

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 85% 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 over the last two years were halved when compared to the previous two years before Amendment 64.

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 27% 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 38,878 in 2010 to 2,036 in 2014, a reduction of 94.8%. (See Table 1.) The majority of these charges in each year were for possession, which accounted for 78% of the total charges in 2010 and 94% of the charges in 2014. The percentage of total charges for distribution offenses fluctuated during this time period, but averaged 16% 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	30,428	6,298	2,152	38,878
2011	29,176	8,564	1,467	39,207
2012	8,978	930	419	10,327
2013	2,739	553	144	3,436
2014**	1,922	23	91	2,036
Change '10-'14	-93.7%	-99.6%	-95.8%	-94.8%

*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 10,248 in 2010 to 1,536 in 2014, a reduction of 85%. (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 9,011 in 2010 to 1,464 in 2014; distribution cases dropped from 858 to 19. Marijuana cultivation cases exhibited a similar reduction in court caseloads, falling from 379 to 53.

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

Year	Possession	Distribution	Cultivation	Total
2010	9,011	858	379	10,248
2011	8,824	699	380	9,903
2012	8,883	648	333	9,864
2013	2,710	371	101	3,182
2014**	1,464	19	53	1,536
Change '10-'14	-83.7%	-97.8%	-86.0%	-85.01%

*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 178.65 in 2010 to 26.41 in 2014, for distribution the rate has dropped from 17.22 to 0.48, and for cultivation from 8.01 to 1.19.

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

Year	Possession	Distribution	Cultivation	Total
2010	178.65	17.22	8.01	203.88
2011	172.40	13.93	7.93	194.26
2012	171.43	12.90	6.82	191.15
2013	51.63	7.71	2.22	61.56
2014**	26.41	0.48	1.19	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 (1,153), Jefferson (1,036), Adams (907), Larimer (739), and Boulder (730). (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 all dropped by at least 83% from 2010 to 2014, consistent with the statewide reduction of 83.4%

reported above. In Boulder marijuana arrests dropped by 94.5%; down to only 40 cases. Other counties where the reduction was greater than the statewide benchmark include Pueblo (90.5%), Clear Creek (95.8%), La Plata (95.4%), and Morgan (89.6%). 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	1,153	903	839	310	168	-85.5%
Jefferson	1,036	1,007	913	303	175	-83.1%
Adams	907	991	1,052	281	144	-84.1%
Larimer	739	829	861	237	120	-83.8%
Boulder	730	820	783	157	40	-94.5%
Arapahoe	582	547	599	181	117	-79.9%
Mesa	514	491	472	151	105	-79.6%
Weld	457	409	426	247	155	-66.1%
Douglas	224	239	249	113	62	-72.5%
Pueblo	224	184	162	49	21	-90.5%
Routt	172	146	137	37	25	-85.2%
Eagle	165	159	277	79	34	-79.4%
Garfield	156	178	194	59	32	-79.6%
Clear Creek	127	111	119	16	5	-95.8%
Denver	114	63	69	47	1	-99.1%
Summit	112	93	119	20	18	-83.9%
La Plata	93	122	65	10	4	-95.4%
Montrose	93	116	98	30	20	-78.3%
Delta	82	69	57	30	14	-83.2%
Morgan	82	72	57	19	8	-89.6%

*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 178.65 marijuana possession cases per 100,000 residents for the entire state (see Table 3 above.) Over 60% 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 (1,395.14), Gilpin (895.55), Huerfano (779.84), Lincoln (767.96) and Routt (734.32). These rates experienced considerable reductions due to the passage of Amendment 64. In Clear Creek the 2014 rate was 55.36; in Gilpen 17.85, Huerfano 46.02, Lincoln 92.08 and Routt 102.07. (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	1,395.14	1,226.52	1,313.47	177.17	55.36
Gilpin	859.55	1,335.04	1,146.08	89.27	17.85
Huerfano	779.84	1,367.34	757.00	138.06	46.02
Lincoln	767.96	589.10	513.86	128.91	92.08
Routt	734.32	629.96	589.32	157.36	102.07
Rio Blanco	722.78	308.14	470.04	117.53	132.22
Costilla	708.62	411.97	222.66	113.70	56.85
Baca	580.93	157.52	265.89	108.64	0.00
Saguache	554.56	290.00	205.76	64.43	96.65
Lake	509.29	338.85	562.95	41.06	41.06
Grand	473.39	598.56	458.97	153.96	27.99
Kit Carson	473.19	256.76	357.89	136.87	37.33
Prowers	429.66	368.06	531.57	113.90	73.22
Gunnison	416.29	311.14	304.42	58.04	64.49
Summit	399.24	333.07	422.72	69.81	59.34
Mesa	350.94	332.88	319.37	102.34	67.09
Rio Grande	341.15	175.98	142.39	0.00	33.89
Las Animas	337.33	172.77	280.09	145.37	48.46
Logan	329.06	299.05	305.27	80.18	35.63
Eagle	316.75	307.14	533.50	150.59	61.00

*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 it 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.

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 slightly from 181 in 2010 to 215 in 2014, but the most recent figure represents a drop from 242 cases in 2013. 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	181	4.61
2011	216	5.31
2012	196	4.73
2013	242	5.94
2014	215	5.33

*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	3.1	22	3.36	71	10.84
Larimer	14	4.66	6	1.97	20	6.44	45	14.24	29	9.18
Arapahoe	7	1.22	10	1.71	2	0.34	15	2.47	17	2.8
Eagle	2	3.84	7	13.52	4	7.7	9	17.16	15	28.59
Adams	1	0.23	4	0.89	3	0.65	6	1.28	14	2.98
Mesa	43	29.36	10	6.78	6	4.06	12	8.13	12	8.13
Boulder	16	5.4	58	19.3	51	16.71	82	26.45	11	3.55
Douglas	30	10.46	41	14.02	38	12.73	3	0.98	9	2.94
Gunnison	6	39.03					3	19.35	6	38.69
Rio Blanco					2	29.38			6	88.14
Weld	14	5.51	7	2.71	3	1.14	5	1.85	6	2.22
Jefferson	13	2.43	11	2.04	5	0.92	4	0.72	4	0.72
Delta			7	23.05			6	19.68	2	6.56
Garfield			6	10.7	8	14.06	1	1.75	2	3.49
Montrose	5	12.14					1	2.46	2	4.91

*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

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 27.72 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

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	907	991	1,052	281	144	-84.1%
Alamosa	50	50	36	10	5	-89.4%
Arapahoe	582	547	599	181	117	-79.9%
Archuleta	12	20	15	2	3	-73.5%
Baca	22	6	10	4	0	-100.0%
Bent	14	12	0	1	0	-100.0%
Boulder	730	820	783	157	40	-94.5%
Broomfield	61	55	84	15	8	-86.1%
Chaffee	42	41	47	17	11	-74.7%
Cheyenne	1	2	3	3	0	-100.0%
Clear Creek	127	111	119	16	5	-95.8%
Conejos	11	8	7	1	0	-100.0%
Costilla	25	15	8	4	2	-91.5%
Crowley	8	12	3	0	0	-100.0%
Custer	2	8	4	2	1	-46.9%
Delta	82	69	57	30	14	-83.2%
Denver	114	63	69	47	1	-99.1%
Dolores	0	1	0	1	0	na
Douglas	224	239	249	113	62	-72.5%
Eagle	165	159	277	79	34	-79.4%
El Paso	1,153	903	839	310	168	-85.5%
Elbert	10	31	18	8	14	38.0%
Fremont	75	74	74	23	10	-87.3%
Garfield	156	178	194	59	32	-79.6%
Gilpin	47	73	63	5	1	-97.7%
Grand	70	87	65	22	4	-93.9%
Gunnison	64	48	47	9	11	-83.4%
Hinsdale	0	1	1	0	0	0.0%
Huerfano	52	89	50	9	3	-93.9%
Jackson	3	4	10	1	0	-100.0%
Jefferson	1,036	1,007	913	303	175	-83.1%
Kiowa	0	3	3	2	2	na
Kit Carson	39	21	29	11	3	-91.8%
La Plata	93	122	65	10	4	-95.4%
Lake	37	25	41	3	3	-91.4%
Larimer	739	829	861	237	120	-83.8%
Las Animas	52	26	42	21	7	-85.7%
Lincoln	42	32	28	7	5	-87.4%

County	2010	2011	2012	2013	2014	Change 2010 to 2014
Logan	75	68	69	18	8	-88.7%
Mesa	514	491	472	151	105	-79.6%
Mineral	2	6	7	0	1	-46.9%
Moffat	40	60	94	23	2	-94.7%
Montezuma	60	84	104	18	16	-73.5%
Montrose	93	116	98	30	20	-78.3%
Morgan	82	72	57	19	8	-89.6%
Otero	20	31	58	9	6	-68.2%
Ouray	4	10	7	11	2	-46.9%
Park	44	40	61	4	8	-80.7%
Phillips	1	2	3	1	2	112.2%
Pitkin	10	9	14	4	2	-78.8%
Prowers	54	46	66	14	10	-82.3%
Pueblo	224	184	162	49	21	-90.5%
Rio Blanco	48	21	32	8	10	-80.1%
Rio Grande	41	21	17	0	4	-89.6%
Routt	172	146	137	37	25	-85.2%
Saguache	34	18	13	4	6	-81.3%
San Juan	1	1	1	0	0	-100.0%
San Miguel	22	18	19	2	3	-85.5%
Sedgwick	2	8	2	13	0	-100.0%
Summit	112	93	119	20	18	-83.9%
Teller	33	65	48	21	15	-55.0%
Washington	9	20	24	1	4	-52.8%
Weld	457	409	426	247	155	-66.1%
Yuma	10	3	8	2	0	-100.0%
State Total	9,011	8,824	8,883	2,710	1,464	-83.7%

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

	2010	2011	2012	2013	2014
Adams	204.51	219.39	228.67	59.89	28.99
Alamosa	314.47	310.54	223.28	61.53	30.76
Arapahoe	101.26	93.37	100.53	29.82	18.12
Archuleta	99.46	166.46	123.94	16.40	24.60
Baca	580.93	157.52	265.89	108.64	0.00
Bent	215.15	190.33	0.00	17.58	0.00
Boulder	246.36	272.87	256.47	50.64	12.26

	2010	2011	2012	2013	2014
Broomfield	108.76	96.17	144.06	25.22	13.45
Chaffee	235.89	227.50	259.28	91.84	54.02
Cheyenne	54.50	106.95	159.49	158.73	0.00
Clear Creek	1,395.14	1,226.52	1,313.47	177.17	55.36
Conejos	132.88	96.29	84.59	12.08	0.00
Costilla	708.62	411.97	222.66	113.70	56.85
Crowley	136.85	206.79	55.80	0.00	0.00
Custer	46.75	189.35	94.23	46.67	23.34
Delta	265.65	227.23	187.36	98.42	42.65
Denver	18.89	10.16	10.87	7.24	0.15
Dolores	0.00	49.31	0.00	49.29	0.00
Douglas	78.07	81.74	83.44	36.93	18.96
Eagle	316.75	307.14	533.50	150.59	61.00
El Paso	183.98	141.79	129.99	47.33	24.12
Elbert	43.31	133.20	76.87	33.71	54.78
Fremont	160.00	156.47	158.25	49.51	19.38
Garfield	278.14	317.55	340.94	102.96	52.35
Gilpin	859.55	1,335.04	1,146.08	89.27	17.85
Grand	473.39	598.56	458.97	153.96	27.99
Gunnison	416.29	311.14	304.42	58.04	64.49
Hinsdale	0.00	119.76	123.61	0.00	0.00
Huerfano	779.84	1,367.34	757.00	138.06	46.02
Jackson	216.92	290.07	742.94	73.26	0.00
Jefferson	193.56	186.87	167.38	54.91	29.90
Kiowa	0.00	206.19	208.48	140.55	140.55
Kit Carson	473.19	256.76	357.89	136.87	37.33
La Plata	180.68	235.00	124.00	18.77	7.51
Lake	509.29	338.85	562.95	41.06	41.06
Larimer	245.94	271.68	277.13	75.00	35.76
Las Animas	337.33	172.77	280.09	145.37	48.46
Lincoln	767.96	589.10	513.86	128.91	92.08
Logan	329.06	299.05	305.27	80.18	35.63
Mesa	350.94	332.88	319.37	102.34	67.09
Mineral	284.09	846.26	992.91	0.00	138.70
Moffat	289.81	447.39	712.66	175.53	15.26
Montezuma	234.96	330.18	408.93	70.20	58.50
Montrose	225.80	283.49	240.50	73.69	46.67
Morgan	291.27	252.55	200.89	66.89	28.17
Otero	105.80	163.65	308.67	48.12	32.08
Ouray	89.71	225.73	154.46	241.39	43.89

	2010	2011	2012	2013	2014
Park	270.49	248.43	379.61	24.81	49.62
Phillips	22.43	45.79	68.59	22.96	45.91
Pitkin	58.31	52.59	81.31	23.02	11.51
Prowers	429.66	368.06	531.57	113.90	73.22
Pueblo	140.40	114.69	100.64	30.35	12.39
Rio Blanco	722.78	308.14	470.04	117.53	132.22
Rio Grande	341.15	175.98	142.39	0.00	33.89
Routt	734.32	629.96	589.32	157.36	102.07
Saguache	554.56	290.00	205.76	64.43	96.65
San Juan	141.24	142.86	145.99	0.00	0.00
San Miguel	299.20	240.64	250.40	26.05	39.07
Sedgwick	84.35	336.84	84.00	550.85	0.00
Summit	399.24	333.07	422.72	69.81	59.34
Teller	140.69	278.58	205.31	90.23	60.15
Washington	187.38	414.94	504.94	20.82	83.28
Weld	179.88	158.32	161.65	91.55	54.12
Yuma	99.77	29.54	79.11	19.70	0.00
State Total	178.65	172.4	171.43	51.63	26.41