Law Enforcement Assisted Diversion (LEAD): Reducing the Role of Criminalization in Local Drug Control

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Many U.S. cities are taking steps to reduce the role of criminalization in their local drug policies. Seattle, Washington, has been at the forefront of this effort, pioneering a novel pre-booking diversion program for minor drug law violations and other low-level offenses known as Law Enforcement Assisted Diversion (LEAD). Santa Fe, New Mexico, Albany, New York, and several other cities have begun exploring LEAD as a promising new strategy to improve public safety and health.

What is LEAD?

In 2011, Seattle instituted a pilot program known as "Law Enforcement Assisted Diversion," or LEAD. LEAD was the first pre-booking diversion program in the country. Instead of arresting and booking people for certain petty offenses, including low-level drug possession and sales (of seven grams or less), law enforcement in two Seattle-King County neighborhoods may immediately direct them to housing, treatment and other services.[1]

LEAD emerged after a growing realization that Seattle's approach to drug law enforcement was both costly and unjust. A decade ago, Seattle had one of the worst racial disparities in drug arrests of any city in the country, propelling a multi-year lawsuit against the Seattle Police Department. In 2006, for example, black people were "more than 21 times more likely to be arrested for selling serious drugs than whites," even though white people are the "majority of sellers and users" in Seattle.[2] The litigation sparked an open dialogue between the Police Department and the community – which ultimately gave rise to LEAD.

LEAD is a collaborative effort among the King County Prosecuting Attorney, Seattle City Attorney, Seattle Police Department, King County Sheriff, King County Executive, Seattle Mayor, State Department of Corrections, Public Defender Association, ACLU of Washington and the community.

Harm Reduction: A Core Principle of LEAD

LEAD is based on a commitment to "a harm reduction framework for all service provision."[3] *LEAD does not require abstinence, and clients cannot be sanctioned for drug use or relapse.*

LEAD recognizes that drug misuse is a complex problem and people need to be reached where they currently are in their lives. LEAD incorporates measures like health, employment, social relationships and overall well-being – instead of abstinence – into the program's goals and evaluation, so that participants are never punished for failing a drug test.[4] The program emphasizes "individual and community wellness, rather than an exclusive focus on sobriety."[5] Former Interim Police Chief James Pugel explains that LEAD's "over-all philosophy is harm reduction…we know there may be relapse and falls."[6]

"Other programs want you to jump through so many hoops. But when a person got an addiction, you got to get them some help…a roof over their head…LEAD helped me get back to my true self."
– LEAD Participant.[7]

LEAD has helped improve community-police relations[8] and precipitated a fundamental policy shift in Seattle-King County, from an "enforcement-first" approach to a health-centered model – reinforced by specialized harm reduction training required of every officer.[9] LEAD appears to be changing law enforcement culture about how to promote public safety.[10]

LEAD is a working example of how, even in the absence of state legislation, cities can craft policies that aim to bypass the criminal justice system – and that benefit public safety and health.

> **"Unlike drug court, LEAD does not require the presence of judges, court staff, prosecutors, or public defenders. The resources saved from keeping participants out of the criminal justice system are directed towards those individuals."**
> – *Lisa Daugaard, Defender Association, Seattle.*[11]

LEAD is a promising alternative to expensive court-based interventions. In the LEAD model, "the court is completely taken out of the equation."[12] Participants are given immediate access to services without displacing voluntary treatment candidates. LEAD seems to be reaching its target population, with reports indicating that a majority of clients are "referred on drug related offenses."[13] LEAD also accommodates "social contact" referrals – through which people in need can access services without getting arrested.

LEAD Has Been Rigorously Evaluated
To ensure LEAD is effective and replicable, it has undergone a rigorous, two-year evaluation by the University of Washington measuring a host of short- and long-term outcomes, including: reductions in drug-related harms, drug use and recidivism; improvements in health, psycho-social functioning, employment and family/community involvement; cost-savings; impacts on the community; and racial disparities in drug law enforcement.[14]

Responses to LEAD have been favorable, and initial indications are quite promising. The multi-year evaluation suggests that LEAD is reducing the number of people arrested, prosecuted, incarcerated and otherwise caught up in the criminal justice system. It is also achieving significant reductions in recidivism. The evaluation team found that LEAD participants were nearly 60 percent less likely to reoffend than a control group of non-LEAD participants.[15] This result is particularly encouraging in light of the high re-arrest rate for this population under the traditional criminal justice model.

The evaluation team also conducted an analysis of LEAD's effect on criminal justice costs, concluding: "Across nearly all outcomes, we observed statistically significant reductions for the LEAD group compared to the control group on average yearly criminal justice

and legal system utilization and associated costs."[16] LEAD participants showed cost reductions, while non-LEAD controls showed cost increases. These significant cost decreases result from substantial reductions in time spent in jail, jail bookings per year, and probability of incarceration or felony charges among LEAD participants compared to "system-as-usual" controls.[17]

A prior evaluation report, published in 2014, found that LEAD improves coordination among multiple stakeholders who too often have worked at cross purposes. LEAD data strongly suggest improvements in the health and well-being of participants struggling at the intersection of poverty, drug misuse and mental health problems.[18] LEAD is continuing a longer-term trend in Seattle of decreasing drug arrests and jail populations.[19]

> **"Treatment is expensive…but less expensive than booking people in jail. Jail is the most expensive and…least effective way to deal with drug crimes."**
> – *Dan Satterberg, King County Prosecuting Attorney.*[20]

Law Enforcement Supports LEAD
LEAD enjoys the enthusiastic support of local law enforcement. It allows law enforcement to focus on serious crime while playing a key role in linking people to services instead of funneling them into the justice system.[21] According to officials, "Law enforcement is supportive of the program because it gives them additional tools to handle public safety issues."[22]

> **"We're out in the community, we know the offenders by name, know their situations…and we're tired of the revolving door, too."**
> – *Sgt. Sean Whitcomb, Seattle Police Department.*[23]

Scaling and Replicating the LEAD Model
LEAD operated in its first four years with private funding. Thereafter, the City of Seattle committed funds to help scale up locally.

In 2014, Santa Fe, New Mexico, became the second city in the U.S. to do so by unanimous city council vote. Santa Fe's LEAD program was developed after nine months of study and community engagement and is tailored to the community's needs: Unlike Seattle, Santa Fe's main concerns are not drug markets, but rather opioid misuse, dependence and overdose, as well as rising rates of property crime.

Santa Fe's experience demonstrates the flexibility of the LEAD model, and how different communities can adapt it to their particular local contexts and needs.

Eligibility for Santa Fe LEAD will be limited to those caught possessing or selling three grams or less of opioids. A cost-benefit analysis estimates that local and state government spends $1.5 million per year to criminalize people in the City for these offenses; LEAD could cut those costs in half.[24]

In June 2015, Albany, New York, became the third city in the United States – and the first in the Northeast – to adopt a LEAD program. After officials signed a memorandum of understanding, the program took effect immediately pursuant to Albany's "community policing" philosophy.

Numerous other cities around the country – including Atlanta, Buffalo, Houston, Ithaca (NY), Los Angeles, New York City, Philadelphia, Portland (ME) and San Francisco – have expressed interest in replicating LEAD.

And in July 2015, in a remarkable indication of both the growing interest in LEAD as well as the rapid evolution of the Office of National Drug Control Policy (ONDCP), the White House held a national convening to discuss and promote LEAD, with the participation of representatives from over 30 cities, counties and states.[25]

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