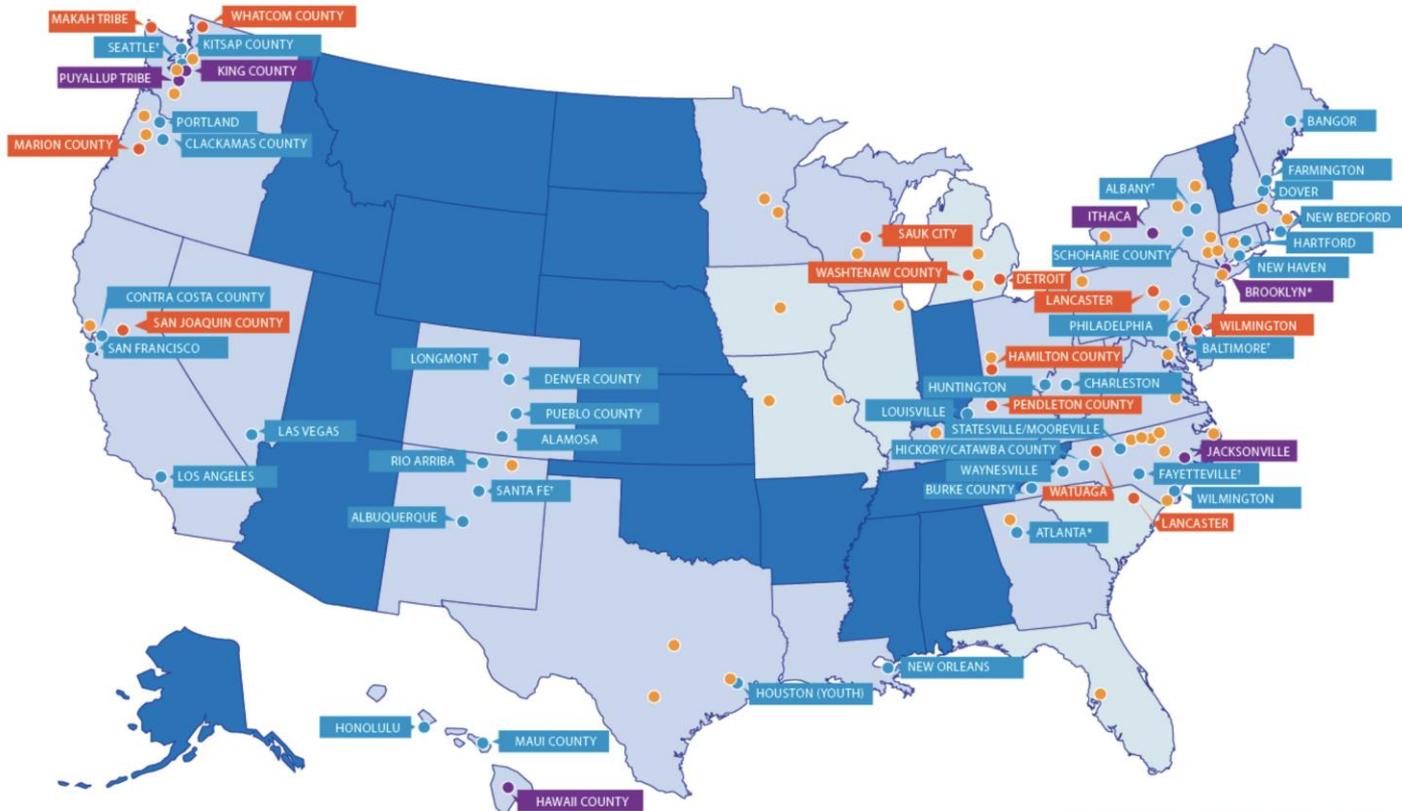
- Recognizes that arrest, prosecution, and conviction can cause harm and interfere with lasting behavior change
- Recognizes that cycles of arrest and incarceration further destabilize individuals, families, and communities
- Recognizes that using the justice system as a response to behavioral illness saps law-enforcement resources

LEAD Paradigm-Shifts

When implemented at local scale:

- Allows communities to dedicate police, prosecutor, and court resources to where they're needed most
- Replaces punitive sanctions with public health strategies
- Forges cooperative partnerships among law enforcement, social service, government, civil rights, and community stakeholders
- Generates better experiences for people who have substantial experience getting arrested; LEAD participants express high satisfaction with LEAD and report improved perceptions of their relationships with police.

LEAD's Reach Today



* Site certified by the LEAD National Support Bureau

* Jurisdictions developing police diversion/deflection that are not called LEAD, but are in alignment with LEAD Core Principles.

Notes from the Field

Byrne Sherwood, New Orleans LEAD

Byrne Sherwood

- Manager of Behavioral Health Programs, City of New Orleans Health Department
- Working with Project Manager Corinna Yazbek of Vera Institute, advances planning & implementation of New Orleans LEAD, including budgeting, partnership coordination, and fund development
- Supervises Behavioral Health Program Coordinator responsible for case management
- Prior background:
 - Three years with Americorps, including 2 years as a Special Education teacher
 - Three years working with people incarcerated on Death Row at Louisiana State Penitentiary
 - Four years as Program Coordinator for pre-trial diversion program/mental health court at New Orleans Municipal Court

LEAD in New Orleans

LEAD is more **complicated** than
some other alternatives to the system as usual –

LEAD is a complex response to complex problems.

So here are a few notes from the field....

Notes from the Field

1. We're in this together! LEAD requires **power-sharing**.
2. Take **time to plan well** – LEAD is complex.
3. Cultivate strong buy-in from law enforcement **leadership**.
4. Build **widespread** stakeholder buy-in and participation.
5. Make sure that stakeholders understand what it means to **implement LEAD with fidelity**.
6. Foster agreements to **expand array** of diversion-eligible charges.
7. Invest in **staffing** for direct-service providers.
8. Use data to **examine LEAD's effects** – both intended and unintended.

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Keep in Mind...

LEAD Isn't a Quick Fix

- LEAD is more **complicated** than light touch alternatives to the system as usual – it's a complex response to complex problems.
- As a multi-agency, whole-system initiative, LEAD requires new ways of doing things, **power-sharing**, and commitment among multiple agencies.
- **Fidelity** to the LEAD model is key to successful replication.
- A strong and independent **project manager/management team** is essential. Project manager must clearly understand and be able to explain the model, have strong capacity to cultivate relationships in many arenas, and have both strategic and operational skills.

LEAD National Support Bureau Can Help

In the coming year, the LEAD Bureau will begin **investing heavily** in supporting selected sites that:

- Operate in **high fidelity** to the LEAD core concepts and
- Have an achievable plan to **get to scale** within their jurisdictions within five years

If your jurisdiction may be a good fit for this “proof of concept” cohort, please reach out to the Bureau!

Questions? We're Here to Help!

LEAD National Support Bureau

- Web: LEADbureau.org
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Thank you!