

Why the District Attorneys Oppose Decriminalizing Marijuana Possession

The eleven Massachusetts District Attorneys - - as well as Governor Deval Patrick, Attorney General Martha Coakley, Boston Mayor Thomas Menino, the Massachusetts Association of School Superintendents, the Boston Ten Point Coalition, Mothers Against Drunk Driving, and many others - - unanimously oppose Ballot Question 2.

Question 2, which would decriminalize the possession of up to an ounce of marijuana, represents an extreme departure from current Massachusetts law and will drastically change the way drugs affect our daily lives. Question 2 will allow drug dealers and users to possess and carry up to an ounce of marijuana subject only to a civil penalty of \$100 – *less than the fine for a speeding ticket*.

How much is an ounce? Depending on its potency, the street value of an ounce of marijuana can range from \$200-\$300 in less populated areas to \$500-600 in major urban centers.

An ounce can be broken down into dozens of packages for individual sale. By decriminalizing an ounce, Question 2 emboldens and enables drug dealers to use our kids to sell their product with minimal risk of meaningful consequences.

State and national data indicate that, after many years of effort, drug use among teens is finally going down. Why should we pass a ballot question that signals to our children that marijuana use is OK?

**Here are more reasons why decriminalizing marijuana
is bad for us and bad for our kids:**

Today's marijuana is engineered for potency (9 times stronger than the pot of the 60s and 70s) and it is the leading cause of MA adolescent hospital admissions for substance abuse treatment.

There is a reason marijuana is a controlled substance: it is an intoxicant that can compromise cognitive, lung and heart function. A recent spate of medical literature documents its links to carcinogens, heart disease, depression and onset of psychotic illness. In July 2007 the Lancet, Britain's premier medical journal, publicly reversed its 1995 stand (that marijuana use was not harmful) with these words:

- *Research published since 1995, including [the] systematic review in this issue, leads us now to conclude that cannabis use could increase the risk of psychotic illness. ... governments would do well to invest in sustained and effective education campaigns on the risks to health of taking cannabis.*

The blunts our kids are smoking are “not your mother’s marijuana”. The June 2008 Califano Report ([Non-Medical Marijuana III: Rite of Passage or Russian Roulette 2008.pdf](#)) notes that the THC level (marijuana’s primary psychoactive ingredient) in *today’s marijuana is nine times stronger* than the marijuana of the 1970s.

Both nationally and in Massachusetts, overall drug use by teens - - including marijuana and tobacco - - has started going down in the last few years. However, there are striking and parallel increases in the potency of marijuana, in admissions of teens for marijuana abuse, in DSM diagnoses of teens for marijuana dependency, and in ER admissions of teens for marijuana abuse. Since 1992 there has been a dramatic increase in the rate of adolescent admissions for marijuana abuse or dependency, while admissions for dependence on other drugs has markedly declined.

In Massachusetts, marijuana is the primary cause for adolescent inpatient substance abuse treatment. In 2004 (most recent year available), the average age of adolescent admissions for substance abuse treatment was 16.1 years. For 56% of these teens, marijuana was the primary drug for which they were being treated; alcohol was a distant second at 27%. And note that these children used marijuana before they used alcohol (mean age of 12.9 for marijuana, 13.1 for alcohol.)

- (Sources: The National Center on Addiction and Substance Abuse at Columbia University (The Califano Report): *Non-Medical Marijuana III: Rite of Passage or Russian Roulette?* July 2008; Substance Abuse and Mental Health Services Administration (SAMHSA), an agency of the U.S. Department of Health and Human Services, *2006 National Survey on Drug Use and Health (NSDUH)*; Massachusetts Department of Public Health, Bureau of Substance Abuse Services, Office of Statistics and Evaluation, *Substance Abuse Fact Sheet/Adolescent Admissions/2004; Massachusetts Department of Public Health, Study on Risk and Behaviors, Spring 2008*).

What parents need to understand is that the criminal justice system is the largest single source of referral to drug treatment programs. When a teen goes from a first offender to a repeat offender, sometimes the carrot and stick approach of the court system is the only thing that can get his attention.

(Source: Marijuana Myths & Facts, The Truth Behind 10 Popular Misconceptions, Office of National Drug Control Policy, 2005.)

Current Massachusetts law mandates leniency for first time offenders.

It is important for voters to understand how the current law works in Massachusetts. For qualified first offenders, especially teens and young adults, the District Attorneys offer diversion programs that steer kids away from the courts, put them on probation and then dismiss the charge. If first offenders are actually arraigned in court for marijuana possession, Massachusetts law requires that they be placed on probation and that, at the successful conclusion of probation, "the case shall be dismissed and the record shall be sealed."

Passage of Question 2 will strip away the privacy offenders currently have in their CORI records and make their record of civil fines for marijuana possession open to public inspection.

Question 2's proponents proclaim that decriminalizing marijuana possession will protect offenders from being saddled with a CORI record that will shadow them for life and result in the denial of jobs and student loans. In fact, passage of Question 2 will make an offender's record of civil fines for marijuana possession available as a public record.

It is important to distinguish between the creation of a record, and the question of who can see that record. Regardless of whether an offender is arrested for marijuana possession or treated civilly with a fine, a paper trail of the encounter between the police and the offender will be created – one to serve as the basis for a possible court case, the other to serve as the basis for imposition of a civil fine. If the case is criminal, the CORI laws will bar most public disclosure; but if the matter is only civil, the CORI laws do not apply and the offender's civil fine for marijuana possession becomes a public record, available to anyone who asks for it.

Under current MA law, most employers can only receive "publicly accessible CORI". Unless the offender is applying for employment in public safety or to work with especially vulnerable populations, the CORI laws prevent a potential employer from viewing criminal charges of marijuana possession unless it was (1) an actual conviction (2) when the person was an adult (3) and he went to jail and (4) he is either still on probation or parole or within one year of their termination. But the CORI laws do not apply to civil matters, so if Question 2 passes, the very information that CORI now

protects will be civil information and available to anyone who asks for it under the Public Records Law.

The Student Loan Issue

Proponents of Question 2 claim that it will protect our children from a criminal record that will prevent them from ever receiving student loans. Here are the facts:

Under current federal law, the only way an offender can be denied a student loan is if he is CONVICTED of a drug offense WHILE he is in school and already receiving federal aid, and then he loses his aid for ONE YEAR. He can lessen that one year period if he completes drug rehabilitation. If he is convicted again, under the same conditions, he loses his loan eligibility for 2 years.

The "\$30 Million Dollar" Fabrication

Utilizing a "study" that they retained and paid for, Question 2's proponents make the preposterous claim this measure will save the Commonwealth \$30 million dollars in police "arrest and booking" costs each year. Here are the facts:

First, police officers are salaried employees. They receive the same salary, regardless of whether they make zero, ten or 100 arrests.

Second, if Question 2 passes, police officers will have to spend the same time and effort as they do on a criminal case. They will have to confiscate the drugs, question the offender, write a report, transport the drugs to a secure site for destruction, and deliver their report to the police station as well as city hall for accounting purposes. The time spent will be the equivalent, if not more, than what the police spend now.

Marijuana charges represent an infinitesimal percentage of police work and Question 2 does not reduce the time police will spend processing these cases.

The George Soros Connection – this is not a local "grassroots" effort by the "average Joe."

The proponents of Question 2 proclaim to be a “grassroots” movement, but in fact, over 80% of the funding for this initiative has come from billionaire George Soros (\$400,000 cash contribution) and the Marijuana Policy Project of Washington D.C., both of whom advocate for the legalization - - not just decriminalization - - of marijuana.

There is a direct link between marijuana use and criminal activity.

Marijuana use is strongly associated with juvenile crime. A 2006 study determined that young people who had been arrested and booked for breaking the law were four times more likely to have used marijuana than youth who were never arrested.

(Source: The National Center on Addiction and Substance Abuse at Columbia University (The Califano Report): *Non-Medical Marijuana III: Rite of Passage or Russian Roulette?* July 2008)

A significant percentage of male arrestees test positive for marijuana:

- o 42% of all males arrested in Omaha
- o 41% of all males arrested in Chicago
- o 35% of all males arrested in San Diego

(Source: Consortium of Alcohol & Substance Abuse Services, Drug Abuse Alert: Marijuana Can Mess You Up...And Burn You Out.)

There is a direct link between marijuana use and motor vehicle crashes.

- Marijuana use impairs drivers, especially their coordination and balance, and alters a driver’s sense of time and distance.
- Smoking marijuana is often combined with drinking alcohol, which further impairs motor skills and increases the risk of accidents.

(Source: U.S. Department of Health and Human Services, National Institute on Drug Abuse, Research Report Series – Marijuana Abuse. 2005.)

- Even a moderate amount of marijuana impairs driving performance, particularly reaction time, and how often drivers checked the rear and side-view mirrors, side streets, the relative speed of other drivers.

(Source: Marijuana Myths & Facts, The Truth Behind 10 Popular Misconceptions, Office of National Drug Control Policy, 2005.)

- Data concerning shock-trauma patients involved in auto crashes reveals that 15% had been smoking marijuana, and another 17% had both marijuana and alcohol in their blood.
(Source: Marijuana Myths & Facts, The Truth Behind 10 Popular Misconceptions, Office of National Drug Control Policy, 2005.)
- Marijuana is the second most prevalent substance found in impaired drivers (alcohol is the most prevalent).
(Source: DEA Street Smart Prevention Website, Driving While High on Marijuana.)
- Marijuana users are 10 times more likely to be injured, or to injure others, in automobile crashes. A marijuana user's risk of an auto crash is increased whether or not they use marijuana immediately preceding the crash.
(Source: DEA Street Smart Prevention Website, Driving While High on Marijuana, citing a scientific study in New Zealand published in *Addiction*, 2005.)
- According to U.S. government surveys regarding adolescent drug use patterns, approximately 600,000 high school seniors drive after smoking marijuana, and 38,000 seniors admit to crashing the car while under the influence of marijuana.
(Source: DEA Street Smart Prevention Website, Driving While High on Marijuana.)
- Surveys conducted by MADD and Liberty Mutual Insurance Company indicate that 41% of teenagers are not concerned to drive after smoking marijuana.
(Source: DEA Street Smart Prevention Website, Driving While High on Marijuana.)
- Statistics indicate that annually, approximately 36 million people drive under the influence of alcohol, marijuana, or another illegal drug.
(Source: Marijuana Myths & Facts, The Truth Behind 10 Popular Misconceptions, Office of National Drug Control Policy, 2005.)

There is a direct link between marijuana use and public health.

- Marijuana contains nearly five times more carbon monoxide and three times as much tar as regular cigarettes. Marijuana smoke contains 50% more cancer-causing materials than tobacco smoke.
(Source: Consortium of Alcohol & Substance Abuse Services, Drug Abuse Alert: Marijuana Can Mess You Up...And Burn You Out. U.S. Department of Health and Human Services, National Institute on Drug Abuse, Research Report Series – Marijuana Abuse. 2005.)
- Marijuana use worsens depression and can lead to more serious mental health disorders, particularly for teens. Marijuana use can

mask the symptoms of depression, make depression worse, and it also can lead to other mental illnesses such as schizophrenia, anxiety and suicidal thoughts.

(Source: Teen Marijuana Use Worsens Depression: An Analysis of Recent Data Shows "Self-Medicating" Could Actually Make Things Worse. The Office of National Drug Control Policy. May 2008.)

- Depressed teens are twice as likely as their peers to use marijuana, and teens who smoke marijuana at least once a month are three times more likely to have suicidal thoughts.

(Source: Teen Marijuana Use Worsens Depression: An Analysis of Recent Data Shows "Self-Medicating" Could Actually Make Things Worse. The Office of National Drug Control Policy. May 2008.)

There is a direct link between marijuana use and workplace safety.

- The rate of industrial accidents among marijuana users is more than 50% higher than among non-users. The health and safety of coworkers and the general public are at risk when workers test positive for marijuana.

(Source: How Does Marijuana Use Affect School, Work and Social Life?, National Institute on Drug Abuse (NIDA), 2005.)

- A study among postal workers found that employees who tested positive for marijuana on a pre-employment urine drug test had 55 percent more industrial accidents, 85 percent more injuries, and a 75 percent increase in absenteeism compared with those who tested negative for marijuana use.

(Source: How Does Marijuana Use Affect School, Work and Social Life?, National Institute on Drug Abuse (NIDA), 2005.)