



**SEATTLE CITY  
ATTORNEY'S OFFICE  
ANN DAVISON**

# **Stay Out of Drug Area (SODA) Legislation**

**August 2024**

- Stay Out of Drug Area (SODA) orders are judicial orders for a defendant to stay out of a designated area as a condition of pre-trial release or sentence.
- SODA order legislation is used in other Washington jurisdictions to disrupt concentrated drug market areas:



- Seattle Municipal Court issued SODA orders through approximately 2010.
  - Those orders were not authorized by legislation.
  - They were criticized for being too large and difficult to enforce.
- The proposed legislation:
  - Creates smaller data-based SODA zones focused on hot spots of public drug activity.
  - Avoids areas with supportive housing and services (e.g., 3<sup>rd</sup> Avenue from Virginia to Blanchard).
  - These zones are intended to ameliorate community harm caused by long-term concentrated drug-related activity & crime.
- SODA orders (like all judicial orders) are only enforceable if a person has legally sufficient notice of the conditions/restrictions.



- SODA orders must be issued and signed by a judge.
- They may be issued pretrial subject to CrRLJ 3.2 or after a conviction.
- Certain offenses are eligible **only** if committed in a SODA zone:
  - 1) Possession or public use of an illegal controlled substance; or
  - 2) Assault, harassment, theft, trespass, property destruction, or unlawful weapons, **provided** the court finds a **nexus** between the offense and illegal drug activity.
- The **judge** will always have **discretion** to decide if a SODA order is appropriate based on the evidence and individual circumstances.
- SPD can use SODA orders to lawfully contact recidivist offenders.

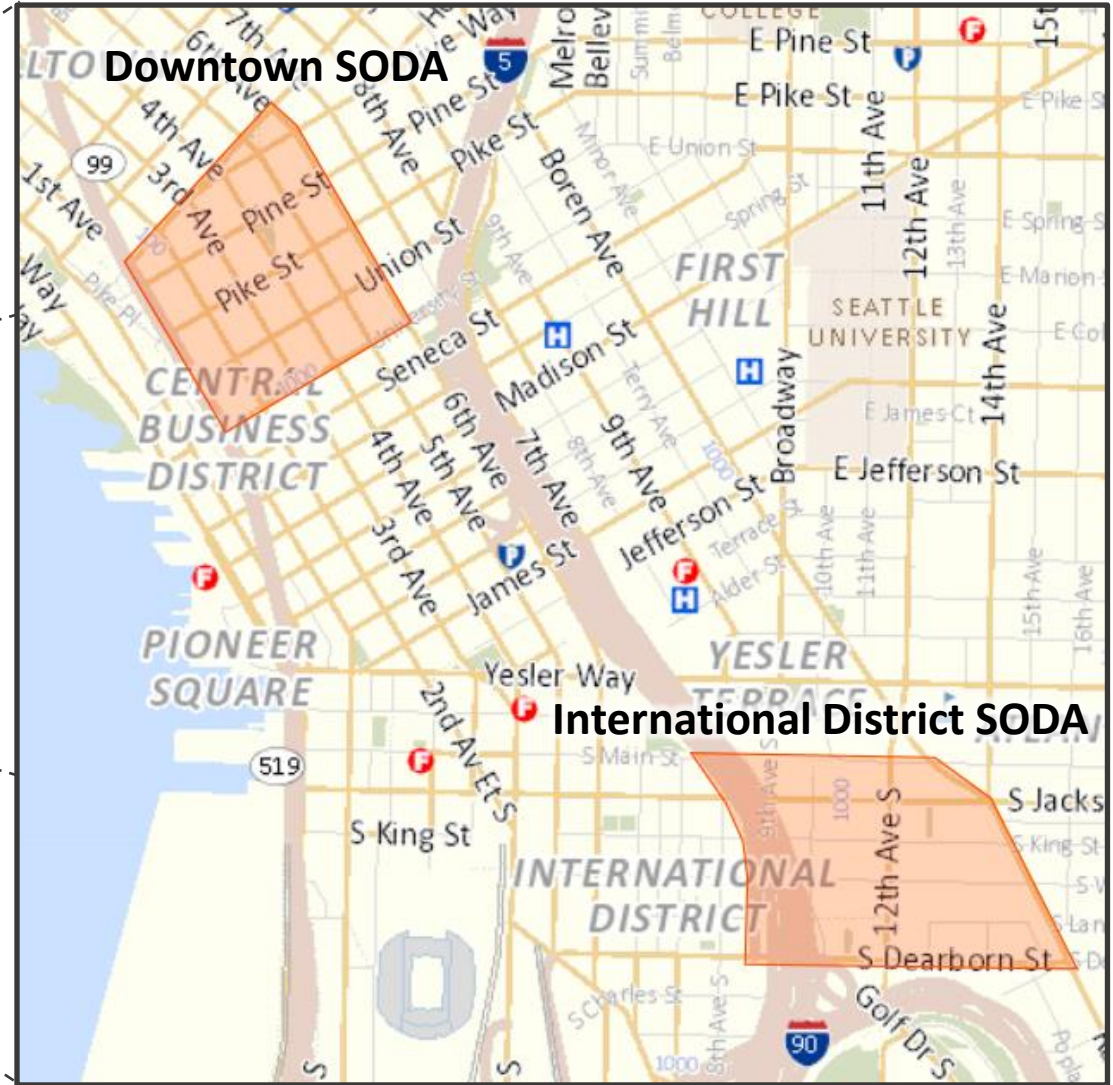
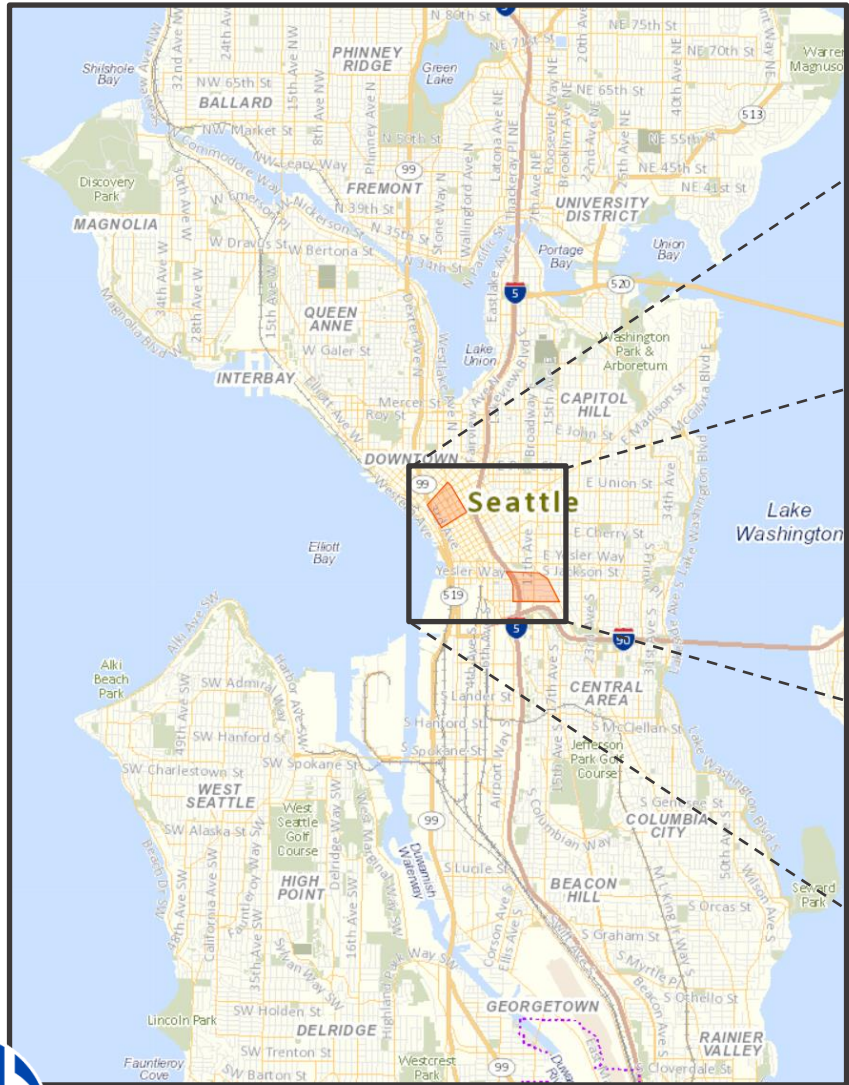


- Before *State v. Blake* (Feb. 2021), drug possession cases were felony offenses prosecuted in superior court. These cases **were not** handled in municipal court.
- Felony drug possession cases often imposed conditions of release and/or community custody requiring supervision, treatment, and staying away from known drug areas.
- Exclusion orders for drug areas and geographic restrictions are contemplated under state law in several contexts. For example:
  - Drug trafficking exclusion orders issued in superior court. See RCW 10.66.
  - Drug-free zones and enhanced penalties for VUCSA violations in those zones. See RCW 69.50.435.
  - Travel and movement restrictions as a condition of community custody. RCW 9.94A.703(3)(a).
- These restrictions have generally been held to be lawful when they bear a connection to the underlying offense, serve a rehabilitative or crime-deterrent purpose, are not overly broad, and provide clear notice of the prohibited areas.

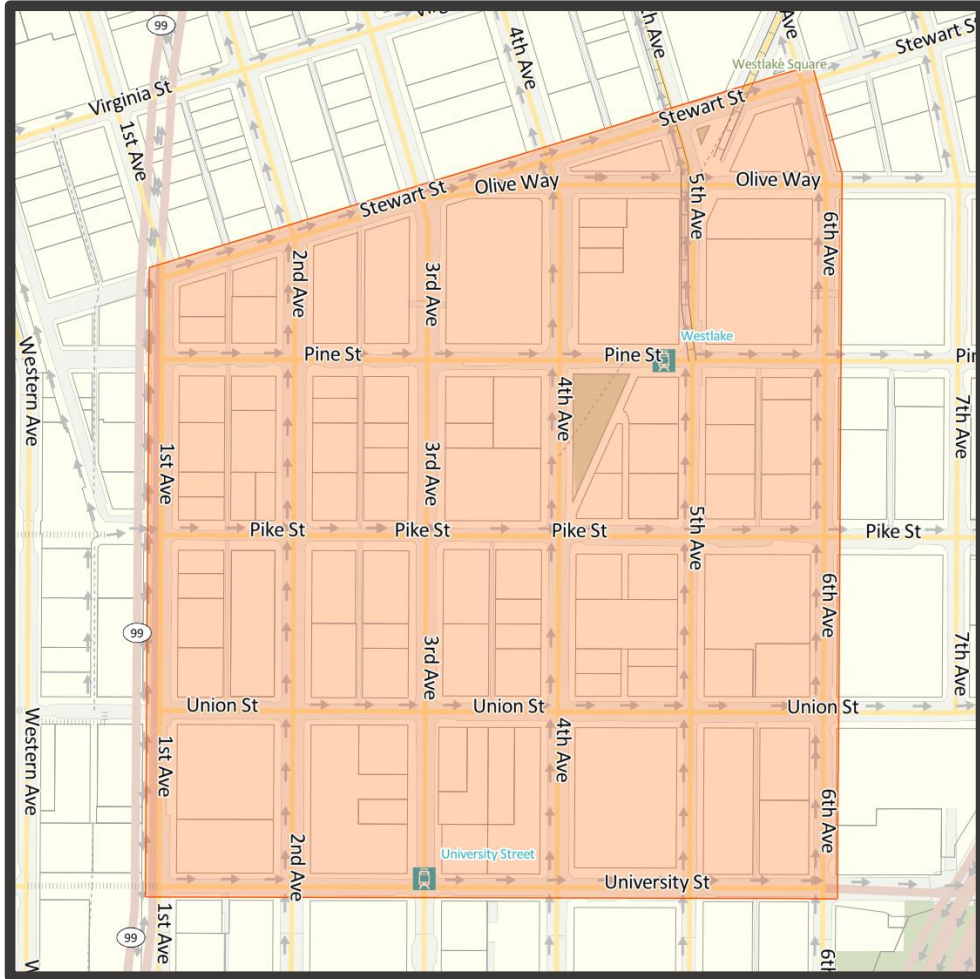


- Drug possession charges did not exist in municipal courts prior to *Blake*.
- This is new territory for cities. It is an unfunded mandate that moves drug cases into municipal courts.
- Cities do not have access to the same sentencing resources available in felony prosecutions (such as the Drug Offender Sentencing Alternative, community custody supervision & treatment, drug court, Parenting Offender Sentencing Alternative, etc.).
- Cities now must create the legislative and operational frameworks needed to address these cases.
- SODA orders are one piece of the Seattle response balancing compassion/treatment with public safety/community well-being.

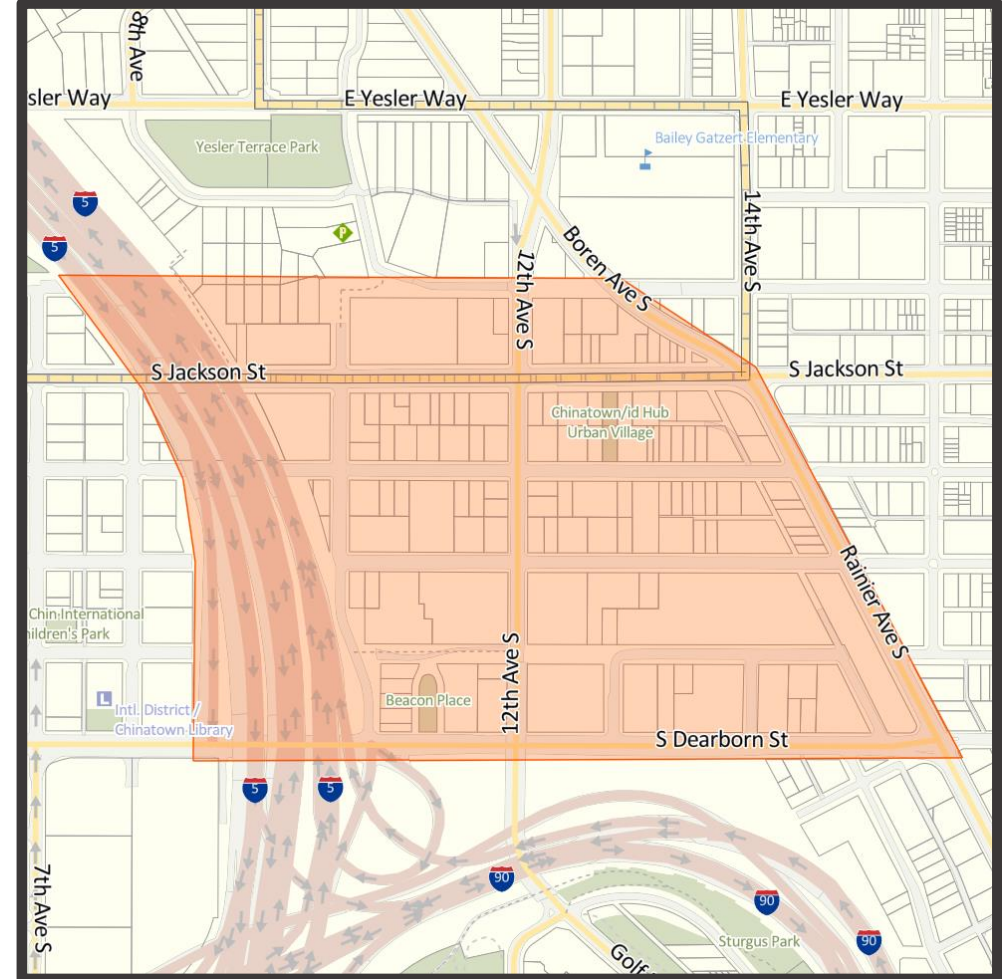




## Downtown SODA

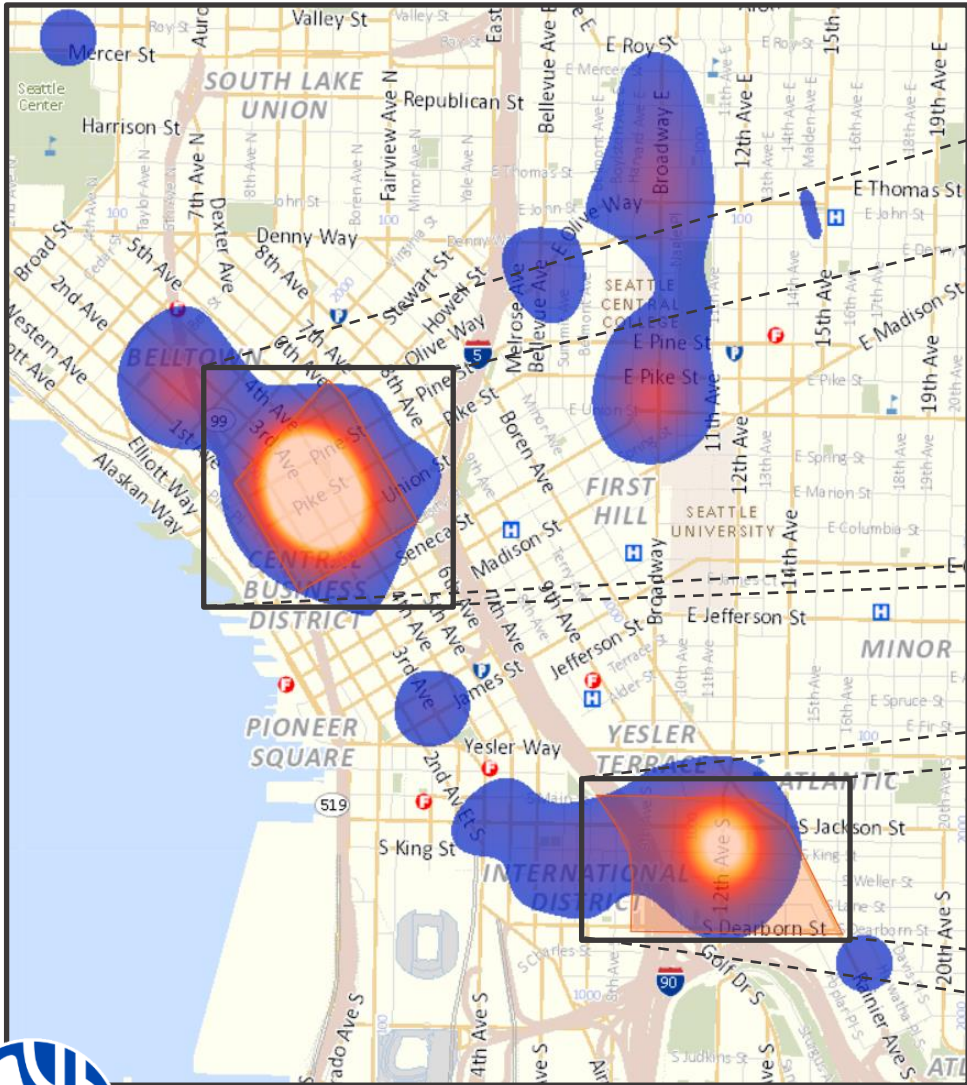


## International District SODA

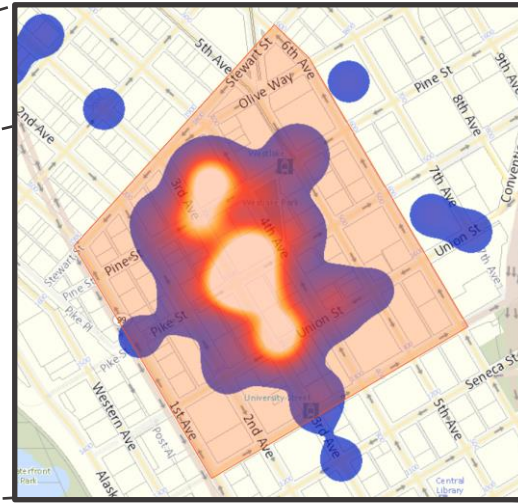




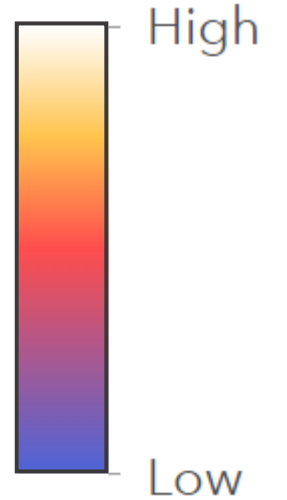
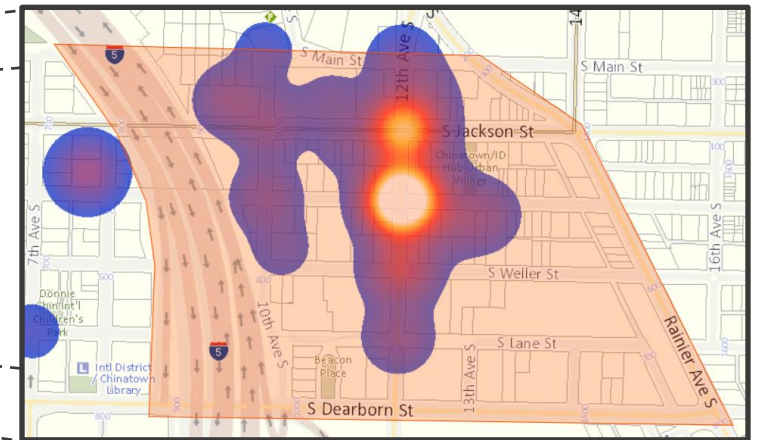
# Drug Use/Possession Heat Maps



Downtown SODA



International District SODA



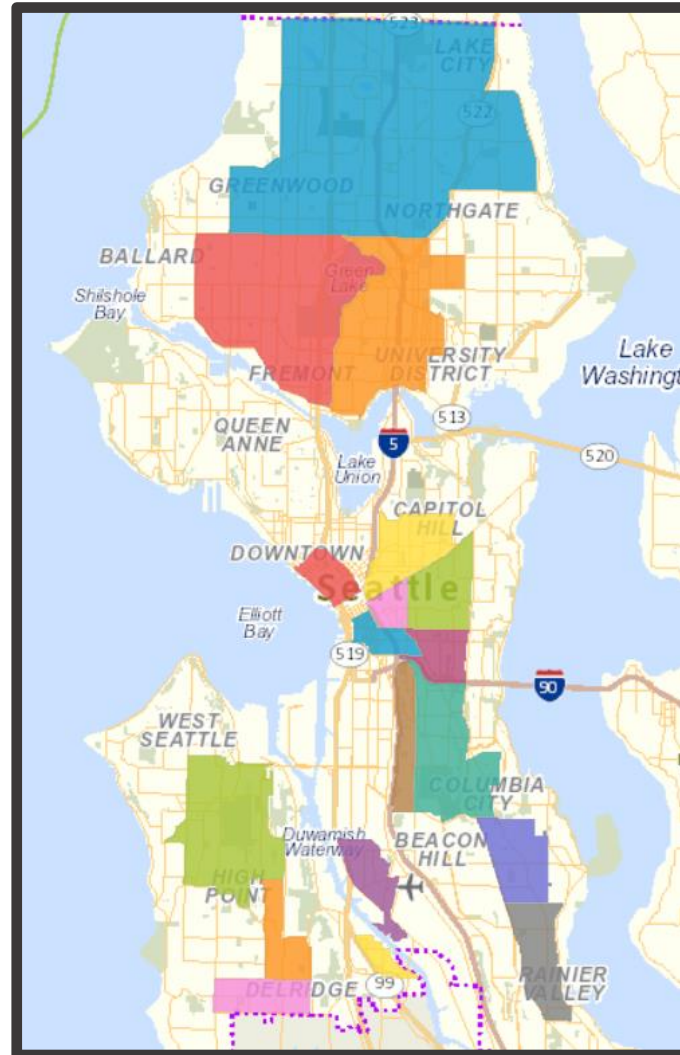
**Questions?**



**Seattle City Attorney's Office**

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**August 2024**



(Discontinued approximately 2010)

