

Marijuana Arrests in Colorado After the Passage of Amendment 64

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Introduction

Colorado's Amendment 64 was enacted in November 2012. The constitutional amendment allowed for the personal possession, cultivation and private use of marijuana in the state of Colorado for people over 21 years of age. The state was also mandated to establish a framework for taxation and regulation so adults could legally purchase nonmedical marijuana from licensed cultivators and retailers. The new rights conferred to adults went into effect on December 10, 2012. The first retail stores opened on January 1, 2014.

This report reviews changes in the number and characteristics of marijuana arrests in Colorado after the passage of Amendment 64. Not all arrests are equal in terms of consequences for the individual and the costs to the criminal justice system because an arrested individual may be charged with several criminal violations. Consequently this report refers to arrests in terms of the number of individual charges prosecuted in court.

Data obtained from the Judicial Branch of Colorado was used to compare the number of cases and charges brought before the courts in the state prior to the passage of Amendment 64. Additional data from the Colorado Bureau of Investigation was used to review the racial characteristics of those arrested by law enforcement for marijuana law violations.

This report reveals that marijuana-related charges statewide (not including Denver) decreased by 80% between 2010 and 2014. An overwhelming majority of this decrease in charges came in the aftermath of Amendment 64. Possession charges at all levels (not simply the level now legal or previously considered a petty offense) are the primary reason for the decline. Cultivation charges dropped 78.4% from 2010 to 2014.

In addition, all drug-related charges are down 23% since 2010. This underscores the central role of marijuana prohibition in the drug war, as well as marijuana legalization's implications for criminal justice reform more generally.

This report also finds that racial disparities for marijuana offenses persist at similar levels as before Amendment 64. However, disparities for the charge of intent to distribute actually went down, easing fears of many racial justice advocates.

While the overall decrease in marijuana-related offenses statewide has been enormously beneficial to communities of color, one troubling concern is the rise in disparities for the charge of public consumption, especially in Denver.

It is also worth noting that, due to a lack of credible data, this report does not analyze Amendment 64's impact on the state's Latino population.

The report also reveals a sharp decline in synthetic marijuana arrests since retail stores opened in 2014. According to judicial county court records, arrests for synthetic marijuana in 2014 have declined by 50% from the prior year. Given the health impacts of marijuana are more established and understood than those related to synthetic marijuana, advocates see this as yet another potential benefit of legalization.

Marijuana Cases in the State of Colorado

The total number of charges filed in court for marijuana possession, distribution, and cultivation in Colorado fell from 10,236 in 2010 to 2,036 in 2014, a reduction of 80.1%. (See Table 1.) The majority of these charges in each year were for possession, which accounted for 85% of the total charges in 2010 and 94% of the charges in 2014. The percentage of total charges for distribution offenses averaged 11% for 2010 through 2013 before dropping to 1% in 2014. Thus both the number and the composition of marijuana charges have changed dramatically since Amendment 64 has been fully implemented. The reduction in the number of offenses reflects a change in the nature of marijuana possession offenses in which the offense is now characterized by possession of amounts in excess of the one ounce allowed outside the home by law. The change in the composition of arrests demonstrates the extent to which legal distribution has replaced illicit distribution.

Table 1. Marijuana Charges in Colorado Courts* (2010 to 2014)

Year	Possession	Distribution	Cultivation	Total
2010	8,736	1,077	423	10,236
2011	8,501	987	415	9,903
2012	8,978	930	419	10,327
2013	2,739	553	144	3,436
2014**	1,922	23	91	2,036
Change '10-'14	-78.0%	-97.8%	-78.4%	-80.1%

*Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

**prorated based on data for 49 weeks

Source: Colorado Judicial Branch

Similar trends are evident in data on the number of marijuana-related cases before the Colorado Courts. The number of individual cases for possession, distribution and cultivation has dropped from 9,749 in 2010 to 1,537 in 2014, a reduction of 84%. (See Table 2.) The percentage of possession cases has increased from 88% to 95% during this period, while distribution cases dropped in 2014 from a prior four-year average of 8% to 1% of all marijuana-related cases. Marijuana possession cases dropped from 8,600 in 2010 to 1,464 in 2014; distribution cases dropped from 806 to 19. Marijuana cultivation cases exhibited a similar reduction in court caseloads, falling from 343 to 53.

Table 2. Marijuana Cases in Colorado Courts* (2010 to 2014)

Year	Possession	Distribution	Cultivation	Total
2010	8,600	806	343	9,749
2011	8,391	653	363	9,407
2012	8,883	648	333	9,864
2013	2,710	371	101	3,182
2014**	1,464	19	53	1,537
Change '10-'14	-83.0%	-97.6%	-84.5%	-84.2%

*Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

**prorated based on data for 49 weeks

Source: Colorado Judicial Branch

Table 3 presents the number of cases rated per 100,000 population in the state, similar to the calculation of arrest rates. These statewide figures are useful for comparison with similar indicators for individual counties (see below) as they provide a common baseline. Thus the rate per 100,000 for possession has been reduced from 170.50 in 2010 to 28.01 in 2014, for distribution the rate has dropped from 16.21 to .5, and for cultivation from 7.24 to 1.26.

Table 3. Marijuana Cases in Colorado Courts per 100,000 Population* (2010 to 2014)

Year	Possession	Distribution	Cultivation	Total
2010	170.50	16.21	7.24	193.95
2011	163.94	13.17	7.60	184.71
2012	171.43	12.90	6.82	191.15
2013	51.63	7.71	2.22	61.56
2014**	28.01	0.50	1.26	28.08

*Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

**prorated based on data for 49 weeks

Source: Colorado Judicial Branch

Marijuana Cases in Colorado Counties

In 2010 the top five counties for marijuana possession cases in Colorado were El Paso (1,111), Jefferson (1,031), Adams (919), Boulder (667) and Larimer (620). (These comparisons are based on arrests under state law and do not include Denver, which is subject instead to a local ordinance.) Marijuana possession cases in these counties dropped by an average of 78% from 2010 to 2014, slightly below the statewide reduction of 83.4%

reported above. In Boulder marijuana arrests dropped by 92.2%; down to only 52 cases. Other counties where the reduction was greater than the statewide benchmark include Pueblo (86.2%), Clear Creek (95.6%), and La Plata (95.6%). Table 4 contains data for the top 20 counties in terms of the number of marijuana possession cases in 2010. Appendix 2 provides data for all counties in the state.

Table 4. Top 20 Counties: Marijuana Possession Court Cases*, by 2010 Caseload (2010 to 2014)

County	2010	2011	2012	2013	2014**	Change (2010 to 2014)
El Paso	1,111	852	840	314	206	-81.5%
Jefferson	1,031	1,006	928	304	227	-78.0%
Adams	919	998	1,066	282	181	-80.3%
Boulder	667	755	792	161	52	-92.2%
Larimer	620	669	862	237	167	-73.1%
Arapahoe	583	545	607	182	157	-73.1%
Mesa	509	485	475	153	137	-73.1%
Weld	459	413	430	248	189	-58.8%
Pueblo	232	183	164	49	32	-86.2%
Douglas	219	238	252	113	98	-55.3%
Routt	165	143	137	37	32	-80.6%
Garfield	155	175	195	60	45	-71.0%
Eagle	150	143	278	80	44	-70.7%
Denver	120	70	78	51	1	-99.2%
Clear Creek	113	96	121	16	5	-95.6%
Summit	96	83	119	20	22	-77.1%
Montrose	92	114	98	30	24	-73.9%
La Plata	90	119	65	10	4	-95.6%
Logan	83	73	72	18	24	-71.1%
Delta	82	67	58	30	17	-79.3%

*Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

**prorated based on data for 49 weeks

Source: Colorado Judicial Branch

In 2010 there were 170.5 marijuana possession cases per 100,000 residents for the entire state (see Table 3 above.) Nearly two-thirds of the counties in Colorado, though, had a higher rate of marijuana possession cases than the state overall. See Appendix 3 for data on marijuana possession case rates per county. The counties with the highest rates of marijuana possession cases in 2010 were

Clear Creek (1241.35), Gilpin (932.70), Lincoln (877.67), Huerfano (764.85) and Rio Blanco (722.78). These rates experienced considerable reductions due to the passage of Amendment 64. In Clear Creek the 2014 rate was 58.75; in Gilpin 18.95, Lincoln 175.89, Huerfano 48.84 and Rio Blanco 171.49. (See Table 5 below.)

Table 5. Top 20 Counties: Marijuana Possession Court Cases per 100,000 population*, by 2010 Caseload (2010 to 2014)

County	2010	2011	2012	2013	2014**
Clear Creek	1241.35	1060.77	1335.54	177.17	58.75
Gilpin	932.70	1353.33	1182.46	89.27	18.95
Lincoln	877.67	644.33	532.21	165.75	175.89
Huerfano	764.85	1367.34	757.00	138.06	48.84
Rio Blanco	722.78	278.8	528.79	117.53	171.49
Costilla	708.62	384.51	222.66	113.7	60.33
Routt	704.44	617.02	589.32	157.36	135.4
Saguache	538.25	273.88	205.76	64.43	102.57
Baca	528.12	157.52	265.89	108.64	0.00
Grand	466.63	591.68	458.97	153.96	29.71
Kit Carson	461.05	232.3	357.89	174.19	39.61
Lake	454.23	298.18	562.95	41.06	72.63
Prowers	397.84	360.06	531.57	113.9	77.71
Gunnison	396.77	324.11	304.42	64.49	102.65
Logan	364.16	321.03	318.54	80.18	108.72
Mesa	347.53	328.82	321.40	103.69	92.78
Summit	342.21	297.26	422.72	69.81	77.79
Las Animas	337.33	172.77	280.09	145.37	73.46
Rio Grande	324.51	184.36	142.39	0.00	53.95
Alamosa	301.89	310.54	223.28	61.53	52.24

*Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

**prorated based on data for 49 weeks

Source: Colorado Judicial Branch

The counties with the highest court case rates in Table 5 had far fewer numbers of marijuana possession cases in 2010 than the leading counties reported in Table 4, primarily due to their smaller populations. However rating the number of cases per population provides a means of comparison that accounts for such differences in population. A review of this rated data (in both Table 6 and Appendix 3) reveals the consistent impact of Amendment 64 in reducing marijuana possession arrests throughout the state, regardless of the population of each county.

As indicated above, these tables do not report full data for Denver because many marijuana offenses there are subject to a local ordinance rather than state law. However data obtained from the Denver Department of Safety indicates a 77% reduction in marijuana possession offenses from 2012 to 2014. See Table 6.

Table 6. Marijuana Offenses in Denver

Year	Possession	Public display/ Consumption	Marijuana prohibited in parks
2012	1,548	8	0
2013	667	184	0
2014*	351	891	295

*prorated based on data for 9 months
Source: Denver Department of Safety

The Denver data also presents a new issue that has attracted greater attention from law enforcement following the enactment of Amendment 64. Since 2012 the public display and or consumption of marijuana, as well as marijuana use in public parks, has become a greater priority for law enforcement and produced a combined 1,186 arrests in 2014. Marijuana consumption cases throughout the rest of the state will be discussed further below.

Racial Disparities in Colorado Marijuana Arrests

Racial disparities in Colorado marijuana arrests persist and have not substantially changed after the passage of Amendment 64. While the number of arrests for marijuana offenses dropped dramatically in 2014, they are still characterized by higher arrest rates for black people than for white people.

According to data from the Colorado Bureau of Investigation, the marijuana possession arrest rate in 2010 (per 100,000 population) for white people was 335.12 and the arrest rate for black people was 851.45. The arrest rate for black people, according to this data, was 2.4 times higher. Black people account for 3.8% of the population of Colorado, but comprise 9.4% of marijuana possession arrests.

In 2014 the arrest rate for marijuana possession for white people was 115.93, while the arrest rate for black people was 281.10. (See Table 7 below.) The arrest rate for black people in 2014 was 2.4 times higher. While black people accounted for 3.9% of the population in the state, they comprised 9.2% of marijuana possession arrests.

Table 7. Arrest Characteristics* by Race, per 100,000 population (2010 to 2014)**

Year	Crime	Total Rate	White Rate	Black Rate	White Pop. Percentage	White Arrest Percentage	Black Pop. Percentage	Black Arrest Percentage
2010	Possession	342.78	335.12	851.45	90.8%	88.8%	3.8%	9.4%
2011	Possession	373.65	365.57	871.80	90.7%	88.7%	3.8%	8.9%
2012	Possession	424.07	421.29	850.54	90.5%	89.9%	3.8%	7.7%
2013	Possession	203.69	201.50	430.96	90.4%	89.4%	3.9%	8.2%
2014***	Possession	119.03	115.93	281.10	90.4%	88.0%	3.9%	9.2%
2010	Distribution	19.43	16.12	110.67	90.8%	75.3%	3.8%	21.6%
2011	Distribution	14.97	12.02	93.79	90.7%	72.8%	3.8%	23.9%
2012	Distribution	17.50	15.05	86.66	90.5%	77.9%	3.8%	19.1%
2013	Distribution	11.77	9.78	55.34	90.4%	75.2%	3.9%	18.2%
2014***	Distribution	5.26	4.54	24.49	90.4%	78.0%	3.9%	18.1%
2010	Cultivation	7.41	7.24	6.79	90.8%	88.8%	3.8%	3.5%
2011	Cultivation	8.32	7.35	20.50	90.7%	80.0%	3.8%	9.4%
2012	Cultivation	6.96	6.30	16.53	90.5%	82.0%	3.8%	9.1%
2013	Cultivation	2.75	2.12	11.26	90.4%	69.7%	3.9%	15.9%
2014**	Cultivation	2.90	2.79	6.86	90.4%	86.9%	3.9%	9.2%

*Crime included as one of three noted “criminal activities” characterizing an arrest incident

**Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

***Partial Data: January through September

Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) Data

These disparities are also evident in data on marijuana distribution arrests. In 2010 the arrest rate for white people on distribution charges was 16.12, but for black people it was 110.67. In 2014 the arrest rate for white people was 4.54, but for black people it was 24.49. During this period black people made up 3.8 to 3.9% of the population, but accounted for 21.6% of distribution arrests in 2010 and 18.1% of such arrests in 2014.

With respect to cultivation arrests, there was a lower disparity in arrests in 2010, when the white rate was 7.24 and the black rate was 6.79. However, since the passage of Amendment 64, the difference in rates has grown; in

2014 the white rate for cultivation offenses was 2.79, while the black rate was 6.86, roughly 2.5 times higher.

These racial disparities are even more pronounced when county-level data is examined. In Arapahoe County, for example, the marijuana possession arrest rate for white people in 2010 was 393.25 but for black people the rate was 1,544.35. By 2014 the white rate fell to 158.64 while the black rate was 400.02. The magnitude of the disparity in Arapahoe County, though, fell from 3.9 times higher in 2010 to 2.5 times higher in 2014. (See Table 8 below.)

Table 8. Selected Counties: Arrest Characteristics* Involving Marijuana Possession, by Race, per 100,000 population (2010 to 2014)

County	Black Population	2010		2012		2014***	
		White Arrest Rate	Black Arrest Rate	White Arrest Rate	Black Arrest Rate	White Arrest Rate	Black Arrest Rate
Denver**	60,683	1.18	1.69	1.31	0.00		
Arapahoe	60,247	393.25	1,544.35	525.74	1,466.43	158.64	400.02
El Paso	39,423	316.03	799.80	222.25	584.63	77.06	251.12
Adams	13,313	715.92	838.83	903.18	1,092.56	177.16	202.81
Jefferson	5,605	491.31	1,862.12	388.74	1,323.53	133.05	303.30
Douglas	3,736	111.88	451.94	292.00	1,472.67	99.01	187.37
Pueblo	2,859	31.45	36.89	58.52	251.17	25.32	34.98
Larimer	2,738	271.23	389.11	569.65	2,848.34	134.63	730.46
Boulder	2,691	259.42	1,032.26	628.82	2,094.03	159.66	334.45
Weld	2,582	335.02	670.18	369.07	778.37	127.38	193.65
Fremont	1,810	296.73	55.25	279.16	0.00	86.05	0.00
Mesa	995	725.42	2,893.08	728.82	3,636.36	277.63	1,909.55
Logan	897	472.40	1,779.76	420.98	667.41	100.18	0.00
Broomfield	769	771.47	2,554.74	1,075.06	2,234.64	254.98	260.08
Morgan	737	371.72	0.00	479.67	403.77	73.73	0.00

*Crime included as one of three noted “criminal activities” characterizing an arrest incident

**Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

***Partial Data: January through September

Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) Data

Changes in the ratio of black arrest rates for possession to white rates follows no consistent pattern at the county level. For example, the disparity decreased in Arapahoe, Jefferson, Douglas, Boulder, Weld, and Broomfield counties. However, the disparity also increased in El Paso (from 2.5 to 3.3), Larimer (from 1.4 to 5.4), and Mesa Counties from 4 to 6.9).

These data indicate that while the number of marijuana possession arrests has dropped, the law enforcement practices that produce racial disparities in such arrests have not changed since the passage of Amendment 64.

However, as in the case of marijuana possession arrests, the data reveals significant racial disparities in marijuana consumption arrests. In Arapahoe County, for example, the white rate for marijuana consumption is 18.03 while the black rate is 34.86. In Boulder the white rate is 18.87 while the black rate is 37.16. In Larimer the white Rate is 27.73 while the black rate is 73.05. In Weld the white rate is 20.13 while the black rate is 77.46. And in Mesa the disparity is significantly larger than elsewhere in the state – the white arrest rate for marijuana consumption is 66.24 per 100,000 but the black rate is 703.52. (See Table 10.)

Table 10. Selected Counties: Arrest Characteristics* Involving Marijuana Consumption, by Race Rate per 100,000 population (2010 to 2014***)**

County	Year	Total Rate	White Rate	Black Rate	White Pop. Percentage	White Arrest Percentage	Black Pop. Percentage	Black Arrest Percentage
Adams	2010	29.31	31.58	8.14	91.4%	98.5%	2.8%	0.8%
	2011	26.12	26.68	56.00	91.3%	93.2%	2.8%	5.9%
	2012	44.34	48.18	15.61	91.1%	99.0%	2.8%	1.0%
	2013	18.76	18.75	22.53	90.9%	90.9%	2.8%	3.4%
	2014***	9.80	10.78	0.00	90.9%	100.0%	2.8%	0.0%
Arapahoe	2010	53.24	42.32	175.33	81.8%	65.0%	9.8%	32.4%
	2011	57.70	46.35	188.53	81.8%	65.7%	9.8%	32.0%
	2012	44.98	39.71	119.22	81.6%	72.0%	9.9%	26.1%
	2013	28.50	22.08	102.91	81.3%	63.0%	9.9%	35.8%
	2014***	18.61	18.03	34.86	81.3%	78.8%	9.9%	18.6%
Boulder	2010	75.26	77.13	215.05	92.8%	95.1%	0.8%	2.2%
	2011	221.29	224.58	700.16	92.6%	94.0%	0.8%	2.6%
	2012	83.85	86.04	355.59	92.5%	94.9%	0.8%	3.5%
	2013	32.90	34.94	0.00	92.3%	98.0%	0.9%	0.0%
	2014***	19.35	18.87	37.16	92.3%	90.0%	0.9%	1.7%
Douglas	2010	12.55	13.52	0.00	92.8%	100.0%	1.2%	0.0%
	2011	29.07	29.87	58.02	92.7%	95.3%	1.2%	2.4%
	2012	71.38	73.09	283.21	92.6%	94.8%	1.2%	4.7%
	2013	88.90	89.46	347.97	92.4%	93.0%	1.2%	4.8%
	2014***	15.69	16.97	0.00	92.4%	100.0%	1.2%	0.0%
El Paso	2010	6.22	6.22	13.70	87.2%	87.2%	5.8%	12.8%
	2011	6.12	6.67	5.37	87.1%	94.9%	5.8%	5.1%
	2012	23.24	22.10	49.37	86.9%	82.7%	6.0%	12.7%
	2013	39.39	34.31	129.37	86.8%	75.6%	6.0%	19.8%
	2014***	31.14	29.03	96.39	86.8%	80.9%	6.0%	18.6%

County	Year	Total Rate	White Rate	Black Rate	White Pop. Percentage	White Arrest Percentage	Black Pop. Percentage	Black Arrest Percentage
Jefferson	2010	33.26	34.64	39.62	94.4%	98.3%	0.9%	1.1%
	2011	33.59	33.66	114.00	94.3%	94.5%	1.0%	3.3%
	2012	28.23	27.25	110.29	94.2%	90.9%	1.0%	3.9%
	2013	18.49	19.26	35.68	94.1%	98.0%	1.0%	2.0%
	2014***	19.57	18.68	178.41	94.1%	89.8%	1.0%	9.3%
Larimer	2010	67.56	67.54	43.23	95.1%	95.1%	0.8%	0.5%
	2011	87.17	87.31	242.82	95.0%	95.1%	0.8%	2.3%
	2012	103.32	104.50	461.89	94.9%	96.0%	0.8%	3.7%
	2013	80.07	80.85	292.18	94.7%	95.7%	0.9%	3.2%
	2014***	26.90	27.73	73.05	94.7%	97.6%	0.9%	2.4%
Mesa	2010	88.76	88.38	377.36	96.6%	96.2%	0.5%	2.3%
	2011	107.12	106.92	455.58	96.4%	96.2%	0.6%	2.5%
	2012	103.53	103.31	534.76	96.3%	96.1%	0.6%	3.3%
	2013	140.29	145.16	100.50	96.2%	99.5%	0.7%	0.5%
	2014***	68.45	66.24	703.52	96.2%	93.1%	0.7%	6.9%
Weld	2010	40.94	42.59	0.00	96.1%	100.0%	0.8%	0.0%
	2011	34.84	34.68	180.18	96.0%	95.6%	0.9%	4.4%
	2012	36.81	36.83	163.87	95.8%	95.9%	0.9%	4.1%
	2013	32.25	29.04	464.76	95.7%	86.2%	1.0%	13.8%
	2014***	20.02	20.13	77.46	95.7%	96.3%	1.0%	3.7%

*Crime included as one of three noted “criminal activities” characterizing an arrest incident

**Does not include all possession data for Denver because of differences between local ordinances and State Criminal Code

***Partial Data: January through September

Source: Colorado Bureau of Investigation, National Incident Based Reporting System (NIBRS) Data

Marijuana Consumption Arrests

As suggested by the Denver data reported above, marijuana consumption arrests have emerged as a new law enforcement priority after the passage of Amendment 64. Overall the number of cases in the state outside of Denver have increased 70% from 163 in 2010 to 278 in 2014. See Table 8.1.

In addition to Denver (see Table 6 above) increases in marijuana consumption cases are significant in El Paso, Larimer, Arapahoe, Eagle and Adams Counties (see Table 9). While this offense is responsible for only a small number of arrests, it represents a shift in the focus of law enforcement's role in enforcing Colorado's new approach to regulating marijuana-related activity.

Table 8.1 Marijuana Consumption Cases in Colorado Courts* (2010 to 2014)

	Cases	Rate
2010	163	4.21
2011	181	4.46
2012	196	4.73
2013	244	5.99
2014**	278	6.49

*Does not include all data for Denver because of differences between local ordinances and State Criminal Code

**prorated based on data for 49 weeks

Source: Colorado Judicial Branch

Table 9. Top 15 Counties: Marijuana Consumption Court Cases per 100,000 population*, by 2014 Caseload (2010 to 2014)

County	2010		2011		2012		2013		2014**	
	Cases	Rate	Cases	Rate	Cases	Rate	Cases	Rate	Cases	Rate
El Paso	17	2.71	18	2.83	20	3.10	22	3.36	75	11.50
Larimer	14	4.66	6	1.97	20	6.44	45	14.24	31	9.74
Arapahoe	7	1.22	10	1.71	2	0.34	15	2.47	18	3.00
Eagle	2	3.84	7	13.52	4	7.70	9	17.16	16	30.34
Adams	1	0.23	4	0.89	3	0.65	6	1.28	15	3.17
Mesa	43	29.36	10	6.78	6	4.06	12	8.13	13	8.63
Boulder	16	5.40	58	19.30	51	16.71	82	26.45	12	3.77
Douglas	30	10.46	41	14.02	38	12.73	3	0.98	10	3.12
Gunnison	6	39.03					3	19.35	6	41.06
Rio Blanco					2	29.38			6	93.54
Weld	14	5.51	7	2.71	3	1.14	5	1.85	6	2.36
Jefferson	13	2.43	11	2.04	5	0.92	4	0.72	4	0.77
Delta			7	23.05			6	19.68	2	6.96
Garfield			6	10.70	8	14.06	1	1.75	2	3.70
Montrose	5	12.14					1	2.46	2	5.21

*Does not include all data for Denver because of differences between local ordinances and State Criminal Code

**prorated based on data for 49 weeks

Source: Colorado Judicial Branch

Appendix 1. Sources of Data Used in This Report

The primary data in this report was obtained from the Court Services Division of the Colorado Judicial Branch. The data obtained from the Colorado Judicial Branch is a listing of individual charges filed in criminal cases before the Courts. Individual cases often consist of multiple charges, and each charge is reported separately in the provided data. Summaries of the number of cases per offense category reflect the number of individual defendants brought before the court.

Additional data on the demographic characteristics of arrests made by law enforcement is based on data provided by the Colorado Bureau of Investigation. This is data collected for and submitted to the National Incident Based Reporting System (NIBRS). This is a new national data-reporting program, which provides more detailed information about custodial activity by law enforcement officers than the more well-known reported data provided by the Uniform Crime Reporting (UCR) program. UCR data, in effect, counts arrests in terms of single offenses and in some instances involving multiple offenses only counts an arrest in a single category.

NIBRS data is more detailed, and is subject to different data collection procedures. The important distinction to note is that the UCR program reports data on arrests while the NIBRS program reports data on “each single incident and arrest.” The UCR program reports drug arrests according to 4 individual drug categories, including cocaine/heroin and marijuana. The NIBRS only has a single category for drug law violations, but each incident includes reported data on the criminal activity (such as possession, distribution, manufacture, and other activities), the drugs seized during the incident, the amounts of the seized drugs, and other data about the incident.

According to the Colorado Bureau of Investigation: “NIBRS is an incident based reporting system. Data is reported on each single crime occurrence. NIBRS was designed to be a by-product of local, state and federal automated records systems. The NIBRS program collects data on each single incident and arrest within 23 primary offense categories, referred to as Group A Offenses, and arrest data only on 10 additional offenses referred to as Group B Offenses. For each offense known to police within the Group A category, incident, victim, property, offender, and arrestee information is gathered. The collection of the expanded crime data in NIBRS allows law enforcement, legislators, planners and administrators and the general public to better assess the nature and extent of crime. Full participation in the NIBRS program allows law enforcement agencies to have a common denominator in linking with other law enforcement agencies, providing extensive, specific crime information concerning similar jurisdictions, which can further assist in the identification of common crime problems or trends. NIBRS data has the capability of furnishing information on a multitude of offenses including weapon violations, drug/narcotic offenses, hate crimes, domestic violence, abuse of the elderly, gang related crimes, and alcohol or drug related crimes. The FBI began accepting NIBRS data in January of 1989.”

Source: Colorado Bureau of Investigation, Introduction – Crime in Colorado 2013, retrieved from: <http://crimeinco.cbi.state.co.us/cic2k13/intro.html>

Prosecutors in Colorado and the rest of the United States have considerable discretion regarding the number and nature of charges filed in Court against criminal defendants. Initial charges filed by police may be dropped or amended based on several factors, including the strength of the available evidence and the result of plea bargaining negotiations.

Appendix 2. Marijuana Cases in Colorado Courts by County (2010 to 2014)

County	2010	2011	2012	2013	2014	Change 2010 to 2014
Adams	919	998	1,066	282	181	-80.30%
Alamosa	48	50	36	10	8	-83.33%
Arapahoe	583	545	607	182	157	-73.07%
Archuleta	12	19	15	2	3	-75.00%
Baca	20	6	10	4		-100.00%
Bent	14	11		1		-100.00%
Boulder	667	755	792	161	52	-92.20%
Broomfield	63	61	88	15	8	-87.30%
Chaffee	41	37	48	17	11	-73.17%
Cheyenne	1	2	3	3		-100.00%
Clear Creek	113	96	121	16	5	-95.58%
Conejos	11	8	8	1		-100.00%
Costilla	25	14	8	4	2	-92.00%
Crowley	8	11	3			-100.00%
Custer	2	8	4	2	1	-50.00%
Delta	82	67	58	30	17	-79.27%
Denver	120	70	78	51	1	-99.17%
Dolores		1		1		
Douglas	219	238	252	113	98	-55.25%
Eagle	150	143	278	80	44	-70.67%
El Paso	1,111	852	840	314	206	-81.46%
Elbert	10	31	18	8	25	150.00%
Fremont	73	75	74	24	10	-86.30%
Garfield	155	175	195	60	45	-70.97%
Gilpin	51	74	65	5	1	-98.04%
Grand	69	86	65	22	4	-94.20%
Gunnison	61	50	47	10	16	-73.77%
Hinsdale		1	1			
Huerfano	51	89	50	9	3	-94.12%
Jackson	2	4	10	1		-100.00%
Jefferson	1,031	1,006	928	304	227	-77.98%
Kiowa		3	3	3	4	
Kit Carson	38	19	29	14	3	-92.11%
La Plata	90	119	65	10	4	-95.56%
Lake	33	22	41	3	5	-84.85%
Larimer	620	669	862	237	167	-73.06%
Las Animas	52	26	42	21	11	-78.85%
Lincoln	48	35	29	9	10	-79.17%

County	2010	2011	2012	2013	2014	Change 2010 to 2014
Logan	83	73	72	18	24	-71.08%
Mesa	509	485	475	153	137	-73.08%
Mineral	2	6	7		1	-50.00%
Moffat	40	61	94	23	2	-95.00%
Montezuma	60	84	106	18	23	-61.67%
Montrose	92	114	98	30	24	-73.91%
Morgan	82	74	58	20	8	-90.24%
Otero	18	28	58	9	6	-66.67%
Ouray	4	9	7	11	3	-25.00%
Park	44	39	61	4	11	-75.00%
Phillips	1	2	3	1	2	100.00%
Pitkin	9	9	14	4	2	-77.78%
Prowers	50	45	66	14	10	-80.00%
Pueblo	232	183	164	49	32	-86.21%
Rio Blanco	48	19	36	8	12	-75.00%
Rio Grande	39	22	17		6	-84.62%
Routt	165	143	137	37	32	-80.61%
Saguache	33	17	13	4	6	-81.82%
San Juan	1	1	1			-100.00%
San Miguel	21	18	19	2	8	-61.90%
Sedgwick	2	8	2	13		-100.00%
Summit	96	83	119	20	22	-77.08%
Teller	33	66	48	21	23	-30.30%
Washington	9	20	26	1	6	-33.33%
Weld	459	413	430	248	189	-58.82%
Yuma	11	3	8	2		-100.00%
State Total	8,600	8,391	8,883	2,710	1,464	-83.0%

Appendix 3. Marijuana Possession Court Cases per 100,000 population, by 2010 Caseload (2010 to 2014)

County	2010	2011	2012	2013	2014
Adams	207.22	220.94	231.71	60.10	38.68
Alamosa	301.89	310.54	223.28	61.53	52.24
Arapahoe	101.43	93.03	101.87	29.98	25.87
Archuleta	99.46	158.14	123.94	16.40	26.11
Baca	528.12	157.52	265.89	108.64	
Bent	215.15	174.46		17.58	
Boulder	225.1	251.24	259.42	51.93	16.77

County	2010	2011	2012	2013	2014
Broomfield	112.32	106.66	150.91	25.22	14.28
Chaffee	230.27	205.3	264.8	91.84	57.33
Cheyenne	54.50	106.95	159.49	158.73	
Clear Creek	1241.35	1060.77	1335.54	177.17	58.75
Conejos	132.88	96.29	96.68	12.08	
Costilla	708.62	384.51	222.66	113.7	60.33
Crowley	136.85	189.56	55.80		
Custer	46.75	189.35	94.23	46.67	24.77
Delta	265.65	220.64	190.65	98.42	55.70
Denver	19.89	11.29	12.29	7.85	0.16
Dolores		49.31		49.29	
Douglas	76.33	81.40	84.45	36.93	31.91
Eagle	287.95	276.23	535.43	152.5	82.94
El Paso	177.28	133.78	130.14	47.94	31.43
Elbert	43.31	133.2	76.87	33.71	107.32
Fremont	155.74	158.59	158.25	51.67	20.56
Garfield	276.36	312.19	342.7	104.71	77.78
Gilpin	932.70	1353.33	1182.46	89.27	18.95
Grand	466.63	591.68	458.97	153.96	29.71
Gunnison	396.77	324.11	304.42	64.49	102.65
Hinsdale		119.76	123.61		
Huerfano	764.85	1367.34	757.00	138.06	48.84
Jackson	144.61	290.07	742.94	73.26	
Jefferson	192.63	186.68	170.13	55.09	41.16
Kiowa		206.19	208.48	210.82	298.31
Kit Carson	461.05	232.30	357.89	174.19	39.61
La Plata	174.85	229.23	124.00	18.77	7.97
Lake	454.23	298.18	562.95	41.06	72.63
Larimer	206.34	219.25	277.45	75.00	52.73
Las Animas	337.33	172.77	280.09	145.37	73.46
Lincoln	877.67	644.33	532.21	165.75	175.89
Logan	364.16	321.03	318.54	80.18	108.72
Mesa	347.53	328.82	321.40	103.69	92.78
Mineral	284.09	846.26	992.91		147.19
Moffat	289.81	454.85	712.66	175.53	16.20
Montezuma	234.96	330.18	416.8	70.20	91.05
Montrose	223.37	278.61	240.5	73.69	59.95
Morgan	291.27	259.57	204.41	70.41	29.89
Otero	95.22	147.81	308.67	48.12	34.04
Ouray	89.71	203.16	154.46	241.39	69.86

County	2010	2011	2012	2013	2014
Park	270.49	242.22	379.61	24.81	65.83
Phillips	22.43	45.79	68.59	22.96	48.72
Pitkin	52.48	52.59	81.31	23.02	12.21
Prowers	397.84	360.06	531.57	113.90	77.71
Pueblo	145.42	114.07	101.88	30.35	19.72
Rio Blanco	722.78	278.8	528.79	117.53	171.49
Rio Grande	324.51	184.36	142.39		53.95
Routt	704.44	617.02	589.32	157.36	135.40
Saguache	538.25	273.88	205.76	64.43	102.57
San Juan	141.24	142.86	145.99		
San Miguel	285.6	240.64	250.40	26.05	110.57
Sedgwick	84.35	336.84	84.00	550.85	
Summit	342.21	297.26	422.72	69.81	77.79
Teller	140.69	282.86	205.31	90.23	100.31
Washington	187.38	414.94	547.02	20.82	132.57
Weld	180.67	159.86	163.17	91.93	70.02
Yuma	109.75	29.54	79.11	19.70	
State Total	170.50	163.94	171.43	51.63	28.01