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MEMORANDUM

To: Kathleen Jennings, Attorney General; Delaware Department of Justice
From: Spencer Price, Director; Statistical Analysis Center
Analyst: Brie Gannon, Research Specialist; Statistical Analysis Center
Subject: Arrest Information for Marijuana Possession

As the basis for this analysis, the Center extracted arrest data from the Delaware Criminal Justice Information System (CJIS) to identify possible Title 16 offenses related to marijuana possession for calendar years 2016, 2017 and 2018.

This data collection resulted in 4,765, 5,613 and 5,981 marijuana related charges for calendar years 2016, 2017 and 2018 respectively. Those charges resulted in 4,413 (2016), 5,233 (2017) and 5,622 (2018) distinct arrest events. Those arrest events involved 4,022, 4,645, and 5,031 distinct individuals for 2016, 2017 and 2018 respectively. Some offenders were arrested more than once on marijuana charges within the same calendar year. Below you will find two tables.

Table 1 shows the overall count for each marijuana possession charge by calendar year. The most frequent charge was for civil possession of marijuana, at around 60% for all three years. Civil paraphernalia charges represented 12% of the charges for CY2016, but increased to almost 20% for 2017 and 2018. All misdemeanor charges for marijuana make up the remaining charges 28%, 22% and 21% for 2016 through 2018.

Table 1

Statute	Description	Notes	2016	2017	2018
DE164764000aMB	POSS MARIJ+AF	under 18 or over personal use limit and agg factor	439	254	292
DE164764000bM	POSS MARIJ	under 18 or over personal use limit	786	852	883
DE164764000bMB	POSS MARIJ	subsequent offense possess marijuana	30	24	30
DE164764000cC	POSS MARIJ	civil possession of marij charges	2836	3254	3660
DE164764000cM	POSS MARIJ	personal use amount 18-21yrs old subseq offense	19	32	31
DE164764000dM	CONSUME MARIJ	use or consumption in public or moving vehicle	65	43	23
DE164771000aC	POSS PARAPHERNA	civil paraphernalia charges	590	1154	1062
TOTAL			4765	5613	5981

Table 2 represents distinct arrest events with at least one marijuana possession charge from Table 1 in the arrest and makeup of those events with respect to felony activity. The majority of arrest events (86%) do not include a Title 11, 16 or 21 felony charge. Of those that do not include a felony charge, 85% included a civil marijuana charge in 2016. This percentage has increased to 95% for both 2017 and 2018.

Table 2

	2016		2017		2018	
	n	%	n	%	n	%
Number of Distinct Arrest Events	4413		5233		5622	
Arrest Event Includes Title 11, 16 or 21 Felony	597	13.5%	748	14.3%	768	13.7%
--> and any non-civil marij charge*	311	52.1%	312	41.7%	403	52.5%
--> and any civil marij charge*	286	47.9%	436	58.3%	365	47.5%
--> --> civil possession*	176	61.5%	212	48.6%	203	55.6%
--> --> civil paraphernalia*	94	32.9%	200	45.9%	136	37.3%
--> --> civil possession AND civil paraphernalia*	16	5.6%	24	5.5%	26	7.1%
Arrest Event does NOT Include Title 11, 16 or 21 Felony	3816	86.5%	4485	85.7%	4854	86.3%
--> and any non-civil marij charge*	562	14.7%	195	4.3%	228	4.7%
--> and any civil marij charge*	3254	85.3%	4290	95.7%	4626	95.3%
--> --> civil possession*	2691	82.7%	3182	74.2%	3592	77.6%
--> --> civil paraphernalia*	426	13.1%	1051	24.5%	979	21.2%
--> --> civil possession AND civil paraphernalia*	137	4.2%	57	1.3%	55	1.2%

*Percentages calculated as subset

Of the distinct arrest events included in this analysis from 2016, 2017 and 2018, arrest events including **only** civil possession and/or civil paraphernalia charges make up between 35% and 38% of the arrests. There are a small number of arrests that include **both** possession as well as paraphernalia charges within the single arrest event; these are a very small subset of around three percent in 2016 and dropping to around one percent in 2018. About 25% of arrest events including a civil marijuana charge, for the years 2016 through 2018, have only accompanying Title 21 charges for traffic offenses and no other charges. However, this scenario has increased from 22% in 2016, to 27% in 2017 and is now up to 31% in 2018.