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Marijuana madness, KC style: North of the bridge, jail time. South of it, a free ride

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Kansas City's ongoing, absurd disagreement over whether to prosecute low-level drug crimes was on full display at police headquarters Tuesday.

Platte County Prosecutor Eric Zahnd and Clay County Prosecutor Dan White told the Kansas City Board of Police Commissioners that officers should continue to pursue such offenses because they lead to violent crime.

Zahnd was particularly aggressive. "I took an oath to uphold the law and the Constitution of the United States," he said. "That oath didn't have exceptions for laws that maybe I didn't agree with, or laws that I found inconvenient or difficult to enforce."

Did Zahnd have Jackson County Prosecutor Jean Peters Baker in mind? Nearly three years ago, she said she would no longer prosecute most marijuana possession cases, which was the right thing to do. She wants the cops to pursue more serious crimes.

Zahnd doesn't see it that way. Using prosecutorial discretion on individual cases is fine, he said, but not on a whole class of violations. "My oath, I believe, requires me to prosecute (marijuana) cases," he said.

Baker took the same oath. And she is using the same discretion Zahnd claims for himself: the right to decide if a criminal allegation merits using the full resources of the community for prosecution and punishment, or not.

For low-level marijuana possession cases, the answer is no. Because the public cost is simply too high.

These two distinct approaches add to the confusion of many Kansas Citians over cannabis use and purchase. That confusion, in return, can only produce cynicism about the law, which itself contributes to violent crime.

Let's review. Marijuana is illegal under federal law, but Missouri law allows its purchase for medical reasons. Penalties for marijuana possession have been removed from Kansas City's code, but Missouri law still prohibits possession for nonmedical reasons.

Now add different prosecutors to the mix. Having a few grams of pot in the back seat can get you in serious trouble in Kansas City-Platte County, while the same case won't even reach a courtroom in Kansas City-Jackson County.

The contradiction is as obvious as it is ridiculous. Kansas Citizens have a right to believe similar offenses will be treated in a similar manner.

“Intervening in drug cases can prevent later violence,” Zahnd told reporters Tuesday.

It hasn’t, though. “Overall, violent crime has neither soared nor plummeted in the wake of marijuana legalization,” the libertarian Cato Institute recently found. That sounds about right, and further argues for relaxed prosecution of possession cases.

What is clear is that lawmakers need to put an end to this confusion. Washington is considering changing marijuana laws across the country, and Missouri may face a referendum on full legalization next year. Those efforts should continue.

Meanwhile, a joint shouldn’t mean jail time on the north side of the Buck O’Neil Bridge and a free ride south of it.