

## SEATTLE POLICE DEPARTMENT MEMORANDUM

TO: Councilmember Bruce Harrell

DATE: JULY 16, 2015

FROM: Chief Kathleen O'Toole 

SUBJECT: SEMI-ANNUAL MARIJUANA POSSESSION REPORT

**Background:** Pursuant to Ordinance 124393, the Seattle Police Department submits this memorandum to the Public Safety, Civil Rights and Technology Committee. Ordinance 124393 relates to the enforcement of SMC 12A.20.100 – “Opening or consuming marijuana products in public”, and requires the Department to “monitor the enforcement of the ordinance for at least two years. Monitoring shall include, but not necessarily be limited to, a periodic review and analysis of the age, race and sex of those cited for violations of this ordinance the stops leading to the violations, and, to the extent feasible, the reasons officers give for the stops leading to the citations”. The Department submitted an earlier report covering January 2014 – June 2014. This report covers July 2014 – December 2014.

RCW 12A.20.100 states:

It is unlawful to open a package containing or consume marijuana, useable marijuana or a marijuana-infused product in view of the general public. A person who violates this section is guilty of a class 3 civil infraction under RCW Chapter 7.80. The penalty shall be set by Municipal Court local rule and be consistent with the penalty for public consumption of alcohol (RCW 69.50.445).

**Semi-annual statistics for July 1, 2014 to December 31, 2014:**

From July 1, 2014 to December 31, 2014 SPD officers issued 85 citations for violation of SMC 12A.20.100. The attached charts show the distribution of citations by race, gender, age and location of the violation. We also tracked the disposition of these citations. Nearly 70% of the tickets are in default, 18% were dismissed and only 9% were paid.

Some significant events occurred during this six-month period that affected our enforcement of public marijuana use. A concern about an officer's conduct in issuing citations was discovered after the first 6-month review. As a result, SPD worked with the City Attorney's Office to have all tickets issued by any officer between July 1 and July 30 dismissed. In September, the Department issued a new enforcement directive giving guidance related to enforcing the ordinance. A copy of the directive is attached.

Our Patrol Chief Steve Wilske reviewed the narrative on the tickets for information relating to the facts leading up to issuance of the citations. In almost all cases, the individual cited was openly using marijuana in a public place. In some cases the officer was responding to a citizen or park ranger complaint, and in other cases the officer viewed the conduct while on regular patrol duties. Beginning in September 2014, SPD started using a clearance code that allowed tracking of when warnings were given for public use of marijuana. From September to December, 37 calls were cleared with oral warnings regarding public use of marijuana.

Enclosures

cc: Councilmember Sally Bagshaw  
Councilmember Tim Burgess  
Councilmember Nick Licata

## CITATIONS 7-1-14 TO 12-31-14

### RACE OF PERSON CITED:

Number of Citations	Race	Percent of Total
3	Asian	4%
23	African American	27%
0	Hispanic	0%
1	Native American	1%
2	Unknown	2%
56	White	66%
85		100%

### GENDER OF PERSON CITED:

Number of Citations	Gender	Percent of Total
78	Male	92%
7	Female	8%
85		100%

### AGE OF PERSON CITED:

Number of Citations	Age Range	Percent of Total
9	16 - 20	11%
19	21 - 25	22%
11	26 - 30	13%
19	31 - 35	22%
4	36 - 40	5%
9	41 - 45	11%
4	46 - 50	5%
6	51 - 55	7%
4	56 - 60	5%
85		100%

### LOCATIONS OF VIOLATIONS

Number of Citations	Location	Percent of Total
44	Public Park*	52%
34	Public Street	40%
7	Transit	8%
85		100%

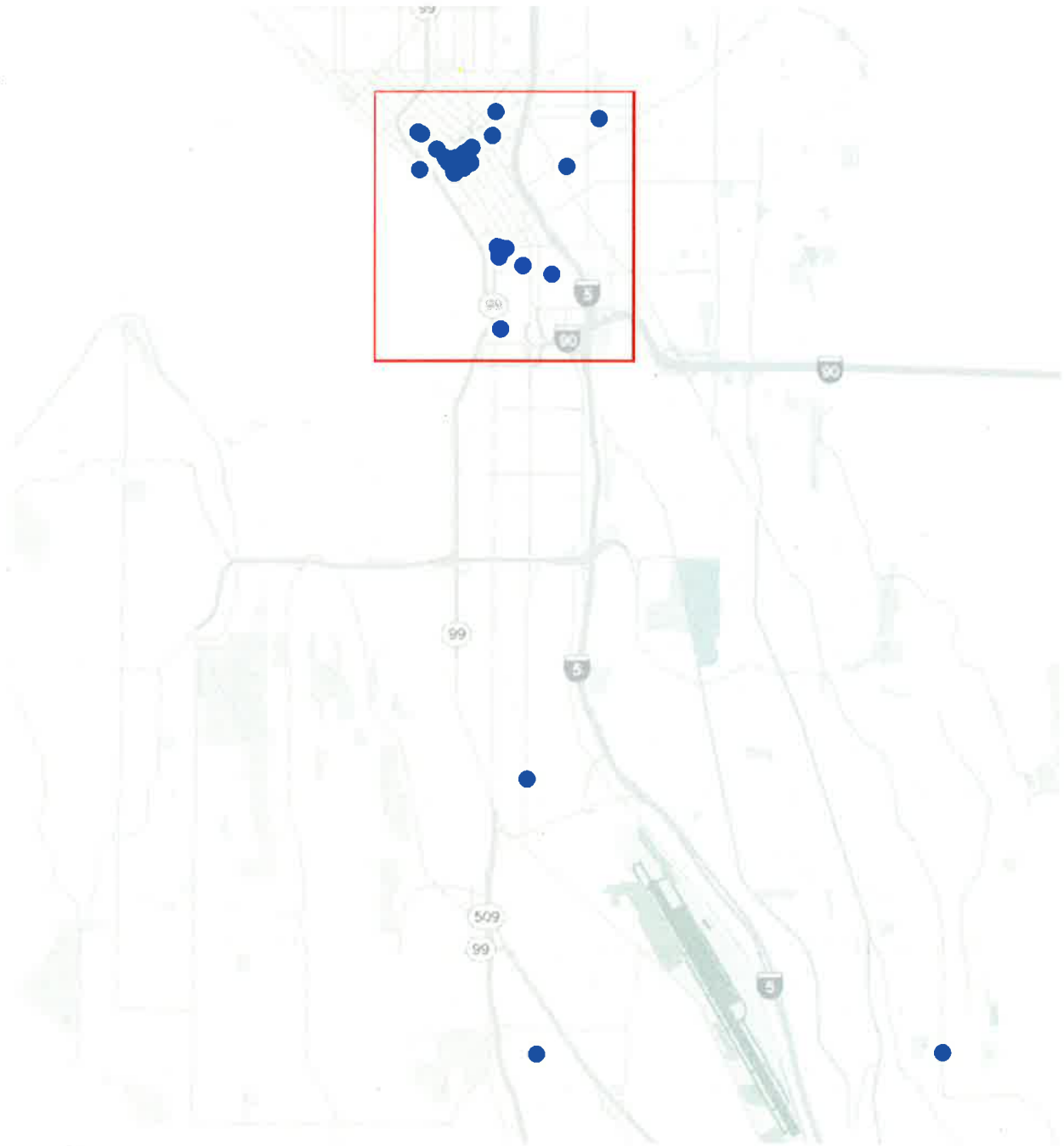
\*26 - Westlake, 8 - Occidental Park, 5 - Victor Steinbrueck,  
2 - Waterfront Park, 2 - Pergola, 1 - Courthouse Park

Number of Citations	Precinct	Percent of Total
2	East	2.4%
0	North	0.0%
2	South	2.4%
1	Southwest	1.2%
80	West	94.1%
85		100.0%

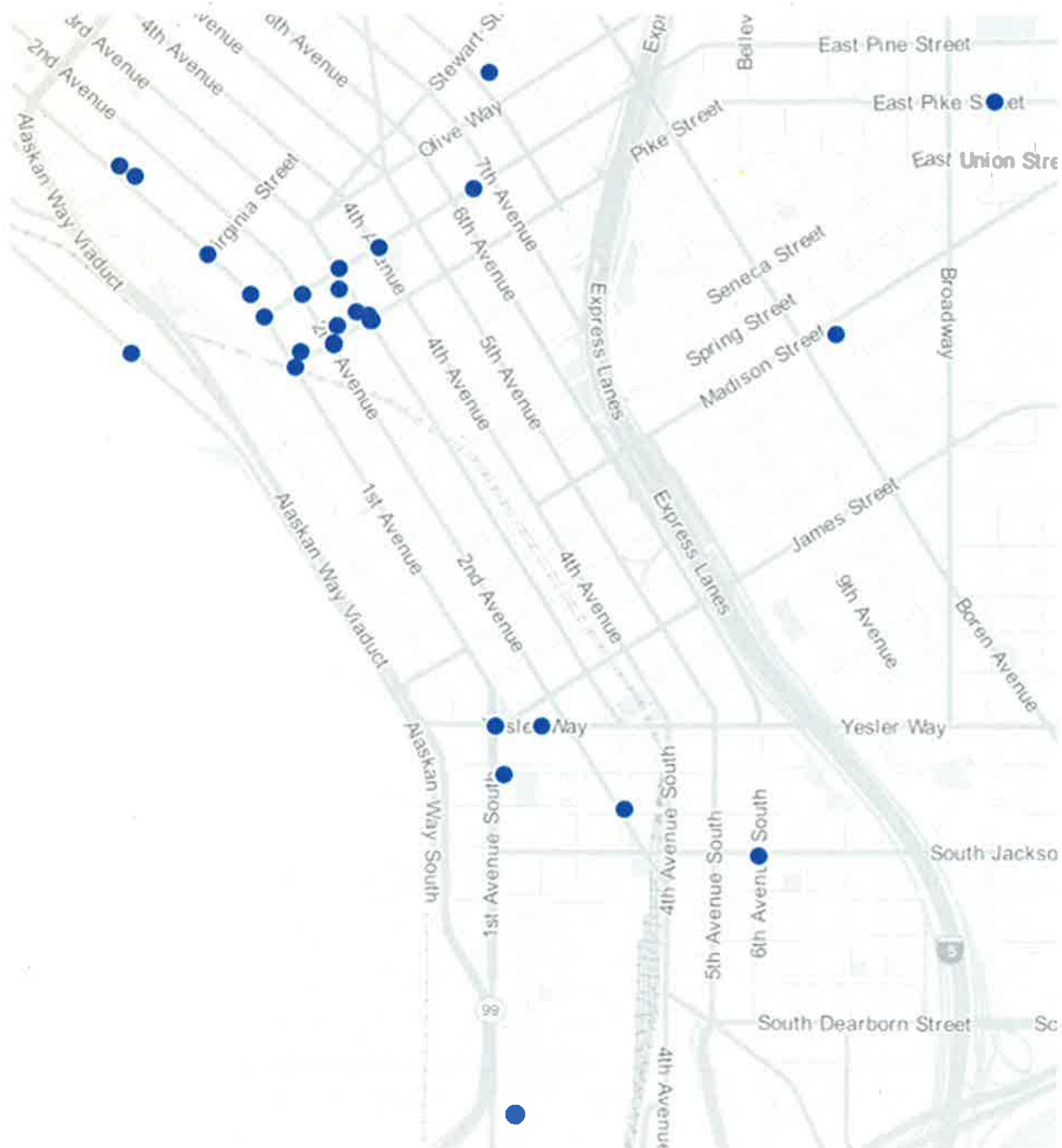
#### DISPOSITION OF CITATIONS

Number	Disposition	Percent of Total
3	Missing	3.5%
59	Default	69.4%
15	Dismissed	17.7%
8	Paid	9.4%
85		100.00%

The "Public Street" citations, mapped.



The highest concentration:



These are citations which indicate (in the narrative) the contact took place on the public street.