

Amendment 3 to CB 120645 – Adding the crimes of knowing possession of a controlled substance and use of a controlled substance in a public place.

Sponsor: Councilmembers Mosqueda and Herbold

Adding recitals to address LEAD (Let Everyone Advance with Dignity) capacity for pre-booking diversion

Effect: This amendment would add recitals that highlight the City’s support for diverting individuals away from the criminal legal system; and:

- That the LEAD program (Let Everyone Advance with Dignity) has the ability to support diversion for this population that is both eligible and appropriate for that intervention, as long as it is provided with sufficient resources and the City is prioritizing referrals from police at the point of arrest for pre-booking diversion;
- If there are insufficient resources to support pre-booking diversion for this population and a priority for pre-booking diversion is maintained over other types of referral to maintain coverage of the law enforcement-involved population, it is possible that access to program services for individuals connected to LEAD outside of police referrals could be negatively impacted, leading to a situation in which the primary entry into the diversion system is through contact with law enforcement

Background: CB 120645 will likely lead to increased referral volume to LEAD by establishing diversion and treatment as the standard approach for most instances of knowing possession and public use of controlled substances and in committing to the development of SPD policies to support this outcome. The City’s contract for LEAD services explicitly prioritizes referrals to LEAD by law enforcement, including pre-arrest diversion and social contact diversion. However, during the first half of 2023 only three percent of all referrals were from arrest diversion, and an additional 25 percent were from social contact, and the majority of referrals were initiated by community members. Significantly more referrals from law enforcement could crowd out the program’s ability to accept referrals from community members or create an environment in which police officers are the de facto gatekeepers for access to LEAD programs and services.

The City’s 2023 contract with PDA to support the LEAD diversion model is for \$9.9 million. With these resources, the PDA had 752 active LEAD clients at the end of June. It was not possible to develop an estimate of the additional funding that would be required to fund LEAD to scale. As a point of reference, a September 2021 Central Staff memo to the PSHS Committee estimated the need for \$21 million in 2022 and \$30 million in 2023 to fund all “priority qualifying referrals” to LEAD, which the memo defines as “individuals who engage in criminal activity related to behavioral health issues, substance use, and/or extreme poverty or income instability.” If policies were developed to prioritize such referrals for enrollment in LEAD, one effect could be to curtail access to program services for individuals connected to LEAD mainly

or solely because of behavioral issues, extreme poverty, and/or income instability. Information is not available on the proportion of LEAD clients who were connected with the program mainly or solely due to public use of unprescribed or illegal controlled substances.

1. On page 3, after “WHEREAS, The City of Seattle is committed to coordinating with King County government as it endeavors to provide these services to county residents, including those within Seattle; and” add the following:

“WHEREAS, the City supports a framework that diverts individuals away from the criminal legal system and to services to address individual needs where appropriate; and

WHEREAS, that framework, of which a substantial part is diversion through the Let Everyone Advance with Dignity (LEAD) program, has the ability to sufficiently support diversion for this population that is both eligible and appropriate for that intervention, as long as it is provided with sufficient resources and the City is prioritizing referrals from police at the point of arrest for pre-booking diversion; and

WHEREAS, if there are insufficient resources to support pre-booking diversion for this population and a priority for pre-booking diversion is maintained over other types of referral to maintain coverage of the law enforcement-involved population, it is possible that access to program services for individuals connected to LEAD outside of police referrals could be negatively impacted, leading to a situation in which the primary entry into the diversion system is through contact with law enforcement; and”