

# UNJUST AND UNCONSTITUTIONAL

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

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

Marijuana  
Arrests of  
Blacks +  
Latinos  
2014-2016

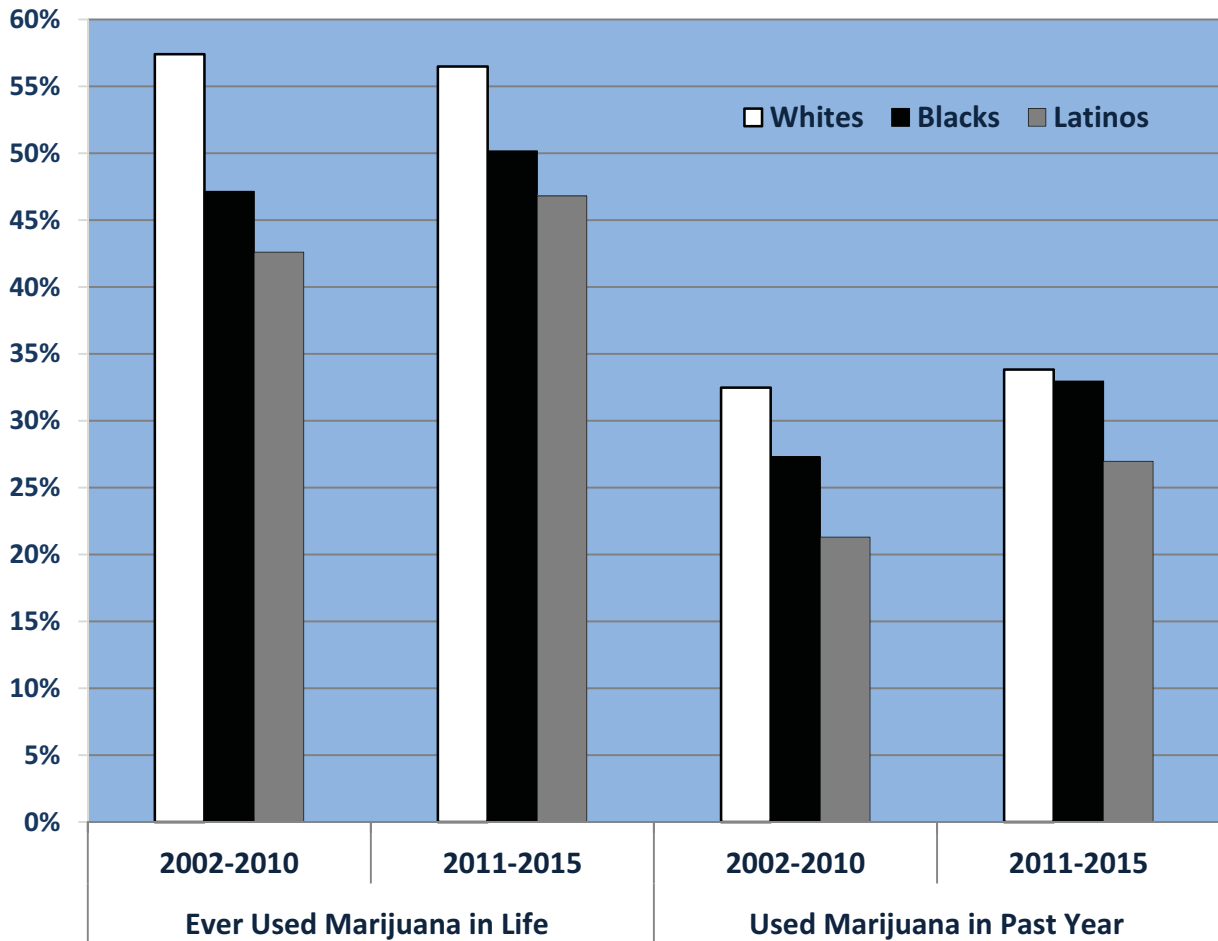
**86%**  
**52,730**

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

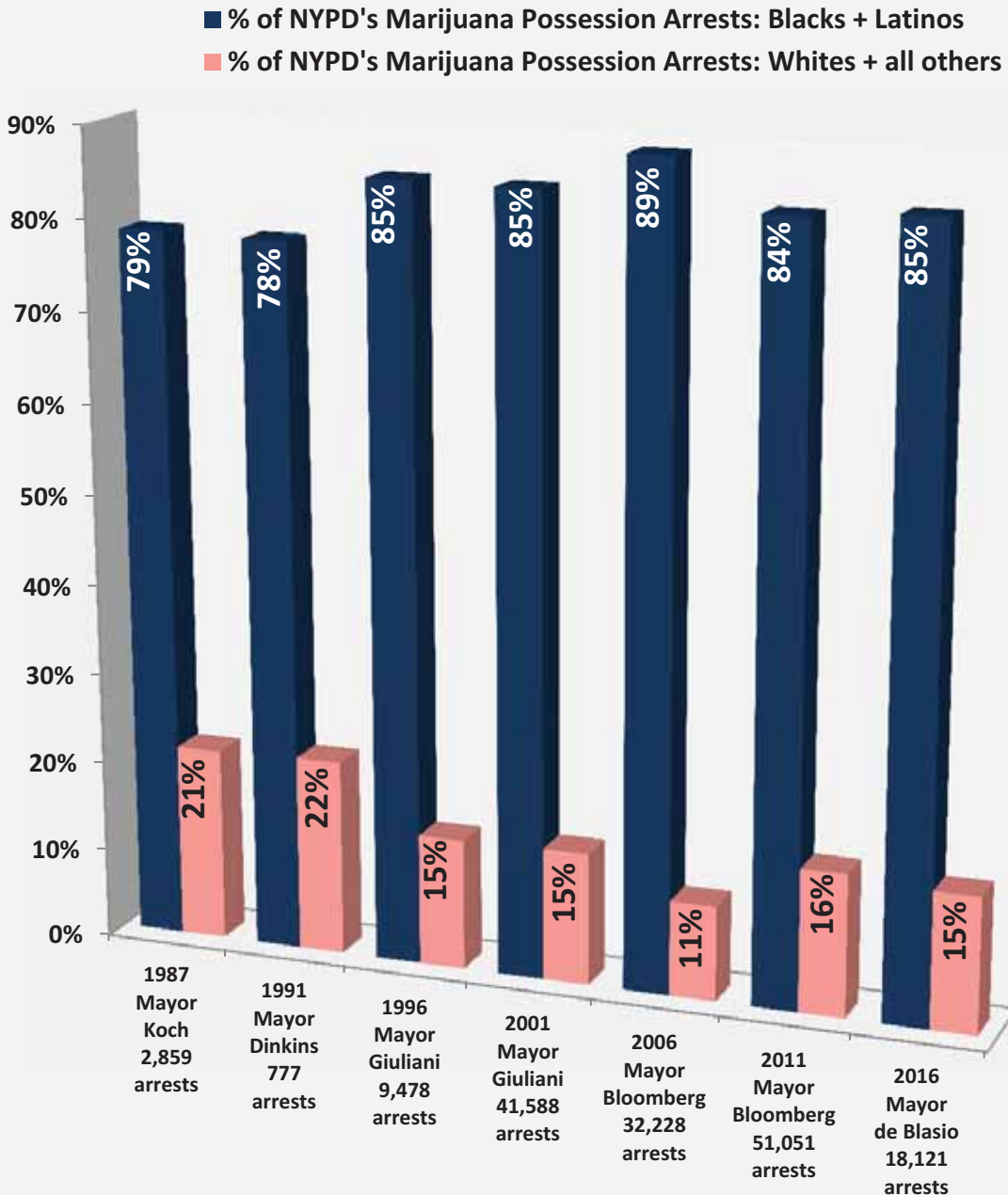
Data from 2010 to 2015 is on line at: <https://www.samhsa.gov/data/population-data-nsduh/reports?tab=38>

**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

# 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

# **PREFACE: ENDING MARIJUANA ARRESTS IS A RACIAL JUSTICE ISSUE**

**By Cassandra Frederique, New York State Director, Drug Policy Alliance**

This report by the Marijuana Arrest Research Project, commissioned by the Drug Policy Alliance, shows that racially discriminatory marijuana possession arrests have continued during Mayor Bill de Blasio's tenure, despite his promise to end them. Numbers don't lie. Sixty-thousand marijuana possession arrests, 86 percent of them of Black and Latino New Yorkers, is a far cry from the Mayor's pledge to rein in the NYPD's targeting of people of color.

There is no argument that holds any water for continuing the enforcement of New York's criminal possession of marijuana law (NY Penal Law 220.10). There is not, and never has been, any demonstrable link between arresting people for marijuana possession and reducing crime or protecting public safety. But we have clearly seen the devastating effects of marijuana prohibition enforcement and the damage done in communities most targeted by the marijuana arrest crusade. Arrests prohibit individuals from fully participating in society, inhibiting their ability to get a job, get a loan, go to college, or even have a place to live.

In contrast, today more than 60 million Americans live in states in which marijuana prohibition has been ended. Those states exhibit no increase in crime; in fact, replacing illicit markets with legal, regulated markets is beginning to produce lower crime rates.\*

This report shows that whether people of color are in predominantly Black or Latino neighborhoods or in neighborhoods that are predominantly white, they are still targeted by the NYPD for marijuana misdemeanor enforcement. And decades of data show that as long as the NYPD is allowed to make these arrests, racial disparities will remain.

By ending marijuana prohibition, we will be able to bring a close to New York's shameful decades-long marijuana arrest crusade, once and for all. We understand that the NYPD's marijuana arrests funnel mostly young Black and Latino New Yorkers into the criminal justice system. This must stop!

To do nothing means to limit the life chances of another generation of Black and Latino New Yorkers whose brush with the criminal justice system will produce a record stigmatizing them for many years to come.

This report shows the importance of eliminating marijuana possession as a reason for police to criminalize people. The Drug Policy Alliance and our partners believe that while legalizing marijuana for adult use will not alleviate all the challenges faced by those communities who are most criminalized, it will remove a tool that has been used to harm them. That's why our Start SMART NY campaign – Sensible Marijuana Access through Regulated Trade – to legalize marijuana in our state is a racial justice campaign. We believe that it is time to stop the ineffective, racially biased, and unjust enforcement of marijuana prohibition and to create a new, well-regulated, and inclusive marijuana industry that is rooted in racial and economic justice. We urge New York policy makers to get on board – we can't wait any longer.

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\* Heuberger, Brian. "Despite claims, data show legalized marijuana has not increased crime rates." *Colorado Politics*. March 22, 2017. <https://coloradopolitics.com/despite-claims-data-show-legalized-marijuana-not-increased-crime-rates>.

## 1. UNJUST AND UNCONSTITUTIONAL: The NYPD's 30 Years of Jim Crow Enforcement of Marijuana Possession Continues under Mayor de Blasio

**A**s a candidate for mayor in 2013 Bill de Blasio said:

*"Low-level marijuana possession arrests have disastrous consequences for individuals and their families. These arrests limit one's ability to qualify for student financial aid and undermine one's ability to find stable housing and good jobs. What's more, recent studies demonstrate clear racial bias in arrests for low-level possession.... This policy is unjust and wrong."*<sup>1</sup>

Yet, in the first three years of the de Blasio administration, the NYPD made over 60,000 criminal arrests for the lowest-level marijuana possession offense, an average of 20,000 marijuana arrests a year. This is down substantially from the heights of the marijuana arrest crusade under Mayors Bloomberg and Giuliani. But this is still a great many "unjust" arrests for marijuana possession.<sup>2</sup>

For twelve years under Mayor Michael Bloomberg, the NYPD averaged 40,000 of these marijuana possession arrests *per year*. That was more arrests for possession of marijuana than the entire state of California averaged per year during the 1990s<sup>3</sup> – and California has 40 million people, five times the population of New York City which remains the marijuana arrest capital of the world.

The NYPD under de Blasio has taken two years, at an average of 20,000 marijuana arrests a year, to make the 40,000 unjust marijuana arrests it averaged in one year under Bloomberg. We suggest this be regarded as slower injustice, but slower injustice is still injustice delivered.

Most importantly, the NYPD's marijuana arrests under de Blasio have the same overwhelming racial disparities as under Bloomberg – about 86% of the arrests and jailings for marijuana possession are still, to this day, of blacks and Latinos. This is the case even as many years of U.S. government studies have found that whites of all ages use marijuana at about the same rates as blacks and Latinos, and that young whites age 18 to 25 use marijuana at slightly higher rates than young blacks and Latinos.<sup>4</sup>

Most people the NYPD arrests for marijuana possession are young. As in previous years, in 2016 and in the first four months of 2017, 81% of the people arrested for marijuana were age 16 to 34, 58% were 16 to 25, and 27% were age 16 to 20.

The young people arrested for marijuana possession are ordinary high school and college students and young workers, the latter sometimes building families. They are not career criminals. In 2016, 37% of the people arrested for marijuana possession had never been arrested before for anything, and 76% had never been convicted of even a single misdemeanor.

### ***Thirty Years of Jim Crow\* Enforcement Under Five Mayors, 1987-2016***

The NYPD's racial problems are much greater than just the last few years under de Blasio. As data in this report show, for at least thirty years and under five different mayors, the NYPD's marijuana possession arrests have been racially-skewed, racially-biased, racially-selective, racially-discriminatory, and other equivalent terms including racially-targeted and racially unjust.

From 1987 to 2016, New York City had five different mayoral administrations, the number of marijuana possession arrests rose and fell, and the personnel of the police department turned over completely. But the severe racial disparities in the NYPD's enforcement of marijuana possession did not change.

For twenty years under Mayors Giuliani and Bloomberg, and for the last three years under de Blasio, about 86% of the people the NYPD has arrested for marijuana possession were blacks and Latinos. And for seven years before that under Mayor Dinkins and Koch, when the NYPD averaged only 2,000 arrests a year, over 80% of the people arrested for marijuana possession were blacks and Latinos.<sup>5</sup>

In 2010, *New York Times* columnist Bob Herbert used the term "Jim Crow policing" to name the NYPD's intensive policing of black and Latino neighborhoods and individuals focusing on minor offences. The evidence presented in this report gives legitimacy to "Jim Crow policing" as an appropriate term, especially for the NYPD's enforcement and arrests for possession of small amounts of marijuana. We use Jim Crow enforcement to name the institutional or organizational racism in law enforcement – to focus on how the routine practices of police departments and

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\* *Jim Crow was the widely-used term for the system of policies, laws, and customs of racial and ethnic segregation and discrimination in many states in the 19th century and well into the 1960s. It focused on the segregation and domination of African Americans and occasionally other racial and ethnic minorities.*

prosecutors produce routine racial discrimination in enforcement, arrests and sentencing.<sup>6</sup>

For at least thirty years, the NYPD has been arresting blacks for marijuana possession at about seven times the rate of whites and arresting Latinos at nearly four times the rate of whites. From 1987 through 2016, the NYPD made 738,000 lowest-level marijuana arrests, charging the mostly young people with criminal possession of marijuana in the fifth degree (section 221.10 of the New York State Penal Code). Of those nearly three-quarters of a million marijuana arrests, 86% were of blacks and Latinos, 11% were of whites, and 3% were of Asians and all others (see the complete table from the New York State Division of Criminal Justice Services in this report).

These city-wide racial disparities in enforcement of marijuana possession over several decades are not the product of the personal prejudice, bigotry, character or values of individual police officers. Such dramatic, widespread and long-standing racial disparities in enforcement also are not the consequence of inadequate training or rogue squads or bad apples or incompetent precinct commanders.

The Jim Crow marijuana arrests are a system-wide phenomenon, a form of institutional racism administered day in and day out by people at the highest levels of law enforcement and government. The Jim Crow marijuana possession arrests are intentional – meaning that the leadership of the NYPD has understood for decades that severe racial disparities in arrests for marijuana possession are the regular, predictable result of decisions about where and how they deploy their police, what they ask them to do, and which patterns they purposefully ignore, reward and discipline.<sup>7</sup> The effect of this policing has been called “racism without racists.” No individual officers need harbor racial animosity for the criminal justice system to produce jails and courts filled with black and brown faces.

But the absence of hostile intent does not absolve policy-makers and law enforcement officials from responsibility for this pattern of discriminatory arrests. In 2013, Federal Judge Shira Scheindlin determined in two prominent stop and frisk cases that New York City’s top officials had “adopted an attitude of willful blindness toward statistical evidence of racial disparities in stops and stop outcomes.” She cited the legal doctrine of “deliberate indifference” to describe police and city officials who “willfully ignored overwhelming proof that the policy ... is racially discriminatory and therefore violates the United States Constitution.”<sup>8</sup>

This is demonstrably true for the city’s marijuana possession arrests. They are the result of “willful indifference” by top city and police officials to the unwarranted and unconstitutional racial discrimination built into these routine police enforcement patterns and policies. And the city’s top police officials have also shown “deliberate

indifference” to the life disruption caused by these many arrests and to the damaging lifetime effects of the criminal records automatically generated by the marijuana arrests.<sup>9</sup>

### ***Targeting Enforcement By Neighborhood and Race in 2016***

In 2016, the NYPD made 18,121 arrests for lowest-level marijuana possession, the fourth most commonly charged criminal offense in New York City. Most of the charts in this report break down the 2016 marijuana arrests in various ways, but their racial composition is most striking: 46% blacks, 39% Latinos, 10% whites (not Hispanic), and 5% Asians plus a small number of arrestees classified as “other” or “unknown” race or ethnicity. In short, in 2016, under de Blasio, 85% of the NYPD’s marijuana arrests were of blacks and Latinos, and 15% were of whites and all others.<sup>10</sup>

About 51% of the over 8 million people who live in New York City are blacks and Latinos, and 49% are whites plus all others. As noted above, whites, blacks and Latinos of all ages use marijuana at about the same rates, and young whites use marijuana at slightly higher rates than young blacks and Latinos.

So, how do the police produce such racially-skewed marijuana possession arrest rates and percentages?

The beginning of an answer resides in the way the NYPD concentrates its enforcement of marijuana possession only in certain neighborhoods. These are first of all places where the majority of residents are blacks and Latinos, especially from working class or low-income families.

The single largest grouping of such people are the approximately 420,000 residents of New York City’s public housing developments in all five boroughs. In 2016, blacks and Latinos constituted 92% of the people arrested for marijuana possession by the NYPD’s housing police units in the projects’ buildings and on their grounds. The housing developments are home to 5% of New York City’s population but generate 21% of the NYPD’s marijuana possession arrests.

The great majority (78%) of the NYPD’s marijuana possession arrests are made and booked in the city’s 76 neighborhood police precincts in the five boroughs.<sup>11</sup> Each numbered precinct has clearly-defined street boundaries, a substantial police station, and a population averaging about 108,000 residents. Police assigned to each of the neighborhood precincts, along with some “special squads” like narcotics, make the marijuana arrests and bring the people in handcuffs to the local precinct’s police station.



Of New York City's 76 neighborhood precincts, 37 neighborhoods (just under half) have a majority of black and Latino residents.<sup>12</sup> These 37 predominately black and Latino precincts have about half the city's population but provide 66% of the marijuana possession arrests made and booked in the neighborhood precincts. And in those 37 precincts, 92% of the people arrested are blacks and Latinos.

Jim Crow policing is even more intense in just 25 of these predominately black and Latino precincts with a third of the city's population: police there make 57% of the marijuana arrests charged in all 76 of the city's neighborhood precincts. In these neighborhoods, 92% of the people arrested for possessing small amounts of marijuana are blacks and Latinos.<sup>13</sup>

### ***Arresting Blacks and Latinos Everywhere in New York City***

Police in New York also target a limited number of neighborhoods, mostly in mid-town and lower Manhattan, that have many businesses, much night life, and many customers and visitors from around the metropolitan area, the country and the world. And in those commercial, night-life and tourist meccas, where pedestrians are predominately white, police arrest blacks and Latinos at very high rates.

In 2016, in Greenwich Village, 69% of the people arrested for marijuana possession were blacks and Latinos. In Chelsea (just north of Greenwich Village) 77% of the people police arrested were blacks and Latinos. In Soho-Tribeca-Wall St (just south of Greenwich Village) 73% of those arrested for marijuana possession were blacks and Latinos. And in tourist-heavy Little Italy and Chinatown, where police made many marijuana arrests, 66% of the people arrested for marijuana possession were blacks and Latinos.

In 2016, police enforcement targeted people of color, especially blacks, everywhere in New York City. In Manhattan, blacks are 13% of the residents but 45% of the people arrested for marijuana possession. In Queens, blacks are 18% of the residents but 49% of the people arrested for marijuana. And in Staten Island, blacks are 10% of the residents but 49% of the people arrested for marijuana possession.

The rates of NYPD arrests for marijuana possession per 100,000 of the population are extremely skewed. In Queens police arrest blacks at seven times the rate of whites. In Manhattan they arrest blacks at 10 times the rate of whites. And in Staten Island the NYPD arrests blacks at 15 times the rate of whites. In 2016 police arrested Latinos at 3 times the rate of whites in Brooklyn, at 4.2 times the rate of whites in Queens and Staten Island, and at 6.6 times the rate of whites in Manhattan.<sup>14</sup>

In 2016, outside of Manhattan's tourist, business, and nightlife areas, in Queens and Brooklyn neighborhoods with high percentages of white residents and low percentages of black and Latino residents, the numbers and rates of marijuana arrests are very low. Nonetheless, even in these neighborhoods a high percentage of the people arrested for marijuana possession are blacks and Latinos.

In Brooklyn: In Sheepshead Bay, blacks and Latinos are 12% of the population and 50% of the marijuana arrests. In Borough Park they are 15% of residents and 57% of people arrested for marijuana. In Greenpoint they are 19% of the population and 70% of the arrests. In Park Slope (where Mayor de Blasio has a home) blacks and Latinos are 24% of the residents and 73% of the people arrested for marijuana. And in hipster Williamsburg, blacks and Latinos are 37% of the residents but 83% of the people arrested for marijuana.

In Queens: In Bayside, blacks and Latinos are 12% of the population and 52% of the arrests for marijuana possession. In Forest Hills they are 16% of residents and 80% of the marijuana arrests. In Flushing they are 19% of residents but 71% of the people arrested for marijuana. And in Ridgewood they are 36% of the residents but 83% of the people arrested for marijuana possession.

A table in this report lists 15 of these predominately white and sometimes also Asian neighborhoods with nearly two million residents. In 2016, the average rate of marijuana possession arrests in these 15 white and Asian neighborhoods was a very low 44 arrests per hundred thousand residents and they accounted for 5% of the city's possession arrests. Although blacks and Latinos are only 23% of the residents, they were 72% of the people arrested for possessing marijuana.

New York City has many other residential neighborhoods, which are also not tourist or night life areas, where the NYPD makes *high* rates and numbers of arrests for possession of marijuana. In these neighborhoods, with large percentages of black and Latino residents and relatively low family incomes, the police department's Jim Crow policing falls most heavily. See the table in this report for details on 15 of these high-arrest rate precincts. In these 15 overwhelmingly black and Latino neighborhoods, police in 2016 made nearly one-third (32%) of the city's marijuana possession arrests – at an average rate 10 times higher than in the 15 predominately white and Asian neighborhoods. In these neighborhoods, 83% of the residents and 93% of the people arrested for marijuana possession are blacks and Latinos.<sup>15</sup>

To sum up: In New York City neighborhoods with low rates and numbers of arrests for marijuana possession, and with relatively few black and Latino residents, blacks and Latinos were most of the people police arrested in 2016 for possessing marijuana. And in neighborhoods with high rates and numbers of arrests for marijuana

possession, and with high percentages of black and Latino residents, nearly all of the people police arrested for possessing marijuana were blacks and Latinos.

In 2016, and for at least 30 years, the NYPD has had two very different patterns or systems of enforcement by race and ethnicity for the criminal offense of possessing small amounts of marijuana – separate, unequal, and unjust.<sup>16</sup>

## 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."*<sup>17</sup>

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."*<sup>18</sup>

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.<sup>19</sup>

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.<sup>20</sup>

In 2008 we asked, somewhat rhetorically, "Is the NYPD Addicted to Marijuana Possession Arrests?"<sup>21</sup> 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.<sup>22</sup>

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."*<sup>23</sup>

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."<sup>24</sup> 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).<sup>25</sup>

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.<sup>26</sup> 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."<sup>27</sup>

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).<sup>28</sup>

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?”<sup>29</sup>*

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.

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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.<sup>30</sup>*

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.<sup>31</sup>

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.<sup>32</sup>

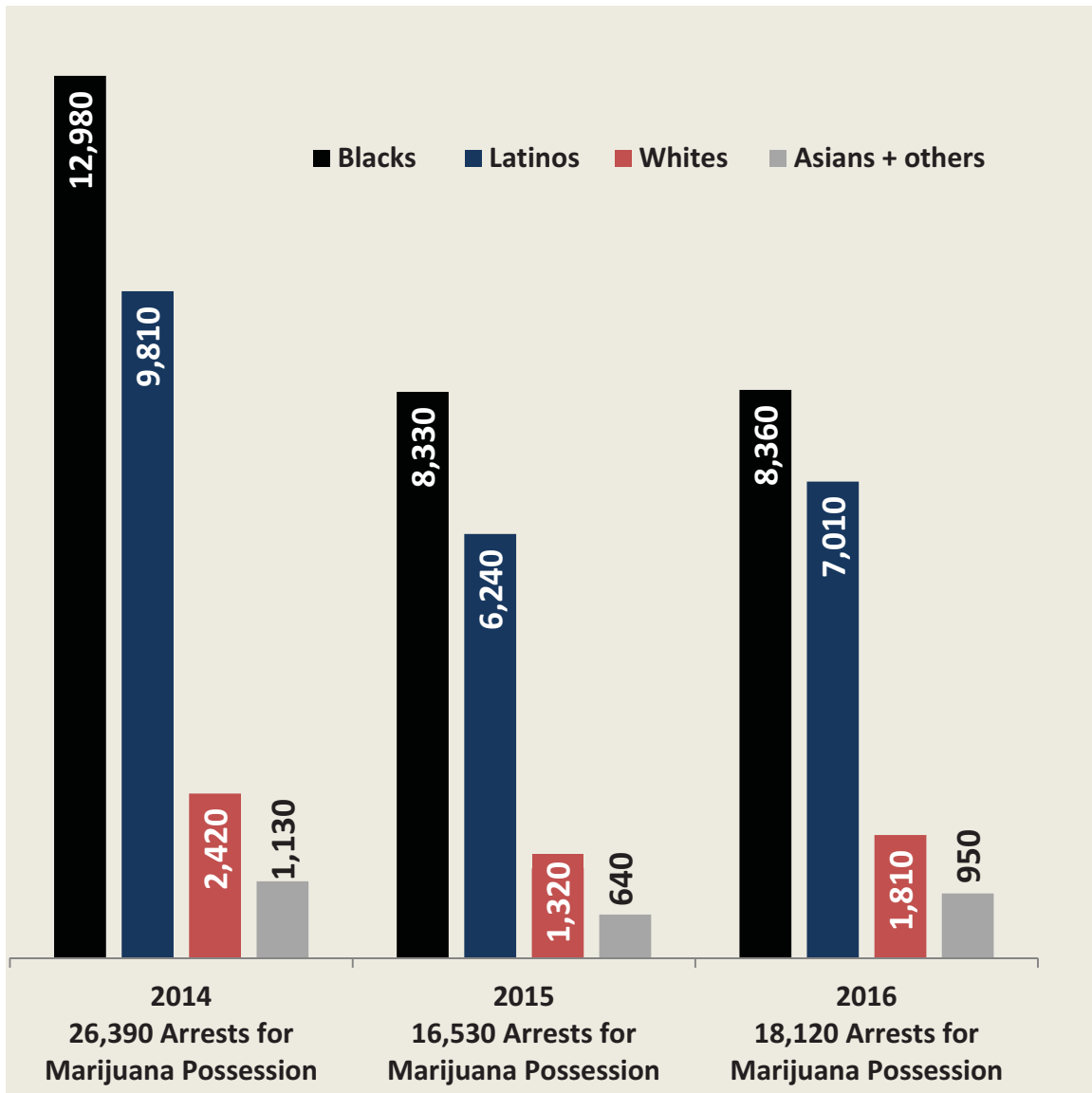
Finally, there is the precinct with the lowest number of arrests and the lowest rate of marijuana possession arrests per hundred thousand in all of New York City in 2016. This is Precinct 122, New Dorp, on the eastern side of Staten Island. It has 139,000 residents, 79 percent whites, 6 percent Asians, 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,<sup>33</sup> 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.<sup>34</sup> 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.<sup>35</sup> 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.<sup>36</sup>

## The NYPD's Racially-Targeted Arrests for Possession of Marijuana Under Mayor de Blasio in 2014, 2015, 2016



**NYC Pop: 51% Blacks + Latinos, 49% Whites + Asians + all others**  
**Arrests: 86% Blacks + Latinos, 14% Whites + Asians + all others**

**61,000 Marijuana Possession Arrests Total In 3 Years in New York City**  
**29,660 Blacks; 23,060 Latinos; 5,550 Whites; 2,720 Asians & All Others**

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

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

## **MAYORS AND MARIJUANA ARRESTS IN NEW YORK CITY**

### **The NYPD's Marijuana Possession Arrests in the First Three Years of Five NYC Mayors**

In the first three years of Mayor de Blasio, the NYPD has averaged 20,000 marijuana possession arrests a year. This is progress only when compared to the extreme stop and frisk years of Mayor Bloomberg.

Consider as well the NYPD's marijuana possession enforcement practices in the first three years of Mayors Giuliani, Koch and Dinkins.

Under Mayor de Blasio, the NYPD made about 3 times more marijuana possession arrests than it did under Giuliani, 10 times more than under Koch, and 20 times more than under Dinkins.

	<i># of MJ Poss Arrests in First 3 Years as Mayor*</i>	<i>Average Yearly Arrests</i>	<i>Mj Poss Arrests A Day</i>
<b>Koch</b>	<b>6,000</b>	<b>2,000</b>	<b>5</b>
<b>Dinkins</b>	<b>3,000</b>	<b>1,000</b>	<b>3</b>
<b>Giuliani</b>	<b>18,000</b>	<b>6,000</b>	<b>17</b>
<b>Bloomberg</b>	<b>112,000</b>	<b>37,000</b>	<b>102</b>
<b>de Blasio</b>	<b>61,000</b>	<b>20,000</b>	<b>55</b>

\*All marijuana arrest numbers rounded

**Koch 1978-1980, Dinkins 1990-1992, Giuliani 1994-1996, Bloomberg 2002-2004, de Blasio 2014-2016**

Source: New York State Division of Criminal Justice Service, Albany, NY.

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. That marijuana law was enacted and went into effect in 1977 and these have been the five mayors over the 40 years.

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

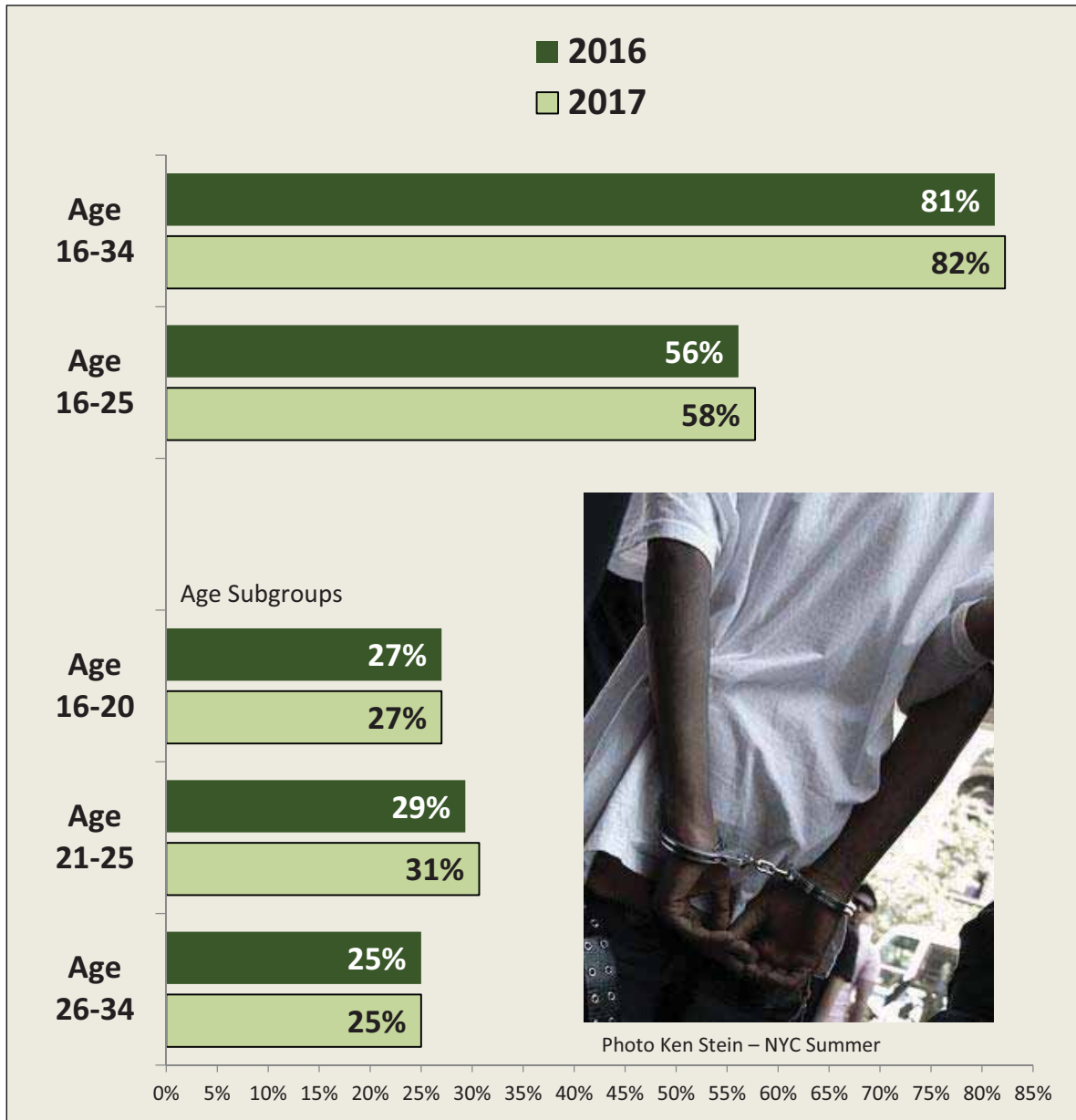
**NEW YORK CITY ARRESTS FOR MARIJUANA POSSESSION-5TH (PL 221.10)**

Year	Counts						Year	Percentages						Black + Hispanic	
	Total	White	Black	Hispanic	Other	Unk		Total	White	Black	Hispanic	Other	Unk		
1987	2,859	591	1,551	694	23	0	1987	100%	21%	54%	24%	1%	0%	79%	Koch
1988	1,868	349	1,040	459	20	0	1988	100%	19%	56%	25%	1%	0%	80%	Koch
1989	1,063	209	598	251	5	0	1989	100%	20%	56%	24%	0%	0%	80%	Koch
1990	893	203	526	159	5	0	1990	100%	23%	59%	18%	1%	0%	77%	Dinkins
1991	777	154	451	157	15	0	1991	100%	20%	58%	20%	2%	0%	78%	Dinkins
1992	815	124	438	240	13	0	1992	100%	15%	54%	29%	2%	0%	83%	Dinkins
1993	1,456	148	897	402	9	0	1993	100%	10%	62%	28%	1%	0%	89%	Dinkins
1994	3,169	226	2,011	916	15	1	1994	100%	7%	63%	29%	0%	0%	92%	Giuliani
1995	5,745	648	3,223	1,817	54	3	1995	100%	11%	56%	32%	1%	0%	88%	Giuliani
1996	9,478	1,296	5,107	2,992	83	0	1996	100%	14%	54%	32%	1%	0%	85%	Giuliani
1997	18,026	2,553	9,627	5,631	214	1	1997	100%	14%	53%	31%	1%	0%	85%	Giuliani
1998	32,996	4,870	17,090	10,655	380	1	1998	100%	15%	52%	32%	1%	0%	84%	Giuliani
1999	33,873	4,653	16,932	11,851	437	0	1999	100%	14%	50%	35%	1%	0%	85%	Giuliani
2000	51,344	6,597	26,718	17,385	644	0	2000	100%	13%	52%	34%	1%	0%	86%	Giuliani
2001	41,588	5,565	22,581	12,882	557	3	2001	100%	13%	54%	31%	1%	0%	85%	Giuliani
2002	44,209	6,334	23,003	13,960	729	183	2002	100%	14%	52%	32%	2%	0%	84%	Bloomberg
2003	39,359	5,270	20,775	12,291	551	472	2003	100%	13%	53%	31%	1%	1%	84%	Bloomberg
2004	28,124	2,487	15,413	9,651	352	221	2004	100%	9%	55%	34%	1%	1%	89%	Bloomberg
2005	29,980	2,378	16,738	10,057	518	289	2005	100%	8%	56%	34%	2%	1%	89%	Bloomberg
2006	32,228	2,621	18,165	10,646	516	280	2006	100%	8%	56%	33%	2%	1%	89%	Bloomberg
2007	39,487	3,426	21,765	13,214	735	347	2007	100%	9%	55%	33%	2%	1%	89%	Bloomberg
2008	40,712	4,001	22,155	13,480	726	350	2008	100%	10%	54%	33%	2%	1%	88%	Bloomberg
2009	46,895	4,702	25,604	15,365	803	421	2009	100%	10%	55%	33%	2%	1%	87%	Bloomberg
2010	50,857	5,535	27,479	16,238	1,127	478	2010	100%	11%	54%	32%	2%	1%	86%	Bloomberg
2011	51,051	6,264	26,408	16,513	1,379	487	2011	100%	12%	52%	32%	3%	1%	84%	Bloomberg
2012	39,500	4,379	20,138	13,596	1,020	367	2012	100%	11%	51%	34%	3%	1%	85%	Bloomberg
2013	28,887	2,684	14,319	10,689	858	337	2013	100%	9%	50%	37%	3%	1%	87%	Bloomberg
2014	26,338	2,420	12,980	9,810	872	256	2014	100%	9%	49%	37%	3%	1%	87%	de Blasio
2015	16,529	1,319	8,327	6,243	507	133	2015	100%	8%	50%	38%	3%	1%	88%	de Blasio
2016	18,121	1,807	8,360	7,005	758	191	2016	100%	10%	46%	39%	4%	1%	85%	de Blasio
1987-2016	738,227	83,813	390,419	245,249	13,925	4,821		11%	53%	33%	2%	1%	86%	30 years	

Source: DCJS, Computerized Criminal History system (as of 2/17/2017).

This is printed directly from a spreadsheet provided by New York State Division of Criminal Justice Services, Albany NY. The shading, and the two right columns have been added.  
- Marijuana Arrest Research Project, New York City

# Arresting Young People for Marijuana Possession 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

## 2016: 15 Neighborhoods In New York City with HIGH Rates and Numbers of Marijuana Possession Arrests, and where Blacks and Latinos are almost the only people arrested for marijuana

<i>Precinct # and Neighborhood</i>	<b>Rate of MJ Poss Arrests</b>	<b>Number of MJ Poss Arrests</b>	<b>% of MJ Arrests Blacks + Latinos</b>	<b>% Black + Latino Residents</b>	<b>Median Household Income (\$2015)</b>	<b>Total # of Residents</b>
30 - West Harlem , Hamilton Heights (M)	<b>1116</b>	677	<b>94%</b>	85%	\$39,382	60,690
25 - East Harlem (North) (M)	<b>1038</b>	492	<b>92%</b>	88%	\$29,284	47,410
41 - Hunts Point (BX)	<b>532</b>	278	<b>99%</b>	97%	\$23,493	52,250
32 - Harlem North (M)	<b>494</b>	350	<b>96%</b>	90%	\$36,373	70,800
28 - Central Harlem (South of 126 St) (M)	<b>480</b>	215	<b>95%</b>	77%	\$49,559	44,780
33 - Washington Heights (M)	<b>434</b>	335	<b>94%</b>	85%	\$38,367	77,200
44 - Grand Concourse (BX)	<b>414</b>	606	<b>87%</b>	95%	\$26,880	146,440
103 - Jamaica, Hollis (Q)	<b>393</b>	416	<b>82%</b>	71%	\$47,910	105,830
52 - Bedford Park, Fordham, Norwood (BX)	<b>378</b>	525	<b>92%</b>	84%	\$33,676	138,810
49 - Pelham Parkway, Morris Park (BX)	<b>377</b>	433	<b>84%</b>	63%	\$47,262	114,740
71 - Flatbush, Midwood (BK)	<b>368</b>	362	<b>95%</b>	77%	\$43,248	98,430
23 - East Harlem (South of 115 St) (M)	<b>339</b>	248	<b>92%</b>	76%	\$37,082	73,120
34 - Inwood, Washington Heights (M)	<b>314</b>	355	<b>95%</b>	74%	\$50,195	112,970
69 - Canarsie (BK)	<b>306</b>	259	<b>98%</b>	89%	\$61,300	84,510
73 - Ocean Hill-Brownsville (BK)	<b>244</b>	211	<b>97%</b>	96%	\$29,326	86,470
<b>Totals -t / Averages of Totals -a</b>	<b>438 -a</b>	<b>5,762</b>	<b>93% -a</b>	<b>83% -a</b>	<b>\$39,556 -a</b>	<b>1,314,450</b>

Source: New York State Division of Criminal Justice Services (DCJS) and U.S. Census  
 Rates are per 100,000 of neighborhood precinct population. All arrests are age 16 and older for violation of NYS criminal law 221.10. For all arrests, marijuana possession was the highest or only criminal charge.

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



## 2016: 15 Predominately White Neighborhoods in NYC Where Most Marijuana Possession Arrests are of Blacks + Latinos

<i>Precinct # - Neighborhood (Borough)</i>	<b>% Black + Latino residents</b>	<b>% of Arrests Blacks + Latinos</b>	<b>Total # of MJ Poss Arrests</b>	<b># of MJ Arrests of Blacks + Latinos</b>	<b># of MJ Arrests of Whites + others</b>	<b>Total RATE of MJ Arrests*</b>	<b>Median Household Income (\$2015)</b>	<b>Total # of Residents</b>
19 - Upper East Side (59 to 96 St) (M)	10%	50%	14	7	7	6	\$117,590	219,920
61 - Sheepshead Bay (BK)	12%	50%	72	36	36	46	\$52,673	157,440
111 - Bayside, Little Neck (Q)	12%	52%	31	16	15	27	\$79,483	116,380
20 - Upper West Side (59 to 86 St) (M)	12%	80%	51	41	10	50	\$118,518	102,630
66 - Borough Park (BK)	15%	57%	119	68	51	62	\$42,200	191,390
112 - Forest Hills, Rego Park (Q)	16%	80%	20	16	4	18	\$66,943	112,070
109 - Flushing (Q)	19%	71%	59	42	17	24	\$55,012	247,310
94 - Greenpoint (BK)	19%	70%	53	37	16	94	\$78,326	56,250
78 - Park Slope (BK)	24%	73%	63	46	17	94	\$108,160	66,700
121 - Graniteville (SI)	35%	74%	54	40	14	45	\$70,740	118,690
104 - Ridgewood, Maspeth, (Q)	36%	83%	40	33	7	24	\$59,999	170,180
108 - Long Island City, Sunnyside (Q)	37%	75%	60	45	15	53	\$62,998	113,450
100 - Rockaway (Q)	39%	91%	35	32	3	73	\$68,278	47,920
90 - Williamsburg (BK)	39%	83%	137	114	23	117	\$42,781	116,840
72 - Sunset Park, Windsor Terrace (BK)	48%	87%	63	55	8	50	\$55,551	126,230
<b>Totals -t / Averages of Totals -a</b>	<b>23% -a</b>	<b>72% -a</b>	<b>871 -t</b>	<b>628 -t</b>	<b>243 -t</b>	<b>44 -a</b>	<b>\$71,950 -a</b>	<b>1,963,400 -t</b>

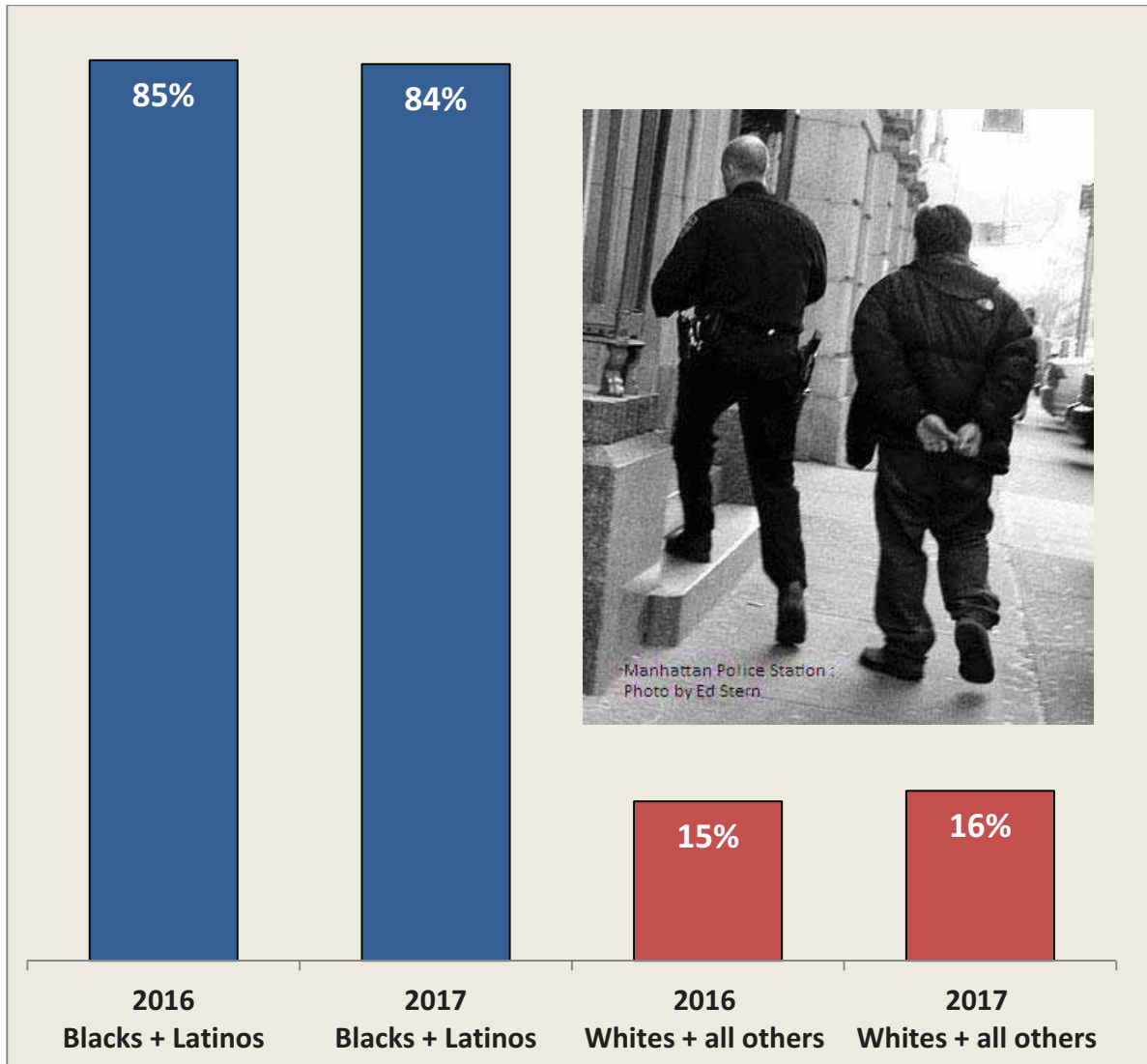
\*Police in these neighborhoods make relatively low rates and numbers of marijuana possession arrests.

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. For all arrests, marijuana possession was the highest or only criminal charge. Rates are per 100,000 of neighborhood population

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

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

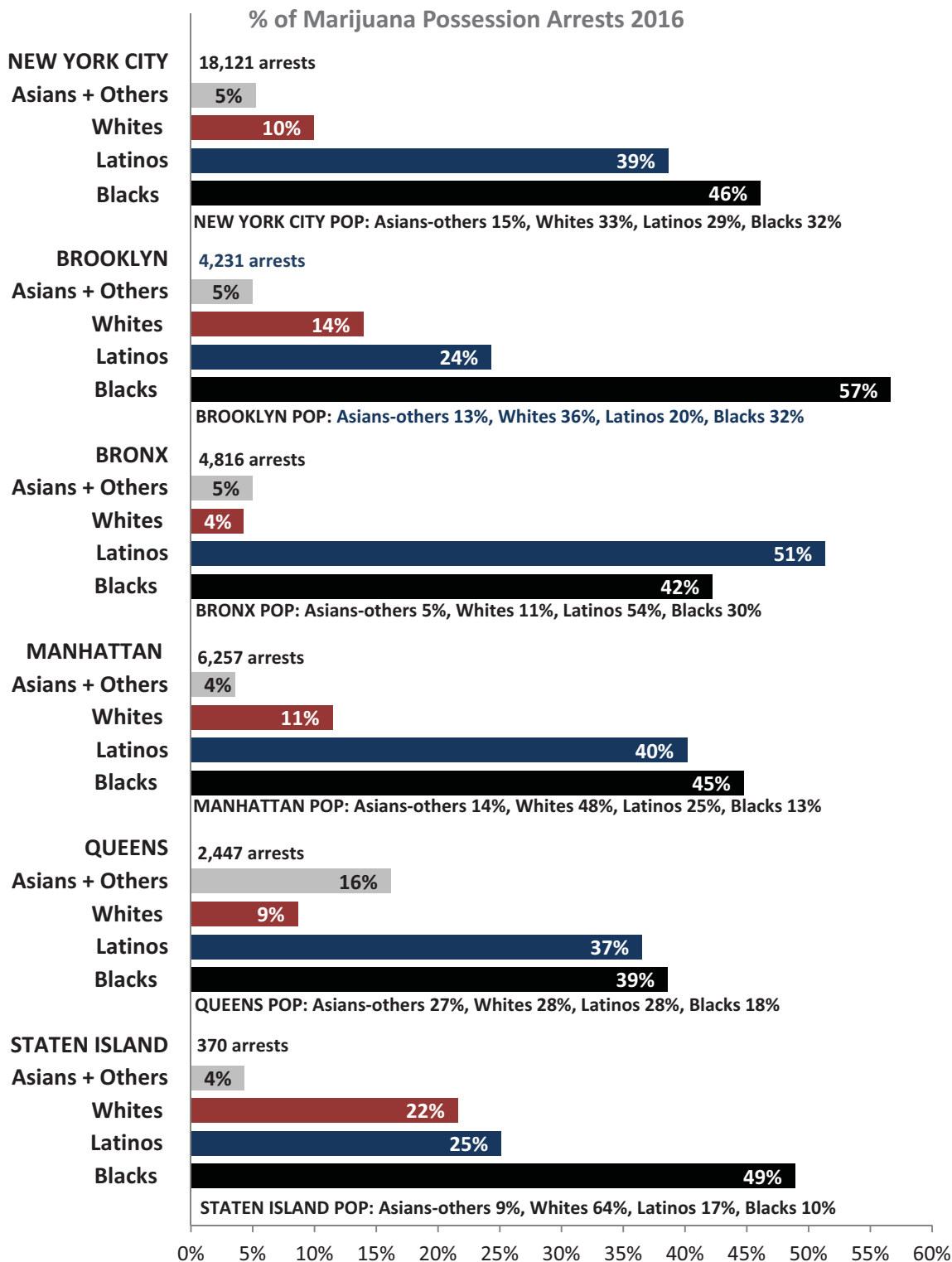


\* 2017 data are January - April

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

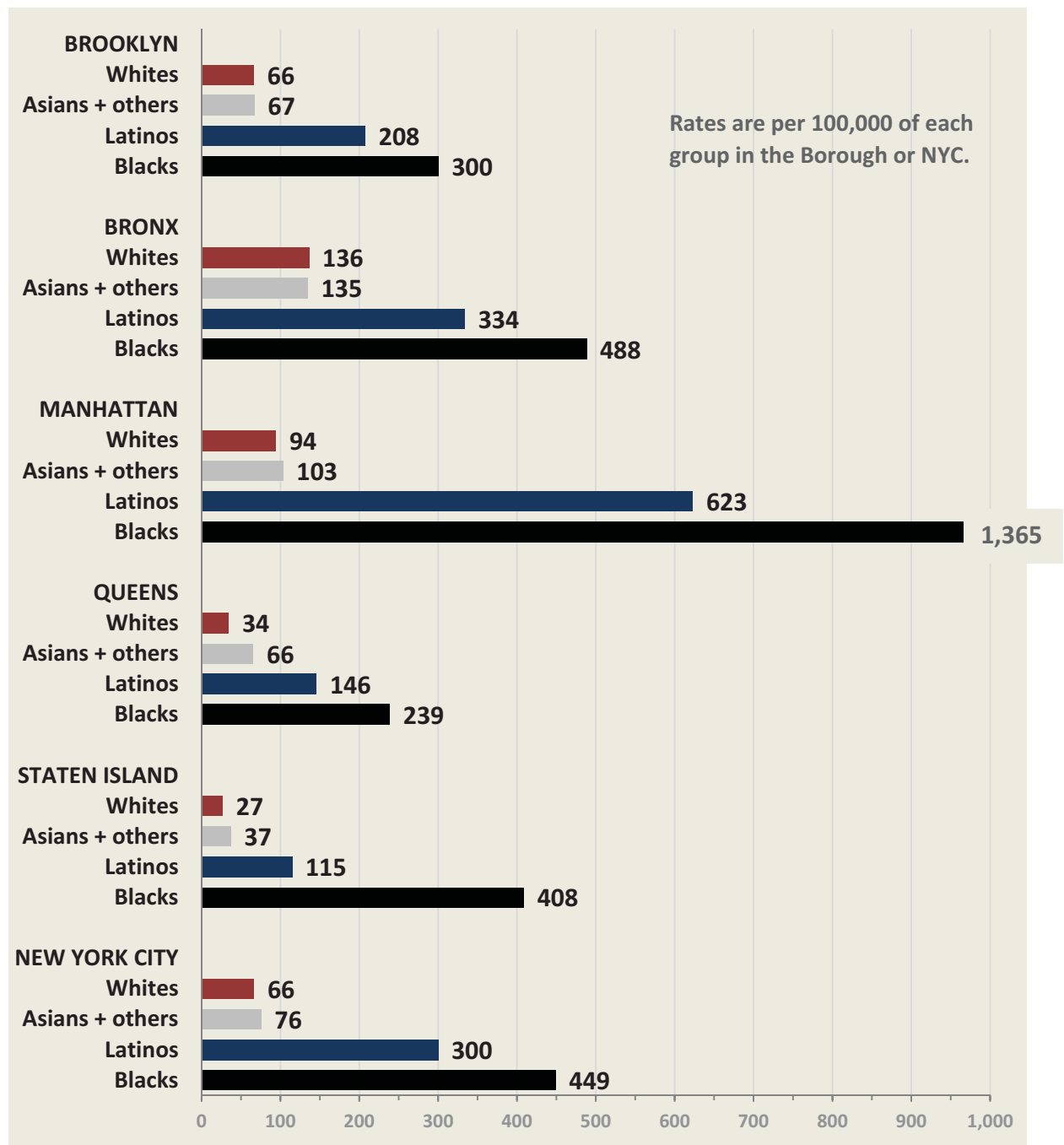
# Percentage of Marijuana Arrests by Race in New York City, 2016



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

## Rates of Marijuana Arrests by Race in New York City, 2016



Source: New York State Division of Criminal Justice Services (DCJS) and U.S. Census Rates are per 100,000 of each group in the Borough or NYC.

Rates = the number of arrests divided by the population multiplied by 100,000

All arrests are age 16 and older for violation of NYS criminal law 221.10.

For all arrests, marijuana possession was the highest or only criminal charge.

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

# JIM CROW MARIJUANA POSSESSION ARRESTS IN MANHATTAN, 2016

Arrests Rates, Percentages, Numbers, and Incomes for NYPD Precincts & Neighborhoods in Manhattan

<i>MANHATTAN Precinct # and Neighborhood</i>	<b>Total RATE of MJ Arrests 2016</b>	<b>% of Arrests are Blacks + Latinos 2016</b>	<b>Total # of MJ Poss Arrests 2016</b>	<b>% Black + Latino residents</b>	<b>% White + all other residents</b>	<b>Median Household Income</b>	<b>Population</b>
019 - Upper East Side (59 to 96 St) (M)	6	50%	14	10%	90%	\$117,590	208,300
020 - Upper West Side (59 to 86 St) (M)	50	80%	51	12%	88%	\$118,518	102,600
009 - East Village (M)	102	82%	78	31%	69%	\$67,819	76,400
006 - Greenwich Village (M)	119	69%	74	8%	92%	\$112,014	62,200
017 - Kipps Bay, Murray Hill (M)	154	46%	123	8%	92%	\$117,800	79,100
024 - Upper West Side (86 to 110 St) (M)	165	74%	176	33%	67%	\$85,556	106,400
010 - Chelsea (M)	171	70%	86	25%	75%	\$95,697	50,200
013 - Gramercy, Stuyvesant Town (M)	196	77%	183	14%	86%	\$104,503	93,600
001 - Tribeca, Wall Street (M)	244	73%	163	10%	90%	\$146,844	66,700
026 - Morningside Heights (M)	303	74%	150	45%	55%	\$56,053	50,000
034 - Inwood, Washington Heights (M)	314	95%	355	74%	26%	\$50,195	112,400
023 - East Harlem (South of 115 St) (M)	339	92%	248	76%	24%	\$37,082	73,100
033 - Washington Heights (M)	434	94%	335	85%	15%	\$38,367	77,600
028 - Central Harlem (South of 126 St) (M)	480	95%	215	77%	23%	\$49,559	44,800
018 - Midtown North, Theatre District (M)	483	78%	261	21%	79%	\$96,020	54,100
032 - Harlem North (M)	494	96%	350	90%	10%	\$36,373	70,900
007 - Lower East Side (M)	499	52%	281	40%	60%	\$36,902	56,400
005 - Little Italy, Chinatown (M)	534	66%	281	16%	84%	\$50,231	52,600
014 - Midtown South (M)	925	73%	191	17%	83%	\$96,247	20,700
025 - East Harlem (North) (M)	1038	92%	492	88%	12%	\$29,284	47,400
030 - West Harlem, Hamilton Heights (M)	1116	94%	677	85%	15%	\$39,382	60,700

Source: New York State Division of Criminal Justice Services (DCJS) and U.S. Census  
 Rates are per 100,000 of the population in the precinct. All arrests are age 16 and older for violation of NYS criminal law 221.10, where marijuana possession was the highest or only criminal charge.

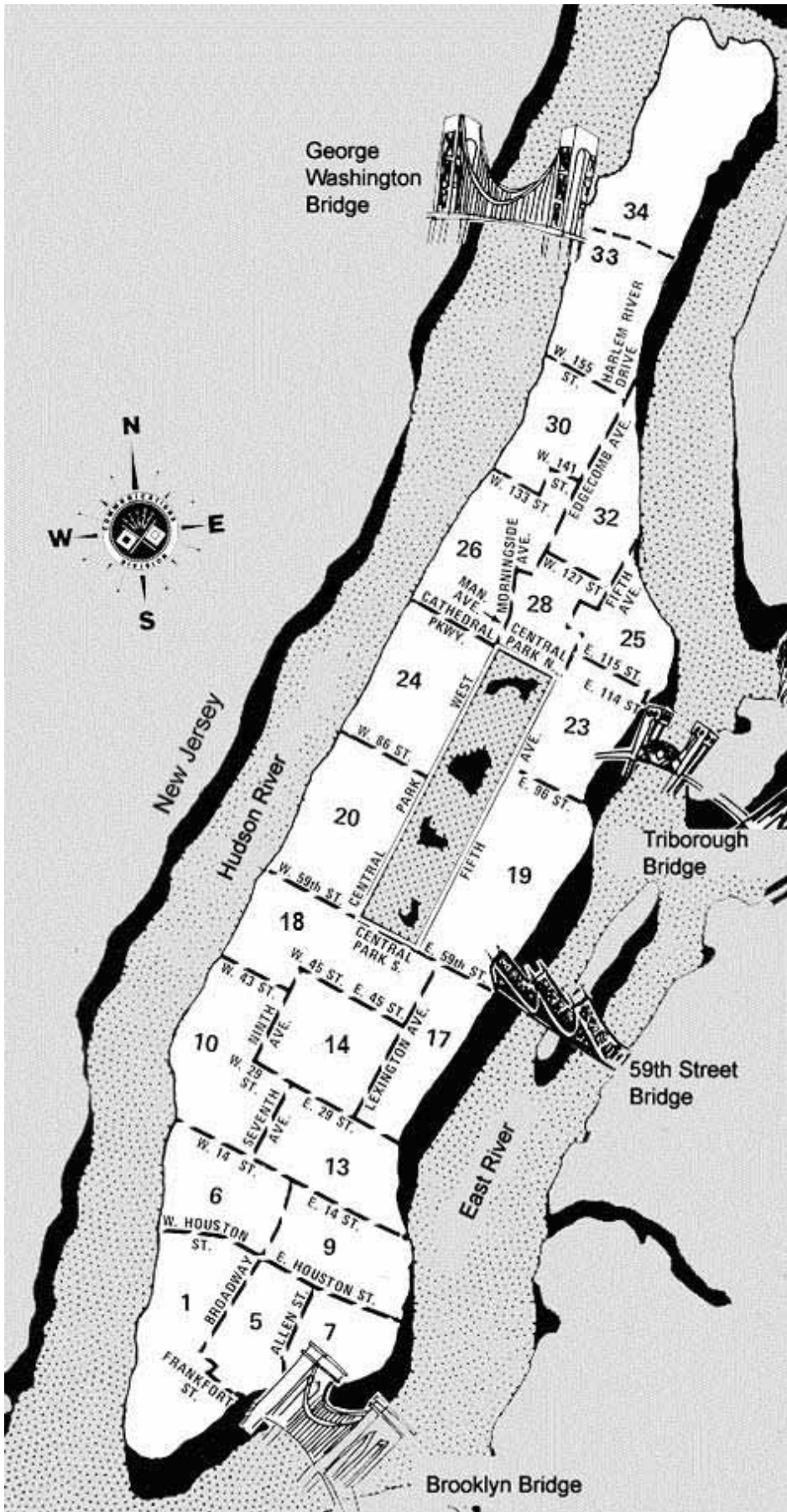
Marijuana Arrest Research Project & Drug Policy Alliance, New York City, June 2017

## MANHATTAN 2016 Marijuana Possession Arrests

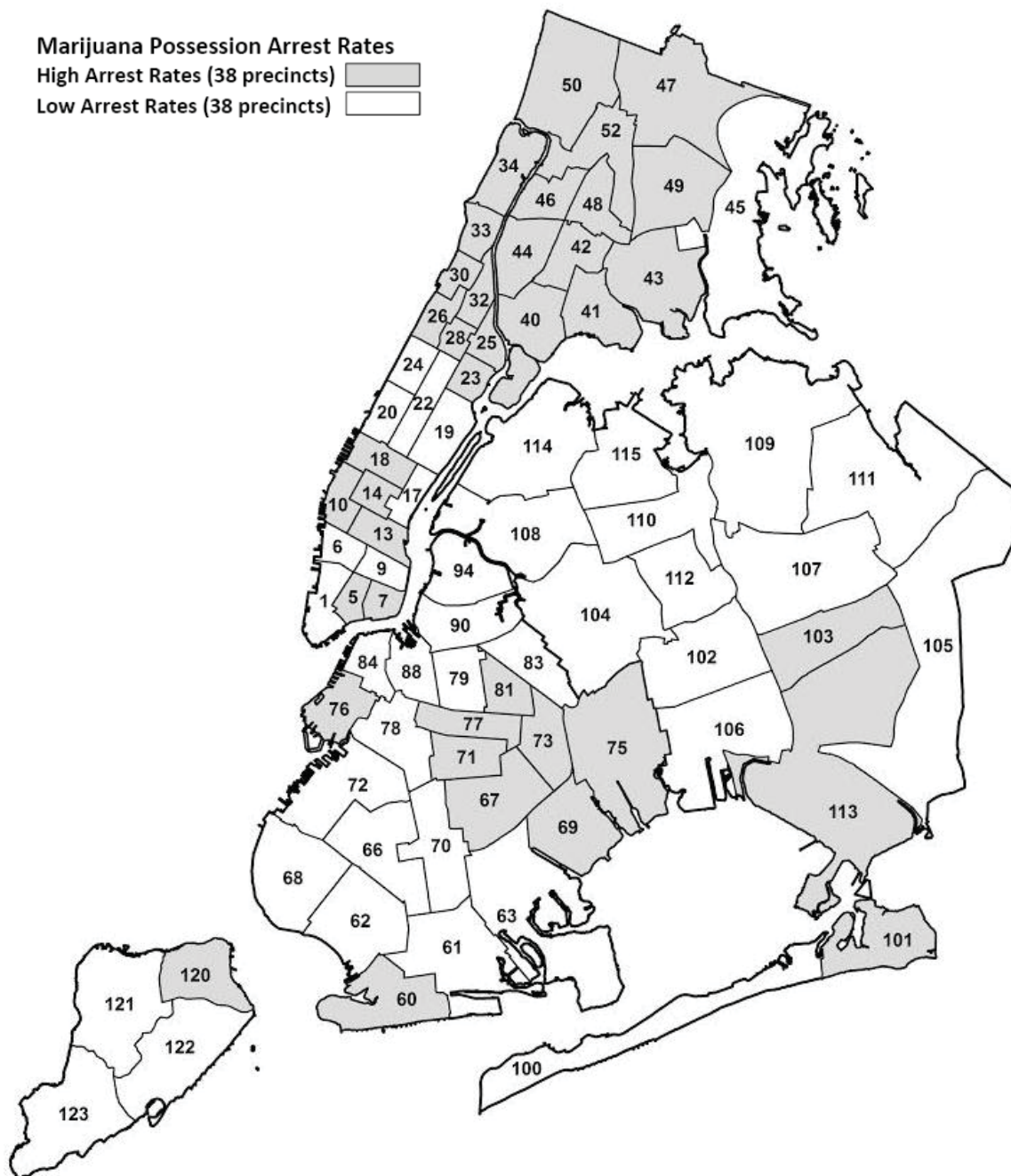
*PCT # & Neighborhood (# of MJ Poss Arrests)*

- 34 - Inwood, Washington Heights (355)
- 33 - Washington Heights (334)
- 32 - Harlem North (350)
- 30 - West Harlem, Hamilton Heights (677)
- 28 - Central Harlem (South of 127 St) (215)
- 25 - East Harlem (North) (492)
- 23 - East Harlem (South) (248)
- 26 - Morningside Heights (150)
- 23 - East Harlem (South) (492)
- 24 - Upper West Side (86 to 110 St) (176)
- 20 - Upper West Side (59 to 86 St) (51)
- 19 - Upper East Side (59 to 96 St) (14)
- 18 - Midtown North, Theatre District (261)
- 14 - Midtown South (Gran Cent, Penn Stat, Port Auth, Macy's, Times Sq) (191)
- 17 - Kipps Bay, Murray Hill (123)
- 13 - Gramercy, Stuyvesant Town (183)
- 10 - Chelsea (86)
- 06 - Greenwich Village (74)
- 09 - East Village (78)
- 07 - Lower East Side (281)
- 05 - Little Italy, Chinatown (281)
- 01 - Tribeca, Wall Street (163)

Underline = Five Business and Nightlife Areas WITH High Numbers of MJ Poss Arrests



# High & Low Rates of Marijuana Possession Arrests in 76 NYPD Neighborhood Precincts 2014-2016, New York City



Source: New York State Division of Criminal Justice Services (DCJS) & 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 or only charge

Marijuana Arrest Research Project & Drug Policy Alliance, NYC, July 2017

# NEW YORK CITY NEIGHBORHOOD POLICE PRECINCTS

## MANHATTAN

- 1- Soho-Tribeca-Wall Street
- 5 - Little Italy, Chinatown
- 6 - Greenwich Village
- 7 - Lower East Side
- 9 - East Village
- 10 - Chelsea
- 13 - Gramercy, Stuyvesant Town
- 14 - Midtown South
- 17 - Kipps Bay, Murray Hill
- 18 - Midtown North, Theatre District
- 19 - Upper East Side
- 20 - Upper West Side
- 23 - East Harlem
- 24 - Upper West Side
- 25 - East Harlem (North)
- 26 - Morningside Heights
- 28 - Central Harlem
- 30 - West Harlem, Hamilton Heights
- 32 - Harlem North
- 33 - Washington Heights
- 34 - Inwood, Washington Heights

## BRONX

- 40 - Mott Haven, Melrose
- 41 - Hunts Point
- 42 - Morrisania, Crotona Park
- 43 - Soundview, Parkchester
- 44 - Grand Concourse, Highbridge
- 45 - Co-op City, Throgs Neck
- 46 - Fordham, Morris Heights
- 47 - Williamsbridge, Wakefield
- 48 - Belmont, East Tremont
- 49 - Pelham Parkway, Morris Park
- 50 - Riverdale, Fieldston
- 52 - Bedford Park, Fordham, Norwood

## STATEN ISLAND

- 120 - St George
- 121 - Graniteville
- 122 - New Dorp
- 123 - Tottenville

## BROOKLYN

- 60 - Coney Island, Brighton Beach
- 61 - Sheepshead Bay
- 62 - Bensonhurst
- 63 - Flatlands, Mill Basin
- 66 - Borough Park
- 67 - East Flatbush
- 68 - Bay Ridge
- 69 - Canarsie
- 70 - Kensington
- 71 - Flatbush, Midwood
- 72 - Sunset Park, Windsor Terrace
- 73 - Ocean Hill-Brownsville
- 75 - East New York, Starret City
- 76 - Red Hook, Carroll Gdns
- 77 - Crown Heights, Prospect Heights
- 78 - Park Slope
- 79 - Bedford-Stuyvesant
- 81 - Bedford Stuyvesant Heights
- 83 - Bushwick
- 84 - Brooklyn Heights, Boerum Hill
- 88 - Fort Greene, Clinton Hill
- 90 - Williamsburg
- 94 - Greenpoint

## QUEENS

- 100 - Rockaway
- 101 - Far Rockaway
- 102 - Richmond Hill, Woodhaven
- 103 - Jamaica, Hollis
- 104 - Ridgewood, Middle Village, Glendale
- 105 - Queens Village, Rosedale
- 106 - Ozone Park, Howard Beach
- 107 - Fresh Meadows, Briarwood
- 108 - Long Island City, Sunnyside
- 109 - Flushing
- 110 - Elmhurst, South Corona
- 111 - Bayside, Douglaston, Little Neck
- 112 - Forest Hills
- 113 - South Jamaica, St Albans, Springfield Gdns
- 114 - Astoria, Long Island City
- 115 - Jackson Heights



## ENDNOTES

- <sup>1</sup> One New York, Rising Together, Bill de Blasio, p.22  
[http://marijuana-arrests.com/library/Bill de Blasio One New York Rising Together campaign 2013.pdf](http://marijuana-arrests.com/library/Bill%20de%20Blasio%20One%20New%20York%20Rising%20Together%20campaign%202013.pdf)
- <sup>2</sup> Lowest-level marijuana possession was the fifth most commonly charged criminal offense in 2014, the sixth most common offense in 2015, and the fourth most common offense in 2016. All are arrests of individuals age 16 and older charged with violation section 221.10 of New York State Penal Law, where marijuana possession was the highest or only criminal charge.
- <sup>3</sup> See the charts in our report “Arresting Blacks for Marijuana in California,” Prepared by the Marijuana Arrest Research Project, Drug Policy Alliance, and California NAACP, Oct 2010. See especially the chart on the last page, “Twenty Years of Marijuana Possession Arrests in California, 1990-2009.” This is on line at: <http://marijuana-arrests.com/docs/Arresting-Blacks-For-Marijuana-California.pdf>
- <sup>4</sup> Since young people make up the vast majority of people arrested for marijuana, we think the marijuana use patterns of young people, with whites using at slightly higher rates than blacks and Latinos, is the most relevant comparison.
- <sup>5</sup> According to the NY State Division of Criminal Justice Services, the NYPD’s records of the race of the people arrested during part of the Koch administration were not complete.
- <sup>6</sup> “Jim Crow Policing” by Bob Herbert, *New York Times*, Feb 1, 2010  
<http://www.nytimes.com/2010/02/02/opinion/02herbert.html>  
Herbert was likely inspired by the then just published and now landmark book *The New Jim Crow* by Michelle Alexander about race and mass incarceration.  
In 2008, several of us published a paper and chapter titled “Building Jim Crow’s Database” about DNA collection and drug arrests.  
<http://www.councilforresponsiblegenetics.org/pagedocuments/0rrxbgqaei.pdf>  
[http://qcpages.gc.cuny.edu/~hlevine/Drug-Arrests-and-DNA-Abstract-from-GeneWatch\\_Vol21No3-4.pdf](http://qcpages.gc.cuny.edu/~hlevine/Drug-Arrests-and-DNA-Abstract-from-GeneWatch_Vol21No3-4.pdf)  
In 2006, Ira Glasser published “Drug Busts=Jim Crow: The drug war is the heir to Jim Crow, a form of widespread, legalized discrimination.” Glasser, who had been director of the ACLU, had used the term often at ACLU events and in internal communications. <https://www.thenation.com/article/drug-busts-jim-crow/>  
For a fuller discussion of Jim Crow historically see: <http://www.ferris.edu/jimcrow/what.htm>
- <sup>7</sup> The NYPD has long been self-conscious about how its policing “sends a message” through its patrol and enforcement patterns. This also applies to the message that the top police brass sends to the troops: what they ignore, what they reward and what they discipline or punish.
- <sup>8</sup> Judge Schiendlin’s decision in *Floyd v. City of New York* about stop and frisks was issued August 12, 2013. A complete copy of the 195 page landmark decision is here:  
<http://www.nysd.uscourts.gov/cases/show.php?db=special&id=317>  
Page 190 of the document (page 193 of the pdf) has the quote about NYPD officials who adopt “an attitude of willful blindness toward statistical evidence of racial disparities.” Page 17 of the document (page 19 of the pdf) has the finding that city officials “willfully ignored overwhelming proof that the policy...is racially discriminatory and therefore violates the United States Constitution.” The legal concept of “willful blindness” is listed in the table of contents and discussed several times in the decision.
- <sup>9</sup> The life-time record and other damaging consequences of a single criminal misdemeanor arrest, with no conviction, are discussed on our website with links to a number of important publications. See: “Broken Lives From Broken Windows: The Collateral Consequences Of Arrests For Marijuana Possession & Other Minor Offenses” at <http://marijuana-arrests.com/consequences-of-arrest.html>

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<sup>10</sup> To be very clear: For the combined 30 years from 1987 to 2016, 86 percent of the people the NYPD arrested for lowest-level marijuana possession were blacks and Latinos. For the combined three years of the de Blasio administration, 2014 - 2016, again 86 percent of the people arrested for marijuana were blacks and Latinos. In 2016 alone, 85 percent of arrestees were blacks and Latinos. In just the first four months of 2017, 84 percent of the people arrested for lowest level marijuana possession were blacks and Latinos. We regard this all as Jim Crow enforcement of marijuana possession.

<sup>11</sup> The neighborhood precinct system is old and oddly numbered. Manhattan precincts are numbered from 1 to 34 (in all boroughs only some numbers in the range are used for neighborhood precincts). Bronx uses precinct numbers 40-52. Brooklyn uses precincts 60 to 94. Queens uses precincts 100-115. And Staten Island uses 120-123. In addition there are housing police districts or precincts for some of the public housing developments. There are also Park, Transit, and Port Authority police units called "precincts." Most but not all of the neighborhood police precinct boundaries correspond completely with NYC Community Board boundaries and populations. For many years there were 75 of these neighborhood precincts, but in 2013 the NYPD added a new precinct in Staten Island, carved mostly out of two other precincts, with a new police station. In the last year the NYPD has upgraded its web pages for its police precincts and they now have computerized maps that show the precinct boundaries and streets. <http://www1.nyc.gov/site/nypd/bureaus/patrol/precincts-landing.page>

<sup>12</sup> The 39 precincts where the residents are predominately whites plus Asians and others, with about half of New York City's residents, make 34% of the marijuana possession arrests booked at neighborhood precincts. And in these predominately and often overwhelmingly white precincts, 65% of the people arrested are blacks and Latinos.

<sup>13</sup> The NYPD's targeting of marijuana enforcement in black and Latino neighborhoods provides the great bulk of the city's marijuana arrests. The arrests made in the public housing developments, plus the arrests made in the 37 predominately black and Latino neighborhoods, constitute 71% of the 18,121 marijuana possession arrests the NYPD made in 2016.

<sup>14</sup> In 2016, Latinos are 29% of the city's residents but 39% of the people arrested for marijuana possession. In Queens, Latinos are 28% of residents but 37% of the people arrested for marijuana. In Staten Island, Latinos are 17% of the residents but 25% of the people arrested for marijuana possession. And in Manhattan, Latinos are 25% of residents but 40% of the people police arrested for possessing marijuana.

<sup>15</sup> Note: in the following, all rates are of marijuana possession arrests per hundred thousand residents in that neighborhood precinct.

Two Manhattan neighborhoods stand out as leading all of New York City in 2016 in their rates of marijuana possession arrests. West Harlem had a city-wide high of 677 marijuana possession arrests, 94% of them blacks and Latinos, and a marijuana arrest rate of 1116 per hundred thousand residents. Police in the relatively small neighborhood of East Harlem North, made 492 marijuana arrests, 94% of them blacks and Latinos, and an arrest rate of 1036.

Also in Manhattan in 2016: Harlem North (above 126th St), had 350 arrests, 96% of them blacks and Latinos, and an arrest rate of 494. Central Harlem (south of 126th St) had 215 arrests, 95% blacks and Latinos, and an arrest rate of 480.

In the Bronx in 2016: Hunts Point had 272 marijuana arrests, 99% of them blacks and Latinos, and an arrest rate of 532, and Bedford Park-Fordham had 525 arrests, 92% blacks and Latinos, and a rate of 378 marijuana arrests per hundred thousand residents.

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In Queens, Jamaica-Hollis had 416 arrests, 82% of them blacks and Latinos, and an arrest rate of 393, and in Brooklyn, Flatbush-Midwood had 362 arrests, 95% of them blacks and Latinos, and a rate of 368 marijuana possession arrests per hundred thousand residents.

<sup>16</sup> It is hard to imagine that this pattern of Jim Crow arrests for marijuana possession can be replaced by enforcement that issues court summonses (tickets) exclusively without continuing the severely disproportional and discriminatory racial patterns of the arrests.

In this report we have not included analysis of the 20,000 court summonses that the NYPD issued for marijuana possession in 2016, more than in any of the past 10 years including when Bloomberg was mayor. The NYPD does not release the racial composition of the people issued marijuana possession summonses and New York's Criminal Court does not have that data. But there is information about the precincts where the summonses were written. Even a glance at that data for 2016 shows the same enforcement patterns at work.

(In the last year or so, the NYPD has posted on line the data by neighborhood precinct number for millions of criminal court summonses from 2007 through 2016 and into 2017. At: <http://www1.nyc.gov/site/nypd/stats/reports-analysis/c-summons.page>).

In Manhattan, police wrote a total of only 40 and 47 marijuana possession summonses on the Upper East Side and the Upper West Side (about 10% black and Latino residents in both neighborhoods). But, police wrote 261 marijuana summonses in East Harlem North (with one quarter the population of the Upper East Side) and 340 marijuana summonses in Harlem North (with one third of the Upper East Side's population). Both the neighborhoods of East Harlem North and Harlem North have about 85% blacks and Latinos. Police have also written many marijuana possession summonses in predominately black and Latino neighborhoods in Manhattan, the Bronx, Brooklyn and Queens. (All summonses are charged under section 221.05 of NY State Penal Law and are handled by the Criminal Court's "Summons Part.")

In 2016, the NYPD wrote slightly more summonses for marijuana possession (20,712) than they made arrests (18,121), and police also wrote many marijuana possession summonses in predominately white neighborhoods. Which leads to one of two conclusions. Either police in predominately white neighborhoods are writing a high percentage of non-criminal summonses to blacks and Latinos, in ratios similar to their marijuana possession criminal arrest patterns. Or police in predominately white neighborhoods are writing many non-criminal summonses for white people, and some Asians and others, while making criminal arrests for marijuana possession of black and Latino people. Either enforcement pattern is deplorable and clearly unconstitutional (meaning illegal).

We think that in New York City as a whole a combination of both patterns is currently going on. These patterns are also affected by social class and the fact that most people given marijuana summonses are young. We think it is possible or even likely that police are writing summonses to white people and to middle-class and even some upper-middle class people of all races and ethnicities including blacks and Latinos (but maybe not to very wealthy whites). And at the same time police are arresting working-class blacks and Latinos everywhere, especially in their own neighborhoods, while also writing a great many summonses as well, especially in low-income black and Latino neighborhoods. Such a skewed, discriminatory, targeted enforcement pattern would be (or is) unfair, unjust and unconstitutional. Mayor de Blasio, are you listening?

<sup>17</sup> Ed Koch, "Stop-And-Frisk and the Marijuana Misdemeanor Arrests Outrage," *Huffington Post*, Aug 26, 2012: [http://www.huffingtonpost.com/ed-koch/stopandfrisk-and-the-mari\\_b\\_1626941.html](http://www.huffingtonpost.com/ed-koch/stopandfrisk-and-the-mari_b_1626941.html)

<sup>18</sup> Transcript of Governor Andrew M. Cuomo's 2013 State of the State Address, Jan 9, 2013, Albany, NY <https://www.governor.ny.gov/news/transcript-governor-andrew-m-cuomos-2013-state-state-address>  
Also see: <http://marijuana-arrests.com/docs/Gov-Cuomo-on-marijuana-arrests-Jan-9-2012.pdf>

<sup>19</sup> "Cannabis arrests down 46% since 2010," *BBC*. April 4, 2016: <http://www.bbc.com/news/uk-35954754>

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<sup>20</sup> Thomas Kaplan, "Cuomo Seeks Cut in Frisk Arrests" *New York Times*, June 3, 2012 <http://www.nytimes.com/2012/06/04/nyregion/cuomo-seeks-cut-in-stop-and-frisk-arrests.html>  
Michael Virtanen, "NY Gov. Cuomo Proposes Reducing Marijuana Penalty" *Associated Press*, June 4, 2012 [http://archive.boston.com/news/nation/articles/2012/06/04/ny\\_gov\\_cuomo\\_proposes\\_reducing\\_marijuana\\_penalty/](http://archive.boston.com/news/nation/articles/2012/06/04/ny_gov_cuomo_proposes_reducing_marijuana_penalty/)  
*Associated Press* quoted Cyrus Vance, the District Attorney for Manhattan, saying that getting rid of the public view marijuana arrests would help law enforcement "redirect limited resources to serious crime." Nonetheless, in the 2016, Vance's office prosecuted more of these 221.10 arrests than any other district attorney in New York City. On Bloomberg and Kelly's support of Cuomo's proposal, and the few times city officials went briefly on the record about the marijuana arrests see: Jim Dwyer, "Altering a Law the Police Use Prolifically," *New York Times*, June 5, 2012: <http://www.nytimes.com/2012/06/06/nyregion/altering-a-law-the-police-use-prolifically.html>

<sup>21</sup> *Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City*, by Harry G. Levine and Deborah P. Small, New York Civil Liberties Union, NYC, 2008. Chapter 2, p. 18. <http://marijuana-arrests.com/docs/MARIJUANA-ARREST-CRUSADE.pdf>

<sup>22</sup> Yet for many years, the 221.10 marijuana arrests were the most common in the city making up ten or more percent of all arrests for anything. In 2016, the 221.10 marijuana arrests were the fourth most commonly charged crime in the city, constituting about seven percent of all arrests.

<sup>23</sup> 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. Available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=948753](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=948753)  
For their larger study of Broken Windows policing in New York and five other cities see: Harcourt and Ludwig, "Broken Windows: New Evidence from New York City and a Five-City Social Experiment," *University of Chicago Law Review*, Vol. 73, 2006, Available at: <http://ssrn.com/abstract=743284>  
Harcourt's op-ed offers a good brief summary of critiques of broken windows and quality of life policing: "Bratton's 'broken windows'," *Los Angeles Times*, April 20, 2006. At: <http://articles.latimes.com/2006/apr/20/opinion/oe-harcourt20>

<sup>24</sup> Heather Mac Donald, "Pot Possession and the Police," *City Journal*, June 7, 2012 <https://www.city-journal.org/html/pot-possession-and-police-11034.html>

<sup>25</sup> Within the NYPD for decades, making arrests to get overtime pay, especially toward the end of a shift, has been known as "collars for dollars," literally arrests for money. The New York City Mollen Commission Report issued in 1994 – on police corruption, falsification and false arrests – said:

*[Arrests] were sometimes conveniently timed to generate overtime pay for the arresting officer who typically took hours beyond his regular tour of duty to process the arrest. "Collars-for-Dollars" is a practice widely known to officers, police supervisors, and prosecutors alike.... Besides overtime pay, high arrest numbers are often a factor considered for coveted assignments for patrol officers and supervisors alike.*

Under Bloomberg and Giuliani, the marijuana possession arrests were a major source of overtime pay to supplement the relatively low salaries of NYPD officers, especially rookies. We have put excerpts from the Mollen Commission Report, including the above, on the web, here:

<http://marijuana-arrests.com/docs/Mollen-Excerpts-Falsification.pdf>

In several publications we have discussed the reasons why the NYPD's top managers and commanders have often supported the marijuana arrests, and why many patrol and narcotics police have as well. See especially: "2. The Usefulness of Marijuana Arrests to the Police: Is the NYPD Addicted to Marijuana Possession Arrests?" Pages 18-23 in *Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City* by Harry G. Levine and Deborah P. Small, New York Civil Liberties Union, NYC, 2008, (<http://marijuana-arrests.com/docs/MARIJUANA-ARREST-CRUSADE.pdf>).

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We also discuss it more recently in: Harry G. Levine and Loren Siegel, "Marijuana Madness: The Scandal of New York City's Racist Marijuana Possession Arrests" in *The New York City Police Department: The Impact of Its Policies and Practices*, edited by John A. Eterno, CRC Press: New York, 2015. This is a , comprehensive history of the NYPD's marijuana possession arrests written in late 2013, Bloomberg's last year ([http://qcpages.qc.cuny.edu/~hlevine/Marijuana Madness NYCs Racist Marijuana Arrests](http://qcpages.qc.cuny.edu/~hlevine/Marijuana_Madness_NYCs_Racist_Marijuana_Arrests)). The motives for the arrests were also summarized well in "The Scandal of Racist Marijuana Arrests" by Harry Levine in *The Nation*, November 18, 2013 (<http://marijuana-arrests.com/docs/The-scandal-of-racist-marijuana-arrests--TheNation--Nov2013.pdf>).

<sup>26</sup> Some New York City insiders privately refer to the five New York police unions as "the five families."

<sup>27</sup> President Mullins is quoted in Shawn Cohen, Larry Celona and Kate Sheehy, "NYPD halts marijuana 'buy-and-busts'," *New York Post*, November 5, 2014, <http://nypost.com/2014/11/05/nypd-halts-marijuana-buy-and-busts/>

<sup>28</sup> Because of our work and that of others, the huge number of U.S. marijuana arrests (nearly 700,000 a year for 20 years) and their severe racial bias have received much more attention from journalists, reporters, and the news media more broadly. Special mention goes to *The New York Times* which, along with regular contributions from columnists and editorials, devoted six days in July of 2014 to a series of reporting and editorials calling for an end to federal marijuana prohibition. Central to the *Times'* case was the racial injustice of the marijuana possession arrests. The first editorial and links to the whole series are here: <https://www.nytimes.com/interactive/2014/07/27/opinion/sunday/high-time-marijuana-legalization.html>

Also central was the major book-length report from the ACLU written by Vanita Gupta and Ezekiel Edwards, *The War on Marijuana in Black and White: Billions of Dollars Wasted on Racially-Biased Arrests*. Links to the ACLU's report and a *Nation* article of ours, based in part on the ACLU report, are here: <http://marijuana-arrests.com/The-Scandal-Of-Racist-Marijuana-Arrests.html>

<sup>29</sup> Dana Rubinstein, Albany's unlikely marijuana legalization champion, *Capital New York (now Politico)*, May 24, 2013, <http://www.politico.com/states/new-york/albany/story/2013/05/albanys-unlikely-marijuana-legalization-champion-sees-interest-but-no-movement-yet-000000>

<sup>30</sup> Hamilton Heights, Manhattan  
[https://en.wikipedia.org/wiki/Hamilton\\_Heights\\_Manhattan](https://en.wikipedia.org/wiki/Hamilton_Heights_Manhattan)

<sup>31</sup> Melissa Mark-Viverito is also passionate about reforming New York City's horrid Criminal Court Summons system which currently has 1.5 million open criminal arrest warrants for non-criminal offenses. For information about the arrest warrants see: "NYC's 1.5 Million Arrest Warrants for Non-Criminal Offenses: Truth, Race, Hidden Data, and Routine Policing in New York City," by Harry G. Levine, Testimony to The U.S. Commission on Civil Rights New York State Advisory Board Public Briefing on "Police Practices And Accountability In New York City," CUNY School of Law, NYC, March 21, 2017 ([http://marijuana-arrests.com/docs/Testimony--NYC\\_1.5million\\_arrest\\_warrants--Harry\\_Levine--US\\_Civil\\_Rights\\_Commission\\_March2017.pdf](http://marijuana-arrests.com/docs/Testimony--NYC_1.5million_arrest_warrants--Harry_Levine--US_Civil_Rights_Commission_March2017.pdf)).

New York's Criminal Court summons system is also discussed in: "Examining the Operations of New York City's Summons Courts" by Harry Levine, Testimony to Hearings of the New York City Council, Dec. 15, 2014

([http://marijuana-arrests.com/docs/Testimony\\_NYC\\_Criminal\\_Court\\_Summons\\_System\\_Dec\\_15\\_2014.pdf](http://marijuana-arrests.com/docs/Testimony_NYC_Criminal_Court_Summons_System_Dec_15_2014.pdf)). Also: "Marijuana Possession Arrests, Illegal Searches, and The Summons Court System," by Harry G. Levine, Testimony to Hearings of the New York City Council, June 12, 2012 (<http://marijuana-arrests.com/docs/Testimony-NYCityCouncil-Marijuana-Arrests--Illegal-Searches--Summons-Court-System-June-2012.pdf>). For the above and more see our web page about NYC's summons system (<http://marijuana-arrests.com/summonsNYPD.html>).

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<sup>32</sup> One veteran NYPD officer suggested to us that perhaps many of the marijuana possession arrests in some predominately black and Latino neighborhoods were not being made by the precincts' own officers, but by narcotics police or other special squad officers who come from outside to make and book arrests in the local precinct. We have long suspected that many of the lowest-level marijuana arrests were made by one form or another of narcotics police. Unfortunately we have never been able to obtain any data about the role of narcotics police in the marijuana possession arrests. This would be a very interesting and potentially helpful line of inquiry for city officials, journalists, and people with access to the secretive world of narcotics policing. In other words, the commanders and patrol officers at Precincts 30 or 25 may not be making many or most of the marijuana possession arrests booked in their precinct. If many of the marijuana arrests, at least in some precincts, are the work of narcotics police or other special squad units, under a different and higher command than the neighborhood precincts, then it may not be difficult, administratively, to dramatically reduce the arrests or stop them completely. We look forward to the day when the role of narcotics police in making seven hundred thousand racially-targeted marijuana possession arrests over twenty years is finally revealed. Uncovering the role of narcotics police units in making the 221.10 marijuana arrests in 2016, or in the three years under de Blasio, or even right now in 2017, would be a good place to start.

<sup>33</sup> According to the United Nations, marijuana (cannabis) is the most widely-used prohibited (illegal) drug in the world. See, for example, "Marijuana Now the Most Popular Drug in the World," by Eliana Dockterman, *Time Magazine*, June 29, 2012 (<http://newsfeed.time.com/2012/06/29/marijuana-now-the-most-popular-drug-in-the-world/>).

<sup>34</sup> This understanding of why many people choose to smoke marijuana outdoors is based on our years of research on drug use and policy and that of other experts especially Dr. Sheigla Murphy, Director of Substance Abuse Studies at the Institute for Scientific Analysis in San Francisco (<http://scientificanalysis.org/>), and also Professor Craig Reinerman (Emeritus), University of California, Santa Cruz.

See also: "It's summer, and Washington smells like weed. Everywhere, all the time", by Maia Silber, *Washington Post*, July 3, 2017  
[https://www.washingtonpost.com/lifestyle/style/its-summer-and-washington-smells-like-weed-everywhere-all-the-time/2017/07/03/10d3461a-578a-11e7-b38e-35fd8e0c288f\\_story.html](https://www.washingtonpost.com/lifestyle/style/its-summer-and-washington-smells-like-weed-everywhere-all-the-time/2017/07/03/10d3461a-578a-11e7-b38e-35fd8e0c288f_story.html)

<sup>35</sup> "Poll: In NYC, 71 percent approval for new policy on pot arrests," by Associated Press, Nov. 19, 2014. (<http://www.thecannabist.co/2014/11/19/new-york-city-pot-laws-poll-71-percent-approval-arrest-policy/23593/>)  
And: <http://www.denverpost.com/2014/11/19/poll-in-nyc-71-percent-approval-for-new-policy-on-pot-arrests/>).

<sup>36</sup> It is important to understand that New York City and the NYPD are outliers even within New York State. Outside of New York City, police have long made relatively few marijuana possession arrests under Section 221.10 of New York State Criminal Law. In his 2013 State of the State Report, Governor Cuomo included a table comparing the number of 221.10 "public view" arrests for 35 years, 1977 to 2011, with New York City in one column and the rest of New York State in the other. In the 17 years from 1977 through 2003, New York City and the rest of New York State (which has about more people) made close to the same number of arrests: an annual average of 1,136 marijuana possession arrests a year in New York City versus 1,106 of the same arrests in New York State.

However, in the 18 years from 1994 through 2011, New York City averaged a whopping 32,467 "public view" marijuana possession arrests compared to just 2,567 a year in the rest of the state. For 18 years police in New York City made 93 percent of all the 221.10 "open view" marijuana possession arrests in the entire state of New York.

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This pattern has continued to the present, In recent years, police in the two non-New York City counties on Long Island (east of the city) have increased their number of marijuana arrests which are still less than a third of New York City's. However, in 2016, in the many cities, towns and counties in New York State *north* of New York City – from White Plains to Potsdam and from Albany to Buffalo – police arrested and charged people with lowest-level marijuana possession at one tenth the rate of police in New York City: about eight million people in the State north of NYC and 1,187 marijuana arrests compared to eight million people in New York City and 18,121 marijuana arrests. In short, even within New York State, and supposedly governed by the same law as the rest of the state, in 2016 under Mayor de Blasio, the NYPD's marijuana arrests are still extreme, unparalleled, and outrageous.

***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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  - Drug Policy Alliance, New York, NY / <http://www.drugpolicy.org/> [ny@drugpolicy.org](mailto:ny@drugpolicy.org)
- July 2017