



Division of Criminal  
Justice Services

# Examining Racial and Ethnic Disparities in Felony Case Processing

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*Deputy Commissioner*

JIRN Member Meeting  
July 24, 2024

# Adult Arrests and Prison Sentences by Race and Ethnicity: 2019



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# Adult Arrests and Prison Sentences by Race/Ethnicity in 2019

New York City								
Race/Ethnicity	Population (18+)		Arrests		Felony Arrests		Prison Sentences	
	#	% of Total	#	% of Total	#	% of Total	#	% of Total
White	2,253,320	34%	20,661	12%	7,197	10%	376	7%
Black	1,485,096	22%	81,877	47%	35,476	51%	2,758	55%
Hispanic	1,820,998	28%	58,417	34%	22,896	33%	1,780	35%
Asian	1,040,138	16%	10,012	6%	3,804	5%	78	2%
Other-Unknown	20,502	<1%	1,548	1%	549	1%	28	1%
<b>Total</b>	<b>6,620,054</b>	<b>100%</b>	<b>172,515</b>	<b>100%</b>	<b>69,922</b>	<b>100%</b>	<b>5,020</b>	<b>100%</b>

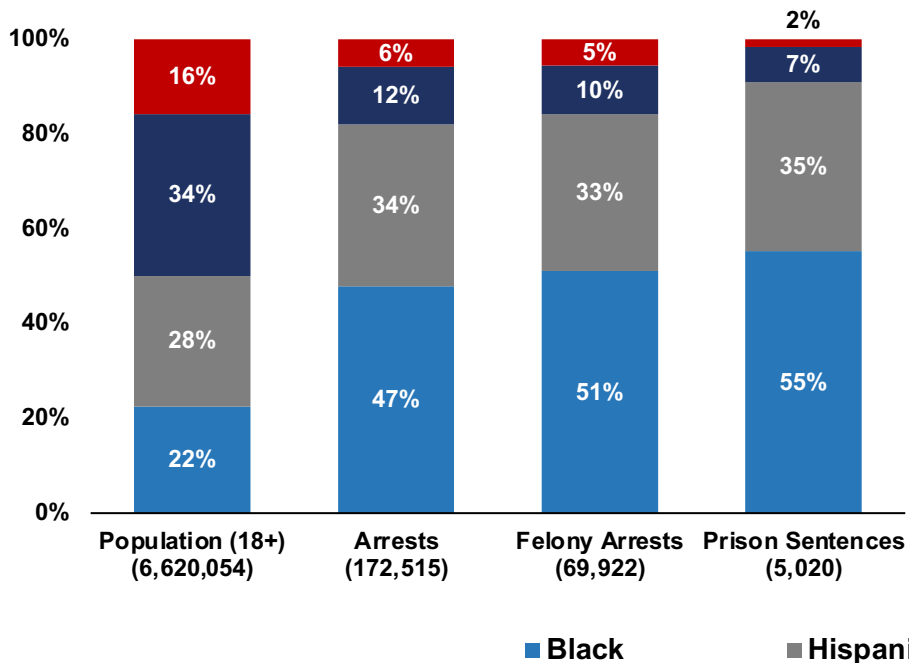
  

Non-New York City								
Race/Ethnicity	Population (18+)		Arrests		Felony Arrests		Prison Sentences	
	#	% of Total	#	% of Total	#	% of Total	#	% of Total
White	6,655,248	76%	98,291	53%	25,673	46%	3,034	41%
Black	795,675	9%	54,442	30%	20,536	37%	3,134	43%
Hispanic	923,200	10%	25,525	14%	7,889	14%	1,038	14%
Asian	397,334	5%	1,873	1%	497	1%	22	<1%
Other-Unknown	33,751	<1%	3,687	2%	1,146	2%	116	2%
<b>Total</b>	<b>8,805,208</b>	<b>100%</b>	<b>183,818</b>	<b>100%</b>	<b>55,741</b>	<b>100%</b>	<b>7,344</b>	<b>100%</b>

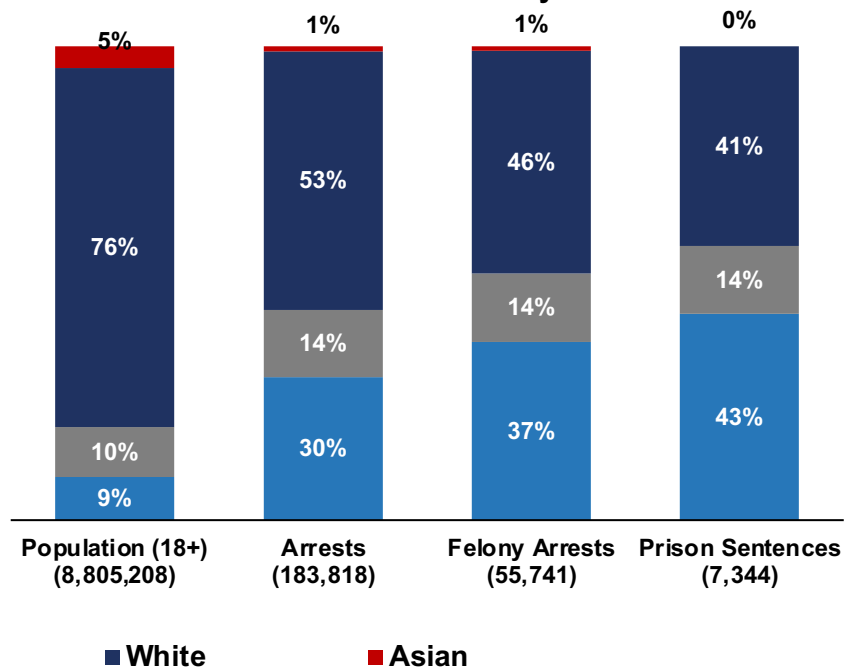
Source: DCJS, Computerized Criminal History file (as of 07/17/2020); National Center for Health Statistics: Vintage 2019 postcensal estimates of the resident population of the United States (as of 07/09/2020).

# Black defendants disproportionately represented in system

Adult Arrests and Prison Sentences  
by Race/Ethnicity, 2019  
New York City



Adult Arrests and Prison Sentences by  
Race/Ethnicity, 2019  
Non-New York City

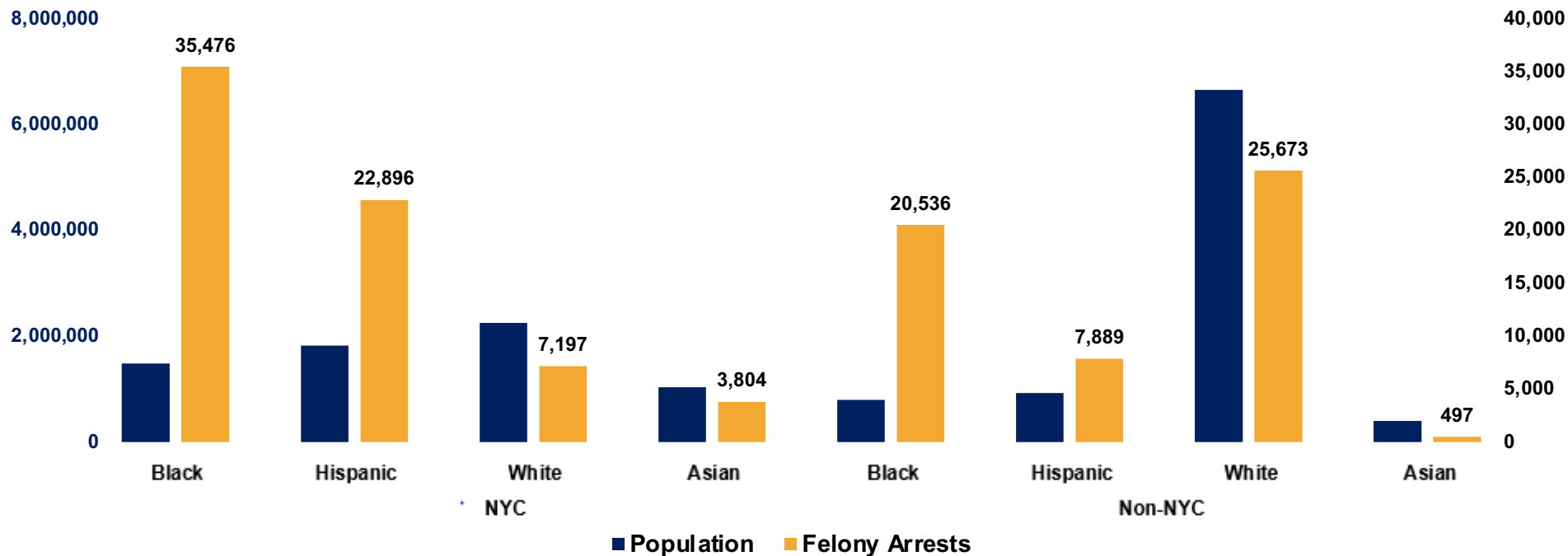


Source: DCJS, Computerized Criminal History file (as of 07/17/2020);

National Center for Health Statistics: Vintage 2019 postcensal estimates of the resident population of the United States (as of 07/09/2020).

# Population highest among white individuals; felony arrests highest among black individuals

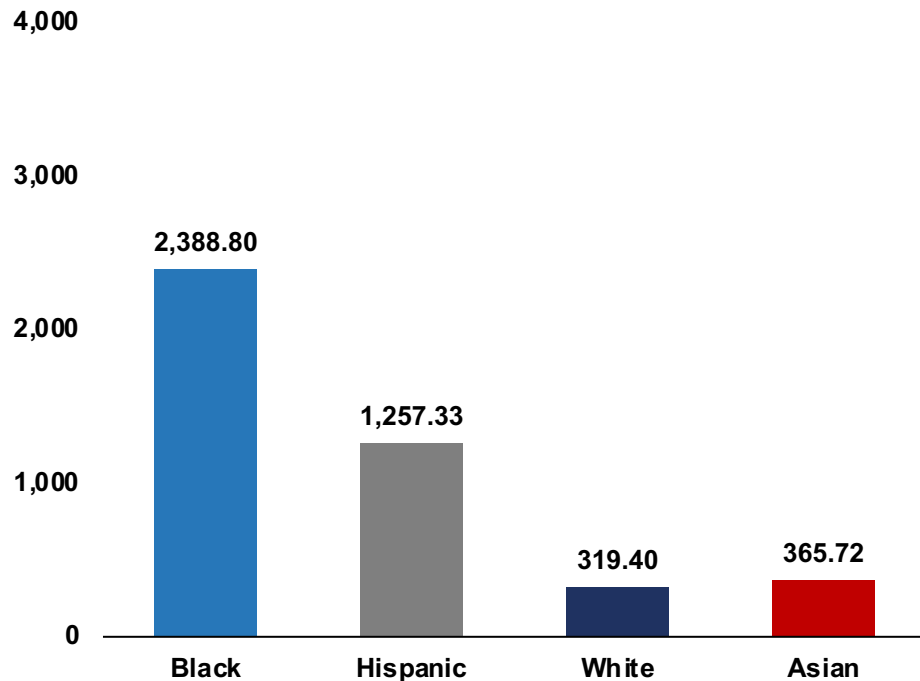
Population and Felony Arrests by Race/Ethnicity



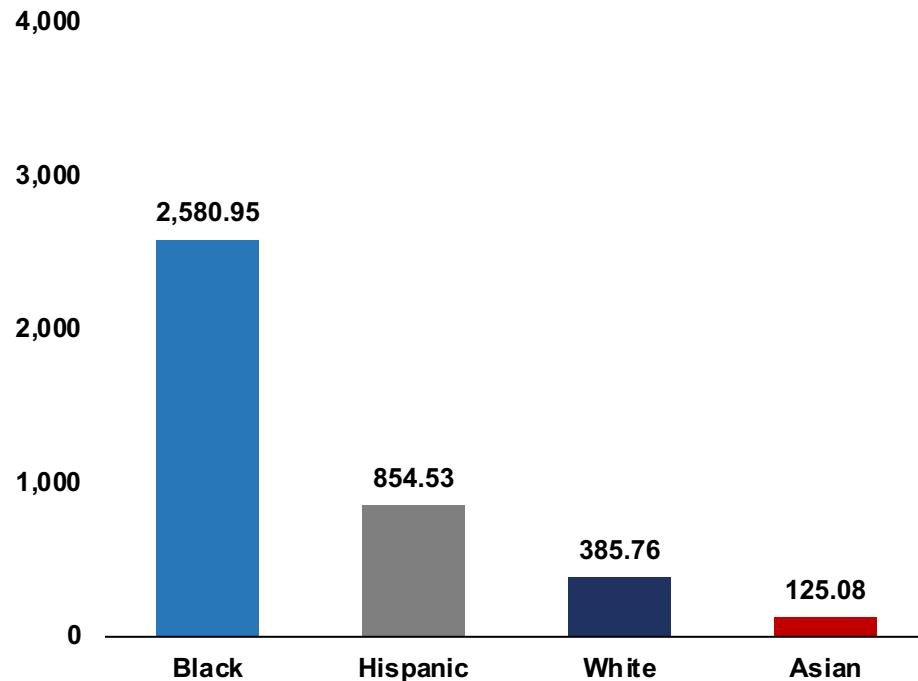
Source: DCJS, Computerized Criminal History file (as of 07/17/2020);  
National Center for Health Statistics: Vintage 2019 postcensal estimates of the resident population of the United States (as of 07/09/2020).

# Arrest rate highest among black individuals

## NYC Felony Arrests per 100,000 Population



## Non-NYC Felony Arrests per 100,000 Population

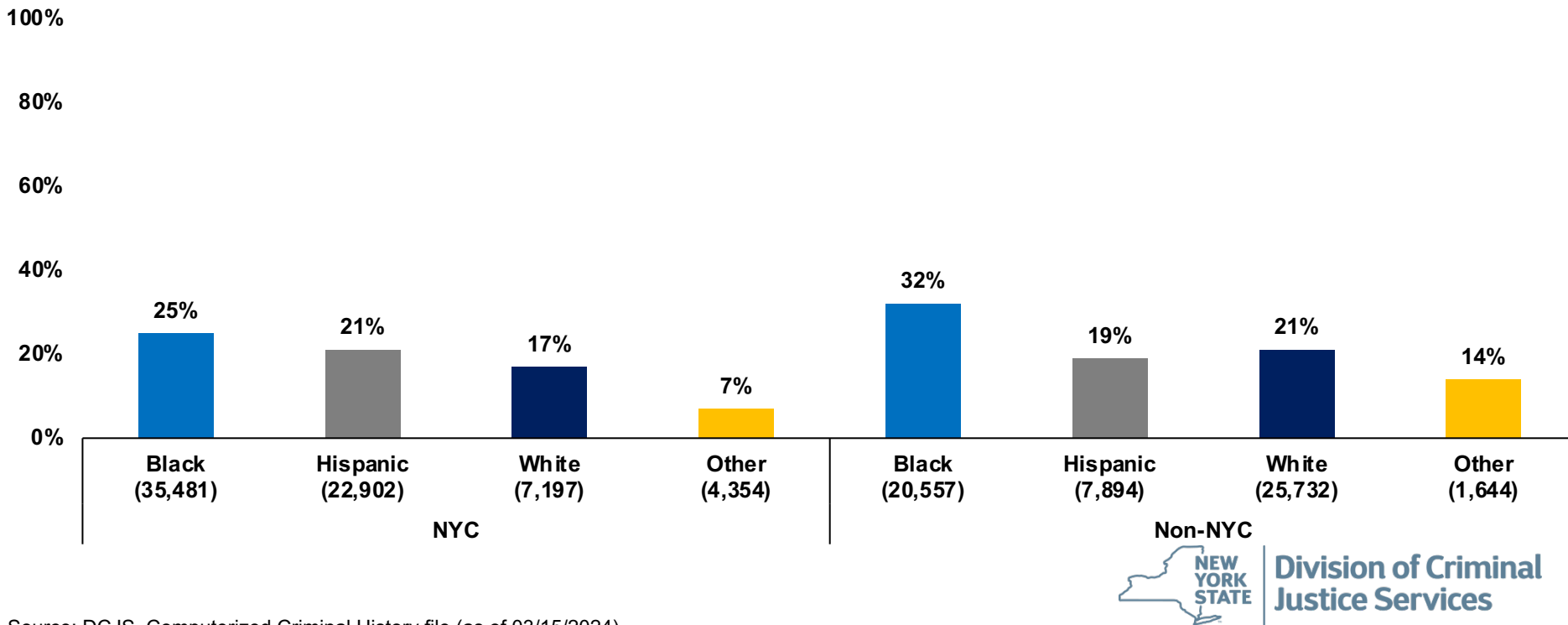


# 2019 Felony Arrest Case Processing, by Race and Ethnicity



# Black defendants more likely to have prior felony conviction

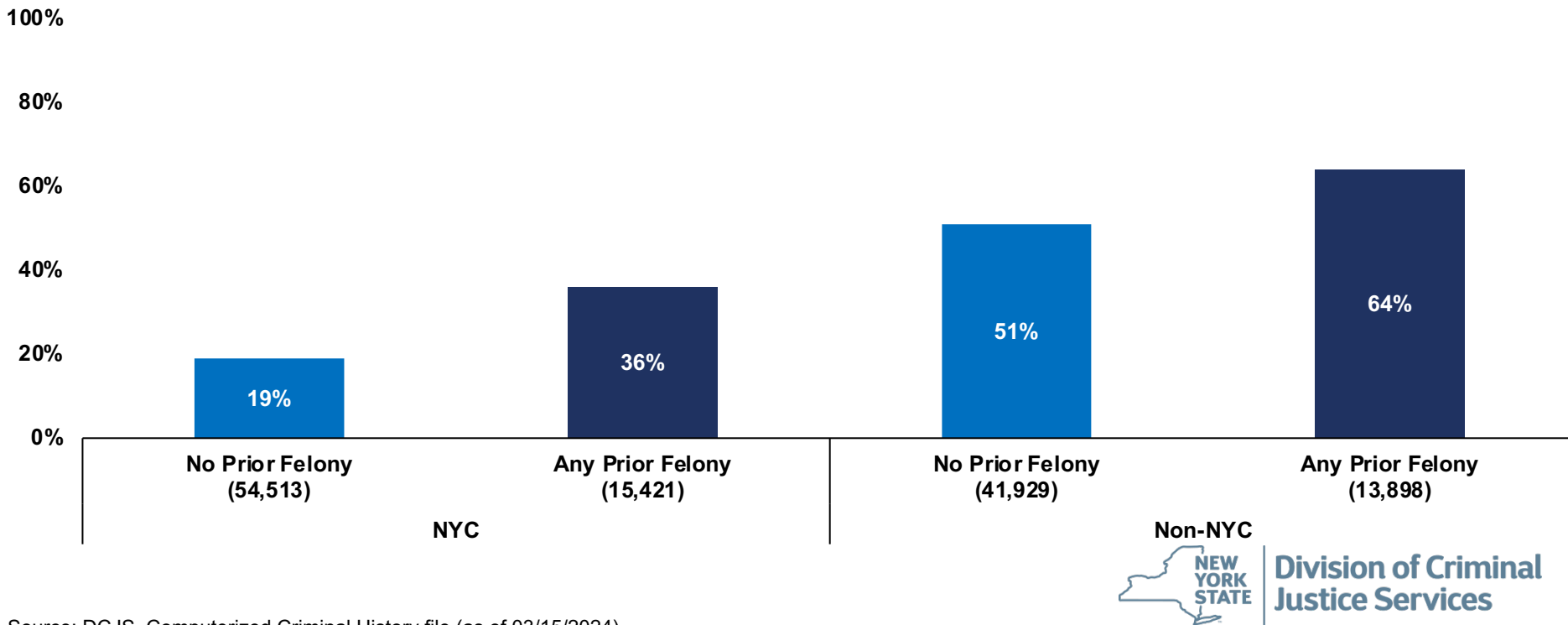
2019 Felony Arrests with Prior Felony Convictions by Race/Ethnicity





# Prior felony conviction more likely to result in criminal conviction

Criminal Convictions of 2019 Felony Arrests by Prior Felony Conviction



# Small differences in criminal convictions in NYC

NYC Felony Arrest Cycles, 2019	NYC Total		Black		Hispanic		White		Other	
	#	%	#	%	#	%	#	%	#	%
<b>Total Arrests</b>	<b>69,934</b>	<b>100%</b>	<b>35,481</b>	<b>100%</b>	<b>22,902</b>	<b>100%</b>	<b>7,197</b>	<b>100%</b>	<b>4,354</b>	<b>100%</b>
<b>Arrests with No Prior Felony Convictions</b>	<b>54,513</b>	<b>78%</b>	<b>26,496</b>	<b>75%</b>	<b>18,007</b>	<b>79%</b>	<b>5,960</b>	<b>83%</b>	<b>4,050</b>	<b>93%</b>
Felony Conviction	4,002	7%	1,966	7%	1,467	8%	408	7%	161	4%
Misdemeanor Conviction	6,241	11%	2,979	11%	2,143	12%	777	13%	342	8%
Non-Criminal Conviction	12,303	23%	5,507	21%	4,023	22%	1,476	25%	1,297	32%
Favorable Disposition	23,625	43%	11,904	45%	7,366	41%	2,505	42%	1,850	46%
Decline to Prosecute	4,787	9%	2,525	10%	1,728	10%	317	5%	217	5%
Pending	3,555	7%	1,615	6%	1,280	7%	477	8%	183	5%
<b>Arrests with Prior Felony Convictions</b>	<b>15,421</b>	<b>22%</b>	<b>8,985</b>	<b>25%</b>	<b>4,895</b>	<b>21%</b>	<b>1,237</b>	<b>17%</b>	<b>304</b>	<b>7%</b>
Felony Conviction	2,009	13%	1,142	13%	664	14%	157	13%	46	15%
Misdemeanor Conviction	3,555	23%	2,009	22%	1,190	24%	294	24%	62	20%
Non-Criminal Conviction	2,158	14%	1,240	14%	699	14%	171	14%	48	16%
Favorable Disposition	4,889	32%	2,984	33%	1,471	30%	325	26%	109	36%
Decline to Prosecute	1,198	8%	722	8%	392	8%	64	5%	20	7%
Pending	1,612	10%	888	10%	479	10%	226	18%	19	6%

Note: Convictions include Youthful Offender adjudications.

Favorable disposition includes dismissed, dismissed ACD, acquitted, other favorable, and covered by another case.

Source: DCJS, Computerized Criminal History file (as of 03/15/2024)



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# Small differences in criminal convictions in Non-NYC

Non-NYC Felony Arrest Cycles, 2019	Non-NYC Total		Black		Hispanic		White		Other	
	#	%	#	%	#	%	#	%	#	%
<b>Total Arrests</b>	<b>55,827</b>	<b>100%</b>	<b>20,557</b>	<b>100%</b>	<b>7,894</b>	<b>100%</b>	<b>25,732</b>	<b>100%</b>	<b>1,644</b>	<b>100%</b>
<b>Arrests with No Prior Felony Convictions</b>	<b>41,929</b>	<b>75%</b>	<b>13,946</b>	<b>68%</b>	<b>6,357</b>	<b>81%</b>	<b>20,210</b>	<b>79%</b>	<b>1,416</b>	<b>86%</b>
Felony Conviction	8,365	20%	2,680	19%	1,307	21%	4,171	21%	207	15%
Misdemeanor Conviction	13,069	31%	4,005	29%	1,726	27%	6,930	34%	408	29%
Non-Criminal Conviction	6,941	17%	2,358	17%	1,284	20%	2,998	15%	301	21%
Favorable Disposition	9,833	23%	3,858	28%	1,409	22%	4,171	21%	395	28%
Decline to Prosecute	27	0%	7	0%	3	0%	13	0%	4	0%
Pending	3,694	9%	1,038	7%	628	10%	1,927	10%	101	7%
<b>Arrests with Prior Felony Convictions</b>	<b>13,898</b>	<b>25%</b>	<b>6,611</b>	<b>32%</b>	<b>1,537</b>	<b>19%</b>	<b>5,522</b>	<b>21%</b>	<b>228</b>	<b>14%</b>
Felony Conviction	4,381	32%	1,979	30%	560	36%	1,772	32%	70	31%
Misdemeanor Conviction	4,467	32%	2,087	32%	437	28%	1,873	34%	70	31%
Non-Criminal Conviction	766	6%	401	6%	106	7%	235	4%	24	11%
Favorable Disposition	3,159	23%	1,651	25%	316	21%	1,151	21%	41	18%
Decline to Prosecute	6	0%	3	0%	1	0%	2	0%	0	0%
Pending	1,119	8%	490	7%	117	8%	489	9%	23	10%

Note: Convictions include Youthful Offender adjudications.

Favorable disposition includes dismissed, dismissed ACD, acquitted, other favorable, and covered by another case.

Source: DCJS, Computerized Criminal History file (as of 03/15/2024)



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# Sentences to Mandatory Prison, by Race and Ethnicity



## Creating a Mandatory Prison Proxy

- Examined 2019 felony arraignments in lower court
- Mandatory Prison proxy based on arraignment charge, criminal history, and available incarceration data at DCJS\*
  - Non-drug felony with prior felony conviction
  - Non-drug felony with no prior felony conviction (Class A and B, Class C violent felonies, specified Class C non-violent felonies, specified Class D and E violent felonies,
  - Drug felony (Class A excl. A-II PL 220, Class B with prior violent felony offense)

\*Note: DCJS does not have full information on prison release dates. Time incarcerated is estimated, based on information available at DCJS.



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# Statewide, mandatory prison most likely due to prior felony convictions

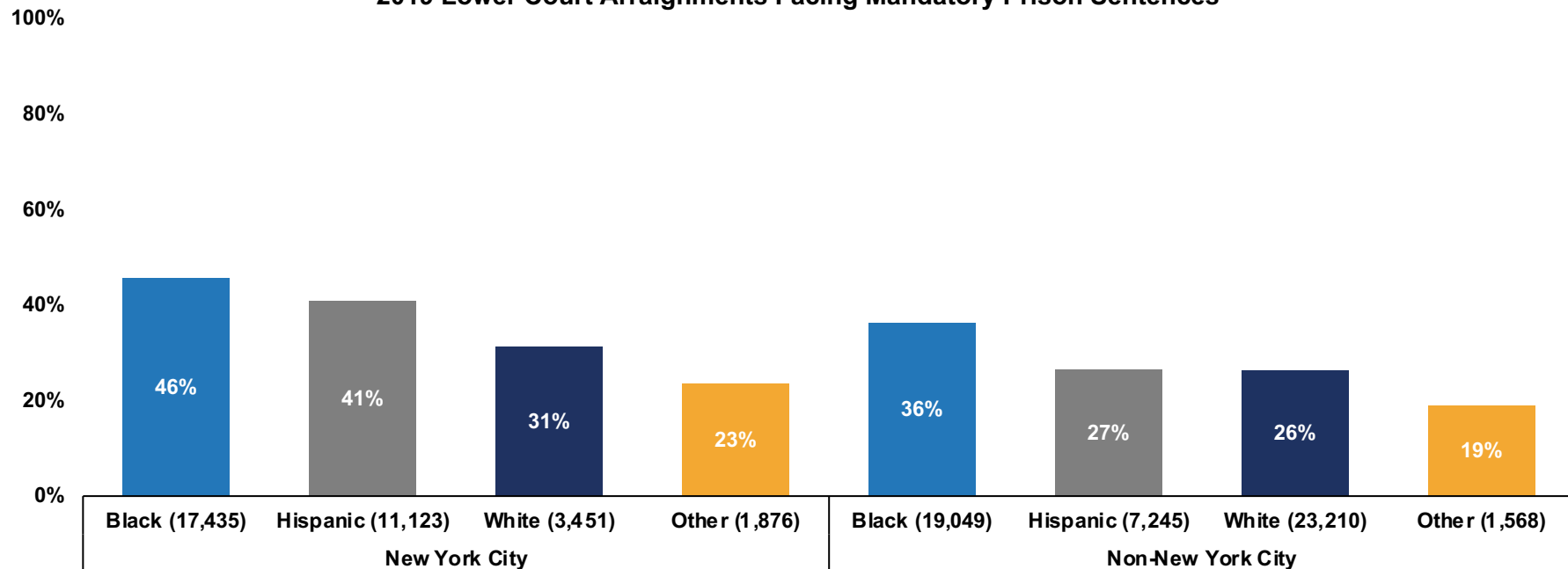
## 2019 Lower Court Felony Arraignments

Arraignment Charges	NYC		Non-NYC		Total	
<b>No mandatory minimum</b>	<b>19,873</b>	<b>59%</b>	<b>35,868</b>	<b>70%</b>	<b>55,741</b>	66%
<b>Mandatory minimum</b>	<b>14,012</b>	<b>41%</b>	<b>15,204</b>	<b>30%</b>	<b>29,216</b>	34%
Due to priors only	4,925	15%	8,594	17%	13,519	16%
Due to current charge only	6,902	20%	4,941	10%	11,843	14%
Due to priors and/or current charge	2,185	6%	1,669	3%	3,854	5%
<b>Total</b>	<b>33,885</b>	<b>100%</b>	<b>51,072</b>	<b>100%</b>	<b>84,957</b>	<b>100%</b>



# Black defendants are more likely to be facing mandatory prison charges at first appearance

2019 Lower Court Arraignments Facing Mandatory Prison Sentences



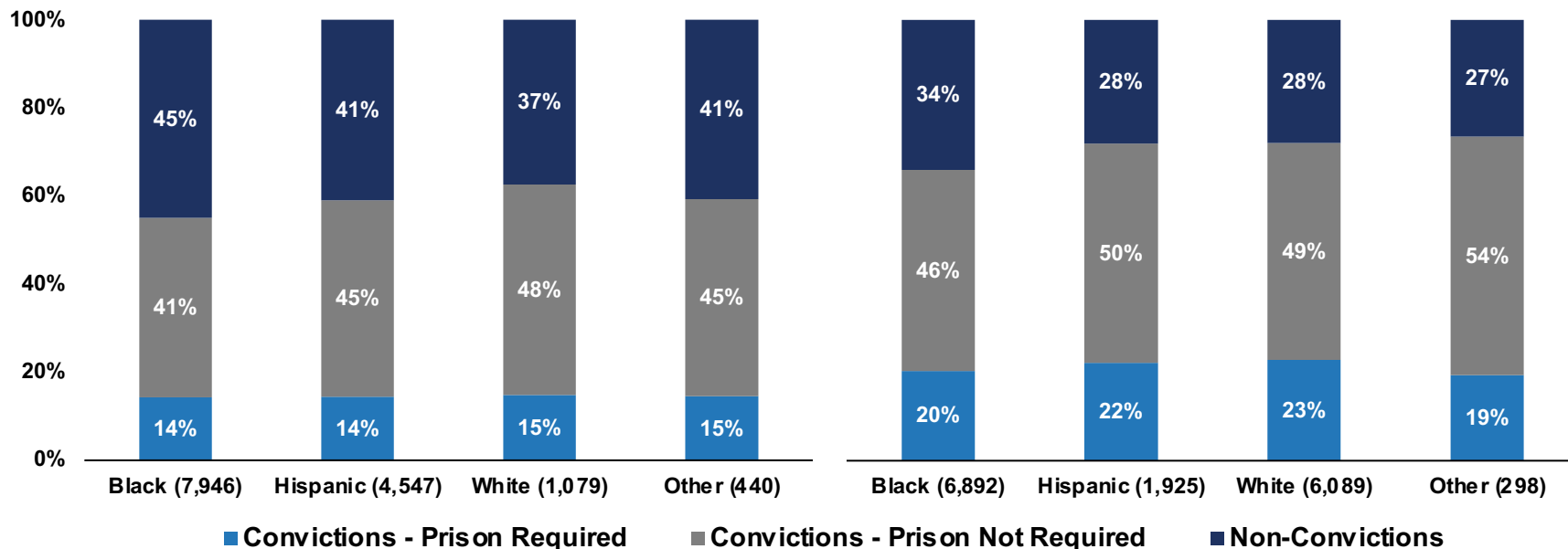
# MANDATORY PRISON CONVICTIONS

## Small diffs in convictions; larger for non-convictions

Disposition Outcomes for 2019 Lower Court Arraignments Facing Mandatory Prison Charges

New York City

Non-New York City



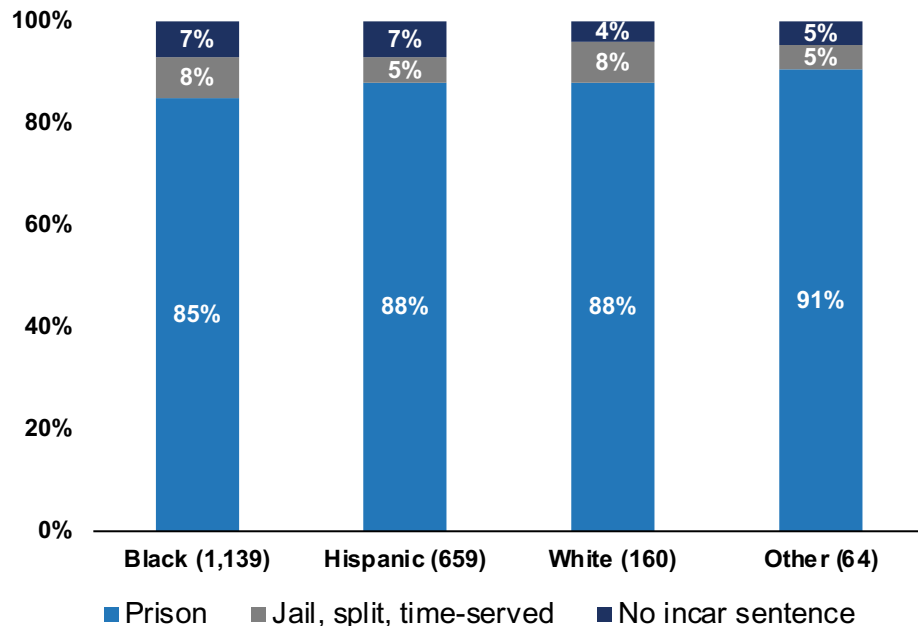


# MANDATORY PRISON SENTENCES

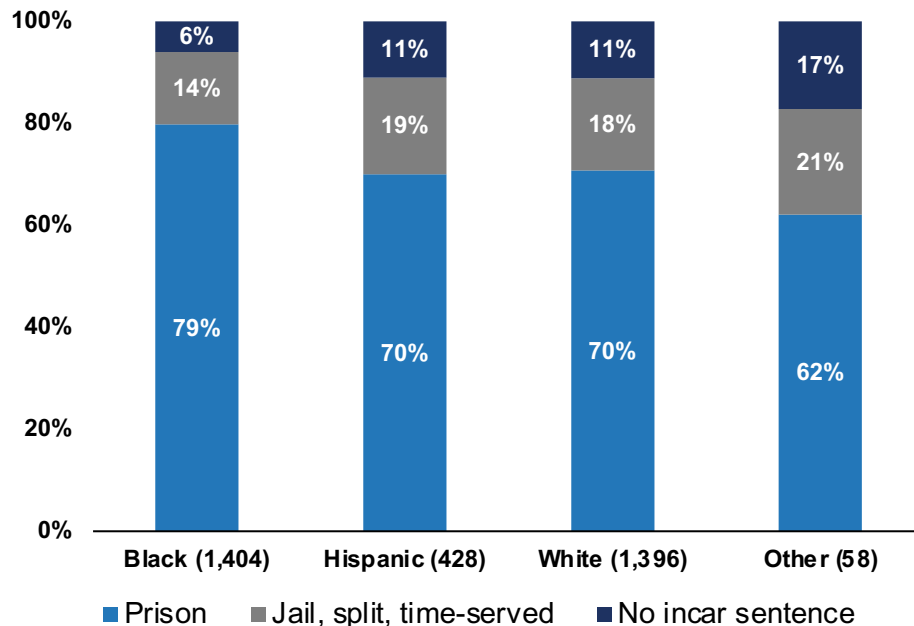
## Small differences in NYC; bigger in Non-NYC

Sentences in Mandatory Prison Convictions for 2019 Lower Court Arraignments Facing Mandatory Prison Charges

Prison Required - NYC



Prison Required - Non-NYC



Note: "No incar sentence" includes Probation, Conditional Discharge, Fine, etc.

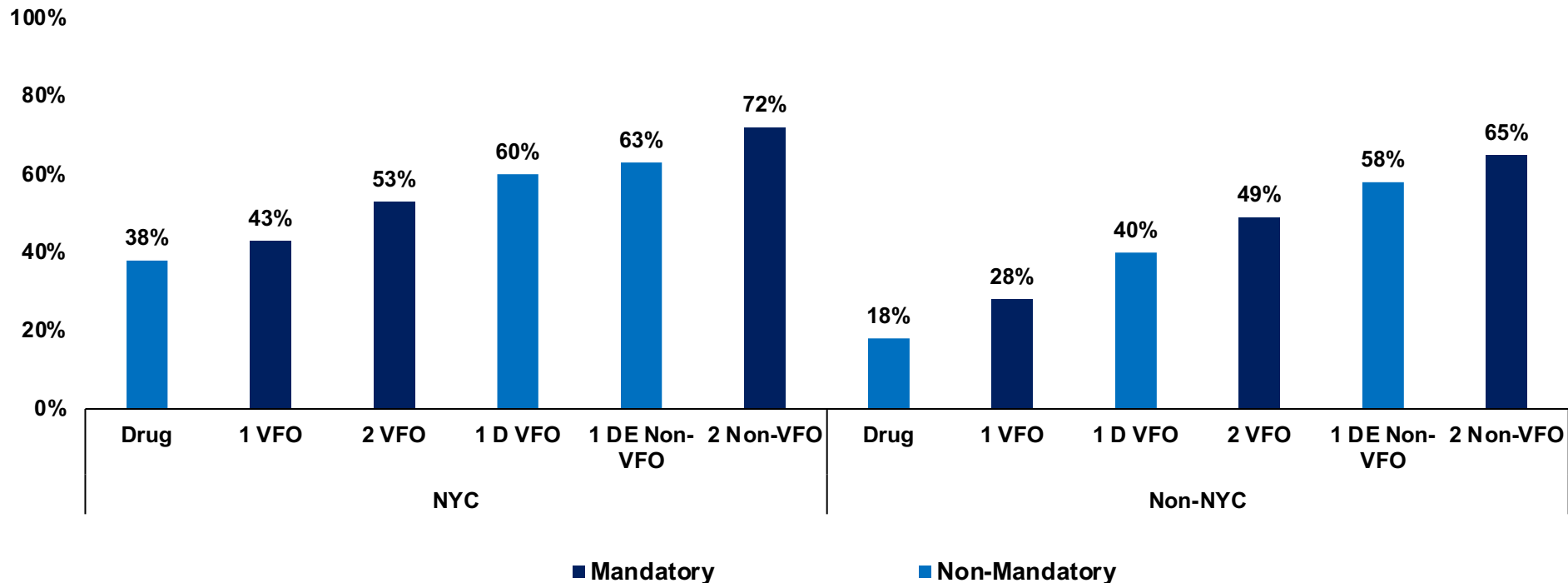
Source: DCJS, Computerized Criminal History File (as of 10/18/2023)

# Prison Sentence Lengths Imposed, by Race and Ethnicity



# Percent of sentences to shortest allowable, by offense type

Percent Sentenced to Minimum Length



# NYC: Small differences in shortest sentence lengths between black and Hispanic defendants

Total Number of Prison Sentences and Percent Sentenced to Shortest Allowable Sentence Length:  
NYC

Sentencing Category	Black			Hispanic			White			Other		
	Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence	
	#	#	%	#	#	%	#	#	%	#	#	%
Drug	91	37	41%	149	53	36%	12	6	50%	2	0	0%
1 VFO	248	106	43%	163	71	44%	29	16	55%	21	7	33%
2 VFO	248	124	50%	158	88	56%	18	10	56%	12	7	58%
1 D VFO	229	141	62%	121	69	57%	15	7	47%	11	9	82%
1 DE Non-VFO	126	78	62%	52	31	60%	26	22	85%	8	3	38%
2 Non-VFO	420	300	71%	228	168	74%	93	61	66%	23	21	91%

# Non-NYC: White defendants sentenced longer for VFOs; varies for Non-VFOs

Total Number of Prison Sentences and Percent Sentenced to Shortest Allowable Sentence Length:  
Non-NYC

Sentencing Category	Black			Hispanic			White			Other		
	Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence	
	#	#	%	#	#	%	#	#	%	#	#	%
Drug	482	91	19%	139	27	19%	384	60	16%	15	4	27%
1 VFO	250	81	32%	94	24	26%	150	30	20%	7	3	43%
1 D VFO	183	78	43%	75	35	47%	106	30	28%	9	6	67%
2 VFO	457	304	67%	129	87	67%	630	403	64%	24	14	58%
1 DE Non-VFO	184	99	54%	69	30	43%	305	192	63%	10	6	60%
2 Non-VFO	348	183	53%	59	29	49%	146	62	42%	3	1	33%

# Key Takeaways



## Key Takeaways of Case Processing Analyses

- Analyses show two systems of justice: NYC and Non-NYC.
- Disparities are manifested at the earliest point of contact (i.e., policing and arrests).
- Analyses show more uniformity in decision-making by the time of sentencing.
- However, disproportionality often makes it difficult to determine disparity, due to small Ns.
- Having a prior felony conviction appears to have a significant impact on path dependence.



**Thank You!**

**Leigh Bates**

**Deputy Commissioner**

**NYS Division of Criminal Justice Services**

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