

More blacks still arrested for marijuana charges

By [BALTIMORE SUN EDITORIAL BOARD](#)

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Maryland's medical marijuana industry was slow to get started but it on pace for \$100 million in sales in 2018. (Baltimore Sun / BSMG)

There were high hopes for decriminalizing marijuana in Maryland. Most notably, many pushing for change, including The Sun's editorial board, hoped it would put an end to racial disparities that meant an African-American caught with a small baggy of the drug might see their life ruined, while a white person might not ever get arrested for the same offense.

Yet little has changed on that front since a law went into effect in 2014 that reduced the penalty for possession of fewer than 10 grams of cannabis to a simple citation and fine. Arrests are way down — but racial disparities in enforcement aren't. [A new analysis of data by Baltimore Fishbowl, in collaboration with the Baltimore Institute for Nonprofit Journalism and data researcher Andy Friedman](#), has found that in Baltimore African Americans are still arrested for marijuana possession at much higher rates. This despite the streams of research finding that neither race uses the drug any more than the other.



[Maryland's new Jim Crow](#)

In the first three years after the law was instituted, Baltimore police arrested 1,448 adults and 66 juveniles for possession, according to the analysis. Of those, 1,450 — 96 percent — were black. That disparity is actually slightly [worse than what the ACLU found](#) in a pre-decriminalization analysis of Baltimore arrest data. Police filed nearly 3,200 individual charges for misdemeanor possession during that same period, and most of those charged were in predominantly black areas of the city, the data showed.

We could debate whether this means the law didn't go far enough. Maybe the racial disparities wouldn't be so dire if the state raised the amount of marijuana — to, say, an ounce — that would result in a fine rather than arrest. Some will argue marijuana needs to be 100 percent legalized to erase the discriminatory arrest practices. There are good and bad sides to these arguments and ones lawmakers could find themselves debating again in the near future.

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Most disturbing about the data, however, is the implication that law enforcement still polices certain neighborhoods and people of a particular hue much tougher than everyone else. This is no surprise to the people living in these communities who have long complained they receive more attention than they care for from the police. Let's not forget the 2010 settlement the city signed with the NAACP and ACLU on behalf of defendants who say they were unfairly policed under a zero-tolerance system put in place under the Martin O'Malley administration. It seems some of those practices may have stuck around despite what administrations after that have claimed. The disparities are particularly galling in the aftermath of the death of Freddie Gray, who was fatally injured while in police custody, which put a national spotlight on the city's arrest practices. You would think being under the watchful eye of a federal consent decree would have also made the police more cognizant of discriminatory practices.

The disparities shouldn't be taken lightly. An arrest for marijuana possession can be the start of a downward spiral in a person's life that begins with a criminal record that can make it hard to find a job. A conviction can also mean somebody couldn't get student financial aid, housing or professional licenses, according to the Marijuana Policy Project.

On top of that, police officers should be spending their resources and time on more pressing crime issues, such as homicides and shootings.

With the legalization of medicinal marijuana, it is becoming increasingly hypocritical for the state to throw people in jail for marijuana while allowing others to make millions off of the drug. And let's not ignore the fact that the the ones prospering are disproportionately white.

Baltimore isn't the only jurisdiction facing inequality in policing when it comes to marijuana. The ACLU has found that there are "disproportionate arrest rates" in every state. In the United States, African Americans are more than 3.5 times as likely to be arrested for possession as whites, the civil rights organization has found. Arrests for possession in Baltimore increased 15 percent last year, from 471 in 2016 to 544 in 2017, according to the Baltimore Fishbowl analysis. All but 18 of those 544 arrested people were black.

The issue needs to be addressed, and the most effective way is by changing police culture and arrest tactics. As we know, marijuana arrests are not the only place where there are disparities. Hopefully, the consent decree will have some impact, and a new police commissioner, whoever that might be, will make it a priority as well.

In the meantime, Maryland hasn't truly decriminalized marijuana, at least not for African Americans. The numbers make that clear.