

MARIJUANA ENFORCEMENT OVERVIEW



Office of City Council President
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MARIJUANA ENFORCEMENT

Arrests solely on marijuana charges in criminal court dropped 99 percent between 2008 and 2020 driven by the passage of three marijuana-related ordinances by the City Council in 2010, 2016, and 2019. There were only 22 such arrests in 2020. On average, 80 percent of these arrests involved a black male being arrested, a trend which has held steady despite the falling arrest totals.

Table 1 - Criminal Court Arrests for Only Marijuana, 2008-2020

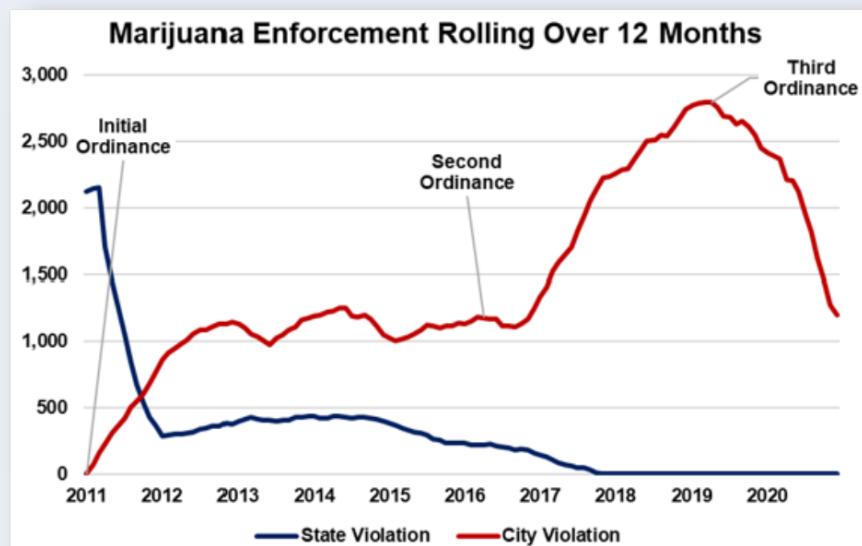
Year	Arrests	Average Days Incarcerated	Average Bail	% Black Male
2008	1,488	5.5	\$ 318.35	80.7%
2009	1,450	8.3	\$ 251.05	77.4%
2010	510	13.2	\$ 432.01	79.6%
2011	359	13.6	\$ 653.75	80.8%
2012	265	22.0	\$ 719.55	85.3%
2013	221	20.5	\$ 1,041.50	89.1%
2014	176	12.3	\$ 1,084.47	84.7%
2015	101	8.7	\$ 647.54	80.2%
2016	52	3.2	N/A	75.0%
2017	77	4.8	\$ 602.27	74.0%
2018	88	3.3	\$ 313.46	81.8%
2019	39	10.0	\$ 482.41	79.5%
2020	22	4.0	\$ 40.91	81.8%

Arrests in municipal court for marijuana offenses under state violations fell dramatically following the passage of the initial ordinance in 2010. There was a large increase in city violation charges (which were likely summonses) in late 2016 which peaked in 2019 and fell considerably in 2020.

Table 2 - Violations in Municipal Court, 2010-2020

Year	City Violation Charges	State Violations
2010	1	2017
2011	765	372
2012	1,148	380
2013	1,178	435
2014	1,051	400
2015	1,141	236
2016	1,248	159
2017	2,231	0
2018	2,741	0
2019	2,453	0
2020	1,200	0

Figure 1 - Marijuana Enforcement in Municipal Court Rolling Over 12 Months, 2011-2020



Over 80 percent of people who received arrests or summonses in municipal court for marijuana offenses have been black over the last decade including 86 percent in 2020. Black men made up roughly 70 percent of all people with marijuana offenses over that span.

Table 3 - Municipal Court Marijuana Enforcement Demographics, 2010-2020

Year	Black Male	Black Female	White Male	White Female	All Others	% Black	% Black Male
2010	1,307	191	244	36	22	83.2%	72.6%
2011	638	139	141	24	17	81.0%	66.5%
2012	882	150	231	48	18	77.7%	66.4%
2013	962	196	174	50	25	82.3%	68.4%
2014	872	169	176	38	36	80.6%	67.5%
2015	889	169	133	42	18	84.6%	71.1%
2016	856	180	188	51	21	79.9%	66.0%
2017	1,411	278	232	52	42	83.8%	70.0%
2018	1,944	548	242	78	58	86.8%	67.7%
2019	1,843	424	237	67	74	85.7%	69.7%
2020	842	230	114	32	30	85.9%	67.5%
Total	12,446	2,674	2,112	518	361	83.5%	68.7%

Marijuana enforcement has led to \$2.6 million in fines and fees assessed by municipal court since 2010 though it is unclear how much of that total has been actually paid.

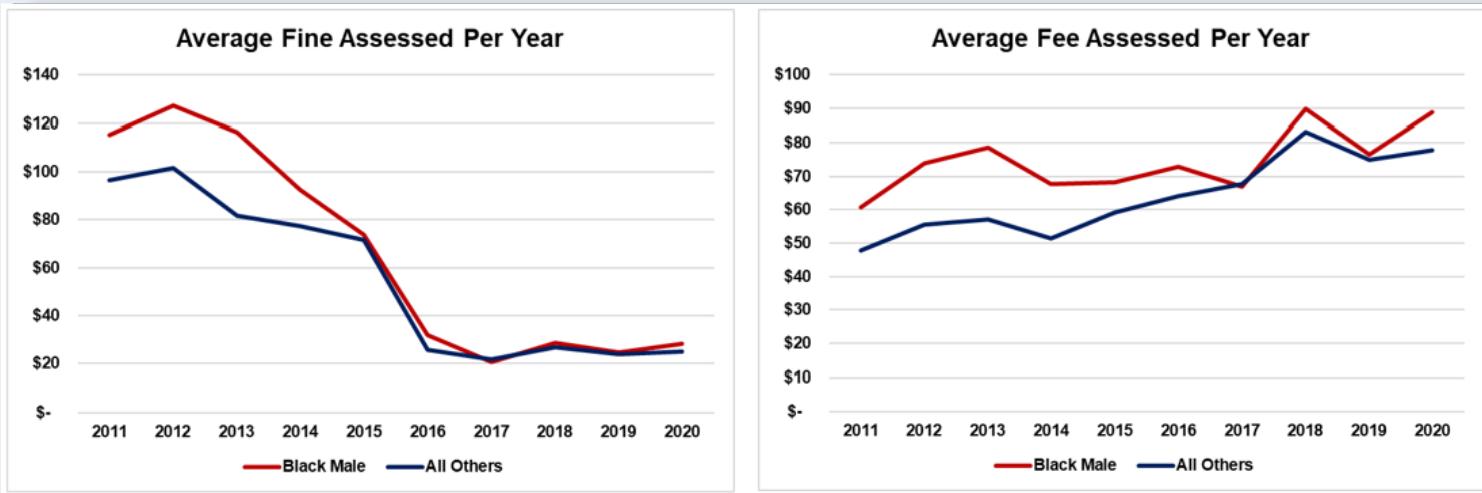
Table 4 - Municipal Court Fines and Fees from Marijuana Offenses, 2010-2020

Year	Fines Assessed	Fees Assessed
2010	\$ 115,016	\$ 441,194
2011	\$ 108,996	\$ 56,222
2012	\$ 160,605	\$ 91,570
2013	\$ 149,818	\$ 102,030
2014	\$ 114,349	\$ 81,317
2015	\$ 91,779	\$ 82,172
2016	\$ 38,908	\$ 91,032
2017	\$ 42,362	\$ 135,590
2018	\$ 80,450	\$ 251,870
2019	\$ 64,210	\$ 201,285
2020	\$ 34,080	\$ 106,375
Total	\$1,000,572	\$1,640,655

Black men have had to pay higher fines and fees on average for marijuana violations than all other demographic groups though the average fine has fallen from over \$100 in 2011 to under \$30 each year from 2017 to 2020.



Table 5 - Average Fines and Fees for Marijuana Enforcement in Municipal Court, 2011-2020



Roughly half of all city violation marijuana charges and over 60 percent of state violation marijuana charges in municipal court led to a guilty disposition (through plea or trial). Another 30 percent of cases were dropped or otherwise not prosecuted.

Table 6 - Disposition of Marijuana Charges, 2010-2020

All Charges	City Violation	State Violation	% of City Violations	% of State Violations
Not Guilty	245	37	1.8%	0.9%
Amended Charge	288	0	2.1%	0.0%
Dismissed/Refused	248	52	1.8%	1.2%
Other	36	5	0.3%	0.1%
Guilty	6,711	2,665	49.1%	62.5%
Nolle Prosequi	4,061	1,220	29.7%	28.6%
Open	722	0	5.3%	0.0%
Nolle Prosequi - with Diversion	1,352	283	9.9%	6.6%

The share of city violation marijuana charges between 2017 and 2020 was largely unchanged though the number of cases with a diversion dropped substantially. It is unclear whether diversion cases stopped altogether or if they were identified some other way.

Table 7 - Disposition of Marijuana Charges, 2017-2020

2017-2020	City Violation	% of City Violations
Not Guilty	163	2.5%
Amended Charge	284	4.3%
Dismissed/Refused	166	2.5%
Other	21	0.3%
Guilty	3,250	49.5%
Nolle Prosequi	1,987	30.3%
Open	683	10.4%
Nolle Prosequi - with Diversion	8	0.1%



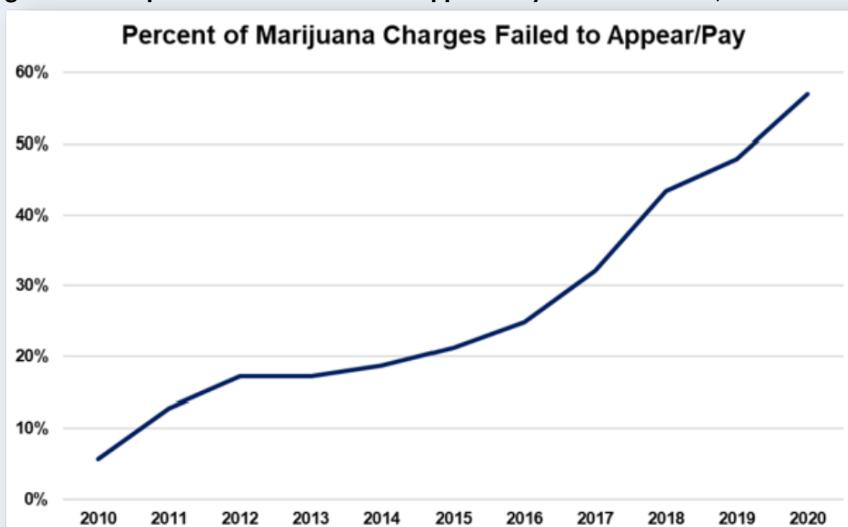
City marijuana violations in municipal court are more likely to have a failure to appear or pay status compared to state violations. Nearly 35 percent of city marijuana violations between 2010 and 2020 had a failure to appear or pay status compared to under 7 percent of state violations.

Table 8 - Current Status of City/State Marijuana Violations in Municipal Court, 2010-2020

All Charges	City Violation	State Violation	% of City Violations	% of State Violations
Failed to Appear/Pay	5,206	270	34.3%	6.7%
Closed	9,199	3,514	60.7%	87.8%
Open	428	25	2.8%	0.6%
Pending	192	113	1.3%	2.8%
Expunged	126	79	0.8%	2.0%
Left Court	5	0	0.0%	0.0%
Consolidated	2	1	0.0%	0.0%

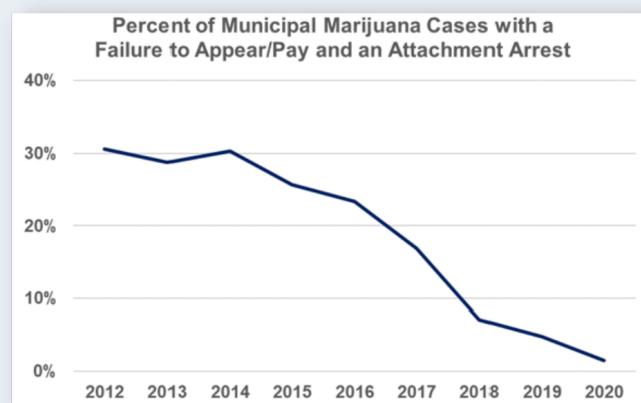
The share of all marijuana charges in municipal court with a failure to appear or pay has risen steadily over the last decade. Fewer than 20 percent of such charges had a failure to appear or pay between 2010 and 2014, but 57 percent of charges had such a status in 2020.

Table 9 - Share of Marijuana Charges in Municipal Court with Failure to Appear/Pay Status Per Year, 2010-2020



ATTACHMENTS

There were 1,200 municipal charges for simple possession of marijuana in 2020 with 57 percent of the charges having a current status (as of April 2021) of Failed to Appear/Pay. Less than 2 percent of cases with a failure to pay or appear status in 2020 also had an arrest for an attachment. This trend may be partly driven by the lingering impact of the December 2019 ransomware attack which led to a dramatic decline in arrests for attachments, but it reflects a longer-term trend of declining arrests in these cases. According to Municipal Court, "Law enforcement typically issues a summons for failure to appear unless a defendant has a few attachments."



CASES & REPEAT OFFENDERS

There were 14,156 unique cases on municipal simple possession of marijuana charges between 2011 and 2020 with 12,956 unique people arrested or receiving a summons in those cases. There was a guilty finding in 4,184 cases in that span, 2,739 cases have no disposition listed, and 2,467 were still open as of April 2021. The offender had only one case between 2011 and 2020 in over 90 percent of cases with at least one guilty charge, 94 percent of open cases, and in 96 percent of cases with no disposition.

