

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON PUBLIC SAFETY

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March 26, 2019
Start: 10:50 a.m.
Recess: 10:59 a.m.

HELD AT: Council Chambers - City Hall

B E F O R E: DONOVAN J. RICHARDS
Chairperson

COUNCIL MEMBERS: Justin L. Branna
Fernando Cabrera
Andrew Cohen
Chaim M. Deutsch
Vanessa L. Gibson
Rory I. Lancman
Carlos Menchaca
I. Daneek Miller
Keith Powers
Ydanis A. Rodriguez
Paul A. Vallone

A P P E A R A N C E S (CONTINUED)

2 [sound check] [background comments/pause]
3 [gavel]

4 CHAIRPERSON RICHARDS: Alright, good
5 morning, good morning. I am Council Member Donovan
6 Richards from the 31st District in Queens and Chair
7 of the Public Safety Committee. Let me start by who
8 we're joined with. We're joined by Council Members
9 Chaim Deutsch, Paul Vallone, Keith Powers, Rory
10 Lancman, Andy Cohen, Vanessa Gibson and Justin
11 Brannan, and we are here today to vote on five
12 resolutions calling on the State Legislature and the
13 United States Congress [coughing] to finally do what
14 should have been done long ago, and it seems like
15 they need the reminder. For a moment, it looked like
16 these resolutions would have been meaningless by now
17 because Albany seems poised to finally end one of the
18 most unnecessary and fruitless and costly endeavors
19 in our state's history. Over the last several
20 decades Marijuana criminalization has contributed to
21 a deep sense of mistrust of the NYPD among the very
22 communities that are in the direst need of Police
23 Department—in the direst need of a Police Department
24 they can trust. It has put people in jail, cost them
25 their jobs, their housing, even their children, and

2 all that for no benefit to public health or public
3 safety. Despite all of the reasons to legalize, it
4 seems that there has been a delay in getting state
5 legislation passed in connection with the budget, and
6 we are urging our State Legislators to take up the
7 issue again in the spring, and we need them to do
8 this now because we in this city are tired of paying
9 the price for a legislative choice that we cannot
10 change despite a willingness of the Council and the
11 Mayor to do so. When the Criminal Justice Reform Act
12 passed a few years ago, we were able to divert tens
13 of thousands of arrests out of Criminal Court. We
14 couldn't do that with Marijuana because it's—it is
15 controlled by state law, but we can't tolerate a
16 situation in which we have no say over how the NYPD
17 enforces the rules around Marijuana any longer. Even
18 now, while they are arresting far fewer people, the
19 racial disparities and arrests in some instances are
20 the same. We need to have control over our own police
21 force, and even if Marijuana is legalized how they
22 enforce the rules. We can't have a scenario where
23 black people in minority communities get fined for
24 the same behavior that goes unpunished in white
25 communities. That's why I'm sponsoring Proposed

2 Resolution 742-A, which would give localities like
3 New York City the authority to determine whether and
4 how we regulate public consumption of Marijuana. We
5 at the Council have been willing to take action when
6 the Police Department needs to change, and I can't
7 say the same about Albany. So, not only do we need
8 them to legalize Marijuana, we need them our state
9 Legislature and Governor to give us the power to
10 change the rules on public consumption if the Police
11 Department can't figure out how to enforce them
12 fairly for everyone in the city. We are also voting
13 on Resolution 75-A sponsored by Council Member Levin,
14 which calls on the State the Marijuana Regulation and
15 Taxation Act, which would not only legalize
16 Marijuana, but would encourage the kind of investment
17 in business development opportunities in the
18 communities harmed by the war on drugs, and a central
19 component of starting a legalized Marijuana industry
20 here in New York. We are also voting on Resolution
21 296 sponsored by Public Advocate Jumaane Williams,
22 which will call on the New York City Housing
23 Authority to add Marijuana misdemeanor to the list of
24 overlooked offenses so they can no longer be the sole
25 basis for a person to lose their public housing. We

2 are also voting on Resolution 743 sponsored by
3 Council Member Miller, which calls on the U.S.
4 Congress to pass the Marijuana Justice Act of 2017,
5 which would legalize Marijuana at the federal level.
6 Finally, we are voting on Resolution 745 sponsored by
7 Council Member Moya, which would call on the state to
8 reclassify THC products from a controlled substance
9 to the equivalent of flower Marijuana. With that
10 being said, I will go to any of my colleagues who are
11 sponsors of these resolutions for comments.
12 [background comments] Alright, okay, alrighty,
13 we'll—we will now open the vote.

14 CLERK: Matthew DeStefano, Committee
15 Clerk, Committee on Public Safety. Roll call on the
16 aforementioned resolutions. Council—Chair Richards.

17 CHAIRPERSON RICHARDS: I vote aye.

18 CLERK: Gibson.

19 COUNCIL MEMBER GIBSON: I vote aye.

20 CLERK: Cohen.

21 COUNCIL MEMBER COHEN: Aye

22 CLERK: Deutsch.

23 COUNCIL MEMBER DEUTSCH: I abstain on the
24 296 and no on 75, 742, 743 and 745.

25 CLERK: Lancman.

2 COUNCIL MEMBER LANCMAN: Aye.

3 CLERK: Rodriguez.

4 COUNCIL MEMBER RODRIGUEZ: Permission to
5 explain my vote.

6 CHAIRPERSON RICHARDS: Permission
7 granted.

8 COUNCIL MEMBER RODRIGUEZ: Let's call it
9 what it is. Marijuana has been legal for wealthy New
10 Yorkers. I'd rather have the legal for tourists.
11 When was the last time we heard someone from the
12 city, five million tourists that came here last year
13 being arrested? Whenever here, they have no clue
14 (sic) that they have to be at this section of Midtown
15 searching those areas, someone being arrested because
16 of using weed, someone being arrested because they've
17 been using weed in the rooftop in New York City. So,
18 I believe that it is important to make Marijuana
19 legal for everyone. However, by voting on legalizing
20 and calling to pass law at the state level that will
21 allow the city to legal recreational Marijuana,
22 doesn't mean that we are calling and telling people
23 go out and go and buy Marijuana as we are not telling
24 people to allow and go and buy beer or go and buy
25 cigarettes. So, I believe that it is important also

2 that it is important also that we understand that
3 what we are trying to do here is to bring fairness to
4 be sure that what has been a reality for wealthy New
5 Yorkers and visitors is the same thing, the same
6 standard for all New Yorkers, but at the same time I
7 also hope that as we're going to be legalizing
8 Marijuana that the revenue of Marijuana will not be
9 used for anything that is going to be more than
10 reinvesting that money in the poor neighborhood.
11 That money should be used to fight addiction to opium
12 or any drug addiction so that we can bring, you know,
13 investments to the underserved communities. So, with
14 that I vote aye, but on the statement that we are not
15 encouraging people especially in those underserved
16 community. The message is not so that people go out
17 and go and consumer Marijuana, but it's more bringing
18 fairness to everyone. With that, I vote aye.

19 CLERK: Brannan.

20 COUNCIL MEMBER BRANNAN: Aye.

21 CLERK: Vallone.

22 COUNCIL MEMBER VALLONE: Permission to
23 explain my vote.

24 CHAIRPERSON RICHARDS: Permission
25 granted.

2 COUNCIL MEMBER VALLONE: Thank you,
3 Chair. I am not there on all of these yet. I'm not
4 there on a general overall approval on New York State
5 and federal. I think there's much work that needs to
6 be done especially on the impact of driving, but I am
7 supporting those that specifically target areas that
8 need to be looked at such as NYCHA, such as
9 reclassification, and such as giving New York City,
10 as it always should the authority. So, with that, I
11 am saying no on 75-A and 743. Yes on 296, yes on 742
12 and yes on 745. Thank you, Chair.

13 CHAIRPERSON RICHARDS: Thank you.

14 CLERK: Powers.

15 CHAIRPERSON RICHARDS: Alrighty. Oh,
16 you're going to read the vote?

17 COUNCIL MEMBER VALLONE: Did you—did you
18 get Lancman?

19 CLERK: Okay, the following is the vote
20 on today's Public Safety items.

21 CHAIRPERSON RICHARDS: Oh, hold on, hold
22 on.

23 CLERK: I'm sorry.

24 COUNCIL MEMBER VALLONE: Yes, just as
25 soon as you get Lancman.

2 CLERK: Lancman

3 COUNCIL LANCMAN: Aye.

4 CLERK: Okay. [pause] The vote on
5 today's Public Safety items Resolution 75-A, 7 in the
6 affirmative, 2 in the negative and no-0 abstentions.
7 296, 8 in the affirmative, 0 in the negative and 1
8 abstention. 742-A, 8 in the affirmative, 1 negative,
9 no abstentions. 743, 7 in the affirmative, 2 in the
10 negative and no abstentions. 745, 8 in the
11 affirmative, 1 negative and no abstentions.

12 CHAIRPERSON RICHARDS: Thank you. I'm
13 going to read a statement by my colleague who
14 unfortunately had an emergency and couldn't make it,
15 Council Member Miller, on Resolution 743. Today this
16 body will vote on one of two resolutions I am proudly
17 sponsoring. I call attention to the lasting damage
18 inflicted on communities of color primarily in the
19 form of harsh prison sentences due to the racist war
20 on drugs, and urges governments to undertake steps to
21 correct the moral and social errors of criminalizing
22 Marijuana in particular. Resolution 743 calls on the
23 federal government to enact the Marijuana Justice Act
24 of 2017 sponsored by New York, Jersey-New Jersey-
25 sorry-Senate-Senator Corey Booker, which would end

2 the federal prohibition of Marijuana and similar
3 changes in state law automatically expunge federal
4 Marijuana use and possession crimes and enable those
5 in consort-incarcerated in federal prison to petition
6 courts for resentencing. The NYPD recently testified
7 that Marijuana misdemeanor and violation arrests had
8 fallen by 71%. Yet, despite the more lenient approach
9 adopted by the department last fall, a recent
10 analysis of the stats reflected that the racially
11 biased enforcement of candidates has persisted over
12 that period while those for whites have actually
13 fallen. The facts are clear. Whether arrests of
14 summonses, the enforcement of Marijuana prohibition
15 perpetuates racial discrimination towards Americans
16 and New Yorkers of color and must end. Our
17 communities of color have especially suffered under
18 these oppressive drug laws, but not all communities
19 of color are alike. My diverse Southeast Queens
20 district has one of the highest shares of owner
21 occupied homes in New York City and the largest
22 contin-contingent of civil service workers. Yet, it
23 led the city in Marijuana summonses issued by the
24 NYPD for over a decade. The legacy of over-policing
25 these communities has served to deprive future

2 generations of opportunities for higher education,
3 employment and home ownership. The process of making
4 them whole again begins with automatically expunging
5 not sailing criminal records for petty Marijuana
6 offenses, and continues with the candidates equity
7 for our aggrieved communities of color. I thank the
8 Speaker, Chair Richards and my colleagues with the
9 BLAC as well as the Progressive Caucus for supporting
10 this resolution. I'd also like to thank Committee
11 Counsel Ben Addison; Analyst Kishan Denny for their
12 work in drafting this legislation as well as my
13 Legislative Director Brandon Clark and Special
14 Advisor Joseph Goldbloom for their work towards its
15 advancement. We at the Council are taking a clear
16 stand on this—on this issue, and I implore both the
17 Legislature and the Governor to heed our call as they
18 continue to chart the course for the eventual
19 legalization of Marijuana in New York State. Council
20 Member Miller on the record. Alrighty, and of
21 course, he votes aye although he's not here. With
22 that being said, this hearing is now closed. [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date April 26, 2019