

80 MARIJUANA POSSESSION ARRESTS A DAY IS **MORE OF THE SAME:**

NYPD daily marijuana possession arrest numbers are the same under de Blasio and Bratton as they were under Bloomberg and Kelly

In the first four months of 2014, the NYPD under Mayor de Blasio and Police Commissioner Bratton arrested an average of 80 people a day for possessing small amounts of marijuana. This is virtually the same as the NYPD's average of 78 marijuana possession arrests a day in all of 2013 under Mayor Bloomberg and Commissioner Kelly.

The most recent data from the New York State Division of Criminal Justice Services (DCJS) shows that marijuana arrest patterns in the first four months of 2014 under de Blasio and Bratton are indistinguishable from those of their predecessors in 2013.

See attached graphs or online at:

<http://marijuana-arrests.com/docs/MORE-OF-THE-SAME--NYC-Marijuana-Arrests-June2014.pdf>

In 2013 blacks and Latinos were 87% of the people arrested for marijuana possession. In the first four months of 2014, blacks and Latinos were 86% of the people arrested.

- In 2013 teenagers between 16 and 20 were 29% of the people arrested. So far in 2014 teens are also 29% of arrestees.
- In 2013 young people between ages 21 and 25 were 27% of those arrested for marijuana possession, exactly the same as in the first third of 2014.
- In 2013 people between the ages of 26 and 29 were 12% of those arrested. In the first four months of 2014 they were 13% of those arrested.
- In 2013, young people between the ages of 16 and 34 comprised 78% of all people arrested for simple marijuana possession. In 2014 so far, they are 79% of those arrested.
- In 2013, 72% of those arrested for marijuana possession had no prior convictions of any kind, not even for a single misdemeanor. In 2014, the comparable figure is 73%.

In short, the NYPD is primarily arresting ordinary high school students, college students and young workers, most of whom are blacks and Latinos. Yet young people of color use marijuana less than young whites, as U.S. government studies have long shown. At the current pace, New York City's number of marijuana possession arrests in 2014 will match the number made in 2013.

Although Commissioner Bratton has stated that marijuana arrests have dropped under his command,¹ the numbers provided by the NYS DCJS do not support that claim. **In fact, in March and April of 2014 the number of people arrested for simple marijuana possession was higher than in March and April of 2013:**

In March 2013, the NYPD made 2,438 arrests, an average of 79 marijuana arrests a day. In March 2014, the NYPD made 2,657 arrests, an average of 86 marijuana arrests a day.

In April 2013, the NYPD made 2,578 arrests, an average of 86 marijuana arrests a day. In April 2014, the NYPD made 2,619 arrests, an average of 87 marijuana arrests a day.

In the first four months of 2014 the NYPD's marijuana possession arrests were still primarily concentrated in neighborhoods where most residents are blacks and Latinos, and not in neighborhoods where most residents are whites and all others.

For example, in Manhattan police made a total of 8 possession arrests in the Upper East Side (Pct. 19) and 8 in the Upper West Side (Pct. 20). But in East New York in Brooklyn (Pct. 75), police made 500 possession arrests, and in Morris Heights in the Bronx (Pct. 44), police made 392 such arrests. The NYPD also made 371 lowest-level marijuana arrests in Washington Heights (Pct. 33) which is more marijuana possession arrests than in 20 other precincts throughout the city **combined**. Thus far in 2014, the policing of marijuana possession remains concentrated in just one of what Mayor de Blasio has called "*the two New Yorks*."

There is also still no evidence that 80 arrests a day for possession of small amounts of marijuana makes New York safer. Indeed, as Brooklyn Congressman Hakeem Jeffries has pointed out, the arrests take police officers off the streets and away from other crime fighting work.² Further, as candidate de Blasio said during his mayoral campaign:

"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."³

Loren Siegel and Harry Levine, *Marijuana Arrest Research Project* / <http://marijuana-arrests.com/>

Notes

¹ NYPD Commissioner Bill Bratton says expect more of the same as low-level marijuana busts to continue decline <http://www.nydailynews.com/new-york/nyc-crime/minor-pot-busts-continue-decline-nyc-article-1.1786829>

² NY Congressman: NYPD Must Stop Ruining Lives Over Pot, May 29 (interview with Hakeem Jeffries) <http://live.huffingtonpost.com/r/highlight/ny-congressman-nypd-must-stop-ruining-lives-over-pot/538788dbfe3444837f000113>

³ One New York, Rising Together, Bill de Blasio, p.22 <http://dnwssx4l7gl7s.cloudfront.net/deblasio/default/page/-/One%20New%20York.%20Rising%20Together.pdf> and <http://tinyurl.com/mnjlsez>

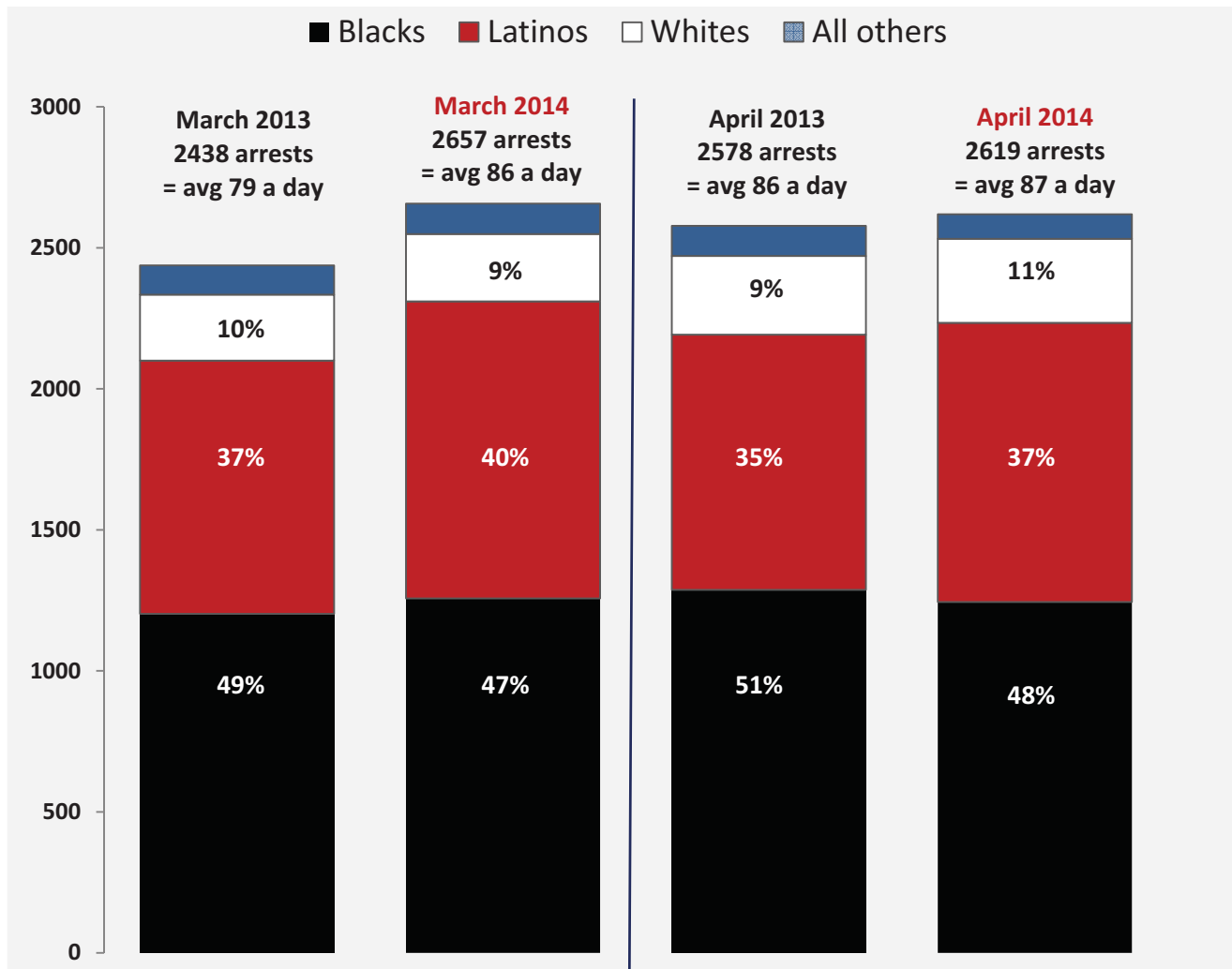
This Data Update Report and accompanying charts is on the web at:

<http://marijuana-arrests.com/docs/MORE-OF-THE-SAME--NYC-Marijuana-Arrests-June2014.pdf>

Our previous Data Report showing the marijuana arrests in the first three months of 2014 is here:

<http://marijuana-arrests.com/docs/NYC-First-quarter-2014-marijuana-arrests-Press-Release-with-graphs.pdf>

NYPD Marijuana Possession Arrests in March 2013 & 2014 / April 2013 & 2014



Source: New York State Division of Criminal Justice Services (DCJS) Computerized Criminal History system (as of 5/20/2014). Arrests age 16 and older where marijuana possession is the highest or only criminal charge.

Harry G. Levine, Sociology Department, Queens College, City University of New York, and The Marijuana Arrest Research Project. June 2014.

New York City Arrests In 2013 & 2014 for Criminal Possession Of Marijuana (NYSPL 221.10)

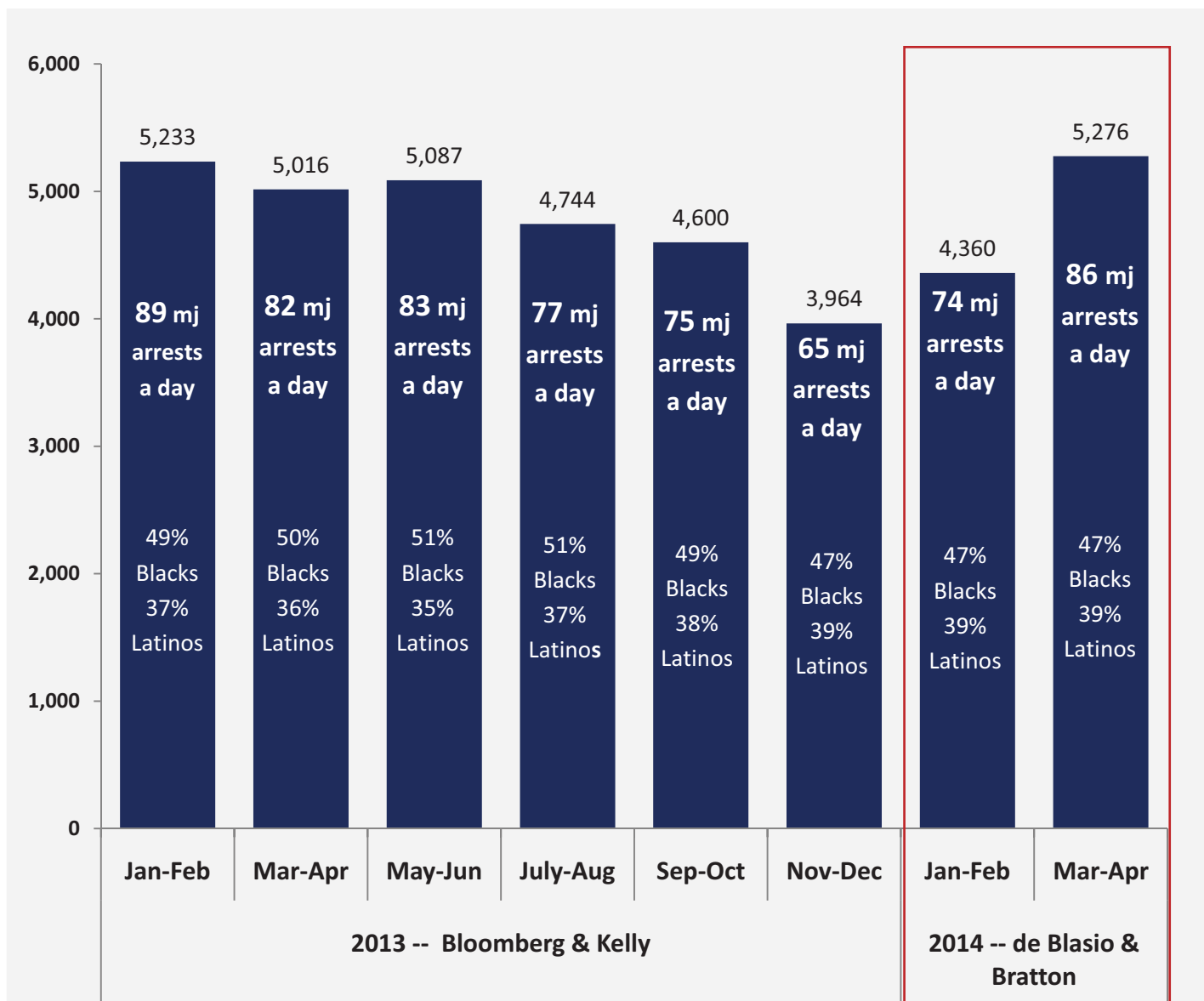
		2013 Totals (12 months)	2013 Percentages (Bloomberg-Kelly)	2014 Percentages (de Blasio-Bratton)	2014 Totals (4 months)
Total MJ Possession Arrests		28,644			9,636
County	Bronx	7,840	27%	28%	2,696
	Brooklyn	9,094	32%	30%	2,867
	Manhattan	6,232	22%	23%	2,209
	Queens	4,618	16%	15%	1,475
	Staten Island	860	3%	4%	389
Gender	Male	25,761	90%	90%	8,630
	Female	2,883	10%	10%	1,006
Age at Arrest	16-17	2,588	9%	8%	815
	18-20	5,770	20%	21%	1,983
	21-25	7,661	27%	27%	2,603
	26-29	3,508	12%	13%	1,206
	30-34	2,980	10%	10%	976
	35-39	1,952	7%	7%	688
	40 and older	4,185	15%	14%	9,636
Race-Ethnicity	White	2,648	9%	10%	934
	Black	14,192	50%	47%	4,562
	Hispanic	10,626	37%	39%	3,755
	Asian/Indian	854	3%	3%	303
	Other-Unknown	324	1%	1%	82
Conviction Priors	None	20,643	72%	73%	7,077
	Only Misdem	3,163	11%	11%	1,048

Source: New York State Division of Criminal Justice Services (DCJS) Computerized Criminal History system (as of 5/20/2014). Arrests age 16 and older where marijuana possession is the highest or only criminal charge. The priors include any misdemeanor charge.

At a City Council hearing in May 2014, administrators from the NYPD questioned the source of arrest numbers used in various news reports and press releases. Like this table, all such data comes directly from the New York State Division of Criminal Justice Services which collects, compiles and releases arrest and other data from the NYPD and law enforcement agencies throughout the state.

Harry G. Levine, Sociology Department, Queens College, City University of New York, and The Marijuana Arrest Research Project. June 2014.

NYPD Marijuana Possession Arrests in Two Month Periods, 2013 & 2014



In 2013 the NYPD under Bloomberg and Kelly averaged 78 marijuana possession arrests a day.

In 2014 the NYPD under de Blasio and Bratton has thus far averaged 80 marijuana possession arrests a day.

Source: New York State Division of Criminal Justice Services (DCJS) Computerized Criminal History system (as of 5/20/2014). Arrests age 16 and older where marijuana is the highest or only criminal charge.

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Congress of the United States
House of Representatives
Washington, DC 20515-3208

May 24, 2014

William J. Bratton
Commissioner
New York City Police Department
1 Police Plaza
New York, N.Y. 10038

Dear Commissioner Bratton:

I write with respect to the New York Police Department (NYPD) marijuana arrest policy and the deeply troubling racial disparities that continue to disproportionately impact communities of color.

Although modest progress was made during the final year of the Bloomberg administration, New York City remains the marijuana arrest capitol of America. Last year, 28,644 people were arrested for possession of small quantities of marijuana.¹ This amount is 12 times more a year than under Mayor Edward I. Koch, 28 times more than under Mayor David N. Dinkins, and it is even greater than the eight year average of arrests under Mayor Rudolph W. Giuliani.

The new administration promised to do better. Yet, according to recent data by the NYS Division of Criminal Justice Services, the New York Police Department remains on pace to equal the volume of arrests for possession of small quantities of marijuana in 2014 as compared to the previous year.

Eighty-six percent of the individuals arrested in the first quarter of 2014 were African-Americans and Latinos, even though whites use marijuana at equal or higher numbers.² There is no justification for the racially uneven law enforcement approach to marijuana arrest policy. It must change.

In 2011, after significant community pressure to reform its racially charged practices, former

¹ "Marijuana Arrests Research Project" New York State Division of Criminal Justice Services. <http://marijuana-arrests.com/> May 2014

² "7,017 individuals were arrested for possession of small quantities of marijuana between January 2014 and March 2014" *NYPD Marijuana Possession Arrests by Race and Ethnicity in The Last Two Quarters of 2013 under Bloomberg and Kelly, and the First Quarter of 2014, under de Blasio and Bratton*, Page 3.

Police Commissioner Raymond Kelly issued an internal order to NYPD commanding officers to discontinue arresting individuals for possession of small amounts of marijuana, if the substance was never in public view. Given the alarmingly high number of arrests that continue to be made by the NYPD, it appears that this directive has not been fully embraced by the officers now under your command.

Accordingly, I strongly urge the NYPD to completely implement a marijuana arrest policy consistent with the directive issued in 2011 and enforce the law in a race neutral fashion. All New Yorkers, regardless of skin color, should be treated the same.

Thank you in advance for your careful attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hakeem S. Jeffries', with a long horizontal flourish extending to the right.

HAKEEM S. JEFFRIES
Member of Congress

20 NYC Neighborhoods With The Lowest Number Of Marijuana Possession Arrests in the First Four Months Of 2014 Under Mayor De Blasio and Police Commissioner Bratton

20 Precincts with the Lowest Number of Marijuana Possession Arrests in the first Four Months of 2014 <i>Precinct and Neighborhood</i>	Total # of MJ arrests	# of MJ Arrests Whites + Others	% of MJ Arrests Whites + Others	% of Residents Whites + Others	% of Residents Blacks + Latinos	% of MJ Arrests Blacks + Latinos	# of Residents	Median household income (\$2011)
001 - Tribeca, Wall Street (M)	2	1	50%	89%	11%	50%	64,963	\$128,016
112 - Forest Hills (Q)	6	3	50%	84%	16%	50%	113,298	\$67,145
020 - Upper West Side to 86 St. (M)	8	2	25%	88%	12%	75%	93,030	\$112,908
019 - Upper East Side (59 to 96 St.) (M)	8	5	63%	90%	10%	38%	210,904	\$111,366
061 - Sheepshead Bay (BK)	11	5	45%	88%	12%	55%	162,613	\$49,522
078 - Park Slope (BK)	13	5	38%	76%	24%	62%	61,334	\$96,062
102 - Richmond Hill, Woodhaven (Q)	14	5	36%	51%	49%	64%	146,390	\$56,042
076 - Carroll Gardens, Red Hook (BK)	15	3	20%	66%	34%	80%	42,009	\$79,393
045 - Throgs Neck, Co-op City, (BX)	16	4	25%	42%	58%	75%	98,769	\$57,478
009 - East Village (M)	16	5	31%	67%	33%	69%	71,789	\$52,003
111 - Bayside, Douglaston, Little Neck (Q)	17	13	76%	87%	13%	24%	121,307	\$76,716
108 - Long Island City, Sunnyside (Q)	19	15	79%	64%	36%	21%	114,354	\$55,858
100 - Rockaway (Q)	20	2	10%	63%	37%	90%	50,596	\$70,007
084 - Brooklyn Heights, Boerum Hill (BK)	21	4	19%	66%	34%	81%	59,812	\$90,771
017 - Kipps Bay, Murray Hill, Turtle Bay (M)	22	10	45%	90%	10%	55%	79,909	\$108,452
123 - Tottenville (SI)	22	21	95%	91%	9%	5%	159,102	\$85,828
106 - Ozone Park, Howard Beach (Q)	24	7	29%	58%	42%	71%	111,558	\$61,989
088 - Fort Greene, Clinton Hill (BK)	28	5	18%	44%	56%	82%	42,475	\$62,099
018 - Midtown North, Theatre District (M)	28	12	43%	87%	13%	57%	27,502	\$99,296
026 - Morningside Heights (M)	31	5	16%	55%	45%	84%	56,448	\$50,994
Totals and averages	341	132	39%	72%	28%	61%	1,888,162	\$78,597

Source: US. Census and New York State Division of Criminal Justice Services (DCJS) Computerized Criminal History system. Arrests charged under 221.10 of the NYS Penal Law/ All arrestees age 16 and older and marijuana possession is the highest or only criminal charge.

Harry G. Levine, Sociology Department, Queens College, City University of New York, and The Marijuana Arrest Research Project. June 2014.

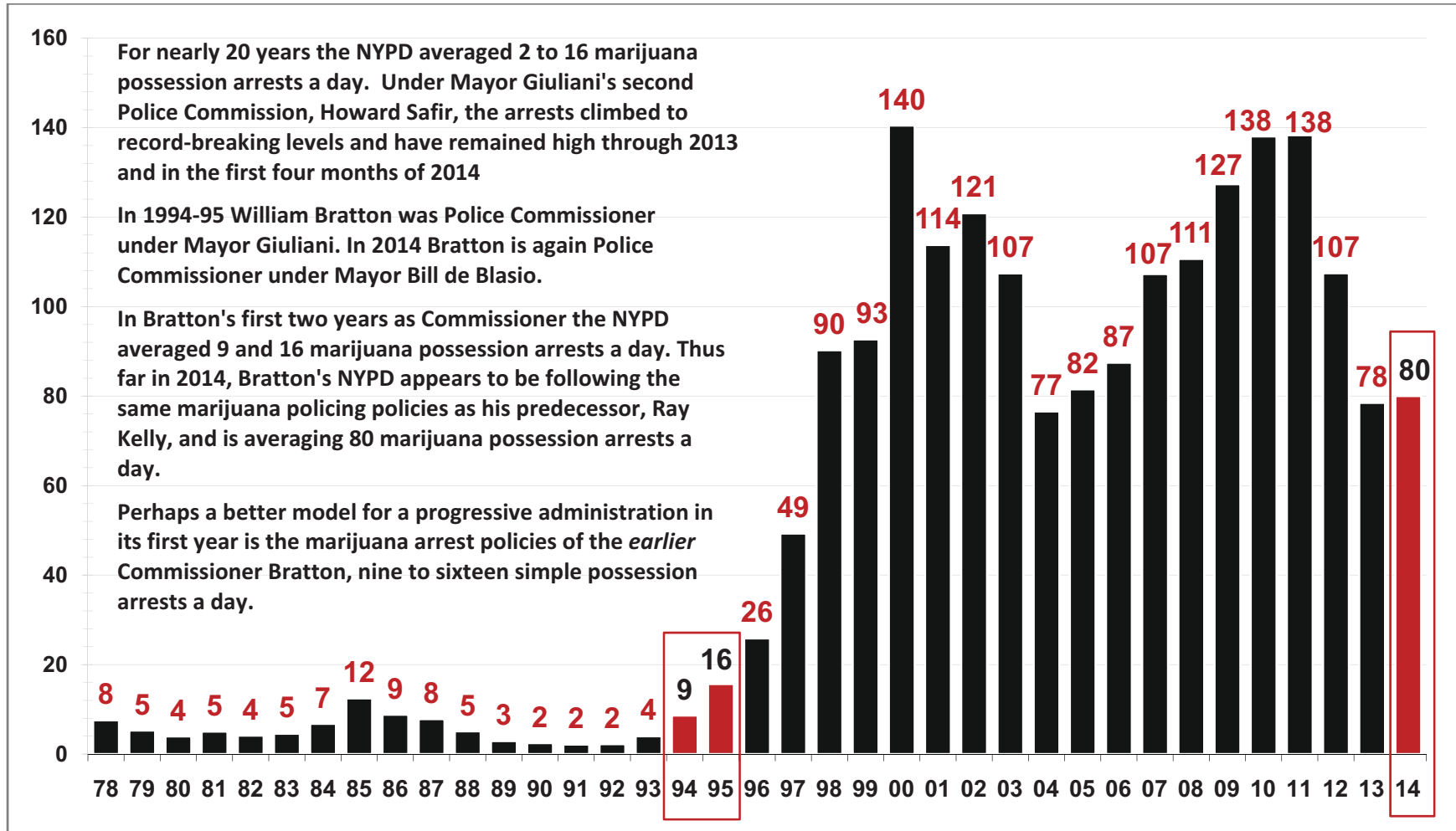
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075 - East New York, Starret City (BK)	590	555	94%	89%	11%	6%	173,473	\$34,192
044 - Morris Heights (BX)	408	392	96%	95%	5%	4%	141,216	\$27,697
033 - Washington Heights (M)	371	357	96%	85%	15%	4%	76,341	\$34,072
034 - Inwood, Washington Heights (M)	366	353	96%	76%	24%	4%	122,102	\$43,605
052 - Bedford Park, Fordham, (BX)	328	299	91%	84%	16%	9%	137,012	\$32,240
067 - East Flatbush (BK)	284	282	99%	95%	5%	1%	151,081	\$47,834
025 - East Harlem (North) (M)	249	238	96%	88%	12%	4%	42,995	\$27,784
046 - University Heights, Fordham (BX)	241	238	99%	93%	7%	1%	128,164	\$27,633
043 - Soundview, Parkchester (BX)	228	215	94%	87%	13%	6%	183,110	\$38,842
041 - Hunts Point (BX)	204	200	98%	96%	4%	2%	64,422	\$22,268
113 - South Jamaica, Springfield Gdns (Q)	204	200	98%	93%	7%	2%	96,338	\$59,645
048 - East Tremont, Belmont (BX)	196	191	97%	91%	9%	3%	88,112	\$22,441
077 - Crown Heights North (BK)	192	189	98%	77%	23%	2%	96,674	\$45,185
040 - Mott Haven, Melrose (BX)	188	179	95%	97%	3%	5%	88,893	\$22,137
120 - St. George (SI)	181	117	65%	50%	50%	35%	177,709	\$59,789
101 - Far Rockaway (Q)	172	163	95%	75%	25%	5%	67,569	\$36,813
042 - Morrisania, Crotona Park (BX)	170	161	95%	97%	3%	5%	84,136	\$23,286
103 - Jamaica, Hollis (Q)	165	136	82%	77%	23%	18%	120,669	\$51,110
115 - Jackson Heights (Q)	151	123	81%	69%	31%	19%	171,560	\$50,651
081 - Bedford-Stuyvesant (east) (BK)	149	146	98%	93%	7%	2%	64,814	\$36,088
Totals and average	5,037	4,734	94%	85%	15%	7%	2,276,390	\$37,166

Source: US. Census and New York State Division of Criminal Justice Services (DCJS) Computerized Criminal History system. Arrests charged under 221.10 of the NYS Penal Law/ All arrestees age 16 and older and marijuana possession is the highest or only criminal charge.

Harry G. Levine, Sociology Department, Queens College, City University of New York, and The Marijuana Arrest Research Project. June 2014.

Average # of Marijuana Possession Arrests A Day in New York City, 1978 - 2014



Source: New York State Division of Criminal Justice Services (DCJS) Computerized Criminal History system. Arrests charged under 221.10 of the NYS Penal Law/ All arrestees age 16 and older and marijuana possession is the highest or only criminal charge.

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No Slowdown in Unfair Marijuana Arrests

When Mayor Bill de Blasio took office in January, community groups and juvenile justice advocates hoped that his administration would significantly decrease the numbers of black and Latino young people who are unfairly — and in some cases, illegally — arrested and dragged through the court system for possession of tiny amounts of marijuana. But a new analysis of state arrest data by a nonprofit called the Marijuana Arrest Research Project, which studies police policy, suggests that the de Blasio administration is on track to equal the more than 28,600 low-level marijuana arrests that were made under Michael Bloomberg in 2011. The administration needs to review Police Department policy to make sure these arrests are necessary and being fairly made.

The State Legislature tried to correct the problem in 1977, when it barred the police from arresting people for tiny amounts of marijuana unless the drug was publicly displayed. The number of minor arrests declined immediately after the law was passed but rose sharply from fewer than 1,000 in 1990 to 50,000 in 2011. Research has repeatedly shown that whites and minorities use the drug at similar rates, yet more than 80 percent of those arrested are black or Latino. And even though most cases are eventually dismissed, the arrests exact a cost: Young people who are even temporarily entangled in the courts can be shut out of jobs or denied entry into the armed services.

As the number of arrests skyrocketed, defense attorneys made the case that police officers were illegally charging suspects with “public possession” after directing them to reveal the drug or removing it from their pockets

during constitutionally questionable searches. Police Commissioner Raymond Kelly tacitly acknowledged that problem in 2011, ordering officers to follow the 1977 law. The numbers of arrests declined significantly. The 28,600 arrests made last year may seem low compared with the number in 2011.

The police have historically implied that marijuana arrests help get criminals off the street. But a majority of these low-level arrests end in an “adjournment in contemplation of dismissal,” which means that the charges go away if the person stays out of trouble for six months or a year, or in a plea to a violation, which is a noncriminal disposition. (These cases waste scarce court resources and distract prosecutors from working on serious crime.) Moreover, a 2012 study by Human Rights Watch found that only about 3 percent of people arrested for low-level marijuana possession subsequently committed even one violent felony.

The new state data for the city shows a slight decline in arrests for the first quarter of this year, which can partly be explained by harsh weather that kept people indoors. But the 2,657 arrests in March exceed the number of arrests made in March 2013. Moreover, as in previous years, there were few arrests in affluent white areas, and those arrested were mostly black and Latino young men in heavily minority neighborhoods. Mr. de Blasio’s team has thus far demonstrated no concern about the marijuana arrest problem. But the extreme racial disparities in the arrest statistics alone make it imperative that the city look more closely into what is happening here.



Young arrestees being led into the Brooklyn Court House in chains. Photo: Jarrett Murphy, City Limits