

DECRIMINALIZATION OF CANNABIS

An overview of national, state and local government policy considerations

WHAT IS DECRIMINALIZATION?

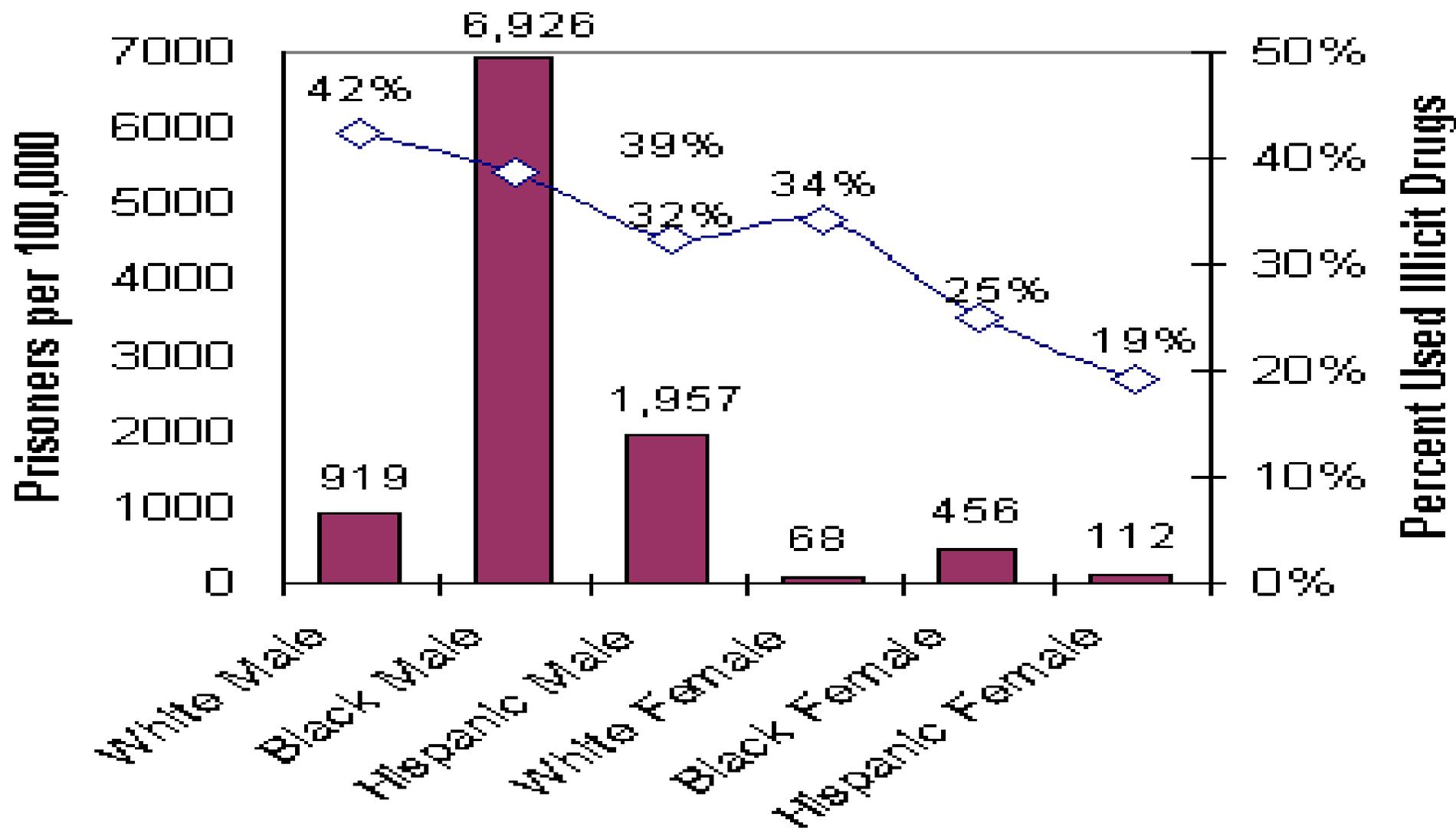
- Amending existing legislation that categorizes something as a crime—in this case a misdemeanor—into a civil infraction
- Decriminalization typically facilitates a system where persons coming in contact with law enforcement who meet eligibility criteria set by the State or local jurisdiction do not have:
 - an arrest
 - criminal record or
 - any involvement with the justice system
- Rather, the situation is handled like a traffic infraction.

WHY DECRIMINALIZE?

- To ensure non-violent, eligible offenders are kept from having an arrest record
- To reduce number of persons in jail and prison for misdemeanor offenses
- To offer additional options to law enforcement officers

Jurisdictions like Miami-Dade and the 2nd Judicial Circuit (including Leon County) have decriminalized a number of offenses, ***not just cannabis possession***, based on public policy considerations.

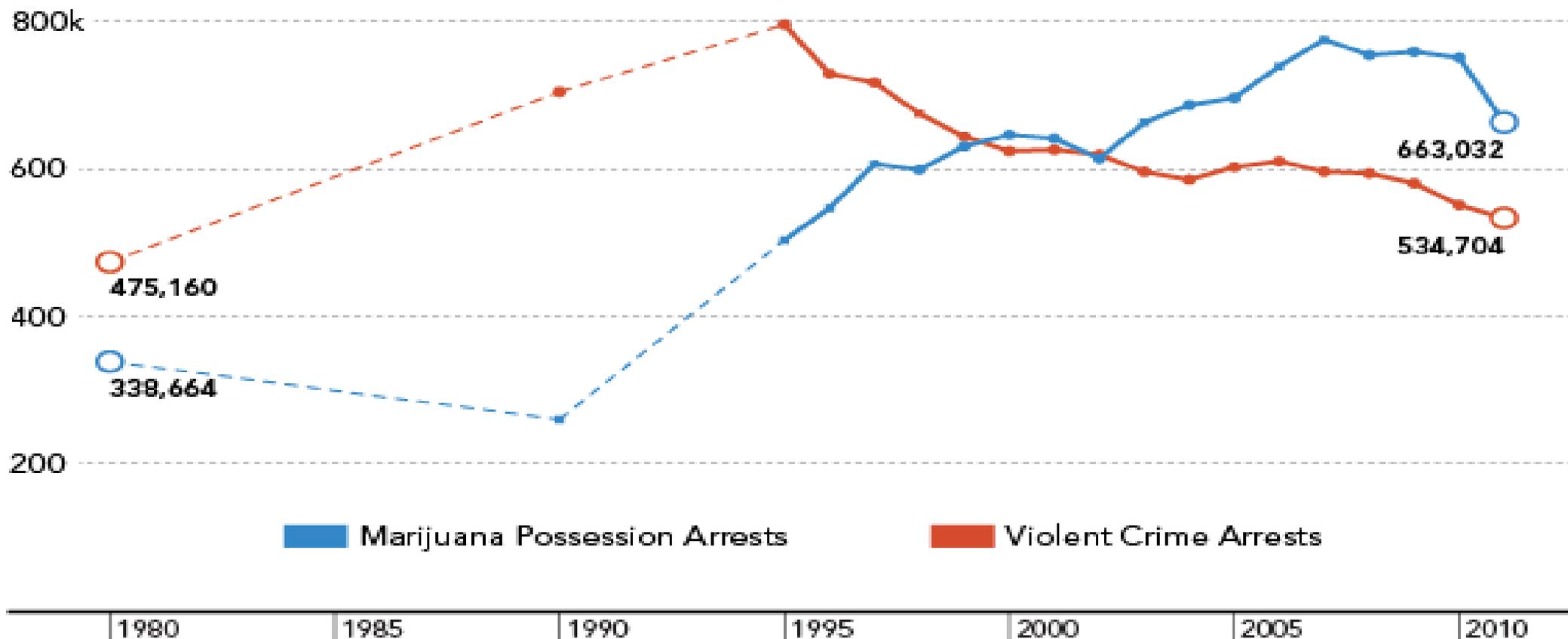
Incarceration vs. Drug Use



■ Incarceration —◇— % Illicit Drug Use

Marijuana Possession vs. Violent Crime Arrests

The number of arrests for marijuana possession has risen sharply since 1980, surpassing arrests for violent crime by more than 100,000. Below is a chart of marijuana possession and violent crime arrests from 1980 to 2011.



DECRIMINALIZATION NATIONALLY

Nationally, efforts to decriminalize cannabis have been extensive

- Alaska, Colorado, and Oregon passed ballot measures legalizing the adult use and personal cultivation of cannabis
- California, Connecticut, Maine, Maryland, Massachusetts, Mississippi, Nebraska, New York, Rhode Island and Vermont have enacted legislation decriminalizing certain marijuana possession offenses; Delaware and Missouri laws will take effect December 2015 and January 2017, respectively.
- Minnesota, Nevada, North Carolina and Ohio classify marijuana possession offenses as criminal misdemeanors, but there is no threat of actual jail time.

PUBLIC POLICY CONSIDERATIONS

- The acceptable amount of possessed cannabis—demonstrating an individual's intent to use personally -- has been an issue of debate nationally, at the state level, and in local jurisdictions
- Twenty states (as of October 6, 2015) have enacted legislation decriminalizing possession of marijuana under certain circumstances—generally in small amounts deemed for personal consumption.
- Permissible possession amounts vary from jurisdiction-to-jurisdiction from a high of two ounces in Dallas, Texas, (an ounce is 28.349 grams) to a low of 10 grams, in Maryland.

PUBLIC POLICY CONSIDERATIONS

- The Broward County Board of County Commissioners struggled to find a balance between desire to decriminalize and concerns over public health:
 - What if the person truly has a dependence or is in need of other social supports and we are only writing a ticket?
 - What if dangerous or deadly drugs are designed to appear like marijuana?
 - How do we ensure law enforcement officers are using appropriate discretion?
- Broward County's ordinance defines cannabis narrowly, to assure legislative intent of the Board that possession of illicit and/or synthetic drugs not be mistaken for cannabis.
- The stated purpose of the ordinance is to ensure non-violent, eligible, offenders are kept from having an arrest record for simple possession (20 grams or less) of cannabis. No other offenses are included.

BROWARD ORDINANCE

- Broward County passed an ordinance on November 10, 2015 that includes the following components:
 - Countywide applicability, with municipalities required to opt out
 - Law enforcement discretion; an officer *may issue* a civil citation to an eligible (non-violent, no previous felonies, etc.) individual possessing 20 grams or less of cannabis (packaging and quantity may be evaluated to determine intent)
 - A person may receive up to three (3) citations over a lifetime
 - First citation (\$100); second (\$250), and; third (\$500) with sliding fee scale
 - Screening for risk and determination of potential substance dependence, education, as well as assessment of potential social supports needed, are suggested at second offense and a requirement at the third offense
 - Community service can be elected in lieu of paying fine

Palm Beach County Civil Citation for Small Quantity Marijuana Possession Ordinance



PALM BEACH COUNTY MARIJUANA PENALTIES

County staff: Cut pot penalty

Commissioners may follow West Palm Beach's recent move.

By Wayne Washington
Palm Beach Post Staff Writer

WEST PALM BEACH — Palm Beach County could take a step today toward significantly reducing the penalty for possession of a small amount of marijuana.

County staff members are recommending that possession of 20 grams or less of marijuana be punishable by a civil citation and a fine of \$100. Possessing marijuana is currently a criminal offense that could result in jail time.

The reduced penalties would put the county on par with Miami-Dade County and West Palm Beach, which recently passed ordinances to reduce the penalty for possession.

If county commissioners accept the staff's recommendation, the change would be debated and possibly given final approval at a public hearing on Oct. 20.

Commissioner Melissa McKinlay said the change would be a good move. She said she does want to make sure people repeatedly arrested for pot possession are not given civil citations each time

Marijuana continued on B8

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Marijuana

continued from B1

and that those who are unable to pay don't face greater criminal charges. Running for a seat in the U.S. House of Representatives, McKinlay said supporting decriminalizing possession of 20 grams or less of marijuana doesn't make her soft on crime.

"This is a smart-on-crime change," McKinlay said, adding that the number of people arrested for possessing 20 grams or less of marijuana has "inundated our criminal justice system" and made it more difficult to find enough space for violent offenders.

Between 2010 and 2014, police initiated 7,571 cases "where the most serious offense was for marijuana possession of 20 grams or less," according to a county document. "The vast majority (90 percent) of these cases resulted in the custodial arrest of an individual and admission to the local jail, while the remaining cases resulted in the issuance

of a citation or notice to appear."

Despite the large number of people arrested and detained on pot possession charges, Commissioner Hal Valeche said he does not support decriminalizing possession of 20 grams or less.

Valeche said the county already has a drug court and a first-offender program that alleviate some pressure on jails.

"I don't think this is such a great addition," he said. "I'm not of the opinion that decriminalizing marijuana — even if it puts less stress on the criminal justice system — is the right way to go."

Valeche said decriminalizing pot possession would put the county in conflict with the state.

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COUNTY COMMISSION MEETING

What: Palm Beach County Commission meeting
When: 9:30 a.m. today

Where: Sixth-floor commission chambers of the Palm Beach County Robert Welsman Governmental Center, 301 N. Olive Ave., West Palm Beach

Updates: For coverage from the meeting, follow @waynewashpbpost on Twitter

He said he's also concerned about marijuana as a "gateway drug" that serves as a sort of stepping-stone to other drugs like heroin.

"I'm uncomfortable with something that could help people ruin their lives," Valeche said.

Commissioner Priscilla Taylor, also running for a seat in the U.S. House, said it's criminal arrest records and large fines for pot possession that are ruining too many lives.

"We can't just lock everybody up and lock everybody away," she said. "It's just messing up too many lives. People need to be treated as people."

Intoxication limits needed for marijuana

SS 10-7-15

I am writing this letter in regard to the Wellington teen's death sparks new marijuana legislation article written by Dan Sweeney on Sept. 24. I appreciate that you have brought this issue to our attention.

Marijuana intoxication has been an issue for decades and many people have been hurt or lost their lives because of marijuana intoxication. I stand in agreement with you in terms of there being a standard for marijuana intoxication. We need to bring more attention to this issue because it important to protect ourselves and others.

Hopefully if regulations are put in place, the amount of deaths surrounding this issue will decrease.

Hershey Basile, Plantation



PALM BEACH COUNTY

PP 10-22

County delays vote on lesser penalty for pot possession

By Wayne Washington
Palm Beach Post Staff Writer

WEST PALM BEACH — It will be at least mid-December before Palm Beach County joins West Palm Beach and Miami-Dade in reducing penalties for possession of 20 grams or less of marijuana.

Palm Beach County commissioners were poised Tuesday to vote for an ordinance that would make those caught with 20 grams or less of pot subject to a civil citation and a fine of \$100 instead of a criminal arrest. But commissioners voted 6-1 to give staff members more time to come

up with specific language spelling out what happens to those repeatedly cited and giving those cited the option of performing community service in lieu of the \$100 fine.

The county is now scheduled to hold a public hearing Dec. 15, when commissioners could give final approval to the ordinance.

Commissioner Hal Valeche, noting that the proposed ordinance is in conflict with state laws that still ban possession of marijuana, cast the lone vote against moving forward with the new rule.

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The county is now scheduled to hold a public hearing Dec. 15, when commissioners could give final approval to the ordinance.



PALM BEACH COUNTY STATISTICS

- In Palm Beach County between 2010 and 2014, police initiated 7,571 cases where the most serious offense was for marijuana possession of 20 grams or less.*
- 90% of these cases resulted in the custodial arrest of an individual and admission to jail.
- 10% of these cases resulted in the issuance of a citation or notice to appear.

* These figures include both adults and juveniles, some of whom may have been eligible for the County's Juvenile First Offender program



ORDINANCE BACKGROUND

- In June, Commissioner Priscilla A. Taylor requested the BCC direct staff to examine whether the County could pass an ordinance similar to the ordinance under consideration in Miami-Dade County, which would create a civil citation alternative to arrest, for people who possess small quantities of marijuana.
- Research revealed that the County was not preempted by the State from enacting such an ordinance.
- County staff, with input from law enforcement, and working in cooperation with the Fifteenth Judicial Circuit Court Administration, and the Palm Beach County Clerk and Comptroller, drafted the ordinance now under consideration.



IF IT PASSES

- Palm Beach County Sheriff's Deputies in unincorporated Palm Beach County will have the option of issuing a civil citation in lieu of an arrest or issuance of a "notice to appear," when an individual is in possession of 20 grams or less of marijuana, and/or marijuana paraphernalia, and that individual is not being charged simultaneously with any criminal offense.
- Municipalities may "opt-in" if they choose to have the ordinance apply within their jurisdictions.



PROVISIONS OF ORDINANCE

- Ordinance applies currently in unincorporated Palm Beach County only
- Ordinance applies to adults only - age 18 and over
- Ordinance gives law enforcement, in their discretion, the option of issuing a civil citation, in lieu of arrest or other criminal penalty, for individuals who possess 20 grams or less of marijuana, and/or marijuana paraphernalia
- Civil citation option is available only if an individual is not charged simultaneously with a criminal offense
- \$100 fine per citation, or 10 hours of community service in lieu of fine
- Maximum 2 civil citations per individual



TIMELINE

- June 23, 2015 – Direction to staff to research ordinance
- October 6, 2015 – Ordinance approved on preliminary reading
- October 20, 2015 – Public Hearing opened and continued until December 15. Additional direction provided to staff.
- October 28, 2015 – Presentation to League of Cities Board of Directors
- December 15, 2015 – Public hearing and expected adoption

CONCLUSION

- Again, Possession of CANNABIS is illegal
- Civil Citation will not decriminalize possession it is an alternative means to address the infraction
- This is simply a method to avoid incarceration for small quantities of cannabis and avoid arrest records that follow individuals for life
- It will reduce the cost of incarceration and other associated costs



CONCLUSION

Questions and Answer
Period