



## MEMORANDUM

TO: Members of the City Council

FROM: Chief of Police - Vicky Steffanic

CC: City Manager - Sylvia Carrillo

DATE: 08.16.2024

RE: Decriminalization of Marijuana

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Irrespective of other items of potential concern in reference to decriminalizing marijuana; I would like to provide you with a perspective, or an outline if you will, of how this would directly affect the City of Bastrop Police Department, whether you are in favor of the measure or not. This way, you have undeviating information when you fashion your assessment.

1. The measure would be a city ordinance, the only agency that would be affected are officers with the City of Bastrop Police Department. Bastrop County Deputies, DPS Troopers and any other law enforcement acting within the city limits of Bastrop do not have to abide by the city ordinance. This could be confusing to some citizens as most do not separate the identities of officers based on agencies. In essence the ordinance would limit the options available to only the State certified officers with our department.

2. The State of Texas announced lawsuits against surrounding cities that have decriminalized marijuana (Austin, San Marcos, Killeen, Elgin, and Denton). In Denton, although the citizens voted to enact the ordinance, the city will not and does not enforce the decriminalization ordinance due to the conflict with State Law. In addition, citing marijuana related offenses often lead to discoveries of more violent crimes. The City of Harker Heights enacted an ordinance but repealed it soon afterwards citing that the decision should be left to the State. Whether or not the State will file charges against the City of Bastrop is not a decision that involves our department but a potential lawsuit from the State could affect any future grants decisions for our department. In the past, legislatures have seemingly pushed back on cities that have undermined State law.

3. State law requires that peace officers (as we are licensed by the State) follow State rules when it comes to marijuana enforcement.

4. Our current practice for marijuana offenses includes having the option to arrest. However, we typically issue a citation to appear in Municipal Court

rather than physically taking someone to jail. This allows us to have some discretion based on the incident at hand but enables us to not arrest (which takes more time on the backend) and is a less expensive option when it comes to enforcement.

An ordinance that decriminalizes marijuana would mean our department would enforce State law and only have the option of making an arrest and filing charges. The ordinance would eliminate our current option of cite and release or arrest.

5. The local government code Chapter 51 Subchapter A section 51.002 Ordinance or Rules inconsistent with State Law Prohibited. "The governing body of a municipality may adopt, enforce or maintain an ordinance by rule only if the ordinance or rule is consistent with State Law".

6. Calls for service do not decrease or increase due to the decriminalization of marijuana. We do not typically receive many calls for marijuana (18 calls in the past year). However, decriminalization of marijuana for private use has led to marijuana use in public being more commonplace - meaning the normalization has typically caused other issues associated with public use. This may cause more of an increase in our calls but there is no statistical data to support this.

7. Along the lines of enforcement, marijuana is identified as a gateway drug, meaning we *usually* start with marijuana but end up with methamphetamine, alcohol, or fentanyl.

8. The THC levels in marijuana have noticeably increased in potency over the years, with further refinement in the form of derivatives such as 'edibles' and 'honey oil' estimated to have THC at 40 - 80% higher in these concentrated forms. What this means for our department is our rate of intoxicated / impaired driving increases.

Respectfully Submitted

VS

Chief of Police  
Vicky Steffanic  
City of Bastrop Police Department  
104 Grady Tuck Lane Bastrop, Texas 78602