

Thank you to County Council for this opportunity to testify on behalf of the Office of the Public Defender. In addition to inviting me to speak, I also appreciate your solicitation of feedback on the draft of the ordinance. For far too long in counties across this country government leaders have made changes to criminal laws without even asking for the opinion of the public defender, despite our undeniable role in the criminal justice system and our proximity to those who move through it. It's a new day in Delaware County government and, we are making substantial changes at the public defender's office to improve the representation of our clients and better serve the residents of Delaware County. I sincerely appreciate our inclusion on this criminal justice reform matter and the modifications to the proposed legislation that you embraced after hearing our perspective.

It will come as no surprise to anyone that the Office of the Public Defender supports full decriminalization of the possession of marijuana and marijuana paraphernalia. Public Defenders fight every day to reduce the negative impacts of over-criminalization on the poor in Delaware County. Public Defender clients are the poor and by marginalized residents of Delaware county. Our clients and their families suffer the effects of failed policy choices that have led to a dramatic expansion of incarceration, debtors prisons, and what are called "collateral consequences" of conviction over decades. Ironically, those effects are frequently shown to undermine the stability and health of communities—factors that inform crime rates, among other things.

Arrest and conviction for marijuana have serious real-life consequences, and those consequences are disproportionately experienced by the poor and people of color. In spite of increased recognition that having a small amount of marijuana really isn't something society should be concerned about, poor people STILL spend

time in jail, lose jobs, lose student loans, lose housing and any other number of life consequences for marijuana related offenses. Data shows that marijuana use is basically the same among races – white people smoke as much weed as black and brown people. But black people are 3 time more likely to be arrested for MJ possession. Think about that, black people make up 12% of the population in PA and are 3 times more likely to be arrested for marijuana. The racial disparity is shocking and appalling. And these criminal consequences happen most those who can least afford it – not the students at Villanova or Episcopal – but the first-generation student filling out their FAFSA to afford state college. The criminalization of marijuana is a real problem, for real people and it mostly harms poor black and brown people.

This ordinance is as affective as its application – it cannot meet the need of statewide reform and does not remove from police or prosecutors the power to criminally charge people for marijuana. The real significance of this ordinance is the message that County Council is sending by making it legislative priority. The import of this moment should not go unnoticed. This first piece of legislation related to criminal justice is sending a message of reform to Harrisburg, to township leaders and police departments throughout the county, and to the residents of Delaware County working for criminal justice reform.

To the legislators in Harrisburg – Delaware County is the 5th largest county in the Commonwealth, and one with a history of what is fairly categorized as a strong conservative streak. The fact that decriminalizing marijuana is a legislative priority here should send a message to state legislators. At this hearing = the entire Council, the DA and law enforcement all agree – its time to decriminalize. – The time for statewide reform is now.

To municipalities in Delaware County – this ordinance is a model that you can use to decriminalize marijuana in your town. Your towns and your police departments are where the rubber really hits the road on marijuana policy.

To the law enforcement in the County – please listen to the voices that you hear tonight – exercise your discretion and stop arresting people for the possession of marijuana. You already have broad discretion over whether or not to arrest someone for possessing marijuana. No one here or in this county is naïve enough to think that there are not times that you catch someone smoking a joint where you take the joint, throw it on the ground and tell them not to do it again. This ordinance does give you another tool when deciding what to do to someone you catch with weed. More importantly, though, is the message from all of the elected officials and law enforcement officials here today – **EVERYONE IN POWER IN THIS COUNTY IS SENDING THE MESSAGE TO YOU - STOP ARRESTING PEOPLE FOR POSSESSING MARIJUANA.** It isn't making the community safer, it is really hurting some members of the community, and you should focus your efforts on stopping real crime that hurts real people. From now on, when you choose to avoid criminal charges for marijuana possession you are not making an exception, you are following county ordinance.

Again, it will not surprise anyone in law enforcement that the PD thinks marijuana should be legal. But what may surprise you, and what you should take to heart, is that everyone who was elected to lead this county agrees. The criminal justice reform message that public defenders have been fighting for EVERYDAY is now top priority of those elected to lead this county. You are the ones who take this policy discussion and interact with people on the streets of this county. When

you do, remember this meeting, remember the consequences of your decision, and do the right thing. Draft a citation, don't take out your handcuffs.