Four Decades of Law Enforcement in New York State: Changing Arrest, Prosecution, and Sentencing Trends, 1980 - 2023

Sarah Monaghan, Kellyann Bock, Michael Rempel, & Olive Lu

December 2024

DATA COLLABORATIVE FOR JUSTICE AT JOHN JAY COLLEGE

STRENGTH IN NUMBERS

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

ACKNOWLEDGEMENTS

This report was supported by Arnold Ventures as part of a larger initiative to study New York's 2020 Criminal Justice Reforms and related changes in arrest and prosecution practices. Thank you to Tyrell Connor for his support and to Kristin Bechtel for her guidance while this report's topics of interest took shape in 2021 and 2022.

We are also grateful to Preeti Chauhan, Professor of Psychology at John Jay College and former director of the Data Collaborative for Justice, for her work crafting the research questions and approach taken in this report.

Data used in this report were provided by the New York State Division of Criminal Justice Services (DCJS). The opinions, findings, and conclusions expressed in this report are those of the authors and not those of DCJS. Neither New York State nor DCJS assumes liability for its contents or use thereof. Special thanks to Leigh Bates, Colin Gruner, Meg Bailie, and Samantha Bunney for their help gaining access to the data.

TABLE OF CONTENTS

Chapter 1. Purpose of the Report

This report examines the changing scope of law enforcement in New York State over more than four decades, from 1980 to 2023. The analysis traces: (1) misdemeanor and felony arrest numbers, (2) the rate at which district attorneys' offices decline to pursue arrests in court, (3) criminal conviction rates, and (4) reliance on prison, jail, and probation at sentencing. The study builds on earlier Data Collaborative for Justice (DCJ) reports that documented statewide arrest trends through 2017 and enforcement trends in New York City through 2018.[1]

All analyses distinguish trends specific to each of New York's three major regions: New York City, its suburbs, and upstate. Analyses also distinguish between misdemeanors and felonies, with the latter category generally sub-divided between nonviolent and violent felonies. Select trends are also broken out for specific charges and for New York's 62 individual counties.

Mirroring recent DCJ studies of criminal convictions[2] and bail-setting[3] in New York State, and jail admissions in New York City,[4] the current report also examines racial and ethnic disparities at the points of arrest and sentencing.

RESEARCH QUESTIONS

Concerning the 44 years from 1980 to 2023, we consider four questions:

1. Misdemeanor and Felony Arrests (*Chapter 2*): How have misdemeanor, nonviolent felony, and violent felony arrest numbers changed since 1980? How has the specific charge composition of the State's arrests changed?

2. District Attorneys' Declination Decisions (*Chapter 3*): How has the rate at which district attorneys' offices decline to file arrests with the court changed?

3. Case Dispositions and Carceral Sentences (*Chapter 4*): What has been the trend in the percent of cases disposed with a conviction and, in turn, sentenced to state prison, a local jail, or probation, respectively?

4. Racial and Ethnic Disparities (*Chapter 5*): In 2023, what was the magnitude of racial and ethnic disparities in arrest and incarceration rates? How has this changed since 1990?

RECENT CONTEXTUAL SHIFTS

Portions of the report zero in on the five-year period from 2019 to 2023, encompassing the COVID-19 pandemic and other contextual changes. The current analysis, however, does not attempt to rigorously attribute criminal legal trends over these years to such changes, including:

- **Covid-19:** In the initial months following the pandemic's onset in March of 2020, arrests inevitably plummeted as people stayed home. Over a longer timeframe, courts experienced operational disruptions and delays, which later subsided in 2021 and 2022.[5]

- **Bail Reform:** In 2020, a new bail law went into effect. It required police to issue appearance tickets in lieu of custodial arrests in more misdemeanor and Class E felony cases, and the law eliminated bail and pretrial detention for most misdemeanors and nonviolent felonies.[6]

- **Rise in Violent Crime:** Related to pandemic dislocations that appear to have disproportionately impacted communities with high poverty and unemployment rates,[7] serious violent crime spiked nationwide in 2020, altering the charge composition of arrests towards more serious cases.[8]

- **New Mayoral Administration in New York City:** Upon taking office in 2022, Mayor Eric Adams instituted policies resulting in greater low-level enforcement, including increased use of Stop, Question, and Frisk,[9] criminal and civil summonses,[10] and misdemeanor arrests.[11]

DATA SOURCES AND LIMITATIONS

We relied on deidentified data provided by the New York State Division of Criminal Justice Services (DCJS). DCJS maintains records of all fingerprintable arrests of adults. People are fingerprinted following arrest or arraignment for all felonies and most misdemeanors (see CPL §160.10). However, Vehicle and Traffic Law misdemeanors such as driving with a suspended or revoked license are not generally fingerprinted, leading our data to produce a modest undercount.

Where results involve computing arrest or incarceration rates relative to the general population, we relied on U.S. census data for adults aged 18 and over to calculate these rates (see **Appendix A**). In parallel, we also limited analyses of DCJS data to people ages 18 and over.

There were other important data limitations.

1. Data on prosecutors' filing or declination decisions were only available for New York City.

2. DCJS gender data is binary, precluding the identification of non-binary or transgender people.

3. The New York City Police Department (NYPD) did not report ethnicity from 1982 to 1984, leading to an undercount of Hispanic people for those years.[12] We opted to begin analyses of racial disparities in 1990. DCJS data analyses treat Hispanic people as such regardless of their coded race; yet, census categories required treating Black Hispanic people as Black.[13]

KEY ANALYTIC DECISIONS

In this report, the NYC suburban region is defined to include Nassau, Suffolk, and Westchester.

When analyzing arrests and prosecutors' filing decisions, we assigned cases to the year of the arrest. Since final court dispositions and sentences often take place much later, when analyzing these outcomes, we assigned cases to the year of their final disposition.

We considered whether to group arrests by police department. A prior DCJ report combined arrests made by the Buffalo, Rochester, Syracuse, Albany, or Yonkers Police Departments into one category.[14] We instead opted for the lens of *how often people are subject to arrest in certain regions or counties*—regardless of what police force was involved. This decision mainly bears on upstate counties, where both local police departments and the New York State Police make arrests. (Within New York City, the NYPD has made 99% of arrests since 1980.)

Chapter 2. Misdemeanor and Felony Arrest Trends

This chapter displays annual arrest trends from 1980 to 2023, quarterly trends from 2019 to 2023, and results for specific charges of interest. (*See Chapter 5 for racial disparities in arrest rates.*)

ARREST TRENDS OVER FOUR DECADES

The trendlines in **Exhibit 2.1** point to the following key findings.

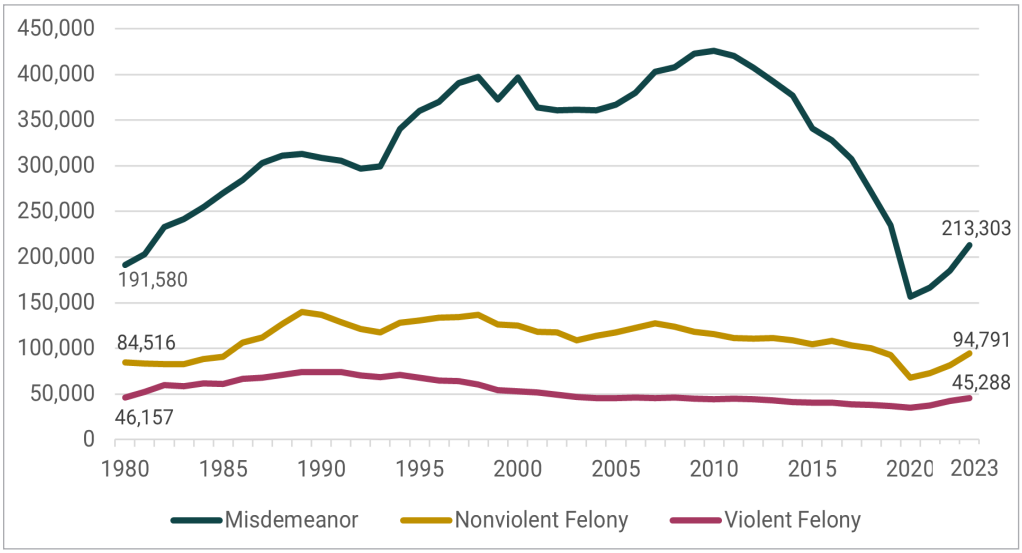
- **Misdemeanor Arrests:** *New York City's misdemeanor arrests climbed from 1980 to 2010 before mostly dropping thereafter; other regions saw a nearly continuous four-decade decline.* NYC's misdemeanor arrest total grew 3.8 times higher from 1980 (65,265) to 2010 (250,067); dropped 75% from 2010 to 2020 (63,315); and then increased 40% from 2020 to 2023 (landing at 101,470).[15] Corresponding to these swings, misdemeanor arrests spiked during the mayoralties of Rudy Giuliani (1994-2001) and Mike Bloomberg (2002-2013)— mayors who prioritized low-level enforcement. Misdemeanor arrests plummeted during the mayoralty of Bill de Blasio (2014-2021), before increasing 31% from 2021 to 2023 under the mayoralty of Eric Adams, beginning in 2022. *By contrast, after adjusting for population declines outside NYC, misdemeanor arrest rates per 100,000 people in the suburbs and upstate increased from 1980 to 1990 and then declined throughout nearly all of the remaining 34 years examined.*

- **Felony Arrests:** *Population-adjusted felony arrest rates increased throughout the State from 1980 to 1990 and then declined over nearly all remaining years.* Putting aside initial 1980-to-1990 increases, statewide nonviolent felony arrest rates declined by 40% from 1990 to 2023, with violent felony arrest rates declining by 47%. It is worth noting, however, that across all regions, there was a modest uptick from 2020 to 2023. Of 140,079 felony arrests in 2023, 59% took place in New York City, 10% in the suburbs, and 31% in the upstate region.

Fraction of Arrests Involving Misdemeanors

From 1980 to 2023, misdemeanors ranged from 60% to 70% of statewide arrests. (Exhibit 2.2). New York City's arrest composition rose from 43% misdemeanors in 1980 to 73% in 2010, before dropping to 55% in 2023. Changes were far more modest in upstate, which saw a gradual decline from 76% misdemeanors in 1980 to 65% in 2023. Finally, there was barely any change in the misdemeanor-felony breakdown in the suburban region.

EXHIBIT 2.1
Annual Arrest Trends from 1980-2023
2.1a. New York State Arrests



2.1b. New York State Arrest Rates (per 100,000 people)

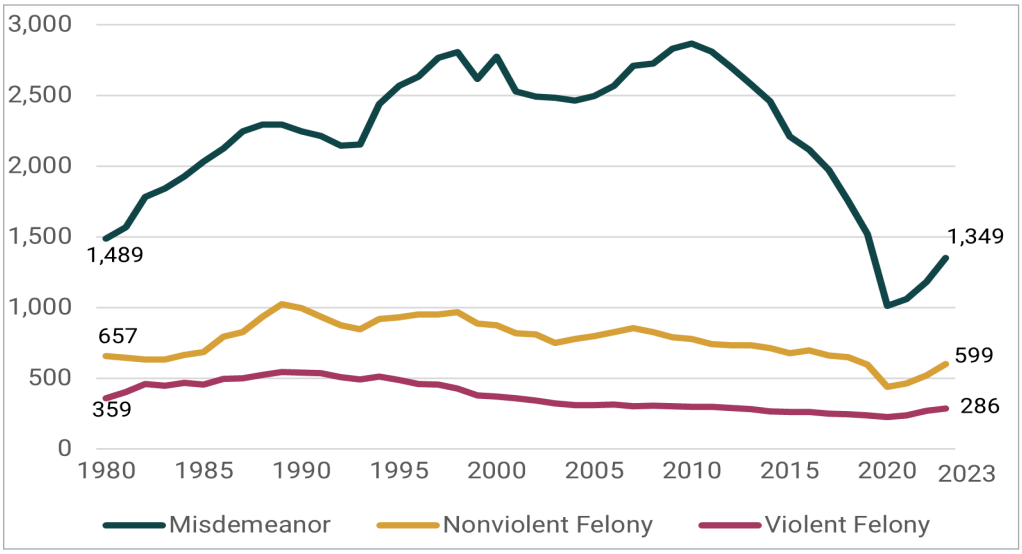
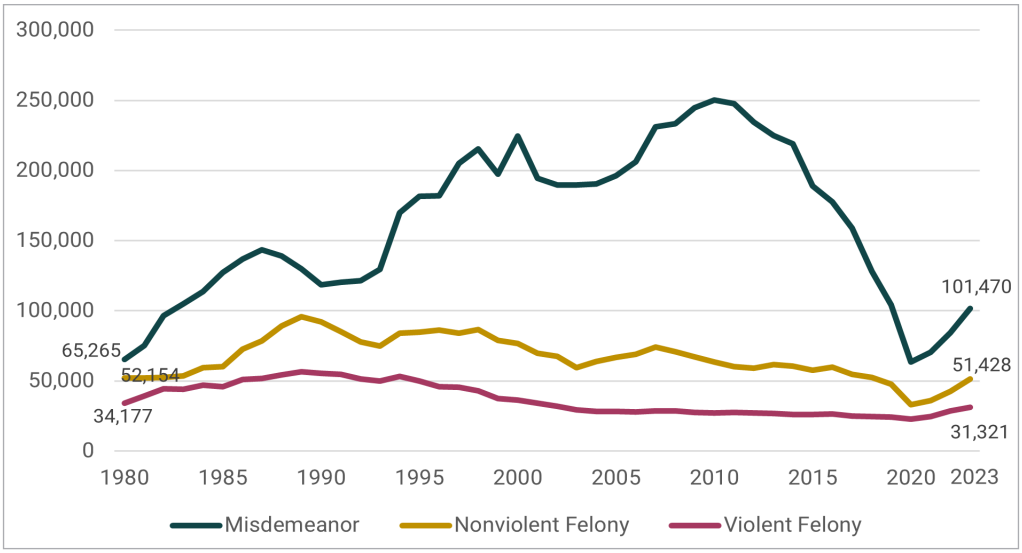


EXHIBIT 2.1
Annual Arrest Trends from 1980-2023
2.1c. New York City Arrests



2.1d. New York City Arrest Rates (per 100,000 people)

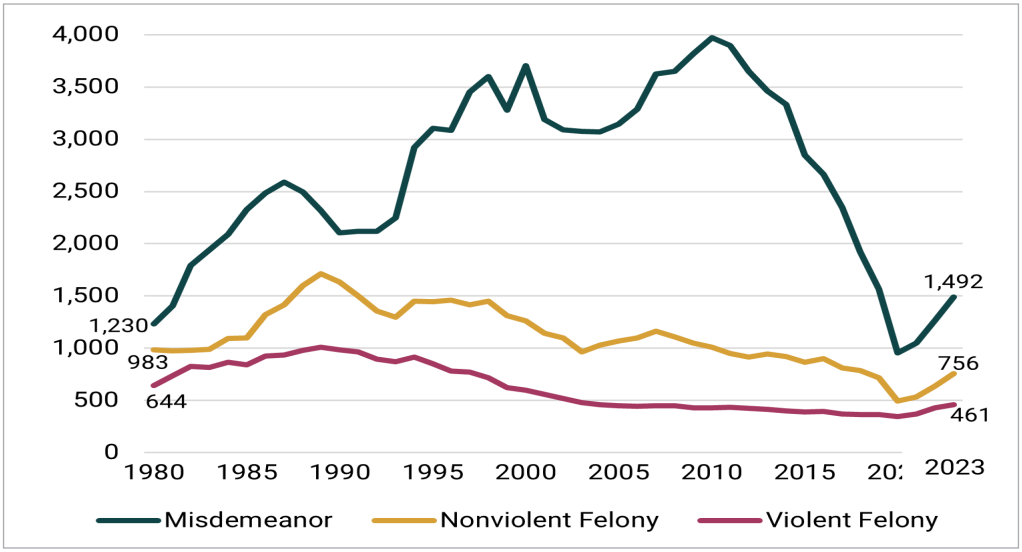
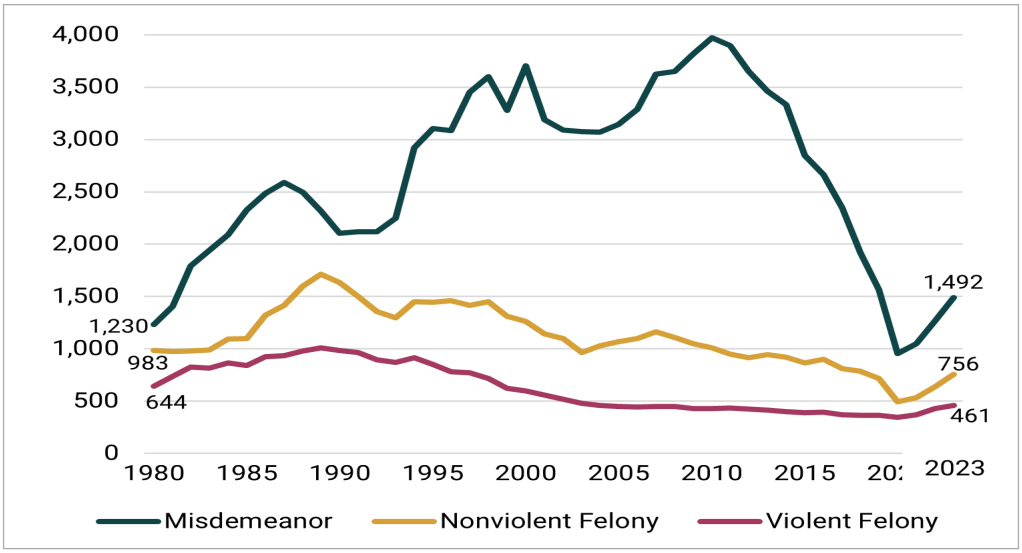


EXHIBIT 2.1
Annual Arrest Trends from 1980-2023
2.1e. Suburban NYC Arrests



2.1f. Suburban NYC Arrest Rates (per 100,000 people)

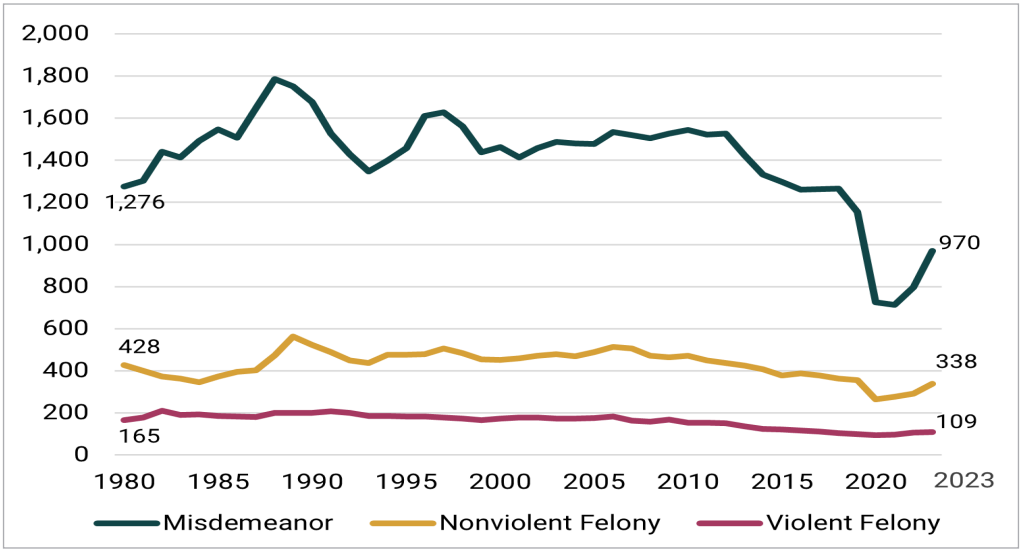
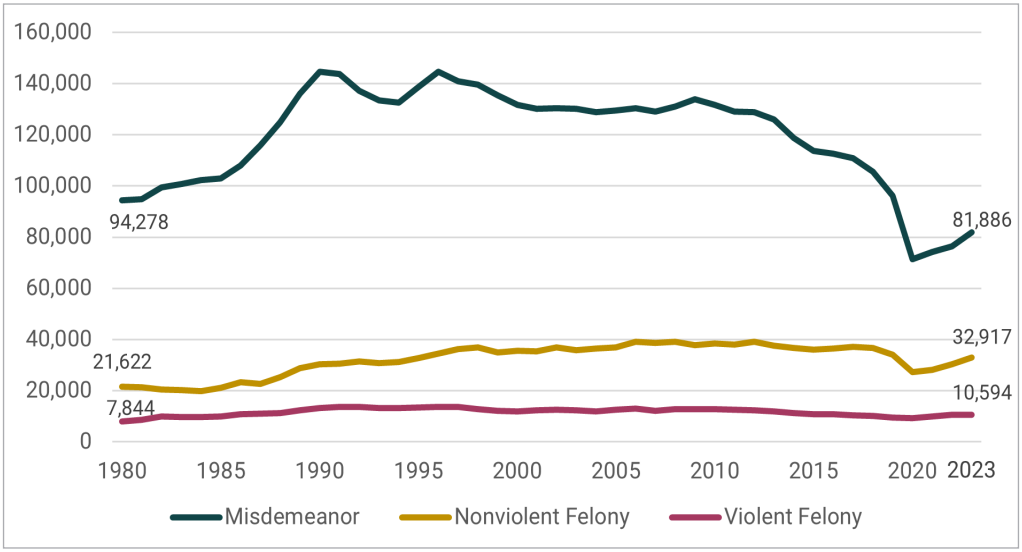


EXHIBIT 2.1
Annual Arrest Trends from 1980-2023
2.1g. Upstate Arrests



2.1h. Upstate Arrest Rates (per 100,000 people)

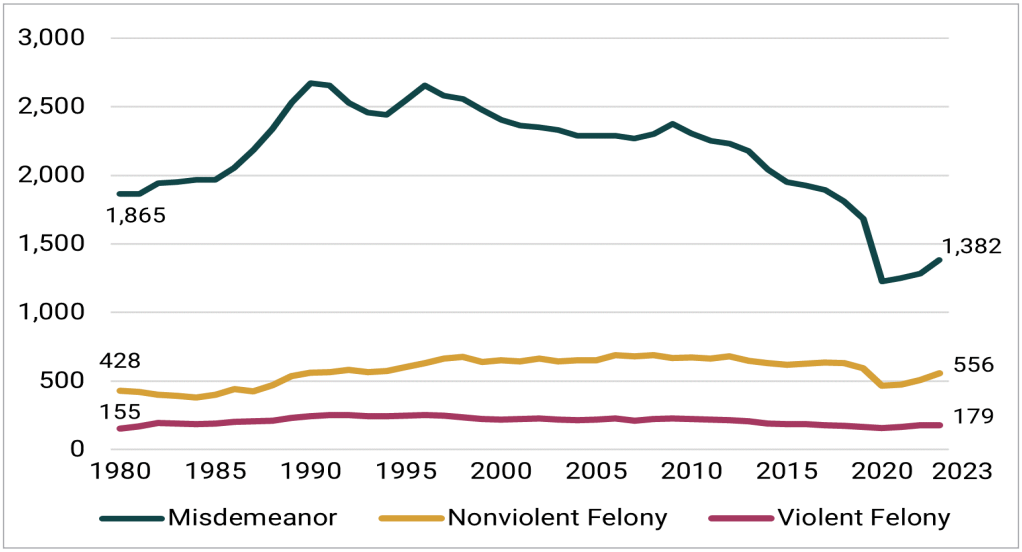
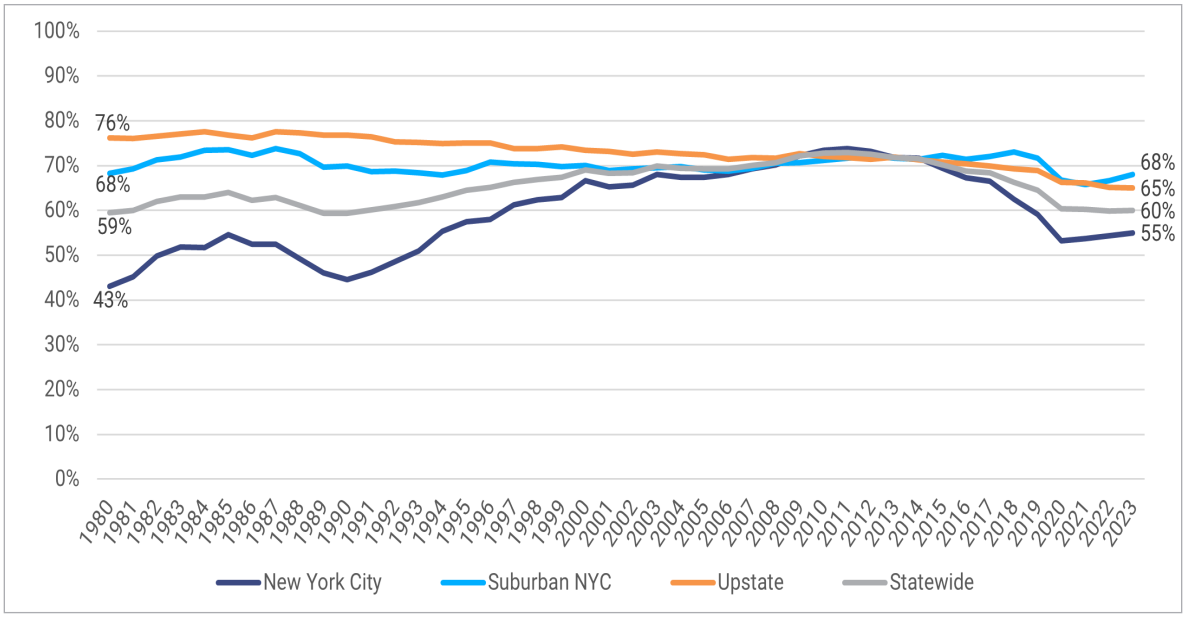


EXHIBIT 2.2
Percent Misdemeanors Arrests of All Arrests, 1980-2023



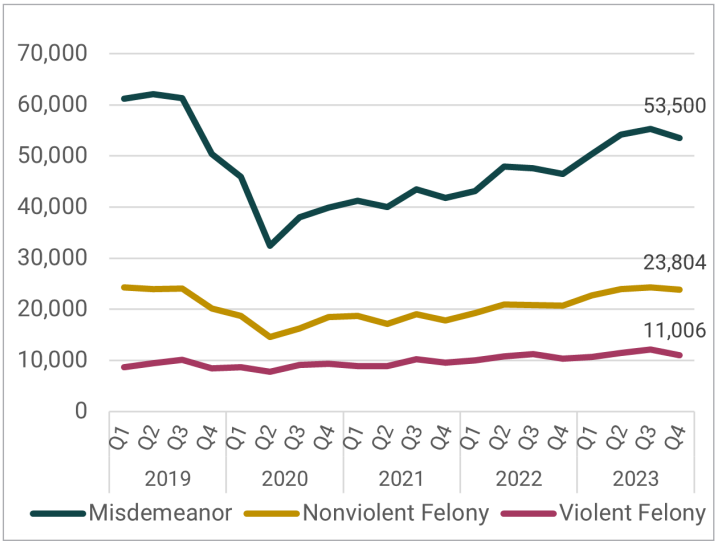
ARREST TRENDS FROM 2019 TO 2023

At the onset of the COVID-19 pandemic, prior research indicates that nationwide arrests briefly fell, with fewer people going outside due to "stay-at-home" orders. Some police departments also directed officers to avoid making low-level arrests to help contain the spread of the virus.[16] *Indeed, comparing Quarter 4, 2019 to Quarter 2, 2020 (the height of the pandemic), misdemeanor arrests declined 37% in New York City, 51% in Suburban NYC, and 32% in Upstate.* But by the end of 2020, misdemeanor arrests returned to early 2020 levels in the suburbs and upstate, though NYC enforcement did not approximate pre-pandemic levels until 2022 **(Exhibit 2.3).**

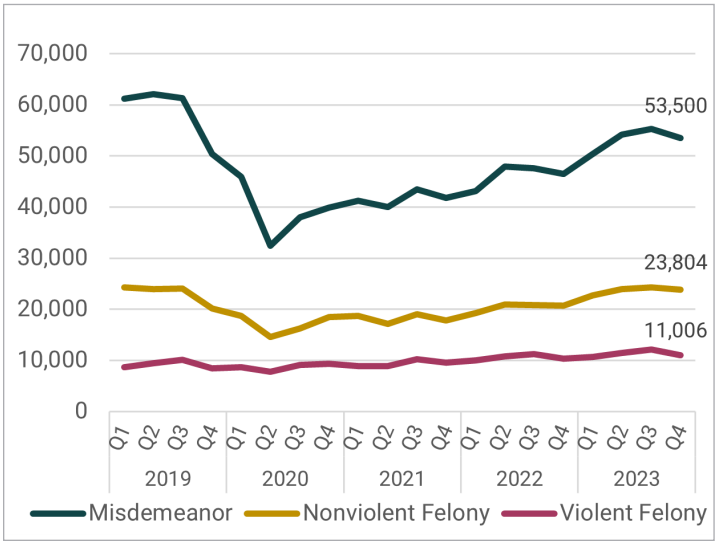
Contrasting with misdemeanors, felony arrests did not see similarly steep declines at the outset of the pandemic. Both nonviolent and violent felony arrests increased from the third quarter of 2020 to about the second quarter of 2023 (before leveling off over the remainder of 2023).

EXHIBIT 2.3
Quarterly Arrest Trends From 2019-2023

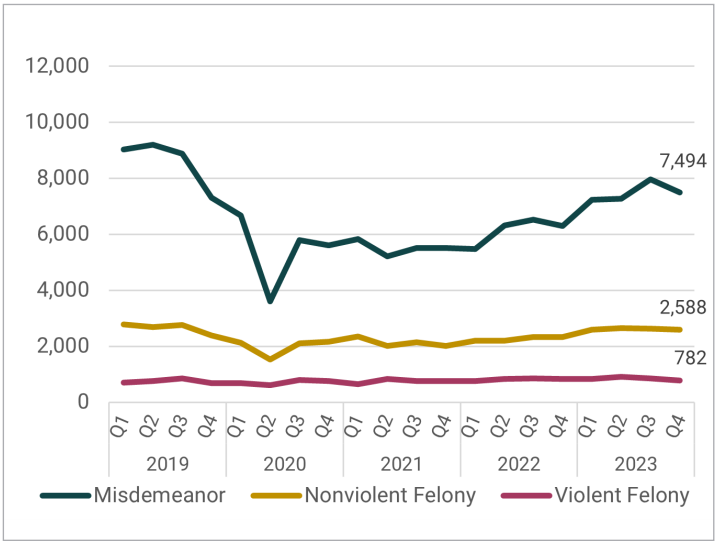
2.3a. New York State Arrests



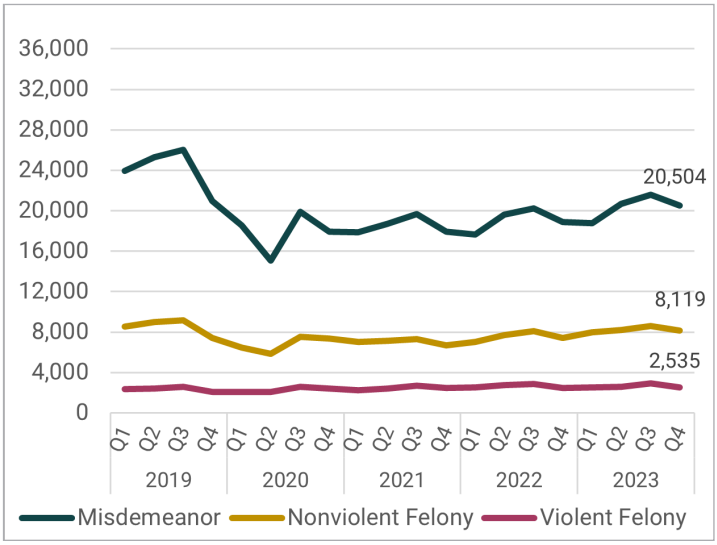
2.3b. New York City Arrests



2.3c. Suburban NYC Arrests



2.3d. Upstate Arrests



CHANGING CHARGE COMPOSITION FROM 1980 TO 2023

Exhibit 2.4 graphs the trend for select charges from 1980 to 2023. **Exhibit 2.5** presents a finer breakdown for 1980, 2000, and 2023. Population-adjusted arrest rates are not shown, as they would have altered the magnitude of all trends but would not alter any essential takeaways.

- **Drug Arrests:** *NYC's drug arrests ballooned almost tenfold from nearly 13,000 in 1980 to more than 128,000 in 2000, before plummeting 86% to 17,443 in 2023.* (In 2000, NYC police made over 51,000 marijuana possession arrests, alone.) As a fraction of all arrests, drug arrests grew from 9% of NYC misdemeanors and 8% of NYC felonies in 1980 to 41% and 31% in 2000, respectively; before falling to 10% and 10% in 2023. In the suburbs and upstate, drug arrests peaked much later—in 2018 and 2017, respectively—and then declined sharply from 2018 to 2023. Marijuana arrests dropped to zero due to legalization in March 2021.

- **Transit Nonpayment and Trespass Arrests in New York City**: Indicating NYC's shift away from low-level enforcement over time, trespass arrests peaked at 19,948 in 2009 before dropping 91% to 1,821 in 2023; and theft of services arrests (mostly for transit fare nonpayment) peaked at 40,840 in 1994, before dropping by over 99% to 96 in 2021, followed by a two-year increase to 4,933 in 2023. (Trespass arrests also saw a 2021-to-2023 uptick.)

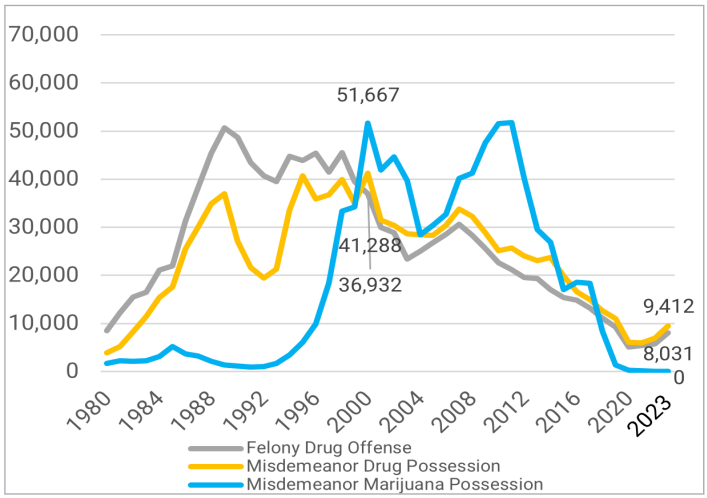
- **Prostitution Arrests:** *NYC's prostitution arrests peaked at 19,470 in 1985, before plummeting by over 99% to just 104 in 2023.* At their peak, the two other regions saw prostitution arrests in the hundreds, not thousands, and these numbers also dropped sharply to only 46 in the suburbs and 39 in upstate in 2023. The massive statewide decline likely reflects shifting attitudes and policies prioritizing the prosecution of trafficking—involving force, fraud, or coercion—over the criminalization of sex workers. Current policy discussions include parallel efforts to decriminalize sex work; one approach continues to criminalize buying sex,[17] while the other entails full decriminalization, trafficking or buying sex from minors, notwithstanding.[18]

- **DUI Arrests in the Suburbs and Upstate:** Outside NYC, driving under the influence was the most or second most common misdemeanor (along with petit larceny) across all 44 years examined. DUI represented 32% and 27% of suburban and upstate misdemeanor arrests, respectively, in 1980; although the numbers declined after 1990, DUI still represented 18% and 19% of suburban and upstate misdemeanor arrests, respectively, in 2023.

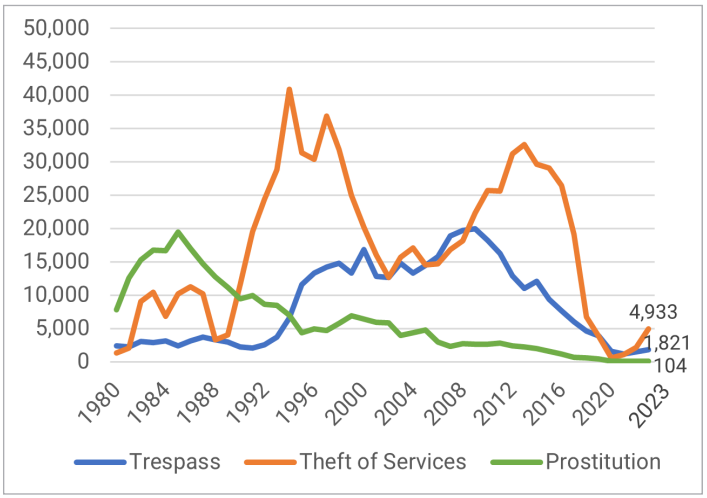
- **Weapons/Firearms Arrests:** After the early 1990s, all three regions saw fewer violent felony weapons arrests—mainly involving firearms. *Pointing to a recent uptick, however, these arrests increased from the pre-pandemic year of 2019 to 2023 by 35% in New York City, 57% in the suburbs, and 38% in upstate from 2019 to 2023.*

EXHIBIT 2.4
Arrest Trends for Select Charges, 1980-2023

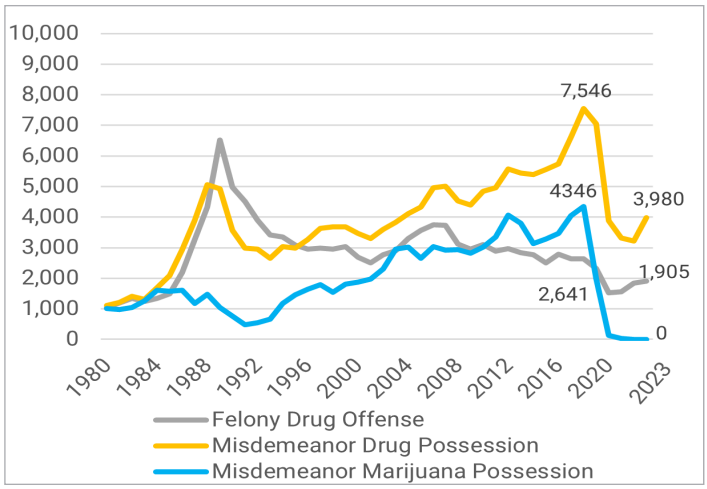
2.4a. Drug Arrests in New York City (NYC)



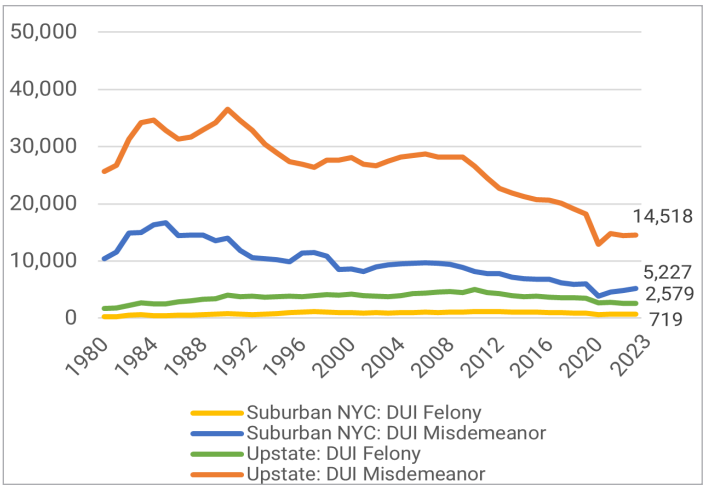
2.4b. Theft of Services, Trespass, & Prostitution in NYC



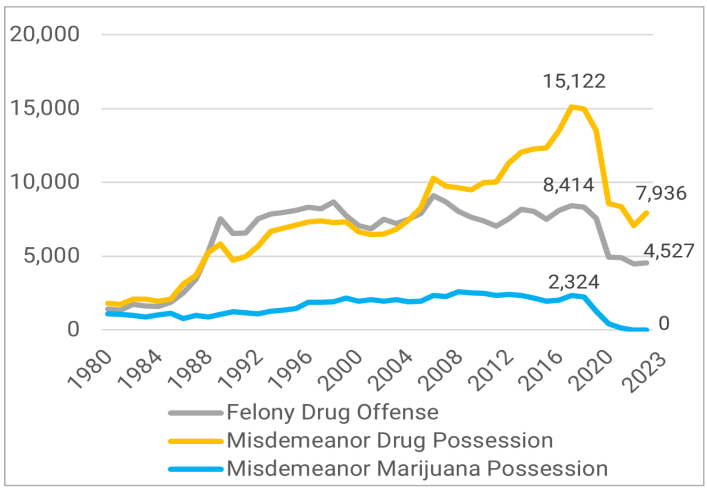
2.4c. Drug Arrests in Suburban NYC



2.4d. DUI in Suburban NYC and Upstate



2.4e. Drug Arrests in Upstate



2.4f. Weapons/Firearms Violent Felony (All Regions)

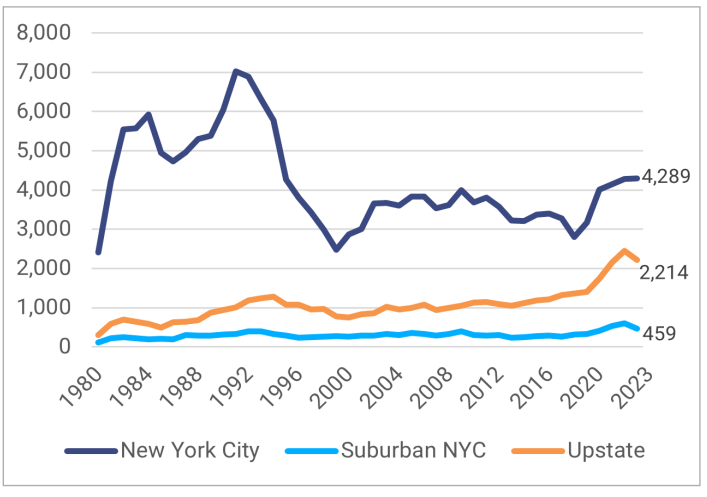


EXHIBIT 2.5
Charge Composition of Arrests (1980, 2000, and 2023)

	NEW YORK CITY (NYC)						SUBURBAN NYC						UPSTATE					
	1980		2000		2023		1980		2000		2023		1980		2000		2023	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
ALL ARRESTS																		
Misdemeanor Share of Total	43%		69%		55%		68%		70%		68%		76%		73%		65%	
MISDEMEANOR	65,265		224,664		101,470		32,037		40,195		29,947		94,278		131,638		81,886	
Petit larceny	12,513	19%	13,849	6%	17,948	18%	6,529	20%	6,928	17%	6,470	22%	19,577	21%	21,288	16%	18,545	23%
Criminal mischief	2,865	4%	2,891	1%	3,912	4%	1,815	6%	1,421	4%	1,379	5%	6,509	7%	6,982	5%	5,120	6%
Theft of services	1,369	2%	20,198	9%	4,933	5%	170	1%	75	0.2%	119	0.4%	980	1%	722	1%	181	0.2%
Trespass 2° or 3°	2,360	4%	16,800	8%	1,821	2%	1,267	4%	1,138	3%	644	2%	2,892	3%	3,396	3%	2,391	3%
Drug possession 7°	3,848	6%	41,288	18%	9,412	9%	1,103	3%	3,467	9%	3,980	13%	1,820	2%	6,645	5%	7,936	10%
Marij. poss. 4° or 5°	1,728	3%	51,667	23%			1,009	3%	1,874	5%			1,088	1%	1,951	2%		
Assault 3°	4,720	7%	21,362	10%	24,267	24%	2,072	7%	4,469	11%	1,998	7%	8,105	9%	11,602	9%	0	0%
DWI	2,003	3%	3,450	2%	2,569	3%	10,386	32%	8,575	21%	5,227	18%	25,649	27%	28,056	21%	14,518	18%
Prostitution	7,823	12%	6,403	3%	104	0.1%	41	0.1%	386	1%	46	0.1%	747	1%	929	1%	39	0%
Other misd.	26,036	40%	46,756	20%	36,504	36%	5,642	21%	8,412	28%	10,082	34%	26,116	26%	46,617	36%	33,156	40%
FELONY	86,331		112,790		82,749		14,876		17,169		13,819		29,466		47,611		43,511	
Nonviolent Fel.	52,154		76,600		51,428		10,740		12,442		10,446		21,622		35,633		32,917	
Burglary 3°	12,562	15%	2,633	2%	3,164	4%	3,520	24%	514	3%	641	5%	6,945	24%	2,184	5%	2,435	**6%**
Grand larceny	15,053	17%	9,359	8%	9,330	11%	2,218	15%	1,940	11%	3,596	26%	3,332	11%	4,471	9%	5,103	**12%**
Drug poss. or sale	7,296	8%	35,523	31%	8,031	10%	916	6%	2,514	15%	1,905	13%	1,304	4%	6,479	14%	4,527	**10%**
DWI	49	0.1%	597	1%	453	0.5%	240	2%	987	6%	719	5%	1,671	6%	4,218	9%	2,579	**6%**
Other nonviol. fel.	17,194	20%	28,488	25%	30,450	37%	3,846	26%	6,487	38%	3,585	26%	8,370	28%	18,281	38%	18,273	**55%**
Violent Felony	34,178		36,190		31,321		4,136		4,727		3,373		7,844		11,979		10,594	
Assault 1° or 2°	10,055	12%	16,068	14%	13,487	16%	1,441	10%	2,015	12%	1,298	1%	2,754	9%	3,999	8%	3,026	**7%**
Robbery 1° or 2°	13,733	16%	9,781	9%	5,262	6%	1,110	7%	994	6%	498	4%	1,582	5%	1,749	4%	924	**2%**
Burglary 1° or 2°	3,041	4%	2,792	2%	1,794	2%	920	6%	793	5%	479	3%	1,866	6%	3,486	7%	2,003	**5%**
Weapons/firearms	2,409	3%	2,875	3%	4,289	5%	113	1%	256	1%	459	3%	306	1%	750	2%	2,214	**5%**
Sex offense	1,692	2%	1,762	2%	833	1%	317	2%	344	2%	212	1%	787	3%	1,101	2%	728	**2%**
Murder	2,446	3%	940	1%	977	1%	138	1%	131	1%	85	0.6%	222	1%	261	1%	284	**0.7%**
Other violent fel.	801	1%	1,972	2%	6,473	8%	97	1%	194	1%	342	2%	327	1%	632	1%	1,415	**3%**

Note: Percentages do not always add up to 100% due to rounding. Felony percentages are calculated out of felony total, not by felony violent/nonviolent total. For the purpose of this chart, attempted and completed offenses are grouped together within each charge category. Prostitution includes both prostitution (PL 230.00) and loitering for prostitution (PL 240.37). In the interest of concision, this chart excludes charges deemed of lesser interest and/or that do not add up to a significant percentage of the total. In particular, charges seen somewhat frequently in the nonviolent felony category that we opted to omit include criminal mischief, criminal possession of stolen property, and forgery-related offenses.

Chapter 3. Rates of Declining to Prosecute Arrests in Court

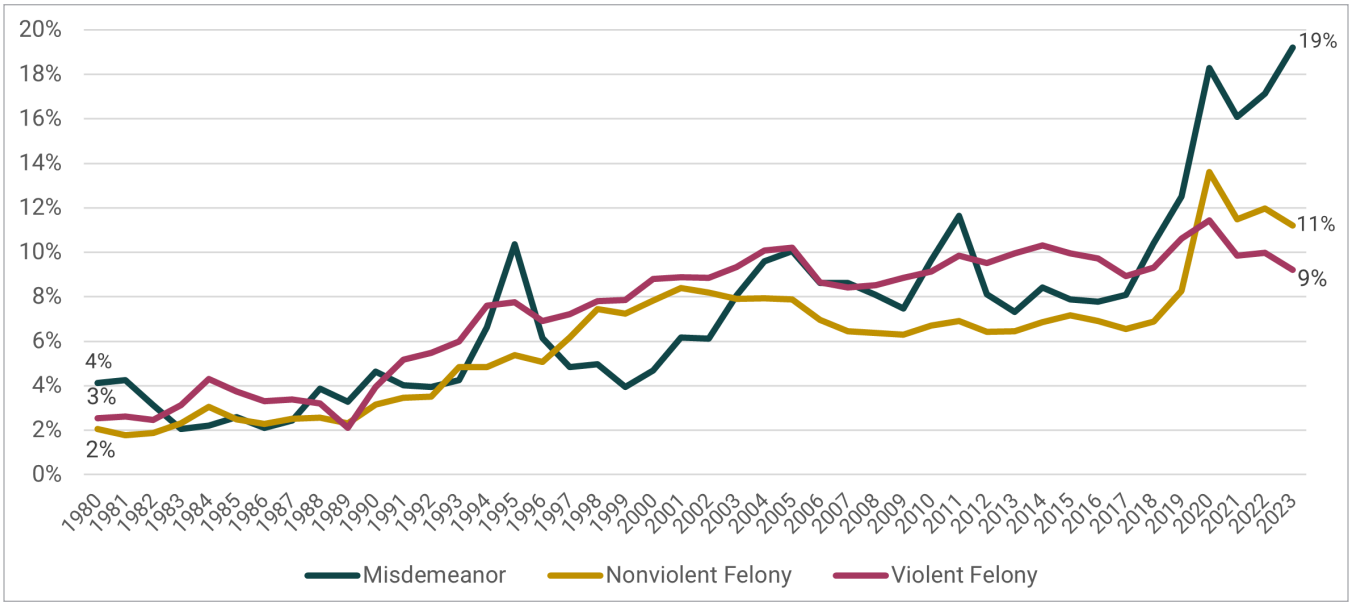
Following an arrest, prosecutors retain the option of declining to file charges with the court. *As noted in Chapter 1, available data solely permits tracking declination rates in New York City.*

CITYWIDE DECLINATION RATES

In 2023, the City's prosecutors declined to file charges with the court on 19% of misdemeanor arrests, 11% of nonviolent felony arrests, and 9% of violent felony arrests, up from 4%, 2%, and 3%, respectively, in 1980 (Exhibit 3.1). Most of the increase took place as recently as 2017. From 2017 to 2019, misdemeanor declinations rose citywide from 8% to 13%, one year prior to a further jump from 13% to 18% in the 2020 pandemic year.

For potentially relevant context, in 2017 and 2018, respectively, the Brooklyn and Manhattan District Attorneys set new policies encouraging prosecutors to decline low-level marijuana and transit fare nonpayment charges.[19] Later in 2021, Manhattan DA Cyrus Vance announced a policy against prosecuting prostitution;[20] and in 2022, newly elected Manhattan DA Alvin Bragg recommended an expanded list of charges for either declination or pre-arrest diversion.[21]

EXHIBIT 3.1
New York City Decline to Prosecute Rates, 1980-2023

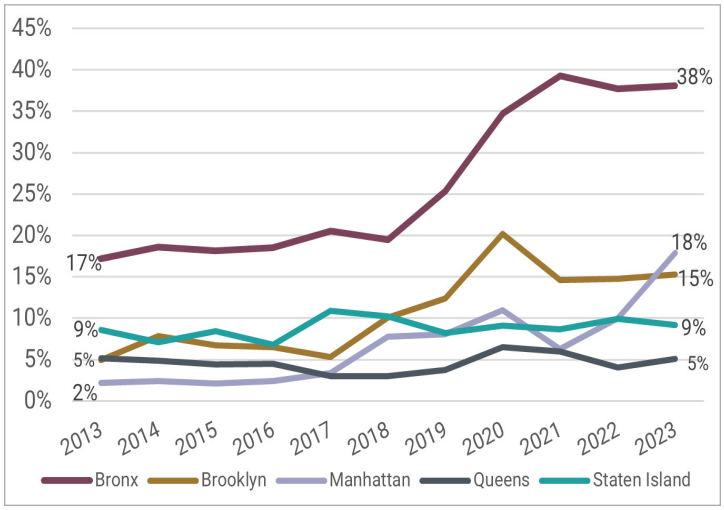


DECLINATION RATES ACROSS THE FIVE BOROUGHS

Exhibit 3.2 isolates declination rates for the City's five borough-based district attorneys' offices from 2013 to 2023.[22]

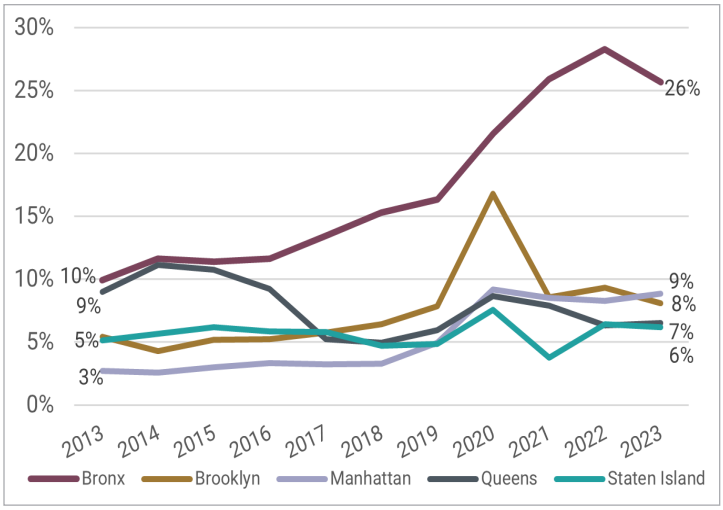
EXHIBIT 3.2
Declination Rates by Borough, 2013-2023

3.2a. Misdemeanor Declination Rates by Borough



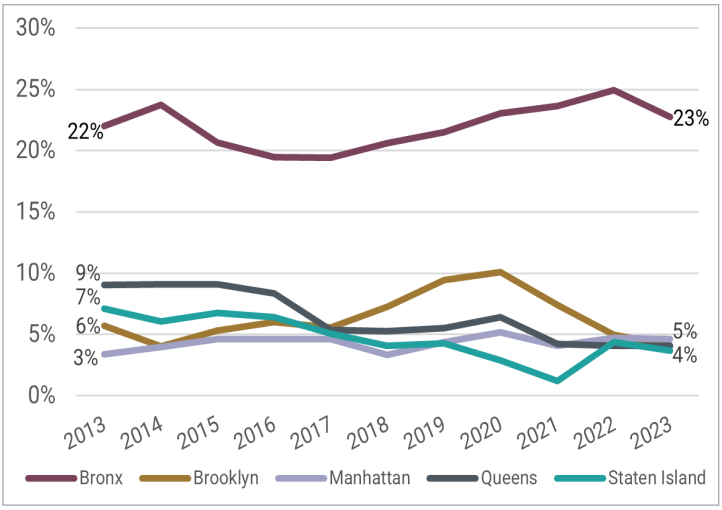
For most of the decade examined, misdemeanor declinations in the Bronx hovered at nearly 20%, about 10 percentage points above the next highest borough. Consistent with the 2017 and 2018 policy announcements of the Brooklyn and Manhattan DA's offices, declination rates increased in those boroughs in 2018. **By 2023, misdemeanor declinations ranged from 38% in the Bronx, to 18% in Manhattan, to 15% in Brooklyn, 9% in Staten Island, and 5% in Queens.**

3.2b. Nonviolent Felony Declination Rates by Borough



Concerning declinations for nonviolent felonies, the Bronx again had the highest rate of any borough throughout the decade examined. Declinations during the 2020 pandemic year primarily spiked in the Bronx and Brooklyn, with Brooklyn—but not the Bronx--returning to about its pre-pandemic level in 2021. **In 2023, the Bronx had a declination rate of 26%, Manhattan had a rate of 9%, Brooklyn was 8%, Queens 7%, and Staten Island 6% (Exhibit 3.2b).**

3.2c. Violent Felony Declination Rates by Borough



In general, the City's District Attorneys decline violent felony arrests at a significantly *lower* rate than less serious offenses. The violent felony declination rate in the Bronx gradually climbed both *before and after the pandemic*—from 19% in 2017 to a high of 25% in 2022. Small fluctuations notwithstanding, violent felony declinations in the other four boroughs ranged from 3% to 9% over nearly the entire decade examined. **In 2023, the Bronx landed at 23%, while all four other boroughs landed from only 4% to 5% (Exhibit 3.2c).**

DECLINATION RATES FOR SPECIFIC MISDEMEANOR CHARGES

The data makes clear that prosecutors shifted towards declining four specific types of misdemeanors to a far greater extent than any others:

1. **Transit fare nonpayment** (PL 165.15[3]).
2. **Low-level marijuana possession** (until its legalization in 2021, PL 221.10 and 221.15).
3. **Prostitution and loitering for prostitution** (PL 230.00 and 240.37).
4. **Criminal trespass in the third degree** (PL 140.10), which essentially involves remaining unlawfully on private property.

The four above charge types accounted for nearly 90,000 arrests in 2010, representing 36% of misdemeanor arrests citywide. Transit fare nonpayment and the two marijuana charges alone accounted for 31% of misdemeanor arrests in 2010. By 2017, there were less than half as many arrests for these charges (just over 42,000). By 2023, they fell to 6,404 arrests (including zero for marijuana possession), making up only 6% of misdemeanor arrests.

On arrests that police continued to make, DA policies since 2017 shifted substantially in the Bronx, Brooklyn, and Manhattan, but less so in the other two boroughs (Exhibit 3.3).

- **Transit Fare Nonpayment:** In 2018, declinations for transit nonpayment began increasing in the Bronx, Brooklyn, and Manhattan, while there was no clear change in the other boroughs. While the Bronx (90%) and Manhattan (88%) reached their highest declination rates in 2023, Brooklyn peaked at 68% in 2020 before plummeting to 10% in 2023—indicating a reversal towards prosecuting transit nonpayment in the Brooklyn DA's Office.

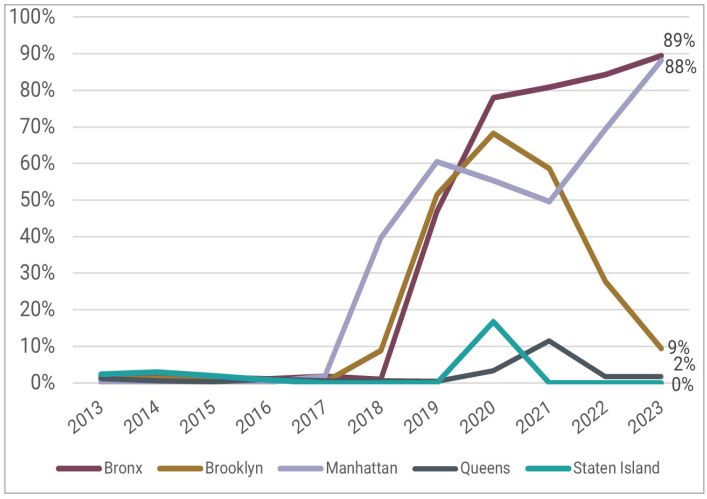
- **Criminal Trespass:** From 2019 to 2023, third-degree trespass declinations rose in the Bronx, Brooklyn, and Manhattan. Manhattan landed with the highest 2023 declination rate (36%).

- **Marijuana Possession:** Marijuana declinations began rising in 2018 in Brooklyn and Manhattan. Bronx declinations started rising in 2019, and declinations rose in Queens and Staten Island starting in 2020. In early 2021 just prior to legalization, the Bronx declined 63% of marijuana cases, 25 percentage points more than the next highest borough.

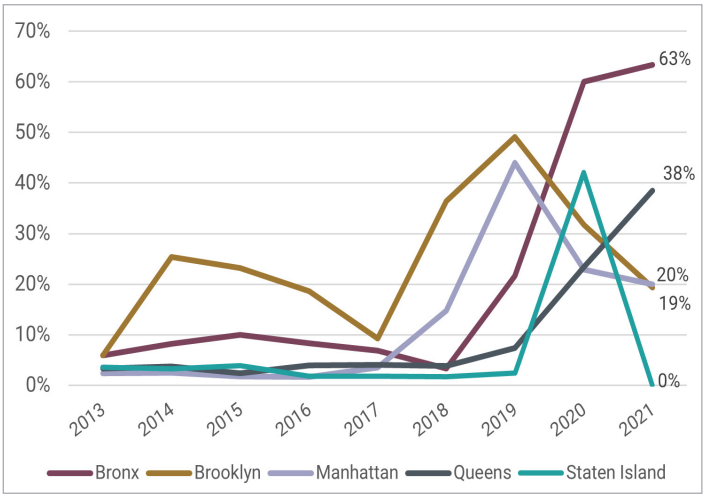
- **Prostitution:** Citywide, declinations for prostitution skyrocketed from 2% in 2019 and 5% in 2020 to 21% three years later in 2023. Queens was the only borough without an uptick in prostitution declinations. In 2023, Manhattan and Bronx declined 100% of these arrests, while Brooklyn declined 87%, and Queens and Staten Island fell below 2%.

EXHIBIT 3.3

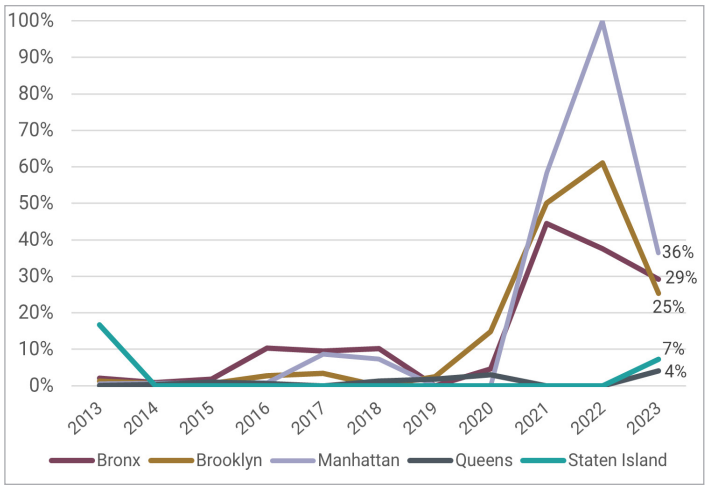
3.3a. Transit Nonpayment



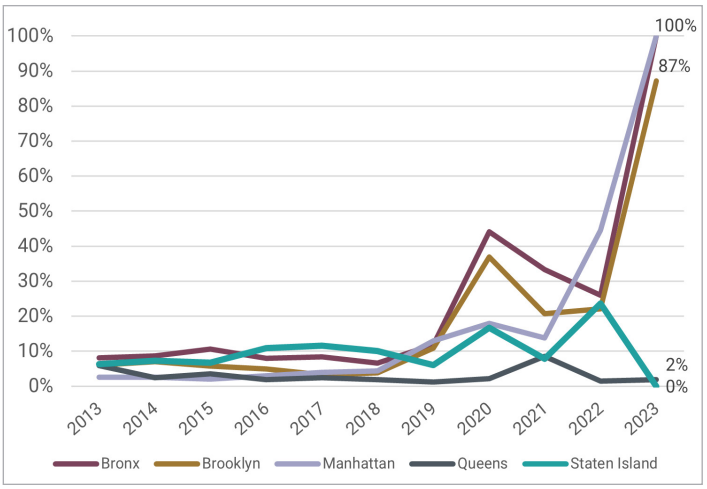
3.3b. Marijuana Possession (up to 2021)



3.3c. Criminal Trespass (3rd degree)



3.3d. Prostitution



Chapter 4. Case Dispositions and Carceral Sentences

In New York, alternative to incarceration programs spread rapidly starting in the mid to late 1990s. In 2000, the State's Commission on Drugs and the Courts recommended making drug treatment in lieu of incarceration available statewide,[23] leading then Chief Judge Judith Kaye to order the establishment of a drug court in all 62 counties. In the years that followed, many counties added mental health courts for people with behavioral disorders not related to drugs.[24]

Then in 2009, Rockefeller Drug Law Reform created new pathways to drug treatment.[25] Meanwhile, local jurisdictions—especially in New York City—invested in a range of other alternative to incarceration models.[26] Though not rigorously tested in the present study, it is also likely that the State's 2020 bail reform law depressed conviction rates and carceral sentences, given prior research linking pretrial release to less punitive case outcomes.[27] This chapter traces actual trends in case dispositions and sentencing since 1980.[28]

For some purposes, we isolate rates of "criminal convictions," which omit cases pled down to a non-criminal violation, infraction, or other lesser charge that is not legally defined as a "crime." The reason for focusing on criminal convictions is that they create a public record and can result in detrimental collateral consequences extending over many years, whereas violation or lesser convictions are swiftly sealed.

CASE DISPOSTITIONS FROM 1980 TO 2023

The results shown in **Exhibit 4.1** and **Exhibit 4.2** point to the following findings.

Misdemeanor: Over the more than four decades examined, a declining percentage of misdemeanor arrests resulted in a misdemeanor conviction (from 38% in 1980 to 17% in 2023 for the entire State). By region, misdemeanor convictions dropped from 46% in 1980 to 8% in 2023 in New York City and from 37% to 26% in upstate. Suburban NYC saw an increase from 1980 (22%) to 1990 (41%) before dropping to 17% in 2023.

Nonviolent Felonies: Similarly, for nonviolent felony arrests, there was also a decline in criminal convictions for either a felony or reduced misdemeanor charge from 58% in 1980 to 39% in 2023—including a much larger drop from 54% to 19% in New York City. In the suburbs and upstate, there was little change until the 2019-to-2023 period at the tail end of the tracking period, which saw a 10-percentage point drop in the suburbs (63% to 53%) and 6-point drop in upstate (70% to 64%).

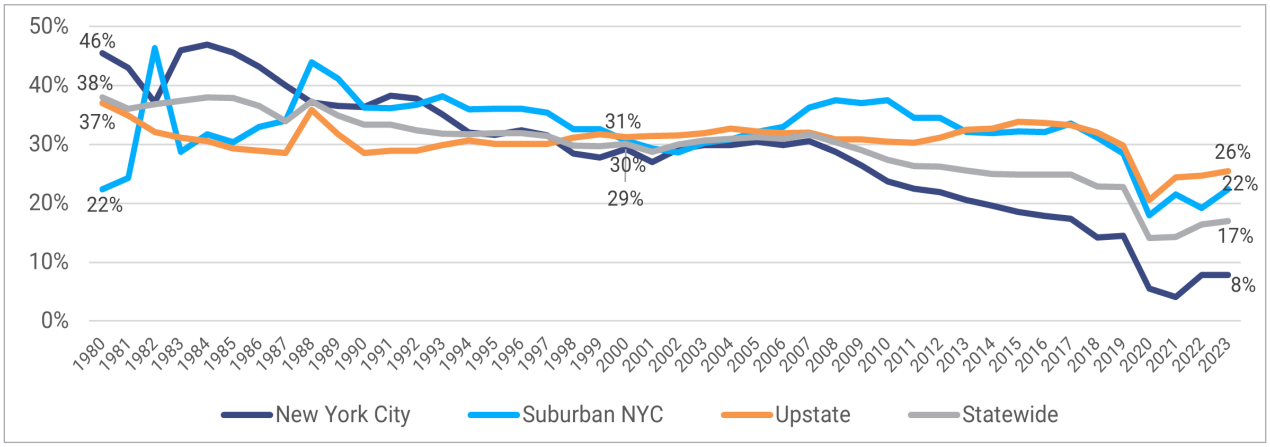
Violent Felonies: On balance, there was virtually no statewide change in criminal convictions among prosecuted violent felony arrests. From 1980 to 2023, the criminal conviction rate declined from 35% to 30% in New York City, while increasing from 50% to 59% in the suburbs and increasing from 55% to 66% in upstate.

Adjournments in Contemplation of Dismissal: Over the years examined, courts in all regions increased their use of adjournments in contemplation of dismissal (ACDs). ACDs are nearly always dismissed six or 12 months later (depending on the charge). Yet they afford prosecutors the option of reopening the case, for instance in response to an arrest on a new charge or to noncompliance with social or community service conditions. Courts in the suburbs saw an especially large increase in ACDs, from 9% to 26% of misdemeanors and 1% to 11% of nonviolent felonies from 1980 to 2023 **(Exhibit 4.2).**

Straight Dismissals: The trends for straight dismissals generally varied by region and charge. From 1980 to 2023, dismissals declined for all charge severities, except misdemeanors in the suburbs (which remained nearly the same). In New York City, dismissals sharply increased among misdemeanors (13% to 47%) and nonviolent felonies (22% to 43%), while modestly increasing among violent felonies (46% to 51%).

COVID-19: Across all charge severities and regions, there was a sharp drop in criminal convictions during the second quarter of 2020, corresponding with early pandemic court shutdowns. By 2023, conviction rates remained lower than in 2019, while returning to about what they had been in the first quarter of 2020 (pre-COVID) (**Exhibit 4.3**).

EXHIBIT 4.1
Criminal Conviction Rates, 1980-2023
4.1a. Misdemeanor Conviction Rates on Prosecuted Misdemeanor Arrests



4.1b. Felony or Misdemeanor Conviction Rates on Prosecuted Nonviolent Felony Arrests

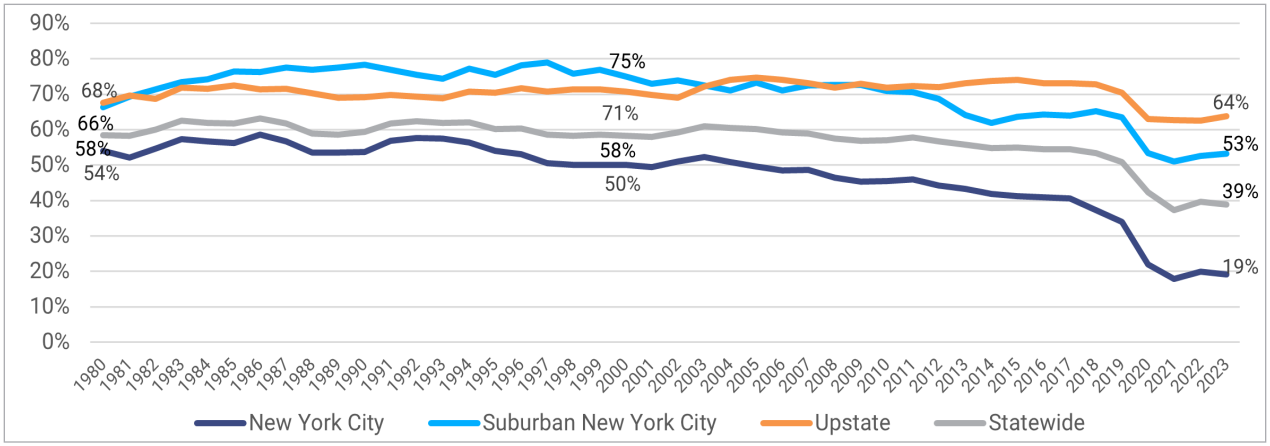


Exhibit 4.1c. Felony or Misdemeanor Conviction Rates on Prosecuted Violent Felony Arrests

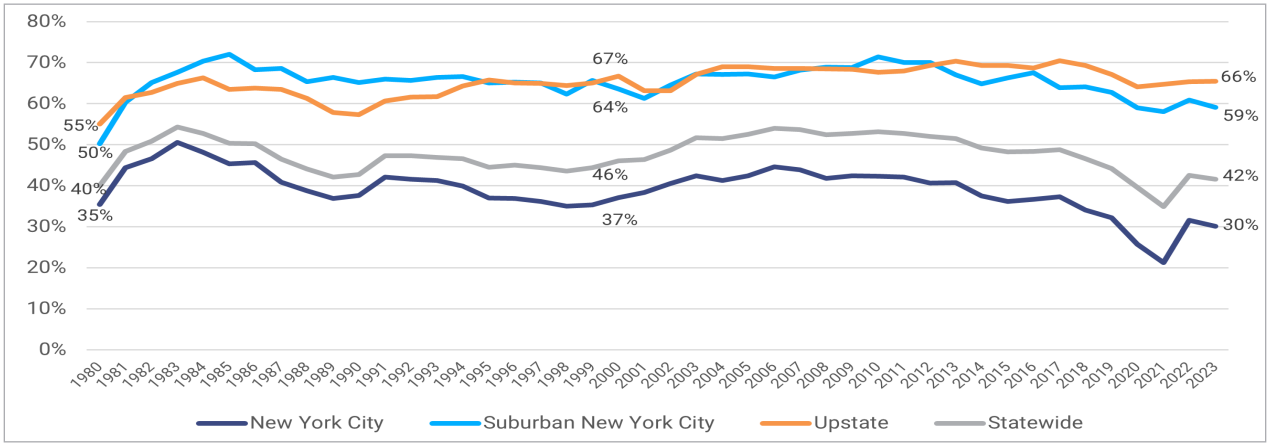


EXHIBIT 4.2
Case Dispositions in 1980, 2000, and 2023

	NEW YORK CITY (NYC)			SUBURBAN NYC			UPSTATE		
	1980	2000	2023	1980	2000	2023	1980	2000	2023
MISDEMEANOR	39,560	207,418	75,567	15,056	36,015	24,171	57,038	121,319	66,052
Criminal Conviction	46%	29%	8%	22%	31%	22%	37%	31%	26%
Violation Conviction	30%	33%	18%	54%	45%	33%	34%	35%	34%
ACD	11%	27%	28%	9%	17%	26%	10%	21%	25%
Dismissal	13%	11%	47%	16%	6%	19%	19%	13%	15%
NONVIOLENT FELONY	31,003	70,755	40,955	4,808	11,551	9,288	10,807	31,345	27,053
Criminal Conviction	53%	50%	19%	67%	75%	53%	66%	71%	64%
Violation Conviction	18%	19%	20%	11%	15%	25%	8%	9%	13%
ACD	7%	9%	19%	1%	3%	11%	4%	6%	10%
Dismissal	22%	22%	43%	20%	7%	11%	22%	13%	13%
VIOLENT FELONY	17,010	33,331	27,422	1,778	4,381	3,516	3,901	10,832	10,666
Criminal Conviction	35%	38%	30%	49%	63%	59%	55%	66%	66%
Violation Conviction	12%	13%	10%	10%	14%	19%	6%	8%	8%
ACD	7%	12%	8%	1%	6%	7%	2%	6%	8%
Dismissal	46%	37%	51%	41%	17%	15%	37%	20%	19%

Note: A criminal conviction encompasses either a conviction on a felony or misdemeanor charge.

EXHIBIT 4.3
Criminal Conviction Rate by Quarter from 2019 to 2023

4.3a. Criminal Conviction Rates on Misdemeanor Arrests

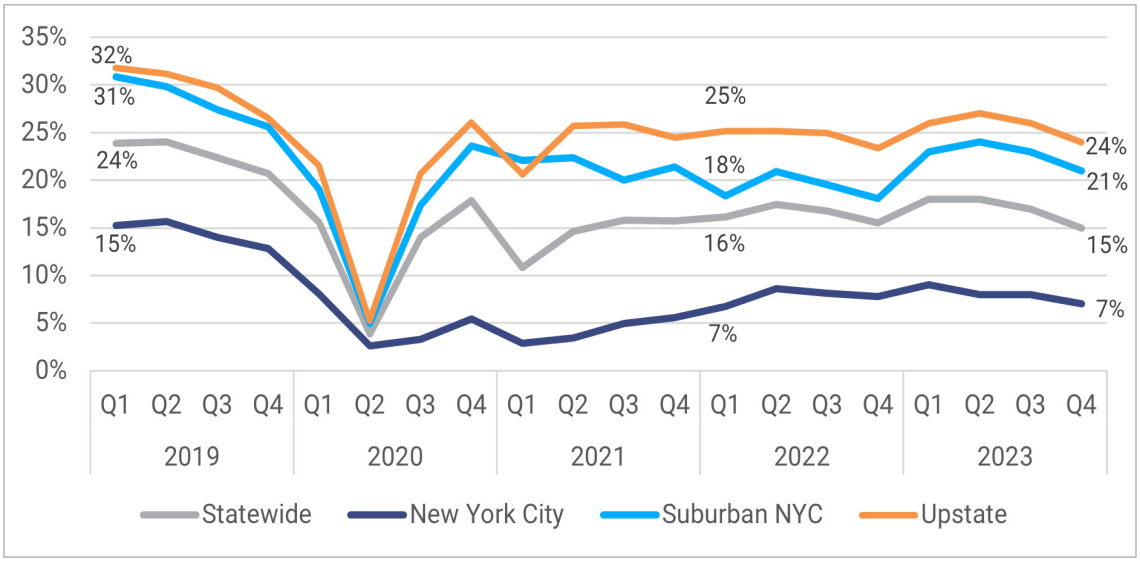
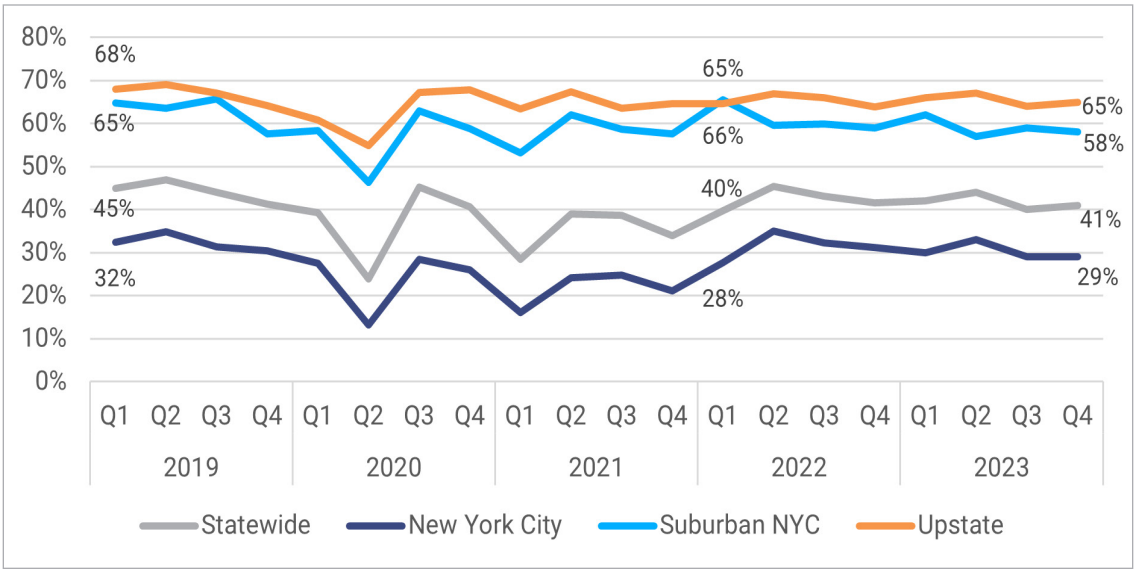
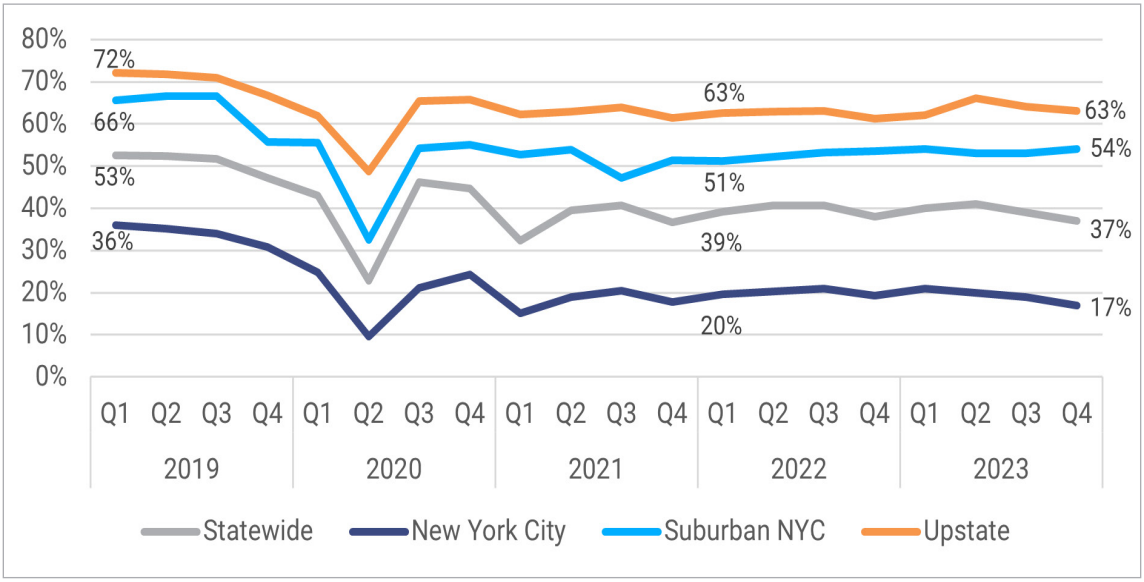


EXHIBIT 4.3
Criminal Conviction Rate by Quarter from 2019 to 2023

4.3b. Criminal Conviction Rates on Nonviolent Felony Arrests



4.3c. Criminal Conviction Rates on Violent Felony Arrests



Sentencing from 1980 to 2023

Sentencing results are presented for cases ending in any type of conviction, with charge distinctions referring to the *initial* charge at the point of arrest. The results in **Exhibit 4.4** (1980, 2000, and 2023) point to the following findings.

Misdemeanor Arrests: By 2023, approximately 10% of people whose misdemeanor arrest ended in a conviction received a jail sentence. Shown below, in all regions the use of jail was highest in 2000 (compared to 1980 and 2023). By 2023, jail sentences were imposed in 8% of NYC, 11% of suburban, and 10% of upstate convictions.

Nonviolent Felony Arrests: The use of prison moderately increased across all regions over time. In 1980, prison sentences for nonviolent felony arrests that ended in conviction were 3% in New York City and 5% in the suburbs and upstate. By 2023, such sentences increased to 17% in NYC, 10% in the suburbs, and 15% in upstate. In general, both jail and probation sentences declined from 1980 to 2023. Probation was significantly more common outside than inside New York City across all time periods.

Violent Felony Arrests: In 2023, prison was the most common sentence for violent felony arrests that ended in a conviction across all regions (31% in NYC, 27% in the suburbs, and 41% in upstate). The use of prison in these cases increased over time in all regions; conversely, the use of jail and probation modestly declined in all regions.

EXHIBIT 4.4
Sentencing in 1980, 2000, and 2023 (Court Cases Ending in Conviction)

	New York City			Suburban NYC			Upstate New York		
	1980	2000	2023	1980	2000	2023	1980	2000	2023
MISDEMEANOR									
Jail*	14%	20%	8%	10%	18%	11%	10%	15%	10%
NONVIOLENT FELONY									
Prison	3%	17%	8%	5%	10%	8%	5%	15%	15%
Jail	28%	19%	11%	21%	21%	18%	19%	15%	15%
Jail/Prob. Split	1%	5%	1%	9%	12%	4%	7%	12%	6%
Probation	13%	11%	5%	33%	26%	15%	30%	27%	21%
Other**	56%	48%	76%	32%	31%	56%	39%	31%	44%
Any Incarceration	***32%***	***41%***	***20%***	***35%***	***43%***	***30%***	***31%***	***42%***	***36%***
VIOLENT FELONY									
Prison	16%	27%	31%	13%	20%	27%	15%	27%	41%
Jail	21%	17%	13%	21%	18%	14%	25%	17%	10%
Jail/Prob. Split	2%	6%	2%	10%	13%	6%	8%	14%	6%
Probation	17%	14%	10%	28%	21%	15%	25%	20%	18%
Other**	44%	37%	43%	29%	28%	38%	28%	23%	25%
Any Incarceration	***39%***	***50%***	***46%***	***44%***	***51%***	***47%***	***48%***	***58%***	***51%***

* To simplify the presentation for misdemeanors, prison and jail/probation split sentences are included under "jail." Prison and split sentences were each, respectively, at or less than 1% of all sentences resulting from misdemeanor arrests ending in conviction.
**Other" sentences primarily consist of direct parole, conditional discharge, fine, and license suspension.

Chapter 5. Racial Disparities in Arrests and Incarceration

This chapter examines racial and ethnic disparities in arrests and incarceration, respectively. Available data permitted creating categories for Black, Hispanic, white, Asian, and additional groups. This chapter focuses on the first three groups, given that the combined fraction of arrests for Asian and additional groups was less than 5%.

RACIAL AND ETHNIC DISPARITIES IN ARRESTS

Spanning all years and regions, Black and Hispanic people were overrepresented and white people underrepresented in their arrest numbers (Exhibits 5.1 and 5.2).[1]

Arrest Rates and Rate Ratios

Portions of the analysis present racial and ethnic differences as **arrest rates**, defined in relation to each group's general population size. Also shown in certain graphs below, a **rate ratio** is the difference in the arrest rate between two groups of interest. For example, a Black-white rate ratio of 3.00 for arrests means that a Black person is three times more likely to be arrested than a white person after controlling for differences in each group's general population size. Unequal arrest rates may stem from differences in law enforcement practices (e.g., targeted policing in disproportionately Black or Hispanic neighborhoods), overt or implicit racial biases, or manifestations of historic and structural discrimination. A causal analysis is beyond the scope of the current report.

Arrest Disparities in 2023

The State's three regions all saw significant Black-white and Hispanic-white disparities.

- **New York City:** *Black and Hispanic people accounted for a combined 82% of misdemeanor and 86% of felony arrests in 2023, while accounting for only 49% of the NYC population.* Relative to their general population numbers, Black people were arrested at a rate 6.0 times higher than white people for misdemeanors and 8.4 times higher for felonies in 2023; Hispanic people were arrested at rates 4.0 and 4.6 times higher than white people for misdemeanors and felonies, respectively.

- **NYC Suburbs:** *Black and Hispanic people accounted for a combined 63% of misdemeanor and 71% of felony arrests in 2023, while accounting for only 31% of the suburban population.* Closely mirroring the disparities found in New York City, Black people in the suburbs were arrested at rates 5.0 times higher than white people for misdemeanors and 9.0 times higher for felonies; Hispanic people were arrested at rates 3.0 and 3.8 times higher than white people for misdemeanors and felonies, respectively.

- **Upstate:** Upstate saw disparities less steep than in the other two regions. Black people were arrested at rates 4.1 times higher than white people for misdemeanors and 6.8 times higher for felonies in 2023; Hispanic people were arrested at rates 1.8 and 2.2 times higher than white people for misdemeanors and felonies, respectively.

[1] Paradoxically, the magnitude of racial and ethnic disparities is larger in each of the three regions than for the State, overall. This is possible, because the suburbs and upstate have higher arrest rates and a higher percentage of white people than the rest of the State; higher arrest rates in the regions where more white people live create the appearance of lower racial disparities. To avoid conflating regional and racial disparities, this chapter does not present statewide results, though they are available in **Appendix C**.

Arrest Disparities from 1990 to 2023

Shown in **Exhibit 5.3a**, racial disparities in *misdemeanor arrest rates* varied comparatively little in New York City and upstate when comparing 1990 to 2023. The suburban region, however, saw significant fluctuations. Black people in the suburbs were 6.2 times more likely than white people to be arrested for a misdemeanor in 1990, dropping to 4.2 times more likely in 2000, and rising to 5.0 times more likely in 2023. Hispanic people in the suburbs were 2.3 times more likely to be arrested for a misdemeanor in 1990, falling to 0.6 in 2000, and rising to 3.0 in 2023.

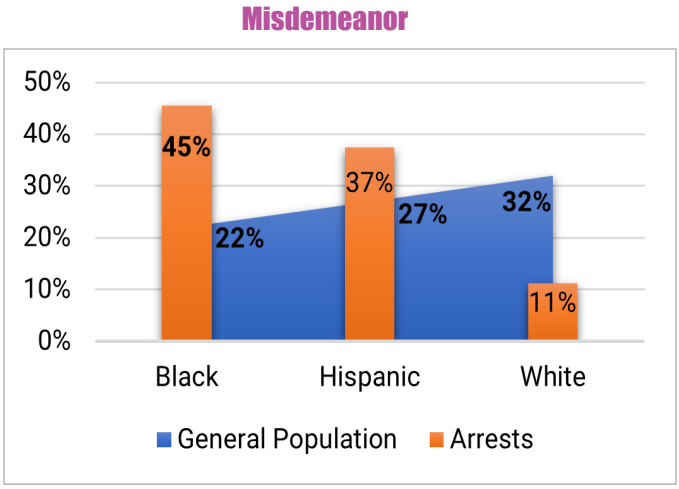
Shown in **Exhibit 5.3b**, racial disparities in *felony arrest rates* declined on most metrics examined. In New York City, Black people went from 10.9 times more likely than white people to be arrested for a felony in 1990 to 8.4 times more likely in 2023; between those years, Hispanic people went from 9.4 to 4.6 times more likely to be arrested for a felony. Although Hispanic-white disparities rose modestly in the suburban region, Black-white disparities declined; similarly, Hispanic-white disparities rose modestly in upstate, while Black-white disparities declined.

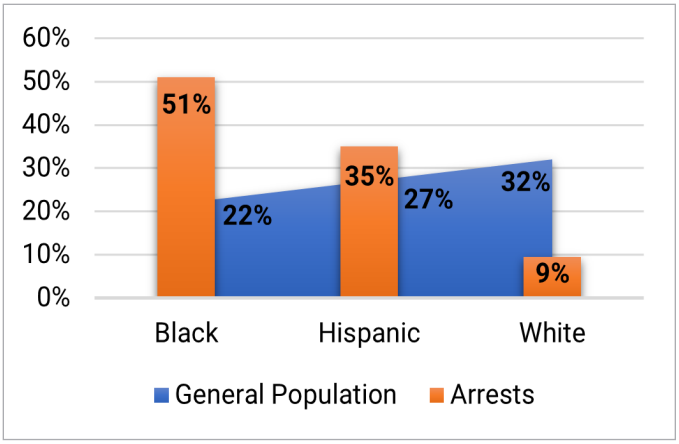
From 1990 to 2023, notwithstanding a pattern of shrinking Black-white disparities in all regions, they remained considerable nonetheless, with Black people arrested from 6.8 (in upstate) to 9.0 (in the suburbs) times more than white people for a felony. On balance, the data in **Exhibit 5.3b** points to smaller disparities impacting Hispanic people and less change over the years.

Much as was the case among misdemeanor arrests, the suburban region saw an especially sizable drop in both Black-white and Hispanic-white disparities from 1990 to 2000, followed by an increase from 2000 to 2023 (see the line charts for each region in **Exhibit 5.3b**).

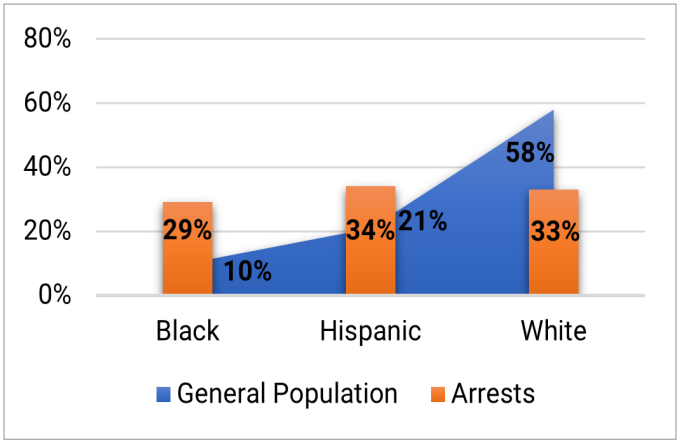
EXHIBIT 5.1
Racial Makeup of Arrests vs. General Population in 2023

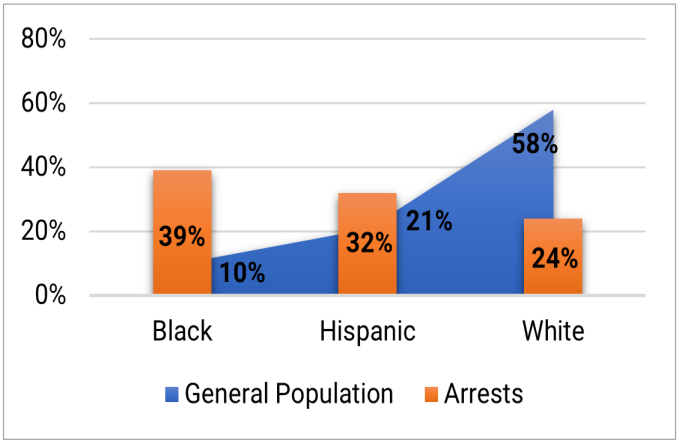
5.1a. New York City



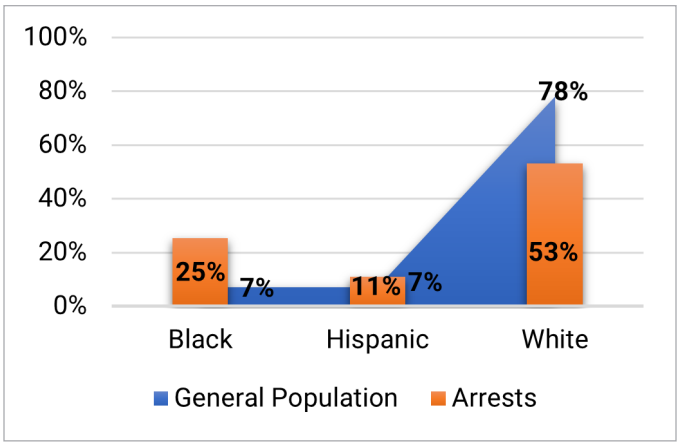


5.1b. NYC Suburbs





5.1c. Upstate



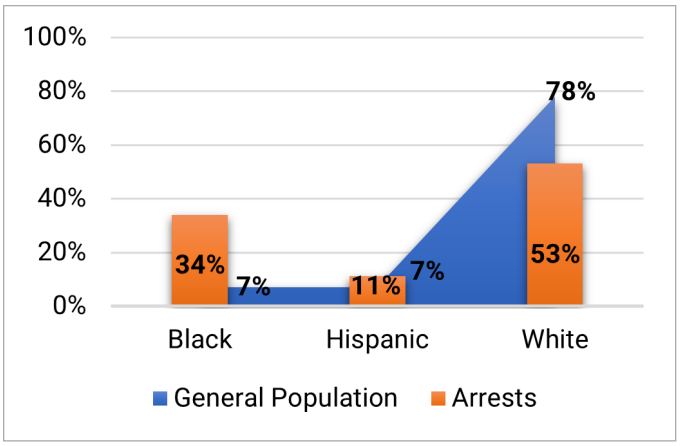


EXHIBIT 5.2
Arrest Rate Ratios for Black, Hispanic, and White People in 2023

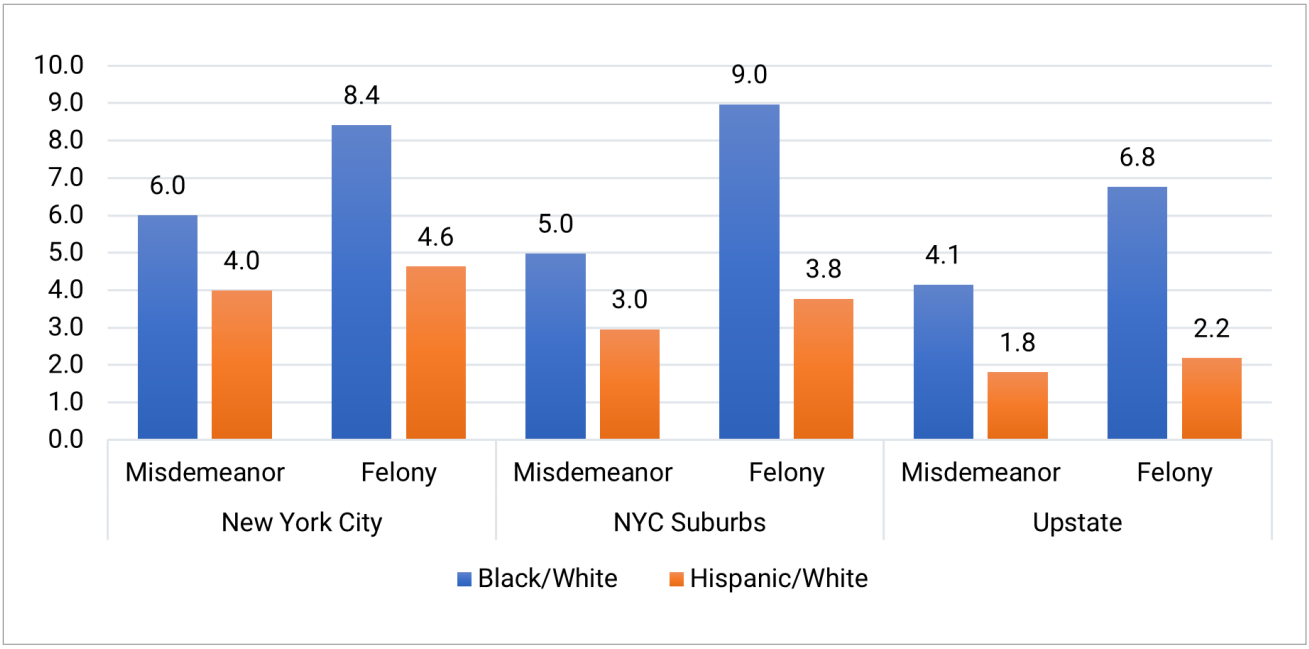
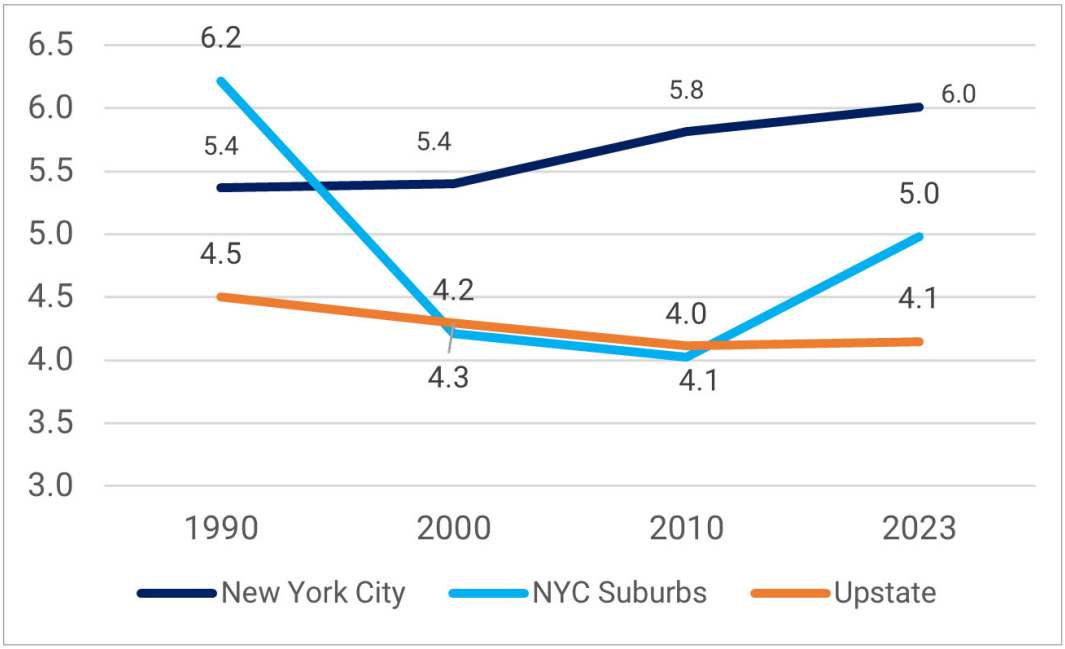


EXHIBIT 5.3a.
Rate Ratios for Misdemeanor Arrests Over Time Across Regions

Black/White Rate Ratios



Hispanic/White Rate Ratios

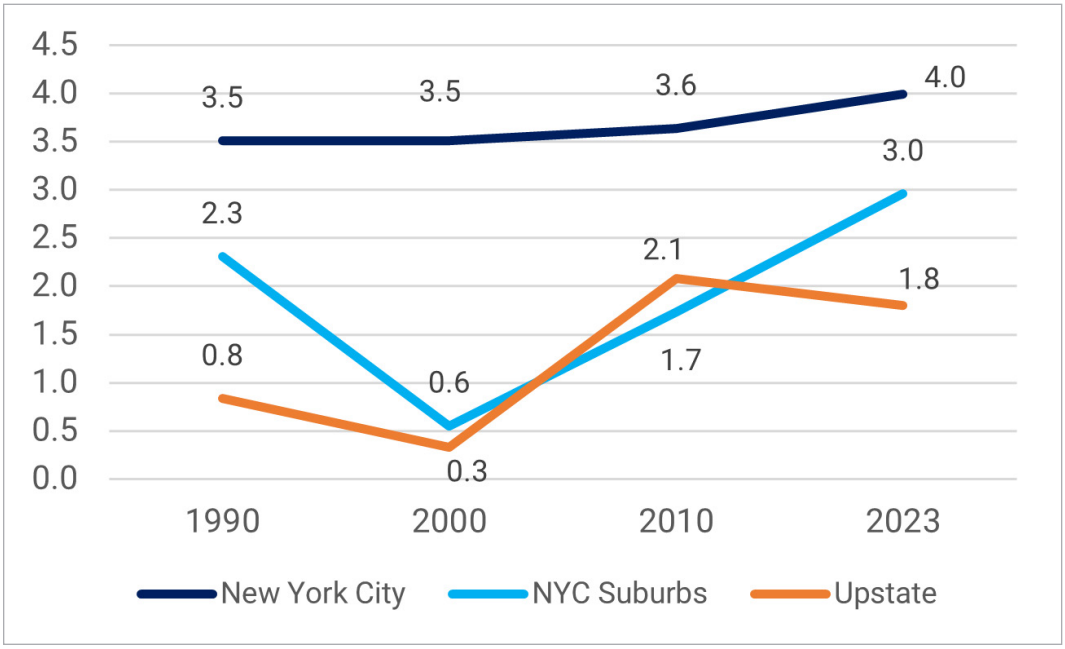
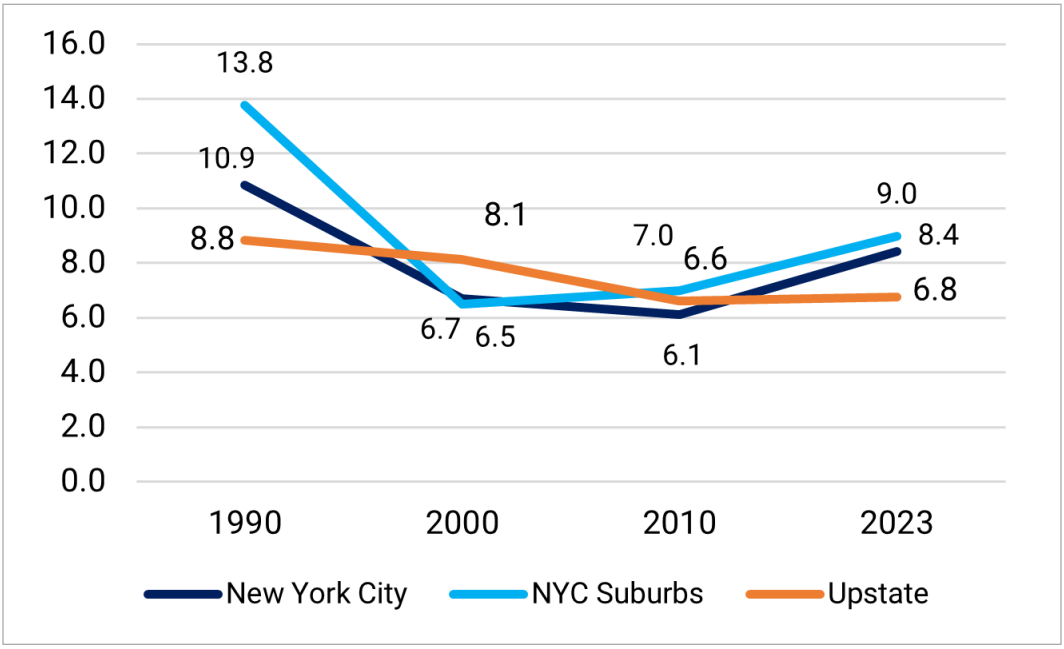
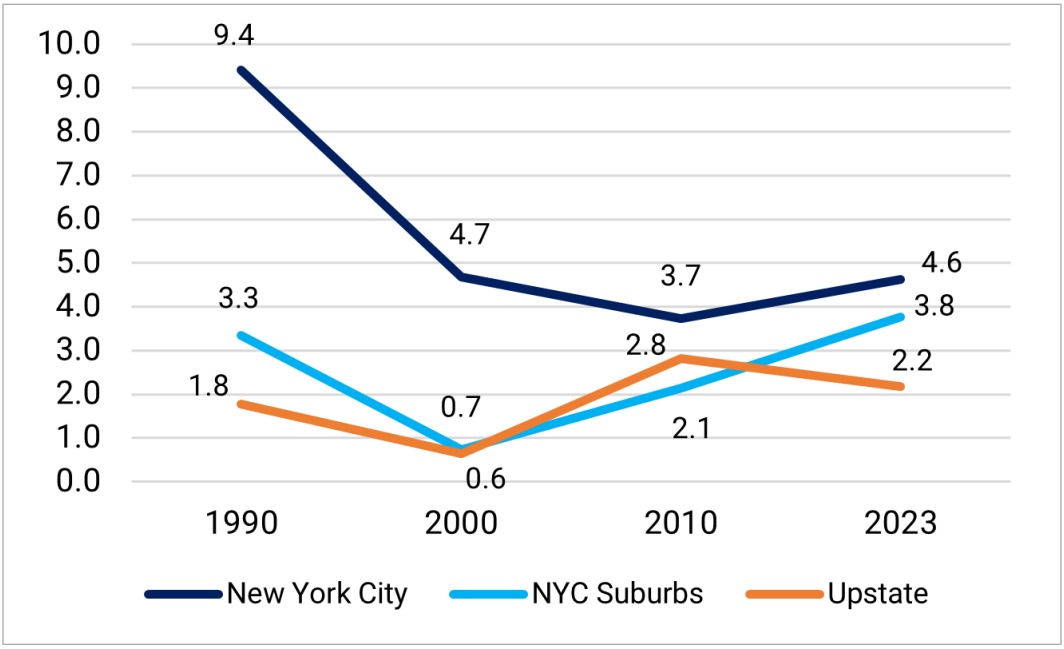


EXHIBIT 5.3b.
Rate Ratios for Felony Arrests Over Time Across Regions

Black/White Rate Ratios



Hispanic/White Rate Ratios



Racial Disparities and the Role of Law Enforcement

The drivers of racial disparities in enforcement are multifaceted, encompassing individual officer biases, strategic deployment of police resources, and broader socio-political and economic policies. Racially disproportionate arrest rates might, but do not fully or necessarily, reflect biased policing, nor do they necessarily reflect a differential likelihood of illegal activity. Research continues to attempt to distinguish the impact of racial bias in policing from broader systemic biases rooted in U.S. institutions and policies, which disproportionately impact communities of color, leading to higher poverty rates and increased interaction with law enforcement.[29]

Some studies have demonstrated that racial bias plays a significant role in traffic enforcement disparities, with Black drivers more likely to be stopped and searched than their white counterparts,[30] despite similar rates of contraband found.[31]

Other research has highlighted that predominantly Black communities often face higher poverty rates, limited economic mobility, and elevated rates of violent crime,[32] leading to a heightened police presence.[33] This increased policing in economically marginalized neighborhoods raises the likelihood of enforcement actions for minor offenses,[34] exacerbating racial disparities in arrests.

In general, while causality is complicated with all types of offenses, racial disparities are more plausibly attributable in part to misdemeanor than felony enforcement. Felony arrests tend to result more often from police responding to specific complaints or reports of serious crimes, which leaves little room for discretion. In contrast, many misdemeanor arrests do not have a civilian complainant or involve minor offenses where officers have greater discretion in deciding whether to arrest someone.

To develop targeted interventions that promote equity, it is important for future research to continue seeking to identify the most significant contributing factors, including implicit or overt bias within policing practices or deployment strategies, the impact of socioeconomic conditions, and historic or entrenched biases in other social institutions.

RACIAL AND ETHNIC DISPARITIES IN SENTENCING

Having established racial disparities at the point of arrest, there are two ways of measuring disparities at sentencing. First, one can include in the denominator *all arrests* reaching a final court disposition. This is the approach taken by the State's Division of Criminal Justice Services (except DCJS expands the denominator even farther to include arrests declined for prosecution that never reached court).[35] Second, one can isolate cases ending in a conviction. The second approach was adopted in the previous chapter on sentencing outcomes for all groups combined. Here, it offers the disadvantage of bypassing disparities that might exist in conviction rates but the advantage of isolating disparities specifically at the sentencing decision-point. We used both methods. Because the substantive findings mirrored each other, the results below are for cases ending in a conviction. (See **Appendix D** for results including other dispositions in the denominator.)

Racial Disparities in Misdemeanor Cases

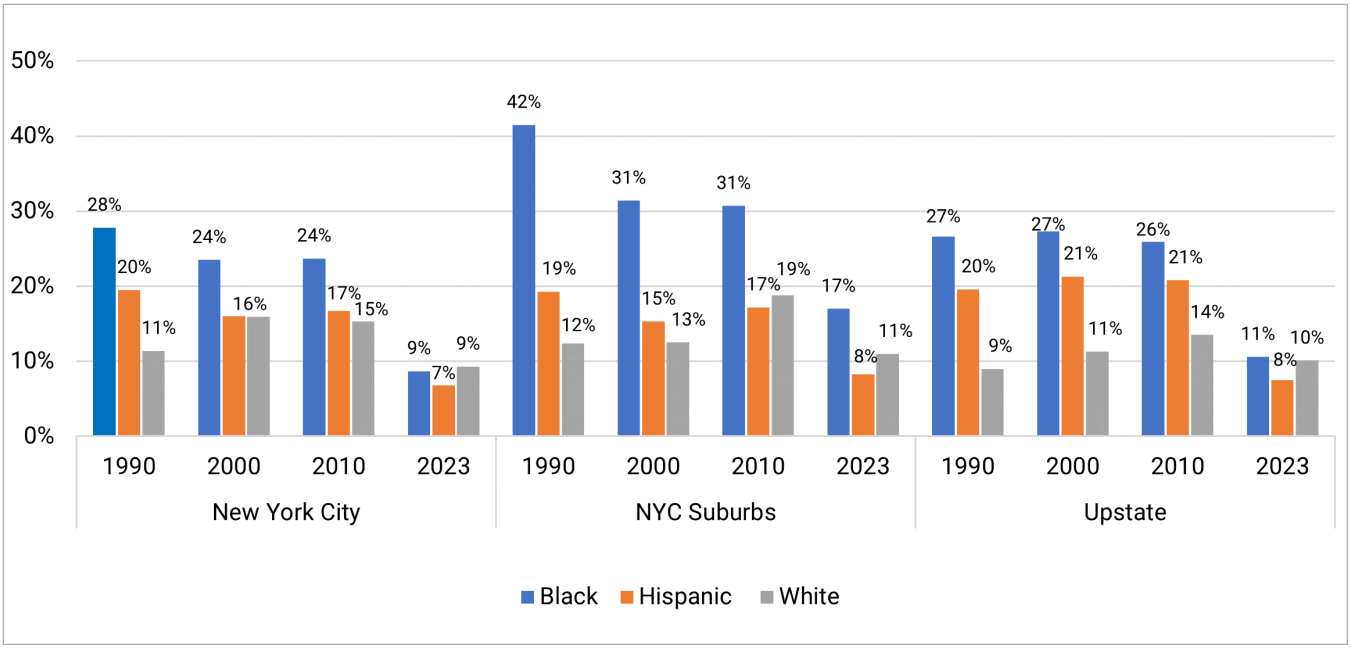
Spanning nearly all regions and years examined, Black people were sentenced to jail at the highest rate of any group among convicted cases initially arrested on a misdemeanor. However, results also point to shrinking disparities from 1990 to 2023—and marginal racial differences in New York City and upstate by 2023 (Exhibit 5.4).

- **New York City:** In 1990, the rate of NYC jail sentences was 28% for Black, 20% for Hispanic, and 11% for white people (a Black-white gap of 17 percentage points). By 2023, the difference in jail sentences became negligible (respectively, 9%, 7%, and 9%).

- **NYC Suburbs:** Similarly, the suburbs saw the widest disparity in 1990: jail sentences at 42% for Black, 19% for Hispanic, and 12% for white people (a Black-white gap of 30 percentage points). Black people continued to receive jail disproportionately in all other years, though the gap decreased (to 17%, 8%, and 11%, respectively, in 2023).

- **Upstate:** The upstate results mirror New York City's: a 1990 rate of jail sentences of 27% for Black, 20%, for Hispanic, and 9% for white people, shrinking to 11%, 8%, and 10%, respectively, by 2023.

EXHIBIT 5.4
Racial Differences in Sentencing: Cases Convicted After a Misdemeanor Arrest



Racial Disparities in Felony Cases

This analysis is more complicated, because both a prison and jail sentence involve incarceration - although prison time runs for at least a year and potentially far longer. **Exhibit 5.5** presents percentages receiving both carceral sentences, stacked to show their combined total. The summary below focuses on the imposition of prison.

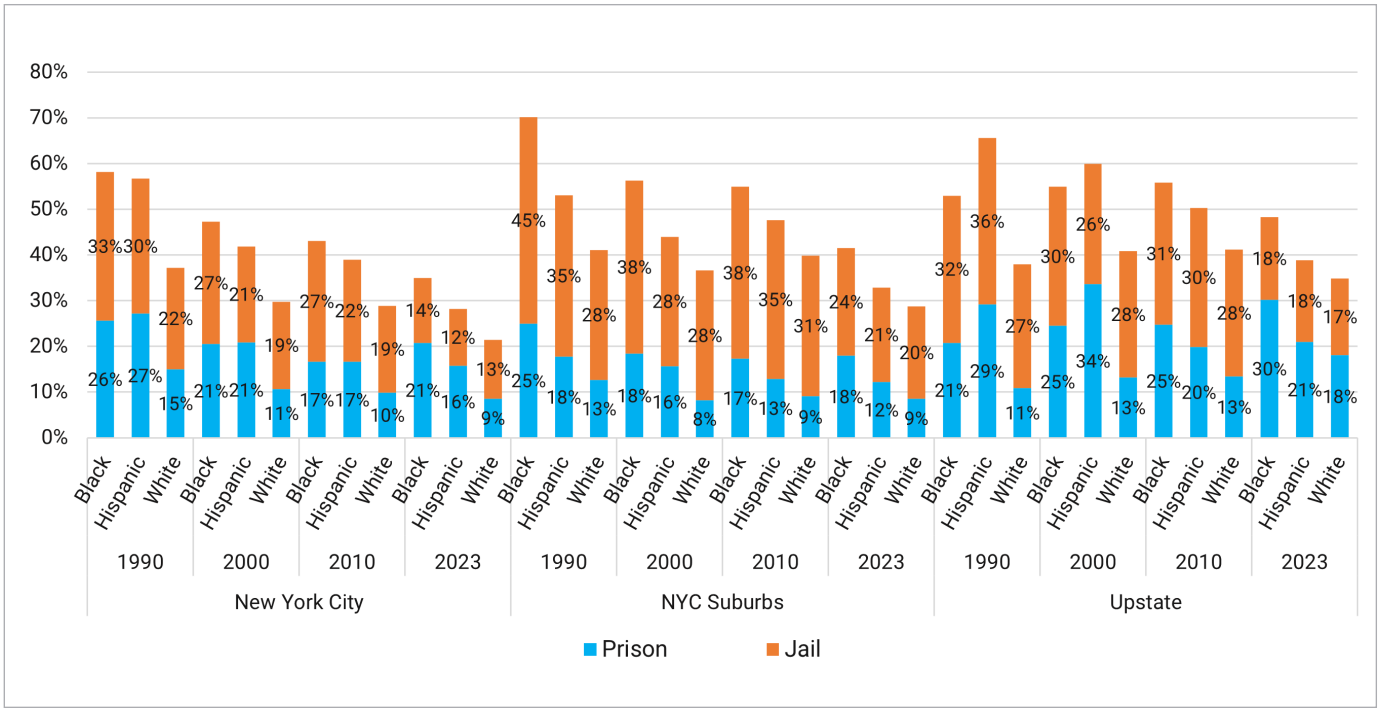
In general, criminal convictions from a felony arrest saw far less attenuation in racial disparities than seen with misdemeanors. White people are the least likely group to receive a state prison sentence spanning all three regions and all four time periods.

- **New York City:** Across all years represented, white people received prison time significantly less than Black or Hispanic people. In 2023, 21% of Black, 16% of Hispanic, and 9% of white people received prison—entailing a 12 percentage-point gap between Black and white people (nearly identical to the 11-point gap in 1990).

- **NYC Suburbs:** Results in the suburbs largely mirror New York City. In 2023, 18% of Black, 12% of Hispanic, and 9% of white people received prison—a 9 percentage-point Black white gap only incrementally lower than the 12-point gap in 1990.

- **Upstate:** In 1990, Hispanic people in upstate were most likely group to receive prison time at 29%, compared to 21% for Black and 11% for white people. By 2010, and continuing in 2023, Black people experienced the highest rate of prison sentences, while white people continued to experience the lowest (landing at 30%, 21%, and 18% for Black, Hispanic, and white people, respectively, in 2023).

EXHIBIT 5.5
Racial Differences in Sentencing: Cases Convicted After a Felony Arrest



Chapter 6. Conclusion

Data-driven policymaking and sustained efforts to align practices with the goals of equity, justice, and public safety remain essential to foster a more effective system. By design, this particular report is distinguished by its high-level descriptive approach. It offers an overview of what has changed, while leaving rigorous tests of causality for another day. A separate executive summary at the report's landing page provides a five-page overview of key findings. Several overarching through-lines are worth briefly pointing out.

On balance, the results cast a story of increasing reliance on arrest and incarceration from 1980 to 2000, followed by a shrinking system in the 2000s—with reductions in arrests, increased prosecutorial declinations, and less reliance on incarceration, particularly for low-level and nonviolent charges. These patterns underscore a shift toward a less punitive system, especially in New York City, where the hard data suggests that law enforcement priorities have moved away from low-level offenses like fare evasion, trespass, prostitution, and marijuana possession (until its legalization in 2021). However, key changes since 2000 have not been uniform. The past two to three years have also seen notable upticks in arrests and most measures of criminal convictions.

While causality is difficult to pinpoint, some trends coincide with contextual shifts, including changes in mayoral administrations—highlighting the significant role of policymakers in shaping justice outcomes. At the same time, certain recent fluctuations (such as in arrests in 2020) undoubtedly relate to the COVID-19 pandemic.

Although data was only available in New York City, prosecutorial declinations displayed an especially striking pattern: In the Bronx, Manhattan, and Brooklyn, misdemeanor declinations rose markedly from 2017 to 2023 (both before and after the pandemic), a pattern that applied especially to low-level misdemeanors such as fare evasion or trespass that generally lack a civilian complainant who experienced harm or property loss.

Meanwhile, sentencing trends show less onerous sentences for nonviolent cases, with probation and alternative sanctions becoming more common. However, no comparable shift toward a less punitive approach has occurred when it comes to violent felony cases, where prison sentences increased in all major regions from 1980 to 2000 to 2023.

This report also examined racial and ethnic disparities in arrests and incarceration sentences. On balance, racial disparities remain significant, with Black people the most disproportionately impacted, particularly in urban areas including New York City and its suburbs. A finer examination, however, does not reveal a uniform pattern and shows select signs of progress. For instance, the data point to shrinking Black-white disparities in felony arrest rates, amid little change in misdemeanor arrest rates. Conversely, racial disparities at the sentencing stage declined among misdemeanors, alongside little change in the imposition of prison time among felonies.

The upshot remains that while the footprint of the criminal legal system has significantly contracted over the past two decades, New Yorkers do not yet have the level of equity they deserve—a vital challenge for the next two decades.

Appendix A. Data Sources for U.S. Census Data

The computation of arrest rates in Chapters 2 and 5 relied on U.S. census data. Specifically, for the years 1980, 1990, and 2000 we extracted population counts using the Decennial Census from Social Explorer, and for the years 2006 to 2009, we used American Community Survey (ACS) 1-year estimates. Linear interpolation was used to calculate the population base for the years in between. For the years 2010 to 2022, we used ACS 5-year estimates provided by the United States Census Bureau. ACS 1-year estimates were published prior to completion of the analysis to extract the population base for 2023 from Social Explorer for this report; thus, they may not be as accurate as if we had used 5-year estimates.

Both census sources provided racial groups broken down by age, allowing us to isolate individuals over the age of 18 to match with DCJS arrest data. We compiled the population counts for each location (New York City, NYC suburbs, and upstate).

All of the arrest rates in this report were calculated per 100,000 residents ages 18 and over. Rates allow for estimates based on population base over time and geographic area. All rates are population specific. For example, arrest rates for Hispanic in New York City are based on the number of Hispanic in New York City in that given year.

Appendix B. Arrest Numbers and Arrest Rates by County (2023)

	MISDEMEANOR			NONVIOLENT FELONY			VIOLENT FELONY		
	# 2023 Arrests	Rate per 100,000 Residents	Ranking (Arrest Rate)	# 2023 Arrests	Rate per 100,000 Residents	Ranking (Arrest Rate)	# 2023 Arrests	Rate per 100,000 Residents	Ranking (Arrest Rate)
NEW YORK CITY									
Bronx	24,800	2,404	2	9,860	956	5	8,428	817	1
Brooklyn	25,888	1,292	38	15,898	793	11	8,974	448	2
Manhattan	26,133	1,892	12	12,286	889	7	5,823	422	3
Queens	20,486	1,125	45	10,918	599	28	6,896	379	4
Staten Island	4,163	1,080	47	2,466	639	27	1,200	311	5
SUBURBAN NYC									
Nassau	8,872	817	58	3,921	361	55	1,373	126	44
Suffolk	13,113	1,083	46	3,607	298	58	921	76	60
Westchester	7,962	1,017	52	2,918	373	54	1,079	138	39
UPSTATE									
Albany	3,215	1,236	40	1,771	681	23	600	231	12
Allegany	573	1,513	23	186	491	43	84	222	15
Broome	3,178	2,000	8	1,136	715	18	417	262	8
Cattaraugus	1,180	2,000	9	480	813	10	128	217	16
Cayuga	784	1,298	36	351	581	29	78	129	42
Chautauqua	2,430	2,446	1	983	989	3	259	261	9
Chemung	1,360	2,109	4	447	693	21	151	234	11
Chenango	531	1,453	30	193	528	35	58	159	26
Clinton	982	1,536	21	335	524	37	97	152	29
Columbia	709	1,371	35	256	495	42	48	93	59
Cortland	788	2,106	5	274	732	16	74	198	20
Delaware	460	1,227	42	146	389	53	46	123	46
Dutchess	2,610	1,073	49	989	407	51	242	100	55
Erie	8,854	1,170	44	3,845	508	40	1,601	212	18
Essex	461	1,466	29	205	652	26	54	172	24
Franklin	678	1,808	13	366	976	4	107	285	7
Fulton	597	1,405	32	300	706	19	107	252	10
Genesee	828	1,799	14	399	867	8	68	148	32
Greene	789	1,986	10	310	780	13	40	101	54
Hamilton	25	557	62	7	156	62	6	134	41
Herkimer	803	1,688	18	251	528	36	57	120	48
Jefferson	1,201	1,376	33	482	552	32	95	109	52
Lewis	163	788	59	91	440	48	23	111	51
Livingston	772	1,520	22	334	658	25	48	94	57
Madison	786	1,439	31	283	518	38	74	135	40
Monroe	6,431	1,076	48	2,840	415	50	1,254	210	19
Montgomery	816	2,155	3	359	948	6	74	195	22
Niagara	2,612	1,554	20	1,109	660	24	330	196	21
Oneida	3,400	1,898	11	874	488	44	274	153	28
Onondaga	5,453	1,471	27	2,738	739	15	1,078	291	6
Ontario	872	951	54	504	550	33	97	106	53
Orange	4,508	1,487	26	1,528	504	41	435	143	36
Orleans	389	1,205	43	181	561	31	45	139	37
Oswego	1,974	2,085	6	653	690	22	156	165	25
Otsego	756	1,471	28	230	447	47	62	121	47
Putnam	833	1,049	50	227	286	59	45	57	62
Rensselaer	1,677	1,297	37	744	575	30	243	188	23
Rockland	2,074	869	55	2,466	1033	2	280	117	49
St. Lawrence	1,300	1,510	24	721	838	9	126	146	33
Saratoga	2,403	1,241	39	511	264	61	180	93	58
Schenectady	2,047	1,628	19	969	771	14	281	223	14
Schoharie	212	840	56	798	3,163	1	18	71	61
Schuyler	178	1,228	41	102	704	20	18	124	45
Seneca	447	1,758	15	103	405	52	40	157	27
Steuben	1,259	1,729	17	206	283	60	157	216	17
Sullivan	1,099	1,753	16	450	718	17	143	228	13
Tioga	372	972	53	167	436	49	43	112	50
Tompkins	737	823	57	273	305	57	124	138	38
Ulster	2,289	1510	25	771	509	39	192	127	43
Warren	1,118	2,057	7	431	793	12	82	151	30
Washington	677	1,375	34	266	540	34	74	150	31
Wayne	753	1,042	51	335	464	45	105	145	34
Wyoming	305	756	60	181	449	46	58	144	35
Yates	138	729	61	62	328	56	18	95	56

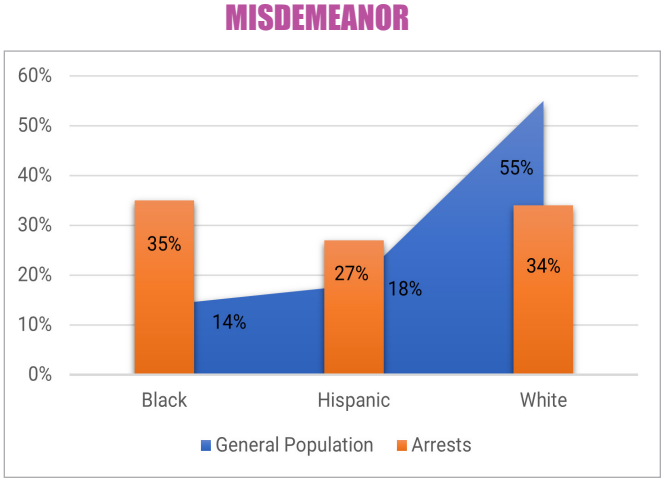
Note: The rankings range from 1 to 62 (spanning New York's 62 counties), where 1 means the State's highest rate and 62 means the lowest.

Appendix C. Sentencing by County (2020 and 2023)

	MISDEMEANOR		NONVIOLENT FELONY						VIOLENT FELONY					
	2020	2023	2020			2023			2020			2023		
	Jail	Jail	Prison	Jail	Prob.	Prison	Jail	Prob.	Prison	Jail	Prob.	Prison	Jail	Prob.
NEW YORK CITY														
Bronx	5%	5%	6%	10%	6%	8%	11%	4%	18%	18%	16%	33%	19%	15%
Brooklyn	6%	9%	6%	13%	6%	7%	12%	5%	20%	15%	10%	33%	18%	11%
Manhattan	7%	6%	12%	12%	8%	11%	13%	6%	26%	23%	7%	38%	19%	7%
Queens	6%	10%	5%	12%	7%	5%	13%	4%	15%	14%	8%	25%	16%	10%
Staten Island	8%	10%	6%	16%	5%	5%	15%	5%	18%	27%	8%	25%	19%	8%
SUBURBAN NYC														
Nassau	11%	13%	7%	24%	20%	6%	25%	12%	21%	26%	19%	21%	21%	12%
Suffolk	6%	13%	10%	20%	15%	12%	21%	18%	24%	20%	23%	37%	20%	16%
Westchester	6%	8%	5%	13%	22%	6%	18%	17%	21%	16%	22%	26%	18%	19%
UPSTATE														
Albany	4%	6%	11%	16%	20%	9%	19%	12%	43%	15%	17%	42%	12%	14%
Allegany	5%	7%	13%	21%	27%	13%	12%	32%	20%	20%	27%	20%	16%	31%
Broome	7%	7%	15%	15%	30%	17%	18%	22%	39%	15%	20%	44%	6%	2%
Cattaraugus	9%	6%	12%	20%	34%	10%	15%	24%	16%	35%	19%	18%	24%	16%
Cayuga	17%	16%	21%	27%	23%	34%	20%	24%	26%	26%	15%	56%	26%	12%
Chautauqua	3%	12%	3%	11%	18%	4%	17%	18%	15%	19%	9%	27%	19%	14%
Chemung	8%	16%	11%	20%	34%	17%	21%	23%	37%	16%	18%	42%	16%	12%
Chenango	17%	26%	15%	34%	16%	17%	27%	18%	20%	50%	5%	40%	26%	16%
Clinton	5%	10%	21%	19%	27%	35%	20%	16%	23%	26%	7%	43%	13%	11%
Columbia	3%	4%	34%	7%	27%	22%	15%	28%	44%	17%	11%	38%	16%	18%
Cortland	10%	15%	12%	28%	30%	20%	24%	29%	45%	21%	14%	35%	13%	33%
Delaware	8%	11%	8%	10%	27%	14%	28%	27%	44%	25%	13%	29%	34%	9%
Dutchess	4%	6%	11%	19%	23%	14%	19%	26%	20%	23%	18%	45%	15%	22%
Erie	4%	11%	7%	11%	15%	9%	18%	14%	26%	16%	29%	39%	17%	21%
Essex	9%	12%	18%	20%	21%	28%	32%	14%	40%	20%	0%	33%	37%	19%
Franklin	7%	10%	10%	16%	30%	23%	25%	23%	40%	21%	18%	46%	16%	27%
Fulton	5%	12%	20%	29%	20%	16%	26%	20%	25%	46%	17%	35%	23%	21%
Genesee	9%	19%	19%	20%	41%	28%	27%	25%	48%	15%	25%	53%	11%	27%
Greene	4%	5%	16%	10%	19%	15%	10%	16%	25%	15%	20%	39%	12%	31%
Hamilton	10%	14%	0%	0%	33%	14%	28%	29%	100%	0%	0%	50%	0%	0%
Herkimer	3%	10%	20%	9%	24%	16%	15%	24%	26%	8%	37%	42%	14%	23%
Jefferson	4%	13%	13%	21%	24%	28%	24%	25%	24%	26%	2%	33%	26%	22%
Lewis	4%	4%	27%	11%	31%	30%	17%	31%	33%	11%	44%	60%	28%	12%
Livingston	11%	9%	15%	26%	23%	20%	23%	26%	29%	34%	29%	39%	9%	35%
Madison	9%	9%	9%	19%	28%	13%	27%	18%	19%	16%	27%	43%	20%	11%
Monroe	9%	11%	8%	26%	24%	11%	25%	22%	33%	16%	29%	51%	14%	15%
Montgomery	10%	17%	18%	31%	29%	18%	25%	20%	25%	28%	16%	37%	29%	23%
Niagara	9%	16%	9%	12%	24%	12%	21%	18%	24%	18%	25%	42%	17%	16%
Oneida	14%	18%	15%	28%	19%	14%	37%	17%	56%	22%	15%	47%	23%	18%
Onondaga	7%	6%	11%	17%	23%	12%	18%	23%	33%	14%	18%	44%	12%	14%
Ontario	8%	13%	15%	20%	37%	21%	27%	30%	21%	20%	39%	49%	19%	21%
Orange	4%	5%	7%	11%	19%	12%	14%	20%	23%	18%	16%	32%	14%	17%
Orleans	14%	21%	19%	23%	10%	20%	25%	17%	40%	20%	8%	36%	30%	15%
Oswego	10%	12%	14%	23%	27%	19%	21%	30%	31%	24%	11%	39%	19%	21%
Otsego	2%	5%	18%	18%	15%	16%	17%	16%	35%	24%	3%	35%	22%	11%
Putnam	1%	3%	10%	13%	23%	7%	14%	23%	22%	6%	39%	9%	26%	11%
Rensselaer	4%	9%	6%	12%	17%	12%	18%	18%	18%	18%	18%	37%	20%	16%
Rockland	1%	2%	10%	11%	35%	10%	17%	28%	25%	16%	18%	23%	19%	27%
St. Lawrence	3%	6%	12%	14%	41%	21%	24%	26%	20%	21%	26%	46%	17%	17%
Saratoga	5%	5%	12%	30%	17%	16%	25%	17%	30%	21%	10%	29%	21%	16%
Schenectady	5%	10%	16%	17%	16%	18%	17%	9%	40%	13%	10%	47%	13%	7%
Schoharie	6%	10%	0%	18%	32%	7%	30%	26%	0%	33%	22%	30%	50%	10%
Schuyler	13%	11%	33%	23%	30%	31%	9%	40%	83%	17%	0%	29%	7%	36%
Seneca	17%	13%	11%	22%	38%	15%	35%	22%	50%	7%	21%	59%	21%	12%
Steuben	8%	10%	25%	17%	36%	24%	22%	27%	28%	13%	48%	37%	17%	28%
Sullivan	11%	9%	8%	20%	24%	9%	21%	19%	33%	17%	9%	40%	21%	15%
Tioga	9%	8%	6%	8%	47%	15%	17%	20%	33%	24%	19%	33%	12%	18%
Tompkins	9%	7%	10%	13%	44%	17%	25%	26%	35%	40%	5%	43%	20%	21%
Ulster	3%	3%	8%	14%	26%	12%	16%	24%	24%	7%	17%	42%	16%	10%
Warren	9%	15%	20%	28%	28%	18%	23%	29%	28%	35%	15%	34%	25%	10%
Washington	5%	8%	25%	17%	28%	35%	19%	23%	35%	30%	10%	52%	17%	19%
Wayne	9%	9%	13%	34%	25%	8%	23%	23%	37%	35%	11%	37%	31%	22%
Wyoming	6%	8%	19%	12%	38%	34%	13%	26%	55%	9%	18%	67%	10%	15%
Yates	5%	15%	31%	36%	22%	15%	39%	22%	18%	55%	27%	50%	25%	0%

Appendix D. Statewide Racial Disparities in Arrest Rates and Jail and Prison Sentences

EXHIBIT C.1 Racial Makeup of Arrests vs. General Population in 2023: Statewide



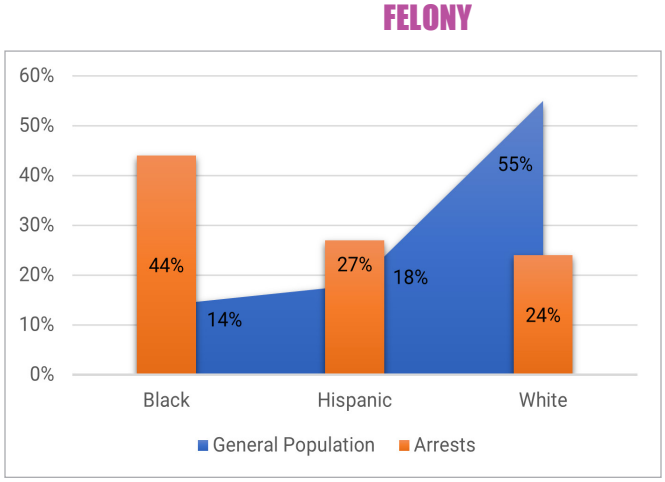


EXHIBIT C.2 Arrest Rate Ratios Over Time Statewide

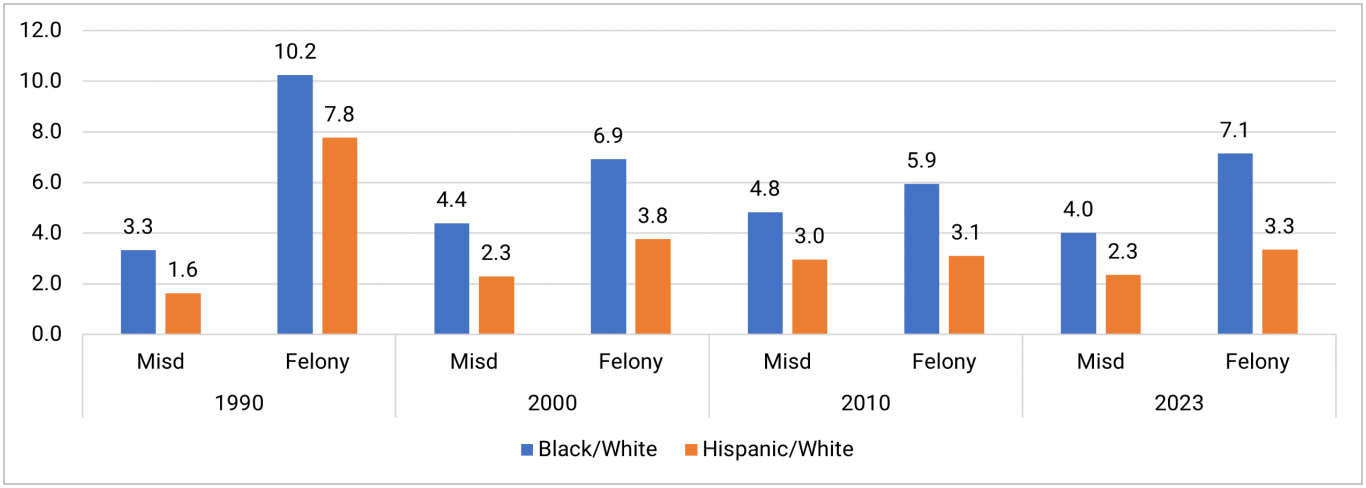
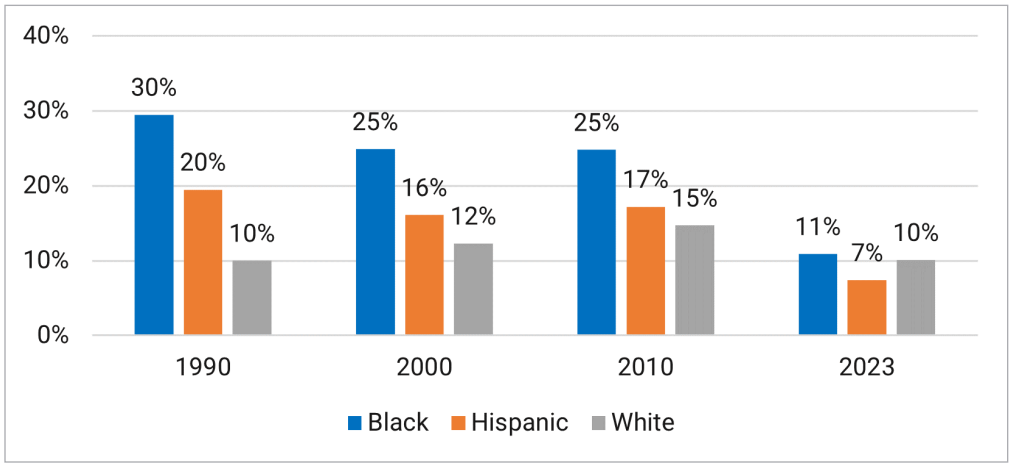
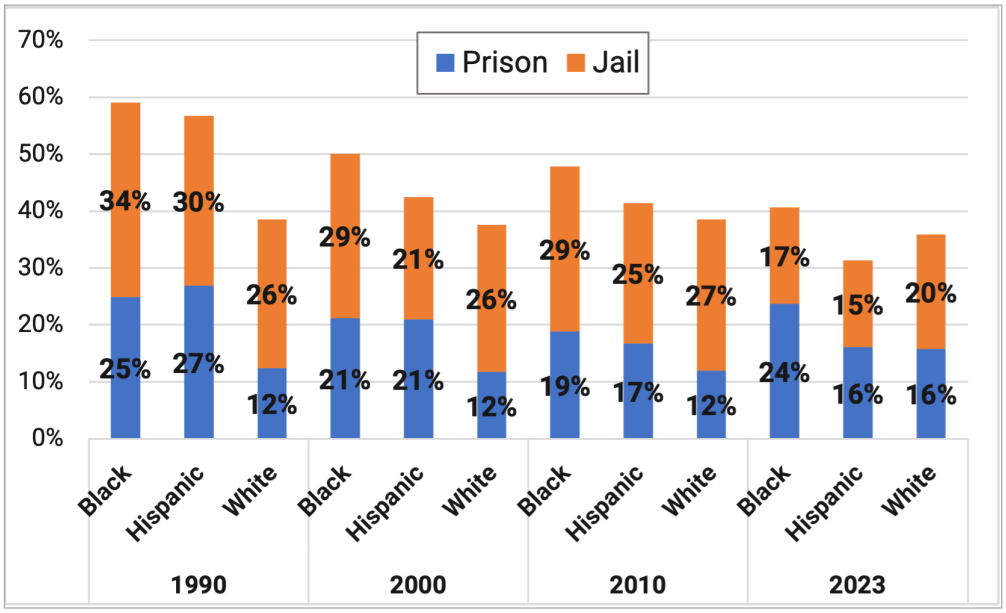


EXHIBIT C.3 Statewide Racial Disparities in Jail Sentences: Misdemeanor Arrests Ending in Conviction



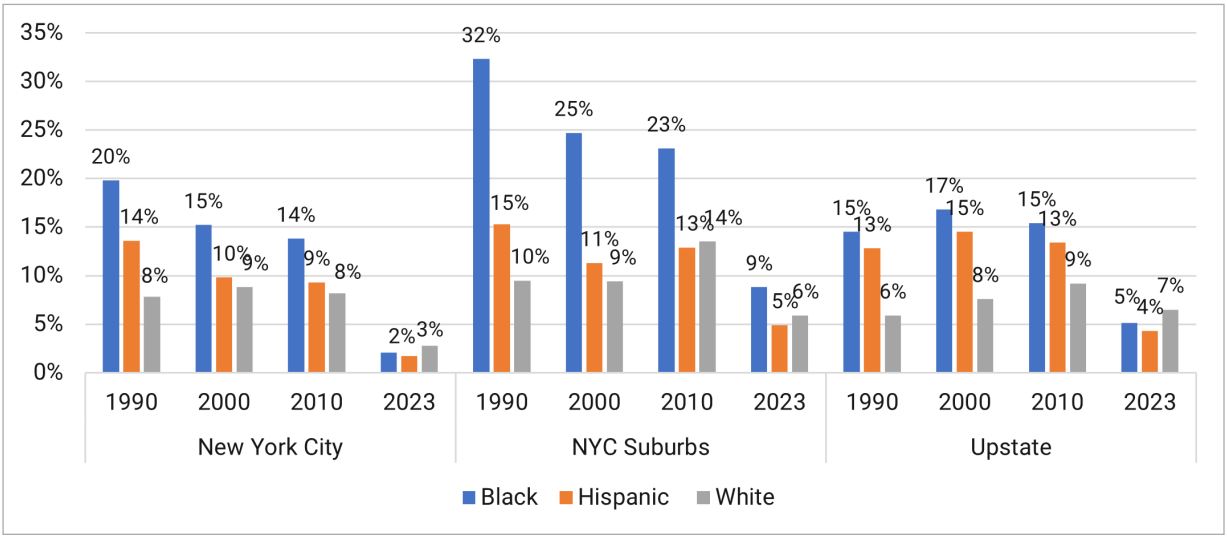
APPENDIX D. STATWIDE RACIAL DISPARITIES IN ARREST RATES AND JAIL AND PRISON SENTENCES

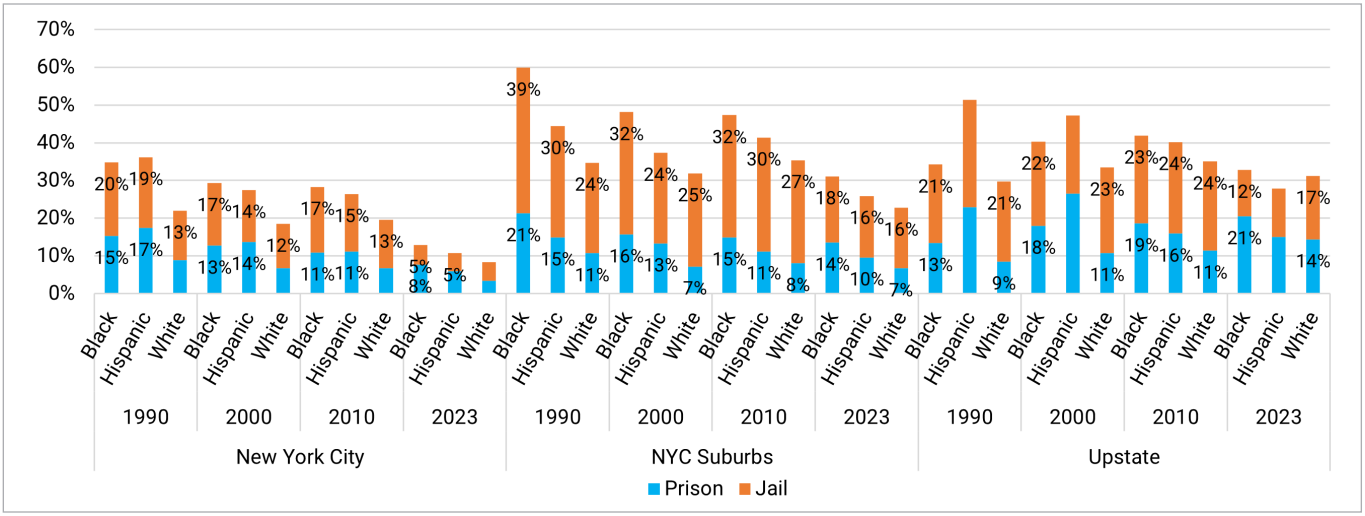
EXHIBIT C.4 Statewide Racial Disparities in Jail Sentences: Felony Arrests Ending in Conviction



Appendix E. Racial Disparities in Sentencing by Region: Disposed Arrests

Note: For these results, the denominator includes cases disposed in court in the given year, whether as convictions, adjournments in contemplation of dismissal, or straight dismissals. (Cases declined for prosecution prior to filing with the court are omitted.)





Appendix F. Racial Disparities by County (2023)

	ARREST RATE RATIOS						SENTENCING: JAIL OR PRISON SENTENCES FOR CONVICTED CASES								
	Misdemeanors		Nonviolent Felonies		Violent Felonies		Misdemeanors			Felonies: Prison Sentence			Felonies: Jail Sentence		
	Black-White	Hispanic-White	Black-White	Hispanic-White	Black-White	Hispanic-White	Black	Hispanic	White	Black	Hispanic	White	Black	Hispanic	White
NEW YORK CITY															
Bronx	3.5	2.3	4.5	3.1	16.8	6.5	5.6%	4.1%	4.5%	21.7%	19.5%	11.2%	15.2%	11.1%	12.9%
Brooklyn	5.1	2.4	5.8	4.1	9.1	2.5	9.8%	7.9%	11.5%	21.5%	15.1%	7.3%	13.8%	12.8%	11.5%
Manhattan	13.2	5.9	17.6	7.0	23.4	8.0	7.1%	5.9%	6.2%	24.0%	19.8%	10.6%	14.2%	11.6%	14.5%
Queens	4.3	3.3	5.5	3.5	7.9	5.0	11.6%	9.0%	13.2%	17.4%	10.5%	7.3%	13.6%	13.2%	14.2%
Staten Island	7.3	3.1	9.3	3.0	13.6	4.0	10.4%	9.3%	8.3%	15.1%	10.7%	9.0%	15.1%	10.7%	9.0%
SUBURBAN NYC															
Nassau	4.8	3.6	7.9	4.4	11.1	6.1	14.9%	13.0%	12.3%	12.0%	11.8%	5.9%	26.3%	25.0%	21.6%
Suffolk	5.5	2.9	9.1	3.2	12.2	4.8	23.1%	7.9%	12.0%	30.6%	15.5%	11.9%	22.1%	19.3%	20.6%
Westchester	6.2	4.6	8.5	5.1	13.4	6.1	14.1%	5.2%	6.5%	15.5%	9.5%	6.1%	19.7%	16.4%	16.0%
UPSTATE															
Albany	5.6	2.8	7.4	4.1	16.8	6.47	7.4%	4.0%	5.6%	26.9%	14.8%	11.5%	15.7%	15.4%	18.4%
Allegany	3.0	0.9	1.4	2.6	9.1	2.45	9.1%	0.0%	6.8%	33.3%		15.5%			14.0%
Broome	5.1	2.4	6.2	2.4	12.9	3.88	6.1%	7.0%	6.9%	34.8%	35.9%	22.4%	12.6%	15.4%	14.2%
Cattaraugus	9.3	1.9	11.9	2.9	12.7	2.84	11.3%	12.5%	6.4%	27.8%	13.3%	9.4%	13.9%	20.0%	16.7%
Cayuga	6.7	2.2	10.4	3.2	12.8	0.63	21.7%	9.5%	14.6%	50.0%	35.3%	32.5%	19.6%	11.8%	22.4%
Chautauqua	5.6	2.0	7.0	2.2	15.4	4.49	10.8%	9.3%	12.4%	16.5%	16.7%	5.9%	20.9%	15.6%	18.0%
Chemung	4.7	2.1	5.5	2.4	14.1	3.30	14.0%	15.4%	16.3%	41.3%	41.4%	15.0%	19.8%	17.2%	20.1%
Chenango	5.9	0.5	3.2	1.6	6.6	0.89	40.0%	0.0%	25.3%	50.0%	16.7%	21.2%		50.0%	26.3%
Clinton	1.7	1.3	3.1	1.1	5.3	1.68	8.3%	11.8%	10.3%	59.0%	66.7%	30.9%	17.9%	16.7%	19.1%
Columbia	5.1	2.7	6.6	2.5	12.5	4.25	9.8%	0.0%	4.0%	52.3%	13.8%	15.2%	12.8%	13.8%	16.4%
Cortland	4.1	1.2	4.4	1.1	8.3	1.12	19.4%	11.1%	16.4%	22.2%		27.2%	38.9%	46.7%	15.9%
Delaware	5.4	2.0	7.4	1.1	10.0	1.92	0.0%	0.0%	12.0%	14.3%	20.0%	18.3%	28.6%	20.0%	29.8%
Dutchess	3.3	2.4	5.1	2.6	9.8	3.58	7.5%	5.0%	7.6%	26.3%	15.4%	20.2%	18.3%	19.2%	15.8%
Erie	4.8	2.3	7.2	3.3	17.2	7.01	14.0%	11.1%	9.2%	26.9%	22.6%	9.0%	17.1%	14.5%	18.5%
Essex	1.0	0.8	2.3	0.5	3.2	1.38	25.0%	11.0%	11.6%		20.0%	30.8%	60.0%	80.0%	29.9%
Franklin	1.7	0.9	2.0	1.5	2.2	1.03	16.7%	0.0%	12.6%	40.9%		27.0%	9.1%	25.0%	26.4%
Fulton	5.8	1.3	5.4	1.4	5.2	1.65	5.0%	6.7%	12.2%	38.5%	20.0%	18.4%	12.8%		28.1%
Genesee	8.4	2.3	17.3	2.5	20.3	3.24	31.4%	28.0%	16.7%	54.2%	36.0%	21.8%	13.5%	8.0%	32.4%
Greene	3.7	1.9	7.3	2.4	2.3	1.6	2.4%	10.8%	4.8%	31.1%	30.0%	12.6%	6.6%	10.0%	11.2%
Hamilton	0.0	0.0	0.00	0.0	0.00	11.3			14.3%			22.2%			22.2%
Herkimer	6.4	2.0	9.2	2.0	17.1	2.1	6.3%	0.0%	10.7%	31.8%	33.3%	21.1%	22.7%	22.2%	13.9%
Jefferson	2.0	0.7	2.9	0.5	6.4	1.6	6.5%	16.2%	13.3%	42.3%	36.0%	25.5%	20.6%	32.0%	24.4%
Lewis	3.6	2.1	8.1	0.8	6.2	0.0	0.0%	0.0%	4.7%	80.0%	100%	33.6%			20.0%
Livingston	2.9	2.7	6.9	4.9	6.3	3.9	10.0%	17.2%	8.4%	30.2%	31.8%	18.0%	22.6%	27.3%	20.5%
Madison	5.6	1.5	6.1	1.9	4.9	4.1	7.4%	0.0%	9.7%	43.8%		19.0%	18.8%	22.2%	25.9%
Monroe	6.8	2.9	7.2	3.3	18.8	6.5	11.9%	19.0%	8.9%	33.5%	26.1%	13.5%	19.9%	20.2%	23.5%
Montgomery	4.2	2.0	8.8	3.0	11.7	4.2	19.1%	23.0%	14.8%	27.7%	33.3%	14.6%	29.8%	16.7%	28.5%
Niagara	6.6	2.0	10.8	4.5	20.6	5.1	15.7%	10.9%	16.6%	27.4%	20.3%	14.6%	15.9%	23.7%	23.3%
Oneida	7.1	1.9	9.3	2.6	22.0	3.6	17.0%	19.7%	18.6%	32.4%	27.5%	15.8%	34.0%	27.5%	33.4%
Onondaga	7.5	2.3	8.9	2.5	20.6	4.7	6.1%	5.5%	6.6%	27.7%	30.0%	18.3%	16.0%	8.0%	14.8%
Ontario	10.2	2.6	16.2	5.6	21.8	4.9	18.9%	18.4%	11.0%	34.2%	32.7%	21.6%	26.7%	29.1%	24.3%
Orange	3.4	2.5	5.2	2.3	10.8	4.0	6.8%	4.2%	5.1%	24.3%	11.4%	13.6%	12.2%	13.3%	15.6%
Orleans	4.2	2.7	5.3	3.0	6.1	5.0	17.9%	18.8%	17.5%	30.6%	35.7%	19.3%	27.8%	28.6%	25.0%
Oswego	4.0	2.4	5.6	3.1	10.5	4.8	8.3%	10.5%	12.5%	19.5%	20.6%	24.9%	19.5%	17.6%	21.1%
Otsego	4.7	2.4	4.7	1.7	6.5	0.5	0.0%	5.6%	6.6%	20.0%	50.0%	20.0%	13.3%		19.0%
Putnam	3.6	4.5	10.0	4.4	8.7	5.3	2.6%	1.4%	4.0%	12.5%	4.0%	8.1%	18.8%	16.0%	16.2%
Rensselaer	6.0	2.2	7.6	3.3	7.9	5.0	11.5%	11.8%	7.0%	26.6%	20.0%	14.5%	20.2%	20.0%	17.6%
Rockland	4.4	5.7	6.4	5.3	14.6	4.3	4.5%	0.8%	4.1%	20.0%	9.8%	15.3%	12.5%	19.6%	20.7%
St. Lawrence	1.4	0.5	3.3	1.0	13.6	4.0	0.0%	0.0%	6.1%	47.8%	71.4%	22.5%	13.0%	7.1%	24.2%
Saratoga	7.1	2.3	7.7	2.5	7.6	10.8	4.3%	5.9%	4.8%	18.9%	13.3%	18.5%	22.1%	20.0%	24.8%
Schenectady	6.3	2.6	7.1	2.4	4.2	2.3	10.0%	9.7%	10.3%	33.1%	26.5%	23.2%	15.3%	17.6%	15.2%
Schoharie	3.1	1.9	2.0	0.3	14.0	2.9	0.0%	11.1%	10.6%	50.0%		7.3%	33.3%	33.3%	32.7%
Schuyler	4.5	2.4	11.4	3.2	17.7	6.1	14.3%	25.0%	11.8%	33.3%	40.0%	30.0%		40.0%	7.5%
Seneca	3.2	2.5	4.6	2.7	3.4	5.8	12.9%	10.0%	12.8%	35.7%	36.4%	18.6%	17.9%	36.4%	34.7%
Steuben	4.5	1.7	9.4	3.2	17.6	0.0	2.9%	9.1%	9.9%	36.4%	31.3%	25.6%	18.2%	18.8%	21.3%
Sullivan	2.9	1.9	3.5	1.9	8.7	3.2	11.6%	7.2%	8.8%	22.9%	15.7%	13.2%	24.8%	20.0%	20.5%
Tioga	4.6	1.5	4.8	0.3	9.0	3.8	0.0%	0.0%	8.9%	22.2%		20.9%	33.3%	25.0%	13.6%
Tompkins	8.2	1.2	11.8	0.8	12.2	4.8	10.0%	12.5%	10.9%	32.0%	40.0%	22.4%	21.3%	10.0%	26.1%
Ulster	3.6	2.2	6.2	2.7	7.6	3.2	5.4%	1.9%	2.6%	23.8%	11.8%	17.9%	20.1%	11.8%	15.6%
Warren	4.4	1.5	8.1	1.7	7.6	0.0	10.7%	9.1%	14.9%	28.6%	15.4%	20.7%	28.6%	38.5%	32.7%
Washington	1.9	0.9	2.9	1.0	15.9	3.0	0.0%	0.0%	8.9%	65.2%	33.3%	35.9%	8.7%	50.0%	18.8%
Wayne	3.7	1.9	7.3	2.4	2.3	1.6	5.3%	0.0%	11.5%	22.9%	20.0%	11.7%	31.3%	25.0%	32.7%
Wyoming	0.0	0.0	0.0	0.0	0.0	11.3	5.9%	16.7%	8.4%	69.4%	60.0%	31.5%	3.2%	15.0%	14.2%
Yates	6.4	2.0	9.2	2.0	17.1	2.1	0.0%	0.0%	15.9%	100%	33.3%	35.4%		33.3%	41.7%

Note: Rate ratios represent the number of times by which the arrest rate per 100,000 residents is higher for Black than white and Hispanic than white people, respectively. Bright red numbers are 10.0 or higher; dark red are 5.0 to 9.9.

Endnotes

[1] Patten, M., Hood, Q. O., Low-Weiner, C., Bond, E., Hatten, D., & Chauhan, P. (2018). Trends in Misdemeanor Arrests in New York, 1980 to 2017. New York, NY: Data Collaborative for Justice; Scrivener, L, Meizlish, A., Bond, E., & Chauhan, P. (2020). Tracking Enforcement Trends in New York City: 2003-2018. New York, NY: Data Collaborative for Justice.

[2] Cadoff, B., Lu, O., Monaghan, S., & Rempel, M. (2023). Criminal Convictions in New York State, 1980-2021. New York, NY: Data Collaborative for Justice.

[3] Lu, O. & Rempel, M. (2022). Two Years In: 2020 Bail Reforms in Action in New York State. New York, NY: Data Collaborative for Justice.

[4] Monaghan, S., Rempel, M., & Lin, T. (2024). Racial Disparities in the Use of Jail Across New York City, 2016-2021. New York, NY: Data Collaborative for Justice.

[5] Rempel, M., Rodriguez, K. Nims, T., Weill, J., Katznelson, Z., & Volpe, M. (2021). Closing Rikers Island: A Roadmap for Reducing Jail in New York City. New York, NY: Rikers Commission and Center for Justice Innovation.

[6] Rempel, M. & Rodriguez, K. (2019). Bail Reform in New York: Legislative Components and Implications for New York City. New York, NY: Center for Justice Innovation.

[7] Rosenfeld, R., Abt, T., & Lopez, E. (2021). Pandemic, Social Unrest, and Crime in U.S. Cities: 2020 Year-End Update. Washington, D.C.: Council on Criminal Justice.

[8] Lopez, E., Rosenfeld, R., & Boxerman, B. (2023). Crime Trends in U.S. Cities: Mid-Year 2023 Update. Washington, D.C.: Council on Criminal Justice.

[9] Koppel, S. & Rempel, M. (2024). Assessing Progress in Reducing Racial Disparities in New York City Law Enforcement, 2013-2022. New York, NY: Data Collaborative for Justice; New York Civil Liberties Union. (n.d.). Stop-and-Frisk Data. NYCLU.

[10] Stenkamp, A. & Rempel, M. (2024). Racial and Neighborhood Disparities in New York City Criminal Summons Practices. New York, NY: Data Collaborative for Justice; and Koppel, S. & Stenkamp, A. (2024). Racial Disparities in New York City Civil Summons, 2019-2022. New York, NY: Data Collaborative for Justice.

[11] Koppel, S. & Rempel, M. (2024), Op Cit.

[12] In our own effort to describe ethnicity, this report used the term "Hispanic," which is also consistent with terminology in the underlying data. We considered (and in prior reports have used) “Latinx,” which is intended to be inclusive of all people of Latin American origin or descent, including indigenous peoples and those whose native language is not Spanish. However, this is an emerging term, and many individuals of Latin American origin do not appear to self-identify as Latinx, especially in older age groups.

[13] The census provides the following categories for race, which were used as a match for categories within the arrest data: “Black or African American alone,” “Hispanic or Latino,” and “White alone, not Hispanic or Latino.” In the eyes of the Census Bureau, Hispanics can be of any race, because “Hispanic” is an ethnicity and not a race. Of note, there is no “Black alone, not Hispanic or Latino by Age” category available in the census data (meaning we could not calculate those who identify as Black alone, not Hispanic or Latino over the age of 18). Thus, all individuals who identify as Black or Black Hispanic are encompassed in the “Black alone” category when calculating these rates and rate ratios. This indicates a significant caveat to using census data when drawing comparisons, and we recognize there is likely a margin of error (in that the “Black alone” category is likely inflated with the inclusion of both Black and Black Hispanic individuals, whereas the DCJS category separates Hispanic-identifying individuals into the Hispanic category. Presently, there are plans to modify how the Census data collects information on race and ethnicity. Under the revisions, questions about race and ethnicity that previously were asked

separately on forms will be combined into a single question. That will give respondents the option to pick multiple categories at the same time, such as "Black," "American Indian" and "Hispanic."

[14] Patten, M., et al. (2018), Op Cit.

[15] Within New York City, after adjusting for a significant increase in the adult population, the rise in misdemeanor arrest rates per 100,000 people until 2010 appears less steep, while the drop from 2010 to 2022 appears steeper, than indicated in the absolute numbers (*compare Exhibit 2.1a vs. 2.1b*).

[16] Elinson, Z., & Chapman, B. (March 28, 2020). "Police Practices are Changing as Pandemic Grips the Country." Wall Street Journal.

[17] The New York State Senate. (2023-2024 Legislation Session). Senate Bill S6040A: Enacts the Sex Trade Survivors Justice and Equality Act; repealer.

[18] The New York State Senate. (2023-2024 Legislation Session.) Senate Bill S4396: Relates to the Decriminalization of Sex Work; Repealer.

[19] The Brooklyn District Attorney's Office. (2021). Brooklyn District Attorney Eric Gonzalez Dismisses Over 3,500 Marijuana Cases Following Legalization.

[20] Treisman, R. (April 21, 2021). A 'Relic' And 'Burden': Manhattan District Attorney To Stop Prosecuting Prostitution. NPR.

[21] Bragg, A. (January 3, 2022). Day 1 Letter; and District Attorney of New York County. (December 3, 2018). Fact Sheet: Manhattan D.A.'s "Decline to Prosecute" Subway Fare Evasion Policy. DANY.

[22] Manhattan cases include a small proportion of the total, all charged with felony drug offenses, prosecuted by the citywide Special Narcotics Prosecutor. The data does not permit distinguishing these cases.

[23] New York State Unified Court System. (2000). Confronting the Cycle of Addiction & Recidivism: A Report to Chief Judge Judith S. Kaye by the New York State Commission on Drugs and the Courts.

[24] Hahn, J. (2018). New York State Mental Health Courts: A Policy Study. New York, NY: Center for Justice Innovation.

[25] Carey, S. M., Rempel, M., Lindquist, C., Cissner, A., Ayoub, L. H., Kralstein, D., & Malsch, A. (2018). Reentry Court Research: Overview of Findings from the National Institute of Justice's Multi-Site Evaluation. Portland, OR: NPC Research; Parsons, J., Wing, Q. Rinaldi, J., Henrichson, C., Sandwick, T., Wendel, T., Drucker, E., Osterman, M., DeWitt, S., & Clear, T. (2015). End of an Era: The Impact of Drug Law Reform in New York City. New York, NY: Vera Institute of Justice.

[26] Berman, G., Feinblatt, J., and Glazer, S. (2005). Good Courts: The Case for Problem Solving Justice. The New Press; NYC Mayor's Office of Criminal Justice. Alternatives to Incarceration: 2022 Program Guide. NYC Criminal Justice.

[27] See, e.g., Dobbie, W., Goldin, J., & Yang, C. S. (2018). "The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges." American Economic Review. 108(2): 201-240; Heaton, P., Mayson, S., & Stevenson, M. (2017)."The Downstream Consequences of Misdemeanor Pretrial Detention." Stanford Law Review, 69: 711-794; Leslie, E., & Pope, N. G. (2017). "The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments." Journal of Law and Economics, 60: 529-557; Stevenson, M. T. (2018). "Distortion of Justice: How the Inability to Pay Bail Affects Case Outcomes." The Journal of Law, Economics, and Organization, 34(4): 511-542.

ENDNOTES

[28] *Caveat:* Less than 1% of cases had a final disposition that could not be classified as a conviction, adjournment in contemplation of dismissal, or straight dismissal; we omitted these "other" dispositions, which mostly involved transfers to another court jurisdiction.

[29] Weisburd, D. & Majmundar, M. K. (2018). Proactive Policing: Effects on Crime and Communities. National Academies of Sciences, Engineering, and Medicine.

[30] Lofstrom, M., Hayes, J., Martin, B., and Premkumar, D., and Gumbs, A. (2021). Racial Disparities in Law Enforcement Stops. Public Policy Institute of California.

[31] Chanin, J., Welsh, M., & Nurge, D. (2018). "Traffic Enforcement Through the Lens of Race: A Sequential Analysis of Post-Stop Outcomes in San Diego, California." *Criminal Justice Policy Review*, 29(6-7), 561-583.

[32] Gaston, S. (2019). "Producing Race Disparities: A Study of Drug Arrests Across Place and Race." *Criminology: An Interdisciplinary Journal.*

[33] Braga, A. A., Brunson, R. K., & Drakulich, K. M. (2019). "Race, Place, and Effective Policing." *Annual Review of Sociology,* 45, 535–555.

[34] Koppel, S. & Rempel, M. (2024), Op Cit.

[35] Division of Criminal Justice Services. (n.d.). Criminal Justice Statistics.