Reinventing Public Safety: Lessons Learned from Albany LEAD

On June 12, 2020 Governor Andrew Cuomo signed Executive Order No. 203, establishing the New York State Police Reform and Reinvention Collaborative. The order requires localities to develop a plan that reinnovates and modernizes police strategies and programs by April 1, 2021. It reads, in part:

WHEREAS, beginning on May 25, 2020, following the police-involved death of George Floyd in Minnesota, protests have taken place daily throughout the nation and in communities across New York State in response to police-involved deaths and racially-biased law enforcement to demand change, action, and accountability; and

WHEREAS, there is a long and painful history in New York State of discrimination and mistreatment of black and African-American citizens dating back to the arrival of the first enslaved Africans in America; and

WHEREAS, this recent history includes a number of incidents involving the police that have resulted in the deaths of unarmed civilians, predominantly black and African-American men, that have undermined the public’s confidence and trust in our system of law enforcement and criminal justice, and such condition is ongoing and urgently needs to be rectified; and …

WHEREAS, recent outpouring of protests and demonstrations which have been manifested in every area of the state have illustrated the depth and breadth of the concern; and

WHEREAS, black lives matter; and

WHEREAS, the foregoing compels me to conclude that urgent and immediate action is needed to eliminate racial inequities in policing, to modify and modernize policing strategies, policies, procedures, and practices, and to develop practices to better address the particular needs of communities of color to promote public safety, improve community engagement, and foster trust;…

NOW, THEREFORE, I, Andrew M. Cuomo, Governor of the State of New York, by virtue of the authority vested in me by the Constitution and the Laws of the State of New York, in particular Article IV, section one, I do hereby order and direct as follows: …

Each local government entity which has a police agency operating with police officers as defined under 1.20 of the criminal procedure law must perform a comprehensive review of current police force deployments, strategies, policies, procedures, and practices, and develop a plan to improve such deployments, strategies, policies, procedures, and practices, for the purposes of addressing the particular needs of the communities served by such police agency and promote community engagement to foster trust, fairness, and legitimacy, and to address any racial bias and disproportionate policing of communities of color.

The order identifies more than a dozen strategies and programs to be considered in reinventing a locality’s public safety system. Among these programs is “law enforcement assisted diversion,” or LEAD. Albany implemented its LEAD program in 2016; the Albany Police Department website states, “LEAD was developed from a growing consensus that the war on drugs has failed and that it has disproportionately and unjustly hurt communities of color.” The program is based on the premise that health-related matters are more appropriately, effectively, and justly addressed by diverting these cases away from the criminal justice system and into needed services. The LEAD First Annual Report (2017) describes the program as follows:

In April 2016, the City of Albany implemented a groundbreaking, innovative public safety and public health intervention that aimed to reorient the City’s approach to substance use, mental health, and poverty-driven contact with law enforcement. This initiative, called Law Enforcement Assisted Diversion (LEAD®) is built on an approach that understands that these issues are complex and difficult to easily improve, recognizes that behavior change is often a messy and lengthy process, and acknowledges that individual and systemic barriers often require a true “meeting of a person where they’re at.” This underlying philosophy, called “harm reduction” leads to service delivery that is non-judgmental, non-coercive, and person-centered. In LEAD, individuals who would typically be arrested or otherwise punished for non-violent offenses driven by psychosocial challenges are instead diverted to harm reduction-based case management and outreach services.

The Albany LEAD experience offers some guidance for our city as we reinvent our public safety system. Careful thought must be given to the critical elements of collaboration, commitment, transparency, and accountability.
COLLABORATION

The Albany public safety reinvention plan must, like LEAD, be the product of true collaboration among all affected stakeholders. The implementation of Albany’s LEAD program was accomplished by a coalition of government agencies, private sector service providers, and community organizations. As described in the first annual report:

In the spring of 2014 community leaders led a process to establish a steering committee to explore bringing LEAD to Albany. The committee included the Mayor's Office, the County Executive's Office, the Albany Police department, the Albany County District Attorney's Office, the Albany County Sheriff's office, the Center for Law and Justice, the Albany County Department of Mental Health, the Albany County Public Defender's Office, the Albany County of Mental Health, and numerous community and faith based groups. ... On June 25, 2015, a Memorandum of Understanding (MOU) was signed by stakeholders, transitioning the steering committee into a formal Policy Coordinating Group (PCG) that oversees the purpose, philosophy, and ideology of the partnership.

COMMITMENT

Since Albany first pursued a LEAD program in 2014, Albany has had four Chiefs of Police. Although dedicated and committed APD officers continue to carry out the program today, the current police administration does not appear to share the previous chiefs’ passion for LEAD. No APD reports on the LEAD program have been issued since 2017. The 2020 APD “Prospectus” (annual report) does not even mention LEAD, except for incidental references in the training and data sections. Additionally, LEAD does not appear in the APD budget in the “Prospectus” document. Although APD officers are involved in the program, the LEAD Program Manager is not funded through the APD budget. Each year, the Policy Coordinating Group must search for grant funding to keep this vital position filled. All elements of Albany’s reinvented public safety plan must be funded annually, perhaps through budget reallocations.

ACCOUNTABILITY and TRANSPARENCY

The Albany LEAD program was instituted in large part to address the disproportionate representation of minorities among APD arrests. During the program’s development phase some stakeholders expressed concern that the program would be populated by people who were actually in little danger of being arrested, and would do little to reduce racial disparity in arrests. It was agreed that program data transparency was a primary safeguard against this possibility. To date, the APD has not made LEAD program data readily available to the public. The most recent data available on the APD website indicate that, up to August 31, 2019 the program had diverted a total of 195 cases. Of those, 117 (60%) were White. In contrast, during a one-year period ending in February 2020, only 25% of the total arrests for the year were White. That Whites are only 25% of arrests, but 60% of LEAD diversions suggests, in the absence of any other LEAD data produced by the Department, that LEAD is not very effective in reducing the disproportionate representation of minorities in the criminal justice system. How is the public to know how the program should be modified to be more effective, without access to the data? Appropriate mechanisms must be put in place to ensure that all elements of Albany’s reinvented public safety plan are subject to accountability through transparency.

Next Friday’s Commentary: Police Officer Unions Can Help Reinvent Public Safety Systems