

From: [Mishaan, Jessica](#)
To: [Hovanes Tonoyan](#)
Subject: RE: Request for Public Records
Date: Tuesday, June 16, 2020 1:19:08 PM

Mr. Tonoyan,

Thank you for your request for public records below. As the Vermont Public Records Act does not extend to requests for information, could you please clarify which specific records you seek?

Thank you,

Jessica Mishaan | Paralegal
Office of the Attorney General | General Counsel and Administrative Law Division
109 State Street Montpelier, VT 05609-1001
p (802) 828-5500

-----Original Message-----

From: Hovanes Tonoyan <htonoyan@newfrontierdata.com>
Sent: Monday, June 15, 2020 8:16 PM
To: AGO - Info <AGO.Info@vermont.gov>
Subject: Request for Public Records

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Vermont Attorney General's Office, 109 State Street, Montpelier, VT 05609

Dear Coordinator and Custodian of Public Records:

I write on behalf of New Frontier Data to request the following records and information:

Request 1

1) The number of people serving sentences in local, county, state jail or prison facilities whose controlling offense is one of the below referenced offenses or other violations of applicable of criminal statutes related to cannabis, marijuana, CBD or hemp:

- a. , , 1. Restrictions on personal cultivation
 - b. a. Except as otherwise provided in chapter 453A of NRS, any person who:
 - c. 1. Cultivates marijuana within 25 miles of a retail marijuana store licensed pursuant to this chapter, unless the person is a marijuana cultivation facility or a person acting in his or her capacity as an agent of a marijuana cultivation facility;
 - d. 2. Cultivates marijuana plants where they are visible from a public place by normal unaided vision; or
 - e. 3. Cultivates marijuana on property not in the cultivator's lawful possession or without the consent of the person in lawful physical possession of the property;
 - f. b. Is guilty of:
 - g. 1. For a first violation, a misdemeanor punished by a fine of not more than \$600.
 - h. 2. For a second violation, a misdemeanor punished by a fine of not more than \$1,000.
 - i. 3. For a third violation, a gross misdemeanor.
 - j. 4. For a fourth or subsequent violation, a category E felony.
 - k. 2. A person who smokes or otherwise consumes marijuana in a public place, in a retail marijuana store, or in a moving vehicle is guilty of a misdemeanor punished by a fine of not more than \$600.
 - l. 3. A person under 21 years of age who falsely represents himself or herself to be 21 years of age or older to obtain marijuana is guilty of a misdemeanor.
 - m. 4. A person under 21 years of age who knowingly enters, loiters, or remains on the premises of a marijuana establishment shall be punished by a fine of not more than \$500
 - n. 5. A person who manufactures marijuana by chemical extraction or chemical synthesis is guilty of a category E

felony.

o. 6. A person who knowingly gives marijuana to any person under 21 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 21 years of age is guilty of a misdemeanor.

p. 7. A person who knowingly gives marijuana to any person under 18 years of age, or who knowingly leaves or deposits any marijuana in any place with the intent that it will be procured by any person under 18 years of age is guilty of a gross misdemeanor.

2) Demographics of this population including gender, age, race, ethnicity, and nationality and excluding any confidential identifying information such as name, inmate number, home address, home phone number, and photograph.

3) Length of sentence for each individual incarcerated for the above referenced cannabis, marijuana, CBD or hemp related offenses.

4) Sentence start date for each individual incarcerated for the above referenced cannabis, marijuana, CBD or hemp related offenses.

5) Arrest date for each individual incarcerated for the above referenced cannabis, marijuana, CBD or hemp related offenses.

6) Whether any of the individuals incarcerated for any of the above referenced cannabis, marijuana, CBD or hemp related offenses are eligible for parole and the date on which such person will become eligible.

7) Whether any of the individuals incarcerated for any of the above offenses has been incarcerated prior to his or her current sentence.

8) Scope of request covers arrests to date from 2010.

Request 2

1) The number of people serving sentences in local, county, state jail or prison facilities whose controlling offense is NOT one of the above referenced offenses but is serving concurrent or consecutive sentences for one of the cannabis, marijuana, CBD or hemp-related offenses referenced above.

2) Demographics of this population including gender, age, race, ethnicity, and nationality and excluding any confidential identifying information such as name, inmate number, home address, home phone number, and photograph.

3) Length of sentence for each crime for each individual incarcerated for a controlling offense AND one or more of the above referenced cannabis, marijuana, CBD or hemp related offenses.

4) Sentence start date for each individual incarcerated for a controlling offense AND one or more of the above referenced cannabis, marijuana, CBD or hemp related offenses.

5) Arrest date(s) for each individual incarcerated for a controlling offense AND one or more of the above referenced cannabis, marijuana, CBD or hemp related offenses.

6) Whether any of the individuals incarcerated for a controlling offense AND one or more of the above referenced cannabis, marijuana, CBD or hemp related offenses are eligible for parole and the date on which such person will become eligible.

7) Whether any of the individuals incarcerated for a controlling offense AND one or more of the above referenced cannabis, marijuana, CBD or hemp related offenses has been incarcerated prior to his or her current sentence.

8) Scope of request covers arrests to date from 2010.

Request 3

- 1) The number of people arrested, charged, cited, fined, investigated, penalized, placed on probation, sanctioned or otherwise introduced into the criminal justice system and enforcement jurisdiction of the Drug Enforcement Administration for any of the controlling offenses above or other applicable cannabis, marijuana, CBD or hemp related offenses.
- 2) Demographics of this population including gender, age, race, ethnicity, and nationality and excluding any confidential identifying information such as name, inmate number, home address, home phone number, and photograph.
- 3) Reasonably disaggregated costs associated for investigating, processing and imprisoning these individuals.
- 4) Scope of request covers arrests to date from 2010.

Information and policies governing the open access to records by the public may be referenced below:

Vermont Public Records Act: 1 V.S.A. § 315

The records requested includes documents that were created by a member of another government agency or a member of the public. If specific portions of any documents are exempt from disclosure, please provide the non-exempt portions. Please provide this information in a disaggregated format, including all individual records.

I recognize that this request may encompass many documents and appreciate your time and effort in preparing and sending them. I would be happy to discuss this request on the telephone to help answer any questions you have and reduce the staff time and effort required to respond.

New Frontier Data is a research firm that provides data and analytics services to inform public policy on and the regulation of marijuana in the United States. The data provided pursuant to will enable New Frontier Data to identify the number of people incarcerated in local facilities solely for marijuana-related offenses, as well as those who are incarcerated in local facilities for multiple offenses that include a marijuana-related charge.

Combining this data with arrest data will enable New Frontier Data to look at the flow of marijuana offenders through the judicial system. One area of our research is how the legalization of marijuana changes the rates of arrest and incarceration of marijuana offenders. Using the data requested from, New Frontier Data will create models for how marijuana incarcerations have changed in the state since legalization and how incarceration rates might change in other states which are debating legalization in the next two to four years. Additionally, New Frontier Data will use the data from to develop a model for how state expenditures on prohibition enforcement (arrests, processing, incarceration, and probation) might change following legalization.

The public interest is served when bona fide research bodies like New Frontier Data are provided records and information related to the custody and correction of offenders in local facilities so long as confidential identifying information is not provided.

The information sought does not contain any confidential information or other personal and sensitive information but information/data that is routinely controlled, created or obtained by federal government agencies and research organizations. To the extent that a portion of the information requested herein is exempt by provisions of law, I ask that exempted information be reasonably segregated and deleted from any materials to be provided, or for the agency to determine in their discretion if disclosure of exempted information may proceed.

Please respond to this request within fifteen to thirty days, either by providing all the requested records or by providing a written response setting forth the legal authority on which you rely in withholding or redacting any document and stating when the documents will be made available.

To avoid copying costs, I ask that any records maintained in electronic format be provided in that same format.

I recognize that this request may encompass many documents and appreciate your time and effort in preparing and sending them. If you anticipate additional costs for copying documents, or that the time needed to copy the records will delay their release, please contact me so that I can discuss reimbursement and arrange to inspect the documents, or decide which documents I wish to have copied. Otherwise, please copy and send them as soon as possible.

If I can provide any clarification that will help identify responsive documents or focus this request, please contact me at 1.844.420.3882 x123 or HTonoyan@newfrontierdata.com.

Thank you for your time and attention to this matter.

Sincerely,

Hovanes Tonoyan
Project Manager, Research and Analytics
New Frontier Data
1.844.420.3882 x123
HTonoyan@newfrontierdata.com