



# Albany program would divert low-level criminals from jail

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Police officers would have the discretion to send low-level criminals to social services case managers, not jail, under a diversion program that city and county officials hope will stop clogging the court system with chronic offenders who need other forms of help.

The LEAD program, short for law enforcement assisted diversion, is aimed at rolling back large-scale incarceration for minor crimes in favor of getting the criminals access to the services and counseling they need to stay out of the justice system over the long-term.

Officials said the program will save taxpayers money and will make the city safer by allowing police and prosecutors to spend more time combating violent crime.

The program would be just the third in the country after Santa Fe, N.M., and Seattle, officials said.

District Attorney David Soares, County Executive Dan McCoy, Mayor Kathy Sheehan and acting police Chief Brendan Cox are expected to announce the agreement Thursday before heading to Washington next week for meetings hosted by the White House at which they hope to court major philanthropic foundations.

"There's growing agreement across the nation that mass incarceration doesn't work, that it's extremely costly and that it's destructive of individual lives," said Alice Green, executive director of the Center for Law & Justice, a nonprofit that has helped coordinate the efforts over the last year. "Say they only spend two days in jail. If you've got a job, you've lost that job in many instances."

Green was also co-chair of the public safety committee of Sheehan's transition team and a member of a contingent of local officials who traveled to Seattle in January to observe the program there. Another program goal is to address the disproportionate percentage of minorities who end up incarcerated in the U.S.

Police, prosecutors, public defenders, probation officials and county social service and mental health workers will collaborate with local nonprofits to identify and monitor candidates for diversion rather than prosecution, Green said.

While many of the details are yet to be worked out, including which crimes would be eligible for diversion, Green said securing the agreement of all the involved parties represents a change in

the attitude of local law enforcement in approaching some kinds of crime as a public health problem.

Soares, who condemned the country's decades-long war on drugs at a Vancouver forum nine years ago, said no one accused of a violent crime or with a violent past would be eligible.

The county, Soares said, spends millions of dollars cycling the mentally ill, homeless and drug-addicted through the criminal justice system over and over when it could be spending far less to help them find housing, jobs and care with far better results. He described LEAD as an effort "to bring together the public health and public safety communities."

"Diversion saves money," he said. "That's a fact."

Cox said he will solicit input from officers on which crimes should be eligible and said the list could include offenses related to drug addiction like shoplifting.

"Ten years ago, people weren't ready to hear that the war on drugs failed," Cox said of Soares' message. "People, I still don't think, are ready to hear that mass incarceration has not helped us ... Not everybody needs to go to jail."

The most important element of LEAD, Cox said, is that officers will have the discretion to decide whether to make an arrest themselves — discretion he noted they already have and use frequently with little fanfare to give people breaks. The difference is that currently there's no infrastructure for them to refer offenders to needed services and no one to keep tabs on them to ensure they are following up, he said.

"Instead of spending two hours dealing with somebody for having a piece of crack cocaine that they're clearly using for themselves, that they're not selling, it will be 30 minutes with that person and then going back to dealing with the violence on the street," Cox said.

The theory behind the LEAD mind-set was given an empirical boost in April when researchers at the University of Washington found that people diverted under the pilot program in sections of Seattle and surrounding King County were as much as 60 percent less likely to be arrested again than those in a control group.

Starting in 2011, authorities in Seattle chose to focus on low-level drug crimes and prostitution. Santa Fe authorities have focused on people found with small amounts of opiate drugs.

The Santa Fe project has not yet been academically evaluated, said gabriel sayegh, who does not use capital letters in his name and is the managing director for policy and campaigns at the Manhattan-based Drug Policy Alliance, a nonprofit that pushes for drug law reform. Sayegh said reforming drug laws is no longer a Democrat vs. Republican issue, noting conservative groups like Right on Crime have also questioned the efficacy of jailing low-level drug offenders.

"There's actually an emerging bipartisan consensus on this," he said. "Anybody that wants to argue that the status quo is working just fine is really going to have a lot to explain because nobody else thinks that."

Sam Wiggins has lived both ends of the cycle. An arrest for drug possession at the age of 17 nearly kept him out of the Army but for a recruiter's help getting the incident expunged from his record.

That led to an 11-year Army career that would have otherwise been closed off to him, said Wiggins, 55, who has lived in Albany for two decades and now works with homeless veterans, drug addicts and former inmates reacclimating to life outside prison.

"There were other friends of mine who wanted to do the same thing but could not," he said. "Mistakes had a high costs for us."

Jailing low-level criminals without addressing the social, economic or psychological reasons for their crimes won't work, he said.

"Until we take care of the cause, then we're really just doing this repetitive cycle where nobody is getting any better," Wiggins said. "We can't make everybody a criminal."