

60,000 Marijuana Arrests in Mayor de Blasio's New York

The NYPD's Racially-Targeted Enforcement of Marijuana Possession Continues, 2014 – 2016

By Harry Levine & Loren Siegel

Marijuana
Arrests of
Blacks +
Latinos
2014-2016

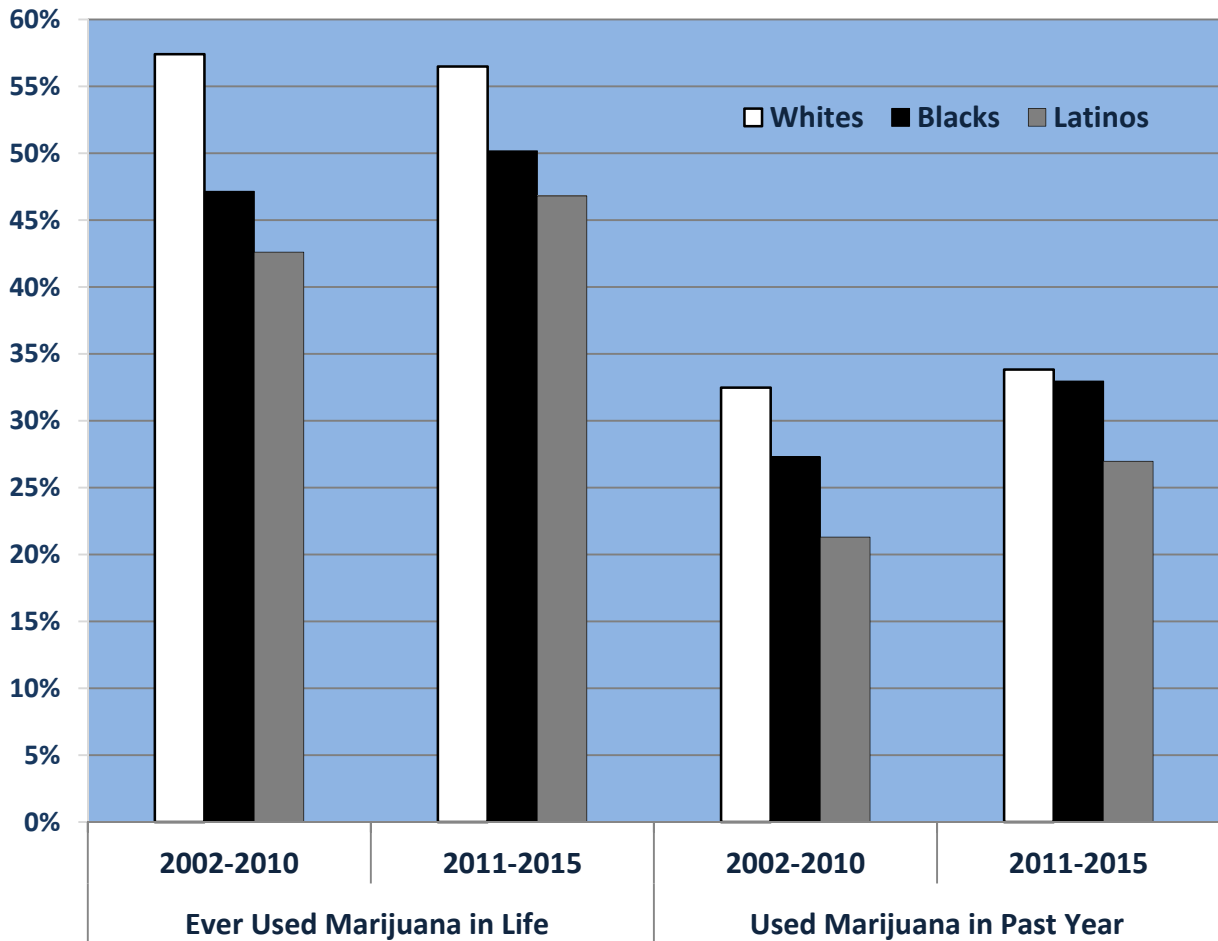
86%
52,730

Marijuana
Arrests of
Whites +
all others
2014-2016

14%
8,260

NYC Pop: 51% Blacks + Latinos, 49% Whites + all others

Marijuana Use by Whites, Blacks and Latinos, Ages 18-25, 2002–2015



Source: US Dept HHS, SAMHSA, National Survey on Drug Use and Health, 2002-2015.

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

2006-2013: Table 1.26B – Marijuana Use in Lifetime, Past Year, and Past Month among Persons Aged 18 to 25, by Demographic Characteristics: Percentages

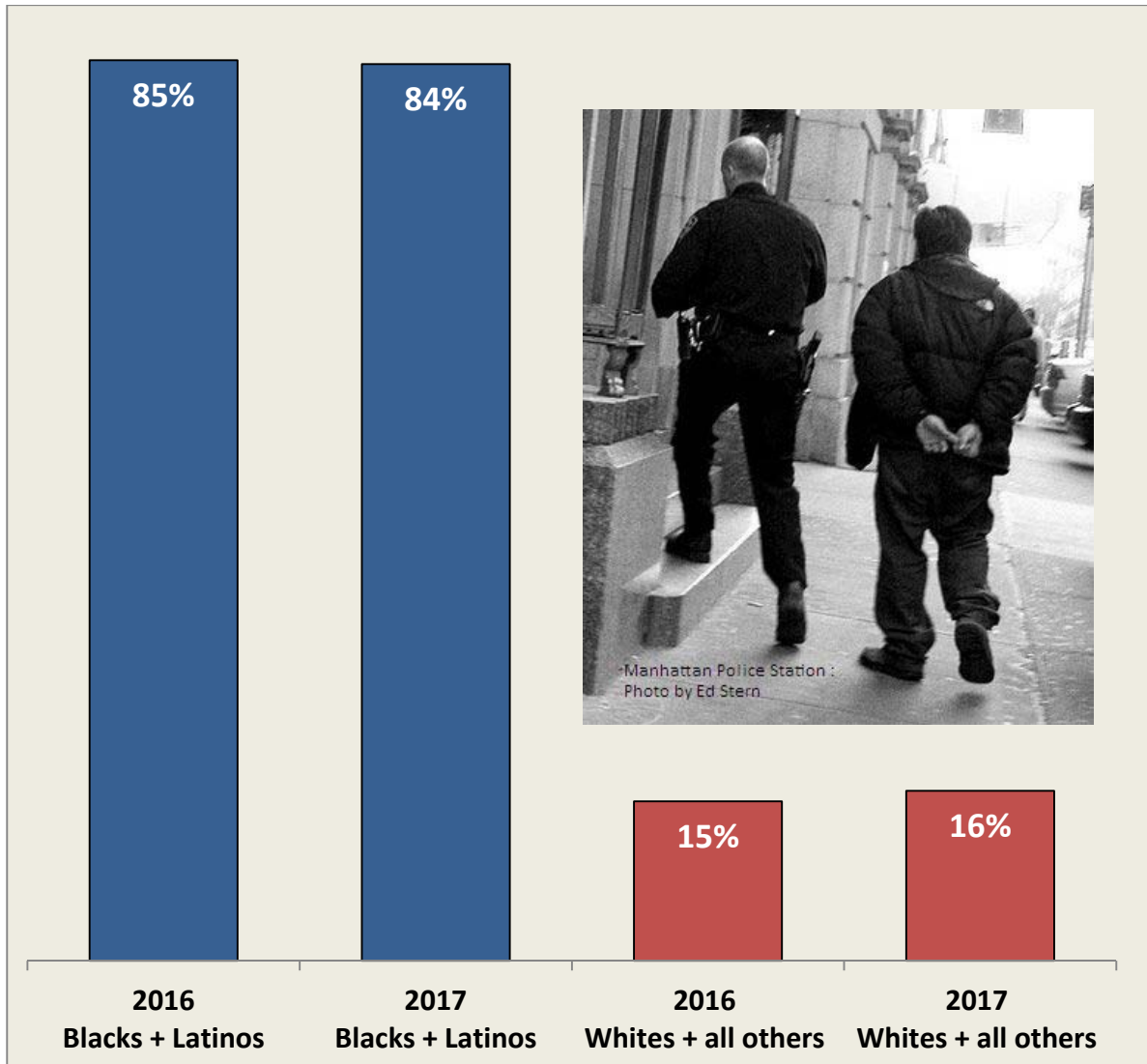
2014-2015: Table 1.36B – Marijuana Use in Lifetime, Past Year, and Past Month among Persons Aged 18 to 25, by Demographic Characteristics: Percentages

Data from 2010 to 2015 is on line at: <https://www.samhsa.gov/data/population-data-nsduh/reports?tab=38>

These data, drawn from fourteen annual US government studies, are a primary source of the widely-accepted finding that whites, blacks and Latinos of all ages have used marijuana at about the same rates. And also, as the above reports, that young whites have used marijuana at slightly higher rates than young blacks and Latinos. There is no evidence or reason to think that these basic marijuana use patterns by race and ethnicity are any different in New York State or City.

Harry Levine, Sociology Department, Queens College, City University of New York, June 2017

Arrests for Marijuana Possession By Race in 2016 and 2017* in New York City

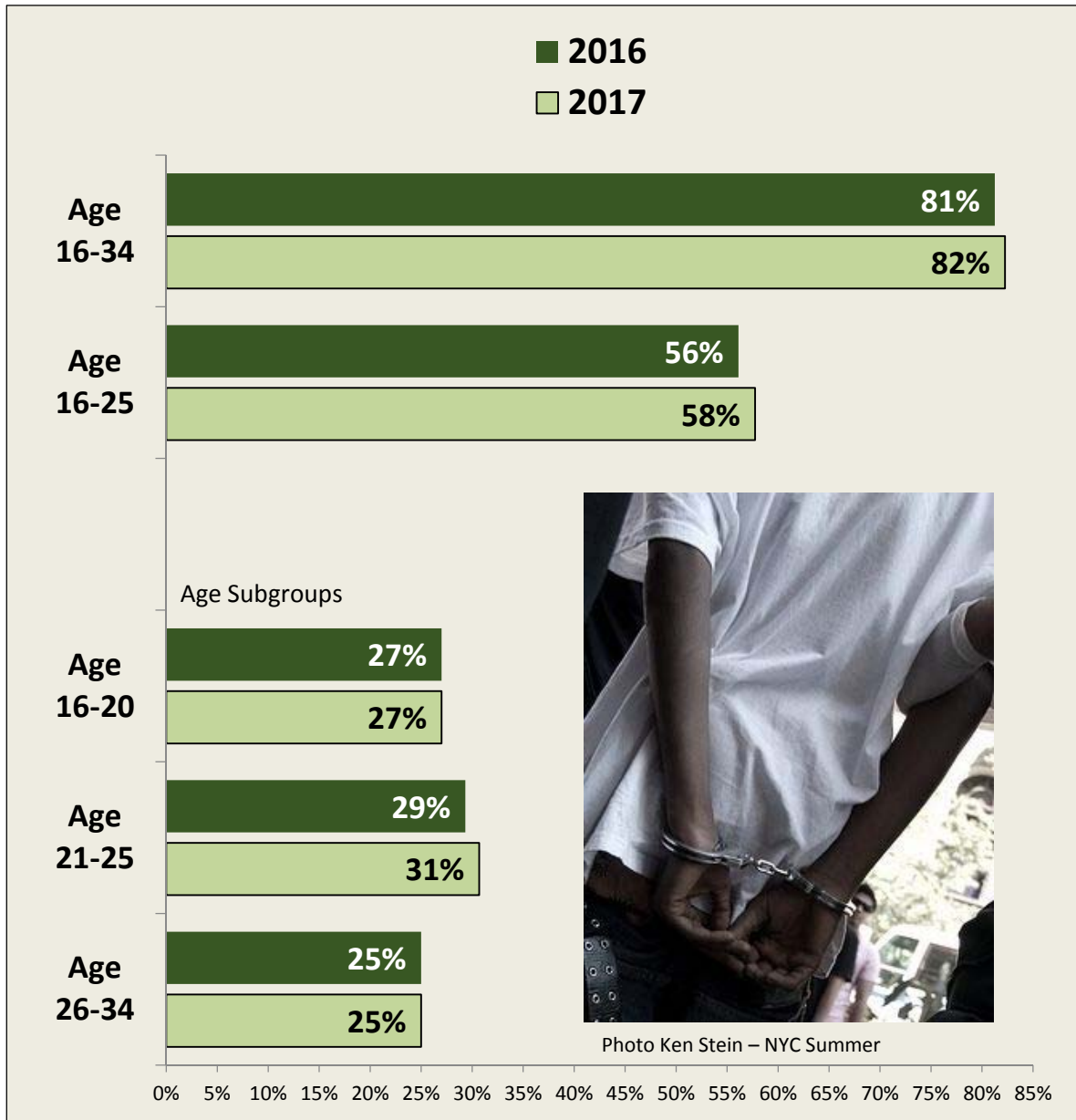


* 2017 data are January - April

Source: New York State Division of Criminal Justice Services (DCJS) and U.S. Census
All arrests are age 16 and older for violation of NYS criminal law 221.10, the lowest possession offense, where marijuana possession was the highest charge or the only one

Marijuana Arrest Research Project & Drug Policy Alliance, New York City, June 2017

Arresting Young People for Marijuana Possession in 2016 and 2017* in New York City



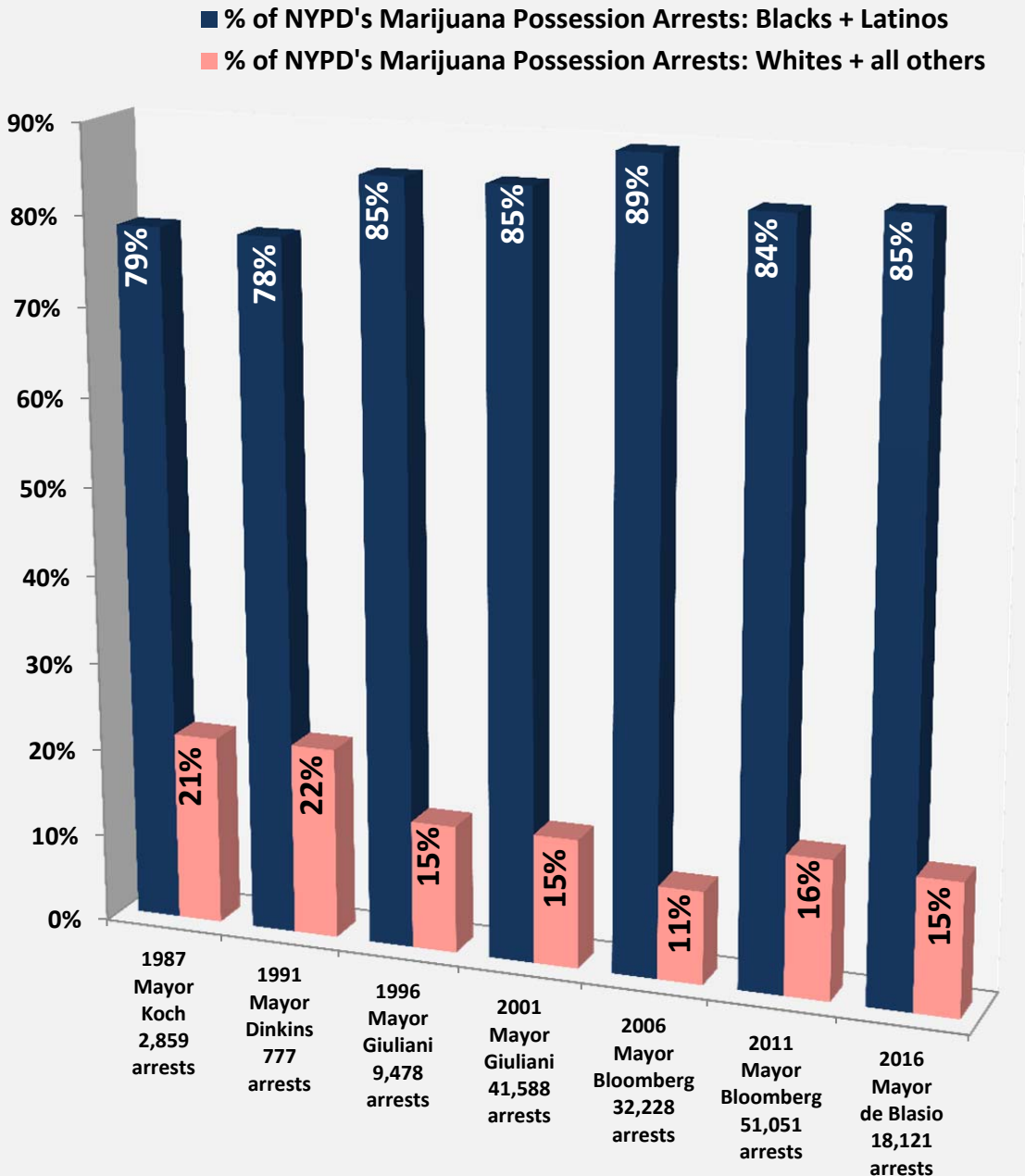
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Source: New York State Division of Criminal Justice Services (DCJS) and U.S. Census
 All arrests are age 16 and older for violation of NYS criminal law 221.10, the lowest possession offense, where marijuana possession was the highest charge or the only one

Marijuana Arrest Research Project & Drug Policy Alliance, New York City, June 2017

30 Years of Jim Crow Marijuana Arrests in NYC

*The Mayors and the Numbers of Arrests Change,
But Not The Racial Disparities in Enforcement*



Data in 5 year increments, 1987-2016

Source: New York State Division of Criminal Justice Services (DCJS) and U.S. Census
All arrests are age 16 and older for violation of NYS criminal law 221.10, the lowest criminal possession offense, where marijuana possession was the highest charge or the only one

Marijuana Arrest Research Project & Drug Policy Alliance, New York City, June 2017

2. ENDING THE NYPD'S JIM CROW MARIJUANA POSSESSION ARRESTS

In an op-ed column in 2012, former Mayor Ed Koch wrote:

"A great injustice is being perpetrated by members of the New York City Police Department on the people of this city.... I urge all five district attorneys to publicly state that they will not prosecute anyone charged with marijuana possession for personal use other than for a violation.

*The hideous part of all of this is that studies show that whites are the greater users of marijuana, not blacks or Hispanics. It is black and Hispanic youths who are being arrested and end up with criminal records, destroying many of their already limited opportunities for getting jobs and achieving a better life. This is unacceptable in a society that believes it is devoted to justice and fairness."*¹⁷

In January 2013, in his State of the State address, Governor Andrew Cuomo said:

*"These [marijuana possession] arrests stigmatize, they criminalize, they create a permanent record. It's not fair, it's not right, it must end, and it must end now."*¹⁸

The New York Criminal Law that Koch and Cuomo focused on makes it a crime, a 5th degree misdemeanor, to possess 25 grams (7/8 of an ounce) or less of marijuana in "public view."

* * *

New York City is still the marijuana arrest capital of the world, arresting more people for possession than any other city and more than many countries. In the last three years, New York City has averaged more marijuana possession arrests a year than England and Wales combined, home to 58 million people.¹⁹

But the most important fact, as Koch and Cuomo indicate, is that for at least thirty years the racially-skewed marijuana possession arrests have been the unchanging, predictable outcome of the NYPD's targeting of black and Latino neighborhoods and individuals. Mayors come and go, the number of arrests goes up and down, but blacks and Latinos remain 85 percent of the people arrested and charged with the crime of marijuana possession year in and year out. Since the New York Police

Department has been unable to desist from these transparently racial and ethnically selective and biased arrest patterns, it is time for others to come forward and insist that the NYPD's possession arrests stop.

* * *

One of the most surprising facts about New York City's marijuana possession arrests is that they have virtually no public advocate. In 2012, when Governor Cuomo tried to change the law to eliminate abuse of the "public view" offense, the proposal received the endorsement of Mayor Bloomberg, Police Commissioner Kelly, the Speaker of the Assembly, many elected officials in New York City, and the editorial pages of *The New York Daily News* and *The New York Times*. It seemed at the time as if Bloomberg and Kelly were in effect saying "We can't stop ourselves from doing this, but maybe changing the law can." Nonetheless, the bill failed to get sufficient Republican and Conservative Party votes in the State Senate.²⁰

In 2008 we asked, somewhat rhetorically, "Is the NYPD Addicted to Marijuana Possession Arrests?"²¹ Nine years and 318,000 arrests later the answer seems quite clearly to be "yes." Further, the NYPD itself has never offered any serious defense of the arrests. Strange as it seems, with its mountains of computerized crime data, the NYPD has never offered a report or extended explanation for making so many marijuana possession arrests and for why they are so racially-skewed. For the twenty years of the marijuana arrest crusade, the NYPD has preferred not talk about the possession arrests at all.²²

Further, other than an occasional one-sentence sound bite, no city or police officials have ever claimed that the marijuana possession arrests reduce crimes, especially serious or violent crimes. In 2007, two University of Chicago researchers closely examined the effects of the marijuana arrests on serious crimes and reported their results in one of the two peer-reviewed journals of the American Criminology Association. They said:

*"We find no good evidence that the MPV [marijuana in public view] arrests are associated with reductions in serious violent or property crimes in the city. As a result New York City's marijuana policing strategy seems likely to simply divert scarce police resources away from more effective approaches that research suggests is capable of reducing real crime."*²³

In 2012, even Heather MacDonalD, the Manhattan Institute’s conservative police champion, endorsed the NYPD “losing the opportunity to make arrests for public possession of small amounts of marijuana.” She said it could improve the NYPD’s anti-crime efforts because “the time officers save by not having to go to court for an arrest could increase patrol presence.”²⁴ This is in accord with the observations of experienced patrol police we interviewed in New York and other cities who point out that spending several hours arresting and booking young people simply for possessing marijuana takes officers off the street and away from other police work. In describing these marijuana arrests, a number of police officers used exactly the same phrase, calling them “a waste of time” in terms of effective crime-fighting (even when they are efficient in producing overtime pay).²⁵

There is at least one defender of these arrests: Ed Mullins, President of the Sergeants Benevolent Association, one of the five influential organizations or unions representing NYPD police.²⁶ Said President Mullins in 2014: “If the current practice of making arrests for both possession and sale of marijuana is, in fact, abandoned, then this is clearly the beginning of the breakdown of a civilized society.”²⁷

Most voters in Colorado and Washington, which legalized adult possession and use of marijuana in ballot measures later in that same year, do not agree. Nor do most voters in Oregon, Alaska, California, Maine, Massachusetts and Washington D.C., which also passed such ballot measures. There are now more than 60 million Americans – 20 percent of the U.S. population – living in places where it is not an offense or crime of any kind for adults to possess marijuana.

This should no longer be surprising. Most Americans do not want their children or relatives arrested for possessing or even using marijuana. This is why in the great expanse of middle-class, upper-middle class and wealthy suburbs and neighborhoods – from Maine to Texas and Washington to Florida – police do not arrest the mostly white people who live there for possessing and using marijuana, even though it is against the law. Indeed, most middle-class and upper-middle class Americans have long believed that “nobody is getting arrested for marijuana” because no one they know of has been arrested for marijuana. And until very recently, the news media did not cover the nation’s great many annual marijuana possession arrests, disproportionately of young blacks and Latinos (whose families do know that their children are being arrested).²⁸

There is no evidence from the U.S. and other countries that eliminating marijuana possession arrests has a demonstrable negative effect on public safety,

property values, education levels, health or most anything else that New Yorkers care about. Fortunately, there are also cogent examples of what stopping marijuana possession arrests looks like in our own city. We focus on a few neighborhood precincts to show what the evidence for stopping marijuana possession arrests looks like right now in New York.

* * *

The Upper East Side of Manhattan, Precinct 19, with over 200,000 residents, is the second most populous police precinct in the city and one of the largest. It stretches from 59th Street to 96th Street, from Central Park and Fifth Avenue to the East River. It has among the highest family incomes in the city and the population is eighty percent whites, ten percent blacks and Latinos, and ten percent Asians (plus all others). It has private high schools, Hunter High School, several colleges and professional schools, major art museums, concert venues, restaurants, cafes, cabarets, and saloons. It hosts millions of visitors from the metropolitan area, the country and the world. In 2016, over six million of them came to the Metropolitan Museum of Art alone.

Some among these millions of students, customers, residents, workers, visitors and tourists smoke a bit of marijuana before or after a visit to a museum, gallery, concert, restaurant, or bar. They almost always do so discreetly, on a residential side street, often while walking, perhaps with others, some of whom may also smoke tobacco cigarettes. Some may know of the city's marijuana arrests but even they tend to believe, correctly as it turns out, "not in *this* neighborhood."

In 2016, the NYPD made 18,121 marijuana possession arrests, only 14 of them on the Upper East Side: four blacks, three Latinos, and seven white people. Of those 14, two were young people age 16 to 20. This is not an accident. The residents of the Upper East Side do not want their children arrested for possessing or using marijuana. If good schools prepare for success, criminal arrest records do not. And the 19th Precinct's police commanders and troops respect the residents' wishes. And have done so for many years.

Many of the voters on the Upper East Side also do not want *other* people's children arrested for marijuana possession. Liz Krueger, the long-time New York State Senator representing the Upper East Side, is the first sponsor and chief advocate for legislation to legalize the possession, use and distribution of cannabis (marijuana) in

New York State. Senator Krueger has spoken out repeatedly and effectively on this issue for years. In 2012 she told a reporter:

“I have a very white, upper-middle class district. The kids of my constituents are not getting busted, and if they get busted, they have really good lawyers....

[But] I saw the pain and suffering that our current laws were inflicting, disproportionately on young, poor people. I saw the amount of money we were spending in the criminal justice system unnecessarily. And I can come up with endless better ways to spend that money. I saw young people having their lives ruined before they ever got out of high school, because they ended up with the kind of criminal record that wouldn’t let them get college tuition assistance, or scholarships, or be eligible to apply for certain kinds of jobs.

If you have a marijuana bust, you can never go to work as a policeman, or fireman or a sanitation worker. Like, seriously?”²⁹

Liz Krueger and the voters and residents of the Upper East Side should be applauded for their position on marijuana arrests. Police Precinct 19 and its commanders and officers should be regarded as a “model precinct” for its enforcement policies for marijuana possession and use.

This is about *selective* enforcement which varies enormously over time, by neighborhood, and by *offense*. In 2016, when police made 18,121 marijuana possession arrests, they also wrote, in all of New York City, 76 non-criminal summonses to the parent of a child age 13 and younger who was not wearing a bicycle helmet. And 75 of those 76 summonses for no-bike-helmet-on-a-child were given out in one precinct, the Upper East Side of Manhattan. In 2016, police on the Upper East Side made 0.08 percent of all the marijuana possession arrests in New York City and issued 98.6 percent of the no-bike helmets on children tickets. Effective policing of low-level offenses is about enlightened and responsive enforcement patterns and policies.

* * *

Right across Central Park is Precinct 20, the Upper West Side of Manhattan, also with museums, restaurants, cafes, bars, hotels, movies, and other amenities including the Beacon Theater with rock and pop concerts many nights a year. It extends from 59th Street to 86th Street, and from Central Park to the Hudson River. Precinct 20 is also an overwhelmingly white neighborhood with over a 100,000 residents and a

median family income slightly higher than on the Upper East Side. Here too, among the millions of New Yorkers, visitors and tourists, people do sometimes smoke marijuana on the residential side streets. In 2016, police on the Upper West Side made 51 arrests for possession of marijuana, 41 of them (80 percent) were blacks and Latinos.

A little further north in Manhattan sits West Harlem, Precinct 30. It runs from 133rd Street to 155th Street, extending on the east from Edgecombe Avenue with stately homes along a park to the Hudson River on the west. The neighborhood is also called Hamilton Heights and is just south of Washington Heights, and north of Morningside Heights on the cliffs of north Manhattan. West Harlem (or Hamilton Heights) is a thriving residential neighborhood with shops, stores, and restaurants along Broadway. Its diverse residents are 58 percent Latinos, 28 percent blacks, 10 percent whites and four percent Asians and all others. West Harlem includes the campus of City College of New York, the designated Historic Districts of Sugar Hill, various parks including Riverbank State Park, theatres, cafes and other amenities. It is just north of Columbia University's new major 17 acre campus development along the Hudson River stretching from 125th Street to 133rd Street. West Harlem was where luminaries of the Harlem Renaissance of the 1920s had their homes, and it is where Jackie Robinson, Thurgood Marshall, Duke Ellington, and Lena Horne lived. Wikipedia's entry for Hamilton Heights tells a bit of West Harlem's social history well:

Most of the housing dates from the end of the 19th and the start of the 20th Century. This fairly elegant housing became less desirable to white residents in the 1930s and 1940s as the population changed from white to black, even though the black residents were just as affluent as the white residents.... The brownstone revival of the 1960s and 1970s led to a new movement of middle-class blacks in the area. Latinos arrived in large numbers in the 1980s, with Dominicans making up the majority, followed by African Americans, West Indians and Whites.³⁰

There is absolutely no evidence or reason to think that people in West Harlem carry marijuana or discreetly smoke it on residential side streets more than in other residential neighborhoods. Nonetheless, in 2016, the NYPD made strikingly more marijuana possession arrests in West Harlem than in any precinct in New York City, 48 times more such arrests than on the Upper East Side, despite West Harlem having one third the population. Blacks and Latinos were 94 percent of the people that police arrested for marijuana; 44 percent had never been arrested before for anything, and 76 percent had never been convicted of a single misdemeanor. In West Harlem police

arrested 190 teenagers, 95 times more than on the Upper East Side. Parents in West Harlem also do not want their children arrested for marijuana possession, but the police in Precinct 30 do not respect *their* wishes. West Harlem, with a rate of 1116 marijuana possession arrests per hundred thousand residents, the highest in the city, is in effect the epicenter of the NYPD's Jim Crow enforcement disaster of 2016.

Precinct 25, in East Harlem, is the northern half of the neighborhood widely known as Spanish Harlem or El Barrio. Eighty-eight percent of the neighborhood's residents are blacks and Latinos. It extends from Fifth Avenue to the East River, from 115th Street to 135th Street, and contains or borders on major parks including Marcus Garvey Park. Like other primarily residential areas in Manhattan, it has the full range commercial and professional services and has experienced considerable development in the last decade. Its City Council Representative, Melissa Mark-Viverito, is a progressive Democrat and is Speaker of the New York City Council, sometimes said to be the second most powerful position in city government. She is also a long-time critic of the marijuana possession arrests.³¹

Nonetheless, in 2016, and despite Mark-Viverito, police in East Harlem North, Precinct 25, made 492 of the lowest-level marijuana possession arrests. Because the precinct has only 47,000 residents, its marijuana arrest rate per 100,000 is 1,038, the second highest in New York City.

Just 20 blocks south is the Upper East Side with a rate per hundred thousand of 6 marijuana arrests. The arrest rate in East Harlem North is 170 times higher and the arrest rate in West Harlem is 185 times higher than on the Upper East Side. Public servants are often given citations for their service. So, perhaps to draw attention to these matters, the police commanders at Precinct 30 in West Harlem and in Precinct 25 in East Harlem North, and especially their supervisors and commanders up the chain, should be given some kind of recognition or citation for their selective racial and ethnic enforcement of the law.³²

Finally, there is the precinct with the lowest number of arrests and the lowest rate of marijuana possession arrests per hundred thousand in all of New York City in 2016. This is Precinct 122, New Dorp, on the eastern side of Staten Island. It has 139,000 residents, 79 percent whites, 6 percent Asians, 11 percent Latinos, 2 percent blacks, and a median family income of \$80,000. It has all the features of a solidly middle-class neighborhood: private homes, apartment buildings, big parks, as well as shopping and entertainment centers.

Some residents of Precinct 122, New Dorp, sometimes smoke marijuana outside, while walking their dogs, strolling the neighborhood, or going to see a friend or neighbor a few blocks away. They smoke marijuana outside for the same reason people do all over the world,³³ because marijuana smoke is smelly, its odor clings to furniture, carpets, and clothes. People smoke marijuana outside for the same reason people smoke tobacco outside, because their families or roommates want them to, and because they want to.³⁴ Nonetheless, In 2016 police in Precinct 122 made 4 marijuana possession arrests, 3 whites and a Latino.

* * *

We agree with Governor Cuomo and former Mayor Ed Koch. And many New Yorkers do too.³⁵ The marijuana possession arrests should stop immediately. We strongly recommend that police and district attorneys in the five boroughs of New York City immediately cease arresting, charging and prosecuting anyone for violation of New York State Criminal Law Section 221.10, Part 1.³⁶

UNJUST AND UNCONSTITUTIONAL: 60,000 Jim Crow Marijuana Arrests in Mayor de Blasio's New York is released by the Marijuana Arrest Research Project and the Drug Policy Alliance, July 2017.

It was prepared by Harry G. Levine and Loren Siegel with assistance from Jack Levinson and Cassandra Frederique. Levine is a sociology professor at Queens College, City University of New York. Siegel is an attorney and an independent consultant specializing in media and communications for non-profits. Jack Levinson is a sociology professor at City College, CUNY, and Cassandra Frederique is the New York State Director at the Drug Policy Alliance.

Levine and Siegel are directors of the Marijuana Arrest Research Project which studies study race, police policy, and the many arrests for marijuana possession and other victimless crimes in large U.S. cities, especially New York City. Drug Policy Alliance (DPA) is the nation's leading organization promoting policy alternatives to the drug war that are grounded in science, compassion, health and human rights. Tony Newman is director of media relations.



From Pulitzer-prize winning editorial cartoonist Bill Mauldin
in *The New Republic*, Feb 26, 1972



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- July 2017

New York Daily News - July 11, 2017, by Erin Durkin

Cops cuffed 60,000 people for pot possession in de Blasio's first three years as mayor

Cops are still arresting tens of thousands of New Yorkers — the vast majority black and Latino — for low-level pot possession despite a pledge by Mayor de Blasio to move away from such arrests, a new report found.

There were more than 60,000 marijuana possession arrests in the first three years of Hizzoner's term — 86% of them targeting blacks and Latinos, according to the report commissioned by the Drug Policy Alliance.

The number is down substantially from the first three years of former Mayor Mike Bloomberg's tenure — when there were 112,000 such arrests — but is well above the 18,000 arrests over the same period under Rudy Giuliani, 3,000 under David Dinkins, and 6,000 under Ed Koch.

And the racial disparity hasn't budged, the group found.

"It's essentially Jim Crow police enforcement. One set of laws for white people, one set of laws for people of color," said Queens College professor Harry Levine, who wrote the report.

In 2014, de Blasio and then-Police Commissioner Bill Bratton announced cops would no longer arrest people for mere possession, and would give out summonses instead. People would still get arrested if they were smoking pot publicly, had open warrants, or were caught at a sensitive spot such as a school.

Of the 61,000 low-level pot arrests since 2014, 49% of those arrested have been black and 38% Latino, compared to 9% white, according to the report.

Studies have shown that white Americans use marijuana at about the same rate as blacks and Latinos, while young whites are more likely to use it.

In 2016, marijuana possession was the fourth most commonly charged criminal offense in the city.

The arrests especially targeted public housing developments — which account for 21% of pot busts, but only 5% of the population.

In the overwhelmingly white Upper East Side, cops made only 14 marijuana possession arrests in 2016. By contrast, West Harlem, which had the highest arrest rate in the city, saw 677 arrests, even though its population is a third of the size.

Even in many white neighborhoods, most of the people arrested for pot were black and Latino. In Tribeca and the Financial District, blacks and Latinos made up 10% of residents but 73% of pot arrests. For the Upper West Side it was 12% of residents and 80% of arrests, for Midtown south 17% of residents and 73% of arrests, and for Greenwich Village 8% of residents and 69% of arrests.

“White people smoke marijuana all over the place, but they do not get arrested,” Levine said.

The Drug Policy Alliance supports legalizing marijuana.

“This administration has led a dramatic shift away from unnecessary arrests for low-level marijuana offenses in favor of summonses. The NYPD responds to quality of life offenses where and when they are observed, many of which are reported by members of the public,” said de Blasio spokesman Austin Finan.

An NYPD spokesman said "much quality of life enforcement is in direct response to specific and repeated complaints from members of the community, often in high-crime neighborhoods."

"Additionally, the accusation that the department makes decisions on who to arrest based on their race could not be further from the truth," said spokesman J. Peter Donald.

<http://www.nydailynews.com/new-york/cops-busted-60-000-pot-de-blasio-years-article-1.3318638>

The report is on line at: *Unjust and Unconstitutional: 60,000 Jim Crow Marijuana Arrests in Mayor de Blasio's New York*, by Drug Policy Alliance & Marijuana Arrests Research Project, NYC, July 2015

<http://marijuana-arrests.com/docs/Marijuana-Arrests-NYC--Unjust-Unconstitutional--July2017.pdf>

<http://marijuana-arrests.com>