



SEATTLE CITY COUNCIL  
**CENTRAL STAFF**

# **Seattle Drug Ordinance (ORD 126896) Overview and Data Update**

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PUBLIC SAFETY COMMITTEE

APRIL 28, 2025

# Background – ORD. 126896 Passed Fall 2023

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- Adopts RCW 69.50.4013 - misdemeanors and gross misdemeanors for public use and possession of a controlled substance
- Seattle Police Department (SPD) will adopt policies governing arrests for public use and possession. The policies will seek to minimize use of force and incorporate de-escalation and crisis intervention. SPD will train its officers on these new policies.
- An officer must have probable cause for arrest, although nothing in the Ordinance shall mandate an arrest to occur.
- Diversion, treatment, and other alternatives to booking are the preferred approach when enforcing drug use and possession crimes.
  - SPD policies will state that diversion and referral to services is the preferred response to the crimes
  - A lack of diversion opportunities shall not be a reason for arrest
- Threat of harm assessment.

# SPD Policy on Drug Arrests (1/2)

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**SPD Policy 15.150 - Narcotics - preferred approach when enforcing drug use and possession crimes:**

- **15.150.6 - Diversion and Treatment Programs are the Standard Approach for Most Instances of Knowingly Possessing and Public Use of Controlled Substances**

Diversion, treatment, and other alternatives to booking are the preferred approach when enforcing the crimes of simple possession of narcotics and the public use of narcotics. When an arrest is warranted, sworn employees should prioritize diversion in lieu of booking

# SPD Policy on Drug Arrests (2/2)

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- **15.150.7 Law Enforcement Assisted Diversion (LEAD) Program**

The LEAD program will be available to provide pre-booking diversion for subjects arrested for misdemeanor narcotics crimes. Diversion through LEAD is available 24/7 through the LEAD on-call phone line at (206) 455-0386. When a subject is arrested, and prior to booking, the arresting sworn employee, or their supervisor, will call the LEAD service provider at the on-call phone line.

The subject will then be released to the case management team (pursuant to agreed LEAD protocols to which SPD is a partner) for initial screening at a department precinct.- A lack of diversion opportunities will not be a reason for booking.

# Threat of Harm Assessment

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## **Ordinance 126896:**

When considering making an arrest, releasing, or diverting an individual, officers may determine whether the individual, through their actions and conduct, presents a threat of harm to others. SPD policy will identify factors to guide officers when assessing the threat of harm presented by the individual.

## **SPD Policy 15.150.4 – Narcotics - Definition of Public Harm:**

- 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 (1/2)

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## **Ordinance 126896:**

1. If an officer determines there is probable cause to arrest, and the officer's assessment indicates that the individual does not pose a threat of harm to others, the individual only poses a threat of harm to self.
2. An officer may attempt to contact and coordinate efforts for diversion, outreach, and other alternatives to arrest. An officer may arrest at the officer's discretion to avoid additional harm to self.
3. An officer will not arrest when the individual only poses a threat of harm to self absent articulable facts and circumstances warranting such action.

## **SPD Policy 15.150.5 – Narcotics:**

When a sworn employee determines there is probable cause that public possession or public use of a controlled substance has occurred, as described under this policy, 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.

# Threat of Harm to Self (2/2)

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## **SPD Policy 15.150.5 – Narcotics, continued:**

If information is available to or can be obtained by the sworn employee about a subject's existing service relationship, the sworn employee will make reasonable efforts to report on the individual's current circumstances to the service provider/case manager.

A sworn employee will not book the subject into jail in this situation, absent articulable facts and circumstances warranting such action. Facts and circumstances that could still warrant a jail booking may include, but are not limited to, the following:

- Possession of seven (7) or more grams of suspected narcotics, and/or
- To securely transport directly to community-based care, and/or
- To prevent the subject causing additional harm to self.

# Pre-Arrest and Post-Arrest Diversion

## Pre-Arrest Diversion / Social Contact Data – All Drug Crimes

2024	2025	
164	96	LEAD diversion data. 41 percent reduction in pre-arrest diversion

## SPD Arrest vs. Post-Arrest Diversion – All Drug Crimes

2024	2025	
633	942	<b>SPD count of people arrested. 47 percent increase in arrests.</b> Just under half of SPD arrests are for simple possession and use (48 percent both years). Remaining arrests are for more serious offenses that include intent to distribute or manufacturing.
256	180	<b>*LEAD diversion data. 30 percent reduction in LEAD diversions among all drug arrests.</b> LEAD and SPD are working together to more consistently identify post-arrest diversions. See notes section for more info on diversions.

\* LEAD is Law Enforcement Assisted Diversion

# SPD Data - Disposition of Simple Drug Use & Possession Arrests

48 Percent of all Drug Arrests in 2024 and 2025

2024	2025	
36	69	Identify and release. Not booked
173	109	Mark43 recorded diversion / template completed
80	180	Charge-by-officer
7	33	Declined at Jail
34	81	New Offense - Booked
4	17	Warrant - Booked

- In this group (simple possession and use), subjects that were booked or declined at jail grew by 191% between 2024 and 2025.
- LEAD allows for enrollment through multiple channels (see notes section), and represents cases beyond those recorded in Mark43 (SPD Computer Aided Dispatch system).

\*Population of this group is 304 in 2024 and 456 in 2025. 30 to 33 individuals, respectively, are counted in multiple categories due to multiple arrests.

# Take-Aways

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1. SPD policies either require or strongly suggest attempts be made to divert subjects through the LEAD program, particularly among “harm-to-self” subjects.
2. Arrests are increasing. The portion of simple use/possession arrests remains constant at 48 percent.
3. LEAD diversions are decreasing, both pre-arrest (social contact) diversions and post arrest diversions.
4. It is possible that LEAD capacity and SPD operational issues are affecting SPD’s ability to use both pre-arrest and post arrest diversion.

# Questions?

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# Notes on Presentation

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## SPD notes on diversions:

1. SPD arrest data in Mark43 counts only those LEAD diversions that were finalized. For example, LEAD accepted the intake and assumed the person's case.
2. SPD arrest data does not count as LEAD diversions cases where officers attempted a diversion, but LEAD did not respond or declined. Many arrest reports include a LEAD template, but they are not counted as diversions if they were only attempts/contacts with no further action by LEAD.

## LEAD notes on diversions:

1. LEAD allows for enrollment through three channels: SPD referrals post-arrest in lieu of booking & prosecution ("arrest diversions,") SPD (and, starting in 2026, CARE) proactive referrals in other contexts ("social contact referrals"), and SFD/Health One or community referrals without first responder involvement ("community referrals"). SPD & CARE referrals are automatically approved; community referrals are vetted and approved by LEAD partners including prosecutors & law enforcement to ensure they are focused on individuals who chronically are exposed to enforcement for offenses related to behavioral health or poverty.
2. All post-arrest diversions to LEAD are initiated with a call to Crisis Connections, which provides a daily report on each call, which officer called, and time elapsed to connect to a 24/7 LEAD responder. Each post-arrest diversion results in an email thread to operational partners from the LEAD responder, which contains name, date, time, offense, SPD incident number, precinct, whether intake was completed at the point of referral, whether it was a subsequent referral after an earlier diversion, and the name/agency of the assigned case manager. Post-arrest referrals also involve the officer submitting the incident report to LEAD prosecutor liaisons (even though the case will not be filed if LEAD enrollment occurs) for transparency, visibility of diversion patterns, & an audit trail; if this is not submitted, the prosecutor liaisons track it down. The LEAD CRM database, accessible to all partners, captures at a minimum:
  - All referrals received from all sources, by type & precinct/neighborhood;
  - Whether each community referral was approved, denied, or pending, and the reason for denial;
  - Whether the individual referred completed a LEAD intake, signed an ROI, and was thus enrolled in LEAD services;
  - Which agency is assigned to provide case management (and changes in assignment if any); and
  - Current status of the participant.