

**Table 2 – Arrest Types**

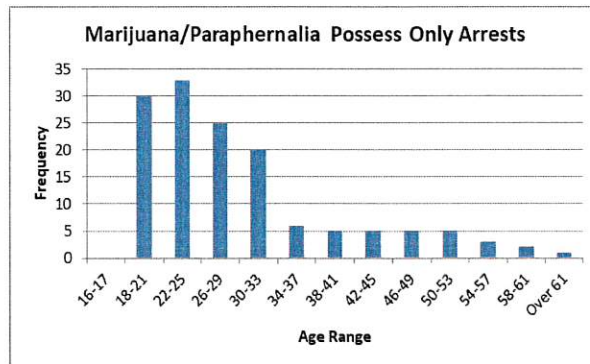
Type	Count
Citation <sup>3</sup>	123
On-View <sup>4</sup>	17
Warrant For Arrest	0
<b>Grand Total</b>	<b>140</b>

Offenders were issued a citation in 88 percent of arrests where possession of marijuana and/or drug paraphernalia were the only charges, and none were from an existing order or warrant for arrest (Table 2). Of the 17 persons taken before a magistrate (12%), 7 were actually charged with a felony, and the arrestee had prior arrests in 9 of the remaining 10 cases. The one case where an alternative to arrest was not sought involved a traffic stop where the three other vehicle occupants were all armed and there was evidence of possession with the intent to sell/distribute marijuana.

**Demographics**

There were 140 arrests in which possession of marijuana and/or drug paraphernalia were the only charges. By race, 114 (81%) were Black, 13 (9%) were White, and 9 (6%) were Hispanic<sup>5</sup>. By sex, 110 (79%) were male and 30 (21%) were female. These ratios are similar to those for violent crime [identified] suspects in 2021<sup>6</sup>. By age, arrestees most commonly fell into the 18-25 range, with significant drop-offs observed in the mid-30s (Char 3). Of the 140 aforementioned arrests, 38 (27.1%) were young (18-25) black males.

**Chart 3**



**Geography**

The 140 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 in East Durham, bounded by Holloway St, Wellons Village, Angier Ave and N Elizabeth St. 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 older adults at officers’ discretion, on February 1, 2019. Of the 19 total referrals to the MDP during 2021, 7 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 since 2019 has been primarily due to COVID-19.

<sup>3</sup> Includes 2 citations that were improperly coded as other arrest types  
<sup>4</sup> Includes 7 arrests in which felony charges were involved (CJLEADS)  
<sup>5</sup> The race was marked ‘unknown’ or ‘other’ for four (4) arrestees  
<sup>6</sup> Identified violent crime suspects: 80% Black, 8% White, 11% Hispanic; 76% Male, 24% Female

The following is an executive review of misdemeanor marijuana data for calendar year 2021. 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 8,372 total charges, of which 240 (2.9%, Chart 1) were for POSSESS CONTROL SUBSTANCE SCHEDULE VI or POSSESS MARIJUANA UP TO ½ OZ (Table 1). This is significantly 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	2017	2018	2019	2020	2021	Average
90-95(A3)6	POSSESS CONTROL SUBSTANCE SCHEDULE VI <sup>2</sup>	152	240	328	197	154	214
90-95(D4)	POSSESS MARIJUANA UP TO 1/2 OZ	65	101	157	116	86	105
90-113.22	POSSESSION OF DRUG PARAPHERNALIA	281	378	473	294	263	338
	<b>Grand Total</b>	<b>498</b>	<b>719</b>	<b>958</b>	<b>607</b>	<b>503</b>	<b>657</b>

Arrests in which misdemeanor possession of marijuana and/or drug paraphernalia are the only charges are infrequent. In 2021, the 503 charges for these offenses came from 429 individual arrests. Of these individual arrests, 140 involved only the aforementioned charges, which is 3.0 percent of the 4,866 total arrests for the year (Chart 2). This is nearly 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 0.4 percent rate in 2021 was similar to other years.

Chart 1

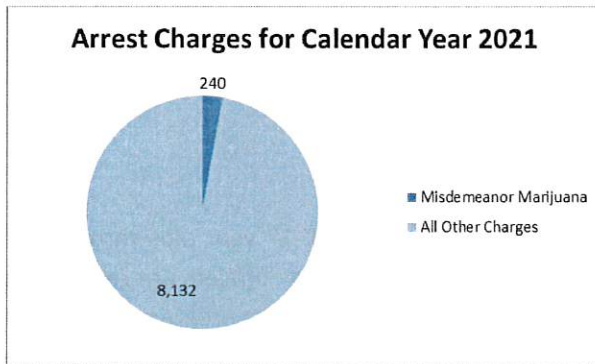
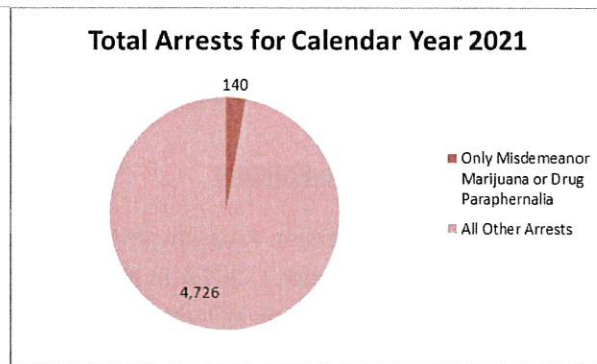


Chart 2



The 289 arrests in which marijuana possession or drug paraphernalia occurred in connection with other charges included 256 other drug offenses and 339 non-drug offenses. The top four (4) most common non-drug offenses were CARRYING CONCEALED WEAPONS (61), RESIST DELAY OBSTRUCT PUBLIC OFFICER (40), POSSESSION OF FIREARM BY CONVICTED FELON (28), AND POSSESSING STOLEN GOODS (17). There were 118 guns seized in cases connected to these 289 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