

Disparity by race is reported in Oklahoma marijuana arrests

By: Amanda Bland- July 8, 2013

Black offenders are 2.8 times more likely than white offenders to be arrested for possessing marijuana in Oklahoma, even though they use marijuana at similar rates, according to a study recently released by the American Civil Liberties Union.

The number falls below the national average of blacks being 3.73 times more likely to be arrested for marijuana possession, but one Oklahoma county, Kay, is comparable to states with the highest disparity, such as Iowa's rate of 8.34 and Washington, D.C., at 8.05.

In Kay County, which lies along the Oklahoma-Kansas state line, a black offender is eight times more likely to be arrested for marijuana possession than a white offender, the study shows. The number is well above Creek County's rate of 5.7, the second highest in the state.

Tulsa and Oklahoma counties fall below the national average with respective rates of 2.4 and 2.7.

Disparity rates were determined using Uniform Crime Reporting data provided by county and municipal law enforcement agencies to the FBI in 2010, as well as demographic and population statistics from the U.S. Census Bureau.

The separate rates for white and black offenders arrested for possession of marijuana were divided by the population total for the respective race in the given jurisdiction, which was then multiplied by 100,000 to determine the arrest rate per 100,000.

Disparity in northeastern Oklahoma

Kay County had a population of 46,562 people in 2010. The Census Bureau says 2.1 percent of the population is black.

White offenders equated to 275 marijuana possession arrests per 100,000 residents in the county in 2010, while the arrest rate for black offenders was equal to 2,205 arrests per 100,000 people.

Thomas Salisbury, a Kay County defense attorney with 35 years of experience in Oklahoma, said the statistics "don't surprise me in the least.

"Quite frankly, I think the focus on most of the drug crimes from law enforcement (in Kay County) is on minorities."

Kay County Sheriff Everette Van Hoesen said the study data is not representative of his agency.

The Ponca City Police Department, the largest municipal law enforcement agency in the county, made 56 arrests for possession of marijuana in 2010, and of those arrests, eight offenders were black, according to department-provided data.

Police Chief Don Bohon said the department "does not focus (its) efforts on any specific segment of our population."

"We focus our efforts and energy on enforcing the laws. Our goal is to work as part of the community to make Ponca City a better place to live and work," Bohon said.

The arrest rate for marijuana possession for black offenders per the equivalent of 100,000 residents in Creek County was 1,286 in 2010; that number shrinks to 225 for white offenders.

Creek County Sheriff's Sgt. Les Vaughan told the Tulsa World that he was surprised by the data.

"We don't single them out because they're black or they're white, or they're Indian or Hispanic. Pretty much if we catch you with marijuana, you're going to jail," he said.

Vaughan has been with the agency for more than a decade and said he's never based an arrest on an offender's race.

War on drugs

The study, titled "The War on Marijuana in Black and White: Billions of Dollars Wasted on Racially Biased Arrests," advocates for legalizing marijuana and points to a CATO Institute report that found legalization would generate \$8.7 billion in annual revenue, while eliminating \$3.4 billion in federal expenditures used for marijuana prohibition.

"The war on marijuana has disproportionately been a war on people of color," said Ezekiel Edwards, director of the ACLU Criminal Law Reform Project and one of the primary authors of the report.

"State and local governments have aggressively enforced marijuana laws selectively against black people and communities, needlessly ensnaring hundreds of thousands of people in the criminal justice system at tremendous human and financial cost."

The report cites a shift in political focus from rehabilitating drug users to punishing them and preventative policing that targets petty offenses as causes responsible for the number of arrests for marijuana possessions and the racial disparity of those arrests.

"The aggressive policing of marijuana is time-consuming, costly, racially biased and doesn't work," Edwards said. "These arrests have a significant detrimental impact on people's lives, as well as on the communities in which they live."

The ACLU found that between 2001 and 2010, Oklahoma saw a 29.8 percent increase in the racial disparity evident for marijuana possession arrests, but a 7.9 percent decrease was found for overall arrests during the same time frame.

In 2010, a marijuana arrest was made every 37 seconds in the United States. More than 8 million marijuana arrests were made in the United States between 2001 and 2010.

Minnesota, Illinois, Wisconsin, Kentucky and Pennsylvania fill out the study's top spots for highest racial disparity rates. Black offenders are between five and seven times more likely to be arrested for marijuana possession than white offenders in those states.

The study found 14 percent of black people surveyed and 12 percent of white people surveyed reported using marijuana within the last 12 months.

By the numbers

\$30,829,904

Money spent enforcing marijuana possession laws in 2010

10,478

Number of arrests for marijuana possession in 2010

52.4

Percent of total drug offense arrests for marijuana possession

763

Number of black offenders arrested for marijuana possession per 100,000 residents

279

Number of white offenders arrested for marijuana possession per 100,000 residents

Source: ACLU