

Amendment 5 Version 1 to CB 120645 - MO Public Safety and Health Response to the Opioid  
Crisis ORD

**Sponsor:** Councilmember Pedersen

Adding reporting requirements and OIG request

**Effect:** This amendment would ask the Office of the Inspector General to work with SPD and other relevant departments to collect data and share data with the Council to help it evaluate how the policy guidance regarding diversion is impacting an officer's ability to do their job and provide recommendations.

Amend recitals of CB 120645 as follows:

\* \* \*

WHEREAS, 2E2SSB 5536 reclassifies the knowing possession of a controlled substance, and the knowing use of a controlled substance in a public place, as gross misdemeanors; and

WHEREAS, Council Bill 120586, received by the City Clerk on May 17, 2023, aimed to adopt 2E2SSB 5536 into the Seattle Municipal Code, but was rejected by a 5 to 4 vote of the City Council on June 6, 2023; and

WHEREAS, the reclassification provisions took effect on July 1, 2023, and certain other provisions of the law will take effect on August 15, 2023, and January 1, 2025; and

\* \* \*

WHEREAS, The City of Seattle is committed to coordinating with King County government as it endeavors to provide these services to county residents, including those within Seattle; and

WHEREAS, the Mayor “introduced a plan to invest \$27 million toward facilities, treatments, and services to address the opioid crisis – a significant investment to save lives and improve access to care,” according to his July 31, 2023 press release; and

WHEREAS, The City of Seattle recognizes that prior federal, state, and local drug offense law enforcement and policies, including the “war on drugs,” disproportionately impacted Black, Indigenous, and People of Color and caused trauma and pain that lingers still today in these communities; and

WHEREAS, the Mayor has requested and the City Auditor has agreed to conduct an audit to identify and document evidence-informed place-based interventions for reducing substance use disorder-related crime, disorder, and overdose incidents among people using drugs in areas with high levels of concentrated crime to help the city government better respond to the urgent need in Seattle to address escalating drug overdoses, fatalities, crime, and victimization associated with substance use disorder that are concentrated in and around specific public places; and

WHEREAS, the data and recommendations requested from the Office of Inspector General for Public Safety (OIG) would complement the work of the City Auditor; and

WHEREAS, because the City of Seattle would be implementing provisions related to harm that constitute an addition to the state law, an independent review of the administration and effectiveness of those provisions is warranted along with any recommendations for improvement; and

WHEREAS, such an independent review would assist the Executive and the Council in determining whether the policy guidance regarding diversion is affecting the ability of Seattle Police Department officers to promote public safety; and

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Amend Section 3 of CB 120645 as follows:

H. Reporting Requirements((-)

1. If an officer determines, based on the totality of circumstances, that an arrest is authorized by this Section 3.28.141, an arrest report shall be completed by the officer that includes, at a minimum, the facts establishing probable cause, an assessment of the threat presented by the individual engaged in possession and public use, and whether, and in what manner, arrest or diversion was considered or utilized.

2. The Office of Inspector General for Public Safety (OIG) (and/or an independent, academically based research organization engaged by OIG) and SPD shall work with the City Attorney's Office, Seattle Municipal Court, the Seattle Fire Department, and any other relevant departments to obtain the data described in subsections 3.28.141.I.1 through 3.28.141.I.12 by January 1, 2025 and annually on January 1 until 2030.

3. To the extent practicable, SPD officers shall collect and record in the department's record management system (RMS) data each contact with an individual in pursuit of enforcement of the crimes described in subsection 3.28.141.A and the number of attempts to contact and coordinate efforts for diversion, outreach, and other alternatives to arrest as described in subsection 3.28.141.F. If SPD is unable to collect the data described in this subsection 3.28.141.H.3, SPD and OIG shall endeavor to collect such data from service providers.

I. Annual reporting and recommendations. OIG and/or an independent, academically based research organization engaged by the Office of the Inspector General shall review

implementation of this Section 3.28.141 to determine the impact of subsections 3.28.141.E and 3.28.141.F, including but not limited to the ability of SPD officers to effectively address incidents described in subsection 3.28.141.A and based upon that review, provide recommendations to improve this Section 3.28.141 and related policy. OIG shall also provide recommendations regarding data collection and operationalization of such data collection to improve the City's ability to assess the effectiveness of this ordinance. A preliminary report shall be provided to the Council by June 30, 2025. The following data, or an explanation of why the data is unavailable, and written recommendations shall be provided by the OIG to the Council by December 31, 2025, and at least annually by December 31 until 2030:

1. The number of drug overdoses in Seattle on a quarterly basis (including baseline years of 2019 – 2022 and the first three quarters of 2023);
2. The number of shootings in which drugs were present or an individual was under the influence of drugs within Seattle on a quarterly basis (including baseline years of 2019 – 2022 and the first three quarters of 2023);
3. The number of 911 calls about use of controlled substances in a public place on a quarterly basis (including baseline years of 2019 – 2022 and the first three quarters of 2023);
4. The number of documented contacts between police officers, including community service officers, and individuals encountered in pursuit of enforcement of the crimes described in subsection 3.28.141.A;
5. The number of attempts by police officers, including community service officers, to contact and coordinate efforts for diversion, outreach, and other alternatives to arrest as described in subsection 3.28.141.F;
6. The number of arrests for the crimes described in subsection 3.28.141.A;

7. The number of individuals transported for booking at jail and of that number: the name of the jail, the number of individuals who are booked into jail, the number of individuals the jail did not accept, the number of individuals transported to a medical facility, and the number of individuals released without booking into jail or being transported to a medical facility;

8. The number of possession and public use cases referred to the City Attorney's Office for prosecution;

9. The number of referred cases dismissed before or during trial, including pre-filing diversion cases;

10. The reasons for dismissal of referred cases;

11 The results of any interviews of SPD personnel with experience in the field implementing this Section 3.28.141 and their suggestions, if any, for improving the law or related policies, including the feasibility of implementing subsection 3.28.141.E and 3.28.141.F; and

12. Any other information deemed by OIG as helpful for the purposes of the review required by this subsection 3.28.141.I or providing written recommendations.