

Marijuana in California

Arrests, Usage, and Related Data

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Marijuana in California

Introduction

This state report is part of a comprehensive presentation of national, state, county, and local level data on marijuana arrests in the United States. The primary report in this collection is "Marijuana Arrests in the United States (2007)".¹ Additional details on marijuana arrests and related topics in California are available in the Marijuana Policy Almanac², from which the data presented below has been excerpted. Arrest totals are based on Uniform Crime Reporting (UCR) program data; local data may differ due to various reasons, including reporting procedures and data availability. California is facing severe budget problems. California also has some of the greatest levels of marijuana use in the United States and seizures of marijuana plants have increased over 300% in the last five years. These circumstances have contributed to debate in California about the taxation and regulation of marijuana in the state.

There were 74,024 arrests for marijuana offenses in California in 2007, representing an arrest rate of 203 per 100,000, which ranks California at number 41 in the nation. A citation for marijuana possession is counted as an arrest for the purposes of reporting data to the Uniform Crime Reporting (UCR) Program, which is the source of data in this report. The Criminal Justice Statistics Center of the California Department of Justice reports that in 2005 and 2006, for example, 77% of the arrests for misdemeanor arrests for marijuana (possession) were issued citations while the rest were booked (taken into custody).

In terms of overall severity of maximum sentences for marijuana possession, California ranks number 46 in the nation (based on penalties for a first offense). When it comes to penalties for just under 1 ounce of marijuana, California is ranked at number 12 along with 10 other states (because of similarities between states there are only 12 rankings in this category). Here are the penalties for possession of various amounts of marijuana in California:

Amount	Max. Sentence	Max. Fine
1 Ounce*	fine only	\$100
2 Ounces	6 months	\$500
3 Ounces	6 months	\$500
4 Ounces	6 months	\$500

(*To simplify comparisons, for some states this category covers amounts just under 1 ounce)

Marijuana possession arrests accounted for 80% of all marijuana arrests in California during 2007. (Nationally, marijuana possession arrests account for 89% of all marijuana arrests.) There were 59,179 arrests for marijuana possession in California in 2007, and 14,845 arrests for marijuana sales. The arrest rate for marijuana possession in California was 162 per 100,000 for 2007, while the arrest rate for marijuana sales was 41. Marijuana arrests also accounted for 25% of all drug arrests in California during 2007.

¹ http://www.drugscience.org/Archive/bcr7/bcr7_index.html

² http://www.drugscience.org/States/US/US_home.htm

Marijuana in California

Here is an overall scorecard for how California ranks nationally in terms of marijuana arrests, penalties, and marijuana use.

Category	Ranking
Maximum Sentences for Possession	46
Maximum Sentence for Possession of 1 ounce	12
Arrest Rate per 100,000 population	41
Arrest Rate per 100,000 users	42
Past Month Users (Pct.)	17
Past Year Users (Pct.)	17
Past Month Users Age 12 – 17 (Pct.)	27
Past Year Users Age 12 – 17 (Pct.)	23

This report provides a summary of the following topics related to marijuana arrests in California: (1) related national trends, (2) trends in California marijuana arrests, marijuana use, and marijuana plant seizures (3) the costs of marijuana arrests in California, (4) statistics on past month and past year marijuana use in California by age group, (5) county level rankings in marijuana arrests and rates, and (6) drug treatment admissions for alcohol, marijuana, and other drugs. Extensive detail on these and related subjects, including local agency marijuana arrest data and historical data, is available in table format in the on line Marijuana Policy Almanac³ for California and other states, as well as similar national data.

1) Background – National Trends in Arrests and Marijuana Use from 2003 to 2007

While marijuana arrests have increased significantly since the 1980s, the prevalence of marijuana use in the United States has remained essentially unchanged.

Marijuana arrests in the United States increased from 755,200 in 2003 to 872,720 in 2007. This represents an average annualized change of +2.93% per year.

Historically, marijuana arrests in the United States increased by 150% in the 1990s, rising dramatically from 287,850 in 1991 to 723,627 in 2001, an average annualized change of 8.74% per year. During this time the number of individuals who reported marijuana use in national surveys increased modestly from 19.2 million in 1991 to 21 million in 2001.

The arrest rate for marijuana offenses (possession and sales combined) in the United States has increased from 260 per 100,000 in 2003 to 290 in 2007. This represents an average annualized change of +2.19% per year.

The number of past year marijuana users in the United States has remained relatively stable during this period, changing from 25.5 million annual users in 2003 to 25.2 million annual users in 2007. The number of past month users has also remained the same, 14.6 million in both 2003 and 2007.

On a percentage basis, annual marijuana use was reported by 10.78% of the population in 2003 and 10.22% in 2007, while monthly use was reported by 6.18% in 2003 and 5.92% in 2007.

³ http://www.drugscience.org/States/US/US_home.htm

Marijuana in California

Consequently, at the national level over the last five years, an increase in marijuana arrests of 2.93% per year has resulted in an average annualized decrease in the number of annual marijuana users of 0.21% per year and a similar decrease in the prevalence of annual marijuana use of 0.03% per year.

2) Marijuana Arrest, Use, and Plant Seizure Trends in California (2003 – 2007)

Marijuana arrests in California increased from 61,375 in 2003 to 74,024 in 2007. The arrest rate in 2003 was 173 per 100,000 while in 2007 it was 203.

Compared to a 2.93% average annualized increase in marijuana arrests nationally, marijuana arrests in California increased by 3.82% per year. (While the arrest rate nationally increased 2.19% annually in this period, in California the arrest rate changed by 2.11% per year.)

During this same period, the number of annual marijuana users in California increased from 3,222,000 in 2003 to 3,342,000 in 2007. This was an average annualized change of 0.73% per year. The number of monthly marijuana users increased from 1,850,000 in 2003 to 1,949,000 in 2007, which produced an average annualized change of 1.05%.

Marijuana cultivation in California has increased dramatically in recent years. The Drug Enforcement Administration’s Domestic Cannabis Eradication Suppression Program (DCESP) data does not include all seized marijuana plants in the state; however these data provide an accurate indication of overall trends. Estimates of how much of the total amount of marijuana grown in the state is seized by local, state, and federal authorities vary and are beyond the scope of this report. However the overall trend is clear. Total marijuana plant seizures in California have increased 338% from 2004 to 2008, and indoor plant seizures have increased almost 20% in the same period.

Drug Enforcement Administration Data on California Marijuana Plant Seizures (2004 – 2008)

Year	Total cultivated plants eradicated	Outdoor operations		Indoor operations	
		Plots eradicated	Cultivated plants eradicated	Grows seized	Cultivated plants eradicated
2004	1,214,420	1,502	1,152,539	428	61,881
2005	2,011,277	1,624	1,904,230	572	107,047
2006	2,995,285	1,517	2,791,726	575	203,559
2007	4,951,976	1,897	4,791,838	590	160,138
2008	5,322,053	1,707	5,139,451	748	182,602

Marijuana in California

3) The Costs of Marijuana Laws

The above comparison of marijuana arrests and marijuana use provide a basis for evaluating the benefits of marijuana laws. Here are three perspectives that help frame the issue of evaluating the costs of marijuana laws in California.

a) Fiscal Costs.

According to the National Conference of State Legislators (NCSL) in January 2009 California was facing a budget gap of \$14.8 billion (14.1% of the general fund budget) for FY 2009 and \$24.8 billion (22.3% of the general fund budget) for FY 2010. The state is looking for ways to cut \$1 billion from its Corrections budgets and to devise plans to release tens of thousands of inmates from its over-crowded prison system.

The criminal justice system in California cost \$31.56 billion for 2006. This includes state, county, and local costs. Here is the breakdown for those costs:

Police Protection	\$12.88 billion
Judicial and Legal Services	\$7.77 billion
Corrections	\$10.91 billion
Total	\$31.56 billion

The federal Office of National Drug Control Policy (ONDCP) provides a simple way of making a general estimate of the criminal justice costs of drug-related arrests. Actually, estimating the costs of different types of arrests is a very complicated challenge because of the differences between individual offenses and, for example, the investigative and follow-up work they require. However the use of a percentage basis method provides a general estimate of the costs associated with marijuana offenses. The method utilized by ONDCP is to (a) calculate the percentage of total arrests accounted for by drug arrests and then (b) apply that percentage to total criminal justice system costs.

There were 1,548,197 arrests in California in 2006. There were 65,467 marijuana arrests that year, accounting for 4.23% of all arrests in California for 2006. Consequently, according to this percentage basis method of estimation, **if not for marijuana decriminalization** marijuana arrests would have cost \$1.34 billion in California for 2006. According to the California Department of Justice 23,635 offenders were arrested (not cited) for marijuana misdemeanors and felonies in 2006. These represent 1.53% of total arrests in the state. According to this method of estimation, these arrests cost California \$482.9 million. Consequently decriminalization of small amounts of marijuana saved California approximately \$857 million in addition to nearly \$4 million in fines resulting from 39,789 citations.

b) Opportunity Costs

Budgets are, out of necessity, about making choices. This is especially true when resources are scarce, such as when state and local governments are grappling with budget gaps between revenue and program commitments. Economists recognize opportunity costs as the consequences of making specific budgetary decisions. Providing funds for one program often means accepting less or no funds for some other government activity. For example, providing law enforcement with the obligation, or opportunity, to make arrests for marijuana offenses deprives law enforcement of funds to apply to other investigations and activities.

Marijuana in California

Law enforcement agencies publish statistics on their ability to resolve known offenses through the arrest of criminal suspects. After an offense is reported to the police, the objective is “cleared” by an arrest. Crime rates are based on the number of reported offenses. Arrest rates are based on the number of arrests. Clearance rates, usually provided for the most serious crimes, are based on the percentage of known offenses cleared by arrest.

Here are the 2007 clearance rates for serious crimes in California:

Murder	53.10%
Rape	43.20%
Robbery	26.20%
Assault	57.30%
Larceny	14.90%
Motor Vehicle Theft	8.30%
All the above crimes	24.40%

Another significant aspect of evaluating law enforcement priorities concerns the growing economic impact of what is referred to as “white-collar crime.” This is a broad term for what are essentially non-violent theft, including such crimes as fraud, identity theft, embezzlement, and securities fraud. While a great deal of media attention is devoted to law enforcement responses to street crimes, the economic impact of these crimes is dwarfed by the magnitude of white-collar crime, which is conservatively estimated to have an impact of 10 times the value of street crimes.

Marijuana arrests also divert law enforcement and criminal justice system resources from possession and sales offenses involving other illicit drugs. In 2007, marijuana arrests were 25% of all drug arrests in California. Other drugs such as cocaine, heroin, methamphetamine, and synthetic narcotics such as Oxycontin present far more serious threats to both individuals and the public. These other illegal drugs also have far more severe dependence liabilities than marijuana. Here is a summary of drug arrests in California for 2007:

Drug	Arrests	Pct.
Opiates/Cocaine	100,674	34%
Marijuana	74,024	25%
Synthetic Narcotics	0	0%
Other Dangerous Drugs	117,828	40%
All Illicit Drugs	292,526	100%

The need to improve clearance rates for serious crime, to devote greater resources to white-collar crime, and to address the problems presented by more dangerous drugs all provide compelling reasons for society to reconsider whether the opportunity costs of marijuana law enforcement are acceptable.

c) Social Costs

Marijuana arrests have a disproportionate impact on two demographic groups – young people and minorities. In many cases an arrest for marijuana possession makes a criminal out of an otherwise law-abiding individual. It is not surprising that the majority of marijuana arrests involve teenagers and young adults given the popularity of marijuana use with younger age groups. However differences in

Marijuana in California

the arrest rates between whites and blacks cannot be explained by differences in marijuana use. In 2007, for example, 10.5% of whites used marijuana in the last year while 12.2% of blacks reported such use. For marijuana use in the last month, the comparable figures were 6% of whites and 7.2% of blacks. These figures indicate that marijuana use by blacks is about 20% more prevalent than use by whites. While this is a statistically significant difference, it does not explain why arrest rates for marijuana possession for blacks are three times higher nationally than for whites. For example, the arrest rate per 100,000 for blacks in 2007 was 598, while for whites the arrest rate was 195.

Here are selected 2007 marijuana possession arrest rates for California:

Group	Pct of Arrests	Arrest Rate per 100,000
All individuals	100%	162
Males age 15 to 19	33%	1,369
Females age 15 to 19	4%	192
Males age 20 to 24	23%	946
Females age 20 to 24	3%	131
Whites	80%	169
Blacks	19%	455

4) Marijuana Use

There were 3,342,000 annual marijuana users in California during 2007, of which 1,949,000 reported marijuana use in the past month. As noted above, the number of annual marijuana users in California increased from 3,222,000 in 2003 to 3,342,000 in 2007. This was an average annualized change of 0.73% per year. The number of monthly marijuana users increased from 1,850,000 in 2003 to 1,949,000 in 2007, which produced an average annualized change of 1.05%.

There is general consensus that minors should not use alcohol, marijuana, or tobacco. According to the most recent (2007) data 13.00% or 424,000 youths aged 12 to 17 in California used marijuana in the past year. Of these, 6.80% (of the total population of this age group) or 222,000 youths used marijuana in the past month. Marijuana's illegal status did not prevent these youths from having access to marijuana. Indeed, most teenagers report that marijuana is fairly easy to obtain. One of the reasons marijuana remains easy for youths to obtain is the profit incentive created by the illegal market. Simply put, teenagers make money by selling marijuana to other youths, which increases the availability of marijuana among teens. In this way, marijuana's illegality makes it more widely and readily available to teenagers.

Here are data on the prevalence and population estimates for marijuana use by various age groups in California:

Past Month Marijuana Use (2007)

Age	Pct.	Pop.
Age 12 to 17	6.80%	222,000
Age 18 to 25	17.00%	716,000
Age 26 +	4.50%	1,011,000
Total	6.60%	1,949,000

Marijuana in California

Past Year Marijuana Use (2007)

Age	Pct.	Pop.
Age 12 to 17	13.00%	424,000
Age 18 to 25	28.20%	1,187,000
Age 26 +	7.80%	1,731,000
Total	11.20%	3,342,000

The National Survey on Drug Use and Health provides estimates on the prevalence of marijuana use in sub-state regions using data from several annual surveys. Some regions in California have some of the greatest levels of marijuana use in the United States, particularly areas in Northern California. In Region 1, which contains Humboldt County, 15.66% use marijuana annually; 11.32% use marijuana on a monthly basis. This area ranks 12th out of 350 national regions in annual use and 4th in the nation in monthly use of marijuana. Region 4, which contains San Francisco and Marin counties ranks 15th in annual use and 8th in monthly use. In these estimates based on 2004 to 2006 data the national prevalence of monthly marijuana use was 6.05%. Region 1 of California has a monthly usage rate that is 1.87 times greater than the national prevalence. In region 2 (which includes Napa and Sacramento counties) the monthly usage level is 1.54 times greater and in region 4 monthly use is 1.66 times greater.

California Marijuana Use by Region (2004 – 2006) (See Appendix 1 for List of Counties in each Region)

	Annual Use	National Rank (350 regions)	Monthly Use	National Rank (350 regions)
California	11.58%	15*	6.98%	15*
Region 1	15.66%	12	11.32%	4
Region 2	14.84%	23	9.34%	17
Region 3	10.51%	146	6.44%	124
Region 4	15.39%	15	10.03%	8
Region 5	14.04%	34	8.62%	32
Region 6 (Santa Clara)	9.34%	222	5.17%	242
Region 7	12.45%	80	7.62%	65
Region 8	8.99%	253	5.96%	159
Region 9	11.84%	96	7.29%	82
Region 10	13.07%	58	8.30%	42
Region 11 (Los Angeles)	10.30%	159	5.53%	191
Region 12	10.00%	171	6.21%	142
Region 13 (Riverside)	10.63%	144	5.88%	165
Region 14 (Orange)	10.28%	160	6.76%	109
Region 15	11.48%	110	6.87%	104

*State-level ranking, separate from regional level ranking

Marijuana in California

5) County-Level Rankings

Most marijuana arrests are made by local police agencies. Individual agencies and officers exercise considerable discretion regarding law enforcement, not just for marijuana offenses, but for a number of offenses. The number of marijuana arrests also varies because of differences in local populations and the local prevalence of marijuana use. Furthermore, some areas have exceptionally high arrest rates for marijuana because they attract large visitor populations. Because arrest rates are calculated by dividing the number of arrests by the local resident population, numerous arrests of visitors to the area artificially inflate the local arrest rate. For a town with a relatively small population, the arrest of several people driving through the town or on a nearby highway (such as an interstate) can produce a comparatively high arrest rate for marijuana possession.

College towns may have large arrest rates for marijuana offenses because they have larger resident populations of young adults, among whom marijuana use is more prevalent than in older populations. On the other hand, college towns may have lower arrest rates for marijuana possession, for example, because of the discretionary policies of local police agencies.

Similarly, areas with large concentrations of African-Americans may have higher arrest rates for marijuana possession than other areas because law enforcement agencies throughout the United States consistently arrest more blacks for marijuana possession than whites.

Areas such as beach towns, ski resorts, and natural resource areas also exhibit relatively high marijuana arrest rates because they attract numerous visitors, including large numbers of young adults.

Finally, some areas have larger arrest rates for marijuana possession simply because marijuana use is popular among the local residents; local police agencies have aggressive enforcement policies, or both.

County level marijuana possession arrest rates should be compared against the benchmark provided by the statewide arrest rate of 162 in California for 2007. The following tables provide the leading counties in California for marijuana possession arrests, marijuana possession arrest rates, the possession arrest rates for males aged 15 to 19, and the possession arrest rates for blacks:

California County Leaders in Marijuana Possession Arrests (2007)

Los Angeles	18,803
Orange	7,066
San Diego	5,148
San Bernardino	3,069
Riverside	2,608

Marijuana in California

California County Leaders in Marijuana Possession Arrest Rates (2007)

Inyo	611
Humboldt	375
Calaveras	303
Santa Barbara	303
Del Norte	284

California County Leaders in Marijuana Possession Arrest Rates, Males Aged 15 to 19 (2007)

Inyo	4,664
Calaveras	2,802
Marin	2,718
Santa Barbara	2,575
Sonoma	2,330

California County Leaders in Marijuana Possession Arrest Rates of Blacks (2007)

Inyo	3,898
Tehama	1,104
Shasta	1,040
Plumas	977
Santa Cruz	873

6) Drug Treatment Admission Trends

Data on drug treatment admissions is often used to justify devoting law enforcement resources to making marijuana arrests. The argument is two-fold. First, the number of marijuana-related admissions to drug treatment facilities is offered as evidence that marijuana is a dangerous drug. Second, marijuana arrests are justified because they force people to get treatment.

There are a number of flaws to this argument. Alcohol is also responsible for a large proportion of drug treatment admissions, however regulation is widely recognized as the most effective policy for restricting access and reducing prohibition related crime. Furthermore, despite well-deserved public concern over drug abuse and a general consensus that it should be reduced, drug abuse is not a crime. The legal basis for drug laws is that the manufacture, distribution, sale, and possession of drugs are illegal. It is unconstitutional to criminalize illness, mental health problems, or drug dependency in the United States. Alcoholism, for example, is not illegal. Instead we hold alcoholics legally accountable for their conduct, such as being drunk in public or driving while intoxicated. Forcing individuals into drug treatment programs is a dubious justification for making arrests of individuals for marijuana possession. Law enforcement officers, prosecutors, and other criminal justice professionals are not medically trained or certified to diagnose drug dependency and make discretionary decisions about individual treatment requirements.

Marijuana in California

However the most significant characteristic of marijuana-related drug treatment admissions is that a majority of them in California are the result of referrals from the criminal justice system, often as an alternative to jail time as a sentence for a marijuana possession or sales offense.

During 2007, there were 31,362 marijuana-related admissions for drug treatment services in California. Of these, 50.18% were the result of referrals from the California criminal justice system.

Here is a breakdown of the majority of 2007 drug treatment admissions in California:

Primary Drug	Admissions	Pct.
Alcohol	40,611	21%
Marijuana	31,362	16%
Cocaine	19,393	10%
Synthetic Narcotics	5,759	3%
Methamphetamine	66,690	34%
All Admissions	195,362	100%

Marijuana in California

Sources:

Sentences for Marijuana Possession were obtained from: ImpactTeen Illicit Drug Team. Illicit drug policies: Selected laws from the 50 states. Berrien Springs, MI: Andrews University, 2002. http://www.impactteen.org/generalarea_PDFs/IDTchartbook032103.pdf and updated from other sources. Rankings of sentences were calculated independently and are based on the maximum number of days allowed by state law for the listed quantities of marijuana. The overall ranking is based on a weighted index for the four quantity levels. The weighting used in this index was: 70% for penalties for 1 ounce and 10% each for the penalties for 2, 3, and 4 ounces.

Arrest and clearance data were obtained from the FBI's Uniform Crime Reporting (UCR) Program. Additional data on citations for marijuana possession was provided by the California Department of Justice. Data on drug use were obtained from the National Survey on Drug Use and Health (NSDUH); data on drug treatment admissions were obtained from the Treatment Episodes Data Set (TEDS). NSDUH and TEDS are compiled and published by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services. Data on Criminal Justice Service costs were obtained from the Criminal Justice Expenditure and Employment Extracts Program (CJEE) of the Bureau of Justice Statistics of the U.S. Department of Justice. More information on source data for this report can be obtained at <http://www.drugscience.org/States/Notes.htm>.

Marijuana cultivation data based on reports from the Drug Enforcement Administration's Domestic Cannabis Eradication/Suppression Program, obtained from Sourcebook of Criminal Justice Statistics Online (<http://www.albany.edu/sourcebook/>), Table 4.38.

State budget data obtained from the National Conference of State Legislators:

National Conference of State Legislators. (2009) Update on State Budget Gaps: FY 2009 & FY 2010. <http://www.ncsl.org/?tabid=12580>

National Conference of State Legislators. (2009) Actions & Proposals to Balance the FY 2010 Budget: Criminal Justice. <http://www.ncsl.org/?tabid=17240>

Marijuana in California

Appendix 1.

California Sub-State Regions, Defined by Counties



Region 1: Butte, Colusa, Del Norte, Glenn, Humboldt, Lake, Lassen, Mendocino, Modoc, Plumas, Shasta, Siskiyou, Tehama, Trinity.

Region 2: El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano, Sonoma, Sutter, Yolo, Yuba,

Region 3: Alpine, Amador, Calaveras, Merced, San Joaquin, Stanislaus, Tuolumne,

Region 4: Marin, San Francisco, San Mateo

Region 5: Alameda, Contra Costa

Region 6: Santa Clara

Region 7: Monterey, San Benito, Santa Cruz

Region 8: Fresno, Kings, Madera, Mariposa, Tulare,

Marijuana in California

Region 9: Kern, San Luis Obispo

Region 10: Santa Barbara, Ventura

Region 11: Los Angeles

Region 12: Inyo, Mono, San Bernardino,

Region 13: Riverside

Region 14: Orange

Region 15: Imperial, San Diego

Source: Substance Abuse and Mental Health Services Administration, Office of Applied Studies, Department of Health and Human Services. Section D. Substate Region Definitions.

<http://www.oas.samhsa.gov/substate2k8/SecD.htm#TabD5>