

Data Report Appendix
Table 3a and 3b Explanation

Albany LEAD is a non-mandated, voluntary, pre-arrest diversion initiative. In order to be eligible for LEAD a person needs to commit an eligible crime **and** have an unmet behavioral health issue (mental health or substance use), live in extreme poverty, or be homeless. There are also a number of exclusionary criteria that could prevent a person from being eligible for LEAD. The eligibility and exclusionary criteria explanation sheet is contained in the LEAD packet on the web site.

Tables 3a and 3b provide data on why someone was arrested and not diverted. Table 3b includes cases that a person was eligible to be diverted but was not due to one of the eight reasons listed and defined below.

Table 3a is all arrests in which a person was arrested and the charge itself made it ineligible to be diverted (see attached eligibility criteria). In many cases officers still furnished an additional reason that a diversion did not occur. While the diversion could not have happened, this information provides the Albany policy coordinating group with additional data to help determine eligibility expansion.

The eight reasons an officer can choose for why an arrest occurred instead of a diversion, with brief explanations, are as follows:

1. VICTIM DECLINED – in criminal allegations where a victim exists the victim can demand the case be processed as an arrest and the person be answerable in criminal court.

2. ARRESTEE UNCOOPERATIVE – there are times the person that is in custody is not cooperative with the officer and is therefore not offered LEAD.

3. OFFICER/DETECTIVE DISCRETION – arrest diversions are based on the discretionary authority of the police officer/detective and they may arrest an individual based on their discretion regardless of eligibility.

4. DOMESTIC VIOLENCE RELATED – cases related to domestic violence are not eligible to be diverted. In New York state there are no specific domestic violence crimes, rather it is based on the relationship of the victim and offender.

5. DISQUALIFYING CRIMINAL HISTORY – there are certain exclusionary criteria that disqualifies a person from being eligible for entry into LEAD by an arrest diversion. The criteria is attached.

6. NOT DRUG/MENTAL HEALTH/POVERTY DRIVEN – LEAD is meant to address a person whose criminal activity is driven by substance use, mental health, or poverty. If one of these are not factors in the behavior then the person would not be best served in LEAD.

7. ACTIVE MENTAL HEALTH CRISIS – If a person is having an active mental health crisis they should be treated under the mental hygiene law and not handled as a LEAD participant.

8. INELIGIBLE OFFENSE – LEAD has specific penal and local law offenses that are eligible to be diverted. See attached eligibility criteria.

