# Marijuana in Pennsylvania

**Arrests, Usage, and Related Data**

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**Introduction**

This state report is part of a comprehensive presentation of national, state, county, and local level data on marijuana arrests in the United States.  The primary report in this collection is "Marijuana Arrests in the United States (2007)".[1] Additional details on marijuana arrests and related topics in Pennsylvania are available in the Marijuana Policy Almanac[2] , from which the data presented below has been excerpted.  Arrest totals are based on Uniform Crime Reporting (UCR) program data; local data may differ due to various reasons, including reporting procedures and data availability.

There were 25,793 arrests for marijuana offenses in Pennsylvania in 2007, representing an arrest rate of 207 per 100,000, which ranks Pennsylvania at number 39 in the nation.  There were an estimated 973,000 past year marijuana users in Pennsylvania during 2007.  Reconciling this estimate with the number of arrests for marijuana offenses provides an arrest rate of 2,651 per 100,000 users, which ranks Pennsylvania at number 33 in the nation.

In terms of overall severity of maximum sentences for marijuana possession, Pennsylvania ranks number 42 in the nation (based on penalties for a first offense).  When it comes to penalties for just under 1 ounce of marijuana, Pennsylvania is ranked at number 9, along with 4 other states (because of similarities between states there are only 12 rankings in this category).   Here are the penalties for possession of various amounts of marijuana in Pennsylvania:

| Amount | Max. Sentence | Max. Fine |
|---|---|---|
| **1 Ounce*** | 30 days | $500 |
| **2 Ounces** | 1 year | $5,000 |
| **3 Ounces** | 1 year | $5,000 |
| **4 Ounces** | 1 year | $5,000 |

(*To simplify comparisons, for some states this category covers amounts just under 1 ounce)

Marijuana possession arrests accounted for 79% of all marijuana arrests in Pennsylvania during 2007.  (Nationally, marijuana possession arrests account for 89% of all marijuana arrests.)  There were 20,391 arrests for marijuana possession in Pennsylvania in 2007, and 5,402 arrests for marijuana sales.  The arrest rate for marijuana possession in Pennsylvania was 164 per 100,000 for 2007, while the arrest rate for marijuana sales was 43.  Marijuana arrests also accounted for 43% of all drug arrests in Pennsylvania during 2007.

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[1] http://www.drugscience.org/Archive/bcr7/bcr7_index.html
[2] http://www.drugscience.org/States/US/US_home.htm

# Marijuana in Pennsylvania

Here is an overall scorecard for how Pennsylvania ranks nationally in terms of marijuana arrests, penalties, and marijuana use.

| Category | Ranking |
|---|---|
| Maximum Sentences for Possession | 42 |
| Maximum Sentence for Possession of 1 ounce | 9 |
| Arrest Rate per 100,000 population | 39 |
| Arrest Rate per 100,000 users | 33 |
| Past Month Users (Pct.) | 41 |
| Past Year Users (Pct.) | 36 |
| Past Month Users Age 12 – 17 (Pct.) | 30 |
| Past Year Users Age 12 – 17 (Pct.) | 25 |

This report provides a summary of the following topics related to marijuana arrests in Pennsylvania:  (1) related national trends, (2) trends in Pennsylvania marijuana arrests and marijuana use, (3) the costs of marijuana arrests in Pennsylvania, (4) statistics on past month and past year marijuana use in Pennsylvania by age group, (5) county level rankings in marijuana arrests and rates, and (6) drug treatment admissions for alcohol, marijuana, and other drugs.  Extensive detail on these and related subjects, including local agency marijuana arrest data and historical data, is available in table format in the on line Marijuana Policy Almanac[3] for Pennsylvania and other states, as well as similar national data.

## 1) Background – National Trends in Arrests and Marijuana Use from 2003 to 2007

While marijuana arrests have increased significantly since the 1980s, the prevalence of marijuana use in the United States has remained essentially unchanged.

Marijuana arrests in the United States increased from 755,200 in 2003 to 872,720 in 2007.  This represents an average annualized change of +2.93% per year.

Historically, marijuana arrests in the United States increased by 150% in the 1990s, rising dramatically from 287,850 in 1991 to 723,627 in 2001, an average annualized change of 8.74% per year. During this time the number of individuals who reported marijuana use in national surveys increased modestly from 19.2 million in 1991 to 21 million in 2001.

The arrest rate for marijuana offenses (possession and sales combined) in the United States has increased from 260 per 100,000 in 2003 to 290 in 2007.  This represents an average annualized change of +2.19% per year.

The number of past year marijuana users in the United States has remained relatively stable during this period, changing from 25.5 million annual users in 2003 to 25.2 million annual users in 2007.  The number of past month users has also remained the same, 14.6 million in both 2003 and 2007.

On a percentage basis, annual marijuana use was reported by 10.78% of the population in 2003 and 10.22% in 2007, while monthly use was reported by 6.18% in 2003 and 5.92% in 2007.

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[3] http://www.drugscience.org/States/US/US_home.htm

Consequently, at the national level over the last five years, an increase in marijuana arrests of 2.93% per year has resulted in an average annualized decrease in the number of annual marijuana users of 0.21% per year and a similar decrease in the prevalence of annual marijuana use of 0.03% per year.

**2) Marijuana Arrest and Use Trends in Pennsylvania (2003 – 2007)**

Marijuana arrests in Pennsylvania increased from 21,913 in 2003 to 25,793 in 2007.  The arrest rate in 2003 was 177 per 100,000 while in 2007 it was 207.

Compared to a 2.93% average annual increase in marijuana arrests nationally, marijuana arrests in Pennsylvania increased by 3.31% per year.  (While the arrest rate nationally increased 2.19% annually in this period, in Pennsylvania the arrest rate changed by 2.57% per year.)

During this same period, the number of annual marijuana users in Pennsylvania decreased from 1,020,000 in 2003 to 973,000 in 2007.  This was an average annualized change of -0.94% per year.  The number of monthly marijuana users decreased from 582,000 in 2003 to 530,000 in 2007, which produced an average annualized change of -1.85%.

**3) The Costs of Marijuana Laws**

The above comparison of marijuana arrests and marijuana use provide a basis for evaluating the benefits of marijuana laws.  Here are three perspectives that help frame the issue of evaluating the costs of marijuana laws in Pennsylvania.

*a) Fiscal Costs*.

The criminal justice system in Pennsylvania cost $6.80 billion for 2006.  This includes state, county, and local costs.  Here is the breakdown for those costs:

|  |  |
|---|---|
| Police Protection | $2.54  billion |
| Judicial and Legal Services | $1.47  billion |
| Corrections | $2.80  billion |
| **Total** | **$6.80  billion** |

The federal Office of National Drug Control Policy (ONDCP) provides a simple way of making a general estimate of the criminal justice costs of drug-related arrests.  Actually, estimating the costs of different types of arrests is a very complicated challenge because of the differences between individual offenses and, for example, the investigative and follow-up work they require.  However the use of a percentage basis method provides a general estimate of the costs associated with marijuana offenses.  The method utilized by ONDCP is to (a) calculate the percentage of total arrests accounted for by drug arrests and then (b) apply that percentage to total criminal justice system costs.

There were 514,630 arrests in Pennsylvania in 2006.  There were 24,685 marijuana arrests that year, accounting for 4.80% of all arrests in Pennsylvania for 2006.  Consequently, according to this percentage basis method of estimation, marijuana arrests cost $326.36 million in Pennsylvania for 2006.

**b) Opportunity Costs**

Budgets are, out of necessity, about making choices. This is especially true when resources are scarce, such as when state and local governments are grappling with budget gaps between revenue and program commitments. Economists recognize opportunity costs as the consequences of making specific budgetary decisions. Providing funds for one program often means accepting less or no funds for some other government activity. For example, providing law enforcement with the obligation, or opportunity, to make arrests for marijuana offenses deprives law enforcement of funds to apply to other investigations and activities.

Law enforcement agencies publish statistics on their ability to resolve known offenses through the arrest of criminal suspects. After an offense is reported to the police, the objective is "cleared" by an arrest. Crime rates are based on the number of reported offenses. Arrest rates are based on the number of arrests. Clearance rates, usually provided for the most serious crimes, are based on the percentage of known offenses cleared by arrest.

Here are the 2007 clearance rates for serious crimes in Pennsylvania:

|  |  |
|---|---|
| Murder | 61.30% |
| Rape | 56.60% |
| Robbery | 32.70% |
| Assault | 61.70% |
| Larceny | 21.90% |
| Motor Vehicle Theft | 21.80% |
| **All the above crimes** | **33.10%** |

Another significant aspect of evaluating law enforcement priorities concerns the growing economic impact of what is referred to as "white-collar crime." This is a broad term for what are essentially non-violent theft, including such crimes as fraud, identity theft, embezzlement, and securities fraud. While a great deal of media attention is devoted to law enforcement responses to street crimes, the economic impact of these crimes is dwarfed by the magnitude of white-collar crime, which is conservatively estimated to have an impact of 10 times the value of street crimes.

Marijuana arrests also divert law enforcement and criminal justice system resources from possession and sales offenses involving other illicit drugs. In 2007, marijuana arrests were 43% of all drug arrests in Pennsylvania. Other drugs such as cocaine, heroin, methamphetamine, and synthetic narcotics such as Oxycontin present far more serious threats to both individuals and the public. These other illegal drugs also have far more severe dependence liabilities than marijuana. Here is a summary of drug arrests in Pennsylvania for 2007:

| Drug | Arrests | Pct. |
|---|---|---|
| Opiates/Cocaine | 26,749 | 44% |
| Marijuana | 25,793 | 43% |
| Synthetic Narcotics | 3,264 | 5% |
| Other Dangerous Drugs | 4,602 | 8% |
| **All Illicit Drugs** | **60,418** | **100%** |

The need to improve clearance rates for serious crime, to devote greater resources to white-collar crime, and to address the problems presented by more dangerous drugs all provide compelling reasons for society to reconsider whether the opportunity costs of marijuana law enforcement are acceptable.

## c)  Social Costs

Marijuana arrests have a disproportionate impact on two demographic groups – young people and minorities.  In many cases an arrest for marijuana possession makes a criminal out of an otherwise law-abiding individual.   It is not surprising that the majority of marijuana arrests involve teenagers and young adults given the popularity of marijuana use with younger age groups.  However differences in the arrest rates between whites and blacks cannot be explained by differences in marijuana use.  In 2007, for example, 10.5% of whites used marijuana in the last year while 12.2% of blacks reported such use.  For marijuana use in the last month, the comparable figures were 6% of whites and 7.2% of blacks.  These figures indicate that marijuana use by blacks is about 20% more prevalent than use by whites.  While this is a statistically significant difference, it does not explain why arrest rates for marijuana possession for blacks are three times higher nationally than for whites.  For example, the arrest rate per 100,000 for blacks in 2007 was 598, while for whites the arrest rate was 195.

Here are selected 2007 marijuana possession arrest rates for Pennsylvania:

| Group | Pct of Arrests | Arrest Rate per 100,000 |
|---|---|---|
| All individuals | 100% | 164 |
| Males age 15 to 19 | 31% | 1,381 |
| Females age 15 to 19 | 5% | 224 |
| Males age 20 to 24 | 24% | 1,146 |
| Females age 20 to 24 | 4% | 189 |
| Whites | 60% | 116 |
| Blacks | 39% | 602 |

## 4) Marijuana Use

There were 973,000 annual marijuana users in Pennsylvania during 2007, of which 530,000 reported marijuana use in the past month.  As noted above, the number of annual marijuana users in Pennsylvania decreased from 1,020,000 in 2003 to 973,000 in 2007.  This was an average annualized change of -0.94% per year.  The number of monthly marijuana users decreased from 582,000 in 2003 to 530,000 in 2007, which produced an average annualized change of -1.85%.

There is general consensus that minors should not use alcohol, marijuana, or tobacco.  According to the most recent (2007) data 12.70% or 129,000 youths aged 12 to 17 in Pennsylvania used marijuana in the past year.  Of these, 6.40% (of the total population of this age group) or 65,000 youths used marijuana in the past month.  Marijuana's illegal status did not prevent these youths from having access to marijuana.  Indeed, most teenagers report that marijuana is fairly easy to obtain.  One of the reasons marijuana remains easy for youths to obtain is the profit incentive created by the illegal market.  Simply put, teenagers make money by selling marijuana to other youths, which increases the availability of marijuana among teens.  In this way, marijuana's illegality makes it more widely and readily available to teenagers.

Here are data on the prevalence and population estimates for marijuana use by various age groups in Pennsylvania:

**Past Month Marijuana Use (2007)**

| Age | Pct. | Pop. |
|---|---|---|
| Age 12 to 17 | 6.40% | 65,000 |
| Age 18 to 25 | 14.90% | 197,000 |
| Age 26 + | 3.30% | 267,000 |
| **Total** | **5.10%** | **530,000** |

**Past Year Marijuana Use (2007)**

| Age | Pct. | Pop. |
|---|---|---|
| Age 12 to 17 | 12.70% | 129,000 |
| Age 18 to 25 | 27.10% | 359,000 |
| Age 26 + | 6.00% | 485,000 |
| **Total** | **9.30%** | **973,000** |

**5) County-Level Rankings**

Most marijuana arrests are made by local police agencies.  Individual agencies and officers exercise considerable discretion regarding law enforcement, not just for marijuana offenses, but for a number of offenses.  The number of marijuana arrests also varies because of differences in local populations and the local prevalence of marijuana use.  Furthermore, some areas have exceptionally high arrest rates for marijuana because they attract large visitor populations.  Because arrest rates are calculated by dividing the number of arrests by the local resident population, numerous arrests of visitors to the area artificially inflate the local arrest rate.  For a town with a relatively small population, the arrest of several people driving through the town or on a nearby highway (such as an interstate) can produce a comparatively high arrest rate for marijuana possession.

College towns may have large arrest rates for marijuana offenses because they have larger resident populations of young adults, among whom marijuana use is more prevalent than in older populations. On the other hand, college towns may have lower arrest rates for marijuana possession, for example, because of the discretionary policies of local police agencies.

Similarly, areas with large concentrations of African-Americans may have higher arrest rates for marijuana possession than other areas because law enforcement agencies throughout the United States consistently arrest more blacks for marijuana possession than whites.

Areas such as beach towns, ski resorts, and natural resource areas also exhibit relatively high marijuana arrest rates because they attract numerous visitors, including large numbers of young adults.

Finally, some areas have larger arrest rates for marijuana possession simply because marijuana use is popular among the local residents; local police agencies have aggressive enforcement policies, or both.

County level marijuana possession arrest rates should be compared against the benchmark provided by the statewide arrest rate of 164 in Pennsylvania for 2007.  The following tables provide the leading

counties in Pennsylvania for marijuana possession arrests, marijuana possession arrest rates, the possession arrest rates for males aged 15 to 19, and the possession arrest rates for blacks:

**Pennsylvania County Leaders**
**in Marijuana Possession Arrests (2007)**

| | |
|---|---|
| Philadelphia | 4,959 |
| Allegheny | 2,652 |
| Montgomery | 1,254 |
| Dauphin | 1,013 |
| Delaware | 972 |

**Pennsylvania County Leaders**
**in Marijuana Possession Arrest Rates (2007)**

| | |
|---|---|
| Dauphin | 399 |
| Philadelphia | 345 |
| Allegheny | 219 |
| York | 196 |
| Centre | 182 |

**Pennsylvania County Leaders**
**in Marijuana Possession Arrest Rates, Males Aged 15 to 19 (2007)**

| | |
|---|---|
| Dauphin | 3,110 |
| Philadelphia | 2,448 |
| Centre | 1,907 |
| York | 1,831 |
| Berks | 1,730 |

**Pennsylvania County Leaders**
**in Marijuana Possession Arrest Rates of Blacks (2007)**

| | |
|---|---|
| Columbia | 1,757 |
| Clarion | 1,562 |
| Lebanon | 1,166 |
| Mifflin | 973 |
| Wyoming | 961 |

**6) Drug Treatment Admission Trends**

Data on drug treatment admissions is often used to justify devoting law enforcement resources to making marijuana arrests.  The argument is two-fold.  First, the number of marijuana-related admissions to drug treatment facilities is offered as evidence that marijuana is a dangerous drug.  Second, marijuana arrests are justified because they force people to get treatment.

There are a number of flaws to this argument.  Alcohol is also responsible for a large proportion of drug treatment admissions, however regulation is widely recognized as the most effective policy for

restricting access and reducing prohibition related crime.   Furthermore, despite well-deserved public concern over drug abuse and a general consensus that it should be reduced, drug abuse is not a crime. The legal basis for drug laws is that the manufacture, distribution, sale, and possession of drugs are illegal.  It is unconstitutional to criminalize illness, mental health problems, or drug dependency in the United States.  Alcoholism, for example, is not illegal.  Instead we hold alcoholics legally accountable for their conduct, such as being drunk in public or driving while intoxicated.  Forcing individuals into drug treatment programs is a dubious justification for making arrests of individuals for marijuana possession. Law enforcement officers, prosecutors, and other criminal justice professionals are not medically trained or certified to diagnose drug dependency and make discretionary decisions about individual treatment requirements.

However the most significant characteristic of marijuana-related drug treatment admissions is that  a majority of them in Pennsylvania are the result of referrals from the criminal justice system, often as an alternative to jail time as a sentence for a marijuana possession or sales offense.

During 2007, there were 10,309 admissions for drug treatment services in Pennsylvania.  Of these, 51.39% were the result of referrals from the Pennsylvania criminal justice system.

Here is a breakdown of the majority of 2007 drug treatment admissions in Pennsylvania:

| Primary Drug | Admissions | Pct. |
|---|---|---|
| Alcohol | 27,809 | 40% |
| Marijuana | 10,309 | 15% |
| Cocaine | 11,815 | 17% |
| Synthetic Narcotics | 4,931 | 7% |
| Methamphetamine | 220 | 0% |
| **All Admissions** | **69,435** | **100%** |

**Sources:**

Sentences for Marijuana Possession were obtained from:  ImpacTeen Illicit Drug Team. Illicit drug policies: Selected laws from the 50 states. Berrien Springs, MI: Andrews University, 2002. http://www.impacteen.org/generalarea_PDFs/IDTchartbook032103.pdf and updated from other sources.  Rankings of sentences were calculated independently and are based on the maximum number of days allowed by state law for the listed quantities of marijuana.  The overall ranking is based on a weighted index for the four quantity levels.  The weighting used in this index was: 70% for penalties for 1 ounce and 10% each for the penalties for 2, 3, and 4 ounces.

All arrest and clearance data were obtained from the FBI's Uniform Crime Reporting (UCR) Program. Data on drug use were obtained from the National Survey on Drug Use and Health (NSDUH); data on drug treatment admissions were obtained from the Treatment Episodes Data Set (TEDS).  NSDUH and TEDS are compiled and published by the Substance Abuse and Mental Health Services Administration (SAMHSA) of the U.S. Department of Health and Human Services.  Data on Criminal Justice Service costs were obtained from the Criminal Justice Expenditure and Employment Extracts Program (CJEE) of the Bureau of Justice Statistics of the U.S. Department of Justice.  More information on source data for this report can be obtained at http://www.drugscience.org/States/Notes.htm.