

Drug possession & fentanyl epidemic

2024



Provide additional funding to help cover local costs of implementing the new *Blake*/drug possession law.

Background:

Opioid overdose death rates in urban areas of Washington have doubled over the past 20 years, while some rural areas in our state have seen even larger jumps—up to a nine-fold increase in some counties. In 2022, fentanyl (a synthetic opioid) was involved in 90% of fatal opioid overdoses in Washington and 65% of all overdose deaths (University of Washington Addictions, Drug & Alcohol Institute). Washington is experiencing an opioid epidemic, and cities need state support to help our communities.

In response to a mounting opioid epidemic and a 2021 Washington Supreme Court decision, the Legislature passed **SB 5536** in 2023 making the use or possession of drugs a gross misdemeanor with a focus on treatment. As a gross misdemeanor, cities now bear the criminal justice costs for these cases.

In addition to the traditional criminal justice system costs, the new law rightfully emphasizes treatment in lieu of criminal conviction. However, for this to work, cities need additional resources to support the system from initial encounter with law enforcement, through the criminal justice system, and substance use disorder treatment.

Research shows diversion programs work

Participants enrolled in law enforcement assisted diversion (LEAD) programs were **58% less likely** to be arrested and significantly more likely to obtain housing, employment, and income. LEAD diverts nonviolent, low-level offenders to support services to help them overcome challenges and avoid arrest or jail time.

While the 2023 Legislature's investment in ongoing grants for LEAD programs was a vital first step, cities need increased funding to develop LEAD programs at scale and address Washington's growing behavioral health and substance use disorder issues.

Strong cities need:

- **Direct funding** to offset cities' costs for implementing the new *Blake*/drug possession law—including staffing, law enforcement assisted diversion, co-responder teams, therapeutic courts, and diversion programs.

There is a major gap between spending and need:

Average cost per drug court defendant	\$4,500
Estimated new annual cases statewide	15,000
Costs to run one municipal court per year	\$485,000
Estimated costs to cover entire program	\$67 million
AOC's actual covered costs this biennium	\$21 million

Total unfunded need in this biennium **\$46 million**

Key city facts:

- **Cities are investing in alternative response models** such as co-responders, crisis responders, law enforcement assisted diversion, arrest and jail alternatives, and other community-based outreach programs.
- **91% of cases in Washington in 2022** were filed at the municipal or district court level, totaling nearly 1.5 million cases.
- **41 specialized municipal court programs in Washington** follow many different models and include the following court specialties: community, veteran, mental and behavioral health, substance use disorder and drugs, domestic violence, DUI, and youth.
- **100 municipal courts** operate throughout Washington state.

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