

Criminal Conviction Records in New York City (1980-2019)

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Becca Cadoff, M.P.A., Erica Bond, J.D., Preeti Chauhan, Ph.D., & Allie Meizlish, J.D.

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The Data Collaborative for Justice (DCJ) at John Jay College of Criminal Justice houses a group of research initiatives that raise important questions and share critical research about the criminal justice system and its role in creating safe, just, and equitable communities. DCJ conducts data analysis and research on enforcement in the community, the adjudication of cases in the courts, and the use of confinement in jails and prisons. DCJ's work has informed policy reforms, facilitated partnerships between researchers and government agencies across the country, spurred new scholarly research on lower-level enforcement, and has been cited extensively in the press. For more information about the Data Collaborative for Justice please visit: <https://datacollaborativeforjustice.org/>

KEY FINDINGS

Accumulation of Convictions in New York City

- **Volume of Convictions:** Between 1980 and 2019, there were **10,884,240 arrests** in New York City, which resulted in **3,354,166 criminal convictions** for **745,924 individuals**.
- **Convictions by Severity and Charge Category:** Of the 3,354,166 convictions that have accumulated since 1980, 77.8% (2,575,639) were misdemeanor convictions and 23.2% (778,527) were felony convictions.
 - » *Misdemeanor Convictions:* The most common charge categories for misdemeanor convictions were **“other” charges (e.g., turnstile jumping, loitering, and prostitution), which made up 34.8% of all misdemeanor convictions**, followed by drug charges (sale and possession) at 29.9%, and property-related charges at 26.9%. (See page 11 for the various charge categories and definitions)
 - » *Felony Convictions:* The most common charge categories for felony convictions **were drug charges (sale and possession), which made up 43.5% of all felony convictions**, followed by person-related convictions at 25.7%.
 - » *Drug Convictions:* 33.1% of all misdemeanor and felony convictions (1,108,209 convictions) were for drug charges (sale and possession).
- **Convictions by Race:** Of the 2,517,965 convictions between 1990 (the first year for which race data is reliable) and 2019, **86.6% were of Black (53.9%) and Latinx individuals (32.7%)**.

People with Criminal Conviction Records in New York City

- **Charge Severity:** Between 1980 and 2019, **745,924 individuals were convicted of felony or misdemeanor charges** in New York City.
- **Race/Age/Sex:** Individuals with a criminal conviction record were **predominantly Black (42.4%) or Latinx (36.9%), male (84.3%), and over 45 years old (68.7%)**.
- **Number of Convictions:** **42.2% of individuals with a criminal conviction record had only one conviction (62.2% of which were for a misdemeanor conviction)** and 16.1% of individuals had only two convictions.
- **Time Since Most Recent Conviction:** Of individuals with criminal conviction records, **almost two-thirds (63.9%) have not been convicted of a new crime in the last 10 years**.
- **Most Prevalent Charge Convictions:** Of individuals with criminal conviction records, **14.9% (111,328 people) had only drug-related convictions (one or more) on their records**. Further, **6.2% (46,326 people) had only drug possession convictions (one or more) on their conviction records**.

Introduction

Between 1980 and 2019, the police made just under 11 million arrests in New York City. In recent years, there has been a significant focus on identifying patterns in these arrests, including patterns in who is arrested (e.g., the majority of arrests were of Black and Latinx¹ individuals) and fluctuations in the severity and category of charges.² However, less attention has been paid to the legacy of these arrests, including how many of these arrests resulted in convictions that left an individual with a permanent criminal record – a record that can impact employment, education, housing, and immigration status.

In this report, the Data Collaborative for Justice (DCJ) **presents analyses on criminal conviction records in New York City from 1980 through 2019** using data provided by the New York State Division of Criminal Justice Services (DCJS; for full methods, see *Appendix A*). First, DCJ presents the *number of criminal conviction records* that have accumulated over the course of these four decades (3,354,166 accumulated criminal conviction records), by charge severity (i.e., misdemeanor vs. felony), charge category (e.g., drug charges or property-related charges) and demographics (i.e., race/ethnicity, sex, and age). Next, DCJ documents the **number of individuals** who have these criminal conviction records (745,924 people), including their race/ethnicity, sex, and age. Finally, DCJ analyzes individuals' criminal conviction records to assess how long ago these convictions occurred and the number and categories of charges that make up their criminal conviction records.

The Consequences of Criminal Conviction Records

Criminal conviction records have significant consequences that extend well beyond the direct sanctions of the criminal legal system. Some of the most common consequences include limitations on access to housing, employment, and immigration status. For example, a criminal conviction record can provide legal grounds for an employer to refuse to hire an otherwise qualified candidate, can bar individuals from accessing safe and affordable housing, or can result in a greencard holder being deported.

Below, we provide a brief overview of some of the most significant ways these consequences can impact people with criminal conviction records in New York City. Numerous local and national organizations focused on documenting these consequences have created a range of valuable resources that address the impact of criminal conviction records. These additional resources can be found in *Appendix B*.

Housing

Criminal conviction records can have an important impact on access to housing. In New York City, the agency that operates public housing, the New York City Housing Authority (NYCHA), performs criminal background checks on all applicants before offering available apartments. Depending on the severity of the criminal conviction, an individual may be barred from living in public housing anywhere from

¹ This report used the term "Latinx" in lieu of the term "Hispanic" that is used in the underlying data. Latinx is intended to be inclusive of all people of Latin American origin or descent, including indigenous peoples and those whose native language is not Spanish. The usage of the letter "x" is intended to acknowledge gender inclusivity beyond a binary male/female designation (Morales, 2018). We acknowledge that this is an emerging term and many individuals of Latin American origin may not self-identify as Latinx, especially in older age groups (Noe-Bustamante et al., 2020).

² Researchers have found that, in the 1990s and early 2000s, there were significant increases in misdemeanors, particularly drug charges, followed by steep declines in recent years (Golub et al., 2006; Mueller et al., 2018; Scrivener et al., 2020).

three years (Class B misdemeanor) to six years (Class A, B, or C felonies).³

The barriers to public housing not only affect an individual seeking housing but can also impact families (Back to NYCHA, n.d.). An individual may be barred from living with relatives that already reside in public housing. This means that families who wish to live together may be forced to forfeit their public housing in order to do so and families who wish to support a previously convicted family member by providing housing may not be able to do so.

Housing consequences can extend to other affordable housing programs and to the private housing market. Even though housing providers are not legally able to adopt blanket policies to refuse housing on the basis of a criminal conviction, they are permitted to ask applicants about criminal convictions and may use this information to make individual determinations about whether to offer housing (U.S. Department of Housing and Urban Development, 2016).

Employment

Although city and state laws provide some protections for individuals with criminal conviction records, a person's ability to secure stable employment may be impacted by past convictions. New York City has imposed a number of legal prohibitions on employers, which are designed to limit discrimination with respect to hiring of individuals with criminal conviction records.⁴ Further, New York State prohibits discrimination by employers and licensing agencies on the basis of an individual's criminal record. However, individuals still face barriers as state law permits some restrictions on licensing and employment if the individual's conviction is related to their desired job or "would involve an unreasonable risk to property or the safety or welfare of specific individuals or the general public" (New York State Correction Law Article 23-A).

Certain criminal conviction records can automatically disqualify an individual from attaining an occupational license, including seeking licenses to work in security, daycare, and public transportation (Institute for Justice and Opportunity, 2020). However, these disqualifications vary with respect to the relationship between the conviction charge and the job. For example, an individual with a criminal conviction record of driving a bus under the influence of drugs or alcohol can be denied a license for driving a bus. Other licensure restrictions, however, are less directly related to the job: a person seeking a license to be a security guard will be automatically disqualified if convicted of one of many enumerated "serious offenses," including charges that range from criminal trespassing to drug offenses.

³ Individuals who have been denied housing due to a criminal conviction record may appeal that decision through an appeals process that provides more individualized reviews of circumstances (Back to NYCHA, n.d.). This process, and NYCHA policies regarding criminal conviction records more generally, are currently under review and may be reformed (NYCHA Changes to Policies Related to Criminal Justice, 2020).

⁴ New York City has a broad "ban-the-box" law, which prohibits most employers from asking about criminal conviction records prior to making an initial job offer. Further, most employers are not allowed to ask about sealed cases. It is important to note, however, that employers can conduct criminal background checks after making job offers and can revoke job offers based on this information (New York Commission on Human Rights, 2020). Additionally, recent studies have found that "ban-the-box" policies have led employers to use other characteristics, such as race, or proxies for race (e.g., name, home address) to infer whether applicants have a criminal conviction record, resulting in larger racial disparities in attaining employment after "ban-the-box" policies went into effect (Agan & Starr, 2016).

In other common occupations that require a license—including for being a barber, an emergency medical services personnel, a cosmetologist, and a notary public—individuals are not automatically barred from licensure if they have a criminal conviction record, but can lose their license if convicted of certain crimes (Institute for Justice and Opportunity, 2020). For example, a cosmetologist who is convicted of assault may have their license suspended or revoked, making it harder to find employment post-conviction.

Immigration

Criminal conviction records can also have serious impacts on immigration status. Even seemingly minor convictions, such as turnstile jumping and marijuana possession, can lead to immediate deportation for non-citizens (New York State Unified Court System [UCS], 2019b). Absent deportation, criminal convictions can create challenges for immigrants who are seeking legal residency, work permits, or asylum status (UCS, 2019b).

Criminal Convictions Records and Covid-19

While these analyses were being conducted, the Covid-19 pandemic rippled around the globe and continues to infect large numbers of people across the United States. People of color and their communities have been disproportionately impacted by the health, economic, and social consequences of the pandemic (Artiga et al., 2020; Oppel et al., 2020; The New York Times, 2020). For many communities of color, disproportionate rates of police enforcement (Chauhan, et al., 2014; New York Civil Liberties Union, 2020) and the resulting criminal conviction records (Omori & Petersen, 2020) may create additional barriers to recovery from the pandemic given the challenges convictions can pose to stable housing, employment and healthcare.

Many individuals with criminal convictions turn to entrepreneurship and business ownership due to employment-related barriers following a conviction (see *Employment* on page 4). Some of these individuals have been excluded from relief programs aimed at directly mitigating the impacts of Covid-19, thereby creating barriers to recovery not just for these individuals, but their businesses, employees, families and communities. For example, if any owner holding more than 20% of a business was under criminal supervision or had a felony conviction in the last five years, the federal Small Business Administration (SBA) precluded these businesses from receiving certain loans offered through the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Vogt, 2020). Thus, Covid-19 relief programs excluded people whose economic stability may depend on business ownership due to barriers to other types of employment. As a result, the Biden Administration recently relaxed some of the restrictions on Covid-19 relief to businesses owned by people with criminal conviction records (U.S. Small Business Administration, 2021).

Legal Landscape: Sealing and Expungement

One way that lawmakers have sought to reduce the consequences of criminal conviction records on housing, employment, and immigration, among others, is to provide legal mechanisms to remove or “clear” an individual’s record of criminal convictions.⁵ In New York, there are a few options for clearing all or parts of a person’s criminal conviction record, including *sealing* a case and fully *expunging* a conviction.⁶

In New York, when a case is *sealed*, all photographs, fingerprints, and DNA samples are destroyed or returned to the individual (New York State Criminal Procedure Law [CPL] § 160.50). However, the official case record still exists and can be accessed in limited circumstances by criminal legal system actors⁷ or by employers if a person applies to be a police officer or peace officer (New York Executive Law § 296(16)). *Expungement*, on the other hand, means that the entire case – including information relating to the arrest, prosecution, and disposition of the case – are deemed null, and the individual’s record is restored as if the case never happened (CPL § 1.20(45)). When a criminal conviction record is expunged, all aspects of the record are completely destroyed, and the record is not visible to law enforcement, employers, or others. Further, an individual does not need to disclose the conviction on any application that seeks information about arrests or convictions (CPL § 1.20(45)).

In New York, sealing is much more widely available than expungement. For example, under New York law, there are many types of cases that are, with some exceptions, automatically sealed: cases with a favorable disposition (e.g., an acquittal or dismissal; CPL § 160.50), cases where the conviction charge is a violation or infraction (CPL § 160.55), and offenses where the individual convicted is a child or “youthful offender” (CPL § 720.15). In addition, individuals can ask the court to seal certain drug-related convictions and offenses associated with substance abuse (CPL § 160.58), and certain convictions after 10 years have passed (CPL § 160.59)—with some restrictions and exceptions.⁸

Compared to sealing, which is available for a variety of cases, expungement in New York is limited. Under a 2019 law decriminalizing possession of small amounts of marijuana (New York Senate Bill S6579A), individuals charged with possessing small amounts of marijuana may have their records automatically expunged.⁹ However, marijuana possession and juvenile offenses are currently the only offenses eligible for expungement.

⁵ In January 2021, New York State Senator Zellnor Myrie introduced a bill to require automatic expungement of certain criminal conviction records (NY Senate Bill S1553A). For additional information about the bill, see: <https://www.lac.org/news/clean-slate-new-york-a-statewide-campaign-fighting-for-au...lored-by-senator-zell-nor-myrie-and-assembly-member-catalina-cruz>

⁶ Although sealing and expungement are the most common ways to clear criminal conviction records, individuals can also make individual legal motions to have a case vacated and dismissed after conviction and judgment (CPL § 440.10).

⁷ Sealed records can be made available to law enforcement if a request is approved by a court; to a parole officer if the individual is arrested while on parole or probation; and to a prosecutor if the individual is asking for an adjournment in contemplation of dismissal on a new marijuana charge (CPL §160.50(1)(d)).

⁸ As this report was being finalized the New York State Legislature repealed New York Penal Law § 240.37 (“Loitering for the purpose of engaging in a prostitution”), commonly referred to as the “Walking While Trans” law, and sealed prior convictions for this charge (New York Senate Bill 1351).

⁹ When the law was passed, DCJS estimated that approximately 160,000 people with convictions for NY Penal Law § 221.05 (formerly called Unlawful Possession of Marihuana) and NY Penal Law § 221.10 (formerly called Criminal Possession of Marihuana in the Fifth Degree) would have these convictions automatically expunged from their records (Paybarah, 2020).

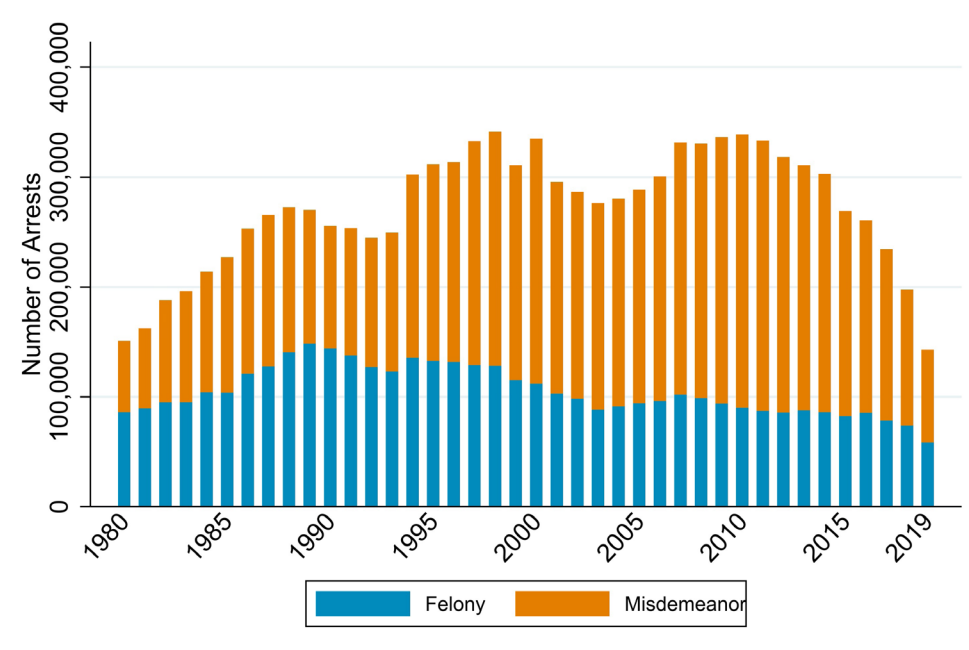
Across the country, many jurisdictions have enacted or are considering reforms to existing sealing and expungement laws. More information and resources regarding sealing and expungement in New York and in other jurisdictions around the United States, can be found in *Appendix B*.

Background: Trends in Arrests

A criminal conviction results from a series of events in the criminal legal process and starts with an arrest. Therefore, increases or decreases in convictions may closely mirror arrest patterns over time. Of course, there are other steps in the criminal legal process, following an arrest, that play a role in determining whether a person is convicted of a given charge – such as prosecutors’ decisions to decline or accept cases, changes to the law that may impact plea bargaining between prosecutors and defense counsel,¹⁰ the availability of diversion programs, and judge and jury decision-making. In order to provide context for the conviction trends presented in this report, we first present trends in the number and types of arrests over time followed by trends in arrest outcomes, both of which influence trends in convictions.

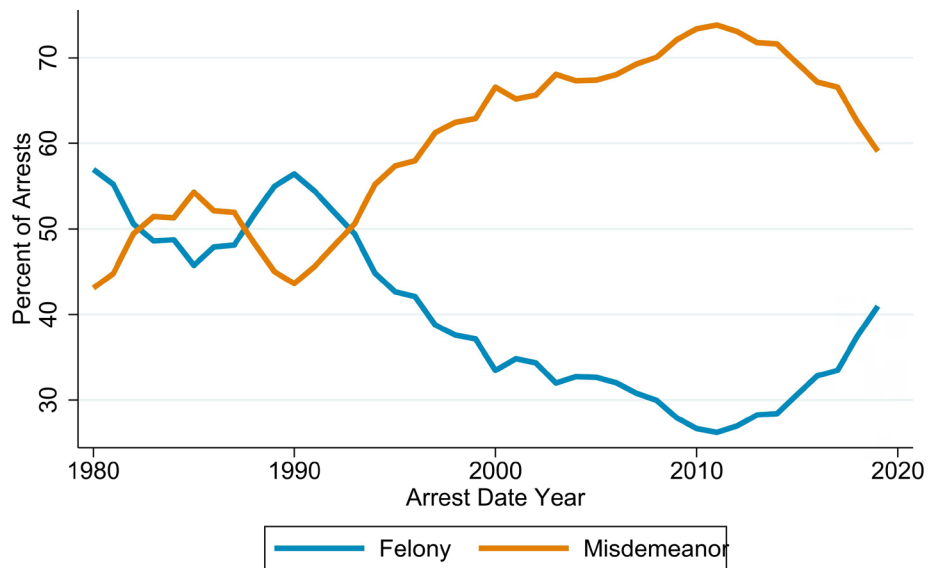
Between 1980 and 2019, there were 10,884,240 arrests in New York City. Of these arrests, 38.7% were felonies (4,211,182) and 61.3% were misdemeanors (6,673,058). Figures 1 and 2 show the volume and proportion of misdemeanor and felony arrests over time. In general, arrests rose steadily from 1980 until 2010, from 151,038 to 338,703, mostly driven by an increase in misdemeanor arrests. Indeed, the volume of felony arrests has fallen since 1989 from a peak of 148,541 arrests to 58,501 arrests in 2019 (Figure 1).

Figure 1. Volume of Misdemeanor and Felony Arrests, 1980-2019



¹⁰ For example, recent reforms to discovery laws that seek to ensure defense attorneys receive more evidence earlier in a case may improve their ability to advocate for more lenient plea deals (2020 N.Y. Laws ch. 56).

Figure 2. Proportion of Misdemeanor and Felony Arrests, 1980-2019



Beginning in 1993, the proportion of misdemeanor arrests surpassed felony arrests, increasing in percentage nearly every year through 2011 (Figure 2). In 2011, misdemeanor arrests accounted for 73.8% of all arrests, compared to 26.2% for felony arrests. Further, although the proportion of misdemeanor arrests has since decreased, in 2019, these arrests still made up nearly 59.1% of arrests.

Figures 3 and 4 present *outcomes* of these arrests by volume and as a proportion of arrests from 1980 to 2018. The largest proportion of arrests that resulted in criminal convictions (felony or misdemeanor convictions) occurred between 1980 and 1990, with a combined 30-40% of arrests resulting in felony or misdemeanor convictions each year. As arrest volume rose over the 1980s, 1990s, and 2000s, the proportion of arrests that resulted in convictions declined. From 1980 through 1986, the breakdown was roughly 30% misdemeanor convictions and 10% felony convictions, and then from 1987 through 1993, roughly 25% misdemeanor convictions and 12% felony convictions, then falling from 1994 onward. In 2018, 13.7% of misdemeanor arrests resulted in convictions and 3% of felony arrests resulted in convictions.

During this period, an increasingly larger proportion of arrests did not result in convictions. Between 1980 and 2018 the proportion of arrests that resulted in a “not convicted” outcome, which includes cases that prosecutors decline to prosecute, are dismissed or acquitted, or were adjourned in contemplation of dismissal,¹¹ rose from 37.2% to 48.9%. Further, the proportion of cases that resulted in a violation or infraction conviction increased from 15.9% in 1980 to 22.4% in 2018. Note this represents a violation or infraction conviction that resulted from a fingerprintable arrest.

¹¹ In New York State, a judge may dispose of a case as an adjournment in contemplation of dismissal or an “ACD” (CPL § 160.50). In such situations, the case can be dismissed after six or twelve months (the length of time is determined based on the charge and parameters set by the judge), as long as the individual is not arrested for a new offense during that time.

Figure 3. Volume of Arrest Outcomes, 1980-2018

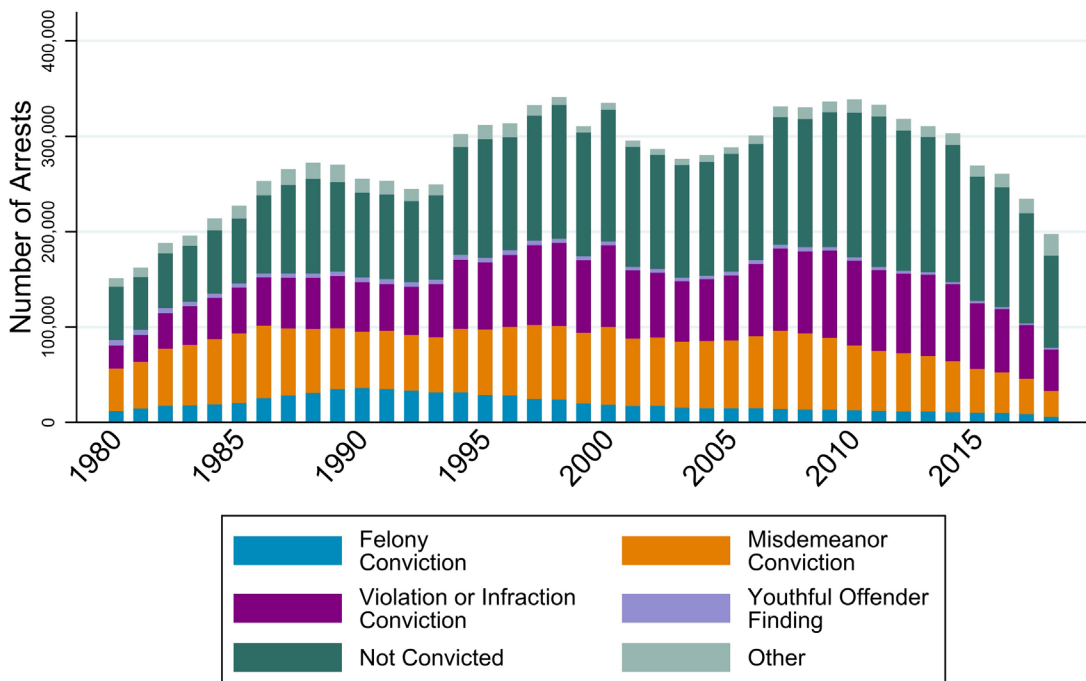
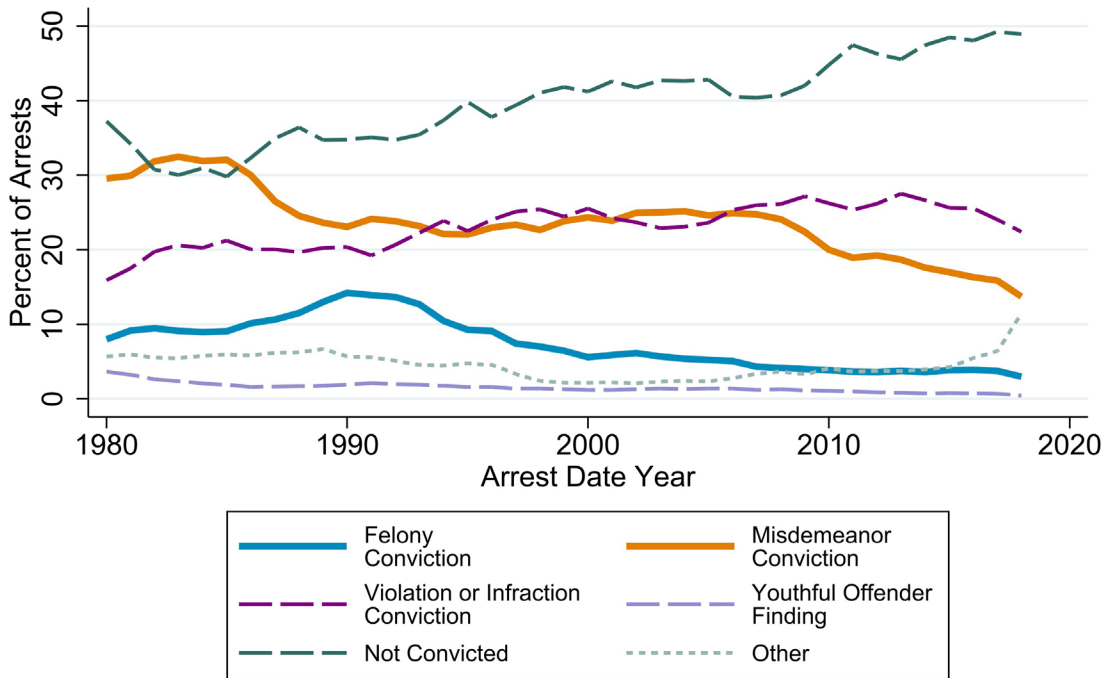


Figure 4. Proportion of Arrest Outcomes, 1980-2018



The rest of this report focuses on felony and misdemeanor convictions because these result in an individual having a permanent criminal record. Thus, the data on these convictions are critical to understanding the enduring effects of the criminal legal system on hundreds of thousands of people convicted in New York City.

I. Trends in Criminal Convictions

Figure 5 presents the accumulation of convictions from 1980 through a given year. For example, the bar for 2019 represents all convictions accumulated from 1980 through 2019.

From 1980 through 2019, there were 3,354,166 convictions that resulted from 10,884,240 arrests in New York City. Felony convictions comprised 23.2% of the total (778,527 convictions) while misdemeanor convictions made up 76.8% of the total (2,575,639).

Figure 5. Accumulation of Convictions by Charge Severity, 1980-2019

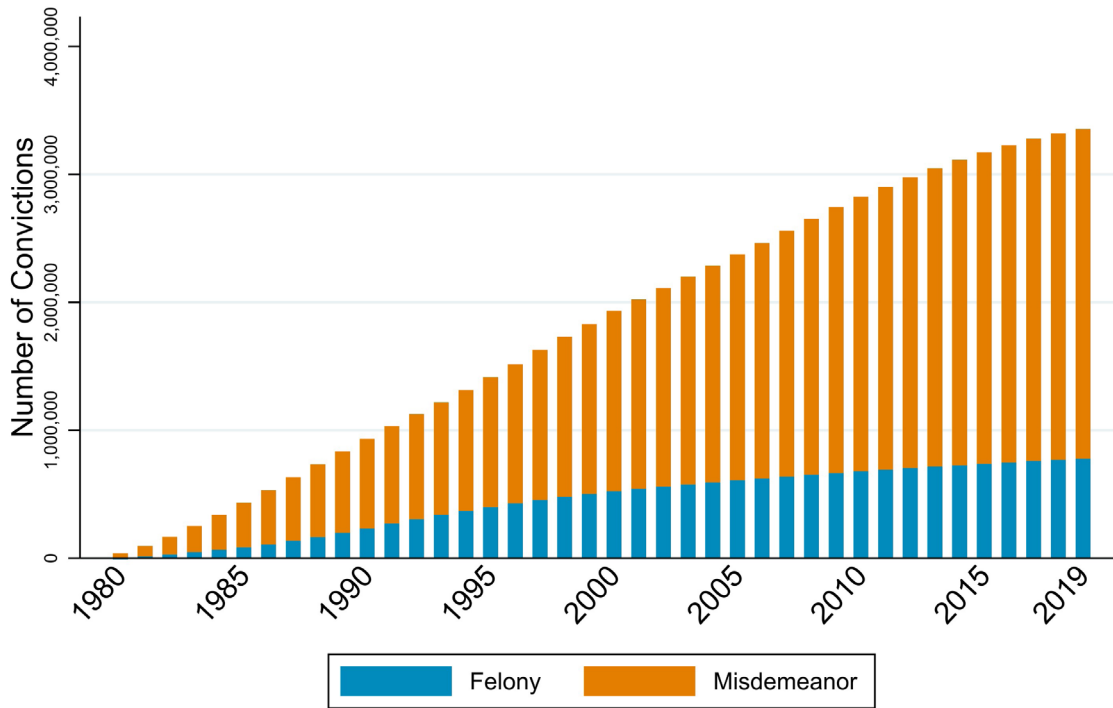
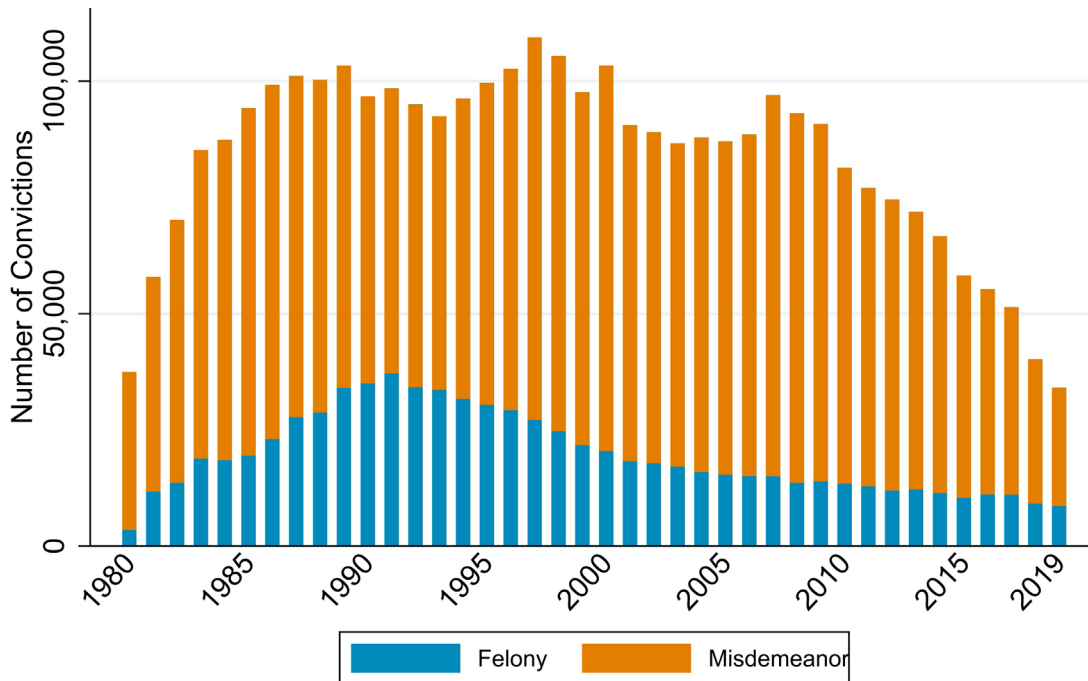


Figure 6 shows the volume of convictions by charge severity for each year. The peak year for convictions was 1997, with 109,401 convictions that year. Since then, overall conviction volume has declined through 2019 to a low of 34,054 convictions in 2019, with slight increases in 2000 and from 2007 to 2009.

Consistently, across all years, misdemeanor convictions have been far more common than felony convictions. The volume of felony convictions peaked in 1991, at 37,170 convictions, and has declined to 8,648 felony convictions in 2019. The volume of misdemeanor convictions peaked almost a decade later, in 2000, at 82,909 convictions. In the year with the fewest misdemeanor convictions, 2019, there were 25,406 misdemeanor convictions.

Figure 6. Volume of Convictions by Charge Severity, 1980-2019



Convictions by Charge Category

Figures 7 through 10 show the volume and accumulation of felony and misdemeanor convictions by **six charge categories: person-related, weapons, drug sale, drug possession, property-related, and other.** **Person-related charges** are defined as offenses that involve physical harm to an identifiable victim or victims. These include offenses such as murder, rape, robbery, and assault (e.g., aggravated assault, a felony, and simple assault, a misdemeanor). **Weapons and drug charge categories** are defined by penal law codes (e.g., possession of a dangerous weapon). **Property-related charges** include unlawful possession or destruction of property, such as grand larceny or graffiti. **Other charges** include charges that do not fit into the other categories, such as prostitution, turnstile jumping or loitering. **A list of laws that fall under these charge categories can be found in Appendix C.**

Felony Convictions

From 1980 to 2019, there were 778,527 felony convictions. During this period, the most common charge category was for drug sale charges, which comprised 31.1% of felony convictions (Table 1 & Figure 7). Felony drug charges made up a total of 43.5% of felony convictions with drug sale accounting for 31.1% of felony convictions and drug possession accounting for 12.4% of felony convictions. Convictions for person-related charges made up another 25.7% of felony convictions, property-related convictions made up another 16.0%, weapon convictions 8.7%, and other charges the remaining 6.1% of felony convictions.

Figure 7. Accumulation of Felony Convictions by Charge Category, 1980-2019

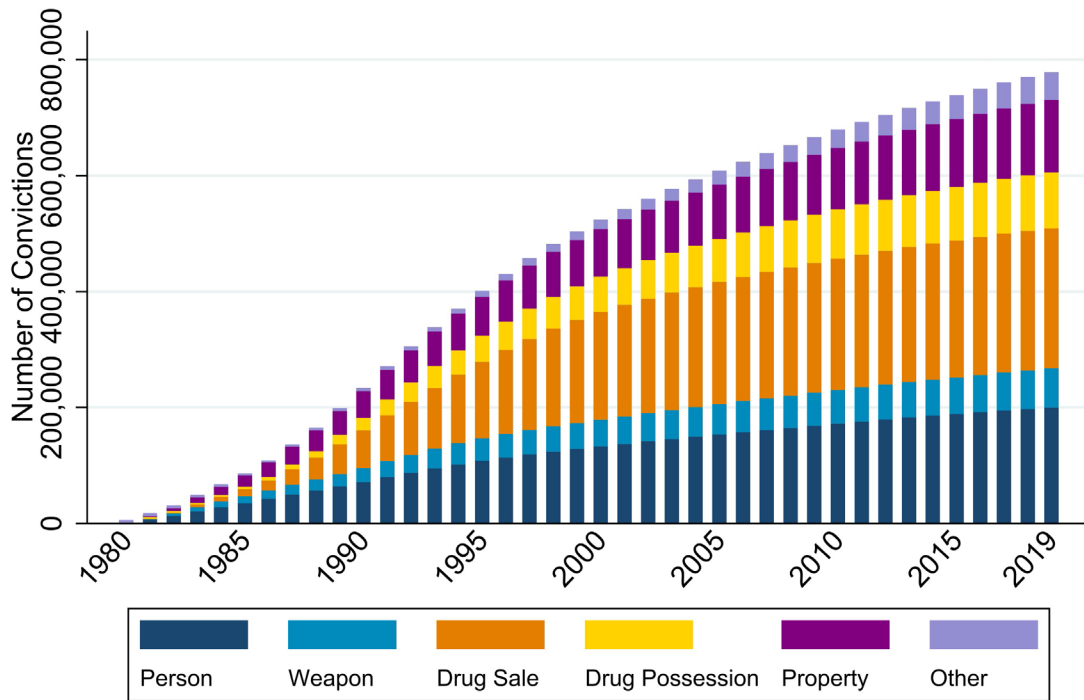
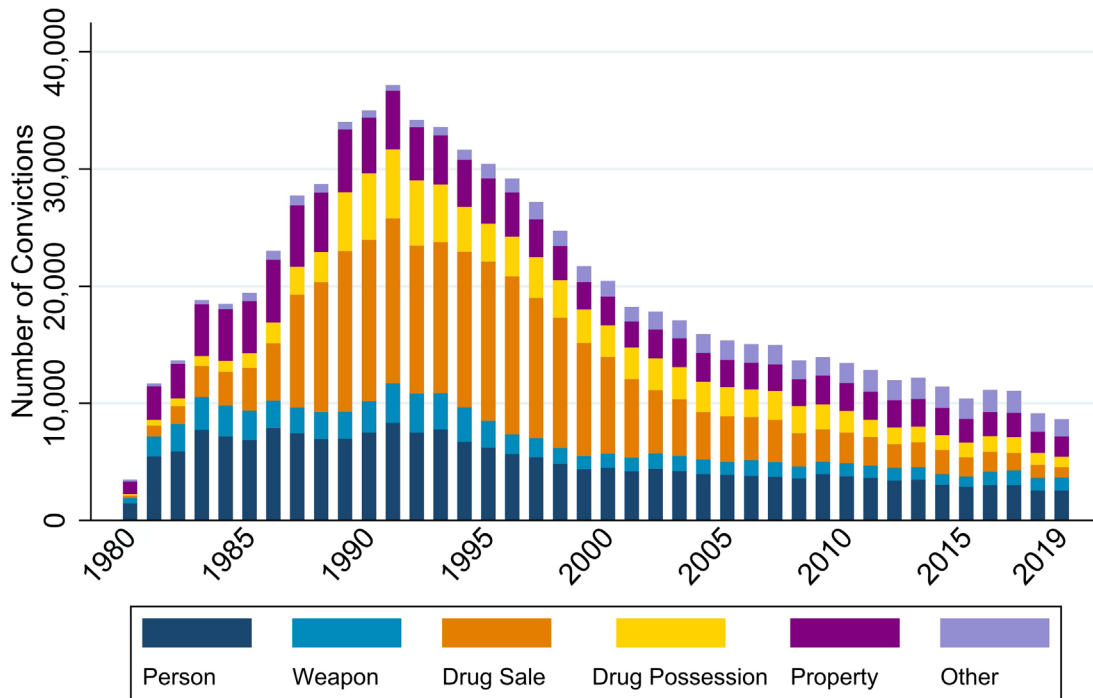


Table 1. Accumulated Felony Convictions by Charge Category, 1980-2019

	Number of Convictions	Percent of Convictions
Person-Related	200,064	25.7%
Weapons	67,668	8.7%
Drug Sale	241,761	31.1%
Drug Possession	96,652	12.4%
Property-Related	124,918	16.0%
Other	47,464	6.1%
Total	778,527	100%

Figure 8 displays the volume of felony convictions per year by charge type. Person-related charges comprised the highest number of felony convictions for most years, except between 1987 to 2005 when drug sale charges surpassed person-related charges. Person-related charges peaked in 1991 at 8,329 convictions, as did drug sale charges with 14,095 convictions. Felony weapon, drug possession, property-related, and other charges were each below 6,000 convictions per year.

Figure 8. Felony Convictions by Charge Category, 1980-2019



Misdemeanor Convictions

From 1980 to 2019, there were 2,575,639 misdemeanor convictions, with the most common charge category being drug possession (27.4%). Compared to felony convictions, convictions for drug charges constituted a smaller proportion but larger number of misdemeanor convictions; 29.9% of misdemeanor convictions or 769,796 felony convictions were for drug charges whereas 43.5% of felony convictions or 338,413 felony convictions were for drug charges. Additionally, misdemeanor convictions for drug charges were driven more by possession, as opposed to sale (at 2.5%).

Property-related charges, primarily petit larceny, were also a large proportion of misdemeanor convictions. From 1980 to 2019, convictions for property-related charges comprised 26.9% of all misdemeanor convictions (Table 2 and Figure 9), while convictions for person-related charges comprised 6.5%, weapons charges 1.9%, and other charges comprised 34.8%. The most frequent charge in the person-related category was simple assault, and in the other category, common charges included turnstile jumping, prostitution, and gambling.

Figure 9. Accumulation of Misdemeanor Convictions by Charge Category, 1980-2019

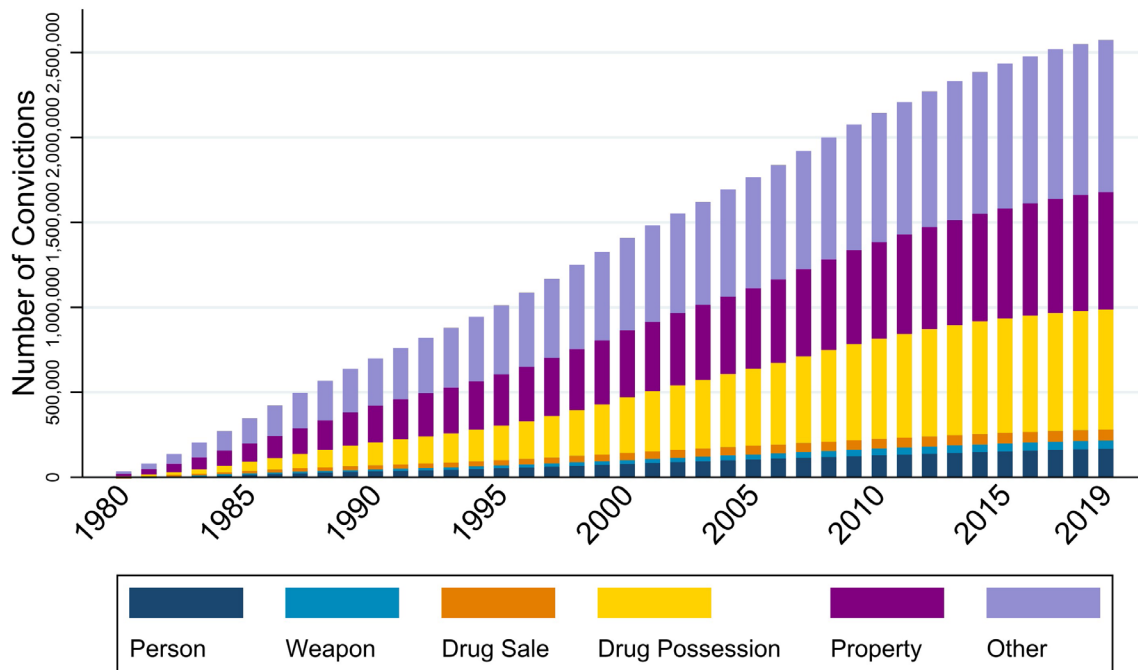


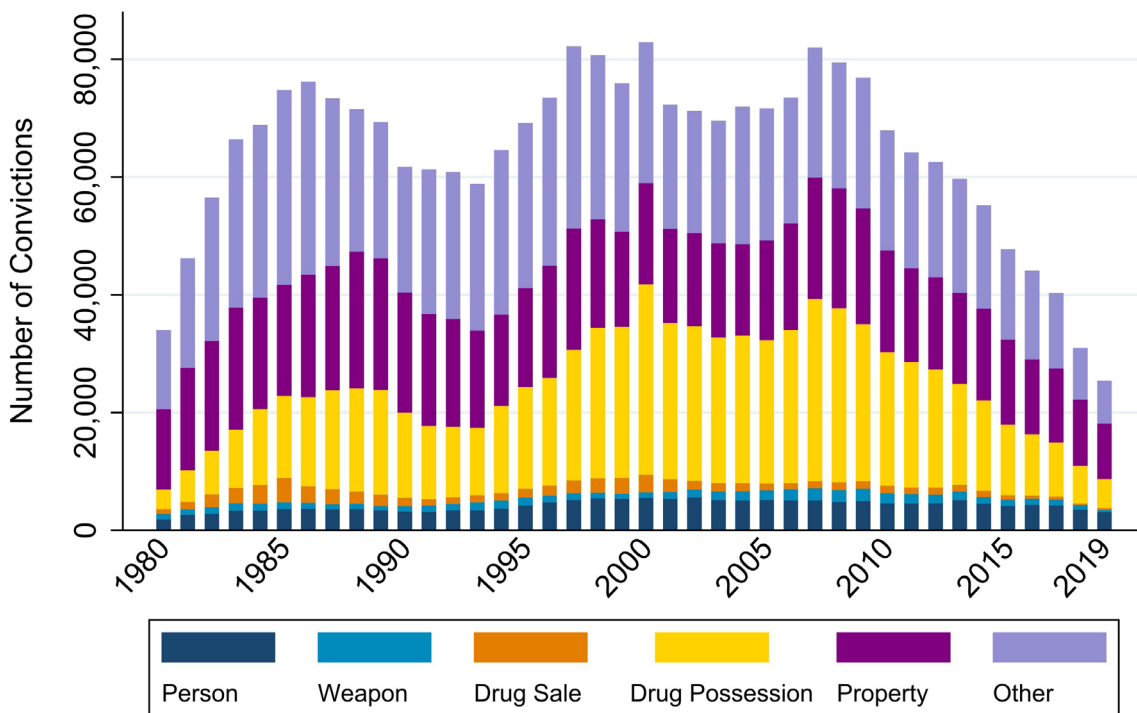
Table 2. Accumulated Misdemeanor Convictions by Charge Category, 1980-2019

	Number of Convictions	Percent of Convictions
Person-Related	168,138	6.5%
Weapons	49,699	1.9%
Drug Sale	63,242	2.5%
Drug Possession	706,554	27.4%
Property-Related	692,872	26.9%
Other	895,134	34.8%
Total	2,575,639	100%

Misdemeanor conviction volume per year is presented in Figure 10. In nearly all years, after excluding other charge categories, misdemeanor property-related convictions represented the highest volume of convictions, except between 1997 and 2014 when the volume of drug possession convictions often surpassed that of property-related convictions. Property-related convictions peaked in 1997 with 20,662 convictions and misdemeanor drug possession convictions peaked in 2000 with 32,332 convictions. Both property-related and drug possession convictions have fallen steadily since their peaks. In 2019, there were 9,425 convictions for property-related charges and 4,945 convictions for drug possession charges.

Compared with the trend in felony drug convictions, the years of peak misdemeanor drug possession conviction volume occurred later – rising the most rapidly from 1994 through 2000 and then remaining high through 2008. Misdemeanor convictions for other charges were also high in volume, peaking in 1985 with 33,042 convictions, declining until 1993 and then rising again until 1997 with 30,915 convictions, and then declining to 7,261 convictions in 2019. Misdemeanor convictions for person-related charges peaked in 2002 with 5,578 convictions and then declined to 3,088 in 2019. Misdemeanor convictions for weapon and drug sale charges were relatively low, remaining below 2,200 and 4,200, respectively, throughout the study period.

Figure 10. Volume of Misdemeanor Convictions by Charge Category, 1980-2019



Criminal Conviction Records by Demographic Categories

Race and Ethnicity

For convictions analyses involving race and ethnicity, the study period begins in 1990 rather than 1980 because race and ethnicity data were not reliable prior to 1990. **Between 1990 and 2019 there were a cumulative 2,517,965 convictions (Figure 11 and Table 3). Of these, the largest number of convictions were for Black individuals (53.9% of all convictions, or 1,357,095 convictions) or Latinx individuals (32.7%, 822,895 convictions).** White individuals made up 11.7% of convictions (293,282 convictions), Asian/Indian individuals, 1.5% (37,436 convictions), and those of other or unknown race/ethnicity less than one percent (7,257 convictions).

Figure 11. Accumulation of Convictions by Race/Ethnicity, 1990-2019

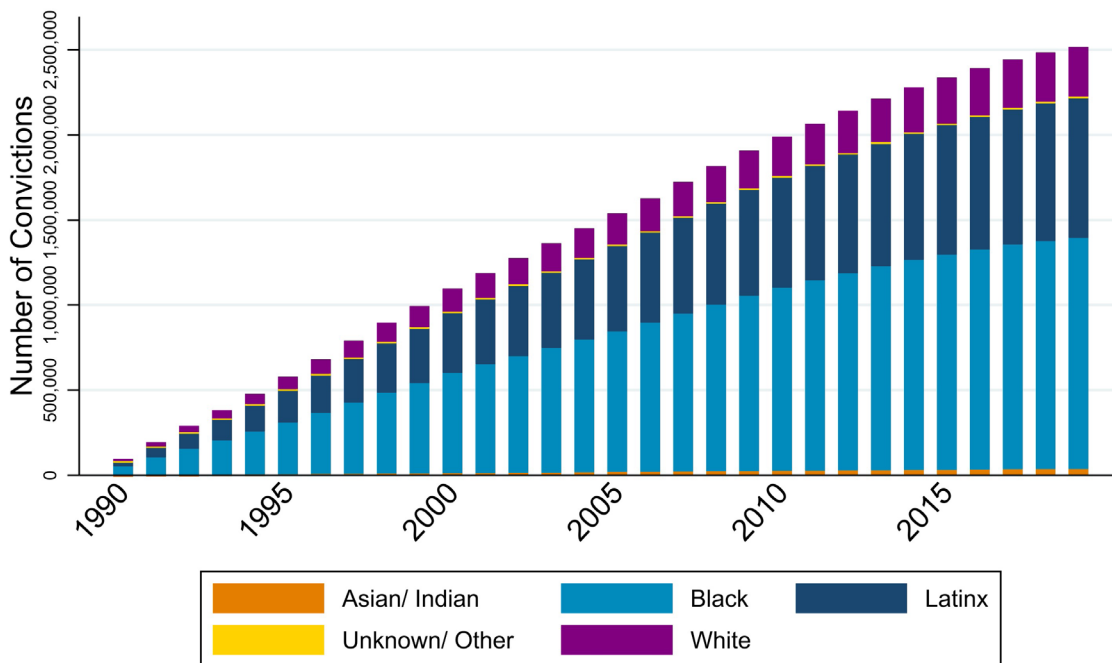
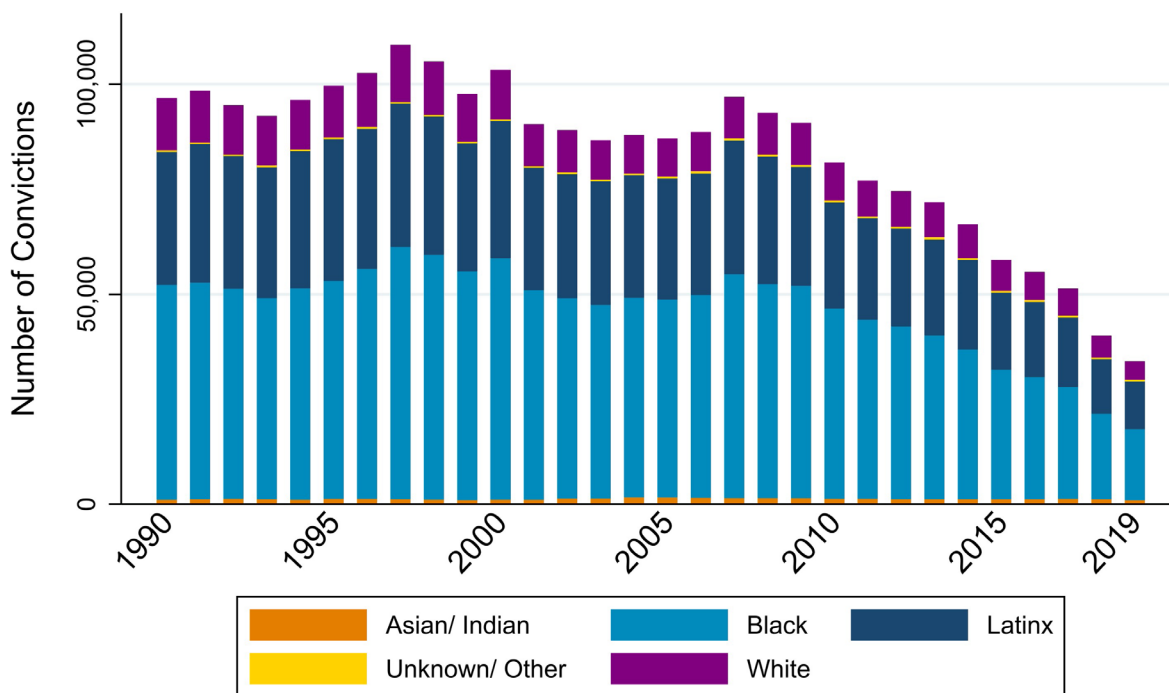


Table 3. Accumulation of Convictions by Race/Ethnicity, 1990-2019		
	Number of Convictions	Percent of Convictions
Asian/Indian	37,436	1.5%
Black	1,357,095	53.9%
Latinx	822,895	32.7%
Unknown/Other	7,257	0.3%
White	293,282	11.7%
Total	2,517,965	100%

Figure 12 displays the number of convictions (both felony and misdemeanor) per year by racial or ethnic category of the person convicted. In each year, Black individuals made up the largest share of those convicted, followed by Latinx individuals. Additionally, White people made up a small but meaningful segment of individuals convicted. In 1997, Black, Latinx, and White individuals each had a peak number of convictions, 60,069, 34,463, and 13,647 convictions, respectively. All groups declined considerably by 2019 with 16,950 convictions for Black individuals, 11,552 for Latinx individuals, and 4,391 for White individuals. For comparison, *Appendix D* provides demographic make up of the city from 1990 to 2019. Black people consistently account for approximately 25% of the New York City population.

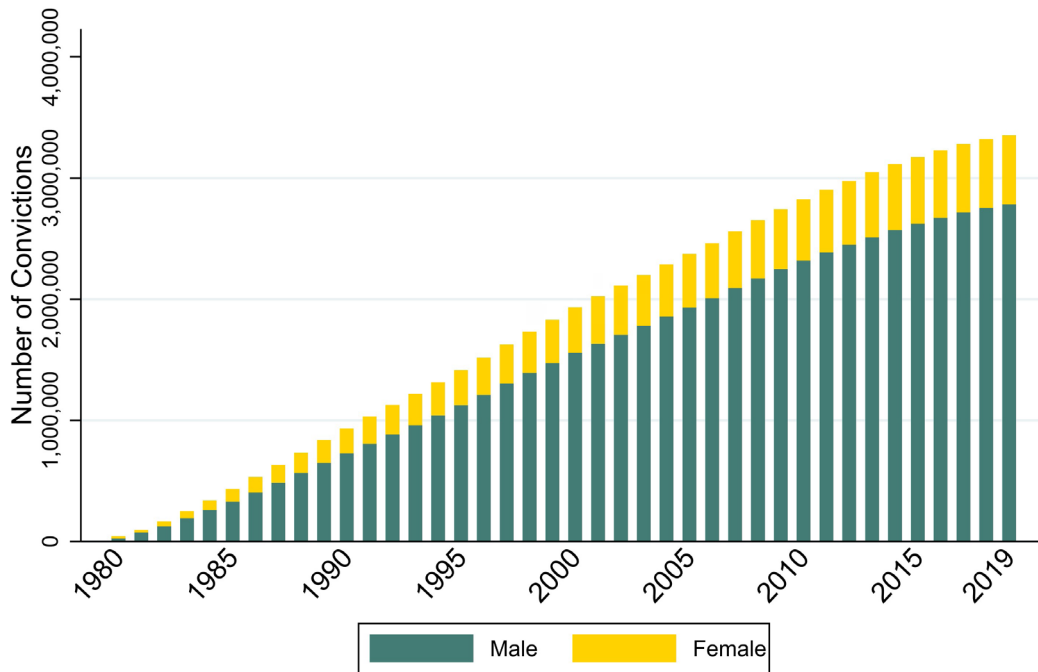
Figure 12. Race/Ethnicity of Persons Convicted by Year, 1990-2019



Sex

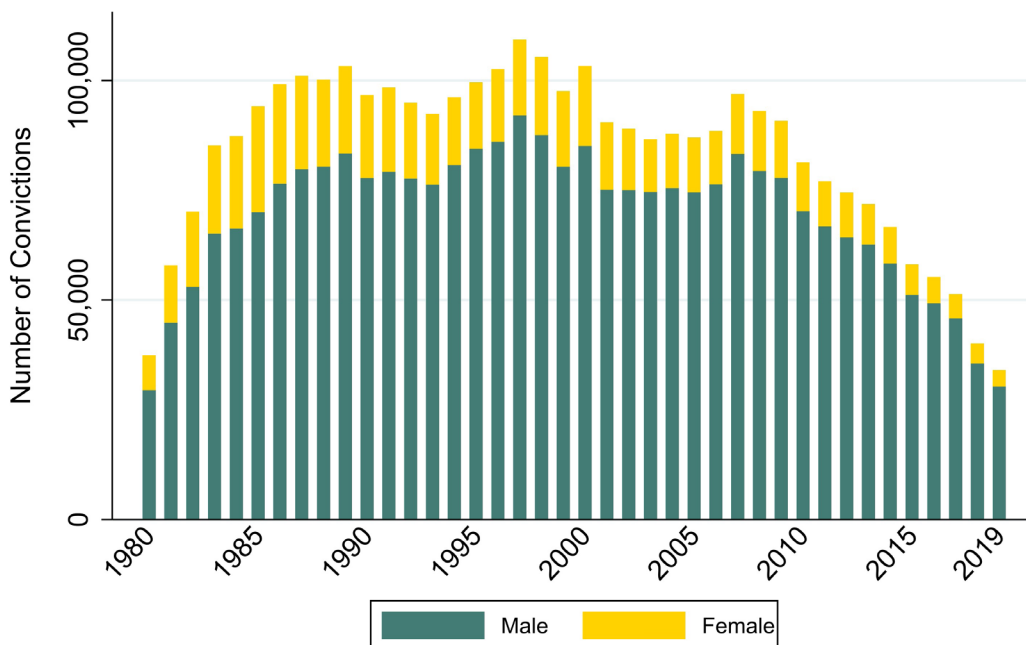
From 1980 through 2019, males comprised 83.0% of accumulated convictions (2,783,269 convictions) and females 17.0% (570,422 convictions).

Figure 13. Accumulation of Convictions by Sex, 1980-2019



The volume of convictions each year by sex, is presented in Figure 14. In all years, males made up a much higher volume of convictions than females. The peak year for convictions for the two groups was different. Convictions for males peaked in 1997 with 92,083 convictions, while the convictions for females peaked earlier in 1985 with 24,149 convictions.

Figure 14. Sex of Persons Convicted by Year, 1980-2019



Age

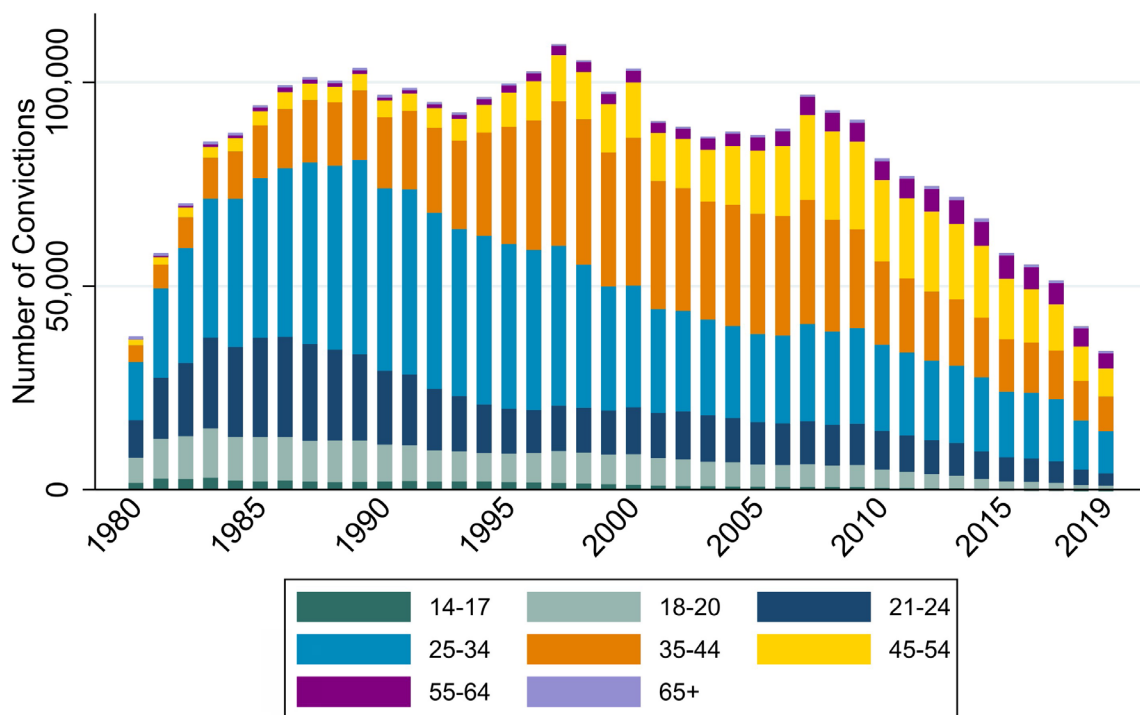
The age of the person at the time of conviction is shown in Figure 15. Because an individual's age and age category changes over time, we display only the volume of convictions per year by age category, rather than accumulated totals.

Figure 15 demonstrates changes over time in the age of individuals who were convicted. In earlier years, younger age groups made up a larger volume of convictions, whereas in later years, convictions were more likely to be of older individuals. Specifically, from 1980 through 1997, 25-34-year-olds made up the largest volume of convictions, with a peak volume of 47,734 convictions in 1989. In this same time period, convictions of 21-24-year-olds peaked at 24,596 convictions in 1986, and convictions of 18-20-year-olds peaked in 1983 at 12,104 convictions.

Then, beginning in 1993, the volume of convictions of older age groups began to increase while convictions of the younger groups were decreasing from their peaks. In 2000, convictions of 35-44-year-olds peaked at 36,297 convictions, and then began to decline slightly but generally remained higher than any of the younger groups. Slightly after the peak of the 35-44-year-old group, convictions of 45-54-year-olds increased, with this growth beginning in 2000 and continuing through 2008 with a peak at 21,695 convictions. Convictions of those 55-64 years and those 65 and older peaked even later, both in 2014, with the former peaking at 5,887 and the latter at 832 convictions.

Additionally, from 1980 through 2019, the average age at conviction was 33.3 years, and the median age was 32.0 years.

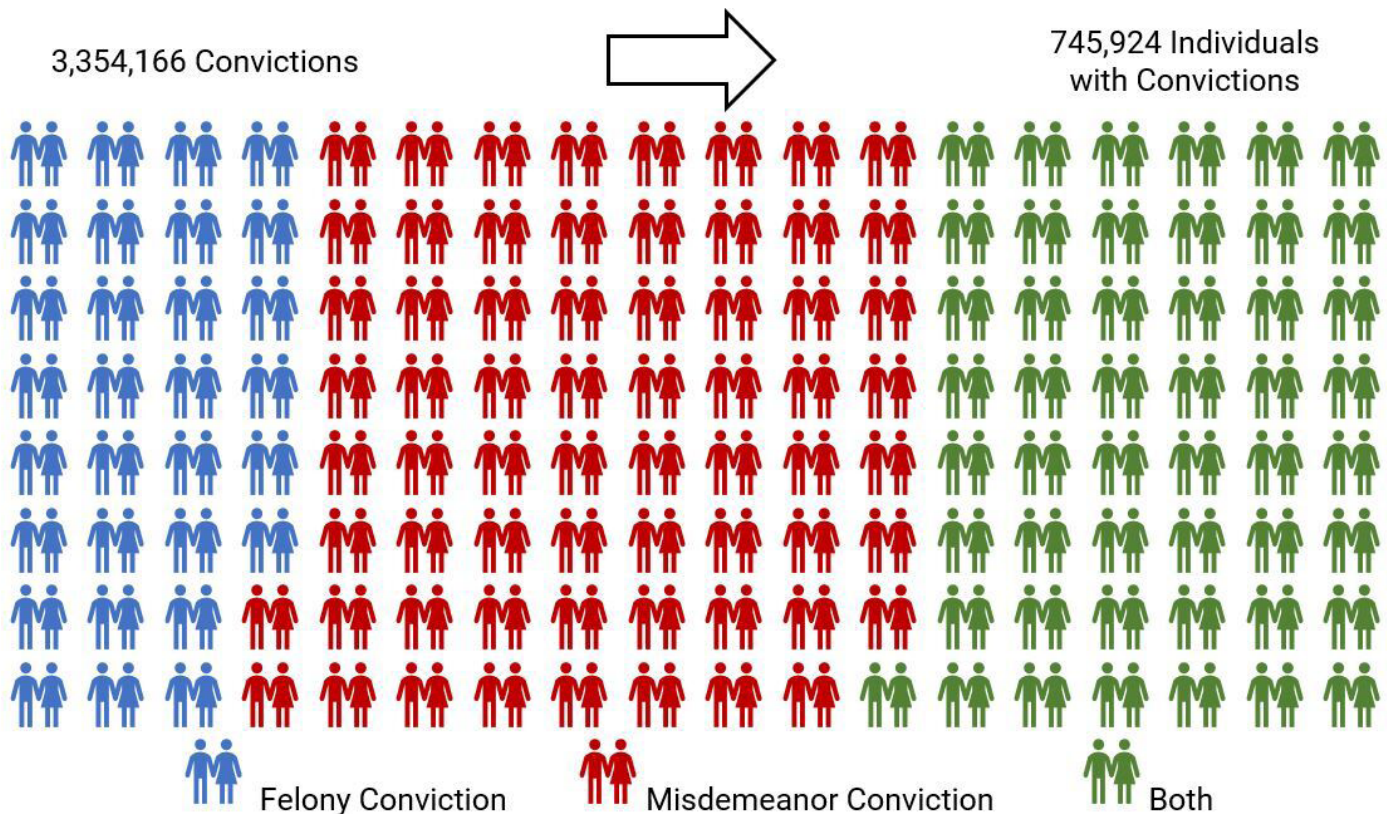
Figure 15. Age of Persons Convicted by Year, 1980-2019



II. Demographics of Individuals with Criminal Conviction Records

From 1980 to 2019, the 3,354,166 convictions described in the prior section represented 745,924 individual people. Of these individuals, 21.0% (156,774 people) had convictions for felony charges only (one or more) and 44.1% (328,712 people) had convictions for a misdemeanor charge only (one or more). The remaining 34.9% (260,438 people) had a criminal conviction record consisting of both felony and misdemeanor convictions (one or more of each).¹²

Figure 16. Number of Individuals with Convictions, 1980-2019



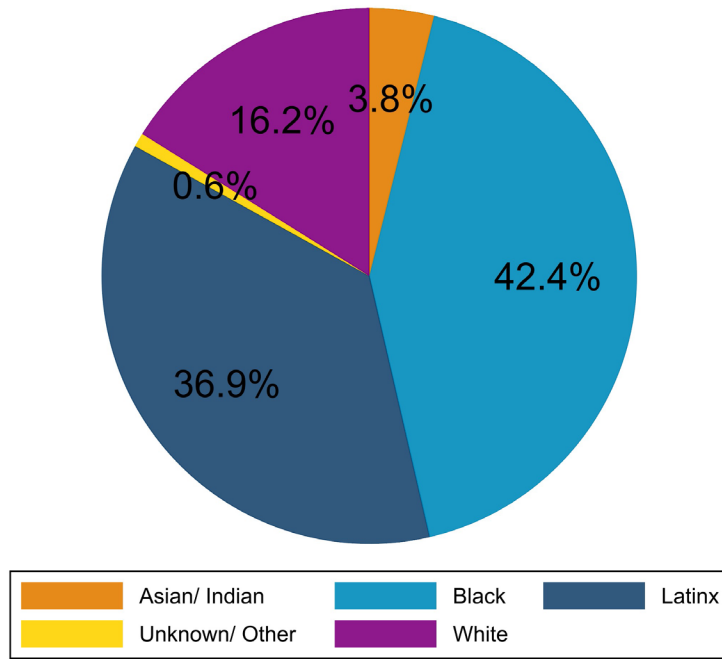
Race and Ethnicity of Individuals with Criminal Conviction Records

Due to data limitations, data on race and ethnicity is limited to convictions that occurred between 1990 and 2019, which covered 505,260 individuals that received convictions during that period of time. Of these individuals, 42.4% were Black (214,352 people) and another 36.9% were Latinx (186,360 people).¹³ White individuals made up another 16.2% of those with convictions between 1990 and 2019 (81,969 people).

¹² According to DCJS, since 1970, there are 2.4 million individuals with one or more New York State criminal convictions. Approximately 965,000 individuals with a criminal conviction record in New York State have one or more felony convictions.

¹³ Black and Latinx individuals made up roughly 55% of the New York City population as of 2019, while Whites made up 32% (Appendix D).

Figure 17. Race/Ethnicity of Persons with Convictions, 1990-2019



Of Black individuals with convictions, most (42.7%) had only misdemeanor convictions (Figure 18 and Table 4). Latinx and White individuals were also most likely to have a misdemeanor only conviction (45.9% and 63.9%, respectively). The same was true for Asian/Indian people and people with an Unknown/Other race or ethnicity, with over 60% of each of these groups having a misdemeanor only conviction record.

Figure 18. Race/Ethnicity by Charge Severity of Criminal Conviction Record, 1990-2019

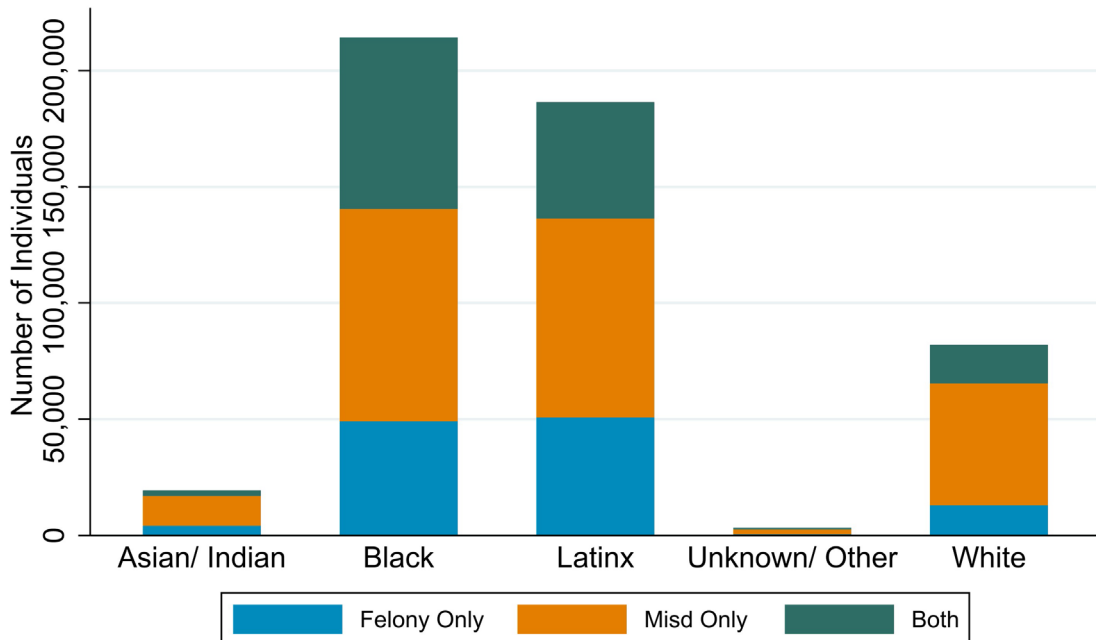


Table 4. Race/Ethnicity by Charge Severity of Criminal Conviction Record, 1990-2019

	Asian/Indian	Black	Latinx	Unknown or Other	White
Felony only Record	21.4%	22.9%	27.2%	16.2%	15.9%
Misdemeanor only Record	66.5%	42.7%	45.9%	64.2%	63.9%
Felony and Misdemeanor Record	12.1%	34.4%	26.8%	19.7%	20.2%
Total Individuals (100%)	19,349	214,352	186,360	3,230	81,969

Sex of Individuals with Criminal Conviction Records

Males made up the majority of individuals with criminal conviction records, at 84.3%, but a large number of females (117,199 people) had convictions as well (Figure 19). Both males and females were more likely to have misdemeanor convictions only, though the percentage was lower for males (41.5%) compared to females (58.0%) (Figure 20 and Table 5).

Figure 19. Sex of Persons with Convictions, 1980-2019

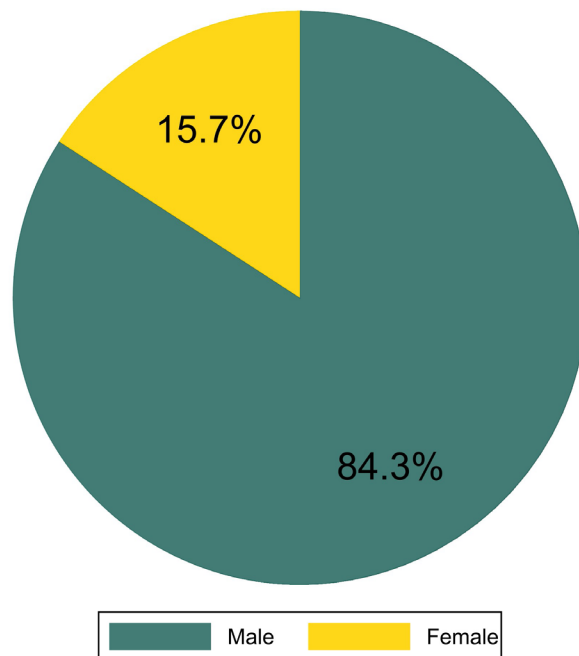


Figure 20. Sex by Charge Severity of Criminal Conviction Record, 1980-2019

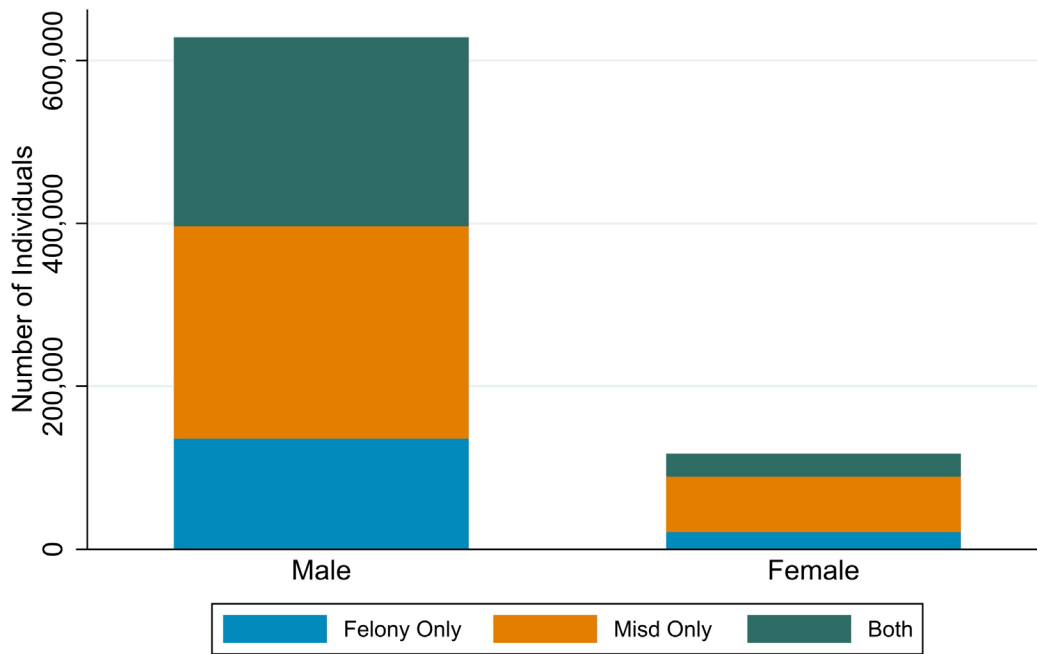


Table 5. Sex by Charge Severity of Criminal Conviction Record, 1980-2019

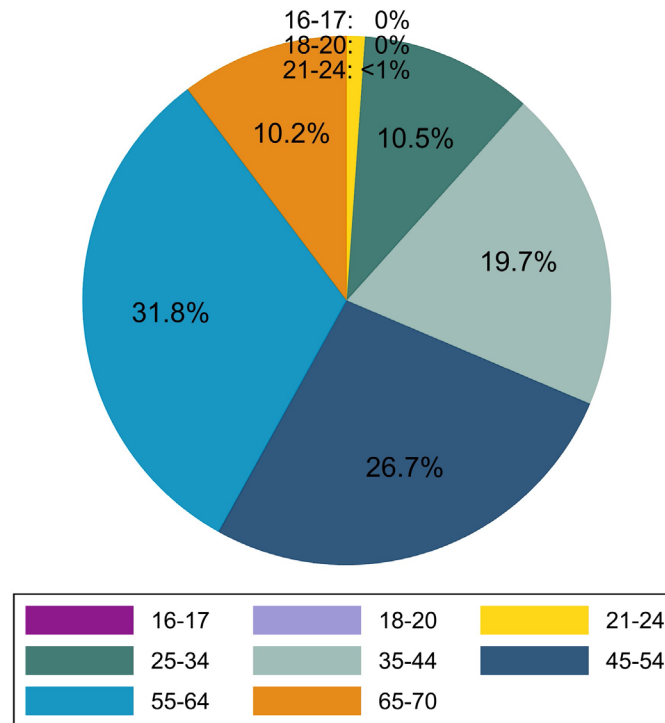
	Male	Female
Felony only Record	21.6%	18.0%
Misdemeanor only Record	41.5%	58.0%
Felony and Misdemeanor Record	37.0%	24.0%
Total Individuals (100%)	628,641	117,199

Current Age of Individuals with Criminal Conviction Records

Of people with criminal conviction records, 68.7% were 45 years or older.¹⁴ The average “current age”¹⁵ of people with conviction records was 50.5 years, and the median age was 52.0 years.

The largest share of people with criminal conviction records were 55-64 years old; this group comprised 31.8% of individuals with conviction records (Figure 21). The next most common age group was 45-54 years old, which represented 26.7% of people with convictions.

Figure 21. Current Age of Persons with Convictions, 1980-2019



In all age categories, the largest proportion of people had misdemeanor only criminal conviction records (Figure 22 and Table 6), ranging from 38.6% for the 45-54-year-old group to 52.6% for the 65-70-year-old group. The next most common charge severity for a criminal conviction record for each group, except for the three youngest age groups, was both felony and misdemeanor convictions, ranging from 28.3% for the 25-34-year-old group to 38.0% for the 55-64-year-old group. The least common was felony only criminal conviction records again except for the three youngest age groups. The youngest age groups had a higher proportion felony only conviction records; however, there are fewer individuals in these age groups than in the older groups.

Additional analyses regarding age, including age at the time of first conviction and age at the time of most recent conviction, can be found in *Appendix E*.

¹⁴ For the analyses in this section, “current age” is defined as the age of individuals with conviction records as of December 31, 2019.

¹⁵ The older average age of individuals with a criminal conviction record is significant in light of research on the “age-crime curve,” which shows that individuals are less likely to commit crimes as they grow older (Farrington, 1986).

Figure 22. Current Age by Charge Severity of Criminal Conviction Record, 1980-2019

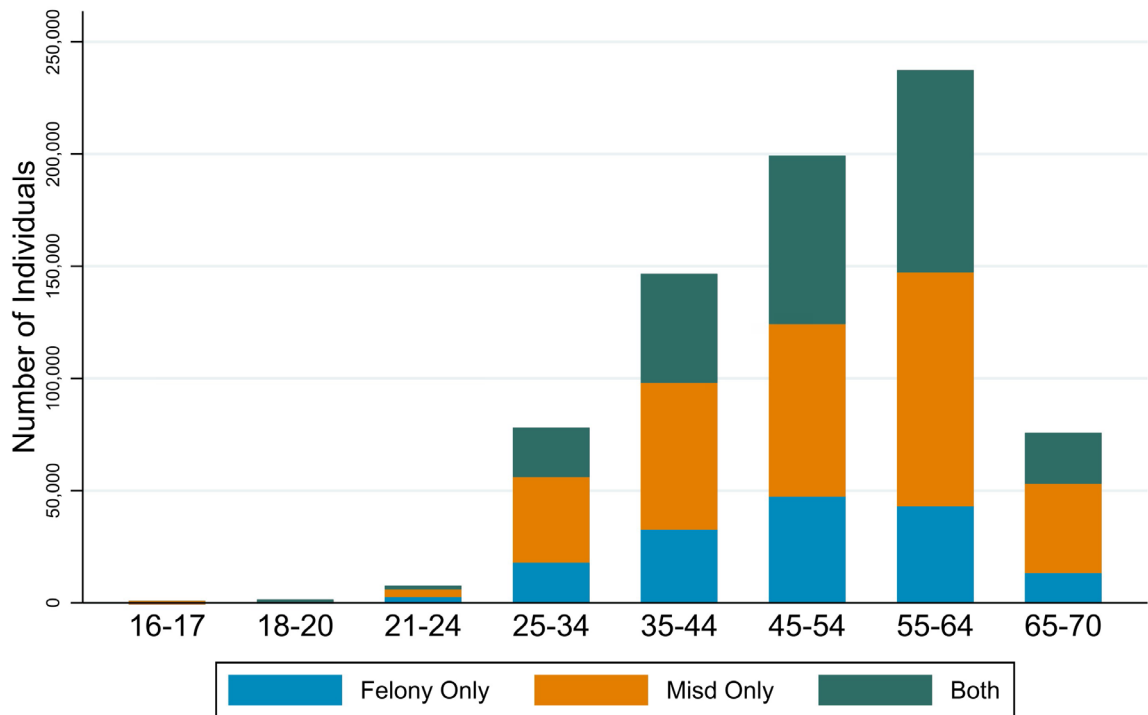


Table 6. Current Age by Charge Severity of Criminal Conviction Record, 1980-2019

	16-17	18-20	21-24	25-34	35-44	45-54	55-64	65-70
Felony only Record	58.8%	40.2%	32.7%	22.9%	22.3%	23.7%	18.1%	17.4%
Misdemeanor only Record	41.2%	45.5%	45.3%	48.9%	44.6%	38.6%	43.9%	52.6%
Felony and Misdemeanor Record	N/A	14.3%	22.0%	28.3%	33.1%	37.7%	38.0%	29.9%
Total Individuals (100%)	17	809	7,600	78,107	146,560	199,305	237,375	75,705

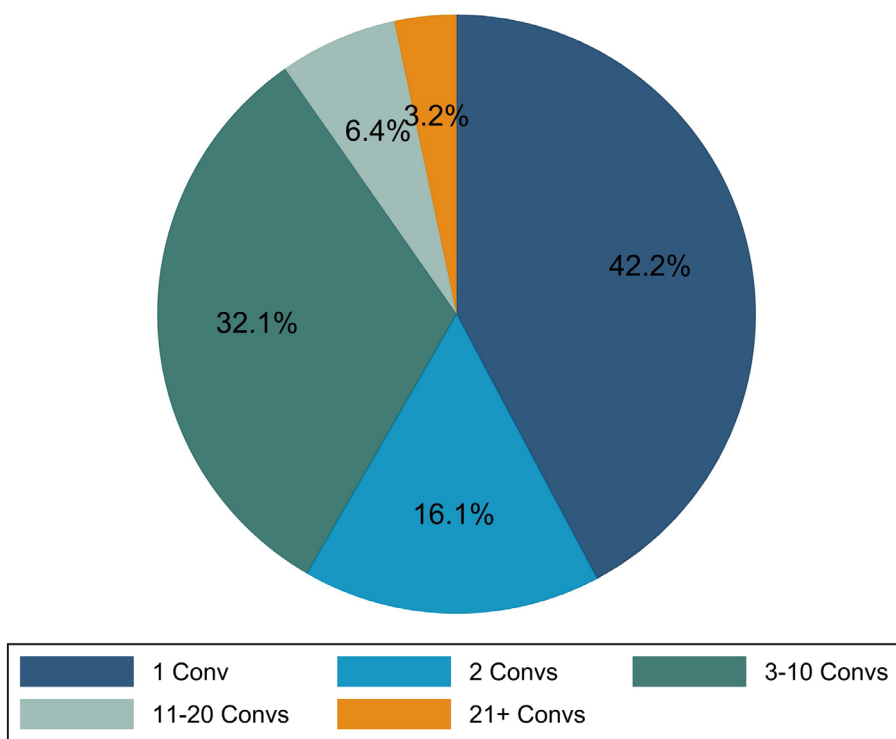
III. Characteristics of Criminal Conviction Records

In addition to analyzing the demographic characteristics of people with conviction records, DCJ assessed the characteristics of their records: how many convictions do individuals have on their records, what is the severity of the charge, and how long ago did these convictions occur? This section provides information on these trends.

Number of Convictions

Most people with a criminal conviction record have only one conviction (42.2%; 314,567 people). Another 16.1% of individuals had only two convictions (120,230 people), and 32.1% had three to ten convictions (239,225 people) (Figure 23).

Figure 23. Number of Convictions, 1980-2019



Most individuals with only one or two convictions had a misdemeanor only conviction record, 62.2% and 42.8% respectively (Figure 24 and Table 7). This amounts to 247,203 people who had only one or two misdemeanor convictions on their criminal records.

Individuals with three or more convictions were more likely to have both a felony and misdemeanor conviction, ranging from 66.8% of those with 3-10 convictions to 81.1% of those with 21 or more convictions.

Figure 24. Number of Convictions by Charge Severity of Criminal Conviction Record, 1980-2019

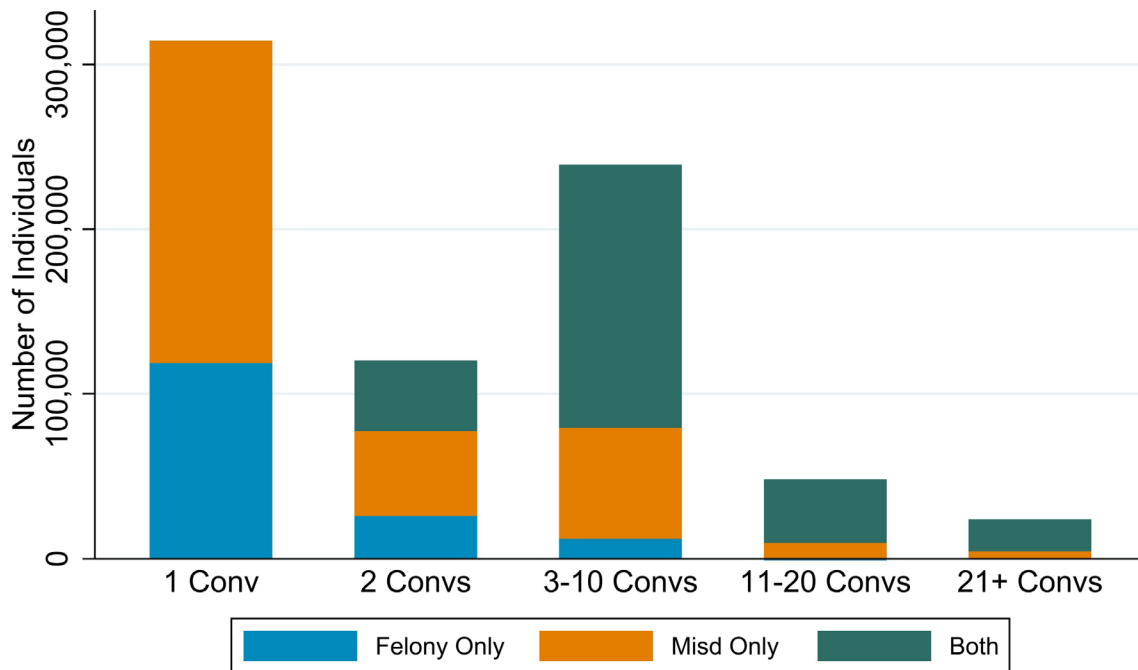


Table 7. Number of Convictions by Charge Severity of Conviction Record, 1980-2019

	1 conviction	2 convictions	3-10 convictions	11-20 convictions	21+ convictions
Felony only Record	37.8%	21.6%	5.0%	0%	0%
Misdemeanor only Record	62.2%	42.8%	28.2%	19.8%	18.9%
Felony and Misdemeanor Record	-	35.6%	66.8%	80.2%	81.1%
Total Individuals (100%)	314,567	120,230	239,225	48,024	23,878

A brief analysis of the number of convictions broken down by race/ethnicity can be found in *Appendix E*.

Time Since Most Recent Conviction

Among individuals with a criminal conviction record, 63.9% have not had a conviction in over 10 years (476,723 people), 36.0% have not had a conviction in over 20 years (267,925 people), and 20.3% of people (150,830 people) had been convicted in the last 5 years.

Figure 25. Time Since Most Recent Conviction, 1980-2019

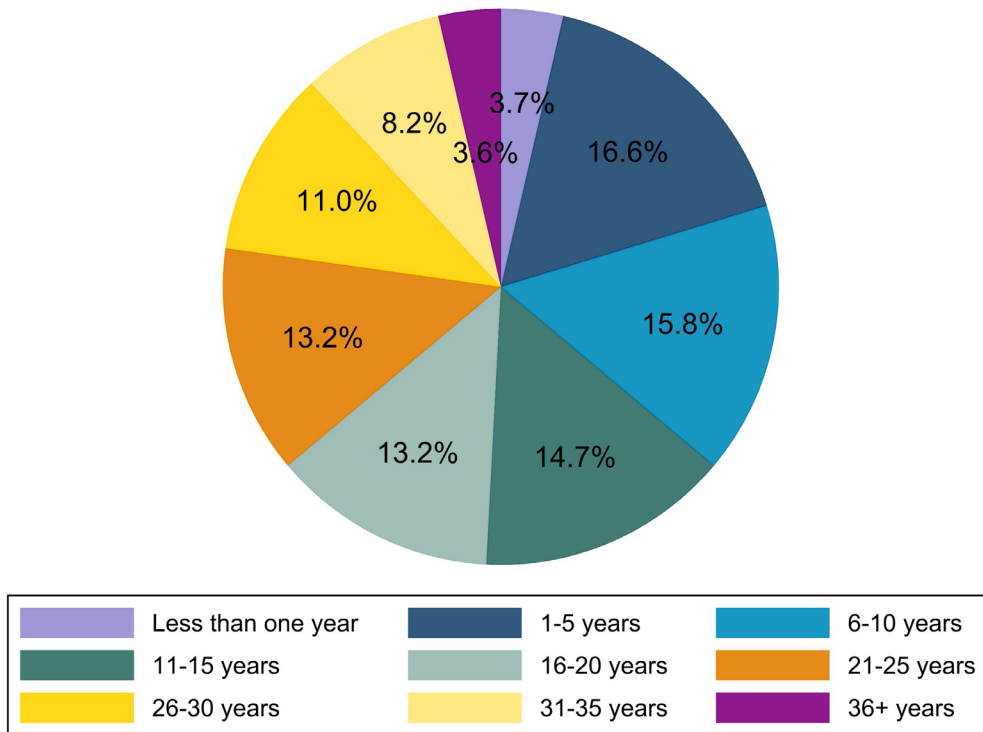


Figure 26 and Table 8 present the charge severity of the criminal conviction record by time since a person's most recent conviction. Importantly, the time since most recent conviction uses a baseline of a person's most recent conviction, but the analyses covers all convictions on that person's criminal conviction record.

Individuals whose last conviction is more recent were more likely to have both a felony and a misdemeanor conviction on their record. Put another way, the percent of each group that had both a felony and a misdemeanor conviction decreased as more time has passed since the most recent conviction. For example, of people whose most recent conviction was 1-5 years ago, 49.9% had both a felony and a misdemeanor conviction. However, of the group who have not had a conviction in 36+ years, only 7.4% had both a felony and a misdemeanor.

Additionally, except for the two longest time conviction-free periods (25-31 years, and 36+ years), each group had a higher proportion of individuals convicted of felony only charges than the category prior. For example, among individuals whose most recent conviction was in 1-5 years, 13.1% had a felony only criminal conviction records, among those in the 16-20 years group, 21.7% had a felony only criminal conviction record, and among those in the 26-30 group, 35.9% had a felony only criminal conviction records.

Figure 26. Time Since Most Recent Conviction by Charge Severity for Criminal Conviction Record, 1980-2019

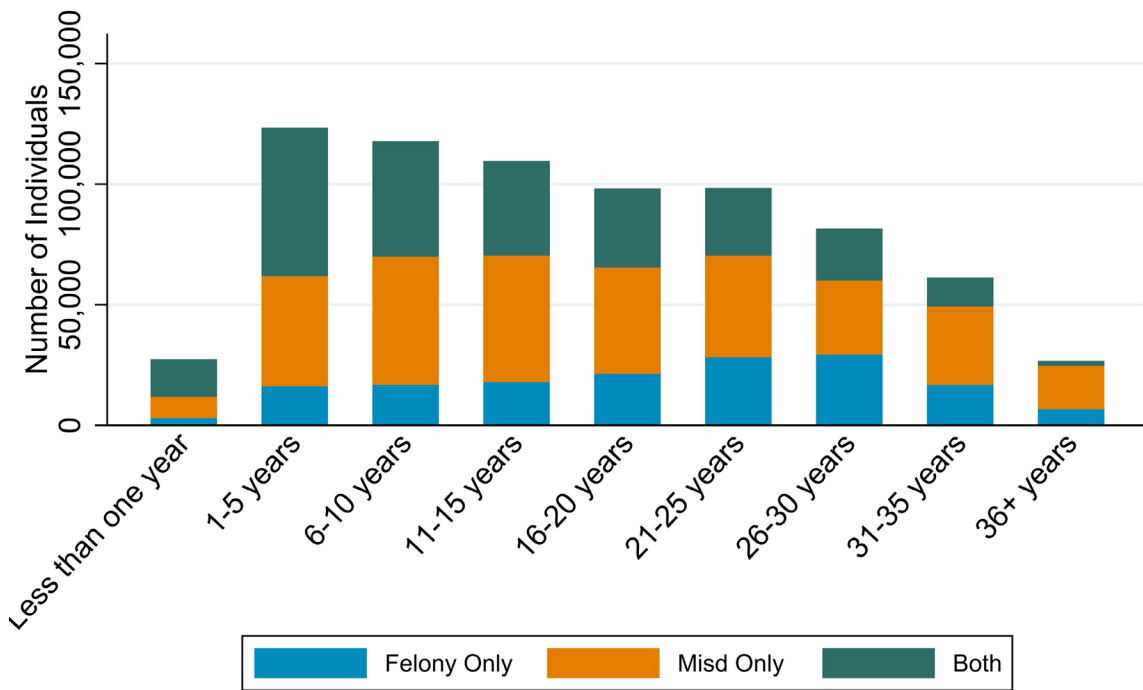


Table 8. Time Since Most Recent Conviction by Charge Severity for Conviction Record, 1980-2019

	<1 Year	1-5 Years	6-10 Years	11-15 Years	16-20 Years	21-25 Years	26-30 Years	31-35 Years	36+ Years
Felony only Record	11.1%	13.1%	14.3%	16.4%	21.7%	28.8%	35.9%	27.3%	25.4%
Misdemeanor only Record	32.2%	37.0%	45.2%	47.9%	44.9%	42.8%	37.7%	53.3%	67.2%
Felony and Misdemeanor Record	56.7%	49.9%	40.5%	35.7%	33.3%	28.5%	26.4%	19.4%	7.4%
Total Individuals	27,396	123,434	117,778	109,598	98,200	98,361	81,644	61,256	26,664

Understanding Time “At-Risk” for Criminal Legal System Involvement

Based on the dataset DCJ has access to, an individual whose last criminal conviction was ten years ago may appear to be “conviction free” for ten years. However, DCJ cannot account for the time that an individual may not have been at risk of committing a new crime because they were in jail or prison versus free in the community (“time-at-risk”). Thus, readers of this report should understand that data on time since last conviction does not address time at risk or the amount of time someone was in the community and had the ability to be arrested, charged, and convicted of new crimes.

Although DCJ cannot account for time at risk in the analyses presented in this report, we provide average sentence lengths for additional context. Table 9¹⁶ shows that the average amount of time sentenced in prison for felony offenses was between 4 and 5 years, and 90% of prison sentences were 9 years or less at their maximum. The average misdemeanor jail sentence was 71.1 days, and 90% of misdemeanor jail sentences are six months or shorter.

Table 9. Imposed Sentence Length, 1980-2019

	Maximum Felony Prison Sentence	Minimum Felony Prison Sentence	Misdemeanor Jail Sentence
Mean	5.3 years	4.0 years	71.1 days
Median	4.0 years	2.4 years	30.0 days
IQR	3 - 6 years	1.5 - 3 years	10 - 90 days
90th Percentile	9 years	4 years	183 days
Max*	66 years	66 years	365 days

* Excluding outliers and life sentences (e.g. 200 years).

¹⁶ The interquartile range (IQR) is a common descriptive statistic used to indicate the range in which a large segment of a group falls: specifically, the middle 50% of a group. Here, the IQR shows that 25% of felony maximum sentences are under 3 years and another 25% are over 6 years; this means that half of all maximum sentences are between 3 and 6 years. Regarding minimum sentences, the IQR shows that 25% of minimum sentences are shorter than 1.5 years, and 25% are longer than 3 years, meaning that half of all minimum sentences fall between 1.5 and 3 years.

Volume and Types of Convictions by Charge Category

This section focuses on the ten most common charge categories among individuals with a criminal conviction record. These ten categories represent 49.4% of individuals with a criminal conviction record – nine of these ten charge categories were for only one type of charge, one was for a combination of charge categories, and three involved a drug charge.

Importantly, these charge categories can represent more than one conviction. For instance, the second most common charge category was a conviction for a misdemeanor property-related charge only. Individuals within this charge category may have one or more convictions for misdemeanor property-related offenses, but will not have any other charge categories on their conviction record. However, individuals in the felony drug sale and misdemeanor drug possession category will have at least one conviction for each of these charge categories.

The most common charge categories was a misdemeanor conviction for other charges such as prostitution and gambling (one or more) (Table 10). This was the case for 116,590 charges or 15.6% of individuals with criminal conviction record(s). The next most common charge category was for misdemeanor property-related charges only, which made up an additional 6.2% and represented 45,975 people. Three of the top ten most common charge categories included drug charges (numbers 4, 6, and 7), representing 11.2% of people with convictions.

Table 10. Most Common Conviction Charge Categories, 1980-2019

Conviction Charge Categories*	Number of Individuals with this Conviction	Percent of Individuals with this Conviction
<i>All Individuals</i>	745,924	100%
1. Misdemeanor Other only	116,590	15.6%
2. Misdemeanor Property-Related only	45,975	6.2%
3. Felony Person-Related only	41,530	5.6%
4. Misdemeanor Drug Possession only	34,118	4.6%
5. Misdemeanor Person-Related only	31,500	4.2%
6. Felony Drug Sale only	28,498	3.8%
7. Felony Drug Possession only	20,837	2.8%
8. Felony Weapon only	16,985	2.3%
9. Felony Property-Related only	16,842	2.3%
10. Misdemeanor Property-Related & Misdemeanor Other	9,120	2.0%

* May represent more than one conviction of a single charge category

The demographic characteristics of individuals with convictions for common charge categories are presented in Table 11. Due to data limitations, these analyses are limited to convictions between 1990 and 2019, accounting for 505,260 individuals. Overall, the demographic breakdown for these common conviction charge categories were similar to the demographic breakdown for all individuals with convictions (described earlier in this report and presented in the first row of Table 11).

In nearly all categories of charges, Black and Latinx individuals made up at least 75% of the individuals within a charge category, with Black individuals making up approximately 26-58% and Latinx individuals making up another 31-59%. The individuals with these criminal conviction records were predominantly male (75-95%) and ranged in age from 43 to 50 years.

Table 11. Demographics of Individuals with Most Common Charge Categories, 1990-2019

Conviction Charge Categories*	N (Percent)	Race/Ethnicity	Sex	Current Age (Mean)
All Individuals	505,260 (100%)	42.2% Black 36.9% Latinx 16.2% White	84.1% Male	46.0 years
1. Misdemeanor Other only	94,021 (18.6%)	26.3% Black 39.1% Latinx 25.2% White	82.3% Male	48.3 years
2. Misdemeanor Property-Related only	32,004 (10.6%)	42.7% Black 32.2% Latinx 19.5% White	66.5% Male	44.6 years
3. Felony Person-Related only	31,129 (9.55%)	43.8% Black 40.5% Latinx 10.2% White	90.2% Male	42.7 years
4. Misdemeanor Drug Possession only	24,762 (7.1%)	42.5% Black 33.2% Latinx 22.1% White	79.5% Male	48.0 years
5. Misdemeanor Person-Related only	26,668 (6.2%)	37.7% Black 38.0% Latinx 17.0% White	83.3% Male	45.1 years
6. Felony Drug Sale only	20,844 (4.9%)	34.2% Black 59.0% Latinx 5.8% White	81.8% Male	50.3 years
7. Felony Drug Possession only	17,204 (2.2%)	37.3% Black 50.4% Latinx 10.6% White	82.2% Male	47.8 years
8. Felony Weapon only	11,858 (1.5%)	57.8% Black 31.7% Latinx 7.6% White	95.5% Male	44.2 years
9. Felony Property-Related only	12,779 (1.6%)	37.0% Black 33.2% Latinx 22.3% White	75.4% Male	46.3 years
10. Misdemeanor Property-Related & Misdemeanor Other	8,989 (1.8%)	44.9% Black 31.0% Latinx 20.0% White	78.6% Male	45.2 years

However, there are some exceptions to these trends. Notably, Latinx individuals make up a larger proportion of people with felony convictions for drug charges – both sale (59.0%) and possession (50.4%). Additionally, a higher proportion of White individuals have convictions for misdemeanor other (25.2%), misdemeanor drug possession (22.1%), and felony property-related (22.3%) charge categories. Next, a smaller proportion of people with convictions for misdemeanor property-related charges are males (66.5%), while a larger proportion of people with felony weapon convictions are males (95.5%). The average current age of people with convictions for drug charges is slightly older, ranging only from 48 to 50 years old. Conversely, the average ages for individuals with a conviction for both felony and misdemeanor person-related, weapon, and property-related offenses were slightly lower: ranging from 43 years to 46 years.

A Closer Look at Convictions for Drug Charges

Convictions for drug charges are of particular importance given (1) dramatic shifts in policy across the country and in New York City as part of the “war on drugs” beginning in the 1970s (Lopez, 2016) (2) the high volume and proportion of convictions for drug offenses (Figures 7-10; 1,108,209 convictions, or 33.1% of all convictions), and (3) the large number of individuals whose criminal conviction records consist only of drug offenses and the related racial inequities (Tables 10 & 11). These facts warrant a closer look at convictions for drug-related offenses.

Table 12 presents the volume and demographic breakdowns of people whose only convictions are for drug offenses. Convictions for only drug offenses represented 14.9% of all people with convictions, or 111,328 people.

Among these individuals with convictions for drug charges only, 38,685 had only misdemeanor drug convictions (5.2% of people with convictions). This includes both drug sale and possession. Additionally, 58,607 people, or 6.2%, had only been convicted of drug possession charges (either felony or misdemeanor).

The demographic characteristics of individuals convicted for drug charges were similar to those with any criminal conviction record. Individuals with convictions for drug charges were predominantly Black or Latinx, male, and just under 50 years old. Notable exceptions to these general trends include that a higher proportion of White individuals were convicted of misdemeanor drug possession (22.1%). In general, Whites make up a larger proportion of people convicted for misdemeanor drug charges (20.5%) and drug possession charges (17.0%), while most other drug charge categories were made up of about 10% or less White individuals.

Additionally, although Black and Latinx individuals, combined, made up roughly 80 to 90% of people convicted of drug charges, the proportions of Black and Latinx individuals convicted were not always the same. In some categories of charges, Black individuals made up a larger share of those convicted (e.g., 42.1% for misdemeanor drug possession charges) while in others Latinx individuals make up a larger share (e.g., 59.0% for felony drug sale charges). In some categories, the two groups are much more similar (e.g., any drug possession, with 40.8% Black and 40.2% Latinx).

Table 12. Individuals with Convictions for Only Drug Charges

Conviction Charge Categories	1980-2019		1990-2019		
	N (Percent)	N (Percent)	Race/Ethnicity	Sex	Current Age (Mean)
All Individuals	745,924 (100%)	505,260 (100%)	42.2% Black 36.9% Latinx 16.2% White	84.1% Male	46.0 years
Any Combination of Drug Charges only*	111,328 (14.9%)	80,726 (16.0%)	40.4% Black 46.3% Latinx 11.9% White	81.8% Male	48.7 years
Any Felony Drug only (Felony Sale and/or Felony Possession)	53,529 (7.2%)	41,066 (8.1%)	35.9% Black 55.3% Latinx 7.7% White	82.5% Male	49.1 years
Any Misdemeanor Drug only (Misdemeanor Sale and/or Misdemeanor Possession)	38,685 (5.2%)	27,404 (5.4%)	44.6% Black 32.7% Latinx 20.5% White	80.9% Male	47.8 years
Any Drug Possession only (Felony and/or Misdemeanor Possession)	58,607 (6.2%)	44,667 (8.8%)	40.8% Black 40.2% Latinx 17.0% White	80.8% Male	47.9 years
Any Drug Sale only (Felony and/or Misdemeanor Sale)	31,210 (5.8%)	22,493 (4.5%)	36.3% Black 56.9% Latinx 5.9% White	82.7% Male	49.9 years
Felony Sale only	28,498 (5.5%)	20,844 (4.1%)	34.3% Black 59.0% Latinx 5.8% White	81.8% Male	50.2 years
Misdemeanor Possession only	34,118 (4.6%)	24,762 (4.9%)	42.1% Black 33.2% Latinx 22.1% White	79.5% Male	48.0 years
Felony Possession only	20,837 (1.4%)	17,204 (3.4%)	37.3% Black 50.4% Latinx 10.6% White	82.2% Male	47.7 years
Felony Sale & Misdemeanor Possession	10,606 (1.8%)	6,725 (1.3%)	42.5% Black 51.0% Latinx 5.9% White	77.0% Male	51.2 years
Misdemeanor Sale only^	2,265 (<1%)	1,380 (<1%)	62.4% Black 28.0% Latinx 7.8% White	93.8% Male	45.1 years
Felony Possession & Misdemeanor Sale^	180 (<1%)	125 (<1%)	61.6% Black 34.4% Latinx 4% White	93.6% Male	47.2 years

* Felony drug possession only, misdemeanor drug possession only, felony drug sale only, misdemeanor drug sale only, or any combination of the aforementioned; and no person-related, property-related, or other charges.

^ Due to the low number and proportion of individuals with these criminal conviction records, use caution when interpreting trends.

Conclusion

In recent years, reforms in New York City and across the state have focused on shrinking the footprint of the criminal legal system in order to reduce the negative impacts that the system has on security, stability, and opportunity for New Yorkers. In particular, policymakers, advocates, and the public have been focused on the disproportionate, negative impacts that this system has on Black and Latinx communities. While much has been done to reduce these harms (e.g., by limiting enforcement of lower-level crimes and eliminating the possibility of bail in many cases), less attention has been paid to addressing the legacy of a period of much higher rates of enforcement in the 1990s and 2000s.

This report demonstrates that almost 746,000 people have accumulated criminal records in New York City, almost 80% of whom are Black and Latinx people. Further, the biggest percentage of individuals who have criminal conviction records (42%) have only one criminal conviction, the majority of which are misdemeanors, and almost two-thirds have not been convicted of a new crime in 10+ years. These facts should inform the public dialogue about criminal legal system reform as New York works towards creating systems, policies and programs that promote public safety and racial justice.

Future Research Questions

1. What are some of the factors that may influence racial/ethnic disparities in conviction rates?
2. Does the likelihood that someone will be convicted of a crime vary by precinct, borough, or court?
3. Are there demographic differences in dispositions for specific offenses over time? For instance, are the disparities between the number of Black and White people convicted of misdemeanor drug possession in 1990 larger or smaller than the disparities in 2010?
4. How old are the convictions for the most common charges?
5. What demographic characteristics determine whether an individual will receive a violation/infracton conviction relative to a misdemeanor or felony conviction for the same charge?
6. How many arrests occur before an individual is convicted of a charge?

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Appendix A: Data and Methods

This study relies on deidentified arrest and conviction data provided by the New York State Division of Criminal Justice Services (DCJS). DCJS maintains records of all fingerprintable misdemeanor and felony arrests of adults that occur in New York State. As detailed in New York Criminal Procedure Law (CPL), individuals are fingerprinted following arrest or arraignment for all felony or statutorily defined misdemeanors. Additional offenses may also result in criminal fingerprinting under specific situations defined by law (CPL § 160.10).

Fingerprintable arrests are reported to DCJS by each police department throughout the state, and as a case moves through the court processing system, DCJS updates records with information provided by the New York State Office of Court Administration. As a result, the DCJS dataset includes data on arrests and case outcomes for all fingerprintable arrests in New York State, including New York City.

The dataset used in these analyses is limited to the top charge associated with each case and does not include underlying charges not associated with the top charge.

All analyses were conducted using Stata/SE 16.1.

The following procedures were used to refine the full DCJS top charge Computerized Criminal History research file (which includes sealed and suppressed cases¹⁷) to prepare the data for the analyses. Additional cleaning and recoding procedures specific to sub-sections of this report are described below.

Using the full DCJS dataset as a baseline for the population, we limited the dataset to cases, as defined by a unique cycle identification number,¹⁸ where the disposition outcome was a felony or misdemeanor conviction from 1980 to 2019. We also limited our analyses to cases that were disposed of in one of the five boroughs of New York City (in New York City, each borough is a county).

Charge Severity and Charge Category

Convictions were based on the top disposition charge and severity; cases with missing disposition severity were excluded because they could not be classified as felony or misdemeanor convictions.

Charge-related designations (disposition severity and disposition charge type) were coded according to the top disposition charge recorded in the DCJS file. Cases were first coded into severity categories: misdemeanor or felony. Cases were then coded into mutually exclusive charge type categories (person-related, weapon, drug sale, drug possession, property-related, and other) based on the New York State penal law code and/or the FBI Uniform Crime Reporting designation. Because the dataset was limited to information related to the top charge, DCJ did not have access to data regarding underlying charges. For instance, a conviction record where the top charge was a property-related charge may include an underlying conviction of a drug possession charge.

¹⁷ These cases would not appear on most criminal background checks; however, the data file does not allow DCJ to identify which records would be sealed or suppressed and so these cases are included in all analyses.

¹⁸ Cycle identifications may be completely unique criminal events resolved at the same time, or may be crimes that occurred close together and were processed together from arrest to disposition but with each crime entered on its own cycle (i.e., a “crime spree”). Generally, for the purpose of collateral consequences of convictions and criminal background checks, each cycle appears on a criminal record search and so we include all cycles in these analyses.

Common charge category combinations and drug charge combinations were determined using the `contract` command in Stata. These charge combination categories are mutually exclusive, except for some drug charge categories presented in Table 11, which are a subset of others. For example, a misdemeanor drug possession conviction is a subset of both “any misdemeanor” and “any possession.” Individuals within each charge category have criminal conviction records made up of only those types of charges but it is possible that they can have multiple convictions of a charge type. For example, an individual who falls in the “misdemeanor drug possession” category can have a criminal conviction record of five misdemeanor drug possession charges; but this person would have no other types of charges their criminal conviction record.

Age Analyses

DCJ included cases where the person was aged 14 to 100 at time of conviction; cases with missing date of birth information were excluded. People as young as 13 have been eligible for processing through New York criminal courts during the study period (UCS, 2019a), but due to the low volume of convictions of 13-year-olds, these analyses excluded those cases.

Age was calculated based on subtracting the days between an individual’s date of birth from December 31, 2019, and converting to years (based on 365.25 days to a year). Age categories are based on the age of criminal responsibility in New York (16 years until 2016, 17 years until 2018, and 18 years in 2019; UCS, 2019d), the age of majority (18 years), the legal drinking age (21 years), and then 10-year increments starting at age 25 through age 65, and then one final category covering individuals aged 65-100. Analyses with missing demographic data excluded missing data pairwise (missingness no higher than 1%).

Arrest-based Analyses

The analyses in the section *Background: Trends in Arrests*, are based on **arrest** data rather than conviction data. Regardless of disposition information, analyses were conducted on cases where (1) the arresting agency was listed as the NYPD, (2) the arrest occurred between 1980 and 2019, and (3) the severity of the top arrest charge was a felony or misdemeanor (39 arrests were excluded from Figures 1 through 4 because the top arrest charge severity was missing from the DCJS dataset and therefore could not be classified).

Arrest Outcomes

A violation is an offense, other than a “traffic infraction,” for which a sentence to a term of imprisonment in excess of fifteen days cannot be imposed (New York State Penal Law § 10). Violation and infraction convictions are counted separately, as are youthful offender findings because under New York State law, these convictions do not become part of an individual’s permanent criminal record (CPL §§ 160.55 and 720.35, respectively). Violation and infraction convictions are based on a fingerprintable misdemeanor or felony arrest.

An adjournment in contemplation of dismissal, which falls into the category of not convicted, allows a court to defer the disposition of a case for between six months and a year and, if the defendant does not engage in criminal conduct or violate terms set by the court during that time, the case will be dismissed without a conviction (CPL § 170.55).

“Other” outcomes include court transfers, pending cases, and cases listed as “other” in the dataset.

Convictions-based Analyses

Analyses of convictions may count the same individual more than once if that person was convicted more than one time.

Prison sentences are recorded as maximum and minimum sentences. Determinate sentences are considered maximum sentences. Jail sentences are recorded as a single sentence with no maximum or minimum.

Person-based Analyses

Individual convictions were aggregated to the person-level using a de-identified, scrambled NYSID (New York State ID, the unique person-based identifier issued at fingerprinting). Under New York State Law, an individual arrested for a felony or misdemeanor offense is issued a unique NYSID. However, if a case is resolved favorably that case is sealed (CPL § 160.50) and if that individual has no other convictions, the NYSID is also sealed. This means that if a person is arrested again, they would be issued a new NYSID. This sealing statute impacts many criminal justice analyses relating to person-based estimates, but is less of a consideration in this report because convictions are inherently linked to NYSIDs.

Analyses at the person level exclude individuals who have any life sentence in their criminal record, and individuals who are ages 70 and over as of December 31, 2019. These individuals may still be incarcerated, or may be deceased. Research estimates that although the average U.S. life expectancy is about 79 years, each year spent incarcerated may remove two years from an individual's life expectancy (Widra, 2017). These exclusions account for an additional 126,614 individuals who received convictions. These exclusions allow for a more accurate estimation of the number of convictions on an individual's criminal record and the time since the most recent conviction by excluding individuals who are likely not at risk for accruing more convictions by nature of being incarcerated or deceased. These exclusions also aid in estimating the number of individuals who are potentially impacted by the consequences of a criminal conviction; those who are currently incarcerated or deceased would not be subject to those civil society impacts.

Next, while this report focuses on criminal conviction records in New York City, it is possible for individuals who were convicted in the City to have spent time elsewhere in New York State. During the time spent elsewhere, these individuals may have been convicted of additional offenses. The person-based analyses are based on the population of individuals who have at least one conviction in New York City, but the analyses themselves include those people's convictions that occurred outside of New York City in order to provide the most comprehensive picture of individuals' criminal conviction records. For example, if an individual were convicted one time in Manhattan and twice in Erie County, that individual would be included in our analyses and that person's conviction record would include all three convictions. In contrast, an individual whose only three arrests were in Dutchess County would not be included in these analyses.

The number of convictions were calculated by summing the number of convictions for each category analyzed in this report, using the `egen total` command in Stata, sorted and aggregated NYSID.

The time since most recent conviction was calculated by sorting cases by NYSID and disposition date, calculating the number of days between December 31, 2019 and the most recent conviction, and then converting the number of days into months and years. The timeframe categories were determined based on roughly equal proportions of cases, with the exception of the group "Less than One Year" which was included for theoretically and pragmatically relevant reasons.

Appendix B: Additional Resources Consequences of Convictions

This appendix provides a list of organizations and resources that address criminal conviction records, including how conviction records impact housing, employment, education and immigration, existing opportunities for expungement and sealing of conviction records and reforms aimed at reducing or eliminating the consequences of a criminal conviction. This list is not intended to be exhaustive but provides a starting point for understanding the issues associated with a criminal conviction record.

New York City and/or New York State

Organizations and General Resources

[Center for Alternative Sentencing and Employment Services \(CASES\)](#)

[Community Service Society of New York](#)

[The Fortune Society](#)

From the Legal Action Center

- ["NY ATI/Reentry Coalition"](#)
- ["Clean Slate NY"](#)

[The Legal Aid Society](#)

From the New York State Bar Association:

- ["Collateral Consequences of Conviction: A Reminder of Some Possible Civil Penalties"](#)

From the Reentry Resource Center: New York

- ["People's Guide to the Consequences of Criminal Proceedings"](#)

Housing

From the New York City Housing Authority

- ["Family Re-entry Pilot Program"](#)
- ["Tenant Selection and Assignment Plan"](#)
- ["What to Expect"](#)

[Back to NYCHA](#)

Employment and Unemployment

[Center for Employment Opportunities](#)

[The Doe Fund](#)

From the Institute for Justice and Opportunity at John Jay College

- ["Getting to Work with a Criminal Record: New York State License Guides"](#)
- [Getting the Record Straight: A Guide to Navigating Background Checks"](#)

From the Legal Aid Society

- ["What You Need to Know About Discrimination Based on Arrest and Conviction Records"](#)
- ["What You Need to Know About Certificates of Relief from Disabilities and Certificates of Good Conduct"](#)

From the National Employment Law Project

- ["Radical Inequality, Records, and Recovery"](#)

Immigration

Immigrant Defense Project

- ["Changes to New York Class A Misdemeanors Explained"](#)
- ["New York Marijuana Law: FAQ for Immigrants"](#)
- ["Pardons"](#)
- ["Resources for Lawful Permanent Residents with criminal histories who want to apply for U.S. citizenship"](#)

From the New York State Unified Court System

- <https://nycourts.gov/courthelp/Criminal/immigrationConsequences.shtml>

Record Sealing

From the New York City Bar Association

- ["Sealing Criminal Records"](#)

Beyond New York

[The Brennan Center](#)

[Clean Slate Initiative](#)

[Center for American Progress](#)

[Collateral Consequences Resource Center](#)

[The Marshall Project](#)

[National Inventory of the Collateral Consequences of Conviction](#)

[Oakland, California's Fair Chance Access to Housing Ordinance](#)

[Pennsylvania Clean Slate](#)

[The Prison Policy Initiative](#)

Appendix C: Law Codes by Charge Type Category

Charges with a frequency of 1,000 or lower are not included. Law Code column includes the law code on the first line and the second line charge class (A, B, C, D, E, and Unclassified) and charge severity (felony or misdemeanor). These may list repealed and replaced laws side by side (i.e. PL 165.09 01) as well as the charge attempted and completed.

Felony Person-Related

Law Codes (charge class, charge severity)	Description	Number of Convictions	Percent of Convictions
PL 160.10 DF	Robbery 2nd Degree	19,154	9.6
PL 160.05 DF	Robbery 3rd Degree	17,629	8.8
PL 160.10 01 DF	Robbery 2nd Degree	12,877	6.4
PL 160.05 EF	Robbery 3rd Degree	9,413	4.7
PL 120.05 02 DF	Assault 2nd Degree	8,605	4.3
PL 160.15 04 BF	Robbery 1st Degree	8,543	4.3
PL 160.10 01 CF	Robbery 2nd Degree	7,731	3.9
PL 160.15 CF	Robbery 1st Degree	6,685	3.3
PL 160.10 CF	Robbery 2nd Degree	5,819	2.9
PL 160.15 02 BF	Robbery 1st Degree	5,645	2.8
PL 160.15 03 BF	Robbery 1st Degree	5,532	2.8
PL 120.05 01 DF	Assault 2nd Degree	4,204	2.1
PL 125.20 BF	Manslaughter 1st Degree	4,158	2.1
PL 125.25 01 AF	Murder 2nd Degree	3,849	1.9
PL 160.15 01 BF	Robbery 1st Degree	3,794	1.9
PL 160.15 BF	Robbery 1st Degree	3,689	1.8

PL 125.25 01 BF	Murder 2nd Degree	3,632	1.8
PL 125.20 01 BF	Manslaughter 1st Degree	3,338	1.7
PL 120.10 01 CF	Assault 3rd Degree	3,110	1.6
PL 120.05 DF	Assault 2nd Degree	2,990	1.5
PL 120.25 DF	Reckless Endangerment 1st Degree	2,887	1.4
PL 120.05 EF	Assault 2nd Degree	2,624	1.3
PL 120.10 01 BF	Assault 3rd Degree	2,264	1.1
PL 120.05 02 EF	Assault 2nd Degree	2,244	1.1
PL 130.35 01 BF	Rape 1st Degree	2,099	1.0
PL 130.65 01 DF	Sexual Abuse 1st Degree	1,971	1.0
PL 160.15 01 CF	Robbery 1st Degree	1,960	1.0
PL 160.10 02A DF	Robbery 2nd Degree	1,893	0.9
PL 160.10 02 CF	Robbery 2nd Degree	1,818	0.9
PL 120.05 01 EF	Assault 2nd Degree	1,696	0.8
PL 160.15 03 CF	Robbery 1st Degree	1,451	0.7
PL 160.15 04 CF	Robbery 1st Degree	1,429	0.7
PL 160.10 02A CF	Robbery 2nd Degree	1,380	0.7
PL 130.65 03 DF	Sexual Abuse 1st Degree	1,221	0.6
PL 120.05 03 DF	Assault 2nd Degree	1,147	0.6
PL 160.10 02B DF	Robbery 2nd Degree	1,032	0.5

Felony Weapon

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 265.02 04 DF	Weapon Possession 3rd Degree	23,043	34.1
PL 265.02 EF	Weapon Possession 3rd Degree	8,539	12.6
PL 265.02 01 DF	Weapon Possession 3rd Degree	6,182	9.1
PL 265.02 DF	Weapon Possession 3rd Degree	5,212	7.7
PL 265.03 03 DF	Weapon Possession 2nd Degree	3,832	5.7
PL 265.03 CF	Weapon Possession 2nd Degree	2,988	4.4
PL 265.02 04 EF	Weapon Possession 3rd Degree	2,883	4.3
PL 265.02 03 DF	Weapon Possession 3rd Degree	2,832	4.2
PL 265.02 01 EF	Weapon Possession 3rd Degree	2,707	4.0
PL 265.03 03 CF	Weapon Possession 2nd Degree	1,880	2.8
PL 265.03 DF	Weapon Possession 2nd Degree	1,444	2.1
PL 265.01-B 01 EF	Weapon Possession 4th Degree	1,196	1.8

Felony Drug Sale

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 220.31 DF	Controlled Substance Sale 5th Degree	55,722	23.0
PL 220.39 CF	Controlled Substance Sale 3rd Degree	55,090	22.8
PL 220.39 01 CF	Controlled Substance Sale 3rd Degree	48,330	20.0
PL 220.39 01 BF	Controlled Substance Sale 3rd Degree	44,094	18.2
PL 220.31 EF	Controlled Substance Sale 5th Degree	11,885	4.9
PL 220.34 CF	Controlled Substance Sale 4th Degree	7,257	3.0
PL 220.34 01 CF	Controlled Substance Sale 4th Degree	4,390	1.8
PL 220.39 BF	Controlled Substance Sale 3rd Degree	3,048	1.3
PL 220.41 01 AF	Controlled Substance Sale 2nd Degree	2,669	1.1
PL 220.44 02 BF	Controlled Substance Sale School Grounds	2,503	1.0
PL 220.41 AF	Controlled Substance Sale 2nd Degree	2,059	0.9

Felony Drug Possession

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 220.16 01 BF	Controlled Substance Possession 3rd Degree	14,859	15.4
PL 220.16 01 CF	Controlled Substance Possession 3rd Degree	10,765	11.1
PL 220.16 CF	Controlled Substance Possession 3rd Degree	10,170	10.5
PL 220.09 01 CF	Controlled Substance Possession 4th Degree	8,731	9.0
PL 220.06 01 DF	Controlled Substance Possession 5th Degree	8,415	8.7
PL 220.06 05 DF	Controlled Substance Possession 5th Degree	6,949	7.2
PL 220.06 DF	Controlled Substance Possession 5th Degree	6,383	6.6
PL 220.09 CF	Controlled Substance Possession 4th Degree	3,942	4.1
PL 220.06 EF	Controlled Substance Possession 5th Degree	3,607	3.7
PL 220.18 01 AF	Controlled Substance Possession 2nd Degree	3,386	3.5
PL 220.18 AF	Controlled Substance Possession 2nd Degree	2,869	3.0
PL 220.06 01 EF	Controlled Substance Possession 5th Degree	2,787	2.9
PL 220.16 12 BF	Controlled Substance Possession 3rd Degree	2,010	2.1
PL 220.16 BF	Controlled Substance Possession 3rd Degree	1,998	2.1
PL 220.09 DF	Controlled Substance Possession 4th Degree	1,714	1.8
PL 221.20 EF	Marijuana Possession 3rd Degree	1,673	1.7
PL 220.09 01 DF	Controlled Substance Possession 4th Degree	1,325	1.4

Felony Property-Related

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 140.20 DF	Burglary 3rd Degree	21,709	17.4
PL 140.20 EF	Burglary 3rd Degree	12,376	9.9
PL 140.25 DF	Burglary 2nd Degree	7,722	6.2
PL 155.30 05 EF	Grand Larceny 4th Degree	6,441	5.2
PL 155.30 01 EF	Grand Larceny 4th Degree	6,305	5.0
PL 155.35 DF	Grand Larceny 3rd Degree	6,221	5.0
PL 140.25 02 CF	Burglary 2nd Degree	6,219	5.0
PL 165.50 DF	Possession Stolen Property 3rd Degree	5,793	4.6
PL 140.25 02 DF	Burglary 2nd Degree	4,646	3.7
PL 165.45 05 EF	Possession Stolen Property 4th Degree	3,459	2.8
PL 155.30 04 EF	Grand Larceny 4th Degree	2,763	2.2
PL 165.45 01 EF	Possession Stolen Property 4th Degree	2,721	2.2
PL 155.30 EF	Grand Larceny 4th Degree	2,331	1.9
PL 165.45 02 EF	Possession Stolen Property 4th Degree	2,330	1.9
PL 155.40 01 CF	Grand Larceny 2nd Degree	2,090	1.7
PL 155.35 EF	Grand Larceny 3rd Degree	2,013	1.6
PL 155.30 EF	Grand Larceny 4th Degree	1,976	1.6
PL 140.25 01 DF	Burglary 2nd Degree	1,954	1.6

PL 165.50 DF	Possession Stolen Property 3rd Degree	1,806	1.4
PL 155.35 DF	Grand Larceny 3rd Degree	1,665	1.3
PL 155.35 01 DF	Grand Larceny 3rd Degree	1,500	1.2
PL 140.25 CF	Burglary 2nd Degree	1,477	1.2
PL 155.30 08 EF	Grand Larceny 4th Degree	1,432	1.1
PL 165.45 EF	Possession Stolen Property 4th Degree	1,383	1.1
PL 155.30 05 EF	Grand Larceny 4th Degree	1,332	1.1
PL 165.50 EF	Possession Stolen Property 3rd Degree	1,300	1.0
PL 165.45 EF	Possession Stolen Property 4th Degree	1,176	0.9
PL 140.25 01 CF	Burglary 2nd Degree	1,041	0.8

Felony Other

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 170.25 DF	Possession of Forged Instrument	4,005	8.4
VTL0511 03 EF	Unlicensed Driving	3,593	7.6
VTL1192 03 EF	Driving Under Influence	3,580	7.5
PL 215.56 EF	Bail Jumping 2nd Degree	2,546	5.4
VTL1192 02 EF	Driving Under Influence	2,143	4.5
PL 170.25 EF	Possession of Forged Instrument	1,659	3.5
PL 170.10 01 DF	Forgery	1,483	3.1
PL 105.15 BF	Conspiracy	1,397	2.9
PL 215.57 DF	Bail Jumping 3rd Degree	1,005	2.1

Misdemeanor Person-Related

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 120.00 01 AM	Assault 3rd Degree	62,344	37.1
PL 120.00 BM	Assault 3rd Degree	20,333	12.1
PL 120.00 AM	Assault 3rd Degree	19,625	11.7
PL 120.00 01 BM	Assault 3rd Degree	12,433	7.4
PL 120.14 01 AM	Menacing 2nd Degree	8,816	5.2
PL 120.20 AM	Reckless Endangerment 2nd Degree	6,967	4.1
PL 260.10 01 AM	Endangering Welfare of Child	6,857	4.1
PL 120.15 BM	Menacing 3rd Degree	4,302	2.6
PL 120.15 BM	Menacing 3rd Degree	3,641	2.2
PL 120.00 02 AM	Assault 3rd Degree	2,900	1.7
PL 130.55 BM	Sexual Abuse 3rd Degree	2,758	1.6
VTL1212 UM	Reckless Driving	2,505	1.5
PL 130.52 AM	Forcible Touching	1,280	0.8
PL 130.20 AM	Sexual Misconduct	1,053	0.6

Misdemeanor Weapon

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 265.01 01 AM	Weapon Possession 4th Degree	25,602	51.5
PL 265.01 02 AM	Weapon Possession 4th Degree	8,880	17.9
PL 265.01 AM	Weapon Possession 4th Degree	7,976	16.0
PL 265.01 BM	Weapon Possession 4th Degree	5,101	10.3
PL 265.01 01 BM	Weapon Possession 4th Degree	1,359	2.7

Misdemeanor Drug Sale

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 221.40 AM	Marijuana Sale 4th Degree	54,151	85.6
PL 221.40 BM	Marijuana Sale 4th Degree	4,917	7.8
PL 221.35 BM	Marijuana Sale 5th Degree	4,152	6.6

Misdemeanor Drug Possession

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 220.03 AM	Controlled Substance Possession 7th Degree	538,588	76.2
PL 221.10 01 BM	Marijuana Possession 5th Degree	95,174	13.5
PL 220.03 BM	Controlled Substance Possession 7th Degree	32,789	4.6
PL 220.45 AM	Hypodermic Instrument Possession	13,362	1.9
PL 221.15 AM	Marijuana Possession 4th Degree	11,306	1.6
PL 221.10 BM	Marijuana Possession 5th Degree	6,501	0.9
PL 221.10 02 BM	Marijuana Possession 5th Degree	4,309	0.6
PL 220.45 BM	Hypodermic Instrument Possession	1,549	0.2

Misdemeanor Property-Related

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 155.25 AM	Petit Larceny	364,707	52.6
PL 140.15 AM	Trespass 2nd Degree	77,548	11.2
PL 165.40 AM	Stolen Property Possession 5th Degree	42,913	6.2
PL 155.25 BM	Petit Larceny	41,161	5.9
PL 140.10 BM	Trespass 3rd Degree	39,787	5.7
PL 165.05 01 AM	Unauthorized Use of Vehicle 3rd Degree	21,994	3.2
PL 165.40 AM	Stolen Property Possession 5th Degree	21,931	3.2
PL 140.10 0A BM	Trespass 3rd Degree	12,700	1.8
PL 140.15 01 AM	Trespass 2nd Degree	11,486	1.7
PL 140.10 0E BM	Trespass 3rd Degree	6,791	1.0
PL 165.40 BM	Stolen Property Possession 5th Degree	5,700	0.8
PL 155.30 AM	Grand Larceny 4th Degree	4,861	0.7
PL 165.40 BM	Stolen Property Possession 5th Degree	4,780	0.7
PL 165.05 AM	Unauthorized Use of Vehicle 3rd Degree	4,376	0.6
PL 165.09 01 AM	Auto Stripping 3rd Degree	3,470	0.5
PL 165.09 01 AM	Auto Stripping 3rd Degree	3,431	0.5
PL 165.05 BM	Unauthorized Use of Vehicle 3rd Degree	3,227	0.5
PL 155.30 AM	Grand Larceny 4th Degree	3,226	0.5

PL 140.15 BM	Trespass 2nd Degree	2,501	0.4
PL 155.30 01 AM	Grand Larceny 4th Degree	2,302	0.3
PL 155.30 05 AM	Grand Larceny 4th Degree	1,697	0.2
PL 165.05 01 BM	Unauthorized Use of Vehicle 3rd Degree	1,231	0.2
PL 165.05 AM	Unauthorized Use of Vehicle 3rd Degree	1,151	0.2

Misdemeanor Other

Law Codes	Description	Number of Convictions	Percent of Convictions
PL 165.15 03 AM	Theft of Services	192,151	21.5
PL 240.37 02 BM	Loitering	114,572	12.8
PL 230.00 BM	Prostitution	58,377	6.5
VTL1192 02 UM	Driving Under Influence	46,672	5.2
VTL1192 03 UM	Driving Under Influence	31,904	3.6
PL 145.00 01 AM	Criminal Mischief 4th Degree	31,514	3.5
PL 215.50 03 AM	Criminal Contempt 2nd Degree	26,611	3.0
PL 205.30 AM	Resisting Arrest	25,578	2.9
VTL1192 01 UM	Driving Under Influence	20,454	2.3
PL 170.20 AM	Forged Instrument Possession 3rd Degree	19,672	2.2
PL 115.00 AM	Criminal Facilitation 4th Degree	18,937	2.1
PL 225.05 AM	Promoting Gambling 2nd Degree	17,618	2.0
PL 140.35 AM	Burglar's Tools Possession	16,803	1.9
PL 145.00 AM	Criminal Mischief 4th Degree	11,631	1.3
PL 240.37 BM	Loitering	11,542	1.3
PL 240.37 03 AM	Loitering	11,529	1.3
PL 145.15 AM	Criminal Tampering 2nd Degree	10,305	1.2
PL 225.15 AM	Gambling Records Possession 2nd Degree	9,916	1.1

VTL0511 02 UM	Unlicensed Driving	8,303	0.9
LOC UM	Unspecified Local Law	8,108	0.9
PL 195.05 AM	Obstructing Governmental Administration 2nd Degree	7,780	0.9
PL 240.36 BM	Loitering 1st Degree	7,492	0.8
VTL0511 01A UM	Unlicensed Driving	7,361	0.8
VTL0511 01 UM	Unlicensed Driving	7,013	0.8
PL 115.00 01 AM	Criminal Facilitation 4th Degree	6,106	0.7
PL 165.71 AM	Trademark Counterfeiting 3rd Degree	5,807	0.6
PL 225.15 BM	Gambling Records Possession 2nd Degree	5,575	0.6
PL 240.37 AM	Loitering	5,563	0.6
PL 145.00 BM	Criminal Mischief 4th Degree	5,468	0.6
PL 165.30 01 AM	Fraudulent Accosting	5,382	0.6
PL 225.15 02 AM	Gambling Records Possession 2nd Degree	4,768	0.5
PL 245.00 BM	Criminal Mischief 4th Degree	3,771	0.4
PL 165.15 BM	Theft of Services	3,668	0.4
PL 165.15 01 AM	Theft of Services	3,661	0.4
PL 215.55 AM	Bail Jumping 3rd Degree	3,624	0.4
PL 170.05 AM	Forgery 3rd Degree	3,601	0.4
PL 165.25 AM	Jostling	3,563	0.4
PL 215.50 BM	Criminal Contempt 2nd Degree	3,492	0.4

PL 225.15 01 AM	Gambling Records Possession 2nd Degree	3,085	0.3
PL 215.50 AM	Criminal Contempt 2nd Degree	2,956	0.3
PL 165.25 01 AM	Jostling	2,716	0.3
PL 225.05 BM	Promoting Gambling 2nd Degree	2,549	0.3
PL 230.20 AM	Promoting Prostitution 4th Degree	2,438	0.3
VTL1192 04 UM	Driving Under Influence	2,437	0.3
PL 215.50 03 BM	Criminal Contempt 2nd Degree	2,343	0.3
PL 205.30 BM	Resisting Arrest	2,271	0.3
PL 275.35 AM	Failure to Disclose Origin of Recording 2nd Degree	2,130	0.2
PL 215.40 02 AM	Tampering with Physical Evidence	2,120	0.2
PL 240.30 01 AM	Aggravated Harassment 2nd Degree	2,117	0.2
PL 190.23 BM	False Personation	2,116	0.2
TAX1814 A1 AM	Cigarette and Tobacco Products Tax Offense	2,089	0.2
PL 215.50 01 AM	Criminal Contempt 2nd Degree	1,944	0.2
PL 165.15 AM	Theft of Services	1,875	0.2
TAX1814 D AM	Cigarette and Tobacco Products Tax Offense	1,817	0.2
PL 230.03 BM	Prostitution in School Zone	1,737	0.2
PL 170.20 BM	Forged Instrument Possession 3rd Degree	1,606	0.2
PL 165.15 02 AM	Theft of Services	1,605	0.2
PL 225.30 01 AM	Gambling Device Possession	1,571	0.2

PL 145.60 02 AM	Graffiti	1,503	0.2
PL 205.20 02 AM	Promoting Prison Contraband 2nd Degree	1,469	0.2
PL 190.25 01 AM	Impersonation 2nd Degree	1,453	0.2
PL 225.30 02 AM	Gambling Device Possession	1,398	0.2
PHL UM	Unspecified Public Health Law	1,379	0.2
PL 145.00 01 BM	Criminal Mischief 4th Degree	1,327	0.1
PL 205.20 01 AM	Promoting Prison Contraband 2nd Degree	1,301	0.1
VTL1192 2-AA UM	Driving Under Influence	1,282	0.1
PL 178.10 AM	Diversion of Prescriptions 4th Degree	1,213	0.1
PL 240.30 02 AM	Aggravated Harassment 2nd Degree	1,055	0.1
PL 175.30 AM	Offering False Instrument 2nd Degree	1,054	0.1

Appendix D: New York City Population Data

Appendix D provides data from the U.S. Census regarding demographic characteristics of those living in New York City at 10-year intervals since 1990. Although individuals who were convicted in New York City could live elsewhere (and this fact prevents us from calculating conviction rates), baseline population estimates can provide a meaningful backdrop against which to interpret trends in criminal convictions.

The New York City population has increased from just over 7 million to over 8 million people. The proportion of Asian New Yorkers has increased from 7% to 14%, while the proportion of White New Yorkers has decreased from about 61% to around 32%. The Black population has ranged from 25% (1980) to 24% (2019), and the Latinx population from 24% (1990) to 29% (2019).

New York City Population and Demographic Data, 1990-2019				
	1990	2000	2010	2019
Total Population	7,322,564	8,008,278	8,175,133	8,336,817
Percent Asian	7%	10%	13%	14%
Percent Black	25%	25%	26%	24%
Percent Latinx	24%	27%	29%	29%
Percent White	43%	35%	44%	32%
Percent Male	47%	47%	48%	48%
Percent <65 Years	87%	88%	93%	86%

Sources:
 1990 and 2000: Population Division – New York City Department of City Planning. (2004). Demographic and Household Characteristics – New York City, 1990 and 2000 Census. <https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/census2000/demonyc.pdf>.
 2010: American FactFinder, U.S. Census Bureau via Population Division – New York City Department of City Planning. (2011). Profile of General Population and Housing Characteristics: 2010; 2010 Demographic Profile Data. https://www1.nyc.gov/assets/planning/download/pdf/planning-level/nyc-population/census2010/t_sf1_dp_nyc.pdf.
 2019: QuickFacts, U.S. Census Bureau. (n.d.) New York City, New York. <https://www.census.gov/quickfacts/newyorkcitynewyork>. (Archived webpage on file with authors.)

Appendix E: Additional Analyses

Figures E-1, E-2, and Table E-1 display analyses of a person's age at the time of their first conviction. Figures E-3, E-4, and Table E-2 display a person's age at the time of the person's most recent conviction.

The average age of a person's first conviction is 27.5 years while the average age of a person's most recent conviction is 33.5 years. As age of first conviction increases, the proportion of criminal conviction records with both felony and misdemeanor convictions decreases. However, as age of most recent conviction increases, the proportion of criminal conviction records with both felony and misdemeanor convictions increases.

Figure E-1: Age at First Conviction, 1980-2019

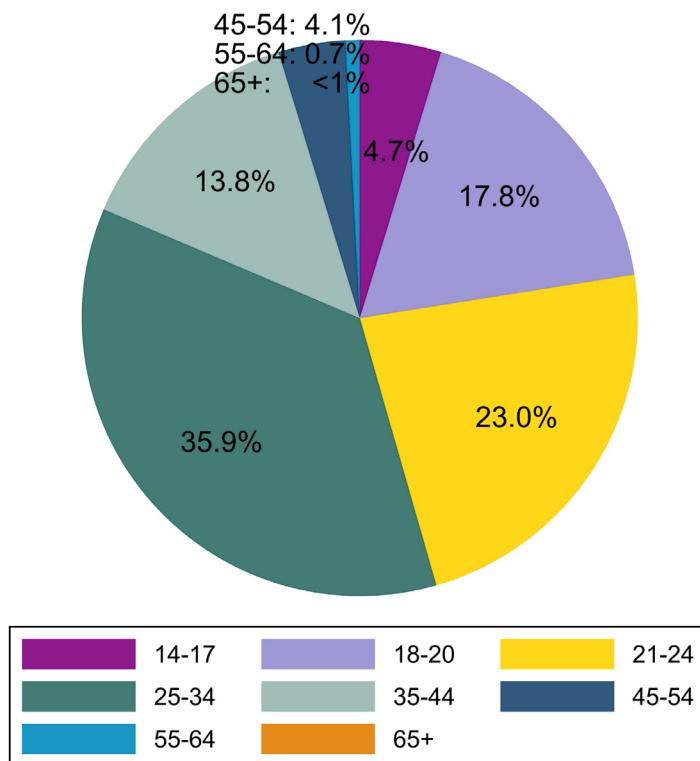


Figure E-2: Age at First Conviction by Charge Severity of Criminal Conviction Record, 1980-2019

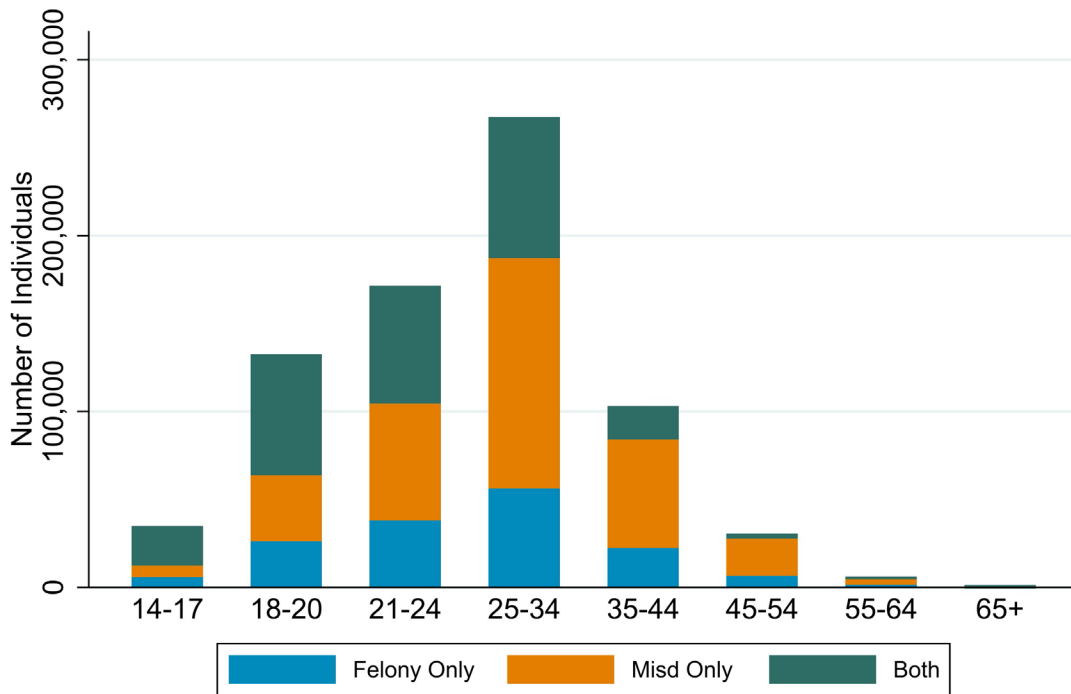


Table E-1. Age at First Conviction by Charge Severity of Conviction Record Type, 1980-2019

	14-17	18-20	21-24	25-34	35-44	45-54	55-64	65-70
Felony only Record	16.9%	19.8%	22.2%	21.0%	21.8%	21.4%	25.6%	31.1%
Misdemeanor only Record	18.5%	28.4%	38.8%	49.0%	59.7%	70.1%	70.8%	68.1%
Felony and Misdemeanor Record	64.6%	52.0%	39.0%	30.0%	18.5%	8.5%	3.7%	<1%
Total Individuals (100%)	34,824	132,515	171,479	267,452	103,091	30,433	5,425	241

Mean: 27.5; Median: 25.0

Figure E-3: Age at Most Recent Conviction, 1980-2019

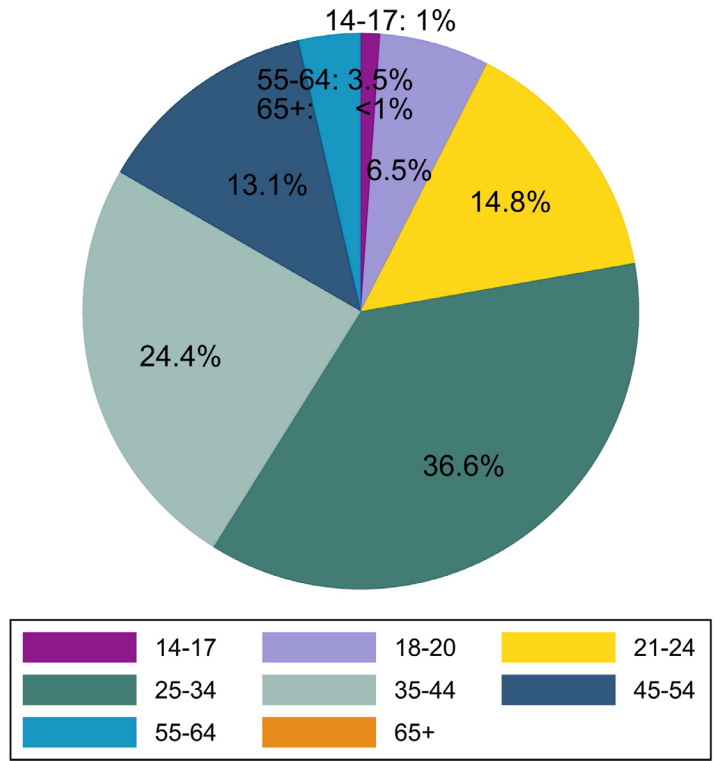


Figure E-4: Age at Most Recent Conviction by Charge Severity of Criminal Conviction Record, 1990-2019

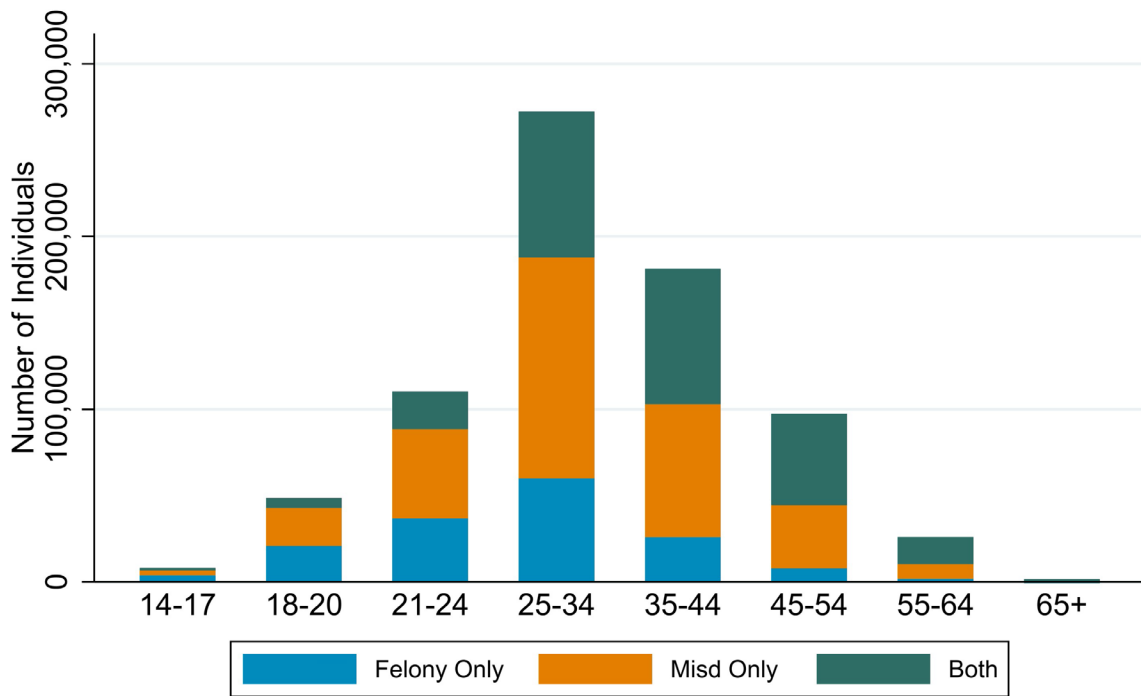


Table E-2. Age at Most Recent Conviction by Charge Severity of Conviction Record, 1980-2019

	14-17	18-20	21-24	25-34	35-44	45-54	55-64	65-70
Felony only Record	48.9%	42.9%	33.3%	22.0%	14.3%	8.0%	6.5%	9.0%
Misdemeanor only Record	44.9%	45.3%	47.0%	47.0%	42.5%	37.5%	33.6%	36.3%
Felony and Misdemeanor Record	6.2%	11.8%	19.7%	31.1%	43.3%	54.5%	59.8%	54.6%
Total Individuals (100%)	7,516	48,455	110,161	272,560	181,269	97,418	25,823	952
Mean: 33.5; Median: 32.0								

Figure E-5 and Table E-3 display the number of convictions on a person’s criminal conviction record by race. Black individuals were more likely to have more convictions on their criminal conviction records than White or Latinx individuals. Of Black people, 41.9% had only one conviction while 33.7% had three to ten convictions; of Whites, 56.3% had only one conviction, and 23.1% had three to ten convictions; and 52.2% of Latinx individuals had one conviction and 25.7% had three to ten convictions.

Figure E-5: Race/Ethnicity by Number of Convictions, 1990-2019

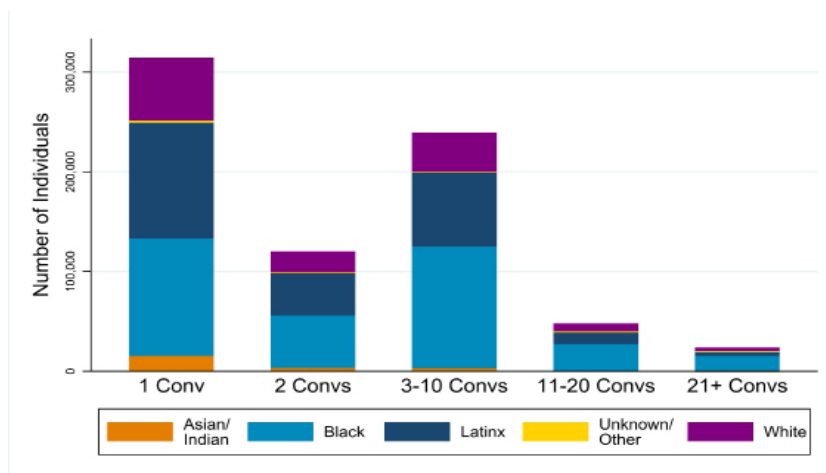


Table E-3. Percent Race/Ethnicity by Number of Convictions, 1990-2019

	Asian/Indian	Black	Latinx	Unknown/ Other	White
1 Conviction	72.0%	41.9%	52.25%	58.5%	56.3%
2 Convictions	14.8%	17.1%	17.5%	18.5%	15.5%
3-10 Convictions	12.0%	33.7%	25.7%	20.6%	23.1%
11-20 Convictions	1.1%	5.2%	3.5%	1.9%	3.7%
20+ Convictions	<1%	2.1%	1.2%	0.5%	1.4%

DATA COLLABORATIVE FOR **JUSTICE**

AT **JOHN JAY COLLEGE**

STRENGTH IN NUMBERS

