Still Unequal, Still Unfair
An Update on New Jersey's Marijuana Arrests

Previously, the ACLU-NJ took a deep dive into New Jersey's 2013 marijuana arrest numbers.[1] The report found a significant Black to white racial disparity in arrest rates, as Black people in New Jersey were three times more likely to be arrested for marijuana possession than white people, despite similar usage rates. Updated data from 2017 has been released and show an increase in the total number of arrests.

2013 AND 2017 ARRESTS: A BREAKDOWN*

2013 marijuana-related arrests: **27,923**

2017 marijuana-related arrests: **37,623**

*Arrests include arrests for marijuana possession and distribution.

The average number of arrests per day for marijuana possession increased dramatically between 2013 and 2017.

Arrests statewide per day for possession in 2013: **66**

Arrests statewide per day for possession in 2017: **95**

A Deeper Dive

Updated data from 2016 reflects the same troubling racial disparities from 2013, as Black people were three times more likely to be arrested than white people for marijuana possession. The racial disparity is even more extreme in certain localities.

- **HUNTERDON COUNTY:** Black people were **eleven times** more likely to be arrested than white people.
- **OCEAN COUNTY:** Black people were **seven times** more likely to be arrested than white people.
- **SALEM COUNTY:** Black people were **six times** more likely to be arrested than white people.

Arrests for Marijuana Possession in New Jersey in 2016 by Race [2]

	TOTAL ARRESTS	RATE OF ARREST PER 100,000
White	19,803	326
Black	11,798	925
Native American	80	433
Asian	598	73
State Total	32,279	
Statewide arrest rate per 100,000		394

[1] This report relies on the Federal Bureau of Investigation's Uniform Crime Reporting Program (FBI/UCR Program) and the United States Census' annual county population estimates by age, sex, and race to document arrest rates per 100,000 people for marijuana possession by race. See **https://www.aclu-nj.org/theissues/criminaljustice/unequal-unfair-njs-war-marijuana-users**.

[2] FBI/UCR arrest data does not identify Hispanics/Latinos as a distinct racial group and thus does not distinguish between white and Latino arrests. In other words, an arrest of a Hispanic/Latino person is often categorized as a "white" arrest. This conflation of Hispanic/Latino and white arrests not only prevents calculation of Latino arrest rates based on the UCR data, but also results in an underestimation of the racial disparities between Black and white arrests, since a portion — potentially a significant portion in some places — of the "white" arrests are likely arrests of Hispanics/Latinos.

Arrest Rates by County for Marijuana Possession[3]

6 counties in the state — Bergen, Burlington, Camden, Gloucester, Monmouth, and Union — are ranked among the highest for both greatest number of marijuana arrests and highest rates of arrest per 100,000 people.

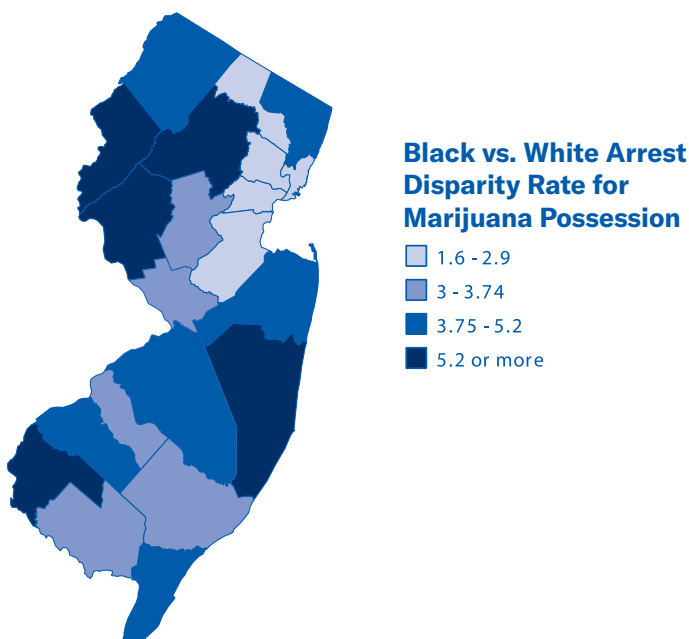## NJ Counties with Greatest Number of Arrests for Marijuana Possession

COUNTY	ARRESTS
1. Bergen	3,681
2. Monmouth	3,351
3. Middlesex	2,447
4. Essex	2,356
5. Camden	2,290
6. Union	2,157
7. Burlington	2,139
8. Morris	1,892
9. Passaic	1,781
10. Gloucester	1,546

NJ Counties with Highest Rates of Arrest for Marijuana Possession, per 100,000 People

COUNTY	ARRESTS
1. Cape May	728
2. Hunterdon	538
3. Monmouth	534
4. Gloucester	531
5. Burlington	475
6. Camden	448
7. Cumberland	442
8. Bergen	396
9. Union	392
10. Mercer	382

[3] The total number of arrests may include multiple arrests of the same person, while rates of arrest per 100,000 people allow us to compare counties that have vastly different populations. Counties with greater populations may have more arrests, but may make arrests at lower rates than counties with smaller populations.

Black vs. White Arrest Disparity Rate for Marijuana Possession in NJ in 2016 by County

Black vs. White Arrest Disparity Rate for Marijuana Possession

- 1.6 - 2.9
- 3 - 3.74
- 3.75 - 5.2
- 5.2 or more

NJ Rate of Arrest per 100,000 People for Marijuana Possession in 2016 by County

Rate of Arrest per 100,000 People

- 150 - 295
- 296 - 380
- 381 - 450
- 451 - 730