



Legislation Text

File #: Res 1191-2012, Version: *

Res. No. 1191

Resolution calling upon the Administration for Children’s Services not to file a petition of abuse or neglect in family court, when the sole allegation against the parent is marijuana use.

By Council Members Lander, Barron, Brewer, Dromm, James, Koppell, Williams and Rodriguez

Whereas, According to a July 2010 Report, “Pot as Pretext: Marijuana, Race and The New Disorder in New York City Street Policing” (“the Report”), marijuana arrests have nearly doubled since the mid-1990s despite the decriminalization of small quantities of marijuana possession; and

Whereas, According to the Report, by 2006 rates were 500% greater than a decade earlier and New York City’s four largest boroughs ranked in the top five U.S. counties in per capita marijuana arrest rates; and

Whereas, In fact, according to Ending the Marijuana Arrest Crusade in New York City, (“Ending the Marijuana Arrest Crusade”) last year more than 50,300 people were arrested for marijuana possession in public view, making it the top arrest in New York City at a cost to taxpayers of up to \$75 million a year and the generation of an uncalculated social and economic cost for those arrested; and

Whereas, The Report analyzed data on 2.2 million stops and arrests carried out from 2004 to 2008 and found significant racial disparities in the implementation of marijuana enforcement; and

Whereas, Because 86% of those arrested are men of color the arrests force thousands of these young men into the judicial system although the Monitoring the Future Survey, an annual survey of substance use among high school seniors and eighth graders, shows that teenage marijuana use since 1990 is higher among whites than other racial or ethnic groups; and

Whereas, According to an August 17, 2011 New York Times Article, “No Cause for Marijuana Case, but Enough for Child Neglect” (“the New York Times article”) marijuana is the most common illicit drug in New

York City with 730,000 people, or 12 percent of people age 12 and older, using the drug at least once annually; and

Whereas, According to the New York Times article, hundreds of New Yorkers who were caught by police with small amounts of marijuana, or who simply admitted using it, have been involved in civil child neglect cases in recent years, even though they did not face criminal charges; and

Whereas, Additionally, according to the New York Times article some of these parents have even lost custody of their children; and

Whereas, In fact, the New York Times article states that the child welfare system is an alternate system of justice for these parents when compared to the criminal court system; and

Whereas, Lawyers interviewed for the New York Times article said they currently had more than a dozen cases on their dockets involving parents who had never faced neglect allegations and whose children were placed in foster care because of marijuana allegations; and

Whereas, While sometimes parents are allowed to keep custody of their children when neglect has been found there can be serious repercussions to such a finding, such as prohibiting parents from taking jobs around children, from being foster care parents or adopting, and it makes it easier for Family Court judges to later remove children from their homes; and

Whereas, Given the racial disparities in marijuana enforcement there are reasons to be particularly cautious in pursuing civil child neglect cases based on possession of small amounts of marijuana or the admission of marijuana use; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Administration for Children's Services not to file a petition of abuse or neglect in family court, when the sole allegation against the parent is marijuana use.

EH
LS 2868
11/10/11

