

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

Executive Summary

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December 2024

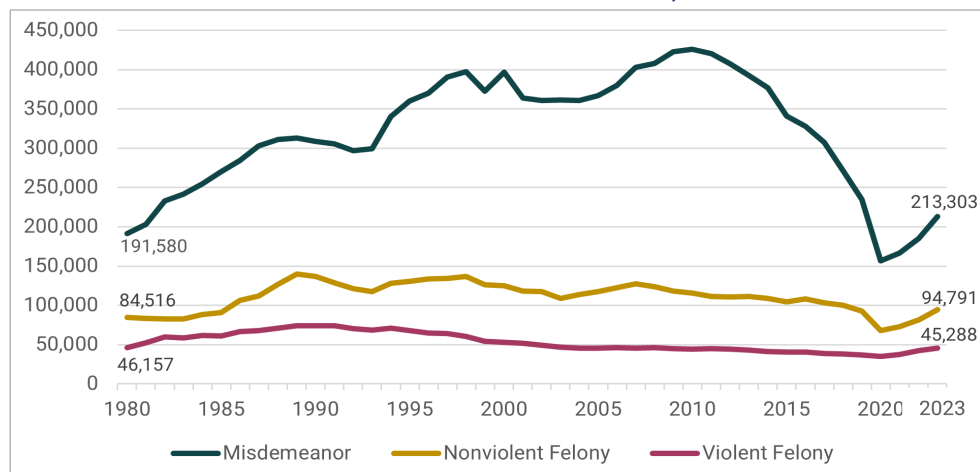
Spanning more than four decades, how has the footprint of New York’s criminal legal system changed? This report examines trends from 1980 to 2023 in arrests, convictions, and jail and prison sentences for the entire State and its three major regions: New York City, the surrounding suburbs of Long Island and Westchester, and upstate. For New York City only, available data also allowed examining the rate at which district attorneys’ offices decline to prosecute arrests made by police. Finally, for all regions, the report traces racial disparities in arrest and incarceration rates since 1990.

Study data came from the New York State Division of Criminal Justice Services (DCJS). When computing *arrest rates* relative to the general population, we relied on census data for people ages 18 and older. Analyses generally distinguished between the handling of misdemeanors, nonviolent felonies, and violent felonies—and at times considered finer charge categories. For select outcomes, the full report includes results for all 62 New York counties. Select analyses in the full report also zoom in on changes during and after the onset of the COVID-19 pandemic.

STATEWIDE ARREST TRENDS

Across all regions and major charge categories, the State saw a significant decline in arrests from 2010 to 2020, followed by an uptick from 2020 to 2023. Over the three *preceding* decades from 1980 to 2010, the trends varied by charge severity and region.

Annual Statewide Arrests in New York, 1980-2023



EXECUTIVE SUMMARY

- **Misdemeanor Arrests:** *In New York City, misdemeanor arrests grew 3.8 times higher from 1980 (65,265) to 2010 (250,067); dropped 75% from 2010 to 2020 (63,315); and increased once again by 40% from 2020 to 2023 (landing at 101,470). These swings largely corresponded to the divergent low-level enforcement priorities of different mayors: increasing arrests under Mayors Giuliani, Bloomberg, and Adams, with a significant decline under Mayor de Blasio. The suburbs and upstate both saw a cumulative four-decade decline in misdemeanor arrests from 1980 to 2020, followed by a small increase from 2020 to 2023.*
- **Felony Arrests:** *Both nonviolent and violent felony arrest rates declined in all three regions from 1980 to 2020, before modestly ticking upward from 2020 to 2023. On balance, statewide arrest rates for nonviolent felony arrests dropped 40% from 1980 to 2023, with violent felony arrests dropping by 47%. Of 140,079 felony arrests in 2023, 59% took place in New York City.*
- **Fraction of Arrests Involving Misdemeanors:** *Nearly identical to 1980, 60% of the State's arrests in 2023 were for misdemeanors. New York City's arrests grew from 43% misdemeanors in 1980 to 73% in 2010, before dropping to 55% in 2023. Upstate saw a gradual decline from 76% misdemeanors in 1980 to 65% in 2023. The suburbs saw little change, with exactly 68% of arrests involving misdemeanors in both 1980 and 2023.*

The full report breaks out 2023 misdemeanor, nonviolent felony, and violent felony arrest numbers and arrest rates per 100,000 residents for each of New York's 62 counties.

ARREST TRENDS FOR SPECIFIC CHARGES OF INTEREST

Arrests for several charges saw especially dramatic swings over time.

- **Drug Arrests:** *Drug enforcement skyrocketed in the 1980s and 1990s, before plummeting in the 2000s. In New York City, drug arrests peaked at over 128,000 in 2000, while tallying under 18,000 in 2023. As a fraction of all arrests, drug arrests grew from 9% of NYC misdemeanors and 8% of felonies in 1980 to 41% and 31% in 2000, before falling back to 10% and 10% in 2023. Outside the City, drug arrest totals did not peak until 2018 in the suburbs and 2017 in upstate, before dropping by over half from those respective years to 2023.*
- **Low-Level Enforcement in New York City:** *After increasing during the initial years of the tracking period, NYC arrests for low-level misdemeanors dropped precipitously. Prostitution arrests peaked at 19,470 in 1985, before dropping to 104 in 2023. Trespass arrests peaked at 19,948 in 2009, before dropping to 1,821 in 2023. Theft of services arrests (mainly transit fare nonpayment) peaked at 40,840 in 1994, before dropping to 96 in 2021. Arrests for all three of these charges bottomed-out in 2021, before seeing modest upticks in 2022 and 2023.*
- **Driving Under the Influence in the Suburbs and Upstate:** *Outside NYC, driving under the influence of alcohol was the first or second most common misdemeanor charge (along with petit larceny) across all 44 years examined. While declining from earlier years, DUI still represented 18% of suburban and 19% of upstate misdemeanors, respectively, in 2023.*
- **Firearms Arrests:** *Starting in the mid-1990s, all regions saw significant reductions in firearms arrests until 2019, after which all regions saw upticks from 2019 to 2023.*

DECLINE TO PROSECUTE RATES IN NYC

After changing only modestly until 2017, district attorneys' offices in the Bronx, Manhattan, and Brooklyn declined to prosecute increasing numbers of misdemeanor arrests.

- **Misdemeanor Declination:** *New York City's declination rate for misdemeanors grew modestly from 5% in 2000 to 8% in 2017, before jumping to 19% by 2023. Five of the six most recent years saw an increase. Hence, increases were not limited to the 2020 pandemic year.*
- **Borough Differences:** *Compared to NYC's other offices, the Bronx DA's Office had the highest misdemeanor declination rate spanning all years examined. From 2017 to 2023, there were sharp increases in the Bronx (20% to 38%), Manhattan (3% to 18%), and Brooklyn (5% to 15%); but little change in Queens (3% to 5%) or Staten Island (11% to 9%).*
- **Select Misdemeanors Seeing Large Changes:** *Varying by borough, there were large declination increases for several specific types of charges since 2017. Transit fare nonpayment declinations skyrocketed from close to zero in 2017 to 89% and 88% in the Bronx and Manhattan, respectively, in 2023. Trespass declinations rose from close to zero to at least a quarter in the Bronx, Manhattan, and Brooklyn in 2023. Prostitution declinations rose in those same three boroughs from under 10% in 2017 to more than 85% in 2023. Before legalization in early 2021, marijuana possession declinations rose sharply in all five boroughs from 2017 to 2020.*
- **Nonviolent Felony Declination:** *Nonviolent felony declinations increased from 7% in 2017 to 14% in the 2020 pandemic year before receding to 11% in 2023. A closer inspection reveals little change outside the Bronx, where nonviolent felony declinations rose from 14% in 2017 to 26% in 2023.*
- **Violent Felony Declination:** *Throughout the period examined, District Attorneys declined violent felony arrests at a significantly lower rate than less serious offenses. In 2023, DAs declined just 4-5% of violent felonies in all boroughs except the Bronx, whose rate was 23%.*

STATEWIDE TRENDS IN THE CRIMINAL CONVICTION RATE

Over the past four decades, a declining percentage of prosecuted *misdemeanor and nonviolent felony arrests ended in a criminal conviction.* (A "criminal" conviction omits cases pled down to a violation or other lesser charge.) From 1980 to 2023, the statewide criminal conviction rate for *misdemeanors* dropped from 38% to 17%—including a steep decline from 46% to 8% in New York City. The statewide criminal conviction rate for nonviolent felonies dropped from 58% to 39%, including a sharper drop from 54% to 19% in NYC.

Contrasting with nonviolent cases, there was virtually no statewide change in the criminal conviction rate for prosecuted *violent felony arrests*—though trends varied by region. From 1980 to 2023, criminal convictions in these cases increased by close to 10 percentage points in both the suburbs and upstate, while declining by 5 percentage points in NYC.

STATEWIDE TRENDS IN JAIL AND PRISON SENTENCES

For misdemeanor and nonviolent felony arrests ending in any type of conviction, sentences involving incarceration increased from 1980 to 2000, before declining from 2000 to 2023. By contrast, incarceration continued to increase among violent felonies ending in a conviction.

Jail and Prison Sentences in 1980, 2000, and 2023 (Cases Ending in Conviction)

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

* To simplify the presentation for misdemeanors, prison and jail/probation split sentences are included under "jail." Prison and split sentences were each, respectively, at or less than 1% of all sentences resulting from misdemeanor arrests ending in conviction.

**Other" sentences primarily consist of direct parole, conditional discharge, fine, and license suspension.

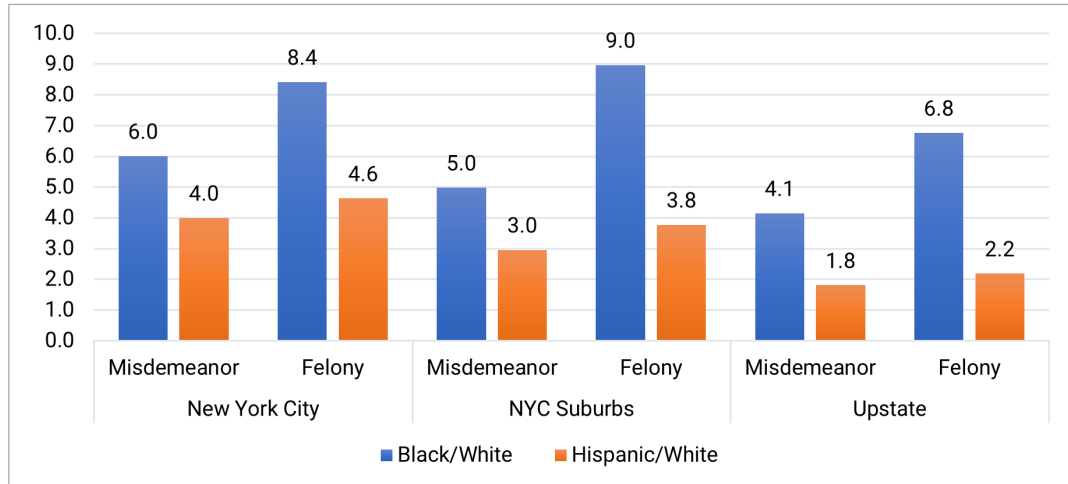
- **Misdemeanors Ending in Conviction:** All regions demonstrated the same pattern of an increase in jail sentences from 1980 to 2000 and a decrease from 2000 to 2023—landing in 2023 at 8% sentenced to jail in New York City, 11% in the suburbs, and 10% in upstate.
- **Nonviolent Felonies Ending in Conviction:** All regions peaked around 2000 in their use of prison. In 2023, nonviolent felony arrests ending in conviction were sentenced to prison or jail, respectively, in 8% and 12% of cases in NYC, 8% and 22% in the suburbs, and 15% and 21% in upstate.
- **Violent Felonies Ending in Conviction:** Prison sentences for violent felonies increased from 1980 to 2023, while jail and probation declined. In 2023, prison and jail resulted, respectively, in 31% and 15% of cases in NYC, 27% and 20% in the suburbs, and 41% and 16% in upstate.
- **Variability Across Counties:** There were significant sentencing differences within regions. In 2023, for example, nonviolent and violent felony arrests ending in conviction saw higher rates of prison sentences in Manhattan than the four other boroughs; and the same was true of Suffolk County in the suburbs. (The full report breaks out 2023 sentencing for all 62 counties.)

RACIAL AND ETHNIC DISPARITIES

For racial and ethnic disparities in both arrests and sentencing, the full report provides detailed results by charge severity, region, and county.

- **Arrest Rate Disparities in 2023:** All three regions saw significant Black-white and Hispanic-white arrest rate disparities in 2023. The upstate region saw narrower disparities than New York City and the suburbs.

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



- **Arrest Rates Over Time:** From 1980 to 2023, arrest rate disparities changed little among misdemeanors. Among felonies, however, Black-white disparities declined in all regions; Hispanic-white disparities declined in New York City, while rising modestly in the suburbs and upstate. (See the full report for details.)
- **Disparities at Sentencing:** From 1990 to 2023, what had begun as sizable racial disparities in the sentencing of cases initially arrested on a misdemeanor narrowed in all three regions and became virtually non-significant in New York City and upstate. Among cases arrested on a felony, however, there was little change. In 2023, the percentages of Black, Hispanic, and white people sentenced to prison on an initial felony charge were, respectively, 21%, 16%, and 9% in New York City; 18%, 12%, and 9% in the suburbs, and 38%, 21%, and 18% in upstate.

For more information: See the [full report](#).