



20 January 2020

Dear Albany LEAD Policy Coordinating Group:

At the last convening of the Albany LEAD Policy Coordinating Group (PCG), on December 11<sup>th</sup>, 2019, we agreed to meet again on January 30<sup>th</sup>, 2020. We also agreed that Katal would reach out to each individual PCG member, before the next meeting on January 30<sup>th</sup>, to discuss and plan the agenda, including three major issues raised in the December meeting:

**1. Staffing and fundraising:** From its launch, Albany LEAD was supposed to have had two staff people: a program manager and a community outreach worker. In practice however, fundraising for these positions has never been very successful, despite years of effort by the PCG in submitting numerous grant applications. In November 2019, the staff person at Katal who was assigned to the Albany LEAD project facilitator role transitioned out of the organization. This sparked questions from some PCG members about fundraising and organizational roles. Katal, as non-voting member of the PCG, has served as project facilitator since the launch of Albany LEAD, and our ties with Albany LEAD go back to the very beginning: Katal co-founders, while serving previously at the Drug Policy Alliance, worked in partnership with the Center for Law and Justice to educate local stakeholders about LEAD, and to co-convene the first meeting with local government and community partners about LEAD held after Mayor Sheehan's election in 2013. Katal co-founders served as facilitator of the Albany LEAD working group which convened in 2014; this group became the formal Policy Coordinating Group in 2015 with the signing of the Memorandum of Understanding. Katal staff have facilitated the PCG meetings since that time, and have also facilitated the Operational Work Group since the program launched in April 2016.

The little dedicated funding for project facilitation secured during this period was early in the lifespan of the program. This includes the 2016-2017 grant from the Touhey Foundation toward the overall cost of a LEAD project director staff line, based at Katal. While these funds never covered the full costs for our role, Katal, as a community organization, maintained staff and an office in Albany, finding other ways to cobble together a budget to make this possible. We did so because we believed in the potential of Albany LEAD.

In light of the staff transition, questions arose regarding what was going to happen now with the project director role and whether Katal would fill this staff line again. This was a substantial topic of discussion at the December 2019 PCG meeting. We (Katal) stated that our commitment to Albany remained firm. But given the lack of arrest diversions in the last year, before filling a staff role with our own limited resources, we asked for a discussion with the full PCG about the status and future of the program.

**2. Lack of Arrest Diversions:** As has been discussed at previous PCG meetings, over the last year, arrest diversions in Albany have dropped precipitously. There were 43 people diverted in the first year of Albany LEAD (April 2016-March 2017); 64 people diverted the second year (April 2017 – March 2018); and 69 people diverted the third year (April 2018 – March 2019). But last April 2019 marked the start of the fourth year of Albany LEAD, and at the time of our meeting on December 11, 2019, arrest diversions had seen a *massive drop*

*of more than 62% from the same period in year three.* (Since our meeting on December 11, only two more diversions have come in.) Today, Albany LEAD is on track to divert fewer people in its 4<sup>th</sup> year than any previous year.

This alarming trend is even more concerning when considering that the arrest diversions that *have* been made do not yet reflect the commitment outlined in the MOU to reduce racial disparities in arrest practices. In addition to these issues, the delays in being able to share clear, accessible data reports about Albany LEAD with the Community Leadership Team and general public have proven challenging. These issues were raised by some PCG members again at the December meeting. And we (Katal) noted that before we commit further resources to a full staff line working on Albany LEAD, we wanted to discuss these issues at greater depth with the PCG.

**3. The new landscape after statewide pretrial reforms:** The recent reforms to New York’s pretrial practices, passed last year and enacted on January 1, are systemic in scope. These reforms have changed the procedural landscape in the criminal legal system, particularly related to criminal offenses for which people are eligible for diversion under Albany LEAD, such as misdemeanor drug possession and petit larceny. In our December meeting, some PCG members noted that the new reforms warranted immediate and urgent attention by the PCG. What does pre-arrest diversion look like in this new context? Since the operational protocols of Albany LEAD were finalized in 2016 and last updated in 2017, what changes, if any, are needed to ensure that, in this new landscape, the goals of Albany LEAD—including those of serving as a true diversion—can be met?

At the December meeting, Katal committed to reach out to individual PCG members for further discussion about each of these items, to shape the January 30<sup>th</sup> agenda. We sent emails to individual PCG members seeking a meeting. Very few PCG members responded, which is uncharacteristic. We did secure a meeting with Dr. Alice Green, Executive Director of the Center for Law and Justice. We met on January 15<sup>th</sup>, and we discussed the above issues for the agenda on the 30<sup>th</sup>.

In a subsequent call, Dr. Green disclosed to us that Albany County officials had been convening meetings together with some members of the PCG, to discuss fundraising for Albany LEAD, and to plan to remove Katal as a member of the PCG.

As you might imagine, we were surprised by this news. Dr. Green described herself as being surprised as well. We knew nothing about these side convenings, held completely outside the established process. We were concerned that other PCG members may have been similarly left out of these discussions.

Since its inception, the Policy Coordinating Group of Albany LEAD has operated by consensus. Albany LEAD is not “owned” by the City or the County or any one particular group. Instead, it has functioned through a collaborative agreement among community and government stakeholders – even those who may be adversaries or be in conflict around other issues -- to work together, with transparency, toward a shared goal: building a harm reduction-based community based arrest diversion program, that aims to divert people – particularly those impacted by addiction, mental health issues, and poverty -- from arrest and jail and into services, while confronting head-on issues of racial disparities in the justice system. This process worked over the years to keep everyone at the table, even when there was significant disagreement among PCG members about one particular issue or another, or when we were struggling to address problems like those identified in our December meeting.

The drug war and mass incarceration have wrought such havoc and devastation on people of color and people living in poverty, it is no wonder that there is such profound distrust between local communities and the police. For an arrest diversion program to work, police must actually be diverting people from arrest, not operating as social workers with a badge. For an arrest diversion program to be actually community-based and transparent, established protocols and processes agreed upon by the government and community groups must be upheld. Without either of these, a “community based arrest diversion program” exists in name only.

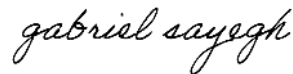
We have lost critical confidence in the shared commitment to transparency and collaboration, and therefore in the possibility of achieving the justice, harm reduction, and racial equity aims Albany LEAD would otherwise be poised to achieve.

**Accordingly, Katal resigns our position as a member of the Albany LEAD Policy Coordinating Group, effective immediately.**

Signed,



Lorenzo Jones  
Co-Executive Director



gabriel sayegh  
Co-Executive Director