



# CITY COUNCIL

## AGENDA BILL # AB22-0032

City of Algona  
200 Washington Blvd.  
Algona, WA 98001

ITEM INFORMATION			
<b>SUBJECT:</b>  <b>MOU - LEAD Services between the Cities of Des Moines, Algona and King County</b>	<b>Agenda Date: July 11, 2022</b>		
	Department/Committee/Individual	Created	Reviewed
	Mayor		
	City Administrator		X
	City Attorney		X
	City Clerk		
	Finance Dept		
	PW/Utilities		
	Planning Dept		
	Community Services		
Cost Impact:	Police Dept		
Fund Source:	Finance Committee		
Timeline:	Planning Commission		
	Civil Service Committee		
<b>Staff Contact: Dana Parker – Deputy City Clerk</b>			
<b>Attachments:</b>			
<b>SUMMARY STATEMENT:</b> This is an MOU between the Cities of Des Moines, the City of Algona, and the King County Public Defenders Association to perform pre-arrest diversion for low-level crimes. The model is called LEAD (Law Enforcement Assisted Diversion). It is a nationally recognized model that has been in use throughout the country for several years with success. King County will provide the funding for this program; the only costs to the city will be time and training.			
<b>COMMITTEE REVIEW AND RECOMMENDATION:</b> This will be the first review			
<b>RECOMMENDED ACTION:</b>			
RECORD OF COUNCIL ACTION			
<i>Meeting Date:</i>	<i>Action:</i>	<i>Vote:</i>	

**MEMORANDUM OF UNDERSTANDING**

**Among**

**THE CITY OF ALGONA, ALGONA MAYOR, ALGONA CITY COUNCIL, ALGONA CITY POLICE DEPARTMENT, THE CITY OF DES MOINES, DES MOINES MAYOR, DES MOINES CITY COUNCIL, DES MOINES CITY MANAGER, DES MOINES CITY ATTORNEY, DES MOINES POLICE DEPARTMENT, KING COUNTY EXECUTIVE'S OFFICE, KING COUNTY COUNCIL, KING COUNTY PROSECUTOR'S OFFICE, KING COUNTY SHERIFF'S OFFICE, AND THE PUBLIC DEFENDER ASSOCIATION**

**Regarding**

**LEAD (LAW ENFORCEMENT ASSISTED DIVERSION/LET EVERYONE ADVANCE WITH DIGNITY) POLICY COORDINATING GROUP:  
FORMATION, COMPOSITION, GOVERNANCE, AND RESPONSIBILITIES**

WHEREAS, the City of Algona ("Algona") and the City of Des Moines ("Des Moines"), jointly "Cities," and residents and business owners in the Cities, want to improve public safety in their communities; and

WHEREAS, the Cities and members of their communities want to improve outcomes for, increase response to, and reduce unnecessary criminal-legal contact by, individuals in Algona and Des Moines whose problematic or unlawful behavior stems from unmanaged substance use, mental health challenges, or extreme poverty;

WHEREAS, jail and prosecution are limited and costly resources that must be reserved for situations where more effective and responsive alternatives cannot be found in community-based care coordination, and research shows that legal system responses are generally unable to meaningfully improve the situation of individuals whose problematic behavior is connected to mental illness or drug use;

WHEREAS, the Cities desire increased and effective responses to problematic behavior related to substance use, mental illness, or income instability for a limited but impactful number of individuals;

WHEREAS, individuals who could benefit from care coordination related to substance

use, mental illness or income instability often cross jurisdictional boundaries, and a coordinated response by the two Cities may increase the efficacy of the intervention;

WHEREAS, LEAD (Law Enforcement Assisted Diversion/Let Everyone Advance with Dignity), which connects such individuals with non-punitive community-based care, has been shown to be generally less costly and be more effective at improving outcomes and reducing future unlawful conduct than further involving these individuals in the criminal legal system; and

WHEREAS, the Cities and other partners understand LEAD to offer a unique opportunity to implement a collective-impact strategy that fosters systemic change and better addresses the root causes underlying such conduct, and understand that there is current available funding to launch an initial demonstration project with strong prospects for continued support from federal, state, or local sources;

NOW, THEREFORE, THE UNDERSIGNED PARTIES ENTER INTO A MEMORANDUM OF UNDERSTANDING ("MOU") AS FOLLOWS:

#### **I. Formation, Purposes, and Membership of the LEAD Policy Coordinating Group**

The LEAD Policy Coordinating Group ("PCG") is hereby formed for the Algona and Des Moines LEAD Program ("Program"). The PCG shall serve as the policy-making and stewardship body for the Program. The PCG shall be composed of senior members of the Parties' respective agencies who are authorized to make decisions on behalf of their offices. Together, the PCG's members are responsible for developing the local vision for the Program; making policy-level decisions both for the Program and within their respective agencies; ensuring that sufficient resources are dedicated for the success of the Program; and reviewing, approving, and

modifying overarching policies to reflect the Program’s intentions, including (but not limited to) participant eligibility criteria and diversion-eligible criminal charges. In addition, the PCG is responsible for establishing and stewarding evaluation, communications, and budget plans; initiating development of and approving processing for soliciting and selecting service providers; reviewing and providing feedback on periodic reports from the Program’s Operational Work Groups (“OWGs”); and making appropriate data, including criminal legal and human services data, available for monitoring and evaluation.

## **II. MOU Signatories’ Statements of Intent**

The parties signing this MOU state their respective intents and commitments as follows:

A. The City of Des Moines: The City Council of Des Moines, by and through its appointed Chief Executive Officer, the City Manager, is fully committed to the LEAD model. The City of Des Moines recognizes that the LEAD model – which establishes collective governance and mutually aligned activities to provide intensive, street-based case management for people whose unlawful or concerning behavior is related to behavioral health issues or poverty, and coordination of care with law enforcement with the goal of supporting pathways to recovery, health, and stabilization – is an effective strategy to advance safety, health, and equity for all. Therefore, the City of Des Moines agrees to commit staff as necessary to help govern the Program and shall work collaboratively with the Program’s partners to advance this work. Accordingly, the City shall provide the following representatives and staff support:

- **Des Moines Mayor**: The Des Moines Mayor, or his/her designee, shall serve on the PCG.

The Mayor or his/her designee shall communicate regularly with the project

management team about concerns, needs and issues; shall inform the PCG and the LEAD project management team of concerns and priorities identified by City constituents; and shall support the Program's outreach to and communication with local stakeholders.

- **Des Moines City Council Representative:** The Des Moines City Council shall appoint one City Council member who shall serve as the liaison between the PCG and the City Council; the representative may, but need not be, the Mayor. The Council representative shall communicate regularly between the PCG and the Council regarding LEAD progress and operations; shall inform the PCG and the LEAD project management team of concerns and priorities identified by City constituents; and shall support the Program's outreach to and communication with local stakeholders.
- **Des Moines City Manager:** The Des Moines City Manager shall support the implementation of the Program in both policy and operations. The City Manager, or his/her designee, shall serve on the PCG. To support data-sharing and evaluation, the City Manager shall assign a senior staffer, knowledgeable in data collection and analysis, to assist with the collection of data from the City of Des Moines' information systems, which may include police data, data from the City Attorney's Office, and health/public services data.
- **Des Moines City Attorney:** The Des Moines City Attorney's Office shall support the implementation of the Program in both policy and operations. While the City Attorney does not prosecute felony cases, the office handles a wide variety of misdemeanor cases that are associated with the population LEAD is intended to serve. The City Attorney's Office recognizes that effective implementation of the Program can reduce public

disorder, enhance health and safety, and improve equity. The City Attorney, or his/her designee, shall serve as a member of the PCG, and shall participate actively in Operational Work Groups and case coordination, to ensure referred and filed cases do not impede individuals' progress toward stabilization and recovery, and coordinate to the greatest extent possible with individual intervention plans devised by participants with their case managers. The City Attorney shall, at a minimum, play an integral role in developing the Program's policies and procedures; collaborate with the Program's partners to identify opportunities to enhance the Program's impact and sustainability; participate in multi-disciplinary case reviews to foster Program participants' success and reduce criminal legal involvement as appropriate; and support the Program's outreach to and communication with local stakeholders.

- **Des Moines Police Department:** The Des Moines Police Department shall support the implementation of the Program in both policy and operations. The Des Moines Police Chief, or his/her designee, shall serve as a member of the PCG and shall, at a minimum, play an integral role in developing the Program's policies and procedures; collaborate with the Program's partners to identify opportunities to enhance the Program's impact and sustainability; participate in multi-disciplinary case reviews to foster Program participants' success and reduce criminal legal involvement as appropriate; and support the Program's outreach to and communication with local stakeholders. The Police Chief shall assign one or more officers to participate in the Program's Operational Work Groups and support the case review process. The Police Chief shall ensure that all Des Moines Police Officers receive training in the LEAD model, purpose, and operations and shall

ensure that the Program is granted access to relevant criminal legal data gathered by the Department.

- **Des Moines City Public Defense Attorneys:** The City shall encourage contracted public defense attorneys to participate in Operational Work Groups and Policy Coordinating Group, with the aim of identifying missed opportunities for diversion and to identify and address any inequitable patterns in diversion versus criminal legal system processing that warrant attention.

B. **The City of Algona:** The City Council of Algona is fully committed to the LEAD model. The City of Algona recognizes that the LEAD model – which establishes collective governance and mutually aligned activities to provide intensive, street-based case management for people whose unlawful or concerning behavior is related to behavioral health issues or poverty, and coordination of care with law enforcement with the goal of supporting pathways to recovery, health, and stabilization – is an effective strategy to advance safety, health, and equity for all. Therefore, the City of Algona agrees to commit staff as necessary to help govern the Program and shall work collaboratively with the Program’s partners to advance this work. Accordingly, the City shall provide the following representatives and staff support:

- **Algona Mayor:** The Algona Mayor, or his/her designee, shall serve on the PCG. The Mayor or his/her designee shall communicate regularly with the project management team about concerns, needs and issues; shall inform the PCG and the LEAD project management team of concerns and priorities identified by City constituents; and shall support the Program’s outreach to and communication with local stakeholders.

- **Algona City Council Representative:** The Algona City Council shall appoint one City Council member who shall serve as the liaison between the PCG and the City Council; the representative may, but need not be, the Mayor. The Council representative shall communicate regularly between the PCG and the Council regarding LEAD progress and operations; shall inform the PCG and the LEAD project management team of concerns and priorities identified by City constituents; and shall support the Program's outreach to and communication with local stakeholders.
- **Algona City Attorney:** Algona contracts with private attorneys to serve as the municipal prosecutor. The City of Algona shall ensure that such contracted attorneys support the implementation of the Program in both policy and operations. In the course of its contractual duties, the contracted attorneys do not prosecute felony cases; however, it is expected that the contracted attorneys will be tasked with handling a wide variety of misdemeanor cases that are associated with the population LEAD is intended to serve. The City recognizes that effective implementation of the Program can reduce public disorder, enhance health and safety, and improve equity. Thus, one of the contracted attorneys shall serve as a member of the PCG and shall participate actively in Operational Work Groups and case coordination, to ensure referred and filed cases do not impede individuals' progress toward stabilization and recovery, and coordinate to the greatest extent possible with individual intervention plans devised by participants with their case managers. This attorney shall, at a minimum, play an integral role in developing the Program's policies and procedures; collaborate with the Program's partners to identify opportunities to enhance the Program's impact and sustainability; participate in multi-



disciplinary case reviews to foster Program participants' success and reduce criminal legal involvement as appropriate; and support the Program's outreach to and communication with local stakeholders. The contracted attorneys shall provide the Program with access to relevant criminal legal data gathered by their offices.

- **Algona Police Department:** The Algona Police Department shall support the implementation of the Program in both policy and operations. The Algona Police Chief, or his/her designee, shall serve as a member of the PCG and shall, at a minimum, play an integral role in developing the Program's policies and procedures; collaborate with the Program's partners to identify opportunities to enhance the Program's impact and sustainability; participate in multi-disciplinary case reviews to foster Program participants' success and reduce criminal legal involvement as appropriate; and support the Program's outreach to and communication with local stakeholders. The Police Chief shall assign one or more officers to participate in the Program's Operational Work Groups and support the case review process. The Police Chief shall ensure that all Algona Police Officers receive training in the LEAD model, purpose, and operations and shall ensure that the Program is granted access to relevant criminal legal data gathered by the Department.
- **Algona City Public Defense Attorneys:** The City shall encourage contracted public defense attorneys to participate in Operational Work Groups and the Policy Coordinating Group, with the aim of identifying missed opportunities for diversion, and any inequitable patterns in diversion versus criminal legal system processing that warrant attention.

- C. **King County Council:** The King County Council is committed to developing workable, regional strategies to advance health, safety, and equity for residents of and businesses in King County. The County Council recognizes that the LEAD model addresses the needs of people whose unlawful or concerning behavior is related to unmet behavioral health needs or poverty. The Council appreciates the Cities' intention to establish a joint initiative, using LEAD's collective governance and mutually aligned activities to provide intensive, street-based case and coordination of care with law enforcement with the goal of supporting pathways to recovery, health, and stabilization. Therefore, and as a longtime proponent of LEAD, County Council agrees to work collaboratively with the Cities and the Program's partners to continue to advance this work in King County.
- D. **King County Executive's Office:** The King County Executive's Office believes that the LEAD model advances equity, health, and safety in King County, and shall support the implementation of the Program in both policy and operations. To that end, the Executive's Office will assign a senior staffer, knowledgeable in data collection and analysis, to assist with the collection of appropriate data from King County's information systems. In addition, the Executive's Law and Justice Policy Advisor, or other designee as appointed by the King County Executive, shall serve as a member of the PCG.
- E. **King County Sheriff's Office:** The King County Sheriff's Office shall support the implementation of the Program in both policy and operations. The Sheriff, or her/his designee, shall serve as a member of the PCG and shall, at a minimum, play an integral role in developing the Program's policies and procedures; collaborate with the Program's partners to identify opportunities to enhance the Program's impact and sustainability; participate in multi-

disciplinary case reviews to foster Program participants' success and reduce criminal legal involvement as appropriate; and support the Program's outreach to and communication with local stakeholders. The Sheriff, or her/his designee, shall oversee implementation through the first-line supervisors to the patrol deputies and detectives who may have contact with LEAD's participants or intended participants. The Sheriff shall ensure that appropriate Sheriff's Deputies receive training in the LEAD model, purpose, and operations, and shall facilitate the Program's appropriate access to relevant data gathered by the Sheriff's Office.

F. **King County Prosecuting Attorney's Office:** The King County Prosecuting Attorney's Office shall support the implementation of the Program in both policy and operations. The Prosecuting Attorney, or his/her designee, shall serve as a member of the PCG and shall, at a minimum, play an integral role in developing the Program's policies and procedures; collaborate with the Program's partners to identify opportunities to enhance the Program's impact and sustainability; participate in multi-disciplinary case reviews to foster Program participants' success and reduce criminal legal involvement as appropriate; and support the Program's outreach to and communication with local stakeholders. The Prosecuting Attorney, or his/her designee, shall oversee implementation by deputy prosecuting attorneys who may have contact with LEAD's participants or intended participants. The Prosecutor shall appoint a Deputy Prosecutor to participate in the Program's Operational Work Groups and support the case review process. The Prosecuting Attorney shall ensure that appropriate deputy attorneys receive training in the LEAD model, purpose, and operations; shall provide paralegal staff to support the Program; and shall facilitate the Program's appropriate access to relevant data gathered by the Prosecuting Attorney's Office.

- G. **The Public Defender Association:** The Public Defender Association (“PDA”) shall provide project management functions for the Program. PDA shall appoint a Project Manager to coordinate all aspects of the Program and to manage its day-to-day activities. Representing all stakeholders, the Project Manager shall organize and facilitate the work of the PCG and OWG; manage procurement processes and oversight for contracted service providers; and serve as liaison to the larger community to provide information about the Program and gather insight into community needs. PDA, with other partners, shall advocate for fidelity to the Program’s agreed protocols and to the core principles of the LEAD model. PDA, with other partners, shall assist in communicating about the process of creating and operating LEAD with interested policy makers and community leaders in other jurisdictions. LEAD stakeholders may choose another project management entity through the decision-making process outlined below; this MOU should then be read to assign these functions to any successor project management entity.
- H. **Other Entities.** The public entity partners, advised by PDA, will identify community leaders representing a range of views and perspectives on public safety in the Cities to provide guidance and insight to the PCG. Their attendance at PCG meetings is welcome but not required, recognizing that such community representatives may have other scheduling obligations, but it shall be the project manager’s role to continuously seek out and report community viewpoints to the PCG, with the goal of securing broad-based community support for this approach to public safety and order.

### **III. Governance**

- A. **Participation:** Participation in LEAD PCG 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 party of any signatory. This MOU simply memorializes the intent of the PCG's members in participation in the Program and describes the responsibilities they accept through their participation.
- B. **Decision-Making:** All decisions of the PCG shall be made by modified consensus. For purposes of this MOU, "modified consensus" means a decision that is acceptable to members of the PCG even if not ideal to one or more.
- C. **Composition:** The PCG shall consist of representatives from the following entities and organizations.

- City of Algona
  - a. City Mayor
  - b. City Council
  - c. City Attorney
  - d. Chief of Police/City Manager
- City of Des Moines:
  - a. City Mayor
  - b. City Council
  - c. City Manager
  - d. City Attorney
  - e. Chief of Police
- King County Executive's Office
- King County Council
- King County Sheriff's Office
- King County Prosecuting Attorney's Office
- Public Defender Association
- Any community representatives identified by the public PCG partners

Each member organization shall designate one representative for purposes of determining consensus in PCG decisions, but multiple representatives from each organization may attend meetings and participate in discussions as non-voting members.

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

**D. Responsibilities**

The duty of the PCG is to make policy-level decisions regarding the Program and to provide oversight of the Program. Specific responsibilities include, but are not limited to, the following:

- Review LEAD Referral and Diversion Protocols;
- Collaborate funding applications for LEAD operation and evaluation;
- Approve Requests for Proposals (“RFPs”) for LEAD service provision and/or evaluation;
- Review RFP applications and selection of service providers and evaluators;
- Make available criminal legal and human service system data for comparison and evaluative purposes;
- Oversee LEAD implementation, contract compliance of service providers and evaluators, and solicitation and review of community feedback; and
- Review and modify service provision, or evaluation criteria and process, as needed.

**I. Agreement and Modifications**

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 shall have effect unless it is made in writing and agreed to by all signatories and their successors.

David Hill Mayor, City of Algona  Signed: _____  Date: _____	<b>Name</b> Algona City Council  Signed: _____  Date: _____
<b>Name</b> Algona City Attorney	James Schrimpsheer Chief of Police, Algona Police Department

Signed: _____  Date: _____	Signed: _____  Date: _____
<b>Matt Mahoney</b> Mayor of the City of Des Moines  Signed: _____  Date: _____	<b>Name</b> Member, Des Moines City Council  Signed: _____  Date: _____
<b>Michael Matthias</b> City Manager, City of Des Moines  Signed: _____  Date: _____	<b>Ken Thomas</b> Chief of Police, Des Moines Police Department  Signed: _____  Date: _____
<b>Tim George</b> City Attorney, City of Des Moines  Signed: _____  Date: _____	<b>Dow Constantine</b> King County Executive  Signed: _____  Date: _____
<b>Dan Satterberg</b> King County Prosecutor  Signed: _____  Date: _____	<b>Patti Cole-Tindall</b> King County Sheriff  Signed: _____  Date: _____
<b>Lisa Daugaard</b> Co-Executive Director for Policy Public Defender Association  Signed: _____	

Date: _____	
-------------	--