

# Multnomah Law Enforcement Assisted Diversion (LEAD®)

## Frequently Asked Questions

### What is Law Enforcement Assisted Diversion®?

Law Enforcement Assisted Diversion (LEAD®) is a pre-booking diversion program that allows police officers to redirect low-level offenders engaged in drug activity to services and resources specific to the needs of the individual instead of jail and prosecution. The goals of LEAD® are to reduce the harm that a drug offender causes him or herself and the surrounding community, reduce recidivism rates for low-level offenders and decrease the number of persons of color prosecuted for Possession of a Controlled Substance.

### How does LEAD® differ from other criminal justice programs targeting drug offenders?

LEAD® is the result of a commitment from law enforcement agencies, public officials, community organizations, and service providers to work together in an innovative and collaborative approach to address drug activity and substance use in our community. LEAD® promotes a harm reduction philosophy and supports the platform that substance use is a public health issue and not a criminal justice issue.

### What are the core principles of LEAD®?

There are three core principles associated with the LEAD® model. The first core principle of LEAD® is that it employs a harm reduction philosophy. **Harm reduction** refers to policies and strategies aimed at reducing the negative individual and collective consequences associated with drug use while recognizing that abstinence may not be attainable for everyone. LEAD® participants will not be penalized or denied services if they do not achieve or maintain abstinence.

The second principle of LEAD® is the **non-displacement principle** which stipulates that LEAD® participants will not be granted preferential status for housing and/or treatment services. LEAD® participants may have access to certain services and resources through the use of limited program funds.

The third core principle of LEAD® is **community transparency and accountability**. Community stakeholders will be invited to participate in regular staff meetings and will have access to program performance reports and annual evaluations. Additionally, the community will have direct access to identified program staff and will have the opportunity to provide input into the on-going operations of the program.

### Who is eligible for diversion into LEAD®?

#### Inclusion Criteria

Individuals are eligible for LEAD® if they are arrested in Portland's High Pedestrian Traffic Areas (Downtown, Old Town/Chinatown; Lloyd District) for the following offenses:

- ORS 475 et. seq. Possession of a Controlled Substance (PCS) offenses (heroin; cocaine; methamphetamines) except for Commercial Drug Offenses and Substantial Quantities of Controlled Substances, See 475.900(2)(b).

#### Exclusion Criteria

- The individual has 5 grams or more of heroin; 10 grams or more of cocaine; 10 grams or more of methamphetamine;
- The individual has an active extraditable warrant;
- The individual has an existing no contact order, temporary restraining order, or other court order prohibiting contact with a current LEAD® participant;
- The individual is a current or former LEAD® participant, unless continued participation in the LEAD® program is recommended by the LEAD® team and agreed upon by MCDA;
- The individual has a pending case eligible for, or is engaged in, a Multnomah County Specialty Court
- The individual is on Post-Prison Supervision, Parole, formal probation or misdemeanor bench probation for a person offense;
- Denial by LEAD® Operations Team; or
- Any other exceptional circumstance(s).

LEAD® is designed for people who are struggling with drug addiction. Individuals who are engaged in selling drugs in order to sustain their own habit will be considered for the program. Delivery cases will *not* be eligible for a LEAD® referral.

### **How does someone get into LEAD®?**

There are two routes of entry into LEAD® - both are voluntary.

- The first process is a post-arrest/pre-booking diversion. At the point where an officer has grounds to make an arrest for Possession of a Controlled Substance, the officer can divert the individual into LEAD®. If the individual accepts, they are immediately connected with a case manager who assesses and addresses the most immediate basic needs. If the individual completes the full intake assessment within 30 days of arrest, they will not be prosecuted for this PCS offense.
- The second process is a through a Social Contact Referral. Instead of waiting for an individual to engage in illegal activity, police officers can proactively refer individuals identified as being at high risk of future arrest for drug possession.

### **How does LEAD® work once a referral is made?**

LEAD® participants who were arrested must complete an in-depth assessment, ideally within a few days but ultimately within 30 days after arrest, for the case not to be filed. A case manager will address immediate basic needs that the participant identifies. Then, over time, the case manager will assist the participant in identifying and prioritizing goals that they hope to accomplish through a self-directed action plan. Applying assertive engagement strategies, case managers will proactively reach out to participants to offer continued support and assistance in achieving their goals. A person who is socially referred to LEAD® must complete the in-depth assessment within 90 days to be enrolled in LEAD®.

If a person is already in LEAD® and is arrested on a new case, that case will be evaluated to determine the individual's continued participation in LEAD®. Any subsequent arrest(s) after the initial LEAD® referral will be subject to final decision on resolution by the District Attorney's Office.

### **Who will provide services to LEAD® participants?**

LEAD® stakeholders have contracted with Central City Concern to provide case management to LEAD® participants. Central City Concern will follow a harm reduction, person-centered, trauma-informed approach. Since LEAD® follows a "service brokerage" model, LEAD® participants will have access to numerous providers throughout the community that will provide a variety of services including medical, mental health and substance use treatment programs that are culturally specific as well as employment and housing services.

### **Who determines LEAD® policies and practices?**

Multnomah LEAD® is the result of a unique collaboration among diverse stakeholders who are responsible for the establishment and oversight of LEAD® policies and practices. The LEAD® Policy Team meets weekly to review status updates from the LEAD® Operations and Community Engagement Teams which help inform LEAD® operational protocols. The Policy Team is comprised of the District Attorney; a senior staff member from the Multnomah County Chair's Office; a senior staff member from the Mayor's Office; a Portland Police Bureau Commander; the Multnomah County Sheriff; the Director of the Department of Community Justice; the Executive Director of the Metropolitan Public Defender's Office; the Executive Director of the Local Public Safety Coordinating Council; senior staff from the Multnomah County Mental Health and Addiction Services Division; senior staff from the Portland Business Alliance/Clean and Safe; senior staff from the Citizens Crime Commission; senior staff from Black Male Achievement and the Joint Office on Homelessness; senior staff from Central City Concern and community members who have been identified as actively engaged in issues relating to racial and ethnic disparities within the criminal justice system and/or who have lived experience.

## How were the initial LEAD® officers selected?

Portland Police Officers from Central Precinct were selected by the LEAD® Policy Team because of their familiarity with the people who are involved in drug-related activities in the catchment area.

## How much discretion will Portland police officers have with LEAD®? How do they decide to refer someone to LEAD®? What sort of documentation does the Portland Police Bureau provide?

LEAD® trained officers from Central Precinct's Street Crimes Unit and Bike Patrol can divert someone from jail into the program. Police officers must complete a LEAD® cover sheet for social contact referrals and all Possession of a Controlled Substance (PCS) arrests. That includes the arrest of everyone who is *not* diverted to LEAD®. All LEAD® cover sheets will be reviewed by the Multnomah County District Attorney's Office, the LEAD® Operations Team and a third-party evaluator to identify any potential racial biases, which will be addressed through officer-training.

## Who else is involved in LEAD?

In addition to the Policy Team, LEAD® is supported by several other teams: The LEAD® Operations Team, the LEAD® Community Engagement Team and the LEAD® Data Team.

The LEAD® Operations Team meets every other week to review and staff prospective referrals and active LEAD® participants. The Operations Team is comprised of LEAD® trained officers from Central Precinct's Street Crimes Unit and Bike Patrol; the LEAD® Deputy District Attorney; Central City Concern LEAD® case managers; the LEAD® Project Manager; community members and people with lived experience.

The LEAD® Community Engagement Team meets weekly to strategize ways in which to promote public participation around the LEAD® program. The Community Engagement Team includes: city and county staff, members of communities of color, people with lived experience and people who are committed to criminal justice reform.

The LEAD® Data Team will be comprised of data and research analysts from all of the criminal justice LEAD® partner agencies as well as Central City Concern.

## Who will provide on-going oversight?

To date, we have added several community members and people with lived experience to the LEAD® Policy, Operations and Community Engagement Teams. Their role is to help shape policies and practices as the program evolves.

We will continue to host community events during which we will share updates and data and ask for your input and feedback. **If you have specific questions that are not addressed this document, you are encouraged to contact the LEAD® Project Manager, Sarah Mullen, at [sarah.mullen@multco.us](mailto:sarah.mullen@multco.us)**

## How will the program impact undocumented people?

Portland City Council adopted Resolution # 37277 on March 22, 2017. The resolution states that "PPB [Portland Police Bureau] shall not cooperate with Immigration Customs and Enforcement or ICE except as expressly required by Federal Law." In terms of implementation, this means Portland police officers will not inquire about the immigration status of any potential LEAD® participant.

Likewise, in December of 2016, the Multnomah Board of County Commissioners passed a resolution reaffirming and declaring its commitment to equity and respect for all community members by affirming they are able to continue accessing County resources and services regardless of their immigration status.

### **How will we know if LEAD® works?**

All LEAD® stakeholders are committed to rigorous program evaluation. The evaluation will consider whether LEAD® has resulted in reductions in drug use and recidivism, is more cost-effective than traditional criminal justice processing, and the impact on an individual's and the community's quality of life.

### **How much will LEAD® cost?**

In 2016, the Multnomah Board of County Commissioners approved \$800,000 of funding in the county budget to develop the LEAD® pilot program. After a rigorous 6 month planning process, the County entered into a contract in February 2017 with Central City Concern (CCC) to provide intensive case management services for the identified target population. The initial allocation is now being used to fund the CCC services.

Currently, Multnomah County Chair Deborah Kafoury is in the process of crafting the county budget for Fiscal Year 2018, which begins July 1<sup>st</sup> of this calendar year. She has acknowledged the important role LEAD® will play in diverting low-level drug offenders away from the criminal justice system and into services. Like any other pilot program, LEAD® will have to demonstrate its effectiveness. It will do so by diverting clients from jail, successfully engaging them, and reducing the harm done to themselves and to the surrounding community through problematic drug activity. The LEAD® Policy Team will continue to assess the ongoing financial needs of the program and will seek financial resources from a variety of public and private funding streams.

### **When was LEAD® implemented?**

The LEAD® pilot program accepted the first LEAD® participant in March 2017.

**If you have any further questions about LEAD®, please contact:  
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