

# RACE, CLASS & MARIJUANA ARRESTS IN MAYOR DE BLASIO'S TWO NEW YORKS

## THE NYPD'S MARIJUANA ARREST CRUSADE CONTINUES IN 2014

- The New York Police Department under Mayor de Blasio made slightly *more* total marijuana possession arrests in March through August of 2014 than in the same six months in 2013 under Mayor Bloomberg.<sup>1</sup>
- In the first eight months of 2014, 86% of the people arrested for marijuana possession were blacks and Latinos, 10% were whites, and 4% were all others.
- The NYPD continues to arrests blacks at 7 times the rate of whites and Latinos at nearly 4 times the rate of whites. But young whites use marijuana at higher rates than young blacks and Latinos.

| Lowest-level Marijuana Possession Arrests in NYC |              |              |              |              |              |              | Last 6 months total of MJ Poss Arrests | MJ Poss Arrests of Blacks & Latinos | MJ Poss Arrests of Whites & all others |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--|-------------------------------------|--|
|  | March        | April        | May          | June         | July         | Aug          |  |                                     |  |
| 2013 Bloomberg                                   | 2,438        | 2,578        | <u>2,769</u> | 2,318        | 2,294        | 2,450        | 14,847                                 | 12,852                              | 1,995                                  |
| 2014 de Blasio                                   | <u>2,658</u> | <u>2,619</u> | 2,689        | <u>2,347</u> | <u>2,444</u> | <u>2,568</u> | <u>15,324</u>                          | <u>13,212</u>                       | <u>2,112</u>                           |

- As in previous years, in 2014 people are commonly arrested when marijuana is found in their pockets and possessions, after a frisk and search, or when they are ordered by the police to empty their pockets.
- Most people arrested for marijuana possession were young: 29% were teenagers, 56% were under 26, and 80% were younger than 35.

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- 74% of the people arrested for marijuana possession in 2014 have never been convicted of even a single misdemeanor, and only 11% have a misdemeanor conviction.
- The people the NYPD arrests for marijuana possession are not criminals; they are ordinary high school and college students and young workers.<sup>2</sup>
- The most serious consequences of these arrests are the permanent, unexpungeable criminal arrest records now easily found on the internet by employers, landlords, banks, credit agencies, occupational licensing boards, and schools.<sup>3</sup>

**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."*<sup>4</sup>

**Nonetheless, in the first eight months of 2014, severe racial and class disparities persisted. White and wealthier neighborhoods have much lower rates of marijuana arrests; lower-income black and Latino neighborhoods have much higher rates of marijuana arrests.**

The two neighborhoods with the lowest rate of marijuana arrests are Forest Hills in Queens (pct 112) and the Upper East Side of Manhattan (pct 19).

Forest Hills has a rate of 8 marijuana possession arrests per 100,000 residents; the neighborhood's residents are 16% blacks and Latinos, 84% whites and all others, and the median family income is \$67,000.<sup>5</sup>

The Upper East Side's rate is 10 marijuana arrests per 100,000 residents. The precinct's residents are 10% blacks and Latinos, 90% whites and others, and the median family income is \$111,000

The two neighborhoods with the highest rate of marijuana arrests are Washington Heights (pct 33) and East Harlem North (pct 25).

Washington Heights has a rate of **882** marijuana possession arrests per 100,000 residents (110 times higher than in Forest Hills).

East Harlem's rate of marijuana possession arrests is an astonishing **1128** per 100,000 residents (110 times higher than in the Upper East Side).

Washington Heights' residents are 85% blacks and Latinos, 15% whites and others (almost the exact opposite of Forest Hills'), and the median family income is \$34,000, one-half of the family income in Forest Hills.

East Harlem's residents are 88% blacks and Latinos, 12% whites and all others (close to the reverse of the Upper East Side), and the median family income is \$28,000 (a quarter of the family income on the Upper East Side).

**These radically different policing patterns are also true for the 20 neighborhoods with the lowest rates of marijuana possession arrests, and for the 20 neighborhoods with the highest rates of marijuana possession arrests.**

The racial and class disparities between the two groups of neighborhoods are stark. One might think of them as "The Two New Yorks." (See the two tables on pages 11-12 of this report.)

The 20 neighborhoods with the **lowest** arrest rates average **39** marijuana possession arrests per 100,000 residents.

The 2,300,000 residents in these 20 low arrest-rate neighborhoods are 24% blacks and Latinos, 75% whites and all others, and the average family income of their neighborhoods is \$75,000.

The 20 neighborhoods with the **highest** rates average **498** possession arrests per 100,000 – twelve times more than the 20 precincts with the lowest rates of marijuana arrests.

The 1,900,000 New Yorkers who live in these high marijuana arrest-rate neighborhood are 89% blacks and Latinos, 11% whites and others, and the average family income of their neighborhoods is \$34,000.

One precinct, East New York in Brooklyn (#75), which has 89% black and Latino residents, had 1,142 marijuana possession arrests in the first eight months of 2014. This is *more arrests than in all 20 of the lowest marijuana arrest rate precincts combined* (841 total arrests).

Another precinct, Morris Heights in the Bronx (#44), which is 95% black and Latino residents, had 727 possession arrests – *more than in 19 of the 20 lowest marijuana arrest rate precincts combined* (719 total marijuana arrests).

***"Because the truth is, the state of our city, as we find it today, is a Tale of Two Cities – with an inequality gap that fundamentally threatens our future."***

**Mayor Bill de Blasio, State of the City Remarks, February 10, 2014.**

<http://www1.nyc.gov/office-of-the-mayor/news/045-14/state-the-city-remarks-mayor-de-blasio-prepared-delivery#/0>

## **RACE TRUMPS CLASS**

One might think that neighborhoods with similar social class or family incomes would have similar rates of marijuana arrests, but that is not necessary the case.

Consider three Queens neighborhoods with very similar median family incomes. In Flushing (pct 109) the median family income is \$58,000; in Fresh Meadows (pct 107) it is \$58,000, and in St. Albans and Springfield Gardens (pct, 113) it is \$59,000.

Flushing, with only 19% black and Latino residents, has a marijuana arrest rate of 89 per hundred thousand residents. Fresh Meadows is 32% blacks and Latinos and has a rate of 96 marijuana arrests.

But the St. Albans neighborhood *is 93% black and Latino residents and has a marijuana arrest rate of 396 – four times that of Flushing and over three times that of Fresh Meadows.* For marijuana arrests in these NYPD precincts with nearly identical family incomes, race trumps class.

Or consider the two Brooklyn neighborhoods of Bensonhurst (pct 62) and Crown Heights (pct 77). In Bensonhurst the median family income is \$44,000 and in Crown Heights it is \$45,000. But Bensonhurst, which has only 14% black and Latino residents, has a marijuana arrest rate of 41 per 100,000 residents. And Crown Heights, which has 77% black and Latino residents, has a marijuana arrest rate of 345 – over eight times the rate of Bensonhurst. Again, race trumps class.

Or consider precinct 28, Central Harlem in Manhattan, versus precinct 66, Borough Park in Brooklyn. Both neighborhoods have median family incomes of \$39,000. Borough Park, with 15% black and Latino residents, has a marijuana

possession arrest rate of 44, while Central Harlem, with 78% black and Latino residents, has a marijuana arrest rate of 328 – seven times higher than Borough Parks' rate. Here too, race trumps class.

It is worth emphasizing that whites use marijuana at the same or higher rates than blacks and Latinos; and that white young people (age 18-25) use marijuana at higher rates than young blacks and Latinos.<sup>6</sup>

It is also worth repeating that most of the NYPD's marijuana possession arrests have been made when police found marijuana during a search or when police officers ordered people to empty their pockets.

Finally, it is important to note that the simple possession of seven-eighths of an ounce of marijuana has not been a crime in New York State since 1977. By New York State Law, simple marijuana possession is a violation, chargeable with a mandatory-appearance criminal court summons, and carrying a \$100 fine.

Nonetheless, the NYPD is on track to make 28,000 to 30,000 of these arrests and jailings in 2014, and New York City continues to make more marijuana possession arrests than any city in the world.

There is some good news to report and some exceptions. For example, precinct 45 in the Bronx, which includes the huge Co-op City apartment complex, has 58% black and Latino residents; but it is among the 20 precincts with the *lowest* rates of marijuana possession arrests in New York City, and is the only one of the 20 lowest arrest-rate neighborhoods that is majority blacks and Latinos. Why are the possession arrests so low? Because Co-op City is not patrolled by the NYPD but by its own police force, the Co-op City Department of Public Safety.<sup>7</sup>

On the other hand, Manhattan precinct 13, which includes the huge Stuyvesant Town and Peter Cooper apartment complex, is 85% whites and others, only 15% blacks and Latinos. But Stuyvesant Town's precinct has the 27th highest rate of marijuana possession arrests *and is patrolled by the NYPD*.

There are some other exceptions like Co-op City and Stuyvesant Town, and they do deserve closer study. But there are not many of them. New York City has a total of 76 neighborhood precincts. In 40 of them the majority of the residents are whites and other races, mostly Asians. In 36 of them the majority of the residents are blacks and Latinos.

In the first 8 months of 2014, in the 40 precincts where the majority of residents are white and others, police made a total of 3984 lowest-level marijuana possession arrests.

At the same time, in just six precincts where the majority of the residents are blacks and Latinos, police made 4366 marijuana possession arrests – more arrests than in all 40 of the majority white precincts *combined*.

(The six precincts are: #75 (East New York, BK), #44 (Morris Heights, BX), #33 (Washington Heights, M), #52 (Bedford Park, BX), #34 (Inwood M), #46 (University Heights, BX). It seems fair to conclude that most white New Yorkers do not know what policing is like in these six neighborhoods and the others like them.)

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**There are new details in this report about the extreme racial and class bias of the NYPD's marijuana possession arrests in 2014. But the pattern is well known and widely recognized.**

In January 2014, President Obama told the New Yorker:

*“Middle-class kids don’t get locked up for smoking pot, and poor kids do. And African-American kids and Latino kids are more likely to be poor and less likely to have the resources and the support to avoid unduly harsh penalties.... It’s important for society not to have a situation in which a large portion of people have at one time or another broken the law and only a select few get punished.”<sup>8</sup>*

In its July 28, 2014 editorial, "The Injustice of Marijuana Arrests," calling for the end of federal marijuana prohibition, *The New York Times* wrote:

*"America’s four-decade war on drugs is responsible for many casualties, but the criminalization of marijuana has been perhaps the most destructive part of that war.... The sheer volume of law enforcement resources devoted to marijuana is bad enough. What makes the situation far worse is racial disparity....*

*[Nationally] about 6 percent of marijuana cases lead to a felony conviction; the rest are often treated as misdemeanors resulting in fines or probation, if the charges aren’t dismissed completely. Even so, every arrest ends up on a person’s record....*

*Particularly in poorer minority neighborhoods, where young men are more likely to be outside and repeatedly targeted by law enforcement, these arrests accumulate. Before long a person can have an extensive “criminal history” that consists only of marijuana misdemeanors and dismissed cases. That criminal history can then influence the severity of punishment for a future offense, however insignificant.”<sup>9</sup>*

**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>10</sup>

**In a July 2014 letter to the New York Times, Ira Glasser, president of the Drug Policy Alliance and former executive director of the American Civil Liberties Union said:**

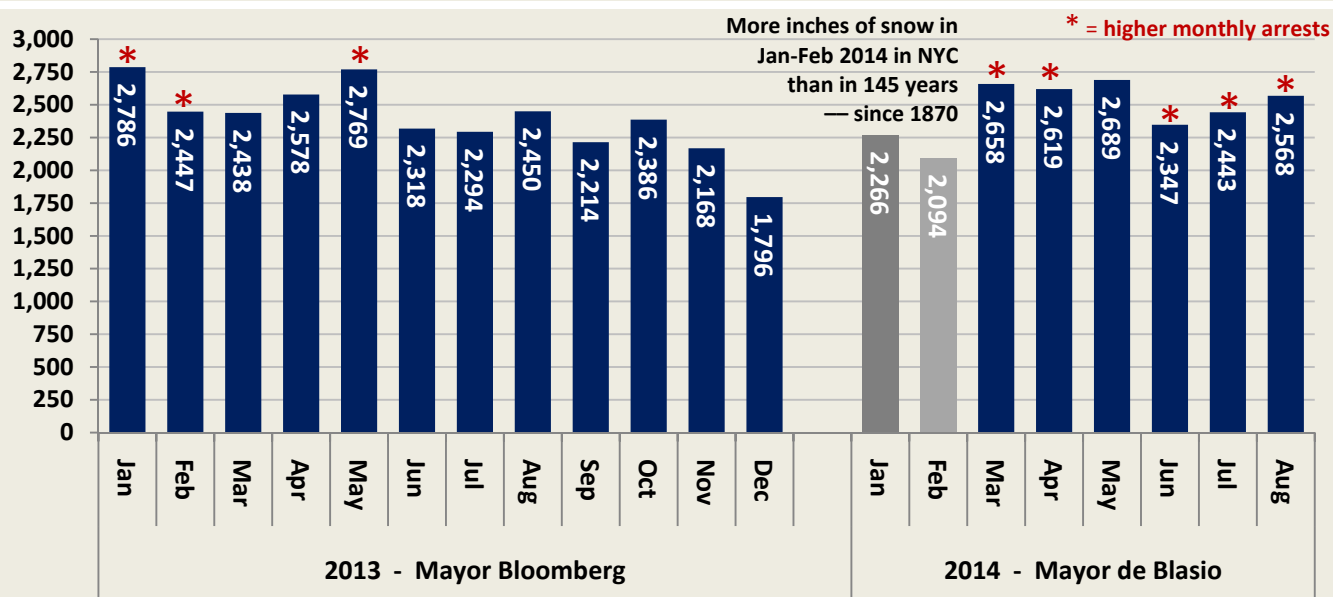
***Your July 16 editorial “A Sensible Marijuana Policy in Brooklyn” applauds the Brooklyn district attorney, Kenneth P. Thompson, for deciding no longer to prosecute most cases in which people have been arrested for possession of small amounts of marijuana, and to focus on serious crimes instead.***

***New York City’s police commissioner, William J. Bratton, responded to Mr. Thompson’s decision by asserting: “In order to be effective, our police officers must enforce the laws of the State of New York uniformly throughout all five boroughs of the city. Accordingly, the Kings County policy change will not result in any changes in the policies and procedures of the N.Y.P.D.”***

***In light of the fact that the Police Department has never before arrested people uniformly for possession of small amounts of marijuana — instead arresting mostly black and Latino youths in their neighborhoods, and making virtually no similar arrests in predominantly white neighborhoods, where at least as much marijuana is possessed and used — Mr. Bratton’s announcement comes as welcome, if surprising, news. When might we expect the Police Department to actually do that?***

***Given the well-documented continuing racially biased pattern of marijuana arrests, it would appear that what Mr. Bratton really means is that he gets to decide whom to arrest, but Mr. Thompson can’t decide whom to prosecute. And where does Mayor Bill de Blasio, who campaigned against such biased law enforcement and who appointed Mr. Bratton, stand on this?***<sup>11</sup>

## Lowest-Level Marijuana Possession Arrests in New York City, 2013 and 2014, by Month



In July 2014, Mayor de Blasio was quoted saying: *“In terms of the NYPD, look at the numbers: the lowest level of marijuana arrests are down.... The lowest level marijuana arrests are down.”*<sup>12</sup>

Is this accurate? Let's look at the numbers.

In the 12 months of 2013, the NYPD averaged 79 marijuana possession arrests a day. In the 8 months of 2014, the NYPD averaged 81 marijuana possession arrests a day. 2014 surpasses slightly 2013 in daily marijuana arrests.

Further, as the front cover of this report shows, in March through August 2014 – the last six months for which data is currently available – the NYPD made slightly more lowest-level marijuana arrests than in the same period in 2013: 14,847 arrests in 2013 versus 15,324 arrests in 2014. Again, 2014 surpasses slightly 2013.

However, when comparing arrests in the first eight months of both years, we find the NYPD made 396 more marijuana arrests in 2013 than in 2014 (20,080 versus 19,684). Why slightly more in 2013? Because of the low numbers of marijuana arrests in January and February of 2014, the first two months of the new mayoral administration.

Were the marijuana arrests down in January and February 2014 because of policies of the new administration? No. The arrests were down because in January and February of 2014 New York City was blanketed with record-breaking levels of snow fall.

In fact, according to the U.S. weather service's records, New York City received more inches of snow in January and February of 2014 than in any year since 1870 – *more snow than in any January and February in 145 years.*<sup>13</sup> In effect it took what insurance companies call "an act of God" to slow down the NYPD's marijuana possession arrests in 2014. And then only for two months. Since then the numbers of the NYPD's lowest- level marijuana arrests have been up.



**New York City Arrest Percentages  
In 2014 & 2013 (January - August) for  
Criminal Possession Of Marijuana (NYSPL 221.10)**

|                              |                    | <b>2014<br/>Jan-Aug</b> | <b>2013<br/>Jan-Aug</b> |
|------------------------------|--------------------|-------------------------|-------------------------|
| <b>County</b>                | <b>Bronx</b>       | <b>28%</b>              | <b>26%</b>              |
|                              | <b>Kings</b>       | <b>30%</b>              | <b>32%</b>              |
|                              | <b>New York</b>    | <b>23%</b>              | <b>22%</b>              |
|                              | <b>Queens</b>      | <b>16%</b>              | <b>16%</b>              |
|                              | <b>Richmond</b>    | <b>3%</b>               | <b>3%</b>               |
| <b>Gender</b>                | <b>Male</b>        | <b>90%</b>              | <b>90%</b>              |
|                              | <b>Female</b>      | <b>10%</b>              | <b>10%</b>              |
| <b>Age at<br/>Arrest</b>     | <b>16-20</b>       | <b>29%</b>              | <b>29%</b>              |
|                              | <b>21-25</b>       | <b>27%</b>              | <b>27%</b>              |
|                              | <b>26-29</b>       | <b>13%</b>              | <b>11%</b>              |
|                              | <b>30-34</b>       | <b>11%</b>              | <b>11%</b>              |
|                              | <b>All 16-34</b>   | <b>80%</b>              | <b>77%</b>              |
| <b>Race -<br/>Ethnicity</b>  | <b>Black</b>       | <b>49%</b>              | <b>50%</b>              |
|                              | <b>Hispanic</b>    | <b>37%</b>              | <b>36%</b>              |
|                              | <b>White</b>       | <b>10%</b>              | <b>10%</b>              |
|                              | <b>Asian</b>       | <b>3%</b>               | <b>3%</b>               |
|                              | <b>Other</b>       | <b>1%</b>               | <b>1%</b>               |
| <b>Arrest<br/>Priors</b>     | <b>None</b>        | <b>32%</b>              | <b>30%</b>              |
| <b>Conviction<br/>Priors</b> | <b>None</b>        | <b>74%</b>              | <b>72%</b>              |
|                              | <b>Misdem only</b> | <b>11%</b>              | <b>11%</b>              |

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

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

From "The Scandal of Racist Marijuana Arrests" in *The Nation*, Nov 18, 2013

## **Why are marijuana arrests so racially skewed?**

Such dramatic and widespread racial disparities [throughout the U.S.] are clearly not the product of personal prejudice or racism on the part of individual police officers. This is not a problem of training or supervision or rogue squads or bad apples. It's a systemic problem, a form of institutional racism created and administered by people at the highest levels of law enforcement and government.

Most people arrested for marijuana possession were not smoking it: they typically had a small amount hidden in their clothing, vehicle or personal effects. The police found the marijuana by stopping and searching them (often illegally), or by tricking them into revealing it.

Police departments concentrate their patrols only in certain neighborhoods, usually ones designated as "high crime." These are mainly places where low-income whites and people of color live. In these neighborhoods, police stop and search the most vehicles and individuals while looking for "contraband" of any type to make an arrest. The most common item that people in any neighborhood possess that will get them arrested—and the most common item that police find—is a small amount of marijuana.

Police officers patrolling in middle- and upper-middle-class neighborhoods typically do not search the vehicles and pockets of white people, so most well-off whites enjoy a de facto legalization of marijuana possession. Free from the intense surveillance and frequent searches that occur in other neighborhoods, they have little reason to fear a humiliating arrest and incarceration....

The result 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 or blame. As federal judge Shira Scheindlin recently determined in two prominent stop-and-frisk cases, New York City's top officials "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."**

### **On the web at:**

<http://marijuana-arrests.com/docs/The-scandal-of-racist-marijuana-arrests--TheNation--Nov2013.pdf>

and

<http://www.thenation.com/article/176915/scandal-racist-marijuana-arrests-and-what-do-about-it?page=full>

## 20 NYC Neighborhoods With The Lowest RATE of Marijuana Possession Arrests in the First EIGHT Months Of 2014 Under Mayor De Blasio and Police Commissioner Bratton

| 20 Precincts with the LOWEST RATE of Marijuana Possession Arrests in the first EIGHT Months of 2014 | Rate of Marijuana Poss Arrests per 100,000, Jan-Aug 2014 | % of Residents Blacks + Latinos | % of Residents Whites + all Others | Median household income (\$2011) | Number of Marijuana Poss Arrests Jan-Aug 2014 | # of Residents |
|---|--|---------------------------------|------------------------------------|----------------------------------|---|----------------|
| Precinct and Neighborhood (Boro)  |  |                                 |                                    |                                  |   |                |
| 112 - Forest Hills (Q)  | 8  | 16%                             | 84%                                | \$67,145                         | 9   | 113,298        |
| 019 - Upper East Side (59 to 96 St.) (M)  | 10   | 10%                             | 90%                                | \$111,366                        | 21  | 210,904        |
| 102 - Richmond Hill, Woodhaven (Q)  | 18   | 49%                             | 51%                                | \$56,042                         | 26  | 146,390        |
| 061 - Sheepshead Bay (BK)   | 19   | 12%                             | 88%                                | \$49,522                         | 31  | 162,613        |
| 111 - Bayside, Douglaston, Little Neck (Q)  | 22   | 13%                             | 87%                                | \$76,716                         | 27  | 121,307        |
| 108 - Long Island City, Sunnyside (Q)   | 24   | 36%                             | 64%                                | \$55,858                         | 28  | 114,354        |
| 001 - Tribeca, Wall Street (M)  | 25   | 11%                             | 89%                                | \$128,016                        | 16  | 64,963         |
| 020 - Upper West Side to 86 St. (M)   | 27   | 12%                             | 88%                                | \$112,908                        | 25  | 93,030         |
| 078 - Park Slope (BK)   | 33   | 24%                             | 76%                                | \$96,062                         | 20  | 61,334         |
| 062 - Bensonhurst (BK)  | 41   | 14%                             | 86%                                | \$43,903                         | 75  | 181,079        |
| 045 - Throgs Neck, Co-op City, Pelam Bay (BX)   | 43   | 58%                             | 42%                                | \$57,478                         | 42  | 98,769         |
| 122 - New Dorp (SI)   | 43   | 13%                             | 87%                                | \$77,018                         | 60  | 138,327        |
| 066 - Borough Park (BK)   | 44   | 15%                             | 85%                                | \$39,821                         | 83  | 190,188        |
| 106 - Ozone Park, Howard Beach (Q)  | 48   | 42%                             | 58%                                | \$61,989                         | 54  | 111,558        |
| 017 - Kipps Bay, Murray Hill, Turtle Bay (M)  | 50   | 10%                             | 90%                                | \$108,452                        | 40  | 79,909         |
| 123 - Tottenville (SI) NEW  | 52   | 9%                              | 91%                                | \$87,138                         | 51  | 97,639         |
| 084 - Brooklyn Heights, Boerum Hill (BK)  | 62   | 34%                             | 66%                                | \$90,771                         | 37  | 59,812         |
| 009 - East Village (M)  | 63   | 33%                             | 67%                                | \$52,003                         | 45  | 71,789         |
| 076 - Carroll Gardens, Red Hook, (BK)   | 69   | 34%                             | 66%                                | \$79,393                         | 29  | 42,009         |
| 104 - Ridgewood, Middle Village, Glendale (Q)   | 73   | 36%                             | 64%                                | \$55,715                         | 122   | 167,323        |
| <b>Averages for 20 Precincts with LOWEST RATES</b>  | <b>39</b>  | <b>24%</b>                      | <b>76%</b>                         | <b>\$75,366</b>                  | <b>42</b>                                     | <b>116,330</b> |

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. Oct. 2014.*

## 20 NYC Neighborhoods With The Highest RATE Of Marijuana Possession Arrests in the First EIGHT Months Of 2014 Under Mayor De Blasio and Police Commissioner Bratton

| 20 Precincts with the Highest RATE of Marijuana Possession Arrests in the first EIGHT Months of 2014 | Rate of Marijuana Poss Arrests per 100,000, Jan-Aug 2014 | % of Residents Blacks + Latinos | % of Residents Whites + all Others | Median household income (\$2011) | Number of Marijuana Poss Arrests Jan-Aug 2014 | # of Residents |
|--|--|---------------------------------|------------------------------------|----------------------------------|---|----------------|
| Precinct and Neighborhood (Boro)   |  |                                 |                                    |                                  |   |                |
| 025 - East Harlem (North) (M)  | 1128   | 88%                             | 12%                                | \$27,784                         | 485   | 42,995         |
| 033 - Washington Heights (M)   | 882  | 85%                             | 15%                                | \$34,072                         | 673   | 76,341         |
| 075 - East New York, Starret City (BK)   | 658  | 89%                             | 11%                                | \$34,192                         | 1142  | 173,473        |
| 101 - Far Rockaway (Q)   | 577  | 75%                             | 25%                                | \$36,813                         | 390   | 67,569         |
| 044 - Morris Heights (BX)  | 515  | 95%                             | 5%                                 | \$27,697                         | 727   | 141,216        |
| 034 - Inwood, Washington Heights (M)   | 508  | 76%                             | 24%                                | \$43,605                         | 620   | 122,102        |
| 048 - East Tremont, Belmont (BX)   | 491  | 91%                             | 9%                                 | \$22,441                         | 433   | 88,112         |
| 030 - Manhattanville, West Harlem (M)  | 482  | 85%                             | 15%                                | \$35,100                         | 277   | 57,517         |
| 081 - Bedford-Stuyvesant (east) (BK)   | 458  | 93%                             | 7%                                 | \$36,088                         | 297   | 64,814         |
| 052 - Bedford Park, Fordham, Norwood (BX)  | 458  | 84%                             | 16%                                | \$32,240                         | 627   | 137,012        |
| 046 - University Heights, Fordham (BX)   | 450  | 93%                             | 7%                                 | \$27,633                         | 577   | 128,164        |
| 041 - Hunts Point (BX)   | 418  | 96%                             | 4%                                 | \$22,268                         | 269   | 64,422         |
| 040 - Mott Haven, Melrose (BX)   | 408  | 97%                             | 3%                                 | \$22,137                         | 363   | 88,893         |
| 071 - Flatbush, Midwood (BK)   | 403  | 79%                             | 21%                                | \$39,572                         | 402   | 99,746         |
| 032 - Harlem North (M)   | 372  | 90%                             | 10%                                | \$34,423                         | 270   | 72,639         |
| 113 - St. Albans, Springfield Gdns, S. Jamaica (Q)   | 372  | 93%                             | 7%                                 | \$59,645                         | 358   | 96,338         |
| 073 - Ocean Hill-Brownsville (BK)  | 366  | 96%                             | 4%                                 | \$27,671                         | 318   | 86,787         |
| 077 - Crown Heights North, Prospect Heights (BK)   | 345  | 77%                             | 23%                                | \$45,185                         | 334   | 96,674         |
| 067 - East Flatbush (BK)   | 344  | 95%                             | 5%                                 | \$47,834                         | 519   | 151,081        |
| 042 - Morrisania, Crotona Park East, Tremont (BX)  | 330  | 97%                             | 3%                                 | \$23,286                         | 278   | 84,136         |
| <b>Averages for 20 Precincts with HIGEST RATES</b>   | <b>498</b>   | <b>89%</b>                      | <b>11%</b>                         | <b>\$33,984</b>                  | <b>468</b>                                    | <b>97,002</b>  |

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. Oct. 2014.

## END NOTES

- 1** All marijuana arrest data in this report is from the New York State Division of Criminal Justice Services (DCJS) computerized Criminal History system. The most recent data available. Arrests age 16 and older where marijuana possession is the highest or only criminal charge. All data is for people charged with violating NY State Penal Law 221.10. Previous reports drawing on the same data are here: <http://marijuana-arrests.com/nyc-pot-arrest-docs.html>
- 2** See the excellent report from Human Rights Watch: *A Red Herring: Marijuana Arrestees Do Not Become Violent Felons* by Issa Kohler-Hausmann and Jamie Fellner. Here: <http://www.hrw.org/reports/2012/11/23/red-herring-0>
- 3** Much Information about the many harmful consequences of criminal arrest records is here: <http://marijuana-arrests.com/consequences-of-arrest.html>
- 4** 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_de_Blasio_One_New_York_Rising_Together_campaign_2013.pdf)
- 5** All population and income data is from the U.S. Census, 2010.
- 6** A chart showing the marijuana use by whites, blacks and Latinos, ages 18-25 (the majority of the people arrested for marijuana everywhere in the US) with the links to the US government web site with the data is here: <http://marijuana-arrests.com/graph9-use.html>
- 7** The web site for the Co-op City Department of Public Safety is here: <http://www.ccpd.us/index.html>
- 8** President Obama was quoted by David Remnick in *The New Yorker*, January 27, 2014.
- 9** *The New York Times'* historic five-day series of editorials and articles calling for an end to marijuana prohibition, largely on the grounds of racial justice and fairness, in July 2014 is here: <http://www.nytimes.com/interactive/2014/07/27/opinion/sunday/high-time-marijuana-legalization.html>
- 10** "Stop-And-Frisk and the Marijuana Misdemeanor Arrests Outrage" By Ed Koch (Former Mayor, New York City), Huffington Post, June 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)
- 11** New York Times, Letters, City's Policy on Drug Arrests, Ira Glasser on Marijuana Prosecutions <http://www.nytimes.com/2014/07/18/opinion/Citys-Policy-on-Drug-Arrests.html?>  
Some articles discussing Bratton's "broken windows policing" are here: <http://marijuana-arrests.com/Bratton-and-Broken-Windows.html>
- 12** The U.S. National Weather Service's table of New York City Snowfall from 2014 to 1870 is here: <http://www.erh.noaa.gov/okx/climate/records/monthseasonsnowfall.html>  
A table showing highest and lowest snowfall in January and February from 2014 to 1870 is here: <http://marijuana-arrests.com/library/NYC-Snowfall-1870-2014.htm>
- 13** De Blasio was quoted in: "Bratton: City will defend officers on marijuana arrests" in Capital New York, by By Azi Paybarah <http://www.capitalnewyork.com/article/city-hall/2014/07/8548648/bratton-city-will-defend-officers-marijuana-arrests>

**RACE, CLASS & MARIJUANA ARRESTS IN MAYOR DE BLASIO'S TWO NEW YORKS: THE NYPD'S MARIJUANA ARREST CRUSADE CONTINUES IN 2014** is released by the Marijuana Arrest Research Project and the Drug Policy Alliance, Oct 2014.

It was prepared by Harry G. Levine and Loren Siegel. 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. 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. gabriel sayegh is Managing Director, Policy and Campaigns. Tony Newman is director of media relations.



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



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N.Y. / REGION

# Despite de Blasio's Promise, Marijuana Arrests Persist in New York

OCT. 21, 2014

About New York

By JIM DWYER

With a summons for marijuana possession to settle, Anthony was waiting outside the courthouse in Kew Gardens, Queens, when the doors opened at 9 on Tuesday morning.

That summons had frozen his life since a police officer handed it to him on a Saturday evening in August. He immediately lost a job that he had held for seven years as a school bus driver. It had already cost him close to \$7,000 in lost wages.

For this account, Anthony, 28, asked that only his first name be used, because he has never before had any trouble with the police, and wants to go back to work.

When Bill de Blasio was running for mayor last year, he noted that marijuana arrests, which fall most heavily on black and Latino males, "have disastrous consequences," and pledged to curtail the practice of ratcheting up what should be a minor violation of the law into a misdemeanor.

This week, a report showed that such arrests were continuing at about the same pace as last year; the de Blasio mayoralty had not appreciably changed the number of such cases. The Legal Aid Society has a roster of clients across the city who face misdemeanor charges for possession of minuscule amounts of pot because, it was charged, they were "openly displaying" it. About 75 percent of those charged had no prior criminal convictions, and more than 80 percent were black or Latino, according to the report, from the Marijuana Arrest Research Project and the Drug Policy Alliance.

The case of Anthony, a black man, is a powerful illustration of how disruptive

such a charge can be. On Aug. 16, he said, he was getting a ride to his home in Jamaica, Queens, after a few hours in a park. "I wasn't even in the car 10 minutes," he said. "We got pulled over on Sutphin and Rockaway Boulevard. They said it was a brake light. Asked for the usual, license and registration. Mind you, I'm the passenger, I'm not thinking about it."

The driver was ordered out of the car and searched. Then Anthony was told to get out. A moment later, an officer rooted around in the car, he said, and both men were handcuffed.

"He said it was a weed pipe in the center console," Anthony said. "I said: 'Why am I getting arrested? I'm just the passenger.' "

Anyone in a car where contraband is found can be charged with possession, said Marquita Johnson, a staff attorney with the Legal Aid Society who is representing Anthony.

In a formal complaint, the officer said he "recovered a marijuana pipe containing marijuana residue from the center console of said vehicle."

Such a tiny amount of pot, if that's what was actually in the pipe, would normally be considered a violation. But it was elevated to a misdemeanor by the police officer's statement that the pipe was "in a public place open to public view."

Perhaps that is true, though one wonders why anyone, being pulled over by the police, would not close a center console if the pot pipe really had been visible. Anthony insisted that he would never have gotten in the car had he known it was there.

"I don't involve myself around that," he said. "I'm a working citizen."

The police officers issued the driver and Anthony desk appearance tickets, meaning they had to appear in court this week, more than two months after the stop.

"I come back to work that Monday, and they said, 'We got to let you go because you've been arrested and your fingerprints came back to us in Albany,' " Anthony said. "They knew the date, the time. They said, 'We'll give you your job back once you prove your innocence.' "

Anthony puts his annual salary at about \$40,000. By this week, when the case finally went to court, Anthony was out more than two months' pay. The driver showed up and, in a quick negotiation, pleaded guilty to a traffic violation and agreed to pay a fine of \$180. Since Anthony was not behind the wheel, he could not make the same deal.



The district attorney's office offered to dismiss the case in a year if Anthony stayed out trouble. But that would mean a full year out of work. A new offer was made: dismissal after 90 days. That would still be an additional three months of out of work, on top of the two he had already lost. The case was adjourned.

Asked Tuesday about the marijuana arrests, a spokesman for the mayor offered statistics that showed a slight decrease, as opposed to the slight increase in the report.

But there was really no difference.

"I've worked all my life," Anthony said. "This is hard to get used to."

***Correction: October 24, 2014***

*The About New York column on Wednesday, about a report that marijuana arrest numbers have stayed level despite a pledge by Mayor Bill de Blasio to reduce them, misstated part of the name of an organization that helped write the document. It is the Drug Policy Alliance, not the Drug Police Alliance.*

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The Opinion Pages | EDITORIAL

## No Progress on Marijuana Arrests

By THE EDITORIAL BOARD OCT. 24, 2014

When he ran for mayor, Bill de Blasio condemned police practices under which young black and Latino men were unfairly — sometimes illegally — charged with possessing tiny amounts of marijuana, placing them at risk of losing jobs, access to housing or eligibility for military service even though such charges are often dismissed.

His promise to address this problem was supported in minority communities that bear the brunt of this destructive policy. But a new analysis of state data shows that low-level marijuana arrests during the de Blasio administration have continued at roughly the same level as under former Mayor Michael Bloomberg. That's not what the voters signed up for.

Since 1977, state law has barred arrests for possession of trivial amounts of the drug unless it is being smoked or displayed in public. In 1990, there were fewer than 1,000 such arrests in New York City. Yet in 2011, that number had shot up to an astonishing 50,000.

By then it was clear that police officers were illegally charging people with “public possession” by tricking them into removing the drug from their pockets during constitutionally questionable searches. Arrests for this misdemeanor dropped to 28,600 last year — still more than any city in the world — after Police Commissioner Raymond Kelly ordered officers to follow the law.

Defense lawyers, however, say that defendants who have noncriminal amounts of marijuana are still being cuffed and taken to jail by officers who purposely seek out concealed amounts of marijuana. This week, for example, Jim Dwyer of The Times reviewed a case in which the occupants of a car were taken to jail for a marijuana pipe — containing only residue — that was allegedly in “public view” when cops riffled through the car and found it.

The new analysis of state arrest data on people caught with tiny amounts of the drug, by the Marijuana Arrest Research Project and the Drug Policy Alliance, shows that between March and August this year, during the de Blasio administration, officers made 15,324 misdemeanor arrests under the statute that contains the “public view” provision — or about 500 more than in the comparable period in 2013, during the Bloomberg administration.

Despite the common argument that such arrests take criminals off the streets, three-quarters of those arrested had no prior criminal conviction. The report notes that the people arrested for marijuana possession “are not criminals; they are ordinary high school and college students and young workers” who will be saddled with arrest records that colleges, employers, landlords, creditors and occupational licensing boards can easily find online.

Race drives arrests, with black neighborhoods having arrest rates many times those of white neighborhoods with residents of the same class and income levels. Moreover, 86 percent of people arrested were black or Latino, despite data showing that whites and minorities use marijuana at similar rates. The report attributes the racial imbalance in arrests to the fact that police officers patrolling white neighborhoods typically do not search the vehicles and pockets of white citizens, thus allowing them to go about their lives without fear of arrest and incarceration.

Mr. de Blasio’s team has produced contrived numbers in an unpersuasive attempt to prove that the arrest picture is somewhat improved. But there’s no hiding the fact that New York City is still administering unfair police practices that disproportionately penalize communities of color and damage the lives of the overwhelmingly young people who are targeted. Public anger around this issue will continue to grow until Mr. de Blasio changes the very ugly status quo.

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