



**October 14, 2020**

Good evening. I'm honored to be with you tonight, joined by my law enforcement colleagues, Tim Bernhardt, Superintendent of the Upper Darby Police Department, and Joe Fitzgerald, the President of Lodge 27 of the Fraternal Order of Police, in support of the proposed ordinance now before Council.

As you may know, Upper Darby – the largest municipality in Delaware County – recently passed its own version of an ordinance similar to the one before you tonight. I invited Tim to tonight's hearing because I believe that his experience as a narcotics officer and now leader of our largest police force, will provide a useful perspective on the effect of such an ordinance on the community. I am also grateful to be joined by Joe Fitzgerald. In addition to his decades of experience in law enforcement, Joe will be able to share with us the perspective of his members, the police officers who protect our communities throughout Delaware County.

Let me say at the outset that no matter what anyone – advocates, opponents, or even the news media -- may say, what we're discussing tonight is not the decriminalization of marijuana; neither County Council nor the District Attorney has the authority to change state law. No matter what action Council may take, possession of a small amount of marijuana will remain a state crime in Delaware County and throughout the Commonwealth.

What we ARE discussing tonight is what the appropriate consequence should be for a violation of that state law, and it is over that question – consequences – that Council and I have some authority. As DA, it is my duty to determine what charges, if any, are brought against a person for any alleged violation of state law. If Council, after careful

consideration, adopts the proposed ordinance, it is my intention to use my charging authority to ensure that individuals in Delaware County who are in possession of a small amount of marijuana are no longer arrested and charged with a misdemeanor punishable by up to 30 days in jail and a \$500 fine. Instead, they will be issued a summons to district court and be subject to a small civil fine. For the purpose of this ordinance, “Small amount” is defined by law as 30 grams or less, and the possession must occur in circumstances that suggest the possession is for personal use and not for sale.

It is my belief that enacting this ordinance is consistent with the views of a majority of our residents as to how the criminal justice system should deal with the possession of small amounts of marijuana for personal use. Which brings me to an important policy consideration for enacting this ordinance – uniformity. As things currently stand, if one possesses a small amount of marijuana for personal use in Upper Darby, law enforcement will issue a citation and a fine. If you cross the border into a neighboring township, you will be facing a \$500 fine and up to 30 days in jail. I believe such inconsistency undermines public confidence in law enforcement. By eliminating the possibility for such disparate treatment, I believe we build trust and, ultimately, achieve some measure of justice for our community.

It’s my hope that Council adopts the ordinance under consideration this evening. It is also my hope that the Pennsylvania Legislature will follow Delco’s lead and actually decriminalizes possession of small amounts of marijuana for personal use.

Finally, I’d like to thank everyone on tonight’s panel for their participation, and I look forward to their testimony. I’d also like to thank Council and its staff, in particular the Solicitor’s office, for working collaboratively with my staff in drafting this ordinance.