

Texas Police Chiefs Association (TPCA) Press Conference

Tuesday, March 26th, 2019

Transcription of the Chief's Portion of the Press Conference

Tod Hunter – Current President of Texas Police Chiefs Association

Because we have a constant contact with our residents we serve, police chiefs and sheriffs possess an extensive knowledge of the quality of life issues and community concerns our residents face. These quality of life issues are what bring us together here today. We have seen a dramatic rise in marijuana use and its effects that it has within our communities. For many years we have been concerned with proposed legislation that seeks to promote medical marijuana and decriminalize marijuana altogether. Our professional organizations often hear from our colleagues in other states who have legalized marijuana. These chiefs, sheriffs, and state police directors have one similar message for us, and that is how much marijuana legalization has negatively impacted their cities and states. We are here today representing Texas law enforcement from across the state and we're united in one cause. That's to inform policy makers and the public on the facts regarding modern day marijuana and the pitfalls of current legislation and other states. In the fall, the Texas Police Chiefs Association met and put together our legislative committee for the 86th legislative session. Due to proposed marijuana legislation in the past we knew that it would be a big topic again this year.

Chief Steve Dye – Grand Prairie Police Department

Over the last several months the TPCA has taken an objective look at marijuana by researching validated data from other states that have legalized this drug in some capacity. Today we are here to talk about the facts versus the myths, and perceptions often portrayed by those ultimately supporting a phased approach towards legalization. The primary responsibility of government is to protect property and save your lives. As a result, our research is centered on public health and quality of life for the vast majority of the population that does not use marijuana, as well as the small minority that does partake in this harmful narcotic. In conducting our research we appreciate the advantage that Texas has in being able to look at the factual data regarding how legalization or the expanded use of marijuana in other states is affecting those communities. My comprehensive collection and data analysis is ongoing regarding impacts of marijuana use. We continue to study as many data points as possible in order to provide accurate and unbiased resources to our communities and policy makers. Currently small amounts of marijuana are rarely criminalized as police officers are regularly employing proper discretion and procedural justice in not overcriminalizing someone for possession of a personal use amount. Our research has found that marijuana in legalized states can increase crime, negatively impact public health, place additional strain on social services, fail to eradicate criminal enterprises, and that expenditures often outpace revenue collection. The blueprint for proponents of marijuana legalization is clear and has been effectively used in other states that have now legalized this drug. Phase 1: Achieve passage for limited medical use. Phase 2: Push for decriminalization of small amounts of marijuana and expanded medical use. These first two phases are meant to desensitize the public for phase 3 when full

legalization is sought. This is a calculated and systematic approach by a minority of our population that use marijuana and/or stand to gain monetarily from marijuana production. The THC content which is the narcotic degree of modern day marijuana is up to 30 percent and increased from 2 to 3 percent from marijuana back in the 70s and 80s, and up to 95 percent in pure forms of THC. As a result, marijuana of today is not your father's or your grandfather's marijuana, and is now a dangerously addictive and damaging drug. As police professionals, our opposition on marijuana is not concern over enforcement as most every agency has not been arresting young adults or casual users for a joint of marijuana for years, but an urgent call for attention to the harm that marijuana has caused in our society and its impact on everyone's quality of life. Additionally, as Texas chiefs, we will never oppose the clinically supervised medical use of this drug when no other more effective options exist. However, we want to ensure everyone understands that the potency of this drug has significantly increased over the years and we certainly do not want it abused, particularly with our youth. While we realize that marijuana issues are popular among younger voters, we are urging our elected officials to learn and understand the facts about modern day marijuana so that we can all make informed decisions and place public health as our number one priority. We caution state leaders not to be lured into the false hopes that marijuana will increase revenue in our state. For every \$1 collected, Colorado taxpayers spend \$4.50 to mitigate the cost of marijuana legalization and California tax revenue expectations for one year of legalization fell short by almost \$160 million. Some county district attorneys are refusing to prosecute up to four ounces of marijuana, which denies the opportunity for the users of this potent drug to receive treatment assistance from a diversion court. One ounce of marijuana equates to 100 rolled joints while four ounces fills a large purse, which both far exceed anyone's definition of a personal or small use amount. Furthermore, many arrests for marijuana in our communities also involve large amounts of packaged marijuana for sale and/or deadly weapons and/or other drugs such as meth, cocaine, and heroin. When studying the impact on crime in legalized states, crime in Colorado from 2008 to 2017 rose 26 percent while falling in many other non-legalized states, and California has experienced a dramatic increase in vehicle (not 100 percent sure vehicle was the word used, it was hard to make out around the 9 minute mark) thefts and misdemeanor crimes since legalization. Marijuana intoxication is difficult for officers to assess and requires specific training with very few drug recognition experts in the entire state of Texas. In Oregon, 50 percent of all drivers assessed by drug recognition experts tested positive for THC. Some suggest legalization will eliminate or drastically reduce illegal sales and the criminal activity associated with selling marijuana, however this has not proven to be the case and legalization has already led to the corruption of public officials in other states. As we review the effects of modern day marijuana on mental health we found cannabis use is associated with Schizophrenia and other psychosis, that heavy marijuana users may be likely to consider suicide and develop social anxiety disorders, and that marijuana may worsen symptoms in those suffering from bipolar disorder. The yearly number of cannabis induced psychosis cases in Canada is on the rise and has already doubled from 2012 to 2017. Data from the legalized states also indicates that increased marijuana usage has placed an enormous strain on social services and that state medical marijuana laws lead to a higher probability that people will file social security disability claims. Central Oregon Hospital saw a nearly 2,000 percent increase in emergency room visits due to marijuana poisoning with 454 marijuana related emergency visits in January 2016 alone, and in Colorado where recreational marijuana has been legal since 2012, the prevalence of mental health diagnosis in emergency room visits is now actually higher than those who haven't used marijuana. Validated research also confirms a nexus between marijuana use and other crimes and other drug uses. During this country's opioid epidemic the number of marijuana users has increased and in 2017 Colorado had a record number of opioid overdose deaths. Early marijuana use has

shown to more than double the likelihood of opioid use later in life. When surveyed, 90 percent of heroin users had prior marijuana use while only 47 percent reported prior painkiller use. Anytime a substance or product is legalized it sends a message and emits a perception that it's less harmful. As we know, both alcohol and cigarettes are legal but we fully understand their negative consequences. This is particularly true for our youth as one study found that a majority of students who would normally be at low risk for marijuana usage reported their intention to try it if legalized. Usage among juveniles in Colorado, Oregon, Alaska, and Washington has increased as much as 30 percent since legalization and Colorado is first in the nation for first time users, which is up 65 percent in the last 10 years. In 2014 juveniles in Colorado accounted for 49 percent of marijuana arrests and cannabis comes in many forms such as edibles that are enticing and marketed specifically to appear harmless and attract our youth. Many teenagers believe that marijuana is harmless because it comes from the ground, but so does heroin, cocaine, and many other poisonous plants. Studies have found that increased marijuana use in adolescents has led to an increased risk of depression, suicide, and suicidal thoughts. Finally, marijuana usage at a young age can affect a person's IQ and thus potentially their future earning potential. Today we are here to call on lawmakers to thoughtfully base their decisions on the facts of marijuana and to place our public health and quality of life above popular movements among a small percentage of our population. To that end, the Texas Police Chiefs are recommending the following to our lawmakers. Do not expand the use of medical marijuana unless validated, peer reviewed medical research shows a proven medical benefit and that it can be prescribed by a medical profession for a condition that cannot be treated with an existing legal medication. Prohibit the practices at the county level that supersede state law by unilaterally refusing to prosecute less than four ounces of marijuana. Police officer discretion is currently effective for providing procedural justice in terms of each circumstance being evaluated on its unique merits. Create a Class C misdemeanor charge for small amounts of marijuana IE less than one ounce to facilitate the proper level of non-criminalized accountability and treatment opportunity for personal use amounts. And finally, resist the billion dollar pro-marijuana industry's agenda progressively desensitizing the public to this now very addictive and damaging drug and commit to a continued and thorough review of the data from legalized states to ensure that Texas makes the right decision for all Texans' quality of life.

Jeb Skinner – Collin County Sheriff

There are two key issues that I'd like to start with. First, Texas sheriffs oppose further legalization of marijuana in the state of Texas. Two, Texas sheriffs oppose the lowering of any criminal penalties for possession of marijuana as they're currently set. I say further legalization because the legislature passed the Compassionate Use Act Senate Bill 339 in 2015 which was codified in Chapter 487 of the health and safety code. The Sheriffs Association of Texas is not seeking to repeal this act. So you're wondering where we're coming from, well let me explain. Like other Texas sheriffs and Texas police chiefs, my key professional interest is public safety. I don't, nor does anyone else standing behind me make a dime off of how legislation turns out. When I was asked to speak here today I thought about what could I say to help inform our citizens and legislators about this dangerous marijuana legalization. I'm not a social scientist so I'll leave the statistics and big data to the experts who speak to that. I'm from law enforcement, no one will probably be surprised if law enforcement generally opposes the legalization of a dangerous drug like marijuana. But here's what I can offer, some inside information. I've talked to sheriffs in other states where marijuana has been legalized, including a sheriff on a state's marijuana

steering committee and I'd like to share a few of their anecdotes and thoughts. The first thing that they discussed with me was what they termed the roadmap to legalization. They walked me down the explanation of what they defined as the legalization road. It starts with requests to legalize marijuana in the sense of allowing physicians to prescribe low-THC products for limited medical purposes such as intractable epilepsy, glaucoma, for patients undergoing some type of chemotherapy under some regulatory scheme. Later, advocates will claim that whatever they first persuaded the legislature to pass isn't enough. They claim the law doesn't cover enough medical conditions. The law restricting the pool of physicians who may prescribe low-THC marijuana is too limited. The predicate for prescriptions is too regulated, and low-THC isn't enough or what counts as the ratio of THC to CBD so higher ratios are needed. It was explained to me that this was a very slippery slope for them and if Texas pursues that path it will be a slippery slope for them too. The number of permitted medical conditions will increase, *inaudible* categories like severe pain, severe nausea will be added and warn that physician qualifications will be broadened from board certifications in the treatment of epilepsy or similar qualifications to and I quote, a physician who has obtained the proper medical knowledge concerning medical use through a course of instruction provided for that purpose, continuing medical education related to medical use, or self-study. This is contained in the language of House Bill 1365, section 23, it's being proposed during this session. Also, prescribed will become recommend, low-THC products or low-THC marijuana would then become medical marijuana, but the marijuana sold certainly *inaudible* a formal regulatory framework will be set up and no law enforcement agency with an adequate staff in terms of a number of trained officers will be added. The experts, much less our legislators, will be unable to define key terms like what it means to be intoxicated while driving under the influence of THC and most certainly as we've seen in other states marijuana businesses externalize their costs, that is they dump them on the rest of us. But what about the unintended consequences as this conversation continues, or when thinking of what's happening in other states as a formal matter a statute might permit a municipality or county to opt out, for example for permitting retail marijuana sales stores inside a jurisdiction. Cities and counties will face big incentives to allow them, why, because of sales tax revenues. Such local opt in and opt out statutes also encourage a race to the bottom with these jurisdictions thinking if we don't do it our neighbors will. Now what about others drugs? We always say never say never. After legalizing marijuana in Colorado, activists are now working to legalize magic mushrooms (he tried to say psilocybin but couldn't get it out) arguing that it too now has some legitimate medical use. And how would we define the definition of marijuana intoxication? Looking at the history of these other states we've seen that in some jurisdictions the experts have had a hard time agreeing on a definition for THC blood work for marijuana intoxication for purposes of things like prohibited driving while intoxicated. And what of the unfunded mandates that these other states have had to deal with? More marijuana means more DUI cases. More DUI cases mean more THC blood tests, and it becomes more and more expensive. What of robberies and armed robberies and home invasions which all of these sheriffs have discussed? As you might imagine, crooks frequently target cash rich marijuana retail stores to rob. This is another unfunded mandate that will be put on local law enforcement. Then there's the cash, the cash, the United States banking system isn't crazy about accepting cash from marijuana retail sales, legal or not. This means the retailers have to transport cash to central storage units like in Colorado and in southern Colorado there are very large facilities full of cash. This creates a big risk of armed robberies and the private use of very heavily armed transport services. And last we talk about the cartels. All of law enforcement agrees that the drug cartels have stepped in to undercut any legalized marijuana operation with black market marijuana grown here in the United States. It's happening in every state that has legalized marijuana, and so for these reasons

and the many reasons explained by Chief Dye, the Sheriff's Association of Texas opposes the further legalization of marijuana and we oppose the lowering of any criminal penalties for possession of marijuana. But before I close, actually I'd like to close on a personal note. As sheriffs we love the communities we are privileged to serve. We routinely deal with persons suffering from THC poisoning and psychosis related to marijuana use. Our detention officers frequently see persons suffering from a variety of *inaudible* including mental health issues, who many appear to be self-medicating with marijuana. But in all cases we don't just deal with it professionally. No family is immune, including mine. I have a nephew named Austin who I love very much who became addicted to marijuana when he was a teenager living in Colorado. Despite his parent's best efforts he could not overcome the combination of one, the availability of marijuana, and two the culture of marijuana being socially acceptable. Well today, Austin lives at an in-patient treatment facility in Arizona where he struggles with his addiction. He has undergone no less than five facial and dental reconstructive surgeries from injuries he sustained in a one car vehicle crash where marijuana intoxication was a contributing factor. My family has experienced first hand the unintended consequences that the legalization of marijuana brought to the state of Colorado. I don't wish the same for your family, or for Texas.