

July 10, 2026

MEMORANDUM

To: Public Safety Committee
From: Greg Doss, Analyst
Subject: CB 121248 - Update to Seattle Drug Ordinance 126896

Introduction and Overview

On July 14, 2026, the Public Safety Committee will discuss [Council Bill \(CB\) 121248](#), which would establish field-based diversion as the City's preferred approach when enforcing the crimes of public use or possession of controlled substances. CB 121248 also makes some technical changes to the existing data collection requirements of the City's Drug Ordinance ([Ordinance 126896](#)).

This memorandum provides background on the City's enforcement of public use and possession of controlled substances, describes the provisions of CB 121248, and discusses the potential implication of the bill.

Background

In May 2023, the Washington State Legislature passed 2E2SSB 5536, which reclassified the knowing possession of a controlled substance, and the knowing use of a controlled substance in a public place, as gross misdemeanors. The bill encouraged law enforcement officers to offer any individual arrested for simple possession and/or use access to assessment, treatment, or other services, such as arrest and jail alternatives and law enforcement assisted diversion programs, in lieu of booking the individual in jail and referring the case for prosecution. In August 2023, the City of Seattle passed Ordinance 126896, which incorporated into the Seattle Municipal Code (SMC) the state's reclassification of public use and possession crimes, and specified that diversion, treatment, and other alternatives to booking are the preferred approach when enforcing those crimes.

In April 2026, Council Central Staff provided to the Public Safety Committee an overview of ORD 126896 and presented [2024 and 2025 arrest and diversion data](#) to show trends in how the Seattle Police Department (SPD) is enforcing public use and possession laws. Staff from Purpose, Dignity Action (PDA), the City's contractor for [Law Enforcement Assisted Diversion \(LEAD\)](#) services, [presented data](#) highlighting the success of the LEAD program in reducing jail bookings and recidivism among drug users.

The Central Staff presentation showed that between 2024 and 2025, SPD increased arrests for drug use or possession crimes by 47 percent and decreased its use of law enforcement assisted diversion by 30 percent. In the same period, SPD increased by 56 percent its use of [Charge-By-Officer \(CBO\)](#) referrals to the City Attorney's Office (CAO). CBO referrals for personal possession or use arrests can bypass jail bookings, transfer to CAO the decision to divert and do not always offer arrested individuals immediate, in-field access to assessment, treatment or other services.

SPD Chief Shon Barnes and leaders from PDA have indicated that a lack of capacity in PDA's LEAD program may have contributed to the reduction in the use of LEAD diversions between 2024 and 2025.

CB 121248

CB 121248 would amend the City's Drug Ordinance (ORD 126896) to establish as the City's preferred approach to enforcement of drug use or possession crimes, in-field, pre-booking diversion through a direct, in-person transfer or "warm handoff" of an individual to recovery service providers who use the City's law enforcement assisted diversion framework. The bill would require SPD to adopt policies that reflect the City's preferred approach to enforcement.

The bill would eliminate a Behavioral Health Advisory Committee that was created in ORD 126896 to advise the Mayor, City Council, the Seattle Police Department (SPD), and other public safety-related departments on an ongoing basis regarding any need for change in operationalized police protocols, legislation, or other policies. This Committee was never established. The Chair is working with stakeholders to determine whether a new committee should be established to provide oversight of citywide drug policies and enforcement operations.

Finally, the bill would require that any diversion strategies in which SPD participates must be structured to ensure that data on referrals, participation, outcomes, and participant demographics are collected and maintained, and such data are readily accessible to City departments, including SPD, the Office of the Inspector General for Public Safety, the City Auditor and the Mayor's Office. Technical changes are made to some existing data collection requirements in ORD 126896.

Analysis

Seattle has extensive history of managing crime and chronic disorder in discrete geographic areas or "hot spots" within several of its neighborhoods. Many of these areas consistently demonstrate abnormally high levels of violent crime, community-generated calls for service, and associated visible disorder.¹ Residents and visitors to these areas experience reduced safety, frequent exposure to overdoses, and diminished public-space usability. Businesses in these corridors face high levels of disorder, deterring customers and reducing foot traffic.²

Since its inception in 2011, Seattle's use of the LEAD program has helped SPD to address chronic open drug use and possession crimes at neighborhood hot spots.³ The LEAD framework provides pre-and-post arrest diversion alternatives and a comprehensive mix of services to people accused of repeat, low-level drug-related crimes. Research shows that LEAD has reduced recidivism for all crimes by 58%, reduced felony charges by 39%, resulted in 41 fewer days in jail per person annually, and lowered the odds of entering prison by

¹ Ortiz Salazar, A.; Dotson, E.; Atherley, L. A Targeted Crime Reduction Implementation: An Analysis of Immediate Effects and Long-Term Sustainability. Soc. Sci. 2026, 15, 32. <https://doi.org/10.3390/socsci15010032>

² Status Report on Implementation of Office of City Auditor Recommendations as of December 2023, Seattle Office of the City Auditor, May 23, 2024

³ Law Enforcement Assisted Diversion (LEAD) is a widely replicated community-based, pre-booking diversion model. In Seattle, the program is administered by Purpose, Dignity, Action (PDA).

88 percent.⁴

The evidence base for LEAD is predicated on the use of an officer-led, “warm handoff” as the predominant mode of client referral to recovery service providers. As noted above, a CBO can bypass a warm handoff, transfer to CAO the decision to divert and does not always offer arrested individuals immediate, in-field access to assessment, treatment or other services. Without a warm handoff, LEAD field staff find it difficult to locate individuals and convince them to accept recovery services. Consequently, LEAD referrals made by the CAO may be less effective than referrals made by SPD at the point of arrest. In the 2024-2025 period, LEAD intake at point-of-arrest averaged 74 percent as compared with other intakes (e.g., Social Contact referrals), which averaged 27 percent.⁵ It is possible that the City may make its diversion processes more effective by requiring in-field diversion.

Race and Social Justice Implications

Consent Decree compliance audits have found that SPD officers disproportionately stop and search Black and Native American persons more than any other demographic group, even though their White counterparts were more likely to be found with a weapon.

The more drug possession and use cases that are prosecuted, the more likely it is that communities of color will experience disproportionate impacts. In addition, the Vera Institute of Justice has found “substantial evidence shows that incarceration is associated with an increased risk of overdose death due to a loss of tolerance to opioids, limited access to harm reduction and treatment services, and disruptions in health care and social support during and after periods of incarceration.”

It is Black and Indigenous communities, as well as other communities of color who suffer disproportionately from the harms of the criminal legal system and lack of access to health care, and Black and Latino individuals who are disproportionately represented in jails and prisons, leaving these populations subject to the harms of criminalized drug use and possession.

If SPD officers increase the use of in-field diversion to connect as many people as possible to treatment and support programs that are fully funded, staffed and scaled to capacity appropriate to this population, and does so in a way that decreases involvement with the criminal legal system, the City could enforce drug possession and public use in a way that produces fewer negative racial equity outcomes. Tracking the appropriate data will be important to understanding racial disparities that remain or are created through these systems.

Fiscal and Operational Impacts

While there are no direct, immediate costs for this legislation (e.g., appropriations or positions authorized in the bill), the bill’s requirement for field-based diversion could increase the overall number of diversions made by SPD officers. Additional diversions would likely create staffing and administrative costs for the City’s contracted service provider for law enforcement assisted diversion services, and such costs may require additional funding via the City’s contract for such services. These costs cannot be determined until it is known that SPD is increasing its use of

⁴ See [LEAD presentations](#) made before the Council’s Public Safety Committee on April 28, 2026.

⁵ A Social Contact referral is made outside of, or potentially after, an arrest. These referrals are still vetted with SPD.

diversion services. Any costs for increased service would need to be addressed as part of the City's 2027 Proposed Budget development and Council review process.

To the extent that SPD officers continue to use alternatives to booking such as CBOs, the City Attorney's Office may be required to focus additional staff resources on its pre-trial diversion program, which also uses LEAD services. Other alternatives to booking (arrest and release) are not evidence-based strategies that reduce reoffending, and it is possible that fewer in-field diversions may result in additional arrests and/or use of the City's criminal legal system, which could have other fiscal impacts.

Next Steps

Following the July 14, 2026, hearing in the Public Safety Committee, CB 12148 may be scheduled for a possible committee vote on July 28, 2026.

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