

FINAL REPORT OF THE  
MARIJUANA POLICY REVIEW  
PANEL ON THE  
IMPLEMENTATION OF  
INITIATIVE 75

*December 4, 2007*

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## Executive Summary

Initiative 75 (I-75) was passed by Seattle voters in the September 16, 2003 primary election. Its passage resulted in the addition of a new section, 12A.20.060, to the Seattle Municipal Code (SMC). Subsection A stated that “[t]he Seattle Police Department and City Attorney’s Office shall make the investigation, arrest and prosecution of marijuana offenses, when the marijuana was intended for adult personal use, the City’s lowest law enforcement priority.” Subsection B called for the President of the City Council to appoint an eleven-member Marijuana Policy Review Panel “to assess and report on the effects of this ordinance.”

Working with a consultant, the Panel collected and analyzed data to address the following questions:

1. Was subsection A of Section 12A.20.060 of the Seattle Municipal Code implemented?
2. Did the implementation have an impact on public safety?
3. Did the implementation have an impact on public administration?
4. Did the implementation have an impact on public health?
5. Were there fiscal impacts associated with the implementation?

The Panel concluded that I-75 was clearly implemented in that it was enacted into law by the City Council. It appears that following the adoption of I-75, there were reductions in both the number of referrals of marijuana-related incidents from the Seattle Police Department to the City Attorney, and in the number of cases filed by the City Attorney that charged individuals with possession of marijuana. However, the Panel was unable to conclude definitively that these reductions were attributable to I-75’s passage.

Bearing in mind that the numbers of marijuana case referrals and filings were already small before I-75’s passage, the Panel also concluded that there was no evidence of any adverse effect of the implementation of I-75 in any of the substantive areas examined, including: (a) no evident increase in marijuana use among young people, (b) no evident increase in crime, and (c) no adverse impact on public health. The Panel did observe some evidence of arguably positive effects, assuming that the caseload reduction was caused by the passage of I-75: (a) fewer adults experiencing the consequences of involvement in the criminal justice system due to their personal use of marijuana; and (b) a small reduction in the amount of public safety resources dedicated to marijuana possession cases, accompanied by a corresponding slight increase in the availability of these resources for other public safety priorities.

The Panel makes the following recommendations to the Seattle City Council:

1. Let stand Ordinance Number 121509, Seattle Municipal Code Section 12A.20.060, Resolution 30648, and Ordinance Number 122025.<sup>1</sup>
2. Revise the reporting criteria established by the Panel so that the Seattle City Attorney's Office shall provide the Council President spreadsheets listing all cases in which an individual was referred for misdemeanor possession of marijuana charges, and describing the disposition of each. These reports may, but need not, contain case numbers. The reports shall continue to monitor the race and gender of the subject of the marijuana case referrals and filings. The spreadsheets are to be produced on an annual basis on or before June 30 of the following year. The Council President shall determine the appropriate committee to review the reports and the means for making them available to the public for review.
3. Disband the Marijuana Policy Review Panel.

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<sup>1</sup> Two Panel members voted against adoption of Recommendation 1.

## Acknowledgements

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# Introduction

## Legislation

Initiative 75 (I-75) was passed by Seattle voters in the September 16, 2003 primary election. Subsequently, Ordinance No. 121509 was adopted by the Seattle City Council and signed by the Mayor on September 23, 2003. Appendix 1. The ordinance added a new section, 12A.20.060, to the Seattle Municipal Code (SMC). Subsection A of the ordinance stated that “[t]he Seattle Police Department and City Attorney’s Office shall make the investigation, arrest and prosecution of marijuana offenses, when the marijuana was intended for adult personal use, the City’s lowest law enforcement priority.” The ordinance also called for the President of the City Council to appoint an eleven-member Marijuana Policy Review Panel “to assess and report on the effects of this ordinance.”

The Seattle Municipal Code does not contain a provision making the adult personal use of marijuana a crime; the law enforced by Seattle police officers and prosecutors is, like many others, a Washington state law, specifically the Uniform Controlled Substances Act, Chapter 69.50 of the Revised Code of Washington (RCW). Under state law, possession of up to forty grams of marijuana for personal use is a misdemeanor and carries a mandatory minimum sentence of one day in jail and a \$250 fine (the fine doubles on a second or subsequent offense and is in addition to any other fees or costs associated with prosecution and conviction). RCW 69.50.4014, 69.50.425.

Selling or growing marijuana is a felony, as is the possession of more than forty grams of marijuana. RCW 69.50.401(1), (2)(c); RCW 69.50.4013. Felonies are prosecuted by the King County Prosecuting Attorney, to whom SMC 12A.20.060 does not apply. The ordinance does apply to the Seattle Police Department, though, and would apply to the referral of a case involving more than forty grams of marijuana to the King County Prosecuting Attorney if the evidence indicated the marijuana was intended for adult personal use. The Washington State Medical Use of Marijuana Act, which provides qualifying patients and their designated providers a defense to criminal charges related to the production, possession, or administration of medical marijuana, permits patients and providers to possess up to a sixty-day supply of medical marijuana at any given time. See Chapter 69.51A RCW.

The use of items to store or ingest marijuana (“paraphernalia”) is a misdemeanor. RCW 69.50.412. Use of paraphernalia in connection with marijuana, then, where the marijuana is intended for adult personal use, may be a “marijuana offense” subject to the requirements of SMC 12A.20.060(A). The Panel was not able to isolate marijuana paraphernalia cases from other drug paraphernalia cases as the available data is not coded by substance.

RCW 69.50.608 establishes state preemption of “the entire field of setting penalties for violations of the controlled substances act,” so that individual Washington municipalities are unable to remove the criminal penalties associated with adult personal use of marijuana. This provision would have to be amended by the Washington State Legislature in order for the City of Seattle to decriminalize the adult personal use of marijuana altogether rather than simply making it the City’s lowest law enforcement priority. Furthermore, RCW 69.50.500 imposes on local law enforcement and prosecutors an affirmative duty to “enforce all provisions” of Washington’s Uniform Controlled Substances Act. The Washington State Supreme Court and the United States Supreme Court have recognized that prosecutors enjoy wide discretion in deciding whether to charge, or not to charge, a suspect (see Appendix 4), but the Courts’ analyses did not involve a specific enforcement provision such as RCW 69.50.500.

### **The Marijuana Policy Review Panel**

Initiative 75 required the President of the City Council to appoint an eleven-member Marijuana Policy Review Panel “to assess and report on the effects of this ordinance.” SMC 12A.20.060(B). The membership of the Panel included “two (2) members of the City Council, two (2) citizen members, one (1) drug abuse prevention counselor, one (1) harm reduction advocate, one (1) representative of the Seattle Police Department, two (2) criminal defense attorneys, one (1) representative of the King County Prosecuting Attorney’s Office and one (1) representative of the Seattle City Attorney’s Office.” *Id.* See Appendix 5 for a list of Panel members.

Resolution No. 30648 was adopted by the Seattle City Council and signed by the Mayor on December 15, 2003, and it: (a) recognized the President’s appointment of Panel members, (b) called for meetings to be open to the public, (c) called for the Panel to establish reporting criteria for marijuana arrests and prosecutions, and (d) stated that the Panel would disband after it had presented its comprehensive written report with recommendations to the City Council. Appendix 2.

Ordinance No. 122025, passed by the City Council on January 30 and signed by the Mayor on February 7, 2006, adjusted the deadlines contained in SMC 12A.20.060 to reflect that Initiative 75, while originally filed in 2002 with the intent that it would appear on the November 2002 ballot, was not actually put to the voters until the following year. All deadlines were pushed back one year to allow the Panel the originally intended three years to observe and report on the implementation of the Initiative. Appendix 3.

The full Panel, required to meet at least quarterly, met eighteen times, and a committee met twice. At its first meeting, February 25, 2004, the Panel elected



Council President Nick Licata as Chair and Councilmember Tom Rasmussen as Vice Chair. When neither the Chair nor Vice Chair could attend, Panel members Thomas Carr, Alison Holcomb, and Dominic Holden served as substitute chairs. See Appendix 6 for the minutes of the Panel's meetings.

On March 31, 2004, the Panel established reporting criteria for the Seattle Police Department, Seattle City Attorney, and King County Prosecuting Attorney. Appendix 11.

A Public Health and Safety Committee was established, meeting twice in fall 2004, to identify data resources for the public health and safety portion of this report.

On September 15, 2005, the Panel voted to request that the Council allocate up to, but no more than, \$20,000 for a researcher to assist with the preparation of the report. The Panel developed a scope of work that outlined the expectations for the report (Appendices 8, 9) and recommended the Council retain Gary Cox, Ph.D. (*curriculum vitae* attached as Appendix 7).

Working with Dr. Cox, the Panel collected and analyzed data to address the following questions:

1. Was subsection A of Section 12A.20.060 of the Seattle Municipal Code implemented?
2. Did the implementation have an impact on public safety?
3. Did the implementation have an impact on public administration?
4. Did the implementation have an impact on public health?
5. Were there fiscal impacts associated with the implementation?

Data utilized to address these questions included marijuana referrals and filings reports provided by the Seattle City Attorney; local, regional, and national survey data; City of Seattle data from the 2000 census; Uniform Crime Reports; hospital emergency department data; Alcohol/Drug 24-Hour Help Line call data; the National Institute of Justice Arrestee Drug Abuse Monitoring (ADAM) program; the Treatment and Assessment Report Generation Tool (TARGET) System utilized by the Washington State Division of Alcohol and Substance Abuse (DASA); and unit cost data concerning police, jail, prosecution, public defense, and court activities.

## Findings

### **Was Subsection A of Section 12A.20.060 of the Seattle Municipal Code Implemented?**

#### **Indicators and Data Sources**

Initiative 75 clearly was implemented in the sense that the City Council added it to the Seattle Municipal Code as Section 12A.20.060. Also, Seattle police officers were verbally advised during their roll calls that investigation and arrest of adults for possession of cannabis intended for personal use was to be their lowest priority. See Appendix 6, minutes of November 20, 2006 meeting. This is corroborated by the inclusion of the statement, “. . . Seattle has reduced marijuana enforcement to a low priority for police . . .” in a 2005 Complaint Report prepared by the Department’s Office of Professional Accountability Investigations Section. See Appendix 10. Finally, the Seattle City Attorney reported to the Panel that although federal and state laws prohibiting the possession of marijuana conflicted with the mandate of SMC 12A.20.060, “the law is being implemented in good faith.” See Appendix 6, minutes of October 11, 2006 meeting.

The expected primary consequences of the adoption of SMC 12A.20.060 would be that both the number of arrests and incident referrals by the Seattle Police Department and the number of prosecutions by the Seattle City Attorney for marijuana possession would decline. These outcomes can be assessed by noting whether fewer persons are referred from the Seattle Police Department to the Seattle City Attorney for consideration of marijuana charges and whether a smaller number of persons are (a) charged with only marijuana possession (suggesting that marijuana possession was the primary basis for police contact), or, (b) charged with marijuana possession in addition to other offenses (suggesting that discovery of the possession of marijuana might have happened only after the individual was contacted for another reason).

Generally, marijuana possession cases that originate in the City of Seattle can be broken into two categories: cases in which the suspected possession of marijuana was the primary reason for the police officer to contact an individual, and cases in which the discovery of marijuana was secondary to a contact initiated for another reason. If the officer makes the determination that the City Attorney should consider filing charges against the individual, he or she prepares an Incident Report, a copy of which is forwarded to the City Attorney. The City Attorney then must decide whether to file a Complaint with the Seattle Municipal Court, charging the individual (now a defendant) with one or more crimes. If the City Attorney elects not to file charges, the case is referred to as an “NCF” – No Complaint Filed.

On March 31, 2004, the Panel advised the City Council of the reporting criteria and process it had approved for tracking arrests and prosecutions for marijuana offenses where the marijuana was intended for adult personal use. Appendix 11. The primary source of data utilized by the Panel to evaluate the implementation of Initiative 75 by the Police Department and City Attorney was a collection of spreadsheets produced by the City Attorney that tracked, on an annual basis for years 2000-2006, all marijuana referrals and charged cases.

The spreadsheets produced by the City Attorney contained the following data fields for each case: number of charges and description of each; case disposition; race, gender and date of birth of the defendant; whether the defendant was booked into jail; date the referral was received from the Police Department; and date the City Attorney filed a Complaint. In cases resulting in a conviction, or cases still pending at the time of the production of the spreadsheet, the court case number was included as well.

## **Findings**

Table 1 charts the annual number of marijuana case referrals from the Seattle Police Department and the filing decisions made by the City Attorney's Office.

In Column F, the yearly totals of SPD marijuana case referrals are shown. The total number of referrals declined between 2000 and 2001, fluctuated but was comparatively stable for the period 2001 to 2003, declined again in 2004, increased in 2005 and again in 2006, but remained below pre-I-75 levels. In the years 2000 through 2003 the average number of referrals was 242, and the average for 2004 through 2006 was 122.

These data suggest first that there might have been some change in arrest policy between 2000 and 2001 that was obviously unrelated to I-75. Between 2003 and 2004, there was another sharp decline in referrals as anticipated with the recent passage of I-75. The gradual increase in referrals in 2005 and 2006 is unexplained but may be due to the passage of time since I-75's original implementation and a lack of ongoing training related to the continued applicability of SMC 12A.20.060 to police operations, or to an increase in the adult possession of marijuana in Seattle.

It is also possible that the variations are unrelated to I-75 and are driven instead by other factors. For example, on June 3, 2004, the Washington State Supreme Court issued a decision striking down as unconstitutional a law which suspended a driver's license, without an opportunity for hearing, for failing to respond to a moving violation (e.g. pay a speeding ticket). This decision invalidated many cases in which individuals had been charged with Driving With License Suspended in the Third Degree (DWLS 3), and, for a while, police officers

significantly reduced the numbers of contacts they initiated with individuals suspected of this offense. It is possible that some portion of the decrease of marijuana referrals made after I-75's passage was due to fewer discoveries of marijuana possession secondary to a stop for suspected DWLS 3.

Column C indicates the total number of persons referred for marijuana offenses to the City Attorney's Office for prosecution, and for whom cases were filed. There are two subgroups: those charged with marijuana possession only (Column A), and those charged with multiple counts including marijuana possession (Column B).

Consistent with the assumption that I-75's passage should largely impact rates of arrest and prosecution for possession of marijuana only, we see in Column A that the number of cases filed for marijuana possession only declined sharply from 2003 to 2004. However, a similar sharp decline also occurred from 2000 to 2001, before I-75's passage in 2003, corresponding with the sharp decline in referrals from the Seattle Police Department.

For the years 2000 through 2003, the number of cases filed involving "marijuana plus other" offenses (Column B) was fairly stable. In 2004 the number of filings in this category declined substantially, increased somewhat in 2005 and increased again in 2006, but has not returned to pre-Initiative levels.

Overall, the total number of marijuana case filings by the City Attorney (Column C) has declined considerably with the exception of the unexplained increase, almost to pre-Initiative levels, of filings in 2006. It is important to note, however, that the overwhelming majority of this increase was due to "marijuana plus other" cases and not cases in which the defendant was charged with marijuana possession only (*compare* Columns A and B).

As is evident in Column D, the percentage of all marijuana case filings that involved "marijuana only" offenses decreased from 55% in 2000 to approximately one-third for the years 2001 to 2005. In 2006, this percentage again dropped to 24%.

Taken together these results suggest that there was indeed a reduction in referrals for prosecution on marijuana charges from 2003 to 2004, which is consistent with, but not necessarily attributable to, implementation of I-75.

<p align="center"><b>Table 1</b>  <b>Marijuana Case Referrals from the Seattle Police Department Filed and Not Filed  for Prosecution by the City Attorney</b></p>							
Column:	A	B	C	D	E	F	G
Year	Marijuana Charges Only Filed	Marijuana Plus Other Charges Filed	Total of Marijuana Cases Filed	Percentage of Total Filings Charging Marijuana Only	Number of Marijuana Referrals Not Filed	Total of Marijuana Referrals	Percentage of All Marijuana Referrals that Were Filed
2000	101	83	184	55%	148	332	55%
2001	44	87	131	34%	67	198	66%
2002	56	93	149	38%	75	224	67%
2003	50	92	142	35%	70	212	67%
2004	20	50	70	29%	24	94	74%
2005	25	61	85	29%	38	123	69%
2006	30	95	125	24%	23	148	84%

*Source: Seattle City Attorney records of marijuana cases referred for prosecution, 2000-2006.*

Table 2 records the gender and ethnicity of those individuals referred by the Seattle Police Department to the City Attorney for consideration of marijuana charges. These data are also illustrated in Figures 1 and 2. Table 3 records the gender and ethnicity of those individuals against whom the City Attorney filed marijuana charges. These data are illustrated in Figures 3 and 4.

**Table 2.** Demographics for Seattle Police Department Marijuana Incident Referrals (Gender, Race/Ethnicity)

	Row Total	White		Black		Asian		Indian		Hispanic		Unknown	
		Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent
<b>Males</b>													
<b>2000</b>	299	158	53	118	39	13	4	3	1	5	2	2	1
<b>2001</b>	179	114	64	53	30	3	2	1	1	6	3	2	1
<b>2002</b>	196	114	58	66	34	7	4	1	1	5	3	3	2
<b>2003</b>	181	75	41	94	52	8	4	2	1	1	1	1	1
<b>2004</b>	81	32	40	42	52	2	2	1	1	3	4	1	1
<b>2005</b>	102	37	36	55	54	1	1	4	4	3	3	2	2
<b>2006</b>	134	50	37	76	57	4	3	0	0	2	1	2	1
<b>Females</b>													
<b>2000</b>	33	15	45	16	48	1	3	1	3	0	0	0	0
<b>2001</b>	19	15	79	2	12	1	5	0	0	1	5	0	0
<b>2002</b>	28	16	53	10	40	1	7	0	0	1	0	0	0
<b>2003</b>	31	19	61	11	35	1	3	0	0	0	0	0	0
<b>2004</b>	13	5	38	8	62	0	0	0	0	0	0	0	0
<b>2005</b>	21	8	38	13	62	0	0	0	0	0	0	0	0
<b>2006</b>	14	6	43	7	50	1	7	0	0	0	0	0	0

Source: Seattle City Attorney records of marijuana cases referred for prosecution, 2000-2006.

Figure 1

Male Marijuana-Related Incidents Referred by the Seattle Police Department

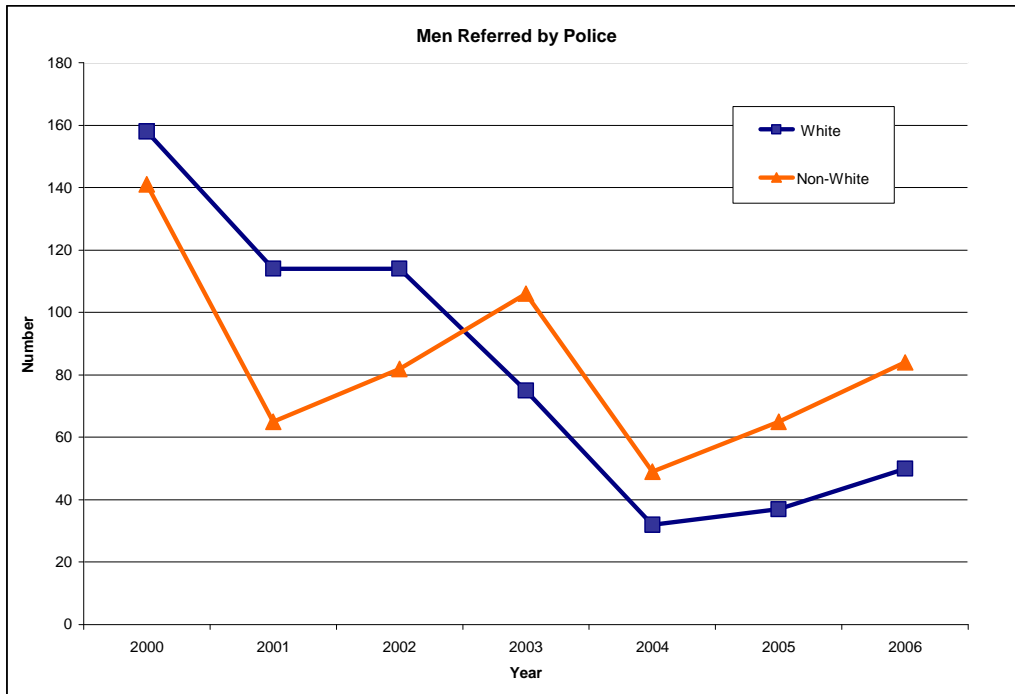
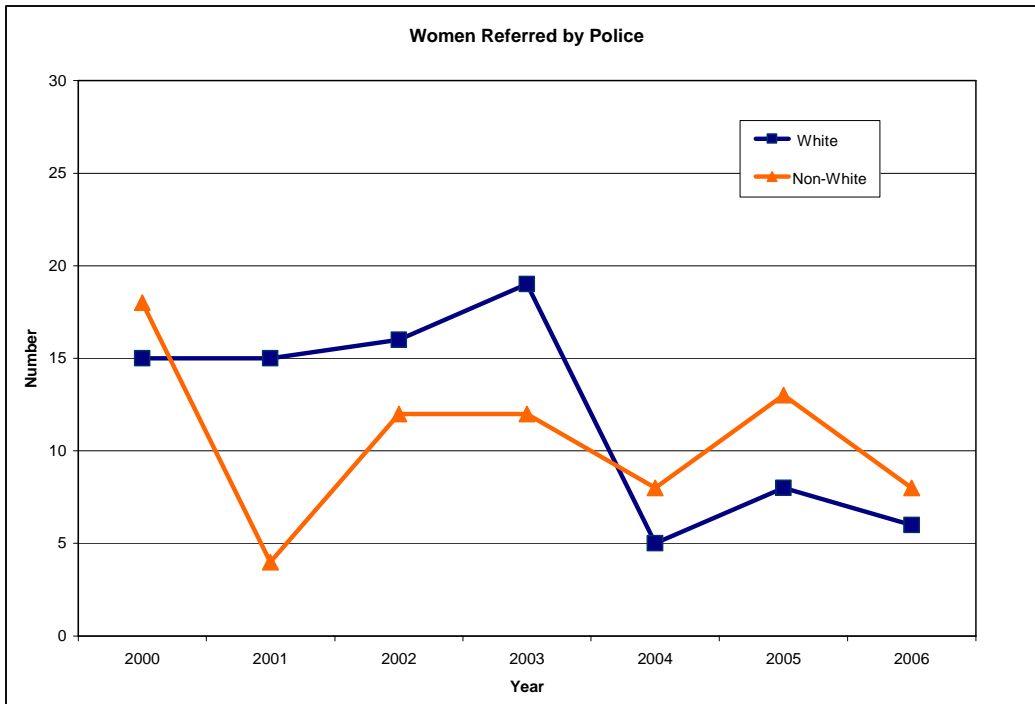


Figure 2

Female Marijuana-Related Incidents Referred by the Seattle Police Department



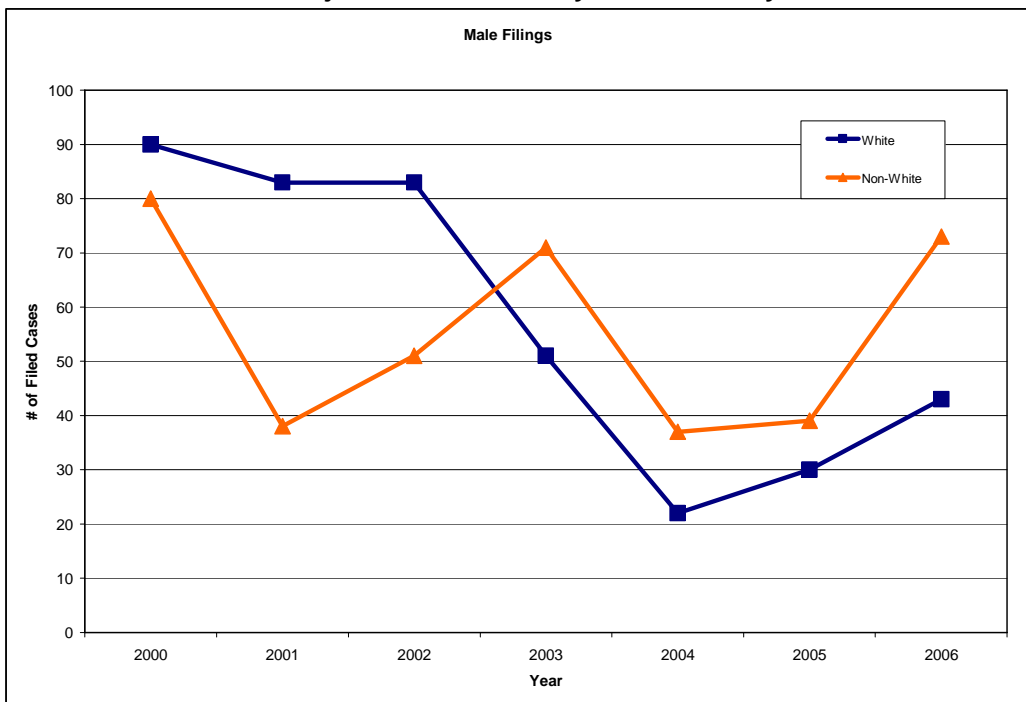
**Table 3.** Demographics for Seattle City Attorney Filed Marijuana Cases (Gender, Race/Ethnicity)

	Row Total	White		Black		Asian		Indian		Hispanic		Unknown	
		Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent	Number	Per Cent
<b>Males</b>													
<b>2000</b>	168	88	52	60	36	9	5	2	1	5	3	2	1
<b>2001</b>	122	82	67	32	26	1	1	0	0	5	4	2	2
<b>2002</b>	134	83	62	43	32	4	3	1	1	2	1	1	1
<b>2003</b>	123	51	41	65	53	5	4	1	1	0	0	1	1
<b>2004</b>	60	22	37	31	52	2	3	1	2	3	5	1	2
<b>2005</b>	72	30	42	34	47	1	1	3	4	2	3	2	3
<b>2006</b>	116	43	37	65	56	4	4	0	0	2	2	2	2
<b>Females</b>													
<b>2000</b>	18	7	39	10	56	1	6	0	0	0	0	0	0
<b>2001</b>	9	6	67	1	11	1	11	0	0	1	11	0	0
<b>2002</b>	15	8	53	6	40	1	7	0	0	0	0	0	0
<b>2003</b>	19	12	63	6	32	1	5	0	0	0	0	0	0
<b>2004</b>	10	4	40	6	60	0	0	0	0	0	0	0	0
<b>2005</b>	13	7	54	6	46	0	0	0	0	0	0	0	0
<b>2006</b>	9	4	44	4	44	1	11	0	0	0	0	0	0

Source: Seattle City Attorney records of marijuana cases referred for prosecution, 2000-2006.



**Figure 3**  
**Male Marijuana Cases Filed by Race/Ethnicity Status**



**Figure 4**  
**Female Marijuana Cases Filed by Race/Ethnicity Status**

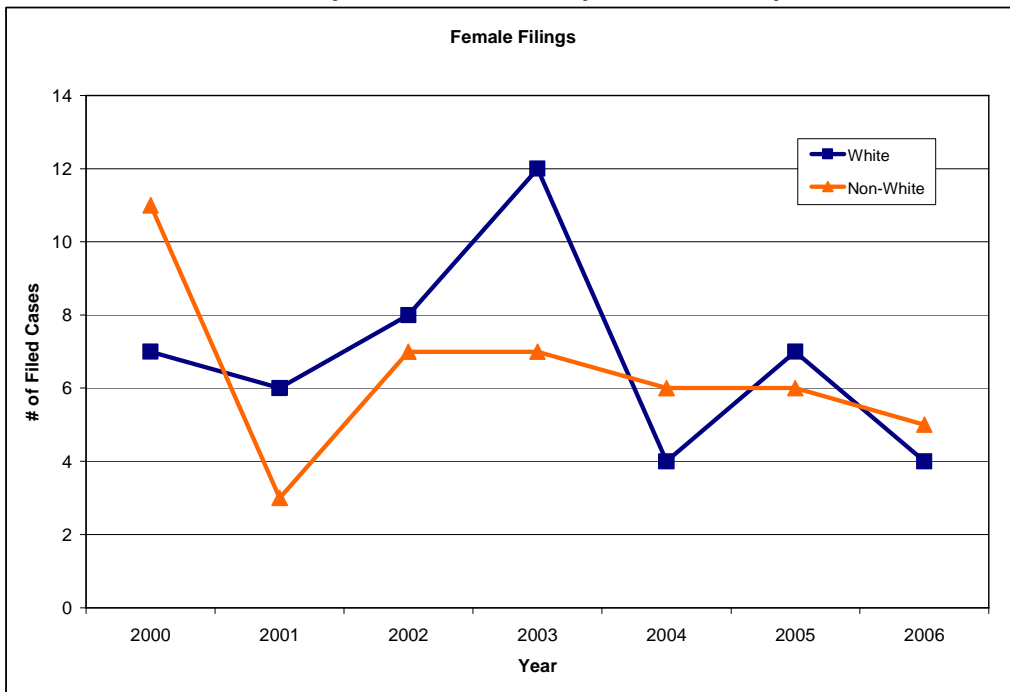


Table 4 indicates the racial/ethnic distribution of the Seattle population from the 2000 census. Table 5 compares the Seattle Police Department marijuana case referral rates for Blacks and whites in proportion with their representation in the population. Table 6 compares the Seattle City Attorney marijuana case filing rates for Blacks and whites. These data are illustrated in Figures 5 and 6.

<b>Table 4. Seattle Race/Ethnic Distribution 2000 Census Seattle Population (2000): 563,374</b>	
<b>Race/Ethnic Group</b>	<b>% of Population</b>
White	70.1
African American	8.4
Asian	13.1
Hispanic <sup>2</sup>	5.3
American Indian and Alaskan Native	1.0
Native Hawaiian and Other Pacific Islander	0.5
Other	2.4
Two or More Races	4.5

Source: City of Seattle 2000 Census Data, available at <http://www.ofm.wa.gov/census2000/profiles/place/1605363000.pdf>

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<sup>2</sup> Ethnicity is asked in a separate question from race, and the respondents make choices between Hispanic and Non Hispanic; including this number in this table results in the percentages totaling more than 100.

<b>Table 5. Seattle Police Department Marijuana Incident Referral Rates per 10,000</b>				
	<b>White<sup>3</sup></b>		<b>Black<sup>4</sup></b>	
	Number of Referrals	Rate per 10,000	Number of Referrals	Rate per 10,000
<b>2000</b>	173	4.38	134	28.33
<b>2001</b>	129	3.27	55	11.63
<b>2002</b>	130	3.29	76	16.07
<b>2003</b>	94	2.38	105	22.20
<b>2004</b>	37	0.94	50	10.57
<b>2005</b>	45	1.14	68	14.38
<b>2006</b>	56	1.42	83	17.55

Sources: Seattle City Attorney records of marijuana cases referred for prosecution, 2000-2006; City of Seattle 2000 Census Data, available at <http://www.ofm.wa.gov/census2000/profiles/place/1605363000.pdf>

<b>Table 6. Seattle City Attorney Marijuana Case Filing Rates per 10,000</b>				
	<b>White<sup>3</sup></b>		<b>Black<sup>4</sup></b>	
	Number of Filings	Rate per 10,000	Number of Filings	Rate per 10,000
<b>2000</b>	95	2.41	70	14.80
<b>2001</b>	88	2.23	33	6.98
<b>2002</b>	91	2.30	49	10.36
<b>2003</b>	63	1.60	71	15.01
<b>2004</b>	26	0.66	37	7.82
<b>2005</b>	37	0.94	40	8.46
<b>2006</b>	47	1.19	69	14.59

Sources: Seattle City Attorney records of marijuana cases referred for prosecution, 2000-2006; City of Seattle 2000 Census Data, available at <http://www.ofm.wa.gov/census2000/profiles/place/1605363000.pdf>

<sup>3</sup> Whites represented 70.1% of the total Seattle population in 2000, comprising a population of 394,925.

<sup>4</sup> Blacks represented 8.4% of the total Seattle population in 2000, comprising a population of 47,323.

Figure 5

Seattle Police Department Marijuana Incident Referral Rates for Whites and Blacks

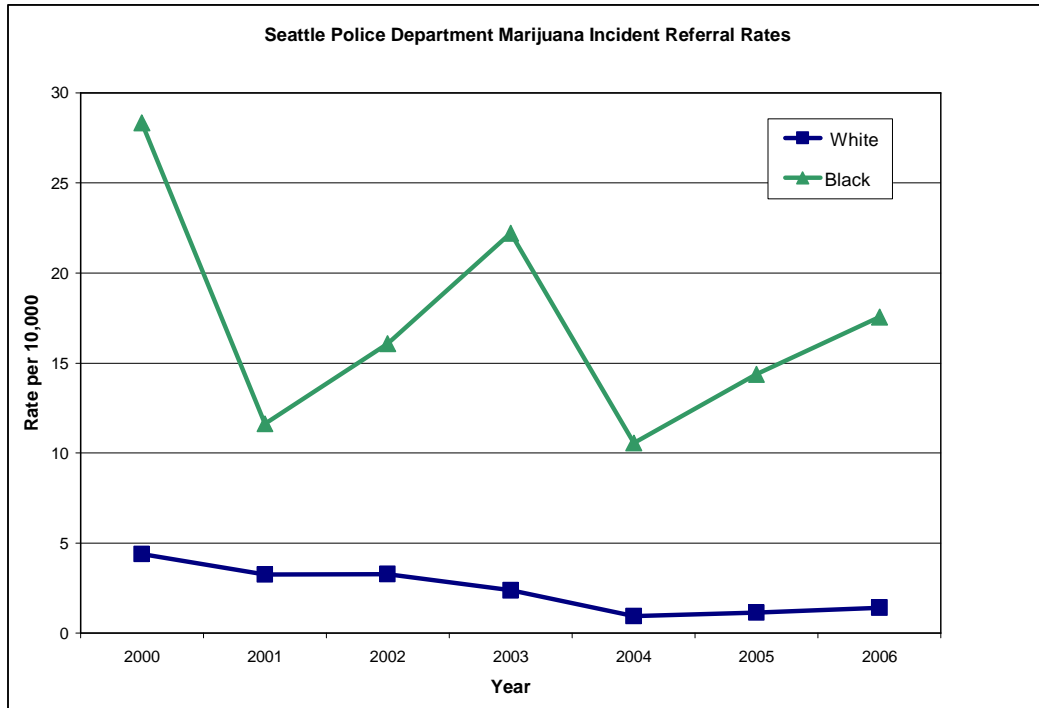
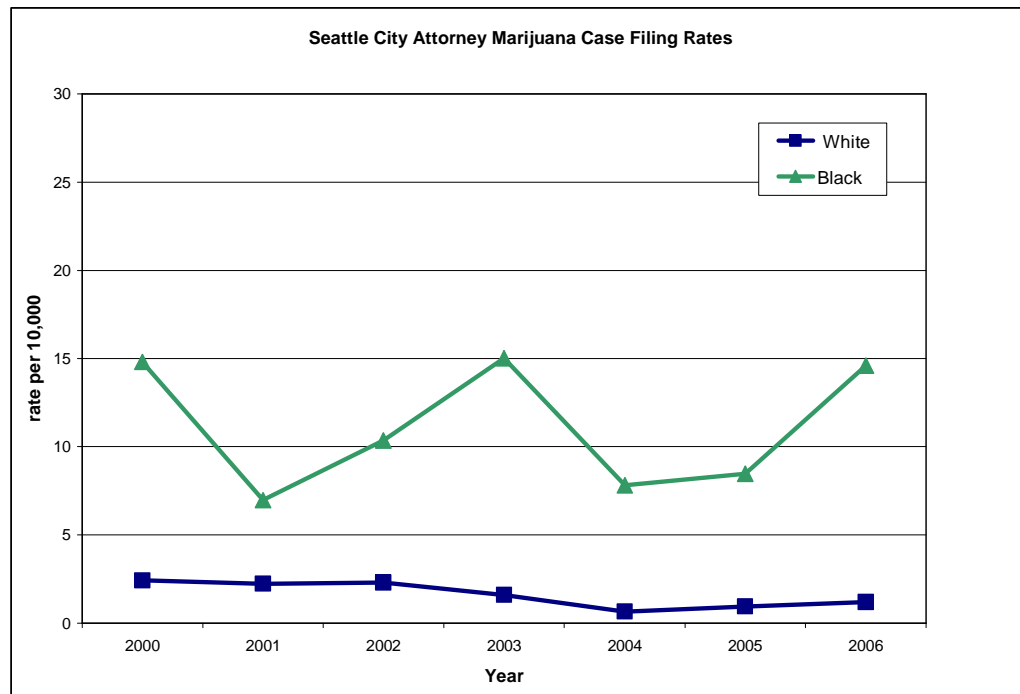


Figure 6

Seattle City Attorney Marijuana Case Filing Rates for Whites and Blacks



## Conclusions

Both the Seattle Police Department and the Seattle City Attorney appear to have implemented Initiative 75 after its passage and adoption as SMC 12A.20.060 at the end of 2003. Although this cannot be attributed definitively to I-75, both marijuana incident referrals and marijuana case filings declined sharply from 2003 to 2004. These declines are consistent with implementation of I-75 but should also be considered in the context of the City Attorney's annual caseload, of which marijuana offenses comprise less than one percent. Table 7 shows the number of misdemeanor marijuana filings per year, compared to the total number of misdemeanor filings (including marijuana cases), and the percent of the former to the latter. The reduction in filings due to I-75 is very small relative to the overall prosecutor's load, ranging from nine tenths to five tenths of a percent.

<b>Table 7. Marijuana Filings As a Percentage of Total Misdemeanor Filings</b>			
<b>Year</b>	<b>Total Misdemeanor Filings</b>	<b>Marijuana Filings</b>	<b>Percent Marijuana to Total</b>
2000	18,977	184	0.9%
2001	17,398	131	0.7%
2002	15,323	149	0.9%
2003	16,392	142	0.8%
2004	12,945	70	0.5%
2005	12,584	86	0.6%
2006	15,143	125	0.8%

*Source: Seattle City Attorney records of marijuana cases referred for prosecution and total misdemeanor filings, 2000-2006.*

Both marijuana incident referrals and marijuana case filings rose slightly in 2005 and again in 2006, but these increases appear to be attributable primarily to incidents involving multiple offenses and not those in which the possession of marijuana was the sole offense. Moreover, the increases in 2005 and 2006 have not returned marijuana incident referrals and case filings to pre-Initiative levels.

The total number of marijuana case referrals and filings declined following I-75's passage for both men and women. However, the numbers of marijuana case referrals and filings for white men and women have decreased more than those for black men and women, with the anomalous result that in 2006, the numbers for black people were higher than the numbers for whites. These numbers are disproportionate to the respective percentages of Blacks and whites in the City of Seattle population.

## **Did the Implementation Have An Impact on Public Safety?**

### **Indicators and Data Sources**

If reduced arrests for marijuana use lead to increased marijuana use in the community, then there might be an increase in crime due to persons committing crimes while under the influence of marijuana, or needing money to purchase marijuana. This increase would presumably come in two stages since the reduction in arrests came in two stages between 2000 and 2001 and between 2003 and 2004.

The sources of data for addressing this question are the Federal Bureau of Investigation's Uniform Crime Reports for Seattle as reported by the Seattle Police Department (<http://www.seattle.gov/Police/crime/stats.htm>).

### **Findings**

Table 8 illustrates that the Total Number of Crimes increased slightly from 2000 to 2001, decreased from 2001 to 2002, increased in 2003, declined again in 2004, increased again in 2005, and declined to the lowest numbers in the seven year period in 2006.

**Table 8. Crime by Year in Seattle (Uniform Crime Reports)**

<b>Measure</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
Total Number of Crimes	97,079	98,709	94,741	101,116	95,147	99,268	94,271
Murder and Negligent Homicide	36	25	27	34	24	25	30
Rape	181	164	152	174	145	139	127
Robbery	1,653	1,594	1,576	1,509	1,588	1,606	1,667
Aggravated Assault	2,463	2,367	2,338	2,229	2,041	2,344	2,322
Residential Burglary	3,728	4,363	5,017	6,176	5,427	4,737	5,417
Nonresidential Burglary	2,429	2,321	2,273	2,360	2,307	2,019	2,087
Theft	26,424	26,502	26,742	28,718	25,810	27,174	23,911
Auto Theft	8,386	8,755	8,308	9,052	9,253	9,558	8,138
Arson	172	220	211	205	243	217	234
Non-aggravated Assault	6,516	6,315	5,837	5,988	6,106	6,262	5,992
Counterfeiting and Forgery	793	681	714	661	640	658	523
Fraud	2,040	2,505	2,969	3,029	3,205	3,485	3,237
Embezzlement	345	320	232	191	178	165	192
Stolen Property	296	238	226	36	303	259	301
Vandalism	7,270	7,391	6,551	6,768	6,514	6,557	6,745
Weapons: Possession	587	564	477	580	556	626	692
Commercial Vice and Prostitution	187	363	430	436	452	652	443
Sex Offenses (except Rape and Prostitution)	796	746	860	800	800	689	694
Drug Abuse Violations	2,170	1,993	2,051	1,855	1,888	2,258	2,786
Gambling	16	2	2	1	4	2	4
Offenses Against Family and Children	4,898	4,520	4,367	4,302	4,074	3,960	3,770
Driving Under the Influence	112	107	145	134	135	164	37
Liquor Laws	293	370	231	160	203	254	381
Disorderly Conduct	121	141	124	127	91	115	123
All Other Offenses (except Traffic)	25,167	26,142	22,881	25,591	23,160	25,343	24,418

Source: F.B.I. Uniform Crime Reports for Seattle, provided by the Seattle Police Department at <http://www.seattle.gov/Police/crime/stats.htm>.

## **Conclusions**

Given these patterns, there is no support for a finding that crime in the Seattle area increased coincident with reduced frequencies of marijuana arrests and prosecutions or that any decrease was related to the passage of Initiative 75.



## **Did the Implementation Have An Impact on Public Administration?**

### **Indicators and Data Sources**

The implementation of I-75 would have an impact on public administration if the workloads of City personnel changed as a result of implementation. The data source used to assess this impact was the marijuana referral and filing numbers discussed above.

### **Findings**

Given the reductions in marijuana arrests and prosecutions that have occurred, there should have been either some reductions in workloads for police, jail staff, prosecutors, defenders and municipal court staff, or alternatively a reallocation of the time and effort that would have been expended on marijuana cases to other types of cases. However, it must be kept in mind that the reductions were minor (332 referrals and 184 cases filed in 2000, an average of 211 referrals and 141 filings per year for 2001 to 2003, and an average of 122 referrals and 93 filings per year for 2004 to 2006) in comparison to the overall workloads (roughly 15,500 cases filed annually by the City Attorney's Office), and the amount of time involved in these cases is probably not as significant as for more serious crimes such as DUI and assault. In addition, most cases are resolved with the defendant either pleading guilty as charged or entering into a negotiated resolution, with very few cases proceeding to jury trial, so it appears that the prosecutor's staff and defense counsel are attempting to maximize efficiency as a matter of course.

### **Conclusions**

Although there were identifiable reductions in marijuana charges and therefore of caseloads, in the overall criminal justice picture the reductions are very small.

## Did the Implementation Have An Impact on Public Health?

### Indicators and Data Sources

Marijuana use might impact the following community health issues:

- A. Number of Emergency Department (ED) or other medical events where marijuana is a factor. The data source for this indicator will be Banta-Green, Caleb, *et al.*, Recent Drug Abuse Trends in the Seattle-King County Area, Epidemiologic Trends in Drug Abuse, annual reports, 2002 and 2004-2007.
- B. Number of Alcohol/Drug 24-Hour Help Line (ADHL) calls for marijuana related problems. The data source for this indicator will be Banta-Green, Caleb, *et al.*, Recent Drug Abuse Trends in the Seattle-King County Area, Epidemiologic Trends in Drug Abuse, June 2007.
- C. Co-occurrence of arrest and treatment. The data source for this indicator will be the National Institute of Justice Arrestee Drug Abuse Monitoring (ADAM) program.
- D. Mortality and risk for infectious diseases. The data sources for this indicator will be the King County Medical Examiner and the Washington State Alcohol/Drug Help Line, via Banta-Green, Caleb, *et al.*, Recent Drug Abuse Trends in the Seattle-King County Area, Epidemiologic Trends in Drug Abuse, June 2007.
- E. Marijuana use in public schools. The data source for this indicator will be the Seattle Public Schools (1999 Teen Health Survey; Communities That Care Youth Survey), and a State of Washington data set (2002 and 2004 Healthy Youth Surveys).
- F. Marijuana use in the general population. The data source for this indicator will be the National Survey on Drug Use and Health: National Findings and Overview of Findings from the National Survey on Drug Use and Health, Substance Abuse and Mental Health Services Administration.

### Findings

Table 9 shows the annual rates of “mentions” of marijuana as part of the reason for appearing for ED (Emergency Department) services. Since multiple drugs have been used in many ED cases, it is difficult to assess the significance of the role of marijuana. Generally marijuana is fourth on the frequency list of drugs reported, following alcohol, cocaine and heroin. In the first half of 2005,

approximately 13% of cases handled by EDs in King and Snohomish Counties reported marijuana as part of their problem.

These results are from the Drug Abuse Warning Network (DAWN) reports on ED utilization, administered by the Office of Applied Studies, Substance Abuse and Mental Health Services Administration (SAMHSA). DAWN data are problematic in several ways: codes were changed post-2002, so comparisons with subsequent data are not possible; data were not collected in 2003; post-2004 data are not yet weighted and so are not comparable across years; and the data are subject to change over time as new cases are added and older data updated.

<b>Table 9. Emergency Department Mentions of Marijuana in King and Snohomish Counties</b>		
<b>Year</b>	<b>Rate/100,000</b>	<b>Percent of All Drugs</b>
2000	72	16
2001	75	19
2002	65	15
<b>Year</b>	<b># of Mentions</b>	<b>Percent of All Drugs</b>
2004	1,159	11.6
2005	1,968	12.4
2006	1,775	N/A

Source: Banta-Green, Caleb, et al., *Recent Drug Abuse Trends in the Seattle-King County Area, Epidemiologic Trends in Drug Abuse, June 2002*, pp. 3, 7, 12, [http://depts.washington.edu/adai/pubs/tr/cewg/CEWG\\_Seattle\\_0602.pdf](http://depts.washington.edu/adai/pubs/tr/cewg/CEWG_Seattle_0602.pdf); June 2004, pp. 2, 5, 11, [http://depts.washington.edu/adai/pubs/tr/cewg/CEWG\\_Seattle\\_0604.pdf](http://depts.washington.edu/adai/pubs/tr/cewg/CEWG_Seattle_0604.pdf); June 2005, pp. 1, 2, 7, 14, 15, [http://depts.washington.edu/adai/pubs/tr/cewg/CEWG\\_Seattle\\_June2005.pdf](http://depts.washington.edu/adai/pubs/tr/cewg/CEWG_Seattle_June2005.pdf); June 2006, pp. 2, 8, 12, <http://www.metrokc.gov/health/subabuse/drugtrends0606.pdf>; June 2007, pp. 2, 6, 14, <http://www.metrokc.gov/health/subabuse/drugtrends0707.pdf>.

Table 10 shows the numbers of calls to the Alcohol/Drug Help Line by adult (defined as being age 20 or older) King County residents in which marijuana is mentioned as a problem. These figures declined between 2002 and 2003, increased between 2003 and 2004, declined again between 2004 and 2005, and increased again in 2006.

<b>Table 10. Help Line Calls - Adults King County Residents, 2001-2006</b>			
<b>Year</b>	<b>Total Calls</b>	<b>Number of Calls in Which Marijuana is Mentioned</b>	<b>Percentage</b>
2001	4,639	972	21%
2002	4,760	967	20%
2003	3,984	637	16%
2004	4,672	814	17%
2005	4,428	608	14%
2006	5,967	907	15%

Source: Banta-Green, Caleb, et al., *Recent Drug Abuse Trends in the Seattle-King County Area, Epidemiologic Trends in Drug Abuse, June 2007*, pp. 2, 6, 12, <http://www.metrokc.gov/health/subabuse/drugtrends0707.pdf>.

Table 11 shows the numbers of calls to the Alcohol/Drug Help Line by King County residents 19 years of age and younger in which marijuana is mentioned as a problem. These figures declined each year from 2001 through 2005, then increased slightly in 2006.

<b>Table 11. Help Line Calls - Youth King County Residents, 2001-2006</b>			
<b>Year</b>	<b>Total Calls</b>	<b>Number of Calls in Which Marijuana is Mentioned</b>	<b>Percentage</b>
2001	1,162	491	42%
2002	711	353	50%
2003	606	302	50%
2004	563	277	49%
2005	519	202	39%
2006	613	250	41%

Source: Banta-Green, Caleb, et al., *Recent Drug Abuse Trends in the Seattle-King County Area, Epidemiologic Trends in Drug Abuse, June 2007*, pp. 2, 6, 13, <http://www.metrokc.gov/health/subabuse/drugtrends0707.pdf>.

Table 12 gives data relating to marijuana use by male King County arrestees. These data are from the National Institute of Justice's Arrestee Drug Abuse Monitoring (ADAM) program and were collected from a random sample of 731 King County arrestees interviewed during the first three quarters of 2003. Thirty-five percent reported having used marijuana in the past seven days, 42% in the past thirty days, and 53% in the past year. These are relatively high rates. Again, these data are from samples of all arrestees, so it is a different group from the focus of this analysis. However, it does document the substantial level of marijuana use in the jail population.

<b>Table 12. Use and Acquisition of Marijuana among Male King County Arrestees in 2003<sup>5</sup></b>	
Arrestees Testing Positive for Marijuana (%)	37.2
Arrestees Reporting Marijuana Use (%)	
Past 7 Days	34.7
Past 30 Days	42.2
Past Year	52.6
Average Number of Days in Past 30 Days Used Marijuana	9.2
Acquired Marijuana in Past 30 Days (%)	40.4
Mean Number of Days <sup>6</sup>	
Cash	7.7
Non-cash	4.3
Last Marijuana Buy with Cash Was Outdoors (%) <sup>7</sup>	33.7
Any Failed Marijuana Buy in the Past 30 Days (%) <sup>8</sup>	27.1
Failed Marijuana Buy Due to Police Activity (%) <sup>9</sup>	1.7

Source: National Opinion Research Center (NORC), on behalf of the National Institute of Justice (NIJ), Office of Justice Programs, U.S. Department of Justice, "Drug and Alcohol Use and Related Matters Among Arrestees 2003."

<sup>5</sup> Weighted to represent booked arrested men.

<sup>6</sup> Question was asked of arrestees who said they obtained the drug during the past 30 days.

<sup>7</sup> Question was asked of arrestees who said they had bought drugs with cash in the past 30 days.

<sup>8</sup> Question was asked of arrestees who said they had bought drugs with cash in the past 30 days.

<sup>9</sup> Question was asked of arrestees who said they had purchased drugs with cash in the past 30 days and had at least one failed drug buy.

Table 13 shows the percentage of admissions to state-supported substance abuse treatment who reported marijuana as primary, secondary or tertiary drug of choice.

<b>Table 13.</b> Percent of Treatment Admissions that Mention Marijuana as Primary Secondary or Tertiary Drug of Choice January 2000 to June 2005					
<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
51	52	50	50	48	48

Source: Washington State Division of Alcohol and Substance Abuse, TARGET Data System.

Marijuana is not included among the drugs tested by the King County Medical Examiner in the case of death due to apparent drug overdose. This is because of the difficulty of overdosing with it. Accordingly, marijuana is not considered a factor in drug mortality.

Table 14 gives the percentages of Seattle 8<sup>th</sup> grade and high school students who self-report using marijuana for the period 1989 to 1999. These data are from the Final Report from the Seattle Public Schools 1999 Teen Health Survey Results. The percentages of high school students who reported that they had ever used marijuana are somewhat lower than for the more recent data (Table 15). The table shows that for that period of comparison, the rate of ever using was fairly stable for the period 1989 to 1993. For the two grades there was an increase between 1993 and 1995, with stable rates between 1995 and 1999.

(Note that direct comparisons between these two tables are of questionable validity since responses are highly contingent on the phrasing of questions and the manner of delivery. As the National Survey on Drug Use and Health report states: "Research has established that surveys of substance use and other sensitive topics often produce inconsistent results because of different methods used. Thus it is important to understand that conflicting results often reflect differing methodologies, not incorrect results. Despite this limitation, comparisons can be very useful. Consistency across surveys can provide confirmation or support for conclusions about trends and patterns of use . . ." <http://oas.samhsa.gov/nsduh/2k5nsduh/2k5Results.htm#Ch9>, p. 78).

<b>Table 14. Percent of Seattle High School Students Who Report Ever Having Used Marijuana</b>						
	<b>1989</b>	<b>1990</b>	<b>1991</b>	<b>1993</b>	<b>1995</b>	<b>1999</b>
<b>Grade 8</b>	25	19	19	23	37	30
<b>High School</b>	38	33	33	37	46	49

Source: Seattle Public Schools 1999 Teen Health Survey Results.

Table 15 shows more recent data on the percent of Seattle School District students in 8<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> grades who self-report use of marijuana. These data are from the Communities That Care and Healthy Youth Surveys. This table suggests that at all three grade levels, the rates of use are stable enough to show no positive (lower drug use) or negative (greater drug use) effects after SMC 12A.20.060 was enacted.

<b>Table 15. Seattle School District Marijuana/Hashish Prevalence Rates for Eighth, Tenth and Twelfth Graders</b>			
	<b>2002<sup>10</sup></b>	<b>2004<sup>11</sup></b>	<b>2006</b>
<b>Lifetime Rates</b>			
8 <sup>th</sup> Graders	23.9%	22.8%	15.9%
10 <sup>th</sup> Graders	41.8%	40.9%	36.8%
12 <sup>th</sup> Graders	52.5%	54.4%	N/A <sup>12</sup>
<b>30-Day Rates</b>			
8 <sup>th</sup> Graders	12.6%	12.0%	11.5%
10 <sup>th</sup> Graders	21.9%	21.6%	21.9%
12 <sup>th</sup> Graders	27.0%	25.4%	N/A <sup>12</sup>

Tables 16 and 17 include Washington State survey data (Healthy Youth Survey) pertaining to 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> graders, both statewide and residing in King County. As is evident in the tables, lifetime and recent (30-day) use rates from 2000 to 2006, both for Washington State and King County, are relatively stable.

<sup>10</sup> Communities That Care Youth Survey.

<sup>11</sup> Healthy Youth Survey.

<sup>12</sup> Response rates too low to calculate an accurate rate.

<b>Table 16. Washington State Marijuana/Hashish Prevalence Rates for Eighth, Tenth and Twelfth Graders</b>				
	<b>2000</b>	<b>2002</b>	<b>2004</b>	<b>2006</b>
<b>Lifetime Rates</b>				
8 <sup>th</sup> Graders	19.7	15.7	14.0	10.7
10 <sup>th</sup> Graders	37.6	32.4	29.5	30.8
12 <sup>th</sup> Graders	50.5	48.0	41.1	43.1
<b>30-Day Rates</b>				
8 <sup>th</sup> Graders	12.0	10.4	9.2	7.0
10 <sup>th</sup> Graders	21.9	18.3	17.1	18.3
12 <sup>th</sup> Graders	24.4	24.7	19.5	21.6

Source: *Healthy Youth Survey*.

<b>Table 17. King County Marijuana/Hashish Prevalence Rates for Eighth, Tenth and Twelfth Graders</b>				
	<b>2000</b>	<b>2002</b>	<b>2004</b>	<b>2006</b>
<b>Lifetime Rates</b>				
8 <sup>th</sup> Graders	17.5	N/A <sup>7</sup>	10.2	8.4
10 <sup>th</sup> Graders	32.2	N/A <sup>7</sup>	26.4	28.1
12 <sup>th</sup> Graders	45.6	N/A <sup>7</sup>	39.9	39.2
<b>30-Day Rates</b>				
8 <sup>th</sup> Graders	12.7	N/A <sup>7</sup>	6.6	5.8
10 <sup>th</sup> Graders	18.9	N/A <sup>7</sup>	15.9	17.1
12 <sup>th</sup> Graders	25.0	N/A <sup>7</sup>	18.6	20.0

Table 18 shows data from the Monitoring The Future national surveys. The public school portions of this table generally show slight declines over the 2000 to 2005 time period, including small changes from 2003 to 2004 and 2005. These differences are small enough, and in some cases reverse, that their policy significance seems minor at most.

Table 19 shows data from the National Survey on Drug Use and Health over the period 2002 to 2005.

Tables 18 and 19 give use rates for two samples of young adults, based on random national samples. The two tables show somewhat different rates, but as one of the reports discusses, this is not surprising. What is similar is that in the young adult age bracket (18 to 25 in one study, 19 to 28 in the other), the pattern of rates is pretty much flat across the period of 2003 to 2005, and in fact is essentially flat for the period 2000 to 2005 in one case, and 2002 to 2005 in the other. There does not appear to have been any notable change in use habits among young adult users.



**Table 18.** National Marijuana/Hashish Prevalence Rates for Eighth, Tenth and Twelfth Graders, College Students, and Young Adults

	2000	2001	2002	2003	2004	2005
<b>Lifetime Rates</b>						
8 <sup>th</sup> Graders	20.3	20.4	19.2	17.5	16.3	16.5
10 <sup>th</sup> Graders	40.3	40.1	38.7	36.4	35.1	34.1
12 <sup>th</sup> Graders	48.8	49.0	47.8	46.1	45.7	44.8
College Students	51.2	51.0	49.5	50.7	49.1	49.1
Young Adults (Ages 19-28)	55.1	55.7	56.8	57.2	57.4	57.0
	2000	2001	2002	2003	2004	2005
<b>Annual Rates</b>						
8 <sup>th</sup> Graders	15.6	15.4	14.6	12.8	11.8	12.2
10 <sup>th</sup> Graders	32.2	32.7	30.3	28.2	27.5	26.6
12 <sup>th</sup> Graders	36.5	37.0	36.2	34.9	34.3	33.6
College Students	34.0	35.6	34.7	33.7	33.3	33.3
Young Adults (Ages 19-28)	27.9	29.2	29.3	29.0	29.2	28.2
	2000	2001	2002	2003	2004	2005
<b>30-Day Rates</b>						
8 <sup>th</sup> Graders	9.1	9.2	8.3	7.5	6.4	6.6
10 <sup>th</sup> Graders	19.7	19.8	17.8	17.0	15.9	15.2
12 <sup>th</sup> Graders	21.6	22.4	21.2	21.2	19.9	19.8
College Students	20.0	20.2	19.7	19.3	18.9	17.1
Young Adults (Ages 19-28)	16.1	16.7	16.9	17.3	16.5	15.8

Source: *Monitoring the Future, National Survey Results on Drug Use Sources, National Institute on Drug Abuse.*

**Table 19.** National Marijuana Prevalence Rates for Age Groups 12-17 and 18-25

	2002	2003	2004	2005
<b>Lifetime Rates</b>				
Ages 12-17	20.6	19.6	19.0	17.4
Ages 18-25	53.8	53.9	52.8	52.4
<b>Annual Rates</b>				
Ages 12-17	15.8	15.0	14.5	13.3
Ages 18-25	29.8	28.5	27.8	28.0
<b>30-Day Rates</b>				
Ages 12-17	8.2	7.9	7.6	6.8
Ages 18-25	17.3	17.0	16.1	16.6

Source: *National Survey on Drug Use and Health: National Findings and Overview of Findings from the National Survey on Drug Use and Health, Substance Abuse and Mental Health Services Administration.*

## Conclusions

None of the data reported here suggest any impact, adverse or positive, of Initiative 75's implementation on any of the public health issues identified.

## Was There Fiscal Impact Associated with the Implementation?

### Indicators and Data Sources

The indicator for this question would be whether the costs associated with investigating, referring, filing, and processing misdemeanor marijuana cases through final disposition changed after implementation of I-75.

Another indicator for this question, for the initial years of I-75's implementation, would be the costs associated with administration of the Marijuana Policy Review Panel.

The following are measures of unit costs associated with marijuana cases for the most recent year studied, 2006:

**Police:** The cost per year for a patrol officer with 10 years' experience is \$94,245. Cost per day, assuming a 250-day work year, is \$376.98, and the cost per hour (8-hour workday) is \$47.12.

**Jail:** The jail charges \$132 per booking and \$92 per day in jail. A conviction for misdemeanor possession of marijuana carries a mandatory day in jail.

**Prosecution:** The cost of an experienced Assistant City Attorney, in terms of salary, taxes, and benefits, is \$98,288 per year, or \$49.14 per hour for a 50 weeks/year, 40 hours/week work year.

**Public Defense:** The cost of a public defender who would handle misdemeanor marijuana cases is \$128,861.80 per year. This figure includes salary, benefits, training, licensing, rent, and overhead. The public defense firm that currently has the misdemeanor contract with the City of Seattle, Associated Counsel for the Accused, carries a caseload standard of 380 misdemeanor cases per year. The resulting defense cost per case is \$339.11.

**Court:** The cost of personnel to operate a courtroom is \$1,233 per day, or \$154.13 per hour for an 8-hour day.

### Findings

A proper estimate of costs would require knowing the numbers of hours or days of each component required to initiate and resolve the average misdemeanor marijuana case. Lacking these, certain assumptions can be made to allow calculations.

**Police:** Assuming one hour per arrest for 212 referrals in 2003 and 94 referrals in 2004, police costs would be \$9,989 for 2003 and \$4,429 for 2004.

**Jail:** Table 20 identifies the annual number of marijuana referrals in which the individual was booked into jail. Assuming an average of one day served in jail for each booking, costs for 2003 would be \$11,484 for bookings and \$8,004 for per diem jail costs, for a total of \$19,488. In 2004, costs would be \$7,392 for bookings and \$5,152 for per diem jail costs, for a total of \$12,544.

Year	Bookings in Marijuana-Only Filed Cases	Bookings in Marijuana Plus Other Charges Filed Cases	Bookings in Marijuana Referrals Not Filed	Total Marijuana Bookings/Total Marijuana Referrals	Percent Bookings to Total Marijuana Referrals
2000	11	51	21	83/332	25%
2001	9	61	13	83/198	42%
2002	20	59	20	99/224	44%
2003	13	59	15	87/212	41%
2004	6	43	7	56/94	60%
2005	7	23	11	41/124	33%
2006	7	59	6	72/148	49%

Source: Seattle City Attorney records of marijuana cases referred for prosecution, 2000-2006.

**Prosecution:** Assuming an average of two hours per case, resolving the 142 cases filed in 2003 would cost \$13,956, and the 70 cases filed in 2004 would cost \$6,880.

**Defense:** Defending 142 cases in 2003 would cost \$48,154, and defending 70 cases in 2004, \$23,738.

**Court:** Assuming cases average two hours of court time, court costs for 2003 would be \$43,772, and in 2004, \$21,578.

Using these figures and assumptions, annual costs for years 2003 (the year in which SMC 12A.20.060 was adopted) and 2004 (the first full year following implementation) are presented in Table 21, including totals for each year and the difference between the two years. The year 2004 was \$66,190 less expensive than 2003.

<b>Table 21. Estimated Costs for Processing Marijuana Cases</b>		
	<b>2003</b>	<b>2004</b>
<b>Police</b>	\$9,989	\$4,429
<b>Jail</b>	\$19,488	\$12,544
<b>Prosecution</b>	\$13,956	\$6,880
<b>Defense</b>	\$ 48,154	\$23,738
<b>Court</b>	\$43,772	\$21,578
<b>Total</b>	\$135,359	\$69,169
<b>Difference</b>		\$66,190

**Marijuana Policy Review Panel:** The Seattle City Council assigned a Special Projects Coordinator from its Legislative Department to assist the Marijuana Policy Review Panel. Table 22 presents the estimated costs associated with this administrative support.

<b>Table 22. Estimated Costs for Marijuana Policy Review Panel Administrative Support</b>						
Year	Number of Meetings	Hours of Administrative Support per Meeting	Hours – Contract Related <sup>13</sup>	Total Hours	Hourly Wage <sup>14</sup>	Total
2004	8	8		64	24.82	\$1,588.48
2005	4	8		32	26.07	834.24
2006	5	10	25	75	28.11	2,108.25
2007	3	10	3	33	30.20	996.60
<b>Totals</b>	<b>20</b>	<b>176</b>	<b>28</b>	<b>204</b>		<b>\$5,527.57</b>

Source: Seattle City Council Legislative Department Administrative Director.

The Legislative Department also provided the Panel with three-ring binders and photocopying support at an estimated total cost of \$300.

Finally, the Panel voted to retain a research consultant to assist with the preparation of the final report to the City Council.<sup>15</sup> The consultant's fee was \$20,000.

The estimated costs for administering the Marijuana Policy Review Panel totaled \$25,827.57.

<sup>13</sup> Time spent administering the contract with, and providing support to, the consultant.

<sup>14</sup> Labor costs per hour include hourly rate, FICA (Social Security), Medicare, and retirement.

<sup>15</sup> Six voted affirmatively, one abstained, and four were absent when this motion was made, discussed and approved.

## **Conclusions**

The figures and assumptions given above suggest a potential cost saving from 2003 to 2004 of \$66,190 resulting from the caseload reduction, without assuming that such reduction was actually caused by the passage of Initiative 75. Similar savings estimates could be calculated for years 2005 and 2006 as well. However, no actual cost savings were realized because City expenditures were not reduced in response to the reductions in marijuana case referrals and prosecutions.

Estimated costs for administering the Marijuana Policy Review Panel totaled \$25,827.57 over four years.

## Conclusions and Recommendations

### ***Conclusions:***

The following conclusions are evident from this study:

1. It is clear that I-75 was implemented, and that following its implementation there were reductions both in the number of Seattle Police Department marijuana incident referrals and in the number of Seattle City Attorney filings of marijuana charges, but it is impossible to say whether these reductions were related to I-75.
2. There is no evidence of any adverse effect of this implementation of I-75 in any of the substantive areas examined, including:
  - a. no evident increase in marijuana use among youth and young adults;
  - b. no evident increase in crime; and
  - c. no adverse impact on public health.
3. There is some evidence of arguably positive effects of the implementation of I-75, assuming that the caseload reduction was caused by the passage of I-75, in the following substantive areas examined:
  - a. fewer adults experiencing the consequences of involvement in the criminal justice system due to their personal use of marijuana; and
  - b. a small reduction in the amount of public safety resources dedicated to marijuana possession cases and a corresponding slight increase in availability of these resources for other public safety priorities.

### ***Recommendations:***

The Marijuana Policy Review Panel makes the following recommendations to the Seattle City Council:

1. Let stand Ordinance Number 121509, Seattle Municipal Code subsection 12A.20.060, Resolution 30648, and Ordinance Number 122025.<sup>16</sup>

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<sup>16</sup> Two Panel members voted against adoption of Recommendation 1.

2. Revise the reporting criteria established by the Panel so that the Seattle City Attorney's Office shall provide the Council President spreadsheets listing all cases in which an individual was referred for misdemeanor possession of marijuana charges, and describing the disposition of each. These reports may, but need not, contain case numbers. The reports shall continue to monitor the race and gender of the subject of the marijuana case referrals and filings. The spreadsheets are to be produced on an annual basis on or before June 30 of the following year. The Council President shall determine the appropriate committee to review the reports and the means for making them available to the public for review.
3. Disband the Marijuana Policy Review Panel.

## **Appendix 1: Ordinance Number 121509**

AN ORDINANCE to Establish a Sensible Marijuana Law Enforcement Policy in Seattle

Status: Adopted

Date of Mayor's signature: September 23, 2003

WHEREAS, Seattle and other Washington taxpayers are burdened by the substantial costs of investigating, arresting, prosecuting and jailing people for charges involving marijuana;

WHEREAS, federal education loans are denied to middle-income and lower-income students pursuant to Congressional amendments to the Higher Education Act where applicant students have been convicted of charges involving marijuana;

WHEREAS, Americans were subjected to more than 700,000 arrests for possession of marijuana and arrests related to marijuana and such arrests accounted for nearly half of all drug arrests in the United States in 2000;

WHEREAS, the failures and harms of the Drug War have fallen most heavily on racial minorities and lower income communities, and no racial or economic group in Washington or the United States has escaped the Drug War unharmed;

Now, Therefore, BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

A new section 12A.20.060 of the Seattle Municipal Code is added to read as follows:

SMC 12A.20.060 Enforcement Priority - Marijuana.

A. The Seattle Police Department and City Attorney's Office shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority.

B. On or before December 31, 2002, the President of the City Council shall appoint an eleven (11) member Marijuana Policy Review Panel to assess and report on the effects of this ordinance. The Panel shall consist of two (2) members of the City Council, two (2) citizen members, one (1) drug abuse prevention counselor, one (1) harm reduction advocate, one (1) representative of the Seattle Police Department, two (2) criminal defense attorneys, one (1) representative of the King County Prosecuting Attorney's Office and one (1) representative of the Seattle City Attorney's Office. The President of the City



Council shall appoint members to vacancies on the Marijuana Policy Review Panel as necessary. The Marijuana Policy Review Panel shall:

1. Elect a chairperson and meet at least quarterly or more frequently as necessary;
2. By March 31, 2003, establish reporting criteria for the Seattle Police Department and City Attorney's Office to report marijuana arrests and prosecutions; and
3. Submit a comprehensive written report with recommendations to the City Council that will include, but not be limited to, information concerning the public safety, public administration, public health and fiscal impacts of paragraph A. above. This report shall be completed and presented at the first meeting of the full City Council for calendar year 2006.

C. The Seattle Police Department shall report marijuana arrests and the City Attorney's Office shall report marijuana prosecutions, including those undertaken in Seattle by the King County Prosecutor's Office for arrests made in Seattle, to the Marijuana Policy Review Panel on a semi-annual basis in compliance with the criteria established by the Panel.

D. Upon consideration of the report and recommendations submitted by the Marijuana Policy Review Panel pursuant to subparagraph B.3. above, the City Council may modify, repeal or let stand this ordinance.

#### Severability of provisions

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or the application of the terms and provisions to other persons or circumstances shall not be affected.

## Appendix 2: Resolution Number 30648

A RESOLUTION concerning the **Marijuana** Policy Review Panel established pursuant to Initiative 75.

**Date introduced/referred:** December 15, 2003

**Date adopted:** December 15, 2003

**Status:** Adopted

**Vote:** 8-0 (Excused: McIver)

**Sponsor:** STEINBRUECK

**Index Terms:** INITIATIVES-AND-REFERENDA, **DRUG-ENFORCEMENT**,  
DRUG-RELATED-CRIMES

### Text

RESOLUTION \_\_\_\_\_

A RESOLUTION concerning the Marijuana Policy Review Panel established pursuant to Initiative 75.

WHEREAS the stated goal of Initiative 75 is to establish a sensible marijuana law enforcement policy in Seattle; and

WHEREAS Initiative 75 was approved by a majority of Seattle voters in September 2003; and

WHEREAS Initiative 75 requires the Seattle Police Department and City Attorney's Office to make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority; and

WHEREAS Initiative 75 requires the President of the City Council to appoint an eleven member Marijuana Policy Review Panel to assess and report on the effects of the initiative, and specifies the composition of the Panel; and

WHEREAS Initiative 75 requires the President of the City Council to appoint the Panel by December 2002, and requires the Panel to establish reporting criteria for marijuana arrests and prosecutions by March 2003 and submit a comprehensive written report with recommendations to the City Council at the first meeting of the full City Council in 2006; and

WHEREAS the date of passage of the Initiative makes adherence to much of the above schedule impossible, but the Council respects the intent of timely and thorough implementation of the Initiative;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEATTLE, THE MAYOR CONCURRING, THAT:

Section 1. The Council recognizes the President's appointment of the following persons as the Marijuana Policy Review Panel (Panel): Councilmembers Nick Licata and Tom Rasmussen; Dominic Holden and Theryn Kigvamusud'Vashti, citizen members; Kenneth D. Stark, a drug abuse prevention counselor; Kris Nyrop, a harm reduction advocate; Captain Ronald Mochizuki, a representative of the Seattle Police Department; D'Adre Beth Cunningham and Alison Chinn Holcomb, criminal defense attorneys; Dan Satterberg, a representative of the King County Prosecuting Attorney's Office; and City Attorney Thomas Carr.

Section 2. The Panel's meetings should be open to the public to the extent they would be under the Open Public Meetings Act.

Section 3. The Panel should establish reporting criteria for marijuana arrests and prosecutions as soon as possible but no later than March 2004. In September 2005, which is the soonest the Charter permits the Council to amend the Initiative, the Council can consider extending the deadline for the written report with recommendations to January 2007, so that the Panel has the full amount of time for its work that is implied by the Initiative.

Section 4. After the Panel presents the required comprehensive written report with recommendations to the Council, the Panel shall disband.

Adopted by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 2003, and signed by me in open session in authentication of its adoption this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
President of the City Council

THE MAYOR CONCURRING: \_\_\_\_\_  
Mayor

Filed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
City Clerk

(Seal)  
PH

Resolution on Marijuana Policy Review Panel.doc  
12/2/03

V #1

### Appendix 3: Ordinance Number 122025

AN ORDINANCE amending Seattle Municipal Code Section 12A.20.260, amending the dates by which various actions are to be taken and ratifying any actions taken previously.

**Date introduced/referred:** January 23, 2006

**Date passed:** January 30, 2006

**Status:** Passed

**Vote:** 7-0 (Excused: Clark, Steinbrueck)

**Date of Mayor's signature\*:** February 7, 2006

**Committee:** Full Council

**Sponsor:** LICATA

**Index Terms:** INITIATIVES-AND-REFERENDA, DRUG-SALES, DRUG-ENFORCEMENT

#### Text

ORDINANCE \_\_\_\_\_

AN ORDINANCE amending Seattle Municipal Code Section 12A.20.260, amending the dates by which various actions are to be taken and ratifying any actions taken previously.

WHEREAS, Initiative 75 concerning the enforcement priority for cases involving adult personal use of marijuana was enacted by the voters of the City of Seattle on September 16, 2003; and

WHEREAS, Initiative 75 was originally filed in 2002 with the intent that it would appear on the ballot in November 2002; and

WHEREAS, Initiative 75 was intended to provide the Marijuana Policy Review Panel with three years to prepare its final report to the full City Council and included certain deadlines which were included based on the assumption that the initiative would become law in 2002, rather than 2003;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Seattle Municipal Code Section 12A.20.260 is amended as follows:

A. The Seattle Police Department and City Attorney's Office shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority.

B. On or before December 31, 2003, the President of the City Council shall appoint an eleven (11) member Marijuana Policy Review Panel to assess and report on the effects of this ordinance. The Panel shall consist of two (2) members of the City Council, two (2) citizen members, one (1) drug abuse prevention counselor, one (1) harm reduction advocate, one (1) representative of the Seattle Police Department, two (2) criminal defense attorneys, one (1) representative of the King County Prosecuting Attorney's Office and one (1) representative of the Seattle City Attorney's Office. The President of the City Council shall appoint members to vacancies on the Marijuana Policy Review Panel as necessary. The Marijuana Policy Review Panel shall:

1. Elect a chairperson and meet at least quarterly or more frequently as necessary;

2. By March 31, 2004, establish reporting criteria for the Seattle Police Department and City Attorney's Office to report marijuana arrests and prosecutions; and

3. Submit a comprehensive written report with recommendations to the City Council that will include, but not be limited to, information concerning the public safety, public administration, public health and fiscal impacts of paragraph A. above. This report shall be completed and presented at the first meeting of the full City Council for calendar year 2007.

C. The Seattle Police Department shall report marijuana arrests and the City Attorney's Office shall report marijuana prosecutions, including those undertaken in Seattle by the King County Prosecutor's Office for arrests made in Seattle, to the Marijuana Policy Review Panel on a semi-annual basis in compliance with the criteria established by the Panel.

D. Upon consideration of the report and recommendations submitted by the Marijuana Policy Review Panel pursuant to subparagraph B.3. above, the City Council may modify, repeal or let stand this ordinance.

Section 2. Any act consistent with the authority set forth herein and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the \_\_\_\_ day of \_\_\_\_\_, 2006, and signed by me in open session in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
President \_\_\_\_\_ of the City Council

Approved by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Gregory J. Nickels, Mayor

Filed by me this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
City Clerk

(Seal)

Thomas A. Carr

Marijuana Revision Ordinance

January 17, 2006

version # 2

## Appendix 4: Memorandum

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### MEMORANDUM

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**DATE:** 3/10/2004  
**TO:** MARIJUANA POLICY REVIEW PANEL  
**CC:** FILE  
**FROM:** ALISON HOLCOMB  
**RE:** REPORTING CRITERIA FOR THE SEATTLE POLICE DEPARTMENT AND CITY ATTORNEY'S OFFICE

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I am submitting this memorandum to address a concern I had after our last meeting that arose from Mr. Carr's assertion that Washington state law prohibits his office from complying with the directives of SMC 12A.20.060.<sup>1</sup> It is well-established, by both the Washington Supreme Court and the United States Supreme Court, that prosecutors enjoy "wide discretion to charge or not to charge a suspect":

It is firmly established that a prosecutor has wide discretion to charge *or not to charge* a suspect. *State v. Lee*, 87 Wash.2d 932, 933-34, 558 P.2d 236 (1976), *appeal dismissed*, 432 U.S. 901, 97 S.Ct. 2943, 53 L.Ed.2d 1074 (1977); *State v. Jacobsen*, 78 Wash.2d 491, 498-99, 477 P.2d 1 (1970); *State v. Thomas*, 16 Wash.App. 1, 15-16, 553 P.2d 1357 (1976); *State v. Nixon*, 10 Wash.App. 355, 359, 517 P.2d 212 (1973); and *see Oyler v. Boles*, 368 U.S. 448, 456, 82 S.Ct. 501, 7 L.Ed.2d 446 (1962). The discretion lodged in the office necessarily assumes that the prosecutor will exercise it after an analysis of *all* available relevant information. This concept has recently been reiterated in another context by the United States Supreme Court:

The decision to file criminal charges, with the awesome consequences it entails, requires consideration of a wide range of factors *in addition to the strength of the Government's case*, in order to determine *whether prosecution would be in the public interest*. *Prosecutors often need more information than proof of a suspect's guilt*, therefore, before deciding whether to seek an indictment.

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<sup>1</sup> In support of this assertion, Mr. Carr disseminated to the Panel members a single-page document titled "Chapter 69.50 RCW Uniform Controlled Substances Act," a copy of which is attached to this memorandum as Exhibit A. The document lists three statutes from the Revised Code of Washington describing (1) state preemption of the field of setting penalties for violations of the controlled substances act (it should be noted that SMC 12A.20.060 does not address penalty-setting), (2) the duty of law enforcement officers and prosecuting attorneys to enforce the provisions of Washington's Uniform Controlled Substances Act, and (3) the minimum penalties for misdemeanor violations of the Uniform Controlled Substances Act.

3/10/2004

ALISON HOLCOMB, ATTORNEY AT LAW  
*Confidential*

1

MEMORANDUM: REPORTING CRITERIA

(Footnote omitted.) *United States v. Lovasco*, 431 U.S. 783, 794, 97 S.Ct. 2044, 2050-2051, 52 L.Ed.2d 752 (1977), quoted in *State v. Cooper*, 20 Wash.App. 659, 662-63, 583 P.2d 1225 (1978).

Moreover, it is recognized within the legal profession that the exercise of prosecutorial discretion is an important and delicate component of the office:

(b) The prosecutor is both *an administrator of justice* and an advocate; he must exercise sound discretion in the performance of his functions.

*ABA Standards Relating to the Prosecution Function and the Defense Function* 25 (Approved Draft, 1971).

(T)he essence of the concept of discretion is the flexibility *to cope with myriad and unique circumstances*.

(Italics ours.) *ABA Standards, supra* at 65.

The broad discretion given to a prosecutor in deciding whether to bring charges and in choosing the particular charges to be made requires that the greatest effort be made to see that this power is used fairly and uniformly. *By its very nature the exercise of discretion cannot be reduced to a formula.*

(Italics ours.) *ABA Standards, supra* at 93.

Indeed, this court has recognized the necessity for the exercise of sound discretion by public officials. We have held in several instances that a trial court may order a public official to exercise discretion, if the official has refused to do so. *State ex rel. Klappisa v. Enumclaw*, 73 Wash.2d 451, 453, 439 P.2d 246 (1968); *State ex rel. Stephens v. Odell*, 61 Wash.2d 476, 480, 378 P.2d 932 (1963); *State ex rel. Yeargin v. Maschke*, 90 Wash. 249, 253, 155 P. 1064 (1916).

*State v. Pettitt*, 93 Wn.2d 288, 294-96, 609 P.2d 1364 (1980) (bold italics supplied).

ATTACHMENT

ALISON HOLCOMB, ATTORNEY AT LAW

3/10/2004

2



**Chapter 69.50 RCW**  
**UNIFORM CONTROLLED SUBSTANCES ACT**

**RCW 69.50.608**

**State preemption.**

The state of Washington fully occupies and preempts the entire field of setting penalties for violations of the controlled substances act. Cities, towns, and counties or other municipalities may enact only those laws and ordinances relating to controlled substances that are consistent with this chapter. Such local ordinances shall have the same penalties as provided for by state law. Local laws and ordinances that are inconsistent with the requirements of state law shall not be enacted and are preempted and repealed, regardless of the nature of the code, charter, or home rule status of the city, town, county, or municipality.

**RCW 69.50.500**

**Powers of enforcement personnel.**

(a) It is hereby made the duty of the state board of pharmacy, the department, and their officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

(b) Employees of the department of health, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

[1989 1st ex.s. c 9 § 437; 1971 ex.s. c 308 § 69.50.500.]

**RCW 69.50.425**

**Misdemeanor violations -- Minimum penalties.**

A person who is convicted of a misdemeanor violation of any provision of this chapter shall be punished by imprisonment for not less than twenty-four consecutive hours, and by a fine of not less than two hundred fifty dollars. On a second or subsequent conviction, the fine shall not be less than five hundred dollars. These fines shall be in addition to any other fine or penalty imposed. Unless the court finds that the imposition of the minimum imprisonment will pose a substantial risk to the defendant's physical or mental well-being or that local jail facilities are in an overcrowded condition, the minimum term of imprisonment shall not be suspended or deferred. If the court finds such risk or overcrowding exists, it shall sentence the defendant to a minimum of forty hours of community restitution. If a minimum term of imprisonment is suspended or deferred, the court shall state in writing the reason for granting the suspension or deferral and the facts upon which the suspension or deferral is based. Unless the court finds the person to be indigent, the minimum fine shall not be suspended or deferred.

[2002 c 175 § 44; 1989 c 271 § 105.]

## **Appendix 5: Panel Membership**

**Seattle City Councilmember** – Nick Licata (Chair) (December 15, 2003)

**Seattle City Councilmember** – Tom Rasmussen (Vice-Chair) (December 15, 2003)

**Citizen Member** – Dominic Holden (December 15, 2003)

**Citizen Member** – Theryn Kigvamasud'Vashti (December 15, 2003)

**Drug Abuse Prevention Counselor** – Kenneth Stark (December 15, 2003);  
Roger Roffman (April 20, 2006)

**Harm Reduction Advocate** – Kris Nyrop (December 15, 2003)

**Seattle Police Department** – Ronald Mochizuki (December 15, 2003); Steve  
Brown (June 16, 2005); Mike Meehan (October 27, 2006)

**Criminal Defense Attorney** – D'Adre Beth Cunningham (December 15, 2003)

**Criminal Defense Attorney** – Alison Chinn Holcomb (December 15, 2003)

**King County Prosecutor's Office** – Dan Satterberg (December 15, 2003); Erin  
Becker (September 5, 2006); Scott Fogg (June 21, 2007)

**Seattle City Attorney** - Thomas Carr (December 15, 2003)

## Appendix 6: Meeting Minutes

### Marijuana Policy Review Panel Meeting Minutes for February 25, 2004

The meeting was held in City Hall, Room L280 and was convened at approximately 6:15 p.m.

**Members in attendance:** Carr, Stark, Holden, Cunningham, Licata, Holcomb, Rasmussen, Satterberg, Mochizuki, Nyrop, Kigvamusud'Vashti

**Members absent:** none

**Staff:** Nuerenberg

Suggestions were made to include public comment in the agenda of each meeting. Panel concurred. Concerns over use of staff time were expressed, which led the panel to request staff hours be logged. In addition, staff will send tentative agenda to panelists for approval prior to upcoming meetings.

#### **Background**

Mochizuki presented information about current reporting in the Narcotics Division, as well as a brief history of the department's treatment of drug arrests. Copies of presentation will be available to panel members.

Licata briefed panel members on the legislative role in post-I-75 actions.

When duties of panel were discussed, members identified errors in legislation, namely incorrect dates. Panel debated role in decision-making and altering legislation and ultimately agreed upon the following changes: where March 31, 2003 is given as the deadline for submitting reporting criteria, a new date of March 31, 2004 will be inserted; instead of presenting findings of the panel at the first meeting of the Full City Council in 2006, presentations will be presented at said event in both 2006 and 2007.

#### **Election of a Chair/Vice Chair**

Carr nominated Licata for Chair, which received no opposition. A vote was taken, with panel members unanimously electing Licata. Licata nominated Rasmussen for Vice Chair. Again no opposition and a unanimous vote.

#### **Presentation/Discussion of Draft Reporting Criteria**

Carr passed out reporting information (behind tab 3 of binders). Debate ensued over value of separating single count drug-related charges from those including a second or third charge. Also, questions arose over breakdowns in race/ethnicity among arrests and prosecutions. Database limitations may prevent the Law Department from fulfilling this request, but Carr will find out for certain. Mochizuki, Satterberg also described difficulty breaking down information in a variety of ways for previous charges and convictions. However, if panel wishes, research can be done to determine new methods for future reports. Panelists were interested in seeing Law, SPD, and the County Prosecutor more effectively coordinate information regarding arrests and prosecutions. Three categories of marijuana-related charges were identified by panel as areas for their focus. They are: misdemeanor possession (< 40g), felony possession (>40g) without intent to sell, and felony cultivation (any amount). Questions followed. How do we draw distinctions between commercial sales vs. friend to friend sales? What criteria are currently being used to report information? What, by law, should be tracked? No immediate answers were given.

#### **Next Steps**

Among the three suggested meeting days and times, March 10, 2004 from 5:30 – 7:30 p.m. was selected due to highest number of expected attendees. No other future meetings were set. Licata asked panel members to bring, to the March 10, 2004 meeting, how they feel criteria should be set, using the three categories agreed upon.

**Marijuana Policy Review Panel  
Meeting Minutes for March 10, 2004**

The meeting was held in City Hall, Room 370 and was convened at approximately 6:10 p.m.

**Members in attendance:** Stark, Holden, Cunningham, Holcomb, Rasmussen, Mochizuki, Kigvamusud'Vashti

**Members absent:** Licata, Carr, Satterberg, Nyrop

**Staff:** Nuerenberg, Harper

Minutes from February 25, 2004 meeting were accepted by panelists and approved unanimously. Holden proposed agenda change. Discussion for 30 minutes, 10 minute public comment, then 30 minutes additional discussion. Panelists agreed without comment.

**Discussion of Draft Reporting Criteria**

Panelists mentioned their interest in tracking what is initially charged and comparing that data to what is prosecuted. Officer's interpretation of offense may vary from charge prosecutor files. Stark asked what, in the way of investigation, occurs prior to arrest? Reason for the stop, arrest, etc? Identifying person arrested, location of arrest, reason for stop, reason for arrest, and charges filed all seemed to panel members to be important items to gauge and track.

**Public Comment**

-Difficult to determine if folks are homeless when charged, arrested, etc; may find certain types of reporting difficult.

-Inclusion of medical marijuana in adult personal use- should also be considered when defining reporting criteria

-Cost of incarceration/detainment should be tracked as well

**Discussion of Draft Reporting Criteria**

Panelists determined a sub-committee should be formed to examine, debate, and propose draft reporting criteria. The sub-committee will also coordinate administrative issues in reporting, with the help of SPD, Law and the County Prosecutor. Holden, Cunningham, Holcomb, Carr, Mochizuki, and Kigvamusud'Vashti volunteered to be on the sub-committee, known as the Reporting Criteria Sub-Committee.

Five points in reporting were identified by the panel. They are: stop reason, detainment, file/arrest, file charges, and prosecute. In an attempt to ensure each item can be track, Holden proposed a meeting with the records department of SPD. Records needs to determine whether or not existing reporting criteria is sufficient or if search methods/data need to be changed in the future. SPD and Law have agreed to bring what is available, records-wise.

**Next Steps**

The Reporting Criteria Sub-Committee will meet in City Hall Room 265 on Wednesday, March 17 from 11-1 p.m. Holden will take minutes and email them to members of the panel prior to the next full panel meeting. The full panel will reconvene Wednesday, March 24 in City Hall Room 370 from 5:30-7 p.m. The reporting criteria are due to be finalized at the March 24th meeting.

**Marijuana Policy Review Panel  
Meeting Minutes for March 24, 2004**

The meeting was held in City Hall, Room 370 and was convened at approximately 6:10 p.m.

**Members in attendance:** Stark, Holden, Cunningham, Holcomb, Rasmussen, Mochizuki, Kigvamusud'Vashti, Nyrop, Licata, Satterberg

**Members absent:** Carr

**Staff:** Nuerenberg, Harper

Minutes from March 10, 2004 meeting were amended for spelling errors and accepted by panelists and approved unanimously.

### **Sub-Committee Report**

Cunningham briefed committee on subcommittee actions which led to recommendations. Issues not discussed at sub-committee meeting had to do with tracking of data.

### **Discussion of Draft Reporting Criteria**

Carr sees about 20% of the 500 cases. SPD may not need to see those or track them in some way.

Mochizuki's unit handles 5% of the 500 cases.

Things that can't be reported on open cases:

1. Amount of Marijuana
2. Age of Suspect
3. Charge

County Prosecutor is able to report on many of the items panel requests. The County can provide information based on name of suspect/defendant.

Could SPD provide race/ethnicity statistics and information in reports? Possibly, if names were given

Medical Marijuana issues:

1. Difficult to know what questions to ask defendant/suspect
2. Must have a foundation to label as such- documentation, etc.

Other Points:

- Most narcotics cases involving marijuana include some other drug; may only charge with marijuana possession even if primary reason for arrest/charge was a drug higher in priority
- Amount of marijuana isn't always documented
- Cases involving break and entry, robbery, etc. don't always come to narcotics

### **Public Comment**

-SPD arrests have to be reported in some way, even if it's simple

-Mochizuki may be able to submit number of items submitted into evidence and cross reference number of items charged with those not charged

-Can warrants be obtained for medical marijuana arrests? Mochizuki doesn't know of any

### **Discussion of Draft Reporting Criteria**

Additional points to consider when developing reporting criteria are: location of arrest (how to legally determine socio-economic background based on where individual lives?); does suspect qualify for public defense?

Proposed Reporting:

1. Mochizuki can provide number of case numbers and percent involving marijuana.
2. Mochizuki will work in tandem with KC Prosecutor.
3. Marijuana arrests can be forwarded to KC Prosecutor.
4. Carr will produce the remaining 70-80% of cases.
5. Panel will look at all 375 names/numbers.
6. Panelist prefer receiving case numbers

### **Next Steps**

Holcomb will write the final draft of reporting criteria and submit to panel members via email.

Reporting will begin April 1st. Holden, Holcomb, and Nyrop will assist staff in developing a reporting spreadsheet to be updated after each meeting.

The full panel will reconvene Wednesday, May 12 in City Hall Room 370 from 6:30-8 p.m. The first set of data will be presented by Carr, Mochizuki, and Satterberg at the May 12 meeting.

## **Marijuana Policy Review Panel Meeting Minutes for May 12, 2004 \*\*\*AMENDED\*\*\***

The meeting was held in City Hall, Room 370.

**Members in attendance:** Nyrop, Stark, Holden, Mochizuki, Cunningham, Rasmussen, Kigvamusud'Vashti

**Members absent:** Holcomb, Carr, Satterberg, Licata

**Staff:** Nuereberg, Harper

Case Number, location of arrest, how look to look at data

Question at this meeting: "When does a case become available for public viewing?"

E-mail response from Alison Holcomb: "All criminal cases become available for public viewing as soon as they are filed with the court having jurisdiction over the matter (for our purposes, Seattle Municipal Court, King County Superior Court, and King County District Court). The cases remain available for public viewing regardless of the ultimate disposition (conviction, dismissal, or acquittal) unless the court grants a motion to seal the file or disposes of the file on its own initiative (which happens in Seattle Muni Court after a certain amount of time has passed when the case has been dismissed)."

Tom Carr should answer the "what is an open case?" question.

Marijuana arrests—best statistics would come from City Attorney and County Prosecutor Mochizuki cannot get the number of marijuana arrests through database—Need to get from Prosecutor

How do we get the numbers straight?

Marijuana-related incidents/felony arrests. Not all these go to Satterberg as a marijuana charge SPD can't produce misdemeanor marijuana numbers - Carr's office can

Section 3: SPD will give an aggregate number of all marijuana-related incidents, including:

- Total number of case numbers drawn
- Felony referrals
- Effective April 1

Can they go back several years?

City Attorney is unwilling to give case numbers. County attorney is willing to give them.

Need to meet to determine what report information is required or helpful.

Council will be sent an email regarding reporting criteria

Should we compare Seattle's cost savings post I-75 with cities of similar size without such an ordinance?

Felony and City referrals – Start with April 1 data

Aggregate number— Start with April 1 data

End of September is when 1<sup>st</sup> round of reporting will close. That data will be available to panel at the beginning of October.

A contractual agreement signed by panelists should be in place to ensure confidentiality among panelists.

The final meeting as a full panel before going to quarterly meetings will occur the last week of June.

**Public Comment:**

Sunil

- Carr should be here
- Socio-economic issues
- Reports should come monthly

Andy Ko

- Effects of initiative in comparison to prior practice
- Should go back a few years for an impact/frame of reference

What qualifies as medical marijuana? Can it be raised as a possible area for reporting?

We need standardizations for medical professionals. Guidelines are not adequate in SPD.

**Marijuana Policy Review Panel  
Meeting Minutes \*\*\*AMENDED\*\*\***

**Monday, June 21, 2004 - City Hall, Room 370 - 5:36-6:45 p.m.**

**Present: Members** - Carr, Cunningham, Holcomb, Holden, Kigvamusud'Vashti, Licata, Mochizuki, Nyrop

**Staff** - Harper, Lehocka-Howell

**Absent:** Rasmussen, Satterberg, Stark

Minutes from May 12, 2004 meeting were approved as amended.

### **Review of City report**

Carr presented city report.

From January 2004 through June 2004, 36 marijuana related cases were referred. Twenty-two (22) of those cases were dropped and 14 were charged. In comparison, a total of 144 marijuana related cases were charged in 2003. Filing standards are the same as last year, the drop seems to be coming from SPD.

Carr will try to collect the following information for the next MPP meeting:

- Any information that can be provided for the 22 cases that were not filed.
- Dates of referrals and charges for the 14 individuals that were charged.
- All legally accessible case numbers for the 14 individuals that were charged.
- Meaning of 'yes' in the booked category as used on the City report.

Finally, a reference number will be added to each individual on the City report to make the data easier to work with. He will make the case files available for review by the panel.

Holcomb will pull out and collect all the cases for which case numbers are available (out of the 14 charged cases).

### **Review of County report**

The KCPO forwarded a total of nine (9) felony cases that involved marijuana in some capacity. These were the currently available cases from April & May 2004. One June 2004 case may have been included. It is believed that there are very likely more cases from April and May that have not yet been processed by the KCPO, and may be available to the committee at a later time. In 2003, about 3500 cases (felony narcotics cases) were forwarded to the KCPO with most not being marijuana related. Mochizuki estimated that his office has forwarded about the same number of cases as they did last year by this time. Mochizuki also noted that the process of forwarding necessary information to the KCPO is being coordinated between the two offices. Holcomb will review the nine (9) County cases and circulate the review to the members of the Panel.

### **Public comment period**

Q: Can city attorney and county prosecutor give aggregate dispositions from several years back?

A: City attorney provided that information at the 1<sup>st</sup> meeting & is in binders. Public can access this information.

### **Analysis of current reporting criteria effectiveness**

Cunningham, Holcomb, and Holden requested additional types of reports. They emphasized the need to research other, non-fiscal, data in the areas of public safety, public administration, and public health.

Nyrop will supply the panel with emergency room and epidemiology reports.

The full panel will reconvene Monday, September 20, 2004 in City Hall Room 370 from 5:30-7 p.m.

## **Marijuana Policy Review Panel**

### **Meeting Minutes**

**Monday, September 20, 2004 - City Hall, Room 370 - 5:35-6:30 p.m.**

**Present:** Carr, Cunningham, Holcomb, Holden, Licata, Mochizuki

**Staff -** Glenn (for Satterberg), Lehocka-Howell

**Absent:** Kigvamusud'Vashti, Nyrop, Rasmussen, Satterberg, Stark

Motion was made, duly seconded and carried, to approve the minutes from June 21, 2004 meeting, as amended.

### **Review of City and County reports**

Glenn presented 9 "marijuana related" cases that were referred by SPD. Of the 9 cases referred only one case was filed upon for "marijuana related" charges (the unlawful and felonious

possession with intent to manufacture or deliver marijuana). Charges were filed on the other 8 drug cases for non-marijuana charges.

Glenn will take the City of Seattle spreadsheet back to Dan Satterberg to see if there is a way to compile the data in a spreadsheet if needed. Panel members requested race-identifying information to be added. The superform of each case will provide that additional information. Members thought they could help with the input of the data in the format submitted. KCPAO will work with SPD to determine the codes for filing marijuana drugs cases - they defer to Mochizuki at SPD to assist.

#### **Public comment period**

Questions to the County Prosecutors Office:

Is it likely that cases get filed up to two years after being reported?

Can we find the status of the unfilled cases presented in the County reports? Can the reports be coded for gender and race?

A: The KCPAO tries to file "drug" cases within 3 months from the date its reported. The County Prosecutors Office tries to file cases within three months from the date they get reported. Glenn will look further into the unfilled cases. She will also attempt to get the additional coding.

#### **Additional data sources**

Lehocka-Howell will provide a copy of the DAWN quarterly report at the next meeting.

Motion was made, duly seconded and carried, to appoint Holden as a chair of a subcommittee.

The subcommittee will research additional sources of data and will report back to the main committee on December 13, 2004.

#### **Discussion on data analysis, tracking, and storing**

Cunningham and Holden will recruit a volunteer to input the acquired data.

Both Carr and Mochizuki emphasized that the drop in marijuana related cases in the City reports cannot be currently explained.

#### **Next meeting**

Monday, December 13, 2004, from 5:30-7 p.m., in City Hall, Room 370

### **Marijuana Policy Review Panel Public Health and Safety Committee Meeting Minutes Monday, October 25, 2004 - City Hall, Room 370 - 5:35-7:12 p.m.**

**Present:** Members - Cunningham, Holden, Mochizuki, Nyrop, Stark

**Staff** - Lehocka-Howell

**Guest:** Lieutenant William Edwards

#### **Scope of Sub-Committee**

- School surveys (Seattle school district, national reports)
- DUI
- ER
- Number of arrests, prosecutions, incarcerations

#### **Public Health**

- School surveys
  - To see the use and attitude about marijuana use by school children
  - Comes out every 2 years
  - Qualitative in nature, hard to measure
- DUI
  - Seattle numbers before and after initiative
  - Seattle compared to the rest of WA
- Number of treatment admissions
- ER
- Drug Abuse Warning Network (DAWN)
- Dependency



- Cost of treatment –going up or down
- Number of overdose
- Problem with the lack of access to any data on non-addicted users

#### **Public Safety**

- Number of arrests
- Number of prosecutions
- Number of incarcerations
- Court System
- Prosecutors
- Non-public disorder – Qualitative

#### **Potential other data to compare**

- Track changes over time
- Compare Seattle
  - Locally (e.g. to Bellevue)
  - Nationally (equal sized cities)
- Monitoring the future national survey –may not be possible within one year
- Seattle pre and post initiative

#### **Public Administration and Fiscal Impacts**

These two sections were referred back to the steering committee with the potential for a creation of a new sub-committee.

- Process
- Money
  - Labor
  - Time

#### **Public comment**

1) The intent of the initiative was to see if Seattle followed the national trends of increasing marijuana arrests. The initiative was to stop the increase by making marijuana arrests lowest in priority.

2) Q. A concern was voiced over police recording of marijuana possession lesser than 40g. Is it true that an incident report would be filed rather than a criminal citation? If the marijuana possession is not written on the back of the incident report, how is it being tracked as marijuana related incident?

A. The information would be recorded on the incident report. At the top of the form is a place to describe the incident.

#### **Next Steps**

Guest invited to next meeting:

Stark will try to bring following data:

- Treatment numbers
- School survey
  - Seattle
  - WA
  - Federal
- National drug use maps
- Traffic Commission numbers
  - Seattle
  - King County
  - WA

#### **Next meeting**

Monday, November 22, 2004, from 5:30-7 p.m., in City Hall, Room 370

**Marijuana Policy Review Panel**  
**Public Health and Safety Committee Meeting Minutes**  
**Monday, November 22 – City Hall, Room 370 – 5:30 to 6:40p.m.**

**Present: Members** - Holden, Mochizuki, Stark

**Guests** - Captain Steven Brown, Lieutenant William Edwards

**Review new data**

Stark presented a number of documents that the Committee could use to observe local and national trends, changes, and patterns in drug use. The data presented, along with data that the Committee will continue to gather, may then be used to assist measuring SMC 12A.20.060's affects on public health and safety. They were:

1. Marijuana treatment admissions as reported to TARGET for the periods of 1/1/2003 to 6/30/2003 and 1/1/2004 to 6/30/2004. The data includes admissions in Seattle and totals for Washington State.
2. Duplicated youth admissions to publicly funded chemical dependency treatment by primary substance use: alcohol, marijuana, amphetamines and methamphetamines, and cocaine from 1991 to 2002, Division of Alcohol and Substance Abuse. Charted comparisons of 30-day marijuana use from Washington's Healthy Youth Survey (HYS) vs. the National Monitoring the Future Survey (MTF) for grades 8, 10 and 12, 1990 to 2002. Charted comparison of perception of harm of occasional marijuana use vs. 30-day marijuana use (MTF), 1975 to 2002.
3. Excerpted portions of Washington State's HYS, released January 2004, with data regarding: percent of students attending school drunk or high; average age of first use of alcohol, marijuana and cigarettes; 30-day prevalence of use of various drugs grades 6, 8, and 10; trends of marijuana use by grade; trends of perception of marijuana risk vs. marijuana use, students grade 8.
4. Excerpts from Seattle Public Schools Safe Schools/Healthy Students Project report, issued August 2004, including Substance use from 2002 and 2004 among students grade 6, 8, 10 and 12; tables from 2002 and 2004 measuring ever used, 30-day use, and heavy use for grades 6, 8, 10 and 12.
5. National map with states shaded to display prevalence of, a) past month use of marijuana ages 12 and older, and, b) past month use of marijuana ages 12 to 17. Source: 1999 National Household Survey on drug Abuse
6. Results From the 2003 National Survey on Drug Use and Health: National Findings (Full text, 254 pages), and Overview of Findings From the 2003 National Survey on Drug Use and Health (Full text, 41 pages). Source: Department of Health and Human Services, substance Abuse and Mental Health Services Administration (SAMHSA).
7. State estimates of drug abuse. Source: SAMHSA, Office of Applied Studies 1999 National Survey on Drug Abuse. Online at:  
<http://www.health.org/govstudy/bkd376/chapter3.aspx>
8. Monitoring the Future, National Survey Results on Drug Use 1975-2003, Volume II, College Students & Adults ages 19-45, 2003 (Full text, 267 pages). Source: National Institute on Drug Abuse (NIDA).

Stark suggested that relevant data from each of the sources be converted into charts, graphs, tables and other formats that would make the information more easily understood and applied to the Committee's work.

Holden volunteered to prepare sample charts for the Committee to review. In order to develop the sample charts, Holden will have possession of these documents until further notice.

**Consider other data to gather**

The Committee considered other large U.S. cities to compare Seattle's marijuana use, in order to determine if SMC 12A.20.060 has differently affected Seattle's marijuana use and abuse patterns. Holden presented 1990 census data that showed comparable urban areas based upon population. The committee determined that gauging cities based solely on population of their urbanized area was an inadequate method of comparing drug use. Other characteristics sought

in a control city were suggested, including: racial/ethnic breakdown, jail capacity and crowding, and ratio of sworn officers to population.

The committee discussed other cities in Washington State that could act as control subjects, specifically Tacoma and Spokane, being the second and third largest cities in the state. Stark mentioned that Spokane could be a good candidate because the city was studied under a program called Alcohol and Drug abuse Monitoring (ADAM).

#### **Outside Participation**

The Committee discussed the need to tabulate the data that will be gathered. Stark suggested that departments and students at the University of Washington would make ideal candidates due to their expertise and objective viewpoint. Holden agreed to discuss the possibility of opening internships with students working under Roger Roffman, Professor, Director, Innovative Programs Research Group, which studies marijuana use and abuse at the UW. Stark suggested following up with Dennis Donovan, Director of the UW's Alcohol and Drug Abuse Institute, in the event that Mr. Roffman was unable to assist the project.

#### **Public Comment**

Philip Mocek – Could the Office of national Drug Control Policy (ONDCP) study data as well?

#### **Next Steps**

The Committee will convene at the next full meeting of the Panel, scheduled Monday, December 13, and report on the Committee's progress.

### **Marijuana Policy Panel Meeting Minutes**

**Monday, December 13, 2004 - City Hall, Room 370 - 5:35-6:47 p.m.**

**Present:** Carr, Cunningham, Holcomb, Holden, Kigvamusud'Vashti, Mochizuki, Nyrop, Satterberg  
**Staff -** Lehocka-Howell

**Absent:** Licata, Rasmussen, Stark

Motion was made, duly seconded and carried, to approve the minutes from June 21, 2004 meeting, as amended.

#### **Report from the Sub-Committee**

The subcommittee's new title is the Public Health and Safety Committee (PHSC). Focus of their work will be the effects of I-75 on Public Health. PHSC approached Dennis Donovan, PhD from the University of Washington for analysis recommendations for the collected data. The committee learned that analysis would be possible only if funding is secured.

Issues to be further discussed:

- Grants/ funding,
- Focus of the analysis,
- What should be measured,
- Should health and criminal data be analyzed together

Holden will put together a letter proposing the goals for the analysis.

#### **Review of City and County Reports**

City Report: Upon previous request, all available case numbers have been added to the report. A complete report for the year has been supplied. Compared to last year, fewer drug related cases, marijuana included, have been filed. Explanation for this change is not known.

County Report: Only a few of the June, July, August, and September marijuana related cases that were filed in court actually included marijuana related charges. Holcomb and Cunningham will review all of the cases and will give a report at the panel's next meeting.

#### **Public Comment Period**

ACLU will have a couple of UW academics do some work/ reports on marijuana.

### **Other Thoughts/Comments**

If a panel member cannot be present and has a report for the panel, s/he can have another person present the information on their behalf.

### Proposed Future Agenda Items

Report by Holcomb and Cunningham

### **Next Meeting**

Wednesday, March 2, 2005, from 5:30-7 p.m. in City Hall, Room 370

## **Marijuana Policy Review Panel Meeting Minutes**

**Monday, March 2, 2005 - City Hall, Room 370 - 5:40-6:55 p.m.**

**Present: Members** - Holcomb, Nyrop, Rasmussen, Stark

**Staff** - Lehocka-Howell, Brown

**Absent:** Members - Carr, Cunningham, Holden, Kigvamusud'Vashti, Licata, Mochizuki, Satterberg

Motion was made, duly seconded and carried, to approve the minutes from December 13, 2004 meeting, as amended.

### **Review of Holcomb and Cunningham's Report**

Holcomb and Cunningham started to analyze King County cases from April through September 2004. They have analyzed four cases, which is approximately a third of the total cases. Choosing the categories to be analyzed was one of the most time consuming aspect of their project. It was also a subject of many questions asked by the panel.

The number of marijuana related cases in 2004 was so low that it will make data analyses challenging. The panel may have to choose alternative types of analyses, such as comparing data from different years and/or using drug related school reports and health reports. Suggested outline of the report includes executive summary, background, methodology, results, a conclusion -the initiative is/is not working, and an appendix.

Holcomb and Cunningham will finish adding the rest of the available cases to their report.

### **Update and Review of Any Data That Has Been Collected**

The panel has reviewed two sets of reports.

Howell will follow up with Satterberg to find out if more cases are available.

### **Public Comment Period**

The panel members answered question of why the I-75 panel was originally set up.

### **Proposed Future Agenda Items**

Report by Holcomb and Cunningham.

General outline for proposal -presented by Holcomb.

Review of Recent Drug Abuse Trends in the Seattle-King County Area. Howell will get the report from the County.

Nyrop will report on Alcohol and Drug Abuse Institute's grant requirements.

### **Next Meeting**

June 16, 2005, from 5:30-7 p.m. in City Hall, Room 370

## **Marijuana Policy Review Panel Meeting Minutes**

**Monday, June 16, 2005 - City Hall, Room 370 - 5:50-7:00 p.m.**

**Present:** Brown, Carr, Cunningham, Holcomb, Holden, Kigvamusud'Vashti, Licata, Stark

**Staff** - Lehocka-Howell

**Absent:** Nyrop, Rasmussen, Satterberg

Motion was made, duly seconded and carried, to approve the meeting minutes from March 2, 2005.

**Appointment of Captain Steven Brown as a member of the MPRP**

Captain *Steven Brown* was appointed as a new member of the MPRP, filling the vacancy left by Captain Mochizuki.

**Report by Holcomb and Cunningham**

Both City and County data will be imputed into the database.

*Holcomb* and *Cunningham* will send a list of recommended criteria to the members for review.

*Cunningham* will send the current version of the database to *Lehocka-Howell*. *Lehocka-Howell* will transfer the data from Excel format to Access format.

**General outline for the final report of the Marijuana Policy Review Panel -presented by Holcomb**

Outline for the final report should include the following sections: executive summary, background, methodology, results, a conclusion -the initiative is/is not working, and an appendix.

**Review of reports: Recent Drug Abuse Trends in the Seattle-King County Area, County and City**

Marijuana is the number one drug of choice among young people/ school age (source: self-reports collected by publicly funded treatment centers). Panel members questioned the accuracy of these results. Could other factors influence the results (e.g. higher number of required treatments)?

Panel members concluded that the final report should primarily (or wholly) be based on the data provided by the City and County.

**Outstanding questions brought up by the panel members:**

- What should the data be compared to? Other crimes, other drug use, Seattle vs. King County, pre-initiative vs. post-initiative
- Marijuana should be treated as the lowest law enforcement priority. Lowest compared to what? *"The Seattle Police Department and City Attorney's Office shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority."*
- How do we measure the outcomes of I-75?
- Can we measure any behavior changes among the police officers?

**Proposed future agenda items**

Get guest speakers from the University of Washington (Caleb and Denis)

**Next Meeting**

September 15, 2005, from 5:30-7 p.m. in City Hall, Room 370

**Marijuana Policy Review Panel  
Meeting Minutes \*\*\*AMENDED\*\*\***

**Monday, September 15, 2005 City Hall, Room 214 5:50-7:30 p.m.**

**Members Present:** Tom Carr, D'Adre Beth Cunningham, Dominic Holden, Captain Steven Brown, Kris Nyrop, Tom Rasmussen, Kenneth D. Stark

**Members Absent:** Alison Chinn Holcomb, Theryn Kigvamusud'Vashti, Nick Licata, Dan Satterberg

**Staff:** Zuzka Lehocka-Howell, Kerri Grechishkin

Motion was made, duly seconded and carried, to approve the meeting minutes from June 16, 2005.

**Administrative**

Introduction of Kerri Grechishkin to the board. She will be filling in while Zuzka Lehocka-Howell is on maternity leave.

### **Final Report – need for a researcher**

Caleb and Denis, guest speakers from the University of Washington, did not attend the meeting due to a misunderstanding on the date. They will be attending the December meeting instead. The researchers will help the panel with determining the scope of work for the report, how to accomplish it, and in what timeframe. Approval of the scope was tentatively set for the March 2006 meeting.

Motion was made, duly seconded and carried, to ask the Council to change the year in which the panel's report is due from 2006 to 2007. Tom Carr has volunteered to write this request (section B3).

After a long discussion, the panel agreed that a high quality report would not be attained if the panel members or an unpaid volunteer were to write it. They have agreed that a well qualified researcher should help with the report. The panel would be responsible for acquiring all the necessary data and would determine the scope. Motion was made, duly seconded and carried, to ask the Council for up to \$20,000 (twenty thousand) for hiring a researcher. Dominic Holden abstained from voting.

### **Review of Access Database**

After passing out the Access database, there was discussion on who would input the data and what the time commitment might be, as this is not just a matter of data entry. The purpose of the database was discussed...it was described as a broad range of data for the researcher to look at and decide what is and is not significant in determining if arrests are consistent with the ordinance and what the impact of individual cases are.

### **Proposed Future Agenda Items**

Guest speakers from the University of Washington will come and help the panel narrow down the scope of the report. This item will take approximately one hour.

### **Next Meeting**

December 15, 2005, from 5:30-7:00 p.m. in City Hall, Room 214

## **Marijuana Policy Review Panel Meeting Minutes**

**Thursday, December 15, 2005 City Hall, Room 214 5:40-7:20 p.m.**

**Members Present:** Tom Carr, Dominic Holden, Captain Steven Brown, Kris Nyrop, Tom Rasmussen, Alison Holcomb, Theryn Kigvamusud'Vashti

**Members Absent:** Nick Licata, Dan Satterberg, Kenneth D. Stark, D'Adre Beth Cunningham

**Staff:** Kerri Grechishkin

Motion was made, duly seconded and carried, to approve the amended meeting minutes from September 15, 2005.

### **Guest Speaker from the University of Washington**

*Toni Krupski* was ill and unable to attend the meeting. Instead, *Caleb Banta-Green* presented and discussed possible data that could go into a final panel report. Caleb represents Seattle-King County in the NIDA-sponsored Community Epidemiology Work Group, for which he monitors and reports on local illegal drug trends. He also prepares ADAI reports on illegal drug trends in Washington and select counties and regions, as well as quarterly topical reports on emerging drug trend issues.

There are a number of different data that could be used in the report, including treatment data, emergency room admission data, student surveys, helpline data, some information on driving under the influence, data on fiscal impacts to some degree, and arrests and prosecutions. However, *Caleb* believes that while the study of this might provide some input into marijuana use over the specified timeframe, it could not be said to prove one way or the other whether the initiative has had any effect on the public-interest issues about which the panel is to report. This is because much of the data either is lots of unmeasurable bias or does not show a statistically-reliable trend due to the fact that the numbers are not large enough.

*Caleb* distributed a report on recent drug abuse trends in the Seattle-King County Area. He said that this, as well as other publications, could also be found on the website [adai.washington.edu](http://adai.washington.edu). There was discussion on whether an outside researcher still should be hired, and the majority of the panel agreed that this remains very important, as the panel is obligated to produce the best report it can with whatever information is available. An outside, independent person with the time and expertise necessary to evaluate the numbers still is needed to do this. *Councilmember Rasmussen* suggested that he and/or *Councilmember Licata* approach City Council Central Staff for assistance in preparing the report, possibly with assistance from *Caleb*. The panel supported this idea.

A panel member suggested that the report also include a section separate from the data portion which would include the personal stories of both individuals whose lives have been impacted by marijuana arrest and those who have had negative experiences that they associate with their, or another's, use of marijuana. The majority of the panel seemed to support this suggestion.

#### **Preparation, Funding, and Scope of Report**

*Alison Holcomb* agreed to write a short synopsis of the panel's work to date to distribute to Council. This would be distributed to Council on or before the date of the original deadline, which was the first meeting of the full City Council in 2006.

At the September MPRP meeting, *Tom Carr* agreed to work on drafting the legislation needed to formally extend the panel's deadline, and he confirmed his intent to handle this assignment. *Councilmember Rasmussen* will meet with *Councilmember Licata* to discuss how to get approval for up to, but no more than, \$20,000 for the research portion of the report once this becomes known, either through a Council budget process or possibly through use of the Council's consultant fund.

It was agreed that a draft scope for the report would be prepared and distributed among the panel by the end of January. *Councilmember Steinbrueck* suggested that the panel also begin to work on policy recommendations that would be presented in the report.

#### **Public Comment Period**

The public comment period included support for the idea of including personal stories in the panel report, opposition to the "nine-plant standard" used by the Seattle Police Department, and a request for public disclosure regarding the identification of all interagency drug task force agreements into which SPD has entered.

#### **Next Meeting**

March 16, 2006, 5:30-7:00 p.m.  
City Hall, Room 370

### **Marijuana Policy Review Panel Meeting Minutes**

**Thursday, March 16, 2006 City Hall, Room 214 5:40-7:20 p.m.**

**Members Present:** Steve Brown, Alison Holcomb, Dominic Holden, Theryn Kigvamusud'Vashti, Nick Licata, Kris Nyrop

**Members Absent:** Tom Carr, D'Adre Beth Cunningham, Tom Rasmussen, Dan Satterberg (Erin Becker stood in for Mr. Satterberg), Kenneth D. Stark

**Staff:** Nancy Roberts

Motion was made, duly seconded and carried, to approve the meeting minutes from December 15, 2005.

#### **Housekeeping**

##### **1) New member needed – "drug abuse prevention counselor":**

Ken Stark is no longer on the panel; a "drug abuse prevention counselor" is needed, per ordinance. Nancy Roberts will draft a letter offering Doug Allen, who replaced Ken Stark in his old job, the opportunity to nominate himself for the panel membership. If he declines, the position will be open to nominations, which will be directed to Zuzka Lehocka-Howell. Panel members will be informed immediately either way.

## **2) Nick Licata's panel membership**

Nick Licata will talk to Tom Rasmussen and get back to the panel.

### **Update on the \$20,000 requested for a research consultant**

By April 1, Nick Licata will look into clarifying the method of distributing funds. What is a realistic estimate of cost? Tom Rasmussen is checking to see if Council's Central Staff can do the research in-house. A scope needs to be drafted, and a narrative needs to be put together to interpret data. Fiscal, public safety, public administration, and public health impacts all need to be addressed. The panel is required to report to the Full Council at the first Full Council meeting of 2007.

### **Ordinance 122025 amendment update**

The ordinance was amended only with regard to dates – no substantive changes.

**Figures regarding City prosecutions:** The issue was tabled, since it was not clear whether there were actual discrepancies in the figures and Tom Carr was not there to clarify. Alison Holcomb volunteered to look into this issue further and discuss any concerns with Tom Carr before the next meeting.

### **Records from the King County Prosecuting Attorney's Office**

The panel had agreed on March 24, 2004, as part of its requirement to establish reporting criteria, that it would receive from the King County Prosecuting Attorney's Office, at each quarterly meeting, copies of every Information, Certification for Determination of Probable Cause, and Bail Request filed against each and every suspect referred to the prosecutor by the Seattle Police Department for filing of marijuana-related charges. These have not been produced in almost a year. Erin Becker and Steve Brown promised to coordinate and re-institute the practice of providing those reports quarterly.

### **City Attorney's Reports**

Nick Licata asked that Zuzka Lehocka-Howell draft a letter for his signature, asking for the City Attorney's reports for 2005 – reports that the panel has received in the past.

### **Discussion re reporting criteria**

There had been talk about the panel receiving aggregate numbers of cases that SPD referred to King County or City Attorney's offices. The SPD is not required, under the current reporting criteria, to report that information directly to the panel. Steve Brown discussed the differences in routing of misdemeanor and felony cases and that cases not charged wouldn't be counted. All reports go through SPD records. Misdemeanor cases may then go straight to Seattle Municipal Court. However, ultimately, all misdemeanor cases do go to the City Attorney for review and filing decision.

### **Public Comment:**

Individuals representing medical marijuana concerns were in attendance. They sought clarification from SPD on its medical marijuana policy – the nine-plant rule. There was some discussion on how the policy was established in the '90's. The law was open to interpretation and SPD had to have some guidelines to put into practice.

The visitors asked how a person new to the city could find rules and regulations regarding marijuana and the law. Steve Brown agreed that the SPD could do better in making their policy and practice known to the public.

Steve Brown acknowledged receipt of a public disclosure request mentioned by one of the visitors, and explained that he is working on getting the information together – a very cumbersome task.

Steve Brown asked for specific cases of medical marijuana intrusions by SPD so he can address their concerns factually. He stated that officers generally respond for another reason, enter the home, see the plants, and have to use their guidelines to make the decision whether to call in Narcotics. It is up to the patient to prove the medical marijuana defense. SPD continues to work on guidelines that guide the officers' decision-making process.

Steve Brown agreed to check with Captain Mochizuki to determine the status of an ongoing working group made up of SPD and members of the medical marijuana community. Nick Licata



suggested that there are diverse opinions in the medical marijuana community. He suggested that Steve Brown present a summary at the next meeting of any existing SPD/medical marijuana groups – who they are, what their charge is, how they were created, what they're doing. The current visitors need a venue. Steve Sarich of CannaCare is available for contact and involvement.

There was discussion around the idea of having a representative from the medical marijuana user community on the panel. It was explained that they were invited to be on the panel initially, but specifically decided not to join.

The medical marijuana issue is not, specifically, an issue that the panel is charged with reviewing, but the panel will review any cases investigated and/or prosecuted within the City of Seattle that involve the adult personal use of marijuana, including those involving the medical use of marijuana.

#### **Next Meeting**

Thursday, June 15, 2006

5:30 PM – 7:00 PM

City Hall, Room 370

### **Marijuana Policy Review Panel**

#### **Meeting Minutes**

**Thursday, June 15, 2006 City Hall, Room 370 5:30-7:00 p.m.**

**Members Present:** Alison Holcomb, Dominic Holden, Theryn Kigvamusud'Vashti, Kris Nyrop, Roger Roffman

**Members Absent:** Steve Brown (Tom Mahaffey stood in for Mr. S Brown), Tom Carr, D'Adre Beth Cunningham, Nick Licata, Tom Rasmussen, Dan Satterberg (Erin Becker stood in for Mr. Satterberg)

**Staff:** Zuzka Lehocká-Howell (Legislative Department staff)

Minutes from March 16, 2006 will be approved at the following meeting.

**Roger Roffman, D.S.W. has joined the panel.** He is a professor at the University of Washington School of Social Work and the director of the Innovative Programs Research Group.

#### **Housekeeping:**

- Amendment of resolution # 30648
- Nick Licata's membership
- Additional documents from the King County Prosecuting Attorney's Office to be supplied. Erin Becker will supply the rest of the documents before the consultant is hired. When ready, Zuzka Lehocka-Howell will make two working copies of all documents available to the panel.
- Page one of the report from Tom Carr's office did not print right. Zuzka Lehocka-Howell will re-request the page.
- Erin Becker may join the panel in place of Dan Satterberg.

#### **Review of the Proposed Project Scope:**

- List of documents to be used for the production of a report has been modified. Alison Holcomb will email the modified scope to the panel.
- The scope will be further modified and ready by 6/22/06.
- Panel subcommittee was appointed to finalize scope, to interview potential consultants, and to make consultant hiring recommendations to the rest of the panel. Subcommittee members: Dominic Holden, Theryn Kigvamusud'Vashti, Kris Nyrop, Roger Roffman
- List of consultants will be ready by 6/30/06.
- The consultant will be selected by an email vote on 7/7/06.
- Contract should commence on 7/17/06.
- Zuzka Lehocka-Howell will find out the date for the first 2007 Full Council meeting.

**Public Comment:**

- Additional scope changes, which will be applied.
- Question for Tom Mahaffey about SPD's database capabilities. Has the database been updated and can it be used to answer panel's additional questions?

**Next Steps:**

- Follow up on housekeeping items.
- Answer to the SPD's database question.

**Next Meeting:**

Thursday, September, 2006, 5:30 PM – 7:00 PM, City Hall, Room 370

**Marijuana Policy Review Panel**

**Meeting Minutes**

**Thursday, September 21, 2006 City Hall, Room 370 5:30-7:00 p.m.**

**Members Present:** Erin Becker, Steve Brown, D'Adre Beth Cunningham, Dominic Holden, Kris Nyrop, Roger Roffman

**Members Absent:** Tom Carr, Alison Holcomb, Theryn Kigvamusud'Vashti, Nick Licata, Tom Rasmussen

**Staff:** William Edwards (Seattle Police Department), Zuzka Lehocká-Howell (Legislative Department)

Motion was made, duly seconded and carried, to approve the meeting minutes from 3/16/06 and 6/15/06.

**Erin Becker was introduced** as a new panel member (the King County Prosecutor's Office representative).

**Captain Mike Meehan was nominated** to be the new Seattle Police Department representative to the Marijuana Policy Review Panel.

**Review of the operationalization plan submitted by the consultant**

The panel found the submitted plan non-responsive to the requested scope. Only the first item of the 'Specific Products' was addressed by the consultant.

Panel members expect to see the first task completed no later than September 30<sup>th</sup>, when the second task is due.

<b>Task</b>	<b>Specific Products</b>
<p><b>I. Operationalization Plan.</b> Provide to the Panel a detailed plan for operationalizing five overall questions:</p> <ol style="list-style-type: none"> <li>1. Was subsection A of Section 12A.20.060 of the Seattle Municipal Code implemented?</li> <li>2. Did the implementation have an impact on public safety?</li> <li>3. Did the implementation have an impact on public administration?</li> <li>4. Did the implementation have an impact on public health?</li> <li>5. Were there fiscal impacts associated with the implementation?</li> </ol>	<p>Among the issues that the operationalization plan should address are the following:</p> <ol style="list-style-type: none"> <li>1. What indicators would be <u>ideal</u> for the purpose of operationalizing the five overall questions?</li> <li>2. What data sets has the consultant accessed for this purpose?</li> <li>3. What additional data sets does the consultant believe will be necessary to acquire for this purpose?</li> <li>4. What steps have been (or will need to be) taken to acquire these additional data sets?</li> <li>5. To what extent are data available concerning the ideal indicators for operationalizing the five overall questions?</li> </ol>

<p><b>II. Data Analysis Plan.</b> Provide to the Panel a data analysis plan, i.e., specifying which data sets will be used with reference to each indicator and what analyses will be conducted.</p>	<p>Among the issues that the data analysis plan should address are the following:</p> <ol style="list-style-type: none"> <li>1. What will be the likely strengths and limitations of the data analysis plan in addressing the five overall questions?</li> <li>2. What actions might the Panel take to address the limitations?</li> </ol>
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**Next Steps:**

Review of the Operationalization Plan and the Data Analysis plan submitted by the consultant.

**Next Meeting:**

Wednesday, October 11, 2006, 5:30 PM – 7:00 PM, City Hall, Room 370

**Marijuana Policy Review Panel  
Meeting Minutes**

**Wednesday, October 11, 2006 5:30-7:00 p.m. City Hall, Room 370**

**Members Present:** Erin Becker, Tom Carr, D'Adre Beth Cunningham, Alison Holcomb, Dominic Holden, Theryn Kigvamusud'Vashti, Roger Roffman

**Members Absent:** Steve Brown, Nick Licata, Kris Nyrop, Tom Rasmussen

**Staff:** William Edwards (Seattle Police Department), Mike Meehan (Seattle Police Department), Zuzka Lehocká-Howell (Legislative Department)

Motion was made, duly seconded and carried, to approve the meeting minutes from 9/21/06.

**Captain Mike Meehan was introduced** to the panel. He is in process of being nominated as a new panel member, replacing Steve Brown of the Seattle Police Department.

**Review of the Operationalization Plan and the Data Analysis Plan**

Two deliverables have been submitted to the panel (Operationalization Plan, August 31, 2006, and Data Analysis Plan, September 30, 2006). The panel members did not believe that the consultant produced the information described in the scope of work.

Deliverable #1: Operationalization Plan – Consultant addressed only one out of five questions and even the answers to the first question were incomplete.

Deliverable #2: Data Analysis Plan – The answers were incomplete. (It did not include all the available data, did not show changes or trends, nor did it include comparisons of Seattle to other regions.)

Discussion of solutions:

The panel members believe that this problem can be mitigated by better and more frequent communication between the consultant and the panel.

- 1) Memo – The panel members will send a memo describing the problems with deliverable #2.
- 2) Meeting – Alison Holcomb, Tom Carr, Dominic Holden, and Zuzka Lehocká-Howell will meet with the consultant to share their concerns, review his progress, and assist him with getting back on track. Other meetings may follow.
- 3) Consultant will be asked to complete answers to deliverables #1 and #2.
- 4) There will be 2-3 panel meetings prior to the end of the year.
- 5) Email communication will be increased between the panel members and consultant liaisons, and between the consultant liaisons and the consultant.

Panel's conclusion:

Although the consultant did not produce the work he has committed to, the panel trusts that he will complete it well and in a timely matter.

**Public comment period**

Q: Concern regarding Tom Carr speaking about the difficulties to implement this law.

A: Tom Carr explained that he works in an environment with conflicting laws (federal and local), but that "the law is being implemented in good faith."

**Next Steps:**

Review of the Interim Report, 3<sup>rd</sup> deliverable. (Are deliverables 1 & 2 included?)

**Next Meeting:**

Monday, November 20, 2006, 5:30 PM – 7:00 PM, City Hall, Room 370

Task	Specific Products	Deadlines
<p><b>Operationalization Plan.</b> Provide to the Panel a detailed plan for operationalizing five overall questions:</p> <ol style="list-style-type: none"> <li>1. Was subsection A of Section 12A.20.060 of the Seattle Municipal Code implemented?</li> <li>2. Did the implementation have an impact on public safety?</li> <li>3. Did the implementation have an impact on public administration?</li> <li>4. Did the implementation have an impact on public health?</li> <li>5. Were there fiscal impacts associated with the implementation?</li> </ol>	<p>Among the issues that the operationalization plan should address are the following:</p> <ol style="list-style-type: none"> <li>1. What indicators would be <u>ideal</u> for the purpose of operationalizing the five overall questions?</li> <li>2. What data sets has the consultant accessed for this purpose?</li> <li>3. What additional data sets does the consultant believe will be necessary to acquire for this purpose?</li> <li>4. What steps have been (or will need to be) taken to acquire these additional data sets?</li> <li>5. To what extent are data available concerning the ideal indicators for operationalizing the five overall questions?</li> </ol>	<p>August 31, 2006</p>
<p><b>Data Analysis Plan.</b> Provide to the Panel a data analysis plan, i.e., specifying which data sets will be used with reference to each indicator and what analyses will be conducted.</p>	<p>Among the issues that the data analysis plan should address are the following:</p> <ol style="list-style-type: none"> <li>1. What will be the likely strengths and limitations of the data analysis plan in addressing the five overall questions?</li> <li>2. What actions might the Panel take to address the limitations?</li> </ol>	<p>September 30, 2006</p>
<p><b>Interim Report.</b> Submit an interim report to the Panel that identifies: (a) the indicators selected, (b) the data sets utilized, (c) the analyses conducted, (d) the interim findings, and (e) the consultant's tentative conclusions concerning each of the five overall questions listed above.</p>	<p>Among the issues that the Interim Report should address are the following:</p> <ol style="list-style-type: none"> <li>1. What are the strengths and limitations in the Interim Report?</li> <li>2. What actions might the Panel take to address the limitations?</li> </ol>	<p>November 15, 2006</p>
<p><b>Final Report.</b> Submit a final report to the Panel.</p>		<p>December 15, 2006</p>

**Marijuana Policy Review Panel**

**Meeting Minutes**

**Monday, November 20, 2006 5:42-7:00 p.m. City Hall, Room #370**

**Members Present:** Tom Carr, D'Adre Beth Cunningham, Alison Holcomb, Dominic Holden, Theryn Kigvamusud'Vashti, Mike Meehan, Kris Nyrop, Tom Rasmussen, Roger Roffman

**Members Absent:** Erin Becker, Nick Licata

**Staff:** Zuzka Lehocká-Howell (Legislative Department)

Motion was made, duly seconded and carried, to approve the meeting minutes from 10/11/06.

**Review of the Data Analysis Plan submitted by the consultant. (Were the Operationalization plan and the Data Analysis plan completed?)**

The Panel voiced concerns with all the submitted deliverables. The draft final report, as well as all the other deliverables, only partially met the requirements detailed in the scope of work. None of the deliverables were complete.

- The report does not present a comprehensive list of indicators and data sets that could potentially be used in addressing the five overall questions.
- The report does not present a comprehensive data analysis plan, a comprehensive discussion of the plan's strengths and limitations, and actions the Panel might take to address the limitations.
- The report does not present a comprehensive interim report that was responsive to the list of tasks and specific products identified in the Consultant Agreement.

The Panel was dissatisfied with the layout used for the report. The recommended layout is:

1. Executive Summary
2. Introduction
  - a. Ordinance Number 121509 and SMC 12A.20.060
  - b. Establishment and History of the Marijuana Policy Review Panel
3. Findings
  - a. Implementation of the Policy
  - b. Public Safety
  - c. Public Administration
  - d. Public Health
  - e. Fiscal Impact
4. Recommendations
5. Appendices
  - a. Fiscal Impact

The consultant will be responsible for the Findings. The Panel will complete the Executive Summary, Introduction, Recommendations, and Appendices.

For each of the five key questions, the Panel will report the indicators and data sources used, and then will report the findings. The Panel will end the subsection for each question by offering their conclusions.

The Panel needs the following from the consultant:

1. Identify each specific indicator.
2. For each indicator, identify the data source(s) used.
3. Construct each table with both a full title and a complete identification of the source of the data.
4. The consultant should include the following data sources in his report:
  - The Certifications for Determination of Probable Cause and Informations produced by the King County Prosecuting Attorney's Office.
  - Administrative costs of criminal justice resources (police, courtrooms, prosecutors, public defenders, and jail cells) associated with adult personal use marijuana law enforcement within Seattle. Alison Holcomb will send the consultant the Public Safety portions of the Seattle City budgets for 2001-2006 (excluding the Fire Department for FY 2001 and 2002). The Panel will continue to look for figures representing average per-day costs for court operation and housing an inmate, and maybe also an average cost to adjudicate a misdemeanor.
5. The final report needs to be in electronic format.

Seattle Police Department

Seattle Police Department has issued no written policy describing what effect I-75 should have on the activities of police officers, but officers have been verbally advised during their roll calls that investigation and arrest of adults for possession of cannabis intended for personal use is to be their lowest priority.

**Discussion about Mr. Hill's letter and Alison Holcomb's response**

Alison Holcomb summarized Mr. Hill's letter and her response to it.

### **Public comment period**

1. Public was welcomed to participate in the discussion of the contract during the main part of the meeting; therefore, their comments and concerns have been incorporated into the previous section of the minutes.
2. Correction of public comment documented in the minutes from 10/11/06: The concern of the constituent, Phil Mocek, about Mr. Carr's statement was: "I was specifically concerned with Mr. Carr's statement that his office is \*unable\* to implement this law." Complete email message from Mr. Mocek was forwarded to the Panel members.

### **Marijuana Policy Review Panel Meeting Minutes**

**Monday, January 29, 2007, 5:30-7:00 p.m., City Hall, Room #370**

**Members Present:** Tom Carr, Alison Holcomb, Dominic Holden, Nick Licata, Mike Meehan, Kris Nyrop, Roger Roffman

**Members Absent:** D'Adre Beth Cunningham, Erin Becker, Theryn Kigvamusud'Vashti, Tom Rasmussen

**Staff:** Zuzka Lehocká-Howell (Legislative Department)

Motion was made, duly seconded and carried, to approve the meeting minutes from 10/20/06.

### **Review of the Report**

#### Potential costs/hours spent for processing marijuana cases and for the panel's existence

Processing marijuana cases:

- Booking
- Jail
- Seattle Municipal courtrooms
- Average assisting city attorney/prosecutor
- Average public defender
- Average SPU annual salary

Panel's existence:

- Tom Carr's staff
- County staff
- SPU staff
- Legislative Department staff -panel staffing
- Office products: copies, binders

The members agreed that in most cases the panel will not be able to determine a cost. For example, most of the staffing hours would be difficult to directly interpreted as cost, since the staff would continue working the same amount of hours. In the report, it should be pointed out that if the time is spent on marijuana cases or on the panel, then it's not spent on other projects.

#### Possible reasons for data discrepancies

- Three data collecting systems
- Errors in making queries
- Dates when queries were made
- Filing versus charges

Recommendation: If a reason for discrepancies can't be identified, both data sets should be used in report.

#### Report deadline extension

The timeline has been extended to June 30, 2007.

The panel will keep the consultant.

### **Public comment period**

Sunil Aggarwal

*"As a Seattle citizen who voted for I-75 in Sept 2003, I'm disturbed that there is no reporting to the panel on the number of people being arrested in Seattle for possessing marijuana. This was*

*supposed to be reported on as the law states; encounters with the police are the gateway to prosecutions. It is unfortunate that this will not occur.*

*As a medical student and PhD student at the University of Washington, I want to say that I commend the panel for what it is doing. There are three-quarters of a million arrests each year in the United States for marijuana; they are about 45% of the total 1.5 million drug arrests each year. Marijuana arrests are the cornerstone of the war on drugs in the United States. The King County Bar Association and many other groups have concluded that the war on drugs is the wrong policy for substance abuse prevention and control. In other countries (Qatar, Indonesia, Malaysia, etc.), people are put to death for possessing marijuana. So, I know that some panel members are complaining about the amount of time and resources they are putting into the panel, but they should know that it is very relevant work to the country and the rest of the world. So thank you very much!"*

### **Marijuana Policy Review Panel Meeting Minutes**

**Thursday, August 16, 2007, 5:30-7:00 p.m., City Hall, Room 370**

**Members Present:** Tom Carr, D'Adre Beth Cunningham, Scott Fogg, Alison Holcomb, Dominic Holden, Theryn Kigvamusud'Vashti, Nick Licata, Kris Nyrop, Tom Rasmussen, Roger Roffman

**Members Absent:** Mike Meehan

**Staff:** William Edwards for Mike Meehan (Seattle Police Department), Zuzka Lehocká-Howell (Legislative Department), Gary Cox (consultant)

Motion was made, duly seconded and carried, to approve the 1/29/07 meeting minutes with a minor modification.

**New member introduced:**

Scott Fogg, the new King County Prosecutor's representative, was introduced to the panel.

**Review of the Report:**

Original draft report (the findings and conclusions sections only) - Written by the consultant Gary Cox

Second draft report (the black text) – Worked on by Tom Carr, Alison Holcomb, Roger Roffman, and Dominic Holden

Third draft report (the text in color) – Edits made by Tom Carr, Alison Holcomb, Dominic Holden, and Kris Nyrop

- The panel members agreed to use the text in black as the baseline text for the final report.
- They have expressed varying opinions on the information that the report should address.
- It has been recommended to shorten the introduction and possibly move some of its sections to another place in the report.
- The table on page 10 will be reworked with some new data being added.
- The panel considered using the Council Central Staff to complete the report, but at the end decided against it.
- At the end, the panel agreed to have Tom Carr and Alison Holcomb complete the report, since they represent the two main sides of the issue.
- The consultant, Gary Cox, will provide assistance if necessary.
- Once the report is completed by Tom Carr and Alison Holcomb, they will submit it to the rest of the panel members for final review.
- Addendums may be added if panel members have a need to express a particular issue that was not addressed by the report if there was not majority consensus on how to incorporate it in to the main body of the report.
- The panel is planning to approve the final report at its next meeting.

**Public Comment:**

Andy Ko

- Mr. Ko agreed that if review of the I-75 stats show a pronounced racial bias in terms of arrests/prosecutions for marijuana offenses, that finding should be discussed in the report,

although nothing in the initiative encouraged law enforcement to deprioritize arrests of white Seattlites only. But, if this is happening, the panel should discuss that, try to understand why, and recommend corrective action.

- Regarding valid, but potentially competing, explanations for why arrests and prosecutions decreased after I-75, Mr. Ko thinks it is reasonable to state these interpretations. He thinks that the panel should be careful not to present statistical information in a manner that suggests causal relationships that have not been established. (For example, the table that shows trends in marijuana enforcement should not include stats for DWLS cases if the work has not been done to establish a statistical relationship. Mr. Ko thinks that it is reasonable for Tom Carr to ask that the report mention that there might be a relationship if others want to suggest that I-75 is responsible for the decline in arrests and prosecutions. But putting the numbers together in a table is misleading. It suggests a causal relationship that no one has established.)
- Concerning the suggestion that there should be a footnote indicating that Dominic Holden drafted much of the introduction, Mr. Ko disagreed, unless each concept proposed or supported by each member of the panel will be similarly footnoted.
- Ongoing reporting of marijuana arrests and prosecutions:  
Mr. Ko suggests that the City Attorney's office produce semi-annual or annual reports and posts the stats on the City's website.

**Next meeting:** The week of 9/17/07

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*The 9/17/07 meeting has been canceled and rescheduled to 12/4/07.*

**Marijuana Policy Review Panel  
Meeting Minutes**

**Tuesday, December 4, 2007, 5:30-7:00 p.m., City Hall, Room 370**

**Members Present:** Tom Carr, D'Adre Beth Cunningham, Alison Holcomb, Dominic Holden, Theryn Kigvamusud'Vashti, Nick Licata, Mike Meehan, Kris Nyrop, Roger Roffman

**Members Absent:** Scott Fogg, Tom Rasmussen

**Staff:** William Edwards (Seattle Police Department), Zuzka Lehocká-Howell (Legislative Department)

Motion was made, duly seconded and carried, to approve the 8/16/07 meeting minutes with minor modifications.

Roger Roffman expressed his support of the draft marked as "Draft Final Report - ACH proposed edits -113007" and made a motion to adopt the report. Kris Nyrop seconded the motion. Alison Holcomb and Tom Carr indicated that all member comments have been considered. The final report is a document they both support as a fair compromise of the panelists' differing perspectives on the passage and implementation of the initiative. The panel decided against additional discussion or research. D'Adre Beth Cunningham suggested that a minority report was an option, but the panel decided not to pursue this route.

Theryn Kigvamusud'Vashti and Kris Nyrop expressed same interest and hope that the work of the panel will continue on in some form. The panel members believe that recommendation #2 will help to insure such ongoing work.

**Votes:**

Adopt the report

- Motion made and duly seconded
- Friendly amendment to eliminate the recommendations section and to vote on it separately
- Vote has been passed 8:1, with Mike Meehan voting against

Adopt recommendation #1

- Motion made and duly seconded



- Vote has been passed 7:2, with Tom Carr and Mike Meehan voting against

Adopt recommendations #2 & 3

- Motion made and duly seconded
- Vote has been passed unanimously

Add all recommendations back to the report noting the dissenting votes.

- Motion made and duly seconded
- Vote has been passed unanimously

**Public Comment:**

Community members expressed appreciation for the panel's work and their responsible and respectful approach to the initiative I-75.

Kris Nyrop and many of the community members present in the room expressed interest in working closer with the Council on Medical Use Marijuana issues. Panel Chair Nick Licata recommended that citizens wait till the beginning of 2008 for the creation of the new Council committees. Then, they should work with the Council office caring for social issues.

**Next Steps:**

- This is the last meeting of the panel. Panel will be dissolved at the completion of this meeting.
- The report will be filed with the City Clerk's office.
- Panel members will present the report at Council Briefings meeting in 2008.
- Alison Holcomb raised the question of whether the ordinance needed to be amended to revise the reporting requirements to comport with recommendation #2. Tom Carr indicated that he would look at that issue and expressed the thought that if it did, introduction and passage of a "clean up" ordinance should be a relatively easy process.

## Appendix 7: Consultant Curriculum Vitae

### Curriculum Vitae

GARY BRUCE COX, Ph.D.

#### PERSONAL DATA

#### EDUCATION

Willamette University, Salem, Oregon 1957-1959.

University of Illinois, Urbana, Illinois, 1959-1960.

University of Oregon, Eugene, Oregon, 1961-1962, B.S. (Major: Psychology).

Duke University, Durham, North Carolina, 1963-1970, Ph.D. (Major: Psychology; Minor: Statistics and Psychometrics).

#### POSTGRADUATE TRAINING

USPHS and VA Traineeships, Duke University, 1963-1966.

USPHS Predoctoral Research Fellowship, Department of Psychology, Duke University, 1966-1967.

Post Doctoral Research Fellowship, Center for Study of Aging and Human Development, Duke University, 1970-1972.

#### FACULTY POSITIONS HELD

Assistant Professor, Johnson C. Smith University, Charlotte, North Carolina, 1967-1970.

Instructor to Research Associate Professor, Department of Psychiatry and Behavioral Sciences, University of Washington School of Medicine, Seattle, Washington, 1972 - 1995.

Member, Graduate School Faculty, University of Washington, 1982-1995.

Adjunct Research Associate Professor, School of Social Work, University of Washington, Seattle, Washington, 1982-1997.

Senior Research Scientist, Alcohol and Drug Abuse Institute, University of Washington, Seattle Washington, 1995-present.

#### SELECTED PROFESSIONAL RESPONSIBILITIES

Supervisor of Program Evaluation Services, Harborview Community Mental Health Center, 1972-1976.

University of Washington Medical Faculty Board, 1974-1976.

Center for Addiction Services, Institutional Review Board, 1975-1978.

Washington State Mental Health Information System Advisory Committee, 1975-1979.

University of Washington Faculty Senate, 1977-1979.

Faculty Council on Community Services, 1977-1979.

Evaluation Consultant, Washington Mental Health Manpower Development Project, Mental Health Division, DSHS, State of Washington, 1979-1984.

Member, Research Review Committee, Group Health Cooperative of Puget Sound, 1981-1984.

Member, Faculty Council on Grants and Contracts Sub-Committee on Computing. 1984-86.

Member, State Mental Health Division GIA Funding Formula Task Group, 1987-1992.

Local Arrangements Chair, American Evaluation Association Annual Meeting, October, 1992.

Member, Community Advisory Committee, Healthy Nations Project, Seattle Indian Health Board and United Indians of All Tribes Foundation, 1994 -1996.

Pre-Award Site Visits to Mental Health Services West, Portland, OR, and the San Francisco Department of Public Health, Division of Mental Health and Substance Abuse, San Francisco, CA, for the CMHS/CSAT Collaborative Demonstration Program for Homeless Dually Diagnosed Individuals, 1994.

Program Evaluation Review Panel, DHHS/PHS, Alexandria, VA, 1995.

Technical Assistance Site Visit to Bonita House, Berkeley, CA for the CMHS/CSAT Demonstration Program for Homeless Dually-Diagnosed Individuals, 1995

Member, State Division of Alcohol and Substance Abuse Research Subcommittee, 1992 - present.

#### REVIEW COMMITTEES

Ad hoc Review Committee, June, 1982, National Institute of Mental Health.

Ad hoc Review Committee, November, 1983, National Institute of Mental Health

Member, IRG for Mental Health Statistics Improvement Program applications, Center for Mental Health Services, SAMHSA, 1993.

Special Review Committee, NIAAA, Psychosocial Alcohol Research Center, May, 1995.

Initial Review Group, Office of Extramural Activities, SAMHSA, Managed Care and Vulnerable Populations, August, 1996.

Initial Review Group, Center for Mental Health Services, SAMHSA, Cooperative Agreements to Evaluate Housing Approaches for Persons with Serious Mental Illness, May, 1997.

#### MAJOR FEDERAL GRANTS

National Institute of Mental Health. Computer Simulation of Community Mental Health Centers. G.B. Cox, Principle Investigator, 1984-1986.

National Institute on Alcohol Abuse and Alcoholism. Intensive Case Management for Chronic Public Inebriates. G.B. Cox, Principal Investigator, 1990-1993.

National Institute on Drug Abuse. Attrition While Awaiting Drug Treatment. G.B. Cox, Co-Principal Investigator (D Donovan, PI), 1994-1999.

National Institute on Alcohol Abuse and Alcoholism. Computer Modeling of Alcohol Services Research Data. G. B. Cox, Principal Investigator, 1994-1999.

#### SELECTED OTHER GRANTS AND CONTRACTS

Office of Research, DSHS, State of Washington. Sentencing Alternatives Impact Simulation. PI, 1976-77.

Office of Research, DSHS, State of Washington. Two-State Mental Health Outcome Study. PI, 1977-78.

Mental Health Division and Office of Research, DSHS, State of Washington. Mental Health Human Resources Development Center. Evaluation Consultant, 1979-1984.

Mental Health Division, DSHS, Review of Title XIX Reimbursement for Day Treatment Services. Co-Investigator, 1986.

Mental Health Division, DSHS, Mental Health Needs Assessment for the State of Washington. Co-Investigator, 1986-87.

National Institute of Justice, Validation of a computer-based offender screening and prediction battery. Co-Investigator, 1986-88.

King County Office of Involuntary Treatment Services, Classification of Involuntarily Committed Clients. PI, 1987.

Legislative Budget Committee, Contract to evaluate the impact of Mental Health Reform. Co-Investigator, 1991-93.



- Division of Alcohol and Substance Abuse, DSHS, Evaluation of Mentally Ill - Chemically Abusing Pilot Projects. PI, 1993.
- National Institute on Alcohol Abuse and Alcoholism, Alcohol Abuse in Urban Indian Adolescents and Women. Co-Investigator, 1993-1998.
- Mental Health Division, DSHS. HCFA Waiver Evaluation. Co-Investigator, 1994-1995.
- Division of Alcohol and Substance Abuse, DSHS. SSI Monitoring Project Evaluation. PI, 1994-1997.
- Division of Alcohol and Substance Abuse, DSHS. Evaluation of Pioneer Center North. PI, 1996-1998.
- Division of Alcohol and Substance Abuse, DSHS. Evaluation of Pioneer Center North - II. PI, 1998-1999.
- Division of Alcohol and Substance Abuse, DSHS. SSI Follow Up Project. PI, 1998-1999.
- Division of Alcohol and Substance Abuse, DSHS. NorthWest HIDTA Drug Court Evaluation. PI, 1999-2002 (projected)

## PUBLICATIONS

- Cox, G. B.: A Comparison of Two Measures of Cognitive Complexity and Their Relationships with Intelligence, Sex, Age, and Race. *JSAS Catalogue of Selected Documents in Psychology*. 4:80, 1974.
- Coie, J., Costanzo, P., & Cox, G.: Behavioral Determinants of Mental Illness Concerns: A Comparison of "Gatekeeper" Professions. *Journal of Consulting and Clinical Psychology*. 43:626-636, 1975.
- Cox, G., Costanzo, P., & Coie, J.: A Survey Instrument for the Measurement of Popular Conceptions of Mental Illness. *Journal of Consulting and Clinical Psychology*. 44:901-909, 1976.
- Cox, G. B., & Chapman, C. R.: Multivariate Analysis of Pain Data. In J. J. Bonica and D. Albe-Fessard (Eds.), *Advances in Pain Research and Therapy*. New York: Raven Press, 1976.
- Cox, G. B.: Managerial Style: Implications for the Utilization of Program Evaluation Information. *Evaluation Quarterly*. 1:498-508, 1977.
- Cox, G. B., Carmichael, S. J., & Dightman, C.: An Evaluation of a Community Based Diagnostic Program for Juvenile Offenders. *Juvenile Justice*. 28:33-41, 1977.

- Chapman, C. R., & Cox, G. B.: Pain, Anxiety and Depression Surrounding Elective Surgery: A Multivariate Comparison of Abdominal Surgery Patients with Kidney Donors and Recipients. *Journal of Psychosomatic Research*. 21:7-15, 1977.
- Chapman, C. R., & Cox, G. B.: Determinants of Anxiety in Elective Surgery Patients. In: C. B. Spielberger and I. G. Sarason (Eds.), *Stress and Anxiety*, Vol 4. Machias, N.Y.: Hemisphere Publishing Co., 1977.
- Cohen, D., & Cox, G. B.: Memory for a Geometrical Configuration in the Cognitively Impaired Elderly. *Experimental Aging Research*. 3:245-257, 1977.
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## **Appendix 8: Marijuana Policy Review Panel Project Scope for Production of Final Report**

### **Project Scope for the Production of the Final Report**

Seattle Municipal Code section 12A.20.060, enacted by Initiative 75 (“I-75”) in 2003, requires the Seattle Police Department and City Attorney’s Office to make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City’s lowest law enforcement priority. I-75 also requires an eleven-member Marijuana Policy Review Panel (“Panel”), appointed by the President of the City Council, to submit a comprehensive written report with recommendations at the first meeting of the Full Council in 2007. This report must include, but not be limited to, information concerning the public safety, public administration, public health and fiscal impacts of the Seattle Police Department’s and City Attorney’s Office implementation of, and compliance with, SMC 12A.20.060.

### **Scope of Project**

The consultant, with the guidance and assistance of a subcommittee of the Panel, will analyze existing data and reports and perform additional research as requested to assist the Panel with the preparation of the 2007 report and recommendations that will be submitted to the City Council regarding implementation of I-75. Finalization of the report and recommendations in late 2006 will be subject to approval by the Panel as a whole.

**Overall function.** The consultant’s function is to assist the Panel in addressing the following overall questions:

1. Was subsection A of Section 12A.20.060 of the Seattle Municipal Code (“The Seattle Police Department and City Attorney’s Office shall make the investigation, arrest and prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City’s lowest law enforcement priority”) implemented?
2. Did the implementation of subsection A of Section 12A.20.060 of the Seattle Municipal Code have an impact on public safety?
3. Did the implementation of subsection A of Section 12A.20.060 of the Seattle Municipal Code have an impact on public administration?
4. Did the implementation of subsection A of Section 12A.20.060 of the Seattle Municipal Code have an impact on public health?
5. Were there fiscal impacts associated with the implementation of subsection A of Section 12A.20.060 of the Seattle Municipal Code?

**Operationalizing each question.** Addressing each of the above questions will require specifying how each can be operationally defined, i.e., identifying indicators. For example, hospital admissions and emergency room visits might be specific indicators of an impact on public health.

The Panel anticipates that relevant data and reports will include, but not necessarily be limited to, the following:

- Spreadsheets produced by the Seattle City Attorney’s office that list all cases filed within a specified time frame in which the defendant was charged with misdemeanor possession of marijuana, such spreadsheets to describe the charges filed, the ultimate disposition, the defendant’s race, the defendant’s gender, the defendant’s date of birth, whether the defendant was booked into jail, and, for pending cases or cases that resulted in a conviction, the Seattle Municipal Court case number;
- Copies of all Informations, Certifications for Determination of Probable Cause, and Bail Requests filed by the King County Prosecuting Attorney’s office within a specified time frame in connection with any referral from the Seattle Police Department’s Narcotics Section that includes a request for filing of a marijuana-related charge, regardless of whether such a charge ultimately was included in the Information;
- Records from the King County Jail reflecting time spent in custody by suspects or defendants arrested on, or charged with, marijuana-related offenses where the marijuana reasonably appears to have been intended for adult personal use;
- Dockets from the Seattle Municipal Court and King County Superior Court for cases involving marijuana-related offenses where the marijuana reasonably appears to have been intended for adult personal use;
- Public records reflecting costs associated with investigation, prosecution, and punishment of marijuana offenses where the marijuana reasonably appears to have been intended for adult personal use, such as the following:
  - » Police, prosecutor and public defender budgets
  - » Courtroom, jail, and probation administration costs
  - » Reports produced by the Seattle Police Department, the City of Seattle Human Services Department, the U.S. Department of Justice’s Community Capacity Development Office, and/or the U.S. Attorney’s Office related to the “Weed and Seed” program; and
- Reports that synthesize and evaluate the impact of marijuana use on public health for relevant time periods, such as the following:
  - » Seattle Public Schools’ “Communities That Care Youth Survey,” federally funded by the Seattle Public Schools’ Safe Schools/Healthy Students Initiative;

- » Marijuana treatment admissions as reported to the Washington State Department of Social & Health Services' Division of Alcohol & Substance Abuse via the Treatment and Assessment Report Generation Tool (TARGET) system, which includes admissions in Seattle and totals for Washington State;
- » "Recent Drug Abuse Trends in the Seattle-King County Area," reports published biannually by the Community Epidemiology Work Group and available from the University of Washington's Alcohol and Drug Abuse Institute;
- » Data from the Washington State Healthy Youth Surveys conducted by the Office of the Superintendent of Public Instruction, the Department of Health, the Department of Social and Health Services' Division of Alcohol & Substance Abuse, and Community Trade and Economic Development;
- » The National Surveys on Drug Use and Health published by the United States Department of Health and Human Services' Substance Abuse & Mental Health Services Administration; and
- » Data from the annual Monitoring the Future Surveys conducted by the National Institute on Drug Abuse.

The first product that the consultant will be asked to provide to the Panel is a detailed plan for operationalizing the five overall questions listed above.

**Specifying a plan for using data sets and conducting analyses.** The second product that the consultant will be asked to provide to the Panel is a data analysis plan, i.e., specifying which data sets will be used with reference to each indicator and what analyses will be conducted.

**Completing a report of findings.** The third product is writing a report to the Panel that identifies: (a) the indicators selected, (b) the data sets utilized, (c) the analyses conducted, (d) the findings, and (e) the consultant's conclusions concerning each of the five overall questions listed above.

## Appendix 9: Marijuana Policy Review Panel Consultant Tasks, Deadlines, Costs

Task	Specific Products	Deadlines	Costs
<p><b>Operationalization Plan.</b> Provide to the Panel a detailed plan for operationalizing five overall questions:</p> <ol style="list-style-type: none"> <li>1. Was subsection A of Section 12A.20.060 of the Seattle Municipal Code implemented?</li> <li>2. Did the implementation have an impact on public safety?</li> <li>3. Did the implementation have an impact on public administration?</li> <li>4. Did the implementation have an impact on public health?</li> <li>5. Were there fiscal impacts associated with the implementation?</li> </ol>	<p>Among the issues that the operationalization plan should address are the following:</p> <ol style="list-style-type: none"> <li>1. What indicators would be <u>ideal</u> for the purpose of operationalizing the five overall questions?</li> <li>2. What data sets has the consultant accessed for this purpose?</li> <li>3. What additional data sets does the consultant believe will be necessary to acquire for this purpose?</li> <li>4. What steps have been (or will need to be) taken to acquire these additional data sets?</li> <li>5. To what extent are data available concerning the ideal indicators for operationalizing the five overall questions?</li> </ol>	August 31, 2006	\$6,000
<p><b>Data Analysis Plan.</b> Provide to the Panel a data analysis plan, i.e., specifying which data sets will be used with reference to each indicator and what analyses will be conducted.</p>	<p>Among the issues that the data analysis plan should address are the following:</p> <ol style="list-style-type: none"> <li>1. What will be the likely strengths and limitations of the data analysis plan in addressing the five overall questions?</li> <li>2. What actions might the Panel take to address the limitations?</li> </ol>	September 30, 2006	\$5,000
<p><b>Interim Report.</b> Submit an interim report to the Panel that identifies: (a) the indicators selected, (b) the data sets utilized, (c) the analyses conducted, (d) the interim findings, and (e) the consultant's tentative conclusions concerning each of the five overall questions listed above.</p>	<p>Among the issues that the Interim Report should address are the following:</p> <ol style="list-style-type: none"> <li>1. What are the strengths and limitations in the Interim Report?</li> <li>2. What actions might the Panel take to address the limitations?</li> </ol>	November 15, 2006	\$6,000
<p><b>Final Report.</b> Submit a final report to the Panel.</p>		December 15, 2006	\$3,000

# Appendix 10: Seattle Police Department Complaint Report, OPA Investigations Section, Case No. IIS-2005-0144

SEATTLE POLICE DEPARTMENT <b>COMPLAINT REPORT</b> OPA Investigations Section		<b>IIS-2005-0144</b>	CUBO (Remarks) [1.029 (Policy)] Unnecessary Force [1.145 Use of Force - Policy] Failure to Notify Supervisor Regarding Arrest/Detention [2.001 (f)]	
		<input checked="" type="checkbox"/> External Complaint		
Classification: IIS-Internal Investigation Case				
Complaint Incident	Date 6/16/2005	Time 11:35 PM	Location [REDACTED] Seattle WA 98104	Precinct [REDACTED]
Subject	Name [REDACTED]	DOB [REDACTED] 1968	Race Caucasian	
	Home Address [REDACTED] Seattle WA 98104	Home Phone (206) [REDACTED]	<input type="checkbox"/> Confiden.	
	Business Address Seattle WA	Business Phone [REDACTED]	<input checked="" type="checkbox"/> Photos <input checked="" type="checkbox"/> Statement	
Complaint Reported By	Name [REDACTED]	Relation to Subj. Self	DOB [REDACTED] 1968	Race Caucasian
	Home Address [REDACTED] Seattle WA 98104		Home Phone (206) [REDACTED]	<input type="checkbox"/> Confiden.
	Business Address Seattle WA		Business Phone [REDACTED]	<input checked="" type="checkbox"/> Photos <input checked="" type="checkbox"/> Statement
Complaint Received By	Name MILES, POLICE SERGEANT-DETECTIVE BRIAN G			
	How Reported: In Person      Date: 6/17/2005      Time: 9:30 PM			

### SUMMARY OF THE COMPLAINT

It is alleged that named Officer [REDACTED] used unnecessary force when he grabbed the subject by the throat to keep him from swallowing some marijuana. It is alleged that named Officer [REDACTED] used unnecessary force when he pointed the muzzle of his pistol approx. one inch from the subject's forehead and said, "I could just knock you out," and "I should have went ahead and blown your brains out." Officer [REDACTED] is said to have told him to shut up and lectured him about his actions of eating the marijuana. It is further alleged that named Officer [REDACTED] failed to screen the arrest / detention of the subject with a supervisor.

Named Employee	Name [REDACTED]	Allegations: Unnecessary Force [1.145 Use of Force - Policy] Failure to Notify Supervisor Regarding Arrest/Detention [2.001 (f)]
	Unit [REDACTED]	
Witness	Name [REDACTED]	Allegations: CUBO (Remarks) [1.029 (Policy)] Unnecessary Force [1.145 Use of Force - Policy]
	Unit [REDACTED]	
	Name [REDACTED]	Relation to Subj. Acquaintance
	DOB [REDACTED] 1966	Race Other Minorities
	Home Address [REDACTED] Seattle WA 98101	Home Phone 206 [REDACTED]
	Business Address	Business Phone [REDACTED]
Assigned By	Name LOW, POLICE CAPTAIN NEIL B #2954	Unit 131 - OPA INVESTIGATIONS SECTION
		Date: 6/23/2005
Assigned To	Name MILES, POLICE SERGEANT-DETECTIVE BRIAN G	
<b>End of Complaint Form</b>		

Notes: After reviewing officer statements, new allegation added, notifications sent.

Date: 10/25/2005



After careful review and consideration, I support my findings based on the following facts:

- According to subject [REDACTED], the named officers observed him and a companion in a park near [REDACTED]. They shined a light on them and told them to leave. [REDACTED] admits he was smoking a joint with his friend, and he got up with the joint in his hand, trying to put it in his pocket (concealment). One officer called him over to the patrol car and told him to leave. [REDACTED] put the joint in his mouth and turned to leave. Officer [REDACTED] then came up behind [REDACTED] and grabbed his throat. Officer [REDACTED] pointed his pistol at [REDACTED] head and threatened to hit him with his fist. Then [REDACTED] told [REDACTED] he should have blown his brains out, while lecturing him on swallowing the marijuana. [REDACTED] also told [REDACTED] to shut up at one point. After checking his and his companions names on the computer, the officers let them go.
- OPA-IS attempted to contact [REDACTED] companion, [REDACTED], but she has moved on with no forwarding address.
- Officers [REDACTED] and [REDACTED] note they contacted [REDACTED] and [REDACTED] for trespassing in [REDACTED] Park. Neither officer noted injuries to the subject, nor did he complain of any. Officer [REDACTED] states he drew his pistol because he saw [REDACTED] reach into the vicinity of his waistband, and he wasn't sure if he was reaching for a weapon. [REDACTED] held his pistol close to [REDACTED] forehead so he would avoid hitting Officer [REDACTED] and [REDACTED] companion [REDACTED] if he had to fire: "I was pretty close. I don't know if it was an inch or how close I was." He acknowledges it was less than a foot. [REDACTED] denied threatening to knock [REDACTED] out or blow his brains out.
- [REDACTED] explains that while his gun was drawn, [REDACTED] left hand came into contact with his firearm, so [REDACTED] later warned him there could have been an accidental discharge while his weapon was pointed at [REDACTED] head.
- [REDACTED] does not recall if he or Officer [REDACTED] ever patted [REDACTED] down for weapons.
- In response to SPOG representative's leading questions, Officer [REDACTED] states/confirms that the officers "never determined what he [REDACTED] was ingesting" and "never determined of (sic) there was marijuana." [REDACTED] said [REDACTED] told them "it was only marijuana."
- [REDACTED] said that Officer [REDACTED] grabbed [REDACTED] jaw, not his neck, in an attempt to keep him from swallowing the unknown object. [REDACTED] heard [REDACTED] tell [REDACTED] that he shouldn't swallow drugs.
- Officer [REDACTED] stated he contacted [REDACTED] and companion and told them to return to where the officers were. He told [REDACTED] to sit where he had been sitting, and [REDACTED] turned and put something in his mouth. He told [REDACTED] to open his mouth, and was ignored. [REDACTED] said he grabbed [REDACTED] jaw with his thumb and forefinger in an effort to pull his mouth open. He denies grabbing [REDACTED] throat.
- Officer [REDACTED] states that Officer [REDACTED] drew his firearm in response to [REDACTED] arm hitting [REDACTED] holster and Officer [REDACTED] seeing this (p.7 et al), but by description Officer [REDACTED] was behind Officer [REDACTED], so it is unclear how [REDACTED] would know what [REDACTED] saw. [REDACTED] said this happened while [REDACTED] was flailing his arms. Officer [REDACTED] said he could not see exactly where [REDACTED] pointed his firearm. He states he did not see it pointed to within an inch of [REDACTED] forehead. [REDACTED] denies hearing [REDACTED] say he could have knocked [REDACTED] out or blown his brains out. He also did not hear [REDACTED] tell [REDACTED] to shut up. [REDACTED] said [REDACTED] opened his mouth and said, "It's only marijuana" (p.3), and "it's only a marijuana butt" (p. 9). [REDACTED] notes that this is when [REDACTED] re-holsters his weapon.



- Officer ██████ did not notify a supervisor about the incident prior to or immediately following ██████ release. ██████ said he thought he may have told ██████ about the incident prior to the end of his shift.
- Officer ██████ did not feel the situation constituted a detention or arrest.
- Officer ██████ did not document this contact, write a citation, issue a city park exclusion, issue a trespass admonishment, or write a FIR on this incident.
- In his second statement, Officer ██████ said he put his hands in ██████ mouth because ██████ was trying to conceal something, and Officer ██████ didn't know what this was. He said it could have been narcotics or a weapon, including hiding a razor blade, and he went looking to see what it was for officer safety reasons.
- There are six photographs of subject ██████ in the file. The quality is fine, but ██████ shows recent sun exposure, so I wasn't able to distinguish a significant difference between the sun exposure and what may be marks left by Officer ██████.
- I consulted with Legal Advisor Leo Poort about the above situation, and he notes the situation as described amounts to a detention. The subject(s) were not free to leave, and subject ██████ was subjected to an intrusive search of his mouth. There may have been probable cause, but that is not the issue at point. The issue is whether this was a detention amounting to an arrest, and it was.

#### CONCLUSION:

The evidence in this case supports that the officers detained subject ██████, who was therefore not free to leave, and that Officer ██████ inserted his fingers in ██████ mouth in an attempt to retrieve an unknown item. This detention and intrusive search constitute an arrest, whether the officers later believe so or not. Officer ██████ did not screen this arrest and release with a supervisor. I recommend a finding of SUSTAINED for Officer ██████ for failing to notify a supervisor of an arrest/detention.

Officer ██████ also used force in putting his fingers inside of subject ██████ mouth, forcing it open, after ██████ refused to comply with verbal directions. Officer ██████ and Officer ██████ admit they did not know what it was that ██████ put in his mouth. They theorized it could have been narcotics or a weapon, such as a razor blade; so they introduce an officer safety issue into their argument. If it was possibly a razor blade, why would the officer insert his fingers into ██████ mouth where he would encounter the sharp object? His rationale falls short.

Since the officers did not know what ██████ placed in his mouth, this means it could have been something as simple or common as a breath mint. Both officers fail to cite a compelling reason for this intrusive search, especially in light of how Seattle has reduced marijuana enforcement to a low priority for police. For Officer ██████ I recommend a finding of SUSTAINED for Unnecessary Force.

Officer ██████ drew his weapon and pointed it at subject ██████ because, he says, ██████ dropped his hand near his waist. Officer ██████ states ██████ drew his weapon after a thrashing subject ██████ bumped ██████ holster, but according to the officers' description of their positions, there is no explanation as to how ██████ would have seen this weapon bumping when Officer ██████ is standing in front of ██████. How would ██████ know what ██████ saw?

states that put the gun near his forehead as threatened him, and acknowledges that he put the weapon "very close" to so that he would not hit his partner or companion, should he have to fire the weapon. Notably, Officer has his fingers inside mouth and is in very close proximity to. later says that during this encounter, raised his hand and bumped his weapon, and this became the reason for to warn that the gun may have gone off. also talks about his subsequently indexing the weapon and then holstering it. This would imply his finger was in the trigger when the firearm was pointed at forehead and bumped it.

Putting his non-indexed firearm so close to head that the subject could grab it easily goes against firearms safety training, and it brings in to question the officer's conduct and motives. The evidence provided by the officers does not support a justification for to have his finger in the trigger and the firearm so close to subject head and close proximity to Officer head for a non-compliant marijuana violation.

Drawing a firearm is not considered a per se use of force, but Officer "actions are (believed to be) excessive, unwarranted, or unjustified" (Manual Section 1.029 II. A. [CUBO]) because pointed a firearm close to subject forehead for a de minimis marijuana violation. The stated reason for the firearm display was the subject may (or may not have) bumped his partner's firearm while struggling, all because the partner grabbed the subject's face, reaching into his mouth to retrieve an unknown item. I recommend a finding of SUSTAINED for CUBO (Unjustified Actions: Firearm Display).

As to the threats, this case boils down to word on word, which normally would not result in a sustained finding; however, the officers and the subject agree that Officer put his firearm "very close" to subject forehead. I cannot imagine this situation happening without some dialogue, verbal commands, or verbal instructions excitedly given, not just accompanying it afterward prefaced by "could have, should have, or might have." This preponderance of evidence supports that Officer also made threats to subject about "blowing his brains out," versus his later telling him that there may have been an accidental discharge. I recommend a finding of SUSTAINED for CUBO (Remarks).

**PROPOSED DISPOSITION:**

Please take note of information supporting the allegation(s) and information not supporting the allegation(s). Your complete review of the contents of this file should assist you in determining your finding.

Employee: [REDACTED]

Allegation: Unnecessary Force: SUSTAINED

\_\_\_\_\_ CONCUR \_\_\_\_\_ DO NOT CONCUR

Allegation: Fail to Notify Supervisor Inre: Arrest/Detention: SUSTAINED

\_\_\_\_\_ CONCUR \_\_\_\_\_ DO NOT CONCUR

PDM 05-0144  
5/5

Employee:



Allegation: CUBO (Unjustified Actions: Display of Firearm): SUSTAINED

\_\_\_\_ CONCUR

\_\_\_\_ DO NOT CONCUR

Allegation: CUBO (Remarks): SUSTAINED

\_\_\_\_ CONCUR

\_\_\_\_ DO NOT CONCUR

\_\_\_\_  
Precinct Commander

\_\_\_\_  
DATE

## Appendix 11: Marijuana Policy Review Panel Report of Progress to Seattle City Council

### Marijuana Policy Review Panel

# Memo

To: Seattle City Council

From: Alison Holcomb, Panel Member

CC: Nick Licata, Chair; Tom Rasmussen, Vice Chair; Tom Carr, Panel Member; D'Adre Cunningham, Panel Member; Dominic Holden, Panel Member; Ron Mochizuki, Panel Member; Kris Nyrop, Panel Member; Dan Satterberg, Panel Member; Ken Stark, Panel Member; Theryn Kigvamasud'Vashti

Date: March 31, 2004

Re: Report of Progress/Establishment of Reporting Criteria

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### Introduction

The eleven members<sup>17</sup> of the Marijuana Policy Review Panel were appointed by Council President Peter Steinbrueck pursuant to the mandates of SMC 12A.20.060 – the ordinance passed into law by Initiative 75. The ordinance directs the Panel to complete three assignments:

1. Elect a chairperson and meet at least quarterly or more frequently as necessary;
2. By March 31, 2004,<sup>18</sup> establish reporting criteria for the Seattle Police Department and City Attorney's Office to report marijuana arrests and prosecutions; and
3. Submit a comprehensive written report with recommendations to the City Council that will include, but not be limited to, information concerning the public safety, public administration, public health and fiscal impacts of [the making of the investigation, arrest and

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<sup>17</sup> Two (2) members of the City Council, two (2) citizen members, one (1) drug abuse prevention counselor, one (1) harm reduction advocate, one (1) representative of the Seattle Police Department, two (2) criminal defense attorneys, one (1) representative of the King County Prosecuting Attorney's Office and one (1) representative of the Seattle City Attorney's Office.

<sup>18</sup> The ordinance actually specifies a deadline of March 31, 2003 because I-75 was originally intended for the November 2002 ballot. The Panel agreed, at its first meeting on February 25, 2004, to function in accordance with the acknowledged intent of the drafters of I-75 – that the established deadlines fall after the passage of the initiative, and that the Panel monitor and report on three years of investigations, arrests, and prosecutions of marijuana offenses.

prosecution of marijuana offenses, where the marijuana was intended for adult personal use, the City's lowest law enforcement priority]. This report shall be completed and presented at the first meeting of the full City Council for calendar year[s] 2006 [and 2007].<sup>19</sup>

This memorandum is submitted to the City Council to advise its Members of the status of the progress of the Panel toward the completion of its assignments.

### **Panel Meetings**

The Panel has met three times: on February 25, when we elected Nick Licata as Chair and Tom Rasmussen as Vice Chair and initiated our discussions of the establishment of reporting criteria; on March 10, when we reviewed and discussed proposed draft reporting criteria presented by D'Adre Cunningham and Tom Carr's office, and appointed a Reporting Criteria Subcommittee (Carr, Cunningham, Holcomb, Holden, Kigvamusud'Vashti, and Mochizuki) to examine possible reporting criteria in greater detail and present proposed criteria for the full Panel's consideration at its third meeting, on March 24. The Subcommittee met on March 17. The next meeting of the full Panel is scheduled for May 12. At that meeting, the Panel will review the first reports from the Seattle Police Department (to be provided via the King County Prosecuting Attorney's Office) and the Seattle City Attorney, described more fully below.

### **Reporting Criteria**

On March 24, the Panel approved the following reporting criteria and process for reporting:

1. The Seattle Police Department shall, beginning April 1, 2004, provide Dan Satterberg, Panel Member and Chief of Staff to King County Prosecuting Attorney Norm Maleng, with the names of every suspect identified in cases received by the SPD Narcotics Section and referred to the King County Prosecuting Attorney for the filing of any marijuana-related charge, and the King County Prosecuting Attorney's Office shall provide the Panel with copies of the Information, Certification of Determination of Probable Cause, and Bail Request filed against each such suspect. The King County Prosecuting Attorney handles all felony filings referred by the Seattle Police Department (the Seattle City Attorney handles only misdemeanors). The Information, Certification of Determination of Probable Cause, and Bail Request are public documents once filed in court. The Information is the charging document that identifies the specific charge(s) filed against a defendant. The Certification of Determination of Probable Cause is a narrative report prepared by a Deputy Prosecuting Attorney that describes the facts discovered by law enforcement's investigation of a suspected crime which, in the Deputy Prosecuting Attorney's opinion, establish probable cause to believe that the accused person committed the crime with which he or she is charged. Combined, these two documents should provide the Panel with most of the data it needs to formulate its final report to the City Council: how the alleged offense was brought to the Seattle Police Department's attention, what investigative methods were utilized by the Department, whether the suspect was arrested and/or booked into jail, and whether the offense was one involving marijuana intended for adult personal

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<sup>19</sup> The Panel agreed that it should report to the City Council twice: once in accordance with the actual deadline written in the ordinance, and once after the drafters' intended three years of investigation, arrest, and prosecution reporting.

use (including medical marijuana use). Since the Information will include a court case number, the Panel will also be able to track the disposition of the case and examine its impact on public administration and fiscal management. At the Panel's last meeting, Captain Mochizuki roughly estimated the number of "Found Narcotics/Marijuana" reports – reports involving marijuana not linked to an identifiable suspect – to comprise approximately five percent of all marijuana incidents investigated by the Department; however, there were no available statistics to verify that percentage at this time. The Panel will continue to consider how such incidents can be tracked so that our final report can include reliable data regarding the percentage of marijuana-related investigations that are referred for prosecution.

2. The Seattle City Attorney shall, beginning January 1, 2004, provide the Panel with a spreadsheet listing all cases in which the defendant was charged with misdemeanor possession of marijuana and describing the disposition of each. The proposed spreadsheet provided to the Panel on March 24 detailed the charges filed; the ultimate disposition; the defendant's race, gender, and date of birth; and whether he or she was booked into jail. It did not list the Seattle Municipal Court Case Number for each case. Some members of the Panel feel that the case numbers would be an important addition to the data provided by the City Attorney's office because the numbers would allow the Panel to access the court files (all public records unless sealed or destroyed pursuant to court order) where information relevant to the manner in which the investigation was initiated or whether the marijuana at issue was intended for adult personal use might be available. The Seattle City Attorney's office is concerned that dissemination of these case numbers to the Panel may violate the Washington State Criminal Records Privacy Act (RCW 10.97), and the office is unwilling to commit to the production of this data at this time. The Panel will revisit this issue at its next meeting.

The Panel welcomes any questions that Council Members may have about its work to date and plans for future progress.