

*Law Enforcement Assisted Diversion (LEAD) is a community-based diversion approach with the goals of improving public safety and public order, and reducing the criminal behavior of people who participate in the program. Many components of LEAD can be adapted to fit local needs and circumstances. There are, however, several core principles that are essential in order to achieve the transformative outcomes seen in Seattle.*

**According to the Prison Policy Initiative, more than two million people in America are incarcerated and more than four million people are under community supervision.** The collateral consequences of sex trade-related convictions can undermine existing support structures, set up barriers to exiting the sex trade, and make it harder to reduce exposure to violence and infectious disease. Traditional alternatives to incarceration, including prostitution or anti-trafficking courts, generally are not designed in a way which recognizes the realities of people disproportionately seen in these systems. The threat of punishment is used to motivate participants and those who cannot, or will not, exit the sex trade are told that they are failures and incarcerated, which is an approach that is increasingly understood to exacerbate trauma and dysfunctional coping strategies. People who trade sex need a wider and better range of options for wellbeing and success.

**Despite awareness of the negative impact of mass incarceration on individuals and communities, advocates and stakeholders did not have a working model for shifting this paradigm until the creating of the Law Enforcement Assisted Diversion (LEAD) programs in Seattle, Washington in 2011.** Originally designed to address racial disparities in drug arrests, LEAD is an innovative model that recognizes a need to start where communities are with law enforcement as the primary system with which street-based people who use drugs and trade sex interact. This model recognizes that the criminal legal system cannot and should not exist as the be-all and end-all for people who use drugs, but rather that law enforcement, prosecutors, service providers, and government officials can work together to more effectively meet the comprehensive needs of people who use drugs through community-based, harm-reduction framed care. By addressing valid business and neighborhood concerns about health and safety, as well as reducing state and county costs, this approach can reduce the pressure on systems to resort to punishment and stigma.

When implemented with fidelity to its core principles, LEAD shows promise for reducing some of the negative impacts of sex work criminalization by expanding human-rights and public health-based education within the criminal legal system, bolstering harm reduction services for sex workers, and increasing cross-sectoral partnerships. The Public Defender Association (PDA) offers the following recommendations for LEAD programs to address the concerns and needs of people engaged in survival and street-based sex work:

1. As a foundational element of LEAD, harm reduction acknowledges that both drug use and sex work occur along a continuum that includes, but does not center abstinence and exit, and attempts to address the risks associated with both activities. LEAD programs that include

prostitution-related crimes as eligible offenses for diversion should have a comprehensive understanding of what harm reduction means, both theoretically and in practice, when applied to the sex trade.

2. LEAD programs should endeavor to understand how racial and gender inequities have shaped the local sociopolitical environment surrounding sex work and sex trafficking. LEAD programs that divert prostitution-related crimes should work to understand the harmful impact of criminalization on the marginalized populations within the sex trade continuum. LEAD programs should also be knowledgeable on associated risk factors including increased exposure to violence, exploitation, barriers to reporting victimization, and infectious disease.
3. LEAD stakeholders should receive comprehensive harm reduction training and technical assistance on the continuum of experiences for those who trade sex; understanding harm reduction with people who use drugs is a good introduction, but is not sufficient to support this population.
4. LEAD programs should engage sex workers and trafficking survivors with a range of experiences in program design, implementation, and evaluation. LEAD service providers should seek to hire and advance the leadership of people with experience in the sex trade. LEAD programs should create partnerships with local sex worker rights groups where they exist.
5. LEAD should ultimately serve to increase survival and street-based sex worker access to safe and sensitive resources, especially housing, childcare, and healthcare, while also decreasing their lifetime contact with police and the criminal legal system.
6. LEAD programs should not expand the reach of law enforcement or the criminal legal system. The long-term goals of diversion programs include decreasing the harms of criminalization experienced by those who trade sex. This should also be reflected in budgeting for these efforts – if additional government funding is allocated, it should build up the services and resources offered by community-based, constituent-led organizations. Services and community-based organizations should be primary grantees, and not sub-grantees of law enforcement.
7. LEAD programs should include transparent accountability measures, including a mechanism for complaints and regular review process by those who have been involved in the program and other community partners. Accountability mechanisms should be planned at the outset with opportunities for program adjustment to meet these goals, including a process for evaluating racial and gender equity and addressing abuse or mistreatment by police or poor service provision.
8. LEAD programs should recognize the inherent power imbalance between institutional actors and potential program participants. Access to LEAD resources, including diversion from harmful systems, often involves discretion by a variety of institutional actors including front line law enforcement and prosecutors. Predicating access to these resources upon sexual interactions or other coercive tactics are forms of exploitation and should be treated as such.