

## LAW ENFORCEMENT

# Official targets police pot policy

## Bazaldua says 90% of those jailed in Dallas are Black, Hispanic

By KEVIN KRAUSE

Staff Writer

When Dallas County created a cite-and-release policy in 2017, the goal was to stop jailing people for low-level marijuana offenses. Those with less than 4 ounces of the drug would get a ticket and be sent on their way.

But Dallas police continue booking people into the county jail on misdemeanor marijuana possession charges, and county statistics show that more than 90% of those arrested are Black and Hispanic.

Dallas District Attorney John Creuzot implemented his own policy and has refused to file misdemeanor possession cases against first-time offenders.

Now, Adam Bazaldua wants to put a stop to what he calls wasted taxpayer money and racial inequity. The Dallas City Council member is proposing to decriminalize personal possession of marijuana under 2 ounces, meaning no one would be arrested or cited anymore for that amount.

“They [police] send them on their way,” he said. “That’s it.”

Under his plan, the Dallas Police Department’s general orders would be changed so that officers are prohibited from making the low-level possession arrests, said Bazaldua, whose district includes East and South Dallas. He said 97% of pot arrests in Dallas are for less than 2 ounces.

## Chief's statement

Police Chief U. René Hall, who is leaving the department by the end of the year, declined an interview on the subject. But her department issued a statement that said: “The majority of the marijuana arrests are made after the person has been arrested for another charge.”

The chief has previously defended her enforcement efforts, saying she’s heard from residents who complain that marijuana poses a quality-of-life issue in their communities, and that she cannot overlook “illegal activity.”

If the initiative passes, Dallas would join other Texas cities such as Austin that have already stopped making arrests for small amounts of marijuana. So far, 33 states across the country have legalized marijuana for either recreational or medicinal purposes.

“Most of the cities have either eliminated marijuana filings to us or substantially scaled back,” Creuzot said. “By far, Dallas is the only one that is ramping up the numbers.”

Mike Mata, president of the Dallas Police Association, said he has no opinion on the drug’s decriminalization except that it should be done at the statewide level.

“I really don’t care, but there’s a process for that. And it’s called legislation through the state. And that’s how it needs to be done,” Mata said. “When we pick and choose locally which laws we enforce and which laws we don’t, then we circumvent the process of the Texas Penal Code. And I think that’s a very, very slippery slope.”

Mata said proponents of decriminalization should do a better job trying to sell their message at the state level. “This is trying to do it the quick way,” he said.

Also under Bazaldua’s proposal, which he said he’ll introduce next month, the city would stop spending money to test THC in marijuana cases brought by Dallas police. Each test costs \$217, county officials said.

Testing is a new requirement that caught many Texas cities and police agencies off guard when the legislature last year passed a bill legalizing hemp growing as a crop as well as certain CBD products. As a result, testing is required for all criminal marijuana cases to determine the level of THC, the chemical that gives users a high.

## Support for proposal

Bazaldua said his proposed change would end a significant racial disparity. He cited recent District Attorney's Office statistics showing that over the past five years, more than 90% of Dallas marijuana arrests involved Blacks and Hispanics.

Michael W. Waters, senior pastor of Joy Tabernacle African Methodist Episcopal Church in Dallas, said he supports Bazaldua's decriminalization proposal. He said some in the U.S. are earning millions of dollars selling marijuana legally while others are being sent to prison for it.

Enforcement of drug laws, he said, also disproportionately impacts communities of color.

"I think it'll bring equity to the criminal justice system," he said. "It's a step in the right direction."

Under Bazaldua's proposal, officers can spend more time meeting their response time goals, he said, rather than wasting time taking people to jail for small amounts of marijuana.

Bazaldua said the average officer spends up to four hours per arrest. People get booked into jail and have an arrest record for marijuana possession only to result in a dismissed case, he said.

County officials say the Dallas Police's 1,276 misdemeanor marijuana possession cases filed between Jan. 1 and Aug. 10 of this year are up 5% over the same period last year.

Even if the arrested person is later released on bond, it costs \$439 to book them into the jail, officials said. If they remain behind bars, it costs nearly \$60 a day to house them.

James McLaughlin Jr., executive director of the Texas Police Chiefs Association, said that due to inadequate lab testing for THC, most minor-possession cases aren't being prosecuted in the state. But he said officers should be allowed to make marijuana arrests because it's found at murder scenes.

And cities, he said, should not be picking and choosing which laws to enforce.

“Where does it stop?” he asked.

## **Waste of time?**

The Dallas City Council passed its own cite-and-release rules in 2017, narrowing the initiative only to city residents who have a valid Texas ID or driver’s license.

However, progress was slow from the beginning. The police department used cite and release in only 65 out of a total of 1,544 marijuana possession cases during the first six months of the program, according to its statistics.

During a recent presentation to Dallas' Community Police Oversight Board, Creuzot said his office has seen people arrested for as little as a single gram of marijuana, equal to one Sweet' N Low packet.

Lynn Richardson, Dallas County’s chief public defender, said the police department is continuing to make arrests even though the district attorney is not prosecuting certain low-level marijuana cases.

“Why are you bringing them when you already know he’s not filing those charges?” Richardson asked.

Robert Guest, a North Texas defense attorney and former prosecutor who supports legalizing marijuana in Texas, said Dallas needs to join the other cities and states that are reforming their marijuana laws.

In Texas, one could still face up to six months in jail for misdemeanor possession under 2 ounces, he said.

“I hate these cases. People who get arrested for this shouldn’t be in the system,” Guest said. “It’s a waste of time. They’re not dangerous, terrible people.”

*Twitter: @KevinRKrause*