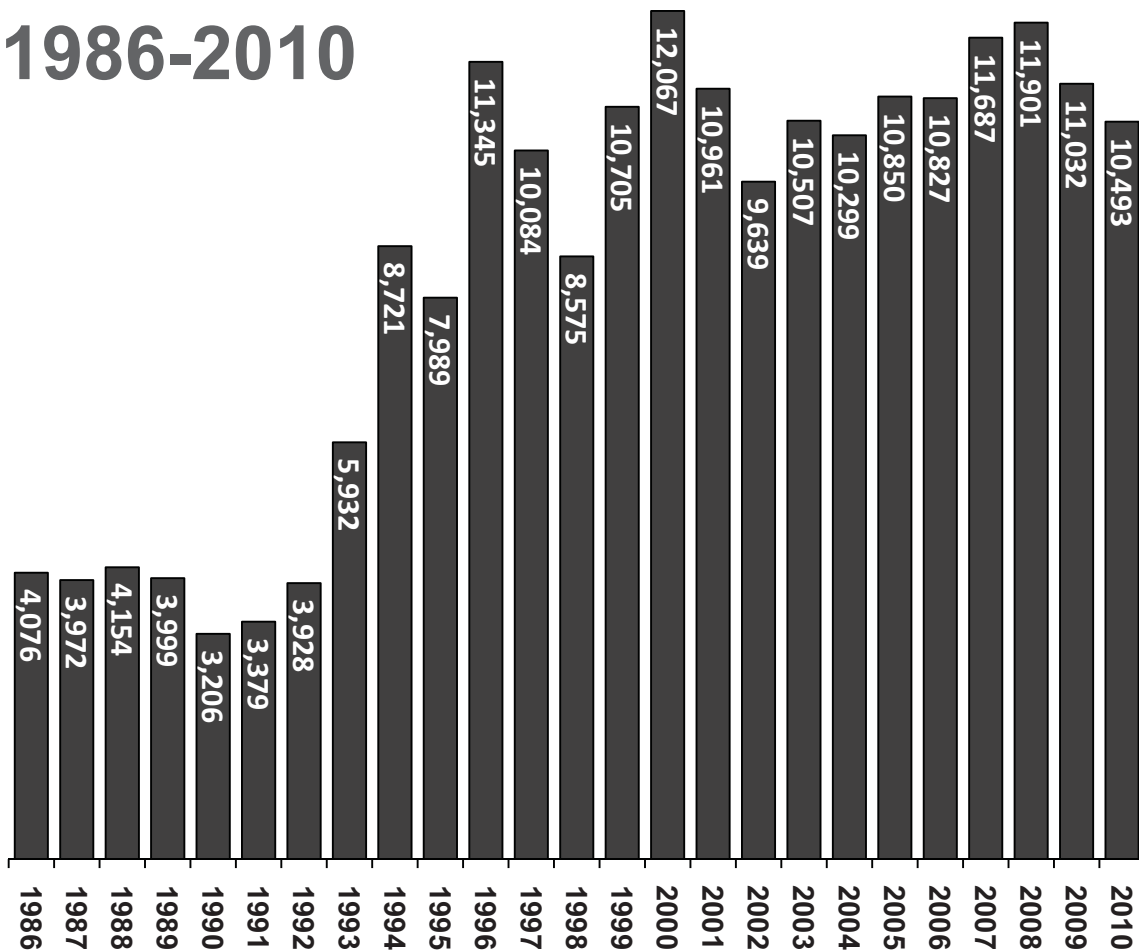


# 210,000

## Marijuana Possession Arrests in Colorado

1986-2010



Prepared by the Marijuana Arrest Research Project, <http://marijuana-arrests.com>

Harry G. Levine, PhD, Jon B. Gettman, PhD, Loren Siegel, JD **October 2012**

Source: FBI Uniform Crime Reports

## Key Findings

# Marijuana Possession Arrests in Colorado

- Marijuana possession arrests in Colorado increased from 4,000 in 1986 to over 10,000 in 2010, totaling 210,000 arrests over the past 25 years.
- In the five years from 1986 to 1990, police in Colorado made 19,400 possession arrests. Twenty years later, from 2006 to 2010, police made 55,900 marijuana possession arrests, almost three times as many.
- From 2001 through 2010, Colorado police made 108,000 arrests for possessing marijuana, overwhelmingly of young people. More than two-thirds (69%) of those arrested were 25 or younger, 79% were 29 or younger, and 86% of those arrested were age 34 or younger.
- Whites, mainly young whites, made up 63% of those arrested in the last ten years. Blacks and Latinos, also mostly young, were 36% of the arrestees.
- Although young African Americans and Latinos use marijuana at lower rates than young whites, in the last ten years police in Colorado arrested Latinos at 1.5 times the rate of whites and arrested blacks at 3.1 times the rate of whites.
- In the last decade, blacks were 3.8% of Colorado's residents, but 10.5% of the marijuana arrests. Latinos were 19% of the state's residents, but a quarter (25%) of Colorado's marijuana possession arrests.
- Marijuana possession arrests create criminal records easily found on the internet by employers, landlords, schools, credit agencies, licensing boards, and banks, erecting barriers to education, employment, and housing. Marijuana possession arrests do not reduce serious crimes, and they take police from other crime-fighting work.
- Colorado is often said to be a marijuana decriminalization state, but since the 1970s, Colorado law has made possession of small amounts of marijuana a crime, a Class 2 Petty Offense. Failure to appear in court as ordered by a summons is another crime, punishable by six months in jail and a \$500 fine.
- In county courts, marijuana possession carries a \$100 fine. In municipal courts, however, judges can impose fines of \$300 or more, charge \$50 per month in probation fees, require regular drug testing, and send people to jail for several days if they have used marijuana.

## Marijuana Possession Arrests in Colorado's 20 Largest Counties, 1986-2010

	<u>25 YEARS</u> Total # of Marijuana Possession Arrests 1986-2010	<u>10 YEARS</u> Total # of Marijuana Possession Arrests 2001-2010	Average Yearly Arrest Rate for Marijuana Possession per 100,000 of Population 2001-2010	Ten-Year Average of Population 2001-2010
<b>Colorado</b>	<b>210,328</b>	<b>108,196</b>	<b>229</b>	<b>4,734,982</b>
Denver	47,742	13,140	230	600,158
Arapahoe	23,470	11,989	205	614,677
El Paso	22,521	12,277	215	622,291
Adams	21,635	13,453	329	441,656
Jefferson	20,940	14,280	290	492,316
Boulder	11,208	6,460	221	304,384
Larimer	10,597	6,304	228	294,582
Mesa	7,580	4,583	343	146,723
Pueblo	7,511	2,769	181	159,063
Weld	5,704	3,666	162	247,701
Douglas	4,225	2,836	115	285,320
Eagle	2,645	1,336	272	53,128
Garfield	2,553	1,753	342	56,389
Broomfield	2,049*	2,049	435	55,889
La Plata	1,566	654	132	51,334
Montrose	1,432	734	193	41,276
Summit	1,429	574	224	27,994
Fremont	1,091	658	321	23,322
Morgan	831	525	410	15,324
<b>20 Largest Counties</b>	<b>197,324</b>	<b>100,447</b>	<b>229</b>	<b>4,600,816</b>

Prepared by the Marijuana Arrest Research Project, <http://marijuana-arrests.com>

Source: FBI-UCR Uniform Crime Reports and US Census

\*Note: Only 2001-2010 data available for Broomfield

October 2012

# 25 Years of Marijuana Possession Arrests in Colorado and their Consequences

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In the 25 years from 1986 to 2010, police and sheriffs' departments in Colorado made 210,000 arrests for the crime of possessing small amounts of marijuana. During this time, Colorado's marijuana possession arrests went from 4,000 to 10,500 per year. In the five years from 1986 to 2010, police made 19,400 arrests. Twenty years later, from 2006 to 2010, police made 55,900 marijuana possession arrests, almost three times as many.<sup>1</sup>

According to the most recent data from the Federal Bureau of Investigation and its Uniform Crime Reports, police made 108,000 of these arrests in the decade spanning 2001 to 2010. Sixty-five thousand possession arrests were made in the state's five most populous counties – Jefferson (14,280), Adams (13,453), Denver (13,140), El Paso (12,277), and Arapahoe (11,989). Colorado arrests people for marijuana possession at a higher rate than 24 other states.<sup>2 3</sup>

Colorado is often said to be a marijuana decriminalization state, but since the 1970s, when the state reduced criminal penalties *to some extent*, Colorado law has made possession of small amounts of marijuana a crime, a Class 2 Petty Offense. A person charged with possessing marijuana is issued a summons to appear in criminal court. The court appearance is mandatory and failure to appear is another crime, a Class 3 Misdemeanor, punishable by six months in jail and a \$500 fine.<sup>4</sup> From the 1970s until 2010, this applied to less than an ounce; since 2010 it has applied to less than two ounces.<sup>5</sup> It would be a mistake to think that these arrests do not carry significant consequences for the thousands of mostly young Coloradans who go through the arrest, prosecution, and sentencing process every year.

A Class 2 Petty Offense in Colorado is a criminal charge handled by both county and municipal criminal courts which have overlapping jurisdiction.<sup>6</sup> Police departments have discretion as to whether they charge under state or municipal law, and in some municipal courts marijuana possession is punished more harshly than in county courts where state law applies. In the city of Lakewood, for example, possession of a small amount of marijuana can be punishable by \$1,000 and one year in jail.<sup>7</sup> In many cities, municipal courts typically impose fines of \$300 or more for a first time marijuana possession charge. It is not unusual for municipal judges to place people on probation for up to six months, charge them \$50 per month in probation fees, require that they meet with a probation officer, and submit to regular drug testing.<sup>8</sup> Some judges send people to jail for several days for failing a drug test for marijuana.<sup>9</sup>

The most serious consequence of an arrest for marijuana possession is the permanent criminal record that such a case creates. Most people charged with a Class 2 Petty Offense choose to represent themselves rather than pay for a private attorney. Guilty pleas are the norm in these cases, and guilty pleas are criminal convictions. Twenty years ago, arrest and conviction records were papers kept in court storerooms and warehouses, often impossible to locate. Ten years ago they were computerized. Now they are instantly searchable on the Internet for free or for a nominal fee through commercial criminal-record database services.<sup>10</sup> Employers, landlords, credit agencies, licensing boards for nurses and beauticians, and banks now routinely search these databases for background checks on applicants. A majority of colleges now collect criminal justice information on applicants for admission and a drug conviction, no matter how minor, is viewed as a negative factor.<sup>11</sup> The stigma of a criminal record has created barriers to employment and education for thousands of people in Colorado.

These arrests diminish the life chances of the mostly young Coloradans who are caught with small amounts of marijuana, but there is no evidence that the arrests diminish the overall crime rate or marijuana use rates. There are no studies showing that arrests for possession of small amounts of marijuana reduce serious or violent crimes.<sup>12</sup> And marijuana use rates in Colorado have remained relatively stable in recent years despite the increase in possession arrests.<sup>13</sup>

## SEARCH OVER 460 MILLION CRIMINAL OFFENSE RECORDS IN ABOUT 30 SECONDS

CRIMINAL CHECKS	ADVANCED CRIMINAL CHECKS	BACKGROUND CHECK	EVICTON CHECK	SEX OFFENDER	IDENTITY VERIFICATION
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**CRIMINAL CHECKS** SEARCH PRICE \$12.95

STATE NATIONAL REGIONAL COUNTY

First Name

Last Name

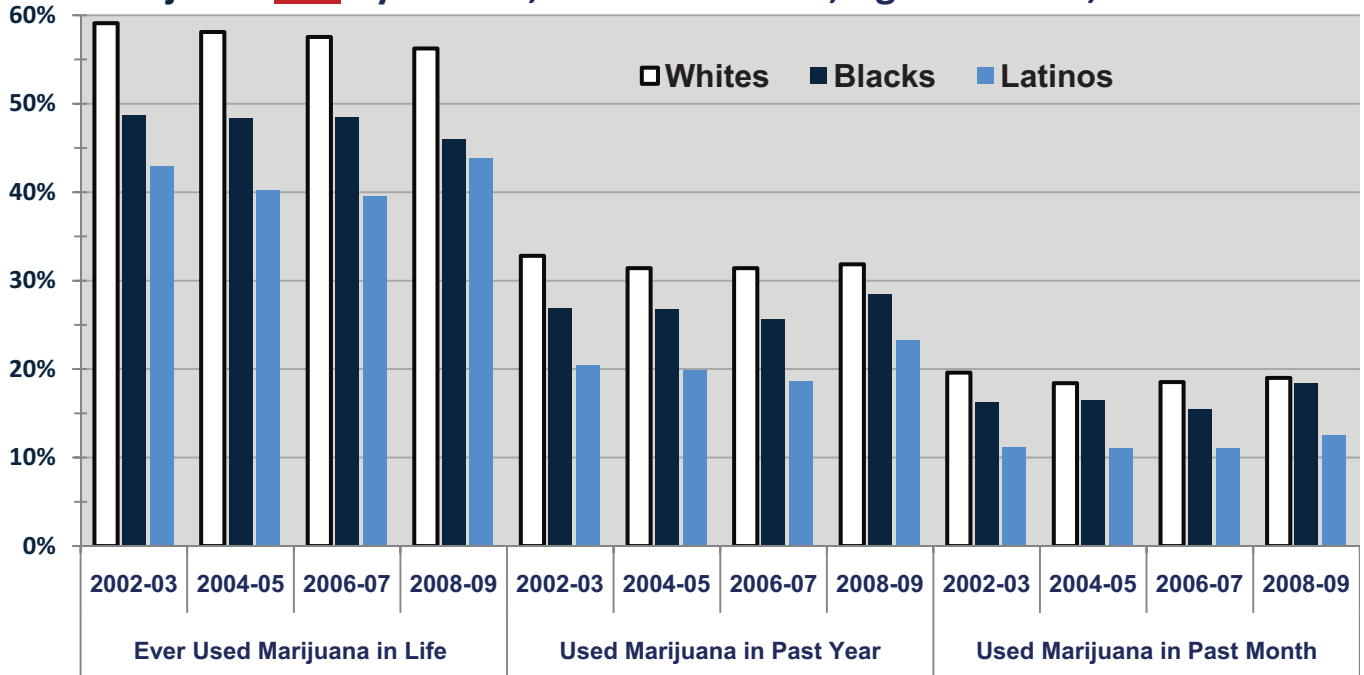
Date Of Birth 01 01 2011

State Alabama

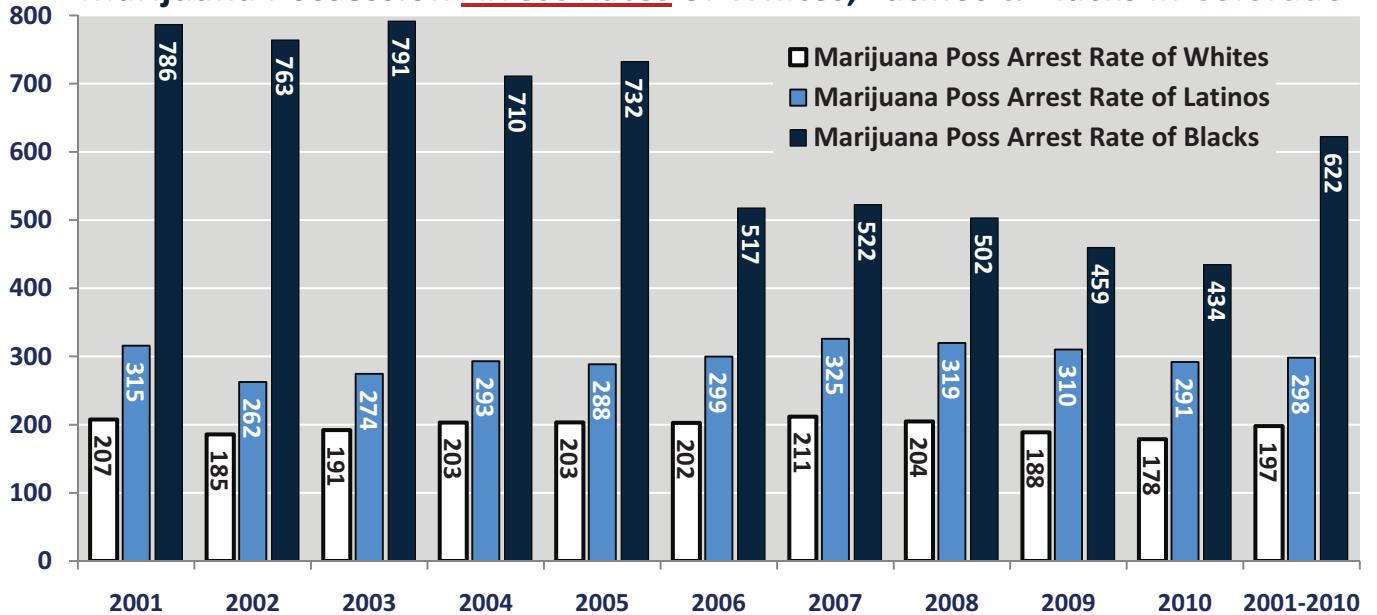
SEARCH

A State level **Criminal Background Check** is a comprehensive criminal check revealing felony, misdemeanor, sex offender, inmate, probation, OFAC (Terrorist Database), and other state and county criminal offense records. Our criminal background checks are FCRA compliant for employment and tenant screening

## Marijuana Use by Whites, Blacks & Latinos, Ages 18 to 25, 2002-2009



## Marijuana Possession Arrest Rates of Whites, Latinos & Blacks in Colorado



*Arrest Data Source:* Based on US Census and FBI-UCR data adjusted with proxy measure for Latinos and non-Hispanic whites, 2001-2010. Rates per 100,000 of each group.

*Use Data Source:* US Dept HHS, SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002-2010.

2003-2005: Table 1.80B Marijuana Use in Lifetime, Past Year, and Past Month among Persons Aged 18 to 25, by Racial/Ethnic Subgroups

2002-2003 and 2004-2005: <http://www.oas.samhsa.gov/NSDUH/2k5NSDUH/tabs/Sect1peTabs67to132.htm#Tab1.80B>.

2006-2010: Table 1.26B – Marijuana Use in Lifetime, Past Year, and Past Month among Persons Aged 18 to 25

2006-2007: <http://www.oas.samhsa.gov/NSDUH/2k7NSDUH/tabs/Sect1peTabs1to46.htm#Tab1.26B>

2008-2009: <http://www.oas.samhsa.gov/NSDUH/2k9NSDUH/tabs/Sect1peTabs1to46.htm#Tab1.26B>

2009-2010: <http://www.samhsa.gov/data/nsduh/2k10NSDUH/tabs/Sect1peTabs1to46.htm#Tab1.26B>

# Age, Race and Ethnicity in Marijuana Possession Arrests

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In Colorado, as throughout the United States, about 60% of people age 18-25 have tried marijuana, about 32% used it in the last year, and about 20% used it in the last month. This is a higher rate than for any other age group.<sup>14</sup>

In Colorado, as elsewhere in America, most people arrested for marijuana possession are young. From 2001 through 2010, of the 108,000 people arrested in Colorado for marijuana possession: 86% of them were age 34 or younger, 79% were 29 or younger, and 69% were 24 or younger. Young people age 18-24 were most likely to get arrested for possessing marijuana. From 2001 through 2010, Colorado arrested about 85,000 young people age 29 or younger (79% of 108,000)

In the last decade (2001-2010), Caucasians (or whites) were 72% of Colorado's population and 63% of those who police arrested for marijuana possession. Most of the remaining possession arrests in Colorado were of young African Americans and Latinos.<sup>15</sup>

African Americans (or blacks) made up 10.5% of the people arrested for marijuana possession in the last decade, but blacks were only 3.8% of the state's population. In Colorado, blacks were arrested at 2.8 times their percentage of the population and at 3.1 times the rate of whites.

Hispanics (or Latinos) made up 25.4% of the people arrested for marijuana possession, but Latinos were only 19.2% of Colorado's population. In the last decade, Latinos were arrested at 1.3 times their percentage of the population and 1.5 times the rate of whites.

Although the mostly young blacks and Latinos have been arrested for marijuana possession at higher rates than whites, they do not use marijuana more than their white peers. Many years of U.S. health surveys have consistently found that young whites use marijuana at *higher* rates than do young blacks or Hispanics.

The previous page has two graphs. The top one shows marijuana use of young whites, blacks and Latinos from 2002 through 2009. In every category – ever used marijuana, used it in the last year, or used it in the last month – the studies found that young whites used marijuana at higher rates than young blacks or than young Hispanics.<sup>16</sup>

The second graph on the previous page shows the rate of marijuana possession arrests per 100,000 of each group in Colorado's population. As throughout the U.S.,

blacks and Latinos in Colorado were arrested at higher *per capita* rates than whites, even though young whites use marijuana at higher rates than young blacks and Latinos.

On the next page are two more graphs. The top one shows the rate of marijuana possession arrests of whites, Latinos and blacks in the five most populous counties in Colorado, from 2001 to 2010. These five counties have over the half of Colorado's residents. Like the state-wide rates on the previous page, it shows that in each of the largest counties, Latinos have been arrested at higher rates than whites, and that blacks have been arrested at higher rates than either group.

The second graph on the next page shows the percentage of blacks and Latinos in Colorado's population, and also the percentage of blacks and Latinos in the state's marijuana possession arrests from 2001 through 2010. Blacks and Latinos together made up 23% of the state's residents, but they were 36% of the people that police arrested for marijuana possession.

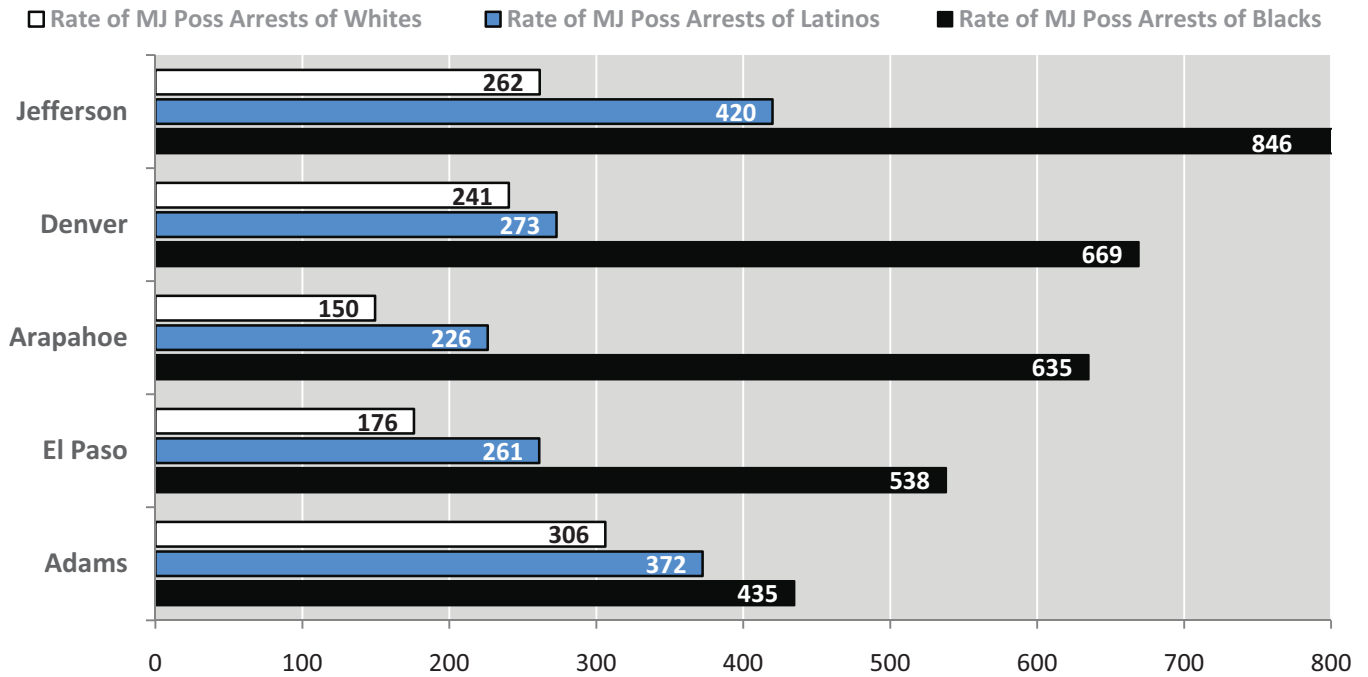
Although there is racial and ethnic prejudice everywhere, we do not think that that most racial disparities in marijuana possession arrests can be explained by explicit or overt personal prejudice on the part of individual police officers. So, why does this happen?

Police departments in cities and large towns tend to deploy patrol police to certain neighborhoods or geographic areas usually designated "high crime" or "crime prone." These are disproportionately low-income areas, some with concentrations of Latinos and blacks. It is in these places where the police are assigned to make more patrols, and where they stop and search more vehicles and individuals looking for "contraband" of any type in order to make an arrest. Often patrol officers have to meet formal or informal monthly quotas of stops, arrests, and tickets. The item that people in any neighborhood are most likely to possess which can get them arrested is a small amount of marijuana. The marijuana possession arrests are skewed by class, ethnicity and race in part because patrol police tend to "fish" for arrests in neighborhoods with more low-income whites, blacks and Latinos.<sup>17</sup>

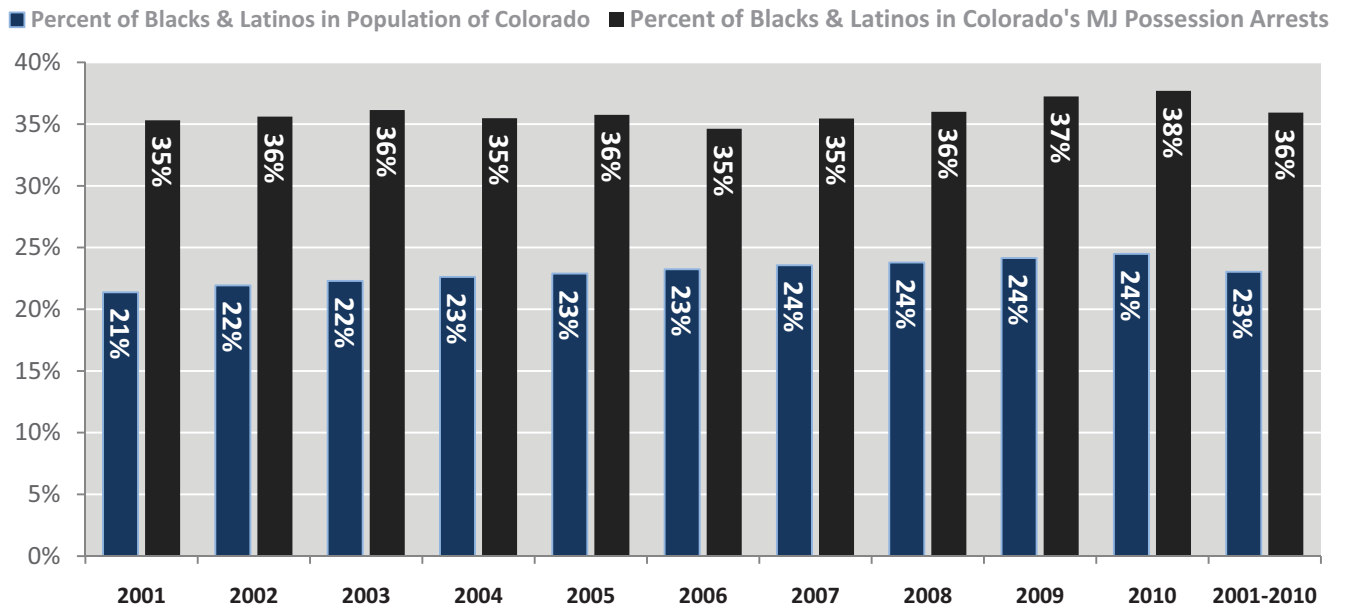
It is important to recognize that cities and law enforcement agencies in Colorado have not been immune from charges of racially and ethnically-biased policing. The profiling of Latinos thought to be "illegal" immigrants has led to charges of discriminatory policing.<sup>18</sup> In 2011 several civil rights organizations filed a complaint with the U.S. Justice Department alleging "a pattern and practice of police misconduct and civil rights violations by Denver law enforcement" against African Americans.<sup>19</sup> Such discriminatory targeting of people based on their race or ethnicity is one of the factors contributing to disparities in marijuana possession arrests in Colorado.



## Rates of Marijuana Possession Arrests of Whites, Latinos & Blacks, per 100,000 of each group, in Colorado's 5 Counties with the Largest Populations, 2001-2010



## Percentage of Blacks and Latinos in Colorado's Population and Percentage of Blacks and Latinos in Colorado's Marijuana Possession Arrests



Source: US Census Data, and FBI-UCR data adjusted with proxy measure for Latinos and non-Hispanic whites, 2001-2010. Rates per 100,000 of each group.

# About this report

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"210,000 Marijuana Possession Arrests in Colorado, 1986-2010" was prepared by the Marijuana Arrest Research Project, New York, NY. The Marijuana Arrest Research Project is directed by Harry G. Levine and Loren Siegel. We often collaborate with Jon B. Gettman and other researchers. We study race, police policy, and the growing number of arrests for marijuana possession and other petty offenses.

Our publications rely on public data and on the first-hand knowledge of current and former police officers, public defenders, judges, assistant district attorneys, and others who work daily in the criminal justice system. We have authored three reports on marijuana possession arrests in California, one about arrests in Washington State, and numerous reports and testimony about arrests in New York City and State. Our reports have been published in conjunction with the Drug Policy Alliance, the New York Civil Liberties Union, and the NAACP. Our work is in part supported by grants and gifts from individuals and foundations, especially the Open Society Foundations. Our reports and other work can be found at our website: <http://marijuana-arrests.com>

Our research and writings have been cited in editorials and news stories in The New York Times, the Los Angeles Times, National Public Radio, WNYC, Associated Press, New York Magazine, New York Daily News, the Economist, Reason Magazine, and many other print and online publications. We can be reached at: [marijuana.arrests@gmail.com](mailto:marijuana.arrests@gmail.com).

Harry G. Levine is a professor of sociology at Queens College and the Graduate Center, City University of New York. He has won awards for his research and writing on the history and sociology of drug issues.

Loren Siegel is an attorney and an independent consultant specializing in media and communications for non-profits. She was for many years the director of public education for the American Civil Liberties Union.

Jon B. Gettman is a professor in the Criminal Justice Program at Shenandoah University, in Winchester, Virginia. He has authored numerous reports about marijuana arrests and policy.

The Marijuana Arrest Research Project is a project of Community Studies of New York, Inc., a non-profit research and educational organization founded in 1993. Among its activities is running the Infoshare Community Data Service ([www.infoshare.org](http://www.infoshare.org)), which collects and makes available on a publicly accessible database a full range of New York data on population, immigration, employment, housing, health status, crime, child care, public schools, land use, business pattern, and other matters. Community Studies of New York, 155 West 72nd Street, Suite 402, New York, NY 10023

Citation format: Harry G. Levine, Jon B. Gettman, Loren Siegel. "210,000 Marijuana Possession Arrests in Colorado, 1986-2010", Marijuana Arrest Research Project, New York, NY, October 2012.<sup>20</sup>

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## NOTES

<sup>1</sup> According to U.S. Census and Uniform Crime Reporting (UCR) data, from 1986 to 2010 the population of Colorado grew 47% while the marijuana possession arrests grew 157%.

<sup>2</sup> For example, in 2007 California arrested people for marijuana possession at a rate of 203 arrests and Colorado at a rate of 254 arrests per hundred thousand residents. "Marijuana Arrest Rates Based on User Populations, by state, (2007)" at: [http://www.drugscience.org/States/US/rate\\_rank.htm](http://www.drugscience.org/States/US/rate_rank.htm)  
In 2006 California's marijuana possession arrest rate was 145 arrests and Colorado's was 224 arrests. "United States Marijuana Arrests by State, (2006)" at: [http://www.drugscience.org/States/US/US\\_la.htm](http://www.drugscience.org/States/US/US_la.htm)  
[Note: punctuation is omitted at the end of web addresses to reduce errors when copying to a browser.]

<sup>3</sup> The arrest data presented in this report was obtained from the Uniform Crime Reporting (UCR) Program of the Federal Bureau of Investigation (FBI). This program annually collects data from state and local law enforcement agencies, though not every local police agency participates in the program. The UCR program maintains two distinct data sets. One makes available the raw data provided by local police agencies with details on the race, age and sex of people arrested for various categories of crime. For the state of Colorado this provides demographic data for approximately 80% of all the arrests in the state. Demographic data on marijuana possession arrests in Colorado are based on this UCR data set. Arrest rates have been calculated using this arrest data and US Census data for the respective groups.

The other UCR data set used for this report is commonly referred to as the county-level data set. It provides total arrest counts for every county in the states that participate in the program. The UCR program uses widely accepted statistical practices to produce estimates for those agencies which have not reported data. Data from this county-level data set have been used to present data on Colorado arrests for marijuana possession throughout the last twenty-five years. These estimation procedures account for differences between data provided by the UCR county-level data set and data reported by Colorado State criminal justice agencies. The Colorado state government criminal justice data and the UCR race, age, and sex data set, are for all practical purposes, identical. Both UCR data sets referred to here are publicly available through the Inter-University Consortium for Political and Social Research.

<sup>4</sup> We have said here that Colorado has "reduced criminal penalties *to some extent*." Colorado is sometimes termed a "decriminalization" state. We think this terminology, first applied in the 1970s, needs to be seriously reconsidered and reworked for the second decade of the 21st century. The term *decriminalization* was initially used to describe marijuana laws and reforms at a time when police made far fewer possession arrests than currently. In the 1970s, many political and media observers believed that widespread decriminalization, or the removal of all penalties, or even the legalization of possession if not of transfer and sale, would soon happen. Instead, beginning in 1980, the U.S. began a reinvigorated "War on Drugs" that, by the 1990s, focused mainly on marijuana and produced the ever-rising possession arrests we see today. Colorado reduced the criminal penalties for marijuana possession, but by no means eliminated them; in Colorado law, marijuana possession remains a criminal offense handled by criminal courts. As a result, we do not think that it is accurate to say that in Colorado marijuana possession has been decriminalized.

<sup>5</sup> Colorado Revised Statutes, Uniform Controlled Substances Act of 1992, Title 18, Article 18, Section 406, "Offenses relating to marihuana and marihuana concentrate." Also see: Jon Gettman, PhD, "Marijuana in Colorado: Arrests, Usage and Related Data," The Bulletin of Cannabis Reform, November 5, 2009, at: <http://www.drugscience.org/States/CO/CO.pdf>  
Increasing the amount of the Class 3 Petty Arrest in 2009 from less than an ounce to less than two ounces affects very few people and arrests and does not soften the impact of the law.

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<sup>6</sup> Colorado is a “home rule state,” meaning that the state has granted to local authorities the power to govern themselves and pass their own laws, including criminal laws. Many cities in Colorado have adopted municipal codes that make marijuana possession a municipal offense.

<sup>7</sup> If a municipal ordinance is silent on the penalty to be applied, which is often the case, the judge has full discretion in imposing a sentence within certain broad limits. Since the maximum penalty for all municipal ordinances is fixed at a year in jail and a \$1,000 fine by State law, some city judges have been known to apply the maximum sentence, even in a marijuana possession case. Michael Roberts, “Marijuana: \$1K fine, year in jail for possession possible but unlikely, says Lakewood PD,” Denver Westword Blog, September 7, 2012.  
[http://blogs.westword.com/latestword/2012/09/marijuana\\_1000\\_fine\\_year\\_in\\_jail\\_lakewood.php](http://blogs.westword.com/latestword/2012/09/marijuana_1000_fine_year_in_jail_lakewood.php)

<sup>8</sup> See “Filing Fees, Surcharges, and Costs in Colorado State Courts,”  
<http://www.courts.state.co.us/Forms/renderForm.cfm?Form=804>

<sup>9</sup> This description of court practices is based on interviews with defense attorneys who practice in these courts.

<sup>10</sup> For criminal records in Colorado see <https://www.cbirecordscheck.com>  
For other examples of web sites that will search for criminal records see:  
<https://www.criminalwatchdog.com/> <http://www.ussearch.com/consumer/criminal-records/>  
<http://www.jailbase.com/> <http://www.usa-people-search.com/Criminal-Records.aspx>  
<http://www.blackbookonline.info/criminalsearch.aspx/> <http://www.nycourts.gov/apps/chrs/>

<sup>11</sup> Center for Community Alternatives, “The Use of Criminal History Records in College Admissions Reconsidered,” November 2010, at <http://www.communityalternatives.org/pdf/Reconsidered-criminal-hist-recs-in-college-admissions.pdf>

<sup>12</sup> In their 2007 study of the effect of marijuana possession arrests on reducing crime in New York City, Harcourt and Ludwig, two University of Chicago researchers, found that the NYPD's marijuana arrests do not reduce crime and may even increase it by taking officers off the street. They write:  
“[New York City’s] experiment with misdemeanor MPV [marijuana possession] arrests —along with all the associated detentions, convictions, and additional incarcerations — represents a tremendously expensive policing intervention.... Our study further shows that there is no good evidence that it contributed to combating serious crime in the city. If anything, it has had the reverse effect. As a result, the NYPD policy of misdemeanor MPV [marijuana possession] arrests represents an extremely poor trade-off of scarce law enforcement resources.” See: Bernard E. Harcourt and Jens Ludwig, “Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York City, 1989-2000”, *Criminology and Public Policy* 6:1 pp 165-182, 2007

<sup>13</sup> Jon Gettman, PhD, “Marijuana in Colorado: Arrests, Usage and Related Data,” *The Bulletin of Cannabis Reform*, November 5, 2009.

<sup>14</sup> Source: Substance Abuse and Mental Health Services Administration, *Results from the 2010 National Survey on Drug Use and Health: Summary of National Findings*, NSDUH Series H-41, HHS Publication No. (SMA) 11-4658. Rockville, MD: Substance Abuse and Mental Health Services Administration, 2011.  
<http://www.oas.samhsa.gov/NSDUH/2k10NSDUH/2k10Results.htm>

<sup>15</sup> All data is from the FBI-UCR data sets, described above in note 3. This data mixes Hispanics with whites and with blacks. This distorts arrest data for whites and blacks and produces no U.S. data at all on arrests of Hispanics. For many years this has limited the usefulness and accuracy of the FBI-UCR crime data which is the official and only national U.S. crime data. In a recent, path-breaking article in

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*Criminology*, the official publication of the American Society of Criminology and the leading journal in the field, Steffensmeier et al. (2011) have devised a statistical technique for more accurately estimating arrests of whites and of blacks, and for accurately estimating arrests of Hispanics. Their technique uses data from jurisdictions where the arrests of whites, blacks and Hispanics are reported and known because the state breaks out arrestees by race *and* ethnicity. (They use data from California and New York). The method then uses this data to distinguish the three groups in another jurisdiction where FBI-UCR data and state and county data only show arrests of whites that include white Hispanics, and arrests of blacks that include black Hispanics. In this report, this method has been applied to marijuana possession arrests in Colorado based on marijuana possession arrest data from California for the years 2001 through 2010. Steffensmeier et al. briefly summarize their method as follows:

Our adjustment method for removing the “Hispanic effect” from White and Black UCR arrest figures follows a straightforward procedure that is elaborated subsequently and includes the following four steps: 1) mimic UCR national estimates in the CA–NY data by adding Hispanic arrests into White and Black arrest categories to create *confounded White and Black CA–NY arrest figures*, 2) downward-adjust these *confounded White and Black CA–NY arrest figures* (to account for the relatively larger Hispanic population in CA–NY than in the nation as a whole), 3) use *clean* and *confounded White and Black CA–NY arrest figures* to create *correction factors* for UCR data, and 4) apply these *correction factors* to UCR arrest figures to estimate *clean* national counts of White and Black arrests that do not include Hispanics.

See: Steffensmeier, D; Feldmeyer, B; Harris, C; Ulmer, J. (Feb, 2011) "Reassessing Trends in Black Violent Crime, 1980-2008: Sorting Out the 'Hispanic Effect' in Uniform Crime Reports Arrests, National Crime Victimization Survey Offender Estimates, and US Prisoner Counts." *Criminology*; 49; 1; pg 197-pg 251.

<sup>16</sup> The web addresses of the sources for the data in the graph "Marijuana Use by Whites, Blacks & Latinos, Ages 18 to 25, 2002-2009" are on page 8 at the bottom of the page. All data comes from: US Dept HHS, SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002-2010. These major U.S. studies of drug use consistently find that young whites (18-25) use marijuana at higher rates than young blacks and Latinos (18-25). However, some studies find that whites 35 and older use marijuana at slightly lower rates than older blacks. For our purposes, it is the younger people who are most important because a) young people use marijuana at significantly higher rates, and b) police arrest young people at far, far higher rates.

<sup>17</sup> The logic of police patrol and arrest processes, including arrest quotas and their important role in policing for marijuana possession and other misdemeanors is described in: Harry G. Levine and Deborah P. Small, *Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City, 1997-2007*. NYCLU, New York, 2009. At: [http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE\\_Final.pdf](http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE_Final.pdf) Patrol and narcotics police, and their immediate supervisors, often face enormous pressure to meet arrest and ticket quotas – sometimes termed "performance measures." Making marijuana arrests are a relatively safe and easy way for police to meet their quotas.

<sup>18</sup> See, for example, *Jose Sanchez v. The City and County of Denver*, in which a legal resident was falsely arrested by the Denver police on suspicion of being an “illegal immigrant.” [http://blogs.westword.com/latestword/2011/03/jose\\_sanchez\\_lawsuit\\_denver\\_police\\_department\\_aclu.php?page=2](http://blogs.westword.com/latestword/2011/03/jose_sanchez_lawsuit_denver_police_department_aclu.php?page=2)

<sup>19</sup> See letter to Thomas E. Perez, Assistant Attorney General, Civil Rights Division, United States Department of Justice from Mark Silverstein, Legal Director, ACLU of Colorado, at <http://aclu-co.org/sites/default/files/ACLU%20Colo%20%20letter%20to%20DOJ%20Special%20Litigation%20Unit%2005-31-11.pdf>

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