

FOR IMMEDIATE RELEASE

Report Uncovers City-by-City Bias in Marijuana Arrests With Some Communities Arresting Blacks Nearly 30 Times More Often Than Whites

DAVIS, CALIF., JUNE 11, 2020 ... In response to a pending state budget proposal to form a new police force focused on cannabis enforcement, advocates are releasing two groundbreaking reports and a documentary project that reveals the history of racial injustice in cannabis policy and how cannabis revenues are feeding the expansion of law enforcement across the state. At a time when racial justice activists are calling to defund the police, these reports show how governments are turning to cannabis fees and revenues to expand law enforcement.

In the updated May budget proposal, the Bureau of Cannabis Control Proposal has put forward a budget request that would lead to the formation of a 87-member police force focused on cracking down on the underground cannabis market. The reports are being issued by Public Health Advocates, California Urban Partnership, Youth Forward and Getting it Right from the Start. The first report, "When The Smoke Clears," analyzes disparities in marijuana arrests at the city, county and neighborhood level for the years prior to cannabis legalization and reveals dramatic inconsistencies between marijuana-related arrest rates of black and white people in California communities. Statewide, black people were arrested four times more often as white people for marijuana offenses, with black arrest rates nearly 30 times higher in some communities.

"These results are shocking," said Dr. Flojaune Cofer of Public Health Advocates, an author of the report. "While research shows that white people are just as likely to use marijuana as black people, the staggering level of variation in marijuana arrests by race is extremely disturbing. These findings provide overwhelming evidence of structural racial bias in the enforcement of marijuana laws in California."

The report was compiled by the UC Davis Center for Regional Change with data provided by UCLA's Million Dollar Hoods Project, local law enforcement agencies, the California Department of Justice Criminal Offender Record Information (CORI) database and American Community Survey (ACS) demographic estimates, with support from Public Health Advocates and funding from The California Endowment. The report is accompanied by an abbreviated version of a documentary with the same title, produced by the California Urban Partnership.

City-level data revealed significant variations between cities. For example, black Sacramento residents were arrested on marijuana-related charges 29 times more often than white residents—a disparity seven times the state average. On Sacramento's heels were the cities of Palo Alto (26x), South Gate (26x), Oakland (25x), Berkeley (25x), Fremont (23x), South San Francisco (22x) and Citrus Heights (21x). Other cities with particularly high disparities include Indio (18x), Hemet (14x), Newport Beach (12x), Redwood City (12x), Alameda (12x), Richmond (11x), Santa Monica (10x), San Mateo (10x), San Francisco (10x) and Merced (9x).

County-level data for each year from 2000 to 2016 utilized American Community Survey (ACS) demographic estimates and revealed a mixed bag of progress and setbacks. Large counties,



like Alameda, Contra Costa, Fresno, Los Angeles, Merced, Orange, Riverside, San Bernardino, San Diego, San Francisco, Solano and Ventura, made minor improvements in closing the black-white arrest gap. Conversely, small counties, including Amador, Butte, Nevada, San Benito, Shasta, Siskiyou and Tuolumne, saw an increase in black arrest rates, with marijuana-producing counties, like Mendocino and Humboldt, seeing the greatest increases. Data in these smaller jurisdictions have a wider margin of error than larger jurisdictions.

The report also includes detailed census tract-level data for four agencies: Los Angeles Sheriff's Department, Sacramento County Sheriff's Department, Kern County Sheriff's Department and Long Beach Police Department. These data also show huge variations between black and white neighborhoods.

"Leadership matters," insists Dr. Cofer. "Leaders in these communities either supported or ignored systemic racism that has profoundly affected black communities. It's time for police and elected officials to take responsibility by correcting the injustices of these practices."

A Wake-Up Call for State and Local Officials

The second report, released by Youth Forward and Getting it Right from the Start (a project of the Public Health Institute), details how in cities and counties where local taxes have been enacted, revenue has been a windfall for police departments across the state. "Rather than use the revenues to address the concerns around criminalization that drove legalization, these local governments are investing a substantial portion of it toward expanding the already-massive criminal justice system and opening up new fronts in the War on Drugs," said Jim Keddy of Youth Forward.

Between 2016-2017 (the year the Proposition was passed) and 2019-2020, 23 of the 28 cities we researched experienced double-digit increases in the amount of general fund dollars going into their police budgets. Eight of the 28 saw their police budgets grow by at least 25%. Overall, the average shift in police budgets for these 28 cities was an increase of 19% over that 3-year period. Ultimately, in just those cities, over \$455 million more in general fund dollars was spent on police in 2019-20 than was spent just three years earlier.

[Public Health Advocates](#), [California Urban Partnership](#), [Youth Forward](#) and [Getting it Right from the Start](#) view the data from both reports as a call to action that echoes the recent chorus from protests nationwide around police brutality that have yielded demands for significant decreases in police funding. Together, they recommend that administrators of state and local Prop. 64 law enforcement funds dedicate 95% of the revenue to community-led solutions and activities, not policing.

"Instead of providing adequate capital and technical assistance to help Black and Brown entrepreneurs navigate a complex and costly legal market entry process, the state is moving to deploy police as mercenaries to protect the interests of largely wealthy and white weed investors," said Malaki Amen of the California Urban Partnership.

Additional materials are available at www.phadvocates.org/happening-now.

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When the Smoke Clears:

Racial Disparities in California's Marijuana Arrests

1) Allocate funding to community-led solutions instead of policing

The administrators of the State and Local Law Enforcement funds under Prop. 64 should use all of the revenue to support state and local community-led prevention activities to improve public health and to promote safety and economic development. Furthermore, the Governor, California Senate, California Assembly and a representative from each law enforcement agency in California should issue a formal apology for the concentrated and disproportionate racialized criminalization of communities during the War on Drugs in California to set the stage for a long-term reparations framework.

2) Invest local tax revenues in communities of color and in public health initiatives, rather than law enforcement

Rather than dedicate local cannabis tax fees and revenues to law enforcement and general city services, local governments should invest these funds in neighborhoods of color most targeted during the War on Drugs. These revenues should go toward prevention, youth development, health services and economic development. In addition, local governments should invest funds in efforts to protect the health of vulnerable populations. Research shows that recreational cannabis use is particularly harmful to adolescents and to pregnant women.

3) Create community-centered partnerships to restore trust and promote healing

Create formal local and state marijuana commissions or advisory committees, composed of a set of stakeholders diverse in their gender, race, ethnicity, geography, and expertise (targeting those impacted by marijuana criminalization) to ensure they are intentionally engaged in the process of marijuana policy development, revenue management and implementation.

4) Take a restorative justice approach to encourage underground market operators to come into compliance

The State of California needs to address bureaucratic hurdles before prosecuting infractions outlined in the 2016 Adult Use of Marijuana Act (Proposition 64). An equitable and responsive approach would employ a grassroots and law enforcement outreach strategy to provide underground market operators with a 3-year window of opportunity to come into regulatory compliance. This window will provide a safe and supportive process that includes capital, technical assistance, fee waivers, contracting requirements, immunity from prosecution and record expungement. This effort should connect to and extend equity program licenses and funding to support persons arrested or convicted of marijuana-related offenses and their immediate families (e.g. parents/guardians, siblings, children).

- **Priority Licensing:** Due to the monopolies held by General Operators who have not been disproportionately impacted by marijuana criminalization, state and local licenses should now be awarded exclusively to equity applicants. The licensing and renewal process for General Operators should be conditioned upon contracting and business partnerships with equity participants.

- **Technical Assistance:** Provide navigator programs to assist in licensing navigation, legal and business accounting, and business plan preparation.

- **Capital & Regulatory Relief:** Licensing and other regulatory fees should be made affordable to ensure applicants are not priced out of participation. Funded programs should be developed and implemented to ensure that applicants have access to real estate and capital, through grants, no-interest business startup loans and grant/loan application preparation assistance.

SPOKESPERSONS

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