



MICHAEL J. SATZ
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SEVENTEENTH JUDICIAL CIRCUIT OF FLORIDA
BROWARD COUNTY COURTHOUSE
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July 12, 2013

Howard Finkelstein
Public Defender
Law Office of the Public Defender
Seventeenth Judicial Circuit
201 SE Sixth Street, North Wing, Suite 3872
Fort Lauderdale, Florida 33301

Dear Mr. Finkelstein:

I have received your letter of July 10 in which you once again use patently offensive, irrational and incorrect statements to further your personal and political agenda at the expense of the reputation of all the law enforcement agencies throughout Broward County. Even a cursory reading of the American Civil Liberties Union's recent report on racial disparities in marijuana possession arrest rates reveals Broward County's rates of arrest are at or below the national average, below the State average, and the lowest in the tri-county area. Your letter, citing to these statistics, does no less than imply racism on the part of police and prosecutors nationwide.

Your reckless remarks miss the point.

While any form of racial disparity is cause for concern and review, nothing in the ACLU's analysis addresses the larger problem - so often ignored by your personal grandstanding - of increased crime in underprivileged minority communities. Concern for this problem and substance abuse issues in general, is what motivated my office to sign on to the creation of our drug courts and establish our pre-trial intervention programs. Rather than incarcerate marijuana users, the goal - regardless of race - is to facilitate rehabilitation.

None of this, unfortunately, appears relevant to your correspondence. Like the boy who cried wolf, this is not your first letter carrying a hysterical tone, disparaging all law enforcement, and misstating the facts. If not for your history of blatant misrepresentations, I might assume you simply misread the ACLU report. The circumstances before me, however, suggest otherwise.

For example, you state, "In 2010, Broward County was ranked 18th in the nation for racial disparity in marijuana possession arrests. (Figure 16, page 60)." This is a false statement. The chart you cite lists the most *populous counties* in the nation and ranks Broward County as the 18th most *populous county*. [see Figure 16, page 60, enclosed]. It does not rank Broward County among the most disparate counties in the country; Broward County does not even rank among the most disparate counties in Florida. [see page 144, Florida statistics, enclosed]. According to the ACLU report, Broward County's disparity rate is much lower than the 4.2 statewide average

and at least 20 counties in the State of Florida have higher disparity rates. You proclaim that, "(m)ost disturbingly, black residents of Broward County are 3.7 times more likely to be arrested for marijuana possession than white citizens." You fail to mention that Broward is lower than the national average (3.73), lower than the state average (4.2), and the lowest in the tri-county area (Miami-Dade 5.4 and Palm Beach 4.8). Rather, than address issues, the plain purpose of your letter is to falsely disparage law enforcement. If this was an error on your part, it appears as convenient as it is embarrassing.

Marijuana is illegal to possess. I do not make the law; the legislature does. I do not make arrests for possession of marijuana; police agencies do. I enforce the law and file appropriate charges when lawful arrests are made by our police agencies.

I have heard you state your desire to legalize marijuana. It appears in your quest you have decided to besmirch the reputation of all law enforcement in Broward County by turning what is a nationwide issue into a racial problem unique to our community. That is reprehensible, even by your disingenuous standards of protest.

Given your role as an elected public official, these repeated misstatements of fact speak poorly of all you represent.

Sincerely,

A handwritten signature in black ink that reads "Michael J. Satz". The signature is written in a cursive, flowing style.

MICHAEL J. SATZ
State Attorney

MJS/kf

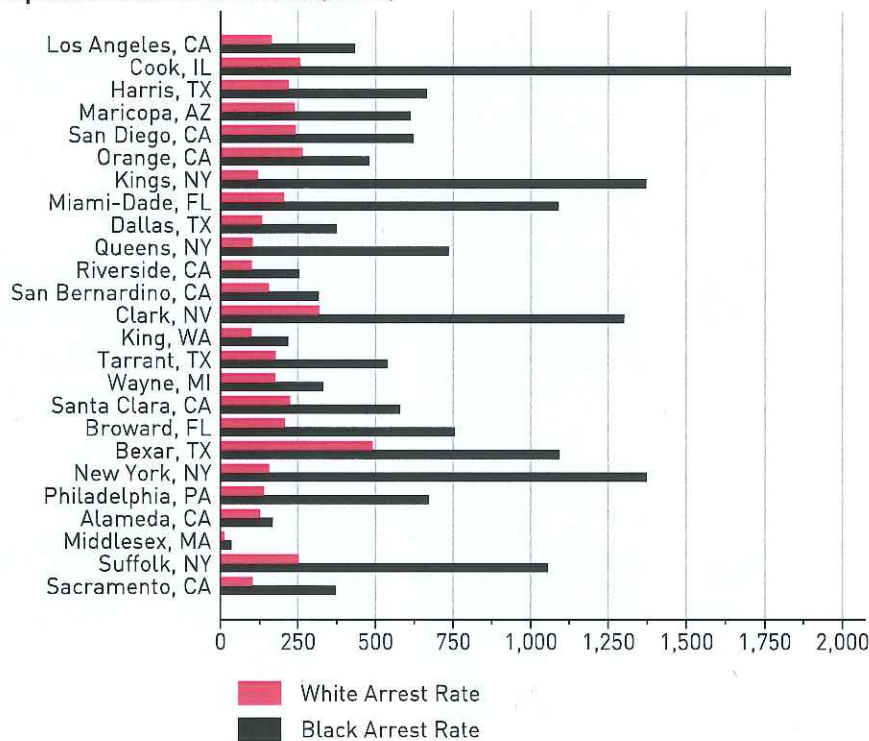
enclosures

cc: Ms. Marsha A. Ellison, President, NAACP, Fort Lauderdale/Broward Branch
Dr. Germaine Smith-Baugh, President & CEO, Urban League of Broward County
Mr. Willie Lawson

In each of the 25 most populous counties in the United States, the Black arrest rate for marijuana possession exceeds the white arrest rate, further evidence of the pervasiveness of racial disparities throughout the country. **See Figure 16.** The most populous counties with the greatest racial disparities in marijuana possession arrest rates are Kings County (Brooklyn), NY (where Blacks are 9.7 times more likely to be arrested than whites), New York County (Manhattan), NY (9.4 times more likely), Cook County (Chicago), IL (7.2 times more likely), Miami-Dade County, FL (5.4 times more likely), Philadelphia County, PA (5 times more likely), Queens County, NY (4.6 times more likely), Suffolk County (part of Long Island) NY (4.2 times more likely), and Clark County (includes Las Vegas), NV (4.1 times more likely). Notably, in each of these 25 counties, the percentage of marijuana arrests that are of Blacks also significantly exceeds the Black percentage of those counties' populations.

FIGURE 16

Racial Disparities in Marijuana Possession Arrests in the 25 Most Populous Counties in U.S. (2010)



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

Figure 17 looks at the largest disparities between the white and Black arrest rates for marijuana possession in counties where the overall marijuana possession arrest rate is greater than the national average.

Florida

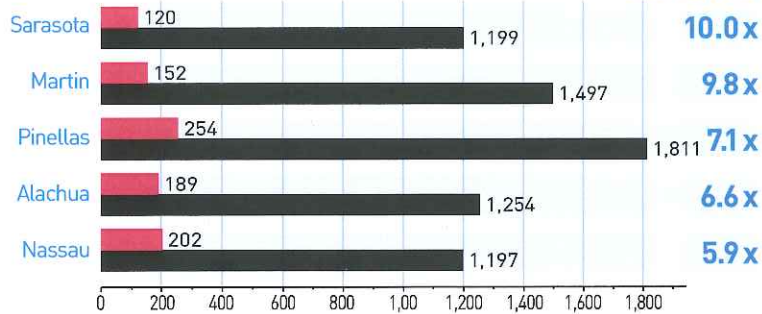
Blacks are **4.2** times more likely than whites to be arrested for marijuana possession

Racial Disparities In Marijuana Possession Arrest Rates*

Counties with the largest disparities

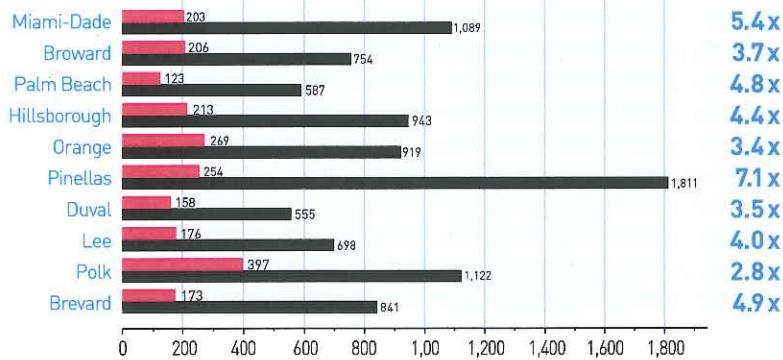
Population size >30,000, Black population >2%

Times more likely Blacks arrested

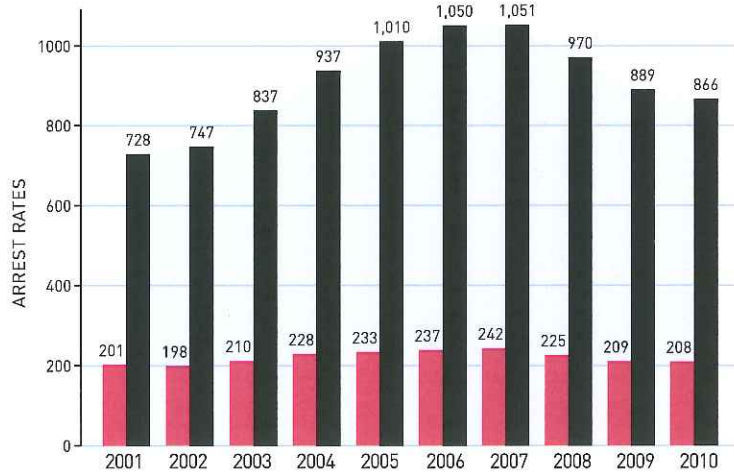


Counties with the largest population

Includes all counties, listed in order of size



Statewide marijuana possession arrest rates 2001-2010



█ White arrest rate Source: FBI / Uniform Crime Reporting Program Data and U.S. Census Data
█ Black arrest rate *All arrest rates are per 100,000 and based on 2010 data

Arrest Rates



All counties with racial disparities above the national average (3.73)



Cost

Money spent enforcing marijuana possession laws in 2010: **\$228,635,840**

Drug Arrests by Offense in 2010

