

## Law Enforcement Officials Disagree About Proposition 19's Unknown Consequences

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Law enforcement officials are at odds over Proposition 19, the Control and Tax Cannabis Act of 2010. Opponents say that if passed, Prop 19 will create many unanticipated consequences including what they call “drugged drivers.” The bill’s proponents argue that it will allow police to focus on protecting public safety, rather than on marijuana violations.

Covina Police Chief Kim Raney is against the proposition. “If Prop 19 passes, there will be a whole new category of drivers on the road, called ‘drugged drivers.’ Law enforcement will have to deal with that social phenomena,” Raney said. “In this legislation, which is so poorly written, there is no definitive answer as to what constitutes a driver under the influence of marijuana. We are going to have to maneuver through all of those issues over the next several months or years.”

Raney is also the vice president of the California Police Chiefs Association, which contributed \$30,000 to the No on Prop 19 campaign. Unlike measuring a person’s blood alcohol content (BAC) with a Breathalyzer and the presumption that a .08 BAC level means a person is under the influence, there is no such device or scientific number that determines whether a person is under the influence of marijuana or defines what “being under the influence of marijuana” actually means, he said.

Prop 19 opponents are also concerned about Mexican drug cartels, which control about 60 percent of marijuana trafficked into California. Raney said it is extremely naive to think they are going to walk away from an open market. “What they will do is legitimize their illegitimate drug trafficking routes and distribution centers,” he said. “Are we going to see the carnage that we witnessed in Mexico because of drug trafficking?”

Stephen Downing, retired deputy chief for the Los Angeles Police Department, shares Raney’s concern about the cartels but thinks marijuana legalization will have a different effect. He sees the country’s current drug policy as a total failure and thinks drug prohibition has allowed cartels to thrive through street gangs that act as their enforcers, distributors, collectors and assassins. “In my view, Prop 19 provides the first important step in creating an exit strategy for the war on drugs,” he said.

Downing also disagrees on the issue of driving under the influence. Under current law, it is illegal for a person to drive under the influence of marijuana, which would not change if Prop 19 passes, Downing said. “If the user of any drug does something that is going to affect anyone else, like driving under the influence, they can be arrested for it, and they can be prosecuted for it. Whether

the frequency of that is going to jump, it would be pure speculation,” he said.

Downing is one of 35 current and retired law enforcement officials who advocated legalizing marijuana in a letter dated September 13 to California voters. The letter stated:

“As criminal justice professionals, we have seen with our own eyes that keeping cannabis illegal damages public safety – for cannabis consumers and non-consumers alike. We’ve also seen that prohibition sometimes has tragic consequences for the law enforcers charged with putting their lives on the line to enforce it. The only groups that benefit from continuing to keep marijuana illegal are the violent gangs and cartels that control its distribution and reap immense profits from it through the black market.

If California’s voters make the sensible decision to effectively control and tax cannabis this November, it will eliminate illegal marijuana distribution networks, just as ending alcohol prohibition put a stop to violent and corrupting gangsters’ control of beer, wine and liquor sales.

As law enforcement professionals, we especially want voters to understand that legalization will allow us to do our jobs more effectively and safely. In 2008, there were over 60,000 arrests for simple misdemeanor cannabis possession in California, yet nearly 60,000 violent crimes went unsolved in our state that same year. When we change our cannabis laws, police officers will no longer have to waste time on low-level cannabis arrests; we’ll be able to focus on protecting the public from murderers, rapists, drunk drivers and burglars. Cannabis cases will no longer clog up court dockets. And room in our costly, overflowing prisons will be freed up when we stop locking people up just because they tested positive for cannabis while on probation.”

Downing emphasized that marijuana legalization would free up law enforcement to prevent violent crimes like rape. In Los Angeles County alone, he said, 12,000 rape kits have not been tested. “Women raped three years ago – and we all know that most rapes are perpetrated by serial rapists – those women have not had their day in court, and their rapists remain at large because the evidence has yet to be analyzed.”

On September 29, Gov. Arnold Schwarzenegger, who opposes legalization of marijuana for recreational use, signed a bill that decriminalizes the possession of up to one ounce of marijuana. The bill reduces the possession fine, which can now be to \$100. The bill also assumes that possession violations will not appear on a person’s record as a crime.

On November 2, California voters will decide if they are ready to take Schwarzenegger’s bill further and legalize marijuana for recreational use. ■