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About New York

Whites Smoke Pot, but Blacks Are Arrested

By JIM DWYER

Outside a music club on Greenwich Street in SoHo, the bouncers smoke joints as they check in the arriving customers. A young graphic artist routinely strolls through Chelsea, joint in hand. And when a publicist calls her supplier to order pot, she uses code words — a studio, a one- or two-bedroom — to signal how much she wants.

New York City is now entering its 10th year of pouring tens of millions of dollars into arresting people for the lowest-level misdemeanor marijuana cases.

But the SoHo bouncers and the Chelsea graphic artist don't have much to worry about, at least from the police: they are white. Even though surveys show they are part of the demographic group that makes the heaviest use of pot, white people in New York are the least likely to be arrested for it.

Last year, black New Yorkers were seven times more likely than whites to be arrested for marijuana possession and no more serious crime. Latinos were four times more likely.

In 2001, during his first campaign for mayor, Michael R. Bloomberg was asked by New York magazine if he had ever used marijuana. "You bet I did," he replied. "And I enjoyed it."

Like most white New Yorkers, he stood almost no chance of being locked up for his pot use, then being handcuffed, fingerprinted and spending a night in Central Booking.

Mr. Bloomberg may have been the first major city candidate to acknowledge using pot, but as mayor he has led a sweeping expansion of arrests, according to a recent study by Harry G. Levine, a sociology professor at Queens College.

During Mr. Bloomberg's first two terms in office, the lowest-level marijuana arrests were up, on average, by 50 percent over when his predecessor, Rudolph Giuliani, was in office. Last year, Professor Levine said, the city made 40,300 such arrests — about 12 percent of arrests for all crimes. Of these, 87 percent were of blacks or Latinos.

In 2008, the police made more pot arrests "than in the 12 years of Mayor Koch, plus the four years of Mayor Dinkins, plus the first two years of Mayor Giuliani," Mr. Levine

wrote. “In other words, in one year, 2008, Bloomberg made more pot arrests than in 18 years of Koch, Dinkins and Giuliani combined.”

The mayor’s office said on Tuesday that it could not estimate the cost of such arrests. Mr. Levine, drawing on studies done in other cities, estimated that they could range from \$53 million to \$88 million annually.

WHATEVER the precise costs, are all these marijuana arrests — wildly disproportionate in their racial impact, and consuming the energy of thousands of police officers, the courts, prosecutors and defense lawyers — truly helping the city?

Mr. Bloomberg’s chief criminal justice aide, John Feinblatt, declined to discuss the city’s approach to marijuana arrests, or the findings of the study. But through a spokesman, he issued a statement maintaining the pot arrests have helped drive down violent crime.

“Marijuana arrests — which rarely lead to jail — are concentrated in neighborhoods with the highest concentrations of violent crime because that’s where the police focus their attention in order to reduce victimization,” Mr. Feinblatt said. “This continued focus on low-level offending has been part of the city’s effective crime-reduction strategy, which has resulted in a 35 percent decrease in crime since 2001.”

In effect, Mr. Feinblatt was arguing a variation on the “broken-windows” theory of crime-fighting — that cracking down on symptoms of public disorder helps head off more serious problems.

Mr. Levine argues that such arrests drain resources needed for dealing with serious threats.

The possession of less than an ounce of marijuana was decriminalized by the State Legislature in 1977, reduced to a violation, the equivalent of a traffic ticket. “Burning” it or having it “open to public view” is a misdemeanor.

The handful of white pot smokers who do get arrested can be found in court on Mondays and Tuesdays, when they must answer tickets typically issued for smoking pot in a park. The rest of the week is taken up with blacks and Latinos, who are more likely to have spent a night in jail before court, said Edward McCarthy, a lawyer for the Legal Aid Society.

“Some of the police officers, who are at the start of their careers, are apologetic when they make these arrests,” Mr. McCarthy said. “They say, ‘if my lieutenant or sergeant weren’t here, I’d let you go.’ ”

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