

# ORLEANS PARISH ETHNIC AND RACIAL DISPARITY (ERD) WORKING GROUP

Office of Criminal Justice Coordination  
in partnership with the Vera Institute of Justice

RECOMMENDATION  
REPORT

JULY 2021



The Honorable Mayor  
LaToya Cantrell

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# LETTERS FROM THE CO-CHAIRS

As Co-Chair of the Ethnic and Racial Disparity Working Group, I would like to thank each member of the Working Group for their professional engagement, time, and service. Through our collective efforts, we have created a vibrant, passionate body that is committed to pioneering efforts to increase racial equity and repair the harms of structural racism, which disparately impact communities of color in New Orleans.

While every member provided invaluable time and input to the Working Group's recommendations, I am deeply grateful to Frederick Blanche, Rachel Gassert, Dominique Jones-Johnson, and Judge Tracey Flemings-Davillier; all of whom went above and beyond their call to service to actively research strategies and create solutions to increase equity within our community. I would also like to give a special thanks to Denise Chandler and Josh Pichon for their commitment and leadership over the past ten months. In addition, I would like to give particular recognition to OCJC's Racial Equity Program Manager, Kate Hoadley, for leading this effort. This report would not have been possible without her leadership, energy, and passion for racial justice work.

The creation of the ERD Working Group provides an impetus for reflection and opportunity to look ahead. This report is a manifestation of that reflection and forward movement as it provides recommendations that center racial equity on existing reforms and move beyond reform work to invest in organizations and efforts that prevent criminal legal system involvement.

There is much work that lies ahead, but my office will remain steadfast in its commitment to addressing the historic and current harms of systemic racism and prioritizing racial equity in our policy and decision-making. I know we are all up to this challenge, and I am excited to see what we can continue to accomplish together.

Yours in service,



Commissioner Tenisha Stevens  
Mayor's Office of Criminal Justice Coordination  
ERD Working Group Co-Chair

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Dear Committee Members,

On behalf of the Vera Institute of Justice, we'd like to express our enthusiasm in sharing this ERD Working Group Recommendation Report with our valued committee members. Throughout our partnership with the Mayor's Office of Criminal Justice Coordination (OCJC), we have seen firsthand the Mayor's commitment to not only safely reducing the city's jail population, but also reducing the stubborn racial disparities that still exist despite genuine efforts at reform. The city has dedicated a very talented staff to the task of making the vision of the MacArthur Safety and Justice Challenge a reality in a city that has long needed to repair a criminal legal system that can reproduce racial disparities in many areas outside of the criminal legal system campus. These racial disparities make creating safer and healthier neighborhoods in this city a much more difficult task. With the recommendations in this report, our community will take significant steps to achieving this vision if enacted.

We fully endorse the entire set of recommendations that will be presented to the Sanford "Sandy" Krasnoff Criminal Justice Council. However, we would like to highlight certain aspects of these recommendations.

- 1.) We think the expansion of the Law Enforcement Assisted Diversion (LEAD) program is the perfect transition into recommendations seven and eight which will complement and expand the LEAD program by adding community-based tools that will divert individuals out of the criminal legal system before the point of arrest. We believe this approach will ultimately lessen the burden placed on law enforcement to be the only response to incidents which require some third-party intervention.
- 2.) In a similar vein, we strongly support recommendation four in the draft recommendations for prosecutorial diversion which would expand diversion outside of the District Attorney's Office and into community-based organizations.
- 3.) Lastly, we would like to strongly endorse the creation of an Office of Neighborhood Safety, which can help coordinate many of these reform efforts.

Vera is excited to continue our partnership with OCJC and the working group in making these recommendations a reality. With the continued commitment of the Mayor's Office and the hard work of our committee members, we have no doubt that this vision can become a reality in our city.

Sincerely,



William Snowden  
Vera Institute of Justice  
ERD Working Group Co-Chair

# ACKNOWLEDGEMENTS

We are grateful for the following individuals' generous assistance, support, and participation. Without their time, insights, and contributions, this report would not have been possible.

**Abby Fremin**, Orleans Parish District Attorney's Office Chief of Adult Diversion

**Adrienne Tobler**, Mayor's Office of Criminal Justice Coordination (OCJC)

**Allie Huddleston**, Eye on Surveillance

**Anne McKinley**, Orleans Parish Sheriff's Office

**Christopher James**, The W. Haywood Burns Institute

**Cyndi Nguyen**, District E Councilmember

**De'Anna LaVigne-Lawson**, Orleans Parish Criminal District Court Pretrial Services Director

**Dee Dee Green**, Eye on Surveillance

**Derwyn Bunton**, Orleans Public Defenders Chief District Defender

**Eliza Kauffman**, Mayor's Office of Human Rights and Equity Director

**Dominique Jones-Johnson**, Daughters Beyond Incarceration Founder & Executive Director

**Emily Rhodes**, New Orleans Voices for Accountability and Safety (NOVAS)

**Frederick Blanche**, Louisiana Public Health Institute

**Dr. Jennifer Avegno**, New Orleans Health Department Director

**Jennifer Janowsky**, Voice of the Experienced (VOTE)

**Kiksha Constantine Martin**, OCJC Senior Project Manager for Reentry

**Lisa Maria Rhodes**, ALAS Founder and Executive Director

**Louis Gregory**, NOVAS & Orleans Parish Prison Reform Coalition (OPPRC)

**Lydia Glapion-Days**, Orleans Parish Criminal Clerk's Office

**Mithun Kamath**, Orleans Parish District Attorney's Office Deputy Chief Administrative Officer

**Sgt. Nicole Powell**, New Orleans Police Department

**Rev. Pat Watson**, Family Center of Hope Chief Executive Director

**Patrick Young**, Office of Gun Violence Prevention Director

**Rachel Gassert**, Louisiana Center for Children's Rights Policy Director

**Rose Wilson**, Community Member

**Sage Michael Pellet**, NOVAS & OPPRC

**Judge Sean Early**, Municipal and Traffic Court Administrative Judge

**Shelbi Flynn**, Chief Administrative Office

**Syrita Steib**, Operation Restoration Founder and Executive Director

**Teresa Lawrence**, Hispanic Chamber of Commerce of Louisiana (HCCL)

**Dr. Torrie T. Harris**, New Orleans Health Department Health and Equity Strategist

**Judge Tracey Flemings-Davillier**, Orleans Parish Criminal District Court Section B.

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**Connor Burrus**, Vera Institute of Justice

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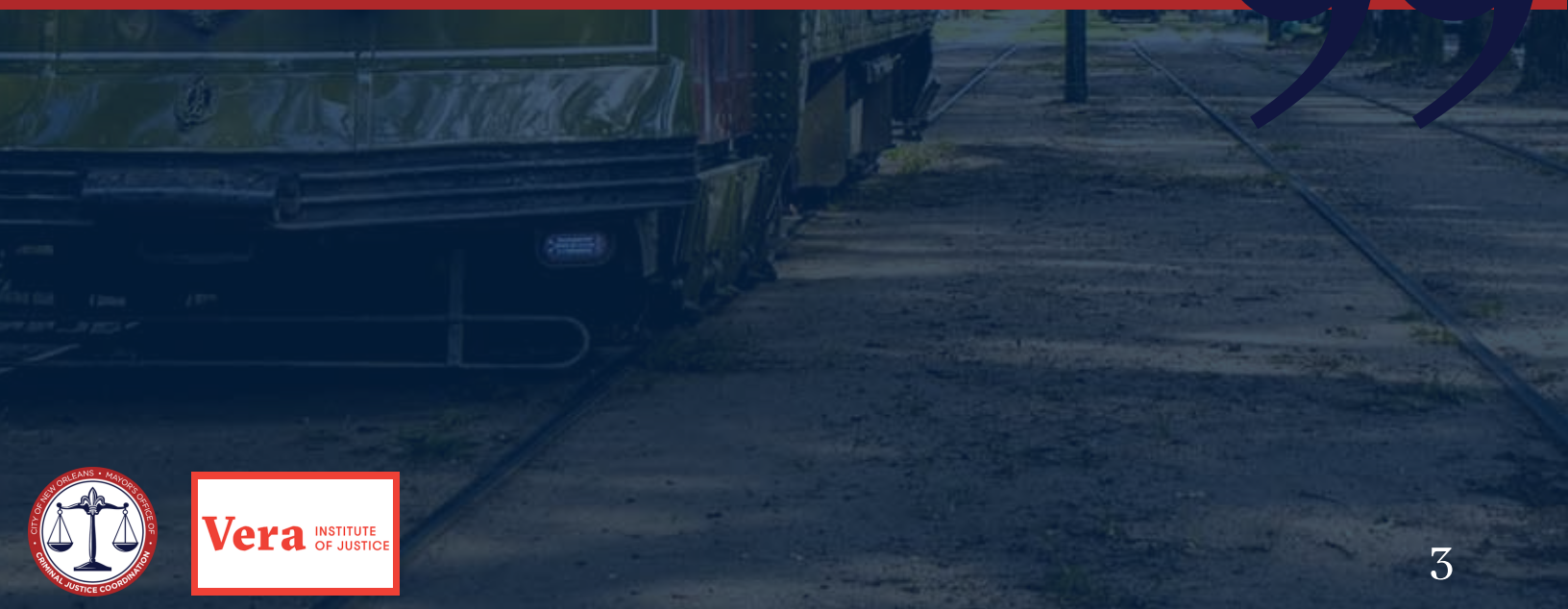






“What gives me hope is a simple truism. Once we lose hope, we are guaranteed to lose. But if we ignore the odds and fight to create an antiracist world, then we give humanity a chance to one day survive, a chance to live in communion, a chance to be forever free.

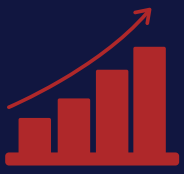
- Ibram X. Kendi”



# OVERVIEW OF THE ETHNIC AND RACIAL DISPARITY WORKING GROUP

In partnership with the VERA Institute of Justice, the Office of Criminal Justice established the Ethnic and Racial Disparity (ERD) Working Group in October 2020. Amid a global pandemic, which has further shed light on the pervasiveness of structural racism, the Working Group set out to identify and address the drivers of racial and ethnic disparities in the Orleans Parish criminal legal system.

## MISSION



The Ethnic and Racial Disparity Working Group will create a plan to address the drivers of ethnic and racial disparities in the adult and juvenile criminal legal systems and provide recommendations on how our jurisdiction, Orleans Parish, can address disparities.

## VISION



The Ethnic and Racial Disparity Working Group envisions leading efforts to reduce ethnic and racial disparities in the Orleans Parish criminal legal system through a framework of decarceration, focused on leading racial equity charges and eliminating racial and ethnic disparities. Initiatives of the Working Group will generally subscribe to an abolitionist framework with the intent to end mass incarceration- specifically through decarceration, decriminalization, and diversion- as well as prioritize repairing harms done to Black people, and Black women in particular, through the adoption of transformative justice practices, including rehabilitative and community support services. To this end, the Working Group will utilize an intersectional approach in order to best understand, analyze, and eliminate structural racism for historically and presently marginalized and vulnerable populations, including women and LGBTQIA+ people, within the Orleans Parish criminal legal system.



# Background

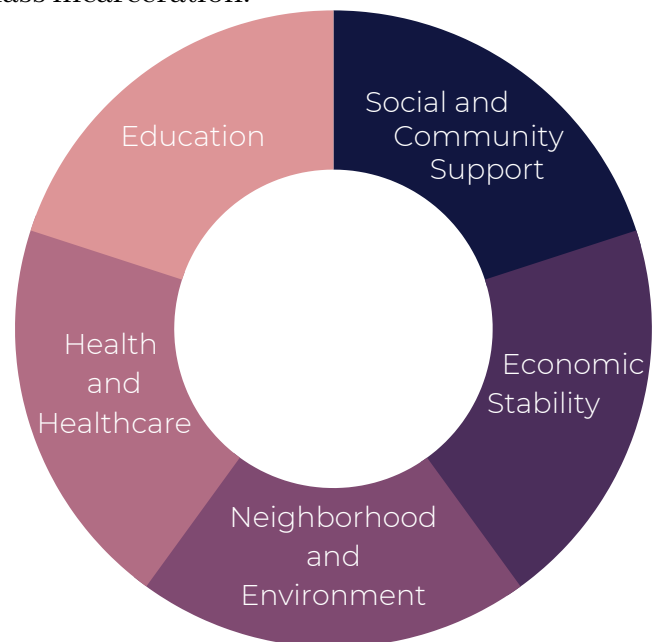
Racial equity is defined as the condition that would be achieved if one's racial identity is no longer a predictor, in a statistical sense, of how one fares. Simply put, we will know that we have achieved racial equity when race no longer predicts life outcomes.

Racial equity falls under the larger umbrella of racial justice, which includes work to address the root causes of racial disparities, not just their manifestations. On one hand, this work includes the elimination of policies, practices, attitudes, and cultural norms that reinforce differential outcomes by race or fail to advance racial equity. On the other hand, racial equity work must also include reimagining, constructing, and implementing policies that promote positive life outcomes and allow people and communities the opportunity to thrive.

Racial equity requires a deep commitment and long-term allocation of resources. It also requires a recognition that we are combatting and working to dismantle centuries of white supremacy, systemic racism, and segregationist policies that have perpetuated adverse, racialized outcomes in conditions within education, economic stability, health and health care, neighborhood and environment, and social and community support systems. These conditions, sometimes referred to as the social determinants of justice, both engender and exacerbate racial disparities within the criminal legal system.

In order to examine racial and ethnic disparities within the criminal legal system in Orleans Parish, the Ethnic and Racial Disparity Working Group consulted the Burns Institute to frame their work within a structural well-being approach, as well as participated in a two-day retreat that examined the current landscape of racial equity in Orleans Parish.

A key component of the structural well-being framework, which aims at deconstructing structural racism and reimagining community-centered systems that promote well-being, is historical competence.<sup>1</sup> The following section highlights some of the historic and present manifestations of structural racism, which cause and perpetuate disparate outcomes, including mass incarceration.



The Social Determinants of Justice

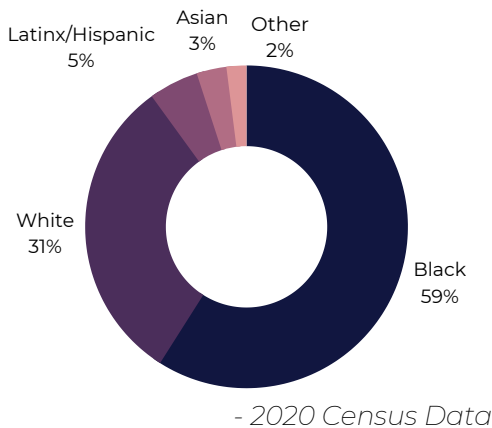


# Orleans Parish Racial Equity Snapshot

Disparities within the criminal legal system do not exist in a vacuum, but within the broader context of the social determinants of justice, which serve to perpetuate structural racism and white supremacy.<sup>ii</sup>

Moreover, the Housing Acts of 1949 and 1954, authorized the displacement of Black people from urban neighborhoods to more economically isolated residential areas and destroyed accessible, low-income housing, which disproportionately affected communities of color.<sup>v</sup> More recently, research shows that 68% of Black New Orleanians faced displacement after Hurricane Katrina, as opposed to 43% of white residents.<sup>vi</sup>

## Orleans Parish Population



These legacies of white supremacy, structural racism, and segregationist policies persist today, as evidenced through a more-than-25-year difference in average life expectancy in neighboring census tracts.<sup>vii</sup>

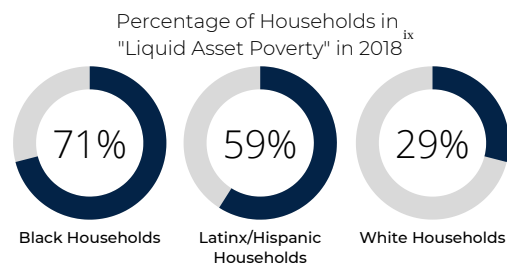
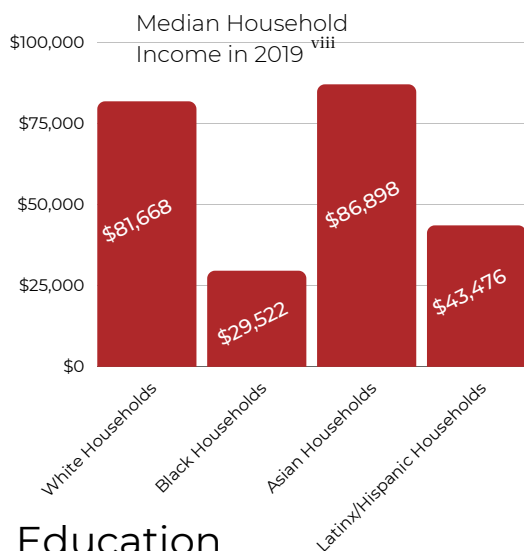
The highest life expectancy average in the state of Louisiana is in Lakeview, a largely white neighborhood, where the average is 88.1 years. Whereas, the lowest life expectancy average in state is in Hoffman Triangle, a largely black neighborhood, where the average is 62.3 years.

## Neighborhood and Environment

By nature and design, the City of New Orleans is a vulnerable geographic location. During the 1700s, in the early stages of colonization by European settlers, wealthy, white colonizers possessed sole access to surveyors' maps. Consequently, the wealthy members of this white caste bought all the land above sea level, leaving lower income residents, including free people of color, to settle in what was referred to as "low-lying flood-prone mosquito-infested back swamp."<sup>iii</sup>

Migration patterns during the Jim Crow Era largely fell along these segregated lines and were further exacerbated by the Federal Housing Administration's mortgage program, which favored loans in white, racially segregated communities.<sup>iv</sup>

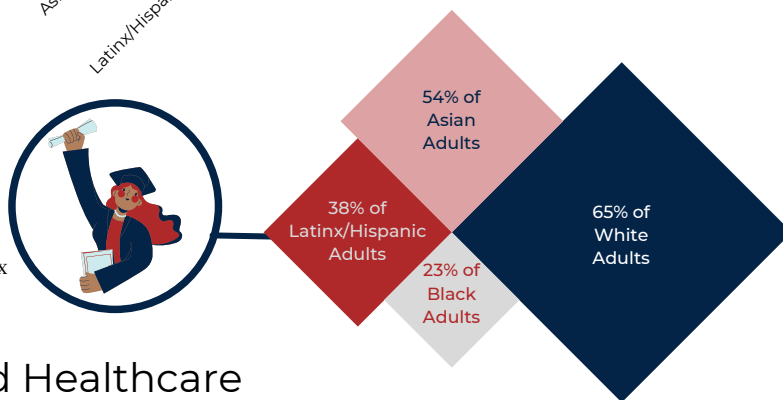
## Economic Stability



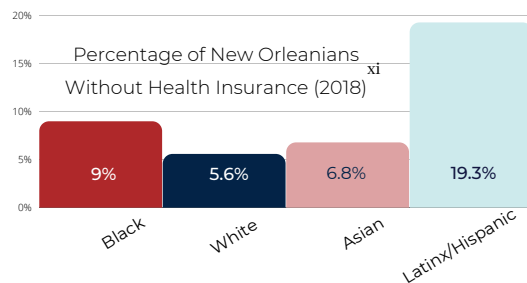
In 2019, Black median incomes were roughly a third of white median incomes in New Orleans.

## Education

Who finishes a bachelor's degree or higher in New Orleans? (2019)<sup>x</sup>



## Health and Healthcare

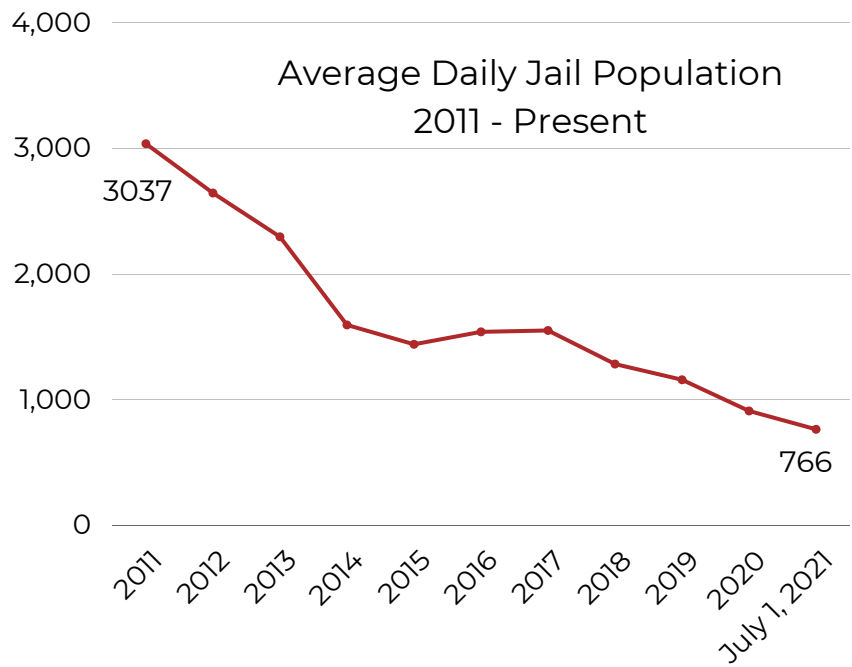


RATES OF LOW BIRTHWEIGHT BABIES IN ORLEANS PARISH (2018)<sup>xii</sup>



# Racial and Ethnic Disparities within the Orleans Parish Criminal Legal System

In the last 10 years, the pretrial jail population in Orleans Parish has declined by 74%. Some of the main strategies responsible for this decline include: institutionalizing processes that facilitate pretrial release, such as first-appearance advocacy and risk-based decision-making and supervision; expanding police discretion to issue summons in lieu of arrest; diverting people with mental illness and substance use disorders toward community-based services; providing more opportunities for release and diversion; prioritizing re-entry initiatives; and creating an Interagency Coordination Specialist to identify and address systemic issues and inefficiencies. While these reforms have been successful in significantly reducing the local jail population, racial disparities have increased during this time period.

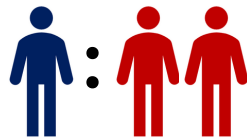
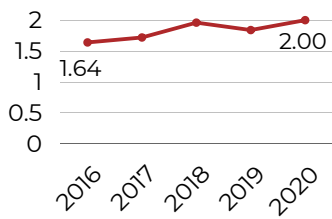


## Unintended Consequences of Race Neutral Policies

The Relative Rate Index (RRI) is a helpful way to compare the experiences of different groups at a certain decision point. Whenever groups are treated equally, both will have an RRI equal to "1."

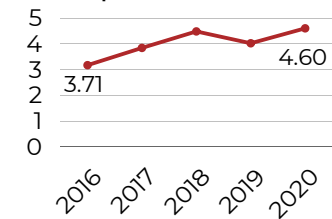
$$\text{Relative Rate Index (RRI)} = \frac{\frac{\text{\# of White Individuals Booked}}{\text{White Population}}}{\frac{\text{\# of Black Individuals Booked}}{\text{Black Population}}}$$

### Booking RRI



Comparing booking rates in 2020, Black people were booked at twice the rate of white people.

### Jail Population RRI



Examining the jail population in 2020, Black people were overrepresented in jail at a rate of 4.6 to 1 compared to white people.

Research has shown that using race-neutral strategies alone cannot address racial disparities; and, in fact, in many cases "colorblind" policies actually cause adverse effects. Consequently, policy strategies that aim to decrease racial disparities must include a specific focus on race. For example, researchers at the Center for American Progress used an economic simulator to look at decreasing the racial wealth gap, which determined that if race-neutral, free college policies were adopted, Black families would still only have about one-fifth of the wealth of white families. This study also concluded that reparations which directly target Black people are likely the only way to eliminate the racial wealth gap.<sup>xiii</sup>

Until now, the Office of Criminal Justice Coordination and Safety and Justice Challenge Initiatives have largely focused on reducing the local jail population using largely race-neutral policies. This report aims to address racial disparities by providing policy recommendations that include a specific focus on race for two existing jail reduction strategies— the Law Enforcement Assisted Diversion and Prosecutorial Diversion Programs— as well as allocate resources to community-based organizations and efforts through a racialized lens.





# Recommendation Process

## February Retreat

Strategic Priority Session to Establish Initial Recommendation Topics and Create the ERD Working Group Vision Statement

## February Meeting

Vote to Prioritize 2 Safety and Justice Challenge-Based Recommendations and 1 Additional Recommendation:

- Support BIPOC-Centered Community Organizations and Efforts
- Increase Racial Equity within the LEAD Program
- Increase Racial Equity within Prosecutorial Diversion

## March

ERD Guidelines approved by the SKNOCJC

Examine and Identify Leverage Points to Increase Equity Through the Support BIPOC-Centered Community Organizations and Efforts Recommendation Topic

## April Meeting

Examine and Identify Leverage Points within Safety and Justice Challenge-Based Recommendations to Increase Racial Equity within the Programs and Broader Criminal Legal System

## May Meeting

Complete the Recommendation Design Process in Groups Facilitated by OCJC, Vera, and the ERD Program Manager

## June Meeting

Finalize Recommendations in Extended Meeting

## Mid-July

Recommendation Report Approved by the Working Group Co-Chairs

## SKNOCJC July Meeting

Present Recommendation Report to SKNOCJC

In February 2021, the ERD Working Group held a strategic planning retreat for members. During the retreat, the Group participated in sessions that addressed systemic racism, structural well-being, the current state of racial equity within Orleans Parish, as well as historic and current criminal legal system reform efforts. Moreover, the Group created a vision statement and identified initial strategic priorities. The initial strategic priorities, which are addressed in this report include:

- Increase racial equity within the criminal legal system by way of the Prosecutorial Diversion Program
- Increase racial equity within the Law Enforcement Assisted Diversion (LEAD) Program as the program scales city-wide
- Support and fund both traditional and non-traditional organizations and efforts that deliver services to individuals who are underserved and overrepresented within the criminal legal system, in particular Black, Indigenous, People of Color

After ten months of collaboration, this report details recommendations, programs, and policies that the ERD Group envisions for the future of criminal legal system reform in Orleans Parish. These recommendations are not exhaustive and should only be used as a starting point for addressing racial and ethnic disparities within existing reforms and the broader criminal legal system.



# EXECUTIVE SUMMARY



## Increase racial equity within the criminal legal system by way of the Prosecutorial Diversion Program

Recommendation 1: The Prosecutorial Diversion Program enrollment process must be equitable and culturally competent.

Recommendation 2: Quantitative and qualitative data must be collected and analyzed to determine the existence and extent of disparities within the components of the diversion program.

Recommendation 3: Program completion must be attainable, resulting in completion rates of 90% or above. Completion rates should be equal across race, age, and gender.

Recommendation 4: The District Attorney's Office should expand their diversion program partners to include 20-30 community-based organizations city-wide.

Recommendation 5: The Prosecutorial Diversion Program should be publicized and championed by the District Attorney's Office, as well as other criminal legal system stakeholders.

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## Increase racial equity within the Law Enforcement Assisted Diversion (LEAD) Program as the program scales city-wide

Recommendation 1: Include system-impacted individuals in LEAD decision-making processes, including the Policy Coordinating Committee and the LEAD Expansion Plan.

Recommendation 2: Institute initial and ongoing training regarding cultural competency and trauma-informed approaches for officers involved in the LEAD Program. Training should include Mental Health First Aid, as well as trauma-informed care training.

Recommendation 3: Enrollment in the LEAD Program should be standardized to ensure equitable enrollment.

Recommendation 4: The LEAD Program must collect and track quantitative and qualitative data to better understand and address disparities within the program. Data and trends should be reviewed on a quarterly basis, and any racial equity deficiencies should be identified and addressed through programmatic changes.

Recommendation 5: Police Districts 7, 1, and 6 should be considered for LEAD initial expansion, with District 7 being a priority target for expansion.

Recommendation 6: The LEAD Program should expand diversion eligibility to include individuals with alleged offenses of possession.

Recommendation 7: The New Orleans LEAD model should consider implementing the national programmatic changes to LEAD enrollment, which decenter law enforcement as gatekeepers to LEAD services.

Recommendation 8: Pre-Arrest Diversion programs, like LEAD, must be communicated to the public and service provider community.

Additional Recommendation: The City of New Orleans should support a mobile crisis-intervention program, like the Crisis Assistance Helping Out On The Streets (CAHOOTS), modeled in Eugene, Oregon.

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## Support and fund both traditional and non-traditional organizations and efforts that deliver services to individuals who are underserved and overrepresented within the criminal legal system, in particular Black, Indigenous, People of Color

Recommendation 1: The City of New Orleans and Orleans Parish criminal legal system stakeholders should regularly and authentically engage with the community, particularly system-impacted individuals.

Recommendation 2: In the short-run, the City of New Orleans should consider instituting a micro grants program to give BIPOC-centered organizations the funding and support to try innovative approaches to criminal legal system prevention and reform efforts.

Recommendation 3: The City of New Orleans should implement elements of the national Office of Neighborhood Safety model, which typically serves as a hub for all non-punitive approaches to public safety.

# PROSECUTORIAL DIVERSION

The role of the Prosecutorial Diversion program is to connect individuals to community-based services, as well as prevent further involvement and adverse impacts of the criminal legal system. As such, the diversion program should only apply to individuals whose cases would have otherwise been prosecuted. During the previous Orleans Parish District Attorney's administration, the majority of diversion cases were accepted post-plea. Under the new District Attorney, Jason Williams, most diversion cases will occur pre-acceptance, though pre-plea enrollment will remain an option.

Nationally and in Orleans Parish, Black people are vastly overrepresented in the criminal legal system. Prosecutorial Diversion has the potential to reduce disparities by diverting individuals out of the criminal legal system and breaking cycles of incarceration and recidivism by addressing root causes of criminal legal system involvement, such as mental illness or chemical dependency. In order to reduce disparities, prosecutors must utilize a deliberate racial equity lens in diversion program design and implementation.



# Prosecutorial Diversion Recommendations

Increase racial equity within the criminal legal system by way of the Prosecutorial Diversion Program

## 1 The Prosecutorial Diversion Program enrollment process must be equitable and culturally competent.

The existing enrollment process for diversion utilizes mail delivery services to notify individuals of diversion program eligibility, which may present accessibility challenges for unhoused individuals and individuals without fixed addresses. The diversion program should consider expanding diversion eligibility notifications to include phone calls, text messages, and electronic services, all of which are currently used by the Jefferson Parish District Attorney's Office.<sup>xiv</sup> Communication about enrollment must be culturally sensitive and adaptable to any individual's language needs. Generally, all communication and diversion education materials should use person-first language.<sup>xv</sup>

## 2 Quantitative and qualitative data must be collected and analyzed to determine the existence and extent of disparities within the components of the diversion program.

Clear eligibility for the Diversion Program must be determined in order to limit discretion— and thus bias— within the diversion screening process. Additionally, for cases that satisfy enrollment criteria but are not offered enrollment, there should be a cited reason for this rejection. To determine potential inequities within diversion enrollment, diversion eligibility should be compared with diversion enrollment, which should be displayed in a real-time data dashboard. When applicable, interviews should be conducted to collect qualitative data to better understand the reason(s) why individuals do not enroll in diversion. Subsequently, barriers to diversion enrollment should be identified utilizing a racial equity lens. The findings of the qualitative analyses should be shared with the public and addressed through programmatic changes. Moreover, District Attorney's Office should consider conducting an impact assessment to examine the feasibility of waiving all diversion fees, which would effectively eliminate program fees as a barrier to enrollment.

Other data metrics to be tracked should include: race/ethnicity, gender, age, magistrate number, most serious alleged offense, fee amount, restitution amount (if applicable), previous criminal legal system involvement, program completion, and reason for non-completion (if applicable). Data metrics should be reviewed on a quarterly basis, and any racial equity deficiencies should be identified and addressed through programmatic changes. Moreover, data metrics should be reviewed with an intersectional and racial equity lens within the context of the District Attorney's Office as a whole.

Any programmatic changes or policy-making decisions should include feedback from system-involved people and, when possible, previous diversion participants.



# Prosecutorial Diversion Recommendations

**3** Program completion must be attainable, resulting in completion rates of 90% or above. Completion rates should be equal across race, age, and gender.

Before cases are referred to diversion, refusal or dismissal of charges must be considered. In the same vein, diversion should only apply for individuals whose cases would have otherwise been prosecuted. Diversion program lengths should be structured to be as brief as possible and should never be longer than the minimum sentence length for the alleged offense(s).

Case-management should be flexible, client-centered, and utilize a harm-reduction approach. Diversion programming should be desistance-focused, meaning that there should be a greater focus on the intervention, i.e., diversion, than the 'problem' that precipitated program involvement. Additionally, a desistance-focused approach recognizes that there are broader social contexts and conditions required to support change. For example, drug test failure should not result in program termination. Program completion should entail general fulfillment of program requirements, allowing for flexibility with family, employment, and treatment, if applicable.

Throughout diversion programming, communication should include text/electronic reminders to notify individuals of their court dates.

**4** The District Attorney's Office should expand their diversion program partners to include 20-30 community-based organizations city-wide.

The diversion program should partner with community-based organizations to ensure a variety of program offerings and locations. Individuals within the diversion program should be able to utilize resources within their own communities that suit their own needs. Through this expansion, individuals should be able to pick an organization to best fit their needs and goals.

Diversion case managers will continue to provide support and work as collaborators with program participants towards self-designed programming. Diversion program completion should not be contingent upon completion of diversion services, such as treatment or education, but rather general completion program requirements, which should be tailored to be as brief as possible and not exceed the minimum sentence for the alleged offense. For diversion program participants with mental health needs and chemical dependencies, there should be a smooth continuum of care post-diversion. After program completion, the District Attorney's office should provide expungement support to program participants.

**5** The Prosecutorial Diversion Program should be publicized and championed by the District Attorney's Office, as well as other criminal legal system stakeholders.

The District Attorney's Office has the power to change the narrative about the prosecutor's and the criminal legal system's roles— away from a punitive approach to accountability toward an evidence-based model of crime prevention and recidivism reduction. To this end, the District Attorney's Office should publicly champion the diversion program through education forums, community organizing such as canvassing, and engaging the local media. Moreover, communication should target the business community in particular to work towards employers becoming more understanding of the program and program benefits for employees and potential employees. In addition to the District Attorney's Office, criminal legal stakeholders should also support programs that prevent and divert criminal legal system involvement.





# Law Enforcement Assisted Diversion (LEAD)

## Background

The Law Enforcement Assisted Diversion (LEAD) Program is a public health approach to policing for those who are criminalized for underlying and unmet behavioral health needs. LEAD follows a harm-reduction framework, which allows police officers to divert individuals into intensive case-management at the point of arrest, in cases where the alleged offense is a low-level municipal charge and is believed to be a product of unaddressed mental illness, chemical dependency, or trauma.

In 2011, LEAD was developed and launched in Seattle, WA, in response to the disproportionate impact of the War on Drugs on communities of color. After three years of operation in Seattle, a study found that LEAD participants were 58% less likely to be arrested after enrollment in the program, compared to a similarly situated group that was not enrolled in the program. LEAD has the potential to break cycles of incarceration by preventing criminal legal system involvement and reducing the risk of re-arrest, re-prosecution, and re-incarceration for individuals who have frequently cycled in and out of the criminal legal system.

## In Orleans Parish

LEAD launched in New Orleans in 2017 as a pilot program in the 8th District, which has a resident population of approximately 7,500. The 8th District is majority white at 76%, with 14% of residents identifying as Black, 4% of

residents identifying as Asian, and 6% of residents identifying as Latinx/Hispanic. In the 8th District, LEAD provides officers with an additional tool to respond to people in need of treatment beyond booking individuals into jail or issuing a summons.

Participants enter the LEAD Pilot Program in one of two ways: either through social contact referrals or at the point of arrest for a low-level, nonviolent, municipal alleged offense. Social contact referrals are cases in which officers identify and refer individuals, who are typically frequently incarcerated and are most at risk for arrest for LEAD-eligible offenses, and who, in the opinion of the officer, would benefit from treatment or services. Participants can also enter the program at the point of arrest, at which time officers will make an initial assessment regarding charge eligibility and demonstrations of signs or symptoms of mental illness, addiction, or trauma. There are no exclusions for enrollment based on criminal history. Additionally, people under community supervision are eligible for the LEAD program.

## Case Management

LEAD case management, in its intensity, is designed to repeatedly meet clients in the community and walk clients through systems of care. The case-management structure operates according to three major principles:

1. A Harm-Reduction Framework:

Harm reduction is an intervention model that is centered around an individual's right to self-determination. It recognizes that sobriety or abstinence from potentially dangerous behaviors such as drug use may not be a realistic immediate or long-term goal for every person.

2. Client-Centered Approach: In LEAD, clients are treated as the most knowledgeable party involved in their own plan of care. Therefore, individual service plans are directed and driven by each participating client. Case managers and peers act as collaborators within the process to help participants achieve their self-identified goals.

3. Intensive Case Management: Case management helps to provide and connect clients with a number of client-identified services, including but not limited to: housing, substance use treatment, mental health services, primary care services, employment and educational opportunities, and community support networks.

It is important to note that LEAD doesn't have a completion standard. Clients enrolled in LEAD can stay in LEAD as long as they wish. There are clients who have been discharged—those who have relocated, died, or have disappeared, but there have been clients that have not been discharged or “completed” LEAD since entering LEAD in 2017.



# Law Enforcement Assisted Diversion (LEAD)

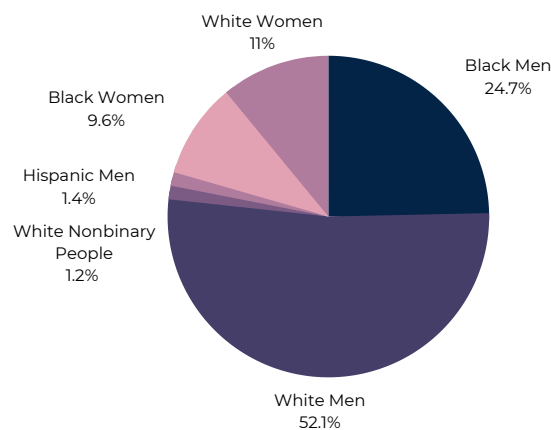
As of July 2021, the LEAD program is becoming re-operational. The current goal of the program is to scale the initiative city-wide within five years. To this end, the program is hiring a Program Manager and a FUSE Fellow to assist with expanding capacity and ensuring sustainability of the program. LEAD is governed by a stakeholder body called the Policy Coordinating Committee, which consists of high-level decision makers and their designees who support pre-arrest diversion. The Policy Coordinating Committee currently includes: Louisiana Department of Corrections, Probation and Parole; Mayor's Office of Criminal Justice Coordination; Metropolitan Human Services District, New Orleans City Attorney's Office; New Orleans City Council; New Orleans Health Department; New Orleans Municipal Court; New Orleans Police Department; Orleans Parish Criminal District Court; Orleans Public Defenders; Urban League of Greater New Orleans; and Vera Institute of Justice.

In an initial program evaluation, conducted in August 2020, the program proved very successful in reducing the amount of time spent in jail by LEAD participants. The evaluation compared the pre-enrollment information of thirty-four LEAD participants, such as housing status, to the same criteria up to one year after participants enrollment in the program. For the enrollment

group, summons issued by police decreased from 29 to 6, arrests fell from 17 to 11, and time in jail dropped from 707 days to 198 days, with average length of stay being reduced from 42 days to 4 days.

During the Pilot Phase of LEAD, participants were predominantly white men. Specifically, out of 74 total participants, 38 identified as white men.

LEAD Participants



Also during the pilot program, every LEAD client had experienced homelessness at some point in their lives and only one LEAD client had become a resident of the 8th District. As the 8th district has a large homeless population, LEAD clientele are not typically reflected in the official population data.

During operation, LEAD had two case managers, two peer support specialists, one program coordinator, and one part-time

program manager.

From November 2017 to August 2020, with limited personnel, LEAD staff found housing for 65% of clients, responded to 77% of diversions successfully, helped 38% of clients engage in mental health treatment, and secured access to substance use treatment for 33% of clients.

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During the LEAD Program, jail time for LEAD clients decreased by 72%.

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# LEAD Recommendations

Increase racial equity within the Law Enforcement Assisted Diversion (LEAD) Program as the program scales city-wide

## 1 Include system-impacted individuals in LEAD decision-making processes, including the Policy Coordinating Committee and the LEAD Expansion Plan.

People most impacted by the criminal legal system bring critical experience, perspective, and knowledge to policy-making. As such, the program design should continue to include peer-support specialists and outreach workers who have experienced system-involvement. Additionally, the Policy Coordinating Committee should expand its membership to include system-impacted individuals. Moreover, the FUSE Fellow should consult system-impacted individuals as stakeholders in the development, implementation, and ultimate program model of the LEAD city-wide expansion plan.

## 2 Institute initial and ongoing training regarding cultural competency and trauma-informed approaches for officers involved in the LEAD Program. Training should include Mental Health First Aid, as well as trauma-informed care training.

Training for law enforcement officers must utilize an intersectional approach, in which the unique needs of specific marginalized communities are addressed, including but not limited to: women; LGBTQIA+; non-English speakers, and Black, Indigenous, People of Color. It is suggested that curriculum be designed with input from system-impacted individuals. Training should also include implementing best practices for trauma-informed care and harm reduction for when children may be present during LEAD arrest diversions, which should follow guidelines set by Act No. 126. While these trainings should initially accompany basic LEAD training, they should eventually expand to all officers, as any officer assigned to a district with LEAD can be involved in LEAD.

## 3 Enrollment in the LEAD Program should be standardized to ensure equitable enrollment.

For individuals who fit the enrollment criteria (i.e., all alleged offenses are LEAD eligible and the individual shows signs or symptoms of mental illness, addiction, and trauma), there should be a presumption that LEAD program enrollment be presented as an option. Furthermore, in cases where enrollment criteria are met, officers must justify why an individual was not presented with the option of LEAD.

As LEAD enrollment is a choice, qualitative data, as well as observational data, should be collected for reasons why individuals do not enroll in diversion. LEAD eligibility and enrollment should be tracked using dashboards created by the Office of Criminal Justice Coordination.



# LEAD Recommendations

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The LEAD Program must collect and track quantitative and qualitative data to better understand and address disparities within the program. Data and trends should be reviewed on a quarterly basis, and any racial equity deficiencies should be identified and addressed through programmatic changes.

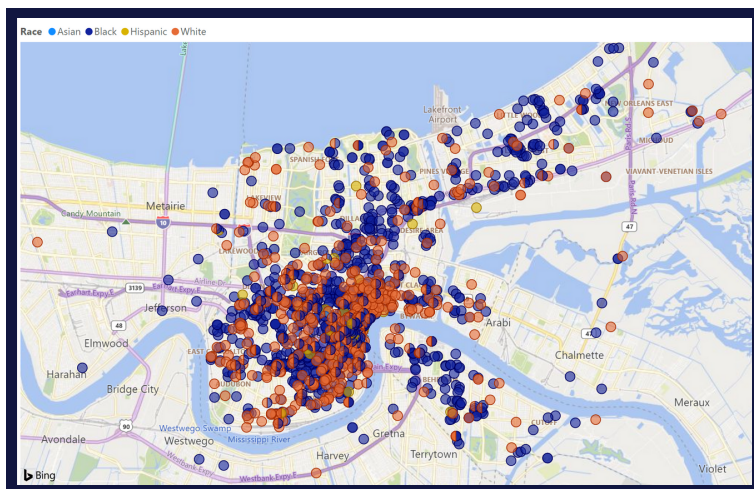
Demographic data to be collected should at least include: race/ethnicity, gender, age, employment status, education level, housing status, and alleged charge at diversion from arrest. Qualitative data regarding enrollment and perceptions of officers should be collected in the form of participant surveys, which should include questions about: perceived officer fairness, quality of explanation of LEAD by officer, perceived officer care for client's wellbeing, and perceived officer politeness.<sup>xvi</sup> Questions regarding perception should be replicated in regard to case managers. Additionally, as the preliminary report on LEAD in New Orleans indicated that all 74 participants of LEAD had experienced houselessness at least once in their life, the LEAD program should also examine the intersection between racial equity, houselessness, and LEAD by connecting with the Homeless Management Information System (HMIS) Racial Equity Task Force.

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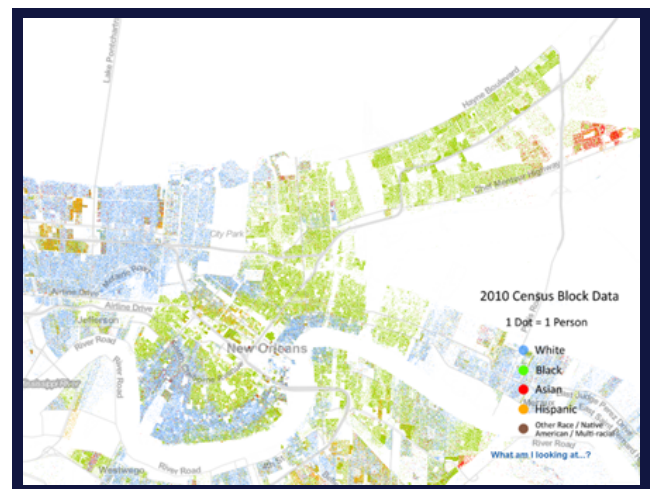
Police Districts 7, 1, and 6 should be considered for LEAD initial expansion, with District 7 being a priority target for expansion.

In order to center racial equity, programs like LEAD must intentionally allocate resources into historically and presently marginalized communities. As Black New Orleanians are vastly overrepresented within the criminal legal system, LEAD expansion must prioritize majority Black communities.

LEAD Eligible Arrests Map (2016-2020)



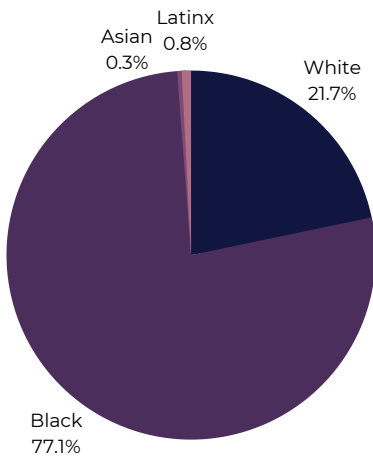
Census Map (2010)<sup>xvii</sup>



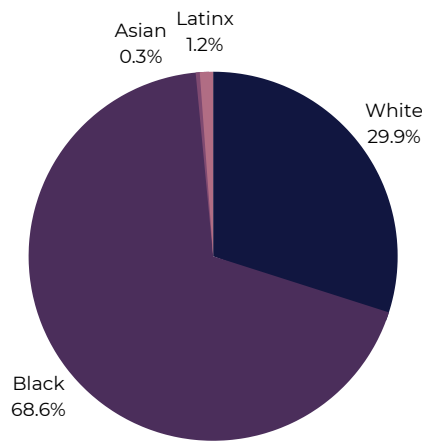
# LEAD Recommendations

## 6 The LEAD Program should expand diversion eligibility to include individuals with alleged offenses of possession.

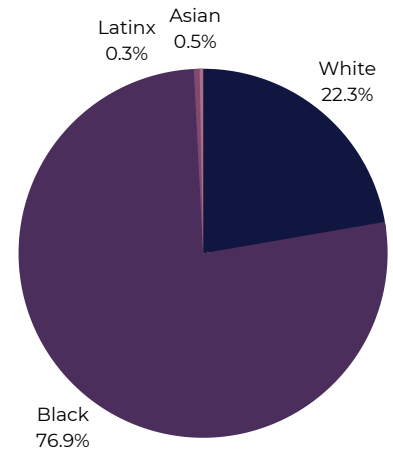
Currently, the LEAD program’s eligible alleged municipal low-level offenses include: Obstructing a Public Place, Failure to Appear, Aggressive Panhandling, Aggressive Solicitation, Disturbing the Peace, Simple Possession of Marijuana, Lewd Conduct, Criminal Trespass, Theft, Public Drunkenness, New Business License Violation, Resisting / Obstructing an Officer, Criminal Damage to Property, Unlawful Use of License, Drug Paraphernalia, License Plate Violation, Interfering with Lawful Investigation, Careless Driving, Possession of Stolen Things, Illegal Carrying of Weapon, Tampering With Property, Traffic Control Signal Violation, Vehicle Registration Violation, No Proof of Auto Liability Insurance, Misrepresentation of Name/Age/Address, Disobedience to Traffic-Control, Driver’s License Violation by Professional Driver, Prostitution, Alcoholic Beverages in Motor Vehicle, Possession of Weapon by Person, Cruelty to Animals, Mayoralty Permits Violation, and Begging.



All Alleged Offenses  
Racial Breakdown  
(2016 - 2020)



LEAD- Eligible Alleged Offenses  
Racial Breakdown  
(2016 - 2020)



Possession Alleged Offenses  
Racial Breakdown  
(2016 - 2020)

Examining all alleged offense charges since 2016, Black people are severely overrepresented at 77%. LEAD eligible alleged offenses, however, include a higher proportion of white individuals. Consequently, LEAD eligible charges should be expanded to include possession, as Black individuals are overrepresented in alleged offenses of possession. Through the expansion certain offenses for LEAD eligibility, the LEAD program may be able to reduce the overrepresentation of Black people at the point of arrest.



# Expanding the LEAD Model

## 7 The New Orleans LEAD model should consider implementing the national programmatic changes to LEAD enrollment, which decenter law enforcement as gatekeepers to LEAD services.

The LEAD website states, “The Movement for Black Lives has created an opening to radically rethink how American communities pursue public health, order, safety, and equity. The call to dismantle our nation’s endemic over-reliance on policing and the legal system has moved from the progressive edge to the center of public policy debates in many communities.”<sup>xviii</sup> To respond to this call, the LEAD program in Seattle is now titled, “Let Everyone Advance with Dignity.”

The FUSE Fellow and Project Manager should work with the National LEAD Support Bureau to explore these changes to the LEAD program national model and identify changes that could be pursued, adapted, and implemented in New Orleans.

## 8 Pre-Arrest diversion programs, including LEAD, must be communicated to the public and service provider community.

Criminal legal system reform efforts hinge on public trust in the initiatives. Therefore, the City and elected officials must publicly support efforts that prevent and divert criminal legal system involvement. To garner public trust in prevention and diversion programs, such as LEAD, community outreach and engagement must be incorporated into design, establishment, implementation, and evaluation. Moreover, all pre-arrest diversion program data should be made available to the public.

Prevention and diversion programs must operate as a part of the continuum of care network. As such, community service providers must be aware of the LEAD program. The LEAD Project Manager will lead outreach efforts and cultivate sustainable relationships with community service providers.



# The Case for Additional Diversion Programs at the Point of Arrest

While LEAD has proven to be successful in connecting individuals to important resources and reducing jail time and recidivism, LEAD may not best serve other individuals who should be diverted at the point of arrest who do not need intensive case management. Examining all charges at arrest since 2016, less than 5% of charges would have been deemed LEAD eligible. Additionally, the LEAD program's target population is narrowed to individuals that frequently cycle in and out of the criminal legal system. Importantly, law enforcement acts as the "gatekeepers" of the program, which inherently entails certain programmatic constraints.

## **1** The City of New Orleans should support a mobile crisis-intervention program, like the Crisis Assistance Helping Out On The Streets (CAHOOTS), modeled in Eugene, Oregon.

Nationally, cities have supported the creation of non-police responses to mental health crises. In the CAHOOTS program, teams of mental health clinicians respond to non-emergency calls, as well as provide services, including but not limited to: crisis counseling, suicide prevention, conflict resolution and mediation, grief and loss, welfare checks, substance use, housing crisis, harm reduction, first aid and non-medical emergency care, resource connection and referrals, transportation to services, domestic violence and family disputes.<sup>xix</sup> The CAHOOTS model differs from LEAD in that it is a crisis response to those in a behavioral health crisis, rather than a response to alleged criminal activity that is caused by an underlying behavioral health need.

Currently, the CAHOOTS program responds to almost 20% of the total public safety call volume for the Eugene metropolitan area. A program like CAHOOTS has the potential to substantially decrease the case load for the New Orleans Police Department (NOPD). Moreover, individuals with mental illness are severely overrepresented in the local jail population; thus, investing in preventative solutions could serve to limit criminal legal system contact and reduce the jail population exponentially by breaking cycles of incarceration and recidivism.

Additionally, a crisis-intervention team disentangled from law enforcement nearly eliminates the possibility of use of force during an arrest. This is vitally important, as research indicates that individuals who were exposed to police use of force during arrest experienced a greater number of depressive and manic symptoms than those who were not.<sup>xx</sup> For individuals with mental illness, eliminating a risk of police force is critical to not exacerbating underlying behavioral health conditions. According to an NOPD Crisis Intervention Team (CIT) Report from 2019, in 42.5% of crisis-intervention incidents officers used handcuffs with a person in crisis. As use of force may worsen underlying mental health conditions,<sup>xxi</sup> a non-police crisis-intervention team should be considered for responding to these types of incidents. Additionally, some community members may be hesitant to call law enforcement to respond to crisis-interventions, which may result in increased trauma or harm if the incident is left unaddressed. The City of New Orleans should support a non-police crisis intervention team, as it would fill many needs within the community and decrease the burden on law enforcement resources.



# Recommendations to Support BIPOC-Centered Community Organizations and Efforts

Incarceration and criminal legal system involvement deepen inequities within external systems, such as education, health, and housing, which perpetuates poverty and racial inequality both within and across generations. This is to say that racial and ethnic disparities within the criminal legal system do not happen in a vacuum, but exist within long standing structural inequities.

In the last 40 years, incarceration rates have drastically increased, in part due to policy changes, which criminalized social problems experienced by people living in poverty, who are disproportionately people of color. As such, it is important to transform the criminal legal system from a punitive system to a supportive system, which must be done by supporting cross-sector organizations and efforts that provide services and equitable access to resources to individuals and communities to allow them to thrive.

1

## Recommendation 1: The City of New Orleans and Orleans Parish criminal legal system stakeholders should regularly and authentically engage with the community, particularly system-impacted individuals.

The Orleans Parish criminal legal stakeholders should increase outreach and engagement with community-based organizations and system-impacted individuals. Specifically, there should be regularly scheduled “check-ins” between criminal legal stakeholders and community-based organizations and efforts to increase transparency and identify opportunities for cross-sector collaboration. Moreover, criminal legal system stakeholders, particularly law enforcement officers, should create a space for youth voices to be heard on a regular and ongoing basis. Community engagement efforts should be used to drive policy-making decisions, which should be guided by communities and individuals most harmed by the impacts of the criminal legal system. In order to measure engagement, Orleans Parish criminal legal stakeholders should measure the level of community involvement in public meetings and whether criminal legal system-impacted people are at policy-making tables.

Generally, the City of New Orleans and Orleans Parish criminal legal system stakeholders should promote leadership by and partnership with people who are directly impacted by the criminal legal system.



# Recommendations to Support BIPOC-Centered Community Organizations and Efforts

**2** In the short-run, the City of New Orleans should consider instituting a micro grants program to give BIPOC-centered organizations the funding and support to try innovative approaches to criminal legal system prevention and reform efforts.

While sustainable, unrestricted funding to grassroots and community-based organizations is preferred to temporary grant-funding, a micro grants program could initiate relationships between formal and informal community-based organizations and criminal legal system stakeholders. Additionally, a micro grants program could provide unique opportunities to fund informal community efforts that support system-impacted individuals in ways that would not be possible through federal, state, or other “formalized” funding opportunities, which typically have constraints on what type of organizations can be funded.

The micro grants program could be funded by the ERD Working Group and would go towards supporting BIPOC-centered community organizations and efforts. The fund would support projects that center racial equity and engage and support communities disproportionately impacted by the criminal legal system. The fund should encourage innovative and creative approaches to criminal legal system prevention and reform.

**3** The City of New Orleans should implement elements of the national Office of Neighborhood Safety model, which typically serves as a hub for all non-punitive approaches to public safety.

Nationally, the Office of Neighborhood Safety (ONS) model provides the infrastructure and resources necessary for successful community-based public safety efforts. There is no one-size-fits-all model for Offices of Neighborhood Safety (ONSs), but the responsibilities of an ONS typically include: (1) Violence Interruption, (2) Transformative Mentoring, (3) Job Readiness Programs, (4) Community Outreach, (5) Non-Police Responses to Calls for Service. The purpose of ONS is to provide the foundation for interventions and prevention efforts to achieve a meaningful impact on public safety. Typically, ONS are led by communities and community members most harmed by the impacts of the criminal legal system.

The City of New Orleans has already established key elements of the ONS model including violence interruption, transformative mentoring, and job readiness programs through the Office of Gun Violence Prevention. It is suggested that the City build upon this framework by bolstering current initiatives and establishing elements of community outreach and non-police responses to calls for services, which could be housed in a hub in collaboration with the Office of Gun Violence Prevention. This effort should be done in collaboration with system-impacted community members and utilize the current work already being done by community-based organizations in New Orleans. In order to establish initial funding for this effort, the ERD Working Group could consider funding a contracted grant writer.



# A Note on Language: Racial Equity Glossary

This glossary is provided as a service to the readers of this report, both for those steeped in racial equity and anti-racist language and terminology, and for those who are not. These terms are not exhaustive and should be used to spark individual research and conversation.

**BIPOC:** BIPOC is an acronym for Black, Indigenous, People of Color. The term highlights the unique relationship to whiteness that Indigenous and Black people have, which shapes the experiences of and relationship to white supremacy for all people of color within a U.S. context.<sup>xxii</sup>

**Institutional Racism:** Institutional racism is racism that occurs within social and governmental institutions and refers to the blocking of people of color from the distribution of resources in a systematic way that benefits white people.

**Intersectionality:** Intersectionality is a lens through which you can see systems of oppression overlap to create distinct experiences for people with multiple identity categories.<sup>xxiii</sup>

**Mass incarceration:** Mass incarceration operates as a tightly networked system of laws, policies, customs, and institutions that operate collectively to ensure the subordinate status of a group defined largely by race.<sup>xxiv</sup>

**Race:** Race is a socially constructed system, in which societies generate informal or formal rules about what we see and how to act and treat others. Race designation and the way that racial categorizations are enforced can change over space, place, and time.<sup>xxv</sup>

**Racial Equity:** Racial equity is defined as the condition that would be achieved if one's racial identity is no longer a predictor, in a statistical sense, of how one fares.

**Racial Justice:** Racial justice work addresses structural and systemic changes to ensure equal access to opportunities, eliminate disparities, and advance racial equity— thus ensuring that all people, regardless of their race, can prosper and reach their full potential.

**Structural Racism and Systemic Racism:** Structural racism and systemic racism are used to describe the ways in which history, ideology, public policies, institutional practices, and culture interact to maintain a racial hierarchy that allows the privileges associated with whiteness and the disadvantages associated with color to endure and adapt over time.

**White Supremacy:** White Supremacy is an historically based, institutionally perpetuated system of exploitation and oppression of continents, nations, and peoples of color by white peoples and nations of the European continent, for the purpose of maintaining and defending a system of wealth, power, and privilege.<sup>xxvi</sup>





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