LAW ENFORCEMENT ASSISTED DIVERSION (LEAD)

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LEAD’s goal is to improve public safety and public order, and to reduce the criminal behavior of people who participate in the program.
WHAT IS LEAD?

Community-based diversion program for people whose criminal activity is due to behavioral health issues

- Arrest diversion for low level offenses
- Social contact referral (HELP Honolulu)

- Law enforcement is the primary portal for referral into the program
GOALS OF LEAD

1. REORIENT
government’s response to safety, disorder, and health-related problems

2. IMPROVE
public safety and public health through research based, health-oriented and harm reduction interventions

3. REDUCE
the number of people entering the criminal justice system for low level offenses related to drug use, mental health, sex work, and extreme poverty

4. UNDO
racial disparities at the front end of the criminal justice system

5. SUSTAIN
funding for alternative interventions by capturing and reinvesting justice systems savings

6. STRENGTHEN
the relationship between law enforcement and the community
INDEPENDENT EVALUATION BY UNIVERSITY OF WASHINGTON RESEARCH TEAM

- Non-randomized control design showing causation.
- Compared to control group jailed & prosecuted as usual, LEAD participants were 58% less likely to be arrested after program involvement.
- Program cost less than system-as-usual processing, with savings estimated conservatively; and costs can fall further (now about $350/month per participant).
OUTCOMES FROM SEATTLE LEAD

LEAD SERVICES AS OF APRIL 2016

Total Enrolled Clients 338
Homeless 82%

FOR HOMELESS LEAD PARTICIPANTS:

Housed in permanent housing 40%
Housed in long-term transitional recovery housing 33%
Ever sheltered in motels/shelters (55% 1st yr $) 80%
## OUTCOMES FROM SEATTLE LEAD

<table>
<thead>
<tr>
<th>Outcome</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Received basic need support (Food or Clothing)</td>
<td>90%</td>
</tr>
<tr>
<td>Set and achieved a case management goal while in LEAD:</td>
<td></td>
</tr>
<tr>
<td>• Completed individualized goal plan &amp; achieved at least one</td>
<td>84%</td>
</tr>
<tr>
<td>• Received chemical dependency treatment</td>
<td>55%</td>
</tr>
<tr>
<td>• Engaged in mental health treatment</td>
<td>49%</td>
</tr>
<tr>
<td>• Received non-urgent medical care (not in ER)</td>
<td>55%</td>
</tr>
<tr>
<td>• Received legal assistance</td>
<td>64%</td>
</tr>
<tr>
<td>• Received assistance with public benefits</td>
<td>61%</td>
</tr>
<tr>
<td>• Received assistance with ID</td>
<td>54%</td>
</tr>
</tbody>
</table>
OUTCOMES FROM OTHER LEAD PROGRAMS

• Santa Fe, NM:
  » 76% of referrals are participating in the program.
  » 2 out of every 5 LEAD participants are engaging in Medication-Assisted Treatment.

• Albany, NY:
  » 46 officers received 8 hours of special training on diversion.
Increased law enforcement discretion and linkage to services to break the cycle of incarceration.
LEAD PILOT IN HAWAII

- LEAD hui of 30 agencies meeting for a year and half
- LEAD National Support Bureau Director site visit early 2016
- HB100 – 200K for pilot included in Governors budget
- Funding through DOH/Alcohol and Drug Abuse Division
LEAD HAWAI'I HUI

- ACLU – Hawai'i Chapter
- ALEA Bridge
- CARE Hawai'i
- City and County of Honolulu
- Community Alliance on Prisons
- CHOW Project
- Drug Policy Forum of Hawai'i
- Harm Reduction Hawai'i
- Harm Reduction Services Branch, Hawaii State Dept. of Health
- Hawaii Appleseed
- Hawaii Substance Abuse Coalition
- Helping Hands Hawai'i
- Hina Mauka
- Institute for Human Services
- Ku Aloha ola Mau
- Mental Health America of Hawai'i
- Mental Health Kokua
- Partners in Care
- PHOCUSED
- State Office of the Public Defender
- The Salvation Army ATS-FTS
- Susannah Wesley Community Center
- UH Office of Public Health Studies
- We are Oceania
- Waikiki Health
LEAD PILOT IN HAWAII

- Chinatown, Honolulu Police Department District 1, Sector 1 (150, 151, 152, 154)
  - Unanimous support from Chinatown Neighborhood Board
  - Unanimous City Council Resolution
  - Draft inclusion and exclusion criteria
  - HPD warm handoff to LEAD case manager within 30 minutes
LEAD PILOT IN HAWAII

**arrest diversion**

- Low level drug or homeless offense

**HELP Honolulu**

- Immediate referral to LEAD

- Referral to LEAD by law enforcement

- Arrestee declines LEAD

- Referred for prosecution (business as usual)

**Case management**

- Intake within 30 days?

- Ongoing oversight by HPD, DA, PD and LEAD hui

- Referral for prosecution (business as usual)
Honolulu Police Officers have ultimate discretion to determine if someone is referred to LEAD. LEAD enhances their discretion and gives law enforcement additional options.
# Proposed Diversion Eligible Offenses

<table>
<thead>
<tr>
<th>Section</th>
<th>Statute</th>
<th>Description</th>
<th>Degree</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>708</td>
<td>813</td>
<td>Criminal trespass (state and city)</td>
<td>1</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>814</td>
<td>Criminal trespass</td>
<td>2</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>814.5</td>
<td>Criminal trespass public parks</td>
<td>3</td>
<td>P</td>
</tr>
<tr>
<td></td>
<td>814.79</td>
<td>Criminal trespass on state land</td>
<td>3</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>829</td>
<td>Criminal littering</td>
<td>3</td>
<td>P</td>
</tr>
<tr>
<td>712</td>
<td>1242</td>
<td>Promoting Dangerous Drugs</td>
<td>2</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>1243</td>
<td>Promoting Dangerous Drugs (Meth, Cocaine, Heroin, etc)</td>
<td>3</td>
<td>F</td>
</tr>
<tr>
<td></td>
<td>1246</td>
<td>Promoting a harmful drug</td>
<td>3</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>1246.5</td>
<td>Promoting a harmful drug (Steroids/Non-Narcotic Prescription meds)</td>
<td>4</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>1248</td>
<td>Promoting a detrimental drug</td>
<td>2</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>1249</td>
<td>Promoting a detrimental drug (Marijuana)</td>
<td>3</td>
<td>P</td>
</tr>
<tr>
<td>329</td>
<td>43.5</td>
<td>Drug Paraphernalia (HPD – dep on drug)</td>
<td></td>
<td>F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Pipes, syringes, scoops, etc)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>291</td>
<td>3.3</td>
<td>Open Container</td>
<td></td>
<td></td>
</tr>
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</table>

**ROH**

<table>
<thead>
<tr>
<th>Section</th>
<th>Statute</th>
<th>Description</th>
<th>Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>10</td>
<td>1.2(a) (12)</td>
<td>Park Closures</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>1.2(a) (13)</td>
<td>Camping in park</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>1.2(a) (14)</td>
<td>Failure to obey signage</td>
<td>M</td>
</tr>
<tr>
<td></td>
<td>1.2(a) (15)</td>
<td>Using shopping cart</td>
<td>M</td>
</tr>
<tr>
<td>29</td>
<td>15A</td>
<td>Sitting or Lying on Public Sidewalks Outside of Waikiki</td>
<td>P</td>
</tr>
<tr>
<td>29</td>
<td>15B</td>
<td>Sitting or Lying in Public Malls in the Downtown or Chinatown Area</td>
<td>P</td>
</tr>
<tr>
<td>40</td>
<td>1.3</td>
<td>Use of Intoxicating Liquors in Certain Public Places</td>
<td>Violation</td>
</tr>
<tr>
<td>40</td>
<td>24A.4</td>
<td>Urinating/Defecating Outside of Waikiki</td>
<td>P</td>
</tr>
</tbody>
</table>
PROPOSED EXCLUSIONS

• The amount of drugs involved exceeds what would be considered personal use amounts or reaches a trafficking threshold for that particular suspected controlled substance.

• The individual appears to exploit minors.

• The individual is a registered sex offender.

• The individual is suspected of promoting prostitution.

• The individual has a disqualifying criminal history such as:
  » In the last 10 years: Any conviction for homicide, voluntary manslaughter, vehicular homicide, aggravated arson, aggravated burglary, all robbery, all abduction and kidnapping, all human trafficking, all sex offenses (excluding prostitution), child abuse and any conviction.
  » involving firearms or deadly weapons (or attempt of any crime listed here).

• The individual has an open case in a City and County of Honolulu Specialty Court
1. HELP Honolulu
   - Community-based support service program that partners HPD and outreach workers in HPD District 1.

2. Adult Mental Health Division (AMHD) “Jail Diversion Program”
   - Pre- and post-bookling program that diverts people with severe mental illness from incarceration
     - HPD Psychologists
     - AMHD Diversion pilot with IHS
3. Community Outreach Court

Post-booking program that seeks to clear minor offenses for eligible persons to facilitate linkages to housing and other services.

» Collaboration between Public Defender and Prosecutor’s office


MAHALO!

• LEAD Hui meets 2\textsuperscript{nd} and 4\textsuperscript{th} Mondays at 3pm

• For more info visit

www.chowproject.org/lead