

City of Philadelphia
Law Department

Memorandum

TO: Honorable Michael A. Nutter, Mayor
FROM: Martha Johnston, Senior Attorney/MJ
DATE: October 1, 2014
SUBJECT: Proposed Executive Order Re: Marijuana Decriminalization

You have submitted for review a draft of a proposed Executive Order entitled:

**IMPLEMENTATION OF AND SUPPORT SERVICES FOR DECRIMINALIZATION
OF POSSESSION OF SMALL AMOUNTS OF MARIJUANA**

This proposed Executive Order, a copy of which is attached hereto, is in proper form and there is no legal objection to its issuance by the Mayor. In accordance with customary practice, we have not been requested to review any factual premises upon which this Executive Order may be based.

EXECUTIVE ORDER NO. 06-14

IMPLEMENTATION OF AND SUPPORT SERVICES FOR DECRIMINALIZATION OF POSSESSION OF SMALL AMOUNTS OF MARIJUANA

WHEREAS, with the enactment of Bill No. 140377, advanced by Councilman James F. Kenney, Philadelphia has recently joined a growing number of cities and states around the country which have decriminalized the possession of small amounts of marijuana; and

WHEREAS, the aim of decriminalization is not legalization, but instead, to bring penalties and consequences into proportion with the gravity of the offense; and

WHEREAS, Philadelphia District Attorney R. Seth Williams has shown important leadership in this area by creating the Small Amounts of Marijuana (SAM) Program in 2010 in order to reduce the disproportionate impact of minor marijuana possession offenses on defendants and the justice system; and

WHEREAS, the Police Department will enforce the new ordinance, which prohibits the possession of small amounts of marijuana in the City, by issuing citations, resulting in civil fines, unless the circumstances warrant a charge under the criminal laws of Pennsylvania; and

WHEREAS, the City will not ignore the long-term health risks of drug abuse, including from the abuse of marijuana, and will continue to devote substantial resources to providing prevention programs and resources to young people, and substance abuse services for those involved with drugs in the criminal justice system as well as those charged with civil penalties under the new ordinance; and

WHEREAS, persons who presently have criminal records, as a result of arrest and charges for the possession of a small amount of marijuana, should receive assistance in having such records expunged, so that prospects for future employment, student financial aid, military service, and other opportunities will not be unfairly denied them; and

WHEREAS, it is crucial for the City to engage in a broad public awareness campaign so that citizens are educated about changes in the City Code regarding small amounts of marijuana, including that marijuana has not been legalized;

NOW THEREFORE, I, Michael A. Nutter, Mayor of the City of Philadelphia, by the authority vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

SECTION 1. Implementation and Public Outreach.

A. As of the effective date of Bill No. 140377, the Police Commissioner shall issue such new directives, regulations or other policy statements, and provide for such training, as the Police Commissioner deems necessary in order to fully implement the Bill, including providing for disposal of any marijuana seized.

B. The City shall initiate a public outreach campaign to inform citizens about the changes to the law effected by Bill No. 140377. The campaign shall inform the public that, while the Bill decriminalizes the offense of possession of a small amount of marijuana, such

possession remains unlawful and punishable by a civil fine. The campaign will include, but is not limited to:

- (1) Distribution of information cards;
- (2) Public service announcements;
- (3) Information about the availability of substance abuse support services and criminal record expungement assistance; and
- (4) Such other outreach efforts as may be appropriate.

C. The Deputy Mayor for Public Safety, the Police Commissioner, the Commissioner of Behavioral Health and Intellectual disAbility Services, the Director of the Mayor's Office of Re-Integration Services (R.I.S.E.), and all other necessary members of the Administration are directed to coordinate and cooperate with the School District of Philadelphia, Archdiocese of Philadelphia schools, and other primary and secondary schools throughout the City; the Courts; the Office of the District Attorney; the Prison System, and any other organization necessary in order to fully implement the aims of Bill No. 140377 and this Executive Order.

SECTION 2. Preventive and Support Services, Health Information and Education, Training and Jobs, and Expungement of Records.

A. The City shall continue to support the implementation of evidence-based substance abuse and violence prevention programs in order to educate students at an appropriate age about the dangers of substance abuse.

B. The Office of Behavioral Health and Intellectual disAbility Services shall continue to devote appropriate resources to the provision of substance abuse treatment and services for all citizens who seek or are referred to treatment, through the criminal justice system or otherwise, so that every person who needs treatment for substance abuse can obtain services in the City.

C. The Mayor's Office of Re-Integration Services (R.I.S.E.), and programs such as PowerCorpsPHL and FutureTrack shall continue to provide job training and employment opportunities and other services that empower individuals to take control of their lives and avoid substance abuse, violence, and contact with the criminal justice system.

D. The City may dedicate such resources as are appropriate to assist persons in obtaining expungement of criminal records previously incurred for non-violent drug possession offenses, including expungement of records for the possession and use of small amounts of marijuana.

SECTION 3. Effective Date.

This Order shall be effective immediately.

Date: October 1, 2014



Michael A. Nutter, Mayor