



## The Impact of Recreational Marijuana Legalization in Washington State

Washington State was among the first states to legalize marijuana for recreational use, in 2012 (along with Colorado). Although medical use of marijuana had been legal in several states for quite some time, recreational legalization raised a number of new questions about how the substance would be regulated, the tension between state legalization and continued federal prohibition, and unintended consequences of increased legal access to marijuana.

One point of debate that comes up frequently in the discussion around the effects of marijuana legalization is whether legalizing marijuana for recreational use may impact public safety and criminal justice processing. As part of a National Institute of Justice (NIJ)-funded study on the effects of marijuana legalization, Abt employed quantitative and qualitative methods, using primary and secondary data sources, to explore the association between marijuana legalization and criminal justice outcomes. Although we looked at these effects around the U.S., we also focused analyses on Washington State specifically. In this brief, we describe what the study team did, what we found, and implications for future research and policy.

### What the Study Team Did

The Abt study team explored the association between marijuana legalization and criminal outcomes using a variety of approaches, including secondary data analysis, interviews with expert stakeholders, and analysis of federal pre-sentence reports.

For the secondary data analysis, the team examined whether the opening of legal retail marijuana outlets (i.e., dispensaries) in three Washington State cities, Seattle, Bellevue, and Tacoma, is associated with increases in crime (specifically, arrest rates) in those neighborhoods in which they were operating. We gathered marijuana retail outlet data from Washington's seed-to-sale database, Traceability, and sales revenue data from the Washington State Liquor and Cannabis Board. We also used contextual demographic data from the American Community Survey's 5-year estimates, and business license data from the Washington State Department of Revenue. Finally, we obtained arrest data from the Seattle, Tacoma, and Bellevue police departments. A detailed description of our methods and analysis plan can be

found in Abt's publication in the *Journal of Quantitative Criminology* (Thacker et al., 2021).

As part of this study, we conducted a series of semi-structured interviews with criminal justice stakeholders with experience in marijuana legal case processing to get their perspectives on what has changed from before legalization to after. We spoke with stakeholders from across the country, including several from Washington State, with various professional affiliations; most were current or former prosecutors and public defenders, both at the federal and state/local level, law enforcement agents, and drug task force representatives.



Finally, we coded and analyzed data from pre-sentence reports (PSRs) written by federal probation officers to help judges determine appropriate sentences for individuals charged with drug trafficking offenses. We looked at a random sample of PSRs for cases that included marijuana from states that had legalized the drug by 2018; some PSRs were from before legalization, and some were from after. Of the 626 PSRs sampled, 157 were from cases in Washington State (117 from before and 40 from after legalization). We explored the association between legalization and changes in (a) marijuana listed as the principal drug in the case; (b) number of types of drugs listed; (c) amount of principal drug listed; and (d) number of drug trafficking activities (e.g., retail sales, smuggling, distribution, etc.).

Below, we summarize the findings from our analyses of secondary administrative and survey data, expert

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interviews, and PSR cases from Washington State as they relate to criminal justice outcomes.

## Findings

Overall, the study team found that marijuana legalization in Washington State has, in a variety of ways and to varying degrees, changed the criminal justice landscape in the state. Below, we summarize findings on neighborhood crime (from our secondary data analyses) and marijuana cultivation and sales, as well as criminal case processing (from our expert interviews and PSR cases).

### Neighborhood Crime

Our analyses found modest, but statistically significant, increases in property crime – specifically, theft, robbery, and burglary – in neighborhoods (Census block groups) where new marijuana retail outlets opened. Our initial analyses also showed an increase in violent crime, but that association disappeared when we controlled for density of alcohol retail outlets (see Thacker et al., 2021, for a full discussion of the findings of this analysis).



Because distribution of marijuana is still a federal crime and banks are often unable to bear any legal risk, marijuana retail outlets are largely cash-only businesses (e.g., Conti-Brown 2018). A number of studies have suggested that the association between the opening of marijuana outlets and the increase in crime, particularly robberies, may be due in part to the fact that individuals inclined or compelled to engage in criminal behaviors are aware that outlet customers are carrying cash and see a new opportunity to obtain money through illicit means, such as robbery or burglary (e.g., Freisthler et al., 2017).

### Criminal Case Processing

According to the experts we interviewed who represented Washington State, recreational legalization has changed dynamics in law enforcement and

prosecution. Respondents suggested that marijuana cases are not prioritized in the state unless there is another clear reason to prosecute, such as if the case involves some other substance or criminal activity that might be unrelated to the trafficking of marijuana specifically. This notion is supported by the PSR analyses: for instance, from pre- to post-legalization, the proportion of cases that focused either on a different drug (most commonly fentanyl or other synthetic opioids) or on other criminal activities (such as arms trafficking and money laundering) increased. However, other indicators of criminal case processing have remained steady, such as the amount of marijuana involved in federal cases. One respondent said they would not touch a marijuana case “unless it was a 100 tree grow” but said this has been true since the early 2000s, indicating that perhaps recreational legalization itself has not changed how marijuana cases are prosecuted, but rather reflects the case processing patterns (both at the state and federal level), which had already been trending toward less prosecution of marijuana-related cases for years.

## Conclusions & Implications

The study team’s analysis of various data sources – primary and secondary, quantitative, and qualitative – lends support to the theory that recreational marijuana legalization in Washington State has changed the criminal justice landscape in the state, though not necessarily in fundamental ways. Robbery may be up somewhat in neighborhoods that open dispensaries, and prosecution of marijuana-related cases may have shifted toward cases that focus on other drugs or criminal activities, but overall, these shifts seem to be modest.

One interview respondent did note that recreational legalization in Washington and other states has made it nearly impossible to go backwards – they believe federal legalization is inevitable at this point. Already, approximately a third of states have legalized marijuana for recreational use. With the winds likely continuing to shift in favor of federal legalization, further research about the impact of legalization on public safety and criminal justice processing is warranted.

### For More Information

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