

The following is an executive review of misdemeanor marijuana data for calendar year 2020. Arrest data involving adults 18 years of age<sup>1</sup> 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 8,774 total charges, of which 313 (3.6%, Chart 1) were for POSSESS CONTROL SUBSTANCE SCHEDULE VI or POSSESS MARIJUANA UP TO ½ OZ (Table 1). This is slightly lower than the 3.9% 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	2016	2017	2018	2019	2020	Grand Total
90-95(A3)6	POSSESS CONTROL SUBSTANCE SCHEDULE VI <sup>2</sup>	289	152	240	328	197	1,206
90-95(D4)	POSSESS MARIJUANA UP TO 1/2 OZ	79	65	101	157	116	518
90-113.22	POSSESSION OF DRUG PARAPHERNALIA	486	281	378	473	294	1,912
<b>Grand Total</b>		<b>854</b>	<b>498</b>	<b>719</b>	<b>958</b>	<b>607</b>	<b>3,636</b>

Arrests in which misdemeanor possession of marijuana and/or drug paraphernalia are the only charges are infrequent. In 2020, the 607 charges for these offenses came from 523 individual arrests. Of these individual arrests, 203 involved only the aforementioned charges, which is 4.1 percent of the 4,950 total arrests for the year (Chart 2). This is more than double 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 0.5 percent rate in 2020 was similar to other years.

Chart 1

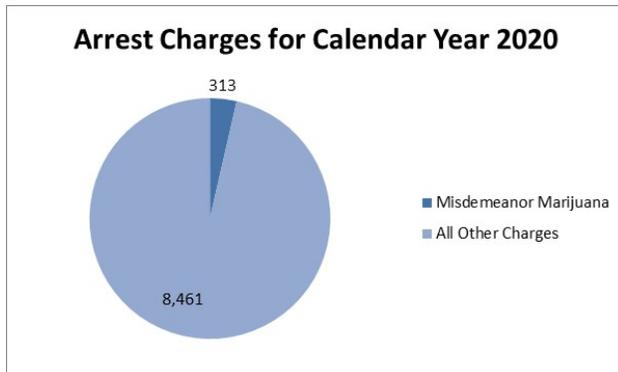
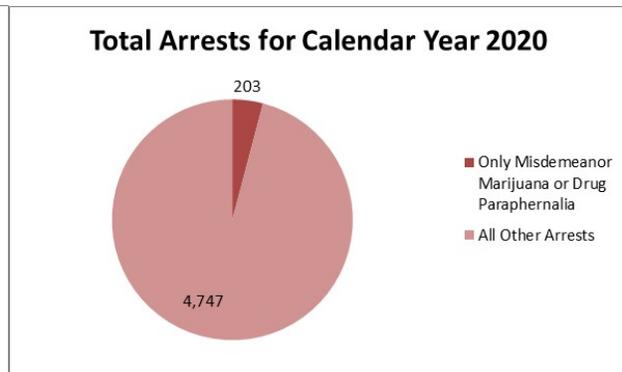


Chart 2



The 320 arrests in which marijuana possession or drug paraphernalia occurred in connection with other charges included 288 other drug offenses and 420 non-drug offenses. The top five (5) most common non-drug offenses were CARRYING CONCEALED WEAPONS (52), RESIST DELAY OBSTRUCT PUBLIC OFFICER (49), POSSESSION OF FIREARM BY CONVICTED FELON (27), DWI (24), and POSSESSING STOLEN GOODS (22). There were 103 guns seized in cases connected to these 320 arrests.

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

<sup>2</sup> Schedule VI = marijuana

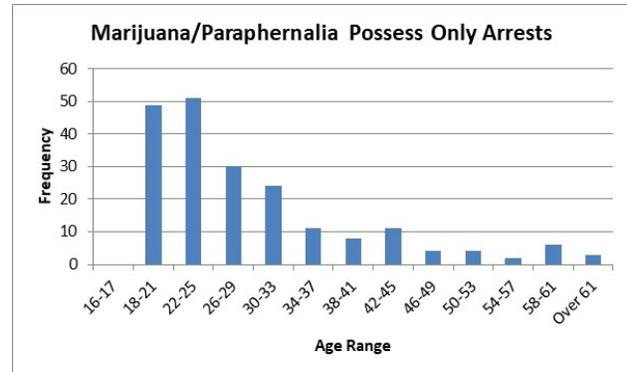
**Table 2 – Arrest Types**

Type	Count
Citation <sup>3</sup>	179
On-View <sup>4</sup>	15
Warrant For Arrest	9
<b>Grand Total</b>	<b>203</b>

Approximately 4.4 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 88 percent being issued a citation (Table 2). Of the 15 persons taken before a magistrate (7%), 2 ended up being charged with a felony, and the arrestee had prior arrests in the remaining 13 cases. There were no cases needing documentation on file as to the reason an alternative to arrest was not sought.

## Demographics

There were 203 arrests during the year in which possession of marijuana and/or drug paraphernalia were the only charges. By race, 172 (85%) were Black, 17 (8%) were White, and 14 (7%) were Hispanic<sup>5</sup>. By sex, 164 (81%) were male and 39 (19%) were female. These ratios are similar to those for violent crime [identified] suspects in 2020<sup>6</sup>. By age, the above graph shows arrestees most commonly fell into the 18-25 range, with significant drop-offs observed starting at 26 years old. Of the 203 aforementioned arrests, 74 (36.5%) were young (18-25) black males.



## Geography

The 203 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. This area also experienced concentrations of violent and/or property crime during the year.

## 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 35 total referrals to the MDP during 2020, 5 were for marijuana/paraphernalia offenses, all of which involved persons aged 18 and older. The 16-17 year olds were effectively eliminated from program eligibility due to the “raise the age” legislation, which became effective December 1, 2019. The overall reduction in MDP referrals from 2019 to 2020 was primarily due to COVID-19.

<sup>3</sup> Includes 2 citations that were improperly coded as ‘on-view’ arrests

<sup>4</sup> Includes 2 arrests in which felony charges were involved (CJLEADS)

<sup>5</sup> The race was marked ‘unknown’ for zero (0) arrestees

<sup>6</sup> Identified violent crime suspects: 81% Black, 9% White, 9% Hispanic; 79% Male, 21% Female