Mitigation of Legal Harms to Youth:
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In 2016, if marijuana possession is legalized for adults in California, but remains illegal for those under 21, it remains unclear how juvenile offenders will be charged, adjudicated, monitored, and managed. Early in the voters’ initiative writing process it is important to consider a range of non-criminal sanctions for youth. An ideal solution would neither criminalize youth possession, nor medically pathologize it. Nor should mere marijuana use be conflated with “marijuana use disorder”; the latter is a DSM-V diagnosis that requires a full clinical assessment. We need to develop an intermediate domain of school and community-based sanctions for under-age marijuana possession.

Universal Decriminalization vs. Adult Legalization: Although it is inconceivable that legalization proponents for a 2016 California initiative would consider making marijuana possession and use legal for juveniles, it is important nonetheless to consider the relative harms of the two main approaches to state reforms:

• Decriminalization for all ages: This is generally structured as infraction tickets with fines, $100 in California.
• Legalization for adults 21 years and older: Personal possession amounts are legalized. Unregulated sale and distribution are not.

California, Connecticut, and Massachusetts have already moved to an infraction system that has been called de facto legalization for all. New York City has recently followed suit. In November 2014 elections, Colorado, Washington, Oregon, and Washington D.C. legalized possession of one ounce for adults 21 and older. Following adult legalization, it is only youth who remain criminalized; and, unfortunately arrest and probation (more likely in California than incarceration) have their own harms.

Relative Harms of Criminalization: In any coming Marijuana Regulation & Taxation Initiative in California, it is essential to ensure that the harms of keeping minors as the only illegal part of the marijuana-using population do not exceed the harms of the drug itself. Engagement with our criminal justice system also has its own potential for long-lasting harms:

• Criminal arrest records, juvenile justice probation and juvenile hall.
• Incarceration subculture, “crime school,” psychological and re-entry costs.
• Ineligibility for federal school loans.
• School expulsions and suspensions.
• Employment screening problems.
• Racial disparities in arrest and adjudication.
• Fines and attorney’s fees.
• Immigration/naturalization problems.
**Recommendations:**

1. **Criminal Sanctions:** There is little evidence to support the intuitive belief that incarceration reduces crime or recidivism [1, 2]. Five states with the largest decreases in imprisonment have shown an average decrease in crime of 45% [3, 4]. And, the criminal justice system has proven to be a blunt and ineffective instrument for reducing youth drug use. There is a substantial literature detailing the hegemony of punishment over rehabilitation in America's prisons and increasing evidence that adaptation to incarceration has substantial psychological and social costs [5].

If marijuana use and possession are legalized for California adults, it is minors for whom possession and use will remain illegal; and, the penalties should not exceed the harms of the drug itself. Sanctions should support families, school retention, and remediation for the minority of youth who become addicted. In any future voter’s initiative, it is important to clearly articulate both the nature of marijuana legal charges and the attendant penalties. In particular, there must be clear criteria established for discriminating among infractions, misdemeanors, and felonies. The level of criminal sanction and its duration must be appropriately linked to the level of the offense.

Finally, future initiative prose must define a pathway for effective arrest record expungement for individuals under 21 years of age. The experience with Proposition 36 (SACPA 2000, Treatment rather than Incarceration) has demonstrated that although successful treatment completers could have their records expunged, online computer searches could, in many cases, still find a historical record of arrests.

2. **Non-Criminal Sanctions:** We need to seek a middle ground of community and school-based sanctions that neither criminalize, nor pathologize youthful marijuana users. The Office of the California Attorney General needs to develop a systematic tracking system for marijuana-related infractions (but individual offenders should be anonymized in state and county databases). Minors should be charged with infractions rather than misdemeanors whenever possible. These are best structured as fix-it tickets that call for 8 hours, or more, of education (similar to traffic school) or enrollment in a Student Assistance Program (SAP). An infraction ticket for a minor would require a parental notification. Infraction fines (~$100) should be waived for minors after completion of sanctioned education.

3. **Schools:** We need to strongly discourage school zero-tolerance policies that rely on suspension or expulsion in favor of comprehensive evaluations and school-based programs that emphasize school retention and improved academic performance. We need to discourage on-campus arrests (except for actual drug dealing/distribution) and discourage referrals to juvenile courts and probation [6]. (Possession of marijuana on a school campus remains a criminal offense.) Schools should not institute random drug screening (that must be reserved for students enrolled in SAPs and treatment programs with privacy protections) [7]. Parental notification of in-school offenses and family-based interventions are needed.

4. **Student Assistance Programs:** Reserved marijuana tax funding from a voter’s legalization initiative in 2016 should be used to develop Student Assistance Programs (SAP) for California high schools; and, there are many working models to consider both in-state and elsewhere in the U.S. (SAPs are described in more detail in a separate briefing.)
The key goals should be school retention, cognitive/learning assessments, and academic remediation, as well as referrals for professional care when indicated. Such programs also need to be funded to carry out tracking of longer-term outcomes.

**The Evidence-Base on Marijuana-Related Youth Sanctions:**

**Overview:** According to a 2013 ACLU Report [8] between 2001 and 2010 there were over eight million marijuana arrests in the USA, 88% of which were for possession, and accounting for 46% of all drug arrests. The ACLU found that Blacks were 3.73 times more likely to be arrested for possession than Whites, even though both use marijuana at similar rates. These arrests or convictions can and do have negative impacts on school completion, federal financial aid, public housing, employment, custody determinations, and immigration status.

The National Research Council of the prestigious American Academy of Sciences has recently analyzed American incarceration since the 1970’s [4], and they have found that, in the context of declining property and violent crimes, drug arrests have increased dramatically (Fig 2-6, p.46, copied at right).

However, neither their review nor that of others were able to find a causal (protective) link between increased drug arrests and decreased violent and property crimes.

![FIGURE 2-6 Violent and property crime rates per 100,000 population, 1960 to 2011, and the drug arrest rate per 100,000, 1980 to 2010. SOURCES: Uniform Crime Reports. Drug crime rate, 1965-1980; Federal Bureau of Investigation (1993); Maguire (n.d., Table 3.1062.2011, property and violent crime rates); Uniform Crime Reports (drug arrest rates).](image)

The U.S. penal population of 2.2 million adults is the largest in the world. In 2012, close to 25 percent of the world’s prisoners were held in American prisons, although the United States accounts for about 5 percent of the world's population. The U.S. rate of incarceration, with nearly 1 of every 100 adults in prison or jail, is 5 to 10 times higher than rates in Western Europe and other democracies. [4](p.2)

The *Global Commission on Drug Policy* [9, 10] has called for an end to incarceration-based strategies in favor of decriminalization and regulation. And, many advocacy organizations have analyzed international data and similarly endorsed major revisions of *War on Drugs* policies, international drug conventions, and elimination of criminal sanctions for personal possession amounts of diverse drugs [11-25].
Youth Trends: High school youth in the US now have virtually unlimited access to marijuana. In 2013, Monitoring the Future [26] found that 36.4% of high school seniors had used marijuana. Young people generally consider marijuana safer than cigarettes; and, more 12th graders now smoke marijuana than cigarettes.

Twenty-three states and the District of Columbia have legalized medical marijuana. This increased availability of cannabis products has raised concerns about increased access and use among teenagers [27]. An analysis of data on 11,703,100 students from the Youth Risk Behavioral Survey (1991-2011) found no significant differences between states with and without legalization of medical marijuana [28]. Across years and states, past-month marijuana use was 20.9%. Similarly, a large European study using a random probability sample of 15,191 young people (ages 15-24) in 15 countries found that the elimination of punishments for personal use possession was not associated with higher drug use [29].

California Juvenile Arrest Data [30]:
On January 11, 2011, Gov. Schwartzenegger signed into law Senate Bill 1149 reducing from a misdemeanor to a civil infraction the possession of less than one ounce of marijuana. The prior $100 fine for possession remains in effect. Possession of marijuana on a school campus or in a moving vehicle remains a criminal offense. This change eliminated the need for a trial and an attorney, with attendant savings for both the individual and the state.
Marijuana arrest rates then plummeted in 2011 [30-32]. For the first time, arrests for possession became less than for sales and distribution. However, the California attorney general’s arrest data do not provide information about criteria for charging possession as a felony rather than as a misdemeanor or infraction.

The graph at right shows that in 2013 the numbers of juvenile marijuana felony arrests were only slightly less than numbers of felony arrests for dangerous drugs and narcotics combined.

This suggests a persisting lack of proportional response to the drugs with the highest dangers to self and to society.

California data for juvenile arrests through 2013 (in the two graphics on this page) show that marijuana-related arrests remain low-hanging fruit for criminal justice engagement, still exceeding felony arrests for narcotics and dangerous drugs and still providing the majority of misdemeanor drug arrests.

Since the change in law, juvenile marijuana misdemeanor arrests have dropped dramatically while juvenile marijuana felony arrests have declined much more slowly. In 2011, three-fourths of California’s dwindling marijuana...
possession arrestees (5,800/7,800) were under age 18, up from one-third in 2010. And, what are the criteria for so many continuing misdemeanor arrests in the post-2011 infraction era? Unfortunately there is no California Department of Justice data tabulating the rates of marijuana infraction citations; and, the enforcement distinctions between a juvenile misdemeanor and an infraction remain unclear and are likely to vary in practice according to locale.

Caulkins and Kilmer have reviewed diverse analyses of criminal justice costs of marijuana prohibition in California [33]; they calculate that 43.6%-48.1% of marijuana arrests in 2010 were for minors (p. 17). In 2009 (before the 2011 law change), the prosecution dropped only 4% of all felony marijuana arrests and 2% of all misdemeanor arrests. However, ninety-four percent of cases were settled through plea bargains. They estimated per person felony adjudication costs as $2,026 without trial, and $3,575 with trial. Their estimate for misdemeanors was $418, including trial.

Our approach suggests that the direct criminal justice systems cost of prohibiting marijuana for adults in California in 2010 was approximately $150 million. More than 45 percent of the costs ($70 million) are attributable to incarceration. After incarceration, prosecution ($40 million) and probation and parole combined ($30 million) are the next largest cost items [33] (p.25).

**Marijuana Decriminalization and Youth Risks:** In September 2014, Males and Buchen [34, 35] at the Center on Juvenile and Criminal Justice (CJCJ) compared effects of two kinds of marijuana reforms in five states (CA, CT, MA, CO, WA). Unexpectedly, they did not find increased harms to California youth in the two years following the down-charging of marijuana possession to an infraction. Improvements in California exceeded those in other states.

They found that all five states reported substantial declines in marijuana possession arrests, four states reported drops in marijuana felony arrests.

Universal decriminalization more effectively reduced arrests and associated harms (especially for young people), and California teenagers showed improvements in all risk areas (crime, overdose, DUI, and school dropout) after legal reform.
School Expulsion/Suspension: In 2003, the American Academy of Pediatrics estimated that 79-94% of schools maintain so-called zero-tolerance policies that mandate predetermined consequences for various offenses, including drug possession [36]. Unintended consequences may include academic deterioration, school alienation, delinquency, and substance abuse. In 2001, the American Bar Association had recommended ending such policies, arguing that it is wrong to mandate automatic expulsions or referrals to juvenile courts. The Academy of Pediatrics made nine recommendations, including the need for a full history and assessment, limited expulsions only for severe manifest dangers, access to community-based health care and social services, and professional referrals.

Although zero-tolerance policies were originally products of the Gun-Free Schools Act of 1994, such policies were rapidly and popularly expanded to a wide range of behavioral violations. The Zero-Tolerance Task Force Report (2008) of the American Psychological Association found that schools with higher rates of suspension tend to have lower academic quality, pay less attention to school climate, and receive lower ratings on school governance measures.

An extensive [APA] review of the literature found that, despite a 20-year history of implementation, there are surprisingly few data that could directly test the assumptions of a zero tolerance approach to school discipline, and the data that are available tend to contradict those assumptions. Moreover, zero tolerance policies may negatively affect the relationship of education with juvenile justice and appear to conflict to some degree with current best knowledge concerning adolescent development. To address the needs of schools for discipline that can maintain school safety while maximizing student opportunity to learn, the report offers recommendations for both reforming zero tolerance where its implementation is necessary and for alternative practice to replace zero tolerance where a more appropriate approach is indicated. [37].

Students who experience out-of-school suspensions or expulsions are as much as ten times more likely to drop out of high school. In 2013, the Academy of Pediatrics recommended more comprehensive alternatives, including School-Wide Positive Behavioral Support (SWBS) programs. Such programs have three components: (1) prevention, (2) multi-tiered support, and (3) data-based decision making. [38]

Zero-tolerance policies and practical change practices, such as the Culture of Calm Initiative, are well reviewed in a recent research report of the University of Chicago Consortium on Chicago School Research [39]. A New York Times editorial (March 26, 2015) on their research and on alternatives to zero-tolerance practices, commented that,

The schools are being pushed in this direction by studies showing: that suspensions do nothing to improve the school climate; that children who are thrown out are at greater risk of low achievement and becoming entangled with the juvenile justice system; and that minority children are disproportionately singled out for the harshest, most damaging disciplinary measures. [40]
Since 2012, the California Department of Education has worked successfully to decrease suspensions and expulsions. The top three reasons for suspension in 2012-13 were: (1) disruption and “willful defiance,” (2) student fights, and abusive language and (3) vulgar acts. In September 2014, California enacted AB 420 to eliminate student suspensions for “willful defiance” and minor misbehaviors. School suspensions and expulsions, disproportionately affecting minorities, have dramatically declined in the past two years—a 20% decline in expulsions and a 15% decrease in suspensions in the last school year [41]. (However, at this time, we do not have a breakdown of disciplinary actions directly related to marijuana or drug use.)

Research on the effect of school policies on marijuana and drug use is scarce and offers mixed results. A March 2015 study looked at the effects of school drug policies on student marijuana use in Washington state and Victoria, Australia [42]. The “likelihood of student marijuana use was higher in schools in which administrators reported using out-of-school suspension and students reported low policy enforcement. Student marijuana use was less likely where students reported receiving abstinence messages at school and students violating school policy were counseled about the dangers of marijuana use.”

**Federal Financial Aid [43]:** Higher Education Act (HEA) was signed by President Johnson in 1965. It was designed to make college more realistic for middle and lower income students. The Drug Offender Exclusionary Provision of the Higher Education Act, added in 1998, blocks eligibility for students revealing drug convictions (including misdemeanors) on the Free Application for Federal Student Aid (FAFSA). The restrictions apply only to students attending school on federal financial aid when the charge was incurred. The provision provides for resumption of federal aid if they satisfactorily complete qualifying drug rehabilitation programs. Exceptions to the exclusion time frames include having the convictions reversed, expunged (most likely for juveniles and successful completers of diversion programs), or charges reduced to less than three possession convictions or two sales convictions.

**Possession of a Controlled Substance**

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<tr>
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<td>1st Offense</td>
<td>1 year</td>
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<td>2nd Offense</td>
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<td>3rd Offense</td>
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**Sale of a Controlled Substance**

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**Employment:** Many employers ask questions about legal history (including arrests and misdemeanors) and request signed release of information forms. In many cases a prior arrest is sufficient to disqualify an applicant; and, for existing employees, lying on an application form is potential grounds for later job termination. In the era of online database searches, arrest data is easily found.
Racial Disparities in Arrests: The NAACP and The Drug Policy Alliance have summarized racial disparities in marijuana arrests in California between 2006 and 2008 [8, 44]. Marijuana arrests were disproportionately high for Blacks and Hispanics, males, and young people compared to rates of use. Arrest rates in 25 major metropolitan areas were from 4 to 11 times the rates for Whites.

Legal Expenses: Young people, particularly disadvantaged youth, do not reliably have adequate financial resources to effectively dispute or mitigate legal charges in court. The shift to infractions in California law introduces a new disparity that exists alongside the racial disparity, namely, a class disparity. The $100 fine is not trivial for poor kids, many but not all of whom will be minorities. If an offender fails to pay the fine, a bench warrant is issued; and, now the offender is guilty of a misdemeanor (not paying the fine). The misdemeanor leads the offender back into the criminal justice system, with all the attendant difficulties, including the fact that the offender now has to hire a lawyer or accept a marginal defense from the public defender (who will usually be concerned with the more serious offenses of other clients).

Immigration: A marijuana-related conviction can affect immigration status, because state-by-state legalization initiatives nonetheless contravene federal laws. The nature of the drug charge will likely determine whether it will serve as a bar to residency or as a reason for deportation.
### Additional California Criminal Justice Data:

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<td>Adult</td>
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<td>127,600</td>
<td>121,015</td>
<td>50,505</td>
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<td>Adult</td>
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<td>Juvenile</td>
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<td>95,244</td>
<td>137,099</td>
<td>30,682</td>
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<tr>
<td><strong>Total</strong></td>
<td>369,895</td>
<td>335,809</td>
<td>519,974</td>
<td>76,947</td>
<td>1,302,625</td>
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ENDNOTES:


This report is the first to examine marijuana possession arrest rates by race for all 50 states (and the District of Columbia) and their respective counties from 2001 to 2010. The report relies on the Federal Bureau of Investigation’s Uniform Crime Reporting Program and the United States Census’ annual county population estimates to document arrest rates by race per 100,000 for marijuana possession.

The report finds that between 2001 and 2010, there were over 8 million marijuana arrests in the United States, 88% of which were for possession. Marijuana arrests have increased between 2001 and 2010 and now account for over half (52%) of all drug arrests in the United States, and marijuana possession arrests account for nearly half (46%) of all drug arrests. In 2010, there was one marijuana arrest every 37 seconds, and states spent combined over $3.6 billion enforcing marijuana possession laws.

The report also finds that, on average, a Black person is 3.73 times more likely to be arrested for marijuana possession than a white person, even though Blacks and whites use marijuana at similar rates. Such racial disparities in marijuana possession arrests exist in all regions of the country, in counties large and small, urban and rural, wealthy and poor, and with large and small Black populations. Indeed, in over 96% of counties with more than 30,000 people in which at least 2% of the residents are Black, Blacks are arrested at higher rates than whites for marijuana possession.

The report concludes that the War on Marijuana, like the larger War on Drugs of which it is a part, is a failure. It has needlessly ensnared hundreds of thousands of people in the criminal justice system, had a staggeringly disproportionate impact on African Americans, and comes at a tremendous human and financial cost. The price paid by those arrested and convicted of marijuana possession can be significant and linger for years, if not a lifetime. Arrests and convictions for possessing marijuana can negatively impact public housing and student financial aid eligibility, employment opportunities, child custody determinations, and immigration status. Further, the War on Marijuana has been a fiscal fiasco. The taxpayers’ dollars that law enforcement agencies waste enforcing marijuana possession laws could be better spent on addressing and solving serious crimes and working collaboratively with communities to build trust and increase public health and safety. Despite the fact that aggressive enforcement of marijuana laws has been an increasing priority of police departments across the country, and that states have spent billions of dollars on such enforcement, it has failed to diminish marijuana’s use or availability.

To repair this country’s wrecked War on Marijuana, the ACLU recommends that marijuana be legalized for persons 21 or older through a system of taxation, licensing, and regulation. Legalization is the smartest and surest way to end targeted enforcement of marijuana laws in communities of color, and, moreover, would eliminate the costs of such enforcement while generating revenue for cash-strapped states. States could then reinvest the money saved and generated into public schools and public health programs, including substance abuse treatment. If legalization is not possible, the ACLU recommends depenalizing marijuana use and possession for persons 21 or older by removing all attendant civil and criminal penalties, or, if depenalization is unobtainable, decriminalizing marijuana use and possession for adults and youth by classifying such activities as civil, not criminal, offenses.

The ACLU also recommends that until legalization or depenalization is achieved, law enforcement agencies and district attorney offices should deprioritize enforcement of marijuana possession laws. In addition, police should end racial profiling and unconstitutional stop, frisk, and search practices, and no longer measure success and productivity by the number of arrests they make. Further, states and the federal government should eliminate the financial incentives and rewards that enable and encourage law enforcement to make large numbers of arrests, including for low-level offenses such as marijuana possession.

In sum, it is time to end marijuana possession arrests.


ALICE RAP (Addictions and Lifestyles in Contemporary Europe - Reframing Addictions Project) is the first major European wide project studying addictions as a whole and their influence on health and wealth. The aim of this five-year €10 million co-financed EU project is to stimulate and feed scientific evidence into a comprehensive public policy dialogue and debate on current and alternative approaches to addictions and to inform the development of more effective and efficient interventions.

The ALICE RAP Policy Paper series aims to provide concise evidence briefs for decision-makers and advocates working on key addiction-related issues. This fifth paper in the series focuses on cannabis.

An estimated 2,500 tons of cannabis are consumed every year in the EU and Norway, corresponding to a retail value of between 18 and 30 billion Euros. 23 million people (6.8% of all 15- to 64-year-olds) have used the drug in the past year and about 12 million (3.6% of all 15- to 64 year-olds) in the last month. The vast majority of these cannabis smokers in Europe are supplied by unregulated criminal markets; users remain unprotected from negative health and social impacts; public revenues are lost in supporting criminal justice systems and often discriminatory enforcement policies; and, potential tax revenues remain uncollected. Driven by public demands for change, multiple
jurisdictions around the world are now debating, developing and, in some cases, implementing models of legal cannabis regulation.

Drawing on global and European experience in regulating tobacco and alcohol, this Policy Paper makes the case for why current prohibitionist approaches need to be changed and how legal regulatory cannabis policies can be crafted that protect public health, wealth and well-being. For most jurisdictions cannabis offers a blank canvas. It provides an opportunity to learn from past errors, and replace criminal markets with regulatory models that are built on principles of public health and well-being from the outset, without a large scale legal commercial industry resisting reform. By removing political and institutional obstacles and freeing up resources for research and evidence-based public health and social interventions, legal regulation can potentially create a more conducive environment for achieving improved drug policy outcomes in the longer term.


The primary mission of any school system is to educate students. To achieve this goal, the school district must maintain a culture and environment where all students feel safe, nurtured, and valued and where order and civility are expected standards of behavior. Schools cannot allow unacceptable behavior to interfere with the school district’s primary mission. To this end, school districts adopt codes of conduct for expected behaviors and policies to address unacceptable behavior. In developing these policies, school boards must weigh the severity of the offense and the consequences of the punishment and the balance between individual and institutional rights and responsibilities. Out-of-school suspension and expulsion are the most severe consequences that a school district can impose for unacceptable behavior. Traditionally, these consequences have been reserved for offenses deemed especially severe or dangerous and/or for recalcitrant offenders. However, the implications and consequences of out-of-school suspension and expulsion and "zero-tolerance" are of such severity that their application and appropriateness for a developing child require periodic review. The indications and effectiveness of exclusionary discipline policies that demand automatic or rigorous application are increasingly questionable. The impact of these policies on offenders, other children, school districts, and communities is broad. Periodic scrutiny of policies should be placed not only on the need for a better understanding of the educational, emotional, and social impact of out-of-school suspension and expulsion on the individual student but also on the greater societal costs of such rigid policies. Pediatricians should be prepared to assist students and families affected by out-of-school suspension and expulsion and should be willing to guide school districts in their communities to find more effective and appropriate alternatives to exclusionary disciplinary policies for the developing child. A discussion of preventive strategies and alternatives to out-of-school suspension and expulsion, as well as recommendations for the role of the physician in matters of out-of-school suspension and expulsion are included. School-wide positive behavior support/positive behavior intervention and support is discussed as an effective alternative.


Suspension and expulsion from school are used to punish students, alert parents, and protect other students and school staff. Unintended consequences of these practices require more attention from health care professionals. Suspension and expulsion may exacerbate academic deterioration, and when students are provided with no immediate educational alternative, student alienation, delinquency, crime, and substance abuse may ensue. Social, emotional, and mental health support for students at all times in all schools can decrease the need for expulsion and suspension and should be strongly advocated by the health care community. This policy statement, however, highlights aspects of expulsion and suspension that jeopardize children's health and safety. Recommendations are targeted at pediatricians, who can help schools address the root causes of behaviors that lead to suspension and expulsion and can advocate for alternative disciplinary policies. Pediatricians can also share responsibility with schools to provide students with health and social resources.


Cannabis has long been a substance drawing much attention within the international drug control regime, a system currently based upon the 1961 Single Convention on Narcotic Drugs. Today the regime landscape is changing. Faced with particular challenges and democratic decisions, a number of jurisdictions are moving beyond merely tolerant approaches to the possession of cannabis for personal use to legally regulating markets for the drug. In November 2012 voters within the U.S. states of Colorado and Washington passed ballot initiatives to tax and regulate cannabis cultivation, distribution and consumption for non-medical purposes. Just over a year later, Uruguay legislated state regulation of the entire chain of the domestic cannabis market for medical, industrial and recreational use. These policy shifts go well
beyond the permitted prohibitive boundaries of the UN drug control conventions. They represent a break with an historical trajectory founded on dubious science and political imperatives. And they have thrown the global regime into a state of crisis, as this report will argue.

This publication is a joint effort of the Transnational Institute in Amsterdam and the Global Drug Policy Observatory at Swansea University. Research has been going on in various stages for about two years, and interim results were presented at the Seventh Annual Conference of the International Society for the Study of Drug Policy at the Universidad de los Andes, in Bogotá, in May 2013 and further discussed in an expert seminar on cannabis regulation in October 2013 in Amsterdam. Many academics, government officials and experts from NGOs and international agencies have provided useful comments on earlier drafts, but needless to say the end result is the sole responsibility of the authors. This final report will be first presented at the 57th session of the UN Commission on Narcotic Drugs (CND) in Vienna, 13-21 March 2014.

California Department of Education (2015). State Schools Chief Tom Torlakson Reports Significant Drops in Suspensions and Expulsions for Second Year in a Row, from http://www.cde.ca.gov/nr/ne/yr15/yr15rel5.asp. SACRAMENTO—State Superintendent of Public Instruction Tom Torlakson today announced a dramatic 20 percent drop in the number of students expelled in 2013-14 and a 15.2 decline in the number of students suspended. This marks the second year in a row of declines in both areas. The new figures come at a time when the California Department of Education (CDE) is working with districts around the state to implement innovative programs that reduce suspensions and expulsions, including some known as “restorative justice.” Statewide, 49,987 fewer students were suspended in 2013-14 compared to the year before, down 15.2 percent. The suspension rate is 4.4 percent, down 0.7 of a percentage point from the year before. Similarly, 1,655 fewer students were expelled in 2013-14 compared to the year before, down 20 percent.


PURPOSE: The state-level legalization of medical marijuana has raised concerns about increased accessibility and appeal of the drug to youth. The objective of this study was to assess the impact of medical marijuana legalization across the United States by comparing trends in adolescent marijuana use between states with and without legalization of medical marijuana. METHODS: The study utilized data from the Youth Risk Behavioral Surveillance Survey between 1991 and 2011. States with a medical marijuana law for which at least two cycles of Youth Risk Behavioral Surveillance data were available before and after the implementation of the law were selected for analysis. Each of these states was paired with a state in geographic proximity that had not implemented the law. Chi-squared analysis was used to compare characteristics between states with and without medical marijuana use policies. A difference-in-difference regression was performed to control for time-invariant factors relating to drug use in each state, isolating the policy effect, and then calculated the marginal probabilities of policy change on the binary dependent variable. RESULTS: The estimation sample was 11,703,100 students. Across years and states, past-month marijuana use was common (20.9%, 95% confidence interval 20.3-21.4). There were no statistically significant differences in marijuana use before and after policy change for any state pairing. In the regression analysis, we did not find an overall increased probability of marijuana use related to the policy change (marginal probability .007, 95% confidence interval -.007, .02). CONCLUSIONS: This study did not find increases in adolescent marijuana use related to legalization of medical marijuana.


More than 1.5 million people are arrested every year for a drug law violation. Since the 1970s, drug war practices have led to unprecedented levels of incarceration and the marginalization of tens of millions of Americans – disproportionately poor people and people of color – while utterly failing to reduce problematic drug use and drug-related harms. The severe consequences of a drug arrest are life-long.

One solution to reducing the number of people swept into the criminal justice system (or deported) for drug law violations is to enact various forms of decriminalization of drug use and possession. Decriminalization is the removal of criminal penalties for drug law violations (usually possession for personal use).i Roughly two dozen countries, and dozens of U.S. cities and states, have taken steps toward decriminalization.ii By decriminalizing possession and investing in treatment and harm reduction services, we can reduce the harms of drug misuse while improving public safety and health.


Objectives. We examined the longitudinal effect of schools’ drug policies on student marijuana use. Methods. We used data from the International Youth Development Study, which surveyed state-representative samples of students from Victoria, Australia, and Washington State. In wave 1 (2002), students in grades 7 and 9 (n = 3264) and a school administrator from each participating school (n = 188) reported on school drug policies. In wave 2 (2003), students reported on their marijuana use. We assessed associations between student-reported and administrator-reported policy and student self-reported marijuana use 1 year later. Results. Likelihood of student marijuana use was higher in schools in which administrators reported using out-of-school suspension and students reported low policy enforcement. Student marijuana use was less likely where students reported receiving abstinence messages at school and students violating school policy were counseled about the dangers of marijuana use. Conclusions. Schools may reduce student marijuana use by delivering abstinence messages, enforcing nonuse policies, and adopting a remedial approach to policy violations rather than use of suspensions.


The global war on drugs has failed, with devastating consequences for individuals and societies around the world. Fifty years after the initiation of the UN Single Convention on Narcotic Drugs, and 40 years after President Nixon launched the US government’s war on drugs, fundamental reforms in national and global drug control policies are urgently needed.

Vast expenditures on criminalization and repressive measures directed at producers, traffickers and consumers of illegal drugs have clearly failed to effectively curtail supply or consumption. Apparent victories in eliminating one source or trafficking organization are negated almost instantly by the emergence of other sources and traffickers. Repressive efforts directed at consumers impede public health measures to reduce HIV/AIDS, overdose fatalities and other harmful consequences of drug use. Government expenditures on futile supply reduction strategies and incarceration displace more cost-effective and evidence-based investments in demand and harm reduction.

Our principles and recommendations can be summarized as follows:

- End the criminalization, marginalization and stigmatization of people who use drugs but who do no harm to others. Challenge rather than reinforce common misconceptions about drug markets, drug use and drug dependence.
- Encourage experimentation by governments with models of legal regulation of drugs to undermine the power of organized crime and safeguard the health and security of their citizens. This recommendation applies especially to cannabis, but we also encourage other experiments in decriminalization and legal regulation that can accomplish these objectives and provide models for others.
- Offer health and treatment services to those in need. Ensure that a variety of treatment modalities are available, including not just methadone and buprenorphine treatment but also the heroin-assisted treatment programs that have proven successful in many European countries and Canada. Implement syringe access and other harm reduction measures that have proven effective in reducing transmission of HIV and other blood-borne infections as well as fatal overdoses.
- Respect the human rights of people who use drugs. Abolish abusive practices carried out in the name of treatment – such as forced detention, forced labor, and physical or psychological abuse – that contravene human rights standards and norms or that remove the right to self-determination.
- Apply much the same principles and policies stated above to people involved in the lower ends of illegal drug markets, such as farmers, couriers and petty sellers. Many are themselves victims of violence and intimidation or are drug dependent. Arresting and incarcerating tens of millions of these people in recent decades has filled prisons and destroyed lives and families without reducing the availability of illicit drugs or the power of criminal organizations. There appears to be almost no limit to the number of people willing to engage in such activities to better their lives, provide for their families, or otherwise escape poverty.
- Drug control resources are better directed elsewhere. Invest in activities that can both prevent young people from taking drugs in the first place and also prevent those who do use drugs from developing more serious problems. Eschew simplistic ‘just say no’ messages and ‘zero tolerance’ policies in favor of educational efforts grounded in credible.
information and prevention programs that focus on social skills and peer influences. The most successful prevention efforts may be those targeted at specific at-risk groups.

Focus repressive actions on violent criminal organizations, but do so in ways that undermine their power and reach while prioritizing the reduction of violence and intimidation. Law enforcement efforts should focus not on reducing drug markets per se but rather on reducing their harms to individuals, communities and national security.

Begin the transformation of the global drug prohibition regime. Replace drug policies and strategies driven by ideology and political convenience with fiscally responsible policies and strategies grounded in science, health, security and human rights – and adopt appropriate criteria for their evaluation.

Review the scheduling of drugs that has resulted in obvious anomalies like the flawed categorization of cannabis, coca leaf and MDMA.

Ensure that the international conventions are interpreted and/or revised to accommodate robust experimentation with harm reduction, decriminalization and legal regulatory policies.

Break the taboo on debate and reform. The time for action is now.


ABSTRACT. Marijuana that is legally available for adults has multiple implications for adolescent substance use. One potential effect that legalization may have is an increase in adolescent use due to increased availability, greater social acceptance, and possibly lower prices. Legalization may also facilitate the introduction of new formulations of marijuana (edible, vaporized) and with potentially higher potencies. It is unknown what adolescent consumption patterns will be if marijuana is widely available and marketed in different forms, or what effects different patterns of adolescent use will have on cognition, the development of marijuana use disorders, school performance, and the development of psychotic illnesses. Also unclear is whether adolescent users will be experiencing higher levels of tetrahydrocannabinol (THC) compared with previous generations of users due to higher potencies. Although previous studies of the effects of adolescent marijuana use provide some guidance for current policy and public health recommendations, many new studies will be needed that answer questions in the context of use within a legal adult environment. Claims that marijuana has medicinal benefits create additional challenges for adolescent prevention efforts, as they contrast with messages of its harmfulness. Prevention and treatment approaches will need to address perceptions of the safety of marijuana, claims of its medicinal use, and consider family-wide effects as older siblings and parents may increasingly openly consume and advocate for marijuana use. Guidance for primary care physicians will be needed regarding screening and counseling.

Widespread legalization and acceptance of marijuana implies that as law enforcement approaches for marijuana control decline, public health, medical, and scientific efforts to understand and reduce negative consequences of adolescent marijuana use need to be substantially increased to levels commensurate with those efforts for tobacco and alcohol.


This summary is based on six briefing papers that were published in 2013 as part of the project.1 These briefing papers offer an analysis of the policies and practices in drug law enforcement that have so far been implemented to tackle drug production, demand, trafficking and criminality – highlighting the benefits and drawbacks that such strategies have had around the world. These briefings offer evidence of the ineffectiveness of the traditional "war on drugs" approach to reduce the supply or demand for drugs in consumer markets, and provide policy guidance and examples of best practice on new drug law strategies. The briefing series focuses on the following key themes:

1 The role of the police to support harm reduction policies and practices towards people who use drugs
2 Examples of focused deterrence and selective targeting strategies to combat drug trafficking and organised crime
3 The application of harm reduction principles to the policing of retail drug markets
4 The practical policing implications of regulated cannabis markets
5 Best practices in the area of financial investigation strategies and drug law enforcement
6 The role of foreign aid in drug law enforcement strategies.


California’s new arrest figures read like something out of a drug policy reformer’s dream - but with unexpected twists (see graphics). Arrests for marijuana possession plummeted by 86%, from 54,900 in 2010 to 7,800 in 2011, abruptly reversing a two-decade trend of increasing marijuana misdemeanor arrests and returning numbers to levels not seen since before the Summer of Love.


The War on Marijuana is losing steam. Policymakers, researchers, and law enforcement are beginning to recognize that arresting and incarcerating people for marijuana possession wastes billions of dollars, does not reduce the abuse of marijuana or other drugs, and results in grossly disproportionate harms to communities of color (ACLU, 2013; Ingram, 2014). Marijuana reforms are now gaining traction across the nation, generating debates over which strategies best reduce the harms of prohibition.

Should marijuana be decriminalized or legalized? Should it be restricted to people 21 and older? Advocates of the latter strategy often argue their efforts are intended to protect youth (Newson, 2014; Holder, 2013; Californians for Marijuana Legalization and Control, 2014). However, if the consequences of arrest for marijuana possession — including fines, jail time, community service, a criminal record, loss of student loans, and court costs — are more harmful than use of the drug (Marijuana Arrest Research Project, 2012), it is difficult to see how continued criminalization of marijuana use by persons under 21 protects the young. Currently, people under 21 make up less than one-third of marijuana users, yet half of all marijuana possession arrests (ACLU, 2013; Males, 2009).

This analysis compares five states that implemented major marijuana reforms over the last five years, evaluating their effectiveness in reducing marijuana arrests and their impact on various health and safety outcomes. Two types of reforms are evaluated: all-ages decriminalization (California, Connecticut, and Massachusetts), and 21-and-older legalization (Colorado and Washington). The chief conclusions are:

- All five states experienced substantial declines in marijuana possession arrests. The four states with available data also showed unexpected drops in marijuana felony arrests.
- All-ages decriminalization more effectively reduced marijuana arrests and associated harms for people of all ages, particularly for young people.
- Marijuana decriminalization in California has not resulted in harmful consequences for teenagers, such as increased crime, drug overdose, driving under the influence, or school dropout. In fact, California teenagers showed improvements in all risk areas after reform.
• Staggering racial disparities remain— and in some cases are exacerbated — following marijuana reforms. African Americans are still more likely to be arrested for marijuana offenses after reform than all other races and ethnicities were before reform.

• Further reforms are needed in all five states to move toward full legalization and to address racial disparities.


A recent study from the Center on Juvenile and Criminal Justice (CJCJ) demonstrates that decriminalization of marijuana can actually improve our children’s futures while saving taxpayers billions of dollars. In 2011, Senate Bill 1449 was implemented, which reduced the punishment for simple marijuana possession from a misdemeanor criminal offense to a civil infraction punishable by a fine of no more than $100. Data from the California Department of Justice’s Criminal Justice Statistics Center for 2011 reveals an impressive 20 percent decrease in overall youth arrests in the state compared to the previous year, and a 60 percent decrease in marijuana arrests. The CJCJ analysis determined that the “largest contributor to [the overall] decrease was a drop of 9,000 in youths’ low-level marijuana possession arrests” since the passage of SB 1449.

Morgan, E., et al. (2014). "The School Discipline Consensus Report: Strategies from the field to keep students engaged in school and out of the juvenile justice system, Council of State Governments Justice Center." RESEARCH AND DATA ON SCHOOL DISCIPLINE practices are clear: millions of students are being removed from their classrooms each year, mostly in middle and high schools, and overwhelmingly for minor misconduct. 1 When suspended, these students are at a significantly higher risk of falling behind academically, dropping out of school, and coming into contact with the juvenile justice system.

2 A disproportionately large percentage of disciplined students are youth of color, 3 students with disabilities, 4 and youth who identify as lesbian, gay, bisexual, or transgender (LGBT).

5 There is no question that when students commit serious offenses or pose a threat to school safety they may need to be removed from the campus or arrested. Such incidents, however, are relatively rare, and school typically remains the safest place a young person can be during the day. In schools with high rates of suspension for minor offenses, however, students and teachers often feel they are not safe or supported in their learning environment. Trailblazing student and parent groups, advocacy organizations, researchers, professional associations, and school districts have raised the visibility of exclusionary discipline practices across the nation. In response, individual schools, districts, and state education systems have implemented research-based approaches to address student misbehavior that hold youth accountable, address victims’ needs, and effectively improve both student conduct and adult responses. These approaches also help keep students engaged in classrooms and out of courtrooms.

The federal government has also put a spotlight on these issues. As part of the Supportive School Discipline Initiative, the U.S. Departments of Education and Justice issued joint guidance in January 2014 to assist public elementary and secondary schools in meeting their obligations under federal law to administer student discipline without discriminating on the basis of race, color, or national origin.** That guidance was accompanied by three documents—Guiding Principles, the Directory of Federal School Climate and Discipline Resources, and the Compilation of School Discipline Laws and Regulations—to help guide state- and locally controlled efforts to improve school climate and school discipline. See U.S. Department of Education and U.S. Department of Justice School Discipline Guidance at ed.gov/policy/gen/guid/school-discipline/index.html.

The School Discipline Consensus Report builds on this foundation and breaks new ground by integrating some of the best thinking and innovative strategies from the fields of education, health, law enforcement, and juvenile justice. Leaders in these diverse systems agree that local and state governments must not only help schools reduce the number of students suspended, expelled, and arrested, but must also provide conditions for learning wherein all students feel safe, welcome, and supported. The central thesis of this comprehensive report is that achieving these objectives requires the combination of a positive school climate; tiered levels of behavioral interventions; and a partnership between education, police, and court officials that is dedicated to preventing youth arrests or referrals to the juvenile justice system for minor school-based offenses.


FINDINGS AND CONCLUSIONS: From 1973 to 2009, the state and federal prison populations that are the main focus of this study rose steadily, from about 200,000 to 1.5 million, declining slightly in the following 4 years. In addition to the men and women serving prison time for felonies, another 700,000 are held daily in local jails. In recent years, the federal prison system has continued to expand, while the state incarceration rate has declined. Between 2006 and 2011, more than half the states reduced their prison populations, and in 10 states the number of people incarcerated fell by 10
percent or more. The U.S. penal population of 2.2 million adults is the largest in the world. In 2012, close to 25 percent of the world’s prisoners were held in American prisons, although the United States accounts for about 5 percent of the world’s population. The U.S. rate of incarceration, with nearly 1 of every 100 adults in prison or jail, is 5 to 10 times higher than rates in Western Europe and other democracies.

CONCLUSION: The growth in incarceration rates in the United States over the past 40 years is historically unprecedented and internationally unique. Those who are incarcerated in U.S. prisons come largely from the most disadvantaged segments of the population. They comprise mainly minority men under age 40, poorly educated, and often carrying additional deficits of drug and alcohol addiction, mental and physical illness, and a lack of work preparation or experience. Their criminal responsibility is real, but it is embedded in a context of social and economic disadvantage. More than half the prison population is black or Hispanic. In 2010, blacks were incarcerated at six times and Hispanics at three times the rate for non-Hispanic whites. The emergence of high incarceration rates has broad significance for U.S. society. The meaning and consequences of this new reality cannot be separated from issues of social inequality and the quality of citizenship of the nation’s racial and ethnic minorities.


Schools across the country are rightly backing away from “zero tolerance” disciplinary policies under which children are suspended for minor misbehavior that once would have been dealt with by the principal and the child’s parents or with a modest punishment like detention. The schools are being pushed in this direction by studies showing: that suspensions do nothing to improve the school climate; that children who are thrown out are at greater risk of low achievement and becoming entangled with the juvenile justice system; and that minority children are disproportionately singled out for the harshest, most damaging disciplinary measures.

A new study of Chicago public schools by the University of Chicago Consortium on Chicago School Research shows that the trend is beginning to take hold there as well. Beginning in 2009, the district started using policies that were intended to cut down on suspensions and expulsions by solving garden-variety disciplinary problems within the school walls. Among these was the Culture of Calm initiative through which high schools stepped up counseling and introduced a peer-driven system for student juries to mediate disputes that might otherwise have led to fights and suspensions.

Judging from suspension data, the initiatives seem to be working. In the 2013-14 school year, for example, 16 percent of high school students received an out-of-school suspension, down from 23 percent in 2008-9. Over the same period, both high school students and high school teachers have reported in surveys that their schools felt much safer, less disruptive and more orderly.

While these data are promising, out-of-school-suspension rates in the district are still too high, particularly for at-risk students. For example, 24 percent of high school students with a disability and 27 percent of the lowest-performing high school students received out-of-school suspensions in 2013-14. Suspension rates for African-American boys were unacceptably high, with a third of them receiving at least one out-of-school suspension that year.

Principals and teachers are clearly doing a better job of resolving disciplinary problems without excluding children from school. But schools serving the highest-risk students clearly need more support services and training to help those children as well.


'A Quiet Revolution: Drug Decriminalisation Policies in Practice Across the Globe' is the first report to support Release’s campaign ‘Drugs -It’s Time for Better Laws’. This campaign was launched in June 2011 and saw the organisation write to David Cameron, the British Prime Minister, calling for a review of our current drug policies and promoting the introduction of decriminalisation of drug possession. The letter was supported by high profile individuals including Sting, Richard Branson, Caroline Lucas MP and Baroness Meacher.

The campaign will progress this year with the publication of three reports: the first, this paper on decriminalisation, demonstrates that the law enforcement model adopted has little impact on the levels of drug use within a country and yet the criminalisation of people who use drugs causes significant harms to the individual and society. The second paper will be launched in autumn 2012 and will look at the disproportionate policing and prosecution of drug possession offences in the UK. The final report to be launched in early 2013 will look at the crude economic costs associated with policing and prosecuting the possession of drugs in the UK.
More information about the campaign can be accessed at: http://www.release.org.uk/decriminalisation


The Chicago Public Schools (CPS) have initiated a number of reforms to reduce the use of exclusionary practices that remove students from the classroom, like suspensions. This report, the first in a series on discipline practices in CPS, provides an overview of the use of suspensions and arrests in Chicago schools and the degree to which practices have changed from 2008-09 to 2013-14.


Background: With marijuana now legal for recreational use in Colorado and Washington State, for medical use in 18 states and the District of Columbia, and effectively decriminalized in 14 states, it’s clear that society’s approach to marijuana is changing dramatically. The Partnership at DrugFree.org is committed to helping young people live lives free of drug and alcohol abuse. With 90 percent of addictions beginning in adolescence, the organization is particularly focused on providing parents and families with the tools they need to help protect their kids from the dangers of substance abuse, especially during the vulnerable teenage years.

It is in this context that The Partnership at DrugFree.org sought to learn more about what parents today believe about:

- marijuana use and the risks it may or may not pose to adolescents
- medicalization, decriminalization and legalization
- and how parents think marijuana, if legal, should be regulated so as to protect young people

The Partnership at DrugFree.org collaborated with Batten & Company, a subsidiary of advertising agency BBDO Worldwide, which in turn enlisted an independent researcher, Whitman Insight Strategies to field an online survey of 1,603 adults in early March of 2013. Of the 1,603 adults surveyed, 1,200 were parents of children ages 10-19. Of the 1,200 parents, 200 were from Colorado and 200 from Washington State, allowing researchers to analyze parent attitudes in these states where marijuana was legalized in November 2012.


INTRODUCTION: Recent research has called upon investigators to exploit cross-national differences to uncover the cultural and structural factors influencing drug use. While the individual-level correlates are well-established, little is known about the association between cross-national variation in drug policies and young people's substance use. This study examines, net of individual-level predictors, the association between national-level drug policy and use of an illicit drug other than cannabis. METHODS: The study uses Eurobarometer repeated cross-sectional surveys in 2002 and 2004 of adolescents aged 15-24 drawn in multistage, random probability samples proportional to population size and density within regions of their country (N=15,191). Participants completed self-reported measures of last month drug use, attitudes toward drugs, school and work participation, and demographics. Gathered from several international bodies, national-level policy measures include drug offense levels, possession decriminalization, and presence and usage of harm reduction strategies. RESULTS: Hierarchical logistic regression models demonstrate that, while controlling for important individual-level predictors, in countries where there is no restriction on possession of drugs for personal use, the odds of drug use in the last month are 79% lower (p<0.05). On the other hand, higher usage of treatment and drug substitution are associated with higher levels of drug use. These results are robust to several alternate specifications.

CONCLUSIONS: Among the strongest and most consistent findings, eliminating punishments for possession for personal use is not associated with higher drug use. The results indicate that researchers should take national-level context into account in individual-level studies of drug use.


A conviction for drug possession, including possession of drug paraphernalia, garners increasingly serious financial aid restrictions with each conviction. The restrictions apply only to students attending school on federal financial aid when the charge was incurred. A first conviction prohibits the student from getting federal financial aid for one year from the conviction date. A second conviction increases the restriction to two years. Subsequent convictions for possession remove federal aid for an indefinite period, typically until after the student completes a federally acceptable substance abuse program.

Distinguishing between drug possession for personal use and supply and trafficking is widely acknowledged as one of the most difficult and controversial issues facing drug legislators and policy makers. To address the problem, two solutions are typically enacted: the threshold scheme and the “flexible” model. According to the former, pre-defined quantities of the substances are presumed for personal use, while in the flexible model (or “discretionary system”) the court rules whether possession of drugs is intended for personal use or for supply, taking into account all the available circumstances.

The purpose of this paper is to examine the advantages and the shortcomings of the different options, based on the Italian experience, as well as their real effectiveness in dealing with the problem. As the threshold controversy in the Italian context is closely intertwined with the debate over “criminalisation versus decriminalisation”, it will be necessary to examine changes in drug legislation, in particular evaluating the current 2006 drug law.