



Marijuana and Who's in Prison

- A survey by the Bureau of Justice Statistics showed that 0.7% of **all** state inmates were behind bars for marijuana possession only (with many of them pleading down from more serious crimes).ⁱ
- In total, one tenth of one percent (0.1 percent) of **all** state prisoners were marijuana-possession offenders with no prior sentences.ⁱⁱ
- Other independent research has shown that the risk of arrest for each “joint,” or marijuana cigarette, smoked is about 1 arrest for every 12,000 joints.ⁱⁱⁱ
- There are very few people in state or federal prison for marijuana-related crimes. It is useful to look at all drug offenses for context. Among sentenced prisoners under state jurisdiction in 2008, 18% were sentenced for drug offenses.^{iv}
- For federal prisoners, who represent 13 percent of the total prison population, about half (51 percent) had a drug offense as the most serious offense in 2009.^v
- And federal data show that the vast majority (99.8 percent) of federal prisoners sentenced for drug offenses were incarcerated for drug trafficking.^{vi}
- Carnegie Mellon’s Jonathan Caulkins, formerly the co-director of Rand’s drug policy research center, found that more than 85% of people in prison for all drug-law violations were clearly involved in drug distribution, and that the records of most of the remaining prisoners had at least some suggestion of distribution involvement. Only about half a percent of the **total** prison population was there for marijuana possession, he found. He noted that this

figure was consistent with other mainstream estimates but not with estimates from the Marijuana Policy Project (a legalization interest group), which, according to Caulkins, “naively ... assumes that all inmates convicted of possession were not involved in trafficking.” Caulkins concluded “an implication of the new figure is that marijuana decriminalization would have almost no impact on prison populations.”

ⁱ “Substance Abuse and Treatment, State and Federal Prisoners, 1997.” BJS Special Report, January 1999, NCJ 172871. <http://www.ojp.usdoj.gov/bjs/pub/pdf/satsfp97.pdf>

ⁱⁱ [Bureau of Justice Statistics](#) (2004). The Survey of Inmates in State Correctional Facilities and the Survey of Inmates in Federal Correctional Facilities Questionnaire. Available at: www.bjs.gov/content/pub/pdf/sisfcf04_sol.pdf

ⁱⁱⁱ Beau Kilmer, Jonathan P. Caulkins, Rosalie Liccardo Pacula, Robert J. MacCoun, Peter H. Reuter, *Altered State? Assessing How Marijuana Legalization in California Could Influence Marijuana Consumption and Public Budgets*, RAND, 2010.

^{iv} Bureau of Justice Statistics (2010). Prisoners in 2009, Revised October 27, 2011. Available at: <http://www.bjs.gov/content/pub/pdf/p09.pdf>

^v Bureau of Justice Statistics, Prisoners in 2009, Revised October 27, 2011. Available at: <http://www.bjs.gov/content/pub/pdf/p09.pdf>

^{vi} Bureau of Justice Statistics (2011). Federal Justice Statistics 2009 – Statistical Tables. Revised January 26, 2012. Available at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/fjs09st.pdf>