

OP-ED SUBMISSION

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WORDS: 627

With Marijuana Decriminalization, Massachusetts Voters Resolve Imbalance Between Violation and Punishment

By

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This Election Day, Massachusetts voters passed an important initiative to reform penalties for small marijuana violations over the heated – and some might even say overheated – objections of many of our colleagues in law enforcement. But we supported it based on our combined experience of over 60 years as cops on the streets of Boston, and we think other states should consider similar reforms.

Under the new law, adults caught possessing an ounce or less of marijuana will be issued a civil fine of \$100, similar to the way routine traffic violations are handled, and have their marijuana confiscated. Marijuana will still be illegal, and all other marijuana laws – such as driving under the influence of marijuana or dealing – will remain unchanged.

Minors will actually face stiffer – and far more appropriate – consequences for possessing an ounce or less of marijuana now. In addition to the \$100 fine, the parent or guardian will be notified, and the young person must attend drug and alcohol education and perform community service. If the minor fails to complete the required course within a year, the fine goes up to \$1,000.

Here's what won't happen under the new law: Smalltime marijuana violators will no longer face the harsh, unintended consequences that can accompany a conviction or even a mere arrest, including loss of job opportunities, student aid, drivers licenses and access to housing assistance and food stamps.

Despite unfounded warnings from opponents, Massachusetts voters understood they weren't approving the "legalization" of marijuana or doing anything to embolden drug dealers or encourage children to use marijuana. Had that been the case, we're sure the initiative would have been soundly defeated. As peace officers who have spent much of our adult lives working to keep our communities safe and drug free, we would never have supported such an idea.

But we don't know anybody who considers it justice to see a person – especially a young person – have her life ruined and her access to life's opportunities hindered by a stupid mistake.

And a common mistake at that: According to federal surveys, more than 100 million Americans have tried marijuana. By their own admissions, many of this initiative's opponents, including a number of district attorneys, had tried marijuana at some point in their lives. That doesn't make it right, but does anybody think such a youthful indiscretion should have disqualified them from becoming successful community leaders? If not, shouldn't our laws reflect that?

Opponents characterized the proposal as radical and reckless, but Bay Staters understood it for what it really was: a modest and necessary reform of penalties that, over time, had swung wildly beyond what could be considered appropriate or effective for the violation in question.

And Massachusetts is by no means the first to recognize this reality. Eleven other states already have similar laws on the books, often for decades, without seeing increases in marijuana use or other problems. For example, marijuana use rates in Nebraska – a decriminalized state – are lower than marijuana use rates in Kansas, which still treats minor marijuana infractions as criminal offenses. Our state of Massachusetts has higher marijuana use rates than New York, which decriminalized marijuana possession back in the '70s.

That's why we urge voters across the country – and especially our brothers and sisters in law enforcement – to pay close attention to the reforms voters in Massachusetts have just adopted.

It's time for all of us to start seriously considering the consequences of over-penalizing small marijuana infractions. Nobody wants to see more people – particularly young people – using marijuana. But by making the penalties disproportionately harsh, we aren't preventing marijuana use; we're only preventing those unlucky enough to get caught from getting past an all-too-common mistake.

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