



KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104

John Urquhart
Sheriff

Senate Judiciary Committee Hearing
“Conflicts between State and Federal Marijuana Laws”
Questions for the Record Submitted by Senator Al Franken for
the Honorable John Urquhart, Sheriff, King County, WA

Question 1: Some studies indicate that enforcement of marijuana possession laws have a racially disparate impact. For example, a recent report found that African Americans are 3.73 times more likely to be arrested for marijuana possession than are whites, even though African Americans and whites use marijuana at similar rates. See “The War on Marijuana in Black and White,” American Civil Liberties Union at 9 (June 2013). The report says that this disparity increased significantly between 2001 and 2010, and it concludes that “[t]he war on marijuana has largely been a war on people of color.” *Id.* at 9.

- What are your thoughts on the racially disparate impact of marijuana possession laws?

John Urquhart – *I agree with reports stating that marijuana enforcement laws have historically been enforced against African Americans in a disparate manner. Police departments focus their limited resources where they feel they can best serve the community. This often means that if we are getting calls about drug dealing, or speeding, or loitering, we will try to respond to the community’s concerns and fix the problems by enforcing the laws available to us.*

The issue of marijuana enforcement is not just enforced in a racially disparate manner, but an economically disparate manner. People with lower incomes are more likely to publicly use drugs or engage in drug dealing, than those of higher incomes. Those with higher incomes are using in their own homes, or dorm rooms, etc. Therefore, lower income usage of marijuana becomes a more visible problem to the rest of the community, making the police more likely to receive complaints, and thus direct their resources to address it.

- What advice do you have for lawmakers who are concerned about these data?

John Urquhart – *The problems associated with drug use do not start at the time of arrest, but in the family unit. The determination is influenced by whether a child is receiving adequate early learning education, whether a student is learning in a safe and fulfilling environment, or whether an adult can become gainfully employed. I would encourage our lawmakers to implement policy that gives the greatest number of people the best opportunity to succeed, so they are less likely to turn to drug use, ultimately harming their own lives and those of their loved ones.*

- What advice do you have for law enforcement leaders who want to enforce the laws in a racially neutral manner?

John Urquhart – *I don't know that I have any advice for law enforcement leaders other than to be aware of their own biases, and to ask their police officers to do the same. We as police officers have a duty to enforce the law. When we identify laws that are having a net detrimental impact on society in their enforcement, I also consider it our duty to alert lawmakers to that fact. That's why I was so vocal about my support of I-502. In that case, the citizens of Washington were the policy makers, and I made it clear from my experience as a narcotics detective, that the old system of enforcement was not working, and we needed to try something new.*

Question 2: I want to thank the King County Sheriff's Office for its endorsement of the Justice & Mental Health Collaboration Act (JMHC), which will extend federal support for mental health courts, crisis intervention teams, and veterans treatment courts. I believe that it makes sense to provide non-violent offenders with access to rigorous treatment and supervision programs in appropriate cases, and I know that our law enforcement officers face difficult challenges when they are asked to fill public health roles – such as responding to mental health crises in the community and overseeing the jails, where many people with mental illnesses are living.

- Could you please explain how JMHC would help your office and your community?

John Urquhart – *The JMHC is critical for supporting the safety net of some of our community's most vulnerable residents. My deputies see the impacts every day of defunding our mental health care system in King County and Washington State. The King County Jail has become the largest de facto mental health hospital in the entire state due to budget costs. Corrections and court costs are skyrocketing as cases are delayed as defendants are put on long waiting lists for assessments and treatment. And in the community, when law enforcement encounters people suffering from mental illness, it ends in tragedy. Earlier support may have prevented such an encounter. I stand firmly behind the goals of the JMHC and urge its passage.*



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Senate Committee on the Judiciary

“Conflicts between State and Federal Marijuana Laws”

September 10, 2013

Questions for the Record from Ranking Member Charles E. Grassley

John Urquhart, Sheriff, King County, Washington

1. You suggested that your support for Washington’s Initiative 502, which legalized recreational amounts of marijuana, is in part linked to high incarceration rates. What do the two have to do with each other? To what extent are simple possessors of the amounts of marijuana legalized by Initiative 502, who do not have any other criminal history or conduct, incarcerated in Washington? Do you support the legalization of any other drugs that are illegal under federal law?

John Urquhart – *I do not support the legalization of any other drugs that are illegal under federal law. I am not aware of any data available to answer your question to what extent possessors of marijuana are incarcerated in Washington. But I know that a criminal conviction can have just as detrimental effect to a person’s future as being incarcerated. A criminal conviction has the potential to follow someone around for life. Students convicted of drug offenses, including marijuana, have their federal financial aid eligibility negatively impacted. Criminal convictions may be required on job or housing applications. And of course, criminal convictions can lead to incarceration that negatively impacts an individual’s ability to become a productive member of society in the future. The citizens of Washington State have made it clear that they do not want those who possess small amounts of marijuana to be convicted or incarcerated, and I will abide by their wishes.*

2. You testified that you will instruct your officers to enforce the law under Initiative 502, including writing tickets for smoking marijuana in public. However, according to press reports, during Seattle’s three-day Hempfest in August 2013, many attendees openly smoked and sold marijuana in public and on public property. Attendees also were given snack foods by police officers with stickers that read: “We thought you might be hungry.” Are these press reports accurate? How many tickets for smoking marijuana in public were issued by Seattle police to those attending Hempfest?

John Urquhart – *The King County Sheriff's Office and the Seattle Police Department are two separate entities, therefore I do not have figures regarding the number of tickets that SPD issued to attendees of Hempfest. I am aware of press reports describing the outreach efforts of SPD to educate citizens on changes to laws that may have an impact on them, and have been given no reason to question their veracity.*

The Sheriff's Office presence in the city of Seattle is primarily in the form of our Metro and Sound Transit Police. I have instructed my deputies that they will enforce the law under Initiative 502, which includes writing tickets for smoking marijuana in public, and I expect that law to be enforced. The law also prohibits street deals for marijuana. In November of 2013, my deputies and SPD conducted an undercover investigation in downtown Seattle that resulted in the arrest of 30 drug dealers and gang members for selling crack cocaine, powder cocaine, pills, and marijuana.