SEATTLE'S LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM: LESSONS LEARNED FROM THE FIRST TWO YEARS*

Katherine Beckett, Ph.D.
Law, Societies & Justice Program and Department of Sociology
University of Washington

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EXECUTIVE SUMMARY

Seattle's Law Enforcement Assisted Diversion (LEAD) program is the first known pre-booking diversion program for people arrested on narcotics and prostitution charges in the United States. Launched in October 2011, LEAD is the product of a multi-year collaboration involving a wide range of organizations, including The Defender Association's Racial Disparity Project, the Seattle Police Department, the ACLU of Washington, the King County Prosecuting Attorney's Office, the Seattle City Attorney's office, the King County Sheriff's Office, Evergreen Treatment Services, the King County Executive, the Washington State Department of Corrections, and others.

This report draws on a number of data sources to provide an overview of LEAD's principles and operations, and to distill important lessons about what has – and has not – worked well in the first two years of LEAD's operations. The hope is that identification of these lessons will be useful to those interested in replicating LEAD in other jurisdictions or in enhancing its operations in Seattle. After briefly describing LEAD's principles and operations, the report identifies key "lessons learned." These are presented in four different categories: getting started; training; communication; and the transformation of institutional relationships. Each of these lessons is briefly described below.

GETTING STARTED

Lesson 1: Cooperation is Possible even where Adversarial Relationships Exist. Cooperation among a broad range of organizations in LEAD is possible despite a history of adversarial relations as well as on-going disagreements.

Lesson 2: Collaboration is Possible Even among Organizations with Diverse Priorities. In Seattle, LEAD stakeholders possess varied priorities and motivations. LEAD stakeholders have nonetheless been able to identify common ground, and a productive collaboration has ensued.

Lesson 3: Early Recruitment of Essential Partners is Key. The identification and recruitment of key organizational partners is an essential first step. These actors include an effective project

manager. This project manager plays several crucial functions, including: recruiting key partners; garnering of political support from elected officials; securing funding and working with funders; trouble-shooting; and facilitating communication between stakeholders.

Lesson 4: Think Carefully About How to Elicit the Support and Participation of Police Officers. One of the most significant challenges for LEAD stakeholders in Seattle has been eliciting officer buy-in despite strong support from police leadership for LEAD. Sergeants play a crucial role in this process. Focus groups are a useful tool for conveying information and eliciting feedback from officers, but must be carefully managed.

Lesson 5: Allocate Time to Develop Consensus around an Appropriate Protocol. Development of the LEAD protocol was a difficult and time-consuming process, but ultimately enabled stakeholders to reach consensus on a number of difficult decisions. This process enhanced trust and respect among stakeholders.

TRAINING

Lesson 6: Provide Training for Social Service Providers. Working as a case manager for LEAD involves many novel challenges even for seasoned counselors with extensive experience in chemical dependency treatment generally and harm reduction programs specifically. Anticipating and addressing some of these challenges in training programs would be helpful.

Lesson 7: Identify and Train a Legal Services Provider. It is important to find a legal service provider who is flexible, creative and resourceful enough to help address LEAD clients' myriad civil legal needs. Develop tools that enable case managers to quickly identify pending legal matters that may derail their therapeutic endeavors.

Lesson 8: Recognize the Need for On-Going Training and Dialogue with Line Officers. The process of obtaining and maintaining officer support for harm reduction programs such as LEAD is best conceived as an on-going project rather than a short-term intervention.

COMMUNICATION

Lesson 9: Recognize the Importance of Regular Work Group and Policy Meetings. These meetings facilitate collaborative problem solving, which is an essential component of LEAD and one of its most transformative features.

Lesson 10. Develop Additional Methods of Communication and Information Sharing. As productive as the work and policy group meetings are, they do not ensure that all communication needs are met. Additional methods for sharing information are necessary.

THE TRANSFORMATION OF INSTITUTIONAL RELATIONSHIPS

Lesson 11. LEAD's Collaborative Model Transforms Institutional Relationships, Creating New Opportunities and Challenges. Participation in LEAD has challenged entrenched thinking and fundamentally altered institutional relationships. The transformation of worldviews and organizational relationships has created a new willingness to contemplate and, in some cases, pursue meaningful criminal justice reforms. The development of collaborative relationships among LEAD stakeholders also poses some risks. These risks underscore the need to clarify boundaries and expectations.

The report concludes by identifying a number of opportunities and challenges associated with the expansion of LEAD. Although these are especially pressing matters for Seattle LEAD stakeholders, they are also likely relevant to people considering replicating LEAD in other jurisdictions. On the one hand, the expansion of LEAD creates the possibility of reaching more people who are struggling with extreme poverty and addiction, potentially alleviating the suffering these conditions cause to themselves and others. It also has the potential to expand a collaborative, problem solving dialogue that has already proven to be transformative. On the other hand, the expansion of LEAD poses important challenges, including facilitating communication across a growing number of community partners. Moreover, if unaddressed, existing capacity constraints such as the paucity of appropriate and affordable housing and treatment programs threaten to limit the efficacy of LEAD. Developing strategies for addressing these capacity constraints is imperative to ensure the long-term success of LEAD.

INTRODUCTION

Seattle's Law Enforcement Assisted Diversion (LEAD) program is the first known pre-booking diversion program for people arrested on narcotics and prostitution charges in the United States. Under LEAD, eligible low-level drug and prostitution offenders are no longer subject to prosecution and incarceration, but are instead diverted to community-based treatment and support services. Launched in October 2011, LEAD is the product of a multi-year collaborative effort involving a broad coalition of organizations.

The creation and implementation of LEAD marks a dramatic shift in Seattle's approach to drug markets. Like most urban police agencies, the Seattle Police Department (SPD) relied heavily on conventional drug war tactics in recent decades; in fact, the city's drug arrest rate was comparatively high.[1] Yet these aggressive enforcement tactics did not eradicate open-air drug markets, particularly in the downtown area, and the persistence of visible drug activity triggered significant community pressure to "do something" about drugs. At the same time, the racially disparate impact of the SPD's drug enforcement practices was the subject of lengthy, complex and time-consuming litigation. By the late 2000s, no one was satisfied with the status quo, including the SPD itself. As Sergeant Sean Whitcomb, then-spokesman for the Seattle Police Department, put it, "officers are frustrated arresting the same people over and over again. We know it's not working."[2] Others agreed. As Lisa Daugaard, then-Director of the Racial Disparity Project,[3] recently recalled, "virtually everybody involved in our local justice system

[1] In the year 2000, for example, the drug arrest rates for all cities and for cities with populations over 250,000 were 630 and 911 per 100,000 residents, respectively (see FBI, *Crime in the United States*, Section IV, Table 31 (available at http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2000/00sec4.pdf). In Seattle, however, the drug arrest rate was 976 per 100,000 residents (author's calculations of data on file). Although Seattle's white arrest rate was not unusually high, the black drug arrest rate was (see Katherine Beckett, *Race and Drug Law Enforcement in Seattle*, 2008, Tables 1 and 10 (available online: http://faculty.washington.edu/kbeckett/report/).

[2] Quoted in Sara Jean Green, "Seattle Program Aims to Break the Habit of Incarceration," *The Seattle Times*, October 13, 2011.

[3] The Racial Disparity Project is a grant-funded project of The Defender Association.

was frustrated with the status quo and felt like it wasn't delivering the kinds of outcomes we wanted to see."[4]

For years, adversarial relations between the SPD and its critics had stymied dialogue about how to improve drug law enforcement. In 2005, however, this impasse was broken, at least temporarily. This turn of events came about during a meeting in which Racial Disparity Project staff members were discussing the possibility of continuing its selective enforcement litigation with representatives from the Seattle Police Department, the King County Prosecuting Attorney's Office and the Seattle Mayor's office. At one point during the discussion, then-Narcotics Captain Steve Brown turned to Ms. Daugaard and asked: "What if we all agreed to do something different in regards to drug enforcement – what would that be?" Although the litigation continued for several more years, Captain Brown's question, along with an invitation from the King County Prosecutor to Racial Disparity Project staff to work together to identify a better way to address the problems associated with drug market activity, spawned an ambitious effort to do exactly that.

The collaboration that ensued resulted in the creation and implementation of LEAD in October 2011. By diverting low-level drug and sex offenders into intensive, community-based social services that are guided by harm reduction principles, LEAD seeks to reduce the neighborhood and individual-level harm associated with Seattle's drug and sex markets – as well as criminal justice expenditures and the injury associated with conventional enforcement practices. The initiation of LEAD was the result of a cooperative effort between an unusual coalition of organizations, including The Defender Association's Racial Disparity Project, the Seattle Police Department, the ACLU of Washington, the King County Prosecutor's Office, the Seattle City Attorney's office, the King County Sheriff's Office, Evergreen Treatment Services, the King County Executive, the Washington State Department of Corrections, neighborhood leaders and advisory boards, and others.

[4] Quoted in "Tell me More: Treatment, Not Jail, For Low Level Drug Crimes" (NPR radio broadcast Nov. 25, 2011), http://www.npr.org/2011/11/25/142704483/treatment-not-jail-for-low-level-drug-crimes

This purpose of this report is to identify key "lessons learned" by LEAD stakeholders over the first two years of operations. The hope is that identification of these lessons will be useful to those interested in replicating LEAD in other jurisdictions or in enhancing its operations in Seattle. Although LEAD will necessarily be tailored to local circumstances and customs wherever it is adopted, it is likely that lessons learned in Seattle with nevertheless be illuminating. A variety of data sources were collected and analyzed in order to identify these lessons. These include: observations of LEAD-affiliated SPD and DOC officers and sergeants, as well as case managers, as they conducted LEAD-related work; review of foundational documents, including LEAD's Memorandum of Understanding, protocol, concept paper, and others; observation of the LEAD operations work group and policy group meetings; and interviews with a wide range of LEAD stakeholders and participants. (A list of the people interviewed for this report is provided in Appendix A). These interviews were digitally recorded, then transcribed and analyzed.[5] These data were collected and analyzed during the summer and fall of 2013.[6]

This report draws on these data sources to provide an overview of LEAD's principles and operations, and to distill important lessons about what has – and has not – worked well in the first two years of LEAD's operations. To orient the discussion, Part I briefly describes LEAD's founding principles and methods of operation. Part II then identifies key "lessons learned" regarding the creation and implementation of LEAD. These "lessons" are presented in several sub-sections: getting started; training; communication; and the transformation of institutional relationships. The conclusion offers some additional observations about the opportunities and challenges associated with the expansion of LEAD.

In some cases, the lessons described were learned because a particular idea or course of action has, according to stakeholders, worked out quite well. In other cases, the lessons are based on

[5] Most early organizers and many LEAD stakeholders were interviewed for this report. Six interviews with LEAD clients were also conducted. Upon reflection, however, it became clear that these clients had been in the program for either a relatively long time (i.e. more than 18 months) or only a very limited time (i.e. 2-4 weeks). As a result, they are not representative of all LEAD clients. For this reason, their views were not systematically incorporated in this report. Follow up research would usefully deepen our understanding of LEAD client experiences.

[6] One follow-up interview with an SPD sergeant was conducted in March of 2014.

participants' observations of what did *not* work well. In reflecting on these successes and challenges, LEAD participants and stakeholders offered a range of valuable insights about the creation, implementation and operation of LEAD.

PART I: LEAD PRINCIPLES AND OPERATIONS

Even after stakeholders agreed to work together to create a new approach to low-level drug enforcement, it took several years to develop the program that is now known as LEAD. Beginning in 2008, Racial Disparity Project (RDP) staff sought the input and participation of a broad coalition of legal and political organizations in their quest to identify and institutionalize an alternative approach to drug enforcement. Although these stakeholders – and in some cases, former adversaries – did not have identical motivations for participating in the creation of LEAD, they nonetheless developed consensus around a core set of fundamental principles. These principles are articulated in a Memorandum of Understanding that was signed in fall of 2010, and include the following:

- Booking, prosecuting, and jailing individuals committing low-level drug offenses has had limited effectiveness in improving public safety and public order;
- LEAD seeks to improve public safety and reduce crime;
- Interventions that connect low-level drug offenders with services may cost less and be more successful at reducing future criminal behavior than processing these individuals through the criminal justice system.

Although LEAD was originally conceived as a pre-arrest diversion program for low-level drug offenders, stakeholders expanded the potential client population to include sex workers in order to ensure significant participation by women who suffer from addiction and/or extreme poverty. This appears to have been successful, as approximately half of all LEAD clients are female.

Early in the process, LEAD stakeholders also selected a particular neighborhood – Belltown – to be the site of LEAD's initial two-year, pilot program.[7] Long home to significant outdoor drug activity, Belltown is a mixed residential and commercial neighborhood on the north end of Seattle's downtown core in which many homeless and unstably housed people co-mingle with increasingly large numbers of condominium owners, high-end shoppers and nightlife patrons. Dozens of social service providers and several drug "hot spots" are also located in the area. This precarious mix produced significant community agitation for enhanced policing in the years leading up to the creation of LEAD.[8] When presented with LEAD as an option, residents and community organizers welcomed the program to the neighborhood, where it has now been operating for more than two years.[9]

The first two years of LEAD's operation in Belltown were designed as a pilot project that would be subject to a systematic outcome evaluation. In order to generate a comparison group against whom LEAD clients could be assessed, certain days and times were designated as "green light" shifts during which police referrals to LEAD could be made. Conversely, LEAD referrals were not made during "red light" shifts. An outcome evaluation will compare the experiences of people arrested during "red light shifts" with those of LEAD clients.[10]

LEAD partners also spent significant time developing a protocol to guide program operations. This protocol lays out the procedures by which police officers refer people to LEAD and by which LEAD clients are engaged by social service providers. Each of these processes is briefly described below.

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[7] LEAD operations have also begun in the Skyway neighborhood in unincorporated King County. However, these operations are unfolding on a smaller scale than in Belltown. This report focuses primarily on LEAD operations and experiences in Belltown.

[8] Interview with then-Seattle Police Department Captain Steve Brown, July 22, 2013.

[9] Interview with Lisa Daugaard, then-Director of the Racial Disparity Project, June 21, 2013.

[10] LEAD organizers recognize that the long-term viability of the program will depend on evidence that the program achieves key benefits. An outcome evaluation team is in the process of comparing LEAD participants with non-referred narcotics and prostitution arrestees on a number of metrics, including: levels of participation in drug and criminal activity; cost-savings to local criminal justice, health, and social service systems; participants' ability to attain housing, jobs, and education; mental and physical health and well-being; and recidivism.

POLICE REFERRAL TO LEAD

When an eligible individual is arrested for a low-level drug offense (either possession of a controlled substance or sale of small amounts of narcotics for subsistence purposes) or for prostitution in Belltown, a trained police officer may elect to refer that individual to a LEAD case manager instead of booking the arrested individual into jail. However, per the protocol agreed upon by LEAD stakeholders, not every low-level drug offender is eligible for LEAD. Specifically, individuals arrested under the following circumstances are presumptively *ineligible* for LEAD:[11]

- The amount of drugs involved exceeds 3 grams (except where an individual has been arrested for delivery of or possession with intent to deliver marijuana, or possession, delivery or possession with intent to deliver prescription controlled substances (pills); in such cases, officers will consider the other criteria listed here without reference to the amount limitation);

- The individual does not appear amenable to diversion and social service intervention;

- The suspected drug activity involves delivery or possession with intent to deliver (PWI), and there is reason to believe the suspect is dealing for profit above a subsistence income;

- The individual appears to exploit minors or others in a drug dealing enterprise;

- The individual is suspected of promoting prostitution; and/or

- The individual has disqualifying criminal history, including any conviction for Murder I or II, Arson I or II, Robbery I, Assault I, kidnapping, VUFA I, or any sex offense (or attempt of any of these crimes) at any time; or any conviction for a domestic violence offense, Robbery II, Assault II or III, Burglary I or II, or VUFA II within the past ten years.

[11] Law Enforcement Assisted Diversion (LEAD)—Belltown Referral and Diversion Protocol— ("LEAD Protocol"), pp. 1-4.

In Seattle, LEAD stakeholders elected to allow participating officers to retain a high degree of discretion over the referral process. For example, even individuals with more serious criminal backgrounds can be referred to LEAD *post*-booking at the recommendation of the arresting officer. And although certain criminal convictions render an arrestee presumptively ineligible for LEAD, SPD officers may or may not elect to refer those who are eligible for LEAD to the program. The rationale for granting officers this degree of discretion is that they possess uniquely deep knowledge about the people they regularly encounter, and are therefore best situated to determine if someone is in a position to benefit from LEAD and can safely work with case managers in relatively private settings.[12]

LEAD stakeholders made another key early decision, namely, to also allow officers to refer people to LEAD via a "social contact" rather than an arrest. A social contact referral occurs when an officer encounters someone they know is engaged in drug or prostitution activity in the neighborhood served by LEAD. If LEAD had only authorized arrest referrals, officers would have had to wait until they had probable cause to arrest the individual in question in order to refer them to LEAD. Early on, however, Captain Brown anticipated that officers would prefer not have to wait until the opportunity to arrest such persons presented itself in order to make a referral. As a result of the resulting amendment of the protocol, officers may now refer people known to be engaging in drug or prostitution activity to LEAD case managers without first making an arrest. However, these "social contact referrals" can only be made for individuals with prior documented involvement in drugs (possession or selling) or prostitution in the relevant neighborhood.[13]

In an arrest referral, a police officer arrests a low level offender during a "green light" shift and contacts a LEAD case manager, who then goes to the police precinct to conduct an initial screening with the potential LEAD client. In most cases, the police officer relinquishes custody of the referred person as soon as a caseworker arrives. Although the arrested individual has been referred to LEAD rather than booked into jail, the arresting officer nonetheless sends the

[12] Interview with Ian Goodhew, Deputy Chief of Staff, King County Prosecuting Attorney's Office, June 28, 2013.
[13] Interview with Lisa Daugaard, then-Director of the Racial Disparity Project, June 21, 2013.

arrest record to the Seattle City Attorney's office (responsible for prosecuting misdemeanor crimes) or to the King County Prosecutor (responsible for prosecuting felony offenses). These offices maintain the authority to decide whether to charge the arrested person. However, the presumption is that charges will not be filed as long as the individual completes both an initial screening and a full intake assessment with LEAD case managers within 30 days of the referral.

SOCIAL SERVICE PROVISION

LEAD stakeholders recognized the importance of hiring case managers who are accustomed to working in an intensive and "hands on" manner with their clients. LEAD stakeholders refer to this orientation as the "guerilla approach" to social work, highlighting case managers' willingness to do everything from tracking down recalcitrant clients in dark alleys to accompanying them as they complete paperwork, keep appointments, and apply for services and housing.[14] LEAD stakeholders also sought case managers who are comfortable with a harm reduction philosophy. That is, LEAD case managers are trained to meet their clients "where they are at," to help their clients identify their personal goals through motivational interviewing and other techniques, and to support their clients as they endeavor to achieve those goals. Abstinence may or may not be among their clients' objectives, especially in the short term. With these priorities in mind, LEAD contracted with Evergreen Treatment Services, a nonprofit addiction treatment services provider, to hire caseworkers to provide intensive case management for LEAD clients. As of December 2013, LEAD employs six full time case managers. These service providers' caseloads are comprised exclusively of LEAD clients.

Upon referral from an SPD officer, referred persons meet with a LEAD case manager who conducts an initial intake assessment and endeavors to connect the client with services that address his or her most acute needs. If the referral was made via arrest, the case manager conducts this assessment in the precinct itself. After this assessment, the referred person is free to leave, but is asked to return to the LEAD office to complete the intake interview. Once the referred person does so, she or he is a LEAD "client." If the referred person does not return to

[14] Interview with Lisa Daugaard, then-Director of the Racial Disparity Project, June 21, 2013.

complete the intake assessment within 30 days, the relevant prosecuting attorney's office may elect to file charges associated the arrest that triggered diversion.

Following the initial intake assessment, case managers work with their clients to create an individual intervention plan. Each individual intervention plan is tailored to the client's particular needs and goals, and may include "assistance with housing, treatment, education, job training, job placement, licensing assistance, transportation, small business counseling, child care or other services." Dedicated LEAD funds are used to pay for these services, although public resources are also accessed wherever it is possible to do so without displacing other people in need. LEAD's protocol emphasizes the importance of attaining "immediate access to needed services for program participants, rather than referral to a waiting list, in order to maximize the likelihood of participant success." LEAD stakeholders emphasize that immediate access to services helps to ensure that offenders are not simply arrested and released with a meaningless referral to service providers.[15]

Several core operating principles guide LEAD's provision of social services. First, LEAD adheres to a non-displacement principle, which means that LEAD clients never move to the top of a waiting list for social services simply by virtue of being a LEAD client. For example, if a LEAD client seeks methadone treatment, private LEAD monies will be used to pay for that treatment until sufficient time has passed that the LEAD client emerges at the top of the waiting list for publicly funded methadone treatment. This non-displacement principle was adopted to maximize the likelihood that LEAD will benefit the community as a whole, not just individual program participants.

Second, LEAD follows a harm reduction approach, which, according to the LEAD protocol, means "a focus on individual and community wellness, rather than an exclusive focus on sobriety, by immediately addressing the participant's drug activity and any other factors driving

[15] Interview with Ron Jackson, former Executive Director, Evergreen Treatment Services, June 24, 2013. Although a substantial portion of LEAD resources are devoted to client services, LEAD partners have come to realize that more than 50% of their resources are needed to ensure that LEAD provides adequate case management services.

his/her problematic behavior, even if complete abstinence from drug use is not immediately achieved." That is, the harm reduction model assumes that overcoming drug addiction is a long and arduous process, that setbacks are to be expected, and that meaningful improvements may occur in the absence of abstinence. Moreover, the emphasis is on assisting clients in identifying their own goals and supporting them as they work to meet those goals.[16]

Consistent with this harm reduction orientation, continued and ongoing participation in LEAD does not require abstinence. Rather, the hope is that by engaging clients, helping them to identify and articulate their own goals, and providing emotional, practical and financial support as clients work toward those goals, LEAD clients will cause less harm to themselves and to others than they would absent LEAD's intervention. Moreover, LEAD participants' eligibility for services and benefits are not time delimited. As the LEAD protocol explains, individual intervention programs are "designed to maximize the odds of a participant being able to achieve self-sufficiency independent of program funding at some point in the relatively near term." However, if LEAD program staff finds that the participant is not making good use of the resources provided, services may be withdrawn.

The LEAD protocol does not authorize any formal or punitive sanctions for "non-compliance." Although the offices King County Prosecuting Attorney's Office and the Seattle Attorney's office retain their authority to file charges against LEAD participants for past crimes or crimes they commit while in LEAD, prosecutors have committed to working in cooperation with LEAD, which means exercising their discretion to *not* bring charges against LEAD participants where doing so will enhance LEAD's efficacy. At regularly held work group meetings, law enforcement officers, case managers and prosecutors share information about LEAD clients so that each of these actors make informed decisions in matters pertaining to LEAD clients. In particular, these meetings were useful to prosecutors weighing whether to file charges LEAD clients acquired subsequent to their enrollment in LEAD.

SUMMARY

LEAD seeks to improve public safety and public order by reducing drug use, drug selling, and the

[16] Ibid.

quality-of-life problems associated with open-air drug and sex markets. By referring clients to case managers rather than booking them into jail, and by providing intensive case management services and resources that create meaningful opportunities for those struggling with addiction and extreme poverty, LEAD seeks to prevent arrests from leading to additional criminal justice intervention. The hope is that the program will not only reduce the individual and community harms associated with drug activity and the injury caused by criminal conviction and incarceration, but also provide an alternative model for social service provision which, by virtue of being more cost effective than the formal justice system, has the potential to reach far more people.

PART II: LESSONS LEARNED

Much has been learned in the process of creating and implementing the first known pre-booking diversion program for people arrested on drug and prostitution charges in the United States. While stakeholders express significant enthusiasm about LEAD's present and future, plans have been revised, things have not always gone according to plan, and much has been learned. Below, I identify a number of important "lessons learned." These lessons are presented in four sections: getting started; training; communication; and the transformation of institutional relationships.

GETTING STARTED

Lesson 1: Cooperation is Possible even where Adversarial Relationships Exist

LEAD stakeholders emphasized that cooperation in LEAD was and continues to be possible despite a history of adversarial relations (as well as on-going disagreements and diverse priorities). As noted previously, selective enforcement litigation brought by the Racial Disparity Project engendered significant animosity among LEAD partners throughout the 2000s. Police officers and officials described feeling personally offended and discouraged as a result of this litigation. As then-Captain Brown put it, "she [Lisa Daugaard] didn't understand why the cops seemed to take it personal. My response was, 'This is personal. You're accusing us of racism.

That's a big deal.'"[17] Prosecutors also indicated that the litigation was extremely burdensome for their office. As King County Prosecuting Attorney Dan Satterberg explained, "it was being litigated very aggressively and we were required to sit through dozens of depositions of high-ranking police brass, and even those who weren't so high-ranking…. it was very time-consuming. A lot of time and a lot of money had been spent, and it was very frustrating."[18] For their part, attorneys with the Racial Disparity Project were exasperated by the fact that the litigation did not appear to be altering drug enforcement practices.

Given this backdrop, it is quite surprising that LEAD stakeholders have been able to work collaboratively to develop and implement LEAD. According to stakeholders, participants' willingness to keep communicating, put the past behind them, and search for common ground made cooperation under these circumstances possible. As Alison Holcomb, Criminal Justice Policy Director for the ACLU of Washington, explained,

> *It had to be [then-Captain] Steve Brown asking that question [about alternatives to the drug war] and [RDP Director] Lisa [Daugaard] hearing that. Because what happened is that there was a line of communication that survived between the Defender Association and Seattle Police Department. Without that, LEAD never would have happened.*[19]

Maintaining communication and searching for common ground were thus essential to the creation of LEAD. As then-Lieutenant Deanna Nollette of the Seattle Police Department put it:

> *Traditionally we have definitely been on opposite side of most issues. . . . The planning has been interesting in that it has forced us to look at our expectations and look at the way we analyze things and to be able to discuss it with people who have a completely different way of analyzing things. Initially there was a lot more emotion behind it. And now we have come to see some commonality. . . . In the process of talking to people we realized we have the same goals and desires in what we wanted to accomplish.* [20]

[17] Interview with then-Captain Steve Brown, July 22, 2013.
[18] Interview with Dan Satterberg, King County Prosecuting Attorney, June 28, 2013.
[19] Interview with Alison Holcomb, Criminal Justice Police Director, ACLU of Washington, June 27, 2013.
[20] Quoted in Jeremy Kaplan-Lyman, *Law Enforcement Assisted Diversion, Seattle, WA* (2012), pp. 22-23.

Stakeholders' early commitment to a consensus model was a crucial component of this process. Early on, LEAD participants recognized that because participation in LEAD is entirely voluntary, adopting a consensus model would compel LEAD partners to work toward consensus and thereby reduce the likelihood that they would "leave" LEAD. Respect for the various institutional and political limits within which each of the participating organizations works and the decision to allow each stakeholder to maintain their professional autonomy in their decision-making processes also helped establish trust among diverse stakeholders.

Lesson 2: Collaboration is Possible Even among People with Diverse Motivations

In Seattle, litigation-fatigue, the fiscal and institutional costs of the drug war, and growing recognition that conventional drug war tactics were unproductive motivated the creation of LEAD. Indeed, LEAD stakeholders are now united in the belief that conventional drug enforcement tactics are costly and ineffective. As Dan Satterberg, King County Prosecuting Attorney, put it, "I've been around long enough to know that the processing of individuals through the court system and punishing people for being addicted to drugs doesn't make a whole lot of sense."[21]

Despite emerging consensus on this point, the LEAD stakeholders have had – and continue to have – diverse priorities and motivations. For the Racial Disparity Project, the main motivation for organizing the program that became LEAD was concern about the harm disproportionately imposed on Seattle residents of color as a result of conventional enforcement practices.[22] Law enforcement officials had a different set of motivations, namely, to develop less costly drug enforcement strategies that promote public safety and the perception of it.[23] For elected officials, supporting LEAD provided a way to respond to business and resident concerns about public safety, but in a compassionate manner that did not alienate service providers and

[21] Ibid.
[22] Interview with Lisa Daugaard, then-Director of the Racial Disparity Project, June 21, 2013.
[23] Interview with then-Captain Steve Brown, July 22, 2013.

supporters of the homeless.[24] For the ACLU, the primary motivation was still different. As Alison Holcomb explained,

> *The ACLU's motivation behind all of this is that if we can establish that other approaches besides treating drug use as a crime can be at least as effective and hopefully cheaper than all of the expense that goes with putting them into the criminal justice system, by marshaling the evidence that this is possible, we will build a foundation upon which we can argue for decriminalizing substance use and substance abuse altogether.*[25]

LEAD stakeholders thus possess varied priorities and diverse motivations. Despite these differences, stakeholders were able and willing to identify common ground and a productive collaboration has ensued. Compromising whereever possible helps make this collaboration successful. One key illustration is the Racial Disparity Project's willingness to recognize that reducing racial disproportionality may not be publicly identified as the main purpose of LEAD. As Lisa Daugaard recounted,

> *So we had this four hour meeting to establish the goal of LEAD, literally four hours - we brought food because we knew it was going to be hard. And we emerged from that with the agreed goal of reducing individual recidivism and, when taken to scale, having an impact on community wide public order. That seems so simple, but it wasn't simple. In the end, that goal was articulated much more in the terms of our traditional adversaries than in our terms. The [stated] goal was not more justice or more humanity or reduced racial disparity, but that was okay… we had to really let go of a style of engaging racial equality that requires that you say the word race constantly and that you constantly foreground that that is the goal.*[26]

By working toward consensus and by compromising where possible, LEAD stakeholders have thus been able to transcend the limits imposed by a history of adversarial relations and diverse motivations.

[24] Interviews with Seattle City Attorney Pete Holmes, July 2, 2013, and then-Seattle Mayor Mike McGinn, July 5, 2013.
[25] Interview with Alison Holcomb, Criminal Justice Police Director, ACLU of Washington, June 27, 2013.
[26] Interview with Lisa Daugaard, then-Director of the Racial Disparity Project, June 21, 2013.

Lesson 3: Early Identification of a Project Manager and Recruitment of Essential Partners is Essential

There is a broad consensus among Seattle LEAD stakeholders that the identification and recruitment of key organizational partners was an essential first step. These early partners include city and county prosecutors, as well as city and county law enforcement agencies. Indeed, several stakeholders noted that having prosecutors and law enforcement from both jurisdictions on board is politically advantageous for all. Stakeholders also suggested that the involvement of public defenders, civil libertarians, racial justice organizations (or any other groups that have been actively involved in drug policy reform efforts) is also important, although the particular organizations this will include may vary across jurisdictions. Similarly, identification of an appropriate social service provider – one in a position to train case managers in intensive case management techniques and familiar with harm reduction ideas and practices – is essential. Finally, many stakeholders emphasized the importance of identifying an appropriate civil legal service provider (or providers) who can coordinate with case managers as well as prosecutors.[27] Legal service providers will need to be equipped to assist LEAD clients with a broad range of legal needs and issues – everything from protection orders, legal financial obligations, child support orders, child custody issues, driver's licenses, and more.

Early identification and recruitment of key partners in law enforcement and service provision, as well as among elected officials, is thus essential. Successful recruitment and retention of key partners, in turn, presumes the existence of an organization that is able and willing to serve as program manager. Among LEAD stakeholders, there is a broadly shared sense that having an effective project manager is absolutely critical. This project manager plays several crucial functions, including:

- Recruiting key organizational partners, as described above;
- Garnering political support from elected officials.
- Securing funding and working with funders;
- Maintaining communication and positive relations among stakeholders;

[27] In Seattle, LEAD employed a Lyman Fellow to conduct this work for the first two years.

- Trouble-shooting; and
- Facilitating communication between stakeholders, especially law enforcement, and neighborhood groups.

In addition to recruiting key partners, facilitating communication amongst them, and seeking funding, the project manager plays an important role in securing neighborhood and community support. To initiate dialogue with community members, LEAD organizers hosted a series of focus groups before launching the program. These included business owners, social service providers, and Belltown residents. The focus groups served as a means to both disseminate information about LEAD and gather feedback from community members. As Lisa Daugaard explained, eliciting support from the neighborhood was not especially difficult given the widespread perception that conventional tactics had failed miserably:

> *So really, people wanted investment in the neighborhood, they want tangible demonstration that people cared. They wanted tangible demonstration that their problems were being taken seriously, and weirdly, LEAD was the manifestation of that. It was as if we were validating their public safety issues by giving you this program, which is the opposite reaction of the one that you would imagine, you know, "Oh, its hug-a-thug and its stepping back." And we were like, "No, no, no, it stepping forward. This is doing more, not less." And they recognized that.*[28]

At the same time that they sought community support for LEAD, stakeholders were careful not to oversell the program:

> *We were very committed to building limited expectations… we have trained the Belltown Community Council on principles of harm reduction, such as people do not get clean overnight, and any approach that assumes that that's what's going to happen is not going to be very effective. People do engage over time in better behaviors, better for you, better for them, when you meet them where they are at. This is empirically true. And that idea, which feels so radical... turns out it resonates with most people's known experience with somebody in their family or somebody else. They know that people relapse; they know that it's a long*

[28] Interview with Lisa Daugaard, then-Director of the Racial Disparity Project, June 21, 2013.

process. And you don't just give up on the person because they took another drink or whatever. So we were not selling snake oil.[29]

In addition to building neighborhood support – and realistic expectations – the Racial Disparity Project, acting as project manager, took active steps to ensure on-going support for LEAD from elected officials. The participation of elected officials in LEAD, in turn, led stakeholders to make sure to speak publicly about LEAD (once it existed) as a collaborative effort, and stakeholders agreed that this commitment has been honored. Here, Lisa Daugaard explains why LEAD partners agreed to commit to this principle:

A lot of the partners who were necessary to this effort are elected officials, and if the program went badly they could hand it off to somebody else like it was really his program, that stupid thing, you know. And if it went well they could try to claim credit for it, and that would destabilize the whole thing… So we made this rule that it doesn't belong to anybody - no one could claim that it was all theirs. Everybody is supposed to acknowledge their partnership with these other entities when they talk about it… And, you know, they [elected officials] should be able to use it politically. If it's popular they should get credit for being part of it, but they need to use it in a way that honors the fact that if it were just them it would never have happened…. So that was really important in in terms of relationship building.[30]

As Project Manager, Racial Disparity Project staff often served as trouble-shooter when tensions arose between participating organizations. For example, while SPD officers were increasingly frustrated at being required to arrest an addicted person in order to help her get housed or into treatment, other LEAD stakeholders strongly preferred that LEAD remain an arrest referral program both for evaluation purposes and to ensure that it remained relevant in other jurisdictions still enthusiastic about making drug arrests. To help resolve this matter, RDP staff met separately with each key stakeholder to ensure that the decision-making meeting on this issue did not result in one of the partners withholding consensus, forcing a crisis that might have threatened the program. In the end, an increase in social contact referrals was approved,

[29] Ibid.
[30] Ibid.

with a renewed commitment to ensuring there was a sufficient cohort of arrest referrals to make a viable evaluation of outcomes for that group possible.

Early identification and recruitment of key partners in law enforcement and service provision, as well as among elected officials, is thus key to getting LEAD off the ground. Successful recruitment and retention of key partners, in turn, presumes the existence of an organization that is able and willing to serve as program manager.

Lesson 4: Think Carefully About how to Elicit the Support and Participation of Police Officers

One of the most significant challenges for LEAD stakeholders in Seattle has been eliciting officer buy-in. This has been difficult despite strong support from police leadership for LEAD. Securing the willing participation of line officers is especially challenging because LEAD's harm reduction approach asks officers to consider refraining from arresting someone whom they believe to be in violation of drug laws and to refer them instead to a program *that does not require abstinence*. Moreover, officers who do make referrals often continue to see LEAD clients who are still "on the streets." The idea that people can remain in the program even if they are "hanging out" downtown and actively using drugs is anathema to many officers. As then-Lieutenant Deanna Nollette explained,

> *Our view initially going in to LEAD was, you get this opportunity, you blow it, you're done. You go to jail, you get charged, we prosecute…. It was an interesting conversation, in that [the service providers] were saying no, that [relapse] is part of recovery. . . . We are not going to force people to stop using. They can continue to use. We are looking at reducing their illegal behavior. That is a really hard thing for cops to get their head around.*[31]

LEAD stakeholders were aware that eliciting officer support would be challenging. The fact that LEAD organizers targeted officers who worked in proactive police units and were understood to be "hard chargers" intensified the challenge. Ian Goodhew, Deputy Chief of Staff in the King County Prosecutor's Office, identified two rationales for the decision to seek the participation of these "hard chargers:"

[31] Quoted in Jeremy Kaplan-Lyman, *Law Enforcement Assisted Diversion, Seattle, WA* (2012), p. 20.

> *Captain Brown was the one who really pushed the concept of "If we're going to do this, we're not going to do it with the community service officers and the softies. We're going to do it with the hard guys – because if they buy into this, anybody will buy into it." They go out and they do buy busts and they arrest people and they're not into community. I mean, they're nice. They're professional. They do their jobs. But they wear all black and they are kind of are paramilitary. And they're very hierarchical and organized and disciplined and if they were going to buy in, others would too. But for me, I just wanted the officers who knew the streets the best... I wanted the guys who we knew were doing something out on the street and who really knew the people.*[32]

In an effort to secure the support of these "hard chargers," stakeholders conducted a focus group with officers from the relevant units. The idea was to provide an opportunity for LEAD organizers to explain the program and to allay any misconceptions about it. At the same time, organizers wanted to hear officers' honest reactions to the program and ideas about how to improve it. They were also committed to responding to officers' suggestions where feasible and appropriate.

LEAD stakeholders uniformly indicated that the use of the focus group technique was invaluable. As Lisa Daugaard put it,

> *It [having focus groups with officers] is essential. It is the most valuable tool that we have used and I would never try to do any major police practices reform without it…. Because the worst that's going to happen is they're going to say "this is not going to work." They may be right, and you sure as hell want to know now what they are going to actually do with this policy before you roll it out and have the opportunity to fix it if they are correct. And even if they are not correct, you want to know what they think about it so that you can engage that thinking in the training.*[33]

Ian Goodhew of the King County Prosecutor's Office noted that the execution of the focus group was flawed in some ways (see below) but agreed that it was nonetheless quite useful:

[32] Interview with Ian Goodhew, Deputy Chief of Staff, King County Prosecuting Attorney's Office, June 28, 2013.
[33] Interview with Lisa Daugaard, then-Director of the Racial Disparity Project, June 21, 2013.

> *But I could see in the room that there were some [officers] that were like, "Okay, you're going to let us have a say." And ultimately, that group came up with like 16 changes or recommendations and the committee agreed to 12 of them or 13 of them, but we held strong on some others. And [the sergeant of the relevant unit] has always told me that that the fact that they got some say in what the protocol would look like was huge.*[34]

Numerous stakeholders confirmed that revisions were made to the protocol in response to officer feedback. For example, officers expressed a strong preference for having the referral option that came to be known as "social contract referral," and this feedback ultimately led organizers to revise the LEAD protocol.

On the other hand, police officers' accounts of the utility of these focus groups ranged from mixed to sharply negative. Some officers and sergeants agreed that the focus group provided a useful opportunity for dialogue and the exchange of information. In these groups, too, officers noted that some of their critiques and suggestions had resulted in concrete changes to the protocol. For example, this sergeant commented that the fact that officers got "a say" in how the program would work enhanced police cooperation:

> *I think they were trying to come up with some criteria on how it was going to be implemented. And that was really hard, but we were given a lot of leeway on who we chose to allow to go in [to LEAD]. And I think if that had been taken away from us, I think you would not have gotten as much cooperation.*[35]

However, the fact that command staff and LEAD organizers observed the discussion from behind a one-way mirror was an issue for many, including this sergeant:

> *And then we got corralled into this room with a one-way mirror, and it was clear that there was somebody on the other side… And they had a professional moderator that we never met, and they were asking very specific questions, and they asked for honest feedback. I think the people behind the glass – I heard that they got a lot of out of it… they heard questions and answers that they were not expecting. But for the people involved, they felt like they were blindsided, like*

[34] Interview with Ian Goodhew, Deputy Chief of Staff, King County Prosecuting Attorney's Office, June 28, 2013.
[35] Focus group interview with SPD sergeants involved in LEAD, September 4, 2013.

we're these lab rats and like we're not going to recognize that that's a one-way mirror… . [36]

In other discussion groups, officers complained bitterly about organizers' decision to allow command staff to observe the discussion from behind a one-way mirror, and felt that their feedback was taken seriously. Officers in this unit also resented the fact that they were not "primed" for the discussion, and that the primary LEAD organizer who was asking for their cooperation was also the main architect of litigation which, they believed, targeted them individually. As two officers in this unit put it:

Officer 1: We had a cattle call where everybody was brought into a room over there and they told us who LEAD is. Basically why and how it became LEAD due to the racial profiling thing… That because we racially profile people, so we're going to do this LEAD program…. So that's the first thing we heard of it.

KB: Is that how everybody recalls it?

Officer 2: It was a settlement… They said that based on the racial profiling – I think there were seventeen people sued in the department for racial profiling which we were involved in, and they basically said, "Obviously you guys are going out and targeting certain people. These people need help." It was kind of ironic that we're the guys who were going out there and supposedly violating rights and racially profiling people, yet we're coming to you guys because you actually know who on the street needs help. So it wasn't well received initially.

Officer 1: No. Because I don't agree with the premise of how it was explained to me, that we're racial profilers. Now you're coming to us to help with your program, that's kind of a big burr on our side.[37]

Officers' mixed reactions to the focus groups suggest a number of lessons about maximizing the utility of focus group interventions with line officers whose participation in LEAD is sought:

- It may be best to have organizers with non-adversarial histories with the police request and initiate these dialogues;
- Although focus groups are a useful tool that can stimulate dialogue, preparing

[36] Ibid.
[37] Focus group interview with SPD officers, July 24, 2013.

people for them ahead of time is appreciated;

- Creating a situation in which command staff and/or LEAD organizers attempt to clandestinely observe focus group discussions with officers is not a recipe for success. Instead, have command staff and LEAD organizers directly observe these discussions.

The results of the focus group interviews conducted in the summer and fall of 2013 indicate that the degree to which officers "bought-in" to LEAD varied significantly across units. In two of the four relevant squads, DOC and SPD officers mainly expressed cautious optimism about LEAD and appreciation for their sergeants' leadership and involvement with the program. Indeed, officers from these two units make a significant number of referrals and have not infrequently elected to call LEAD caseworkers instead of re-arresting a LEAD participant. In two other SPD units, however, reactions were notably less positive, and in one of these units, officer buy-in appeared to be almost completely absent.

It is not entirely clear why officers' reactions to LEAD were so varied at the time the focus groups were conducted. However, several sergeants and officers noted that officers who expressed the most discomfort with LEAD were in a unit that lacked a sergeant at the time that LEAD was being designed and implemented. The sergeant who eventually became the supervisor of this unit agreed that the prior absence of a functioning sergeant was highly consequential:

> *[The unit] didn't have a sergeant who had been providing them with information and doing the messaging. And they [the officers] were clearly frustrated, because I don't think they felt as if their opinions were heard as this program was designed, and I don't think that there was a very consistent or thorough sell job to them. So I felt like I had a lot of catch-up to do. I mean, understanding that the program was going to happen, and was happening, and we needed to be on-board with it. I had to do my best to try to start over, tell them, "This is where we are, and this is what we're doing. This is what I want…" That was a steep hill to climb.*[38]

[38] Focus group interview with SPD sergeants involved in LEAD, September 4, 2013.

More generally, a number of officers stressed the importance of the role played by sergeants in informing officers about the program and conveying officer' concerns to LEAD organizers. As one officer put it:

> *Among officers generally, there's some confusion in the program about whether people can people get (re)arrested and still be on the program. But I would say that we have a very good understanding. And, again, I think that it goes back to our supervisor. It's a priority for him, you know. So he makes sure that we understand it. The sergeant is key.*[39]

These accounts suggest an additional lesson, namely:

- Make sure that the sergeants who supervise units that will make LEAD referrals are in a position to train officers and share officer feedback about the program as LEAD is designed and implemented.

It is worth noting that attitudes have changed markedly among officers in the unit that initially expressed little support for LEAD. Alarmed by the tenor of the focus group conversation, I requested and received officers' permission to share their concerns with LEAD organizers shortly after I conducted the focus group. In follow up meetings, the officers, LEAD organizers and then-Interim SPD Chief Jim Pugel had an open and extended conversation about the officers' concerns. I requested a follow up interview with the sergeant of the unit in question to ascertain whether this conversation had altered officers' perceptions of and attitudes toward LEAD.

In this interview,[40] the sergeant of the unit in question indicated that the officers "were pleasantly surprised" by LEAD organizers' receptivity and openness. Although officers remain concerned about the fact that LEAD clients are allowed to return to the area in which they were arrested, they understand that this is the unavoidable consequence of the spatial concentration of social services in the downtown area. The sergeant also noted that LEAD organizers were able to address and allay several misconceptions about LEAD. For example, prior to this

[39] Focus group interview with SPD officers involved in LEAD, September 23, 2013.
[40] Interview with SPD sergeant, March 17, 2014.

meeting, the officers believed that prosecutors *never* filed charges that LEAD clients acquired after becoming a LEAD client, and therefore that LEAD functioned as a "get out of jail free" card. LEAD organizers clarified that although prosecutors do not file charges for the arrest that triggered diversion, they sometimes do file subsequent charges when they perceive that doing so will facilitate rather than hinder LEAD clients' therapeutic progress. According to the sergeant, this clarification was helpful because officers now understand that LEAD is not necessarily a "get out of jail free card" and that the time and energy they spend completing the paperwork on such arrests is not pointless. The fact that officers' attitudes regarding LEAD have, according to their sergeant, improved notably as a result of dialogue underscores the importance of maintaining on-going communication with line officers (see Lesson 8 below).

Lesson 5: Allocate Time to Develop Consensus around an Appropriate Protocol

Numerous stakeholders emphasized that the development of the LEAD protocol was a difficult and time-consuming process, but one that ultimately enabled stakeholders to reach consensus on a number of difficult decisions – and to establish mutual trust and respect. In Seattle, a number of tricky questions were debated for some time. These included:

- Whether to include sex workers and perpetrators of other "victimless" crimes;
- Whether to include drug dealers who were not addicted to narcotics, and, if so, how to delimit this category;
- What eligibility requirements should exist;
- Whether to allow "social contact" referrals;
- How to delineate the geographic boundaries in which LEAD would operate;
- How prosecutorial charging decisions will be handled;
- Whether the group would work on the consensus model.

Discussions of these topics raised complex issues, and were therefore difficult and protracted. For example, the decision to allow social contact referrals engendered significant misgivings, particularly among those affiliated with the ACLU. Alison Holcomb explained the ACLU's concern about adding the social contact referral option this way:

> *At the ACLU, we want to be able to say, "You can just decriminalize. You can change this law. And this was somebody who was actually committing a crime." If they're not committing the crime, it's hard for you to argue that you're anything more than a social service, and it doesn't necessarily argue actual criminal justice cost savings.*[41]

In the end, Seattle stakeholders responded to SPD input and made the decision to allow social contact referrals but to clearly distinguish them from arrest referrals so that their efficacy can be analyzed separately in the outcome evaluation. Stakeholders' willingness to be flexible and seek common ground allowed the group to develop consensus around this compromise.

Although the particulars of the operational decisions that need to be made will likely vary across jurisdictions, it is clear that the development of consensus around a shared protocol is essential for the effective functioning of the program. And as several stakeholders also noted, the process also enabled the establishment of trust and mutual respect among LEAD stakeholders. As one King County Prosecutor, Mary Barbosa, put it:

> *I think taking our time coming up with the protocol was really important. To really have your folks within the stakeholder agencies identified, and have them a part of it, and cultivate those relationships before you start doing the active case management, which can be stressful. It is important to get that base established before you actually put it into play.*[42]

In short, although development of the operations protocol is a challenging undertaking, the collaborative nature of the process lays the foundation for future success in a number of ways.

TRAINING

Lesson 6: Provide Training for Service Providers

As the previous discussion made evident, LEAD organizers anticipated that eliciting officer support for LEAD would be complex. They therefore took active steps to elicit officer feedback and train officers in both harm reduction ideas and the mechanics of making LEAD referrals.

[41] Interview with Alison Holcomb, Criminal Justice Police Director, ACLU of Washington, June 27, 2013.
[42] Interview with Mary Barbosa, Chair of the Felony Trial Unit in the King County Prosecuting Attorney's Office, August 6, 2013.

However, organizers did not anticipate some of the trickier issues that case managers would face, in part because they contracted with an agency (Evergreen Treatment Services) that is experienced with harm reduction programs and ideas and recruited case managers who expressed comfort with the "guerilla" approach to social work that was described previously. Lisa Daugaard recounted how, at the urging of DOC staff, LEAD stakeholders came to realize

> *…that we needed to do comparable talking to and training with the case managers because in a way this is as weird a thing to do for them as it was for officers… We assumed that the case managers would be flexible and that they would just figure out how to work with officers, and when that wasn't going very well, we were like, "You know what? We needed to train the case managers, too."*

Indeed, working as a case manager for LEAD involved many novel challenges even for seasoned social workers with extensive experience in chemical dependency treatment generally and harm reduction programs specifically. In particular, collaborating with police officers puts case managers in unusual and often complicated situations. As one supervisor at Evergreen Treatment Services put it,

> *We had some trepidation about entering into a more formal relationship with the police. Because our whole program – we work with people who are engaged constantly in illegal activities. And so we didn't want to represent ourselves as being part of the police, or aligned with police, because we really want them to know that we are there to advocate for them in solving their problems.*[43]

Collaborating with police officers posed a variety of challenges for case managers. For example, the fact that case managers are asked to share information about their clients with officers in work group meetings raised a number of questions for case managers. This was done in order to ensure that prosecutor's decisions about whether to file charges that LEAD clients acquired after enrolling in LEAD were well-informed and well-timed. Nonetheless, the process of disclosure raised complex issues for case managers:

> *There is this whole thing about people sitting at the table and sharing information, but it's very confidential. Because remember, we're building a*

[43] Focus group interview with LEAD case management supervisors, September 22, 2013.

relationship with the client. They're beginning to trust us. But we have to talk about that client to a lot of people. And sometimes information that we may share could 'cause them to maybe get arrested. People in that group – police officers – could go back and act on that information that I shared about my client. That would really just tear down anything I've built with that client. But I think that nobody wanted to see that happen and eventually everybody came back to the table and said, you know, "Let's go back and agree that we can't do that. We can't do that. There's a lot involved." Not only the case manager's safety if they think you've snitched on them – there's just a lot of issues that we had to look at as a group because it has to work for all of us.[44]

In addition, case managers expressed concern that they would lose their clients' trust if they were seen as being too close to the police. The perception that LEAD is a program for "snitches" compounded this difficulty:

Case Manager 1: I get concerned for the clients because word on the street is that – and I've heard this from a handful of my clients, so I can only base it on my experience – word on the street is LEAD clients are snitches.

Case Manager 2: They all say that – it's a snitch program.

Case Manager 3: We've had people turn us down because of that.

Case Manager 1: Yeah. We've had people say "I don't want to be in the Snitch Program."

KB: Why do they think that?

Case Manager 1: Because they [LEAD clients] get arrested and they walk out of the precinct.[45]

Collaborating with the police thus raised several unique and complex issues for case managers. At the same time, case managers came to appreciate the clinical opportunities that this collaboration afforded them. As this case manager explained,

In the very beginning it was very tumultuous... But just like in any relationship, we've grown. And I think utilizing all systems can be very helpful. Sometimes we can't get our hands on the client, and it's tough to engage them when they're

[44] Focus group interview with LEAD case managers, July 23, 2013.
[45] Ibid.

> *ripping and running. But the cops are like, "We got 'em"… You know, DOC has programs that they can utilize – 'cause sometimes clients need to be mandated to do things. We can't mandate them to do things. If they're mandated to do something but they have the support of the case manager, it will be more successful. And then the program will actually end up being beneficial to them.*[46]

Another case manager reiterated the idea that the police-case manager collaboration can be highly productive:

> *I like the way they play the bad cop and we get to be the good cop. And come and pick them up when they [officers] have them in the alley. Or when they're getting picked up on the second arrest. And you get to make that decision, and the client knows that. The cops make them very aware of that – they're being the bad cop. But that also opens the door to build a better relationship with a client who's been less engaged in services and just kind of doing it their way… So, yeah, I think it's good – took some ironing out, but it's a good relationship to maintain, definitely.*[47]

Thus, although case managers conveyed a sense that their collaboration with the police was ultimately fruitful and worthwhile, it nonetheless meant that case managers faced a number of complicated issues that could usefully be foregrounded and explored in training sessions. Conducting outreach and educational efforts with people who are likely to encounter LEAD clients regarding the programs operations may also help to dispel the myth that LEAD is a "snitch program."

Ironically, the fact that LEAD case managers were able to spend program monies to obtain needed services and goods for their clients also posed novel and interesting challenges for case managers, all of whom were unused to having private resources at their disposal. As one case manager explained,

> *In the beginning there was this mind frame of: "We have all this money. Throw the money at it." And we've had a learning curve and learned that access to the*

[46] Ibid.
[47] Ibid.

money is nice, but you just don't throw money at the fire. 'Cause we've lived with burned money.[48]

Case managers reported that figuring out how to effectively use resources to support and reinforce client initiative while also managing client expectations and maintaining clients' commitment to following through was difficult:

I would agree with everybody: it's nice to have the money to provide the resources, but the expectations of the clients – because they seem to know we have the money somehow – makes it difficult at times too. Where you're trying to get them to follow through it can be a challenge.

Case managers reported feeling better equipped to make decisions about when and how to spend program monies over time, though these decisions remained inherently difficult. As this case manager explained:

We started out taking people down to Ross and buying clothes. Because our first thinking was, "Okay, these people are homeless. They're dirty. They need clothes." We put them in a motel; get them a nice couple sets of clothes. And what we discovered is that they sell the clothes and they come back and they need more. So we quickly learned that's not the answer… I am not saying we won't purchase new items – like if a person needs work clothing, we're glad to do that. Or people doing treatment, we try to buy them the things they need. And when we put people in a motel, we put them in there with some hygiene items and a little bit of groceries. Now I see it [money] as a real valuable tool to use to engage our client and give that client some incentive to move forward. But it is a fine line.[49]

In the end, case managers agreed that access to funds significantly enhanced their capacity to provide useful services such as mental health services for their clients:

Another thing I do like about the money is that otherwise, a lot of the mental health services that are available to our clients – I call them "Cattlemen's Health Services." They're not like what privileged people have access to. But with the money, I can call up, make an appointment with the therapist, and see them the next week. With the Cattlemen's services, you gotta go with 1,000 other people,

[48] Ibid.
[49] Ibid.

> *get stamped, meet with this case manager. Then you won't see a psychiatrist for six weeks. The nice thing about having the money – I can call the therapist and say, "Hey, I'm going to private pay for this person to come." And you can give them that same access that any other privileged person would have. And I think that helps, because mental health is a big barrier to a lot of our clients.*[50]

In sum, although case managers appreciated the opportunities that financial resources create for their clients, their ability to access these resources also meant making difficult decisions that might have been usefully addressed in early training programs.

Even with access to resources, caseworkers had a more difficult time finding housing for their clients than they anticipated. Although having resources did create some housing opportunities, money did not solve all housing-related dilemmas, as this case manager explained:

> *I would say another benefit [of having program resources] is that clean and sober housing costs money. So if a client gets out of treatment and they're in recovery, the benefit is you pay the $400 and put them in clean and sober housing. So that's really nice… But sometimes it's difficult to find the housing outside of clean and sober living because of criminal history. Criminal history is big.*[51]

While case managers agreed that their clients' criminal records were important barriers to housing, they also noted that there is a more general lack of affordable housing suitable for clients who are still using drugs:

> *We know we're not in the business of just paying for someone's ride for eternity either. And that's why our clients are a challenge to house because they're not as compromised as, say, the REACH clients who have social security income and are disabled, and can qualify for all this existing housing within the city for that's set aside. But they [LEAD clients] are not as high functioning as to be able to hold a job and pay rent. So they're in this kind of in-between limbo stage where they're higher functioning, but can't work because of their addiction. But they're not*

[50] Ibid.
[51] Ibid.

> *disabled and they don't qualify for the existing housing. There's no housing for active addicts that don't have jobs, that aren't disabled.*[52]

When asked how they were responding to these challenges, case managers made clear that they are continually seeking out housing opportunities for their clients, but that these are often difficult to generate. Strategies for addressing these housing challenges could also usefully be anticipated and addressed in early training programs.

Lesson 7: Identify and Train a Legal Services Provider

Many stakeholders emphasized the importance of identifying an effective legal service provider. As one case manager explained,

> *One of the great things about LEAD was the work that Isabel [the legal service provider] did for our clients – it helped out tremendously. I had a client that was looking at a year and a half in jail. And Isabel and I worked hard with the prosecutor who was at the other end, and we fought tooth and nail, but we did it in a very cordial way and professional way. The client didn't end up seeing any jail time. And he's been clean and sober for the past year, and he's been housed, and he hasn't picked up one new criminal violation. A lot of our clients just have a regular public defender – and because public defenders are overwhelmed constantly they're usually getting a plea. But when you had somebody like Isabel as a liaison, who was also a lawyer, speaking with that public defender, I think it made that public defender have more accountability towards that client. And then me as a case manager there as well…. And all the public defenders are like, "Wow, you have a lot of support. You have a lot of people." And I noticed that benefited our clients so much.*

In Seattle, provisions were made to provide legal services to clients for the first two years, although the range of civil legal services that would be needed by LEAD clients was not fully appreciated until the program was up and running. As Isabel Bussarakum, legal service provider with the Racial Disparity Project, explained:

> *Even though in LEAD the criminal case is diverted, we imagined that this population has a lot of [criminal] legal issues, and we've found that to be quite true… many of the LEAD participants have other existing criminal cases that you*

[52] Ibid.

> *either represent them on, or just help them with - reminding them of court hearings, sending their public defender an email saying they're in this great program – all those things can be helpful. And then in addition to the criminal cases they have, I found a lot of LEAD participants have a whole host of civil legal issues that they're dealing with, most often related to the fact that they've been in poverty for so long.*[53]

One challenge, therefore, is simply finding a legal service provider who is flexible, creative and resourceful enough to help address LEAD clients' myriad legal needs. Another challenge is developing tools that enable case managers to quickly identify pending legal matters that may derail their therapeutic endeavors. As Ms. Bussarakum explained:

> *Another thing that would be great is for us to come up with better trainings, or materials, for the case managers… In their intake materials, could they incorporate some questions that would help them spot things. Although I know that their intake assessment is so long as it is that they would be reluctant to do that. 'Cause there are times I think when they have to – it takes them like three meetings with the client to get through that assessment. But one of the difficulties is to try and think through how can we better spot legal issues, 'cause the vast majority of time, the participant doesn't spot the legal issue themselves, or they do, but once they do it has like already become a huge problem for them.*[54]

Other important tasks related to the provision of legal services include:

- Establishing a viable system of communication between social and legal service providers such that this information is readily shared;
- Establishing a means by which the legal service provider(s) become(s) aware of warrants and new charges, and works collaboratively and proactively with case managers and prosecutors to address these issues.

[53] Interview with Isabel Bussarakum, then Lyman Fellow with the Racial Disparity Project, July 31, 2013.
[54] Ibid.

Lesson 8: Recognize the Need for On-Going Training and Dialogue with Line Officers

Officers who were asked to make LEAD referrals went through a series of training sessions. These sessions included discussions with case managers about harm reduction principles. Several of the officers noted that they found these sessions to be very helpful. As one officer explained:

> *When we had the meeting with the counselors, what really helped me is when they said, "You need to understand that they're not going to immediately become clean and sober, productive citizens. It took them years to get where they are, and there's going to be a lot of failure and everything." So that helped me understand that this was going to take a while… .*[55]

However, many officers remain concerned about the fact that LEAD does not require abstinence, and that LEAD clients are not terminated from the program for spending time on the streets in the neighborhood in which they were arrested. Numerous officers conveyed their disapproval of the fact that clients are not terminated from the program if they are known to be using drugs or remain in the area in which they were arrested. As one unenthusiastic officer put it:

> *I mean, largely it's the same people [who were already referred to LEAD] that we see out there. So they'll get kicked out the door and then we'll go back out and you'll see them right back in the same area again. Doing the exact same thing. Which is, you know, that's the definition of insanity. And that kind of takes the wind out of your sails as well because you're not curbing the problem.*[56]

It appears, then, that the need for dialogue and education about harm reduction principles with line officers is best conceived as an on-going project rather than as a one-time intervention. Although police sergeants and command staff who attended work group meetings did become more familiar and comfortable with harm reduction ideas over time, in Seattle, most line officers did not initially attend those meetings. As a result, they were not exposed to conversations in which harm reduction ideas were expressed and affirmed. More importantly, they did not hear case managers' reports about LEAD clients who did not achieve sobriety and

[55] Focus group interview with SPD officers involved in LEAD, September 16, 2013.
[56] Focus group interview with SPD officers involved in LeAD, July 24, 2013.

other life improvements for some time – but ultimately did so. As one of the few officers who did regularly attend work group meetings explained,

> *It's always the brass and the sergeants who attend [the workgroup meetings]. But how about having line officers come to the meetings, so they can hear the success stories of folks that are being successful in the program? So that way they understand that all that paperwork they did and letting the guy go was, you know, in the end, it was good. The outcome was positive.*[57]

As noted previously, the research conducted for this report triggered an intervention by LEAD organizers with SPD officers who, at the time of their initial focus group, were unenthusiastic about LEAD (see Lesson 4 above). In response, LEAD organizers now encourage officers to attend work group meetings when they can. LEAD organizers and the sergeant of the unit in question agree that the participation of line officers in the regular work group meetings is productive and useful for all attending parties.

This history suggests several additional "lessons", namely:

- Have officers attend LEAD work group meetings on a rotating basis to deepen their understanding of harm reduction ideas and practices, and to provide additional information about LEAD clients;
- Develop a means by which client "success stories" can be shared with those participating in work group meetings as well as other referring officers.

COMMUNICATION

Lesson 9: Recognize the Importance of Regular Operations and Policy Meetings

Collaborative problem solving is an essential component of LEAD, and one of its most transformative features. LEAD's policy coordinating group is its governing body, and is comprised of representatives from a broad range of organizations, including the Seattle Police Department, the Seattle City Attorney and King County Prosecutor's offices, the Racial Disparity

[57] Focus group interview with DOC and SPD officers affiliated with the Neighborhood Corrections Initiative, August 8, 2013.

Project, the ACLU of Washington, Evergreen Treatment Services, the King County Sheriff's office, and the Department of Corrections. At regularly held policy group meetings, high-level representatives from these organizations assess LEAD's progress and consider a variety of programmatic issues. These monthly meetings afford an opportunity for individuals who would not ordinarily work together to share information and collaboratively solve problems.

LEAD also regularly holds regular work group meetings. In these meetings, caseworkers describe the progress (or lack thereof) of their LEAD clients and members of other organizations – especially law enforcement and prosecutors' offices – provide their own input about those same individuals. Because many LEAD participants have extensive and ongoing legal problems, these sessions allow prosecutors, legal service providers, case managers and police officers to work together to solve some of the legal problems that LEAD clients face. In addition, the sharing of information was useful to case managers seeking to assess the veracity of their clients' self-presentation.

The work group meetings also ensure that prosecutor's filing decisions regarding LEAD clients' prior or subsequent cases are based on up-to-date information about the clients' status. Prosecutors often sought to ensure that their filing decisions did not interfere with clients' therapeutic progress. For example, if a LEAD client was about to enter a drug treatment program, the prosecutor would likely refrain from filing charges at that time in order to avoid interrupting the client's recovery. In addition, coordination meant that prosecutors were informed about LEAD clients who were not engaging in the case management process. As Mary Barbosa, Chair of the Felony Trial Unit at the King County Prosecutor's Office, explained,

> *We [prosecutors] have the discretion [to make filing decisions] but it's actually been a very collaborative process. We filed some of them, some of them even with the urging of the case manager. Like, "I can't get her attention... She came in once, she did enough to get herself in LEAD and keep her case from being filed, but then I haven't seen her." And the police are saying: "Oh, we see her all the*

time downtown." And so, you know, "Yep, let's just file on her and get her attention, and, you know, reengage her." We do that all the time.[58]

Stakeholders consistently identified the collaborative nature of the policy and work group meetings as one of the most beneficial aspects of LEAD. As Ian Goodhew of the King County Prosecutor's office put it, "Once people start talking with each other instead of talking about each other or only talking to other people who they always agree with, things change." A supervisor with Evergreen Treatment Services echoed this sentiment: "Sitting at the table together in a work group, and developing those personal relationships, it kind of moved us out of that "us and them" kind of thing, into, 'How do we work together to serve this person?'" Regular dialogue, sharing of information and collaborative problem solving thus has broad and transformative effects as well as practical utility.

Lesson 10. Develop Additional Methods of Communication and Information Sharing

As productive as many LEAD stakeholders find the work and policy group meetings to be, these meetings do not, in and of themselves, ensure that all communication needs are met. One reason for this is that most line officers did not regularly attend the work group sessions. As noted earlier, it seems likely that this contributed to officers' unfamiliarity and discomfort with harm reduction ideas; it also meant that line officers did not consistently receive updates about LEAD clients they had referred to the program, some of which would likely have enhanced their confidence in the harm reduction approach. In addition, although sergeants attending the meetings were well-informed, case managers were often unable to obtain information from officers who may have valuable insights and information about their clients.

In addition, many officers expressed a desire to create a system by which information could be shared between case managers and officers. As one officer put it:

It's the follow up that's very frustrating, 'cause once they're in the program and they're meeting with a case worker, if we happen to run into them on the street, I want to be able to get a hold of the case worker so I can find out, "What's going

[58] Interview with Mary Barbosa, Chair of the Felony Trial Unit at the King County Prosecuting Attorney's Office, August 6, 2013.

> *on with this person. I know you did the initial intake, what are the goals? What are the plans?" You know. And it's frustrating when we have the body right there, but we can't get a hold of anyone.*[59]

A supervisor at Evergreen Treatment Services indicated that she was aware of officers' desire to be able to contact case managers and obtain access to up-to-date information about LEAD clients, but highlighted the cultural and practical issues this raised:

> *I think it kind of is another illustration of the different kind of culture – this conversation around the fact that the police want to be able to get a hold of us at any moment, at any time of day, and expect a response. I mean, that is what they do, right? But that isn't what we do. I'm always working with case managers to – 'cause our clients are always in crisis, right? And a lot of it's self-defined crisis, and there's this expectation that "you respond to me." So I always work with case managers, saying we don't have to react to that crisis. But here we are getting calls from police officers who are like, "So and so is in the alley smoking crack, and you need to be down here right now." And it's like, "Yeah, so and so's been in the alley for the last twenty years smoking crack. And us coming down here at 6:00 a.m., or responding to your call, that's not what we do…" Eventually we're going to figure out how to do group texting, because that is the key. I mean, really, it becomes a technological fix. We'll see.*

Because it is difficult for advisory board members to attend work group meetings during the day, work group meetings also did not ensure adequate communication and information sharing between LEAD organizers and members of the Belltown Community Advisory Board, as Lisa Daugaard noted:

> *The advisory process is very important. But the boards themselves are not as functional as we would have hoped because people have said they just cannot come to meetings during the daytime. So we are, in Belltown, broadening out that process to be more e-mail based – we will provide updates and people can send in their thoughts about problem areas and stuff directly to Deanna [then- Lt. Nollette], and that will go directly to the social contact prioritization process. So it's just become a more flexible conversation.*

In short, although the work and policy group meetings have been highly productive, establishing additional means of communication is also useful. The particular needs of groups

[59] Interview with officers affiliated with the Neighborhood Corrections Initiative, August 8, 2013.

who are unable to attend the work group meetings should be addressed through the development of such mechanisms.

THE TRANSFORMATION OF INSTITUTIONAL RELATIONSHIPS

Lesson 11. LEAD's Collaborative Model Transforms Institutional Relationships, Creating New Opportunities and Challenges

LEAD's collaborative model transforms institutional relationships in ways that create both exciting opportunities for collaboration and reform as well as the need to clarify boundaries and set clear limits. Many stakeholders noted that their assumptions about, and relationships with, other organizations have been upended as a result of their participation in LEAD. As one supervisor at Evergreen Treatment Services put it:

> *The transformation of our relationship with the police has been one of the more surprising pieces to me about the kind of distance that we've been able to come… I think I talked about last time my first experience meeting with SPD, where we did a training... When they all walked in, I just thought, "Oh, no, this is not going to be pretty." They were all big and tall and angry looking and mostly white and male and they all had guns strapped to their sides. And I just thought, "Whoa." Especially thinking – we're dealing with issues of racial disparity here. I mean, over half of our clients at this point are African American. And I'm thinking, "And we're developing a relationship with these people? This is going to be a challenge." And it has been challenging in many ways. But, the distance that we've come is enormous. I'm walking down the street the other day in Belltown and I have police officers waving and saying hello and that kind of stuff. A year and a half ago I wouldn't ever have believed I'd be talking to a police officer in Belltown. Are you kidding me?*[60]

Ian Goodhew from the King County Prosecuting Attorney's Office also observed that LEAD had transformed institutional relationships – and challenged entrenched ways of thinking:

> *Whatever you think about LEAD as a program, by doing it what we've managed to do is cause policy makers who used to think they never agreed on anything to talk to each other and realize that … we do agree on a few things. And as [then-*

[60] Focus group interview with LEAD supervisors, September 22, 2013.

Interim SPD Chief] Pugel always says in his talk on LEAD, it's not only the fact that he or SPD has a relationship with the defender association now or the racial disparity project or the ACLU. It's that he has a relationship with me now… So even within the criminal justice system, the people are talking to each other and agencies have relationships with each other where they didn't before. We were just robots putting our widgets on the conveyor belt that was going through, thinking everything was fine, and even that has changed. But it will create odd alliances. It will create odd relationships. It will bolster what should be strong relationships that may be aren't. And it will make you think about another person or agency or institution's perspectives on the issues. And once people start talking with each other instead of talking about each other, anything is possible.

In fact, many stakeholders noted with surprise the frequency with which they and other LEAD participants have begun to adopt the position of their former adversaries. As one case manager observed:

Case Manager: In the beginning we would go to the [work group] meetings and we felt like we were on trial ourselves. Because they're [the police] were coming at it, "Well, this person was down here doing this. And so what are you doing about it?" And, you know – "we just need to arrest that person." And we're like, "Wait. We're working with this person and we know what some of the reasons are that that person might be out there. We want an opportunity to engage them and try to get them away from that." But everybody was just totally on different wavelengths. And it took a lot of blood, sweat, and tears to sit down and try to shift the thinking for some of the officers. You know, they aren't social workers. They don't see it this way. And we're not law enforcement. We're not punitive. We're harm reduction. That's two different worlds. That's like east and west trying to come together. And the fact that we're coming up on our second year and – nothing's perfect, but everybody's still here. And people have shifted. Even us, as social workers, we've shifted our way of thinking.

KB: How so?

Case Manager: Asking the cops to go get people arrested. [Laughter] [61]

Ian Goodhew of the King County Prosecuting Attorney's Office also noted the strange role reversals that increasingly occurred among LEAD stakeholders:

[61] Focus group interview with LEAD case managers, July 23, 2013.

> *The funny thing is you'll have case managers arguing now for the officers to go out and arrest someone because they can't get the person's attention. And the officers are like, "I don't want to arrest Bob. We've arrested him a bunch of times before*." *Or Lisa [Daugaard] is arguing a position that sounds very prosecutorial and I'm arguing a position that's very defense-oriented.*[62]

The transformation of perspectives and institutional relationships has thus been illuminating and rewarding for LEAD stakeholders. But it has had broader effects as well. Specifically, the transformation of worldviews and relationships has created a new willingness to contemplate and, in some cases, pursue other meaningful criminal justice reforms. Here, Lisa Daugaard describes one example:

> *So part of what's happened is that all of our partners are going around all these places talking at all these conferences together. They just went to this international policing conference in Vilnius in Lithuania, and Kris [LEAD Program Director at the at the Public Defender Association] and [then-Lieutenant] Deanna [Nollette] went. And in Europe, of course, there are some safe injection sites. And so Deanna has become converted. She's like, "That makes sense. What we should do is we should have one in Ballard, one in all these different neighborhoods so that it would help downtown." So the way in which ideas are sort of hopping, it is like contagion is happening now in a very accelerated form... they are now talking to other people about ideas that are very foreign to domestic law enforcement.*

When asked if LEAD had inspired his office to undertake other reforms, Dan Satterberg, King County Prosecuting Attorney, provided this example:

> *We have a program here in my office now called the "180 Program," which is a juvenile diversion program. We had 350 kids go through it last year, and it's for people who have had their first or second misdemeanor arrest. The kids are between 12 and 17, and we deal with youthful bad choices by bringing them to a workshop at Zion Preparatory School on a Saturday for four hours. And there they meet with people from the community that they grew up in, and they had chaos in their lives, and maybe they were in gangs, and maybe they went to prison. These people have credibility with the kids and talk about their choices and the consequences, and they try to hook them up with some positive things to*

[62] Interview with Ian Goodhew, Deputy Chief of Staff, King County Prosecuting Attorney's Office, June 28, 2013.

do. So, you know, there are a lot of complicated issues in our society and they're not all solved by a trip to the courtroom or prison.

In sum, many stakeholders reported that their perspectives and relationships had changed dramatically as a result of their participation in LEAD, and these transformative processes enhanced openness to additional policy reform ideas. At the same time, several stakeholders mentioned that although pleasant and productive, the development of collegial relationships among former adversaries also created certain risks that require careful management. For example, LEAD stakeholders observed that openness to alternative perspectives and reform ideas can be politically risky for both themselves and for other LEAD stakeholders. Recognition of this has led some stakeholders to try to provide institutional support for other stakeholders whereever possible.

The development of collaborative relationships among LEAD stakeholders also underscored the need to set clear boundaries and expectations. As Lisa Daugaard explained,

Early on, there were some lawyers in my office who made a public records request for something in the prosecutor's office that the prosecutor's office did not want to produce it. And Ian called me and he was like, "Can we meet?" Like, "Can we take care of this?" And I looked at it and I had an impulse… I had the same impulse Ian did, which was, "God, I don't want alienate them. I want to help them. I like him and I like them." And all of a sudden I realized, "No, I have to stop there. This has nothing to do with our partnership. This is us [public defenders] doing the job that we have to do." So we met and we had a conversation about expectations and we agreed that "We are not asking one another to do anything different than we normally do except insofar as we have explicitly agreed to accomplish the shared goal," which again, anyone can walk away from if it doesn't meet their needs. We need to be that way to maintain credibility with our own constituencies… just because this is fun for us, collaboration is not always the right way...I mean some of our process relies on adversarial development of positions, and we need to protect that.

CONCLUSION: OPPORTUNITIES AND CHALLENGES AHEAD

A pre-booking diversion program based on harm reduction principles, LEAD represents bold and promising alternative to conventional drug war tactics. It also represents an alternative to

simply doing less enforcement, which might reduce criminal justice expenditures but does not have the potential to reduce the harm and suffering associated with addiction and open air drug markets. In this context, the City of Seattle recently elected to allocate additional public monies to enable the expansion of LEAD throughout the downtown area. LEAD stakeholders recognized that expanding LEAD creates exciting opportunities as well as challenges, each of which briefly described below.

OPPORTUNITIES ASSOCIATED WITH EXPANSION

Among police officers, the primary attraction of expanding LEAD is the possibility of being liberated from existing geographic constraints and therefore able to refer more clients to the program. As these officers pointed out, many eligible LEAD candidates are geographically mobile and spend much of their time outside of Belltown:

> *Officer 1: We're dealing with the same people... that just are moving...*
>
> *Officer 2: Moving back and forth.*
>
> *Officer 1: Yeah, yeah. So it [expansion] just eliminates that barrier.*
>
> *Officer 2: Yeah.*
>
> *Officer 1: Right now, they go to Victor Steinbrueck Park - whoops, we're out of the box. They use all their drugs at Freeway Park – whoops we're out of the box...*
>
> *Officer 2: We would definitely get more clients that way [with expansion]. For sure. 'Cause there'd be a ton in the ID and down in Pioneer Square. Pioneer Square could definitely use the services.*[63]

For these officers, then, LEAD expansion primarily meant geographic expansion; they were enthusiastic about this possibility because it would enhance their capacity to make appropriate LEAD referrals. Many other stakeholders also expressed excitement at the idea of being able to bring more clients into LEAD.

[63] Interview with SPD and DOC officers affiliated with the Neighborhood Corrections Initiative, August 8, 2013.

Some further noted that the creation of a new organization and collaborative dialogue – the Center City Initiative – in which LEAD stakeholders play a leading part has the potential to facilitate a substantively important dialogue among groups that have rarely communicated or collaborated with each other in the past. A supervisor at Evergreen Treatment Services put it this way:

> *The thing that seems most positive about it is in the similar way that the LEAD process has taken these very disparate groups and brought them together in a conversation that's really moving us forward, in terms of the relationships on the ground and system wide… Up till now you had the police and you've had human service providers. They point fingers at each other… and business groups point fingers at both. So really bringing the business association and the community and law enforcement and the service providers to the table so that all are there, and everyone has ownership over the same problem, to me that alone is a tremendous step forward… 'Cause if the business association also feels some ownership for this, it's not just the police have to go fix it and they're not doing a good job, or the social service providers are doing it wrong, then I think it does have some possibility to get to a real place.*[64]

CHALLENGES ASSOCIATED WITH EXPANSION

Even as they expressed enthusiasm about the prospect of serving more clients, LEAD stakeholders also identified a number of key challenges associated with its expansion. The first of these challenges centers on the practical question of how to maintain communication in the context of growth. Indeed, a number of stakeholders expressed concern about how to maintain communication, build relationships and establish trust among stakeholders when LEAD expands to include the West Precinct as a whole. Isabel Bussarakum of the Racial Disparity Project articulated the concern about maintaining communication this way:

> *But I guess one thing I'd say is that – and I think most everyone you'll talk to will say this – one of the reasons LEAD works well is because of our operational work group meetings. And if there's a way to replicate that when LEAD expands, I think that would be key, to make sure there are some face-to-face meetings where all the different stakeholders can come together and share their*

[64] Focus group interview with LEAD supervisors, September 22, 2013.

knowledge and build relationships. 'Cause it's really that process that helps us to work together well. So I don't know how they envision scaling that process up for bigger operation, but if there are ways to break it up into different divisions or I don't know what. But I think it'd be important to have.[65]

Many LEAD participants with expertise in service provision also expressed the concern that existing capacity constraints are an important impediment to the success of any social service intervention, and that this will become even more relevant as LEAD expands. Several supervisors with Evergreen Treatment Services put it this way:

Supervisor 1*: The last time we met you asked about what we thought the biggest challenge was, and [name of colleague] talked about [knowing how to spend] the LEAD money. And I think that is really challenging. But I feel like the biggest challenge is the limited resources. I mean, the resources just don't exist. There is not enough housing…. We have the money and we don't have any place to pay to put people. Nobody wants a whole bunch of active drug users from Belltown. We have the money and we can't – there isn't appropriate treatment for, you know, a prostitute that has a crack habit. It doesn't exist.*

S*upervisor 2: Even if they're clean and sober, to find permanent housing, when they have felonies, that ain't easy.*

S*upervisor 1: Paying the rent. Most of our population – either you can get a job full-time, enough to make a $700 a month rent 'cause that's what it costs, right? Even in a cheap, cheap, cheap place would be $700 anywhere in Tukwila. Either you make enough money – like really $2,000 a month, which is way above poverty line, right? You have to be able to make that income. Or you have to be so highly vulnerable and needy that you fit a special population to get one of these subsidized special housing – Housing First units. Everybody in the middle – which is 90 percent of the LEAD clients – they are never going to be well enough to earn an income to go pay their own rent. They're always going to need a subsidy. And the subsidies are prioritized for people that are sicker than they are.*[66]

[65] Interview with Isabel Bussarakum, then-Lyman Fellow with the Racial Disparity Project, July 31, 2013.
[66] Focus group interview with LEAD supervisors, September 22, 2013.

Ron Jackson of Evergreen Treatment Services echoed this concern about structural and capacity constraints:

> *RJ: When it's all said and done, we're limited by the resources in the community. We can't get somebody into housing if housing doesn't exist. We can't get them into addiction treatment if there's no capacity for addiction treatment. We can't get them mental health services if they're – you get the point.*
>
> *KB: Yes.*
>
> *RJ: So here we are… The capacity is not growing. We could employ an army of case managers, but when it's all said and done if those case managers are not getting their clients access to the services that are going to have positive influence on their life, they're not going to be affected. It's not just being good at building therapeutic alliance with the homeless person… they've still got to deliver something.*
>
> KB*: Where are the places you're finding a shortage of capacity most acute?*
>
> RJ*: Mental health centers, that's the most acute. The methadone treatment system. I mean, you know, we have statutory limitations on the number of patients we can have in a clinic at any given time.*
>
> KB*: So you would have to open more clinics to...*
>
> RJ*: Yes, and those clinics are going to have to be outside of downtown. Kent probably. You know, the methadone clinics are about as popular as nuclear waste dumps. Everybody recognizes that they've got to exist but nobody wants them where they live. And then housing services - we can't put people in motel rooms indefinitely.*[67]

***

The first two years of LEAD operations have yielded many insights about how LEAD operations can be optimized. Many of these insights stem from observations about what has worked well in Seattle; others derive from stakeholders' reflections regarding ideas and practices that have been less successful. Thus far, LEAD operations show that a broad range of stakeholders can

[67] Interview with Ron Jackson, former Executive Director, Evergreen Treatment Services, June 24, 2013.

collaborate to institutionalize meaningful drug policy reforms despite a history of adversarial relations and diverse priorities. Moreover, this collaboration is itself a transformative and productive experience, one that appears to yield a variety of dividends, including a new openness to additional reform ideas. Expanding LEAD in Seattle and institutionalizing it elsewhere will require careful attention to several challenging tasks, namely: eliciting and maintaining officer support for this harm reduction program; establishing reliable systems of communication and information-sharing across participating organizations; and addressing structural capacity constraints that limit LEAD's ability to meet client needs even when private resources are available. In addition, the long-term viability of LEAD will depend on identification of a sustainable revenue stream. These substantial long-term challenges notwithstanding, the first two years of LEAD's operations provide compelling evidence that collaborative reform efforts that were unimaginable just a few years ago are, in fact, in the realm of possibility.

APPENDIX A. LEAD STAKEHOLDERS INTERVIEWED

The following people were interviewed and are identified by name in the body of this report:

- Mary Barbosa, *Chair, Felony Trial Unit, King County Prosecutor's Office*
- Steve Brown, *former Captain, Seattle Police Department*
- Isabel Bussarakum, *then-Liman Fellow, Public Defender Association/Racial Disparity Project*
- Lisa Daugaard, *Policy Director, Public Defender Association/Racial Disparity Project*
- Ian Goodhew, *Deputy Chief of Staff, King County Prosecutor's Office*
- Alison Holcomb, *Criminal Justice Director, ACLU of Washington*
- Pete Holmes, *Seattle City Attorney*
- Ron Jackson, *former Executive Director, Evergreen Treatment Services*
- Leslie Mills, *Field Supervisor, Washington Department of Corrections*
- Dan Satterberg, *King County Prosecuting Attorney*

In addition, focus groups were conducted with the following groups:

- LEAD case managers
- LEAD case management supervisors
- LEAD affiliated SPD sergeants
- SPD day bike officers
- SPD night bike officers
- SPD ACT officers
- SPD/DOC Neighborhood Corrections Initiative officers