

NYPD to stop arresting for minor marijuana possession, will issue tickets instead

Mayor de Blasio and NYPD Commissioner Bill Bratton announced the change Monday to mixed reaction. Starting Nov. 19, someone caught with less than 25 grams of marijuana — around enough to roll 60 joints — would be slapped with a noncriminal violation.

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NYPD Commissioner Bill Bratton (center) holds an example of what 25 grams of marijuana looks like.

The NYPD's old way of dealing with people found to be in possession of pot is going up in smoke.

In a historic change, city cops on Nov. 19 will stop arresting people on low-level marijuana charges and issue them tickets instead, Police Commissioner Bill Bratton said on Monday.

People caught smoking on the street would still wind up in the pokey, however, but someone caught with less than 25 grams of marijuana would be slapped with a noncriminal violation. "As for those who want to avoid summonses, don't do it; it's that simple," Bratton said at a Press conference at NYPD headquarters, holding up a baggie of oregano as a visual aid. "It's still against the law. I'm not giving out get-out-of-jail-for-free cards."

If found guilty, a first-time violator would face a fine of \$100; for a second offense, a fine of \$250 could apply, a high-ranking police source told the Daily News.

Mayor de Blasio, who made curtailing the NYPD's use of the stop-and-frisk tactic a central campaign pledge, said the new policy would be more fair. "Too many New Yorkers without any prior convictions have been arrested for low-level marijuana possession," he said. "Blacks and Latino communities have been disproportionately affected."

A marijuana arrest, if it leads to a conviction, means one has a police record, and that "hurts their chances to get a good job, it hurts their chances to get housing, it hurts their chances to qualify to get a student loan," de Blasio said. "It can literally follow them the rest of their lives."



Plan: What's baked in

Q What if police find pot in my pocket or in my bag?

A If it's a small amount, less than 25 grams (about 0.9 ounces), you will get a summons to appear in court and pay a fine up to \$100.

Q What if I get stopped with marijuana in public view?

A As long as it's less than 25 grams, you will only get a summons and fine.

Q What if I'm carrying more than that?

A Any amount over 25 grams, whether out of sight or in public view, could result in a misdemeanor charge subject to arrest.

Q What if I'm smoking pot?

A Smoking any amount of marijuana will result in a misdemeanor charge subject to arrest.

Q What if I don't show up for my summons?

A A warrant could be issued that might result in your arrest.

Q What if I get caught more than once for pot possession?

A The first offense is a summons with a fine up to \$100. If you're stopped a second time within three years you could be fined up to \$250.

The Rev. Al Sharpton agreed with the approach. "I feel that the police ought to concentrate on things of importance rather than things that are now being legalized in many places around the country," the prominent civil rights activist said.

In taking his stand, Sharpton found himself in agreement with Staten Island District Attorney Daniel Donovan. "This should free up police manpower to pursue cases of greater magnitude while relieving some of the congestion in the courts," Donovan said.

Brooklyn DA Ken Thompson, whose office stopped prosecuting low-level pot busts earlier this year, also chimed in with praise. But he expressed concern that the "already overburdened" summons court in lower Manhattan would be deluged.

He also was concerned that noncriminal violations would not be subject to prosecutorial review. "I am concerned about the due-process rights of those who are given marijuana summonses," he said.

Back in 1977, the New York Legislature decriminalized possession of small amounts of marijuana that were not in public view — meaning that if it were in someone’s pocket or bag, it would result in a violation. But starting in the 1990s, the NYPD began routinely arresting people found with small amounts of pot. “Most of those arrested are young men of color, even though young white men use marijuana at higher rates,” the Drug Policy Alliance noted.

Richard Aborn of the Citizens Crime Commission of New York City said the new rule will have the long-term effect of making it easier for more young people to find legitimate employment. “There’s no criminal record,” he said. “You don’t have the stigma of a criminal record.”

Manhattan DA Cyrus Vance Jr., said he has supported proposed changes in state law that would make possession of a small amount of reefer, whether in public view or not, a violation — a measure that failed to gain traction in Albany previously. He called the city’s new policy “simply the right thing to do.”

While 25 grams of marijuana doesn’t sound like a lot of pot, it’s slightly less than an ounce, or enough to roll 60 joints — and get a lot of people stoned. That worries Sergeants Benevolent Association President Ed Mullins. “I think it’s sad,” he said. “I think this is the beginning of an avalanche. Basically, what he’s doing is equating (the possession of) an illegal substance to a parking ticket.” Patrick Lynch, president of the Patrolmen’s Benevolent Association, said he wants the brass to provide his members with clarity on the policy. “Anything less will result in our members being held responsible for a failed policy by a discipline-obsessed Police Department and the multiple levels of police oversight it has,” Lynch said in a statement. “We do not want police officers left holding the bag if crime rises because of poor policy.”

Others questioned, like Thompson, the shift of the cases to summons court. Eugene O’Donnell, a former NYPD officer who teaches police studies at John Jay College of Criminal Justice, said “one major concern is that these cases” will be “processed without prosecutorial oversight or feedback to the cops.” “Who will give officers useful feedback about the quality, legality and propriety of their arrests?”

Schools Chancellor Carmen Fariña declined to comment on the new policy. But Sam Pirozzolo, vice president of the New York City Parents Union, said it “sends a very mixed message to our children.”

“It’s saying that it’s OK to smoke marijuana because it’s now less of a crime, but overall, we know drugs are harmful,” said Pirozzolo, whose daughter is a ninth grader at Susan Wagner High School on Staten Island.

In Harlem, on St. Nicholas Ave., a 37-year-old African-American pot smoker who declined to give his name said: “It’s about time.”

“Cops pick up everybody because they have to meet their quota,” he said. “It’s the easiest charge to lay as part of stop-and-frisk. It’s happened to all of us.”

Another marijuana maven named John who was hanging out near Marcus Garvey Park said he hopes it will end the constant hassling by police. “That’s a good change,” he said.

But according to the Marijuana Arrest Research Project, blacks and Hispanics represented 86% of those arrested for marijuana possession in the city in the first eight months of the year.

The policy that the NYPD is putting in place was embraced by Thompson during his campaign for Brooklyn district attorney last year. He promised to fine those arrested with small amounts of marijuana rather than put them in cuffs and charge them.

“Too many young people are being arrested for low-level drug charges that leave a permanent stain on their records for what should be a violation,” Thompson has said.



TODD MAISEL

A woman being arrested for smoking marijuana on Coney Island on Memorial Day. Under the new changes, people caught smoking in public will still land in the pokey.

COMMENTS:

Anthony Delmundo: “If I’m not hurting anybody, then why should it make a difference what I do?”

Gloria Arnold, who lives nearby, was not buying that logic. “Once you put the stamp of approval on it, there are no limits,” said Arnold, 67. “And I think that would be wrong, because very few people stop at marijuana.”

Bronx mom and schools activist Mona Davids, who said she is no fan of de Blasio or his policies, said she supports this change, “especially as a parent of color.” “For too many years, a lot of young people’s lives have been destroyed by having small amounts of marijuana with them, so this is a step in the right direction,” said Davids, 41.

As it is, misdemeanor marijuana arrests are down citywide through the first 10 months of the year: through Nov. 10, there That’s about 3% lower than the 24,838 arrests through the same point last year, police said.