



## [Gabriel Sayegh](#)

Posted: August 26, 2009 11:23 AM

# [New York City's Massive Marijuana Arrests](#)

[http://www.huffingtonpost.com/gabriel-sayegh/new-york-citys-massive-ma\\_b\\_269384.html?view=screen](http://www.huffingtonpost.com/gabriel-sayegh/new-york-citys-massive-ma_b_269384.html?view=screen)

New York City remains the marijuana arrest capital of the world, according to an upcoming report by Queens College Professor Harry Levine. In 1993, there were only 900 arrests for possession of small amounts of marijuana, while 40,000 people were arrested in 2008--mostly young Black and Latino men. Dr. Levine calls this a "marijuana arrest crusade." What's going on here?

Dr. Levine's new research builds on a [report](#) he co-authored last year, and shows that beginning in the early 1990s, under then-Mayor Rudy Giuliani, the New York City Police Department dramatically increased arrests for possession of marijuana. Those arrests have continued--and in fact increased--under Mayor Michael Bloomberg, even though New York decriminalized possession of small amounts of marijuana decades ago.

The Rockefeller Drug Laws, enacted in 1973, initially included long, mandatory prison terms for drug offenses, including possessing small amounts of marijuana. But in 1977, at the behest of district attorneys and parent teacher organizations, the Legislature took the right step and removed marijuana from the Rockefeller Drug Laws. Why? Because many young white kids were being arrested for pot, and neither parents nor the DAs wanted them saddled with criminal records for an otherwise benign offense. New York thus became one of thirteen states to decriminalize personal possession of marijuana.

Thus personal possession of 25 grams or less is now legally akin to jaywalking or riding your bicycle on the sidewalk--an infraction, not a criminal offense.

Possessing or using "marijuana in public view" remains a misdemeanor offense.

According to Dr. Levine, the vast majority of those arrested aren't smoking in public at all. Instead, the marijuana is uncovered as part of the NYPD's massive stop-and-frisk program, which overwhelmingly targets Black and Latino men. What happens, according to Dr. Levine and the hundreds of arrestees and defense attorneys he has interviewed, is that the police tell someone to empty their pockets, and once that person pulls out a small amount of marijuana, they are thus charged with "marijuana in public view."

In this way, the NYPD has arrested tens of thousands of New Yorkers every year for possessing small amounts of marijuana. These arrests are expensive, costing nearly \$90 million a year. And there are other costs: an arrest record can result in severe collateral consequences, like loss of employment, or the chance at a college scholarship. Spending the night in one of the City's overcrowded holding pens or in Riker's can itself be traumatic.

The most alarming component of these arrests, however, are the racial disparities. Nearly 90% of all those arrested for possession of marijuana are Black and Latino. Whites comprise 35% of the City population, but make up less than 10% of all those arrested for possession of marijuana. These disparities are not indicators of who uses marijuana--over 1/3 of all adults U.S. have tried marijuana, and anyone on a casual weekend stroll through the Upper West Side or Prospect Park will find a number of white people puffing away.

With the City primary elections just weeks away, one wonders where candidates for public office stand on this issue. Are mass arrests of young Black and Latino men for something the Legislature decriminalized in 1977 a prudent use of taxpayer dollars? If the arrests are thought to serve broader public safety goals, what are they? Are the arrests achieving them? Are massive racial disparities acceptable in service of such goals? Acceptable to whom? The candidates should be asked - and answer - these important questions.

Like President Obama, Mayor Bloomberg has admitted to smoking marijuana-- and even told reporters in his 2001 campaign that he "liked it." He's not alone--hundreds of thousands of New Yorkers regularly smoke marijuana, and millions more have tried it. So after decriminalization, why is New York City the marijuana capital of the world? Dr. Levine's research tries to answer that question, but it's our elected officials who should provide us with answers.

*Gabriel Sayegh directs the State Organizing and Policy Project of the [Drug Policy Alliance Network](#).*

Read more at: [http://www.huffingtonpost.com/gabriel-sayegh/new-york-citys-massive-ma\\_b\\_269384.html?view=screen](http://www.huffingtonpost.com/gabriel-sayegh/new-york-citys-massive-ma_b_269384.html?view=screen)