

RECOMMENDED COMPONENTS AND CONDITIONS FOR DEVELOPING A SUCCESSFUL ARREST DIVERSION PROGRAM



As jurisdictions across New York State and the Northeast explore and develop community-based pre-arrest diversion models like Law Enforcement Assisted Diversion (LEAD), it is crucial to understand the components and conditions necessary for successful projects. While not exhaustive, this document outlines several key elements based on the Albany LEAD experience.

Community anchor (organization): Community members must be engaged in the process of creating the program—they need to be involved to shape it and hold it accountable. Thus, the process must be anchored by a community organization to be effective. This group must have legitimacy on the ground and with communities directly impacted by mass incarceration. The community based organization may wish to adopt or support a Community Leadership Team to expand the reach of community engagement in the process. The community group must be resourced to anchor this process.

Police buy-in: While it is important to organize the police to practice diversion, the program won't work if the police are not also at the table to help design it. Training and buy-in around harm reduction is essential. The police should dedicate a supervisor to be the point person for operations.

Project manager: No one group or agency “owns” LEAD. It is a collaborative engagement; it only works through multiple partners coming together and agreeing to work together to transform practices and achieve better outcomes. Because no one group “owns” LEAD, it works best when there is a project manager who facilitates and convenes the body of stakeholders in the process of developing, implementing, and running the program. The project manager should be housed at a community organization or service provider, not at a law enforcement agency.

Case managers: It is essential to have case managers who manage the day-to-day needs of the clients through street based case management. Case managers should be placed at a local harm reduction agency or another agency that: 1.) demonstrates a history of effective case management and 2.) has a demonstrated history of implementing harm reduction practices and approaches. This is something that can possibly be funded through Medicaid in expansion states (as in Albany, NY). Each case manager should not exceed 25-30 active clients due to the complex needs of program participants.

Outreach workers: The program needs a handful of peer outreach workers who can be on the street and in the community to assist with locating and engaging participants.

Service providers: Partnering service providers are essential to the process—this is different from case managers. Non-displacement is important here, so service providers may have to expand or adapt to accommodate more people. Those in the diversion program shouldn't get to the “front of the service line” ahead of others who are receiving services, otherwise it incentivizes net-widening. There can be initial resistance by service providers because of this and of perceived service duplication.

District Attorney engagement: It is important to have involvement of the DA's office once the program really starts to grow. This is because many participants are likely to have open cases or warrants. DA office involvement and cooperation will be instrumental to ensuring diversion actually happens.

Public defender engagement: Every participant with an open case needs a public defender who works as an advocate for participants to protect their legal rights.

Data collection, reporting, and evaluations—process and outcome: Data collection, reporting, and evaluations are absolutely essential. If funding can be allocated for a research partner to manage and report on data from the program, that's ideal. Sometimes local universities can be engaged to serve as the research partner. Independent process and outcome evaluations are also needed. Again, it can be difficult to find funding for these, so finding an academic institution to play this role can be a viable option. Finally, setting up a data workgroup, which meets regularly and involves community members, can serve as a step toward transparency.

Travel and training for key stakeholders: The team of local stakeholders building a program—including community members, service providers, police and prosecutors—will benefit from a trip to an existing diversion site to see how it works—like Albany, Baltimore, or Seattle.