

Social Equity in Cannabis Task Force

DRAFT Staff Summary of Background Information on Arrest Inequities

Racial Disparities in the Enforcement of Cannabis Prohibition in WA

Summary

This resource^A summarizes the disproportionate impacts of cannabis prohibition enforcement on communities of color^B in Washington (WA) state. The following information and data are organized chronologically from pre- to post-legalization of cannabis and provide insight into the racial inequities in cannabis arrests in the state. This document provides a high-level overview for the purpose of lifting up the voices of people and communities who have experienced these inequities, but it is in no way comprehensive or meant to represent the range of individual or community lived experiences. Furthermore, it is important to acknowledge the gaps in cannabis arrest data, specifically gaps related to race, ethnicity, and indigeneity. A deeper discussion of these limitations can be found on page four.

After reviewing multiple WA-specific studies, it is clear that people of color are disproportionately arrested for cannabis possession,^{1,2} even years after WA legalized cannabis in 2012.^{3,4} Furthermore, these data show that Black and African American people in WA continue to experience the greatest inequities with cannabis enforcement. **In 2018, Black people in WA were 2.1 times more likely to be arrested for cannabis possession than their white peers, and for many of the state's counties this Black/white inequity was even greater.**⁴

Pre-Legalization: Arrests for Cannabis Possession in WA (1986-2010)

Arrests for cannabis possession nearly tripled from 1986 to 2010. From 1986 to 1990, WA police made 24,000 low-level possession arrests. From 2006 to 2010, they made 67,600 cannabis possession arrests (Figure 1)^{C.1} Data from 1985-2002 show that possession arrests far outnumbered sales arrests (Figure 2).²

This increase in arrests impacted people of color the most. From 2001-2010, Black, Latinx, and American Indian/Alaskan Native people made up 14% of the state's residents, but they were 25% of the people arrested for cannabis possession.¹ Although Black and Latinx young people use cannabis at lower rates than young whites,¹ WA police arrested Blacks at 2.9 times the rate of whites and Latinx and American Indian and Alaskan Native people at 1.6 times the rate of whites from 2001-2010 (Figure 3)^{D.1}

The Black/white racial disparity in cannabis possession arrests increased by 42% between 2001 and 2010.⁵

^A Task Force staff plan to continue to add to this document as we conduct further research. It should be considered a draft document for further refinement. **Document last updated: 12/11/2020**

^B Due to available data limitations, most datasets focus on Black/white racial inequities in cannabis arrest data. For more information please see the "data limitations" section at the end of this document.

^C The Governor's Interagency Council on Health Disparities is committed to using language that respects and honors the communities that the SECTF is created to serve. We have heard from community members that the word marijuana is racist, derogatory, and inflammatory. Therefore, while referring to this Task Force and the social equity work that it has been charged with, the Council will use the term cannabis. However, graphics pulled from other sources reflect the language used in the source material.

^D Task Force staff have not yet found WA-specific studies documenting racial/ethnic disparities in cannabis-related convictions. Researchers from the University of Washington (Dr. Alexes Harris and Michele Cadigan) have obtained conviction data from the Administrative Office of the Courts for the years 2002 through 2014. They have agreed to

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Figure 1. 240,000 Cannabis Possession Arrests in WA in 25 Years¹

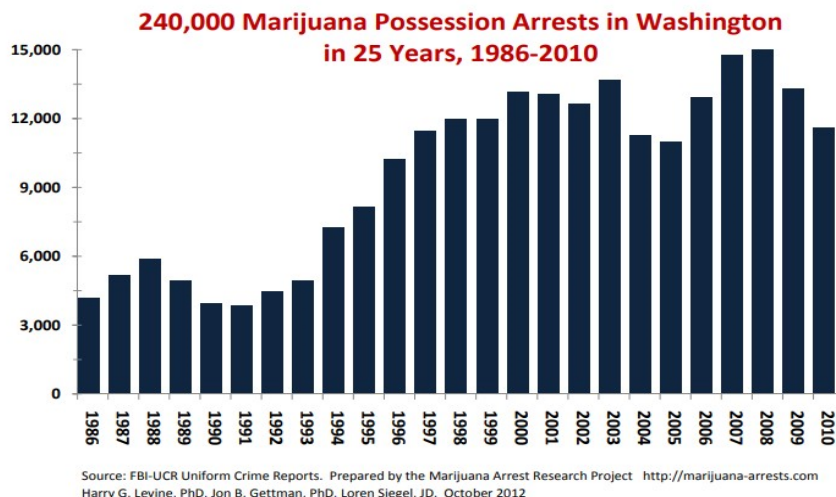


Figure 2. Cannabis Possession Arrests in WA from 1985-2001²

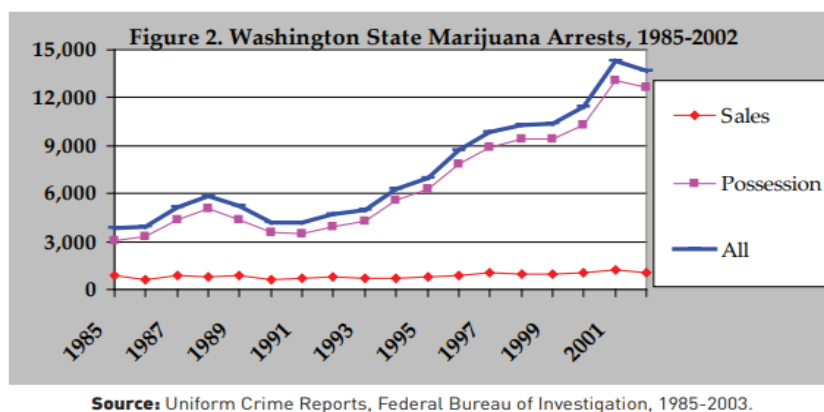
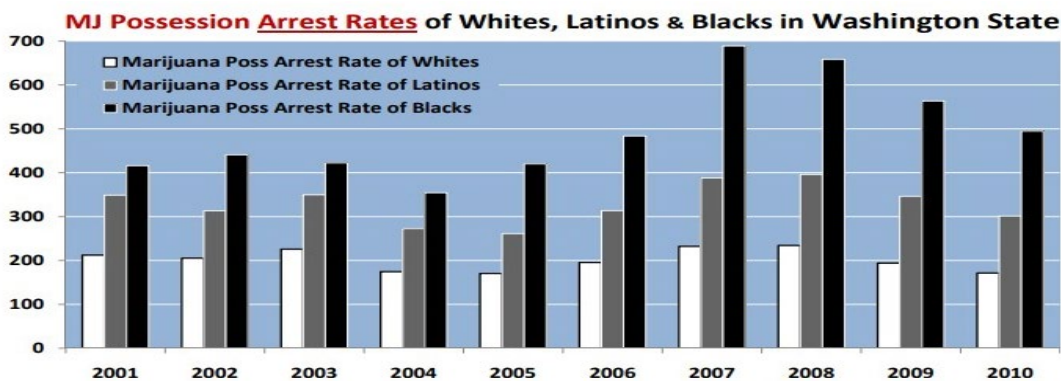


Figure 3. Cannabis Arrest Rates by Race/Ethnicity from 2001-2010¹



work with staff and the Task Force to identify cannabis-related convictions, quantify disparities by race/ethnicity, and map these convictions to inform the Task Force's recommendations.

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Transition to Legalization: Arrests for Cannabis Possession in WA (2012-2015)

Cannabis arrest rates decreased following the legalization of possession, most notably for older adults. Among those of legal age (21+ years) overall cannabis arrest rates decreased dramatically from 2012-2015.³ Among 18-20-year-olds overall, cannabis arrest rates also decreased but not as much as among older adults.³ The opening of the recreational market in 2014 did not significantly change arrest rates.³

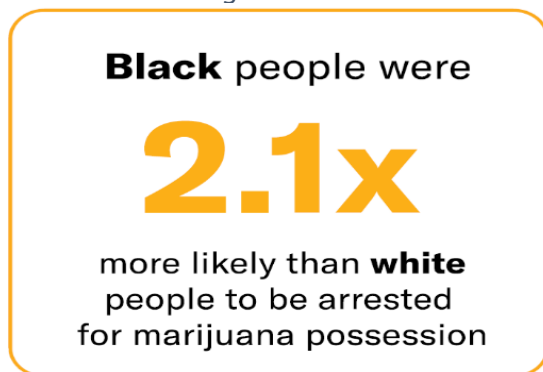
Despite plummeting cannabis arrest rates for Black Washingtonians, inequities continued and, in some cases, increased. During this transition (2012-2015), inequitable possession arrest rates did not change significantly among Black 18- to 20-year-olds (arrests remained nearly twice as high for Blacks as their white peers).³ Meanwhile, the average monthly arrest rate for Blacks of legal age decreased from 22.4/100,000 before legalization to 2.9/100,000 after the retail market opened (compared to 6.3/100,000 and 0.4/100,000, respectively for whites of legal age).³ In the 11 months before legalization, Blacks aged 21+ years were arrested at a rate 2.5 times higher than their white peers.³ After the retail market opened (July 2014-December 2015), Blacks of legal age were arrested at a rate 5 times higher than their white peers.³ Therefore, while absolute disparities in average monthly arrest rates decreased, the relative disparities grew for Blacks of legal age compared to white peers.

Racial inequities in arrests for distributing and selling cannabis persist. The number of arrestees associated with an incident for distributing/selling dropped among Whites by 67% but showed little change for Black individuals.³

Post-Legalization: Arrests for Cannabis Possession in WA (2018)

Recent data show inequities in cannabis-specific arrest rates persist by race and may be exacerbated by geography. One argument supporting cannabis legalization in WA was its potential to reduce disproportionate cannabis-related arrest rates for Black individuals.³ However, as of 2018 (6 years post legalization and 4 years with a recreational market) Black Washingtonians were still 2.1 times more likely than white residents to be arrested for cannabis possession.⁴

2018 Washington State Arrest Data⁴



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In WA, 24 of the 39 counties have a racial disparity greater than the national average (Figure 4).⁴ Nationally, Black people are 3.64 times more likely than white people to be arrested for cannabis possession.⁴ In the five WA counties with the largest racial disparities, Black people were 4.69 to 9.19 times more likely to be arrested for cannabis possession than white peers (Figure 5).⁴

BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)

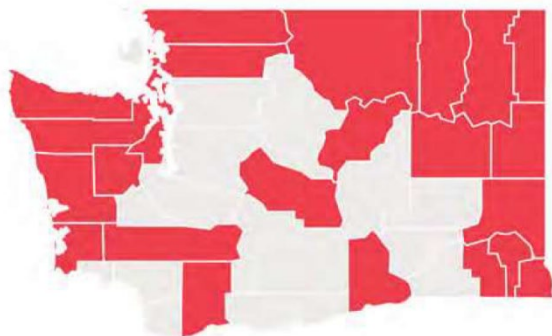


Figure 4. WA Counties with racial disparities greater than the national average (ACLU, 2020)

Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.

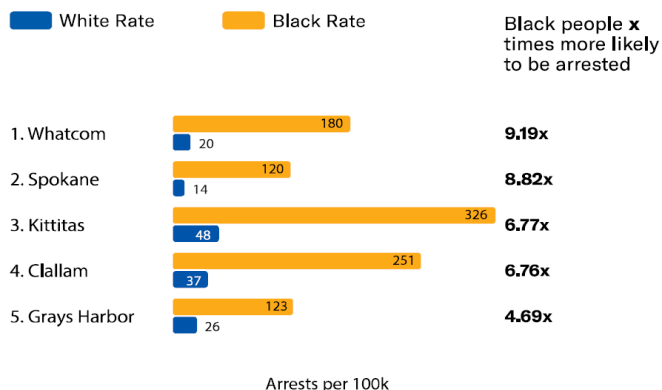


Figure 5. WA Counties with the largest racial disparities (ACLU, 2020)

Historical and On-going: Factors Contributing to Inequities

Despite the fact that white young people use cannabis at higher rates than Black or Latinx young people, cannabis possession arrests are skewed by class, ethnicity, and race.¹ These inequities are partially attributed to persisting residential segregation that makes it easier for patrol police to "fish" for arrests in neighborhoods with more low-income white, Black, and Latinx people.¹ One example of a policing practice that leads to inequitable outcomes is when patrol officers have to meet formal or informal monthly quotas of stops, arrests, and tickets.¹

Studies of the WA State Patrol show that an 18-year-old male driver who is American Indian or Alaska Native is 4 times more likely to be searched than a white peer. Similarly, Black and Latinx male 18-year-old drivers are more likely to be searched than a white peer (1.5 times and 1.75 times, respectively).¹ Police in WA also frequently arrested medical cannabis patients, even when the patients showed written authorization from a health care professional.¹

Data Limitations

This resource document compiles findings from multiple reports that analyze data from the Uniform Crime Reporting (UCR) Program of the Federal Bureau of Investigation (FBI). FBI-UCR data are the only available national crime data. These data do not include ethnicity or indigeneity. Therefore, arrest data for "Hispanics or Latinos"^E are combined with both Blacks and whites.¹ As a result, limited data exist

^E The Census bureau defines "Hispanic or Latino" and "not Hispanic or Latino" as ethnicities, not races.

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specific to the Latinx population, although it is possible with an emerging statistical method.^{F,1} Additionally, data often do not include disaggregated information for American Indians or Alaskan Natives.

Further disaggregation of data and improved data collection and reporting methods by race, ethnicity, and indigeneity are crucial for gaining a deeper understanding of disproportionality in cannabis arrests in order to ultimately rectify these inequities. Albeit incomplete, the data presented in this document provide insights and make clear that racism is embedded throughout the enforcement of cannabis prohibition enforcement, even post-legalization.

References

1. Levine H.G., Gettman J.B., Siegel L. "240,000 Marijuana Arrests: Costs, Consequences and Racial Disparities of Possession Arrests in Washington, 1985-2010." Marijuana Arrest Project, New York, NY, October 2012.
2. Beckett K. and Herbert S. "The Consequences and Costs of Marijuana Prohibition" (2008).
3. Firth C., Maher J.E., Dilley J.A., Darnell A., Lovrich N.P. "Did marijuana legalization in Washington State reduce racial disparities in adult marijuana arrests?" *Substance Use & Misuse*. 2019; 54(9): 1582-1587.
4. Edwards E., Greytak E., Madubonwu B., Sanchez T., Beiers S., Resing C., Fernandez P., Galai S. "A Tale of Two Countries Racially Targeted Arrests in the Era of Marijuana Reform." ACLU Research Report, New York, NY, 2020.
5. "The War on Marijuana in Black and White." ACLU Research Report, New York, NY, June 2013.

^F This method was used to create Figure 3 looking at cannabis arrest rates for those who are Latinx, Black, and white.