



Research Paper

Cannabis decriminalization: A study of recent policy change in five U.S. states



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ABSTRACT

Background: A number of public health professional organizations support the decriminalization of cannabis due to adverse effects of cannabis-related arrests and legal consequences, particularly on youth. We sought to examine the associations between cannabis decriminalization and both arrests and youth cannabis use in five states that passed decriminalization measures between the years 2008 and 2014: Massachusetts (decriminalized in 2008), Connecticut (2011), Rhode Island (2013), Vermont (2013), and Maryland (2014).

Methods: Data on cannabis possession arrests were obtained from federal crime statistics; data on cannabis use were obtained from state Youth Risk Behavior Survey (YRBS) surveys, years 2007–2015. Using a “difference in difference” regression framework, we contrasted trends in decriminalization states with those from states that did not adopt major policy changes during the observation period.

Results: Decriminalization was associated with a 75% reduction in the rate of drug-related arrests for youth (95% CI: 44%, 89%) with similar effects observed for adult arrests. Decriminalization was not associated with any increase in the past-30 day prevalence of cannabis use overall (relative change = −0.2%; 95% CI: −4.5%, 4.3%) or in any of the individual decriminalization states.

Conclusions: Decriminalization of cannabis in Massachusetts, Connecticut, Rhode Island, Vermont, and Maryland resulted in large decreases in cannabis possession arrests for both youth and adults, suggesting that the policy change had its intended consequence. Our analysis did not find any increase in the prevalence of youth cannabis use during the observation period.

Introduction

In 2015, the Committee on Substance Abuse and Adolescence of the American Academy of Pediatrics (AAP) issued an updated policy statement and accompanying technical report on cannabis and cannabis policy (American Academy of Pediatrics Committee on Substance Abuse, & American Academy of Pediatrics Committee on Adolescence, 2004; Ammerman, Ryan, Adelman, & American Academy of Pediatrics Committee on Substance Abuse, 2015). As with their 2004 policy statement, the AAP remained opposed to the commercial legalization of recreational or medical cannabis (Joffe & American Academy of Pediatrics Committee on Substance Abuse, & American Academy of

Pediatrics Committee on Adolescence, 2004). However, the committee supported decriminalization and encouraged its members to advocate for policies that prevent harsh criminal penalties for the use or possession of cannabis by youth. Among the reasons for this change in position, the AAP cited the overrepresentation of minority youth among those who incur criminal penalties, the consequences of carrying a criminal record, the loss of educational and employment opportunities, and less obvious effects such as the trauma associated with arrest and short-term detention, even in the absence of criminal conviction. With this updated policy statement, the AAP joined several other public health-oriented organizations in expressing opposition to punitive approaches to address cannabis use, including the American Public Health

Abbreviations: AAP, American Academy of Pediatrics; CDC, Centers for Disease Control and Prevention; CI, confidence interval; OR, odds ratio; UCR, Uniform Crime Reporting; YRBS, Youth Risk Behavior Survey

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Association and the American Academy of Family Physicians (American Academy of Family Physicians, 2016; American Public Health Association, 1970).

A number of U.S. states reduced penalties for cannabis possession during the 1970s, with some reclassifying possession of small amounts as a civil, rather than criminal, offense. Although it might seem obvious that reclassification of cannabis possession to a non-criminal offense would lead to reductions in the number of cannabis-related arrests, this is not necessarily the case. In a 2005 analysis, Pacula et al. found that states that had reclassified possession of small amounts of cannabis to a civil offense during the 1970s had similar arrest rates to states that retained criminal status for possession (Pacula et al., 2005). One interpretation of this observation is that enforcement of cannabis laws is only weakly related to statutory cannabis policy, in which case changes in policy may not lead to changes in arrest rates (Caulkins, Kilmer, & Kleiman, 2016). It may be that individual criminal justice actors' behaviors remain committed to former approaches even in the presence of significant policy change (Lynch, 1998).

Opposition to decriminalization might stem from concerns about potential unintended consequences, namely, increases in the prevalence of cannabis use and related problems, particularly among youth (DuPont & Voth, 1995; Sabet, 2007). Such concerns arise from a potential decrease in willingness of both police and others to admonish cannabis use and an increase in motivation for young people to use as norms against use are removed. These factors are key components to theories of opportunity for crime and deviance (Cohen & Felson, 1979). However, reviews of the literature on state cannabis policy liberalization measures that were implemented in 11 U.S. states during the 1970s—which are commonly but in some cases incorrectly labeled “decriminalization”—found little or no increase in cannabis use associated with the passage of more lenient policies that relaxed criminal penalties for possession of small amounts of cannabis (Johnston, 1981; Maloff, 1982; Saveland & Bray, 1981; Single, 1989). On the other hand, Pacula et al. later pointed out that these studies did not account for the heterogeneity among the policy changes that occurred during this period (Pacula, Chriqui, & King, 2003). For example, two of the states that relaxed penalties still classified possession as a misdemeanor, and several others reduced penalties only for first offenders. By treating 11 separate state policy changes as homogenous, early analyses may have missed differences between states that implemented substantial reductions in penalties and those that implemented more incremental changes. In their more detailed examination of between-state differences in cannabis policy, Pacula et al. found that—in a cross-sectional analysis—severity of penalties was negatively associated with 30-day prevalence of cannabis use among youth, suggesting that decriminalization or reduction of criminal penalties for cannabis possession might lead to increased youth cannabis use (Pacula et al., 2003).

In recent years, a number of U.S. states have reclassified the possession of small amounts of cannabis as a civil offense, regardless of first-offender status, meeting the generally accepted definition of decriminalization. We are aware of only one study of any recent decriminalization measures, and that study suggested that decriminalization might lead to increased rates of cannabis use among high-school students. Miech et al. (2015) focused on the state of California, which reclassified possession of 1 ounce or less of cannabis from a misdemeanor to a civil offense. Data from the school-based Monitoring the Future survey showed that decriminalization was associated with a concomitant elevation in 30-day prevalence of cannabis use for 12th graders, but not for 8th or 10th grade students. The investigators argued that there may have been an age-dependent response to media coverage and public discussion of the decriminalization measure that occurred prior to its passage. In other words, the changes in social norms accompanying change in policy may have “sent a signal” about public approval and perceived safety to which that cohort was particularly responsive. Thus, that finding presents a further challenge to earlier literature concluding that decriminalization or reduction of criminal

penalties are unlikely to increase cannabis use rates among youth (Caulkins et al., 2016; Johnston, 1981; MacCoun & Reuter, 2001; Maloff, 1982; Single, 1989).

The international literature on decriminalization is more consistent with earlier U.S. findings that use rates are largely unaffected by reductions or elimination of criminal penalties for cannabis use. In perhaps the most well-known case, MacCoun and Reuter (MacCoun & Reuter, 2001; MacCoun, 2011) argued that cannabis use in the Netherlands fell during a period of depenalization and limited *de facto* legalization, and only rose with commercialization. Similar conclusions regarding use rates were also reached in comparisons of trends in the Netherlands to those in the United States and Canada (Reinarman, Cohen, & Kaal, 2004; Simons-Morton, Pickett, Boyce, ter Bogt, & Vollebergh, 2010). Studies of the decriminalization of all drugs in Portugal found decreasing youth cannabis use rates and substantial reductions in drug arrests (Hughes & Stevens, 2010). Studies of decriminalization in the Czech Republic also noted no evidence that the policy affected age of cannabis initiation (Červený, Chomynová, Mravčík, & van Ours, 2017). Finally, in an analogous example to that of states in the United States, Australian states that decriminalized cannabis did not experience increases in use among adolescents compared to states that had not (Donnelly, Hall, & Christie, 2010; Williams, 2004). However, a more recent study of policy changes within Australia suggested that decriminalization may shift cannabis initiation to younger ages, but that this effect fades about five years after implementation (Williams & Bretteville-Jensen, 2014).

The objective of this study is to evaluate both the intended and unintended consequences of cannabis decriminalization policies in five states that downgraded sanctions for possession of small amounts of cannabis from a criminal to a civil offense between 2008 and 2014: Massachusetts, Connecticut, Vermont, Rhode Island, and Maryland. Prior to the change, each of the five decriminalization states imposed a fine and possible jail time, though probation and eventual sealing of criminal records were possible in some cases. Following adoption of the decriminalization policies, the penalty for possession in each state for first and subsequent offenses was reduced to comparatively small fines.

Our first goal was to examine whether the policy change in these states led to reductions in arrest rates for both adults and minors. The purpose of these analyses was to assess whether the change in policy led to a reduction in criminal arrest rates as intended, and also to highlight any effects of the policy changes on youth arrest rates, thereby examining whether this recent wave of decriminalization was beneficial by the standards of the AAP and other bodies that have expressed concern about the consequences of criminalization and cannabis-related arrests for youth (American Academy of Family Physicians, 2016; Joffe & American Academy of Pediatrics Committee on Substance Abuse, & American Academy of Pediatrics Committee on Adolescence, 2004; American Public Health Association, 1970). Additionally, we sought to determine whether the policy change in these states may have had unintended consequences in the form of increased prevalence of cannabis use among youth in the period following decriminalization, which ranged from one to six years for the period under study.

Methods

Overview

Data on arrests for cannabis possession were from the Uniform Crime Reporting statistics collected by the U.S. Federal Bureau of Investigation. Data on youth cannabis use were collected from the school-based Youth Risk Behavior Survey. Both of these data sources are described in greater detail below. For both outcomes, we utilized a difference-in-difference regression framework in which outcome variables were modeled as a function of policy, with state and year dummy variables included as covariates. In this manner, policy regression coefficient estimates reflect the change in the mean level of the

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