

DIVERSION FROM THE CRIMINAL JUSTICE SYSTEM

THE "LEAD" PROGRAM IN THE UNITED STATES

8

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The "Law Enforcement Assisted Diversion" program is an alternative to incarceration where selected individuals who have committed a drug offense or are engaged in sex work are diverted from the criminal justice system into a program that serves as an alternative to incarceration. The individual meets with a case worker who can then refer the participants to drug treatment centers, shelters, and other social and health services. Studies have found that the program greatly reduces recidivism rates and that participants are more likely to find employment and housing.

Context and Description

Programs that divert people away from the criminal justice system are a promising practice that offer individuals social and health services to address the root causes of their criminal activity. One of the most successful programs of this kind in the US is the "Law Enforcement Assisted Diversion" (LEAD) program in Seattle, with a similar program in Santa Fe, New Mexico. First implemented in 2011 in King County in downtown Seattle, LEAD focuses on individuals who have committed drug-related offenses or people involved in sex work. To qualify as a candidate, the offense must be non-violent.³

Under the program, when a person is detained by the police for drug use, low-level, non-violent drug dealing or sex work, the authorities can decide not to arrest and process the individual through the usual criminal justice system. Instead the person is redirected to a LEAD representative and a network of social and healthcare services. The LEAD representative reviews the individual's

situation in order to identify and address his/her specific needs, such as housing, drug dependence, employment, or mental health issues, as well as any other issues with which the person may need assistance.⁴ The individual is subsequently directed to a treatment program, shelter, or other social and health services. Although the prosecutor is informed of the situation, the participant is neither detained nor processed in criminal courts, and will not incur a criminal record.⁵

LEAD's success is owed to a strong and unique collaboration between multiple stakeholders, including police, prosecutors, and drug treatment, and mental health and housing services, among others.⁶ Program participants remain in touch with their LEAD case manager during their treatment, and their employment and housing search. In addition, the program recognizes that abstinence from drug use is often unrealistic, and therefore does not

LEAD helps to address people's specific needs including housing, employment, drug dependence, & mental health issues.

disqualify participants for starting to use drugs again.⁷ Indeed, although the program seeks to support individuals efforts to stop using drugs, it recognizes that this process is difficult (or impossible for some people), time-consuming, and that individuals will often need additional support through their treatment process.⁸

Results and Impact

The preliminary results of the program are impressive. According to available studies, those who participated in LEAD were 58% less likely to be detained again (for any crime) than the control group.⁹ More specifically, LEAD participants were 38% less likely to receive a felony charge after entering the program compared to the control group.¹⁰



West Precinct, Seattle Police Department. Source: Abdar, WikiCommons

The studies also concluded that the program increased the likelihood of a participant obtaining housing – their chances of finding housing doubled when compared to the control group, and each time they had contact with a LEAD representative, their chances of finding housing increased by 5%. There was also progress made regarding employment rates: The probability of accessing education,

training, or employment in the licit market increased by 46% for those who participated in the program.¹¹ This research did not cover the program's impact on participants' health, although it is likely that health outcomes improved (based on the fact that the program facilitates participants' access to treatment and a variety of other healthcare services). At the moment, however, there is no data available on the health of participants.

Program costs were relatively high at initial implementation (US\$899 per person per month, which went down to US\$532 at the end of the evaluation). However, the cost of the program is dropping every month. Overall, with regards to the criminal justice and legal system, US\$2,100 were spent on proceedings with LEAD per participant compared to US\$5,961 spent on proceedings related to the control group. For this reason, governments should consider LEAD as an investment in an infrastructure that allows people to improve and change their lives through means other than incarceration. Available evidence on LEAD clearly shows that investing in addressing the root causes of involvement in crime is significantly more effective than simply punishing the crime itself.

It is important to note that LEAD does not specifically focus on women, but rather works with all individuals who have been involved in non-violent offenses related to drugs and sex work in King County, Seattle.

Key Resources

All independent studies about the program can be found here: <http://leadkingcounty.org/lead-evaluation/>.

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Endnotes

1. Program Assistant, WOLA.
2. Formerly worked as Program Officer, WOLA.
3. "About LEAD," *Law Enforcement Assisted Diversion*, <http://leadkingcounty.org/about/>
4. *Ibid.*
5. *Ibid.*
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. Collins, S.E., Lonczak, H.S. & Clifasefi, S.L., *LEAD Program Evaluation: Recidivism Report, Harm Reduction Research and Treatment Lab*, University of Washington, Harborview Medical Center, March 27, 2015, http://static1.1.sqspcdn.com/static/f/1185392/26121870/1428513375150/LEAD_EVALUATION_4-7-15.pdf
10. Collins, S.E., Lonczak, H.S. & Clifasefi, S.L., *LEAD Program Evaluation: Criminal Justice and Legal System Utilization and Associated Costs*, Harm Reduction Research and Treatment Lab, University of Washington, Harborview Medical Center, June 24, 2015.
11. Clifasefi, S.L., Lonczak, H.S. & Collins, S.E., *LEAD Program Evaluation: The Impact of LEAD on Housing, Employment and Income/Benefits*, Harm Reduction Research and Treatment Lab, University of Washington, Harborview Medical Center. March 31, 2016.

Disclaimer: The opinions set out in this briefing are those of the author(s) and do not necessarily reflect the official position of the CIM/OAS.

This series aims to share examples of innovative approaches that incorporate a gender perspective and the principles of public health and human rights into drug policy. Such innovations will have the best possible outcomes only when they are accompanied by more fundamental drug law and policy reform. However, in the absence of broader reforms, or carried out in conjunction with such reforms, these innovations can help break the vicious cycles of poverty, social exclusion, drug use, involvement in the drug trade, and incarceration that plague so many poor communities across the Americas today. Global Innovative Approaches is a tool that accompanies the publication [Women, Drug Policies and Incarceration: A Guide for Policy Reform in Latin America and the Caribbean](#).