

Law Enforcement Assisted Diversion (LEAD) in New Haven: A Call for Community Action

TEACH-IN REPORT

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1. Overview

The City of New Haven launched a pilot program called LEAD (Law Enforcement Assisted Diversion) in November 2017, whose goal is to reduce arrests for people with substance use disorders and mental illnesses. The City agreed to involve the community in the program's design and management. To date, the City has failed to involve potential LEAD participants in planning and has been unable to explain how LEAD actually functions, and thus also unable to demonstrate that LEAD is reducing harms associated with engagement with the criminal justice system.

This report lays out the history of this program in New Haven, its funding sources, and why it appears to be failing at its goals. The purpose of this report is to improve knowledge of LEAD amongst community members in order to develop a program that actually helps this City.

How and Why Was This Report Created?

The **Sex Workers and Allies Network (SWAN)** is a New Haven harm reduction organization that works with those who supposedly will benefit from LEAD—such as people facing repeated stops and threats of arrest under drug, prostitution, and vagrancy laws. Due to its connection with this population, the City asked SWAN to be part of the community coalition that signed an agreement with the City to participate in LEAD planning.ⁱ

The City has not released sufficient information nor involved community members in planning. To fill in this gap, SWAN has worked over the last nine months with the **Global Health Justice Partnership** of Yale University, which has analyzed diversion programs both regionally and nationally. They have been making Freedom of Information requests to the City as well as the state and federal bodies funding LEAD, carrying out interviews, and synthesizing observations of LEAD, the Mayor's Office, and the police, as well as health and social service delivery actors.

This document is the result of that work. It represents our best attempt to explain what is going on with LEAD in New Haven and why there is cause for concern from people directly affected by its policies. In our advocacy and meetings with the city leading up to this, we were joined by a coalition including **My Brother's Keeper, the Connecticut Bail Fund, Unidad Latina en Acción, and Showing Up for Racial Justice.**

For questions, please contact SWAN's Director of Advocacy and Programming, Evan Serio (eserioswan@gmail.com).

How Does LEAD Work in Other Cities?

LEAD is a model used in several cities, including Seattle, Albany, and Santa Fe.ⁱⁱ In theory, LEAD is supposed to be about recognizing that arrests and incarceration do not help people who are criminalized due to mental illness, poverty, or substance use issues. The LEAD model designed by the National LEAD Bureau works like this:

1. A police officer encounters someone that they would have reason to arrest.
2. Instead of the usual process of arrest and filing charges, the police offers to refer the individual to a social service provider. If the individual agrees, the social service provider has a meeting to discuss their needs and service options.

3. Although the person has the option to connect to services, there are no requirements to enroll in any programs. If they go to the first meeting, no charges are filed and they won't be brought back to court based on how they do in the program. If they remain in the program, their case is regularly reviewed by the LEAD team, which includes police and prosecutors.

According to the National LEAD Bureau, LEAD programs also abide by two key principles.

- **Principle 1: Harm reduction** means that “participants will be engaged where they are, physically and metaphorically; they will not be penalized or denied services if they do not achieve abstinence [from drugs], engage in specific services, seek stable housing, or cease involvement in sex work.”ⁱⁱⁱ The philosophy of harm reduction rejects control in favor of trying to meet the goals and needs that people express for themselves.
- **Principle 2: Community collaboration.** LEAD must involve “service providers, community groups” and “persons with relevant lived experience (e.g. drug use, sex work, homelessness, poverty)” as decision-makers.^{iv} People with lived experience, as well as service providers and community groups with experience in harm reduction, must be present or else LEAD will not represent a real change in policy.

Is the LEAD Being Implemented According to the LEAD Model in New Haven?

When it applied for federal grant money, New Haven said it was going to run a LEAD program. But New Haven's program does not follow many of the LEAD model and principles, so it may not actually qualify as a LEAD program, as the following sections explore.

Is the LEAD Model The Right Choice for Communities in New Haven?

Even if New Haven was following the LEAD model and principles perfectly, LEAD still needs to be measured against whether it actually meets the needs of communities in New Haven. New Haven residents share two fundamental needs: (1) the need to not be arrested and incarcerated based on behavior related to mental illness, poverty, or substance use issues, and (2) the need to access effective social services.

LEAD has the potential to meet the need for fewer arrests of people with substance use disorders and mental illnesses. This benefits the community by reducing the harms associated with the criminal system.^v

However, even a perfect LEAD program would not be the best way to meet the need to access social services. People should not have to come into contact with police to access social services. The programs that they enroll in should not have their cases reviewed in a team that includes prosecutors and police. The key goals of the city should not be to make police officers social work case managers, but to support accessible, acceptable, and adequate social and health services in New Haven that are responsive to people in need.

This report will examine whether New Haven is doing what it agreed to in promising to pilot a LEAD program. It will also question if LEAD is the appropriate program to meet certain needs of New Haven residents. If it is not, funding should be redirected to the appropriate program.

2. Current Operations and History

Current LEAD Operations in New Haven

The mayor's office in New Haven has said that it is running a "two year pilot" of LEAD set to run until April 30, 2019, at which point it may be expanded citywide.^{vi} New Haven's LEAD program is currently supervised and run by a group, called the Operational Work Group, comprised of the police, prosecutors, social service agencies, government agencies, and medical researchers.^{vii} The Project Manager of LEAD, newly hired in September 2018, is Cynthia Watson: her position is within the mayor's Community Service Administration (CSA).

The Operational Work Group meets weekly and discusses the cases of all of the people enrolled in LEAD to decide on case management strategy.

It is not clear how LEAD New Haven makes decisions. According to an interview with Najja Morris, LEAD National Support Bureau Director, LEAD operations typically include an Operational Work Group which makes week-to-week case management decisions, a Policy Coordinating Group which establishes general practices and procedures for the program, and a Community Leadership Team which advises on the general policies.^{viii} According to Dr. Dakibu Muley, director of CSA, in a meeting with SWAN and coalition partners on June 15th, 2018, the Policy Coordinating Group was in the process of being formed, but its membership was nearly identical to the Operational Work Group.

As of April 2018 there were 22 people in the LEAD pilot.^{ix} However, "all but one or two" of these people entered the program through "social contact referral," which means that the police encountered them without reason to arrest and referred them proactively to see the LEAD case manager.^x

LEAD is currently operating in Police Districts 1, 3, and 5 (Downtown and Hill North and South). After being diverted, LEAD participants are transported by police car to Cornell Scott's South Central Rehabilitation Center. Case management in LEAD is done by Cornell Scott or Columbus House.^{xi} The City has offered no rationale for why those districts were chosen for the pilot, why everyone is taken to a drug rehabilitation center regardless of their stated needs, or why Cornell Scott and Columbus House were chosen as the case managers.

Timeline of LEAD in New Haven

10/25/16: Sex Work Stings^{xii}

New Haven police department's Narcotics and Criminal Intelligence units arrest 14 women in a sex work sting in the Dwight/West River and Fair Haven neighborhoods.

11/18/16: Protests Against Sex Work Stings^{xiii}

A group of 25 stages a protest outside City Hall in opposition to the October 25th sex work stings. Then-interim police chief Anthony Campbell agreed to stop arresting sex workers on prostitution charges after seeing the public response. SWAN is formed out of this response.

4/3/17: City Signs MOU

The City signs an MOU with the police department, Cornell Scott, the Community Foundation of New Haven, and community partners (including SWAN) as part of its grant application to the

Federal Government to fund a LEAD program in New Haven. The MOU states that if the City is awarded the grant, “all signatories will join with stakeholders in a staffed planning process” to design the LEAD program.^{xiv} SWAN is never invited to such a planning meeting.

5/1/17: CT Awards Grant to Cornell Scott^{xv}

CT Department of Mental Health and Hygiene awards \$200,000 to Cornell Scott for arrest diversion services over two years.

5/9/17: City Pitches LEAD to Hill North^{xvi}

Keith Brown, director of health and harm reduction at the Katal Center for Health, Equity and Justice, gives a LEAD presentation to Hill North’s Community Management Team’s (CMT) monthly meeting. Brown describes the Albany LEAD program and how LEAD might work in New Haven.

9/22/17: Federal Government Awards Grant to New Haven

The Department of Justice awards the City \$75,000 for the development of a LEAD program.

11/29/17: LEAD Pilot Program Launches^{xvii}

LEAD pilot program launches in the Downtown, Hill North, and Hill South neighborhoods. At the time of launch, the program’s only decision-making and governing structure is an Operational Work Group (no Policy Coordinating Group or Community Leadership Team exist).

12/15/17: Roundtable on Pre-Booking Diversion Programs

Roundtable discussion held at Yale Law School to bring together sex work advocates and city officials involved in LEAD and discuss GHJP’s work on prostitution diversion. SWAN and other community organizations call on the City for more transparency related to the LEAD program and mechanisms for community engagement. These calls are not heeded.

6/15/18: Meeting with Dr. Muley

Members of SWAN, the CT Bail Fund, GHJP, My Brother’s Keeper, and Unidad Latina en Acción request to meet with two-thirds of the Operational Work Group to discuss lack of community involvement in LEAD management bodies and lack of information sharing with the public. Only two members of the work group (Dakibu Muley and Ayishea Denson) attend the meeting. After the meeting, SWAN members request to receive a copy of the LEAD Operational Protocol and request to have a meeting with the new LEAD Project Manager (who is in the process of being hired) within two weeks of their hiring. The City does not respond to either request.

September 2018: New LEAD Project Director Hired

Cynthia Watson is hired as the new LEAD Project Manager. Members of SWAN and GHJP are not contacted to have a meeting with Watson, despite their June request.

9/10/18: Watson Contacts Community Groups Regarding Community Leadership Team

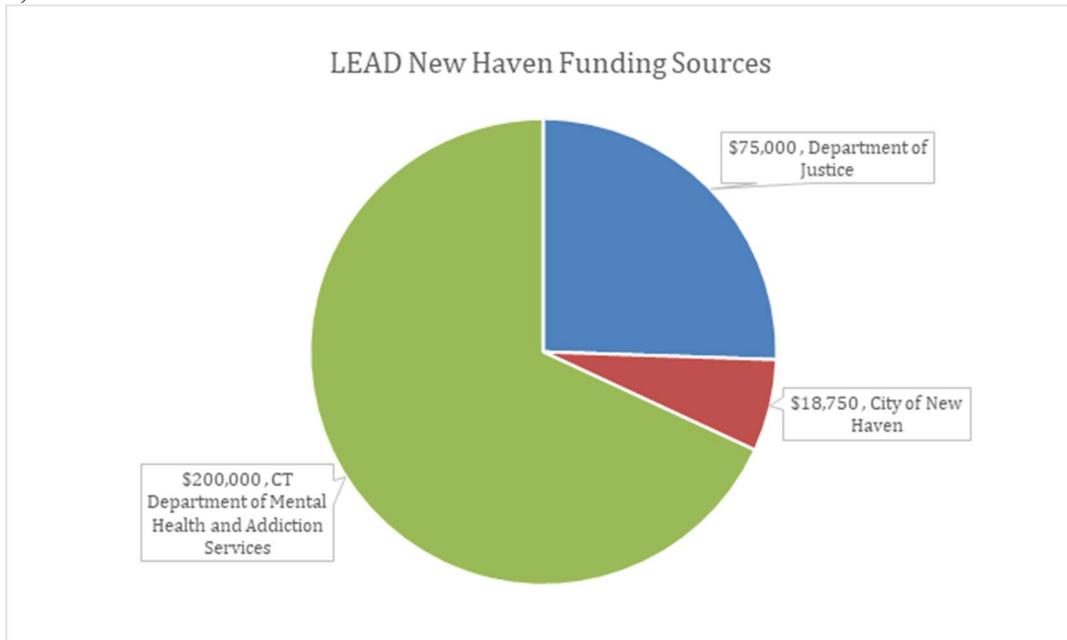
Watson contacts various community groups inviting them to a meeting “to discuss the Community Leadership Team for the LEAD program.”

4/30/19: CT Grant for LEAD Pilot Set to Expire

CT Department of Mental Health and Hygiene grant to Cornell Scott for arrest diversion services is set to expire. This is part of the funding used toward the LEAD pilot.

3. Funding

New Haven has received at least **\$293,750 to support its LEAD program** from state, local, and federal sources:



There also may have been “some seed dollars” from the Community Foundation of Greater New Haven^{xviii} and there may also be a second Department of Justice grant. The city has not yet responded to requests for documentation of this second Department of Justice grant.^{xix} The terms of the existing funding specify that the program in New Haven is to focus on people with “mental illnesses or co-occurring mental health and substance abuse disorders.”^{xx} For a full breakdown of information about these grants, see Appendix D.

4. Criticisms and Recommendations

1. The Group Running LEAD in New Haven Does Not Include Organizations Led by People Who Have Lived Experience with Arrest and Incarceration

LEAD is being run only by representatives from City agencies, the prosecutor’s office, the police, and social service providers. The group does not even include a representative of the public defenders, as they do in Albany, Seattle, and Atlanta.^{xxi} (see Appendix C for full organizational chart).

The failure to include other groups in planning violates LEAD principles and the promises the City made in its grant application to the Department of Justice in two places:

- The City signed a Memorandum of Understanding with SWAN and other organizations agreeing that they “will participate in the planning process and bring their important perspectives and expertise to the process and to the process for implementation of the resulting plan.” (See Appendix F)
- In its grant narrative, the City stated that “the Operational Work Group will recruit people involved with comparable policy and advocacy efforts” including “formerly incarcerated individuals” and “persons involved in existing local policy efforts.”^{xxii}

Recommendation: The City is now attempting to plan and pull together a Community Leadership Team. Advocacy groups representing potential LEAD participants should have been involved from the beginning. These groups should have an active role in determining the responsibilities, powers, and membership of the Community Leadership Team and discuss whether this is even the right forum for community input.

2. New Haven Has Failed to Make Publicly Available All Documents, Procedures, and Policies Governing LEAD

The City has refused or not responded to requests for documents describing the policies and practices of LEAD.^{xxiii} The city has maintained (as of June 2018) that these documents are not ready to be released. That answer is not acceptable when the program has been running for nine months and is supposed to be based on community input. In Albany, Seattle, Baltimore, and Atlanta these materials are either available online or were made available upon request of this team.^{xxiv}

This lack of transparency and responsiveness to public requests for information violates the terms of New Haven’s funding from the Department of Justice. That grant specified that the Task Force responsible for creating LEAD “will operate under a policy of full transparency, documenting and publishing all meeting notes and decisions made on the web.”^{xxv} No meeting notes of any kind have been published.

Recommendation: The City must immediately release the following information:

- The full agenda and minutes of the groups running LEAD (including the Policy Coordinating Group and Operational Work Group), redacted for confidential information about program participants.
- Consent forms that participants sign in order to enter LEAD
- Policies and protocols followed by Engagement Specialists at Cornell Scott and Columbus House
- All policies, protocols, and special or general orders issued by the police governing the diversion process
- Agenda and materials used to train police officers in how to carry out LEAD diversions

3. New Haven Has Not Shown How Its Criteria for LEAD Participation Will Reduce Arrests

The purpose of LEAD is to reduce arrests and incarceration, thereby reducing harm caused by the criminal justice system. But this program might actually increase contact with the

criminal system because the police will try to get people into LEAD who would not otherwise be arrested.

An example of individuals who could be referred into LEAD who otherwise would have no police contact are people accused of drug possession. Drug possession was originally the only offense that was eligible for referral into LEAD (see Appendix E), and is still listed at the top of the most recent protocols we were able to obtain (see Appendix B). Anecdotal evidence from service providers indicates that many police encounters with people who are using drugs but engaging in no other arrestable behavior result in transportation to the ER, instead of arrest.^{xxvi} And it was the belief of the head cop in a LEAD neighborhood that these possession cases are often nolle (not pursued) by the prosecutor's office.^{xxvii}

If right now someone using drugs would be connected to medical or social services instead of arrest, diverting them into LEAD is harmful. It puts the person into a program where their case will be monitored by the police and prosecutors, when they should be receiving social services unconnected with the criminal system.

Recommendation: New Haven must show that the criteria it has chosen for LEAD participants will reduce arrests. If individuals were not being arrested or incarcerated for the offenses, they must be removed as diversion criteria because they are not actively reducing interaction with the criminal system.

4. New Haven Has Not Demonstrated That Social Contact Referrals Are Reducing Arrest Rates

There are two methods to enroll participants in LEAD: through police diversion and through social contact referrals (see Appendix A). Social contact referrals occur when, “instead of waiting for an individual to engage in illegal activity, police officers can proactively refer individuals identified as being at high risk of future arrest.”^{xxviii} News articles report that LEAD community liaisons can also refer individuals into LEAD.^{xxix}

Not enough information is provided in LEAD materials as to how police officers will identify individuals as being “at high risk of future arrest.” Since this is entirely left to officer discretion, there is risk that officers will utilize social contact referrals for individuals not actually at high risk of future arrest. Social contact referrals could be utilized as a substitute for “move along orders” to simply move “undesired” individuals out of particular parts of the city. In this case, social contact referrals could actually serve to increase police contact with community members, an interaction which alone carries risk of harm. Of the people currently in LEAD New Haven as of April 2018, about 20 out of 22 were referred in through social contact.^{xxx} This means that New Haven can only say with certainty that 2 arrests have been avoided through LEAD.

Recommendation: New Haven should make a clear justification for why it is using social contact referrals and how social contact referrals reduce arrest and incarceration rates. If this justification is not present, social contact referrals should be stopped. The funding that went toward the social contact referral component of LEAD (e.g., salaries of community liaisons) could instead be awarded directly to social service providers—professionals who are trained in doing outreach and engagement.

5. New Haven Is Excluding from LEAD the People Who Most Stand to Benefit

The City has imposed extensive exclusions from LEAD based on criminal record.^{xxxii} But the City already has a number of diversion programs for people who do not have a criminal record.^{xxxiii} The point of LEAD is that criminal system involvement does not help people whose behavior is due to mental illness, poverty, and substance use. Criminal system involvement is even less helpful for those that have a record. Criminal record exclusions will also exclude more people of color than white people, making LEAD another racially-biased policing program.^{xxxiii}

Recommendation: LEAD should not exclude people from diversion based on criminal record. This is the practice in Atlanta’s Pre-Arrest Diversion program. This model sees their program as being specifically for people who often come into contact with the criminal system.^{xxxiv}

6. New Haven Is Violating LEAD Principles Through Clawback Provisions

Individuals diverted into LEAD who fail to complete an appointment at Cornell Scott within 30 days are removed from the program and can be arrested.^{xxxv} (see Appendix A) These mechanisms are called “clawback provisions” since they send noncompliant individuals directly back into the criminal system and lead to arrest. LEAD cannot be considered a diversion program if it contains provisions that directly contribute to arrests. Clawback provisions violate the fundamental purpose of diversion programs to reduce arrests and harm caused by the criminal system.

Recommendation: The City should remove all clawback provisions from the LEAD sequence of diversion. Individuals who are noncompliant with the program should never be issued an arrest summons. Social service providers may instead attempt to re-engage participants who have fallen out of contact in the program for the sake of providing case management services that reduce the likelihood of future arrest.

7. The Mayor’s Office Is Not The Appropriate Body to Manage LEAD

New Haven is unusual in that the city’s LEAD program is run by the Mayor’s Office. Many other LEAD programs have a third-party body managing the initiative.^{xxxvi} LEAD should be managed by an organization grounded in philosophies of harm reduction and criminal system reform. The Mayor’s Office is not trained in these approaches and is not prepared to train itself, the police, or social service providers in how to act according to these philosophies. LEAD should also be managed by a third-party body because it provides an accountability measure for the city, police department, and prosecutor’s office. While New Haven has an Evaluation Team, it is assessing LEAD program outcomes, not monitoring the actions of relevant stakeholders. The Mayor’s Office has provided no explanation for why it is the right body to manage LEAD, or how it intends to overcome these shortcomings.

Recommendation: The City must provide justification for why it is the best entity to manage LEAD. If it cannot provide this justification, it should transfer project management duties to a community or non-profit agency rooted in harm reduction and criminal system reform.

5. Report Authors and Methodology

Who Created this Report?

The **Sex Workers and Allies Network (SWAN)** does harm reduction, advocacy, and empowerment with people who are doing survival sex work in the New Haven area. The organization stands for decriminalization of sex work, abolition of the unjust criminal system, and dignity for all. SWAN has an interest in LEAD because its members are frequently criminalized for engaging in sex work, using drugs, or doing things necessary to survive when they do not have housing. Since LEAD may involve decisions not to make arrests for these behaviors, SWAN's population is directly affected by LEAD policies.

The **Global Health Justice Partnership (GHJP)** is a program hosted by the Yale Law School and Yale School of Public Health that tackles contemporary problems at the interface of global health, human rights, and social justice. SWAN partnered with GHJP to do research on diversion programs locally. GHJP was engaged for this work because it has also carried out analyses in New York and nationally on "prostitution diversion programs" over the past four years.^{xxxvii}

How Was This Work Done?

GHJP and SWAN did the following:

- **Interviews with LEAD staff:** The team spoke to the people involved in operating LEAD in New Haven, including members of the mayor's Community Service Administration, the New Haven Police Department (NHPD), Cornell Scott-Hill Health Center, and the Yale School of Medicine.
- **Public records requests:** The team obtained documents from the City of New Haven, the State Department of Mental Health and Addiction Services, and the federal Department of Justice that detailed the terms of the grants that were made to support LEAD in New Haven. They also obtained documents from the NHPD and the Community Service Administration documenting their LEAD policies and procedures.
- **Informant interviews:** The team spoke with activists, public health practitioners, researchers, and people who run other pre-arrest diversion programs, including programs in Albany and Atlanta.
- **Meetings with City and community:** SWAN was involved in several early LEAD planning meetings with the city, which asked SWAN to sign a contract saying they would be part of the collaboration to create LEAD. Later, SWAN and GHJP called several follow-up meetings with city officials to discuss progress on LEAD.

6. Footnote

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- ⁱ See the signature of Beatrice Codianni, SWAN Executive Director, on the MOU in Appendix F.
- ⁱⁱ For a full list of cities, see LEAD National Support Bureau, <https://www.leadbureau.org/>.
- ⁱⁱⁱ “Core Principles for Case Management Role,” LEAD National Support Bureau. https://docs.wixstatic.com/ugd/6f124f_5082d1b9f6144391b3975fb52f305a29.pdf
- ^{iv} “Essential Principles of Successful LEAD Implementation,” LEAD National Support Bureau. <http://www.defender.org/sites/default/files/LEAD%20Essential%20Principles%20for%20Successful%20LEAD%20Implementaton.pdf>
- ^v There are a wide range of collateral consequences to the cycle of arrest, detention, incarceration, and marking with a criminal record and many different accounts of these harms. For one classic account, see Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2012).
- ^{vi} According to Martha Okafor, former head of the Community Service Administration at a meeting hosted by GHJP on 12/15/17.
- ^{vii} See Appendix C for full list of personnel.
- ^{viii} Interview between Najja Morris and GHJP team, 4/11/18.
- ^{ix} According to 4/23/18 CompStat meeting.
- ^x 4/23/18 Interview with Lieutenant Jason Minardi
- ^{xi} See the LEAD pamphlet produced by the city in Appendix E.
- ^{xii} Bass, Paul. "Renewed Sex Stings: Community Policing?" November 4, 2016. Accessed February 2018. http://www.newhavenindependent.org/index.php/archives/entry/mayor_monday4/.
- ^{xiii} Liu, Michelle. “Cops Suspend Prostitute Stings,” November 18, 2016. Accessed February 2018. <http://www.newhavenindependent.org/index.php/archives/entry/tktk4/>; Tabin, Sarah. “Residents, Yale affiliates protest prostitution sting operation,” November 18, 2016. Accessed February 2018. <https://yaledailynews.com/blog/2016/11/18/residents-yale-affiliates-protest-prostitution-sting-operation/>.
- ^{xiv} See Appendix F, LEAD MOU.
- ^{xv} Start and end dates according to Loel Meckel, in email on file with the authors, 4/9/18.
- ^{xvi} Breen, Thomas. “Non-Jail Program For Low-Level Offenders Pitched In The Hill,” May 10, 2017. Accessed February 2018. http://www.newhavenindependent.org/index.php/archives/entry/LEAD_in_the_Hill/.
- ^{xvii} Breen, Thomas. “LEAD Launches,” November 24, 2017. Accessed February 2018. http://www.newhavenindependent.org/index.php/archives/entry/lead_pilot_/.
- ^{xviii} Breen, Thomas. “Non-Jail Program For Low-Level Offenders Pitched In The Hill,” May 10, 2017. Accessed February 2018. http://www.newhavenindependent.org/index.php/archives/entry/LEAD_in_the_Hill/.
- ^{xix} Dr. Dakibu Muley, Community Service Administrator, said that the city had been awarded a second grant at a meeting with SWAN and coalition allies on June 15, 2018, after having announced on Feb. 26, 2018 at a Board of Alders meeting that he was planning to apply for this grant. We made a request for documentation of this award in April 2018 and reiterated this request on Sept. 10, 2018 with no response from the City.
- ^{xx} Bureau of Justice Assistance, Department of Justice, “Justice and Mental Health Collaboration Program,” https://www.bja.gov/ProgramDetails.aspx?Program_ID=66#horizontalTab1
- ^{xxi} In Seattle the Public Defender Association is the project manager for LEAD, <http://www.defender.org/projects/lead>. In Albany the collaboration team includes the public defender’s office, <https://www.albanyny.gov/Government/Departments/PoliceDepartment/LEAD.aspx>; in Atlanta the Fulton County Office of the Public Defender is an implementation partner and member of the Operational Work Group, <http://prearrestdiversion.org/learn-about-pre-arrest-diversion/>
- ^{xxii} See DOJ Grant Aldermanic Submission, “New Haven LEAD Narrative,” on file with authors.

^{xxiii} The team asked for these documents (1) before, during, and after a meeting with Dr. Dakibu Muley on 6/15/18 (2) In a meeting with and email to Jason Minardi, 4/23/18.

^{xxiv} See the description of the full process of Albany’s diversion in “Report to Albany on the LEAD Program: One Year Anniversary” (March 31 2017); Baltimore operational protocols available at “LEAD Referral and Diversion Protocol,” <http://www.bhsbaltimore.org/site/wp-content/uploads/2012/06/ATTACHMENT-II-LEAD-Protocol.pdf> ; Seattle protocols available at Law Enforcement Assisted Diversion (LEAD) Referral and Diversion Protocol June 2015, <http://static1.1.sqspcdn.com/static/f/1185392/26595193/1444410613677/June-2015-Seattle-LEAD-Referral-and-Diversion+Protocol.pdf?token=IYzsbte29AaB1XDY3Q5YsDaS1r0%3D> ; Atlanta protocols given to authors upon request.

^{xxv} DOJ Grant Aldermanic Submission, “New Haven LEAD Narrative,” p. 9 of 10, on file with authors.

^{xxvi} Interview with Phil Costello, Clinical Director of Homeless Care at Cornell Scott, notes on file with authors, 2/23/18.

^{xxvii} Interview with Jason Minardi, NHPD, 4/23/18.

^{xxviii} Appendix E: LEAD Pamphlet

^{xxix} “Pabon-Rey said that he and his fellow community liaisons are now trying to bring people into the program through ‘social contacts.’” Poli Sci Grad Tackles Real Life in the Hill. http://www.newhavenindependent.org/index.php/archives/entry/poli_sci_to_lead_liaison/

^{xxx} See Interview with Jason Minardi, 4/23/18.

^{xxxi} According to the most recent information available, obtained from the police. See Appendix B: LEAD Eligibility and Exclusion Guide

^{xxxii} For example, New Haven has all of the following diversion programs, but they all require the person to be a first time offender or not to have used diversion programs previously: the Accelerated Pretrial Rehabilitation Program, C.G.S. § 54-56e, Pretrial Alcohol Education Program C.G.S. § 54-56g, Pretrial Drug Education and Community Service Program C.G.S. § 54-56i, Community Service Labor Program C.G.S. § 53a-39c.

^{xxxiii} See The Sentencing Project, “A Cascade of Racial Disparities Throughout the Criminal Justice System,” in *Black Lives Matter: Eliminating Racial Inequity in the Criminal Justice System* (2015).

^{xxxiv} At a police training in the Atlanta LEAD program observed by the authors on 4/26/18 the police representative said that the program was specifically for the people who were often arrested and described as “frequent flyers” by police slang.

^{xxxv} Appendix E: LEAD Pamphlet

^{xxxvi} In Seattle, the staff of the Public Defender’s Association act as the project managers for LEAD; in Albany, the Program Director position for the LEAD program is housed at the Katal Center for Health, Equity, and Justice; and in Atlanta, PAD Inc. manages the PAD program.

^{xxxvii} For the national report, see GHJP and Sex Workers Project of the Urban Justice Center, *Diversion from Justice: A Rights-Based Analysis of Local “Prostitution Diversion Programs” and their impacts on People in the Sex Sector in the United States* (September 2018); for the New York City report, see GHJP and Sex Workers Project of the Urban Justice Center, *Un-Meetable Promises: Rhetoric and Reality in New York City’s Human Trafficking Intervention Courts* (September 2018).