

DRUG POLICY ALLIANCE

Reason. Compassion. Justice.

ETHAN A. NADELMANN
EXECUTIVE DIRECTOR

IRA GLASSER
PRESIDENT

**Testimony in Support of Support SB 349: An Act Concerning the
Penalty For Possession of a Small Amount of Marijuana
And
HB 5445 - An Act Concerning Immunity for Seeking or Obtaining
Medical Assistance for an Alcohol or Drug-Related Overdose**

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Connecticut Joint Judiciary Committee

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I would like to thank Co-Chairs Senator McDonald and Representative Lawlor, and the members of the Joint Judiciary Committee for raising Senate Bill 349: An Act Concerning the Penalty for Possession of a Small Amount of Marijuana and HB 5445: An Act Concerning Immunity for Seeking or Obtaining Medical Assistance for an Alcohol or Drug-Related Overdose

My name is Evan Goldstein, and I work as a policy associate at the Drug Policy Alliance, the leading national organization that believes the war on drugs is doing more harm than good. Working in Connecticut with grassroots advocates such as A Better Way Foundation, we are advancing a public health and safety approach to drug use and abuse that employs policies based on science, compassion, health and human rights.

Connecticut's Penal Code mandates that first-time possession of small amounts of marijuana (less than four ounces) is punishable by up to 1 year in prison and a \$1,000 fine. Subsequent convictions, resulting in imprisonment of up to 5 years and up to \$3,000 in fines, are felonies.

Connecticut spends millions of dollars enforcing state laws criminalizing adults for possessing small amounts of marijuana for personal use. This senseless policy wastes incredible amounts of police and court resources every year. A sensible policy that fines, rather than criminalizes possession of small amounts of marijuana, would enhance public safety by freeing up police resources to pursue serious crimes against people and property. Every marijuana possession arrest results with at least one less police officer temporarily off the street because of arrest processing procedures. Using up the valuable resources of police for non-violent marijuana possession arrests may create a vacuum where more serious crimes can occur.

Connecticut now has the opportunity to enact smarter policies addressing possession of small amounts of marijuana. Since the early 1970s, thirteen states have reformed their marijuana possession laws through the state legislature or by voter referendum, making possession of small amount of marijuana by adults a civil penalty, but not a criminal offense. This marijuana possession reform has saved millions of dollars and allowed states to more effectively prioritize police resources.

In the most recent case – a 2008 Massachusetts voter referendum, nearly 65% of voters passed a ballot making possession of one ounce of marijuana by adults a civil penalty instead of a criminal offense, with a fine of \$100. Connecticut voters are not far behind: a March 2009 Quinnipiac University Poll found that 58% of Connecticut residents favored making possession of small amounts of marijuana a fine. Nor is Connecticut alone in considering smarter and more sensible marijuana possession policies. This year, Hawaii, New Hampshire, Vermont, and Washington have all proposed legislation very similar to the bill heard today.

With a deficit over \$1 billion, Connecticut simply cannot afford to waste scarce state resources arresting and adjudicating people for marijuana possession less than one ounce. Washington State estimates that marijuana possession reform of one ounce and under by adults would save the state over \$7.5 million dollars in police, court, and jail costs. Another study from Harvard Professor Jeffrey Miron estimated that Massachusetts would save \$30 million in those same costs. Last year, there were 11,248 arrests for marijuana possession only in Connecticut. Estimating that 33% of these arrests (a conservative estimate) were for possession of under an ounce of marijuana, 3,712 would qualify for a civil fine rather than arrest. At a cost of \$1,500 to \$2,500 per low-level arrest through adjudication estimated by criminal justice experts, Connecticut could

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save anywhere from \$5,568,000 to 9,280,000. Add the potential for fine revenue, and several more million dollars can be generated.

In the 2000 study, *"The impact of cannabis decriminalization in Australia and the United States,"* the authors studied several states that decriminalized marijuana, and found that marijuana possession reform laws had no significant impact on use or other health and safety exposure. Further, it cites that the reduced enforcement cost and increased fine revenue from marijuana possession can be directed towards other drug crimes such as trafficking and selling.

Yet there is a high social cost associated with arresting people for small amounts of marijuana. These arrests effectively introduce thousands of people into the criminal justice system who might otherwise never come into contact with it, especially young men of color. These arrests do little to promote public safety, but create a vicious and often intractable cycle in and out of the criminal justice system. These arrests can create permanent criminal justice records which can limit employment, bar access to financial aid, and cause loss of housing.

The Drug Policy Alliance urges passage of SB 349, a smarter and more sensible marijuana possession policy. This bill would re-prioritize police resources to pursue more serious crimes that would protect public safety and save Connecticut millions of dollars per year.

The United States is facing a period of increasing overdose deaths. The Center for Disease Control reports that while unintentional drug overdose deaths has increased 5.3 percent per year from 1979 to 1990, they have increased by 18.1 percent per year from 1990 to 2002. Nationally, 23,000 drug-overdose deaths occurred in 2005 – the last year data was available. These stats are alarming in itself, but when you consider that they are the second leading cause of accidental death -- surpassing the 17,000 homicide deaths -- and second only to motor vehicle accidents, the need to prevent overdose deaths is urgent.

Connecticut's overdose mortality rates parallel the national rates. The Yale Division of Epidemiology of Microbial Disease, analyzing data from the Connecticut Office of the Chief Medical Examiner, found that from 1997 to 2007, overdose deaths have increased by 55%; over the last 11 years, 2,900 people died from accidental drug overdose. Further telling of the need to prevent overdose deaths, in 2006 drug-related overdose deaths surpassed motor vehicle deaths in the 25-54 age range. Connecticut's overdose mortality death for youth is not far behind.

Connecticut's drug and alcohol-related overdose deaths are entirely preventable. Multiple studies have found that for those witnessing a drug overdose, the majority hesitate to call, or do not call at all for emergency services due to fear of police arrest or prosecution for drug possession. Only about 15% of all overdoses result in instant death. But immediately calling for medical help greatly reduces the victim's chances of death or permanent damage such as cardiac arrhythmia or pulmonary edema.

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Connecticut can pass smarter public health policies that prioritize and encourage preventing deaths rather than arresting people for small amounts of drugs. HB 5445 protects people from being arrested, charged or prosecuted for possession of small amounts of drugs when needing or calling for medical assistance in the event of an alcohol and other drug-related overdose.

HB 5445 also protects those under the age of twenty-one in possession of alcohol from arrest in the event of a drug or alcohol overdose. There are 911 Good Samaritan policies on over 90 college campuses across the country, including the University of Connecticut.

The legislation does not protect people from arrest for other offenses, such as selling drugs or trafficking drugs. This policy would protect those with outstanding warrants only for drug possession violations, and would not interfere with law enforcement protocols to secure the scene of an overdose. New Mexico passed the nation's first Good Samaritan policy in 2007. This year, New York, California, Maryland, Nebraska, Rhode Island, Illinois, and Massachusetts have all introduced similar legislation.

The Drug Policy Alliance urges passage of SB 5445, an act that would prioritize saving the lives of Connecticut residents by providing limited immunity from arrest for drug or alcohol possession when seeking or needing medical help in the event of a drug or alcohol overdose. This policy encourages calling 911 for a drug overdose by overriding the chilling effect caused by the threat of arrest and prosecution for possession of small amounts of drugs, and for alcohol possession for those less than twenty-one years of age.