National Retraction Brief:
Law Enforcement Assisted Diversion (LEAD)—Misleading Congress and Changing Federal Law

Part 2 of 2, August 2026

Summary: False versions of LEAD[1] claims spread widely in Congress across 2015 - 2016, and beyond. In May 2016, LEAD's largest and most prominent false number was used as the primary evidence for an amendment inserting pre-arrest diversion into federal law for the first time. Following this, hundreds of millions of public dollars were directed by name towards LEAD programs.

A large majority of publicly distributed information from 2015-2026 referring to the LEAD model's evidence base contains significant factual errors. Large in both number and size, falsehoods have permeated LEAD adoption and funding across more than twenty states and have been codified into congressional appropriations, government grants, private donations, municipal budgets, and state-and-local legislation. The most commonly cited false claim of a "58% lower likelihood of arrest" for LEAD participants **roughly doubles** whatever LEAD's initial study might support as a "lower likelihood".

1 LEAD is a registered trademark of the Public Defender Association

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2 September 2026, version 1.2

I. How Pre-Arrest Diversion Went National

Since 2015, the Law Enforcement Assisted Diversion (LEAD) model has spread across dozens of cities and counties in more than twenty states. Rooted in principles of criminal justice reform, LEAD's goal is to reduce arrests, prosecution, and jailing, primarily for people who use drugs. In 2016, false citations from LEAD's 2015 evaluation were a main data source used by Seattle-area members of Congress to change federal law and permanently adopt programs like LEAD into federal appropriations. Falsehoods sped LEAD's movement through Congress with necessary bipartisan support, followed by nine years of congressional appropriations and hundreds of millions of dollars in federal, state, and local public spending and private grants.

Transcripts[1] from a July 28, 2015, meeting of a U.S. House Judiciary sub-committee demonstrate how misinformation spurred LEAD's success. District Attorney Angela Rosalina Pacheco was testifying in support of LEAD. In response to Rep. Jim Sensenbrenner (R-WI) questioning whether LEAD participants really committed fewer crimes, Pacheco stated, "*Seattle has shown that the program...it would be 80 percent less, Mr. Chairman.*" Sensenbrenner verified, "*It is 80 percent less than the recidivism rate before the program started in Seattle?*" Pacheco replied, "*Correct*". Sensenbrenner then stated for his colleagues, "*Well, let me say that I think this is probably the most important thing we ought to look at...*", also saying, "*...and we can talk about saving lives and*

1 https://www.govinfo.gov/content/pkg/CHRG-114hhrg95685/html/CHRG-114hhrg95685.htm

giving people hope." LEAD's 2015 study demonstrated no statistically significant differences for total criminal charges and non-warrant arrests across LEAD and non-LEAD participants—key measures of "recidivism". A 2018 LEAD replication study from Pacheco's jurisdiction found, "*LEAD clients did however experience a statistically significant increase in the average number of new and warrant arrests (2.61, to 3.68).*[2]"

After the initial 2015 hearing, a decade of public records consistently portrays Republican and Democrat members of Congress advocating for LEAD with false numbers. This served to multiply LEAD's expected effectiveness and influenced its success inside the federal system. The LEAD model's parallel path into local and state laws is similarly linked to falsehoods.

II. LEAD's False Numbers

Three months before Pacheco's testimony, University of Washington researchers and LEAD advocates celebrated the pilot evaluation's release. LEAD's April 8, 2015, press release[3] incorrectly stated: "People in LEAD were 58% less likely than people in the control group to be arrested", and the evaluation report makes a similar error[4]. Later statements and materials would claim, "LEAD reduced recidivism for all crimes by 58%[5]." LEAD's founder marked a LEAD-focused $625,000 "Genius Grant" personal cash prize with the claim,

2 https://nmsc.unm.edu/reports/2018/the-santa-fe-law-enforcement-assisted-diversion.pdf
3 https://depts.washington.edu/harrtlab/wordpress/wp-content/uploads/2015/04/2015-04-08-LEAD-Press-Release-and-Evaluation-Summary.pdf
4 https://www.ojp.gov/library/publications/lead-program-evaluation-recidivism-report
5 https://seattle.legistar.com/View.ashx?M=F&ID=15415213&GUID=36EC41B0-0EB0-40FE-9E74-9676BE88BEF1

"...folks who got to participate in LEAD were 58% less likely to commit a new crime[6]." Those formulations roughly doubled or tripled the study's figures.

In terms of 58%, the study described an odds ratio—an abstract statistical measure which is difficult to explain in plain terms. From 2015 to 2026, LEAD advocates repeatedly took the abstract 58% figure and improperly placed it into everyday "reduced by" and "less likely" statements. This roughly doubled ('less likely') and tripled ('reduced by') figures derived from LEAD's study, making LEAD appear far more effective than it was. Either 'likelihood' and 'reduction' could have been presented honestly, but as smaller and less-impressive figures.

Authentic figures from the 2015 study should also be treated cautiously: Non-warrant arrests and total charges showed no statistically significant differences for the LEAD and non-LEAD groups; the groups were small and dissimilar; outside influences were significant; and statistical adjustments by researchers were insufficient to produce causal evidence overall. While LEAD is regularly described as "evidence-based", the common meaning of this term cannot accurately be applied to LEAD, its initial 2015 research, and follow-up studies.

Between 2015 and 2026, federal, state, and local governments didn't know LEAD's advertised numbers were mostly presented as false and exaggerated formulations, and evidently weren't told that the study itself fell short of being gold-standard causal evidence[7].

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6 https://youtu.be/6gaHYfZM-Ks?si=2vKcmLr5A9qDirtL&t=91

7 https://www.washingtonpolicy.org/publications/detail/inaccurate-claims-systematic-overstatements-and-selection-bias-undermine-justification-for-seattles-lead-model-new-report-finds

III. LEAD's Journey into Federal Law

Weeks after the study's publication, LEAD was at the White House on July 2, 2015 , in "*...a forum for law enforcement and community leaders from more than 30 cities across the country*." The White House published a release[8] for the event, stating "In Seattle, the program is showing results at building a more efficient criminal justice system and a stronger, safer community."

By the end of the month, District Attorney Angela Rosalina Pacheco had given her testimony before the U.S. House of Representatives. Along with Rep. Sensenbrenner, several other Democrat and Republican members of the sub-committee voiced interest in LEAD. Different parts of the federal government were working to understand and solve a national opioid-use crisis, and LEAD appeared to promise the kind of life-saving behavior change lawmakers were searching for.

LEAD advocates built on these early political successes, lobbying both Republicans and Democrats to write legislation codifying LEAD into federal law. They eventually succeeded through their local connection to Seattle-area Rep. Suzan DelBene (D-WA). By this time, false descriptions of LEAD's study appear to have become established among members of Congress and their staff, with subsequent official mentions of LEAD's results featuring only the erroneous versions of the claims.

8 https://obamawhitehouse.archives.gov/blog/2015/07/02/lead-ing-way-more-efficient-criminal-justice-system

In response to rising opioid abuse, in May 2016 the U.S. House of Representatives considered the Comprehensive Opioid Abuse Reduction Act (CARA). In the lead-up to a vote, Rep. DelBene authored an amendment[9] "*developing, implementing, or expanding a treatment alternative to incarceration program, which may include...a community-based substance use diversion program sponsored by a law enforcement agency*" to specifically insert LEAD-like programs into CARA. The House Rules Committee advanced the amendment on May 10th. On May 12th, Rep. DelBene formally and successfully introduced the amendment before the full bill was passed.

From the House Floor, May 12, 2016, before the vote[10]:

- Rep. Suzan DelBene (D-WA)[11]**:** *"LEAD successfully reduces recidivism by as much as 60 percent," and "Instead of arresting and prosecuting low-level drug offenders, we should be supporting successful programs like LEAD that direct them to the community-based services and help that they need."*
- Rep. Jim Sensenbrenner (R-WI)**:** *"I thank the gentlewoman from Washington for offering this amendment, and I support it. This amendment clarifies that grant monies authorized by H.R. 5046 can be used to fund community-based substance abuse diversion programs sponsored by law enforcement agencies"*
- Rep. John Conyers (D-MI)**:** *"And I also congratulate Congresswoman Suzan DelBene (D-WA), who worked so hard to ensure this bill would find promising*

9 H.Amdt.1000 to H.R.5046 https://www.congress.gov/bill/114th-congress/house-bill/5046

10 COMPREHENSIVE OPIOID ABUSE REDUCTION ACT OF 2016; Congressional Record Vol. 162, No. 75

11 http://youtube.com/watch?v=RF6PfLvQQ80

approaches to opioid abuse that were pioneered in her district. Fortunately, we now have a better way of addressing issues of addiction, and we know that incarceration is not the answer. For instance, the Judiciary Committee's Crime, Terrorism, Homeland Security, and Investigations Subcommittee held a [July 28, 2015] hearing last year that examined, among other things, the promising use of the Law Enforcement Assisted Diversion approach employed in cities such as Seattle..."

- Rep. Bob Goodlatte (R-VA): *"The [LEAD] approach, which reduces, by the way, recidivism by 60 percent, is just one example of the innovation and the State and local levels that we must encourage through increased funding..."*

May 13, 2016, in House Conference[12]:

- Rep. John Conyers (D-MI): *"These innovations include, for instance, the Law Enforcement Assisted Diversion approach, which has been utilized with great success in two cities of which I know--in Seattle and in Santa Fe", and "The diversion approach, which reduces, by the way, recidivism by 60 percent..."*

Through false descriptions of both 60% and 80% reductions in reoffending, members of Congress were persuaded that LEAD's research demonstrated a reduction far higher than was shown in research. Because LEAD's authentic numbers were much closer to existing criminal justice approaches, the false version of LEAD's data served to portray a superior and proven new approach.

12 COMPREHENSIVE ADDICTION AND RECOVERY ACT OF 2016; Congressional Record Vol. 162, No. 76

How District Attorney Pacheco and members of Congress came to have false versions of LEAD claims is unclear. Dozens of cities around the country were on a parallel path, with similar false versions preceding LEAD replication in states like New York[13], Michigan[14], New Mexico[15], and North Carolina[16].

IV. LEAD's Annual Congressional Appropriations

Following its successes in 2015 and 2016, by 2017 LEAD was formally granted specific congressional appropriations through the Comprehensive Opioid Abuse Program (COAP). On July 27, 2017, the U.S. Senate's Committee on Appropriations submitted a report for 2018 appropriations:

- *Of the $21,000,000 for COAP no less than $2,500,000 shall be made available for additional replication sites employing the Law Enforcement Assisted Diversion [LEAD] model, with applicants demonstrating a plan for sustainability of LEAD-model diversion programs."*

LEAD's advocates also cultivated support in the Senate, where interest in LEAD was discussed during a public hearing of the Senate Committee on Health, Education, Labor, and Pensions on November 30, 2017[17]:

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13 https://www.health.ny.gov/diseases/aids/ending_the_epidemic/docs/drug_user_health_advisory_group.pdf

14 https://www.michigan.gov/msp/-/media/Project/Websites/msp/gcsd/2023-files/LEAD-Bureau-Fact-Sheet-2020-COSSAP.pdf?rev=cece2393057340baba301cf340548f84&hash=50742424F5AA7F-0F44E80C5B667B0347

15 https://www.nmlegis.gov/handouts/LHHS%20101915%20Item%206%20Law%20Enforcement%20Assisted%20Diversion%20(LEAD).pdf

16 https://ncmedicaljournal.com/article/55022-meeting-opioid-users-where-they-are-a-service-referral-approach-to-law-enforcement.pdf

17 S.Hrg. 115-870 — THE FRONT LINES OF THE OPIOID CRISIS: PERSPECTIVES FROM STATES, COMMUNITIES, AND PROVIDERS

- Sen. Elizabeth Warren (D-MA): *"I led a number of my colleagues in calling for more funding to support LEAD and other diversion programs like it."*

LEAD's path to winning support for an initial award of federal funds is described by Rep. Pramila Jayapal (D-WA), representative from the Seattle-area congressional district which hosts LEAD's informal national headquarters though the non-profit Public Defender Association. A March 23, 2018, press release[18] from Rep. Jayapal's office states:

- *"Congresswoman Pramila Jayapal scored a victory for the Seattle-based Law Enforcement Assisted Diversion (LEAD) program by securing funding to expand the initiative nationwide. Last September, Jayapal led 10 members of Congress in urging the House Appropriations Committee to allocate $2.5 million to the program. She continued to build support for LEAD funding, working with Rep. Jim Sensenbrenner (R-WI), and corralled four other Republican members and 10 Democrats to join her in another letter with the same request."*

- *"The LEAD program has undergone a rigorous, two-year evaluation by the University of Washington. The evaluation concluded that LEAD participants were up to 60 percent less likely to reoffend, and the evaluation saw demonstrated improvements in the health and wellbeing of participants."*

18 https://jayapal.house.gov/2018/03/23/jayapal-scores-legislative-victory-expand-seattle-based-lead-program-nationwide/

LEAD continued as a feature of Congressional discussion and increased its share of appropriations. At a May 8, 2018, meeting of the U.S. House Committee on the Judiciary[19]:

- Rep. Jerry Nadler (D-NY): *"There are a number of proven alternatives that are being implemented in the States, and we must commit to supporting them. For instance, law enforcement assisted diversion programs, known as LEAD, allow law enforcement to divert appropriate arrestees from criminal court, instead providing treatment and other services that address addiction and reduce recidivism. Developed and initially implemented in Seattle, the LEAD approach is now being used with success in other areas. We should support efforts such as LEAD..."*

LEAD's success increased through further Congressional support. On June 25, 2019, Rep. Pramila Jayapal's office shared a press release summarizing LEAD's progress through Congress:

- *"Rep. Jayapal successfully secured $10 million – a 300% increase from FY 2019 – in funding for the Law Enforcement Assisted Diversion (LEAD) program."*

The program received continued support in annual appropriations, including:

- FY 2020: *"...and $10,000,000 for additional replication sites employing the Law Enforcement Assisted Diversion (LEAD) model, with applicants demonstrating a plan for sustainability of LEAD-model diversion programs[20]".*

19 https://www.congress.gov/115/chrg/CHRG-115hhrg32941/CHRG-115hhrg32941.pdf

20 H. Rept. 116-101 - COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2020

- FY 2021: "*...and no less than amounts provided in fiscal year 2020 for additional replication sites employing the Law Enforcement Assisted Diversion (LEAD) model*[21]"
- FY 2022: "*...no less than $11,000,000 shall continue to be made available for sites employing models consistent with LEAD*[22]."
- FY 2023: "*...no less than $11,000,000 for additional replication sites employing the Law Enforcement Assisted Diversion (LEAD) model*[23]"
- FY 2024: "*no less than $11,000,000 shall be made available for additional replication sites employing the Law Enforcement Assisted Diversion [LEAD] model*[24]"
- FY 2025: "*...not less than $11,000,000 shall be made available for additional replication sites employing the Law Enforcement Assisted Diversion [LEAD] model*[25]"
- FY 2026: "*...not less than $11,000,000 shall be made available for additional replication sites employing the Law Enforcement Assisted Diversion [LEAD] model*[26]"

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21 H. Rept. 116-455 - COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2021

22 H. Rept. 117-97 - COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2022

23 H. Rept. 117-395 - COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2023

24 S. Rept. 118-62 - DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2024

25 S. Rept. 118-198 - DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2025

26 S. Rept. 119-44 - DEPARTMENTS OF COMMERCE AND JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS BILL, 2026

LEAD's national sponsor organization, the Seattle-based Public Defender Association, also benefited from instances of direct appropriations. A press release from the office of Rep. Adam Smith (D-WA) describes[27]:

- *"The LEAD program has been a highly successful model to divert low-level offenders and others referred by law enforcement into case management and harm reduction programs that include mental health care, chemical dependency treatment, and other relevant services. The funding I requested will enable LEAD to enhance their vital work in the Chinatown-International District and expand to Southeast Seattle."*

A later 2024 federal audit[28] of the Smith-sponsored grant described "*Significant deficiency in internal controls over financial reporting*" within PDA, and "*Material weakness in internal control over compliance with procurement procedures*" regarding the grant.

LEAD's Perpetual Misalignment with Federal Guidelines

At the time LEAD became a part of federal law, it already conflicted with federal guidelines for substance use and addiction. In LEAD materials from April 26, 2026, and presented to the Seattle City Council[29], advocates incorrectly state:

- *"LEAD recovery services model of care aligns with SAMHSA recovery framework pillars (a safe place to live, access to medical & behavioral health care, relationship/connection, & well-founded hope for a meaningful life)"*

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27 https://adamsmith.house.gov/rep-smith-submits-community-project-funding-request-public-defender-association

28 2024-12-GSAFAC-0000378681

29 https://seattle.legistar.com/View.ashx?M=F&ID=15415213&GUID=36EC41B0-0EB0-40FE-9E74-9676BE88BEF1

This statement is untrue, but it summarizes how LEAD has been misrepresented to lawmakers nationwide. Originally published in 2011, the SAMHSA recovery framework defines:

"Four Major Dimensions of Recovery"

Health: *"Overcoming or managing one's disease(s) or symptoms - for example, abstaining from use of alcohol, illicit drugs, and non-prescribed medication if one has an addiction problem"*

- The LEAD Fidelity Framework[30] articulates that LEAD is implemented *"...without imposing expectations for abstinence"* and *"There is no participation requirement other than intake and release of information."*

Home: *"Having a stable and safe place to live"*

- The LEAD program connects participants to housing in which lethal drugs like fentanyl and methamphetamine may be used without restriction

Purpose: *"Conducting meaningful daily activities, such as a job, school volunteerism, family caretaking, or creative endeavors, and the independence, income, and resources to participate in society"*

- In August 2026, the program's founder clarified[31] LEAD's views on independence and income, stating *"[Jobs are] not a stated goal of the program."*

30 https://leadbureau.org/wp-content/uploads/2023/02/LEADFidelityFramework-v2_9-29-22.pdf
31 https://www.thecentersquare.com/washington/article_dfde14be-457d-48ef-991b-1b8968e5df69.html

Instead of being aligned with the SAMHSA recovery framework, LEAD appears to be directly opposed to it. Through 2026, research shows only unclear and conflicting evidence of whether the approach is an effective intervention to reduce crime and improve wellbeing. This brief's authors have been unable to find publicly communicated information about participant mortality across LEAD's national program sites, but expect that mortality rates among diverted participants will significantly exceed that of comparable 'arrested' populations.

V. Recommendations for Policy Actions

In August 2026, the Washington Policy Center published an analysis of LEAD's pilot research, its history of inaccurate and misleading claims, and the impact of its national popularization. The Center calls for a national pause on the LEAD model, and recommends independent audit of LEAD programs wherever adopted by government. Since 2015, the LEAD model has absorbed hundreds of millions of dollars in federal, state, local, and philanthropic funding, and is used across jurisdictions representing tens of millions of Americans.

The eleven-year pattern of erroneous claims, unquestioned congressional appropriations, and widespread adoption of the LEAD model sets a dangerous precedent for the loss of public oversight in justice reform initiatives. For over a decade, policymakers and the public believed a story of large reductions in crime and powerful individual transformations. The stark reality demands immediate congressional scrutiny and a fundamental national reassessment of how criminal justice reform is evaluated and funded in the United States.

The Washington Policy Center's original analysis may be found here:

https://www.washingtonpolicy.org/publications/detail/inaccurate-claims-systematic-overstatements-and-selection-bias-undermine-justification-for-seattles-lead-model-new-report-finds