

**Drug Policy Update**

**Misdemeanor marijuana arrests are skyrocketing  
and other California marijuana enforcement disparities**

by

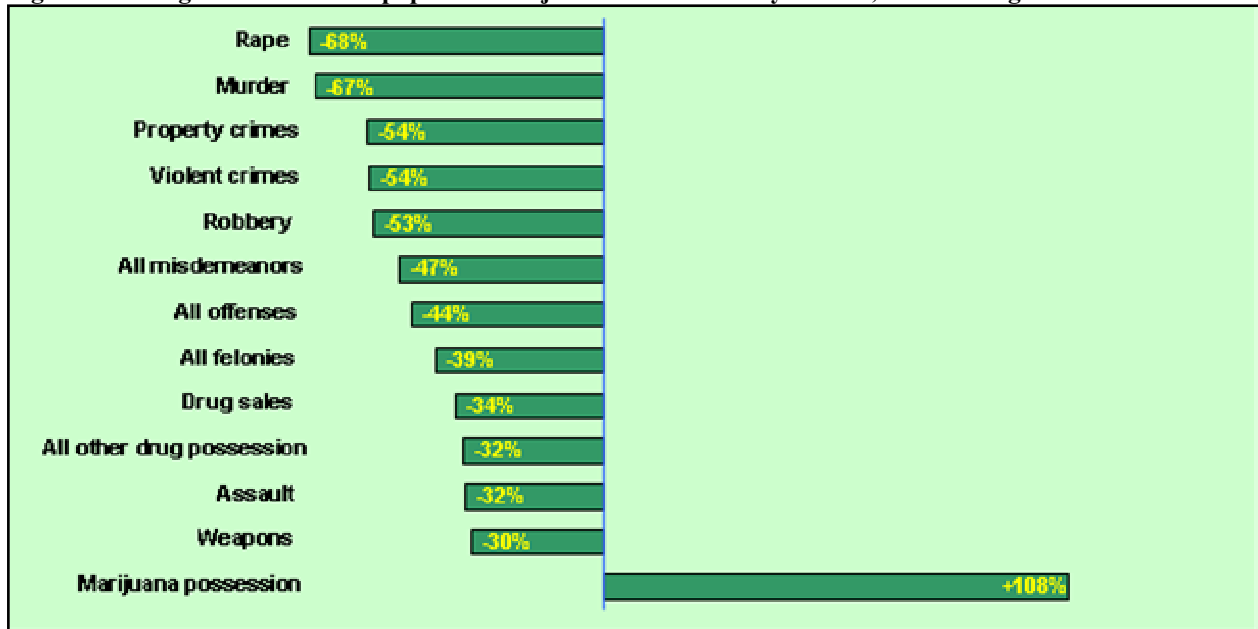
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## Introduction

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The odds of a Californian getting arrested have plummeted over the last decade for virtually every offense (murder, rape, robbery, violence, burglary, theft, weapons, and drugs) except one: misdemeanor marijuana possession. Figure 1 shows the changes in the population-adjusted rates of arrest for key offenses from 1990 to 2010:

**Figure 1. Change in California's population-adjusted arrest rates by offense, 1990 through 2010.**



Source: Criminal Justice Statistics Center, 2010.

In numerical terms, 20,800 Californians were arrested for misdemeanor possession of marijuana in 1990; 54,800 in 2010. Meanwhile, arrests for possession of all other illicit drugs, as well as for felony drug manufacture and sale, declined sharply. In 1990, simple marijuana possession comprised 8% of all drug arrests; in 2010, it comprised 22%.

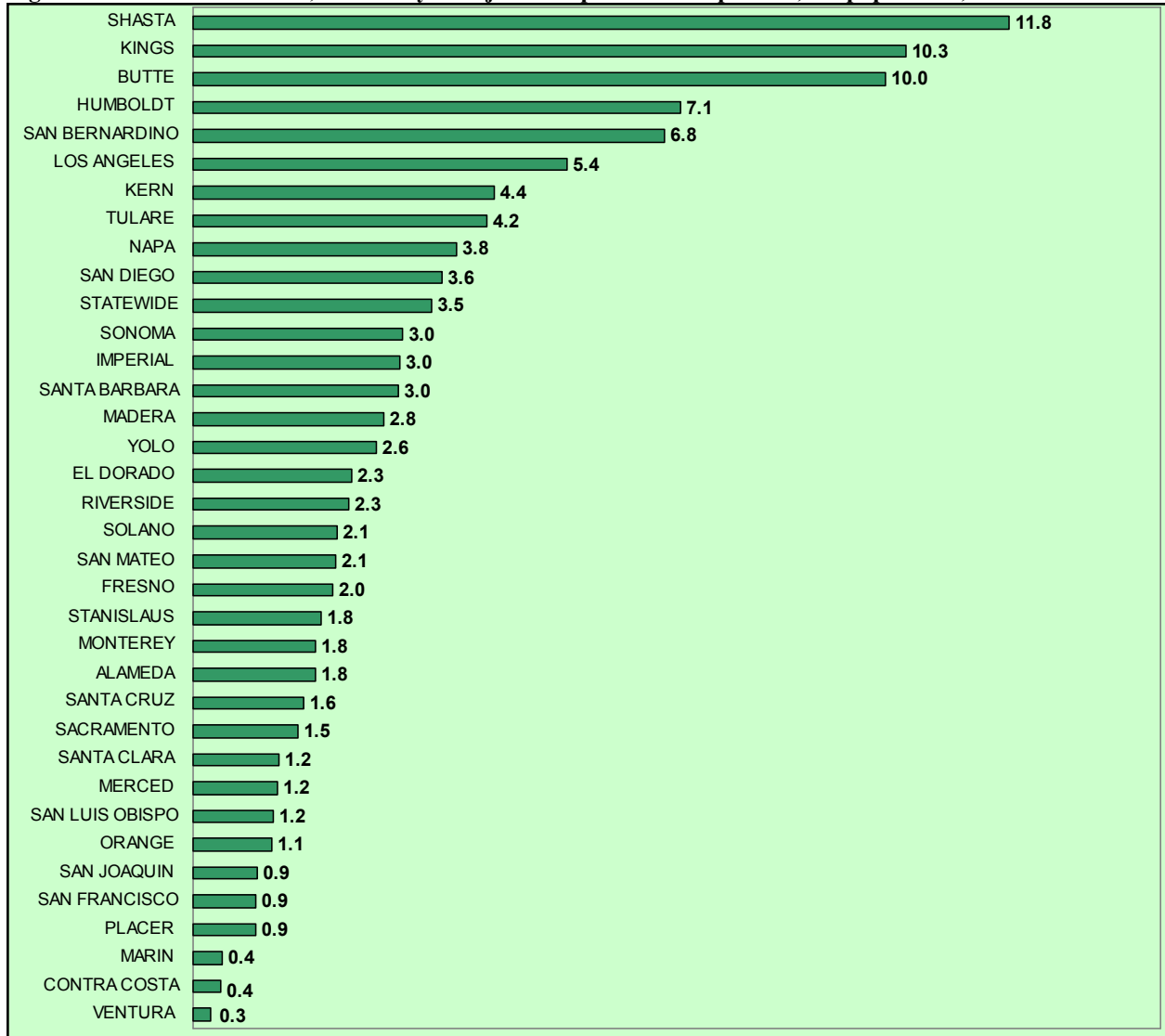
In 1990, half of California's marijuana possession arrestees were African-American, Latino, Asian, or other nonwhite and 35% were under age 20. In 2010, 64% were nonwhite and 52% were under age 20. Marijuana possession arrests of teenagers of color rose from 3,100 in 1990 to 16,400 in 2010 – an arrest surge 300% greater than population growth in that group.

Why, in a time when local budgets are busting, overcrowded jails are releasing 17,000 inmates early every month, and law enforcement is solving fewer than half of violent crimes, are police arresting drastically more Californians for small marijuana offenses? And why are nonwhite teenagers particularly targeted for arrest? As the following sections indicate, California jurisdictions display extraordinary difficulties in fairly administering marijuana laws.

## California counties continue to show wide disparities in sentencing for marijuana

For California’s major counties (2010 populations of 100,000 or more), where you get arrested for marijuana is crucial to determining what the sentence will be. A resident of or visitor to Shasta County is 46 times more likely to be imprisoned for a marijuana offense than his/her Ventura County counterpart, according to March 2011 figures (see Figure 2). For counties of more than 1 million people, San Bernardino County imprisons for marijuana at a rate 14 times that of Contra Costa County and 6 times that of nearby Orange County.

**Figure 2. California counties, ranked by marijuana imprisonments per 100,000 population, 2011.**



Source: California Department of Corrections and Rehabilitation (2011).

Disparities by race are even more striking (Table 1). While nearly 1 in every 1,000 African-Americans in Butte County was imprisoned for a marijuana offense, none of the white residents of Alameda or Marin counties were. Latinos and Asians also showed large disparities depending on where they were arrested.

**Table 1. New imprisonments for marijuana offenses per 100,000 pop. by race, ranked by county, 2010-11.**

| <u>County</u>        | <u>Total</u> | <u>White</u> | <u>Latino</u> | <u>Black</u> | <u>Asian</u> | <u>Imprisonments</u> | <u>Population</u> |
|----------------------|--------------|--------------|---------------|--------------|--------------|----------------------|-------------------|
| SHASTA               | 11.8         | 9.6          | 26.9          | 0.0          | 28.5         | 20                   | 169,387           |
| KINGS                | 10.3         | 7.4          | 10.3          | 19.4         | 29.1         | 15                   | 145,490           |
| BUTTE                | 10.0         | 6.0          | 25.7          | 95.8         | 0.0          | 21                   | 209,556           |
| HUMBOLDT             | 7.1          | 2.9          | 22.7          | 0.0          | 33.8         | 9                    | 127,450           |
| SAN BERNARDINO       | 6.8          | 3.4          | 3.1           | 41.6         | 8.4          | 132                  | 1,932,846         |
| LOS ANGELES          | 5.4          | 1.7          | 3.0           | 36.7         | 1.7          | 507                  | 9,379,892         |
| KERN                 | 4.4          | 1.9          | 2.7           | 37.5         | 5.1          | 35                   | 801,775           |
| TULARE               | 4.2          | 2.1          | 5.2           | 18.2         | 0.0          | 18                   | 423,755           |
| NAPA                 | 3.8          | 0.0          | 11.4          | 0.0          | 0.0          | 5                    | 130,904           |
| SAN DIEGO            | 3.6          | 1.9          | 5.1           | 14.3         | 2.0          | 106                  | 2,936,888         |
| <b>STATE AVERAGE</b> | <b>3.5</b>   | <b>1.7</b>   | <b>2.9</b>    | <b>22.9</b>  | <b>1.5</b>   | <b>1,224</b>         | <b>35,438,572</b> |
| SONOMA               | 3.0          | 1.2          | 7.5           | 14.8         | 0.0          | 14                   | 462,376           |
| IMPERIAL             | 3.0          | 0.0          | 2.9           | 19.6         | 0.0          | 5                    | 166,806           |
| SANTA BARBARA        | 3.0          | 1.0          | 5.5           | 0.0          | 0.0          | 12                   | 404,453           |
| MADERA               | 2.8          | 5.2          | 1.2           | 0.0          | 0.0          | 4                    | 144,565           |
| YOLO                 | 2.6          | 2.0          | 4.9           | 0.0          | 0.0          | 5                    | 189,149           |
| EL DORADO            | 2.3          | 2.8          | 0.0           | 0.0          | 0.0          | 4                    | 174,141           |
| RIVERSIDE            | 2.3          | 1.3          | 1.6           | 14.5         | 1.1          | 47                   | 2,084,977         |
| SOLANO               | 2.1          | 1.2          | 0.0           | 10.2         | 0.0          | 8                    | 381,986           |
| SAN MATEO            | 2.1          | 1.3          | 2.7           | 21.3         | 0.6          | 14                   | 680,241           |
| FRESNO               | 2.0          | 1.0          | 0.9           | 22.2         | 1.4          | 18                   | 888,164           |
| STANISLAUS           | 1.8          | 2.1          | 0.5           | 15.3         | 5.7          | 9                    | 486,666           |
| MONTEREY             | 1.8          | 0.7          | 2.2           | 8.8          | 0.0          | 7                    | 393,700           |
| ALAMEDA              | 1.8          | 0.0          | 0.3           | 11.9         | 0.5          | 25                   | 1,419,274         |
| SANTA CRUZ           | 1.6          | 0.6          | 2.4           | 43.4         | 0.0          | 4                    | 250,064           |
| SACRAMENTO           | 1.5          | 0.6          | 2.0           | 2.1          | 3.6          | 20                   | 1,325,277         |
| SANTA CLARA          | 1.2          | 0.6          | 2.1           | 11.8         | 0.4          | 21                   | 1,694,394         |
| MERCED               | 1.2          | 1.2          | 0.0           | 11.4         | 7.7          | 3                    | 243,864           |
| SAN LUIS OBISPO      | 1.2          | 1.0          | 1.8           | 0.0          | 0.0          | 3                    | 259,524           |
| ORANGE               | 1.1          | 1.1          | 1.7           | 0.0          | 0.2          | 33                   | 2,882,433         |
| SAN JOAQUIN          | 0.9          | 0.8          | 0.4           | 0.0          | 3.7          | 6                    | 641,511           |
| SAN FRANCISCO        | 0.9          | 0.6          | 0.8           | 6.4          | 0.4          | 7                    | 767,576           |
| PLACER               | 0.9          | 1.1          | 0.0           | 0.0          | 0.0          | 3                    | 333,327           |
| MARIN                | 0.4          | 0.0          | 2.6           | 0.0          | 0.0          | 1                    | 241,716           |
| CONTRA COSTA         | 0.4          | 0.2          | 0.4           | 2.1          | 0.0          | 4                    | 986,800           |
| VENTURA              | 0.3          | 0.2          | 0.3           | 0.0          | 0.0          | 2                    | 786,377           |

Source: California Department of Corrections and Rehabilitation (2011). Counties with 100,000+ population only.

These radical variations in imprisonment for similar offenses by county and race continue to illustrate the difficulties California’s criminal justice system has in enforcing marijuana laws— all the more so when racial disparities are investigated.

## California imprisons African-Americans for marijuana at 10 times the rate of other races

As of June 30, 2011, 1,325 inmates in California prisons were serving sentences for marijuana offenses, including 1,224 imprisoned in 2010, both decreases from the previous year. Marijuana offenders—costing an average of \$45,800 per year to imprison and serving an average of 13 months behind bars—cost the state \$60 million in 2011.

More important than cost is equal justice. In a previous report, the Center on Juvenile and Criminal Justice (2010) found that California imprisoned African-Americans for marijuana offenses at 13 times the rate of Non-black offenders. CJCJ concluded that California's criminal justice system can be divided into two categories with respect to marijuana: one system for African-Americans, another for all other races.

This update, using data through December 31, 2010, finds the Black/Non-black marijuana imprisonment discrepancy is now approximately 10-fold: 7 times the rate of Latinos, 13 times the rate of Whites, and 20 times the rate of Asians (see Table 2).

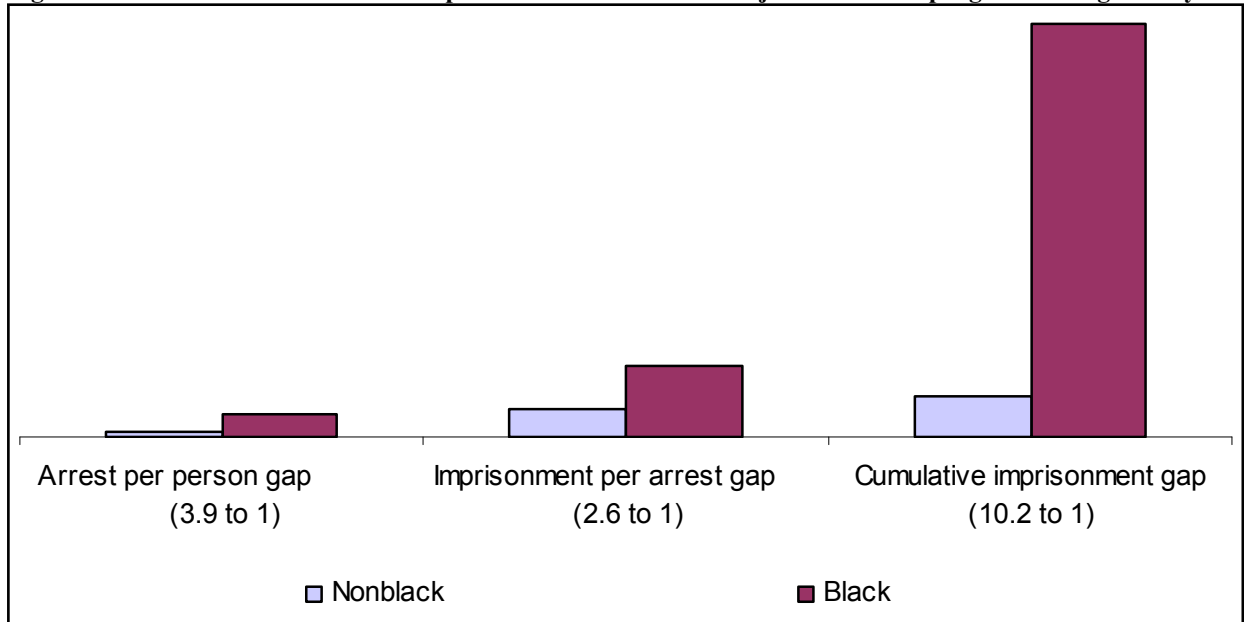
**Table 2. California imprisonment rates by age and offense for marijuana offenses, 2010**

| <b>New felon/parole violator admissions to prison for marijuana offenses, 2010</b> |              |              |                 |              |              | All             | Black vs.       |
|--|--------------|--------------|-----------------|--------------|--------------|-----------------|-----------------|
| <u>Offense category</u>  | <u>Total</u> | <u>White</u> | <u>Hispanic</u> | <u>Black</u> | <u>Asian</u> | <u>Nonblack</u> | <u>Nonblack</u> |
| Hashish possession   | 45           | 17           | 8               | 15           | 5            | 30              |                 |
| Marijuana possession for sale  | 733          | 121          | 247             | 328          | 37           | 405             |                 |
| Marijuana sales  | 320          | 65           | 102             | 141          | 12           | 179             |                 |
| Marijuana possession   | 126          | 48           | 56              | 11           | 11           | 115             |                 |
| All marijuana offenses   | 1,224        | 251          | 413             | 495          | 65           | 729             |                 |
| <b>Imprisonment rate for marijuana offenses per 100,000 pop age 18-69</b>          |              |              |                 |              |              |                 |                 |
| Hashish possession   | 0.2          | 0.2          | 0.1             | 1.0          | 0.1          | 0.1             | <b>7.5</b>      |
| Marijuana possession for sale  | 2.9          | 1.1          | 2.8             | 20.9         | 0.9          | 1.7             | <b>12.1</b>     |
| Marijuana sales  | 1.3          | 0.6          | 1.2             | 9.0          | 0.3          | 0.8             | <b>11.8</b>     |
| Marijuana possession   | 0.5          | 0.5          | 0.6             | 0.7          | 0.3          | 0.5             | <b>1.4</b>      |
| All marijuana offenses   | 4.9          | 2.4          | 4.7             | 31.6         | 1.6          | 3.1             | <b>10.2</b>     |
| <b>Arrest rate for marijuana offenses per 100,000 population age 18-69</b>         |              |              |                 |              |              |                 |                 |
| Marijuana felonies   | 57.5         | 47.3         | 53.0            | 240.1        | 23.7         | 45.3            | 5.3             |
| Marijuana possession   | 159.3        | 141.9        | 168.8           | 473.1        | 65.1         | 138.4           | 3.4             |
| Total marijuana  | 216.8        | 189.2        | 221.8           | 713.2        | 88.8         | 183.7           | 3.9             |
| <b>Percent of marijuana arrests resulting in imprisonment</b>                      |              |              |                 |              |              |                 |                 |
| Marijuana felonies   | 7.3%         | 3.7%         | 7.5%            | 12.5%        | 5.0%         | 5.5%            | <b>2.3</b>      |
| Marijuana possession   | 0.4%         | 0.4%         | 0.4%            | 0.4%         | 0.6%         | 0.4%            | <b>0.8</b>      |
| Total marijuana  | 2.3%         | 1.3%         | 2.1%            | 4.4%         | 1.8%         | 1.7%            | <b>2.6</b>      |
| <b>Population and arrest totals, 2010</b>  |              |              |                 |              |              |                 |                 |
| Population age 18-69 (000)   | 25,016.0     | 10,546.3     | 8,761.7         | 1,566.1      | 4,141.8      | 23,449.8        |                 |
| Marijuana felony arrests   | 14,379       | 4,993        | 4,645           | 3,760        | 981          | 10,619          |                 |
| Marijuana possession arrests   | 39,858       | 14,962       | 14,791          | 7,409        | 2,696        | 32,449          |                 |
| Marijuana arrests, total   | 54,237       | 19,955       | 19,436          | 11,169       | 3,677        | 43,068          |                 |

Sources: California Department of Corrections and Rehabilitation (2011); Criminal Justice Statistics Center (2011).

Compared to Non-blacks, California’s African-American population are 4 times more likely to be arrested for marijuana, 12 times more likely to be imprisoned for a marijuana felony arrest, and 3 times more likely to be imprisoned per marijuana possession arrest. Overall, as Figure 3 illustrates, these disparities accumulate to 10 times’ greater odds of an African-American being imprisoned for marijuana than other racial/ethnic groups.

**Figure 3. Black vs. Nonblack racial disparities accumulate as marijuana offenses progress through the system**



Sources: California Department of Corrections and Rehabilitation (2011); Criminal Justice Statistics Center (2011).

The large, persistent marijuana imprisonment gap between African-Americans and Non-blacks far exceeds the racial discrepancies found for any other criminal offense, including for other drugs. This suggests the particular inequities of the criminal justice system surrounding marijuana continue to require closer analysis.

## Conclusion

California has certain offenses that rise or fall or are policed more than others, as well as substantial disparities among races and between counties, for any given offense over time. Yet, the state’s pattern for marijuana possession arrests and imprisonments displays multiple anomalies that threaten even casual standards of reasoned criminal justice priorities and equal protection under law. What is it about marijuana that inspires such dramatically increased policing and severe criminal justice discriminations by locale and race? While marijuana enforcement and imprisonment have declined somewhat since their 2008 peak, they remain substantially above the levels of past decades, demanding renewed attention to marijuana enforcement inequities as priority for criminal justice reform.

## References

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**Please note:** Each year, every county submits their data to the state Department of Justice's database, the Criminal Justice Statistics Center (CJSC). While every effort is made to review data for accuracy, CJCJ cannot be responsible for data reporting errors made at the county level.

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