

# The Seattle Times



## Seattle program aims to break the habit of incarceration

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The Law Enforcement Assisted Diversion program is a local experiment aimed at breaking the cycle of arrest and incarceration for low-level drug dealers, addicts and prostitutes. Completely funded by private foundations, the \$950,000-a-year, four-year pilot program offers hand-picked participants individualized alternatives to arrest, from inpatient drug treatment and educational opportunities to housing assistance and microloans for would-be business owners.

Seven men were arrested for street-level drug crimes last month during a two-day buy-bust operation by Seattle police in Belltown.

Two of them caught a huge break.

Instead of being locked up, they were offered the first spots in a new program borne out of collective fatigue with the criminal-justice system's approach to managing the low-level drug dealers, addicts and prostitutes who revolve through King County's jails and courthouses.

The two men are now being given the chance to break the cycle of arrest and incarceration by signing on to a program aimed at changing their lives and, in a small way, the community. The idea is to help the drug-addicted kick their habits and give people who survive by selling drugs a chance at legitimate employment and a future.

No one knows if it'll work, but the creation of Law Enforcement Assisted Diversion (LEAD) has made partners out of professional adversaries and brought shared hope to those dealing with the ramifications of the country's war on drugs.

Funded by private foundations, the \$950,000-a-year, four-year pilot program offers hand-picked participants individualized alternatives to arrest, from inpatient drug treatment and educational opportunities to housing assistance and microloans for would-be business owners.

Belltown, Seattle's drug-plagued neighborhood just north of downtown, is the program's launchpad, to be followed later this year by Skyway, just south of Seattle in unincorporated King County.

"Honestly, this is the most hopeful thing I've ever been a part of in my career as a public defender," said Lisa Daugaard, deputy director of The Defender Association, who is credited with taking the germ of an idea and turning it into an on-the-street reality.

The rollout of the program was officially announced at a news conference Thursday morning at the Millionair Club, a 90-year-old Seattle charity that provides services to King County's homeless and unemployed. Last month's arrests by West Precinct officers were really a "soft launch" for a local experiment that has no national model but is based on successful, arrest-referral programs in the United Kingdom.

### **Arrested over and over**

LEAD's policy coordinating group is confronting the confluence of race, poverty and drugs head-on.

Along with a representative from Daugaard's office, the group — which makes all of its decisions by consensus — includes top officials from Seattle police, the King County Sheriff's Office and Prosecuting Attorney's Office, Seattle's City Attorney's Office, the American Civil Liberties Union of Washington, city and county government, as well as members of local neighborhood and business associations.

Evergreen Treatment Services, a private nonprofit founded in 1973 with treatment facilities in Seattle and Olympia, was awarded the contract to develop and execute intervention plans for LEAD participants, who must voluntarily agree to be part of the program. In exchange for their participation, no criminal charges will be filed, even if someone later relapses.

"Most of these people will have been to jail many times. These are frequent fliers through the system, but no one has ever offered them help," King County Prosecutor Dan Satterberg said of the population LEAD hopes to reach.

Clearly, jail or prison stints did nothing to curb their involvement in the drug trade, he said, "because they're right back in an alley putting a needle in their arm."

An unscientific survey by West Precinct police officers found that 54 individuals most frequently contacted by police in Belltown had been collectively arrested 2,704 times — and the majority now live in shelters, assisted-living facilities or jail-alternative housing in the neighborhood. The count, which does not include out-of-state convictions, includes 266 felony arrests for crimes such as murder, rape, robbery and assault.

But the LEAD program won't be offered to everyone and is an option only for low-level offenders. Police officers on the street — who best know the neighborhood's dealers, users and prostitutes — will be the ones to decide who gets a shot at immediate access to treatment and other services, such as rental assistance, job training and mental-health programs.

"If this is going to work, we need the men and women who patrol the streets to believe in this option and use their best judgment to decide who should receive this chance," Satterberg said.

Sgt. Sean Whitcomb, a spokesman for the Seattle Police Department, said officers know that "locking people up for low-level drug offenses" is expensive and rarely results in rehabilitation.

"Officers are frustrated arresting the same people over and over again. We know it's not working," Whitcomb said.

"Our primary objective is public safety and if we can achieve that mission by getting people out of the cycle of low-level crime and getting them into a situation where they can get treatment to address a root cause, it's a huge victory."

### **"Not a quick fix"**

The LEAD option will be available only on certain, random days each month. People who otherwise would qualify for enrollment in LEAD, but are arrested on the program's off days will be tracked as they make their way through the court system so that their outcomes can be compared to those of the program's participants.

"It is out of the box and that's what I like about it. We sure have been doing in the box for a long time and this is kind of a fresh, new approach," said Elizabeth Campbell, president of the Belltown Community Council.

While men are more likely to be arrested for using or selling drugs, women involved with drugs are most often arrested for prostitution, which is why the misdemeanor offense is one of the qualifying crimes for participation in LEAD, Daugaard said.

It's unclear how many people will get spots in the program "because we don't know yet how far the money will go or how much we have to spend per person," she said. "It's not a quick fix. It's not a silver bullet. ... It won't work perfectly, and we'll have to make changes as we go."

But the hope is that LEAD will end up saving money because participants won't be cycling through the system at taxpayer expense. And it's hoped the program can begin to address racial disparities in drug enforcement and the underlying forces that compel involvement in the drug trade.

### **Sparked by court battle**

The impetus for LEAD grew out of a heated court battle between The Defender Association and the Seattle Police Department over allegations of selective enforcement in drug cases that sent disproportionately high numbers of African Americans to prison.

In 2005, the public defenders won a state Court of Appeals decision upholding a Superior Court ruling in their favor and the city settled the case.

"We were considering starting over with a new group of clients," Daugaard recalled.

But instead of launching another lawsuit, she sat down with Satterberg and Capt. Steve Brown, the West Precinct's former commander, "to see if we were on the same page." They weren't.

But then, Daugaard said, Brown posed a question: What if we all agreed to do something different in regards to drug enforcement; what would be better?

"That question framed everything that's come since," Daugaard said.

The adversaries-turned-partners all recognize that drugs aren't likely to be decriminalized anytime soon and that "we're already sending people to prison for 10 years" for possession of small amounts of crack, heroin and other drugs, Daugaard said.

So the basic idea of LEAD is to offer those on society's margins the same opportunity to carve a new path as middle-class kids whose parents stage interventions and have the resources to help them get off drugs, she said.

"It's definitely a paradigm shift in approach," said Mark Cooke, a policy advocate for the ACLU of Washington, which views drug addiction as a public-health issue. "What's unique about this program is that it's been very collaborative from the beginning, with divergent groups coming together.

"People are taking a bit of a leap of faith," he said. "I'm really excited about it and what it means, but it's not a panacea for all the problems out there."