

**Seattle
Community
Police Commission**

Our City. Our Safety. Our Police. Better Together.

**Report & Recommendations
Pursuant to SPD's
Disparate Impact Policy:
Part I - Public Consumption**

April 15, 2016

Introduction

Between 2004 and 2013, the Seattle Police Department (“SPD”) issued more than 600 citations to people for drinking alcohol in public. 24% of the citations were issued to African Americans, even though Seattle’s population is only 8% Black. 14% of the citations were issued to Native Americans, although they make up less than 1% of Seattle’s population. Citations for using marijuana in public follow a similar pattern.

These figures alone, compared to the racial demographics of Seattle’s general population, do not establish that officers engaged in racial discrimination. No comprehensive studies have been done to show the racial composition of the population that consumes marijuana or alcohol in public, so there is no firm “benchmark” against which to compare the enforcement patterns noted above. But the focus of this report is not to determine whether the racial disparities observed are due to discrimination or to a more neutral cause. The focus of the report is to identify where alternative practices can produce results for public safety and order that are as good as or better than those obtained through existing practices, while achieving a reduction in racial disparity. This is because unnecessary racial disparity in enforcement does damage, regardless of whether anyone is at “fault” for the unwarranted or unnecessary disparate enforcement patterns.

Commendably, the Seattle Police Department voluntarily embraced a policy statement proposed by the CPC in 2013 that addresses unwarranted and unnecessary disparate impact.

“The Seattle Police Department is committed to eliminating policies and practices that have an unwarranted disparate impact on certain protected classes. It is possible that the long term impacts of historical inequality and institutional bias could result in disproportionate enforcement, even in the absence of intentional bias. The Department’s policy is to identify ways to protect public safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement.”¹

This commitment to identify and find alternatives to practices producing outcomes with high racial disparity was the first of its kind that we are aware of nation-wide. The analysis presented here, which flows from a research process on which the CPC and SPD collaborated, is the first of a series of analyses to be performed under the pathbreaking Disparate Impact section of SPD’s 2013 Bias-free Policing Policy.

This report recommends that the City and SPD should implement reforms to alleviate current public consumption enforcement practices which appear to have a disproportionate

¹ Seattle Police Department Manual (August 2015), at 5.140 (9)

impact on African Americans and Native Americans (though the cause of that disparity is currently unknown). Public consumption is often connected to other social and behavioral challenges, such as chemical dependence, mental illness, and homelessness. Any reforms must therefore address these underlying concerns and should be integrated into a broader paradigm shift in the way the City deals with chemical dependency and its impact on public order.

The CPC recommends that the City provide public venues where people can legally consume intoxicating substances, including alcohol and marijuana. These “wet parks” or “safe consumption sites” would permit consumption of these substances without citation. People experiencing homelessness, many of whom are African American and Native American, are disproportionately impacted by public consumption citations because they do not have anywhere else to go. Enforcement of drug law violations in Seattle, including for marijuana consumption, has long been skewed toward African-Americans, and spaces in which drug involvement can be openly engaged as a public health issue should be designed in ways that ensure they are racially inclusive.

“About the CPC” or “Background”

In August 2010, a Seattle police officer shot and killed First Nations woodcarver, John T. Williams. This occurrence and a series of other serious incidents involving police and people of color ignited public concern about racial bias and the use of excessive force in the Seattle Police Department (SPD). A federal investigation by the Department of Justice (DOJ) found that there was a “pattern or practice of excessive force that violate[d] the U.S. Constitutional and federal law.”² In July of 2012, the City of Seattle and the DOJ signed a settlement agreement comprised of two parts: a judicially enforceable consent decree and a memorandum of understanding between SPD and DOJ. By ordinance, and as mandated by the MOU, the City of Seattle established the Community Police Commission (CPC) in order to assist SPD and achieve “full and effective compliance” by establishing an avenue for the community to provide input on proposed SPD reforms.³

During the first year of the settlement agreement the CPC was charged with assessing and making recommendations on SPD policies concerning bias-free policing. By doing this, the CPC hoped to decrease the number of incidents involving implicit and/or institutional bias on the part of SPD.⁴ The recommendations, most of which were incorporated into a new

² Seattle Police Monitor website: Overview. www.seattlemonitor.com/overview (last visited March 2, 2016).

³ *Id.*

⁴ Implicit bias occurs when attitudes and/or stereotypes affect an individual’s understanding, actions and decisions in an unconscious manner. These biases are different from those an individual may choose to hide due to social and political correctness; instead they reside deep in our subconscious without an individual’s awareness. An example of this can be seen in our community when officers are unfair in their treatment of marginalized communities. Institutional bias consists of discriminatory

SPD policy on Bias-Free Policing, specifically sought to ensure equity in police services and help build mutual respect and trust between SPD and Seattle's diverse communities. As a consequence, SPD became the first known police department in the country to commit in policy to reduce unnecessary racial disparity in enforcement patterns when that can be done without compromising public safety and public order. Collaborating with the CPC, SPD is to analyze data that can assist in identification of SPD practices such as stops, citations and arrests, which may have an unwarranted or unnecessary disparate impact on particular communities. When such impacts are identified, SPD and the CPC will explore alternative practices which would result in less disproportionate impact and consult with neighborhoods, businesses and community groups to examine other potential forms of disparity.⁵ By working on and implementing this commitment, Seattle's policy will stand as a national best practice in reducing unwarranted and unnecessary disparate impact and thus honoring the spirit as well as the letter of Title VI of the Civil Rights Act of 1964.

In 2014, pursuant to the newly-adopted policy on disparate impact, the CPC identified public consumption of alcohol and marijuana as a focus for in-depth examination after data presented by SPD analysts suggested that the issuance of such citations was among the most racially disparate enforcement areas (the CPC also selected obstructing arrests for in-depth examination; a report on that analysis will be released later in 2016). The CPC analyzed public consumption of alcohol citations for 20 months, January 2013 through August 2014. Citations for marijuana citations had a smaller time frame, just 8 months, as not much time had passed since the enforcement of Ordinance 124393 in January 2014. Seattle Municipal Court data showed that from 2004 to 2013, 24% of individuals who received liquor citations were black, while 14% were Native American. Data on public consumption of marijuana citations issued by SPD between January 1, 2014, and August 31, 2014 indicated that 37% of those cited were black. As a point of reference, 2010 Census data indicate that Seattle's population is 8% black and less than 1% Native American.⁶

Because of the high degree of disparity, the CPC selected this area for further examination (along with obstructing arrests), and commissioned a study of SPD's policies related to public consumption. The resulting analysis, completed in July 2015 and included here as

practices and/or procedures at the institutional level which go beyond individual-level prejudice and discrimination. These practices and/or procedures result with certain groups of people being advantaged and favored while others are disadvantaged and devalued. This can be seen when SPD practices negatively impact a group or groups of people.

⁵ Seattle Police Department Manual (August 2015), at 5.140 (9)

⁶ Again, the general population data are provided to indicate the degree of relative disparity and why this enforcement area was selected for further examination – not because these data alone establish discrimination. Whether or not discrimination occurred is not the focus of the work under the disparate impact policy as proposed by the CPC, because key sectors are unlikely ever to agree whether the enforcement patterns are “unwarranted” by patterns of public use. Instead, the focus is on how to reduce disparity wherever possible without compromising public safety and order.

Attachment A, explored the problem of public consumption, evaluated current responses to that problem, and listed potential improvements.⁷ The 2015 analysis, consistent with Seattle's bias free policing policy, did not seek to assess whether the disparate impact was a result of implicit bias or discriminatory practices.⁸ Unnecessarily disparate impact, regardless of the reason, can be harmful for police-citizen relations. As such, the goals for the 2015 analysis were to

- 1) analyze recent data to determine whether enforcement of the relevant ordinances has continued to have a racially disparate impact;
- 2) illuminate circumstances surrounding the enforcement of alcohol and marijuana – related ordinances in Seattle;
- 3) describe the nature and incidence of alcohol and marijuana-related calls for service, related calls for service, a key indicator of community concern about public consumption;
- 4) describe stakeholders' perceptions of the problem that SPD personnel are attempting to resolve through the enforcement practices in question;
- 5) facilitate identification of alternative ways of approaching public consumption that meaningfully address the problem while avoiding the harm associated with enforcement practices that have a racially disparate impact.

A summary of the 2015 findings can be found below.

Summary of Findings

The 2015 analysis found that between January 1, 2013, and August 31, 2014, SPD officers issued and filed 637 alcohol-related public consumption infractions in Seattle Municipal Court. From January 1, 2014, through August 31, 2014, SPD officers issued and filed 98 marijuana-related citations in Seattle Municipal Court.

It is important to note that 637 alcohol-related infractions is a sharp decline in the use of civil infractions by SPD in response to public consumption of alcohol, particularly when compared to the 2,616 citations that were issued in 2004. Despite this decline, black and Native American individuals continue to be disproportionately sanctioned for violation of alcohol-related ordinances.

Similarly, black and Native American individuals were disproportionately sanctioned for publicly displaying or consuming marijuana. In fact, data from January 1 through August 31,

⁷ University of Washington. (2015). *Public Consumption of Alcohol and Marijuana in Seattle*. Beckett, Katherine

⁸ Information concerning the research methodology used this for study can be found in the *Public Consumption of Alcohol and Marijuana in Seattle* Report.

2014, showed that 34% of those cited for violating the marijuana ordinance were black and 6% were Native American.⁹

The research indicated that most recipients of alcohol-related infractions are males between the ages of 46 and 55. A significant proportion of citations were issued in downtown Seattle during daylight hours of spring and summer months. Furthermore, 10 of the most active SPD units issued three-fourths of all alcohol-related citations. Lastly, in 6% of the citations issued, officers indicated that they were prompted by a specific civilian complaint.

In contrast to recipients of alcohol-related infractions, most citations for marijuana infractions were issued to young and middle-aged males. Similar to alcohol citations, marijuana citations were primarily issued in downtown Seattle during the daytime. Four of the most active units issued 100% of the marijuana-related citations; however, only 1% of those citation decisions were prompted by a specific civilian complaint.

Data from the same timeframe also indicated that alcohol-related calls were more frequent than calls related to marijuana by a ratio of 40 to 1. In fact, SPD received almost 2,500 calls for service each month between January 2013 and August 2014 regarding alcohol-related problems. The majority of these calls, especially those for detox services, were concentrated in the West Precinct. For marijuana-related calls, the majority originated in the North precinct; however, no marijuana citations were issued in the North Precinct.

Focus group interviews with stakeholders including service providers, representatives of community-based organizations and SPD personnel revealed that a comprehensive strategy for dealing with public consumption challenges is needed. Although the existing policy framework decriminalizes alcohol and marijuana use, the data show that Seattle residents often still request a police response to such incidents. This is problematic because police often do not have the tools address the complainants' concerns (except when public consumption is due to flagrant disregard for the rules by people who have the ability to engage in drug and alcohol use in private spaces, where an enforcement response to public use may make sense). Study participants noted that separating public consumption from other behaviors that often accompany it is challenging, hence the calls for service. Interviews with service providers and SPD personnel confirmed that public consumption is in fact often tied to other social and behavioral challenges, such as chemical dependence, mental illness, and homelessness. When discussing this topic, one service provider said: "The number of people who are homeless and dealing with co-occurring disorders- I think it's really huge and that folks are self-medicating... we need to support their mental health

⁹ In this dataset, Latino, Asian, and white individuals were under represented among both the alcohol-related citations and marijuana consumption.

needs and we do not have the capacity to do that in a way that's effective for all the people we see coming through the door.¹⁰

SPD policy could be part of shifting the paradigm to one in which law enforcement is not expected to be the primary responder to the very real needs and issues that are reflected in the calls for service and in the reality of addiction and public consumption in Seattle's public spaces. To begin the discussion on policy creation, the CPC below offers three recommendations on public consumption.

Policy Recommendations

People experiencing homelessness (many of whom are people of color¹¹) are disproportionately impacted by public consumption citations and park exclusion because they often do not have access to private space. There is a lack of shelter beds (especially in the winter months), and more to the point, drug use inside shelters and sanctioned encampments is against the rules in all facilities and formalized encampments of which we are aware. Treatment on demand is far from a reality. Permanent housing for people with addiction issues and criminal records is woefully scarce.

Because many individuals do not have access to private space of the sort where others use alcohol and drugs, issuing citations for public consumption is often essentially penalizing people, not for inherently problematic behavior, but for doing it in an unregulated fashion in public. One solution could be to designate some Seattle areas as "wet parks" or safe consumption sites.

Wet Parks

Public drunkenness is no longer a criminal offense in the City of Seattle and Washington State; however, it is prohibited by civil law. What tools officers have to address this issue are limited and do not confront the real problems associated with public consumption. Police officers indicated in interviews that they typically respond to instances of public consumption of alcohol by first trying to educate people and asking them to dispose of the alcohol. If the encounter occurs in a park, officers may issue a 24-hour parks exclusion order (though we note that Parks and the City Attorney's Office had represented that this practice was voluntarily eliminated several years ago except for people suspected of threatening or actually dangerous behavior; what really is happening needs further examination). The last option is for the police to issue citations. In many cases, however, officers indicated that

¹⁰ *Id.*

¹¹ January 15, 2016 letter from Columbia Legal Services to the Seattle Office of Civil Rights, on file with Commissioners.

they typically give out one or more warnings before issuing either a parks exclusion order or a citation.

While these responses work towards addressing public consumption, issuing citations and park exclusion orders are in the end an ineffective tool. Lack of follow-ups regarding unpaid citations on the part of the City Attorney's office and recurring incidents at parks signal a failure to address these issues as a community.

The CPC recommends that the City of Seattle adopt an exception to the existing municipal code that would allow public drinking in designated areas. This approach is not unheard of: there are currently 18 cities in the United States that have a similar exception, and last year a bill to allow drinking in certain outdoor areas even passed the Ohio legislature.¹² In Seattle, this approach is already used on a small scale on the premises of some social service providers, including some programs of the Downtown Emergency Service Center and the Dutch Shisler Sobering Support Center.

One wet park model that Seattle could emulate is that of the Pine Street Inn shelter in Boston. Several years ago this privately-owned shelter had an outdoor wet park that was completely shielded from public view. In this designated space clients could possess and consume alcohol, even though alcohol was prohibited inside the shelter. Individuals drinking there did not receive citations from the Boston police because it was on private property and was not visible to the public.¹³

It would be an overstatement to suggest that "wet parks" would entirely solve the issue of racially disproportionate citations for public consumption, but it would likely reduce the degree of disparity by giving officers an easy-to-use alternative to citation that is actually responsive to the legitimate public order desires of various neighborhoods. When asked about the possibility of wet parks in Seattle, Daniel Malone, director of the Downtown Emergency Service Center, stated: "So much more awareness of how homelessness, mental health, and addiction are interrelated, perhaps a rethinking is in order" to expand the harm reduction model to include areas to consume alcohol and marijuana."¹⁴

¹² WBNS-10TV, "Governor Kasich Signs Open Container Bill Into Law: (April 30, 2015): <http://www.10tv.com/content/stories/2015/04/29/columbus-ohio-ohio-lawmakers-approve-open-container-law.html>

¹³ Conversation with Kevin Smith, Director of Security, Pine Street Inn, Boston, Massachusetts. December 10, 2015.

¹⁴ Conversation with Daniel Malone, director of Downtown Emergency Service Center. December 8, 2015.

Safe Consumption Areas

The recommendation for “wet parks” authorized in ordinance, above, cannot be literally mirrored for marijuana consumption, because I-502, which legalized marijuana use, did not legalize marijuana use in public spaces. However, de facto safe zones where law enforcement exercises discretion not to use traditional enforcement mechanisms against drug users are being widely discussed, in part in order to facilitate connection to health services for drug users (the Seattle Times recently editorialized in favor of safe consumption sites, and the City Council hosted a Lunch and Learn on the topic on March 21, 2016). It makes little sense to attempt to resolve issues related to public marijuana consumption in a vacuum, when this issue is being taken up with respect to all drugs.

Historically, over many years, drug possession charges in Seattle have skewed heavily toward black arrestees, for marijuana and for other drugs. A 2005 study¹⁵ found that law enforcement policies in Seattle were established on the assumption that the drug problem is a black and Latino one.¹⁶ Research suggested that law enforcement practices reflected “a widespread cultural script about who and what constitutes the drug problem.”¹⁷ In fact, the prioritization of outside drug activity was found to contribute to unwarranted disparate arrest rates. Blacks had a higher percentage of being arrested outdoors, 49.9 percent, for possession of drugs while whites only composed 27.3 percent of the arrests. The study also found that 38.5 percent of individuals buying drugs, but 45.8 of those arrested downtown were black.¹⁸

With the use of street drugs being a recurring issue for the City of Seattle, the police cannot solve it alone. The CPC joins an increasing number of voices in recommending that the City of Seattle allow certain “safe consumption areas” around the city. Implementation of this approach would decrease instances of public drug use, reduce overdose deaths, and reach a population of users who have had no previous contact with treatment providers.

Our analysis, while focused on marijuana and alcohol, rapidly verged into discussion of public use of other drugs, because of the connection seen by the officers and community leaders being interviewed. The research team found that officers see an alarming increase in incidents of needle injections in many neighborhoods. Service providers similarly indicated that opiate use has become a larger problem than open consumption of alcohol and marijuana. To address this issue, the CPC recommends implementation of safe consumption sites. Safe consumption sites would be staffed by medical professionals who can assist with overdoses and increase access to health services and safer injection equipment.

¹⁵ Beckett, K., Nyrop, K., Pfingst, L., & Bowen, M. (2005). Drug Use, Drug Possession Arrests, and the Question of Race: Lessons from Seattle. *Social Problems*, 52(3), 419-441.

¹⁶ *Id.* 436.

¹⁷ *Id.*

¹⁸ *Id.* at 435.

Although there are over 90 safe injection facilities operating in 66 cities around the world, none are up and running in the United States just yet. Seattle is one of several major cities now considering the feasibility of taking this step. Recently, Svante Myrick, the mayor of Ithaca, New York proposed in February 2016, a plan for the first supervised injection facility in the U.S. In addition to a supervised injection facility, the drug plan would implement heroin-assisted treatment; implement a similar program from Seattle which gives police the ability to direct heroin users to services rather than jail; 24-hour crisis center; an Office of Drug Policy to centralize the city's efforts; and, a youth program to discourage early drug use.¹⁹ Along the same line, in March 2016 a Boston nonprofit started a program along Boston's "Methadone Mile," which gives users which gives users a "safe space" where people could go when they are high on heroin.²⁰ While users will not be able to inject in the space, a nurse will be able to supervise and help in case of an overdose.

To be clear, safe consumption sites in Seattle would facilitate, not replace, prevention, harm reduction and treatment interventions. Removing drug users from the streets, public bathrooms and parks both supports the health and healing of users, and enhancing public order and safety. A model Seattle should consider is InSite, North America's first legal, supervised injection site.²¹ InSite operates in Vancouver, Canada, and has been open since 2003. Its mission is to be a "Safe, health-focused place where people inject drugs and connect to health care services – from primary care to treating disease and infection, to addiction counseling and treatment, to housing and community supports."²² Clients who use InSite's services are primarily homeless, live in shelters, or have significant health issues.²³ Operating from 10:00 am to 4:00 am daily, InSite has 13 injection booths where individuals can inject pre-obtained illicit drugs under the supervision of nurses and health care staff. At the facility, clients can also get connected to community resources and access health services such as wound care, immunizations, counselors, mental health treatment. The building in which InSite is housed additionally has drug treatment and transitioning housing programs.

One research study found that InSite is attracting hard-to-reach injection drug users and providing education about HIV prevention, how to clean injecting equipment, and the ability

¹⁹ Barron-Lopez, L., & Cherkis, J. *Huffington Post*. (2016, February 22). This Mayor Wants His City To Be The First In The U.S. With A Supervised Heroin Injection Site.

http://www.huffingtonpost.com/entry/ithaca-heroin-injection-facility_us_56cb58ace4b0928f5a6ca2c8#comments (last visited, March 21, 2016).

²⁰ M., BEBINGER. (2016, March 1). Boston's Heroin Users Will Soon Get A Safer Place To Be High. <http://www.npr.org/sections/health-shots/2016/03/01/468572534/bostons-heroin-users-will-soon-get-a-safer-place-to-be-high> (last visited, March 21, 2016). Supervised Heroin Highs."

<http://commonhealth.wbur.org/2015/11/heroin-safe-spaces> (last visited, March 4, 2016).

²¹ Insite - Supervised Injection Site. <http://supervisedinjection.vch.ca/> (last visited March 04, 2016).

²² *Id.*

²³ *Id.*

for drug users to be in a supervised and sterile environment to self-inject.²⁴ Another study found that InSite has not promoted illicit drug-injecting, but rather has attracted individuals with long histories of injection drug use.²⁵ The average InSite user had been injecting for around 16 years, while only 1 person out of 1,065 reported using their first injection at InSite. Researchers also found that the availability of a supervised injection facility did not discourage drug users from seeking treatment for their addiction.²⁶ The study also found that individuals who used InSite at least weekly, were 1.7 times more likely to enroll in a detox program than those who visited the site less frequently.²⁷

“Wet” Encampment and Shelter Options

Currently, no emergency shelter options or City-sanctioned homeless encampments permit on-site drug use – thus driving individuals who stay there out into public areas if they are going to drink or use drugs. In addition, implementing more programs that are similar to 1811 Eastlake in Seattle would help reduce alcohol use. A 2009 study²⁸ found that 1811 Eastlake has led to public cost savings and reduced alcohol consumption. Researchers found that Individuals who are housed in groups reduce alcohol intake and the likelihood of drinking to intoxication.²⁹ Likewise, improvements in life circumstances and drinking behavior in chronically homeless individuals were also found.³⁰

As such, to minimize public consumption of drugs and alcohol, as several Councilmembers have recently noted, consideration should be given to establishing “wet” encampment and shelter options, so that people who are not clean and sober can remain at “home” and not be forced into public spaces to engage in that activity.

²⁴ Insite - Supervised Injection Site Research. <http://supervisedinjection.vch.ca/> (last visited March 04, 2016).

²⁵ Kerr T, Tyndall M, Zhang R, Lai C, Montaner J, Wood E. *Circumstances of first injection among illicit drug users accessing a medically supervised safer injection facility*. American Journal of Public Health, 2007; 97(7): 1228-1230.

²⁶ Wood E, Tyndall MW, Zhang R, Stoltz J, Lai C, Montaner JSG, Kerr T. *Attendance at supervised injecting facilities and use of detoxification services*. New England Journal of Medicine, 2006; 354(23): 2512-2514.

²⁷ *Id.*

²⁸ Larimer ME, Malone DK, Garner MD, et al. Health Care and Public Service Use and Costs Before and After Provision of Housing for Chronically Homeless Persons With Severe Alcohol Problems. *JAMA*. 2009;301(13):1349-1357.

²⁹ *Id.* at 1335.

³⁰ *Id.* at 1356.

Conclusion

Public concern about public use of alcohol and marijuana is legitimate, as, for that matter, is concern about public use of other drugs. Enforcement patterns that have been racially disproportionate invite a re-examination of existing approaches, to see if alternatives may be more effective and result in less disparate enforcement actions. In this area, there seem to be promising alternatives. Through the implementation of wet parks and safe consumption areas, the city can improve its response to public use of alcohol and drugs. These steps may also help increase mutual respect and trust between SPD and Seattle's diverse communities, particularly because of the impact the current policies are having on some communities. While these recommendations are not a magic wand, they are smart steps towards improving the health and safety of Seattleites.

APPENDIX A:

PUBLIC CONSUMPTION OF ALCOHOL AND MARIJUANA IN SEATTLE

REPORT SUBMITTED TO THE SEATTLE COMMUNITY POLICE COMMISSION

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I. INTRODUCTION

This report, commissioned by the Seattle Community Police Commission (CPC), explores the problem of public consumption, current responses to that problem, and possible improvements to the policy response to it. Specifically, it summarizes data regarding alcohol and marijuana-related infractions issued by Seattle Police Department (SPD) officers and calls for service that occurred from January 1, 2013 to August 31, 2014.¹ It also describes key findings from focus group interviews with service providers, SPD personnel, and representatives of community organizations regarding the problem of public consumption and possible policy responses to it.

The CPC identified public consumption as an area of concern after data regarding SPD citations presented by SPD data analysts in 2014 indicated that liquor-related citations have had a highly racially disparate impact in recent years. Specifically, these data indicate that from 2004-2013, 24 percent of those who received liquor citations were black, and another 14 percent were Native American. (Census data from 2010 indicate that the city population is 8 percent black and less than one percent Native American).² Moreover, liquor citations were frequently issued during this time period, and comprised 39 percent of all non-traffic infractions.³ Later, the SPD released a second report indicating that citations for public consumption of marijuana issued in the first half of 2014 also had a racially disparate impact: 37 percent of those cited for consuming or possessing marijuana in public in Seattle during this time period were black.⁴

Under the City's bias free policing policy, racial disparity is recognized to be harmful regardless of whether it stems from intentional bias, and should be avoided where it is possible to do so without compromising public safety/order goals. Specifically, Section 9 of the City of Seattle's Bias-Free Policing Policy specifies that

It is possible that the long-term impacts of historical inequality and institutional bias could result in disproportionate enforcement, even in the absence of intentional bias. The Department's policy is to identify ways to protect public

¹ The infractions analyzed involved violations of SMC 12A.24.025 (Consume/Possess Open Container of Liquor in Public), SMC 18.12.257 (Un-open Container in Public Park) and SMC 12A.20.100 (Public Display of Marijuana). Enforcement of the latter ordinance commenced on January 1, 2014.

² Census data available online at <http://quickfacts.census.gov/qfd/states/53/5363000.html>

³ Data presented to the Community Police Commission by Bob Scales, Compliance Coordinator, Seattle Police Department, May 14, 2014. As is shown later in this report, the number of citations issued for public consumption of alcohol has declined considerable since 2004.

⁴ Loren T. Atherly and Mark Baird, *Public Possession of Legal Marijuana*. Available online at http://www.seattle.gov/police/publications/special/Public_Possession_of_Legal_Marijuana.pdf (accessed July 22, 2015).

*safety and public order without engaging in unwarranted or unnecessary disproportionate enforcement.*⁵

Although the laws prohibiting public consumption of alcohol and marijuana are civil in nature, and violations of them therefore do not result in arrest, violations can result in the issuance of a citation. Non-payment of the fines associated with citations may, in turn, trigger arrest. As a result, racial disproportionality in citations issued in response to public consumption has the potential to have an adverse and disparate impact on communities of color.

Consistent with Seattle’s bias-free policing policy, this report does *not* seek to assess whether this disparate impact is the result of intentional bias or discriminatory practices. Instead, its goals are to: 1) Analyze recent data in order to ascertain whether enforcement of the relevant ordinances has continued to have a racially disparate impact; 2) Illuminate the circumstances surrounding the enforcement of alcohol and marijuana-related ordinances in Seattle; 3) Describe the nature and incidence of alcohol and marijuana related calls for service, a key indicator of community concern about public consumption; 4) Describe stakeholders’ perceptions of the problem that SPD personnel are attempting to resolve through the enforcement practices in question; and 5) Facilitate identification of alternative ways of approaching public consumption that meaningfully address the problem while avoiding the harm associated with enforcement practices that have a racially disparate impact.

This report is organized as follows. Part II describes the data and methods used in the analyses. Part III presents findings regarding citations issued for public consumption of alcohol and marijuana. Part IV summarizes key findings regarding alcohol and marijuana-related calls for service. Part V presents the results of interviews and focus groups with stakeholders regarding public consumption. The conclusion summarizes key findings and highlights policy issues for consideration by the CPC.

II. DATA AND METHODS

Citations

The CPC elected to analyze citations regarding public consumption of alcohol from January 2013 through August 2014. Data concerning marijuana citations are available for a shorter period of time. In December of 2013, the Seattle City Council passed Ordinance 124393, “relating to consuming marijuana in public; amending Chapter 12A.20 of the Seattle Municipal

⁵ The entire policy is available at <http://www.seattle.gov/police-manual/title-5---employee-conduct/5140---bias-free-policing>(accessed July 23, 2015).

Code to conform with the State.” The amendment made “the infraction of opening or consuming a marijuana product in public a class 3 civil infraction, comparable to open consumption of alcohol in a public place, subject to a monetary penalty of up to \$50, plus statutory assessments currently set at 105% of the penalty.” Enforcement of the ordinance prohibiting the public display of marijuana commenced on January 1, 2014. As a result, the analysis of alcohol citations covers twenty months, while the analysis of marijuana citations covers just eight months.

Some of the information related to these infractions was provided by the Seattle Municipal Court in an excel spreadsheet pursuant to a request for data by the Community Police Commission. The fields included in this database included last name, first name, sex, date of birth, race, city, state, zip code, violation date, violation time, and violation type.

The Seattle Municipal Court also provided electronic copies of the tickets issued. Additional information about the infractions was obtained by coding each of these records. Three University of Washington students⁶ were trained to administer the coding protocol. (See Appendix A). The coding process enabled identification of additional and more precise location information, the status of the infraction, the unit and officers that issued the infraction, and details regarding the circumstances surrounding the infraction, including whether the ticket was issued in response to a civilian complaint. These data were combined with the data provided by the Seattle Municipal Court and are analyzed in the remainder of this memorandum.

Although infractions for violation of two distinct alcohol-related ordinances were analyzed, the data pertaining to these are combined in the remainder of the report, for three reasons. First, whereas 617 citations were issued for violation of SMC 12A.24.025 (Consume/Possess Open Container of Liquor in Public), only 20 citations were issued for violation of SMC 18.12.257 (Un-open Container in Public Park). In addition, many of the officers who issued infractions for violation of the latter ordinance – which prohibits possession of a *closed* container of alcohol in a public park – indicated in their narrative that the violator was in possession of an *open* container of alcohol. Moreover, a significant share of citations for consumption or possession of an open container of alcohol were issued in or near city parks. Thus, there appears to be little meaningful difference in the circumstances surrounding the enforcement of these two ordinances.

⁶ These students included one recent graduate, and two current graduate students. A fourth graduate student assistant generated the maps that are shown later in this document.

Hispanic Surname Analysis (HAS) was used to identify Latino/a persons who were the subject of SPD enforcement actions. HSA allows analysts to estimate the proportion of people in a given sample who identify as Latino or Latina. This program utilizes the U.S. Census Spanish Surname database and assigns a numeric value between 0 and 1 to all surnames in that database. The list that will be used to identify defendants of Hispanic origin contains 12,497 different Spanish surnames that are classified by the Census Bureau as “Heavily Hispanic.” These numeric values are provided by the U.S. Census Department and represent the probability that a given surname corresponds to persons who identified themselves as Hispanic/Latino in the 1990 U.S. Census. In this case, individuals were identified as Latino/a in the dataset only if they were racially identified as white or “other” by SPD officers *and* they were subsequently identified through HSA as Hispanic. By contrast, if an individual was identified by officers as black, Asian or Native American, and subsequently identified as Hispanic via HSA, this individual’s racial/ethnic identification in the dataset remained unchanged.

911 Calls for Service

In order to better understand the nature and extent of public concern about public consumption, the CPC requested SPD data regarding the number of 911 calls regarding public consumption of alcohol and/or marijuana that occurred from January 1, 2013 to August 31, 2014. These calls are memorialized in the Department’s CAD system. Jan Hoyt, Police Communications Data Analyst in the Seattle Police Department, provided these data to the CPC. The data include all calls in which alcohol or marijuana consumption was identified by the caller and/or responding officer as the relevant issue. In most cases, callers identified alcohol or marijuana consumption as the reason for the call. In other cases, the caller may not have identified alcohol or marijuana consumption as the reason for the call, but the responding officer nevertheless cleared the call with a code that identified alcohol or marijuana consumption as the issue they discovered when following up on the call. The data also include CAD entries made by SPD officers themselves, although these comprise a very small proportion of all CAD entries.

Alcohol related reports were grouped into four categories; the first three consist entirely of civilian calls for service, while the fourth category includes entries into the CAD system made by SPD officers themselves. These categories are as follows:

1. Health/Detox: calls in which the 911 dispatcher requested medical personnel or identified the call as a request for detox services.

2. Intoxication/Liquor Violation: calls in which the dispatcher listed liquor violations or intoxicated person(s) as the issue requiring SPD attention.
3. Other Crime/Disorder: calls in which the caller requested a response to another criminal or disorderly situation (such as noise) and the responding officer(s) cleared the call with a code that indicated that alcohol intoxication was involved;
4. SPD Investigation: CAD entries that were initiated by an SPD investigation/on-view and cleared with a call indicating that the situation involved alcohol consumption. Only this category includes entries that did not originate from a civilian complaint.

Although the vast majority of the entries included in these CAD data involve civilian complaints/calls for service, a small percentage were initiated by an SPD investigation/on-view. These are included in the fourth category, and represent a small share (3.8 percent) of the CAD entries analyzed here.

Focus Group Interviews with Stakeholders

Interviews with stakeholders were conducted in order to solicit feedback regarding the nature of the public consumption problem in Seattle, identify the drivers of current practices intended to address it, and solicit ideas regarding ways in which the response to the problem might be improved. The CPC elected to focus on three precincts. These included the West Precinct, from which the majority (65.7%) of calls for service emanate and in which the majority of citations (67.4%) are issued; the East Precinct, which receives 17.2 percent of the relevant calls for service but issues only 4.6% of the citations; and the Southwest Precinct, which receives a very small share (1.8%) of the calls for service and issues only 3.5 percent of the citations for public consumption of either alcohol or marijuana.

The researcher and CPC Executive director Fé Lopez then worked together to organize a number of focus group discussions in these precincts. Two of these focus groups included service providers; one included representatives of community-based organizations;⁷ and five included SPD personnel. In a few cases, only one individual was in attendance; in such cases interviews were conducted on an individual basis. An additional community member was interviewed by telephone. These interviews were digitally recorded, then transcribed and analyzed. These interview data were collected and analyzed during the spring of 2015. The interview protocols were approved by the CPC and are provided in Appendix B.

⁷ Three additional discussions for community groups were scheduled, but none of the invitees attended.

III. KEY FINDINGS: CITATIONS

Between January 1, 2013 and August 31, 2014, SPD officers issued and filed in Seattle Municipal Court 637 alcohol-related infractions. From January 1, 2014 through August 31, 2014, SPD officers issued and filed in Seattle Municipal Court 98 marijuana-related citations. On average, then, SPD officers issued 32 citations for public consumption of alcohol per month, compared to 12 citations per month for public display of marijuana.

IIIA. Alcohol Related Infractions

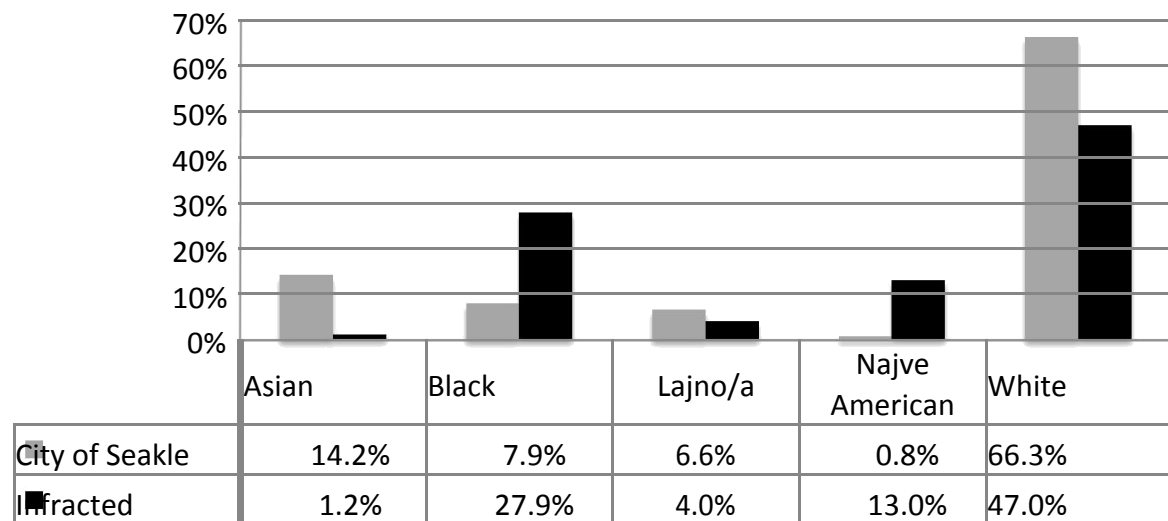
From January 1, 2013 and August 31, 2014, SPD officers issued 637 alcohol-related infractions. Although this is a nontrivial number, it represents a significant decline in the use of civil infractions by SPD in response to public consumption of alcohol. For example, the SPD issued 2,616 liquor violations in 2004, for an average of 218 per month. The number of citations issued declined steadily in the ensuing decade.⁸ During the period under investigation here, officers issued 32 alcohol-related citations a month.

The Demographic Characteristics of Persons Cited

As noted previously, blacks and Native Americans have historically been disproportionately sanctioned for violation of alcohol-related ordinances. The following analysis is aimed at assessing whether this pattern persisted in the period from January 1 through August 31, 2015. According to 2010 census data, blacks comprise 7.9 percent of the Seattle city population.⁹ By contrast, 28 percent of those sanctioned for violating the alcohol-related ordinances examined in this study are black. Native Americans are over-represented among those cited for alcohol violations to an even greater degree: census data indicate that less than 1 percent of the Seattle population identifies as American Indian or Alaska Native, but 13 percent of those sanctioned for violation of alcohol-related ordinances were identified as American Indian or Native American (see Figure 1). By contrast, Latinos, Asians and whites are under-represented among those cited relative to the city population.

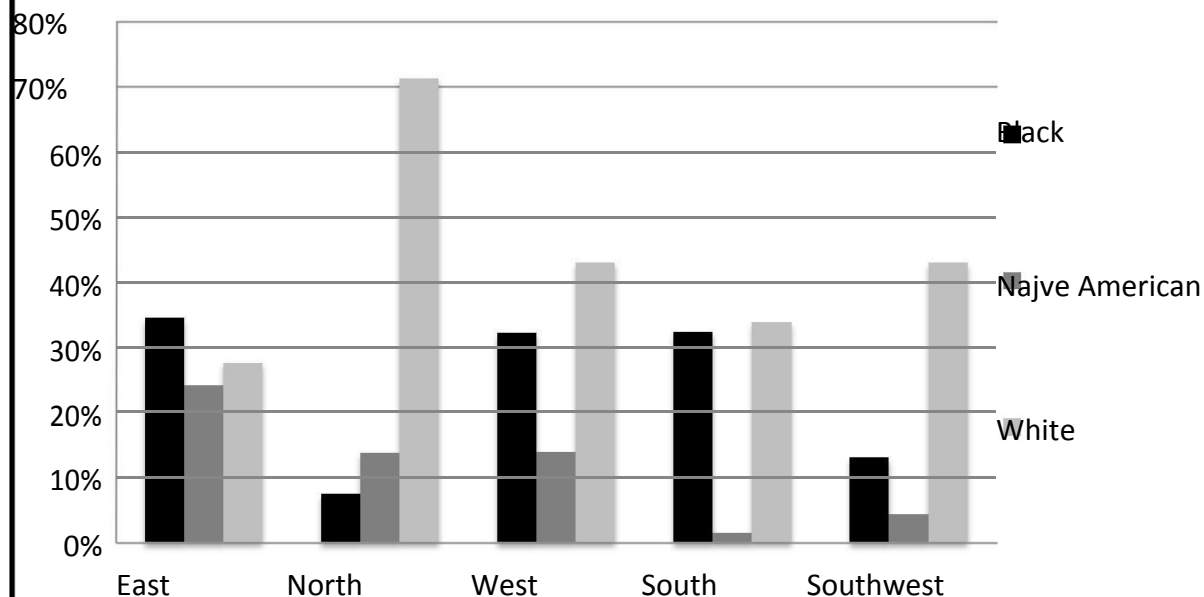
⁸ Data provided by SPD Compliance Coordinator Bob Scales, April 17, 2014. On file with the author. ⁹ Census data available online at <http://quickfacts.census.gov/qfd/states/53/5363000.html>

Figure 1. SeaNle City PopulaPon and Alcohol Violators by Race/ Ethnicity

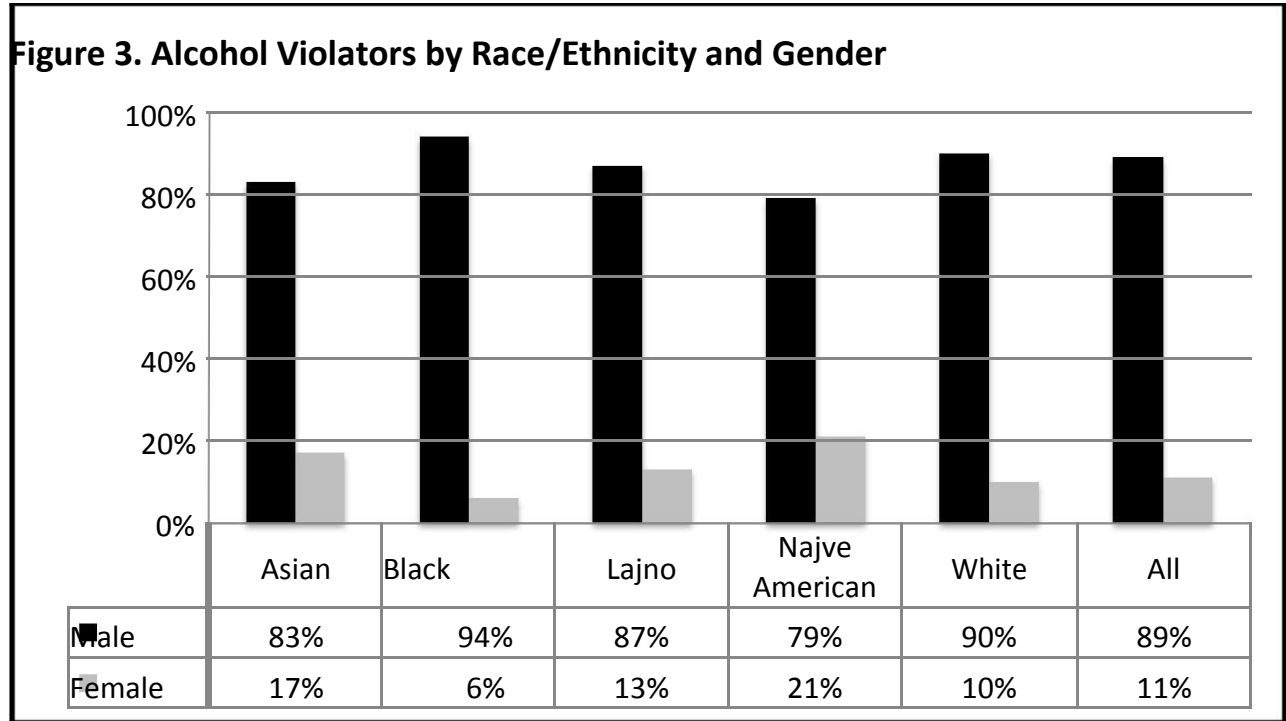


The proportion of citation-recipients who are black was highest in the East, West and South Precincts, while the proportion of citation-recipients who are Native American was highest in the East, North and West Precincts (see Figure 2).

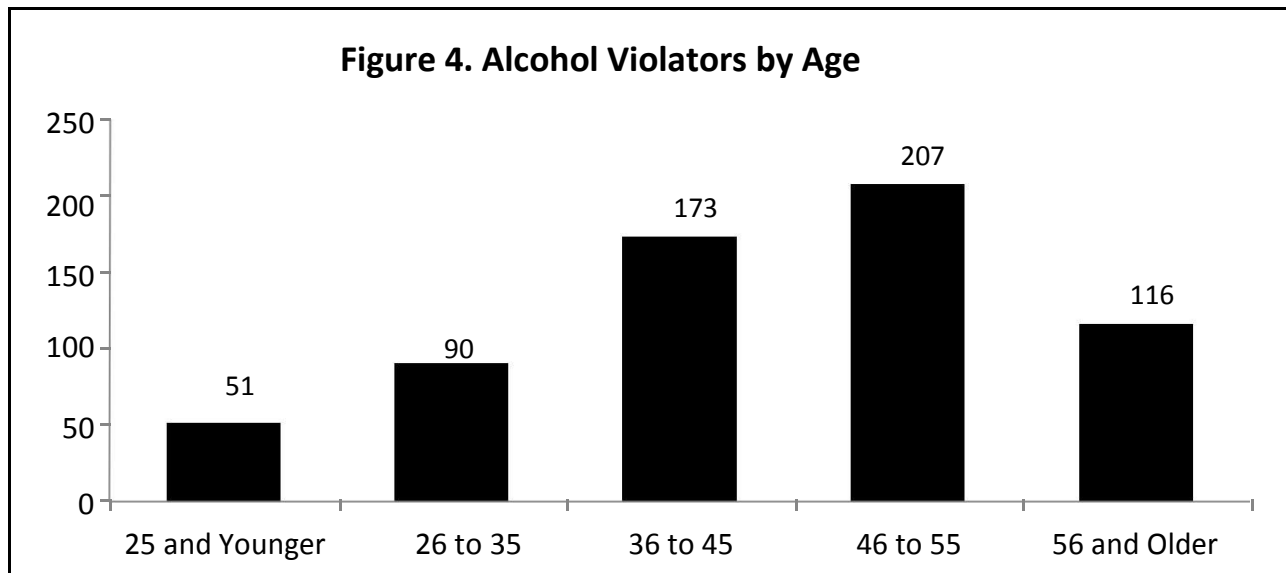
Figure 2. Racial ComposiPon of SeaNle Alcohol CitaPon Recipients by Precinct, 2013-2014



City-wide, recipients of alcohol-related infractions are overwhelmingly male, and this was true across all racial and ethnic categories (see Figure 3). Overall, only 11 percent of those who received an alcohol-related infraction were female.



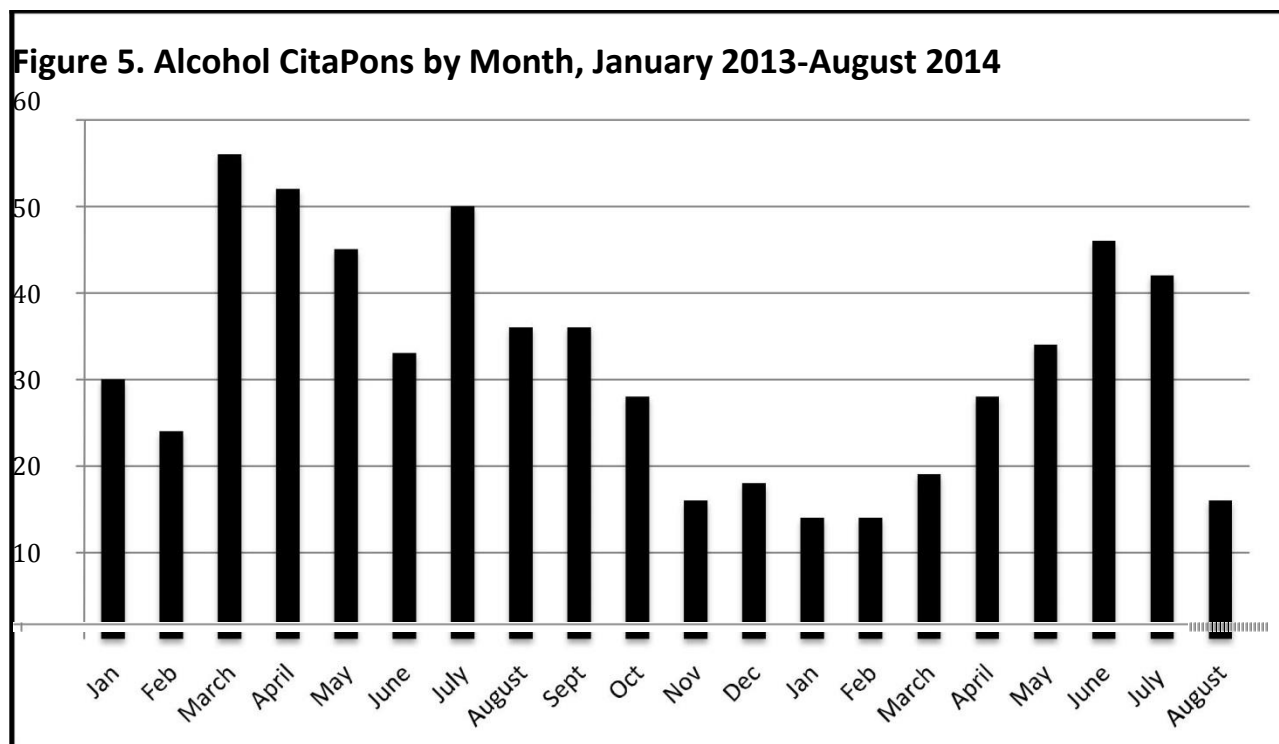
The data further indicate that most recipients of alcohol-related infractions are middle aged or older. The age distribution of alcohol citation recipients is shown in Figure 4.



It thus appears that recipients of alcohol-related infractions are mainly middle aged or older males. Although a plurality of alcohol violators are white, blacks and Native Americans are significantly over-represented among those cited for consuming alcohol in public. It is also worth noting that the vast majority of people cited for an alcohol violation by SPD officers are Seattle residents. Specifically, 86 percent of those ticketed indicated that they resided in the city of Seattle; only 14 percent lived outside of Seattle.

Alcohol Enforcement Patterns and Circumstances

Data that shed light the circumstances surrounding enforcement of these ordinances are presented below. Examining the distribution of citations by month shows that enforcement of alcohol ordinances is shaped by seasonal variation: far more citations are issued in spring and summer than are during the winter months (see Figure 5).



Moreover, most (62 percent) alcohol citations are issued during the daytime (see Table 1).

Table 1. Number and Share of Alcohol Citations by Shift		
Shift	Number of Alcohol Citations	Percent of All Alcohol Citations
1 st - 3:01 am - 11 am	29	12%
2 nd - 11:01 am- 7 pm	97	62%
3 rd - 7:01 pm – 3 am	59	26%

It is also clear that enforcement of the alcohol-related ordinances examined here is fairly – though not entirely – concentrated in the downtown area (see Table 2 and Figure 6). As the figures in Table 2 show, over-two thirds of the alcohol-related citations were issued in the West Precinct. The North Precinct had the second largest share, at just over 15 percent.

Table 2. Number and Share of Alcohol Citations by Precinct

Precinct	Number of Alcohol Citations	Percent of All Alcohol Citations
East	29	4.6%
North	97	15.3%
South	59	9.3%
Southwest	22	3.5%
West	427	67.4%
All	634	100.0%

Figures 6 and 7 provide more detailed geographic information about the locales in which alcohol citations were issued. Enforcement was clearly concentrated in the West Precinct, and in the downtown area. Within the downtown area, enforcement is somewhat diffuse, although enforcement “hot spots” can be discerned in lower Queen Anne, the Pine/Pike corridor, the areas surrounding 1811 Eastlake and the public library, Pioneer Square, and the International District (see Figure 7).

Figure 6.
Alcohol Citations
in the City of Seattle

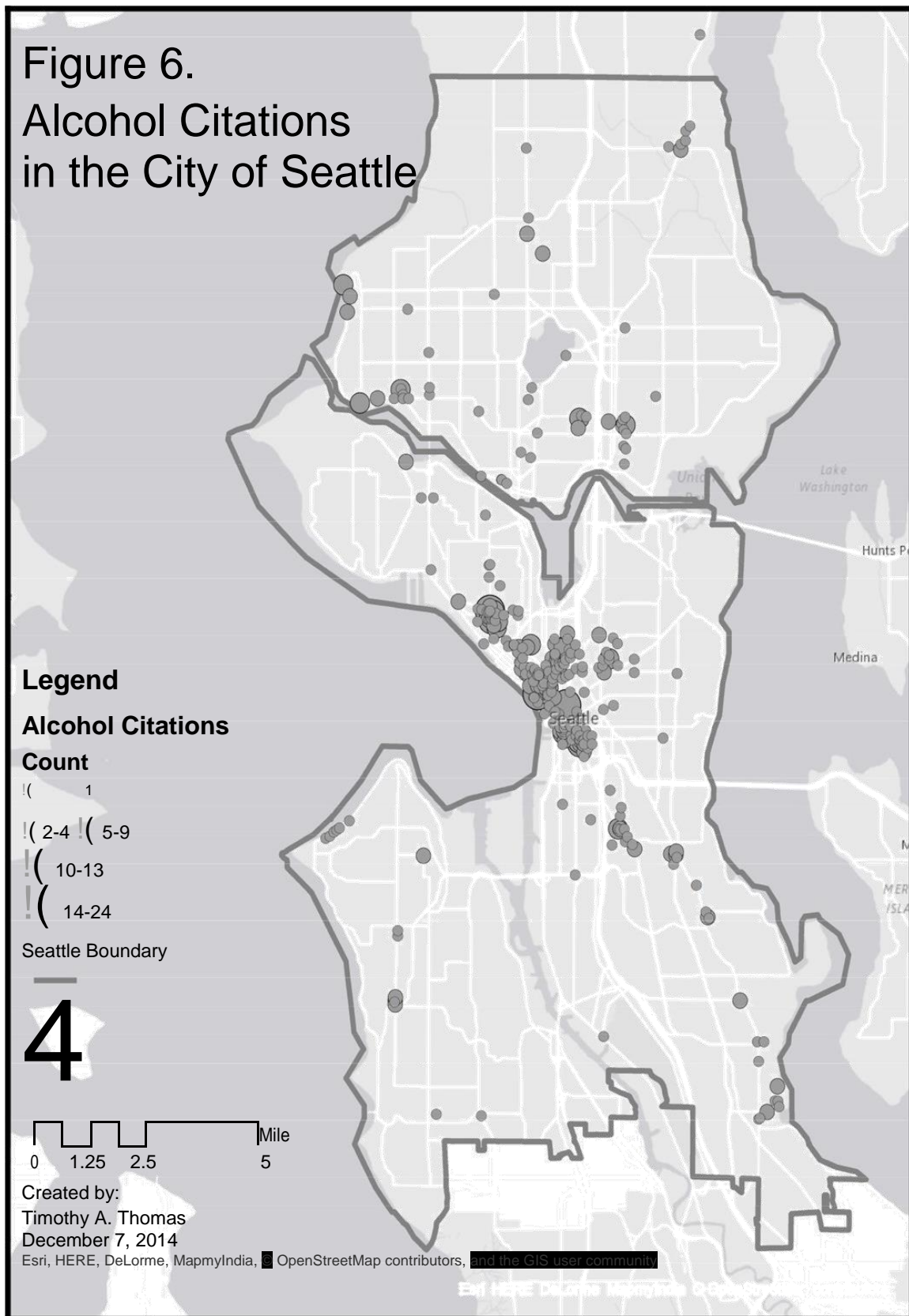
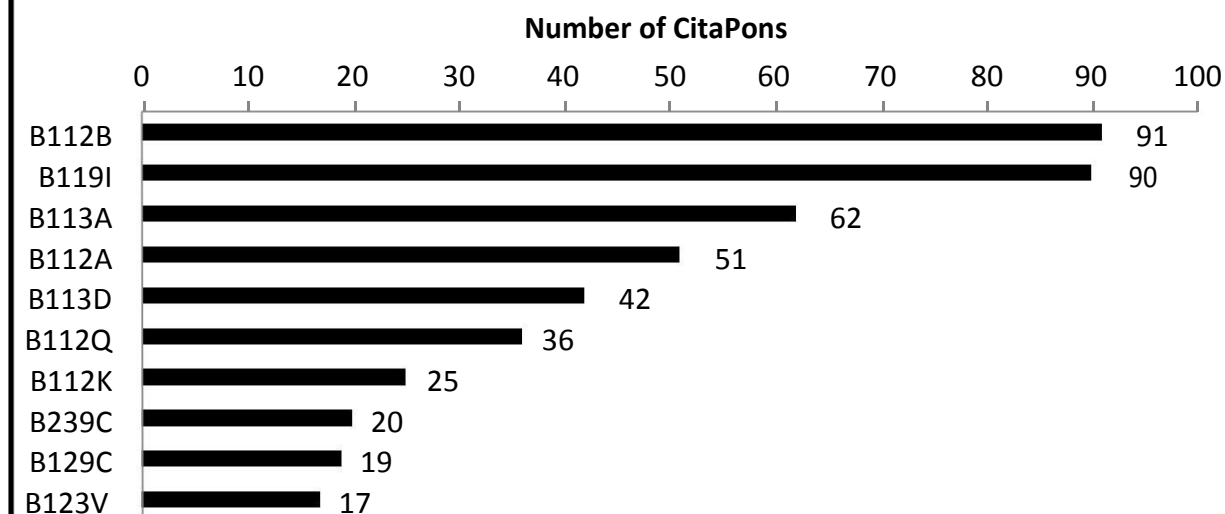


Figure 7.
Alcohol Citations
in Downtown Seattle



Enforcement of Seattle’s alcohol-related ordinances is also concentrated among SPD units: together, the top ten units generated 71 percent of the alcohol citations included in this analysis. These units are listed by unit identification number in Figure 8.

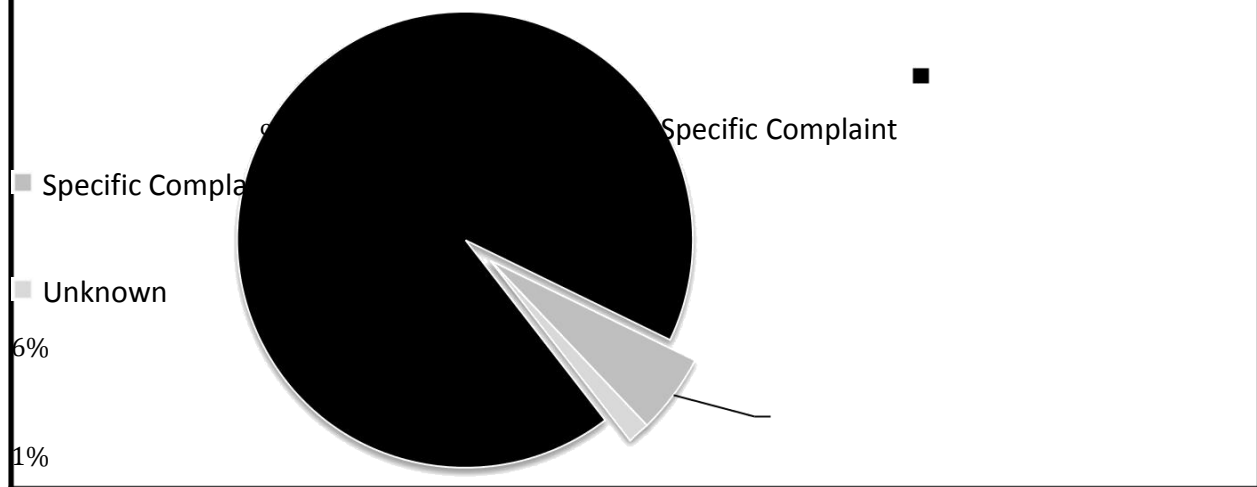
Figure 8. Top Ten Alcohol CitaPon-Issuing Units



Note: Units were identified by the first reporting officer’s unit identification number.

When issuing a ticket, officers provide a narrative account of the circumstances surrounding the ticket in question on the citation itself. Although some officers indicated that concerns had been expressed about outdoor alcohol consumption in the area in which they issued their ticket, relatively few officers indicated that the infraction in question was prompted by a specific civilian complaint (see Figure 9).

Figure 9. Proportion of Alcohol Citations Prompted by Specific Civilian Complaint



In summary, the findings presented in this section indicate that blacks and Native Americans continue to be disproportionately represented among those cited for alcohol violations, although far fewer alcohol-related citations were issued in 2013-14 than was the case a decade prior. The recipients of alcohol-related infractions are mainly middle aged or older males. Most citations are issued during the daytime and in downtown areas, and more alcohol-related citations are issued during the spring and summer months than in the fall and especially the winter. Officers in the ten most active units wrote nearly three-fourths of the alcohol-related citations issued during the period examined here. Officers indicated that their decision to issue a citation was prompted by a specific civilian complaint on only 6 percent of the citations issued.

The next section describes patterns of marijuana enforcement.

IIIB. Marijuana-Related Infractions

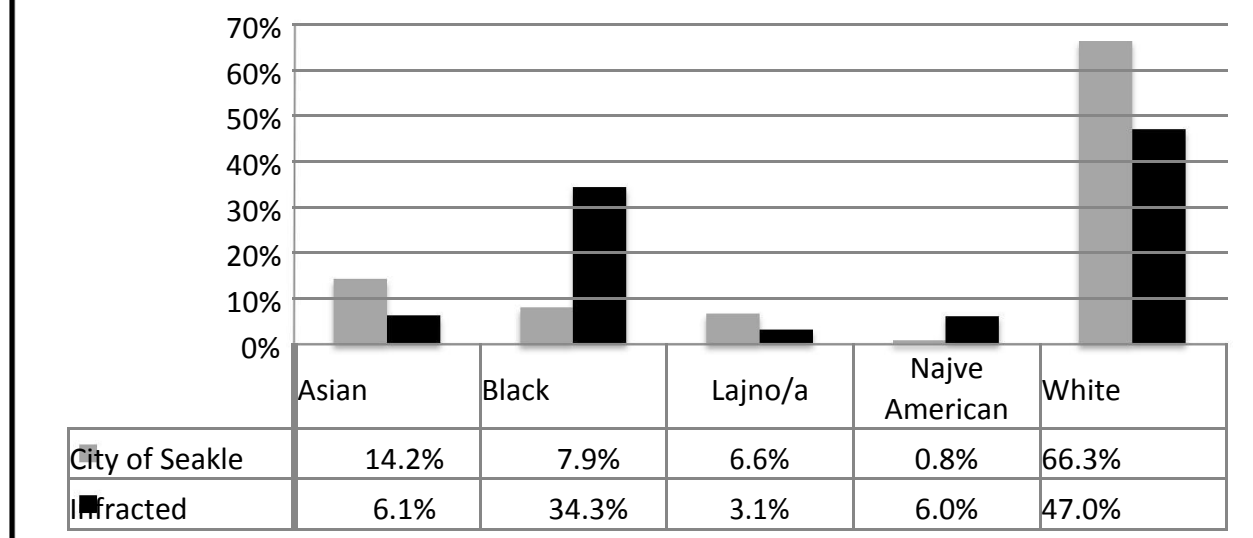
Enforcement of the City of Seattle's ordinance prohibiting public display of marijuana commenced on January 1, 2014. The data analyzed pertain to all citations issued from January 1 through August 31, 2014, a total of 98 citations. Because the total number of marijuana-related citations issued during this eight month period is relatively small, caution should be exercised in interpreting these results.

The Demographic Characteristics of Persons Cited

As was the case for alcohol citations, blacks and Native Americans are disproportionately

sanctioned for violation of the Seattle ordinance that prohibits open display or consumption of marijuana relative the Seattle population. According to 2010 census data, blacks comprise 7.9 percent of the Seattle city population.¹⁰ By contrast, 34 percent of those sanctioned for violating the marijuana ordinance from January 1 through August 31, 2014 are black. Native Americans are also significantly over-represented among those cited for open display/consumption of marijuana: 2010 census data indicate that less than 1 percent of the Seattle population identifies as American Indian or Alaska Native, but 6 percent of those sanctioned for a marijuana violation were identified as American Indian or Native American (see Figure 10). By contrast, Latinos, Asians and whites are under-represented among those cited for marijuana consumption compared to the city population.

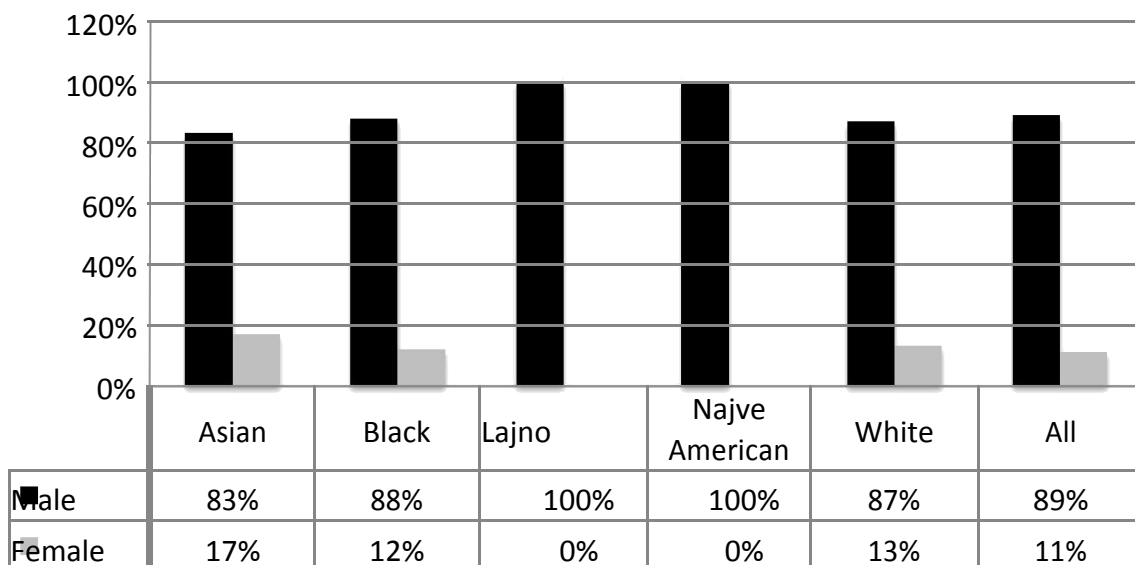
Figure 10. Seattle City Population and Marijuana Violators by Race/Ethnicity



Like recipients of alcohol-related infractions, people cited for marijuana infractions were overwhelmingly male, and this was true across all racial and ethnic categories (see Figure 11). Overall, only 11% of those who received a marijuana-related infraction were female.

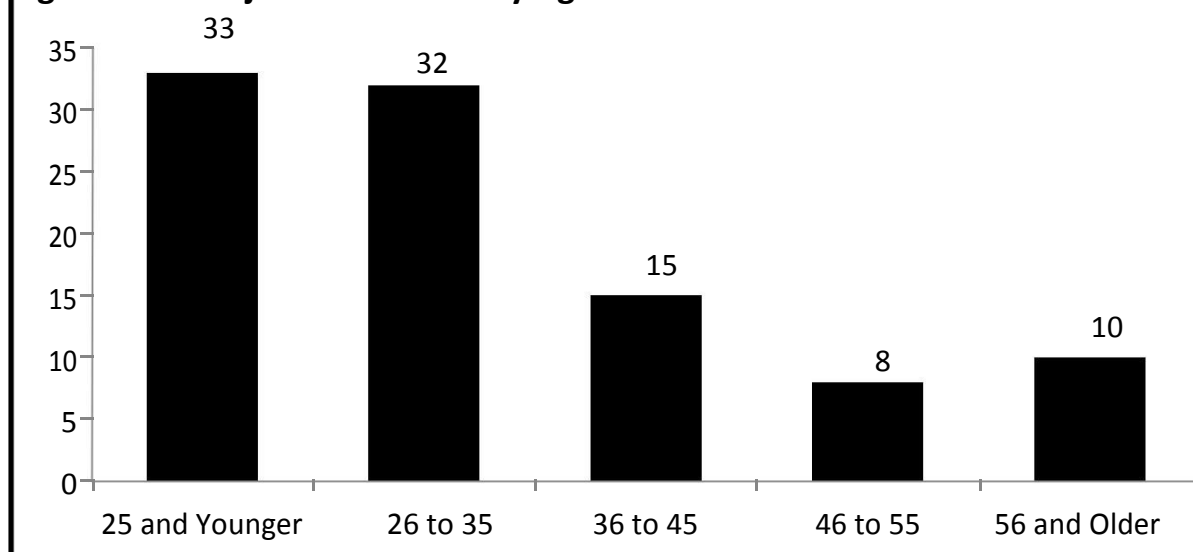
¹⁰ Census data available online at <http://quickfacts.census.gov/qfd/states/53/5363000.html>

Figure 11. Marijuana Infractions by Race/Ethnicity and Gender



Unlike recipients of alcohol-related infractions, most of those cited for public display or consumption of marijuana are younger than 35. The age distribution of marijuana infraction recipients is shown in Figure 12.

Figure 12. Marijuana Violators by Age

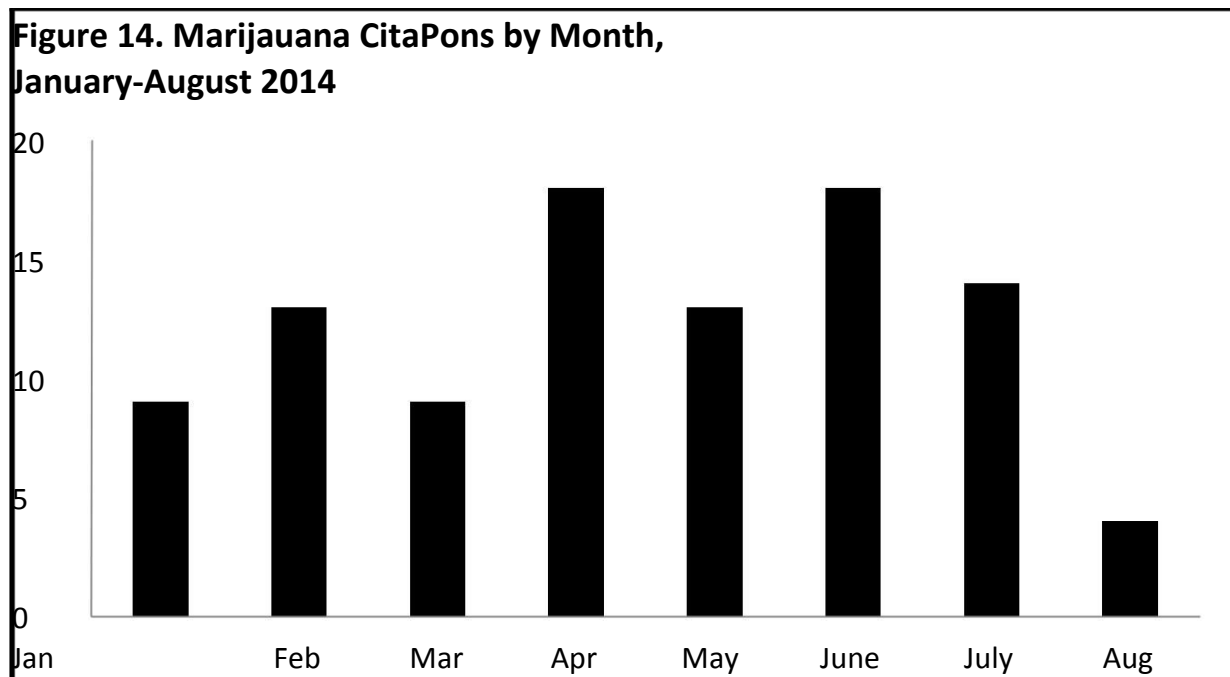


It thus appears that recipients of marijuana-related infractions in the first eight months of enforcement were mainly males under the age of 35. Although a plurality of marijuana citation-recipients are white, blacks and Native Americans are significantly over-represented among

them. And although the majority of people who received a ticket for a marijuana violation by SPD officers are Seattle residents, non-residents comprise a larger share of marijuana violators (29 percent) than do alcohol violators (14 percent).

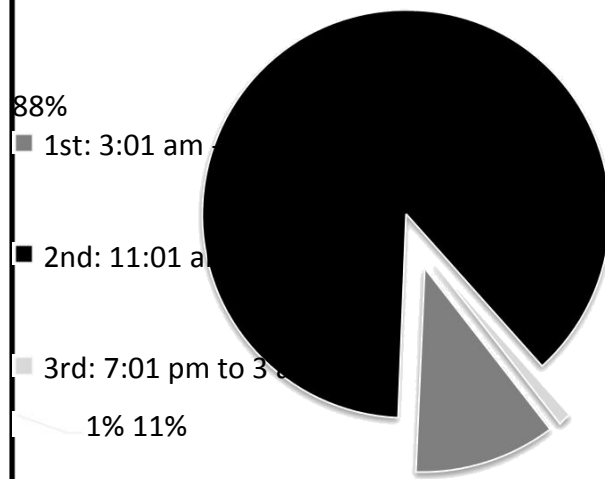
Marijuana Enforcement Patterns and Circumstances

Because Seattle's marijuana ordinance went into effect in January 2014, and data collection ended in August, we know less about whether/how marijuana citations vary seasonally. However, examining the distribution of citations by month shows that more citations were issued in spring and summer than in the winter months (see Figure 14). It is too early to tell if the drop-off in July and August is indicative of a longer-term decline in the issuance of citations for public display of marijuana.



As was the case for alcohol citations, the vast majority (88 percent) of marijuana citations were issued during the second shift, i.e. daytime hours (62 percent) (see Figure 15).

Figure 15. Marijuana CitaPons by Shi_

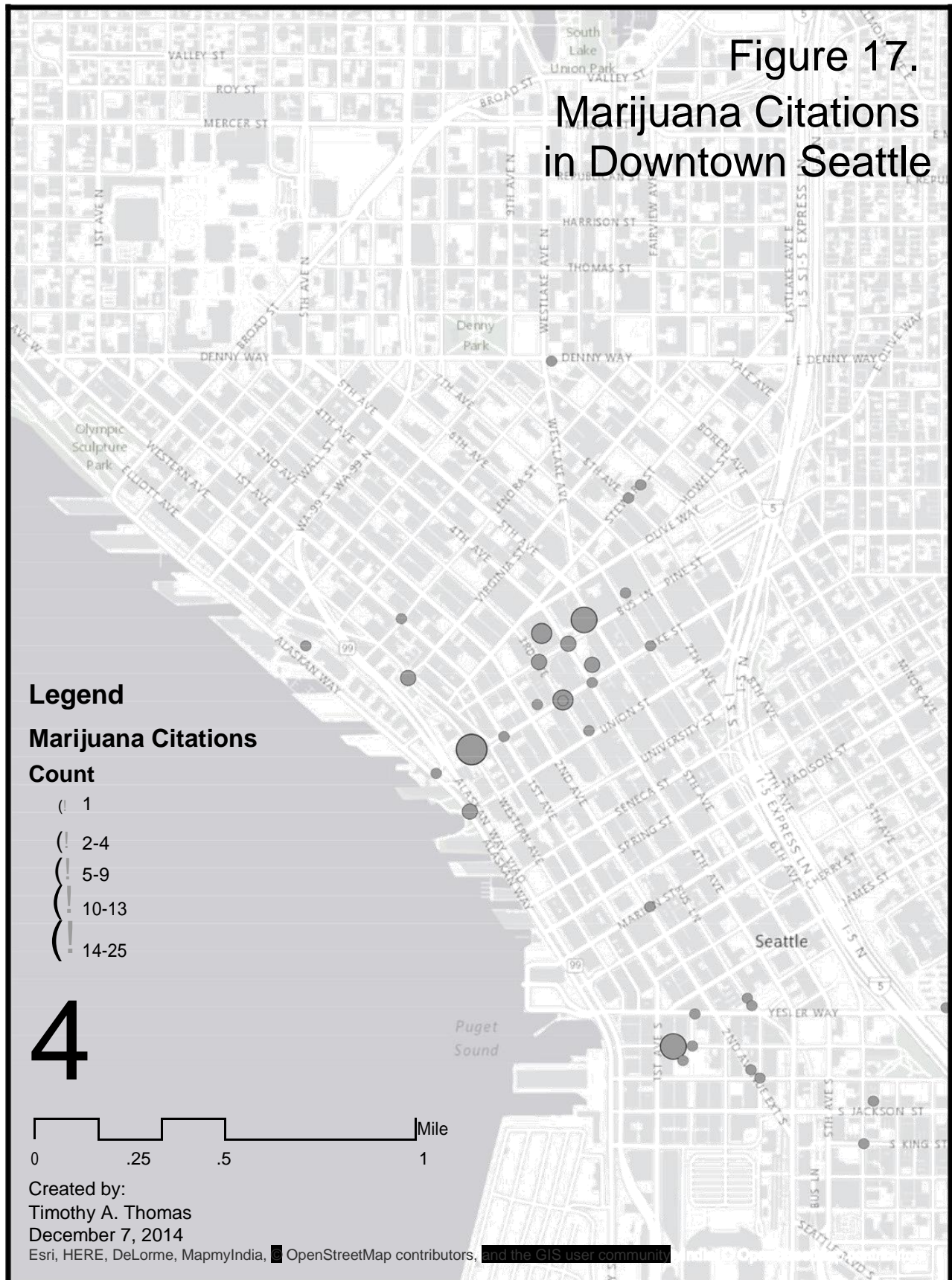


It is also clear that marijuana citations in the first eight months of enforcement were even more geographically concentrated in the downtown area than alcohol-related ordinances. In fact, only one marijuana citation was issued outside of the downtown area (in the East Precinct); all of the others were issued in the West Precinct (see Figure 16). Within the downtown area, enforcement is much more geographically concentrated than was the case for alcohol citations (see Figure 17).

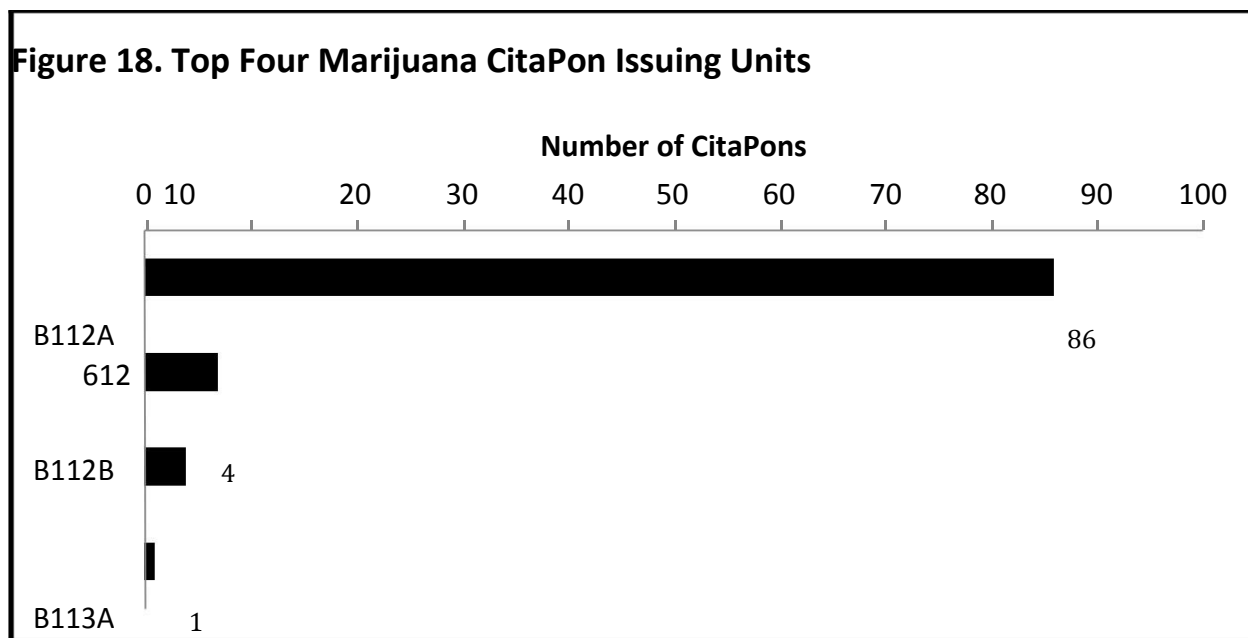
Figure 16.
Marijuana Citations
in the City of Seattle



Figure 17.
Marijuana Citations
in Downtown Seattle



Enforcement of Seattle’s marijuana ordinance is very highly concentrated among SPD units. In fact, four units located in the downtown area (e.g. West Precinct) issued *all* of the citations included in the sample. These units are listed by the unit identification number of the first officer in Figure 18.



Note: Units were identified by the first reporting officer’s unit identification number. It is unclear what the unit number 612 refers to, though it appeared on seven marijuana-related citations.

Officers issuing marijuana citations were even less likely than those issuing alcohol citations to describe their decision to issue a ticket as a response to a specific civilian complaint. In fact, this was the case for only 1 percent of the marijuana infractions.

In summary, analysis of data provided by the Seattle Municipal Court and obtained by coding marijuana-related citations issued during the first eight months of enforcement indicates that blacks and Native Americans are disproportionately represented among those cited for marijuana violations. In addition, recipients of marijuana infractions are mainly young and middle aged males. Most citations are issued during the daytime, and all were issued in the downtown areas, particularly near Westlake Park and along the Pine/Pike corridor. The four most active units wrote 100% of the marijuana-related citations issued during the period examined here. Officers indicated that their decision to issue a citation was prompted by a specific civilian complaint on only 1 percent of the marijuana citations issued.

IV. KEY FINDINGS: CALLS FOR SERVICE

Calls for service about alcohol-related situations vastly outnumber calls regarding marijuana consumption. In the period under investigation, there were 48,997 calls about alcohol but only 1,221 in which marijuana was mentioned at all; alcohol-related calls thus outnumbered marijuana-related calls by a ratio of 40 to 1.

IV.A. Alcohol-Related Calls for Service

Alcohol related calls were grouped into four categories:

1. Health/Detox: calls in which the 911 dispatcher requested medical personnel or identified the call as a request for detox services.
2. Intoxication/Liquor Violation: calls in which the dispatcher listed liquor violations or intoxicated person(s) as the issue requiring SPD attention.
3. Other Crime/Disorder: calls in which the caller requested a response to another criminal or disorderly situation (such as noise) and the responding officer(s) cleared the call with a code that indicated that alcohol intoxication was involved.
4. SPD Investigation: CAD entries that were initiated by an SPD investigation/on-view and cleared with a call indicating that the situation involved alcohol consumption.

Figure 18 shows that alcohol-related calls mainly involved complaints about intoxicated persons/people violating liquor laws and calls for detox or other medical services. Together, these two categories comprised 90 percent of all alcohol-related calls for service. SPD on-views accounted for just 3.8 percent of the CAD entries analyzed here.

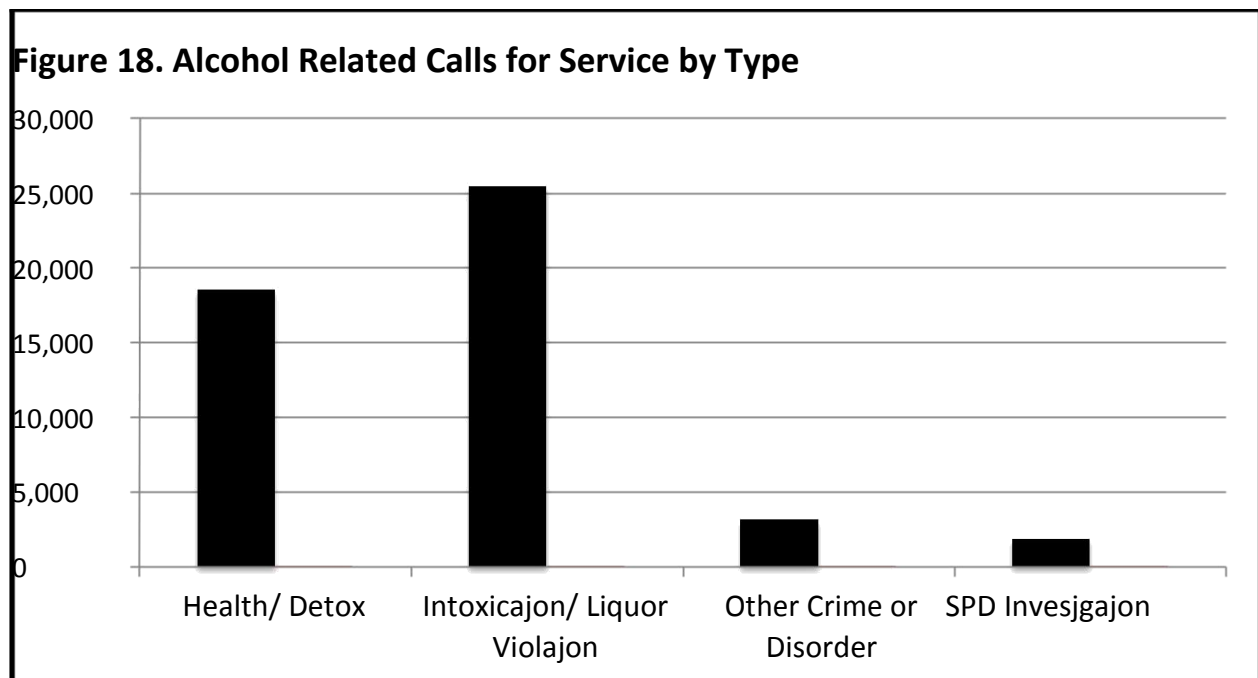
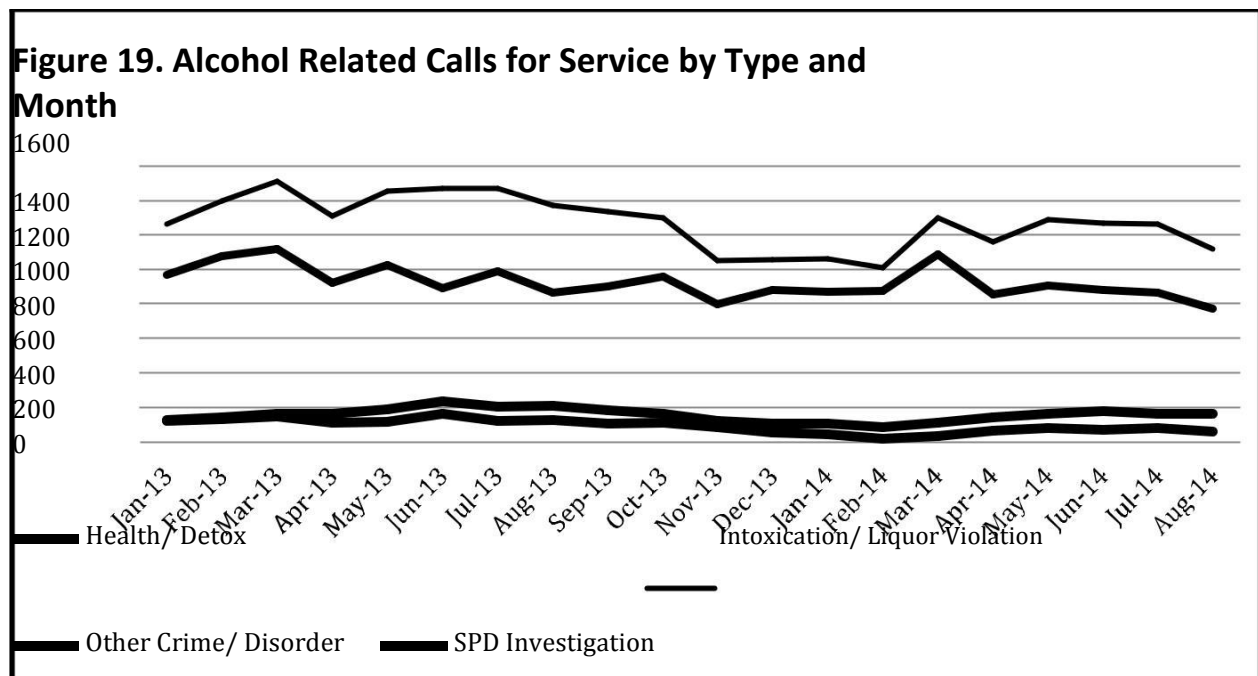


Figure 19 shows that the number of alcohol related calls for service declined slightly in the winter of 2013-4, but was fairly stable over the time period examined.



Alcohol-related calls for service were overwhelmingly concentrated in the West Precinct: nearly two-thirds (65.1 percent) of all calls originated in the downtown area (see Figure 20).

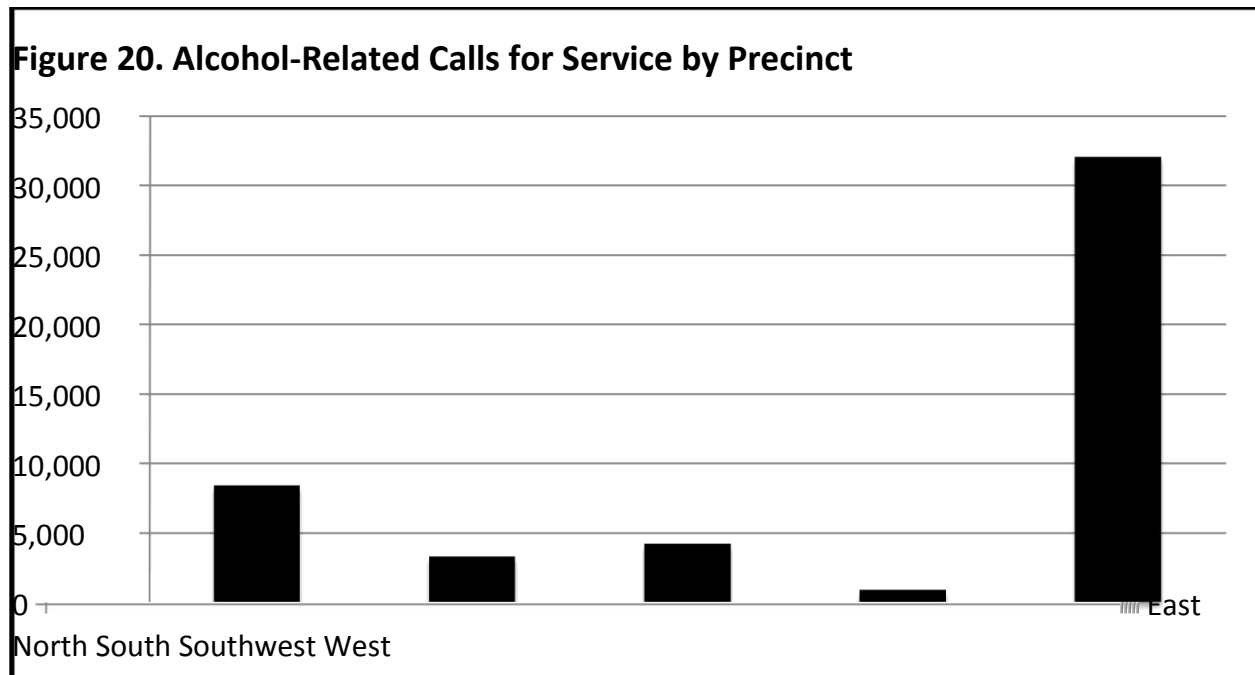


Table 3 provides a more detailed examination of alcohol-related calls for service by type and precinct, and shows that a plurality of all types of alcohol-related calls emanated from the West Precinct. Calls in which other criminal or disorderly behavior was identified by callers as the reason for the call were more geographically dispersed than the other types of alcohol-related calls.

	Detox/ Health	Intoxication/ Liquor Violation	Other Crime/ Disorder	SPD Investigation
East	17.2%	16.8%	17.9%	19.1%
North	1.1%	7.7%	27.8%	12.8%
South	7.2%	9.0%	13.4%	8.4%
Southwest	0.3%	2.1%	8.2%	2.5%
West	74.2%	63.9%	30.9%	57.0%
City	100%	100%	100%	100%

Figures 24 – 26 shows the geographic distribution of alcohol-related calls for service. Figure 24 shows the citywide distribution of all alcohol related calls. Figure 25 shows the distribution of all alcohol-related calls in the West Precinct. Figure 26 shows the distribution of all alcohol and health-related calls in the West Precinct.

Figure 24. Geographic Distribution of All Alcohol-Related Calls for Service

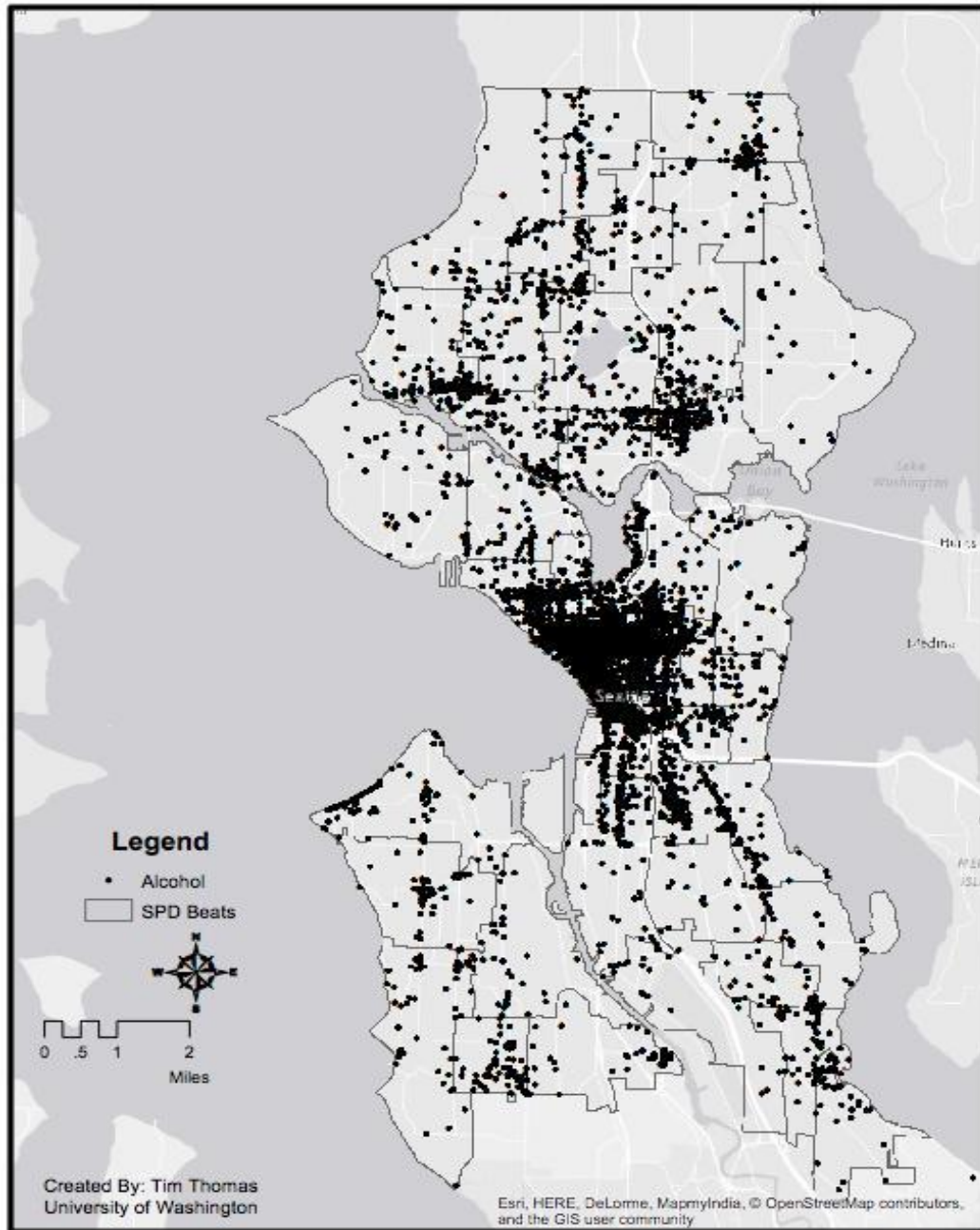


Figure 25. Geographic Distribution of all Alcohol-Related Calls in the West Precinct

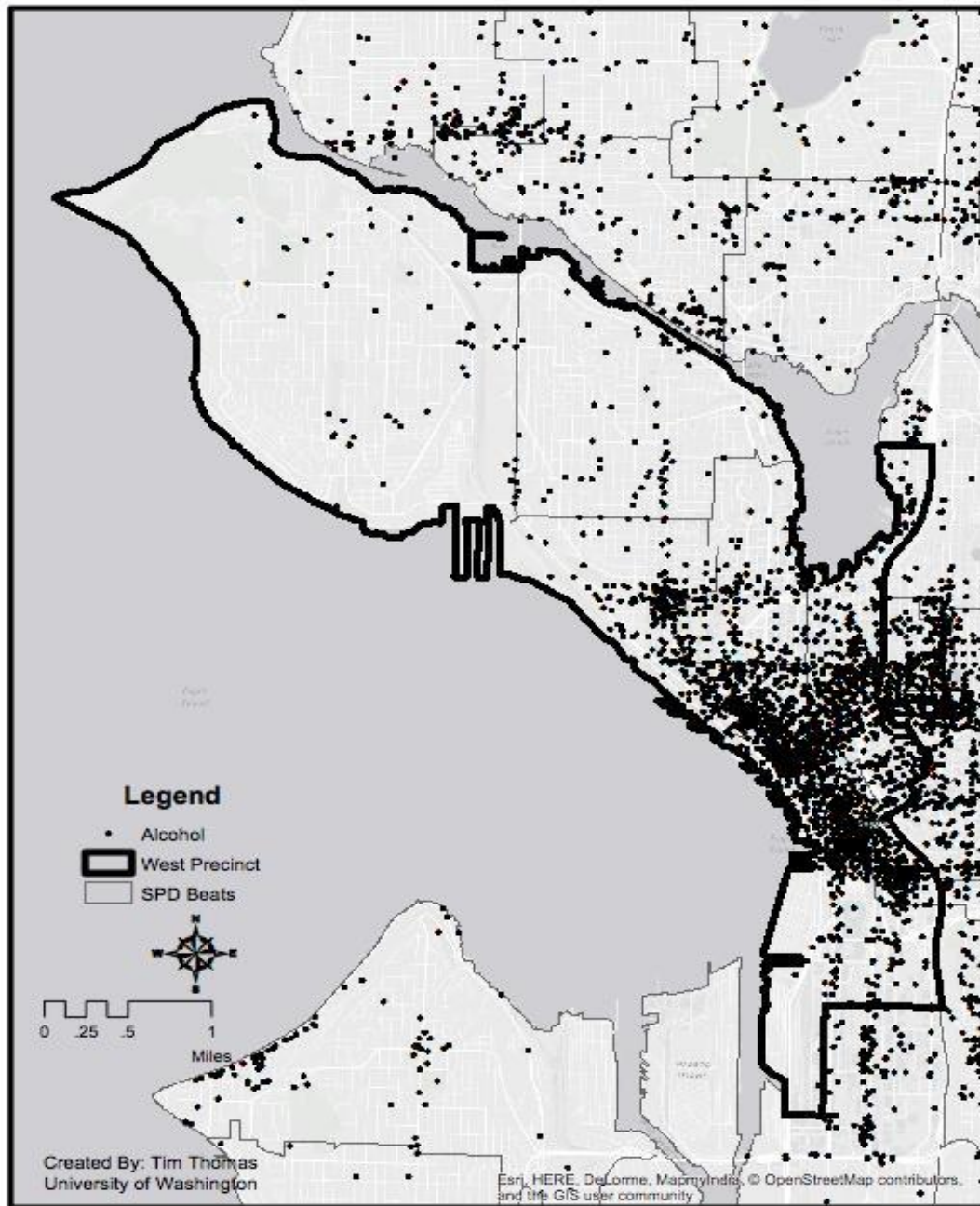
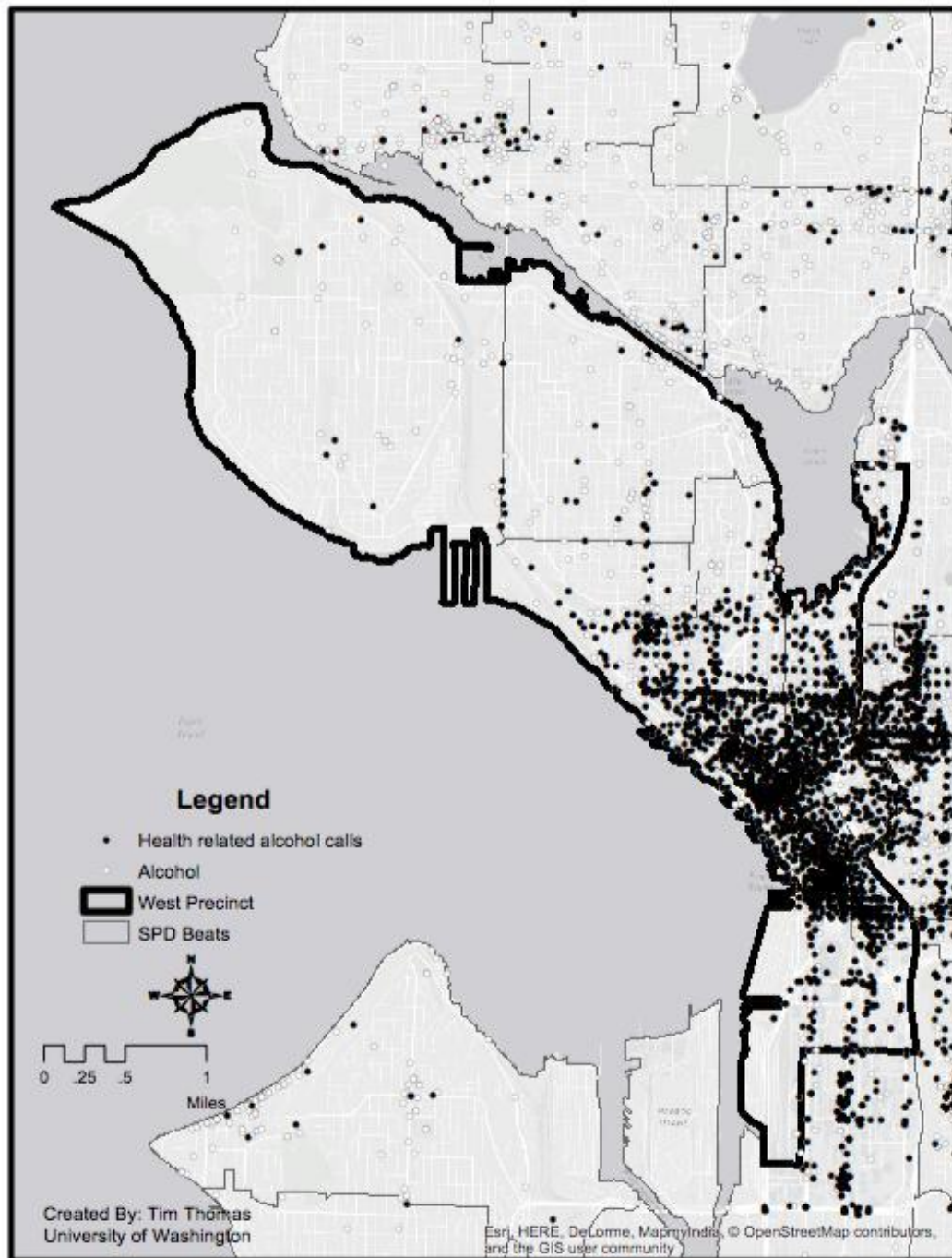
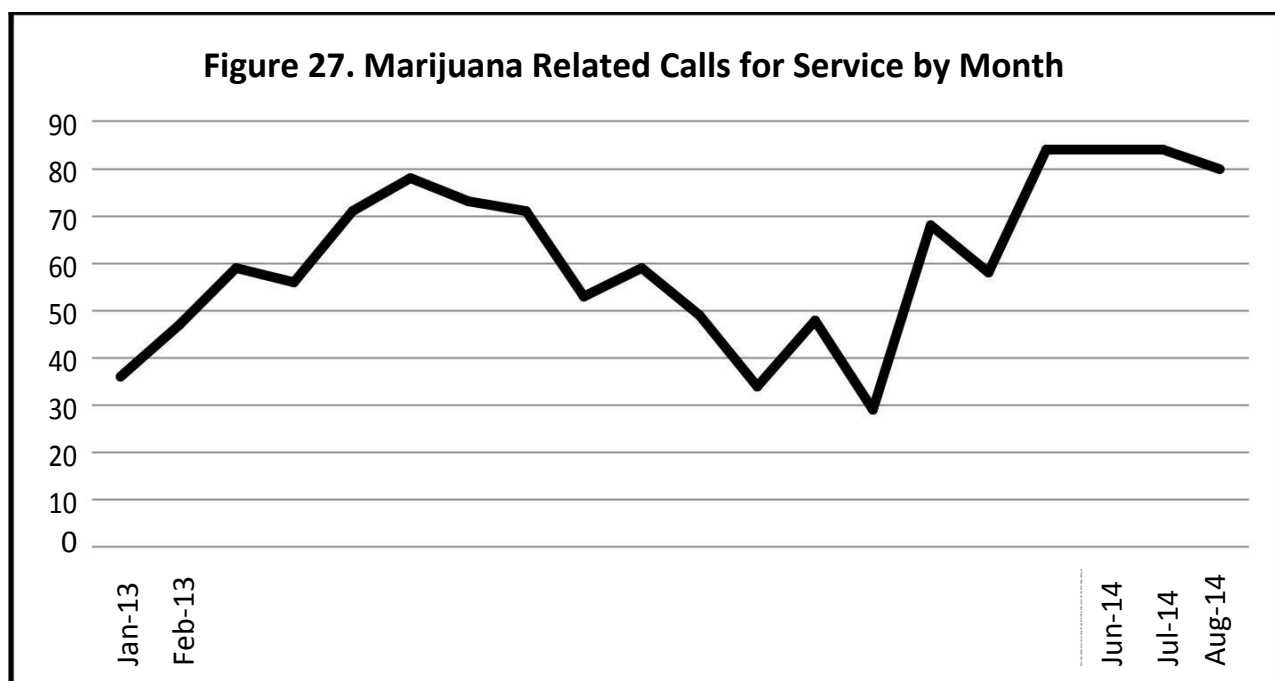


Figure 26. Geographic Distribution of all Alcohol and Health Related Calls for Service in the West Precinct



IV.B. Marijuana-Related Calls for Service

As noted previously, alcohol-related calls vastly outnumber marijuana-related calls. As Figure 27 shows, although the number of marijuana-related calls is comparatively small, it peaked in the latter months of the time period examined here. By contrast, alcohol-related calls declined slightly over time.



Calls for service in which marijuana consumption is identified as the reason for the call also show a different geographic pattern than alcohol-related calls. Specifically, marijuana-related calls are far less concentrated in the West Precinct and far more geographically dispersed (see Figure 28). In fact, a plurality (33.6 percent) of calls emanated from the North Precinct. The second largest number (19 percent) of calls were made from with West Precinct, and a nearly identical number (18 percent) of marijuana-related calls were made from the South Precinct.

Figure 28. Marijuana Related Calls for Service by Precinct

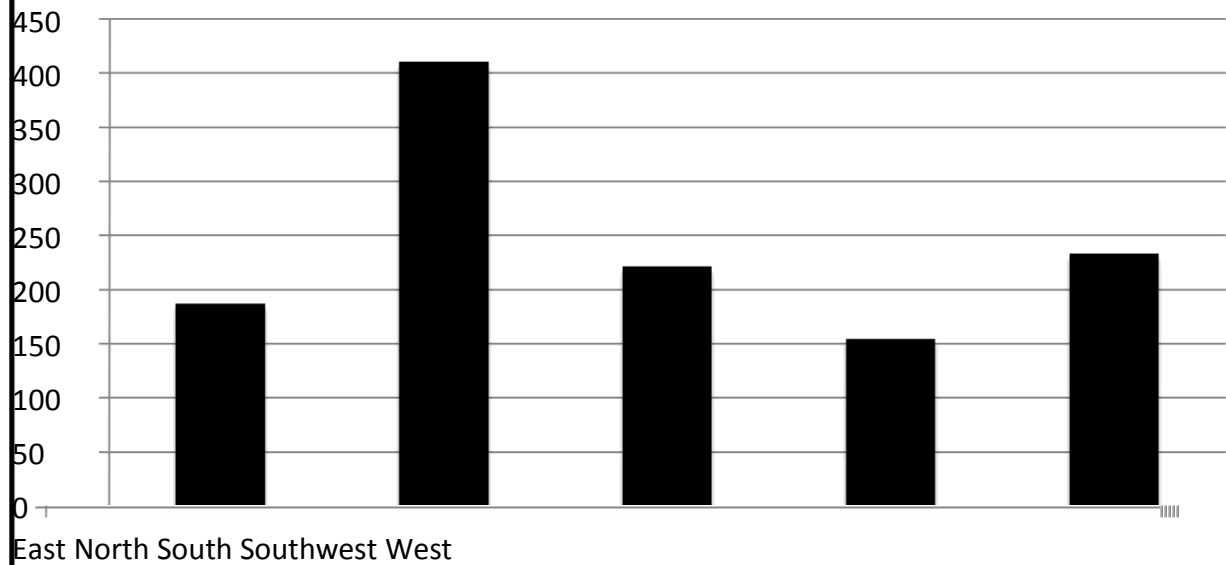
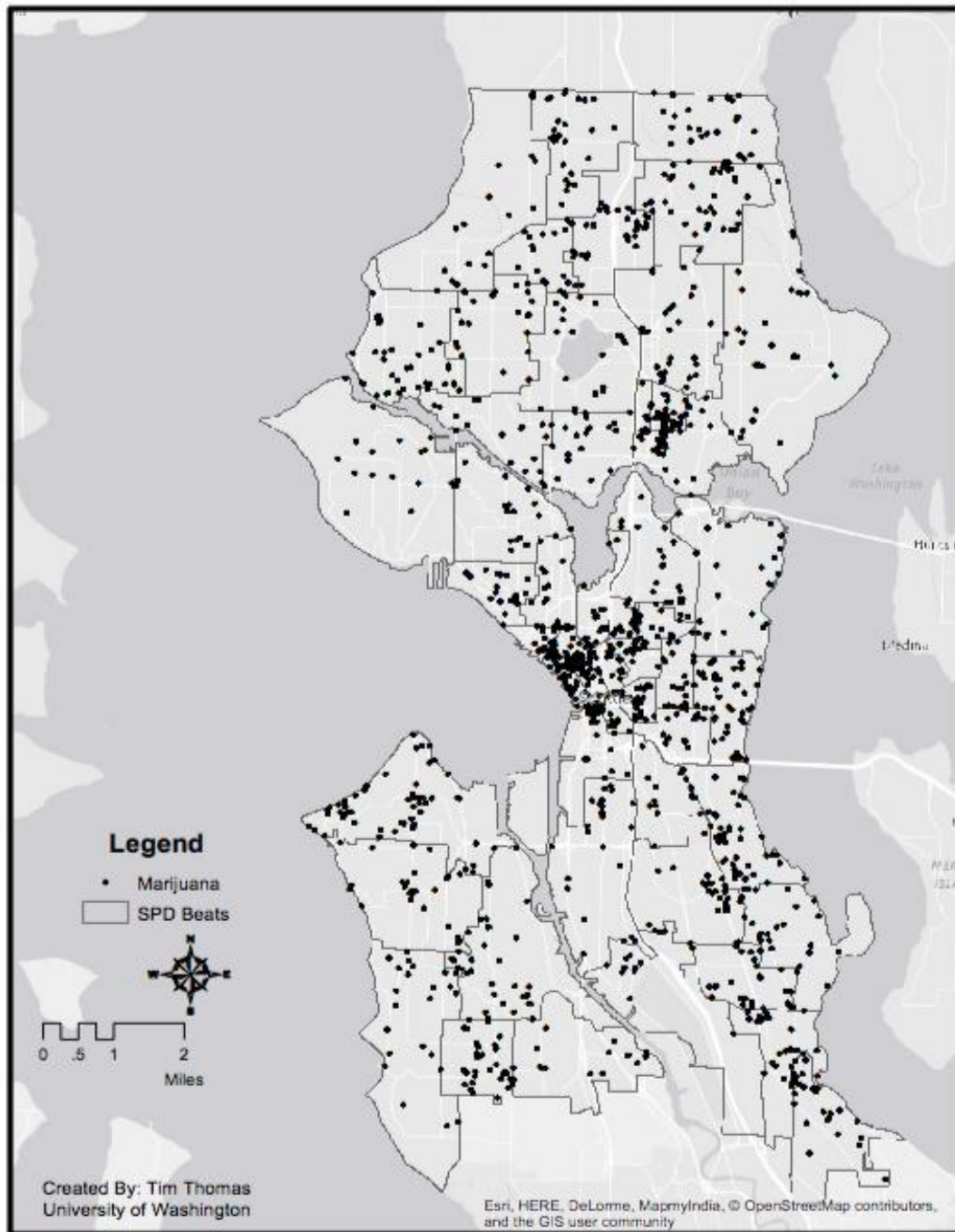


Figure 29 shows the citywide distribution of calls for service in which marijuana consumption was identified as a central issue.

Figure 29. Geographic Distribution of all Marijuana-Related Calls for Service



In summary, data regarding alcohol and marijuana-related calls provided by the SPD and analyzed here show that alcohol-related calls for service outnumber calls about marijuana by a ratio of 40 to 1. Calls about both alcohol and marijuana show some seasonal variation, though alcohol-related calls have been fairly steady over time. Most alcohol-related calls identify liquor violations and/or intoxicated persons, or request medical services. Alcohol-related calls for service, and particularly those in which the need for detox services is expressed, are highly concentrated in the West Precinct. By contrast, a plurality of marijuana-related calls emanated from the North Precinct.

V. KEY FINDINGS: FOCUS GROUP INTERVIEWS WITH STAKEHOLDERS

The Nature of the Problem

The interviews began with questions about stakeholders' perceptions of the nature of the public consumption problem in Seattle, specifically with reference to alcohol and marijuana. Although answers to this question varied, an important theme running throughout all of these discussions is that it is difficult to disentangle public consumption from related behaviors such as public urination, and from the conditions that often accompany public consumption, such as addiction and untreated mental illness.

Still, in different ways, respondents described three distinct if inter-related facets of the public consumption problem in Seattle. First, respondents referring to Capitol Hill, Belltown or Pioneer Square often referenced the many bars concentrated in those areas and, in the case of Pioneer Square, the stadiums from which many drinkers emerge. Indeed, for some respondents, the fact that the issue of public consumption and intoxication does not only involve the homeless was seen as an important point. As one Pioneer Square resident put it:

I want to be quite clear that it is not a homeless problem. And it is not a college kid problem alone. In fact, I have found – and many of my fellow residents would second me on this – the biggest offenders of drinking and pissing are not the homeless, but, in fact, they are among the most affluent members of our community – bar none. They are the folks that can afford season tickets to the Seahawks that cost over \$1,000, or several hundred dollars, a game.

For the most part, respondents describing these issues focused not on public consumption per se (as most associated consumption takes place indoors) but rather on drinking-related “quality of life” problems such as public urination, noise, and public intoxication. These problems are

commonly thought of as relatively minor issues, and may not rise to the top of the SPD's priority list. Nonetheless, they notably diminish residents' quality of life, as this respondent explained:

It can deteriorate the quality of life for residents. That colors everything. Public consumption as it manifests into noise and at 2:30 after the bars close. And in fist fights. So its not public consumption per se... it's the outcome of public consumption. Or intoxication.

In the case of Capital Hill and Pioneer Square, both police and representatives of community-based organizations noted that in addition to such quality-of-life issues, more serious crimes also take place in the commercial areas late at night, particularly as the bars close. Although the precise nature of the connection between the bars and violent crime in Capital Hill is unclear, there was a strong sense that those engaging in more serious violent crime used "the bar scene" to their advantage in that neighborhood. Also in the East Precinct, police officials highlighted a link between public consumption of alcohol and the concentration of bars in the area. As one SPD officer put it, "A lot of people who go to the bars drink in their cars before they go into the bars... there a lot of broken glass around here." Another confirmed that "Before going into the bars people are consuming alcohol in their cars and drinking it out in the streets in public... ."

In short, some respondents described quality-of-life problems associated with the noise, intoxication and litter that emerge from bars and other drinking establishments. Others noted that while most bar-related problems do not involve public consumption, this line is blurry, especially, it seems, in Capitol Hill.

Yet most respondents – especially service providers, but also SPD personnel – focused on directly on *public* consumption, mainly by people who appear to be homeless. When explaining why this type of public consumption is problematic, respondents stressed two things. First, public consumption is often bound up with other social and behavioral challenges, including chemical dependence, mental illness and homelessness. As one service provider put it:

The number of people who are homeless and are dealing with co-occurring disorders – I think its really huge and that folks are self-medicating... we need to support their mental health needs and we do not have the capacity to do that in a way that's effective for all the people we see coming through the door.

For some respondents, then, public consumption is mainly problematic because it is indicative of a number of more serious issues that require attention for humanitarian and public safety reasons.¹¹ Of course, the confluence of these factors can also create challenging situations for the police.

Other respondents, particularly those affiliated with the SPD, also emphasized that the presence of people drinking, smoking or injecting in parks and other outdoor spaces makes many community members feel unsafe. Indeed, SPD officers in the West and East Precincts reported hearing regularly from residents who feel insecure in the presence of public consumption. Many such officers also noted that although the City has elected not to treat public consumption as a criminal problem, residents who see public consumption as a safety issue regularly pressure the police to “do something” about the problem.

As noted previously, this dynamic is complicated because the number and variety of tools the police possess to respond in such situations is limited. Several respondents noted an additional complication, namely, that residents’ sense of discomfort may also be bound up with racial and class dynamics. Here is how a representative from the East Precinct Community Council put it:

If you’re walking through the park and maybe you’re walking with your kid or something and there are some people that are drinking and hanging out by the basketball courts – people of color and you’re a white family walking through. You just feel uncomfortable because maybe they’re drunk – not even drunk and they’re just loud, which is a common issue.... I think that makes people feel uncomfortable.

In discussions of public consumption, then, respondents suggested that this issue is of concern because it is bound up with other challenging problems and because it undermines residents’ sense of safety. In these discussions, accounts varied regarding which substances were most likely to be consumed outdoors. Most respondents indicated that in Belltown, the main problems were the use of marijuana in parks (as well as drunkenness related to bars). Respondents referring to the downtown and Pioneer Square areas indicated that public consumption of a variety of substances – including alcohol and marijuana, but also crack and, increasingly, injection drug use – is common. Respondents in the East Precinct also identified *all* of these types of public consumption as pressing issues, particularly in the parks.

¹¹ According to one interviewee, Pioneer Human Services provides the only residential program for persons with co-occurring disorders in the state. The facility houses 16 people.

Indeed, it is worth noting that a significant number of respondents from the West and East Precincts emphasized an apparent recent increase in outdoor injection drug use. As one service provider who worked in the downtown area explained:

...we see a lot of public consumption of marijuana in our parks definitely during the day and in the evening hours kind of all over the place.... I would say I don't see as much alcohol consumption as I used to. It seems like the focus has really shifted to marijuana. And to open-air opiate use which is really prevalent right now. Very visible. Particularly in the Third Avenue corridor around Pike and Pine. Significant use.

This interview was conducted before the city implemented its “9^{1/2} block strategy,” which focuses on the downtown core. Several respondents interviewed after that strategy had been implemented suggested that injection drug users were migrating from the downtown area to the north, east and south. And as one officer from the West Precinct put it:

Officer: Down by Pioneer Square you're seeing the alcohol. You move up toward the inner city areas around Convention Place especially and see a lot of heroin – a lot of needle injections. You're seeing the little orange caps from the needles all over up there... they're in abundance.

KB: Is that an increase?

Officer: That's an increase. And how we can tell is... pretty much you catch somebody in an alcove, they're going to have some type of needle on them. Its almost a given. So its been a major increase.

Another service provider echoed this concern about an apparent increase in injection drug use:

Service Provider: ...I really want to focus on the opiate use because I think that's a much bigger problem, frankly.

KB: Bigger problem than...

Service Provider: Alcohol. Well, I don't know. I shouldn't say bigger but its definitely bigger than marijuana in my opinion.... Its everywhere. We really struggle to get folks into housing or even shelter that will allow them to meet

their addiction requirements in order to stay safe and healthy. There is no place for them [injection drug users] to go.

Regardless of which substance they focused upon, then, respondents described two largely (but not entirely) distinct problems, one centering on the presence of large numbers of drinkers exiting bars and stadiums, the other mainly involving apparently homeless people who consume substances outdoors. A third and final facet of the issue of public consumption is narrower, and pertains to the need for medical services to deal with cases of overdose and intoxication.

Most of the SPD personnel interviewed for this report were well aware of the Dutch Sobering Center and regularly availed themselves of the facilities' Emergency Services Patrol vans when encountering a willing and intoxicated person. Indeed, many expressed deep appreciation for the fact that this service exists, recognizing that avoiding the emergency room saves significant time and resources. However, officers also noted that the Sobering Center's vans did not solve all problems. In particular, the inebriated person in question must be willing to go to the Center and can leave at any time. The officers also reported that the person in question must also be able to walk, unassisted, to the van, which was a barrier to entry for some.¹² In addition, one officer in the Southwest Precinct indicated that a geographic boundary limited their capacity to access to the service, though he also noted that their services were rarely required in the Southwest Precinct. Finally, as personnel affiliated with the Dutch Sobering Center emphasized, the Center is only able to offer short-term emergency treatment, and although case managers seek to connect interested patrons with long-term treatment providers, this is often difficult, either because the client is uninterested or because treatment spots are unavailable.

A related and emerging problem noted by several respondents is the apparent recent increase in over-dose cases. In fact, SPD personnel in East Precinct reported that they had six cases of overdose in Cal Anderson Park in a single day. In this context, several respondents raised the question of whether SPD officers and other first responders might be trained to administer Narcan (an opioid antagonistic that is used to reverse the effects of opiate overdose). This issue will be explored in greater detail in the policy section.

¹² Intoxicated individuals who are unable to walk to the van unassisted are typically taken to Harborview.

Institutional Responses to the Problem of Public Consumption

When discussing the current response to public consumption, respondents generally focused on the provision of services and/or the police response (or lack thereof) to the issue. A summary of the main themes present in these discussions is provided below.

Social Services

Service providers generally conveyed the sense that although imperfect, the institutional and service apparatus that has been created to deal with chronic alcoholism among the unstably housed has been dramatically improved, and is far superior to that which exists for users of other substances. In particular, the existence of the Downtown Emergency Service Center commonly known as “1811 Eastlake” is notable. At this facility, chronic alcoholics are given subsidized housing as well as social and health services, and are allowed to drink on the premises. As several service providers noted, nothing like it exists for users of other substances.

In addition, the Dutch Shisler Sobering Support Center provides emergency treatment to people who are alcoholic and addicted, and who need a safe place to sleep off the effects of alcohol or other drugs. The Sobering Support Center is the “front door” through which people can access services; clients are brought to the facility by the police and in ESP vans, and by walking in. Case managers are available at the Center to assist clients to find treatment and other long-term services, although as noted previously, this is not an easy task, even when clients do express an interest in accessing such services.

On the one hand, then, the response to chronic alcoholism in Seattle/King County is much improved, and is arguably superior to that which exists for users of other substances. On the other hand, many respondents noted various gaps in the service sector’s response to chronic alcoholism (and other types of addiction). Moving from smaller to larger scale issues, these include:

- ☐ The paucity of culturally competent outreach workers;
- ☐ Limited training of service providers in motivational interviewing skills;
- ☐ A shortage in the winter months of sufficient beds at the Sobering Center;
- ☐ Unmet demand for ESP vans, particularly in the evenings in the Pioneer Square area;
- ☐ The limited size of 1811 Eastlake, which can house only 75 individuals;
- ☐ The recent closure of the Recovery Centers of King County, which provided short term treatment and detoxification services;
- ☐ A paucity of shelter beds, especially in the winter months;

- City and county under-investment in prevention among high-risk youth, including homeless and foster care youth;
- The unavailability of treatment on demand;
- The lack of supportive permanent housing for people with addiction issues;
- The lack of affordable housing for people with addiction histories and criminal records;
- The general lack of state and city funding for psychiatric treatment and care.

As many SPD personnel noted, these gaps exist in the context of a policy decision to treat public consumption of alcohol and marijuana mainly as health rather than criminal matters. Indeed, although many residents complain to the police about public consumption of these substances, the legal tools available to officers responding to public such complaints are limited. The factors shaping the police response (and non-response) to the problem are described below.

Police Responses to Public Consumption

Officers report that they have several options when encountering public consumption, and may choose none or all of these. First, they can “educate” the target and ask him/her to dispose of the substance in question. Second, if the consumption is taking place in a park, they can issue a 24 hour parks exclusion order. Third, they can issue a citation. When asked how they choose among these options, officers indicated that they typically gave one or more warnings before issuing a parks exclusion order or citation. As one officer explained:

It’s kind of the totality of the circumstances. If there’s other crimes involved, we can respond a little differently. If it’s a chronic offender, which we have a lot of those, who despite being warned time and again that you can’t drink in public... they continue to do it and do it. Usually those are the ones that start getting the tickets. Because we do like to give fair warning.

Some also indicated that the person’s response to the officer’s request to dispose of the substance also affected their decision-making, as this officer explained:

Officer: I think we’re trained to look at enforcement as a means of changing behavior. So what’s the least intrusive way you can engage a person and change that behavior? A lot of times you ride by and someone’s drinking and say, “Hey, you can’t drink in the park. You need to leave.” “Oh, sorry. Okay. I’m out of here.” And problem solved. Other people “F-- you! I can do whatever I want.” Okay, then it’s probably time to stop and have some further discussion with that

person.

KB: So how they respond is a big part of it?

Officer: Sure.

In the East and West Precincts, where calls for service regarding public consumption are common, the SPD personnel indicated that many community members want a stronger response from the police to public consumption. Yet many of the tools that were traditionally used by police to respond to this issue are no longer available to them. In particular, public drunkenness is no longer a criminal offense in Seattle or Washington State. And although public consumption is prohibited by (civil) law and may trigger the issuance of a citation that carries a \$27 fine, many police officers and officials report that the lack of follow-up regarding unpaid citations on the part of the City Attorney's office renders citations an ineffective tool.

The lack of effective enforcement tools to address public consumption, combined with significant community pressure to more aggressively respond to the problem, led many SPD personnel to highlight the discrepancy between the law (which has largely decriminalized public consumption) and the community response to it. More generally, some SPD personnel noted that despite the fact of decriminalization, community members still routinely call the police – and no one else – to report this problem, and expect the police to do something about it. By contrast, from the police perspective, part of the problem is the failure of the community *as a whole* to assume responsibility for the problems associated with public consumption.

Although SPD officers indicated that they can and do issue citations for public consumption when it is warranted, they also readily acknowledged that the issuance of citations for public consumption is decreasing, and offered three main explanations for this decline. The first highlights the fact that the City Attorney's Office does not appear to issue warrants for non-payment of citations in the vast majority of cases. Indeed, many officers recounted incidents in which citation recipients immediately discarded the ticket just issued in the officer's view. The point of these stories was that people on the streets *know* that there is no consequence for failure to pay a fine, and act accordingly. From the perspective of these officers, the fact that people are aware that failure to pay a fine has no legal consequences means there is no reason to bother issuing the citation. Although some command staff indicated that they continue to encourage officers to issue citations in cases involving repeatedly ignored warnings despite the apparent lack of follow-up by the City Attorney's office, this is left to the officers' discretion. The officers interviewed revealed little motivation to do so, and attributed this mainly to their awareness that the citation would be ignored.

A second explanation for the decline in citations centered more on the declining availability SPD personnel available to conduct proactive policing. As several SPD personnel noted, officers in proactive squads, and especially those on bikes, are most likely to issue citations for public consumption because they are able to enter and visually assess spaces (such as parks) where public consumption is common but are inaccessible by vehicle. And according to command staff at the West Precinct, staffing in these particular proactive units has been notably reduced:

Officer: Right now our staffing levels are so low that we don't have a lot of proactive time for our officers other than the bicycle officers, and sometimes not for them either. Maybe the ACT teams at night. The regular car officers, they just don't have the time to address those issues.

KB: What's changing that's creating that situation?

Officer: We have a lot of retirements. We have very few in hires. ... and with DOJ, some of their reallocation of resources and different things that they wanted that we've had to supply which, fine, not a big deal. But that's drawn down our resources from patrol because those bodies have to come from somewhere and they come from patrol. So all of those things encompassed together have really limited us. When I first started we had squads of ten or so. Prior to me coming they had squads of 15. I have squads of seven right now if I'm lucky. They're mostly six or seven. So just in that alone – and our calls for service are going up. We get a lot of 911 calls. And then we have vacations. We have training. We have a tremendous amount of training right now so I have generally two to three people off a day in training. It just limits the number that we're able to respond with. That ties them to the 911 call. Which is fine - that's our primary job - but it doesn't allow for the added time for proactive stuff. Bicycle officers will write more. However, right now, since basically October of last year, we've been in a huge number of protests. Our bicycle officers are forerunners for all of our protests.

A final explanation for the long-term decline in alcohol-related citations was offered by command staff in the Southwest Precinct (some of whom had formerly worked in the West and South Precincts)¹³ and some officers in the East Precinct. When explaining the general decline

¹³ When explaining the paucity of citations issued in the Southwest Precinct, respondents emphasized the fact that they receive few complaints about public consumption. This claim is borne out by the calls for service data presented in Part III.

in citations, these respondents emphasized the fact that many officers feel it is safer to avoid unnecessary interaction with members of the public absent a specific victim or complainant in the context of the SPD's adoption of new policies regarding stops and the use of force. Here is one member of the command staff in the Southwest Precinct put it:

Officer: I just came from the South Precinct and over at the South Precinct we did have communities that were complaining about people that would hang out all night on street corners and they thought they were selling drugs and thought they were drinking alcohol. But now with many of our new policies in place I'm not sure we are approaching those people like we would have in the past.

KB: Which new policies are you referring to?

Officer: The Terry stop policy, the bias policing policy, in car camera policy. That's probably it. ... so there's just a lot more review of what officers are doing and so it's easier not to take that action or do something unless somebody calls or unless somebody is willing to be the complainant that saw something. So when they say, "We saw them drinking out of a paper bag." We say, "Well, it's not illegal."

An officer in the East Precinct expressed a similar sentiment:

I think – especially for the past couple of years, there's been such a drive to create more metrics and document everything that anytime we engage anybody it kicks off a whole lot of documentation on our part. And its hard for that to send a message that, hey, we want you guys out there making lots of stops and being proactive.

In sum, SPD personnel did report sometimes issuing citations for public consumption, particularly when they had repeatedly warned someone about drinking or smoking in public. But these respondents also acknowledged that the motivation and/or capacity to issue citations had declined. Some attributed this to the shortage of staff, while others emphasized the "chilling effect" of new policies regarding Terry stops and the use of force. Nearly all mentioned the fact that they believed the City Attorney's office would not issue warrants for non-payment if the infracted chose not to pay their fine.

Opinions regarding whether citations would be an effective tool if non-payment *did* trigger an arrest warrant differed. Most service providers conveyed the sense that issuing citations under

such circumstances would be still be ineffective, at least for unstably housed persons with addiction issues. Only one service provider voiced even modest support for their use:

I do think that there's benefit to incentivizing to some degree. We've got to have some kind of stick because the reality is we live in a society that has rules and even if people are dealing with chronic substance abuse issues and chronic mental illness there's still a level of accountability that we all have to participate in as members of society.

To which one of her colleagues replied:

I understand that you have to hold them accountable but you don't want to put people in a system where they get tied up in the court system and all of a sudden they're spending a month in jail every other month because they're on probation now because they're not paying their fines. ... You might as well bypass the courts and put them on probation right away. They're not going to pay their fines.

SPD personnel offered mixed opinions about the utility of issuing citations if failure to pay did trigger the issuance of an arrest warrant. Some emphasized the fact that many people who receive such citations would be unable to pay the fines and unable to stop drinking. From this perspective, treating alcoholism or other addictions as a criminal matter was inconsistent with the growing recognition that addiction is a disease.

Others who more favorably disposed toward the use of citations generally acknowledged these limitations, but argued that warrants for non-payment could be used to motivate people to avail themselves of services. For example, command staff and officers from the East Precinct suggested that three unpaid citations might issue a warrant and a visit to the Seattle Community Court, which in turn could be used to compel people to participate in treatment programs. As one officer put it,

A lot of the people, they need help but they don't want help. They're dealing with mental issues, addiction issues, and I think a lot of the people we end up dealing with drinking in public fit those categories, and we end up with no good options for them. We find they sleep in the parks. They sleep all over... They don't want to go to shelters. We can't compel them to go to shelters.... Some of these people need good treatment options that they're compelled to do either by going to jail or getting help.

From this perspective, then, alcoholism is a medical problem, but legal leverage would help to incentivize participation in treatment. Of course, the viability of this idea hinges on the availability of treatment services, which other respondents indicated were currently unavailable.

Few respondents voiced an opinion regarding whether the police might issue more citations for public urination and public consumption to exiting bar patrons and sports fans, although one community member opined that the businesses that participate in neighborhood-based efforts to address “disorder” tend to oppose this idea for fear of deterring patrons from visiting the area.

Policy Ideas Regarding an Improved Response to Public Consumption

In the course of interviews, respondents generated a significant number of suggestions and ideas regarding how the city of Seattle’s response to the problems associated with public consumption might be improved. These are listed below for consideration by the Community Police Commission.

Possible Social Service Improvements

Expand the Capacity of the Sobering Center: Consider increasing beds and staff in the winter months; increasing van capacity to expand geographic service area and proactively concentrate vans in the Pioneer Square area in the evening to deal with predictable demand directly (i.e. reduce the role of the police as an intermediary in this process); work with the county to address current constraints on delivery of clients by EMT personnel.

Expand 1811 Eastlake: Add additional supportive housing units for chronic alcoholics.

Enhance Outreach Worker Training: Ensure training of culturally competent outreach workers trained in motivational interviewing tasked with proactive outreach to affected communities.

Increase Funding for Long-Term Addiction Treatment: Address the gap left by closure of the Recovery Centers of King County, which provided short term treatment and detoxification services, and work toward long-term goal of providing short and long term treatment on demand.

Invest in Prevention: Correct under-investment in prevention among high-risk youth, including homeless and foster care youth.

Enhance Shelter Capacity: Work with the City to expand shelter and encampment capacity.

Expand Psychiatric Treatment and Care: Work with the City to expand psychiatric care and treatment options for low-income people.

Possible Policing/Legal Improvements

Develop New Collaborations: Consider development of collaborative, multi-agency initiatives in which medical/social service personnel from human services and possibly other city departments work collaboratively with the police to target chronic public consumers specifically and un-housed persons with mental health issues more generally.

Narcan: Consider training police and other first responders to administer Narcan.

Use Citations to Expand the Role of the Seattle Community Court: Consider suggestion that three unpaid citations trigger involvement of Seattle Community Court aimed at compelling participation in treatment programs.

Enhance SPD Capacity to Staff Proactive Units: Consider suggestion that SPD proactive personnel be enhanced to enable the SPD to establish a more consistent police presence in certain areas in order to deter public consumption, address concerns about exiting bar patrons and sports fans, and enhance residents' sense of security.

Possible Creation of New and Alternative Spaces

Create "Beer Gardens": Consider recommending that designated park spaces allow drinking.

Create Safer Injection Sites: Consider recommending that the City create injection facilities in which drug users may inject drugs under the supervision of medical personnel.

Expand "Recovery" Spaces: Invest in the expansion of facilities such as the Recovery Café to support efforts by those in treatment to abstain from the use of alcohol and other substances.

Expand Access to Public Restrooms: Consider recommending that the City invest in the expansion of publicly available restrooms.

VI. SUMMARY OF FINDINGS

The findings presented here indicate that although the number of alcohol-related citations issued by the SPD has declined considerably in recent years, blacks and Native Americans continue to be disproportionately represented among those cited for alcohol violations relative to the City population. In addition, recipients of alcohol-related infractions in Seattle are mainly middle aged or older males. Most citations are issued during the daytime and in downtown areas, and more alcohol-related citations are issued during the spring and summer months than in the winter. Citations are concentrated in the West Precinct, and officers in the ten most active units wrote nearly three-fourths of the alcohol-related citations issued during the period examined here.

Although the total number (98) of marijuana citations issued in the first eight months since the adoption of the City ordinance banning public display of marijuana is relative small, blacks and Native Americans are also disproportionately represented among those cited for marijuana violations.¹⁴ Recipients of marijuana infractions are mainly young and middle aged males. Most citations for marijuana are issued during the daytime, and all but one were issued in the West Precinct in the first eight months of enforcement.

Data regarding alcohol and marijuana related calls show that alcohol-related calls for service are quite frequent, and outnumber calls about marijuana by a ratio of 40 to 1. On average, the SPD received nearly 2,500 calls for service per month regarding alcohol-related problems. Alcohol-related calls for service, and particularly those involving a request for detox services, are highly concentrated in the West Precinct. By contrast, although no marijuana citations were issued in the North Precinct, a plurality of marijuana-related calls emanated from it.

Findings from focus group interviews with stakeholders reveal significant concern about public consumption and related challenges but the absence of a comprehensive strategy for dealing with it. Although the existing policy framework largely decriminalizes alcohol and marijuana use and is predicated on the idea that public consumption is not a criminal matter, calls for service data indicate that many residents do request a police response to the problem. Yet as many respondents with the SPD noted, the tools that are available to SPD officers to address public consumption are highly limited. In addition, although several innovative programs have

¹⁴ SPD reports indicate that in the first six months of enforcement, SPD officers issued 82 citations for marijuana violations, and 36.6 percent of the recipients of these were black. In the second half of 2014, SPD officers issued 85 marijuana citations, and 27 percent of the recipients of these citations were black. (See Evan Bush, "Tickets for pot use still skew toward blacks, men." *Seattle Times*, July 17, 2015). It thus appears that in 2014, just under one-third – 31.7 percent – of the 167 marijuana citation-recipients were black.

significantly improved the social service response to chronic alcoholism, numerous gaps in the service landscape persist. The development of a comprehensive policy framework for addressing public consumption of alcohol, marijuana and other substances that builds on the recognition that the use of these substances is primarily a public health issue has the potential to more effectively address the problem of public consumption.

APPENDIX A. CODING PROTOCOL FOR CITATIONS ASSOCIATED WITH PUBLIC CONSUMPTION/POSSESSION OPEN CONTAINER ALCOHOL, POSSESSION CLOSED CONTAINER OF ALCOHOL IN A PUBLIC PARK, AND PUBLIC CONSUMPTION/DISPLAY OF MARIJUANA

(1) *Incident location (street or block number)* – enter the street or block number identified by the officer, e.g. 533. If the officer indicated only the block number, enter as written, e.g. 500. (Do not enter the word “block” after the number).

(2) *Incident location (street name)* – enter the street name as recorded by the officer, e.g. S. Othello St, 3rd Ave NW, Pine Street. Also, use “14th” Avenue, not “14 Avenue.”

(3) *Incident location (cross street)* – enter the name of the cross street if one is identified.

(4) *Incident location (region of city)* – enter the region as entered by the officer, e.g. NE. If not region is entered, leave blank.

(5) *Violations other than those listed at the top of this protocol* - if any violations are listed on the citation other than the three specific violations listed at the top of this document, enter the description of the violation as it appears on the citation.

(6) *Fine*: enter the financial penalty numerically, e.g. 27. (Do not enter “\$” or the word “dollars”).

(7) *Status of infraction*: Enter as follows

- a. 1 if the ticket was served on the violator
- b. 2 if the ticket was sent to court for mailing
- c. 3 if the ticket was referred to prosecutor

(8) *Officer 1 unit number*: enter as it appears, e.g. B113A

(9) *Officer 2 unit number*: enter as it appears, e.g. B113A

(10) *Officer 2 serial #*: enter as it appears, e.g. 6605

(11) *Circumstances leading to infraction*: Enter as follows:

- a. Enter a 0 if no narrative is provided.
- b. Enter a 1 if the officer indicates in her/his narrative that s/he observed the violation and that this observation was not prompted by a complaint or report.
- c. Enter a 2 if the officer indicates in her/his narrative that s/he was following up on a civilian complaint when he/she observed the suspect.
- d. Enter a 3 if the circumstances were other and briefly explain in the notes column.

- (12) *Nature of violation (marijuana only): Enter as follows:*
- a. Enter a 0 if the officer indicates that the violator was cited for displaying but not consuming marijuana.
 - b. Enter a 1 if the officer indicates that the violator was cited for consuming marijuana.
 - c. Enter a 2 if neither of these circumstances apply and explain in the notes column.

.....

The following codes were added after some discussion with the coders:

- (13) *"Multiple officer no ID" column:*
- a. 0 indicates that the number of officers reported is consistent with the write-up.
 - b. 1 indicates an inconsistency between these, i.e. the narrative identifies two officers but only one is identified.
- (14) *"Group present one citation" column:*
- a. 0- one individual was seen committing the act and cited.
 - b. 1 - multiple people seen but only 1 cited.
 - c. 2 - multiple people seen and multiple people cited.
- (15) 999 indicates blank/missing information.
- (16) 888 indicates illegibility.

APPENDIX B. INTERVIEW PROTOCOL FOR FOCUS GROUPS REGARDING PUBLIC CONSUMPTION

SPD officers and sergeants in the West, SouthWest and East Precincts

1. How would you describe the nature of the public consumption problem in the area in which you work?
2. How often do you hear from community members about this problem?
 - a. How do you understand the nature of their concerns?
 - b. Through what venues are these concerns expressed?
3. What kinds of messages or directives have you been given about the Department's preferred response to this problem, if any?
4. What tactics have you used to try to address this problem?
 - a. How well have these tactics worked?
 - b. In particular, has issuing citations in response to public consumption been effective?
 - c. If so, what?
5. Have you issued a citation for public consumption in the past year or so?
 - a. If so, what factors led you to do so?
6. Can you imagine alternative ways of addressing this issue?
 - a. If so, what are those alternatives?
7. [If no imagined alternatives]: Would you like to have alternative ways of addressing this issue?
8. Is there anything else I should know about the issue of public consumption?

SPD Captains and Lieutenants in the West, SouthWest and East precincts

1. How would you describe the nature of the public consumption problem in your precinct?
2. How often do you hear from community members about this problem?

- a. How do you understand the nature of their concerns?
 - b. Through what venues are these concerns expressed?
3. What kinds of messages or directives have you given officers about the Department's preferred response to this problem, if any?
4. What tactics have you encouraged officers to try to address this problem?
 - a. How well have these tactics worked?
 - b. In particular, has issuing citations in response to public consumption been effective?
 - c. If so, what?
5. Can you imagine alternative ways of addressing this issue other than simply issuing citations?
 - a. If so, what are those alternatives?
6. [If no imagined alternatives]: Would you like to have alternative ways of addressing this issue?
7. Is there anything else I should know about the issue of public consumption?

Community Stakeholders in All Precincts

1. How would you describe the nature of the public consumption problem in your part of town?
2. How concerned about you about the public consumption of alcohol and/or marijuana in your area?
3. Have you expressed any concerns about this problem to the SPD?
 - a. Through what venues have you expressed these concerns?
4. Have you requested that the Department take any specific steps to address this problem?
 - a. Have those steps been taken?
5. More generally, do you feel the Department has been responsive to your concerns?

- a. Why or why not?
- 6. Do you feel that issuing citations for public consumption accomplishes anything?
 - a. If so, what?
- 7. Do you have any ideas about other ways the Department or the City might address this problem?
 - a. If so, what are they?
- 8. Is there anything else I should know about the issue of public consumption?

Service Providers in All Precincts

- 1. How would you describe the nature of the public consumption problem in your part of town?
 - a. In the City generally?
- 2. What has the city done to address this problem?
 - a. How about the Department?
- 3. How effective have these efforts been?
 - a. If they have been less than successful, how do you understand that?
- 4. What would you like to see done about this issue?
- 5. Is there anything else I should know about the issue of public consumption?