

APA Official Actions

Position Statement on Studying the Decriminalization of Illicit Substance Possession and Use

Approved by the Board of Trustees, July 2023

Approved by the Assembly, May 2023

“Policy documents are approved by the APA Assembly and Board of Trustees. . . These are . . . position statements that define APA official policy on specific subjects. . .” – *APA Operations Manual*

Issue:

American policing and court systems spend billions of dollars each year on arrests, prosecution, sentencing and incarceration of persons arrested for possessing or using prohibited drugs, diverting resources from evidence-based treatment-focused interventions (1, 2). Drug violations account for approximately 16% of criminal arrests annually in the US (3). Most drug arrests are made by state and local law enforcement and about 80% are for possession rather than sale or manufacturing (4). Current policies also worsen racial and ethnic discrimination and disparities since people of color are far more likely than White persons to receive criminal penalties for drug offenses despite similar rates of illegal drug use (5-7). A key feature of drug policy reform is reducing reliance on criminal sanctions, especially incarceration, as a strategy for deterring illegal drug use.

APA Position:

- **The APA takes note of growing interest in policies designed to reduce or eliminate criminal penalties for offenses relating to possession of illegal drugs for personal use and other consumption-related behavior, including possession of equipment used for the purposes of introducing illegal drugs into the human body.**
- **Any changes in criminalization policy should occur incrementally, accompanied by careful and ongoing study of each step’s associated benefits and costs, to enable evidence-based decisions about extension to other substances and jurisdictions.**
- **Where adopted, decriminalization should be complemented by increased implementation of evidence-based prevention and treatment of substance use disorders, including expanded access to treatment, harm reduction, and other health and social support services and investment in education, housing and vocational programs, with a specific focus on serving communities that have experienced disproportionate harms within the current system of criminal sanctions and penalties. Civil interventions, including referral for treatment are possible alternatives to criminal penalties.**
- **The APA recognizes that “criminal penalties” refers to arrest, conviction and confinement in jail or prison or other restrictions arising from criminal prosecution and that “illegal drugs” refers to any substances not legally available for nonmedical use. Cannabis is included in this definition only if it is not lawfully available for nonmedical use in the particular state or local jurisdiction.**

- **The APA does not call into question criminal offenses punishing conduct that causes harm or poses a threat of harm to others (e.g., driving while intoxicated) or continued enforcement of laws prohibiting commercial manufacture, sale or distribution of illegal drugs.**

Collaborators: Council on Addiction Psychiatry, Council on Psychiatry and Law