

**Nebraska Center for Justice Research**

---

# **Marijuana Enforcement in Nebraska (2009-2014)**



UNIVERSITY OF  
**Nebraska**  
Omaha

From the Director:

With the passage of Amendment 64 in 2012, the people of Colorado legalized the sale of recreational marijuana. While early evidence suggests that the policy change was both a cost cutting measure for Colorado law enforcement as well as a significant source of state revenue (an estimated \$80 million), such benefits have not been shared among states that border Colorado. In fact, marijuana remains prohibited in states such as Nebraska, where criminal justice officials have reported that marijuana arrests and jail admissions have increased significantly in the past half-decade, particularly in counties on the Colorado border, in the panhandle, and along Interstate 80. Officials also claimed that the most significant increases occurred during 2014, which was the first year recreational marijuana dispensaries opened their doors to both in and out of state residents.

In 2014, a Nebraska state legislative committee met with county sheriffs, local prosecutors, and jail administrators reportedly affected by increased levels of marijuana activity. During an initial hearing, criminal justice practitioners in western Nebraska and along I-80 testified to an increase in the amount of time and money devoted to processing marijuana arrests and transporting arrestees to jail. Officials claimed that for a number of years dating back to 2009, marijuana arrests have steadily increased, with the most significant growth occurring during 2014. Shortly after this hearing, Nebraska and Oklahoma sued Colorado for monetary relief due to the increased costs associated with changes in Colorado’s marijuana policy. However, the Supreme Court of the United States has recently dismissed the lawsuit, requiring that it go through lower federal courts before the argument will be heard.

In 2015, the Nebraska Center for Justice Research (NCJR) examined the validity of officials’ claims of an increase in marijuana-related criminal justice activity prior to 2014. This claim was compared to an alternative explanation that increased levels of arrests and jail admissions were due to population increases and/or a greater presence of Nebraska law enforcement. This research (available on the NCJR website) compared rates of marijuana arrests and jail admissions in Nebraska from 2000 through 2004 to corresponding rates from 2009 through 2013, while controlling for changes in the presence of local and state law enforcement. In general, we found that the seven counties along the border and eleven counties on the I-80 corridor had higher rates of arrests and jail admissions compared to other Nebraska counties. However, only border counties experienced a significant increase in the rate of marijuana-related arrests and jail admissions when comparing the two five year intervals. These increases coincided with a rapid increase in the number of medical marijuana users in Colorado, and supported officials’ claims that the prevalence of marijuana arrests and jail admissions had increased in Colorado-Nebraska border counties prior to the anticipated increase related to recreational legalization.

In the current report, we examine whether marijuana-related arrests and jail admissions in Nebraska have increased significantly in the first year of recreational legalization in Colorado by comparing raw counts and rates of marijuana-related criminal justice activity in 2014 to corresponding annual trends in the five years preceding recreational legalization (2009-2013). Specifically, we examine levels of marijuana arrests, jail admissions, and estimated costs of marijuana enforcement in 2014 among four groups of counties—the seven counties that border Colorado, the eight counties in the panhandle, the eleven counties along the I-80 corridor, and the remaining 67 counties in Nebraska—and compare these figures to corresponding levels across the state from 2009-2013. In addition, we examine the difference in the rate of marijuana arrests between 2013 and 2014, and provide estimated differences in costs related to marijuana enforcement in Nebraska.

Counties by Geographic Location

Border counties (n=7):

- |            |           |           |
|------------|-----------|-----------|
| • Chase    | • Dundy   | • Perkins |
| • Cheyenne | • Keith   |           |
| • Deuel    | • Kimball |           |

Panhandle counties (n=8):

- |             |                |            |
|-------------|----------------|------------|
| • Banner    | • Garden       | • Sheridan |
| • Box Butte | • Morrill      | • Sioux    |
| • Dawes     | • Scotts Bluff |            |

I-80 corridor counties (n=11):

- |           |             |          |
|-----------|-------------|----------|
| • Buffalo | • Hall      | • Sarpy  |
| • Cass    | • Hamilton  | • Seward |
| • Dawson  | • Lancaster | • York   |
| • Douglas | • Lincoln   |          |

Other counties (n=67):

- |            |             |              |
|------------|-------------|--------------|
| • Adams    | • Garfield  | • Otoe       |
| • Antelope | • Gosper    | • Pawnee     |
| • Arthur   | • Grant     | • Phelps     |
| • Blaine   | • Greeley   | • Pierce     |
| • Boone    | • Harlan    | • Platte     |
| • Boyd     | • Hayes     | • Polk       |
| • Brown    | • Hitchcock | • Red Willow |
| • Burt     | • Holt      | • Richardson |
| • Butler   | • Hooker    | • Rock       |
| • Cedar    | • Howard    | • Saline     |
| • Cherry   | • Jefferson | • Saunders   |
| • Clay     | • Johnson   | • Sherman    |
| • Colfax   | • Kearney   | • Stanton    |
| • Cuming   | • Keya Paha | • Thomas     |
| • Custer   | • Knox      | • Thurston   |
| • Dakota   | • Logan     | • Valley     |
| • Dixon    | • Loup      | • Washington |
| • Dodge    | • Madison   | • Wayne      |
| • Fillmore | • McPherson | • Webster    |
| • Franklin | • Merrick   | • Wheeler    |
| • Frontier | • Nance     |              |
| • Furnas   | • Nemaha    |              |
| • Gage     | • Nuckolls  |              |



# TABLE OF CONTENTS

Executive summary .....

Marijuana Possession Arrests .....

Marijuana Sale Arrests .....

Marijuana Arrest Rates (2013-2014) .....

Marijuana Jail Admissions .....

Cost Analysis .....

Conclusions by Geographic Area .....

Notes, Acknowledgments & Comments .....

5

6

8

10

12

16

18

20

## Executive Summary

### Purpose

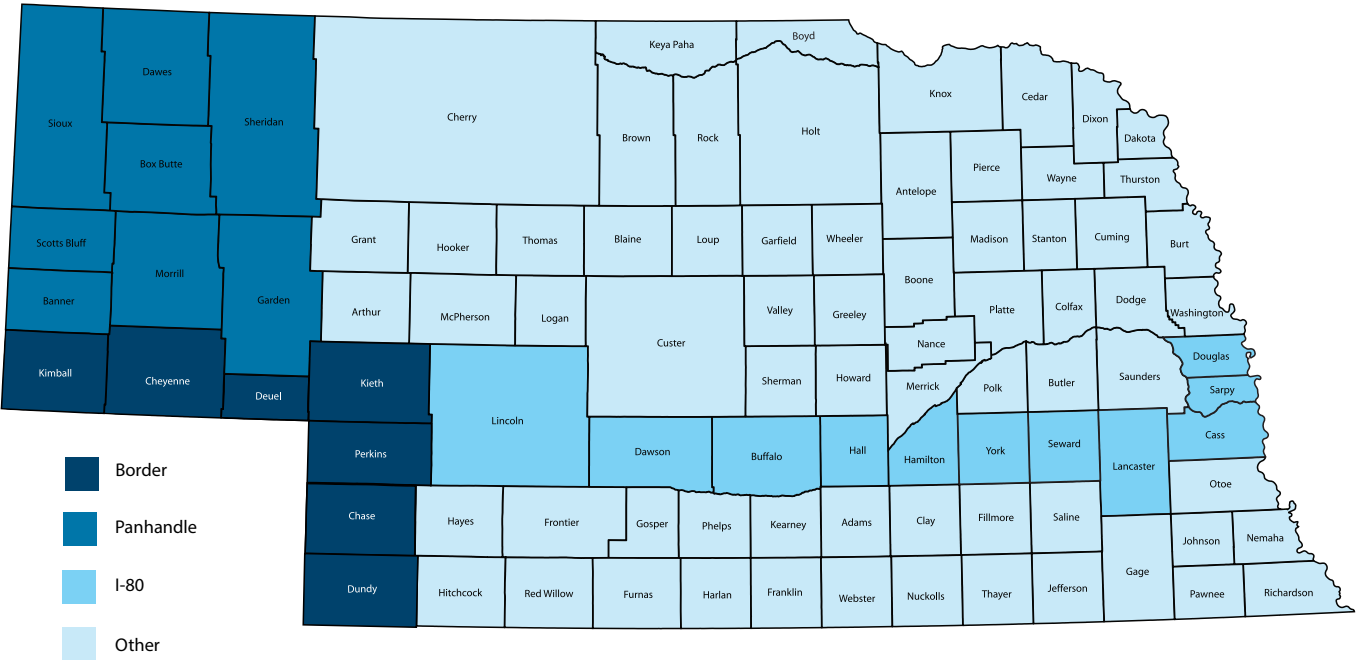
Examine trends in law enforcement and corrections related to the possession and sale of marijuana in Nebraska in the first full year of recreational legalization in Colorado.

### County Group and Statewide Comparison

According to the testimony of county and state officials in September 2014, counties along the border, in the panhandle, and along the I-80 corridor should be the hardest hit by increases in marijuana arrests, jail admissions and associated costs. These differences should be especially pronounced when these county groups are compared to the remainder of the counties in Nebraska. In addition, we compare these trends to overall trends across the state of Nebraska.

### Main Findings

- 1) Nebraska’s marijuana arrest rate increased by about 11% (4.10 to 4.55) between 2013 and 2014, and in general, counties along the Colorado border, in the panhandle, and along Interstate 80 had the highest rates of marijuana arrests in 2014
- 2) Overall, increases in marijuana possession arrests have been more substantial than sale/manufacture arrests
- 3) Counties along the Colorado border, in the panhandle, and along Interstate 80 have experienced larger increases in marijuana criminal justice activity relative to the rest of the counties in Nebraska
- 4) Counties along the interstate, and to a lesser extent those along the Colorado border, have been the most affected by increases in marijuana-related jail admissions
- 5) Nebraska spent an estimated 10.2 million dollars on enforcement of marijuana laws in 2014 (i.e., an 11.6% increase from dollars spent in 2013), and I-80 counties were responsible for the majority of this increase



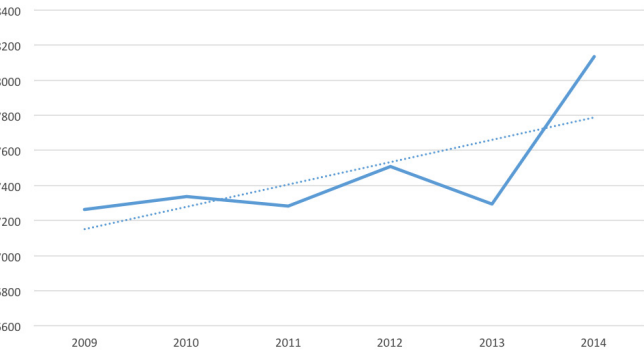


# MARIJUANA POSSESSION ARRESTS

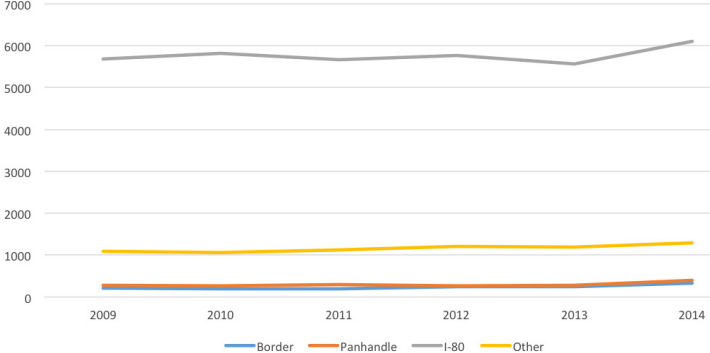


Possession Arrests	2009	2010	2011	2012	2013	2014
Border	214	197	194	254	253	335
Panhandle	281	268	292	267	281	399
I-80	5680	5810	5668	5776	5565	6100
Other	1087	1062	1127	1212	1194	1301
Nebraska	7262	7337	7281	7509	7293	8135

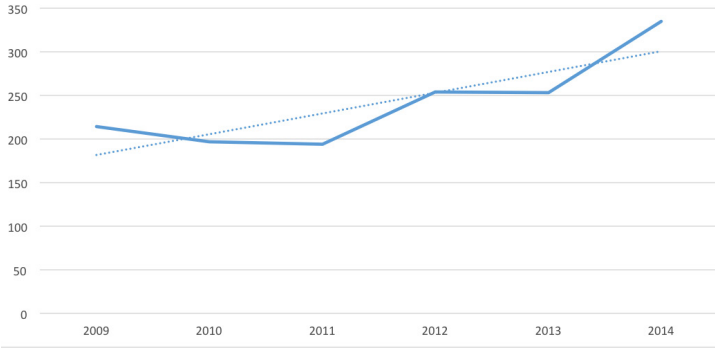
Marijuana Possession Arrests 2009-2014 (Nebraska)



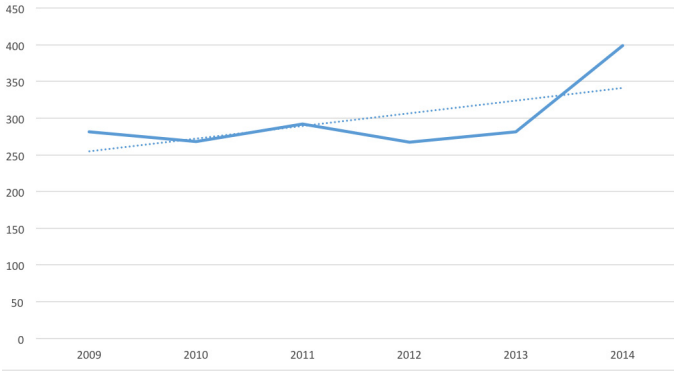
Marijuana Possession Arrests 2009-2014 (All Country Groups)



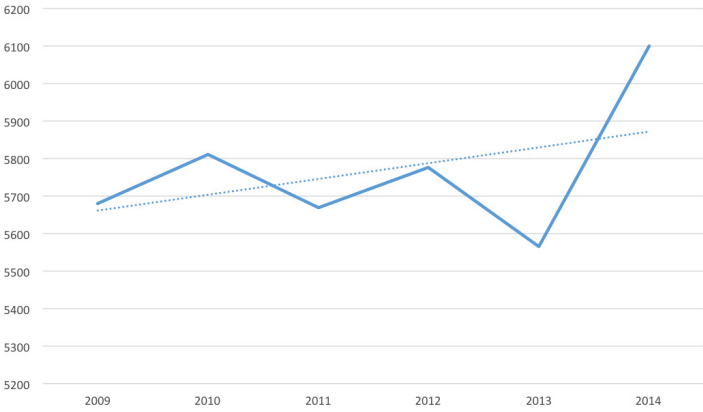
Marijuana Possession Arrests 2009-2014 (Border)



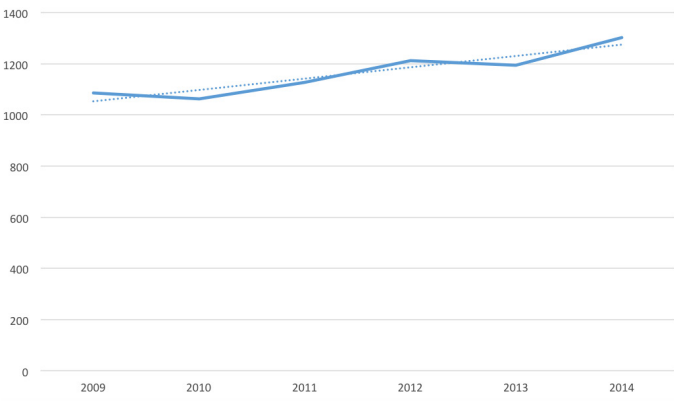
Marijuana Possession Arrests 2009-2014 (Panhandle)



Marijuana Possession Arrests 2009-2014 (I-80)



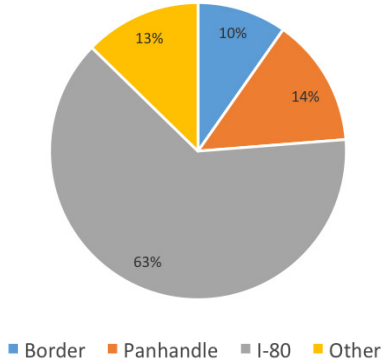
Marijuana Possession Arrests 2009-2014 (Other)



	Average Difference in Possession Arrests (2009-2013)	Difference in Possession Arrests (2013-2014)
Border	+9.8	+82
Panhandle	0.0	+118
I-80	-28.8	+535
Other	+26.8	+107
Nebraska	+7.8	+842

	Average Percent Difference in Possession Arrests (2009-2013)	Percent Difference in Possession Arrests (2013-2014)
Border	+5.3%	+32.4%
Panhandle	+0.3%	+42.0%
I-80	-0.5%	+9.6%
Other	+2.5%	+9.0%
Nebraska	+0.1%	+11.5%

2013-2014 Increase in Marijuana Arrests for Possession by County Group



## Main Findings:

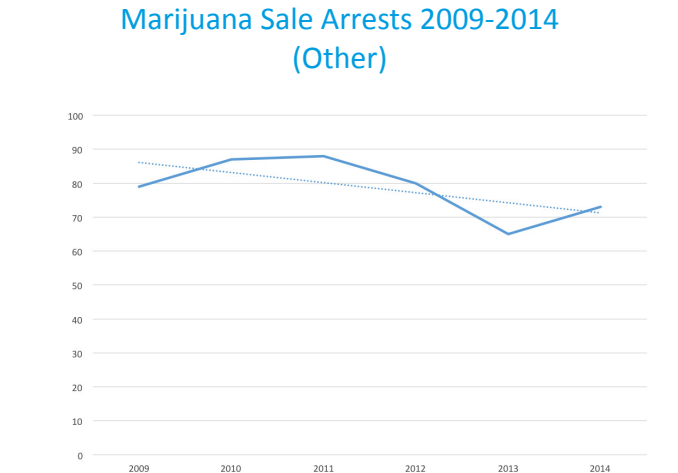
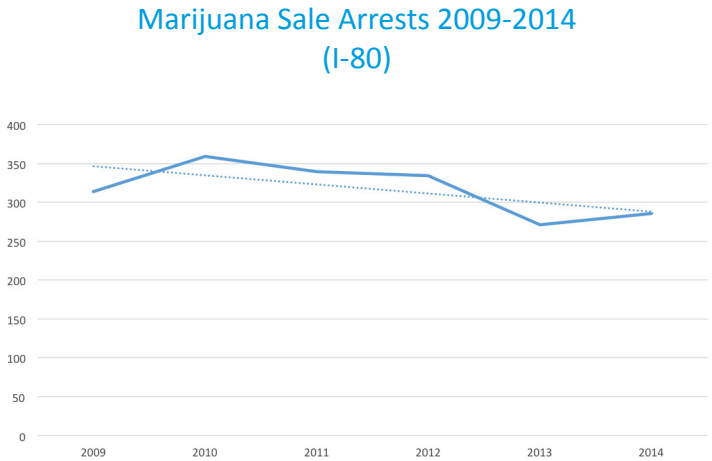
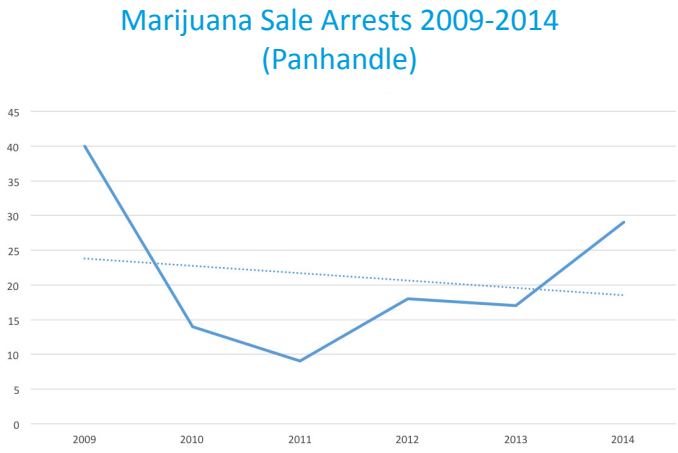
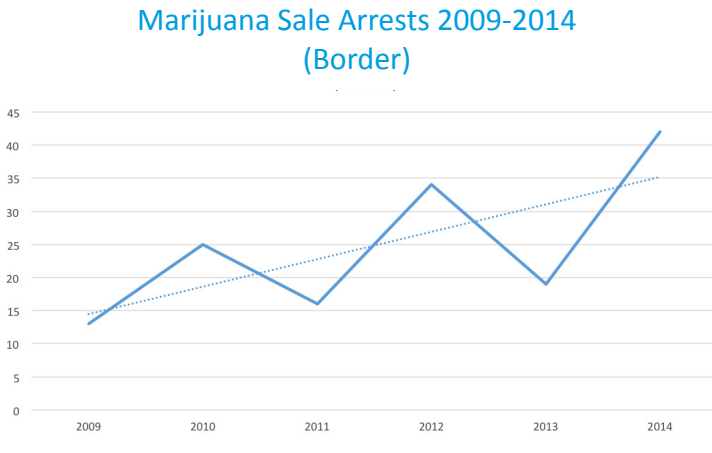
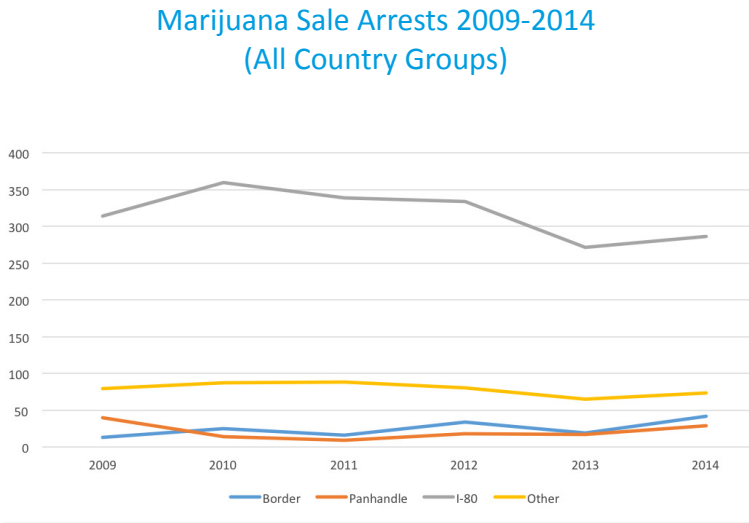
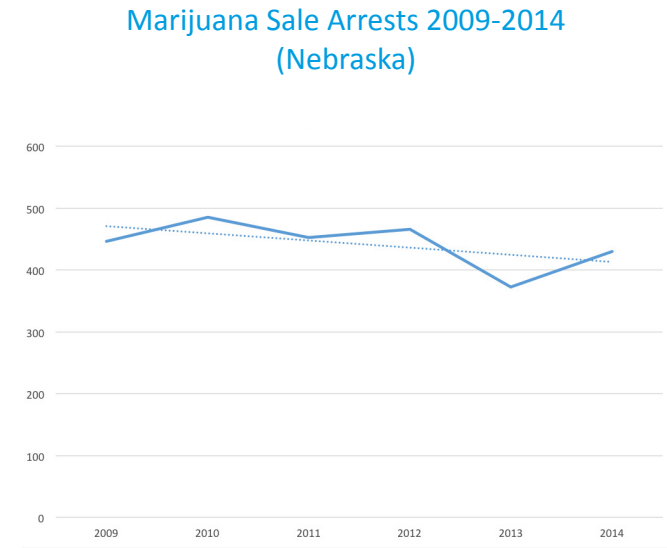
- 1) After remaining fairly stable from 2009-2013, possession arrests increased across Nebraska (and all county groups) in 2014; the majority of this increase (63%) occurred in counties along the I-80 corridor
- 2) I-80 counties exhibited the largest absolute increase (+535 arrests) in 2014, but panhandle and border counties experienced larger percent increases, relative to levels in 2013
- 3) Across all county groups and the state of Nebraska, possession arrests reached a 6-year high in 2014
- 4) Nebraska law enforcement made 842 additional marijuana possession arrests in 2014 compared to 2013, an 11.5% overall increase



# MARIJUANA SALE ARRESTS



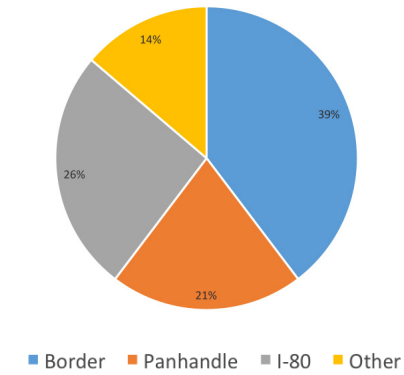
Sale Arrests	2009	2010	2011	2012	2013	2014
Border	13	25	16	34	19	42
Panhandle	40	14	9	18	17	29
I-80	314	359	339	334	271	286
Other	79	87	88	80	65	73
Nebraska	446	485	452	466	372	430



	Average Difference in Sale Arrests (2009-2013)	Difference in Sale Arrests (2013-2014)
Border	+1.5	+23
Panhandle	-5.75	+12
I-80	-10.75	+15
Other	-3.5	+8
Nebraska	-18.5	+58

	Average Percent Difference in Sale Arrests (2009-2013)	Percent Difference in Sale Arrests (2013-2014)
Border	+31.2%	+121.1%
Panhandle	-1.6%	+70.6%
I-80	-2.9%	+5.5%
Other	-4.1%	+12.3%
Nebraska	-3.8%	+15.6%

2013-2014 Increase in Marijuana Sale Arrests by County Group



## Main Findings:

- 1) Marijuana sale arrests increased in all county groups and across the state of Nebraska in 2014
- 2) Sale arrests were trending downward in panhandle, interstate, and comparison counties, as well as the state as a whole, from 2009-2013; each of these trends reversed direction in 2014
- 3) Despite having the smallest population of all county groups, border counties were responsible for the largest percent of the state increase in marijuana sale arrests (39%)
- 4) Nebraska law enforcement made 58 additional marijuana sale arrests in 2014 compared to 2013, a 15.5% percent increase overall

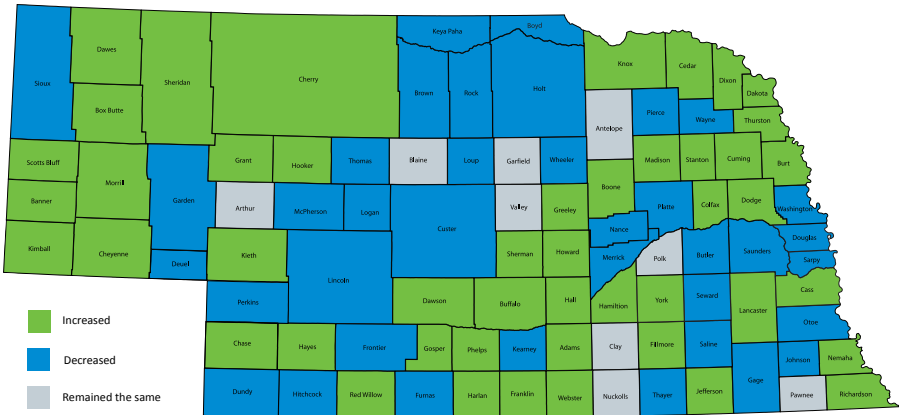
# MARIJUANA ARREST RATES (2013-2014)

Rate per 1000 residents

Nebraska		Number	Rate
2013		7665	4.10
2014		8565	4.55

Highest Rate	County	Number	Rate
2013	Deuel	63	32.52
2014	Deuel	47	24.23

Change in Rate (2013 vs. 2014)	County	Difference in Rate
Largest Increase	Banner	18.30
Largest Decrease	Deuel	-8.30

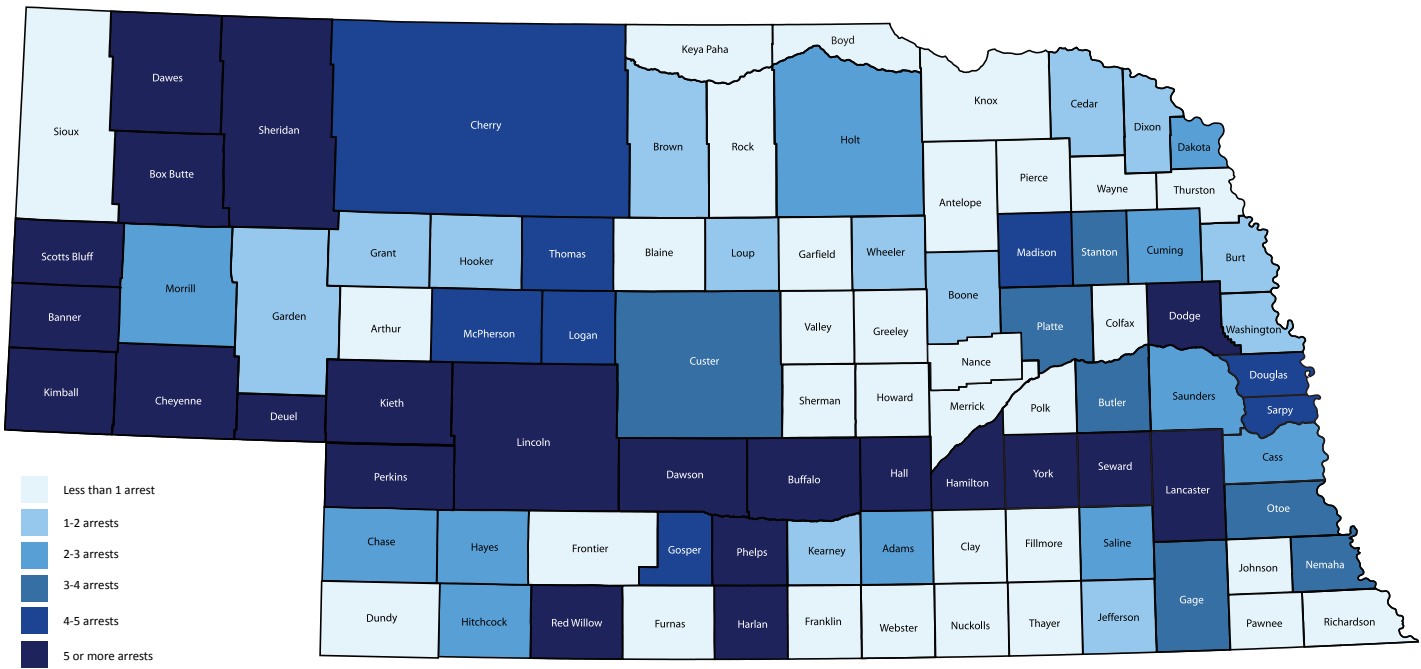


County	Arrests (2013)	Rate of Arrest (2013)	Arrests (2014)	Rate of Arrest (2014)
Adams	69	2.18	74	2.35
Antelope	2	0.31	2	0.31
Arthur	0	0.00	0	0.00
Banner	3	3.95	17	22.25
Blaine	0	0.00	0	0.00
Boone	0	0.00	7	1.31
Box Butte	35	3.10	64	5.64
Boyd	1	0.49	0	0.00
Brown	6	2.05	3	1.02
Buffalo	299	6.24	355	7.36
Burt	3	0.46	9	1.37
Butler	31	3.73	25	3.03
Cass	31	1.22	56	2.19
Cedar	7	0.80	15	1.74
Chase	6	1.50	8	2.01
Cherry	17	2.94	24	4.17
Cheyenne	61	6.04	74	7.29
Clay	1	0.16	1	0.16
Colfax	2	0.19	6	0.57
Cuming	16	1.78	23	2.55
Custer	43	3.98	40	3.73
Dakota	53	2.53	61	2.93
Dawes	39	4.29	52	5.75
Dawson	162	6.69	195	8.09
Deuel	63	32.52	47	24.23
Dixon	3	0.51	7	1.21
Dodge	164	4.49	269	7.32
Douglas	2405	4.48	2238	4.12
Dundy	3	1.51	1	0.53
Fillmore	0	0.00	4	0.71
Franklin	0	0.00	2	0.65

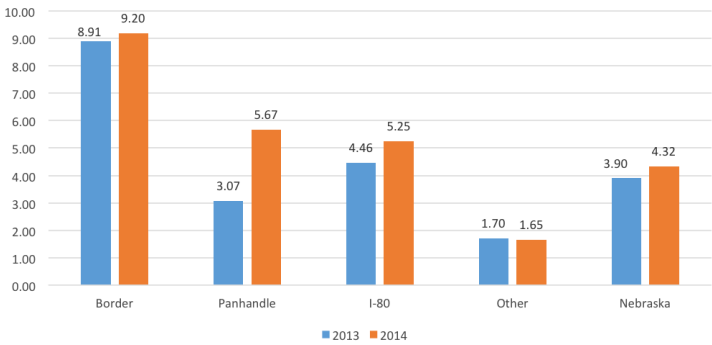
County	Arrests (2013)	Rate of Arrest (2013)	Arrests (2014)	Rate of Arrest (2014)
Frontier	4	1.48	2	0.74
Furnas	8	1.64	3	0.61
Gage	73	3.34	65	3.00
Garden	4	2.10	3	1.57
Garfield	0	0.00	0	0.00
Gosper	4	2.03	8	4.06
Grant	0	0.00	1	1.62
Greeley	0	0.00	1	0.40
Hall	319	5.25	342	5.56
Hamilton	23	2.52	61	6.68
Harlan	9	2.56	18	5.15
Hayes	0	0.00	2	2.14
Hitchcock	11	3.83	6	2.07
Holt	29	2.78	21	2.02
Hooker	1	1.36	1	1.37
Howard	3	0.47	4	0.63
Jefferson	7	0.93	9	1.23
Johnson	3	0.58	1	0.19
Kearney	13	1.99	13	1.96
Keith	96	11.81	195	24.01
Keya Paha	1	1.27	0	0.00
Kimball	23	6.21	36	9.70
Knox	3	0.35	4	0.47
Lancaster	1419	4.78	1985	6.58
Lincoln	297	8.24	278	7.76
Logan	6	7.86	3	4.00
Loup	2	3.47	1	1.70
Madison	141	4.00	146	4.15
McPherson	3	5.70	2	4.02
Merrick	10	1.28	7	0.90
Morrill	8	1.63	12	2.47

County	Arrests (2013)	Rate of Arrest (2013)	Arrests (2014)	Rate of Arrest (2014)
Nance	1	0.28	0	0.00
Nemaha	16	2.24	24	3.34
Nuckolls	2	0.45	2	0.46
Otoe	70	4.44	58	3.67
Pawnee	0	0.00	0	0.00
Perkins	20	6.85	16	5.53
Phelps	45	4.88	71	7.73
Pierce	4	0.56	3	0.42
Platte	120	3.69	103	3.15
Polk	1	0.19	1	0.19
Red Willow	39	3.54	55	5.06
Richardson	3	0.37	4	0.49
Rock	4	2.83	0	0.00
Saline	43	2.98	30	2.10
Sarpy	732	4.32	714	4.15
Saunders	77	3.68	62	2.96
Scotts Bluff	181	4.91	242	6.64
Seward	90	5.27	89	5.19
Sheridan	27	5.14	38	7.23
Sherman	0	0.00	1	0.33
Sioux	1	0.76	0	0.00
Stanton	12	1.96	20	3.30
Thayer	2	0.39	0	0.00
Thomas	6	8.58	3	4.37
Thurston	0	0.00	3	0.43
Valley	0	0.00	0	0.00
Washington	44	2.18	36	1.78
Wayne	16	1.70	4	0.42
Webster	3	0.81	3	0.82
Wheeler	2	2.64	1	1.31
York	59	4.25	73	5.24

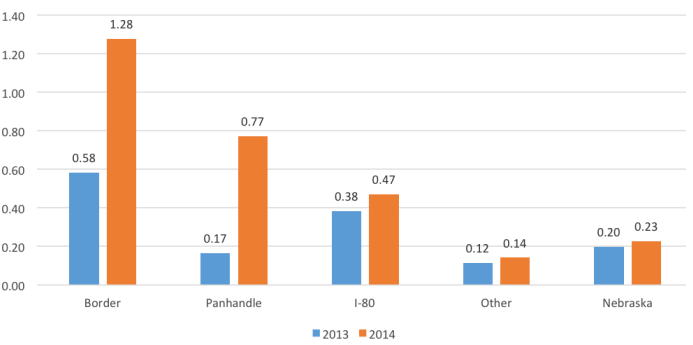
## Rate of Marijuana Arrests (2014)



Rate of Possession Arrests per 1000 Residents (2013 vs. 2014)



Rate of Sale Arrests per 1000 Residents (2013 vs. 2014)



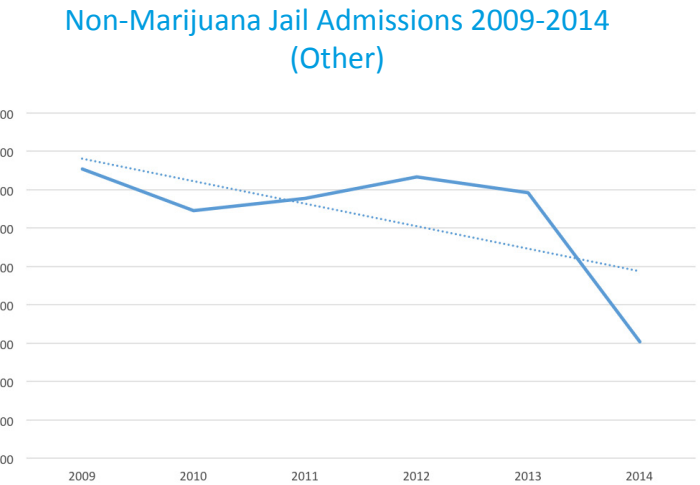
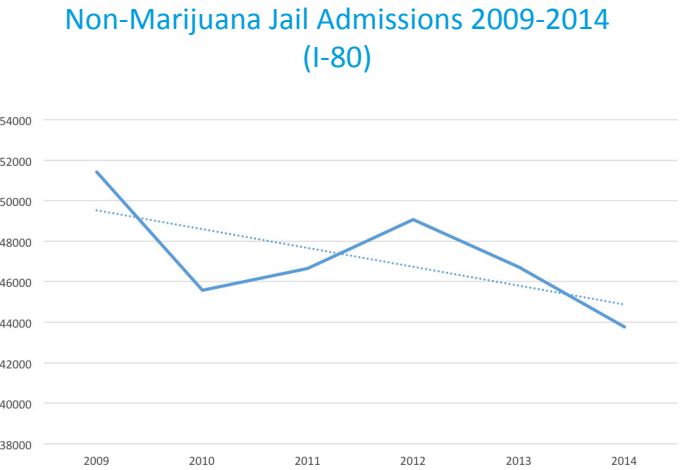
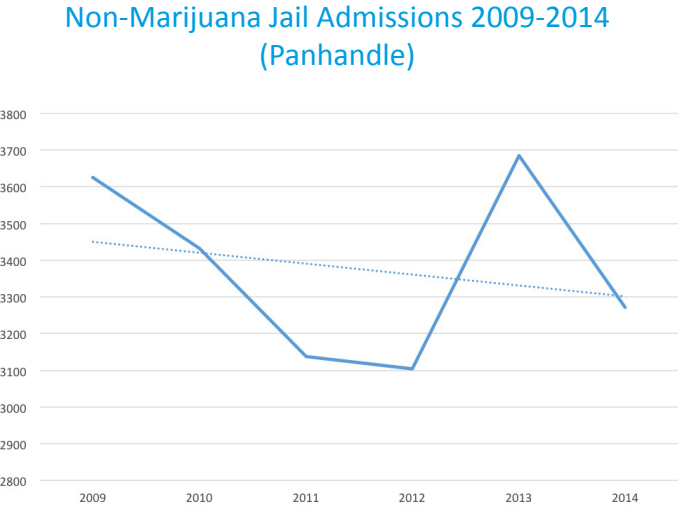
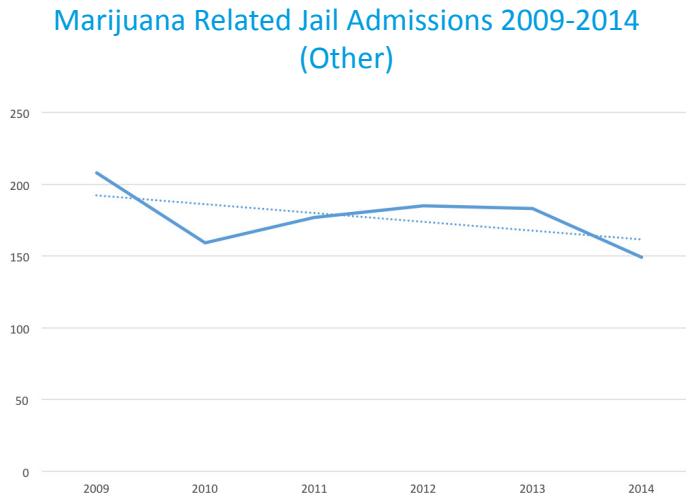
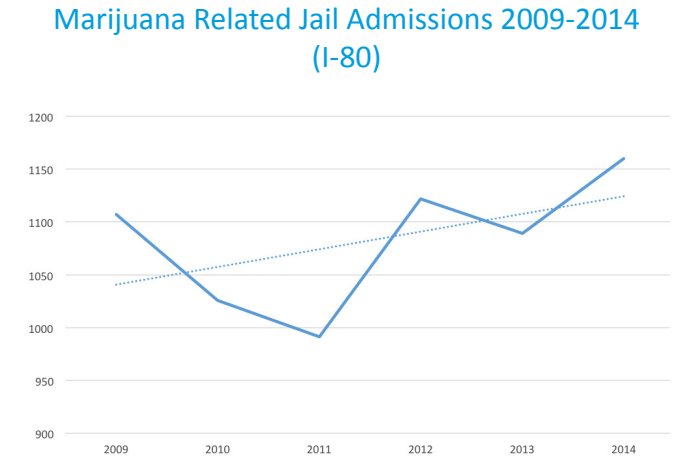
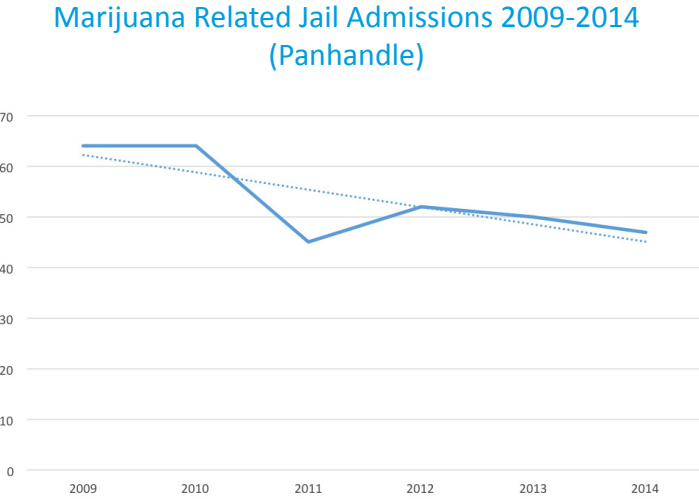
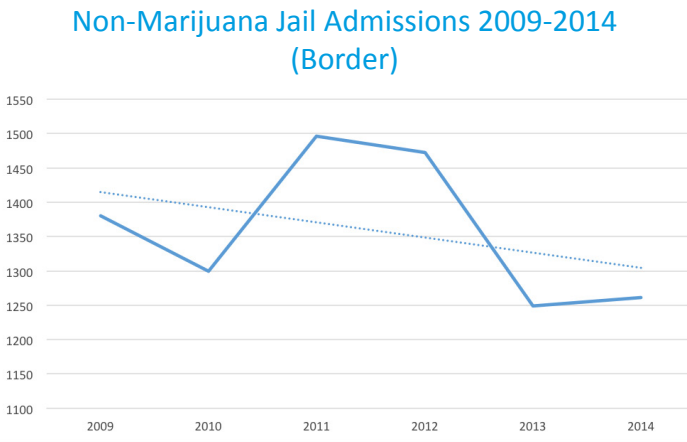
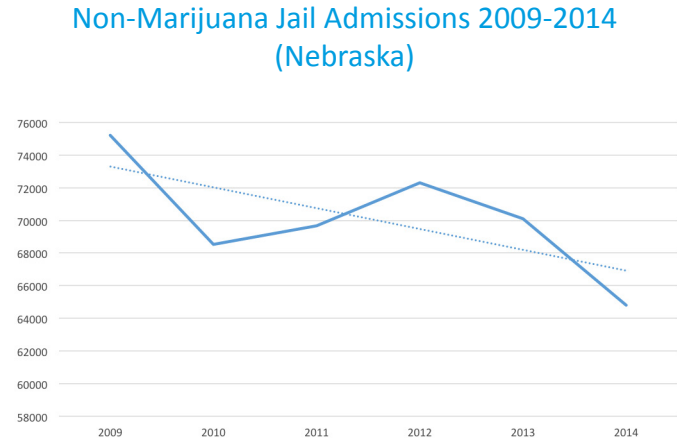
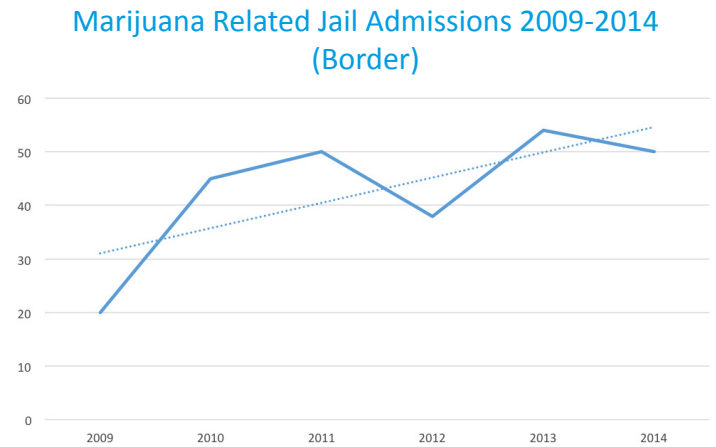
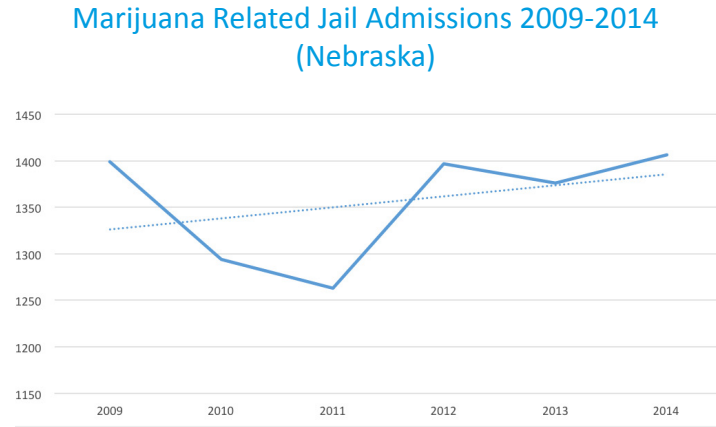
### Main Findings:

- 1) The rate of marijuana arrests decreased in 37 counties (39.8%), remained the same in 9 counties (9.7%), and increased in 47 counties (50.5%); overall, the rate of marijuana arrests increased in Nebraska (4.10 to 4.55 arrests per 1000 residents)
- 2) The rate of marijuana arrests in Nebraska grew by 11% in 2014 compared to 2013
- 3) Deuel County had the highest rate of marijuana arrests in 2013 and 2014; I-76 (from Colorado) enters Nebraska in Deuel County, which is the theoretical entry point for marijuana traveling along the interstate from Colorado
- 4) Regarding Nebraska's most populous counties, Douglas County experienced a reduction in the rate of marijuana arrests; Lancaster county, meanwhile, experienced a significant increase
- 5) Banner County had the largest increase in the rate of marijuana arrests in 2014 relative to 2013; Deuel County had the most notable reduction
- 6) The map depicting the 2014 rate in marijuana arrests clearly shows that counties along the border, in the panhandle, and along I-80 had the highest rates of marijuana arrests
- 7) The rate of possession arrests increased in border, panhandle, and I-80 counties but decreased in the remainder of the counties in Nebraska from 2013 to 2014; overall, the rate of possession arrests increased in Nebraska during this time
- 8) The rate of marijuana sale arrests more than doubled in border and panhandle counties while I-80 and comparison counties experienced smaller increases; overall, the rate of sale arrests per 1000 residents is very low (<1.28), and increased slightly across the state



# MARIJUANA JAIL ADMISSIONS

Jail Admissions	2009	2010	2011	2012	2013	2014
Marijuana Related Admissions						
Border	20	45	50	38	54	50
Panhandle	64	64	45	52	50	47
I-80	1107	1026	991	1122	1089	1160
Other	208	159	177	185	183	149
Nebraska	1399	1294	1263	1397	1376	1406
Non-Marijuana Related Admissions						
Border	1380	1300	1496	1472	1249	1261
Panhandle	3625	3432	3137	3104	3686	3271
I-80	51432	45585	46645	49067	46722	43753
Other	18768	18230	18386	18666	18460	16518
Nebraska	75205	68547	69664	72309	70117	64803

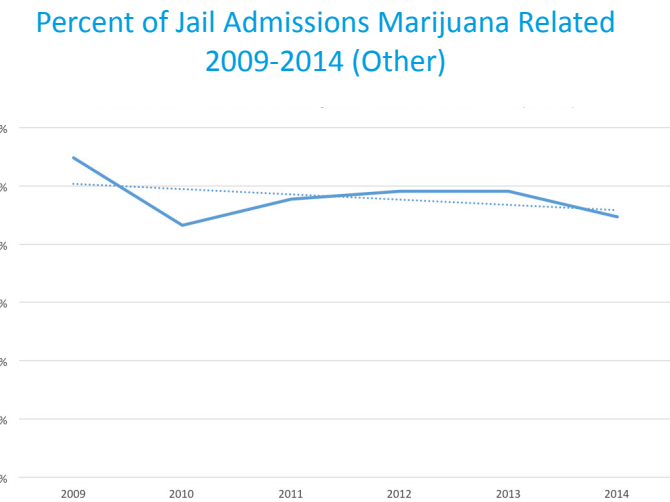
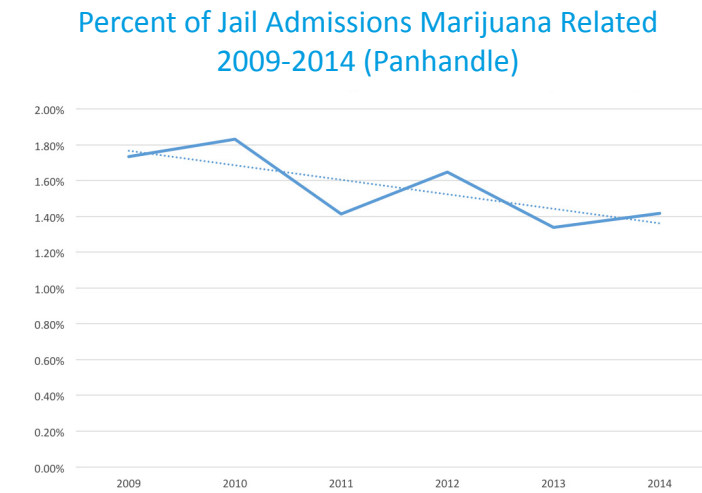
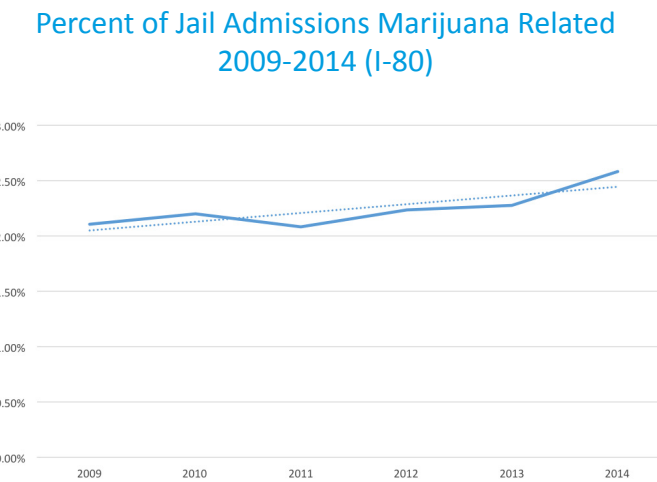
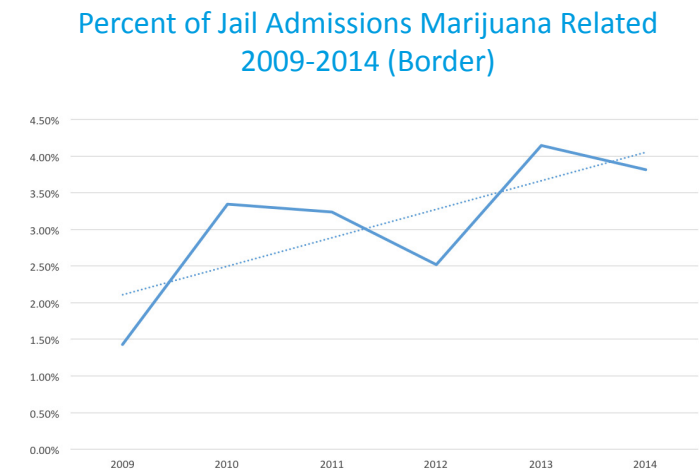
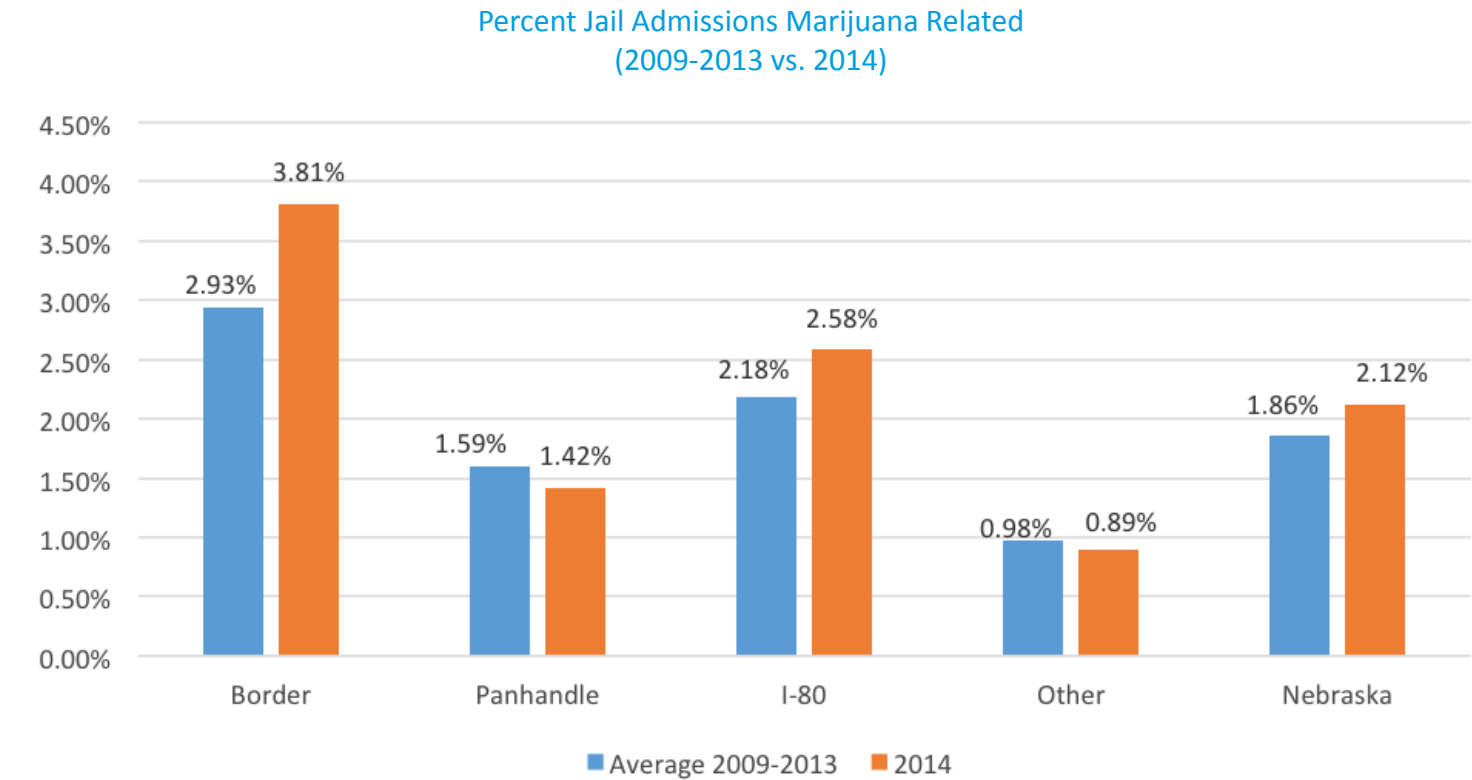
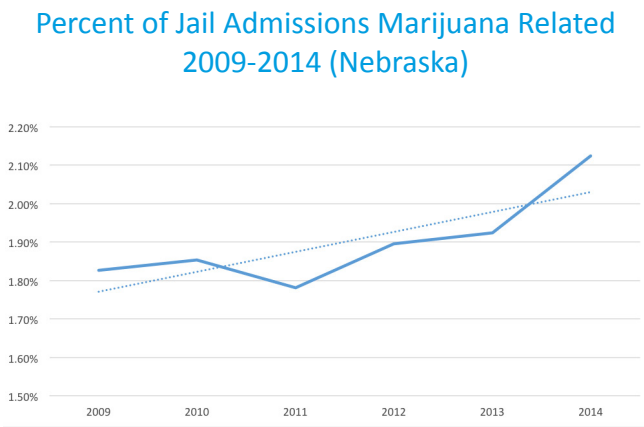
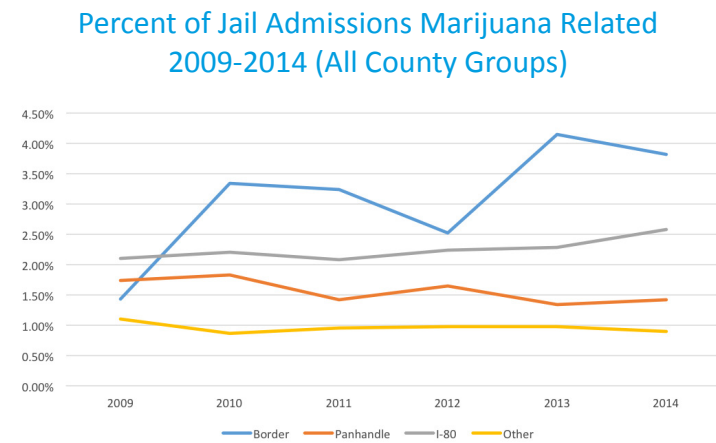


	Average Difference in Marijuana Jail Admissions (2009-2013)	Difference in Marijuana Jail Admissions (2013-2014)	Average Difference in Non-Marijuana Jail Admissions (2009-2013)	Difference in Non-Marijuana Jail Admissions (2013-2014)	Average % Difference in Marijuana Jail Admissions (2009-2013)	% Difference in Marijuana Jail Admissions (2013-2014)	Average % Difference in Non-Marijuana Jail Admissions (2009-2013)	% Difference in Non-Marijuana Jail Admissions (2013-2014)
Border	+8.5	-4	-32.8	+12	+38.6%	-7.4%	-1.9%	+1.0%
Panhandle	-3.5	-3	+15.3	-415	-4.5%	-6.0%	+0.9%	-11.3%
I-80	-4.5	+71	-1178.0	-2969	-0.1%	+6.5%	-2.2%	-6.4%
Other	-6.3	-34	-77.0	-1942	-2.2%	-18.6%	-0.4%	-10.5%
Nebraska	-5.8	+30	-1272.0	-5314	-0.2%	+2.2%	-1.6%	-7.6%

Percent Jail Admissions Marijuana Related

Percent Marijuana Admissions	2009	2010	2011	2012	2013	2014
Border	1.43%	3.35%	3.23%	2.52%	4.14%	3.81%
Panhandle	1.73%	1.83%	1.41%	1.65%	1.34%	1.42%
I-80	2.11%	2.20%	2.08%	2.24%	2.28%	2.58%
Other	1.10%	0.86%	0.95%	0.98%	0.98%	0.89%
Nebraska	1.83%	1.85%	1.78%	1.90%	1.92%	2.12%

	Average Percent Marijuana Admissions (2009-2013)	Average Difference in Percent Marijuana Admissions (2009-2013)	Difference in Percent Marijuana Admissions (2013-2014)
Border	2.93%	0.68%	-0.33%
Panhandle	1.59%	-0.10%	0.08%
I-80	2.18%	0.04%	0.31%
Other	0.98%	-0.03%	-0.09%
Nebraska	1.86%	0.02%	0.20%



Main Findings:

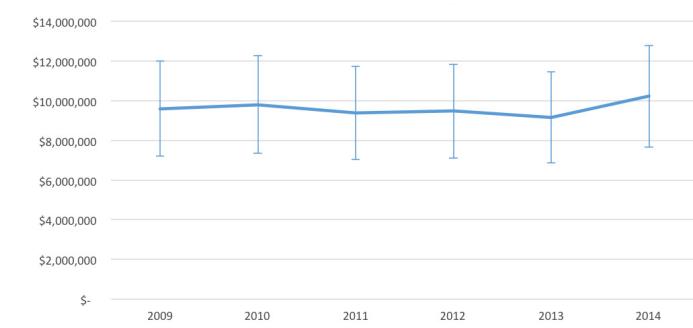
- 1) Marijuana-related jail admissions increased slightly in Nebraska from 2013 to 2014 (30 admissions, or 2.2%); counties along the I-80 corridor accounted for 100% of this increase (all other county groups experienced reductions in marijuana admissions)
- 2) The number of marijuana admissions dropped in 2010 and 2011, but jail admissions have since trended upward across Nebraska, reaching their highest point over the 6-year period in 2014
- 3) In counties along the interstate, marijuana-related jail admissions increased while non-marijuana-related admissions fell from 2013 to 2014
- 4) Border counties had the 3rd highest percent of marijuana-related jail admissions in 2009 (1.43%) but the highest in 2014 (3.81%); this increase was much greater relative to moderate increases or reductions elsewhere across the state from 2009-2014
- 5) Border counties and I-80 counties, respectively, had the highest percentages of marijuana-related jail admissions
- 6) Relative to 5-year averages from 2009-2013, counties along the Colorado border and those along the I-80 corridor experienced the largest increases in the percent of marijuana-related jail admissions between 2013 and 2014
- 7) From 2009-2013, marijuana-related jail admissions accounted for an average of 1.86% of the state’s jail admissions; in 2014, this percent rose to a 6-year high of 2.12%



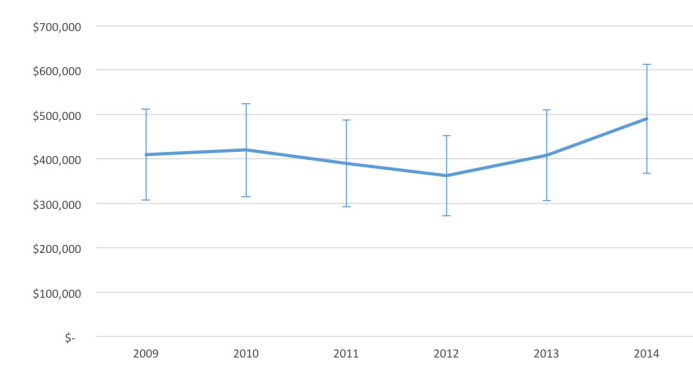
# COST ANALYSIS

Estimated Cost	2009	2010	2011	2012	2013	2014
<b>Estimated Revenue from Fines (Possession and Sale)</b>						
Border	\$77,200	\$84,100	\$74,200	\$110,200	\$94,900	\$142,500
Panhandle	\$124,300	\$94,400	\$96,600	\$98,100	\$101,300	\$148,700
I-80	\$2,018,000	\$2,102,000	\$2,039,400	\$2,066,800	\$1,940,500	\$2,122,000
Other	\$405,100	\$405,600	\$426,100	\$443,600	\$423,200	\$463,300
Nebraska	\$2,624,600	\$2,686,100	\$2,636,300	\$2,718,700	\$2,559,900	\$2,876,500
<b>Estimated Cost of Marijuana Enforcement (Law Enforcement and Jail Costs)</b>						
Border	\$326,232	\$351,745	\$337,709	\$444,571	\$444,331	\$567,228
Panhandle	\$534,148	\$514,377	\$486,303	\$460,251	\$509,572	\$638,856
I-80	\$9,491,773	\$9,850,328	\$9,320,810	\$9,289,685	\$8,833,678	\$9,770,451
Other	\$1,865,169	\$1,773,031	\$1,868,201	\$1,997,606	\$1,925,476	\$2,115,634
Nebraska	\$12,217,323	\$12,489,480	\$12,013,024	\$12,192,112	\$11,713,057	\$13,092,168
<b>Estimated Cost of Marijuana Enforcement (Including Revenue from Fines)</b>						
Border	\$249,032	\$267,645	\$263,509	\$334,371	\$349,431	\$424,728
Panhandle	\$409,848	\$419,977	\$389,703	\$362,151	\$408,272	\$490,156
I-80	\$7,473,773	\$7,748,328	\$7,281,410	\$7,222,885	\$6,893,178	\$7,648,451
Other	\$1,460,069	\$1,367,431	\$1,442,101	\$1,554,006	\$1,502,276	\$1,652,334
Nebraska	\$9,592,723	\$9,803,380	\$9,376,724	\$9,473,412	\$9,153,157	\$10,215,668

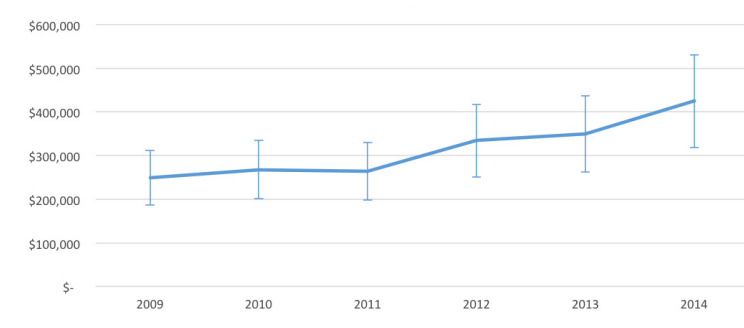
Estimated Annual Cost of Marijuana Enforcement 2009-2014 (Nebraska)



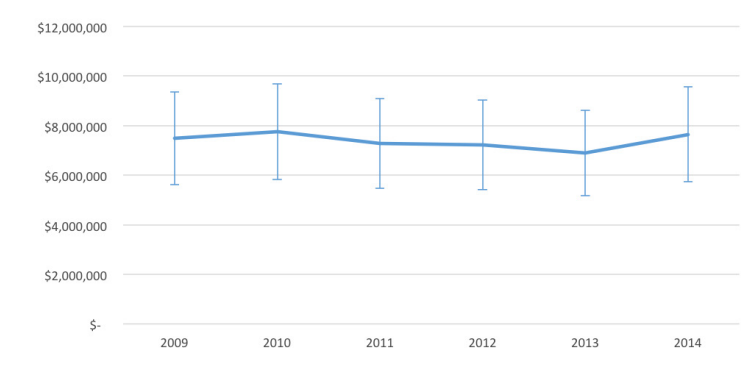
Estimated Annual Cost of Marijuana Enforcement 2009-2014 (Panhandle)



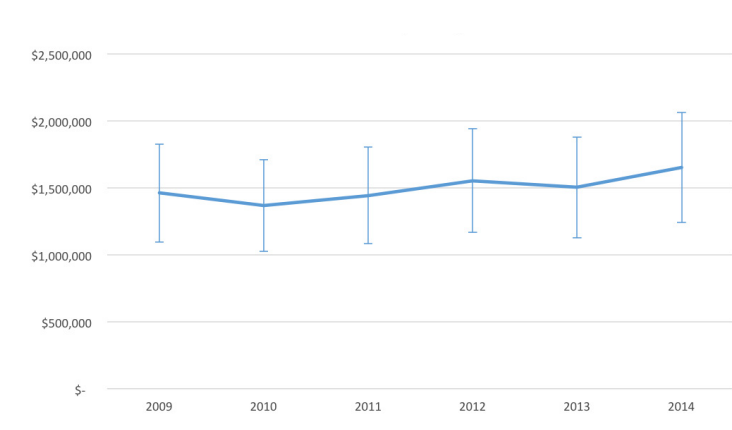
Estimated Annual Cost of Marijuana Enforcement 2009-2014 (Border)



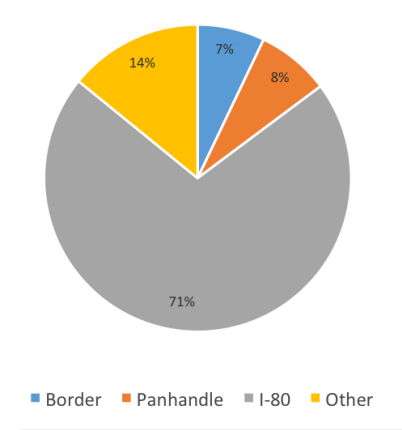
Estimated Annual Cost of Marijuana Enforcement 2009-2014 (I-80)



Estimated Annual Cost of Marijuana Enforcement 2009-2014 (Other)



2013-2014 Increase in Cost of Marijuana Enforcement by County Group



	Average Annual Cost of Marijuana Enforcement (2009-2013)	Average Difference in Annual Cost of Marijuana Enforcement (2009-2013)	Difference in Cost of Marijuana Enforcement (2013-2014)	Average Percent Difference in Annual Cost of Marijuana Enforcement (2009-2013)	Percent Difference in Cost of Marijuana Enforcement (2013-2014)
Border	\$292,798	+\$25,100	+\$75,297	+9.3%	+21.5%
Panhandle	\$397,990	-\$394	+\$81,883	+0.2%	+20.1%
I-80	\$7,323,915	-\$145,149	+\$755,273	-1.9%	+11.0%
Other	\$1,465,176	+\$10,552	+\$150,058	+0.9%	+10.0%
Nebraska	\$9,479,879	-\$109,891	+\$1,062,511	-1.1%	+11.6%

Main Findings:

- 1) All county groups, as well as Nebraska as a whole, spent more on marijuana enforcement in 2014 than in 2013 (e.g., Nebraska spent an estimated \$1,000,000 more)
- 2) By far, the majority of the money spent on marijuana enforcement occurs in counties along the I-80 corridor; these counties were also responsible for most of the 2013-2014 state increase
- 3) After accounting for the potential revenue associated with fines, Nebraska spent an estimated \$10,215,668 on marijuana law enforcement (excludes court costs and potential revenue from asset forfeiture)
- 4) Border counties spent about \$25,100 additional dollars each year on marijuana enforcement from 2009 to 2013; in 2014, this increase tripled to an estimated \$75,297
- 5) Marijuana-related expenses were trending downward from 2009-2013 in panhandle and interstate counties, as well as in Nebraska as a whole; by comparison, all county groups spent more on marijuana enforcement in 2014 versus 2013, increasing costs statewide
- 6) Nebraska expenses related to marijuana enforcement increased to a 6-year high in 2014; the majority of this change occurred from 2013-2014

# Conclusions by Geographic Area

## Major findings regarding counties along the Colorado-Nebraska border:

- 1) Border counties experienced the second largest percent increase in possession arrests and the largest percent increase in sale arrests between 2013 and 2014; compared to previous years, marijuana arrests in border counties reached their highest level in 2014
- 2) Counties along the border were the only group to demonstrate average increases in marijuana arrests (possession and sale) from 2009-2013 AND an increase from 2013-2014
- 3) Border counties made the most significant contribution to the state increase in marijuana sale arrests from 2013 to 2014 (23 of 58 additional arrests, or 39%)
- 4) The rate of total marijuana arrests increased in 4 of 7 counties along the Colorado border between 2013 and 2014; 5 of 7 counties arrested 5+ individuals for every 1000 county residents
- 5) In 2014, 3 Nebraska counties had a double digit rate of marijuana arrests; 2 of these counties were located along the Colorado border (i.e., Deuel and Keith)
- 6) Marijuana-related jail admissions gradually accounted for a greater proportion of jail admissions in border counties from 2009-2013, reaching their highest levels in 2013 (4.14%) and 2014 (3.81%)
- 7) Border counties were the only group to demonstrate average increases in marijuana-related law enforcement and correctional costs from 2009-2013 AND an increase from 2013-2014; money spent on marijuana enforcement increased an estimated \$75,297 in 2014—the most significant percent increase of any group (21.5%)

## Major findings regarding counties in the Nebraska panhandle:

- 1) After remaining fairly stable for 5 years (2009-2013), possession arrests increased to their highest level in 2014 (399 arrests), a substantial 42% increase from the level in 2013; this increase was the largest percent increase relative to other county groups
- 2) Although panhandle county sale arrests decreased by an average of more than 5 arrests per year from 2009-2013, this trend reversed direction in 2014; there were 12 additional arrests for sale in 2014 compared to 2013, a 70.6% increase (second largest of all county groups)
- 3) Banner county, which is located in the panhandle, experienced the largest increase in the rate of marijuana arrest of all 93 of Nebraska’s counties
- 4) Relative to other county groups, panhandle counties experienced the largest increase in the rate of both possession and sale arrests from 2013 to 2014; the rate of marijuana arrest increased in 6 of 8 counties in the panhandle
- 5) Marijuana-related jail admissions either decreased or remained flat over the 6-year study period in panhandle counties—a considerable difference compared to counties along the I-80 corridor
- 6) Estimated costs related to marijuana enforcement were remarkably stable from 2009-2013 in panhandle counties, but increased substantially in 2014 (20.1%)—the second largest increase in estimated costs of all county groups

## Major findings regarding counties along the I-80 corridor:

- 1) From 2009-2013, the number of possession arrests and sale arrests in I-80 counties remained flat or decreased slightly; in 2014, possession arrests increased by 9.6% while sale arrests rose over 5% relative to respective numbers in 2013
- 2) I-80 counties accounted for the majority of the state increase in possession arrests (63%) but only 26% of the state increase in sale arrests
- 3) From 2013 to 2014, the rate of marijuana arrest increased in 7 of Nebraska’s 11 counties along the I-80 corridor; the map depicting the rate of arrest in 2014 clearly shows that I-80 counties had the highest rate of marijuana arrests relative to other counties

- 4) While non-marijuana jail admissions declined between 2013 and 2014 in I-80 counties, marijuana-related jail admissions increased; this increase was unique to I-80 counties (i.e., other county groups had fewer marijuana admissions in 2013 than 2014), which may be a reflection of the greater size, bed availability, and fiscal capacity of their jails
- 5) By far, I-80 counties spend more on marijuana enforcement than any of the other county groups (an estimated 7.5 million dollars); this group of counties also accounted for the majority of the statewide increase in costs associated with marijuana enforcement (71%)
- 6) Prior to 2014, I-80 counties spent 1.9% fewer dollars each year on marijuana enforcement; in 2014, all previous cost savings were erased, and I-80 county costs increased about 11%, or an estimated equivalent of about \$755,000

## Major findings regarding the remainder of the counties in Nebraska:

- 1) Contrary to expectations, comparison counties have experienced an upward trend in marijuana possession arrests from 2009 through 2013; possession arrests also increased from 2013-2014, but these increases were less significant than those in other groups
- 2) Arrests for the sale of marijuana remained fairly stable in the remainder of the counties in Nebraska between 2009 and 2014
- 3) 28 of 67 comparison counties saw decreasing rates of marijuana arrest from 2013 to 2014 while 30 increased, and 9 remained the same; thus, in contrast to other county groups where a clear majority exhibited increasing rates of arrest, less than half of comparison counties did so
- 4) The rate of possession arrests actually decreased in comparison counties (the only county group to do so), while the rate of sale arrests increased only slightly
- 5) Comparison counties were the only group to experience an average decrease in marijuana arrests (2009-2013), as well as a decrease in marijuana arrests from 2013 to 2014; the percent of admissions that were related to marijuana also reached its lowest point in 2014 (the opposite of other county groups)
- 6) After growing less than 1% annually from 2009-2013, costs related to marijuana enforcement grew by 10% (+150,058) between 2013-2014 (i.e., 14% of the overall state increase); this increase was comparable to respective increases in other county groups

## Major findings regarding the state of Nebraska:

- 1) After remaining somewhat stable from 2009-2013 (+.1%), the number of possession arrests rose substantially in Nebraska in 2014 (+11.5% or 842 additional arrests)
- 2) Although sale arrests increased by 58 additional arrests (15.6%) between 2013 and 2014, the number of sale arrests in 2014 was the second lowest yearly total over the study period; nonetheless, the state experienced an increase in sale arrests after averaging a yearly decrease from 2009-2013
- 3) The rate of marijuana arrests in Nebraska increased from 4.10 arrests per 1000 residents in 2013 to 4.55 arrests in 2014
- 4) The rate of possession arrests has changed more significantly than the rate of sale arrests between 2013 and 2014; thus, it is possible that changes in Colorado policy may have affected possession arrests more than sale arrests
- 5) Marijuana-related admissions increased significantly across Nebraska between 2013 and 2014, while non-marijuana admissions fell during this time period; marijuana admissions accounted for a greater degree of arrests in 2014 (2.12%) than from 2009-2013 (1.86%)
- 6) The state of Nebraska spent an estimated \$10,215,668 on marijuana enforcement in 2014; an increase from an average of \$9,479,879 per year from 2009-2013
- 7) Before 2014, Nebraska’s law enforcement and correctional costs related to marijuana were fairly stable; an 11.6% increase between 2013 and 2014, however, resulted in the largest yearly total in money spent over the 6-year study period



# Notes, Acknowledgments & Comments

## Possession Arrests

- 1) Possession arrests include all offenses for which individuals were discovered in possession of an ounce or less of marijuana.
- 2) An arrest is counted each time a person is taken into custody or issues a citation or summons. While an individual may be charged with multiple crimes at the time of arrest, only one arrest is counted. An arrest is counted for the most serious charge at the time of arrest.
- 3) The dotted line in each chart represents the best fitting linear trend for the data points.

## Sale Arrests

- 1) Sale arrests also include offenses for which individuals grew or otherwise manufactured marijuana.
- 2) An arrest is counted each time a person is taken into custody or issues a citation or summons. While an individual may be charged with multiple crimes at the time of arrest, only one arrest is counted. An arrest is counted for the most serious charge at the time of arrest.
- 3) The dotted line in each chart represents the best fitting linear trend for the data points.

## Marijuana Arrest Rates (2013-2014)

- 1) Arrest rates include arrests for both possession and sale of marijuana.
- 2) All rates are calculated using Annual Estimates of the Resident Population (2013; 2014), United States Bureau of the Census.

## Jail Admissions

- 1) Marijuana-related jail admissions include individuals whose most serious offenses were related to the possession, sale, or manufacture of marijuana. Non-marijuana related jail admissions include individuals who were booked in jail for offenses not related to marijuana.
- 2) NCJR also considered whether increases in marijuana possession and sale may have resulted in jail overcrowding (i.e., populations over intended design capacity). Based on our findings, it appears that marijuana-related offenses have not contributed to jail overcrowding during this time period. In fact, the results showed that Nebraska’s jail system has actually become less crowded over the 6-year study period, and reached its lowest level of crowding in 2014. Thus, marijuana-related admissions appear to have a negligible effect on jail crowding.
- 3) The dotted line in each chart represents the best fitting linear trend for the data points.

## Costs

- 1) Final cost estimates include marijuana-related law enforcement and correctional expenditures (i.e., jail), and also include base estimates of revenue from fines (i.e., \$300 for each possession and \$1,000 for each sale). It is important to note that fines increase with multiple arrests (e.g., \$500 for a second offense of possession), and thus revenue from fines may be underestimated.
- 2) Court processing costs and revenue related to asset forfeiture are excluded from these figures because NCJR did not have the necessary information to generate reliable estimates.
- 3) Law enforcement estimates were derived from a recent American Civil Liberties Union (ACLU) report, “The War

on Marijuana in Black and White (2013).” According to the report, Nebraska law enforcement spent an estimated \$10,279,377 on marijuana possession enforcement in 2010. Divided by the number of possession arrests in 2010, Nebraska taxpayers spent about \$1,400 per possession arrest. This per-arrest estimate was then multiplied by the number of total marijuana arrests in each year across the study period (e.g., 2009-2014). This may underestimate the specific costs associated with sale or manufacture arrests, but it represents a conservative estimate of expenditures related to marijuana prohibition in general.

4) Jail costs calculated by multiplying the total number of marijuana admissions (per year) by the average length of stay for marijuana offenders (in days) by the estimated cost per day to house an offender in jail (\$83.40). The number of marijuana jail admissions and the average length of stay for marijuana offenders were provided by the Nebraska Commission on Law Enforcement and Criminal Justice, while the Nebraska-specific per-day incarceration cost was derived from a recent VERA Institute of Justice report, “The Price of Jails: Measuring the Taxpayer Cost of Local Incarceration.”

5) Given the exploratory nature of our cost estimates, we included error bars for each data point in order to provide law makers with a +/-25% range in estimated expenditures.

## Acknowledgments

1) The NCJR research team would like to thank the IT Division at the Nebraska Commission on Law Enforcement and Criminal Justice for providing the data used in this report. All data analysis and report content, however, were completed by the NCJR research team. The opinions, findings, and conclusions or recommendations expressed in this report are those of the authors and do not necessarily reflect the views of the Nebraska Crime Commission. Questions regarding the information contained in this report should be directed to NCJR.

## General comments and upcoming research

1) States need to protect their young people from the impact of mind altering drugs (both legal and illegal) because their brains are still developing and can be permanently altered by drugs like alcohol and marijuana that are ranked on the lower end of the risk spectrum for adults. This leaves two primary choices for state policy: 1) protection through prohibition and law enforcement sans marijuana taxation or 2) protection through regulation and public health campaigns funded via marijuana taxation. Because our young people are our greatest resource and vastly too important to be put at risk by arguments based on rhetoric, rather than data and science, all states should focus sharp attention on use and abuse of marijuana by minors in legalization states versus prohibition states in order to make the soundest policy decisions for the next generation.

2) In a follow-up study to this report, NCJR examined whether marijuana arrests and jail admissions in Nebraska have increased significantly during the first year of complete legalization in Colorado (i.e., 2014), after controlling for the presence of local and state law enforcement. In general, we found that while there was some evidence that counties in the panhandle and along I-80 had similar numbers of possession arrests in 2013, they had higher numbers than other counties in 2014, even after controlling for corresponding levels of local and state law enforcement. Border counties, meanwhile, had higher numbers of marijuana arrests and jail admissions both before and after legalization in Colorado. Our results also showed that measures of local and state law enforcement were not a significant contributing factor to the number of marijuana arrests and jail admissions in 2013, but were in 2014. In addition, counties that had more local police officers in 2014, and had a greater proportion of arrests made by the state patrol in 2014, experienced a significant and positive change in the rate of marijuana-related arrests. Thus, we did find that western Nebraska counties experienced an increase in the rate of marijuana arrests in 2014 compared to 2013, which supports officials’ claims. But because our law enforcement controls appeared to be a significant contributing factor to this increase, it is difficult to determine whether these increases can fully be attributed to policy changes in Colorado rather than the result of stepped up efforts on the part of Nebraska law enforcement.



The University of Nebraska at Omaha shall not discriminate based upon age, race, ethnicity, color, national origin, gender identity, sex, pregnancy, disabilities, sexual orientation, genetic information, veteran's status, marital status, religion, or political affiliation.

For more information on the content of this report please feel free to contact:

Dr. Ryan Spohn, Director  
Nebraska Center for Justice Research  
University of Nebraska at Omaha  
6001 Dodge Street  
Omaha, NE 68182-0310  
Phone (402) 554-3794