

Good Evening Ladies and Gentlemen,

My name is Timothy Bernhardt, Superintendent of Police for Upper Darby Township. I would like to thank District Attorney Jack Stollsteimer and the honorable members of County Council for asking me to be part of this conversation tonight.

I have been in law enforcement for the past 23 years, the last 18 as a member of the Upper Darby Township Police Department. Prior to my current assignment, one of my responsibilities was to oversee the Upper Darby Township Narcotics Division. During that time, I was also assigned to the Delaware County District Attorney's Drug Task Force and the Federal Bureau of Investigation (FBI) Philadelphia Field Office Violent Gang Drug Task Force.

I am well educated and experienced in the field of narcotics. I have attended dozens of schools and seminars related to, but not limited to, drug investigative techniques and the provisions of the Health and Safety Act, Title 35 P.S. I have completed numerous Narcotics Investigators Course, the Drug Enforcement Agency (DEA) Undercover Narcotics Investigative Training, and the High Intensity Drug Trafficking Area Program (HIDTA) Supervisors Course. I have attended numerous drug investigation classes presented by the Drug Enforcement Administration (DEA), the Mid Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN), the Northeast Counterdrug Training Center, and other well recognized organizations in the field. I have taught basic drug investigation, surveillance, and drug field testing to new recruits, as well as cadets at the Delaware County Municipal Police Academy. In addition, I have extensive experience working with the American Board of Trial Lawyers.

Upper Darby Township is the 6th largest municipality in the Commonwealth of Pennsylvania. We have a population of 82,795 and cover roughly 7.62 square miles. Our department responds to approximately 56,000 calls for service a year. In 2019, Upper Darby Police officers made approximately 400 arrests for small amounts of marijuana.

District Attorney Stollsteimer previously stated Upper Darby Township has recently passed an ordinance to address the possession and use of small amounts of marijuana. Mayor Barbarann Keefer and I strongly agreed that such an ordinance was long over do. We worked together along with Township Council, and the ordinance was passed unanimously. The ordinance, passed by Upper Darby Township Council, established a MECHANISM to process minor nonviolent offenses of personal possession or personal use of a small amount of marijuana and possession of marijuana paraphernalia within the limits of Upper Darby Township. This was done in an attempt to redirect resources to prevent serious and violent crime, while improving relationships between the department and the community we serve and protect. **Again, this ordinance was meant to address the handling of minor nonviolent offenses for the personal possession or personal use of a small amount of marijuana.** What is a small amount? It is defined as thirty (30) grams or less of marijuana.

I would like to share a story with everyone tonight. It involves an individual who was stopped and subsequently found in possession of a small amount of marijuana. The individual

was arrested and charged with simple possession of marijuana. The individual proceeded through the court system and pled guilty to simple possession. It was not until years later that I heard from this individual. Unbeknownst to this individual he/she had a criminal record and was not aware until graduating from college. That arrest for simple possession of marijuana has prevented that individual from obtaining professional licensing.

The reason I share this story is because I'm the officer who arrested and charged that individual. If I had the opportunity to cite for a township ordinance, that is the direction I would have taken. The individual would have been issued a summons and ordered to pay a civil fine. The action taken would have been appropriate, while not preventing him/her from obtaining a job after 4 years of college.

I want to make it clear for those that might have concerns or questions. The ordinance is for simple possession and small amounts of marijuana. Any investigation that finds an individual or individuals selling marijuana will still be charged and prosecuted criminally.

It is my hope by speaking here tonight that we will act as one, and that Council will adopt this proposed ordinance. As Superintendent of Police, I truly believe this is one way we can begin to build trust and legitimacy in the communities we serve. Times have changed, and we need to change with them. It is time we listen to what our citizens are saying in the communities we serve.

I would like to thank District Attorney Jack Stollsteimer for inviting me to speak tonight, as well as the honorable members of County Council. Thank you, and on behalf of Upper Darby Township, I look forward to this partnership.