

**STATEMENT OF MAUREEN KOKEAS
NEW YORK CITY SHERIFF'S OFFICE**

**BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY**

**COUNCIL CHAMBERS
JUNE 13, 2023**

Good morning Chair Hanks and members of the Council. I am Maureen Kokeas, Commanding Officer of the Bureau of Criminal Investigation at the New York City Sheriff's Office. I am here to testify before your committee on the bill being heard today, Int 1001-A.

Since the state legalized personal cannabis use, New York City has experienced an epidemic of illegal and unlicensed cannabis sellers. Smoke shops have always existed in the city, but what we have seen over the past year is unprecedented. In some neighborhoods you will see multiple smoke shops on the same block, all of which are engaged in the potentially dangerous unlicensed sale of cannabis and cannabis products. Further, the vast majority of these unlicensed, illegal smoke shops also engage in the illegal, unlicensed sale of cigarettes, other tobacco products and/or electronic cigarettes. Many engage in all of these illegal activities. If the status quo is allowed to continue, there may be disastrous consequences for the legal, regulated cannabis market, which ensures ensure that the cannabis being sold in the city is as safe as possible for the consumer. Additionally, these illegal, unlicensed smoke shops deprive the State and the City of vital tax revenue, which is intended to be used to support education, housing, community reinvestment and drug treatment and other vital programs. Instead, the money is going into the pockets of unscrupulous scofflaws who have no interest in anything but their bottom line. These scofflaws have no regard for who is harmed by their unlicensed activity, whether it is exposure to uninspected, unregulated and potentially unsafe cannabis, the exposure of minors to dangerous products such as cannabis, cigarettes, other tobacco products and/or electronic cigarettes, or the harm resulting from the loss of tax revenue needed to fund vital City and State programs.

Now that the State Legislature has empowered the Office of Cannabis Management to conduct inspections at these illegal locations, they have hit the ground running in their enforcement efforts. However, this is a problem that should be attacked by every angle available and we are committed to leveraging the tools that we have available.

I will now turn my attention to the proposed legislation.

Intro. 1001-A would prohibit knowingly leasing commercial premises to unlicensed dealers of controlled substances, including the unlicensed sale of cannabis, and tobacco products. The bill would also require monthly reporting on enforcement taken against unlicensed controlled substance and tobacco product sellers pursuant to this bill. The Administration supports the intent of this bill and is eager to work with Council on these issues, but believes that the legal questions concerning the drafting of the proposal need to be addressed. The Administration is also concerned

that the monthly reporting requirement would present operational and staffing challenges without providing any substantive additional benefit than what a quarterly or biannual report would provide. Further, the Administration notes the bill leaves out unlicensed e-cigarette activity, which also needs legislative attention. The Administration looks forward to working with the Council and the sponsor on the most effective way to achieve the bill's goals.

Thank you for the opportunity to testify about this important issue, and we look forward to answering any questions you may have.



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**NEW YORK CITY COUNCIL
COMMITTEE ON PUBLIC SAFETY
OVERSIGHT HEARING**

Int. 1001-A: Prohibiting owners of commercial premises from knowingly leasing commercial premises to unlicensed cannabis sellers and requiring the sheriff to produce a monthly report on enforcement relating to unlicensed cannabis sellers.

June 13, 2023

Thank you to fellow Staten Islander, Chairwoman Hanks, for holding today's hearing and to Council Member Schulman for introducing this important legislation at a time when communities around Staten Island and across the city are seeing an unacceptable proliferation of unlicensed stores selling tobacco, marijuana, and other controlled substances. Simply put: these stores, sprouting up like weeds in our commercial corridors and as accessible as our beloved delis, barber shops, hardware stores, and any other retail establishment, pose significant public safety, economic, and health risks to our city and those who call it home. Government must act to attempt to put this genie back into the bottle before this above ground black market becomes impossible to reign in.

While I greatly appreciate Council Member Schulman's legislation and effort to provide solutions to this issue, I would be remiss if I did not point out that this legislation perhaps would never have been necessary if leadership at the state level had more thoroughly prepared for the legalization of recreational cannabis in New York, and the eminently foreseeable consequences of creating an Office of Cannabis Management (OCM) without enforcement powers and a Sheriff's Office without added manpower and technology to hold accountable these store owners and the landlords who lease their space to these shops. We are encouraged that some additional powers were granted to OCM in this year's budget, in particular the ability for law enforcement to seize these entities' ability to collect sales tax. We hope and expect this will be an effective tool to combat unlicensed sales.

Despite these new strategies for law enforcement to utilize in stopping the unlicensed sale of tobacco, cannabis, and other controlled substances, more must be done to prevent these stores



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from continuing to open across the city. That is why I am proud to support Int. 1001-A, which, if enacted, would prohibit any owner of commercial space from knowingly leasing or selling their premises to a seller of unlicensed cannabis, tobacco, or any other controlled substance. Any landlord in New York City who chooses to accept rental or other income from this source must be held accountable for supporting illegal activity and contributing to the decline of our neighborhoods, commercial centers, and the welfare of our neighbors, and it is my hope that the civil penalties contained in this legislation are sufficient to act as that urgently needed deterrent. I also wholeheartedly support the bill's provision that the Sheriff create and maintain a report of the location and investigative activity into these shops around the city, so that law enforcement can more effectively and efficiently close them and hold all involved in these illicit enterprises accountable for their actions.

This is important not only for the character of our neighborhoods, but for the work of crime prevention and the maintenance of public safety as well. Since May 2022, there have been between 104 and 138 robberies at or around smoke shops on Staten Island alone. Further, there have been several incidents of gun crime, assault, and grand larceny all related to these unlicensed stores. These businesses are an obvious target for lawbreakers as they know these businesses will likely have a significant amount of cash and valuable contraband on premises. This violence and theft can be greatly minimized if these shops are identified, owners punished, and ultimately closed for good.

Critics of these efforts or of this legislation may suggest that this is nothing more than a continuation of law enforcement's inappropriate focus on marijuana as a public safety issue. I urge this Council to reject those arguments as nothing more than a distraction. Unlicensed sales of these products pose a health risk to those who purchase them, particularly our young people who are often targeted by playful, colorful packaging meant to make these substances seem safe and approachable. Without regulation, there is no telling what bacteria might be present in these products, let alone the fact that marijuana consumption by those under 25 has been proven to hinder cognitive development. Further, the ubiquitousness of these unlicensed stores is doing incredible harm to the fledgling state-licensed program that is only beginning to open across the city, and subsequently to the well-intentioned goals of the program to ensure those who were justice-involved reap some of the benefits of now legal recreational cannabis. Simply: the very people our



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elected leaders were trying to support are being directly harmed by the continued growth of the unlicensed cannabis industry.

I reiterate my urge for the Council to pass this legislation, and for Mayor Adams to immediately sign it into law. Our city will be stronger and safer once its goals are acted on and achieved, and it will fill a gap left by the state's poorly administered rollout of legal recreational cannabis. I appreciate the opportunity to offer my testimony at today's hearing, and urge you to contact my office to discuss issues of public safety in the months and years to come.



Garment District Alliance
209 West 38th Street, 2nd Floor
New York, NY 10018
212.764.9600 T
212.764.9697 F

www.garmentdistrict.nyc
#garmentdistrict
Info@garmentdistrictnyc.com

June 14, 2023

City Council Committee Hearing on Public Safety
Intro 1001-2023

Submitted by Barbara A. Blair, President, Garment District Alliance

Good morning, Chairperson Hanks and members of the Committee on Public Safety. My name is Barbara Blair, and I am the President of the Garment District Alliance, a business improvement district that includes 35th to 41st Streets, Fifth Avenue to Ninth Avenue.

First, thank you to the Council for this legislation. Anything that will help address the proliferation of illegal weed stores in our city is appreciated.

The Garment District has gone from 1 weed store to 12 in the last two years. These eyesores are in addition to the oversaturation of social service entities including a methadone clinic, needle exchanges, supportive housing, a parole board and other uses that create a general sense of disorder on our streets. Now, with the proliferation of weed stores and the lines to get in or clustering of individuals also selling weed or hard drugs from the sidewalks immediately adjacent to the weed shops we are overwhelmed by uses that are dragging down the neighborhood as is clearly indicated by office tenants refusal to return to offices in the district due to social disorder on our streets. Garment District office buildings have much lower occupancy than other midtown locations. The rents in the district are the lowest in Manhattan, a direct result of the social disorder on the streets. The concentration of drug users and sellers leads to violence, crime, and disorder surrounding these stores as is clearly shown in our NYPD CompStat numbers.

While this bill is helpful, more is needed. The violence, potential health hazard, and inaction from Albany to effectively address the issue, should make this a top priority for the Council and the Administration. Multiple simultaneous actions from the Council are needed.

While this bill holds landlords accountable, more is needed to hold the illegal operators accountable. The Nuisance Abatement Laws were used successfully in the 1990s to eliminate criminal activity in establishments. In 2017, the City Council changed the Nuisance Abatement Law such that it is harder to issue a closure order when illegal activity is observed taking place within premises. I am urging the Council to reverse their action in 2017 for illegal weed stores and allow judges to immediately issue a closure order when two incidents of illegal sales to minors occur at the same location. This is like the presumption for brothels and massage parlors.

We also believe that the City Council, City Administration, and the community should lobby Albany to give the Office of Cannabis Management the same authority granted to the State Liquor Authority to shut down unlicensed liquor stores immediately – the same way they close unlicensed bars.

In order to effectively deal with this crisis, we need to take the handcuffs off law enforcement and put them on the criminals who repeatedly violate the law and make our neighborhoods and city unsafe.

Thank you for your time.



June 5th, 2023

City Council Committee Hearing on Public Safety

Good morning, Chairperson Hanks and members of the Committee on Public Safety. My name is Tom Harris, and I am the President of the Times Square Alliance, the business improvement district that exists to make Times Square clean, safe, and desirable for all.



First, thank you to the Council for this legislation. Anything that will help address the proliferation of illegal weed stores in our city is appreciated. In five months, Times Square has gone from 2 illegal weed stores to 12. These stores make Times Square less safe. One has been robbed, there have been two homicides within 100 feet of another, a person was shot in front of a third. I am sure the citywide crime data would show that these illegal stores make our city less safe.

In addition to the violence, crime, and disorder surrounding these stores, many regularly market and sell their unregulated products to underage children. We learned that lab tests on some of the products purchased contained Fentanyl and others contained rat poison.

While this bill is helpful, more is needed. The violence, potential health hazard, and inaction from Albany to effectively address the issue, should make this a top priority for the Council and the Administration. Multiple simultaneous actions from the Council are needed.

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In order to effectively deal with this crisis, we need to take the handcuffs off law enforcement and put them on the criminals who repeatedly violate the law and make our neighborhoods and city unsafe.

Thank you for your time and consideration.

A handwritten signature in black ink, appearing to read 'Tom Harris', located below the text.

Tom Harris
President
Times Square Alliance

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Appearance Card

I intend to appear and speak on Int. No. 1001-2023 Res. No. _____

in favor in opposition

Date: 6/13/2023

(PLEASE PRINT)

Name: Ameratu Kamara

Address: Walker Ave Union, New Jersey 07083

I represent: Office of the Community Liaison

Address: NYPD Monitor Office

Please complete this card and return to the Sergeant-at-Arms

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Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mavreen Kokeas

Address: Commanding Officer VCI

I represent: NYC DOT

Address: _____

Please complete this card and return to the Sergeant-at-Arms