

TESTIMONY OF

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**HEARINGS OF THE NEW YORK CITY COUNCIL PUBLIC SAFETY COMMITTEE, Regarding
Res. 986-A - Resolution supporting the Governors proposal to amend the Penal Law to make possession of a
small quantity of marihuana in public view a violation, applauding the Speaker of the Assembly for his
support of the proposal, and calling upon the New York Senate to pass legislation enacting the same.**

June 12, 2012, New York, New York

MARIJUANA POSSESSION ARRESTS, ILLEGAL SEARCHES, AND THE SUMMONS COURT SYSTEM

I am a professor of sociology at Queens College and the Graduate Center of the City University of New York. For many years I have been researching and writing about the history and sociology of alcohol and drug policies and problems. With a few colleagues, I have been researching racial disparities in arrests for marijuana possession in New York City and throughout the United States. In the last year we have developed the web site www.marijuana-arrests.com as an online library of information about marijuana possession arrests, the NYPD's stop and frisks, and other policing issues. Thank you for inviting me to testify today.¹

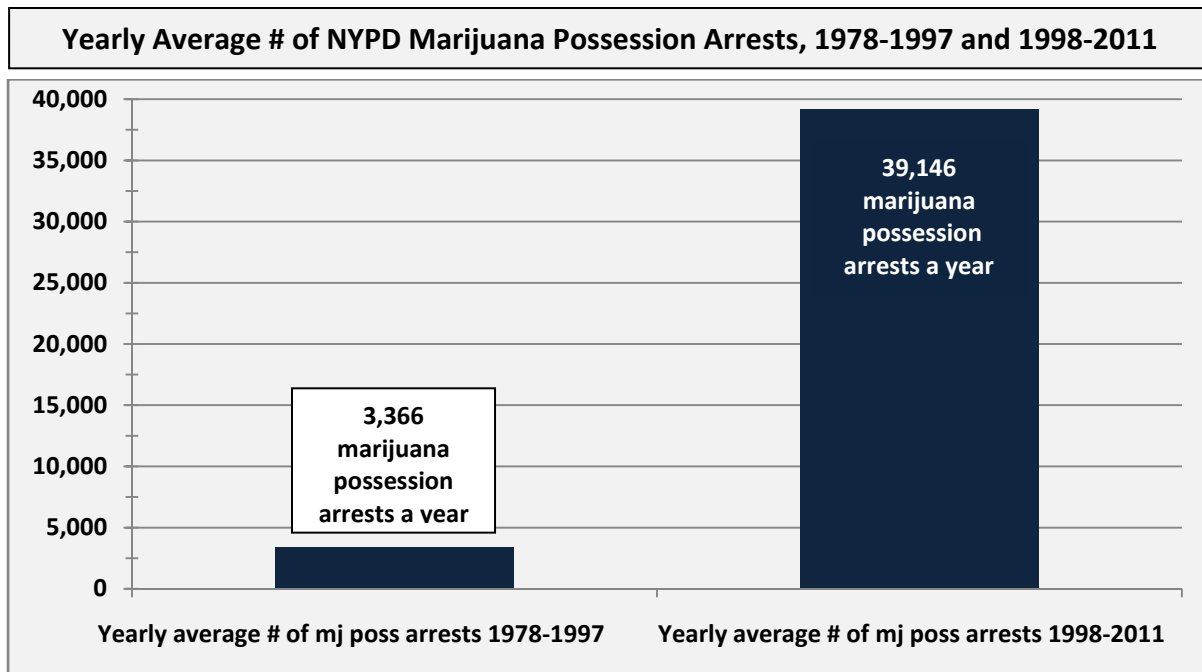
I applaud members of the New York City Council for their leadership in speaking out about New York City's hundreds of thousands of misdemeanor marijuana possession arrests, their racial bias, damaging effects and costliness. And I applaud you for bringing that message to the media, the Governor, the legislature, and the citizens of New York City and State, and for persuading the city's district attorneys, the Police Commissioner and the Mayor that it is long past time to end these arrests. The resolution under consideration is part of that larger effort and I hope its passage will bring reform.

I would like to briefly discuss how New York City got into this problem, potential effects of the proposed reforms, and problems that will remain unsolved even if the reform passes.

The legislative intent section of The Marijuana Reform Act of 1977 as passed by the New York State Senate and Assembly, and signed by the Governor says:

"The legislature finds that arrests, criminal prosecutions, and criminal penalties are inappropriate for people who possess small quantities of marijuana for personal use. Every year, this process needlessly scars thousands of lives and wastes millions of dollars in law enforcement resources, while detracting from the prosecution of serious crimes."
– *Chapter 360 of the Laws of New York, "Crimes and Offenses–Possession and Sale of Marijuana"*

For about twenty years, from 1978 when the Marijuana Reform Act went into effect to 1997, the letter and intent of that law was apparently carried out in New York City. And then something changed, as the following graph shows.



Source: New York State Division of Criminal Justice Services. Charges under NYSPL 221.10, age 16 and older

The first bar in the graph reports the average number of marijuana possession arrests over 20 years and under three mayors (Koch, Dinkins, and Giuliani's first term). The second bar reports the average number of arrests over 14 years and under two mayors (Giuliani's second term and Bloomberg's ten years in office thus far).²

How did this marijuana arrest crusade happen? How did the NYPD shift from averaging about 3,000 lowest-level marijuana possession arrests a year to averaging 39,000 marijuana possession arrests a year – including over 50,000 marijuana arrests in 2010 and 2011? What changed?

First of all, the leadership changed. Howard Safir became New York City's Police Commissioner in April of 2006 and marijuana possession arrests jumped from 5,700 to the new high of 9,400. In 2007 the arrests jumped again to 17,900. Then, in 1998, the lowest-level marijuana possession arrests climbed to 32,936, beginning a fourteen year arrest crusade that we are still experiencing.

Howard Safir, it should be noted, spent fifteen years working for the U.S. Drug Enforcement Administration (DEA) rising from narcotics agent to Deputy Commissioner. Safir and Giuliani had known each other since the early 1980s when they both worked in the anti-drug office of the Reagan administration. There seemed to have been a meeting of minds between Giuliani, who was always strongly anti-drugs, and his police commissioner about making many lowest-level marijuana possession arrests. Further, by the last third of the 1990s the crack cocaine crisis had ebbed, and marijuana was far more prevalent than any other drug. Marijuana

is also popular among teenagers and young people in their twenties who are easy to find, intimidate, and arrest. Safir proudly reported that as police commissioner he "established thirty-nine major anti-drug initiatives" Almost certainly, one of them was the marijuana possession arrest crusade.³

Searching Pockets and Possessions for Marijuana

How did the NYPD accomplish the enormous growth in marijuana possession arrests from a few thousand a year to an average of nearly 40,000 a year? The answer appears to be: by focusing great attention on the contents of people pockets and possessions. Focusing on the contents of people's pockets and possessions was a form of policing that narcotics officers – anti-drug police – had long used in apprehending people for possession of hard drugs, almost entirely heroin and cocaine. In effect, Safir and Giuliani applied the street-level policing style of narcotics squads – where people are stopped, frisked and searched – to the possession of small amounts of marijuana. The technique, though financially costly, and damaging to the lives of the young people arrested, has produced an astonishing number of arrests for tiny amounts of marijuana.

How do the police find a bit of marijuana, usually a few grams or less, in a tiny plastic bag about the size of a silver dollar, or a thin marijuana cigarette, or even part of one? First of all, in the course of a pat down, or a frisk, an officer simply reaches into the person's pockets. Five years ago, when we began researching marijuana arrests, we interviewed many people who had been arrested who told us that police retrieved the marijuana by reaching into their pockets.

In the last two years, news coverage about New York City's marijuana arrests has increased dramatically. Experienced, reputable journalists have quoted citizens, mostly young people of color, describing encounters in which police had put their hands inside of someone's pockets. For example, on February 1, 2012, Jennifer Peltz of Associated Press reported on the case of Stephen Glover. He was standing outside a Bronx job-training center,

"sharing a box of mints with friends, when police came up to him, asked him whether he had anything in his pockets that could hurt them, and searched them [his pockets] without asking his permission. They found the remains of two marijuana cigarettes in his pockets, he said. 'They just take it upon themselves to search,' the 30-year-old Glover said."⁴

In December of 2011, Steve Wishnia of Alternet quoted Sydney Peck, a Brooklyn public defender: "A police officer pulls marijuana out of someone's pocket, and all of a sudden, it's marijuana in public view" Wishnia also quoted Joshua Saunders, a staff attorney at the Brooklyn Defenders, who said he has "seen a lot of 'dropsy' cases, in which police say they saw the defendant drop the marijuana on the ground" Saunders cited the police report of a man in front of a bodega, "in possession of a quantity of marihuana, which was open to public view" which the officer reported he "recovered from defendant's pants pocket" The attorney, perplexed by how marijuana in a pocket could be open to public view, wondered if his client had worn "transparent pants."⁵

Most thorough of all was the DuPont Award-winning, two-part series by Ailsa Chang, the police and criminal justice reporter for WNYC, about illegal searches for marijuana by the NYPD. In April 2011 she reported a number of cases of police putting their hands inside people's pockets and searching their clothing.

WNYC tracked down more than a dozen men arrested after a stop-and-frisk for allegedly displaying marijuana in public view. Each person said the marijuana was hidden – in a pocket, in a sock, a shoe, or in underwear. There's no videotape to confirm their accounts, but they each said the police pulled the drugs out of his clothes before arresting him for having marijuana in public view. None of them had been buying their drugs outside. And none of them were carrying a weapon when they were stopped....

Antonio Rivera, 25, said he gets stopped by police up to five times a month. In January, he said he was stopped and frisked near the corner of E. 183rd Street and Creston Avenue in the Bronx. He was arrested for misdemeanor marijuana possession. Critics of the police say his case is an example of how officers may be conducting illegal searches when making marijuana arrests. Rivera said his marijuana was in his pants and that police pulled it out of his clothes after searching him without his consent. "So they checked my pockets, my coat pockets, and they patted my jean pockets," Rivera said, "and then once he felt the package I had in my crotch area, he went into my pants and he pulled it out."

Rivera had lodged a soft Ziploc bag of marijuana between his legs inside his pants while still in the room where he bought it. He said he never took the drugs out when he went outside, but the police officer who arrested him told prosecutors Rivera was openly displaying his drugs.

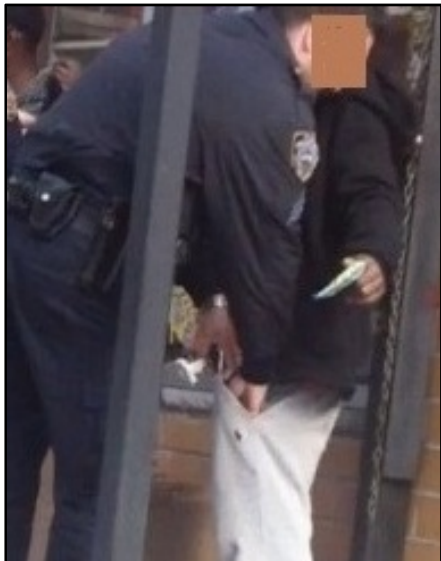
In the criminal complaint against Rivera, the arresting officer stated that he "observed the defendant to have on his person, in his right hand 1 ziplock bag containing a dried-green leafy substance with the distinctive odor alleged to be marijuana in public view"....

Leo Henning, an African-American, said he was walking with a Ziploc bag of marijuana in his sock – under his foot – when two officers stopped him in March on a street corner in East Harlem. He had just bought the marijuana inside a warehouse several blocks away and had tucked the bag in his sock before he stepped outside, he said. Henning said one of the officers who stopped him placed his hands on him almost immediately.... "He went into my front right pocket. Then he went into my front left pocket," Henning said. "Then he went into my right back pocket. Then he went into my left pocket" Finding nothing, Henning said the officer stuck his fingers down Henning's left sock. "And then he switched over to my right sock," Henning said. "He stuck his hands in. His fingers was going under my foot inside my sock. That's when he felt it, I gather." At that point, the officer allegedly pulled out the bag of marijuana and arrested Henning for displaying marijuana "open to public view." Henning spent the night in jail.⁶

On the next page are three photographs of New York police officers reaching into people's pockets during a frisk. One we received from a law student who witnessed the frisk in his Bedford Stuyvesant neighborhood and filmed it on his iPhone. The other two photos are from videos taken by Jazz Hayden, a long-time civil rights activist who posts photographs, videos and

news stories about the police stops, frisks, and searches on his web site www.allthingsharlem.com.

Police with their hand in a suspect's pocket. No arrests were made in these cases.



1. Brooklyn - Bedford Styvesant, April 2011



2. Harlem on Broadway, April 2009



3. Harlem on Broadway, April 2009

Full video for #2 and #3 at:

<http://www.allthingsharlem.com/copwatch/2009/4/26/nypd-harassment-in-harlem-stop-and-frisk-kids-on-bench.html>

It is completely, flatly, illegal and unconstitutional for police to reach inside of someone's pockets without prior "probable cause" to believe the person has contraband – meaning evidence sufficient to justify an arrest. As Ira Glasser, a constitutional expert and the former executive director of the American Civil Liberties Union, has explained:

"A full search, in which the person stopped is required to empty his pockets, or where an officer puts his hands in an individual's pockets or otherwise goes beyond the pat-down of outer clothing for the purposes of determining whether there is a weapon, requires probable cause – that is, enough evidence to justify an arrest."

As the U.S. Supreme Court established in *Terry v. Ohio* (1968) police officers may formally, officially stop and detain someone only when they have "reasonable suspicion" that something illegal or dangerous is going on that warrants further investigation. However, in order to conduct a frisk – what the Supreme Court called "a limited search of the outer clothing for weapons," especially a gun – the officer must have "reasonable suspicion" to believe that the person is armed and dangerous, posing a threat to the officer or others. But even this frisk, this pat down, this "limited search," is to be of only the "outer clothing," and there is no legal justification for reaching into someone's pockets or possessions unless the officer feels a weapon – and guns are relatively easy to feel.

"What Terry means, therefore, is that in the absence of probable cause – that is, in the absence of enough evidence to justify an arrest or a search warrant issued by a court – a police officer may frisk someone, once he has been legally and forcibly stopped, *only* if the officer has good and specific reasons to suspect a concealed weapon. What the officer may not legally do is frisk someone because he "suspects" a crime other than the possession of a concealed weapon. And he certainly may not legally frisk someone, much less search their pockets, for a small amount of marijuana, which could not possibly be mistaken for a weapon, and which in any case is not a crime in New York if it remains concealed and weighs 25 grams or less."⁷

The second principal way that police retrieve marijuana is that some individuals take out their marijuana and hand it over to the police. Few people do this without being asked or ordered. When we began our research on the marijuana arrests five years ago we had many reports from public defender and legal aid attorneys, and from people who had been stopped and searched, that police, in effect tricked people to empty their pockets or take out their marijuana.

Since Police Commissioner Kelly's order of September 11, 2011, it has become far more common to acknowledge that police officers, in Kelly's words, "*recover marihuana pursuant to a search of the subject's person or upon direction of the subject to surrender the contents of his/her pockets or other closed container.*"⁸ Commissioner Kelly also referred to individuals who are "*requested or compelled*" by police officers to empty their pockets and reveal their marijuana. As Kelly's order acknowledged, police officers sometimes ask people to empty their pockets, but police also "*direct*" or "*compel*" people to do so.

In his press conference last week on June 4th, Governor Cuomo also addressed this situation of police ordering people to turn out their pockets. The Governor said:

"I understand the intent of the law in 1977, and what Governor Carey was intending to do, and the legislature was intending to do. That is not [the] current effect of the law. There is a blatant inconsistency. If you possess marijuana privately, it's a violation; if you show it in public, it's a crime. It's incongruous; it's inconsistent the way it has been enforced. There have been additional complications in relation to the stop and frisk policy where there are claims that young people can have [a] small amount of marijuana in their pocket. During the stop and frisk the police officer says "turn out your pockets" and marijuana is now in public view. [The offense] Just went from [a] violation to a crime, to a possible misdemeanor."

Numerous newspaper and other media stories have also reported cases where people were told (or directed, ordered, commanded, instructed) to empty their pockets, to turn their pockets inside out.

Given that so much of the marijuana for the hundreds of thousands lowest-level possession arrests has been retrieved from people's pockets, it seems me and many of my colleagues that it is appropriate and necessary for the New York City Council to do everything it possibly can to prohibit the police from conducting these unconstitutional searches on the streets and public spaces of New York City. The NYPD's narcotics squad-style policing of young people for marijuana, and the routine illegal police searches of pockets and possessions, must be exposed and ended.^{9 10}

Marijuana As Violation and The Summons Court System

Under the proposed legislation all forms of marijuana possession of less than 26 grams, except openly smoking it in public, will cease to be a crime, a misdemeanor, subject to almost certain arrest and jailing. Instead, marijuana possession, including marijuana "in public view," will become what New York State law terms a "violation" Under the proposed legislation, when police officers find someone possessing a small amount of marijuana, they are to issue the person a summons, a kind of ticket. In New York City the summons tickets are colored pink.

To glimpse what may well happen if the proposed legislation goes into effect, it is necessary to understand this hidden, even subterranean, system of offenses, tickets, fines, warrants, and other consequences.

The New York Police Department already writes more than 600,000 summonses a year for various quality of life and public safety offenses, nearly all for "violations" Like New York City's large number of marijuana possession arrests, these "quality of life" summonses are fruit of the city's aggressive stop and frisk crusade. Although unknown to most middle-class and white New Yorkers, summonses are a familiar part of life for the people in New York City's predominately black and Latino neighborhoods.

Many people issued a summons believe they are comparable to automobile tickets. That is also frequently said about the proposed summons system for marijuana possession. But the summonses have more serious consequences than most routine traffic offenses. And they are handled by an entirely different court system – a subsection of the New York Criminal Court. Indeed, these mandatory court appearance summonses – including for marijuana possession – are not minor and are probably better understood as "*misdemeanors lite*."

The summons court for Manhattan and Brooklyn is at 346 Broadway, New York, NY 10013, and the entrance is on Leonard Street. Because the court building cannot hold all the people appearing with summonses, people line up on the street by the entrance each morning starting at about 9:00 a.m. Below is a photograph of people waiting outside the summons court on Leonard Street.



Patrol officers write summonses (tickets) and make arrests where they are assigned to patrol, and that is mostly in the city's primarily black and Latino neighborhoods.¹¹ News stories in the *New York Daily News*, *New York Times*, *Village Voice*, *ABC-TV*, and other media have reported the enormous pressure put on patrol officers by their commanders to write summonses and meet formal and informal monthly summons quotas.¹²

In 2009 and 2010, the third most frequently issued summons in New York City was for riding a bicycle on the sidewalk. Because these summonses are given out most heavily in low-income neighborhoods, white middle-class parents may not even be aware that teenagers can get

a summons for riding a bicycle on a sidewalk, even slowly on a deserted sidewalk, and sometimes just for straddling a bicycle.

In New York City's public housing developments, however, the tickets are so common that teenagers from poor and working-class families will beg police officers to give them a summons for having an open alcohol container rather than a ticket for a bike on the sidewalk. Why? Because the fine for an alcohol container summons is \$25 but the bike summons is \$100. The teenagers who live in the city's housing developments have a chance of raising \$25 to pay a fine, but they usually cannot get \$100 from their families to pay a criminal court fine for a summons. Because of family, work and school responsibilities, and for other reasons – including not having the money to pay the fine – a sizeable but unknown percentage of people issued a summons do not appear at the summons court on the required day.

When someone does not appear in court as ordered by the summons, leaves after waiting in line for many hours, or cannot pay the fine by a set time, the court issues a bench warrant for the person's arrest. When an individual in heavily policed neighborhoods is stopped by patrol officers for any reason – a stop and frisk, a routine traffic stop – the officers frequently conduct a computer background search for outstanding warrants. When the officers find a bench warrant for non-payment or nonappearance for a summons, the person is handcuffed, physically searched, brought to the police station, is photographed and fingerprinted, and typically is taken in chains to the central booking jail with all other arrestees for twenty-four or more hours.

Police officers will sometimes explain to reporters that, as part of simply checking someone's ID, they will run a computer search for arrest warrants – especially when patrolling in housing projects, in "safe halls buildings" where private landlords have allowed the police to patrol as in housing projects, and in surrounding neighborhoods. When police tell reporters they check for "outstanding arrest warrants," it sounds as if they are looking for dangerous criminals. But mostly police are checking to find arrest warrants for people who did not appear in court or pay a summons for possessing an unsealed alcohol container, sitting on a bench on the edge of a park after sunset, riding a bike on the sidewalk – and soon perhaps for marijuana possession. These offenses are often so minor that police issue only a small percentage of such summonses in most predominately white and affluent neighborhoods.

As far as we have learned, nobody outside of law enforcement and the courts knows how many of these "return on warrant" arrests for violations the NYPD makes a year. Because the arrest warrants stay active for many years (there is apparently no statute of limitations), it is likely that police make many tens of thousands of these arrests annually. This huge system of arrest warrants for non-appearance in summons court operates completely outside of public scrutiny and awareness, or even of accessible public records. But as experienced police officers will sometimes say, including on public online police blogs, these return of warrant arrests for summonses are an important result of the stop and frisk campaign. The return on warrant arrests generate much needed overtime pay for patrol officers – and they produce fingerprints, photographs, addresses, and other information for the police department's criminal database.

Although a violation does not produce a police "rap" sheet, court records of violations may appear in some government and commercial criminal databases. For immigration status, credit reports, occupational licensing, and other official purposes, a guilty plea to a violation can sometimes have the same criminal record consequences as a misdemeanor arrest or guilty plea. For example, two guilty pleas to the violation of marijuana possession can get an immigrant with a green card deported; any drug offense, including a violation for marijuana possession, is regarded as a "moral turpitude" offense. One guilty plea to a marijuana possession violation, even if it occurred many years ago, can prevent a legal immigrant from returning to the U.S. from a visit their country of origin, and can exile them to a year or more in an immigration detention camp while they fight their case.

Unlike people facing misdemeanor charges, people facing charges in the violations sections of the criminal court are not automatically provided with an attorney. With few exceptions the city's experienced legal aid and public defender attorneys do not represent people in the summons court. Most people eventually plead guilty to the violations with little or no understanding of their serious potential consequences.¹³

If The Proposed Legislation Is Enacted....

If the proposed legislation for marijuana possession is enacted, marijuana possession will become part of this summons court system. When police make an arrest they usually return to the police station for several hours, fingerprinting, photographing, and booking the individual. They may also accompany the person to the central booking holding cells at one of the city's court houses.

If the proposed legislation is enacted, and if the police department commands its officers to obey the law, and if it punishes officers who make improper (and illegal) arrests, and if police officers do not respond by arresting more people for other offenses such as trespassing or disorderly conduct – if all of that happens – then more police officers will remain on the street. This police time could and should be spent serving the citizens of New York and protecting them from serious and violent crime. This is what Governor Cuomo, District Attorney Vance, and Assembly members Silver and Jeffries called for in their press conference on June 4th.

However, without other changes in police practice – including around stops, frisks, searches, and quotas – marijuana arrests could easily become a significant part of the summons court system. Instead of making 50,000 custodial arrests a year for marijuana possession, police officers driven by quotas could write 100,000 summonses for marijuana possession. This would not be unprecedented: in 2010 the NYPD wrote 140,425 summons to people who possessed an unsealed alcohol container, often a can of beer in a brown paper bag. Police also wrote 81,036 summonses for various "disorderly conduct" offenses, most commonly simply for obstructing "vehicular or pedestrian traffic," sometimes on completely empty sidewalks on quiet streets. Summonses for the open container and disorderly conduct violation offenses, and for a number of others including for bicycles on sidewalks, are predominately given out in the neighborhoods and police precincts where a majority of the population is African American and Latino.

If the current police procedures and policies for finding marijuana continues by searching people's "person" and pockets, and of ordering people to empty or turn out their pockets (as described in Commissioner Kelly's order of September 19, 2011, and in numerous news stories),

and if there is no countervailing order or pressure, then it is likely that police will find many tiny amounts of marijuana and will write many summonses. Some large but unknown percentage of these summonses will turn into arrest warrants, and many if not most of those warrants will eventually turn into full-fledged criminal arrests, primarily of low-income black and Latino young people. These arrests, and perhaps some of the summonses, will also wind up as records on commercial criminal databases to be found by employers, landlords, credit agencies, banks, and licensing boards for many occupations including security guards, nurses, teachers, and even beauticians. Although many of these marijuana possession tickets will be written in predominately black and Latino neighborhoods, relatively few of them will be written in white and affluent neighborhoods, even though U.S. government surveys consistently find that young whites use marijuana at higher rates than young blacks and Latinos.

Whatever the number of summons issued for marijuana possession, nobody will be able to find out how many of them were given to African Americans, Latinos, and whites because currently the NYPD does not collect race and ethnicity information about the summonses. There is no box for race or ethnicity on the summons form.

Information about arrests for crimes, including about the 50,000 marijuana possession arrests which the NYPD made in 2010 and 2011, is readily and quickly available through the New York State Division of Criminal Justice Services (DCJS). This is a large state government agency with a prominent web site and a professional staff to collect, process, crunch, and make available arrest and other crime data for New York State. All of the numerical and statistical data about New York City's marijuana arrests, which has become public and known in the last few years, has come from DCJS. But that agency does not collect or make available any data whatsoever about violations and summonses.

To obtain the limited data available about summonses, one must make a request through the New York State Court system. According to a young woman in Albany who I spoke with recently, the research office of the court system has one full time employee devoted to data analysis and responding to requests for data. Under current conditions it can take quite a while for the court to respond to a request for data, and it does have to refuse some of the requests. Under its current funding and staffing, if legislators, journalists, and researchers from academic institutions and non-profit organization were to begin making requests for summons data as has become common for misdemeanors, especially marijuana possession offenses, the court system would quickly become overwhelming and incapacitated.

I hope that my description of illegal searches of pockets and possessions, and of the summons court system, will not deter anyone from strongly supporting the proposed legislation and the downgrading of the possession of small amounts of marijuana from a misdemeanor to a violation. It is a much needed step in the right direction.

Rather, I have tried to show some of what else needs to be done to make the reform effective and workable. The illegal and unconstitutional searches must end. There needs to be serious reform of the summons court system. Information about race and other demographic variables should be collected on the summonses. A far more efficient system needs to be created for making available information about the summonses, warrants and policing of them. The entire summons system, and the policing of it including stop and frisks and quotas, must be radically reinvented. The intent of the proposed legislation of 2012, in the words of the Marijuana Reform Act of 1978, is to end a policy that "needlessly scars [hundreds of] thousands

of lives and wastes [hundreds of] millions of dollars in law enforcement resources" I have tried to say that beyond this one law much more must be done to bring that about.

END NOTES

¹ Publications about marijuana possession arrests, including the 100 page report *Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City* (New York Civil Liberties Union, 2008) can be found here: <http://marijuana-arrests.com/nyc-pot-arrest-docs.html>

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Marijuana Possession Arrests under New York Penal Law 221.10

Year	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	Average
Arrests	2,757	1,923	1,438	1,831	1,512	1,660	2,463	4,546	3,209	2,847	1,861	1,062	891	774	812	1,450	3,141	5,716	9,433	17,992	3,366

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Average
Arrests	32,936	33,819	51,267	41,521	44,111	39,213	27,944	29,752	31,925	39,156	40,383	46,487	50,383	50,684	39,146

In the twenty years from 1978 to 1997 the NYPD averaged about 3,000 marijuana possession arrests a year. These two-decades cover periods when violent crime was rising, especially during extreme crack years, and also when violent crime was declining. There is no evidence that arrests for small amounts of marijuana had anything to do with reducing crime. Bernard Harcourt Jens Ludwig, the University of Chicago scholars who have studied the question directly, conclude that the marijuana arrests do not reduce crime and probably increase it by taking police officers off the street. At the press conference in Albany on June 4, 2011, the Manhattan District Attorney, Cyrus Vance, appeared to agree with that conclusion: "Governor Cuomo's proposed changes" he said, "will allow us to redirect resources away from processing people charged with simple low level possession of marijuana and use those valuable resources to fight violent crime to make all our communities safer and thereby enhance public safety."

³ We do not have the numbers of narcotics police from, say, 1980 to the present, but the City Council could ask the New York City Independent Budget Office to investigate the narcotics police staffing over several decades. Veteran police officers who were on the force in the 1990s and early 2000s have said that under Safir the number of narcotics officers increased substantially.

⁴ "Pot arrests Top 50K in 2011 Despite NYPD Order" by Jennifer Peltz, *Associated Press*, Feb 1, 2012 (over a hundred papers across the US carried this AP story)
<http://news.yahoo.com/pot-arrests-top-50k-2011-despite-nypd-order-182052393.html>

⁵ "Hypocritical NYPD Continues Racist Pot Arrest Crusade," By Steven Wishnia, *Alternet*, Dec 30, 2011
http://www.alternet.org/story/153617/hypocritical_nypd_continues_racist_pot_arrest_crusade

⁶ "Alleged Illegal Searches by NYPD May Be Increasing Marijuana Arrests." by Ailsa Chang, *WNYC*. April 26, 2011 (excellent 10 minute radio show plus text)
<http://www.wnyc.org/articles/wnyc-news/2011/apr/26/marijuana-arrests/>
 Also: "Alleged Illegal Searches By NYPD Rarely Challenged in Marijuana Cases." Ailsa Chang, *WNYC*,. April 27, 2011 (excellent 8 minutes radio show plus text)
<http://www.wnyc.org/articles/wnyc-news/2011/apr/27/alleged-illegal-searches/>

⁷ Ira Glasser is the author of numerous works on the constitution including *Visions of Liberty: The Bill of Rights for All Americans* (New York:1991). The quotes are from a pamphlet written in direct response to the NYPD stop and frisks and marijuana arrests: *Stop, Question and Frisk: What the Law Says About Your Rights* (Drug Policy Alliance, 2011). At: <http://www.drugpolicy.org/resource/stop-question-and-frisk-what-law-says-about-your-rights>

⁸ New York Police Department Operations Order: "Charging Standards For Possession Of Marihuana In A Public Place Open To Public View" By Direction Of The Police Commissioner, September 19, 2011
On line here: <http://marijuana-arrests.com/docs/NYPD-ORDER-RE-MARIJUANA-ARRESTS-SEPT-19-2011.pdf>

⁹ For a critical but neglected source of rich description about how NYPD narcotics police routinely made illegal searches and arrests in the 1980s and early 1990s, see Chapter 4, "Perjury and Falsifying Documents" (pages 36- 43 of: *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*. This is the report of the "Mollen Commission," appointed by Mayor Dinkins to investigate police corruption. Although much of the report focused on gangs of police who robbed drug dealers, one chapter focused on the most common and routine form of corruption which the Commission termed "Perjury and Falsifying" We have excerpted parts of that chapter describing the routine illegality that occurs when narcotics police seek to make drug arrests on the street. For those unfamiliar with its findings, or who wish to understand what narcotics policing has historically meant in New York City, it is an eye-opening work, available here: <http://marijuana-arrests.com/docs/Mollen-Excerpts-Falsification.pdf>

¹⁰ There is a type of narcotics squad, based in police precincts, that may make many of the marijuana possession arrests. The squads are called Street Narcotics Units, or SNU (pronounced Snue). A SNU team officer was responsible for the shooting death of Ramarley Graham in the Bronx in February 2012. Police believed the teenager had a gun, but he had only a bit of marijuana. According to the New York Times, about half of the police precincts in the city have SNU teams. The Times reporter was unable to obtain from the police or DA's office a list of the police precincts, but we hypothesize that they are likely many or most of the precincts that have high levels of marijuana arrests. In nearly all of these precincts the majority of the population is black and Latino.

¹¹ For a map showing the precincts with a primarily black and Latino population, and those with a primarily white and other population, and a list of the precincts, see: <http://marijuana-arrests.com/maps-NYC-pot-arrests-race.html>

¹² For a list of news stories and excerpt about the NYPD's quotas, including for summonses, see: <http://marijuana-arrests.com/quotas-arrest-quotas.html>

¹³ For a discussion of, and links to, articles discussing the collateral consequences of criminal records, including only for arrests, see: <http://marijuana-arrests.com/consequences-of-arrest.html>