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Advisory re: Proposed Marijuana Harm-Reduction Ordinance for Gwinnett County, Georgia

To: Esteemed members of the Gwinnett County Commission; and Gwinnett Citizens Advisory Board

From: Peachtree NORML, the Georgia chapter of the National Organization for the Reform of Marijuana Laws

We write first to express our **support for the harm reduction ordinance** proposed by Commissioner Kirkland Carden, which would reduce the criminal penalties associated with simple possession of cannabis/marijuana from 1 year/\$1,000 fine to community supervision and \$150 fine.

We commend the Gwinnett police for the 2019 decision to **no longer make custodial arrests or issue citations** for up to one ounce of cannabis/marijuana. This ordinance, well implemented, could codify the improved policy.

We also cite our concerns about the current proposed harm reduction ordinance, as its language allows for criminal penalties other than immediate arrest. Community supervision, probation, or parole, frequently **results in later incarceration**. Like fines and fees, such burdens **disproportionately penalize the poor and people of color**, who often lack the resources to comply or are held to a stricter standard. This **perpetuates the discriminatory impact** of cannabis criminalization, blunting the noble intent of the ordinance.

Georgia ranks **worst in the nation** for the number of citizens on 'supervision':

- Almost 5% of adults in Georgia are on a supervision tether (3.5x national average¹)
- If our 402,000 supervisees were all in one place it'd be the 2nd largest city in Georgia.
- In Georgia counties where data are available, the most common supervision "violations":²
 - Involve failing to pay associated fees or report as scheduled; consuming alcohol.
 - Do **not** indicate a risk to community safety, nor involve new criminal acts.
 - May account for 45% of new/repeat admissions to jails and prisons.

If cannabis is a "gateway drug" in any way, it is a gateway to the prison pipeline. Entanglement with the 'supervision' system, which often sets people up to fail and land in jail, poses a far higher risk to their (and their communities') economic and social success than cannabis use itself ever could. A criminal record carries collateral consequences that damage individuals' access to employment, safe housing, public assistance, education, transportation, health, professional licensure, and family custody/reunification.³

Superficial violations of parole or probation supervision often lead to custodial sentencing, **even when neither the initial infraction, nor the violating behavior, is a jailable offense.**

[Probation is] like a prison sentence outside of jail. You walk around with a rope tied around your leg to the prison door. Anything can lead to revocation.

—James Yancey, Georgia defense attorney.

CONCLUSION: To lessen the social disparities associated with criminalizing individuals for cannabis possession, the proposed harm reduction ordinance **MUST** remove the conditions (probation, community service, fines, fees) which do not impact public safety and are likely to result in unjust incarceration, especially for the most vulnerable.

¹ Times Free Press, *Georgia is by far the top state for probation, leaving officers spread thin*. 2017.

² Human Rights Watch / American Civil Liberties Union report: *REVOKED*. July 2020.

³ *Collateral Consequences of Criminal Convictions: Confronting Issues of Race and Dignity* 2010.