

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to court orders; creating the ability to issue written orders to criminal defendants describing conditions of their pre-trial release or post-conviction conditions of sentence; creating Stay Out of Drug Area (SODA) zones and providing for both the issuance of court orders relating to those zones and administration of those zones; creating the gross misdemeanor of violating a SODA order; and adding a new Chapter 12A.21 to the Seattle Municipal Code.

..body

WHEREAS, in 2023 the City of Seattle experienced a record 763 drug overdose deaths,

amounting to almost half of the total drug overdose deaths in King County; and

WHEREAS, drug use and drug overdose deaths are highly concentrated around open-air drug

trafficking markets; and

WHEREAS, crime in Seattle is significantly concentrated around open-air drug trafficking

markets, including crimes of violence and property crimes; and

WHEREAS, open-air drug trafficking markets have historically been, and currently remain,

concentrated in certain areas in Seattle; and

WHEREAS, the efficacy of SODA zones is predicated on data-driven geographical boundaries

and being limited in geographic scope to retain the focus of interventions in specific

places; and

WHEREAS, when large sections of our city are within SODA zones, the focus of interventions

is diluted; and

WHEREAS, regular re-evaluation is required to understand whether SODA zones need to be

changed, reduced, added, or expanded, based on data, to retain the efficacy of the policy

and minimize unintended consequences; and

1 WHEREAS, public safety concerns connected to open-air drug activity downtown and in certain
2 other districts in Seattle are a reason why many employers and employees have not
3 returned to in-office work in those locations; and

4 WHEREAS, public safety concerns connected to open-air drug activity have caused many
5 businesses to shut down in commercial areas, have also negatively impacted important
6 civic, arts, and cultural institutions, and have substantially decreased the reported quality
7 of life of residents in those districts; and

8 WHEREAS, the revitalization of Seattle’s commercial districts is essential for the economic
9 health of the city; and

10 WHEREAS, reducing overdose deaths and improving public safety is a top priority of City
11 leaders; NOW, THEREFORE,

12 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

13 Section 1. A new Chapter 12A.21 is added to the Seattle Municipal Code as follows:

14 **Chapter 12A.21 VIOLATION OF COURT ORDERS**

15 **12A.21.010 Definitions**

16 As used in this Chapter 12A.21:

17 “Prohibited area” means, for a court order issued under this Chapter 12A.21, an area in
18 which a defendant has been directed to not enter.

19 “SODA” means Stay Out of Drug Area.

20 “SODA order” means a court order issued under this Chapter 12A.21 that specifically
21 orders, as a condition of pretrial release and/or condition of sentence, that the defendant stay out
22 of one or more SODA zones.

1 “SODA zone” means a zone established under this Chapter 12A.21 due to a high level of
2 illegal drug trafficking in that area.

3 **12A.21.020 Issuance**

4 A. A judge or judge pro tempore of the Seattle Municipal Court may issue a SODA order
5 to anyone charged with, or convicted of, any criminal violation of the Controlled Substances Act
6 under chapter 69.50 RCW as adopted by Section 12A.09.020 occurring in a designated SODA
7 zone, either as a condition of pretrial release pursuant to CrRLJ 3.2 or as a condition of sentence.

8 B. A judge or judge pro tempore of the Seattle Municipal Court may also issue a SODA
9 order to anyone charged with, or convicted of, assault, harassment, theft, criminal trespass,
10 property destruction, or unlawful use or possession of weapons occurring in a designated SODA
11 zone in which the court finds a nexus between the offense and illegal drug activity, either as a
12 condition of pretrial release pursuant to CrRLJ 3.2 or as a condition of sentence.

13 C. In issuing a SODA order, a judge or judge pro tempore of the Seattle Municipal Court
14 shall consider where a defendant is housed, employed, or receives substantial services, based on
15 evidence provided by the defendant.

16 D. Any SODA order shall describe the prohibited SODA zone determined by the court
17 and shall conspicuously state: “WARNING: Violation of this order is a gross misdemeanor
18 subject to a maximum penalty of 364 days in jail and/or a \$5,000 fine. A person found in
19 violation of this order is subject to arrest under Seattle Municipal Code Chapter 12A.21.”

20 E. Nothing in this Section 12A.21.020 shall be construed as precluding the court from
21 issuing an order pursuant to this Chapter 12A.21 that is not specifically a SODA order.

22 **12A.21.030 Violation of order**

1 A. If a police officer has probable cause to believe that a person is subject to an order
2 issued under this Chapter 12A.21, and that a willful violation of that order is occurring in the
3 officer’s presence, the officer may arrest that person without a warrant or other process.

4 B. A person who knowingly violates the terms of a SODA order by entering or remaining
5 within a prohibited area when the order is in effect is guilty of a gross misdemeanor.

6 C. Nothing in any provision of this Chapter 12A.21 related to SODA orders shall prohibit
7 a person from transiting through a SODA zone on public transportation as long as the person
8 does not enter or exit the public transportation in the SODA zone.

9 D. Nothing in any provision of this Chapter 12A.21 related to SODA orders shall be
10 construed as prohibiting a person subject to a SODA order from participating in a scheduled
11 court hearing or from attending a scheduled meeting with legal counsel within a prohibited area.

12 **12A.21.040 Creation, evaluation, modification, and termination of SODA zone**

13 A. SODA zones may be created, modified, or terminated by ordinance.

14 B. The geographic boundaries of SODA zones shall be narrowly tailored to encompass
15 areas of significant illegal drug activity. Unless otherwise specified, SODA zones shall include
16 both sides of the streets, including sidewalks, that demarcate the geographic perimeter of a
17 particular SODA zone.

18 C. This Chapter 12A.21 and the effect of its application shall be reviewed at least every
19 two years by the City Council.

20 1. For each year, the Seattle Police Department, with input from the City
21 Attorney’s Office, shall publish a report no later than the end of the first quarter of the following
22 year that provides the following information:

23 a. How many SODA orders were issued for each SODA zone;

1 b. How many arrests were made for violating the orders in each SODA
2 zone;

3 c. Demographic information on those receiving orders and/or violating
4 orders;

5 d. Analysis of illegal drug trafficking and drug use in SODA zones,
6 including year-over-year statistics of drug-related crimes and whether dispersion of illegal drug
7 trafficking and public use occurred in surrounding areas;

8 e. The number of individuals who were referred to diversion services;

9 f. Analysis of the degree to which individuals with active SODA orders
10 are believed to violate or to have violated them;

11 g. For the initial report, analysis of the prevalence of charges and
12 convictions for crimes listed in Section 12A.21.020 for each SODA zone compared to the
13 prevalence before the effective date of this ordinance;

14 h. For subsequent reports, analysis of the prevalence of charges and
15 convictions for crimes listed in Section 12A.21.020 for each SODA zone compared to the
16 prevalence as reflected in the previous report; and

17 i. Analysis of the extent to which charges and convictions for crimes listed
18 in Section 12A.21.020 may have been dispersed from each SODA zone into other areas of the
19 city.

20 2. This review shall include a presentation by the Seattle Police Department, with
21 input from the City Attorney’s Office, to the City Council Public Safety Committee, or successor
22 committee, that re-evaluates each SODA zone and makes a recommendation for its continuance
23 with existing borders, for its continuance with adjusted borders, or for its discontinuation as a

1 SODA zone. Such recommendations shall have basis in the factors set forth in subsection
2 12A.21.040.C.1, in addition to other relevant data collected by the Seattle Police Department and
3 City Attorney’s Office, including quarterly crime trends (1) within each SODA zone and (2) in
4 the several blocks surrounding each SODA zone compared to the same trends (1) within other
5 areas of open-air drug activity that are not SODA zones and (2) citywide.

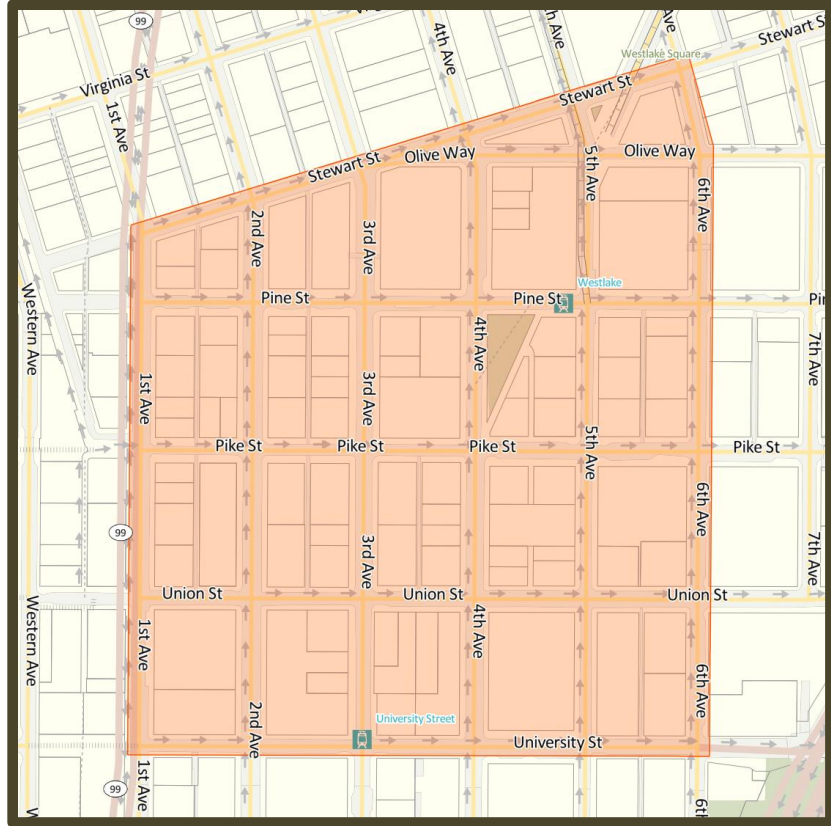
6 This report shall be provided to the City Clerk, the City Council, and published on the
7 Seattle Police Department website.

8 D. SODA Zone 1

9 Due to high levels of significant drug activity, SODA Zone 1 (illustrated by Map A for
10 12A.21.040) is established as the area of Downtown bordered on the North by Stewart Street, on
11 the South by University Street, on the East by 6th Avenue, and on the West by 1st Avenue.

12 **Map A for 12A.21.040**

13 **SODA Zone 1**



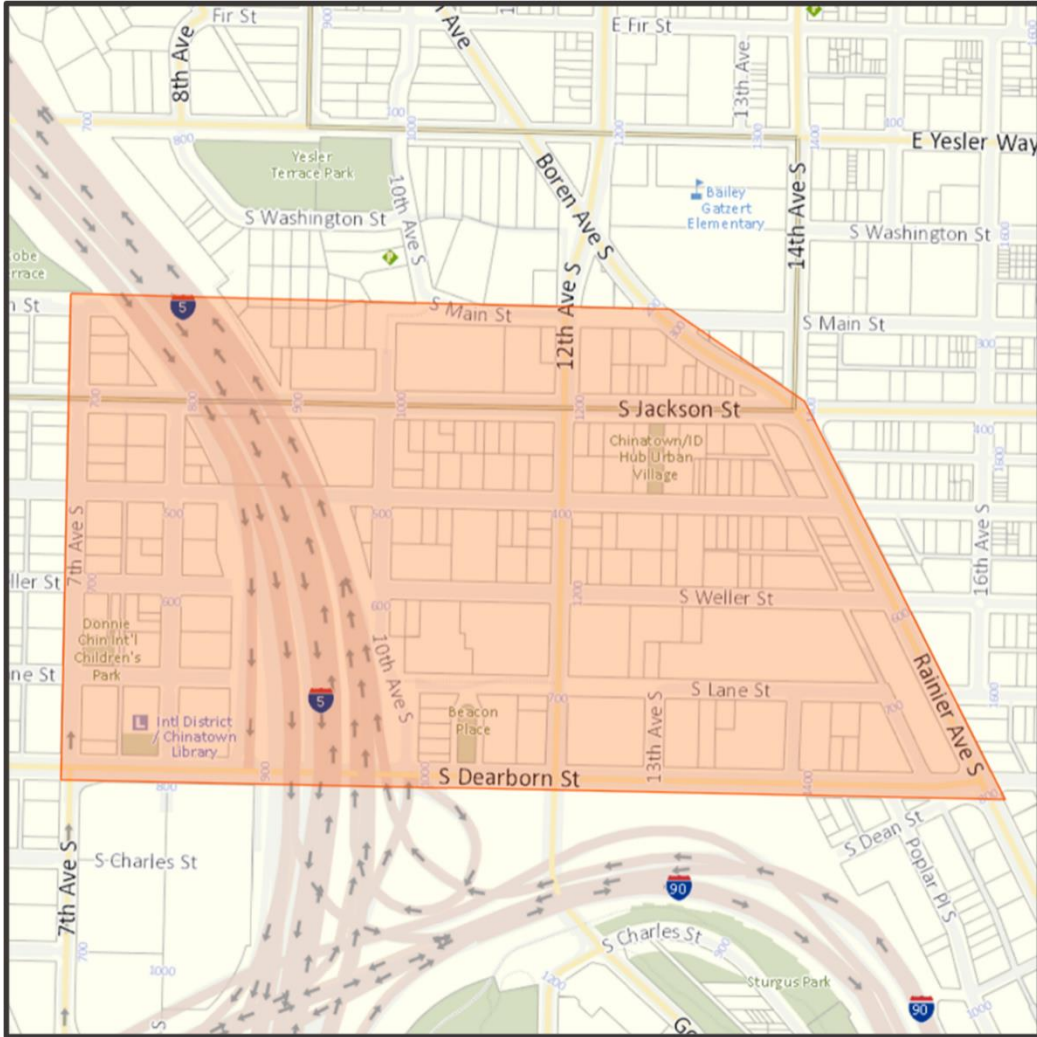
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E. SODA Zone 2

Due to high levels of significant drug activity, SODA Zone 2 (illustrated by Map B for 12A.21.040) is established as the area of the International District bordered on the north by S. Main Street, on the south by S. Dearborn Street, on the east by Boren Avenue continuing to Rainier Avenue S., and on the West by 7th Avenue South, including all off-ramps and areas underneath Interstate 5 and sidewalks immediately adjacent to Interstate 5.

Map B for 12A.21.040

SODA Zone 2

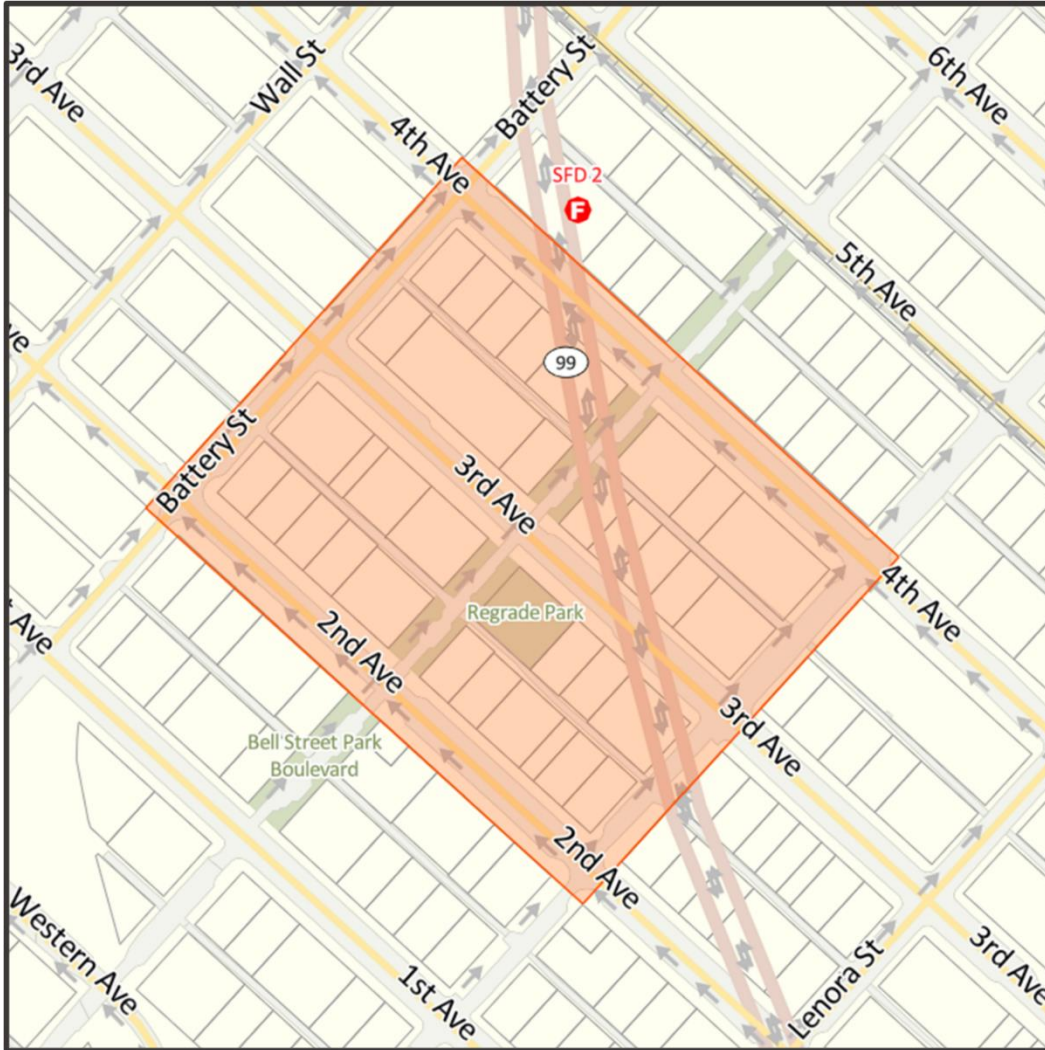


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F. SODA Zone 3

Due to high levels of significant drug activity, SODA Zone 3 (illustrated by Map C for 12A.21.050) is established as the area of the Belltown District bordered on the north by Battery Street, on the south by Blanchard Street, on the east by 4th Avenue, and on the west by 2nd Avenue.

Map C for 12A.21.050
SODA Zone 3



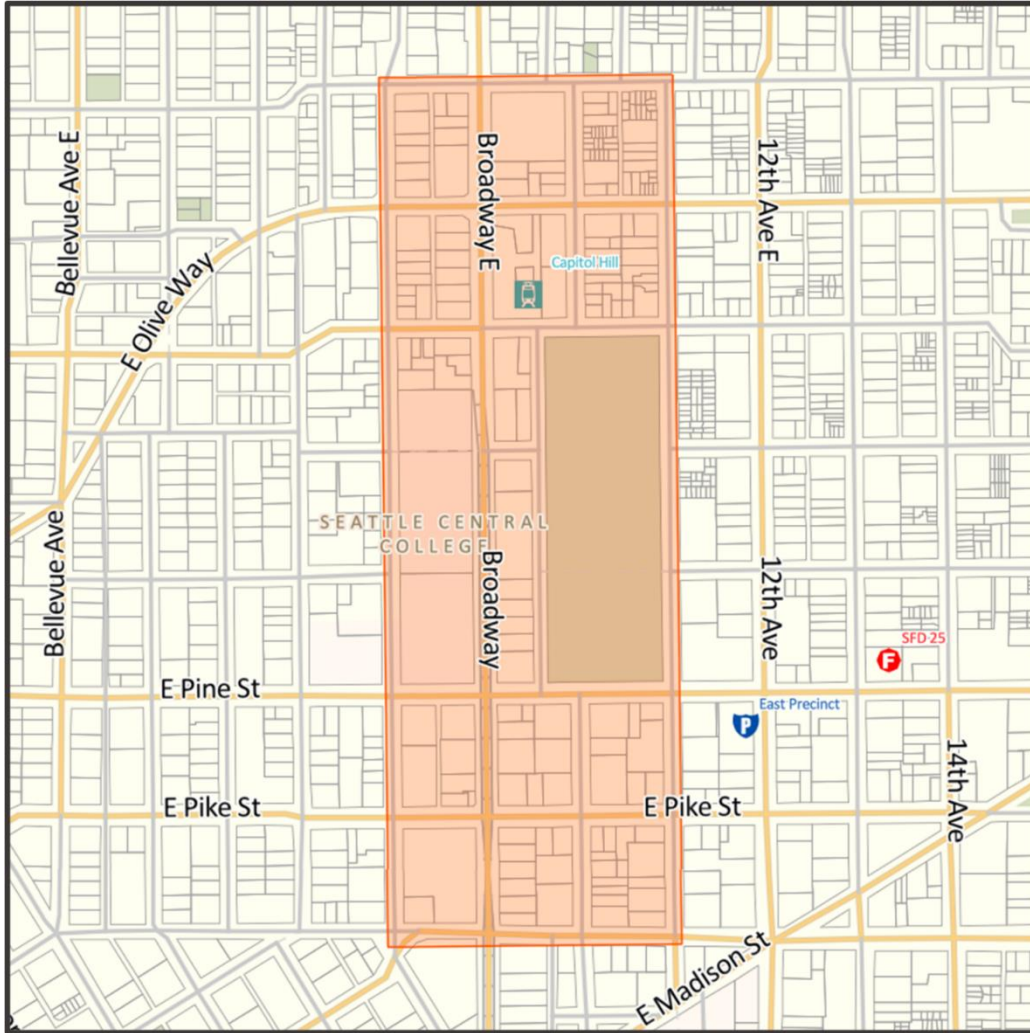
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G. SODA Zone 4

Due to high levels of significant drug activity, SODA Zone 4 (illustrated by Map D for 12A.21.050) is established as the area of the Capitol Hill neighborhood bordered on the north by East Thomas Street, on the south by East Union Street, on the east by 11th Avenue, and on the west by Harvard Avenue.

Map D for 12A.21.050

SODA Zone 4



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H. SODA Zone 5

Due to high levels of significant drug activity, SODA Zone 5 (illustrated by Map E for 12A.21.050) is established as the area of the Pioneer Square area bordered on the north by Cherry Street, on the south by Yesler Way, on the east by 3rd Avenue, and on the west by 1st Avenue.

Map E for 12A.21.050
SODA Zone 5



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I. SODA Zone 6

Due to high levels of significant drug activity, SODA Zone 6 (illustrated by Map F for 12A.21.050) is established as the area of the University District bordered on the north by Northeast 52nd Street, on the south by Northeast 43rd Street, on the east by 15th Avenue Northeast, and on the west by Brooklyn Avenue Northeast.

Map F for 12A.21.050

SODA Zone 6



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12A.21.050 Modification and termination of SODA order

A. Upon request for modification or termination of any order issued under this Chapter 12A.21, the court shall consider the requested modification or termination by allowing for a process by which the person subject to the order can provide relevant testimony or other evidence in support of the request.

B. Unless otherwise ordered by the court, a SODA order issued under this Chapter 12A.21 as a condition of sentence shall terminate two years from the date of issuance. SODA orders issued as pretrial conditions of release shall terminate upon dismissal of the criminal charge.

1 C. Upon request for termination of any order issued under this Chapter 12A.21, the court
2 may consider the requested termination by allowing for a process by which the order's subject
3 can provide relevant testimony or other evidence in support of the request.

4 Section 2. It is the intent of the Council that a phased evaluation of this ordinance be
5 conducted by the Office of City Auditor (City Auditor).

6 A. At a minimum, this evaluation shall consist of: (1) a scoping exercise, to be initiated
7 prior to the ordinance's implementation date, to determine what evaluative dimensions not
8 referenced in Seattle Municipal Code subsection 12A.21.040.C would best contribute to an
9 understanding of the ordinance's impacts and can be accomplished by the City Auditor with
10 existing resources; (2) identification of evaluative dimensions that would enhance an
11 understanding of the ordinance's impacts and would require incremental resources; (3)
12 identification of potential implementation challenges and strategies that could mitigate them; (4)
13 an evaluation of the implementation process; and (5) an impact evaluation consistent with the
14 dimensions identified in the scoping exercise described in this subsection.

15 B. The Council and the City Auditor shall collaboratively identify target completion dates
16 for each of the deliverables required as components of the evaluation.

17 C. The City Auditor's evaluation of the implementation process and the evaluation of the
18 ordinance's impact ("impact evaluation") will require access to the data and analysis referenced
19 in Seattle Municipal Code subsection 12A.21.040.C. To the extent that the City Auditor is not
20 provided access to these products or that the products as delivered differ from their descriptions
21 in this ordinance, the City Auditor may be unable to complete the requested deliverables.

22 D. The City Auditor should consider including, in the impact evaluation, such dimensions
23 as:

1 1. Disposition, at the King County Jail and any other contracted correctional
2 facilities, of those convicted of the crimes listed in Seattle Municipal Code Section 12A.21.020;

3 2. For those receiving SODA orders, a comprehensive outcomes analysis
4 including a racial and socioeconomic equity component;

5 3. Community response to the establishment of SODA zones and to any dispersal
6 of activity related to crimes listed in Seattle Municipal Code Section 12A.21.020 out of any
7 SODA zone into other areas of Seattle;

8 4. The degree to which medical, social, and legal service providers can
9 substantiate that the existence, and specific boundaries of, SODA zones has been a barrier to the
10 receipt of services for their clients with active SODA orders, including clients' ability to access
11 public defenders and other attorneys;

12 5. Opportunities to confirm, refute, or refine any findings or recommendations
13 from relevant audits previously completed by the City Auditor; and

14 6. Potential or actual unintended consequences of this ordinance.

15 Section 3. The provisions of this ordinance are declared to be separate and severable. The
16 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
17 or the invalidity of its application to any person or circumstance, does not affect the validity of
18 the remainder of this ordinance or the validity of its application to other persons or
19 circumstances.

20

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

4 Passed by the City Council the _____ day of _____, 2024,
5 and signed by me in open session in authentication of its passage this _____ day of
6 _____, 2024.

7 _____
8 President _____ of the City Council

9 Approved / returned unsigned / vetoed this _____ day of _____, 2024.

10 _____
11 Bruce A. Harrell, Mayor

12 Filed by me this _____ day of _____, 2024.

13 _____
14 Scheereen Dedman, City Clerk

15 (Seal)

16 Attachments (if any):