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Police Commissioner William J. Bratton Announces Change in Marijuana Policy

Persons May be Issued Summonses for Low-Level Marijuana Possession Offenses in Lieu of Arrest

Today the NYPD outlined a new policy pertaining to the enforcement of low-level marijuana possession offenses.

This new marijuana summons policy allows police officers to issue Criminal Court summonses, in lieu of arrest, to people found in possession of a small amount of marijuana, 25 grams or less, in a public place open to public view---that is not burning, and is consistent with personal use.

Beginning November 19th, the NYPD will summons eligible people who possess small amounts of marijuana (25 grams or less) with the lesser included violation of unlawful possession of Marihuana (Penal Law 221.05) rather than charge them with the misdemeanor crime of Criminal Possession of Marihuana in the Fifth Degree, subdivision one (Penal Law 221.10(1)).

People will not be eligible for a summons if they have an active warrant, they are wanted in connection with an active investigation, they are charged with another fingerprintable offense, or they have no proper identification.

Officers will issue summonses in the field unless conditions warrant processing at a Department facility.

In all cases, the marijuana will be seized and vouchered.

In the first 10 months of 2014, the NYPD has received approximately 23,000 911 or 311 calls from New Yorkers complaining about the sale or public smoking of marijuana in their neighborhoods. This is almost a 30% increase over last year. The new summons policy reflects

the distinction New Yorkers make between the more significant crimes of smoking and dealing, and possession of small amounts of marijuana.

“Make no mistake, marijuana is still illegal in New York City. People smoking marijuana in public will continue to be arrested. But possession of small amounts, with certain exceptions, is not considered a high enough level of offense to merit the time and resources the Department spends when arresting people, or the potential associated consequences of criminal justice involvement for the arrestees,” Police Commissioner William J. Bratton said.

“This new policy will reduce unnecessary arrests for minor marijuana possession and put an end to an era where many of young New Yorkers were being arrested and saddled with criminal records for minor violations,” said New York City Mayor Bill de Blasio. “Today’s action is the latest in a series of steps Commissioner Bratton and I have taken to rebuild the relationship between the NYPD and the communities they serve. We are also enhancing public safety with this new initiative by directing police resources towards more serious crime, and not wasting officer time processing unnecessary arrests.”

Over the next days before the policy takes effect, the Department will release a new internal Operations Order detailing the

procedure, and a training video to be shown at roll-call training sessions.

This policy was developed after consultation with all five District Attorneys, the NYC Special Narcotics Prosecutor and the Courts.

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