



Seattle City Attorney

Peter S. Holmes

News Release

February 12, 2010

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Marijuana possession cases not charged under new pot policy

Seattle City Attorney [Pete Holmes](#) discusses his policy of not filing charges for simple marijuana possession on Seattle Channel's "[City Inside/Out](#)," hosted by C.R. Douglas. The show airs tonight at 7 p.m., and [repeats](#) throughout the week.

Other panelists with Holmes on the program are Alison Holcomb of the ACLU; Kelly Kerby from Seattle Children's Hospital; and Gary Hothi, from the Juvenile Rehabilitation Administration.

In 2003, Seattle voters overwhelmingly approved I-75, sending a clear message that enforcing marijuana possession laws should be the lowest priority for Seattle police and prosecutors.

Since taking office on Jan. 4, Holmes has asked the Seattle Municipal Court to dismiss charges in some 25 marijuana possession cases filed under his predecessor.

"We have a backlog of drunk driving cases; we have a backlog of domestic violence cases," said Holmes. "We have to focus our attention and our resources on critical public safety issues, not on simple possession of small amounts of marijuana."

Holmes is also declining to accept new marijuana possession cases referred by the Seattle Police Department. Since January 4, police have referred 26 new marijuana cases to the City Attorney's Office. Each referral will be reviewed. If they are simple possession cases, they will be returned to the police department without charges filed, in keeping with the City Attorney's policy.

In approximately 30 additional pending cases, possession of marijuana is one of several charges. Attorneys are instructed to dismiss the marijuana charge during proceedings. If the marijuana charge is necessary to prove another crime, the decision to charge will be carefully evaluated.

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Background:

Possession of marijuana remains illegal under Washington state law, except as permitted for medical purposes. The King County Prosecuting Attorney has jurisdiction to bring marijuana charges within Seattle. Possession of marijuana is also illegal under federal law, and federal authorities may bring marijuana charges.

Possession of fewer than 40 grams of marijuana for personal use is a misdemeanor under state law. Possession of more than 40 grams of marijuana is a felony.

Selling marijuana, including possession of marijuana with intent to distribute, is a felony under state law. Even small amounts of marijuana, if it appears to be packaged for sale in Seattle, could be sent to the King County Prosecuting Attorney for felony charges.

Driving under the influence of any drug is illegal.

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