

October 2, 2019

To: Mayor and Members of City Council
From: Patrick A. Duhaney, City Manager
Subject: Steps to Implement a Law Enforcement Assisted Diversion (LEAD) Pilot Program

REFERENCE DOCUMENT # 201900790

On May 8, 2019 the following item was referred for a report:

MOTION, submitted by Councilmember Dennard, WHEREAS, the Cincinnati City Council supports and expresses its appreciation for creative solutions to chronic criminal justice challenges, particularly programs that increase collaboration between social service organizations and law enforcement institutions to prioritize positive mental health interventions, treatment and rehabilitation; and WHEREAS, the Hamilton County Board of County Commissioners 2017-2108 Work Plan and Policy Agenda included "implementation of a pre-arrest diversion program" as a policy priority; and WHEREAS, in response, the Hamilton County Heroin Coalition conducted research and discussed implementation of Law Enforcement Assisted Diversion (LEAD); and WHEREAS, LEAD is a program which allows law enforcement officers to make referrals directly to case manager who work with offenders to address issues such as homelessness, addiction or mental illness and therefore reduces crime and recidivism by addressing the underlying conditions that tend to precede criminal activity: (BALANCE OF MOTION ON FILE IN CLERK'S OFFICE)

The following report details the steps necessary to implement a City/County collaborative Law Enforcement Assisted Diversion (LEAD) pilot program.

LAW ENFORCEMENT ASSISTED DIVERSION (LEAD)

LEAD is an initiative where low-level criminal offenses can be diverted from the criminal justice system to harm-reduction-based services. The LEAD initiative allows police officers to divert low-level, non-violent offenders, whose offenses are driven by problematic substance use, mental-illness, homelessness, and/or poverty away from the criminal justice system. In lieu of the normal criminal justice system cycle -- booking, detention, prosecution, conviction, incarceration -- individuals are instead referred into a trauma-informed intensive case-management program where the individual receives a wide range of support services, often including transitional and permanent housing and/or drug treatment. Prosecutors and police officers work closely with case managers to ensure that all contacts with LEAD participants going forward, including new criminal prosecutions for other offenses, are coordinated with the service plan for the participant to maximize the opportunity to achieve sustainable behavioral change.

CITY OF CINCINNATI & HAMILTON COUNTY COLLABORATION

In October 2018, Hamilton County was awarded a \$500,000 grant by the United States Department of Justice to fund a LEAD pilot program. In May of 2019, Cincinnati City Council requested, via motion 201900790, that the Administration report on the steps necessary to implement a LEAD pilot within the City of Cincinnati.

Throughout the months of June and July 2019, representatives of the City Administration and Cincinnati Police Department met with County representatives and consulted LEAD Communities, such as Seattle, Washington, to better understand the applications and impacts of LEAD. And, on September 19 and September 20, 2019, representatives from the City of Cincinnati and Hamilton County met with representatives from the LEAD National Support Bureau to establish a mutual understanding of how a LEAD program might operate within select Cincinnati Police districts for pilot testing. From these sessions, the City and County have concluded that the following steps are necessary to implement a LEAD pilot.

- I. Convene the Policy Coordinating Group (“PCG”)
- II. Execute a Memorandum of Understanding (“MOU”) between the City and Hamilton County
- III. Develop a Policy Model
- IV. Establish LEAD Staffing and the Operations Working Group (“OWG”)
- V. Develop Standard Operating Procedures for Officers to Follow
- VI. Institute Training
- VII. Implement Community Engagement/Communications
- VIII. Launch the Pilot Program

STEPS NECESSARY TO IMPLEMENT A LEAD PILOT

I. Convene the Policy Coordinating Group (PCG)

The Policy Coordinating Group will have responsibility for developing, reviewing, and approving referral and diversion protocols; reviewing and providing guidance on reports from the Operational Workgroup; and, providing guidance to the LEAD Project Director. Initial members will convene bi-weekly to establish both the policy framework and the terms of the Memorandum of Understanding (MOU) between the City and the County, with formal representation set by an approval of the MOU by the County Administrator and the City Manager.

The Motion (item 201900790) called for Appointees to the LEAD PCG from the following:

- Cincinnati City Council
- Office of the Mayor
- City Manager or City Manager Designee
- Office of the City Solicitor
- Cincinnati Police Department
- Chair of the Hamilton County Heroin Coalition
- Program Coordinator of the Hamilton County Heroin Coalition
- Hamilton County Office of Reentry
- Representative from the Office of the Public Defender
- Representative of the Ohio Justice and Policy Center

Initial planning meetings have included representatives from:

- Representative from Cincinnati City Council
- Representative from the Office of the Mayor
- City Manager Designee
- Office of the City Solicitor
- County Administrator’s Office
- Cincinnati Police Department Planning Office
- Cincinnati Police Department Command Office
- Chair of the Hamilton County Heroin Coalition
- Program Coordinator of the Hamilton County Heroin Coalition
- Hamilton County Office of Reentry

Recommended PCG additions as indicated by the LEAD National Support Bureau

- Business Association(s)
- Hamilton County Prosecutor’s Office

II. Memorandum of Understanding (MOU) Between the City and Hamilton County

An MOU between the City and County will define intentions, roles, and responsibilities. During the September meetings, it was determined that the County would draft an initial set of terms for the City's review. The City anticipates receipt of the drafted MOU from the County by late October 2019. A sample MOU provided by the LEAD National Support Bureau is attached.

III. Develop Policy Model

Once an MOU is in place, the formal PCG will meet regularly to first approve a policy model and thereafter review and direct work of the Operations Working Group. The LEAD policy model will outline program goals, core principles, criteria for LEAD participant eligibility, and procedures by which police and case managers will operate. Final approval of the policy model could take anywhere between 1 to 2 months, depending upon meeting frequency and the preliminary work completed by initial members. A sample LEAD policy model provided by the LEAD National Support Bureau is attached.

A significant part of the development of the LEAD policy model is selection of eligibility criteria for LEAD participants. The PCG will generate these criteria by working with CPD to identify the most common non-violent misdemeanor crimes associated with homelessness, addiction, and mental illness in the selected pilot districts.

IV. Establish LEAD Staffing and the Operations Working Group (OWG)

The LEAD project manager, staffed by the County, will oversee the entire program and will coordinate between the Policy Coordinating Group and Operations Working Group (OWG). The OWG will be comprised of operational level personnel, including but not limited to Police Officers, Case Managers, Prosecutors, and service providers. The purpose of the OWG is to review active diversion/referral cases, determine what is or is not working, and provide periodic operational level reports and recommendations to the PCG.

It should be noted that other agencies will be involved in LEAD and may participate in either the PCG or the OWG. These agencies may include housing providers, treatment providers, evaluators, and community advocates. It is recommended by the LEAD National Support Bureau that these groups act as subject matter experts and play advisory roles.

V. Develop Standard Operating Procedures for Officers to Follow

While the PCG establishes a policy model, Cincinnati Police will need to create procedural guidelines for officers to follow. This can include, but may not be limited to, a point of contact checklist helping Officers determine participant eligibility, steps required for program admittance, and how to report and follow up on arrest diversion.

VI. Institute Training

Hamilton County has agreed to allocate \$10K of the DOJ grant funding toward training and program materials for Cincinnati Police Officers. This includes strategic guidance and technical support provided by LEAD National Support Bureau. The Bureau is staffed by public health and justice system veterans and draws on the expertise of prosecutors, police officers, case managers, and community public safety leaders from around the country. In addition to LEAD National technical support, the Cincinnati Police Department will conduct procedural trainings and routine program assessments.

VII. Implement Community Engagement/Communications

The LEAD National Support Bureau recommends the creation of a Community Engagement Coordinator Position who would be responsible for educating the public on LEAD's goals and objectives, gather community feedback, and oversee a Community Leadership Team (CLT). The LEAD National Support Bureau also recommends that the CLT be made up of community activists, people with justice involvement, former/current drug users, people affected by mental illness, people impacted by poverty, and people who are currently/formerly homeless.

It is yet to be determined if the LEAD Program Manager will also serve as the Community Engagement Coordinator and facilitate the CLT, or if the County will create a new position to meet this demand.

VIII. Launch LEAD Pilot Program

To successfully launch a LEAD pilot program, the City and the County must first sign-off on an MOU outlining the relationship between the parties, create a policy model, establish procedural guidelines for CPD officers, and then engage with the Community for positive reception and successful operation. The LEAD grant two-year period ends October 2020. The County may file for an extension with the Department of Justice to extend the pilot after that date, however require the program to be up and running before making that request. To meet this deadline, the City and County have agreed to meet regularly with a launch goal of early 2020.

IX. Expansion of the LEAD Program

The LEAD pilot will create demands on resources and staff time across multiple City and County offices. Once launched, overall program management and case management will be provided by Hamilton County. Officers in the selected districts will expend time interacting with LEAD participants and case managers. Additionally, officers and the prosecutors will have to dedicate time to participating in regular meetings of the OWG to review ongoing cases.

However, other jurisdictions that have implemented LEAD have experienced greater law enforcement efficiency due to a reduction in calls for service, improved public safety, and community demand for continued implementation and expansion of the LEAD program. Should this prove to be the case in Cincinnati, the LEAD program could be expanded to other police districts, and ultimately the County as a whole.

Attachments