***Law Enforcement Assisted Diversion***

***Memorandum of Understanding***

Memorandum of Understanding

Among

Office of the Mayor

Office of the County Executive

Police Department

District Attorney’s Office

Public Defender’s Office

County Sheriff’s Office

Business Association

Civil Rights Group

Regarding

**Law Enforcement Diversion Program**

**Policy Coordinating Group: Formation, Governance, and Responsibilities**

**Recitals**

Whereas, the City of XX, County of XX, and residents and business owners in the community want to improve public safety and public order in their neighborhoods; and,

Whereas the City, County, and community members want to reduce future criminal behavior related to mental illness, drug involvement, homelessness, poverty, and other health and wellness issues in the Cities communities; and,

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

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

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

Whereas the City of Seattle, Washington launched the first LEAD demonstration project in 2011, and its collaborative, harm reduction approach to addressing and reducing crime and disorder has been successful and replicated in other cities across the country; and,

Whereas the LEAD National Support Bureau is available for technical support;

Now Therefore, the Parties State Their Intentions as Follows:

**A. Formation, Purposes, and Membership of the Law Enforcement Assisted Diversion (LEAD) Policy Coordinating Group (PCG)**

A Policy Coordinating Group is hereby formed for the LEAD pre-arrest/booking diversion program. The purposes of the PCG are to review and provide feedback on the Referral and Diversion Protocols for LEAD participants, approval of Requests for Proposals (RFP) for service providers and program evaluators, select providers and evaluators, review and provide feedback on periodic reports from the Operational Work Group, make criminal justice and human services data available for comparison and evaluative purposes, and provide policy guidance and administrative oversight for the LEAD program’s operations and evaluation. The PCG will select an appropriate fiscal sponsor to receive and administer the program’s funding.

**LEAD Policy Coordinating Group**

The Policy Coordinating Group’s membership shall consist of representatives from the following entities and organizations:

1. Office of the Mayor
2. Office of the County Executive
3. Police Department
4. District Attorney’s Office
5. Public Defender’s Office
6. County Sheriff’s Office
7. Business Association
8. Civil Rights Group

Additional member entities and organizations may be added by the Policy Coordinating Group upon unanimous consent of the existing members.

**LEAD Staffing**

In addition to individual organizations’ staff committed by each of the signatories to the Memorandum of Understanding as described below, the Law Enforcement Assisted Diversion program is to have two full-time staff members dedicated solely to the LEAD program; a Community Engagement Coordinator, and the Project Manager. The Community Engagement Coordinator is to be assigned to the *Civil Rights Organization,* as a non-governmental signatory to this MOU. The assignment of the Project Manager will be determined by the Policy Coordinating Group. The Project Manager is responsible for overseeing all aspects of LEAD program management, resource development, and stakeholder coordination. The Project Manager will serve as a liaison between the fiscal sponsor, the program funders, the contract service providers, the Policy Coordinating Group, the Operations Work Group, and Community Leadership Team. The Project Manager, with the PCG, will advocate for fidelity to agreed protocols and the core principles of LEAD.

***MOU Signatories’ Individual Statements of Intent***

The parties signing this MOU specifically state their respective intents and commitments as follows:

**Office of the Mayor**

The Mayor is committed to the goals of supporting safe communities and promoting opportunities for all communities and individuals to realize their full potential. This can be realized by changing the way criminal behavior related to problematic substance use, mental illness, chronic homelessness, poverty, and other health and wellness issues is handled. The LEAD initiative furthers these goals and has the full support of the Mayor.

The Mayor is committed to providing staff towards the implementation, execution, and sustainability of LEAD. A qualified senior staff member will be appointed to the Policy Coordinating Group. The Mayor further directs the police department to make LEAD a priority and is committed to addressing racial and ethnic disparities.

The Mayor’s Office agrees to participate in data collection and information sharing.

**Police Department**

The Police department is committed to participate in LEAD on both a policy and operational level. The department will appoint command level personnel to the Policy Coordinating Group who will have the authority to make policy level decisions. The department will further dedicate line level supervisors and officers to the Operations Work Group. A mid-level supervisor will be identified to oversee the department’s responsibilities on the Operations Workgroup and will have the authority to make operational decisions.

The department recognizes the importance of police officers understanding the goals and principles of LEAD, the history and philosophy of harm reduction, and the process of making a diversion. The department will train officers involved in the LEAD initiative in all aspects of LEAD to include harm reduction and the philosophy of the LEAD initiative.

The Police department agrees to participate in data collection and information sharing.

**County Executive’s Office**

The County Executive is committed to the goals of supporting safe communities and promoting opportunities for all communities and individuals to realize their full potential. This can be realized by changing the way criminal behavior related to problematic substance use, mental illness, chronic homelessness, poverty, and other health and wellness issues is handled. The LEAD initiative furthers these goals and has the full support of the Mayor.

The Executive believes the LEAD program furthers those goals and has therefore committed to actively participate in LEAD. The Executive will dedicate staffing to both the Policy Coordinating Group. The Policy Coordinating Group member will be a senior staff member who has the authority to make policy and administrative decisions.

The Executive agrees to participate in data collection and information sharing.

**County Department of Mental Health/Human Services**

The County Department of Mental Health/Human Services, under the auspices of the County Executive, agrees to assign senior leadership personnel to the LEAD Policy Coordinating Group; as well as personnel knowledgeable of the behavioral health system of care in the County. The personnel will provide consultation and operational technical assistance in the development of appropriate community behavioral health services necessary to the success of the LEAD program.

The County Department of Mental Health/Human Services will appoint a representative to the Operations Workgroup who is familiar with Behavioral Health issues and the available local resources.

The Department of Mental Health/Human Services agrees to participate in data collection and information sharing.

**County Department of Health/Human Services**

The County Department of Health, under the auspices of the County Executive, agrees to assign senior leadership personnel to the LEAD Policy Coordinating Group; as well as personnel knowledgeable of the public health system of care in the County. The personnel will provide consultation and operational technical assistance in the development of appropriate community public health services necessary to the success of the LEAD program.

The County Department of Health/Human Services will appoint a representative to the Operations Workgroup who is familiar with Public Health issues and the available local resources.

The Department of Health/Human Service agrees to participate in data collection and information sharing.

**Office of the Public Defender**

The Public Defender’s Office pledges its support to the formation and implementation of a LEAD program. The Public Defender will dedicate senior leadership to participate in the Policy Coordinating Group. The Public Defender’s Office will further be assigned an attorney to the Operations Workgroup to represent the interests of participants, advocate for individuals who seek to become part of the LEAD program and communicate with all stakeholders to ensure the program is meeting its goals.

The Public Defender’s Office agrees to participate in data collection and sharing.

**County District Attorney’s Office**

The District Attorney’s Office believes that the success of LEAD will allow for better outcomes for those living with addiction, mental illness, homelessness, or poverty while allowing for less of a burden on our costly criminal justice system. The District Attorney’s Office will appoint a senior level personnel to the Policy Coordinating Group who has the authority to make policy and administrative decisions.

Furthermore, personnel will be appointed to the Operations Workgroup and who have decision making authority on operational matters. The appointee to the Operations Workgroup will act as a liaison between the LEAD case managers and prosecuting attorneys for any old or new criminal cases that LEAD participants may have. This is instrumental to the success of LEAD as decisions on filing charges, determining plea agreements, and recommending sentences are integral to the success of participants in LEAD.

The District Attorney’s Office agrees to participate in data collection and sharing.

**County Sheriff’s Department**

The Sheriff’s Department is committed to the principle and goals of LEAD. The department will participate on both the Policy Coordinating Group and the Operations Workgroup levels. The department ultimately desires to expand LEAD into other parts of the County and give Sheriff’s deputies the ability to divert arrests.

The Sheriff’s office will appoint a senior level staff member to the Policy Coordinating Group who has decision making authority on policy and administrative issues. The Sheriff’s office will also assign personnel to participate on the Operations Workgroup. Personnel assigned to the Operations Workgroup will have decision making authority for operational matters.

The Sheriff’s department agrees to participate in data collection and sharing.

**Business Improvement District Association (BID)**

The Business Association will assign staff who attend and actively engage in policy and outreach meetings representing the business and property owners in the BID area. The staff will include the Executive Director and operations personnel trained in community engagement and crime prevention programing. The staff will be prepared to work with other LEAD partners in an ongoing capacity to provide outreach assistance and acting in an advisory and advocacy capacity for the LEAD program.

The BID will work in direct relationship with stakeholders and LEAD partners in public relations and communication of LEAD goals and partnership activities, including support for social media, press, and media relations in support of LEAD efforts.

The BID agrees to participate in data collection and sharing.

**Civil/Social Justice Agency**

The Civil/Social Justice Agency is committed to supervising the LEAD Community Outreach Coordinator and assisting with community organizing and outreach efforts. This includes the formation of a Community Leadership Team that will act in an advisory capacity to the LEAD partners.

The Civil/Social Justice agency will act as a liaison with the community and assist in conducting presentations at public meetings and to special interest groups that will help the LEAD initiative operate in a transparent manner.

Personnel will be appointed to the Policy Coordinating Group and the Operations Workgroup.

The Civil/Social Justice agency agrees to participate in data collection and sharing.

**Project Manager Agency** *(in cases where a separate agency oversees the project management)*

The Project Manager Agency is committed to assisting all stakeholders with the implementation and operation of the LEAD program. The agency will participate in an advisory capacity only. The agency will assist the Policy Coordinating Group with advocacy, fundraising, document drafting, stakeholder consultation, troubleshooting, and technical assistance.

The agency will provide on-going support and supervision for the Project Manager. The agency will act as a liaison between the Project Manager and the Policy Coordinating Group to ensure the goals and objectives of LEAD are consistent with the overall LEAD operations. The agency will, to the extent possible, apprise the Policy Coordinating Group of any personnel issues that are pertinent to LEAD.

The Agency agrees to participate in data collection and sharing.

**B. Governance**

Participation in the LEAD Policy Coordinating Group is voluntary, and any member may withdraw unilaterally at any time for any reason. This MOU does not amend any law or ordinance; nor does it create any binding obligation on the part of any signatory. This MOU simply memorializes the intent of the Policy Coordinating Group’s members in participating in LEAD and describes the responsibilities they understand to be accepted through their participation.

All decisions of the Policy Coordinating Group will be made by a modified consensus. For the purposes of this MOU, “modified consensus” means a resolution that is acceptable to all participants even if not ideal to one or more. However, the police department retains discretionary authority over diverting potential LEAD participants and in instances when where a case is filed, the District Attorney retains the ultimate and exclusive authority to make filing and case decisions.

The Project Manager Agency shall not have any decision-making role in either the Policy Coordinating Group nor the Operations Workgroup, and will act in an advisory capacity only.

Any non-signatory agency that acts as a subject matter expert may participate in the Policy Coordinating Group or Operations Workgroup at the discretion of the partner entities, but shall not have a decision making role.

Each member organization shall designate one representative for the purposes of determining consensus in Policy Coordinating Group decisions, but multiple representatives from each organization may attend meetings and participate in discussions.

**C. Responsibilities**

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

1. Review of LEAD Referral and Diversion Protocols;
2. Selection of a fiscal sponsor to receive and administer private funding granted for LEAD operation and evaluation, however government funding allocated for the LEAD program may be administered by the governmental entity rather than transferring the funds to a Funding Hub;
3. Oversight, advisement, and discretion of fiscal sponsor pursuant to grant agreements;
4. Collaboration on grant applications for LEAD operation and evaluation;
5. Review of RFP applications and selection of service providers and evaluators;
6. Approval of RFPs for LEAD service provision and evaluation;
7. Taking part in the collection and sharing of criminal justice and human health services system data for comparison and evaluative purposes;
8. Oversight of LEAD implementation, including but not limited to regular review of reports from the Operations Workgroup, contract compliance of service providers and evaluators, ensuring a commitment to a harm reduction philosophy, and solicitation and review of community feedback; and,
9. Modification of service provision, or evaluation criteria and process, as needed.

The MOU signatory agency, or Project Manager Agency, to which the Project Manager is assigned, shall provide staffing support through document drafting, stakeholder consultation, troubleshooting, and technical assistance to the Operations Workgroup; the Project Manager will have decision-making authority as a member of the Policy Coordinating Group.

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

**Acknowledgments**

*This document was developed by the LEAD National Support Bureau, The Public Defender’s Association, and The Katal Center for Health, Equity, and Justice*.

*The LEAD National Support Bureau provides technical support for jurisdictions nationally that are exploring or implementing LEAD, and hosts learning collaboratives where the insights and lessons learned in this family of reform initiatives can be shared peer to peer among jurisdictions.*

*LEAD® is a registered trademark held by the Public Defender Association for the flagship LEAD Policy Coordinating Group in Seattle, Washington. The LEAD National Support Bureau is a project of PDA. PDA grants limited licenses to use the term LEAD without charge to jurisdictions working in alignment with the LEAD core principles.*