

The following is an executive review of misdemeanor marijuana data for calendar year 2019. Arrest data involving adults 16 years of age¹ and older was used for the purposes of this report, and limited to only those arrests in which at least one offense charged was for a violation of North Carolina General Statutes relating to the misdemeanor possession of marijuana or drug paraphernalia.

For the year, there were 11,781 total charges, of which 485 (4.1%, Chart 1) were for POSSESS CONTROL SUBSTANCE SCHEDULE VI or POSSESS MARIJUANA UP TO ½ OZ (Table 1). This is slightly higher than the ratio observed during the 18-month period from 1/1/2013 to 6/30/2014, which is used as a benchmark based on previously reported data. However, complete citation data was not available prior to 2018.

Table 1 – Select Arrest Charges by Year

Charge	Description	2015	2016	2017	2018	2019	Grand Total
90-95(A3)6	POSSESS CONTROL SUBSTANCE SCHEDULE VI ²	316	289	152	240	328	1,325
90-95(D4)	POSSESS MARIJUANA UP TO 1/2 OZ	63	79	65	101	157	465
90-113.22	POSSESSION OF DRUG PARAPHERNALIA	508	486	281	378	473	2,126
Grand Total		887	854	498	719	958	3,916

Arrests in which misdemeanor possession of marijuana and/or drug paraphernalia are the only charges are infrequent. In 2019, the 958 charges for these offenses came from 821 individual arrests. Of these individual arrests, 361 involved only the aforementioned charges, which is 5.0 percent of the 7,186 total arrests for the year (Chart 2). This is more than triple the rate observed in 2017. However, this is likely influenced by the increased availability of citation data starting in 2018, rather than an actual change in enforcement activity. When non-custodial arrests are eliminated, the 1.0 percent rate in 2017 remained unchanged in both 2018 and 2019.

Chart 1

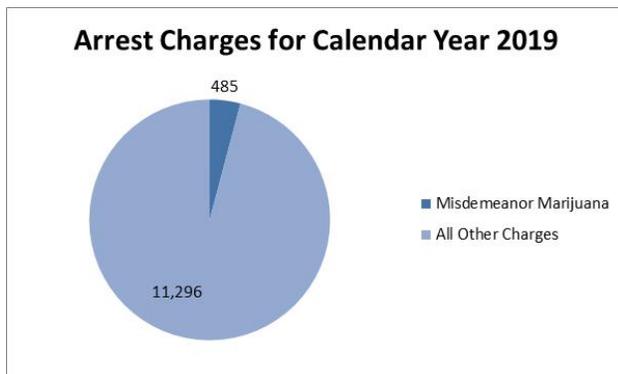
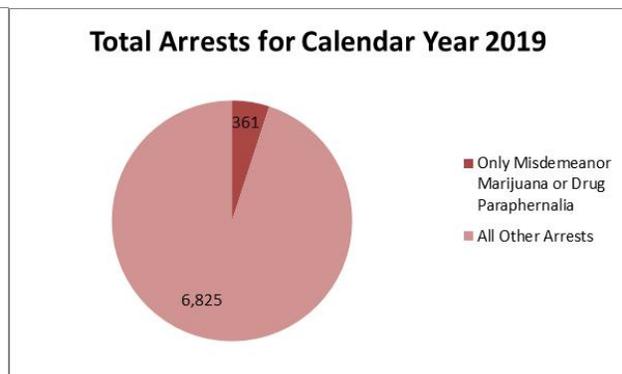


Chart 2



The 343 arrests in which marijuana possession or drug paraphernalia occurred in connection with other charges included 372 other drug offenses and 494 non-drug offenses. The top eight (8) most common non-drug offenses were RESIST DELAY OBSTRUCT PUBLIC OFFICER (68) , CARRYING CONCEALED WEAPONS (56), SECOND DEGREE TRESPASS (28), DWI (24), DRIVING WHILE LICENSE REVOKED (24), MISDEMEANOR LARCENY (21), POSSESSION OF FIREARM BY CONVICTED FELON (21), and POSSESSING STOLEN GOODS (20).

¹ The age of criminal responsibility for adults was raised to 18 years old effective Dec 1, 2019.

² Schedule VI = marijuana

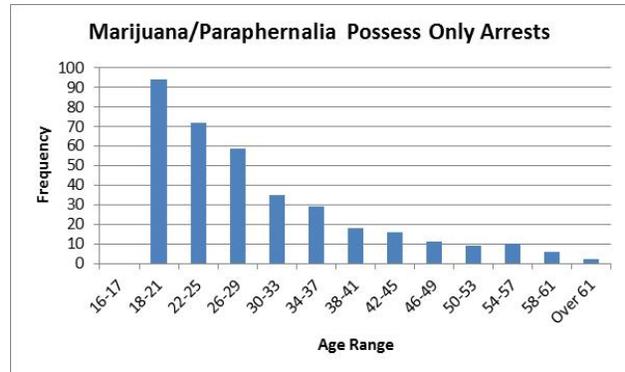
Table 2 – Arrest Types

Type	Count
Citation ³	311
On-View ⁴	38
Warrant For Arrest	12
Grand Total	361

Approximately 3.3 percent of the arrests where possession of marijuana and/or drug paraphernalia were the only charges stemmed from an existing order or warrant for arrest, with 86 percent being issued a citation (Table 2). Of the 38 persons taken before a magistrate (11%), 5 ended up being charged with a felony, and the arrestee had prior charges in all but 2 of the remaining 33 cases. Both of these have clear documentation on file as to the reason an alternative to arrest was not sought.

Demographics

There were 361 arrests during the year in which possession of marijuana and/or drug paraphernalia were the only charges. By race, 295 (82%) were Black, 37 (10%) were White, and 26 (7%) were Hispanic⁵. By sex, 273 (76%) were male and 88 (24%) were female. These ratios are similar to those for violent crime [identified] suspects in 2019⁶. By age, the above graph shows arrestees most commonly fell into the 18-29 range, with significant drop-offs observed starting at 30 years old. Of the 361 aforementioned arrests, 164 (45.4%) were young (16-34) black males.



Geography

The 361 arrests during the year in which possession of marijuana and/or drug paraphernalia were the only charges were distributed throughout the City, with the highest concentrations occurring along Holloway Street just west of Wellons Village shopping center in District 1, the area around Liberty St. and N. Elm St. in District 1, and the Southside neighborhood in District 4. These areas also experienced concentrations of violent and/or property crime during the year. There were also 5 arrests specifically at the Durham County Jail.

Misdemeanor Diversion Program

The Misdemeanor Diversion Program (MDP) was expanded from eligible 16-17 year olds through the age of 21 effective October 1, 2015. In November 2016, it became policy that “officers are required to initiate the referral process on all individuals who are eligible for the program.” The program was further expanded to 22-26 year olds, with older adults at officers’ discretion, on February 1, 2019. Of the total 153 referrals to the MDP during the year, 21 were for marijuana/paraphernalia offenses; 11 were 16-17 years old, with the remaining 10 being 18 years old and older.

³ Includes 8 citations that were improperly coded as ‘on-view arrests’
⁴ Includes 5 arrests in which felony charges were involved (CJLEADS)
⁵ The race was marked ‘unknown’ for three (3) arrestees
⁶ Identified violent crime suspects: 79% Black, 9% White, 12% Hispanic; 72% Male, 27% Female