

**MOTION BY SUPERVISOR MARK RIDLEY-THOMAS
AND SUPERVISOR HILDA L. SOLIS**

FEBRUARY 13, 2018

The Decriminalization of Cannabis and Ensuring Equity in Enforcement

The war on drugs and the over-criminalization of cannabis possession and use have created intergenerational harms to communities throughout the country, including in Los Angeles County (County). Disproportionate enforcement impacts African-American and Latino communities in particular, resulting in higher rates of arrest, and more severe charges and sentences, which in turn compounds barriers to employment, housing, financial assistance, and deepening social, communal and economic disparities.

Since its passage in November 2016, an under-realized aspect of Proposition 64 has been the reclassification (relief for those with prior convictions) and resentencing (relief for those currently serving a sentence or who are on probation) of minor cannabis convictions. For youth with a cannabis offense, this also includes the destruction of court records. It is estimated that about one million people in California, and potentially hundreds of thousands of County residents, may qualify for relief. The Office of

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Cannabis Management, District Attorney, Public Defender, Alternate Public Defender, and other departments have been working collaboratively to identify approaches each department could take to streamline the workload with respect to resentencing petitions under Proposition 64. This work must be deepened and institutionalized.

Moreover, strategies and data tracking are required to prevent the disparate enforcement that has been seen in other jurisdictions post-legalization. In Alaska, for example, while overall cannabis-related arrests fell after legalization, African-Americans were still arrested for these offenses approximately 10 times more often than Caucasians. In Washington, D.C., this racial disparity was closer to 4:1; in Colorado, 3:1. As disproportionate enforcement and criminalization continue to be a concern, it is imperative that the County track these issues to address any disparities that may arise in efforts to enforce the new laws and promote public health and safety.

WE THEREFORE MOVE THAT THE BOARD OF SUPERVISORS: Direct the Countywide Coordinator of the Los Angeles County (County) Office of Cannabis Management, in collaboration with the interim Public Defender, Alternate Public Defender, Directing Attorney of the Los Angeles County Bar Association's Independent Juvenile Defender Program, District Attorney, Chief Probation Officer, Sheriff, County Counsel, Director of the Office of Diversion and Reentry, the courts, any other relevant government agencies and community stakeholders, to develop Countywide recommendations around cannabis-related decriminalization and disparities, due to the Board of Supervisors in writing in 120 days, that include:

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1. A Countywide plan on cannabis resentencing and reclassification that provides:
 - a. An estimate of the number of individuals (youth and adults) eligible for legal relief as well as those who have already received legal relief;
 - b. Strategies to remove barriers to legal relief and provide resentencing and reclassification in a timely, cost-effective and accessible manner to these individuals, including youth with convictions eligible for expungement;
 - c. Alignment with and expansion of other decriminalization and resentencing efforts underway, including Countywide work on Proposition 47 resentencing;
 - d. Strategies to complement cannabis-related legal relief with other needed support and reentry services (e.g., housing and employment) to mitigate the social and economic impact caused by over-criminalization, and methods to track outcomes;
 - e. A general assessment or estimate of the potential economic benefit to both County and the individuals that are eligible for expungement; and,
 - f. Resource and staffing needs to implement these resentencing recommendations, with short and long term funding recommendations.

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2. An assessment of data tracking mechanisms that can be added to existing efforts to measure and prevent disproportionate enforcement of cannabis-related offenses.

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