

Prison Overcrowding in America: Could the Decriminalization of Marijuana be a Possible Solution?

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The adoption of sentencing guidelines in recent decades accompanying a “get tough” mentality of many judges has helped to push along a consistent increase in prison populations on a state level over the past 30 years. Such an increase has been analyzed as both a beneficial removal of criminals from society as well as a detrimental hemorrhage of taxpayers’ dollars. It also usurps the time of law enforcement and correctional officials. Countless variations of crimes as well as variables such as race, socioeconomic status, employment opportunities, geographic location, level of education, etc., all affect the level of crime and incarceration in the United States, and the dispersion between different demographics are only driving these levels up. Studies are being conducted however to attempt to find ways to lower the issue of prison overcrowding, many focusing on reverting to indeterminate sentencing methods of decades past. However there is still little research being conducted on how changing drug laws, and the decriminalization of certain substances might affect the level of overcrowding and stress on the American Penile System. In the following case study I intend to look into the question of whether or not the growth based affects of the War on Drugs declared in the 1980s and the subsequent sentencing reform acts on the prison population of the United States, can be reversed or positively affected by changing drug laws and/or by the decriminalization of marijuana.

It can be argued today that the Earth is overpopulated, with advances in modern science and health care, accompanied by a higher rate of reproduction after the “baby boomer” era, the world population is on a steady incline. As this growth occurs so does the amount of disparity between the rich and the poor, furthering the demographic inequalities facing the citizens of America (and other countries); which in some instances is driving the economically disadvantaged to a more antisocial or illegal means of making a living. As Greenfeld, Beck, and

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Gilliard mention in their study, the arrest rates are also climbing rather dramatically from around 8.3 million arrests in America in 1980 to approximately 11.6 million arrests in 1993 (1996.) Langan (1991) goes on to say that these demographic changes and mandatory sentencing laws are working to accelerate the flow of inmates into prisons, while also slowing the flow out of prison, with longer sentences and a general toughening of the prison release policies.

### *Sentencing Guidelines*

During the trial process a great number of things go into the decision making process of whether or not the defendant will be convicted/found guilty of the crime they are accused of. Following this decision comes the difficult choice for the judge presiding over the case to determine how long the accused is to be held in correctional custody. By restricting judicial discretion and requiring that sentences be based primarily on characteristics of the offense and the offender's prior record, sentencing guidelines seek to increase uniformity in sentencing, eliminate unwarranted disparities, and institutionalize principles of just desserts and deterrence as the appropriate basis for criminal sentencing over a more biased and discretionary system (Savelsberg, 1992.) The definition of Sentencing Guidelines based on the US Legal Department states that they are the rules and principles a trial court judge follows to determine the sentence to be given to a defendant who is found guilty. Furthermore they are in place to help the judges to resolve any confusion they may have in such a complex decision making process (U.S.Legal, 2014.) Conflicting hypotheses have arisen since the implementation of such guidelines based on the United States Sentencing Commission's passing of the 1984 Sentencing Reform Act. Of these hypotheses there is a substantial amount of argument concerning their legitimacy.

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Another debate arose during the 1990s that questioned whether or not the harsher sentencing guidelines of the new Sentencing Reform Act were contributing to the higher levels of prison overcrowding which were becoming more prevalent. The continued implementation of pre-designed sentencing guidelines over all offenders, including those on trial for non-violent drug related offenses, has given a fast track conviction method for these offenders and has also created a revolving door for drug-addicted offenders who will merely serve the time they are sentenced to before re-offending to continue to support their drug habits (Warner and Kramer, 2009.) This revolving door theory pertains mostly to the drug offenders who are physically addicted to drugs, but it also applies to those who are not addicted. The same policies and sentencing guidelines which are putting those addicted to such substances as Heroin and Cocaine are also putting younger offenders away who were merely carrying a large quantity of Marijuana. This disparity in sentencing goes along with the same disparities related to race and gender and should be handled as such. This is represented in Ulmer and Kramer's study in which they ascertained that sentencing guidelines which emphasized substantive rationality based on extralegal criteria deemed relevant by court actors were proven to risk the same kinds of unwarranted disparities that the guidelines were instituted to prevent (Ulmer and Kramer, 1996.)

#### *Mandatory Minimums, Truth in Sentencing Laws and Three-Strikes Policies*

Accompanying the establishment of Sentencing Guidelines that came along with the Sentencing Reform Act of 1984 were laws concerning Truth in Sentencing and Mandatory Minimum Sentences. These laws marked a switch in thinking of the criminal justice system of the United States taking it from a more rehabilitative model to a newer and more severe way of thinking, as was evident in the replacement of the 1951 Boggs Act which had established the

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first Mandatory Minimum sentences for drug offenders which were primarily directed at rehabilitation for the offender (Lynch, 2012.) This change in thinking was partially brought about due to a depleted public opinion of the rehabilitative model, a widespread opinion that there are a great deal of disparities in judges' sentencing practices and that the suspected leniency of judges is causing a higher crime rate to take hold (Miller, 1981.) One of the first states to dabble in this new way of thinking was California which enacted a "presumptive" sentencing law eliminating some parole discretion while also providing judges with a set list of imprisonment terms to use as punishment (Hussey and Kramer, 1978.) At the time of their implementation, proponents of the Mandatory Minimums were of the mindset that the laws would be able to lower the caseloads on the court system by lowering the number of criminals on the streets as Miller points out (1981.) Not everyone was of this mindset however, as others were of the opinion that with prison populations already hovering near their maximum, even in the 1980s, such laws would only serve to lock up even more offenders and push the numbers well above their limits (Rutherford et al, 1977 and Miller, 1981.)

Many of these predictions were proven to be true in the coming decades as more and more offenders were brought to trial and forced through the same "cookie cutter" laws which decided the terms of their incarceration with very little input from the judge. The Mandatory Minimum laws instituted in the 1980s were followed by Truth in Sentencing laws in the 1990s, and though they were not the same from state to state they all served the same purpose. These laws were instituted to make sure that the incarcerated individuals served/were to serve at least 85% of the sentence given to them during their trial. Some studies have found that these laws have helped to slow the inmate population growth rate (Grimes and Rogers, 1999.) Other studies on the matter have yielded vastly different results, such as one study conducted in Mississippi

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which noted that the “Get-Tough” movement affected the justice system both directly and indirectly with an emphasis on the growth that it influenced in correctional populations (Wood and Dunaway, 2003.) Truth in Sentencing laws at their very core are designed to elongate the time that offenders spend in prison or other forms of restrictive incarceration. Combining this with the Mandatory Minimum laws that were set in place in the 1980s, an overall “Get Tough” mentality, and the proposed War on Drugs; all the ingredients for a prison population explosion are in place.

### *The “War on Drugs”*

The usage of various substances to purposefully alter the state of mind of the user has dated back as far as the dawn of humanity, with many of these substances still growing naturally in today’s modern society. However these substances have been labeled “Drugs” in the past several hundred years and have been given a negative stigma in most places; even carrying negative criminal penalties as they do here in the United States of America. Not all illicit drugs are naturally occurring anymore however and with the jump occurring from Opiates and Marijuana to substances like Meth and Crack Cocaine the issue has become far more serious and the penalties far more severe. In 1989 the United States government entitled the National Drug Control Strategy released a document, and coming from the Regan era of politics it came about in a storm of policy change and political turmoil (Pearson, 1992.) This policy change, like so many others of its time, took hold of the nation and started to lay groundwork in the courts so that it could have its desired effect. Yet unlike many other pieces of legislation passed it is seen today by many punishment and society theorists as a central piece to understanding the modern US penile landscape (Lynch, 2012.)

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The United States of America did not just begin to take notice of illicit drug use in the 1980s though. That process and the following growth of such anti drug policies began back in the early 20<sup>th</sup> Century and late 19<sup>th</sup> Century. Belenko has a timeline in the beginning of his book entitled Drugs and Drug Policy in America, which highlights when such anti drug policies first took hold. In this table it is noted that the first anti-morphine law was instituted in Pennsylvania in 1860, followed fifteen years later in 1875 by the first anti-opium law in San Francisco, California; then ten years later in Ohio which preceded the first federal law against the import and export of opium in 1887. These laws were the earliest predecessors to the 1915-25 passage of anti marijuana laws on all levels of enforcement, both state and local, and also mark the beginning of a policy change in America stigmatizing drug users as hardened criminals (Belenko, 2000.)

Drug laws that were instituted early on show very little similarity to the more modern anti-drug laws that were passed in the late 20th Century, but at their core they did the same thing. These laws set up legislation that regulated the handling of drug offenders while also trying to remove future offenders from the system. One such law is the Controlled Substances Act of 1970. It came about to form a means by which to better distinguish between drug classifications and to lower the mandatory minimum sentencing laws for various drug offenses at the time. It also served to set up rudimentary drug treatment programs for offenders (Lynch, 2012.) What this piece of legislation really did in the long run however was to show that the Federal government was turning greater attention towards the growing drug problem in the United States and also setting up a more stable federal drug law enforcement system (Lynch, 2012.)

These changes in legislation sound like they are working correctly when you simply read over them, but to truly understand the implications that such political changes bring one

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must look at the empirical data on the subject. Going back to the basics of imprisonment in the United States one must look back to the Mandatory Minimum laws, Truth in Sentencing laws and Three Strikes policies mentioned earlier in this document. Yet the dilemma is that these policies are still so young that those who were first placed into punitive custody are still serving their sentences making it unclear as to how they will actually affect imprisonment numbers (Sorensen and Stemen, 2002.) That being said Sorensen and Stemen were able to place a solid number on imprisonment levels in their article entitled The effect of State sentencing Policies on Incarceration Rates in which they showed the variance that exists between states policies; they stated that in 1973 the statistic was 93:100,000 incarcerated in the United States and that in 2000, after years of these policies being in place, the incarceration numbers reflected the proposed change at 481:100,000 (Sorensen and Stemen, 2002.)

To further examine the numbers behind the changes in incarceration rates after the declaration of the War on Drugs one must look to what other scholars have written on the statistical side of the issue concerning prison overcrowding. Some scholars, such as Langan are under the impression that the War on Drugs has done very little to increase the prison populations (Langan, 1991.) Langan's research goes on to demonstrate levels at which those admitted to prison were admitted based on drug offenses. In the year 1963 four percent of prison admissions were drug related, between 1970-74, ten-twelve percent; 1985-86, thirteen-sixteen percent were admitted. This data is further backed by further empirical data relating that in 1974, 326.88:100,000 incarcerated were drug offenders whereas in 1986, 417.15:100,000 were (Langan, 1991.) He demonstrates how the prison populations have increased during the decades between 1970 and 1990 but he says it is based on demographic changes that are listed in an earlier paragraph. Greenfield, Beck and Gilliard provide an even larger amount of statistical data



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concerning the issue of prison overcrowding and how it was affected after the 1980's Sentencing Reform Acts. As of 1994 there were 5.1 million adults under some form of correctional supervision with 999,808 in prison (19.5%) and 2.96 million on probation (57.7%); with these numbers increasing by 1000 inmates per week at the rate of growth facing the nation in 1996 (Greenfield, Beck and Gilliard, 1996.)

Their data looked beyond just the numbers of inmates under supervision to look also at the number of arrests, a key element to the population of inmates in prison. They compared the number of arrests in 1980 at 8.3 million to the number in 1993 after all the reforms at 11.6 million, looking deeper into the types of arrest as well. Drug arrests during this same period of time increased by an astonishing 116%, drug law violations went up by an even larger 165% while drug trafficking increased by a level of 300%! Yet their data collection didn't end there. Greenfield, Beck and Gilliard also looked into the 4 major offense categories of the time; violent, property, public order and drug offenses, and of these only two increased during this period of time. Public order arrests bumped up from 5-7% of the overall arrest numbers while drug offenses increased from 8-26%, more than doubling the number of drug based arrests. All of this compiled together came to the stark realization that state prisons were operating at 117% of their highest capacity levels after only one decade of sentencing reforms (Greenfield, Beck and Gilliard, 1996.)

### *Opposition to the War on Drugs*

Not everyone was as supportive of the implications brought about by the War on Drugs. This fact helps to bring all of this information full circle. Plenty of scholars both in the

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United States and Internationally saw the War on Drugs as a much less beneficial, and in some cases, malicious policy that served no good for America or its people. One scholar who feels this way is Lynch who has described the War on Drugs as just another way for the government which is otherwise weakened (at the time of its declaration of course) to show some strength and success by pumping up policies which were less important (Lynch, 2012.) Many researchers follow this same thought process that borders on that of a conspiracy theorist, yet with data to back up their claims. Sorensen and Stemen found in their research that the rise in incarceration rates in the United States wasn't based on a peak in any crime rate, but that it could be derivative of higher levels of system input combining with the increased public demand for punishment on a statewide and local basis (Sorensen and Stemen, 2002.) This idea is fleshed out even more by Garland when he said that the War on Drugs was a purposefully cynical manipulation of the symbols of state power (policing and arrests) and the emotions of fear and insecurity which give these symbols power (Garland, 1996.)

Still others look at the War on Drugs from a slightly different perspective. Zimring and Hawkins detail an objective analysis of the War on Drugs noting three thought processes on the matter with the public health 'generalism', cost benefit 'specificism' and 'legalism'. The public health 'generalism' is the perspective that focuses on the morbidity and mortality of the drug used and that all drugs are harmful to the user. The cost-benefit 'specificism' focuses on the fact that some drugs are more harmful and therefore deserve more time and money to combat; whereas the 'legalism' argument just looks at the fact that illicit drugs are illegal (Zimring and Hawkins, 1987.) The cost-benefit argument that they speak of relates directly back to the Department of Justice's drug scheduling chart, assigning levels to the drugs on it and placing more importance on the harder drugs. Kleiman stated in his paper that "whatever the law, its

practical effect depends on the extent to which it is obeyed. In the case of prohibition and virtual prohibition, disobedience to drug laws takes the form of illicit market activity.” (Kleiman, 1989.)

### *Methods*

For the purpose of this study I looked into the data reported to the public via various states Departments Of Justice and Corrections, utilizing their annual uniform crime reports and other similar publications. In order to locate these documents I scoured the Internet looking through each individual state’s webpages dedicated to both their Department of Corrections for the prison populations and arrest rates, and their Department of Justice for other statistics. These documents provide a tremendous amount of detail into the empirical data concerning the states criminal activity each year as well as the states correctional/institutionalized populations. By looking through these existing records of the states criminal activity for the years that are relevant to my study I was able to find a good amount of data to apply to my research question and to aid in my understanding of the issue of marijuana based criminal offenses and how they affect the prison population. The data for the literature review section of this study came from the literature of published writers in the criminal justice and sociological fields, providing a hodgepodge of differing opinions on the matters at hand. This mixture of empirical data with both classical and contemporary opinions to back it up provided my study with a diverse backdrop to place behind my own data collection.

Due to the constraints of time and the amount of available information on the topic of marijuana decriminalization and prison overcrowding my study looks closely at the information behind 4 subjects/states. I looked at the prison populations of each of the states, the number of (misdemeanor) drug arrests made in each state, and the number of (misdemeanor) Marijuana

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based arrests in each state between the years of 2007 through 2012. The total populations of the prison systems noted during these years ranges from 249,261 incarcerated in 2007 to a population of 207,560 incarcerated in the year 2012. I looked specifically into the data from these years in order to gain a better understanding of modern prison populations as some of the states studied (California and Colorado) passed legislation, which began to decriminalize Marijuana. By looking at the range from 2007 through 2012 I was able to gain this modern perspective while also being able to encompass the passage of said legislative movements. All of this was made possible with a combination of random sampling and purposive sampling in that I randomly selected the states present in my research, except for California and Colorado, and purposive in that I looked specifically at the population of Marijuana offenders compared to the overall prison population and those arrested on misdemeanor drug charges.

In the debate of marijuana decriminalization there are a great number of variables that are at play, ranging from macro to micro in scale and relevance to both criminal proceedings and the passage of legislation working both for and against decriminalization. For the purpose of this study the variables are as follows. The states and years serve as independent variables whereas the prison populations and number of arrestees are the dependent variables. As a control I have brought in North Carolina as a state with no real motion towards decriminalization to demonstrate how other forces at play on a national level, or moral level for that matter might be affecting the same prison populations that I am seeking to lower. This study however does not require much in depth analysis on the matters of variables and their manipulations. It relies much more heavily on just a basic comparison of data tables. In order to find success in my study there needs to be a clear (strong correlation) between the numbers of individuals arrested each year for misdemeanor marijuana possession and the prison population for that state/overall. This same

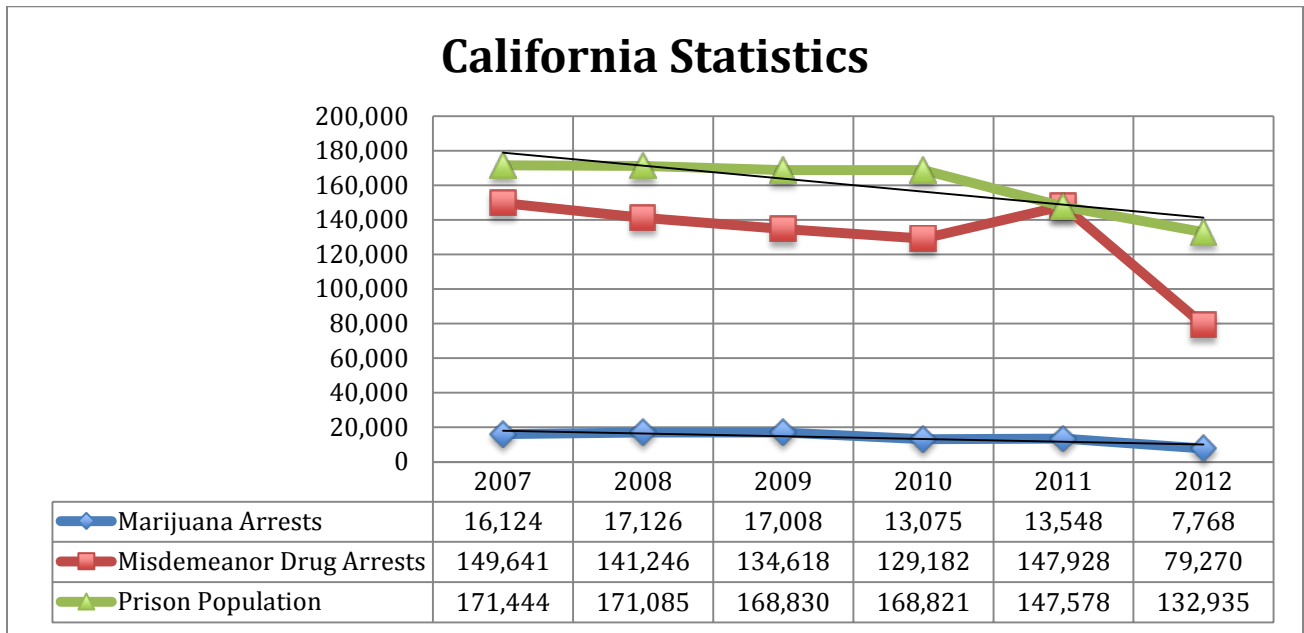
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level of correlation could/should also be present in the years before each individual state passed marijuana laws regarding decriminalization in order to also depict success in my theory.

The analyses that will be made of the data gathered for this study will be in the form of graphing the numbers side-by-side from the marijuana arrest rates next to both the inmate population of each state as well as the overall arrest rate of drug offenders. This analysis will depict to the reader the level of influence that marijuana has on the overall number of individuals arrested for drug offenses, depicting the amount of usage and distribution of other harder drugs. It will also depict how prevalent drug offenders are in prison populations, specifically directed at the number of them who are incarcerated due to basic marijuana possession charges. As mentioned earlier in this section I discussed the types of results I would be looking for to determine a measure of success or failure. The same method of analysis will apply to that determination in that I should be able to see a strong correlation between the number of marijuana arrests and the number of individuals incarcerated in state prisons. If a negative correlation is present between the number of marijuana arrests and the prison population then my hypothesis will be supported whereas a positive correlation would deem it a failure.

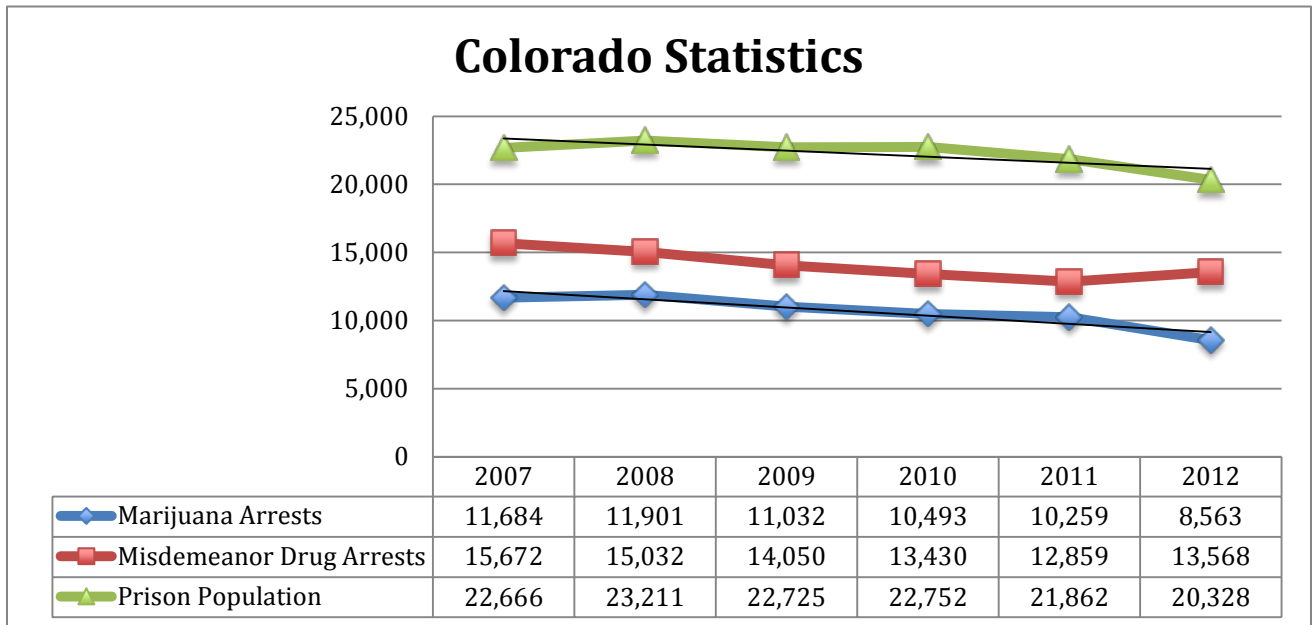
*Results*

For the findings of this study I formed a compilation of information from the states of California, Colorado, North Carolina and Washington concerning their general prison population, the number of drug arrests made in the states in the year and the number of marijuana arrests annually. The following charts depict this data with the number of individuals involved in the study on the Y-Axis and the years on the X-Axis.



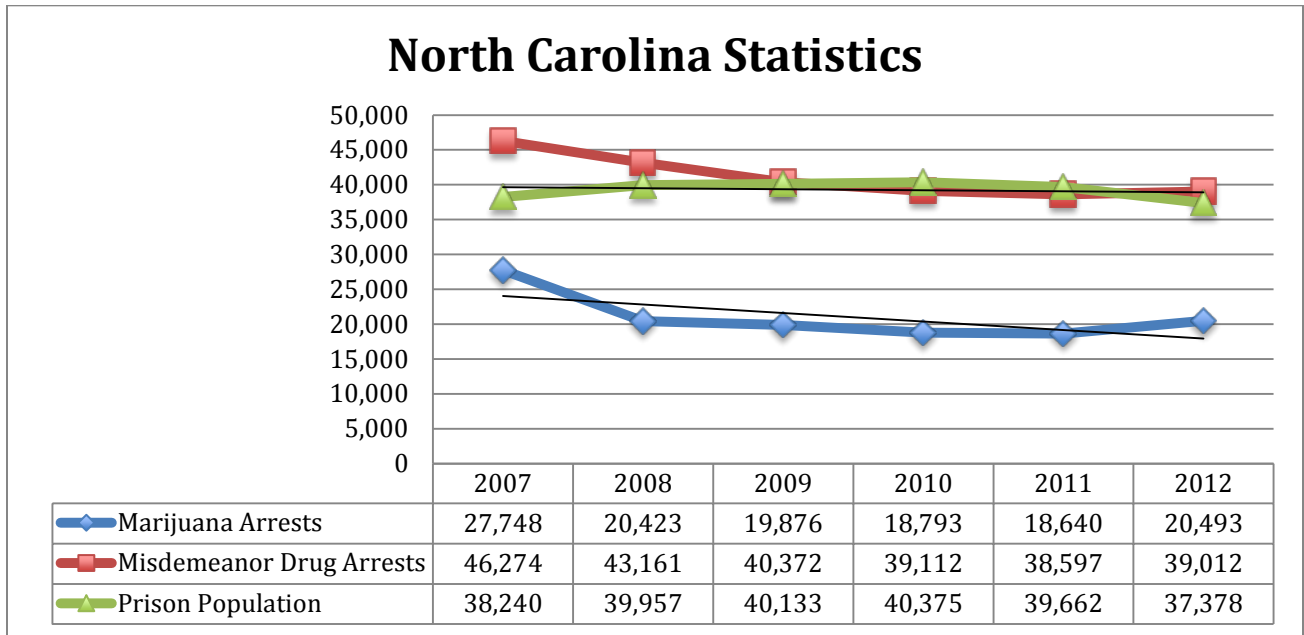
The state of California is one of a few states in America today that has pushed towards further decriminalization than simple fine reductions. Proposition 215 in November 1996 legalized the usage of medical Marijuana, the first state in the union to do so, and Senate Bill 1449 in September 2010 pushed for further decriminalization of the possession of less than once ounce of marijuana, making it a civil infraction. The 2010 legislation appears to have an almost

negative affect transitioning into 2011 where the arrest rate increased by nearly 500 but seems to level out in the subsequent year as the rate drops by several thousand arrests. This could be in part due to a more relaxed effort on the part of the offenders to hide their contraband or due to a possible layover period as policing methods were changing.



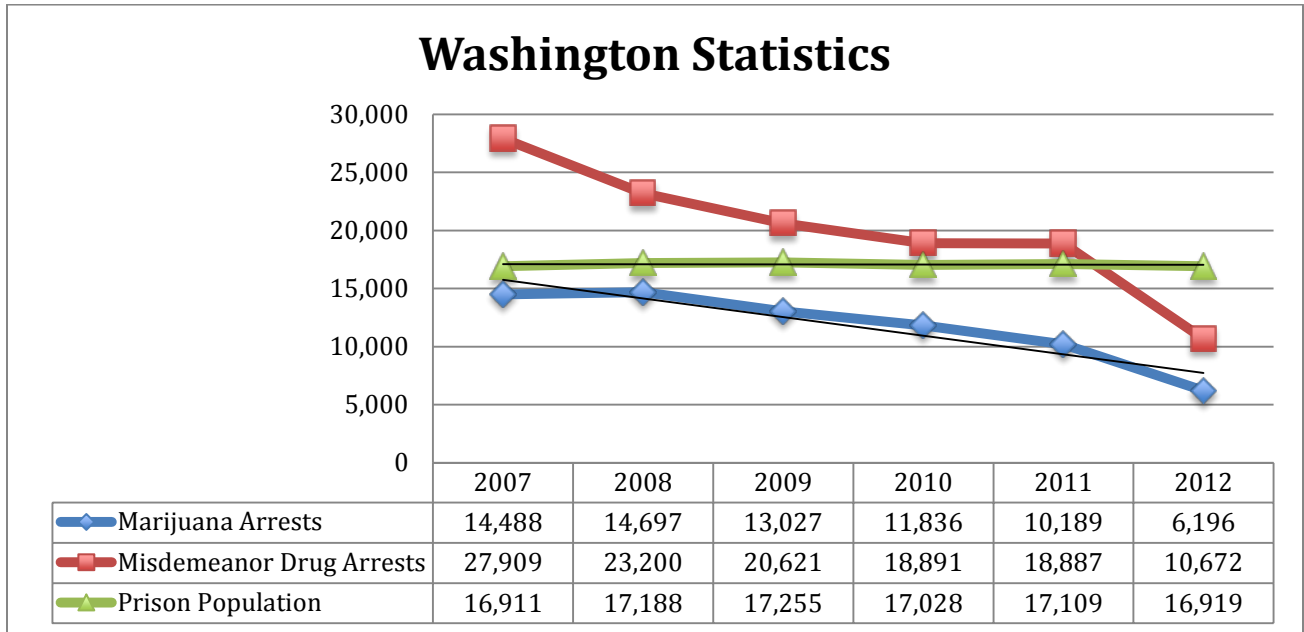
Colorado is one of only two states in America in which Marijuana has been legalized. Amendment 64, also known as the Regulate Marijuana Like Alcohol Act of 2012, was enacted in November of 2012 and makes it so that anyone 21 and older can possess and smoke no more than 1 ounce. This amendment also set into motion the framework for licensed distributors and growers of Marijuana, allowing for a legitimate market to be established in the state for Marijuana and Hemp products. This legislation coincides with a preexisting trend in which the arrest rates for Marijuana possession were already dropping since 2009. Though the year of 2013

isnt relevant to this study it should be noted that only 1194 arrests were made due to possession of Marijuana alone between January and September of 2013 (Nelson, 2014.)



North Carolina serves in this study as a sort of control group for the proposed effects of the decriminalization of marijuana on prison population as its decriminalization took place during the 1970s. Since then North Carolina has shot down a piece of legislation which would have legalized Medical Marijuana, and has left it so that the policy is merely a lower sentence for possession charges. Without any recent legislation though it can be seen that the prison population has dropped considerably since 2010, and that Marijuana arrests are fluctuating slightly while appearing to follow the national trend of decline.





Washington, like Colorado, has gone above and beyond simply decriminalizing Marijuana and has made it legalized. With the passage of the November 2012 Washington Initiative 502 the rules were altered to allow anyone 21 and older to possess up to 1 ounce of Marijuana. Furthermore the legislation laid out the groundwork for licensing the dispensaries in the state as well as private and commercial grow operations. As with the other states in the study Washington showed signs of a dropping prison population, though the differences in population were minute at best. The Marijuana figures however showed a dramatic change coming into 2012 as the number of arrests was almost cut in half. In the years to come I suspect these trends will continue, also demonstrating a slightly more tangible affect in the prison population.

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*Discussion*

Marijuana is one of the most prevalent and controversial of all the hot topic discussions concerning domestic politics that is circulating today, and one that many people are misinformed about. A great deal of people populate both sides of the argument and with those people come a great deal of conflicting opinions, some of which seem slightly more grounded than others but all of which are true to their individual. Through this objective study I have done a great deal of analyzing as to importance and usefulness of decriminalizing marijuana in order to try and benefit American prison systems with their population problems, and have come to several conclusions. Overall I have noticed that the nation as a whole appears to be coming down from a “get tough” mentality brought about in the 1980s and is starting to facilitate a lowering of the population of those incarcerated and an upswing in the number of those in community corrections. This trend accompanies the lowering numbers of drug offense based arrests, both marijuana and other harder drugs, goes to support my theory. In their study Stenier and Wooldredge found much the same thing when they determined that states with high levels of drug crimes or a high volume of drug arrests were likely to experience higher levels of crowding at these times (Stenier & Wooldredge, 2008.) With studies like this existing as well I wasn't surprised by what I found.

In today's America there are now twenty-eight states that have taken some measure to decriminalize marijuana. The four states that I chose for my study are representative of the Union as a whole in several ways. North Carolina serves to represent the states that have only passed some basic measures of possession decriminalization, serving as somewhat of a control. In North Carolina the numbers represent an overall decline in the number of Marijuana arrests and a decline in prison populations as well. Despite this overall decline the numbers show spikes in

both areas between 2009-2012, representative of various other variables at play in the equation. With California where the measures of decriminalization have gone above and beyond that of North Carolina the numbers demonstrate an overall and statistically significant drop since the most recent legislation. And as would be expected from both Washington and Colorado where the recreational usage of Marijuana is now legalized the numbers demonstrate a complete drop off. In past studies on the subject the numbers brought into question were representative of only a small surveyed portion of the prison population, or a few institutions that would respond to the survey. For my study, looking at total populations for the states in question, the reader gets a much more clear sense of just what the numbers hold for the argument of decriminalization.

In past studies the research has also been geared at total numbers for the entire nation, giving a broader feeling of understanding without looking in depth at what might be causing the numbers to be where they are. For instance in Greenfeld, Beck and Gilliard's study in 90s they determined that average state inmate levels were around 186,000 in 1993, as opposed to 19,000 in 1980 (Greenfeld, Beck and Gilliard, 1996.) Of the states I studied the average state incarceration level has dropped from 62,299 in 2007 down to 52,062 in 2012. Compared to what was found in Greenfeld's study the reader can see the increase in overall numbers since the 1980s, but can also see the decline since the all time high levels of incarceration after the Sentencing Reform Act of the 1980s. Furthermore looking at Langan's 1991 study the reader can see that pre war on drugs numbers show that 4% of admissions to prison were drug related in the 1960s, and only increased to around 16% in the early 1980s (Langan, 1991.) With that in mind and the idea that the war on drugs drove these numbers up greatly one can then look at the numbers generated in this study, seeing that in 2007 28.1% of admissions came from Marijuana which declined to 20.7% in 2012. Declines like this demonstrate the relevance of my research

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question and show that the decriminalization of Marijuana is having a notable and strong effect on the prison population of America.

One should note that this study was limited in several ways. One such way is that in only looking at four states it is difficult to fully generalize the data gathered in comparison to the United States as a whole. It is a stretch to assume that the Marijuana arrests would average out to 20% for the entire fifty states, though it was the case in the four I studied. Further limitations come about in the form of time constraints, having only a year to conduct this study and present my findings made everything come together quickly. Though I am pleased with my results I feel that with a longitudinal study on the matter I would have been able to find better data, have formed a more concrete analysis of the data and presented it in a more efficient manner. A study on this subject matter truly needs to be conducted over the span of five years to a decade, looking either at all fifty states together or at one state in extreme detail. By doing either of these the information is going to be far more representative of America as a whole or of that states changes over time with specific looks at legislation being passed and discussed as well as how it goes on to effect the numbers. Another direction that a future researcher could take could be to look at a larger expanse of time. In my research I noted that there were policy changes occurring back in the 1990's, such information could serve as an interesting contrast point to more modern policy changes if included as well as providing a larger data set with which to draw conclusions from.

Since the 1990s there have been policy changes in the Marijuana decriminalization/legalization arena. In 1996 California passed Proposition 215 which legalized the usage and prescription of medical Marijuana and paving the way for the passage of Senate Bill 1449 in 2010 which decriminalized the possession of under one ounce. North Carolina has

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passed similar legislation in years past decriminalizing possession of under one half ounces of Marijuana. And then there are the two states that have gone above and beyond. Colorado assed Amendment 64 in 2012 which legalized the recreational usage of Marijuana for those 21 and older, and which licensed the sale and growth of Marijuana and Hemp products. Washington followed suit legalizing Marijuana and Hemp products with Washington Initiative 502, which has almost the same stipulations as Colorado's Amendment 64. Such legislation is the driving force behind my selection of the years present in this study, giving a good representation of the time leading up to the passage of such legislation while also depicting the change after. As I mentioned earlier this does provide the study with a rather severe limitation in that the study took place over a few short years and over a few scattered states. Further studies should follow up with a more longitudinal design and more depth to their numerical analysis in order to better generalize the statistics for the United States. That being said, I feel that my data is a sound generalization.

*Conclusion:*

I feel that the policies concerning drugs and the punishments that come with drug related offenses need to be overhauled in a huge way but I don't always see legalization as a legitimate or safe response to this dilemma. In the days of prohibition the policies concerning alcohol were somewhere around the same level of punishment as they are today with marijuana, during this era the birth of organized crime in America took place due to the level of demand for alcohol. With the War on Drugs in place a similar phenomena took place with the birth of the violent and money hungry Mexican drug Cartels, even more threatening to the American people than the Mob was in the early 1900s. I feel that marijuana is the only drug that needs to be

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decriminalized to the level of alcohol. It should be distributed in a manner that is heavily regulated which can be heavily taxed and can be enjoyed responsibly so as not to endanger the citizens who choose not to partake. Other drugs I feel should hold lesser sentences, keeping the prison populations from soaring much higher than they already have and bringing in more money from stiff fines and court fees. Through this study I have noted that the decriminalization of Marijuana is climbing on a state regulated level, moving away from the Get Tough mentality of decades past and moving towards a more responsibly regulated tomorrow.

By looking at past studies and noting the differences in policy between the 1980s and now the reader can see that the policies of the past are finally starting to work their way out of the system. Today's policies are taking Marijuana offenses, which have been prison bearing at times and are moving them down to the civil offense category. This is keeping the lightweight drug users of the community away from the "hardened" criminals in prison, keeping the number of inmates down and lowering state and federal costs tremendously. Furthermore it can be noted that with this decriminalization, and possible future legalization, the domestic Hemp and Marijuana market would do wonders for the debt crisis that the Nation is already in. Alcohol is a multi billion dollar industry annually here in America, and Hemp is no different. In Spencer Campbell's article he points out that the value of Marijuana production in 2006 for the top 10 producing states is somewhere in the range of \$30 billion, making it a hugely grossing domestic market that is ripe to be manipulated (Campbell, 2014.) With such promise for income in the near future and with as much benefit befalling the American penile system it should come as no surprise to the reader that I feel that the statistics in this study help back the opinion of those in favor of decriminalization. Drugs are a part of our society and the modern world in every country and at every level of society, after all isn't caffeine a drug? Marijuana I feel is on the path

towards heavy decriminalization and potentially legalization and when that day comes the benefits will be felt around the world.

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