



Legalization didn't unclog prisons

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Of all the misunderstandings about marijuana's impact on the country, perhaps none is greater than the belief that America's courts, prisons and jails are clogged with people whose only offense was marijuana use. This is the perception, but **statistics show few inmates are behind bars strictly for marijuana-related offenses**, and legalization of the drug will do little to affect America's growing incarceration numbers.

"It's this myth that won't go away and gets repeated by people who should know better. Unfortunately, no one reads public records," said Ernie Martinez, Denver-based at-large director for the National Narcotics Officers Association Coalition. "But the truth is there — and it looks a lot different than the story pushed by marijuana-legalization advocates and amplified in news media."

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"Marijuana legalization isn't required to reform problematic laws, and it's not the answer to our prison problems, and it certainly won't end racism where it exists in the legal system," said Kevin Sabet, a former senior White House drug policy adviser who co-founded Smart Approaches to Marijuana, a nonprofit organization advocating for reform of marijuana laws without legalizing the addictive drug.

"Legalization is really about creating a heavily commercialized Big Tobacco 2.0 that lets people make a lot of money from the sale of another addictive drug that we have every reason to believe will disproportionately harm poor people who don't have the resources to overcome the problems of substance abuse and addiction," Sabet said. "We've already seen this with alcohol and tobacco."

Data needed to track impact

Martinez, the law enforcement officer who has been appointed to serve on local and state committees tasked with examining and implementing marijuana laws, said law enforcement agencies throughout the state are only now beginning to gather the marijuana-centric data they need to track the drug's impact on their resources.

In the meantime, his more than three decades of professional experience — and those public records he would like more people to review — tell him very few people are arrested and/or imprisoned only for marijuana possession and/or use.

"Our courts and prisons are actually filled with people who committed serious crimes while under a drug's influence or while they were in possession of very large amounts of a drug with the intent to sell it in circumstances associated with violence and/or firearms," he said. "If anything, we need to conduct more research on how marijuana use contributes to criminal behavior."

According to the Bureau of Justice Statistics in 2004 — eight years before Colorado voters cited the reduction of prison populations as a chief reason for their 2012 vote to legalize recreational marijuana:

- **One-tenth of 1 percent of people in state prisons were serving sentences for first-time marijuana possession.** Those people also may have concurrent sentencing for other offenses.
- **Three-tenths of 1 percent of people in state prisons were serving time for marijuana possession with prior criminal offenses.** They, too, may have concurrent sentencing for other offenses.
- **1.4 percent of people in state corrections were imprisoned for offenses involving only marijuana-related crimes.**

Those national numbers are consistent with a report released by the Colorado Drug Investigators Association. In 2010, only 1 percent of court commitments to prison in Colorado involved marijuana charges. There were more court commitments to prison for traffic-related offenses (185) than for all marijuana offenses (91) that year, the association reported, citing a review of Colorado Department of Corrections records.

Casual users not targeted

In 2011, the U.S. Sentencing Commission issued reports also suggesting that low-level drug users are not the targets of law enforcement nationwide:

- That year, there were 216,362 inmates in the federal system. Among them were 6,961 marijuana offenders, only 103 of whom were imprisoned for simple possession — **the result of plea bargains** in which prisoners pleaded down to possession in exchange for lesser sentences.
- The federal government convicted only 48 marijuana offenders who possessed less than 5,000 grams of marijuana. The average amount possessed was 3,800 grams — the equivalent of about 9,000 joints, or marijuana cigarettes.

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- **Possession charges are typically levied in conjunction with charges for more serious crimes, usually trafficking, and often the result of plea bargaining down from more serious charges.**

“In other words, many times, the system has done a lot of these people a favor by letting them plea only to possession,” Martinez said.

In 2008, Martinez coordinated a committee appointed by then-Denver Mayor John Hickenlooper to examine all marijuana-possession summonses the Denver Police Department issued that year. The review of 1,368 summonses, conducted by researchers at the University of Colorado Denver’s School of Public Affairs, found:

- **The typical offender was a white male, representing 46.3 percent of the total sample. African American males followed at 33.9 percent, Hispanic males at 18.3 percent and Asian males at 1.5 percent.**

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Use high among offenders

Sabet and Martinez say they also stand against legalization because it would increase use of an addictive drug prevalent among people caught up in the criminal justice system.

“Correlation is not causation, but I do not think we’ve looked thoroughly enough at this association between **criminal behavior and marijuana use — which has increased since marijuana legalization in Colorado,**” Martinez said. ■ ...

Entire article here: <http://goo.gl/wdS1fz>

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