

Trends in Misdemeanor Arrests in New York, 1980 to 2017

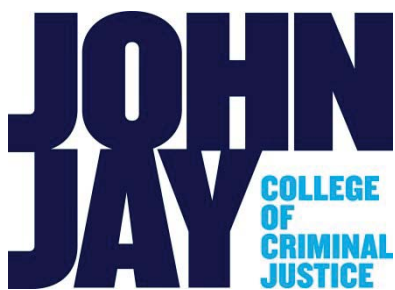
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Executive Summary

Since the early 2010s, policymakers, academics, advocates and the public have increasingly focused on the role that enforcement of lower-level offenses plays in public safety, police-community relations, community health and well-being, and public confidence in the justice system and government as a whole. In New York, this conversation emerged in the context of falling crime rates and changing enforcement policies.¹ In New York City, in 2015, then New York City Police Department (NYPD) Commissioner William J. Bratton coined the term "the peace dividend" and reasoned that, in the context of declining crime rates and strained police-community relations, the NYPD would return a dividend to communities in the form of 1 million fewer enforcement actions, including significant reductions in pedestrian stops, misdemeanor arrests, and issuance of criminal summonses.^{2,3,4} **This report, *Trends in Misdemeanor Arrests in New York: 1980 to 2017*, focuses on one element of the peace dividend – misdemeanor arrests. The report finds significant declines in recent years, as would be expected in New York City, but also examines less publicized declines in misdemeanor enforcement in other parts of New York State. Since 2010, there has been a 38.9 percent decrease in misdemeanor arrests in New York City and 32.1 percent decrease in Upstate Cities (Albany, Buffalo, Rochester, Syracuse, Yonkers). Nonetheless, the rates of enforcement in both New York City and the Upstate Cities were higher in 2017 than in 1980.**

In general, **New York City experienced the most dramatic variation in the rate of misdemeanor arrests as compared to Upstate Cities and the Rest of the State.** From 1980 to 2010, the rates of misdemeanor arrests in New York City surged from 1,389 to 4,351 per 100,000, a 213 percent increase. The misdemeanor arrest rate then decreased by 39 percent between 2010 and 2017, to a rate of 2,658 per 100,000 in New York City. In Upstate Cities, the rate of arrests varied less dramatically over the study period, starting at a misdemeanor arrest rate of 2,413 per 100,000 in 1980 and peaking at 4,892 in 1996, a 103 percent increase. The arrest rate then declined by 46 percent to 2,629 per 100,000 in 2017. The Rest of the State experienced even smaller fluctuations, starting with a rate of 1,766 per 100,000 in 1980, peaking at 2,593 in 1990 and ending with 1,941 in 2017; a 10 percent increase over the study period.

This report examines misdemeanor arrest trends over nearly four decades from a variety of angles. First, the report examines **trends in misdemeanor arrests by geographic area** including New York State as a whole and disaggregated by New York City, Upstate Cities, and the Rest of the State. We present these trends **as counts, proportions, and rates.** Second, the report analyzes misdemeanor arrest **rates by sex, age, and race/ethnicity in each geographic area.** Third, the report examines trends in the **count and proportion of misdemeanor arrests by charge type, disposition type and sentence type for the three geographic areas:** New York City, Upstate Cities, and the Rest of the State. Finally, the report provides a more **in-depth analysis of New York City trends by examining the interplay between various demographic factors**

¹Division of Criminal Justice Services. (2018). Index crimes reported to police by region: 2008-2017. Retrieved from <http://www.criminaljustice.ny.gov/crimnet/ojsa/indexcrimes/Regions.pdf>

²Max, B. (2015, November 09). 'Peace Dividend' Approach Continues, Bratton and De Blasio Say. *Gotham Gazette*. Retrieved December 18, 2018, from <http://www.gothamgazette.com/government/5977-peace-dividend-approach-continues-bratton-and-de-blasio-say>

³Parascandola, R., Tracy, T., & Mcshane, L. (2015, March 26). EXCLUSIVE: NYPD Commissioner Bratton predicts cops will have 1 million fewer law enforcement contacts with public in 2015. *New York Daily News*. Retrieved December 18, 2018, from <https://www.nydailynews.com/new-york/nyc-crime/exclusive-bratton-predicts-nypd-public-contacts-fall-1m-article-1.2162742>

⁴Bratton, W. J. (2016, January 20). The NYPD is winning the war on crime: Commissioner Bill Bratton lays out his strategy for curbing violence and healing police-community relations. *New York Daily News*. Retrieved December 18, 2018, from <https://www.nydailynews.com/opinion/william-bratton-nypd-winning-war-crime-article-1.2502376>

(e.g., rates of arrest for Black males in different age groups over time).

Report Highlights: Below we provide some highlights of the report. Note the highlights vary by geography (New York State versus disaggregated by New York City, Upstate Cities, and the Rest of the State) to identify the most significant trends. Further, the start and end points for trends vary based on data availability.

1. **General Trends:** As noted above, **New York City, Upstate Cities, and the Rest of the State all experienced an increase in the number and rate of misdemeanor arrests during the study period along with declines in recent years.** In 2017, misdemeanor arrest rates in New York City and Upstate Cities were comparable at 2,658 and 2,629 per 100,000, respectively. In the Rest of the State in 2017, the rate was lower at 1,941 per 100,000.
2. **Age and Arrest Rates:** In New York State, different age groups experienced **dramatic shifts in rates of misdemeanor arrests between 1980 and 2017, with significant declines for 16-17 year-olds and 18-20 year-olds but steep increases for all age groups 21 and over.** From 1980 to 2017, the misdemeanor arrest rate for the two youngest age groups (16-17 and 18-20) decreased by 24.5 percent and 10.1 percent, respectively, with the sharpest decreases occurring between 2010 and 2017. In contrast, the misdemeanor arrest rate for 21-24 year-olds increased by 30.6 percent, while the arrest rate for 25-34 year-olds rose by 88.0 percent, and the rate for 35-65 year-olds increased substantially by 126.6 percent.
3. **Race and Arrest Rates⁵:** **Across all geographic areas, New York City, Upstate Cities, and the Rest of the State, the misdemeanor arrest rates for non-Hispanic Blacks were consistently highest, followed by Hispanics, and then non-Hispanic Whites.**
 - **In New York City and Upstate Cities, non-Hispanic Blacks and Hispanics experienced significant increases and then declines in rates of arrests for misdemeanors.** For example, in New York City, the arrest rate for non-Hispanic Blacks was higher in 2017 (5,571 per 100,000) than in 1990 (4,539 per 100,000) but far lower than the peak of 9,517 in 2010. In Upstate Cities, the arrest rate for non-Hispanic Blacks was lower in 2017 (4,962 per 100,000) than in 2002 (8,305 per 100,000).
 - **The difference between the rates of arrests for non-Hispanic Blacks and Hispanics compared to non-Hispanic Whites has changed little and has consistently been wider in New York City compared to Upstate Cities and the Rest of the State.** In 2017, non-Hispanic Blacks were 5.2 times more likely than non-Hispanic Whites to be arrested for a misdemeanor in New York City, 3.1 times more likely to be arrested for a misdemeanor in Upstate Cities and 4.1 times more likely to be arrested for a misdemeanor in the Rest of the State. In 2017, Hispanics were 3.0 times more likely than non-Hispanic Whites to be arrested for a misdemeanor in New York City, 1.5 times more likely to be arrested for a misdemeanor in Upstate Cities and 1.6 times more likely to be arrested for a misdemeanor in the Rest of the State.
4. **Young Non-Hispanic Black Males in New York City:** When examining the interplay of sex, age, and race, the arrest rates for young non-Hispanic Black males under the age of 25 increased dramatically between 1990 and 2010 before declining substantially through 2017. However, **the rates of arrest for 16-17 year-olds, 18-20 year-olds and 21-24 year-olds remained higher in 2017 than in 1990:**

⁵The 1980 Census data do not allow us to determine race/ethnicity by our age groups. Therefore, we start the race/ethnicity calculations in 1990 in New York City. Due to the reliability of race/ethnicity data for arrests, trends for Upstate Cities and the Rest of the State start in 2002

Table 1: New York City Misdemeanor Arrest Rates for Young Black Males (per 100,000)

	1990	2010	2017
16-17 year-old Black Males	6,964	28,181	9,166
18-20 year-old Black Males	8,013	32,063	13,238
21-24 year-old Black Males	10,662	28,259	16,426

5. Charge Categories:

- **Person-Related Charges:** In all three geographic areas, the proportion of total misdemeanor arrests involving person-related charges, such as simple assault, increased during the study period. In 1980, person-related charges constituted 11.4 percent (7,381) of misdemeanor arrests in New York City, 18.5 percent (3,092) of arrests in Upstate Cities and 13.6 percent (14,827) of arrests in the Rest of the State. By 2017, these types of charges constituted 28.1 percent (43,796) of the misdemeanor arrests in New York City, 31.0 percent (5,092) in Upstate Cities and 21.8 percent (28,708) in the Rest of the State.
- **Misdemeanor Drug Charges:** In all three geographic areas, the number of misdemeanor arrests for marijuana and drugs other than marijuana was higher in 2017 compared to 1980. In 1980, marijuana arrests comprised 7.5 percent (4,849) of misdemeanor arrests in New York City. This percent increased dramatically to a peak of 27.3 percent (60,538) of misdemeanor arrests in 2000 before decreasing to 13.8 percent (21,574) in 2017. The trends for marijuana arrests were very different in other parts of the State. In Upstate Cities and the Rest of the State, the number of marijuana arrests increased but the proportion remained below 9 percent.

Drugs other than marijuana showed a different pattern. In New York City, in 1980, drugs other than marijuana accounted for 7.8 percent (5,080) of all misdemeanor arrests. This increased and peaked to 29.9 percent (36,249) in 1989 before declining to 9.7 percent (15,158) in 2017. Upstate Cities also had an increase from 3.3 percent (551) in 1980 to 14.2 percent (2,336) in 2017. In the Rest of the State, the proportion of misdemeanor arrests for drugs other than marijuana rose from 2.4 percent (2,647) in 1980 to a high of 15.6 percent (20,523) of all misdemeanor arrests in 2017.

6. **Case Dispositions:** In 2016, violation or infraction convictions constituted the highest proportion of dispositions for misdemeanor arrests in all three geographic areas. In 2016, a violation or infraction conviction disposition accounted for 26.6 percent of all dispositions in New York City, 26.1 percent in Upstate Cities, and 30.0 percent in the Rest of the State.⁶ In New York City, the percentage of misdemeanor arrests resulting in Adjudgment in Contemplation of a Dismissal (ACD) increased from 16.7 percent to 25.9 percent in 2016 but stayed relatively similar in Upstate Cities and Rest of the State. At the same time, in New York City, the proportion of misdemeanor arrests resulting in a misdemeanor conviction declined by more than half from 34.4 percent in 1980 to 15.0 percent in 2016. This proportion increased by approximately 3.0 percent for Upstate Cities and the Rest of the State.

⁶These trends end at 2016, due to the large number of arrests in 2017 (36.5 percent) that did not have final dispositions in the database.

7. Sentence Types:

- **In New York City and Upstate Cities, conditional discharge constituted the largest proportion of all sentences** (accounting for slightly more than 40 percent of sentences in both areas in 2016). **In the Rest of the State, fines consistently accounted for at least 40 percent of the sentences** for the entire study period, peaking at 67.4 percent in the mid-1980s and accounting for roughly half of all sentences in 2016.
- **The proportion of misdemeanor arrests resulting in jail sentences declined in New York City, but increased in Upstate Cities and the Rest of the State from 1980 to 2016.** The proportion of misdemeanor arrests in New York City resulting in jail sentences declined from 16.3 percent of arrests in 1980 to 13.9 percent of arrests in 2016. In Upstate Cities, the percentage of misdemeanor arrests resulting in jail increased from 16.6 percent in 1980 to 22.1 percent in 2016 and in the Rest of the State, this proportion increased from 8.4 percent to 14.0 percent over the same period.

The rest of this report presents a fuller picture of the shifting trends, many of them quite dramatic, in misdemeanor arrest patterns across the State, including patterns specific to particular geographic areas and for particular demographic groups. Just like all of the other Misdemeanor Justice Project reports, this report does not draw any conclusions as to what is driving or influencing the changes in misdemeanor arrest patterns over time (occasionally, the report does provide some limited information regarding big policy changes as context for the reader). Instead, this report provides nearly four decades of data about how misdemeanor enforcement has been operating around the State of New York to serve as an anchor for important, ongoing conversations surrounding public safety, as well as fairness and equity of the criminal justice system.