

Local News

# Seattle to vacate hundreds of misdemeanor marijuana convictions, dismiss charges



Originally published February 8, 2018 at 7:06 am Updated February 8, 2018 at 10:23 pm



**1 of 4** Seattle City Attorney Pete Holmes, left, looks on as Mayor Jenny Durkan speaks Thursday at a news conference announcing plans for the city to move to vacate misdemeanor marijuana-possession convictions. City... [More](#) ▾

## **The city of Seattle will move to vacate misdemeanor marijuana-possession convictions prosecuted by the city before pot was legalized in Washington.**

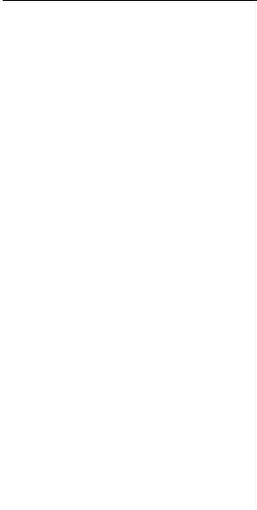
By [Daniel Beekman](#)  and [Christine Clarridge](#) 

*Seattle Times staff reporters*

When your crime is no longer considered a crime, should it still count against you? Not when the crime is small-time marijuana possession, Seattle Mayor Jenny Durkan and City Attorney Pete Holmes said Thursday.

Since Washington legalized marijuana in 2012, some people have been stuck with criminal records for misdemeanor pot convictions while watching others make

killings off the business of selling legal weed.



So Seattle will move to go back and vacate misdemeanor marijuana-possession convictions prosecuted by the city before legalization, Durkan and Holmes said.

Describing the action as “a necessary step” to right the wrongs of what she called a failed war on drugs, the mayor said such convictions have been an unfair barrier for people trying to obtain housing, credit, jobs and educations. And that barrier has disproportionately affected black people, Durkan said.

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“The war on drugs ended up being a war on people who needed help, who needed opportunity and who needed treatment,” she said in a news conference at Rainier Community Center in South Seattle.

“We did little to stem the tide of the supply of drugs and instead incarcerated almost an entire generation of users who could have had a different way.”

Holmes will ask the Seattle Municipal Court to vacate all convictions and to dismiss all charges for misdemeanor marijuana possession prosecuted before pot was legalized statewide, he said at the news conference.

He believes the move will result in the vacation of 500 to 600 convictions from 1997, when Seattle took over misdemeanor marijuana prosecutions from King County, until 2010, when the city stopped such prosecutions as a matter of policy.

Seattle voters in 2003 approved [a ballot measure](#) making the investigation, arrest and prosecution of marijuana offenses, in which the pot was intended for adult personal use, the city’s lowest law-enforcement priority.

[In 2010](#), soon after he was elected, Holmes dismissed all of the city’s marijuana-possession cases and said his office would no longer prosecute such cases.

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As Seattle seeks to “undo” the consequences of the country’s decades-long war on drugs, its challenges include a Trump administration, “which would like to turn back the clock,” he said.

“We’re going to do everything we can in the city of Seattle to hold our gains,” Holmes said.

The city attorney said he plans to file a single motion by early next week for all convictions to be vacated and said his office will set up a website where people can determine whether their convictions have been cleared. No action will be required by the individuals.

Karen Donohue, the presiding judge for Seattle Municipal Court, is very supportive of the move, Durkan said.

The mayor said vacating hundreds of convictions from the earlier period will help communities disproportionately impacted by the criminal-justice system and help the city try to eliminate racial disparities in Seattle.

Marijuana-possession arrests in Washington increased sharply between 1986 and 2010, rising from 4,000 a year to 11,000 a year, said the mayor’s office, citing the Drug Policy Alliance.



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There were 240,000 arrests in that period, with some communities affected more than others. In Washington, black people were three times more likely than white people to be convicted of marijuana crimes, Durkan said.

“Those numbers tell us we were dealing with an unjust system,” she said, adding, “While we cannot reverse all the harm that was done, we can give back to those people a record that says they were not convicted, because that is the more just thing to do.”

The Rev. James Broughton, senior pastor at Damascus Missionary Baptist Church in South Seattle, called the city’s plan a step in the right direction. Broughton said he’ll be telling his congregants about the change, because some of them have relatives with low-level marijuana convictions.

“We’re looking at our city and viewing people as people, not data,” he said. “They can now have the opportunity for better housing and better jobs.”

Not everyone is thrilled with Durkan and Holmes. Douglas Hiatt, a defense lawyer and marijuana-reform activist, said even more decriminalization is needed.

Local authorities, including Seattle officials, are still charging people with crimes and writing them tickets for some marijuana-related offenses, such as growing pot without all the correct paperwork, Hiatt said



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“I’m happy to see any kind of remedial action for anybody with a misdemeanor still causing them trouble,” he said. “But I believe Jenny and Pete could be doing more.”

Post-legalization, the minorities most punished by marijuana prohibition [have appeared to be underrepresented](#) in ownership of the state’s retail shops.

Durkan said she would like to see officials at the county and state levels, who handle felony marijuana cases, follow the city’s lead on vacating convictions. Felony prosecutions often involve the distribution of marijuana, Holmes said.

The city attorney said he has long thought that misdemeanor convictions should be vacated but until recently was concentrated on advocating for the change statewide rather than only in Seattle.

Washington legalized the possession and recreational use of marijuana for adults ages 21 years or older in 2012, when voters approved Initiative 502.

Alison Holcomb, who was a leader of the initiative effort, said organizers wrote a conservative initiative with “political compromises” that left “a lot of work undone.”

“We had no sense, back then, how the law would be embraced and how willing elected representatives would be in continuing the work 502 started,” Holcomb said Thursday. “We’re seeing more and more elected officials taking up leadership roles on reforming marijuana laws.”

She said she hopes the city’s action will send a signal to other leaders in cities across the country. [Spokane took a similar step](#) in 2015.

Seattle’s move follows an [announcement last week](#) by San Francisco District Attorney George Gascón, who said he would dismiss 3,038 misdemeanor marijuana charges and would consider reducing 4,900 felony marijuana charges.

“Seattle isn’t the first city to do this and definitely won’t be the last,” said Kevin Oliver, executive director of Washington NORML, a marijuana-reform organization. “It’s a good trend to see.”

***Seattle Times staff reporter Evan Bush contributed to this report.***

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