

**CITY OF BETHLEHEM**

**City Council Memorandum**

**SUBJECT:** Request for Public Safety Committee Meeting to receive update on potential enforcement patterns related to Article 744, Marijuana Possession

**TO:** Adam R. Waldron, President of Council

**FROM:** J. William Reynolds, Member of Council

**DATE:** January 13, 2020

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Mr. Waldron,

I would like to request a meeting of the City Council Public Safety Committee for Council to receive an update from the Police Department on the status of the City's marijuana decriminalization policy established in 2018.

Specifically, I am interested in information on enforcement of Article 744, titled Marijuana Possession, and whether there are identifiable enforcement patterns in different geographic regions of the City. Moreover, I am interested in data related to potential enforcement disparities between the Northampton County and Lehigh County portions of the City.

As to the timing of the committee meeting, I respectfully ask that we schedule it far enough in advance to give ample time for the Administration to collect information and for Council to reach out to community groups, stakeholders, and citizens who may be impacted by application of the Marijuana Possession law.

Thank you for your consideration of this request.



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J. William Reynolds, Member Council

**CC:** Members of Council  
R. Donchez, Mayor  
M. DiLuzio, Chief of Police  
J. Spirk, Esq., City Council Solicitor  
W. Leeson, Esq., City Solicitor

## BACKGROUND

Morning Call Article  
December 16, 2019

**District judge questions how Bethlehem  
treats minor marijuana offenses**

Nicole Radzievich,  
The Morning Call

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# District judge questions how Bethlehem treats minor marijuana offenses

By **NICOLE RADZIEVICH**  
THE MORNING CALL | DEC 16, 2019



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Marijuana (Elaine Thompson)

Lehigh University and Bethlehem police treat minor marijuana offenses so differently it “constricts my ability to dispense equitable justice,” the front-line judge overseeing south Bethlehem cases publicly declared Monday.

District Judge Nancy Matos Gonzalez questioned how that can be justified, saying “I do not wish to be complicit” in a Dec. 10 letter.

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Matos Gonzalez made the letter to Police Chief Mark DiLuzio public Monday. Mayor Robert Donchez, Lehigh Police Chief Jason Schiffer and District Attorney John Morganelli were also copied on the letter.

To print the document, click the "Original Document" link to open the original PDF. At this time it is not possible to print the document with annotations.

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Donchez said he will ask DiLuzio to meet to discuss the matter with Matos

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A Lehigh University spokeswoman declined to comment given the letter was addressed to the city police chief.

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The three-page letter expresses concern and frustration in a measured and detailed way, offering statistics to back up the disparity between penalties faced by Lehigh University students and residents living among them on the South Side.

The judge said Lehigh generally charges people caught with less than 30 grams under a 1½-year-old city ordinance which makes the offense akin to a traffic ticket.

But, she said the city leaves it up to the officer's discretion whether to charge the offense as a summary or a criminal charge. She calculated that city police file criminal charges for that offense 3.25 times more often than as a summary in her south Bethlehem district alone.

That leads to wide disparity between the penalties. The fine and court cost amount for the summary charge comes to \$116.25. Under the criminal charge, even though Matos Gonzalez sets the fine at \$1, criminal court costs bump what's owed up to \$574.75. Many can't pay, forcing them to waive their cases to county court, be under court supervision and pay additional penalties. And, if defendants enter a diversionary program to avoid a criminal record, those court costs also go up and sometimes require a lawyer to help navigate the system, she said

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Therefore, Matos Gonzalez said, being caught on the "longstanding, prestigious academic institution" will yield far fewer sanctions than someone caught on the

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“I ask how can that be justified,” she said. “I will not ignore that the demographics between both communities are arguably vastly differing based on race, ethnicity and economic levels.”

The judge said she was not taking a policy stance on the ordinance but wanted to raise “systematic issues.”

The judge’s concerns come more than a year after Bethlehem became the eighth city in Pennsylvania to decriminalize marijuana.

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The ordinance was sponsored by council members Olga Negron and Michael Colon. In calling for the ordinance, Negron had said she was concerned that such a charge would derail young people’s chances of getting into a college, grants and better jobs.

Bethlehem is split between two counties headed by district attorneys who differ on the issue. The county border runs along a stretch of Monocacy Creek and continues north along Schoenersville Road.

Morganelli has said they would leave it up to individual municipalities to decide on whether to decriminalize amounts of less than 30 grams, but Lehigh County District Attorney Jim Martin called for the state law, which makes the violation a criminal misdemeanor, to be enforced. Matos Gonzalez’s district is in Northampton County.

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Marijuana is classified by the federal government as a Schedule 1 substance, the same classification as heroin. The Drug Enforcement Administration defines such drugs as having a high potential for abuse and no accepted medical use.

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Pennsylvania legalized marijuana for certain medical conditions, but does not allow it for recreational use. Gov. Tom Wolf and Attorney General Josh Shapiro, both Democrats, in September came out in favor of legalizing pot.

*Reporter Nicole Radzievich can be reached at 610-778-2253 or [nmertz@mcall.com](mailto:nmertz@mcall.com).*

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Nicole Radzievich



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Nicole Radzievich covers Bethlehem and Bethlehem Township. She's originally from the coal region (Pottsville) and left to go to school at Penn State. She graduated with degrees in political science and journalism and completed an international communications program at the University of Manchester,

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