

**The Problem with Mary Jane:  
Street-Level Marijuana Sales and  
Quality of Life in Urban Neighborhoods**

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# **The Problem with Mary Jane: Street-Level Marijuana Sales and Quality of Life in Urban Neighborhoods**

## **Introduction**

The goal of this paper is to discuss issues relating to the problem of the ongoing sale of small amounts of marijuana in city neighborhoods. Addressing this problem is the purpose of a project currently undertaken by a community collaborative lead by Ibero-American Development Corporation-Project Hope working in cooperation with the City of Rochester and the Rochester Police Department. The Center for Public Safety Initiatives (CPSI) at RIT, which produced this paper, also participates with the project team.

The project is based on the argument that the legal status of marijuana in New York State gives rise to a unique set of quality of life related problems in neighborhoods where small amounts of marijuana are openly sold. In New York State, possession of small amounts of marijuana was decriminalized in 1977. A first offense involving possession of less than 25 grams of marijuana is a violation which can result in a fine of \$100. Possession of over 25 grams can be a misdemeanor and over 8 ounces can be a felony. The premise underlying the project is that a practical, although perhaps unanticipated, consequence of decriminalization has been that criminal justice strategies, which can be used to effectively address open air drug markets where cocaine or heroin may be sold, are rarely applied to low level marijuana markets. Minimal criminal penalties make arrest and prosecution unlikely to result in sanctions and thus the common criminal justice strategies have very limited deterrent or incapacitation effects to discourage low level marijuana sales or purchases. These markets, which become associated with specific locations thus allowing customers to find them, then create concerns in the neighborhood due to street corner activity involving young men “hanging out” and increased street traffic thus raising concern over the potential for increases in disorder, crime and violence. The result, it is argued, is reduced use of public space by neighbors and increasing concern over the quality of life in the neighborhood.

This definition of the problem raises important policy related issues including some that seem particularly germane to urban environments. The situation, as described, suggests that commonly contemplated reforms of marijuana laws, such as decriminalization, can have significant detrimental effects in urban neighborhoods that may not have been anticipated. One

project participant has even argued that the problem of open-air, low-level marijuana markets is currently the most significant barrier to successful community development affecting urban neighborhoods.

The argument outlined above raises a wide range of questions. Here we will consider two issues directly relevant to the local project:

1. Are there available data that may assist in recognizing or verifying the existence of stable open-air, low-level marijuana markets?
2. If those markets are identifiable, are there also identifiable problems that are associated with them?

Street level marijuana markets raise important, but not entirely new, issues for the communities in which they are found. They might be viewed as reflecting the most current version of an issue that has always been central to community life and thus to policing- the use of public space and its impact on the quality of life in neighborhoods. The questions noted above and addressed below reflect a contemporary context for these long standing issues.

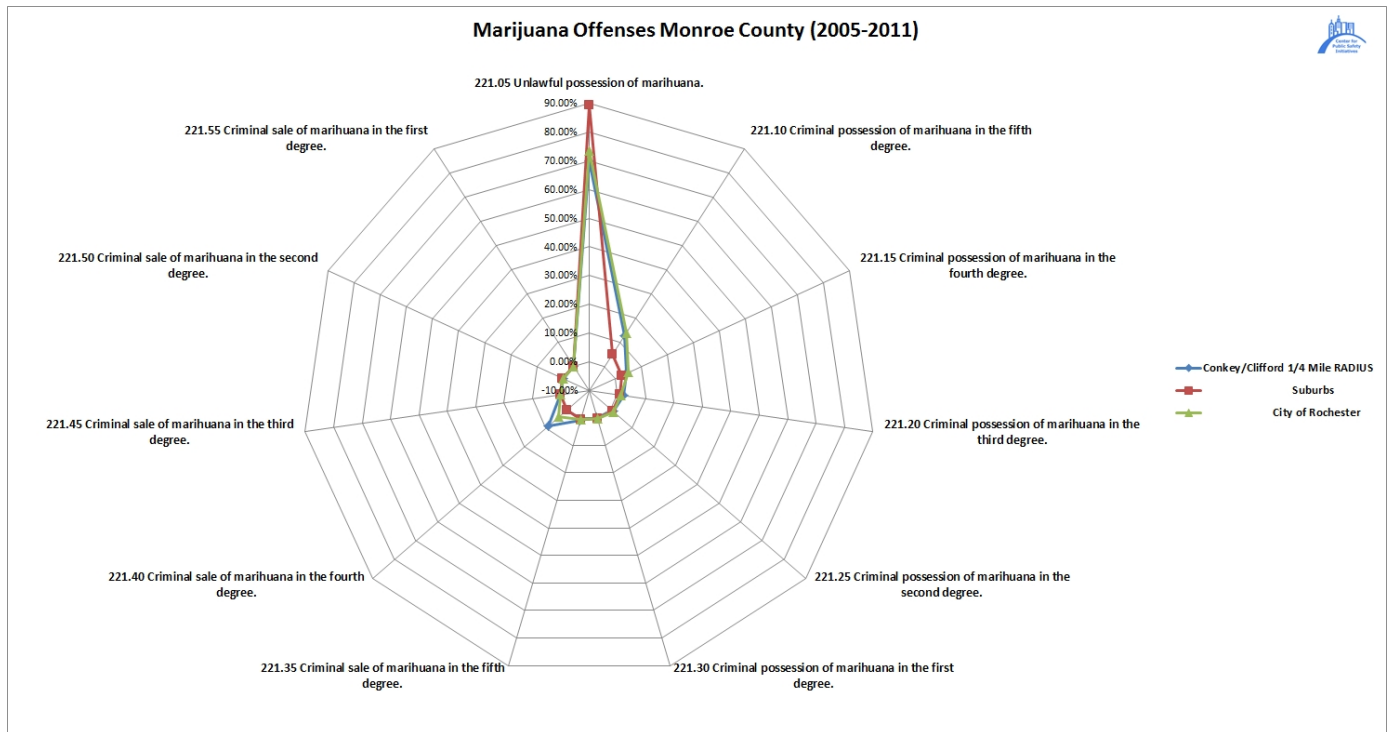
### **Identifying the Market**

The geographic location that has been identified as a prime focal area for this project is one in which new housing has been constructed and a new park was developed with a connecting trail formed from an abandoned railway. With those changes in place, observations in the neighborhood and street outreach with neighbors identified quality of life concerns and linked them to marijuana sales. It is widely noted by police, however, that the area has been a location for drug sales and particularly marijuana sales for as long as 40 years. Thus, this area has been identified as a marijuana market in a variety of ways ranging from casual historical analysis through current interviews and observations prompted by new development in the area. We will consider whether this identification is supported in crime data.

Although the argument underlying the developing intervention project is that criminal justice sanctions are rendered inconsequential under NY law, this does not mean that arrests for possession of small amounts of marijuana are not made. From 2005 through 2011 in Monroe County 10,799 arrests were made for the lowest level possession violations. Of those, 7,049 or

65% were made by the Rochester Police Department which made an average of just over 1,000 low level possession arrests a year. In the key identified market area, 385 marijuana related arrests were made during the seven year period. The critical question is whether this 4% of arrests in the City which include including 269 at the lowest possession level, and 37 misdemeanor sale arrests, reflect by their concentration and type, what can be described as a market activity.

The “radar” chart below depicts these data. This method of displaying the data is useful because it portrays differences across the suburbs, city and target area. In the chart it is clear that the City has a higher proportion of arrests for possession of larger amounts of marijuana than in the Rochester suburbs, and a high proportion of arrests for sales. The Conkey/Clifford area, has approximately the same proportion of fourth and fifth degree possession arrests (which involve higher amounts than the violation level) as the city but also has a higher proportion of arrests for sale of marijuana. This provides some support for the conclusion that the target area served as an ongoing market area in the years covered by the data.

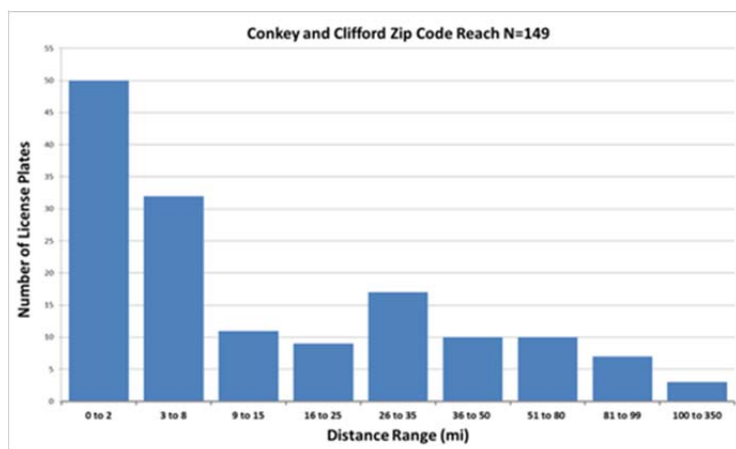


We also sought to compare the Conkey/Clifford area with other street corners in areas of the city which have significant levels of crime. For that analysis we utilized crime maps in randomly selecting 12 intersections and compared them using drug arrest data from 2005 through 2011 (See Map2 in Appendix). We again counted all relevant arrests within a ½ mile buffer of the intersections. The table below shows the number of controlled substance arrests (New York Penal Law Chapter 220) and marijuana related arrests (New York Penal Law Chapter 221).

Arrests in the Joseph/Avenue D area are high (more than 2 standard deviations above mean) for all four categories. This is indicative of an area in which multiple types of drugs are sold and possessed. The other areas are generally less distinguished from each other with the exception of the Conkey/Clifford area which is high on Ch 220 controlled substance possession cases and high on both marijuana possession and marijuana sale arrests. These findings are consistent with the view that the Conkey/Clifford has been treated by police as an active marijuana market during the period covered by the data and the Joseph/Avenue D area has been an active area for drug sale and possession more generally.

<b>Possession and Sales Arrests at 13 Locations</b>				
	<b>Controlled Substance, Ch 220</b>		<b>Marijuana Offences, Ch 221</b>	
	Total Possession	Total Sales	Total Possession	Total Sales
Clifford and Portland	152	13	107	4
Clifford and Conkey	208*	14	279*	34*
Dewey and Lyell	177*	18	135	2
Wmain and Jefferson	116	4	72	2
Dewey and Driving Park	122	9	116	3
Hudson and North	46	9	47	4
Jay and Ames	62	4	55	3
South and Alexander	27	1	28	2
West and Gardiner	20	3	19	0
Joseph and AveD	272*	34*	335*	39*
Norton and StPaul	61	3	48	2
Plymouth and Columbia	39	6	97	15
Webster and Parsells	182*	23	193	9
<b>Mean</b>	114.15	10.85	117.77	9.15
<b>SD</b>	79.62	9.55	97.22	12.78
<b>2 SD</b>	159.24	19.09	194.44	25.56
<b>* more than 2 Standard Deviations above average</b>				

There is also other information which supports the view that the problem of marijuana sales is significant in the Conkey/Clifford area. As part of their focus on the area in 2011 Police sent letters to individual vehicle owners when they identified what they believed were suspicious transaction involving pedestrians and vehicle occupants as seen on a Closed Circuit Video Camera which overlooks the corner at Conkey and Clifford. We examined the zip codes of 149 cases involving suspicious transactions and found that 66% of those receiving letters were from outside the City of Rochester. When considering the distance to the center of zip codes, the chart below shows that 67% of the letters were sent to address more than 8 miles from the Conkey/Clifford intersection (also see maps in Appendix).



The zip code data do not account for the possibility that vehicle drivers may not be the owners or may have moved, or may temporarily reside closer than their address suggests. The lack of comparison data from other intersections is also a limitation. As noted above, there are important limitations to all of the data we have discussed. Taken together, however, the volume of arrests, the nature of those arrests compared with those around other intersections, and the license plate data are consistent with the area serving as an open air marijuana market as described in discussions and interviews with area residents, police and those behind the current project to address the problem.

Although we are comfortable reaching this conclusion, it is also clear that the project underway should be seen as an opportunity to more precisely assess the nature and distribution of this type of market and how it may be distinguished from other types of problematic activity in neighborhoods. The focus on markets facilitated by the ambiguous legal status of marijuana, particularly when sold in small amounts, represents a somewhat novel problem definition which will benefit from a clear articulation of its nature and consequences. This project highlights the need for and importance of carefully defining, describing and measuring marijuana market activity.

### **Identifying the Harms Associated with the Market**

The analysis above supports the view that a market for the sale of small amounts of marijuana exists in the area of focus for the project. However, that conclusion rests on arrest

data, which reflect police activity but is an imperfect proxy for drug activity or problems related to it. The question remains, then, as to whether there are identifiable harms in the neighborhood which appear to be associated with an existing market. To answer that, our data are again limited but suggestive.

In 2012 Project Hope conducted a survey of 280 residents to examine a wide range of issues related to the quality of life in the neighborhood. As they reported; when asked what comes to mind when thinking about that corner, 101 (56%) residents responded with drugs, dealers, weed, or dope as their first response. Residents also reported limited use of public space in the area. Twenty percent of the residents report no leisure time physical activity in the last month, despite a number of small, well-maintained parks in residential areas and an increase in community-based and City-sponsored initiatives to develop and promote recreational spaces. Forty-one percent of residents felt it was very unsafe for them to use the park and 81% felt it was very unsafe for children to use the park unsupervised. Sixty-three percent of area residents reported feeling stressed often or sometimes during the past thirty days and nearly 25% of those attributed their stress to living in the neighborhood. From their analysis, Project Hope leaders concluded that the low level marijuana sales were having a high impact on the neighborhood residents.

The other data we examined regarding the impact of the marijuana market involved the distribution of crime. The maps below allow comparison across the geographic distributions of marijuana related arrests, other drug arrests and reports of violent crime. The marijuana and other drug arrest maps illustrate the analyses considered above. Some similarities are evident, although the Conkey/Clifford area shows a stronger concentration of involvement with marijuana. The distribution of violent crime overlaps significantly with the drug and marijuana maps although it also is most consistent for the non-marijuana related drug arrests.



# Violence and Drug Crime in Rochester (2005-2011)

The following series of maps shows the concentrations of Part I Violent Crimes and Narcotics related activities (Articles 220 and 221 of the New York State Penal Law). The attempt of this visualization is to reflect on the degree of overlap among areas of violent crime and areas of drug related activities.

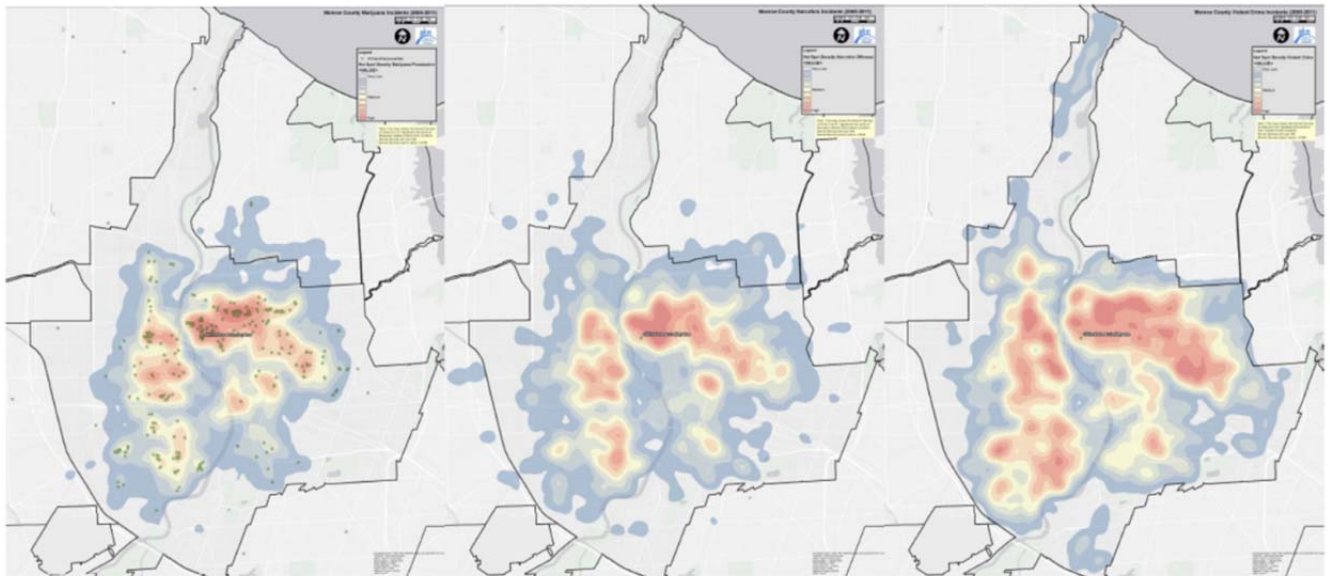
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The maps show the density of significant hot spots for the Part I Violent Crimes, Narcotics Offenses, and Marijuana Offenses for the years 2005-2011.

Marijuana Offenses (Total Count:14,048)

Narcotics Offenses (Total Count: 8,277)

Violent Crime Offenses (Total Count: 17,545)



Overall, these maps provide general support for the argument that the identified marijuana market area is associated with a variety of other harms. This association suggests the potential value of developing strategies to address street-level marijuana markets. At the same time, it is clear that there would be value in developing ways to more precisely specify and assess the harms associated with these markets. That would support comparative analyses across settings and over time. It would also support the development of measures and methods of assessing effectiveness as efforts are made to address this problem.

## Conclusion

This paper focuses on two questions which appear to have their roots in the decriminalization of possession of small amounts of marijuana in New York State in 1977. For the first, data suggest that it is possible to distinguish areas where small amounts of marijuana are sold in open air markets. For the second, data suggest that there are identifiable harms associated with those

markets. Both conclusions, however, also make it clear that better definition of terms and measurement would be beneficial. The marijuana market project that prompted this examination may provide an opportunity for improvements in these areas. Those improvements will be useful in assessing the impact of the project over time and its value for replication in other areas.

The central task of this project will be to identify and implement interventions which can reduce the harms associated with open air marijuana markets. The project focus may best be understood as a special case of the problems presented by troublesome uses of public space. As such a wide range of existing interventions and research will be examined for relevancy. These range from nuisance abatement efforts and similar civil processes to efforts to address prostitution. We expect to explore these and other programs and policies in future working papers.

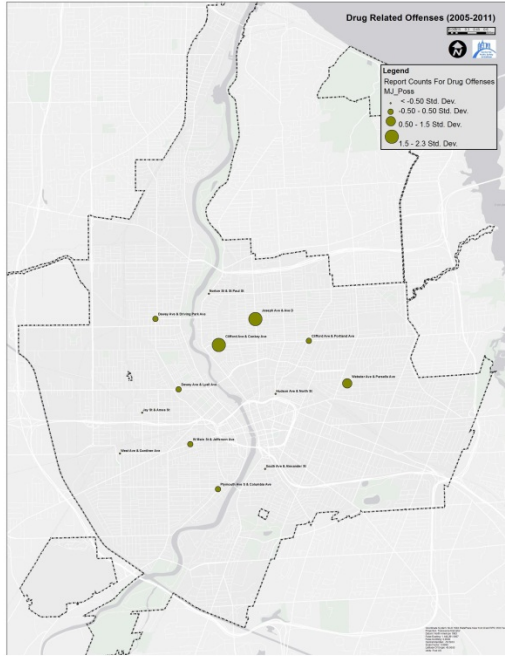
Understanding marijuana sales and their impact on neighborhoods, and identifying ways to mitigate any related harms, appear to be increasingly important tasks. Revision of marijuana laws is under consideration across the country. These include the rise of statutes enabling use of marijuana in the context of medical conditions, now in place in 18 states, to various other forms of decriminalization and legalization. As recently as this fall, New York State was considering further decriminalization by changing possession of marijuana in public (e.g. open display, smoking in public) from a misdemeanor to a violation. The impetus for this change grew out concern over stop and frisk related activity by police in New York City. This analysis suggests that legislative changes like those described above could have significant impacts, including deleterious effects, in some urban neighborhoods. It may be useful to add these issues to the current discussions of reform of marijuana laws.



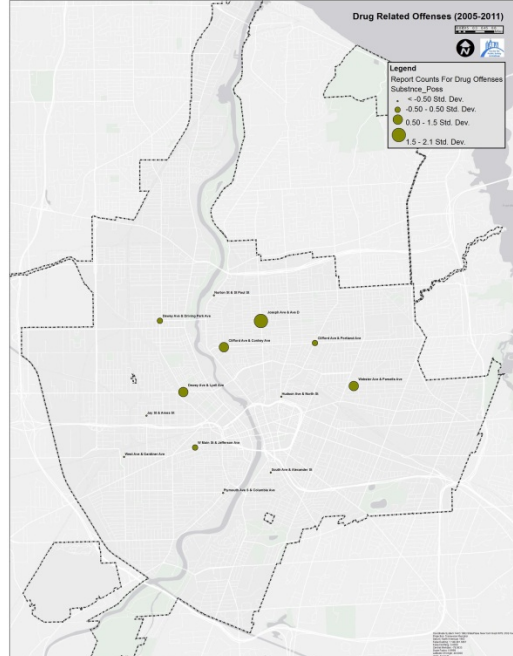
Map 2- Control locations for comparison of Sale of Marijuana and other Controlled Substances  
 ROCHESTER INSTITUTE OF TECHNOLOGY, CENTER FOR PUBLIC SAFETY INITIATIVES  
**Drug Related Offenses in Rochester (2005-2011)**

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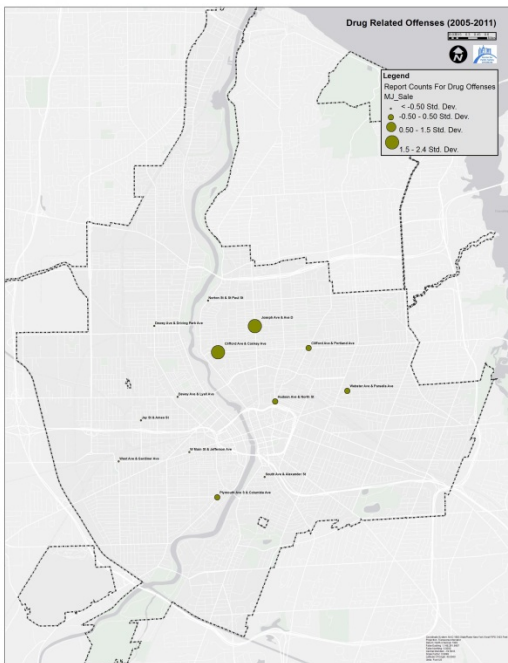
**Marijuana Possessions**



**Substance Possessions**



**Marijuana Sales**



**Substance Sales**

