

# \$75 Million a Year

## The Cost of New York City's Marijuana Possession Arrests

- In New York State, carrying a small amount of marijuana in a pocket, backpack or purse is a violation, like a traffic violation, and is *not* a crime. Nonetheless, in 2010 the New York Police Department made 50,300 arrests for marijuana possession – more than for any other offense and one out of seven arrests in New York City.
- Over the last 15 years, a single arrest for marijuana possession, including all police and court expenses, has cost from \$1,000 to \$2,000 or more, conservatively estimated.
- In 2010, New York City spent \$75 million arresting and jailing mostly young people simply for possessing small amounts of marijuana.
- From 1997 through 2010 the NYPD made 536,000 arrests for marijuana possession. This has cost taxpayers \$500 million to over \$1 billion.
- Marijuana possession arrests also have serious human costs and consequences. They create permanent criminal records that can be easily found on the Internet by employers, landlords, schools, credit agencies, licensing boards, and banks.
- Government health surveys find that young whites use marijuana at higher rates than young blacks and Latinos. But the NYPD arrests blacks for marijuana possession at seven times the rate of whites and Latinos at nearly four times the rate of whites.

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## About:

"\$75 Million A Year " was prepared by Harry G. Levine and Loren Siegel of the Marijuana Arrest Research Project. Harry G. Levine, PhD, is a professor of sociology at Queens College, City University of New York. He is the author of numerous works on drug policy and marijuana arrests. Loren Siegel, JD, was for many years the director of public education for the American Civil Liberties Union. She is a communications consultant for prominent media and advocacy organizations. In 2010, Levine, Siegel and criminal justice researcher Jon Gettman issued a series of reports for the Drug Policy Alliance and the NAACP about racially-biased marijuana arrests in California.

The Drug Policy Alliance (DPA) is the nation's leading organization promoting alternatives to the drug war that are grounded in science, compassion, health and human rights.

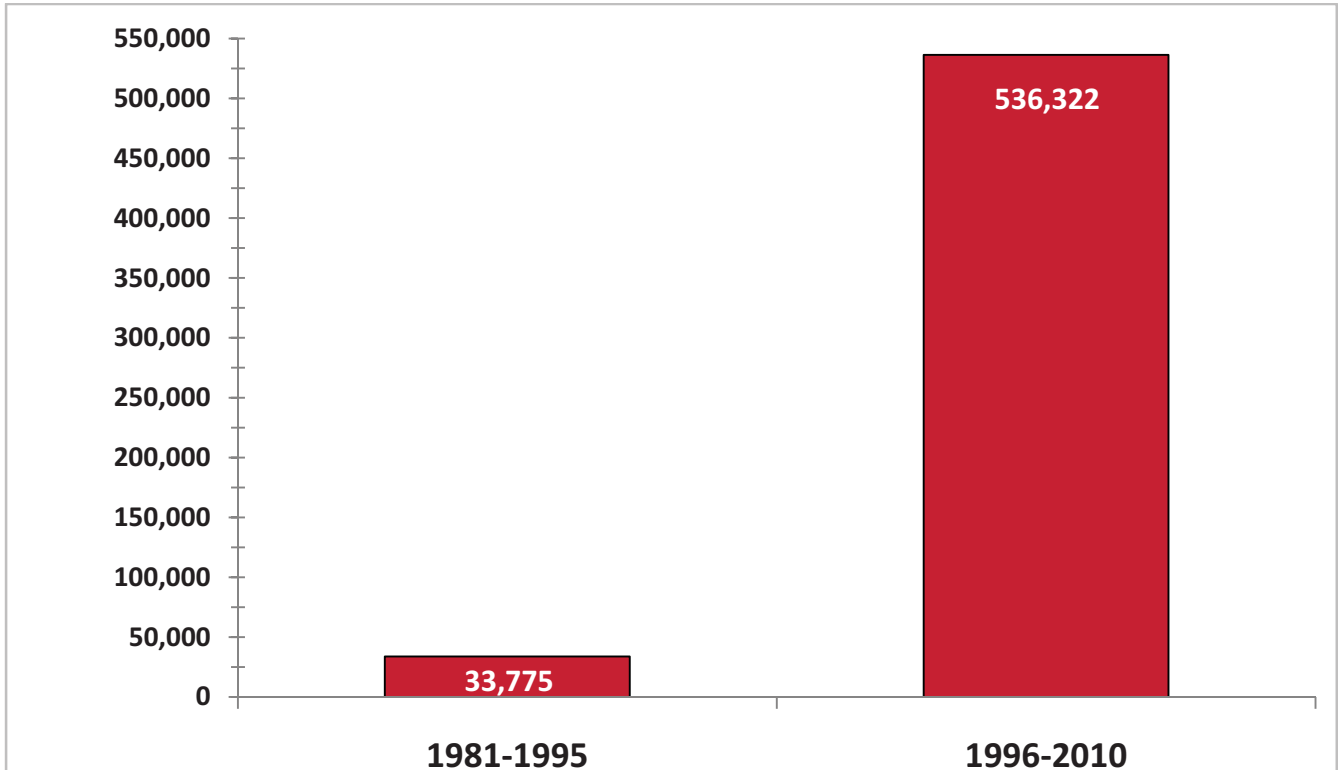
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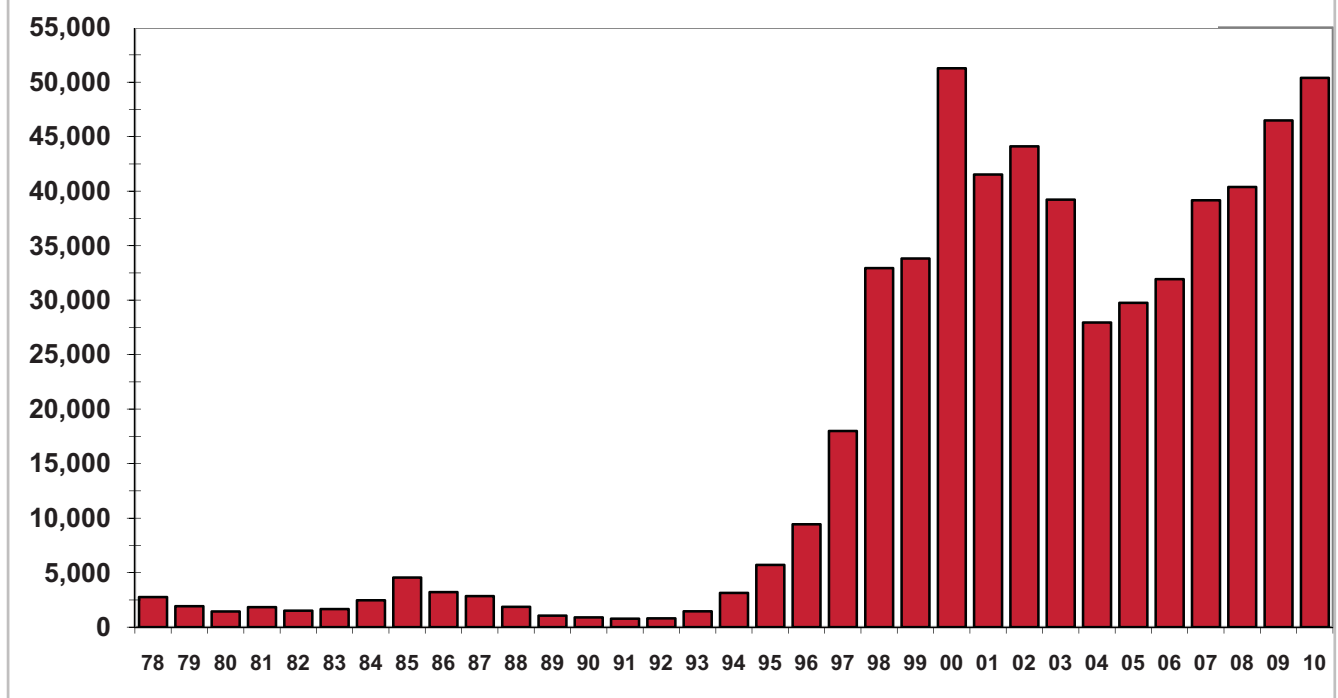


From Pulitzer-prize winning editorial cartoonist Bill Mauldin  
in *The New Republic*, Feb 26, 1972

## 30 Years of Marijuana Possession Arrests in New York City, 1981-1995 & 1996-2010



## Marijuana Possession Arrests in New York City, 1978 - 2010



Source: New York State Division of Criminal Justice Services, Computerized Criminal History System (Feb 2011). Includes all fingerprintable misdemeanor arrests for NYS Penal Law Article 221.10 as the most serious charge in an arrest event. Ages 16 and older. These tables show only the lowest-level misdemeanor marijuana possession arrests and charges.  
- Harry G. Levine, Sociology Department, Queens College and the Graduate Center, City University of New York. Feb 2011

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# The Cost of New York City's Marijuana Possession Arrests

In recent years reports by academics, researchers, and journalists have documented the large number of arrests for possession of marijuana made by police in New York City. The NYPD made 46,400 of these misdemeanor arrests in 2009, and 50,300 of them in 2010 – the two most recent years in the city's fifteen-year marijuana arrest crusade.<sup>1</sup>

For comparison, from 1981 to 1995, under three different mayors, New York City made a total of 33,700 marijuana possession arrests, averaging only 2,300 per year. For the past fifteen years, however, New York averaged 36,000 marijuana possession arrests a year. In 2010 the NYPD arrested people for marijuana possession at nearly *sixteen times* the rate of earlier years.

These are all arrests where the highest or only charge was possessing a small amount of marijuana, usually a tiny bag or a cigarette (*a joint or blunt*). Those arrested were overwhelmingly teenagers and young people in their twenties, and 87% of them were black or Latino.

In New York State, possessing less than an ounce of marijuana is not a crime for which someone can be arrested and fingerprinted. It is only a crime if the marijuana is openly displayed or smoked, which was not the case for most people arrested. Therefore, in order to make these possession arrests, the police usually had to trick or intimidate young people into revealing their marijuana, or search the person's pockets and possessions, often illegally.<sup>2</sup>

The people arrested were handcuffed, taken to the police station, fingerprinted, photographed, and their information was permanently entered into criminal databases. They were then taken to the central booking jail at one of the city's criminal courts. After 24 or more hours in custody, they finally appeared in arraignment court where their cases were handled by assistant district attorneys, public defenders, criminal court judges, and other court personnel.<sup>3</sup>

In 2010, one out of every seven arrests for all offenses in New York City, and one out of five of all misdemeanor arrests, was a lowest-level marijuana possession arrest. Since Bloomberg became Mayor in 2002, the NYPD has made 350,000 of these arrests, more than under Mayors Koch, Dinkins and Giuliani combined.<sup>4</sup>

How much money does it cost New York City to make and process all these arrests? No one knows. Other than the top managers of the police department and the mayor's office, no one has access to the information and there are limited ways to obtain it. As a district attorney from another large city suggested to us, the New York City Council or State Legislature, or both, could hold hearings and require the NYPD and other criminal justice agencies to disclose these costs. Or, a well-funded team of experienced investigators could go through public records, sue for access to others, and use that information to estimate the costs of the city's marijuana possession arrests. At present, the information needed to precisely calculate the cost of New York City's tens of thousands of annual marijuana arrests is hidden and inaccessible.

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In order to determine the costs of both crime and enforcement, many researchers have sought to measure various criminal justice costs. Much of that work has focused on prison expenses and the financial cost of lost property and life resulting from serious felonies. However in the last twenty years a number of researchers have studied police and court costs in different states and cities in order to determine the costs of particular types of crimes. These estimates vary, with costs generally increasing everywhere over time. But there is considerable agreement and the studies converge on a *minimal* police and court cost range of \$1,000 to \$2,000 or more for a basic, custodial misdemeanor arrest and court arraignment.

Mark A. Cohen, an economist and veteran criminal justice researcher at Vanderbilt University, whose work has been published by the U.S. National Institute of Justice, has been examining the costs of crime and of the criminal justice system since the early 1990s. As part of a study for the National Research Council, Cohen and others used data from several jurisdictions and calculated all police and court costs to be about \$2,000 for a rape arrest, about \$1,100 for a robbery arrest, and about \$1,200 for an aggravated assault arrest – in 1987 dollars.<sup>5</sup>

Several other studies have produced roughly comparable figures. In evaluating criminal justice and mandatory sentencing costs in California for the Rand Corporation, Greenwood and his coauthors estimated \$624 in police costs and \$1,100 in total court costs per arrest – in 1993 dollars.<sup>6</sup> A study by Massey about controlling illegal immigration found the cost of one arrest at the border to be \$1,700 in 2002.<sup>7</sup> A recent detailed study of diversion programs in the San Antonio metropolitan area, by The Research Triangle Institute, reported the cost of an arrest from "the initial peace officer interaction through booking" to be \$2,860 in 2007 dollars.<sup>8</sup>

The premier study of the costs of arrests and prosecutions is a 180-page report, *The Comparative Costs And Benefits Of Programs To Reduce Crime*. It was prepared in 2001 by Aos, Phipps, Barnoski, and Lieb for the Washington State Institute for Public Policy. The study calculated average police and court costs per arrest for a number of crime categories in all jurisdictions in the state of Washington.<sup>9</sup> The cost of one arrest for murder was the most expensive followed, in declining order, by arrests for rape, robbery, aggravated assault, property crime, drug crime, and misdemeanors. Aos and his team found that the total police costs for a property crime or drug crime were \$1,890 an arrest, and the court costs were \$1,670 – equaling \$3,560 total costs per arrest (excluding jail and prison expenses).

For a misdemeanor arrest, such as a marijuana possession arrest, police costs were \$764 and the court costs were \$336, for a total of \$1,100 – in 1995 dollars. (See Appendix for a copy of the costs table from the report.) This would be over \$1,500 in 2010 dollars in Washington State. Since the cost of living is higher in New York City, it seems reasonable to conclude that the police and court costs for a single misdemeanor marijuana arrest in New York City is by now *at least* \$1,500 to over \$2,000. This covers all police time including overtime pay for arresting officers and supervisors, all pre-arraignment jail costs, and all court expenses.<sup>10</sup> For 2010 this works out to at least \$75 million.

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Using three different cost figures produces the following range of estimates for the 50,300 marijuana possession arrests the NYPD made in 2010:

**\$1,000 an arrest X 50,300 arrests = \$50,300,000**  
**\$1,500 an arrest X 50,300 arrests = \$75,450,000**  
**\$2,000 an arrest X 50,300 arrests = \$100,600,000**

It is fair to say that New York is currently spending from \$50 million to over \$100 million a year to arrest and process people simply for possessing small amounts of marijuana.<sup>11</sup>

In the last fifteen years, from 1996 through 2010, New York City made a total of 536,000 arrests for possessing small amounts of marijuana. Using the above figures produces the following range:

**\$1,000 per arrest X 536,000 arrests = \$536,000,000**  
**\$1,500 per arrest X 536,000 arrests = \$804,000,000**  
**\$2,000 per arrest X 536,000 arrests = \$1,072,000,000**

So far, New York City's marijuana arrest crusade has cost from five hundred million to over a billion dollars. And these hundreds of thousands of manufactured marijuana arrests and jailings have fallen overwhelmingly on people least able to defend themselves against the onslaught – young, low-income blacks and Latinos.

Is this how the citizens of New York want their tax dollars spent? In the midst of New York's severe economic crisis, when schools, health care and other essential services are being cut, is this the best use of \$75 million or more a year?



Frisk on Amsterdam Ave  
Ed Stern at Flickr.com



NYC August 2007  
Ken Stein at Flickr.com



At Manhattan Police Station, 2008  
Ed Stern at Flickr.com

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# Appendix: Human Costs of the Marijuana Possession Arrests

The 50,300 marijuana possession arrests the NYPD made in 2010, and the 536,000 marijuana arrests made since 1996, do not reduce serious crime or violence, but the arrests are very useful for significant groups within the police department.<sup>12</sup> The arrests are relatively safe and easy, provide training for rookie police, and allow patrol and narcotics officers and their supervisors to make overtime pay. They produce records of police activity and help supervisors keep track of what officers are doing. The arrests are also the most effective way for the NYPD to collect fingerprints, photographs and other information on young people not yet entered in the criminal databases. The usefulness of the arrests within the NYPD helps explain why the department refuses to discuss its marijuana possession arrests, sometimes denies they are going on, and why it tries to divert attention away from them and their costs.<sup>13</sup>

The financial costs of the arrests are footed by New York's taxpayers. The human costs are borne almost entirely by black and Latino teenagers and young men, and their families. The police patrols and more than 500,000 annual recorded stop-and-frisks are concentrated in their neighborhoods. These young people are the ones stopped, searched, found possessing marijuana, arrested, and jailed overnight at the rate of nearly a thousand a week in 2010 – even though they use marijuana at lower rates than young whites. The people arrested endure an unpleasant, scary and humiliating ordeal. While under arrest they miss school, family responsibilities and work which sometimes costs them their jobs. They are subjected to up to a year's probation by the criminal court, and their personal information is permanently entered into the national network of criminal databases.

A permanent criminal record is the most enduring and least recognized opportunity-harming cost of these arrests. Twenty years ago, misdemeanor arrest and conviction records were papers kept in court storerooms and warehouses, often impossible to locate. Ten years ago they were computerized. Now they are instantly searchable on the Internet for \$20 to \$40 through commercial criminal-record database services. A simple Google search for the phrase 'criminal database' or 'criminal records' produces numerous links to firms, some claiming that their searches are better than the others. Some offer "50 state searches" for as low as \$12.95.<sup>14</sup>

Employers, landlords, credit agencies, licensing boards for nurses and beauticians, schools, and banks now routinely search these databases for background checks on applicants. A simple arrest for marijuana possession can show up on criminal databases as "a drug arrest" without specifying the substance, the charge, or even if the person was convicted. Employers and landlords, faced with an abundance of applicants, often eliminate those with criminal arrest records, especially for drugs. Nurses, security guards, and others licensed by the state can lose their licenses and their jobs from just one misdemeanor marijuana arrest.<sup>15</sup>

For legal immigrants, two guilty pleas to misdemeanor marijuana possession can lead to deportation, and one guilty plea can bar someone from ever returning to the U.S. Family court can remove children from a home because a parent is convicted or just arrested for marijuana

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possession. A person cannot be considered for public housing with an "open criminal case." including the typical probation for a first time arrest for marijuana possession.

Police patrols and stop-and-frisks target the neighborhoods of low-income people of color, but not the predominately white and higher income neighborhoods. As a result, day after day and year after year, the NYPD disproportionately arrests young blacks and Latinos for possessing marijuana – even though they use marijuana at lower rates than whites.

The collateral consequences of having a criminal record disrupt lives and limit the opportunities of tens of thousands of young New Yorkers caught up in the NYPD's marijuana arrest crusade. The criminal records seriously affect the young peoples' position with regard to employment, housing, schooling, credit, occupational licensing, family court, immigration status, and other central areas of life. In the long run the arrests increase unemployment, interfere with schooling, break up families, create resentment toward the police, increase inequality, and likely increase the commission of more serious crimes. They also increase public costs and reduce the chances that people arrested will forge successful lives and careers and earn steady incomes contributing to the tax base of New York City and State.<sup>16</sup>

For the people arrested and for all New Yorkers, these marijuana arrests are a lose-lose proposition.

The legislative intent introduction to The Marijuana Reform Act of 1977 as passed by the New York State Senate and Assembly, and signed by the Governor says:

"The legislature finds that arrests, criminal prosecutions, and criminal penalties are inappropriate for people who possess small quantities of marijuana for personal use. Every year, this process needlessly scars thousands of lives and wastes millions of dollars in law enforcement resources, while detracting from the prosecution of serious crimes."

– Chapter 360 of the Laws of New York, "Crimes and Offenses–Possession and Sale of Marijuana"

## NOTES

<sup>1</sup> For research and scholarly reports on New York City's marijuana arrests see:

- Harry G. Levine and Deborah Peterson Small, *Marijuana Arrest Crusade: Racial Bias and Police Policy, 1997-2007*, New York Civil Liberties Union, NY, April 2008. [http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE\\_Final.pdf](http://www.nyclu.org/files/MARIJUANA-ARREST-CRUSADE_Final.pdf)

- Harry G. Levine, "New York City's Marijuana Arrest Crusade ... Continues" New York: Sept 2009. At: <http://dragon.soc.qc.cuny.edu/Staff/levine/NYC-MARIJUANA-ARREST-CRUSADE-CONTINUES-SEPT-2009.pdf>

- Andrew Golub, Bruce D. Johnson, and Eloise Dunlap, "Smoking marijuana in public: the spatial and policy shift in New York City arrests, 1992–2003", *Harm Reduction Journal* 3:22, 2006. Available at: <http://www.harmreductionjournal.com/content/pdf/1477-7517-3-22.pdf>.

- Andrew Golub, Bruce D. Johnson, and Eloise Dunlap. "The Race/ethnicity Disparity In Misdemeanor Marijuana Arrests In New York City", *Criminology and Public Policy* 6:1 pp 131-163, 2007



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- Bruce D. Johnson, Andrew Golub, Eloise Dunlap, Stephen J. Sifaneck, James E. McCabe, "Policing and Social Control of Public Marijuana Use and Selling in New York City," *Law Enforcement Executive Forum*, 2006, 6(5)

For a sample of the journalism and coverage of New York City's marijuana arrests see:

Jim Dwyer, "On Arrests, Demographics, and Marijuana" *New York Times*, April 30, 2008; Nat Hentoff, "The NYPD's Secret Crusade Against Marijuana Furthers a Racist Agenda" *The Village Voice* May 6, 2008; Sean Gardiner, "Marijuana" in "Hooked: Four Decades Of Drug War In New York City" *City Limits Magazine*. July 2009; Marc Jacobson, "The Splitting Image of Pot." *New York Magazine*, Sept 21, 2009; Jason Fink, "Marijuana high on city's hit list: NYPD busting thousands amid drug debate" *AM-NY*. Sept 14, 09; Jim Dwyer, "Whites Smoke Pot, but Blacks Are Arrested" *New York Times*. Dec 22, 2009; Charles M. Blow, "Smoke and Horrors" *New York Times*. Oct 22, 2010.

<sup>2</sup> In 1977 New York State passed the Marijuana Reform Act creating the violation of marijuana possession, NYS Penal Law 221.05, with a hundred dollar fine, and creating the misdemeanor of 221.10 which makes it a crime to possess marijuana "burning or open to public view." This is discussed in Levine and Small, *Marijuana Arrest Crusade*, Ch 5. Drosy Arrests: How Pot In A Pocket Becomes Marijuana 'Burning Or Open To Public View'. pp.38-44. As the graphs and data in this document show, beginning in 1996 and continuing to this day, the NYPD has focused its enforcement on simple possession, especially among teenagers and young people, the exact opposite of what the 1977 law intended. For 15 years, these arrests have clearly been the result of NYPD policy coming from the highest levels of command.

<sup>3</sup> In most cases the people arrested received a kind of probation for six months to a year, so that the immediate punishment is usually the arrest and detention itself. However, see the Appendix for a brief discussion of the more severe and longer term consequences of the criminal record created by the arrest.

<sup>4</sup> All the arrest figures presented here are for the lowest-level misdemeanor marijuana possession offense – 221.10 in the New York State Criminal Code. The details of how these arrests are made are described in a variety of places, see especially Harry Levine and Deborah Small, *Marijuana Arrest Crusade* (cited above). It is important to understand that *most of the people arrested had not been smoking in public* or revealing the marijuana before they were stopped by the police. Most had the marijuana in a pocket, backpack or purse. They were stopped as part of the city's huge number of stop and frisks, which includes over 500,000 officially recorded ones and perhaps an equally large number for which stop and frisk forms are never filled out, especially for the marijuana and other drug possession arrests. From 1978–2001, under Mayors Koch, Dinkins and Giuliani, the NYPD made 230,300 of these marijuana possession arrests. From 2002–2010 under Mayor Bloomberg, the police have made 349,100 of these lowest-level marijuana possession arrests.

<sup>5</sup> Mark A. Cohen, *The Costs of Crime and Justice*. New York: Routledge, 2005, pp.84-5; and Mark A. Cohen, "Measuring the Costs and Benefits of Crime and Justice." pp. 263-316 in Volume 4: *Measurement and Analysis of Crime and Justice*, National Institute of Justice, July 2000, NCJ 182411. Available at: [http://www.ncjrs.org/criminal\\_justice2000/vol\\_4/04f.pdf](http://www.ncjrs.org/criminal_justice2000/vol_4/04f.pdf). p.297. Cohen, M., Miller, T., and Rossman, S. "The costs and consequences of violent behavior in the United States." In Roth, A. (Ed.), *Understanding And Preventing Violence* (Vol. 4, pp. 67-166). Washington, D.C.: National Academy Press. 1994. The police and court costs from earlier years can be calculated in terms of later years with a basic cost of living calculator - for example see: <http://www.aier.org/research/worksheets-and-tools/cost-of-living-calculator>

<sup>6</sup> Peter W. Greenwood *et al.* "Three Strikes and You're Out: Estimated Benefits and Costs of California's New Mandatory Sentencing Law," Rand Corporation, Santa Monica, CA. 1994. p.15; also: C. Peter Rydell and Susan S. Everingham, "Controlling Cocaine: Supply Versus Demand Programs," Rand Corporation, Santa Monica, CA. 1994. They calculated that the court costs per narcotics arrest was \$1166 in 1990.

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<sup>7</sup> Douglas S. Massey, "Backfire at the Border: Why Enforcement without Legalization Cannot Stop Illegal Immigration," Cato Institute, Washington, D.C, June 2005, p.8.

<sup>8</sup> "A Cost Analysis of the Bexar County, Texas, Jail Diversion Program Report 2: An Analysis of Cost-Shifting between the Treatment and Criminal Justice Systems" Prepared by Alexander J. Cowell *et al.* RTI International, Research Triangle Park, NC (p.3-7 page 36 of the pdf.) May 2008. At: <http://www.naco.org/programs/csd/documents/criminal%20justice/jail%20diversion%20forum%20materials/cost%20benefit%20study.pdf>. For a recent review of studies of police and court costs see: Jonathan P. Caulkins, Cost of Marijuana Prohibition on the California Criminal Justice System, Rand Corporation, Santa Monica, August 2010. At: [http://www.rand.org/pubs/working\\_papers/2010/RAND\\_WR763.pdf](http://www.rand.org/pubs/working_papers/2010/RAND_WR763.pdf). California issues summons and does not routinely make custodial arrests for marijuana possession; this significantly reduces the police costs per 'arrest.'

<sup>9</sup> Steve Aos, Polly Phipps, Robert Barnoski, Roxanne Liebet. *The Comparative Costs and Benefits of Programs to Reduce Crime*, (Version 4), Washington State Institute for Public Policy Olympia, Washington, May 2001. 180 pages. See Table IV-D, Estimates of Marginal Resource Operating Costs, Per Unit, P. 85 At: <http://www.wsipp.wa.gov/pub.asp?docid=01-05-1201>, and at: <http://www.wsipp.wa.gov/rptfiles/costbenefit.pdf>

<sup>10</sup> In recent years, about fourteen percent of all arraignments in New York City were for marijuana possession, and the chief arraignment courts routinely have at least a dozen people doing various jobs in the court room, including clerks, legal aid attorneys, prosecutors and staff, four or more police officers, some assigned full time to the court, and other office staff not present in the court rooms.

The basic arrests figures for New York City and for other counties in New York State are available from the Division of Criminal Justice Services at: <http://criminaljustice.state.ny.us/crimnet/ojsa/stats.htm>. The adult arrest figures are at: <http://criminaljustice.state.ny.us/crimnet/ojsa/arrests/index.htm>, and the figures for New York City 2001 through 2010 are at: <http://criminaljustice.state.ny.us/crimnet/ojsa/arrests/NewYorkCity.pdf>. The above shows that in 2010, New York City made: 343,308 total arrests; 92,139 felony arrests; 251,169 misdemeanor arrests. In 2010, New York City made 50,383 misdemeanor marijuana possession arrests. This was 14.7% of all arrests and 20.1 % of all misdemeanor arrests in 2010.

<sup>11</sup> In recent years, the budget for the New York Police Department alone has been about four billion dollars a year. Although \$50 million to \$100 million a year is not a large portion of the total police budget, even in New York City that is a considerable amount of public money.

<sup>12</sup> In their 2007 study of the effect of the marijuana possession arrests on reducing crime in New York City, Harcourt and Ludwig, two University of Chicago researchers, found that the NYPD's misdemeanor marijuana arrests do not reduce crime and may even increase it by taking officers off the street. They write:

"[New York City's] experiment with misdemeanor MPV [marijuana possession] arrests —along with all the associated detentions, convictions, and additional incarcerations — represents a tremendously expensive policing intervention.... Our study further shows that there is no good evidence that it contributed to combating serious crime in the city. If anything, it has had the reverse effect. As a result, the NYPD policy of misdemeanor MPV [marijuana possession] arrests represents an extremely poor trade-off of scarce law enforcement resources."

See: Bernard E. Harcourt and Jens Ludwig, "Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York City, 1989-2000", *Criminology and Public Policy* 6:1 pp 165-182, 2007. Available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=948753](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=948753).

<sup>13</sup> The usefulness of the marijuana possession arrests within the police department is discussed most fully by Levine and Small, *Marijuana Arrest Crusade*, NYCLU, 2008, cited in note #1. The fact that the marijuana possession arrests do not reduce crime, and probably increase crime a bit, is discussed by Harcourt and

Ludwig, 2007, cited in note #9. An example of the chief NYPD spokesman casually dismissing the marijuana arrests was in response to a query by a reporter at AM-NY who had personally obtained the misdemeanor arrest data from New York State. In response, Paul J. Browne said only that the arrest statistics were "bogus." Jason Fink, "Marijuana high on city's hit list: NYPD busting thousands amid drug debate" *AM-NY*. Sept 14, 2009, at: <http://dragon.soc.qc.cuny.edu/Staff/levine/NYPotArrests/AM-NY-HIGH-CRIMES-Sept14-2009.pdf>.

<sup>14</sup> This discussion of the damaging effects of criminal records for marijuana possession is based on our ongoing research in New York, California, and elsewhere in the U.S. For an overview of the spread and dangers of the online criminal databases see: Hon. Cynthia Diane Stephens, "Keeping an Arrest from Resulting in a Life Sentence." *Michigan Bar Journal*, Nov 2008. <http://www.michbar.org/journal/pdf/pdf4article1433.pdf>

<sup>15</sup> During a major hearing of the Judiciary Committee of the U.S. House of Representatives, Representative Steve Cohen from Memphis repeatedly termed the stigmatizing effects of criminal records for marijuana possession a type of "scarlet letter." See: "Unfairness In Federal Cocaine Sentencing: Is It Time To Crack The 100 To 1 Disparity?" *Hearing Before The Committee On The Judiciary House Of Representatives*. May 21, 2009. Pages 19-20. At: [http://judiciary.house.gov/hearings/printers/111th/111-27\\_49783.PDF](http://judiciary.house.gov/hearings/printers/111th/111-27_49783.PDF).  
On the life-damaging effects of drug arrests also see: Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*. New Press, 2009.

<sup>16</sup> For an excellent, detailed discussion of the many costs and collateral consequences of policing focused on misdemeanor arrests see: Babe Howell, "Broken Lives from Broken Windows: The Hidden Costs of Aggressive Misdemeanor Policing." *New York University Review of Law and Social Change*, Vol. 33, No. 3, 2008. At: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=130711](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=130711)

## Marijuana Possession Arrests in New York City by Race, 1996 - 2010

Total Arrests		Whites		Latinos		Blacks		All others	
1996	9,433	1,289	14%	2,975	32%	5,086	54%	83	1%
1997	17,992	2,548	14%	5,626	31%	9,604	53%	214	1%
1998	32,936	4,861	15%	10,636	32%	17,060	52%	379	1%
1999	33,819	4,645	14%	11,841	35%	16,900	50%	433	1%
2000	51,267	6,590	13%	17,363	34%	26,670	52%	644	1%
2001	41,521	5,557	13%	12,860	31%	22,544	54%	560	1%
2002	44,111	6,324	14%	13,929	32%	22,949	52%	909	2%
2003	39,213	5,250	13%	12,254	31%	20,690	53%	1,019	3%
2004	27,944	2,468	9%	9,597	34%	15,310	55%	569	2%
2005	29,752	2,355	8%	9,998	34%	16,605	56%	794	3%
2006	31,925	2,584	8%	10,564	33%	17,990	56%	787	3%
2007	39,156	3,387	9%	13,114	34%	21,581	55%	1,074	3%
2008	40,383	3,959	10%	13,406	33%	21,954	54%	1,064	3%
2009	46,487	4,658	10%	15,291	33%	25,329	54%	1,209	3%
2010	50,383	5,493	11%	16,123	32%	27,177	54%	1,590	3%
96-10	536,322	61,968	12%	175,577	33%	287,449	54%	11,328	2%

Source: New York State Division of Criminal Justice Services, Computerized Criminal History System (Feb 2011). Includes all fingerprintable misdemeanor arrests for NYS Penal Law Article 221.10 as the most serious charge in an arrest event. Ages 16 and older. These tables show only the lowest-level misdemeanor marijuana possession arrests and charges.

**FROM: The Comparative Costs And Benefits Of Programs To Reduce Crime, Version 4.0. By Steve Aos, Polly Phipps, Robert Barnoski, Roxanne Lieb. © Washington State Institute for Public Policy, Olympia, WA 98504-0999. 2001. 174 pp. At: <http://www.wsipp.wa.gov/pub.asp?docid=01-05-1201> and/or <http://www.wsipp.wa.gov/rptfiles/costbenefit.pdf>**

**Table IV-D  
Estimates of Marginal Resource Operating Costs, Per Unit**

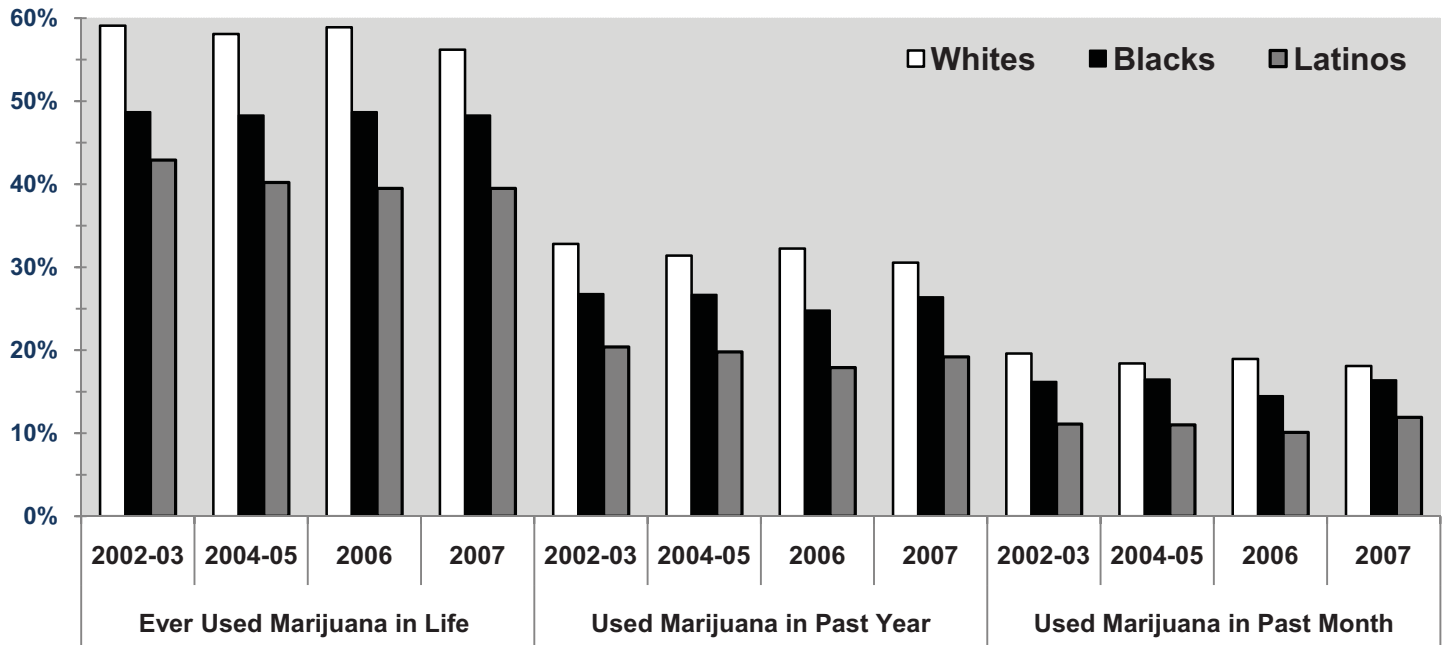
Resource	Costs, Per Unit, By Type of Crime										Year in Which Unit Cost Estimates are Based	Annual Real Cost Escalation Rate	
	Units Used In Cost Estimate	Murder Man-slaughter	Rape	Robbery	Aggravated Assault	Property	Drug	Misdemeanor					
<b>State and Local Governmental Operating Costs Paid by Taxpayers</b>													
Police and Sheriff's Offices <sup>(1)</sup>	\$ Per Arrest	\$12,551	\$12,551	\$12,551	\$12,551	\$1,890	\$1,890	\$764				1995	0.0%
Superior Courts & County Prosecutors <sup>(1)</sup>	\$ Per Conviction	\$97,034	\$18,399	\$18,399	\$18,399	\$1,675	\$1,675	\$336				1995	0.0%
Juvenile Detention, with Local Sentence <sup>(2)</sup>	Annual \$ Per ADP	\$30,300	\$30,300	\$30,300	\$30,300	\$30,300	\$30,300	\$30,300				1995	0.0%
Juvenile Detention, with JRA Sentence <sup>(2)</sup>	Annual \$ Per ADP	\$30,300	\$30,300	\$30,300	\$30,300	\$30,300	\$30,300	\$30,300				1995	0.0%
Juvenile Local Probation <sup>(2)</sup>	Annual \$ Per ADP	\$1,928	\$1,928	\$1,928	\$1,928	\$1,928	\$1,928	\$1,928				1995	0.0%
Juvenile Rehabilitation, Institutions <sup>(1)(3)</sup>	Annual \$ Per ADP	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$36,000	\$0				1996	0.0%
Juvenile Rehabilitation, Parole <sup>(5)</sup>	Annual \$ Per ADP	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$8,000	\$0				1996	0.0%
Adult Jail, with Local Sentence <sup>(1)</sup>	Annual \$ Per ADP	\$17,047	\$17,047	\$17,047	\$17,047	\$17,047	\$17,047	\$17,047				1995	0.0%
Adult Community Supervision, Local Sentence <sup>(4)(5)</sup>	Annual \$ Per ADP	\$2,688	\$2,688	\$2,688	\$2,688	\$2,688	\$2,688	\$0				1994	0.0%
Department of Corrections, Institutions <sup>(1)</sup>	Annual \$ Per ADP	\$18,400	\$18,400	\$18,400	\$18,400	\$18,400	\$18,400	\$0				1995	0.0%
Department of Corrections, Post-Prison Supervision <sup>(4)(5)</sup>	Annual \$ Per ADP	\$2,688	\$2,688	\$2,688	\$2,688	\$2,688	\$2,688	\$0				1994	0.0%
<b>Costs Paid by Crime Victims</b>													
Victim Costs—Monetary, Out of Pocket Costs <sup>(6)</sup>	\$ Per Crime	\$1,098,828	\$6,649	\$2,513	\$1,559	\$587	\$0	\$0				1995	0.0%
Victim Costs—Quality of Life <sup>(6)</sup>	\$ Per Crime	\$2,038,965	\$88,124	\$6,221	\$8,466	\$0	\$0	\$0				1995	0.0%

Sources and Notes:

- (1) Costs estimated by the Washington State Institute for Public Policy using expenditure and workload data for jurisdictions in Washington. See Table 5.
- (2) Washington State Institute for Public Policy, *Washington State Juvenile Courts: Workloads and Costs*, April 1997.
- (3) Washington State Senate Ways and Means Committee, *Roundtable Discussion on Criminal Justice Funding Issues*, January 28, 1997, page 7.
- (4) State of Washington Sentencing Guidelines Commission, *Criminal Justice in Washington State*, January 1995, page 39. This is for "Level One" community supervision, custody, and placement.
- (5) Communication with staff at the Washington Department of Corrections.
- (6) Communication with Ted Miller, National Public Services Research Institute. Victim costs per violent crime for Washington State in 1995 dollars. Monetary victim costs include the categories of medical spending, mental health payments, future earnings, and property damage, less public programs. Quality of life victim costs are computed from jury awards for pain, suffering, and lost quality of life; for murders, the victim quality of life value is estimated from the amount people spend to reduce risks of death. See, *Victim Costs and Consequences: A New Look*, U.S. Dept. of Justice, 1996.

**Police costs of a misdemeanor arrest in 1995 = \$764. In 2010 dollars = \$1092.  
Court costs in 1995 = \$336. In 2010 dollars = \$480.  
Total Police and Court Costs of a simple misdemeanor arrest in 1995 = \$1100.  
In 2010 dollars = \$1570.**

## Marijuana Use by Whites, Blacks and Latinos, Ages 18 to 25, 2002-2007



Source: US Dept HHS, SAMHSA, Office of Applied Studies, National Survey on Drug Use and Health, 2002-2007

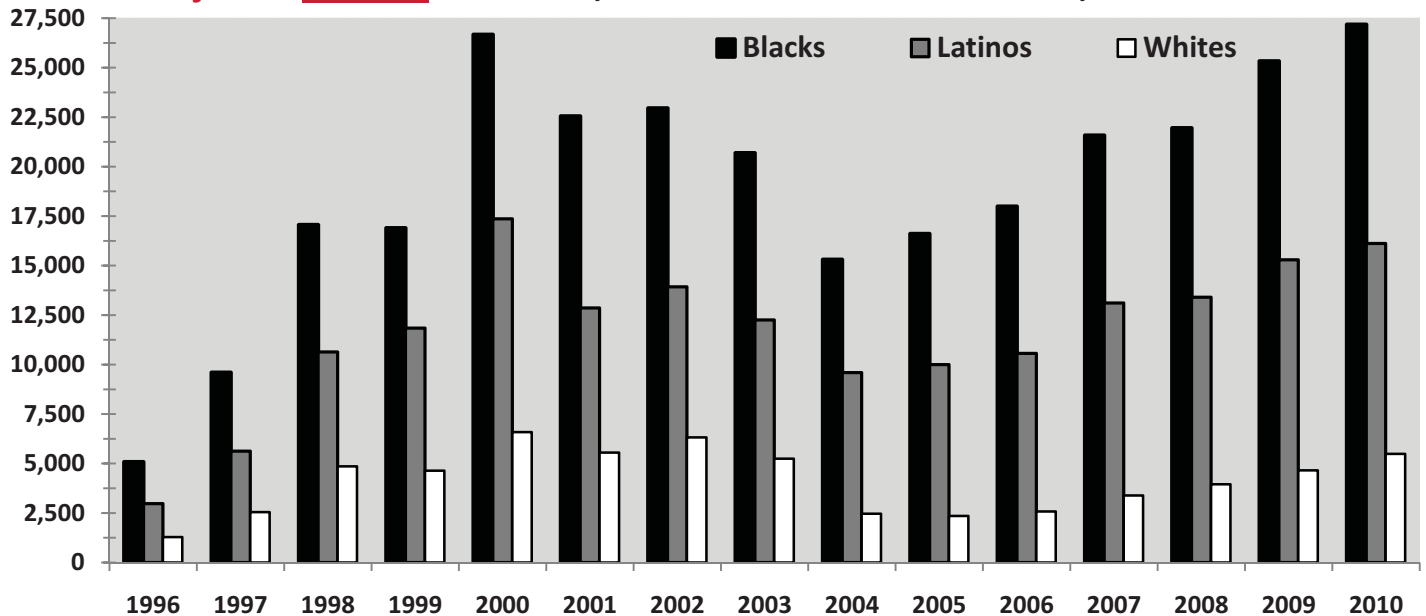
2003-2005: Table 1.80B Marijuana Use in Lifetime, Past Year, and Past Month among Persons Aged 18 to 25, by Racial/Ethnic Subgroups: Percentages, Annual Averages Based on 2002-2003 and 2004-2005.

<http://www.oas.samhsa.gov/NSDUH/2k5NSDUH/tabs/Sect1peTabs67to132.htm#Tab1.80B>.

2006-2007: Table 1.26B – Marijuana Use in Lifetime, Past Year, and Past Month among Persons Aged 18 to 25, 2006 and 2007

<http://www.oas.samhsa.gov/NSDUH/2k7NSDUH/tabs/Sect1peTabs1to46.htm#Tab1.26B>

## Marijuana Arrests of Blacks, Latinos and Whites in NYC, 1996-2010



Source: New York State Division of Criminal Justice Services, Computerized Criminal History System (Feb 2011). Includes all fingerprintable misdemeanor arrests for NYS Penal Law Article 221.10 as the most serious charge in an arrest event. Ages 16 and older. These tables show only the lowest-level misdemeanor marijuana possession arrests and charges.

Harry G. Levine, Sociology Department, Queens College and the Graduate Center, City University of New York. Feb 2011