

Daley Hints at Change for Ill. Drug Laws

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CHICAGO -- Mayor Richard Daley, a former prosecutor, runs the nation's third-largest city with a pragmatic, law-and-order style.

He wears his hair short, and you'll never catch him in a Grateful Dead T-shirt. So when he starts complaining about the colossal waste of time and money involved in prosecuting small-time marijuana cases, people take notice.

"This is absolutely a big deal," said Andy Ko, director of the Drug Policy Reform Project for the American Civil Liberties Union in Washington state. "You've got a mayor in a major American city ... coming out in favor of a smart and fair and just drug policy."

What Daley did was to say late last month that a police sergeant was on to something when he suggested that it might be better to impose fines between \$250 and \$1,000 for possession of small amounts of marijuana rather than prosecute the cases.

Sgt. Thomas Donegan determined that nearly 7,000 cases involving 2.5 grams of pot or less were filed last year in Chicago. About 94 percent were dismissed.

Daley wondered if ticketing offenders might be smarter. "If 99 percent of the cases are thrown out and we have police officers going (to court to testify in the cases), why?" the mayor said. "It costs a lot of money for police officers to go to court."

The way Daley's thoughts became public was also unusual: There was no public pressure for the mayor to speak out. He was asked by reporters who had gotten wind of Donegan's findings and simply answered their questions.

Police officers are used to spending hours making arrests, writing reports and waiting around in court, only to see the charges dropped or a guilty plea that leads to nothing more than probation or drug-education classes.

"While officers are doing everything to keep the streets safe, the offender gets arrested and is walking the street in just a few hours," Donegan wrote in his report. "To me, this is a slap in the face to the officers."

Both police and defendants know it's rare for anyone arrested for a small amount of marijuana to get the maximum penalty in Illinois: 30 days in jail and a \$1,500 fine. Pat Camden, a Chicago police spokesman and a former officer, said he couldn't remember a single case.

Leonardo Nevarez, 23, wasn't worried when an officer found what he said was half a joint in his pocket in August. He pretty much knew he would be ordered to attend a drug-education class.

About the only question he had last week when he went to court was whether the arresting officer would show up. If he didn't, the case would be dismissed.

"Yeah, I was hoping he wouldn't be there," Nevarez said. "He was there."

Nevarez said he could have sought a delay in the case, as some defendants do, in the hopes that the next time the arresting officer would be absent. But after talking briefly to a public defender, he entered a plea, the judge ordered the class, and Nevarez went home.

The case had taken up the time of police officers, court clerks, a judge and an attorney.

Chicago wouldn't be the first city to reduce the penalty for possessing a small amount of marijuana.

In Seattle, voters passed an initiative requiring law-enforcement officials to make personal-use marijuana cases their lowest priority. In California and Oregon, possession of a small amount of marijuana is a misdemeanor punishable by a \$100 to \$500 fine. In Colorado, it doesn't even rise to the level of misdemeanor; it's a petty offense with a fine of no more than \$100.

Some observers say Daley's statements have added weight because of the mayor's background.

"As a former prosecutor, nobody is going to say he's soft on crime," said Dick Simpson, a political science professor at the University of Illinois at

Chicago and a former city alderman.

Chicago officials are a long way from making permanent changes. Police spokesman David Bayless said the department has yet to determine the accuracy of Donegan's report, which concludes the city could have collected more than \$5 million in fines last year.

Still, Daley's comments alone could have a wide impact.

"This will make it easier for other officials to say the same thing," Simpson said. "I can imagine mayors in other cities coming out agreeing that this shouldn't be treated as a high crime."

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ACLU Drug Policy Reform Project: <http://www.aclu.org/DrugPolicy/DrugPolicyMain.cfm>

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