

The Safety-Related Impacts of the Legalization of Recreational Marijuana – Part B

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This final article in the series on the legalization of recreational marijuana will discuss a few of the safety-related impacts. Last month's article focused on traffic-related safety effects, and it showed the dramatic increase in vehicular deaths in Colorado where the driver tested positive for marijuana. It also showed that the annual costs associated with the traffic-related impacts exceeds the annual tax revenue of marijuana (<http://www.uccseconomicforum.com/publications/BTN-from-CSBJ-Oct-27.pdf>). There are other safety impacts such as seizure of illegal or over-the-limit marijuana product, diversion of Colorado marijuana to other states where it is illegal, property and violent crime rates, and homelessness. The data challenges discussed in previous articles are different in the case of safety impacts, but once again the limitations are significant mostly because the state of Colorado does not have a clear set of baseline metrics to measure the safety impacts of legalization. You need a baseline in order to capture any changes over time. The Colorado Division of Criminal Justice (CDCJ) states that tracking marijuana-specific data has been difficult, and they are working to improve reporting. Until we obtain consistent reporting metrics and full confidence that all marijuana-specific criminal activity is being tracked properly, we may obtain clues by examining the major crime categories under the Federal Bureau of Investigation, Uniform Crime Reporting statistics. Not unlike the measurement of other impacts, proper tracking is tantamount not only because of quality of life impacts, but also because of cost implications as they relate to the burden on law enforcement agencies.

Up until recently, there has been a general assumption that marijuana-related crime would decline if recreational marijuana became legal. There is intuitive appeal to this argument because prior to 2014, recreational marijuana was part of the black market and if you legalize the product, there would presumably be a reduction in seizures, arrests, and perhaps property and violent crime rates. As it turns out, that assumption may not have been correct, but again, it depends on what data you use. The CDCJ does track marijuana arrests, but they do not track violent or property crime rates that may be related to marijuana activity. The CDCJ acknowledges that this is a shortcoming especially because law enforcement officials are reporting increases in black market activity with its associated crime. Locally, the El Paso County Sheriff's office states the same.¹ A plausible explanation for this may be that marijuana growers and distributors from across the nation have relocated to Colorado assuming that if they did surpass the legal grow limit, it is less likely that they will be caught and/or harshly prosecuted. Indeed, our local officers state that this appears to have happened not only for relatively small (illegal) operations, but also on a larger scale with international cartels. Colorado is one of eight states and the District of Columbia that allows recreational marijuana, and the limit is increasing from 6 to 12 plants per person on January 1, 2018. Colorado is the only state that allows more than 16 medical marijuana plants; Colorado allows 99 plants for medical use. Critics argue that the higher limits may be part of what is attracting the lucrative, black-market activity.

Turning now to the data, the CDCJ shows a decline in the number of marijuana arrests from 2012 to 2016 (down 53%), which seems quite positive. However, given that there may be other criminal activity related to illegal marijuana growing, this data should also be examined in the context of other crime rates within our state. For example, highway seizures of marijuana product may provide some clues in terms of the amount and legal status of transported marijuana within our state and across state borders. When comparing the four-year period prior to legalization (average of 2009-2012) to the four-year period post legalization (2013-2016), highway seizures of illegal product have increased 43%.² The destination of confiscated product includes 36 different states, all where recreational marijuana is illegal. The profit margin for these producers and (illegal) retailers is high as evidenced from a June raid that interrupted a trafficking ring spanning five states and producing about 100 pounds of marijuana per month. At \$2,000 per pound, the sales revenue comes to \$200,000 per month.³ A 2014 RMHIDTA survey of about 100 highway seizure experts estimates that 10% or less of marijuana being trafficked is caught by state highway patrol agencies. Another indicator of illicit activity could be the average number of

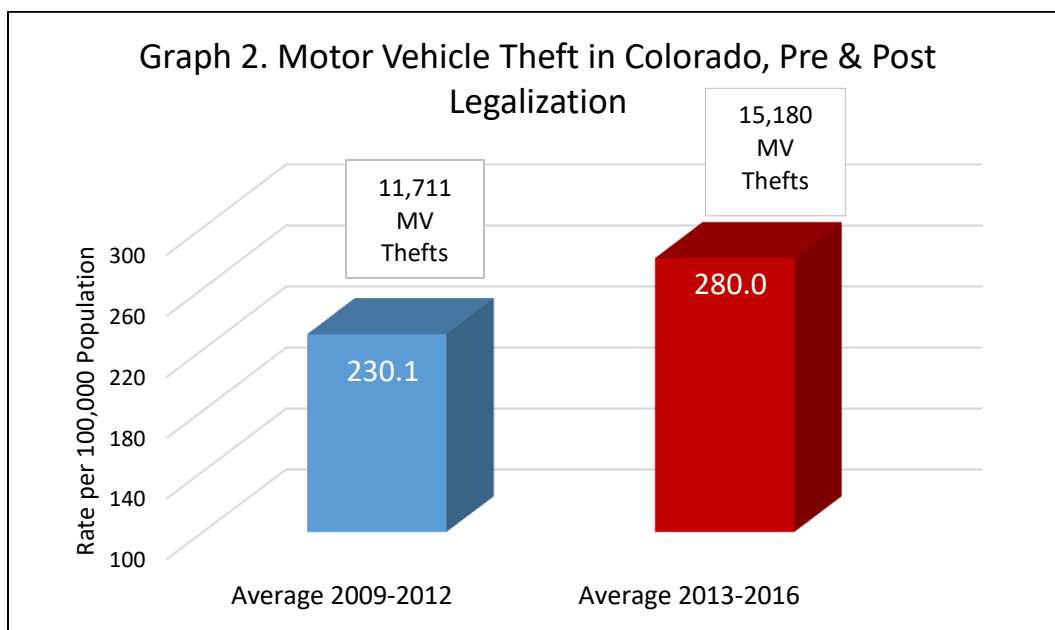
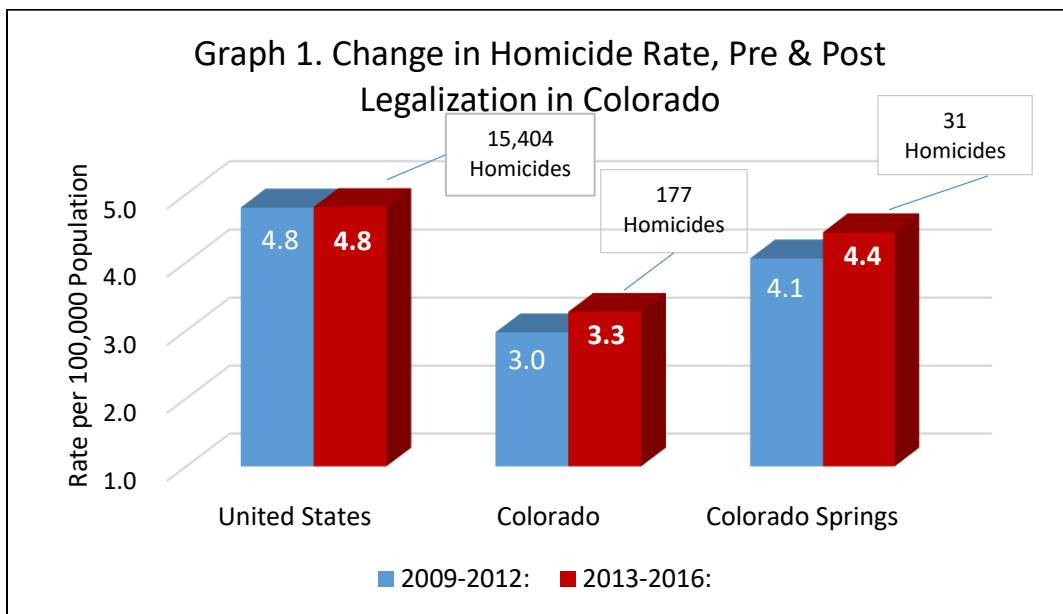
¹ Interview with Deputy Jeff Schulz, El Paso County Sheriff's office.

² Rocky Mountain High Intensity Drug Trafficking Area, October 2017.

³ Colorado Attorney General's Office, 2017.

parcels containing marijuana as measured by the U.S. Postal Inspection Service. Comparing the same two time periods, parcels increased 844% (from an average of 52 parcels to 854, pre and post legalization periods). It is reasonable to assume that such levels of activity and profit could spill over into property and violent crime rates. It is a certainty that this strains law enforcement agencies and is costly. The El Paso County Sheriff's Office states that each illegal-grow raid costs taxpayers approximately \$10,000.

In the absence of property or violent crime rates that are specific to marijuana activity, it is perhaps useful to see what has happened to these rates in Colorado as compared to the U.S. Graph 1 shows that homicide rates have been steady across the U.S. when comparing 2009-2012 to 2013-2016. By contrast, in Colorado and Colorado Springs, homicide rates have increased comparing those same time periods. Another crime that has increased in our state as compared to the U.S. is motor vehicle theft. That rate actually declined in the U.S. comparing 2009-2012 to 2013-2016. In Colorado, however, that rate increased significantly as the second graph shows. Other crime metrics including property crime rates have been relatively steady both across the U.S. and in Colorado. The increases seen in motor vehicle thefts and homicides, in particular, certainly call for a better understanding of whether these increases have any correlation to the noted increases in marijuana, black-market activity.



Another possible negative externality of legalization that has received much attention is homelessness. Typically, point-in-time counts provide a snapshot of the number of homeless, but it is a good idea to juxtapose that information to data or even perceptions from homeless shelters and law enforcement. The U.S. Department of Housing and Urban Development (HUD) count shows for the entire nation that between 2015 and 2016, the number of homeless people declined by 3% (to 355,212 people). In Colorado, the number of homeless people increased by 6% (to 10,550 people). Denver is in the top 10 major cities with the largest number of unaccompanied youth who are homeless, and this is consistent with information from the El Paso County Sheriff's office that states an observed, lower median age for the homeless within our own community. The state of Colorado also had a 24% increase in veterans who are homeless. Denver's St. Francis Center and the (Denver) Salvation Army anecdotally state that approximately 30% of the homeless who are coming from other states say they are here either to consume marijuana without fear of prosecution and/or they are looking for work related to the marijuana industry. The great irony for Denver is that according to the Colorado Coalition for the Homeless, a worker needs to make at least \$19 per hour to afford housing in the Denver area, but marijuana trimmers and budtenders (retailers) typically make about \$10 per hour. Hence, the lack of affordable housing particularly in Denver is likely a contributing factor to the marijuana-related homelessness.

There are many other impacts to legalization that have not been discussed in this series. For example, there are environmental impacts, particularly the high water consumption needed for marijuana growth, the dangerous mold-related, electrical or other costly damage done to homes, the work and productivity-related impacts of marijuana use, and the inherent conflict between federal and state laws, which puts law enforcement in a tenuous position. For the impacts that have been discussed in the series, the take-away is that there is a sea of sometimes conflicting information, which can be colored by predisposed beliefs about whether legalization is right or wrong. This highlights the great need to identify key metrics and a commitment to track those metrics over time. Likewise, analyses should comprehensively encapsulate both the benefits and costs of legalization. We are a highly educated state and are revered across the nation for our quality of life and economic vitality. Part of that secret sauce can be a rigorous, honest and holistic look at how to fine tune our policies and practices such that we protect our youth, promote our mental and physical health, and keep our communities safe.

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