RESEARCH BRIEF

Marijuana Enforcement in New York State, 1990-2017

February 2019

Erica Bond, J.D., Cecilia Low-Weiner, M.S., Meredith Patten, Ph.D., Quinn Hood B.A., Olive Lu, M.S., Shannon Tomascak, M.S. & Preeti Chauhan, Ph.D.

DATA COLLABORATIVE for JUSTICE
STRENGTH IN NUMBERS
at JOHN JAY COLLEGE

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KEY FINDINGS

1. **The number and rate of arrests for marijuana[1] possession were higher in 2017 than in 1990 for the State as a whole and for New York City, Upstate Cities and the Rest of the State but the number and rate of arrests were lower in 2017 than the peaks in New York City and Upstate Cities;**

2. **In 2017, in New York City, the vast majority of misdemeanor marijuana possession arrests (~93%) were for possession of marijuana in public view or public consumption whereas for the Upstate Cities and the Rest of the State, significant percentages of misdemeanor marijuana possession arrests were for possession of between 25 grams to 8 ounces (~60% and ~30% respectively);**

3. **At the state-level, 18-20 year-olds consistently had the highest rates of arrest for marijuana possession, mostly driven by the higher rates of arrest for this group in New York City, but there was more variability by age in Upstate Cities and the Rest of the State; and**

4. **Across all three geographic areas, Blacks and Hispanics consistently had higher rates of arrest for misdemeanor marijuana possession compared to Whites, these racial differences in arrest rates widened over the study period[2] and, in 2017, the racial differences in arrest rates were wider for the Upstate Cities and the Rest of the State compared to New York City.**

In recent years, marijuana policies in New York – both local and statewide – have been the subject of much debate, including whether and how these policies could be modified to advance public health and criminal justice.[3] This follows a broader, nationwide trend towards marijuana policy reform. Many states have enacted legislation ranging from legalizing marijuana for medical use (33 states, including New York State, as well as the District of Columbia)[4] to legalizing marijuana for recreational use. To date, ten states and the District of Columbia have legalized adult recreational use of marijuana and eight of these states have also legalized cultivation and sale, starting with Colorado and Washington, in 2012. In all states, regardless of the extent of legalization, it remains illegal to consume or burn marijuana in public and illegal for those under the age of 21 to use marijuana recreationally.[5] Consequently, even in states with some measure of legalization, there is still the possibility of police enforcement for public consumption and possession or consumption by those under age 21.[6] **In order to provide an empirical basis for the important and rapidly evolving conversations in New York State about the future of marijuana enforcement and regulation, this report analyzes misdemeanor marijuana arrests over almost three decades (1990 to 2017).**

This brief, *Marijuana Enforcement in New York State, 1990 to 2017,* includes key highlights from the full report from the Data Collaborative for Justice on trends in misdemeanor marijuana arrests for New York State (NYS), as well as disaggregated by New York City, Upstate Cities,[7] and the Rest of the State. The brief highlights trends in overall misdemeanor marijuana enforcement and also looks at marijuana possession enforcement by age and race/ethnicity as well as enforcement outcomes. Before highlighting these trends, we provide an overview of how marijuana policy has evolved at the City and State levels. For readers interested in understanding how low-level marijuana enforcement fits into broader crime and arrest trends around the state, the Appendix provides this information, including both felony and misdemeanor trends.

POLICY CONTEXT: CHANGING MARIJUANA POLICY IN NEW YORK STATE

New York State has significantly revised its marijuana laws at least two times since the late 1970s. First, in 1977, the State decriminalized possession of small amounts of marijuana[8] through a law that made possession of 25 grams of marijuana or less a violation, punishable by a fine for those who violated the law one or two times, and a fine and/or jail for those who violated the law a third time, in three years.[9] However, it remained a misdemeanor for individuals to possess marijuana in a public place when "burning or open to public view".[10] Second, in 2014, Governor Andrew Cuomo signed the Compassionate Care Act into law, which allowed for medical use of marijuana under controlled circumstances.[11]

In August 2018, Governor Cuomo announced the formation of a workgroup to draft legislation that would allow for recreational marijuana use for adults.[12] The workgroup was directed to draft legislation based on the findings of a July 2018 multi-agency report to assess the health, criminal justice, economic and education impacts of a regulated marijuana program in New York State. The [report] concluded that "[t]he positive effects of regulating an adult (21 and over) marijuana market in NYS outweigh the potential negative impacts,"[13] and recommended that potential negative impacts be mitigated through a comprehensive regulatory scheme and public education. In December 2018, New York City Mayor Bill de Blasio announced his support for legalization of recreational marijuana for adult use and, in a related [report], made specific recommendations for a state regulatory framework. These recommendations included: (1) a continued prohibition on public consumption and possession or consumption by those under 21; (2) imposition of civil rather than criminal penalties for any violations; (3) automatic expungement of criminal records for past conduct related to marijuana possession or consumption; and (4) the flexibility for localities to provide for "locally-authorized licensed consumption sites."[14] Governor Cuomo recently announced that legalizing and regulating marijuana for adult use would be one of the priorities for his Administration during the first 100 days of the 2019 legislative session.

In the last five years, police and prosecutors in New York City, have made changes to the enforcement of the existing law on misdemeanor marijuana possession (see box to the right). These changes are likely to result in a reduced number of arrests as well as convictions in New York City for the latter part of 2018 and for 2019.[15] Recently, a few jurisdictions outside of New York City have also revised their policies. In Albany County, District Attorney, David Soares, announced that, as of December 1, 2018, his office would no longer prosecute individuals for possession of less than two ounces (but will continue to prosecute consumption of marijuana in public, in vehicles or around children).[16] In addition, the Westchester County District Attorney, Anthony Scarpino, announced that, as of January 14, 2019, his office would no longer prosecute individuals found in possession of less than two ounces of marijuana and would only prosecute burning or possessing marijuana in public view as a violation rather than a misdemeanor.[17]

New York City Enforcement Policy Changes

July 2014: *Kings County (Brooklyn) District Attorney's Office announced that the office would, "under most circumstances, no longer prosecute first-time offenders" for low-level marijuana possession, but noted that the policy would "not apply to those who smoke marijuana in public."*[18]

November 2014: *Mayor Bill de Blasio and NYPD Commissioner William Bratton announced that, effective November 19, 2014, New York City police would generally issue criminal summonses, rather than making arrests, for possession of marijuana in public view, with some exceptions including public burning.*[19]

June 2018: *Mayor Bill de Blasio and NYPD Commissioner James O'Neill announced that, effective September 1, 2018, NYPD would generally issue criminal summonses instead of making arrests for public burning of marijuana, with some exceptions.*[20]

July 2018: *Manhattan District Attorney, Cyrus Vance, announced that, effective August 1, 2018, his office would generally decline to prosecute both marijuana possession and smoking in public view.*[21]

September 2018: *The Brooklyn District Attorney, Eric Gonzalez, announced a program to vacate previous convictions for low level marijuana possession. That same month, Manhattan District Attorney Cyrus Vance moved to vacate more than 3,000 outstanding low level marijuana possession cases where warrants had been issued due to an individual's failure to appear in court.*[22]

For additional information about the history of marijuana policy changes in New York State, see DCJ's online timeline at www.datacollaborativeforjustice.org/data-home/marijuana-timeline/

REPORT HIGHLIGHTS

Arrests for Marijuana Possession and Sale

In general, **marijuana possession,** [23] **as opposed to sale,** [24] **accounts for the vast majority of misdemeanor marijuana arrests**. Under New York's Penal Law, misdemeanor marijuana *possession* generally covers possession in public view or burning in public,[25] possession of between twenty-five grams and two ounces,[26] and possession of between two and eight ounces[27] whereas misdemeanor marijuana *sale* generally covers sales under 25 grams (less than one ounce). In 2017, possession accounted for 84.6% of misdemeanor marijuana arrests in New York City, 91.4% of arrests in the Upstate Cities and 95.9% for the Rest of the State (See table 1).

Table 1: Proportion of Arrests for Marijuana Possession and Sale in New York State in 2017

	Possession	Sale
Overall State	87.1%	12.9%
New York City	84.6%	15.4%
Upstate Cities	91.4%	8.6%
Rest of the State	95.9%	4.1%

Fluctuations in Misdemeanor Marijuana Possession Enforcement

In New York City, arrests for marijuana possession increased from **1,038 arrests in 1990, peaked at 51,589 in 2011 before declining to 18,241 arrests in 2017,** with Black and Hispanic males experiencing the highest rates of enforcement. From 1990 to 2017, marijuana possession arrests increased from 414 to 788 and 1,611 to 5,572 in Upstate Cities and the Rest of the State, respectively. In 2017, Suffolk and Nassau Counties accounted for the majority of marijuana possession arrests in the Rest of the State (61.3%). [28]

For all three geographic areas, after accounting for the population base, the rates of arrest for marijuana possession were significantly higher in 2017 than in 1990. In New York City, the arrest rate for marijuana possession was 21 per 100,000 in 1990 and peaked in 2000 at 956 per 100,000 before declining to 311 per 100,000 in 2017. In Upstate Cities, the arrest rate was 63 per 100,000 in 1990, peaked in 2012 at 324 per 100,000 and declined to 126 per 100,000 in 2017. In the Rest of the State, the arrest rate steadily increased from 25 per 100,000 in 1990 and increased to 82 per 100,000 in 2017, its highest rate throughout the study period.

Figure 1: Number of Misdemeanor Marijuana Possession Arrests in New York State, 1990-2017
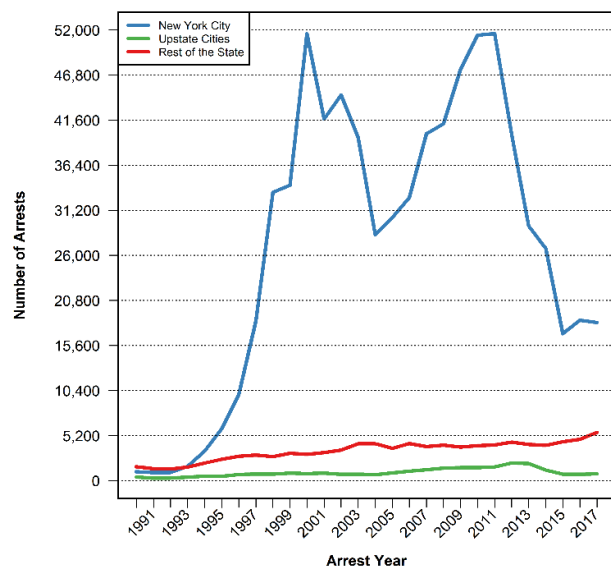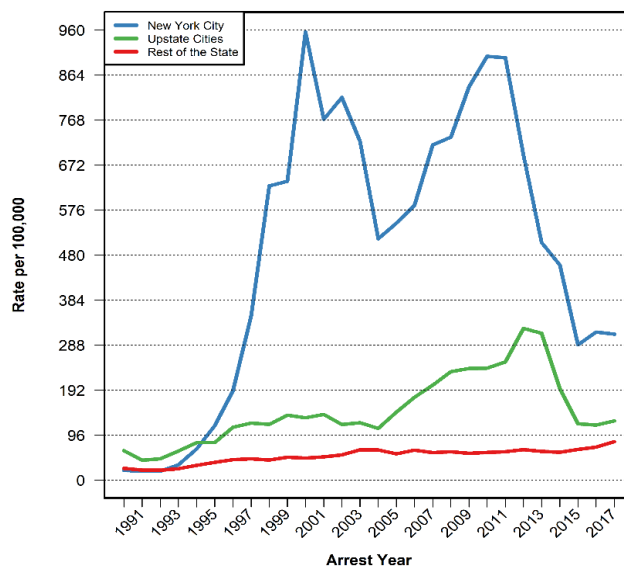
Figure 2: Rate of Misdemeanor Marijuana Possession Arrests in New York State, 1990-2017

Geographic Variation in Enforcement

As noted above, individuals may be arrested for misdemeanor marijuana possession for different types of possession – possession in public view or public burning, possession of between twenty-five grams and two ounces, and possession of between two and eight ounces. In 2017, in New York City, possession for public view or public burning accounted for the vast majority – 93.4% – of marijuana possession arrests. This was not true for Upstate Cities, where the arrests were more evenly distributed across the various categories of misdemeanor possession, nor was it true for the Rest of the State, where public view or public burning constituted the majority of arrests but almost one third of arrests are for possession of between twenty-five grams and eight ounces of marijuana.

Table 2: Proportion of Marijuana Possession Arrests in 2017 by Penal Law Code and Geographic Area

	Public View or Public Burning	Possession of 25 grams- 2 oz.	Possession of 2 - 8 oz.
New York State	85.3%	8.1%	5.4%
New York City	93.4%	4.1%	2.4%
Upstate Cities	37.3%	36.7%	22.5%
Rest of the State	65.5%	17.2%	12.9%

Age and Arrest Rates

In 2017, in New York City and the Rest of the State, 18-20 year-olds had the highest arrest rate for marijuana possession, followed by 21-24 year-olds, relative to other age groups (i.e., 16-17, 25-34, and 35-65 year-olds). The arrest rate for 18-20 year-olds was 1,003 per 100,000 in New York City, and 349 in the Rest of the State. In 2017, for Upstate Cities, 21-24 year-olds had the highest arrest rate at 285 per 100,000.

Figure 3: Rate of Misdemeanor Marijuana Possession by Age in New York State in 2017
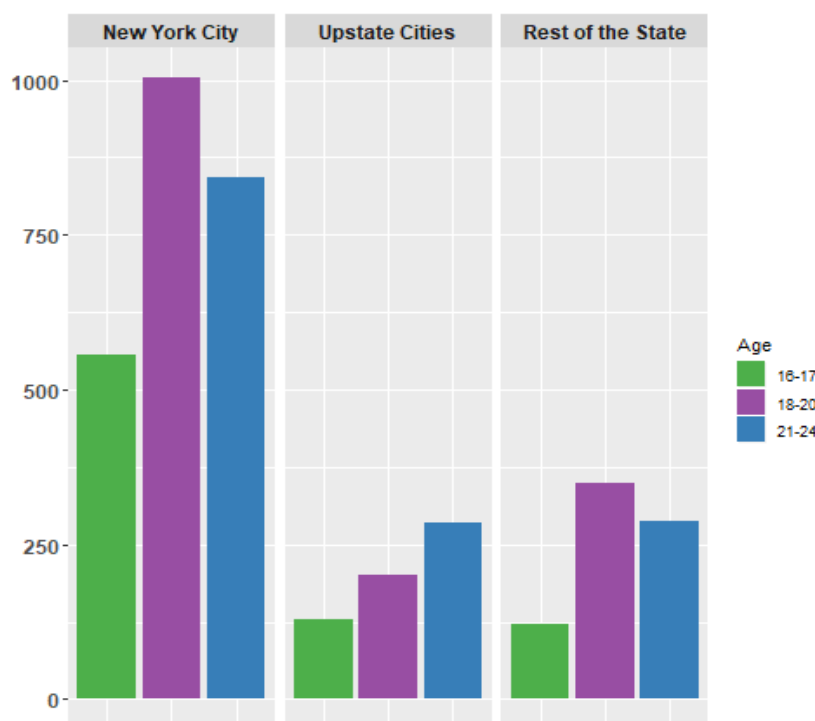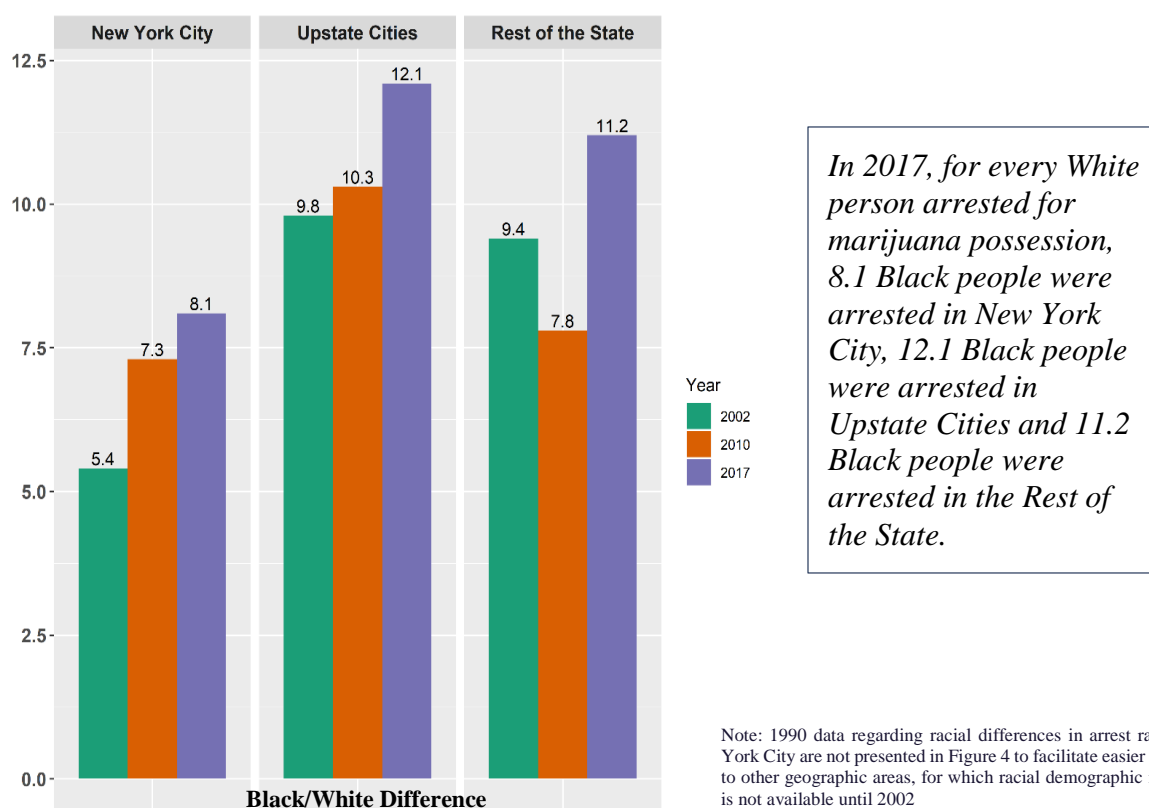
Race and Arrest Rates

Across the geographic areas in this study, there are differences in rates of arrest across racial groups. While we cannot definitively determine what is driving these trends, it is clear that differences in arrests rates cannot be attributed to racial differences in rates of use. [29] It is also clear that legalization of recreational marijuana may not reduce differences in rates of arrest across racial groups -- in some states that have legalized recreational marijuana, even as arrests have declined, differences in rates of arrest for Blacks and Whites have actually increased. [30]

In New York City, the absolute number of arrests decreased across all racial groups from 2011, when marijuana possession enforcement was at its peak (17,969 fewer arrests of Blacks, 9,662 fewer arrests of Hispanics, and 4,752 fewer arrests of Whites). **However, the differences between the arrest *rates* for marijuana possession for Blacks and Hispanics relative to Whites widened between 1990 to 2017. In New York City, in 1990, Blacks were 5.1 times more likely to be arrested than Whites and Hispanics were 1.5 times more likely to be arrested than Whites.** In 2010, when arrest *rates* were at their most recent peak, Blacks were 7.3 times more likely to be arrested for misdemeanor marijuana possession than Whites, whereas they were 8.1 times more likely to be arrested in 2017. Hispanics were 3.4 times more likely to be arrested compared to Whites in 2010 and 5.0 times more likely in 2017.

Figure 4: Difference in Likelihood of Arrest of Blacks Compared to Whites

In 2017, for every White person arrested for marijuana possession, 8.1 Black people were arrested in New York City, 12.1 Black people were arrested in Upstate Cities and 11.2 Black people were arrested in the Rest of the State.

Note: 1990 data regarding racial differences in arrest rates in New York City are not presented in Figure 4 to facilitate easier comparison to other geographic areas, for which racial demographic information is not available until 2002

As shown above, in Figure 4, although the differences in arrest rates between Blacks and Hispanics compared to Whites in New York City widened over time, in 2017 these differences were narrowest for marijuana possession arrests in New York City compared to Upstate Cities and the Rest of the State. In 2017, in New York City, Blacks were 8.1 times more likely to be arrested compared to Whites, whereas in Upstate Cities and the Rest of the State, Blacks were 12.1 and 11.2 times more likely, respectively. Although the differences between Hispanics and Whites were narrower, Hispanics were still 5.0 times more likely to be arrested in New York City, 6.4 times more likely in Upstate Cities, and 5.2 times more likely in the Rest of the State.

Case Dispositions

In 2016,[31] the most common disposition for misdemeanor marijuana possession in New York City and the Rest of the State was Adjournment in Contemplation of Dismissal (ACD),[32] whereas the most common disposition in Upstate Cities was for a conviction on a violation or infraction. This is not entirely surprising given that the State's Criminal Procedure Law allows defendants charged with non-felony marijuana offenses to seek an ACD or dismissal if certain conditions are met (e.g, the defendant has never received such an ACD or dismissal, does not have a history of drug convictions, and the defendant has previous convictions but the District Attorney consents)[33] In 2016, ACD constituted 55.7 percent (10,307) of all dispositions in New York City and 43.2 percent (2,063) in the Rest of the State. In 2016, in Upstate Cities, 40 percent (294) of all misdemeanor marijuana possession cases were disposed of as violation or infraction convictions. [34] [35]

Sentence Types

In 2016, a fine was the most prevalent sentence for misdemeanor marijuana possession in all three geographic areas. Fines constituted 35.6 percent (1,726) of all sentences in New York City, 37.2 percent (153) in Upstate Cities, and 76.0 percent (1,339) in the Rest of the State.

Throughout the study period, New York City experienced an increase in the proportion of misdemeanor marijuana possession arrests resulting in a sentence of time served. Between 1990 and 2016, the proportion of misdemeanor marijuana possession arrests resulting in time served increased from 15.5 percent (72) to 32.9 percent (1,597).

Questions for Future Research:

What drove the increasing differences between the rates of arrests for Blacks and Hispanics as compared to Whites between 1990 and 2017?

What has been the impact of marijuana possession enforcement on individuals and communities?

As law enforcement has moved away from enforcement of marijuana possession, has enforcement of other charges, including other low-level drug crimes or disorderly conduct, changed?

With the policy shifts occurring, are there continued or new public safety concerns?

How do changes in the enforcement of marijuana impact police officers?

To what extent are differences in arrest rates for Blacks, Hispanics and Whites, a reflection of racial bias (implicit or otherwise) in policing and policing policies versus the result of other systemic biases (e.g., housing, education, social services, etc.)?

The findings above, along with the more detailed information offered in the full report, provide a comprehensive picture of how marijuana possession was enforced in New York State between 1990 and 2017.

The complete report may be found at: www.datacollaborativeforjustice.org/publication/marijuana-report/

The **Data Collaborative for Justice (DCJ)** at John Jay College of Criminal Justice houses a group of research initiatives that raise important questions and share critical research about the criminal justice system and its role in creating safe, just and equitable communities. DCJ conducts data analysis and research on enforcement in the community, the adjudication of cases in the courts, and the use of confinement in jails and prisons. DCJ's work has informed policy reforms, facilitated partnerships between researchers and government agencies across the country, spurred new scholarly research on lower-level enforcement, and been cited extensively in the press.

For more information about the Data Collaborative for Justice please go to: www.datacollaborativeforjustice.org

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Endnotes

[1] Because this report addresses enforcement of criminal statutes that explicitly prohibit the possession, use or sale of "marijuana" or "marihuana," the report uses these terms while recognizing that "cannabis" is increasingly used to refer to the plant from which legal and illegal substances may be produced.

[2] Due to the reliability of race/ethnicity data for arrests, trends with respect to racial demographics can only be captured for Upstate Cities and the Rest of the State starting in 2002 compared to 1990 for New York City.

[3] According to a 2018 survey conducted by Quinnipiac, 63% percent of New York State voters believe Marijuana should be legalized. See Quinnipiac Poll (2018, May 3). Retrieved from https://poll.qu.edu/new-york-state/release-detail?ReleaseID=2541; Governor Andrew M. Cuomo. (September, 2018). Governor Cuomo Announces Two Additional Regulated Marijuana Listening Sessions. [Press Release] Retrieved from: https://www.governor.ny.gov/news/governor-cuomo-announces-two-additional-regulated-marijuana-listening-sessions ; See Shah, J. (2018, December 4). NYS Assembly Holds Hearings on Marijuana Legalization. WSHU Public Radio. Retrieved from: http://www.wshu.org/post/nys-assembly-holds-hearings-marijuana-legalization#stream/0

[4] National Conference of State Legislatures. (2019, January 23). State Medical Marijuana Laws. Retrieved from: http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx

[5] A few jurisdictions appear to be opening the door to "social use" – licensed businesses, open to the public that would permit marijuana consumption. See Zhang, M. (2018, February 27). *Forbes.* Retrieved from https://www.forbes.com/sites/monazhang/2018/02/27/colorado-is-finally-getting-its-first-cannabis-club/#3206278e6cdd

[6] In jurisdictions that have legalized marijuana for recreational use, consequences for marijuana possession under 21 years of age vary. For example, in Washington DC, per police department policy, officers will confiscate marijuana from those under 21 but will not arrest or issue a ticket (*See*: https://mpdc.dc.gov/marijuana). In Colorado, youth may face "minor-in-possession charges" (*See*: https://www.colorado.gov/pacific/marijuana/laws-and-youth).

[7] For purposes of this brief and the related report, "Upstate Cities," include Albany, Buffalo, Rochester, Syracuse, and Yonkers.

[8] Breasted, M. (1977, June 30). Carey signs marijuana measure reducing penalty for possession. *The New York Times.* Retrieved from https://www.nytimes.com/1977/06/30/archives/carey-signs-marijuana-measure-reducing-penalty-for-possession-carey.html

[9] PL § 221.05

[10] PL § 221.10 (01): A person is guilty of criminal possession of marihuana in the fifth degree when he knowingly and unlawfully possesses: 1. marihuana in a public place, as defined in section 240.00 of this chapter, and such marihuana is burning or open to public view.

[11] Compassionate Care Act, A.B. 6357-E, S.B. 7923 (N.Y. 2014)

[12] Governor Andrew M. Cuomo. (August, 2018). Governor Cuomo Announces Workgroup to Draft Legislation for Regulated Adult-Use Marijuana Program. [Press release]. Retrieved from: https://www.governor.ny.gov/news/governor-cuomo-announces-workgroup-draft-legislation-regulated-adult-use-marijuana-program

[13] Department of Health. (July, 2018). Assessment of the potential impact of regulated marijuana in New York State. Albany, NY: New York State Department of Health.

[14] Mayor's Office of New York City. (December, 2018). A Fair Approach to Marijuana: Recommendations from the Mayor's Task Force on Cannabis Legalization. Retrieved from: http://criminaljustice.cityofnewyork.us/wp-content/uploads/2018/12/A-Fair-Approach-to-Marijuana.pdf

[15] According to the NYC Mayor's Office, "[i]n the five weeks after the New York City Police Department's new enforcement policy went into effect, cannabis arrests dropped from between 266-342 arrests per week, to between 21-31 arrests per week for the same period." See ibid., 13

[16] Albany District Attorney. (November, 2018). Albany County DA David Soares Announces Policy Change in Marijuana Prosecutions. [Press Release] Retrieved from: http://www.albanycountyda.com/Media/News/

[17] Westchester County, New York, Office of the District Attorney. (January, 2019). Marijuana Prosecution Reform Goes into Effect. [Press Release]. Retrieved from: https://www.westchesterda.net/media-center/in-the-news/6246-marijuana-prosecution-reform-goes-into-effect

[18] Brooklyn District Attorney. (July, 2014). Brooklyn District Attorney Kenneth P. Thompson Announces New Policy for Prosecuting Low-Level Marijuana Possession Arrests. [Press Release] Retrieved from: http://brooklynda.org/wp-content/uploads/2015/03/MarijuanaPolicy_7_8_2014.pdf

[19] Mayor's Office of New York City. (November 2014). Transcript: Mayor de Blasio, Police Commissioner Bratton Announce Change in Marijuana Policy [Transcript] Retrieved from: https://www1.nyc.gov/office-of-the-mayor/news/511-14/transcript-mayor-de-blasio-police-commissioner-bratton-change-marijuana-policy

[20] This policy was a result of a 30-day working group convened by the NYPD Commissioner, James O'Neill, to review NYPD policies on enforcement of marijuana possession and public burning. Retrieved from: https://www1.nyc.gov/site/nypd/news/pr0515/police-commissioner-o-neill-convene-30-day-working-group-nypd-marijuana-enforcement

[21] Manhattan District Attorney. (July, 2018). Tomorrow: D.A. Vance ends prosecution of marijuana possession and smoking cases. [Press Release] Retrieved from: https://www.manhattanda.org/tomorrow-d-a-vance-ends-prosecution-of-marijuana-possession-and-smoking-cases/

[22] Kings County District Attorney. (September 7, 2018). *Brooklyn District Attorney announces new program to erase misdemeanor marijuana convictions.* [Press release]. Retrieved from http://www.brooklynda.org/category/pr/page/3/; and New York County District Attorney. (September 12, 2018). *District Attorney Vance Dismisses 3,000 Marijuana Cases Dating Back to 1978.* [Press release]. Retrieved from https://www.manhattanda.org/district-attorney-vance-dismisses-3000-marijuana-cases-dating-back-to-1978/

[23] New York State Penal Law provides for two levels of misdemeanor marijuana possession: a class B misdemeanor, *Criminal possession of marihuana in the fifth degree* (Penal Law § 221.10), for possession "in a public place . . . and such marihuana is burning or open to public view" or for possession of any "preparations, compounds, mixtures or substances containing marihuana" that weigh more than twenty-five grams; and a class A misdemeanor, *Criminal possession of marijuana in the fourth degree* (Penal Law § 221.15), for possession of any "preparations, compounds, mixtures or substances containing marihuana" that weigh more than two ounces.

[24] New York State Penal Law provides for two classes of misdemeanor marijuana sales: a class B misdemeanor, *Criminal Sale of marihuana in the fifth degree* (Penal Law § 221.35), for selling " . . . without consideration, one or more preparations, compounds, mixtures or substances containing marihuana" . . that weigh two grams or less or one cigarette containing marihuana; and a class A misdemeanor, *Criminal Sale of marihuana in the fourth degree* (Penal Law § 221.40), for sale of between 2 grams and twenty-five grams of marijuana.

[25] a class B misdemeanor under Penal Law § 221.10 (1)

[26] a class B misdemeanor under Penal Law § 221.10 (2)

[27] a class A misdemeanor under Penal Law § 221.15

[28] For a breakdown of the number, percent, and rate of marijuana possession arrests by county in 2017, please see appendix F in our full report.

[29] SAMHSA, Center for Behavioral Health Statistics and Quality, National Survey on Drug Use and Health, 2015 and 2016

[30] Report of the NYPD Working Group. (June, 2018). Enforcement of the Law Prohibiting Public Burning of Marijuana in New York City. Retrieved from: https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2018/marijuana-report-20180619.pdf. 7.

[31] Since 51.3 percent of arrests in 2017 did not have a final disposition at the time of our analyses, we present data on dispositions and sentences for arrests made through 2016.

[32] An Adjournment in Contemplation of Dismissal allows a court to defer the disposition of a case for between six months and a year and, if the defendant does not engage in criminal conduct or violate terms set by the court during that time, the case will be dismissed without a conviction.

[33]. CPL § 170.56

[34] In New York State, in 2016, of misdemeanor marijuana possession arrests that were disposed of as a violation or infraction, 43 percent (2384) were disposed as marijuana violations ("Unlawful Possession of Marihuana" under PL 221.05) and 51 percent (2791) were disposed as disorderly conduct PL 240.20). In Upstate Cities, in 2016, of misdemeanor marijuana possession arrests that were disposed of as a violation or infraction, 60 percent (176) were disposed as marijuana violations ("Unlawful Possession of Marihuana" under PL 221.05) and 35 percent (102) were disposed as disorderly conduct convictions (PL 240.20).

[34] This is comparable to our prior work where we find that ACD is more prominent in New York City compared to Upstate Cities and the Rest of the State for all misdemeanor arrests. Patten, M., Hood, Q. O., Low-Weiner, C., Lu, O., Bond, E., Hatten, D., & Chauhan, P. (2018, December). Trends in Misdemeanor Arrests in New York, 1980 to 2017. New York: New York.

This brief focuses solely on changing patterns of marijuana enforcement over time, across geographic areas and demographic groups.   It is beyond the scope of this brief, and related report, to assess the relationship between marijuana enforcement and broader crime and enforcement trends. However, to provide the reader with additional context for New York City, Upstate Cities, and the Rest of the State, we include crime and arrest trends from 1985 to 2017 as follows: (1) rates of reported violent crimes (number of murders, rapes, robberies, and aggravated assaults reported per 100,000 people); (2) rates of reported property crime (number of burglary, larceny and motor vehicle thefts reported per 100,000 people); (3) rates of felony arrests (the number of felony arrests per 100,000 people); and (4) rates of misdemeanor arrests (the number of misdemeanor arrests per 100,000 people).
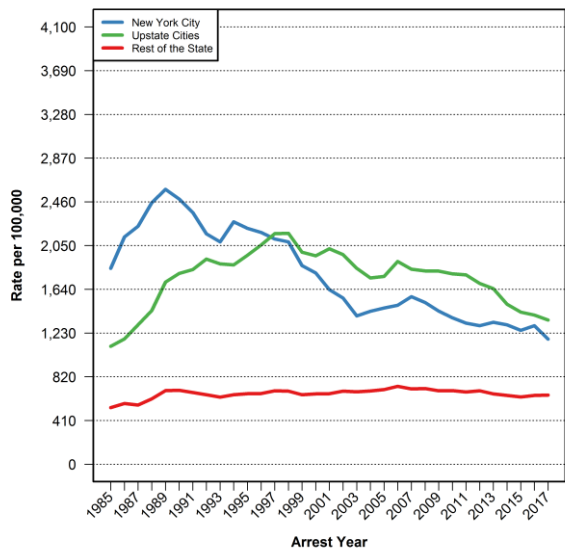
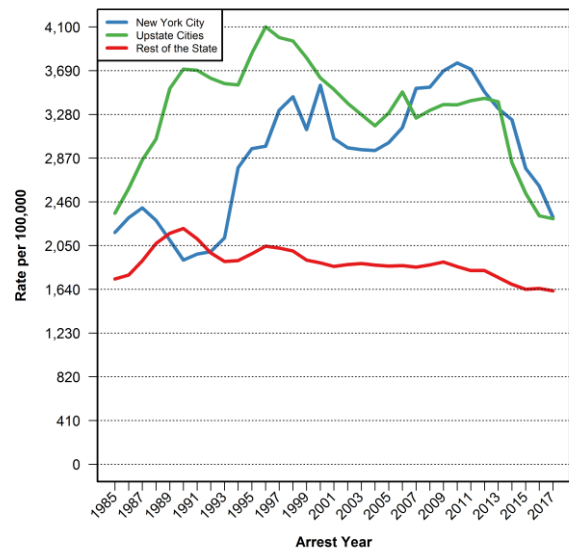*Figure 5: Rate of Reported Violent Crimes in New York State, 1985-2017*
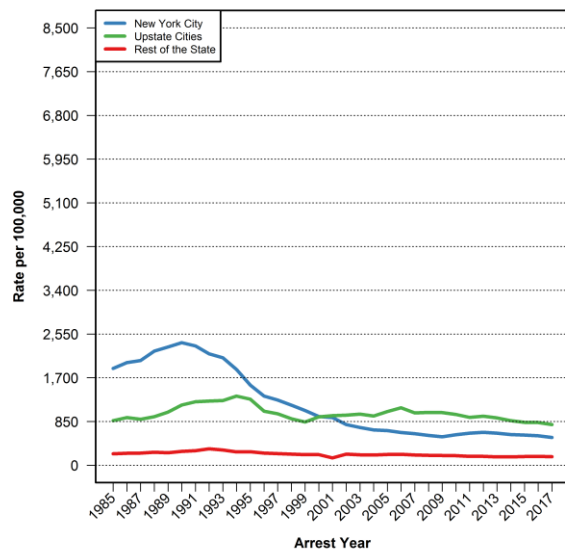
Figure 6: Rate of Reported Property Crimes in New York State, 1985-2017
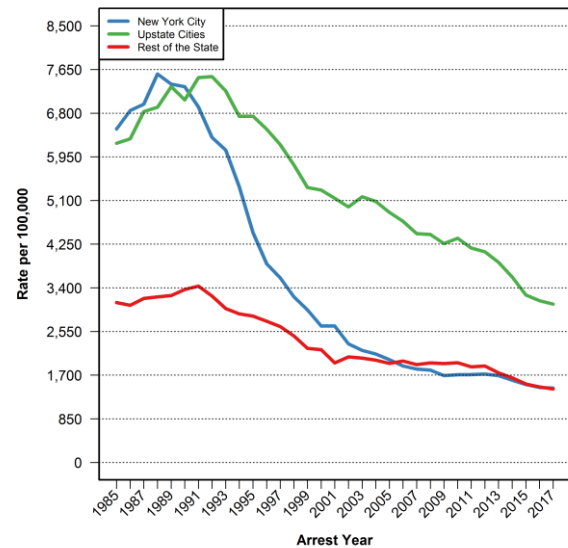
Figure 7: Rate of Felony Arrests in New York State, 1985-2017

Figure 8: Rate of Misdemeanor Arrests in New York State, 1985-2017

For additional information about statewide trends in misdemeanor enforcement, please see a previously released report from the Data Collaborative for Justice: *Trends in Misdemeanor Arrests in New York, 1980-2017.*