

Criminal Justice System Impacts of Cannabis Decriminalization & Legalization

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Introduction

The decriminalization and legalization of cannabis (i.e. marijuana) is a highly debated topic in the U.S. State and local policies on cannabis possession and distribution have been continuously changing since the 1970s, and the patchwork of different approaches across states raises questions about how these policies are impacting criminal justice system resources and outcomes. This paper summarizes the research on the impacts of cannabis decriminalization and legalization on the criminal justice system, specifically focusing on six impacts: 1) cannabis and other drug possession arrests, 2) racial disparities in cannabis-related arrests, 3) broader crime rates, 4) criminal justice system resources, 5) impacts on border states, and 6) the experiences of law enforcement.

Collectively, the studies suggest that cannabis decriminalization and legalization are not having overwhelmingly positive or negative effects on the criminal justice system. Decriminalization and legalization lead to fewer cannabis-related arrests, and evidence does not indicate that loosening cannabis restrictions causes more arrests for other drugs or increases the general crime rate. However, cannabis decriminalization and legalization alone do not lead to fewer racial disparities in cannabis-related arrests, impacts on enforcement in states bordering those with legalized cannabis appear to be mixed, and the mechanisms through which decriminalization and legalization might result in more effective use of criminal justice systems resources are unclear. Before discussing the relevant research, I offer a brief background and history about decriminalization and legalization in the U.S.

Cannabis Decriminalization and Legalization

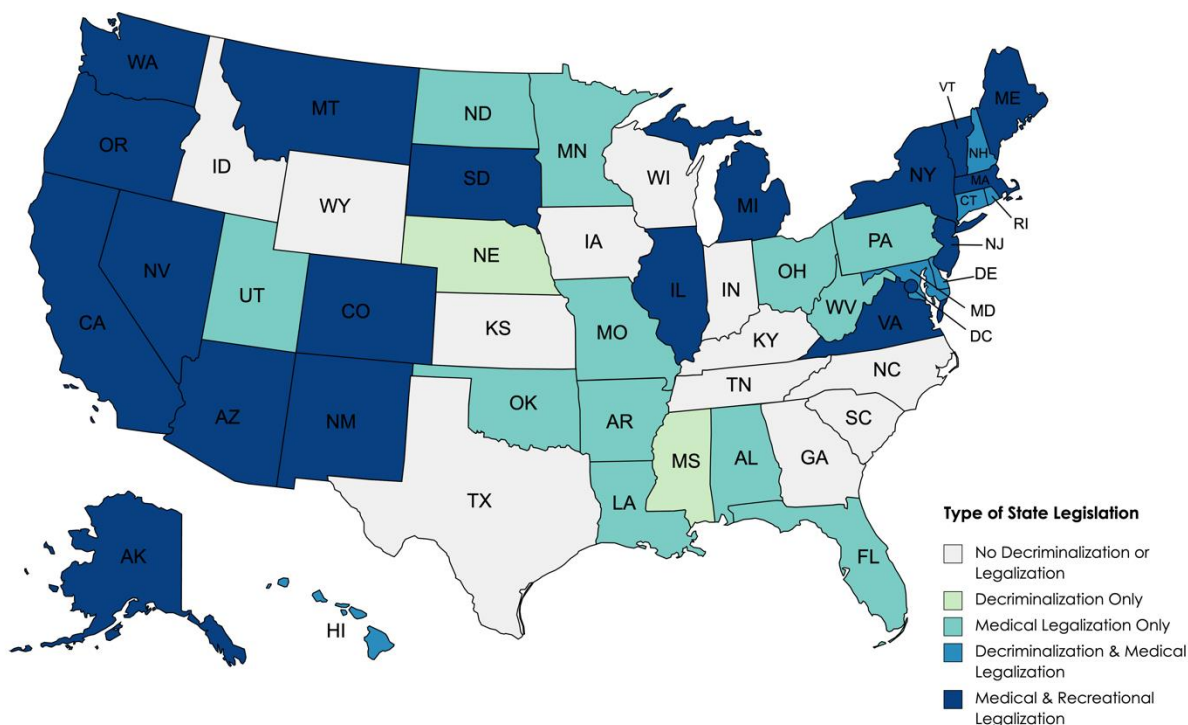
It is important to distinguish between decriminalization and legalization. Decriminalization is the removal of criminal sanctions for certain cannabis-related activities, subjecting those activities to civil infractions (Hartman 2021). Under decriminalization, while the activities remain illegal, an individual would not be subject to criminal consequences for violation of the law. Legalization refers to the removal of penalties for cannabis use and possession within the parameters set by

legislation. This allows the substance to be regulated and consumed, much like the approach states have taken with alcohol and tobacco.

States began decriminalizing small amounts of cannabis in the 1970s, beginning with Oregon in 1973. State legislation to decriminalize cannabis slowed during the tougher policies and enforcement of the “War on Drugs” era in the 1980s and early 1990s (Kozlowski et al. 2019). Nebraska decriminalized cannabis in 1978, and it was not until 2001 that another state would pass legislation decriminalizing non-medical cannabis. As of April 2021, 27 states and Washington, D.C. have passed legislation either decriminalizing cannabis or reducing low-quantity possession to a misdemeanor without the potential for jail time (Hartman 2021). The specifics of decriminalization legislation vary by state. Generally, states have reduced low-quantity cannabis possession to a civil violation, meaning that, at most, individuals would be subject to a fine. The amount thresholds also vary—states have decriminalized as little as a few grams to as much as six ounces—and in some states, first offenses are treated as a civil violation but repeat offenses are misdemeanors. Decriminalization does not extend to the sale of cannabis.

In 1996, California became the first state to legalize medical cannabis, and Colorado and Washington became the first two states to legalize recreational cannabis use in 2012. As of June 2021, 36 states and Washington D.C. have medical cannabis laws in effect.¹ As of June 2021, 17 states and Washington D.C. have legalized small amounts of cannabis for recreational adult use (Ibid). See Figure 1 for a map illustrating states’ action on decriminalization and legalization.

Figure 1: State Legislative Action on Cannabis Decriminalization and Legalization



¹ In 2020, voters in Mississippi approved a ballot initiative to legalize medical cannabis, but it was overturned by the Mississippi Supreme Court in May 2021. South Dakota approved both medical and recreational legalization in 2020 through ballot initiative, but the recreational legalization measure was declared unconstitutional by a circuit court judge in November 2020 and, as of June 2021, is before the South Dakota Supreme Court.

Notes:

1. States categorized as having decriminalized cannabis are those that have decriminalized possession of certain quantities altogether (i.e. made it a civil violation) or in certain circumstances (e.g. first-time possession of less than the specified amount). Louisiana, Minnesota, Missouri, North Carolina, North Dakota, and Ohio have all passed legislation removing carceral sentences for low-quantity cannabis possession. However, in each of these states, low-quantity possession is still a misdemeanor.
2. South Dakota is shown as having legalized both medical and recreational cannabis. As of June 2021, the constitutional amendment legalizing recreational use was invalidated by a lower court and currently is on appeal to the state supreme court.
3. This map does not include state legislation regarding cannabidiol (CBD). As of 2021, CBD can be legally used in all U.S. states within the parameters set by state legislation. Given that CBD is non-psychoactive and is therefore regulated differently than cannabis, it is outside of the scope of this paper.
4. This map reflects legislation passed as of June 2021—some states' legalization and decriminalization legislation will take effect later in 2021 or 2022.
5. Map adapted from the National Conference of State Legislators (Hartman 2021) and the Marijuana Policy Project (2021).

The studies summarized in this paper include analyses of the impacts of both decriminalization and legalization. When considering state-level impacts of decriminalization, it is important to note that local jurisdictions have also reformed cannabis enforcement. Some of the studies discussed in this paper consider local-level policies to deprioritize cannabis enforcement or even decriminalize possession of small quantities of cannabis within their jurisdiction. Therefore, cities may act further on existing state-level decriminalization legislation, or they may enact policies that are more progressive than the state-level position on cannabis. For instance, Ross and Walker examined outcomes of local-level low-priority initiatives in California (2016). Low-priority initiatives require police to make minor cannabis possession offenses the lowest priority in their enforcement activities (Ibid). The authors compared California cities with and without low-priority initiatives from 2000-2009. During this time, possession of less than an ounce of cannabis was already treated as a misdemeanor rather than a felony, but it was before the passage of 2011 legislation further reducing possession of less than one ounce to an infraction. Conversely, in their study of local decriminalization policies, Tran and colleagues studied local-level initiatives in Pennsylvania, where cannabis had not been decriminalized at the state level (2020). The differences between state and local-level analyses is a central theme of this paper, and analyses of the impacts of legislation in certain states may be complicated by the fact that some local jurisdictions were already deprioritizing or decriminalizing cannabis. The fact that action has been taken at multiple levels of government is important context for understanding the layers of cannabis policies in the U.S.

Possession and Drug-Related Arrests

A decrease in arrests for cannabis possession is an obvious expected outcome of decriminalization and legalization. Scholars have examined the effects of these policy changes on arrest rates since decriminalization began in the 1970s. Older and more recent studies suggest that decriminalizing and/or legalizing cannabis does result in fewer cannabis-related arrests, and there is no evidence to suggest a causal relationship between cannabis decriminalization or legalization and increases in other drug-related arrests.

Following the passage of legislation in 1975 reducing possession of ounce or less of cannabis from a felony to a misdemeanor in California, the state's Departments of Health and Justice undertook a joint study to consider its impacts on the criminal justice system. In the first six months of 1976, adult cannabis possession arrests reduced by nearly half compared to the same period in 1975 before the policy change, reducing from 24,351 to 12,913 (Budman 1977). Arrests for non-cannabis felony drug offenses increased by 18% for adults during the same time period, and arrests for heroin increased by 48%.² However, the author noted that there was not enough information to draw a causal relationship between decriminalization of cannabis and an increase in arrests for other drug offenses. Rather, the author argued that increasing attention on drugs such as heroin, cocaine, and amphetamine during this time was likely behind this increase in arrests (Ibid).

Ohio also passed legislation in 1975, decriminalizing possession of less than 100 grams of cannabis. Arrest data from 1976 indicated that total cannabis-related arrests decreased by 23% in Columbus and Cincinnati following this policy change (Maloff 1981).³

More recent studies have also examined decriminalization's impact on arrests. Maryland decriminalized the possession of less than 10 grams of cannabis in 2012, reducing it from an arrestable offense to a criminal citation. This was further reduced to a civil citation in 2014. A case study of Prince George's County, Maryland (the second-largest jurisdiction in the state) examined enforcement activities between 2010 and 2015 and found that there was a 54% decrease in the county-wide arrest rate for cannabis possession of any amount (Kozlowski et al. 2019). This decrease in arrests coincided with an increase in cannabis possession citations, which increased by 1,031% during the same time period (Ibid). The authors argued that given this sharp increase in citations, changing the penalty for low-quantity possession to a citation did not simply have a replacement effect for some possession arrests. It also had a "net-widening effect" where individuals who previously would not have been subjected to enforcement activities for low-quantity possession instead received a citation (Ibid). Therefore, cannabis decriminalization actually increased the total enforcement rate for cannabis possession in Prince George's County.

Another study compared impacts of a local decriminalization ordinance in Philadelphia on cannabis-related arrests. As of the time of the studies, Pennsylvania had not passed statewide cannabis decriminalization, but several of the large cities had passed decriminalization ordinances, and Pennsylvania had legalized medical cannabis in 2016 (Tran et al. 2020). Philadelphia passed an ordinance decriminalizing possession of less than 30 grams of cannabis to a civil offense for first-time offenders. The authors compared cannabis possession arrests for Philadelphia County—which has the same geographic boundaries as the City of Philadelphia—to Dauphin County, an urban county that does not have an equivalent county-wide decriminalization policy (Ibid). They found that overall, cannabis-related arrests decreased by 52.8% in Philadelphia County compared to Dauphin County, and that the biggest change was observed in possession-based arrests (a 66.9% reduction) compared to sales/manufacturing arrests (a 22.8% reduction) (Ibid).

² The author did not specify the offenses included under the umbrella of felony drug arrests. This suggests that the data include possession arrests as well as arrests for other offenses such as manufacturing and trafficking.

³ Raw numbers were not reported.

A 2019 multi-state study funded by the U.S. Department of Justice examined the impacts of decriminalization and legalization on criminal justice system resources in Washington, Colorado, and Oregon.⁴ Following the 2012 legalization of recreational cannabis in Washington, the authors found that cannabis possession arrests generally started decreasing, although there was great monthly variation. A similar trend emerged for cannabis distribution arrests, although there were notably fewer distribution arrests than possession arrests. Arrests for both possession and distribution of heroin and amphetamine/methamphetamine had been increasing before cannabis legalization in Washington, and they continued to increase following legalization. Oregon legalized the possession of small amounts of cannabis in 2015.⁵ Monthly arrest data from 2013 to 2015 showed that arrests for methamphetamine possession made up a much larger proportion of drug possession arrests both before and after legalization. Cannabis possession arrests had been steadily decreasing in 2013 and 2014, and they nearly dropped to zero following legalization. Meanwhile, methamphetamine possession arrests continued to trend upward following legalization. The authors noted that given the recency of these policies, it is not possible to draw conclusions about the long-term impacts of legalization (Stanley & Orchowsky 2019). Further, the data indicated that arrests for cannabis possession and distribution in Washington and Oregon were already decreasing before legalization, suggesting that there already were changes in law enforcement practices before state-level legalization (Ibid).

In their study of all fifty states, Maier and colleagues examined rates of drug-related arrests between 2010 and 2014 (2019). Findings indicated that arrests for cannabis possession were statistically significantly lower in states that had legalized cannabis (Ibid). However, there was no statistically significant difference in other drug possession arrests based on the classification of state cannabis laws (i.e. legalized, decriminalized, or no action).

These studies suggest that decriminalizing and legalizing cannabis does reduce cannabis-related arrests, at both the state and local levels. Further, the studies that considered rates of other drug-related arrests did not find evidence to support the assumption that legalizing or decriminalizing cannabis will increase the use of other drugs. Comparing local and state-level studies reveal that more research could be done into how decriminalization and legalization affects local enforcement activities. State-level studies are valuable because they can provide a broad picture of impacts on cannabis arrests, but local-level studies may be more useful in understanding the nuances in how these different policies impact law enforcement behavior.

Racial Disparities in Cannabis-Related Arrests

Racial disparities in drug-related arrests are well-documented: people of color, particularly Black people, have been far more likely to be arrested for cannabis possession for decades (Mitchell & Caudy 2013). In 2010, Black individuals were almost four times more likely to be arrested for cannabis possession as White individuals, despite similar rates of use (Tran et al. 2020). It is difficult to quantify impacts on Hispanic or Latino individuals, given that ethnicity data are not uniformly collected, but data suggest that Hispanic and Latino people are also arrested for cannabis possession at higher rates than White people (Mitchell & Caudy 2013). Therefore, the

⁴ Colorado did not provide data in time to be included in the quantitative analysis.

⁵ Given that the recency of this policy change, only three months of data were available for the post-legalization period in Oregon. Therefore, this analysis only examines short-term impacts.

potential to reduce disproportionate impacts on communities of color is another argument offered by proponents of decriminalization and legalization.

A 2019 study examined the rates of arrests by race in Washington State before and after legalization for adults over 21 in 2012 and opening for retail sale in 2014. The authors found that possession arrests for both Black and White adults over 21 decreased by 87% after possession was legalized (Firth et al. 2019). However, following the opening of the retail market, the relative disparities in rate of arrests for Black adults compared to White adults grew from 2.5 times higher to 5 times higher (Ibid). For adults between 18 and 21 years, arrest rates also dropped by 46% following legalization, but did not change significantly following the opening of the retail market, nor did the disparities between White and Black people change (Ibid).

Tran and colleagues' 2020 study of local decriminalization ordinances in Pennsylvania specifically analyzed arrest rates by race. While cannabis-related arrests decreased by 52.8% in Philadelphia County following the passage of its ordinance, disaggregating the results by race revealed uneven impacts. Black people in Philadelphia County experienced a greater absolute reduction in overall cannabis-related arrest rates (a 34.9% reduction compared to 13.0% for White people). However, the arrest rate disparity for cannabis sales/manufacturing arrests increased—arrests for White people decreased by 20.9% while they decreased by only 7.1% for Black people).

Firth and colleagues argue that decriminalization and legalization alone are not sufficient policy changes to reduce racial disparities in cannabis-related arrests (2019). While studies indicate that cannabis use is similar among Black and White Americans, Black Americans continue to be disproportionately impacted (Ibid). Collectively, these studies suggest that when solely considering absolute reductions in cannabis-related arrests, decriminalization policies appear to reduce arrests for both Black and White individuals. However, while these policies may result in fewer arrests overall, they do not address the persistent racial disparities in cannabis-related arrests, as people of color continue to be disproportionately arrested.

General Crime Rates

Opponents of decriminalization and legalization often argue that less severe penalties or greater access to cannabis may increase the overall crime rate. The primary theories to support this argument revolve around impaired behavior due to substance use, increased property crime to fund drug purchases, and violence between sellers and users (Maier, Mannes, & Koppenhofer 2019). The relationship between state-level cannabis policy changes and state-level crime rates has been a primary topic of study. Overall, state-level research suggests that cannabis decriminalization and legalization have little impact on the general crime rate—some studies find that it may even decrease crime rates—while more local studies find that retail sales following legalization may have mixed effects on crime rates (Kozlowski 2019).

A fifty-state study compared the violent and property crime rates between 2010 and 2014 of states that had decriminalized or legalized cannabis with those of states that had not done so. The authors specifically focused on property and violent crimes rates and the relationship with cannabis policies. Their analyses revealed that property and violent crimes rates tended to be slightly higher in states where cannabis was completely prohibited, although this difference was

not statistically significant (Maier, Mannes, & Koppenhofer 2019). Looking at states that had decriminalized or legalized cannabis, there was no statistically significant relationship between these policies and the state-level violent and property crime rate, even when controlling for key variables (e.g. education, employment, and poverty levels) (Ibid). The only major difference was that the crime rates for aggravated assault and larceny were statistically significantly lower in states that had decriminalized cannabis compared to those that had not (Ibid). Based on these findings, the authors argued that the legal status of cannabis did not predict the general rates of violent or property crimes in 2014 (Ibid).

Other studies have specifically considered the impacts of cannabis legalization on crime. A 2016 study examined the 11 states in the Western census region to compare violent and property crime rates among the 7 states in the region that had legalized medical cannabis to the three that had not. The findings suggested that there was no statistically significant relationship between medical cannabis laws and property and violent crime rates (Shepard & Blackley 2016). A similar study of recreational legalization in Colorado and Washington similarly found no statistically significant long-term, positive relationship between cannabis legalization and retail sale and state-level rates of violent or property crimes (Lu et al. 2019).

A more localized study in Colorado examined the effect of cannabis dispensaries on crime rates at the neighborhood level from 2013 to 2016. The findings indicated that an additional dispensary in a neighborhood corresponded with a 19% decline in the average crime rate (Brinkman & Mok-Lamme 2019). Further, they did not find a spillover effect on adjacent neighborhoods' crime rates, either positively or negatively (Ibid). This is in contrast with previous neighborhood-level research in California. A 2016 study of density of medical cannabis dispensaries in Long Beach, California found that increased density of dispensaries did not have an effect on property or violent crime in the localized area, but did have a positive relationship with increased crime in adjacent neighborhoods (Freisthler et al. 2016). The authors suggested that this could be due to the private security surrounding dispensaries pushing criminal activity further from dispensary sites or shifting law enforcement activities into adjacent neighborhoods leading to higher crime detection (Ibid).

Therefore, evidence does not support the assumption that loosening cannabis policies will cause a spike in violent or property crime. However, local-level analyses indicate that the operationalization of cannabis legalization, specifically in terms of dispensary location, could have implications for neighborhood crime. This is consistent with research that criminal activity tends to be highly localized around certain neighborhoods and businesses (Brinkman & Mok-Lamme 2019). Determining how to implement the legalization of medical or recreational cannabis and where to locate dispensaries may be more meaningful for local crime rates rather than the discrete policy change at the state level.

Criminal Justice System Resources

Central to the arguments for cannabis decriminalization and legalization is the opportunity to reduce criminal justice system costs or reallocate resources to more serious crimes. This motivation was examined in the earliest evaluation of California's decriminalization legislation. Analyses suggested that cannabis-related arrests cost law enforcement agencies \$5.4 million in January to June 1975 pre-decriminalization, and \$850,000 in the same time period post-

decriminalization in 1976 (Budman 1977). Estimated costs for pretrial detention also declined, dropping from \$2.2 million to \$300,000. Court processing costs decreased from \$9.4 million to \$2.0 million. However, the author noted that the implementation of new administrative processes associated with the legislation, including record destruction and new filing system creation added to law enforcement workload (Ibid).

Other older studies examined cost savings shortly after decriminalization started in the 1970s and 1980s. For instance, a 1988 study of cannabis decriminalization in California estimated that cannabis decriminalization resulted in a total \$1 billion in savings from 1976 to 1986 (Aldrich & Mikuriya 1988). A 1979 report estimated cost savings achieved in Maine due to decriminalization to be \$349,574 annually due to reductions in arrests and more efficient case processing (Fulton, Clark, & Robinson 1979).

The lack of more current studies could be due to the relative recency of cannabis policy changes or difficulties in parsing out the cost savings that are directly attributable to reduced enforcement of cannabis offenses. A common indicator of resource reallocation is the crime clearance rate for more serious crimes, as proponents argue that not enforcing cannabis offenses will free up law enforcement time and resources to solve more cases. The research on this potential outcome is mixed, and considers both misdemeanor and felony enforcement.

A 2016 study of local policies to make cannabis enforcement a low priority for law enforcement in California did not find a statistically significant impact of reduced cannabis enforcement on felony clearance rates (Ross and Walker). The authors acknowledged that there are certain mechanisms that could be causing these findings, but that they are not well-defined in the literature or in practice. For instance, it is unclear how much time reduced cannabis enforcement actually frees up for law enforcement, and it is also not well-understood as to how time and resources directed toward misdemeanors may be translated into more attention toward felony violent or property crimes (Ibid). That is, while fewer resources may be devoted to misdemeanor cannabis offenses, that does not mean those resources are automatically and equivalently transferred to felony enforcement.

This idea of unknown contributing factors was echoed in a 2019 study in Colorado and Washington State, albeit with different findings. State-level analyses of data from 2010 to 2015 revealed slight improvements in both immediate and long-term crime clearance for certain crimes in Colorado and Washington following recreational legalization. Specifically, Washington's clearance rate for motor vehicle theft increased by 5% following legalization in 2012, and it increased by nearly 3% more than the average crime clearance rate for the states that had not legalized (Makin et al. 2018). Through the end of 2015, crime clearance rates increased slightly, but were not statistically significant. Colorado saw more muted immediate effects in 2012, but over the long-term until 2015, there were several small but statistically significant impacts on clearance rates. For instance, larceny clearance rates increased by 1.79% more than the state average (Ibid). The authors acknowledged that only assumptions could be made about the mechanisms behind these shifts. More research is needed into explanatory factors to understand if a redirection of resources or new law enforcement strategies for crime clearance are behind these shifts.

Impacts on Border States

A final concern of cannabis decriminalization and legalization is that it will have a spillover effect on bordering states, increasing criminal justice resources that must be devoted to cannabis-related enforcement in those jurisdictions. This concern also extends to impacts on U.S. border states and the perception that legalization will increase rates of drug trafficking over the northern and southern borders. Studies of border state impacts have found mixed results, with state-level analyses finding minimal impacts on cannabis possession arrests in states bordering legalized states, while county-level analyses suggest that counties bordering legalized states experience increased cannabis-related arrests. Analyses of the impacts of legalization on drug trafficking are challenged by reliable data, so conclusions cannot be drawn about legalization's impacts on drug trafficking.

In their multi-state analysis of Western states, Farley and Orchowsky specifically examined two outcomes: 1) impacts on criminal justice resources in states bordering those that have legalized cannabis (i.e. Nebraska, Nevada, Oklahoma, Utah, and Kansas), and 2) impacts of decriminalization and legalization on drug trafficking through states along the U.S. borders (i.e. California, Arizona, Idaho, Oregon, and Washington). Turning first to criminal justice resources, the authors did not find significant impacts on states bordering those that had legalized cannabis. Generally, cannabis arrests in these states remained relatively stable, and in Oklahoma they actually decreased after legalization in Colorado (Farley & Orchowsky 2019). Similar to the trends in the legalized states, arrests for other types of drugs were generally much higher than for cannabis and were either increasing or remaining stable before and after legalization in other states (Ibid). Turning to drug trafficking trends, the authors acknowledged that data availability was a barrier to a solid analysis, particularly due to the lack of standardization in how states collect data (Ibid). Analyses from Idaho indicated that arrests associated with seizures of cannabis (used as a proxy measure for drug trafficking) had been increasing before legalization in Washington and continued to increase following legalization, while arrests for seizures of heroin and methamphetamine remained much lower and relatively stable. In Washington, data revealed much greater seasonal variation in arrests associated with drug seizures. However, arrests for cannabis seizures generally continued to decline following legalization, while heroin and amphetamine seizures—which had been increasing before legalization—continued to tick upward (Ibid). This analysis does not establish causation between legalization and drug trafficking.

Following Colorado's medical cannabis legalization in 2000 and recreational legalization in 2012, Ellison and Spohn considered impacts on cannabis enforcement in Nebraska, specifically examining cannabis-related arrest rates and jail admissions from 2000 through 2013 (2015). The analysis compared counties bordering Colorado and the counties along the I-80 corridor to the remaining counties in the state. The findings suggested that Nebraska counties along the Colorado border experienced statistically significant higher rates of cannabis possession arrests, sale arrests, and jail admissions from 2009-2013 (Ibid). There were no significant impacts along the I-80 corridor (Ibid). Further, there was no significant difference between cannabis-related arrest rates and jail admissions between the border or I-80 corridor counties and the other counties in Nebraska in the four years following medical cannabis legalization (Ibid).

Hao and Cowan specifically examined drug possession arrests in border counties of neighboring states following recreational legalization in Colorado and Washington in 2012, comparing them to non-border counties (2019). While border counties had higher levels of cannabis possession-arrests even before legalization, 2012 saw sharp increases in possession arrests that peaked in 2014 (Ibid). On average, counties that bordered Colorado saw a 29% increase in cannabis possession arrests compared to non-border counties, and in counties that bordered Washington the increase was 33% (Ibid). The authors acknowledged that this increase was likely not only due to increase in possession, but also likely due to increased police activity at the border following legalization in other states (Ibid).

Law Enforcement Experiences & Concerns

Several scholars have conducted interviews with law enforcement officers to understand their experiences and concerns as these laws have changed. Some common concerns include:

1. Traffic safety, as there is both empirical evidence and police perception that drugged driving is increasing (Farley & Orchowsky 2019; Stohr et al. 2020)
2. Youth access to cannabis and increasing youth use rates (Ward, Lucas, & Murphy 2018, Farley & Orchowsky 2019; Stohr et al. 2020)
3. Increased potency of cannabis products and perceptions that this increases violent behavior (Ward, Lucas, & Murphy 2018; Farley & Orchowsky 2019; Stohr et al. 2020)
4. The persistent black market for cannabis and other drugs (Farley & Orchowsky 2019; Stohr et al. 2020)
5. The need for ongoing training and strategies to enforce new cannabis laws

Additionally, Ward, Lucas, and Murphy's study of bordering states' police perceptions of legalization of recreation cannabis in Colorado revealed that departments that were closer to the state border perceived a greater strain on resources (2018). Farley and Orchowsky noted that many interviewees reported that drugs other than cannabis were much larger issues for their agencies (2019). They further stated that these interviews, while not generalizable, provided insight into the lived experience of officers and offer takeaways that should be examined empirically (e.g. increased potency, youth access etc.) (Ibid).

Conclusion

The research summarized here reveals a fairly mixed picture for the criminal justice system impacts of cannabis decriminalization and legalization, and indicates that there is great opportunity for further analysis. Overall, it does not appear that cannabis decriminalization or legalization is having consistent, overwhelmingly negative or positive impacts on the criminal justice system. Whether studies consider data at the state or local level is an important factor in these studies' findings. Studies at the local-level suggest that there may be great local variation in outcomes and enforcement activities that cannot be captured in state-level analysis. Further, while law enforcement perception is that these policy changes are straining resources and increasing workloads, particularly in border states, there are not great estimates for the costs and resource differentials caused by decriminalization and legalization. Given that most of this legislative action is relatively recent, there are opportunities for more research to examine the impacts included in this paper.

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