

Multnomah County Law Enforcement Assisted Diversion (LEAD)® Program

Multnomah County Law Enforcement Assisted Diversion (LEAD)® Program

COMMITMENT TO COLLABORATE

Among
MULTNOMAH COUNTY BOARD OF COMMISSIONERS,
OFFICE OF THE MAYOR,
MULTNOMAH COUNTY DISTRICT ATTORNEY,
PORTLAND POLICE BUREAU,
MULTNOMAH COUNTY SHERIFF,
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY JUSTICE
METROPOLITAN PUBLIC DEFENDERS,
MULTNOMAH COUNTY LOCAL PUBLIC SAFETY COORDINATING COUNCIL;
MULTNOMAH COUNTY MENTAL HEALTH ADDICTIONS SERVICES,
JOINT OFFICE OF HOMELESS SERVICES,
CITIZEN'S CRIME COMMISSION,
BLACK MALE ACHIEVEMENT INITIATIVE,
PORTLAND BUSINESS ALLIANCE/CLEAN & SAFE,
COMMUNITY MEMBERS

Regarding

MULTNOMAH COUNTY LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM POLICY
TEAM FORMATION, GOVERNANCE, AND RESPONSIBILITIES

RECITALS

WHEREAS, Multnomah County ("County"), the City of Portland ("City"), and residents and business owners in the communities want to improve public safety and public order in their neighborhoods; and

WHEREAS, the City, County, and community members want to reduce future criminal behavior related to mental illness, drug involvement, chronic homelessness and other health and wellness issues in the County's communities; and

WHEREAS, booking, prosecuting, and jailing individuals committing offenses related to mental illness, drug involvement, chronic homelessness and other health and wellness issues in the City has had limited effectiveness in improving either public safety or public order in the neighborhoods; and

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WHEREAS, the City, County and community members are committed to reduce the number of persons of color being arrested and referred to the criminal justice system for these offenses; and

WHEREAS, interventions that connect people who have been charged with low-level drug offenses with services may cost less and be more successful at reducing future criminal behavior than processing these individuals through the criminal justice system; and

WHEREAS, a program grounded in harm reduction and housing first philosophies, such as LEAD®, may provide better results than traditional abstinence-only programs; and

WHEREAS, harm reduction is a proven public health philosophy and intervention that seeks to reduce the harms associated with drug use; and

WHEREAS, 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 and disorder in downtown Seattle has earned support of local stakeholders including the Seattle Mayor, Seattle Police Department, King County Prosecuting Attorney, the King County Sheriff, the Downtown Seattle Association, and local community leaders, while also garnering the attention of the U.S. Justice Department and other municipalities through the U.S.; and

WHEREAS, the Seattle LEAD® Operational Group has offered to provide technical support to Multnomah County and the City of Portland in the establishment of a LEAD® program; and

WHEREAS, Multnomah County and private foundations have expressed interest in supporting the development and evaluation of LEAD® in Multnomah County;

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NOW, THEREFORE, THE PARTIES STATE THEIR INTENT AS FOLLOWS

A. Formation, Purposes, and Membership of the Multnomah County Law Enforcement Assisted Diversion ("LEAD®") Policy Team. A Policy Team is hereby formed for the Multnomah County LEAD® pre-arrest diversion program. The purposes of the LEAD® Policy Team are to review and provide feedback on the Referral and Diversion Protocols for LEAD® candidates, approve Requests for Information ("RFIs") for service providers and program evaluators, select providers and evaluators, review and provide feedback on periodic reports from the LEAD® Operations Team, make criminal justice and human services system data available for comparison and evaluative purposes, and provide policy guidance and administrative oversight for the LEAD® program's operation and evaluation. The Multnomah County Mental Health and Addiction Services Department will serve as the fiscal agent and administer the funding from Multnomah County and additional funding provided by the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge.

All members of the LEAD® Policy Team agree to publically share credit of any programmatic success; publically accept equal responsibility of any programmatic failure and publically acknowledge the critical role of all other LEAD® Policy Team partners.

Members of the LEAD® Policy Team believe that the success of this program will improve public safety, enhance outcomes for those individuals living with addiction, mental illness, and homelessness, reduce the number of persons of color being arrested and referred to the criminal justice system while allowing for a reduced financial burden on the criminal justice system.

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LEAD® Policy Team

The LEAD® Policy Team's membership shall consist of representatives from the following entities and organizations:

1. Multnomah County Board of Commissioners;
2. Multnomah County District Attorney;
3. City of Portland – Mayor’s Office;
4. Portland Police Bureau;
5. Multnomah County Sheriff;
6. Multnomah County Department of Community Justice;
7. Metropolitan Public Defender;
8. Multnomah County Local Public Coordinating Council;
9. Multnomah County Mental Health And Addiction Services;
10. Black Male Achievement;
11. Citizens’ Crime Commission;
12. Portland Business Alliance/Clean & Safe;
13. Joint Office on Homeless Services;
14. Community Members

Additional member entities and organizations may be added to the LEAD® Policy Team upon modified consent of the existing members.

LEAD® Staffing

In addition to individual organizations' staff committed by each of the signatories to this Commitment to Collaborate as described below, the Multnomah Law Enforcement Assisted Diversion Program will have a full-time Project Manager dedicated solely to the LEAD® program. The assignment of the Project Manager will be determined by the LEAD® Policy Team and report to the Executive Director of the Local Public Safety Coordinating Council. The Project Manager is fully funded by the MacArthur Safety and Justice Challenge. The Project Manager is to be responsible for overseeing all aspects of LEAD® program management, resource development, and stakeholder coordination. The Project Manager will serve as liaison between the fiscal sponsor, the program funders, the contract service providers, the

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LEAD® Policy Team, community advisors, and the operational work groups. The Project Manager, with members of the Policy Team, will advocate for fidelity to agreed protocols and core principles of LEAD®.

Commitment to Collaborate Signatories' Individual Statements of Intent

The parties signing this Commitment to Collaborate specifically state their respective intents and commitments as follows:

Multnomah County Board of Commissioners

The Multnomah County Board of Commissioners is committed to the goals of supporting safe communities and an accessible justice system for all. The Multnomah County Board of Commissioners believes the LEAD® program furthers those goals and has therefore committed initial funding to the LEAD® pilot project. The Chair will ensure that a representative from the Chair's senior staff serves on the LEAD® Policy Team. Additionally, the Director of the Joint Office of Homeless Services will serve on the LEAD® Policy Team.

Multnomah County District Attorney's Office

The District Attorney's Office is committed to the success of the LEAD® Program. The District Attorney or designee will serve on the LEAD® Policy Team and will designate a Deputy District Attorney to serve as the prosecutor for all cases related to LEAD® participants and to serve on the LEAD® Operations Team.

The District Attorney's Office agrees to manage the data collection and data sharing in collaboration with the LEAD® Policy Team and the Criminal Justice Collaborative Data Team. The District

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Attorney's Office further agrees to report regularly to both Teams for the purpose of gathering insight and direction for data collection and evaluation plans. Though they will be informed by the Operations Team's staffing recommendations regarding participants, the LEAD® Deputy District Attorney retains the ultimate and exclusive authority to make filing decisions in all criminal cases.

City of Portland and Office of the Mayor

The City of Portland and the Portland Mayor's Office are committed to the goals of the LEAD® Program. The City of Portland and the Office of the Mayor are committed to providing staff towards the implementation, execution, and sustainability of the LEAD® Program. They will appoint senior staff members from both the Mayor's Office and Black Male Achievement to serve on the LEAD® Policy Team. They have also directed the Portland Police Bureau to make the LEAD® Program a priority, and are committed to addressing racial and ethnic disparities within the cross systems that the LEAD® program touches.

Portland Police Bureau

The Portland Police Bureau (PPB) is committed to the success of LEAD® and agrees to participate in the LEAD® Program on both an operational and policy level. PPB will assign personnel to this pilot project including members of the Street Crimes Unit (SCU) who will have the authority to make street level decisions on where to direct those individuals that are eligible for the LEAD® program. The PPB will utilize the LEAD® program as a pre-arrest diversion program.

The PPB will provide the part-time services of a Sergeant who will oversee the day to day operations of the program. At a policy level, a Commander or a designee shall serve on the LEAD® Policy Team.

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Multnomah County Sheriff

The Multnomah County Sheriff agrees to participate in the Multnomah LEAD® Program in partnership with the Portland Police Bureau, the Multnomah County District Attorney's Office and all of those committed to this program. The Multnomah County Sheriff's Office supports this program and will participate at the policy level. The Sheriff (or other designee) will be a member of the LEAD® Policy Team, offering the perspective and support of the Sheriff and the Command Staff.

Multnomah County Department of Community Justice

The Multnomah County Department of Community Justice (DCJ) is committed to the success of the LEAD® pilot project. As it is anticipated that a significant percentage of LEAD®-eligible individuals will be on parole or probation, DCJ will ensure that senior leadership participate in the LEAD Policy Team and will have representation at the LEAD® Operations Team meetings. Furthermore, DCJ agrees to train identified DCJ Officers as needed.

Metropolitan Public Defender

The Metropolitan Public Defender's Office is committed to the success of LEAD® and pledges its support for the formation of the Multnomah LEAD® Program. The Metropolitan Public Defender's Office will participate in any manner needed to assist the LEAD® Policy Team in the development and continuation of this project. Furthermore, the Metropolitan Public Defender's Office endeavors to find funding for a staff attorney to be assigned to the LEAD® Operations Team and provide legal services/representation for all LEAD® participants.

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Multnomah County Local Public Safety Coordinating Council

The Multnomah County Local Public Safety Coordinating Council (LPSCC) is committed to replacing reliance on criminal sanctions with approaches that treat drug misuse as a public health concern and at the same time respect civil liberties, reduce incarceration, and promote racial justice. LPSCC will participate in the LEAD® program in an advisory and administrative capacity only. LPSCC staff will assist the LEAD® program, LEAD® Policy and LEAD® Operations Teams with advocacy, fundraising, document drafting, stakeholder consultation, troubleshooting, and technical assistance. LPSCC will hire and supervise the Project Manager as liaison and advocate between the LEAD® program and the LEAD® Policy and Operations Teams, community stakeholders, and current and potential funders.

LPSCC will advocate for fidelity to agreed protocols and core principles of LEAD®. LPSCC, along with other LEAD® partners, will be responsible for communication with interested policymakers and community leaders in other jurisdictions regarding the LEAD® implementation process. LPSCC will provide media support, outreach and coalition building efforts.

Multnomah County Mental Health and Addiction Services Department

The Multnomah County Mental Health and Addiction Services Division (MHASD) under the Multnomah County Health Department and under the auspices of the Multnomah County Board of Commissioners, agrees to assign senior leadership to the LEAD® Policy Team and LEAD® Operations Team; as well as personnel knowledgeable of the behavioral health system of care in Multnomah County in order to provide consultation and operational technical assistance in the development of appropriate community behavioral health services necessary to the success of the LEAD® program. MHASD will be the fiscal and administrative agent for the LEAD® program.

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Community Members

The Citizens Crime Commission, Portland Business Alliance/Clean & Safe and the Downtown Neighborhood Association will assign staff and/or an executive level member to the LEAD® Policy Team to represent business and property owners in the High Pedestrian Traffic Area. The Citizens Crime Commission, Portland Business Alliance/Clean & Safe and the Downtown Neighborhood Association will be responsible for communicating LEAD® goals and activities to the business and residential communities.

Additional 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 with addiction and have been justice involved will be invited to serve in an advisory capacity on the LEAD® Policy Team and the LEAD® Operations Team.

B. Governance.

Participation in the LEAD® Policy Team is voluntary, and any member may withdraw unilaterally at any time for any reason. This Commitment to Collaborate does not amend any law or ordinance; nor does it create any binding obligation on the part of any signatory. This Commitment to Collaborate simply memorializes the intent of the LEAD® Policy Team members in participating in this program and describes the responsibilities they understand to be accepting through their participation.

All decisions of the LEAD® Policy Team will be made by modified consensus. For purposes of this Commitment to Collaborate, "modified consensus" means a resolution that is acceptable to all

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participants even if not ideal to one or more. However, the PPB retains discretionary authority over diverting potential LEAD® participants and in instances where a case is filed, the Deputy District Attorney retains the ultimate and exclusive authority to make filing decisions. LPSCC shall not have a decision-making role in neither the LEAD® Policy Team nor the LEAD® Operations Team, and will operate in an advisory capacity only. Each member organization shall designate one representative for purposes of determining consensus in the Policy Team, but multiple representatives from each organization may attend meetings and participate in discussions. The LEAD® Policy Team authorizes the Criminal Justice Collaborative Data Team to provide oversight of evaluation efforts and guidance to the LEAD® Policy Team and LEAD® Operations Team on matters of data collection and evaluation. The Criminal Justice Collaborative Data Team will invite membership from each of the LEAD® Policy Team partner entities to participate in regularly.

C. Responsibilities

The role of the LEAD® Policy Team is to make policy-level decisions regarding the LEAD® program and to provide periodic administrative oversight of the program. Specific responsibilities include, but are not limited to, the following:

- I. Review of LEAD® Referral and Diversion Protocols;
- II. Selection of a fiscal sponsor to receive and administer public and private funding granted for LEAD® operation and evaluation; however, Multnomah County may administer its own funds allocated for the LEAD® program, rather than transferring said funds to a Funding Hub;
- III. Oversight, advisement, and direction of fiscal sponsor pursuant to grant agreements;
- IV. Collaboration on grant applications for LEAD® operation and evaluation;

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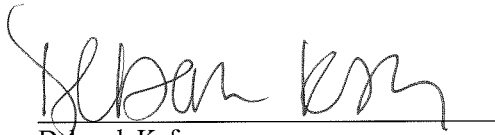
- V. Review of RFP applications and selection of service providers and evaluators;
- VI. Approval of RFPs for LEAD® service provision and evaluation;
- VII. Making available criminal justice and human services system data for comparison and evaluative purposes;
- VIII. Oversight of LEAD® implementation, including but not limited to regular review of reports from the LEAD® Operations Team(s), contract compliance of service providers and evaluators, ensuring a commitment to a harm reduction philosophy, and solicitation and review of community feedback; and modification of service provision, or evaluation criteria and process, as needed.

The Commitment to Collaborate signatory agency to which the Project Manager (LPSCC) is assigned will provide staffing support through document drafting, stakeholder consultation, troubleshooting, and technical assistance to the LEAD® Operations Team.

This Commitment to Collaborate may be signed in counterparts and shall be effective as of the date it is signed by all parties. No amendment or modification of this Commitment to Collaborate will have effect unless it is made in writing and agreed to by all signatories or their successors.

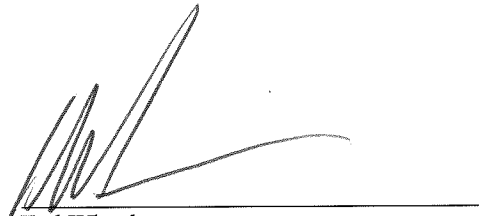
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SIGNATURES/DATES



Deborah Kafoury
Multnomah County Board Chair

2/27/17
Date



Ted Wheeler
Mayor of the City of Portland

2-27-17
Date



Rod Underhill
Multnomah County District Attorney

2/27/17
Date



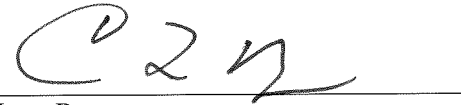
Mike Marshman
Portland Police Chief

2/27/17
Date



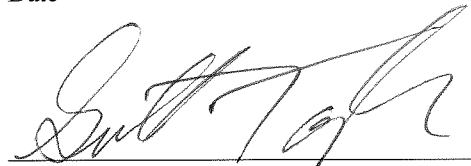
Mike Reese
Multnomah County Sheriff

3/02/17
Date



Lane Borg
Executive Director, Metropolitan Public Defenders

2-27-17
Date



Scott Taylor
Director Multnomah County Department of Community Justice

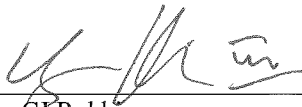
3/2/17
Date




Ebony Clarke
Deputy Division Director, MHASD

3-2-17
Date


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Condry Robbins
Program Coordinator, Black Male Achievement
2/27/2017
Date




Monique Menconi
Citizens Crime Commission
2.27.17
Date



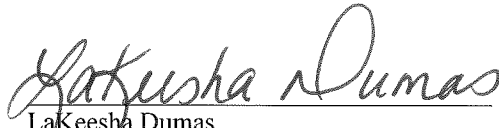
Dr. T. Allen Bethel
Senior Pastor, Maranatha Church
3-21-17
Date



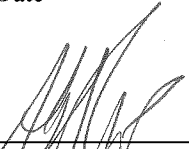
Lynnae Berg
Vice President, Portland Business Alliance
Executive Director, Clean & Safe
2/27/17
Date



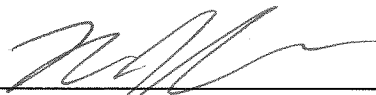
Felicia Williams
President, Downtown Neighborhood Association
2/27/2017
Date




LaKeesha Dumas
Consumer Engagement Coordinator, MHASD
2/27/17
Date



Abbey Stamp
Executive Director, Local Public Safety Coordinating Council
2/27/17
Date



Marc Jolin
Director, Joint Office on Homelessness
2/27/17
Date



Karen Kern
Senior Director of Substance Use Disorder Services, Central City Concern
2/27/17
Date

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Addendum for Service Provider

Central City Concern is committed to reducing the negative impact that drug use and behavioral health challenges have in the lives of individuals in the community, addressing racial disparities in the criminal justice system, and providing alternatives to incarceration for nonviolent offenses. The Executive Director and/or other senior leadership staff are committed to assisting with the development of policies, procedures, documentation, and other implementation tools specific to LEAD®. Additionally, assistance with media communications, fundraising, community and stakeholder engagement will be provided at the request of the LEAD® Policy Team.

Central City Concern shall not have a decision-making role in the LEAD® Policy Team, but may participate at the discretion of the partner entities in a technical advising role as an expert in direct Case Management/Care Coordination and harm reduction services. **Central City Concern** will not be involved in the decision-making processes associated with reviewing or selecting of a case management provider and may be removed from the LEAD® Policy Team at any point if the partner entities determine a conflict of interest.