

Drug Possession & Use Law

City Manager Report

Kathy Gerla, City Attorney, *City Attorney's Office*

Wendell Shirley, Chief of Police, *Police Department*

Andrew Popochock, Assistant Chief, *Police Department*

Toni Esparza, Assistant Director, *Parks & Community Services Department*

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Topics

- SB 5536—Crimes
- Bellevue Diversion Process
- Additional Data Collection
- Funding & Community Services
- SB 5536—Land Use



SB 5536--Crimes

GROSS MISDEMEANOR crime

- Knowingly *Possess* Controlled/Counterfeit Substances
- Knowingly *Use* Controlled/Counterfeit Substances in a Public Place (new crime)
- Max penalty for first 2 convictions = 180 days jail, \$1,000 fine
- Additional convictions = 364 days jail, \$5,000 fine

MISDEMEANOR crime

- Knowingly *Use* Legend Drugs Without a Prescription in a Public Place (new crime)
- Max penalty = 90 days jail, \$1,000 fine

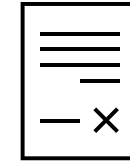


SB 5536--Drug Paraphernalia

- Broad state preemption of city authority to regulate drug paraphernalia
- Exception for harm reduction services concerning paraphernalia
- City laws must be consistent with (not more stringent than) state laws
- No need for Bellevue code changes on drug paraphernalia crimes



SB 5536--Enforcement & Diversion



- *Mandatory* 2 police referrals for SUD treatment expires August 14, 2023
- Police encouraged to continue pre-arrest referrals
- Prosecutor encouraged to divert cases for SUD treatment



Bellevue Diversion Process

PRE-ARREST--BPD

- BPD refer to SUD assessment/treatment 2 times
- Third time, officer discretion to arrest & refer to prosecutor

PRE-TRIAL—CITY PROSECUTOR

- In appropriate cases, offer pretrial resolution—agree to SUD assessment in return for case dismissal

DISTRICT COURT

- Judge may order treatment typically as part of sentencing

CITY PROBATION DIVISION

- Implements prosecutor and court-required treatment



Number of Police Referrals

July 25, 2021-May 31, 2023

343 Total Police
Referrals to SUD
Assessment/Services

109 Persons
Referred Once

110 Persons
Referred 2+ Times



Additional PD Data Collection

Current: FBI NIBRS/UCR data tracking: age, sex, race, ethnicity, and Bellevue resident status



Future: Substance Use & Recovery Services Plan Recommendation for data tracking LE referrals: geographic areas, race, ethnicity, gender, age, sexual orientation, and income



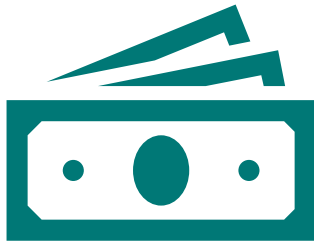
Number of Prosecution & Court Referrals

	2020	2021	2022
Total Cases	680	609	457
Cases w/ SUD Intervention	207 (30%)	237 (39%)	196 (43%)
Successful Completion	110 (53%)	175 (74%)	138 (70%)



Funding & Community Services

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Opioid Settlement Funding

Community Court



SB 5536--Limits on Local Land Use Regulation

“ESSENTIAL PUBLIC FACILITIES”

- Opioid treatment programs (including mobile and fixed-site medication units), recovery residences, and harm reduction programs excluding safe injection sites.
- May not preclude siting; may impose reasonable permitting & mitigation conditions

OPIOID TREATMENT PROGRAM SITING

- Conditional use permit requirements--similarly applied to other EPFs & health care settings
- No maximum capacity limit for number of participants.