

City Council
City of Santa Rosa
100 Santa Rosa Avenue
Santa Rosa, CA 95404

BY EMAIL TO citycouncil@srcity.org

February 23, 2019

Dear Members of Santa Rosa's City Council:

I write today to express my strong support of Justin Miranda, a long time business owner and leader in the Bay Area cannabis community. I first met Mr. Miranda while working as corporate counsel at Privateer Holdings, the owner of another Santa Rosa licensee, Sturdivant Ventures. Mr. Miranda reached out to connect with a "neighbor" and wanted to talk about synergies with his plans for workforce development and community outreach given that Sturdivant Ventures was the California licensee for the MARLEY NATURAL brand and the Privateer founders had been outspoken in their support of community reinvestment and support for those most affected by the War on Drugs. While I am no longer with Privateer, I have stayed in touch with Mr. Miranda as I believed at the time and believe now that the cannabis industry needs more pioneers of his ilk. People who think beyond the bottom line (while fully capable of making profits) are few and far between. As you can imagine, I was overjoyed to learn that after months waiting for his hearing and review, Mr. Miranda was given the vote of confidence.

Which brings me to the present point of this letter: eleventh hour tactics to create distance and difference between "proper" business owners and those who helped create this demand for which we are now licensing businesses as a state is concerning. It is clear from the letter of the law that Mr. Miranda is eligible for a license. First, his conviction was in 2004 -- over a decade has passed without incident. Second, the code only considers conviction in past five years. It seems laughable to hold a father of five who has done so much for the community at large accountable for his actions as a teenager. It's worth noting, too, that we have several bills at the congressional level, including the recently introduced H.R. 420 that specifically exclude convictions as old as Mr. Miranda's. As the mayor's appointee to the Oakland Cannabis Regulatory Commission I was tasked with helping guide the city's transition from a marketplace with 8 operators and a thriving grey market to the current structure that prioritizes and attempts to support individuals with convictions and the families and friends in their communities impacted by disproportionately enforced drug laws. Mr. Miranda would be a business leader welcomed with open arms in cities like Oakland, San Francisco and Los Angeles that have such social equity programs.

Furthermore, the main talking point (and justification cited by voters) in support of Proposition 64, and the recently-passed (and signed) SB 94 (Bradford) was to provide tangible changes to California law to rectify the war on drugs. The Bradford Bill, which will be funded by our current administration, is set up to provide support to those individuals like Mr. Miranda who have been convicted under disproportionately applied drug laws. Indeed, Mr. Miranda's plans for community benefits and job training would be eligible for the funds created by both Proposition 64 and the Bradford Bill. How ironic that now, nearly twenty years since his conviction, he is being asked to prove his worth to operate a business that the state has openly said it would not prevent him from operating as those countless individuals in Oakland who are part of the social equity program by virtue of having been convicted of cannabis crimes now hold commercial cannabis licenses from the State.

Lencho
Letter of Support: Justin Miranda, Highway
February 23, 2019

As an open advocate of social equity programs who served as the Mayor's Appointee to the Oakland Cannabis Regulatory Commission, I was part of the conversation back in 2016 around the then-unheard of social equity conversation and priority licensure that Mr. Miranda, were he less committed to bringing economic development to his hometown of Roseland, would directly profit from with a faster review and approval of his commercial activity than was seen here. Mr. Miranda is the embodiment of social equity and restorative justice - and is the very person who should be given the privilege of operating a cannabis business.

As mentioned above I met Mr. Miranda while working for a private equity firm where I provided outside legal counsel to one of its holdings. While the majority of the employees at the facility I visited regularly and whose legal work I performed as outside counsel were county residents, Privateer is a Seattle-based firm. And I was and continue to be a Berkeley resident. Nevertheless, I was encouraged to support Mr. Miranda's project. At the time of my employment, neither Privateer nor its holding is majority much less minority owned by a person of color. This is while again, Black americans are 3.5x more likely than whites to be systems impacted because of cannabis. Contrast this with Highway, a 100% Latino owned business, that operated previously in the Roseland community, with great knowledge of Roseland at a time before speculation and smart planning brought others to seek out corporate residence in Santa Rosa. It saddens me to see that there could be any question in the city's mind as to Mr. Miranda's fitness to operate. The community needs more operators who are closely tied to the places in which they have their businesses. Who will run into members of the community carrying out their ordinary lives and who will be able to quickly anticipate and respond to issues that impact those most at risk of being left behind by the cannabis "opportunity": communities of color, long left out of economic development and fair lending opportunities.

Finally, I enclose with this letter reference material regarding national and statewide efforts with respect to social equity, restorative justice, and the very issues at play here. I hope that you will award Mr. Miranda his local authorization. Roseland sorely needs the opportunity he brings.

Very truly yours,

/Tsion Lencho/

Tsion "Sunshine" Lencho

A citizen

U.S.

ALEXANDRIA OCASIO-CORTEZ: MARIJUANA PROHIBITION HIT BLACK AND LATINO PEOPLE HARDEST SO THEY SHOULD PROFIT FROM LEGALIZATION FIRST

BY **SHANE CROUCHER** ON 2/14/19 AT 6:27 AM



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U.S.

ALEXANDRIA OCASIO-CORTEZ

Representative Alexandria Ocasio-Cortez attacked what she called the racial “injustice” that allowed companies operating private prisons, which she said profited from mass incarceration under the war on drugs, to theoretically be among the first to profit from the legalization of marijuana.

Wednesday subcommittee hearing on the subject of banking services for America's burgeoning cannabis industry, which is growing rapidly as [legalization of marijuana spreads to more states](#).

[Ocasio-Cortez](#), who is a member of the [Democratic Socialists of America](#), asked if the marijuana industry was “compounding the racial wealth gap right now” by allowing wealthy white-dominated companies, including those that profited from mass incarceration, to gain an early advantage over others.

She was questioning Corey Barnette, who runs a cannabis business in Washington, D.C., during her five-minute time at the House subcommittee hearing.

“Is this industry representative of the communities that have historically borne the greatest brunt of injustice based on the prohibition of marijuana?” Ocasio-Cortez asked Barnette, citing statistics about the representation of white people in the industry.

“Absolutely not,” Barnette, who is African-American, replied.

Ocasio-Cortez did not highlight any specific examples of companies that profited from prisons entering the marijuana industry, though Barnette said it was possible and that these companies were at an advantage over others because of their easy access to capital for investing.

“Certainly it's the case that private equity firms who make money in one sector of our economy can definitely come into this industry,” Barnette said.

“And because they have tremendous access to wealth, and banks aren't necessarily going to say to a \$12 billion hedge fund that no, we won't bank you, they will...have access that the average mom-pop black-owned businesses, Latino-owned businesses, what have you, just won't.”

Ocasio-Cortez said: “What this looks like...is that the folks who profited off for-profit incarceration get to profit off the legalization of marijuana first, while the communities most impacted are last in the door.”

She asked if opportunities should be created, including affirmative licensing laws, “that prioritize frontline communities and communities that are most impacted” become first movers in the industry, which could help them to “reap the benefits or recoup some segment of costs that they bore in the 90s during the war on drugs.”

Barnette replied: “Absolutely, there should definitely be social equity opportunities that allow those hit hardest by the war on drugs to be first in line to benefit.”

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According to the [NAACP](#), African-Americans and Hispanics account for 32 percent of the U.S. population, yet make up 56 percent of all people incarcerated. Moreover, African-Americans are six times more likely to be imprisoned for drug offenses than whites.

The [American Civil Liberties Union](#) said African-Americans were 3.73 times more likely than whites to be arrested for marijuana crimes, despite both groups using cannabis at about the same rate.

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Jim Blackbird

The funny thing is cortez plans on using the same system to write blank check to the medical and education corps. These are private corp entities that have inflated costs and lowered quality to record levels in comparison to other countries. There is nothing in her actual plans to lower costs or improve quality. Just blank checks...As far as her enviromental plans we have the government agencies and army engineers that could make these plans fully goverment controlled BUT she has chosen to make that into a corprate bail out. With social justice laws and wage increases only the largest of global corps could handle. In all her plans the only measure of succsess is giving the most money to corps. No quality control...NO set goal line....the same wealthy investors she complains about is who she plans on funneling money to herself.

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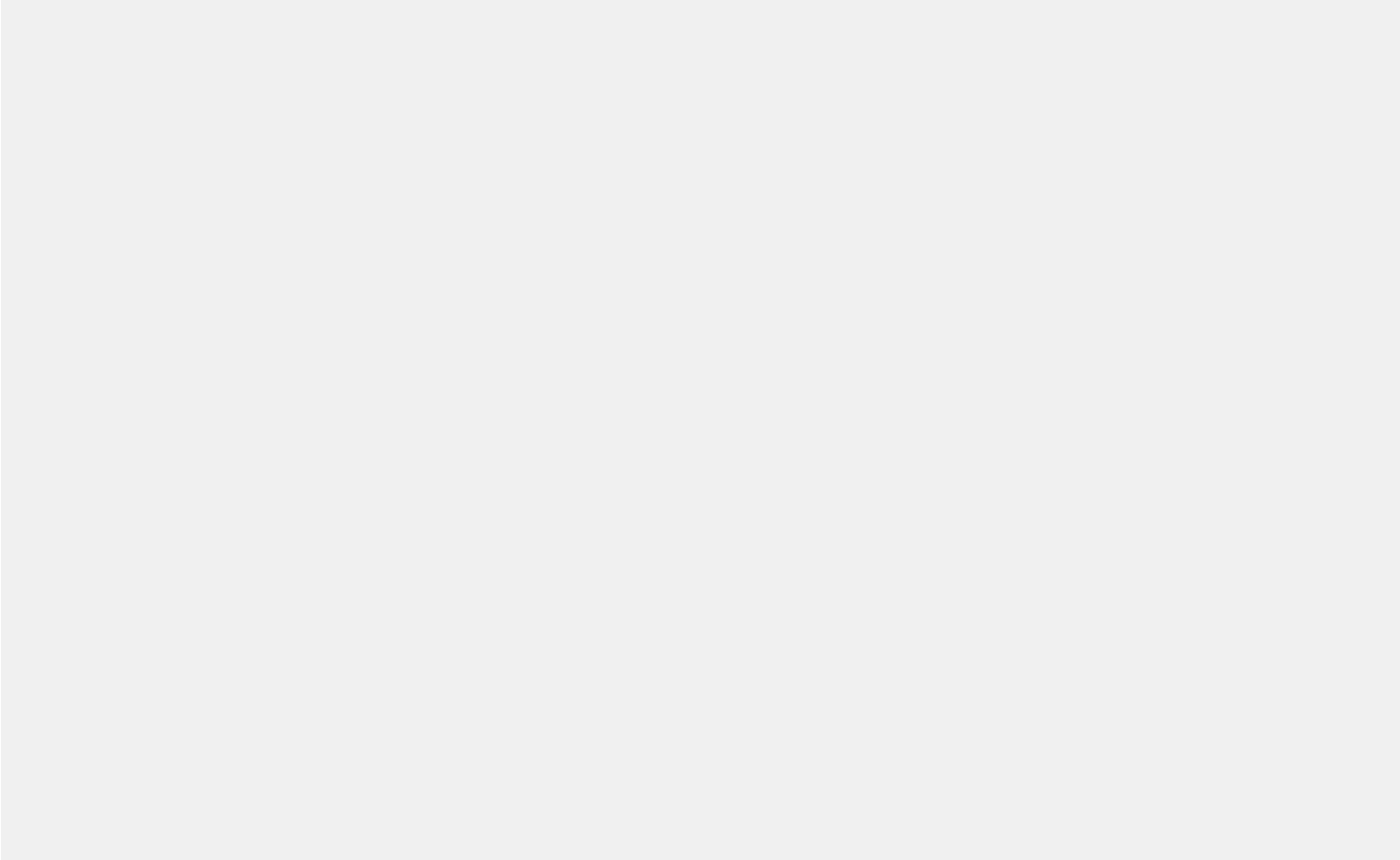


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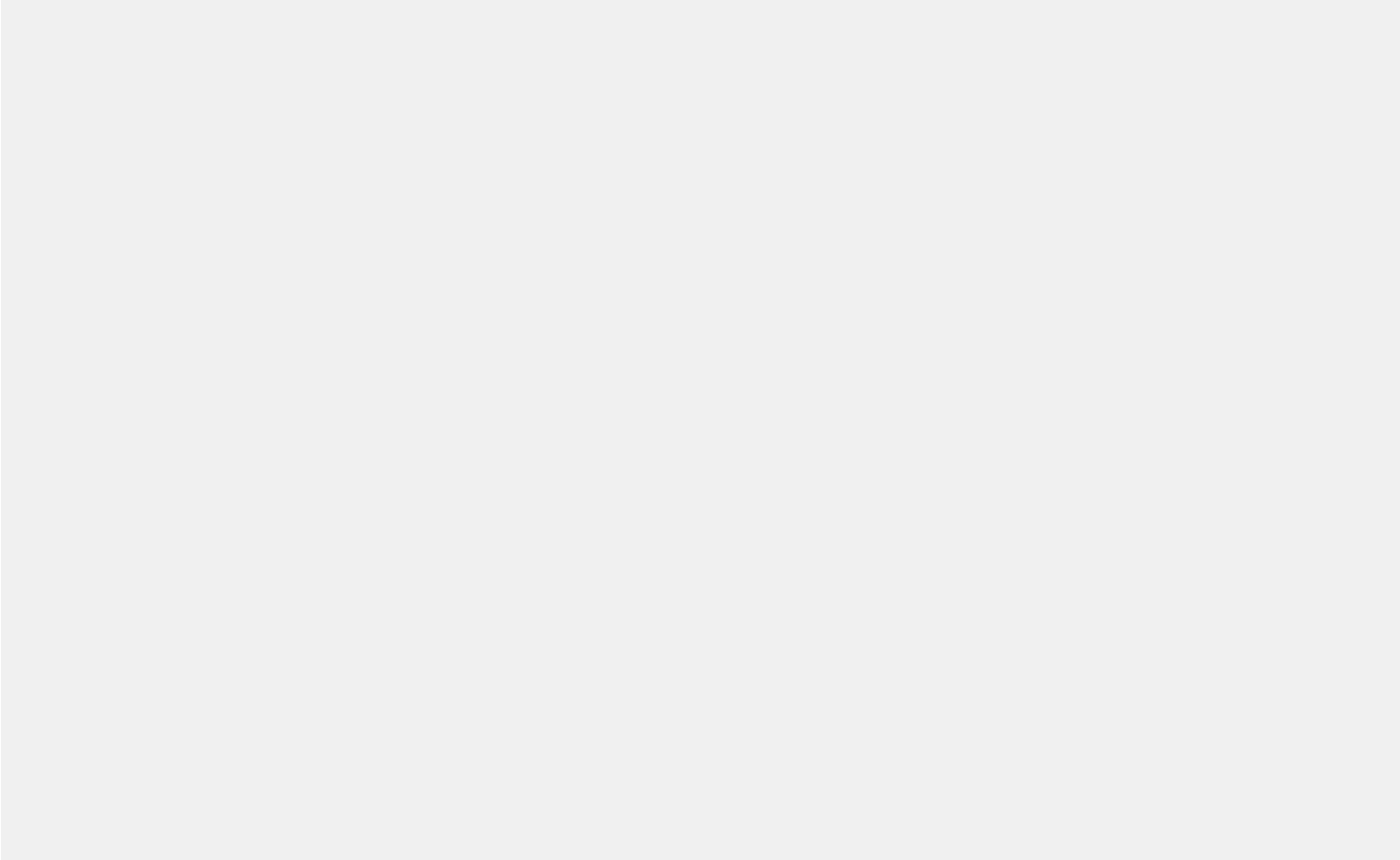


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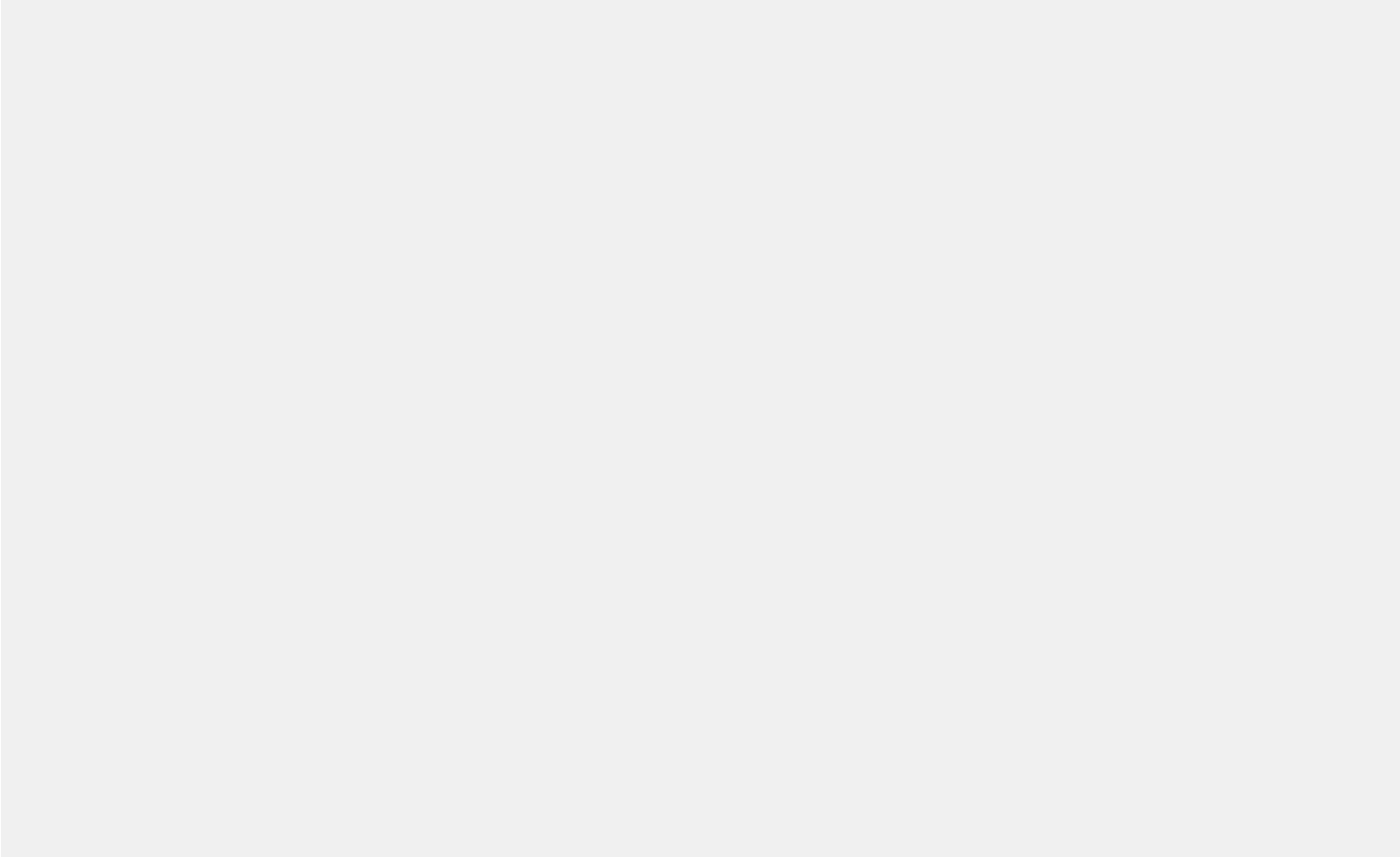
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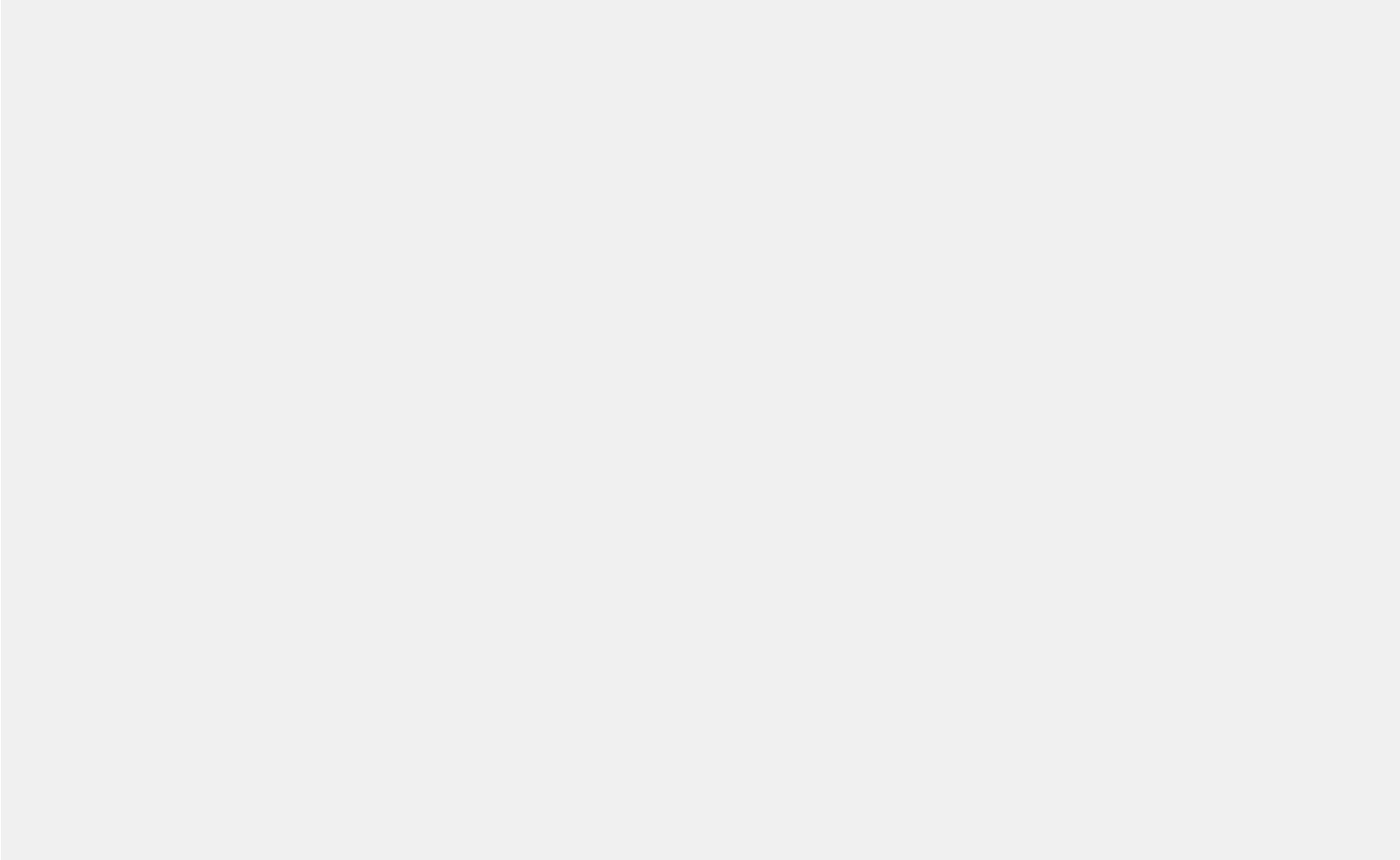
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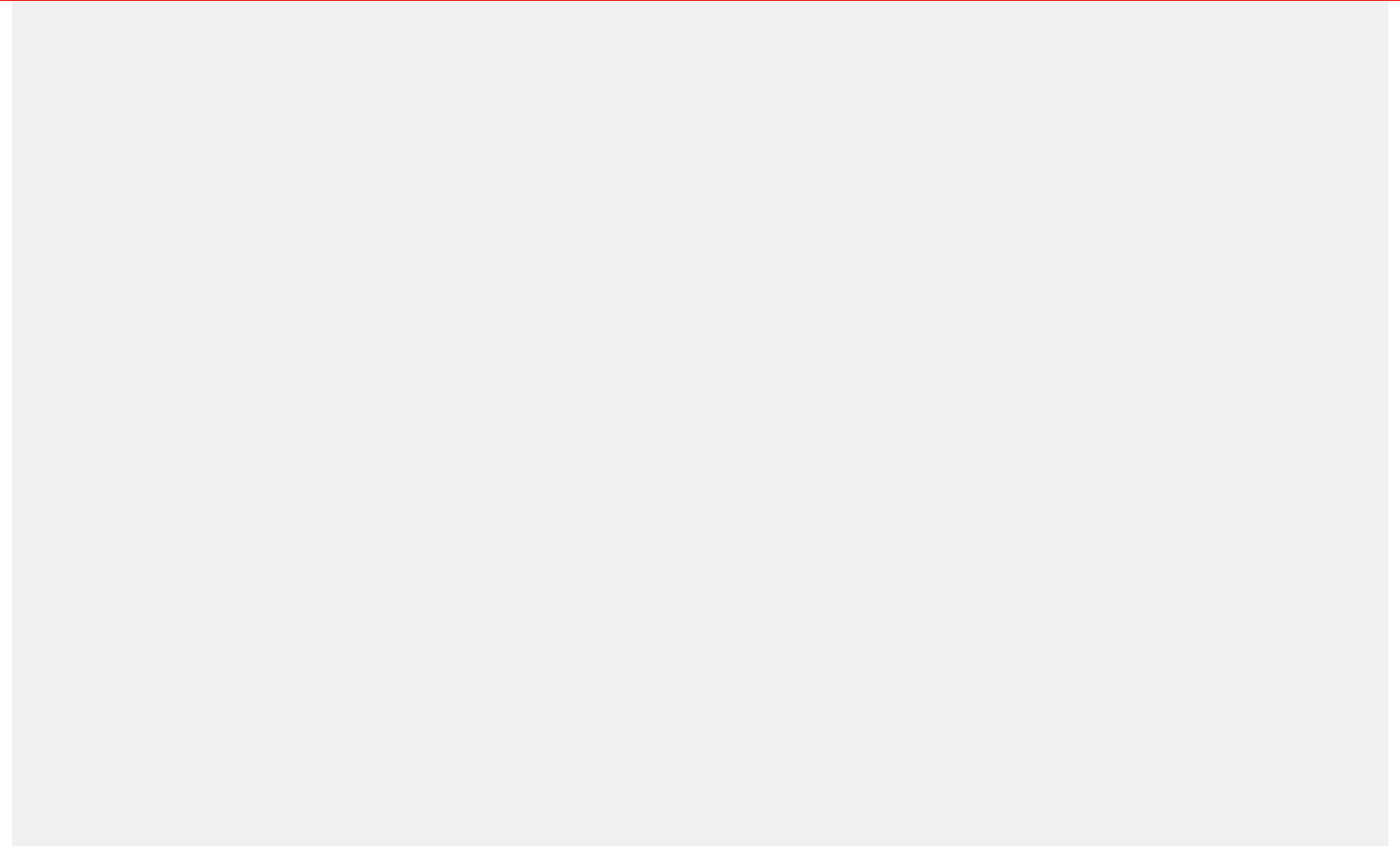
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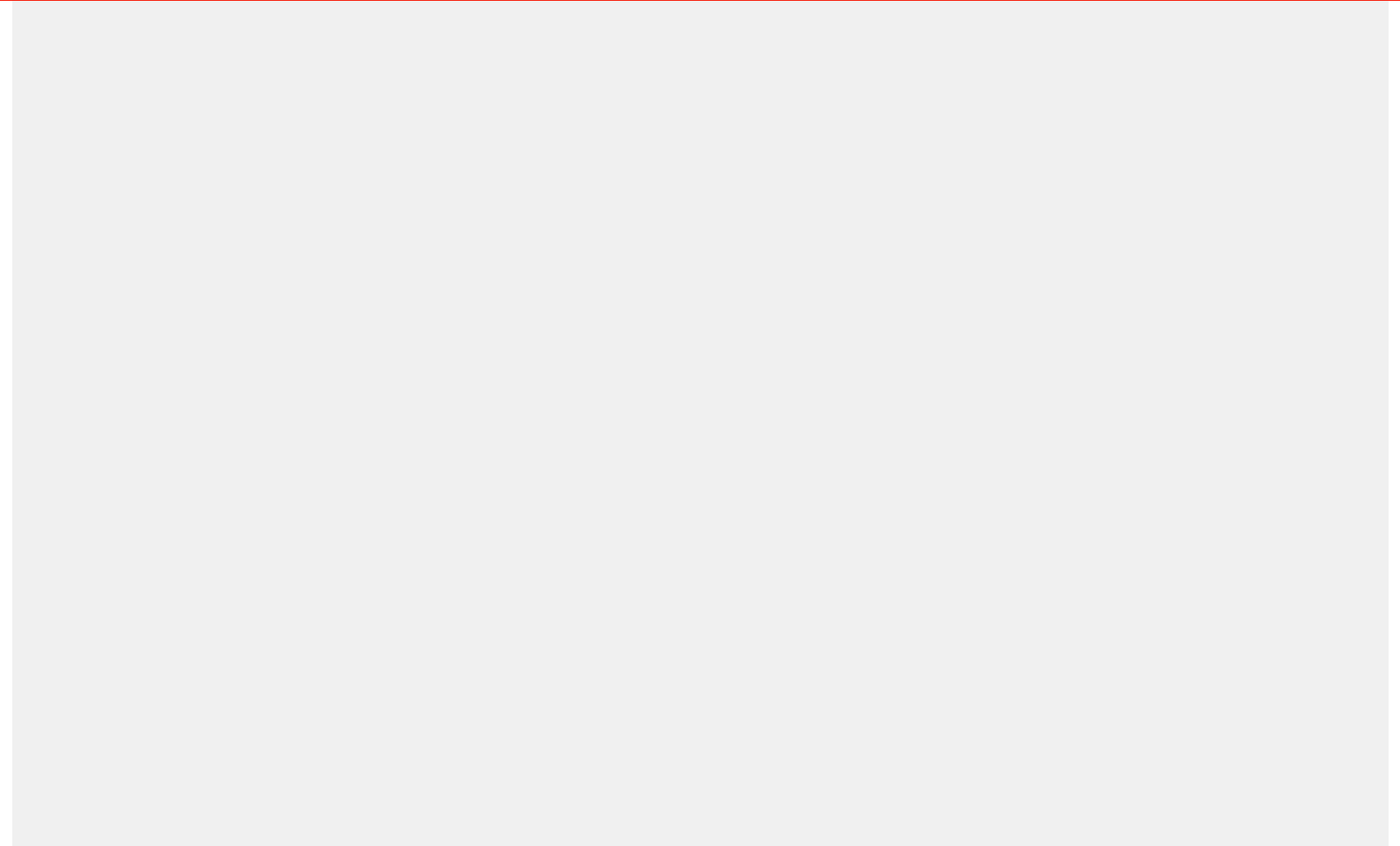
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U.S.

Dems Lack Plan If They Fail to Stop Trump Declaration

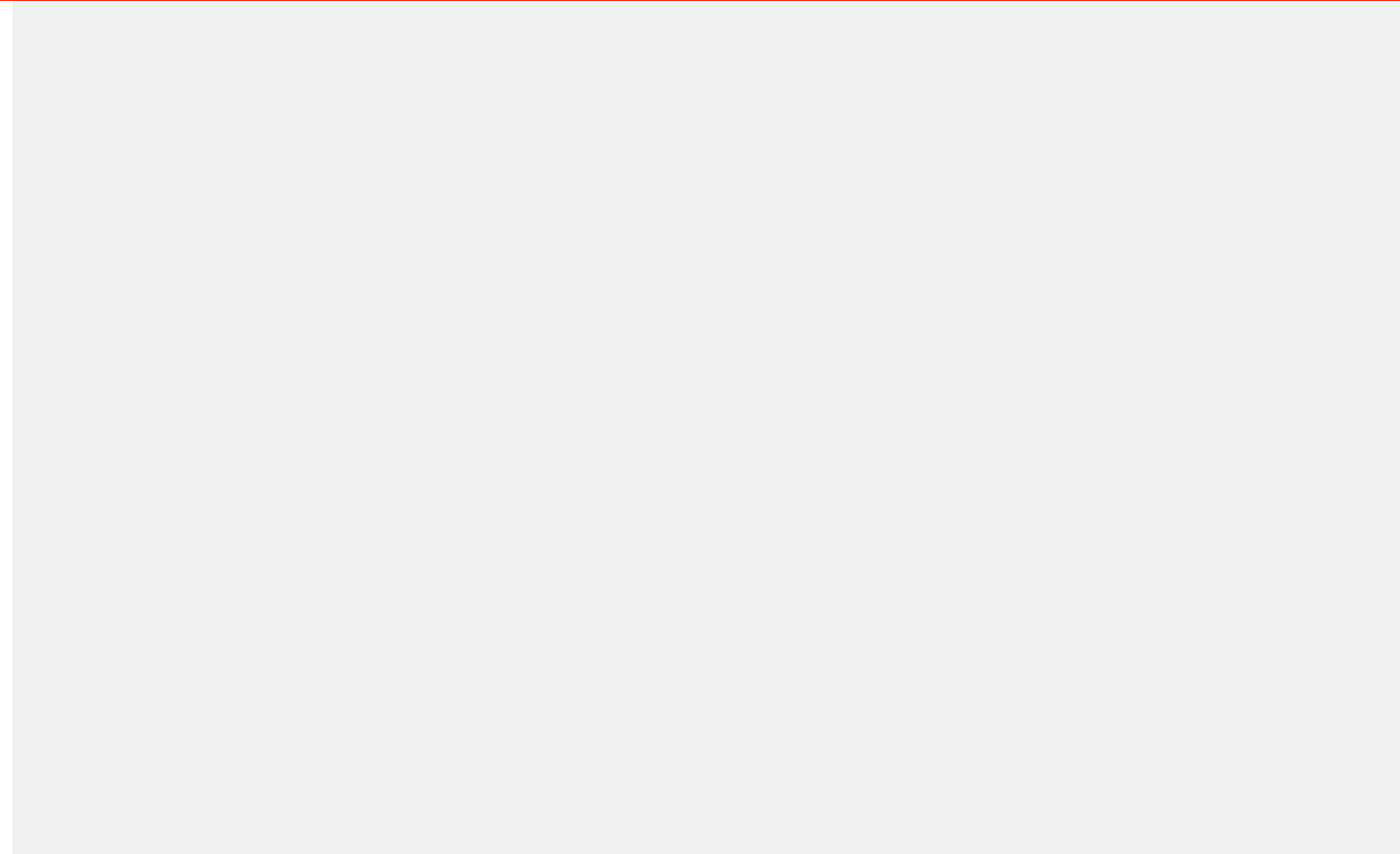
Democrats have not indicated a contingency plan if and when a joint resolution in Congress fails to terminate Trump's emergency declaration.



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"People aren't starting out on the same base in terms of their ability to succeed, and so we have got to recognize that and give people a lift up," Senator Kamala Harris said.

Newsweek

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LAW

California Measure Would Expunge Many Marijuana-Related Crimes

August 24, 2018 · 2:37 AM ET

CAMERON JENKINS



California's legislature passed a bill Wednesday that would require officials to review all marijuana-related convictions from 1975 until 2016, when pot was legalized in the state.

Taylor Weidman/Bloomberg via Getty Images

California lawmakers have approved a measure requiring prosecutors to expunge convictions or reduce sentences for many marijuana-related convictions dating back decades. The bill is now awaiting a signature from Gov. Jerry Brown, according to The Associated Press.

The bill, passed by the state Senate on Wednesday, would require the state's Department of Justice to review cases dating as far back as 1975 until 2016 to determine their eligibility.

Proposition 64, which was approved by California voters in 2016, legalized the recreational use of marijuana.

However, as The Associated Press notes, "When voters passed Proposition 64 in 2016 to allow adult use of marijuana, they also eliminated several pot-related crimes. The proposition also applied retroactively to pot convictions, but provided no mechanism or guidance on how those eligible could erase their convictions or have felonies reduced to misdemeanors."

If it becomes law, it would put the burden for cleaning up those records on the state. If the bill goes into effect, state DOJ officials will have until July 1, 2019, to determine which cases are eligible for review and turn them over to the district attorney's office, which will have another year to make any objections.

Democratic Assemblyman Rob Bonta introduced the bill in January. He was also part of the group that pushed for approval of Proposition 64.



"This directs us to forget any prior behavior that was illegal. They should not be given a pass," Republican state Sen. Nielsen, who opposed the measure, told colleagues, according to The Los Angeles Times.



THE TWO-WAY

Carrying A Weed Conviction In California? There May Be A Fix For That

NPR reported in December that more than 4,000 people had already petitioned the courts regarding their marijuana-related crimes. However, there are still many people who are unaware that they are eligible to petition for a review of their conviction. NPR's Ari Shapiro spoke with San Francisco District Attorney George Gascon in February on the subject.

NATIONAL

With Marijuana Legal In Calif., San Francisco Is Dismissing 1,000s Of Convictions

San Francisco took measures to expunge and reduce the convictions for possession and recreational use going back to 1975 because only 23 people in the city started the process themselves.

"The problem is that if you go through that process, you have to hire an attorney. You have to petition the court. You have to come for a hearing. It's a very expensive and very cumbersome process," Gascon said in the interview.

"[The] reality is that the majority of the people that were punished and were the ones that suffered in this war on marijuana, war on drugs nationally were people that can ill afford to pay an attorney," he said.

The new bill would alleviate that stress, according to Bonta, who was quoted in the LA Times.

"[The] role of government should be to ease burdens and expedite the operation of law — not create unneeded obstacles, barriers and delay," he said, according to the newspaper.

In December 2017, Brown pardoned nearly 150 people including about 60 who were convicted on charges concerning controlled substances and drugs. At least 10 of those pardons and sentence reductions were for individuals convicted on marijuana charges.

State law gives Brown 12 days from Wednesday to sign or veto the legislation or it becomes law without his signature.

Correction

Aug. 24, 2018

An earlier headline on this story incorrectly referred to the marijuana bill as a law. It has not been signed into law by the governor.

legalizing marijuana california marijuana

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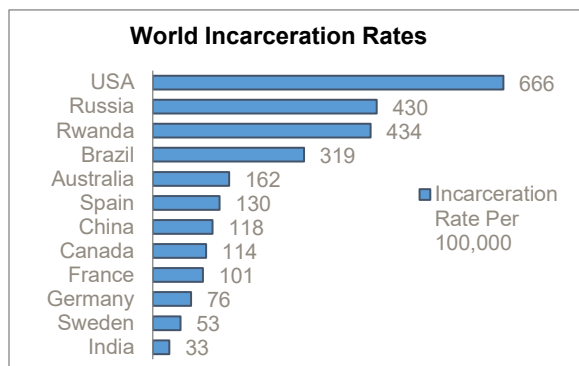
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The Drug War, Mass Incarceration and Race

January 2018

**We are
the Drug
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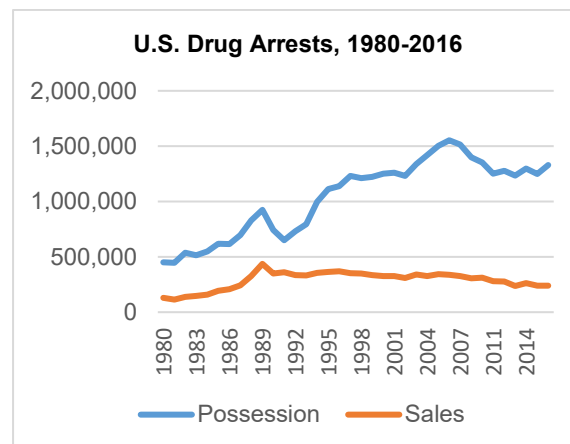
With less than 5 percent of the world's population but nearly 25 percent of its incarcerated population,¹ the United States imprisons more people than any other nation in the world – largely due to the war on drugs. Misguided drug laws and harsh sentencing requirements have produced profoundly unequal outcomes for people of color. Although rates of drug use and sales are similar across racial and ethnic lines, Black and Latino people are far more likely to be criminalized than white people.²



Source: International Centre for Prison Studies, *World Prison Brief*.³

The Drug War Drives Mass Incarceration and Racial Disparities in U.S. Judicial Systems

There were more than 1.5 million drug arrests in the U.S. in 2016. The vast majority – more than 80 percent – were for possession *only*.⁴ At year-end 2015, 15 percent of all people in state prison were incarcerated for a drug law violation – of whom 44,700 were incarcerated for possession alone. Forty-seven percent of people in federal prisons and more than half of the female federal population are incarcerated for drug law violations.⁵ Almost 500,000 people are behind bars for a drug law violation on any given night in the United States⁶ – ten times the total in 1980.⁷



Source: Federal Bureau of Investigation, *Uniform Crime Reports*.⁸

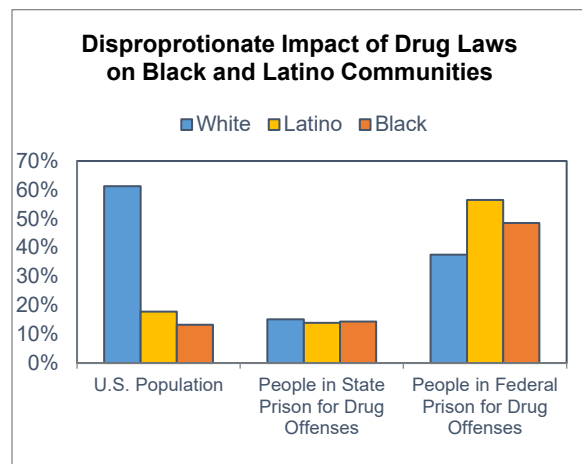
Drug law violations have been the main driver of new admissions to prison for decades. An analysis by Brookings Institution found that there were more than 3 million admissions to prison for drug offenses between 1993 and 2009 in the United States. In each year during that period, more people were admitted to prisons for drug law violations than violent crimes. During that same timeframe, there were more than 30 million drug arrests.⁹

People of color experience discrimination at every stage of the judicial system and are more likely to be stopped, searched, arrested, convicted, harshly sentenced and saddled with a lifelong criminal record. This is particularly the case for drug law violations. Black people comprise 13 percent of the U.S. population,¹⁰ and are consistently documented by the U.S. government to use drugs at similar rates to people of other races.¹¹ But Black people comprise 29 percent of those arrested for drug law violations,¹² and nearly 40 percent of those incarcerated in state or federal prison for drug law violations.¹³

Similarly, Latinos make up 18 percent of the U.S. population, but comprise 38 percent of people

incarcerated in federal prisons for drug offenses.¹⁴ In 2013, Latinos comprised almost half (47 percent) of all cases in federal courts for drug offenses.¹⁵ National-level data on arrests of people of Latino ethnicity are incomplete. Yet among drug arrest incidents in 2015 in which ethnicity was reported, more than 20 percent of those arrested were Latino.¹⁶ State and local level data show that Latinos are disproportionately arrested and incarcerated for drug possession violations.¹⁷

Nearly 80 percent of people in federal prison and almost 60 percent of people in state prison for drug offenses are Black or Latino.¹⁸



Sources: U.S. Census Bureau; Bureau of Justice Statistics.¹⁹

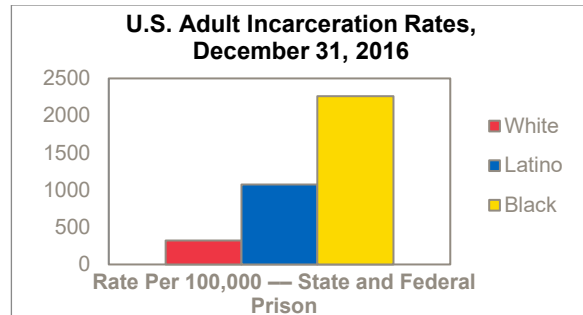
Widely adopted in the 1980s and '90s, mandatory minimum sentencing laws have contributed greatly to the number of people of color behind bars.²⁰ Research shows that prosecutors are twice as likely to pursue a mandatory minimum sentence for Black people as for white people charged with the same offense.²¹ Among people who received a mandatory minimum sentence in 2011, 38 percent were Latino and 31 percent were Black.²²

Mass Incarceration Destroys Families

2.7 million children are growing up in U.S. households in which one or more parents are incarcerated. Two-thirds of these parents are incarcerated for nonviolent offenses, including a substantial proportion who are incarcerated for drug law violations. One in nine Black children has an incarcerated parent, compared to one in 28 Latino children and one in 57 white children.²³

Collateral Consequences of Mass Incarceration

Punishment for a drug law violation is not only meted out by the criminal justice system, but is also perpetuated by policies denying child custody, voting rights, employment, business loans, licensing, student aid, public housing and other public assistance to people with criminal convictions. Criminal records often result in deportation of legal residents or denial of entry for noncitizens trying to visit the U.S. Even if a person does not face jail or prison time, a drug conviction often imposes a lifelong ban on many aspects of social, economic and political life.²⁴



Source: Bureau of Justice Statistics, 2017.²⁵

“Nothing has contributed more to the systematic mass incarceration of people of color in the United States than the War on Drugs.”

— Michelle Alexander, *The New Jim Crow* (2010).

Such exclusions permanently relegate millions of Americans to second-class status, disproportionately people of color. One in 13 Black people of voting age are denied the right to vote because of laws that disenfranchise people with felony convictions.²⁶

Policy Recommendations

1. Decriminalize drug possession, removing a major cause of arrest and incarceration of primarily people of color, helping more people receive drug treatment and redirecting law enforcement resources to prevent serious and violent crime.
2. Eliminate policies that result in disproportionate arrest and incarceration rates by changing police practices, rolling back harsh mandatory minimum sentences, and repealing sentencing disparities.
3. End policies that exclude people with a record of arrest or conviction from key rights and opportunities. These include barriers to voting, employment, public housing and other public assistance, loans, financial aid and child custody.

¹ Roy Walmsley, *World Population List*, 10th ed. (London: International Centre for Prison Studies, 2013); National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (Washington, D.C.: The National Academies Press, 2014).

² Substance Abuse and Mental Health Services Administration, "Results from the 2015 National Survey on Drug Use and Health," (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015), Table 1.31B; Jamie Fellner, *Decades of disparity: drug arrests and race in the United States* (Human Rights Watch, 2009); Meghana Kakade et al., "Adolescent Substance Use and Other Illegal Behaviors and Racial Disparities in Criminal Justice System Involvement: Findings From a U.S. National Survey," *American Journal of Public Health* 102, no. 7 (2012). While national arrest data by ethnicity are not systematically collected and are therefore incomplete, state-level data show that Latinos are disproportionately arrested for drug offenses. Drug Policy Alliance and Marijuana Arrest Research Project, "Race, Class and Marijuana Arrests in Mayor de Blasio's Two New Yorks: the N.Y.P.D.'s Marijuana Arrest Crusade Continues in 2014," (2014) <http://www.drugpolicy.org/resource/race-class-and-marijuana-arrests-mayor-de-blasios-two-new-yorks-nypds-marijuana-arrest-crusade>; California Department of Justice, "Crime in California 2013," (2014).

³ International Centre for Prison Studies, World Prison Brief, <http://www.prisonstudies.org/world-prison-brief-data> (2015).

⁴ Federal Bureau of Investigation, "Crime in the United States, 2015," (Washington, DC: U.S. Department of Justice, 2016). <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/persons-arrested/persons-arrested>

⁵ E. Ann Carson, "Prisoners in 2016," (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2017). <https://www.bjs.gov/content/pub/pdf/p16.pdf>

⁶ Ibid; Peter Wagner and Bernadette Rabuy, "Mass Incarceration: The Whole Pie 2017," (Prison Policy Initiative, 2017) <https://www.prisonpolicy.org/reports/pie2017.html>; Doris James, "Profiles of Jail Inmates, 2002," in *Special Report* (Washington, DC: United States Department of Justice, Bureau of Justice Statistics, 2004) <http://www.ojp.usdoj.gov/bjs/pub/pdf/pj02.pdf>.

⁷ Peter Reuter, "Why Has US Drug Policy Changed So Little over 30 Years?," *Crime and Justice* 42, no. 1 (2013); National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*.

⁸ Federal Bureau of Investigation, Uniform Crime Reports; Bureau of Justice Statistics, Arrest Data Analysis Tool; Federal Bureau of Investigation, "Crime in the United States, 2016." <https://ucr.fbi.gov/crime-in-the-u.s/2016/crime-in-the-u.s.-2016>; Data obtained through a request to the Federal Bureau of Investigation, Criminal Justice Information Services' Chief Multimedia Productions, Stephen G. Fischer

⁹ Jonathan Rothwell, "Drug offenders in American prisons: The critical distinction between stock and flow," (Brookings Institution, 2015) <http://www.brookings.edu/blogs/social-mobility-memos/posts/2015/11/25-drug-offenders-stock-flow-prisons-rothwell>.

¹⁰ U.S. Census Bureau, Quick Facts (2014) <http://quickfacts.census.gov/qfd/states/00000.html>.

¹¹ Substance Abuse and Mental Health Services Administration, "Results from the 2014 National Survey on Drug Use and Health: Detailed Tables," (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2015), Table 1.19B.

¹² Federal Bureau of Investigation, "Crime in the United States, 2015," Table 49A. <https://ucr.fbi.gov/crime-in-the-u.s/2015/crime-in-the-u.s.-2015/tables/table-49>

¹³ Bureau of Justice Statistics, Federal Justice Statistics Program; Carson, "Prisoners in 2014; Sam Taxy, Julie Samuels, and William Adams, "Drug Offenders in Federal Prison: Estimates of Characteristics Based on Linked Data," (Washington, DC: U.S. Department of Justice, Bureau of Justice Statistics, 2015) <http://www.bjs.gov/fjsrcl>.

¹⁴ Carson, E. Ann. "Crime in the United States, 2015." Appendix Table 5. U.S. Department of Justice, Bureau of Justice Statistics. 2015. <https://www.bjs.gov/content/pub/pdf/p15.pdf>.

¹⁵ United States Sentencing Commission, Interactive Sourcebook (isb.ussc.gov) (2013 Datafile, USSCFY2013).

¹⁶ Federal Bureau of Investigation, "Crime in the United States, 2015," Table 21A.

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New marijuana laws in 2019 could help black and Latino drug dealers go legal

Trevor Hughes, USA TODAY Published 6:01 a.m. ET Feb. 21, 2019 | Updated 9:11 p.m. ET Feb. 21, 2019

Fourth-generation Oakland native Tucky Blunt grew up around weed. His grandmother used it. So did his parents and his friends.

Blunt (yes, that's his real last name) started selling to friends in the neighborhood when he was 16. He was usually careful, buying in bulk from a trusted supplier and selling to customers who'd call him to meet up.

After nearly a decade of illegal sales, it was \$80 worth of pot that got him in trouble. He was found with a handful of baggies stashed in his pants when police officers came for him, tipped off by someone Blunt thought was a friend.

"We were out there trying to make money to help support our families at a time when people didn't have a lot money. We didn't think we were hurting anyone," said Blunt, now 39. "I liked weed. I knew people who liked weed. Why not facilitate them getting good weed? That's how I looked at it."

His arrest in 2004 and his conviction left Blunt with a 10-year felony probation, allowing police to stop and search him anytime, for any reason. Meanwhile, all around Oakland, young black men like him were getting arrested while most of the white guys who were selling weed were left alone.



Alphonso "Tucky" Blunt, 39, is photographed at his marijuana dispensary, Blunts and Moore in Oakland, California. (Photo11: Martin E. Klimek, USA TODAY)

"It affected everybody in my circle because it was only targeted to us. I knew white people that was selling weed that never went to jail," Blunt said. "The war on drugs was just about putting as many of us in jail in possible. It tore up a lot of families."

The [war on drugs](#) ([/story/sports/Ad-Meter/buzz-meter/2019/01/22/super-bowl-cbs-rejects-ad-benefits-medical-marijuana/2639175002/](#)) has for decades disproportionately devastated minority communities by punishing people like Blunt and creating a cycle of poverty, incarceration and limited employment options, legal and social justice experts say.

Now, lawmakers and legalization advocates across the country are demanding not just [cannabis legalization](#) ([/story/news/nation-now/2018/10/06/marijuana-damaged-teenagers-brains-more-than-alcohol-study-finds/1539574002/](#)), but remedies to address decades of demonstrably racist policing, from laws that automatically expunge criminal records for marijuana dealing and possession to policies that would give minority communities assistance in building cannabis businesses.

The same year as Blunt's arrest, Oakland's voters ordered police officers to make marijuana enforcement their lowest priority, below even jaywalking. [But a decade later, the problem was laid bare](#) ([/story/news/2019/01/10/chefs-cannabis-food-drinks-2019-s-hottest-dining-trend/2520890002/](#)): Officers were still arresting black men for marijuana crimes at rates staggeringly higher than for whites.

According to the city's own statistics, 77 percent of the marijuana arrests in Oakland in 2015 were of African-Americans. Whites represented just 4 percent of those arrests, even though the city's population is about 30 percent white and 30 percent black.



Detail of marijuana flower at the marijuana dispensary, Blunts and Moore. (Photo11: Martin E. Klimek, USA TODAY)

Similar data have been reported throughout the U.S. While marijuana legalization has reduced the overall number of marijuana arrests, people of color are still being targeted by police.

Even in states with largely white populations, black people using or selling marijuana still face high arrest rates.

In Colorado, which in 2012 became the first state to legalize marijuana, the total number of marijuana arrests decreased by 52 percent between 2012 and 2017, from 12,709 to 6,153, according to state statistics. But at the same time, the marijuana arrest rate for African-Americans – 233 per 100,000 – was nearly double that of whites in 2017, and that's in a state that's 84 percent white.

In Alaska, of the 17 marijuana arrests in 2016, 29 percent were of African-Americans, even though they represent just 4 percent of the state's population, making Alaska's marijuana arrest rate for African-Americans nearly 10 times higher than that of whites. The state made recreational marijuana legal in 2014.

And in Washington, D.C., where marijuana is legal, a black person is 11 times more likely than a white person to be arrested for public consumption of marijuana, according to Metropolitan Police Department statistics.

Health statistics show that whites and African-Americans use marijuana at roughly equivalent rates, which means the disparity in arrests is driven not by use but by police.

Years of 'discriminatory enforcement'

California has taken the lead in trying to amend years of racist drug policies.

In 2016, the state approved legal recreational marijuana in a ballot measure that also allowed people with pot arrests to get their records expunged. So few people took advantage of the opportunity, however, that state lawmakers passed a new law last fall ordering prosecutors to automatically review and potentially reduce or dismiss sentences and records for low-level marijuana offenses. It's the first statewide law of its kind.

Though such efforts have the potential to make a difference, advocates say, it would have been better to include, from the very start, automatic expungement and other provisions to aid minority communities.

"Once the train has left the station, it's hard to attach new boxcars," said Christine De La Rosa, who owns marijuana businesses in California and Oregon and is lobbying to pass legal recreational pot in New York state. "People are starting to understand and to put the pieces together: This child's father has been in jail for 16 years on a minor possession charge, and then right across the street at the marijuana convention you have a bunch of white guys in ties getting rich."

Similar debates over social justice reform and marijuana laws are unfolding in cities and states with legal marijuana and those without it. In Seattle, prosecutors have sought to abolish hundreds of convictions against people arrested with small amounts of pot. ([/story/news/2018/04/27/seattle-seeks-abolish-hundreds-pot-convictions-light-legal-marijuana/559577002/](https://story/news/2018/04/27/seattle-seeks-abolish-hundreds-pot-convictions-light-legal-marijuana/559577002/)) In New Jersey and New York, lawmakers are looking to legalize pot and expunge marijuana records (<https://amp.usatoday.com/story/news/nation-now/2018/07/24/new-jersey-marijuana-decriminalization-legal-weed/827453002/>) once they do.



Interior of Blunts and Moore, a marijuana dispensary in Oakland. (Photo11: Martin E. Klimek, USA TODAY)

In Baltimore, State's Attorney Marilyn Mosby argues that police and prosecutor resources are better spent focusing on the city's extraordinarily high murder rate than on marijuana cases. Last month, Mosby announced that her office would no longer prosecute any marijuana possession cases, regardless of amount or prior criminal record, unless there was demonstrated intent to distribute. And she announced her office would vacate about 5,000 marijuana-related convictions dating back to 2011.

Maryland decriminalized possession in 2014, but police still can and do issue citations. In a white paper released by her office (https://www.stateattorney.org/images/MARIJUANA_WHITE_PAPER_FINAL.pdf), Mosby said that of the 431 marijuana citations issued by Baltimore police in 2017, 95 percent of them went to African-Americans, even though the city is roughly 60 percent black and 30 percent white. And of those citations, more than 40 percent were issued in one majority-black neighborhood.

Drug laws have been "disproportionately enforced in communities of color, and that's creating an erosion of public trust," Mosby told USA TODAY. "We're moving toward legalization, and it makes absolutely no sense as the top prosecutor to be complicit in that discriminatory enforcement."

As a prosecutor, Mosby said, she's all too aware of how a criminal record can hurt someone for decades, even generations. In Baltimore, even though simple marijuana possession is a civil infraction, someone caught with a little bit of cannabis but without an ID can be arrested and booked, which turns the civil case into a criminal one.

"When you think about those collateral consequences, it's got impacts on housing, employment, adoption, mobility, property rights," Mosby said. "It's a greater realization that these failed policies did not work and we need to take a different approach."

Who gets to sell legal marijuana

Kevin Sabet, CEO of the anti-legalization group Smart Approaches to Marijuana, said states should decriminalize marijuana and provide drug treatment rather than punishing users.

That could help lots of Americans targeted by the war on drugs. But he doubts it will help people who have been shut out of the legal weed industry because of their records. His group argues that the licensing systems created to sell marijuana are primarily benefiting companies racing to become the next Big Tobacco.

"The pot industry is largely rich, white, male, and despite lip service by some legalization advocates, this won't change anytime soon," he said. "The pot industry requires major institutional capital, and unless a state is handing out seven-figure checks to certain populations, license preference programs won't make a dent."

To understand how this situation occurred, you first have to understand not just the laws governing marijuana legalization, but the regulations implementing the stores and licenses.

In general, the first states that legalized recreational marijuana made it hard for anyone with a criminal record to enter the marijuana business and gave preference to people already operating medical marijuana businesses, which were in many cases subject to even tougher licensing laws because those stores came first, when regulators were at their wariest.

And because small-business loans are usually reserved for people without drug convictions, an arrest for simple possession also shut many would-be entrepreneurs out of now-legal cannabis business opportunities.

The end result? Tech workers, real estate investors and guys who owned construction companies have been the market leaders for years now, joined increasingly by white politicians like former House Speaker John Boehner, who backed the war on drugs and then, after leaving office, joined the board of a cannabis company in April 2018.

A first-of-its kind survey by Marijuana Business Daily in 2017 found that whites made up 81 percent of people who had either started a marijuana company or had an ownership stake. New York congresswoman Alexandria Ocasio-Cortez, a Democrat, cited those statistics at a hearing this month, suggesting that most marijuana legalization systems were actually compounding the racial wealth gap.

"It all comes down to money in the bank, time and community support," said Adam Powers, who with his twin brother, Andrew, has worked in dispensaries and as cannabis consultants in Washington state. The Powers brothers, who are African-American, say they frequently deal with marijuana store owners looking to launch stores the pair compare to a Starbucks experience: non-threatening, consistent and accessible. And bland.

"From a logical standpoint, I can agree with it," Powers said. "You make the industry super-hard to get into, that only people who are squeaky clean can get into it, because you know all eyes are on you. However, that is the approach always, always, that you take to whitewash things and make it clean. That's literally what you say before you fire the black people and the minorities."

Powers, 31, said social justice was a clear motivating factor for many voters who supported legalization in Washington; they just didn't realize that legalizing pot sales wouldn't immediately right decades of wrongs.

"My life as a minority is a little bit easier knowing, hoping, that's one less reason for someone to bug me over something I use medically or recreationally, like alcohol," he said.

Fears of being targeted by police – especially federal law enforcement – kept many African-Americans without arrest records from immediately joining the semi-legal cannabis industry in its early days. For them, waiting to see how things shook out just made sense.

Actor and pot entrepreneur Whoopi Goldberg took a different approach. A longtime advocate for both racial equality and marijuana legalization, Goldberg, 63, co-founded a medical marijuana company in 2016, counting on her celebrity and age to insulate her from the unfair policing faced by young black men, she said.

"When you look at who is in jail for marijuana, it kind of explains it all," she said. "Black folks with marijuana went to jail a lot more than white folks with marijuana. I think it's always been guy-oriented, and in particular white guys, because they could get away with it."

Helping drug dealers go legal

For many marijuana legalization activists, it's now up to local governments to diversify the legal pot industry by clearing conviction records and handing out subsidies. If white men have unfairly benefited from marijuana legalization, then it's only fair that minority communities be given extra help now because they suffered more, the thinking goes.

"We actually do have to overcorrect," said Cassandra Frederique, 32, the New York state director of the Drug Policy Alliance, which is lobbying to legalize marijuana in the Empire State. "People from our communities, black and brown communities, were the one first ones to be criminalized. Why shouldn't we be the first ones to benefit?"

In California, several cities have created cannabis equity programs to help former drug dealers go legal. The programs include business development, loan assistance and mentor relationships. In September 2018, former Gov. Jerry Brown signed legislation to partially fund such programs. [The bill stated it would help](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1294) (https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1294) ensure "that persons most harmed by cannabis criminalization and poverty be offered assistance to enter the multibillion-dollar industry as entrepreneurs or as employees with high-quality, well-paying jobs."

In Massachusetts, regulators have also [launched an equity program](https://mass-cannabis-control.com/equityprograms/) after acknowledging that while the state's population is 22 percent Latino or African-American, that same demographic makes up 75 percent of people imprisoned under mandatory minimums for drug crimes. The Bay State's equity program is specifically reserved for residents with a drug conviction or those who are married to someone with a drug conviction.

Years after he was arrested, Blunt is now the first Oakland resident to benefit from the city's [special license preference program](https://www.berkeleyside.com/story/news/nation/2017/07/31/marijuana-oakland-california-shop-owners/507008001/) ([/story/news/nation/2017/07/31/marijuana-oakland-california-shop-owners/507008001/](https://www.berkeleyside.com/story/news/nation/2017/07/31/marijuana-oakland-california-shop-owners/507008001/)). Under the equity program, longtime Oakland residents who were hurt by the war on drugs are getting priority, preference and special assistance to open up marijuana stores so they can sell cannabis legally. Blunt, who got his criminal record cleared once he finished his sentence, actually had to get it temporarily reopened so equity program managers could verify his arrest.

Blunt tried to break into the industry on his own a few years back but couldn't crack into California's majority-white cannabis club scene. The equity program helped him launch his marijuana store, Blunts+Moore, in November. He sees the national push for more equity programs as a key component to easing the damage caused by the war on drugs.

"We're not just budtenders, not just security guards anymore. We're owners now," he said. "To be able to sell this legally in my city, literally 10 blocks from where I caught my case, I'm fine – I wasn't going to let anything stop me. I'm the new kid on the block, and I'm here to change the game."

Read or Share this story: <https://www.usatoday.com/story/news/2019/02/21/marijuana-legalization-2019-black-latino-dealers-now-getting-help/2838959002/>

Home (/) > Senate Approves California's First Statewide Cannabis Equity Bill



May 31, 2018

SACRAMENTO – This week, Senate Bill 1294, the Cannabis Collaboration and Inclusion Act, was approved on the Senate Floor. This bill, authored by Senator Steven Bradford (D-Gardena), will guide the formation and development of California's first statewide cannabis equity program, while supporting local jurisdictions such as Los Angeles, San Francisco, Oakland and Sacramento that have established local equity programs.

"Following the 2016 voter approval of Proposition 64, legalizing adult-use cannabis, our cities and state will soon reap the economic benefits of this growing industry," said Senator Bradford. "The concern is, what about those who were convicted of cannabis related charges, even within the last two years? What about entire communities who have endured devastating, generational impacts from the war on drugs? SB 1294 will address these issues and ensure that those who want to participate have real opportunities to join and thrive."

Four cities have established local equity programs for their respective cannabis licensing and permitting processes. These programs focus on increasing inclusivity among business owners and employees in the cannabis industry. Equity applicants include individuals living in disadvantaged, underserved communities and those who have been negatively impacted by decades of harsh drug policies. SB 1294 requires the establishment of a task force through the Bureau of Cannabis Control which will provide guidelines and recommendations for the implementation of a statewide equity program. In addition, this bill will create a new position within the Bureau to provide technical support to equity applicants, and assist equity licensees with job training, regulatory compliance, capital investments and low-interest or zero-interest business loans.

"Currently, there are no state programs addressing the barriers and challenges faced by those attempting to enter this unique industry," said Bradford. "If people of color with financial capital and high business acumen are having difficulty gaining licenses, one can only imagine the struggles individuals with zero capital and previous convictions are faced with. Although California isn't the first state to legalize the adult use and sale of cannabis, we can be the first state to do it right – by including those who were once punished, but can now contribute."

###

Senator Bradford represents the Los Angeles County communities of Carson, Compton, Gardena, Harbor City, Hawthorne, Inglewood, Lawndale, Lennox, San Pedro, Watts, Willowbrook, and Wilmington

Source URL: <https://sd35.senate.ca.gov/news/2018-05-31-senate-approves-california%E2%80%99s-first-statewide-cannabis-equity-bill>

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‘Social-justice loans’ could make pot startups more diverse



JOSH REYNOLDS FOR THE BOSTON GLOBE

Cannabis Control Commission chairman Steven Hoffman (left) and member Shaleen Title.

By [Naomi Martin](#)

GLOBE STAFF FEBRUARY 22, 2019

Concerned that the state's fledgling marijuana industry is dominated by white men, Massachusetts regulators are considering an array of new tactics to fulfill their social justice mandate, including offering interest-free loans to cannabis businesses owned by people who were hurt by the war on drugs.

As the first state in the country to include in its marijuana legalization law a requirement to include historically disenfranchised groups, Massachusetts was supposed to be a model for others to follow. But a year and a half after regulators started work, 112 businesses have received licenses, but only nine are woman-owned, and two are minority-owned.

“We need a course correction,” said cannabis control commissioner Shaleen Title, a longtime racial justice advocate, who initiated the discussion at a meeting of the commission on Thursday. “The numbers don’t look good, but it’s very early and we have a lot of control now over what unfolds.”

The other commissioners disagreed the agency had done anything wrong, though they acknowledged there’s more to be done in addressing a daunting issue that affects most industries, but which carries particular weight in marijuana because of racially uneven law enforcement.

Among the commissioners’ other ideas for boosting ownership by women and minorities: studying the barriers to entering the marijuana business;