

Trends in Marijuana Enforcement in New York State, 1990 to 2017

A REPORT OF
THE DATA COLLABORATIVE FOR JUSTICE
JOHN JAY COLLEGE OF CRIMINAL
JUSTICE

DATA COLLABORATIVE for JUSTICE
STRENGTH IN NUMBERS

at JOHN JAY COLLEGE

**JOHN
JAY** COLLEGE
OF
CRIMINAL
JUSTICE

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Meredith Patten, Ph.D.

Erica Bond, J.D.

Cecilia Low-Weiner, M.S.

Quinn O. Hood, B.A.

Olive Lu, M.S.

Shannon Tomascak, M.A.

Darren Agboh, B.A.

Preeti Chauhan, Ph.D.

February 8, 2019

Suggested Citation: Patten, M., Bond, E., Low-Weiner, C., Hood, Q.O., Lu, O., Tomascak, S., Agboh, D., & Chauhan, P. (2019, February). *Trends in Marijuana Enforcement in New York State, 1990 to 2017*. New York: New York.

The data used in this report were provided by the Division of Criminal Justice Services (DCJS) and are the property of that agency. Any further use of these data must be approved by the DCJS and any views or opinions expressed in this report do not necessarily represent the official position of the DCJS.

Funding for this report was provided by Arnold Ventures. Any views or opinions in this report are those of the authors and do not necessarily represent the official position of Arnold Ventures.

Acknowledgments

As always, we are grateful to our colleagues for their support and feedback.

First, we would like to thank the New York State Division of Criminal Justice Services for providing us with the data for this report and for helping us understand these data. We are especially grateful to Executive Deputy Commissioner Michael Green, Deputy Commissioner Terry Salo, and Director of Research Leslie Kellam for their assistance and guidance. Additionally, we would like to thank Counsel to the Governor Alphonso David, Assistant Counsel to the Governor Jason Starr, and Assistant Counsel to the Governor for Health Axel Bernabe.

We are grateful to the New York City Police Department for their support. In particular we would like to thank Commissioner James P. O'Neill, First Deputy Commissioner Benjamin B. Tucker, Deputy Commissioner Susan Herman, Chief John Donohue, Deputy Chief Thomas J. Taffe, Assistant Commissioner Tanya Meisenholder, and Lieutenant Tara Coffey.

We would also like to thank our colleagues at the Mayor's Office of Criminal Justice. A special thanks to Michele Sviridoff, Susan Sommer, Brenda Velazquez, Kwan-Lamar Blount-Hill, Jorge Camacho, Andrew Edelman, Patrick Gallahue, and Josephine Hahn.

We are thankful for the ongoing support we have received from our other stakeholders. Thank you to Richard Aborn and Katelyn Greco of the Citizens Crime Commission, Nitin Savur at the Manhattan District Attorneys Office, Freda Solomon and Rick Peterson from the New York Criminal Justice Agency, and Kieran Holohan, Joe Hughes, and Linda May from the Office of Administrative Trials and Hearings. We would also like to thank Deputy Chief John Mueller of the Yonkers Police Department.

Thank you to the rest of the Data Collaborative for Justice team for their dedication and support including Celina Cuevas, Edwin Grimsley, Tao (Richie) Lin, Kerry Mulligan, and Therese Todd.

Lastly, this work would not have been possible without funding from Arnold Ventures. We are especially grateful to Director of Criminal Justice, Virginia Bersch, for her ongoing support in meeting the mission of the Data Collaborative for Justice and the Misdemeanor Justice Project. We are also incredibly grateful to Jeremy Travis for creating the Misdemeanor Justice Project while President of John Jay College, and for continuing to support us in his new role as Executive Vice President of Criminal Justice at Arnold Ventures.

About the Data Collaborative for Justice

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.

To date we have published reports on misdemeanor arrests, criminal summonses, pedestrian stops, mobility of arrests for misdemeanors, trends in jail admissions and custody, as well as conducted evaluation of reform initiatives. For more information about the Data Collaborative for Justice please go to: www.datacollaborativeforjustice.org.

Contents

Acknowledgments	3
List of Figures	9
List of Tables	13
Executive Summary	17
Background Context	23
Marijuana Arrest Trends by Penal Law Code	25
Marijuana Possession Arrest Trends	33
Marijuana Possession Arrest Trends by Sex	35
Marijuana Possession Arrest Trends by Age	39
Marijuana Possession Arrest Trends by Race/Ethnicity	43
Marijuana Possession Arrest Trends for Males by Age and Race/Ethnicity	47
16-17 Year-Olds Males by Race/Ethnicity	48
18-20 Year-Olds Males by Race/Ethnicity	51
21-24 Year-Olds Males by Race/Ethnicity	54
25-34 Year-Olds Males by Race/Ethnicity	57
35-65 Year-Olds Males by Race/Ethnicity	60
Marijuana Possession Arrest Trends by Disposition	63
Marijuana Possession Arrest Trends by Sentence	67
Conclusion	71
Appendix A: Data and Definitions	73
Appendix B: Trends by Demographics and Geographic Area	75
Appendix C: Trends by Borough	79
Appendix D: Figure Tables	81
Appendix E: Rate Ratio Tables	129
Appendix F: Number, Percent, and Rate of Arrests for Marijuana Possession by County in 2017	133

List of Figures

1	Reported Violent Crime Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017	23
2	Reported Property Crime Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017	23
3	Felony Arrest Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017	24
4	Misdemeanor Arrest Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017	24
5	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State, 1990 to 2017	26
6	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City, 1990 to 2017	26
7	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities, 1990 to 2017	26
8	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State, 1990 to 2017	26
9	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State, 1990 to 2017	27
10	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City, 1990 to 2017	27
11	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities, 1990 to 2017	27
12	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State, 1990 to 2017	27
13	Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in New York State, 1990 to 2017	30
14	Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in New York City, 1990 to 2017	30
15	Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in Upstate Cities, 1990 to 2017	30
16	Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in the Rest of the State, 1990 to 2017	30
17	Number of Misdemeanor Arrests for Marijuana Possession in New York State, 1990 to 2017	33
18	Misdemeanor Arrest Rate for Marijuana Possession in New York State, 1990 to 2017	33
19	Misdemeanor Arrest Rate for Marijuana Possession by Sex in New York State, 1990 to 2017	35
20	Misdemeanor Arrest Rate for Marijuana Possession by Sex in New York City, 1990 to 2017	36
21	Misdemeanor Arrest Rate for Marijuana Possession by Sex in Upstate Cities, 1990 to 2017	36
22	Misdemeanor Arrest Rate for Marijuana Possession by Sex in the Rest of the State, 1990 to 2017	36

23	Misdemeanor Arrest Rate for Marijuana Possession by Age in New York State, 1990 to 2017	39
24	Misdemeanor Arrest Rate for Marijuana Possession by Age in New York City, 1990 to 2017	41
25	Misdemeanor Arrest Rate for Marijuana Possession by Age in Upstate Cities, 1990 to 2017	41
26	Misdemeanor Arrest Rate for Marijuana Possession by Age in the Rest of the State, 1990 to 2017	41
27	Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in New York State, 1990 to 2017	43
28	Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in New York City, 1990 to 2017	44
29	Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in Upstate Cities, 2002 to 2017	44
30	Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in the Rest of the State, 2002 to 2017	44
31	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York State, 1990 to 2017	48
32	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York City, 1990 to 2017	48
33	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in Upstate Cities, 1990 to 2017	48
34	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in the Rest of the State, 1990 to 2017	48
35	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York State, 1990 to 2017	51
36	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York City, 1990 to 2017	51
37	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in Upstate Cities, 1990 to 2017	51
38	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in the Rest of the State, 1990 to 2017	51
39	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York State, 1990 to 2017	54
40	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York City, 1990 to 2017	54
41	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in Upstate Cities, 1990 to 2017	54
42	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in the Rest of the State, 1990 to 2017	54
43	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York State, 1990 to 2017	57
44	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York City, 1990 to 2017	57
45	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in Upstate Cities, 1990 to 2017	57

46	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in the Rest of the State, 1990 to 2017	57
47	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York State, 1990 to 2017	60
48	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York City, 1990 to 2017	60
49	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in Upstate Cities, 1990 to 2017	60
50	Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in the Rest of the State, 1990 to 2017	60
51	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in New York State, 1990 to 2016	64
52	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in New York City, 1990 to 2016	65
53	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Upstate Cities, 1990 to 2016	65
54	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in the Rest of the State, 1990 to 2016	65
55	Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in New York State, 1990 to 2016	67
56	Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in New York City, 1990 to 2016	68
57	Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in Upstate Cities, 1990 to 2016	68
58	Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in the Rest of the State, 1990 to 2016	68
59	Misdemeanor Arrest Rate for Marijuana Possession for Males in New York State, 1990 to 2017	75
60	Misdemeanor Arrest Rate for Marijuana Possession for Females in New York State, 1990 to 2017	75
61	Misdemeanor Arrest Rate for Marijuana Possession for 16-17 Year-Olds in New York State, 1990 to 2017	76
62	Misdemeanor Arrest Rate for Marijuana Possession for 18-20 Year-Olds in New York State, 1990 to 2017	76
63	Misdemeanor Arrest Rate for Marijuana Possession for 21-24 Year-Olds in New York State, 1990 to 2017	76
64	Misdemeanor Arrest Rate for Marijuana Possession for 25-34 Year-Olds in New York State, 1990 to 2017	76
65	Misdemeanor Arrest Rate for Marijuana Possession for 35-65 Year-Olds in New York State, 1990 to 2017	76
66	Misdemeanor Arrest Rate for Marijuana Possession for non-Hispanic Blacks in New York State, 1990 to 2017	77
67	Misdemeanor Arrest Rate for Marijuana Possession for Hispanics in New York State, 1990 to 2017	77
68	Misdemeanor Arrest Rate for Marijuana Possession for non-Hispanic Whites in New York State, 1990 to 2017	77

69	Number of Misdemeanor Arrests for Marijuana Possession by Borough	79
70	Misdemeanor Arrest Rates for Marijuana Possession by Borough	79
71	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Manhattan, 1990 to 2016	80
72	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Brooklyn, 1990 to 2016	80
73	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in the Bronx, 1990 to 2016	80
74	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Queens, 1990 to 2016	80
75	Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Staten Island, 1990 to 2016	80

List of Tables

1	Proportion of Arrests for Marijuana Possession and Sale in 2017	19
2	Proportion of Marijuana Possession Arrests in 2017 by Penal Law Code and Geographic Area	20
3	Proportion of Marijuana Possession Arrests in 2017 by Penal Law Code and Geographic Area	34
4	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State from 1990 to 2017	82
5	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City from 1990 to 2017	83
6	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities from 1990 to 2017	84
7	Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State from 1990 to 2017	85
8	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State from 1990 to 2017	86
9	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City from 1990 to 2017	87
10	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities from 1990 to 2017	88
11	Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State from 1990 to 2017	89
12	Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in New York State from 1990 to 2017	90
13	Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in New York City from 1990 to 2017	91
14	Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in Upstate Cities from 1990 to 2017	92
15	Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in the Rest of the State from 1990 to 2017	93
16	Number of Misdemeanor Arrests for Marijuana Possession in New York State from 1990 to 2017	94
17	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession in New York State from 1990 to 2017	95
18	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in New York State from 1990 to 2017	96
19	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in New York City from 1990 to 2017	97
20	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in Upstate Cities from 1990 to 2017	98
21	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in the Rest of the State from 1990 to 2017	99
22	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in New York State from 1990 to 2017	100

23	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in New York City from 1990 to 2017	101
24	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in Upstate Cities from 1990 to 2017	102
25	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in the Rest of the State from 1990 to 2017	103
26	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in New York State from 2002 to 2017	104
27	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in New York City from 1990 to 2017	105
28	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in Upstate Cities from 2002 to 2017	106
29	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in the Rest of the State from 2002 to 2017	106
30	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York State from 2002 to 2017	107
31	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York State from 2002 to 2017	107
32	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York State from 2002 to 2017	108
33	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York State from 2002 to 2017	108
34	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York State from 2002 to 2017	109
35	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York City from 1990 to 2017	110
36	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York City from 1990 to 2017	111
37	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York City from 1990 to 2017	112
38	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York City from 1990 to 2017	113
39	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York City from 1990 to 2017	114
40	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in Upstate Cities from 2002 to 2017	115
41	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in Upstate Cities from 2002 to 2017	115
42	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in Upstate Cities from 2002 to 2017	116
43	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in Upstate Cities from 2002 to 2017	116
44	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in Upstate Cities from 2002 to 2017	117
45	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in the Rest of the State from 2002 to 2017	117

46	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in the Rest of the State from 2002 to 2017	118
47	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in the Rest of the State from 2002 to 2017	118
48	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in the Rest of the State from 2002 to 2017	119
49	Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in the Rest of the State from 2002 to 2017	119
50	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in New York State from 1990 to 2016	120
51	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in New York City from 1990 to 2016	121
52	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in Upstate Cities from 1990 to 2016	122
53	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in the Rest of the State from 1990 to 2016	123
54	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in New York State from 1990 to 2016	124
55	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in New York City from 1990 to 2016	125
56	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in Upstate Cities from 1990 to 2016	126
57	Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in the Rest of the State from 1990 to 2016	127
58	Rate Ratios for Males Compared to Females in New York State, New York City, Upstate Cities, and the Rest of the State	129
59	Rate Ratios for 16-17 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State	129
60	Rate Ratios for 18-20 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State	129
61	Rate Ratios for 21-24 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State	130
62	Rate Ratios for 25-34 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State	130
63	Rate Ratios for non-Hispanic Blacks Compared to non-Hispanic Whites in New York State, New York City, Upstate Cities, and the Rest of the State	130
64	Rate Ratios for Hispanics Compared to non-Hispanic Whites in New York State, New York City, Upstate Cities, and the Rest of the State	130
65	Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in New York State	130
66	Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in New York State	131
67	Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in New York City	131
68	Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in New York City	131

69	Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in Upstate Cities	131
70	Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in Upstate Cities	131
71	Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in Rest of the State	132
72	Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in Rest of the State	132

Executive Summary

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.¹ 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)² to legalizing the cultivation, distribution and sale of marijuana for recreational use. To date, 10 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.³ Consequently, even in states with some measure of legalization, there is still the possibility of enforcement for public consumption and as well as possession or consumption by those under age 21.⁴ **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 focuses on misdemeanor marijuana arrests over almost three decades (1990 to 2017).**

This report examines trends in arrests for marijuana enforcement, with a focus on marijuana possession, in New York State from 1990 to 2017. It also presents these trends across three geographic areas: New York City, Upstate Cities (Albany, Buffalo, Rochester, Syracuse, Yonkers), and the Rest of the State. In this report we examine trends in:

1. All *misdemeanor marijuana arrests*, sale and possession, by penal law code;
2. Arrest rates for *misdemeanor marijuana possession* by sex, age, and race/ethnicity as well as the interplay between demographics (males by age and race/ethnicity); and
3. Outcomes of *disposition and sentence for marijuana possession arrests* as a number and proportion of all marijuana possession arrests.

¹ 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>

² 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>

³ 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). Colorado is finally getting its first cannabis club. *Forbes*. Retrieved from <https://www.forbes.com/sites/monazhang/2018/02/27/colorado-is-finally-getting-its-first-cannabis-club/#3206278e6cdd>

⁴ 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>).

Policy Context: A Changing Landscape with Respect to Marijuana Policy in New York State

Our results should be considered within the context of legislative reforms in New York State, dating back to the late 1970s, as well as recent changes to local law enforcement policies (mostly in New York City). New York State has revised its marijuana laws at least two times since the late 1970s. First, in 1977, Governor Hugh Carey signed a bill decriminalizing the possession of small amounts of marijuana.⁵ This law made possession of 25 grams of marijuana (approximately 4/5 of an ounce) or less a violation, which was punishable by a fine for those who violated the law one or two times in a three year period and a fine and/or jail for those who violated the law a third time in three years.⁶ However, it remained a misdemeanor for individuals to possess “marihuana in a public place . . . [when] such marihuana is burning or open to public view.”⁷ The second significant legislative change came in 2014, when Governor Andrew Cuomo signed the Compassionate Care Act into law, which allowed for medical use of marijuana under controlled circumstances.⁸

Over the last five years, a number of state and local policymakers have come out in support of reforms related to marijuana enforcement – ranging from reduced enforcement of misdemeanor marijuana possession to the creation of a legal market for marijuana. In August 2018, New York State Governor Andrew Cuomo announced the formation of a workgroup to draft legislation that would allow for recreational marijuana use for adults. In December 2018, New York City Mayor Bill de Blasio announced his support for legalization of recreational marijuana for adult use and issued a report outlining the City’s recommendation for state legislation. Additionally, Governor Cuomo 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. Finally, a number of state and local law enforcement actors including the New York City Police Department and the District Attorneys in Albany, Kings (Brooklyn), New York (Manhattan), and Westchester Counties have already implemented policies related to reducing enforcement and prosecution of marijuana possession.⁹ A research brief and an online timeline accompany this report and provide greater details regarding the timing and substance of these policy changes as well as other national changes.

⁵ 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>

⁶ PL § 221.05

⁷ 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.

⁸ Compassionate Care Act, A.B. 6357-E, S.B. 7923 (N.Y. 2014)

⁹ 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. 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.” 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>

Report Highlights*Arrests for Marijuana Possession and Sale***Table 1 Proportion of Arrests for Marijuana Possession and Sale 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%

In general, **marijuana possession¹⁰ as opposed to sale,¹¹ 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,¹² possession of between 25 grams and 2 ounces,¹³ and possession of between 2 and 8 ounces¹⁴ whereas misdemeanor marijuana sale generally covers sales under 25 grams (less than one ounce).¹⁵ In 2017, possession accounted for 84.6 percent of misdemeanor marijuana arrests in New York City, 91.4 percent of arrests in the Upstate Cities and 95.9 percent for the Rest of the State.

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 and declined 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 percent).

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

¹⁰ 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 25 grams; and a class A misdemeanor, Criminal possession of marihuana in the fourth degree (Penal Law § 221.15), for possession of any “preparations, compounds, mixtures or substances containing marihuana” that weigh more than 2 ounces.

¹¹ New York State Penal Law provides for two classes of misdemeanor marijuana sale: 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 2 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 25 grams of marijuana.

¹² a class B misdemeanor under Penal Law § 221.10 (1)

¹³ a class B misdemeanor under Penal Law § 221.10 (2)

¹⁴ a class A misdemeanor under Penal Law § 221.15

¹⁵ PL § 221.35; PL § 221.40

rate for marijuana possession was 21 per 100,000 population 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 to 82 per 100,000 in 2017, its highest rate throughout the study period.

Geographic Variation in Enforcement

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

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 25 grams and 2 ounces, and possession of between 2 and 8 ounces. In 2017, in New York City, possession for public view or public burning accounts for the vast majority – 93.4 percent – of marijuana possession arrests. This is not true for Upstate Cities, where the arrests are more evenly distributed across the various categories of misdemeanor possession, with 37.3 percent for public view or public burning, 36.7 percent for possession of 25 grams to 2 ounces, and 22.5 percent for possession of between 2 and 8 ounces. In the Rest of the State, public view or public burning account for the majority of arrests (65.5 percent) but almost one third of arrests are for possession of between 25 grams and 8 ounces of marijuana.

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.

Race and Arrest Rates

There are significant differences in rates of arrest for different racial groups across the geographic areas in this study. While we cannot definitively determine what is driving these trends, it is clear that differences in arrest rates cannot be attributed to racial differences in rates of use.¹⁶ 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.¹⁷

¹⁶ SAMHSA, Center for Behavioral Health Statistics and Quality, National Survey on Drug Use and Health, 2015 and 2016

¹⁷ Report of the NYPD Working Group (June, 2018). *Enforcement of the Law Prohibiting Public Burning of Mari-*

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 than Whites to be arrested for misdemeanor marijuana possession, and in 2017, this difference increased to 8.1. Hispanics were 3.4 times more likely to be arrested compared to Whites in 2010 and 5.0 times more likely in 2017.

Although the differences in arrest rates between Blacks and Hispanics compared to Whites in New York City widened over time, in 2017, these differences in marijuana possession arrests were narrowest 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 2016,¹⁸ Adjournment in Contemplation of Dismissal (ACD) was the most common disposition for misdemeanor marijuana possession in New York City and the Rest of the State¹⁹ whereas the most common disposition in Upstate Cities was for a conviction on a violation or infraction. 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. 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).²⁰ In 2016, in Upstate Cities, 40 percent (294) of all misdemeanor marijuana possession cases were disposed of as violation or infraction convictions.^{21,22}

juana in New York City. Retrieved from: <https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2018/marijuana-report-20180619.pdf>. 7.

¹⁸ 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.

¹⁹ 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.

²⁰ CPL § 170.56

²¹ 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).

²² This is comparable to our prior work where we find that, in 2016, ACD is more prominent in New York City compared

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

In addition to contributing data to the ongoing dialogue around marijuana reforms, this report raises important questions that merit further study:

- 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.)?

This report provides almost three decades of data on marijuana enforcement across the State and how it has compared across geographic regions and demographic groups. However, this report does not draw any conclusions about what is driving any similarities or differences across these variables or what the impacts might be on individuals, their communities and the State as a whole. Ultimately, this report provides a starting point, and an empirical basis, for an informed dialogue about whether and how New York should change how it treats individuals who are found to be in possession of marijuana.

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.

Background Context

This report focuses solely on changing patterns of marijuana enforcement over time, across geographic areas and demographic groups. It is beyond the scope of the report to assess the relationship between marijuana enforcement and broader crime and enforcement trends. However, to provide the reader with additional context, we include crime and arrest trends for New York City, Upstate Cities (Albany, Buffalo, Rochester, Syracuse, and Yonkers) and the Rest of the State for 1985 through 2017.^{23 24}

Figure 1: Reported Violent Crime Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017

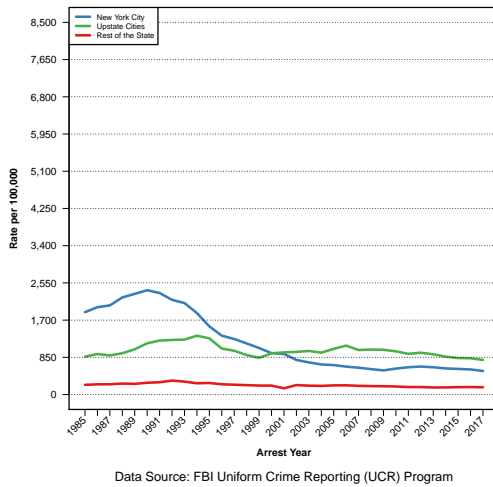


Figure 2: Reported Property Crime Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017

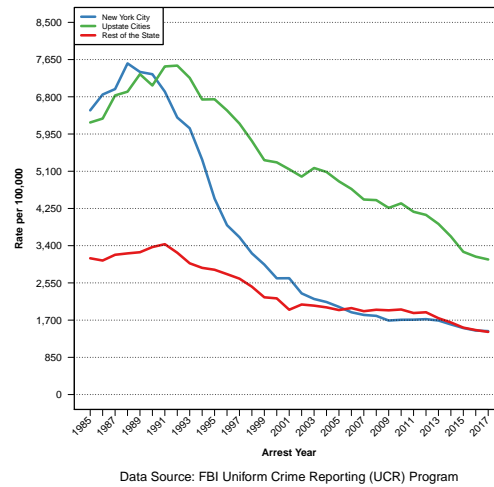


Figure 1 displays the reported violent (murder, rape, robbery and felony assault) crime rates for New York City, Upstate Cities, and the Rest of the State from 1985 to 2017. The reported violent crime rate in New York City increased from 1,881 per 100,000 in 1985 to a peak of 2,384 in 1990 and then declined dramatically to 539 in 2017, an overall decline of 71.4 percent. The reported violent crime rate in Upstate Cities was 866 per 100,000 in 1985, peaked at 1,344 in 1994 and then declined to 791 in 2017, a decline of 8.6 percent from 1985 to 2017. The reported violent crime rate in Upstate Cities surpassed the rate in New York City in 2001. The reported violent crime rate in the Rest of the State declined from 222 per 100,000 in 1985 to 166 in 2017, a 25.0 percent decline.

Figure 2 displays property crime (burglary, larceny, and motor vehicle theft) rates for the same geographic regions. In 1985, the reported property crime rate in New York City was 6,491 per 100,000. This increased to a peak of 7,562 per 100,000 in 1988 and then declined to 1,449 in 2017, an overall decline of 77.7 percent. The pattern was similar in Upstate Cities, increasing from 6,214 per 100,000 in 1985 to a peak of 7,512 in 1992 and then declining to 3,085 in 2017, a 50.4 percent decline from 1985.

²³ Our reported crime data source is the Uniform Crime Reports(UCR). Federal Bureau of Investigation. Uniform Crime Reporting (UCR) Program. Retrieved from: <https://www.fbi.gov/services/cjis/ucr>

²⁴ For reported crimes, the population base used to calculate the rates includes the entire population for that year and geographic area. For the arrest rates, the population base used to calculate the rates is 16 and older for that year and geographic area.

The rate in the Rest of the State declined from 3,112 per 100,000 in 1985 to 1,431 in 2017, a decline of 54.0 percent.

Figure 3: Felony Arrest Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017

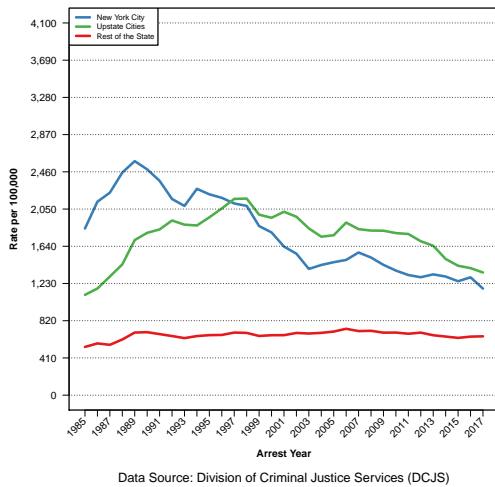


Figure 4: Misdemeanor Arrest Rates in New York City, Upstate Cities, and the Rest of the State, 1985 to 2017

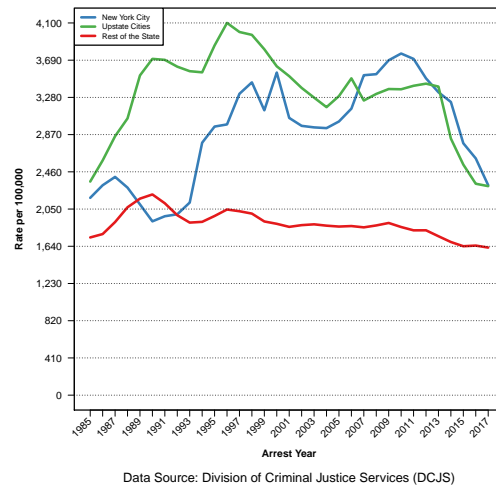


Figure 3 illustrates the felony arrest rates in New York City, Upstate Cities, and the Rest of the State from 1985 to 2017. The felony arrest rate in New York City increased from 1,836 per 100,000 in 1985 to 2,578 in 1989 and then declined to 1,174 in 2017, a decline of 36.1 percent from 1985. In 1985 the felony arrest rate in Upstate Cities was 1,105 per 100,000. This increased to a peak of 2,165 per 100,000 in 1998 and then declined to 1,351 in 2017, an overall increase of 22.3 percent over the study period. The rate for the Rest of the State increased from 531 per 100,000 in 1985 to 648 in 2017, a 22.0 percent increase.

Figure 4 shows the misdemeanor arrest rates in the same geographic areas. The misdemeanor arrest rate in New York City was 2,174 per 100,000 in 1985, peaked at 3,763 in 2010 and then declined to 2,313 in 2017, an overall increase of 6.4 percent. In 1985 the misdemeanor arrest rate for Upstate Cities was 2,353 per 100,000. This rate increased to a peak of 4,100 in 1996 and then declined to 2,045 in 2017, a 2.1 percent decline over the study period. The rate for the Rest of the State increased from 1,737 per 100,000 in 1985 to a peak of 2,211 in 1990 and then decreased to 1,626 in 2017, a decline of 6.4 percent from 1985 to 2017.

Trends in Misdemeanor Arrests for Marijuana Charges by Penal Law Code

Although the majority of this report focuses on misdemeanor marijuana possession charges, in this section we include misdemeanor marijuana sale charges to illustrate that in recent years, misdemeanor marijuana arrests are predominantly for possession rather than sale. The table below shows that there are two penal law codes related to marijuana possession (PL 221.10 with two subsections and PL 221.15) and two penal law codes related to marijuana sale (PL 221.35 and PL 221.40).

Codes	Description
PL 221.10	Criminal Possession in the 5th Degree
PL 221.10 01	Marihuana in a public place, and such marihuana is burning or open to public view
PL 221.10 02	One or more preparations, compounds, mixtures or substances containing marihuana and the preparations, compounds, mixtures or substances that are over 25 grams
PL 221.15	Criminal possession in the 4th degee (more than 2 ounces)
PL 221.35	Criminal sale in the 5th degree (2 grams or less, or 1 cigarette)
PL 221.40	Criminal sale in the 4th degree (25 grams or less)

Next, we examine the number, percent, and rate for all six misdemeanor marijuana charges within New York State as well as disaggregated by New York City, Upstate Cities, and the Rest of the State. Please see Appendix D for the tables with all numbers, percents, and rates by penal law code.

Figure 5: Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State, 1990 to 2017

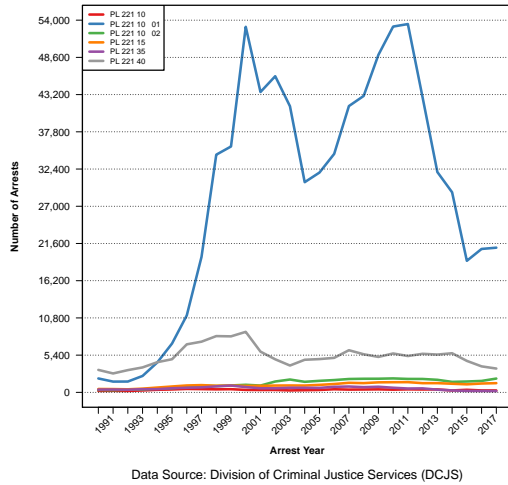


Figure 6: Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City, 1990 to 2017

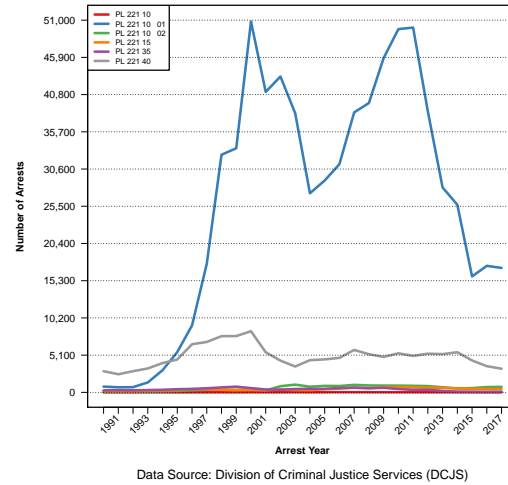


Figure 7: Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities, 1990 to 2017

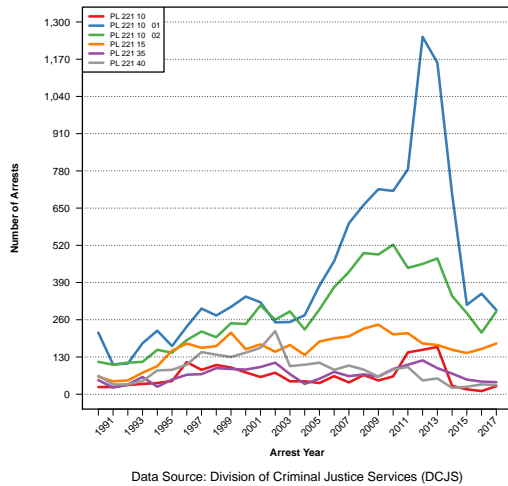


Figure 8: Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State, 1990 to 2017

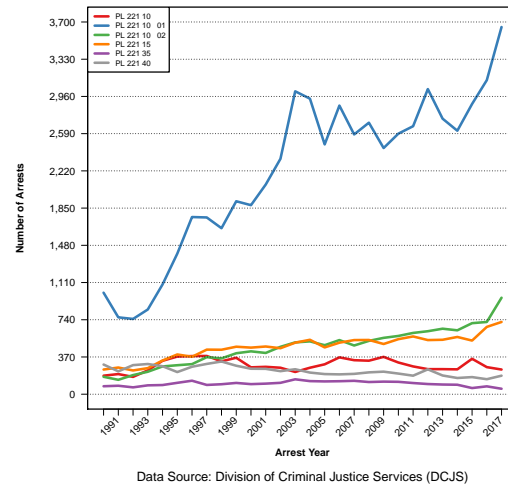


Figure 9: Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State, 1990 to 2017

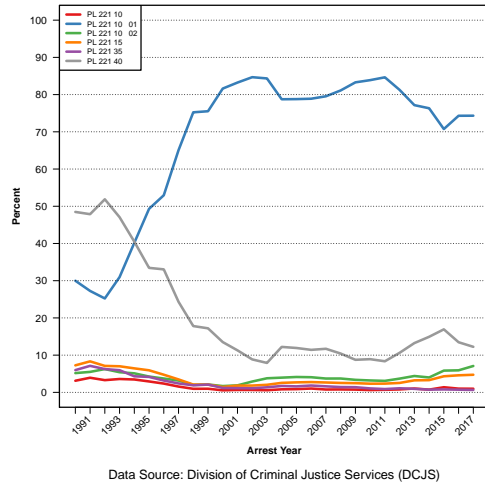


Figure 10: Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City, 1990 to 2017

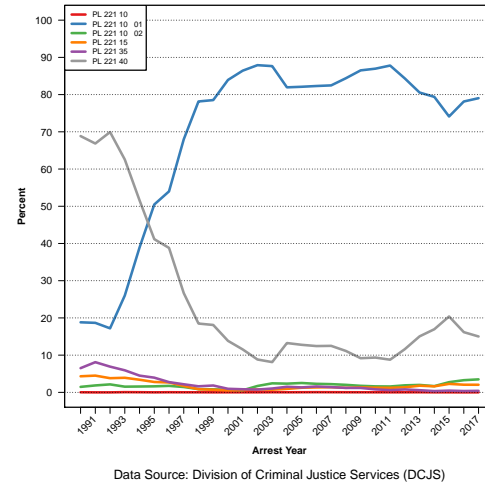


Figure 11: Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities, 1990 to 2017

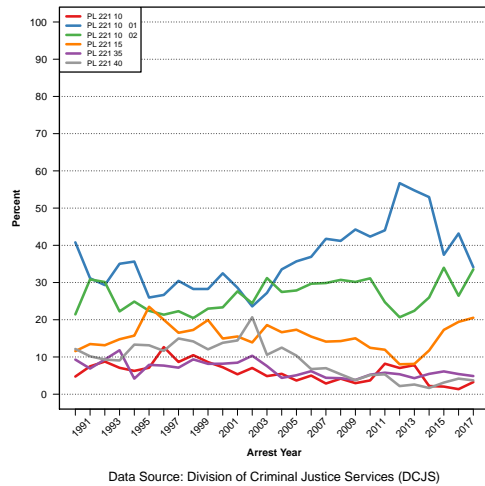
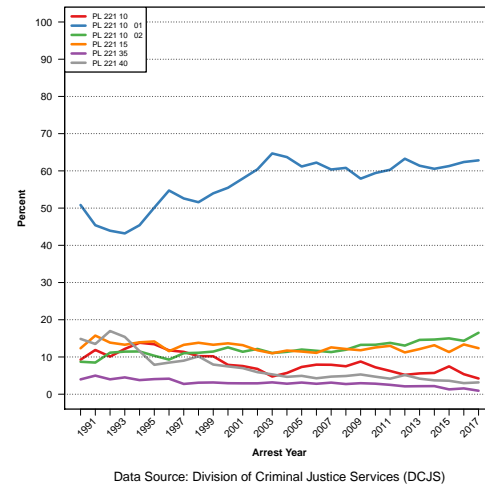


Figure 12: Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State, 1990 to 2017



Number and Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code

Figures 5 through 8 show the number of misdemeanor arrests for marijuana charges by penal law code in New York State, New York City, Upstate Cities, and the Rest of the State, from 1990 to 2017. Figures 9 through 12 present these penal law codes as a proportion of all arrests for misdemeanor marijuana charges. In this section we highlight the proportional trends.

Overall, there were more arrests for public view or public burning than other codes across all geographic areas. Further, for most of the study period, this law code also accounted for the largest proportion of arrests for misdemeanor marijuana charges in all three geographic areas.²⁵

New York State

In 1990, marijuana sale of 25 grams or less accounted for 48.5 percent (3,260) of arrests for misdemeanor marijuana charges throughout the State, the largest proportion of all charges. However, in 1995, arrests for public view or public burning surpassed arrests for sale of 25 grams or less. Arrests for public view or public burning increased from 30.0 percent (2,017) in 1990 to a peak of 84.7 percent (53,434) of marijuana arrests in 2002 and declined slightly to 74.3 percent (20,990) in 2017. In contrast, the proportion of arrests for all other penal law codes each accounted for less than 9.0 percent of marijuana charges statewide over the study period.

New York City

In 1990, marijuana sale of 25 grams or less accounted for the largest proportion of arrests for misdemeanor marijuana charges in New York City at 68.9 percent (2,901) and public view or public burning accounted for 18.8 percent (793) of arrests. In 1995, the proportion of arrests for marijuana sale of 25 grams or less was surpassed by arrests for public view or public burning. From 1995 to 2017, the proportion of arrests for public view or public burning increased from 50.5 percent (5,521) to 79.0 percent (17,046). Arrests for marijuana sale of 25 grams or less accounted for 15.0 percent (3,238) of arrests in 2017. The proportion of arrests for all other penal law codes each accounted for 9.0 percent or less throughout the study period.

Upstate Cities

In Upstate Cities, there was greater variation in the proportion of arrests across penal law codes throughout the study period compared to New York City. In 1990, arrests for public view or public burning accounted for 40.8 percent (215) of arrests for marijuana charges, followed by arrests for marijuana possession over 25 grams at 21.4 percent (113). In 2017, arrests for these two penal law codes together accounted for over 65.0 percent of all arrests for marijuana charges. Arrests for possession less than 2 ounces increased over the study period, accounting for 11.6 percent (61) of arrests in 1990 to 20.5 percent (177) in 2017. Meanwhile, the proportion of arrests for marijuana sale of 25 grams or more and marijuana sale of 2 grams or less decreased slightly over the study period.

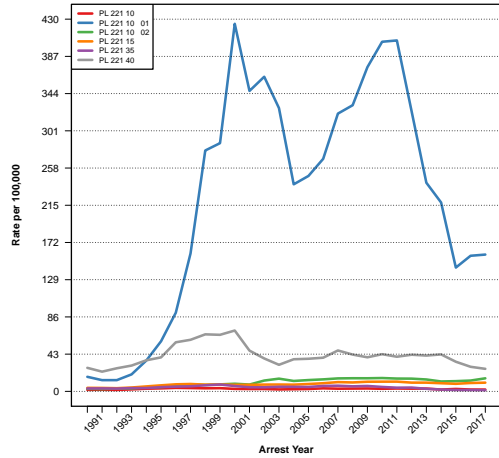
Rest of the State

Arrests for public view or public burning accounted for the highest volume and largest proportion of arrests for misdemeanor marijuana charges in the Rest of the State over the entire study period, increasing from 50.8 percent (1,009) of arrests in 1990 to 62.8 percent (3,650) in 2017. The proportion of arrests for marijuana sale of 25 grams or more declined from 14.9 percent (295) in 1990 to 3.2

²⁵ Some arrests for PL 221.10 do not have a subsection recorded.

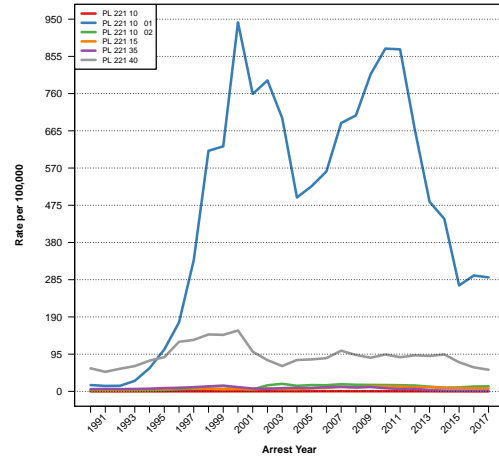
percent (184) in 2017. Meanwhile, the proportion of arrests for marijuana possession over 25 grams increased from 8.7 percent (173) in 1990 to 16.5 percent (959) in 2017. The proportion of arrests for possession less than 2 ounces remained relatively stable over the study period, accounting for between 11.0 and 16.0 percent of arrests. Arrests for marijuana sale of 2 grams or less accounted for the smallest proportion of arrests throughout the study period, 5.0 percent or less.

Figure 13: Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in New York State, 1990 to 2017



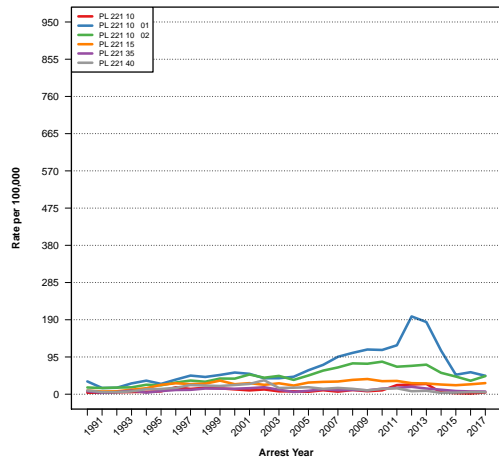
Data Source: Division of Criminal Justice Services (DCJS)

Figure 14: Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in New York City, 1990 to 2017



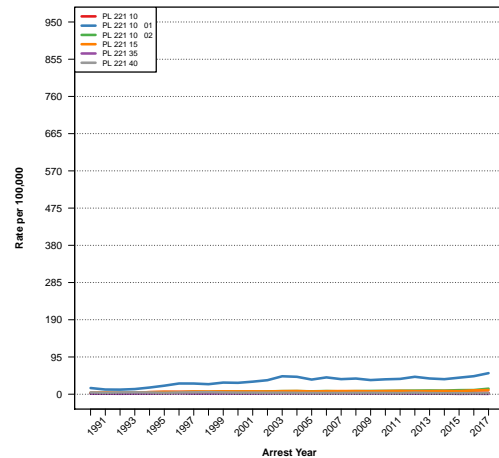
Data Source: Division of Criminal Justice Services (DCJS)

Figure 15: Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in Upstate Cities, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 16: Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code in the Rest of the State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Misdemeanor Arrest Rate for Marijuana Charges by Penal Law Code

Figures 13 through 16 present the rates of arrest for misdemeanor marijuana charges by penal law code in New York State, New York City, Upstate Cities, and the Rest of the State, from 1990 to 2017. See Appendix D for rate tables.

Overall, the rate of arrest for public view or public burning was highest in all three geographic areas throughout the majority of the study period, particularly in New York City.

New York State

The rates of arrest for misdemeanor marijuana charges by penal law code throughout the State largely mirrored trends in volume. The highest rate of arrest for most of the study period was for public view or public burning, which started at 17 per 100,000 in 1990, peaked at a rate of 425 per 100,000 in 2000, and declined by 62.8 percent to 158 per 100,000 in 2017. The second highest rate of arrest was for marijuana sale of 25 grams or less but the rate was much lower than that for public view or public burning.

New York City

In 1990, the highest arrest rate in New York City was for marijuana sale of 25 grams or less, at 59 per 100,000, followed by public view or public burning, at 16 per 100,000. In 1995, the rate of arrest for public view or public burning (942 per 100,000) surpassed the rate of arrest for sale of 25 grams or less (87 per 100,000). At its peak in 2000, the arrest rate for public view or public burning was 942 per 100,000. In 2017, after a period of fluctuations and a steep decrease starting in 2012, the arrest rate for public view or public burning was 291 per 100,000, a 69.1 percent decrease from 2000. The arrest rate for marijuana sale of 25 grams or less was 55 per 100,000 in 2017. The arrest rates for all other penal law codes remained low and relatively stable throughout the study period.

Upstate Cities

In 1990, in Upstate Cities, the penal law code with the highest rate of arrest was public view or public burning at 33 per 100,000. This rate peaked in 2012 at 198 per 100,000 before declining to 47 per 100,000 in 2017, a 76.3 percent decrease from 2012 to 2017. The arrest rate for possession over 25 grams increased from 17 per 100,000 in 1990 to 46 per 100,000 in 2017, an increase of 169.6 percent.

Rest of the State

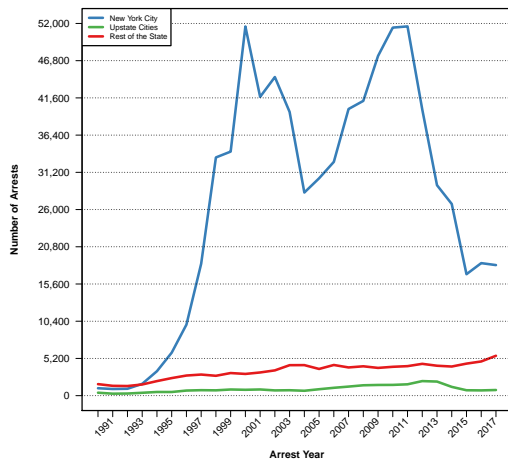
The arrest rate for public view or public burning increased consistently from 16 per 100,000 in 1990 to 54 per 100,000 in 2017, a 237.5 percent increase. The arrest rates for the remaining penal law codes were low and stable throughout the study period.

Trends in Misdemeanor Arrests for Marijuana Possession

In the following sections we focus specifically on arrests for marijuana possession (i.e. PL 221.01, PL 221.01 01, PL 221.01 02, and PL 221.15) as possession arrests account for the majority of arrests for misdemeanor marijuana in New York State. In this section we focus on the number and rate of arrests for marijuana possession by jurisdiction. Appendix C shows misdemeanor marijuana possession arrests by borough in New York City. Appendix F shows misdemeanor marijuana arrests by all counties in 2017.

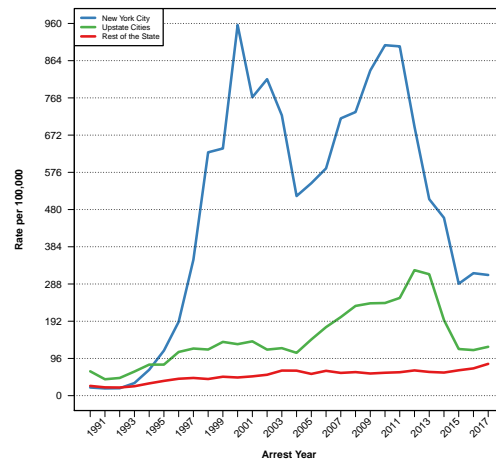
In New York State, beginning in 1990, there were a total of 3,063 arrests for misdemeanor marijuana possession. The number of arrests for misdemeanor marijuana possession peaked in 2011, with 57,297 arrests, and declined to 24,601 in 2017. The rate of arrest for misdemeanor marijuana possession in New York State increased by 1,607.6 percent from 26 per 100,000 in 1990 to a peak of 444 in 2000. The rate then declined by 58.3 percent to 185 per 100,000 in 2017.

Figure 17: Number of Misdemeanor Arrests for Marijuana Possession in New York State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 18: Misdemeanor Arrest Rate for Marijuana Possession in New York State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

New York City

In New York City, the number of arrests for marijuana possession increased from 1,038 arrests in 1990 to a peak of 51,589 in 2011, before declining to 18,241 arrests in 2017. The rate of arrest for marijuana possession was 21 per 100,000 in 1990 and peaked at 956 in 2000; a 4,452.4 percent increase. The rate then decreased to 311 per 100,000 in 2017; a 67.5 percent decrease from 2000.

Upstate Cities

In Upstate Cities, the number of arrests for marijuana possession increased from 414 in 1990 to 788 in 2017. The arrest rate for marijuana possession was 63 per 100,000 in 1990 and peaked at 324 in 2012; a 414.3 percent increase. The rate then declined to 126 per 100,000 in 2017; a 61.1 percent decrease from 2012.

Rest of the State

In the Rest of the State, the number of arrests for marijuana possession increased from 1,611 to 5,575 between 1990 to 2017. The arrest rate for marijuana possession increased by 228.0 percent from 25 per 100,000 in 1990 to 82 per 100,000 in 2017, its highest rate throughout the study period.

Variation in Enforcement of Marijuana Possession Charges Across Geographic Area

Table 3 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

In **New York State**, 85.3 percent of misdemeanor marijuana possession arrests were for public view or public burning, 8.1 percent were for possession between 25 grams to 2 ounces, and 5.4 percent were for possession of between 2 and 8 ounces in 2017.

In **New York City**, 93.4 percent of marijuana arrests were for public view or public burning, 4.1 percent were for possession of between 25 grams and 2 ounces, and 2.4 percent were for possession of between 2 and 8 ounces.

In **Upstate Cities**, the proportion of marijuana arrests in 2017 were more evenly dispersed among the possession charges, with 37.3 percent for public view or public burning, 36.7 percent for possession of 25 grams to 2 ounces, and 22.5 percent for possession of between 2 and 8 ounces.

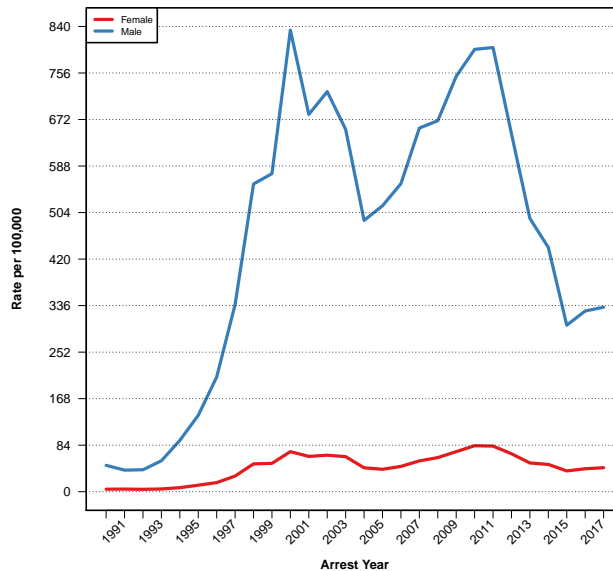
In the **Rest of the State**, 65.5 percent of marijuana possession arrests were for public view or public burning, 17.2 percent were for possession of between 25 grams and 2 ounces, and 12.9 percent were for possession of between 2 and 8 ounces in 2017.

Trends in Misdemeanor Arrests for Marijuana Possession by Sex

In the following section we disaggregate the data on marijuana possession by sex. We illustrate these trends for New York State, New York City, Upstate Cities and the Rest of the State.

Sex trends are presented by geographic area. Appendix B displays these same trends but within sex rather than within geographic area. Appendix D provides all rates by sex and the Appendix E displays the sex differences in rates.

Figure 19: Misdemeanor Arrest Rate for Marijuana Possession by Sex in New York State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

From 1990 to 2017, the rate of arrest among males in New York State was significantly higher than the rate for females. Figure 19 shows that in the first decade of the study period, the arrest rate among males increased from 48 per 100,000 in 1990 to a peak in 2000 of 833 per 100,000, a 1,649 percent increase. This was followed by a decline to a rate of 333 per 100,000 in 2017, a 60.0 percent decline from 2000. Despite the dramatic decline from 2000 to 2017, the rate of arrest among males increased by 599.1 percent over the study period and remained substantially higher compared to females. From 1990 to 2017, the arrest rate among females increased from 5 per 100,000 to 43 per 100,000, an increase of 853.3 percent. Males were 10.5 times more likely to be arrested than females in 1990 and 7.7 times more likely to be arrested in 2017.

Figure 20: Misdemeanor Arrest Rate for Marijuana Possession by Sex in New York City, 1990 to 2017

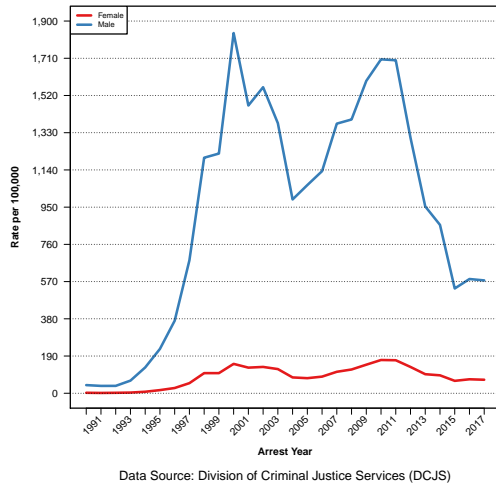


Figure 21: Misdemeanor Arrest Rate for Marijuana Possession by Sex in Upstate Cities, 1990 to 2017

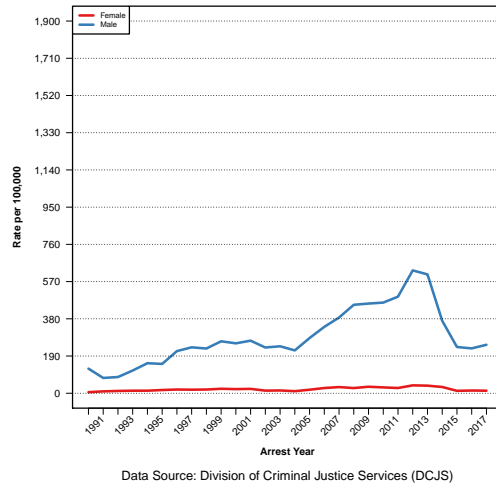
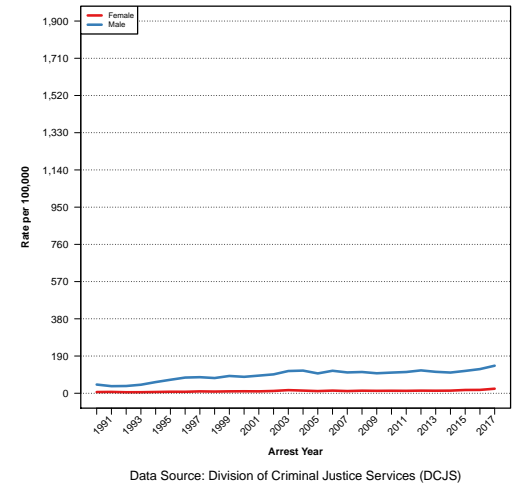


Figure 22: Misdemeanor Arrest Rate for Marijuana Possession by Sex in the Rest of the State, 1990 to 2017



Misdemeanor Arrest Rate for Marijuana Possession by Sex

Figures 20 through 22 show the rates of arrest for misdemeanor marijuana possession by sex in New York City, Upstate Cities, and the Rest of the State, from 1990 to 2017.

Overall, arrest rates for males and females were higher in New York City compared to both Upstate Cities and the Rest of the State for most of the study period. Further, arrest rates for males were much higher compared to females across all geographic areas.

New York City

In New York City, the rates of arrest for both males and females increased over the study period. In 1990 the rate of arrests for males was 42 per 100,000 and peaked in 2000 at 1,839 per 100,000; a 4,278.6 percent increase. The rate then decreased to 576 per 100,000 in 2017. Overall, from 1990 to 2017, the arrest rate for males increased by 1,285.2 percent. The rate of arrest among females also increased over the study period, from 2 per 100,000 in 1990 to 69 per 100,000 in 2017, a 3,350.0 percent increase. In New York City, in 1990, males were 17.4 times more likely to be arrested for misdemeanor marijuana possession compared to females. This difference narrowed over the study period and in 2017, males were 8.4 times more likely to be arrested compared to females.

Upstate Cities

Upstate Cities showed a different pattern relative to New York City with peak arrest rates in 2012 for both males and females rather than 2000 and 2010, respectively. The misdemeanor arrest rate for males increased from 126 per 100,000 in 1990 to 627 in 2012; a 397.6 percent increase. The rate then decreased to 238 in 2017. The rate of arrest for females increased from 6 per 100,000 population in 1990 to 13 in 2017; a 116.7 percent increase. In 1990, males in Upstate Cities were 22.8 times more likely to be arrested for misdemeanor marijuana possession compared to females. This difference narrowed over the study period and in 2017, males were 19.1 times more likely to be arrested compared to females.

Rest of the State

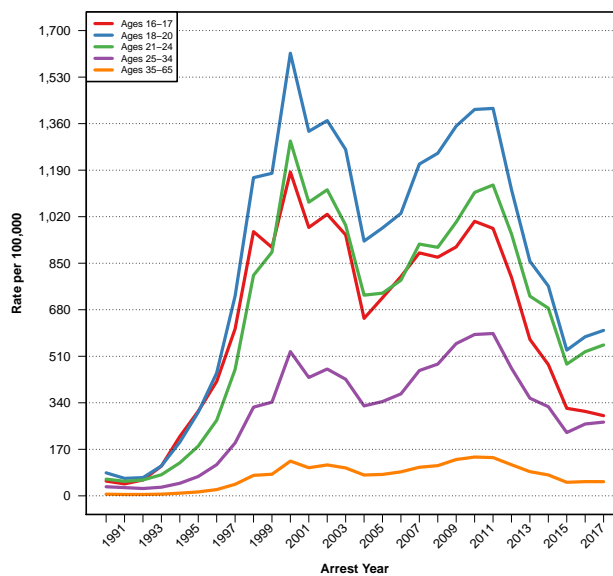
In the Rest of the State, the misdemeanor arrest rate for males increased steadily over the study period, from 44 per 100,000 population in 1990 to 141 in 2017, a 220.5 percent increase. Similarly, the rate of arrest for females increased from 6 per 100,000 population in 1990 to 23 per 100,000 in 2017, a 283.3 percent increase. In 1990, males in the Rest of the State were 7.2 times more likely to be arrested for misdemeanor marijuana possession compared to females. In 2017, males were 6.1 times more likely than females to be arrested.

Trends in Misdemeanor Arrests for Marijuana Possession by Age

Next we examine misdemeanor marijuana arrest rates by age. First, we look at overall age trends for New York State. Second, we examine age trends in New York City, Upstate Cities, and the Rest of the State by age group, from 1990 to 2017. We group individuals into five age categories: 16-17, 18-20, 21-24, 25-34, and 35-65. These categories are based on policy and research on age and offending patterns.²⁶ Over the study period, the age of criminal responsibility was 16. Notably, Raise the Age legislation will go into full effect in October 2019.²⁷ Ages 18-20 are between the age of criminal responsibility and the legal drinking age.

Age trends are presented by geographic area. Appendix B displays these same numbers but within age categories rather than within geographic area. Appendix D provides all rates by age and Appendix E displays the age differences in rates for the younger age groups relative to the oldest age group of 35-65.

Figure 23: Misdemeanor Arrest Rate for Marijuana Possession by Age in New York State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

For New York State, from 1990 to 2017, the younger age groups (16-17, 18-20, and 21-24) had higher arrest rates relative to the older age groups (25-34 and 35-65). In 2000, 18-20 year-olds had the highest misdemeanor marijuana arrest rate, among all age groups and over time, at 1,617 per 100,000. From

²⁶ Hirschi, T. and Gottfredson, M. R. (1983). Age and the explanation of crime. *American Journal of Sociology*, 89, 552-584.

²⁷ Raise the Age. Criminal Procedure Law amended by New York State Assembly, § 722. (2017). Retrieved from the New York Senate Legislation website: <https://legislation.nysenate.gov/pdf/bills/2017/s2009c#page=210>

1990 to 2017, the misdemeanor marijuana arrest rate for the two youngest age groups (16-17 and 18-20) increased by 442.6 percent and 618.6 percent, respectively. The older age groups increased more than the younger age groups over the study period; the misdemeanor arrest rate for 21-24 year-olds increased by 802.2 percent, by 710.8 percent for 25-34 year-olds, and by 767.4 percent for 35-65 year-olds.

Figure 24: Misdemeanor Arrest Rate for Marijuana Possession by Age in New York City, 1990 to 2017

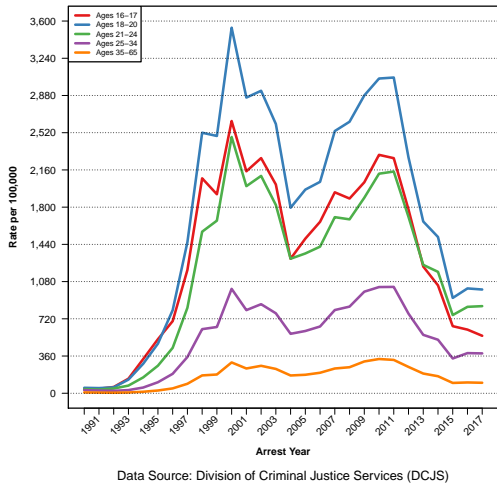


Figure 25: Misdemeanor Arrest Rate for Marijuana Possession by Age in Upstate Cities, 1990 to 2017

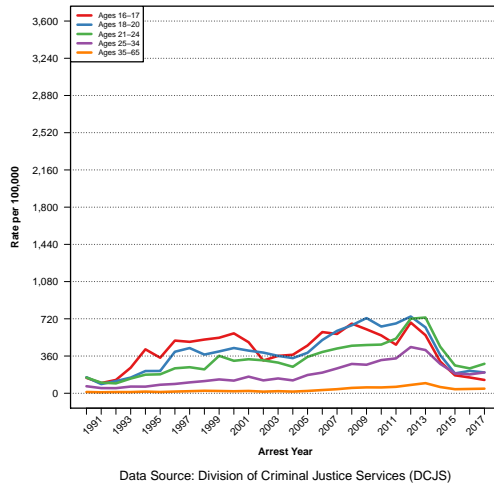
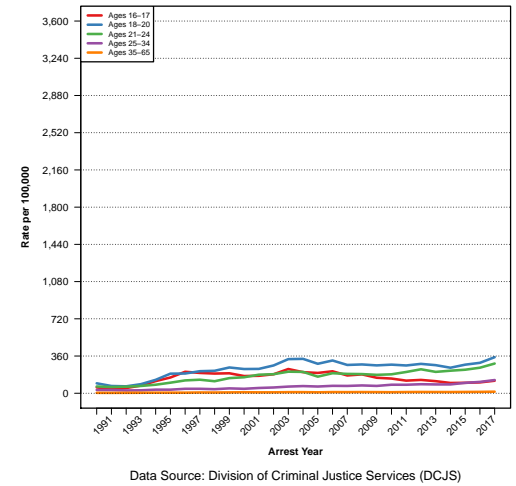


Figure 26: Misdemeanor Arrest Rate for Marijuana Possession by Age in the Rest of the State, 1990 to 2017



Misdemeanor Arrest Rate for Marijuana Possession by Age

Figures 24 through 26 display the rates of arrest for misdemeanor marijuana possession by age in New York City, Upstate Cities, and the Rest of the State, from 1990 to 2017.

For most of the study period, 18-20 year-olds had the highest arrest rates relative to the other age groups in all three geographic areas. New York City had the highest arrests for all ages relative to Upstate Cities and the Rest of the State.

New York City

In New York City, from 1990 to 2017, the misdemeanor arrest rates increased for all age groups. The magnitude of the increase was the smallest for 25-34 year-olds (1,183.3 percent) and largest for 21-24 year-olds (2,007.5 percent). There were notable and dramatic fluctuations for the youngest age groups (16-17 and 18-20 year-olds) with peak arrest rates in 2000 at 2,633 and 3,536 per 100,000, respectively. Starting in 1995, 18-20 year-olds had the highest arrest rates relative to all other age groups. In 2017, arrest rates for 18-20 year-olds were 1,003 per 100,000 followed by 21-24 year-olds at a rate of 843 per 100,000. From 1990 to 2017, there was an increase in differences for 16-17 year-olds, 18-20 year-olds and 21-24 year-olds relative to 35-65 year-olds, while the difference between 25-34 and 35-65 year-olds remained the same. For instance, in 1990, 18-20 year-olds were 6.7 times more likely to be arrested compared to 35-65 year-olds, this number increased to 9.2 in 2010 and 9.9 in 2017.

Upstate Cities

In Upstate Cities, from 1990 to 2017, misdemeanor arrest rates decreased by 13.4 percent for 16-17 year-olds but increased for 18-20, 21-24, 25-34 and 35-65 year-olds. The magnitude of the increases varied by age but was largest for 35-65 year-olds (265.5 percent). In 1990, 18-20 year-olds had the highest rate of arrest, at 155 per 100,000, compared to the other age groups. However, in 2017, 21-24 year-olds had the highest rate at 285 per 100,000. In contrast to New York City, the difference in the arrest rates between all age groups and the 35-65 year-old group narrowed. For instance, in 1990, 16-17 year-olds were 12.3 times more likely to be arrested compared to 35-65 year-olds. This difference narrowed to 2.9 times more likely in 2017.

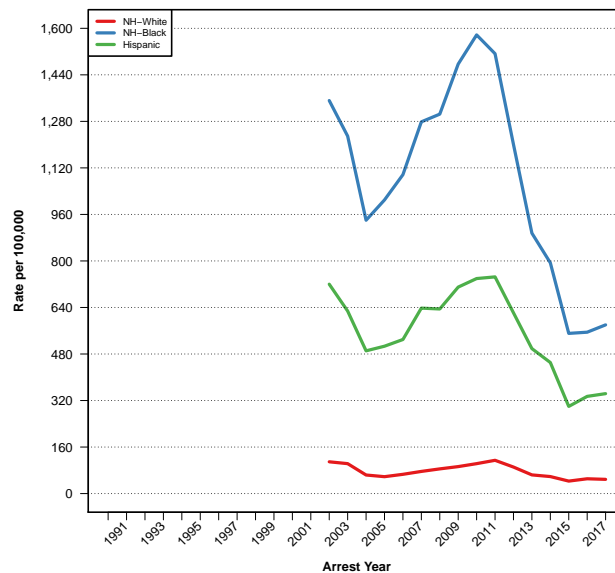
Rest of the State

In the Rest of the State, the rate of arrests for all age groups increased from 1990 to 2017. The magnitude of the increases varied by age but the increase was largest for 21-24 year-olds (334.8 percent) and smallest for 16-17 year-olds (114.5 percent). Generally, the younger age groups (16-17, 18-20, and 21-24 year-olds) had higher arrest rates compared to other age groups, with a few exceptions. In 1990, 18-20 year-olds had the highest arrest rate at 84 per 100,000 and 16-17 year-olds had the second highest rate at 54 per 100,000. In 2017, 18-20 year-olds had the highest arrest rate at 349 per 100,000, followed by 21-24 year-olds at 287 per 100,000. The difference in the arrest rates between the two youngest age groups and 35-65 year-old group narrowed. For instance, in 1990, 18-20 year-olds were 23.8 times more likely to be arrested compared to 35-65 year-olds, this number narrowed slightly to 23.0 in 2017. The differences for 16-17 year-olds compared to 35-65 year-olds narrowed more dramatically from 14.0 times more likely in 1990 to 8.0 times more likely to be arrested in 2017.

Trends in Misdemeanor Arrests for Marijuana Possession by Race/Ethnicity

In this section we examine trends in arrests by race/ethnicity. Reliable race/ethnicity data for arrests start in 2002 for Upstate Cities and the Rest of the State, and therefore also for the State. Prior research has suggested significant differences in arrest rates for non-Hispanic Blacks and Hispanics compared to non-Hispanic Whites.²⁸ Therefore, we focus on these three racial/ethnic groups. Appendix B displays these same numbers but within racial/ethnic categories rather than within geographic area. Appendix D provides all rates by race/ethnicity and Appendix E displays the racial/ethnic differences in rates for non-Hispanic Blacks and Hispanics relative to non-Hispanic Whites.

Figure 27: Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in New York State, 1990 to 2017

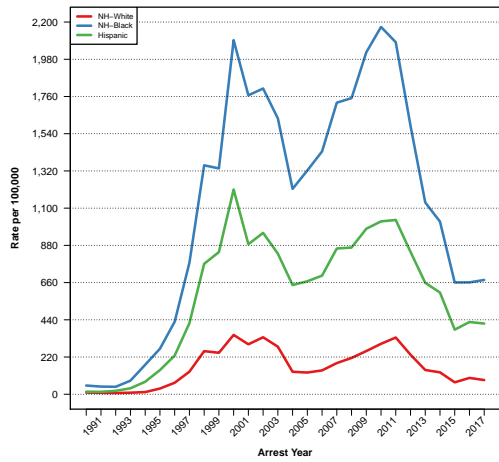


Data Source: Division of Criminal Justice Services (DCJS)

In New York State, from 2002 to 2017, non-Hispanic Blacks had the highest arrest rate, followed by Hispanics, and non-Hispanic Whites. The arrest rate for non-Hispanic Blacks increased from 1,352 per 100,000 in 2002 to a peak of 1,577 in 2010, followed by a decline to 580 in 2017; an overall decline of 57.1 percent. The rate for Hispanics decreased from 720 per 100,000 in 2002 to 344 in 2017, a decline of 52.3 percent. From 2002 to 2017, the rate for non-Hispanic Whites declined by 55.3 percent from 109 to 49 per 100,000. In 2002, non-Hispanic Blacks were 12.4 times more likely to be arrested than non-Hispanic Whites and this difference narrowed slightly to 11.9 in 2017. Hispanics were 6.6 times more likely to be arrested than non-Hispanic Whites in 2002 and 7.0 times more likely in 2017.

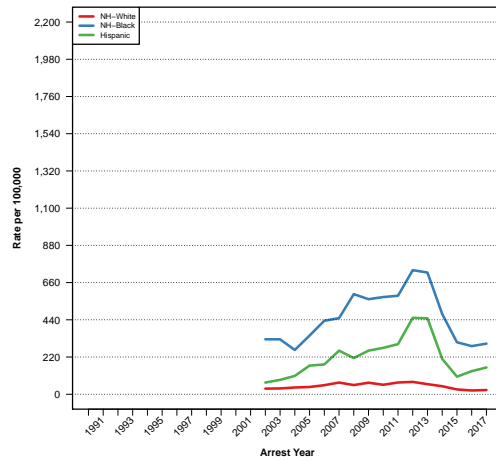
²⁸ See: D'Alessio, S. & Stolzenberg, L. (2003). Race and the probability of arrest. *Social Forces*, 81(4), 1381-1397; Golub, A., Johnson, B., & Dunlap, E. (2007). The race/ethnicity disparity in misdemeanor marijuana arrests in New York City. *Criminology & Public Policy*, 6(1), 131-164; Parker, K., Stults, B., & Rice, S. (2005). Racial threat, concentrated disadvantage, and social control: Considering the macro-level sources of variation in arrests. *Criminology*, 43(4), 1111-1134

Figure 28: Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in New York City, 1990 to 2017



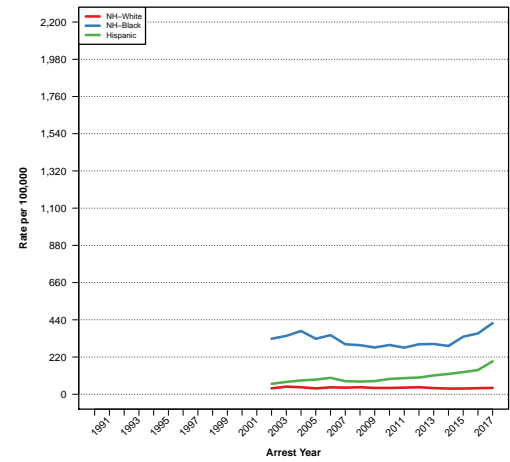
Data Source: Division of Criminal Justice Services (DCJS)

Figure 29: Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in Upstate Cities, 2002 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 30: Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity in the Rest of the State, 2002 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Misdemeanor Arrest Rate for Marijuana Possession by Race/Ethnicity

Figures 28 through 30 display the rates of arrest for misdemeanor marijuana possession by race/ethnicity in New York City from 1990 to 2017. Data on race/ethnicity in Upstate Cities and the Rest of the State are only available from 2002 to 2017.

Throughout the study period, non-Hispanic Blacks had the highest arrest rate relative to Hispanics and non-Hispanic Whites in all three geographic areas. New York City had the highest arrests for all three racial/ethnic groups relative to Upstate Cities and the Rest of the State.

New York City

In New York City, from 1990 to 2017, arrest rates for marijuana possession increased substantially for all racial/ethnic groups. The arrest rate for non-Hispanic Blacks increased by 1,200.0 percent, for Hispanics by 2,686.7 percent, and for non-Hispanic Whites by 740.0 percent. There were substantial fluctuations for non-Hispanic Blacks with a peak arrest rate of 2,171 per 100,000 in 2010, for Hispanics with a peak arrest rate of 1,210 in 2000, and for non-Hispanic Whites with a peak arrest rate of 351 in 2000. Non-Hispanic Blacks had the highest arrest rates over the entire period, followed by Hispanics. The difference in arrest rates between non-Hispanic Blacks and non-Hispanic Whites increased over the study period. Non-Hispanic Blacks were 5.1 times more likely to be arrested than non-Hispanic Whites in 1990 and 8.1 times more likely in 2017. Hispanics were 1.5 times more likely to be arrested than non-Hispanic Whites in 1990 and 5.0 times more likely in 2017.

For comparison to other geographic areas, we are noting trends in race/ethnicity for New York City from 2002 to 2017. From 2002 to 2017, in New York City, marijuana possession arrest rates decreased for all racial/ethnic groups. The magnitude of the decrease was largest for non-Hispanic Whites (75.1 percent) followed by non-Hispanic Blacks (62.6 percent) and Hispanics (56.2 percent). In 2002, non-Hispanic Blacks were 5.4 times more likely to be arrested than non-Hispanic Whites. This difference increased to 8.1 times more likely in 2017. The differences also increased for Hispanics compared to non-Hispanic Whites, from 2.8 in 2002 to 5.0 in 2017.

Upstate Cities

In Upstate Cities, from 2002 to 2017, the misdemeanor arrest rate for marijuana possession decreased by 7.9 percent for non-Hispanic Blacks, increased by 129.0 percent for Hispanics, and decreased by 25.7 percent for non-Hispanic Whites. Non-Hispanic Blacks had the highest arrest rates throughout the entire study period, followed by Hispanics and non-Hispanic Whites. The peak for each racial/ethnic group was in 2012. At this peak, the arrest rate was 734 per 100,000 for non-Hispanic Blacks, 452 for Hispanics and 73 per 100,000 for non-Hispanic Whites. The difference in arrest rates between non-Hispanic Blacks and non-Hispanic Whites widened between 2002 and 2017, from 9.8 times more likely to be arrested to 12.1 times more likely. Hispanics were 2.1 times more likely to be arrested than non-Hispanic Whites in 2002 and 6.4 times more likely in 2017.

Rest of the State

In the Rest of the State, the arrest rate for marijuana possession for all racial/ethnic groups increased from 1990 to 2017. The rate increased by 28.4 percent for non-Hispanic Blacks, 214.5 percent for Hispanics, and 8.6 percent for non-Hispanic Whites. The arrest rate for non-Hispanic Blacks was highest relative to Hispanics and non-Hispanic Whites throughout the study period. The arrest rate for non-Hispanic Blacks and Hispanics both peaked in 2017 at 421 per 100,000 and 195 per 100,000, respectively. The arrest rate for non-Hispanic Whites peaked in 2003 at 45 per 100,000. Non-Hispanic

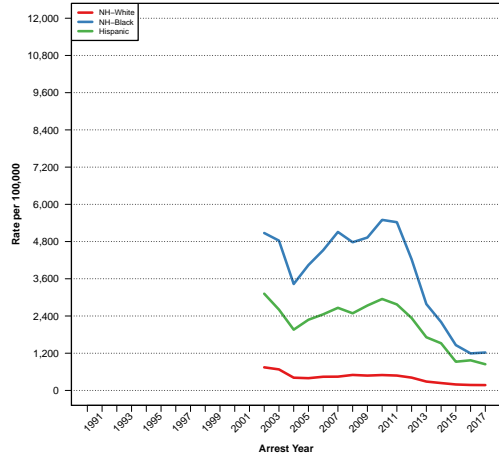
Blacks were 9.4 times more likely than non-Hispanic Whites to be arrested in 2002 and 11.2 times more likely in 2017. Hispanics were 1.8 times more likely to be arrested than non-Hispanic Whites in 2002 and 5.2 times more likely in 2017.

Trends in Misdemeanor Arrests for Marijuana Possession for Males by Age and Race/Ethnicity

Next, we take a closer look at misdemeanor arrest rates in New York State by disaggregating the trends in arrests for males by age and race/ethnicity. Males are the main focus here, as they account for the majority of misdemeanor arrests. For each age group (i.e., 16-17, 18-20, 21-24, 25-34, and 35-65) we display the arrest rates for New York State, New York City, Upstate Cities, and the Rest of the State by race/ethnicity. These trends give a more detailed representation of the patterns in enforcement throughout the State over the course of the study period. Reliable race/ethnicity data for arrests start in 2002 for Upstate Cities and the Rest of the State, and therefore also for the State.

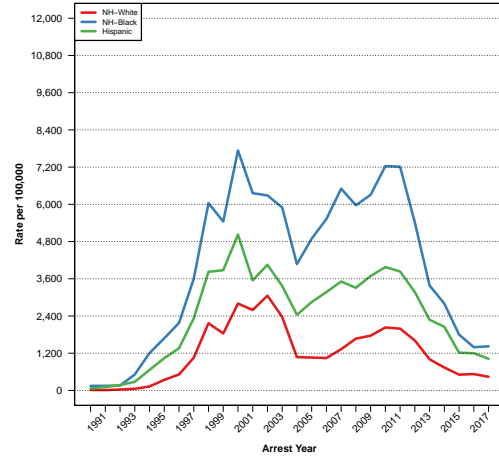
Appendix B displays these same numbers but within age and racial/ethnic categories rather than within geographic area. Appendix D provides all rates by age and race/ethnicity and Appendix E displays the differences in rates for non-Hispanic Blacks and Hispanics relative to non-Hispanic Whites by age.

Figure 31: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York State, 1990 to 2017



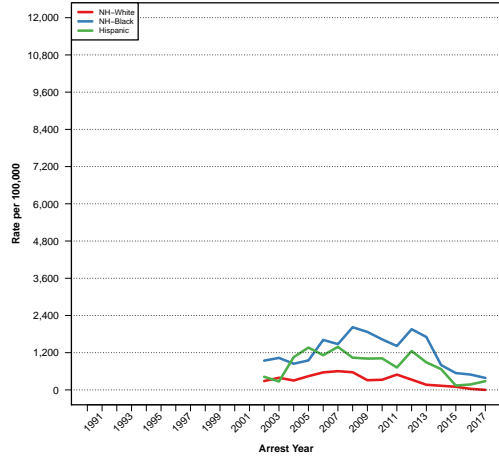
Data Source: Division of Criminal Justice Services (DCJS)

Figure 32: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York City, 1990 to 2017



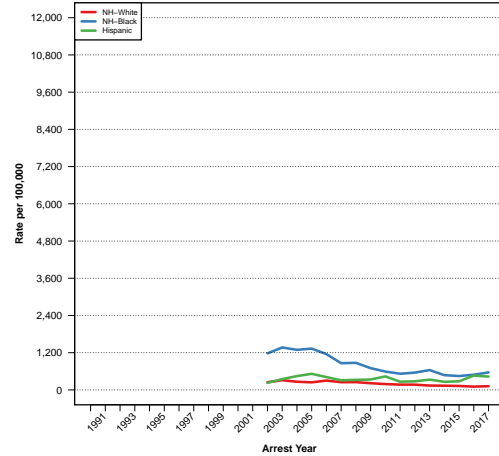
Data Source: Division of Criminal Justice Services (DCJS)

Figure 33: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in Upstate Cities, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 34: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in the Rest of the State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity

Figures 31 through 34 show the rates of arrest for misdemeanor marijuana possession for males ages 16-17 by race/ethnicity, in New York State, New York City, Upstate Cities, and the Rest of the State.

Across all geographic areas, arrest rates among non-Hispanic Black males ages 16-17 were highest, relative to Hispanics and non-Hispanics Whites. Further, arrest rates were highest in New York City relative to Upstate Cities and the Rest of the State, regardless of race/ethnicity, throughout the study period.

New York State

In New York State, the arrest rates for 16-17 year-old males of all racial/ethnic groups fluctuated throughout the study period, but declined substantially from 2002 to 2017. The magnitude of the decline was smallest for Hispanics (72.9 percent) relative to non-Hispanic Blacks (75.9 percent) and non-Hispanic Whites (76.9 percent). The rate for non-Hispanic Blacks in this age group increased from 5,075 in 2002 to 5,499 in 2010 and then declined to 1,222 per 100,000 in 2017. The rate for Hispanics declined from 3,118 in 2002 to 844 per 100,000 in 2017. The rate for non-Hispanic Whites declined from 745 in 2002 to 172 per 100,000 in 2017. Non-Hispanic Blacks in this age group were 6.8 times more likely to be arrested than non-Hispanic Whites in 2002 and 7.1 times more likely in 2017. Hispanics were 4.2 times more likely to be arrested than non-Hispanic Whites in 2002 and 4.9 times more likely to be arrested in 2017.

New York City

In New York City, from 1990 to 2017, arrest rates for 16-17 year-old males of all racial/ethnic groups fluctuated dramatically. The magnitude of increase was smallest among non-Hispanic Black males (875.5 percent) followed by Hispanics (1,509.3) and non-Hispanic Whites (2,281.9 percent). The rate of arrest for non-Hispanic Blacks in this age group remained the highest relative to Hispanics and non-Hispanic Whites throughout the study period. The rate for non-Hispanic Blacks increased from 146 in 1990, peaked at 7,736 in 2000, and declined to 1,424 per 100,000 in 2017. Among Hispanic males, the rate of arrest increased from 63 per 100,000 in 1990 to a peak of 5,025 in 2000 and then declined to 1,020 in 2017. The rate for non-Hispanic Whites increased from 18 in 1990 to 440 per 100,000 in 2017. In 1990, non-Hispanic Blacks in this age group were 7.9 times more likely to be arrested compared to non-Hispanic Whites and this difference narrowed to 3.2 times more likely to be arrested in 2017. Hispanics were 3.4 times more likely to be arrested than non-Hispanic Whites in 1990 and 2.3 times more likely in 2017.

For comparison to other geographic areas, we are noting trends in race/ethnicity for New York City from 2002 to 2017. From 2002 to 2017, in New York City, marijuana possession arrest rates for 16-17 year-old males decreased for all racial/ethnic groups. The magnitude of the decrease was largest for non-Hispanic Whites (85.6 percent) followed by non-Hispanic Blacks (77.4 percent) and Hispanics (74.8 percent). In 2002, 16-17 year-old non-Hispanic Black males were 2.1 times more likely to be arrested than non-Hispanic Whites. This difference increased to 3.2 times more likely in 2017. The differences also increased for 16-17 year-old Hispanic males compared to non-Hispanic Whites, from 1.3 in 2002 to 2.3 in 2017.

Upstate Cities

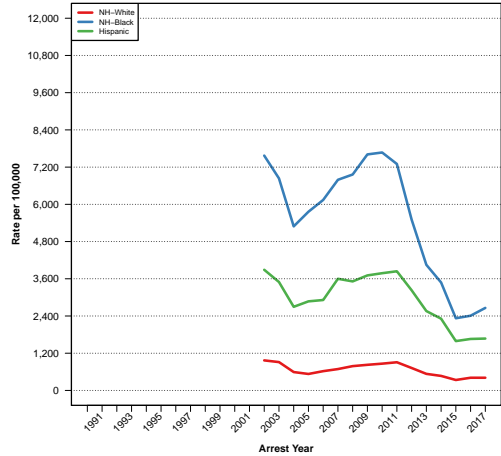
In Upstate Cities, arrest rates decreased for 16-17 year-old males of all racial/ethnic groups from 2002 to 2017 but the largest magnitude of decline was among non-Hispanic Whites, decreasing from 285

per 100,000 in 2002 to 0 arrests in 2017. In contrast, the magnitude of decline was smallest among Hispanic males (33.4 percent) followed by non-Hispanic Blacks (59.2 percent). In 2002 the arrest rate for non-Hispanic Blacks in this age group was 944 per 100,000. This rate increased to 2,021 in 2008, and then declined to 385 in 2017. The rate of arrest for Hispanics increased from 69 per 100,000 in 2002, to a peak of 452 in 2012, followed by a decline to 158 in 2017. The rate of arrest for non-Hispanic Whites increased from 422 in 2002 to a peak of 1,387 in 2007 and then decreased to 281 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age group were 3.3 times more likely to be arrested than non-Hispanic Whites and Hispanics were 1.5 times more likely to be arrested than non-Hispanic Whites. There were no arrests for 16-17 non-Hispanic White males in 2017.

Rest of the State

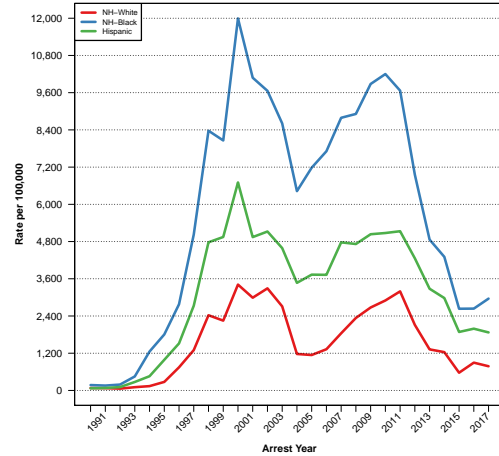
In the Rest of the State, from 2002 to 2017, the arrest rates for non-Hispanic Blacks and non-Hispanic Whites both decreased, but the rate for Hispanics increased for 16-17 year-old males. The magnitude of the decrease was smallest for non-Hispanic Blacks (52.1 percent), followed by non-Hispanic Whites (51.8 percent). The rate of arrest increased for Hispanics by 90.7 percent. The rate for non-Hispanic Blacks in this age group decreased from 1,177 in 2002 to 564 per 100,000 in 2017. For non-Hispanic Whites, the rate decreased from 248 in 2002 to 120 per 100,000 in 2017. The rate for Hispanics increased from 225 in 2002 to 430 per 100,000 in 2017. Non-Hispanic Blacks in this age group were 4.7 times more likely to be arrested than non-Hispanic Whites in 2002 and 2017. Hispanics were slightly less likely to be arrested than non-Hispanic Whites in 2002 and 3.6 times more likely to be arrested in 2017.

Figure 35: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York State, 1990 to 2017



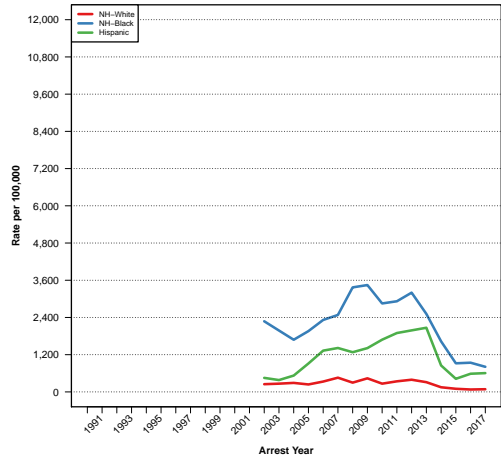
Data Source: Division of Criminal Justice Services (DCJS)

Figure 36: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York City, 1990 to 2017



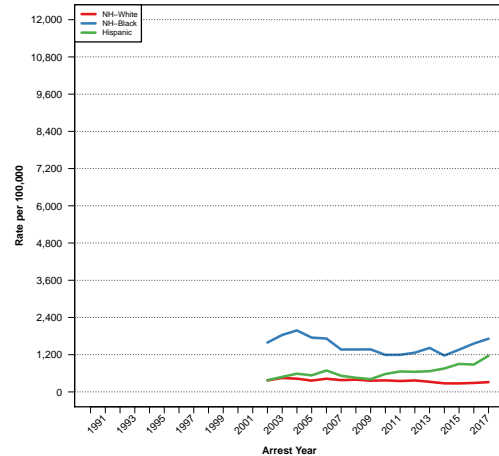
Data Source: Division of Criminal Justice Services (DCJS)

Figure 37: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in Upstate Cities, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 38: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in the Rest of the State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity

Figures 35 through 38 present the rates of arrest for misdemeanor marijuana possession for males ages 18-20 by race/ethnicity, in New York State, New York City, Upstate Cities, and the Rest of the State.

Overall, arrest rates among non-Hispanic Black males ages 18-20 were highest, relative to non-Hispanic Whites and Hispanics, across all geographic areas throughout the study period. Rates of arrest for misdemeanor marijuana possession were highest in New York City relative to Upstate Cities and the Rest of the State for most of the study period, regardless of race/ethnicity.

New York State

In New York State, from 2002 to 2017, the rate of arrest for all racial/ethnic groups for 18-20 year-old males decreased. The largest decline was for non-Hispanic Blacks (64.9 percent), followed by non-Hispanic Whites (57.8 percent) and Hispanics (57.0 percent). The rate for non-Hispanic Blacks in this age group decreased from 7,571 to 2,661 per 100,000 from 2002 to 2017. The arrest rate for Hispanics the rate declined from 3,890 in 2002 to 1,672 per 100,000 in 2017. For non-Hispanic Whites, the rate declined from 969 in 2002 to 409 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age group were 7.8 times more likely to be arrested than non-Hispanic Whites and in 2017 this difference narrowed to 6.5 times. Hispanics were 4.0 times more likely to be arrested than non-Hispanic Whites in 2002 and 4.1 times more likely in 2017.

New York City

In New York City, from 1990 to 2017, the increase in arrest rates for 18-20 year-olds was highest for Hispanic males (2,674.4 percent), followed by non-Hispanic Blacks (1,607.0 percent) and non-Hispanic Whites (880.3 percent). For non-Hispanic Blacks in this age group, the rate increased from 173 in 1990 to 2,960 per 100,000 in 2017. The rate for Hispanics increased from 67 per 100,000 in 1990 to 1,870 in 2017. The rate for non-Hispanic Whites increased from 80 in 1990 to 779 per 100,000 in 2017. In 1990, non-Hispanic Blacks in this age group were 2.2 times more likely to be arrested than non-Hispanic Whites and in 2017 this difference increased to 3.8. Hispanics were slightly less likely to be arrested than non-Hispanic Whites in 1990 and 2.4 times more likely to be arrested in 2017.

For comparison to other geographic areas, we are noting trends in race/ethnicity for New York City from 2002 to 2017. From 2002 to 2017, in New York City, marijuana possession arrest rates for 18-20 year-old males decreased for all racial/ethnic groups. The magnitude of the decrease was largest for non-Hispanic Whites (76.3 percent) followed by non-Hispanic Blacks (69.4) and Hispanics (63.5 percent). In 2002, 18-20 year-old non-Hispanic Black males were 2.9 times more likely to be arrested than non-Hispanic Whites. This difference increased to 3.8 times more likely in 2017. The differences also increased for 18-20 year-old Hispanic males compared to non-Hispanic Whites, from 1.6 in 2002 to 2.4 in 2017.

Upstate Cities

In Upstate Cities, from 2002 to 2017, the arrest rate increased for Hispanic males (33.9 percent), but declined for non-Hispanic Blacks (64.5 percent) and non-Hispanic Whites (65.4 percent). The rate for non-Hispanic Blacks in this age group declined from 2,277 in 2002 to 809 in 2017. The rate of arrest for Hispanic males ages 18-20 increased from 452 per 100,000 in 2002 to 606 in 2017. The rate for non-Hispanic Whites declined from 249 in 2002 to 86 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age group were 9.2 times more likely to be arrested compared to non-Hispanic and in

2017 they were 9.4 times more likely to be arrested. Hispanics were 1.8 times more likely to be arrested than non-Hispanic Whites in 2002 and 7.0 times more likely to be arrested in 2017.

Rest of the State

In the Rest of the State, arrest rates among males ages 18-20 increased from 2002 to 2017 for Hispanics (208.7 percent) and non-Hispanic Blacks (7.7 percent), while the rate of arrest among non-Hispanic White males declined (14.9 percent). For non-Hispanic Blacks in this age group, the arrest rate increased from 1,591 in 2002 to 1,714 in 2017. The rate for Hispanics increased from 378 in 2002 to 1,166 in 2017. The rate of arrests for non-Hispanic White males decreased from 370 in 2002 to 315 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age group were 4.3 times more likely to be arrested compared to non-Hispanic Whites and in 2017, they were 5.4 times more likely to be arrested. Hispanic males were equally as likely to be arrested as non-Hispanic White males in 2002, but in 2017 Hispanics were 3.7 times more likely to be arrested than non-Hispanic Whites.

Figure 39: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York State, 1990 to 2017

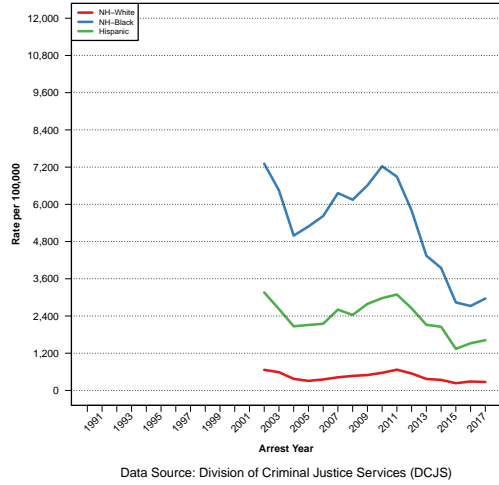


Figure 40: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York City, 1990 to 2017

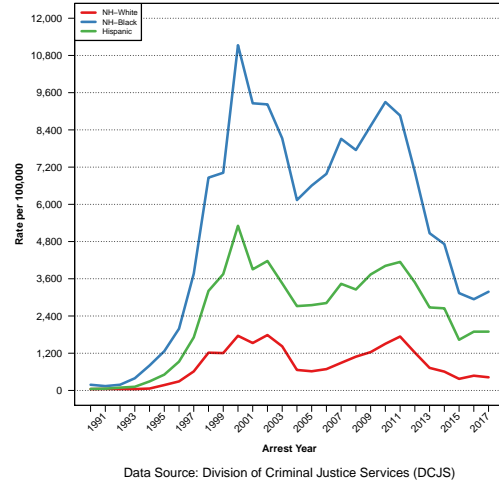


Figure 41: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in Upstate Cities, 1990 to 2017

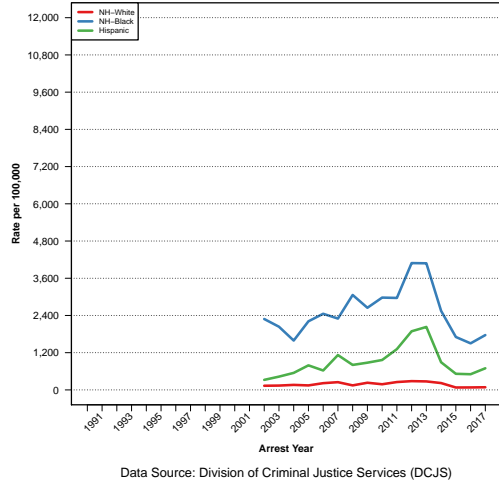
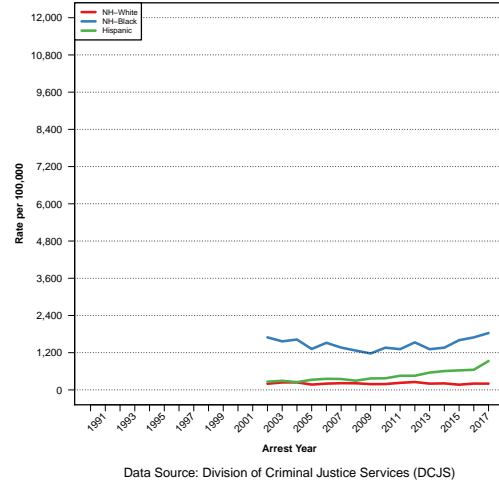


Figure 42: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in the Rest of the State, 1990 to 2017



Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity

Figures 39 through 42 present the rates of arrest for misdemeanor marijuana possession for males ages 21-24 by race/ethnicity, in New York State, New York City, Upstate Cities, and the Rest of the State.

Overall, arrest rates among non-Hispanic Black males ages 21-24 were highest, relative to non-Hispanic Whites and Hispanics, across all geographic areas throughout the study period. The rates of arrest for misdemeanor marijuana possession were highest in New York City, relative to Upstate Cities and the Rest of the State, for most of the study period, regardless of race/ethnicity.

New York State

In New York State, from 2002 to 2017, the arrest rate for 21-24 year-old non-Hispanic Black males decreased by 59.5 percent, followed by non-Hispanic Whites (59.1 percent) and Hispanics (48.7 percent). The rate for non-Hispanic Blacks in this age group declined from 7,309 in 2002 to 2,962 per 100,000 in 2017. The rate for Hispanics declined from 3,158 in 2002 to 1,619 in 2017. The rate for non-Hispanic Whites declined from 663 in 2002 to 272 per 100,000 in 2017. Non-Hispanic Blacks were in this age group 11.0 times more likely to be arrested than non-Hispanic Whites in 2002 and 10.9 times more likely to be arrested in 2017. In 2002, Hispanics were 4.8 times more likely to be arrested than non-Hispanic Whites and in 2017 they were 6.0 times more likely to be arrested.

New York City

In New York City, from 1990 to 2017, arrest rates for 21-24 year-old males increased dramatically for all racial/ethnic groups. The largest increase was among Hispanics (3,708.2 percent), followed by non-Hispanic Blacks (1,640.0 percent) and non-Hispanic Whites (901.1 percent). The rate for non-Hispanic Blacks in this age group increased from 183 in 1990 to a peak of 11,130 per 100,000 in 2000 and then declined to 3,182 in 2017. The rate of arrest increased for Hispanics from 50 per 100,000 in 1990 to a peak of 4,143 in 2011, then declined to 1,896 per 100,000 in 2017. For non-Hispanic Whites, the rate increased from 42 in 1990 to 424 per 100,000 in 2017. In 1990, non-Hispanic Blacks in this age group were 4.3 times more likely to be arrested than non-Hispanic Whites and in 2017, non-Hispanic Blacks were 7.5 times more likely to be arrested compared to non-Hispanic Whites. Hispanics were 1.2 times more likely to be arrested compared to non-Hispanic Whites at the start of the study period, but 4.5 times more likely to be arrested in 2017.

For comparison to other geographic areas, we are noting trends in race/ethnicity for New York City from 2002 to 2017. From 2002 to 2017, in New York City, marijuana possession arrest rates for 21-24 year-old males decreased for all racial/ethnic groups. The magnitude of the decrease was largest for non-Hispanic Whites (76.3 percent), followed by non-Hispanic Blacks (65.5 percent) and Hispanics (54.6 percent). In 2002, 21-24 year-old non-Hispanic Black males were 5.2 times more likely to be arrested than non-Hispanic Whites. This difference increased to 7.5 times more likely in 2017. The differences also increased for 21-24 year-old Hispanic males compared to non-Hispanic Whites, from 2.3 in 2002 to 4.5 in 2017.

Upstate Cities

In Upstate Cities, arrest rates among non-Hispanic Black and non-Hispanic White males ages 21-24 declined by 22.7 percent and 36.1 percent, respectively, from 2002 to 2017. The rate of arrest among Hispanic males increased by 115.2 percent. The rate for non-Hispanic Blacks in this age group declined from 2,285 in 2002 to 1,767 in 2017. The rate for Hispanic increased from 324 per 100,000 in 2002 to 697 in 2017. The rate for non-Hispanic Whites declined from 134 in 2002 to 85 per 100,000 in 2017.

In 2002, non-Hispanic Blacks in this age group were 17.1 times more likely to be arrested compared to non-Hispanic Whites and in 2017 they were 20.7 times more likely to be arrested. Hispanics were 2.4 times more likely to be arrested than non-Hispanic Whites in 2002 and 8.2 times more likely to be arrested in 2017.

Rest of the State

In the Rest of the State, from 2002 to 2017, arrest rates for males ages 21-24 increased slightly for non-Hispanic Whites (1.7 percent) and non-Hispanic Blacks (8.2 percent), while the arrest rate for Hispanics increased more dramatically by 251.8 percent. For non-Hispanic Blacks in this age group, the arrest rate increased from 1,694 in 2002 to 1,834 in 2017. The arrest rate for Hispanics increased from 264 in 2002 to 930 per 100,000 in 2017. The rate of arrest among non-Hispanic Whites increased from 198 in 2002 to 202 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age group were 8.5 times more likely to be arrested compared to non-Hispanic Whites and in 2017, they were 9.1 times more likely to be arrested. Hispanic males were 1.3 times more likely to be arrested than non-Hispanic White males in 2002 and in 2017 Hispanics were 4.6 times more likely to be arrested than non-Hispanic Whites.

Figure 43: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York State, 1990 to 2017

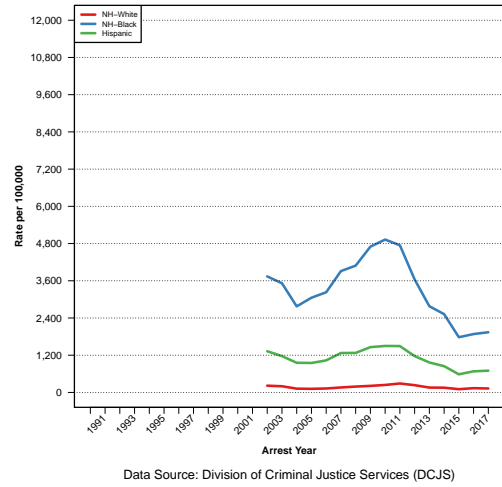


Figure 44: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York City, 1990 to 2017

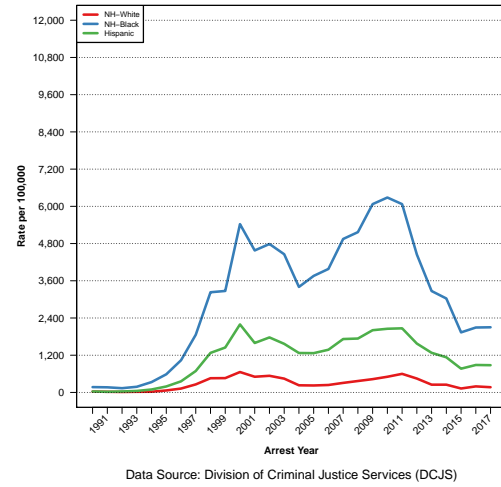


Figure 45: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in Upstate Cities, 1990 to 2017

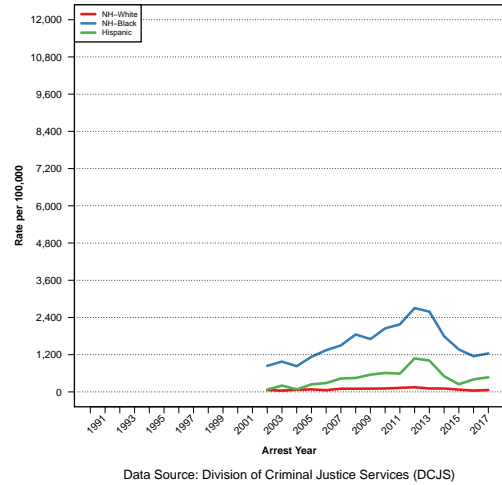
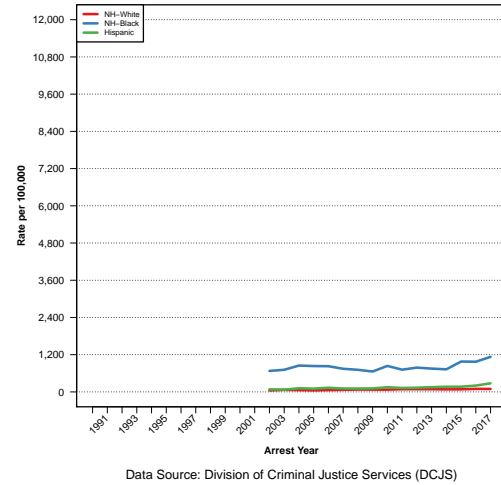


Figure 46: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in the Rest of the State, 1990 to 2017



Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity

Figures 43 through 46 show the rates of arrest for misdemeanor marijuana possession for males ages 25-34 by race/ethnicity, in New York State, New York City, Upstate Cities, and the Rest of the State.

Overall, arrest rates among non-Hispanic Black males ages 25-34 were highest, relative to Hispanics and non-Hispanic Whites, across all geographic areas throughout the study period. Arrest rates for misdemeanor marijuana possession were highest in New York City, relative to Upstate Cities and the Rest of the State, for most of the study period, regardless of race/ethnicity.

New York State

In New York State, the arrest rate for 25-34 year-old males of all racial/ethnic groups declined from 2002 to 2017. The arrest rate for non-Hispanic Blacks declined by 48.1 percent, followed by Hispanic (47.2 percent) and non-Hispanic Whites (41.5 percent). The rate for non-Hispanic Blacks in this age group declined from 3,741 in 2002 to 1,941 per 100,000 in 2017. For Hispanics the rate declined from 1,329 in 2002 to 702 in 2017. The rate for non-Hispanic Whites declined from 218 in 2002 to 127 per 100,000 in 2017. Non-Hispanic Blacks in this age group were 17.2 times more likely to be arrested than non-Hispanic Whites in 2002 and 15.2 times more likely to be arrested in 2017. In 2002, Hispanics were 6.1 times more likely to be arrested than non-Hispanic Whites and in 2017 they were 5.5 times more likely to be arrested.

New York City

In New York City, from 1990 to 2017, arrest rates for 25-34 year-old males increased dramatically for all racial/ethnic groups. The greatest magnitude of increase in the rate of arrest was highest among Hispanics (2,778.3 percent), followed by non-Hispanic Blacks (1,119.6 percent) and non-Hispanic Whites (506.1 percent). The rate for non-Hispanic Blacks in this age group increased from 172 in 1990 to a peak of 6,284 per 100,000 in 2010 and then declined to 2,101 in 2017. The rate of arrest for Hispanic males ages 25-34 increased from 31 in 1990 to 878 per 100,000 in 2017. For non-Hispanic Whites, the rate increased from 28 in 1990 to 168 per 100,000 in 2017. In 1990, non-Hispanic Blacks in this age group were 6.2 times more likely to be arrested than non-Hispanic Whites and in 2017, non-Hispanic Blacks were 12.5 times more likely to be arrested compared to non-Hispanic Whites. Hispanics were 1.1 times more likely to be arrested compared to non-Hispanic Whites at the start of the study period, and 5.2 times more likely to be arrested in 2017.

For comparison to other geographic areas, we are noting trends in race/ethnicity for New York City from 2002 to 2017. From 2002 to 2017, in New York City, marijuana possession arrest rates for 25-34 year-old males decreased for all racial/ethnic groups. The magnitude of the decrease was largest for non-Hispanic Whites (68.6 percent), followed by non-Hispanic Blacks (56.1 percent) and Hispanics (50.5 percent). In 2002, 25-34 year-old non-Hispanic Black males were 8.9 times more likely to be arrested than non-Hispanic Whites. This difference increased to 12.5 times more likely in 2017. The differences also increased for 25-34 year-old Hispanic males compared to non-Hispanic Whites, from 3.3 in 2002 to 5.2 in 2017.

Upstate Cities

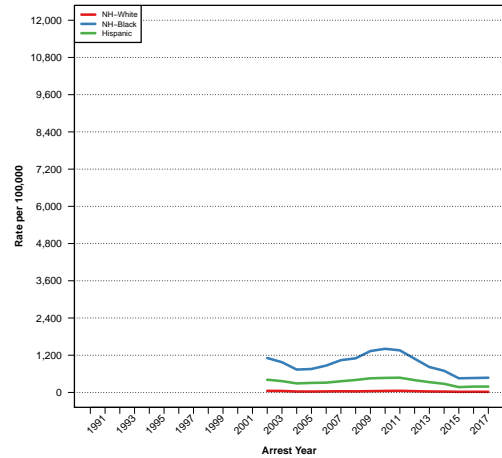
In Upstate Cities, from 2002 to 2017, arrest rates increased for 25-34 year-old Hispanic (546.6 percent) and non-Hispanic Black males (47.8 percent). The rate for non-Hispanic Whites decreased by 2.0 percent. The rate for non-Hispanic Blacks in this age group increased from 840 in 2002 to 1,242 in 2017. The rate of arrest among Hispanic males increased from 73 per 100,000 in 2002 to 471 in 2017.

The rate for non-Hispanic Whites declined slightly from 62 in 2002 to 61 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age group were 13.5 times more likely to be arrested compared to non-Hispanic Whites and in 2017, they were 20.4 times more likely to be arrested. Hispanics were 1.2 times more likely to be arrested than non-Hispanic Whites in 2002 and 7.7 times more likely to be arrested in 2017.

Rest of the State

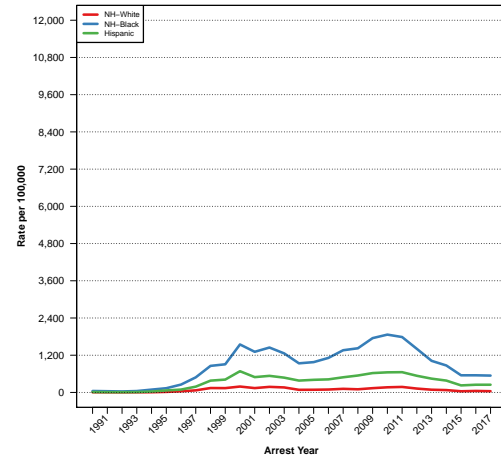
In the Rest of the State, from 2002 to 2017, the largest increase in arrest rate was for 25-34 year-old Hispanic males (228.8 percent), followed by non-Hispanic White males (96.9 percent) and non-Hispanic Black males (67.2 percent). For non-Hispanic Blacks in this age group, the arrest rate increased from 676 in 2002 to 1,130 per 100,000 in 2017. The arrest rate for Hispanics increased from 84 in 2002 to 277 per 100,000 in 2017. The rate of arrest among non-Hispanic Whites increased from 49 in 2002 to 96 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age group were 13.9 times more likely to be arrested compared to non-Hispanic Whites and in 2017, they were 11.8 times more likely to be arrested. Hispanic males were 1.7 times more likely to be arrested than non-Hispanic White males in 2002 but in 2017, Hispanics were 2.9 times more likely to be arrested than non-Hispanic Whites.

Figure 47: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York State, 1990 to 2017



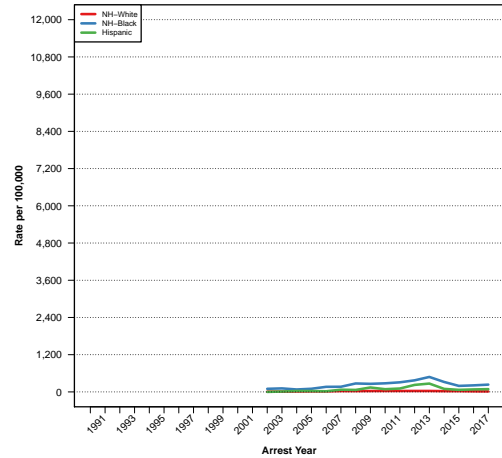
Data Source: Division of Criminal Justice Services (DCJS)

Figure 48: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York City, 1990 to 2017



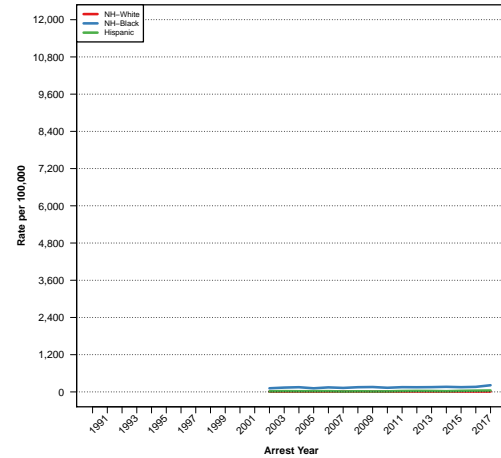
Data Source: Division of Criminal Justice Services (DCJS)

Figure 49: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in Upstate Cities, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 50: Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in the Rest of the State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Misdemeanor Arrest Rate for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity

Figures 47 through 50 show the rates of arrest for misdemeanor marijuana possession for males ages 35-65 by race/ethnicity, in New York State, New York City, Upstate Cities, and the Rest of the State.

Overall, arrest rates among non-Hispanic Black males ages 35-65 were highest, relative to non-Hispanic Whites and Hispanics, across all geographic areas throughout the study period. Rates of arrest for misdemeanor marijuana possession were highest in New York City, relative to Upstate Cities and the Rest of the State, for most of the study period, regardless of race/ethnicity.

New York State

In New York State, from 2002 to 2017, the arrest rate for 35-65 year-old non-Hispanic White males declined by 61.8 percent, followed by non-Hispanic Blacks (57.3 percent) and Hispanics (53.7 percent). The rate for non-Hispanic Blacks in this age group declined from 1,110 in 2002 to 475 per 100,000 in 2017. For Hispanics the rate declined from 410 per 100,000 in 2002 to 189 in 2017. The rate for non-Hispanic Whites declined from 50 to 19 per 100,000 from 2002 to 2017. Non-Hispanic Blacks in this age group were 22.0 times more likely to be arrested than non-Hispanic Whites in 2002 and 24.7 times more likely to be arrested in 2017. In 2002, Hispanics were 8.1 times more likely to be arrested than non-Hispanic Whites and in 2017, they were 9.9 times more likely to be arrested.

New York City

In New York City, from 1990 to 2017, arrest rates for 35-65 year-old males increased dramatically for all racial/ethnic groups. The greatest magnitude of increase in the rate of arrest was among Hispanics (1,714.9 percent), followed by non-Hispanic Blacks (1,060 percent) and non-Hispanic Whites (532.1 percent). The rate for non-Hispanic Blacks in this age group increased from 47 in 1990 to a peak of 1,864 per 100,000 in 2010 and then declined to 543 in 2017. The rate of arrest for Hispanic males ages 35-65 increased from 14 in 1990 to 248 per 100,000 in 2017. For non-Hispanic Whites, the rate increased from 6 in 1990 to 40 per 100,000 in 2017. In 1990, non-Hispanic Blacks in this age group were 7.4 times more likely to be arrested than non-Hispanic Whites and in 2017, non-Hispanic Blacks were 13.7 times more likely to be arrested compared to non-Hispanic Whites. Hispanics were 2.2 times more likely to be arrested compared to non-Hispanic Whites at the start of the study period, but 6.2 times more likely to be arrested in 2017.

For comparison to other geographic areas, we are noting trends in race/ethnicity for New York City from 2002 to 2017. From 2002 to 2017, in New York City, marijuana possession arrest rates for 35-65 year-old males decreased for all racial/ethnic groups. The magnitude of the decrease was largest for non-Hispanic Whites (77.9 percent), followed by non-Hispanic Blacks (62.5 percent) and Hispanics (53.6 percent). In 2002, 35-65 year-old non-Hispanic Black males were 8.1 times more likely to be arrested than non-Hispanic Whites. This difference increased to 13.7 times more likely in 2017. The differences also increased for 16-17 year-old Hispanic males compared to non-Hispanic Whites, from 3.0 in 2002 to 6.2 in 2017.

Upstate Cities

In Upstate Cities, from 2002 to 2017, arrest rates for 35-65 year-old non-Hispanic Black males and non-Hispanic White males increased by 135.5 percent and 97.9 percent, respectively. The rate for non-Hispanic Blacks in this age group increased from 100 in 2002 to 235 in 2017. The rate of arrest among Hispanic males increased from 0 arrests in 2002 to 89 per 100,000 in 2017. The rate for non-Hispanic Whites increased from 8 in 2002 to 15 per 100,000 in 2017. In 2002, non-Hispanic Blacks in this age

group were 12.9 times more likely to be arrested compared to non-Hispanic Whites and in 2017, they were 15.4 times more likely to be arrested. Hispanics were 5.8 times more likely to be arrested in 2017.

Rest of the State

In the Rest of the State, from 2002 to 2017, the largest increase in arrest rates was for 35-65 year-old Hispanic males (151.7 percent) followed by non-Hispanic Black males (84.4 percent) and non-Hispanic White males (33.3 percent). The rate of arrest among non-Hispanic Blacks in this age group increased from 117 in 2002 to 215 per 100,000 in 2017. The arrest rate for Hispanics increased from 18 in 2002 to 46 per 100,000 in 2017. For non-Hispanic Whites, the arrest rate increased from 9 in 2002 to 12 in 2017. In 2002, non-Hispanic Blacks in this age group were 12.8 times more likely to be arrested compared to non-Hispanic Whites and in 2017, they were 17.8 times more likely to be arrested. Hispanic males were 2.0 times more likely to be arrested than non-Hispanic White males in 2002 but in 2017 Hispanics were 3.8 times more likely to be arrested than non-Hispanic Whites.

Trends in Misdemeanor Arrests for Marijuana Possession by Disposition

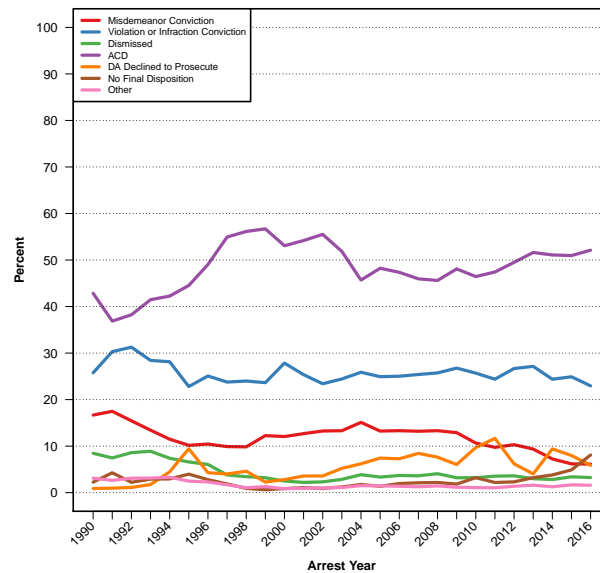
The following two sections present the outcomes of arrests for misdemeanor marijuana possession as proportions in New York State, New York City, Upstate Cities, and the Rest of the State. We examine trends in these arrests by all dispositions. We have not included disposition data for 2017 because 51.3 percent of arrests in 2017 did not have a final disposition at the time of data extraction. Appendix D provides the number and percent of dispositions. Due to variability among District Attorney's in New York City, Appendix C displays these outcomes by boroughs in New York City.

For conviction, we combined convicted-type unknown, convicted-verdict, and convicted-plea. We then separated out misdemeanor conviction and violation or infraction conviction based on the disposition charge. The violation or infraction conviction differs from misdemeanor conviction because it is generally punishable by a fine and not jail time. Additionally, these convictions will not show up on an individual's record.

The other dispositions used in this report are dismissed, adjournment in contemplation of dismissal (ACD), District Attorney (DA) declined to prosecute, no final disposition, and other. Dispositions that have been consolidated into the other category include covered by another case, acquitted, diverted and dismissed, and youthful offender conviction. For ACDs, the judge adjourns the case for six months to one year. The defendant does not enter a plea. If the defendant does not get rearrested, the case is dismissed at the end of that period. It is not the same as probation, although the judge can require that the defendant comply with certain conditions during the adjournment period. 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).²⁹

²⁹ CPL § 170.56

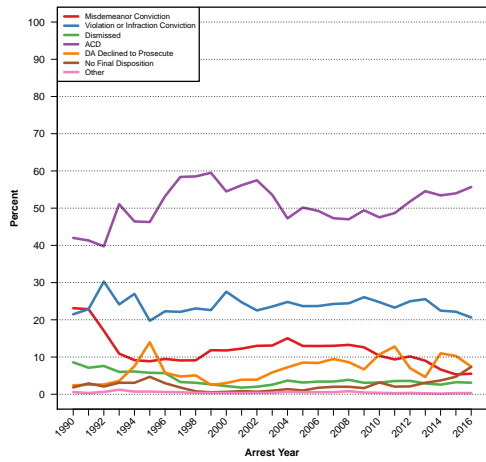
Figure 51: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in New York State, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

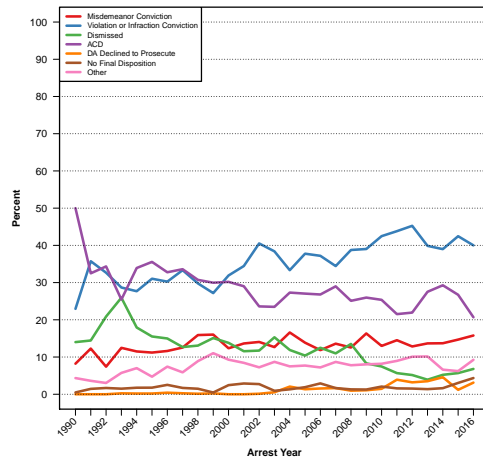
The most common disposition in New York State for the study period was ACD, which increased slightly from 42.9 percent (1,311) in 1990 to 52.1 percent (12,522) in 2016. The second most common disposition was violation or infraction conviction, which decreased slightly as a percentage of all dispositions from 25.8 percent (788) in 1990 to 23.0 percent (5,515) in 2016. The percentage of misdemeanor convictions also decreased over the course of the study period from 16.7 percent (510) to 6.1 percent (1,475). All other disposition categories each remained below 12.0 percent during the study period.

Figure 52: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in New York City, 1990 to 2016



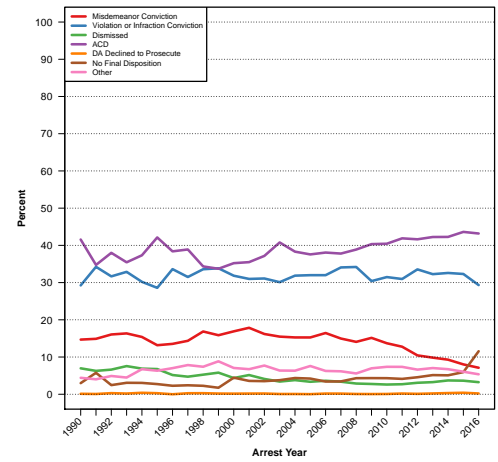
Data Source: Division of Criminal Justice Services (DCJS)

Figure 53: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Upstate Cities, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

Figure 54: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in the Rest of the State, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

Percent of Misdemeanor Arrests for Marijuana Possession by Disposition

Figures 52 through 54 present the proportion of arrests for misdemeanor marijuana possession by disposition in New York City, Upstate Cities, and the Rest of the State, from 1990 to 2016.

Across all geographic areas, arrests disposed as ACD or as a violation or infraction accounted for the largest proportion of arrests for marijuana possession throughout the study period. The proportion of ACD dispositions for misdemeanor marijuana possession arrests was higher in New York City compared to Upstate Cities and the Rest of the State.

New York City

In New York City, arrests disposed as ACD accounted for the largest proportion of arrests throughout the study period, increasing from 42.0 percent (436) in 1990 to 55.7 percent (10,307) in 2016. Arrests disposed as a violation or infraction accounted for 21.5 percent (223) of arrests in 1990 and 20.6 percent (3,820) in 2016. The proportion of arrests disposed as a misdemeanor conviction declined substantially from 1990 to 2016, from 23.1 percent (240) of arrests to 5.5 percent (1,019). Arrests that were dismissed at disposition, arrests disposed as DA declined to prosecute, as other, and arrests with no final disposition each accounted for less than 13.0 percent of arrests for misdemeanor marijuana possession over the entire study period.

Upstate Cities

In Upstate Cities, from 1990 to 2017, the proportion of marijuana possession arrests disposed as ACD declined from 50.0 percent (207) to 20.7 percent (152). In contrast, in 1990, 22.9 percent (95) of arrests were disposed as a violation or infraction and this proportion increased to 40.0 percent (294) of arrests in 2016. The proportion of arrests dismissed at disposition also declined over the study period, from 14.0 percent (58) in 1990 to 6.8 percent (50) in 2016. The proportion of arrests resulting in a misdemeanor conviction increased from 8.2 percent (34) in 1990 to 15.8 percent (116) in 2016. All other disposition categories remained below 12.0 percent throughout the study period.

Rest of the State

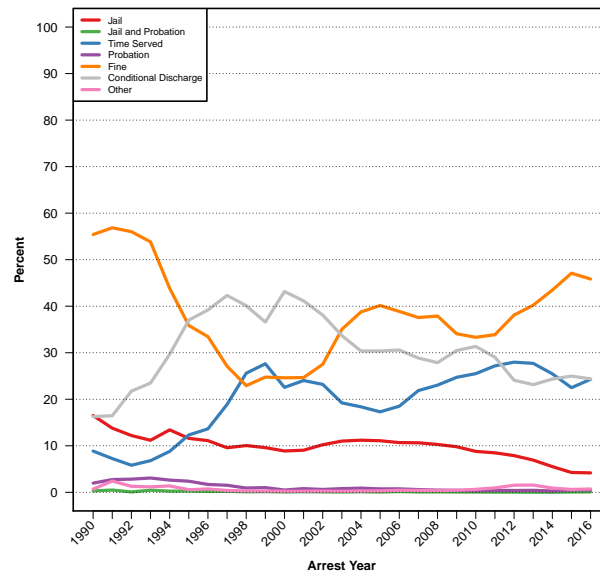
In 1990, arrests disposed as ACD accounted for 41.6 percent (668) of arrests for misdemeanor marijuana possession in the Rest of the State, which increased slightly to 43.2 percent (2,063) in 2016. Arrests disposed as a violation or infraction accounted for 29.2 percent (470) of arrests in 1990 and this proportion increased slightly to 29.3 percent (1,401) in 2016. The proportion of arrests disposed as a misdemeanor conviction decreased over the study period, from 14.7 percent (236) in 1990 to 7.1 percent (340) in 2016. Similar to New York City, arrests in the Rest of the State that were dismissed, disposed as DA declined to prosecute, and disposed as other each remained stable and below 10.0 percent throughout the study period.

Trends in Misdemeanor Arrests for Marijuana Possession by Sentence

Next, we examine the types of sentences for misdemeanor marijuana possession cases that resulted in a conviction or a violation or infraction. These trends are examined as a proportion of arrests for misdemeanor marijuana possession by geographic area, from 1990 to 2016. We have not included sentence data for 2017 because 51.3 percent of arrests in 2017 did not have a final disposition at the time of data extraction.

The sentence types presented in this section are jail, jail and probation, time served, probation, fine, conditional discharge and other. Time served is when the time between arrest and arraignment was recognized as the sentence. Conditional discharge is a sentence in which probationary conditions are attached - if an individual does not violate the terms of their conditional discharge, the conviction does not go on their record. The other category includes prison sentences and unconditional discharge. Appendix D provides the number and percent of all sentences.

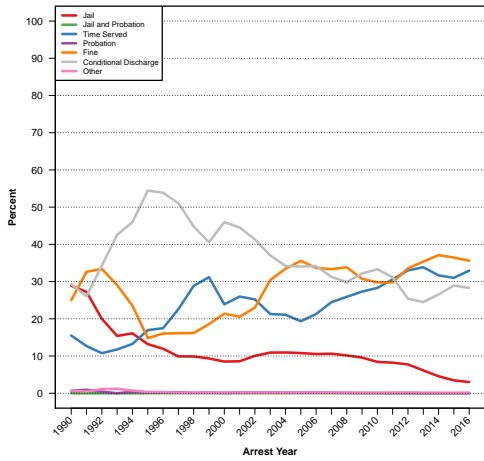
Figure 55: Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in New York State, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

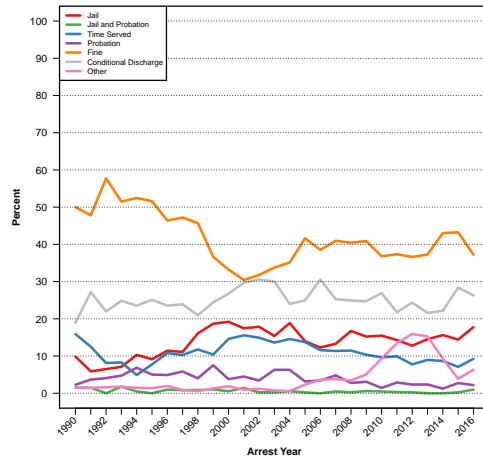
The most common sentence in New York State for the majority of the study period was a fine. The proportion of sentences that resulted in a fine decreased from 55.4 percent (732) in 1990 to 22.9 percent (2,874) in 1998, and then increased to 45.8 percent (3,218) in 2016. The proportion of conditional discharge sentences increased from 16.3 percent (215) in 1990 to 24.4 percent (1,712) in 2016. Time served sentences increased from 8.9 percent (117) in 1990 to 24.3 percent (1,705) in 2016. Arrests resulting in a jail sentence decreased from 16.5 percent (218) in 1990 to 4.2 percent (293) in 2016.

Figure 56: Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in New York City, 1990 to 2016



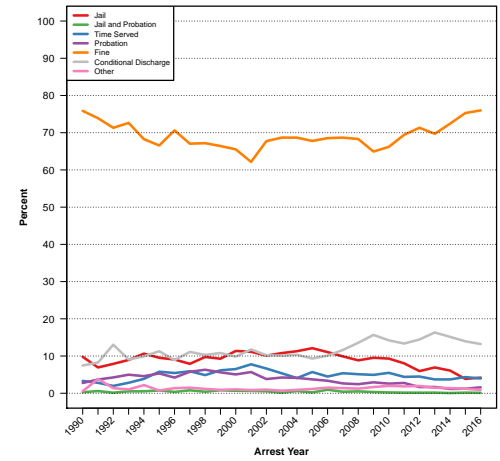
Data Source: Division of Criminal Justice Services (DCJS)

Figure 57: Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in Upstate Cities, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

Figure 58: Percent of Misdemeanor Arrests for Marijuana Charges by Sentence in the Rest of the State, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

Percent of Misdemeanor Arrests for Marijuana Charges by Sentence

Figures 56 to 58 show the proportion of arrests for misdemeanor marijuana possession by sentence in New York City, Upstate Cities, and Rest of the State, from 1990 to 2016.

In Upstate Cities and the Rest of the State, more arrests resulted in a fine compared to other sentence types throughout the study period. In New York City, there was greater variation in the type of sentences that were given for misdemeanor marijuana possession cases.

New York City

In New York City, in 1990, 28.9 percent (134) of arrests in New York City resulted in a jail sentence, which declined to 3.0 percent (146) in 2016. The proportion of arrests that resulted in a fine increased from 25.0 percent (116) in 1990 to 35.6 percent (1,726) in 2016. Meanwhile, arrests that were sentenced as time served increased from 15.5 percent (72) in 1990 to 32.9 percent (1,597) in 2016. The proportion of arrests resulting in a conditional discharge was 29.3 percent (136) in 1990 and 28.3 percent (1,371) in 2016. Arrests that resulted in probation, jail and probation, and arrests that were sentenced as other each remained low and stable throughout the study period.

Upstate Cities

In Upstate Cities, 50.0 percent (66) of arrests in 1990 resulted in a fine, which decreased to 37.2 percent (153) in 2016. The proportion of arrests resulting in a conditional discharge increased from 18.9 percent (25) in 1990 to 26.3 percent (108) in 2016. The proportion of arrests resulting in time served decreased from 15.9 percent (21) of arrests in 1990 to 9.2 percent (38) in 2016. Jail sentences accounted for 9.8 percent (13) in 1990 and 17.8 percent (73) in 2016. All other categories each remained below 16.0 percent during the study period.

Rest of the State

In the Rest of the State, the proportion of arrests resulting in a fine was 75.9 percent (550) in 1990 and 76.0 percent (1,339) in 2016. The proportion of arrests resulting in a conditional discharge increased from 7.4 percent (54) in 1990 to 13.2 percent (233) in 2016. In 1990, 9.8 percent (71) of arrests resulted in a jail sentence, which decreased to 4.2 percent (74) in 2016. All other sentences each remained below 8.0 percent during the course of the study period.

Conclusion

The analyses contained in this report uncovered a number of key trends that the public, policymakers and others should consider when assessing the impact that marijuana enforcement has on community safety and wellbeing. First, the report shows that, in 2017, the majority of misdemeanor marijuana charges in New York City were for possession or burning of small amounts of marijuana in public whereas a larger percentage of the arrests in the Upstate Cities and the Rest of the State were for possession of between 25 grams and 8 ounces. Second, people of color, particularly young, non-Hispanic Black men, consistently experienced higher rates of enforcement and the differences between rates of arrest for people of color and non-Hispanic Whites widened over time, despite an overall decline in arrests. Third, over the last several decades, in New York State, individuals under the age of 21 have generally experienced the highest rates of enforcement (though with some variability by age across the geographic areas). Lastly, in all three geographic areas, arrests for misdemeanor marijuana possession were most likely to be adjourned in contemplation of dismissal (ACD) or disposed as a violation or infraction.

These findings, and the data behind them, provide an empirical foundation for important policy conversations underway in New York State about decriminalization and legalization of marijuana, such as how to reduce racial differences in arrest rates, address the impacts on communities that have historically experienced high rates of enforcement, protect young people from the damaging effects that marijuana can have on the developing brain, improve police-community relations and public confidence in the justice system, and balance concerns about community conditions and safety. The Data Collaborative for Justice does not take a position on these policy questions but provides this report so that the public, government agencies, and lawmakers have the data necessary to craft marijuana policy that provides just and healthy outcomes for all communities.

Appendix A: Data and Definitions

The data for this report were provided by the following sources: The New York State Division of Criminal Justice Services (DCJS), the United States Census Bureau and the FBI Uniform Crime Report (UCR) Program.

The opinions, findings, and conclusions expressed in this publication are those of the authors and not those of DCJS. Neither New York State nor DCJS assumes liability for its contents or use thereof.

Reported Crime

We gathered reported crime data for 1985 to 2017 from the FBI Uniform Crime Reporting website.³⁰ Reported crimes include the seven major felony offenses. Violent crimes include murder and non-negligent manslaughter, rape, robbery, and felony assault. Property crimes include burglary, grand larceny, and motor vehicle theft.

Arrest Data

These data were provided by DCJS and include all misdemeanor marijuana arrests in New York State from 1990 to 2017. The figures in this report display all arrests for 16-65 year-olds. This enables us to show a more representative rate for the oldest age group (35-65 year-olds). The data include de-identified, individual-level information on demographics, charge, disposition, and sentence.

Figures in this report divide arrests into three locations: New York City, Upstate Cities, and the Rest of the State. The location of the arrest was determined by the arresting agency. Arrests in New York City are classified as arrests made by the New York City Police Department (NYPD), arrests in Upstate Cities are classified as arrests made by the Albany Police Department (APD), Buffalo Police Department (BPD), Rochester Police Department (RPD), Syracuse Police Department (SPD), and Yonkers Police Department (YPD). We have included these groupings in order to serve as a comparison to New York City. The Rest of New York State includes any arrest made by another agency, regardless of where that arrest took place.

Since over half of all arrests in 2017 (51.3 percent) for marijuana possession did not have a final disposition and sentence at the time of data extraction, the figures for dispositions and sentences display trends through 2016.

Our data does not allow us to see if an individual received more than one sentence (e.g. probation and fine). The sentence hierarchy is as follows: prison, jail, jail and probation, time served, probation, fine, unconditional discharge, conditional discharge, and other/unknown. Therefore an individual that received probation and a fine would show up as having a sentence of probation in our data.

Population Data

We extracted population counts from United States Census Bureau databases for the years 1990, 2000, and 2010. The 1990 Census data were obtained from the National Historical Geographic Informa-

³⁰ Federal Bureau of Investigation. Uniform Crime Reporting (UCR) Program. Retrieved from: <https://www.fbi.gov/services/cjis/ucr>

tion System (NHGIS) website.³¹ The 2000 and 2010 Census data were obtained from the American FactFinder website.³² The Special Tabulation Program at the U.S. Census helped us navigate the FactFinder website to obtain population estimates that disaggregate by sex, single-year age, race and ethnicity for 1990, 2000 and 2010. Notably, unlike our prior reports, we are now able to obtain population counts for non-Hispanic Blacks. Linear interpolation was used to calculate the population base for the years between the end points. Data were pulled for total population, sex, age, and race/ethnicity.

For 2011 to 2016, we used both the Decennial Census and the American Community Survey (ACS) data to obtain population counts. Due to the lack of 2017 Census data at the time of production, we used 2016 population estimates to calculate the 2017 rates. The Decennial Census provides single-year age estimates by racial and ethnic group, while the ACS provides annual population counts for a particular racial and ethnic group and sex by an age range (e.g. 20 to 24 years). We used the single-year age distribution of the last Decennial Census to estimate a single-year population count from age ranges provided by the ACS. For example, if 17 year-old Hispanic males accounted for 2.3 percent of the population in 2010, we then use that age proportion for an age range provided by ACS to estimate the proportion of 17 year-old Hispanic males in 2015. These estimates assume that the age distribution remains constant within a geographical unit (e.g., city) even as the total number of males (or females) within a specific racial and ethnic group changes in subsequent years.

All of the rates in this report were calculated per 100,000 residents aged 16-65 years. We combined age ranges into categories to better interpret the data: 16-17 year-olds, 18-20 year-olds, 21-24 year-olds, 25-34 year-olds, and 35-65 year-olds. Rates allow for estimates based on total population over the study period, as all rates are population specific. For example, annual arrest rates for 18-20 year-old Hispanic males in New York City are based on the number of 18-20 year-old Hispanic males in New York City in that given year.

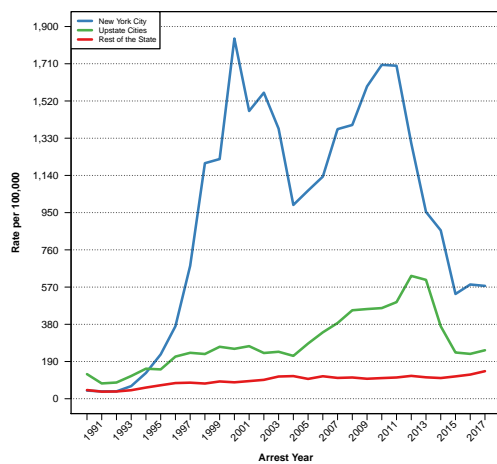
³¹ <https://www.nhgis.org/>

³² <https://factfinder.census.gov/faces/nav/jsf/pages/index.xhtml>

Appendix B: Trends by Demographics and Geographic Area

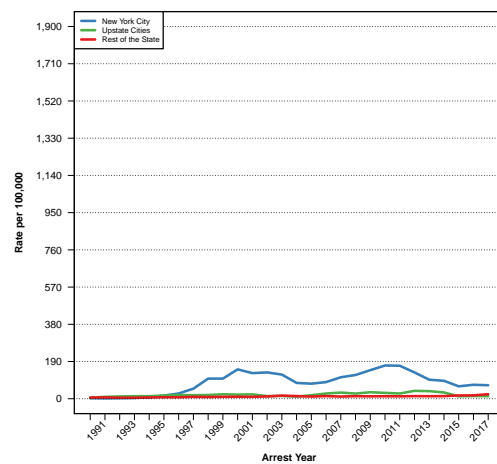
The figures in Appendix B show the arrest rates for misdemeanor marijuana possession by demographics and geographic area. First, we provide trends by sex for the three geographic areas. Next, we display trends by age group (16-17, 18-20, 21-24, 25-34, and 35-65 year-olds) and geographic area. Lastly, we display these trends by race/ethnicity and geographic area.

Figure 59: Misdemeanor Arrest Rate for Marijuana Possession for Males in New York State, 1990 to 2017



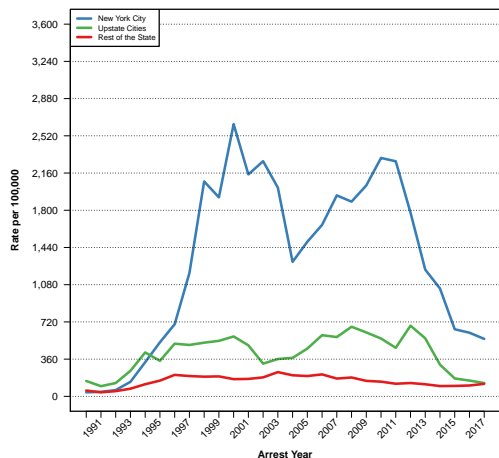
Data Source: Division of Criminal Justice Services (DCJS)

Figure 60: Misdemeanor Arrest Rate for Marijuana Possession for Females in New York State, 1990 to 2017



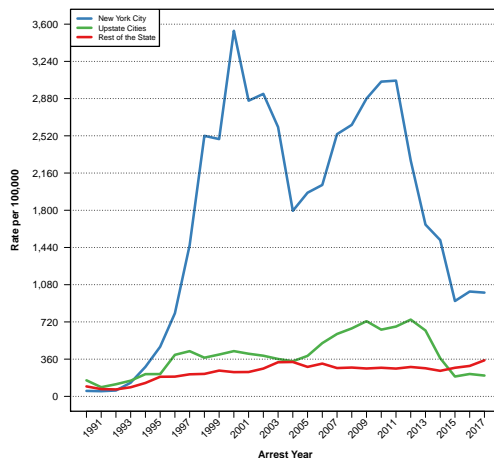
Data Source: Division of Criminal Justice Services (DCJS)

Figure 61: Misdemeanor Arrest Rate for Marijuana Possession for 16-17 Year-Olds in New York State, 1990 to 2017



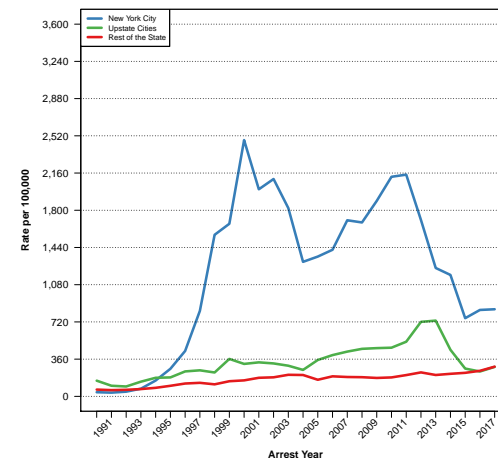
Data Source: Division of Criminal Justice Services (DCJS)

Figure 62: Misdemeanor Arrest Rate for Marijuana Possession for 18-20 Year-Olds in New York State, 1990 to 2017



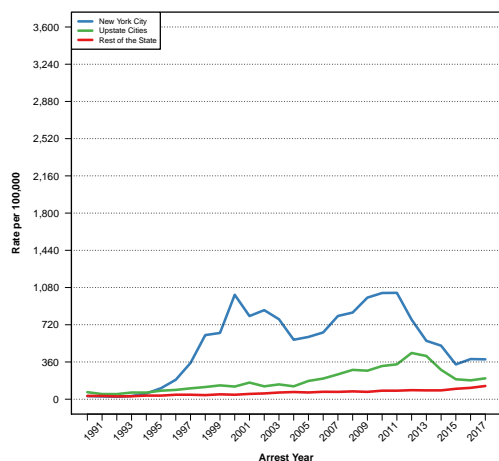
Data Source: Division of Criminal Justice Services (DCJS)

Figure 63: Misdemeanor Arrest Rate for Marijuana Possession for 21-24 Year-Olds in New York State, 1990 to 2017



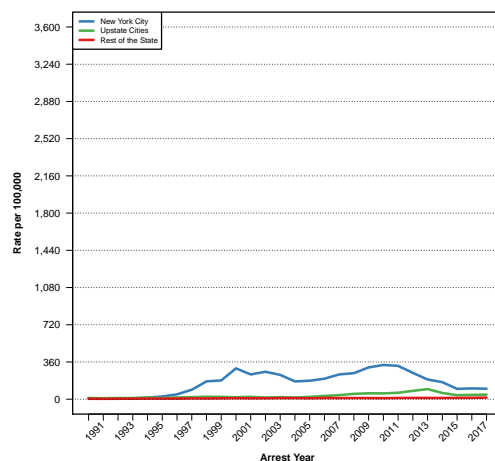
Data Source: Division of Criminal Justice Services (DCJS)

Figure 64: Misdemeanor Arrest Rate for Marijuana Possession for 25-34 Year-Olds in New York State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 65: Misdemeanor Arrest Rate for Marijuana Possession for 35-65 Year-Olds in New York State, 1990 to 2017



Data Source: Division of Criminal Justice Services (DCJS)

Figure 66: Misdemeanor Arrest Rate for Marijuana Possession for non-Hispanic Blacks in New York State, 1990 to 2017

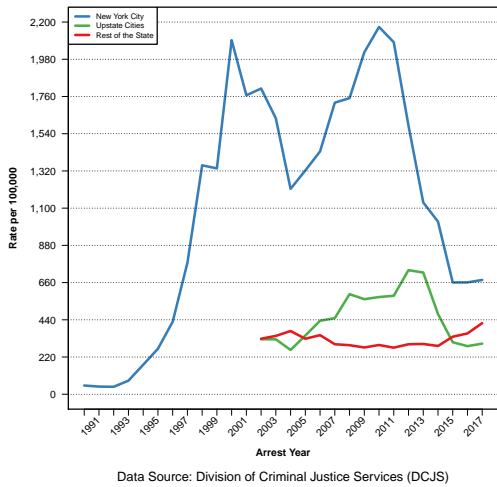


Figure 67: Misdemeanor Arrest Rate for Marijuana Possession for Hispanics in New York State, 1990 to 2017

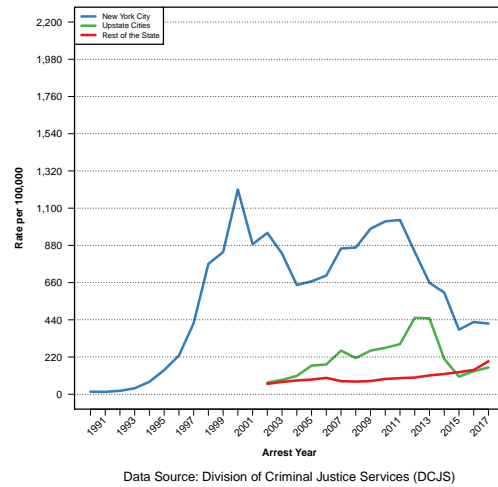
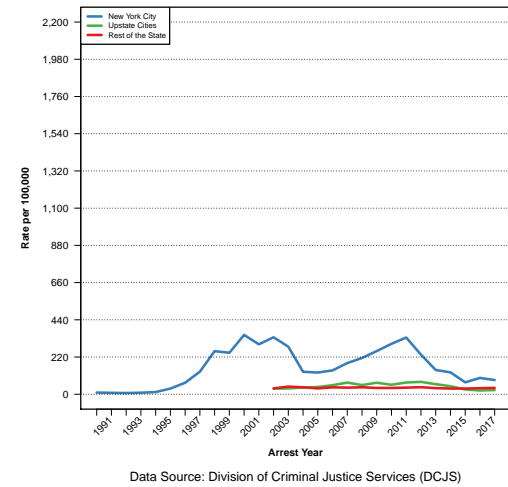


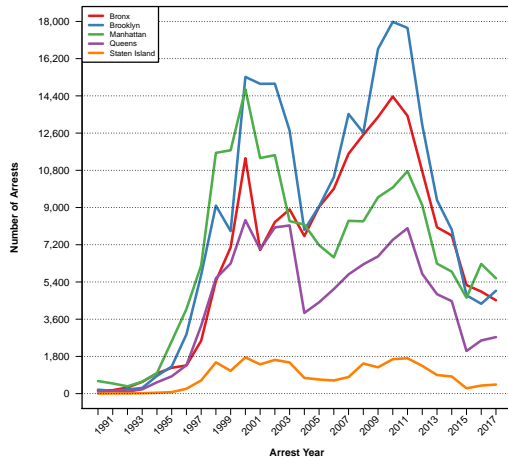
Figure 68: Misdemeanor Arrest Rate for Marijuana Possession for non-Hispanic Whites in New York State, 1990 to 2017



Appendix C: Trends by Borough

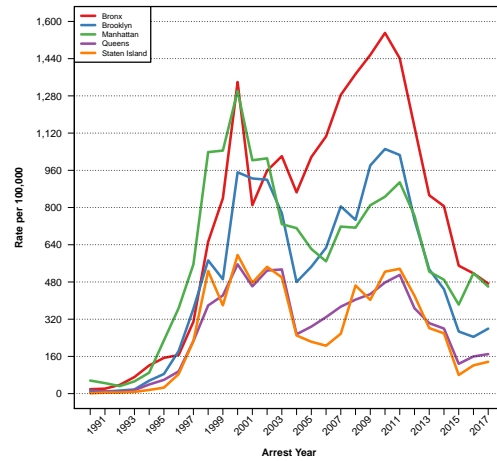
The figures in Appendix C display the number and rate of misdemeanor arrests for marijuana possession by New York City borough (Bronx, Brooklyn, Manhattan, Queens, Staten Island). In addition, we display the proportion of misdemeanor arrests for marijuana charges by disposition and borough.

Figure 69: Number of Misdemeanor Arrests for Marijuana Possession by Borough



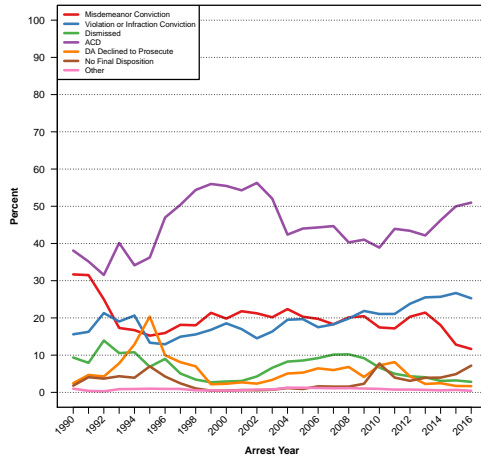
Data Source: Division of Criminal Justice Services (DCJS)

Figure 70: Misdemeanor Arrest Rates for Marijuana Possession by Borough



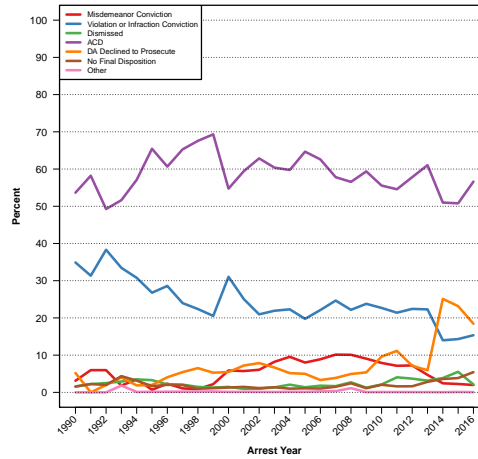
Data Source: Division of Criminal Justice Services (DCJS)

Figure 71: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Manhattan, 1990 to 2016



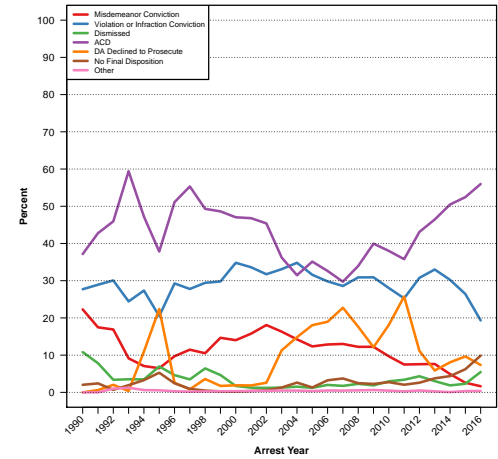
Data Source: Division of Criminal Justice Services (DCJS)

Figure 72: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Brooklyn, 1990 to 2016



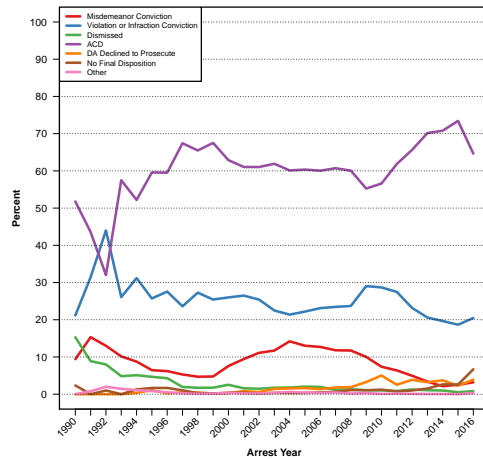
Data Source: Division of Criminal Justice Services (DCJS)

Figure 73: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in the Bronx, 1990 to 2016



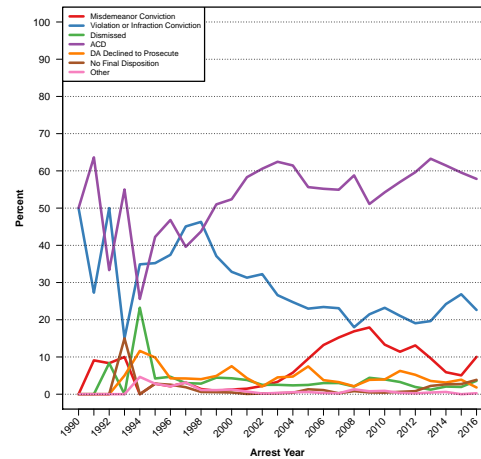
Data Source: Division of Criminal Justice Services (DCJS)

Figure 74: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Queens, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

Figure 75: Percent of Misdemeanor Arrests for Marijuana Charges by Disposition in Staten Island, 1990 to 2016



Data Source: Division of Criminal Justice Services (DCJS)

Appendix D: Figure Tables

The tables in Appendix D show the number, percent, and rate of misdemeanor arrests for marijuana changes by penal law code and geographic area. Additionally, we display tables of misdemeanor arrest rates for marijuana possession by demographics (sex, age group, and race/ethnicity) and geographic area. These tables are followed by rate tables for males by age and race/ethnicity for each geographic area. Finally, we display tables of the proportion and number of dispositions and sentences by geographic area.

Codes	Description
PL 221.10	Criminal Possession in the 5th Degree
PL 221.10 01	Marijuana in a public place, and such marijuana is burning or open to public view
PL 221.10 02	One or more preparations, compounds, mixtures or substances containing marijuana and the preparations, compounds, mixtures or substances that are over 25 grams
PL 221.15	Criminal possession in the 4th degree (more than 2 ounces)
PL 221.35	Criminal sale in the 5th degree (2 grams or less, or 1 cigarette)
PL 221.40	Criminal sale in the 4th degree (25 grams or less)

Table 4 Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	210	2,017	348	488	402	3,260
1991	225	1,561	315	477	408	2,742
1992	204	1,569	389	442	389	3,226
1993	276	2,381	416	539	458	3,619
1994	374	4,342	553	697	467	4,377
1995	421	7,086	610	852	596	4,807
1996	497	11,167	784	1,000	670	6,968
1997	471	19,663	959	1,051	724	7,353
1998	437	34,482	918	962	868	8,163
1999	460	35,671	1,001	985	985	8,126
2000	357	53,033	1,100	941	767	8,777
2001	341	43,576	986	947	595	5,909
2002	348	45,867	1,575	988	593	4,796
2003	283	41,511	1,862	1,000	669	3,892
2004	316	30,494	1,531	989	665	4,729
2005	350	31,887	1,672	1,087	651	4,826
2006	450	34,596	1,784	1,210	806	5,007
2007	399	41,537	1,938	1,384	846	6,114
2008	416	43,004	1,972	1,340	756	5,529
2009	435	48,964	1,978	1,452	816	5,143
2010	390	53,069	2,023	1,472	670	5,641
2011	433	53,434	1,949	1,481	559	5,273
2012	414	42,776	1,943	1,334	579	5,595
2013	426	31,967	1,821	1,337	390	5,484
2014	280	29,028	1,521	1,248	277	5,676
2015	372	19,086	1,576	1,165	212	4,567
2016	280	20,807	1,658	1,283	201	3,771
2017	275	20,990	2,001	1,335	184	3,454

Table 5 Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	1	793	62	182	274	2,901
1991	0	693	69	167	301	2,481
1992	0	714	89	158	287	2,903
1993	3	1,361	80	205	310	3,273
1994	3	3,029	122	264	350	4,016
1995	1	5,521	177	305	432	4,502
1996	6	9,170	296	451	468	6,592
1997	6	17,607	372	446	562	6,905
1998	8	32,557	363	352	678	7,700
1999	5	33,448	346	298	785	7,713
2000	14	50,813	429	321	581	8,379
2001	9	41,171	266	299	395	5,495
2002	10	43,276	844	383	370	4,347
2003	17	38,248	1,058	316	451	3,546
2004	8	27,280	780	311	499	4,411
2005	14	29,025	889	438	470	4,516
2006	21	31,262	872	503	599	4,725
2007	20	38,358	1,027	644	650	5,812
2008	16	39,644	949	572	566	5,226
2009	16	45,801	930	710	629	4,858
2010	13	49,769	922	716	459	5,350
2011	11	49,985	899	694	345	4,994
2012	10	38,495	862	619	360	5,300
2013	12	28,070	696	624	203	5,243
2014	4	25,710	543	524	111	5,493
2015	3	15,889	587	488	100	4,371
2016	0	17,334	725	456	79	3,588
2017	2	17,046	753	440	88	3,238

Table 6 Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	25	215	113	61	49	64
1991	25	104	103	45	23	34
1992	32	107	110	48	34	34
1993	36	178	113	75	60	46
1994	39	222	155	98	26	83
1995	46	168	145	152	51	85
1996	112	236	189	177	68	103
1997	85	299	219	162	70	147
1998	102	275	199	168	91	138
1999	93	305	248	215	88	130
2000	76	341	245	157	86	145
2001	60	321	310	174	95	162
2002	75	251	260	148	110	220
2003	45	252	289	172	70	98
2004	45	276	226	137	36	103
2005	39	379	296	184	54	110
2006	63	465	374	195	78	85
2007	41	597	427	202	63	100
2008	67	661	493	229	69	86
2009	48	716	488	243	62	61
2010	62	710	522	209	88	86
2011	146	785	441	213	103	95
2012	155	1,248	455	177	118	48
2013	165	1,158	474	172	91	55
2014	29	699	343	155	72	22
2015	17	312	283	144	51	26
2016	11	351	215	158	44	34
2017	28	294	289	177	42	32

Table 7 Number of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	184	1,009	173	245	79	295
1991	200	764	143	265	84	227
1992	172	748	190	236	68	289
1993	237	842	223	259	88	300
1994	332	1,091	276	335	91	278
1995	374	1,397	288	395	113	220
1996	379	1,761	299	372	134	273
1997	380	1,757	368	443	92	301
1998	327	1,650	356	442	99	325
1999	362	1,918	407	472	112	283
2000	267	1,879	426	463	100	253
2001	272	2,084	410	474	105	252
2002	263	2,340	471	457	113	229
2003	221	3,011	515	512	148	248
2004	263	2,938	525	541	130	215
2005	297	2,483	487	465	127	200
2006	366	2,869	538	512	129	197
2007	338	2,582	484	538	133	202
2008	333	2,699	530	539	121	217
2009	371	2,447	560	499	125	224
2010	315	2,590	579	547	123	205
2011	276	2,664	609	574	111	184
2012	249	3,033	626	538	101	247
2013	249	2,739	651	541	96	186
2014	247	2,619	635	569	94	161
2015	352	2,885	706	533	61	170
2016	269	3,122	718	669	78	149
2017	245	3,650	959	718	54	184

Table 8 Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York State from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	3.1	30.0	5.2	7.3	6.0	48.5
1991	3.9	27.3	5.5	8.3	7.1	47.9
1992	3.3	25.2	6.3	7.1	6.3	51.9
1993	3.6	31.0	5.4	7.0	6.0	47.1
1994	3.5	40.2	5.1	6.4	4.3	40.5
1995	2.9	49.3	4.2	5.9	4.1	33.4
1996	2.4	53.0	3.7	4.7	3.2	33.0
1997	1.6	65.1	3.2	3.5	2.4	24.3
1998	1.0	75.2	2.0	2.1	1.9	17.8
1999	1.0	75.5	2.1	2.1	2.1	17.2
2000	0.5	81.6	1.7	1.4	1.2	13.5
2001	0.7	83.2	1.9	1.8	1.1	11.3
2002	0.6	84.7	2.9	1.8	1.1	8.9
2003	0.6	84.3	3.8	2.0	1.4	7.9
2004	0.8	78.7	4.0	2.6	1.7	12.2
2005	0.9	78.8	4.1	2.7	1.6	11.9
2006	1.0	78.9	4.1	2.8	1.8	11.4
2007	0.8	79.5	3.7	2.7	1.6	11.7
2008	0.8	81.1	3.7	2.5	1.4	10.4
2009	0.7	83.3	3.4	2.5	1.4	8.7
2010	0.6	83.9	3.2	2.3	1.1	8.9
2011	0.7	84.6	3.1	2.3	0.9	8.4
2012	0.8	81.3	3.7	2.5	1.1	10.6
2013	1.0	77.2	4.4	3.2	0.9	13.2
2014	0.7	76.3	4.0	3.3	0.7	14.9
2015	1.4	70.7	5.8	4.3	0.8	16.9
2016	1.0	74.3	5.9	4.6	0.7	13.5
2017	1.0	74.3	7.1	4.7	0.7	12.2

Table 9 Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in New York City from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	0.0	18.8	1.5	4.3	6.5	68.9
1991	0.0	18.7	1.9	4.5	8.1	66.9
1992	0.0	17.2	2.1	3.8	6.9	69.9
1993	0.1	26.0	1.5	3.9	5.9	62.6
1994	0.0	38.9	1.6	3.4	4.5	51.6
1995	0.0	50.5	1.6	2.8	3.9	41.2
1996	0.0	54.0	1.7	2.7	2.8	38.8
1997	0.0	68.0	1.4	1.7	2.2	26.7
1998	0.0	78.2	0.9	0.8	1.6	18.5
1999	0.0	78.5	0.8	0.7	1.8	18.1
2000	0.0	83.9	0.7	0.5	1.0	13.8
2001	0.0	86.4	0.6	0.6	0.8	11.5
2002	0.0	87.9	1.7	0.8	0.8	8.8
2003	0.0	87.7	2.4	0.7	1.0	8.1
2004	0.0	81.9	2.3	0.9	1.5	13.3
2005	0.0	82.1	2.5	1.2	1.3	12.8
2006	0.1	82.3	2.3	1.3	1.6	12.4
2007	0.0	82.5	2.2	1.4	1.4	12.5
2008	0.0	84.4	2.0	1.2	1.2	11.1
2009	0.0	86.5	1.8	1.3	1.2	9.2
2010	0.0	87.0	1.6	1.3	0.8	9.3
2011	0.0	87.8	1.6	1.2	0.6	8.8
2012	0.0	84.3	1.9	1.4	0.8	11.6
2013	0.0	80.5	2.0	1.8	0.6	15.0
2014	0.0	79.4	1.7	1.6	0.3	17.0
2015	0.0	74.1	2.7	2.3	0.5	20.4
2016	0.0	78.1	3.3	2.1	0.4	16.2
2017	0.0	79.0	3.5	2.0	0.4	15.0

Table 10 Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in Upstate Cities from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	4.7	40.8	21.4	11.6	9.3	12.1
1991	7.5	31.1	30.8	13.5	6.9	10.2
1992	8.8	29.3	30.1	13.2	9.3	9.3
1993	7.1	35.0	22.2	14.8	11.8	9.1
1994	6.3	35.6	24.9	15.7	4.2	13.3
1995	7.1	26.0	22.4	23.5	7.9	13.1
1996	12.7	26.7	21.4	20.0	7.7	11.6
1997	8.7	30.4	22.3	16.5	7.1	15.0
1998	10.5	28.3	20.5	17.3	9.4	14.2
1999	8.6	28.3	23.0	19.9	8.2	12.0
2000	7.2	32.5	23.3	15.0	8.2	13.8
2001	5.3	28.6	27.6	15.5	8.5	14.4
2002	7.0	23.6	24.4	13.9	10.3	20.7
2003	4.9	27.2	31.2	18.6	7.6	10.6
2004	5.5	33.5	27.5	16.6	4.4	12.5
2005	3.7	35.7	27.9	17.3	5.1	10.4
2006	5.0	36.9	29.7	15.5	6.2	6.7
2007	2.9	41.7	29.9	14.1	4.4	7.0
2008	4.2	41.2	30.7	14.3	4.3	5.4
2009	3.0	44.3	30.2	15.0	3.8	3.8
2010	3.7	42.3	31.1	12.5	5.2	5.1
2011	8.2	44.0	24.7	11.9	5.8	5.3
2012	7.0	56.7	20.7	8.0	5.4	2.2
2013	7.8	54.8	22.4	8.1	4.3	2.6
2014	2.2	53.0	26.0	11.7	5.5	1.7
2015	2.0	37.5	34.0	17.3	6.1	3.1
2016	1.4	43.2	26.4	19.4	5.4	4.2
2017	3.2	34.1	33.5	20.5	4.9	3.7

Table 11 Percent of Misdemeanor Arrests for Marijuana Charges by Penal Law Code in the Rest of the State from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	9.3	50.8	8.7	12.3	4.0	14.9
1991	11.9	45.4	8.5	15.7	5.0	13.5
1992	10.1	43.9	11.2	13.9	4.0	17.0
1993	12.2	43.2	11.4	13.3	4.5	15.4
1994	13.8	45.4	11.5	13.9	3.8	11.6
1995	13.4	50.1	10.3	14.2	4.1	7.9
1996	11.8	54.7	9.3	11.6	4.2	8.5
1997	11.4	52.6	11.0	13.3	2.8	9.0
1998	10.2	51.6	11.1	13.8	3.1	10.2
1999	10.2	54.0	11.5	13.3	3.2	8.0
2000	7.9	55.5	12.6	13.7	3.0	7.5
2001	7.6	57.9	11.4	13.2	2.9	7.0
2002	6.8	60.4	12.2	11.8	2.9	5.9
2003	4.7	64.7	11.1	11.0	3.2	5.3
2004	5.7	63.7	11.4	11.7	2.8	4.7
2005	7.3	61.2	12.0	11.5	3.1	4.9
2006	7.9	62.2	11.7	11.1	2.8	4.3
2007	7.9	60.4	11.3	12.6	3.1	4.7
2008	7.5	60.8	11.9	12.1	2.7	4.9
2009	8.8	57.9	13.3	11.8	3.0	5.3
2010	7.2	59.4	13.3	12.5	2.8	4.7
2011	6.2	60.3	13.8	13.0	2.5	4.2
2012	5.2	63.3	13.1	11.2	2.1	5.2
2013	5.6	61.4	14.6	12.1	2.2	4.2
2014	5.7	60.6	14.7	13.2	2.2	3.7
2015	7.5	61.3	15.0	11.3	1.3	3.6
2016	5.4	62.4	14.3	13.4	1.6	3.0
2017	4.2	62.8	16.5	12.4	0.9	3.2

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 12 Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in New York State from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	2	17	3	4	3	27
1991	2	13	3	4	3	23
1992	2	13	3	4	3	27
1993	2	20	3	4	4	30
1994	3	36	5	6	4	36
1995	3	58	5	7	5	39
1996	4	91	6	8	5	57
1997	4	159	8	9	6	60
1998	4	278	7	8	7	66
1999	4	287	8	8	8	65
2000	3	425	9	8	6	70
2001	3	347	8	8	5	47
2002	3	363	12	8	5	38
2003	2	327	15	8	5	31
2004	2	239	12	8	5	37
2005	3	249	13	8	5	38
2006	3	269	14	9	6	39
2007	3	321	15	11	7	47
2008	3	331	15	10	6	43
2009	3	375	15	11	6	39
2010	3	404	15	11	5	43
2011	3	405	15	11	4	40
2012	3	324	15	10	4	42
2013	3	241	14	10	3	41
2014	2	218	11	9	2	43
2015	3	143	12	9	2	34
2016	2	157	12	10	2	28
2017	2	158	15	10	1	26

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 13 Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in New York City from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	0	16	1	4	6	59
1991	0	14	1	3	6	50
1992	0	14	2	3	6	58
1993	0	27	2	4	6	65
1994	0	59	2	5	7	78
1995	0	107	3	6	8	87
1996	0	176	6	9	9	127
1997	0	335	7	8	11	131
1998	0	614	7	7	13	145
1999	0	625	6	6	15	144
2000	0	942	8	6	11	155
2001	0	759	5	6	7	101
2002	0	794	15	7	7	80
2003	0	698	19	6	8	65
2004	0	495	14	6	9	80
2005	0	524	16	8	8	81
2006	0	561	16	9	11	85
2007	0	685	18	11	12	104
2008	0	704	17	10	10	93
2009	0	809	16	13	11	86
2010	0	875	16	13	8	94
2011	0	873	16	12	6	87
2012	0	668	15	11	6	92
2013	0	484	12	11	3	90
2014	0	440	9	9	2	94
2015	0	270	10	8	2	74
2016	0	296	12	8	1	61
2017	0	291	13	8	2	55

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 14 Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in Upstate Cities from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	4	33	17	9	7	10
1991	4	16	16	7	4	5
1992	5	16	17	7	5	5
1993	6	28	17	12	9	7
1994	6	35	24	15	4	13
1995	7	26	23	24	8	13
1996	18	37	30	28	11	16
1997	14	47	35	26	11	23
1998	16	44	32	27	15	22
1999	15	49	40	35	14	21
2000	12	55	40	25	14	24
2001	10	52	50	28	15	26
2002	12	41	42	24	18	36
2003	7	41	47	28	11	16
2004	7	45	36	22	6	17
2005	6	61	48	30	9	18
2006	10	75	60	31	13	14
2007	7	95	68	32	10	16
2008	11	106	79	37	11	14
2009	8	114	78	39	10	10
2010	10	113	83	33	14	14
2011	23	125	70	34	16	15
2012	25	198	72	28	19	8
2013	26	184	75	27	14	9
2014	5	111	55	25	11	3
2015	3	50	45	23	8	4
2016	2	56	34	25	7	5
2017	4	47	46	28	7	5

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 15 Misdemeanor Arrest Rate per 100,000 for Marijuana Charges by Penal Law Code in the Rest of the State from 1990 to 2017

Year	PL 221.10	PL 221.10 01	PL 221.10 02	PL 221.15	PL 221.35	PL 221.40
1990	3	16	3	4	1	5
1991	3	12	2	4	1	4
1992	3	12	3	4	1	5
1993	4	13	3	4	1	5
1994	5	17	4	5	1	4
1995	6	22	4	6	2	3
1996	6	27	5	6	2	4
1997	6	27	6	7	1	5
1998	5	26	6	7	2	5
1999	6	30	6	7	2	4
2000	4	29	7	7	2	4
2001	4	32	6	7	2	4
2002	4	36	7	7	2	3
2003	3	46	8	8	2	4
2004	4	44	8	8	2	3
2005	4	37	7	7	2	3
2006	5	43	8	8	2	3
2007	5	38	7	8	2	3
2008	5	40	8	8	2	3
2009	5	36	8	7	2	3
2010	5	38	8	8	2	3
2011	4	39	9	8	2	3
2012	4	44	9	8	1	4
2013	4	40	10	8	1	3
2014	4	38	9	8	1	2
2015	5	42	10	8	1	2
2016	4	46	11	10	1	2
2017	4	54	14	11	1	3

Table 16 Number of Misdemeanor Arrests for Marijuana Possession in New York State from 1990 to 2017

Year	New York City	Upstate Cities	Rest of the State	New York State
1990	1,038	414	1,611	3,063
1991	929	277	1,372	2,578
1992	961	297	1,346	2,604
1993	1,649	402	1,561	3,612
1994	3,418	514	2,034	5,966
1995	6,004	511	2,454	8,969
1996	9,923	714	2,811	13,448
1997	18,431	765	2,948	22,144
1998	33,280	744	2,775	36,799
1999	34,097	861	3,159	38,117
2000	51,577	819	3,035	55,431
2001	41,745	865	3,240	45,850
2002	44,513	734	3,531	48,778
2003	39,639	758	4,259	44,656
2004	28,379	684	4,267	33,330
2005	30,366	898	3,732	34,996
2006	32,658	1,097	4,285	38,040
2007	40,049	1,267	3,942	45,258
2008	41,181	1,450	4,101	46,732
2009	47,457	1,495	3,877	52,829
2010	51,420	1,503	4,031	56,954
2011	51,589	1,585	4,123	57,297
2012	39,986	2,035	4,446	46,467
2013	29,402	1,969	4,180	35,551
2014	26,781	1,226	4,070	32,077
2015	16,967	756	4,476	22,199
2016	18,515	735	4,778	24,028
2017	18,241	788	5,572	24,601

Table 17 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession in New York State from 1990 to 2017

Year	New York City	Upstate Cities	Rest of the State	New York State
1990	21	63	25	26
1991	19	42	21	21
1992	19	46	21	22
1993	33	62	24	30
1994	67	80	32	49
1995	116	80	38	73
1996	190	113	44	109
1997	351	122	46	179
1998	628	119	43	297
1999	638	139	49	306
2000	956	133	47	444
2001	770	140	50	365
2002	816	119	54	387
2003	723	123	65	352
2004	515	110	64	261
2005	548	145	56	273
2006	586	177	64	295
2007	715	203	59	350
2008	731	231	61	359
2009	839	238	57	404
2010	904	239	59	433
2011	901	252	60	435
2012	694	324	65	351
2013	507	313	61	268
2014	459	195	60	241
2015	289	120	65	166
2016	316	118	70	181
2017	311	126	82	185

Table 18 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in New York State from 1990 to 2017

Year	Female	Male
1990	5	48
1991	5	39
1992	4	40
1993	5	56
1994	7	93
1995	12	138
1996	16	207
1997	28	338
1998	50	556
1999	51	574
2000	72	833
2001	64	681
2002	66	722
2003	63	654
2004	43	490
2005	40	516
2006	46	556
2007	56	657
2008	62	670
2009	72	750
2010	83	799
2011	82	802
2012	69	646
2013	52	493
2014	49	441
2015	38	301
2016	41	326
2017	43	333

Table 19 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in New York City from 1990 to 2017

Year	Female	Male
1990	2	42
1991	2	38
1992	2	38
1993	3	65
1994	8	132
1995	16	226
1996	27	370
1997	52	679
1998	103	1,202
1999	103	1,224
2000	150	1,839
2001	131	1,469
2002	134	1,562
2003	123	1,379
2004	81	989
2005	77	1,063
2006	85	1,134
2007	110	1,376
2008	121	1,397
2009	146	1,594
2010	170	1,705
2011	168	1,700
2012	134	1,304
2013	97	954
2014	91	859
2015	63	535
2016	71	583
2017	69	576

Table 20 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in Upstate Cities from 1990 to 2017

Year	Female	Male
1990	6	126
1991	10	78
1992	12	83
1993	13	116
1994	13	153
1995	16	150
1996	19	215
1997	18	234
1998	19	228
1999	23	265
2000	21	255
2001	22	268
2002	13	233
2003	14	240
2004	11	219
2005	18	282
2006	27	339
2007	31	387
2008	27	452
2009	33	458
2010	30	463
2011	27	493
2012	40	627
2013	39	607
2014	32	370
2015	12	236
2016	14	229
2017	13	248

Table 21 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Sex in the Rest of the State from 1990 to 2017

Year	Female	Male
1990	6	44
1991	7	36
1992	5	37
1993	5	44
1994	6	57
1995	8	69
1996	7	80
1997	10	82
1998	9	78
1999	10	88
2000	10	84
2001	10	90
2002	12	96
2003	16	113
2004	14	116
2005	11	101
2006	14	115
2007	11	106
2008	13	108
2009	12	102
2010	13	105
2011	12	108
2012	13	117
2013	13	109
2014	13	106
2015	17	114
2016	17	123
2017	23	141

Table 22 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in New York State from 1990 to 2017

Year	16-17	18-20	21-24	25-34	35-65
1990	54	84	61	33	6
1991	44	64	53	30	5
1992	58	67	58	27	5
1993	109	109	77	32	6
1994	217	196	121	46	10
1995	309	306	182	71	14
1996	418	449	276	114	23
1997	610	730	462	193	42
1998	965	1,163	806	324	75
1999	908	1,179	890	342	79
2000	1,183	1,617	1,296	527	127
2001	981	1,332	1,073	432	103
2002	1,029	1,371	1,118	463	113
2003	954	1,265	989	426	102
2004	648	931	733	329	76
2005	724	979	741	345	78
2006	801	1,032	788	372	88
2007	888	1,212	920	458	104
2008	872	1,252	908	481	110
2009	910	1,351	1,000	556	133
2010	1,003	1,412	1,109	590	142
2011	977	1,416	1,136	593	140
2012	799	1,119	957	466	114
2013	572	857	730	357	88
2014	480	767	686	326	76
2015	320	532	481	231	50
2016	309	581	527	263	52
2017	293	605	551	269	52

Table 23 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in New York City from 1990 to 2017

Year	16-17	18-20	21-24	25-34	35-65
1990	39	53	40	30	8
1991	44	50	36	26	6
1992	60	57	45	24	5
1993	141	132	74	31	7
1994	331	285	153	55	15
1995	523	480	267	107	27
1996	698	804	439	188	47
1997	1,192	1,462	827	351	92
1998	2,079	2,520	1,563	620	172
1999	1,925	2,488	1,669	641	181
2000	2,633	3,536	2,479	1,010	298
2001	2,147	2,860	2,003	804	239
2002	2,274	2,926	2,102	861	265
2003	2,019	2,604	1,821	773	235
2004	1,301	1,794	1,301	575	172
2005	1,495	1,970	1,352	602	179
2006	1,658	2,045	1,418	646	198
2007	1,944	2,536	1,703	805	239
2008	1,883	2,626	1,682	838	252
2009	2,040	2,880	1,891	982	307
2010	2,306	3,044	2,124	1,027	331
2011	2,274	3,054	2,144	1,029	322
2012	1,777	2,280	1,706	770	255
2013	1,226	1,661	1,242	565	191
2014	1,043	1,511	1,174	518	165
2015	649	922	756	336	100
2016	615	1,014	836	388	104
2017	556	1,003	843	385	101

Table 24 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in Upstate Cities from 1990 to 2017

Year	16-17	18-20	21-24	25-34	35-65
1990	149	155	152	68	12
1991	98	89	103	50	9
1992	129	117	96	49	12
1993	247	152	142	65	12
1994	425	215	180	64	16
1995	343	215	183	82	12
1996	509	402	241	90	16
1997	497	437	252	105	20
1998	519	374	231	118	24
1999	537	404	362	134	22
2000	579	438	314	122	19
2001	494	412	329	161	22
2002	317	393	318	124	16
2003	361	362	296	143	20
2004	372	340	256	124	16
2005	462	392	352	177	22
2006	592	515	399	200	31
2007	573	603	433	240	39
2008	673	657	460	284	52
2009	618	727	467	276	57
2010	559	645	471	321	56
2011	470	675	528	337	62
2012	684	742	721	447	80
2013	562	637	733	418	98
2014	307	369	450	284	60
2015	173	192	269	193	39
2016	153	216	240	182	42
2017	129	201	285	202	44

Table 25 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Age Group in the Rest of the State from 1990 to 2017

Year	16-17	18-20	21-24	25-34	35-65
1990	56	96	66	32	4
1991	39	70	60	31	4
1992	50	67	63	27	4
1993	74	88	71	29	5
1994	118	130	83	35	6
1995	152	189	102	35	6
1996	208	191	124	43	6
1997	196	213	131	43	8
1998	190	217	116	39	7
1999	193	249	146	47	8
2000	167	234	155	43	10
2001	169	236	180	51	9
2002	184	269	184	56	9
2003	234	330	209	64	11
2004	204	333	207	69	11
2005	197	285	161	65	9
2006	212	317	194	72	11
2007	172	274	187	71	11
2008	182	279	185	76	12
2009	150	270	178	71	11
2010	142	277	183	82	10
2011	122	269	206	82	12
2012	129	284	232	87	12
2013	117	272	207	85	12
2014	100	247	218	85	12
2015	101	277	228	101	13
2016	105	294	247	110	13
2017	121	349	287	128	15

Table 26 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in New York State from 2002 to 2017

Year	White	Black	Hispanic
2002	109	1,352	720
2003	103	1,229	628
2004	64	940	491
2005	58	1,010	507
2006	66	1,097	530
2007	76	1,278	638
2008	85	1,305	635
2009	93	1,477	710
2010	103	1,577	739
2011	114	1,513	745
2012	91	1,201	622
2013	64	896	499
2014	59	793	451
2015	43	551	300
2016	51	555	334
2017	49	580	344

Table 27 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in New York City from 1990 to 2017

Year	White	Black	Hispanic
1990	10	52	15
1991	8	45	14
1992	7	44	20
1993	9	80	35
1994	13	174	74
1995	34	269	143
1996	68	429	229
1997	133	777	420
1998	255	1,353	771
1999	245	1,335	840
2000	351	2,093	1,210
2001	295	1,767	887
2002	337	1,807	954
2003	281	1,631	831
2004	133	1,214	645
2005	128	1,323	668
2006	141	1,435	701
2007	184	1,723	862
2008	215	1,750	867
2009	255	2,021	978
2010	298	2,171	1,022
2011	335	2,081	1,030
2012	234	1,588	842
2013	143	1,134	659
2014	129	1,020	601
2015	70	661	382
2016	97	661	427
2017	84	676	418

Table 28 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in Upstate Cities from 2002 to 2017

Year	White	Black	Hispanic
2002	33	325	69
2003	34	325	85
2004	40	262	108
2005	43	347	169
2006	54	434	176
2007	69	450	258
2008	54	592	214
2009	68	562	258
2010	56	575	274
2011	69	582	296
2012	73	734	452
2013	60	719	449
2014	47	474	209
2015	28	307	104
2016	22	285	136
2017	25	299	158

Table 29 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession by Race/Ethnicity in the Rest of the State from 2002 to 2017

Year	White	Black	Hispanic
2002	35	328	62
2003	45	345	73
2004	41	374	81
2005	35	328	87
2006	41	349	97
2007	39	296	77
2008	41	290	75
2009	37	276	78
2010	37	291	90
2011	39	275	95
2012	42	295	99
2013	36	297	111
2014	34	285	120
2015	34	340	131
2016	36	360	143
2017	38	421	195

Table 30 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York State from 2002 to 2017

Year	White	Black	Hispanic
2002	745	5,075	3,118
2003	678	4,830	2,606
2004	411	3,432	1,959
2005	395	4,042	2,279
2006	441	4,521	2,454
2007	444	5,109	2,664
2008	500	4,778	2,487
2009	478	4,929	2,737
2010	496	5,499	2,948
2011	480	5,424	2,773
2012	413	4,227	2,335
2013	286	2,784	1,715
2014	238	2,205	1,521
2015	192	1,461	926
2016	176	1,194	972
2017	172	1,222	844

Table 31 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York State from 2002 to 2017

Year	White	Black	Hispanic
2002	969	7,571	3,890
2003	914	6,837	3,496
2004	592	5,289	2,696
2005	531	5,761	2,872
2006	621	6,142	2,915
2007	689	6,791	3,600
2008	784	6,961	3,515
2009	826	7,610	3,708
2010	863	7,671	3,780
2011	909	7,302	3,842
2012	724	5,509	3,230
2013	534	4,050	2,559
2014	468	3,480	2,313
2015	337	2,327	1,591
2016	409	2,409	1,660
2017	409	2,661	1,672

Table 32 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York State from 2002 to 2017

Year	White	Black	Hispanic
2002	663	7,309	3,158
2003	588	6,449	2,623
2004	373	4,992	2,068
2005	308	5,286	2,111
2006	354	5,624	2,150
2007	423	6,362	2,606
2008	469	6,148	2,434
2009	495	6,610	2,789
2010	568	7,227	2,976
2011	670	6,891	3,093
2012	546	5,800	2,647
2013	370	4,344	2,116
2014	339	3,949	2,053
2015	233	2,837	1,341
2016	288	2,723	1,521
2017	272	2,962	1,619

Table 33 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York State from 2002 to 2017

Year	White	Black	Hispanic
2002	218	3,741	1,329
2003	199	3,519	1,171
2004	122	2,775	956
2005	116	3,053	950
2006	127	3,230	1,033
2007	160	3,912	1,271
2008	189	4,088	1,275
2009	211	4,700	1,461
2010	242	4,928	1,499
2011	289	4,744	1,495
2012	234	3,644	1,172
2013	156	2,779	966
2014	153	2,524	847
2015	104	1,780	584
2016	138	1,882	680
2017	127	1,941	702

Table 34 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York State from 2002 to 2017

Year	White	Black	Hispanic
2002	50	1,110	410
2003	47	975	365
2004	30	737	291
2005	29	756	307
2006	32	867	315
2007	38	1,040	361
2008	34	1,100	401
2009	42	1,334	456
2010	48	1,407	468
2011	52	1,357	475
2012	41	1,086	397
2013	31	819	332
2014	28	698	278
2015	20	456	171
2016	22	465	188
2017	19	475	189

Table 35 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in New York City from 1990 to 2017

Year	White	Black	Hispanic
1990	18	146	63
1991	11	148	110
1992	30	157	171
1993	53	515	278
1994	129	1,206	662
1995	340	1,683	1,041
1996	516	2,178	1,361
1997	1,054	3,600	2,325
1998	2,167	6,039	3,824
1999	1,836	5,445	3,877
2000	2,800	7,736	5,025
2001	2,593	6,359	3,550
2002	3,055	6,287	4,051
2003	2,367	5,899	3,369
2004	1,075	4,073	2,439
2005	1,060	4,893	2,850
2006	1,045	5,528	3,172
2007	1,328	6,505	3,512
2008	1,669	5,969	3,309
2009	1,766	6,307	3,689
2010	2,030	7,233	3,977
2011	1,992	7,213	3,835
2012	1,611	5,414	3,170
2013	1,004	3,382	2,280
2014	739	2,799	2,052
2015	509	1,800	1,217
2016	528	1,393	1,200
2017	440	1,424	1,020

Table 36 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in New York City from 1990 to 2017

Year	White	Black	Hispanic
1990	80	173	67
1991	73	157	78
1992	58	189	109
1993	105	451	273
1994	139	1,254	459
1995	275	1,804	987
1996	745	2,778	1,516
1997	1,300	5,027	2,731
1998	2,424	8,373	4,776
1999	2,251	8,059	4,947
2000	3,413	11,993	6,706
2001	2,990	10,082	4,943
2002	3,291	9,659	5,123
2003	2,710	8,609	4,589
2004	1,175	6,426	3,469
2005	1,142	7,181	3,733
2006	1,328	7,711	3,727
2007	1,842	8,790	4,775
2008	2,337	8,914	4,720
2009	2,673	9,880	5,036
2010	2,900	10,200	5,075
2011	3,194	9,666	5,133
2012	2,112	6,956	4,260
2013	1,324	4,863	3,279
2014	1,235	4,306	2,978
2015	572	2,634	1,885
2016	896	2,638	1,991
2017	779	2,960	1,870

Table 37 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in New York City from 1990 to 2017

Year	White	Black	Hispanic
1990	42	183	50
1991	49	140	56
1992	45	183	91
1993	43	392	118
1994	61	804	290
1995	173	1,264	510
1996	291	1,990	928
1997	614	3,764	1,711
1998	1,217	6,861	3,209
1999	1,204	7,018	3,750
2000	1,762	11,130	5,308
2001	1,528	9,258	3,905
2002	1,786	9,222	4,173
2003	1,422	8,128	3,453
2004	661	6,138	2,719
2005	618	6,604	2,750
2006	687	6,982	2,818
2007	889	8,112	3,437
2008	1,088	7,751	3,255
2009	1,236	8,527	3,739
2010	1,505	9,298	4,016
2011	1,738	8,863	4,143
2012	1,220	7,049	3,483
2013	727	5,069	2,675
2014	607	4,719	2,647
2015	373	3,137	1,633
2016	475	2,940	1,895
2017	424	3,182	1,896

Table 38 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in New York City from 1990 to 2017

Year	White	Black	Hispanic
1990	28	172	31
1991	20	165	21
1992	15	137	31
1993	20	182	48
1994	23	333	95
1995	64	585	192
1996	125	1,037	358
1997	259	1,860	691
1998	458	3,230	1,275
1999	461	3,272	1,448
2000	658	5,426	2,193
2001	506	4,578	1,594
2002	536	4,786	1,774
2003	445	4,455	1,567
2004	230	3,401	1,271
2005	224	3,757	1,267
2006	240	3,981	1,377
2007	308	4,948	1,722
2008	368	5,168	1,737
2009	428	6,071	2,006
2010	505	6,284	2,053
2011	599	6,071	2,067
2012	448	4,448	1,576
2013	250	3,270	1,278
2014	250	3,028	1,133
2015	127	1,936	766
2016	195	2,093	885
2017	168	2,101	878

Table 39 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in New York City from 1990 to 2017

Year	White	Black	Hispanic
1990	6	47	14
1991	4	39	9
1992	3	32	8
1993	4	45	12
1994	6	91	28
1995	17	136	64
1996	37	253	92
1997	67	487	186
1998	142	856	380
1999	139	907	414
2000	190	1,547	684
2001	140	1,310	494
2002	180	1,447	535
2003	161	1,258	477
2004	85	938	382
2005	86	977	407
2006	94	1,113	421
2007	116	1,360	488
2008	101	1,424	546
2009	138	1,751	624
2010	166	1,864	648
2011	178	1,786	653
2012	125	1,405	537
2013	88	1,018	444
2014	76	869	382
2015	38	552	227
2016	48	553	248
2017	40	543	248

Table 40 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in Upstate Cities from 2002 to 2017

Year	White	Black	Hispanic
2002	285	944	422
2003	392	1,032	272
2004	303	844	1,056
2005	443	951	1,366
2006	565	1,612	1,118
2007	605	1,476	1,387
2008	570	2,021	1,039
2009	313	1,869	1,009
2010	327	1,629	1,018
2011	493	1,416	722
2012	330	1,957	1,253
2013	166	1,706	888
2014	134	801	670
2015	101	543	140
2016	35	495	176
2017	0	385	281

Table 41 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in Upstate Cities from 2002 to 2017

Year	White	Black	Hispanic
2002	249	2,277	452
2003	266	1,979	382
2004	290	1,682	527
2005	240	1,960	916
2006	333	2,320	1,330
2007	459	2,481	1,416
2008	299	3,370	1,279
2009	438	3,445	1,412
2010	266	2,852	1,684
2011	341	2,922	1,898
2012	393	3,200	1,984
2013	314	2,515	2,068
2014	150	1,629	852
2015	101	922	422
2016	78	942	586
2017	86	809	606

Table 42 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in Upstate Cities from 2002 to 2017

Year	White	Black	Hispanic
2002	134	2,285	324
2003	139	2,037	428
2004	162	1,591	549
2005	145	2,212	792
2006	217	2,455	626
2007	249	2,300	1,124
2008	146	3,061	806
2009	231	2,648	878
2010	182	2,976	964
2011	254	2,965	1,315
2012	283	4,089	1,890
2013	274	4,082	2,030
2014	221	2,549	891
2015	78	1,707	519
2016	80	1,501	505
2017	85	1,767	697

Table 43 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in Upstate Cities from 2002 to 2017

Year	White	Black	Hispanic
2002	62	840	73
2003	42	977	204
2004	69	828	80
2005	81	1,132	244
2006	55	1,345	286
2007	102	1,501	432
2008	104	1,851	450
2009	105	1,703	554
2010	110	2,048	612
2011	131	2,178	588
2012	149	2,703	1,081
2013	111	2,589	1,011
2014	109	1,793	505
2015	74	1,369	246
2016	43	1,149	405
2017	61	1,242	471

Table 44 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in Upstate Cities from 2002 to 2017

Year	White	Black	Hispanic
2002	8	100	0
2003	10	113	12
2004	13	79	29
2005	17	101	28
2006	17	163	21
2007	27	166	71
2008	26	272	64
2009	28	260	142
2010	30	277	87
2011	30	309	109
2012	30	373	226
2013	30	482	269
2014	24	321	98
2015	25	194	66
2016	19	211	80
2017	15	235	89

Table 45 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 16-17 by Race/Ethnicity in the Rest of the State from 2002 to 2017

Year	White	Black	Hispanic
2002	248	1,177	225
2003	312	1,369	349
2004	263	1,292	445
2005	244	1,333	518
2006	301	1,154	413
2007	249	861	311
2008	250	873	324
2009	216	701	336
2010	188	592	435
2011	170	521	265
2012	169	557	277
2013	140	640	332
2014	136	475	261
2015	127	447	277
2016	106	490	461
2017	120	564	430

Table 46 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 18-20 by Race/Ethnicity in the Rest of the State from 2002 to 2017

Year	White	Black	Hispanic
2002	370	1,591	378
2003	449	1,837	484
2004	427	1,982	587
2005	364	1,750	534
2006	425	1,721	691
2007	380	1,366	520
2008	395	1,368	456
2009	362	1,371	412
2010	372	1,193	578
2011	351	1,196	659
2012	370	1,264	648
2013	326	1,418	668
2014	276	1,173	755
2015	274	1,361	903
2016	289	1,560	881
2017	315	1,714	1,166

Table 47 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 21-24 by Race/Ethnicity in the Rest of the State from 2002 to 2017

Year	White	Black	Hispanic
2002	198	1,694	264
2003	241	1,565	293
2004	242	1,624	250
2005	172	1,319	327
2006	202	1,519	357
2007	216	1,364	351
2008	213	1,268	297
2009	186	1,175	370
2010	189	1,361	374
2011	228	1,313	456
2012	254	1,533	456
2013	202	1,313	558
2014	210	1,362	608
2015	169	1,603	630
2016	204	1,693	650
2017	202	1,834	930

Table 48 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 25-34 by Race/Ethnicity in the Rest of the State from 2002 to 2017

Year	White	Black	Hispanic
2002	49	676	84
2003	66	713	73
2004	58	849	117
2005	51	834	106
2006	59	829	135
2007	68	746	110
2008	76	712	109
2009	73	658	112
2010	73	838	151
2011	87	717	128
2012	88	783	135
2013	87	751	153
2014	82	728	167
2015	83	979	167
2016	97	973	204
2017	96	1,130	277

Table 49 Misdemeanor Arrest Rate per 100,000 for Marijuana Possession for Males Ages 35-65 by Race/Ethnicity in the Rest of the State from 2002 to 2017

Year	White	Black	Hispanic
2002	9	117	18
2003	11	139	26
2004	12	151	22
2005	10	116	23
2006	12	146	25
2007	12	128	14
2008	12	151	21
2009	11	158	15
2010	11	133	19
2011	12	153	30
2012	13	150	33
2013	12	154	31
2014	12	164	23
2015	13	153	35
2016	12	163	41
2017	12	215	46

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 50 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in New York State from 1990 to 2016

Year	Misdemeanor Conviction	Violation or Infraction Conviction	Dismissed	ACD	DA Declined to Prosecute	No Final Disposition	Other
1990	16.7 (510)	25.8 (788)	8.5 (259)	42.9 (1,311)	0.9 (27)	2.3 (69)	3.1 (95)
1991	17.5 (450)	30.3 (780)	7.5 (192)	36.9 (949)	1.0 (25)	4.3 (110)	2.6 (68)
1992	15.4 (402)	31.3 (814)	8.6 (224)	38.2 (995)	1.1 (29)	2.2 (58)	3.1 (81)
1993	13.4 (485)	28.4 (1,026)	8.9 (321)	41.5 (1,497)	1.7 (63)	2.9 (105)	3.1 (113)
1994	11.5 (685)	28.1 (1,678)	7.4 (441)	42.3 (2,520)	4.5 (267)	3.0 (176)	3.3 (197)
1995	10.2 (912)	22.8 (2,044)	6.6 (591)	44.5 (3,991)	9.4 (846)	4.0 (357)	2.5 (222)
1996	10.4 (1,404)	25.1 (3,371)	6.1 (815)	49.0 (6,590)	4.3 (575)	2.8 (376)	2.3 (309)
1997	9.9 (2,191)	23.8 (5,260)	3.8 (841)	54.9 (12,157)	4.0 (888)	1.9 (417)	1.7 (376)
1998	9.8 (3,619)	24.0 (8,825)	3.4 (1,267)	56.1 (20,653)	4.6 (1,697)	0.9 (336)	1.1 (390)
1999	12.3 (4,671)	23.6 (9,008)	3.2 (1,220)	56.7 (21,602)	2.3 (866)	0.6 (239)	1.3 (495)
2000	12.1 (6,684)	27.8 (15,430)	2.5 (1,382)	53.1 (29,410)	2.8 (1,553)	0.9 (487)	0.8 (467)
2001	12.7 (5,814)	25.4 (11,621)	2.2 (1,009)	54.2 (24,837)	3.6 (1,641)	1.1 (488)	0.9 (427)
2002	13.3 (6,463)	23.4 (11,414)	2.3 (1,131)	55.5 (27,065)	3.6 (1,750)	0.9 (449)	1.0 (487)
2003	13.3 (5,943)	24.4 (10,909)	2.9 (1,276)	51.8 (23,146)	5.2 (2,329)	1.2 (548)	1.1 (493)
2004	15.1 (5,033)	25.9 (8,622)	3.9 (1,287)	45.7 (15,227)	6.2 (2,067)	1.8 (584)	1.5 (502)
2005	13.2 (4,631)	24.9 (8,721)	3.4 (1,173)	48.2 (16,872)	7.4 (2,598)	1.4 (479)	1.5 (508)
2006	13.3 (5,065)	25.0 (9,516)	3.7 (1,402)	47.4 (18,010)	7.3 (2,767)	2.0 (745)	1.4 (522)
2007	13.2 (5,971)	25.4 (11,490)	3.6 (1,639)	46.0 (20,790)	8.4 (3,819)	2.1 (958)	1.3 (574)
2008	13.3 (6,222)	25.7 (12,024)	4.1 (1,904)	45.6 (21,310)	7.6 (3,564)	2.2 (1,022)	1.4 (677)
2009	12.9 (6,813)	26.8 (14,139)	3.2 (1,691)	48.1 (25,403)	6.0 (3,191)	1.8 (971)	1.2 (613)
2010	10.7 (6,068)	25.7 (14,628)	3.2 (1,830)	46.4 (26,446)	9.7 (5,516)	3.2 (1,835)	1.1 (617)
2011	9.7 (5,577)	24.4 (13,971)	3.5 (2,031)	47.4 (27,167)	11.7 (6,687)	2.2 (1,252)	1.0 (596)
2012	10.3 (4,791)	26.7 (12,396)	3.6 (1,678)	49.5 (22,997)	6.2 (2,880)	2.3 (1,076)	1.4 (639)
2013	9.4 (3,329)	27.1 (9,647)	3.0 (1,068)	51.6 (18,349)	4.0 (1,435)	3.2 (1,148)	1.6 (571)
2014	7.2 (2,325)	24.4 (7,819)	2.8 (905)	51.1 (16,386)	9.4 (3,014)	3.8 (1,219)	1.3 (405)
2015	6.2 (1,373)	24.9 (5,528)	3.4 (755)	51.0 (11,311)	8.0 (1,773)	4.9 (1,086)	1.7 (372)
2016	6.1 (1,475)	23.0 (5,515)	3.2 (779)	52.1 (12,522)	5.9 (1,409)	8.1 (1,944)	1.6 (381)

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 51 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in New York City from 1990 to 2016

Year	Misdemeanor Conviction	Violation or Infraction Conviction	Dismissed	ACD	DA Declined to Prosecute	No Final Disposition	Other
1990	23.1 (240)	21.5 (223)	8.6 (89)	42.0 (436)	2.4 (25)	1.8 (19)	0.6 (6)
1991	22.9 (212)	22.9 (212)	7.1 (66)	41.3 (383)	2.6 (24)	2.9 (27)	0.3 (3)
1992	17.1 (164)	30.3 (291)	7.6 (73)	39.8 (382)	2.6 (25)	2.1 (20)	0.6 (6)
1993	10.9 (180)	24.1 (398)	6.0 (99)	51.1 (842)	3.6 (59)	3.1 (51)	1.2 (20)
1994	9.2 (313)	27.0 (922)	6.1 (209)	46.4 (1,587)	7.5 (258)	3.1 (105)	0.7 (24)
1995	8.9 (532)	19.7 (1,185)	5.8 (346)	46.3 (2,777)	14.0 (838)	4.7 (281)	0.7 (43)
1996	9.5 (941)	22.3 (2,211)	5.7 (563)	53.2 (5,278)	5.8 (572)	3.0 (294)	0.6 (59)
1997	9.1 (1,672)	22.1 (4,077)	3.3 (605)	58.4 (10,754)	4.8 (878)	1.8 (333)	0.5 (100)
1998	9.1 (3,033)	23.1 (7,672)	3.1 (1,024)	58.5 (19,472)	5.1 (1,688)	0.8 (262)	0.4 (119)
1999	11.8 (4,033)	22.6 (7,707)	2.7 (907)	59.5 (20,281)	2.5 (858)	0.5 (180)	0.4 (121)
2000	11.8 (6,071)	27.5 (14,204)	2.2 (1,137)	54.5 (28,096)	3.0 (1,548)	0.6 (332)	0.3 (177)
2001	12.3 (5,118)	24.7 (10,320)	1.8 (742)	56.2 (23,437)	3.9 (1,635)	0.8 (347)	0.3 (136)
2002	13.0 (5,789)	22.5 (10,020)	2.0 (900)	57.5 (25,581)	3.9 (1,742)	0.7 (305)	0.4 (162)
2003	13.1 (5,188)	23.6 (9,336)	2.6 (1,015)	53.6 (21,232)	5.9 (2,322)	1.0 (380)	0.4 (156)
2004	15.0 (4,269)	24.8 (7,036)	3.7 (1,044)	47.2 (13,407)	7.2 (2,050)	1.4 (389)	0.6 (181)
2005	13.0 (3,938)	23.7 (7,190)	3.1 (955)	50.2 (15,229)	8.5 (2,585)	1.0 (305)	0.5 (156)
2006	13.0 (4,231)	23.7 (7,739)	3.4 (1,110)	49.3 (16,087)	8.4 (2,742)	1.7 (567)	0.5 (175)
2007	13.0 (5,209)	24.3 (9,711)	3.4 (1,367)	47.3 (18,933)	9.5 (3,791)	2.0 (801)	0.6 (221)
2008	13.3 (5,463)	24.4 (10,060)	3.9 (1,590)	47.0 (19,352)	8.6 (3,547)	2.0 (826)	0.8 (335)
2009	12.6 (5,982)	26.1 (12,378)	3.1 (1,460)	49.4 (23,452)	6.7 (3,173)	1.7 (784)	0.5 (223)
2010	10.4 (5,321)	24.7 (12,722)	3.1 (1,613)	47.5 (24,436)	10.7 (5,491)	3.2 (1,630)	0.4 (197)
2011	9.3 (4,821)	23.3 (12,002)	3.5 (1,830)	48.7 (25,101)	12.8 (6,617)	2.0 (1,057)	0.3 (151)
2012	10.2 (4,066)	25.0 (9,985)	3.6 (1,436)	51.8 (20,701)	7.0 (2,810)	2.1 (842)	0.4 (140)
2013	9.0 (2,649)	25.6 (7,514)	2.9 (855)	54.6 (16,042)	4.6 (1,357)	3.1 (906)	0.3 (77)
2014	6.6 (1,779)	22.5 (6,015)	2.6 (690)	53.4 (14,307)	11.0 (2,945)	3.7 (992)	0.2 (50)
2015	5.3 (903)	22.2 (3,761)	3.2 (549)	54.0 (9,157)	10.3 (1,746)	4.7 (797)	0.3 (54)
2016	5.5 (1,019)	20.6 (3,820)	3.1 (574)	55.7 (10,307)	7.4 (1,376)	7.3 (1,360)	0.3 (57)

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 52 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in Upstate Cities from 1990 to 2016

Year	Misdemeanor Conviction	Violation or Infraction Conviction	Dismissed	ACD	DA Declined to Prosecute	No Final Disposition	Other
1990	8.2 (34)	22.9 (95)	14.0 (58)	50.0 (207)	0.0 (0)	0.5 (2)	4.3 (18)
1991	12.3 (34)	35.7 (99)	14.4 (40)	32.5 (90)	0.0 (0)	1.4 (4)	3.6 (10)
1992	7.4 (22)	32.7 (97)	20.9 (62)	34.3 (102)	0.0 (0)	1.7 (5)	3.0 (9)
1993	12.5 (50)	28.7 (115)	25.9 (104)	25.4 (102)	0.2 (1)	1.5 (6)	5.7 (23)
1994	11.5 (59)	27.7 (142)	17.9 (92)	33.9 (174)	0.2 (1)	1.8 (9)	7.0 (36)
1995	11.2 (57)	31.0 (158)	15.5 (79)	35.6 (181)	0.2 (1)	1.8 (9)	4.7 (24)
1996	11.6 (83)	30.3 (216)	15.0 (107)	32.8 (234)	0.4 (3)	2.5 (18)	7.4 (53)
1997	12.5 (96)	33.3 (255)	12.7 (97)	33.6 (257)	0.3 (2)	1.7 (13)	5.9 (45)
1998	15.9 (118)	29.8 (221)	13.1 (97)	30.7 (228)	0.1 (1)	1.5 (11)	8.9 (66)
1999	16.0 (138)	27.2 (234)	15.1 (130)	30.0 (258)	0.2 (2)	0.5 (4)	11.0 (95)
2000	12.3 (101)	31.9 (261)	13.8 (113)	30.2 (247)	0.0 (0)	2.4 (20)	9.3 (76)
2001	13.6 (118)	34.5 (298)	11.6 (100)	29.0 (251)	0.0 (0)	2.9 (25)	8.4 (73)
2002	14.1 (103)	40.5 (297)	11.7 (86)	23.6 (173)	0.1 (1)	2.7 (20)	7.2 (53)
2003	12.7 (96)	38.4 (291)	15.3 (116)	23.5 (178)	0.5 (4)	0.9 (7)	8.7 (66)
2004	16.6 (113)	33.3 (227)	11.9 (81)	27.3 (186)	2.1 (14)	1.3 (9)	7.5 (51)
2005	13.9 (124)	37.8 (338)	10.4 (93)	27.0 (242)	1.3 (12)	1.9 (17)	7.7 (69)
2006	11.9 (130)	37.2 (408)	12.5 (137)	26.8 (294)	1.5 (17)	2.9 (32)	7.2 (79)
2007	13.6 (172)	34.4 (436)	11.0 (139)	29.0 (367)	1.7 (21)	1.7 (21)	8.7 (110)
2008	12.6 (182)	38.8 (562)	13.5 (196)	25.1 (364)	1.0 (14)	1.3 (19)	7.8 (113)
2009	16.3 (244)	39.0 (583)	8.3 (124)	26.0 (388)	1.1 (16)	1.3 (19)	8.0 (120)
2010	13.0 (195)	42.5 (638)	7.5 (112)	25.4 (381)	1.5 (22)	2.1 (31)	8.2 (123)
2011	14.5 (230)	43.8 (694)	5.7 (90)	21.5 (341)	3.9 (62)	1.6 (25)	9.0 (142)
2012	12.8 (261)	45.3 (920)	5.2 (105)	21.9 (446)	3.2 (65)	1.5 (31)	10.1 (205)
2013	13.7 (269)	39.9 (785)	3.9 (77)	27.5 (542)	3.5 (69)	1.4 (27)	10.2 (200)
2014	13.7 (168)	39.0 (478)	5.2 (64)	29.3 (359)	4.6 (56)	1.6 (20)	6.6 (81)
2015	14.7 (111)	42.5 (321)	5.7 (43)	26.7 (202)	1.2 (9)	3.0 (23)	6.2 (47)
2016	15.8 (116)	40.0 (294)	6.8 (50)	20.7 (152)	3.1 (23)	4.4 (32)	9.3 (68)

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 53 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Disposition in the Rest of the State from 1990 to 2016

Year	Misdemeanor Conviction	Violation or Infraction Conviction	Dismissed	ACD	DA Declined to Prosecute	No Final Disposition	Other
1990	14.7 (236)	29.2 (470)	7.0 (112)	41.6 (668)	0.1 (2)	3.0 (48)	4.4 (71)
1991	14.9 (204)	34.2 (469)	6.3 (86)	34.7 (476)	0.1 (1)	5.8 (79)	4.0 (55)
1992	16.1 (216)	31.7 (426)	6.6 (89)	38.0 (511)	0.3 (4)	2.5 (33)	4.9 (66)
1993	16.3 (255)	32.9 (513)	7.6 (118)	35.4 (553)	0.2 (3)	3.1 (48)	4.5 (70)
1994	15.4 (313)	30.2 (614)	6.9 (140)	37.3 (759)	0.4 (8)	3.0 (62)	6.7 (137)
1995	13.2 (323)	28.6 (701)	6.8 (166)	42.1 (1,033)	0.3 (7)	2.7 (67)	6.3 (155)
1996	13.5 (380)	33.6 (944)	5.2 (145)	38.4 (1,078)	0.0 (0)	2.3 (64)	7.0 (197)
1997	14.4 (423)	31.5 (928)	4.7 (139)	38.9 (1,146)	0.3 (8)	2.4 (71)	7.8 (231)
1998	16.9 (468)	33.6 (932)	5.3 (146)	34.3 (953)	0.3 (8)	2.3 (63)	7.4 (205)
1999	15.9 (500)	33.8 (1,067)	5.8 (183)	33.7 (1,063)	0.2 (6)	1.7 (55)	8.8 (279)
2000	16.9 (512)	31.8 (965)	4.4 (132)	35.2 (1,067)	0.2 (5)	4.5 (135)	7.1 (214)
2001	17.9 (578)	31.0 (1,003)	5.2 (167)	35.5 (1,149)	0.2 (6)	3.6 (116)	6.7 (218)
2002	16.2 (571)	31.1 (1,097)	4.1 (145)	37.2 (1,311)	0.2 (7)	3.5 (124)	7.7 (272)
2003	15.5 (659)	30.1 (1,282)	3.4 (145)	40.8 (1,736)	0.1 (3)	3.8 (161)	6.4 (271)
2004	15.3 (651)	31.9 (1,359)	3.8 (162)	38.3 (1,634)	0.1 (3)	4.4 (186)	6.3 (270)
2005	15.3 (569)	32.0 (1,193)	3.4 (125)	37.6 (1,401)	0.0 (1)	4.2 (157)	7.6 (283)
2006	16.5 (704)	32.0 (1,369)	3.6 (155)	38.1 (1,629)	0.2 (8)	3.4 (146)	6.3 (268)
2007	15.0 (590)	34.1 (1,343)	3.4 (133)	37.8 (1,490)	0.2 (7)	3.5 (136)	6.2 (243)
2008	14.1 (577)	34.2 (1,402)	2.9 (118)	38.9 (1,594)	0.1 (3)	4.3 (177)	5.6 (229)
2009	15.1 (587)	30.4 (1,178)	2.8 (107)	40.3 (1,563)	0.1 (2)	4.3 (168)	7.0 (270)
2010	13.7 (552)	31.5 (1,268)	2.6 (105)	40.4 (1,629)	0.1 (3)	4.3 (174)	7.4 (297)
2011	12.8 (526)	31.0 (1,275)	2.7 (111)	41.9 (1,725)	0.2 (8)	4.1 (170)	7.4 (303)
2012	10.4 (464)	33.6 (1,491)	3.1 (137)	41.6 (1,850)	0.1 (5)	4.6 (203)	6.6 (294)
2013	9.8 (411)	32.3 (1,348)	3.3 (136)	42.2 (1,765)	0.2 (9)	5.1 (215)	7.0 (294)
2014	9.3 (378)	32.6 (1,326)	3.7 (151)	42.3 (1,720)	0.3 (13)	5.1 (207)	6.7 (274)
2015	8.0 (359)	32.3 (1,446)	3.6 (163)	43.6 (1,952)	0.4 (18)	5.9 (266)	6.1 (271)
2016	7.1 (340)	29.3 (1,401)	3.2 (155)	43.2 (2,063)	0.2 (10)	11.6 (552)	5.4 (256)

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 54 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in New York State from 1990 to 2016

Year	Jail	Jail and Probation	Time Served	Probation	Fine	Conditional Discharge	Other
1990	16.5 (218)	0.3 (4)	8.9 (117)	2.0 (26)	55.4 (732)	16.3 (215)	0.7 (9)
1991	13.8 (171)	0.5 (6)	7.3 (90)	2.7 (34)	56.9 (705)	16.5 (204)	2.4 (30)
1992	12.2 (151)	0.1 (1)	5.8 (72)	2.8 (35)	56.0 (693)	21.7 (269)	1.3 (16)
1993	11.2 (171)	0.5 (7)	6.8 (104)	3.1 (47)	53.8 (823)	23.5 (359)	1.2 (18)
1994	13.4 (322)	0.3 (6)	8.8 (211)	2.6 (63)	43.9 (1,052)	29.7 (712)	1.4 (33)
1995	11.6 (350)	0.3 (8)	12.3 (372)	2.4 (72)	35.9 (1,082)	37.0 (1,117)	0.6 (17)
1996	11.1 (539)	0.2 (9)	13.6 (662)	1.7 (82)	33.5 (1,624)	39.2 (1,902)	0.7 (35)
1997	9.6 (722)	0.2 (15)	18.9 (1,424)	1.5 (114)	27.1 (2,043)	42.3 (3,190)	0.4 (30)
1998	10.0 (1,259)	0.1 (14)	25.6 (3,207)	0.9 (115)	22.9 (2,874)	40.1 (5,028)	0.3 (36)
1999	9.6 (1,325)	0.1 (19)	27.6 (3,813)	1.0 (140)	24.8 (3,416)	36.6 (5,049)	0.3 (37)
2000	8.9 (1,974)	0.1 (16)	22.6 (5,011)	0.5 (109)	24.6 (5,469)	43.2 (9,592)	0.2 (50)
2001	9.0 (1,586)	0.1 (20)	24.0 (4,211)	0.8 (139)	24.7 (4,322)	41.1 (7,211)	0.2 (39)
2002	10.2 (1,841)	0.1 (15)	23.2 (4,177)	0.6 (110)	27.5 (4,953)	38.1 (6,858)	0.3 (49)
2003	11.0 (1,871)	0.1 (9)	19.2 (3,266)	0.8 (135)	35.0 (5,953)	33.7 (5,723)	0.2 (37)
2004	11.2 (1,543)	0.1 (15)	18.4 (2,530)	0.9 (124)	38.8 (5,339)	30.4 (4,183)	0.3 (36)
2005	11.1 (1,494)	0.1 (7)	17.3 (2,332)	0.7 (99)	40.1 (5,413)	30.4 (4,096)	0.3 (42)
2006	10.7 (1,570)	0.2 (23)	18.5 (2,719)	0.7 (109)	38.9 (5,713)	30.6 (4,494)	0.4 (65)
2007	10.6 (1,873)	0.1 (13)	21.9 (3,848)	0.6 (103)	37.6 (6,611)	28.8 (5,077)	0.4 (73)
2008	10.3 (1,890)	0.1 (14)	23.0 (4,232)	0.5 (87)	37.9 (6,961)	27.9 (5,121)	0.4 (69)
2009	9.8 (2,065)	0.1 (12)	24.7 (5,209)	0.4 (90)	34.1 (7,181)	30.5 (6,424)	0.4 (94)
2010	8.8 (1,830)	0.0 (9)	25.5 (5,309)	0.4 (73)	33.3 (6,934)	31.4 (6,525)	0.6 (132)
2011	8.5 (1,668)	0.0 (7)	27.2 (5,343)	0.4 (85)	33.9 (6,659)	29.0 (5,708)	1.0 (188)
2012	7.9 (1,362)	0.0 (6)	28.0 (4,829)	0.4 (67)	38.1 (6,577)	24.1 (4,159)	1.5 (264)
2013	6.9 (901)	0.0 (3)	27.7 (3,606)	0.4 (55)	40.2 (5,231)	23.1 (3,011)	1.6 (203)
2014	5.5 (562)	0.0 (1)	25.5 (2,592)	0.3 (29)	43.5 (4,423)	24.3 (2,477)	0.9 (93)
2015	4.3 (295)	0.1 (4)	22.5 (1,558)	0.5 (35)	47.1 (3,262)	25.0 (1,730)	0.6 (43)
2016	4.2 (293)	0.1 (6)	24.3 (1,705)	0.5 (37)	45.8 (3,218)	24.4 (1,712)	0.7 (50)

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 55 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in New York City from 1990 to 2016

Year	Jail	Jail and Probation	Time Served	Probation	Fine	Conditional Discharge	Other
1990	28.9 (134)	0 (0)	15.5 (72)	0.6 (3)	25.0 (116)	29.3 (136)	0.6 (3)
1991	27.2 (116)	0 (0)	12.7 (54)	0.9 (4)	32.6 (139)	26.1 (111)	0.5 (2)
1992	20.0 (91)	0 (0)	10.8 (49)	0.4 (2)	33.4 (152)	34.3 (156)	1.1 (5)
1993	15.4 (89)	0 (0)	11.8 (68)	0.0 (0)	29.1 (168)	42.6 (246)	1.2 (7)
1994	16.1 (199)	0 (0)	13.3 (164)	0.4 (5)	23.5 (291)	46.0 (569)	0.7 (9)
1995	13.2 (228)	0 (0)	17.0 (293)	0.2 (4)	14.8 (256)	54.5 (941)	0.3 (6)
1996	12.0 (379)	0 (1)	17.5 (554)	0.3 (9)	16.0 (508)	53.9 (1,707)	0.3 (10)
1997	9.9 (571)	0 (1)	22.6 (1,304)	0.2 (12)	16.1 (931)	51.1 (2,948)	0.1 (6)
1998	9.9 (1,061)	0 (5)	28.8 (3,095)	0.1 (9)	16.2 (1,736)	44.8 (4,805)	0.2 (17)
1999	9.3 (1,101)	0 (2)	31.2 (3,672)	0.2 (19)	18.6 (2,187)	40.6 (4,778)	0.1 (17)
2000	8.5 (1,730)	0 (4)	23.9 (4,858)	0.1 (18)	21.4 (4,348)	46.0 (9,343)	0.1 (27)
2001	8.6 (1,330)	0 (4)	26.0 (4,018)	0.2 (27)	20.5 (3,178)	44.6 (6,893)	0.1 (21)
2002	10.0 (1,593)	0 (5)	25.2 (4,001)	0.2 (30)	23.0 (3,650)	41.3 (6,556)	0.2 (27)
2003	10.9 (1,593)	0 (5)	21.3 (3,104)	0.2 (25)	30.4 (4,437)	37.0 (5,401)	0.1 (20)
2004	11.0 (1,244)	0 (1)	21.1 (2,395)	0.1 (17)	33.5 (3,800)	34.2 (3,886)	0.1 (15)
2005	10.8 (1,207)	0 (2)	19.3 (2,163)	0.1 (16)	35.6 (3,979)	34.0 (3,808)	0.1 (10)
2006	10.5 (1,268)	0 (3)	21.3 (2,560)	0.2 (19)	33.7 (4,049)	34.2 (4,111)	0.1 (13)
2007	10.6 (1,595)	0 (2)	24.5 (3,671)	0.1 (21)	33.3 (5,002)	31.3 (4,690)	0.1 (22)
2008	10.2 (1,585)	0 (2)	25.9 (4,042)	0.1 (17)	33.8 (5,279)	29.9 (4,659)	0.1 (18)
2009	9.6 (1,765)	0 (1)	27.3 (5,033)	0.1 (11)	30.7 (5,665)	32.2 (5,933)	0.1 (21)
2010	8.4 (1,527)	0 (1)	28.3 (5,126)	0.1 (13)	29.8 (5,395)	33.3 (6,035)	0.1 (17)
2011	8.2 (1,386)	0 (1)	30.6 (5,169)	0.0 (7)	29.8 (5,030)	31.2 (5,258)	0.2 (28)
2012	7.7 (1,091)	0 (0)	33.0 (4,647)	0.0 (6)	33.5 (4,725)	25.4 (3,581)	0.2 (34)
2013	6.1 (624)	0 (0)	33.9 (3,445)	0.0 (0)	35.4 (3,598)	24.5 (2,492)	0.1 (15)
2014	4.6 (356)	0 (0)	31.7 (2,472)	0.0 (1)	37.1 (2,897)	26.5 (2,073)	0.1 (9)
2015	3.5 (162)	0 (0)	31.0 (1,448)	0.0 (1)	36.5 (1,702)	29.0 (1,352)	0.1 (4)
2016	3.0 (146)	0 (0)	32.9 (1,597)	0.0 (0)	35.6 (1,726)	28.3 (1,371)	0.2 (8)

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 56 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in Upstate Cities from 1990 to 2016

Year	Jail	Jail and Probation	Time Served	Probation	Fine	Conditional Discharge	Other
1990	9.8 (13)	1.5 (2)	15.9 (21)	2.3 (3)	50.0 (66)	18.9 (25)	1.5 (2)
1991	5.9 (8)	1.5 (2)	12.5 (17)	3.7 (5)	47.8 (65)	27.2 (37)	1.5 (2)
1992	6.5 (8)	0.0 (0)	8.1 (10)	4.1 (5)	57.7 (71)	22.0 (27)	1.6 (2)
1993	7.1 (12)	1.8 (3)	8.3 (14)	4.7 (8)	51.5 (87)	24.9 (42)	1.8 (3)
1994	10.3 (21)	0.5 (1)	4.9 (10)	6.9 (14)	52.5 (107)	23.5 (48)	1.5 (3)
1995	9.1 (20)	0.0 (0)	7.8 (17)	5.0 (11)	51.6 (113)	25.1 (55)	1.4 (3)
1996	11.4 (35)	1.0 (3)	10.8 (33)	4.9 (15)	46.4 (142)	23.5 (72)	2.0 (6)
1997	11.1 (40)	0.8 (3)	10.3 (37)	5.8 (21)	47.2 (170)	23.9 (86)	0.8 (3)
1998	16.1 (56)	0.9 (3)	11.8 (41)	4.0 (14)	45.7 (159)	21.0 (73)	0.6 (2)
1999	18.7 (72)	1.0 (4)	10.4 (40)	7.5 (29)	36.6 (141)	24.4 (94)	1.3 (5)
2000	19.2 (71)	0.5 (2)	14.6 (54)	3.8 (14)	33.2 (123)	26.8 (99)	1.9 (7)
2001	17.5 (74)	1.4 (6)	15.6 (66)	4.5 (19)	30.4 (129)	29.7 (126)	0.9 (4)
2002	17.8 (73)	0.2 (1)	14.9 (61)	3.4 (14)	31.8 (130)	30.6 (125)	1.2 (5)
2003	15.4 (61)	0.3 (1)	13.6 (54)	6.3 (25)	33.8 (134)	30.0 (119)	0.8 (3)
2004	18.9 (66)	0.6 (2)	14.6 (51)	6.3 (22)	35.1 (123)	24.0 (84)	0.6 (2)
2005	14.0 (66)	0.2 (1)	13.7 (65)	3.2 (15)	41.6 (197)	24.9 (118)	2.3 (11)
2006	12.3 (68)	0.0 (0)	11.6 (64)	3.4 (19)	38.5 (213)	30.6 (169)	3.6 (20)
2007	13.3 (83)	0.5 (3)	11.4 (71)	4.8 (30)	41.0 (256)	25.3 (158)	3.8 (24)
2008	16.7 (127)	0.3 (2)	11.5 (87)	2.8 (21)	40.4 (307)	24.9 (189)	3.4 (26)
2009	15.2 (128)	0.6 (5)	10.3 (87)	3.1 (26)	40.9 (344)	24.7 (208)	5.1 (43)
2010	15.5 (130)	0.5 (4)	9.6 (81)	1.4 (12)	36.8 (309)	26.9 (226)	9.3 (78)
2011	14.3 (134)	0.3 (3)	9.9 (93)	2.9 (27)	37.4 (350)	21.8 (204)	13.4 (126)
2012	12.8 (153)	0.3 (3)	7.8 (93)	2.3 (28)	36.6 (439)	24.4 (292)	15.9 (191)
2013	14.5 (154)	0.0 (0)	9.0 (95)	2.4 (25)	37.3 (395)	21.6 (229)	15.3 (162)
2014	15.6 (101)	0.0 (0)	8.7 (56)	1.2 (8)	43.0 (278)	22.1 (143)	9.3 (60)
2015	14.4 (63)	0.2 (1)	7.1 (31)	2.7 (12)	43.2 (189)	28.4 (124)	3.9 (17)
2016	17.8 (73)	1.0 (4)	9.2 (38)	2.2 (9)	37.2 (153)	26.3 (108)	6.3 (26)

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 57 Percent and Number of Misdemeanor Arrests for Marijuana Charges by Sentence in the Rest of the State from 1990 to 2016

Year	Jail	Jail and Probation	Time Served	Probation	Fine	Conditional Discharge	Other
1990	9.8 (71)	0.3 (2)	3.3 (24)	2.8 (20)	75.9 (550)	7.4 (54)	0.6 (4)
1991	6.9 (47)	0.6 (4)	2.8 (19)	3.7 (25)	73.9 (501)	8.3 (56)	3.8 (26)
1992	7.9 (52)	0.2 (1)	2.0 (13)	4.2 (28)	71.3 (470)	13.1 (86)	1.4 (9)
1993	9.0 (70)	0.5 (4)	2.8 (22)	5.0 (39)	72.6 (568)	9.1 (71)	1.0 (8)
1994	10.6 (102)	0.5 (5)	3.9 (37)	4.6 (44)	68.3 (654)	9.9 (95)	2.2 (21)
1995	9.5 (102)	0.7 (8)	5.8 (62)	5.3 (57)	66.6 (713)	11.3 (121)	0.7 (8)
1996	9.1 (125)	0.4 (5)	5.4 (75)	4.2 (58)	70.6 (974)	8.9 (123)	1.4 (19)
1997	7.9 (111)	0.8 (11)	5.9 (83)	5.8 (81)	67.0 (942)	11.1 (156)	1.5 (21)
1998	9.7 (142)	0.4 (6)	4.9 (71)	6.3 (92)	67.2 (979)	10.3 (150)	1.2 (17)
1999	9.3 (152)	0.8 (13)	6.2 (101)	5.6 (92)	66.4 (1,088)	10.8 (177)	0.9 (15)
2000	11.4 (173)	0.7 (10)	6.5 (99)	5.1 (77)	65.5 (998)	9.8 (150)	1.1 (16)
2001	11.1 (182)	0.6 (10)	7.8 (127)	5.7 (93)	62.2 (1,015)	11.8 (192)	0.9 (14)
2002	10.1 (175)	0.5 (9)	6.6 (115)	3.8 (66)	67.7 (1,173)	10.2 (177)	1.0 (17)
2003	10.8 (217)	0.1 (3)	5.4 (108)	4.2 (85)	68.7 (1,382)	10.1 (203)	0.7 (14)
2004	11.3 (233)	0.6 (12)	4.1 (84)	4.1 (85)	68.7 (1,416)	10.3 (213)	0.9 (19)
2005	12.1 (221)	0.2 (4)	5.7 (104)	3.7 (68)	67.8 (1,237)	9.3 (170)	1.2 (21)
2006	11.1 (234)	0.9 (20)	4.5 (95)	3.4 (71)	68.5 (1,451)	10.1 (214)	1.5 (32)
2007	9.9 (195)	0.4 (8)	5.4 (106)	2.6 (52)	68.7 (1,353)	11.6 (229)	1.4 (27)
2008	8.8 (178)	0.5 (10)	5.1 (103)	2.4 (49)	68.3 (1,375)	13.6 (273)	1.2 (25)
2009	9.5 (172)	0.3 (6)	4.9 (89)	2.9 (53)	64.9 (1,172)	15.7 (283)	1.7 (30)
2010	9.3 (173)	0.2 (4)	5.5 (102)	2.6 (48)	66.2 (1,230)	14.2 (264)	2.0 (37)
2011	8.0 (148)	0.2 (3)	4.4 (81)	2.8 (51)	69.4 (1,279)	13.4 (246)	1.8 (34)
2012	6.0 (118)	0.2 (3)	4.5 (89)	1.7 (33)	71.3 (1,413)	14.4 (286)	2.0 (39)
2013	6.9 (123)	0.2 (3)	3.7 (66)	1.7 (30)	69.7 (1,238)	16.3 (290)	1.5 (26)
2014	6.1 (105)	0.1 (1)	3.7 (64)	1.2 (20)	72.4 (1,248)	15.1 (261)	1.4 (24)
2015	3.8 (70)	0.2 (3)	4.3 (79)	1.2 (22)	75.3 (1,371)	13.9 (254)	1.2 (22)
2016	4.2 (74)	0.1 (2)	4.0 (70)	1.6 (28)	76.0 (1,339)	13.2 (233)	0.9 (16)

Appendix E: Rate Ratio Tables

The tables below show the rate ratios for misdemeanor marijuana possession arrests by sex, age, and race/ethnicity in New York State, New York City, Upstate Cities, and the Rest of the State. The values represent how rates of arrest among different demographic groups compare to each other. For example, table 56 shows that in 2017, the rate of arrest for males in New York City was 8.4 times greater than the rate of arrest for females. In other words, males were 8.4 times more likely to be arrested compared to females.

Table 58 Rate Ratios for Males Compared to Females in New York State, New York City, Upstate Cities, and the Rest of the State

Year	New York State	New York City	Upstate Cities	Rest of the State
1990	10.5	17.4	22.8	7.2
2002	11.0	11.6	17.5	8.2
2010	9.6	10.0	15.5	8.3
2017	7.7	8.4	19.1	6.1

Table 59 Rate Ratios for 16-17 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State

Year	New York State	New York City	Upstate Cities	Rest of the State
1990	9.0	4.9	12.3	14.0
2002	9.1	8.6	20.4	20.6
2010	7.1	7.0	10.0	14.1
2017	5.7	5.5	2.9	8.0

Table 60 Rate Ratios for 18-20 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State

Year	New York State	New York City	Upstate Cities	Rest of the State
1990	14.1	6.7	12.8	23.8
2002	12.1	11.0	25.3	30.1
2010	10.0	9.2	11.5	27.4
2017	11.7	9.9	4.5	23.0

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 61 Rate Ratios for 21-24 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State

Year	New York State	New York City	Upstate Cities	Rest of the State
1990	10.2	5.1	12.6	16.2
2002	9.9	7.9	20.5	20.7
2010	7.8	6.4	8.4	18.2
2017	10.6	8.3	6.4	18.9

Table 62 Rate Ratios for 25-34 Year-Olds Compared to 35-65 Year-Olds in New York State, New York City, Upstate Cities, and the Rest of the State

Year	New York State	New York City	Upstate Cities	Rest of the State
1990	5.6	3.8	5.6	7.9
2002	4.1	3.2	8.0	6.3
2010	4.2	3.1	5.7	8.2
2017	5.2	3.8	4.6	8.4

Table 63 Rate Ratios for non-Hispanic Blacks Compared to non-Hispanic Whites in New York State, New York City, Upstate Cities, and the Rest of the State

Year	New York State	New York City	Upstate Cities	Rest of the State
1990	NA	5.1	NA	NA
2002	12.4	5.4	9.8	9.4
2010	15.3	7.3	10.3	7.8
2017	11.9	8.1	12.1	11.2

Table 64 Rate Ratios for Hispanics Compared to non-Hispanic Whites in New York State, New York City, Upstate Cities, and the Rest of the State

Year	New York State	New York City	Upstate Cities	Rest of the State
1990	NA	1.5	NA	NA
2002	6.6	2.8	2.1	1.8
2010	7.2	3.4	4.9	2.4
2017	7.0	5.0	6.4	5.2

Table 65 Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in New York State

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
2002	6.8	7.8	11.0	17.2	22.0
2010	11.1	8.9	12.7	20.4	29.2
2017	7.1	6.5	10.9	15.2	24.7

Trends in Marijuana Enforcement in New York State, 1990 to 2017

Table 66 Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in New York State

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
2002	4.2	4.0	4.8	6.1	8.1
2010	5.9	4.4	5.2	6.2	9.7
2017	4.9	4.1	6.0	5.5	9.9

Table 67 Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in New York City

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
1990	7.9	2.2	4.3	6.2	7.4
2002	2.1	2.9	5.2	8.9	8.1
2010	3.6	3.5	6.2	12.4	11.3
2017	3.2	3.8	7.5	12.5	13.7

Table 68 Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in New York City

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
1990	3.4	0.8	1.2	1.1	2.2
2002	1.3	1.6	2.3	3.3	3.0
2010	2.0	1.7	2.7	4.1	3.9
2017	2.3	2.4	4.5	5.2	6.2

Table 69 Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in Upstate Cities

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
2002	3.3	9.2	17.1	13.5	12.9
2010	5.0	10.7	16.3	18.7	9.2
2017	NA	9.4	20.7	20.4	15.4

Table 70 Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in Upstate Cities

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
2002	1.5	1.8	2.4	1.2	0.0
2010	3.1	6.3	5.3	5.6	2.9
2017	NA	7.0	8.2	7.7	5.8

Table 71 Rate Ratios for non-Hispanic Black Males Compared to non-Hispanic White Males in Rest of the State

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
2002	4.7	4.3	8.5	13.9	12.8
2010	3.2	3.2	7.2	11.5	12.6
2017	4.7	5.4	9.1	11.8	17.8

Table 72 Rate Ratios for Hispanic Males Compared to non-Hispanic White Males in Rest of the State

Year	16-17 Year-Olds	18-20 Year-Olds	21-24 Year-Olds	25-34 Year-Olds	35-65 Year-Olds
2002	0.9	1.0	1.3	1.7	2.0
2010	2.3	1.6	2.0	2.1	1.8
2017	3.6	3.7	4.6	2.9	3.8

Appendix F: Number, Percent, and Rate of Arrests for Marijuana Possession by County

Due to the variability in the number, percent, and rate of arrest by county we have provided data on trends in arrests for misdemeanor marijuana possession broken out by county. We have provided the number and percent of arrests from 1990 to 2017 and the arrest rate for 2017. This will allow for a more granular view than solely looking at New York City, Upstate Cities, and the Rest of the State.

Note: The following table is sorted in descending order by number of arrests.

County	Number	Percent	Arrest Rate in 2017
Kings	242,805	26.1	191
New York	205,211	22.0	344
Bronx	192,721	20.7	314
Queens	123,531	13.3	119
Suffolk	39,960	4.3	110
Richmond	23,720	2.5	93
Nassau	19,925	2.1	130
Westchester	19,228	2.1	59
Erie	16,894	1.8	45
Monroe	7,031	0.8	27
Onondaga	5,220	0.6	38
Albany	4,746	0.5	72
Orange	4,135	0.4	47
Ulster	1,925	0.2	33
Dutchess	1,834	0.2	27
Rockland	1,731	0.2	24
Niagara	1,674	0.2	32
Broome	1,617	0.2	33
Oneida	1,363	0.1	33
Rensselaer	1,104	0.1	31
Saratoga	1,054	0.1	30
Chautauqua	953	0.1	19
Schenectady	937	0.1	26
Sullivan	783	0.1	37
St. Lawrence	619	0.1	14
Oswego	598	0.1	20
Wayne	556	0.1	15
Putnam	525	0.1	29
Chemung	515	0.1	31
Jefferson	509	0.1	19

(continued)

County	Number	Percent	Arrest Rate in 2017
Cattaraugus	487	0.1	23
Ontario	459	0.0	17
Columbia	448	0.0	26
Clinton	433	0.0	20
Tompkins	397	0.0	12
Warren	392	0.0	26
Cortland	358	0.0	31
Steuben	343	0.0	20
Franklin	338	0.0	41
Montgomery	332	0.0	22
Otsego	327	0.0	26
Cayuga	315	0.0	14
Madison	312	0.0	21
Greene	302	0.0	44
Genesee	268	0.0	19
Schoharie	258	0.0	22
Delaware	242	0.0	24
Livingston	237	0.0	17
Essex	220	0.0	10
Washington	219	0.0	24
Herkimer	216	0.0	6
Orleans	201	0.0	19
Fulton	200	0.0	15
Chenango	194	0.0	6
Tioga	188	0.0	24
Seneca	164	0.0	11
Allegany	162	0.0	25
Wyoming	148	0.0	7
Yates	75	0.0	4
Schuyler	64	0.0	11
Lewis	61	0.0	0
Hamilton	50	0.0	43