

The following is an executive review of misdemeanor marijuana data for calendar year 2016. Arrest data involving adults 16 years of age 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 General Statutes relating to the misdemeanor possession of marijuana or drug paraphernalia.

For the year, there were 12,195 total charges filed, of which 368 (3.0%, Chart 1) were for POSSESS CONTROL SUBSTANCE SCHEDULE VI or POSSESS MARIJUANA UP TO ½ OZ (Table 1). This is lower than the 3.1 percent ratio for calendar year 2015, and the 3.9 percent 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.

Table 1 – Select Arrest Charges by Year

Charge	Description	2013	2014	2015	2016	Grand Total
90-95(A3)6	POSSESS CONTROL SUBSTANCE SCHEDULE VI ¹	557	357	316	289	1,519
90-95(D4)	POSSESS MARIJUANA UP TO 1/2 OZ	82	94	63	79	318
90-113.22	POSSESSION OF DRUG PARAPHERNALIA	767	614	508	486	2,375
Grand Total		1,406	1,065	887	854	4,212

Arrests in which misdemeanor possession of marijuana and/or drug paraphernalia are the only charges are infrequent. The 854 charges for 2016 related to these offenses came from 698 individual arrests. However, just 144 of these arrests involved only the aforementioned charges, which is 2.2 percent of the 6,437 total arrests for the year (Chart 2). This is equal to the 2.2 percent rate observed for calendar year 2015. It should be noted that, of these 144 arrests, 106 (74%) occurred during the first seven months of the year. Only 38 such arrests occurred August to December. Geographically, they were distributed throughout the City, with slight concentrations occurring in East Durham and the McDougald Terrace public housing complex.

Chart 1

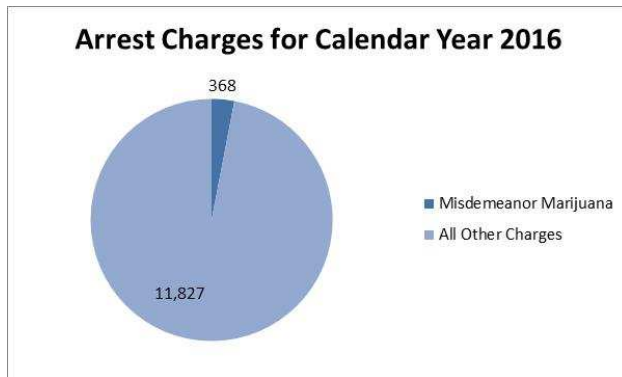
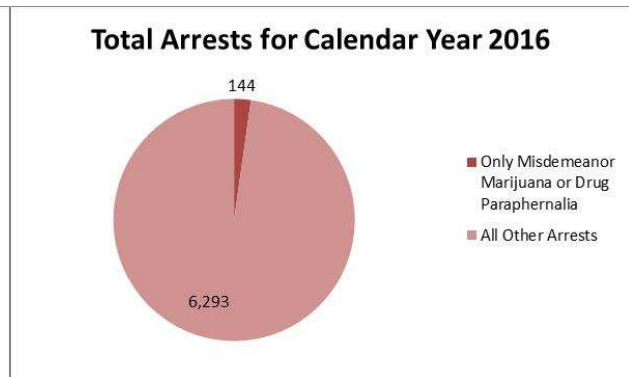


Chart 2



The 554 arrests in which marijuana possession or drug paraphernalia occurred in connection with other charges included 589 other drug offenses and 658 non-drug offenses. The top five most common non-drug offenses were RESIST DELAY OBSTRUCT PUBLIC OFFICER (68), FAIL TO APPEAR (63), CARRYING CONCEALED WEAPONS (38), POSSESSION OF FIREARM BY CONVICTED FELON (37), and POSSESSING STOLEN GOODS (35).

¹ Schedule VI = marijuana

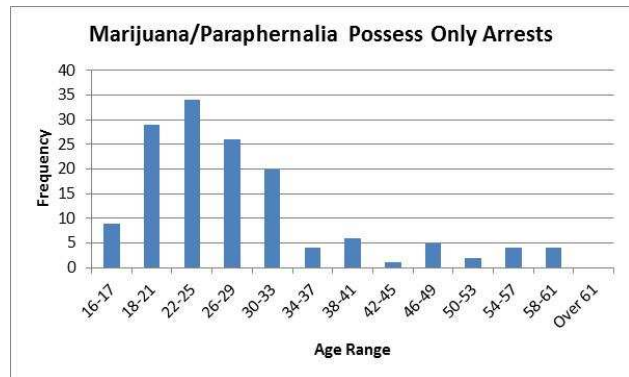
Table 2 – Arrest Types

Type	Count
Citation ²	61
On-View ³	43
Order For Arrest ⁴	21
Warrant For Arrest	19
Grand Total	144

Approximately 28 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 42 percent being issued a citation (Table 2). Of the 43 persons taken before a magistrate (29%), 5 ended up being charged with a felony, and the arrestee had prior arrests in all but 8 of the remaining 38 cases. Only 2 of these 8 do not have clear documentation on file as to the reason an alternative to arrest was not sought.

Demographics

There were 144 arrests during the year in which possession of marijuana and/or drug paraphernalia were the only charges. By race, 115 (80%) were Black, 28 (19%) were White, and 1 was Other. By sex, 119 (83%) were male and 25 (17%) were female. These ratios are similar to those for violent crime suspects in 2016⁵. By age, the accompanying graph shows arrestees most commonly fell into the 18-33 range, with significant drop-offs observed starting at 34 years old.



In the [OJP Diagnostic Center \(DOJ\) report](#) released April 2015 on violent crime, gun violence and community-police relations in Durham, it stated on page 17 that “From 2009-2012, the average aggravated assault rate for young (15-34) black males was 6.4 times higher than the rate for all Durham residents.” When that data was replicated for all violent crimes in 2016, it was observed that the same demographic is only 5.6 percent of the total population in Durham⁶, but represents 36.6 percent (6.5x) of the violent crime victims and 63.6 percent (11.4x) of the identified suspects. Of the 144 aforementioned arrests, 95 (66.0%) were young (16-34)⁷ black males.

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.” There were 24 referrals to the MDP by Durham officers during the year for marijuana/paraphernalia offenses; 8 were 16-17 years old, with the remaining 16 being 18-21 years old.

² Includes 16 citations that were improperly coded as ‘on-view arrests

³ Includes 5 arrests in which felony charges were involved (CJLEADS)

⁴ Includes 1 citation that was improperly coded as an ‘on-view arrest

⁵ Identified violent crime suspects: 85% Black, 14% White, 79% Male, 21% Female

⁶ Source: John Killeen, Neighborhood Improvement Services (ACS Place Geodatabase Downloads (2010-2014):

<https://www.census.gov/geo/maps-data/data/tiger-data.html>)

⁷ Only adults are included in this report, which starts at 16 years old