



Seattle Office of
Inspector General

Evaluation of the City of Seattle Ordinance 126896 on Controlled Substances

As Required by Seattle Municipal Code 3.28.141

December 23, 2025

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Foreword from the Inspector General

Enclosed is the first review of Seattle City Ordinance 126896, required annually. Enacted in late 2023, this ordinance addressed 1) knowing possession of a controlled substance and 2) use of a controlled substance in a public place to Seattle Municipal Code as 3.28.141.¹ Under the ordinance, the Seattle Office of Inspector General for Public Safety (OIG) must review trends and public safety responses to conduct addressed in the ordinance. For this first review, OIG contracted with researchers from the University of Washington Addictions, Drug, & Alcohol Institute (ADAI).

Assessing public use of controlled substances is complex, requiring coordination of records with many City departments and records systems. Due to unforeseen delays in getting necessary access to criminal justice information relating to incidents and arrests, response to some issues raised by the ordinance was hampered. Without ample time and access to the most complete information available for this first review, this report contains no recommendations to SPD. Despite these challenges, this report addresses as much of the ordinance requirements as possible. Most importantly, these data access challenges have been resolved for subsequent analyses.

In performing this review annually until 2030 – as currently stated in the ordinance – OIG will continue to engage with stakeholders to evaluate the ordinance and address community concerns. Lastly, this review accomplished an important goal identified in the ordinance: to identify and centralize many different City records into a cohesive understanding of a critical public safety issue.

Throughout this process, OIG directed and reviewed the work of the ADAI researchers. Together, the researchers and OIG engaged with a diversity of stakeholders and perspectives, including substance users, employees of diversion programs in Seattle and King County, Seattle business owners, Seattle Police Officers, other City departments, and others. We appreciate the time and effort of those who assisted in this review and look forward to more engagement in future reviews.

¹ This ordinance also added provisions to Seattle Municipal Code 12A.09.020 - Adoption of the Revised Code of Washington (RCW), including scheduling (RCW 69.50.204, RCW 69.50.206, RCW 69.50.208, RCW 69.50.210, RCW 69.50.212), possession and/or use of controlled substances (sections of RCW 69.50.4013) and alternatives to prosecution (RCW 69.50.4017).

EVALUATION OF THE CITY OF SEATTLE ORDINANCE 126896

Final Report

December 2025

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EXECUTIVE SUMMARY

The City Council mandated an evaluation component in Seattle Ordinance 126896 on the possession and use of controlled substances in public spaces. This Ordinance was implemented in October 2023, shortly after a change in the WA State law that no longer required multiple diversions before arresting for simple drug possession. The Ordinance also encouraged Seattle Police Department (SPD) officers to divert individuals for drug possession: “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”. Unfortunately, at the time this Ordinance was passed, the systems for tracking and monitoring SPD enforcement activities over time were not in place to accurately answer many of the questions in this Ordinance.

From available data, the number of SPD diversions to LEAD for drug possession or use in a public place increased after the implementation of the Ordinance in October 2023. The number of related arrests also increased after the implementation of the Ordinance. Of note, this increase in arrests was likely also related to the concurrent change in the WA State drug possession law in July 2023.

From a random review of 10% of post-Ordinance SPD arrest reports, just under half referenced elements from the SPD policy that a “threat of harm assessment” was conducted before arrest.

The factors that interfered with answering many of the questions outlined in this Ordinance were:

- **First, the data structures for SPD were not in place to reliably document many required data variables.** For example, SPD was not consistently coding possession arrests as diversions if there was a concurrent charge that resulted in a jail booking, even when a LEAD diversion was made for the possession arrest. Similarly, people who use drugs stated that most SPD interactions around using substances in public resulted in being told to “move along”, which often were not documented by SPD. Data overall likely underestimated SPD diversion efforts, including formal diversions to LEAD and informal pre-arrest diversions.
- **Second, due to gaps and delays in data from SPD, it was not possible to follow possession arrests to jail bookings or convictions.** Data from SPD do not specify if an arrest resulted in a jail booking. This information is often included in the written arrest report, but it would have to be manually extracted in a more lengthy review. Additionally, the delays in receiving data from SPD made it difficult to link arrests to conviction data from the City Attorney.
- **Third, there was no appropriate comparison group.** A lack of comparison makes it difficult to understand what changes observed after October 2023 were due to the implementation of this Ordinance versus the concurrent changes to the WA State law on simple drug possession.
- **Fourth, there were substantial delays getting necessary approvals for receiving and collecting required data.** These delays meant that it was not possible to interview enough SPD officers, conduct follow-up analyses of quantitative data from SPD, and complete more thorough reviews of arrest reports for the current evaluation report.

This report aimed to answer whether this Ordinance was effective and its impact. It was not possible to answer most of the five effectiveness and three impact questions, nor to provide many of the required data variables. This report serves as a foundation for recommendations from the City of Seattle Office of Inspector General and future annual evaluations of this Ordinance.

BACKGROUND

Seattle Ordinance 126896 (“the Ordinance”), passed by the City Council on September 19, 2023, addresses the public use and possession of controlled substances within the city. Introduced as Council Bill 120645, the Ordinance amends the Seattle Municipal Code to align with the 2023 state law 2E2SSB 5536, which was signed by Governor Jay Inslee in May 2023. That state legislation reclassified the knowing possession of controlled substances—such as fentanyl—as a gross misdemeanor and removed the requirement of officer diversion efforts before arrest.

The Seattle Ordinance 126896 seeks to “support a framework that diverts individuals away from the criminal legal system.” This goal of diverting individuals is primarily achieved through guiding law enforcement decisions: “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.” In addition to minimizing arrests for controlled substance offenses, the Ordinance also seeks to facilitate entry into treatment by “whenever possible, diverting individuals into case management and substance use disorder treatment services.” The corresponding Seattle Policy Department (SPD) policy went into effect on October 20, 2023.

The Ordinance also mandates an annual evaluation by the City of Seattle Office of Inspector General (OIG) to “determine the impact of subsections 3.28.141.G [“Threat of harm to others.”] and 3.28.141.H [“Threat of harm to self.”], including but not limited to the ability of SPD officers to effectively address incidents described in subsection 3.28.141.A [“Policies governing arrests for knowing possession of a controlled substance and use of a controlled substance in a public place”]. Thus, this report satisfies this mandate and aims to determine the **effectiveness** and **impact** of this Ordinance, as well as provides a **summary of the required data variables** outlined in the Ordinance. More specific questions are described below.

EFFECTIVENESS*

*A true effect of the ordinance **cannot be assessed** because there is no appropriate comparison group to know what would have happened if the Ordinance had not been passed. For example, the new WA State law on simple drug possession in July 2023 likely affected changes in arrests and diversions in Seattle before and after the Ordinance was implemented by SPD in October 2023. Further, no other municipality adopted a similar Ordinance, and there are substantial differences in Let Everyone Advance with Dignity (LEAD; i.e., Law Enforcement Assisted Diversion) models in Seattle versus other large cities that make it difficult to isolate changes in arrests and diversions in Seattle due to the implementation of the Ordinance.

For these reasons, the following data are presented as possible indicators of effectiveness, but readers are **strongly cautioned** against inferring that the Ordinance *caused* these changes.

The following evaluation questions were based on the language from the Ordinance, review of relevant City Council meetings, and conversations with City Council staff.

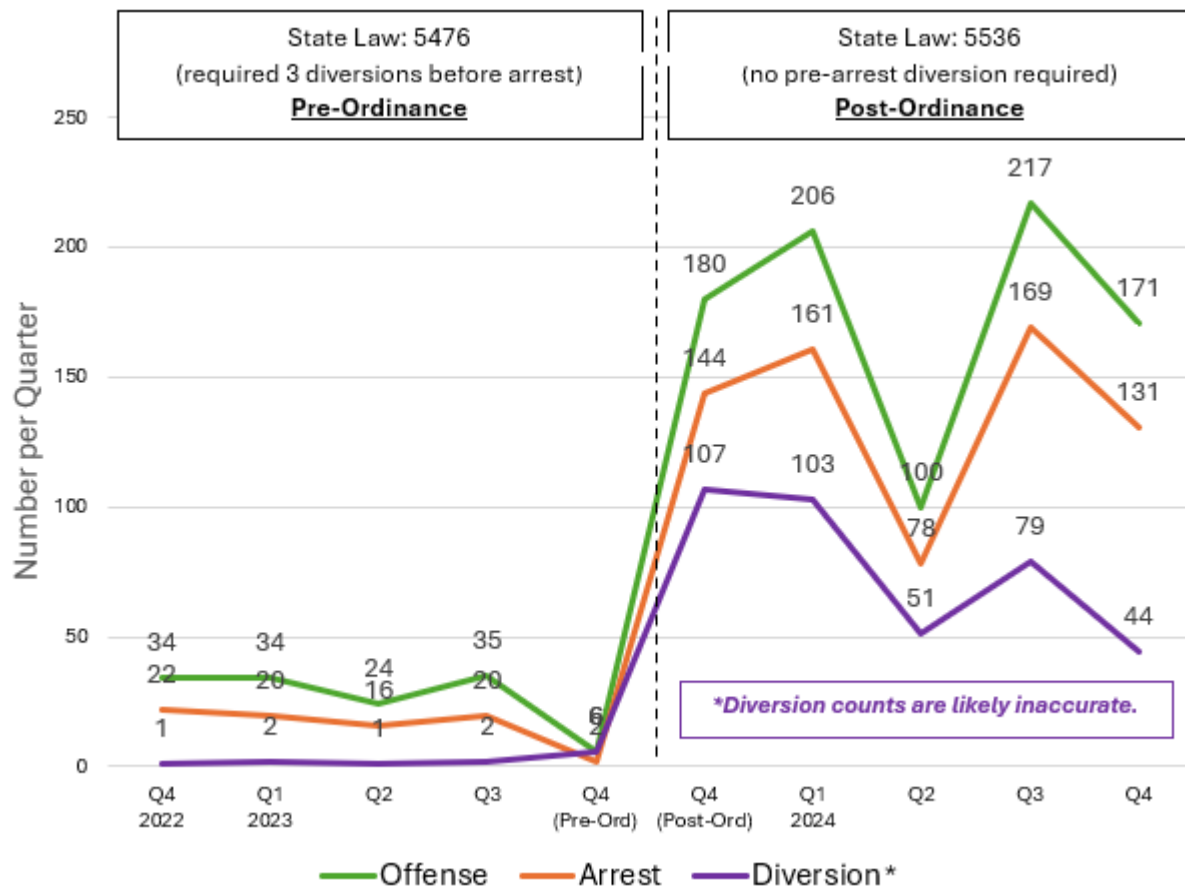
Question 1: When SPD law enforcement officers had probable cause sufficient to make an arrest, was the Ordinance effective (as intended) in increasing the number and rate of pre-booking diversions to any of the alternatives established in the Ordinance (e.g., alternative programs, law enforcement-assisted diversion programs, and the recovery navigator program)?

Finding: This question could not be answered. Because there was no adequate comparison group, it was not possible to determine if passing the Ordinance *caused* any changes seen after its passage. Olympia and Bellingham were explored as possible comparison groups because they are large WA cities that also experienced the state law change but did not pass similar Ordinances. However, due to the differences in LEAD models (i.e., LEAD shows up immediately with SPD diversions vs. a delayed referral in Olympia and Bellingham), they still were not appropriate comparison groups.

Additionally, there are doubts about the validity of diversion data due to substantial inconsistencies between diversion numbers reported in SPD and LEAD data. For example, there were 162 diversions listed in LEAD data not present in SPD data, 68 diversions in SPD data but not in LEAD data, and diversions described in SPD arrest reports that were not coded as diversions in SPD arrest reports. Of note, SPD and LEAD are actively taking steps to integrate their data systems, which should improve this issue.

Alternative Findings: Prior to the Ordinance, the state law required three diversions before arrest for simple possession. Diversion data combining SPD and LEAD data sources are presented in Figure 1 to provide some preliminary indication of changes in diversions before and after the Ordinance. Both enforcement activity (offenses and arrests) and diversions were higher after the Ordinance was implemented in SPD policy on October 20, 2023 (see Figure 1).

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.

Question 2: Of people diverted after the passage of the Ordinance, what was the proportion of those who completed an intake?

Finding: This question could not be answered. There were substantial inconsistencies between diversion numbers from SPD and LEAD data, and upon review of a subset of SPD arrest reports. These inconsistencies hinder accurate reporting, which could lead to misleading conclusions and are therefore not reported.

Question 3: Did the passage of the Ordinance increase the response by SPD to 911 calls about the use of controlled substances in a public place?

Finding: This question could not be answered. SPD data do not indicate if offenses originated from 911 calls; thus, this information was not available. This information is sometimes provided in SPD offense and arrest reports. However, due to delays in access to the SPD data system, there was not enough time to systematically extract this information. It may be possible to extract this information in a more in-depth review of arrest reports for future evaluations.

Question 4: Did SPD officers do the threat assessment outlined in the Ordinance and, if so, how was it documented?

Due to delays in gaining access to the SPD data system, a full review of all arrest reports was not possible. A random sample of 10% (73 reports) was reviewed and formed the basis of this finding.

Findings:

- From the review of 73 arrest reports, no report clearly referenced that a “threat of harm assessment” had been done (using that language). There was substantial variability in how officers referenced elements of the SPD policy that pertained to the threat of harm assessment.
- Per a subsection of SPD Policy 15.150 – Narcotics, Section 4. Sworn Employee’s Assessment for Threat of Harm to Others (“Public Harm”):
 - “Given the high likelihood of the presence of other community members and the inherent impact on public safety and security, a threat of harm/public harm will be presumed if the public use or possession of controlled substances occurs in the following locations:
 - Upon or within close proximity to the grounds of any school or park;
 - In or within proximity to a bus stop, rail station, or other transportation structure.”
- Since no arrest reports clearly referenced that a threat of harm assessment had been done, reports were coded as having an assessment done if they referenced similar language from the corresponding SPD policy. Most often, reports documented factors consistent with a “presumed threat of harm” referenced in SPD policy (i.e., if use was in specific locations or near other people). Reports that stated the location, but not in reference to the use of controlled substances, were not coded as having a threat of harm assessment done. Reports were also coded as having an assessment presumed if a weapon or “threat of violence” was referenced.
- Of the 73 reviewed arrest reports, 35 (48%) were coded as having an assessment being done:
 - “The location of narcotics use is a danger to the public due to the proximity to the bus stop and the number of people walking in the area.”
 - “The [Location] is in the heart of downtown with heavy foot traffic and I could actively see several people waiting at the bus stop that was only a few feet away from where [Suspect] was located with suspected narcotics in his hand.”

- “[Suspect] was in possession of narcotics in front of a public school, which had students inside, and minutes before they got released from school.”
- An example of an arrest report coded as “no” for a threat of harm assessment: “We observed a male in an alcove, who was later identified as [Suspect]. I observed [Suspect] with a tooter straw in in [sic] his mouth, foil in his hand, and a smoke coming off the foil.”

Question 5: Were there characteristic differences among individuals diverted versus booked in how enforcement of this Ordinance was implemented?

Finding: This question could not be answered. The validity of the diversion data is questionable. Additionally, SPD data do not code if arrests resulted in a successful jail booking; thus, this information was not available. This information is sometimes provided in SPD offense and arrest reports. However, due to delays in access to the SPD data system, there was not enough time to systematically extract this information. It may be possible to extract this information in a more in-depth review of arrest reports for future evaluations.

IMPACT

The impact of the Ordinance was assessed via in-depth interviews with key groups, including people who use drugs, small business owners, and law enforcement officers. Methods are described in Appendix A. Interview guides are provided in Appendix B.

Question 6: What was the impact of the Ordinance on people who use drugs?

In total, interviews were conducted with 23 people who use drugs at two sites in the Chinatown-International District and in North Seattle.

Findings:

- The Ordinance was widely unfamiliar to people who use drugs, including no one recalling language from SPD referencing that their use in public spaces was causing harm to others.
- Most people noted interactions with SPD were to “move along” if found to be using in public, rather than being arrested or diverted to programs like LEAD. Participants perceived that arrests were driven more by other factors, such as outstanding warrants.
- Participants noted a desire to have an option for diversion available for controlled substance offenses as an alternative to an arrest.
- Participants stated that they were thoughtful about where they would use drugs, purposefully avoiding using near schools, heavily populated places, and heavily-policed areas.

Question 7: What was the impact of the Ordinance on community utilization of public space (e.g. public parks) and businesses?

Six interviews were completed with small business owners across Seattle. Given the small size, only themes that were consistent across business owners are reported. Seattle Parks & Recreation declined to have their staff interviewed.

Findings:

- Business owners said that they believed that public drug use worsened over time, particularly with the rise of fentanyl. They viewed laws aimed at diversion and treatment as well-intentioned

but ultimately unsuccessful in practice, citing a lack of resources, an inability to compel treatment, and the continued prevalence of open drug use and drug dealing near businesses.

- Business owners reported severe operational and financial impacts related to public drug use, including loss of customers, difficulty retaining employees who feel unsafe, and costly property damage from broken windows and vandalism. A common theme was the failure of police to respond to 911 calls for issues related to public drug use and associated disorder. Business owners felt they were "on their own."

Question 8: What was the impact of the Ordinance on law enforcement officers?

Four interviews were conducted with SPD officers.

Finding: This question could not be answered. There were substantial delays by SPD and the Seattle Police Officers Guild in reviewing and approving the interview guide and procedures. Thus, there was only time to recruit SPD officers on one day (September 5, 2025). Due to the small sample size and variability in responses, findings could not be summarized.

REQUIRED DATA VARIABLES

The following variables were required by the Ordinance for inclusion in the final report.

Variable	Data Source	Finding
Number of drug overdoses in Seattle on a quarterly basis (2019–2022, Q1–Q3 2023)	Public Health-Seattle & King County	<i>See below</i>
Number of shootings where drugs were present or the individual was under the influence, quarterly (2019–2022, Q1–Q3 2023)	SPD	<i>Not available*</i>
Number of 911 calls about use of controlled substances in public places, quarterly (2019–2022, Q1–Q3 2023)	SPD	<i>See below</i>
Number of documented contacts between police/community service officers and individuals during enforcement of crimes in subsection 3.28.141.A	SPD	<i>See Q1</i>
Number of attempts by police/community service officers to coordinate diversion, outreach, and other alternatives to arrest (subsection 3.28.141.F)	SPD, LEAD	<i>See Q1, not available*</i>
Number of arrests for crimes described in subsection 3.28.141.A	SPD	<i>See Q1</i>
Number of individuals transported for booking, including: jail name, booked, not accepted, sent to medical facility, released	SPD	<i>Not available*</i>
Number of possession/public use cases referred to City Attorney's Office, with: dismissed cases, dismissal reasons	Seattle City Attorney's Office	<i>Not available*</i>
Results of interviews with SPD personnel on implementation of Section 3.28.141 and their suggestions	SPD	<i>Not available*</i>

Notes. *Data were not available for current report, but may be extracted for future evaluations.

Figure 2. Drug Overdoses in Seattle 2019-2022, Q1-Q3 2023

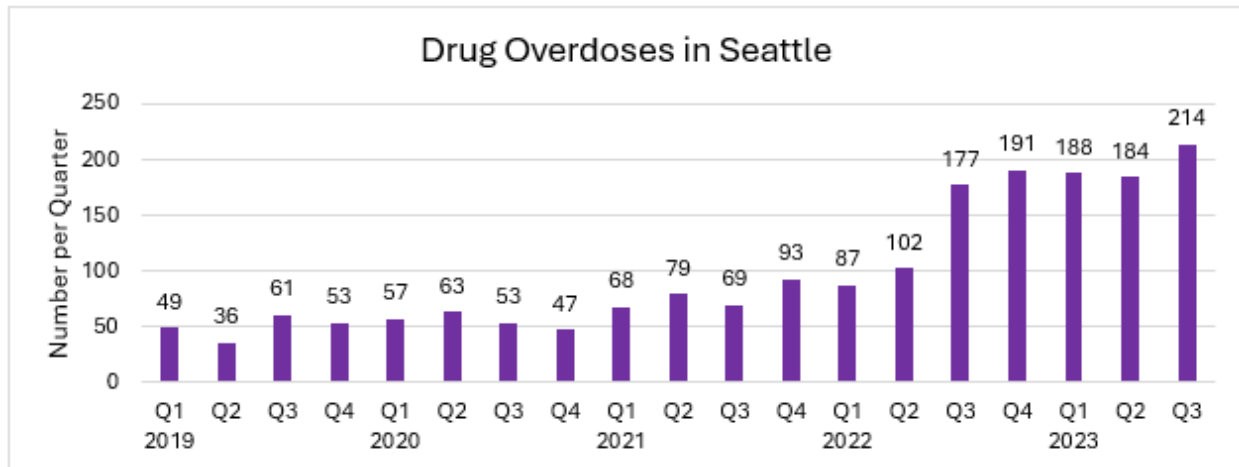
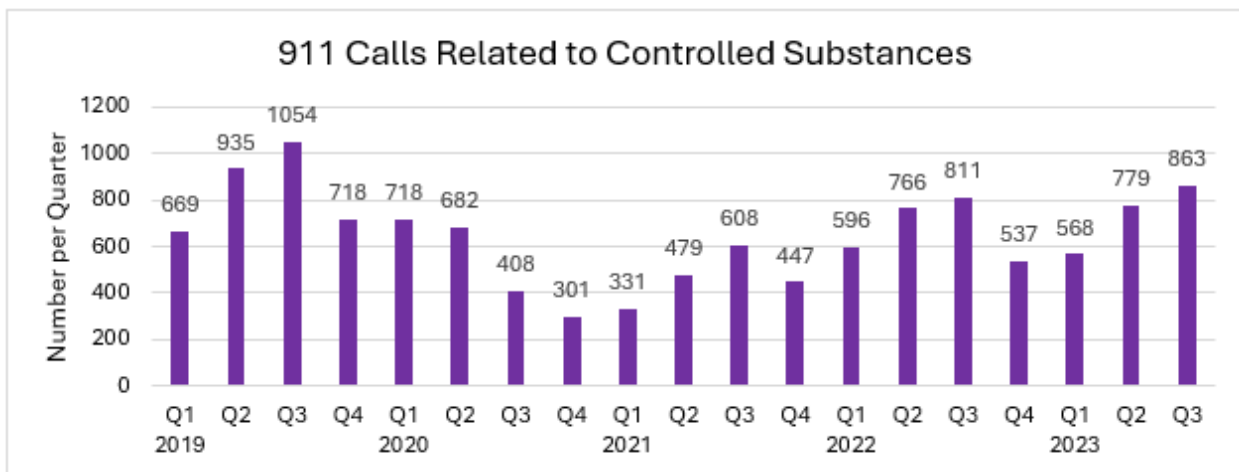


Figure 3. 911 Calls Related to Controlled Substances 2019-2022, Q1-Q3 2023



SUMMARY OF UNAVAILABLE DATA

Number of Officer Attempts to Coordinate Diversion (Effectiveness, Required Data Variable)

There were substantial inconsistencies between SPD and LEAD, such that 162 diversions listed in LEAD data were not in SPD data, and 68 diversions listed in SPD data were not listed in LEAD data. Further, reviewing 73 arrest reports similarly described diversions inconsistent with SPD data. Due to these inconsistencies, diversion data are not reported, and subsequent research questions are not answered. Of note, SPD and LEAD are actively taking steps to integrate their data systems, which should improve this issue.

Number of Bookings (Effectiveness, Required Data Variable)

SPD does not code arrests that result in transport to jail, jail name, booked, not accepted, sent to medical facility, or released in separate fields that can be easily calculated. This information is often described in arrest reports that must be manually extracted. Due to delays getting SPD data (September 2025) and access to the SPD data system (October 2025), there was not sufficient time to extract this information. Future evaluations with more time may be able to extract this data.

Increase Response to 911 Calls (Effectiveness)

SPD does not code if offenses or arrests originated from 911 calls. This information is sometimes described in reports but must be manually extracted. Due to delays getting SPD data (September 2025) and access to the SPD data system (October 2025), there was not sufficient time to extract responses to 911 calls. Future evaluations with more time may be able to extract this information.

Implementation of Ordinance with SPD Officers (Impact, Required Data Variable)

Due to delays in getting approvals by SPD and the Seattle Police Officers Guild (August 2025), there was not enough time to sufficiently recruit officers. Future evaluations with more time may be able to collect this information.

Number of Shootings with Drugs Present 2019-2022, Q1-Q3 2023 (Required Data Variable)

SPD does not code if drugs were present at shootings unless there was a concurrent possession offense. Future evaluations with more time may be able to extract this information from reports.

Number of Possession/Public Use Cases Referred to City Attorney (Required Data Variable)

These data from the City Attorney were received in October 2025. Many case outcomes were indicated with a “?” (274 of 815 records); thus, there was not sufficient time to confirm these outcomes. Future evaluations with more time may be able to discern this information.

LIMITATIONS

There are limitations to this evaluation worth noting. As described, many environmental changes from 2023 to 2024 likely influenced the number of controlled substance offenses and arrests by SPD in addition to the passage of the Ordinance. Therefore, it was not possible to isolate changes *caused* by the Ordinance. The study team did not receive SPD data until September 2025, which compressed the timeline available to properly clean, comprehend, and analyze the information. Concurrently, the study team was only granted access to the SPD system in October 2025, but this was only accessible from a City of Seattle computer, which was not made available to the team. These delays substantially reduced the thoroughness of the current evaluation. Future evaluations may have more time to understand required data variables (e.g., diversions, bookings, etc.).

The interview component faced significant challenges, particularly in recruiting participants for interviews. It proved difficult to engage business owners from the Chinatown-International District (CID), largely because the evaluation lacked the resources to provide professional translation services. Additionally, business owners reported fatigue with voicing their concerns around substance use, which also may have inhibited their willingness to participate in interviews. Approval to recruit sworn officers from SPD was delayed until September 2025, which also limited the time to recruit enough officers to interview.

ACKNOWLEDGEMENTS

Thank you to the City of Seattle Office of Inspector General for funding this evaluation and for their staff supporting the project (Daniel Pitts, Emily Morley). We appreciate the assistance from Loren Atherley and Mirs Vonaschen-Cook (SPD) and Lisa Daugaard, Brandi McNeil, Samuel Wolff, and Brenton Zachary (LEAD) in retrieving and understanding SPD and LEAD data. Thank you to Caleb Banta-Green, PhD and Jason Williams, PhD (University of Washington) for their input on analyses and this report. We are grateful to all interview participants for their time and for sharing their experiences.

APPENDICES

Appendix A. Methods

Design Overview

This evaluation used a multi-method approach to answer the effectiveness and impact questions outlined above. Quantitative data came from a variety of sources, including SPD, Purpose Dignity Action (Seattle LEAD), Seattle City Attorney, and publicly available data regarding overdose rates, made available by Public Health-Seattle & King County. Qualitative in-depth interviews were conducted with people who use drugs and small business owners in Seattle, as well as SPD officers. Qualitative analyses were also conducted on SPD arrest narratives. A multi-method design was used to utilize all available data sources, including those outlined in the Ordinance, as well as to capture relevant individual perspectives not readily available in quantitative data sources from SPD, LEAD, and the City Attorney. All study activities were approved by the University of Washington Institutional Review Board.

Alternative Design Considerations

There was no appropriate comparison group to understand what changes observed after October 2023 were due to the implementation of this Ordinance versus concurrent changes to the state law on possession of controlled substances. The study team met with partners in Bellingham and Olympia to explore whether data would be accessible to provide a comparison to other large Washington State cities that also experienced changes in the state law, but did not pass a similar city ordinance. However, both of these cities use a very different LEAD model that no longer makes them appropriate for comparison. Namely, Seattle LEAD shows up immediately upon SPD diversion rather than in the other cities, whereas law enforcement makes referrals to their local LEAD programs that get followed up hours or days later.

Another design consideration was to look at changes in how individual officers arrested versus diverted individuals for possession and/or use of controlled substances in public spaces after the Ordinance. However, SPD data do not indicate which officer at the scene makes these decisions, only which officer wrote the arrest report and other officers who were involved. Therefore, it was not possible to look at “within” officer changes in enforcement activity before and after the Ordinance.

It was also considered to calculate arrest-to-diversion conversion rates. These conversion rates would help examine whether a greater proportion of individuals were diverted to LEAD after the implementation of the Ordinance. However, due to concerns about the low reliability of diversion data, these analyses were not done.

The effectiveness of the Ordinance on improving the use of public spaces was difficult to determine. Data from the Seattle Parks and Recreation department documented incidents related to drug use, but not as those related to the use of public parks. The City of Seattle recommended “foot traffic” data that comes from cellphone data to explore the use of public spaces. However, these “foot traffic” data were also noted for concerns of reliability, and it would not be possible to discern traffic related to work versus the use of public spaces.

Data Collection

People who use drugs. People who use drugs (n=23, Table 1) were interviewed on three different occasions at two service providers in Seattle—one in the Chinatown-International District and one in North Seattle. Participation was voluntary, and most interviews lasted between 20 and 45 minutes. Participants were compensated \$25 following completion of an interview. Interviews were conducted one-on-one, in-person, and were audio recorded. Participants were recruited using convenience sampling. Interviewers were available to conduct interviews during times of service provision (e.g. breakfast, distribution of harm reduction supplies), and clients were informed of the opportunity to be interviewed upon entering the building.

Table 1. People Who Use Drugs (n=23) Interview Participants

Category	Statistic	Value
Gender/Sex	Male	17 (74%)
	Female	6 (26%)
Race/Ethnicity Category	White only	13 (57%)
	Black/African American only	3 (13%)
	Hispanic/Latino only	3 (13%)
	More than one race/ethnicity	4 (17%)
Hispanic or Latino	Yes	4 (17%)
	No	19 (83%)
Age Range	21-25	1 (4%)
	26-35	7 (35%)
	36-45	7 (35%)
	46-55	5 (22%)
	56-65	3 (13%)
Drug Use (Past Year)	Methamphetamine	16 (70%)
	Cannabis	12 (52%)
	Fentanyl	10 (43%)
	Cocaine	9 (39%)
	Heroin	4 (17%)
Law Enforcement Interaction (Past Year)	Any interaction	18 (78%)
	Median # of interactions	3
Arrests (Past Year)	≥1 arrest	13 (57%)
	Median # of arrests	1
Jail Bookings	≥1 booking	10 (43%)
LEAD Involvement	≥1 referral/diversion	5 (22%)

Business owners. Small business owners (n=6) were recruited through snowball sampling and collaborated with a Seattle-based small business organization as an initial recruitment strategy. All interviews with small business owners were conducted virtually, one-on-one, recorded, and participants were given a \$25 gift card as compensation. Business owners worked in Downtown Seattle. Because translation services were not available, we were advised to delay recruitment of

business owners from the Chinatown-International District until it was possible to be more inclusive. Attempts were made to recruit via the For North Seattle business group, but ultimately did not result in any interviews. Due to the small sample size, demographic information for business owner participants is not reported.

SPD officers. After approval from SPD and the Seattle Police Officers Guild, recruitment procedures were established with leadership at the West Precinct. Study staff presented at midday roll call and then were available for on-site interviews with SPD officers. Interviews were not recorded, and officers were not paid. Interviewers took notes on officers' responses. Because only four interviews were completed, they were not analyzed for themes.

Data Analysis

Quantitative data. Offense, arrest, and diversion data from SPD and LEAD were analyzed to compare pre- and post-Ordinance activity one year before the Ordinance's passage through 2024. Because offense reports often included multiple individuals, person-level offenses were calculated by multiplying the number of offenses in each period by the number of individuals involved. Diversion data from SPD were cross-referenced with LEAD records provided by Purpose Dignity Action. To address discrepancies between the two sources, a comprehensive list of all unique diversion records within the analytic period was created, and those numbers are reported in this report (Figure 1).

Qualitative data. Qualitative analyses were conducted with data collected through in-depth interviews as well as a review of SPD arrest narratives. Transcripts of in-depth interviews were deductively coded using a codebook developed from the study questions guiding this report. Coded transcripts were reviewed to identify consistent themes as well as points of divergence. A sub-sample of 10% of arrest narratives from the post-Ordinance period was analyzed. The narratives were coded to identify if there was language related to a threat of harm assessment, the suspect(s) were booked, and the suspect(s) were diverted. The criteria for whether a threat of harm was documented were informed by the Ordinance and relevant SPD policy.

Secondary analyses. Due to the delays in receiving SPD data and access to the SPD data system, it was not possible to conduct secondary analyses of interest (i.e., non-required data variables). For example, with more time, it would be possible to geographically map where offenses and arrests occurred. This map would also help understand potential differences by precinct in how this Ordinance was implemented. Another secondary analysis could be to examine predictors of individuals who completed a LEAD intake versus those who did not, which could inform service efforts.

Appendix B. Interview Guides

Interview Guide for People with Lived Experience of Drug Use

Effectiveness Evaluation of Ordinance 126896

Introduction

Thank you for taking the time to speak with me today. As we've discussed, this conversation should last around 45 minutes but can go longer if you feel your responses need more explanation. If at any point you feel uncomfortable answering a question, please let me know and we will move to the next question. If you would like to end the interview at any point, please tell me and you will be free to leave without penalty. I want to remind you that your responses are confidential, and that any transcripts or recordings of this interview will not include your name or other identifying information. Before we begin, do you have any questions about the process for the interview?

The purpose of this interview is to discuss Ordinance 126896, which was implemented in Seattle in October 2023, and concerns how the police handle instances of public drug use and possession. We want to understand how this Ordinance may be affecting people who live in Seattle, like you, and to identify ways it could be improved. We are going to discuss the Ordinance in a few minutes, but first I want to ask you a few questions about your experiences living in Seattle and any law enforcement interactions.

Since we'll be talking about potentially sensitive questions, please let us know if you need a break or don't feel comfortable answering. Everything is completely voluntary.

Prompts:

- Repeat the question.
- Can you tell me more about that?
- Can you give me an example?

Interactions with Police

1. How long have you lived in Seattle?
 - a. If you've lived elsewhere, where have you lived? When did you move here?
 - b. Where did you stay last night (e.g. house, shelter, apartment, tent, etc.)?
 - c. Where is your housing/where do you spend most of your time?
2. Tell me about any experiences you have had with law enforcement (e.g. arrests, jail) related to drug possession or use in the last 18 months?
 - a. To the best of your memory, when did these instances occur?
 - b. What about interactions with the police for reasons other than drug use or possession?
3. In general, how do you feel about how the Seattle police interact with people who use drugs?
4. When you use/have used drugs in the past, how did you feel about using in public places (e.g. parks, buses, light rail, on the sidewalk)?
 - a. [Prompt if needed] Were you worried about using in public places?

- b. If yes—Where were those places? Were there places you felt you certainly could not go?
 - c. Where do you use that feels safe and why there?
 - d. How has this impacted your day-to-day life?
- 5. Have you been stopped by a police officer for using drugs or having drugs and not been arrested? What happened in that case? Did they take your drugs, just ask you to leave, give you a warning, etc.?

The Ordinance

I now want to talk about the Ordinance that I mentioned earlier. The Ordinance was implemented in Seattle in October 2023 and its stated purpose was to get people found to be using or possessing drugs in public into treatment rather than arresting them and charging them with a crime. Whether or not someone is arrested is supposed to be based on whether they pose a threat to the safety of other people or just themselves. Even if someone is arrested, the Ordinance states that the preference is to give someone a referral to a treatment program, rather than booking them in jail and charging them with a crime.

- 6. Before I mentioned the Ordinance just now, what did you know about this Ordinance?
- 7. Considering the goal of this Ordinance, to get people who use drugs into treatment or to provide them other services (e.g. housing) instead of jail, how successful do you think it has been and why?
- 8. If you can consider any experiences you've had with the Seattle Police in the past 18 months, compared to maybe 3 years ago, what changes have you noticed?
 - a. What about the experiences of people you know?
- 9. Have you had any experience with something called diversion, or a LEAD referral, where instead of jail or arrest the police can refer you to drug treatment or other services?
 - a. When did that happen?
 - b. Did you receive those services?
 - c. *If yes--* how did you receive them (on your own, caseworker, etc.)? What did you receive and from where?
- 10. I want to go back to the part of the Ordinance that talks about the threat of harm to yourself or others being a factor in making an arrest. How have you seen police officers make this determination?
- 11. From your experience, what factors do you believe likely influence whether someone gets arrested?
 - a. [Prompt if needed] Have you noticed use or possession of certain drugs leading to greater instances of arrest?
 - b. Are certain areas of the city known to have higher police patrols where you are more likely to get arrested?
- 12. As we discussed, we are very interested to know about the experiences and perspectives of people with lived experience of drug use. Related to this, can you tell me about any experience you have receiving treatment for a substance use disorder/addiction?
 - a. *If they have had experience*—What were the motivations to receive treatment (e.g. court mandate, personal choice, police diversion, family, etc.?) What type

of treatment did you receive and for how long (e.g. medications, counseling, etc.?)

- b. *If they have not had experience*—Can you tell me about your interest in receiving treatment, and what, if any, barriers have stopped you from receiving treatment?

Demographic

1. For demographic purposes can you please tell me your age range, race, and gender.
2. In the past year can you tell me what substance you've used, and estimate how frequently you used them?
3. In the past year, can you estimate how many times you: 1.) Spoke with law enforcement; 2.) Were arrested; 3.) Were booked into jail; 4.) Were referred to LEAD.

Interview Guide for Business Owners/Operators Effectiveness Evaluation of Ordinance 126896

Introduction

The purpose of this interview is to discuss Ordinance 126896, which was implemented in Seattle in October 2023, and concerns how the police handle instances of public drug use and possession. It is important for us to understand how this ordinance affects people who live or work in Seattle, like you, and to identify ways it could be improved. First I will ask you a few questions about your background, starting with your life here in Seattle.

Background

1. Do you live in Seattle? If so, for how long?
 - a. What part of the city do you live in?
2. What is your business(es)?
 - a. Which part of the city is your work located in?
3. Like many parts of the country, Seattle has experienced the negative effects of increased substance use and addiction. What has your experience with illegal drug use in Seattle been?
 - a. How do you feel it impacts your daily life as a Seattle resident/person who works in Seattle?

Business Impact [Business owners only]

4. What experiences have you had with the impact of drug use on your business(es) in Seattle?
 - a. How would you characterize the impact? (e.g. lost profits, business closures, crime, etc.?)
 - b. How safe do you feel at your business(es)?
5. What responses have businesses taken to combat the effects of public drug use?
 - a. What has been the role of law enforcement in these efforts?
 - b. How effective were these responses?
6. What resources would businesses need for a more effective response?

The Ordinance

I now want to talk about the Ordinance that I mentioned earlier. The ordinance was implemented in Seattle in October 2023 and its stated purpose was to get people found to be using or possessing drugs in public into treatment rather than arresting them and charging them with a crime. Whether

or not someone is arrested is supposed to be based on whether they pose a threat to the safety of other people or just themselves.

7. What did you know about this Ordinance?
8. Considering the goals of this Ordinance, to get people who use drugs into services instead of jail, how successful do you think it has been and why?
9. How do the goals of the ordinance meet the needs of businesses and people using public spaces?
10. Have you noticed any changes in public drug use in the last 18 months?
 - a. If yes--how would you describe those changes?
11. What other comments or thoughts would you like to add?

Demographic

12. For demographic purposes, please tell me your age range, race, sex, gender

Interview Guide for SPD Officers

Effectiveness Evaluation of Ordinance 126896

Introduction

Thank you for taking the time to speak with me today. I want to remind you that your responses are confidential and will not include your name or other identifying information. The desire is to get accurate insight from SPD officers into the implementation and application of the City of Seattle's 2023 drug use in public ordinance (126896), especially the conduct of a threat of harm assessment and use of diversion instead of arrest.

This conversation should last about 15 minutes. If at any point you feel uncomfortable answering a question, please let me know and we will move to the next question.

The Ordinance: Threat of Harm Assessment and Impact on Policing

The Ordinance was implemented in Seattle in October 2023 and its stated purpose was to get people found to be using or possessing drugs in public into treatment rather than arresting them and charging them with a crime. Whether or not someone is arrested is intended to be based on whether they pose a threat to the safety of other people or just themselves.

1. How familiar are you with this Ordinance?
 - a. What formal or informal training on the ordinance did you receive?
 - b. How clear are the procedures for the Ordinance in SPD policies?
2. How similar were the goals of the Ordinance with existing SPD policies?
 - a. How has the Ordinance changed the way you do your job as an SPD officer?
3. What do you know about the threat of harm assessment outlined in the Ordinance?
 - a. What factors do you consider and how do you weigh those factors in your threat of harm assessment?
4. What is your experience with conducting this threat of harm assessment in the field?
 - a. How do you document the threat of harm assessment?

The Ordinance: Diversion

I now want to switch to talking about cases where you have probable cause to make an arrest but instead divert people to LEAD services or take another course of action.

5. What are the steps you take to make a LEAD referral/diversion?

- a. Do LEAD providers generally meet you in the field or at the police station? What is the general response time of LEAD
6. In your experience, how well is LEAD able to respond to the volume of referrals SPD makes?
 - a. Are there any logistical challenges in making a LEAD referral? What are they?
7. How do you document LEAD referrals?

Other

8. If you can encounter someone who appears to be using illicit substances in public, how often do you arrest vs divert to LEAD vs some other action?
9. Is there anything else you feel is important for us to know regarding the Ordinance, policies or procedures, or LEAD, as it relates to enforcement of this public use drugs Ordinance?
10. What is your age range, sex/gender, race/ethnicity, and rank within SPD?

SPD Response

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Thank you for the opportunity to review this document and a special thank you to the University of Washington, Dr. Owens and her team for conducting this evaluation. SPD was disappointed to learn of the late notice to obtain officer interviews and access to our data. This could have proved helpful for the team to evaluate. Of particular note, was the disparity in data provided by LEAD and the data provided by SPD. One of the common themes that SPD leadership hears from patrol officers, is there is no LEAD follow up. It is unknown the extent of the treatment the subject is receiving and if the treatment was beneficial or successful. SPD supports the need for a diversion program, although the feedback received from the community and visiting tourists, is that the public use of drugs is by its very nature a threat to the wellbeing of the community and a threat to others. It would prove beneficial for SPD to have additional training from LEAD about their program and offer any additional alternatives to diversion programs. Without a successful alternative to using drugs in a public space, this leads to other public disorder issues and criminal activity. SPD welcomes the opportunity for additional engagement to combat this very important issue that impacts all facets of our community.”

Non-Audit Statement This review was not conducted under Generally Accepted Government Auditing Standards (GAGAS); however, OIG has followed GAGAS regarding the qualifications and competency of specialists.