Law Enforcement Assisted Diversion (LEAD): Reducing the Role of Criminalization in Local Drug Control

February 2014

Many U.S. cities are taking steps to reduce the role of criminalization in their local drug policies. Seattle, Washington has been at the forefront of this effort, pioneering a novel pre-booking diversion program for minor drug law violations known as Law Enforcement Assisted Diversion (LEAD). Santa Fe, New Mexico and several other cities have begun exploring LEAD as a promising new strategy to improve public safety and health.

What is LEAD?
After a growing realization that Seattle’s existing approach to drug law enforcement was a costly failure, the city decided to take a different approach. In 2011, it instituted a pilot program known as “Law Enforcement Assisted Diversion,” or LEAD, the first pre-booking diversion program in the country. Instead of arresting and booking people for certain nonviolent offenses, including low-level drug possession and sales (of three grams or less), law enforcement in two Seattle-King County neighborhoods may immediately direct them to housing, treatment and other services.

LEAD is a collaborative effort among the King County Prosecuting Attorney, Seattle City Attorney, Seattle Police Department, King County Sheriff, King County Executive, Seattle Mayor, State Department of Corrections, Public Defender Association, ACLU of Washington and the community.

Harm Reduction: A Core Principle of LEAD
LEAD is based on a commitment to “a harm reduction framework for all service provision.” Critically, LEAD does not require abstinence, and clients cannot be sanctioned for drug use or relapse. Instead, LEAD recognizes that drug misuse is a complex problem and people need to be reached where they currently are in their lives. Whether a person is totally abstinent from alcohol or other drugs matters far less than whether the problems associated with their drug misuse are getting better or not. Metrics like health, employment and family situation are far more important than the outcome of a drug test.

LEAD acknowledges this reality and incorporates these measures – instead of abstinence – into the program’s goals and evaluation, so that participants are not punished simply for failing a drug test. The program emphasizes “individual and community wellness, rather than an exclusive focus on sobriety.” Former Interim Police Chief James Pugel explains that LEAD’s “over-all philosophy is harm reduction…we know there may be relapse and falls.”

“Other programs want you to jump through so many hoops. But when a person got an addiction, you got to get them some help…a roof over their head…LEAD helped me get back to my true self.” – LEAD Participant.

Thanks in part to LEAD, drug arrests in Seattle fell more than 30 percent from 2010 to 2011 – and local jail populations appear to be declining too.

Perhaps most importantly, LEAD has precipitated a fundamental policy reorientation in Seattle-King County, from an “enforcement-first” approach, to a health-centered model – reinforced by specialized harm reduction training required of every police officer. When given the choice, Seattle police seem to prefer making referrals than making arrests. In this sense, LEAD is succeeding in changing law enforcement’s mindset about public safety priorities.

LEAD is a working example of how, even in the absence of state legislation, cities can craft policies that bypass the criminal justice system – and that benefit public safety and health.
LEAD is a promising alternative to expensive court-based interventions. In the LEAD model, “the court is completely taken out of the equation.” Participants are given immediate access to services without displacing voluntary treatment candidates. LEAD seems to be reaching its target population, with reports indicating that a majority of clients are “referred on drug related offenses.” LEAD also accommodates “social contact” referrals – through which people in need can access services without getting arrested.

LEAD: Seattle’s Response to Racially Disparate Drug Arrests
The war on drugs is a major driver of racial disparities in criminal justice. A decade ago, Seattle had one of the worst racial disparities in drug arrests of any city in the country, propelling a multi-year lawsuit against the Seattle Police Department (SPD). In 2003, sociologist Katherine Beckett undertook a series of studies commissioned as part of the lawsuit, which proved that SPD’s enforcement of drug laws was vastly unequal and racially motivated: in 2006, for example, blacks were “more than 21 times more likely to be arrested for selling serious drugs than whites,” even though whites are the “majority of sellers and users” in Seattle. The litigation sparked an open dialogue between SPD and the community – which ultimately gave rise to LEAD.

Law Enforcement Strongly Supports LEAD
LEAD enjoys the enthusiastic support of local law enforcement. It allows law enforcement to focus on serious crime while playing a key role in linking people to services instead of funneling them into the justice system. According to officials, “Law enforcement is supportive of the program because it gives them additional tools to handle public safety issues. Instead of jailing every low-level drug offender and cycling him or her through the criminal justice system, veteran police officers determine whether someone is an appropriate candidate…to receive services.”

Scaling and Replicating the LEAD Model
LEAD currently operates with private funding in two neighborhoods, but many hope it will soon receive public funding to scale up locally and statewide. Meanwhile, several communities, including Baltimore, Oakland, San Francisco, New Orleans and Atlanta, have expressed interest in replicating LEAD.

In 2013, Santa Fe, New Mexico, became the second city in the U.S. to do so by unanimous city council vote. Its experience shows how different communities can adapt the LEAD model to their particular local contexts. Santa Fe’s LEAD program was developed after nine months of study and community engagement and is tailored to the community’s needs: unlike Seattle, Santa Fe’s main concerns are not drug markets, but rather opioid misuse, dependence and overdose, as well as rising rates of property crime. Eligibility for Santa Fe LEAD will be limited to those caught possessing or selling three grams or less of opioids. A cost-benefit analysis estimates that the city spends $1.5 million per year to criminalize people for these offenses; LEAD could cut those costs in half.

3 The Defender Association, “L.E.A.D.: A Pre-Booking Diversion Model.”
6 Seattle Police Department, “Reported Part II Offenses in Seattle, from 2008,” (2013); Ty Swenson, “King County Jail Population Drops Significantly over 13 Years,” West Seattle Herald, September 4 2013; Laurie Sylva, “Impact of Dchs-Supported Programs on Jail Use,” (King County Department of Community and Human Services, Mental Health, Chemical Abuse and Dependency Services Division, 2013).
11 Katherine Beckett, “Race, Drugs, and Law Enforcement.”
13 Maggie Clark, “Seattle Police.”
16 Maggie Clark, “Seattle Police.”
18 LEAD Task Force City of Santa Fe, “Healthy Families, Safer Streets: City of Santa Fe’s Lead Task Force: Recommendations to the City Council “ (2013).