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The role of marijuana use etiquette in avoiding targeted police enforcement

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Abstract

Internationally, where marijuana is illegal, users follow etiquette rules that prevent negative consequences of use. In this study, adherence to etiquette is hypothesized to reduce likelihood of marijuana-related police stop/search and arrest. Ethnographers administered group surveys to a diverse, purposive sample of 462 marijuana-using peer groups in several areas of New York City. Findings indicated that lack of etiquette was associated with dramatically higher likelihood of police stop/search or arrest only for users who were Black, male, and/or recruited from Harlem/South Bronx. If these users followed a few identified etiquette rules, their risk of police stop/search or arrest was comparable to that of other users. Implications are that etiquette represents an intentional conscientiousness about marijuana use. Groups that are specially targeted for anti-marijuana enforcement can remediate that heightened risk by following marijuana etiquette.

Introduction

Marijuana use etiquette

Civic norms and use of police powers against cannabis use reflect the general public's disapproval of marijuana use, particularly use in public. In response, marijuana users and use subcultures maintain behavioural norms that restrict use to specific locations, times, and social settings to avoid negative attention from non-users and from police. Because one smoker's behaviour can bring negative consequences upon many smokers, especially in group marijuana use, smokers generally expect each other to exercise due diligence in following rules of marijuana use *etiquette* (Johnson, Bardhi, Sifaneck, & Dunlap, 2006a; Johnson, Ream, Dunlap, & Sifaneck, 2008), which are fairly similar across local marijuana use subcultures, even internationally (Boys et al., 1999; Johnson et al., 2006a; Peretti-Watel, 2003). Most social control of marijuana use is not done by police but by other marijuana users.

The following investigation explores the possible effectiveness of etiquette for avoiding marijuana-related police stop/search or arrest in New York City (NYC). Specifically, it examines the effectiveness of etiquette at attenuating the increased likelihood of police stop/search or arrest that is attributable to differential enforcement based on race, gender and region of the City. Data reported here are from the second, quantitative part of a two-stage

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mixed-methods study on marijuana and blunts use in NYC. The study's general aim was to gather data on marijuana use and use subcultures from smokers' own perspectives in order to generate insights that would inform education, intervention and policy.

Earlier reports from the first, qualitative portion of this project concerned users of blunts, which are cigar shells emptied of tobacco, filled with 1–1.5 g of marijuana, and resealed. Analyses of ethnographic data found NYC blunts users to observe norms for group smoking rituals that included contributing money to group purchases of marijuana and cigars, withdrawing to a polite distance from non-smokers before smoking blunts, sharing the blunt equally and moderating one's own level of intoxication. These aspects of the ritual serve many adaptive purposes. Users leave the ritual as high as they want to be, but not so high that they are incapacitated. Users who are too young to buy cigars may be assigned to buy the marijuana instead. By consuming all of the marijuana, users destroy the evidence of their illegal activity and avoid having to keep a 'stash' on their persons, which could embarrass them in a police stop/search or arrest or be stolen from them in crowded living quarters. Smoking can be made discreet enough that non-users will tolerate it in the context of a larger party (Dunlap, Johnson, Sifaneck, & Benoit, 2005). These norms are consonant with marijuana users' online discourses about etiquette, which emphasize norms of distributional justice, reciprocity, respect for others' property, exploitative behaviour, and etiquette toward non-users as ways of avoiding consequences (Cannabis Action Network, 2008; Dethroner Media, 2006; 'Uncle Taz', 2007).

In the ethnographic interview study that was a precursor to this investigation, NYC marijuana users mentioned etiquette rules of respect for non-smokers' right not to have to put up with smoke, respect of parents and family members not to have to run across evidence of their use even if it is known, and attempts to avoid being recognized as a marijuana user at all. Many also avoided consequences to themselves and their lives by observing etiquette rules of putting work/school goals first and smoking only when in the right mood or right situation. They rarely explicitly mentioned concerns about police and seemed primarily interested in limiting consequences to personal relationships – parents, siblings, and significant others. Previous analyses of the data used for the present analyses found that, when asked if they adhere to a rule of not using when police are around, only 62% said so (Johnson et al., 2008). The fact that NYC marijuana smokers had comparable levels of concern for both personal and legal consequences might reflect that they have adapted to the NYC marijuana policy context of general decriminalization while public use remains prohibited (Johnson et al., 2008) and that prohibition differentially enforced (Harcourt & Ludwig, 2007; Levine & Small, 2008).

NYC marijuana policy

Marijuana is decriminalized in NYC. Most marijuana arrestees in NYC are charged with Criminal Possession of Marijuana in the Fifth Degree, a Class B Misdemeanour (New York State, 2000). Possession and use of small amounts of marijuana is not illegal unless the marijuana is burning or open to the public view. This exception is part of NYC's Quality of Life policing strategy aimed at reducing obvious signs disorder, metaphorical 'broken windows', under the assumption that stopping petty crime will prevent it from spiralling out of control into major crime (Harcourt & Ludwig, 2007). Former NYC police commissioner Howard Safir, said of this aggressive policing strategy, 'our plan is to attack it on all levels. We're not just going after the major traffickers; were gonna harass the little guys on a daily basis' (cited in Ward, 1997).

In these contacts, police usually seize part of a joint or blunt, typically less than 2 g, as evidence (joints typically contain 0.5 g and blunts 1–1.5 g of marijuana; see Sifaneck, Ream, Johnson, & Dunlap, 2007). If convicted, arrestees for marijuana in the public view (MPV)

arrestees face a criminal record and a small possibility of a few days in jail. Even if they are not convicted, many of them still must spend several hours in jail pending arraignment with others arrested for a wide variety of crimes (Johnson, Golub, Dunlap, Sifaneck, & McCabe, 2006b). Anti-marijuana enforcement ‘sweeps up’ many persons with limited or no criminal justice criminal records and exposes them to several hours in jail-like detention facilities (Johnson et al., 2006b). According to Tony Elitcher, a staff lawyer with the Legal Aid Society’s criminal defence division, ‘We call that doing your jail time up front. You are doing your sentence before you ever get in front of the judge’ (cited in Flynn, 1998). Quality of life enforcement in general, and anti-marijuana enforcement specifically, disproportionately focuses on racial minority males and certain areas of targeted enforcement (Harcourt & Ludwig, 2007; Levine & Small, 2008; Weitzer & Tuch, 2006).

Explaining racial disparities in marijuana-related police stop/search or arrest

Previous research has addressed the question of whether racial disparities in marijuana-related police stop/search or arrest are actually attributable to factors other than race (Buerger & Farrell, 2002; Smith & Alpert, 2002). Nationally, Blacks constitute 12% of the US population, 14% of marijuana users in the general population, and 30% of those arrested for marijuana violations (King & Mauer, 2006, p. 5). Prevalence studies do not show significant racial differences in prevalence of marijuana use (Compton, Grant, Colliver, Glantz, & Stinson, 2004) but do show racial disparities in marijuana-related arrest (Golub, Johnson, & Dunlap, 2006, 2007; Johnson, Petersen, & Wells, 1977). This is partially because African-American marijuana users, compared to other racial groups, patronize street vendors more often than they use other, less-exposed means of acquiring drugs (e.g. delivery services). However, greater patronization of street vendors does not completely explain their much greater likelihood of arrest (Ramchand, Pacula, & Iguchi, 2006). Neither is it a plausible explanation for racial disparities in marijuana-related police contact that African-Americans are more likely to use marijuana outdoors: A Seattle study found 63% of citizen complaints to police to be about indoor use and 10% to be about open-air markets (Beckett, Nyrop, & Pfingst, 2005a). It is also often suggested that the correlation between racial makeup of a neighbourhood and police attention to a neighbourhood is illusory, that police focus their efforts more on high-crime neighbourhoods which just happen to be heavily ethnic-minority, but this is not necessarily true: The same Seattle study found white high-crime neighbourhoods to be underpoliced relative to black high-crime neighbourhoods (Beckett, Nyrop, & Pfingst, 2005a).

Racial prejudice cannot be wholly dismissed as a factor in racial disparities in drug enforcement (Harris, 2007; Wilson, Dunham, & Alpert, 2004). Public perception of a link between racial minorities and drugs may depend more upon society’s memories of the crack era than objective statistics (Beckett et al., 2005b; Kennedy, 1997, pp. 364–380). New York City Police Department (NYPD) enforcement targets high-crime, socially disorganized, racial minority neighbourhoods (Golub et al., 2006, 2007; Levine & Small, 2008) and the combined effects of training, institutional direction and experience compel police to focus on those they believe to be most likely to be criminals, i.e. young African-American and Hispanic males, out of school, unemployed, found in public locations in low income neighbourhoods (Weitzer & Tuch, 2006). Race emerges as relevant to police behaviour even in the face of the most complex and nuanced of alternative explanations (Dunham, Alpert, Strohshine, & Bennett, 2005; Ridgeway, 2007). Therefore, it makes sense to investigate race as a unique predictor of stop/search or arrest in the NYC marijuana enforcement context, and not to dismiss the effect of race as necessarily wholly attributable to other factors.

Racial minorities and law enforcement in NYC

Subjects of targeted law enforcement do not necessarily 'get the message' that they need to change their behaviour. Among a random sample of NYC residents (Reitzel & Piquero, 2006), nonwhites disproportionately felt that racial profiling is widespread and they themselves had been profiled. This racial difference held even after controlling for bad experiences with the police, disrespect for the police, and several demographic factors. In a different, mixed-methods study of NYC youth by Fine et al. (2003):

Most youth (30/36) report instances of...everyday 'micro-aggressions' of disrespect and suspicion...by police, teachers, and store staff [which] are experienced as forms of interpersonal violence...more than half of the young people interviewed (19/36) perceived a fundamental mistrust of youth by adults, which often translates into a sense of betrayal and a vulnerable standing in the social community (Fine et al., 2003, p. 152).

Perceptions of racial profiling lead to mistrust of police and unwillingness to cooperate with them (Viki, Culmer, Eller, & Abrams, 2006). The targeted groups understand the phenomenon in terms of conflict theory (Akers, 2000; Cureton, 2000; Lilly, Cullen, & Ball, 2002; Petrocelli, Piquero, & Smith, 2003), which holds that the primary goal of law enforcement is to protect the interests of affluence and power against the impoverished and marginalized. Rather than acquiesce to the pressure by not smoking marijuana, they try not to get caught. Aware that their behaviour is against social norms, they 'neutralize' the cognitive dissonance that comes with being basically good people doing something unconventional by holding onto the belief that marijuana is not as bad as crack or heroin or, for that matter, tobacco or alcohol; they also assert that they have control over their use and question the authority of those who have the power to arrest or incarcerate them (Peretti-Watel, 2003). Etiquette may be understood as marijuana users' way of reconciling their desire to smoke (Kalivas & Volkow, 2005; Lende & Smith, 2002; Marsicano et al., 2002; Sullivan & Hagen, 2002; Viveros, Marco, & File, 2006) with their need to avoid negative consequences.

Hypotheses

The unanswered question about etiquette remains: Does marijuana use etiquette actually reduce negative consequences of marijuana use? The intentional conscientiousness about use that etiquette represents should have an effect on several negative consequences of use. The present investigation will focus on marijuana-related police stop/search and arrest because it should be a sufficiently salient experience for people to remember clearly, it could happen to anyone, and most people who talk about it are talking about the same thing. It is also possibly the real test for etiquette, i.e. whether following voluntary and informally enforced norms of use can protect users against the strongest consequences of public disapproval of marijuana coded into the civic norms formally enforced by police. Finally, it represents the clearest connection between etiquette and adaptation to marijuana enforcement policy. In the NYC policy context, smoking marijuana in public and not following smoking etiquette seem to be the main risk factors for stop/search or arrest, and differences in risk may vary based on race, region of the city, and gender – factors on which disparities are known to exist.

Therefore, the present study will test the hypothesis that public smoking increases, and adherence to etiquette decreases, likelihood of marijuana-related police stop/search and arrest in NYC. It will also examine the degree to which effects of etiquette and public smoking vary based on – i.e. are moderated by – race, gender, and region of the city in which participants were recruited, all of which could put users at differential risk for targeted enforcement according to the research cited above.

Methods

Recruitment

Data for these analyses come from responses to the Peer Group Questionnaire (PGQ), the quantitative group survey component (see Ream, Johnson, Sifaneck, & Dunlap, 2006, for details) that followed, and was greatly informed by, the ethnographic observation and qualitative interview component of a longitudinal mixed-methods study of marijuana users in various areas of NYC (Dunlap et al., 2005; Golub, 2006). Between January 2004 and April 2005, highly experienced ethnographers recruited groups of between 2 and 12 (usually between 3 and 6) youth and young adults who appeared to be between the ages of 17 and 35 years who were either current (past 30 days) marijuana users, frequently associated with marijuana users, or who frequented social locations where marijuana use took place. Sometimes, participants younger than 17 years and older than 35 years were recruited along with the peer group.

Employing a non-probability purposive sampling strategy, they intentionally over-sampled those users who are underrepresented in existing samples of arrestees, households, and consumers of drug treatment by contacting marijuana users in public or quasi-public settings and targeting users who had no known (at recruitment) contacts with police for marijuana offences. Typical group locations included streets, parks and outdoor spaces, college/school campuses or lounges, indoor gatherings/parties, coffee shops and restaurants, and bars and clubs. They varied their time of day for collecting data and paid participants \$10 cash for completed surveys. The presence of the ethnographer allowed the participants to ask questions about items they did not understand and discouraged them from rushing through the questionnaire. Although the ethnographers took detailed field notes on each location, only one item from the field notes – the zip code of the location – is used here. The rest of these data are from the PGQ. Weekly meetings of the ethnographic staff and project investigators ensured consistency and quality of data collection procedures. Because the PGQ collected data on illegal activity, it employed an anonymous consent procedure in order to provide maximum protection for participants' confidentiality. The protocol for this study was approved by the Institutional Review Boards of National Development and Research Institutes (NDRI) and Adelphi University.

The valid sample included 462 participants who had reported marijuana use in the past year. The non-users of marijuana who completed the survey as part of the recruiting strategy were excluded.

Measures

Marijuana-related police stop/search or arrest—Two questions measured marijuana-related police contacts. The first was 'Have you ever been STOPPED AND/OR SEARCHED by the police for smoking, possessing, or selling marijuana or blunts?' The second was, 'Have you ever been ARRESTED by the police for smoking possessing or selling marijuana or blunts?' For each, the answer choices included 'Never', 'More than 12 months ago', '7–12 months ago', '2–6 months ago', and 'In the last 30 days'. Participants were coded '1' for this binary indicator if they reported either stop/search or arrest in the past year and '0' if they reported neither. Arrest was so rare, particularly among white participants (five reported any arrest in the past year), that stop/search and arrest could not be studied as separate dependent variables. The survey did not ask about stop/search or arrest for other reasons.

Etiquettes observed—The etiquettes observed and public use scales were empirically designed based on their component items' association with at least one aspect of police

contact – being stopped/searched, being arrested or both. Of course, if this study's main hypothesis had been that these two composite measures have significant overall effects on likelihood of police stop/search or arrest, to create the measures this way would have been to assume the conclusion. However, the hypothesis is actually that other variables will moderate any existing association. Therefore, it makes sense to select only those indicators that have an effect on likelihood of police stop/search or arrest before trying to explain that effect. Likelihood of police stop/search or arrest was lower among users who said they avoided use during work or study (33% vs. 16%, $\chi^2_{(1\text{ df})}=16.0$, $p < 0.001$), in traffic or while driving (30% vs. 14%, $\chi^2_{(1\text{ df})}=12.7$, $p < 0.001$), in public spaces (30% vs. 13%, $\chi^2_{(1\text{ df})}=13.5$, $p < 0.001$), and/or in a non-smoking setting (29% vs. 18%, $\chi^2_{(1\text{ df})}=4.5$, $p = 0.033$). The unweighted total of these binary variables became the formative indicator (Bollen & Lennox, 1991; Diamantopoulos & Winklhofer, 2001) of 'Etiquettes Observed' which ranged from zero to four.

Public use—Public use was a separate group of questions on the survey, separate from the questions about etiquettes. Likelihood of police stop/search or arrest was higher among users who reported using in park/nature/outdoors (22% vs. 32%, $\chi^2_{(1\text{ df})}=5.4$, $p = 0.020$), on the street/sidewalk (21% vs. 34%, $\chi^2_{(1\text{ df})}=11.0$, $p = 0.001$), and/or in a movie (24% vs. 55%, $\chi^2_{(1\text{ df})}=18.1$, $p < 0.001$). Use at work was not significantly associated with the police stop/search or arrest variable (25% vs. 33%, $\chi^2_{(1\text{ df})}=1.2$, $p = 0.276$), but it was associated at trend level with being stopped or searched in the past year, so it remained in the measure. The unweighted total of these four items became formative indicator of 'Public Smoking' which ranged from zero to four.

Race—Participants were only assigned to specific racial categories if that category was the *only* one they chose, which resulted in, given NYC's diverse demographics, a substantial 'other' category including mixed race, many of whom were Black/Latino mix or Asian. Asian participants were regrettably rare, despite the study's employment of an Asian ethnographer working near Chinatown.

Recruitment location—Based on rough demographic similarities, recruitment locations were categorized as follows: *Non-Poverty Manhattan*, a collection of affluent areas including Union Square, Washington Square, and the length of Central Park; *East Village/Lower East Side (LES)*, a diverse transitional area including expensive market-rate apartments, public housing projects, and a significant transient homeless population; *Northern Manhattan/South Bronx*, a largely low-income racial minority area, and *Brooklyn/Queens*, a catch-all category for participants recruited in these two boroughs.

Smoker type—Smoker type reflects preference for and use of blunts but not joints, joints but not blunts, or mixed/multiple forms of marijuana. This preference is correlated with smoking practices and settings (Dunlap et al., 2005; Johnson et al., 2006a, 2008; Ream et al., 2006), and blunts have greater addictive potential than joints, presumably because of their higher tobacco content (Ream, Benoit, Johnson, & Dunlap, 2008).

Other variables—These included days of marijuana use in the past 30 days, age, sex, educational level, employment status and whether the participant lived with parents/grandparents. Regression imputation was used to fill in 44 missing values for age and 10 for level of education.

Results

Description of sample

Table I provides descriptive statistics on study variables. Only 26% of participants reported either stop/search or arrest in the past year, indicating that the sampling strategy successfully obtained a substantial number of marijuana users with no recent marijuana-related police contact. Statistics cited in Table I also indicate that adequately large sub-samples from each region, racial category, gender, and smoker type were recruited. Predictably, with participants selected based on apparent age, some were outside of the target age range, with 12% of participants between 14 and 16 years old and 3% older than 35 years. Because age was not a key variable for this investigation, their data were used anyway. Days of marijuana in past 30 was categorized, as described in Table I, in order to smooth its distribution. Other linear variables' distributions did not differ from normal in ways that would inflate probability of Type I error.

Bivariate comparisons

Racial minority status was definitely associated with higher likelihood of marijuana-related police stop/search or arrest – 40% of Latino and 30% of Black respondents reported police stop/search or arrest, compared to 13% of whites and 26% among other races, $\chi^2(3, N=462) = 19.6, P < 0.001$. This could not, however, have been because of Latinos' and Blacks' more-risky smoking behaviour. According to a one-way ANOVA, there were no significant differences between racial categories in number of etiquettes followed. Although there was a significant difference with respect to public smoking situations, $F(3, 458) = 8.2, P < 0.001$, it was in the opposite direction of expectations –white respondents reported an average of 1.4 and Blacks an average of 0.7 public smoking situations, with Latinos and people of other races in the middle, reporting 1.1 and 1.0 public smoking situations, respectively. Therefore, although it might be tempting to interpret these results as showing that racial minorities differentially attract police attention because of their more frequent public smoking and lower adherence to etiquette, the second condition of that mediation hypothesis (Darlington, 1990) was not met, in that ethnic minority respondents did not report lower etiquette adherence or higher public smoking than whites.

Location was similarly, counterintuitively related to public smoking situations, $F(3, 458) = 11.3, P < 0.001$, with the fewest – 0.6 – public smoking situations reported among users recruited in Harlem/South Bronx, 1.1 in non-poverty Manhattan, 1.2 in the East Village/Lower East Side, and 1.3 in Brooklyn and Queens. Location had no bivariate relationship with etiquette. With respect to gender, however, these relationships were in the expected direction: Females employed more etiquettes than males, 1.3 *versus* 1.0, $t(460) = -3.1, p = 0.002$, and also smoked in fewer public situations, 1.1 *versus* 0.9, $t(460) = 2.6, P = 0.009$. User type, too, was significantly associated with etiquette in the expected direction, with joints and mixed smokers reporting an average of 1.3 etiquette rules compared to 0.9 among blunts smokers, $F(2, 259) = 6.2, p = 0.002$, but user type was not significantly associated with public smoking.

Tests of study hypothesis

In operational terms, the main study hypothesis is whether etiquette influences likelihood of police stop/search or arrest. In order to establish that any connection between etiquette and likelihood of police stop/search or arrest is not spurious, analyses must account for the simultaneous effects of public smoking, race, gender, recruitment region, smoker type, frequency of use, age, educational level and nonworking/non-student status. The study's secondary hypothesis is whether the effect of etiquette differs (or is moderated) by race, gender, recruitment region, or smoker type, which are dimensions on which marijuana

smokers are expected to be at differential risk for police stop/search for arrest. Significant interactions were not observed between smoker type and etiquette or between any moderator variable and public use, indicating that the effect of etiquette does not depend on user type and that, all other things being equal including etiquette, public use itself has more or less the same effect for all users. Significant interactions were, however, observed between etiquette and each of race, gender and recruitment region, indicating that each of these variables somehow moderates the effect of etiquette.

Unmoderated effects—The first column of Table II reports a model with no interaction terms. Gender, etiquette and race had the expected effects: Female gender and stronger adherence to etiquette reduced odds of police stop/search or arrest, while Latinos had higher odds than whites. User type was unassociated with odds of police stop/search or arrest. Public smoking increased odds of police stop/search or arrest by a factor of 1.5. Other control variables had the expected effects: higher odds of police stop/search or arrest was associated with higher frequency of use, nonworking/non-student status, youth, and lower educational level.

Race as a moderator of etiquette—Figure 1 illustrates the effect of etiquette for each racial group and the second column of Table II reports on the analysis of this moderation effect. Significant main effect coefficients for Black and Latino race indicate that both groups' odds of police stop/search or arrest were significantly higher than whites' as long as users observed no etiquette rules. The non-significant main effect coefficient for whites indicates that etiquette has no effect on odds of police stop/search or arrest for whites. There was a significant interaction between etiquette and Black race, indicating that, for Blacks, the effect of etiquette was 0.5 times the effect for whites. Despite appearances in Figure 1, the effect of etiquette for Latinos is not actually significantly different than the effect for whites.

Region as a moderator of etiquette—The third column of Table II contains results of the analysis of this moderation effect, and Figure 2 describes the differential effect of etiquette by region. For participants recruited from non-poverty areas of Manhattan, etiquette was unrelated to odds of police stop/search or arrest, as indicated by the non-significant coefficient for etiquette. However, among participants who did not observe etiquette, likelihood of police stop/search or arrest was significantly higher in all three other regions than in non-poverty Manhattan, which is indicated by their significant main effect coefficients. The significant two-way interaction between etiquette and the dummy variable for Harlem/South Bronx indicates that the effect of etiquette among participants recruited in this region is 0.4 times that of its effect among those recruited from non-poverty areas of Manhattan, which is not significantly different from 1. This can be interpreted to mean that, although etiquette has no significant effect on likelihood of police stop/search or arrest in non-poverty areas of Manhattan, it does in Harlem/South Bronx.

Gender as a moderator of etiquette—Figure 3 and the last column of Table II describe the differential effect of etiquette based on gender. Among participants who follow zero etiquette rules, females' odds of police stop/search or arrest are 0.3 times males', as evidenced by the significant coefficient for the main effect of gender in this column. Among males, however, each etiquette rule observed lowers their odds of police stop/search or arrest by a factor of $1 - 0.6 = 0.4$ or 40%. The effect of etiquette, moreover, differs based on gender, according to the significant interaction effect between gender and etiquette. Although the table does not provide a test of whether the effect of etiquette for women is significantly different from zero, the coefficient indicates that the effect of etiquette for

females is 1.7 times the effect for males. The product rounds to 1.0, the null effect reflected in Figure 3.

Discussion

Description of results

Analyses confirm study hypotheses that public smoking increases and marijuana use etiquette (Johnson et al., 2008) reduces likelihood of marijuana-related police stop/search or arrest among NYC marijuana smokers. Both etiquette and public use significantly affect likelihood of police stop/search or arrest independently of each other, and remain significant even after controlling for each other and for possible alternative explanatory variables of frequency of use, smoking practice, race, recruitment location, gender, age, educational level and non-working/non-student status. Etiquette also mitigates the elevated likelihood of police stop/search or arrest among users who are particular targets of law enforcement attention, i.e. those who are Black, male, and/or in the Harlem/South Bronx area.

Although this study's non-probability sample does not permit it to draw conclusions about raw prevalence of racial disparities that are not attributable to factors other than race, previous studies have already demonstrated the existence of such disparities (Beckett et al., 2005a, 2005b; Golub et al., 2006, 2007; Johnson et al., 1977; Ridgeway, 2007; Smith & Alpert, 2002). This study's unique contribution is to illustrate the efficacy of etiquette, which many marijuana subcultures maintain (Boys et al., 1999; Johnson et al., 2006a; Peretti-Watel, 2003), in avoiding the increased likelihood of police stop/search and arrest among subjects of targeted enforcement in a policy context in which marijuana is technically decriminalized. Because the sample was not collected in such a way that race would dramatically and differentially bias the relationship between etiquette and arrest, conclusions based on these parameter estimates may be considered valid pending replication of these results with a probability sample.

Significance of results

Racial disparities are sometimes thought of as an unfortunate but unavoidable side-effect of the Quality of Life policing policies that went into effect before crime rates went down in NYC. Ironically, according to recent analyses, other factors reduced crime and the unique effect of Quality of Life Policing was counterproductive (Harcourt & Ludwig, 2007). It is possible for strict enforcement against a criminal behaviour to actually increase crime rates: Incarceration and living with a criminal record disrupts employment and social ties and reduces life chances (Jensen, Gerber, & Mosher, 2004), pushing people toward the margins of society and making them more likely to commit crime. Adding to the stress already associated with poverty could only make substance use more likely by activating the motivation, said to be grounded in human evolution, to regulate internal states with substances (Lende & Smith, 2002; Sullivan & Hagen, 2002). Urban Black and Latino youth targeted in anti-marijuana enforcement also believe it to be unjustly applied:

Recent research on youth in public and private spaces suggests that urban youth, especially low-income youth of colour, are being squeezed out of public spaces and placed under scrutiny and threat of criminalization when they are in public sites, and even at home (Fine et al., 2003, p. 145)

Even though young urban marijuana users generally understand their behaviour to be unconventional (Peretti-Watel, 2003) and willingly exercise discretion to prevent negative consequences to self and others (Dunlap, Benoit, Sifaneck, & Johnson, 2006), they do not believe that they deserve the unpredictable, traumatizing and potentially life-altering consequences associated with police encounters, especially if those consequences are

differentially applied based on aspects of their appearance (Fine et al., 2003; Jensen et al., 2004; Peretti-Watel, 2003) or with an ulterior motive (Akers, 2000; Buerger & Farrell, 2002, p. 297; Cureton, 2000; Fine et al., 2003; Levine & Small, 2008; Lilly et al., 2002; Vasquez, 2005).

The ‘take-home message’ of these analyses for purposes of policy and social services practice is that marijuana users adapt to the policy context of prohibition of marijuana use by other means than simply reducing or stopping use. Ethnic minority youth who encounter legal consequences for marijuana use and possession often think that the ‘real reason’ they were stopped/searched or arrested by police was not because they were using marijuana but because of their race, gender, location within the city or failure to follow marijuana etiquette. Although this may be interpreted as unwillingness to take responsibility for their behaviour, this and earlier studies suggest that they might be partially right. In practice, it may be constructive for workers with ethnic minority urban youth to adopt a strengths perspective by empathizing with their sense of injustice and reinforcing the courtesy and adaptability they show by using etiquette. From a policy perspective, it is highly suggestive that lack of etiquette strongly influenced likelihood of stop/search or arrest among Blacks, males and users recruited from Harlem and the South Bronx, but contributed nothing to risk of arrest among females, whites and respondents recruited from non-poverty areas of Manhattan. This adds to the case made in previous research, cited above, that Quality of Life policing policy and practice in NYC may need revision. To the extent that targeted enforcement makes undesirable behaviour more likely and increases animus against police, it is counterproductive to everyone’s quality of life.

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Figure 1.
Race moderates the effect of etiquette on likelihood of police stop/search or arrest.

Figure 2.
Recruitment location moderates the effect of etiquette on likelihood of police stop/search or arrest.

Figure 3.
Gender moderates the effect of etiquette on likelihood of police stop/search or arrest.

Table I

Descriptive results for study variables

Police stop/search or Arrest in past year	<i>n</i>
None	341
Any	121

Race	<i>n</i>
White	123
Black	160
Latino	72
Other	107

Gender	<i>n</i>
Male	263
Female	199

Smoker type	<i>n</i>
Joints (not blunts)	113
Blunts (not joints)	192
Mixed (multiple forms)	157

Employment status:	<i>n</i>
Working or student	348
Non-working/non-student	114

Age distribution:	
Minimum:	14.0
10th %ile:	16.6
30th %ile:	19.1
50th %ile	22.4
70th %ile:	25.3
90th %ile:	31.9
Maximum:	63.8

Region recruited from	<i>n</i>
Non-Poverty Manhattan	111
East Village/LES	93
Harlem/S. Bronx	140
Brooklyn/Queens	118

Etiquettes observed		Public smoking situations
#	<i>n</i>	<i>n</i>
0	195	219

Etiquettes observed		Public smoking situations
#	<i>n</i>	<i>n</i>
1	121	80
2	75	116
3	42	32
4	29	15

Education level	<i>n</i>
Junior high	51
Some high school	110
High school diploma	106
Voc Ed/trade school	16
Some college	72
Four-year degree	81
Master's degree	15
Professional degree	1

Days used in past 30	<i>n</i>
None	69
1–4	76
5–10	87
11–19	64
20–29	85
30	81

Table II

Race, location of interview, and gender moderate the effect of marijuana use etiquette on odds of police stop/search or arrest

Variable	Main effects only			Race moderates etiquette			Location moderates etiquette			Gender moderates etiquette		
	OR	95% CI	OR	95% CI	OR	95% CI	OR	95% CI	OR	95% CI	OR	95% CI
Race: (ref = white)												
Race: Black	1.8	[0.8, 4.0]	3.5*	[1.2, 10.0]	1.8	[0.8, 4.1]	1.8	[0.8, 4.3]				
Race: Latino	3.3**	[1.4, 7.7]	5.5**	[1.8, 16.9]	3.2**	[1.4, 7.5]	3.4**	[1.5, 8.1]				
Race: Other	1.5	[0.7, 3.4]	2.4	[0.8, 6.8]	1.6	[0.7, 3.5]	1.6	[0.7, 3.5]				
Loc: (ref = non-poverty Manhattan)												
Loc: East Village/LES	2.1 ⁺	[0.9, 4.8]	2.0 ⁺	[0.9, 4.6]	3.0*	[1.0, 8.6]	1.9	[0.8, 4.4]				
Loc: Harlem/South Bronx	2.7*	[1.2, 6.1]	2.7*	[1.2, 6.0]	5.1**	[1.9, 13.6]	2.6*	[1.2, 5.9]				
Loc: Brooklyn/Queens	2.2*	[1.0, 4.8]	2.3*	[1.0, 5.0]	2.9*	[1.1, 7.9]	2.1 ⁺	[1.0, 4.7]				
Gender: (ref = male)												
Gender: Female	0.5**	[0.3, 0.8]	0.4**	[0.3, 0.8]	0.5**	[0.3, 0.8]	0.3**	[0.1, 0.6]				
Etiquette Rules Observed	0.8*	[0.6, 1.0]	1.2	[0.7, 2.0]	1.1	[0.7, 1.8]	0.6**	[0.5, 0.9]				
Interaction effects:												
Black* Etiquette			0.5*	[0.2, 0.9]								
Latino* Etiquette			0.6	[0.3, 1.3]								
Other* Etiquette			0.7	[0.3, 1.3]								
East Village/LES* Etiquette					0.7	[0.3, 1.4]						
Harlem/S. Bronx* Etiquette					0.4*	[0.2, 0.9]						
Brooklyn/Queens* Etiquette					0.7	[0.4, 1.3]						
Female* Etiquettes							1.7*	[1.0, 2.7]				
Public Smoking	1.5**	[1.1, 1.8]	1.5**	[1.2, 1.9]	1.5**	[1.2, 1.8]	1.5**	[1.2, 1.8]				
User type: (Ref=Joints)												
User Type: Blunts	1.8	[0.7, 4.2]	1.9	[0.8, 4.4]	1.7	[0.7, 4.0]	1.8	[0.7, 4.2]				
User Type: Mixed	1.9	[0.8, 4.5]	2.0	[0.9, 4.6]	2.0	[0.9, 4.6]	1.9	[0.8, 4.5]				
Control variables:												
Days Used of Past 30	1.2*	[1.0, 1.4]	1.2*	[1.0, 1.4]	1.2*	[1.0, 1.4]	1.2*	[1.0, 1.4]				
Non-working/non-student	2.2**	[1.3, 3.8]	2.2**	[1.3, 3.9]	2.4**	[1.3, 4.1]	2.1*	[1.2, 3.6]				
Age	0.9*	[0.9, 1.0]	1.0 ⁺	[0.9, 1.0]	1.0 ⁺	[0.9, 1.0]	0.9*	[0.9, 1.0]				
Educational level	0.8*	[0.7, 0.9]	0.8*	[0.7, 0.9]	0.8**	[0.6, 0.9]	0.8*	[0.7, 1.0]				
Model fit:												
Log likelihood	-202.37		-199.73		-199.75		-200.38					
Likelihood ratio χ^2	126.61***		131.88***		131.83***		130.57***					

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Variable	Main effects only		Race moderates etiquette		Location moderates etiquette		Gender moderates etiquette	
	OR	95% CI	OR	95% CI	OR	95% CI	OR	95% CI
Interaction effect illustrated in:	n/a		Figure 1		Figure 2		Figure 3	

Notes: Each column represents the results, expressed as odds ratios, of a binary logistic regression with police stop/search or arrest as the dependent variable and all variables for which coefficients are listed as independent variables.

[†] $p < 0.10$,
* $p < 0.05$,
** $p < 0.01$,
*** $p < 0.001$.