



First-time pot offenders are rarely jailed, study finds

By [Crocker Stephenson](#) of the Journal Sentinel
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Milwaukeeans cited for possessing a small amount of marijuana for the first time rarely spend time in jail, though jail time for subsequent offenses is much more likely, according to a report released Thursday by the Public Policy Forum.

The report could hardly be more timely. The Common Council's Safety Committee is planning to hear testimony Thursday afternoon on a [change in the ordinance that would drop](#) the maximum fine for possession of 25 grams of marijuana or less from \$500 to \$50.

Supporters of the measure, authored by Ald. Nik Kovac, argue that a disproportionate number of African-Americans are cited and, unable to pay the fine, end up in jail. Jail time disrupts communities and families, and makes harder the already tough task African-Americans, particularly men, have finding work.

The city's marijuana ordinance governs only first-time possession citations.

The forum's report, which examined municipal court data, found that among the 4,554 first-time possession convictions between January 2012 and March 2015, just 12 cases involving 11 people resulted in jail sentences. Only eight actually served time.

Most people convicted on first-time possession do not pay their fines, the report says. Payments of any amount were made in 42% of the cases. Just 28% of the fines were paid in full.

"An inability to pay such fines is not resulting in incarceration for the vast majority of those who are cited," the report says.

Second and subsequent violations are treated as criminal offenses and are reviewed by the Milwaukee County District Attorney's Office. These violations may be charged either as misdemeanors or felonies.

Examining circuit court data from 2013 and 2014, the report found that cases prosecuted by the district attorney that involved only second and subsequent possession resulted in felony convictions and jail time.

While African-Americans make up approximately 26% of Milwaukee County's population, they account for 86% of those convicted of a second or subsequent marijuana possession.

If the goal is to eliminate racial disparities and barriers to employment, the report says, "we have found that the treatment of second and subsequent violations for small-scale marijuana possession should perhaps be a bigger concern than the treatment of first offenses."