NYC's 1.5 Million Arrest Warrants for Non-Criminal Offences
Truth, Race, Hidden Data, and Routine Policing in New York City

SUBMITTED TESTIMONY OF
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I am a professor of sociology at Queens College and the Graduate Center of the City University of New York. For ten years, several colleagues and I have been researching and writing about misdemeanor arrests for marijuana possession in New York and other large U.S. cities. Our work has focused on how and why police make these arrests, their severe racial disparities, and their damaging consequences for the people targeted. Our reports, testimony and much other material are collected on our web site at: http://marijuana-arrests.com/. Our most recent report, "Race, Class and Marijuana Arrests in Mayor de Blasio's Two New Yorks," released on October 20, 2014, contributed to the announcement on November 10, 2014 by the Mayor and Police Commissioner that they would direct the NYPD to stop making most of the large number of lowest-level marijuana arrests.[1] In the second part of this testimony I will briefly present some data about the NYPDs marijuana arrests and I have attached five charts.

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At the founding of the U.S. Commission on Civil Rights, then Senate Majority Leader Lyndon B. Johnson said the Commission's task is to "gather facts … sift out the truth from the fancies and … return with recommendations." This is what I have come to do – especially to emphasize the importance of making public the often hidden data collected by many law enforcement agencies and courts, including in my beloved New York City.[2]

Long-time students of policing in the U.S. know that sometimes top police officials nearly everywhere deny what is factual and true (that there are ticket quotas, for example).

Police also withhold much routine data and information. But in New York City during the twenty years under Mayors Giuliani and Bloomberg (1994 to 2013), NYPD falsehoods and hidden data became a way of life. And of the two problems, the more important was the real data and information that the NYPD hid, denied, and prevented others from seeing, especially about civil rights and routine policing practices.

In 2012, Associated Press won a Pulitzer Prize for its major investigative series about the NYPD's surveillance of Muslims and other minorities – an operation that the NYPD routinely denied was happening. "We kept reporting things that no one in the city of New York knew about. That's what I'm most proud of" said Kathleen Carroll, the AP's executive editor. In 2013, Donna Lieberman, director of the NYCLU, captured the problem well when she observed that the NYPD's leadership appeared to have long made "a systematic effort to keep the public in the dark about what the NYPD is doing."[3] That is still true to this day.

I want to focus attention on one horrific fact about routine policing and law enforcement in New York City – a matter about which almost no data is officially available.

R*ight now, in the spring of 2017, there are more than 1,500,000 open criminal arrest warrants for non-criminal offenses.* To repeat, police, prosecutors and the New York Criminal Court have 1.5 million open, executable arrest warrants for people charged with a minor civil offense called a "violation." [4] That works out to one open arrest warrant for every six New Yorkers.

Violations are the lowest-level offenses in New York City issued for infractions such as possessing an open alcohol container, "riding bicycles on the sidewalk or talking back to the cops, otherwise known as disorderly conduct," as Brent Staples of the *New York Times* wrote in 2012. The violations are issued as mandatory court appearance summonses (tickets) requiring people to show up at a particular subsection of the New York Criminal Court on a certain date and time. "Woe to those who forget the date," wrote Staples, or who have work, school, or childcare responsibilities, or those who show up, wait for hours on line, but cannot afford the fine and court fees.[5]

When people do not appear or cannot pay the fines and fees, the summons court issues a criminal arrest warrant which police officers can retrieve on phones, tablets and computers. When police stop people for any reason and run their IDs through the system, the warrants pop up. In almost all cases, people with a violation warrant are arrested, handcuffed, taken to a police station, fingerprinted, photographed, eye-scanned and held for 24 or more hours in the dungeons of the New York Criminal Court, where they are spat out in a day or two in criminal arraignment court.

How many people a year does the NYPD arrest on these warrants? A reasonable guess is about 100,000 arrests on summons warrants a year. (That is *in addition* to the 200,000 misdemeanor arrests a year the NYPD has averaged for the last 20 years, from 1997 to 2016.)

That is a reasonable guess, but unfortunately, other than police, prosecutors, and the courts, nobody actually knows how many people are arrested each year on summons warrants. Or, to put it more precisely, the number of arrests on warrants for violations is not and has not been available to the public – not by any city agency whatsoever. It is also absolutely not available from the state agency that routinely provides data to journalists, researchers, and government officials about all arrests for misdemeanors and felonies – the New York State Division of Criminal Justice Services (DCJS) in Albany. DCJS collects and makes available all criminal offense data in New York State, but it does not collect data about violations – because violation offenses are technically or officially "not crimes," even though they have produced more than a million criminal arrest warrants.

What is the race and ethnic makeup of the people charged on the 1.5 million open warrants? How do the warrants divide up by age and gender? Again, that anonymous aggregate data about the arrests on summons warrants is not public, not available, not posted or downloadable on any of the many public information web pages of New York City, and not by any of its bureaus, agencies, and departments including the NYPD. Are you a journalist, researcher, advocate, or even a U.S. Civil Rights Commissioner looking for aggregate or summary race, gender and age data on the people issued the 1.5 million arrest warrants for violations? On the open public record there is no data to be found.

A reasonable guess is that 85 percent of the people targeted in New York City's million plus summons warrants are blacks and Latinos. About 85 percent of the tens of millions of people who the NYPD stopped and frisked were blacks and Latinos. And as charts in this testimony show, about 85 percent of the 700,000 people that the NYPD arrested for lowest-level marijuana possession in the last twenty years, from 1996 through 2016, have also been blacks and Latinos. Indeed, anybody who spends some time in the summons part of New York City's Criminal Court reports on its racially-skewed character. As Brent Staples explained:

> Step into the dingy hallways of New York City summons court in Lower Manhattan and you are instantly struck by the racialized nature of this system. New York is a multiracial city, but judging from the faces in cramped courtrooms, one would think that whites scarcely ever commit the petty offenses that lead to the more than 500,000 summonses issued in the city every year. Judge Noach Dear of Brooklyn Criminal Court made this point in a bluntly worded decision last week, noting that every defendant who has ever come before him charged with drinking alcohol in public had been black or Latino. "As hard as I try," he wrote, "I cannot recall ever arraigning a white defendant for such a violation."

For years, in writing and talking about the NYPD's millions of racially-biased – or frankly racist – stop and frisks and its huge number of equally racist lowest-level marijuana arrests, I have said that the NYPD's routine practices were extreme but not unusual. However, on the matter of summonses and the criminal arrest warrants they produce, and the hidden character of the data about them, compared to some police departments the NYPD may not be extreme.

Many elected officials, their staffs, and some of the public first learned about the phenomenon of arrest warrants for non-criminal offenses from the "Investigation of the Ferguson Police Department" report issued by the Civil Rights Division of the U.S. Department of Justice two years ago, in March of 2015, in the wake of the killing of Michael Brown in August of 2014. As the Justice Department report explained, the City of Ferguson issued so many summons violations for petty offenses (especially traffic offenses) and so many criminal arrest warrants based on the minor violations (mainly to African Americans) that the city derived substantial revenue from the policy. In Ferguson, as the Justice Department Report explained:

Patrol assignments and schedules are geared toward aggressive enforcement of Ferguson's municipal code, with insufficient thought given to whether enforcement strategies promote public safety or unnecessarily undermine community trust and cooperation. Officer evaluations and promotions depend to an inordinate degree on "productivity," meaning the number of citations issued. Partly as a consequence of City and FPD [Ferguson Police Department] priorities, many officers appear to see some residents, especially those who live in Ferguson's predominantly African-American neighborhoods, less as constituents to be protected than as potential offenders and sources of revenue.

Indeed the data the Justice Department subpoenaed and uncovered documenting the city's huge number of violations and warrants was so important and revelatory that the word "warrants" appears on most pages of the 100-page Ferguson report.[6]

The Justice Department investigation found that the City of Ferguson had so many open arrest warrants for violations that there was one arrest warrant for every two residents. As noted earlier, New York City's 1.5 million open arrest warrants works out to one summons arrest warrant for every six residents. With complete tongue-in-cheek I would like to suggest a new motto for the Big Apple: "New York City, only one-third as awful as Ferguson."[7]

**RECOMMENDATIONS ABOUT PUBLIC DATA, NON-CRIMINAL VIOLATIONS, AND
NEW YORK CITY'S 1.5 MILLION OPEN ARREST WARRANTS FOR SUMMONS VIOLATIONS**

I am an academic and researcher who grew up in New York City and I have lived here most of my adult life. It is an honor to testify for the U.S. Civil Rights Commission and I would like to be of help. I also seek to reach a wider audience with my work, including this testimony. Therefore, I offer what might be called recommendations, but which also could be termed encouragement for the Commission and others to push beyond the boundaries of what has previously seemed possible for policing policy.

1. The U.S. Civil Rights Commission, and all groups and organizations that share its concerns and mission, should encourage and help state, county and city officials throughout the U.S. to make easily available to the public (ideally on line) their aggregate, non-individualized data about summonses for non-criminal offenses, about the arrest warrants generated, and about the arrests of people on summons warrants – including race, ethnicity, age, gender and other data.

This should be a completely non-partisan issue. How can there be informed public discussion about government policy, including about the practices of law enforcement, if the essential data about those practices is hidden, secret, inaccessible? And how can there be informed discussion about law enforcement's progress and problems in civil rights, if basic racial, ethnic, gender and age data about the routine enforcement practices of police, prosecutors and courts is likewise hidden, secret, inaccessible? Making this public data actually available is important for a democratic society and something that prominent civic organizations and non-profit foundations could and should support.

And yet police and prosecutors in many places, including New York City, will oppose, obstruct, and resist making such data available. In addition, the powerful but often hidden police unions will also resist efforts to make public the racial and other demographic breakdowns of the people charged in summonses and summons warrants, and of the many unfortunate people arrested and jailed on those warrants for non-criminal offenses. But the U.S. Civil Rights Commission has encountered such resistance before and triumphed, as I hope it will for this important public service.

2. Every New York City arrest warrant for a summons issued before 2014 should be revoked, cancelled, withdrawn, annulled, nullified, expunged and permanently removed. In New York City, stop and frisk policing was so widespread, so pernicious, and so clearly unconstitutional that the summonses and arrest warrants they generated should be nullified. They are the poisoned fruit of the unfair, racially-biased, and unconstitutional stop and frisks. They need to be eliminated and the arrests stopped.

JIM CROW POLICING:
The NYPD's Lowest-Level Marijuana Possession Arrests

As noted above, for ten years several of us have been researching and writing about the large numbers of racially-biased misdemeanor arrests for marijuana possession in New York and other large U.S. cities.[8] Later this year we will release a report on forty years of marijuana possession offenses in New York City focusing on the enormous numbers of racially-skewed arrests in the last twenty years. My testimony today includes four charts about the NYPD's lowest-level marijuana possession arrests and notes a few significant patterns and findings from that data.

In 2010, *New York Times* columnist Bob Herbert used the term "Jim Crow Policing" to name the NYPD's intensive policing of low-income, black and Latino neighborhoods focusing on minor offences."[9] We think this is an appropriate term.

Marijuana possession arrests are a very good way of studying Jim Crow policing because they are common, and because marijuana possession is the one "criminal behavior" for which there is much independent data. Many years of U.S. government drug use studies have consistently found that whites of all ages use marijuana at about the same rates as blacks and Latinos, and that young whites, age 18-25, use marijuana at higher rates than do young blacks and Latinos.[10] Nonetheless, young blacks and Latinos are arrested for marijuana possession throughout the U.S. at much higher rates than young whites.[11]

In New York City, marijuana possession arrest data (with demographic information, available from New York State and from the FBI's Uniform Crime Reports), make it possible to see arrest patterns that are almost certainly occurring in charges and arrests for other minor offenses – including New York City's 1.5 million open criminal arrest warrants for non-criminal offenses.[12]

What we have called the NYPD's marijuana arrest crusade began twenty years ago, in 1997, and continues now at a somewhat reduced level. During this time New York City made more marijuana possession arrests than any city in the world. And as many elected officials and reporters have pointed out, the people targeted in the arrests always acquire life-long and easy-to-find criminal arrest records that limit access to jobs, credit, housing, and schools.[13]

From 1997 through 2016, the NYPD made 710,000 of these lowest-level marijuana possession arrests, an average of 35,500 arrests a year for twenty years. This is ninety-five percent of all the city's lowest-level marijuana possession arrests made in the last forty years.

From 1997 through 2016 the NYPD arrested and jailed: 374,000 African Americans, 237,000 Latinos, and 79,000 whites with marijuana possession as the highest or only criminal charge. African Americans were 53 percent, Latinos 33 percent, and whites 11 percent of the marijuana arrests. The NYPD arrested blacks for marijuana possession at seven times the rate of whites and Latinos at nearly four times the rate of whites. And of course these arrests were concentrated in some New York City neighborhoods and not others.

For example, in 2016, the NYPD made 14 lowest-level marijuana possession arrests in the Upper-East Side of Manhattan (precinct 19), from 59th St. to 96th St, Central Park to the East River. This is a large, overwhelmingly white and wealthy neighborhood whose residents certainly care about preventing serious crime there. Yet in 2016, on the whole Upper-East Side, police arrested only 2 (yes two) young people age 16 to 20.

Parents on the Upper-East Side do not want their children in their twenties and teens arrested for marijuana possession and use, and the NYPD respects their wishes. Further, no research has ever found any evidence that marijuana possession arrests reduce serious or violent crime anywhere. Certainly the residents and police on the Upper-East Side of Manhattan do not think marijuana possession arrests reduce serious crime.[14]

A few miles away, in West Harlem (precinct 30) with a quarter of the population, last year the NYPD made 677 of the same marijuana possession arrests. West Harlem is eighty-five percent black and Latino residents. What about young people age 16-20? Police in West Harlem arrested 190 of them, ninety-five times more arrests of young people than on the Upper-East Side. Parents in West Harlem also do not want their children arrested but the NYPD does not respect the wishes of those parents.

2016 is not unusual. In the last ten years, 2007-2016, police on the Upper East Side made an average of 42.8 arrests a year for lowest-level marijuana possession. In the same ten years the NYPD averaged 595 arrests a year in West Harlem for the same offense, in a fourth of the population.

On the Upper-East Side – where only ten percent of residents are blacks and Latinos – the majority of people arrested for marijuana were blacks and Latinos. In West Harlem, of course, the thousands of people arrested in the last ten years for marijuana possession were nearly all people of color.

Why is the police department doing this? There are many reasons, none of which are publicly acknowledged. In 2013 we published a very long chapter[15] covering the history of marijuana arrests in New York, the role of stop and frisks and Broken Windows policing, as well as the increasing number of misdemeanor arrests and summonses for violations in the last 25 years. It also explains that significant constituencies within the NYPD, from top commanders to narcotics police, have benefited from its lowest-level marijuana possession arrests and want to keep the arrest policy and patterns in place. The arrests allow commanders to track "productivity," keep officers busy until needed for emergencies, are relatively safe and physically clean police work, and they provide good training for new officers.

When I began this research, a respected veteran police officer told me it was impossible to stop the marijuana possession arrests, or even reduce them significantly, because they were "collars for dollars." This phrase, which every rookie officer learns, refers to the practice of making arrests toward the end of a shift to gain two or more hours of overtime pay. However, large numbers of these kinds of arrests are only politically acceptable in certain precincts and

only certain people can be targeted, mostly young people and especially young blacks and Latinos.[16]

In the last three years, 2014-2016, under Mayor de Blasio and Commissioners Bratton and O'Neill, the NYPD has averaged 20,000 of the lowest-level marijuana possession arrests a year. This is down from the 38,000 arrests a year during the peak years of the NYPD's marijuana arrest crusade, 1997-2013. But that era of NYPD policing policies (it could be termed "the time of stop and frisks and marijuana arrests") was a time of policing abuses, unconstitutional practices, widespread racial bias, and of targeting black and Latino neighborhoods and people on an unprecedented scale in New York City's history. New York had long had racially-biased policing, but during those years Jim Crow policing developed to a massive scale.

We need a somewhat saner base of comparison than the heights of the NYPD's stop and frisks and marijuana arrests. For example, consider just the first three years that Rudolph Giuliani was Mayor of New York, from 1994 to 1996, when the NYPD averaged 6,000 of the lowest-level marijuana arrests a year. Or even better, there is the twenty years from 1977 to 2016 when the NYPD's lowest-level marijuana possession arrests averaged 2,600 a year.

Reducing the NYPD's marijuana possession arrests to early-Giuliani or even pre-Giuliani levels would be progressive and humane, but it would not reduce their Jim Crow character. For that to happen police would have to make many more arrests for marijuana possession in New York's many predominately white, middle class and upper-middle class neighborhoods throughout Queens, Brooklyn, Manhattan and Staten Island. But that is politically impossible, in this city or any other.

Therefore, the sanest and most reasonable policy is to stop the marijuana possession arrests completely or nearly so. These arrests are inherently unjust, racist, expensive, and take officers off the street wasting valuable criminal justice resources and tax payer monies. As many veteran police officers put it, the marijuana possession arrests are "a waste of time." They serve no social purpose – except, of course, as part of a regime of Jim Crow policing.

The NYPD's Jim Crow policing has been extreme and intense, but not unusual. In the last few decades, the staffs of many U.S. police departments have become more racially integrated. But in most American cities and counties, the day-to-day practices of police and sheriffs' departments are still determined by the race, class and ethnicity of a neighborhood's residents. Despite the many successes of the civil rights movement, we continue to live within two worlds of policing, separate and unequal: one for white, middle-class, and wealthier people, the other for poorer Americans and especially people of color.

I believe that the U.S. Civil Rights Commission's thorough investigation will find this Jim Crow policing is unacceptable in New York City and througout the country. It is long past time for the United States to fully embrace equal policing for all.[17]

NOTES

[1] "Race, Class and Marijuana Arrests in Mayor de Blasio's Two New Yorks," by Harry Levine and Loren Siegel, Marijuana Arrest Research Project and Drug Policy Alliance: New York, 2014.
http://marijuana-arrests.com/docs/Race-Class-NYPD-Marijuana-Arrests-Oct-2014.pdf
Our reports including the very first one, the 100 page "Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City," are here:
http://marijuana-arrests.com/nyc-pot-arrest-docs.html
We helped the ACLU prepare their major book-length report: *The War On Marijuana In Black And White*, ACLU, New York, 2013.
Key findings from the ACLU report and our own research are also presented in "The Scandal of Racist Marijuana Arrest," by Harry Levine, *The Nation, Oct. 2013*
http://marijuana-arrests.com/docs/The-scandal-of-racist-marijuana-arrests--TheNation--Nov2013.pdf

[2] Hidden and inaccessible data is something the U.S. Civil Rights Commission knows about. It is worth remembering that the Commission's very first project was to examine the administration of voter registration and elections in Montgomery, Alabama. But it immediately faced opposition from former Circuit Judge George C. Wallace, who had been elected as governor to defend racial segregation and white supremacy. Wallace ordered police to impound the voter registration records. He said: "They are not going to get the records. And if any agent of the Civil Rights Commission comes down to get them, they will be locked up.... I repeat, I will jail any Civil Rights Commission agent who attempts to get the records." The hearing went on with a stream of witnesses testifying to the interference and obstacles they faced simply trying to vote.

[3] See: "Shades of the Truth From the Police Gotham," by Michael Powell, *New York Times*, July 22, 2013; also, "Lying NYPD Spokesman Paul Browne To Step Down (Unless That's Also A Lie?)," by John Del Signore, Gothamist, JUL 18, 2013
http://gothamist.com/2013/07/18/lying_nypd_spokesman_paul_browne_wi.php

[4] As far I have found, no NYPD or New York City document or website makes available the number of open criminal arrest warrants for summons – not any previous numbers and not the current 1.5 million warrants. Rather, the number of arrest warrants for non-criminal summonses has been obtained by a few reporters, perhaps from a contact at a District Attorney's office, or from the Criminal Court – which also made the data available to me for this testimony (see attached document from the New York Criminal Court).
A few news stories have reported that New York City had a million or more open arrest warrants for the violations. See:
- "1 million outstanding warrants in New York City" by Shane Dixon Kavanaugh, New York Daily News, Feb 23, 2013,
http://www.nydailynews.com/new-york/summons-broken-windows-racial-disparity-garner-article-1.1890567
-"How New York Ended Up With 1.2 Million Open Arrest Warrants," By Allegra Kirkland, August 04, 2015
http://talkingpointsmemo.com/theslice/new-york-broken-windows-arrest-warrants-begin-again
- "How NYC is tackling 1.4 million open arrest warrants for 'quality-of-life' crimes," *NPR*, Jan. 16, 2016
http://www.pbs.org/newshour/bb/how-nyc-is-tackling-1-4-million-open-arrest-warrants-for-quality-of-life-crimes/

"A Plan to Prune the City's Thicket of Warrants for Petty Offenses" By Joseph Goldstein, *New York Times*, Feb. 9, 2017. For an egregious and petty example of what the NYPD has been doing with violation warrants see: "Adding Insult to Gun Injuries, Police Often Handcuff Victims" By Joseph Goldstein, *New York Times*, April 11, 2014
https://www.nytimes.com/2014/04/12/nyregion/from-shooting-victim-to-prisoner-not-uncommon-in-new-york.html?_r=0

[5] "Inside the Warped World of Summons Court," by Brent Staples, Editorial Board, *New York Times*, June 16, 2012

[6] *Investigation of the Ferguson Police Department*, United States Department of Justice, Civil Rights Division, Washington, D.C., March 4, 2015
https://www.justice.gov/sites/default/files/opa/press-releases/attachments/2015/03/04/ferguson_police_department_report_1.pdf
The report also found that the Ferguson Police Department's "culture" of writing summons for petty offenses, issuing warrants and making arrests for them "influences officer activities in all areas of policing, beyond just ticketing."

> "Officers expect and demand compliance even when they lack legal authority. They are inclined to interpret the exercise of free-speech rights as unlawful disobedience, innocent movements as physical threats, indications of mental or physical illness as belligerence. Police supervisors and leadership do too little to ensure that officers act in accordance with law and policy, and rarely respond meaningfully to civilian complaints of officer misconduct. The result is a pattern of stops without reasonable suspicion and arrests without probable cause in violation of the Fourth Amendment; infringement on free expression, as well as retaliation for protected expression, in violation of the First Amendment; and excessive force in violation of the Fourth Amendment."

[7] P. 55 of "*Investigation of the Ferguson Police Department.*"
Also see the sordid story revealed by the Stinson class action suit about summonses and arrests for them. Just two months ago, in January 2017, New York City agreed to a settlement of $75 million for up to 900,000 victims of the NYPD's unjust and unjustified arrests and criminal court summonses. "New York City to Pay Up to $75 Million Over Dismissed Summonses," By Benjamin Weiser, *New York Times*, Jan. 23, 2017; also, "Bringing a Sorry Chapter in Policing to an End," by The Editorial Board, *The New York Times*, Jan. 25, 2017.

[8] Chief among those doing this work on racist marijuana arrests are Deborah Peter Small, Loren Siegel, Jesse Levine, and Gabriel Sayegh and Kassandra Frederique from the New York Office of the Drug Policy Aliance. Also important has been the ACLU's Criminal Law Reform Project under Vanita Gupta and Ezekiel Edwards, the NYCLU under Donna Liberman, and the advocates at Vocal New York and Communities United for Police Reform.

[9] "Jim Crow Policing," by Bob Herbert, *New York Times*, Feb. 1, 2010. See also the brand new book focusing on policing now in America by Chris Hayes, *A Colony In A Nation*, Norton: New York, 2017. Especially parts I and II to page 77. Also, Michelle Alexander's landmark *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, The New Press: New York, 2010.

[10] A graph of marijuana use rates of young whites, blacks and Latinos over a number of years -- showing the whites age 18-25 use marijuana at the same or greater rates than young blacks and Latinos -- with links to the US Dept HHS studies, is here:
http://marijuana-arrests.com/graph9-use.html

[11] *The War On Marijuana In Black And White*, ACLU, New York, 2013.

[12] Also, since the 1990s, racially-biased marijuana possession arrests have been an important part of drug war policing. With support from federal anti-drug grants, police departments throughout America have been the on-the-street enforcers of what Michelle Alexander rightly calls The New Jim Crow. The racism of routine policing as an institution is also exactly what Black Lives Matter first rose up to challenge.

[13] We have a page on our web site, marijuana-arrests.com. with much information about the damaging consequences from the criminal arrest records generated by just one lowest-level marijuana possession arrests. See: "Broken Lives From Broken Windows: The Collateral Consequences Of Arrests For Marijuana Possession & Other Minor Offenses"
http://marijuana-arrests.com/consequences-of-arrest.html

[14] Liz Krueger, the popular New York State Senator representing the Upper-East Side, is a strong critic of the racially-biased marijuana arrests and the sponsor of serious legislation to legalize the possession and distribution of marijuana in New York State. See: "Albany's unlikely marijuana legalization champion" By Dana Rubinstein, Politico.com, 05/24/13
http://www.politico.com/states/new-york/albany/story/2013/05/albanys-unlikely-marijuana-legalization-champion-sees-interest-but-no-movement-yet-000000
The story quoted Krueger explaining why she is so strongly opposed to the marijuana arrests..

> "I have a very White, upper- middle- class district," she [Senator Krueger] continued. "The kids of my constituents are not getting busted, and if they get busted, they have really good lawyers and they're not ending up with criminal records."
> And yet, she said, "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?"

[15] "Marijuana Madness: The Scandal of New York City's Racist Marijuana Possession Arrests," by Harry G. Levine and Loren Siegel, in *The New York City Police Department: The Impact of Its Policies and Practices*. Edited by John A. Eterno. CRC Press: New York, 2015
http://qcpages.qc.cuny.edu/~hlevine/Marijuana_Madness__NYCs_Racist_Marijuana_Arrests

[16] "Collars for Dollars" was discussed in 1994 in the report by the Mollen Commission created in the wake of a police scandal and headed by the eminent jurist Milton Mollen. See: *The City of New York Commission to Investigate Allegations of Police Corruption and the Anti-Corruption Procedures of the Police Department*, Commission Report, July 1994. The Mollen Commission wrote:

> *Unlawful arrests, for example, 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. In fact, a confidential report prepared by a prosecutor's office involving a pattern of police falsifications states that of the falsified arrests they investigated, "almost every arrest generated overtime pay for the officer who lied about observations." Besides overtime pay, high arrest numbers are often a factor considered for coveted assignments for patrol officers and supervisors alike. In one precinct we investigated, a cooperating officer told us of a regular pattern of "trading collars." The purpose of this practice was to accumulate overtime pay for the officers involved. In this scheme, the police officer who actually arrested the defendant would pass off the arrest to a colleague who was not involved or even present at the time of the arrest.*

We have put on our web site excerpts from the chapter of the Mollen report on "Perjury And Falsifying Documents." The above passage and more are here:
http://marijuana-arrests.com/docs/Mollen-Excerpts-Falsification.pdf

[17] This is adapted from the end of "The Scandal of Racist Marijuana Arrests" by Harry Levine, *The Nation*, Oct 2014.
http://marijuana-arrests.com/docs/The-scandal-of-racist-marijuana-arrests--TheNation--Nov2013.pdf

NEW YORK STSTE UNIFIED COURT SYSTEM OPEN SUMMONS WARRANTS AS OF 1/30/17 NYC				
County	Total	20+ Years	10+ Years	<10 Years
Bronx	334,074	50,769	217,338	116,736
Kings	353,814	36,118	186,102	167,711
New York	520,275	87,497	312,855	207,419
Queens	285,152	15,865	134,265	150,886
Richmond	50,398	6,802	32,709	17,689
Total NYC	**1,543,713**	**197,051**	**883,269**	**660,441**

obtained as shown from the Criminal Court of New York, March 2017

40 YEARS OF NYPD MARIJUANA POSSESSION ARRESTS, 1997-2016
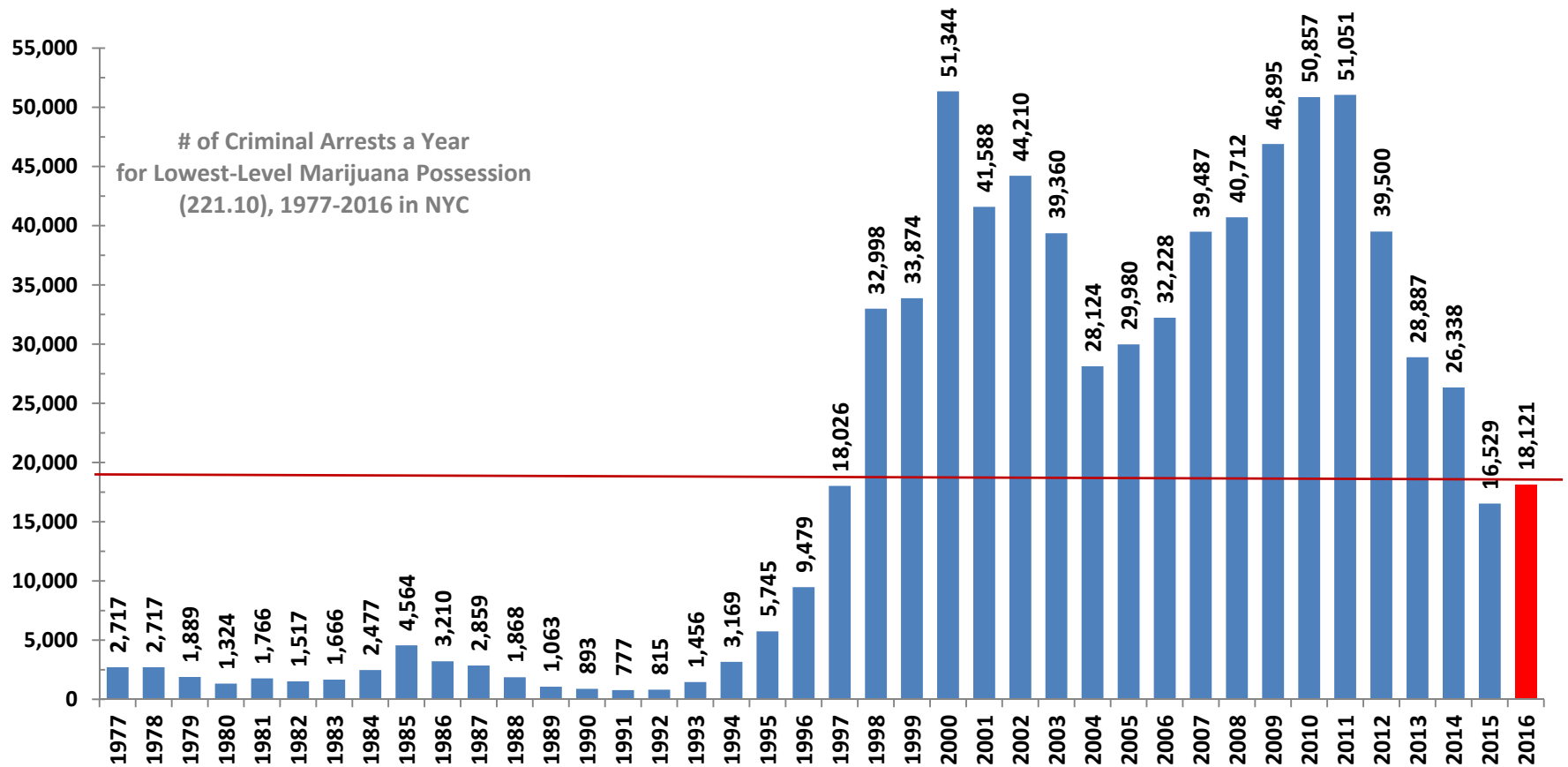
# of Criminal Arrests a Year for Lowest-Level Marijuana Possession (221.10), 1977-2016 in NYC

Year	Arrests
1977	2,717
1978	2,717
1979	1,889
1980	1,324
1981	1,766
1982	1,517
1983	1,666
1984	2,477
1985	4,564
1986	3,210
1987	2,859
1988	1,868
1989	1,063
1990	893
1991	777
1992	815
1993	1,456
1994	3,169
1995	5,745
1996	9,479
1997	18,026
1998	32,998
1999	33,874
2000	51,344
2001	41,588
2002	44,210
2003	39,360
2004	28,124
2005	29,980
2006	32,228
2007	39,487
2008	40,712
2009	46,895
2010	50,857
2011	51,051
2012	39,500
2013	28,887
2014	26,338
2015	16,529
2016	18,121

Source: New York State Division of Criminal Justice Services (NYDCJS), Albany. All are 221.10 arrests only where marijuana possession was the highest or only charge, age 16 and older.

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March 2017

30 Years of Marijuana Possession Arrests and Race in New York City, 1987-2016

■ Blacks ■ Latinos □ Whites ■ All others

Blacks = 54%
Latinos = 31%
Whites = 11%
All Others = 3%
Of the NYPD's lowest-level
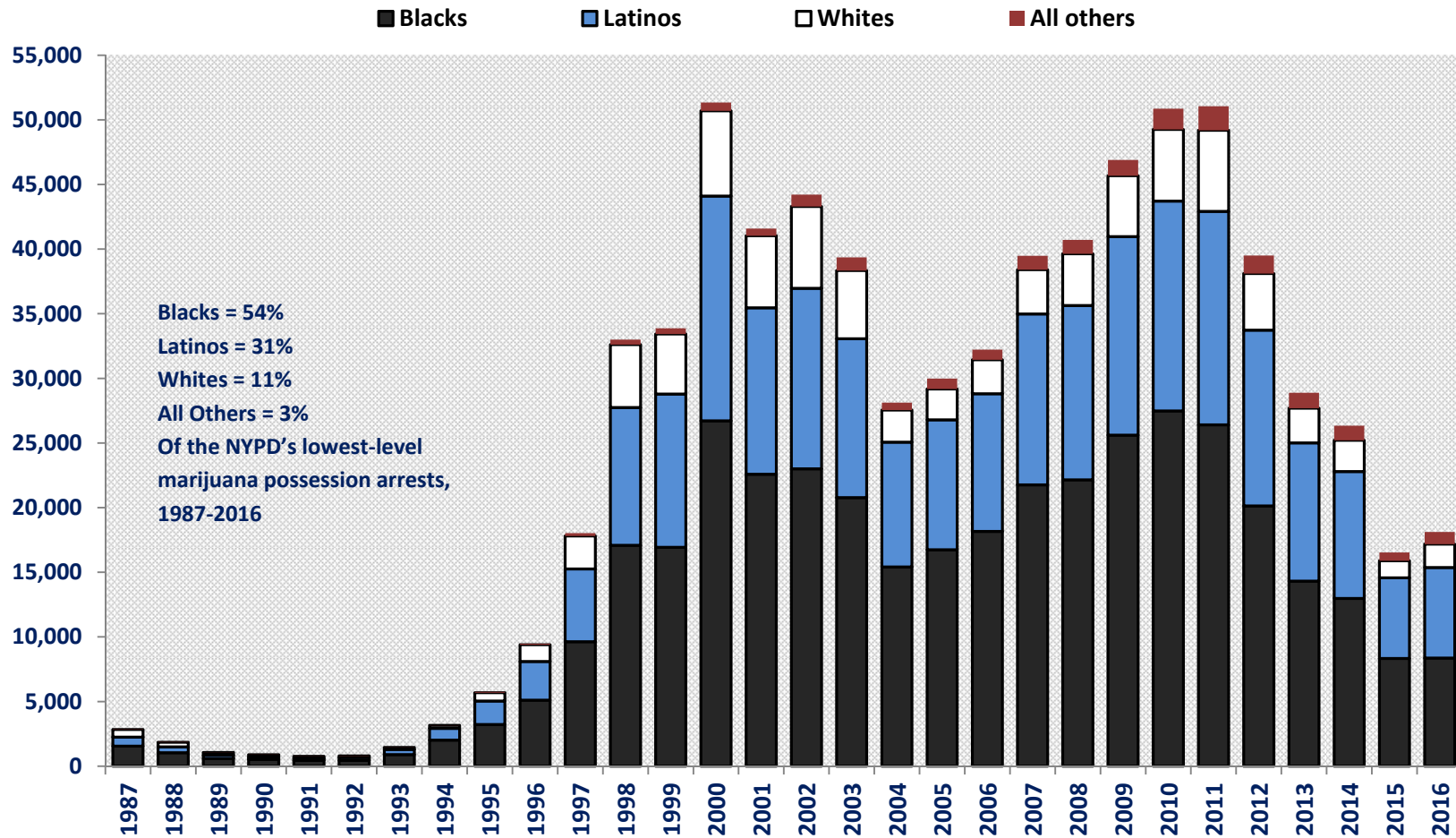marijuana possession arrests,
1987-2016

Source: New York State Division of Criminal Justice Services (NYDCJS), Albany. All are 221.10 arrests only where marijuana possession was the highest or only charge.

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NYC LOWEST-LEVEL MARIJUANA POSSESSION ARRESTS, 2012 – 2016
Percentage of Arrests by Race-Ethnicity, Gender, Age, Priors, & County

Year		2012	2013	2014	2015	2016
Total # of Marijuana Poss Arrests (221.10)		39,664	28,952	26,338	16,529	18,121
Avg # Marijuana Poss Arrests per day		109	79	72	45	50
Race-Ethnicity	Blacks	51%	50%	49%	50%	46%
	Latinos	34%	37%	37%	38%	39%
	Blacks + Latinos	85%	87%	86%	88%	85%
	Whites	11%	9%	9%	8%	10%
	All Others	4%	4%	4%	4%	5%
Gender	Males	90%	90%	88%	88%	90%
	Females	10%	10%	12%	12%	10%
Age at Arrest	Age 16-20	29%	29%	29%	28%	27%
	21-25	26%	27%	28%	29%	29%
	26-34	24%	22%	23%	24%	25%
	Age 16-34 total	79%	78%	80%	81%	81%
Prior Arrest	No prior arrests	31%	30%	32%	35%	37%
Prior Conviction	No prior convictions	72%	72%	74%	75%	76%
	Prior misd conv only	12%	11%	11%	10%	10%
County	Bronx	27%	27%	29%	31%	27%
	Brooklyn	32%	32%	29%	28%	23%
	Manhattan	23%	22%	22%	28%	34%
	Queens	14%	16%	17%	12%	14%
	Staten Island	3%	3%	3%	1%	2%

All are 221.10 arrests only where marijuana possession was the highest or only charge

Source: New York State Division of Criminal Justice Services (NYDCJS), Albany. All are 221.10 arrests only where marijuana possession was the highest or only charge, age 16 and older.

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20 YEARS OF RACE AND LOWEST-LEVEL MARIJUANA POSSESSION ARRESTS IN NEW YORK CITY, 1997-2016

Year	Whites % MJ Poss Arrests	Blacks % MJ Poss Arrests	Latinos % MJ Poss Arrests	Blacks + Latinos % MJ Poss Arrests	All Others %		Year	Total # MJ Poss Arrest	Whites # MJ Poss Arrests	Blacks # MJ Poss Arrests	Latinos # MJ Poss Arrests	Blacks + Latinos # MJ Poss Arrests	All others #
1997	14%	53%	31%	85%	1%		1997	18,026	2,553	9,627	5,631	15,258	215
1998	15%	52%	32%	84%	1%		1998	32,996	4,870	17,090	10,655	27,745	381
1999	14%	50%	35%	85%	1%		1999	33,873	4,653	16,932	11,851	28,783	437
2000	13%	52%	34%	86%	1%		2000	51,344	6,597	26,718	17,385	44,103	644
2001	13%	54%	31%	85%	1%		2001	41,588	5,565	22,581	12,882	35,463	560
2002	14%	52%	32%	84%	2%		2002	44,209	6,334	23,003	13,960	36,963	912
2003	13%	53%	31%	84%	3%		2003	39,359	5,270	20,775	12,291	33,066	1,023
2004	9%	55%	34%	89%	2%		2004	28,124	2,487	15,413	9,651	25,064	573
2005	8%	56%	34%	89%	3%		2005	29,980	2,378	16,738	10,057	26,795	807
2006	8%	56%	33%	89%	2%		2006	32,228	2,621	18,165	10,646	28,811	796
2007	9%	55%	33%	89%	3%		2007	39,487	3,426	21,765	13,214	34,979	1,082
2008	10%	54%	33%	88%	3%		2008	40,712	4,001	22,155	13,480	35,635	1,076
2009	10%	55%	33%	87%	3%		2009	46,895	4,702	25,604	15,365	40,969	1,224
2010	11%	54%	32%	86%	3%		2010	50,857	5,535	27,479	16,238	43,717	1,605
2011	12%	52%	32%	84%	4%		2011	51,051	6,264	26,408	16,513	42,921	1,866
2012	11%	51%	34%	85%	4%		2012	39,500	4,379	20,138	13,596	33,734	1,387
2013	9%	50%	37%	87%	4%		2013	28,887	2,684	14,319	10,689	25,008	1,195
2014	9%	49%	37%	87%	4%		2014	26,338	2,420	12,980	9,810	22,790	1,128
2015	8%	50%	38%	88%	4%		2015	16,529	1,319	8,327	6,243	14,570	640
2016	10%	46%	39%	85%	5%		2016	18,121	1,807	8,360	7,005	15,365	949
AVG	**11%**	**53%**	**33%**	**86%**	**3%**		**AVG**	**35,505**	**3,993**	**18,729**	**11,858**	**30,587**	**925**
							Total	710,104	79,865	374,577	237,162	611,739	18,500