



**Seattle Office of
Inspector General**

Evaluation of SMC 3.28.141

**regarding knowing possession
and/or public consumption of controlled substances**



Seattle Office of
Inspector General

Background

Background

SMC 3.28.141

- Ordinance 126896 Passed Fall 2023
- RCW 69.50.4013 adoptions
- Threat of Harm Assessments



“Threat of Harm”

SMC 3.28.141

- “arrest in the case of knowing possession or use in a public place of a controlled substance should occur only when there is a threat to the peace and wellbeing of the community or a threat of harm to others.”
- “Diversion, treatment, and other alternatives to booking are the preferred approach when enforcing the crimes adopted under this Section”(SMC 3.28.141 F).



“Threat of Public Harm”

SPD Policy 15.150 – Narcotics

Might include but is not limited to:

- Threats of violence / escalating demeanor
- Co-occurring crimes
- Location of public use
- Type of narcotic(s) used
- Presence of community members/businesses nearby
- Physical condition of the subject
- Public harm is **presumed** if use or possession occurs near a school, park, bus stop, rail station, or other transportation structure

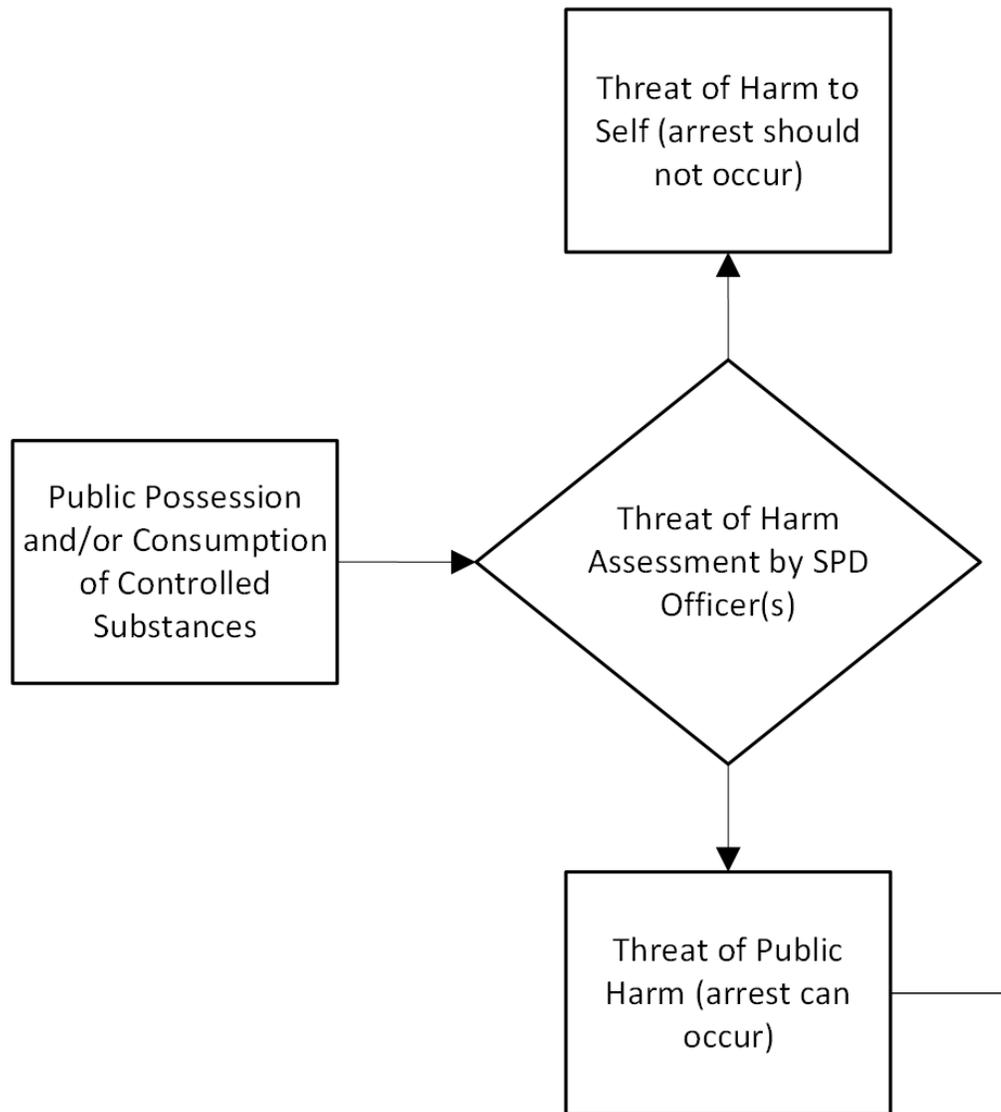


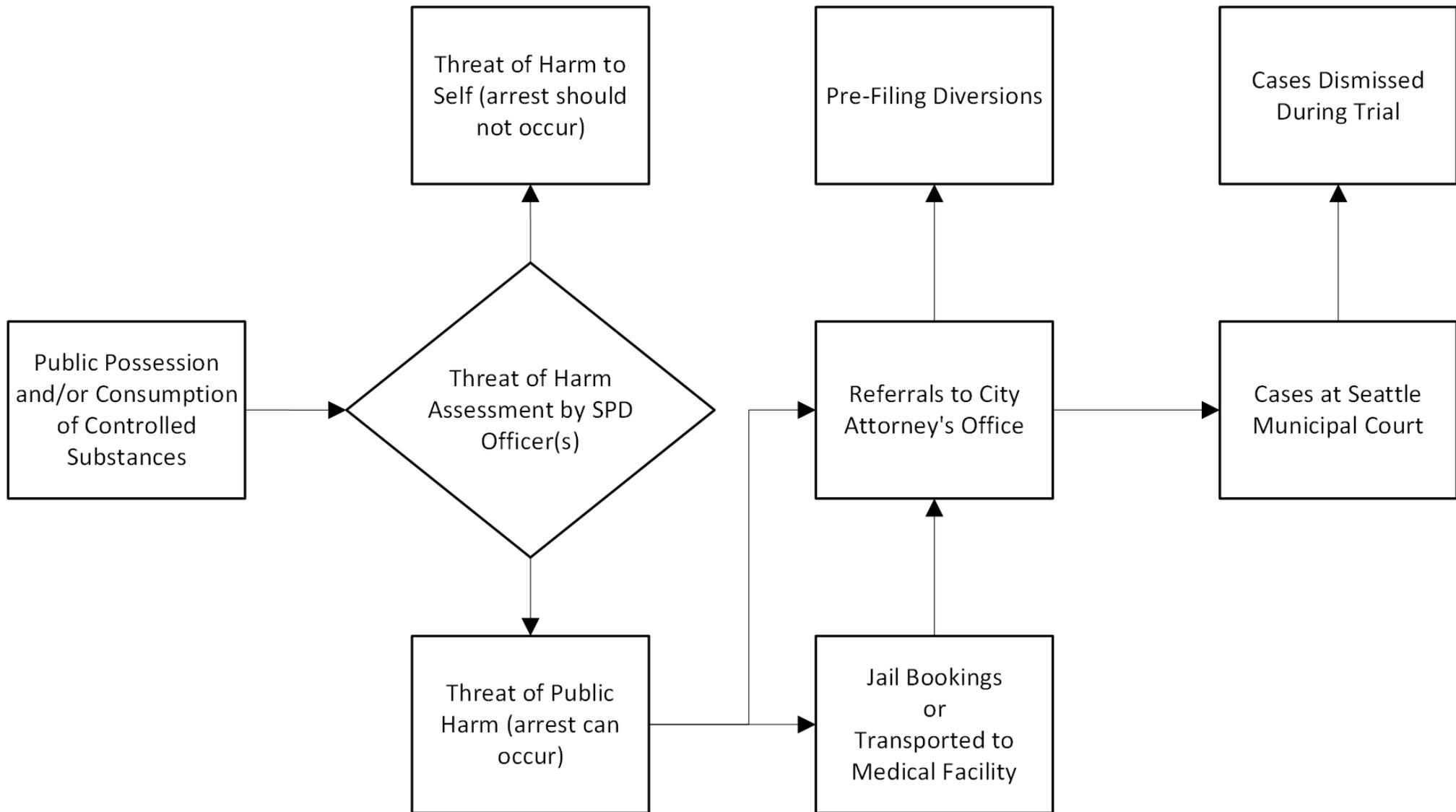
“Threat of Harm to Self”

SPD Policy 15.150 – Narcotics

- “When a sworn employee determines there is probable cause that public possession or public use of a controlled substance has occurred [...] but the subject does not pose a threat of harm to others/public harm, the sworn employee will make a reasonable attempt to contact and coordinate efforts for community care resources.”









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Findings

OIG Reporting

SMC 3.28.141 L

The ordinance identifies 11 key areas for OIG to examine:

- General Trends (3)
- SPD-Public Interactions (3)
- Prosecution (4)
- Interviews (1)



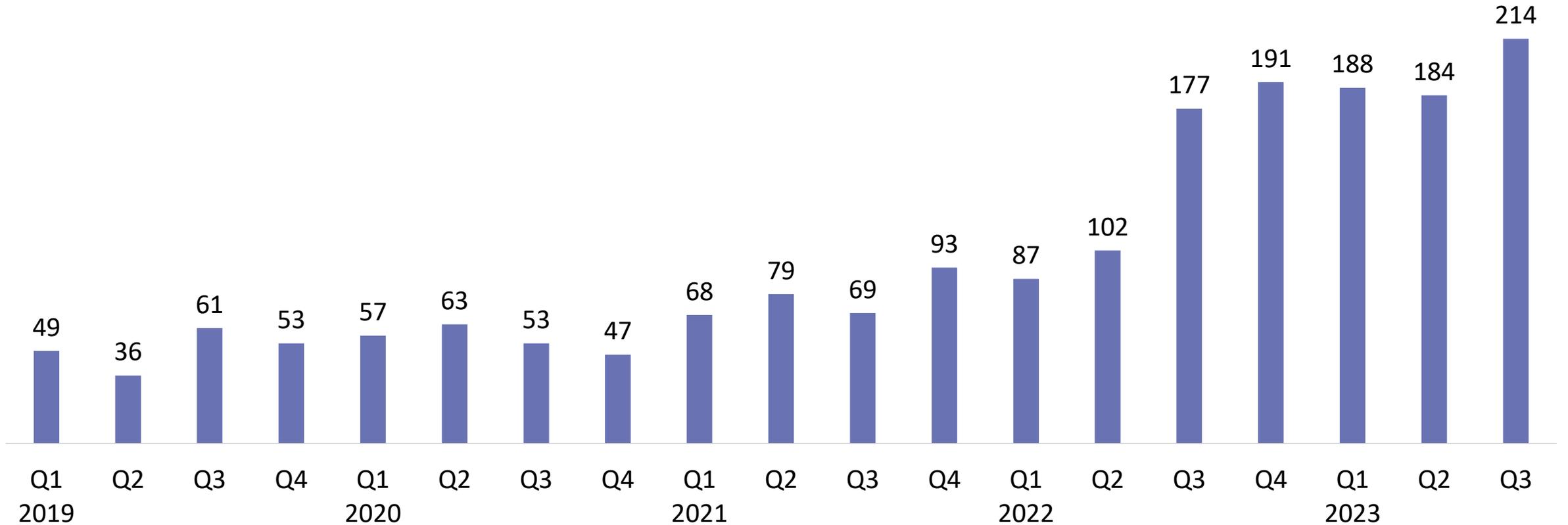
General Trends

SMC 3.28.141 L:

1. The number of drug overdoses in Seattle on a quarterly basis



Quarterly Drug Overdoses, Seattle 2019-2023



General Trends

SMC 3.28.141 L:

1. *The number of drug overdoses in Seattle on a quarterly basis*
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



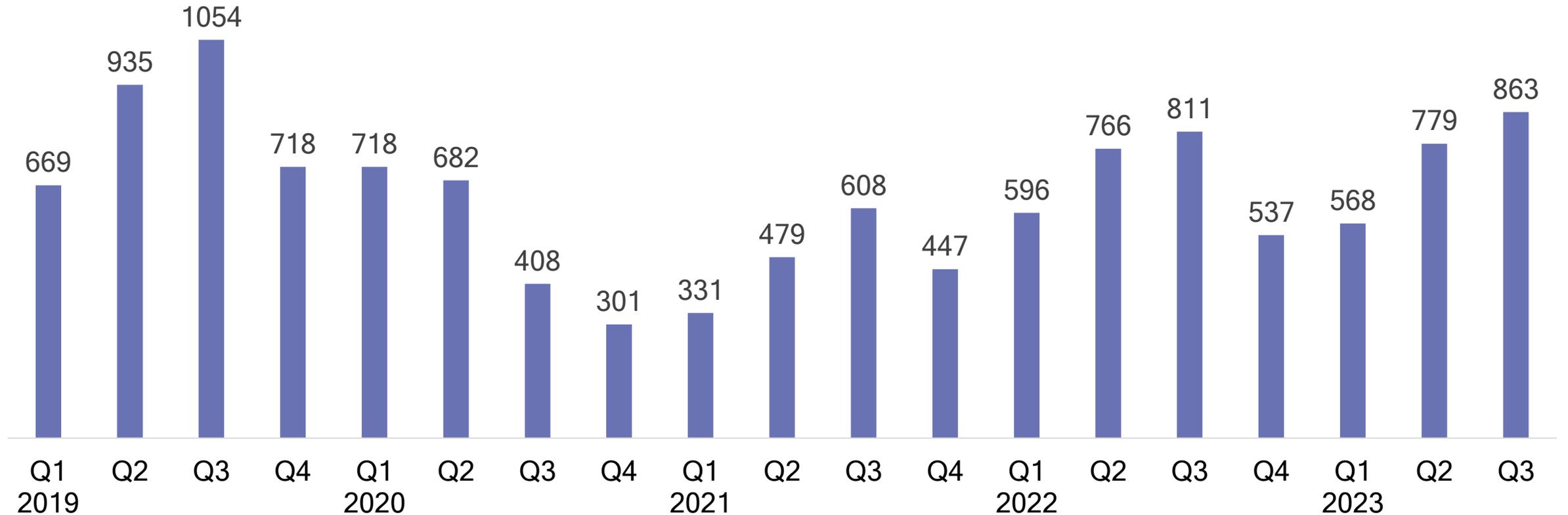
General Trends

SMC 3.28.141 L:

1. *The number of drug overdoses in Seattle on a quarterly basis*
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*
3. The number of 911 calls about use of controlled substances in a public place on a quarterly basis



Quarterly 911 Calls Related to Controlled Substances, Seattle 2019 - 2023



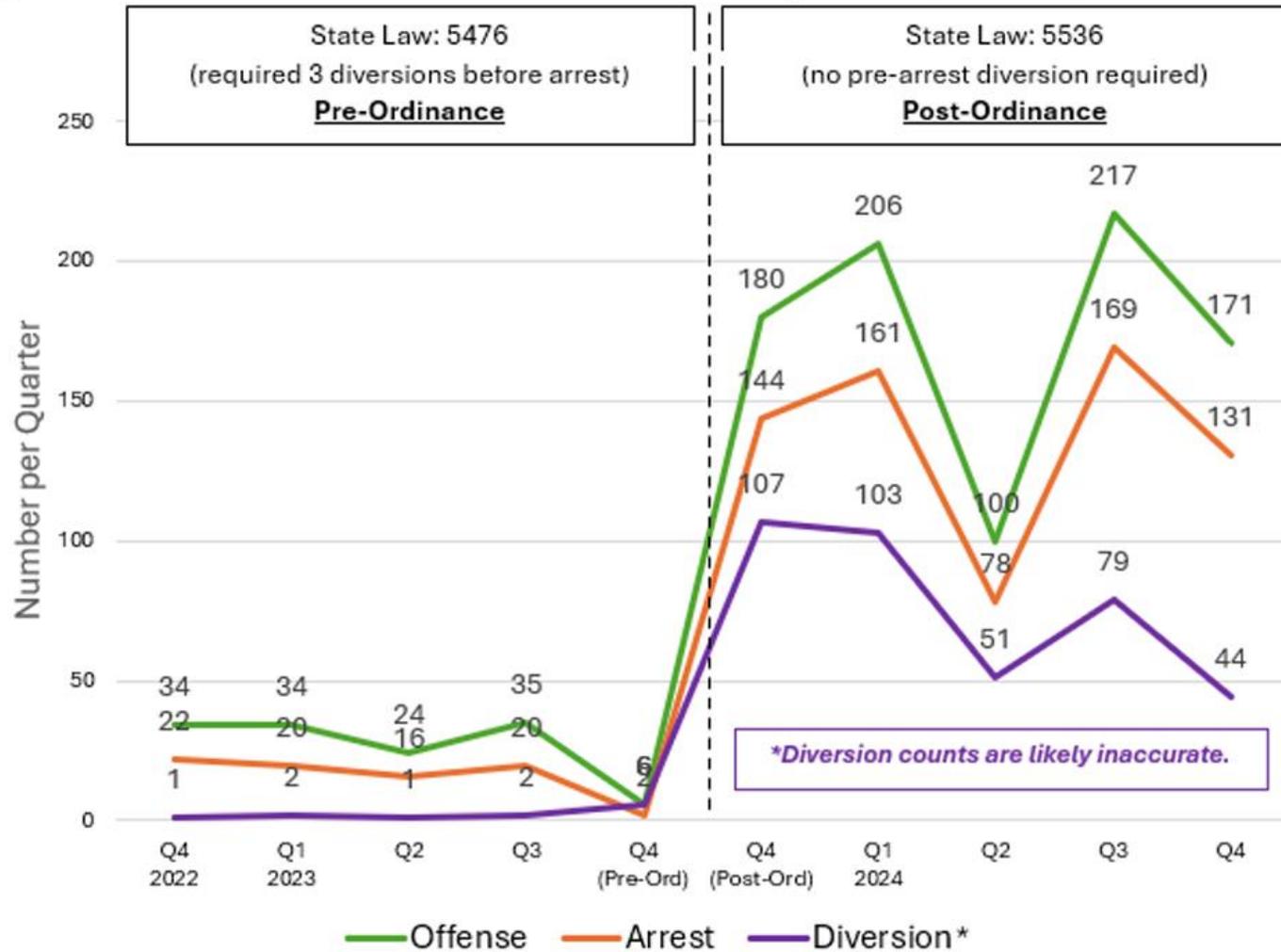
SPD-Public Interactions

SMC 3.28.141 L:

4. The number of documented contacts between police officers, including community service officers, and individuals encountered during enforcement
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
6. The number of arrests for crimes related to knowing possession and/or public consumption of controlled substances



Figure 1. Pre- and Post-Ordinance Offenses and Arrests by Person Q4 2022 – Q4 2024



Notes. Offenses and arrests were counted multiple times if more than one person was indicated in the report. Diversion data are likely inaccurate. Do not share Figure 1 without this disclaimer.

Effectiveness

SMC 3.28.141 L:

Was the Ordinance effective (as intended) in increasing the number and rate of pre-booking diversions?

- For many reasons, a true evaluation of effectiveness was not possible to conduct, most notably due the unreliability of the outcome to be measured: records of diversions



Prosecution

SMC 3.28.141 L:

7. The number of individuals transported for booking at jail [...] 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



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



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9. The number of referred cases dismissed before or during trial, including prefilng diversion cases

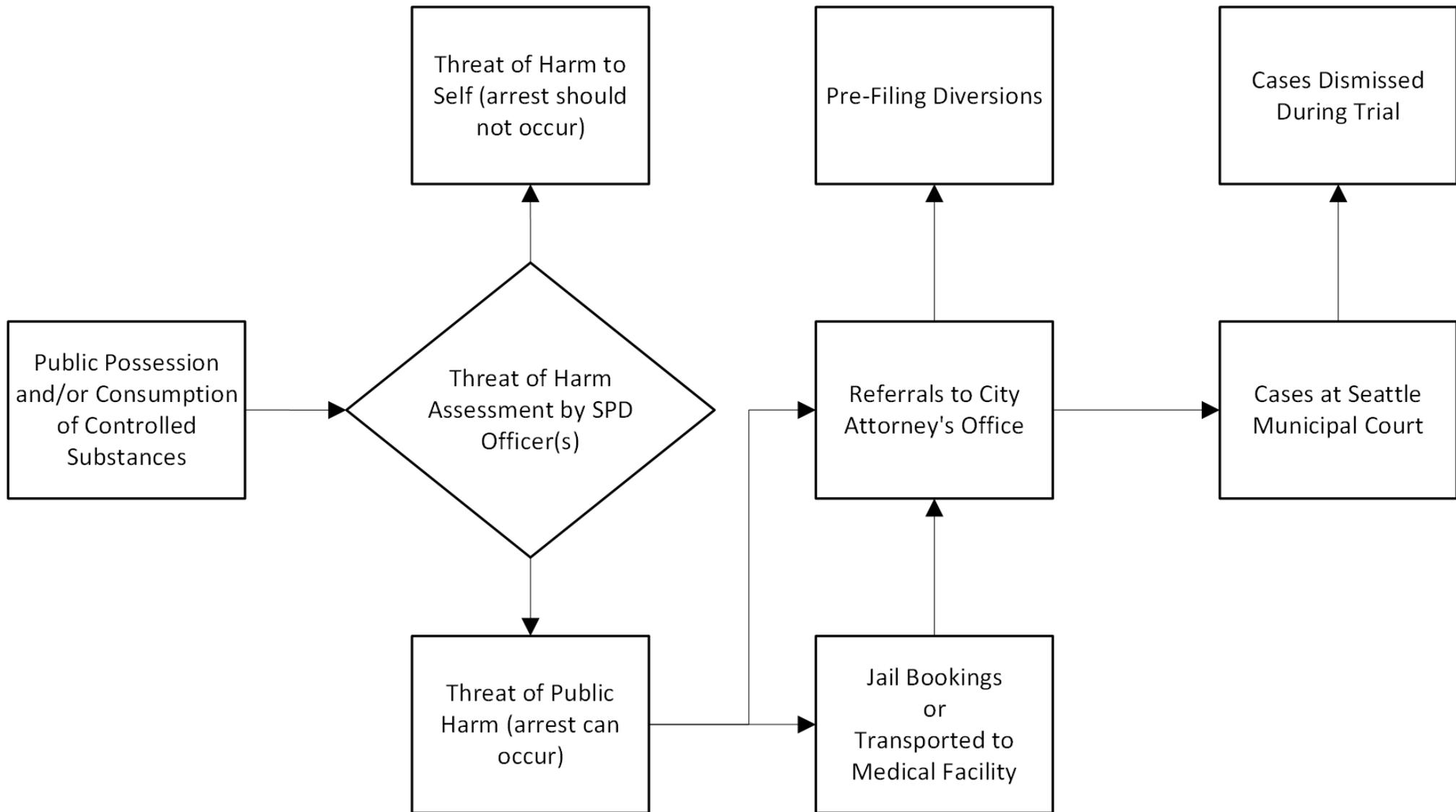


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8. *The number of possession and public use cases referred to the City Attorney's Office for prosecution*
9. *The number of referred cases dismissed before or during trial, including prefiling diversion cases*
10. The reasons for dismissal of referred cases





Interviews

SMC 3.28.141 L:

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.G [Threat of harm to others] and 3.28.141.H [Threat of harm to self]”



▶ Summary

Review of SMC 3.28.141

- Substantive data access delays and missing data structures hindered many areas of analysis
- It is not possible to causally prove to what extent if at all the ordinance increased the rate and number of diversions
- OIG aims to examine as many areas of analysis in the next annual review as possible

Thank You



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