



SEATTLE CITY COUNCIL

February 18, 2020

Mayor Jenny Durkan
City of Seattle
PO Box 94749
Seattle, WA 98124

Dear Mayor Durkan,

On January 28th of this year, members of the Seattle City Council Public Safety and Human Services committee sent a letter to you expressing their concern with the delay in contracting with the Law Enforcement Assisted Diversion (LEAD) program. As you know, the City Council allocated an additional \$3.5 million for LEAD in 2020, in the 2020 Adopted Budget which you signed. As that January 28th letter stated, our purpose was to:

- Confirm your commitment that the City will provide to the LEAD program in 2020 the Council's additional \$3.5 million investment;
- Request that you execute a contract for the additional LEAD funds by March 1st of this year, with a provision that the performance data to be collected may be modified by mutual agreement before the end of the year;
- Affirm that LEAD is a public safety program and not a homeless intervention program; and
- Gain a better understanding of the conversations between the Human Services Department and the Public Defender Association, operators of LEAD.

In addition, the letter affirmed the importance of developing meaningful performance measures for LEAD, such as through the work of consultant Bennet Midland, while stating that that this effort should not be used as a reason to halt or delay LEAD's contract in 2020. Given LEAD's currently unsustainable caseloads—nearing twice what is acceptable for a high-functioning program—and its inability to adequately serve current clients, accept new referrals, or address its considerable backlog of referrals, delaying funding is a significant danger to LEAD's effectiveness and viability.

Finally, that letter contained four key questions to help Councilmembers better understand the state of the negotiations between HSD and LEAD, and a respectful request for an answer by January 31, 2020. Councilmembers who signed the January 28th letter received emails from Tess Colby on 1/27 and 1/31 which partially addressed these questions. We appreciated receiving this information and update from the Executive, and every step toward transparency in this important issue, but many of the initial questions were not addressed. In addition, it is reported that the LEAD program management team heard on February 12 from HSD's Assistant Director Diana Salazar that the Phase I plan is not as it was

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described in the January memo to the Public Safety and Human Services Committee from Tess Colby, and that the Mayor intends only to offer her originally proposed \$2.6M for LEAD pending the conclusion of Bennett Midland work, which is again, contrary to the Tess Colby memo referenced above. We hope that this is a miscommunication.

We again put forward several of the questions asked by the Public Safety Committee, along with new questions in light of Ms. Salazar's reported conversation with the LEAD team last week:

- Is it accurate that the Executive's plan is to offer an initial contract containing only the \$2.6M the Mayor originally proposed for LEAD? If that is true, is it correct that LEAD has given you an analysis of what that means for managing the program, including ending services to 47% of current clients and taking no new clients other than a small trickle funded by a dedicated federal court grant?
- Since you requested from the LEAD team a 2020 budget showing no new referrals (other than the small Trueblood-funded trickle), is your planned Phase II contract going to be based on a no new referral scenario, or will it be based on the original LEAD stabilization ramp up plan submitted by the LEAD team in January?
- What if any data has HSD requested, and not received, from the LEAD program or King County? It would be especially helpful if you provided a crosswalk that showed what has been provided, both by the County and by the LEAD team, and what, if anything, you are still seeking, and finally, whether any information currently unavailable would be addressed when the database is operational, and what executive action with City departments is needed to ensure that happens.
- When in the Spring do you expect results from Bennett-Midland?
- Do you confirm your commitment that the City will provide to the LEAD program in 2020 the Council's additional \$3.5 million investment?

The attached appendix crosswalks our requests for information with the answers provided in the two emails from Tess Colby, as well as the current information from the LEAD team about their meeting with Diana Salazar on February 12, and highlights the questions to which we have yet to receive an answer.

Crucially, we are now less than two weeks away from March 1st, the date by which we had requested the Executive to execute a contract with LEAD. We have received no further updates from the Executive. Time is running short to ensure that LEAD is resourced appropriately for the work Seattle relies on it to do well.

The need is urgent, and confusion about what the City intends is only increasing with the passing weeks. LEAD still has no contract at all for a substantial ongoing program—this is no way to treat a valued contractor, and it's not clear why the City expects that PDA or REACH can or should front the costs of ongoing operations. Even more concerning, HSD has said that when a contract *is* offered, it will be only for the Mayor's original \$2.6M proposed funding, a level that requires the program to remove 47% of current clients from its rolls, let alone taking on any new clients, which would be impossible. The Phase 1 plan outlined in Tess Colby's email – which still would not allow for any new arrest referrals from SPD or new social contact referrals from business district partners – now appears to be planned for Phase 2 at best. This is both untimely and unworkable.

The need to accept new referrals is urgent and growing daily. LEAD is a program designed to address Seattle's critical and current public safety concerns. Without accepting new priority referrals, their effectiveness is fundamentally hobbled. Without accepting new referrals, the LEAD model in Seattle will be broken.

Ultimately, the Phase 1 proposal will be more expensive for the City as well, driving up spending on our jails and courts, as people struggling with behavioral health problems would be pushed back into the revolving door of the criminal justice system--unless they are ignored, an equally unacceptable situation.

LEAD strategies are uncontroversial best practices. LEAD involves information sharing among everyone who "touches" participants, coordination among partners to ensure best possible outcomes, in-field outreach, low-barrier access to skilled case management, use of motivational interviewing, and application of housing first principles (though without access to the housing this population needs). Bringing this framework for improved decision-making to a halt would be a major step backwards.

For multiple reasons including legal incompetency to face prosecution, this population responds poorly to the criminal legal system, and can make more progress using strategies geared to supporting incremental improvement, with long-term case management and housing. It's our duty to move in directions that are known to be most effective. Removing the one appropriate option we have for coordinating a response for this population of people chronically violating the law is not a responsible position.

Without a firm commitment from the Executive to fully fund LEAD with the Council's \$3.5 million – a commitment the emails decline to provide – LEAD will not commence the push to hire the 50+ new staff required to address caseload balancing and referrals backlog and begin accepting new referrals. We understand their perspective that it would be fiscally irresponsible for them to add staff who might have to be laid off within months, without a commitment from the Executive that you do not intend to withhold the added Council funding for their positions.

There is no scenario in which the contracting options you are currently discussing with LEAD can move forward without fundamentally breaking LEAD and its ability to address our city's public safety needs. As elected leaders, it is irresponsible for us to allow policy in this area to be set through neglect and atrophy. We must ensure that those individuals identified as priorities by police and neighborhoods who would benefit from LEAD's coordination, planning and services, receive them and address our urgent public order and safety needs.

We urge you to enter into a new contract with LEAD by March 1st that would provide \$1.2 million of the Council's \$3.5 million addition to LEAD for Phase 1 expenses from March through June 2020. This would allow LEAD to cover expenses associated with, at a minimum:

- **Right-sizing all caseloads (as committed in the 1/27 email from Tess Colby)**
- **Maintaining the current client base of approximately 700 clients (as committed in the 1/27 email from Tess Colby)**

- **Addressing the backlog of approximately 300 referrals (as committed in the 1/27 email from Tess Colby), offsetting any who, due to passage of time, cannot be located or are no longer public order/public safety priorities**
- **Accepting new arrest referrals from SPD and new social contact referrals from business district partners by hiring approximately 33 new case managers by July 1st.**

This proposed alternate Phase 1 contract is based upon a budget that LEAD has provided based on the assumption that the Council's additional funding add begins to be made available in March, and that the baseline Seattle funding (\$2.6 million), King County funding (\$2.5 million) and Ballmer Group funding (\$1.5 million) are distributed and spent over the entire year, rather than frontloaded in Phase I.

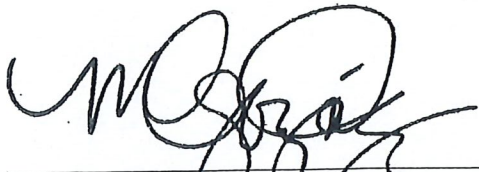
We also need your written commitment that you will provide the balance of the \$3.5 million in additional funding to support LEAD in 2020, with a new contract with new performance metrics to begin no later than July 1st.

The people of Seattle are calling on their elected officials to provide more solutions to address behavioral health concerns and criminal recidivism, not fewer. Forcing LEAD to significantly curtail its work is inconsistent with the City's commitment to effectively addressing crime. It's exactly the wrong direction for our City.

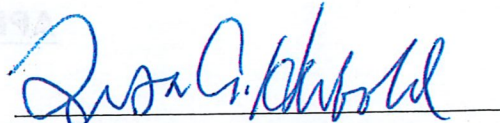
We know that the Executive shares our concerns about the public safety challenges facing our community, and we appreciate your partnership in finding a prompt resolution to the current impasse. **We respectfully request that the Mayor's Office provide, with all haste:**

1. **Complete answers to the remaining questions about the LEAD contract (see above for unanswered questions); and**
2. **A detailed response to our above proposal for a Phase 1 contract with LEAD.**

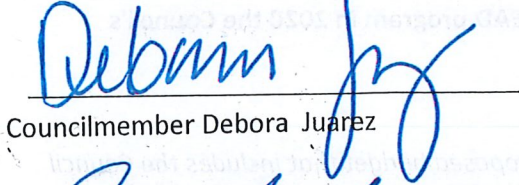
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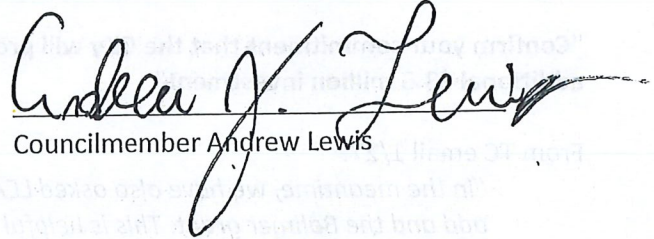
Council President M. Lorena González



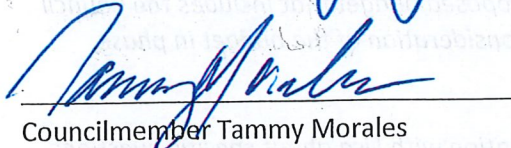
Councilmember Lisa Herbold



Councilmember Debora Juárez

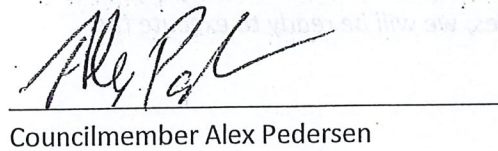


Councilmember Andrew Lewis

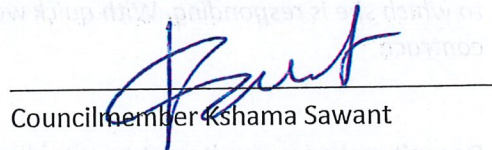


Councilmember Tammy Morales

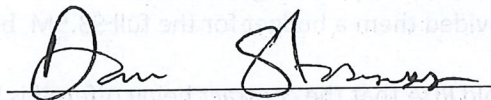
Councilmember Teresa Mosqueda



Councilmember Alex Pedersen



Councilmember Kshama Sawant



Councilmember Dan Strauss

CC: Deputy Mayor Michael Fong, LEAD Policy Coordinating Group

APPENDIX

Council Statements & Questions, from 1/28 letter:

"Confirm your commitment that the City will provide to the LEAD program in 2020 the Council's additional \$3.5 million investment"

From TC email 1/27:

"In the meantime, we have also asked LEAD for their proposed budget that includes the Council add and the Ballmer grant. This is helpful not only for consideration of the budget in phase two..."

"LEAD has provided both budgets and HSD is in conversation with Lisa about specific questions, to which she is responding. With quick work by both sides, we will be ready to execute the contract."

Notes:

- Doesn't make a commitment to providing the \$3.5M
- Implies that LEAD provided them a budget for the full \$3.5M, but avoids stating they will provide that full funding
- Omits that HSD has told PDA that the contract being offered is limited to the \$2.6M the Mayor originally proposed and will contain no added Council funds at this time.

"To request that you execute a contract for the additional LEAD funds by March 1st of this year, with a provision that the performance data to be collected may be modified by mutual agreement before the end of the year"

From TC email 1/27:

"The first phase covers the period of time during which we are working with Bennet Midland, the consultant engaged to perform a program assessment. As a reminder, that contract will provide an assessment of LEAD's approach to diversion and case management in light of its theory of change and national best practices. The consultants will also develop LEAD-appropriate performance measures to be included in the contract."

"The second phase will begin after the Bennett Midland report has been completed and should coincide with the completion of the new LEAD database. At this juncture we will work with LEAD to incorporate into the contract updated performance measures recommended by the report and informed by its data evaluation tools."

"Bennett Midland is underway with the initial research, including setting up local interviews. They will be in Seattle in early March for their site visit, keeping them on schedule for a spring completion of the contract."

Notes:

- Doesn't address the March 1st deadline
- Doesn't address performance measures to be included the 1st phase contract

- Omits that HSD has told PDA that the contract being offered is limited to the \$2.6M the Mayor originally proposed and will contain no added Council funds at this time.
- Notes that 2nd phase contract will incorporate Bennet Midland recommendations on performance measures, which are expected in the spring
- Doesn't directly address the idea of modifying performance data requirements after execution of first contract

"To affirm that LEAD is a public safety program and not a homeless intervention program"

From TC email 1/31:

"The Bennet Midland contract is specifically designed to yield a deeper understanding of the LEAD program and in that context, the best performance metrics that identify the impacts the program has on its participants and the community. I believe both the Executive and Council agree that creating appropriate performance metrics are critical to transparency and accountability of all City contracts. Knowing the impact of the City's investment is at the core of good stewardship of public funds of any amount, particularly for an important program that has seen a 170% increase in funding over the last year."

Notes:

- Does not address this issue
- Implies that Bennet Midland report will help assess this question

"To gain a better understanding of the conversations between HSD and LEAD"

From TC email 1/31:

"...the budget we have requested from LEAD will cover expenses associated with the addition of new case managers to right-size their case management ratios."

From TC email 1/27:

"As with any contract, HSD is working closely with LEAD to develop both the appropriate budget and performance measures for the contract. HSD and I have been in frequent conversation with LEAD, specifically with Lisa Dugaard, to discuss the information HSD needs to finalize the contract. This information will help to establish the budget and estimated spending schedule for two contract phases."

"We've asked that the budget for this interim phase show the costs and timing associated with the ramp-up of staff to reach an appropriate case management ratio that addresses their current client base (roughly 700 persons) and backlog (roughly 300 persons) of clients. We've asked that the ramp up be broken out on a monthly basis so we can right-size funding during this phase."

"In the meantime, we have also asked LEAD for their proposed budget that includes the Council add and the Ballmer grant."

"LEAD has provided both budgets and HSD is in conversation with Lisa about specific questions, to which she is responding. With quick work by both sides, we will be ready to execute the contract."

Notes:

- Discusses conversations between HSD and LEAD regarding budget, ramp-up planning and performance requirements, and “specific questions”
- Does not discuss conversations regarding contracting or timing
- Omits that HSD has told PDA that the contract being offered is limited to the \$2.6M the Mayor originally proposed and will contain no added Council funds at this time.

What is the operational status of the LEAD database? What is the Executive doing to ensure that the database can receive SMC, Law and SPD data on LEAD clients? Specifically, around issues like contacts, recidivism and case coordination?

Response from TC on 1/31:

“In response to your inquiry about the status of the IT database, the prototype database has been built, and it will store complete participant and contact data, assist in analyzing recidivism and facilitate case coordination. We are glad that Seattle IT was a partner to help deliver on this critical asset for LEAD.”

Response from TC on 1/27:

“The second phase will begin after the Bennett Midland report has been completed and should coincide with the completion of the new LEAD database.”

Notes:

- Does not explain what makes the current database a prototype, nor what is the expected pathway for a fully functional database
- At odds with PDA report that database (“LEAD CRM”) is still in development with fundamental obstacles to integration with SPD, City Attorney and Municipal Court databases that the Mayor’s Office appears unaware of and is, so far as can be seen, not pushing to resolve. The database at present is shaping up to perform in only a fraction of the original expected ways due to City departments’ inability to integrate or not prioritizing integration.
- Implies the database will launch in spring; doesn’t explain the difference between that reference, and the prototype database that is already built
- Implies the prototype does not yet store any data, and gives no timeline for adding data to prototype database
- Does not address whether data can be/is being received from SMC, LAW, and SPD

What data has HSD requested, and not received, from the LEAD program? It would be especially helpful if you provided a crosswalk that showed what has been provided and what is still missing, and finally, whether missing information would be addressed when the database comes on line.

From TC email on 1/27:

“As with any contract, HSD is working closely with LEAD to develop both the appropriate budget and performance measures for the contract. HSD and I have been in frequent conversation with LEAD, specifically with Lisa Daugaard, to discuss the information HSD needs to finalize the contract. This information will help to establish the budget and estimated spending schedule for two contract phases.”

“We’ve asked that the budget for this interim phase show the costs and timing associated with the ramp-up of staff to reach an appropriate case management ratio that addresses their

current client base (roughly 700 persons) and backlog (roughly 300 persons) of clients. We've asked that the ramp up be broken out on a monthly basis so we can right-size funding during this phase."

"In the meantime, we have also asked LEAD for their proposed [second phase] budget that includes the Council add and the Ballmer grant."

"LEAD has provided both budgets and HSD is in conversation with Lisa about specific questions, to which she is responding."

Notes:

- States that it has received two budgets from LEAD: one for the interim phase, and one for phase two
- Mentions they have requested additional information from LEAD, but doesn't specify what those requests are
- Does not provide a crosswalk
- Does not address whether the database will help provide missing information
- Omits that HSD has told LEAD that there will not be any Council added funding in the initial contract, and that LEAD has informed the Mayor's Office the \$2.6M offered in the Mayor's contracting packet sent December 27, 2019 brings on a situation where 47% of current LEAD clients will need to be dismissed from the program.

What are the staffing / ramp up plans that are under development? If the plans assume ending services for existing clients and/or ending new referrals, how does that reconcile with your commitment to provide the additional funding appropriated by the Council?

From TC email on 1/31:

"The split of the contract budget into two phases will not impede LEAD's ability to staff in accordance with its needs. LEAD is not proposing to hire 52 case managers in the first quarter of 2020, but rather over the course of the year. I note this because the budget we have requested from LEAD will cover expenses associated with the addition of new case managers to right-size their case management ratios. This is consistent with LEAD's plan to grow in response to referrals and intakes. Thus, the pace of hiring will not be slowed during the first phase of the contract."

From TC email on 1/27:

"We've asked that the budget for this interim phase show the costs and timing associated with the ramp-up of staff to reach an appropriate case management ratio that addresses their current client base (roughly 700 persons) and backlog (roughly 300 persons) of clients. We've asked that the ramp up be broken out on a monthly basis so we can right-size funding during this phase. Funding a ramp-up budget that addresses the immediate needs of current clients and those in the queue will set the stage for the significant program expansion LEAD contemplates."

"In the meantime, we have also asked LEAD for their proposed budget [during phase two] that includes the Council add and the Ballmer grant."

Notes:

- Provides some detail about LEAD's staffing/ramp up plans in the interim phase, but not phase 2
- Does not address whether plans assume ending any services
- Does not acknowledge having been told by LEAD that the initial contract apparently being drafted would require a 47% reduction of current clients, no new referrals, and no staffing additions
- Does not acknowledge that all budget scenarios except the \$3.5M add have come with the caveat that these are not operational options for LEAD, because they anticipate no new referrals, and that LEAD will not deploy in accordance with those scenarios because they are at odds with the fundamental tenets of LEAD programs (taking ongoing referrals)

When do you expect results from Bennett-Midland? How will the study results translate into a new contract that identifies new performance measures?

From TC email on 1/31:

"The Bennet Midland contract is specifically designed to yield a deeper understanding of the LEAD program and in that context, the best performance metrics that identify the impacts the program has on its participants and the community."

From TC email on 1/27:

"As a reminder, that [Bennet Midland] contract will provide an assessment of LEAD's approach to diversion and case management in light of its theory of change and national best practices. The consultants will also develop LEAD-appropriate performance measures to be included in the contract."

"The second phase will begin after the Bennett Midland report has been completed and should coincide with the completion of the new LEAD database. At this juncture we will work with LEAD to incorporate into the contract updated performance measures recommended by the report and informed by its data evaluation tools."

"Bennett Midland is underway with the initial research, including setting up local interviews. They will be in Seattle in early March for their site visit, keeping them on schedule for a spring completion of the contract."

Notes:

- Identifies "spring" as the Bennet Midland report deadline, but nothing more specific
- Explains how study results will inform new performance measures in the second phase contract, but provides no assurance that the Phase II contract will call for LEAD to take new referrals; the budget scenarios requested from LEAD don't entail new referrals.

If HSD and LEAD staff cannot identify interim performance measures to execute a contract by March 1, we recommend that you consider the efficiency, transparency and regional governance value of harmonizing and replicating LEAD's reporting requirements to King County for the balance of 2020, a proposal that was first made by HSD two years ago.

Notes:

- Not addressed in responses