



Has crime increased in states that legalized marijuana? The answer is complicated

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By Sarah Westwood

As Congress considers legalizing marijuana on the national level, some Republicans have raised concerns about the impact such a move would have on the country's rising crime rate.

“In short, this bill would be an enormous gift to the cartels and gangs, and in the midst of a nationwide violent crime surge,” Sen. Tom Cotton (R-AR) said last week at a hearing about Senate cannabis legislation.

Cotton is not the only GOP lawmaker to sound the alarm over reforming the rules around marijuana. In fact, the debate over legalization has raged for decades and, despite years of data from the states that have allowed the drug, produced little in the way of consensus.

Nineteen states and the District of Columbia have legalized marijuana for nonmedical use, according to the National Conference of State Legislatures.

Many more have created exceptions in their laws to allow for medical marijuana use.

And even in states that do not by statute allow recreational marijuana use, some liberal cities have backed away from prosecuting lower-level drug use or possession crimes, including those related to marijuana.

Baltimore State's Attorney Marilyn Mosby, for example, announced last spring that her prosecutors would no longer go after prostitution and drug possession — more than a year before her state moved to legalize recreational marijuana use. Voters in the state will decide whether to legalize the drug in November.

Crime has skyrocketed in Baltimore over the past two years. The city is experiencing a record number of homicides, which are up 31% this year over last.

But whether loosening the rules around marijuana has led directly to an increase in crime, in Baltimore and elsewhere, is nearly impossible to determine.

Cities that decriminalize marijuana use tend to be led by Democrats who have pursued a host of criminal justice reforms in concert with their shift in approach to marijuana, such as ending cash bail systems, declining to try juveniles as adults, and encouraging more lenient plea deals that put criminals back into society more quickly.

The effect of all those policies together can contribute to a rise in crime — not just the change in policing cannabis. And many legalization laws long predate the increase in violence that has gripped the nation since the start of the pandemic.

Betsy Brantner Smith, a retired police sergeant and spokeswoman for the National Police Association, said legalizing marijuana can cause downstream effects for law enforcement officers in jurisdictions where the drug is legal.

“The whole country, we’re seeing this increase in crime that goes hand in hand with a decrease in concern about things like substance abuse,” Smith told the *Washington Examiner*. “The problem is, when you continue to desensitize the population against substance abuse, you start to desensitize them against a sense of right and wrong.”

Smith, who trains police officers, said she hears from “boots on the ground” that legal cannabis isn’t itself fueling higher crime rates.

“So does cannabis use or legalization of cannabis cause more crime? We don’t see that it causes more crime, but what we see is just that total descent into irresponsibility,” she said.

Some experts argue the legalization of marijuana actually lowers crime, pointing to the lower number of arrests and prosecutions associated with marijuana.

Supporters of legalizing marijuana say such reforms lower incarceration rates and can even lead to an overall reduction in substance abuse, as illegal drug operations get disrupted by the legal marijuana trade that is allowed to flourish and people addicted to other kinds of drugs or alcohol are offered a safer and permissible choice in marijuana.

But some data suggest that the use of other drugs increases when marijuana is legalized.

A 2019 Office of Justice Programs study showed that in the two years after Washington state legalized recreational marijuana use, arrests for the possession and distribution of heroin and methamphetamine increased, while arrests for marijuana possession and distribution, obviously, fell.

Although the same trend did not occur in Oregon after marijuana was legalized, law enforcement officers interviewed in states that changed their marijuana rules reported a number of negative side effects from the reforms.

“Respondents in Colorado in particular reported an increase in the homeless population from individuals moving to the state for jobs in the marijuana industry that failed to materialize,” the study noted.

“An Oregon respondent reported a 55-60% increase in marijuana-related DUIs,” the study added.

Leaders in states where marijuana remains illegal, but which border ones that have legalized the drug, have also had to contend with spillover effects.

“Rather than being an experiment in democracy confined within one state’s borders, Colorado’s marijuana scheme has become a harmful national nuisance, threatening our kids, fueling organized crime, and siphoning limited law enforcement resources,” Nebraska Attorney General Doug Peterson testified to the Senate in 2016.

Colorado legalized marijuana use in 2012.

Peterson, an opponent of legalization, testified to the ways sanctioning marijuana production in Colorado had increased crime in nearby Nebraska. He said that “significant amounts” of Colorado-grown marijuana had surfaced in his cities.

“As lower quality marijuana has been displaced by high-potency products from Colorado, the street price has spiked. This, in turn, has contributed to an increase in drug trade-related violence, which law enforcement ascribes to higher prices and increased currency flows,” Peterson said.

Not all states that have legalized marijuana track drug usage and crime statistics the same, so closely tracking the relationship between legalization and public safety overall is difficult.

An analysis from the Cato Institute in 2020 reported mixed results from a handful of states that changed their laws.

The analysis found that after legalizing cannabis, most states’ crime levels generally followed the national average. After legalization, crime decreased compared to the national average in Nevada and Maine, but it increased relative to the average in Alaska and Massachusetts.

Smith said she supports the concept of Congress legalizing cannabis nationwide, in large part to combat the confusion created by the patchwork of laws at the state level.

But she said the overall effects of allowing more drug usage in the country have been harmful.

“We have reached a point in this country with crime that it’s been so politicized and misunderstood and downplayed, that we have really reached a critical point where right and wrong has become extremely blurred,” she said. “And in all of that is the drug issue, and what is going to happen is already what we’re seeing happen: We have young people that, we’re seeing a high suicide rate, we’re seeing a high substance abuse rate, and society cannot continue to thrive in an atmosphere like that.”