

# Decriminalization lessens collateral damage of marijuana arrests

BY NAIVASHA DEAN  
CONTRIBUTING COLUMNIST

Chances are, you've signed a petition or two recently. Advocates looking to get their initiatives on the ballot in November must reach 116,283 valid signatures by July 6, and the impending

deadline means that they're ramping up their efforts. Chances are also good that you've encountered a signature gatherer that asked you to sign a petition to decriminalize marijuana.

You might already be familiar with the

arguments — our current marijuana laws cost too much to enforce, and they don't work. But what you'll rarely hear from the person with the clipboard is that the injustices go much deeper than a matter of principle, or a waste of time and money. Oregon's 475,000 marijuana users are facing even more alarming collateral consequences — especially if they happen to be people of color.

The Oregon Marijuana Legalization Amendment, also known as IP-24, is notably different from its predecessors — instead of promoting the advantages of legalizing marijuana, it emphasizes the need for decriminalization of its recreational use. The initiative would essentially take the private, personal use and production of marijuana for adults over the age of 21 out of the hands of law enforcement — except for actions that endanger minors or public safety. Once passed, decisions about creating laws, regulations, and potential systems for taxation would be up to the state. The same group that successfully backed the 1998 Oregon Medical Marijuana Act, Citizens for Sensible Law Enforcement (CSLE), is responsible for promoting IP-24.

CSLE has a practical message for voters: Oregon should stop wasting law enforcement and judicial resources on otherwise law-abiding adults who choose to use marijuana. The framework is a familiar one to followers of the legalization debate: Yes, these laws are expensive, and yes, valuable law enforcement resources could be better prioritized. What CSLE knows, and many voters don't realize, is that marijuana arrests are key in perpetuating the shamefully large racial disparities that plague our country's criminal justice system.

Oregon has big problems in this area. Oregon's 2011 Legislative Report Card on Racial Equity describes the disproportionate and biased impact that our criminal justice policies and practices have on communities of color, which make up 21.5 percent of Oregon's population. Black people are more than five times as likely to be incarcerated in Oregon's state prison system as Whites, and Oregon ranks 13th highest in the country for its number of black people in prison per capita — despite having one of the smallest black populations in the country.

Dr. Harry Levine, a researcher who has recently concentrated on the epidemic of marijuana arrests in large cities throughout the U.S., has found that young black people and Latinos are disproportionately arrested for marijuana possession. Federal data shows that whites are more likely to consume marijuana, but Levine found that in New York City, Chicago, and Los Angeles, police arrest black people for marijuana possession at seven times the rate of whites. Levine plans to take his research across in the country, and will be looking into racial disparities in Oregon within the next year. Adam Smith, the director of CSLE, says that all indications point to the problem being severe in our state as well. "Preliminary analysis has found that racial disproportionalities exist in Oregon. The marijuana arrest rate is between two and three times higher for black people than whites — and in that statistic, Latinos are included as white. If you were to separate out that data, the disparity would be even greater." The takeaway is this: Although studies show that whites are more likely to use marijuana, people of color are much more likely to be arrested and imprisoned for marijuana violations. The drug laws themselves might not be discriminatory, but the enforcement is badly skewed.

Young people are also especially affected by marijuana arrests and convictions. In New York City, 55 percent of the people arrested in 2011 for a low-level marijuana possession were under 30. Although CSLE is still in the process of determining Oregon specific data, Smith is confident that the statistics in our state are similar. "We believe that at least half of all marijuana possession violations in the state are given to people under 30 years of age," he says. This is troubling because misdemeanor arrest and conviction records can be permanent barriers to future employment,

housing and education opportunities. The advent of the Internet means that most records are instantly searchable by anyone with computer access, and the impact of the recession means that employers and landlords, overwhelmed by applicants, often eliminate those with criminal arrest records, especially if the arrest shows up simply as "drug arrest," or "controlled substance offense," without specifying the substance, charge or whether the person was actually convicted. A Drug Policy Alliance report noted, "For young, low-income African Americans and Latinos — who use marijuana less than young whites, and who already face numerous barriers and hurdles — a criminal record for the 'drug offense' of marijuana possession can seriously harm their life chances."

In Oregon, a marijuana arrest that doesn't even result in charges or a conviction takes at minimum a year to be expunged — and there are still no guarantees that the arrest won't show up in an online search. And despite Oregon's progressive history when it comes to decriminalizing marijuana, it's no joke to get a possession charge — the penalties for getting caught with one joint can involve a \$1,000 fine, court costs, a six-month driver's license suspension, and that potentially permanent record.

It is very likely that IP-24 will be on the ballot come November, along with another legalization measure, The Oregon Cannabis Tax Act, which would create a commission to regulate the cultivation and sale of cannabis. Adam Smith believes that IP-24 gets to the core of the problem by preventing the arrests of adults who are posing no danger to public safety. If you're a voter, you might get the chance to weigh in.

A "no" vote would keep the status quo intact — possessing, growing, and smoking marijuana could still land you with hefty penalties, some that will last a lifetime. A "yes" vote would help make Oregon one of the most progressive states in the nation around this issue, and be a big step towards removing crippling barriers for young people. And although the passage of the Oregon Marijuana Legalization Amendment might help to lessen some of the racial disparities in our state's criminal justice system, it would not address the root causes of why we disproportionately lock up people of color. We have a whole lot more work to do on that.

## PARTNERSHIP FOR SAFETY and JUSTICE

Naivasha Dean is the membership coordinator for Partnership for Safety and Justice. PSJ is a statewide, non-profit advocacy organization dedicated to making Oregon's approach to crime and public safety more effective and more just.



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