

*Albany Law Enforcement Assisted Diversion (LEAD) Program
Memorandum of Understanding of the Policy Coordinating Group*

MEMORANDUM OF UNDERSTANDING

Among

ALBANY OFFICE OF THE MAYOR,
ALBANY POLICE DEPARTMENT,
ALBANY COUNTY EXECUTIVE,
ALBANY COUNTY DISTRICT ATTORNEY,
ALBANY COUNTY SHERIFF,
CENTRAL DISTRICT MANAGEMENT ASSOCIATION,
CENTER FOR LAW AND JUSTICE,
AND DRUG POLICY ALLIANCE

Regarding

ALBANY LAW ENFORCEMENT ASSISTED DIVERSION PROGRAM
POLICY COORDINATING GROUP: FORMATION, GOVERNANCE, AND
RESPONSIBILITIES

RECITALS

WHEREAS, the City of Albany ("City"), Albany County ("County"), and residents and business owners in the communities want to improve public safety and public order in their neighborhoods; and

WHEREAS, the City, County, and community members want to reduce future criminal behavior related to mental illness, drug involvement, chronic homelessness and other health and wellness issues in the City's communities; and

WHEREAS, booking, prosecuting, and jailing individuals committing offenses related to mental illness, drug involvement, chronic homelessness and other health and wellness issues in the City has had limited effectiveness in improving either public safety or public order in the neighborhoods; and

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WHEREAS, interventions that connect people who have been charged with low-level drug offenses with services may cost less and be more successful at reducing future criminal behavior than processing these individuals through the criminal justice system; and

WHEREAS, a program grounded in harm reduction and housing first philosophies, such as LEAD, may provide better results than traditional abstinence-only programs; and

WHEREAS, harm reduction is a proven public health philosophy and intervention that seeks to reduce the harms associated with drug use; and

WHEREAS, the City of Seattle launched the first LEAD demonstration project in 2011, and its collaborative, harm reduction approach to addressing and reducing drug related crime and disorder in downtown Seattle has earned support of local stakeholders including the Seattle Mayor, Seattle Police Department, King County Prosecuting Attorney, the King County Sheriff, the Downtown Seattle Association, and local community leaders, while also garnering the attention of the U.S. Justice Department and other municipalities through the U.S. – including Houston, Atlanta, San Francisco, and Santa Fe, which in 2013 launched the second official LEAD pilot with support from the City and private foundations; and

WHEREAS, the Seattle LEAD Operational Group has offered to provide technical support to the City and County of Albany in the establishment of a LEAD program; and;

WHEREAS, private foundations have expressed interest in supporting the development and evaluation of LEAD in Albany;

NOW, THEREFORE, THE PARTIES STATE THEIR INTENT AS FOLLOWS:

A. Formation, Purposes, and Membership of the Albany Law Enforcement Assisted Diversion ("LEAD") Policy Coordinating Group. A Policy Coordinating Group is hereby formed for the Albany LEAD pre-arrest diversion program. The purposes of the Policy Coordinating Group are to review and provide feedback on the Referral and Diversion Protocols for LEAD candidates, approve Requests for Proposals ("RFPs") for service providers and program evaluators, select providers and evaluators, review and provide feedback on periodic reports from the Operational Group¹, make criminal justice and human services system data available for comparison and evaluative purposes, and provide policy guidance and administrative oversight for the LEAD program's operation and evaluation. The Policy Coordinating Group will select an appropriate fiscal sponsor to receive and administer the program's funding from private donors.

LEAD Policy Coordinating Group

The Policy Coordinating Group's membership shall consist of representatives from the following entities and organizations:

1. Albany Office of the Mayor;
2. Albany Police Department;
3. Albany County Executive Office;
4. Albany County District Attorney's Office;
5. Albany County Sheriff's Office;

¹ The Operational Group is populated by representatives of the policing and prosecutorial agencies having jurisdiction over the communities to be selected for participation in LEAD, a representative from the community (as identified by the LEAD community outreach organizer), and at least one of the organizations providing technical assistance to the LEAD program. Representatives of the service providers selected for each community will be added after selection. The Operational Group has primary responsibility for developing and amending the Referral and Diversion Protocols, for staffing program participants' cases per the Protocols, and for providing periodic reports on resource utilization and participants' progress to the Policy Coordinating Group.

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6. Central District Management Association
7. The Center for Law and Justice; and
8. Drug Policy Alliance (advisory role).

Additional member entities and organizations may be added to the Policy Coordinating Group upon unanimous consent of the existing members.

LEAD Staffing

In addition to individual organizations' staff committed by each of the signatories to this Memorandum of Understanding as described below, the Albany Law Enforcement Assisted Diversion Program is to have two full-time staff members dedicated solely to the LEAD program: a Community Outreach worker, and a Project Manager. The Community Outreach worker is to be assigned to the Center for Law and Justice, as an Albany-based non-government signatory to this MOU. The assignment of the Project Manager will be determined by the Policy Coordinating Group. The Project Manager is to be responsible for overseeing all aspects of LEAD program management, resource development, and stakeholder coordination. The Project Manager will serve as liaison between the fiscal sponsor, the program funders, the contract service providers, the Policy Coordinating Group, the community advisory groups and the operational work groups. The Project Manager, with members of the Policy Coordinating Group, will advocate for fidelity to agreed protocols and core principles of LEAD.

MOU Signatories' Individual Statements of Intent

The parties signing this Memorandum of Understanding ("MOU") specifically state their respective intents and commitments as follows:

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1. **Albany Office of the Mayor** is committed to the goals of supporting safe communities and promoting opportunities for all communities and individuals to realize their full potential; by reducing future criminal behavior related to mental illness, drug involvement, chronic homelessness, and other health and wellness issues. The LEAD program furthers these goals and has the full support of the Mayor. As outlined in the Mayor's transition report, the Mayor's Office is dedicated to adopting a city-wide public health and safety approach to drug policy and believes that this program will play a role in helping the City to evaluate policies and practices across departments to ensure that we are promoting public safety and health; addressing drug addiction as a health issue; and reducing unwarranted racial disparities in drug law enforcement. The Mayor's Office believes that by developing coordinated drug policies that transcend the criminal justice system the LEAD program will help shift the national paradigm from a drug enforcement strategy that destroys communities, to one that rebuilds them.

The Mayor's Office is committed to providing staff towards the implementation, execution, and sustainability of the LEAD program. They have appointed a qualified senior staff member to serve on the LEAD Policy Coordinating Group. They have also directed the Police Department to make the LEAD program a priority, and are committed to addressing racial and ethnic disparities within the cross systems that the LEAD program touches. The Mayor's Office has also agreed to participate in data collection and sharing.

2. **Albany Police Department (APD)** is committed to participate in the LEAD Program on

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both an operational and policy level. The APD will provide the following staffing to the program:

- The APD is dedicated to training all personnel in the LEAD program and process. The personnel will include patrol officers, as well as detectives who work in the Community Response Unit. Personnel will be knowledgeable in New York State's drug laws, search and seizure case law, local, state and federal criminal history records, State Department of Corrections and Community Supervision records, warrant records, and principles of harm reduction and will have the authority to make street level decisions on where to direct those individuals that are eligible for the LEAD program. The APD will utilize the LEAD program as a pre-arrest diversion program.
- The APD will provide the part-time services of a sergeant and a lieutenant who will oversee the day to day operations of the program. At a policy level, Deputy Chief (Brendan Cox) or a designee shall serve on the LEAD Policy Coordinating Group. These representatives will serve on the Policy Coordinating Group as long as it exists or unless and until the APD withdraws from the LEAD Program.
- Furthermore, the APD is dedicated to training all personnel on the principles of harm reduction and applying these principles across the spectrum of police related calls for service when dealing with addiction, mental illness, and homelessness.

3. Albany County Executive's Office (ACEO)

Albany County Executive Daniel P. McCoy, and Albany County Government, are committed to the goals of supporting safe communities and accessible justice systems for all, and promoting opportunities for all communities and individuals to realize their full potential, by

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reducing future criminal behavior related to mental illness, drug involvement, chronic homelessness and other health and wellness issues within our communities. The Albany County Executive believes the LEAD program furthers those goals and has therefore committed to participate in the LEAD program. The Executive will provide staffing to evaluate the progress of the program as related to the County and its Departments active in the program. Further, the County Executive shall ensure that qualified staff shall serve, including a representative from the County Executive's senior staff, on the LEAD Policy Coordinating Group.

4. Albany County Department of Mental Health

The Albany County Department of Mental Health, under the auspices of the Albany County Executive, agrees to assign senior leadership personnel to the LEAD Policy Coordinating Group; as well as personnel knowledgeable of the behavioral health system of care in Albany County in order to provide consultation and operational technical assistance in the development of appropriate community behavioral health services necessary to the success of the LEAD program.

5. Albany County Department of Health

The Albany County Department of Health (ACDOH) recognizes the importance of taking a coordinated, public health-oriented approach to dealing with people who have been charged with low-level drug offenses where the focus is not on punishment but rather on harm reduction, treatment and supportive services. The LEAD program embraces this approach with the ultimate goal of reducing criminal behavior and improving community safety. The ACDOH supports implementation of the LEAD program in Albany County. We agree to attend LEAD meetings, be an active participant in ongoing discussions and planning, and where applicable facilitate connections to services offered by the ACDOH.

6. Albany County Office of the Public Defender

The Albany County Public Defender's Office pledges its support for the formation of the Albany LEAD pre-arrest diversion program. The Public Defender will participate in any manner needed to assist the Policy Coordinating Group in the development of this program. After the LEAD Program is commenced, the Public Defender's Office will have an attorney assigned to all meetings to represent the interests of participants, advocate for individuals who seek to become part of the LEAD Program, advise potential participants of the legal ramifications of the program and communicate with all stakeholders to ensure that the program accomplishes the goals that are set forth in the Memorandum of Understanding.

7. Albany County District Attorney's Office

The District Attorney's Office believes that the success of this program will allow for better outcomes for those living with addiction, mental illness, and homelessness while allowing for less of a burden on our costly criminal justice system. The District Attorney's Office will provide staffing to the program when practicable: an Assistant District Attorney or other prosecuting attorney to both the Operational and Policy Coordinating Groups. The District Attorney and/or the Assistant District Attorney shall serve on each group as long as the groups exist or unless and until the District Attorney withdraws from the LEAD program. The District Attorney's Office further agrees to assist in data collection and data sharing. Though they will be informed by the Operational Group's staffing recommendations regarding participants, the District Attorney retains the ultimate and exclusive authority to make filing decisions in all criminal cases.

8. Albany County Sheriff's

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Sheriff Craig D. Apple Sr. and the Albany County Sheriff's Office are pleased to participate in the Law Enforcement Assisted Diversion Program in partnership with the Albany Police Department, the Albany County District Attorney's Office and all of those committed to this program. We will support this participation at both the policy and operational levels.

At the operational level a Command Staff Member assigned to the Albany County Sheriff's Office will provide management-level input to structuring the policies and procedures. That representative will also oversee implementation through the first-line supervisors to the patrol deputies and investigators actually making the contact and referrals.

At the policy level, the Sheriff (or other designee) will be a member of the LEAD Policy Coordinating Group, offering the perspective and support of the Sheriff and the Command Staff. It is recognized that the program in the unincorporated areas may differ in some respects from the City of Albany Police Department implementation and operation. But we support the same overarching program goals and we desire the same positive outcomes in the moves of those referred to the program and in the communities impacted by public safety issues.

9. **Central District Management Association** The Central District Management Association, (The Central Avenue Business Improvement District) will assign staff who will attend and be actively engaged in Policy and outreach meetings representing the business and property owners of the BID area. The staff will include the Executive Director and Operations personnel trained in community engagement and crime prevention programming. The staff of the CDMA, Inc., will be prepared to work with the other LEAD partners in an ongoing capacity to provide outreach assistance and acting in an advisory capacity and in an advocacy role for the LEAD.

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The CDMA, Inc. will work in direct relationship with stakeholders and LEAD partners in public relations and communication of LEAD goals and partnership activities, including support for web, press & media relations in support of LEAD efforts. The CDMA, Inc. believes that LEAD efforts support our mission in a “Rising tide lifts all boats” approach to community building and crime reduction, and parallels our mission of improving the quality of life to the City of Albany and its citizens and visitors.

10. **The Center for Law and Justice (CFLJ)** will supervise the LEAD Community Outreach Worker and assist with all aspects of community organization and outreach. Should the Policy Coordinating Group assign the Project Manager to CFLJ, CFLJ will supervise the Project Manager in the performance of his/her responsibilities as described under *LEAD Staffing*, above. CFLJ, with other partners, will assist in communicating about the process of creating and operating LEAD with interested policymakers and community leaders in other jurisdictions.
11. **Drug Policy Alliance (DPA)** is committed to replacing reliance on criminal sanctions with approaches that treat drug misuse as a public health concern and at the same time respect civil liberties, reduce incarceration, and promote racial justice. DPA maintains a New York Policy Office whose professional staff possess significant relevant experience. DPA will participate in the LEAD program in an advisory capacity only. DPA’s staff will assist the LEAD program and its Policy Coordinating Group with advocacy, fundraising, document drafting, stakeholder consultation, troubleshooting, and technical assistance. DPA will support the Project Manager as liaison and advocate between potential funders and the Policy Coordinating Group. DPA, with other partners, will advocate for fidelity to agreed protocols and core principles of LEAD. DPA, in conjunction with CFLJ and along with other partners, will be responsible for communication with interested policymakers and community leaders in other

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jurisdictions regarding the LEAD implementation process. DPA's communication office will provide media support and expertise, consulting on media relations, and the policy department will support outreach and coalition building efforts.

B Governance.

Participation in the LEAD Policy Coordinating Group is voluntary, and any member may withdraw unilaterally at any time for any reason. This MOU does not amend any law or ordinance; nor does it create any binding obligation on the part of any signatory. This MOU simply memorializes the intent of the Policy Coordinating Group's members in participating in this program and describes the responsibilities they understand to be accepting through their participation.

All decisions of the Policy Coordinating Group will be made by modified consensus. For purposes of this MOU, "modified consensus" means a resolution that is acceptable to all participants even if not ideal to one or more. However, the APD retains discretionary authority over diverting potential LEAD participants and in instances where a case is filed, the District Attorney retains the ultimate and exclusive authority to make filing decisions. DPA shall not have a decision-making role in neither the Policy Coordinating Group nor the Operational Group, and will operate in an advisory capacity only. Catholic Charities Care Coordination Services (CCS), St. Catherine's Center for Children, and the Addictions Care Center of Albany, Inc. shall not have a decision-making role in the Policy Coordinating Group, but may participate at the discretion of the partner entities. The role of service providers in the Policy Coordinating Group is further outlined in the addendum.

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Each member organization shall designate one representative for purposes of determining consensus in Policy Coordinating Group decisions, but multiple representatives from each organization may attend meetings and participate in discussions.

C Responsibilities.

The role of the Policy Coordinating Group is to make policy-level decisions regarding the LEAD program and to provide periodic administrative oversight of the program. Specific responsibilities include, but are not limited to, the following:

1. Review of LEAD Referral and Diversion Protocols;
2. Selection of a fiscal sponsor to receive and administer private funding granted for LEAD operation and evaluation; however, the City of Albany may administer its own funds allocated for the LEAD program, rather than transferring said funds to a Funding Hub;
3. Oversight, advisement, and direction of fiscal sponsor pursuant to grant agreements;
4. Collaboration on grant applications for LEAD operation and evaluation;
5. Review of RFP applications and selection of service providers and evaluators;
6. Approval of RFPs for LEAD service provision and evaluation;
7. Making available criminal justice and human services system data for comparison and evaluative purposes;
8. Oversight of LEAD implementation, including but not limited to regular review of reports from the Operational Group(s), contract compliance of service providers and evaluators, ensuring a commitment to a harm reduction philosophy, and solicitation and review of community feedback; and
9. Modification of service provision, or evaluation criteria and process, as needed.

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The MOU signatory agency to which the Project Manager is assigned and DPA will provide staffing support through document drafting, stakeholder consultation, troubleshooting, and technical assistance to the Operational Groups; the Project Manager will have decision-making authority as member of the Policy Coordinating Group.

This MOU may be signed in counterparts and shall be effective as of the date it is signed by all parties. No amendment or modification of this MOU will have effect unless it is made in writing and agreed to by all signatories or their successors.

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SIGNATURES / DATE



Kathy M. Sheehan
Mayor of the City of Albany

Date



David Soares
Albany County District Attorney

Date



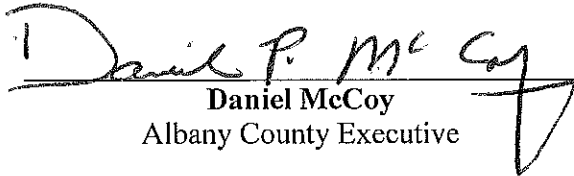
Brendan Cox
Acting Chief
Albany Police Department

Date



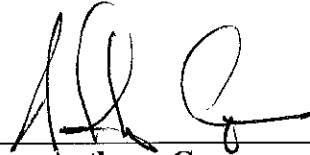
Craig Apple
Albany County Sheriff

Date



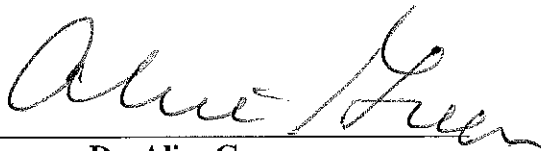
Daniel McCoy
Albany County Executive

Date



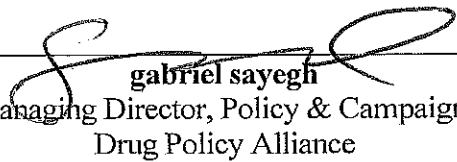
Anthony Capece
Central District Management
Association

Date



Dr. Alice Green
Executive Director
Center for Law and Justice

Date



gabriel sayegh
Managing Director, Policy & Campaigns
Drug Policy Alliance

28 June 15
Date

Addendum for Service Providers

1. **Catholic Charities Care Coordination Services (CCS)** is committed to reducing the negative impact that drug use and behavioral health challenges have in the lives of individuals in the community, addressing racial disparities in the criminal justice system, and providing alternatives to incarceration for nonviolent offenses. The Executive Director and/or other senior leadership staff are committed to assisting with the development of policies, procedures, documentation, and other implementation tools specific to LEAD. Additionally, assistance with media communications, fundraising, community and stakeholder engagement will be provided at the request of the Policy Coordinating Group.

CCS shall not have a decision-making role in the Policy Coordinating Group, but may participate at the discretion of the partner entities in a technical advising role as an expert in direct Case Management/Care Coordination and harm reduction services. CCS will not be involved in the decision-making processes associated with reviewing or selecting of a case management provider and may be removed from the Policy Coordinating Group at any point if the partner entities determine a conflict of interest.

2. **St. Catherine's Center for Children** is committed to reducing the negative impact that substance use and behavioral health challenges have in the lives of individuals in the community, addressing racial disparities in the criminal justice system, and providing alternatives to incarceration for nonviolent offenses. The Executive Director and/or other senior leadership staff are committed to assisting with the development of policies, procedures, documentation, and other implementation tools specific to LEAD. Additionally,

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assistance with media communications, fundraising, community and stakeholder engagement will be provided at the request of the Policy Coordinating Group.

St. Catherine's shall not have a decision-making role in the Policy Coordinating Group, but may participate at the discretion of the partner entities in a technical advising role as an expert in direct Case Management/Care Coordination and harm reduction services. St. Catherine's will not be involved in the decision-making processes associated with reviewing or selecting of a case management provider and may be removed from the Policy Coordinating Group at any point if the partner entities determine a conflict of interest.

3. **The Addictions Care Center of Albany, Inc.** is committed to reducing the negative impact that drug use and behavioral health challenges have in the lives of individuals in the community, addressing racial disparities in the criminal justice system, and providing alternatives to incarceration for nonviolent offenses.

The Executive Director and/or other senior leadership staff are committed to assisting with the development of policies, procedures, documentation, and other implementation tools specific to LEAD. Additionally, assistance with media communications, fundraising, community and stakeholder engagement will be provided at the request of the Policy Coordinating Group.

The Addictions Care Center of Albany, Inc. shall not have a decision-making role in the Policy Coordinating Group, but may participate at the discretion of the partner entities in a technical advising role as an expert in Substance Use Disorder (SUD) prevention and community education, SUD evaluation and treatment. The Addictions Care Center of Albany,

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Inc. will not be involved in the decision-making processes associated with reviewing or selecting a Substance Use Disorder service provider and may be removed from the Policy Coordinating Group at any point if the partner entities determine a conflict of interest.