

Proposed Resolution Regarding the Testing of Cannabis

Public Safety Committee
October 12, 2020



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Presentation Overview



- Resolution Overview
- Background of Marijuana Laws
- Data Related to Enforcement
- Enforcement Action: Officer Time
- Pros & Cons of Resolution
- Next Steps



Resolution Overview



- There have been recent public discussions regarding a proposed resolution to prohibit the testing of low levels of marijuana (hemp/cannabis)
- The Dallas County District Attorney's Office currently does not accept charges for misdemeanor marijuana possession without a lab test



Resolution Overview



- Elements discussed for a possible resolution include:
 - Prohibit personnel from testing any cannabis related substance of less than a pre-defined amount.
 - Testing would be allowed in the following situations:
 - Amounts greater than the pre-defined amount referenced above
 - Possession of any amount with intent to distribute
 - Felony-level trafficking cases



Resolution Overview



- Direct City Manager to take steps to eliminate the use of arrests or enforcement for possession of the pre-defined amount or less provided that there is no evidence of intent to distribute
- Direct training for officers in the enforcement of the resolution



Current Marijuana Laws



- Any usable amount of Marijuana is illegal
- Possession of Under 4 oz is eligible for a Cite & Release Citation
- Between 2 oz and 4 oz is a Class A Misdemeanor
- As of June 10, 2019, Hemp is legal to possess in Texas (House Bill 1325)
 - Hemp is Cannabis with a THC concentration of less than 0.3%



Example of 2 oz of Marijuana



Standard Size Sandwich Bag
filled with Marijuana

Data Related to Enforcement



January 1, 2020 to September 30, 2020

- Total # of all arrests: 29,507
 - Drug Related: 3,122 (9.4% of all arrests)
 - Marijuana Related: 2,032 (6.8% of all arrests)
 - Less than 2 oz: 1,658 (5.6% of all arrests 81.5% of all marijuana arrests)
 - Cite & Release: 120 (0.4% of all arrests)

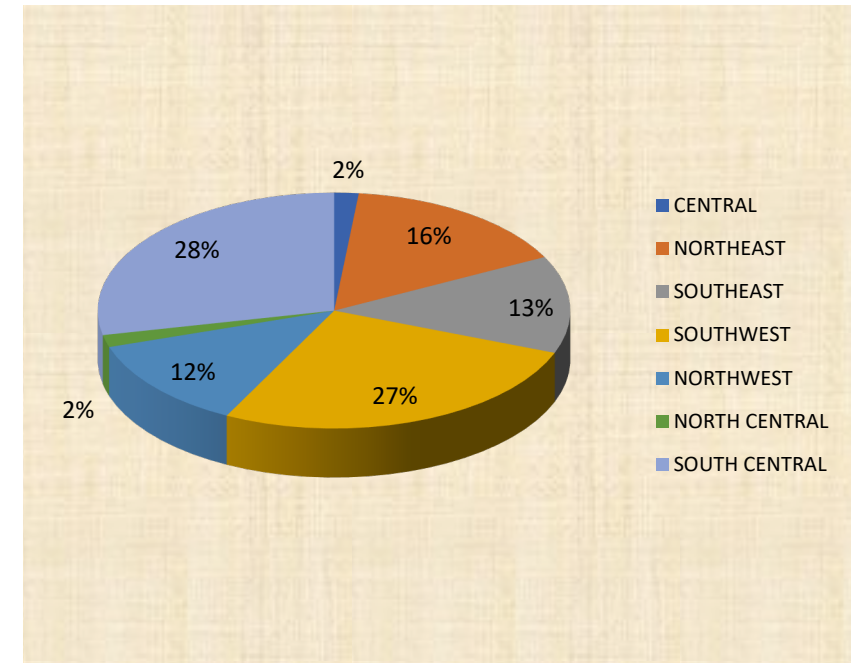


Data Related to Enforcement



- 120 Cite & Release Citations have been issued YTD

DIVISION	CITE AND RELEASED
<u>CENTRAL</u>	2
<u>NORTHEAST</u>	19
<u>SOUTHEAST</u>	16
<u>SOUTHWEST</u>	32
<u>NORTHWEST</u>	15
<u>NORTH CENTRAL</u>	2
<u>SOUTH CENTRAL</u>	34



*Top Enforcement Coincides with the Violent Crime Task Force efforts



Data Related to Enforcement



- Of the Cite & Release Citations issued YTD:
 - 56% Black
 - 37% Hispanic
 - 7% White
- Of the Marijuana Non-Cite Release Arrests YTD:
 - 65% Black
 - 26% Hispanic
 - 8% White

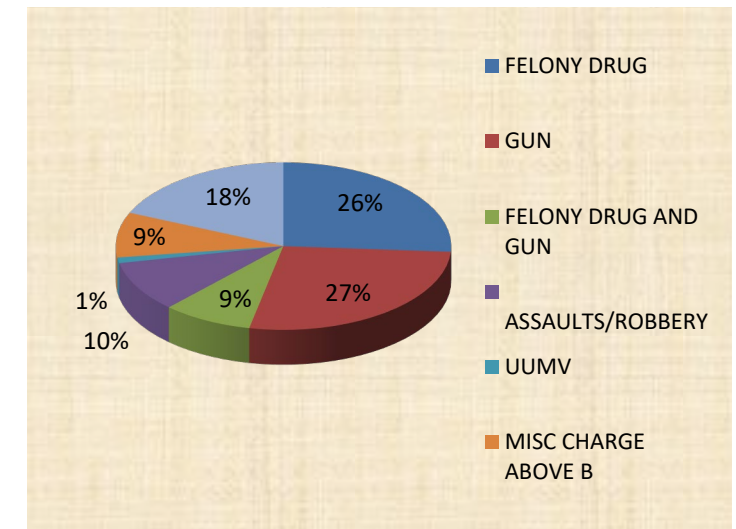


Data Related to Enforcement



September Snapshot of M/A & M/B Marijuana Arrests

- 214 arrests of less than 4 oz of Marijuana
 - 17 Were Cite & Release
 - 193 Were not Eligible due to:
 - 50 had a firearm involved
 - 48 had a felony drug involved
 - 35 had warrants
 - 18 involved a CAPERS offense
 - 16 had a gun and felony drug
 - 2 were in stolen vehicles
 - 20 had other misdemeanor charges
 - 4 had residency or identification issues
 - 4 Were Eligible but officers had concerns over residency



Data Related to Enforcement



- 19 Homicides YTD (11%) are in direct relation to a Marijuana transaction.
 - 17 of the Homicides were for a robbery of Marijuana
- 76% of Narcotic Search Warrants involved Marijuana
 - 48% Had both Marijuana and Weapons seized
- A review of 61 September Command Staff Notifications of violent offenses revealed a Marijuana connection in 51% of offenses



Enforcement Action: Officer Time



- On average, an officer spends approximately 2 hours at the Jail for a custodial arrest. It takes an additional 30 minutes to 1 hour to deposit drugs at the Property Room. (2 ½ to 3 total)
- It is estimated that a Cite & Release Citation takes approximately 1 to 1 ½ hours to complete.
- Overall difference in man hours between a Custodial Arrest and Cite & Release is approximately 1 ½ hours.



Pros & Cons of Resolution



- **Pros –**

- Fewer citizens placed into judicial system/criminal history
- Reduction in manpower costs & resources (time processing evidence and at Jail)
 - Hours, resources, paperwork etc..
- District Attorney is currently dismissing misdemeanor cases
- Saves testing expense

- **Cons –**

- Conflict between State law and Local enforcement
- Limits evidence and intelligence gathering to solve criminal offenses
- Limits enforcement options to address resident complaints of open-air drug use and sales
- Statistics show association to guns, violence, and felony drugs.



Next Steps



- Provide additional information, data or research as to the enforcement of marijuana laws.
- Receive Direction from the Public Safety Committee as to the development of a proposed resolution to prohibit the testing of cannabis.



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