



LAW ENFORCEMENT AGAINST PROHIBITION

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Hearing of the Criminal Law Subcommittee of the
Committee for Courts of Justice of the
Virginia House of Delegates
Richmond, Virginia
H. Morgan Griffith, Chairman
January 27, 2010

Statement of
Eric E. Sterling, J.D.
on behalf of
LAW ENFORCEMENT AGAINST PROHIBITION (LEAP)
in support of
House Bill No. 1134
Marijuana Decriminalization

Mr. Chairman and distinguished Members of the Subcommittee, thank you very much for the opportunity to present the views of Law Enforcement Against Prohibition (LEAP) in support of H.B. 1134, introduced by the highly distinguished, Delegate Harvey B. Morgan.

LEAP is an association of current and former law enforcement officers, prosecutors, judges and criminal justice professionals at every level of government who are speaking out about the failure of our drug policy, and I serve on the Advisory Board. LEAP has 544 members in Virginia.

For nine years during the Reagan Administration, I was counsel to the Subcommittee on Crime of the U.S. House Judiciary Committee. I oversaw federal law enforcement and helped develop legislation regarding drugs, pornography, organized crime, money laundering, military assistance to law enforcement, and other issues. I staffed the enactment of many provisions in the Comprehensive Crime Control Act of 1984, the Anti-Drug Abuse Act of 1986, and the Anti-Drug Abuse Act of 1988. I am best known for my role in developing the mandatory minimum sentences for drug offenses in 1986 after Maryland basketball star Len Bias died from using cocaine. More recently, I am a part-time professor teaching Criminal Justice and Sociology at George Washington University in Washington, DC. I am the President of the Criminal Justice Policy Foundation in Silver Spring, MD.

H.B. 1134 is a very well developed bill to remove the criminal penalty for the possession of marijuana for personal use. The bill maintains society's disapproval of marijuana use by continuing a civil penalty of up to \$500 for such possession, but provides that proceedings be initiated by summons instead of by arrest. It recognizes that marijuana is a substance that can be abused like other

drugs and alcohol and it provides that minors who commit this offense can be required to undertake substance abuse screening, testing and treatment.

This bill will produce important efficiencies for the Commonwealth's law enforcement agencies and could save in the range of \$250 to 300 million in police, prosecution and incarceration costs related to marijuana possession, using estimates prepared for the Criminal Justice Policy Foundation by Dr. Jeffrey Miron, Professor of Economics at Harvard University.

According to the 2008 Crime Report from the Virginia State Police, police in Virginia made 19,911 arrests for marijuana offenses in 2008 out of a total of 33,217 arrests for all drug offenses – 60.5 percent (pp. 62-63). Unfortunately, unlike most states and the FBI, this data does not distinguish between simple possession, and offenses of manufacturing and distribution.

These roughly 20,000 marijuana arrests compare to 21,811 reported violent index crimes (p. v). Does marijuana deserve that kind of police and prosecutor attention? No rational analysis of law enforcement resources would make that equivalence. This emphasis on marijuana arrests takes officers off the streets and puts them in booking rooms and courts instead of focusing on much higher priority law enforcement matters.

Of course LEAP, like other law enforcement organizations, does not endorse or condone marijuana use, but that is not the issue here, because to remove the criminal penalty for the use or possession of small amounts of marijuana is not an endorsement or condonation of its use.

As you face a budget shortfall for the next biennium of \$4.2 billion you need to change laws that will result in changing police practices to maintain a focus on public safety priorities. For example, on Monday, the Clarke County Sheriff, Tony Roper, reported that his office is planning for a 22 percent cut. The article is available here: <http://www.clarkedailynews.com/sheriffs-department-braces-for-virginia-budget-cuts/1472/>. Throughout the Commonwealth you are going to need to look for practical ways to save money. This bill deters marijuana use and protects public safety without wasting very scare public safety dollars.

The policy of this bill is the policy recommended by the National Commission on Marihuana and Drug Abuse, chaired by Pennsylvania's Republican Governor, Raymond P. Shafer in 1972. Following that report, by 1978 Oregon, Alaska, California, Colorado, Mississippi, New York, Nebraska, North Carolina, and Ohio enacted marijuana decriminalization laws. Studies of the comparative prevalence of marijuana use demonstrate that these laws did not result in greater rates of marijuana use than comparable, neighboring states. In a state that many see as a political bellwether, 65 percent of the voters in Commonwealth of Massachusetts approved a state marijuana decriminalization law in November 2008.

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