

## Citations, not arrests, feature of new pot policy

By Mary Jo Fitzl

Misdemeanor offenders guilty of marijuana possession won't be left "holding the bat" as much as they have in the past because of a new misdemeanor policy implemented by Lancaster County law officers.

The new policy handles misdemeanor offenses, including marijuana possession, much the same way as traffic violations. Offenders are issued a citation rather than being taken to city or county courts for booking and fining, said Bernard McGinn, chief deputy county attorney.

Under the new policy, persons found with less than a

pound of marijuana in their possession for personal use will have the weed removed and be cited for the offense.

The citation will give the date for a court appearance for the defendant. There he can appeal his case, and punishment, if any, can be given, according to McGinn.

If the officer finds the weed being used for "non-personal" purposes, such as distribution, the offender will be arrested, McGinn said.

### Officer's discretion

McGinn stressed that it is up to the law enforcement officer's discretion if a citation should be issued or if an arrest should be made. If the offender has a record of past

law offenses or if the case is "not consistent with effective law enforcement," the officer reserves the right to arrest the offender, McGinn said. Citations usually are given to first-time offenders.

Non-residents of Lancaster County are more subject to arrest than to a citation because non-residents could easily skip town, McGinn explained.

The new citation policy was introduced to free law enforcement officers from time-consuming paperwork involved in booking offenders arrested for misdemeanors, said Capt. Glen Allen of the Lancaster County Sheriff's Office.

"It took so much time (booking), the officers should have been out on the streets instead of standing around here (at police headquarters)," Allen said.

### Unnecessary time

Allen cited an example of the unnecessary time involved in bringing someone "with a little batch of marijuana in his pocket" to the police station when the offender "is usually released anyway."

The citation policy went into effect Aug. 4, said Jerry Fisher, legal adviser for the Lincoln Police Dept. Fisher, who wrote this policy, followed guidelines established in LB829 passed by the Nebraska Legislature in 1974.

Fisher explained the policy relates to all misdemeanors. This includes offenses such as disturbing the peace, minors in possession of alcohol or drugs, petty larceny and marijuana possession.

The policy is enforced by officers of the Lincoln Police Dept., the Nebraska State Patrol and the Lancaster County Sheriff's office.

A misdemeanor offender is issued a citation, much the same way a speeding ticket is issued. The citation gives the date for a court appearance where the offender can plead his case, McGinn said.

If the misdemeanor offender is found guilty, he is subject to a penalty prescribed by the misdemeanor statutes. This consists of not more than seven days in jail and not more than \$500 in fines, or both, he said, quoting the statute.

Effects of the new citation policy have been "very small" so far, Allen said. He had no figures on the amount of citations issued since the new policy was implemented or on how much paperwork has been eliminated.

## Diplomat Woodruff speaks Wednesday

U.S. diplomat Arthur Woodruff will speak to classes at 11:30 a.m. Dec. 8 in Oldfather Hall 209.

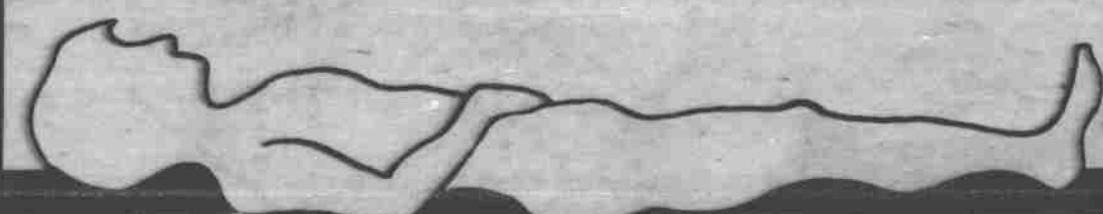
Woodruff is deputy director of the Office of Policy Planning and Congressional Affairs of the Bureau of Inter-American Affairs of the U.S. Department of State. He will be speaking to students about relations between the U.S. and Mexico, prisoner exchange and border problems. According to William Avery, political science professor, Woodruff is a Latin American specialist.

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