

ORDINANCE NO. 1422

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to anti-drug activity, authorizing the designation of a defined area within the City of Des Moines as an anti-drug activity emphasis area based upon repeat incidents of narcotic-related activities occurring therein, authorizing the issuance of "Stay Out of Drug Areas" (SODA) orders by the Des Moines Municipal Court, providing a penalty for violation of a SODA order, adding a new section to Chapter 9.28 of the Des Moines Municipal Code, codifying a new section to chapter 9.28, establishing an effective date, and declaring an emergency.

**WHEREAS**, the City Council finds that the area of the City of Des Moines between the westerly side of Pacific Highway South and the City's easterly border at Interstate 5 and between the northerly side of South 216<sup>th</sup> Street and the northerly side of South 224<sup>th</sup> Street has an unusually large number of repeat incidents of narcotics-related activities occurring therein as more fully documented and described as reporting district and grid 2-41 in the Des Moines Police Department Memorandum dated June 14, 2007 from Commander John O'Leary to Chief of Police Roger Baker, which memorandum is attached hereto as "Exhibit A" and incorporated herein by this reference, and

**WHEREAS**, many drug offenders receive relatively little time in custody and are free to return to a high incident area to start the drug dealing cycle over again,

**WHEREAS**, often, as a condition of sentencing, the court orders offenders to stay out of areas of drug activity, and

**WHEREAS**, state law allows for the establishment of geographical areas identified as "protected against drug trafficking," which are more generically known as "Stay Out of Drug Areas" or "SODAs," and allows for the establishment of a new crime when an offender violates their court ordered condition by entering a designated area, and

**WHEREAS**, national research has identified SODA ordinances as one of the more effective tools in reducing street level drug trafficking, which activities are often associated with other types of crime and show higher-than-average levels of violent crime directly related to drug activity, and

**WHEREAS**, it is recognized that SODA ordinances provide law enforcement with a tool to help reduce street level drug activity for chronic recidivists, and

**WHEREAS**, many cities around the country, the state of Washington, and in King and Pierce counties have established SODA areas, and representatives of these jurisdictions have reported excellent results from their SODA ordinances, and

**WHEREAS**, drug related cases in the Des Moines area are increasing annually particularly in Reporting District 2-41 accounting for 29% of city-wide drug-related calls in 2005, 52% in 2006, and 70% between January and June of 2007, and

**WHEREAS**, "Stay Out of Drug Areas" (SODA) ordinances have proven to be effective in other communities as an additional

tool and quick remedy to keep offenders from returning to problem areas, and

**WHEREAS**, illegal use of controlled substances contributes to conditions that endanger the health and safety of residents of the City of Des Moines, and

**WHEREAS**, the City Council intends hereby to protect the health and safety of residents of the City of Des Moines by imposing restrictions and penalties for illegal narcotic-related activities that are greater than restrictions and penalties imposed by state statute, and

**WHEREAS**, the City Council finds that passage of this ordinance constitutes an emergency affecting protection of public safety and public property; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. Findings.** The recitals set forth above are adopted in full as the findings and conclusions of the City Council in support of its decision to adopt the provisions of this ordinance.

**Sec. 2. Stay Out of Drug Areas (SODA) Orders - Violation.** A new section is added to Chapter 9.28 DMMC, as Section 9.28.110, to read as follows:

**9.28.110 - Stay Out of Drug Areas (SODA) Orders - Violation.**

(1) That area of the City of Des Moines between the westerly side of Pacific Highway South and the City's easterly border at Interstate 5 and between the northerly side of South 216<sup>th</sup> Street and the southerly side of South 224<sup>th</sup> Street is designated and identified as an anti-drug activity emphasis area based on the repeat incidents of narcotics-related activities occurring therein and additional penalties may be applied in the event of conviction of City or state laws within said area.

(2) Additional anti-drug activity emphasis areas may be identified by the City Council in an ordinance passed after consultation with the City Manager, City Attorney, and the Police Chief, and the list identifying such areas shall be kept on file in the office of the City Clerk.

(3) Stay Out of Drug Areas orders, hereafter known as "SODA orders," may be issued by the Des Moines Municipal Court pursuant to a stipulated Order of Continuance Agreement or as a condition or term of sentence, deferral, or suspension to any person convicted of prohibited narcotics-related offenses contrary to any provision of the Des Moines Municipal Code ("DMMC") or the Revised Code of Washington ("RCW").

(4) A person is deemed to have notice of the SODA order when:



public emergency ordinance by a majority plus one of the whole membership of the Des Moines City Council.

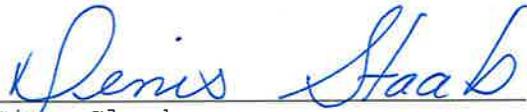
**PASSED BY** the City Council of the City of Des Moines this 6th day of December, 2007 and signed in authentication thereof this 6th day of December, 2007.

  
M A Y O R

APPROVED AS TO FORM:

  
City Attorney

ATTEST:

  
City Clerk

Published: December 31, 2007

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1422, Adopted December 6, 2007.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to anti-drug activity, authorizes the designation of a defined area within the City of Des Moines as an anti-drug activity emphasis area based upon repeat incidents of narcotic-related activities occurring therein, authorizes the issuance of "Stay Out of Drug Areas" (SODA) orders by the Des Moines Municipal Court, provides a penalty for violation of a SODA order, adds a new section to Chapter 9.28 of the Des Moines Municipal Code, codifies a new section to chapter 9.28 DMMC, establishes an effective date, and declares an emergency.

The full text of the ordinance will be mailed without cost upon request.

Denis Staab  
City Clerk

Published: December 31, 2007

# **Des Moines Police Department**

Placing the Needs of the Community First

## **MEMORANDUM**

To: Roger A. Baker, Chief of Police  
From: Commander John O'Leary  
Date: 06-14-07  
Subject: Statistics for SODA Ordinance

The following information relates to offense and arrest statistics taken from our Records Management System (RMS) and Computer Aided Dispatch (CAD) records. The records are for comparative purposes for use in development of a proposed Stay Out of Drug Area (SODA) ordinance. These statistics reflect records taken from 01-01-07 to 06-25-07.

The propose SODA boundaries are significantly the same as the reporting district and grid 2-41 which extends as follows; west side of Pacific Hwy South east to the I-5 right of way, from the north side of South 216<sup>th</sup> to the north side of South 224<sup>th</sup>. This area obviously boarders Pacific Hwy South and is a mixture of commercial, multi-family and single family homes.

The listed comparable location grid 5-83, also abuts Pacific Hwy South. It is also a mixture of commercial, multi-family and single family homes. The approximate boundaries of grid 5-83 roughly boarder Pacific Hwy South on the east to 16<sup>th</sup> Ave S on the west. Grid 5-83 runs from the north side of South 252<sup>nd</sup> on the north boundary to the South 260<sup>th</sup> on the southern boundary. Although slightly larger then the grid 2-41 and the proposed SODA area, grid 5-83 our comparable location probably best represents similarities in; location, size, housing types, mix commercial use, and density.

	SODA Area	Comparable
Drug crimes	32	0
Robbery	16	0
Assault 1 <sup>st</sup> -4 <sup>th</sup>	19	4
Warrant Arrests m&f	95	2

ITEM 2

# 2007

## JANUARY - JUNE

Dispatch Call Types Relating to Drug Complaints *	DRUG "Any drug violation in progress."	DRUG 1 "Any drug violation that occurred recently."	DRUG 2 "Any drug violation report."	DRUG B "When agencies are doing a drug bust."	TOTAL	PROJECTED FIGURES
<b>CITY WIDE TOTAL</b> All Reporting Districts (RD's)	276	13	37	3	329	658
<b>District 2-41 **</b> (Including Specialty RD's 2002, 2008, 2010, 2012, 2014, 2023, 2025, 2026)	204	8	18	1	231	462
<b>% of District 2-41 totals compared to City Wide totals</b>	74%	62%	49%	33%	70%	70%

\*These are the dispatch call type names and definitions as defined by Valley Communications.

\*\*District 2-41 = South of North side 216th, West of I-5, North of S. 224th St., East of Pacific Hy S.

Specialty RD's:

2002 = Evergreen Manor / 21909-21907 30th Ave. S., 2008 = M V Apts / 21614 - 21620 31st Ave. S., 2010 = Puget View Mobile Park / 21902-21954 28th Pl / Ct S., 2012 = Sound View Mobile Park / 22000 - 22038 28th Ave. S. / 29th Ct. S. / 30th Ave. S., 2014 = Wintergreen Apts. / 21924 - 21938 30th Ave. S., 2023 = Legend Motel / 22204 Pacific Hy. S., 2025 = SeaTac Valu Inn / 22246 Pacific Hy. S., 2026 = Three Bears Motel / 2717 S. 216th St.

# 2006

Dispatch Call Types Relating to Drug Complaints *	DRUG "Any drug violation in progress."	DRUG 1 "Any drug violation that occurred recently."	DRUG 2 "Any drug violation report."	DRUG B "When agencies are doing a drug bust."	TOTAL
<b>CITY WIDE TOTAL</b> All Reporting Districts (RD's)	359	32	55	2	448
<b>District 2-41 **</b> (Including Specialty RD's 2002, 2008, 2010, 2012, 2014, 2023, 2025, 2026)	197	16	21	0	234
% of District 2-41 totals compared to City Wide totals	55%	50%	38%	0%	52%

# 2005

Dispatch Call Types Relating to Drug Complaints *	DRUG "Any drug violation in progress."	DRUG 1 "Any drug violation that occurred recently."	DRUG 2 "Any drug violation report."	DRUG B "When agencies are doing a drug bust."	TOTAL
<b>CITY WIDE TOTAL</b> All Reporting Districts (RD's)	137	26	41	2	206
<b>District 2-41 **</b> (Including Specialty RD's 2002, 2008, 2010, 2012, 2014, 2023, 2025, 2026)	37	15	7	0	59
<b>% of District 2-41 totals compared to City Wide totals</b>	27%	58%	17%	0%	29%

\*These are the dispatch call type names and definitions as defined by Valley Communications.

\*\*District 2-41 = South of North side of 216th, West of I-5, North of south side of S. 224th St., East of Pacific Hy S.

**Specialty RD's:**

2002 = Evergreen Manor / 21909-21907 30th Ave. S., 2008 = M V Apts / 21614 - 21620 31st Ave. S., 2010 = Puget View Mobile Park / 21902-21954 28th Pl / Ct S., 2012 = Sound View Mobile Park / 22000 - 22038 28th Ave. S. / 29th Ct. S. / 30th Ave. S., 2014 = Wintergreen Apts. / 21924 - 21938 30th Ave. S., 2023 = Legend Motel / 22204 Pacific Hy. S., 2025 = SeaTac Valu Inn / 22246 Pacific Hy. S., 2026 = Three Bears Motel / 2717 S. 216th St.

# 2007

## January - June

	TOTAL # OF CALLS FOR SERVICE	TOTAL # OF CASES TAKEN
<b>15</b>	218	50
<b>25</b>	349	59
<b>32</b>	221	10
<b>33</b>	10	0
<b>34</b> (Includes RD 1001)	145	69
<b>35</b>	163	31
<b>41</b> (Includes RD 2002, 2008, 2010, 2012, 2014, 2023, 2025 & 2026)	1861	406
<b>42</b> (Includes RD 2009)	701	133
<b>43</b>	170	42
<b>44</b> (Includes RD 2017)	495	73
<b>45</b> (Includes 1002 & 1003)	131	46
<b>51</b> (Includes RD 2004, 2005, 2007, 2011, 2015, 2019 & 2022)	503	176
<b>52</b> (Includes RD 2006, 2020 & 2021)	1045	113
<b>53</b> (Includes RD 2001 & 2016)	443	111
<b>54</b> (Includes RD 2003 & 2013)	149	36

<b>55</b> (Includes RD 2024 & 3004)	518	15
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<b>2007</b>	<b>TOTAL # OF CALLS FOR SERVICE</b>	<b>TOTAL # OF CASES TAKEN</b>
<b>62</b>	278	30
<b>63</b> (Includes RD 3002, 3003 & 3008)	375	72
<b>64</b> (Includes RD 3005 & 3011)	198	55
<b>65</b> (Includes RD 3001 & 3010)	72	28
<b>72</b> (Includes RD 3006, 3007 & 3009)	267	49
<b>73</b>	333	43
<b>74</b>	240	54
<b>75</b>	17	6
<b>83</b> (Includes RD 4001)	405	56
<b>84</b>	178	36
<b>85</b>	26	3
<b>93</b> (Includes RD 5-103, 4002 & 4003)	456	106
<b>94</b>	39	19
<b>95</b> (Includes RD 5-104)	154	17
<b>105</b>	42	16
<b>200</b>	0	0
<b>202</b>	0	36
<b>203</b>	76	12
<b>204</b>	15	0
<b>205</b>	253	27
<b>Not Defined</b>		60
<b>Out of District</b>		200
	<b>10546</b>	<b>2295</b>

# 2006

	TOTAL # OF CALLS FOR SERVICE	TOTAL # OF CASES TAKEN
<b>15</b>	535	125
<b>25</b>	751	126
<b>32</b>	454	81
<b>33</b>	25	0
<b>34</b> (Includes RD 1001)	257	111
<b>35</b>	409	82
<b>41</b> (Includes RD 2002, 2008, 2010, 2012, 2014, 2023, 2025 & 2026)	2894	586
<b>42</b> (Includes RD 2009)	1665	353
<b>43</b>	312	86
<b>44</b> (Includes RD 2017)	1116	122
<b>45</b> (Includes 1002 & 1003)	318	105
<b>51</b> (Includes RD 2004, 2005, 2007, 2011, 2015, 2019 & 2022)	1018	294
<b>52</b> (Includes RD 2006, 2020 & 2021)	2567	308
<b>53</b> (Includes RD 2001 & 2016)	1587	207
<b>54</b> (Includes RD 2003 & 2013)	379	61

55 (Includes RD 2024 & 3004)	1384	69
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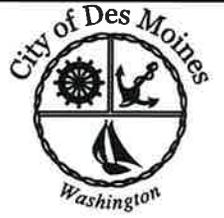
2006	TOTAL # OF CALLS FOR SERVICE	TOTAL # OF CASES TAKEN
62	421	117
63 (Includes RD 3002, 3003 & 3008)	1198	184
64 (Includes RD 3005 & 3011)	643	211
65 (Includes RD 3001 & 3010)	216	40
72 (Includes RD 3006, 3007 & 3009)	655	132
73	767	117
74	507	129
75	32	11
83 (Includes RD 4001)	1010	137
84	400	84
85	114	12
93 (Includes RD 5-103, 4002 & 4003)	1076	270
94	108	31
95 (Includes 5-104)	444	57
105	109	48
200	0	16
201	0	3
202	182	43
203	223	40
204	66	15
205	680	77
Not Defined		213
Out of District		154
	<b>24522</b>	<b>4857</b>

## 2005

	TOTAL # OF CALLS FOR SERVICE	TOTAL # OF CASES TAKEN
<b>15</b>	521	115
<b>25</b>	755	123
<b>32</b>	384	80
<b>33</b>	17	0
<b>34</b> (Includes RD 1001)	309	105
<b>35</b>	440	83
<b>41</b> (Includes RD 2002, 2008, 2010, 2012, 2014, 2023, 2025 & 2026)	2124	442
<b>42</b> (Includes RD 2009)	1761	350
<b>43</b>	327	95
<b>44</b> (Includes RD 2017)	1181	126
<b>45</b> (Includes 1002 & 1003)	352	101
<b>51</b> (Includes RD 2004, 2005, 2007, 2011, 2015, 2019 & 2022)	1036	265
<b>52</b> (Includes RD 2006, 2020 & 2021)	2349	279
<b>53</b> (Includes RD 2001 & 2016)	1177	256
<b>54</b> (Includes RD 2003 & 2013)	326	78

<b>55</b> (Includes RD 2024 & 3004)	1905	80
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2005	TOTAL # OF CALLS FOR SERVICE	TOTAL # OF CASES TAKEN
62	355	107
63 (Includes RD 3002, 3003 & 3008)	1247	208
64 (Includes RD 3005 & 3011)	622	232
65 (Includes RD 3001 & 3010)	177	48
72 (Includes RD 3006, 3007 & 3009)	748	111
73	840	137
74	586	158
75	44	29
83 (Includes RD 4001)	1050	147
84	516	99
85	82	10
93 (Includes RD 5-103, 4002 & 4003)	1172	269
94	114	48
95 (Includes 5-104)	428	39
105	95	32
200	20	11
202	87	34
203	378	42
204	41	4
205	581	60
Not Defined		546
Out of District		53
	<b>24147</b>	<b>5002</b>



# City of Des Moines

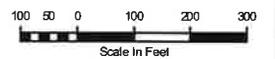
## SODA Ordinance

Des Moines City Limits

SODA Ordinance Area

Jurisdictions

- Normandy Park
- Burien
- SeaTac
- Kent
- Federal Way
- Unincorporated King County



21630 11th Ave S  
Des Moines, WA 98198-6398  
PHONE: (206) 878-4595 | FAX: (206) 870-7626  
WEB: <http://www.desmoineswa.gov>

File: SODA\_Map.mxd  
Map Generated: Oct 17, 2007  
Product of City of Des Moines GIS

