



Division of Criminal  
Justice Services

# Examining Racial and Ethnic Disparities in Mandatory Prison Sentencing

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# Sentences to Mandatory Prison, by Race and Ethnicity



## Creating a Mandatory Prison Proxy

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

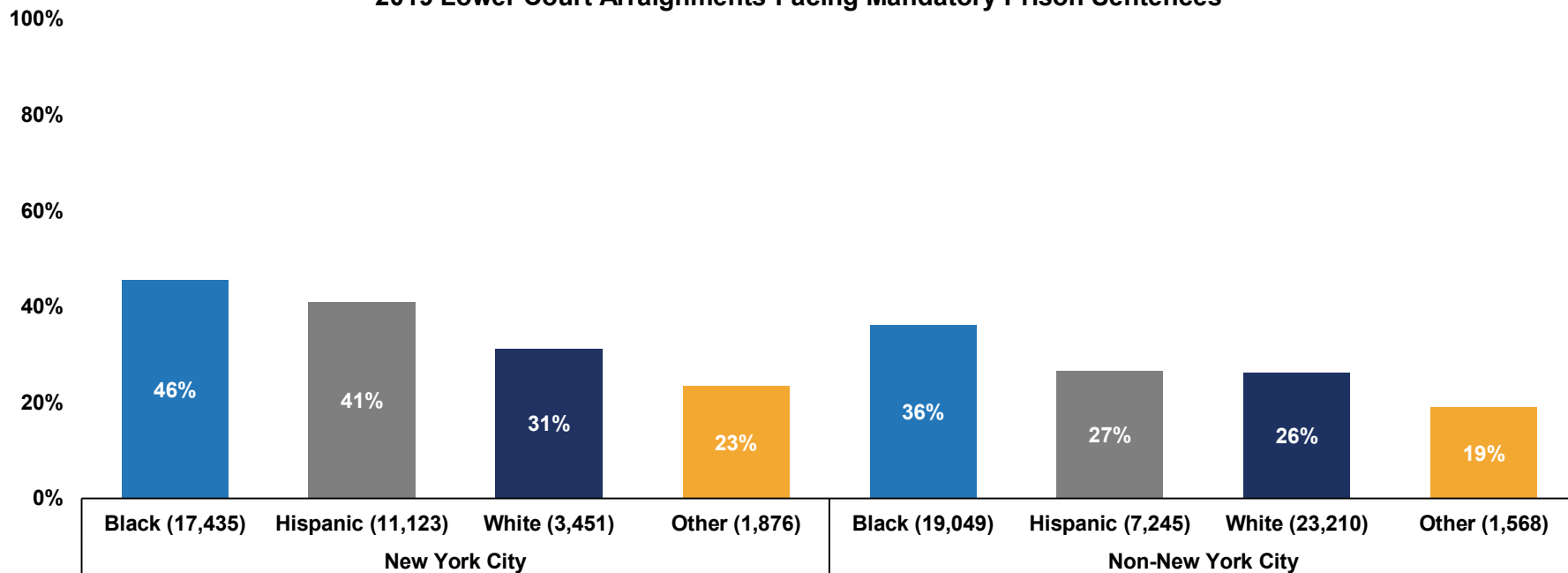
\*Note: DCJS does not have full information on prison release dates. Time incarcerated is estimated, based on information available at DCJS.



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# Black defendants are more likely to be facing mandatory prison charges at lower court arraignment

2019 Lower Court Arraignments Facing Mandatory Prison Sentences



# Statewide, mandatory prison most likely due to prior felony convictions, but differs by region

## 2019 Lower Court Felony Arraignments

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

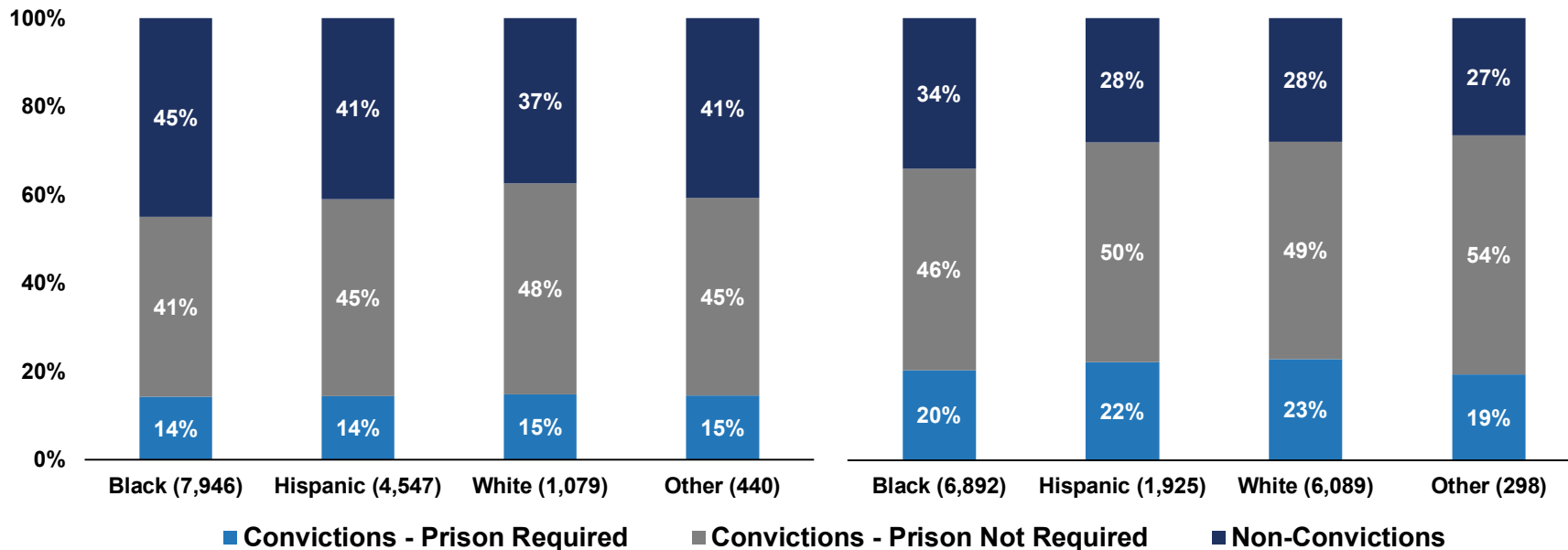


# Small differences in mandatory prison convictions; bigger differences in non-convictions

Disposition Outcomes for 2019 Lower Court Arraignments Facing Mandatory Prison Charges

New York City

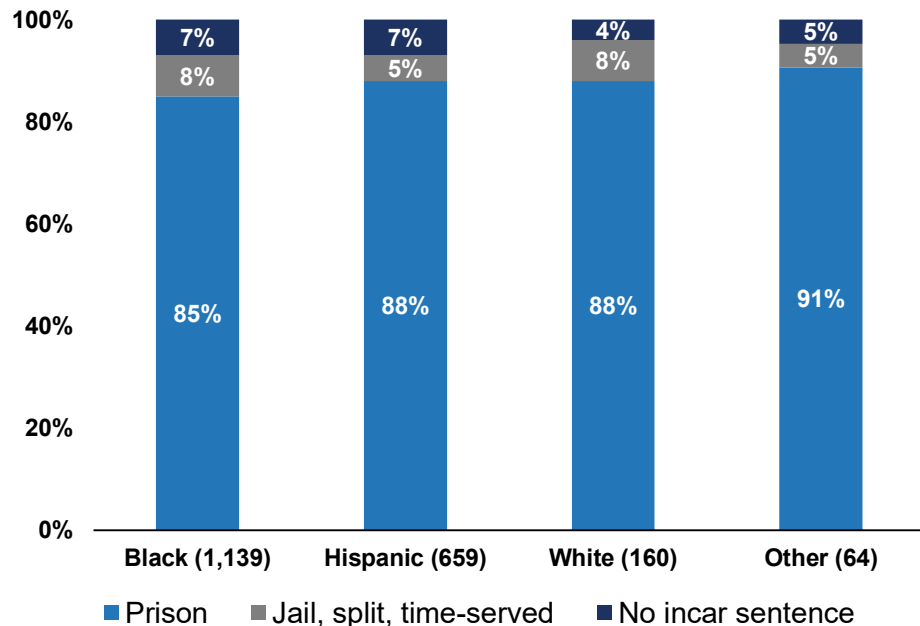
Non-New York City



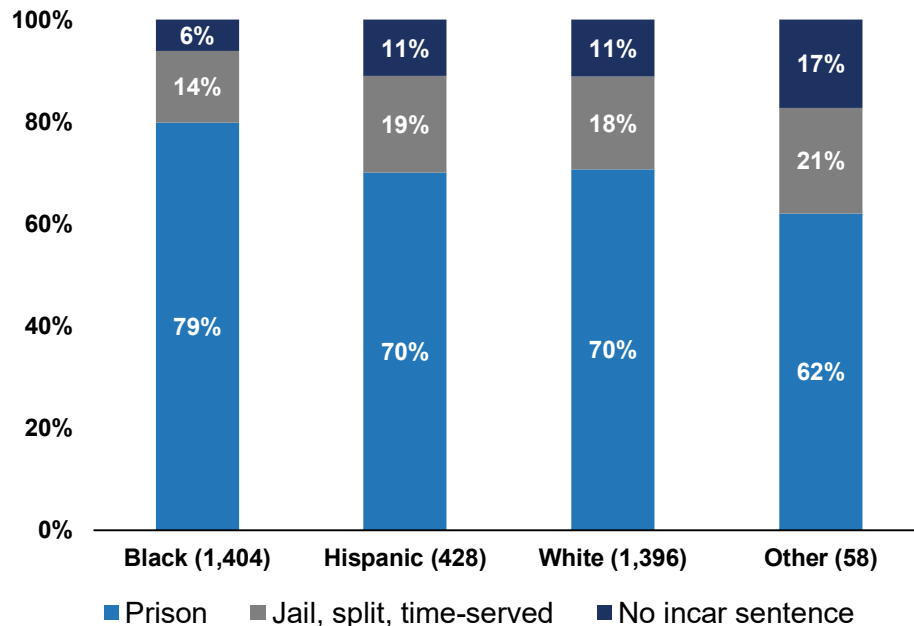
# Small differences in NYC sentences to prison; bigger differences in Non-NYC

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

Prison Required - NYC



Prison Required - Non-NYC



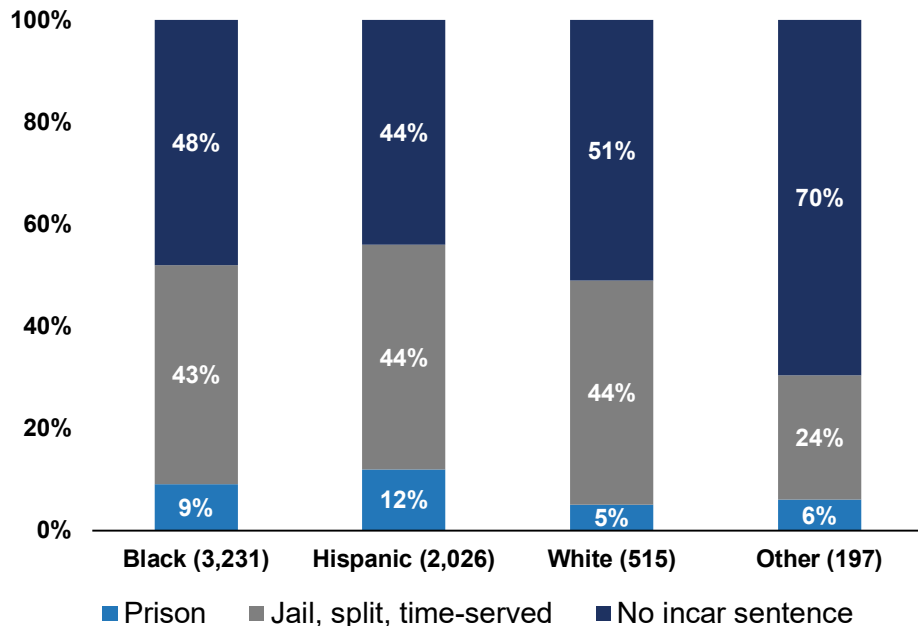
Note: "No incar sentence" includes Probation, Conditional Discharge, Fine, etc.

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

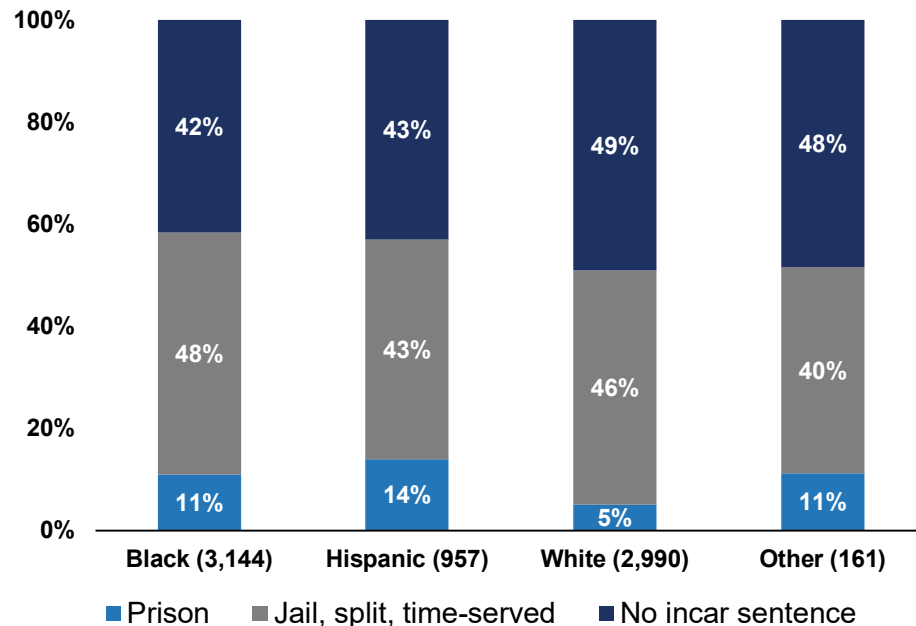
# Small differences in sentences to prison when prison is not required

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

Prison Not Required - NYC



Prison Not Required - Non-NYC



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

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



## Summary of Findings

- NYC defendants are more likely to be facing mandatory prison at arraignment, compared to Non-NYC.
- Black (NYC and Non-NYC) and Hispanic (NYC) defendants are more likely to be facing mandatory prison, compared to white defendants.
- There are small differences in convictions for mandatory prison charges and bigger differences in non-convictions.
- There are bigger differences in sentences to prison among mandatory prison convictions in Non-NYC only.



# Prison Sentence Lengths Imposed, by Race and Ethnicity



## Comparing Allowable Sentence Lengths

- Examined 2019 lower court arraignments facing mandatory prison charges at arraignment
- Examined prison sentence lengths among defendants convicted of mandatory prison charges and those convicted of charges not requiring prison
- Most common sentence length was usually the minimum allowable sentence
- Defendants outside NYC were more likely to receive longer prison sentences



## Few white defendants in NYC; few Hispanic defendants in Non-NYC

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

	Total			Black			Hispanic			White			Other		
	Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence	
	#	#	%	#	#	%	#	#	%	#	#	%	#	#	%
<b>NYC</b>															
VFO, No Prior	420	177	42%	230	95	41%	146	63	43%	25	13	52%	19	6	32%
VFO, Prior Felony	419	219	52%	239	119	50%	150	83	55%	18	10	56%	12	7	58%
Non-VFO, Second and Persistent	746	535	72%	408	291	71%	222	162	73%	93	61	66%	23	21	91%
<b>Non-NYC</b>															
VFO, No Prior	447	127	28%	222	76	34%	84	20	24%	134	28	21%	7	3	43%
VFO, Prior Felony	531	263	50%	327	172	53%	56	29	52%	145	61	42%	3	1	33%
Non-VFO, Second and Persistent	1,223	795	65%	448	297	66%	127	85	67%	626	401	64%	22	12	55%



# Drug offenses received longer prison sentences

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

	Total			Black			Hispanic			White			Other		
	Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence		Total	Shortest Sentence	
	#	#	%	#	#	%	#	#	%	#	#	%	#	#	%
<b>NYC</b>															
Drug	254	96	38%	91	37	41%	149	53	36%	12	6	50%	2	0	0%
1st VFO, D Felony	371	223	60%	226	139	62%	119	68	57%	15	7	47%	11	9	82%
1st Non-VFO, D/E Felony	211	134	64%	126	78	62%	51	31	61%	26	22	85%	8	3	38%
<b>Non-NYC</b>															
Drug	1,018	183	18%	482	91	19%	138	27	20%	383	61	16%	15	4	27%
1st VFO, D Felony	373	149	40%	183	78	43%	75	35	47%	106	30	28%	9	6	67%
1st Non-VFO, D/E Felony	567	326	57%	183	98	54%	68	30	44%	306	192	63%	10	6	60%



## Summary of Findings

- Generally, sentences were more likely to be the shortest allowable, except for:
  - first-time violent felony offenses (class B and C, mandatory prison)
  - drug offenses (non-mandatory prison)
- Non-NYC defendants received longer prison sentences than those in NYC.
- Very few white defendants in NYC; differences between black and Hispanic defendants were small.
- Few Hispanic defendants in Non-NYC; differences between black and white defendants were larger:
  - White defendants convicted of VFO charges were more likely to receive *longer* prison sentences than black defendants.
  - Black defendants convicted of first non-VFO charges were more likely to receive longer sentences.

