CONNECTICUT NORML

March 21, 2019

Judiciary Committee
Legislative Office Building
via email: JUDtestimony@cga.ct.gov

> **Re: Testimony in Opposition to Senate Bill 1085: An Act Concerning the Retail Sale and Possession of Cannabis And Concerning Erasure Of Criminal Records In The Case Of Convictions Based On The Possession Of A Small Amoung Of Cannabis.**

Honorable Committee Members:

I have been authorized to offer this testimony on behalf of the Connecticut chapter of the National Organization for Reform of Marijuana Laws (CT NORML) in opposition to Senate Bill 1085 regarding the regulation/legalization of cannabis. NORML is an organization that has been promoting the regulation of adult use of cannabis since 1972 and has chapters throughout the country. The Connecticut chapter is the voice of the 20,000 + patients in the State's medical cannabis program and the 71% of citizens who approve of legalization.[1]

Our organization and its members support the legalization and regulation of cannabis for adult use. For the reasons articulated below, we are opposed to the current bill as proposed.

The principle behind legalization is a recognition that we have had a cruel, irrational and expensive policy on cannabis for more than 80 years. Prohibition has destroyed countless lives, disparately affected the black community, and has cost our taxpayers millions of dollars. We believe fundamental changes must be made to the text of the bill to ameliorate past harm, provide an economic benefit to the State, and prevent future harm from occurring. Our criticism is as follows:

First, the definition of cannabis under C.G.S. 21a-240 (7) and (29) includes cbd and other non-psychoactive cannabinoids. These inert/non-psychoactive cannabanoids have no impairment effect on a users motor coordination or thought processes, and therefore should be excluded from the definition of cannabis as referenced in all the

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[1]http://www.courant.com/politics/hc-pol-sacred-heart-poll-connecticut-budget-20171023-story.html

raised bills regarding cannabis. There needs to be a legislative fix of C.G.S. 21a-240 (7) and (29). Proposed language should be, "Excluded are cannabinon...." and striking "and which show a like potential for abuse, which are controlled substances under this chapter unless modified." There is no evidence that the inert non-psychoactive cannabinoids have any like potential for abuse. If the legislative fix is not corrected, then cbd products will not be able to be sold, possessed, or distributed, unless they fall within the legislative scheme as proposed.

Section 2 provides unreasonable restrictions as to storage, purchase, and quantity allowed to be possessed. The raised bills in this legislative session inherintly acknowledge the intoxicating effect of cannabis. Alcohol, a legal intoxicant, was once subject to prohibition, similar to cannabis now. The concerns about the dangerousness of alcohol are identical to the concerns with cannabis with one exception, there has been no documented overdose from cannabis use. Therefore, cannabis is a safer intoxicant than alcohol. Yet, Section 2 provides greater restrictions for cannabis than alcohol.

There is currently no restriction regarding storage of alcohol. Similarly, there should be no restrictions regarding storage of cannabis. We have a law that protects children from adults who may store intoxicants in a manner that is dangerous to children. C.G.S. 53-21(a)(1) (Risk of Injury to a Child) provides that a person who causes or permits the health of a child to be injured or their morals impaired is subject to a class c felony carrying a penalty of up to ten years of incarceration. There is no logical reason that the same laws that apply to alcohol can not apply to the possession of cannabis.

The second restriction within Section 2 requires a consumer to purchase cannabis from a licensed distributor. It is clear that the premise upon which this requirement is based is to create an economy surrounding the cannabis industry for tax revenue. Otherwise the proposal would have permitted the individual to grow. To address this concern, we need only examine our current treatment of alcohol which reveals the fallacy in this argument. Currently there are no restrictions on the amount of alcohol one can produce at home, yet, enormous tax revenue is generated from the sale of alcohol at package stores, grocery stores, and bars. This is because consumers rely on professional brewers and producers to provide alcohol to standard. Other examples can apply, while a consumer can grow their fruits and vegetables without restrictions, the majority of consumers opt to purchase their fruits and vegetables at market. There is no restriction on cooking and every home has a kitchen, yet many people opt to go to restaurants to eat. While cannabis can be grown by individuals, quality cannabis cannot. Every state that has legalized cannabis has always permitted the individual to grow. Yet they derive tax revenue from purchases for the same

reasons people buy alcohol, fruits, vegetables in stores, and go to restaurants to eat. Consumers purchase these items for convenience and quality. The same applies to the cannabis industry.

Section 2 provides a restriction on possession of cannabis. This restriction is problematic for several reasons. The first, is african americans are currently arrested at a rate of close to 4 times as high as white people for cannabis offenses, yet white people use at a slightly higher rate. I have attached a report by John Gottman, Ph.D., a statistician who examined arrest data in Connecticut. Even after decriminalization in 2015, these figures did not change. There is no reason to believe, that where cannabis remains illegal (the current proposal restricting possession to under 1.5 ounces) that this will not change.

There is no logical reason to treat cannabis differently from alcohol. If a consumer wants to purchase a tanker truck of beer they are permitted to do so. Why should cannabis, a less dangerous intoxicant be treated differently. When prohibition ended, laws did not restrict possession of alcohol to only 1.5 bottles of beer at a time. Furthermore, **if the goal is to create tax revenue from sales, this can not be accomplished is the amount a consumer can possess is limited.**

The restrictions in Section 2 demonstrate that this legislation has legalized state sanctioned production and sales but simply de facto decriminalized possession of under 1.5 ounces for citizens of the State. This is demonstrated by the act referring to the citizens of the state as consumers.

The irrationality of the weight limit in further revealed in Section 6's limitation on gifting. Section 6 limits the amount that a person can gift to another to be under the limit the receiver can lawfully possess. So A must be aware of how much cannabis B currently possesses or risk violating the law regarding distribution of cannabis prior to gifting to B. There is no way that A can know with certainty how much cannabis B possesses.

Section 9 reveals that the state has not legalized cannabis but simply decriminalized less than 1.5 ounces. The same penalties remain for possession, distribution, and the mandatory minimum for possession of 2.2 pounds remains. The way the current statute is worded 17 year olds can receive a 5 year mandatory minimum sentence for possession of a Kg. I refer you to my point regarding racial disparity in arrest rates and my arguments regarding treating cannabis the same as alcohol.

Section 11 governs 1-3 offenders of possession of a controlled substance. While mandating an evaluation to provide treatment as an alternative to prosecution for a second offense is admirable, prosecutors bypass this statutory directive by not filing a "part b information." The part b information is what alleges that a person is a prior offender; if the prosecutor does not file this part b information, then the person is charged once again as a first time offender and not offered treatment. This should be amended so that first time offenders, as well as second time offenders, are offered drug treatment as an alternative to prosecution.

Subsection (3) authorizes the court to find a defendant to be a persistent offender. This permits the imposition of sentencing enhancements and increased penalties for subsequent offenses. This should be removed; there is no point in punishing addicts. If prolonged incarceration provided an effective deterrent, there would not be the continued link between addiction and criminal behavior which presently exists. Addiction is a disease and must be treated accordingly.

Section 12 is in conflict with the proposed legalization. If possession of 1.5 ounces is legal, *infra*, then how can there be unlawful possession of under .5 ounces?

Section 13(d)(2) is self-defeating. If the scan cannot be stored, then how can the affirmative
defense in Section 3(d)(1) be raised– "that there was reliance on a scan"?

Section 14 and 15 demonstrate that cannabis can, and should be treated like alcohol. There is no need for the disparate legislative approach to regulation.

Section 17(b) permits the submission of an affidavit in support of a petition for erasure, and mandates granting the petition even if the affidavit is the only evidence of quantity. While this a positive step towards the erasure of convictions, the section contains no language regarding pending prosecutions for possession. This section does not go far enough to erase **all cannabis related offenses**, such as possession with intent, cultivation, operation of drug factory, and risk of injury. Furthermore, the issue of pending prosecutions was a problem post-decriminalization, and will be a problem post-legalization unless the legislature provides a clear directive. Finally, there is no direction for immediate release of all persons held in the custody of the Department of Corrections for cannabis related offenses.

We urge the Judicial Committee to not approve the bill as presented until the above-referenced issues are resolved. Any bill must address the impact on the criminal justice system, safe personal consumption, fair regulation regarding personal cultivation, proportionate punishment for violations of the regulations, economic growth

within the cannabis industry and an acknowledgment of the racially discriminatory origins of prohibition and its effect.

I will be more than willing to elaborate on any of these issues an can be reached at 860-286-9026 for any further comment.

Sincerely,

/s/ Aaron J. Romano

Aaron J. Romano, Esq.
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Racial Disparities in Connecticut Marijuana Arrests
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July 7, 2017

Introduction

This report presents research and analysis of data on arrests for marijuana offenses in the state of Connecticut to contribute to an assessment as whether enforcement of the state's marijuana laws results in de jure discrimination against African-Americans. There are three basic questions addressed here.

1) Are their differences in the prevalence of marijuana use of blacks and whites in Connecticut?
2) Are their differences in the arrest rates of blacks and whites for marijuana sales and possession offences in Connecticut?
3) If there are differences in the arrest rates of blacks and whites, can they be explained by differences in the prevalence of marijuana use among these populations?

Data and Method

The source for the data used on drug use in Connecticut in this report is the National Survey on Drug Use and Health (NSDUH), conducted annually by the Substance and Mental Health Services Administration (SAMSHA) of the Department of Health and Human Services. The annual data is designed to provide national estimates of drug use, including data on drug use according to various demographic criteria such as age, sex, and race.[1] SAMSHA also provides data on drug use at the state level, however because of the sample size utilized in the annual survey it requires data from two years to produce state-level estimates.[2] Data on drug use by race is also available from the NSDUH program, however it requires data from several more years (also due to the requirements of having a sufficient sample size to produce reliable results.) This data is obtainable through the RDAS program.[3] The RDAS program is currently off-line as SAMSHA is retooling their web-based data servers. However, RDAS data for the annual use of marijuana by race in Connecticut and other states was obtained in 2014 for the years 2002 through 2009[4].

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[1] While annual data from the NSDUH is available by way of various tables and reports published by SAMSHA, the full data set is available to researchers. This is the citation for the most recent NSDUH data set.:

United States Department of Health and Human Services. Substance Abuse and Mental Health Services Administration. Center for Behavioral Health Statistics and Quality. National Survey on Drug Use and Health, 2014. ICPSR36361-v1. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor], 2016-03-22. https://doi.org/10.3886/ICPSR36361.v1

[2] See, for example:

Population Data/NSDUH, Substance Abuse Mental Health Services Administration, https://www.samhsa.gov/data/population-data-nsduh/reports?tab=33

[3] Data on drug use by race at the state level is available from SAMSHA by way of the RDAS program. According to SAMSHA (https://datafiles.samhsa.gov/faq/what-are-differences-between-pdas-rdas-and-data-portal-nid16967):

The Restricted-use Data Analysis System (RDAS) is an online tool that lets users output custom crosstabs using restricted-use NSDUH files (RUFs) that pass built-in confidentiality restraints. RDAS will be available to anyone who is willing to create a simple user account. It is similar to the publicly-accessible PDAS tool, except it is populated with restricted data, including certain geographic identifiers not available in the NSDUH PUFs [public use data files].

The RDAS has most of the variables available on the full RUF, including state identifiers. All RDAS estimates use a minimum of two years of pooled data; single-year estimates are not available using RDAS. Only the NSDUH data will be available in the initial release of RDAS.

[4] *Citation:* National Survey on Drug Use and Health: 8-Year R-DAS (2002 to 2009). Analysis ran on 2014-08-01 (04:14 PM EDT) using SDA 3.5: Tables.

The source for data on arrests for marijuana offenses in Connecticut is the Uniform Crime Reporting (UCR) Program of the Federal Bureau of Investigation, Department of Justice. The UCR collects data on arrests categorized in term of both offense and demographic characteristics of the offenders.[5] Data on the race of arrestees has been available since 1994, and the most recent data set published by the UCR program is for 2015.

The UCR data set provides data on the population of the jurisdiction of the reporting agency. Using this data arrests rates, commonly reported in terms of 'per 100,000' residents, can be calculated for offenses and areas. While the data is provided at the agency level, it can be aggregated at the county, state, and national level for comparison and analysis. However, additional data on population by race is required to calculate and compare arrests rates to assess potential racial disparities in arrests. Linking UCR data to other datasets for analytical purposes is encouraged by the Department of Justice.[6] Data on Connecticut's population by race has been obtained from the United States Census Bureau.[7]

Using US Census data, the aggregate (total) population of the state has been broken down for each year into the total white and total black population. Arrests rates per 100,000 for each population have been calculated using this formula: (# of arrests/population) x 100,000. In addition, another metric will be used in which the percentage of a race out of all those arrested arrested will be compared to (a) the percentage of that race in the total population of Connecticut and (b) to the percentage of that race in the total number marijuana users in the state.[8]

Marijuana Use by Race in Connecticut

Nationally, annual marijuana use has a marginally higher prevalence among blacks than among whites. From 2002[9] to 2014, the average annual prevalence of marijuana use by blacks was 13.2% compared to

[5] United States Department of Justice. Federal Bureau of Investigation. Uniform Crime Reporting Program Data [United States]: Arrests by Age, Sex, and Race, various years. Ann Arbor, MI: Inter-university Consortium for Political and Social Research [distributor]

[6] See Lindren, Sue & Marianne Zawitz (2001) Linking Uniform Crime Reporting Data to Other Datasets, Bureau of Justice Statistics Technical Report, Washington, DC: Bureau of Justice Statistics Technical Report. NCJ 185233.

[7] Census data has been used for the period 1994 to 2015. Here is the citation for the most recent data series utilized:

U.S. Census Bureau, Population Division (various years) CC-EST2015-ALLDATA-[ST-FIPS]: Annual County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin [County Characteristics Resident Population Estimates]

[8] This is the statistical method used by the Supreme Court to evaluate jury pools to ensure they reflect the racial composition of their communities. See Hernandez v. Texas, 347 U.S. 475 (1954) and Casteneda v. Partida, 430 U.S. 482 (1977). In Casteneda v. Partida, "the county population was 79% Mexican-American, but, over an 11-year period, only 39% of those summoned for grand jury service were Mexican-American" and this statistical disparity was recognized by the Court as evidence of intentional discrimination. This case is cited in this paper only as support for the use of this method of establishing a statistical disparity, as data will show that Blacks comprise a much larger proportion of those arrested for marijuana offenses than their proportion of either the general population of the population of marijuana users in the state.

[9] The NSDUH revised their survey methodology in 2002, resulting in more completed surveys and improved data collection. The improvement in the validity of the survey instrument resulted in the detection of greater levels of marijuana use compared to surveys in prior years. This increase was due to the change in the instrument, and complicates comparison of pre-2002 data with that obtained with later years.

an average annual prevalence of marijuana use by whites of 11.6%[10]. Simply put, the percentage of blacks who use marijuana on an annual basis is slightly higher than the percentage of whites. See Exhibit 1. On average, in terms of annual marijuana use black marijuana use is 14% higher than white marijuana use.

Exhibit 1. Prevalence of Annual Marijuana Use by Race in the United States (1994 – 2015)

	White	Black
1994	8.6%	12.5%
1995	8.6%	9.6%
1996	8.6%	11.0%
1997	9.1%	9.9%
1998	8.4%	10.6%
1999	8.7%	9.9%
2000	8.6%	8.7%
2001	9.8%	9.3%
2002	11.3%	13.1%
2003	11.2%	12.0%
2004	11.1%	11.8%
2005	10.7%	12.6%
2006	10.6%	12.3%
2007	10.4%	12.5%
2008	10.4%	13.6%
2009	11.8%	12.4%
2010	11.7%	14.0%
2011	11.8%	12.6%
2012	12.5%	14.4%
2013	13.0%	14.3%
2014	13.9%	16.1%
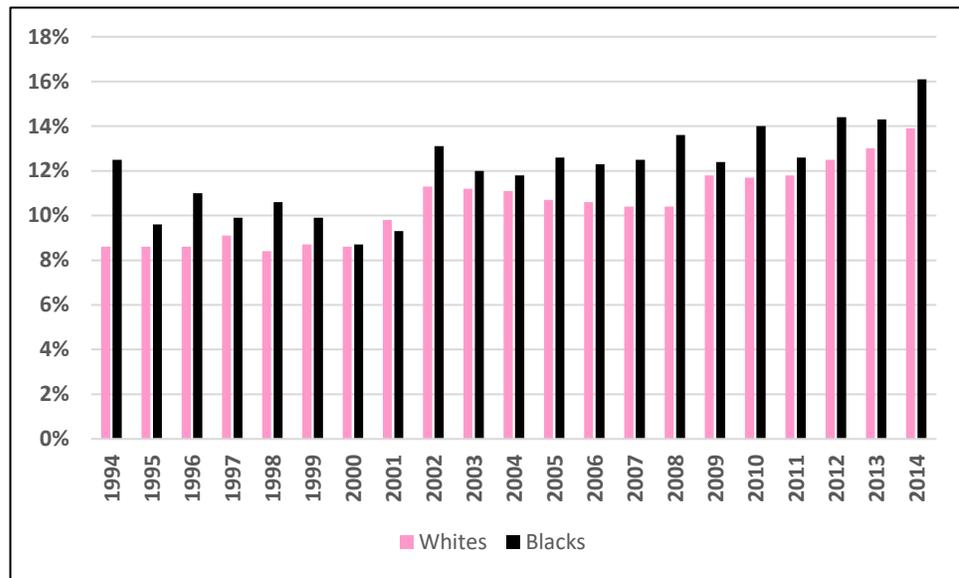
Source: National Survey on Drug Use and Health (NSDUH)

NSDUH data for Connecticut for the period 2002 through 2009 reports a similar finding. As noted above, a multi-year period is required to provide a sufficient sample size to produce estimates of annual marijuana use by race at the state level. The data for Connecticut for this period indicates that 12.8% of whites used marijuana on an annual basis, while only 11.2% of blacks used marijuana on an annual basis. Thus, white annual marijuana use was 12.5% higher than black annual marijuana use in Connecticut in this period. (For the entire country, the comparable estimate for 2002 to 2009 is 10.9% for whites and 12.5% for blacks.)

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[10] Non-hispanic whites and non-hispanic blacks are the precise categorizations used in this data set.

The NSDUH survey collects data on drug use by those 12 years and older; and prevalence estimates apply to this age group as well. The population estimates for Connecticut, based on this survey data, is out of 2,903,000 people aged 12 and older, there were 351,000 annual marijuana users in the state. Of these, 288,000 were white and 28,000 were black (an additional 25,000 were Hispanic and 10,000 other races and non-hispanic.)

The difference between the prevalence of annual marijuana use in these two groups is described as marginal because it is slight. Black use is 14% higher in the national data over an 11-year period, and white use is 12.5% higher in Connecticut over an 8-year period – but these descriptions are with reference to base figures of approximately 12% (11.6%, 13.2%, 12.8% and 11.2%).

Survey data indicates that the prevalence of marijuana use among blacks and whites is similar, and that differences between the two groups are slight.

Racial Disparities in Marijuana Arrests in Connecticut

The number of marijuana arrests in Connecticut fluctuated between 7,029 in 1994 and 8,518 in 2008 before rising to 9,155 in 2019 and then falling to 6,197 in 2011 and 3,675 in 2012. From 1994 to 2012 marijuana possession arrests generally comprised 80% to 90% of all marijuana arrests (and slightly more than 90% from 2004 to 2007). By 2015 marijuana possession arrests fell to 75% of all marijuana arrests. Exhibit 2 provides figures for total, sales and possession with intent to sell (PWITS)[11], and possession marijuana arrests by race for 1994 to 2015.

When rated by population, a clear trend emerges in which the arrest rate for blacks for marijuana offenses is substantially higher than the arrest rate for whites.[12] In 1994 the arrest rate for blacks (707.63) for all marijuana arrests was 4.2 times higher than the arrest rate for whites (169.95), and 4.5 times higher for sales and PWITS, and 4.1 time higher for possession. In 2015, despite a reduction in total arrests for marijuana offenses by 63% the arrest rate for blacks (213.78) for all marijuana arrests remained 3.7 times higher than the arrest rate for whites (57.01), and 3.6 times higher for sales and PWITS, and 3.8 time higher for possession. For the period from 1994 to 2015 on average the annual arrest rate for all marijuana offenses for blacks was 3.7 times higher than for whites, 4.3 times higher for sales, and 3.6 times higher for possession arrests. See Exhibit 3.

Another way to examine this trend is to examine the extent that whites and blacks are represented in the population of those arrested for marijuana offenses, in comparison to their representation (on a percentage basis) in the population. In 1994 whites accounted for 88.8% of the population of Connecticut, but only 70.2% of all marijuana arrests. In 2015 whites accounted for 80.8% of the population but only 64.2% of marijuana arrests. Thus, whites are under-represented in the population of those arrested for marijuana offenses. Blacks accounted for 9.0% of the population of the state in 1994 but comprised 29.5% of those arrested for all marijuana offenses, a ratio of arrest:population

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[11] The UCR program categorizes drug abuse offenses in terms of "Sales/Manufacturing" and "Possession." According to John Morton of the FBI, by way of Christine Mertens, a research analyst at the Connecticut Department of Emergency Services and Public Protection (DESPP), an arrest for possession with intent to distribute or sell is classified in UCR data as a sales offense as "that is the true reason for having the drugs." Personal Communication, July 7, 2017.

[12] Appendix 1 contains the population data used to calculate arrest rates in this report. Population data was obtained from the United States Census Bureau.

percentage of 3.3. In 2015 blacks were 11.1% of the population and 34.2% of those arrested, a ratio of 3.1. Thus, blacks are over-represented in the population of marijuana arrestees. This characteristic of marijuana arrests is consistent over time and for both sales and possession arrests as well. See Exhibits 4 & 5.

The racial disparity in marijuana arrests is clearly evident in Exhibit 6, which shows arrests as a proportion of total marijuana users. According to the NSDUH, from 2002 to 2009 there were on average 288,000 white marijuana per year in Connecticut, and on average 5,125 were arrested each year, 1.8% of all white users. During this same period, there were on average 28,000 black marijuana users per year in Connecticut and on average 2,322 were arrested each year, 8.3% of all black users. These data are presented and discussed further in Appendix 2. Black marijuana users in Connecticut in this period were arrested 4.6 times more often than whites.

Exhibit 2. Marijuana Arrests in Connecticut (1994 – 2015)

Year	All			Whites			Blacks		
	Total	Sales/PWITS	Possession	Total	Sales/PWITS	Possession	Total	Sales/PWITS	Possession
1994	7,029	1,082	5,947	4,931	742	4,189	2,075	338	1,737
1995	7,827	1,003	6,824	5,631	688	4,943	2,169	311	1,858
1996	7,484	1,026	6,458	5,494	691	4,803	1,960	333	1,627
1997	8,261	1,018	7,243	5,755	611	5,144	2,477	405	2,072
1998	8,065	831	7,234	5,758	542	5,216	2,265	285	1,980
1999	8,236	891	7,345	5,893	571	5,322	2,300	311	1,989
2000	7,580	782	6,798	5,528	526	5,002	2,022	254	1,768
2001	7,381	776	6,605	5,672	523	5,149	1,660	251	1,409
2002	6,763	713	6,050	4,964	511	4,453	1,769	196	1,573
2003	6,487	679	5,808	4,430	432	3,998	2,010	244	1,766
2004	7,682	736	6,946	5,420	481	4,939	2,222	250	1,972
2005	7,148	516	6,632	4,962	361	4,601	2,141	153	1,988
2006	7,161	583	6,578	4,810	394	4,416	2,304	189	2,115
2007	7,265	674	6,591	4,840	470	4,370	2,367	193	2,174
2008	8,518	903	7,615	5,648	559	5,089	2,801	331	2,470
2009	9,036	929	8,107	5,925	615	5,310	3,041	306	2,735
2010	9,155	842	8,313	5,986	509	5,477	3,072	317	2,755
2011	6,197	738	5,459	4,008	470	3,538	2,122	265	1,857
2012	3,675	670	3,005	2,423	434	1,989	1,218	231	987
2013	3,028	675	2,353	2,004	437	1,567	990	226	764
2014	3,157	660	2,497	2,063	446	1,617	1,064	201	863
2015	2,578	633	1,945	1,655	411	1,244	894	211	683

PWITS – Possession With Intent To Sell
Source: Uniform Crime Reporting Program

Exhibit 3. Marijuana Arrests Rates per 100,000 population in Connecticut, by Race (1994-2015)

Example: In 1994, the arrest rate for all marijuana arrests is 215.06 per 100,000 population, for whites it is 169.95 per 100,000 whites, and for blacks it is 707.63 per 100,000 blacks. An arrest rate is calculated this way:

The number of arrests (A)/the population (P)* 100,000, or

A/P *100,000.

Year	All Marijuana				Marijuana Sales/PWITS				Marijuana Possession			
	All	White	Black	Ratio Black: White	All	White	Black	Ratio Black: White	All	White	Black	Ratio Black: White
1994	215.06	169.95	707.63	**4.2**	33.11	30.16	135.92	**4.5**	181.96	170.24	698.52	**4.1**
1995	239.70	194.62	736.26	**3.8**	30.72	28.00	124.31	**4.4**	208.99	201.17	742.66	**3.7**
1996	229.08	190.13	660.29	**3.5**	31.40	28.18	132.21	**4.7**	197.67	195.89	645.95	**3.3**
1997	252.74	199.50	827.53	**4.1**	31.15	24.93	159.24	**6.4**	221.60	209.86	814.67	**3.9**
1998	246.44	199.91	744.59	**3.7**	25.39	21.89	109.01	**5.0**	221.05	210.70	757.32	**3.6**
1999	250.94	204.56	744.89	**3.6**	27.15	19.82	100.72	**5.1**	223.79	184.74	644.17	**3.5**
2000	222.14	188.20	602.88	**3.2**	22.92	17.94	75.88	**4.2**	199.22	170.62	528.19	**3.1**
2001	215.04	192.41	489.58	**2.5**	22.61	17.78	74.19	**4.2**	192.43	175.05	416.45	**2.4**
2002	195.55	167.64	514.65	**3.1**	20.62	17.25	56.99	**3.3**	174.94	150.29	457.34	**3.0**
2003	186.09	148.85	577.17	**3.9**	19.48	14.53	70.11	**4.8**	166.61	134.43	507.47	**3.8**
2004	219.55	181.87	633.37	**3.5**	21.03	16.12	71.17	**4.4**	198.52	165.51	561.37	**3.4**
2005	203.63	166.43	604.61	**3.6**	14.70	12.11	43.21	**3.6**	188.93	154.32	561.41	**3.6**
2006	204.85	162.44	645.51	**4.0**	16.68	13.76	54.76	**4.0**	188.17	154.24	612.81	**4.0**
2007	208.17	164.11	661.85	**4.0**	19.31	15.88	53.77	**3.4**	188.86	147.65	605.72	**4.1**
2008	243.28	191.41	774.02	**4.0**	25.79	18.94	91.47	**4.8**	217.49	172.46	682.55	**4.0**
2009	265.70	208.21	836.95	**4.0**	27.32	21.14	82.37	**3.9**	238.39	179.61	746.50	**4.2**
2010	256.05	202.88	782.20	**3.9**	23.55	17.26	80.75	**4.7**	232.50	185.70	701.76	**3.8**
2011	173.07	136.01	535.78	**3.9**	20.61	15.95	66.91	**4.2**	152.46	120.06	468.87	**3.9**
2012	102.32	82.37	302.96	**3.7**	18.65	14.76	57.48	**3.9**	83.66	67.64	245.60	**3.6**
2013	84.20	68.30	242.73	**3.6**	18.77	15.71	58.43	**3.7**	65.43	56.32	197.54	**3.5**
2014	87.78	70.66	257.12	**3.6**	18.35	15.28	48.58	**3.2**	69.43	55.39	208.58	**3.8**
2015	71.79	57.01	213.78	**3.7**	17.63	14.16	50.46	**3.6**	54.16	42.85	163.32	**3.8**

PWITS – Possession With Intent To Sell

Source: Uniform Crime Reporting Program, United States Census Bureau

Exhibit 4. Ratio of Arrest Percentage to Population Percentage for All Marijuana Arrests (1994 – 2015)

Example: In 1994 whites accounted for 70.2% of those arrested for marijuana offenses and comprised 88.8% of the population in Connecticut and. The ratio produced by dividing the arrest percentage (70.2%) divided by the population percentage (88.8%) is .8. The same year, blacks accounted for 29.5% of those arrested for marijuana offenses and comprised 9% of the population in Connecticut. The ratio produced by dividing the arrest percentage (29.5%) by the population percentage (9%) is 3.3. The ratio is calculated this way:

Percentage of Arrests (A)/Percentage of Population (P), or
A/P

	All Marijuana					
	Whites			Blacks		
	Pop.	Arrests	Ratio	Pop.	Arrests	Ratio
1994	88.8%	70.2%	0.8	9.0%	29.5%	3.3
1995	88.6%	71.9%	0.8	9.0%	27.7%	3.1
1996	88.4%	73.4%	0.8	9.1%	26.2%	2.9
1997	88.3%	69.7%	0.8	9.2%	30.0%	3.3
1998	88.0%	71.4%	0.8	9.3%	28.1%	3.0
1999	87.8%	71.6%	0.8	9.4%	27.9%	3.0
2000	86.1%	72.9%	0.8	9.8%	26.7%	2.7
2001	85.9%	76.8%	0.9	9.9%	22.5%	2.3
2002	85.6%	73.4%	0.9	9.9%	26.2%	2.6
2003	85.4%	68.3%	0.8	10.0%	31.0%	3.1
2004	85.2%	70.6%	0.8	10.0%	28.9%	2.9
2005	84.9%	69.4%	0.8	10.1%	30.0%	3.0
2006	84.7%	67.2%	0.8	10.2%	32.2%	3.2
2007	84.5%	66.6%	0.8	10.2%	32.6%	3.2
2008	84.3%	66.3%	0.8	10.3%	32.9%	3.2
2009	83.7%	65.6%	0.8	10.7%	33.7%	3.1
2010	82.5%	65.4%	0.8	11.0%	33.6%	3.1
2011	82.3%	64.7%	0.8	11.1%	34.2%	3.1
2012	81.9%	65.9%	0.8	11.2%	33.1%	3.0
2013	81.6%	66.2%	0.8	11.3%	32.7%	2.9
2014	81.2%	65.3%	0.8	11.5%	33.7%	2.9
2015	80.8%	64.2%	0.8	11.6%	34.7%	3.0

Source: Uniform Crime Reporting Program, United States Census Bureau

Exhibit 5. Ratio of Arrest Percentage to Population Percentage for
Marijuana Sales and Possession Arrests (1994 – 2015)

Example: In 1994 whites accounted for 68.6% of those arrested for marijuana sales/PWITS offenses and comprised 88.8% of the population in Connecticut and. The ratio produced by dividing the arrest percentage (68.6%) divided by the population percentage (88.8%) is .8. The same year, blacks accounted for 31.2% of those arrested for marijuana offenses and comprised 9% of the population in Connecticut. The ratio produced by dividing the arrest percentage (31.2%) by the population percentage (9%) is 3.5. The ratio is calculated this way:

Percentage of Arrests (A)/Percentage of Population (P), or
A/P

	Sales/PWITS						Possession					
	Whites			Blacks			Whites			Blacks		
	Pop.	Arrests	Ratio	Pop.	Arrests	Ratio	Pop.	Arrests	Ratio	Pop.	Arrests	Ratio
1994	88.8%	68.6%	**0.8**	9.0%	31.2%	**3.5**	88.8%	70.4%	**0.8**	9.0%	29.2%	**3.3**
1995	88.6%	68.6%	**0.8**	9.0%	31.0%	**3.4**	88.6%	72.4%	**0.8**	9.0%	27.2%	**3.0**
1996	88.4%	67.4%	**0.8**	9.1%	32.5%	**3.6**	88.4%	74.4%	**0.8**	9.1%	25.2%	**2.8**
1997	88.3%	60.0%	**0.7**	9.2%	39.8%	**4.3**	88.3%	71.0%	**0.8**	9.2%	28.6%	**3.1**
1998	88.0%	65.2%	**0.7**	9.3%	34.3%	**3.7**	88.0%	72.1%	**0.8**	9.3%	27.4%	**2.9**
1999	87.8%	64.1%	**0.7**	9.4%	34.9%	**3.7**	87.8%	72.5%	**0.8**	9.4%	27.1%	**2.9**
2000	86.1%	67.3%	**0.8**	9.8%	32.5%	**3.3**	86.1%	73.6%	**0.9**	9.8%	26.0%	**2.6**
2001	85.9%	67.4%	**0.8**	9.9%	32.4%	**3.3**	85.9%	78.0%	**0.9**	9.9%	21.3%	**2.2**
2002	85.6%	71.7%	**0.8**	9.9%	27.5%	**2.8**	85.6%	73.6%	**0.9**	9.9%	26.0%	**2.6**
2003	85.4%	63.6%	**0.7**	10.0%	35.9%	**3.6**	85.4%	68.8%	**0.8**	10.0%	30.4%	**3.0**
2004	85.2%	65.4%	**0.8**	10.0%	34.0%	**3.4**	85.2%	71.1%	**0.8**	10.0%	28.4%	**2.8**
2005	84.9%	70.0%	**0.8**	10.1%	29.7%	**2.9**	84.9%	69.4%	**0.8**	10.1%	30.0%	**3.0**
2006	84.7%	67.6%	**0.8**	10.2%	32.4%	**3.2**	84.7%	67.1%	**0.8**	10.2%	32.2%	**3.1**
2007	84.5%	69.7%	**0.8**	10.2%	28.6%	**2.8**	84.5%	66.3%	**0.8**	10.2%	33.0%	**3.2**
2008	84.3%	61.9%	**0.7**	10.3%	36.7%	**3.5**	84.3%	66.8%	**0.8**	10.3%	32.4%	**3.1**
2009	83.7%	66.2%	**0.8**	10.7%	32.9%	**3.1**	83.7%	65.5%	**0.8**	10.7%	33.7%	**3.2**
2010	82.5%	60.5%	**0.7**	11.0%	37.7%	**3.4**	82.5%	65.9%	**0.8**	11.0%	33.1%	**3.0**
2011	82.3%	63.7%	**0.8**	11.1%	35.9%	**3.2**	82.3%	64.8%	**0.8**	11.1%	34.0%	**3.1**
2012	81.9%	64.8%	**0.8**	11.2%	34.5%	**3.1**	81.9%	66.2%	**0.8**	11.2%	32.9%	**2.9**
2013	81.6%	64.7%	**0.8**	11.3%	33.5%	**3.0**	81.6%	66.6%	**0.8**	11.3%	32.5%	**2.9**
2014	81.2%	67.6%	**0.8**	11.5%	30.5%	**2.6**	81.2%	64.8%	**0.8**	11.5%	34.6%	**3.0**
2015	80.8%	64.9%	**0.8**	11.6%	33.3%	**2.9**	80.8%	64.0%	**0.8**	11.6%	35.1%	**3.0**

PWITS – Possession With Intent To Sell
Source: Uniform Crime Reporting Program, United States Census Bureau

Exhibit 6. Racial Disparities in Arrests of Marijuana Users (2002 – 2009)

Whites 1.8 % of white marijuana users in Connecticut were arrested in between 2002 and 2009	Blacks 8.3% of black marijuana users in Connecticut were arrested between 2002 and 2009
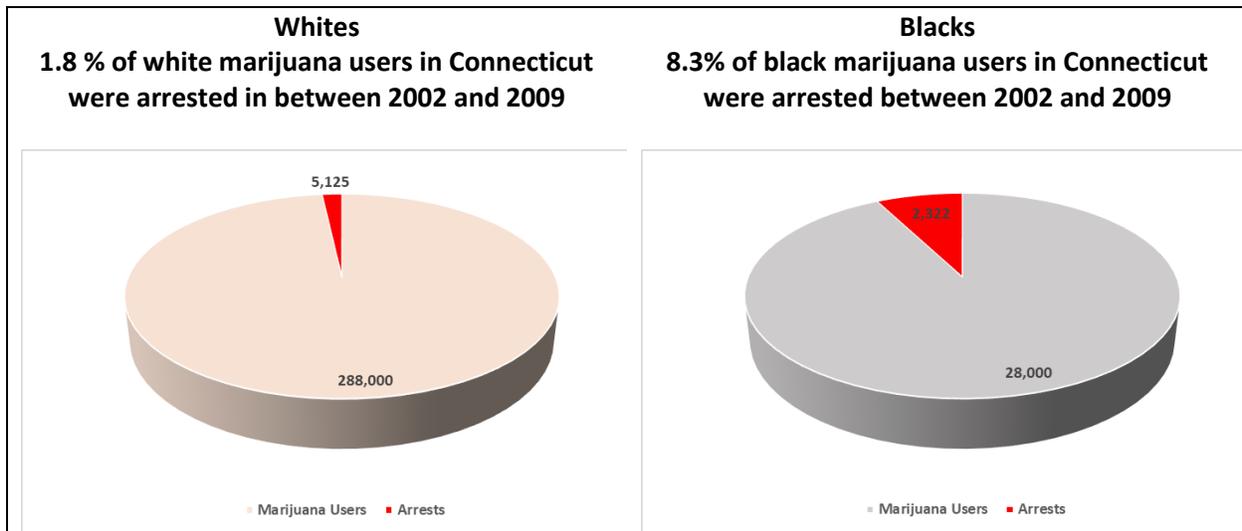
Conclusion

This report addressed three basic questions.

1) Are their differences in the prevalence of marijuana use of blacks and whites in Connecticut?
2) Are their differences in the arrest rates of blacks and whites for marijuana sales and possession offences in Connecticut?
3) If there are differences in the arrest rates of blacks and whites, can they be explained by differences in the prevalence of marijuana use among these populations?

Data from the National Survey on Drug Use and Health indicates that both nationally and in the state of Connecticut there are not significant differences in the prevalence of marijuana use by blacks and whites in Connecticut. The average annual prevalence of marijuana use by blacks was 13.2% compared to an average annual prevalence of marijuana use by whites of 11.6%. Simply put, the percentage of blacks who use marijuana on an annual basis is slightly higher than the percentage of whites.

There are significant differences in the arrest rates for blacks and whites for all marijuana offenses. For the period from 1994 to 2015 on average the annual arrest rate for all marijuana offenses for blacks was 3.7 times higher than for whites, 4.3 times higher for sales, and 3.6 time higher for possession arrests.

The differences in the arrest rates for blacks and whites cannot be explained by differences in the prevalence of marijuana use among these populations. An examination of marijuana arrests as a percentage of the estimated number of marijuana users of each race indicates that during the period of 2002 – 2009 black marijuana users in Connecticut in this period were arrested 4.6 times more often than whites.

Appendix 1. Population of Connecticut (1995 – 2015)

These data were used to calculate arrest rates reported above.

	Total	White	Black
1994	3,268,346	2,901,523	293,231
1995	3,265,293	2,893,364	294,597
1996	3,267,030	2,889,641	296,839
1997	3,268,514	2,884,674	299,326
1998	3,272,563	2,880,286	304,193
1999	3,282,031	2,880,829	308,772
2000	3,412,263	2,937,344	335,388
2001	3,432,463	2,947,831	339,063
2002	3,458,382	2,961,080	343,731
2003	3,485,881	2,976,145	348,253
2004	3,498,966	2,980,075	350,820
2005	3,510,297	2,981,509	354,111
2006	3,495,753	2,961,014	356,926
2007	3,489,868	2,949,179	357,635
2008	3,501,252	2,950,808	361,879
2009	3,400,770	2,845,664	363,342
2010	3,575,498	2,950,534	392,736
2011	3,580,709	2,946,740	396,060
2012	3,591,765	2,941,749	402,027
2013	3,596,080	2,933,928	407,853
2014	3,596,677	2,919,746	413,814
2015	3,590,886	2,902,834	418,185

Source: U.S. Census Bureau

**Appendix 2. Discussion of Racial Disparities in Connecticut Marijuana Arrests
In Light of Differences in Marijuana Use by Blacks and Whites**

As indicated by data from the National Survey on Drug Use and Health discussed above, the prevalence of annual marijuana use among whites and blacks is relatively the same, and the differences in the rates of use are marginal.

While data on the differences in marijuana use by race in Connecticut is restricted to the years 2002-2009, this similarities in use by race are consistent with national data from the same period. The prevalence in marijuana use by whites in Connecticut is higher than that of Blacks while the opposite is true in the national data. Nonetheless, usage by both groups is relatively consistent nationally over the extended time frame for which arrest data in this report is being considered.

More importantly, the differences in usage prevalence are marginal while the differences in arrest rates are those of significant magnitude. Differences in usage prevalence are in the range to plus or minus 15%, to put it generally, while arrest rates for blacks are three to four times higher than those for whites.

Nonetheless, greater clarity about racial disparities in marijuana arrests in Connecticut can be obtained by a closer comparison of the marijuana using population by race with arrests by race. Whites account for 82.1% of marijuana users in the years 2002 – 2009 but only 68.2 % of those arrested. Blacks account for 8.9% of marijuana users in these years but comprise 31% of those arrested. The whites arrested for marijuana use consist of 1.8% of all white users, while arrested blacks account for 8.3% of black users. The arrest rate per 100,000 users in this time frame was 1,770 for whites and 8,328 for blacks. See Exhibit 7.

When controlling for differences in the racial composition of the population of marijuana users, blacks are overrepresented in the population of those arrested for marijuana offenses.

Exhibit 7. Comparison of White and Black Marijuana Users in Relation to Arrests (2002 – 2009)

	Whites	Blacks
Average Population	2,950,684	354,587
Percent of Population	84.8%	10.2%
Average Annual Marijuana Users	288,000	28,000
Percent of Users	82.1%	8.9%
Average Arrests	5,125	2,332
Percent of Arrests	68.2%	31.0%
Percent of Users Arrested	1.8%	8.3%
Arrest Rate per 100,000 Users	1,779	8,328

Source: Uniform Crime Reporting Program, United States Census Bureau, National Survey on Drug Use and Health