



## MEMORANDUM

Date: January 20, 2026  
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To: Tim Thomure, City Manager  
From: Roi Lusk, City Attorney  
Chad Kasmar, Police Chief *JK*  
Subject: Public Drug Use Pathway to Treatment Ordinance Update

On November 18, 2025, Mayor and Council directed the City Attorney to return within 60 days with an update and recommended path forward on addressing public drug use in the community. This direction followed Mayor and Council discussion led by Councilwoman Nikki Lee regarding ongoing public drug activity, prosecutorial challenges in felony and misdemeanor narcotics cases, and the need to evaluate available tools, including case preparation improvements and the potential operational requirements of a City public drug-use ordinance.

This memorandum provides the requested update. It summarizes current interdepartmental and intergovernmental efforts, including coordination with the Pima County Attorney's Office (PCAO) and Tucson Police Department (TPD), reviews the evaluation of a draft public drug-use ordinance, highlights recent system and service advancements, and presents recommendations to guide next steps.

As you know, the City Attorney's Office, City Court, and TPD leadership worked to draft a Public Drug Use Ordinance, which would classify public drug-related loitering as a misdemeanor offense adjudicated in Tucson City Court. To be compliant with state law (Arizona Revised Statutes, ARS), the new City ordinance was designed to complement current ARS and City Code narcotics charging guidelines within Superior (felony cases) and both Justice and City Courts (misdemeanor).

Concurrently, TPD has received feedback from Pima County Attorney Laura Conover on her "Ongoing Threat of Harm Evaluation". The evaluation provides the criteria used by PCAO to determine which cases to issue charges on, move to diversion programs, or dismiss. TPD will implement this feedback and applicable guidance in felony arrest documentation to ensure prosecutors and the court are appropriately informed of the demonstrated level of harm the arrested subject poses to the community. In addition, TPD and PCAO leadership are having ongoing dialog and taking action to enhance the felony interim charging document. This includes the short-term goal of creating updated regional felony interim training along with a longer-term goal of digitizing the handwritten form.

Based on these developments, staff will improve the felony interim charging document as it provides access to a broader range of programs and legal pathways, with a primary emphasis on diversion-based approaches. It also keeps the cases within the correct respective court. This is critically important at a time when TPD has increased narcotics-related arrests 60% to 113% over a 5-year average.



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A draft Public Drug Use Ordinance was presented to the Safe City Task Force on December 12, 2025. The proposed ordinance is titled Section 11-70.3, Loitering for Drug-Related Activity. The feedback from the task force was invaluable and focused on whether an additional misdemeanor was the right tool at this time to address the issues raised by public drug use, keeping in mind that the City has long prosecuted narcotics paraphernalia as a misdemeanor in City Court via a felony waiver from the Pima County Attorney.

Given the advances that the collaboration between TPD and PCAO have brought, the consensus of staff is that the City should focus on strengthening the tools currently available which will better facilitate getting offenders to the right resources and more efficiently focusing where they will have the greatest impact.

There have been meaningful and positive advancements in several key areas related to Safe City initiatives. The Transition Center is expanding to provide seven-day-a-week coverage, and the Sobering Alternative for Recovery (SAFR) Center is now operational and accepting vulnerable residents in need of care and supportive services. City Court's Community Court program has expanded its availability. As directed in the Mayor and Council motion, the attached workflow chart has been developed to illustrate how individuals move through the various systems from the point of initial contact. This document will be refined as additional insights are gained through continued coordination with our partner agencies, particularly in looking for existing gaps. Lastly, this work coincides with the Safe City initiative and the newly developed Transit Safety and Security Plan.

Staff share Mayor and City Council's commitment to finding the most effective pathway to address public drug use that holds individuals accountable and offers a pathway to treatment. The impact of substance use and mental health disorders are a complex and challenging community issue that requires a multifaceted approach with all jurisdictional partners.

RL:CK:LM:kr

Attachment

cc: Liz Morales, Assistant City Manager