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AP / PETER MORGAN

The NYPD will issue summonses instead of arresting people, beginning Saturday.

## New policy on public pot smoking begins

### Tickets, not arrests, for some; critics say minorities still targets

BY LAUREN COOK

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Most New Yorkers caught smoking marijuana in public this weekend will receive a summons instead of being arrested under a new policy change that goes into effect Saturday.

The change in city policy is aimed at reducing racial disparities in how marijuana laws are enforced by the NYPD in the city. The move was announced by Mayor Bill de Blasio and NYPD Commissioner James O'Neill in June after a special NYPD task force found that while a majority of city residents consider smoking pot in public a "nuisance that should be curtailed," they favored criminal summonses instead of arrests so long as safety and quality of life were not at risk.

"The bottom line is, and I've said this many times before: The NYPD has no interest in arresting people for marijuana offenses when those arrests have no direct impact on public safety," O'Neill had said in June.

There are several exceptions for when an officer may choose to arrest a person over issuing a summons, including if they are on parole or probation; they have an existing criminal warrant; they don't have identification; they have a recently documented history of violence; or if they pose a risk to public safety. Cops also can exercise their discretion on how best to proceed with enforcement.

Critics of the policy change argue the exceptions to issuing summonses over

arresting someone targets the same marginalized communities that were unfairly policed under the city's previous enforcement policy.

In an effort to hold the NYPD more accountable on enforcement trends, the department will release quarterly reports on marijuana arrests and summonses, broken down by race and borough, according to the mayor's office.

No longer arresting people for smoking marijuana in public could reduce the daily population at Rikers Island, which is a key component in the city's plan to shutter the beleaguered jail complex. However, possessing and smoking pot in New York is still illegal, except for people enrolled in the state's medical marijuana program.

A person who is issued a criminal summons would need to appear in court to answer to the charges and likely pay a fine. If a ticketed person does not appear in court, an arrest warrant could be issued.

More than 7,000 summonses for unlawful possession of marijuana issued in 2017 became active warrants, The New York Times reported, citing court statistics.

In Manhattan and Brooklyn, the district attorneys have moved to significantly reduce the number of smoking in public cases they prosecute.

In July, Brooklyn District Attorney Eric Gonzalez announced a 91 percent drop in prosecution rates for low-level marijuana offenses for the first half of 2018 — from 349 in January to 29 in June. Manhattan District Attorney Cyrus Vance stopped prosecuting low-level marijuana possession and smoking cases in the borough on Aug. 1. Vance said he expected prosecutions to drop from about 5,000 cases per year to about 200.

With Nicole Brown



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