

Judge Delays Ruling on Jersey City Police Cannabis Use

Federal Judge Stays Decision on New Jersey Police Officers' Off-Duty Cannabis Use

A federal judge has deferred ruling on whether New Jersey police officers can consume cannabis off duty until several state legal battles reach their conclusion—if he rules on the matter at all.

Jurisdiction Declined Amid Ongoing State Proceedings

On Friday, Judge Julien Xavier Neals declined Jersey City's request for a federal declaration that drug users, including police officers, are barred from owning firearms under federal law, which would preempt state law allowing officers to use cannabis. Neals cited ongoing state court proceedings and cases before the Civil Service Commission.

Background of the Conflict

The case stems from New Jersey's recreational marijuana legislation, which took effect in early 2022. The law, established after voters approved a legalization constitutional amendment in 2020, largely protects workers who use legally purchased cannabis outside the workplace from disciplinary action.

Attorney General Matt Platkin's April 13, 2022, memo clarified that this provision includes police officers, although they can still be terminated for on-duty use or for using marijuana purchased illegally. Following this memo, Jersey City Mayor Steve Fulop declared that his city would not permit its officers to use cannabis at all. Fulop is seeking the Democratic nomination for governor next year.

Federal Law vs. State Law

Federal law prohibits drug users from obtaining firearms, and marijuana remains illegal at the federal level. Jersey City has argued that these statutes prevent police from consuming cannabis off duty. However, a section of the federal code exempts guns "imported for, sold or shipped to, or issued for the use of" governmental agencies from this prohibition, absent convictions for domestic violence. It remains unclear whether this provision applies to Jersey City, where police officers must purchase their own firearms.

Ongoing Legal Challenges

At least five police officers have pending cases in state courts or before administrative agencies challenging their dismissals for off-duty marijuana use. The New Jersey Civil Service Commission has moved to reinstate officers fired for the same reason, but Jersey City has stated it will not allow these officers to return to work armed.

Attorneys for the state, who are defendants in the lawsuit, argued that Jersey City's federal court filing was an attempt to find a more favorable forum after defeats in state court and before the Civil Service Commission.

Future of the Federal Suit

Judge Neals's opinion does not definitively end the federal lawsuit. Although he declined to exercise jurisdiction over the dispute, his ruling allows Jersey City to move to reopen the case within 60 days of his order or the resolution of the ongoing state proceedings, whichever is later.

This ongoing legal struggle highlights the complex interplay between state legalization measures and federal prohibitions, particularly concerning the rights and responsibilities of law enforcement officers.

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