

Why Buffalo Needs Law Enforcement Assisted Diversion (LEAD): Reducing Arrests and Providing Alternatives to Incarceration

What is LEAD?

Law Enforcement Assisted Diversion (LEAD) is a pre-arrest diversion program that improves public safety and public health through partnership between police and community service providers. In a LEAD program, when an individual comes into contact with law enforcement due to **substance use, mental health, or poverty**, police officers can choose to divert them into an intensive case management program—*instead of arresting them*.

LEAD equips police officers with an alternative to arrest for individuals who may be better served by supportive services than incarceration. Case managers assist in linking individuals to a wide range of services, often including transitional and permanent housing and/or drug treatment, reducing recidivism and improving the quality of life for participants and the community. LEAD finds new ways to solve problems for individuals who frequently cycle in and out of the criminal justice system.

The **Buffalo LEAD Working Group** formed in 2017 to explore how LEAD could change Buffalo's approach to substance use, mental health, and poverty. The Buffalo LEAD working group is coordinated by Partnership for the Public Good and includes Back to Basics Ministries, Evergreen Health, Crisis Services, VOICE Buffalo, and the WNY Peace Center. The Erie County District Attorney's office attends working group meetings, together with two Buffalo Police Department captains nominated to the working group by Police Commissioner Byron Lockwood.

The City of Seattle launched the first LEAD demonstration project in 2011, and its collaborative, harm reduction approach to addressing and reducing drug related crime in downtown Seattle earned the support of local government departments and local community leaders, while also garnering the attention of other municipalities throughout the U.S. The City of Albany launched its LEAD program in April 2016 to help address the city's public safety and public health concerns. Results in the program's first two years of implementation have been positive, and members of the Buffalo LEAD working group have visited Albany to learn about the program's operations, successes, and challenges.

There are now 60 jurisdictions across the United States (including Houston, Atlanta, San Francisco, Albuquerque, and Santa Fe) with LEAD programs operating according to an evidence-based harm reduction model, and evaluations show positive outcomes of reduced recidivism, significant health and justice system savings, and—most importantly—improved health and well-being for LEAD participants and their families.

Why Buffalo Needs LEAD

The BPD, a department with around 700-800 sworn officers, currently employs just 11 sworn officers as community police officers (CPOs). Each of Buffalo's five police districts has two CPOs, and the housing unit has one. CPOs engage the community and build relationships in non-enforcement settings,

attending block club meetings and cosponsoring community events. Other officers are not required or incentivized to use these community policing methods, and their daily interactions with citizens are not regularly reviewed. Establishing LEAD in Buffalo can help mainstream a public health and community-oriented approach to public safety in the department.

Additionally, the BPD also still makes large numbers of arrests for low-level offenses. In 2017 and 2018, according to data Partnership for the Public Good obtained from New York State Division of Criminal Justice Services, around 35% of all arrests made by BPD officers were for low-level drug charges only. This enforcement comes with persistent racial disparities, as demonstrated in recent arrest data. For example, each year from 2015 to 2018, 86% of the individuals arrested for lowest-level marijuana possession in Buffalo were people of color, though the population is only about 50% people of color. Across Erie County, black residents are 14% of the population but 43% of all arrests.

At the same time, the public health system has failed to provide adequate mental health and substance use services. As a result, police increasingly respond to calls related to mental health, substance use, and extreme poverty, pulling individuals into the criminal justice system when they would be better served by a healthcare or treatment approach.

Officers cannot solve all the underlying problems in society, but they should have protocols for handling individuals with diverse needs. Officers should be able to determine when the safety of the individual and the community is better served by diversionary methods like referrals to service providers. Alternatives to arrest can ensure the rights and safety of vulnerable populations, help individuals get access to needed services, improve equity and reduce recidivism. LEAD participants were 58% less likely to be arrested after enrollment in the LEAD program in Seattle, compared to those who went through the criminal justice system as usual. In April 2016, the City of Albany launched its own LEAD program, and recorded similar success with 40 diversions in its first year.

At the center of its benefits, according to the Buffalo LEAD Working Group's interviews with officials in other LEAD cities (Seattle, Albany, Baltimore), is a strengthened community-police partnership—one that benefits not only the diversion program itself, but also increases trust and effectiveness across many community-police interactions.

Goals of LEAD

- Improve public safety and public order by reducing crimes stemming from unmet behavioral health needs or poverty through research-based interventions;
- Improve public health by providing individuals with appropriate services;
- Reduce the number of individuals entering the criminal justice system for low-level, nonviolent offenses related to drug use, mental health, and poverty;
- Strengthen the relationship between law enforcement and community by equipping officers with alternatives to arrest;
- Reduce racial disparities in the front end of the criminal justice system;

- Capture data on savings to the criminal justice and healthcare systems for future investment in services and alternative interventions.

How LEAD Works

In a LEAD program, individuals who would typically be arrested for nonviolent offenses driven by mental and social challenges are instead diverted to harm reduction-based case management and outreach services. Successful diversions rely on a continuous communication loop between case management staff, service providers, LEAD stakeholders, and the police department. Prosecutors and police officers work closely with case managers to ensure that all law enforcement contacts with LEAD participants are coordinated and maximize the opportunity for lasting behavioral change.

An individual intervention plan is set up for each person in LEAD, which might include assistance with housing, job training and placement, childcare, or other services. Case managers, service providers, prosecutors and the police department all remain involved and up to date on the individual's case, through LEAD's structure that includes a Policy Coordinating Group, a Project Director, an Operational Work Group (focused on case management), and a Data Group.

Community organizations and service providers in the Buffalo LEAD Working Group have worked together with the Buffalo Police Department and District Attorney's Office to complete:

- 1) Draft Policies and Procedures for LEAD in Buffalo;
- 2) Police Diversion Flowchart (visualizing the diversion process from the point of police contact);
- 3) Draft MOU to form the Policy Coordinating Group, which would then finalize policies and procedures for the police and case management in order to launch the program.

Bringing LEAD to Buffalo

In other cities that have launched LEAD, the program has resulted from collaboration between police, prosecutors, civil rights advocates, public defenders, political leaders, mental health and drug treatment providers, housing providers and other service agencies, and business and community leaders. In Buffalo, we benefit from long-standing partnerships and growing collaboration that can help make LEAD possible for our residents.

Further, the Buffalo LEAD Working Group has established relationships with the LEAD National Support Bureau, the former Albany Police Department Chief who oversaw the rollout of LEAD, and the former Albany LEAD Program Director to provide technical support to the City of Buffalo and Erie County in the establishment of a LEAD program; Partnership for the Public Good received a grant from the NYS Health Foundation that is funding technical assistance for Buffalo from these LEAD experts.

Contact:

Andrea Ó Súilleabháin, Executive Director at Partnership for the Public Good, andrea@ppgbuffalo.org;
Tanvier Peart, LEAD Working Group Coordinator at PPG, tanvier@ppgbuffalo.org.