Marijuana Arrests and Enforcement in Westchester County: A New York Story

EXECUTIVE SUMMARY

Over the past decade, the American public has become increasingly aware of the systemic problems plaguing the nation's criminal justice system, and of the disproportionate harm its most severe dysfunctions inflict on people and communities of color. While the press provides a steady stream of statistics on the biases and inefficiencies of our law enforcement agencies, judicial system, and correctional institutions, social media has allowed Americans to observe catastrophic contacts between those entities and individuals – like Eric Garner or Philando Castile – at searingly close range.

And yet, precisely because the system's collateral impacts are so unevenly distributed by geography and demographics, those who remain insulated from its most notorious injustices can, and often do, view maladies like racial profiling, wrongful imprisonment, and police brutality as remote problems that occur "somewhere else" and primarily impact criminals and other "bad actors." In fact, these problematic stereotypes of suburbia, which is viewed as having predominantly law-abiding citizens residing under the protection of a benevolent police force, alongside its supposedly nefarious counterpart, the "urban ghetto," have been foundational to U.S. law enforcement practices and drug policy over the past half-century.[1]

Westchester County's arrest patterns for low-level marijuana possession (PL 221.10) offer a case in point. New York State nominally decriminalized marijuana in 1977, when the legislature acted to remove criminal penalties for possessing small quantities of the drug if it isn't burning and is out of public view.[2] In this context, arrests on low-level marijuana possession charges occur primarily in the course of discretionary police stops of drivers or pedestrians, practices that allow police officers a great deal of latitude in deciding who to stop and whether to issue a citation.

In Westchester County – despite an abundance of research showing that Black and Latino people use marijuana at similar or lower rates than white people[3] – people of color are arrested on misdemeanor marijuana possession charges at dramatically higher rates than their white neighbors, revealing a consistent pattern of racial bias that prevails in virtually every corner of the County, from its smallest villages to its most populous urban centers.

By closely examining these arrest patterns, this brief dispels the common caricature of Westchester County as a unidimensional enclave, where policing serves all of the County's residents. Although these biased policing practices may owe their endurance to law enforcement's more amicable relationship with white

communities, whose residents primarily view police officers as friendly service providers, the harms caused by racially-biased enforcement of marijuana prohibition are borne widely across Westchester County.

> In the period since 2010, arrests on low-level marijuana possession charges alone constituted 28 percent of all of Westchester's drug arrests, ensnaring 7,165 people. [4]

For these individuals, the ramifications of a misdemeanor marijuana arrest are anything but "minor." To the contrary, people arrested for low-level marijuana possession can be saddled with a criminal conviction that can make it difficult to get and keep a job, maintain a professional license, obtain educational loans, secure housing, and keep custody of a child.[5] In addition to burdening the County and its constituent municipalities with the cost of maintaining an expanded criminal justice infrastructure, these impacts can cause more long-term harm to individuals and communities than a direct criminal penalty.

As policymakers in Westchester County and Albany consider next steps for marijuana policy, they would be well advised to consider the unmistakable patterns of systemic bias and collective injury that are evident from the statistical record on low-level marijuana possession arrests presented here.

Despite Westchester's reputation as a series of interconnected homogenous communities where police are viewed as serving a fundamentally protective role, the County has failed to escape the damaging consequences of marijuana prohibition. To the contrary, the ambiguous legal status of marijuana under decriminalization has engendered racially biased and possibly predatory policing practices throughout the County, which are exorbitantly costly to the County and its residents. Given the emerging evidence on outcomes from states that have legalized marijuana, replacing prohibition with a legalized regulatory framework for the retail sale of marijuana to adults offers a promising alternative.

KEY FINDINGS

- With slightly under a million inhabitants, Westchester is home to only 8.6 percent of the state's non-New York City residents, but its policing agencies are responsible for 16 percent of all low-level marijuana possession arrests that occur in the state outside of New York City. Among non-New York City counties, Westchester is exceeded only by Suffolk and Nassau Counties when it comes to its ratio of low-level marijuana possession arrests to population.

- A majority of Westchester's marijuana possession arrests occur within its largest population centers. Between 2013 and 2017, Yonkers alone arrested 1,893 individuals on low-level marijuana possession charges – on average 379 people per year. During that period, the cities of Yonkers, Mount Vernon and White Plains combined accounted for more than four out of five (83 percent) of the County's low-level marijuana possession arrests.

- On a per capita basis, White Plains has the County's highest arrest rate (245 per 100,000 population) for low-level marijuana possession, followed by Mount Vernon (210) and Yonkers (190).

- Youth in particular are targets of marijuana enforcement in Westchester County. Between 2013 and 2017, 60 percent of people arrested for low-level marijuana possession in Westchester County were 25 years old or younger, and nearly one in three (29 percent) were under the age of 20.

- Over the past five years, Black people were overrepresented among marijuana arrestees in 90 percent of New York counties. Latino people experienced the negative impacts of bias as well, being subject to disproportionate arrest rates in more than three-quarters of counties outside of New York City.

- Although only 14 percent of Westchester County's residents are Black, Black people comprised over half (52 percent) of those arrested for low-level marijuana possession from 2013-2017. Latino people have also been disproportionately impacted, comprising just 24 percent of residents, but 32 percent of arrestees. These disparities exist despite data showing similar rates of use across racial and ethnic groups.

- Black people are consistently overrepresented among arrestees for low-level marijuana possession across Westchester's municipalities regardless of whether communities have a sizable percentage of Black residents. Although only a single Westchester municipality – the City of Mount Vernon – has more than 25 percent Black residents, Black people represent more than 25 percent of arrestees for low-level marijuana possession in two-thirds of all Westchester County municipalities. Notably, Black people comprise more than 40 percent of people arrested for low-level marijuana possession in the majority of Westchester localities.

- Over the past five years, the average arrest rate for Black people (318 per 100,000 population) was about fifteen times that of whites (21) County-wide.

- Latino people face disproportionate arrest rates for low-level marijuana possession across the County, but in particular in communities where they are underrepresented in the local population. For example, Latino people comprise over 25 percent of those arrested for low-level marijuana possession in Eastchester, Rye, Irvington, and Hastings – even though those places have Latino populations of under 10 percent. Similarly, North Castle, Larchmont, Ardsley, Bedford, and Buchanan have populations that are 10 to 15 percent Latino, but Latinos comprise 33 to 50 percent of low-level marijuana possession arrests in those places.

Methodology

The arrest statistics presented in this report are based on an analysis of unpublished data compiled by the New York State Division of Criminal Justice Services (NYDCJS) of individuals arrested on a charge of "Criminal possession of marihuana in the fifth degree" (PL 221.10) – a charge which is applied either for possession of more than 25 grams of marijuana or for possessing any amount of marijuana that is burning or in public view. This information is transmitted by law enforcement agencies to the agency's Computerized Criminal History database for fingerprintable offenses.

All charts and tables included in this report are based upon that data, unless otherwise noted.

Arrest rates, probabilities of being arrested, and percentages of local residents with various demographic characteristics (such as race, age, and gender) were calculated based upon population estimates reported in the US Census Bureau's American Community Survey 2012-2016.[6]

Background

In the course of the U.S. government's "War on Drugs," launched in the 1970s, Federal law enforcement agencies used their platform and the media to encourage the public to associate drug-related offenses with large-scale drug selling and the potential for violent crime. In so doing, the Nixon and Reagan administrations laid the political groundwork for a tough on crime campaign that included actions on a variety of fronts, from interventions in drug producing countries to mandatory minimum sentences at home.

However, it was the advent of "Broken Windows" policing that carried zero-tolerance policing practices into the neighborhoods where Americans lived and eventually to many of their doorsteps.[7] Soon after Rudolph Giuliani was elected mayor of New York City, he and his police commissioner, William Bratton, embraced Broken Windows policing wholeheartedly, cracking down on petty infractions throughout the five boroughs. Despite its social costs, wrought by criminalizing large segments of the City's population, and a lack of evidence linking Broken Windows policing to significant reductions in crime, the idea spread like wildfire, altering the culture of policing and fueling dramatic increases in arrests and imprisonment for low-level offenses literally from coast to coast.

From 1993 to 1997, the year before and year after Bill Bratton's first term as NYPD Police Commissioner, there was a 1,141 percent increase in arrests for low-level marijuana possession in New York City,[8] a trend that would begin a period known as the "marijuana arrest crusade." Those arrests were possible due to a loophole in the law that continued to criminalize possession of marijuana "in public view." This loophole, coupled with new policing tactics, made New York the marijuana arrest capital of the world.[9]

Broken windows policing was not solely practiced in New York City – cities and towns across the state have experienced similar practices implemented in their municipalities by local police forces enforcing marijuana prohibition. In just the five-year period leading up to 2016, more than 200,000 New Yorkers were arrested for marijuana possession statewide. But contrary to public perceptions cultivated during the War on Drugs, the overwhelming majority of drug arrests are not for drug selling, but for drug possession,[10] and for possession of very small quantities of drugs. (Even the vast majority of arrests for sale are for very small amounts.) Due to marijuana's wide use, simple possession has remained one of the central arrestable offenses that law enforcement can turn to when there is an unjust stop or an unauthorized search.

> ## The vast majority of marijuana arrests that occur in New York State are for the most minor marijuana offense on the books – possession of less than 25 grams.[11]

The harms brought about by mass criminalization – using marijuana enforcement as a pretext – have been far-reaching, costly, and are ongoing. Research indicates that those who have been incarcerated, convicted, or just simply charged with even minor drug offenses suffer from a lengthy list of damaging impacts, many of which persist throughout the course of an individual's life.

In New York, being arrested for a marijuana misdemeanor can have wide-ranging damaging consequences: [12]

- A marijuana misdemeanor could severely complicate a parent's custody situation and lead to parents being separated from children without evidence of neglect or harm.

- A single marijuana misdemeanor conviction can make a person ineligible for public housing for at least three years. And a family in public housing can't house a loved one with a misdemeanor marijuana conviction without risking eviction.

- Marijuana possession was the fourth most common offense among people deported nationally in 2013. Marijuana possession arrests, even without a conviction, fuel mass deportation by allowing immigrants to be tracked by the Immigration and Customs Enforcement agency (ICE) through fingerprinting and database sharing.

- If an individual cannot pay the fines or surcharges associated with an arrest that is adjudicated as a desk appearance ticket (DAT) or adjournment in contemplation of dismissal (ACD) or with a summons (a violation with a date to appear in court), either a bench warrant is issued for their arrest or the courts order "civil judgment," which effectively waives the payment but operates as a lien against a person's credit for seven years.

Moreover, the consequences of America's drug war extend well beyond its harmful impact on arrested individuals. In terms of sheer financial costs, according to a Vera Institute study, New York State spent $3,688,356,319 on prisons in 2015 – $186 for every man, woman and child residing in the state. The average cost per incarcerated person per year was $69,355 – more than the cost of a year spent at one of our nation's elite colleges.[13]

Pretextual Police Stops in the Era of Decriminalized Marijuana

The enforcement of low-level drug possession offenses often relies on "pretextual police stops." These are incidents in which a stop for a minor violation creates an opportunity for an officer to note something suspicious – like the odor of marijuana – which in turn becomes the legal justification for conducting a search. Although finding illegal drugs this way may not be quite like "shooting fish in a barrel," the extremely high rate of marijuana use (which is relatively consistent across racial and ethnic groups[14]) makes the likelihood of discovering marijuana much higher than other types of contraband. Moreover, over the past three decades federal asset forfeiture laws which allow local police departments to confiscate and keep assets seized from people merely accused of selling drugs – and do not require a conviction – have turned this practice into a potentially very lucrative activity.[15]

Suburban geographies, with their scattered population centers linked by arterial highways, offer plentiful opportunities for police to intercept non-resident drivers passing through their local jurisdictions. When it comes to traffic enforcement stops, which account for the majority of all police-civilian contacts, the pervasiveness of violations gives police officers wide discretion in selecting which vehicle to stop. And because many departments lack formal guidelines on how to use this discretion, officers frequently rely on ad hoc methods learned from more experienced officers or on "instinct" to target vehicles they suspect might contain contraband.[16] Thus, even in the absence of evidence that people of color are disproportionately involved in drug use or trafficking, the mere presumption on the part of police officers that this is the case can lead to large-scale racial disparities in police stops.[17]

WESTCHESTER COUNTY'S LEADING ROLE IN THE MARIJUANA ARREST CRUSADE

"Who, What, and Where": Marijuana Possession Arrests in Westchester County

Westchester County is among just a handful of counties outside of New York City that exercise an outsized impact on the number of low-level marijuana possession arrests statewide. With slightly under a million inhabitants, Westchester is home to only 8.6 percent of the state's non-New York City residents, but its policing agencies are responsible for 16 percent of non-New York City arrests for low-level marijuana possession (see Figures 1 and 2). In fact, outside of New York City, Westchester County is exceeded only by Suffolk and Nassau Counties when it comes to its ratio of low-level marijuana possession arrests to population (see Figure 4).
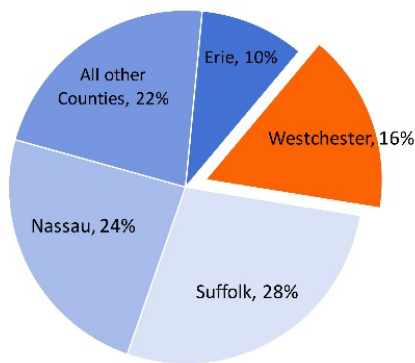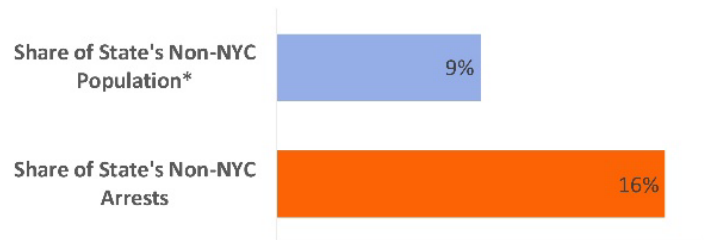
Figure 1

Figure 2

Not surprisingly, a majority of Westchester's low-level marijuana possession arrests occur within its largest population centers. Between 2013 and 2017, Yonkers alone arrested 1,893 individuals on low-level marijuana possession charges – on average 379 people per year. During that period, the cities of Yonkers, Mount Vernon and White Plains combined accounted for more than four out of five (83 percent) of the County's low-level marijuana possession arrests (see Figure 3).
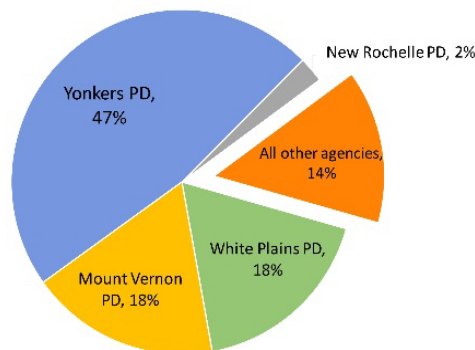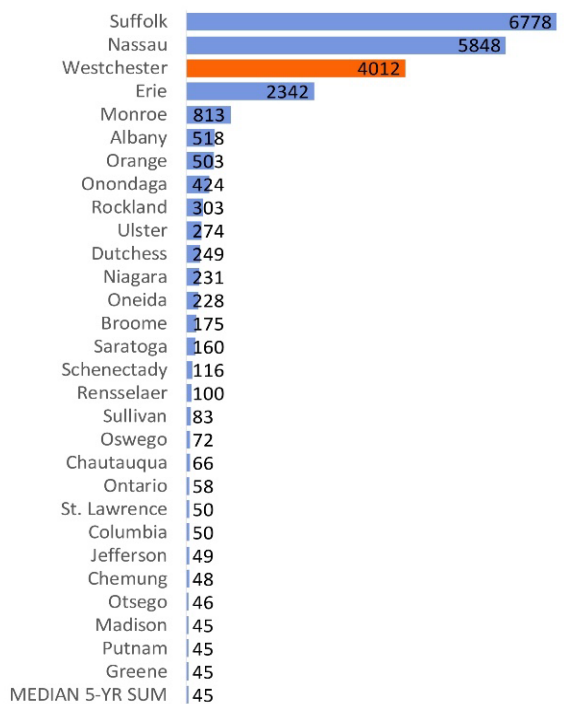

Figure 3

However, focusing solely on the sheer volume of arrests, which is largely driven by population density, obscures significant differences in the likelihood of being arrested across Westchester County. When we compare marijuana arrest rates, (i.e. the number per year per 100,000 population), notable differences emerge.
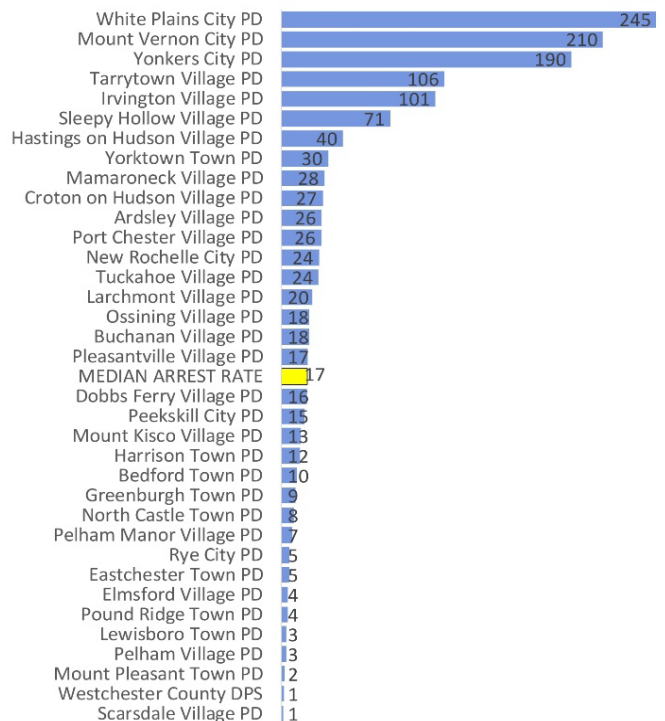
On a per capita basis, White Plains has the County's highest arrest rate (245 per 100,000 population) for low-level marijuana possession, followed by Mount Vernon (210) and Yonkers (190).

The Rivertowns Villages of Tarrytown (106), Irvington (101), Sleepy Hollow (71), and Hastings on Hudson (40) also stand out with low-level marijuana possession arrest rates that are three to five times higher than the County median (see Figure 5).

Top 30 New York Counties Outside of New York City:
Number of Low-Level Marijuana Possession Arrests, 2013-2017

County	Value
Suffolk	6778
Nassau	5848
Westchester	4012
Erie	2342
Monroe	813
Albany	518
Orange	503
Onondaga	424
Rockland	303
Ulster	274
Dutchess	249
Niagara	231
Oneida	228
Broome	175
Saratoga	160
Schenectady	116
Rensselaer	100
Sullivan	83
Oswego	72
Chautauqua	66
Ontario	58
St. Lawrence	50
Columbia	50
Jefferson	49
Chemung	48
Otsego	46
Madison	45
Putnam	45
Greene	45
MEDIAN 5-YR SUM	45

Figure 4

Westchester County Marijuana Arrest Rates* by Agency:
2013-2017

Agency	Value
White Plains City PD	245
Mount Vernon City PD	210
Yonkers City PD	190
Tarrytown Village PD	106
Irvington Village PD	101
Sleepy Hollow Village PD	71
Hastings on Hudson Village PD	40
Yorktown Town PD	30
Mamaroneck Village PD	28
Croton on Hudson Village PD	27
Ardsley Village PD	26
Port Chester Village PD	26
New Rochelle City PD	24
Tuckahoe Village PD	24
Larchmont Village PD	20
Ossining Village PD	18
Buchanan Village PD	18
Pleasantville Village PD	17
MEDIAN ARREST RATE	17
Dobbs Ferry Village PD	16
Peekskill City PD	15
Mount Kisco Village PD	13
Harrison Town PD	12
Bedford Town PD	10
Greenburgh Town PD	9
North Castle Town PD	8
Pelham Manor Village PD	7
Rye City PD	5
Eastchester Town PD	5
Elmsford Village PD	4
Pound Ridge Town PD	4
Lewisboro Town PD	3
Pelham Village PD	3
Mount Pleasant Town PD	2
Westchester County DPS	1
Scarsdale Village PD	1

*Average annual arrests per 100,00 population.
Additional Source: 2012-2016 American Community Survey. 5-Year Estimates.

Figure 5

Who Has Been Most Impacted by Westchester County's War on Marijuana?

Between 2013 and 2017, Black and Latino people were vastly overrepresented among those arrested for low-level marijuana possession relative to their presence in Westchester's population. While only 14 percent of the County's residents are Black, Black people comprised over half (52 percent) of those arrested for low-level marijuana possession. Latino people have also been disproportionately impacted, comprising 24 percent of residents, but 32 percent of arrestees for low-level marijuana possession.

Low-Level Marijuana Possession Arrests in Westchester County by Race-Ethnicity, 2013-2017

Black, 52%
Latino, 32%
White, 14%
Other, 2%
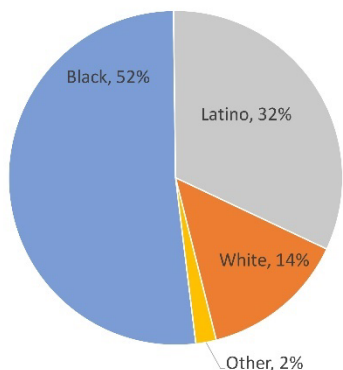
Figure 6

Race-Ethnicity of Population vs. Persons Arrested
for Low-Level Marijuana Possession: Westchester County, 2013-2017

Black: 52% / 14%
Latino: 32% / 24%
White: 14% / 55%

■ % Persons Arrested   ■ % Population
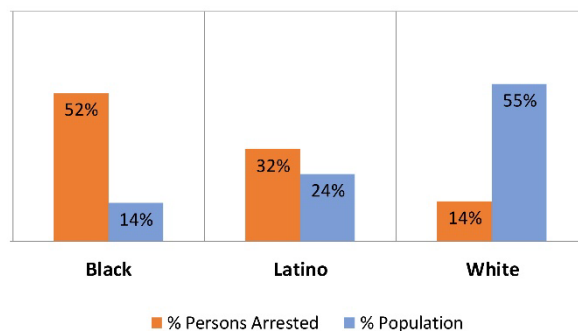
Additional Source: 2012-2016 American Community Survey. 5-Year Estimates.

Figure 7

These racial disparities in marijuana arrests are particularly remarkable given that research studies consistently find little difference in the prevalence of marijuana use among Black, white, and Latino people. In 2016, the National Survey on Drug Use and Health (NSDUH) found that white people were significantly more likely to have used marijuana during their lifetime than Black and Latino people, whereas rates of marijuana use in the past month and past year are very similar across racial groups (see Figure 8).[18]

Percentage of the U.S. Population* that Has Used Marijuana by Time Frame and Race-Ethnicity

■ Black   ■ Latino   ■ White

Lifetime: 42% / 32% / 50%
Past year: 17% / 12% / 14%
Past month: 11% / 8% / 9%
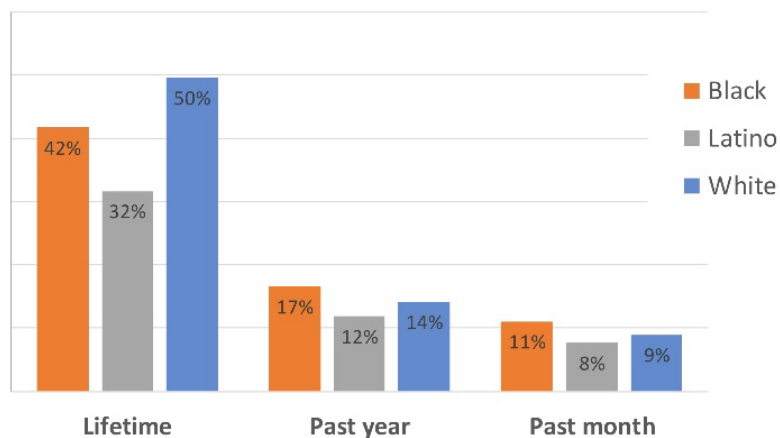
*Individuals ages 12 and over.
Additional source: National Survey on Drug Use and Health (NSDUH), 2016.

Figure 8

The pattern of disproportionate Black and Latino arrest rates is remarkably consistent across New York State. Over the past five years, Black people were overrepresented among low-level marijuana possession arrestees in 90 percent of New York counties. Latino people were also subject to disproportionate marijuana possession arrest rates in more than three-quarters of counties outside of New York City.

In a state where racially biased policing is the norm, Westchester County stands out as one of the most egregious examples of racial disparities.

> **Between 2013 and 2017, Black people were arrested in Westchester County on low-level marijuana possession charges at 15 times the rate of white people, while Latino people were arrested at 5 times the rate of white people during that period.**

Between 2013 and 2017, the arrest rate among Black people for low-level marijuana possession was 318 per 100,000 residents – a rate of arrest for Black people that was exceeded only by Suffolk County outside of New York City. Latino people also face disparities, with a rate of arrest for low-level marijuana possession (113 per 100,000) that represents the third-highest arrest rate for Latino people for marijuana possession across all New York counties outside of New York City (see Figures 9 and 10).

Given that Black and Latino people use marijuana at similar rates as whites suggests that people of color are subject to much more intensive levels of policing than their white counterparts, resulting in a greater likelihood of being arrested on low-level marijuana possession charges.
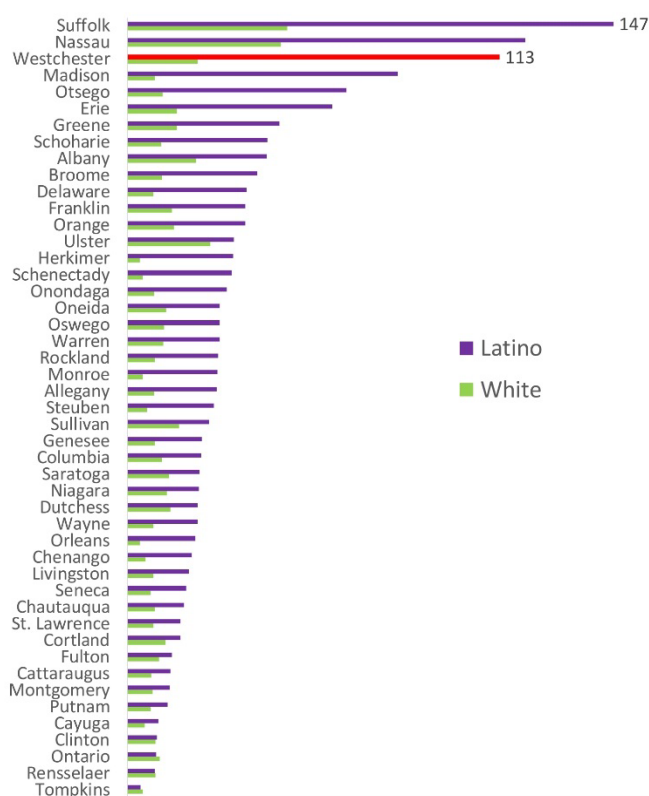
Arrest Rate* on Low-Level Marijuana Possession Charges by County, 2013-2017: Black vs. White
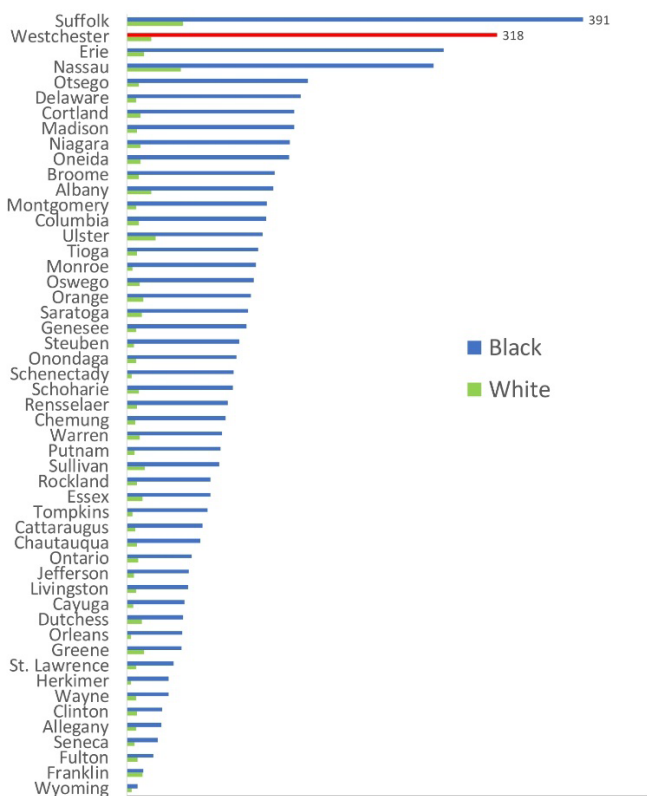
Average annual arrests per 100,000 population. Excludes New York City and counties with fewer than 100 Black residents. Additional Source: 2012-2016 American Community Survey. 5-Year Estimates.

Figure 9

Arrest Rate* on Low-Level Marijuana Possession Charges by County, 2013-2017: Latino vs. White

Average annual arrest rate per 100,000 population. Excludes New York City and counties with fewer than 100 Latino residents. Additional Source: 2012-2016 American Community Survey. 5-Year Estimates.
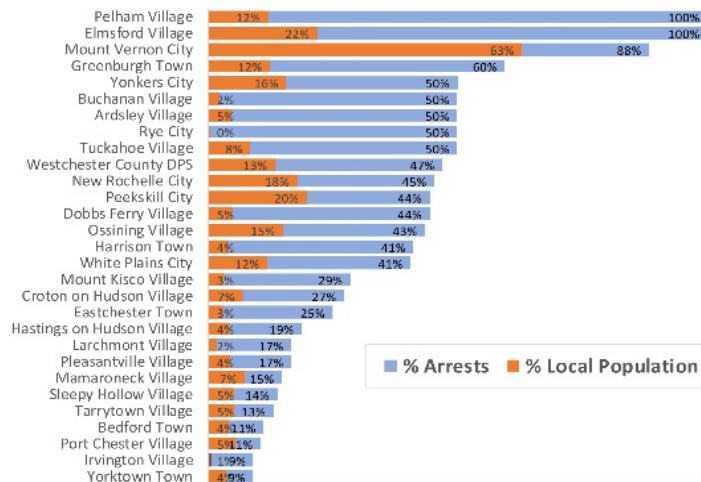
Figure 10

As in New York State as a whole, there are significant differences in race-specific arrest rates for low-level marijuana possession across Westchester County communities.

When considering the racial breakdown of people arrested for low-level marijuana possession across Westchester's cities and towns, one is most struck by the consistency with which Black people are vastly overrepresented among arrestees.

Although only a single Westchester municipality – the City of Mount Vernon – has more than 25 percent Black residents, Black people represent more than 25 percent of arrestees in fully two-thirds of all municipalities. In fact, Black people comprise more than 40 percent of people arrested for low-level marijuana possession in a majority of Westchester localities.

This pattern of disproportionate arrests among Black people holds true regardless of whether communities have a sizable percentage of Black residents. The localities where more than two in five arrestees are Black run the gamut with respect to the size of their Black populations. On the one hand are places with tiny Black populations like Dobbs Ferry, Ardsley, and Harrison – which have percentages of Black arrestees roughly 10 times higher than their percentage of Black residents. On the other hand, are municipalities like Peekskill, New Rochelle and Elmsford, which have a slightly larger Black presence (about 20 percent Black residents), but which still arrest two to five times as many Black people than are present in their local communities.
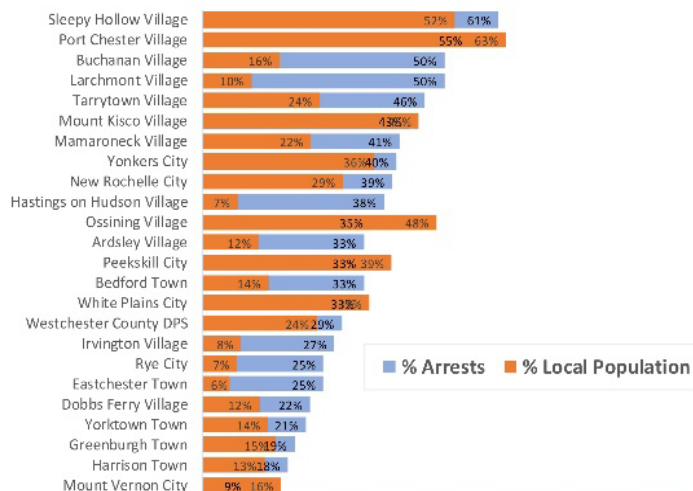

Figure 11

Figure 12

Latino people face disproportionate arrest rates for low-level marijuana possession compared to white residents as well. This is particularly the case in communities where Latino people are underrepresented in the local population. Westchester localities with large Latino populations, like Sleepy Hollow, Port Chester, Mount Kisco, White Plains, and Yonkers, have Latino marijuana possession arrest levels that reflect but don't grossly exceed the size of their Latino communities. However, at the other end of the spectrum, we find greatly outsized percentages of Latino people arrested for low-level marijuana possession in places with very small Latino populations. For example, Latino people comprise over 25 percent of those arrested for low-level marijuana possession in Eastchester, Rye, Irvington, and Hastings – even though those places have Latino populations of under 10 percent. Similarly, North Castle, Larchmont, Ardsley, Bedford, and Buchanan have populations that are 10 to 15 percent Latino, but Latinos comprise 33 to 50 percent of low-level marijuana possession arrests in those places.

Westchester's Youth are Targeted

Along with people of color, Westchester's young people and teenagers have also been very hard hit by aggressive policing of low-level marijuana possession.

Between 2013 and 2017, Westchester police arrested 1,159 youth under 20 years old for low-level marijuana possession, accounting for nearly one in three (29 percent) arrests on that charge County-wide. Sixty percent – a total of 2,422 people – arrested for low-level marijuana possession in Westchester County were 25 years old or younger. This tendency of youth to be disproportionately impacted by low-level marijuana arrests is mirrored across New York State, where 58 percent of arrests involved 16- to 25-year-olds (see Figures 13 and 14).

Figure 13

While even a low-level marijuana possession arrest has serious consequences for adults, such as the potential for job loss, monetary costs of court fees and penalties, exclusion from myriad licensed professions, and even possible deportation for those without U.S. citizenship, the material and psychological impacts on young people are compounded by both their financial and psychological vulnerability. In addition to the risks faced by adults, young people are vulnerable to having their education disrupted, losing student financial aid, and being barred altogether from admission to some educational institutions.
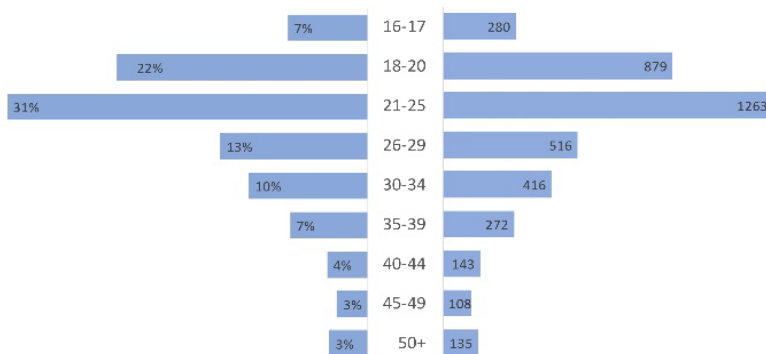
Figure 14

MODERNIZING NEW YORK'S MARIJUANA LAWS: THE PATH FROM PROHIBITION TO REGULATION

As the country grapples with the tremendous financial and social costs of mass incarceration to both current and future generations, attention has begun to focus on the routes by which large numbers of people – and in particular, vulnerable individuals – are diverted into the criminal justice system. Among those found to be at higher risk are people who are poor, youth, people of color, and those with a history of mental illness.[19, 20, 21, 22]
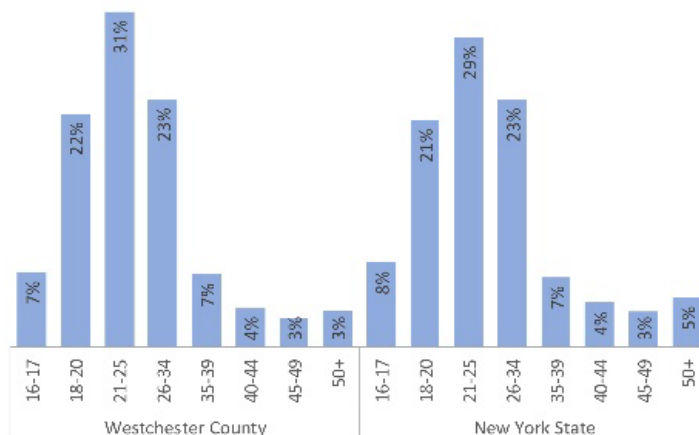
As the New York State Department of Health report on the impact of marijuana legalization highlighted:
> *"The status quo (i.e., criminalization of marijuana) has not curbed marijuana use and has, in fact, led to unintended consequences, such as the disproportionate criminalization of racial and ethnic minority communities and incarceration that has a negative impact on families and communities. […] The over-prosecution of marijuana has had significant negative economic, health, and safety impacts that have disproportionately affected low-income communities of color."*

The report concludes:
> *"The positive effects of a regulated marijuana market in NYS outweigh the potential negative impacts."* [23]

With the negative consequences of racial profiling and high rates of incarceration coming into sharper focus, scholars and advocates are calling into question policies which contribute to the disproportionate criminalization of specific populations. In that context, a growing chorus of voices is advocating not only for marijuana *decriminalization* – which reduces or eliminates penalties for possession while leaving in place a strong incentive for law enforcement agencies to continue to target vulnerable populations with pretextual stops – but for a complete lifting of the prohibition of marijuana use by adults by legalizing marijuana and taxing and regulating sale to adults.

The arguments for lifting prohibition are multifold but rest on an emerging body of research indicating that the risks to public health and social wellbeing of legalizing marijuana are smaller than previously thought and, moreover, that those risks are outweighed by the detrimental effects of the current marijuana enforcement regime—which was the conclusion of the recently-released NYS Department of Health report on the impact of marijuana legalization.[24] One of the key arguments used by advocates seeking to maintain prohibition has centered on the concern that legalization would increase recreational use of marijuana by young people, either by making the drug more accessible or by increasing its legitimacy. A second, related concern of these advocates is that increased marijuana use by both adolescents and adults would lead to an increase in auto accidents and traffic injuries or fatalities.

However, research emerging from states that have legalized marijuana show that concerns about detrimental effects may be overstated or unfounded. Government data indicate that recreational marijuana use by teenagers has not increased significantly in places where marijuana has been legalized.[25] Moreover, those states have seen dramatic drops in the number of marijuana possession arrests, easing burdens not only for prospective legal defendants, but on the courts and public coffers.[26]

> **After marijuana possession was legalized in Washington State in 2012, the state experienced a precipitous 98 percent drop in possession cases, which fell from 6,879 in 2011 to a mere 120 in 2013.** [27]

Similarly, in the wake of legalization in Colorado, marijuana-related arrests declined by 80 percent from 10,236 in 2010 to 2,036 in 2014. Over the same period, marijuana-related cases dropped by 8,200.[28]

Although the research evidence to date on driving impairment caused by marijuana use is inconsistent, U.S. states which have legalized marijuana have not experienced increases in traffic fatalities.[29] In addition, while these screening methods are still imperfect, fluid or blood testing techniques to evaluate drivers suspected of being cannabis-impaired are currently available and in use in a number of countries outside the United States. Those measures can be expected to provide safeguards against cannabis-impaired driving, which are similar to those used for other forms of DUI screening, in the near future.[30]

Finally, and most importantly, as emphasized by a growing number of organizations which are calling for reform, the consequences of marijuana legalization must be weighed not only against the health risks inherent in marijuana use, but against the totality of risks to which the public is currently exposed under conditions of semi-prohibition. As a recent report by the American Academy of Pediatrics states, "Ultimately, marijuana's health and behavioral risks when used by either youth or adults may be irrelevant in terms of the criteria with which marijuana policy should be evaluated. Rather, the most salient criterion for evaluating these policies should be the determination of which policy (criminalization, decriminalization, or legalization) is most effective in minimizing harm."[31]

As policymakers in Westchester County and Albany consider next steps for marijuana policy, they would be well advised to consider the unmistakable patterns of systemic bias and collective injury that are evident from the statistical record on low-level marijuana possession arrests presented here. Despite Westchester's reputation as a series of interconnected homogenous communities where police are perceived to serve a fundamentally protective role, the County has failed to escape the damaging consequences of marijuana prohibition. To the contrary, the ambiguous legal status of marijuana under decriminalization has engendered racially biased and possibly predatory policing practices throughout the County, which are exorbitantly costly to the County and its residents.

Given the emerging evidence on outcomes from states that have legalized marijuana, replacing prohibition with a legalized regulatory framework for the retail sale of marijuana to adults offers a promising alternative.

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