



January 23, 2020

Austin City Council  
301 W 2nd Street  
Austin, Texas 78701

Re: Item 59 - Ending Arrests in Austin for Small Amounts of Marijuana

Mayor Adler and Austin City Council Members,

I am an Austin resident from District 6 and currently serve as the director of Texans for Responsible Marijuana Policy, a broad coalition of more than 25 organizations and many individual advocates working to advance sensible marijuana policy reform in our state. The groups we work with span the political spectrum, demonstrating that the movement for reform is not about partisan politics, it's about people and how real lives are affected by marijuana prohibition.

One of our main objectives is to decriminalize cannabis at the state level, eliminating the threat of arrest, jail time, and criminal record associated with small amounts. Thank you for making this important issue a priority in Austin.

The legalization of hemp was the catalyst for this resolution and similar conversations around the state. But to be clear, it is actually the state legislature's failure to decriminalize cannabis that brings us to this point. For years, county and district attorneys across the state have been trying to mitigate harm in their communities by using their discretion to institute diversion programs or by simply declining charges for low-level marijuana cases. This means domestic violence cases, for example, get the attention they deserve since prosecutors aren't allowing their offices to be bogged down by marijuana possession cases.

Victims of real crime deserve justice. We are unable to fulfill that duty to our citizens if we continue arresting people and wasting valuable policing resources on small amounts of marijuana.

We are navigating through an important time in history as we unpack decades of harm and create our path forward. As laws begin to change at the federal and state level, we are impacted here locally. It is and will be a challenge for our law enforcement agencies and officers who have to adapt to changing

(and sometimes conflicting) new policies. This resolution can help give them a clear direction, falling back on the basic standard of due process. Specifically, probable cause for arrest.

But more than just enforcement, even in Austin, there needs to be a cultural change, especially among police officers and APD. No longer should cannabis consumers be considered or treated as criminals for simple possession or use.

Cannabis consumers are often young people. At an increasing rate, they are also senior citizens. They are students and parents. Sick people, including military veterans, use cannabis and it's reprehensible that we still have state laws in place that make criminals out of them for using a medicine that works.

This resolution is an opportunity for the Austin City Council to use its legal discretion to reduce the harmful impact of a failing state policy.

For many years, the people of Texas have wanted to see an end to state law that would have cannabis consumers arrested, jailed, prosecuted, and branded for life with a criminal record that will forever hinder their access to higher education, employment opportunities, safe housing, and many more collateral consequences. These lasting consequences don't only affect the individual involved, but also their family and community. This is the human cost of marijuana prohibition and it's just not worth it. It never was.

Texans from all political affiliations agree that it is time to reform our state's marijuana laws. Until state laws are changed, we can and must at every opportunity, start minimizing the harm they cause. This is Austin's opportunity.

I appreciate the four council members who brought this resolution forward, including my representative, Councilman Flannigan, and I thank each council member for your service and consideration.

Respectfully and Toward Liberty,

Heather Fazio

Texans for Responsible Marijuana Policy

[www.TexasMarijuanaPolicy.org](http://www.TexasMarijuanaPolicy.org)

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