



The Society for the Study of Social Problems

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October 9, 2013

Mayor Michael Bloomberg
City Hall
New York, NY 10007

Dear Mayor Bloomberg,

I am the Executive Officer of the Society for the Study of Social Problems (SSSP), and I am writing to provide you with a copy of a resolution passed by our members at our recent annual meeting in New York. The SSSP, as the name suggests, is an organization made up principally of scholars who study a wide range of social problems, including crime and race, the subject of the resolution.

In the resolution, we express concern with the racial disparities in incarceration rates and some of the practices that contribute to these inequities. We recognize that the reasons for these disparities are multi-faceted, but in this resolution we have tried to pinpoint those aspects of the problem over which you have some control. The following is a good example:

“**Whereas** this loophole criminalizes possession when marijuana is ‘open to public view.’ When someone complies with a police officer’s directive to ‘empty your pockets,’ during a stop-and-frisk encounter (even though one is not legally required to do so), the individual is then charged with the crime of possessing marijuana ‘open to public view;’”

We are of course very concerned with the impact of these arrests and imprisonment on the lives of these young people, but we are equally, if not more, concerned with the fact that more than 84% of those arrested for possession were people of color, when young whites use marijuana at higher rates. And we have to wonder if NYC residents know that last year these arrests cost them \$75 million, and over \$600 million over the last decade.

We are pleased to see that Mayor Bloomberg, Police Commissioner Kelly, and all five New York District Attorneys have supported legislation in the past to fix marijuana possession laws, and we urge them and anyone with the power to end the practice of “stop, question, and frisk,” to do what they can to stop the practice. Toward that end, the SSSP supports Judge Scheindlin’s “Joint Remedy Process” that seeks the input of those affected by this practice and the Community Safety Act, a police reform legislative package aimed at ending discriminatory policing and bringing accountability to the NYC Police Department. The SSSP also hopes that in the future, possession in public view of marijuana will not result in an arrest and imprisonment, but rather in confiscation, a summons, and a fine.

Please feel free to contact me at hector.delgado49@gmail.com or, preferably, the sponsors of the resolution, Joyce Bialik at bialik@yu.edu and Heather MacIndoe at heather.macindoe@umb.edu, if you wish to discuss the resolution with us. In the interim, if you would kindly acknowledge receipt of this letter and resolution, we would appreciate it very much.

Sincerely,

Héctor L. Delgado, Ph.D.
Executive Officer, SSSP

Enclosure: Approved Resolution

RESOLUTION 3: Racial Disparities in Drug Law Enforcement
Submitted by Joyce Bialik and Heather MacIndoe on behalf of the Sociology and Social Welfare Division, Sponsored by the Drinking and Drugs Division

Whereas racial disparities in incarceration have been documented for decades, the most problematic being for Black men currently imprisoned 6.4 times the rate of White men;

Whereas drug offending and discriminatory police and sentencing practices have been major factors in this racial disparity, while particular issues in New York City and State are police-stop-and-frisk practices and a loophole in state law that in 1977 decriminalized possession of marijuana;

Whereas this loophole criminalizes possession when marijuana is “open to public view.” When someone complies with a police officer’s directive to “empty your pockets,” during a stop-and-frisk encounter (even though one is not legally required to do so), the individual is then charged with the crime of possessing marijuana “open to public view;”

Whereas because of this loophole and police stop-and-frisk practices more than 600,000 New Yorkers have been arrested for marijuana possession since 1996, including more than 45,000 people in 2012 alone;

Whereas these arrests predominantly affect young people with no prior criminal involvement;

Whereas more than 84 percent of those arrested for possession were people of color – even though young whites use marijuana at higher rates;

Whereas these arrests and imprisonments have significant consequences, such as creating barriers to employment, financial aid, housing, and civic participation; and

Whereas these arrests cost NYC taxpayers \$75 million last year and over \$600 million dollars during the last decade;

Whereas NYC’s Mayor Bloomberg, NYC Police Commissioner Ray Kelly, and all five NY District Attorneys have supported legislation to fix the marijuana possession laws;

Be it resolved that Society for the Study of Social Problems (SSSP) opposes the discriminatory application of “stop, question, and frisk” which affects more than a half a million New Yorkers each year and unfairly targets Black and Latino youth;

And be it further resolved that SSSP supports the Joint Remedy Process in Judge Scheindlin’s decision that seeks input from New York residents directly affected by stop and frisk abuses;

And it be further resolved that SSSP supports the Community Safety Act, a police reform legislative package aimed at ending discriminatory policing and bringing accountability to the NYC Police Department;

And be it further resolved that SSSP supports efforts to standardize the penalties for possessing a small amount of marijuana in New York so that possession in public view would be a violation punishable by a summons and fine, not arrest and jail;

And be it further resolved that a copy of this resolution with a cover letter be forwarded to the governor, legislative leaders in Albany, the Mayor of NYC, District Attorneys of NYC, members of the NYC Council and any other individual or body that the Executive Officers of the SSSP determine.

Resources

Communities United Police Reform. Community Safety Act. <http://changethenypd.org/community-safety-act>

Drug Policy Alliance. Ending the Marijuana Arrest Crusade in NYC. <http://www.drugpolicy.org/departments-and-state-offices/new-york/ending-marijuana-arrest-crusade-nyc>

Goode, E. (February, 2013). Incarceration rates for Blacks have fallen sharply, report shows. *The New York Times*.

Harcourt, B.E. and Ludwig, J. (2007). "Reefer Madness: Broken Windows Policing and Misdemeanor Marijuana Arrests in New York City, 1989-2000," *Criminology and Public Policy* 6:1 pp. 165-182.

Levine, H and Peterson Small, D. (2008). Marijuana Arrest Crusade: Racial Bias and Police Policy in New York City, 1997 – 2007, (New York: New York Civil Liberties Union), pp. 38 – 45.

Levine, H.G. and Siegel, L. (2011). \$75 Million A Year, New York: Drug Policy Alliance.

Marihuana Reform Act of 1977, Public Law 360, 1977-1978 Legislature, Regular Session (29 June 1977).

New York State Division of Criminal Justice Services, Adult Arrests in 2012, Computerized Criminal History System, February 2013.

New York State Division of Criminal Justice Services. (February 2013). New York City Arrests for PL 221.10 in 2012, Computerized Criminal History System.

Ruderman, W. (8 February 2013). "Number of Frisks Fell in '12, Police Data Show." *The New York Times*. <<http://www.nytimes.com/2013/02/09/nyregion/number-of-frisks-fell-in-12-police-data-show.html>>;

U.S. Dept. of Health and Human Services, Substance Abuse and Mental Health Services Administration (2008). 2007 National Survey on Drug Use and Health, Washington D.C.: United States Government Office of Applied Studies.