



Legislation Text

File #: Res 0277-2018, **Version:** *

Res. No. 277

Resolution calling on the Mayor to issue an executive order directing the New York City Police Department to make marihuana-related misdemeanor and violation arrests the lowest level enforcement priority for police .

By Council Member Menchaca

Whereas, The New York City Police Department (NYPD) is responsible for enforcing certain state laws;
and

Whereas, Among the laws the NYPD has the authority to enforce are marihuana-related offenses; and

Whereas, Article 221 of the Penal Law enumerates all of the New York State marihuana-related offenses; and

Whereas, The offense of “unlawful possession of marihuana,” for example, occurs when an individual knowingly and unlawfully possesses small quantities of marihuana; and

Whereas, The Penal Law considers small quantities as an amount up to and including twenty-five grams of marihuana; and

Whereas, Without any aggravating factors, this violation, which is not a crime, is punishable by a maximum fine of one hundred dollars; and

Whereas, The offense of “criminal possession of marihuana in the fifth degree,” a class B misdemeanor, is defined as knowingly and unlawfully possessing either (i) any quantity of marihuana if the possession is in a public place and such marihuana is burning or open to public view, or (ii) one or more substances containing marihuana, the aggregate weight of which is more than 25 grams; and

Whereas, Arrests for misdemeanor marihuana possession in New York City has been a highly debated topic for several years as many people feel it is a victimless crime that is not worthy of an arrest nor vital to

promote public safety; and

Whereas, According to the New York State Division of Criminal Justice Services, in the first quarter of 2014, 7,017 arrests were made for marihuana possession in New York City compared to 7,671 arrests in the same period last year; and

Whereas, An arrest record can have an adverse impact on an individual's life beyond any fine or jail sentence as it can affect his or her employment, education, housing and family life; and

Whereas, According to the Drug Policy Alliance, New York City spends between \$1,000 and \$2,000 for each marihuana possession arrest for expenses related to policing, adjudication, and jail time; and

Whereas, In a time of limited resources, taxpayer dollars could be better spent on other greatly needed services and addressing more serious criminal activity in neighborhoods across New York City; and

Whereas, On July 8, 2014, then Brooklyn District Attorney, Kenneth P. Thompson, announced a policy which reflects changing attitudes toward prosecuting marihuana possession cases and indicated that his office would stop prosecuting most low-level marihuana cases; and

Whereas, The policy change applies to limiting prosecutions for (i) possession of marihuana in the fifth degree for either holding or burning marihuana in public view, or (ii) possessing more than 25 grams of marihuana, and (iii) unlawful possession of marihuana; and

Whereas, District Attorney Thompson should be applauded for his recognition that young people of color are disproportionately arrested and stigmatized for low-level marihuana possession and for making a policy change to evaluate whether or not to prosecute these cases; and

Whereas, However, this new policy is only in place in Brooklyn and only takes effect after someone has already been arrested; and

Whereas, While it would be beneficial for this policy to be implemented citywide, the NYPD should stop regularly arresting New Yorkers for low-level marihuana offenses; and

Whereas, The mayor should act expeditiously and issue an executive order to make it clear to New

Yorkers and to the police that possession of small amounts of marihuana is not a significant public safety issue and that arresting New Yorkers on a routine basis is not in the public interest, now, therefore, be it

Resolved, That the Council of the City of New York calls on the Mayor to issue an executive order directing the New York City Police Department to make marihuana-related misdemeanors and violations the lowest level enforcement priority for police arrests.

SA/WJH
LS #1491
1/10/18