

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/tougher-drug-law-enforcement-does-not-increase-public-safety>

Public Facing Advocacy Writing

Attorney General [Jeff Sessions issued a memo yesterday](#) reversing an Obama-era policy that discouraged federal prosecutors from enforcing federal marijuana laws in states that have legalized the drug.

This announcement is a continuation of the tough-on-crime policies announced earlier by this administration. In May 2017, it issued [a directive instructing prosecutors to pursue the most serious charges](#) including mandatory minimums in most drug cases. At the time, [Vera published commentary on the dangers of restarting the War on Drugs](#), which filled the nation's prisons and cost taxpayers billions of dollars with no demonstrable impact on crime, rates of drug use, or the health of communities.

Decades of evidence show that tough enforcement of drug laws, including laws against marijuana, do not improve public safety. A recent Vera report, [Minimizing Harm](#), explains in detail the evidence against incarceration as a response to drug use, crime, and public health concerns.

States that have legalized some forms of marijuana and decreased enforcement for low-level possession can testify to this fact. A comprehensive analysis of states that legalized marijuana for medical use, conducted in 2014, found no link between marijuana and violent crime. Additionally, the City of Denver which legalized marijuana for recreational use released data showing that marijuana-related offenses accounted for just .5 percent of all reported crime in the city.

Still, law enforcement expends huge amounts of resources arresting people on low-level marijuana possession. According to estimates based on data provided by the FBI, last year there were 587,700 arrests for marijuana possession nationally; more than the total for murder, rape, aggravated assault, and robbery combined. In New York, the NYPD made 440,000 arrests for marijuana possession between 2002 and 2012 an estimated one million hours of police time.

Police also express limited support for this level of enforcement. A poll conducted by the Pew Research Center found that more than two-thirds (68 percent) of police surveyed believed that marijuana use should be allowed for recreational or medical use. Eighty-four percent of the public surveyed believed that marijuana use should be allowed in certain cases including 49 percent who supported legalization for recreational use. And, lawmakers on both sides of the aisle have issued statements against this change in policy.

This anticipated increase in enforcement of marijuana laws comes at a time when crime rates across the nation are at their [lowest point in decades](#). Reverting back to the policies of our nation's failed War on Drugs will not only make us less safe, it will also come at significant cost to society.

Evidence shows that marijuana arrests overwhelmingly target people of color. Last year, 85 percent of arrests in New York for minor possession involved black or Latino people despite similar rates of use across racial and ethnic groups. In New York State, black and Latino people have made up an average of 94 percent of people in prison for drug felonies since the passing of the state's harsh Rockefeller drug laws in 1973. (Some reforms to these laws were implemented in 2009, including the elimination of mandatory minimums for small-scale possession.) This amounts to countless lives ruined by the impact of incarceration and the consequences of a permanent criminal record.

Today, New York is an example of how state leaders recognize that we can be safer without aggressive enforcement of low-level crimes. Crime rates in New York City have dropped significantly over the last several decades, and New York Governor Andrew Cuomo recently announced legislative proposals for 2018 that include reforms to the state's cash bail, due process, and speedy trial laws.

Reducing harmful drug use and improving public safety are all valuable priorities for our local, state, and federal governments. Yet allocating federal resources to overturn decisions made by the states as this new announcement will do is a step in the wrong direction. We need effective, evidence-based responses to drug use that both reduce harm and help to mitigate the consequences of over-criminalization.

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