

ACLU RESEARCH REPORT

# A Tale of Two Countries

Racially Targeted Arrests in the Era of Marijuana Reform

**ACLU**



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# Acknowledgements

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The primary authors are Ezekiel Edwards, Director, Criminal Law Reform Project; Emily Greytak, Director of Research; Brooke Madubunwu, Director of Legal Analytics and Quantitative Research; Thania Sanchez, Senior Social Scientist; Sophie Beiers, Data Journalist; Charlotte Resing, Policy Analyst, National Political Advocacy Department; Paige Fernandez, Policing Policy Advisor, National Political Advocacy Department; and Sagiv Galai, Paralegal, Criminal Law Reform Project.

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# Executive Summary

In 2013, the ACLU published an unprecedented national report on marijuana possession arrests, *The War on Marijuana in Black and White*,<sup>1</sup> analyzing data from all 50 states (and the District of Columbia) between 2001 and 2010. Over that time period, law enforcement made millions of marijuana arrests, the vast majority of which were for possession, and Black people<sup>2</sup> were much more likely to be arrested than white people for marijuana possession despite comparable usage rates. This report updates our previous findings through an analysis of marijuana possession arrests and attendant racial disparities from 2010 to 2018, and provides specific analysis on states that have approved legalization and decriminalization laws. The report relies on the Federal Bureau of Investigation's Uniform Crime Reporting Program (UCR), supplementary data from jurisdictions not included in UCR, and the United States Census' annual county population estimates to document arrest rates per 100,000 for marijuana possession, by race, at the state and county level.<sup>3</sup>

## **FINDING #1**

The War on Marijuana Rages on: Marijuana Arrests Still Widespread Across the U.S.

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## **FINDING #2**

Extreme Racial Disparities in Marijuana Possession Arrests Persist Throughout the Country, and Have Not Improved Since 2010

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## **FINDING #3**

Marijuana Arrests Decreased after Legalization or Decriminalization

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## **FINDING #4**

Racial Disparities in Arrests Persist Even in States That Legalized or Decriminalized Marijuana

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## **FINDING #5**

Data Collection Failures Block a Fuller Understanding of Racial Disparities in Marijuana Arrests

Disturbingly, too much has remained unchanged in the past decade despite several states having reformed marijuana policy. While marijuana arrests were down by 18% overall since 2010, law enforcement still made more than 6.1 million such arrests over the past eight years. In 2018, there were almost 700,000 marijuana arrests, which accounted for more than 43% of all drug arrests. In fact, in 2018, police made more marijuana arrests than for all violent crimes combined, according to the FBI. Further, it is not clear that marijuana arrests are trending down—they have actually risen in the past few years, with almost 100,000 more arrests in 2018 than 2015. This rise in marijuana arrests has been driven by states in which marijuana is still illegal, whereas between 2010 and 2018, marijuana arrests were significantly lower in states that had

legalized and went down modestly in states that had decriminalized. Consistent with our previous report, the majority of marijuana arrests — nine out of every 10 — were for possession.

Equally as troubling, this report finds that stark racial disparities in marijuana possession arrests have remained unchanged nationwide. On average, a Black person is 3.64 times more likely to be arrested for marijuana possession than a white person, even though Black and white people use marijuana at similar rates. Just as before, such racial disparities in marijuana possession arrests exist across the country, in every state, in counties large and small, urban and rural, wealthy and poor, and with large and small Black populations. Indeed, in every state and in over 95% of counties with more than

## Recommendations at a Glance

### For Federal, State, and Local Governments

- Legalize marijuana use and possession
- Do not replace marijuana prohibition with a system of fines, fees, and arrests
- Grant clemency to or resentence anyone incarcerated on a marijuana conviction and expunge all marijuana convictions
- Eliminate collateral consequences that result from marijuana arrests or convictions
- Ensure new legal markets benefit and are accessible to communities most harmed by the War on Drugs
- Ensure marijuana possession and other low-level offense arrests are not included in performance measures for federal funding

### For Law Enforcement Agencies

- End the enforcement of marijuana possession and distribution
- End racial profiling by police
- Eliminate consent searches
- End the practice of using raw numbers of stops, citations, summons, and arrests as a metric to measure productivity and efficacy
- Develop systems for the routine collection of accurate data on a range of police practices
- Invest in nonpunitive programs and community-based services and divest from law enforcement
- Develop, secure, and implement strong, independent, and effective oversight mechanisms for local law enforcement

30,000 people in which at least 1% of the residents are Black, Black people are arrested at higher rates than white people for marijuana possession. Although, on average, states that legalized marijuana through taxation and regulation had lower rates of racial disparities in marijuana possession arrests (1.7x) than states where marijuana has not been legalized (3.2x), a distressing pattern continues — racial disparities persist in every state that has rolled back marijuana prohibition — and in some cases, disparities have worsened.<sup>4</sup>

This report should be the final nail in the coffin for the inane War on Marijuana, and sound yet another abolition knell for this country's 45-year drug prohibition charade. The question no longer is whether the U.S. should legalize marijuana — it should — or whether marijuana legalization is about racial equity — it is. It is also no longer about whether all levels of government should redirect resources away from prosecution of marijuana and toward public health investments and community collaborations — they should. Rather, the question is: When states legalize, how can they do so through a racial justice lens to address the panoply of harms that have been selectively aimed at Black and Latinx communities for decades? These harms include not only arrests, incarceration, and lifelong criminal convictions, but also the loss of jobs, housing, financial aid eligibility, child custody, and

immigration status. This report provides a detailed road map for ending the War on Marijuana and ensuring legalization efforts center racial justice as they address the widespread collateral damage.

The ACLU reaffirms its recommendation that federal and state governments legalize marijuana for persons 21 or older through a system of taxation, licensing, and regulation, and urges that legalization repair the harms that prohibition has wreaked on communities of color.

In every state,  
**Black people  
are arrested  
at higher rates**  
than white people  
for marijuana  
possession.

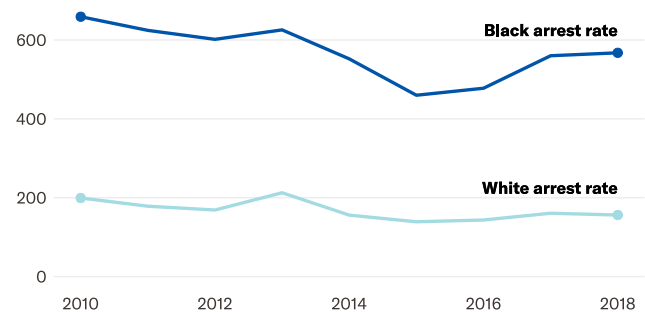
# Key Findings

## FINDING #1

### The War on Marijuana Rages on: Marijuana Arrests Still Widespread Across the U.S.

- Although marijuana arrests have decreased by 18% since 2010, that trend slowed to a halt in the middle of the decade. There were more marijuana arrests in 2018 than in 2015, despite the fact that eight states legalized marijuana for recreational use or decriminalized marijuana possession in that timeframe.
- In general, states that have legalized or decriminalized marijuana possession have seen a decline in marijuana possession arrests, but in many other states, arrest rates have increased or remain unchanged.
- Marijuana arrests made up 43% of all drug arrests in 2018, more than any other drug category. While that percentage has dropped from just over 50% in 2010, this is due in part to a steady increase in arrests in other drug categories.
- The overwhelming majority of marijuana arrests — 89.6% — are for possession only.

## Rates of Black and White Marijuana Possession Arrests per 100k People



Source: FBI/Uniform Crime Reporting Program Data  
Note: Florida and Washington, D.C. did not provide data.

## FINDING #2

### Extreme Racial Disparities in Marijuana Possession Arrests Persist Throughout the Country and Have Not Improved Since 2010.

- Black people are 3.64 times more likely than white people to be arrested for marijuana possession, notwithstanding comparable usage rates. The increasing number of states legalizing or decriminalizing marijuana has not reduced national trends in racial disparities, which remain unchanged since 2010.
- While national arrest rates for marijuana possession were lower in 2018 than in 2010 for both Black and white individuals, racial disparities in those arrests have not improved, and in some jurisdictions, they have worsened.

- In every single state, Black people were more likely to be arrested for marijuana possession, and in some states, Black people were up to six, eight, or almost 10 times more likely to be arrested. In 31 states, racial disparities were actually larger in 2018 than they were in 2010.
- Montana, Kentucky, Illinois, West Virginia, and Iowa were the states with the highest racial disparities in marijuana possession arrest rates (9.62, 9.36, 7.51, 7.31, and 7.26 respectively).

### FINDING #3

#### Marijuana Arrests Decreased After Legalization or Decriminalization, But There Was Significant Variability Across States That Only Decriminalized.

- Arrests for marijuana possession decreased over time (from 2010–2018) in all states that legalized recreational marijuana possession. In some states, these decreases clearly began after legalization (Colorado, Maine, Nevada). In other legalized states, decreases continued on a downward trend that had begun pre-legalization (Alaska, Oregon, Washington). In two states (California, Massachusetts), though there was a decline in arrests from 2010–2018, there was little change after legalization. In these states, the decrease in arrests occurred prior to legalization and remained low, perhaps due to earlier decriminalization.
- Overall, arrests for marijuana possession also fell slightly between 2010–2018 in states that had decriminalized but not legalized recreational marijuana. However, there is significant variability across states. Marijuana possession arrest rates were approximately eight times higher in decriminalized states than in legalized states, although lower than in states where marijuana possession remained illegal.
- In legalized states, arrests for marijuana sales also decreased greatly from 2010 to 2018 (81.3%). Sales

arrest rates also dropped in decriminalized states, although to a lesser degree (33.6%).

### FINDING #4

#### Racial Disparities in Arrests Persist Even in States That Legalized or Decriminalized Marijuana.

- Although the total number of people arrested for marijuana possession, and rates of arrests, have decreased in all legalized states and most decriminalized states for both Black and white people, the racial disparities in arrest rates in these states remain. Specifically, in every state that has legalized or decriminalized marijuana possession, Black people are still more likely to be arrested for possession than white people.
- In some legalized states, such as Maine and Massachusetts, the racial disparities in marijuana possession arrests were larger in 2018 than in 2010. In other legalized states, such as California and Nevada, the disparities narrowed, although Black people were still more likely to be arrested for marijuana possession than white people.
- On average, states that have legalized marijuana possession had lower racial disparities in possession arrests in 2018 compared both to states that have only decriminalized and states where marijuana remains illegal. However, it is not clear that this difference is a result of legalization – these states also had lower racial disparities in 2010, before any states had legalized.

### FINDING #5

#### Data Collection Failures Block a Fuller Understanding of Racial Disparities in Marijuana Arrests.

- Although a great body of evidence establishes that Latinx individuals face racial bias in policing and discrimination in the criminal legal system writ large, we were not able to compare marijuana arrest rates for Latinx individuals in this report.

- The FBI's Uniform Crime Reporting arrest data is the most up-to-date and comprehensive data on arrests nationally, by state, and by county. However, similar to many federal data collection efforts, UCR data fails to disaggregate between Latinx individuals of different races, making it impossible to distinguish between Latinx and non-Latinx individuals in the Black and white populations. Because UCR data does not identify Latinx populations as a distinct racial group, potential disparities in arrest rates for Latinx populations cannot be examined. Arrests of Latinx individuals coded as white in the data likely artificially inflate the number of white arrests, leading to an underestimate of the disparity between Black and white arrest rates.<sup>5</sup>
- In addition to their impact on Black and Latinx populations, other racial or ethnic groups may be affected by bias in policing and marijuana enforcement. Future research using UCR data is warranted to examine disparities for Native and Indigenous populations, and Asian and Pacific Islander populations, particularly in jurisdictions with large enough samples of these populations. However, disparities for bi- or multiracial people cannot be examined with UCR data because the UCR Program employs a "check one" approach to race, and does not allow for an individual to be coded as more than one race. Furthermore, disparities for Arab and Middle Eastern people cannot be examined with UCR data as they are not identified by the UCR Program at all.
- The variation in reporting quality across years, agencies, and geographies also leaves some gaps in some constituents' ability to quantify racial disparities at the local level.



# Introduction

The criminalization of marijuana and the “War on Drugs” more broadly has been a misinformed and racist government campaign that continues to result in the criminalization of millions of Americans.<sup>6</sup> Pursued under the guise of public safety and reducing marijuana consumption, this decades-long debacle has been an abject failure — it has harmed communities, needlessly derailed lives, and wasted taxpayers’ valuable dollars. Both public opinion and sage public policy have called for an end to marijuana prohibition. In response, several states have legalized or decriminalized marijuana use in recent years. As of March 2020, 11 states and Washington, D.C.<sup>7</sup>, have legalized the recreational consumption of marijuana, and in 2019, Hawai‘i became the 15<sup>th</sup> state to reduce the criminal consequences of marijuana-related offenses.<sup>8</sup>

A growing body of research has sought to explore the impact of these reforms, finding that these reforms led to a reduction in marijuana-related arrests and the myriad harmful consequences associated with a criminal conviction.<sup>9</sup> However, research suggests that racial disparities in marijuana arrests persist in several of those states, remaining as sharp a thorn in the nation’s side as they were a decade ago.<sup>10</sup> Moreover, according to the FBI, after an overall dip in the number of marijuana arrests between 2010–2014, such arrests began to increase again, and there were roughly 100,000 more marijuana arrests in 2018 than in 2015.<sup>11</sup> This report seeks to build on this existing research — as well as our 2013 report *The War on Marijuana in Black and White*<sup>12</sup> — to document the national, state, and local landscape; to assess our progress; and to examine the potential promise of reforms. As this report will demonstrate, much of this country has yet to start on the road toward equitable, smart, reparative marijuana policy, and for those that have, the journey is not complete.

## The War on Marijuana

In our 2013 report *The War on Marijuana in Black and White*, we documented the national scope of our country’s decades-long, multibillion-dollar, racist war against people who use marijuana. We found that, in 2010, despite the fact that Black and white people<sup>13</sup> use marijuana at similar rates, Black people were arrested at over three times the rate of white people, and up to eight times as often in some states. Further, such racial disparities increased between 2001 and 2010, as did marijuana possession arrests overall.

Such wasteful and race-driven enforcement of marijuana laws did not occur overnight. Since the early decades of the 20th century, the criminalization of marijuana has been a pretext for the criminalization of Black and Brown people.<sup>14</sup> Taking advantage of several decades of Reefer Madness propaganda, in 1970, President Richard Nixon signed the Controlled Substances Act and



classified marijuana under Schedule I — reserved for the most dangerous class of drugs with the highest potential for abuse and little to no medical value, a designation shared by drugs like heroin, methamphetamines, and PCP. But such classification — like the drug war generally — had nothing to do with marijuana or science, and everything to do with criminalizing and controlling certain communities. As John Ehrlichman, counsel to Nixon and assistant to the president for domestic affairs, said over two decades later:

*“We knew we couldn’t make it illegal to be against the war (Vietnam) or Black, but by getting the public to associate the hippies with marijuana and the Blacks with heroin, and then criminalizing both heavily, we could disrupt those communities. We could arrest their leaders, raid their homes, break up their meetings, and vilify them night after night on the evening news. Did we know we were lying about the drugs? Of course we did.”<sup>15</sup>*

This war on people who use drugs has since been declared a failure by countless public health officials and advocacy organizations, the World Health Organization, and the United Nations.<sup>16</sup> In response, certain countries have pursued nationwide legalization of marijuana, while many jurisdictions across the U.S. have decriminalized or legalized marijuana for both recreational and medicinal use.<sup>17</sup> Despite the often bipartisan groundswell to legalize marijuana use, and the fact that two in every three Americans support legalizing marijuana,<sup>18</sup> marijuana remains illegal in a majority of states.

## Inconsistency at the Federal Level

At the federal level, marijuana remains a Schedule I substance, subjecting people involved in marijuana activities to harsh penalties and preventing a range of scientific research that could upend decades of propagandized misinformation driven by racism and fear.

Much of this country has yet to start on the road toward **equitable, smart, reparative marijuana policy.**

Making matters worse, the Trump administration has sought to abandon the Obama administration’s more sensible approach to marijuana policy by resurrecting the saber-rattling of bygone anti-marijuana crusaders. Under the Obama administration, local jurisdictions enjoyed substantial deference with regard to setting marijuana policy. In 2013, Deputy Attorney General James Cole issued a guideline (“The Cole Memorandum”) significantly limiting the enforcement of federal marijuana laws in states that had legalized.<sup>19</sup> Such deference to states that were experimenting with legalization was crucial for the vitality of the newly legalized markets. Consumers needed to feel safe participating in marijuana activities, and entrepreneurs needed to know that the federal government was not about to shut down their ventures or prosecute them for engaging in business that was legal in their state. The Obama administration’s approach reassured states that the federal government would not interfere with states’ legalization efforts as long as those efforts did not implicate federal enforcement priorities, such as interstate drug trafficking and drug cartels.<sup>20</sup>

Rather than respecting the will of the voters in states that legalized marijuana, the Trump administration and its first attorney general, Jeff Sessions (who, when he was a U.S. Senator, famously proclaimed, “Good people don’t smoke marijuana”), promptly rescinded this policy. The same week that California began selling and taxing marijuana for recreational

use<sup>21</sup> and Vermont’s legislature called for a formal vote on its own legalization bill,<sup>22</sup> the Department of Justice announced that the Cole Memorandum was no longer in effect. Instead, Attorney General Sessions, echoing discredited alarmists of yesterday, asserted that “marijuana is a dangerous drug and that marijuana activity is a serious crime”<sup>23</sup> and instructed federal prosecutors “to use previously established prosecutorial principles that provide them all the necessary tools to disrupt criminal organizations, tackle the growing drug crisis, and thwart violent crime across our country.”

Notwithstanding Sessions’ peddling of prohibitionist, time-worn rhetoric, most Americans support legalizing marijuana. Furthermore, state-level efforts to get smart on marijuana continue, and federal marijuana prosecutions are declining.<sup>24</sup> Even Sessions’ replacement, Attorney General William Barr, recently communicated to members of Congress that he would support a carve-out exemption that would protect states from federal prosecution if they legalized recreational marijuana consumption.<sup>25</sup>

In spite of this ongoing sea change, law enforcement in the U.S. continues to make hundreds of thousands of marijuana arrests every year, and Black people continue to bear the disproportionate brunt of those arrests. Marijuana legalization should be — and indeed is — a racial justice issue. But thus far, racial justice has largely been a peripheral or incidental goal of legalization, resulting in continued racist enforcement of marijuana laws, the exclusion of

people of color from participating in, leading, and building wealth from the marijuana industry, and the failure to repair the harms done to communities of color by the drug war.<sup>26</sup>

## Centering Racial Justice

Marijuana legalization has always been a racial justice issue.<sup>27</sup> Whereas marijuana use by white people has been de facto legal in much of the country, in Black and Brown communities, police have routinely stopped people, particularly youth — at the park, on the street, in the train, on the bus, at school, near school, by the community center, on the porch, or while driving — searching (usually in vain) for something illegal, and, if they found marijuana, arresting and hauling people to jail.<sup>28</sup> Such police harassment not only criminalizes people of color for engaging in an activity that white people participate in with relative impunity, it is a means of surveillance and social control<sup>29</sup> counterproductive to public safety and community health. Indeed, repeated police encounters prove traumatic and dehumanizing for those who endure them.<sup>30</sup>

Simply put, marijuana is used at similar rates by Black and white people across America,<sup>31</sup> yet Black and Brown people are disproportionately targeted for and harmed by its criminalization, subjected to stops, frisks, arrests, and convictions of marijuana-related offenses because of their race. This is true for drug enforcement generally (see crack versus cocaine enforcement and sentencing) but perhaps no more starkly than when it comes to marijuana enforcement.<sup>32</sup>

While some states that have legalized marijuana built expungement, resentencing, and reclassification mechanisms into their reforms to ensure that people previously convicted of marijuana violations benefit retroactively from marijuana’s legal status, their effectiveness in reducing the disparate harm on people of color remains unclear. Furthermore, other states have not centered racial equity in their reforms,

Thus far, **racial justice** has largely been a peripheral or incidental goal of legalization.

and much more can be done to guarantee that drug reform laws repair the harms suffered by communities of color as a result of racially biased enforcement and criminalization. Precisely because of this history, racial justice remains a critical prism through which drug reform policies should be evaluated.<sup>33</sup>

## Reforms Beyond Legislation: The Role of Prosecutors and Police

To be sure, while legalization is the most powerful step toward reducing the damage of marijuana criminalization, there are other steps that can be taken in the meantime. For example, local prosecutors have the power to end prosecution for marijuana violations. Cyrus Vance, the district attorney for Manhattan, instituted a Decline-to-Prosecute policy on marijuana possession and consumption cases, reportedly resulting in a substantial reduction of such cases in the first 90 days of the policy taking effect.<sup>34</sup> District Attorney Larry Krasner of Philadelphia, State's Attorney Marilyn Mosby of Baltimore, Fairfax County Commonwealth Attorney Steve Descano of Virginia, Cook County State's Attorney Kim Foxx of Illinois, and a growing list of prosecutors have launched similar efforts in order to discontinue the harmful approaches of their predecessors on marijuana policy.

While they ameliorate the harm of criminal prosecutions, such approaches cannot be successful in reducing the harm caused to individuals subject to marijuana arrests if police departments are not partners in the prosecutors' efforts. For example, after the Austin, Texas, City Council passed a resolution to reduce arrests for low-level marijuana violations, the local police chief quickly rebuffed legislators and vowed to continue to enforce the police department's policy of arresting or issuing citations for marijuana violations.<sup>35</sup> Conversely, in Seattle, the police department played a critical role in minimizing the harms of marijuana criminalization.<sup>36</sup>

Of course, progressive policies toward marijuana enforcement can only be effective if they are part of a broader effort by prosecutors and police to end selective enforcement of all criminal laws against Black and Brown people. After all, marijuana prohibition is simply one tool in governments' criminal law arsenal — albeit a very effective and ubiquitous one — to marginalize and disempower people of color.

Criminal consequences is not the only harm of marijuana prohibition. There is a range of potentially debilitating collateral consequences as well, many of which persist even after marijuana is decriminalized or even legalized. These can further erode people's civil rights by impacting housing rights, parental rights, the administration of public benefits, access to education, and immigration status. For example, families who live in federally subsidized public housing face eviction or family separation if someone is accused of using marijuana on their premises. Parents may lose their children in family court proceedings if accused of using marijuana. Disabled and poor recipients of public benefits still face the threat of losing their benefits for marijuana use. Immigrants can face deportation for marijuana use. Because of the race-driven way in which marijuana criminal laws have been enforced, each of these potentially life-altering consequences of criminalization has been borne disproportionately by communities of color.

## Conclusion

In 2020, we enter a decade marked by confusion and contradictions when it comes to marijuana policies. Today, marijuana is still categorized by the federal government among the most dangerous drugs with no medicinal value, and yet 37 states have rolled back prohibitionist laws (11 states and the District of Columbia have legalized recreational use, 15 other states have decriminalized use, and 11 additional states have legalized it for medical use only).<sup>37</sup> People in neighboring states, such as

Illinois and Wisconsin, enjoy markedly different rights given the conflicting legal status of marijuana across their borders.<sup>38</sup> Traveling from Illinois to Wisconsin, someone who uses marijuana goes from being a casual consumer protected by local law to a potential target of criminal laws subject to life-altering prosecution. And the injustice of the past is a harbinger for today's marijuana market. While corporations, entrepreneurs, and governments in some jurisdictions are making millions of dollars in profits and revenues in the legal marijuana industry, poor people in other jurisdictions are stuck in handcuffs or jail cells, or with lifelong criminal records for possessing or selling miniscule fractions of what these powerful companies move daily. In some states, there are even people serving sentences of life without parole for marijuana convictions.<sup>39</sup> Clearly, there is a long way to go to end the harms of marijuana prohibition and ensure that racial equity guides the implementation of legalization and decriminalization efforts.

As we begin a new decade, it is time to assess the progress and failures of this country's marijuana policies at the state and county level with regard to racial justice. This report provides a new, unprecedented examination of the state of marijuana enforcement in the U.S. and the ramifications of decriminalization and legalization efforts — on overall arrests, and specifically on the racial inequities perpetuated by this war. Using data on marijuana arrests that local police departments provide the FBI under the Uniform Crime Reporting Program, alongside supplemented data obtained directly from unreported jurisdictions, this report examines nationwide and state trends in both arrests and Black/white racial disparities. Keenly aware of the consequential policy decisions made at local levels, this report also examines how different counties behave with respect to marijuana arrests and racial disparities in such arrests. And as the number of states implementing reforms in marijuana laws has increased since our last report, we are able to examine the potential impact legalization or

## This report provides a **new, unprecedented examination** of the state of marijuana enforcement in the U.S.

decriminalization policies have had on such arrests and racial disparities.

Indeed, while there is some existing research examining the potential fiscal and public safety impacts of marijuana law reforms in select states or jurisdictions, there is considerably less empirical research on the impact of these reforms on people of color. The scope of this report not only allows for an examination of the national, state, and local landscapes, it will provide new information on the success — or failure — of these current laws to address the racial inequities perpetuated by marijuana prohibitions. As such, these findings offer direction for policymakers, criminal justice leaders, and advocates who seek not only to end the war on marijuana, but to ensure that we do so in reparative ways that allow us to confront the racial injustice of the past by building a path forward with and for the people and communities most deeply harmed by marijuana prohibition.

# Methodology and Limitations

To document the incidence of marijuana and other drug arrests, this report uses data from the FBI's Uniform Crime Reporting (UCR) Program, supplemented by data obtained directly from states, when necessary (i.e., Illinois, New York). The data is used descriptively to better understand marijuana arrest patterns over time. In this section we describe our data sources, usage, and limitations.

## Data

### Sources

The marijuana possession arrest data presented in this report was obtained from the FBI's Uniform Crime Reporting Program (UCR) Program. For the years 2010–2016, the data was obtained through the National Archive of Criminal Justice Data (NACJD). We downloaded tables of data that included monthly counts of each offense type for each agency that reports to the UCR Program, for each racial group. For the years 2017 and 2018, data was not available through NACJD at the time of analysis. For these years, we used the FBI's Automated Programming Interface ([API](#)) to retrieve the data. Data for years 2017 and 2018 was last retrieved via API on November 22, 2019.

- **Uniform Crime Reporting Data [United States]: Arrests by Age, Sex, and Race [Alternative Title: ASR], 2011-2016.** These datasets are publicly available through the NACJD and stored at the Inter-university Consortium for Political and Social Research at the University of Michigan.

- **Uniform Crime Reporting Data [United States]: Summarized Agency Data, 2017-2018.** These datasets are publicly available through the FBI's Crime Data [API](#).

In addition, population estimates for each county for each year were obtained from:

- **U.S. Census Bureau, “Annual County Resident Population Estimates by Age, Sex, Race, and Hispanic Origin,” April 1, 2010, to July 1, 2018.** This data was released in June 2019 by the population division of the U.S. Census Bureau. Raw data is available in CSV format [here](#), and a data dictionary describing the variable definitions is available [here](#). This dataset estimates the population of each racial group of each county on July 1 of the corresponding year.

While most states report to the UCR Program, some do not, and thus data for Illinois and New York City were obtained separately. We obtained arrest data for New York City from “NYPD Arrests Data” (Historic), published by the New York Police Department online at [NYC OpenData](#). This data was last updated on May 16, 2019. Data for Illinois was obtained through a Freedom of Information Act, 5 ILCS 140 (“FOIA”) request submitted to the Illinois Department of



State Police, which acts as the central repository and custodian for crime statistics from every policing body in Illinois.

We also submitted FOIA requests to Washington, D.C.'s Metropolitan Police Department (MPD), as well as to the Florida Department of Law Enforcement, in November 2019. In December 2019, Washington, D.C.'s Mayor's Office of Legal Counsel ruled in favor of a legal appeal submitted by the ACLU and ordered MPD to begin producing responsive records within five business days. Nevertheless, the District of Columbia did not provide data in an appropriate, timely manner for analysis in this report, and Florida refused to provide any data at all.

## Counting and Classifying Marijuana Arrests

The data used in this report (both UCR data and supplementary state data) count one arrest for each separate instance in which a person is arrested, cited, or summoned for an offense. Because a person may be arrested more than once in a year, the arrest numbers used in this report do not reflect the actual number of individuals who have been arrested; rather, the arrest data shows the total number of times that persons have been arrested, as reported by law enforcement agencies to the UCR Program.

When someone is arrested for multiple crimes arising from a single police interaction, the UCR Program calls it a "multiple-offense situation." As a general rule, a multiple-offense situation requires classifying each of the offenses committed into "Part I" and "non-Part I" offenses. Part I offenses are the following: Murder, Rape, Robbery, Aggravated Assault, Burglary, Larceny (theft), Motor Vehicle Theft, and Arson (fire). Marijuana possession is defined as a non-Part I offense, as are all drug offenses. The Hierarchy Rule, as described in the FBI/UCR Handbook, requires that in a multiple-offense situation involving both Part I (e.g., Robbery – Other Dangerous Weapon) and non-Part I offenses (e.g., Marijuana – Possession), only the Part I offense, Robbery – Other Dangerous Weapon, is classified and reported.

The arrest for marijuana possession would not be reported in this situation. Additionally, if a person is arrested for multiple Part II offenses, the reporting agency determines which offense is the most serious and scores only that arrest. Thus, any marijuana possession arrest recorded in the UCR data is an arrest in which marijuana possession is the highest charge for which that individual was arrested during that police interaction. Any racial disparity observed in marijuana arrests recorded in UCR data is thus not a product of differential arrest rates for Part I crimes or crimes that agencies deem more serious than marijuana possession. According to the [FBI](#), more than 85% of all arrests are for a single offense.

It should be noted that for data obtained from New York City, the New York Police Department publishes a [data footnote](#) that states, "Only valid arrests are included in this release. Arrests that were voided when further investigation reveals person did not commit offense or it is determined no offense has been committed are excluded from the data set." As such, NYC data may not be directly comparable to other agencies that include arrests that were not excluded from the dataset. Individual nuances in the way police departments categorize arrests, due to differences in state law, enforcement priorities, and reporting capacity, are inherent in any interpretation of UCR data, and will be discussed more in the limitations section below.

## Coverage

The UCR Arrests by Age, Sex, and Race dataset and the Summarized Agency Data from the UCR API include variables that indicate the population covered by a particular agency. The FBI also provides an "[Agency Crosswalk file](#)," which shows which agencies correspond to each county. To find each county total, we summarized the total number of arrests and the total population within each county. We then compared the population of all the agencies reporting data in a particular county to the total population of that county to identify a coverage indicator.

The coverage indicator is a measure of how completely the agencies within a given county have reported their arrests to the UCR Program. For each agency, we multiply the population covered by that agency by the number of months reported, and divide by 12. For example, if an agency that covered 50,000 people reported data for 12 out of 12 months, the “reported population” of that agency is  $50,000 * 12 / 12$ , or 50,000. However, if that same agency only reported data for 10 out of 12 months of the year, its reported population is  $50,000 * 10 / 12$ , or 41,667.

Participation in the UCR Program varies widely. Many counties have full participation, with all local enforcement agencies in the county reporting to the UCR Program, but some agencies within some counties do not report data, or do not report every month, due at times to budget and capacity constraints. If an agency reports data for fewer than 12 months, we used the FBI’s methodology, described below, to impute the missing arrest counts.

We impute data at the agency level, and summarize coverage at the county level to get a coverage indicator, or a measure of the countywide data quality. While many counties have a coverage indicator of 100%, some counties have missing data, and the more data a county is missing, the less confidence we can have in our estimates. If a county is less than 50% covered, meaning that more than half of its data is imputed, we do not report its individual arrest counts or arrest rate estimates.

## Imputation

The National Archive of Criminal Justice Data (NACJD), part of the Inter-university Consortium for Political and Social Research, imputes data for missing agencies to aggregate to the county level. We use the same procedure but also aggregate by race to be able to examine racial disparities. Their imputation procedure is described in full [here](#), but in brief, the following steps are used to estimate the number of arrests for agencies with various types of reporting procedures. First, data for any agency

reporting 12 full months is submitted as-is. Second, data for an agency reporting three to 11 months is multiplied by a weight of  $[12 / \text{months reported}]$ . For example, if an agency reports 50 arrests over six months of data, 50 is multiplied by  $12 / 6$  (or 2) to estimate that 100 arrests would have occurred over a similar 12-month period. For agencies reporting zero to two months, data is too sparse to be reliable. These are first set to zero, and then data is estimated using rates calculated from fully reporting agencies located in the missing agency’s state and geographic stratum. More about defining the geographic strata is described by the NACJD, but, briefly, if an agency covering a population of 15,000 fails to report data to the UCR, then the arrest total for that agency is imputed using the average number of arrests among similarly sized agencies in the same state and year.

Finally, that agency-level data is aggregated to the county level using the [crosswalk file](#). The total county-level reported population is aggregated and divided by the county-level total population, including nonreporting agencies, to arrive at the county-level coverage indicator. Throughout this analysis, when highlighting individual counties, we exclude counties with a coverage of less than 50% — that is, counties where arrests were imputed for more than 50% of the population covered in that county. For example, in 2018, 12.6% (381) of counties had less than 50% coverage and were thus excluded from these analyses.

Though analysis of raw data undercounts the total arrest counts because of agencies that do not report, the results on the impacts of racial disparities do not substantially vary from the results using the methodology from our 2013 report. Thus, for consistency with NACJD, we use the UCR’s imputation methodology for this report.

## Calculating Rate Ratios

Racial disparities in policing and enforcement of marijuana possession laws can be quantified by comparing arrest rates in the Black population to arrest rates in the white population. By dividing the

rate in the Black population by the rate in the white population, we can estimate if Black people are more likely than white people to be arrested for marijuana possession, and, if so, how much more likely. Below is the formula used to calculate the rate ratio:

$$RR = Ba/Bp / Wa/Wp$$

Where RR is the Black-to-white rate ratio of arrests for marijuana possession; Ba/Bp is the rate of arrest in the Black population, and Wa/Wp is the rate of arrest in the white population.

## State Profiles

We used the following additional methods for the 49 state profile sheets included at the end of this report.

When identifying the top counties with the largest racial disparities per state, we generally only included counties with: a population of at least 30,000, a Black population of at least 1%, a data coverage ratio of at least 50%, and at least 25 arrests for marijuana possession. We applied this inclusion criteria to avoid highlighting counties with outlier rates due to very small populations and numbers of arrests. Because states vary widely in their demographics, it was imperative to modify the inclusion criteria in select cases, which are also noted in each state profile sheet. For states with less than a 1% Black population overall, we included counties for the ranking if they met all criteria outside of the Black population criterion. We extended this rule to Hawai'i, where we only obtained data for two counties. In Vermont, very few counties made more than 25 marijuana possession arrests in 2018, so we lowered that cutoff to 10 marijuana possession arrests. Additionally, because Alaska is less densely populated, we broadened the population criteria to include counties in Alaska with a population of at least 20,000 and at least 10 marijuana possession arrests. Those counties were excluded from consideration when identifying the top counties per state with largest racial disparities, but were included in other aspects of analyses for the state profiles and the entire report.

Each state profile includes a county-level map.

On that map, counties for which we received no data (roughly 50 counties across all 49 states) are indicated by stripes. In addition, there were five counties that arrested multiple Black people for marijuana possession and zero white people. The measure of racial disparities in these counties is mathematically infinite, so while we do not report numeric rate ratios for these counties, they are colored in red in the county-level maps, indicating racial disparities above the national average. Similarly, the counties that reported zero Black and white possession arrests (roughly 125 counties) are colored in grey, indicating racial disparities below the national average.

## Limitations and Considerations

This report, which analyzes data from 2010–2018, in combination with our previous report assessing data from 2000–2010, offers an unprecedented look at the national, state, and county landscape of marijuana enforcement over the past nearly two decades. However, as with all research, there are some limitations to the data. Here we present those limitations, along with a few key areas to consider when interpreting the findings of this report.

### Limitations of Missing Data

The ambition of the FBI's Uniform Crime Reporting Program in attempting to harmonize arrest data from more than 18,000 agencies across the country makes it the most comprehensive data source for understanding arrests in the U.S., but gaps remain. This section describes our attempts to deal with those gaps, their comparability to UCR data, and the extensibility of this analysis to previous work.

As mentioned previously, not every agency reports data for each month. The imputation method described previously is used by the FBI to fill in gaps in county-level crime data, but these methods are simple and do not account for fundamental



differences between reporting agencies and nonreporting agencies. Though a majority of the FBI's agencies and an even larger majority of the agencies covering large populations like cities had 100% coverage in the years we analyzed, we were unable to determine whether systematic biases existed between reporting agencies and nonreporting agencies with regard to population demographics. The lowest unit of measurement at which demographic data by race was available was the county level, not the agency level. It is conceivable that the demographics of agencies with full UCR reporting are different from those with little or no UCR reporting. If arrest rates in populations in these nonreporting agencies differ systematically from arrest rates in reporting agencies, it is likely that our estimates are imprecise. Systematic differences could bias the results of our analysis in either direction. However, given the consistency of the racial disparities in every state and nearly every county in the nation, we feel that despite this variation in agency reporting, additional data is unlikely to change the direction of the findings — that is, to remove the measured effect of racial disparities. Nevertheless, we do not report estimates for counties in which less than 50% of the population is covered by a reporting agency.

We use a different imputation methodology in this report than was used in our previous report, which was published in 2013. Our imputation procedure follows the FBI's procedure exactly, while the previous study used a weighting procedure at the county level rather than imputation at the agency level to account for missing data. The outcomes do not change substantially whether one uses county-level weighting or agency-level imputation, so we selected the better-known procedure for this report to ensure our methodology is more transparent and replicable. For the same reasons, we provide access to the data and code with this updated report. This report's methodology differs only in minor ways from those of the earlier report, but we present 2010 data here for comparison in the states and counties where the methodology implemented here results in slightly

different values than in our previous report. For the purposes of examining trends between 2000 and 2018, these two reports can go hand-in-hand, but it is not a goal for our 2010 estimates of racial disparities in this report to perfectly match those used with a different imputation methodology. Rather, the consistent overall findings between the two reports, despite the slight variations in methodology, are a signal that these findings are robust to multiple different imputation methods.

Despite our repeated attempts (as detailed previously) to obtain data from every jurisdiction for this report, including those that do not report to the FBI's UCR program, we were unable to do so. The District of Columbia refused to provide data in an appropriate, timely manner for analysis in this report, and Florida refused to provide any data at all. Thus, findings from this report are limited to 49 of the 50 U.S. states.

### **Race and Ethnicity Data Limitations**

Although nationwide the criminalization of marijuana has been largely targeted at Black and Latinx individuals, UCR data only allows for an exploration of disparities between Black and white people, and not between Latinx and white people. Similar to many federal data collection efforts, UCR data does not identify Latinx individuals as a distinct racial group, but as an ethnicity. "Ethnicity" variables are available in UCR data codebooks, ostensibly to distinguish between Hispanic and non-Hispanic individuals of each race, but these variables are missing so frequently that we were unable to employ them in this analysis. As such, Latinx individuals of all races are likely miscoded in various ways. While Afro-Latinx people are likely to be coded as Black in policing data and treated as Black by police, non-Black Latinx people may often be counted as white by reporting agencies. This miscoding likely leads to an underestimation of the true rate of racial disparities experienced by people of color at the hands of police. Arrests of Latinx individuals coded as white in the data likely artificially inflate the number of white arrests, leading to an

underestimation of the disparity between Black and white arrest rates.

We are mindful that in addition to Black and Latinx groups, racial bias in policing and drug enforcement may negatively affect other racial or ethnic groups, such as Native and Indigenous populations, Arab and Middle Eastern populations, Asian populations, Pacific Islander populations, and those with multiple racial/ethnic identities (e.g., biracial), among others. The UCR data classifies individuals' race as "Black," "white," "Asian," "American Indian or Alaska Native," "Native Hawaiian," or "unknown." As such, future research using UCR data could examine racial disparities beyond just Black and white populations, and such analysis might be particularly warranted in jurisdictions with significantly large populations of those who have experienced racially biased policing—for example, examination of disparities in arrest rates between Native Americans and whites in Montana. Disparities for bi- or multiracial people cannot be examined with UCR data, however. The UCR Program employs a "check one" approach to race, and does not allow for an individual to be coded as more than one race. Furthermore, Arab and Middle Eastern people are not identified by the UCR Program. Thus, researchers must turn to other data sources in order to examine arrest rates for multiracial and Arab or Middle Eastern individuals.

### **Considerations about Causality**

This report presents descriptive statistics, providing information about numbers of arrests, rates of arrests, and racial disparities in those rates. Though we provide this information for states that have legalized and decriminalized marijuana—both before and after these reforms were enacted—we have not performed the requisite statistical controls that would be required to establish a causal link between these laws and the subsequent changes in arrest rates and racial disparities. Indeed, in many states and counties, arrest rates dropped between 2010 and 2018 despite the fact that marijuana possession remained illegal in these localities, demonstrating that many other factors besides legalization drive

arrest rates. Further research, both quantitative and qualitative, is warranted to more clearly understand and document the effects of marijuana reforms, and may be best done at the individual state and/or county level.

### **Considerations about Timeframe**

This report examines arrest rates from 2010 through 2018. Although 2018 was the most recent year in which data was available, it still did not allow for an examination of the present state of marijuana enforcement. Inevitably, data analyses and reporting must always lag somewhat behind, preventing any research from being as current as desired; as such, the findings provided in this report can only reflect practices as of 2018. In 2018 and 2019, three states (Vermont, Michigan, and Illinois) legalized marijuana possession, and three others (Hawai'i, New York, and New Mexico) decriminalized possession. As data is made available for 2019 and subsequent years, future analysis is warranted to explore the potential effects of the more recent laws as well as the longer-term impacts of pre-2018 laws.

# Marijuana Arrests

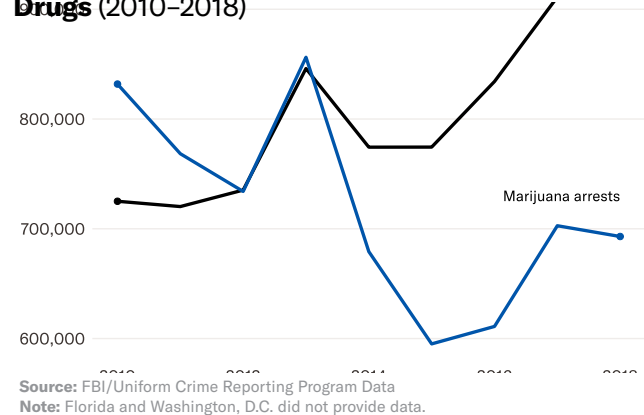
Despite an increasing number of states legalizing or decriminalizing marijuana, law enforcement made well over half a million marijuana arrests in 2018, more than for any other drug, and more than for all violent crimes combined as reported by the FBI.<sup>40</sup> As expected, states that have legalized or decriminalized marijuana possession have seen a decline in marijuana possession arrests. However, as of 2018, the national downward trend appears to have leveled off, even as the number of states that have legalized or decriminalized marijuana has increased.

## The National Landscape

As indicated in Figure 1, between 2010 and 2018, marijuana arrests in the U.S. trended weakly downward, with rebounds in 2013, 2016, and 2017. By 2018, arrest rates were higher than in 2015, despite additional states having legalized and decriminalized during that timeframe. In no year did they drop below 500,000. In 2018 alone, there were an estimated 692,965 marijuana arrests – the vast majority of which (89.6%) were for possession (see Figure 2). As shown in Figure 3, marijuana possession arrest rates have dropped by approximately 15% from 2010 to 2018, resulting in a decrease in the national arrest possession rate, from 250.52 per 100,000 in 2010 to 203.88 per 100,000 people in 2018.

As shown in Figure 4, marijuana arrests still account for more drug arrests in the U.S. than any other drug class.<sup>41</sup> Marijuana arrests also accounts for more arrests than for all violent crime combined.<sup>42</sup> In 2018, 43.2% of all drug arrests were for marijuana offenses (see Table 1).

**FIGURE 1**  
**National Arrests for Marijuana and All Other Drugs (2010–2018)**



**FIGURE 2**  
**National Arrests for Marijuana Possession and Sales (2010–2018)**

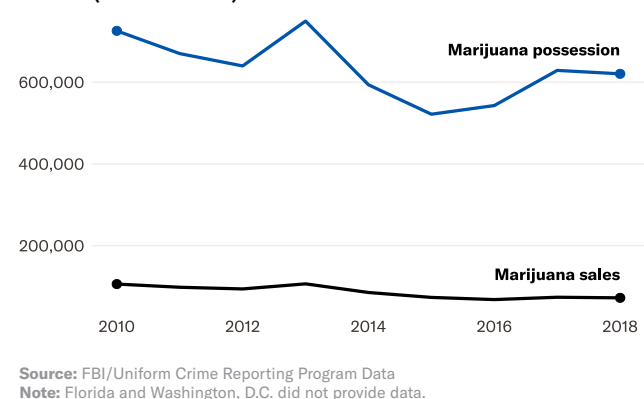
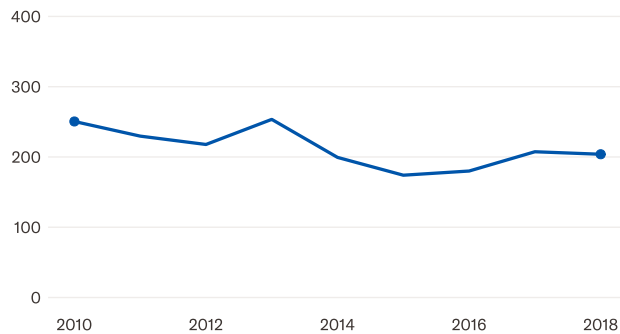


FIGURE 3

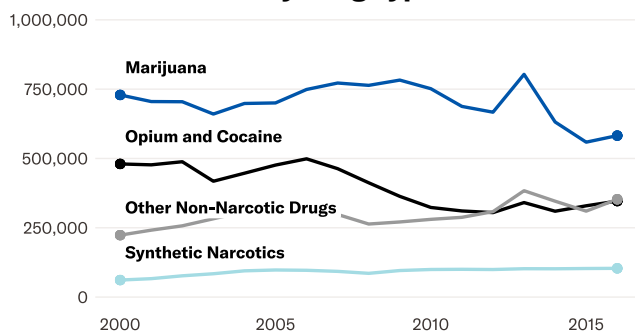
### Marijuana Possession Arrest Rate per 100k People (2010–2018)



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data  
Note: Florida and Washington, D.C. did not provide data.

FIGURE 4

### Number of Arrests by Drug Type (2000–2016)



Source: FBI/Uniform Crime Reporting Program Data  
Note: This graph excludes data from New York City, Illinois, Florida, and Washington, D.C., which were not available at time of this analysis.

TABLE 1

### National Arrests for Marijuana and All Drugs

Year	Total Marijuana Arrests	All Drug Arrests	% All Drug Arrests That Were for Marijuana
2010	831,849	1,556,916	53.4%
2011	768,390	1,488,628	51.6%
2012	734,019	1,469,273	50.0%
2013	856,263	1,702,249	50.3%
2014	679,188	1,453,543	46.7%
2015	595,127	1,369,543	43.5%
2016	611,026	1,445,215	42.3%
2017	702,778	1,613,926	43.5%
2018	692,965	1,603,316	43.2%

Source: FBI/Uniform Crime Reporting Program Data

## State and County Landscape

Since most drug law enforcement occurs at the state and local level, it is crucial that an examination of marijuana possession arrests focus on state and county data.

### States

Not surprisingly, arrest rates vary greatly between states. Here, we provide a comparative assessment; specific profile sheets for every state are available in the State Profiles section of this report.<sup>43</sup>

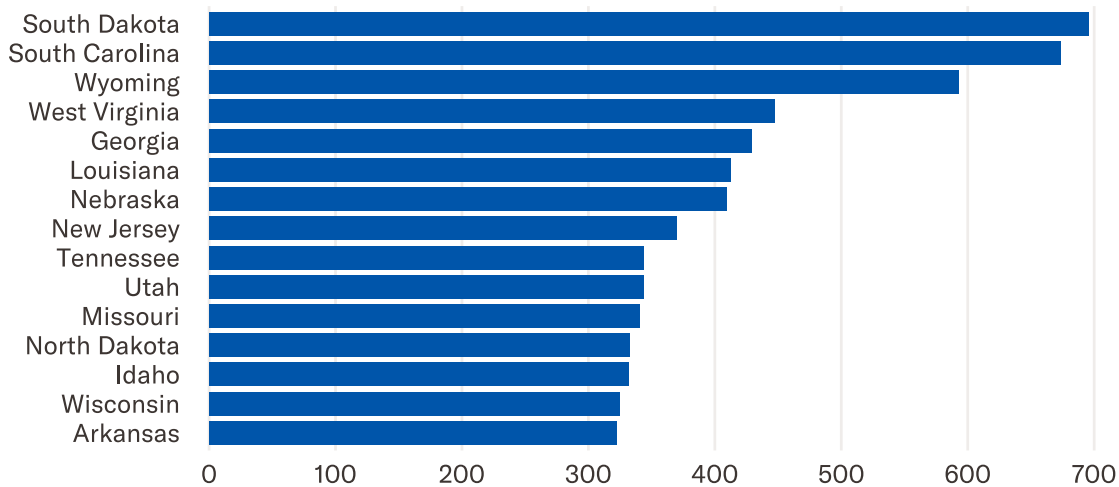
The national marijuana possession arrest rate in 2018 was 203.88 per 100,000. State arrest rates ranged from 707.34 arrests per 100,000, in South Dakota, to 4.52 arrests per 100,000 people, in Massachusetts (see Appendix, Table A for data for all states). Not only did South Dakota have the highest arrest rate in 2018 (see Figure 5), it also had the greatest growth, with a 176% increase in marijuana possession arrests from 2010. Although nationally there was a decline in marijuana possession arrests, arrest rates actually increased in 17 states (see Table 2).

In terms of total raw numbers of arrests, Texas had the highest total number of marijuana possession arrests, with an estimated 70,017 arrests in the year 2018 alone (see Appendix, Table B). In 12 states, marijuana arrests accounted for more than half of all drug arrests in 2018, with Wyoming having the highest percent of all drug arrests that were for marijuana possession, at 58.6% (see Appendix, Table B for total number of all drug arrests and total number of marijuana possession arrests by state).

### Counties

Not only do states vary widely in marijuana enforcement, but even within states there remains a range in how marijuana offenses are treated at the county level. Individual district attorneys and police departments have a substantial amount of discretion in deciding who gets arrested, charged,

FIGURE 5

**States With Highest Marijuana Possession Arrest Rates per 100k (2018)**

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

and convicted for drug possession. In some cases, municipalities have passed their own ordinances related to marijuana use and enforcement.

Table 3 lists the 20 counties with the highest marijuana possession arrest rates in 2018. Four of the top five counties are in South Carolina, the state with the second highest arrest rates for marijuana possession. Less predictably, three Maryland counties are represented in the top 10, even though Maryland decriminalized certain amounts of possession in 2014. Although these counties had the highest arrest rates in 2018, other counties have had greater increases in their rates over time, such as Prince George and Charlottesville City in Virginia and Franklin, North Carolina. See Table 4 for a list of the 20 counties with the greatest increases since 2010.

## States That Legalized or Decriminalized Marijuana Possession

Since our last report in 2013, several states have legalized or decriminalized marijuana offenses. Although these laws vary in their specific elements and implementation, we examine if – and how

TABLE 2

**States With Increases in Marijuana Possession Arrest Rates (2010–2018)**

State	Arrest Rates per 100k		% Change in Total Arrest Rate
	Total Arrest Rate (2010)	Total Arrest Rate (2018)	
<b>South Dakota</b>	256.17	707.34	176.1%
<b>Utah</b>	150.64	343.37	127.9%
<b>North Dakota</b>	180.64	332.52	84.1%
<b>Wyoming</b>	384.56	592.89	54.2%
<b>South Carolina</b>	440.57	673.26	52.8%
<b>Arkansas</b>	215.85	322.12	49.2%
<b>West Virginia</b>	299.85	447.32	49.2%
<b>Idaho</b>	225.02	332.16	47.6%
<b>New Jersey</b>	253.75	369.54	45.6%
<b>Ohio</b>	184.03	248.68	35.1%
<b>New Mexico</b>	168.15	225.71	34.2%
<b>Virginia</b>	236.12	314.33	33.1%
<b>Pennsylvania</b>	180.45	226.52	25.5%
<b>Tennessee</b>	283.50	343.94	21.3%
<b>Georgia</b>	361.87	428.81	18.5%
<b>Louisiana</b>	349.32	412.48	18.1%
<b>Wisconsin</b>	289.37	324.37	12.1%

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

— these laws have affected arrest rates and, in a subsequent section, racial disparities in arrests.

As of March 2020, 11 states and Washington, D.C. had legalized marijuana possession and an additional 15 states had decriminalized marijuana possession (see Appendix, Table C). At the time of this report, however, the most current data available was from 2018, and thus, for the following analyses, we considered only states that legalized or decriminalized *before* 2018. See Table 5 for the listing of such states.<sup>44</sup> We also provide a full listing of the

legal status of marijuana possession for all states and D.C. as of March 2020 in the Appendix (Table C).

## Legalized States

In 2018, on average, legalized states had the lowest arrest rates for marijuana possession compared to other states.<sup>45</sup> Although legalized states also had lower rates of possession arrests even before legalization, the over-time trends make it clear that legalization has made a difference overall. Figure

TABLE 3

### Top 20 Counties for Marijuana Possession Arrest Rates per 100k people (2018)

County	Possession Arrest Rates
Chester, South Carolina	2,000.72
Columbia, New York	1,794.25
Newberry, South Carolina	1,610.30
Worcester, Maryland	1,391.27
Darlington, South Carolina	1,370.12
Greene, New York	1,315.23
Marion, South Carolina	1,258.89
Dorchester, Maryland	1,203.20
Calvert, Maryland	1,144.53
Dodge, Nebraska	1,138.31
Prince George, Virginia	1,090.14
Spalding, Georgia	1,084.48
Laurens, South Carolina	1,083.89
Kershaw, South Carolina	1,075.21
Culpeper, Virginia	1,035.79
Washington, New York	1,000.11
Colleton, South Carolina	973.88
St. Mary, Louisiana	966.93
Erie, Ohio	963.47
Perry, Pennsylvania	956.17

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data  
Note: Includes counties with > 30,000 population, > 1% Black population, at least 25 marijuana possession arrests and > 50% UCR coverage.

TABLE 4

### Top 20 Counties for Largest Increases in Marijuana Possession Arrest Rates per 100k people (2010-2018)

County	2010 Rate	2018 Rate	% Increase
Prince George, Virginia	61.72	1090.14	1666.3%
Charlottesville City, Virginia	41.41	371.13	796.2%
Franklin, North Carolina	37.27	241.05	546.8%
Bossier, Louisiana	51.18	316.86	519.1%
Augusta, Virginia	8.15	46.38	469.1%
Isle of Wight, Virginia	50.97	286.85	462.8%
Somerset, Pennsylvania	97.51	530.36	444.0%
Franklin, Virginia	92.55	489.37	428.8%
Angelina, Texas	77.75	408.73	425.7%
Haywood, North Carolina	62.78	314.15	400.4%
Pike, Pennsylvania	137.56	669.40	386.6%
Vermilion, Louisiana	65.41	308.47	371.6%
Culpeper, Virginia	219.90	1035.79	371.0%
Jefferson, Ohio	144.08	663.78	360.7%
Nassau, New York	60.50	275.49	355.4%
Marshall, Tennessee	61.92	277.70	348.5%
Henderson, Kentucky	43.23	193.02	346.5%
Robertson, Tennessee	94.98	409.14	330.8%
Chester, South Carolina	478.57	2000.72	318.1%
Athens, Ohio	135.64	554.44	308.8%

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data  
Note: Includes counties with > 30,000 population, > 1% Black population, at least 25 marijuana possession arrests in 2018 and > 50% UCR coverage.



6 illustrates the changes from 2010 to 2018 in marijuana possession arrest rates for states that had legalized before 2018, states that had decriminalized before 2018, and states where marijuana possession remained fully illegal in 2018.<sup>46</sup> The rates fall precipitously in legalized states, indicating that, as expected, legalization of marijuana possession reduces overall arrest rates for marijuana possession.

Overall, arrests for marijuana possession decreased over time in all states that had legalized. However, when disaggregating legalized states, we see some interesting differences (see Figure 7; note that the red line on the state graphs indicates when legalization occurred). In some states, the decreases in arrests clearly began after legalization (Colorado, Maine, and Nevada). In other legalized states, decreases continued on a downward trend that had already begun pre-legalization (Alaska, Oregon, and Washington). In Massachusetts and California, perhaps due to earlier decriminalization, the decline in arrest rates occurred several years before legalization, and remained relatively flat in the years just before legalization and through 2018 (see also Figure 7).

Marijuana sales make up a small proportion of marijuana arrests – only 10.4% of all marijuana arrests in 2018. Decreases in arrest rates for marijuana sale were far greater in legalized states than in other states, dropping from 36.1 arrests per 100,000 in 2010 to 6.27 arrests per 100,000 in 2018, an 82.7% decrease in the arrest rate. In comparison, over the same time period, sales arrest rates decreased by 35.1% in states that had decriminalized and 13.2% in states where marijuana remained fully illegal.

While marijuana possession and sales arrests consistently fell following legalization, the impact of marijuana legalization on other drug arrests is less clear. As shown in Figure 7, in some states, such as Alaska, other drug arrest trends appear unassociated with marijuana. In others, such as Colorado, other drug arrests climb following legalization. This is not necessarily the result of marijuana legalization, and

**TABLE 5**

## States That Legalized or Decriminalized Marijuana Possession (Before 2018)

### Eight States and District of Columbia Legalized

Colorado (2012)
Washington (2012)
Alaska (2014)
District of Columbia (2014)
Oregon (2014)
California (2016)
Maine (2016)
Massachusetts (2016)
Nevada (2016)

### Five States Decriminalized Before 2010

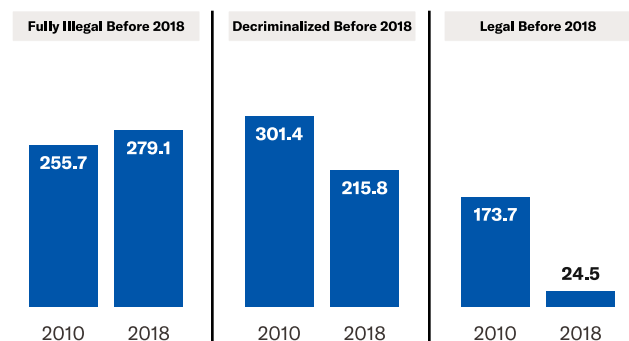
Ohio (1975)
Minnesota (1976)
North Carolina (1977)
Mississippi (1978)
Nebraska (1979)

### Eight States Decriminalized Between 2010–2017

Connecticut (2011)
Rhode Island (2012)
Vermont (2013)
Maryland (2014)
Missouri (2014)
Delaware (2015)
Illinois (2016)
New Hampshire (2017)

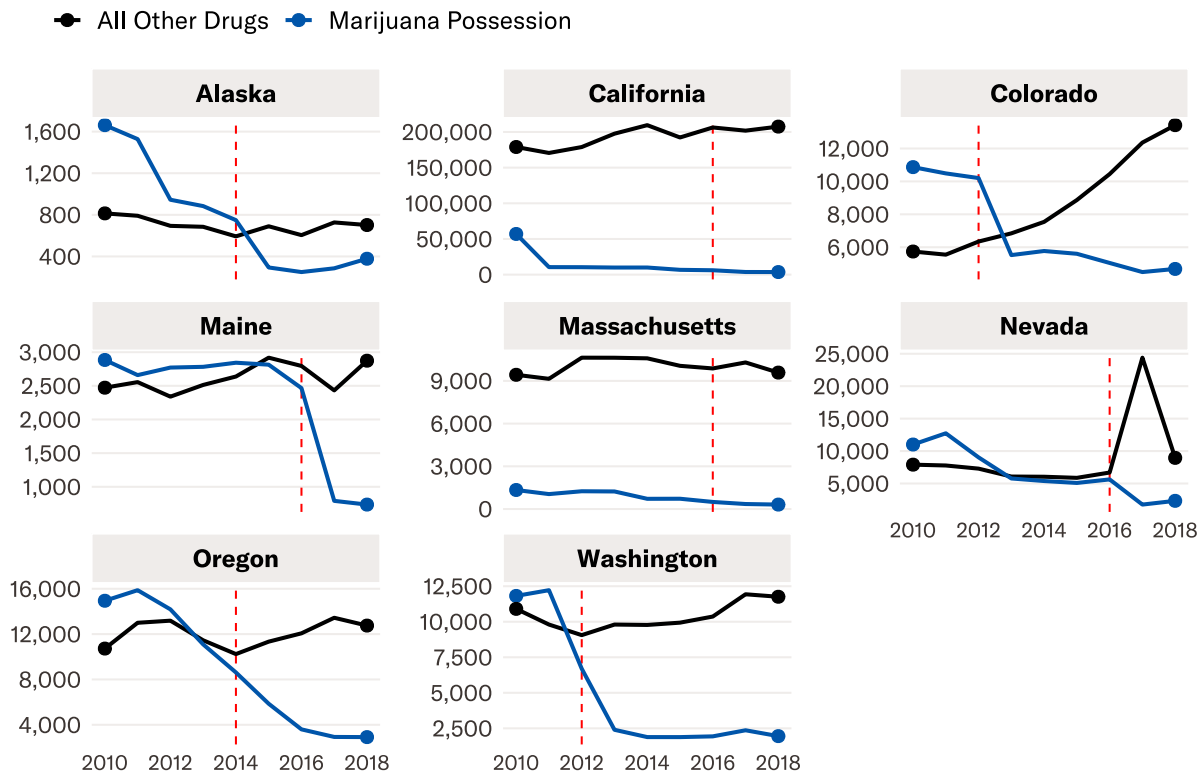
**FIGURE 6**

## Marijuana Possession Arrest Rates Per 100k People by Legal Status (2010–2018)



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

FIGURE 7

**Drug Arrests in States With Legalized Marijuana (Before 2018)**

Source: FBI/Uniform Crime Reporting Program Data

additional research is warranted to understand how, if at all, marijuana legalization impacts enforcement of other drugs.

### Decriminalized States

Decriminalization also appears to be associated with a reduction in the rate of marijuana arrests, though it is less dramatically related than legalization (see Figure 6). Overall, arrests for possession fell slightly between 2010–2018 in states that had decriminalized marijuana possession, but possession arrest rates remain approximately eight times higher in decriminalized states than in legalized states.

As illustrated in Figure 8, there was also significant variability across decriminalized states (the red line on state graphs indicates when decriminalization occurred).<sup>47</sup> Whereas Maryland and Rhode Island

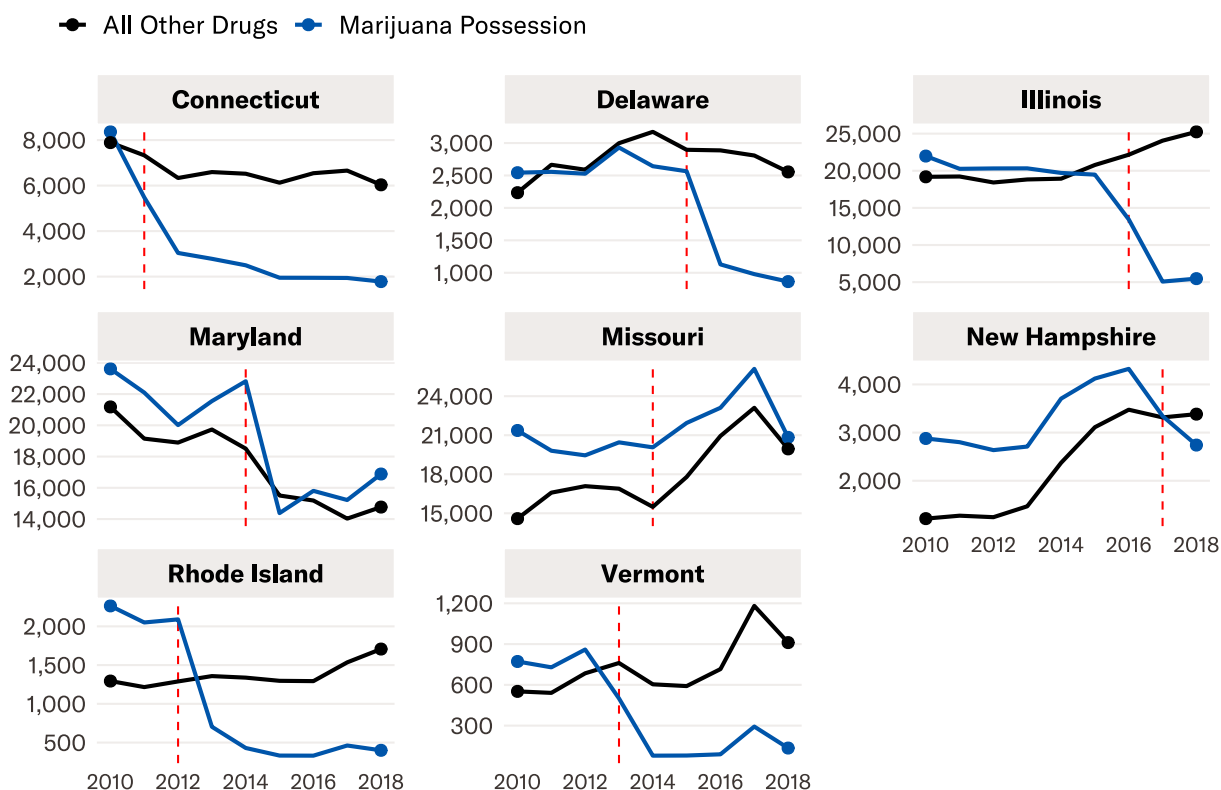
evidenced sharp declines immediately following decriminalization, a number of other states continued a downward trend in arrests that began pre-decriminalization (Connecticut, Delaware, Illinois, New Hampshire, and Vermont).

Marijuana sales arrests also dropped in decriminalized states from 2010 to 2018, although to a much lesser extent than in legalized states. In states that decriminalized marijuana between the years of 2010 and 2018, sales arrest rates went from 37.8 per 100,000 people down to 24.5 per 100,000 by 2018 – a 35.1% drop. For comparison, even in states where marijuana remained fully illegal, there was on average a 13.2% decrease in marijuana sales arrests from 2010 to 2018. Similar to legalized states, arrest rates of all other drugs appear generally unassociated with the decriminalization of marijuana possession (see also Figure 8).



FIGURE 8

**Drug Arrests in All States that Decriminalized Marijuana (between 2010–2017)**



Source: FBI/Uniform Crime Reporting Program Data

Across the country, considering both possession and sale offenses, states that legalized marijuana have seen larger average decreases in marijuana arrest rates than states that only decriminalized marijuana.

# Racial Disparities in Marijuana Arrests

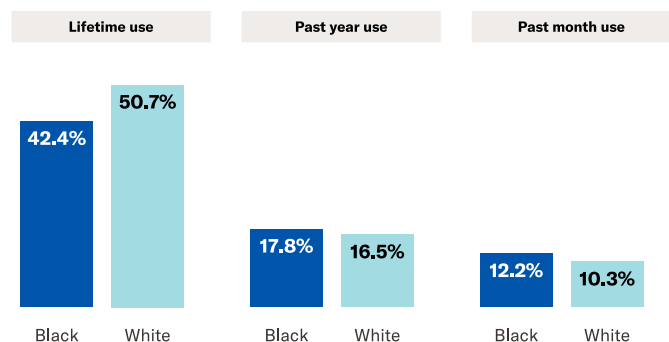
As legalization efforts take hold in states across the nation, it is critical to continue examining the extent of racial bias in the enforcement of marijuana laws, specifically against Black and Latinx populations.<sup>48</sup> In order to ground legalization efforts in racial justice, we must understand the impact of reforms on racial inequities in drug enforcement. Thus, in this report, we examine racial disparities not only at the national, state, and county level, as we did in our 2013 report,<sup>49</sup> but also specifically among states that have legalized or decriminalized marijuana.

Because the FBI's Uniform Crime Reporting (UCR) Program data, like many federal data collection efforts, treats Latinx as an ethnicity rather than a distinct racial group, Latinx individuals are incorporated into both white and Black arrest rates. Thus, because the UCR data used for this report does not identify Latinx populations as a distinct racial group, potential disparities in arrest rates for Latinx populations cannot be examined (see Methodology and Limitations section for more information).

We are mindful that in addition to Latinx groups, racial bias in policing and drug enforcement may negatively affect other racial or ethnic groups, such as Native and Indigenous populations, Arab and Middle Eastern populations, Asian populations, Pacific Islander populations, and those with multiple racial/ethnic identities (e.g., biracial populations), among others. Improved data collection tools and more in-depth research into the specific experiences of these groups as related to drug enforcement is clearly necessary. However, given the focus of this report and the limitations of the most current and comprehensive available data (UCR), we provide data

FIGURE 9

## Usage of Marijuana For Ages 12+ (2018)



Source: SAMHSA, U.S. Department of Health and Human Services

explicitly on Black-white disparities in marijuana possession arrests.

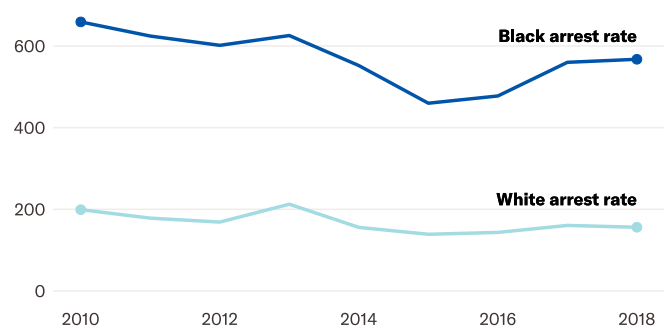
For this report, racial disparities in policing and enforcement of marijuana possession laws were quantified by comparing arrest rates in the Black population to arrest rates in the white population. By dividing the arrest rate in the Black population by the arrest rate in the white population, we can estimate how much more likely Black people are than

white people to be arrested for marijuana possession, known as the “rate ratio” (see the Methodology and Limitations section for more details on how the rate ratio was calculated). A rate ratio of one indicates that Black individuals and white individuals are arrested at the same rate. A rate ratio greater than one indicates how much more likely Black populations are than white populations to be arrested for marijuana possession — for example, a rate ratio of three indicates that Black people are three times more likely than white people to be arrested for marijuana possession. A rate ratio of less than one indicates that white people are more likely than Black people in a given state or county to be arrested for marijuana possession.

Despite the pronounced disparities in arrest rates for marijuana possession between Black and white people demonstrated in this report, rates of marijuana use are roughly equal between Black and white people. The Substance Abuse and Mental Health Services Administration (SAMHSA), a federal branch of the U.S. Department of Health and Human Services, conducts nationally representative

**FIGURE 10**

### Rates of Black and White Marijuana Possession Arrests per 100k people



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data  
Note: Florida and Washington, D.C. did not provide data.

annual surveys of marijuana use over respondents’ lifetime, over the past year, and over the past month.<sup>50</sup> SAMSHA survey data consistently finds that rates of ever use and recent use by race do not significantly differ between Black and white populations (see Figure 9 for 2018 usage rates). Therefore, the wide racial disparities in marijuana possession arrest rates cannot be explained by differences in marijuana usage rates between Black and white people.

**TABLE 6**

### Black and White Marijuana Possession Rates (2010-2018)

Year	Arrest Rates per 100k			Black/White Rate Ratio
	Marijuana Possession Arrest Rate	Black Arrest Rate	White Arrest Rate	
2010	250.52	659.06	199.19	3.31
2011	229.69	624.43	178.43	3.50
2012	217.79	601.68	168.75	3.57
2013	253.51	625.68	212.55	2.94
2014	199.40	552.13	155.80	3.54
2015	174.06	459.89	138.90	3.31
2016	179.99	477.64	143.42	3.33
2017	207.44	560.08	160.60	3.49
2018	203.88	567.51	156.06	3.64

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

## The National Landscape

Enormous disparities exist nationwide between arrest rates of Blacks and whites for marijuana possession. Despite using marijuana at similar rates (see Figure 9), Black people are 3.64 times more likely than white people to be arrested for marijuana possession. In 2018, 567 Black people per 100,000 were arrested for marijuana possession, compared to 156 white people per 100,000 (see Figure 10). While national arrest rates for marijuana possession have fallen for both Black and white individuals since 2010, the rate ratio has not improved at all. As detailed in Table 6, in 2010, Black people were 3.31 times more likely to be arrested for marijuana possession than whites, and in 2018, they were 3.64 times more likely — the greatest disparity of the past nine years.

# State and County Landscape

## States

Although overall arrest rates and the extent of racial disparities in arrests varied across states, in *every single state*, Black people were more likely to be arrested for marijuana possession than white people. Figure 11 displays a map of racial disparities in marijuana possession arrests by state — darker red states have higher arrest rate ratios between Black and white individuals than lighter red states. The darkest red states (Montana, Kentucky, Illinois, West Virginia, and Iowa) had the highest racial disparities in marijuana possession arrest rates in 2018 (9.62, 9.36, 7.51, 7.31, and 7.26, respectively).

Table 7 provides the overall marijuana possession arrest rate, the arrest rates for the Black and white populations, and the rate ratios between Black and white arrests, a measure of the disparity between the

two populations, for each state. States are ordered by their rate ratio. In 2018, Montana was the state with the highest rate of racial disparities between Black and white people, with a rate ratio of 9.62, indicating that Black people in that state were 9.62 times more likely to be arrested for marijuana possession than white people.

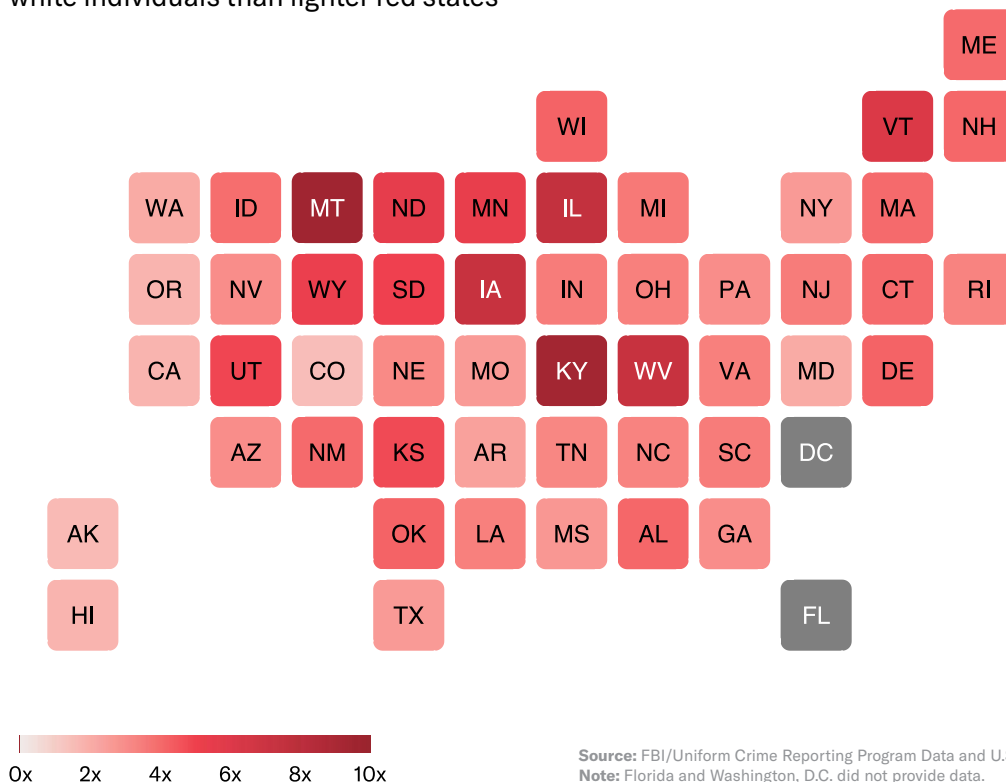
Although Montana had the greatest racial disparities, Wyoming had the highest arrest rate for Black people specifically (see Figure 12 for the 20 states with the highest Black arrest rates). In 2018, Wyoming arrested 2,677 Black people out of every 100,000. Georgia was the state with the highest overall number of Black arrests for marijuana possession, with 27,381 arrests in the year 2018 alone (see Appendix, Table B for total number of Black marijuana possession arrests, by state).

Although racial disparities have decreased in some states since 2010, they have actually worsened in a

FIGURE 11

### Black-to-White Rate Ratios for Marijuana Possession Arrests by State (2018)

Darker red states have higher rate ratios of arrest between Black and white individuals than lighter red states



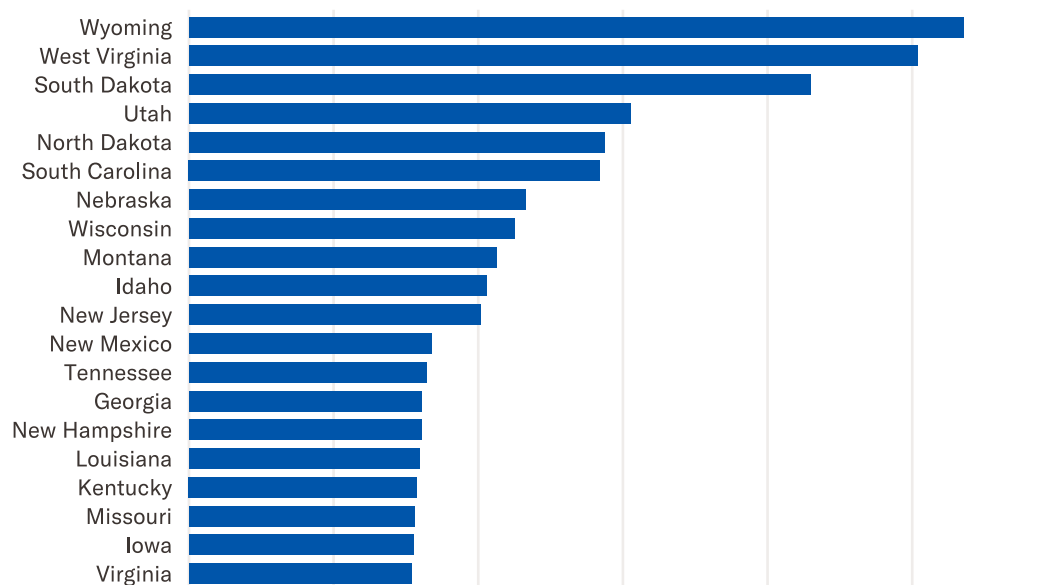
majority of states. In 31 states, racial disparities were larger in 2018 than in 2010; in 18 states, racial disparities were narrower than in 2010.<sup>51</sup> In 20 states,

racial disparities in marijuana possession arrests increased by 25% or more (see Figure 13). As shown in Figure 13, the states with the greatest growth

**FIGURE 12**

**States With Highest Black Arrest Rates for Marijuana Possession (2018)**

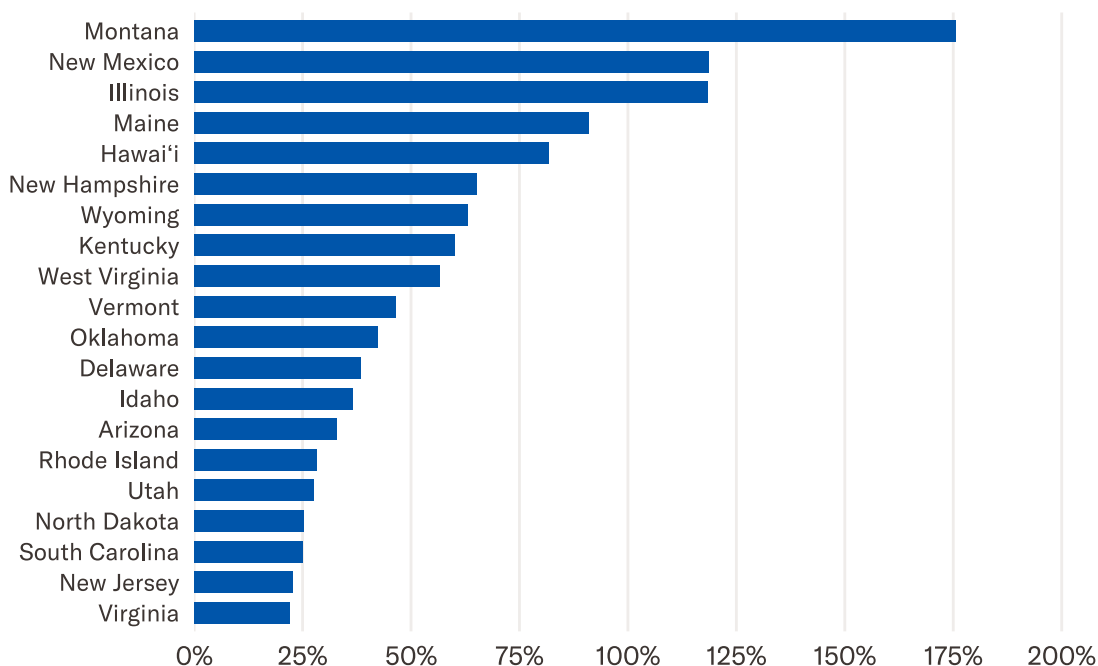
Per 100k Black people



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

**FIGURE 13**

**States With Largest Increases in Racial Disparities (Since 2010)**



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

TABLE 7

**Black and White  
Marijuana Possession  
Arrests Rates and  
Disparities by State  
(2018)**

State	Arrest Rates per 100k			Black/White Rate Ratio
	Marijuana Possession Arrest Rate	Black Arrest Rate	White Arrest Rate	
Montana	127.62	1064.23	110.60	9.62
Kentucky	141.72	788.34	84.19	9.36
Illinois	43.01	137.84	18.36	7.51
West Virginia	447.32	2516.95	344.26	7.31
Iowa	133.82	776.28	106.90	7.26
Vermont	21.54	126.26	20.83	6.06
North Dakota	332.52	1437.25	260.99	5.51
Minnesota	126.71	536.94	100.02	5.37
Wyoming	592.89	2677.27	515.27	5.20
South Dakota	707.34	2151.53	426.79	5.04
Utah	343.37	1526.97	310.43	4.92
Kansas	80.56	323.84	66.94	4.84
Oklahoma	199.25	719.47	169.62	4.24
Wisconsin	324.37	1125.85	265.58	4.24
Delaware	89.33	222.45	53.57	4.15
Alabama	55.82	128.03	31.01	4.13
New Hampshire	202.10	803.40	195.28	4.11
Massachusetts	4.52	14.76	3.65	4.04
Connecticut	49.85	152.57	37.91	4.02
Maine	54.99	214.84	53.89	3.99
New Mexico	225.71	837.21	210.54	3.98
Idaho	332.16	1026.94	263.83	3.89
Michigan	140.95	373.80	104.06	3.59
Indiana	247.61	712.06	204.01	3.49
New Jersey	369.54	1007.96	292.49	3.45
South Carolina	673.26	1420.68	412.27	3.45
Virginia	314.33	768.01	223.37	3.44
Ohio	248.68	526.73	153.48	3.43
Louisiana	412.48	795.52	237.31	3.35
Rhode Island	37.80	110.17	33.17	3.32
North Carolina	234.85	528.27	162.03	3.26
Tennessee	343.94	820.16	255.09	3.22
Nebraska	409.42	1163.94	379.73	3.07
Arizona	208.75	580.65	190.90	3.04
Nevada	76.65	212.26	69.72	3.04
Pennsylvania	226.52	577.96	190.40	3.04
Georgia	428.81	804.32	271.82	2.96
Mississippi	294.78	478.88	176.39	2.71
Missouri	340.28	780.94	296.38	2.63
New York	287.76	597.59	227.53	2.63
Texas	244.12	561.60	213.99	2.62
Arkansas	322.12	648.46	271.21	2.39
Washington	25.90	52.18	24.44	2.14
Maryland	279.40	470.16	220.74	2.13
Oregon	69.54	130.90	71.74	1.82
California	9.14	18.12	10.00	1.81
Hawai'i	55.78	130.90	73.42	1.78
Alaska	53.35	70.82	45.40	1.56
Colorado	82.20	130.51	84.90	1.54

Source: FBI/Uniform Crime Reporting  
Program Data and U.S. Census Data  
Note: Florida and Washington, D.C. did  
not provide data.

in racial disparities — Montana, New Mexico, and Illinois — each had an increase in Black-white arrest disparities of more than 100% (increases of 175.6%, 118.7%, and 118.3%, respectively).

These findings, combined with findings on changes in arrest rates from 2010–2018, demonstrate that falling arrest rates do not automatically lead to a reduction in racial disparities — in fact, in some states, racial disparities rose even as arrest rates fell (see Appendix, Table A for changes in racial disparities and arrest rates, over time by state).

## Counties

The racial disparities found at the state level exist at the county level, as well. In the overwhelming majority of counties across the U.S., Black people were more likely to be arrested for marijuana possession than white people. When ranking county-level racial disparities, we considered counties with populations greater than 30,000, greater than 1% Black population, and more than 50% data coverage,<sup>52</sup> which contain 81% of the U.S. population.

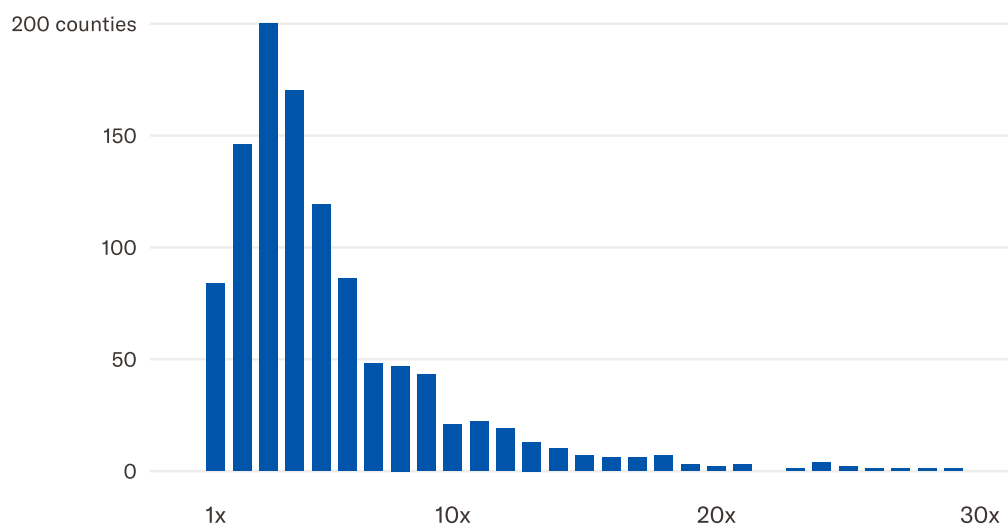
In 2018, 96.1% of these counties (1,081 counties total) had a rate ratio greater than one, indicating a higher likelihood of arrest for Black people than white people. Put another way, in less than 5% of these counties was the rate ratio equal to or lower than one — i.e., white people were as likely as or more likely than Black people to be arrested for marijuana possession. Figure 14 displays the range of disparities by county — in almost all counties (96.1%), Black people were more likely than white people to be arrested for marijuana possession. In a sizable proportion of these counties, Black people were between two and 10 times more likely than whites to be arrested for marijuana. They were up to 20 times more likely to be arrested in a small number of other counties (see also Figure 14).

Table 8 lists the 20 counties with the highest racial disparities, or rate ratios, between Black and white arrests for marijuana possession. The highest racial disparities can be found in Pickens County, Georgia, where Black people were almost 100 times more likely to be arrested for marijuana possession than white people (rate ratio of 97.22). Carter County, Tennessee had the sharpest increase in disparities from 2010–2018 — 976.7% (see Table 9). In terms of

FIGURE 14

### Distribution of County-Level Black-to-White Rates of Racial Disparities (2018)

Most counties arrested Black people for marijuana possession at 3 to 5 times the rate of white people



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data  
 Note: Includes counties with > 30,000 population, > 1% Black population and > 50% UCR coverage.  
 An additional 8 counties with rate ratios above 30x were removed.

TABLE 8

**Top 20 Counties for Racial Disparities in Marijuana Possession Arrests (2018)**

County	State	Arrest Rates per 100k		
		Black Arrest Rate	White Arrest Rate	Black/White Rate Ratio
Pickens	Georgia	31,243.16	321.38	97.22
DeKalb	Alabama	1,159.80	25.57	45.35
Tazewell	Illinois	682.21	15.76	43.30
Ozaukee	Wisconsin	5,548.04	158.98	34.90
Manitowoc	Wisconsin	7,862.33	263.44	29.85
Perry	Pennsylvania	21,158.65	746.03	28.36
Washington	Wisconsin	6,164.84	227.70	27.07
Washington	Ohio	4,477.05	166.34	26.91
Clarion	Pennsylvania	4,651.16	181.54	25.62
Medina	Ohio	3,166.91	125.82	25.17
Preston	West Virginia	11,558.56	463.02	24.96
Putnam	West Virginia	5,284.23	213.36	24.77
Peoria	Illinois	326.50	13.52	24.16
Waukesha	Wisconsin	3,314.30	138.78	23.88
Douglas	Nevada	4,969.82	226.80	21.91
Walker	Georgia	4,675.58	216.82	21.56
Clinton	Michigan	2,867.60	133.26	21.52
Hanover	Virginia	5,808.88	280.07	20.74
Wayne	Ohio	3,730.71	184.02	20.27
Geauga	Ohio	1,519.42	76.55	19.85

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

Note: Includes counties with > 30,000 population, > 1% Black population, at least 25 marijuana possession arrests and > 50% UCR coverage.

highest overall rate of Black people arrested in 2018, Pickens County, Georgia, leads the counties with a rate of 31,243.16 per 100,000, followed by Perry County, Pennsylvania, with 21,158.65 per 100,000. Lastly, a full one-fourth (5) of the top 20 counties for racial disparities in 2018 were located in Illinois (see also Table 8).

## States That Legalized or Decriminalized Marijuana Possession

As reported in the previous section, the total number of people arrested for marijuana possession, and rates of arrests, have decreased in all legalized states and most decriminalized states. These rates

decreased for both Black and white populations, yet the racial disparities in arrest rates persist. In every state that has legalized or decriminalized marijuana possession, Black people are still more likely to be arrested for possession than white people.

As shown in Figure 15, on average, states that legalized marijuana possession had lower racial disparities in possession arrests in 2018 than states where marijuana remained fully illegal, as well as states that decriminalized. However, it is not clear that these lower racial disparities are a result of legalization, given the fact that the states that legalized also had lower racial disparities in the years prior to legalization. It is worth noting that, on average, racial disparities in states that decriminalized were relatively similar to disparities in states that were fully illegal (see also Figure 15).



TABLE 9

### 20 Counties With Largest Increases in Racial Disparities in Marijuana Possession Arrests (2010–2018)

County	State	2010	2018	Percent Increase
<b>Carter</b>	Tennessee	1.29	13.89	976.7%
<b>Washington</b>	Virginia	1.34	12.22	811.9%
<b>Isabella</b>	Michigan	2.36	14.90	531.4%
<b>Ozaukee</b>	Wisconsin	6.20	34.90	462.9%
<b>Santa Fe</b>	New Mexico	2.51	13.65	443.8%
<b>Hanover</b>	Virginia	3.92	20.74	429.1%
<b>Rogers</b>	Oklahoma	1.75	9.13	421.7%
<b>Catoosa</b>	Georgia	2.56	13.25	417.6%
<b>Granville</b>	North Carolina	2.31	11.69	406.1%
<b>Frederick</b>	Virginia	1.37	6.92	405.1%
<b>Schoharie</b>	New York	2.44	11.99	391.4%
<b>DeKalb</b>	Alabama	9.23	45.35	391.3%
<b>Fannin</b>	Texas	1.45	6.95	379.3%
<b>Burnet</b>	Texas	1.70	7.88	363.5%
<b>Washington</b>	Ohio	6.26	26.91	329.9%
<b>Habersham</b>	Georgia	3.60	15.38	327.2%
<b>Delaware</b>	New York	3.19	13.48	322.6%
<b>Columbia</b>	Wisconsin	2.68	10.98	309.7%
<b>Walworth</b>	Wisconsin	3.64	14.83	307.4%
<b>Fauquier</b>	Virginia	1.56	6.28	302.6%

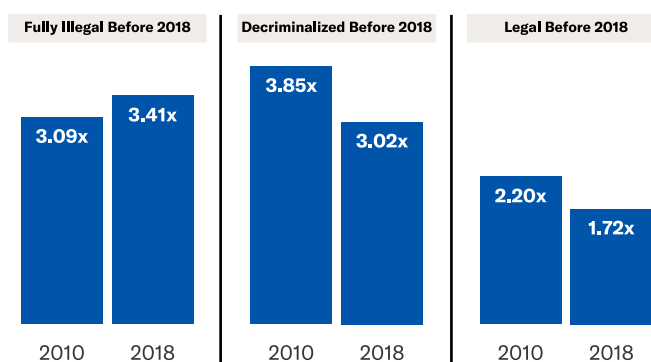
Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

Note: Includes counties with > 30,000 population, > 1% Black population, at least 25 marijuana possession arrests in 2018 and > 50% UCR coverage.

The absolute difference between Black and white arrest rates was narrower in legalized states at the end of the decade than at the beginning, but racial disparities remain in every legalized state and every decriminalized state (see Figures 16 and 17; the red line on state graphs indicates when legalization or decriminalization occurred). In some legalized states, the disparities actually got worse. For example, Maine went from a disparity of 2.1 in 2010 to 4.0 in 2018. In other legalized states, the disparities did improve, dropping from 4.0 to 3.0 in Nevada and from 2.2 to 1.8 in California, for example. These results clearly indicate that neither decriminalization nor legalization of marijuana possession alone eliminates the disproportionate criminalization of Black people in marijuana regulation and enforcement. Further

FIGURE 15

### Times More Likely Black People Arrested for Marijuana Possession by Legal Status (2010–2018)



Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data

research is warranted to better understand why these disparities narrowed in some states and widened in others.

FIGURE 16

**Racial Disparities in States With Legalized Marijuana (Before 2018)**

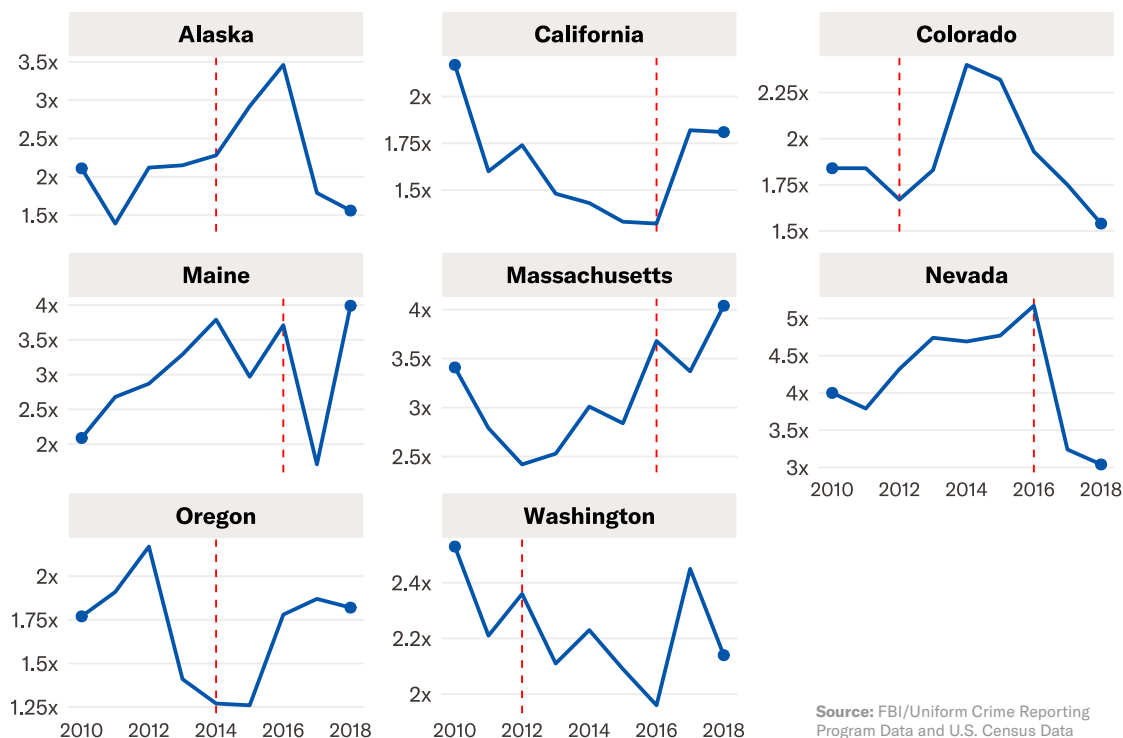
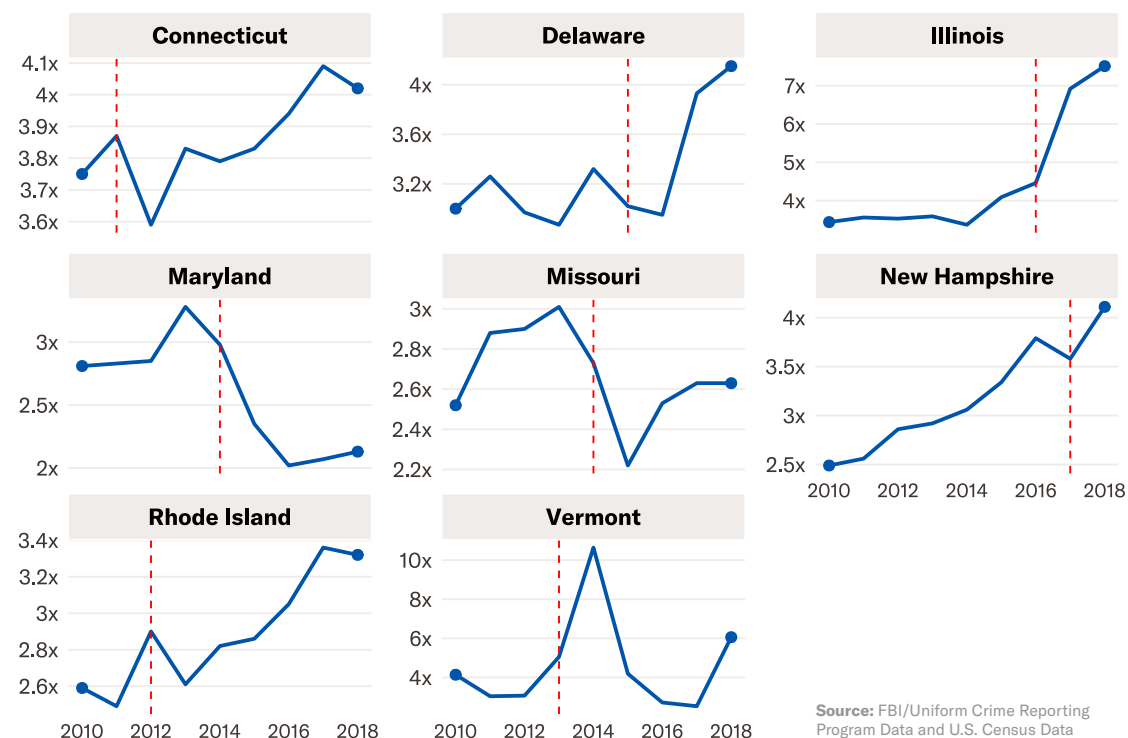


FIGURE 17

**Racial Disparities in States That Decriminalized Marijuana (Between 2010–2017)**



# Conclusion

Findings detailed in this report reveal an uncomfortable truth: While there has been some progress in scaling back the war on people who use marijuana, it is still wreaking havoc in much of the U.S. Despite decades of failure, prohibition and punitiveness generally remain the centerpiece of governments' approach to drug use. Law enforcement continues to make hundreds of thousands of marijuana possession arrests every year, accounting for almost half of all drug arrests nationwide. Furthermore, although marijuana possession arrest rates were lower nationally in 2018 than in 2010, the initial decline of the first part of the decade appears to have stagnated, or even reversed. As disturbingly, this report also finds that marijuana enforcement remains as racialized as ever, notwithstanding similar underlying usage rates. In 2018 – unchanged from 2010 – Black people were still nearly 4 times more likely than white people to get arrested for marijuana possession, despite similar usage rates.

Our findings indicate that states that legalized or decriminalized marijuana have enjoyed a reduction of marijuana possession arrests between 2010 and 2018, and a significantly greater reduction than in states where marijuana remains illegal. Arrests for marijuana sales also decreased greatly from 2010 to 2018 in states that legalized marijuana. However, it is also clear from the findings that most jurisdictions that have enacted progressive marijuana policy have failed to do so from a foundation of racial justice. As such, though legalization and decriminalization appear to reduce the overall number of marijuana possession arrests for Black and white people alike, such laws have not substantially reduced, let alone eliminated, the significantly larger arrest rates of Black people.

States that legalized or decriminalized marijuana have **have enjoyed a reduction of marijuana possession arrests.**

This report also finds that there is wide variation in marijuana enforcement not only between states, but also within states, as measured by both the number of arrests and the attendant racial disparities. Progress reducing such arrests and disparities over the past decade also varies significantly. The one common finding across every state and the vast majority of counties is that Black people are more likely to be arrested for possessing marijuana than white people, regardless of whether possession is illegal, legal, or decriminalized in their state.

The U.S. has waged a failed, devastating, decades-long war on drugs, including marijuana, in specific communities. Rounding up hundreds of thousands of people every year – millions every decade – for marijuana offenses, this racist campaign has caused profound and far-reaching harm on the people arrested, convicted, and/or incarcerated for marijuana offenses. It has been a colossal waste of money and law enforcement resources that has only deepened the divide between communities and their governments and increased public hurt rather than safety. Such harm cannot be undone, but as a country we can acknowledge, repair, and rebuild so that our future looks nothing like our prohibitionist past. It is long past due for the U.S. to end marijuana prohibition, and to do so in a way that confronts head-on the stark racial inequities in marijuana enforcement and grounds legalization in racial justice.

# Recommendations

As the ACLU recommended in our original report in 2013, the most effective way to eliminate arrests for marijuana use and possession, and the racial disparities that plague such arrests, is through marijuana legalization.<sup>53</sup> If legalization is not yet achievable, states should, at a minimum, decriminalize marijuana offenses. Based on the findings from this report, racial equity should be centered in every aspect of the legalization and decriminalization process. States must also improve their data collection practices and policies with regard to arrests by race. We cannot undo the harms perpetuated by marijuana prohibition, but we can chart a smarter, fairer future that uplifts and repairs the people and communities most harmed by criminalization.

## Recommendations at a Glance

### For Federal, State, and Local Governments

- Legalize marijuana use and possession
- Do not replace marijuana prohibition with a system of fines, fees, and arrests
- Grant clemency to or resentence anyone incarcerated on a marijuana conviction and expunge all marijuana convictions
- Eliminate collateral consequences that result from marijuana arrests or convictions
- Ensure new legal markets benefit and are accessible to communities most harmed by the War on Drugs
- Ensure marijuana possession and other low-level offense arrests are not included in performance measures for federal funding

### For Law Enforcement Agencies

- End the enforcement of marijuana possession and distribution
- End racial profiling by police
- Eliminate consent searches
- End the practice of using raw numbers of stops, citations, summons, and arrests as a metric to measure productivity and efficacy
- Develop systems for the routine collection of accurate data on a range of police practices
- Invest in nonpunitive programs and community-based services and divest from law enforcement
- Develop, secure, and implement strong, independent, and effective oversight mechanisms for local law enforcement

# Federal, State, and Local Governments

## 1. Legalize marijuana use and possession.

The federal government should remove marijuana from the Controlled Substances Act; until it does, it should not enforce marijuana offenses.

States should legalize marijuana through a system of taxation, licensing, and regulation under which private businesses licensed and regulated by the state can sell marijuana. This mode of legalization offers numerous benefits; it would largely address the arrests epidemic and — if centered in racial equity — its attendant racial disparities by removing marijuana possession and use from the criminal justice system. Further, it would save cash-strapped state and local governments millions of dollars in decreased police, jail, and court costs that could be redirected toward repairing the harms of the War on Drugs.

As a society, we permit the controlled use of alcohol and tobacco, substances that can be dangerous to health and, at times, public safety. We educate society about those dangers and have constructed a system of laws that allow for the use and possession of these substances while seeking to protect the public from their dangers. Particularly given the findings of this report, states that have not legalized should create similar systems for legalizing marijuana use and possession.<sup>54</sup>

In addition, while legalization and decriminalization significantly lower the overall numbers of marijuana arrests, some states have seen an even steeper rise in the proportion of Black people whose lives are impacted by a marijuana arrest.<sup>55</sup> This indicates that it is critical that states' legalization schemes must be equitable and grounded in racial justice. The recommendations in this report are vital to instill equity into the legalization process and to

It is critical that states' legalization schemes must be **equitable** and grounded in **racial justice**.

help ensure that racial disparities do not continue post-legalization.

Further, some states have seen a rise in youth arrests for marijuana.<sup>56</sup> It is vital that when states legalize for adults, they do not continue to criminalize youth. They should also decriminalize marijuana-related activities for youth. Instead of the continued criminalization of young people, jurisdictions that legalize, decriminalize, or depenalize youth offenses should provide alternatives to criminal intervention such as drug education programs or community service. If drug education programs are provided as an alternative, they should be scientifically accurate about the harms of drugs and sympathetic toward the young people in the program who may have used and/or sold drugs.

## 2. Do not replace marijuana prohibition with a system of fines, fees, and arrests.

We should not replace a criminal system with fines and fees that create a modern-day debtors' prison. It is important to recognize that replacing marijuana arrests with fees, fines, or tickets is not an ideal solution for a number of reasons. First, the same racial disparities that exist nationwide in arrests for marijuana possession would likely be replicated in citations for civil offenses for marijuana possession. Second, the monetary fines that accompany civil



offenses can place a substantial burden on those fined, particularly the young, poor, and people of color – all of whom are disproportionately targeted by police. Third, individuals who are unable to make payments in a timely fashion, or at all, or who do not appear in court to answer to the civil charge, are subject to arrest – often by a warrant squad – which results in individuals being brought to court and in some cases jailed for failing to pay the fines or to appear. In addition to placing significant personal and financial burdens on the individual, this imposes significant costs on the state, possibly exceeding the original fine imposed. All fees, taxes, and surcharges that are imposed for the purpose of recouping operating costs should be repealed.

While fees should never be implemented, if fines must be, they should be proportionate, both in terms of individual income and severity of the offense, and they should impose an equitable burden on people regardless of income level. In the case of nonpayment, there should be limited penalties for failure to pay. At a bare minimum, “ability to pay” hearings should be required before the imposition of any fines or fees, and any preexisting laws that tie the hands of judges who wish to reduce or waive fines should be repealed.<sup>57</sup> For those who cannot pay, there should be mechanisms in place for proactively requesting a reduction or waiver based on financial circumstances prior to default.<sup>58</sup> In the case of

nonpayment, penalties should be limited and under no circumstances should they result in incarceration, suspension or revocation of driver’s licenses, disenfranchisement, extension or revocation of probation, parole or any other form of supervision, or additional monetary penalties.<sup>59</sup> Finally, because of the discriminatory impact of fines and fees and their massive impact, outstanding debt for marijuana fines and fees should be forgiven with legalization.

### **3. Include clemency, resentencing, and expungement processes in legalization efforts.**

While progress in reforming our nation’s drug laws is vital, we must remember that if we legalize marijuana without righting the wrongs of past enforcement, we risk reinforcing the decades of disproportionate harm communities of color have endured. That is why legalization must come with processes for clemency, resentencing, and expungement to reflect the change in law. No one should be incarcerated on a marijuana offense. And having a marijuana conviction on your record can make it difficult to secure and maintain employment, housing, or secure government assistance for the rest of your life.<sup>60</sup> If we believe that marijuana is not worthy of criminal intervention, then it is only right we stop the suffering inflicted on people by marijuana prosecution, especially since we know it disproportionately falls on the shoulders of low-income communities and communities of color. Clemency, resentencing, and expungement processes should be speedy, automatic, and provided at no cost to the person who is being granted clemency or resentencing or whose record is being expunged.

Illinois, California, and others have instituted expungement and resentencing processes concurrently with or following legalization, giving us a model of successful tactics as well as roadblocks to clearing people’s records. The categories of offenses eligible for automatic clemency, resentencing, or expungement should be wide, and include as many people and types of offense as possible. This

Legalization must come with processes for **clemency, resentencing, and expungement** to reflect the change in law.

means ensuring that the burden is placed on the government, not the people, to begin the process of expunging marijuana records and granting clemency and resentencing to people incarcerated or being punished for marijuana offenses. This process should be as quick as possible. Every day, week, month, or year that people spend incarcerated or being punished for marijuana offenses or that marijuana records are maintained is a day, week, month, or year that large numbers of people will struggle to gain employment, housing, education loans, and others. An expedient process is burdensome but also tremendously beneficial. Some localities have found creative ways to ensure that people are resentenced or have their records expunged in a timely manner. Cook County, for example, is using Code for America to assist in analyzing conviction data to autopopulate forms for expungement.<sup>61</sup> For all those who are not automatically expunged, the process should be as quick and cheap as possible.

#### **4. Eliminate collateral consequences that result from marijuana arrests or convictions.**

No person should be denied public benefits or suffer other collateral consequences due to marijuana use, arrest, or conviction. Collateral consequences can significantly derail many aspects of a person's life post arrest, conviction, or incarceration. As enforcement of marijuana offenses disproportionately falls on communities of color, so too does the brunt of collateral consequences and discrimination on the basis of marijuana use, arrests, and conviction.

The following collateral consequences and discriminatory measures should be eliminated with legalization:

- Denial of public benefits based on use, arrests, or convictions for marijuana
- Drug tests for benefit eligibility
- Separation of families in the child welfare system

- Loss of driver's licenses
- Deportation
- Loss of federal financial aid
- Bans on participation in the marijuana industry for those with drug arrests
- Felony disenfranchisement

#### **5. Implement new legal markets to benefit communities most harmed by the War on Drugs.**

The benefits reaped from emerging legal marketplaces for marijuana should be shared with the communities most harmed by the War on Drugs. We have seen multiple states that prevent those with drug convictions on their record from participating in the legal marijuana marketplace, therefore preventing those most harmed by marijuana legalization from the profits and employment that these new markets bring.<sup>62</sup> If legislatures or residents determine that we should no longer criminalize marijuana because it is ineffective and disproportionately impacts people of color, then those most harmed by criminalization should be able to access the industry.

In addition, legalization should include licensing for consumption spaces that are open to the public in order to provide space for legal consumption for those who live in public housing or rental units that do not allow consumption or smoking. This is important, because if legalization occurs without providing consumption spaces (such as cafes) open to the public, people who live in rental or public housing have no place to consume marijuana without risking eviction or criminalization for public consumption.

Given the history of the War on Drugs and the devastating harm it has caused communities of color, it is only just that the tax revenue raised by the new legal market be put toward repairing these harms. Revenue can be invested in communities most harmed by the drug war through programming

The benefits reaped from emerging legal marketplaces should be shared with the **communities most harmed** by the War on Drugs.

that helps to end the collateral harms of marijuana prohibition, including barriers to employment, and supports small businesses owned and/or run by communities directly impacted by the War on Drugs.

Finally, it is important to create fair licensing structures in which the cost of obtaining a license is reasonable and accessible to small business owners and to the communities most impacted by the War on Drugs. It should not take an exorbitant amount of money to be able to profit from the new legal market, and the communities most impacted by the failed War on Drugs should be able to participate in and profit from the emerging industry.

## **6. Ensure marijuana possession and other low-level offense arrests are not included in performance measures of law enforcement agencies for federal funding.**

Federal government grants, including the Byrne Justice Assistance Grants (or Byrne JAG), should not include arrest numbers in their performance measures. As long as arrest statistics — which include any arrest, including any drug arrest — are included in law enforcement's performance measures, police departments are likely encouraged to increase their arrest numbers by targeting their resources

on people who commit low-level offenses, including low-level drug users, possessors, and distributors. By including marijuana possession arrests and other low-level offense arrests in performance assessments of a state's use of federal funds, the federal government is relying upon an unreliable measure of law enforcement's ability to increase public safety and reduce the exploitative trafficking of drugs. Indeed, such arrests reduce neither the use nor availability of marijuana.

## Law Enforcement Agencies

### **1. End the enforcement of laws criminalizing marijuana possession and distribution.**

Aggressive enforcement of low-level offenses such as marijuana possession unnecessarily funnels hundreds of thousands of people into the criminal legal system — primarily young people of color and particularly Black people. Therefore, police departments and municipal government entities should end police enforcement of marijuana possession and marijuana distribution, as well as a range of other low-level offenses, such as traffic infractions and “quality of life” offenses, and work to address these issues through measures that do not employ the criminal legal system. If this is not possible, police departments and local government entities should make these offenses a low priority for enforcement.

Over the past decade, certain cities, including Seattle and San Francisco (prior to legalization), made marijuana possession their lowest enforcement priority.<sup>63</sup> Such a policy provides local governments with additional resources to fund public health, economic, and education initiatives that address the social challenges at the root of most criminal offenses.

### **2. End racial profiling.**

Racial profiling refers to the act of selecting or targeting a person(s) for law enforcement contact (including stop, frisk, search, and arrest) based on the individual's actual or perceived race, ethnicity, or national origin rather than a reasonable suspicion that the individual has or is engaged in criminal activity. Racial profiling includes policies or practices (such as broken windows policing) that have a disparate impact on certain communities — specifically those of color.

Police interactions with people should be directed only toward investigating actual threats to public safety. However, too often, police stop and search people of color without substantial evidence of wrongdoing, based on explicit and implicit biases. Such racial profiling can lead to the aggressive enforcement of minor offenses in communities of color, disproportionately and needlessly entangling people — particularly young people — in the criminal legal system for offenses that are rarely, if ever, enforced in more affluent, predominantly white communities. Police departments should adopt model racial profiling policies that define racial profiling, prohibit law enforcement from engaging in it, and make clear that it is unconstitutional under the Fourth Amendment.<sup>64</sup>

A further step that courts and state legislatures should take is to raise the level of suspicion required to stop and briefly detain a person against their will for investigative purposes. The current constitutional baseline requires a relatively low bar — reasonable suspicion of criminal activity — for such stops.<sup>65</sup> Raising this standard to the same standard as a regular arrest — probable cause to believe the person is engaged in criminal activity — would significantly reduce the number of innocent people detained and reduce the risks of racial profiling. For similar reasons, courts and state legislatures should consider raising the standard for “frisk” searches during investigative stops by requiring more than mere “reasonable belief” that someone is armed to carry out a search of their person.

Racial profiling  
can lead to the  
**aggressive  
enforcement of  
minor offenses**  
in communities  
of color.

Further, police departments as well as local and state governments should ban pretextual stops, where police stop someone — often because of the person's race or ethnicity — for a minor infraction, such as a traffic offense, as a pretext to investigate other possible crimes. Indeed, marijuana possession is often used as such a pretext.

Police departments should investigate all complaints in a thorough and timely manner using their existing resources, if they are not already being handled by a more effective independent oversight body (more discussion in the later sections), and implement appropriate and proportionate discipline for noncompliance with such policies (including dismissal).

### 3. End the use of consent searches.

Consent searches are defined as searches made by law enforcement based on the consent of the individual whose person or property is being searched. Because the legality of the search depends on the fact of consent rather than any particular evidentiary showing by the police, police officers use consent searches to circumvent legal standards that require most searches to be based on probable cause. However, the environment in which they seek consent is inherently coercive, and most policies do not even

require officers to notify the person that it is possible to refuse consent. They are used overwhelmingly against people of color, in circumstances where it is doubtful that the officers would have been able to justify the search without the legal fiction of consent. As such, local governments should ban the use of consent searches through policies and legislation.

#### **4. End the practice of using raw numbers of stops, citations, summons, and arrests as a metric to measure productivity and effectiveness.**

Evaluating law enforcement agencies and individual officers based on the numbers of stops, citations, summons, and arrests does not properly measure public safety and health; it also exerts additional pressure on police officers and departments to aggressively enforce criminal laws for low-level offenses. Including arrests as a measure of effectiveness and productivity, through COMPSTAT and similar programs, creates an incentive for police to selectively target and harass poor and marginalized communities for enforcement of low-level offenses, as such offenses are committed more frequently than serious, harmful crimes.

When officers are subject to arrest goals or quotas, making arrests for low-level offenses is the easiest way to meet these requirements because they are low-resource and less time-intensive than investigating serious crimes. By relying heavily on numbers of stops, citations, summons, and arrests, police departments squander their resources on low-level offenses. This increases arrest statistics and can make departments appear productive and highly active, while discouraging police from reporting and solving more serious crimes. Further, the pressure on police officers to “make their numbers” results in aggressive stops and searches that often fail to meet constitutional requirements and lead to arrests for minor offenses, including marijuana possession. The end results are that overpoliced communities are not made safer but rather harmed by the routine presence

and harassment of police; justified frustration and anger toward our criminal legal system, particularly policing practices; a de-emphasis on true justice and healing, including restorative justice and trauma-informed responses to harms in communities; and the funneling of people of color into our criminal legal system at immense personal cost to individuals and their families as well as pecuniary cost to taxpayers.

To move away from evaluating public safety and police efficacy through arrest numbers, police departments should reduce the reliance on stops, citations, summons, and arrests and broaden their benchmarks of success, relying instead on measurements such as community satisfaction with law enforcement; number of complaints filed against law enforcement; rate of racial disparities in arrests; and number of serious crimes solved.

#### **5. Develop systems for the routine collection of accurate data regarding a range of police practices.**

Police should prioritize accountability and transparency by collecting stop, frisk, search, citation, and arrest data; making the aggregate data publicly available and easily accessible; creating evaluation systems to analyze such data to identify and address racially biased and harmful practices and policies; and developing strategies and tactics that eliminate any form of racial disparities in enforcement practices.

Whether or not a citation is issued or an arrest is made, the police officer must document the following information (in addition to providing the data, time, and location of the stop as a “receipt” to anyone they stop or search):

- The demographic information of the individual stopped (including race, national origin, ethnicity, age, disability, and gender) and the date, time, and location of the stop
- The duration and reason for the stop



- Whether a search was conducted and for what reason
- Whether and what type of contraband was recovered
- The outcome of the encounter (summons, citation, warning, arrest, no action)
- The identification of the officers involved

To guarantee statewide uniform arrest and citation documentation, state legislatures should require all police departments (municipal and state) to electronically record information regarding stops, frisks, searches, citations, and arrests by locality, race, national origin, ethnicity, age, and gender, share the information with a central state agency, and publish the data in quarterly reports (on their website and in print so it is accessible to everyone in the community). Personally identifiable information about the individual stopped should not be recorded, so as not to violate the individual's right to privacy. The reports should be easily searchable. Such transparency will provide the public — community members, activists, local and state policymakers, criminologists, lawyers, academics, the media, etc. — with a meaningful empirical basis for determining whether any demographics have been targeted and to raise concerns and propose policy solutions. This would provide more objective and understandable information for assessing public safety; inform discussions about the nature and appropriateness of police practices and police resources; promote community safety, trust, and autonomy; and better ensure accountability of police departments and individual officers.

## **6. Invest in nonpunitive programs and community-based services rather than the criminal legal system.**

Since the 1980s, the amount of money spent on the criminal legal system has dramatically outpaced expenditures on community services (such as

housing, schools, jobs, public health, and violence prevention programs) that help build stable, safe communities rather than furthering harm by relying on punitive interventions. State and local governments spend over \$100 billion a year on their law enforcement agencies. The federal government supplements funding costs by giving out billions of dollars' worth of grants to law enforcement agencies through DOJ programs such as Byrne JAG.<sup>66</sup> Police should not be given unfettered discretion to redirect the money saved from halting the enforcement of low-level offenses toward other types of enforcement; instead, DOJ should mandate that local governments and the police put such resources toward nonpunitive and public health programs that benefit public safety through measures unrelated to the criminal legal system. As such, local, state, and federal governments should work with community members to limit the role of police in communities of color and redirect these funds to other services so jurisdictions can appropriately and adequately address economic, health, and social problems at their root in ways that strengthen rather than sabotage impacted communities.

Local, state,  
and federal  
governments  
should work  
with community  
members to **limit**  
**the role of police**  
in communities  
of color.



## **7. Implement strong, independent, and effective oversight mechanisms for local law enforcement.**

A range of government entities on the municipal, state, and federal levels should work to develop external oversight agencies that conduct regular audits and review of police departments and practices, including marijuana enforcement and racial disparities in such enforcement and enforcement more broadly.<sup>67</sup> These agencies could take the form of independent prosecutors, inspectors general, independent and strong community oversight boards, or some combination of the three. That said, community oversight is especially important, because it ensures the community has autonomy to oversee and hold law enforcement accountable, as is appropriate in a democratic society where public servants serve the people. Any external oversight agency should regularly analyze data regarding a police department's stops, frisks, searches, citations, and arrests to assess whether there are any racial disparities in enforcement practices and policies. Their analyses and findings should be made available to the public. They should also be given the power to review and implement policies that are not subject to a unilateral veto by the mayor, police commissioner, or police chief.

# State Profiles

# ALABAMA



## 2018 SUMMARY

Alabama ranks

**16<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**4.1x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

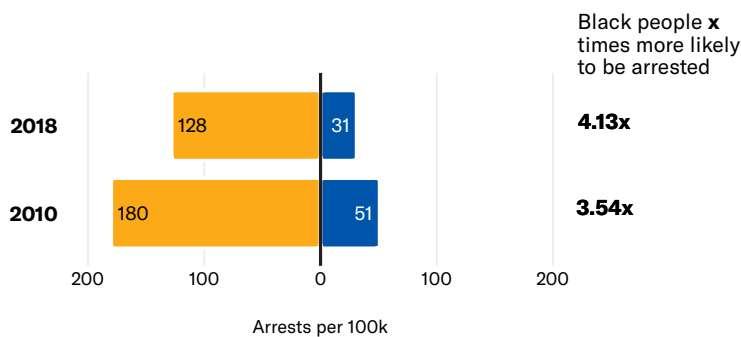
**20%**

of all drug arrests in the state ↓

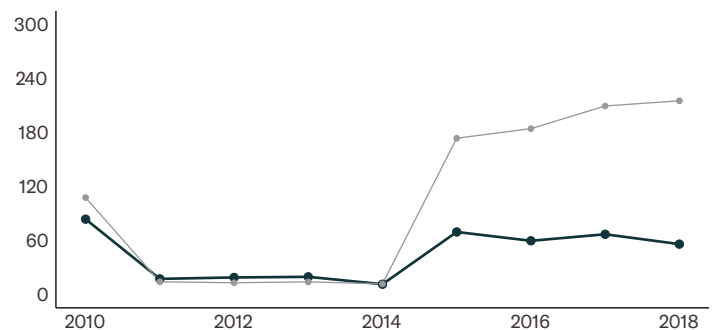
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

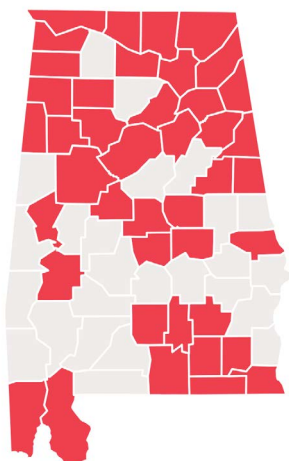


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



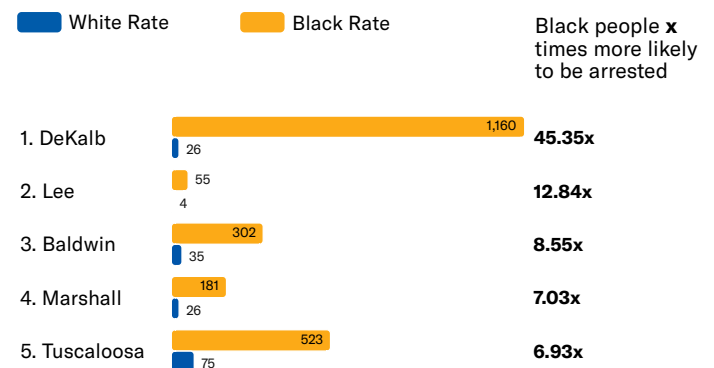
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k



## 2018 SUMMARY

Alaska ranks

48<sup>th</sup>

in the nation for largest racial  
disparities in arrests for  
marijuana possession

Black people were

1.6x

more likely than **white**  
people to be arrested  
for marijuana possession ↓

Arrests for the **possession** of  
marijuana made up

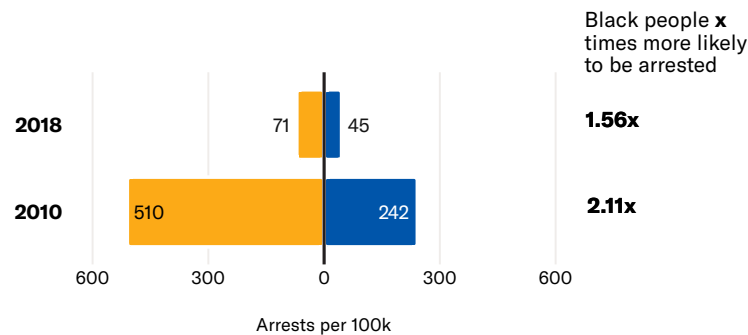
34%

of all drug arrests in  
the state ↓

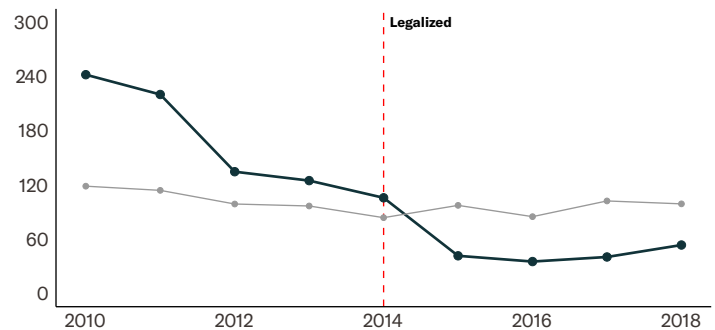
Direction of → indicates increase  
or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for  
marijuana possession, per 100k people

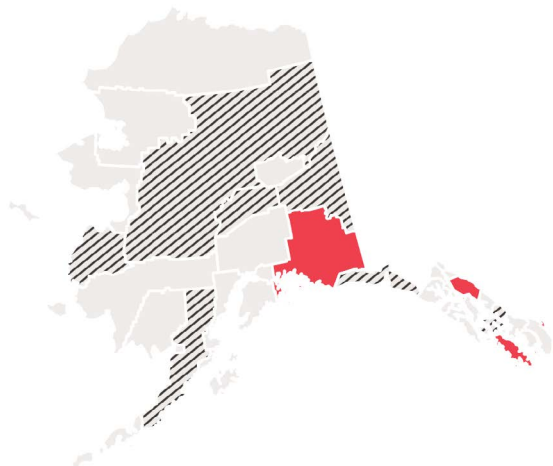


Statewide **marijuana possession** arrest rates compared  
to all other drug arrest rates, per 100k people



## BY THE BOROUGH

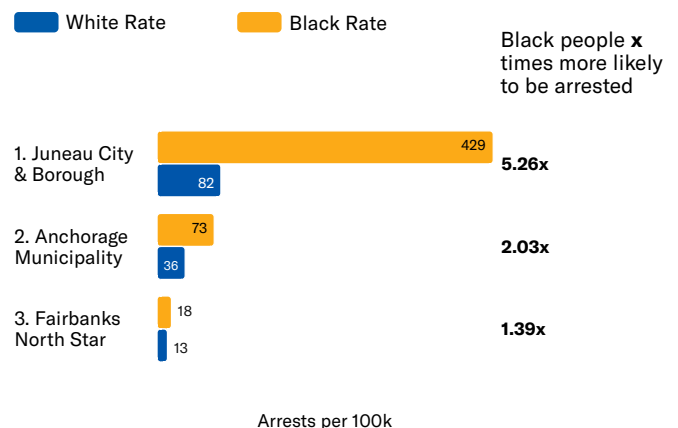
All boroughs with **racial disparities** above the  
national average (3.64x)



Boroughs with missing data are striped.

## Boroughs with the largest racial disparities

Boroughs with a pop. of >20,000, a Black pop. of >1%, a data coverage  
of >50% and at least 10 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Arizona ranks

# 34<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 3x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

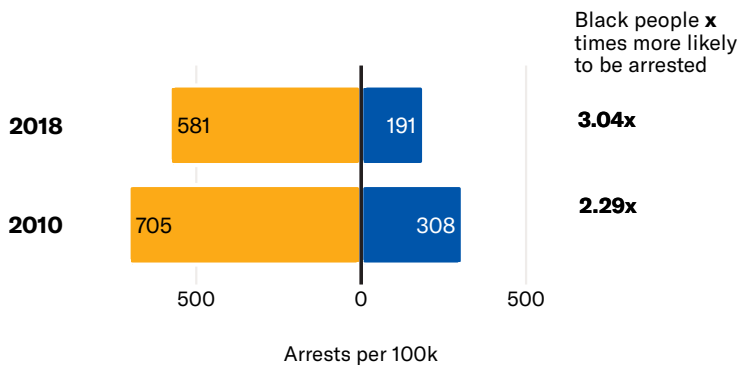
# 43%

of all drug arrests in the state ↓

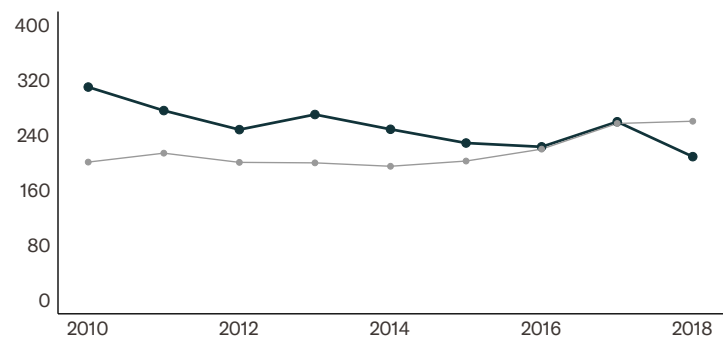
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

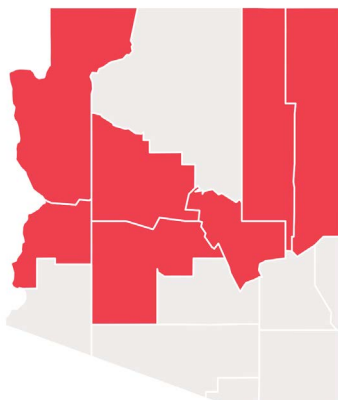


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



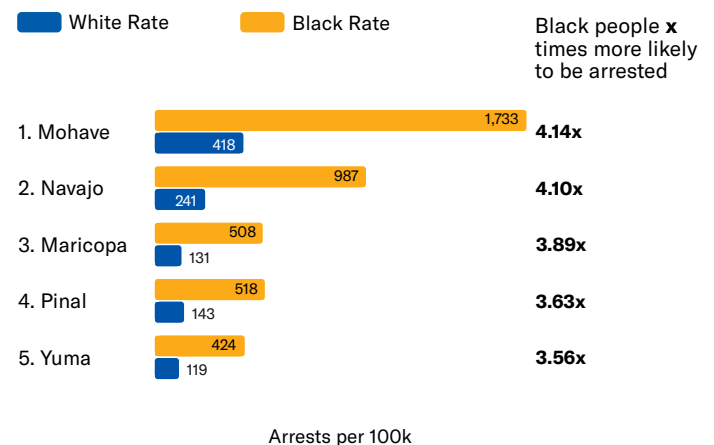
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



# ARKANSAS

## 2018 SUMMARY

Arkansas ranks

**42<sup>nd</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**2.4x**

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

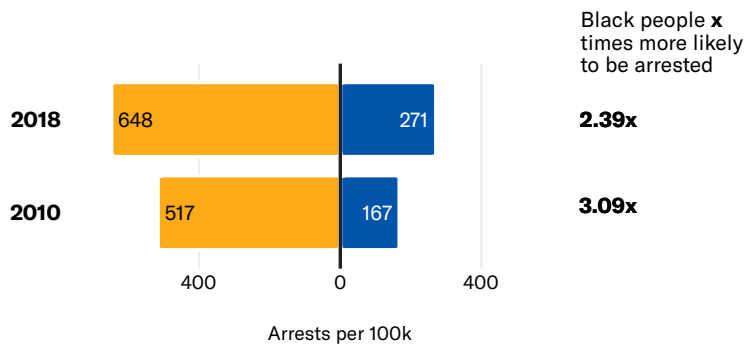
**49%**

of all drug arrests in the state ↑

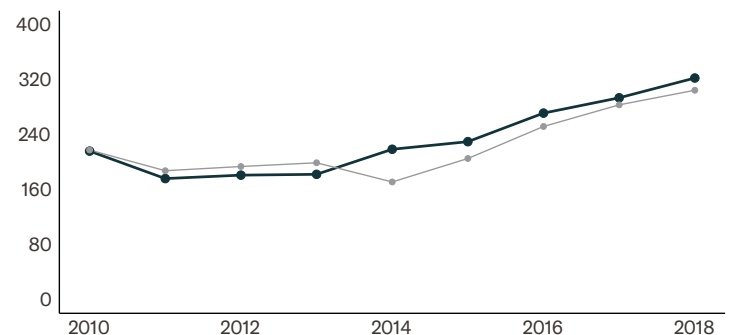
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

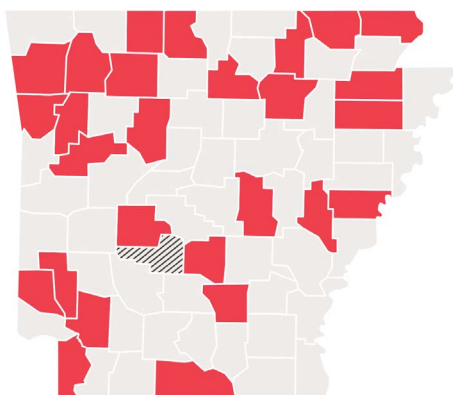


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

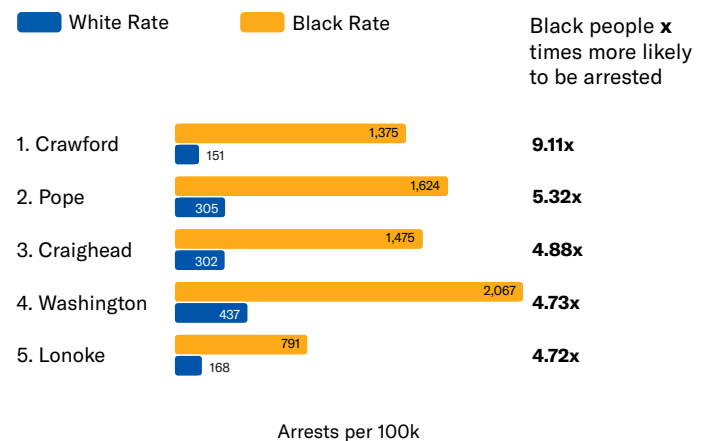
All counties with **racial disparities** above the national average (**3.64x**)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.







## 2018 SUMMARY

California ranks

# 46<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 1.8x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

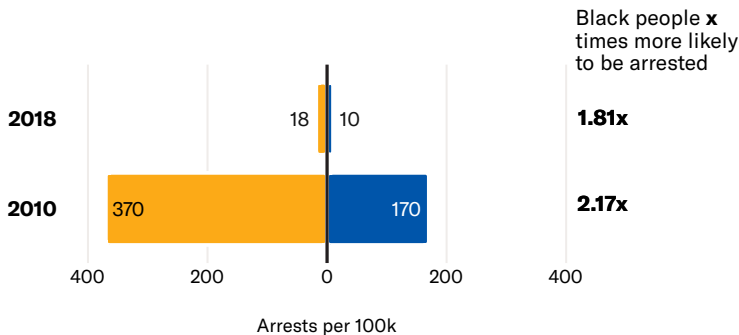
# 2%

of all drug arrests in the state ↓

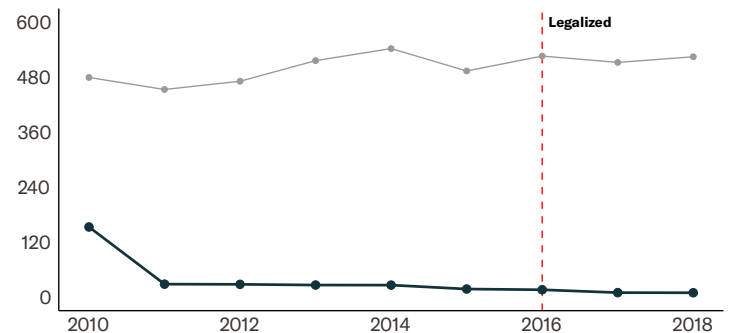
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

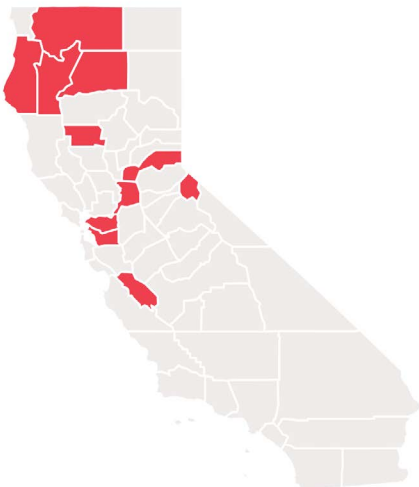


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



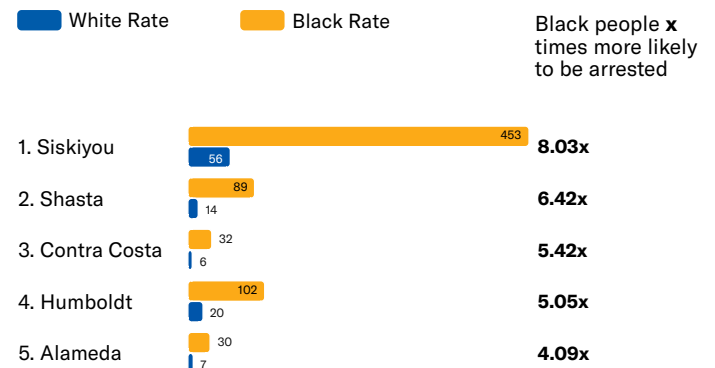
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k



## 2018 SUMMARY

Colorado ranks

# 49<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 1.5x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

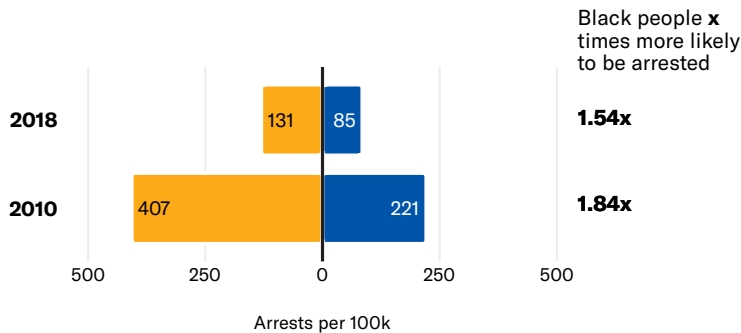
# 25%

of all drug arrests in the state ↓

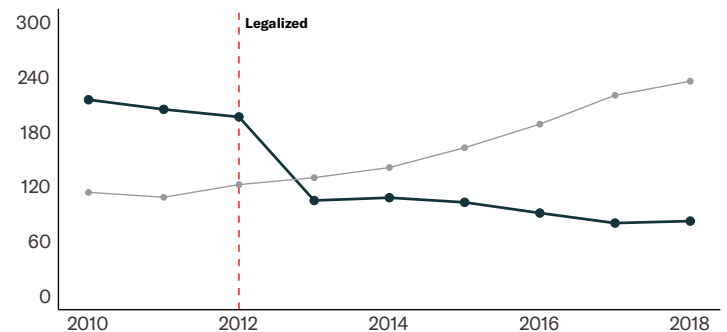
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people



Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people

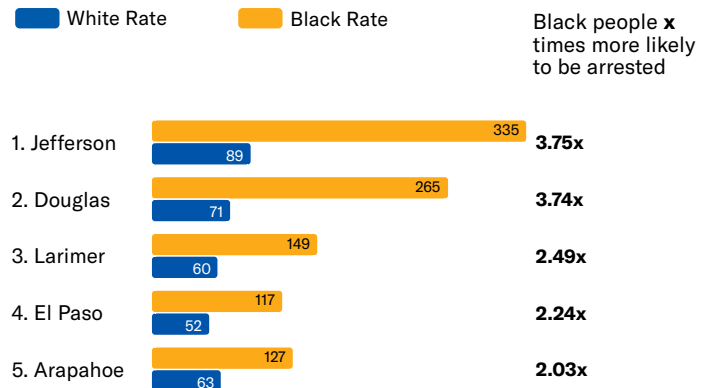


## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Connecticut ranks

# 19<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

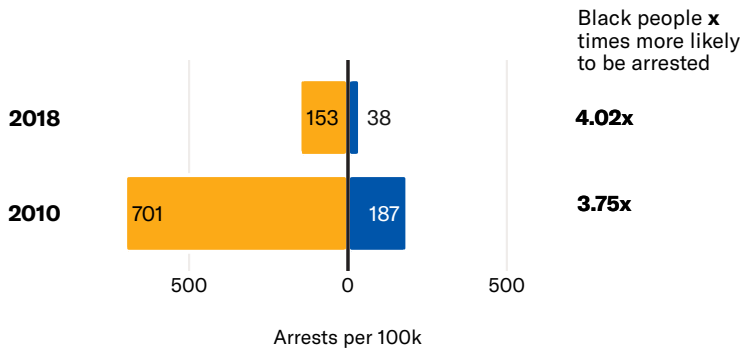
# 21%

of all drug arrests in the state ↓

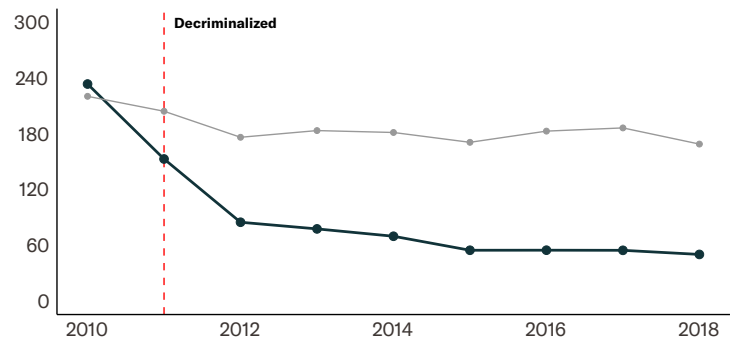
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

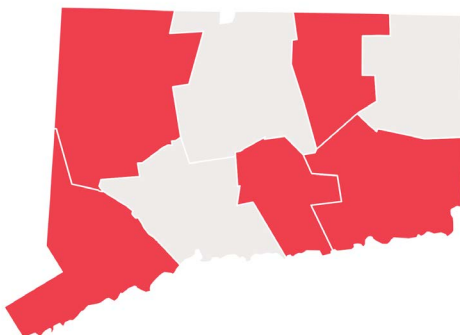


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



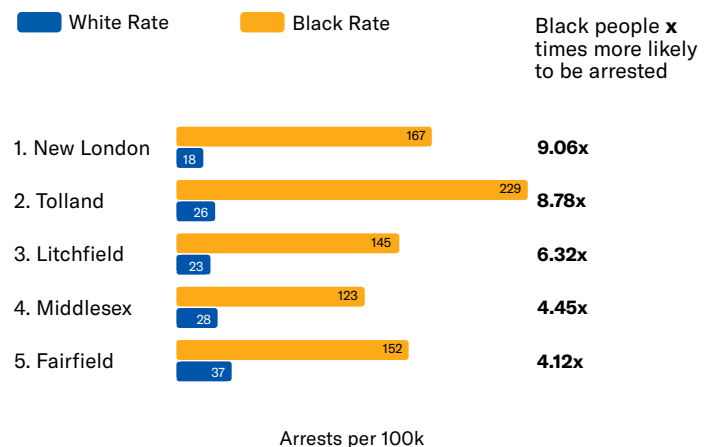
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



## 2018 SUMMARY

Delaware ranks

# 15<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4.2x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

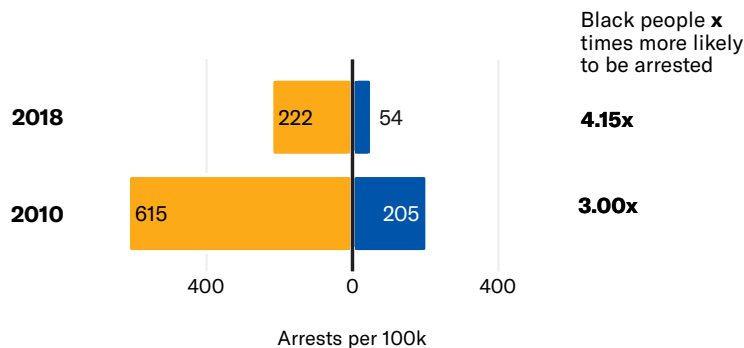
# 23%

of all drug arrests in the state ↓

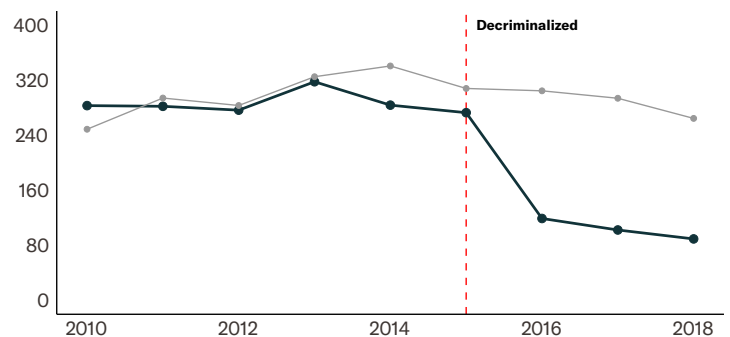
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people



Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



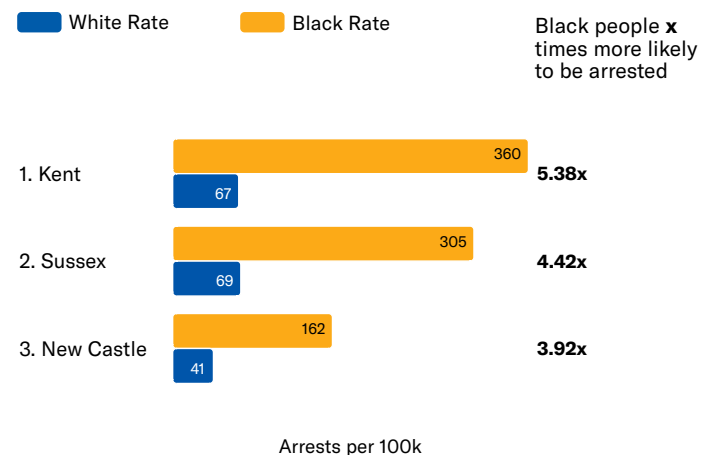
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



## 2018 SUMMARY

Georgia ranks

**37<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

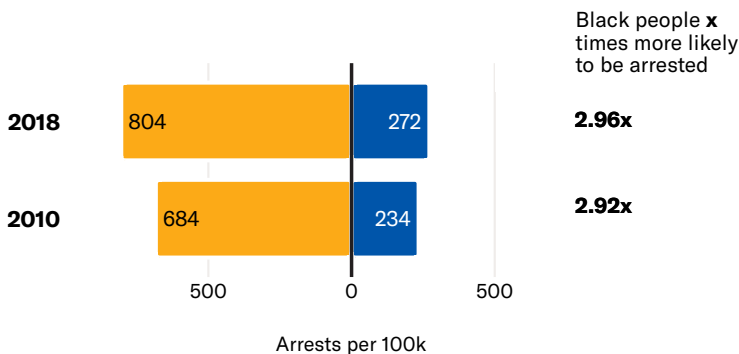
**52%**

of all drug arrests in the state ↓

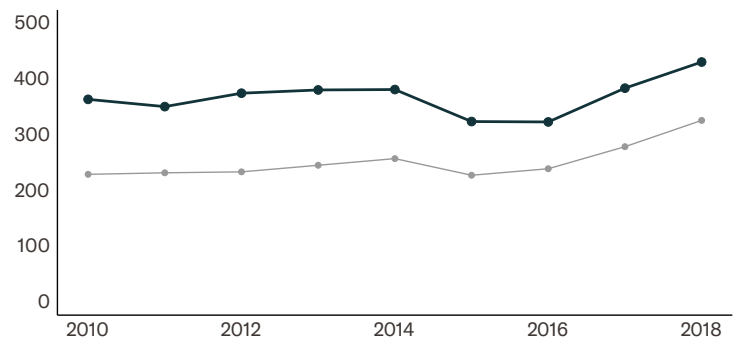
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

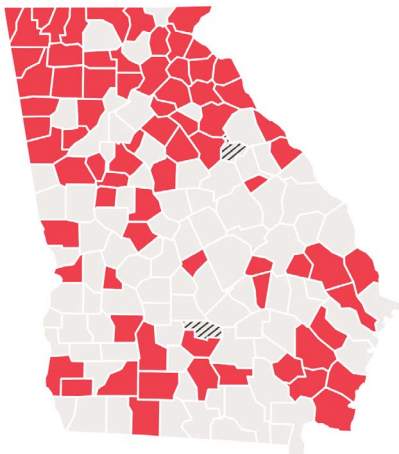


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

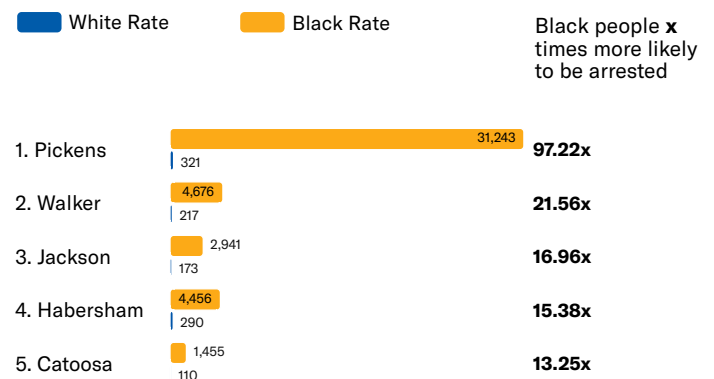
All counties with **racial disparities** above the national average (3.64x)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Hawai'i ranks

**47<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**1.8x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

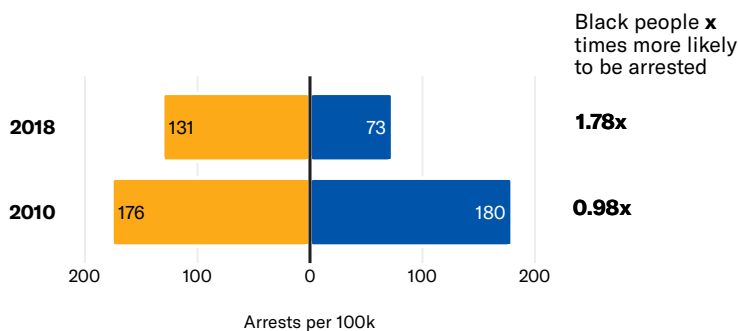
**34%**

of all drug arrests in the state ↓

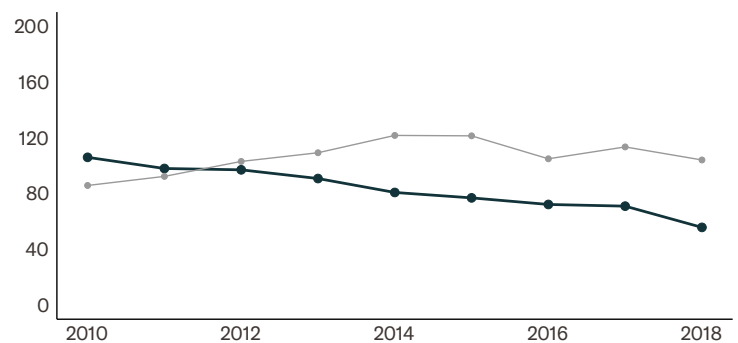
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people



Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)

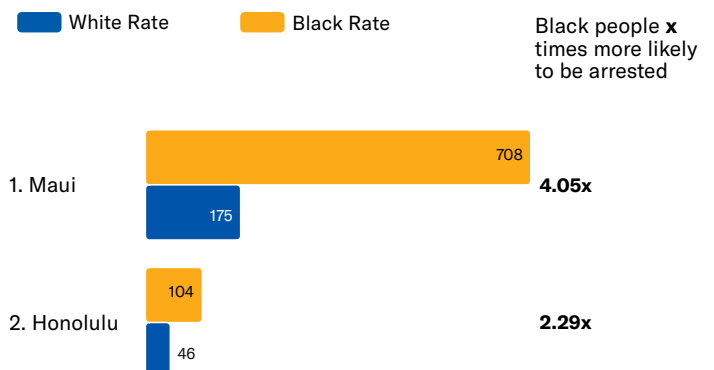


Counties with missing data are striped.

Hawai'i decriminalized marijuana possession in 2019. More recent data is needed to analyze trends since the enactment of the recent law.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 25 marijuana possession arrests are included.



Arrests per 100k



## 2018 SUMMARY

Idaho ranks

# 22<sup>nd</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 3.9x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

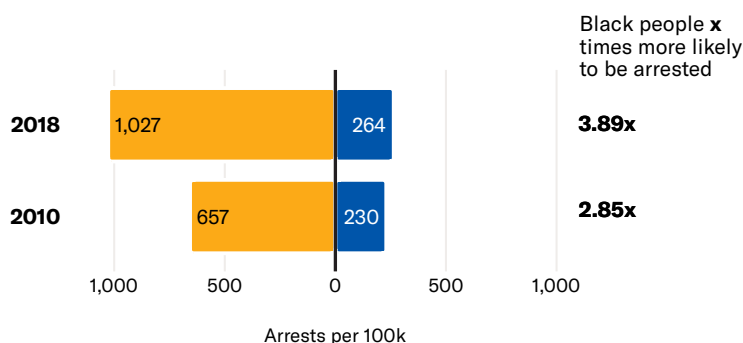
# 49%

of all drug arrests in the state ↓

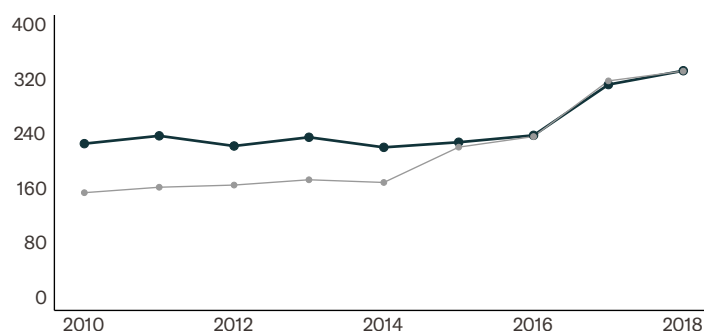
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

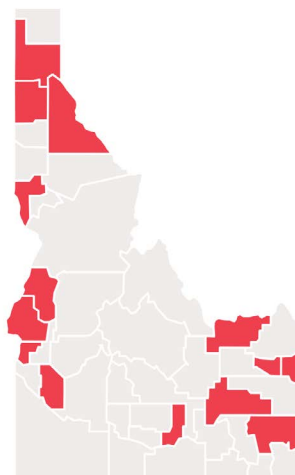


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



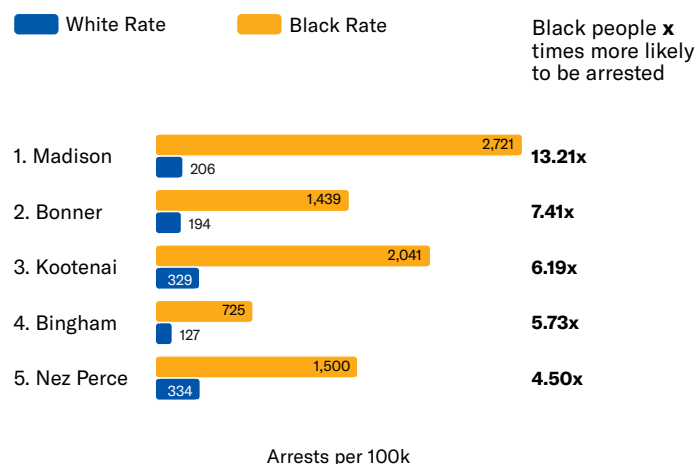
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 25 marijuana possession arrests are included.



## 2018 SUMMARY

Illinois ranks

# 3<sup>rd</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 7.5x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

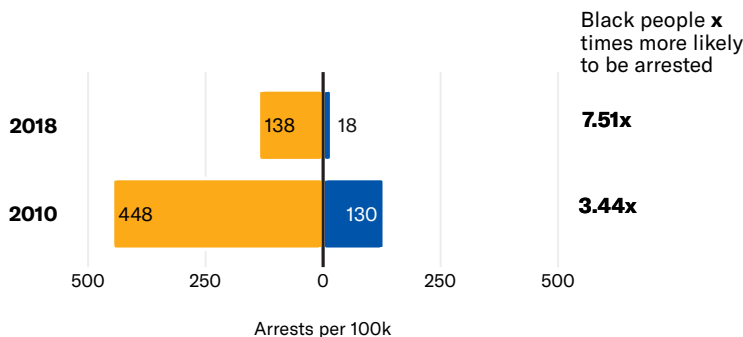
# 16%

of all drug arrests in the state ↓

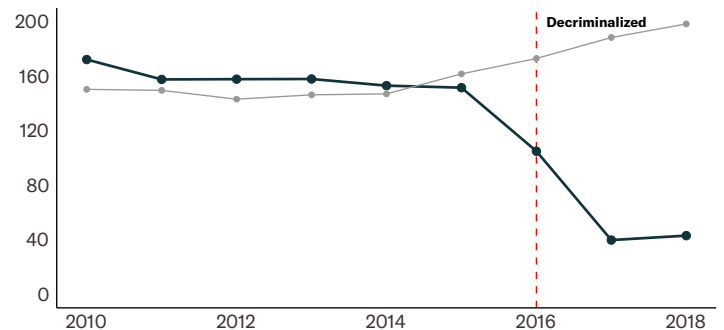
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

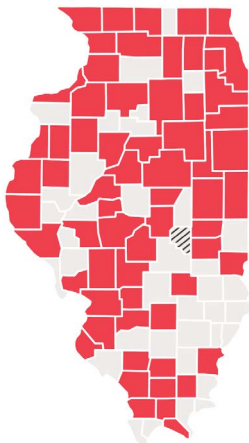


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

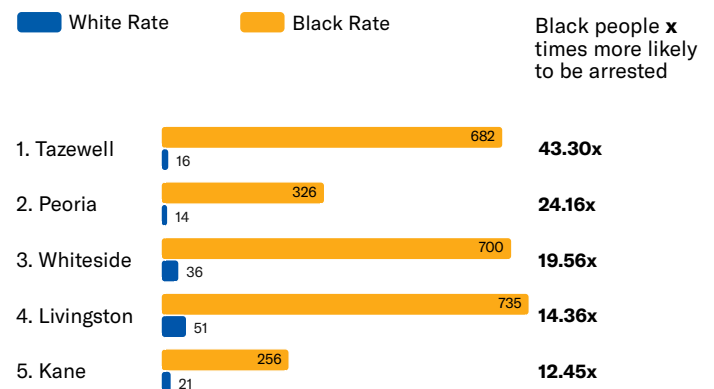
All counties with **racial disparities** above the national average (3.64x)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k



Illinois legalized marijuana possession in 2019. More recent data is needed to analyze trends since the enactment of the recent law.

# INDIANA



## 2018 SUMMARY

Indiana ranks

**24<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3.5x**

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

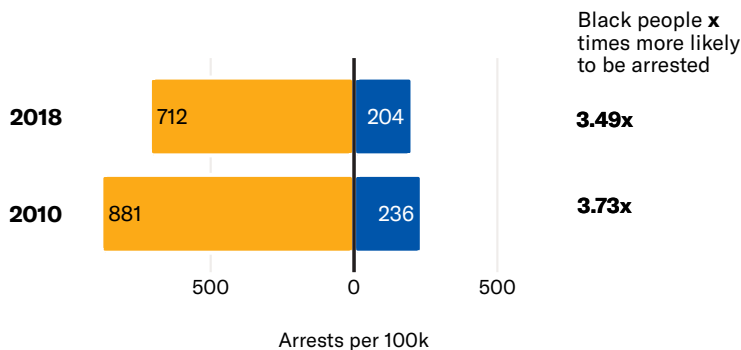
**45%**

of all drug arrests in the state ↓

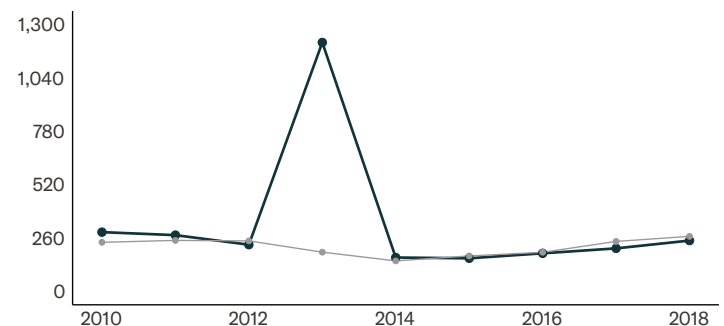
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

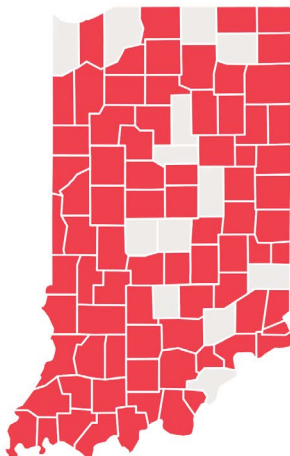


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



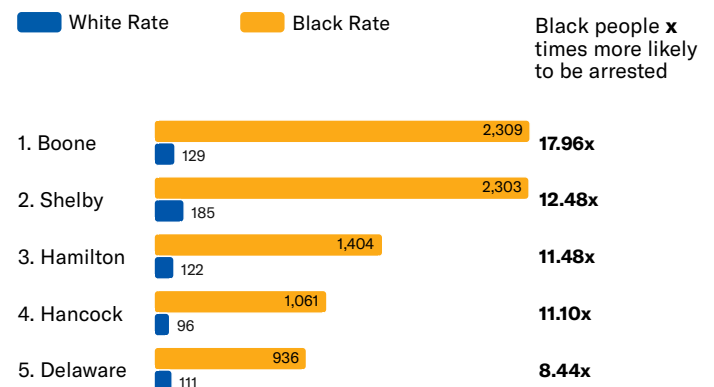
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Iowa ranks

# 5<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 7.3x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

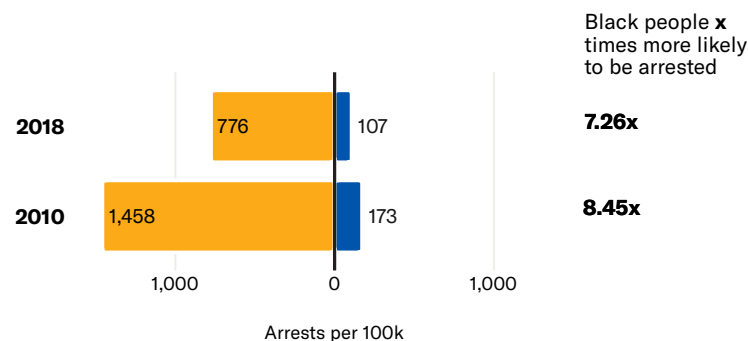
# 55%

of all drug arrests in the state ↓

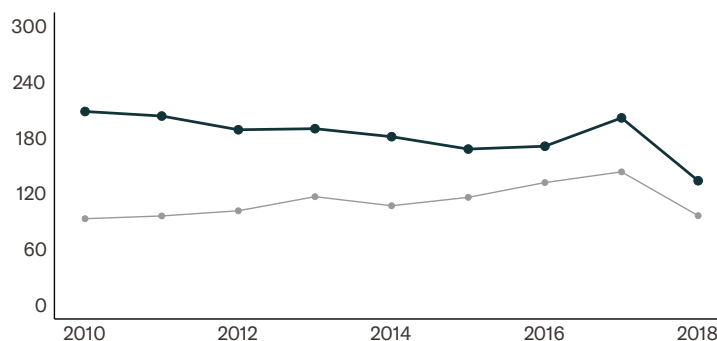
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

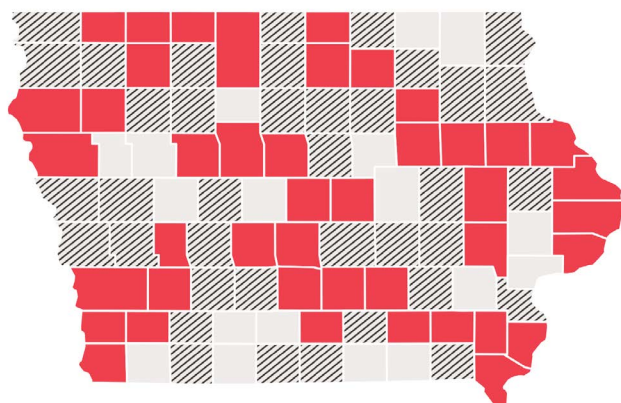


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



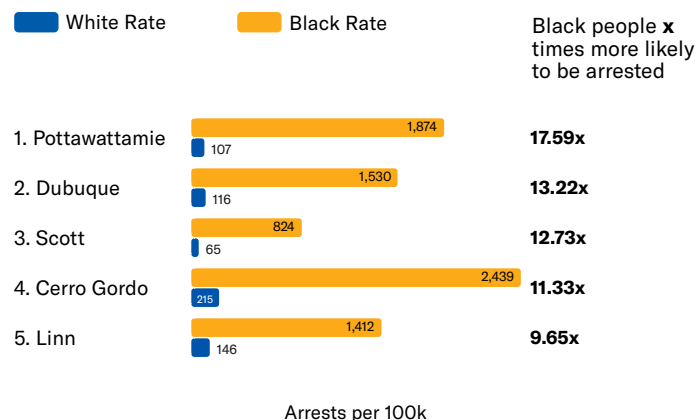
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



## 2018 SUMMARY

Kansas ranks

# 12<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4.8x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

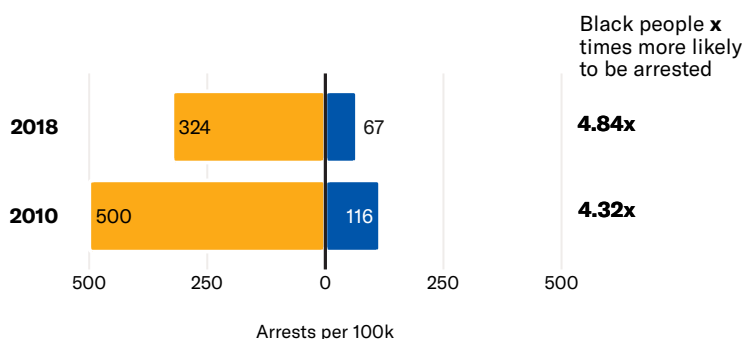
# 52%

of all drug arrests in the state ↑

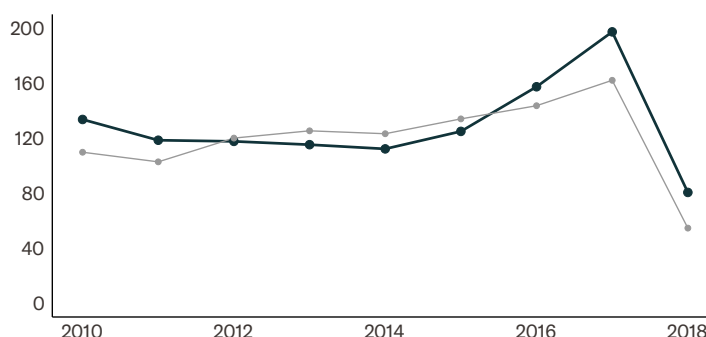
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

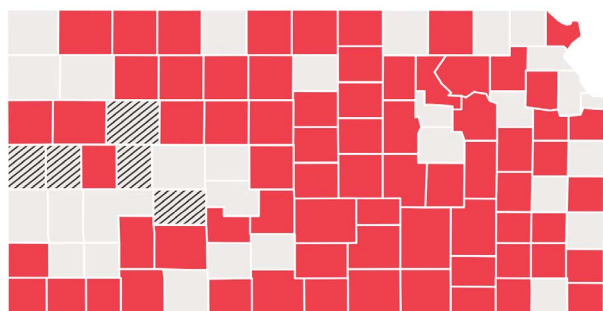


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

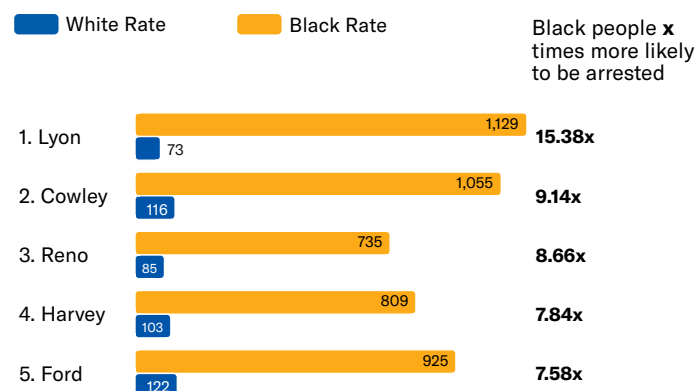
All counties with **racial disparities** above the national average (3.64x)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

# KENTUCKY



## 2018 SUMMARY

Kentucky ranks

# 2<sup>nd</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 9.4x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

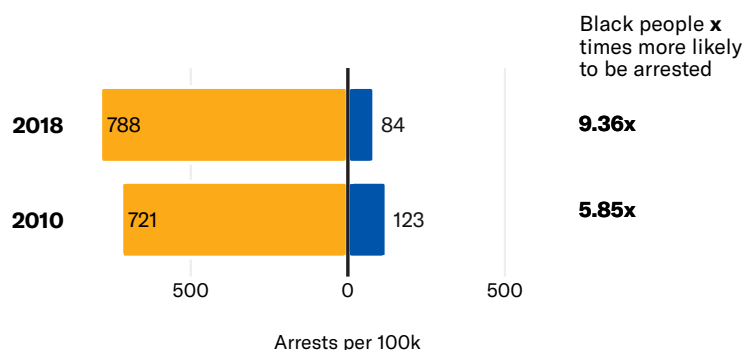
# 20%

of all drug arrests in the state ↓

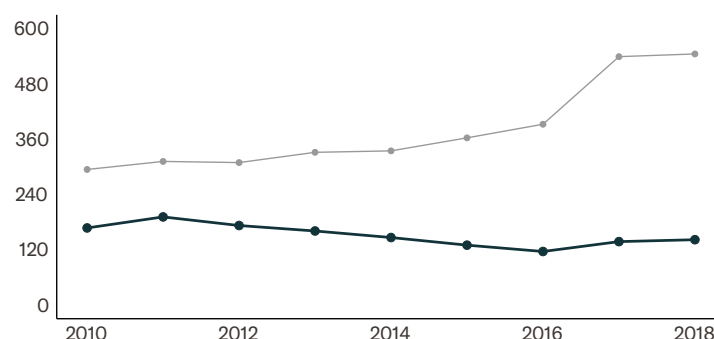
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

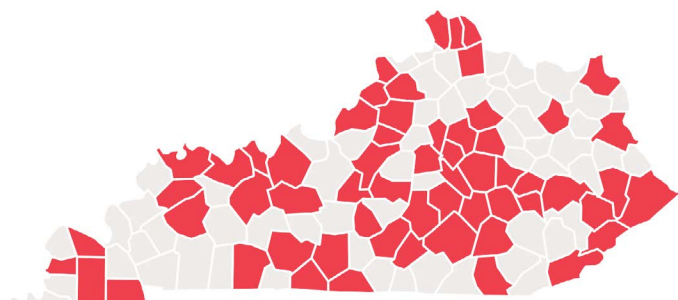


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



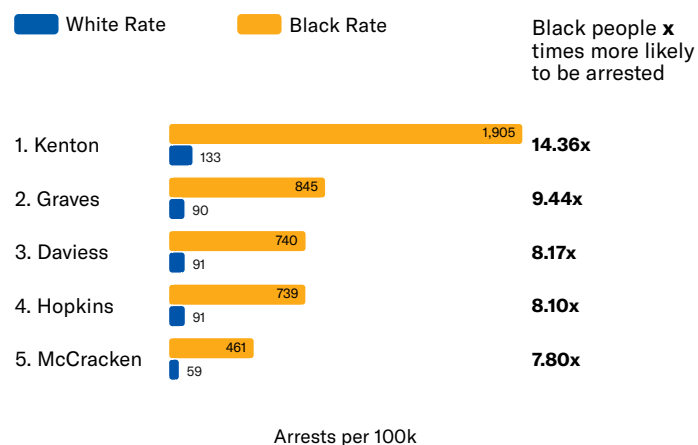
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.





# LOUISIANA



## 2018 SUMMARY

Louisiana ranks

# 29<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 3.4x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

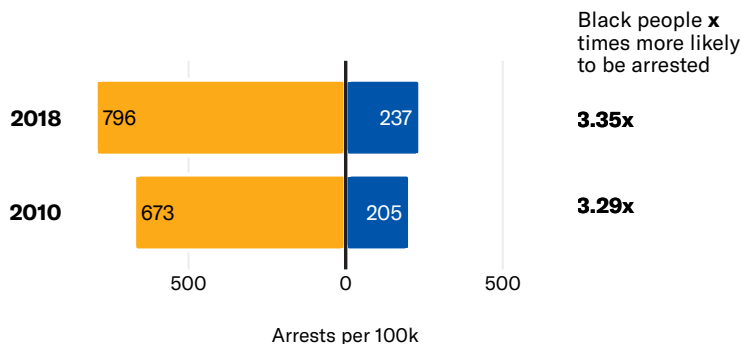
# 51%

of all drug arrests in the state ↑

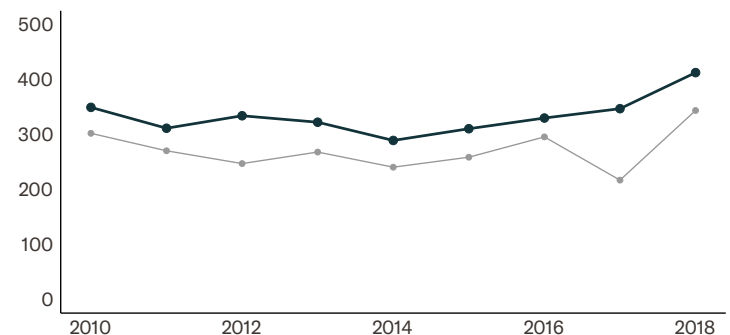
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

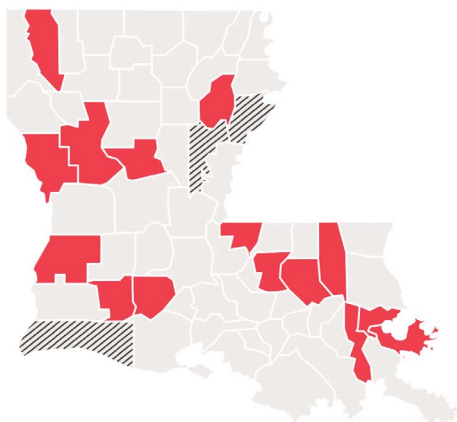


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE PARISH

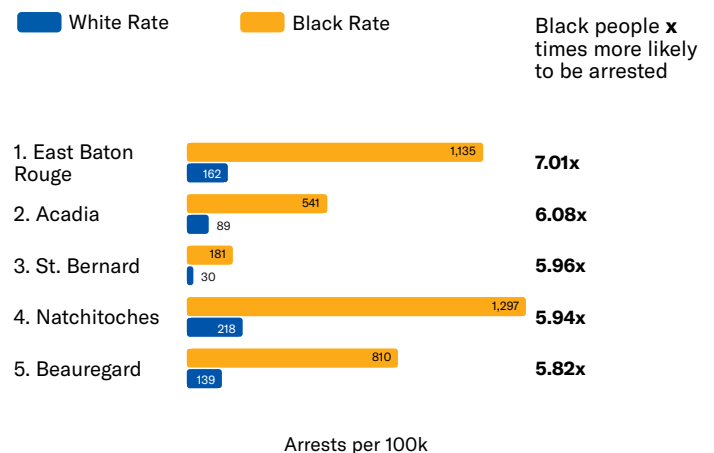
All parishes with **racial disparities** above the national average (3.64x)



Parishes with missing data are striped.

## Parishes with the largest racial disparities

Parishes with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.





## 2018 SUMMARY

Maine ranks

# 20<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

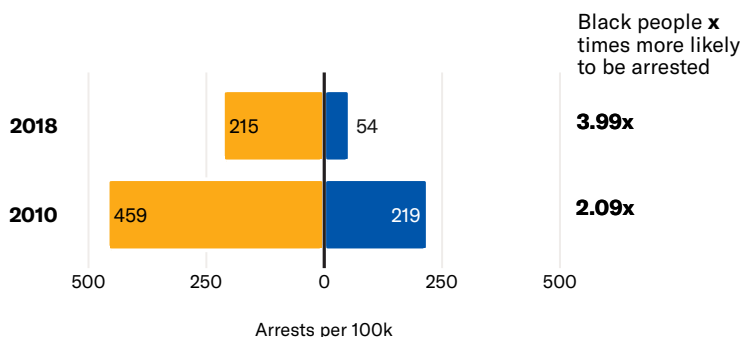
# 20%

of all drug arrests in the state ↓

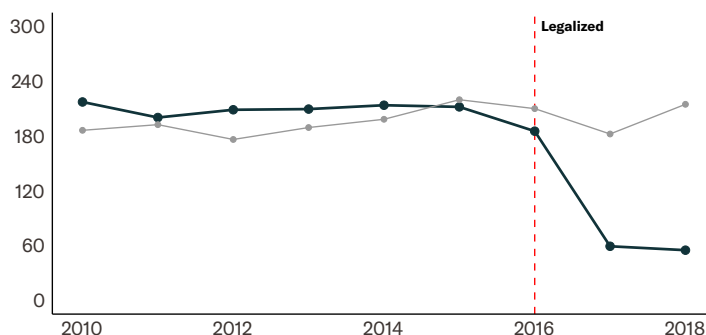
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

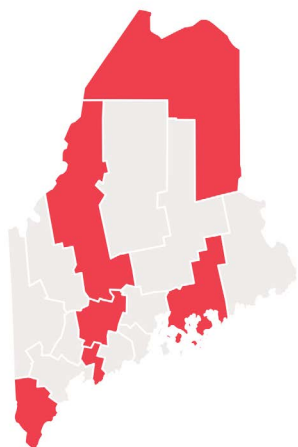


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



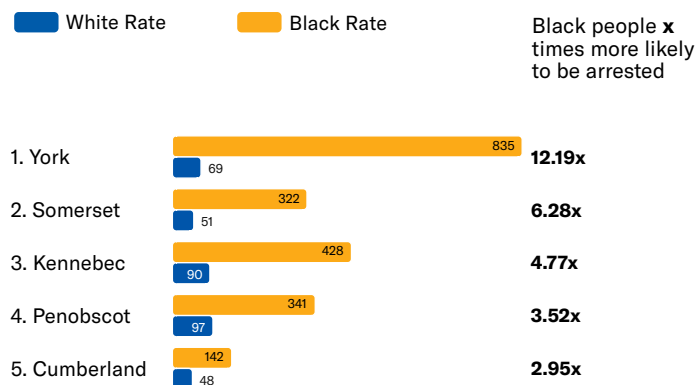
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 25 marijuana possession arrests are included.



Arrests per 100k



## 2018 SUMMARY

Maryland ranks

# 44<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 2.1x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

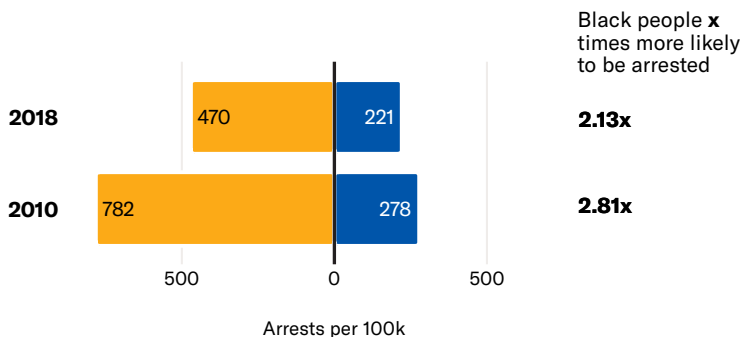
# 50%

of all drug arrests in the state ↓

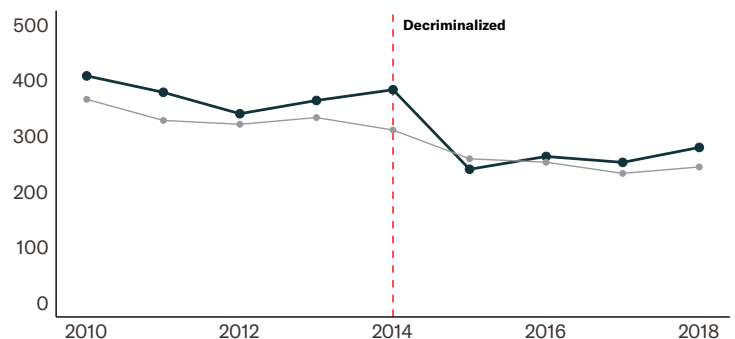
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

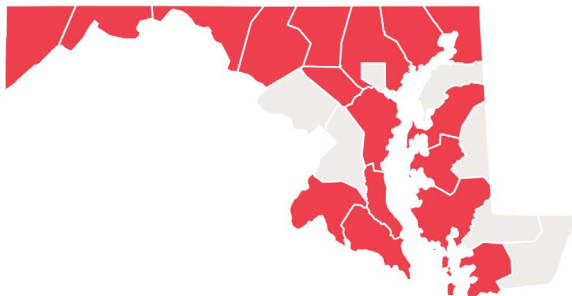


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



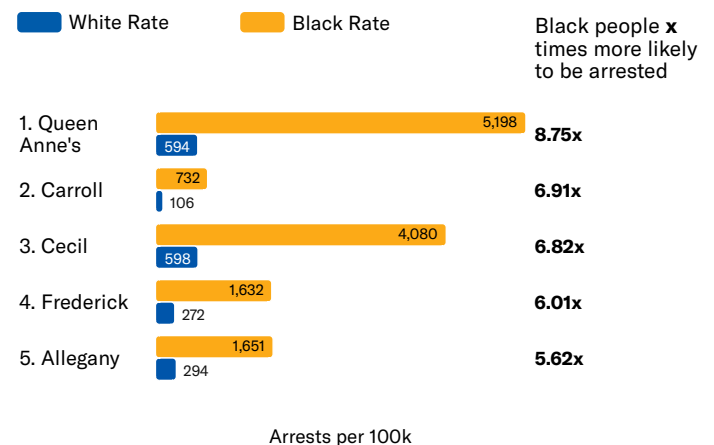
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.





## 2018 SUMMARY

Massachusetts ranks

# 18<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

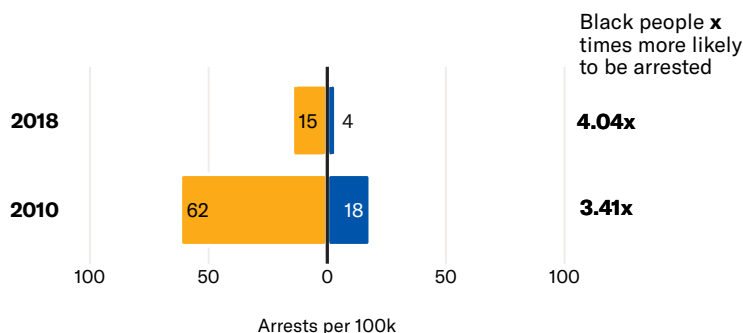
# 3%

of all drug arrests in the state ↓

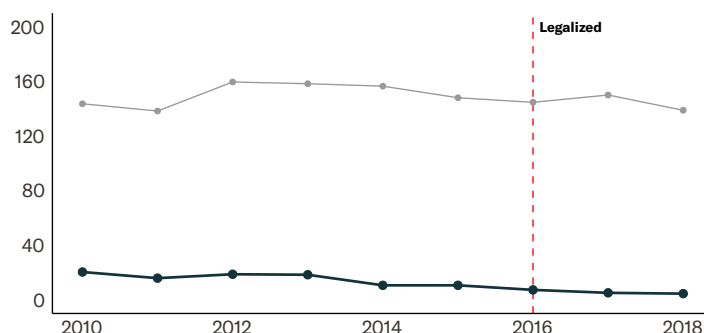
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

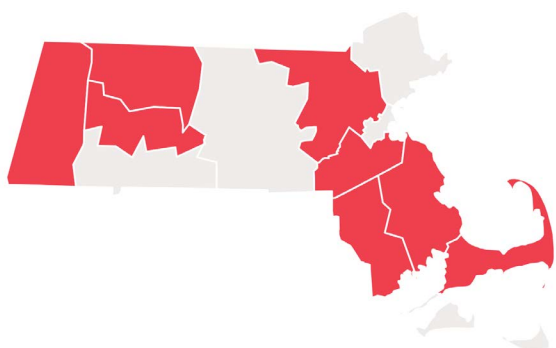


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



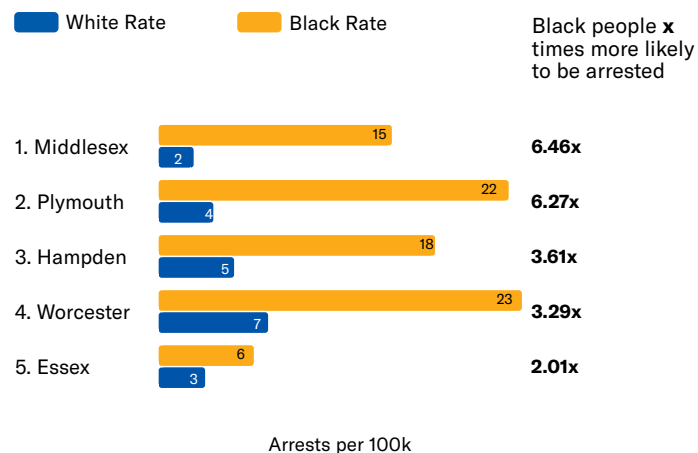
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



# MICHIGAN



## 2018 SUMMARY

Michigan ranks

# 23<sup>rd</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 3.6x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

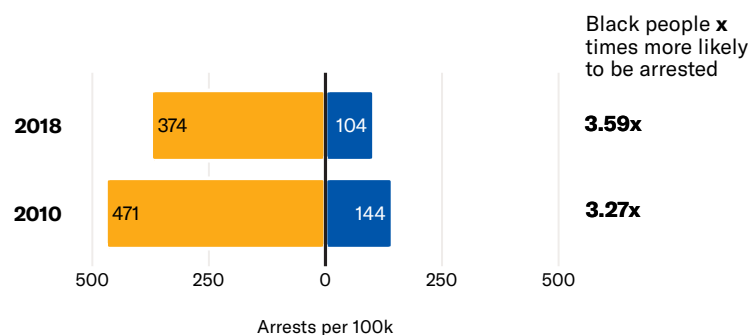
# 47%

of all drug arrests in the state ↓

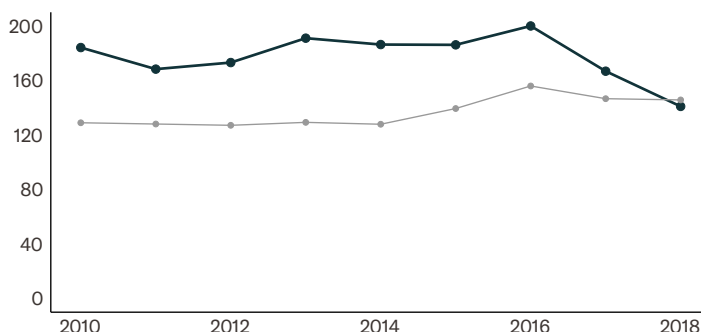
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

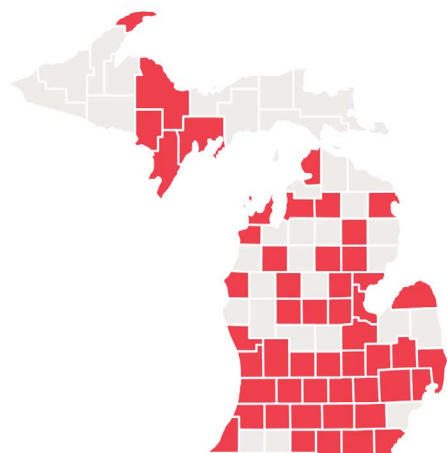


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



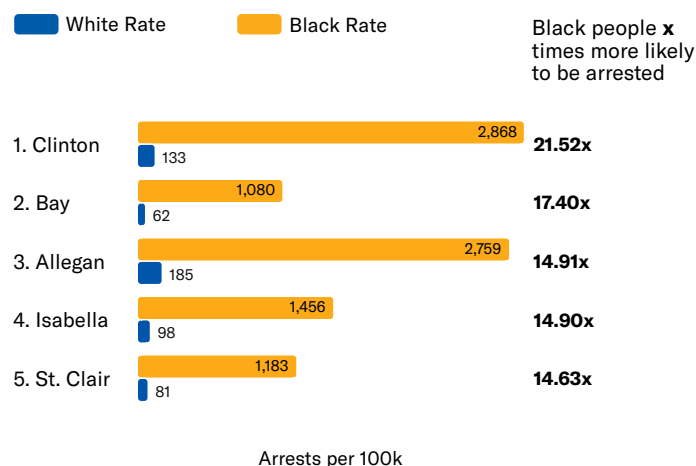
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Michigan legalized marijuana possession in 2018. More recent data is needed to analyze trends since the enactment of the recent law.



## 2018 SUMMARY

Minnesota ranks

# 8<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 5.4x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

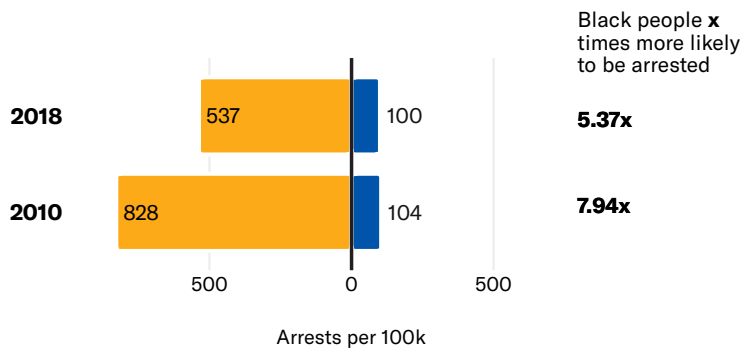
# 35%

of all drug arrests in the state ↓

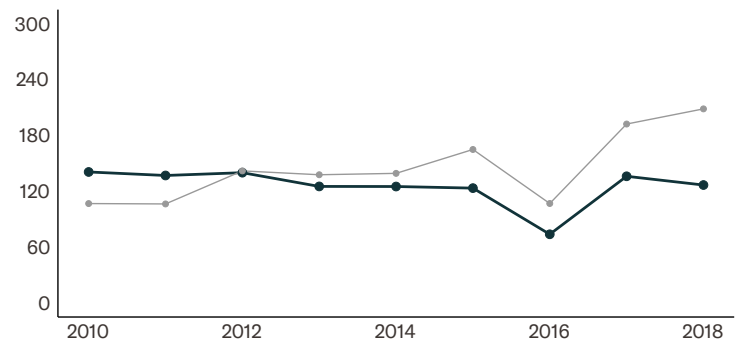
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

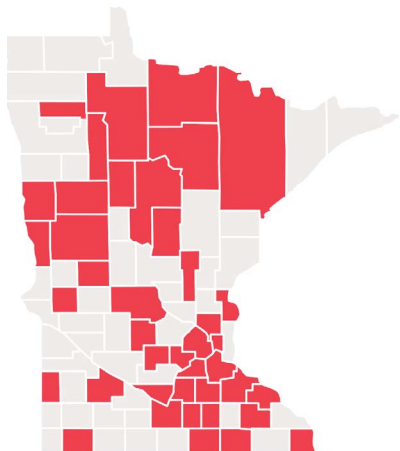


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



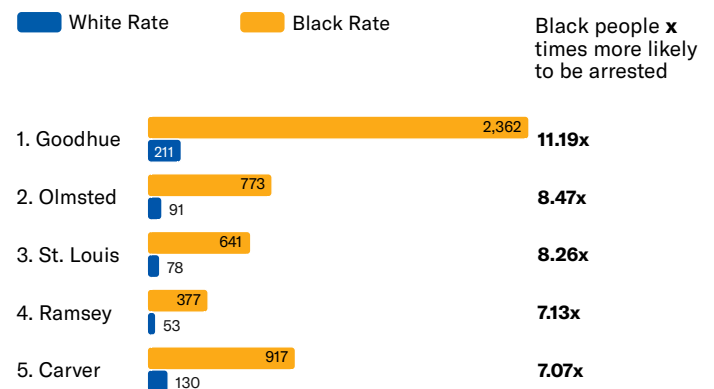
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k





## 2018 SUMMARY

Mississippi ranks

# 38<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 2.7x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

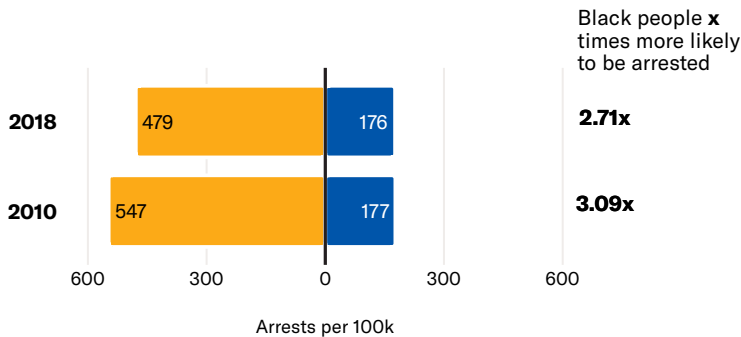
# 44%

of all drug arrests in the state ↓

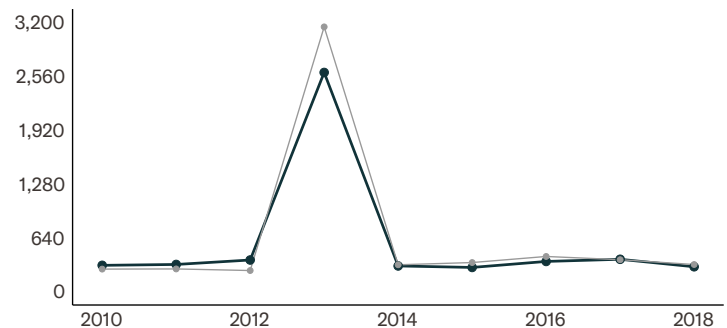
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

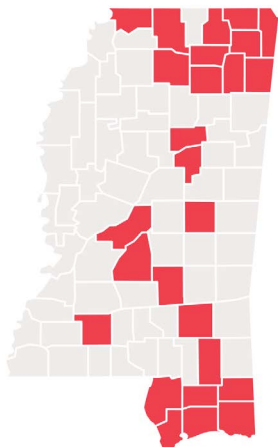


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



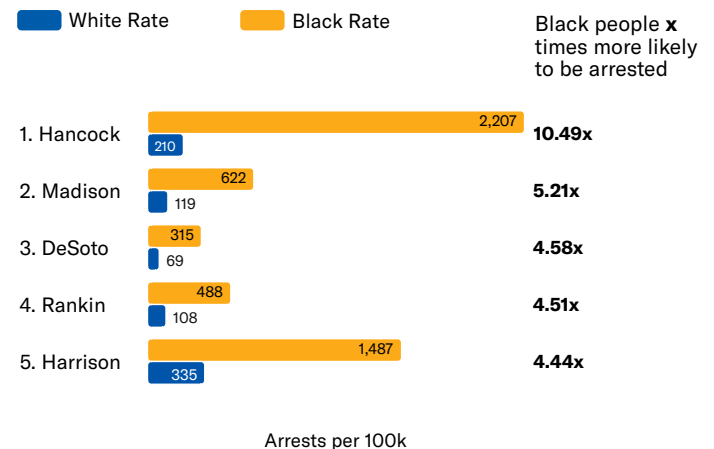
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Mississippi eliminated the punishment of imprisonment for a first offense of possession of certain amounts of marijuana in 1978. However, for larger amounts and multiple offenses, it continued to classify marijuana possession as a crime, and in some cases maintained criminal penalties, including imprisonment.

## 2018 SUMMARY

Missouri ranks

# 39<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 2.6x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

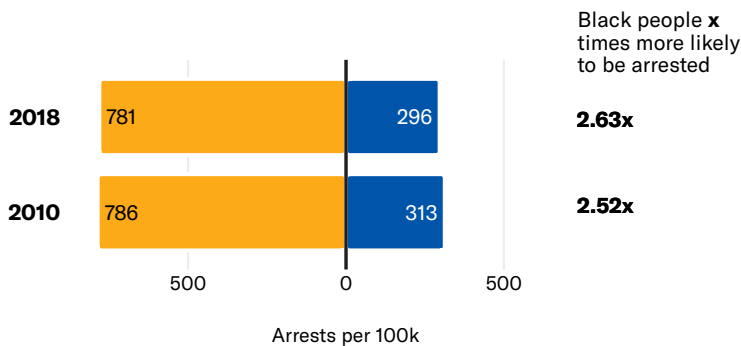
# 50%

of all drug arrests in the state ↓

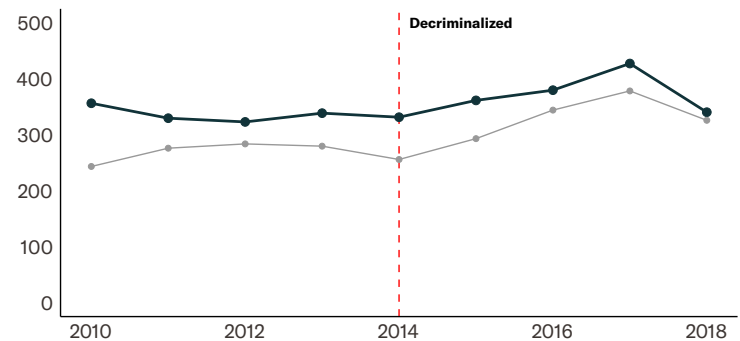
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

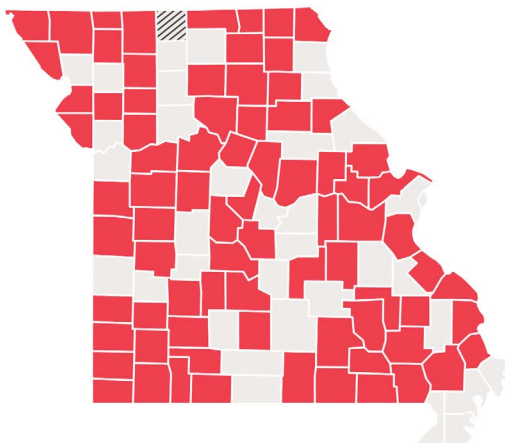


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



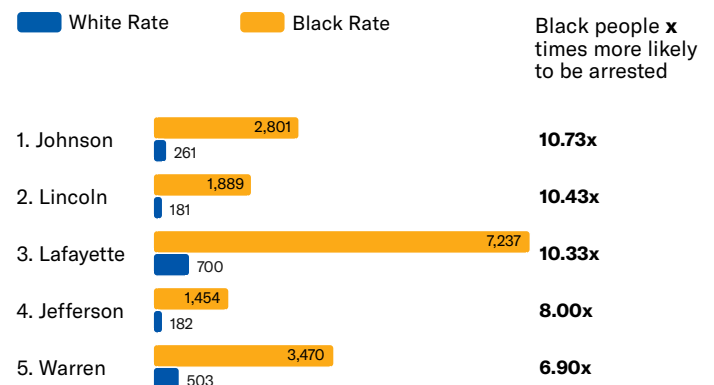
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

Missouri eliminated the punishment of imprisonment for a first offense of possession of marijuana, however it continues to classify marijuana possession as a crime, and in some cases maintain criminal penalties.

## 2018 SUMMARY

Montana ranks

**1st**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**9.6x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

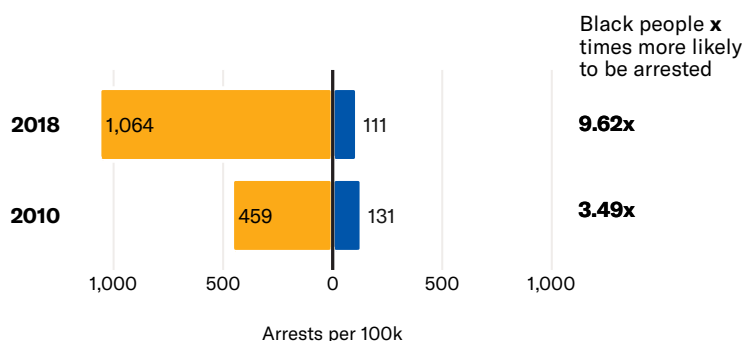
**45%**

of all drug arrests in the state ↓

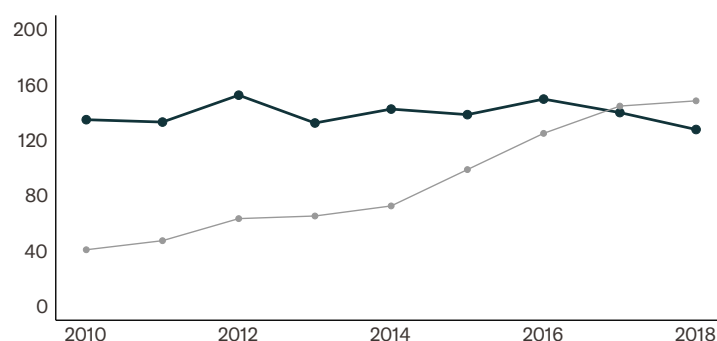
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

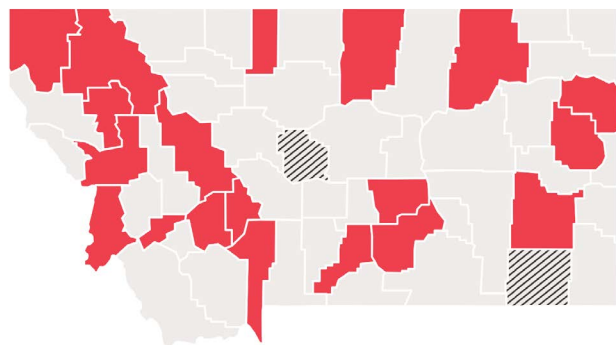


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

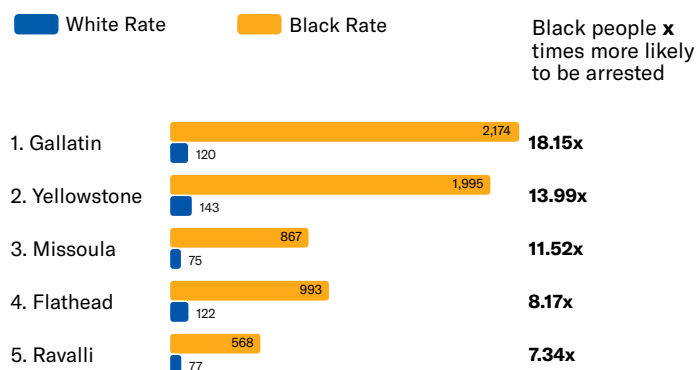
All counties with **racial disparities** above the national average (3.64x)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 25 marijuana possession arrests are included.



Arrests per 100k



## 2018 SUMMARY

Nebraska ranks

**33<sup>rd</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

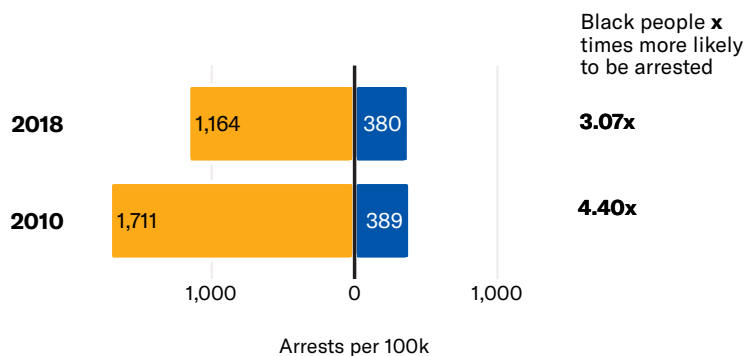
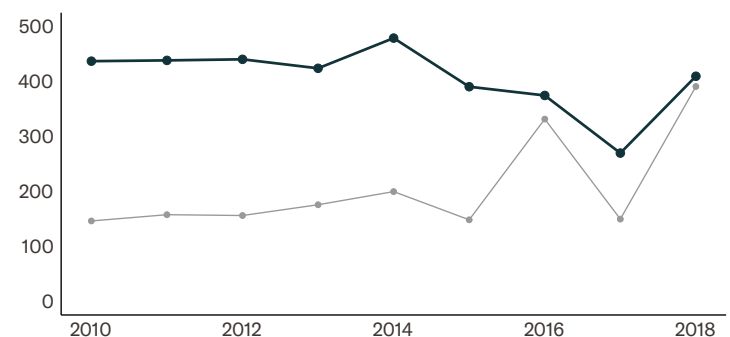
Black people were

**3.1x**more likely than **white** people to be arrested for marijuana possession ↓Arrests for the **possession** of marijuana made up**48%**

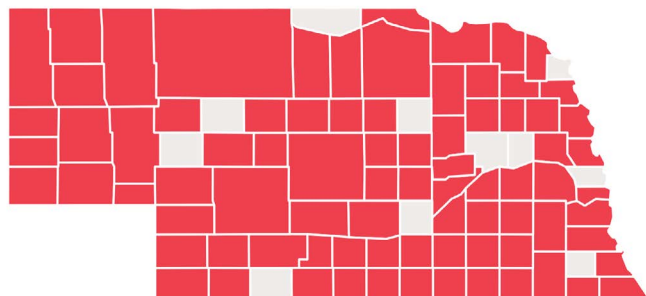
of all drug arrests in the state ↓

Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

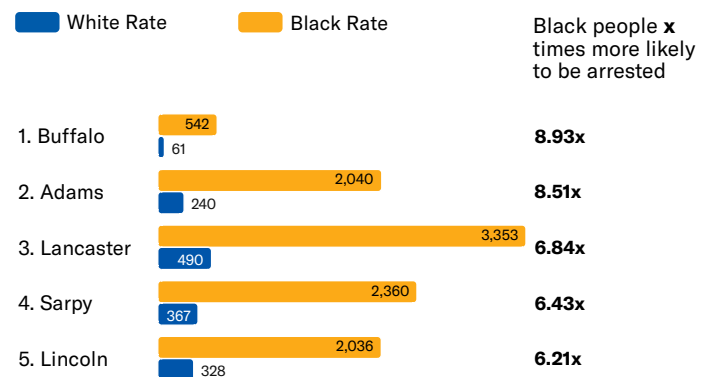
Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k peopleStatewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people

## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)

## Counties with the largest racial disparities

Counties with a pop. of &gt;30,000, a Black pop. of &gt;1%, a data coverage of &gt;50%, and at least 25 marijuana possession arrests are included.



Nebraska decriminalized first offenses of possession of certain amounts of marijuana in 1979. However, for larger amounts and multiple offenses, it continued to classify marijuana possession as a crime, and in some cases maintained criminal penalties, including imprisonment.



## 2018 SUMMARY

Nevada ranks

# 35<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 3x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

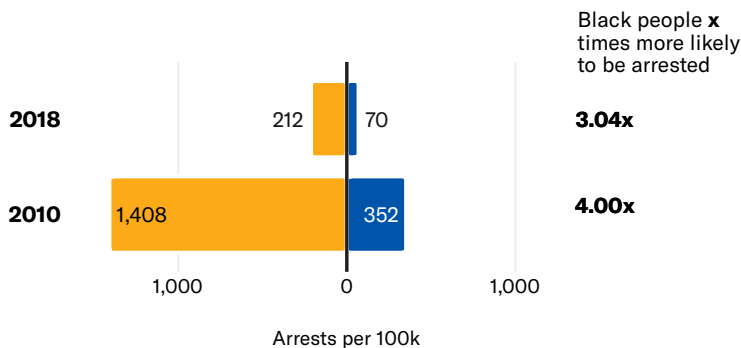
# 20%

of all drug arrests in the state ↓

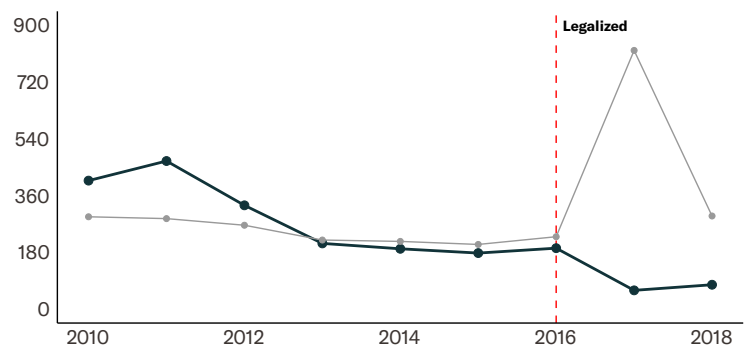
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

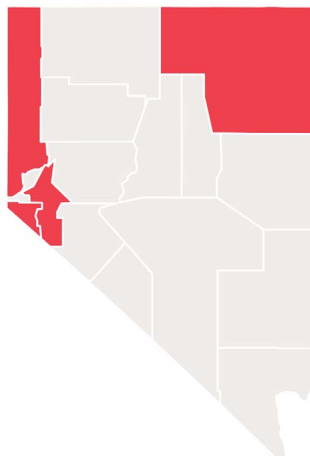


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



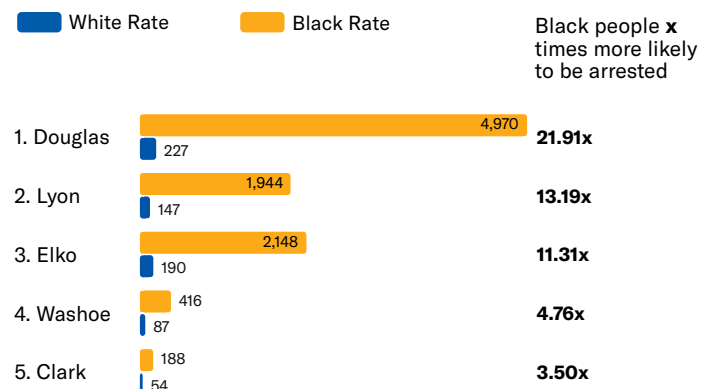
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

# NEW HAMPSHIRE



ACLU

## 2018 SUMMARY

New Hampshire ranks

17<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

4.1x

more likely than white people to be arrested for marijuana possession ↑

Arrests for the possession of marijuana made up

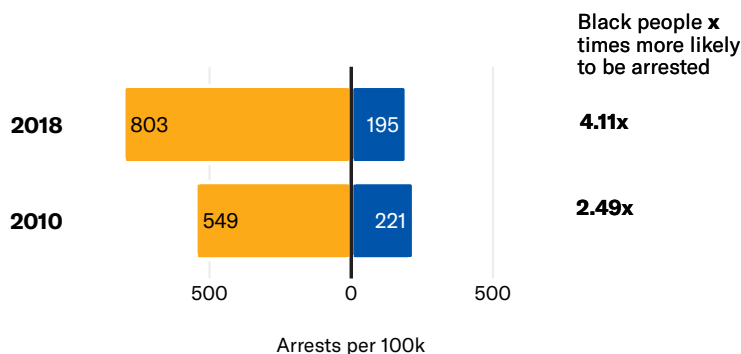
43%

of all drug arrests in the state ↓

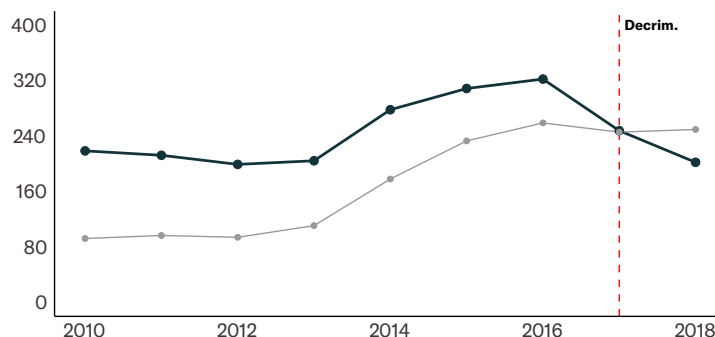
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

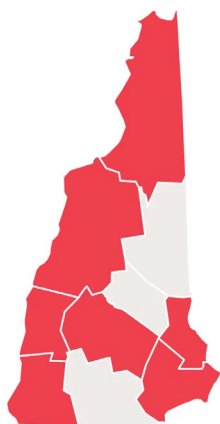


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



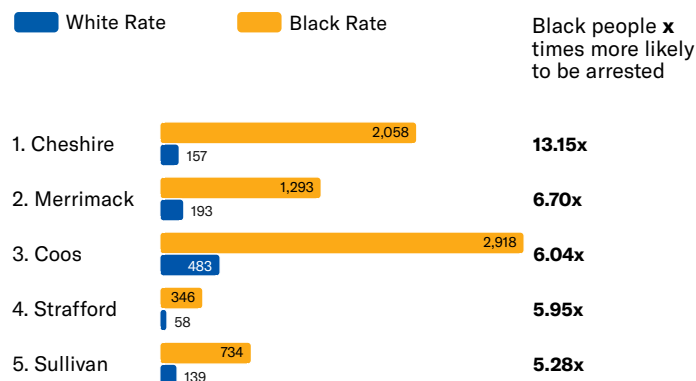
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 25 marijuana possession arrests are included.



# NEW JERSEY



## 2018 SUMMARY

New Jersey ranks

**25<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3.5x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

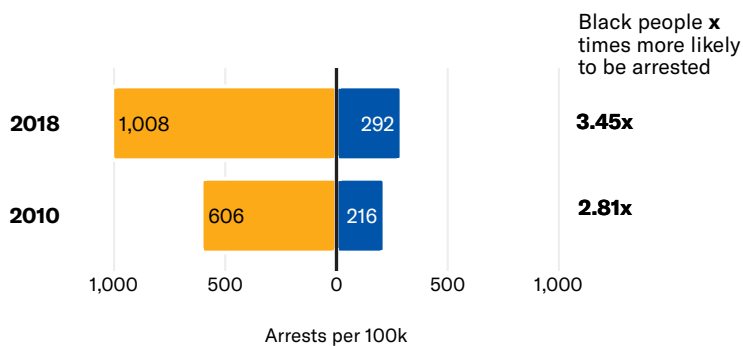
**55%**

of all drug arrests in the state ↑

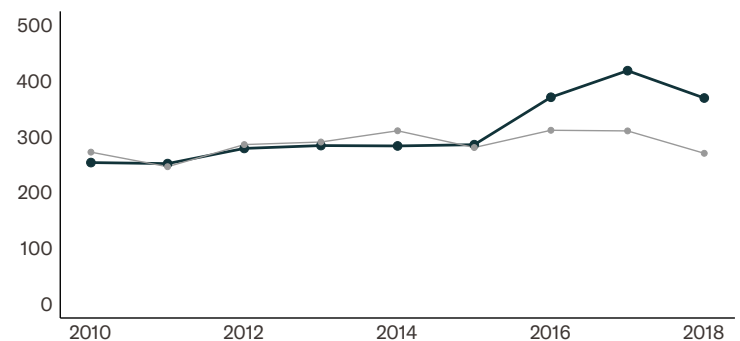
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

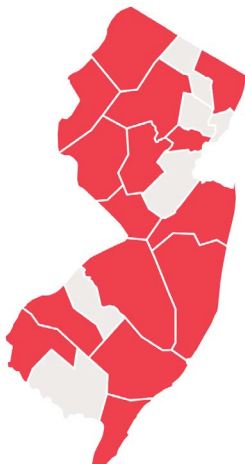


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



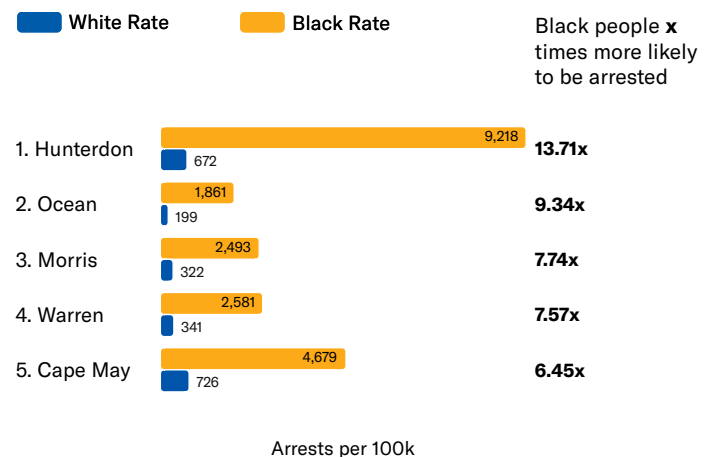
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.





# NEW MEXICO

## 2018 SUMMARY

New Mexico ranks

**21<sup>st</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**4x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

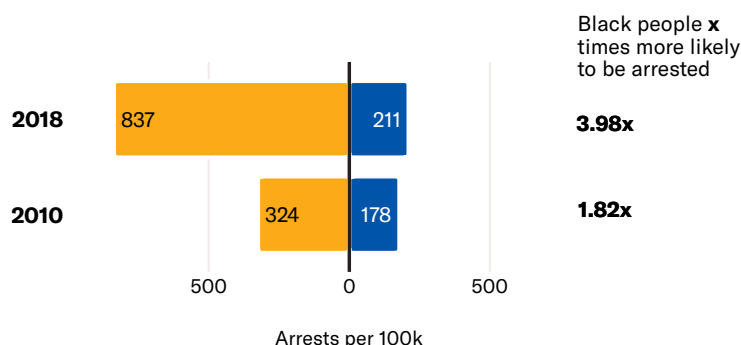
**54%**

of all drug arrests in the state ↑

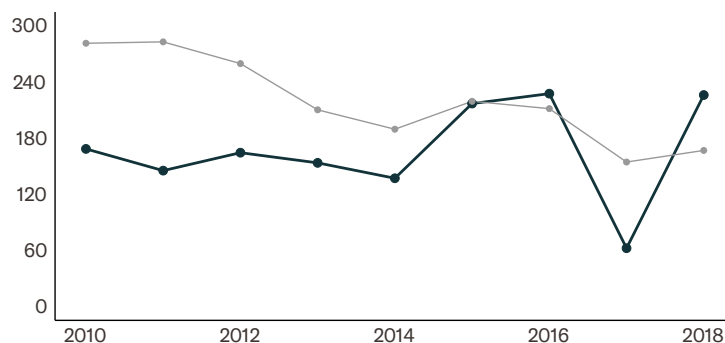
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

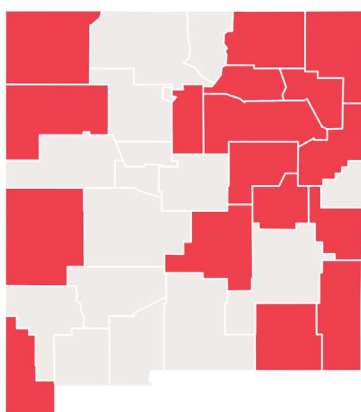


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



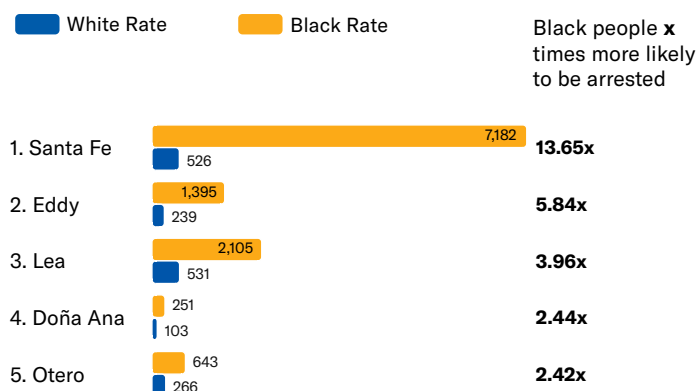
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



New Mexico decriminalized marijuana possession in 2019. More recent data is needed to analyze trends since the enactment of the recent law.

# NEW YORK



## 2018 SUMMARY

New York ranks

# 40<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 2.6x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

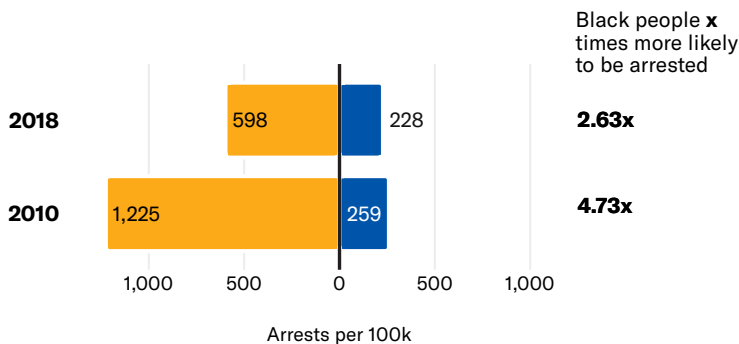
# 54%

of all drug arrests in the state ↓

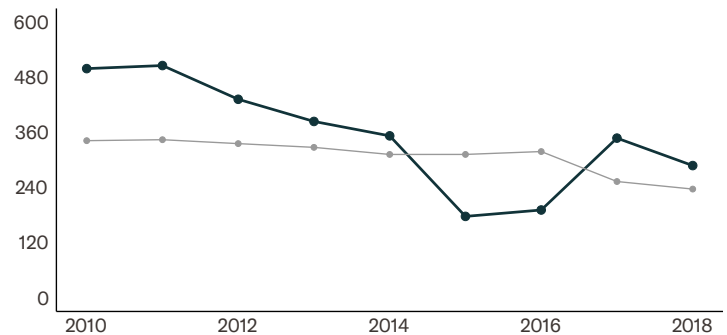
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

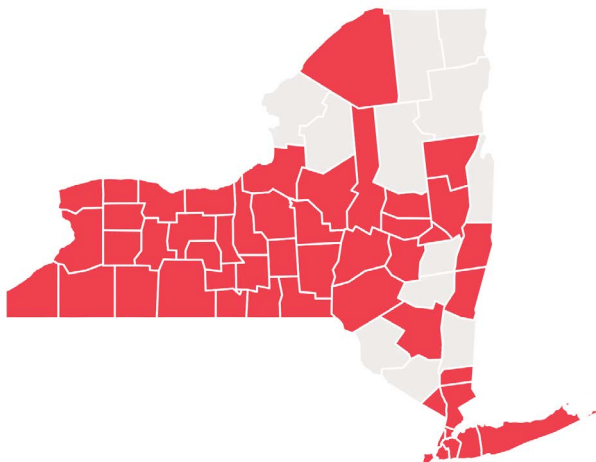


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



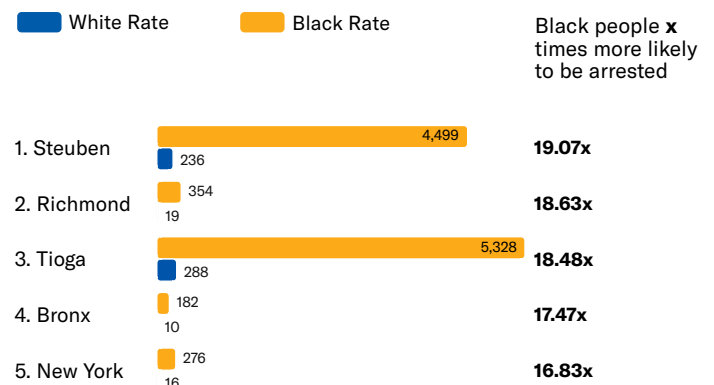
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k



New York decriminalized marijuana possession in 2019. More recent data is needed to analyze trends since the enactment of the recent law.

# NORTH CAROLINA



ACLU

## 2018 SUMMARY

North Carolina ranks

**31<sup>st</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3.3x**

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

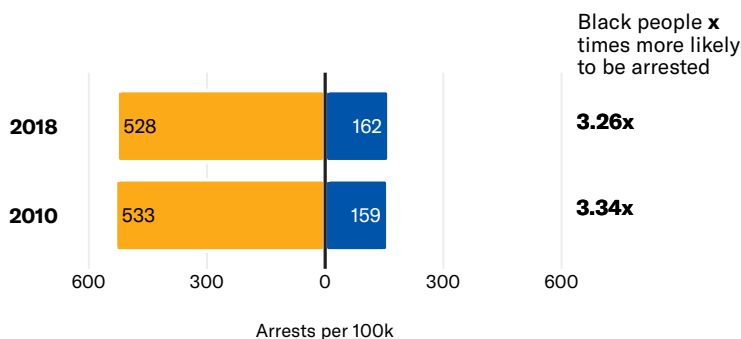
**53%**

of all drug arrests in the state ↓

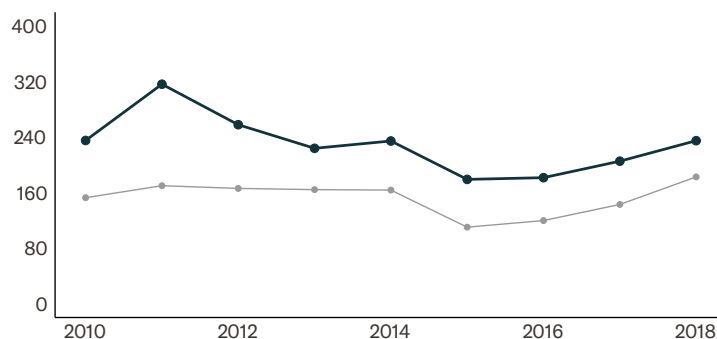
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

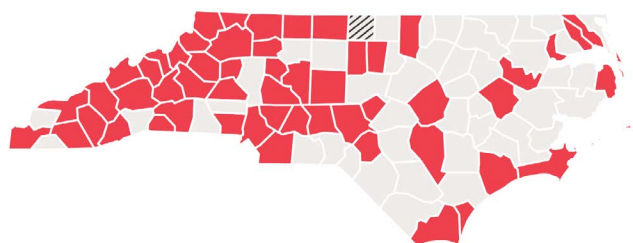


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

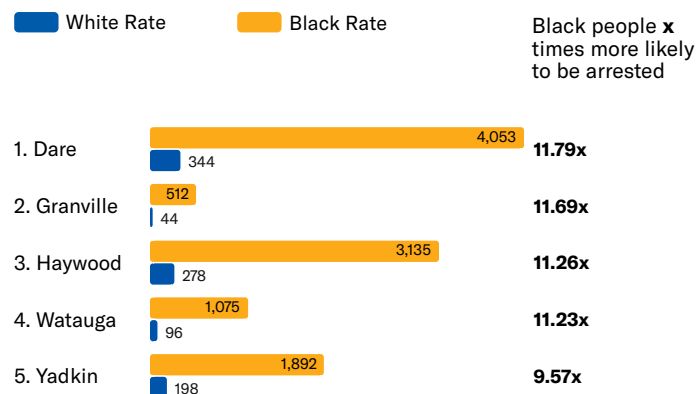
All counties with **racial disparities** above the national average (3.64x)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

North Carolina eliminated the punishment of imprisonment for possession of certain amounts of marijuana in 1977. However, it continued to classify marijuana possession as a crime, and in some cases maintained criminal penalties.

# NORTH DAKOTA



## 2018 SUMMARY

North Dakota ranks

**7<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**5.5x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

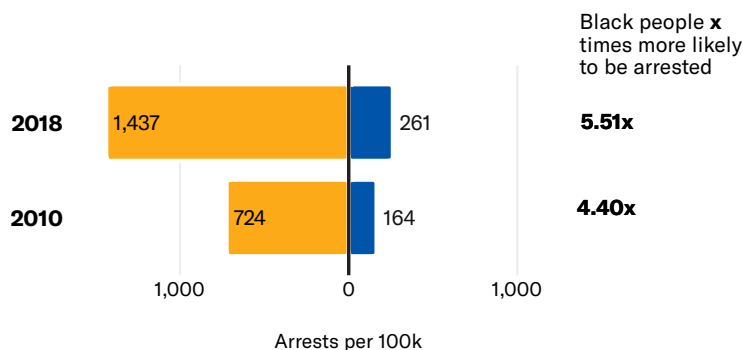
**47%**

of all drug arrests in the state ↓

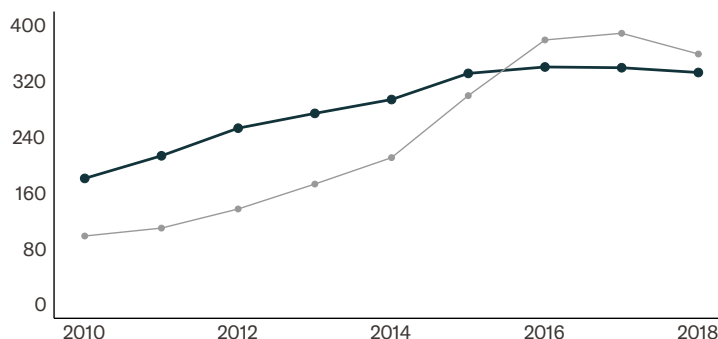
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

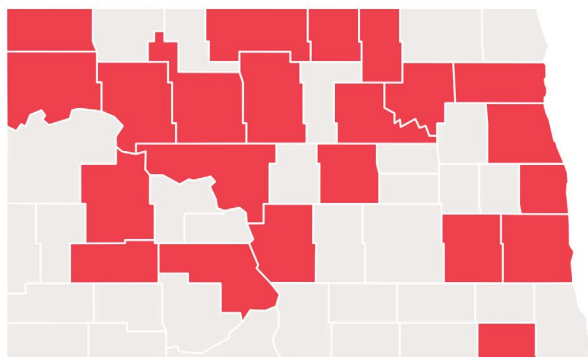


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



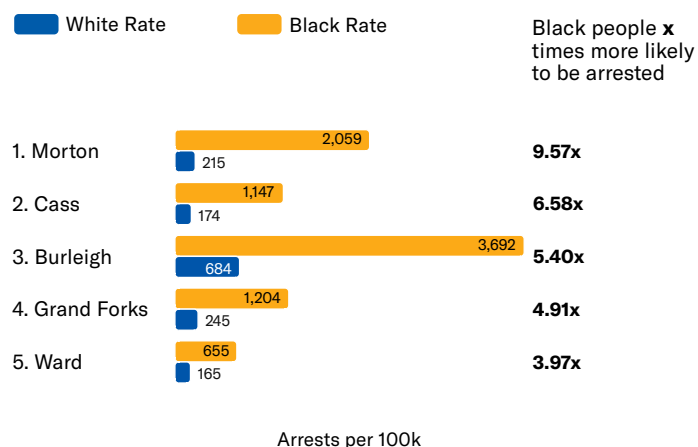
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



## 2018 SUMMARY

Ohio ranks

28<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

3.4x

more likely than white people to be arrested for marijuana possession ↓

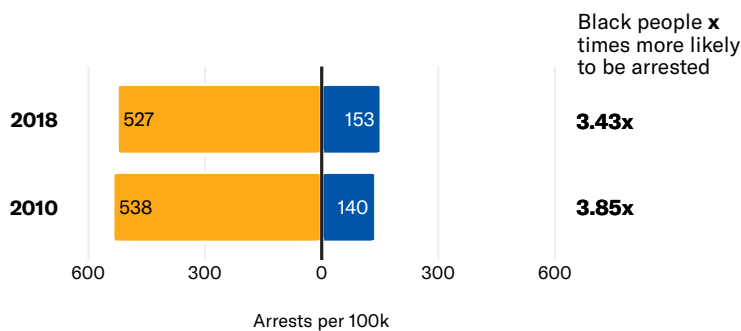
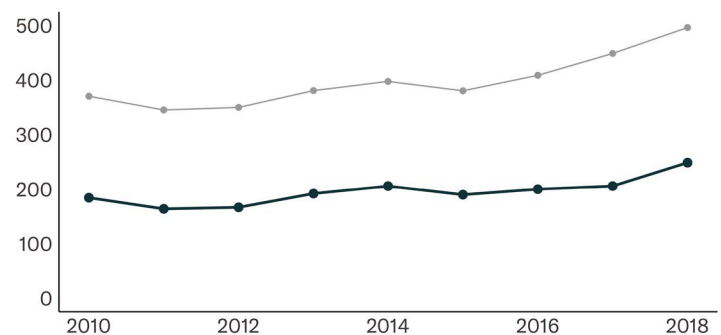
Arrests for the possession of marijuana made up

50%

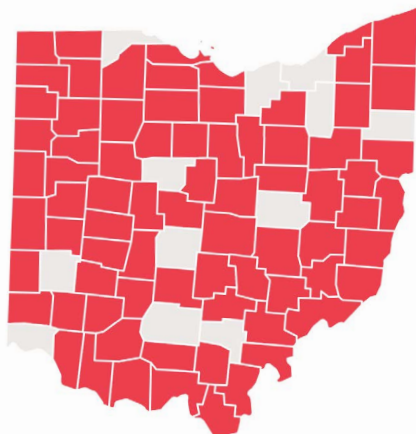
of all drug arrests in the state ↑

Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

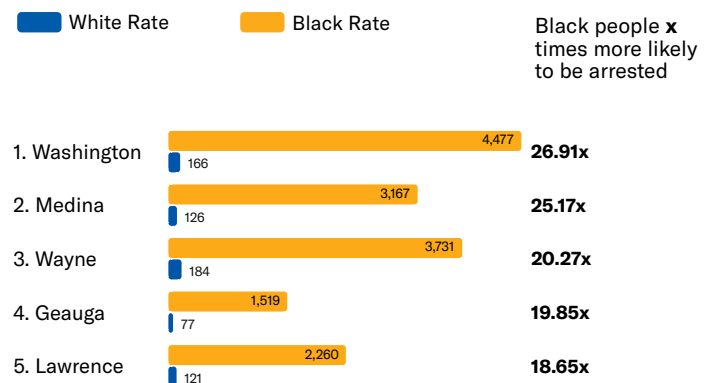
Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k peopleStatewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people

## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)

## Counties with the largest racial disparities

Counties with a pop. of &gt;30,000, a Black pop. of &gt;1%, a data coverage of &gt;50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

# OKLAHOMA



## 2018 SUMMARY

Oklahoma ranks

# 13<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4.2x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

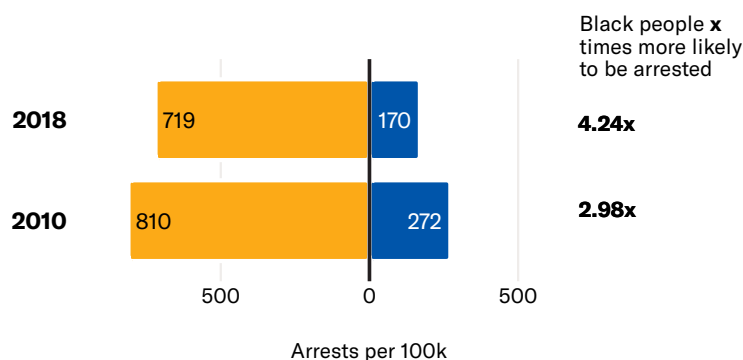
# 42%

of all drug arrests in the state ↓

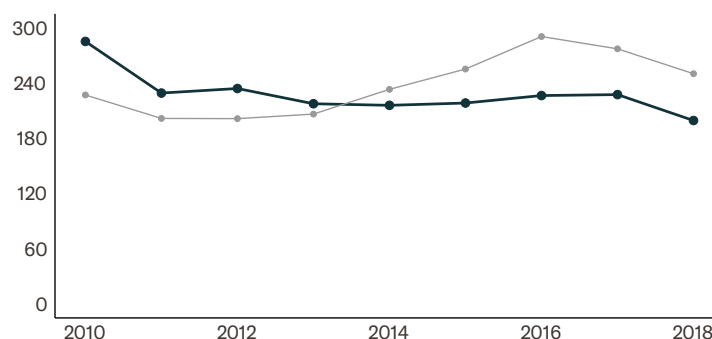
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

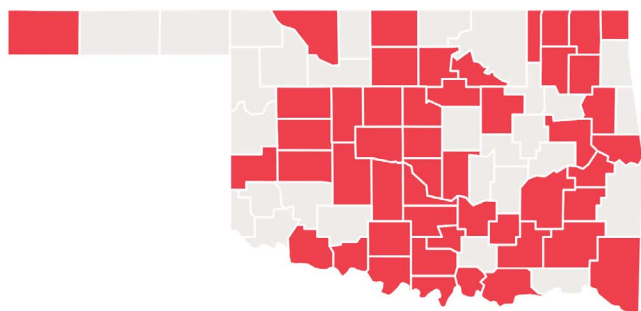


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



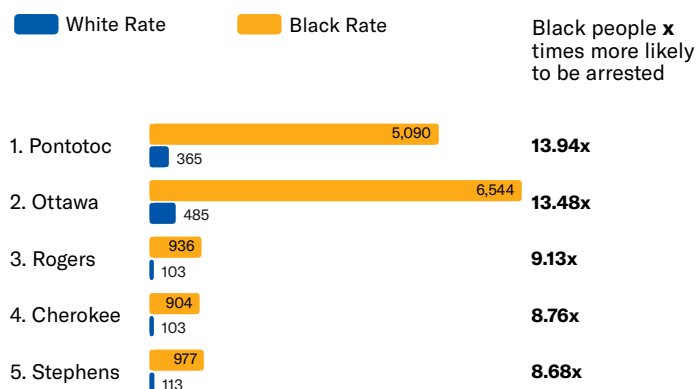
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.





## 2018 SUMMARY

Oregon ranks

# 45<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 1.8x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

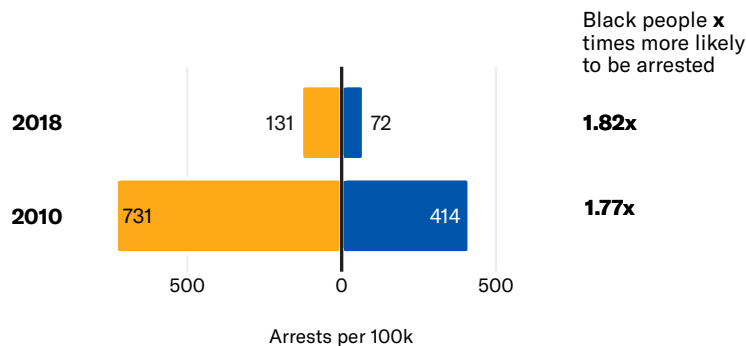
# 18%

of all drug arrests in the state ↓

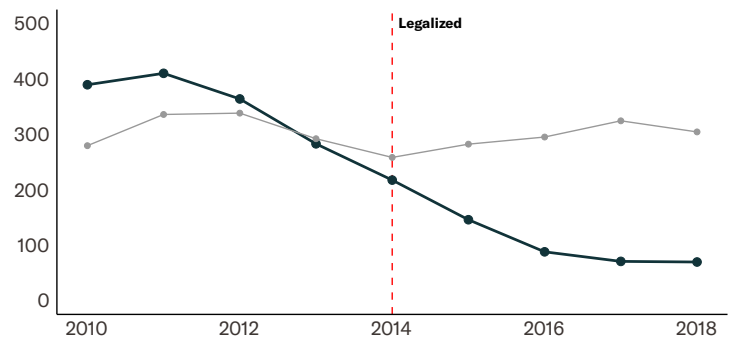
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

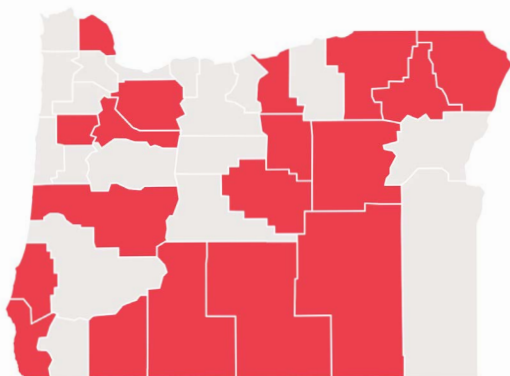


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



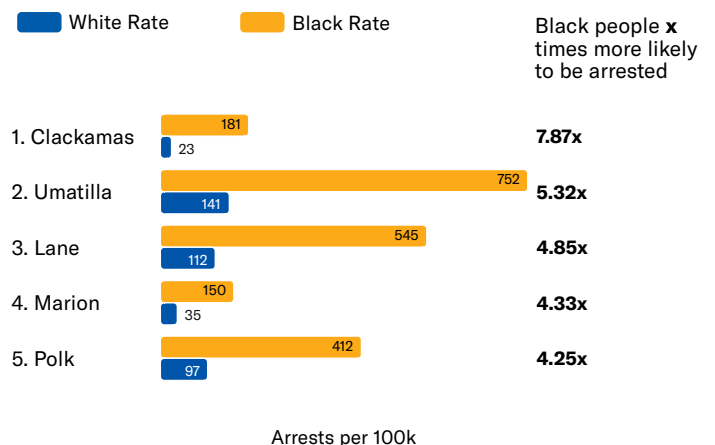
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.





# PENNSYLVANIA



## 2018 SUMMARY

Pennsylvania ranks

**36<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3x**

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

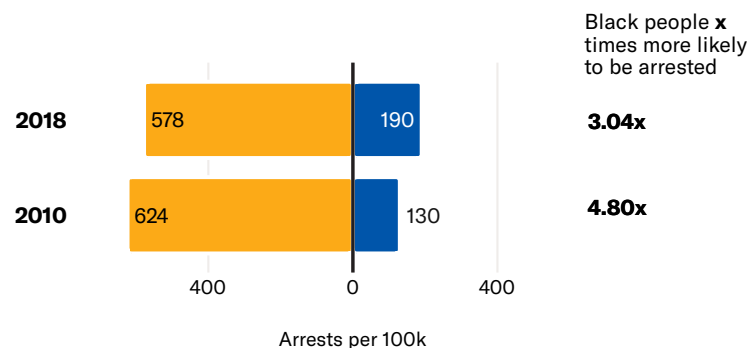
**42%**

of all drug arrests in the state ↑

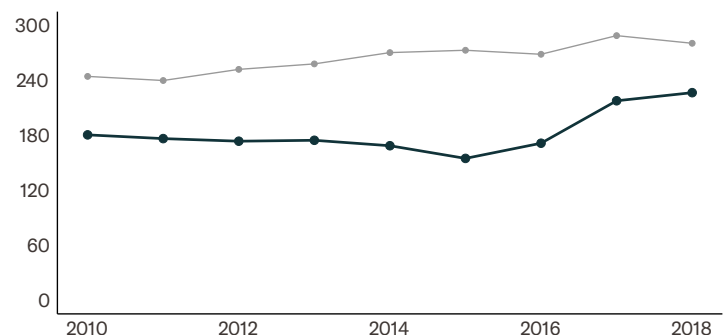
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

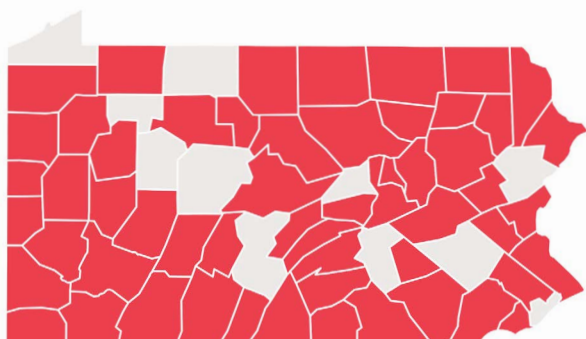


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



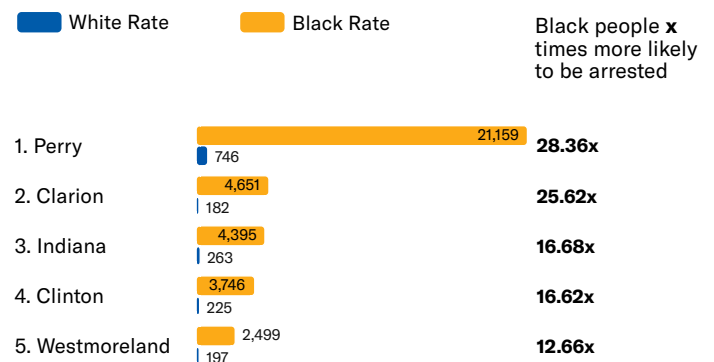
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Rhode Island ranks

# 30<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 3.3x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

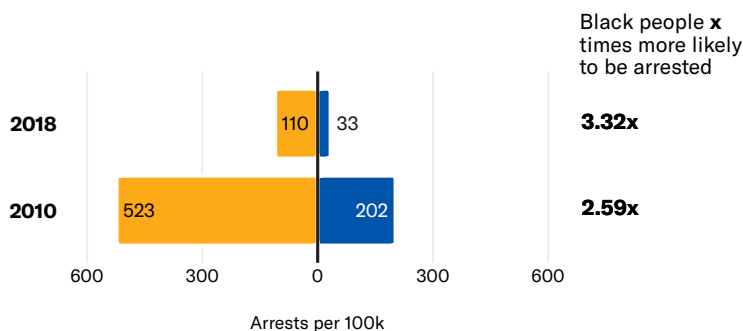
# 18%

of all drug arrests in the state ↓

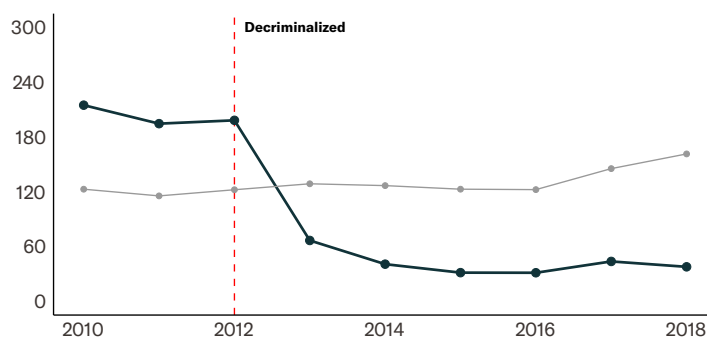
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people



Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



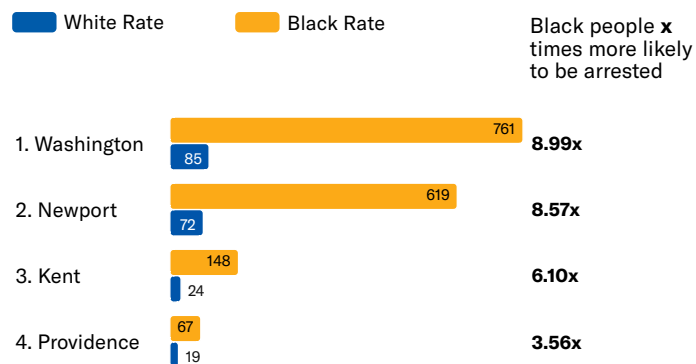
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

# SOUTH CAROLINA



## 2018 SUMMARY

South Carolina ranks

**26<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3.5x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

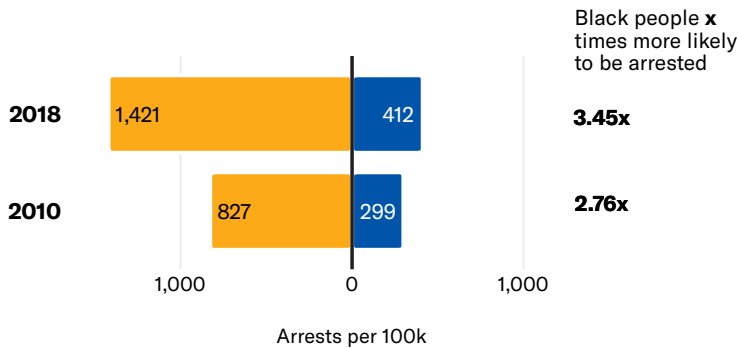
**48%**

of all drug arrests in the state ↓

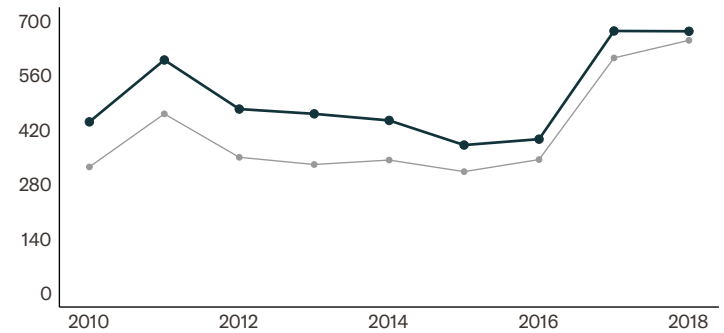
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

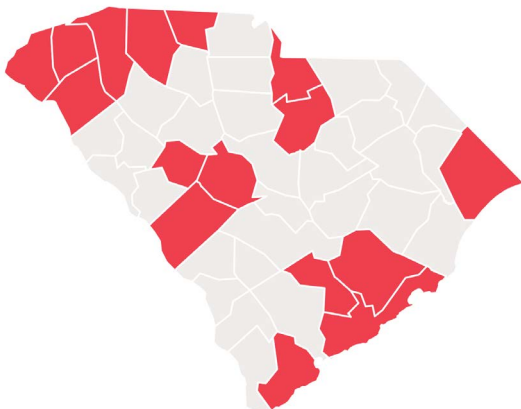


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



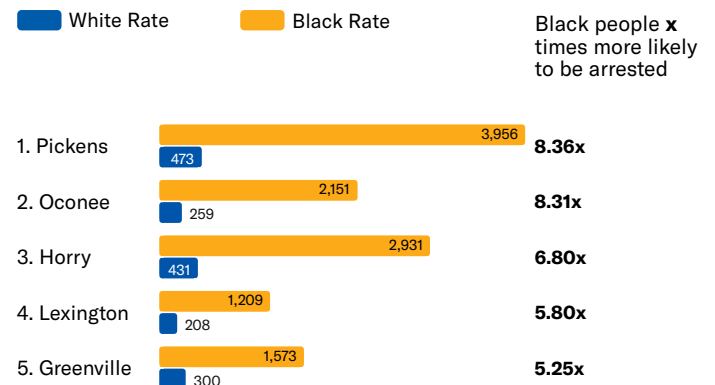
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

# SOUTH DAKOTA



## 2018 SUMMARY

South Dakota ranks

# 10<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 5x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

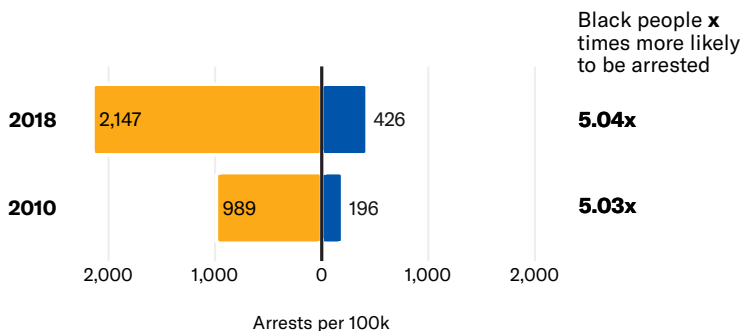
# 55%

of all drug arrests in the state ↓

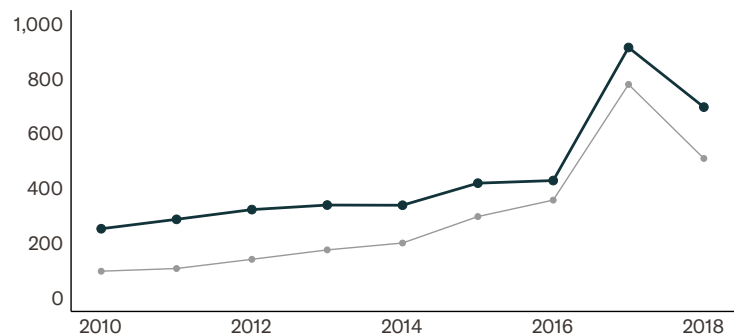
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

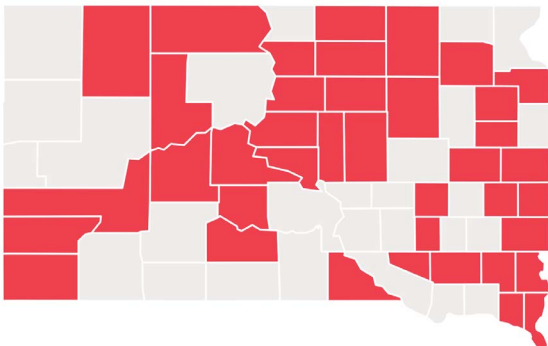


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



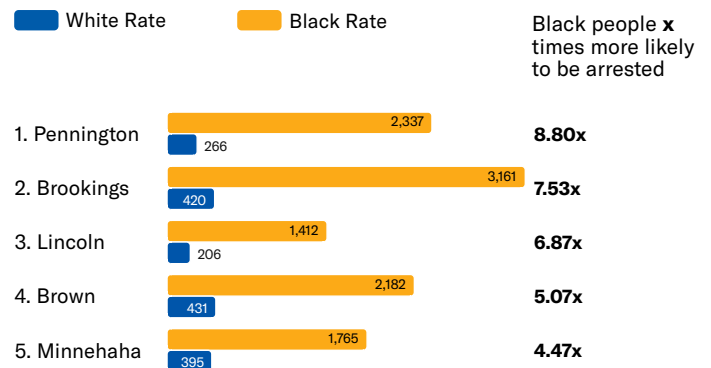
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

# TENNESSEE

## 2018 SUMMARY

Tennessee ranks

**32<sup>nd</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3.2x**

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

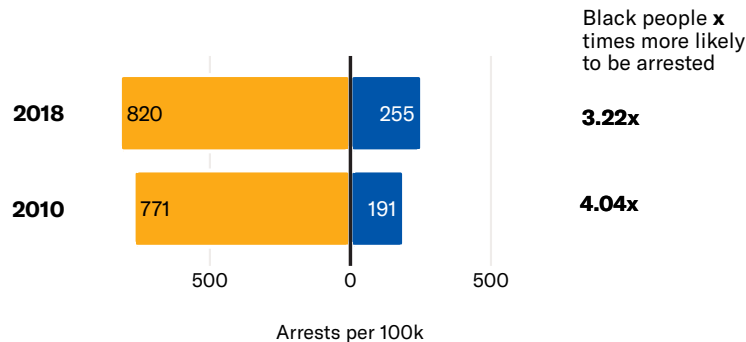
**42%**

of all drug arrests in the state ↓

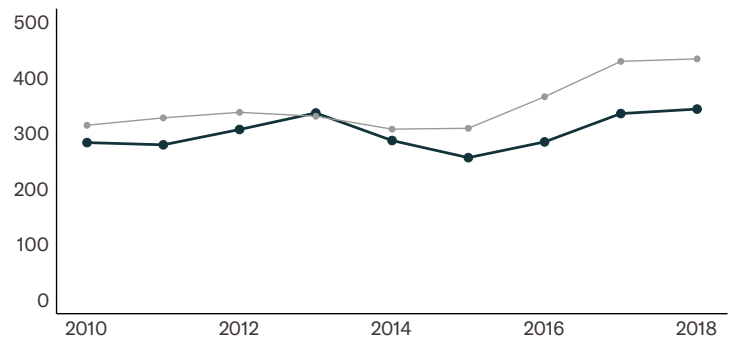
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

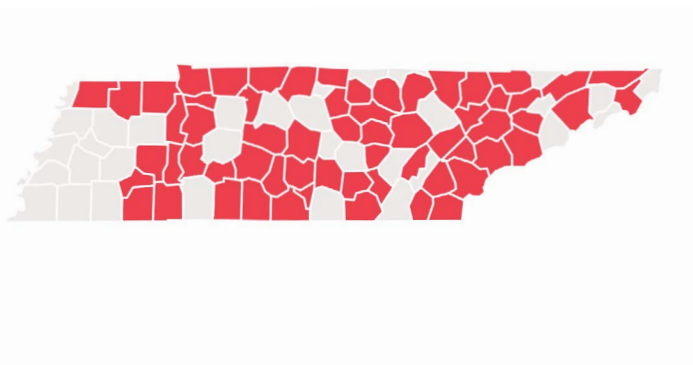


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



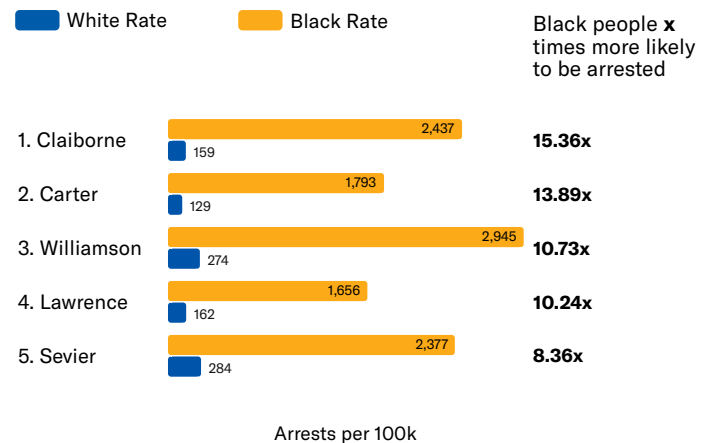
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



## 2018 SUMMARY

Texas ranks

**41<sup>st</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**2.6x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

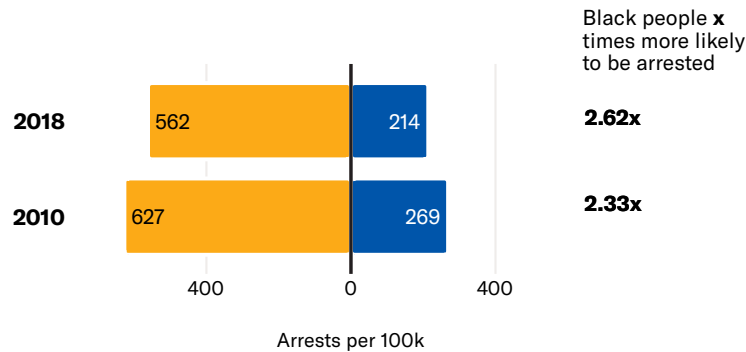
**44%**

of all drug arrests in the state ↓

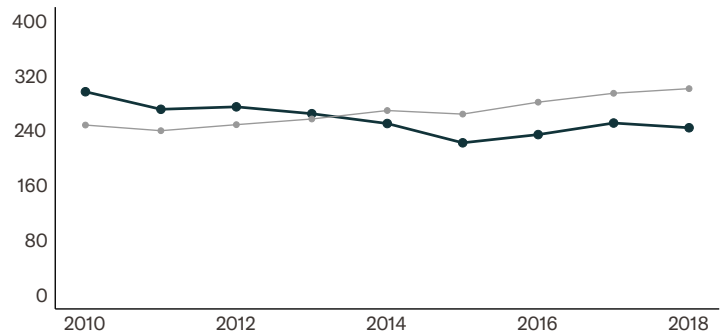
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

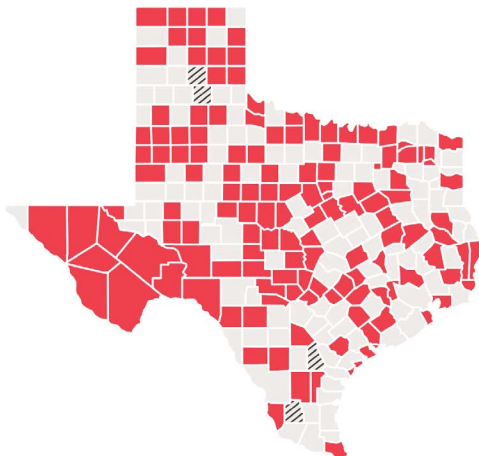


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

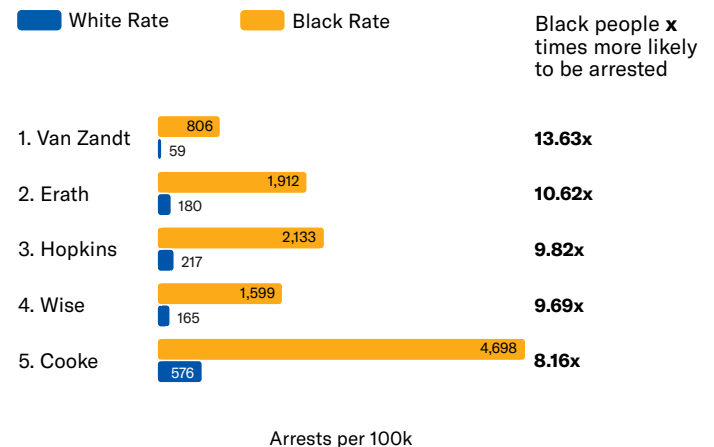
All counties with **racial disparities** above the national average (3.64x)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Utah ranks

# 11<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4.9x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

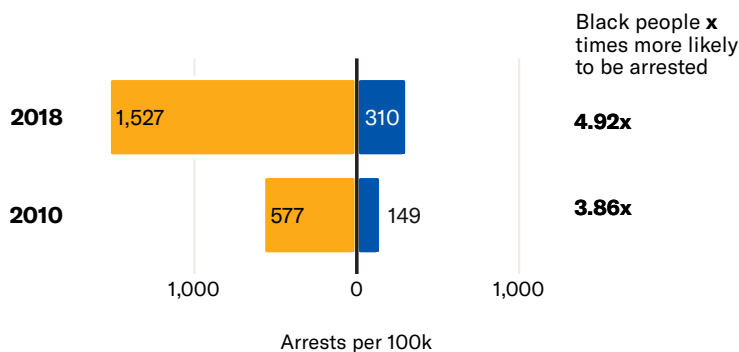
# 40%

of all drug arrests in the state ↑

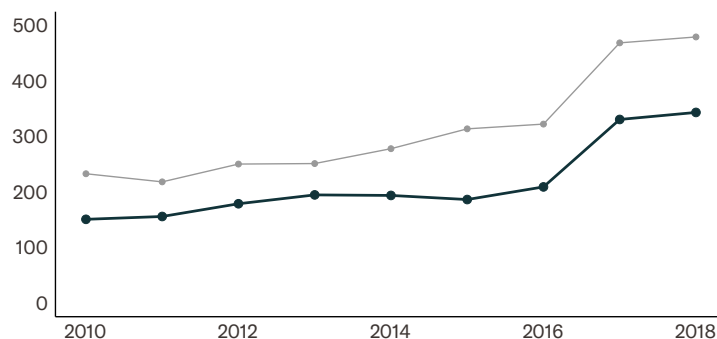
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

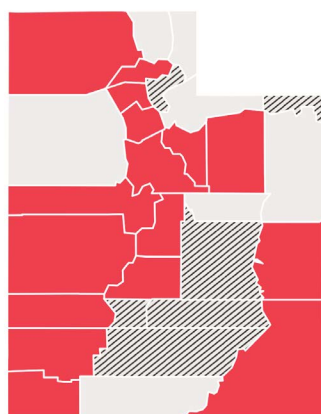


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



## BY THE COUNTY

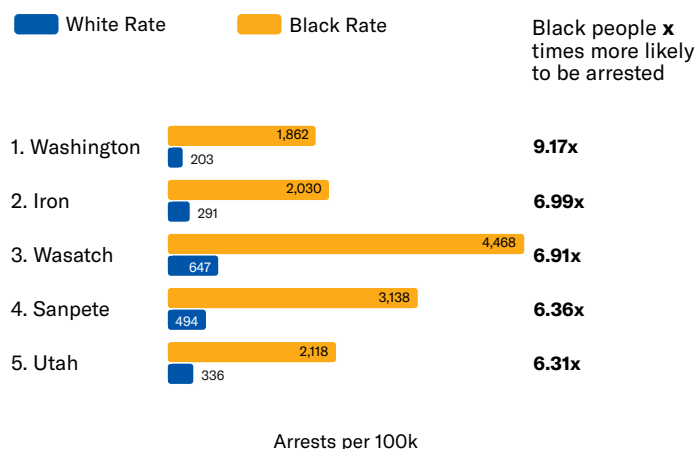
All counties with **racial disparities** above the national average (3.64x)



Counties with missing data are striped.

### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 25 marijuana possession arrests are included.



Arrests per 100k



## 2018 SUMMARY

Vermont ranks

# 6<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 6.1x

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

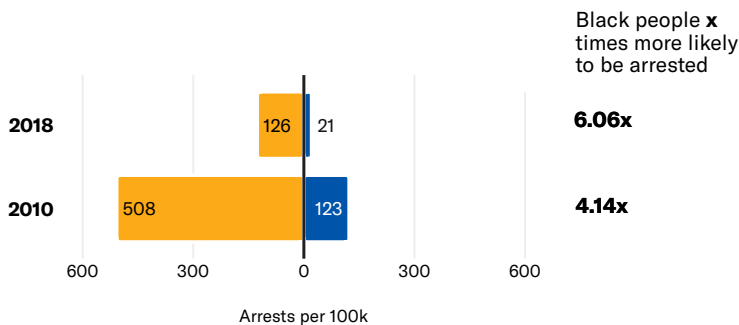
# 12%

of all drug arrests in the state ↓

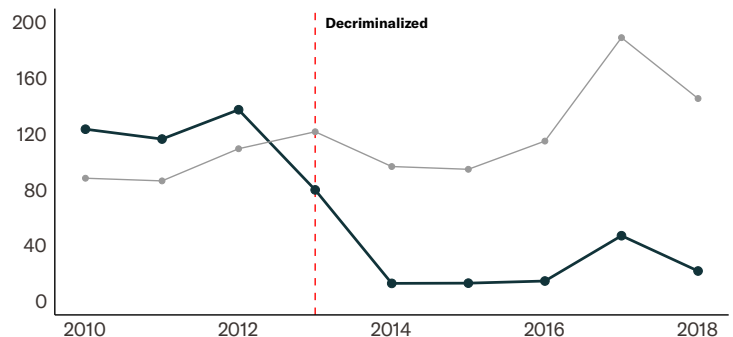
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

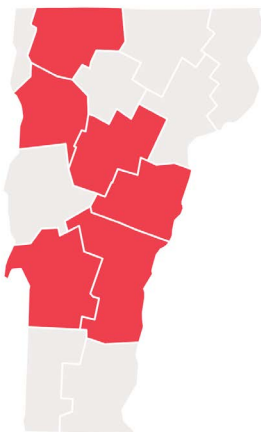


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



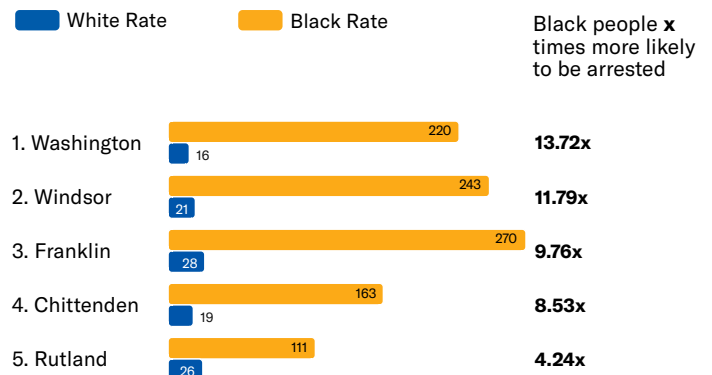
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 10 marijuana possession arrests are included.



Arrests per 100k



Vermont legalized marijuana possession in 2018. More recent data is needed to analyze trends since the enactment of the recent law.

# VIRGINIA



## 2018 SUMMARY

Virginia ranks

**27<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**3.4x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

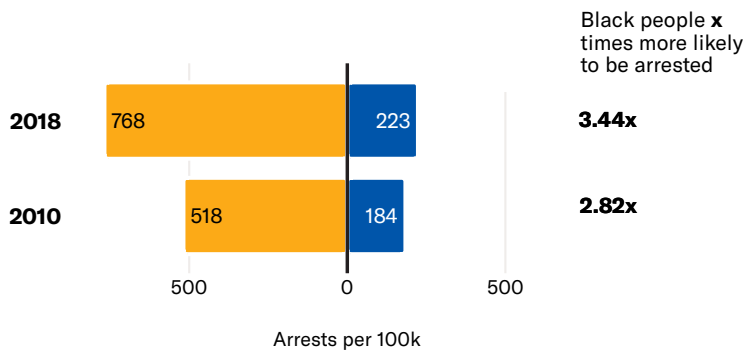
**52%**

of all drug arrests in the state ↓

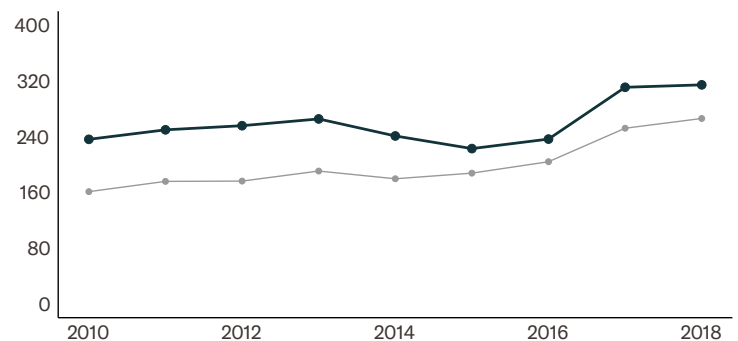
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

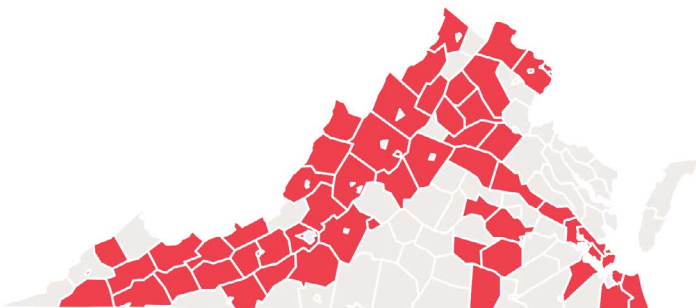


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



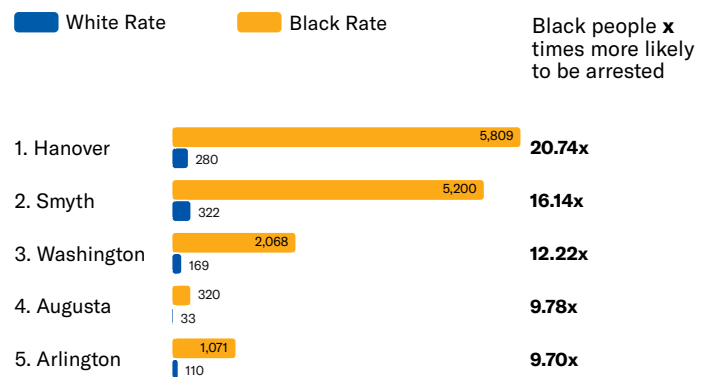
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.





## 2018 SUMMARY

Washington ranks

# 43<sup>rd</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 2.1x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

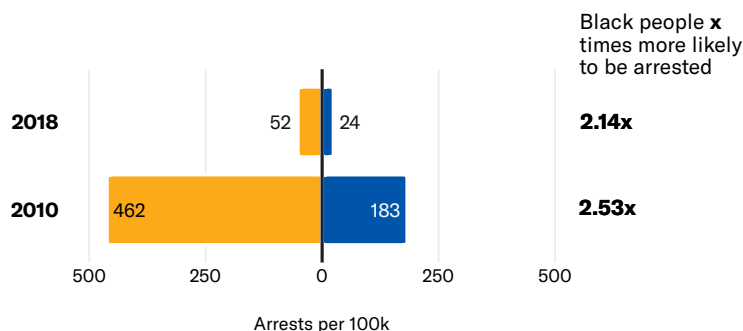
# 14%

of all drug arrests in the state ↓

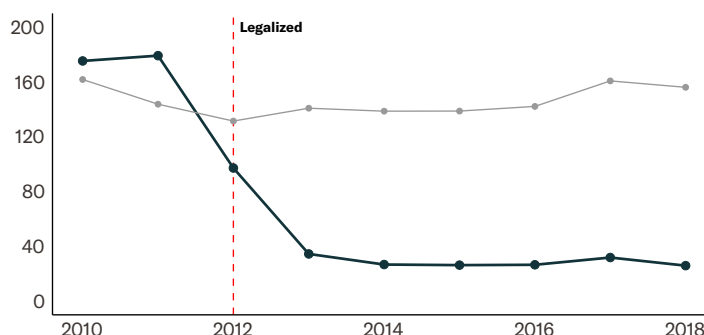
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

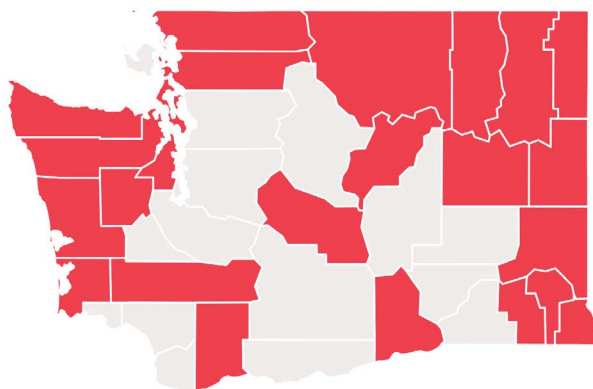


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



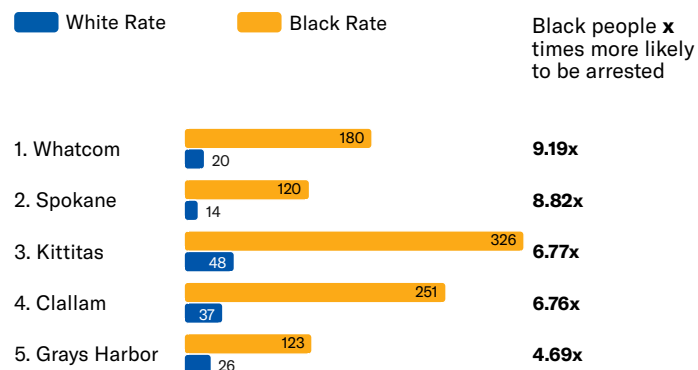
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

# WEST VIRGINIA



## 2018 SUMMARY

West Virginia ranks

**4<sup>th</sup>**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**7.3x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

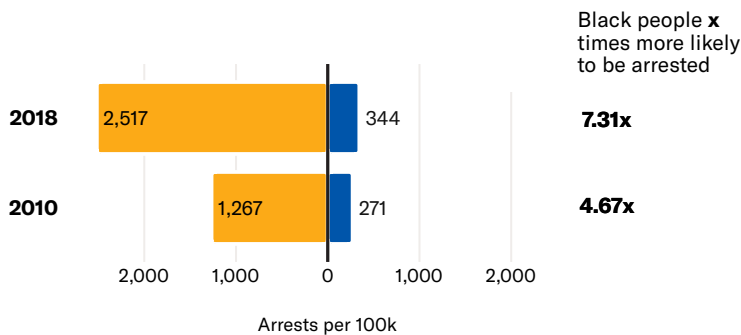
**47%**

of all drug arrests in the state ↑

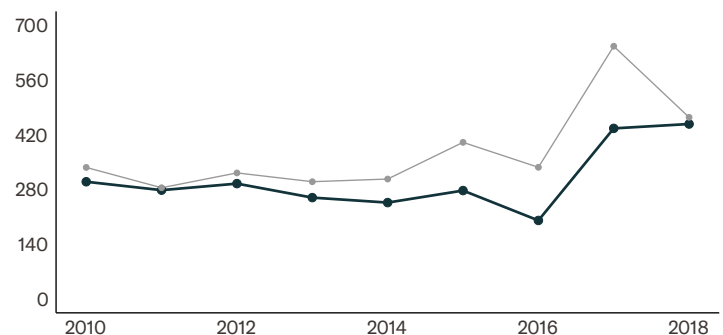
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

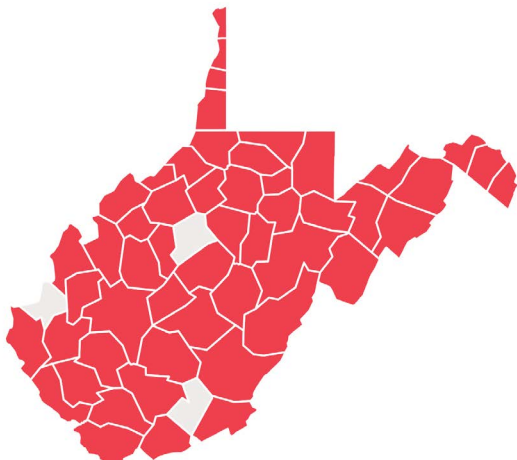


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



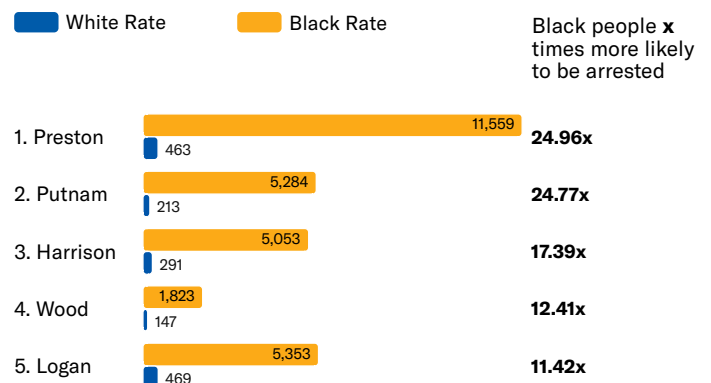
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Wisconsin ranks

# 14<sup>th</sup>

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

# 4.2x

more likely than **white** people to be arrested for marijuana possession ↓

Arrests for the **possession** of marijuana made up

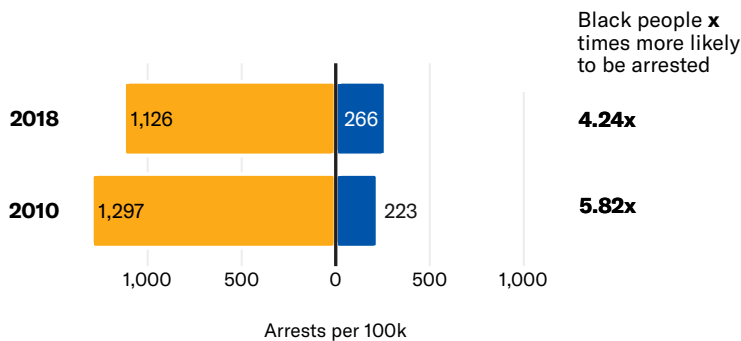
# 57%

of all drug arrests in the state ↓

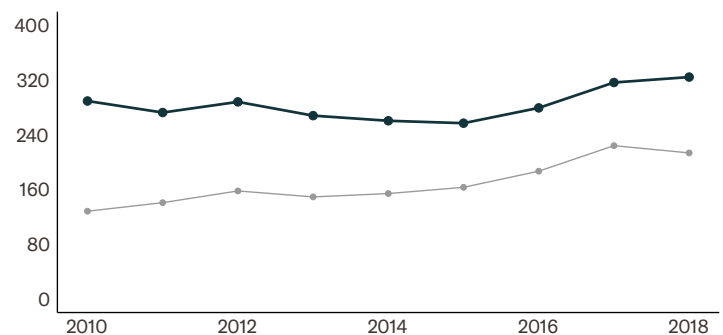
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

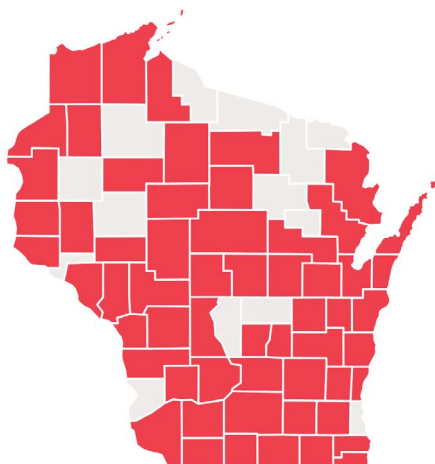


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



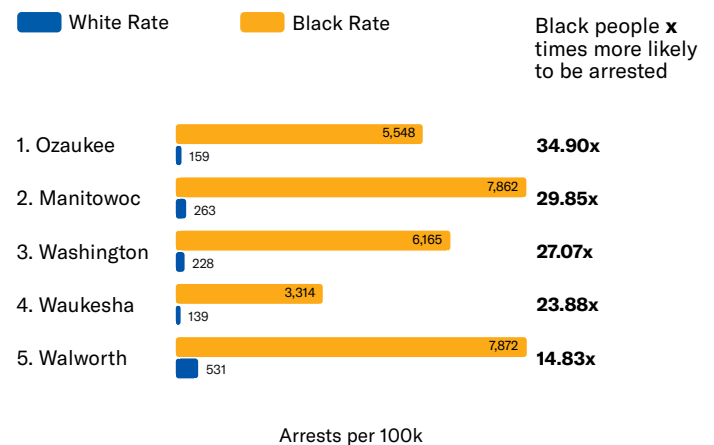
## BY THE COUNTY

All counties with **racial disparities** above the national average (3.64x)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a Black pop. of >1%, a data coverage of >50%, and at least 25 marijuana possession arrests are included.



Arrests per 100k

## 2018 SUMMARY

Wyoming ranks

**9th**

in the nation for largest racial disparities in arrests for marijuana possession

Black people were

**5.2x**

more likely than **white** people to be arrested for marijuana possession ↑

Arrests for the **possession** of marijuana made up

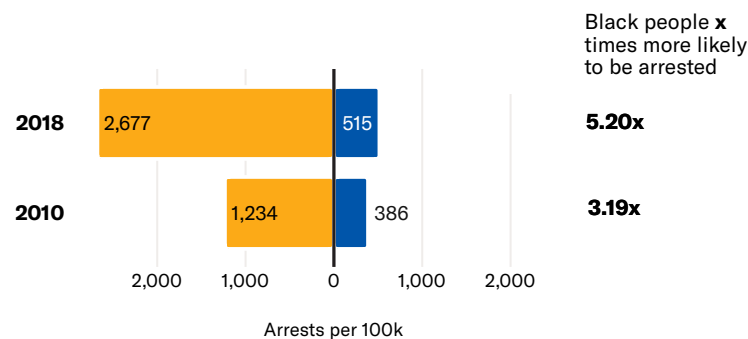
**59%**

of all drug arrests in the state ↓

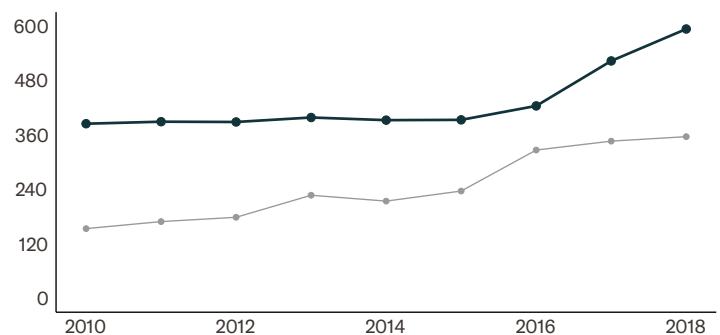
Direction of → indicates increase or decrease since 2010.

## ARRESTS OVER TIME

Rates of **Black arrests** compared to **white arrests** for marijuana possession, per 100k people

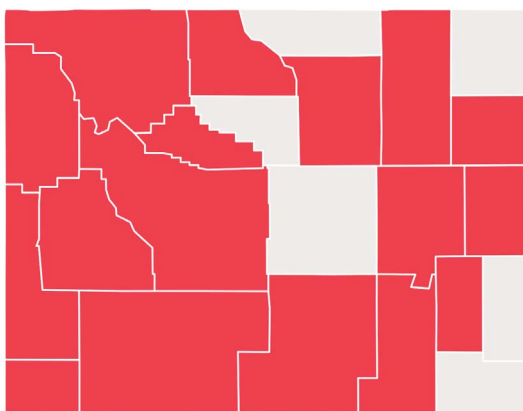


Statewide **marijuana possession** arrest rates compared to all other drug arrest rates, per 100k people



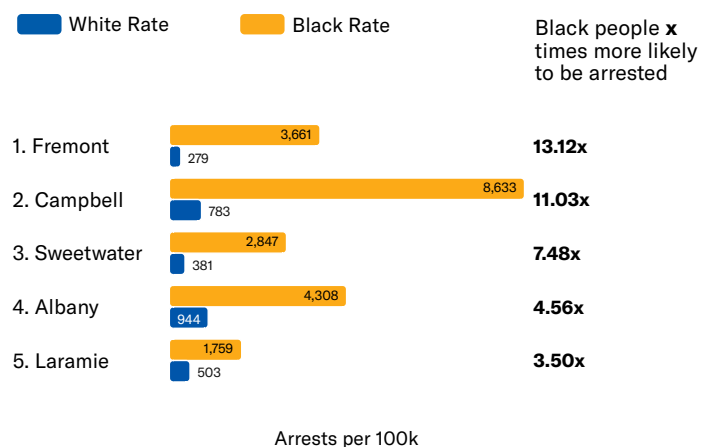
## BY THE COUNTY

All counties with **racial disparities** above the national average (**3.64x**)



### Counties with the largest racial disparities

Counties with a pop. of >30,000, a data coverage of >50% and at least 25 marijuana possession arrests are included.



Arrests per 100k

# Appendices



APPENDIX TABLE A

Arrest Rates and Racial Disparities per State (2018)

						% Change Since 2010	
State	Marijuana Arrest Rate	Marijuana Possession Arrest Rate	Black Possession Arrest Rate	White Possession Arrest Rate	Rate Ratio	Racial Disparities	Possession Rate
Alabama	63.06	55.82	128.03	31.01	4.13	16.7%	-51.7%
Alaska	57.72	53.35	70.82	45.40	1.56	-26.1%	-45.0%
Arizona	220.01	208.75	580.65	190.90	3.04	32.8%	-24.4%
Arkansas	358.79	322.12	648.46	271.21	2.39	-22.7%	4.3%
California	13.79	9.14	18.12	10.00	1.81	-16.6%	-92.5%
Colorado	91.00	82.20	130.51	84.90	1.54	-16.3%	-59.8%
Connecticut	64.77	49.85	152.57	37.91	4.02	7.2%	-56.4%
Delaware	118.90	89.33	222.45	53.57	4.15	38.3%	-50.3%
Georgia	499.68	428.81	804.32	271.82	2.96	1.4%	-8.1%
Hawai'i	59.18	55.78	130.90	73.42	1.78	81.6%	-33.7%
Idaho	351.37	332.16	1026.94	263.83	3.89	36.5%	-13.1%
Illinois	76.17	43.01	137.84	18.36	7.51	118.3%	-67.0%
Indiana	286.73	247.61	712.06	204.01	3.49	-6.4%	-11.0%
Iowa	147.80	133.82	776.28	106.90	7.26	-14.1%	-16.0%
Kansas	99.80	80.56	323.84	66.94	4.84	12.0%	26.2%
Kentucky	170.07	141.72	788.34	84.19	9.36	60.0%	-38.7%
Louisiana	459.82	412.48	795.52	237.31	3.35	1.8%	2.9%
Maine	61.64	54.99	214.84	53.89	3.99	90.9%	-58.6%
Maryland	317.86	279.40	470.16	220.74	2.13	-24.2%	0.0%
Massachusetts	13.13	4.52	14.76	3.65	4.04	18.5%	-72.4%
Michigan	156.98	140.95	373.80	104.06	3.59	9.8%	-10.5%
Minnesota	158.83	126.71	536.94	100.02	5.37	-32.4%	-18.9%
Mississippi	348.68	294.78	478.88	176.39	2.71	-12.3%	-12.9%
Missouri	359.93	340.28	780.94	296.38	2.63	4.4%	-11.6%
Montana	135.19	127.62	1064.23	110.60	9.62	175.6%	-38.2%
Nebraska	453.58	409.42	1163.94	379.73	3.07	-30.2%	-31.2%
Nevada	95.60	76.65	212.26	69.72	3.04	-24.0%	-62.4%
New Hampshire	219.20	202.10	803.40	195.28	4.11	65.1%	-30.9%
New Jersey	404.67	369.54	1007.96	292.49	3.45	22.8%	23.3%
New Mexico	249.93	225.71	837.21	210.54	3.98	118.7%	53.4%
New York	300.26	287.76	597.59	227.53	2.63	-44.4%	-5.8%
North Carolina	256.40	234.85	528.27	162.03	3.26	-2.4%	-3.0%
North Dakota	354.04	332.52	1437.25	260.99	5.51	25.2%	-18.2%
Ohio	272.79	248.68	526.73	153.48	3.43	-10.9%	0.9%
Oklahoma	229.69	199.25	719.47	169.62	4.24	42.3%	-20.9%
Oregon	77.00	69.54	130.90	71.74	1.82	2.8%	-67.0%
Pennsylvania	264.87	226.52	577.96	190.40	3.04	-36.7%	9.9%
Rhode Island	49.93	37.80	110.17	33.17	3.32	28.2%	-70.3%
South Carolina	753.11	673.26	1420.68	412.27	3.45	25.0%	-9.6%
South Dakota	746.68	695.86	2147.03	426.35	5.04	0.2%	-18.1%
Tennessee	387.44	343.94	820.16	255.09	3.22	-20.3%	-2.9%
Texas	259.08	244.12	561.60	213.99	2.62	12.4%	-19.0%
Utah	372.71	343.37	1526.97	310.43	4.92	27.5%	6.8%
Vermont	33.56	21.54	126.26	20.83	6.06	46.4%	-78.0%
Virginia	344.02	314.33	768.01	223.37	3.44	22.0%	-6.5%
Washington	30.94	25.90	52.18	24.44	2.14	-15.4%	-71.2%
West Virginia	496.32	447.32	2516.95	344.26	7.31	56.5%	9.9%
Wisconsin	360.59	324.37	1125.85	265.58	4.24	-27.1%	-10.0%
Wyoming	655.00	592.89	2677.27	515.27	5.20	63.0%	-13.3%

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data Note: Florida and Washington, D.C. did not provide data.

## APPENDIX TABLE B

## Drug Arrests and Populations per State (2018)

State	All Drugs	Total Marijuana	Total Marijuana Possession	Black Marijuana Possession	White Marijuana Possession	Black Pop.	White Pop.	Total Pop.
Alabama	13,598	3,082	2,729	1,678	1,048	1,310,802	3,379,955	4,887,871
Alaska	1,112	410	378	20	214	27,534	470,249	709,419
Arizona	34,447	15,778	14,971	2,115	11,335	364,280	5,937,806	7,171,646
Arkansas	19,762	10,692	9,599	3,038	6,391	468,475	2,356,410	2,980,124
California	212,967	5,454	3,614	463	2,853	2,556,000	28,531,740	39,557,045
Colorado	18,601	5,183	4,682	339	4,210	259,711	4,959,310	5,695,564
Connecticut	8,348	2,314	1,781	655	1,084	429,298	2,859,280	3,572,665
Delaware	3,705	1,150	864	494	360	222,070	672,019	967,171
Georgia	86,508	52,471	45,029	27,381	17,259	3,404,212	6,349,613	10,501,080
Hawai'i	1,873	679	640	38	199	29,030	271,056	1,147,287
Idaho	11,980	6,164	5,827	162	4,306	15,775	1,632,188	1,754,208
Illinois	34,938	9,694	5,474	2,564	1,795	1,860,101	9,777,446	12,726,363
Indiana	37,129	19,187	16,570	4,691	11,617	658,729	5,694,468	6,691,878
Iowa	6,994	4,236	3,835	937	2,766	120,754	2,587,507	2,866,103
Kansas	4,481	2,896	2,338	578	1,678	178,520	2,506,434	2,902,183
Kentucky	32,001	7,600	6,333	2,964	3,295	375,972	3,913,936	4,468,402
Louisiana	37,271	21,331	19,135	12,095	6,919	1,520,428	2,915,478	4,638,940
Maine	3,698	825	736	47	682	21,877	1,265,648	1,338,404
Maryland	33,974	19,208	16,883	8,781	7,842	1,867,592	3,552,355	6,042,718
Massachusetts	10,489	906	312	91	204	617,097	5,577,194	6,902,149
Michigan	30,255	15,691	14,089	5,265	8,246	1,408,392	7,923,927	9,995,915
Minnesota	20,609	8,912	7,110	2,043	4,719	380,414	4,718,176	5,611,179
Mississippi	20,018	10,413	8,804	5,406	3,116	1,128,912	1,766,301	2,986,530
Missouri	41,987	22,038	20,835	5,658	15,053	724,513	5,079,051	6,122,811
Montana	3,001	1,431	1,351	66	1,041	6,233	941,588	1,058,637
Nebraska	16,289	8,751	7,899	1,149	6,469	98,757	1,703,446	1,929,268
Nevada	11,851	2,901	2,326	649	1,571	305,848	2,253,711	3,034,392
New Hampshire	6,357	2,973	2,741	187	2,469	23,293	1,264,217	1,356,458
New Jersey	60,138	36,050	32,921	13,484	18,767	1,337,754	6,416,347	8,908,520
New Mexico	8,727	5,237	4,730	449	3,619	53,576	1,718,901	2,095,428
New York	104,911	58,678	56,234	20,603	30,989	3,447,729	13,619,931	19,542,209
North Carolina	45,491	26,565	24,333	12,148	11,860	2,299,469	7,319,785	10,360,922
North Dakota	5,420	2,691	2,527	368	1,727	25,620	661,549	760,077
Ohio	58,008	31,887	29,069	7,996	14,690	1,517,999	9,571,522	11,689,442
Oklahoma	18,917	9,057	7,857	2,208	4,960	306,890	2,924,365	3,943,079
Oregon	15,979	3,227	2,914	122	2,609	92,958	3,635,926	4,190,713
Pennsylvania	69,838	33,922	29,010	8,851	19,947	1,531,457	10,476,085	12,807,060
Rhode Island	2,234	528	400	97	294	88,411	887,259	1,057,315
South Carolina	71,336	38,289	34,229	19,607	14,361	1,380,145	3,483,455	5,084,127
South Dakota	11,073	6,587	6,139	451	3,175	20,956	743,971	867,926
Tennessee	55,644	26,230	23,285	9,478	13,559	1,155,631	5,315,272	6,770,010
Texas	160,681	74,307	70,017	20,628	48,373	3,673,157	22,605,330	28,681,023
Utah	26,938	11,782	10,854	698	8,896	45,700	2,865,634	3,161,105
Vermont	1,121	210	135	11	123	8,753	589,986	626,299
Virginia	51,963	29,303	26,774	12,989	13,221	1,691,267	5,918,670	8,517,685
Washington	14,089	2,331	1,952	168	1,453	322,826	5,944,924	7,535,591
West Virginia	17,349	8,963	8,078	1,642	5,811	65,231	1,687,993	1,805,832
Wisconsin	33,373	20,963	18,857	4,380	13,448	389,047	5,063,526	5,813,568
Wyoming	5,841	3,784	3,425	202	2,756	7,557	534,943	577,737

Source: FBI/Uniform Crime Reporting Program Data and U.S. Census Data. Note: Florida and Washington, D.C. did not provide data.

APPENDIX TABLE C

**Marijuana Laws for all U.S. States and D.C., Years Enacted, as of March 2020**

State	Legalized	Decriminalized	Legalized Medical
Alabama			
Alaska <sup>68</sup>	2014		1998
Arizona <sup>69</sup>			2010
Arkansas <sup>70</sup>			2016
California <sup>71</sup>	2016	2010	1996
Colorado <sup>72</sup>	2012		2000
Connecticut <sup>73</sup>		2011	2012
Delaware <sup>74</sup>		2015	2011
District of Columbia <sup>75</sup>	2014		1998/2010
Florida <sup>76</sup>			2016
Georgia <sup>77</sup>			2019
Hawai'i <sup>78</sup>		2019	2000
Idaho			
Illinois <sup>79</sup>	2019	2016	2013
Indiana			
Iowa			
Kansas			
Kentucky			
Louisiana <sup>80</sup>			2016/2018
Maine <sup>81</sup>	2016		1999/2009
Maryland <sup>82</sup>		2014	2014
Massachusetts <sup>83</sup>	2016	2008	2012
Michigan <sup>84</sup>	2018		2008
Minnesota <sup>85</sup>		1976	2014
Mississippi <sup>86</sup>		1978	
Missouri <sup>87</sup>		2014	2018
Montana <sup>88</sup>			2004/2016
Nebraska <sup>89</sup>		1979	
Nevada <sup>90</sup>	2016		1998/2000
New Hampshire <sup>91</sup>		2017	2013
New Jersey <sup>92</sup>			2010
New Mexico <sup>93</sup>		2019	2007
New York <sup>94</sup>		2019	2014
North Carolina <sup>95</sup>		1977	
North Dakota <sup>96</sup>		2019	2016
Ohio <sup>97</sup>		1975	2016
Oklahoma <sup>98</sup>			2019
Oregon <sup>99</sup>	2014		1998
Pennsylvania <sup>100</sup>			2016
Rhode Island <sup>101</sup>		2012	2006
South Carolina			
South Dakota			
Tennessee			
Texas			
Utah <sup>102</sup>			2018
Vermont <sup>103</sup>	2018	2013	2004
Virginia			
Washington <sup>104</sup>	2012		1998
West Virginia <sup>105</sup>			2017
Wisconsin			
Wyoming			

# Endnotes

- 1 American Civil Liberties Union, *The War on Marijuana in Black and White* (New York: ACLU, June 2013), <https://www.aclu.org/report/report-war-marijuana-black-and-white?redirect=criminal-law-reform/war-marijuana-black-and-white>.
- 2 Throughout this report we capitalize “Black” when referring to Black people, whereas we do not capitalize “white” when referring to white people. Capitalizing “Black” allows for Black populations to be written about in the same manner as other ethnic groups, such as Latinx, Asian, or British. However, “white” remains lowercase as it is not a similar ethnic signifier. The capitalization of “Black” also raises the visibility and prominence of a population who has often been erased, marginalized, and stripped of its importance. In adopting this style, we follow other organizations that have officially adapted their editorial style in this manner, such as the [Brookings Institute](#), [Conscious Company](#), and [DiversityInc](#), among others.
- 3 This report includes data from 49 of the 50 U.S. states. Florida and Washington, D.C., do not report data to the FBI’s Uniform Crime Reporting (UCR) Program, and, thus, we submitted Freedom of Information Act (FOIA) requests to Washington, D.C.’s Metropolitan Police Department (MPD) and the Florida Department of Law Enforcement. Despite the D.C. Mayor’s Office of Legal Counsel ruling ordering MPD to produce responsive records within five business days, D.C. did not provide data in an appropriate, timely manner for analysis in this report. Florida refused to provide any data in response to the FOIA request.
- 4 The reason that possession arrest rates do not drop to zero even when possession of marijuana is legalized or decriminalized is that there remain certain circumstances where individuals still can be arrested for marijuana possession. The specific reasons for these possible arrests somewhat differ by state, but common examples include possession arrests for juveniles to whom legalization does not apply, or violations of specific elements of the law, such as exceeding the legal amount permitted to possess or using marijuana in a prohibited location.
- 5 Pew Research Center, *Race in America 2019* (Washington, D.C.: Pew Research Center, April 2019), <https://www.pewsocialtrends.org/2019/04/09/race-in-america-2019/>. This report finds that Latinx people are more likely to be identified as white than Black, and that Latinx people perceived as nonwhite are more likely to report experiencing discrimination or being treated unfairly because of their race than those perceived as white.
- 6 Joseph E. Kennedy, Isaac Unah, and Kasi Wahlers, “Sharks and Minnows in the War on Drugs: A Study of Quantity, Race and Drug Type in Drug Arrests,” *UC Davis Law Review* 52, no. 2 (December 2018): 743, [https://lawreview.law.ucdavis.edu/issues/52/2/Articles/52-2\\_Kennedy.pdf](https://lawreview.law.ucdavis.edu/issues/52/2/Articles/52-2_Kennedy.pdf).
- 7 Washington (2012), Colorado (2012), Oregon (2014), Alaska (2014), Washington, D.C. (2014), California (2016), Massachusetts (2016), Maine (2016), Nevada (2016), Vermont (2018), Michigan (2018), and Illinois (2019).
- 8 Before legalizing marijuana for recreational use, many of the states mentioned passed decriminalization measures. To date, 15 states have decriminalized marijuana but have not legalized it for recreational consumption (see Appendix, Table C for full list and dates).
- 9 Mike Males and Lizzie Buchen, *Reforming Marijuana Laws: Which Approach Best Reduces the Harms of Criminalization? A Five-State Analysis* (San Francisco: Center on Juvenile and Criminal Justice, September 2014), [http://www.cjcj.org/uploads/cjcj/documents/cjcj\\_marijuana\\_reform\\_comparison.pdf](http://www.cjcj.org/uploads/cjcj/documents/cjcj_marijuana_reform_comparison.pdf). See also Drug Policy Alliance, *Marijuana Decriminalization and Legalization* (New York: DPA, February 2018), [http://www.drugpolicy.org/sites/default/files/marijuanalegalizationanddecriminalization\\_factsheet\\_feb2018\\_0.pdf](http://www.drugpolicy.org/sites/default/files/marijuanalegalizationanddecriminalization_factsheet_feb2018_0.pdf).
- 10 Drug Policy Alliance, *From Prohibition to Progress: A Status Report on Marijuana Legalization* (New York: DPA, January 2018), [http://www.drugpolicy.org/sites/default/files/dpa\\_marijuana\\_legalization\\_report\\_feb14\\_2018\\_0.pdf](http://www.drugpolicy.org/sites/default/files/dpa_marijuana_legalization_report_feb14_2018_0.pdf).
- 11 “FBI: Marijuana Arrests Rise for Third Year in a Row, Outpace Arrests for All Violent Crimes,” National Organization for the Reform of Marijuana Laws, October 3, 2019, <https://norml.org/news/2019/10/03/fbi-marijuana-arrests-rise-for-third-year-in-a-row-outpace-arrests-for-all-violent-crimes>.
- 12 ACLU, *The War on Marijuana in Black and White*.
- 13 Throughout this report we capitalize “Black” when referring to Black people, whereas we do not capitalize “white” when referring to white people. Capitalizing “Black” allows for Black populations to be written about in the same manner as other ethnic groups, such as Latinx, Asian, or British. However, “white” remains lowercase as it is not a similar ethnic signifier. The capitalization of “Black” also raises the visibility and prominence of a population who has often been erased, marginalized, and stripped of its importance. In adopting this style, we follow other organizations that have officially adapted their editorial style in this manner, such as the [Brookings Institute](#), [Conscious Company](#), and [DiversityInc](#), among others.
- 14 Craig Reinerman, “Social Construction of Drug Scares,” in *Constructions of Deviance: Social Power, Context, and Interaction*, eds. Patricia A. Adler and Peter Adler (Belmont, CA: Wadsworth Publishing Co., 1994), 92–105; Matthew D. Lassiter, “Impossible Criminals: The Suburban Imperatives of America’s War on Drugs,” *Journal of American History* 102, no. 1 (June 2015): 126–40, <https://doi.org/10.1093/jahist/jav243>; Laura Smith, “How a Racist Hate-Monger Masterminded America’s War on Drugs,” *Timeline*, February 28, 2018, <https://timeline.com/harry-anslinger-racist-war-on-drugs-prison-industrial-complex-fb5cbc281189?gi=cbf7ef9a2741>; David McDonald, “The Racist Roots of Marijuana Prohibition,” Foundation for Economic Education, April 11, 2017, <https://fee.org/articles/the-racist-roots-of-marijuana-prohibition>.
- 15 Dan Baum, “Legalize It All,” *Harper’s Magazine*, April 2016, <https://harpers.org/archive/2016/04/legalize-it-all>.
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- York: Human Rights Watch, October 2016), [https://www.hrw.org/sites/default/files/report\\_pdf/usdrug1016\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/usdrug1016_web_0.pdf).
- 17 Lucas Laursen, “Canada Today Becomes the Second Country to Legalize Weed. Here’s What It Can Learn From the First,” *Fortune Magazine*, October 17, 2018, <https://fortune.com/2018/10/17/canada-marijuana-weed-legalization-uruguay/>.
  - 18 Justin McCarthy, “Two in Three Americans Now Support Legalizing Marijuana,” Gallup, October 22, 2018, <https://news.gallup.com/poll/243908/two-three-americans-support-legalizing-marijuana.aspx>.
  - 19 James Cole, memorandum for all United States attorneys, “Guidance Regarding Marijuana Enforcement,” August 29, 2013, <https://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.
  - 20 Ashley Southall and Jack Healy, “U.S. Won’t Sue to Reverse States’ Legalization of Marijuana,” *New York Times*, August 29, 2013, <https://www.nytimes.com/2013/08/30/us/politics/us-says-it-wont-sue-to-undo-state-marijuana-laws.html>.
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  - 22 German Lopez, “January Was the Biggest Month yet for Marijuana Legalization, Despite Trump’s New War on Pot,” *Vox*, January 31, 2018, <https://www.vox.com/policy-and-politics/2018/1/31/16924726/marijuana-legalization-california-vermont-january-2018>.
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  - 24 John G. Roberts Jr., *2019 Year-End Report on the Federal Judiciary* (Washington, D.C.: Public Information Office of the United States Supreme Court, December 2019), <https://www.supremecourt.gov/publicinfo/year-end/2019year-endreport.pdf>.
  - 25 Sara Brittany Somerset, “Attorney General Barr Favors a More Lenient Approach to Cannabis Prohibition,” *Forbes*, April 15, 2019, <https://www.forbes.com/sites/sarabrittany Somerset/2019/04/15/attorney-general-barr-favors-a-more-lenient-approach-to-cannabis-legalization/#7ca35a2ec4c8>.
  - 26 Benjamin Goggin, “Black People Face Big Barriers Entering the Legal Weed Industry,” *Vice*, September 20, 2018, [https://www.vice.com/en\\_us/article/yw4pkw/weed-industry-equity-Black-business](https://www.vice.com/en_us/article/yw4pkw/weed-industry-equity-Black-business).
  - 27 “Marijuana Justice Coalition Asserts Statement of Principles on Federal Marijuana Reform,” Human Rights Watch, July 9, 2019, <https://www.hrw.org/news/2019/07/09/marijuana-justice-coalition-asserts-statement-principles-federal-marijuana-reform#>.
  - 28 Harry G. Levine and Deborah Peterson Small, *Marijuana Arrest Crusade* (New York: New York Civil Liberties Union, April 2008), <http://marijuana-arrests.com/docs/MARIJUANA-ARREST-CRUSADE.pdf>.
  - 29 In February 2019, the Bronx Public Defenders addressed this matter during their testimony before the New York City Council on the subject of marijuana legalization and policing in their city. “The truth is that marijuana enforcement is rarely about marijuana. It has always been a vehicle for policing and surveillance and social control of certain communities. If we want to get to the heart of the problem, we need to address these issues. Our clients have long been targeted by the NYPD for marijuana enforcement based on their race and socioeconomic status. The legalization effort must take this into account and make them whole. Anything short of this is unacceptable.” Eli Northrup, written testimony, “Hearing re: Marijuana Legalization: Equity and Justice for NYC” (February 27, 2019), <https://www.bronxdefenders.org/wp-content/uploads/2019/03/City-Council-Testimony-Marijuana.pdf>.
  - 30 Amanda Geller, Jeffrey Fagan, Tom Tyler, and Bruce G. Link, “Aggressive Policing and the Mental Health of Young Urban Men,” *American Journal of Public Health* 104, no. 12 (December 2014): 2321–2327, <https://doi.org/10.2105/AJPH.2014.302046>.
  - 31 Substance Abuse and Mental Health Service Administration, *Results from the 2018 National Survey on Drug Use and Health: Detailed Tables* (Washington, D.C.: SAMHSA, August 2019), <https://www.samhsa.gov/data/sites/default/files/cbhsq-reports/NSDUHDetailedTabs2018R2/NSDUHDetailedTabs2018.pdf>. See Table 1.26B, which finds that in 2018, reported marijuana use during the prior year among individuals age 18 and older was 16.8% for white people and 18.2% for Black people.
  - 32 “Overall, marijuana dominates all other types of drugs in terms of arrests. Black and Hispanic people are arrested disproportionately in terms of their share of the overall population.” Kennedy, “Sharks and Minnows,” 746–747.
  - 33 Sagiv Galai, “Equity Must Be at the Heart of Marijuana Legalization,” ACLU, June 26, 2019, <https://www.aclu.org/blog/criminal-law-reform/drug-law-reform/equity-must-be-heart-marijuana-legalization>.
  - 34 Manhattan District Attorney’s Office, “DA Vance: Marijuana Prosecutions Down 94% in First Quarter of New Policy,” press release, November 1, 2018, <https://www.manhattanda.org/da-vance-marijuana-prosecutions-down-94-in-first-quarter-of-new-policy/>.
  - 35 Jolie McCullough, “Austin Police Chief: We Will Still Ticket, Arrest for Marijuana,” *Texas Tribune*, January 24, 2020, <https://www.texastribune.org/2020/01/24/austin-texas-police-chief-marijuana-arrests-will-continue/>.
  - 36 In 2003, Seattle voters approved a measure that set marijuana policing as low law enforcement priority. At least 15 other cities have followed Seattle’s footsteps. “Seattle Voters Approve Initiative Making Marijuana Enforcement City’s ‘Lowest Priority,’” National Organization for the Reform of Marijuana Laws, September 18, 2003, <https://norml.org/news/2003/09/18/seattle-voters-approve-initiative-making-marijuana-enforcement-city-s-lowest-priority>.
  - 37 States are categorized based on their most liberal law to date. For example, a state that legalized marijuana for medical use and later legalized recreational use is counted among “legalized.” See Appendix, Table C for full list of marijuana laws by state.
  - 38 “Any changes to Wisconsin’s current marijuana policy appear unlikely, with state lawmakers recently saying they won’t consider a proposal to allow medical use. But that isn’t stopping state residents from going to Illinois to buy legal weed.” Corrinne Hess, “Wisconsin Residents Head to Illinois to Buy Legal Weed,” *Wisconsin Public Radio*, January 2, 2020, <https://www.wpr.org/wisconsin-residents-head-illinois-buy-legal-weed>.



- 39 “These Nonviolent Inmates Serving Life without Parole for Marijuana Need Clemency from President Trump,” Life for Pot, accessed March 3, 2020, <https://www.lifeforpot.com/inmates-over-62.html>.
- 40 Using UCR data, the FBI reported that in 2018, law enforcement officials across the country had made more than 10 million arrests. Of these, 521,103 were for “violent crime.” As noted in our report, that is less than the total marijuana arrests made that year. See Federal Bureau of Investigation, *Crime in the United States, 2018* (Washington, D.C.: U.S. Department of Justice, 2019), <https://ucr.fbi.gov/crime-in-the-u.s/2018/crime-in-the-u.s.-2018/topic-pages/persons-arrested.pdf>.
- 41 The National Archive of Criminal Justice Data produced the arrest data by age, sex, and race for all years up until 2016. Since the FBI moved to an incident bases system, they have yet to publish results for 2017–2018. We used the FBI’s API for their new system to acquire marijuana arrest data for 2017–2018 (as detailed in the Methodology and Limitations section), but the data is currently not available for other drug types.
- 42 Violent crimes, according to the FBI’s definition, include murder and non-negligent manslaughter, rape, robbery, and aggravated assault.
- 43 We provide profiles for 49 states. There are no profiles for Florida and Washington, D.C. because they failed to provide us data for this report (see Methodology and Limitations section for more detailed information).
- 44 The states that passed laws in the 1970s were often quite limited in terms of the scope of activity decriminalized or contained loopholes that police departments could exploit, and thus were less comprehensive than the more recent decriminalization laws that have been enacted. For that reason, and because this report is focused on marijuana arrests between 2010–2018, which is also the extent of the marijuana arrest data we sought, we have only analyzed arrest data pre-and post-decriminalization individually by state for states that have enacted such laws since 2010 (shown in Figure 8). However, the states that decriminalized in the 1970s are included in the aggregate analysis of all decriminalized states (as shown in Figure 6).
- 45 As discussed in greater detail in Endnote 4, possession arrest rates do not drop to zero even when possession of marijuana is legalized or decriminalized because there remain certain circumstances in which individuals can still be arrested for marijuana possession.
- 46 The national rate ratio of racial disparities in 2018 (3.64) is higher than the 2018 rate ratios for all three of the subgroups in Figure 6 (Fully Illegal, Decriminalized, Legal) because white people are more likely than Black people to live in a state that has legalized marijuana. Baseline rates of arrests for both racial groups are much lower in states that have legalized, but only 10.6% of the Black people in this analysis live in a legalized state, compared to 22.6% of white people. For background information, see Agresti, Alan. *Categorical data analysis*. Wiley-Interscience, 1990 or Good, I. J., and Y. Mittal. “The amalgamation and geometry of two-by-two contingency tables.” *The Annals of Statistics* (1987): 694-711.
- 47 While a handful of states passed laws in the 1970s removing criminal penalties for certain marijuana offenses (see Table 5), such laws were often quite limited in terms of the scope of activity decriminalized or contained loopholes that police departments could take advantage of, and thus were less comprehensive than the more recent decriminalization laws states have enacted. For that reason, and because this report is focused on marijuana arrests between 2010–2018, which is also the extent of the marijuana arrest data we sought, we have only analyzed arrest data pre-and post-decriminalization individually by state for states that have enacted such laws since 2010 (shown in Figure 8).
- 48 David Brand, “Nearly Every Single Person Arrested for Weed in NYC This Year Was Black or Latinx,” *Queens Daily Eagle*, August 21, 2019, <https://queenseagle.com/all/nearly-every-single-person-arrested-for-weed-in-nyc-this-year-was-black-or-latinx>.
- 49 ACLU, *The War on Marijuana in Black and White*.
- 50 SAMSHA, *Results from the 2018 National Survey on Drug Use and Health*. See Table 1.26B.
- 51 For a total of 49 states, as Florida and Washington, D.C., did not provide data for this report (see Methodology and Limitations section for further details).
- 52 Counties have >50% coverage when more than 50% of their population is covered by an agency that reports 12 months of data to the UCR Program. More information on coverage is available in the Methodology and Limitations section of this report.
- 53 ACLU, *The War on Marijuana in Black and White*, 110-112.
- 54 *Id.*
- 55 Drug Policy Alliance, *From Prohibition to Progress*, 7.
- 56 Ben Markus, “As Adults Legally Smoke Pot in Colorado, More Minority Kids Arrested For It,” *National Public Radio*, June 29, 2016, <https://www.npr.org/2016/06/29/483954157/as-adults-legally-smoke-pot-in-colorado-more-minority-kids-arrested-for-it>.
- 57 ACLU of North Carolina, *At All Costs: The Consequences of Rising Court Fines and Fees in North Carolina* (Raleigh, NC: ACLU, April 2019): 38-9, [https://www.acluofnorthcarolina.org/sites/default/files/field\\_documents/aclu\\_nc\\_2019\\_fines\\_and\\_fees\\_report\\_17\\_singles\\_final.pdf](https://www.acluofnorthcarolina.org/sites/default/files/field_documents/aclu_nc_2019_fines_and_fees_report_17_singles_final.pdf).
- 58 *Id.*
- 59 In jurisdictions where nonpayment can still result in incarceration, individuals must be provided with an attorney.
- 60 See ACLU Drug Policy Litigation Project, *Collateral Consequences of the War on Drugs* (New Haven, CT: ACLU, January 2003), [https://www.aclu.org/sites/default/files/field\\_document/final%20brochure.pdf](https://www.aclu.org/sites/default/files/field_document/final%20brochure.pdf).
- 61 Mariah Woelfel, “How Is Marijuana Expungement Working in Illinois?,” *National Public Radio*, October 17, 2019, <https://www.npr.org/local/309/2019/10/17/770701388/how-is-marijuana-expungement-working-in-illinois>.
- 62 See Allie Howell, *Criminal Conviction Restrictions for Marijuana Licensing* (Los Angeles: Reason Foundation, September 2018), 7–11, <https://reason.org/wp-content/uploads/criminal-conviction-restrictions-for-marijuana-licensing.pdf>.
- 63 See “Lowest Law Enforcement Priority Jurisdictions,” Marijuana Policy Project, <https://www.mpp.org/issues/criminal-justice/>

- lowest-law-enforcement-priority-jurisdictions/.  
See also San Francisco, Cal., Admin. Code § 96B, Policy Making Marijuana Offenses the Lowest Law Enforcement Priority.
- 64 See End Racial Profiling Act of 2015, H.R. 1933, 114th Cong. (2015). See also The Racial and Identity Profiling Act of 2015, A.B. 953, 2015 Leg., Reg. Sess. (Ca. 2015); “10 Best Practices for Writing Policies Against Racial Profiling,” Southern Poverty Law Center, October 23, 2018, <https://www.splcenter.org/20181023/10-best-practices-writing-policies-against-racial-profiling>.
  - 65 Terry v. Ohio, 392 U.S. 1 (1968)
  - 66 United States Office of Management and Budget, *A Budget for America’s Future: Analytical Perspectives* (Washington, D.C.: U.S. Government Publishing Office, 2020), [https://www.whitehouse.gov/wp-content/uploads/2020/02/spec\\_fy21.pdf](https://www.whitehouse.gov/wp-content/uploads/2020/02/spec_fy21.pdf).
  - 67 See Daniel Ross, “Newark’s New Disciplinary Board Could Flex Rare Muscle over Police,” *Yes Magazine*, September 11, 2015, <https://www.yesmagazine.org/social-justice/2015/09/11/newarks-new-civilian-board-could-wield-rare-disciplinary-muscle-over-police/>; “Community Oversight,” Campaign Zero, accessed March 10, 2020, <https://www.joincampaignzero.org/oversight>.
  - 68 Alaska Medical Marijuana Act, Alaska Ballot Measure 8 (approved by voters November 1998); An Act to Tax and Regulate the Production, Sale, and Use of Marijuana, Alaska Ballot Measure 2 (approved by voters November 2014).
  - 69 Arizona Medical Marijuana Act, Arizona Ballot Proposition 203 (approved by voters November 2010).
  - 70 Arkansas Medical Marijuana Amendment, Arkansas Ballot Issue 6 (approved by voters November 2016).
  - 71 Medical Use of Marijuana Initiative, California Ballot Proposition 215 (approved by voters November 1996); An Act to Amend Section 11357 of the Health and Safety Code, and to Amend Section 23222 of the Vehicle Code, Relating to Controlled Substances, S.B. 1449, 2010 Leg., Reg. Sess. (Ca. 2010); Control, Regulate and Tax Adult Use of Marijuana Act, California Ballot Proposition 64 (approved by voters November 2016).
  - 72 Colorado Medical Use of Marijuana Initiative, Colorado Ballot Amendment 20 (approved by voters November 2000); Use and Regulation of Marijuana Initiative, Colorado Ballot Amendment 64 (approved by voters November 2012).
  - 73 An Act Concerning the Penalty for Certain Nonviolent Drug Offenses, S.B. 1014, 2011 Leg., Reg. Sess. (Ct. 2011); An Act Concerning the Palliative Use of Marijuana, H.B. 5389, 2012 Leg., Reg. Sess. (Ct. 2012).
  - 74 An Act to Amend Title 16 of the Delaware Code Creating the Delaware Medical Marijuana Act, S.B. 17, 146th Leg., Reg. Sess. (De. 2011); An Act to Amend Title 16 of the Delaware Code Relating to Marijuana, H.B. 39, 148th Leg., Reg. Sess. (De. 2015).
  - 75 Legalization of Marijuana for Medical Treatment Amendment Act of 2010, Council Act 18-429, 18th Leg., Reg. Sess. (D.C. 2010); Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative Act of 2014, Washington, D.C., Ballot Initiative Measure 71 (approved by voters November 2014).
  - 76 Florida Medical Marijuana Legalization Initiative, Florida Ballot Amendment 2 (approved by voters November 2016).
  - 77 Georgia’s Hope Act, H.B. 324, 2019 Leg., Reg. Sess. (Ga. 2019).
  - 78 Medical Use of Marijuana, S.B. 862, 20th Leg., Reg. Sess. (Hi. 2000); A Bill for an Act Relating to Marijuana, H.B. 1383, 30th Leg. Reg. Sess. (Hi. 2019).
  - 79 The Compassionate Use of Medical Cannabis Pilot Program Act, H.B. 1, 98th Leg., Reg. Sess. (Il. 2013); An Act Concerning Criminal Law, S.B. 2228, 99th Leg., Reg. Sess. (Il. 2016) (amending the Cannabis Control Act at 720 Ill. Comp. Stat. Ann. 550); The Cannabis Regulation and Tax Act, H.B. 1438, 101st Leg., Reg. Sess. (Il. 2019).
  - 80 Louisiana Therapeutic Marijuana Act, S.B. 271, 2016 Leg., Reg. Sess. (La. 2016).
  - 81 Maine Medical Marijuana for Specific Illnesses, Maine Ballot Question 2 (approved by voters November 1999), amended by Maine Medical Marijuana Initiative, Maine Ballot Question 5 (approved by voters November 2009); Marijuana Legalization Act, Maine Ballot Question 1 (approved by voters November 2016).
  - 82 An Act Concerning Medical Marijuana – Natalie M. LaPrade Medical Marijuana Commission, H.B. 881, 434th Leg., Reg. Sess. (Md. 2014). An Act Concerning Criminal Law – Possession of Marijuana – Civil Offense, S.B. 364, 434th Leg., Reg. Sess. (Md. 2014).
  - 83 An Act Establishing a Sensible State Marijuana Policy, H.B. 4468, 185th Leg., Reg. Sess. (Ma. 2008); An Initiative Petition for a Law for the Humanitarian Medical Use of Marijuana, Massachusetts Ballot Question 3 (approved by voters November 2012); The Regulation and Taxation of Marijuana Act, H.B. 3932, 189th Leg., Reg. Sess. (Ma. 2016).
  - 84 Medical Marijuana Initiative, Michigan Proposal 1 (approved by voters November 2008); Michigan Regulation and Taxation of Marijuana Act, Proposal 1 (approved by voters November 2018).
  - 85 In 1976, Minnesota amended its possession and sale laws as related to petty marijuana offenses, codified at Minn. Stat. § 152.027(a). Minnesota Medical Cannabis Therapeutic Research Act, S.F. 2470, 88th Leg., Reg. Sess. (Mn. 2014). Specifically, Minnesota eliminated the punishment of imprisonment for a first offense of possession of certain amounts of marijuana. However, it continued to classify marijuana possession as a crime, and in some cases maintained harsher criminal penalties. There is some disagreement about whether these types of laws qualify as decriminalization. However, for this report, we adopted a similar criteria as some other organizations, such as Drug Policy Alliance, Marijuana Policy Project, and NORML, classifying a state which does not impose imprisonment for first offense as a type of decriminalized state.
  - 86 In 1978, Mississippi amended its marijuana possession laws, codified at Miss. Code Ann. § 41-29-139(c)(2). Specifically, Mississippi eliminated the punishment of imprisonment for a first offense of possession of certain amounts of marijuana. However, for larger amounts and multiple offenses, it continued to classify marijuana possession as a crime, and in some cases maintained criminal penalties, including imprisonment. There is some disagreement about whether these types of laws qualify as decriminalization. However, for this report, we adopted a similar criteria as some other organizations, such as Drug Policy Alliance, Marijuana Policy



Project, and NORML, classifying a state which does not impose imprisonment for first offense as a type of decriminalized state.

- 87 An Act Modifying Provisions Relating to Criminal Law, S.B. 491, 97th Leg., 2nd Reg. Sess. (Mo. 2014); Medical Marijuana and Veteran Healthcare Services Initiative, Missouri Amendment 2 (approved by voters November 2018). Specifically, Missouri eliminated the punishment of imprisonment for a first offense of possession of marijuana, however it continues to classify marijuana possession as a crime, and in some cases maintain criminal penalties. There is some disagreement about whether these types of laws qualify as decriminalization. However, for this report, we adopted a similar criteria as some other organizations, such as Drug Policy Alliance, Marijuana Policy Project, and NORML, classifying a state which does not impose imprisonment for first offense as a type of decriminalized state.
- 88 Montana Medical Marijuana Allowance Initiative, Montana Ballot Initiative 148 (approved by voters November 2004); reformed by An Act Establishing Montana Marijuana Act and Revising Laws Relating to the Use of Marijuana, S.B. 423, 62nd Leg., Reg. Sess. (Mt. 2011); amended by Montana Medical Marijuana Act, Ballot Initiative 182 (approved by voters November 2016).
- 89 In 1979, Nebraska amended its marijuana possession laws, codified at R.R.S. Neb. § 28-416(13). Specifically, Nebraska decriminalized first offenses of possession of certain amounts of marijuana. However, for larger amounts and multiple offenses, it continued to classify marijuana possession as a crime, and in some cases maintained criminal penalties, including imprisonment. There is some disagreement about whether these types of laws qualify as decriminalization. However, for this report, we adopted a similar criteria as some other organizations, such as Drug Policy Alliance, Marijuana Policy Project, and NORML, classifying a state which does not impose imprisonment for first offense as a type of decriminalized state.
- 90 Nevada Medical Marijuana Act: Initiative Relating to the Use of a Plant of the Genus Cannabis for Medical Purposes, Nevada Ballot Question 9 (approved by voters November 1998); Nevada Medical Marijuana Act, Nevada Ballot Question 9 (approved by voters November 2000); Nevada Marijuana Legalization Act: Initiative to Regulate and Tax Marijuana, Nevada Ballot Question 2 (approved by voters November 2016).
- 91 An Act Relative to the Use of Cannabis for Therapeutic Purposes, H.B. 573, 2013 Leg., Reg. Sess. (Nh. 2013); An Act Relative to the Penalties for Possession of Marijuana, H.B. 640, 2017 Leg., Reg. Sess. (Nh. 2017).
- 92 New Jersey Compassionate Use Medical Marijuana Act, S.B. 119, 213th Leg., Reg. Sess. (Nj. 2010).
- 93 The Lynn and Erin Compassionate Use Act, S.B. 523, 48th Leg., 1st Sess. (Nm. 2007); Decreasing Penalties for Possession of Marijuana and of Drug Paraphernalia, S.B. 323, 54th Leg., 1st Sess. (Nm 2019).
- 94 Medical Use of Marijuana, S.B. 7923, 2014 Leg., Reg. Sess. (Ny. 2014); An Act to Amend the Penal Law and the Criminal Procedure Law, S.B. 6579, 2019 Leg., Reg Sess. (Ny. 2019).
- 95 In 1977, North Carolina amended its marijuana possession laws to classify low-level possession as a Class C misdemeanor and remove the threat of imprisonment, codified at N.C. Gen. Stat. § 90-95(d). Though North Carolina eliminated the punishment of imprisonment for possession of certain amounts of marijuana, it continued to classify marijuana possession as a crime, and in some cases maintained criminal penalties.
- 96 North Dakota Compassionate Care Act, North Dakota Initiated Statutory Measure 5 (approved by voters November 2016); An Act to Amend and Reenact North Dakota Marijuana Laws, H.B. 1050, 66th Leg., Reg. Sess. (Nd. 2019). Though North Carolina eliminated the punishment of imprisonment for possession of certain amounts of marijuana, it continued to classify marijuana possession as a crime, and in some cases maintained criminal penalties.
- 97 In 1975, Ohio amended its marijuana possession laws, classifying low-level possession as a minor misdemeanor, codified at ORC Ann. 2925.11(C)(3). Medical Marijuana Control Program Act, H.B. 523, 131st Leg., Reg. Sess. (Oh. 2016). Ohio referred to marijuana possession as a misdemeanor, but it did not impose imprisonment nor a criminal record for certain amounts. However, for larger amounts, it maintained harsher criminal penalties, including imprisonment.
- 98 Medical Marijuana Legalization Initiative, Oklahoma State Question 788 (approved by voters June 2018); amended by Oklahoma Medical Marijuana and Patient Protection Act, H.B. 2612, 2019 Leg., Reg. Sess. (Ok. 2019).
- 99 Oregon Medical Marijuana Act, Oregon Ballot Measure 67 (approved by voters November 1998); Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act, Oregon Ballot Measure 91 (approved by voters November 2014).
- 100 Medical Marijuana Act, S.B. 3, 2015 Leg., Reg. Sess. (Pa. 2016).
- 101 The Edward O. Hawkins and Thomas C. Slater Medical Marijuana Act, S.B. 0710, 2005 Leg., Jan. Sess. (Ri. 2005) (enacted by overriding governor's veto in January 2006); Uniform Controlled Substance Act, S.B. 2253, 2012 Leg., Jan. Sess. (Ri. 2012).
- 102 Utah Medical Cannabis Act, Utah Proposition 2 (approved by voters November 2018); amended by Medical Cannabis Amendments, S.B. 1002, 2019 Leg., 1st Spec. Sess. (Ut. 2019).
- 103 An Act Relating to the Medical Use of Marijuana, S.B. 76, 2004 Leg., Reg. Sess. (Vt. 2004); An Act Relating to Civil Penalties for Possession of Marijuana, H. 200, 2013 Leg., Reg. Sess. (Vt. 2013); An Act Relating to Eliminating Penalties for Possession of Limited Amounts of Marijuana by Adults 21 Years of Age or Older, H. 511, 2018 Leg., Reg. Sess. (Vt. 2018).
- 104 Washington Medical Marijuana Initiative, Washington Initiative 692 (approved by voters November 1998); Washington Marijuana Legalization and Regulation, Washington Initiative 502 (approved by voters November 2012).
- 105 West Virginia Medical Cannabis Act, S.B. 386, 2017 Leg., Reg. Sess. (Wv. 2017).



