
Felony Sentencing in New York City

Mandatory Minimums, Mass Incarceration, and Race

By Fred Butcher, Amanda B. Cissner, and Michael Rempel

 Center
for
Court
Innovation

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Table of Contents

Acknowledgements	i
Chapter 1.	
Introduction	1
Mandatory Minimums in New York	2
Pending Reform Legislation	3
About This Report	3
Chapter 2.	
Arrest, Disposition, and Sentencing	5
Racial Disparities in Prosecuted Felony Arrests	5
Conviction Rates	6
Sentencing	7
Chapter 3.	
Exposure to Mandatory Minimums	8
Key Findings on Mandatory Minimums Exposure	9
Ramifications of Eliminating or Attenuating Mandatory Minimum Sentencing Laws	10
Appendix A. Tables and Figures	14
Table 1. Felonies Arrested and Charged	14
Table 2. Felony Conviction Rates	16
Table 3. Disposition Outcomes	18
Table 4. Prison Sentence Rates	20
Table 5. Logistic Regression Models	22
Figure 1. Felony Arrests Exposed to Mandatory Minimums	23
Figure 2. Felony Convictions Subject to Mandatory Minimums	24
Appendix B. Sampling and Coding	25
Endnotes	26

Chapter 1

Introduction

Mandatory minimum sentencing laws gained traction in the late 1970s and early 1980s amidst rising crime rates, a “tough-on-crime” push, and punitive enforcement related to the “War on Drugs.”¹

Under mandatory minimums, individuals receive a stipulated amount of prison time, with no accounting for the circumstances of the offense or the characteristics of the person charged.² As minimums typically flow from the charge and a person’s criminal history, they confer outsized power on prosecutors; in plea negotiations, prosecutors can wield the threat of a higher charge with a minimum for someone hesitant to accept a plea. Judges also lose discretion, and defense attorneys lose opportunities to present mitigating circumstances.

In 1984, the federal Sentencing Reform Act established the U.S. Sentencing Commission, requiring that federal courts impose sentences within a range specified by the Commission and eliminating parole for federal charges. Many states took their cue from federal efforts, introducing minimum sentences and restricting the ability of parole boards to reduce sentences through good-time or earned-time credits.³

Proponents viewed sentencing guidelines (including mandatory prison) as a limit on judicial discretion and a means to eliminate disparities in sentencing. They touted the idea of “truth-in-sentencing”—giving people charged, crime survivors, and the public an accurate idea of how much time those sentenced would actually serve.⁴ Minimums also arose in response to the perception—ginned up at the time and since debunked—that the more rehabilitative approach of the 1960s had failed to tamp down crime rates and recidivism.⁵

Recent decades, however, have seen mandatory minimums fall into disrepute. Several decades of harsh sentencing policies contributed to the astronomical growth of the U.S. prison population, which peaked at 1.6 million people held on an average day in 2009,⁶ a total which omits about 750,000 additional people held in local jails that year.

The rapid consolidation of mass incarceration over these decades did not increase safety; evidence points instead to a modest *increase* in recidivism among individuals subject to custodial sanctions.⁷

Similarly, mandatory minimums and other sentencing laws passed in the 1970s and 1980s increased (and here more than modestly) persistent racial disparities in the criminal legal system. Black Americans today continue to be disproportionately represented in prison populations and are more likely to be charged with offenses subject to mandatory minimums—leading to longer sentences—than white Americans.⁸ According to the most recent analysis by the U.S. Bureau of Justice Statistics, among those detained in prisons nationwide, there were nearly identical Black and white populations (34% vs. 32%).⁹ Considering their representation in the general population, Black people are imprisoned at a rate *five times greater* than white people.

Over the past two decades, numerous states, including New York, have weakened or eliminated mandatory minimum sentencing laws.¹⁰ Many of these reforms focused on eliminating minimums that apply primarily to drug offenses. This narrow focus has neglected much of the imprisoned population, as drug offenders make up a small percentage of those in prison. In 2022, the Vera Institute of Justice estimated just over half of New York’s approximately 30,000 prison sentences were the result of mandatory minimum sentencing laws. Declaring the laws “morally and fiscally unsustainable,” the organization called for their abolition.¹¹

Mandatory Minimums in New York

A one-time proponent of rehabilitative strategies, in 1973, New York Governor Nelson Rockefeller embraced a more punitive approach. The “Rockefeller Drug Laws” were among the harshest in the country, with mandatory minimum sentences of 15 years to life for possession of four ounces of narcotics.¹²

Three decades on, the longest minimums were reduced from 15 to eight years.¹³ A more comprehensive reform in 2009 ended the use of mandatory minimums for most drug crimes and expanded diversion options for many drug and property offenses.¹⁴

Yet mandatory minimums persist in New York to this day. The laws are complicated, with many exceptions and nuances. In general, few people convicted of drug felonies today are subjected to minimums (the exception is a Class A felony, the most serious). Yet minimums do still apply for most people convicted of a felony (whether violent *or* non-violent) *if they have a prior felony conviction within the past ten years*.¹⁵ In 2019—the case data we draw upon for this study—that applied to almost a quarter of the people arrested for felonies in

New York City. Minimums also continue to apply to the vast majority of convictions where the current charge is a violent felony, regardless of criminal history.

State Prison Ramifications

New York’s prison population shot upwards beginning in the late 1970s, peaked in 1999 (about a decade earlier than the national peak), and has been declining since.¹⁶ A mix of factors, not all of them quantifiable, have driven this decline, including significantly fewer felony arrests, greater use of alternatives to incarceration, and the 2009 reform of the drug law.¹⁷

The current rate of imprisonment in New York State prisons is 226 per 100,000 people. Relative to the rest of the country, that rate is low—only eight states have a lower rate¹⁸—but the picture differs when we look at racial disparities. Black people are imprisoned in New York at a rate *eight times greater* than white people, placing New York among the states with the highest disparity in imprisonment rates in the nation.¹⁹

Pending Reform Legislation

There is a legislative effort pending to eliminate minimum sentences in New York entirely. In the 2021-2022 session, the Senate and Assembly both introduced a bill (S7871/A9166) that would do away with minimums, establish an overarching “presumption against incarceration” that could only be overcome with “clear and convincing evidence,” and require a formal hearing to inform a judge’s decision as to whether such evidence exists.²⁰ In support of such legislation, in 2017, the Independent Commission on New York City Criminal Justice and Incarceration Reform (the “Lippman Commission”) recommended the removal of New York’s mandatory minimums.²¹

About this Report

The purpose of this report is to inform a data-driven conversation around reducing or eliminating New York’s still extant mandatory minimum sentencing laws. We do this by tracing the path of 2019 felony cases in New York City, focusing especially on the prevalence of state prison sentences and racial disparities in the deployment of those sentences. The questions we sought to answer include:

- 1. Prosecuted Felony Arrests:** What are the most prevalent felony charges in the city, and to what extent are Black and Brown New Yorkers overrepresented?
- 2. Case Dispositions and Sentences:** Overall and for specific felony charges, what percent of felony arrests ultimately lead to a felony conviction? How often is prison imposed? Are additional racial disparities introduced at the dispositional and sentencing stages?
- 3. Mandatory Minimum Sentencing Exposure:** Under current state law, what percentage of cases originally charged with a felony would receive mandatory prison time absent a charge reduction? This question is important because people facing a charge subject to a mandatory minimum are at a disadvantage when negotiating plea deals; prosecutors can use a potential mandatory prison sentence as leverage to obtain guilty pleas on lesser charges.²² Of the subset of cases eventually *convicted* of a felony, what percentage face a mandatory minimum?
- 4. Ramifications of Reform:** How might either (a) eliminating *all* mandatory minimum prison sentences or (b) eliminating minimums for people with *select* charges and criminal histories impact future imprisonment? And what would be the effect on racial disparities in sentencing under various reform scenarios?

To answer these questions, we obtained data from the New York State Division of Criminal Justice Services (DCJS). Analyses draw upon New York City data for 2019. We selected this year to avoid basing conclusions on potentially unique charging or sentencing dynamics associated with case processing amidst the COVID-19 pandemic in 2020 and 2021. The analysis focuses solely on “prosecuted” arrests, omitting cases declined by the prosecutor.

While the narrative that follows offers a summary of major themes and findings, tables and figures at the end of the report (pages 14-19) provide comprehensive charge-specific data—overall and with a breakdown by race/ethnicity—for each decision-point (arrest, disposition, and sentencing).

The Appendix offers additional information about sampling, coding, and the approach taken in each distinct analysis.

Chapter 2

Arrest, Disposition, and Sentencing

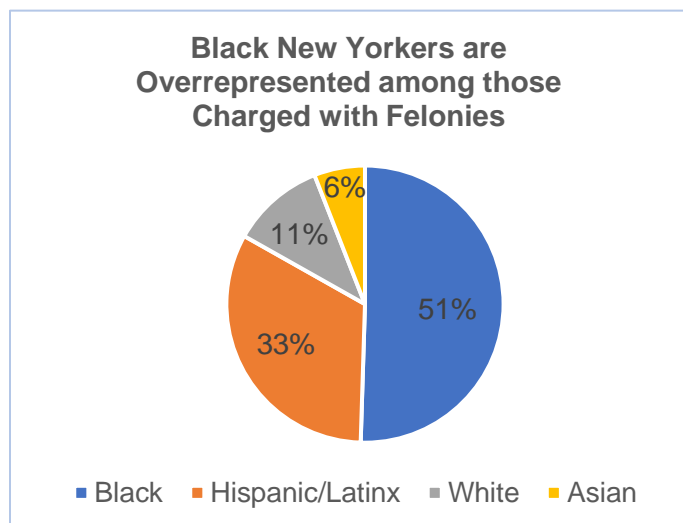
There were more than 65,000 prosecuted felony arrests in 2019 in New York City. Two-thirds were classified as nonviolent felonies and one-third as violent. Just under one-quarter (23%) involved people with a prior felony conviction in the past ten years, indicating they were potentially exposed to a mandatory minimum sentence.

Property offenses such as robbery, burglary, grand larceny, and criminal mischief (some involving violence) accounted for 32% of the cases. Assault made up 21%; drug sales and possession: 14%; firearms/weapons charges: 7%; forgery and related felonies: 7%; sex offenses: 2%; homicide: 1%; and all other felonies: 16%.

Racial Disparities in Prosecuted Felony Arrests

It is beyond the scope of this paper to review or quantify the sources that might underlie racial disparities in felony arrests (historic discrimination, underinvestment in predominantly Black and Brown communities, police deployment and practices, etc.). Yet the data is clear: Black New Yorkers are significantly more likely than other groups to be arrested and, among the subgroup of those arrested, more likely to then suffer imprisonment.

- **Black New Yorkers accounted for 51% of people arrested on a felony in 2019, more than twice their representation in the city's general population.** Half of all arrests for nonviolent felonies and 54% for violent felonies involved Black individuals, while 24% of the city's population is Black. Hispanic/Latinx people accounted for 33% of all felony charges while representing 27% of the city's general population.

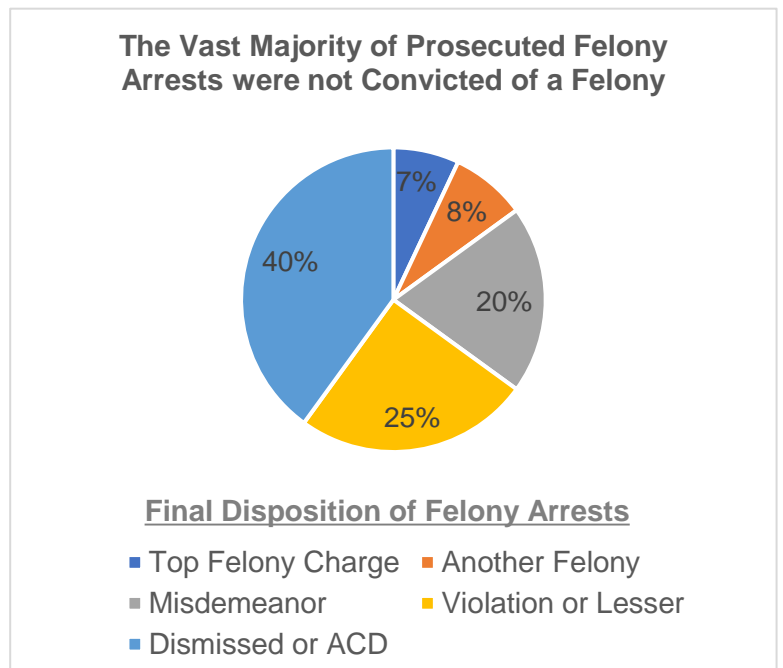


- **Black New Yorkers were overrepresented across nearly all charges.** Of more than 40 specific charges examined, Black people were overrepresented on all except one (criminal possession of a controlled substance in the first degree [PL 220.21], for which they made up 17% of prosecuted arrests).
- **Racial disparities were especially sizable in cases involving forgery and weapons possession.** Black New Yorkers were charged with 64% of all forgery and related felonies²³ and 65% of all firearms or weapons possession felonies.

Conviction Rates

In an earlier companion publication, we found that only 12% of misdemeanor cases in New York City in 2019 and 2020 ultimately led to a misdemeanor conviction.²⁴ While conviction rates are higher for cases that begin as felonies, it remains true that **nearly two-thirds of the city’s felonies do not end in a criminal conviction** (felony or misdemeanor).

Just 15% of prosecuted felony arrests disposed in 2019 ended in a felony conviction and only 7% were convicted of the top charge at the time of arrest. Another 8% were convicted of a different felony charge, and 20% were convicted of a misdemeanor. The remaining 65% were convicted of a non-criminal violation (25%) or dismissed (40%). (Table 2, p. 16) provides charge-by-charge felony conviction rates, and Table 3, p. 18 further breaks out the percent of cases convicted of lesser charges as well as the percent dismissed.)



In general, felony conviction rates were significantly higher for more serious charges such as homicide (79%), weapons/firearms (23%), and sex offenses (28%).

Unlike at the arrest stage, we did not detect overall racial disparities in felony conviction rates (notwithstanding charge-specific racial differences shown in Table 2, p. 16).

Sentencing

Across all felony arrests disposed in 2019, 8% received a prison sentence; when looking only at the smaller group of those actually convicted of a felony, 49% received a prison sentence (see Table 3, p. 18 and Table 4, p. 22).

Of those sentenced to prison, the minimum time sentenced ranged from 1 to 5 years in 79% of cases; 6 to 10 years: 13%; 11 to 20 years: 6%; and 20-years-plus to life: 2%.²⁵ Additional key findings include:

- **Prison sentences were more prevalent among people convicted of a violent felony, a sex crime, or with a prior felony conviction.** Among those arrested for a felony who were *convicted* of a felony, 60% of those convicted of a violent felony compared to 41% convicted of a non-violent felony were sentenced to prison in 2019. Among those with a violent felony conviction in the past 10 years, 77% were sentenced to prison; that figure was lower for those with only a prior *non-violent* felony (66%), or with no prior conviction (36%). Results shown in Table 5 (p. 22) confirm that when controlling for multiple factors at once, a current violent felony charge or a prior felony conviction in the past ten years, as well as a current sex offense charge, were the strongest predictors examined of receiving a prison sentence.
- **Prison sentences for people convicted of a felony were more prevalent for Black (58%) and Hispanic/Latinx (56%) than white people (43%).** Though felony conviction rates were comparable by race/ethnicity, we detected sizable racial disparities at the sentencing stage. **Black and Hispanic/Latinx people accounted for 91% of all prison sentences imposed in New York City in 2019, though only making up a combined 51% of the city's general population.** Table 5 (p. 22) shows the results of logistic regression models predicting prison sentences and length of prison terms. While race is a significant predictor of whether a felony conviction results in a prison sentence, prior felony conviction was a more robust predictor. It is important to note that Black individuals were significantly more likely to have a prior criminal history than white individuals: 27% of Black, 23% of Hispanic/Latinx, and 17% of white individuals had a prior felony conviction (either violent or nonviolent).²⁶

Chapter 3

Exposure to Mandatory Minimums

The removal of mandatory minimums would not mean those people currently subject to them would all avoid prison time; prison remains a possible outcome with or without such laws. The prevalence of prison at sentencing reflects the interplay of many factors, including state laws, but also plea bargaining, district attorney policies, and judicial decision-making.

New York City's local context offers a powerful demonstration of this. Divided into five boroughs, New York City has, in effect, five local justice systems. **Our analysis of the 2019 data revealed some striking borough-specific findings.** Someone charged with a felony and arraigned in Staten Island, for example, was considerably more likely to receive a sentence involving prison than one in Brooklyn, where the odds of a prison sentence were the lowest (see Table 5, p. 22). If for every 100 dispositions, 20 of them resulted in a prison sentence in Staten Island, in Brooklyn, that number would be close to just 8.

There are a number of obstacles, then, to projecting the impact of revised sentencing laws. Nonetheless, we adopted two methods for responsibly quantifying those potentially impacted in 2019 by New York's current laws.

- 1. Exposure at Time of Arrest:** First, we looked at **exposure** to mandatory minimums based on the charge at arrest—prior to any decisions by a prosecutor. Doing so omits the course of plea bargaining which may reflect the leverage prosecutors gain from the state's current sentencing laws (see Figure 1, p. 23). Exposure at arrest does not mean that the mandatory minimum is ultimately imposed, but that it will be if plea bargaining or other adjudication events do not lead to a charge reduction or dismissal.
- 2. Mandatory Minimum at Sentencing:** Second, we looked at cases **actually convicted** of a felony involving a minimum prison term (see Figure 2, p. 24).

Along with estimating the impact of *existing* sentencing laws—both in terms of raw numbers and by racial group—we projected the effects of various reform scenarios: from the full to partial elimination of mandatory minimums in New York State. We then again estimated those impacts by racial group. In doing so, some stark choices for policymakers emerge.

Key Findings on Mandatory Minimum Exposure

- A significant proportion of felony arrests (33%) and felony convictions (50%) involved charges with mandated prison time.** For cases disposed in New York City in 2019, we estimate that 21,352 felony arrests had mandatory minimum exposure, and 5,018 cases actually faced a mandatory minimum based on the charge at conviction.
- Significant racial disparities exist in cases subject to mandatory minimum sentencing.** Shown in the table below, cases involving Black people made up 51% of all felony arrests but 58% of felony arrests with mandatory minimum exposure. **Black and Hispanic/Latinx people combined to make up 91% of felony arrests with mandatory minimum exposure.** While accounting for 32% of the city’s total population, white New Yorkers were involved in only 7% of all arrests for charges exposed to a mandatory minimum sentence. Turning to convictions, **cases involving Black people made up 53% of felony convictions in 2019, rising to 59% of felony convictions for charges carrying a mandatory minimum sentence.** Hispanic/Latinx New Yorkers constituted an additional 33% of such convictions. While white individuals made up 9% of convictions overall, they constituted 7% of convictions carrying a mandatory minimum.

Cases Subject to Mandatory Minimums Reflect Racial Disparities

	Black	Hispanic/Latinx	White	Asian
Felony Arrests (All in 2019)	51%	33%	11%	6%
Arrests for Charges Exposed to Mandatory Minimums	58%	33%	7%	3%
Felony Convictions (All Disposed in 2019)	53%	35%	9%	3%
Convictions for Charges Subject to Mandatory Minimums	59%	33%	7%	2%

- Racial disparities are greatest in cases where mandatory minimums apply because of a violent predicate offense.** While mandatory minimums often apply due to a predicate offense, the racial disparity is greatest among those who have a violent predicate offense (defined by a prior violent felony conviction in the past ten years). Overall, this applied to 27% of those exposed to mandatory minimum sentences. Among the subgroup of those exposed to mandatory minimums, Black (30%) and Hispanic/Latinx (24%) individuals were far more likely than white (18%) individuals to have a violent predicate status. Among those *convicted* of a charge subject to mandatory

minimums, 41% of Black New Yorkers had a violent predicate status compared to 32% of white New Yorkers (34% Hispanic/Latinx). Systemic issues such as over-policing of Black and Brown communities and unequal charging practices increase the likelihood that members of those communities acquire a violent criminal history that, in the case of minimum sentences, can prove so consequential.²⁷

Ramifications of Eliminating or Attenuating Mandatory Minimum Sentencing Laws

As noted in our introduction, pending New York State legislation proposes the elimination of mandatory minimums and several additional provisions to curtail discretionary prison sentences.²⁸ **While it is difficult to predict the effects of any legislative action on discretionary decisions, the elimination of mandatory minimums would at a stroke do away with the *automatic* exposure we estimate applied to the 21,352 cases based on initial charge at arrest and the 5,018 cases based on the actual disposition and conviction charge.** These would be the numbers impacted by full elimination of mandatory minimums (caveated by the reality that judges could still impose prison at their discretion).

Along with the full elimination of mandatory minimums, the tables below present the impact of three possible policy changes involving their *partial* elimination: (1) elimination of mandatory minimums for all nonviolent felonies (based on the current charge and regardless of criminal history); (2) elimination of minimums for those with no prior felony conviction; and (3) elimination of minimums for those with no prior *violent* felony conviction.

For each scenario, the numbers in the tables below indicate arrests (first table) or convictions (second table) for which the exposure to mandatory minimums would be eliminated. For example, if lawmakers eliminated mandatory minimum sentences for people with no prior felony conviction, 8,154 felony arrests in 2019 would have no longer been exposed before plea bargaining and 1,301 convictions would have no longer automatically received a mandatory minimum at sentencing.

The tables also break down the projected impact of each reform scenario by race. As we have seen, the impact of mandatory minimums differs starkly by race. If the intent of any reform is specifically to target those disparities, the policy opted for would need to have a disproportionately *positive* effect on Black people facing charges as compared to their white counterparts. The data makes clear there is no straightforward path to that goal.

Projected Impact of Reforms to Mandatory Minimums Laws (Based on Arrest Charge)

Changes to Current Mandatory Minimums		Black (33,231)	Hispanic/ Latinx (21,293)	White (6,866)	Asian (3,671)	Total (65,061)
Elimination of All Mandatory Minimums	# Impacted by the Change	12,291	6,892	1,592	577	21,352
	% Cases Eliminated by the Change (<i>of those currently exposed</i>)	100%	100%	100%	100%	100%
Elimination of Mandatory Minimums if Current Charge = Nonviolent Felony	# Impacted by the Change	5,268	3,131	900	236	9,535
	% Cases Eliminated by the Change (<i>of those currently exposed</i>)	43%	45%	57%	41%	45%
Elimination of Mandatory Minimums if No Prior Felony Conviction	# Impacted by the Change	4,386	2,904	550	314	8,154
	% Cases Eliminated by the Change (<i>of those currently exposed</i>)	36%	42%	35%	54%	38%
Elimination of Mandatory Minimums if No Prior Violent Felony Conviction	# Impacted by the Change	4,278	2,318	751	184	7,531
	% Cases Eliminated by the Change (<i>of those currently exposed</i>)	35%	34%	47%	32%	35%

Note: Numbers in this table indicate the number of charges that would *not* be facing mandatory minimum sentencing under the given scenario. Percentages indicate the proportion of cases currently exposed to mandatory minimums that would *not* be exposed after the change. The total number of felony arrests are shown in parentheses.

Projected Impact of Changes to Mandatory Minimums Laws (Based on Conviction Charge)

Changes to Current Mandatory Minimums		Black (5,442)	Hispanic/ Latinx (3,627)	White (969)	Asian (293)	Total (10,331)
Elimination of all Mandatory Minimums	# Impacted by the Change	2,918	1,644	353	103	5,018
	% Cases Eliminated by the Change (of those currently exposed)	100%	100%	100%	100%	100%
Elimination of Mandatory Minimums if Current Conviction Charge = Nonviolent Felony	# Impacted by the Change	1,151	769	215	59	2,194
	% Cases Eliminated by the Change (of those currently exposed)	39%	47%	61%	57%	44%
Elimination of Mandatory Minimums if No Prior Felony Conviction	# Impacted by the Change	710	510	53	28	1,301
	% Cases Eliminated by the Change (of those currently exposed)	24%	31%	15%	27%	26%
Elimination of Mandatory Minimums if No Prior Violent Felony Conviction	# Impacted by the Change	1,024	577	189	46	1,836
	% Cases Eliminated by the Change (of those currently exposed)	35%	35%	54%	45%	37%

Note: Numbers in this table indicate the number of convicted cases that would *not* be facing mandatory minimum sentencing under the given scenario. Percentages indicate the proportion of cases currently exposed to mandatory minimums that would *not* be exposed after the change. The total number of felony arrests are shown in parentheses.

- Elimination of mandatory minimums if the current charge is a non-violent felony.** This policy change would result in the elimination of exposure to mandatory minimums for 45% of arrests and 44% of convictions. However, such a change would redound disproportionately to the benefit of *white* defendants. While this policy change would affect 57% of arrest charges and 61% of convictions currently exposed to mandatory minimums involving white defendants, the exposure of only 43% of arrests and 39% of convictions involving Black defendants (45% and 47% for Hispanic/Latinx) would be eliminated. This is largely explained by racial disparities in charging: charges for violent as opposed to non-violent felonies more disproportionately involve Black and Latinx than white individuals (albeit disparities are stark even for non-violent charges). For example, 52% of all assault, strangulation, and related charges involved Black individuals, while only 9% involved white individuals. Thus, eliminating mandatory minimums solely for non-violent felony charges would disproportionately benefit white

defendants. *The effect of this change would be to reduce mandatory minimums overall but further exacerbate racial disparities in sentencing.*

- **Elimination of mandatory minimums in cases where there is no prior felony conviction.** This scenario would affect 38% of arrests and 26% of convictions for cases currently exposed to mandatory minimum sentencing, significantly fewer cases than the policy change just considered. The primary impact would be on defendants charged with a violent felony with no prior felony conviction in the past ten years. At the arrest stage, the effect would be greatest on Hispanic/Latinx defendants and Asian defendants and would impact cases involving Black and white defendants more or less equally. That latter modest outcome is itself notable; however, at the conviction stage, the effect on disparities is even more striking: 24% of convictions involving Black defendants would be spared exposure to a minimum whereas the corresponding figure for white defendants is only 15%. *While this reform would have the smallest impact in terms of the total number of cases no longer exposed to minimums, it is projected to have the largest impact on redressing racial disparities (excluding the scenario of simply eliminating mandatory minimums altogether).*
- **Elimination of mandatory minimums in cases where there is no prior violent felony conviction.** This change would leave mandatory minimums in place solely for people with a prior *violent* felony conviction in the past ten years (meaning minimums would be eliminated both for people with only prior non-violent felony convictions and for people with no felony priors of any kind). This would affect 35% of arrests and 37% of convictions for charges that are currently exposed to mandatory minimum sentences. *As with the first reform, this policy change would have an outsized effect on reducing mandatory minimum exposure for white defendants—thus reducing minimums overall but exacerbating relative disparities.*

These different scenarios pose important tradeoffs. The wholesale elimination of mandatory minimums would nullify concerns about people being automatically incarcerated. But for the three partial elimination scenarios examined above, policymakers would have to engage in complex considerations where two scenarios might benefit more people overall, but worsen already grave racial disparities, while one scenario—eliminating minimums except when there is a prior felony conviction—outperforms the others in reducing disparities but has a smaller projected total impact.

Table 1. Felonies Arrested and Charged in New York City in 2019 by Race/Ethnicity

(Gen. NYC Pop. in Parentheses)	PL Section	Black (24%)		Hispanic/Latinx (27%)		White (32%)		Asian (17%)		Total	
		%	n	%	n	%	n	%	n	%	n
Total Felonies		51%	33,231	33%	21,293	11%	6,866	6%	3,671	100%	65,061
Nonviolent Felony		50%	21,554	33%	14,280	12%	5,184	6%	2,522	100%	43,540
Violent Felony		54%	11,672	33%	7,010	8%	1,679	5%	1,148	100%	21,509
Felonies by Type and Class											
Non-Drug Charges		52%	29,104	31%	17,527	11%	5,939	6%	3,285	100%	55,855
Class A		51%	196	45%	174	2%	9	2%	9	100%	388
Class B		54%	1,580	35%	1,006	7%	190	5%	142	100%	2,918
Class C		59%	4,917	30%	2,490	8%	659	3%	255	100%	8,321
Class D		53%	12,829	31%	7,541	10%	2,310	6%	1,461	100%	24,141
Class E		48%	9,582	31%	6,316	14%	2,771	7%	1,418	100%	20,087
Drug Offenses		45%	4,126	41%	3,764	10%	927	4%	386	100%	9,203
Class A		28%	289	58%	588	9%	91	5%	53	100%	1,021
Class B-E		47%	3,837	36%	3,176	10%	836	4%	333	100%	8,182
Sex Offense		37%	406	48%	530	8%	88	7%	78	100%	1,102
Prior Felony											
No Prior Felony Conviction, Past 10 Years		49%	24,368	33%	16,488	11%	5,692	7%	3,380	100%	49,928
Prior Nonviolent Felony Conviction, Past 10 Years		57%	6,776	32%	3,813	9%	1,016	2%	236	100%	11,841
Prior Violent Felony Conviction, Past 10 Years		64%	3,631	30%	1,675	5%	291	1%	80	100%	5,677
Felonies by Charge											
Homicide		59%	350	34%	204	4%	22	3%	17	100%	593
Murder 2 nd	PL 125.25	59%	313	35%	185	3%	17	3%	14	100%	529
<i>Other Homicide Related</i>		58%	37	30%	19	8%	5	5%	3	100%	64
Sex Offenses		37%	406	48%	530	8%	88	7%	7%	100%	1,102
Rape 1 st	PL 130.35	42%	153	46%	167	5%	19	8%	28	100%	367
Sexual abuse 1 st	PL 130.65	30%	68	53%	120	7%	16	9%	21	100%	225
<i>Other Sex Offenses</i>		36%	185	48%	243	10%	53	6%	29	100%	510
Firearms, Weapons, and Related		65%	3,071	26%	1,229	6%	299	2%	105	100%	4,704
Criminal possession weapon 3 rd	PL 265.02	58%	1,239	30%	644	9%	192	3%	71	100%	2,146
Criminal possession weapon 2 nd	PL 265.03	72%	1,789	23%	573	4%	102	1%	34	100%	2,498
<i>Other Firearms/Weapons Offense</i>		42%	43	12%	12	5%	5	0%	0	100%	60
Assault, Strangulation, and Related		52%	6,924	32%	4,365	9%	1,218	7%	930	100%	13,437
Assault 2 nd	PL 120.05	50%	4,196	33%	2,783	10%	814	8%	647	100%	8,440
Assault 1 st	PL 120.10	59%	349	32%	188	6%	35	4%	22	100%	594
Gang assault 2 nd	PL 120.06	46%	113	46%	113	1%	2	7%	16	100%	244
Assault peace officer	PL 120.08	60%	340	30%	169	8%	48	2%	11	100%	568
Reckless endangerment 1 st	PL 120.25	56%	419	31%	234	8%	58	5%	34	100%	745
Strangulation 2 nd	PL 121.12	52%	1,114	31%	673	9%	197	8%	167	100%	2,151
Strangulation 1 st	PL 121.13	57%	159	30%	83	8%	23	5%	14	100%	279
<i>Other Assault</i>		56%	234	29%	122	10%	41	5%	19	100%	416

(Gen. NYC Pop. in Parentheses) PL Section		Black (24%)		Hispanic/Latinx (27%)		White (32%)		Asian (17%)		Total	
		%	n	%	N	%	n	%	n	%	n
Burglary and Robbery		54%	4,762	34%	3,017	9%	777	3%	278	100%	8,834
Burglary 3 rd	PL 140.20	47%	963	35%	723	15%	305	3%	56	100%	2,047
Burglary 2 nd	PL 140.25	46%	460	38%	379	12%	116	4%	36	100%	991
Robbery 3 rd	PL 160.05	58%	1,175	31%	625	8%	153	4%	70	100%	2,023
Robbery 2 nd	PL 160.10	58%	1,438	35%	868	5%	125	3%	69	100%	2,500
Robbery 1 st	PL 160.15	57%	679	33%	392	6%	73	4%	43	100%	1,187
<i>Other Burglary</i>		55%	47	35%	30	6%	5	5%	4	100%	86
Drug Offenses		45%	4,126	41%	3,766	10%	927	4%	386	100%	9,205
Criminal possession controlled substance 5 th	PL 220.06	37%	478	36%	466	19%	242	7%	94	100%	1,280
Criminal possession controlled substance 4 th	PL 220.09	32%	95	35%	105	21%	61	12%	36	100%	297
Criminal possession controlled substance 3 rd	PL 220.16	49%	1,511	38%	1,156	10%	301	3%	106	100%	3,074
Criminal possession controlled substance 2 nd	PL 220.18	39%	121	41%	128	13%	39	7%	21	100%	309
Criminal possession controlled substance 1 st	PL 220.21	17%	59	74%	257	4%	13	6%	19	100%	348
Criminal sale controlled substance 5 th	PL 220.31	62%	113	32%	59	6%	10	1%	1	100%	183
Criminal sale controlled substance 3 rd	PL 220.39	50%	1,304	43%	1,119	7%	175	1%	29	100%	2,627
Criminal sale controlled substance 1 st	PL 220.43	26%	49	65%	123	9%	17	1%	1	100%	190
Criminal possession marijuana 2 nd	PL 221.20	66%	113	31%	53	2%	3	2%	3	100%	172
<i>Other Drug Offenses</i>		36%	137	47%	178	10%	39	7%	27	100%	381
<i>Other Marijuana Offenses</i>		42%	146	36%	122	8%	27	14%	49	100%	344
Grand Larceny		49%	3,424	30%	2,083	16%	1,103	6%	436	100%	7,046
Grand larceny 4 th	PL 155.30	50%	2,691	31%	1,643	14%	753	6%	308	100%	5,395
Grand larceny 3 rd	PL 155.35	47%	555	29%	334	15%	178	9%	105	100%	1,172
Grand larceny 2 nd	PL 155.40	37%	164	22%	98	36%	163	5%	23	100%	448
<i>Other Grand Larceny Charge</i>		45%	14	26%	8	29%	9	0%	0	100%	31
All Other Property Felonies		50%	2,317	30%	1,365	13%	620	7%	307	100%	4,609
Criminal mischief 3 rd	PL 145.05	47%	1,273	31%	831	15%	402	8%	211	100%	2,717
Criminal mischief 2 nd	PL 145.10	45%	117	31%	81	15%	39	10%	26	100%	263
Criminal tampering 1 st	PL 145.20	71%	254	19%	68	10%	35	0%	0	100%	357
Criminal possession stolen property 4 th	PL 165.45	55%	348	31%	197	9%	58	5%	32	100%	635
Criminal possession stolen property 3 rd	PL 165.50	53%	159	34%	102	9%	28	4%	13	100%	302
<i>Other Property Felonies</i>		50%	166	26%	86	17%	58	8%	25	100%	335
Forgery		64%	2,917	26%	1,177	6%	273	5%	219	100%	4,586
Forgery 2 nd	PL 170.10	61%	408	31%	207	5%	34	4%	25	100%	674
Forgery 1 st	PL 170.15	55%	180	33%	109	6%	18	6%	20	100%	327
Criminal possession forged instrument 3 rd	PL 170.25	64%	1,874	25%	735	6%	173	5%	138	100%	2,920
Criminal possession forged instrument 1 st	PL 170.30	67%	295	20%	90	7%	29	7%	29	100%	443
Criminal possession forged devices	PL 170.40	84%	123	4%	6	10%	15	2%	3	100%	147
<i>Other Forgery-related</i>		49%	37	40%	30	5%	4	5%	4	100%	75
Driving While Under the Influence											
Op. MV under influence alcohol/drugs	VTL 1192.00	33%	219	43%	290	15%	104	9%	61	100%	674
All Other Felonies		46%	3,734	32%	2,577	15%	1,198	7%	614	100%	8,123

Note: All cases arrested and charged in 2019 are included in Table 1. "All other felonies" include all felony charges not represented in any of the preceding categories shown. Data missing race information were excluded here (0.8%). Percentages are for each row. PL = Penal Law, VTL = Vehicle and Traffic Law.

Table 2. Felony Conviction Rates in New York City by Race/Ethnicity (Of Cases Disposed in 2019)

(Gen. NYC Pop. in Parentheses)	Black (24%)			Hispanic/Latinx (27%)			White (32%)			Total		
	Dispo.	Convic.	%	Dispo.	Convic.	%	Dispo.	Convic.	%	Dispo.	Convic.	%
Total Felonies	34,971	5,442	16%	22,848	3,627	16%	7,153	969	14%	69,401	10,398	15%
Nonviolent Felony	22,798	2,784	12%	15,539	2,209	14%	5,404	713	13%	46,805	5,956	13%
Violent Felony	12,169	2,658	22%	7,307	1,418	19%	1,748	256	15%	22,588	4,442	20%
Key Charge Types												
Sex Offense	456	130	29%	514	153	30%	94	21	22%	1,162	318	27%
Drug Offense	4,602	945	21%	4,382	1,052	24%	1,138	161	14%	10,627	2,210	21%
Prior Felony												
No Prior Felony Conviction, 10 Years	25,317	2,904	12%	17,598	2,193	13%	5,926	638	11%	52,887	5,980	11%
Prior Nonviolent Felony Conviction, 10 Years	7,349	1,907	26%	4,179	1,150	28%	1,052	283	27%	12,887	3,441	27%
Prior Violent Felony Conviction, 10 Years	4,063	1,187	29%	1,831	557	30%	329	112	34%	6,349	1,893	30%
Felonies by Charge												
Homicide and Related	347	231	67%	187	131	70%	25	22	88%	577	394	68%
Murder 2 nd	314	209	67%	161	114	71%	18	15	83%	503	344	68%
<i>Other Homicide Related</i>	33	22	67%	26	17	65%	7	7	100%	74	50	68%
Sex Offenses	456	130	29%	514	153	30%	94	21	22%	1,162	318	27%
Rape in the 1 st	168	58	35%	153	51	33%	28	5	18%	383	118	31%
Sexual abuse in the 1 st	84	13	16%	114	20	18%	18	5	28%	238	38	16%
<i>Other Sex Offenses</i>	204	59	29%	247	82	33%	48	11	23%	541	162	30%
Firearms, Weapons, and Related	3,368	785	23%	1,460	274	19%	357	47	13%	5,301	1,117	21%
Criminal possession weapon 3 rd	1,526	85	6%	855	41	5%	234	12	5%	2,701	144	5%
Criminal possession weapon 2 nd	1,779	672	38%	589	226	38%	116	33	28%	2,512	936	37%
<i>Other Firearms/Weapons Offense</i>	63	28	44%	16	7	44%	7	2	29%	88	37	42%
Assault, Strangulation, and Related	7,143	685	10%	4,652	416	9%	1,261	87	7%	14,129	1,235	9%
Assault 2 nd	4,409	351	8%	2,982	209	7%	851	46	5%	9,073	637	7%
Assault 1 st	357	152	43%	200	96	48%	35	15	43%	616	271	44%
Gang assault 2 nd	162	29	18%	138	32	23%	8	2	25%	322	63	20%
Assault peace officer	346	41	12%	165	9	6%	49	4	8%	578	57	10%
Reckless endangerment 1 st	421	44	11%	260	16	6%	56	4	7%	737	64	9%
Strangulation 2 nd	1,064	23	2%	677	16	2%	198	9	5%	2,096	49	2%
Strangulation 1 st	163	4	3%	78	3	4%	22	0	0%	277	8	3%
<i>Other Assault</i>	221	41	19%	152	35	23%	42	7	17%	430	86	20%
Burglary and Robbery	5,058	1,265	25%	3,133	780	25%	772	205	27%	9,334	2,318	25%
Burglary 3 rd	898	223	25%	759	200	26%	294	84	29%	2,022	527	26%
Burglary 2 nd	430	123	29%	351	103	29%	110	53	48%	932	285	31%
Robbery 3 rd	1,250	171	14%	620	101	16%	144	27	19%	2,102	307	15%
Robbery 2 nd	1,682	398	24%	979	205	21%	138	20	15%	2,916	638	22%
Robbery 1 st	751	333	44%	396	165	42%	79	19	24%	1,278	536	42%
<i>Other Burglary</i>	47	17	36%	28	6	21%	7	2	29%	84	25	30%

(Gen. NYC Pop. in Parentheses)	Black (24%)			Hispanic/Latinx (27%)			White (32%)			Total		
	Dispo.	Convic.	%	Dispo.	Convic.	%	Dispo.	Convic.	%	Dispo.	Convic.	%
Drug Offenses	4,768	949	20%	4,533	1,058	23%	1,172	165	14%	10,622	2,209	21%
Criminal possession controlled substance 5 th	487	32	7%	516	25	5%	280	8	3%	1,418	69	5%
Criminal possession controlled substance 4 th	112	5	5%	124	7	6%	67	2	3%	343	14	4%
Criminal possession controlled substance 3 rd	1,654	254	15%	1,260	206	16%	364	42	12%	3,426	522	15%
Criminal possession controlled substance 2 nd	104	28	27%	126	43	34%	38	11	29%	284	84	30%
Criminal possession controlled substance 1 st	82	40	49%	289	197	68%	20	12	60%	406	253	62%
Criminal sale controlled substance 5 th	125	8	6%	74	8	11%	20	2	10%	219	18	8%
Criminal sale controlled substance 3 rd	1,563	449	29%	1,471	374	25%	258	59	23%	3,349	892	27%
Criminal sale controlled substance 1 st	62	46	74%	133	104	78%	15	10	67%	215	163	76%
Criminal poss. marijuana 2 nd	86	3	4%	65	1	2%	6	0	0%	165	4	2%
<i>Other Drug Offenses</i>	326	80	25%	323	87	27%	70	15	21%	797	190	24%
<i>Other Marijuana Offenses</i>	167	4	2%	152	6	4%	34	4	12%	407	17	4%
Grand Larceny	3,441	526	15%	2,072	262	13%	1,015	198	20%	7,041	1,048	15%
Grand larceny 4 th	2,750	346	13%	1,668	173	10%	714	91	13%	5,490	644	12%
Grand larceny 3 rd	526	107	20%	322	58	18%	185	55	30%	1,156	238	21%
Grand larceny 2 nd	151	68	45%	77	28	36%	95	37	39%	354	143	40%
<i>Other Grand Larceny Charge</i>	14	5	36%	5	3	60%	21	15	71%	41	23	56%
All Other Property Felonies	2,283	100	4%	1,500	64	4%	609	26	4%	4,748	200	4%
Criminal mischief 3 rd	1,317	14	1%	915	16	2%	411	8	2%	2,870	42	2%
Criminal mischief 2 nd	107	7	7%	78	7	9%	39	4	10%	253	18	7%
Criminal tampering 1 st	132	15	11%	90	10	11%	8	0	0%	233	25	11%
Criminal possession stolen property 4 th	385	27	7%	223	11	5%	63	6	10%	712	47	7%
Criminal possession stolen property 3 rd	173	26	15%	95	12	13%	27	3	11%	309	43	14%
<i>Other Property Felonies</i>	169	11	7%	99	8	8%	61	5	8%	371	25	7%
Forgery	3,153	168	5%	1,242	47	4%	299	31	10%	4,970	265	5%
Forgery 2 nd	377	14	4%	212	5	2%	39	3	8%	671	24	4%
Forgery 1 st	179	11	6%	102	11	11%	18	1	6%	318	23	7%
Criminal possession forged instrument 3 rd	2,118	93	4%	781	27	4%	204	15	7%	3,269	146	5%
Criminal possession forged instrument 1 st	319	30	9%	109	3	3%	21	2	10%	489	41	8%
Criminal possession forgery devices	124	19	15%	9	1	11%	16	10	63%	151	30	20%
<i>Other Forgery-related</i>	36	1	3%	29	0	0%	1	0	0%	72	1	1%
Driving While Under the Influence	247	39	16%	357	81	23%	128	20	16%	817	155	19%
All Other Felonies	4,391	401	9%	3,032	286	9%	1,310	118	9%	9,430	838	9%

Note: The data in Table 2 includes all felony cases disposed in New York City in 2019. Due to small numbers, cases involving Asian individuals were removed from this table. Cases missing race information were excluded from the analysis.

Table 3. Disposition Outcomes for Prosecuted Arrested Disposed in 2019

	Top Charge		Another Felony		Misdemeanor		Violation or Lesser		Dismissed or ACD	
	%	n	%	N	%	n	%	n	%	n
Total Felonies	7%	5,145	8%	5,253	20%	13,209	25%	16,726	40%	26,809
Nonviolent Felony	7%	3,047	6%	2,909	23%	10,265	29%	13,028	35%	15,911
Violent Felony	10%	2,098	11%	2,344	13%	2,944	17%	3,698	50%	10,898
Sex Offense	11%	127	17%	191	23%	257	14%	161	35%	389
Drug Offense	9%	952	12%	1,258	26%	2,625	27%	2,743	26%	2,685
Prior Felony										
No Prior Felony Conviction, Past 10 Years	7%	3,789	6%	3,049	16%	8,104	27%	13,945	44%	22,275
Prior Nonviolent Felony Conviction, Past 10 Years	15%	1,882	14%	1,708	28%	3,541	16%	1,951	27%	3,379
Prior Violent Felony Conviction, Past 10 Years	16%	963	16%	964	22%	1,329	17%	1,026	30%	1,864
Felonies by Charge										
Homicide	27%	135	52%	259	4%	19	1%	4	16%	77
Murder 2 nd	24%	106	55%	238	4%	16	1%	2	17%	74
<i>Other Homicide Related</i>	50%	29	36%	21	5%	3	3%	2	5%	3
Sex Offenses	11%	127	17%	191	23%	257	14%	161	35%	389
Rape 1 st	10%	38	21%	80	17%	65	11%	42	40%	148
Sexual abuse 1 st	8%	19	8%	19	32%	73	22%	51	30%	69
<i>Other Sex Offenses</i>	13%	70	18%	92	23%	119	13%	68	33%	172
Firearms, Weapons and Related	13%	624	10%	493	14%	702	23%	1,157	45%	2,198
Criminal possession weapon 3 rd	2%	45	4%	99	16%	428	36%	947	43%	1,124
Criminal possession weapon 2 nd	23%	569	15%	367	11%	263	8%	204	43%	1,051
<i>Other Firearms/Weapons Offense</i>	13%	10	35%	27	14%	11	8%	6	30%	23
Assault, Strangulation, and Related	4%	592	5%	669	12%	1,698	22%	3,055	57%	7,899
Assault 2 nd	5%	454	2%	183	11%	989	22%	1,903	60%	5,341
Assault 1 st	12%	70	35%	201	9%	50	6%	32	39%	229
Gang assault 2 nd	2%	5	18%	58	13%	41	13%	42	54%	171
Assault peace officer	<1%	2	10%	55	28%	157	32%	180	30%	169
Reckless endangerment 1 st	1%	8	8%	57	24%	180	41%	311	27%	202
Strangulation 2 nd	2%	30	1%	19	8%	166	23%	466	67%	1,373
Strangulation 1 st	<1%	1	3%	7	6%	17	22%	59	69%	189
<i>Other Assault</i>	4%	22	18%	89	20%	98	13%	62	45%	225
Burglary and Robbery	13%	1,221	12%	1,099	20%	1,831	14%	1,293	40%	3,663
Burglary 3 rd	20%	387	7%	140	26%	518	15%	292	32%	631
Burglary 2 nd	16%	147	15%	138	24%	213	14%	127	30%	269
Robbery 3 rd	7%	150	8%	157	20%	407	16%	333	49%	1,005
Robbery 2 nd	11%	318	11%	320	17%	480	15%	436	46%	1,307
Robbery 1 st	17%	212	26%	324	16%	204	8%	100	33%	408
<i>Other Burglary</i>	8%	7	24%	20	11%	9	6%	5	51%	43

	Top Charge		Another Felony		Misdemeanor		Violation or Lesser		Dismissed or ACD	
	%	n	%	n	%	n	%	n	%	n
Drug Offenses	9%	962	12%	1,264	25%	2,704	27%	2,917	26%	2,813
Criminal possession controlled substance 5 th	1%	19	4%	50	23%	323	39%	539	32%	447
Criminal possession controlled substance 4 th	<1%	1	4%	13	24%	80	45%	152	27%	91
Criminal possession controlled substance 3 rd	8%	279	7%	243	25%	838	29%	984	30%	1,010
Criminal possession controlled substance 2 nd	1%	4	29%	80	25%	69	16%	45	29%	80
Criminal possession controlled substance 1 st	3%	13	61%	240	8%	30	4%	15	25%	99
Criminal sale controlled substance 5 th	2%	5	6%	13	26%	53	25%	52	41%	85
Criminal sale controlled substance 3 rd	18%	586	10%	306	33%	1,052	21%	655	18%	580
Criminal sale controlled substance 1 st	5%	10	79%	153	5%	10	1%	2	9%	18
Criminal possession marijuana 2 nd	1%	2	1%	2	12%	19	42%	67	44%	70
<i>Other Drug Offenses</i>	4%	32	20%	158	19%	150	30%	232	26%	202
<i>Other Marijuana Offenses</i>	3%	11	2%	6	20%	80	43%	174	33%	131
Grand Larceny	8%	352	7%	483	28%	1,869	27%	1,834	30%	2,034
Grand larceny 4 th	7%	352	6%	292	27%	1,449	27%	1,449	33%	1,774
Grand larceny 3 rd	11%	123	10%	115	30%	339	30%	343	18%	207
Grand larceny 2 nd	25%	77	21%	66	25%	78	13%	40	16%	51
<i>Other Grand Larceny Charge</i>	43%	13	33%	10	10%	3	7%	2	7%	2
All Other Property Felonies	2%	70	3%	130	15%	674	29%	1,298	52%	2,380
Criminal mischief 3 rd	<1%	12	1%	30	10%	287	27%	752	61%	1,677
Criminal mischief 2 nd	3%	6	5%	12	13%	31	27%	64	53%	128
Criminal tampering 1 st	8%	18	3%	7	44%	94	25%	54	20%	43
Criminal possession stolen property 4 th	3%	21	4%	26	20%	133	31%	208	43%	295
Criminal possession stolen property 3 rd	4%	11	11%	32	21%	63	31%	92	33%	99
<i>Other Property Felonies</i>	1%	2	6%	23	19%	66	36%	128	39%	138
Forgery	3%	133	3%	132	21%	1,004	46%	2,238	27%	1,324
Forgery in the 2 nd	1%	3	3%	21	20%	126	46%	292	31%	198
Forgery in the 1 st	<1%	1	7%	22	18%	56	40%	123	34%	105
Crim. possession of a forged instrument in the 3 rd	4%	110	1%	36	21%	673	49%	1,545	26%	819
Crim. possession of a forged instrument in the 1 st	2%	9	7%	32	23%	108	40%	194	29%	138
Crim. possession of forgery devices	7%	10	13%	20	23%	34	30%	45	27%	41
<i>Other Forgery-related</i>	0%	0	1%	1	10%	7	56%	39	33%	23
Driving While Under the Influence										
Op. MV under influence alcohol/drugs	17%	132	3%	23	42%	328	29%	225	8%	65
All Other Felonies	6%	498	4%	340	22%	1,989	28%	2,489	41%	3,718

Note: The sample includes all disposed cases in New York City in 2019. Data are not presented by race. Therefore, all cases are included and numbers may not match data presented in previous tables.

Table 4. Prison Sentence Rates in New York City in 2019 by Race/Ethnicity (Of Cases Ending in a Felony Conviction)

(Gen. Pop. in Parentheses)	Black (24%)		Hispanic/Latinx (17%)		White (32%)		Total	
	%	n	%	n	%	n	%	n
Total Felonies	58%	2,832	56%	1,803	43%	361	49%	5,101
Nonviolent Felony	50%	1,187	50%	952	37%	222	41%	2,414
Violent Felony	67%	1,645	64%	851	60%	139	60%	2,687
Sex Offense	73%	93	68%	100	44%	8	67%	212
Drug Offense	56%	455	59%	534	39%	47	47%	1,046
Prior Felony								
No Prior Felony in Past 10 Years	42%	1,072	44%	858	29%	157	36%	2,141
Prior Nonviolent Felony in Past 10 Years	75%	1,306	73%	740	70%	173	66%	2,261
Prior Violent Felony in Past 10 Years	81%	915	81%	424	90%	87	77%	1,449
Felonies by Charge								
Homicide	88%	204	86%	113	91%	20	88%	347
Murder 2 nd	92%	187	93%	101	93%	14	90%	308
<i>Other Homicide Related</i>	81%	17	71%	12	86%	6	78%	39
Sex Offenses	72%	93	65%	100	38%	8	67%	212
Rape 1 st	75%	42	75%	35	60%	3	71%	84
Sexual abuse 1 st	62%	8	60%	12	40%	2	58%	22
<i>Other Sex Offenses</i>	74%	43	66%	53	38%	3	65%	106
Firearms, Weapons, and Related	57%	447	53%	145	47%	22	55%	618
Criminal possession weapon 3 rd	58%	45	39%	14	40%	4	45%	65
Criminal possession weapon 2 nd	64%	383	59%	125	49%	16	56%	526
<i>Other Weapons Offense</i>	70%	19	86%	6	100%	2	73%	27
Assault, Strangulation, and Related	61%	415	56%	235	38%	33	57%	699
Assault 2 nd	62%	199	57%	108	39%	15	52%	329
Assault 1 st	85%	125	76%	72	67%	10	78%	211
Gang assault 2 nd	52%	13	63%	19	0%	0	51%	32
Assault peace officer	56%	19	38%	3	50%	1	46%	26
Reckless endangerment 1 st	55%	23	50%	7	0%	0	48%	31
Strangulation 2 nd	55%	11	43%	6	25%	2	39%	19
Strangulation 1 st	100%	4	33%	1	0%	0	63%	5
<i>Other Assault</i>	57%	21	54%	19	71%	5	53%	46
Burglary and Robbery	55%	699	54%	418	59%	121	55%	1,267
Burglary 3 rd	67%	133	65%	108	59%	44	56%	294
Burglary 2 nd	73%	79	79%	73	80%	35	66%	189
Robbery 3 rd	57%	82	59%	54	77%	17	51%	156
Robbery 2 nd	52%	188	46%	87	47%	8	45%	289
Robbery 1 st	67%	207	57%	91	83%	15	60%	321
<i>Other Burglary</i>	77%	10	83%	5	100%	2	72%	18

(Gen. NYC Pop. in Parentheses)	Black (24%)		Hispanic/Latinx (17%)		White (32%)		Total	
	%	n	%	n	%	n	%	n
Drug Offenses	48%	455	51%	534	29%	47	47%	1,046
Criminal possession controlled substance 5 th	38%	9	30%	6	50%	2	25%	17
Criminal possession controlled substance 4 th	25%	1	60%	3	50%	1	36%	5
Criminal possession controlled substance 3 rd	56%	122	51%	84	26%	8	42%	218
Criminal possession controlled substance 2 nd	64%	16	43%	17	44%	4	45%	38
Criminal possession controlled substance 1 st	74%	29	77%	144	46%	5	71%	179
Criminal sale controlled substance 5 th	29%	2	25%	2	0%	0	22%	4
Criminal sale controlled substance 3 rd	51%	191	47%	137	29%	12	38%	342
Criminal sale controlled substance 1 st	91%	40	84%	85	90%	9	83%	136
Criminal possession marijuana 2 nd	0%	0	0	0	0%	0	0%	0
<i>Other Drug Offenses</i>	63%	45	68%	56	50%	6	56%	107
<i>Other Marijuana Offenses</i>		0		0		0	0%	0
Grand Larceny	34%	181	33%	86	27%	53	32%	336
Grand larceny 4 th	44%	128	42%	59	36%	26	34%	221
Grand larceny 3 rd	35%	33	31%	15	14%	7	25%	60
Grand larceny 2 nd	25%	16	43%	12	30%	11	29%	42
<i>Other Grand Larceny Charge</i>	100%	4	0%	0	60%	9	57%	13
All Other Property Felonies	39%	39	38%	24	42%	11	38%	76
Criminal mischief 3 rd	54%	7	67%	8	75%	3	43%	18
Criminal mischief 2 nd	29%	2	71%	5	100%	3	56%	10
Criminal tampering 1 st	40%	6	40%	4		0	40%	10
Criminal possession stolen property 4 th	44%	11	38%	3	40%	2	38%	18
Criminal possession stolen property 3 rd	44%	10	18%	2	67%	2	33%	14
<i>Other Property Felonies</i>	38%	3	29%	2	25%	1	24%	6
Forgery	43%	72	45%	21	35%	11	40%	105
Forgery 2 nd	42%	5	100%	4	33%	1	42%	10
Forgery 1 st	60%	6	30%	3		0	39%	9
Criminal possession forged instrument 3 rd	47%	38	57%	12	31%	4	38%	55
Criminal possession forged instrument 1 st	48%	12	50%	1	100%	2	37%	15
Criminal possession forgery devices	63%	10	100%	1	40%	4	50%	15
<i>Other Forgery-related</i>	100%	1		0		0	100%	1
Driving While Under the Influence	3%	1	7%	5	6%	1	5%	7
All Other Felonies	49%	182	40%	105	28%	28	38%	319

Note: The sample in Table 4 includes all felony cases disposed in New York City in 2019. Due to small numbers, cases involving Asian individuals were removed from this table. Cases missing race information were excluded from the analysis.

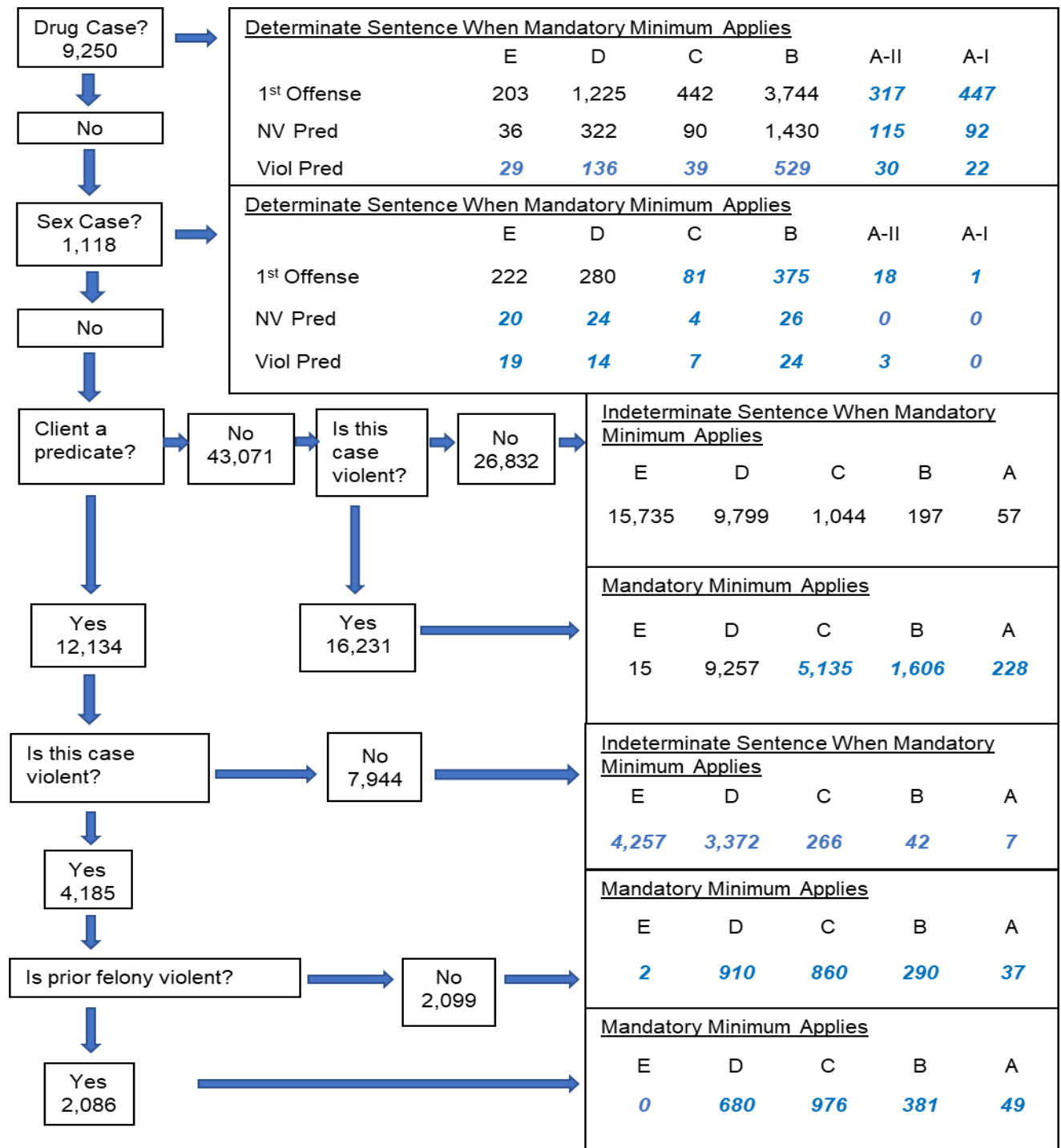
Table 5. Logistic Regression Models Predicting Prison Sentence and Length

	Prison Sentence (all dispositions)	Prison Sentence (fel. convictions)	Prison Length (5 years)
	Exp(B)	Exp(B)	Exp(B)
Model 1			
Race			
Hispanic/Latinx	1.62***	1.70***	1.80***
Black	1.65***	1.85***	1.76***
χ^2	78.7***	110.5***	12.6**
Nagelkerke R ²	.00	.01	.00
N	62,835	36,021	4,917
Model 2			
Race			
Hispanic/Latinx	1.26***	1.31***	1.58***
Black	1.26***	1.34***	1.35*
Age	1.00***	1.00**	1.01
Female	.31**	.36	.74**
Borough			
Bronx	.64***	.75***	.91
Brooklyn	.42***	.54***	1.11
Manhattan	1.35***	1.40***	1.06
Queens	.78***	.64***	.91
Prior History			
Prior Violent Felony Conviction	3.33***	3.34***	1.34***
Prior Nonviolent Felony Conviction	3.21***	3.07***	0.80**
Charge Type			
Violent Offense	3.88***	5.46***	5.48***
Sex Offense	2.31***	2.09***	1.58**
Drug Offense	2.46***	2.20***	1.74***
χ^2	4730.6***	4051.6***	364.4***
Nagelkerke R ²	.20	.24	.14
N	62,835	36,021	4,917

*** p < .001 ** p < .01 * p < .05

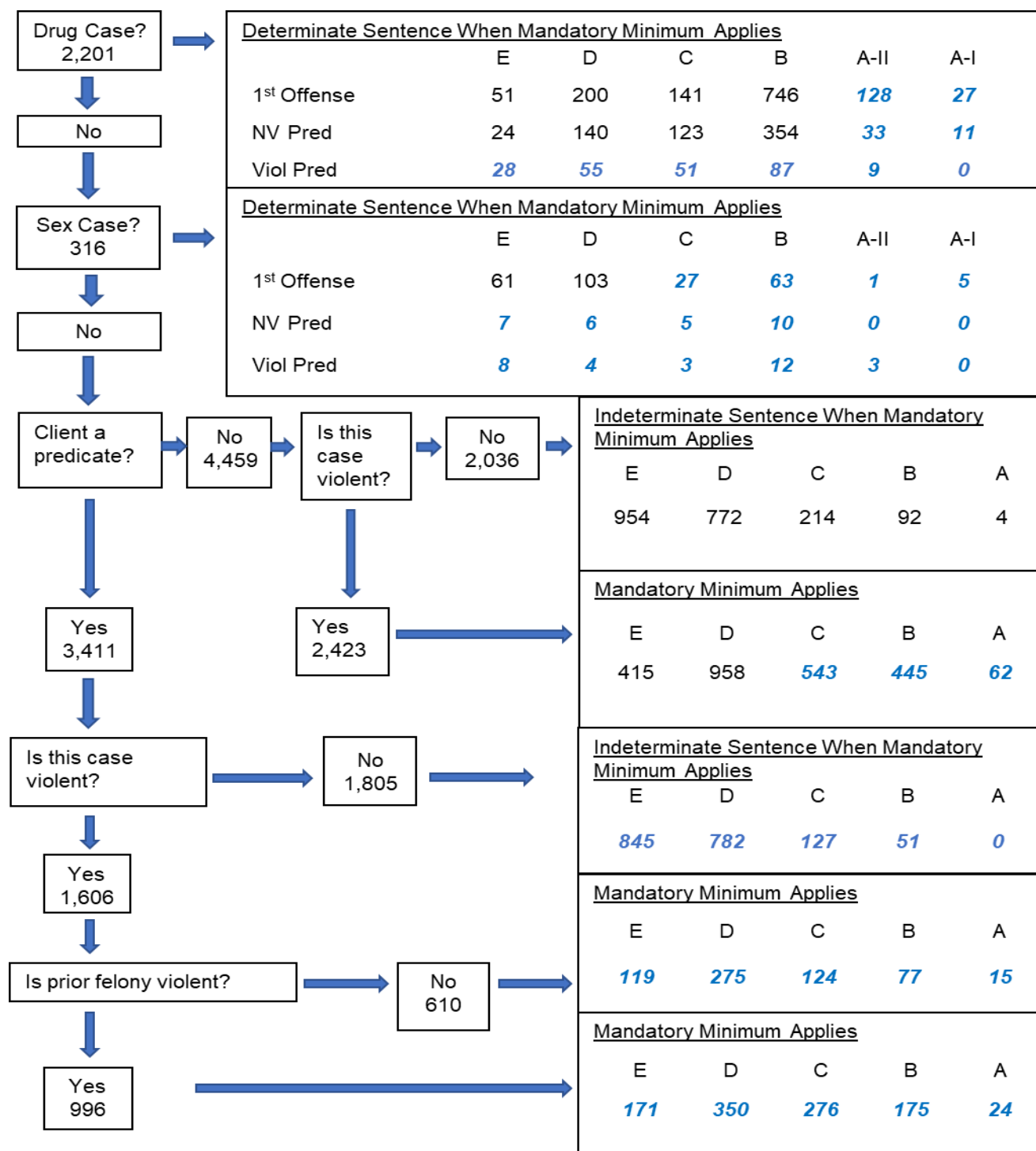
Note: The reference group for race was white, and Bronx for borough. Prison length was defined as a dichotomous variable with 1 month to 5 years coded as 0 and greater than 5 years coded as 1. The samples in each of the three models are distinct. The first set of models includes all cases disposed, the second includes all felony convictions, while the third includes all cases where a prison sentence was imposed.

Figure 1. Felony Arrests in New York City Exposed to Mandatory Minimums



Note: This figure is based on the Bronx Defenders’ Felony Sentencing Chart available at <http://davidfeige.com/sentencingGuide.pdf>. All numbers presented here are based on prosecuted arrests in 2019. Bolded and italicized numbers in blue type represent cases subject to mandatory prison terms. Drug offenses where a violent predicate offense applies was considered a mandatory minimum sentence as a judge cannot unilaterally impose diversion without a DA’s consent.

Figure 2. Felony Convictions in New York City Subject to Mandatory Minimums



Note: This figure is based on the Bronx Defenders' Felony Sentencing Chart available at <http://davidfeige.com/sentencingGuide.pdf>. All numbers presented here are based on cases convicted of a felony in 2019. Bolded and italicized numbers represent cases exposed to mandatory prison terms. Drug offenses where a violent predicate offense applies was considered a mandatory minimum sentence as a judge cannot unilaterally impose diversion without a DA's consent.

Appendix B. Sampling and Coding

Arrest and charge data show race/ethnicity broken into four categories: Black, Hispanic/Latinx, white, and Asian.²⁹ Other racial/ethnic groups were omitted from all analyses that examined race, as they constituted too small a category to permit statistically meaningful comparisons (0.2% of all arrests in 2019). Further, cases involving Asian individuals were omitted from analyses after the initial arrest/charge stage (i.e., conviction, disposition, and sentencing analyses), as they constituted 2.8% of all convictions.

When analyzing the first outcome (arrested and charged), we included cases *arraigned* within 2019. All remaining outcomes of interest concern how cases were ultimately resolved; these analyses include all cases *disposed* during 2019. All analyses are conducted at the case level rather than the person level.

Table 1 shows the frequency of felony charges by type and race/ethnicity. Results in Table 1 indicate (1) frequencies for the most common felony charges and types, (2) racial disparities in felony charges, and (3) prevalence of prior felony convictions among those who were charged in 2019. Tables 2 and 4 concern case dispositions and sentences; they respectively display the percentage of cases in which people from each ethnic/racial group are convicted and sentenced to prison. Table 3 documents disposition severity, displaying the percentage of cases disposed on the initial felony charge or a lower charge level. Table 5 presents logistic regression models predicting three outcomes—felony conviction, any prison sentences, and prison sentences of more than five years—after controlling for race/ethnicity, gender, prior history, and charge type.

We modeled Figures 1 and 2 after a felony sentencing chart developed by the Bronx Defenders.³⁰ These figures respectively show the number of cases initially charged at a level subject to a mandatory minimum sentence and the number of cases ultimately disposed at such a level. We defined a charge and disposition exposed to mandatory minimum sentences as one that carries a minimum prison term. While cases that are initially so charged may eventually be dismissed or disposed at a lower level, mandatory minimum sentencing laws impact decision-making at each point in the process. For instance, individuals who face mandatory minimums may experience greater pressure to accept an initial plea offer, knowing that certain prison time is on the line if they are convicted on the initial charge.

Endnotes

¹ Mandatory minimums existed prior to this period but were applied in a limited range of offenses. See U.S. Sentencing Committee. 2011. [2011 Report to the Congress: Mandatory Minimum Penalties in the Federal Criminal Justice System.](#)

² Gill, M.M. 2008. “Correcting Course: Lessons from the 1970 Repeal of Mandatory Minimums.” *Federal Sentencing Reporter* 21(1):55-67.

³ Cullen, J. 2018. [Sentencing Laws and How They Contribute to Mass Incarceration.](#) New York, NY: Brennan Center for Justice; Ditton, P.M. and D.J. Wilson. 1999. [Truth in Sentencing in State Prisons.](#) Bureau of Justice Statistics Special Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

⁴ Bureau of Justice Statistics. 2004. [National Assessment of Structured Sentencing.](#) Bureau of Justice Assistance Monograph. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance.

⁵ For a landmark critique of rehabilitative approaches, see Martinson, R. 1974. "[What Works? - Questions and Answers About Prison Reform.](#)" *The Public Interest*, pp. 22-54. For a summary of evidence refuting this critique, see Bonta, J. and D.A. Andrews. 2022. *The Psychology of Criminal Conduct*, 6th edition. New York, NY: Routledge.

⁶ Prison Policy Initiative, Data Toolbox, [National Data.](#)

⁷ Petrich, D.M., T.C. Pratt, C.L. Jonson, and F.T. Cullen. 2021. "[Custodial Sanctions and Reoffending: A Meta-Analytic Review.](#)" *Crime and Justice* 50(1).

⁸ Rehavi, M.M. and S.B. Starr. 2014. "[Racial Disparity in Federal Criminal Sentences.](#)" *Journal of Political Economy* 122(6): 1320-1354.

⁹ Beatty, L.G. and T.L. Snell. 2021. [Survey of Inmates: Profile of Prison Inmates, 2016.](#) Bureau of Justice Statistics Special Report. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

¹⁰ By 2014, there were 29 states that had reformed mandatory minimum sentencing laws, see Subramanian, R. and R. Delaney. 2014. [Playbook for Change? States Reconsider Mandatory Sentences.](#) New York, NY: Vera Institute of Justice.

¹¹ Vera Institute of Justice. 2022. [New York Should Abolish Mandatory Minimums.](#)

¹² Gray, M. 2009. "[A Brief History of New York’s Rockefeller Drug Laws.](#)" *Time Magazine* April 2, 2009.

¹³ Cooper, M. 2004. "[New York State Votes to Reduce Drug Sentences.](#)" *New York Times*.

¹⁴ Parsons, J., Q. Wei, J. Rinaldi, C. Henrichson, T. Sandwick, T. Wendel, E. Drucker, M. Ostermann, S. DeWitt, and T. Clear. 2015. [A Natural Experiment in Reform: Analyzing Drug Policy Change in New York City](#). New York, NY: Vera Institute of Justice; and Waller, M., S. Carey, E. Farley, and M. Rempel. 2013. [Testing the Cost Savings of Judicial Diversion](#). Portland, OR: NPC Research.

¹⁵ These three rules (though still admitting of nuances and exceptions) cover most cases where minimums *do not apply*:

- (1) **Nonviolent Felony AND No Prior:** People convicted of a *nonviolent felony* with *no prior felony conviction* are not subject to mandatory prison—unless the conviction charge is a Class A, B, or C sex offense or Class A drug felony.
- (2) **Violent Felony AND No Prior:** People convicted of a *violent felony* who have *no prior felony conviction* are also not subject to mandatory prison if the conviction charge is in the least serious Class D or E felony categories; otherwise, mandatory minimums apply.
- (3) **Drug Felony:** Nearly all drug felonies no longer trigger mandatory prison, unless Class A—though if there is a prior *violent* felony conviction, prosecutors have discretion on whether to consent to treatment in lieu of prison.

¹⁶ Vera Institute of Justice. 2022. [Incarceration Trends: New York](#).

¹⁷ See, e.g., New York State. [Adult Arrests 18 and Older by County: Beginning 1970](#). Data.NY.Gov; Parsons, J., et al. 2015, Op Cit.; Waller, M., et al. 2013, Op Cit.

¹⁸ Carson, E.A. 2021. [Prisoners in 2020 – Statistical Tables](#). Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics.

¹⁹ Nellis, A. 2021. [The Color of Justice: Racial and Ethnic Disparity in State Prisons](#). Washington DC: The Sentencing Project.

²⁰ New York State Senate. [Senate Bill S7871](#). 2021-2022 Legislative Session.

²¹ Independent Commission on New York City Criminal Justice and Incarceration Reform. 2017. [A More Just New York City](#). New York, NY.

²² Siegler, A. 2021. [End Mandatory Minimums](#). Washington D.C.: Brennan Center for Justice.

²³ Forgery and related offenses include all forgery offenses under section 170 under New York Penal Law. These offenses include forgery, possession of a forged instrument, and possession of forgery devices. Forgery refers to the act of altering a written instrument such as a check or a driver’s license. Possessing but not having acted in creating a forged document usually results in a possession of a forged instrument charge. Possession of a forgery device refers to possessing any device used to create forged documents such as a machine to duplicate a credit card.

²⁴ Butcher, F. and M. Rempel. 2022. [Racial Disparities in Misdemeanor Justice: Data for New York City, 2019-2020](#). New York, NY: Center for Court Innovation.

²⁵ To place each sentence into a range, we considered the minimum for an indeterminate sentence and considered the full sentence length for a determinate sentence.

²⁶ While predicting the length of prison time was slightly more complicated as the impact of race and previous felony convictions were both fairly low, we attribute this to the high correlation between race and prior felony conviction.

²⁷ Kim, J. & Kiesel, A. 2018. “The Long Shadow of Police Racial Treatment: Racial Disparity in Criminal Justice Processing.” *Public Administration Review*, 78(3), 422-431.

²⁸ New York State Senate. [*Senate Bill S7871*](#). 2021-2022 Legislative Session.

²⁹ DCJS race/ethnicity data is coded as mutually exclusive categories based on the designation indicated by law enforcement at the time of arrest. Individuals of Hispanic/Latinx ethnicity, regardless of race, are included in the Hispanic/Latinx category.

³⁰ For the original sentencing chart, see <http://davidfeige.com/sentencingGuide.pdf>.