



ALBUQUERQUE POLICE DEPARTMENT
PROCEDURAL ORDERS

SOP 2-79

Effective: 11/16/2021

Review: 11/16/2022

Replaces: 10/04/2019

2-79 LAW ENFORCEMENT ASSISTED DIVERSION (LEAD) PROGRAM

Related SOP(s), Form(s), Other Resource(s), and Rescinded Special Order(s):

A. Related SOP(s)

[2-80 Arrests, Arrest Warrants, and Booking Procedures](#)

B. Form(s)

Albuquerque Police Department LEAD Client Screening Form

C. Other Resource(s)

NMSA 1978, § 43-1-10 Emergency Mental Health Evaluation and Care

D. Rescinded Special Order(s)

None

2-79-1 Purpose

The purpose of this policy is to provide requirements for Albuquerque Police Department (Department) personnel trained in the Bernalillo County Law Enforcement Assisted Diversion (LEAD) Program, which provides for jail diversion of low level, non-violent individuals into treatment.

2-79-2 Policy

It is the policy of the Department to participate in the Bernalillo County LEAD Program. The Bernalillo County LEAD Program enables sworn personnel to use discretion in diverting an individual with low-level, non-violent offenses away from the criminal justice system, or whose offense is driven by debilitating substance use disorders, behavioral health disorders, homelessness, or poverty.

N/A 2-79-3 Definitions

A. Criminal Justice System

The system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing, and punishing individuals who are suspected of criminal offenses.

B. Jail Diversion



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The process to address the situation in which an individual's criminal behavior appears to stem from a behavioral health disorder and/or a substance use disorder where the individual would be better served in a treatment setting, rather than in a criminal justice setting. Sworn personnel can use jail diversion instead of arrest. Jail diversion options can include:

1. Issuing a verbal warning;
2. Issuing a citation;
3. Giving a summons for misdemeanors or submitting a non-violent felony case to the District Attorney; or
4. Transporting a person to a mental health provider, either voluntarily or involuntarily, according to NMSA 1978, § 43-1-10.
5. Utilizing the LEAD Program.

C. Law Enforcement Assisted Diversion (LEAD)

A criminal justice system diversion program developed with community input to address individuals with low level, non-violent offenses by diverting them into community-based programs and services instead of jail or prosecution. By diverting eligible individuals to services, LEAD aims to improve public safety and public order, and to reduce criminal behavior of people who participate in the program.

D. LEAD Liaison

An officer who has successfully completed LEAD training and who assists sworn personnel with the necessary paperwork and guidance needed for a successful diversion.

E. Pre-Arrest Diversion

The decision for diversion made by sworn personnel when they have established probable cause to make an arrest or to use discretion to divert the individual into the LEAD Program and away from the criminal justice system.

F. Social Contact Referral/Self-Referral

The process of referring an individual who has not committed a criminal offense to a Bernalillo County LEAD Case Manager for services. A social contact referral or self-referral enables sworn personnel to refer an individual who is currently not committing or has not committed a criminal offense and is afflicted by a problematic substance use disorder, a behavioral health disorder, poverty, or homelessness to services, prior to them committing a criminal offense.



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G. Substance Use Disorder

The recurrent use of alcohol and/or drugs that causes clinically and functionally-significant impairment, such as health problems, disability, and failure to meet major responsibilities at work, school, or home.

N/A 2-79-4 **Eligibility Criteria**

- A. In deciding whether or not to divert an individual into the LEAD Program, the initial decision-maker will be the sworn personnel who has made contact with an individual who meets the eligibility criteria outlined in this Standard Operating Procedure (SOP). Sworn personnel may make referrals to the LEAD Program twenty-four (24) hours a day, seven (7) days a week.
- B. Pre-Arrest Diversion for Misdemeanor Charges
 - 1. An individual with misdemeanor charges is eligible for the LEAD Program if they are an adult who has a known or self-admitted history of a substance use disorder or a behavioral health disorder, or who experiences poverty or homelessness. Sworn personnel may refer the individual to the LEAD Program after probable cause has been established for the following offense(s):
 - a. Non-violent misdemeanor(s); or
 - b. Non-violent City Ordinance violation(s).
 - 2. For cases involving a victim and the victim is willing to decline prosecution against the individual, sworn personnel can proceed with diverting the individual to the LEAD Program.
- C. Pre-Arrest Diversion for Felony Charges
 - 1. An adult who has a known or self-admitted history of a substance use disorder or a behavioral health disorder, or who experiences poverty or homelessness is eligible for diversion into the LEAD Program. Sworn personnel may refer the individual to the LEAD Program after probable cause has been established for the following offense(s):
 - a. Non-violent felonies, including, but not limited to:
 - i. Possession of a controlled substance. Sworn personnel determine the amount that is considered for personal use;
 - ii. Shoplifting over \$500;
 - iii. Burglary with the victim's consent;
 - iv. Criminal damage to property over \$500 with the victim's consent; or
 - v. Auto or residential burglary with the victim's consent.
- D. Social Contact Referral or Self-Referral



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1. A social contact referral or self-referral is when sworn personnel encounter an individual who meets the eligibility criteria for diversion into the LEAD Program but who is not committing or has not committed a criminal offense.
2. The individual is someone whom sworn personnel frequently encounter and whom sworn personnel believe would benefit from the LEAD Program. The individual must meet the eligibility criteria and is not disqualified based on the exclusionary criteria.
3. Sworn personnel who proceed with diverting an individual into the LEAD Program though a social contact referral or self-referral will contact the Bernalillo County LEAD Case Manager for intake and will provide a copy of the LEAD Client Screening Form to the Bernalillo County LEAD Case Manager.

E. Exclusionary Criteria

1. At the time of initial police contact and during the background check, an individual will be considered ineligible for diversion into the LEAD Program if they:
 - a. Have been convicted for any of the following crimes within the last three (3) years:
 - i. Homicide (all offenses);
 - ii. All felony and misdemeanor sex offenses;
 - iii. All violent offenses, including domestic violence offenses;
 - iv. Arson;
 - v. Stalking and violations of protection order (all offenses);
 - vi. Kidnapping/false imprisonment;
 - vii. Any criminal offense involving a deadly weapon;
 - viii. All crimes against children;
 - ix. Trafficking a controlled substance;
 - x. Registered sex offender; or
 - xi. Promoting or accepting the earnings of a prostitute.
 - b. Are not amendable to the LEAD Program; or
 - c. Are under eighteen (18) years of age.

- F. If an individual qualifies for the LEAD Program but needs emergency medical attention or an emergency mental health evaluation, sworn personnel have the discretion to forward a completed LEAD Client Screening Form to the Bernalillo County LEAD Case Manager for follow-up after the individual receives medical attention.

N/A 2-79-5 **Procedures for LEAD Program Referral**

7 A. Pre-Qualification

1. Before referring an individual to the LEAD Program, sworn personnel will complete a background check by using the databases and resources available to them in



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order to determine whether the individual has any disqualifying criminal history as indicated in this SOP.

B. Referrals for Eligible Individuals

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1. If the individual meets the eligibility criteria as confirmed through a background check, sworn personnel can use their discretion to divert the individual into the LEAD Program. When sworn personnel decide to divert an individual into the LEAD Program, they shall:
 - a. Contact the Bernalillo County LEAD Case Manager by telephone at (505) 250-6282 for intake;
 - b. Complete the LEAD Client Screening Form located in TraCS and provide it to the Bernalillo County LEAD Case Manager either in-person or by email at leadcm@bernco.gov;
 - i. Sworn personnel will complete the LEAD Client Screening Form for social contact referrals/self-referrals.
 - c. Complete all documentation consistent with Department policy and procedures, including, but not limited to, LEAD Client Screening Forms, Uniform Incident Reports, criminal summons, etc.; and
 - d. Be responsible for all other necessary paperwork as outlined in SOP Arrests, Arrest Warrants, and Booking Procedures and forward it to the LEAD Liaison at apdlead@cabq.gov.
2. When sworn personnel divert an individual for cases in which there is a victim involved, they will:
 - a. Explain the LEAD Program to the victim, allow the victim to make their own decision regarding prosecution, and will document the decision made by the victim;
 - b. Seek approval from the victim in order to divert the individual who has been charged away from the criminal justice system;
 - c. Complete the LEAD Client Screening Form and provide it to the Bernalillo County LEAD Case Manager;
 - d. Be responsible for completing all other necessary paperwork as outlined in SOP Arrests, Arrest Warrants, and Booking Procedures; and
 - e. Forward all other necessary paperwork to the LEAD Liaison.
3. When sworn personnel decide to divert an individual to the LEAD Program after-hours or when a Bernalillo County LEAD Case Manager is unavailable, sworn personnel can transport the individual to the CARE Campus or email the referral to the Bernalillo County LEAD Case Manager for follow-up via email.
4. The Bernalillo County LEAD Case Manager can complete an intake by responding to the scene, through a phone call with sworn personnel, or the sworn personnel can transport the individual to the CARE Campus (formerly known as MATS) at



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5901 Zuni Rd. SE. This process helps facilitate a “warm hand-off” between the Bernalillo County LEAD Case Manager, the individual, and sworn personnel.

C. Individuals Who Are Ineligible

If the individual is ineligible, sworn personnel shall file charges and proceed with the procedures outlined in SOP Arrests, Arrest Warrants, and Booking Procedures (refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanction classifications and additional duties).

D. Individuals with an Active Warrant

1. If an individual is diverted into the LEAD Program but has an active warrant, sworn personnel shall arrest the individual and process the individual for the warrant. Sworn personnel will follow the appropriate procedures for the warrant (refer to SOP Arrests, Arrest Warrants, and Booking Procedures for sanction classifications and additional duties). Sworn personnel will forward a completed LEAD Client Screening Form to the Bernalillo County LEAD Case Manager and to the LEAD Liaison for the new charges. Sworn personnel should remind the individual(s) that they must comply with the conditions of release set by the court, if applicable.

a. Sworn personnel have the discretion to divert an individual with any new criminal charges that make them eligible for the LEAD Program.

N/A 2-79-6

LEAD Program Participation

A. An individual will have fourteen (14) days upon release from custody to contact a Bernalillo County LEAD Case Manager for intake. An individual will have thirty (30) days to maintain compliance with the LEAD Program before sworn personnel file the charges for which the individual was diverted from the criminal justice system.

1. If the individual is non-compliant, the diverted charges will be filed by sworn personnel with assistance from the LEAD Liaison.

B. When an individual is diverted for criminal charges, they have fourteen (14) days to complete an initial intake with a Bernalillo County LEAD Case Manager.

C. An individual with criminal charges who was diverted from the criminal justice system will have fourteen (14) days upon release from a medical facility to contact a Bernalillo County LEAD Case Manager for intake.

N/A 2-79-7

LEAD Case Coordinating Group

A. The LEAD Case Coordinating Group is a collaboration between the Department and the following:

1. Bernalillo County Department of Behavioral Health Services;



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2. Bernalillo County Sheriff's Office (BCSO);
 3. Second Judicial District Attorney's Office;
 4. LEAD Coordinators with the Law Offices of the Public Defender;
 5. A person with lived experience of mental health; and
 6. Any party to the LEAD Program Memorandum of Understanding (MOU).
- B. LEAD Program partners will use the staffing meetings to discuss:
1. LEAD Program participants' situation and progress;
 2. Possible withdrawal of program support from participants who are not making effective use of the opportunity;
 3. Referral criteria, program capacity, and compliance with the protocol; and
 4. Particular cases or individuals to focus the attention of LEAD Program staff to include BCSO and the Department.
- C. Individual cases may be staffed more frequently via phone conferences as needed.

N/A 2-79-8 **LEAD Policy Coordinating Committee**

- A. The LEAD Policy Coordinating Committee is a collaboration between the following:
1. Bernalillo County Department of Behavioral Health Services;
 2. Second Judicial District Attorney's Office;
 3. LEAD Coordinators with the Law Offices of the Public Defender;
 4. Bernalillo County LEAD Case Managers; and
 5. Any party to the LEAD Program MOU.
- B. The LEAD Policy Coordinating Committee will hold staffing sessions to discuss major policy changes, program evaluation, funding, and service capacity.

7 2-79-9 **General Responsibilities**

- A. All sworn personnel assigned to Proactive Response Teams (PRT) shall be trained in the LEAD Program and shall be able to assist other sworn personnel in their respective area commands regarding the LEAD Program.



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B. LEAD Liaison

1. The LEAD Liaison shall maintain and update LEAD Program referrals and records and shall ensure that the required paperwork related to LEAD Program diversions and referrals are completed.
2. The LEAD Liaison is a collateral duty assignment overseen by the Crisis Intervention Unit (CIU). Department personnel may contact the LEAD Liaison at apdlead@cabq.gov.