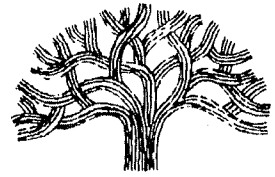


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OAKLAND

CITY OF OAKLAND



2016 MAY 11 PM 4:42

CITY HALL
REBECCA KAPLAN
At-Large
atlarge@oaklandnet.com

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Date: May 9, 2016

To: Members of the Rules and Legislation Committee

From: Councilmember Rebecca Kaplan

Re: Resolution Urging the California Legislature to Allow Criminal Records for Cannabis Related Offenses To Be Expunged And To Remove Restrictions That Exclude Individuals With Cannabis Related Offenses From Participating In The Cannabis Industry Or Other Job Or Business Opportunities.

Dear Members of the Rules and Legislation Committee,

We have a duty to make sure that there is not racial inequity or injustice in excluding people from the growing economic opportunities in the Cannabis industry. It is important to remove any impediments for employment to people working to turn their lives around after incarceration.

It is unfair for people to continue to be excluded from economic opportunities for engaging in conduct which is no longer widely considered illegal – under laws which have been disparately enforced.

Our City has a policy to encourage “ban the box” for employment (not only in the cannabis industry, but generally) to ensure that people who are working to turn their lives around are not denied the opportunity to do so. I urge that there are changes to remove barriers to opportunity, and that generally, California adopt a system to enable people to have cannabis – related conduct expunged from their records.

Thank you very much for your consideration.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rebecca Kaplan".

Councilmember At-Large Rebecca Kaplan

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OAKLAND

2016 MAY 11 PM 3:51

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER REBECCA KAPLAN

RESOLUTION URGING THE STATE OF CALIFORNIA TO ALLOW CRIMINAL RECORDS FOR CANNIBAS-RELATED OFFENSES TO BE EXPUNGED AND TO REMOVE RESTRICTIONS THAT EXCLUDE INDIVIDUALS WITH CANNABIS RELATED OFFENSES FROM PARTICIPATING IN THE CANNABIS INDUSTRY AND FROM OTHER JOB OR BUSINESS OPPORTUNITIES

WHEREAS, according to the ACLU's, "The War on Marijuana in Black and White," between 2001 and 2010, there were over 8 million marijuana arrests in the United States, 88% (7,295,880 out of 8,244,943) of which were for possession; and

WHEREAS, in 2010 alone, of the 1,717,064 drug arrests in America, over three-quarters of a million (784,021) were for marijuana possession; and

WHEREAS, in 2010, states spent over \$3.6 billion enforcing marijuana possession laws despite budget shortfalls and funding challenges for basic social services and education; and

WHEREAS, marijuana arrests and incarceration negatively impact state economies, puts an undue financial burden on the tax payer, comes at a tremendous loss in human capital and causes irreparable harm to incarcerated individuals and their families; and

WHEREAS, from 2008 to 2009, according to the Legislative Analyst's Office, the state of California's annual costs to incarcerate an inmate averaged \$47,000; and

WHEREAS, from 2005 to 2006, counties spent a total of about \$4 billion on local corrections, \$2.3 billion for adult detention and \$500 million for adult probation; and

WHEREAS, according to the Los Angeles Times, in the last four years, per capita prison costs have jumped from \$49,000 to \$64,000 annually; and

WHEREAS, the California Department of Corrections and Rehabilitation's Office of Research projected that the inmate population is anticipated to increase in each of the next three years; and

WHEREAS, racial disparities in marijuana possession arrests continue to exist with a disproportionate impact on African-Americans, who are 3.73 times more likely to

be arrested for marijuana possession than a white person, even though blacks and whites use marijuana at similar rates; and

WHEREAS, California must confront the issue of people who are being punished for acts, that for many offenders and ex-offenders, are no longer considered a crime; and

WHEREAS, California's SB 643 states that California's licensing authority "may deny the application for licensure or renewal of a state license if any of the following conditions apply: ... The applicant or licensee has been convicted of an offense that is substantially related to the qualifications, functions, or duties of the business or profession for which the application is made, ... includ[ing]...(A) A felony conviction for the illegal possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance; and

WHEREAS, past marijuana convictions exclude people from the growing economic opportunities in the cannabis industry and is a barrier to employment which continues to lead to disparate economic and social inequity and injustice; and

WHEREAS, on May 3, 2016, the City of Oakland passed sweeping amendments to the Oakland Medical Cannabis Ordinances that included:

- (1) Prior marijuana conviction shall not be a bar to equity ownership, employment, or other opportunities in the cannabis industry.
- (2) Give priority in new cannabis permits to applicants from communities disproportionately targeted by the war on marijuana, including those who have been incarcerated for marijuana offenses; now, therefore be it

RESOLVED: That the City Council of Oakland, California hereby urges the California legislature to allow criminal records for cannabis related offenses to be expunged and to remove restrictions that exclude individuals with cannabis related offenses from participating in the cannabis industry or other job or business opportunities.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLÉN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELHANEY

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

LATONDA SIMMONS
City Clerk and Clerk of the Council of the City of
Oakland, California