Tracking Enforcement Trends in New York City: 2003-2018

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DATA COLLABORATIVE FOR JUSTICE
AT **JOHN JAY COLLEGE**

STRENGTH IN NUMBERS

JOHN JAY COLLEGE OF CRIMINAL JUSTICE

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In this report, the Data Collaborative for Justice (DCJ) examines how New York City's enforcement rates have changed from 2003 to 2018, adding four additional years of data to update our prior report, *Tracking Enforcement Rates in New York City, 2003-2014*.[1] This report builds on DCJ's prior research by (1) examining whether declines in enforcement continued in recent years, (2) situating those trends within the context of criminal justice policy over the past 30 years, and (3) examining any changes in disparities in enforcement by race/ethnicity, age, and sex. The data presented in this report serve to anchor the important, ongoing conversations surrounding fairness and equity in the criminal legal system.

KEY FINDINGS

(1) *Overall Enforcement*: **Enforcement by the NYPD increased sharply from 2003 to 2011 and then fell dramatically between 2011 and 2018. In 2018, there were 1,187,643 fewer combined arrests, criminal summonses, and pedestrian stops ("enforcement actions") than in 2011.**

- In 2003, there were 858,578 enforcement actions in New York City. The numbers peaked at 1,480,318 in 2011 and then decreased to 292,675 in 2018.
- The increase in enforcement actions between 2003 and 2011 was driven largely by a 327% increase in NYPD pedestrian stops (from 160,851 stops to 685,724 stops). Similarly, the decline in enforcement actions between 2011 and 2018 was driven by a 99% decrease in NYPD pedestrian stops (from 685,724 stops to 11,008 stops).
- Between 2003 and 2011, misdemeanor arrests increased 24%, criminal summonses increased 5%, and felony arrests decreased 6%. Between 2011 and 2018, misdemeanor arrests decreased 50%, criminal summonses decreased 83%, and felony arrests decreased 15%.

(2) *Racial Disparities:* **Even as enforcement rates increased and decreased significantly between 2003 and 2018, disparities in enforcement between Black people and White people persisted. For some age groups, racial disparities increased significantly during this time period.**

- There were 5.8 enforcement actions among Black people for every one enforcement action among White people in 2003 and 2018; this ratio was seven to one in 2011.
- For people ages 16-17, the Black enforcement rate was nine times greater than the White enforcement rate in 2018, 6.1 times greater in 2011, and 3.6 times greater in 2003.
- For people ages 18-20, the Black enforcement rate was 7.9 times greater than the White enforcement rate in 2018, 4.9 times greater in 2011, and 4.5 times greater in 2003.
- For people ages 21-24, the Black enforcement rate was 7.8 times greater than the White enforcement rate in 2018, 6.2 times greater in 2011, and 6.1 times greater in 2003.

KEY FINDINGS (continued)

(3) *Race/ethnicity*: **Throughout the 16-year period, Black people had the highest enforcement rate, followed by Hispanic people,[2] and then White people.**

- The Black enforcement rate was approximately twice the overall citywide rate, while the White rate was approximately one-third the overall citywide rate throughout the 16-year period.
- The Hispanic enforcement rate roughly mirrored the citywide rate throughout the 16-year period.
- In 2018, Black people had an enforcement rate of 7,795 enforcement actions per 100,000 Black individuals, Hispanic people had an enforcement rate of 4,188 per 100,000 Hispanic individuals, and White people had an enforcement rate of 1,334 enforcement actions per 100,000 White individuals.

(4) *Young People*: **The younger age groups (16-17, 18-20, 21-24 year-olds) show both the greatest increases and decreases in enforcement between 2003 and 2018.** The younger age groups experienced increases in enforcement rates from 2003 to 2011 ranging from 86% to 123%, followed by decreases in enforcement rates from 2011 to 2018 ranging from 82% to 90%.

(5) *Charge Types*: **From 2011 to 2018, the greatest declines for felonies, misdemeanors, and criminal summonses were for charges related to drugs and alcohol. Although arrests involving drugs and alcohol were subject to some of the starkest decreases, these charges were still some of the most frequently enforced offenses in 2018.**

- Between 2011 and 2018: felony arrests for criminal sale of a controlled substance decreased by 52% decrease (~4,100 fewer arrests); misdemeanor arrests for marijuana possession of between one and eight ounces decreased by 84% (~43,200 fewer arrests); and criminal summonses issued for public consumption of alcohol decreased by 96% (~125,000 fewer summonses).
- In 2018, charges involving drugs and alcohol continued to be among the most frequently enforced:
  - Felony criminal sale of a controlled substance (PL 220.39) was among the top five most common felony arrests (3,780 arrests).
  - Criminal possession of a controlled substance (PL 220.03) and marijuana possession of between 1 and 8 ounces (PL 221.10 & PL 221.15) were among the top five most common misdemeanor arrests with 12,229 and 8,371 arrests respectively. [Note: Effective August 2019, state legislative reforms decriminalized possession of under two ounces of marijuana].
  - Possession of under 25 grams of marijuana (PL 221.05) and public consumption of alcohol (AC 10-125) were among the top five most common criminal summonses issued with 14,779 and 5,204 criminal summonses issued respectively.
- In 2018, the most frequent charges for felonies, misdemeanors and summonses were:
  - Felony assault, which includes intent to cause serious physical injury (9,629 felony arrests).
  - Misdemeanor assault, which includes intent to cause physical injury (26,146 misdemeanor arrests).
  - Criminal summonses issued for marijuana possession (14,779 summonses).

Understanding Study Findings

In conducting the analyses presented here, DCJ relied on data provided either by the Division of Criminal Justice Services, the Office of Court Administration, or publicly available data from the New York City Police Department from 2003 to 2018. Because these analyses rely on administrative records of enforcement actions taken by the police, they do not necessarily reflect changes in the numbers of crimes, some of which may not be identified by or reported to the police. Consequently, these analyses cannot definitively establish to what degree decreases in enforcement reflect policy and operational changes by the police, or whether they reflect other changes beyond policing practices. While the New York City Police Department's (NYPD) policy changes to "lighten the touch" of enforcement in New York City (see pages 6-8) likely impacted some portion of the enforcement declines shown in this report, we also know that reported crime dropped between 2003 and 2018 (see Figure 1). Thus, it is also possible that reductions in the number of crimes committed also contributed to reductions in enforcement.

This report documents significant declines in lower-level enforcement as well as persistent racial disparities in enforcement and raises important questions that cannot be answered by the administrative data. For example, we do not know about the circumstances that led up to each documented enforcement action (i.e., if it was a response to a call from the community or if it was initiated by an officer), the quality of these interactions (i.e., whether force was used), or whether the charges resulting from many of these interactions were later dropped. Further, there is research on how lower-level enforcement may have serious, negative consequences for people and communities, including by reducing employment and educational opportunities,[3] increasing incarceration rates,[4] eroding public trust in law enforcement,[5] and causing psychological harm.[6] Thus, the enforcement trends and racial disparities captured in this report likely have significant implications for the health and well-being of New Yorkers, and particularly New Yorkers of color. These are questions and issues that merit further exploration using data that was not available for this study.

REPORTED CRIME RATES & ENFORCEMENT ACTIONS: 1985-2018

The number of enforcement actions taken by the police may reflect underlying rates of crime, legislative changes, and/or policing policies and practices. It is difficult to establish true numbers of crimes committed via official records as not all crimes are reported. However, by examining reported rates of crime over time, it is possible to get a better sense as to crime patterns and their relationship to enforcement patterns. A comparison of reported violent and property crime and enforcement actions between 1985 and 2018 shows that **enforcement patterns fluctuated dramatically even as reported crime steadily decreased.**

Figure 1 shows the reported violent and property crime rates in New York City from 1985 to 2018. This figure shows that **since their peaks in 1989, reported property crime has declined by 77%, and reported violent crime has declined by 71%.**[7]

Figure 2 shows the number of enforcement actions in New York City during the same time period. While there is reliable data on felony and misdemeanor arrests beginning in 1985, the first year of reliable data for criminal summonses and pedestrian stops is 2003.[8]

Taken together, Figures 1 and 2 show that a **rise and fall in enforcement rates occurred alongside continuous declines in reported crime rates**. Thus, while reported crime has continued to decrease over a long period of time, this happened within the context of increases and decreases in enforcement.

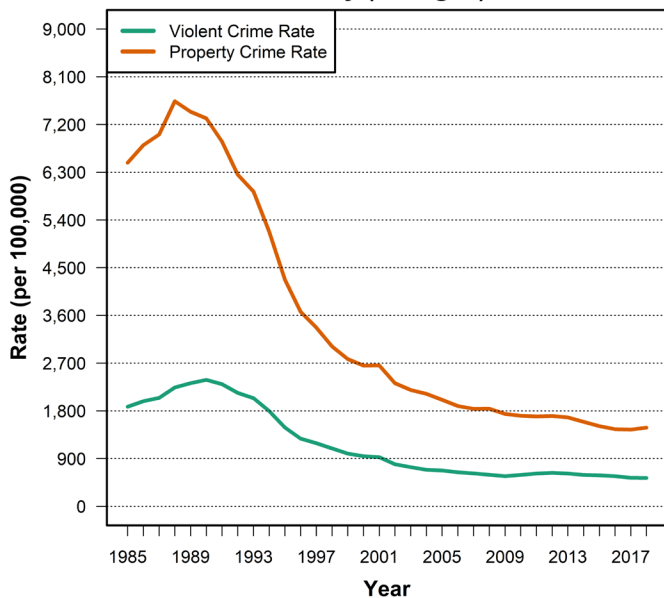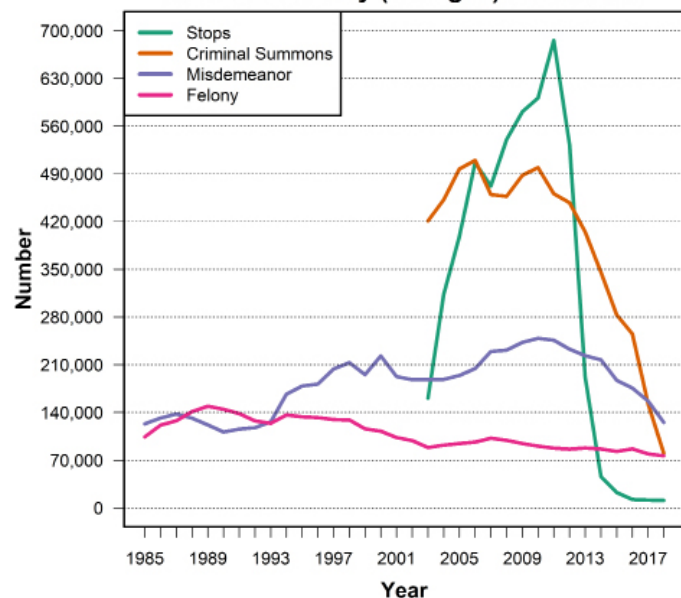Figure 1: Reported Violent and Property Crime Rate in New York City (All Ages): 1985-2018

Figure 2: Number of Enforcement Actions in New York City (All Ages): 1985-2018

CRIMINAL JUSTICE POLICY CONTEXT

As discussed above, fluctuations in the number of police enforcement actions can be a function of crime patterns, legislative changes, and policing policies and practices. This section provides *examples* of relevant state and local criminal justice policies that likely impacted New York City enforcement trends between 2003 to 2018. The policies described below had an explicit focus on either increasing or reducing enforcement, and were implemented in the time leading up to or during the period covered by DCJ's analyses.

It is also important to note that some declines in enforcement were likely influenced by subtler cultural shifts that may or may not result in formal legal, operational, or policy changes. For example, in the lead-up to the passing of the "Raise the Age" legislation in 2017, there were significant declines in enforcement actions for 16-17 year-olds (see Figure 6). Criminologists and other scholars have cited other factors contributing to reduced crime and enforcement, such as shifting patterns in drug markets,[9,10] behavioral changes,[11] and changes in public sentiment.[12] In the absence of data to assess the role of such factors in enforcement declines, we do not discuss them in this report, but acknowledge that they may have influenced the trends presented here.

Mid-1990s to 2012: Increasing Enforcement & Emphasis on Lower-Level Offenses

During the 1990s and 2000s, the crime-reduction approaches of multiple mayoral administrations and NYPD leadership were characterized by efforts to increase enforcement for all offenses. A core element of this increased enforcement was an emphasis on enforcement of "quality-of-life" offenses. This approach to policing began in earnest in 1994 with the election of Mayor Rudolph Giuliani and appointment of Police Commissioner William Bratton. At this time, NYPD's emphasis on quality-of-life enforcement was heavily influenced by Wilson and Kelling's "broken windows" theory, which asserted that visible signs of urban "disorder" build up and compound over time, eventually leading to violent crime.[13]

In 1994, the NYPD outlined a new crime reduction approach focused on reducing a variety of serious crime problems including gun violence,[14] youth violence,[15] drug sales,[16] and domestic violence.[17] Notably, *Police Strategy No. 5*, which focused on reclaiming public spaces was described as "the linchpin of efforts undertaken by [NYPD] to reduce crime."[18] This strategy targeted low-level crimes such as "aggressive panhandling, squeegee cleaners, street prostitution, 'boombox cars,' public drunkenness, reckless bicyclists, and graffiti."[19] In a 1996 public address, Police Commissioner William Bratton described NYPD's strategic shift as one that "aggressively attacked quality-of-life signs of crime."[20] In 1994, NYPD began a data-driven approach to implementing these strategies when it implemented CompStat, a management and accountability tool.[21] NYPD's ability to expand lower-level enforcement activities was bolstered by the federal 1994 Violent Crime Control and Law Enforcement Act (also known as the "1994 Crime Bill"),[22] which provided billions of dollars to state and local law enforcement agencies across the United States to hire additional police officers. New York City received over $500 million in federal grants between 1995 and 2000, which funded additional personnel (approximately 3,500 new police officers) and technology within the NYPD.

After Mayor Michael Bloomberg's 2002 election, Police Commissioner Raymond Kelly continued NYPD's emphasis on enforcement of gun violence[23] and low-level offenses. In 2003, the Mayor's Office outlined numerous new NYPD initiatives, including several focused on lower-level offenses. For example, "Operation Clean Sweep," which launched in January 2002, was described as "a direct and comprehensive quality of life enforcement program" that targeted "violations reported to precincts and the NYPD's quality-of-life hotline." Mayor Bloomberg's office stated that this initiative "generated more than 20,000 arrests and 209,000 summonses throughout the five boroughs" in its first two years. In addition, "Operation Silent Night" (introduced in October 2002) focused on combatting "excessive noise" by increasing the use of summonses, arrests, and fines for noise violations. In its first year, this initiative "resulted in the issuance of 111,180 summonses" and 7,400 arrests of which 1,100 were for felony arrests. Another program, "Operation Spotlight," focused on "chronic misdemeanor offenders." Mayor Bloomberg's administration claimed the program resulted in over 18,000 arrests, a 48% increase in the number of individuals receiving jail sentences, increases in the lengths of jail sentences, and a 20% increase in the percentage of individuals detained on bail.[24] These initiatives may help to explain the increases in misdemeanor arrests and issuance of criminal summonses in 2003.

2012 - 2014: Enforcement Rollback and Resolution of Stop-and-Frisk Lawsuit

Between 2010 and 2012, a trio of class-action lawsuits were filed challenging the constitutionality of NYPD's "stop-and-frisk" practices. In *Floyd v. City of New York*, plaintiffs asserted that NYPD engaged in racial profiling and unconstitutional pedestrian stops.[25] *Davis v. The City of New York* challenged the NYPD's approach to patrolling New York City Housing Authority ("NYCHA") buildings along with related stops and arrests of NYCHA residents and their guests.[26] *Ligon v. City of New York* challenged NYPD's "Operation Clean Halls" and "Trespass Affidavit Program," which extended the approach taken to patrols and stops in NYCHA buildings to thousands of private apartment buildings across New York City.[27] In all three suits, which were before U.S. District Judge Scheindlin as related cases, plaintiffs alleged that NYPD's stop-and-frisk practices were racially discriminatory and unconstitutional.[28]

As reflected in Figure 2, the volume of overall enforcement began to decline in 2012, driven by a sharp reduction in pedestrian stops. At around this time, NYPD released several statements about changes to their practices. For example, in a 2012 letter to City Council, Commissioner Kelly described the steps that NYPD was taking to "increase public confidence in Police Department stop, question, and frisk procedures."[29] Further, NYPD's use of stop-and-frisk was a major point of debate during the 2013 mayoral race, and as a candidate, Bill de Blasio was a strong critic of the use of stops during his campaign.[30]

In 2013, Judge Scheindlin held that NYPD's pedestrian stop-and-frisk practices were "racially discriminatory and therefore violate[d] the United States Constitution."[31] She also ruled that the execution of Operation Clean Halls was unconstitutional, as officers had regularly performed stops and arrests without reasonable suspicion of trespassing.[32] After Mayor de Blasio took office, New York City settled the *Floyd, Davis* and *Ligon* cases and agreed that NYPD would implement a number of reforms to ensure compliance with constitutional requirements, including implementation of new policies and training on stop-and-frisk as well as additional data collection. Judge Scheindlin appointed the same monitor to oversee implementation of the reforms to which New York City and the plaintiffs had agreed in all three cases.[33] Between 2014 and 2018, pedestrian stops declined by 94%.

2014 - 2018: Policy & Legislative Changes

Starting in 2014, the NYPD, under Mayor de Blasio, implemented a number of operational changes, some driven by external legislative mandates, and other operational changes to NYPD policies, that likely impacted the reductions in enforcement actions. In 2014, Mayor de Blasio brought William Bratton back as police commissioner.[34] Under Police Commissioner Bratton's leadership, the NYPD sought to "minimize the use of a criminal summons or arrest," in order to create "a drastic reduction in enforcement contacts between police and citizens," which Bratton referred to as the "peace dividend."[35] In a 2015 editorial, Commissioner Bratton asserted the total number of arrests, summonses, and stops were down by nearly one million from the high of the previous decade.[36] In 2015, there were 575,573 combined arrests, criminal summonses, and stops, compared to 1,480,321 in 2011, adding up to a total reduction of 904,748 for these four enforcement mechanisms (see Figure 2).[37]

Below we provide examples of legal, operational, and policy changes that may have impacted high volume enforcement activities since 2014.

Marijuana Enforcement

The declines in drug enforcement, particularly arrests related to marijuana possession, were likely influenced by formal changes to NYPD and district attorney policies as well as growing public pressure to liberalize marijuana policy. In 2014, the NYPD began issuing criminal summonses in lieu of arrests for marijuana possession up to 25 grams, with some exceptions such as public burning.[38] In 2018, the issuance of criminal summonses in lieu of arrest was then extended to include public burning of marijuana, barring certain exclusions.[39] During this period, the district attorneys in Brooklyn[40] and Manhattan[41] also announced policies of declining to prosecute marijuana possession charges, vacating previous convictions for these charges as well as warrants originating from misdemeanor marijuana possession charges. DCJ's February 2019 research brief,[42] report,[43] and related policy timeline[44] documented dramatic fluctuations in misdemeanor marijuana possession charges as well as growing racial disparities in this type of enforcement. In August 2019, New York State implemented legislation decriminalizing marijuana possession, treating possession of up to two ounces as a violation instead of a crime.[45]

Criminal Justice Reform Act

In 2016, the New York City Council passed the Criminal Justice Reform Act (CJRA), which influenced the reductions in criminal summonses, documented in this report. CJRA, which went into effect in June 2017, moved certain quality of life offenses (public consumption of alcohol, public urination, littering, unreasonable noise, and New York City Parks Rules offenses) from criminal to civil courts. NYPD now issues civil summonses rather than criminal summonses for these five offenses, with certain exceptions.[46] In a previous report, DCJ found that CJRA resulted in a 94% decline in criminal summonses for the relevant offenses.[47]

Fare Evasion

Enforcement of fare evasion has fluctuated over the last several decades,[48] with dramatic decreases starting in 2011.[49] In 2003, there were 15,653 misdemeanor arrests for fare evasion; this number increased to 25,467 arrests in 2011 (a 63% increase), and decreased by 74% to 6,561 arrests in 2018 (see Tables 3 and 4). These changes were likely influenced by NYPD priorities. In the early 1990s, as Chief of the New York City Transit, William Bratton explicitly focused on fare evasion enforcement.[50, 51] Since 2018, policies and practices with respect to fare evasion have continued to evolve and have the potential to influence trends in enforcement. For example, in 2019, Governor Cuomo announced the addition of 500 new NYPD officers dedicated to patrolling the subways and addressing "the growing problem of fare evasion."[52]

ENFORCEMENT DECLINE

Figure 3: Number of Enforcement Actions in New York City (All Ages): 2011-2018
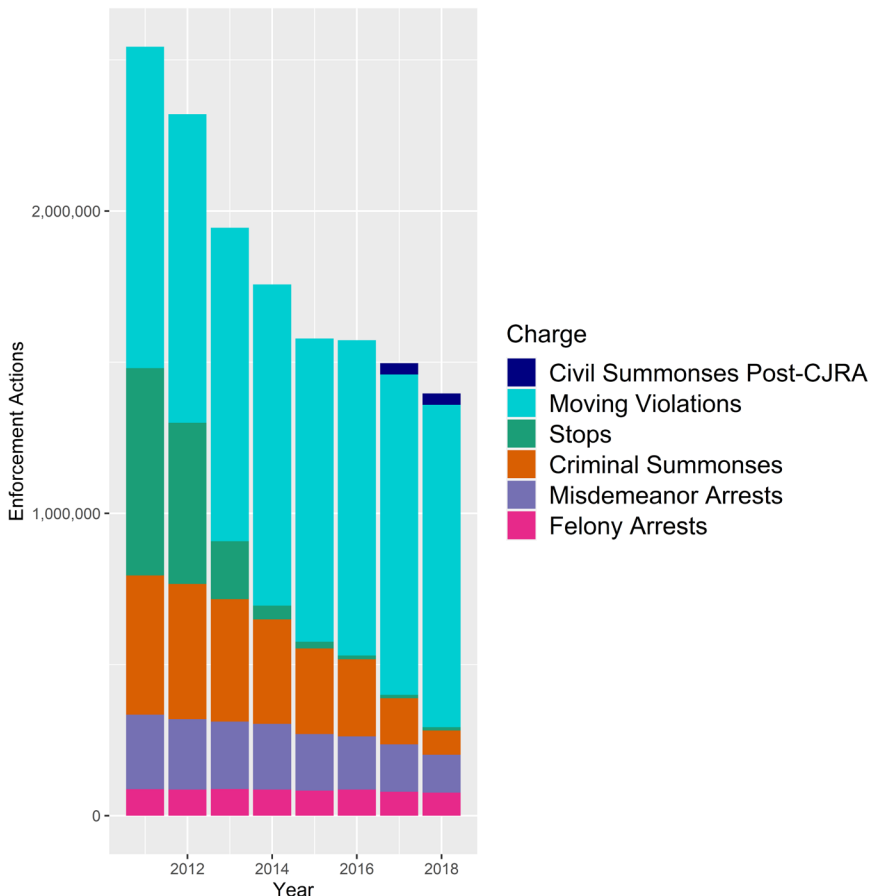
Note: OATH Summonses only include those issued after June 13 2017, when CJRA went into effect

Figure 3 shows the number of enforcement actions from 2011 to 2018 and includes the same enforcement types as Figure 2, with the addition of moving violations and civil summonses issued for CJRA-eligible offenses after June 13, 2017 (see Appendix for data definitions.) Subsequent figures in this report do not include moving violations because that data does not include any demographic information (age, race/ethnicity, or sex). However, we include moving violations here to reflect that there is a **sizeable portion of police enforcement that is not reflected in the analyses below.** We also include civil summonses issued for CJRA-eligible offenses to show the shift of those five offenses (open container, public urination, noise offenses, park offenses and littering) from criminal to civil adjudication. We also do not include civil summonses in the subsequent figures given our interest in the criminal legal system.

There were 1,146,761 fewer enforcement actions in New York City in 2018 than there had been in 2011 (2,543,207 in 2011 compared to 1,396,439 in 2018). This includes all moving violations and civil summonses for CJRA-eligible offenses after June 13, 2017. The greatest proportional decline during

this eight-year period is for reported police stops (98% decline), followed by criminal summonses (83% decline), misdemeanor arrests (50% decline) and felony arrests (13% decline). The volume of moving violations was essentially unchanged, with an increase of only 3,487 moving violations from 2011 to 2018, a 0.3 percent increase.[53]

ENFORCEMENT BY CHARGES

This section focuses on the five most prevalent charges in 2003 (start of study period), 2011 (peak enforcement year) and 2018 (end of study period). Tables 1-6 separate these prevalent charges by enforcement type (felony arrests, misdemeanor arrests, and criminal summonses). Then, to determine the types of offenses that drove these declines, we examine the top five felony, misdemeanor, and criminal summons charges that had the steepest declines in volume between 2011 to 2018. **We find that drug sale and possession generally showed the most dramatic declines in arrests, while public consumption of alcohol showed the most dramatic decline in issuance of criminal summonses. In 2018, assault was the most frequent charge for felony and misdemeanor arrests while marijuana possession was the most frequent charge for the issuance of criminal summonses.**

Felony Arrest Charges:

Table 1: Top Five Felony Arrest Charges (2003, 2011, 2018)					
2003		**2011**		**2018**	
Charge	*#*	*Charge*	*#*	*Charge*	*#*
Assault, 2nd degree (PL 120.05)	10,633	Assault, 2nd degree (PL 120.05)	9,290	Assault, 2nd degree (PL 120.05)	9,692
Criminal sale controlled substance (PL 220.39)	7,992	Criminal sale controlled substance (PL 220.39)	7,933	Grand larceny (PL 155.30)	6,305
Criminal possession controlled substance, 3rd degree (PL 220.16)	6,771	Criminal possession controlled substance, 3rd degree (PL 220.16)	6,568	Criminal contempt, 1st degree (PL 215.51)	6,300
Grand larceny (PL 155.30)	4,737	Grand larceny (PL 155.30)	5,324	Criminal sale controlled substance (PL 220.39)	3,780
Possession forged instrument (PL 170.25)	4,048	Robbery, 2nd degree (PL 160.10)	4,792	Possession forged instrument (PL 170.25)	3,609
Note: Arrest counts reflect the total number of arrests in a given year and may include multiple arrests of the same person.					

Among felony arrests, **assault in the 2nd degree, which is intent to cause serious physical injury, was consistently the top charge across all three time points (2003, 2011, and 2018).** Grand larceny (value of property more than $1,000) and criminal sale of a controlled substance were also among the top five charges for felony arrests at all three time points. Arrests for grand larceny increased while arrests for criminal sale of a controlled substance decreased over time. Arrests for criminal possession of a controlled substance accounted for over 6,500 arrests in 2003 and 2011 but declined to 3,366 arrests in 2018, removing it from the top five charge categories for felony arrests in 2018 (Table 2).

Table 2: Top Five Felony Arrest Charges with Steepest Decline from 2011-2018					
Arrest Charge	2003	2011	2018	2003-2011 Change	2011-2018 Change
Criminal sale of controlled substance, 3rd degree (PL 220.39)	7,992	7,933	3,780	-59 (-1%)	-4,153 (-52%)
Criminal possession controlled substance, 3rd degree (PL 220.16)	6,771	6,568	3,366	-203 (-3%)	-3,202 (-49%)
Robbery, 2nd degree (PL 160.10)	3,830	4,792	3,255	+962 (-25%)	-1,537 (-32%)
Tampering with physical evidence (PL 215.40)	734	2,133	660	+1,399 (+191%)	-1,473 (-69%)
Criminal sale of controlled substance in/near school grounds or on school bus (PL 220.44)	3,016	1,039	77	-1,977 (-66%)	-962 (-93%)
Note: Arrest counts reflect the total number of arrests in a given year and may include multiple arrests of the same person.					

Table 2 shows that the **five felony arrest charges with the steepest decline from 2011 to 2018 were sale and possession of controlled substances (also near school grounds), 2nd degree robbery, and tampering with evidence.** Criminal sale of a controlled substance in/near school grounds or bus showed the largest proportional decline (93%). Several of these top five charges were not increasing in magnitude from 2003 to 2011, and were on a relative plateau (e.g. sale and possession of controlled substance) or already beginning a steady decline (sale of controlled substances near school grounds). However, charges for tampering with physical evidence had increased substantially (191%) from 2003 to 2011.

Misdemeanor Arrest Charges:

Table 3: Top Five Misdemeanor Arrest Charges (2003, 2011, 2018)					
2003		2011		2018	
Charge	*#*	*Charge*	*#*	*Charge*	*#*
Marijuana possession, >1 oz & >2 oz (PL 221.10 & PL 221.15)	39,612	Marijuana possession, >1 oz & >2 oz (PL 221.10 & PL 221.15)	51,586	Assault, 3rd degree (PL 120.00)	26,146
Criminal possession controlled substance (PL 220.03)	28,277	Assault, 3rd degree (PL 120.00)	26,985	Petit larceny (PL 155.25)	19,802
Assault, 3rd degree (PL 120.00)	21,219	Theft of services/Fare evasion (PL 165.15)	25,467	Criminal possession controlled substance (PL 220.03)	12,229
Theft of services/Fare evasion (PL 165.15)	15,653	Criminal possession controlled substance (PL 220.03)	25,334	Marijuana possession, >1 oz & >2 oz (PL 221.10 & PL 221.15)	8,371
Criminal trespass, 2nd & 3rd degree, (PL 140.10 & PL 140.15)	14,545	Petit larceny (PL 155.25)	25,149	Theft of services/Fare evasion (PL 165.15)	6,561
Note: Arrest counts reflect the total number of arrests in a given year and may include multiple arrests of the same person.					

Table 3 shows that in 2003 and 2011, marijuana possession charges accounted for 39,612 and 51,586 misdemeanor arrests, respectively. In 2018, arrests for this charge dropped substantially; there were 8,371 arrests for marijuana possession that year. **Arrests for criminal possession of a controlled substance, fare evasion, and assault were among the top five charges at all three points**. While arrests for criminal possession of a controlled substance steadily declined, the number of misdemeanor arrests for assault grew by approximately 5,000 arrests from 2003 to 2018. Arrests for fare evasion increased from 2003 to 2011 and then decreased. Arrests for petit larceny decreased by 21% from 25,149 arrests in 2011 to 19,802 arrests in 2018.

Table 4: Top Five Misdemeanor Arrest Charges with Steepest Decline from 2011-2018					
Arrest Charge	**2003**	**2011**	**2018**	**2003-2011 Change**	**2011-2018 Change**
Marijuana possession, >1 oz & >2 oz (PL 221.10 & PL 221.15)	39,612	51,586	8,371	+11,974 (+30%)	-43,215 (-84%)
Theft of services/Fare evasion (PL 165.15)	15,653	25,467	6,561	+9,814 (+63%)	-18,906 (-74%)
Criminal possession of controlled substance, 7th degree (PL 220.03)	28,277	25,334	12,229	-2,943 (-10%)	-13,105 (-52%)
Criminal trespass, 2nd & 3rd degree, (PL 140.10 & PL 140.15)	14,545	15,845	3,593	+1,300 (+9%)	-12,252 (-77%)
Criminal possession weapon, 4th degree (PL 265.01)	4,078	9,616	4,170	+5,538 (+135%)	-5,446 (-57%)
Note: Arrest counts reflect the total number of arrests in a given year and may include multiple arrests of the same person.					

Table 4 shows that the **five misdemeanor arrest charges with most significant declines in volume from 2011 to 2018 were marijuana possession, fare evasion, possession of a controlled substance, trespassing (2nd and 3rd degree), and possession of a weapon.** Marijuana possession enforcement showed the largest proportional decline, followed by trespassing and fare evasion. The reduction in marijuana possession enforcement seen here may reflect the NYPD policy starting in 2014, shifting enforcement of possessing small amounts of marijuana from misdemeanor arrests to criminal summonses (see full description above, pg. 7). Among the charges that declined the most from 2011 to 2018, three had previously seen a sharp increase from 2003 to 2011: the greatest increases by volume were for marijuana possession (increased by 11,974) and fare evasion (increased by 9,814), while the greatest proportional increase was for weapons possession (135% increase).

Criminal Summons Charges:

Table 5: Top Five Criminal Summons Charges (2003, 2011, 2018)

2003		2011		2018	
Charge	*#*	*Charge*	*#*	*Charge*	*#*
Public consumption of alcohol (AC 10-125)	106,536	Public consumption of alcohol (AC 10-125)	130,432	Marijuana possession (PL 221.05)	14,779
Disorderly conduct (all PL 240.20)	69,130	Disorderly conduct (all PL 240.20)	87,241	Disorderly conduct (all PL 240.20)	9,990
Park violations (all PRR)	26,949	Park violations (all PRR)	32,177	Public consumption of alcohol (AC 10-125)	5,204
Public urination (AC 16-118 & HC 153.09)	25,025	Riding bicycle on sidewalk (AC 19-176 UM)	31,021	Driving with suspended license (VTL 0512)	4,320
Unlicensed vehicle for hire (AC 19-506)	23,087	Public urination (AC 16-118 & HC 153.09)	30,834	Transit authority charges (all TAR)	3,544

Note: Criminal summons counts reflect the total number of summonses in a given year and may include multiple summonses of the same person.

Table 5 shows that in 2003 and 2011, public consumption of alcohol was the top criminal summons charge, with over 100,000 charges in each year. By 2018, the top criminal summons charge was for marijuana possession, while the number of public consumption of alcohol charges had decreased to approximately 5,200. Disorderly conduct was among the top five charges for issuance of criminal summonses for all time periods, although the number of summonses issued for this charge in 2018 (9,990) was far below the volume in 2011 (87,241) and 2003 (69,130).

Table 6: Top Five Criminal Summons Charges with Steepest Decline from 2011-2018

Summons Charge	2003	2011	2018	2003-2011 Change	2011-2018 Change
Public consumption of alcohol (AC 10-125)	106,536	130,432	5,204	+23,896 (+22%)	-125,228 (-96%)
Disorderly conduct (all PL 240.20)	69,130	87,241	9,990	+18,111 (+26%)	-77,251 (-89%)
Park offenses (all PRR)	26,949	32,177	919	+5,228 (+19%)	-31,258 (-97%)
Riding bicycle on sidewalk (AC 19-176)	11,569	31,021	269	+19,452 (+168%)	-30,752 (-99%)
Public urination (AC 16-118 & HC 153.09)	25,025	30,834	1,342	+5,809 (-+23%)	-29,492 (-96%)

Note: Criminal summonses counts reflect the total number of summonses in a given year and may include multiple summonses of the same person.

For criminal summonses (Table 6), the most significant declines from **2011 to 2018 were for public consumption of alcohol, disorderly conduct, riding a bicycle on the sidewalk, public urination, and park offenses.** Four of these charges declined by 95% from 2011 to 2018, and riding a bicycle on sidewalk had the largest proportional decline (a 99% decrease). As noted above, under CJRA, three of these top

five offenses (public consumption of alcohol, public urination, and park offenses) were moved from criminal to civil courts in 2017.[54] Furthermore, riding a bicycle on the sidewalk was changed from a criminal summons to a moving violation in 2014.[55]

Similar to the trend shown for misdemeanor arrests in Table 4, the majority of these charges saw an increase in enforcement from 2003 to 2011, prior to their decline between 2011 to 2018. The charges that saw the greatest increase in issuance of criminal summonses by volume from 2003 to 2011 were public consumption of alcohol, riding a bicycle on the sidewalk, and disorderly conduct, while the greatest proportional increase was for riding a bicycle on the sidewalk (increased 168%).

TOTAL ENFORCEMENT RATES

In this section, we examine enforcement trends using enforcement rates rather than numbers, to account for shifting population counts over the years. Figure 4 and Table 7 show the same numbers as Figure 2, but displayed as rates and limited to ages 16-65.

Figure 4: Total Enforcement Rates in New York City, Age 16-65
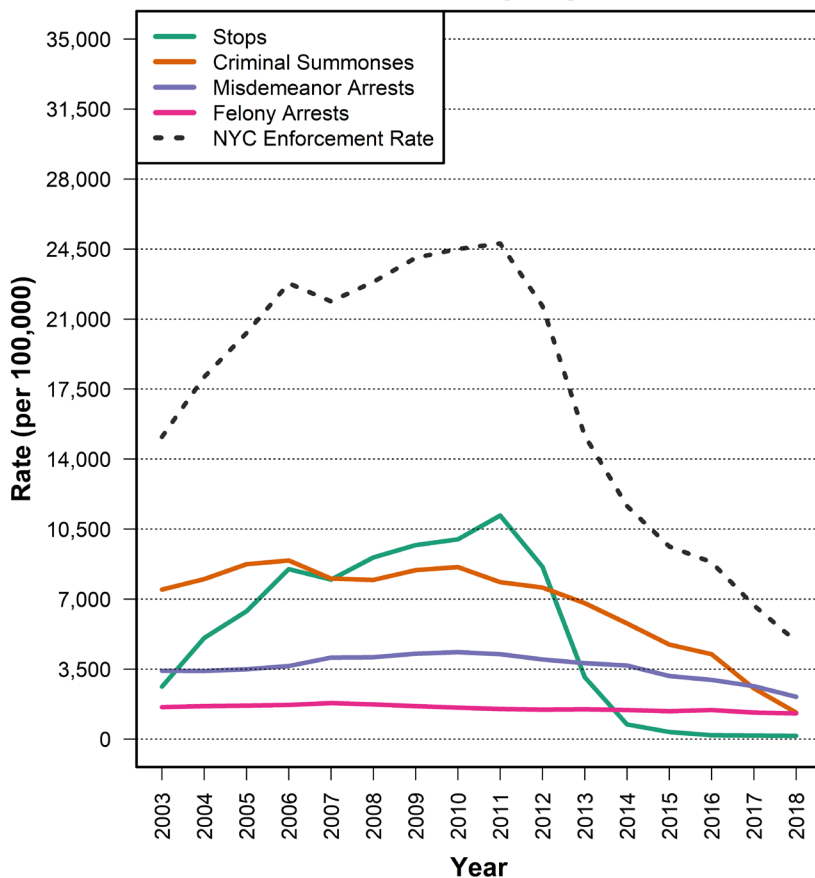
There was a 64% increase in the enforcement rate (combining these four enforcement types) from 2003 to 2011 and then an 80% decrease from 2011 to 2018. The enforcement rate is lower in 2018 relative to 2003.[56]

From 2003 to 2011, there was a 327% increase in the rate of pedestrian stops, followed by a 99% decline from 2011 to 2018 (falling to a lower rate than in 2003). The enforcement rates for misdemeanor arrests and criminal summonses also increased from 2003 to 2011, while felony arrests declined. After pedestrian stops, criminal summonses had the next-largest decline from 2011 (83%), followed by misdemeanor arrests (50%), then felony arrests (15%).

Table 7: Total Enforcement Rates										
Year	**Felony Arrests**		**Misdemeanor Arrests**		**Criminal Summons**		**Pedestrian Stops**		**Total Enforcement**	
	Rate	*% Change*	*Rate*	*% Change*	*Rate*	*% Change*	*Rate*	*% Change*	*Rate*	*% Change*
2003	1,595		3,415		7,478		2,620		15,107	
2011	1,505	-6%	4,247	+24%	7,848	+5%	11,179	+327%	24,779	+64%
2018	1,286	-15%	2,114	-50%	1,327	-83%	162	-99%	4,889	-80%
Note: Rates per 100,000 people. Percent change is from 2003 to 2011, and from 2011 to 2018.										

ENFORCEMENT RATES BY SEX

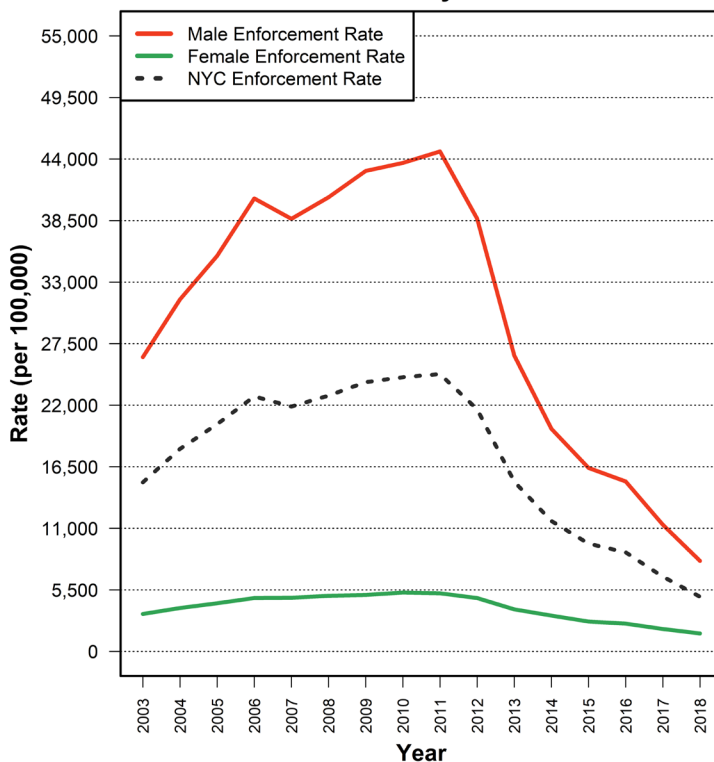**Figure 5: Enforcement Rate by Sex in New York City: 2003-2018**

Figure 5 and Table 8 show that the enforcement rate was consistently higher for males compared to females. In addition, enforcement rates for males showed greater fluctuation than enforcement rates for females. From 2003 to 2011, enforcement rates increased by 70% for males and by 56% for females; though a much smaller volume increase for females. From 2011 to 2018, enforcement rates decrease by 82% for males and 69% for females, though again a much smaller change in volume for females.

Table 8: Enforcement Rates by Sex				
	Male		**Females**	
	Rate	*% Change*	*Rate*	*% Change*
2003	26,294		3,343	
2011	44,670	+70%	5,199	+56%
2018	8,092	-82%	1,610	-69%

Note: Rates per 100,000 people. Percent change is from 2003 to 2011, and from 2011 to 2018.

"Raise the Age" Legislation

Enacted in 2017, "Raise the Age"[57] legislation increased the age of "criminal responsibility" to 18 years old in New York state. This change to the law ensures that 16- and 17-year-olds accused of crimes are no longer automatically processed as adults, effective October 2018 for 16-year-olds and October 2019 for 17-year-olds.[58] It also creates various pathways for 16- and 17-year-olds' cases to be handled, either through Family Court or a newly created, special "Youth Part" in Criminal Court, depending on the severity of their charges.[59] Further, "Raise the Age" reforms prohibited 16- and 17-year-olds from being placed in jails and prisons with adults.[60] The advocacy and reform efforts related to Raise the Age may have influenced reduced enforcement rates for 16-17 year old in the years leading up to its passage.

ENFORCEMENT RATES BY AGE

Figure 6: Enforcement Rate by Age in New York City: 2003-2018
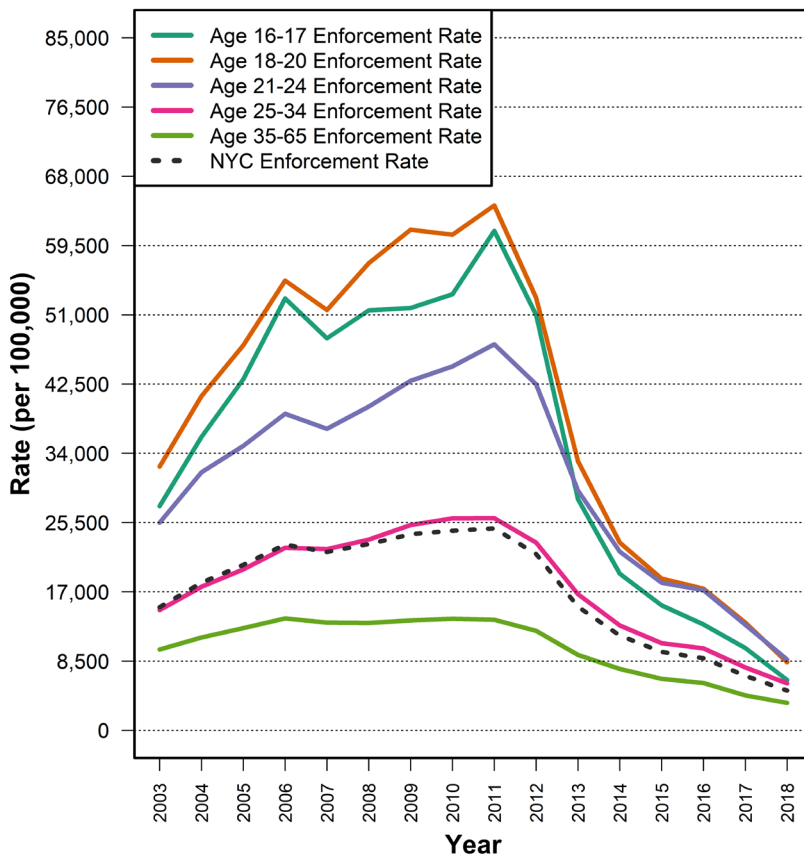
Figure 6 and Table 9 reveal that each age group had significant increases in enforcement from 2003 to 2011, followed by a substantial decline after 2011. **The younger age groups (16-17, 18-20, 21-24 year-olds) show both the greatest increases (86% to 123%) and the greatest decreases in enforcement rates (82% to 90%).** The older age groups (25-34 and 35-65-year-olds) showed less fluctuation.

Generally, 18-20 year-olds had the highest rates of enforcement over the time period except for in 2018. In 2018, 18-20 and 21-24 year-olds had similar enforcement rates. When enforcement rates were at their peak in 2011, 16-17 and 18-20 year-olds had over twice the overall citywide enforcement rate. **By 2018, there was a greater degree of convergence in enforcement rates among all age groups.**

Table 9: Enforcement Rates by Age										
Year	Ages 16-17		Ages 18-20		Ages 21-24		Ages 25-34		Ages 35-65	
	Rate	% Change	Rate	% Change	Rate	% Change	Rate	% Change	Rate	% Change
2003	27,527		32,373		25,481		14,772		9,911	
2011	61,293	+123%	64,425	+99%	47,385	+86%	26,048	+76%	13,568	+37%
2018	6,188	-90%	8,364	-87%	8,694	-82%	5,772	-78%	3,367	-75%

Note: Rates per 100,000 people. Percent change is from 2003 to 2011, and from 2011 to 2018.

ENFORCEMENT RATES BY RACE/ETHNICITY

Race/ethnicity data has not been captured consistently in the summons system (see Appendix for data definitions), and so **all analyses below only include misdemeanor arrests, felony arrests, and stops, and do not include criminal summonses.** Similarly, the New York City enforcement rate also excludes criminal summonses. As such, values in these figures are slightly lower than the prior figures which included criminal summonses.

Figure 7: Enforcement Rate by Race/Ethnicity in New York City: 2003-2018
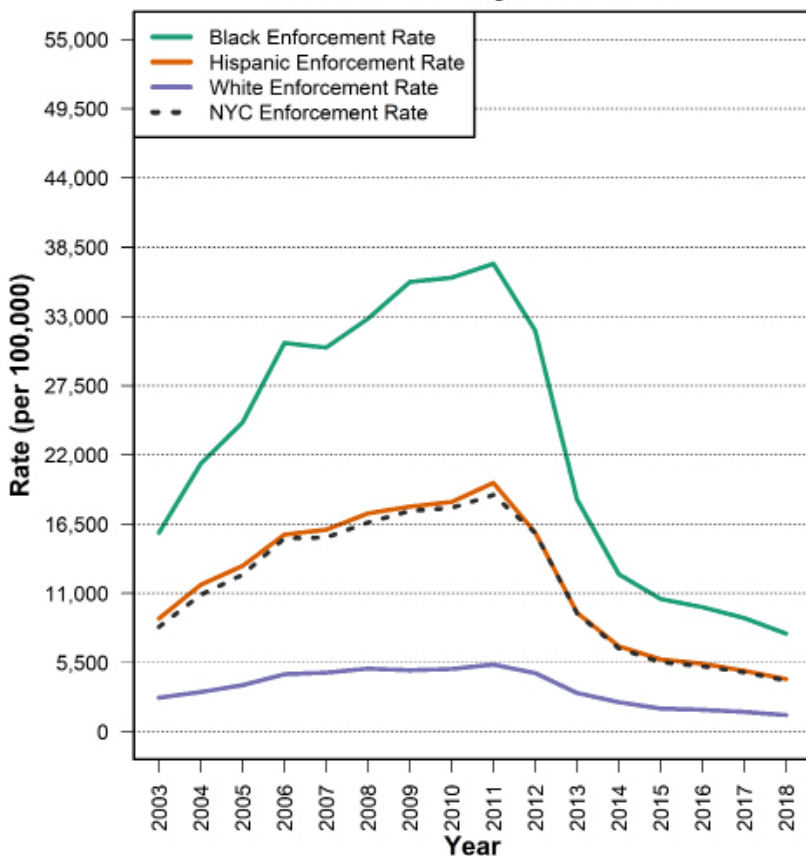
Figure 7 and Table 10 show that the enforcement rate was **consistently highest for Black people, followed by Hispanic people, and then White people.** Black and Hispanic enforcement rates saw similar proportional increases from 2003 to 2011 (57% compared to 55%, respectively) and decreases from 2011 to 2018 (both 79%).

Regardless of the somewhat similar proportional changes, the enforcement rate for **Black people was approximately twice the overall citywide rate, while the White rate was approximately one-third the overall citywide rate.** The Hispanic enforcement rate roughly mirrored the citywide rate throughout the 16-year period.

Table 10: Enforcement Rates by Race						
Year	Black		Hispanic		White	
	Rate	% Change	Rate	% Change	Rate	% Change
2003	15,811		8,994		2,706	
2011	37,176	+57%	19,773	+55%	5,347	+49%
2018	7,795	-79%	4,188	-79%	1,334	-75%
Note: Rates per 100,000 people. Percent change is from 2003 to 2011, and from 2011 to 2018.						

ENFORCEMENT RATE COMPARISONS: BY RACE/ETHNICITY & AGE

Figure 8: Difference in Enforcement Rates by Race/Ethnicity
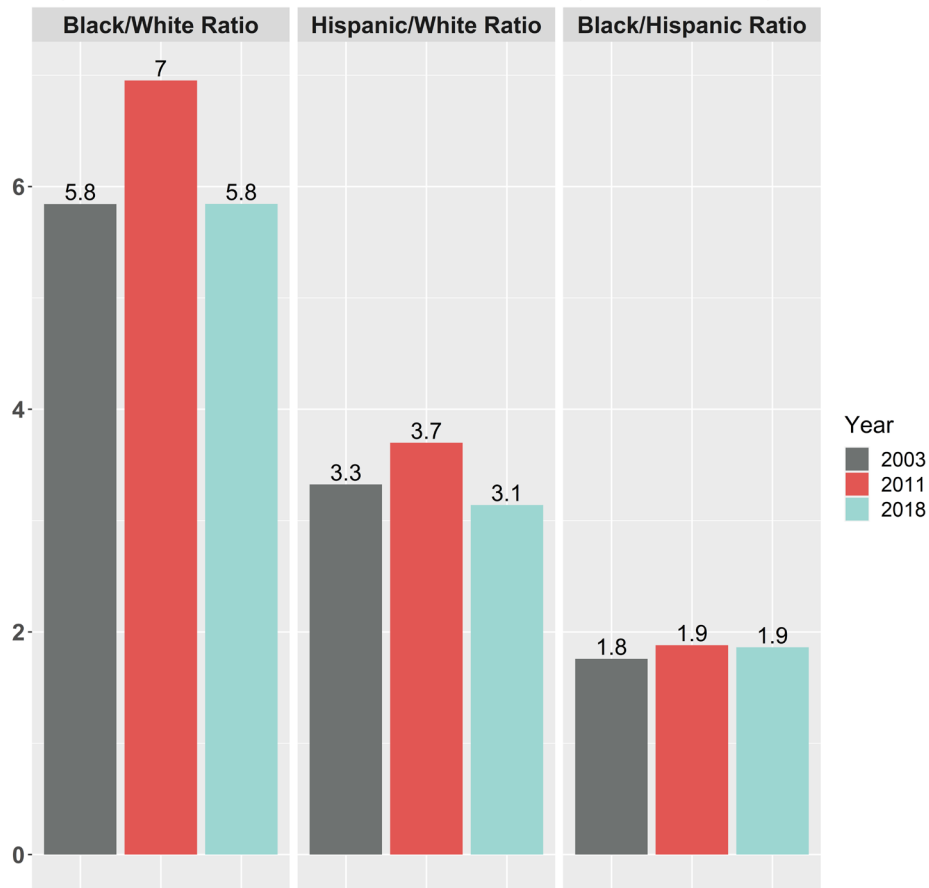
Next we use ratios to compare enforcement rates for different racial/ethnic groups. Figure 8 compares the ratios of Black to White enforcement rates, Hispanic to White enforcement rates, and Black to Hispanic enforcement rates.

This comparison shows that in 2003, the Black enforcement rate was 5.8 times higher than the White enforcement rate, increased to 7 times higher in 2011, and returned to 5.8 times higher in 2018. **In other words, Black people were at least 5 times more likely to have been arrested or stopped compared to White people throughout the period.**

The **Hispanic enforcement rates were at least three times higher than the White enforcement rates throughout the period, with only slight fluctuations.**

Finally, the Black to Hispanic enforcement rate ratio is essentially unchanged throughout the period. The Black enforcement rate is between 1.8-1.9 times higher than the Hispanic enforcement rate from 2003 to 2018.

Figure 9: Black/White Difference in Enforcement Rates, by Age Group

| 16-17 | 18-20 | 21-24 | 25-34 | 35-65 |

Year
- 2003
- 2011
- 2018

16-17: 2003 = 3.6, 2011 = 6.1, 2018 = 9.0
18-20: 2003 = 4.5, 2011 = 4.9, 2018 = 7.9
21-24: 2003 = 6.1, 2011 = 6.2, 2018 = 7.8
25-34: 2003 = 6.4, 2011 = 8.4, 2018 = 6.8
35-65: 2003 = 5.3, 2011 = 6.0, 2018 = 4.5
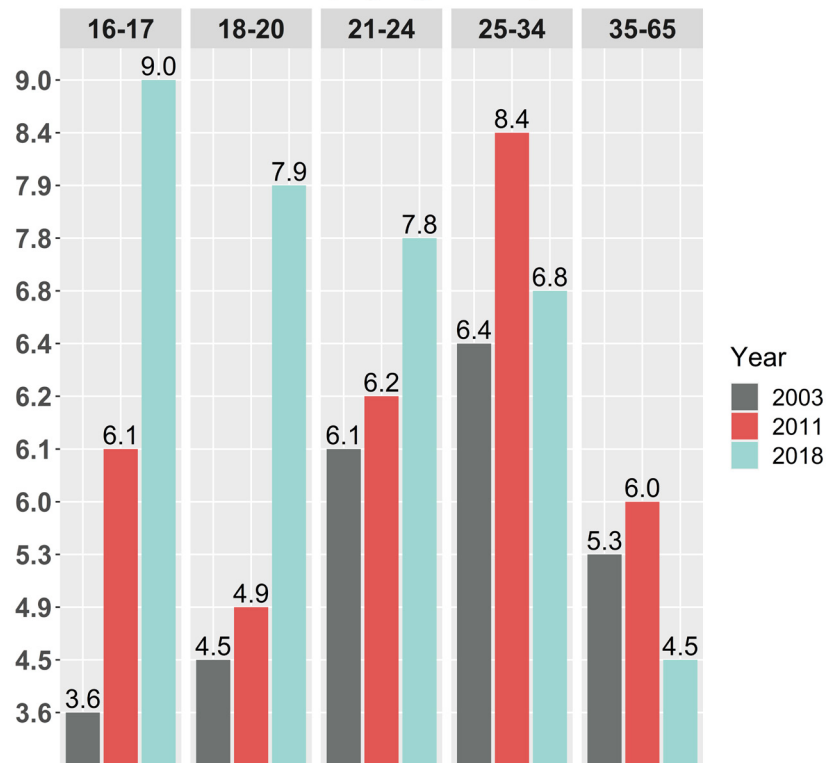
Figure 10: Hispanic/White Difference in Enforcement Rates, by Age Group

| 16-17 | 18-20 | 21-24 | 25-34 | 35-65 |

Year
- 2003
- 2011
- 2018

16-17: 2003 = 1.9, 2011 = 2.7, 2018 = 3.7
18-20: 2003 = 2.3, 2011 = 2.4, 2018 = 3.7
21-24: 2003 = 3.2, 2011 = 3.1, 2018 = 3.8
25-34: 2003 = 3.6, 2011 = 4.2, 2018 = 3.5
35-65: 2003 = 2.9, 2011 = 3.2, 2018 = 2.5
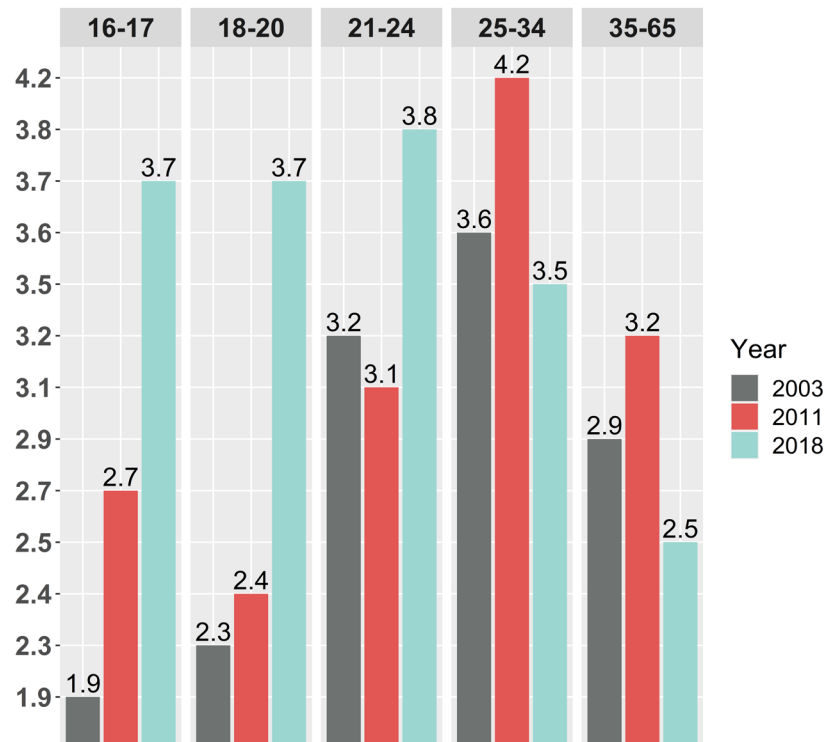
Black to White Enforcement Rate:
Figure 9 and Table 11 take a closer look at the Black to White enforcement rate seen above, but disaggregated by age group. Although the racial and ethnic disparities have reduced since their enforcement peak in 2011 for Black people and Hispanic people (as seen above in Figure 7), those declines are not consistent across age groups. The disparity of the Black to White enforcement rates of the two oldest age groups (25-34 and 35-65) follows the aggregate trend shown in Figure 7, and decreases from 2011 to 2018.

However, the difference in enforcement rates for the three youngest age groups (16-17, 18-20 and 21-24 year-olds), has continued to widen across the period. **For ages 16-17, the Black enforcement rate was nearly four times higher than the White enforcement rate in 2003, approximately six times higher in 2011, and nine times higher in 2018.** For ages 18-20, the Black enforcement rate was between 4.5 and 4.9 times higher than the White enforcement rate in 2003 and 2011, and increased to nearly eight times higher in 2018. For ages 21-24, the Black enforcement rate was approximately six times higher than the White rate in 2003 and 2011, and nearly eight times higher in 2018.

Hispanic to White Enforcement Rate:
These trends are **similar, though with slightly less disparity, for the Hispanic to White enforcement rate ratios (shown in Figure 10 and Table 11).**

The overall decline seen in the aggregate Hispanic/White rate ratios between 2011 to 2018 (Figure 7) is not consistent for all age groups. Specifically, the rate ratios increase from 2011 to 2018 for the three youngest groups (age 16-17, 18-20, and 21-24). **In 2018, the Hispanic enforcement rate is nearly four times higher than the White enforcement rate for 16-17-year-olds, 18-20-year-olds, and 21-24-year-olds.**

The rate ratios for the two oldest age groups (age 25-34 and age 35-65) show a marginal decline between 2011 and 2018.

Table 11: Black, Hispanic & White Enforcement Rates, by Age Group						
Year	Race	Ages 16-17	Ages 18-20	Ages 21-24	Ages 25-34	Ages 35-65
2003	Black	30,461	38,231	30,603	17,058	9,131
	Hispanic	16,210	19,788	16,000	9,427	4,961
	White	8,495	8,460	4,987	2,645	1,730
2011	Black	93,603	95,030	72,440	44,627	18,151
	Hispanic	42,092	46,460	36,451	22,086	9,678
	White	15,327	19,476	11,650	5,318	3,024
2018	Black	10,435	13,395	14,615	10,588	5,108
	Hispanic	4,329	6,237	7,145	5,474	2,889
	White	1,161	1,697	1,869	1,558	1,137
Note: All numbers are enforcement rates per 100,000 people.						

ENFORCEMENT RATES FOR MALES BY RACE/ETHNICITY

Table 12: Male Enforcement Rates by Race & Age			2003	2011	2018
Age 16-17	Black	Rate	53,223	168,078	16,169
		% Change		216%	-90%
	Hispanic	Rate	27,934	73,932	6,503
		% Change		165%	-91%
	White	Rate	14,267	25,361	1,681
		% Change		78%	-93%
Age 18-20	Black	Rate	69,257	171,582	21,512
		% Change		148%	-87%
	Hispanic	Rate	34,609	81,352	9,727
		% Change		135%	-88%
	White	Rate	14,618	34,731	2,719
		% Change		138%	-92%
Age 21-24	Black	Rate	59,080	136,321	24,591
		% Change		131%	-82%
	Hispanic	Rate	28,379	64,581	11,696
		% Change		128%	-82%
	White	Rate	9,035	21,442	3,015
		% Change		137%	-86%
Age 25-34	Black	Rate	33,822	88,724	17,745
		% Change		162%	-80%
	Hispanic	Rate	16,735	39,872	8,732
		% Change		138%	-78%
	White	Rate	4,454	9,321	2,455
		% Change		109%	-74%
Age 35-65	Black	Rate	17,987	37,014	9,622
		% Change		106%	-74%
	Hispanic	Rate	9,102	18,341	5,044
		% Change		102%	-72%
	White	Rate	2,909	5,090	1,763
		% Change		75%	-65%
Total Citywide Enforcement Rate		Rate	15,107	24,779	4,889
		% Change		64%	-80%

Note: Rates per 100,000 people. Percent change is from 2003 to 2011, and from 2011 to 2018.

Table 12 compares rates for males by both age and race/ethnicity. This table shows that among males, Black males consistently have the highest enforcement rates at all time points and for all age groups, followed by Hispanic males, with White males having the lowest enforcement rates. Also, all groups broken down by age and race/ethnicity show increased enforcement between 2003 to 2011, and then decreased enforcement rates from 2011 to 2018.

The most substantial overall change for any male group by age and race/ethnicity between 2003-2018 was for Black males age 16-17, whose enforcement rates rose 216% from 2003 to 2011, and subsequently declined by 90% from 2011 to 2018. The next greatest overall change in enforcement rates was for Hispanic males age 16-17 (rising 165% from 2003 to 2011, then falling by 91% from 2011 to 2018).

Also, within age group, there was variability in which race/ethnicity showed the greatest increases or decreases. For instance, among 18-20 year-olds, Black people showed the greatest increases from 2003 to 2011, followed by White people then Hispanic people. However, within this same age group, White people showed the greatest decline from 2011 to 2018, followed by Black people, and then Hispanic people. Conversely, among 21-24 year-olds, White people showed the greatest increases and the greatest decreases.

ENFORCEMENT RATES FOR FEMALES BY RACE/ETHNICITY

Table 13: Female Enforcement Rates, by Race and Age			2003	2011	2018
Age 16-17	Black	Rate	7,765	19,660	4,790
		% Change		153%	-76%
	Hispanic	Rate	3,751	9,177	2,085
		% Change		145%	-77%
	White	Rate	2,288	4,367	595
		% Change		91%	-86%
Age 18-20	Black	Rate	8,248	18,687	5,389
		% Change		127%	-71%
	Hispanic	Rate	3,834	8,769	2,546
		% Change		129%	-71%
	White	Rate	2,420	5,006	732
		% Change		107%	-85%
Age 21-24	Black	Rate	6,397	13,775	5,582
		% Change		115%	-59%
	Hispanic	Rate	3,160	6,547	2,604
		% Change		107%	-60%
	White	Rate	1,378	3,178	847
		% Change		131%	-73%
Age 25-34	Black	Rate	4,097	8,345	3,974
		% Change		104%	-52%
	Hispanic	Rate	2,210	3,908	2,037
		% Change		77%	-48%
	White	Rate	838	1,504	698
		% Change		79%	-54%
Age 35-65	Black	Rate	2,564	3,815	1,576
		% Change		49%	-59%
	Hispanic	Rate	1,403	2,037	928
		% Change		45%	-54%
	White	Rate	579	934	492
		% Change		61%	-47%
Total Citywide Enforcement Rate		Rate	15,107	24,779	4,889
		% Change		64%	-80%

Note: Rates per 100,000 people. Percent change is from 2003 to 2011, and from 2011 to 2018.

Table 13 compares rates for females by both age and race/ethnicity, and shows a similar pattern as for males: Black females consistently have the highest enforcement rates, followed by Hispanic females, with White females having the lowest enforcement rates. Although the male and female patterns are mirrored, all female rates are far lower than male rates by age group.

Also similar to males, among females, the enforcement rates for all age groups and all racial and ethnic groups increase between 2003 to 2011, and then decrease from 2011 to 2018. However, for Black and Hispanic females, the youngest age groups (age 16-17 and 18-20) have the greatest fluctuations in enforcement rates between 2003 to 2018, while for White females, the greatest fluctuations are for ages 21-24.

Similar to the pattern for males, the most substantial overall change for any female group by age and race/ethnicity was for Black females age 16-17, whose enforcement rates rose 153% from 2003 to 2011, and declined by 76% between 2011 to 2018. The next greatest overall change in enforcement rates was for Hispanic females age 16-17, whose enforcement rates rose by 145% from 2003 to 2011, and declined by 77% from 2011 to 2018.

TOP THREE CHARGES: INTERSECTION OF AGE, RACE/ETHNICITY, & SEX

Table 14 below shows the top three felony and misdemeanor arrest charges for each age group and racial/ethnic group for males and females in 2011 and 2018. One pattern that emerges is that there are about half the number of lower-level charges (e.g., theft of services, marijuana possession, and possession of a controlled substance) among the top charges in 2018 as compared to 2011. Further, in 2018, assault in the 3rd degree was the most frequent charge for all groups regardless of sex, age, and race/ethnicity. In addition, in 2018, drug possession charges (i.e. marijuana and controlled substances possession) still comprise the top three charges for all male groups by age and race/ethnic groups, with the exception of Black males age 16-17. For females, petit larceny is among the top three charges regardless of age, sex, and race/ethnicity.

Table 14: Top Arrest Charges, By Sex, Age Group, & Race/Ethnicity					
Age	**Race/Ethnicity**	**Males Top Charges**		**Females Top Charges**	
		2011	**2018**	**2011**	**2018**
16-17	**Black**	Robbery (PL 160.10)†	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Robbery (PL 160.10)†	Theft of services (PL 165.15)*	Petit larceny (PL 155.25)*
	Hispanic	Criminal trespass (PL 140.10)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Robbery (PL 160.10)†	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*
		Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*
	White	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Criminal Mischief (PL 145.00)*
		Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Petit larceny (PL 155.25)*
18-20	**Black**	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Petit larceny (PL 155.25)*
	Hispanic	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Marij. possess. (PL 221.10)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*
		Marij. possess. (PL 221.10)*	Criminal possession weapon (PL 265.01)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*
	White	Making graffiti (PL 145.60)*	Assault-3rd deg. (PL 120.00)*	Petit larceny (PL 155.25)*	Assault-3rd deg. (PL 120.00)*
		Possess. cont. subs. (PL 220.03)*	Possess. cont. subs. (PL 220.03)*	Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*
		Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*

Top Arrest Charges, By Sex, Age Group, & Race/Ethnicity (*cont'd*)

Age	Race/Ethnicity	Males Top Charges		Females Top Charges	
		2011	**2018**	**2011**	**2018**
21-24	Black	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Theft of services (PL 165.15)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Petit larceny (PL 155.25)*
	Hispanic	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Petit larceny (PL 155.25)*
	White	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Petit larceny (PL 155.25)*	Assault-3rd deg. (PL 120.00)*
		Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*	Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*
		Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*	Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*
25-34	Black	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Marij. possess. (PL 221.10)*	Petit larceny (PL 155.25)*
	Hispanic	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Theft of services (PL 165.15)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*	Marij. possess. (PL 221.10)*	Petit larceny (PL 155.25)*
	White	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Petit larceny (PL 155.25)*	Assault-3rd deg. (PL 120.00)*
		Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*	Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*
		Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*	Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*
35-65	Black	Theft of services (PL 165.15)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*	Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*
	Hispanic	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Assault -2nd deg. (PL 120.05)†
		Marij. possess. (PL 221.10)*	Possess. cont. subs. (PL 220.03)*	Possess. cont. subs. (PL 220.03)*	Petit larceny (PL 155.25)*
	White	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*	Assault-3rd deg. (PL 120.00)*
		Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*	Petit larceny (PL 155.25)*
		Possess. cont. subs. (PL 220.03)*	Possess. cont. subs. (PL 220.03)*	Possess. cont. subs. (PL 220.03)*	Possess. cont. subs. (PL 220.03)*

*† : Felony charge; * : Misdemeanor charge*

CONCLUSION

While the reduction in NYPD stops since 2011 has garnered the most media attention, this report demonstrates that overall enforcement rates are shaped by a broader array of enforcement touch-points in addition to stops, namely criminal summonses, misdemeanor arrests, and felony arrests.

This report shows that from 2011 to 2018, following several significant policy and legislative changes that sought to reduce police enforcement activity in New York City, enforcement rates declined substantially. There was a total reduction of 1,187,643 enforcement actions between 2011 and 2018, with the greatest proportional decline for reported pedestrian stops (98%), followed by criminal summonses (83%), misdemeanor arrests (50%) and felony arrests (13%).

When breaking down these trends by charge, our findings suggest that **although substance-related charges experienced the starkest reductions from 2011 to 2018, these charges still remain some of the most frequently-enforced offenses in 2018.**

Our findings also show that police enforcement rates have declined for all demographic groups. **However, despite these aggregate reductions, there are persistent disparities in both Black to White and Hispanic to White enforcement rates, and those disparities are most stark for the youngest age groups (ages 16-17, 18-20, and 21-24).** These findings suggest a need for closer examination of the drivers of these enduring racial/ethnic disparities.

Questions for Future Research

1. How will Covid-19 impact enforcement changes, particularly for non-violent offenses, domestic violence, and poverty-driven arrests?

2. How does changing enforcement impact case processing time, caseloads, and ultimately case outcomes?

3. What proportion of these changes in enforcement are related to policies and practices versus change in resident behavior and/or community norms?

4. Did legitimacy and trust in police officers change as a function of the increases and/or decreases in these enforcement strategies? Does this vary by demographic subgroup and neighborhood?

5. How do officers view these changes in enforcement practices?

6. What other types of contacts are occurring between civilians and police that are not captured by administrative data?

7. How will police enforcement trends change following New York criminal justice reforms effective January 1, 2020?

APPENDIX: DATA DEFINITIONS & LIMITATIONS

Misdmeanor and Felony Arrests

Data on misdemeanor and felony arrests was provided by the New York State Department of Criminal Justice Services (DCJS). This DCJS dataset includes only fingerprintable arrests, and provides information on demographics and charge outcomes (disposition and sentence) for each arrest. This database only includes felony and misdemeanor charges, and excludes non-fingerprintable misdemeanor arrests, violations, and infractions.

For our analysis, we selected all arrests made in New York City by the New York City Police Department (NYPD) between 2003 and 2018, for individuals aged 16-65 at the time of arrest. We exclude observations missing age. Arrests in our dataset are coded as either a felony or a misdemeanor based on the top charge at arrest. All arrest charge subsections were consolidated under the main article and section (for example, PL 120.00 01 and PL 120.00 02 were collapsed into PL 120.00).

Criminal Summonses

Criminal summons data used in this report were provided by the New York Office of Court Administration (OCA). The full dataset combines data from the Summons Automated Management System (SAMS) for every borough in New York City, the two community courts (Midtown Community Court and Red Hook Community Justice System), and defective (not docketed) summonses. Defective summonses are included in the figure of total enforcement actions in New York City (all ages), but are excluded from any other enforcement calculations in this report, since these cases do not contain demographic information.

A criminal summons is usually issued for lower level offenses, such as violations, infractions, and unclassified misdemeanors, which can be classified under the administrative code, penal law, vehicle and traffic law, or other laws. Criminal summonses can be issued to individuals or corporations by more than 40 certified agencies. In addition, a person can receive multiple summonses during a single "summons event," similar to the way that a person can receive multiple charges during a single arrest.

When calculating rates for this report, we counted the number of unique interactions between police and community members resulting in one or more summons ("summons event"). When analyzing the prevalences of charges for summonses, we include all summonses for a single summons event. We selected all criminal summonses issued by any agency in New York City from 2003 to 2018, to individuals aged 16-65 at the time of the summons. Any entries missing age were dropped. The predominant issuing agency for this sample is the NYPD.

A significant limitation of this data on summonses is that nearly 85% of summonses from 2003-2018 are missing information on race/ethnicity, and so we cannot disaggregate summonses by race/ethnicity in this report. Enforcement rates by race/ethnicity are calculated using felony arrests, misdemeanor arrests, and pedestrain stops. When using the enforcement rates by race/ethnicity in this report (i.e. Figures 7-10 and Tables 11-14), the reader should consider that because these enforcement rates do not include summonses, they are slightly lower than they would have been otherwise. In 2015, the Justice Reboot initiative included a variety of changes to improve the summonses proces, including a commitment from

NYPD to track and report demographic information on summons issuance.[61]

Stops

New York Criminal Procedure Law Section 140.50 permits a police officer 'to stop a person in a public place… when he reasonably suspects that such person is committing, has committed or is about to commit either (a) a felony or (b) a misdemeanor.' Once that stop has been made, this law authorizes the search of the person only if the officer 'reasonably suspects that he is in danger of physical injury.'[62]

NYPD records demographics of the person stopped, location of the stop within New York City, reason for the stop, information on whether and how a search was conducted, whether physical force was used, and whether an arrest was made or a summons was issued. All of the stop, question, and frisk data was downloaded directly from NYPD's website.[63]

Moving Violations

A moving violation summons is a summons given for some traffic violations. The most frequent charges for the available data from 2011-2018 include not wearing a seat belt, using your cell phone while driving, disobeying a sign, having tinted windows, and speeding. Notably, these do not include parking violation summonses.

We downloaded data on moving violation summonses from 2011 to 2018 from NYPD's Collisions & Summonses Traffic Data Archive. We used the citywide year-to-date total moving violations data for December 2011-2018. As mentioned above, since this data is not person-level and does not include any demographic information, it is excluded from our calculations of enforcement rates.

Civil Summonses

In this analysis, we use civil summonses issued after the Criminal Justice Reform Act (CJRA) went into effect on June 13, 2017. This data is provided by the New York City Office of Administrative Trials and Hearings. In this analysis we only include civil summonses issued for the five categories of offenses that became eligible, under CJRA, to receive a civil summonses in place of criminal summons: public consumption of alcohol, public urination, littering, unreasonable noise, and New York City Parks Rules offenses.

Reported Crime

The number of violent crimes and the number of property crimes are compiled from two sources. The data from 1985 to 2014 was downloaded from the FBI's Uniform Crime Reporting Statistics (UCR) online table-building tool.[64] The data from 2015 to 2018 was downloaded from DCJS Criminal Justice Statistics on Crime and Victimization for New York City.[65] The UCR defines violent crime as: murder and nonnegligent manslaughter; rape; robbery; and aggravated assault. Non-violent crime is defined as burglary; larceny; and motor vehicle theft.

U.S. Census New York City Population

For this analysis, we use population estimates for New York City for all combinations of race/ethnicity (non-Hispanic Black, non-Hispanic White, Hispanic), sex (male and female), and individual year age groups

(ages 16 to 65). These breakdowns are readily available in the decennial censuses from 1990 to 2010 because these censuses break down population counts by individual age cohorts and race/ethnicity and sex. For years 2011 onward, an alternative method for calculating census estimates was needed because the census data available from the 2011-2017 American Community Surveys does not give as narrow breakdowns as the previous decennial censuses. The narrowest breakdowns provided in the ACS are by sex and race/ethnicity and age groups, but not by individual age years.

Data Collaborative for Justice researchers developed a different approach to estimate these narrow population breakdowns for 2011-2017. We used Annual County Resident Population Estimates by Age, Sex, Race/Ethnicity, and Hispanic Origin (April 2010 to July 2017) from the National Historic Geographic Information System (NHGIS). We used this table to calculate the total number of people in a given group (sex, race/ethnicity, and age group) by year (2011-2017) and county. After these totals are calculated, we distributed the population to each census tract based on the proportions of each demographic group in the 2010 census. For example: according to NHGIS there were 34,592 Hispanic Males Ages 20-24 in Bronx County in 2011. Based on the 2010 Census, 0.101 percent of Hispanic Males Ages 20-24 in Bronx County in 2010 were 20 year-old Hispanic Males in Census Tract 36005002701. Using these two pieces of information we can estimate that the number of 20-year-old Hispanic Males in Census Tract 36005002701 in 2011 is 35.11. This methodology was repeated for each year from 2011 to 2017.

Intercensal years (between the 1990, 2000, and 2010 censuses) and 2018 total population counts (which have not been released as of this report's publication) are calculated using linear interpolation, a method that estimates missing values between two existing values by assuming a linear progression between the existing values. Population figures to calculate crime rates are downloaded from the decennial censuses from 1980-2010, and the American Community Survey 5-year estimates from 2011 onward.

Method for Calculating Enforcement Rates
To calculate overall enforcement actions in New York City (Figure 3), we use the sum of all felony arrests, misdemeanor arrests, criminal summonses, civil summonses post-CJRA, pedestrian stops, and moving violations for any age group (including below 16 and over 65 years old). However, to calculate enforcement rates (Figure 4), we limit enforcement actions to ages 16-65, and exclude moving violations and CJRA summonses. This is because the moving violations data does not include demographic information, so we cannot demarcate our target subgroups. We also exclude civil summonses since we are interested in the criminal legal system.

In this report, we define a given demographic group's enforcement rate as that group's number of enforcement actions divided by that group's population count. Any rate in this report is calculated as a rate per 100,000 people. As an example, the male enforcement rate is calculated as the number of felony arrests, misdemeanor arrests, criminal summonses, and stops for males ages 16-65 of any race/ethnicity during a given year, divided by the New York City population of males ages 16-65 during that year.

For enforcement rates by race/ethnicity and by sex, all missing observations were dropped using pairwise deletion. In other words, to calculate total enforcement actions by race/ethnicity, observations are excluded if they are missing information for race/ethnicity, but are not excluded if they are missing information for sex.

Limitations

Since our data is deidentified, we cannot track individuals. As such, it is possible that a small group of people could be accounting for a substantial proportion of law enforcement activities. For instance, a person could have multiple stops in one year and/or an arrest, a summons, and a stop in one year.

Our calculations may be an underestimation of the actual enforcement rate, since there are several types of enforcement actions that we cannot include due to data limitations, such as: non-fingerprintable arrests, moving violation summonses, parking violations, and Transit Adjudication Bureau summonses.

Differences in 2014 and 2020 Reports

The core difference between the original 2014 report and the 2020 replication report is that the original report calculates rates for individuals aged 16-99, whereas this report calculates rates for individuals aged 16-65. Other more nuanced differences are explained below, by data type:

Differences in Felony and Misdemeanor Arrest Data between the 2014 and 2020 Reports

DCJS is the sole source for felony arrest data in both the 2014 report and the 2020 report. For misdemeanor arrests, the 2014 report uses NYPD data to define misdemeanor arrests from 2003 onward, which includes both fingerprintable and nonfingerprintable arrests. The 2020 report, however, only uses fingerprintable misdemeanor arrests from DCJS. Additionally, the 2020 report uses an updated DCJS extract, which results in a <1% difference in felony arrest counts between the two reports.

Differences in Summons Data between the 2014 and 2020 Reports

The 2014 report defines total summonses as total summons offenses, a charge-level measure. The 2020 report, however, defines total summonses as total summons events. We made this change to match the other enforcement types in this report (police stops, misdemeanor arrests, felony arrests). As a result of this change, for each year, the number of criminal summonses calculated at the summons event level is 10-20% less than the number of criminal summonses at the charge level.

Differences in Moving Violations Data between the 2014 and 2020 Reports

For the 2014 report, December 2013 moving violations data was not available and thus the authors used the total through November 2013. The 2020 report, however, includes December 2013 data.

Differences in U.S. Census Data between the 2014 and 2020 Reports

The data source for population counts in the 2014 report was InfoShare.org for 1980 to 2010, and DataFerrett for 2011 to 2014. For the 2020 report, all population counts were downloaded from IPUMS NHGIS.

There is a data discrepancy for population by race/ethnicity from 2003-2010, which makes some of the enforcement rates appear different between reports. In the 2014 report, the InfoShare population count of the "non-Hispanic Black population" 2003-2010 is comprised of the non-Hispanic Black population and the non-Hispanic other race/ethnicity population. As such, in the 2020 report, the corrected non-Hispanic Black population 2003-2010 is lower, making the corrected Black enforcement rate higher.

For 2011 to 2014 population counts, the different data sources used in the different reports to download and aggregate census data account for the data discrepancies seen between population denominators. The 2020 report, using NHGIS data and the methodology described above, offers an improved method over the DataFerret extract used in the 2014, as it allows for more flexible disaggregation and thus more accurate rates.

Endnotes

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[8] Felony arrests numbered 104,223 in 1985, peaked at 149,195 in 1989, then declined 49 percent to their lowest level (76,284) in 2018. Misdemeanor arrests were at their lowest point in 1985 (111,355), peaked at 248,669 in 2010, then declined by 50 percent to 125,289 in 2018. Criminal summonses peaked in 2006 at 509,879, and hit a second high point of 499,309 in 2010, then declined by 84 percent to a low of 80,094 in 2018. Finally, pedestrian stops numbered 160,851 during their first year recorded (2003), peaked at 685,724 in 2011, then declined 98 percent to their low of 11,008 in 2018.

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[52] In February 2018, the Manhattan District Attorney enacted a "decline-to-prosecute" policy for fare evasion arrests. See Manhattan District Attorney's Office. (2019). Subway Fare Evasion Prosecutions Down 96% in First Year of New Policy [Press release]. Retrieved at https://www.manhattanda.org/subway-fare-evasion-prosecutions-down-96-in-first-year-of-new-policy/. In addition, in March 2019, NYPD began issuing criminal summonses in lieu of arrests for individuals who engage in fare evasion repeatedly. See: New York Police Department. (2019). Personal Service of Transit Adjudication Bureau: Notice of Violation in Lieu of Arrest for a Qualified Individual. Summonses, Procedure No. 209-39. Retrieved from https://www1.nyc.gov/assets/nypd/downloads/pdf/analysis_and_planning/patrol_guide/209-39-transit.pdf. In June 2019, Governor Cuomo announced that 500 additional uniformed officers would be added to the New York City Transit system to address "the growing problem of fare evasion." State of New York. (2019). Governor Cuomo Announces Agreement to Add 500 Additional Uniformed Officers to NYC Subway. Retrieved from https://www.governor.ny.gov/news/governor-cuomo-announces-agreement-add-500-additional-uniformed-officers-nyc-subway-and-bus

[53] In 2014, launched by Mayor de Blasio, New York City adopted Vision Zero, an initiative aimed at reducing traffic deaths and injuries by increasing the enforcement of moving violations as well as increasing penalties for dangerous drivers. Vision Zero, local laws 27, 28, and 30 (2014). Retrieved from https://www1.nyc.gov/site/visionzero/index.page

[54] Mulligan, K., Cuevas, C., Grimsley, E., & Chauhan, P. (2018). *The Criminal Justice Reform Act Evaluation: Post-Implementation Changes in Summons Issuance and Outcomes.* Data Collaborative for Justice. https://datacollaborativeforjustice.org/wp-content/uploads/2020/04/CJRA-Report-2-1.pdf. This report's findings suggest that while there is a significant shift from criminal to civil enforcement for these three behaviors, there is still a decline in the overall issuance of summonses for these behaviors in recent years.

55 New York Police Department. (2015). Broken Windows and Quality-of-Life-Policing in New York City. Retrieved from http://www.nyc.gov/html/nypd/downloads/pdf/analysis_and_planning/qol.pdf

56 When looking at a longer time frame, there are slightly different trends. DCJ found that felony arrest rates were lower in 2017 relative to 1980. However, misdemeanor arrests rates were higher 2017 compared to 1980. Patten, M., Hood, Q., Low-Weiner, C., Lu, O., Bond, E. Hatten, D., & Chauhan, P. (2018). *Trends in Misdemeanor Arrests in New York, 1980 to 2017*. Data Collaborative for Justice. Retrieved from https://datacollaborativeforjustice.org/wp-content/uploads/2020/04/NYS_Misd_Trends.pdf

57 S.B. 2009C, 239th Leg., Budget Bill, Part WWW § 1 (N.Y. 2017); see also State of New York. (2017). Governor Cuomo Signs Legislation Raising the Age of Criminal Responsibility to 18-years-old in New York [Press release]. Retrieved from https://www.governor.ny.gov/news/governor-cuomo-signs-legislationraising-age-criminal-responsibility-18-years-old-new-york [https://perma.cc/L47W6X3L].

58 "Raise the Age" took effect for 16-year-olds in October 2018, and for 17-year-olds in October 2019.

59 New York City Mayor's Office. (2019). Raise the Age New York City: Trends over the past five years and the first nine months of Raise the Age implementation. Retrieved at http://criminaljustice.cityofnewyork.us/wp-content/uploads/2019/11/Raise-the-Age-in-New-York-City__.pdf

60 State of New York. (2019). Governor Cuomo Announces Second Phase of Raise the Age Law Now in Effect [Press release]. Retrieved from https://www.governor.ny.gov/news/governor-cuomo-announces-second-phase-raise-age-law-now-effect

61 NYC Mayor's Office. (2015). Mayor de Blasio and Chief Judge Lippman Announce Justice Reboot, an Initiative to Modernize the Criminal Justice System [Press release]. Retrieved from https://www1.nyc.gov/office-of-the-mayor/news/235-15/mayor-de-blasio-chief-judge-lippman-justice-reboot-initiative-modernize-the

62 NY CLS CPL § 140.50. Temporary questioning of persons in public places; search for weapons.

63 New York Police Department (2019). Stop, Question and Frisk Data. Retrieved from https://www1.nyc.gov/site/nypd/stats/reports-analysis/stopfrisk.page

64 U.S. Department of Justice Federal Bureau of Investigation. Uniform Crime Reporting Statistics [Data File]. Retrieved from https://www.ucrdatatool.gov/Search/Crime/Crime.cfm

65 New York State Division of Criminal Justice Services (2018). Index Crimes Reported to Police by Region: 2009-2018 [Data File]. Retrieved from https://www.criminaljustice.ny.gov/crimnet/ojsa/indexcrimes/Regions.pdf

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