

My name is Sterling Johnson. I am a lawyer for Legal Science, we track public health laws, specifically laws related to drug overdose. I am working with PRO-ACT as a research consultant under the Open Society Contract and also a recovering alcohol and prescription pill addict.

Thank you for the opportunity to talk about the Law Enforcement Assisted Diversion (LEAD) which we are here to talk about today.

LEAD has been successfully launched in Seattle, Santa Fe, Albany, Canton, Ohio, and Huntington, West Virginia, and in the final stages in Baltimore, San Francisco, and Atlanta. PRO-ACT is the recipient of a planning grant from Open Society Foundations to work with the Philadelphia Police, District Attorney's Office and the Department of Behavioral Health and Intellectual disAbilities (DBHIDS) to implement the LEAD model in Police Districts 22 and 39, where our Philadelphia Recovery Community Center resides. Philadelphia was one of seven cities selected by Open Society to receive the grant.

We are currently working with the Police Department and District Attorney's office to coordinate LEAD planning with the city's recent MacArthur Foundation grant award to reduce jail population and address racial disparity. Specifically we are working with District Attorney Derek Riker, Captain Healy, Rachael Eisenberg and Julie Wertheimer to coordinate where LEAD will intersect with the cities implementation of the MacArthur grant.

The LEAD Model

Goals and Principles

- Reorient government's response to safety, disorder and health related problems
- Improve public safety and public health through research-based, health oriented and harm reduction interventions
- Reduce the number of people entering the criminal justice system for low level offenders
- Undo racial disparities at the front end of the criminal justice system
- Sustain funding for alternative interventions by capturing and reinvesting justice system savings
- Strengthen the relationship between law enforcement and the community

LEAD is a harm reduction pre-booking diversion model. Under LEAD, police officers exercise discretionary authority at point of contact for individuals committing low-level drug offenses to divert them to a community-based harm reduction intervention. Instead of booking an individual into jail, the officers refers individuals to a trauma-informed intensive case management system for unmet behavioral health needs. The individual then integrates into a coordinated, harm-reduction focused continuum of human services – including drug treatment, peer-support services, counseling, job training, mental health services and healthcare. There is no booking, detention, prosecution, conviction or incarceration.

There is also a "social" referral component to LEAD. Officers familiar with the neighborhood know individuals who are candidates for arrest or re-arrest. If the individual is willing the police can refer them into the LEAD system.

LEAD is a process rather than a program, and holds significance beyond its proven effectiveness. It represents a paradigm shift: multiple sectors – police, health, housing, business, political and community

leaders – work together to reduce the role of the criminal justice system in responding to low level drug offenses of use, sales and possession. LEAD’s harm reduction framework makes it far less coercive than some other models, like drug courts that rely on sanctions and other punishments. These models often result in an individual spending time entangled in the criminal justice system. LEAD bypasses this entirely by diverting people at the point of police contact. And because of LEADs harm reduction orientation, abstinence is an option but not the primary objective. LEAD does not force anyone into sobriety, but rather helps individuals to stabilize and make better choices.

Harm Reduction

LEAD is based on the principles of harm reduction. Let’s talk about some of the principles of harm reduction.

1) Harm reduction programs are non-coercive and nonjudgmental. It makes drug users the primary agents in reducing harms. It addresses social and cultural factor and acknowledges any related traumas. Importantly, it does not attempt to minimize or ignore the real and tragic harm and danger associated with licit and illicit drug use.

2) Harm reduction incorporates a spectrum of strategies from safer use, to managed use to abstinence to meet drug users “where they’re at,” addressing conditions of use along with the use itself. Because harm reduction demands that interventions and policies designed to serve drug users reflect specific individual and community needs, there is no universal definition of or formula for implementing harm reduction.

3) Harm reduction is a set of practical strategies and ideas aimed at reducing negative consequences associated with drug use. Harm Reduction is also a movement for social justice built on a belief in, and respect for, the rights of people who use drugs.

Protocol

Protocol is one of the key components to the LEAD program. One of the key goals of the LEAD program is to address the revolving door of addiction and arrest that ratchets up the costs of the criminal justice system. Protocol the only way for officers to determine who qualifies.

Protocol s are tailored to address specific issues. Seattle addressed their open air markets which is most likely why 80% of the participants were homeless. Santa Fe’s primary problem was opioid addiction and associated property offenses.

Santa Fe’s first protocol targeted persons in possession of less than 3 grams of opiates and who had not been convicted of a violent offense in the last ten years. In their pilot program reported in October 2015, 84% of their participants were Hispanic and 2/3 were female. 40% were homeless or unstably housed.

The opportunity for Philadelphia is to examine our needs and make data-informed decisions about which protocol will be best for the city. Philadelphia will specifically be able to target racial disparities in arrests for possession of drugs like crack cocaine, pcp or heroin and deliver recovery services, as well provide education and job training for specifically young people in the targeted districts.

Typical Key determining factors for participation in LEAD have been:

- Is this person disqualified from community-based diversion due to criminal history, exploitation of others or dealing for profit
- Is the offense the person is alleged to have committed, an eligible offense for LEAD referral
- Does the person have medical conditions at the time of arrest that require immediate medical treatment, detoxification or referral to a hospital
- Is the person unable to provide informed consent
- Does the person have an existing no contact or restraining order
- Does the person display any interest in being offered services through a community-based diversion program

LEAD is an Evidence-based Model

Evaluation indicate LEAD works. In Seattle, using a control group of individuals who were arrested and prosecuted as usual, the evaluation showed LEAD significantly reduced recidivism. People in LEAD were 58% less likely than people in the control group to be arrested. We have included portions of the report "LEAD Program Evaluation: Recidivism Report" in the packet of information we have for every member of the committee.

Upon release of the report Seattle City Attorney, Peter Holmes, said, "While many of us have criticized the War on drugs, it is incumbent on us to identify ways to respond to legitimate community concerns about drug activity in a less harmful fashion. LEAD is a more effective answer to those community needs than limiting ourselves to a punishment-based approach."

Cost Benefits

One of the main benefits to the LEAD program from the point of view of city and state operations is the cost savings to the criminal justice system. Per Philadelphia's District Attorney, Seth Williams, It costs \$40,000 a year for one person to be incarcerated.¹

In the Seattle Criminal Justice & Legal System Utilization and Associated Costs evaluation they found:

- Cost of the LEAD program averaged \$899 per month however the cost decreased to \$532 per month
- Post evaluation analysis showed the LEAD group cost the criminal justice system \$4,763 per person and the control group cost the criminal justice system \$11,695

There are more post evaluations to come from both Seattle and Santa Fe and information to learn from Albany and other cities currently implementing LEAD.

The outcomes to this point indicate Philadelphia should at least consider and implement a pilot to learn the effects on criminal justice costs, recidivism rates, recovery rates and on the community.

¹ <http://billypenn.com/2016/01/25/how-philly-is-trying-to-prevent-repeat-offenders-and-save-money/> This quote comes from DA Seth Williams