

**REPORT TO THE NEW YORK
STATE COURT'S COMMISSION
ON EQUAL JUSTICE IN THE
COURTS**

August 31, 2020

Respectfully submitted as amended,

THE JUDICIAL FRIENDS ASSOCIATION, INC.
347 Fifth Avenue, Suite 1402-361
New York, New York 10016

For more information please contact Hon. Erika Edwards, President, at Erikamcdan@aol.com

Table of Contents

I. APPOINTMENT PROCESSES FOR JUDGES AND NON-JUDICIAL STAFF 2

- A. Judges..... 2
- B. Non-Judicial Staff..... 5

II. JUDICIAL ASSIGNMENT OF CASES AND PARTS..... 7

- A. Authority of Administrative and Supervising Judges 8
- B. Specialty Parts 9
- C. Assignment of Cases.....10
- D. Lack of Diversity in Positions of Authority11
- E. Assignment of Judges.....12
- F. Lack of Transparency12
- G. Conclusion.....13
 - 1. Recommendations By Interviewees.....14
 - 2. Overall Recommendations15

III. COURT OFFICERS AND TREATMENT OF COURT USERS15

- A. Selection and Training of Court Officers15
- B. The New York State Court Officers Association.....16
- C. Little Diversity Amongst Court Officers17
- D. Court Officers’ Treatment of Court Users.....19
 - 1. Issue 1: Court Officers’ treatment of litigants needs improvement.19
 - 2. Issue 2: Court Officers’ treatment of Black attorneys needs improvement..20

IV. HOW IMPLICIT BIAS IMPACTS THE CRIMINAL JUSTICE SYSTEM....21

- A. Analysis.....22
- B. Recommendations.....26
 - 1. Police26
 - 2. Prosecutors27
 - 3. Training for Judges.....27
 - 4. Auditing System.....27
- C. Conclusion.....28

V. USE OF DATA TO ANALYZE STATISTICS TO HIGHLIGHT AND ELIMINATE RACIAL AND ETHNIC DISPARITIES IN SENTENCES28

VI. THE INTERSECTION BETWEEN THE COURTS AND THE POLICE AND PROSECUTORS.....30

VII. GENERAL COURT REFORM FOR WIDESPREAD, LASTING IMPACT	32
A. Current System for Reporting Racial Discrimination	32
B. Expansion of Judicial Community Outreach	33
C. Eliminating Implicit Bias During Jury Selection and Trials	33
1. Preparation of Videos to be Played to Potential Jurors	34
2. Enactment of Court Rules	34
3. Model Jury Instructions	35
4. Rehabilitation of Jurors Who Believe They Cannot Serve Because of Negative Feelings Towards Police Officers	38
5. Expand the Jury Pool to Include More Racial and Ethnic Minorities and Young People	40
6. Develop Model Individual Part Rules For Judges to Encourage Participation of Racial and Ethnic Minority and Women Attorneys	41
7. Make Efforts to Pronounce Unfamiliar Names	43
VIII. FAMILY COURT/HOUSING COURT ISSUES	44
A. Family Court	44
B. Housing Court	45
IX. CONCLUSION	46
APPENDICES	47
Appendix A-New York State Unified Court System – Diversity on the Bench, 2015-2020	47
Appendix B-New York State Unified Court System-Diversity on the Bench: Administrative Judges, 2015-2020	54
Appendix C-New York State Unified Court System-Diversity on the Bench: Supervising Judges, 2015-2019	67
Appendix D-New York State Supreme Court Judges Elected in New York City	69
Appendix E-New York City Civil Court Judges-Elected from County-Wide and Districts	72
Appendix F-New York State Supreme Court Judges Elected Outside New York City	74
Appendix G-New York Court of Claims	76
Appendix H- New York State Unified Court System – Diversity on the Bench: Acting Supreme Court Justices, 2015-2020	79
Appendix I-New York City Housing Court Judges	86
Appendix J-New York City Criminal Court Judges-Appointed by the Mayor of the City of New York	89
Appendix K-New York City Family Court Judges-Appointed by the Mayor of the City of New York	91

Appendix L-New York State Unified Court System –Workforce Diversity, 2015-2020.....	93
Appendix M- New York State Unified Court System – Workforce Diversity, Non-Judicial Black Employees-2015-2020.....	118
Appendix N-New York State Unified Court System – Title Categories.....	120
Appendix O-New York State Unified Court System – Workforce Diversity, Chief Clks & Dep-July 2020.....	131
Appendix P-New York State Adult Arrests Disposed by Race/Ethnicity: 2018....	134
Appendix Q-New York State Adult Arrests Disposed by Race/Ethnicity: 2017...140	
Appendix R-New York State Adult Arrests Disposed by Race/Ethnicity: 2016....146	
Appendix S-Washington State’s General Rule 37.....	152

“Racism is so universal in this country, so widespread, and deep-seated, that it is invisible because it is so normal.” Shirley Chisholm

Equal Justice: A Dream Deferred?

This report is a compilation of interviews and research on the issue of systemic racism¹ in the New York State Court system, how it is knowingly and unknowingly perpetuated, and how we can eradicate it. There will be uncomfortable, but necessary, truths. It is not meant as a condemnation of every employee or administrator or supervisor. Rather, it will reveal the extent to which systemic racism is invasive and like any other cancer, it must be removed in order to ensure a fair and just system for the community.

The Judicial Friends Association, Inc. (JF) was established in 1976 by a group of Black judges within the State of New York seeking the fair and just treatment of minority judges, judicial staff, and attorneys. We are the oldest organization committed to racial equality in the field of law for racial and language minorities in the State of New York. Currently, there are over 180 Black judges serving in New York State courts (*see* Appendix A, “New York State Unified Court System – Diversity on the Bench, 2015-2020”).² We serve to educate and advocate on behalf of the judiciary, court staff, and attorneys on issues affecting the court system.

JF recognizes the efforts of the Office of Court Administration (OCA) to improve the administration of justice through the Equal Justice in the Courts Commission, led by Secretary Jeh Johnson, the Franklin Williams Commission and other court improvement initiatives. In response to the formation of Secretary Johnson’s Commission and the tragic continued killings of unarmed Blacks and Latinos by police officers across the nation, JF formed a committee to prepare a comprehensive report delineating issues with proposed solutions on the matter of institutional racism in our courts. Former Police Officer Derek Chauvin had no problem kneeling on George Floyd’s neck on May 25, 2020, as Mr. Floyd laid helpless and defenseless on the ground, gasping for air and begging for mercy as

¹ There are different forms of racism. “Institutional racism” exists where assumptions about race are structured into the social and economic institutions in our society. It occurs when organizations, businesses, and institutions such as police departments, discriminate, either deliberately or indirectly, against certain types of people to limit their rights. This type of racism reflects the cultural assumptions of the dominant group. “Structural racism” refers to the accumulation over centuries of the effects of a racialized society (*Race Power and Policy: Dismantling Structural Racism at 15, Grassroots Police Project*).

² Information contained in the Charts attached as Appendices D-G, I-K and M to this report were derived from diversity statistics provided by the Office of Court Administration (“OCA”).

his life seeped out of his body. The killing of Mr. Floyd and the police shooting of Jacob Blake seven times in the back on August 23, 2020, both occurring during the midst of the COVID-19 pandemic that forced us to be still and confront the aggregate of practices and injustices that lead to the institutional racism pervasive in our court system.

I. APPOINTMENT PROCESSES FOR JUDGES AND NON-JUDICIAL STAFF

JF supports the principle of an independent judiciary. We also support the New York State Court system where Justices are elected by the People of the state of New York from judicial districts statewide to preside over trials commenced within that district. We also support the Williams Commission’s initiative aimed at developing a fair and equitable process for the appointment of justices and judges to the bench. However, we are compelled to address OCA’s institutional bias, particularly in the selection of justices and judges that has a profound discriminatory effect on the racial and language minority residents and voters of the State of New York.

JF is greatly concerned that although OCA continues to proffer that it is dedicated to racial diversity, even the most cursory review of the court’s selection plan for the appointment of justices and judges shows a deeply flawed system that disenfranchises Black people in our state. Historically, racial minorities have been underrepresented in judicial appointments, including the following categories, as shown below: Court of Claims, Acting Supreme Court Justices and New York City Family, Criminal and Housing Courts. This must end. Judicial racial diversity is essential to increase public confidence in the judiciary and the courts, provide decision-making power to formerly disenfranchised populations, and ensure equal justice for all. A racially diverse judiciary promotes an exchange of different ideas and points of view and reduces the effect of unintended racial, gender and institutional bias. Additionally, racial diversity in the judiciary promotes a more informed deliberative process amongst the decision-makers on the bench.

A. Judges

To assess the extent to which racism affects the New York State Unified Court System (“UCS”), one must start at the top and ask, “are Black judges participating in the most powerful, policy making positions within OCA?” The answer is a resounding NO.

The governing body of UCS is the Administrative Board of the Courts, which consists of the Chief Judge and the Presiding Justices of the four Appellate Divisions. There are **0** Blacks. Within OCA, the Executive Officers are the Chief Judge; the Chief Administrative Judge (who “oversees the day-to-day operation of the Statewide court system”); the Deputy Chief Administrative Judge for New York City Courts and the Deputy Chief Administrative Judge for the Courts Outside New York City (who are responsible for “overseeing the day-to-day operations of the trial-level courts” within and outside New York City, respectively). There are **0** Blacks. The sole Black Executive Officer is the Deputy Chief Administrative Judge for Justice Initiatives (who “leads the newly expanded Office for Justice Initiatives (OJI) which is tasked with ensuring meaningful access to justice for all New Yorkers...”). As to the three other statewide Judicial Officers, namely, Chief of Policy and Planning, Coordinating Judge for Matrimonial Cases and Statewide Coordinating Judge for Summary Jury Trials, there are **0** Blacks. The sole remaining statewide position is that of the Dean of the Judicial Institute, and it is held by a Black judge (*see* nycourts.gov [Court Administration]). Of the **2** Presiding Judges of the Appellate Term, **1**, who was just appointed in August 2020, is Black.

The next level involving supervision is that of Administrative Judges (“AJs”) who “are responsible for the on-site management of the trial court.” Currently, of the **12** AJs within New York City, **3** are Black, the last of whom was just appointed in July 2020.³ The Bronx and Brooklyn, two of the most populous counties of Black residents, have **0** Black AJs.⁴ Out of the **10** AJs outside New York City, **2** are Black (*see* Appendix B, “New York State Unified Court System-Diversity on the Bench: Administrative Judges, 2015-2020”). “Supervising Judges are responsible for assisting Administrative Judges in the on-site management of the trial courts, including court caseloads and personnel and budget management... [and] manage a particular type of court within a county or judicial district.” As of 2019, out of **60** Supervising Judges, **10** are Black⁵ (*see* Appendix C, “New York State Unified Court System-Diversity on the Bench: Supervising Judges, 2015-2019”). Notably there are **0** Black Supervising Judges in either the Bronx or Brooklyn Criminal Court or Family Court.

³ The opening for this AJ’s appointment had been pending for almost a year by the time of this new appointment, with the Deputy Chief Administrative Judge serving as the Interim Administrative Judge in that county.

⁴ The most recent 2019 census population estimates for Blacks are 43.6% in the Bronx and 33.8% in Brooklyn (Census.gov).

⁵ The Administrative Judge for NYC Criminal Court currently serves as Interim Supervising Judge in Richmond County.

On the trial level, it appears that Black judges fare much better when elected, at least in the City of New York. Currently, out of **134** New York State Justices elected in the city of New York, **38** or **28.4%** are Black (*see* Appendix D, “New York State Supreme Court Judges Elected in New York City”). Similarly, the number of Black elected Civil Court Judges in New York City is currently **31** out of **119** judges (**26.7%**), numbers that have been fairly consistent since 2015 (*see* Appendix E, “New York City Civil Court Judges-Elected from County-Wide and Districts”). Unfortunately, there is no good news with respect to elected Supreme Court Justices outside New York City. Thus, in 2020 there are **9** Black Justices out of **143** Supreme Court Justices (**6.3%**), representing an upward trend from a low of **6** out of **141** in 2015 (**4.3%**) (*see* Appendix F, “New York State Supreme Court Judges Elected Outside New York City”).

The State Supreme Court Justices are augmented by Court of Claims Judges and Acting Supreme Court Justices. Currently, there are **6** Black Court of Claims Judges out of **81** (**7.4%**) appointed by the Governor. This too represents a pitiful high from a low of **4** Black judges out of **82** (**4.9%**) in 2015 (*see* Appendix G, “New York Court of Claims”).

When the appointing authority is OCA, however, the story remains the same with respect to the lack of any real diversity. As to Acting Supreme Court Justices, currently only **24** out of **256** (**9.4%**) are Black; this number represents an increase from **19** out of **256** (**7.5%**) in 2019 and **27** out of **307** (**8.8%**) in 2015. (*see* Appendix H, “New York State Unified Court System – Diversity on the Bench: Acting Supreme Court Justices, 2015-2020”). The New York City Civil Court, Housing Part, commonly known as “Housing Court,” handles over 250,000 cases a year. The Chief Administrative Judge of the State of New York makes the ultimate appointment of judges to the court from the recommendations of the Housing Court Council. Currently, only **10** out of **50** (**20%**) Housing Court Judges are Black, compared to **4** out of **50** in 2015 (**8%**) (*see* Appendix I, “New York City Housing Court Judges”).

And equally unimpressive are the appointment numbers by the Mayor of the City of New York. Currently, a mere **12** out of **107** (**11.4%**) judges appointed to Criminal Court and **13** out of **55** (**23.6%**) New York City Family Court Judges are Black. In 2015, **13** out of **103** (**12.6%**) Criminal Court judges and **8** out of **54** (**12.6%**) Family Court judges were Black. Thus, the trend downward for Black Judges in Criminal Court in terms of both raw numbers and percentage persists even when the number of judicial slots are increasing. These overall numbers are disproportionately low in terms of either our share of the population, or as the

people being served by the Criminal and Family Courts (*see* Appendices J and K, “New York City Criminal Court Judges-Appointed by the Mayor of the City of New York” and “New York City Family Court Judges-Appointed by the Mayor of the City of New York,” respectively).

It should be noted further that most of the positions held by Blacks are in the southern-most tip of New York State, i.e., the five counties of New York City, Nassau, Westchester and the 9th District.

B. Non-Judicial Staff

OCA’s Workforce Diversity figures fall within eight categories: Officials and Administrators, Professionals, Technicians, Protective Service, Administrative Support, Paraprofessionals, Service Maintenance and Skilled Craft. The category of **Officials and Administrators** covers a myriad of jobs including Agency Managers, Attorneys General, Chief Clerks and Deputies, Computer Support Professionals, Computer Systems Analysts, Court Attendants, Court Clerk Specialists, Court Reporters/Supervising Court Reporters, Lieutenants, Management Analysts, OCA and Executive Assistants and Senior/Principal Court Reporters (*see* Appendix L, “New York State Unified Court System – Workforce Diversity, 2015-2020”). A chart of the number of Blacks employed in non-judicial positions from 2015 to 2020 is attached as Appendix M (*see* Appendix M, “New York State Unified Court System – Workforce Diversity, Non-Judicial Black Employees-2015-2020”).

As with the judiciary, the lack of diversity with respect to both management and concomitantly, salaries, tracks the same downward trajectory. On the other hand, positions which are on the lowest rung or pay the least, are upward bound. The Chief Judge and her administrators must ask, “when we have a meeting with our management staff and look around the table, how many of those seated around that table are Black?”

For instance, some of the most powerful positions with the highest Pay Grade of **560** fall within the job category of **OCA and Executive Assistants** (*see* Appendix N “New York State Unified Court System – Title Categories”). Currently, out of **61** such positions, a mere **6** are held by Blacks. In the Protective Services category, in the last six years, there have been **0** Black employees in these leadership roles.

And of course, the day-to-day management of trial courts and appellate courts are handled by the Chief Clerk (in New York City); District Executives (outside New York City); and the Clerk of the Court, respectively. Currently, there are **0** Blacks employed as Clerk of the Court in the Court of Appeals, any of the Appellate Divisions or the Court of Claims. Indeed, Black employees hold very few positions as Chief Clerks, or Deputy Chief Clerks (**45** out of **485**).

Such positions are often linked to high-paying salaries. For instance, the Pay Grade level above **528** is typically associated with positions within the Appellate Division, the Appellate Term, the Court of Appeals and the Court of Claims, where **38** out of **217** were Black. The positions which held the highest Pay Grade of **560** only had **6** out of **34** Black Clerks. As for other Chief Clerks and Deputy Chief Clerks receiving a Pay Grade level between **518 to 526**, only **7** of **268** were Black (*see* Appendix O, “New York State Unified Court System – Workforce Diversity, Chief Clks & Dep-July 2020”).

Over the last five years, the number of Blacks working as Officials and Administrators has proportionately decreased even as the number of jobs have increased, from a high of **64** out of **692** in 2015 to its current **67** out of **766**.

On the other hand, the highest percentage of Blacks are employed as Data Entry Clerks, currently **63** out of **108**, representing **60%** of all employees in that category. The Pay Grade is **510**. Also, **66%** of Printing Machine Operators are Black. Court Analysts, which fall within **Paraprofessionals**, represent another high proportion of Black employees within the New York State UCS (**12** out of **37**), at a lower Pay Grade of **512**. Currently, the rate of Black Court Analysts experienced an increase from **28.6%** in 2015 (**14** of **50**) to **35.3%**, in 2020 (*see* Appendix L).

Service Maintenance positions range from Custodial Workers and Building Superintendents with a Pay Grade ranging from **509** to **531**; Management Analysts at **531**, Nursery Attendants at **510** and Uncategorized Titles at **514**. From 2017 through 2020, **0** Blacks held any Service Maintenance positions. In 2015 to 2016, only **1** Black person out of **20** (**5.0%**) and **19** (**5.3%**), respectively, held a Service Maintenance position. Both positions held by Blacks were as Nursery Attendants (*see* Appendix L).

Recommendations:

1. It is imperative that the court system identifies the underlying reasons for the low rate of diversity with respect to judicial and non-judicial supervisory positions, as well as for non-judicial positions with higher Pay Grades;
2. OCA must take affirmative steps to train Black employees to hold such positions with a transparent grooming process;
3. post openings and encourage candidates of color to apply for such positions;
4. have a transparent hiring and selection process; and
5. provide institutional support once these employees obtain such positions.

II. JUDICIAL ASSIGNMENT OF CASES AND PARTS

This portion of the report addresses the manner in which cases and parts are assigned to judges within the New York State court system, the importance and impact of such assignments on a judge's career and on the public's perception of the court system, and how to accomplish uniformity in these assignments.

Issue: There is a lack of diversity amongst Administrative and Supervisory Judges who make decisions regarding case assignment and part assignment, which detrimentally impacts the careers of judges of color and the public's confidence in the court system.

JF surveyed the sixty (60) current⁶ Supervising and Administrative Judges as to the policies, procedures, and practices governing case assignment and part assignment in their respective courts. We received twenty-three (23) survey responses. Some Administrative Judges responded for their entire Judicial District, while some Supervising Judges responded specifically as to practices in their individual courts.

The overwhelming response was that decisions as to case and part assignment rest with the Administrative Judge. Most, if not all, survey respondents indicated that the policies were not in writing. As to case assignment, respondents indicated that a random assignment system was utilized and overseen completely, or to a large degree, by the Chief Clerk's Office. Finally, with respect to specialty part assignments, survey respondents indicated that such assignments rest in the discretion of the Administrative Judge.

⁶ As of June 30, 2020.

Some Administrative Judges expressed that they solicit interest from judges in their court and further, articulated that decisions are made after some process, taking into account an interested judge's experience, interest, and expertise. However, not all Administrative Judges reported utilizing a systematic approach either as to utilizing one process for all openings, or as to utilizing a systematic or uniform approach from a neutral source, such as a stated guideline from OCA. Nearly all respondents indicated that all judges know that they are welcome to request specific assignments, state interest and that they have an open-door policy.

The information received from some of the current Administrative Judges seems to indicate that there are various processes in place that are working well with no problems, so there should be no complaints. There were others, both past and present, who believe to the contrary.

JF also interviewed eleven experienced Administrative or Supervisory Judges by telephone to ascertain whether the stated random case assignment and part assignment policies were considered effective and free from bias, implicit or explicit. The interviews were semi-structured. Each participant was asked the same set of questions although other subjects were discussed during the interview. To encourage participants to speak candidly, interviewers guaranteed each person's anonymity. Consequently, this summary makes no reference to the source of the comments. It serves as an overall look into the perception of the court system by these judges.

A. Authority of Administrative and Supervising Judges

After review and investigation of the processes and protocols concerning part and case assignment, it is apparent that the power and control over which parts, and ultimately, which cases each judge is assigned rests with the Administrative Judge. The position of Administrative Judge within the court system is powerful and, in many instances, lacks transparency and internal controls. The duties of an Administrative Judge are akin to that of a Chief Executive Officer for a particular county. They handle banking, construction and renovation of courthouses, case management, hiring and promotion. Most importantly, an Administrative Judge has wide discretion as the final decision-maker. Thus, the lack of Black Administrative Judges negatively impacts the careers of Black judges and the court system as a whole.

Supervising Judges are given great discretion in assigning judges to the parts in lower courts and Administrative Judges likewise in Supreme Court.

Thus, there is a potential issue regarding the use of “wheels” and assignments and the lack of transparency in this process. An issue such as if the Administrative Judge favors others, is biased, or if s/he or they dislike a judge, will improperly affect case and part assignment.

Additional issues of concern arise where Supervising Judges and Administrative Judges have close relations and connections to bar associations. Certain bar associations are very powerful to the extent that they have been vocal when they are displeased with a judge. In some instances, Administrative Judges have acted at the behest of bar associations on an improper basis, unfairly impacting a judge’s assignment and resulting in that judge’s reassignment.

B. Specialty Parts

There are some parts that are deemed “specialty” parts. These include the Commercial Division, Matrimonial, Mortgage Foreclosure, City of New York cases, Drug Treatment and Youth Parts. Some of these assignments, like the Commercial Division, are coveted by judges who wish to advance in their judicial careers. These assignments are supposedly given to judges who have seniority and the most experience in a particular area, however, many assignments appear to be made due to the influence of politicians, big law firms or Bar Association sections, or because a particular judge is favored by their Administrative Judge.

In comparison to their white colleagues, Black judges frequently are assigned for extended periods to parts that do not allow for upward mobility. For example, assignments to Article 81 (Guardianship), Mental Hygiene, Community Court and Drug Treatment Courts are not ones that judges desire for an extended period of time if they have ambitions to advance in the judicial system. These parts normally do not afford the opportunity to preside over jury trials, or to write decisions on complex, varied legal issues. As such, these assignments do not normally lead to the more coveted assignments.

The Commercial Division is considered the crown jewel of the court, yet it is rare that Black judges are assigned there or even given an opportunity to apply for the part. This problem is particularly acute in New York County where only one Black judge has been assigned to the part for many years. Notably, several judges serving in the Appellate Division, First Department were previously assigned to the Commercial Division in New York County Supreme Court. There appears to be no written guidelines as to the eligibility requirements for a position

in the part nor the posting of any notice of vacancies therein. The lack of transparency is still pervasive in this area.

C. Assignment of Cases

Similarly, there is a lack of transparency about the assignment of major cases which significantly impacts substantial legal issues. They are rarely assigned to Black judges. This is not just devastating to career goals but to the community, as judges of color have less of an ability to help shape the law, have important decisions published and receive publicity for presiding over important cases. Such publicity for judges of color encourages public confidence and pride in the judiciary, as a diverse bench reflects a diverse community. For example, one interviewee who served in many different areas in the court system, including positions in court administration, served as a trial judge in a court with an Administrative Judge of color. The interviewee observed that the judge made sure assignments were made with fairness and judges of color were given an equal opportunity to advance. As such, in this area, diversity truly matters.

The clerk exercises considerable discretion to determine which trial-ready cases are referred to individual trial judges. Certain judges appear to be able to select their own cases from the inventory of trial-ready cases. Historically, major prosecutions and notable press matters were never assigned to Black judges. Though a rotation or wheel assignment was purportedly utilized, these matters were “held” until a white judge became available for assignment. After concerns were raised, “expeditors” were created. The expeditor physically traversed the courthouse to ascertain who was available for trial so that a fairer and more equitable assignment took place. As the criteria for assigning high profile, complex or sensitive cases was unclear, the policy was changed to assign specialized assignments based on experience. However, some administrative judges bypass the random assignment system and assign “highly politicized” or “novel cases” to their own dockets.

In lower court, the ability to influence case assignment is lessened as most often a circuit system is utilized where judges rotate through various set parts, including trial assignment. Some, however, are based on seniority, experience in a specialized area and other factors. Though assignments may not be exactly identical, on an annual basis, most judges have the opportunity to sit in all parts equitably, unless they are assigned to specialty parts.

Furthermore, nearly all judges there seek a trajectory which would propel them to a superior court. Thus, everyone is seeking greater jury trial experience. Trial ready cases are assigned to a cadre of judges selected based on their seniority and experience. In Criminal Court, cases are assigned to specific Parts at arraignment.

Previously, there generally were no written rules regarding the assignment of civil cases. Cases, excluding specialty cases, are typically assigned by a computer system to available judges for pre-trial matters.

D. Lack of Diversity in Positions of Authority

As set forth in Part I, *supra*, there is little diversity in any of the major supervisory administrative judicial positions within the court system, including at OCA, the Court of Appeals, the Appellate Divisions, the Appellate Terms or the Court of Claims (*see 2 – 3, infra*). Recently, a Black Justice who sat on the Appellate Term for a significant period of time (27 years) was overlooked and a white male was appointed as Presiding Judge. The appointed individual had served on that bench for a significantly shorter time period than the Black Justice.

Since the retirement of the former Deputy Chief Administrative Judge, there are no Black judges holding positions with substantive decision-making power, such as Chief Judge, Chief Administrative Judge, or Deputy Chief Administrative Judge, within OCA handling functions of Court Operations. This is of particular concern because judges holding these positions determine which judges are assigned to particular counties; specialized parts; appointments of management staff and other key personnel positions; as well as fiduciary appointments. Of note, the last time there was a Black Chief Clerk appointed/promoted was during the tenure of a Black Administrative Judge. Equally noteworthy, there have been no substantive promotions of Black employees in the county where there was a Black Administrative Judge since that person's tenure ended.

Additionally, many non-judicial supervisory and high paying positions also lack diversity (*see 5-6 infra*). Upon the retirement of management personnel who are not people of color, there exists significant resistance to having people of color hired or promoted to foster any kind of diversity in upper court management.

There also have been complaints that in some instances of promotion of non-judicial staff, credentials of successful applicants were less stellar

than those of unsuccessful applicants of color. This was true particularly where the person promoted had some connection to those conducting the interview.

E. Assignment of Judges

The Administrative Judge assigns judges to the various parts. Typically, this judge announces when there are vacancies and makes selections from among the judges who volunteered. Also, some Administrative Judges conduct individual interviews annually with judges to see if they are satisfied with their current assignments. If a judge wishes to change assignment, s/he or they may be reassigned based on their expertise, experience and the needs of the court.

In the past, Supervising Judges were selected without notice to the bench that such positions were open. Due to complaints and concerns voiced by local bar associations and individual attorneys that a jurist was selected for an opening without notice to the bench or the bar, the selected jurist was removed from the position. Thereafter, notice of the vacancy was provided to the bench and interviews were held. Ultimately, a different Supervising Judge was selected.

It was noted that certain counties in New York City appear to operate as dumping grounds for undesirable judges. If a Supervising or Administrative Judge has a conflict with a judge in their court, whether justified or not, that judge would be transferred to one of these counties. Often it is a county with a larger number of minority judges.

We believe, as we have previously publicly stated, that the Chief Judge's proposed court consolidation plan will result in OCA being able to dictate the county and part to which a judge is assigned without the judge's consent and without regard to the electoral choice of the community from where the judge was elected. For these reasons and many others, as JF noted in a previous report and testimony, this plan will not improve the flaws within the court system and it will have a detrimental impact on judicial diversity.

F. Lack of Transparency

There are no written rules regarding assignment of cases. The Administrative Judge, sometimes with the input from higher-level administrative

judges, assigns complex cases to a pool of specially designated judges. The claimed considerations for such designations include: 1) whether the judge has special expertise in the assigned cases by type, such as homicides; 2) whether the judge had a reputation for giving both sides a full and fair hearing; and 3) whether the judge could efficiently and effectively manage the case process and the courtroom. In addition, on some sensitive cases, the assignments were made with a goal of mitigating or downplaying any perceived political biases. In some instances, the District Attorney's Office appeared to have undue influence over which judges are assigned to complex cases.

Chambers assignments are another issue where inequity abounds. While seniority is the purported basis for such assignments, same is not borne out upon scrutiny. This bias within the court system toward Black judges is not only unacceptable, it feeds the public perception of race-based bias for persons "outside" the court system, including Black attorneys and Black litigants.

G. Conclusion

Issues of race exist, nonetheless, where there is a lack of support for some Supervising Judges from the Administrative Judge, particularly as it pertains to challenges to leadership by non-judicial staff. There have been complaints that Deputy Administrative Judges and Supervising Judges are often undermined or not considered by their supervisors when vacancies occur in top-level roles within their courts. There is an unwillingness to show outward support of Supervising Judges when policy or personnel changes are made and then challenged by union-represented employees. Thus, a Supervising Judge is limited in his, her or their impact to make change, foster equity and fairness, and/or advance diversity.

However, as shown by the information provided by our interviews, the specter of racism and bias continues in our court system and belies the impression given by the survey results that an arms-length case or part assignment process is in place, free from racial bias, cronyism, or favoritism. However, racist outcomes do not require racist actors.⁷ Black judges report a variety of experiences, which differ from their non-Black judicial colleagues. In addition, specific instances of biased treatment resulting from the unfettered discretion of Administrative Judges, maintains a system where such racist acts continue to thrive. Moreover, the dearth

⁷ Further, focusing on individual instances of racism can have the effect of diverting our attention from the structural changes that are required to achieve racial justice (*Race Power and Policy: Dismantling Structural Racism, citing Racial Profiling in Canada: Challenging the Myth of "A Few Bad Apples," eds. Carol Tator and Frances Henry 2006*).

of Black Administrative Judges and Black Supervising Judges in the hierarchy of the court system perpetuates the continuation of institutional policies and procedures, which inure to the detriment of Black judges, Black non-judicial personnel, Black attorneys, and Black litigants. Additionally, it results in mistrust of the judicial system and renders all the hard work of those who seek fairness and justice, potentially meaningless.

Recommendations:

A. Recommendations By Interviewees

1. Utilize job postings;
2. Institute a hiring system more akin to what is used for judicial selection where interviews are conducted by a series of stages conducted by diverse interviewers. The first stage may involve a screening committee which reviews the candidates' application, resume, decisions and references. The second stage may include a smaller committee to conduct the first round of interviews to narrow the pool of applicants. The final round of interviews would ultimately determine the person hired for the promotion. This system would ensure transparency in the interview process and provide equally talented individuals the equal opportunity to advance. After the candidate is selected, the unsuccessful applicants should be provided with feedback regarding the basis for their non-selection to ensure that individuals can make necessary adjustments for future consideration of other leadership positions or assignments;
3. When people of color are promoted to positions of authority, they must be provided the power and authority to excel in the position, and not merely be given the title with reduced authority as a pretext in order to improve diversity statistics; and
4. OCA should conduct an anonymous survey of Black judges to elicit true impressions and reports of the experiences of Black jurists. Such a survey would shed light on racial issues affecting judges of color and solicit ways to diminish and eradicate institutional racism within the court system.

B. Overall Recommendations

1. Each court should have a written plan or system for assigning cases, including those designated by subject matter. Courts should use some variation of a random drawing to assure the equitable distribution of caseloads and ensure the highest degree of impartiality;
2. Judges having special expertise should be assigned to cases, such as complex criminal and civil cases, that require exceptional judicial management. Specialized assignments should be made with special care taken to widen the candidate pool and ensure that the decision-making process is free from bias;
3. Administrative Judges should be prohibited from routinely assigning high profile cases to their own dockets. Not only does this misapprehend the role of the Administrative Judge, but also undermines fairness and promotes judge shopping;
4. The Administrative or Supervising Judge should be responsible for enforcing case assignment protocols in his or her court, even when such protocols are primarily executed by the Chief Clerk's office;
5. To ensure that everyone has equal access to career-enhancing work, training opportunities should be created for less experienced judges with the specific goal of preparing them to preside over complex cases; and
6. A periodic diversity audit should be conducted at all levels of the UCS to determine whether the Court's hiring, retention and promotion practices are aligned with the Court's stated diversity goals.

III. COURT OFFICERS AND TREATMENT OF COURT USERS

A. Selection and Training of Court Officers

Issue: There is insufficient bias training for court officers.

Interviews with present and former Black court officers, including those intimately familiar with the New York State Court Officers Academy (Academy), reveal that while there is an extensive training program upon entering the Academy, there is but one block or class devoted to implicit and explicit bias. This class is taught by a staff instructor instead of an expert in the field. Academy trainees receive courses on suicide awareness, "verbal judo," which seeks to generate voluntary compliance, Emotionally Disturbed Persons, human trafficking,

domestic violence and scenario-based training which present opportunities to discuss empathy for those who are different, however, none of them specifically addresses racial issues. All agree that there is no real post-academy training on racial bias. However, officers have an opportunity to voluntarily view videos on various subjects at their various commands as “things slow down and time permits.”

Recommendations:

1. Retain an expert on implicit and explicit bias to develop curriculum and methodology for effective academy and live post-academy training to facilitate robust discussions;
2. Create a procedure to utilize metrics to measure bias incidents; and
3. As in any paramilitary organization, it is important that those in supervisory positions from the very top down, consistently and publicly confirm to officers the importance of racial diversity and the promise of swift disciplinary action should an officer engage in racist behavior.

B. The New York State Court Officers Association

Issue: The leadership of the New York State Court Officers Association (NYSCOA) has created and facilitated a racially-charged environment and adversarial relationship with court personnel of color.

Over the years, the leadership of NYSCOA has been accused of making racist and inflammatory remarks, thus belittling and isolating people of color. The leadership has been particularly disrespectful to Black female judges by allegedly repeatedly using derogatory and profane language when referring to them, such as calling them “monkeys.” The leadership has also used the internet and social media platforms to make disrespectful and racist comments, including referring to potential defendants as “animals,” while several officers “liked” or commented in agreement with that person’s posts. As recently demonstrated by a Sergeant who posted a meme of the lynching of President Obama, the internet serves as the perfect podium for spewing racist comments. To be sure, if the leadership favors an officer, then it will fully support that officer and it has gained favor with many officers, including some Black officers. However, as recently demonstrated by the complaint filed against the leadership by three Black officers from Brooklyn Criminal Court on behalf of 42 others, which describes “a safe haven for racist speech and actions,” that support certainly is not universal.

There is a myriad of anecdotes which illustrate the adversarial nature of the relationship between the NYSCOA and court personnel of color. For instance, in 2016, a Black male judge, with less than two years of experience on the bench arraigned a defendant accused of murdering a New York City Police Officer. The leadership pressured the courtroom staff to allow the family of the deceased and police officers, who were not assigned to the courthouse command, to congregate inside the well during the arraignment, thereby crowding the defendant and creating, not only a security issue for all concerned, but an inappropriate, intimidating environment in the courtroom.

Recommendations:

1. Although OCA does not have authority to remove an elected union official from power, it is still responsible for monitoring and disciplining the actions of its employees, including any union leadership. Any employee of the court system who makes racist, demeaning comments about people of color, including judges, defendants and others, should be reprimanded and disciplined. NYSCOA represents hundreds of Black court officers and OCA should do its part to ensure that it is a supportive, welcoming organization for all of its members; and
2. Court officers should be reminded that, in addition to filing complaints with the NYSCOA, they can file complaints with their command and then with the Inspector General's office.

C. Little Diversity Amongst Court Officers

Issue: There is a lack of diversity within the supervisory positions in the Department of Public Safety.

The Department of Public Safety includes court officers and their supervisors. A review of statistics provided by OCA for the years 2015 through 2020, reveals that in 2020 there are **0** Blacks in the ranks of OCA and Executive Assistants⁸; only **9** out of **102** Captains/Majors⁹; **21** out of **144** Lieutenants¹⁰; and

⁸ These positions are NYS Chief of Court Security Training, NYS Court Security Liaison and NYS Security Coordinator, respectively, and there have been no Blacks from 2015 to 2020.

⁹ There has been a steady decline in these numbers even as the overall number of Captain/Major positions has increased to its highest number over the period from 2015 to 2020. Thus, there were only 8/94, 9/96, 10/100, 11/98 and 10 /99 such positions held by Blacks for the years 2015 to 2019, respectively.

¹⁰ There were 16/156, 18/155, 19/146, 18/150 and 18/152 Black Lieutenants, from 2015 to 2019, respectively.

46 out of **427** Sergeants¹¹. In addition, there are **594** out of **3341** Court Officers/Supreme Court Officers¹² (*see* Appendix L).

After a candidate takes the Sergeant test, even with a high score, if the command within which he or she is currently placed does not invite the candidate to interview for a position in that building, that candidate is forced to transfer to another command in another county to get promoted to Sergeant. For example, there are complaints that Black female candidates in Brooklyn were not invited to interview for a Sergeant's position in their command, so they were forced to go to another command to be promoted to Sergeant. However, shortly after their departure, the lines were opened in their previous Brooklyn command and white candidates were appointed to those positions.

For promotions above the level of Sergeant, interviews are usually conducted by the Commanding Officer, the Chief or Deputy Chief Clerk and possibly the Administrative or Supervising Judge. Therefore, it is imperative that these positions be held by diverse individuals to increase diversity in all supervisory positions within the courts.

Recommendations:

1. Create a Chief of Diversity and Inclusion position within the Department of Public Safety;¹³
2. Develop targeted recruitment of Black applicants at CUNY, SUNY and Historically Black Colleges and Universities (HBCUs) nationwide, including at job fairs;
3. Utilize current minority officers as part of the recruitment process;
4. Develop mentoring and leadership programs, including maintaining contact with potential candidates during the recruitment and hiring processes;
5. Provide opportunities for rotation into specialized units or on short-term specialized detail assignments;

¹¹ There were 35/406; 36/407; 41/421; 42/420; and 42/410 Black Sergeants from 2015 to 2019, respectively.

¹² There were 598/3139, 615/3192; 587/3103; 551/3035; and 579/3284 Black Court Officers/Supreme Court Officers from 2015 to 2019.

¹³ Some of the recommendations track that utilized by the New York City Fire Department following the resolution of the lawsuit filed by Black firefighters against the Department *see* "FDNY Strategic Plan, 2015-2017" at 24-28.

6. Develop objective metrics and program criteria to evaluate the outcome of recruitment and promotion to leadership positions;
7. Officers who are privy to racist private posts by another officer should be encouraged to reveal them anonymously, such that they are not subject to retaliation by their fellow officers or union leadership;
8. When racist and other misogynous posts are revealed, there should be swift, punitive and public action from the top; and
9. Judges should be told when they are the subject of racist attacks, particularly where OCA settles a legal action or imposes punishment.

D. Court Officers' Treatment of Court Users

1. Issue 1: Court Officers' treatment of litigants needs improvement.

There are cultural problems pervasive in criminal term, both at the Criminal Court and Supreme Court levels, which facilitate disrespectful, dehumanizing attitudes, such as when officers, including supervisors, refer to defendants as "Bodies." Additionally, some officers appear to be more responsive to inquiries from white defendants who approach the well. But, these same officers often yell at Black defendants for approaching the well or ignore them for a greater period of time, even though the officers may not be busy. In addition, when dealing with young people, or friends and family members of a decedent who appear in court at the same time as supporters of the accused, tensions and security risks may result. The officers must be more sensitive to the needs of both sides and work harder to deescalate such tensions.

There have been complaints that in Family Court, the officers seem to presume that all litigants are unemployed and on public assistance, so they do not value their time. As such, the officers often yell at Black parents who have waited for hours for their cases to be called and the officers fail to provide them with sufficient information.

Additionally, there was a complaint that officers treat minority summer high school, college and law school interns differently than white interns. In one instance, interns were seated in the courtroom observing a trial and the officers told the interns of color to put away their phones and to either stop whispering or leave the courtroom, however, they said nothing to the white interns who were engaged in the same behavior.

Recommendations:

1. During the Applicant Verification Unit process to become a Court Officer, OCA should utilize the assistance of bias experts to develop pointed questions to ascertain the nature of an applicant's empathy and bias as a prerequisite for acceptance to the Academy class. Then, such training must be emphasized at the Academy and throughout the year;
2. Commencing with the Academy, officers must be continuously taught and reminded not to refer to defendants as "Bodies" or "Skels," since such terms degrade and dehumanize individuals. Supervisors at the highest levels must not use such terms and they must publicly advise others that such characterization will not be tolerated. Those who persist in using such derogatory terms, despite being directed not to do so, must be punished. Additionally, care should be taken not to pair new officers with experienced officers who are known to use such terms;
3. While there are portions of the Academy curriculum devoted to empathy, there must be more emphasis on de-escalating situations involving young people, perhaps with expert advice from psychologists;
4. Judges must establish a professional and courteous atmosphere in the courtroom and inform officers of the judge's expectations with respect to the treatment of litigants; and
5. There should be a box where litigants can confidentially place any complaints about their treatment which should result in a follow-up investigation.

2. Issue 2: Court Officers' treatment of Black attorneys needs improvement.

The first row in a courtroom is reserved for attorneys, police officers and the press. Unfortunately, it has served as a conduit for both express and implicit bias by court officers, judges, clerks, prosecutors and opposing counsel. There were many instances reported where court officers, prosecutors, judges and others wrongfully assumed that Black attorneys sitting in the first row, or who approached the well, were not attorneys. They assumed they were defendants or

family members of the accused, even when such attorneys were dressed in business attire.

For example, there were several complaints about officers telling Black attorneys who were sitting in the front row to move to other rows to await their attorneys' arrival or they told the ones who approached the well not to do so. When one attorney complained to his supervisor, who then intervened, the officer retaliated by calling that attorney's cases last. In another instance, an officer blocked a Black woman attorney from entering the well and told her that if she wished to pay the bail for her boyfriend she should go to the bail window in the hallway. In Family Court, an officer told a Black woman attorney to wait outside the courtroom so he could take her name, presumably to verify her status. This attorney had never been stopped when she was accompanied by her white supervisor or colleagues. A prosecutor told a Black woman attorney "I can't speak to you. Wait until your attorney comes." Another attorney told his Black female co-counsel, "don't talk to me. Talk to your lawyer." Finally, as a Black male attorney attempted to visit his client in the pens, an officer repeatedly asked him if he could read and blocked him from walking until he answered. Apparently, the attorney had missed the sign prescribing the manner in which to enter the pens. White attorneys rarely, if ever, are forced to suffer such indignities.

Recommendations:

1. Just as they do with a well-dressed white person, court officers, judges, other court personnel, prosecutors and co-counsel should assume that a Black person dressed in business attire sitting in the front row or approaching the well is most likely an attorney and all attorneys of color deserve the same respect as white attorneys;
2. In Family Court, officers must not assume that Black attorneys are parents or case workers. This training should start in the Academy and continue in additional bias training; and
3. Judges should be reminded of these issues during regular bias training and they should address an officer who engages in inappropriate questioning of Black attorneys.

IV. HOW IMPLICIT BIAS IMPACTS THE CRIMINAL JUSTICE SYSTEM

It is often said that there is no such thing as equality in the criminal justice system, it's too complex for that. The search for racial influences in legal and

criminal justice outcomes has been a major undertaking in law and criminology.¹⁴ Whether the Criminal justice system discriminates based on race is a pressing policy and theoretical issue intersecting larger political concerns of American society, because the symbolism of equality before the law is at the heart of our legal system. Implicit bias, however, can be found in all sectors of the enforcement and administration of law and it threatens the value we place on equity in the system.¹⁵

This portion of this report examines how implicit bias impacts racial disparities in arrests and sentencings between black and white defendants, and some of the reasons behind the disproportionate representation of Blacks in the criminal justice system relative to their representation in the general population. It also addresses the awareness that the court system does not have control over the entire system. However, it has significant control and an obligation to ensure that justice is done.

A. Analysis

While most studies have focused almost exclusively on sentencing disparities between Black and white defendants, there has been very little consideration for how other racial/ethnic minority groups impact this analysis. One must consider the growing number of Latinos who are now changing the ethnic landscape of American society.¹⁶ The lack of attention historically given to the treatment of Latino defendants in American courts has been a huge omission, however, this report will concentrate on the criminal justice issues related to Black and white defendants.

Disproportionate racial representation within the criminal justice system has been debated for years. Researchers debating this issue have considered the relative weight of two primary explanations: one, which is referred to as the “disparate impact”, and the other which is referred to as “differential treatment.” The disparate impact explanation suggests that relative to the racial/ethnic composition of the population, larger portions of Blacks are selected into the criminal justice system because they either offend at higher rates and/or because they are disproportionately susceptible to the sanctions of facially neutral laws and

¹⁴ Hagen 1987; Sampson and Lauritsen 1997.

¹⁵ American Sociological Review, 2000, Vol.65 (October: 705-729).

¹⁶ Portes and Rumbaut, 1996.

practices.¹⁷ The differential treatment explanation suggests that racial disparities arise from overt or implicit discriminatory treatment of Blacks by law enforcers such as police, prosecutors and judges.¹⁸

Differences in sentencing outcomes, however, may be the result of variables that are put in place before a defendant is sentenced, since there are multiple points along the criminal justice continuum where discretion in decision-making may be influenced by a myriad of factors and where implicit bias may reside. Critical decision points include investigation, arrest, charging, pre-trial, trial and sentencing.

At each of these decision points, some official or group of officials exercise some measure of discretion that may decide the fate of an individual. Investigators may investigate or decline to investigate an individual, arresting officers may arrest or decline to arrest, prosecutors may opt for either a harsh or lenient charge, judges may or may not show favor to an accused person at trial, or impose a harsh or lenient sentence on that person once convicted.

Recent research employing detailed data sets has found continued evidence that Blacks are treated more punitively than whites, notwithstanding, differences in criminal offending, or facially neutral legal or policy factors that might disproportionately affect minorities.¹⁹ Blacks are more likely to be stopped by the police for legally invalid reasons.²⁰ Beckett and Pfingst²¹ (2006), found that police target racially diverse drug markets (rather than white drug markets) because of implicit biases about the racial makeup of drug traffickers. After arrest and before trial, other research found that Blacks are more likely to be denied bail and detained in urban state courts and county jails across the United States.²² Several other studies have found evidence of differential treatment of prosecutors' decisions to reject arrest charges.²³

¹⁷ Tonry, Michael, and Matthew Melewski. 2008. The malign effects of drug and crime control policies on Black Americans. *Crime and Justice* 37:1-44.

¹⁸ Beckett, Katherine, Kris Nyrop, and Lori Pfingst. 2006. Race, drugs and policing: Understanding disparities in drug delivery arrests. *Criminology* 44:105 – 37.

¹⁹ Spohn, Cassia C., 2013. Racial Disparities in prosecution, sentencing and punishment. In the Oxford Handbook of Ethnicity, Crime and Immigration, eds. Sandra M. Bucerius and Michael Tonry. New York: Oxford Press.

²⁰ Tonry and Melewski (2008:6).

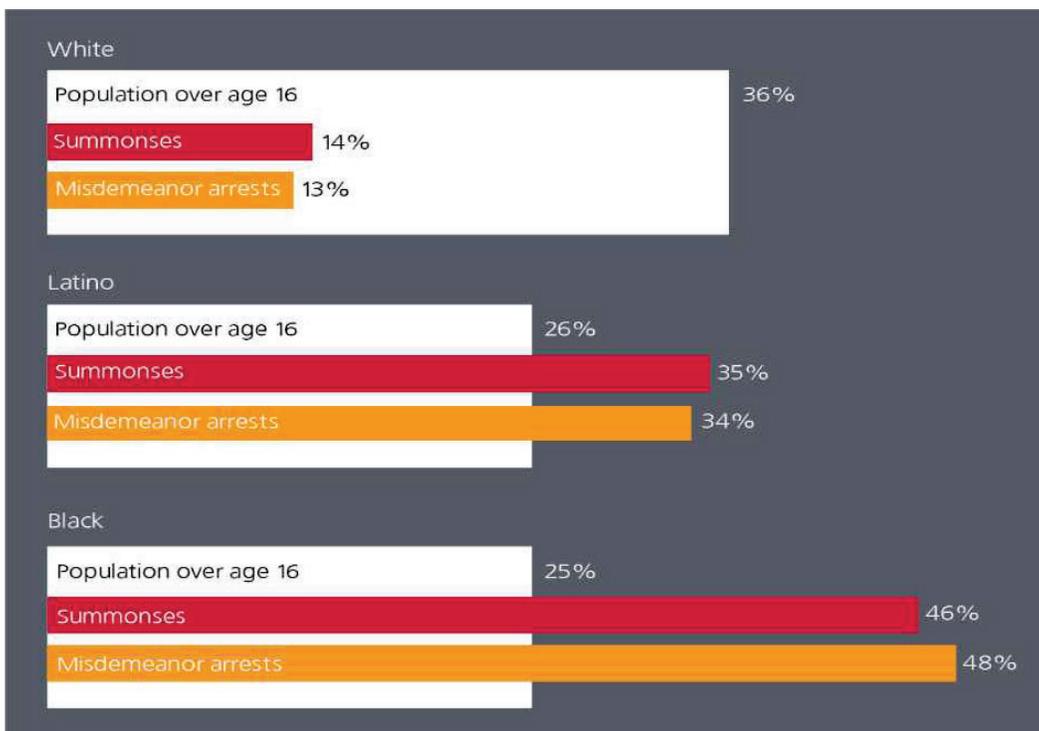
²¹ Beckett, Nyrop and Pfingst (2006).

²² Schlesinger, Traci. 2005 Racial and Ethnic in pretrial criminal processing. *Justice Quarterly* 22:170-92.

²³ Spohn, Cassia C., John Gruhl, and Susan Welch. The Impact of the ethnicity and gender of defendants on the decision to reject or dismiss felony charges. *Criminology*.

Consequently, there are key points along the continuum where law enforcement may exercise their discretion in a biased manner. Punishment, which is considered the hallmark barometer of fairness, may not be the only point in which inequalities may occur. Generally, anywhere official discretion is available, there is a threat to equal treatment.

We see that policing nationwide has devised many strategies to deal with inner-city crime. Habitual offender and three strikes laws, hot-spot policing, zero tolerance and broken window laws affect communities of color that are disproportionately impacted by extreme poverty.²⁴



More glaring is when you consider overall arrests in New York State in 2018 (see chart below). While whites make up 55% of the population and Blacks make up only 15%, whites account for 33% of total arrests and Blacks account for 38% of total arrests. Whites account for only 27% of the total felony arrests, yet Blacks account for 45%. If you ever wondered if there is any validity to the “prison

²⁴ An Unjust Burden: The Disparate Treatment of Black Americans in the Criminal Justice System; by Elizabeth Hinton, Assistant Professor, Dept. of African and African American Studies, Harvard University, LeShae Henderson, Special Assistant, Research, Vera Institute of Justice.

pipeline,” consider that in 2018, Whites accounted for 28% of the prison sentences and Blacks accounted for 48%.

NEW YORK STATE
2018 ARRESTS AND SENTENCES BY RACE/ETHNICITY

Population Arrests Felony Arrests Prison Sentences

Race/Ethnicity	#	% of total	#	% of total	#	% of total	#	% of total
White	10,830,524	55%	136,081	33%	36,837	27%	3813	28%
Black	2,833,908	15%	157,052	38%	61,848	45%	6,505	48%
Hispanic	3,754,130	19%	96,854	24%	33,001	24%	3,042	22%
Asian	1,710,183	9%	13,122	3%	4,678	3%	148	1%
Other-unknown	413,464	2%	6,307	2%	1,852	1%	147	1%
Total	19,542,209	100%	409,416	100%	138,216	100%	13,655	100%

One must also consider the other, and possibly the most significant discretionary point along the continuum -- the prosecutor. It has been said that “the prosecutor has more control over life, liberty and reputation than any other person in America,”²⁵ “because the prosecutor has the responsibility for deciding whether to bring charges and if so, what charges to bring against the accused, as well as deciding whether to prosecute or dismiss charges or to take other appropriate actions in the interests of justice...the character, quality, and efficiency of the whole system is shaped in great measure by the manner in which the prosecutor exercises his or her broad discretionary powers.”²⁶

A District Attorney cannot treat the office as his selfish affair. It is a public trust. The office is not private property, but it is to be held and administered wholly in the interests of the people at large and with an eye single to their welfare.²⁷

But, as the United States Supreme Court noted in the case of *McCleskey v Kemp*, “the power to be lenient, [also] is the power to discriminate.”²⁸

²⁵ An inscription on the walls of the Department of Justice; see *Brady v. Maryland*, 373 U.S. 83, 87 (1963).

²⁶ Sandra Caron George, Development, Prosecutorial Discretion: What’s Politics Got to Do with It? 18 Geo. J. Legal Ethics 739 (2005), quoting Attorney General Robert H. Jackson, The Federal Prosecutor, 24 Judicature 18 (1940).

²⁷ *Atty Gen. v. Tufts*, 132 N.E. 322, 326 (Mass. 1921).

²⁸ *McCleskey v. Kemp*, U.S. 279, 312 (1987).

B. Recommendations

The discussion of implicit racial discrimination in the criminal justice system is far from over. The difficulty in resolution lies mostly within the power of those who have the power to make discretionary decisions throughout the prosecutorial continuum. The belief is that acts of discrimination do occur on a wide basis and may be the result of longstanding social, political, cultural and personal feelings one has towards another race, or maybe even their own race. However, in-depth research on this topic -- wide-ranging and experimental as it may be -- does little to help the Black defendant who gets caught in the criminal justice web. Change will only occur when those who have the discretionary decision-making power do all they can to remain steadfast, fair and equal in their administration of justice and strive to remove any suggestion of racial discrimination from their decisions. The following are a few recommendations:

1. Police

Implicit bias training aims to increase fair officer decision-making and to enhance the outcomes of police citizen encounters. Critics have cited that there is no empirical evidence that exists on the impact of implicit bias training on officer decision-making in the field or whether officers who are trained in implicit bias are perceived to be fair by citizens. Moreover, which training modality (classroom or simulation) is most effective in producing persistent changes in police behavior, or even how long the training effects will last? The critical question is, can implicit bias training reduce police officer bias, improve officer fairness in behavior and ultimately promote public trust in the police?²⁹ Here are some potential solutions.³⁰

(a) Raise Awareness of Implicit Bias Amongst Police Officer Leaders

Awareness training introduces the concept of implicit bias through conversational training, allowing for discussions of how the brain creates and stores stereotypical references. This awareness training should begin at all levels within the police organization but most importantly it should begin with police leadership;

(b) Transform the Conversation Between the Police and the Community

²⁹ Renee J. Mitchell, JD, PhD, Hebrew University of Jerusalem, and Lois James, PhD, College of Nursing, Washington State University. *Addressing the Elephant in the Room*. The Need to Evaluate Implicit Bias Training Effectiveness for Improving Fairness in Police Officer Decision-Making.

³⁰ Tracie L. Keese (July 2, 2015), Three Ways to Reduce Implicit Bias in Policing.

Enhance and expand community policing. When a Police Department cultivates a diverse workforce, preferably hiring from the community it serves, it also creates the conditions within the Department for contact between groups that can reduce negative implicit bias among officers; and

(c) Establish Policies to Limit the Impact of Bias

Policies must extend to discipline and must distinguish explicit from implicit bias. If an officer shows a tendency towards explicit discriminatory behavior, the issue must be quickly and effectively addressed.

2. Prosecutors

Promote and Hire a Diverse Pool of Assistant District Attorneys

There is strong belief that racially diverse prosecutors' offices might curb the operation of implicit racial bias. Studies have shown that diverse prosecutors' offices might not only facilitate an atmosphere with less implicit bias but could perhaps also lead to even more thoughtful and efficient decisions;

3. Training for Judges

Judicial training should not end with new judges. Training for sitting judges is also important. What may be missing from judicial education, even today, is that it is seldom accompanied by any testing of the individual judge's susceptibility to implicit bias or any analysis of the judge's own decisions, so judges are less likely to appreciate and internalize the risks of implicit bias;³¹ and

4. Auditing System

A system of auditing should be developed to evaluate the decisions of individual judges in order to determine whether they appear to be influenced by implicit bias in areas such as bail setting, sentencing or even child custody allocation. Periodic audits in these areas and others could determine whether they exhibit patterns that are indicative of implicit bias. Auditing could increase the

³¹ Siri Carpenter, *Buried Prejudice: The Bigot in Your Brain*, Sci. Am. Mind, May 2008, at 32.

available data regarding the extent to which bias affects judicial decision-making. Secondly, it could enhance accountability in judicial decision-making.

C. Conclusion

There is no magic wand that will eradicate the impact of implicit bias and level the playing field. The many points along the criminal justice continuum where a wide range of discretionary decision-making can occur is vast, unstable and subject to the social and political lines that have been drawn across our courts and indeed this nation. Much needs to be done to prevent implicit bias from ultimately influencing individual cases. These are but a few suggestions that the criminal justice system could implement, touching on the areas involving the police, prosecutors and judges.

V. USE OF DATA TO ANALYZE STATISTICS TO HIGHLIGHT AND ELIMINATE RACIAL AND ETHNIC DISPARITIES IN SENTENCES

Issue: There are serious discrepancies in sentences based on the race and ethnicities of defendants.

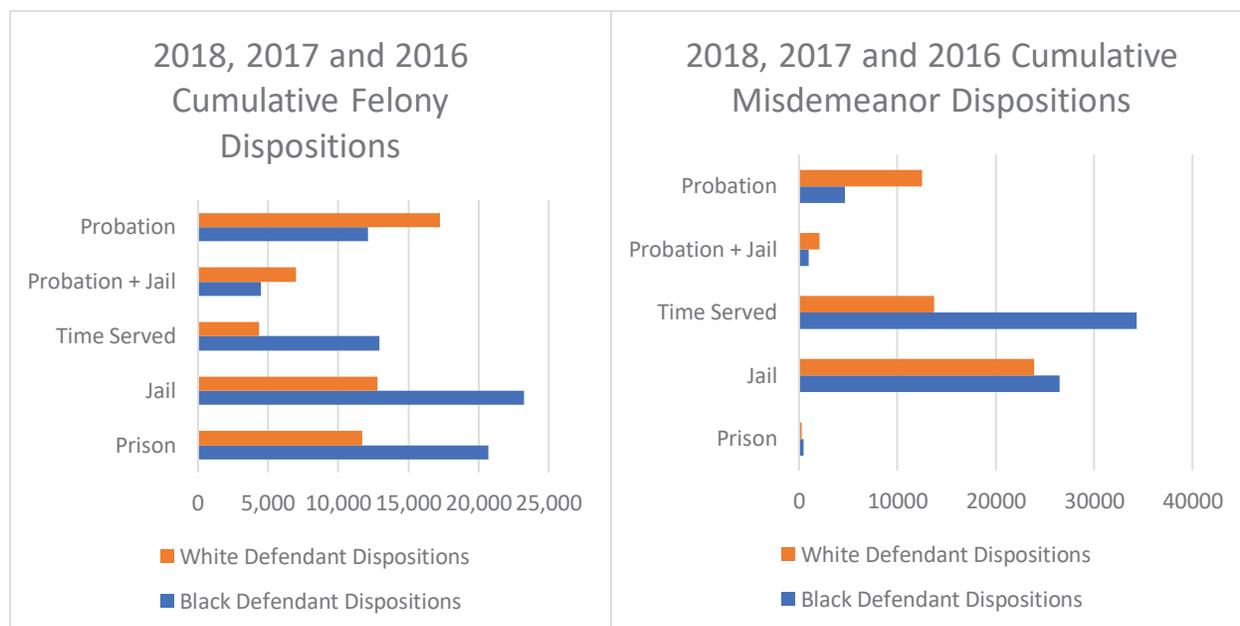
The New York State Division of Criminal Justice Services (“DCJS”) and the Unified Court System are responsible for collecting data regarding the disposition of cases. The collection of this data may be utilized not only to highlight disparities in dispositions, but also to timely and proactively address patterns of disparity, whether due to implicit bias or otherwise.

DCJS yearly data shows that Blacks accounted for more felony and misdemeanor dispositions for the years 2018 (*see* Appendix P, “New York State Adult Arrests Disposed by Race/Ethnicity: 2018”), 2017 (*see* Appendix Q, “New York State Adult Arrests Disposed by Race/Ethnicity: 2017”), and 2016 (*see* Appendix R, “New York State Adult Arrests Disposed by Race/Ethnicity: 2016”)³², even though Blacks, as previously mentioned, account for a smaller percentage of the population than whites.

Further, DCJS data over this three-year period, as demonstrated by the graphs herein, show that Black defendants, when compared to white defendants, are generally more likely to receive an incarceratory sentence, including prison, jail

³² *See*, NYS Division of Criminal Justice Services, Adult Arrests Disposed by Race/Ethnicity: 2016, 2017 and 2018, <https://www.criminaljustice.ny.gov/crimnet/ojsa/dispositions-adult-arrest-demographics.html>. See also Appendices A, B and C.

or time served, and less likely to receive a probationary sentence for misdemeanors and total felonies.³³



We are aware that sentencing involves a myriad of factors including prior criminal convictions, the nature of the crime and injuries to the complainant. In addition, Chapter 102 of the Laws of 2020, which was signed on June 15, 2020, now requires the chief administrator of the courts to compile data related to dispositions in all courts, among other things, by race, ethnicity and sex and to post this data disaggregated by county, on the Office of Court Administration website.

³³ See, NYS Division of Criminal Justice Services, Adult Arrests Disposed by Race/Ethnicity: 2016, 2017 and 2018, <https://www.criminaljustice.ny.gov/crimnet/ojsa/dispositions-adult-arrest-demographics.html>. See also, Appendices A, B and C. This analysis is based upon a review of total felony and misdemeanor dispositions. Subset felony categories, such as violent and drug felonies, were not analyzed for purposes of this analysis. However, it is noted that regardless of the felony subset category, Black defendants were less likely to receive probationary sentences; and for drug felonies, were more likely to receive sentences involving incarceration than white defendants. As to violent felonies, even though more Black defendants received sentences involving incarceration, in some years, a higher percentage of white defendants received dispositions involving incarceration. As to misdemeanors, in 2018, an outlier exists in that more white defendants than Black defendants received a sentence involving jail, though more Black defendants and a higher percentage of Black defendants received sentences involving jail over the three-year period and in 2017 and 2016.

Recommendations:

1. Each individual judge handling criminal matters shall be provided at least on a quarterly basis data regarding the dispositions in his or her court, disaggregated by penal law, race, ethnicity, age and sex of defendants; and
2. If it is determined that a pattern or trend of bias has emerged regarding a judge, then s/he/they should be immediately mandated for additional implicit bias training and other appropriate action.

VI. THE INTERSECTION BETWEEN THE COURTS AND THE POLICE AND PROSECUTORS

Issue: Prosecutors do not sufficiently carefully control the charging process and the court system does not sufficiently track police officer misconduct.

In the day-to-day proceedings of New York courts, there is an intersection between police officers and people accused of crimes who appear within our courts. But even before the accused's appearance, there is a great degree of power and influence exercised by the police. It includes the decision of the degree to which enforcement of certain "crimes" or "violations" will be made in various neighborhoods, and the discretion to stop vehicles for alleged violations of the New York State Vehicle and Traffic Law, which may then lead to the recovery of weapons and contraband.

Additionally, when an arrest is made, it is the officer who initially has the discretion to label it as one for a misdemeanor or a felony. This influences the ultimate charges that may be elected by the prosecutor assigned to the Early Case Assessment Bureau ("ECAB"), who then drafts the complaint in the case. Notably, one District Attorney's Office also uses experienced paralegals to draft their complaints, under the supervision of an experienced supervisor. Officers upstate and in Nassau County are known to have significant influence in the drafting process. To the extent that the majority of prosecutors within a charging or ECAB Unit are junior, there is the potential for an experienced officer to overwhelm the prosecutor and significantly influence the charges. Furthermore, any lack of diversity within that prosecuting agency will, as with other

discretionary decisions in the criminal justice system, necessarily impact charging decisions.³⁴

Indeed, the New York State court system has itself become involved, to a limited extent, in monitoring police behavior. Thus, an offshoot of the settlement agreement which addressed the issue of stop and frisk by the NYPD, has led to reporting requirements after the suppression hearing phase. Hence, effective February 1, 2019, the New York State Chief Administrative Judge established a Suppression Decision Pilot Program pursuant to Administrative Order 61/19, which requires the court to provide information on cases in which either evidence was suppressed or there was a finding of a lack of credibility of a police officer during a suppression hearing. Such information is then supposed to be sent to the New York City Police Department and other stakeholders. The sole existing “Report as of October 1, 2019” on the Unified Court System website reflects that out of the 13 reported cases, 3 involved those rejecting the credibility of the officer and suppressing the evidence. In all thirteen cases, the stop and search were held to be unlawful and the evidence suppressed. To the extent that there has been tracking by the court to ensure that such information was provided to an executive in power at the NYPD; and that there was follow-up, then this is a good start.

Recommendations:

We are aware that the court does not control the prosecutor’s office, NYPD, nor other law enforcement agencies. Yet they all play major roles in the provision of services within the judicial system, without which this system would fail. In that capacity, there is continuous conversation amongst the organizations and the court about their various roles and issues related to criminal matters. As such, any refinement in one sector necessarily improves the provision of justice to the community. Accordingly, we make the following recommendations:

1. Have a more balanced ratio of experienced to less experienced prosecutors in ECAB or the charging unit;
2. The court itself should have its own tracking system with respect to not only suppression hearings, but any finding of a lack of credibility of an NYPD or other police official, including those related to CPL §440 motions to vacate

³⁴ Bronx County and Kings County had the highest percentage of prosecutors of color (approximately 34%), followed by Queens County (30%); New York County (23%); Nassau County (15%); Suffolk County (10%); and Westchester County (22%) (Queens Daily Eagle, “Queens Diversity is Under-represented in the DA’s Office, Staff Data Shows” (March 5, 2019).

- judgment and CPL §330 motions to set aside the verdict. Such information should be made public;
3. The court should track the results of the information conveyed to NYPD or other police department; and
 4. NYPD or other police departments should be required to show what steps have been taken with respect to retraining insofar as testifying in court, police paperwork and the need for consistency based on the truth for officers who are the subject of a “lack of credibility” finding.

VII. GENERAL COURT REFORM FOR WIDESPREAD, LASTING IMPACT

A. Current System for Reporting Racial Discrimination

Issue: Many employees, attorneys and litigants are either unaware of the current procedure for reporting racial discrimination within the court system or are distrustful of the current system.

There have been complaints about employees who have filed racial discrimination complaints receiving backlash from co-workers and supervisors. Such ramifications have had a chilling effect on the number and nature of complaints and people are deterred from coming forward. The current investigation process lacks transparency and follow-up, so the complainants and others affected do not receive updates on the investigation, nor information on the outcome and punishment, if any.

Recommendations:

1. To be sure, the OCA website has practice, procedures and forms related to racial bias claims. However, there must be a sustained campaign to educate employees about the system to report racial discrimination during their initial orientation, through on-going training sessions and with the use of court emails;
2. Attorneys and members of the public can be better informed through easier access to the court’s website and with signs posted in appropriate areas throughout the courthouse;
3. All should be advised that they can make such complaints anonymously and supervisors must be prepared to report those who retaliate against complainants;
4. Any retaliatory behavior must be dealt with swiftly and effectively;

5. There must be transparency in the investigation and outcome; and
6. When such complaints are determined to have merit, the complainants must be made aware of the punishment and in some egregious cases, it should be made public.

B. Expansion of Judicial Community Outreach

Issue: There is a breakdown in the public’s confidence in the courts and the judiciary.

The New York State Courts Access to Justice Program (“Access to Justice”) provides community outreach and education to New York State residents to help empower communities and ensure equal access to justice. In fulfilling this mandate, in New York City, Access to Justice periodically holds Community Leader Roundtables consisting of discussions with community leaders to provide information for participants to advise members of their community or religious congregations. Access to Justice also oversees a Speakers Bureau, where judges and non-judicial personnel visit schools, community agencies and other groups to discuss their respective courts and operations.

Recommendations:

1. Every judge should be encouraged to participate in the Access to Justice Program as part of a judge’s judicial duties on at least an annual or semi-annual basis;
2. Access to Justice must conduct at least two programs per year within communities of color in each respective judicial district; and
3. Specific programs in New York City, such as the Community Leaders Roundtable and Speakers Bureau should be expanded statewide to all judicial districts.

C. Eliminating Implicit Bias During Jury Selection and Trials

Issue: Despite the good intentions of most jurors, we all possess implicit biases that can impact our decisions regarding a person’s guilt or innocence during criminal trials, or the credibility of witness testimony and how we perceive situations in all trials.

Recommendations:

We join in the efforts of attorneys Anthony Ricco, Kenneth Montgomery, Richard Jasper and Steven Legon in recommending the development of a video to address implicit bias during jury selection and urge Chief Judge Janet DiFiore to adopt and enact new court rules addressing implicit bias. However, we would like to go further and propose new model jury instructions addressing implicit bias at various stages of the trial and the preparation of a video to play for potential jurors in all courts. We wish to include judges, criminal and civil defense counsel, prosecutors and plaintiff counsel to address the harmful consequences of implicit bias in all trials.

1. Preparation of Videos to be Played to Potential Jurors

We recommend using the video played to potential jurors in the United States District Court for the Western District of Washington as a guide. Attorneys who practice in that court approached their Chief Judge and asked her to play a video from the television show “What Would You Do?” (click this link to watch the video: <https://www.youtube.com/watch?v=8ABRIWybBqM>). The video exposed racial stereotypes and implicit biases in numerous people who unknowingly associated Black people as criminals, white people as law-abiding and an attractive white woman as being good.

Additionally, the District Court established a committee and used court funds to develop its own video addressing implicit bias. The video included a judge, defense attorney and prosecutor. The court also prepared model instructions and posted both on their court’s website (click the link to the court’s video and jury instructions regarding unconscious bias: <http://www.wawd.uscourts.gov/jury/unconscious-bias>).

We are prepared to assist OCA in making a New York state video regarding implicit bias to play for jurors in New York.

2. Enactment of Court Rules

On April 5, 2018, the Supreme Court of the State of Washington enacted court rules to eliminate the "unfair exclusion of potential jurors based on race and ethnicity” (see Appendix S, “Washington State’s General Rule 37”). Chief Judge DiFiore has the authority to adopt a similar rule in New York State and we urge her to do so.

3. Model Jury Instructions

The federal court in the Western District of Washington realized that when jurors are aware of their unconscious bias or associations, they make efforts to avoid them and become fairer decision-makers. Their instructions were meant “to alert the jury to the concept of unconscious bias and then to instruct the jury in a straightforward way not to use bias, including unconscious bias, in its evaluation of information and credibility and in its decision-making.”³⁵ The court acknowledged that “implicit, institutional, and unconscious biases, in addition to purposeful discrimination, have resulted in the unfair exclusion of potential jurors”³⁶ in their state. The court developed jury instructions incorporating unconscious bias language during voir dire, preliminary instructions, credibility instructions and final instructions. We propose incorporating similar language in the New York Model Jury instructions for those same sections of our instructions. The proposed language is italicized:

(a) Voir Dire:

It is important that you discharge your duties without discrimination, meaning that bias regarding race, color, religious beliefs, national origin, sexual orientation, gender identity, gender of the [plaintiff,] defendant, any witnesses, and the lawyers should play no part in the exercise of your judgment throughout the trial. Accordingly, during this voir dire and jury selection process, I [the lawyers] may ask questions [and/or use demonstrative aids] related to the issues of bias and unconscious bias.

(b) Preliminary Instructions: Definition of a Fair Juror³⁷:

In reaching a verdict, guilty or not guilty, the jury must be fair. It is important therefore for you to know what makes a person a fair juror, so you can decide whether or not you can be a fair juror. Later in the proceedings, I will ask you whether or not you can be a fair juror. What makes a person a fair juror?

A fair juror is a person who will accept and apply the law of New York, as I explain it.

A fair juror is a person who has no bias or prejudice in favor of or against a person who may appear in this trial on account of that person’s race, color, national

³⁵ The Model Jury Instructions, United States District Court, Western District of Washington.

³⁶ Washington Supreme Court General R. 37(f)

³⁷ CJI2d Voir Dire

origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation.

A fair juror will guard against the application of any stereotypes or attitudes about people or groups a juror may harbor that would lead to a biased decision based upon those stereotypes or attitudes.

A fair juror is a person who has no bias or prejudice in favor of or against, a party, or any witness, be the witness a police officer or civilian.

A fair juror is a person who will base his or her decision solely on the testimony and other evidence presented at this trial, and will not make a final decision on the verdict until the end of the case, after the juror:

has heard all the testimony and other evidence,
has heard the lawyers' summations,
has heard the court's final instructions on the law, and
has had an opportunity after all of that to discuss the evidence with the other jurors and consider their views.

A fair juror must not be influenced by any personal likes or dislikes, opinions, prejudices, sympathy, or biases, including unconscious bias. Unconscious biases are stereotypes, attitudes, or preferences that people may consciously reject but may be expressed without conscious awareness, control, or intention. Like conscious bias, unconscious bias, too, can affect how we evaluate information and make decisions.

And finally, a fair juror is a person who, without fear, favor, bias, prejudice, or sympathy for either the People or the defendant or any witness, be the witness a police officer or civilian, renders a verdict, guilty or not guilty, the juror is convinced is consistent with that juror's honest evaluation of the testimony and other evidence and that juror's honest application of the law.

(c) Credibility of Witnesses³⁸:

As judges of the facts, you alone determine the truthfulness and accuracy of the testimony of each witness. You must decide whether a witness told the truth and was accurate, or instead, testified falsely or was mistaken. You must also decide

³⁸ CJI2d Credibility

what importance to give to the testimony you accept as truthful and accurate. It is the quality of the testimony that is controlling, not the number of witnesses who testify.

You must avoid bias, conscious or unconscious, based on the witness's race, color, religious beliefs, national origin, sexual orientation, gender identity, or gender in your determination of credibility.

(d) Final Instructions:

1) Reminder: Fairness

Remember, you have promised to be a fair juror. *You must decide the case solely on the evidence and the law before you and must not be influenced by any personal likes or dislikes, opinions, prejudices, sympathy, or biases, including unconscious bias. Unconscious biases are stereotypes, attitudes, or preferences that people may consciously reject but may be expressed without conscious awareness, control, or intention. Like conscious bias, unconscious bias, too, can affect how we evaluate information and make decisions.*

A fair juror is a person who will not permit his or her verdict to be influenced by a bias or prejudice in favor of or against a person who appeared in this trial on account of that person's race, color, national origin, ancestry, gender, gender identity or expression, religion, religious practice, age, disability or sexual orientation, and further, a fair juror will guard against the application of any stereotypes or attitudes a juror may harbor about people or groups that would lead to a biased decision based upon those stereotypes or attitudes.³⁹

2) Credibility

Credibility of Witnesses: As judges of the facts, you alone determine the truthfulness and accuracy of the testimony of each witness. You must decide whether a witness told the truth and was accurate, or instead, testified falsely or was mistaken. You must also decide what importance to give to the testimony you accept as truthful and accurate. It is the quality of the testimony that is controlling, not the number of witnesses who testify.

³⁹ CJI2d Final Instructions

You must avoid bias, conscious or unconscious, based on the witness's race, color, religious beliefs, national origin, sexual orientation, gender identity, or gender in your determination of credibility.

4. Rehabilitation of Jurors Who Believe They Cannot Serve Because of Negative Feelings Towards Police Officers

Issue: Often, it is difficult to select a racially and ethnically diverse jury panel in criminal cases, even in New York City, because many people of color, as well as young people are stricken for cause when they say they cannot be fair in cases involving the testimony of police witnesses.

People often state they have negative views about police officers because of negative interactions that they, or someone close to them, have had with police officers and/or they say they cannot follow the instruction requiring them to consider the credibility of a police officer the same way they would consider the credibility of a non-police officer witness. Additionally, many people state they do not trust police officers and would need additional evidence to corroborate a police officer's testimony even though they would not require such additional corroboration for a non-police officer witness.

Judges often permit potential jurors to be stricken for cause when the potential jurors state they have negative feelings or views about police officers based on what they have read or seen in news reports or based on negative interactions that they or people close to them have had with police officers. Jurors are also stricken because of their support for the Black Lives Matter movement or views against police brutality. The majority of people who hold these views are Black or Latino and many are young people.

Recommendations:

Develop a model jury instruction which acknowledges the existence of potential negative feelings, but provides factual information and continued questioning to attempt to rehabilitate prospective jurors by focusing on the specific case before them and naming and humanizing the potential witnesses who may testify to permit them to confirm that they can still be fair in the case and prevent them from being stricken for cause.

Proposed language could include, but is not necessarily limited to, the following:

In this case we anticipate that the People’s witnesses will include one or more police officers, including (names of all potential police officer witnesses).

The testimony of a witness should not be believed solely and simply because the witness is a police officer. At the same time, a witness's testimony should not be disbelieved solely and simply because the witness is a police officer. You must evaluate a police officer's testimony in the same way you would evaluate the testimony of any other witness.⁴⁰

Many of you may not want to serve as a juror in a case where you will be asked to judge the credibility of one or more police officers. It is understandable that some of you may have negative feelings about police officers based upon your own negative personal experiences or interactions with police officers. Some of you may have negative views about police officers based upon what you have read, watched or heard involving other cases where it is alleged that police officers killed unarmed Black or Latino men and women, or that they used unreasonable or excessive force.

However, some of you may feel differently and believe that you will always support police officers, you will hold them in a higher regard than non-police officer witnesses and you will give them the benefit of the doubt at all times.

Some of you may also think that you cannot serve as a juror simply because you support Black Lives Matter.

If you can be fair in this case, then it will not preclude you from serving on this jury if you have had prior contact with police officers; you do not trust police officers; you believe that police officers engage in racial profiling; you have a close relationship with people who have been stopped, arrested, or convicted of a crime; you do not approve of how Black and Latino men are treated in the criminal justice system,⁴¹ or you live in a high-crime area.⁴²

⁴⁰ CJI 2d Jury Instructions regarding Credibility of Police Officers.

⁴¹ See, *Commonwealth v Quinton Williams*, 481 Mass 443, 457 (2019), citing *Mason v United States*, 170 A3d 182, 187 (DC 2017)

⁴² This paragraph, except for “*how black and Latino men are treated in the criminal justice system,*” is taken from the section regarding the reasons for peremptory challenges which have been deemed to be presumptively invalid, pursuant to Washington Supreme Court General R. 37 (h).

The easy way out is to simply say that you cannot be fair in this case because of your views of police officers. However, upon further reflection, you may realize that you can have certain feelings, yet still be fair in this case.

As I am sure you can agree, there are good people and bad people in every profession. However, I hope you can agree that (Defendant's name) and all witnesses who testify before you deserve a fair trial in this case with jurors who are fair to both sides. If you or a loved one was charged with a crime, wouldn't you want to have a fair jury?

Is it fair to blame the officers in this case for what officers are alleged to have done in other unrelated incidents? Can you understand that this case does not involve any of those police officers that you have seen on the news or read about in the media? This case involves whether the People can prove beyond a reasonable doubt that (defendant's name) committed the crime(s) charged in this case. (If in New York City-For example, most people do not realize that over 8 million people live in New York City or that NYPD employs approximately 36,000 uniformed officers, with slightly more than half composing of minorities, including Latinos, Blacks and Asians.)⁴³ Therefore, despite what happened to you in the past or what you have seen or read about police officers, can you still promise to be fair to both sides in this case?

5. Expand the Jury Pool To Include More Racial and Ethnic Minorities and Young People

(a) Issue 1: Although the County Clerks in many counties have made tremendous strides to include more racial and ethnic minorities and young people in their jury pools, these groups are still under-represented and more work needs to be done to reach out to them through additional means, like the increased use of email and social media platforms.

Recommendations:

Many people may not open mail, but they regularly communicate through email and use social media platforms like Instagram, YouTube, Facebook,

⁴³ New York City Civilian Complaint Review Board Data Transparency Initiative. Data reflecting ethnic breakdown of active NYPD officers as of August 9, 2020, is 47% white (non-Hispanic), 29% Hispanic, 15% Black (non-Hispanic) and 9% Asian.

Snapchat, Twitter, WhatsApp, TikTok and other services. Use of these platforms can expand the jury pool and be more inclusive. For example, many people may not be on the rolls to be called for jury service based on the current selection procedures and they may not open mail from the courts. Email and social media platforms can be used to encourage people to complete juror questionnaires; serve when called; educate people about what to expect when they serve; advise them about the safety protocols in place and requirements post-COVID-19; remind them of their date to report to the courthouse; and advise them of schedule changes, like when they can report later or when they are no longer needed.

(b) Issue 2: Many racial and ethnic minorities are unable to serve as jurors because they cannot afford to serve. Many people do not get paid by their employers; are self-employed; earn commissions; or have child or elder care responsibilities for which substitution is not economically feasible.

Recommendations:

Increase the daily rate of pay for jury duty from \$40.00/day to \$50.00/day, plus reimbursement for reasonable transportation expenses of mileage, parking, tolls and public transportation. Jurors should also receive up to \$60.00/day for service on trials which last ten (10) days or more or for grand jurors who serve 45 days or more. This amount is on par with the amount paid for federal jury duty in New York State.

6. Develop Model Individual Part Rules for Judges to Encourage Participation of Racial and Ethnic Minority and Women Attorneys

(a) Issue 1: Numerous studies have demonstrated that the legal profession remains the least diverse of comparable professions (*see*, American Bar Association's Commission on Racial and Ethnic Diversity in the Profession Initiative, ABA Resolution 113). Although Blacks and Latinos are just over one third of the population in the United States and people of color constitute approximately one quarter of law school graduates, they represent only approximately 10% of attorneys (*id.*). Similarly, women constitute slightly over half of the population and half of law school graduates, but are only 35% of attorneys (*id.*). Most notably, racial and ethnic minorities and women are terribly underrepresented in civil and high-profile criminal substantive court proceedings.

Recommendations:

Develop model part rules for individual judges to help promote diversity in the legal profession and urge all providers of legal services, including law firms and corporations, to expand and create opportunities for racial and ethnic minorities and women attorneys to participate substantively during in court proceedings. Judges can affirmatively acknowledge that the court system, legal profession and society are best served with diverse attorneys who reflect the community in which the legal services are provided. The model rules will encourage attorneys from these underrepresented groups to second seat hearings and trials and take a more active role in the proceedings, including direct or cross-examination, motion arguments, and opening or closing arguments. By developing model part rules and making them easily accessible to judges across the country, they can easily cut and paste these rules and incorporate them into their own part rules. These model rules could have a widespread impact towards lasting change.

We propose the following additions to individual part rules for judges:

The court acknowledges that implicit, institutional, and unconscious biases, in addition to purposeful discrimination, have resulted in the unfair exclusion of racial and ethnic minority attorneys from actively participating in substantive in court proceedings. The court also acknowledges that women attorneys have also been excluded. The court system, legal profession and society are best served with diverse attorneys who reflect the community in which the legal services are provided. As such, the court encourages and promotes participation by racial and ethnic minority and women attorneys to have full, equal and meaningful participation in substantive in court proceedings.

To the extent possible, the court permits more than one attorney for a party to examine different witnesses or to argue different points of law before the court, but only one attorney per party may examine the same witness. The court permits different attorneys to give the opening and summation, however the opening attorney must provide the full opening and the closing attorney must provide the full summation. Additionally, the attorney conducting direct or cross examination shall be the only litigant speaking at sidebar conferences.

(b) Issue 2: Because the ethical rules prohibit judges from taking a stand on issues involving open cases, political issues or matters which may be deemed controversial in nature, judges are generally prohibited from speaking out against racism and other forms of discrimination. Therefore,

they remain silent with the appearance of being complicit with such conduct.

Recommendations:

Develop Model Individual Part Rules which can be posted electronically to be accessible to judges across the country so they can have the opportunity to affirmatively declare their commitment to denounce racism and discrimination in their courtrooms and pledge to take action to prevent it. We recommend using language similar to the American Bar Association's Model Code of Judicial Conduct pertaining to bias, prejudice and harassment (American Bar Association, Model Code of Judicial Conduct R. 2.3). Our proposed language is as follows:

The court acknowledges that implicit, institutional, and unconscious biases, in addition to purposeful discrimination, have resulted in the unfair exclusion of racial and ethnic minorities. As such, the judge, court personnel and all attorneys appearing before this court shall not, in the performance of their duties, by words or conduct manifest bias or prejudice, or engage in harassment, including but not limited to, bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation. Any violations of this provision should be reported to the judge or appropriate supervisor immediately.

7. Make Efforts to Pronounce Unfamiliar Names

Issue: There are several complaints that many racial and ethnic minorities who appear in our courts have names that may be unfamiliar to judges, clerks and other court staff and difficult for them to pronounce. The court employees repeatedly mispronounce the names or do not even try to learn how to pronounce the names correctly. Additionally, some judges offer to shorten names or give nicknames to ethnic or racial minority attorneys on the record instead of learning the correct pronunciation of their full names. However, these same individuals often take the time to learn the correct pronunciation of white attorneys and litigants with names that are as unfamiliar and difficult to pronounce.

Recommendations:

Advise judges and court personnel of the importance of attempting to correctly pronounce each name and explain how it shows respect, professionalism and courtesy to all who appear in our courts. Encourage judges and court personnel to ask for a business card, to write down names phonetically and/or ask for the

correct pronunciation as many times as is necessary to get it right. This would highlight the problem and develop a more welcoming environment for all.

VIII. FAMILY COURT/HOUSING COURT ISSUES

A. Family Court

The Public Perception of Discrimination⁴⁴

“Can you imagine how a Black single parent feels the first time she goes into that intimidating place [Family Court] and sees white clerks, white guards, white psychologists, white correction officers, white lawyers, and white court judges? –she immediately senses that they have all the power and we have none. The court personnel’s attitude is [that an] inner city person is a nobody, and we feel helpless rage as we see them snickering and whispering snide remarks and things to each other as they talk about us. They only give respect in conversation to each other and to the white parents in court.”

Witness, Albany Public Hearing

Family Court still lacks diversity. This statement is as true in 2020 as it was in 1989, thirty years ago. In one New York City county, more than 65% of the Family Court bench is white. Not only are the judges overwhelmingly white, but the litigants are primarily Black and Latino. Indeed, in the Bronx, the attorneys representing children through agencies connected with the court, such as the Children's Law Center, have only two Black attorneys, no male attorneys, and only one attorney who speaks a language other than English.

In agencies who report to the court, Black and brown boys are sexualized or age advanced because of their size or height. Often reports describing Black male children will indicate that the child is a “6 ft, 200-pound man.” Moreover, there is a large and ignored issue with the statutory rape of young minority children, who are parents to children born of sexual relationships of which one parent is underage and the other is well over the age of majority, which the system ignores on the basis of “consent.” One cannot consent to statutory rape.

⁴⁴ Interim Report, New York State Judicial Commission on Minorities, June 26, 1989 p 2.

Black men are not treated with respect when they come to Family Court and are often assumed to be deadbeats, violent, or felons. The assumption is not that they want to be present in their children's lives. Judges, court officers and other staff perpetuate these beliefs in how they treat Black men in the courthouse.

People want to walk into a court and see people that look like them and with whom they feel they can identify. This is not the case in Family Court.

Recommendations:

1. Court oversight and feedback to connected agencies about the perpetuation of stereotypes and bias in court-ordered reports;
2. Court oversight and feedback to connected agencies about the perpetuation of stereotypes through mandated service providers;
3. Increase 18b payment to attract more young attorneys and attorneys of color;
4. Better parenting resources in specialties OTHER than child protection; and
5. Seminars to educate the public on how court works. Many people of color are terrified to come to court because of the racism and perceived bias associated with the justice system, which includes the Family Court.

B. Housing Court

Housing Court does not reflect the diversity of the community, either ethnically or with respect to race. This diversity is lacking both in the judiciary and among court attorneys. For example, in Kings County, over 80% of the population which utilizes the court as litigants are people of color. Further, these litigants are typically unrepresented. Of the fifty (50) New York City Housing Court Judges, fifteen (15) judges are assigned to Kings County, yet there are only three (3) judges of color in the borough. The appointing authority for the position of Housing Court Judge is the Chief Administrative Judge of New York State, entirely within the purview of OCA, as opposed to the other appointed or elected judicial positions. In Kings County, there are twenty (20) court attorneys of which only eight (8) are Black.

Recommendations:

1. Transparency with the process of selection of Housing Court Judges;
2. Consciously select diverse candidates;

3. Selection of candidates from diverse legal backgrounds that would enhance the bench and allow for a broader selection; and
4. More diversity in the selection panel.

IX . CONCLUSION

For all of the foregoing reasons, we conclude that systemic racism and unconscious bias exist throughout the New York State Court system. We trust that our efforts to reveal the sources of these vital issues and our recommendations offering tangible solutions for lasting, maximum impact, will assist the Commission in fulfilling its mission to examine the existing policies, practices and initiatives and recommend revisions and improvements to combat racial bias and discrimination within the courts. In turn, we anticipate that the Chief Judge, in fulfillment of her *Excellence Initiative*, will implement these changes and make our courts a model for the nation and the world. Most importantly, however, we hope that these changes will have a direct and positive impact on the people we serve.

APPENDIX A

New York State Unified Court System – Diversity on the Bench, 2015-2020

**New York State Unified Court System
Diversity on the Bench
2016**

Statutory Title	Elected/ Appointed	Total	Women		White		Asian		Black		Hispanic		Native American		Unknown Ethnicity	
			Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Court of Appeals Judge	Appointed	7	4	57.1%	5	71.4%		0.0%	1	14.3%	1	14.3%		0.0%		0.0%
Appellate Division Justices	Appointed	43	19	44.2%	32	74.4%	2	4.7%	4	9.3%	5	11.6%		0.0%		0.0%
Supreme Court Justices (outside NYC)	Elected	148	42	28.4%	138	93.2%		0.0%	8	5.4%	1	0.7%	1	0.7%		0.0%
Supreme Court Justices NYC	Elected	131	59	45.0%	71	54.2%	4	3.1%	38	29.0%	18	13.7%		0.0%		0.0%
Court of Claims Judge	Appointed	79	23	29.1%	67	84.8%	1	1.3%	3	3.8%	8	10.1%		0.0%		0.0%
Surrogate's Court Judge	Elected	24	6	25.0%	24	100.0%		0.0%		0.0%		0.0%		0.0%		0.0%
Surrogate's Court Judge NYC	Elected	7	5	71.4%	2	28.6%		0.0%	2	28.6%	3	42.9%		0.0%		0.0%
County Court Judge	Elected	123	18	14.6%	120	97.6%		0.0%	3	2.4%		0.0%		0.0%		0.0%
District Court Judge Nassau	Elected	29	10	34.5%	24	82.8%		0.0%	4	13.8%	1	3.4%		0.0%		0.0%
District Court Judge Suffolk	Elected	24	8	33.3%	20	83.3%		0.0%	2	8.3%	2	8.3%		0.0%		0.0%
Family Court Judge (outside NYC)	Elected	91	52	57.1%	85	93.4%	1	1.1%	3	3.3%	2	2.2%		0.0%		0.0%
Family Court Judge NYC	Appointed	56	35	62.5%	35	62.5%	3	5.4%	11	19.6%	7	12.5%		0.0%		0.0%
Civil Court Judge NYC	Elected	120	71	59.2%	69	58.0%	3	2.5%	37	31.1%	10	8.4%		0.0%	1	0.8%
Criminal Court Judge NYC	Appointed	105	45	42.9%	75	71.4%	8	7.6%	15	14.3%	7	6.7%		0.0%		0.0%
City Court Judge	Elected or Appointed	166	38	22.9%	141	86.0%		0.0%	20	12.2%	3	1.8%		0.0%	2	1.2%
Housing Court Judge	Appointed	48	31	64.6%	33	68.8%	4	8.3%	5	10.4%	6	12.5%		0.0%		0.0%
Certificated Justices	NA	69	12	17.4%	62	89.9%		0.0%	5	7.2%	2	2.9%		0.0%		0.0%
Statewide Total		1270	478	37.6%	1003	79.2%	26	2.1%	161	12.7%	76	6.0%	1	0.1%	3	0.2%

**New York State Unified Court System
Diversity on the Bench
2017**

Statutory Title	Elected/ Appointed	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities	Unknown Ethnicity					
Court of Appeals Judge	Appointed	7	3	42.9%	4	57.1%	0.0%	1	14.3%	2	28.6%	0.0%	0.0%	0.0%	
Appellate Division Justices	Appointed	59	28	47.5%	43	72.9%	6.8%	7	11.9%	5	8.5%	0.0%	0.0%	0.0%	
Supreme Court Justices (outside NYC)	Elected	141	38	27.0%	131	92.9%	0.0%	8	5.7%	1	0.7%	1	0.7%	0.0%	
Supreme Court Justices NYC	Elected	124	54	43.5%	67	54.0%	1.6%	36	29.0%	19	15.3%	0.0%	0.0%	0.0%	
Court of Claims Judge	Appointed	81	24	29.6%	68	84.0%	1.2%	4	4.9%	8	9.9%	0.0%	0.0%	0.0%	
Surrogate's Court Judge	Elected	24	6	25.0%	24	100.0%	0.0%	0	0.0%	0	0.0%	0.0%	0.0%	0.0%	
Surrogate's Court Judge NYC	Elected	7	5	71.4%	2	28.6%	0.0%	2	28.6%	3	42.9%	0.0%	0.0%	0.0%	
County Court Judge	Elected	124	18	14.5%	120	96.8%	0.0%	4	3.2%	0	0.0%	0.0%	0.0%	0.0%	
District Court Judge Nassau	Elected	29	11	37.9%	24	82.8%	0.0%	4	13.8%	1	3.4%	0.0%	0.0%	0.0%	
District Court Judge Suffolk	Elected	24	8	33.3%	20	83.3%	0.0%	2	8.3%	2	8.3%	0.0%	0.0%	0.0%	
Family Court Judge (outside NYC)	Elected	92	53	57.6%	86	93.5%	1.1%	3	3.3%	2	2.2%	0.0%	0.0%	0.0%	
Family Court Judge NYC	Appointed	56	34	60.7%	33	58.9%	5.4%	3	5.4%	7	12.5%	0.0%	0.0%	0.0%	
Civil Court Judge NYC	Elected	119	76	63.9%	67	56.8%	3.4%	4	3.4%	31	26.3%	0.0%	0.0%	1	
Criminal Court Judge NYC	Appointed	104	49	47.1%	72	69.2%	8.7%	14	13.5%	8	7.7%	1	1.0%	0.0%	
City Court Judge	Elected or Appointed	169	43	25.4%	143	85.6%	0.0%	21	12.6%	3	1.8%	0.0%	0.0%	2	
Housing Court Judge	Appointed	49	30	61.2%	31	63.3%	10.2%	6	12.2%	7	14.3%	0.0%	0.0%	0.0%	
Certificated Justices	NA	71	13	18.3%	61	85.9%	0.0%	9	12.7%	1	1.4%	0.0%	0.0%	0.0%	
Statewide Total		1280	493	38.5%	996	78.0%	29	2.3%	165	12.9%	85	6.7%	1	0.1%	3

**New York State Unified Court System
Diversity on the Bench
2018**

Statutory Title	Elected/ Appointed	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities	Unknown Ethnicity
Court of Appeals Judge	Appointed	7	3	4	0.0%	1	2	0.0%	0.0%	0.0%
Appellate Division Justices	Appointed	57	27	43	3.5%	7	5	0.0%	0.0%	0.0%
Supreme Court Justices (outside NYC)	Elected	139	37	129	0.0%	8	1	0.7%	0.0%	0.0%
Supreme Court Justices NYC	Elected	128	56	68	1.6%	38	20	0.0%	0.0%	0.0%
Court of Claims Judge	Appointed	86	26	71	2.3%	5	8	0.0%	0.0%	0.0%
Surrogate's Court Judge NYC	Elected	25	5	25	0.0%			0.0%	0.0%	0.0%
County Court Judge	Elected	6	4	2	0.0%	1	3	0.0%	0.0%	0.0%
County Court Judge Nassau	Elected	123	19	120	0.0%	3		0.0%	0.0%	0.0%
District Court Judge Suffolk	Elected	29	11	23	0.0%	5	1	0.0%	0.0%	0.0%
District Court Judge Suffolk	Elected	24	8	20	0.0%	2	2	0.0%	0.0%	0.0%
Family Court Judge (outside NYC)	Elected	95	57	87	1.1%	4	3	0.0%	0.0%	0.0%
Family Court Judge NYC	Appointed	57	37	34	3.5%	14	7	0.0%	0.0%	0.0%
Civil Court Judge NYC	Elected	121	80	65	5.0%	32	17	0.0%	0.0%	0.8%
Criminal Court Judge NYC	Appointed	103	51	69	9.7%	13	10	0.0%	1	0.0%
City Court Judge	Elected or Appointed	169	45	144	0.0%	21	3	0.0%	0.0%	0.6%
Housing Court Judge	Appointed	49	28	30	12.2%	7	6	0.0%	0.0%	0.0%
Certificated Justices	NA	58	13	49	1.7%	6	2	0.0%	0.0%	0.0%
Statewide Total		1276	507	983	2.5%	167	90	0.1%	1	0.2%

**New York State Unified Court System
Diversity on the Bench
2019**

Statutory Title	Elected/ Appointed	Total	Women		White		Asian		Black		Hispanic		Native American		Two or More Ethnicities		Unknown Ethnicity	
			Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage
Court of Appeals Judge	Appointed	7	3	42.9%	4	57.1%	0	0.0%	1	14.3%	2	28.6%	0	0.0%	0	0.0%	0	0.0%
Appellate Division Justices	Appointed	53	27	50.9%	37	69.8%	2	3.8%	8	15.1%	6	11.3%	0	0.0%	0	0.0%	0	0.0%
Supreme Court Justices (outside NYC)	Elected	139	40	28.8%	127	91.4%	0	0.0%	9	6.5%	2	1.4%	1	0.7%	0	0.0%	0	0.0%
Supreme Court Justices NYC	Elected	132	62	47.0%	71	53.8%	3	2.3%	38	28.8%	20	15.2%	0	0.0%	0	0.0%	0	0.0%
Court of Claims Judge	Appointed	83	29	34.9%	68	81.9%	2	2.4%	6	7.2%	7	8.4%	0	0.0%	0	0.0%	0	0.0%
Surrogate's Court Judge	Elected	24	6	25.0%	24	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Surrogate's Court Judge NYC	Elected	7	5	71.4%	2	28.6%	0	0.0%	2	28.6%	3	42.9%	0	0.0%	0	0.0%	0	0.0%
County Court Judge	Elected	119	20	16.8%	116	97.5%	0	0.0%	2	1.7%	1	0.8%	0	0.0%	0	0.0%	0	0.0%
District Court Judge Nassau	Elected	26	10	38.5%	21	80.8%	0	0.0%	5	19.2%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
District Court Judge Suffolk	Elected	23	5	21.7%	21	91.3%	0	0.0%	2	8.7%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Family Court Judge (outside NYC)	Elected	92	54	58.7%	83	90.2%	1	1.1%	4	4.3%	4	4.3%	0	0.0%	0	0.0%	0	0.0%
Family Court Judge NYC	Appointed	56	39	69.6%	34	60.7%	2	3.6%	13	23.2%	7	12.5%	0	0.0%	0	0.0%	0	0.0%
Civil Court Judge NYC	Elected	119	84	70.6%	63	54.3%	8	6.9%	28	24.1%	16	13.8%	0	0.0%	1	0.9%	3	2.5%
Criminal Court Judge NYC	Appointed	106	51	48.1%	71	67.0%	9	8.5%	13	12.3%	12	11.3%	0	0.0%	1	0.9%	0	0.0%
City Court Judge	Elected or Appointed	167	46	27.5%	142	85.0%	0	0.0%	22	13.2%	3	1.8%	0	0.0%	0	0.0%	0	0.0%
Housing Court Judge	Appointed	50	30	60.0%	27	55.1%	6	12.2%	10	20.4%	6	12.2%	0	0.0%	0	0.0%	1	2.0%
Certificated Justices	NA	68	14	20.6%	56	82.4%	1	1.5%	10	14.7%	1	1.5%	0	0.0%	0	0.0%	0	0.0%
Statewide Total		1271	525	41.3%	967	76.3%	34	2.7%	173	13.7%	90	7.1%	1	0.1%	2	0.2%	4	0.3%

**New York State Unified Court System
Diversity on the Bench
2020**

Statutory Title	Elected/ Appointed	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities	Unknown Ethnicity
Court of Appeals Judge	Appointed	7	3	4	0.0%	1	2	0.0%	0.0%	0.0%
Appellate Division Justices	Appointed	50	27	34	4.0%	8	6	0.0%	0.0%	0.0%
Supreme Court Justices (outside NYC)	Elected	143	40	131	0.0%	9	2	1	0.7%	0.0%
Supreme Court Justices NYC	Elected	134	65	73	3.0%	38	19	0.0%	0.0%	0.0%
Court of Claims Judge	Appointed	81	29	66	2.5%	6	7	0.0%	0.0%	0.0%
Surrogate's Court Judge	Elected	25	6	25	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Surrogate's Court Judge NYC	Elected	7	5	2	0.0%	2	3	0.0%	0.0%	0.0%
County Court Judge	Elected	123	24	118	0.0%	3	1	0.0%	0.0%	0.8%
District Judge Nassau	Elected	26	11	21	0.0%	5	0.0%	0.0%	0.0%	0.0%
District Judge Suffolk	Elected	23	5	21	0.0%	2	0.0%	0.0%	0.0%	0.0%
Family Court Judge (outside NYC)	Elected	95	59	82	1.1%	6	4	0.0%	0.0%	2.1%
Family Court Judge NYC	Appointed	55	39	34	3.6%	13	6	0.0%	0.0%	0.0%
Civil Court Judge NYC	Elected	119	84	61	6.0%	31	16	0.0%	1	2.5%
Criminal Court Judge NYC	Appointed	107	53	70	9.5%	12	12	0.0%	1	1.9%
City Court Judge	Elected or Appointed	168	49	132	0.0%	24	4	0.0%	0.0%	4.8%
Housing Court Judge	Appointed	50	30	27	12.2%	10	6	0.0%	0.0%	2.0%
Certificated Justices	NA	77	18	63	0.0%	11	3	0.0%	0.0%	0.0%
Retired Judge	NA	1	1	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total		1291	548	965	2.7%	181	91	1	2	17
			42.4%	75.7%		14.2%	7.1%	0.1%	0.2%	1.3%

APPENDIX B

**New York State Unified Court System-Diversity on the Bench:
Administrative Judges, 2015-2020**

**NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH: Administrative Judges**

2015

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Chief Judge Court of Appeals		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chf Admin Judge of the Courts		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dep Chf Admin Judge of Courts	NYC	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Outside NYC	1	100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
Presiding Justice App Div	1st Department	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	2nd Department	1	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%
	3rd Department	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Department	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Justice App Term		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Administrative Judge	3rd Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	5th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	6th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	7th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	8th Judicial District	1	100.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%
	9th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Nassau	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Suffolk	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Civil	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	Bronx Supreme Criminal	2	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Kings Supreme	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Civil	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Criminal	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Queens Supreme	2	0.0%	50.0%	0.0%	0.0%	50.0%	0.0%	0.0%
	Richmond Supreme	1	100.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%
NYC Criminal Court	1	100.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	
NYC Family Court	1	100.0%	1	0.0%	0.0%	100.0%	0.0%	0.0%	
Chief of Policy & Planning	OCA DCAJ Court Operations & Planning	1	100.0%	1	0.0%	0.0%	0.0%	0.0%	0.0%
Dean of the Judicial Institute	OCA Judicial Institute - CSS	1	100.0%	1	0.0%	100.0%	0.0%	0.0%	0.0%
Statewide Crd Jdg Sum Jury Tri		1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Vice Dean JI Family & Matrmo		1	100.0%	1	0.0%	0.0%	0.0%	0.0%	0.0%
Total		35	25.7%	74.3%	1	2.9%	4	11.4%	0

**NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH: Administrative Judges**

2016

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Chief Judge Court of Appeals		1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chf Admin Judge of the Courts		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dep Chf Admnv Judge Of Courts	NYC	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Outside NYC	1	1 100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
Presiding Justice App Div	2nd Department	1	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%
	3rd Department	1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Department	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Justice App Term		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Administrative Judge	3rd Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	5th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	6th Judicial District	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	7th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	8th Judicial District	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	9th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Nassau	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Suffolk	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Civil	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	Kings Supreme	2	0.0%	2 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Civil	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Queens Supreme	2	0.0%	1 50.0%	0.0%	0.0%	1 50.0%	0.0%	0.0%
	Richmond Supreme	2	50.0%	2 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NY Supreme Criminal	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
NYC Criminal Court	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
NYC Family Court	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	
Chief of Policy & Planning	OCA DCAJ Court Operations & Planning	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dean of the Judicial Institute	OCA Judicial Institute - CSS	1	100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
Statewide Crd Jdg Sum Jury Tri		1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	
Vice Dean JI Family & Matrimo		1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	
Total		35	11 31.4%	27 77.1%	1 2.9%	3 8.6%	4 11.4%	0 0.0%	0 0.0%

**NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH: Administrative Judges**

2017

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Chief Judge Court of Appeals		1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chf Admin Judge of the Courts		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dep Chf Admin Judge of Courts	NYC	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Outside NYC	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Justice Initiatives	1	1 100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
Presiding Justice App Div	1st Department	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	2nd Department	1	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%
	3rd Department	1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Department	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Justice App Term		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Administrative Judge	3rd Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	5th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	6th Judicial District	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	7th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	8th Judicial District	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	9th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Nassau	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Suffolk	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Civil	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	Kings Supreme	2	0.0%	2 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Criminal	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Queens Supreme	2	0.0%	1 50.0%	0.0%	0.0%	1 50.0%	0.0%	0.0%
Richmond Supreme	2	50.0%	2 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
NYC Criminal Court	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
NYC Family Court	1	100.0%	1 100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	
Chief of Policy & Planning	OCA DCAJ Court Operations & Planning	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dean of the Judicial Institute	OCA Judicial Institute - CSS	1	100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
Statewide Crd Jdg Sum Jury Tri		1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
Vice Dean JI Family & Matrimo		1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total		36	33.3%	27 75.0%	1 2.8%	3 8.3%	5 13.9%	0 0.0%	0 0.0%

**NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH: Administrative Judges**

2018

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Chief Judge Court of Appeals		1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chf Admin Judge of the Courts		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dep Chf Admin Judge of Courts	NYC	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Outside NYC	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Justice Initiatives	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
Presiding Justice App Div	1st Department	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	2nd Department	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	3rd Department	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Department	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Justice App Term		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Judge Court of Claims		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Administrative Judge	3rd Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	5th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	6th Judicial District	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	7th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	8th Judicial District	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	9th Judicial District	1	100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
	Nassau	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Suffolk	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	Kings Supreme Civil	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Kings Supreme Criminal	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Civil	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Criminal	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Queens Supreme Civil	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Queens Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	Richmond Supreme	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	NYC Criminal Court	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NYC Family Court	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%
NYC Civil Court	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Chief of Policy and Planning	OCA DCAJ Court Operations & Planning	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dean of the Judicial Institute	OCA Judicial Institute - CSS	1	100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
Statewide Crd Jdg Sum Jury Tri		1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
Total		36	33.3%	26 72.2%	0 0.0%	5 13.9%	5 13.9%	0 0.0%	0 0.0%

**NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH: Administrative Judges**

2019

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Chief Judge Court of Appeals		1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chf Admin Judge of the Courts		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dep Chf Admin Judge of Courts	NYC	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Outside NYC	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Justice Initiatives	1	100.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%
Presiding Justice App Div	1st Department	1	0.0%	0.0%	0.0%	0.0%	1 100.0%	0.0%	0.0%
	2nd Department	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	3rd Department	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Department	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Justice App Term		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Judge Court of Claims		1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Administrative Judge	3rd Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	5th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	7th Judicial District	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	8th Judicial District	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	9th Judicial District	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	Nassau	1	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	Suffolk	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Civil	1	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	Bronx Supreme Criminal	1	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	Kings Supreme Civil	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Kings Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Civil	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Criminal	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Queens Supreme Criminal	1	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	Richmond Supreme	1	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	NYC Criminal Court	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
NYC Family Court	1	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	
NYC Civil Court	1								
Chief of Policy and Planning	OCA DCAJ Court Operations & Planning	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dean of the Judicial Institute	OCA Judicial Institute - CSS	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
Statewide Crd Jdg Sum Jury Tri		1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Total		35	12	23	0	6	6	0	0
			34.3%	65.7%	0.0%	17.1%	17.1%	0.0%	0.0%

**NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH: Administrative Judges**

2020

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Chief Judge Court of Appeals		1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chf Admin Judge of the Courts		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dep Chf Admin Judge of Courts	NYC	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Outside NYC	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Justice Initiatives	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
Presiding Justice App Div	1st Department	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	2nd Department	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	3rd Department	1	100.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Department	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Justice App Term		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Presiding Judge Court of Claims		1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	

Title	Location/Court	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities
Administrative Judge	3rd Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	4th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	5th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	6th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	7th Judicial District	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	8th Judicial District	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	9th Judicial District	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	Nassau	1	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	Suffolk	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Bronx Supreme Civil	1	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	Bronx Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	Kings Supreme Civil	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Kings Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Civil	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	NY Supreme Criminal	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
	Queens Supreme Civil	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	Queens Supreme Criminal	1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
	Richmond Supreme	1	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
	NYC Criminal Court	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
NYC Family Court	1	100.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%	
NYC Civil Court	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
Chief of Policy and Planning	OCA DCAJ Court Operations & Planning	1	100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Dean of the Judicial Institute	OCA Judicial Institute - CSS	1	100.0%	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%
Statewide Crd. Jdg. Sum. Jury Tri.		1	0.0%	0.0%	0.0%	0.0%	100.0%	0.0%	0.0%
Total		37	35.1%	24 64.9%	0 0.0%	7 18.9%	6 16.2%	0 0.0%	0 0.0%

APPENDIX C

**New York State Unified Court System-Diversity on the Bench:
Supervising Judges, 2015-2019**

New York State Unified Court System
Diversity on the Bench: Supervising Judges
2015 - 2019

Year	Total	Women	White	Asian	Black	Hispanic	Native American	Two or more Ethnicities	Unknown Ethnicity
2019	60	23 38.3%	47 78.3%	1 1.7%	10 16.7%	2 3.3%	0 0%	0 0%	0 0%
2018	58	25 43.1%	44 75.9%	1 1.7%	12 20.7%	1 1.7%	0 0%	0 0%	0 0%
2017	57	19 33.3%	43 75.4%	2 3.5%	11 19.3%	1 1.8%	0 0%	0 0%	0 0%
2016	57	21 36.8%	44 77.2%	2 3.5%	11 19.3%	0 0.0%	0 0%	0 0%	0 0%
2015	66	20 30.3%	55 83.3%	1 1.5%	8 12.1%	1 1.5%	0 0%	0 0%	1 1.5%

APPENDIX D

New York State Supreme Court Judges Elected in New York City

New York State Supreme Court Judges Elected in New York City

The New York State Constitution establishes 277 Supreme Court Justices, divided into various counties within the State and a State population of approximately 19.8 million residents. The Justices are elected by the general public at the annual general election each year. They are nominated at political party caucus by judicial delegates at their respective county-wide (or judicial districts) (*see* New York State Election Law). The judicial delegates (voters) to the Convention are elected from districts at the party election earlier the same year. The Justices serve for a fourteen-year term at a compensation of \$210,000 annually. They may serve interchangeably in the Civil or Criminal Terms until age 70 and thereafter petition OCA every two years to be certificated until age 76.

The State Supreme Court Justices are augmented by the approximately 88 Court of Claims Justices and the Acting Supreme Court Justices.

Year	Number of (Elected) Judges in New York City	Number of (Elected) Judges in New York City by County & Percentages	Number of Black (Elected) Judges & Percentages	Number of Black (Elected) Judges by County & Percentages
2015	125	28, NY 38, Kings 37, Queens 20, Bronx 3, Richmond	36 (28.8%)	5, NY 12, Kings 11, Queens 8, Bronx 1, Richmond
2016	131	28, NY 38, Kings 35, Queens 22, Bronx 3, Richmond	38 (29%)	4, NY 13, Kings 9, Queens 7, Bronx 1, Richmond
2017	124	24, NY 40, Kings 35, Queens 25, Bronx 3, Richmond	36 (29%)	4, NY 14, Kings 8, Queens 10, Bronx 1, Richmond
2018	128	28, NY 37, Kings	38 (29.7%)	6, NY 13, Kings

		35, Queens 28, Bronx 2, Richmond		9, Queens 12, Bronx 1, Richmond
2019	132	29, NY 36, Kings 36, Queens 29, Bronx 6, Richmond	38 (28.8%)	6, NY 12, Kings 8, Queens 12, Bronx 1, Richmond
2020	124		38 (28.4%)	

APPENDIX E

New York City Civil Court Judges-Elected from County-Wide and Districts

**New York City Civil Court Judges
(Elected from County-Wide and Districts)**

Year	Number of (Elected) Judges in New York City	Number of White (Elected) Judges & Percentages	Number of Black (Elected) Judges & Percentages
2015	120	72 (60.5%)	33 (27.7%)
2016	120	69 (58%)	37 (31.1%)
2017	119	67 (56.8%)	31 (26.3%)
2018	121	65 (54.2%)	32 (26.7%)
2019	119	63 (54.3%)	28 (24.1%)
2020	119	61 (52.6%)	31 (26.7%)

APPENDIX F

New York State Supreme Court Judges Elected Outside New York City

New York State Supreme Court Judges Elected Outside New York City

Year	Number of (Elected) Judges Outside New York City	Number of Black (Elected) Judges & Percentages
2015	141	6 (4.3%)
2016	148	8 (5.4%)
2017	141	8 (5.8%)
2018	139	8 (5.8%)
2019	139	9 (6.5%)
2020	143	9 (6.3%)

APPENDIX G

New York Court of Claims

New York Court of Claims

The New York State Court of Claims Act establishes 86 Court of Claims Judges. There are 86 Judges appointed by the Governor of the State of New York with advice and consent by the New York State Senate. The Judges are appointed to nine-year terms, with an annual compensation of \$210,000, and with an option to be reappointed by the Governor until they reach the age of 70. Their general jurisdiction is the exclusive forum for civil litigation seeking damages against the State of New York or certain other State-related entities such as the New York State Thruway Authority, the City University of New York, the Olympic Regional Development Authority, the Roswell Park Cancer Institute Corporation and the New York State Power Authority.

However, many of the Judges are assigned to serve in New York City as Supreme Court Justices in Civil Terms, and Acting Supreme Court Justices in Criminal Terms. The Judges are divided into four categories Part A (27 Judges), B (17 Judges), D (32 Judges), and E (12 Judges). Only Part A Judges are authorized to serve in the Supreme Court, Civil Term (*see* Court of Claims Act §2).

As a general rule, in New York City on average 18 to 20% of all Judges in Supreme Court are Court of Claims Judges appointed by the Governor, not duly elected to the Supreme Court by the voters. Between 2010 to 2020, 85 to 80% of all Court of Claims appointments, respectively, were white.

Year	Number of (Appointed) Judges	Number of Black (Appointed) Judges & Percentages
2010	84	3 (3.6%)
2015	82	4 (4.9%)
2016	79	3 (3.8%)
2017	81	4 (4.9%)

2018	86	5 (5.8%)
2019	83	6 (7.2%)
2020	81	6 (7.4%)

APPENDIX H

**New York State Unified Court System – Diversity on the Bench:
Acting Supreme Court Justices, 2015-2020**

New York State Unified Court System

Diversity on the Bench

Acting Supreme Court Justices
2015

Statutory Title	Total	Women	White	Asian	Black	Hispanic	Native American	Unknown Ethnicity					
Civil Court Judge NYC	63	36	57.1%	42	66.7%	2	3.2%	14	22.2%	5	7.9%	0.0%	0.0%
County Court Judge	90	14	15.6%	88	97.8%		0.0%	2	2.2%		0.0%	0.0%	0.0%
Criminal Court Judge NYC	75	23	30.7%	60	80.0%	3	4.0%	8	10.7%	4	5.3%	0.0%	0.0%
District Judge Nassau	3		0.0%	3	100.0%		0.0%		0.0%		0.0%	0.0%	0.0%
Family Court Judge (outside NYC)	49	29	59.2%	47	95.9%		0.0%	2	4.1%		0.0%	0.0%	0.0%
Family Court Judge NYC	9	7	77.8%	7	77.8%		0.0%	1	11.1%		11.1%	0.0%	0.0%
Surrogate's Court Judge	18	3	16.7%	18	100.0%		0.0%		0.0%		0.0%	0.0%	0.0%
Total	307	112	36.5%	265	86.3%	5	1.6%	27	8.8%	10	3.3%	0	0.0%

New York State Unified Court System

Diversity on the Bench

Acting Supreme Court Justices
2016

Statutory Title	Total	Women	White	Asian	Black	Hispanic	Native American	Unknown Ethnicity					
Civil Court Judge NYC	68	36	52.9%	44	64.7%	2	2.9%	18	26.5%	4	5.9%	0.0%	0.0%
County Court Judge	86	14	16.3%	84	97.7%		0.0%	2	2.3%		0.0%	0.0%	0.0%
Criminal Court Judge NYC	71	24	33.8%	54	76.1%	4	5.6%	9	12.7%	4	5.6%	0.0%	0.0%
District Judge Nassau	3		0.0%	3	100.0%		0.0%		0.0%		0.0%	0.0%	0.0%
Family Court Judge (outside NYC)	48	26	54.2%	45	93.8%	1	2.1%	2	4.2%		0.0%	0.0%	0.0%
Family Court Judge NYC	11	9	81.8%	8	72.7%		0.0%	3	27.3%		0.0%	0.0%	0.0%
Surrogate's Court Judge	20	4	20.0%	20	100.0%		0.0%		0.0%		0.0%	0.0%	0.0%
Total	307	113	36.8%	258	84.0%	7	2.3%	34	11.1%	8	2.6%	0	0.0%

New York State Unified Court System

Diversity on the Bench

Acting Supreme Court Justices
2017

Statutory Title	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities	Unknown Ethnicity
Civil Court Judge NYC	61	34	42	1	14	3	0.0%	0.0%	1
County Court Judge	81	14	79	0.0%	2	0.0%	0.0%	0.0%	0.0%
Criminal Court Judge NYC	69	25	52	4	7	6	0.0%	0.0%	0.0%
District Judge Nassau	3	0.0%	3	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Family Court Judge (outside NYC)	46	27	44	1	1	0.0%	0.0%	0.0%	0.0%
Family Court Judge NYC	10	7	7	0.0%	2	1	0.0%	0.0%	0.0%
Surrogate's Court Judge	18	3	18	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	288	110	245	6	26	10	0	0	1
		38.2%	85.4%	2.1%	9.1%	3.5%	0.0%	0.0%	0.3%

New York State Unified Court System

Diversity on the Bench

Acting Supreme Court Justices
2018

Statutory Title	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities	Unknown Ethnicity
Civil Court Judge NYC	53	34	71.2%	1	13	1	0.0%	0.0%	1
County Court Judge	79	16	97.5%	0.0%	2	0.0%	0.0%	0.0%	0.0%
Criminal Court Judge NYC	64	26	75.0%	5	5	6	0.0%	0.0%	0.0%
District Judge Nassau	3	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Family Court Judge (outside NYC)	45	26	97.8%	1	0.0%	0.0%	0.0%	0.0%	0.0%
Family Court Judge NYC	10	7	70.0%	0.0%	2	1	0.0%	0.0%	0.0%
Surrogate's Court Judge	16	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	270	110	86.2%	7	22	8	0	0	1
									0.4%

New York State Unified Court System
Diversity on the Bench
 Acting Supreme Court Justices
 2019

Statutory Title	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities	Unknown Ethnicity				
Civil Court Judge NYC	43	28	71.4%	1	2.4%	9	21.4%	2	4.8%	0.0%	1	2.4%	
County Court Judge	78	15	19.2%	77	98.7%	1	1.3%		0.0%	0.0%		0.0%	
Criminal Court Judge NYC	63	24	38.1%	48	76.2%	6	9.5%	5	7.9%	0.0%		0.0%	
Family Court Judge (outside NYC)	46	26	56.5%	44	95.7%		0.0%	2	4.3%	0.0%		0.0%	
Family Court Judge NYC	11	9	81.8%	7	63.6%	3	27.3%	1	9.1%	0.0%		0.0%	
Surrogate's Court Judge	15	2	13.3%	15	100.0%		0.0%		0.0%	0.0%		0.0%	
Total	256	104	40.6%	221	86.7%	19	7.5%	10	3.9%	0	0.0%	1	0.4%

NEW YORK STATE UNIFIED COURT SYSTEM
DIVERSITY ON THE BENCH: ACTING SUPREME COURT JUSTICES

June 2020

Title	Total	Women	White	Asian	Black	Hispanic	Native American	Two or More Ethnicities	Unknown Ethnicity
Civil Court Judge NYC	43	32 74.4%	25 59.5%	1 2.4%	12 28.6%	4 9.5%	0 0.0%	0 0.0%	1 2.3%
County Court Judge	74	15 20.3%	72 97.3%	0 0.0%	1 1.4%	1 1.4%	0 0.0%	0 0.0%	0 0.0%
Criminal Court Judge NYC	62	26 41.9%	44 71.0%	5 8.1%	7 11.3%	6 9.7%	0 0.0%	0 0.0%	0 0.0%
Family Court Judge (outside NYC)	46	27 58.7%	44 95.7%	0 0.0%	0 0.0%	2 4.3%	0 0.0%	0 0.0%	0 0.0%
Family Court Judge NYC	15	11 73.3%	10 66.7%	0 0.0%	4 26.7%	1 6.7%	0 0.0%	0 0.0%	0 0.0%
Surrogate's Court Judge	16	2 12.5%	16 100.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
Total	256	113 44.1%	211 82.7%	6 2.4%	24 9.4%	14 5.5%	0 0.0%	0 0.0%	1 0.4%

APPENDIX I

New York City Housing Court Judges

New York City Housing Court Judges

The New York City Civil Court, Housing Part was established pursuant to the New York City Civil Court Act, Section 110 and has dual reporting capacity to OCA and the Housing Court Advisory Council. The purpose of the Advisory Council is to advise and make recommendations to the Administrative Judge of the Civil Court, the Administrative Board of the Judicial Conference, the Governor of the State of New York, the Majority and Minority leaders of the New York State Assembly, Senate and the Mayor and Council of the City of New York concerning the manner of operations and functions of the Civil Court Housing Part that will best enable the Court to effectively carry out its dual mandate of dispensing justice and improving the housing stock. This includes issuing an annual report to the same persons. In addition, the Council is charged with the responsibility to review and approve applicants for appointments to the Housing Court Part and sitting Court Judges for reappointment.

The Court has a tremendous responsibility hearing both residential and commercial housing cases among New York City's 8.3 million residents, many of whom are apartment renters or Coop and condominium owners. The New York Civil Court, Housing Part has 50 appointed Housing Court Judges who serve five-year terms. They are augmented by elected Civil Court Judges and adjudicate well over 250,000 cases a year. In the recent New York State Housing Control Act of 2019 and modifications to the New York Rent Regulation Reform Act of 1997, extending and reorganizing the Emergency Housing Rent Control Law, the Emergency Tenant Protection Act of 1974, and the Emergency Housing Rent Control Act and the fact that many of the litigants to appear in court are *pro se* (without benefit of legal counsel) the Court has its hands full.

The Housing Court Council, which screens Judges for qualification, consists of fourteen (14) members. Twelve (12) members known as "Public Members" are appointed by the Administrative Judge of the City of New York with approval by the Presiding Justices of the New York State Supreme Court, Appellate Division, First and Second Departments. The Public Members include two representatives from the following areas: the real estate industry, tenants' organizations, civic groups, bar associations, and four members from the public at large. Each of the other two (2) members known as, "Appointed Members", are appointed by the Mayor of the City of New York (usually a commissioner serving at New York City Housing and Preservation and Development) and the Governor of the State of New York (usually a Commissioner at the New York State Department of Housing and Community Renewal). Public Members serve for three year non-renewal terms

without any compensation or expense reimbursement. Ultimately, however, the Chief Administrative Judge of the State of New York makes the appointment to the Court from the Housing Court Council recommendations.

Year	Number of (Appointed) Judges in New York City	Number of White (Appointed) Judges & Percentages	Number of Black (Appointed) Judges & Percentages
2015	50	34 (68%)	4 (8%)
2016	48	33 (68.8%)	5 (10.4%)
2017	49	31 (68.3%)	6 (12.2%)
2018	49	30 (61%)	7 (14.3%)
2019	50	27 (55%)	10 (20%)
2020	50	27 (55%)	10 (20%)

APPENDIX J

**New York City Criminal Court Judges
(Appointed by the Mayor of the City of New York)**

**New York City Criminal Court Judges
(Appointed by the Mayor of the City of New York)**

Year	Number of (Appointed) Judges in New York City Criminal Court	Number of White (Appointed) Judges & Percentages	Number of Black (Appointed) Judges & Percentages
2015	103	77 (75%)	13 (12.6%)
2016	105	75 (74.1%)	15 (14.3%)
2017	104	72 (69.2%)	13 (13.5%)
2018	103	69 (67%)	13 (12.6%)
2019	106	71 (67%)	13 (12.3%)
2020	107	70 (66%)	12 (11.4%)

APPENDIX K

**New York City Family Court Judges
(Appointed by the Mayor of the City of New York)**

**New York City Family Court Judges
(Appointed by the Mayor of the City of New York)**

Year	Number of (Appointed) Judges in New York City	Number of White (Appointed) Judges & Percentages	Number of Black (Appointed) Judges & Percentages
2015	54	33 (66%)	8 (12.6%)
2016	56	35 (62%)	11 (19.6%)
2017	56	33 (58.9%)	13 (23.2%)
2018	57	34 (59.6%)	14 (24.6%)
2019	56	34 (60.7%)	13 (23.2%)
2020	55	34 (61.8%)	13 (23.6%)

APPENDIX L

New York State Unified Court System – Workforce Diversity, 2015-2020

**NEW YORK STATE UNIFIED COURT SYSTEM
WORKFORCE DIVERSITY**

July 2015

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Officials and Administrators										
AGCY MGR, CLS OF JUROR \$ CO CL	49	25	89.6%	0.0%	8.3%	1	0.0%	0.0%	0.0%	2.0%
ATTORNEYS GENERAL	12	7	91.7%	0.0%	8.3%	1	0.0%	0.0%	0.0%	0.0%
CHIEF CLERKS & DEP	427	308	86.9%	3	8.9%	15	0.0%	0.0%	0.0%	0.0%
COMPUTER SUPPORT PROF	3	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER SYSTEM ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ATTENDANTS	1	0.0%	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%
COURT CLERK SPEC	62	22	74.2%	2	12.9%	6	9.7%	0.0%	0.0%	0.0%
COURT REPORTERS/SUPERVISING CO	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LIEUTENANTS	1	1	0.0%	0.0%	100.0%	1	0.0%	0.0%	0.0%	0.0%
MANAGEMENT ANALYSTS	1	1	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%
OCA & EXEC ASSTS	63	24	82.3%	1	11.3%	3	4.8%	0.0%	0.0%	1.6%
OFF/ADM- LEGAL	61	25	93.4%	0.0%	3.3%	2	3.3%	0.0%	0.0%	0.0%
SENIOR/PRINCIPAL COURT REPORTE	10	7	70.0%	0.0%	30.0%	3	0.0%	0.0%	0.0%	0.0%
Total	692	421	85.7%	6	9.3%	29	4.2%	0.0%	0.0%	2

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity		
Professionals												
ATTNYS STAT APPOINT	634	374	513	13	47	18	0.0%	0.0%	1	0.2%	42	6.6%
ATTORNEYS - SUPPORT MAGISTRATE	121	67	98	2	14	4	11.8%	0.0%	1	0.8%	2	1.7%
ATTORNEYS GENERAL	1470	942	1147	60	132	70	9.3%	0.0%	2	0.1%	57	3.9%
AUDITORS/ACCOUNTANTS	26	10	17	0.0%	8	0.0%	32.0%	0.0%	0.0%	0.0%	1	3.8%
CHIEF CLERKS & DEP	2	1	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER & IT MANAGERS	19	6	15	78.9%	2	1	5.3%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	13	1	9	75.0%	3	0.0%	0.0%	0.0%	0.0%	0.0%	1	7.7%
COMPUTER SUPPORT PROF	90	30	53	60.9%	16	11	18.4%	0.0%	0.0%	0.0%	3	3.3%
COMPUTER SYSTEM ANALYSTS	23	13	21	95.5%	1	0.0%	4.5%	0.0%	0.0%	0.0%	1	4.3%
COURT ANALYSTS	716	549	446	63.7%	154	71	10.1%	0.0%	0.0%	0.0%	16	2.2%
COURT INTERPRETERS	282	166	56	20.2%	18	180	65.0%	0.0%	0.0%	0.0%	5	1.8%
GENERAL OFFICE CLERKS	8	5	1	14.3%	4	2	28.6%	0.0%	0.0%	0.0%	1	12.5%
LIBRARIANS	27	18	25	92.6%	1	0.0%	3.7%	0.0%	0.0%	0.0%	0.0%	0.0%
MANAGEMENT ANALYSTS	175	115	123	70.7%	27	16	15.5%	0.0%	0.0%	0.0%	1	0.6%
NETWORK TECH AND ADMINISTRATORS	2	1	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OCA & EXEC ASSO'S	4	1	4	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OFF/ADM- LEGAL	17	6	13	86.7%	1	0.0%	6.7%	0.0%	0.0%	0.0%	2	11.8%
PAYROLL & BUDGET SPECIALISTS	26	20	23	88.5%	2	1	7.7%	0.0%	0.0%	0.0%	0.0%	0.0%
SOCIAL WORKERS	262	197	158	61.0%	57	38	22.0%	0.0%	0.0%	0.0%	3	1.1%
UNCATEGORIZED TITLES	2	1	1	50.0%	1	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	3919	2523	2727	4.1%	482	413	12.7%	10.9%	4	0.1%	135	3.4%
Technicians												
COMPUTER & IT MANAGERS	2	0.0%	1	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	64	20	42	77.8%	1	2	1.9%	3.7%	0.0%	0.0%	10	15.6%
COMPUTER SUPPORT PROF	1	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NETWORK TECH AND ADMINISTRATORS	141	25	92	66.7%	7	3	5.1%	2.2%	0.0%	0.0%	3	2.1%
Total	208	45	136	69.7%	8	5	4.1%	2.6%	0.0%	0.0%	13	6.3%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Protective Service										
BUILDING GUARDS	5	1	4	0.0%	1	0.0%	0.0%	0.0%	0.0%	0.0%
CO/SCO SERGEANTS	406	52	339	83.7%	35	8.6%	29	7.2%	0.0%	1
COURT ATTENDANTS	48	8	32	66.7%	6	12.5%	10	20.8%	0.0%	0.0%
COURT OFFICERS & SR CT OFC	3139	881	2063	66.2%	42	1.3%	598	19.2%	0.0%	3
LIEUTENANTS	156	31	127	81.4%	1	0.6%	16	10.3%	0.0%	0.0%
NYS CO CAPT/MAJORS	94	15	72	76.6%	3	3.2%	8	8.5%	0.0%	0.0%
OCA & EXEC ASSTIS	13	1	10	76.9%	1	7.7%	2	15.4%	0.0%	0.0%
Total	3861	989	2647	69.0%	49	1.3%	664	17.3%	3	0.1%
Administrative Support										
ASSOCIATE CT CLERKS	425	222	291	68.5%	78	18.4%	48	11.3%	0.0%	0.0%
COMPUTER OPERATORS	12	1	11	91.7%	1	8.3%	0.0%	0.0%	0.0%	0.0%
COURT ASSISTANTS	774	598	564	73.3%	16	2.1%	140	18.2%	0.0%	1
COURT CLERK SPEC	40	13	29	72.5%	8	20.0%	3	7.5%	0.0%	0.0%
COURT REPORTERS/SUPERVISING CO	309	281	245	80.1%	4	1.3%	32	10.5%	0.0%	3
CT CLERKS & SR CT CLERKS	1533	1003	905	59.1%	35	2.3%	435	28.4%	0.0%	1
DATA ENTRY CLERKS	142	126	27	19.4%	9	6.5%	84	60.4%	0.0%	3
DRIVERS & MESSENGERS	29	3	19	65.5%	1	3.4%	6	20.7%	0.0%	0.0%
GENERAL OFFICE CLERKS	1264	982	829	66.1%	26	2.1%	267	21.3%	0.0%	1
JUDGES ATTENDANT	1	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PAYROLL & BUDGET SPECIALISTS	73	60	44	60.3%	22	30.1%	6	8.2%	0.0%	0.0%
PRINCIPAL CT CLERKS	96	50	72	75.8%	3	3.2%	11	11.6%	0.0%	1
PRINTING MACHINE OPERATORS	10	3	1	10.0%	8	80.0%	1	10.0%	0.0%	0.0%
SECRETARIES & ADM ASSISTIS	99	98	67	69.1%	2	2.1%	19	19.6%	0.0%	2
SECRETARIES-LAW STENO	109	107	63	58.9%	2	1.9%	26	24.3%	0.0%	2
SECRETARIES-STAT APPT	745	726	607	82.7%	4	0.5%	63	8.6%	0.0%	1
SENIOR/PRINCIPAL COURT REPORTE	596	523	482	80.9%	6	1.0%	75	12.6%	0.0%	0.0%
TYPISTS	277	266	226	82.5%	5	1.8%	27	9.9%	0.0%	3
Total	6534	5062	4483	69.0%	120	1.8%	1302	20.0%	3	0.0%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Paraprofessionals										
AGCY MGR, CLS OF JUROR \$ CO CL	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ANALYSTS	50	40	80.0%	1	2.0%	14	28.6%	10	20.4%	0.0%
LAW LIB CLERKS & ASSISTANTS	37	29	78.4%	1	2.7%	1	2.7%	4	10.8%	0.0%
Total	88	70	79.5%	2	2.3%	15	17.2%	14	16.1%	1
Service Maintenance										
CUST WORKERS BLDG SUPERS	12	3	25.0%	1	8.3%	0	0.0%	0	0.0%	2
MANAGEMENT ANALYSTS	1	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0
NURSERY ATTENDANTS	6	6	100.0%	1	16.7%	1	16.7%	4	66.7%	0
UNCATEGORIZED TITLES	1	1	100.0%	0	0.0%	0	0.0%	0	0.0%	0
Total	20	11	55.0%	2	10.0%	1	5.0%	4	20.0%	2
Skilled Craft										
PRINTING MACHINE OPERATORS	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0
Total	1	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0
TOTAL	15323	9121	59.5%	379	2.5%	2536	16.8%	1508	10.0%	19
										0.1%
										1.4%
										217
										0.1%
										1.4%

**NEW YORK STATE UNIFIED COURT SYSTEM
WORKFORCE DIVERSITY**

July 2016

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity							
											Officials and Administrators						
AGCY MGR, CLS OF JUROR \$ CO CL	50	29	58.0%	45	91.8%	0.0%	3	6.1%	1	2.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1	2.0%
ATTORNEYS GENERAL	11	8	72.7%	11	100.0%	0.0%		0.0%		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
CHIEF CLERKS & DEP	426	313	73.5%	373	87.6%	3	36	8.5%	14	3.3%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
COMPUTER & IT MANAGERS	30	9	30.0%	24	80.0%	4	2	6.7%		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
COMPUTER SYSTEM ANALYSTS	4	3	75.0%	4	100.0%	0.0%		0.0%		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
COURT ATTENDANTS	1		0.0%		0.0%	0.0%		0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
COURT CLERK SPEC	62	19	30.6%	47	75.8%	2	6	9.7%	7	11.3%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
COURT																	
REPORTERS/SUPERVISING CO	1		0.0%	1	100.0%	0.0%		0.0%		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
MANAGEMENT ANALYSTS	1	1	100.0%		0.0%	0.0%		0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
OCA & EXEC ASSTIS	57	21	36.8%	45	80.4%	1	7	12.5%	3	5.4%	0.0%	0.0%	0.0%	0.0%	0.0%	1	1.8%
OFF/ADM- LEGAL	61	24	39.3%	56	91.8%	0.0%	3	4.9%	2	3.3%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
SENIOR/PRINCIPAL COURT REPORTE	9	6	66.7%	5	55.6%	0.0%	4	44.4%		0.0%	0.0%	0.0%	0.0%	0.0%	0.0%		0.0%
Total	713	433	60.7%	611	85.9%	10	61	8.6%	29	4.1%	0.0%	0.0%	0.0%	0.0%	0.0%	2	0.3%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity		
Professionals												
ATTNYS STAT APPOINT	659	390	541	16	44	20	0.0%	0.0%	4	0.6%	34	5.2%
ATTORNEYS - SUPPORT MAGISTRATE	120	72	96	2	14	3	12.0%	0.0%	1	0.9%	3	2.5%
ATTORNEYS GENERAL	1483	964	1125	67	131	68	9.4%	0.0%	3	0.2%	87	5.9%
AUDITORS/ACCOUNTANTS	26	10	17	0.0%	8	0.0%	32.0%	0.0%	0.0%	0.0%	1	3.8%
CHIEF CLERKS & DEP	2	1	2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER & IT MANAGERS	4	0.0%	2	50.0%	0.0%	1	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	14	1	9	75.0%	1	8.3%	0.0%	0.0%	0.0%	0.0%	2	14.3%
COMPUTER SUPPORT PROF	47	17	34	77.3%	6	13.6%	0.0%	0.0%	0.0%	0.0%	3	6.4%
COMPUTER SYSTEM ANALYSTS	19	10	17	94.4%	1	5.6%	0.0%	0.0%	0.0%	0.0%	1	5.3%
COURT ANALYSTS	697	535	419	61.9%	150	22.2%	0.0%	0.0%	0.0%	0.0%	20	2.9%
COURT INTERPRETERS	277	160	54	19.9%	17	6.3%	178	65.7%	1	0.4%	6	2.2%
GENERAL OFFICE CLERKS	10	6	3	33.3%	4	44.4%	2	22.2%	0.0%	0.0%	1	10.0%
LIBRARIANS	25	18	23	92.0%	1	4.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
MANAGEMENT ANALYSTS	172	111	120	70.6%	23	13.5%	18	10.6%	0.0%	0.0%	2	1.2%
NETWORK TECH AND ADMINISTRATORS	1	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OCA & EXEC ASSTIS	3	0.0%	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OFF/ADM - LEGAL	18	6	14	87.5%	1	6.3%	1	6.3%	0.0%	0.0%	2	11.1%
PAYROLL & BUDGET SPECIALISTS	23	17	20	87.0%	2	8.7%	1	4.3%	0.0%	0.0%	0.0%	0.0%
SOCIAL WORKERS	259	193	156	61.2%	56	22.0%	37	14.5%	1	0.4%	4	1.5%
UNCATEGORIZED TITLES	3	1	1	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1	33.3%
Total	3862	2513	2657	4.3%	458	11.0%	407	11.0%	8	0.2%	167	4.3%
Technicians												
COMPUTER & IT MANAGERS	1	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	58	19	35	77.8%	8	17.8%	2	4.4%	0.0%	0.0%	13	22.4%
NETWORK TECH AND ADMINISTRATORS	177	34	107	62.6%	16	9.4%	11	6.4%	0.0%	0.0%	6	3.4%
Total	236	53	142	21.2%	16	7.4%	13	6.0%	0.0%	0.0%	19	8.1%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Protective Service										
BUILDING GUARDS	8	1	6	0.0%	1	12.5%	0.0%	0.0%	0.0%	0.0%
CO/SCO SERGEANTS	407	55	328	0.5%	36	8.9%	0.0%	0.0%	0.0%	0.2%
COURT ATTENDANTS	49	9	32	0.0%	7	14.3%	0.0%	0.0%	0.0%	0.0%
COURT OFFICERS & SR CT OFC	3192	881	2060	1.6%	615	19.4%	0.2%	0.0%	3	0.9%
LIEUTENANTS	155	29	123	0.6%	18	11.6%	0.0%	0.0%	0.0%	0.0%
NYS CO CAPT/MAJORS	96	18	73	3.1%	9	9.4%	0.0%	0.0%	0.0%	0.0%
OCA & EXEC ASSTS	11	0.0%	9	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	3918	993	2631	1.5%	686	17.6%	0.2%	0.0%	3	0.7%
Administrative Support										
ASSOCIATE CT CLERKS	392	206	267	1.8%	78	19.9%	0.3%	0.0%	0.0%	0.0%
COMPUTER OPERATORS	9	1	8	0.0%	1	11.1%	0.0%	0.0%	0.0%	0.0%
COURT ASSISTANTS	790	609	574	2.4%	145	18.4%	0.0%	0.0%	2	0.3%
COURT CLERK SPEC	40	15	27	0.0%	9	22.5%	0.0%	0.0%	0.0%	0.0%
COURT										
REPORTERS/SUPERVISING CO	315	286	247	2.0%	30	9.8%	0.3%	0.0%	0.0%	2.9%
CT CLERKS & SR CT CLERKS	1630	1075	943	2.3%	458	28.1%	0.1%	0.0%	0.0%	0.2%
DATA ENTRY CLERKS	131	110	27	6.4%	72	57.6%	0.0%	0.0%	0.0%	4.6%
DRIVERS & MESSENGERS	30	3	18	0.0%	7	24.1%	0.0%	0.0%	0.0%	3.3%
GENERAL OFFICE CLERKS	1258	984	818	2.7%	267	21.4%	0.3%	0.0%	2	0.9%
JUDGES ATTENDANT	1	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PAYROLL & BUDGET SPECIALISTS	90	72	47	1.1%	31	34.4%	1.1%	0.0%	0.0%	0.0%
PRINCIPAL CT CLERKS	111	60	77	2.7%	16	14.5%	0.0%	0.0%	0.0%	0.9%
PRINTING MACHINE OPERATORS	10	3	1	0.0%	8	80.0%	0.0%	0.0%	0.0%	0.0%
SECRETARIES & ADM ASSISTANTS	93	92	64	2.2%	18	19.6%	0.0%	0.0%	0.0%	1.1%
SECRETARIES-LAW STENO	102	99	56	2.0%	25	25.3%	0.0%	0.0%	0.0%	2.9%
SECRETARIES-STAT APPT	745	725	612	0.7%	62	8.4%	0.0%	0.0%	3	0.8%
SENIOR/PRINCIPAL COURT										
REPORTE	596	522	477	1.0%	77	12.9%	0.2%	0.0%	0.0%	0.0%
TYPISTS	238	229	193	2.1%	22	9.4%	0.0%	0.0%	0.0%	1.3%
Total	6581	5091	4456	2.1%	1326	20.3%	0.2%	0.0%	7	0.7%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Paraprofessionals										
AGCY MGR, CLS OF JUROR \$ CO CL	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ANALYSTS	52	43	82.7%	0.0%	12	23.5%	11	21.6%	0.0%	0.0%
LAW LIB CLERKS & ASSISTS	37	27	73.0%	1	2.7%	3	8.1%	0.0%	0.0%	1
Total	90	71	78.9%	1	1.1%	14	15.7%	0.0%	0.0%	1
Service Maintenance										
CUST WORKERS BLDG SUPERS	11	3	27.3%	1	9.1%	0.0%	0.0%	0.0%	2	18.2%
MANAGEMENT ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NURSERY ATTENDANTS	6	6	100.0%	1	16.7%	4	66.7%	0.0%	0.0%	0.0%
UNCATEGORIZED TITLES	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	19	11	57.9%	2	10.5%	4	21.1%	0.0%	2	10.5%
Skilled Craft										
PRINTING MACHINE OPERATORS	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
TOTAL	15420	9165	59.4%	413	2.7%	2562	16.9%	1570	10.4%	21
			69.7%				0.1%	20	0.1%	266
										1.7%

**NEW YORK STATE UNIFIED COURT SYSTEM
WORKFORCE DIVERSITY**

July 2017

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Officials and Administrators										
AGCY MGR, CLS OF JUROR \$ CO CL	47	26	90.9%	0.0%	3	2.3%	0.0%	0.0%	0.0%	3
ATTORNEYS GENERAL	13	9	100.0%	0.0%	0	0.0%	0.0%	0.0%	0.0%	0
CHIEF CLERKS & DEP	455	332	85.7%	3	40	4.8%	0.0%	0.0%	0.0%	0
COMPUTER & IT MANAGERS	30	9	80.0%	4	2	6.7%	0.0%	0.0%	0.0%	0
COMPUTER SYSTEM ANALYSTS	6	5	100.0%	0.0%	0	0.0%	0.0%	0.0%	0.0%	0
COURT ATTENDANTS	1	0	0.0%	0.0%	0	0.0%	0.0%	0.0%	0.0%	0
COURT CLERK SPEC	67	24	76.1%	2	6	11.9%	0.0%	0.0%	0.0%	0
COURT										
REPORTERS/SUPERVISING CO	2	1	100.0%	0.0%	0	0.0%	0.0%	0.0%	0.0%	0
MANAGEMENT ANALYSTS	1	1	100.0%	0.0%	0	0.0%	0.0%	0.0%	0.0%	0
OCA & EXEC ASSTS	59	21	81.0%	1	8	13.8%	0.0%	0.0%	0.0%	1
OFF/ADM- LEGAL	60	26	91.7%	0.0%	3	5.0%	0.0%	0.0%	0.0%	0
SENIOR/PRINCIPAL COURT REPORTE	9	7	77.8%	0.0%	4	44.4%	0.0%	0.0%	0.0%	0
Total	750	461	84.9%	10	66	8.8%	0.0%	0.0%	0.0%	4

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Professionals										
ATTNYS STAT APPOINT ATTORNEYS - SUPPORT MAGISTRATE	659	395	508	20	48	22		0.0%	5	56
			84.2%	3.3%	8.0%	3.6%		0.0%	0.8%	8.5%
ATTORNEYS GENERAL	121	75	94	2	17	3	1	0.0%	1	3
			79.7%	1.7%	14.4%	2.5%	0.8%	0.0%	0.8%	2.5%
AUDITORS/ACCOUNTANTS	1495	960	1116	65	121	64	3	0.0%	5	121
			81.2%	4.7%	8.8%	4.7%	0.2%	0.0%	0.4%	8.1%
CHIEF CLERKS & DEP	28	11	18		9			0.0%		1
			39.3%	0.0%	33.3%	0.0%		0.0%	0.0%	3.6%
COMPUTER & IT MANAGERS	2	2	2					0.0%		
			100.0%	0.0%	0.0%	0.0%		0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	5		3	1		1		0.0%		
			60.0%	20.0%	0.0%	20.0%		0.0%	0.0%	0.0%
COMPUTER SUPPORT PROF	15	1	10	2	1			0.0%		
			6.7%	15.4%	7.7%	0.0%		0.0%	0.0%	13.3%
COMPUTER SYSTEM ANALYSTS	50	16	37	4	6	1		0.0%		2
			32.0%	8.3%	12.5%	2.1%		0.0%	0.0%	4.0%
COURT ANALYSTS	20	9	18		1			0.0%		1
			45.0%	0.0%	5.3%	0.0%		0.0%	0.0%	5.0%
COURT INTERPRETERS	697	538	421	31	155	77		0.0%		13
			77.2%	4.5%	22.7%	11.3%		0.0%	0.0%	1.9%
GENERAL OFFICE CLERKS	311	178	62	28	17	198	2	0.0%		4
			57.2%	9.1%	5.5%	64.5%	0.7%	0.0%	0.0%	1.3%
LIBRARIANS	8	5	3		3	2		0.0%		
			62.5%	0.0%	37.5%	25.0%		0.0%	0.0%	0.0%
MANAGEMENT ANALYSTS	25	18	23	1	1			0.0%		
			72.0%	4.0%	4.0%	0.0%		0.0%	0.0%	0.0%
NETWORK TECH AND ADMINISTRATORS	176	113	123	10	24	19		0.0%		
			64.2%	5.7%	13.6%	10.8%		0.0%	0.0%	0.0%
OCA & EXEC ASSTS	1	1	1					0.0%		
			100.0%	0.0%	0.0%	0.0%		0.0%	0.0%	0.0%
OFF/ADM- LEGAL	3	1	3					0.0%		
			33.3%	0.0%	0.0%	0.0%		0.0%	0.0%	0.0%
PAYROLL & BUDGET SPECIALISTS	19	8	16	1		1		0.0%		1
			42.1%	5.6%	0.0%	5.6%		0.0%	0.0%	5.3%
SOCIAL WORKERS	21	16	18		2	1		0.0%		
			76.2%	0.0%	9.5%	4.8%		0.0%	0.0%	0.0%
UNCATEGORIZED TITLES	258	194	155	5	55	36	1	0.0%		6
			75.2%	2.0%	21.8%	14.3%	0.4%	0.0%	0.0%	2.3%
Total	3	1	2	1				0.0%		
			33.3%	33.3%	0.0%	0.0%		0.0%	0.0%	0.0%
Total	3917	2542	2633	171	460	425	7	0.0%	11	210
			71.0%	4.6%	12.4%	11.5%	0.2%	0.0%	0.3%	5.4%
Technicians										
COMPUTER & IT MANAGERS	1			1				0.0%		
			0.0%	100.0%	0.0%	0.0%		0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	57	19	38	9		2		0.0%	1	7
			33.3%	18.0%	0.0%	4.0%		0.0%	2.0%	12.3%
NETWORK TECH AND ADMINISTRATORS	189	35	109	40	17	14		0.0%		9
			18.5%	22.2%	9.4%	7.8%		0.0%	0.0%	4.8%
Total	247	54	147	50	17	16	1	0.0%	1	16
			21.9%	21.6%	7.4%	6.9%	0.4%	0.0%	0.4%	6.5%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity										
Protective Service																				
BUILDING GUARDS	7	1	14.3%	5	71.4%	0.0%	1	14.3%	1	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CO/SCO SERGEANTS	421	61	14.5%	336	80.0%	2	0.5%	41	9.8%	41	9.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ATTENDANTS	49	8	16.3%	32	65.3%	0.0%	7	14.3%	10	20.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT OFFICERS & SR CT OFC	3103	847	27.3%	2004	65.1%	55	1.8%	587	19.1%	423	13.8%	4	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
LIEUTENANTS	146	27	18.5%	114	78.1%	1	0.7%	19	13.0%	12	8.2%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NYS CO CAPT/MAJORS	100	20	20.0%	75	75.0%	3	3.0%	10	10.0%	12	12.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OCA & EXEC ASSTS	11	1	9.1%	9	81.8%	1	9.1%	0.0%	0.0%	1	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	3837	965	25.1%	2575	67.6%	62	1.6%	665	17.5%	500	13.1%	4	0.1%	0.0%						
Administrative Support																				
ASSOCIATE CT CLERKS	377	202	53.6%	250	66.3%	8	2.1%	78	20.7%	40	10.6%	1	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER OPERATORS	9	1	11.1%	8	88.9%	0.0%	0.0%	1	11.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ASSISTANTS	837	642	76.7%	610	73.1%	20	2.4%	150	18.0%	52	6.2%	1	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT CLERK SPEC	45	16	35.6%	30	66.7%	1	2.2%	10	22.2%	4	8.9%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT																				
REPORTERS/SUPERVISING CO	303	278	91.7%	239	81.6%	7	2.4%	26	8.9%	20	6.8%	1	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CT CLERKS & SR CT CLERKS	1587	1057	66.6%	902	57.0%	41	2.6%	453	28.6%	185	11.7%	2	0.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DATA ENTRY CLERKS	128	110	85.9%	27	22.0%	8	6.5%	69	56.1%	19	15.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
DRIVERS & MESSENGERS	28	3	10.7%	16	57.1%	0.0%	0.0%	8	28.6%	4	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
GENERAL OFFICE CLERKS	1252	976	78.0%	805	64.6%	34	2.7%	276	22.1%	125	10.0%	4	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
JUDGES ATTENDANT	1	0.0%	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PAYROLL & BUDGET SPECIALISTS	107	88	82.2%	60	56.1%	1	0.9%	32	29.9%	14	13.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PRINCIPAL CT CLERKS	101	58	57.4%	68	68.0%	3	3.0%	16	16.0%	13	13.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PRINTING MACHINE OPERATORS	10	3	30.0%	1	10.0%	0.0%	0.0%	8	80.0%	1	10.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SECRETARIES & ADM ASSISTANTS	95	94	98.9%	66	69.5%	2	2.1%	18	18.9%	9	9.5%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SECRETARIES-LAW STENO	89	86	96.6%	50	57.5%	2	2.3%	23	26.4%	12	13.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SECRETARIES-STAT APPT	724	707	97.7%	590	83.1%	5	0.7%	57	8.0%	57	8.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SENIOR/PRINCIPAL COURT REPORTE	598	532	89.0%	473	79.5%	7	1.2%	77	12.9%	38	6.4%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
STUDENT AIDE	2	1	50.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
TYPISTS	217	208	95.9%	175	81.4%	5	2.3%	22	10.2%	13	6.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	6510	5062	77.8%	4370	67.7%	145	2.2%	1324	20.5%	606	9.4%	9	0.1%	0.0%						

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Paraprofessionals										
AGCY MGR, CLS OF JUROR \$ CO CL	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ANALYSTS	50	39	78.0%	0.0%	12	24.0%	10	20.0%	1	2.0%
LAW LIB CLERKS & ASSISTANTS	37	27	73.0%	1	2.7%	4	10.8%	0.0%	0.0%	0.0%
Total	88	67	76.1%	1	1.1%	14	15.9%	0.0%	1	1.1%
Service Maintenance										
CUST WORKERS BLDG SUPERS	10	3	30.0%	1	10.0%	0.0%	0.0%	0.0%	2	20.0%
MANAGEMENT ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NURSERY ATTENDANTS	5	5	100.0%	1	20.0%	4	80.0%	0.0%	0.0%	0.0%
UNCATEGORIZED TITLES	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	17	10	58.8%	2	11.8%	4	23.5%	0.0%	2	11.8%
Skilled Craft										
PRINTING MACHINE OPERATORS	1	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	1	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
TOTAL	15367	9161	59.6%	441	2.9%	1602	10.6%	20	0.1%	23
					2546	16.9%				309

**NEW YORK STATE UNIFIED COURT SYSTEM
WORKFORCE DIVERSITY**

July 2018

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity				
Officials and Administrators														
AGCY MGR, CLS OF JUROR \$ CO CLKS	49	28	41	0.0%	4	8.7%	1	2.2%	0.0%	3	6.1%			
ATTORNEYS GENERAL	12	8	11	91.7%	0.0%	0.0%	1	8.3%	0.0%	0.0%	0.0%			
CHIEF CLERKS & DEP	450	326	379	84.2%	3	0.7%	33	7.3%	6.0%	8	1.8%			
COMPUTER & IT MANAGERS	26	7	20	76.9%	4	15.4%	2	7.7%	0.0%	0.0%	0.0%			
COMPUTER SYSTEM ANALYSTS	7	6	7	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
COURT ATTENDANTS	1	0.0%	0.0%	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%			
COURT CLERK SPEC	62	24	44	71.0%	2	3.2%	5	8.1%	7	11.3%	4	6.5%		
COURT REPORTERS/SUPERVISING COURT REPORTERS	1	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
MANAGEMENT ANALYSTS	1	1	0.0%	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%			
OCA & EXEC ASSTS	60	25	48	81.4%	1	1.7%	9	15.3%	1	1.7%	1	1.7%		
OFF/ADM- LEGAL	61	27	56	91.8%	0.0%	4.9%	3	4.9%	2	3.3%	0.0%			
SENIOR/PRINCIPAL COURT REPORTERS	10	8	6	60.0%	0.0%	40.0%	4	40.0%	0.0%	0.0%	0.0%			
Total	740	461	613	83.3%	10	1.4%	60	8.2%	41	5.6%	12	1.6%	4	0.5%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity							
Professionals																	
ATTNYS STAT APPOINT	666	400	60.1%	466	83.1%	17	3.0%	40	7.1%	23	4.1%	0.0%	15	2.7%	105	15.8%	
ATTORNEYS - SUPPORT																	
MAGISTRATES	113	68	60.2%	85	78.0%	1	0.9%	16	14.7%	3	2.8%	0.0%	4	3.7%	4	3.5%	
ATTORNEYS GENERAL	1487	956	64.3%	1053	80.9%	62	4.8%	103	7.9%	63	4.8%	1	0.1%	20	1.5%	185	12.4%
AUDITORS/ACCOUNTANTS	27	10	37.0%	18	69.2%			8	30.8%		0.0%					1	3.7%
CHIEF CLERKS & DEP	2	2	100.0%	2	100.0%				0.0%		0.0%						0.0%
COMPUTER & IT MANAGERS	5		0.0%	4	80.0%	1	20.0%		0.0%		0.0%						0.0%
COMPUTER PROGRAMMERS	14	2	14.3%	9	75.0%	2	16.7%	1	8.3%		0.0%					2	14.3%
COMPUTER SUPPORT PROF	44	14	31.8%	31	73.8%	4	9.5%	5	11.9%	1	2.4%	1	2.4%			2	4.5%
COMPUTER SYSTEM ANALYSTS	23	9	39.1%	16	88.9%			1	5.6%		0.0%			1	5.6%	5	21.7%
COURT ANALYSTS	704	541	76.8%	414	60.3%	29	4.2%	152	22.1%	81	11.8%	2	0.3%	8	1.2%	17	2.4%
COURT INTERPRETERS	307	171	55.7%	52	17.2%	31	10.2%	16	5.3%	201	66.3%			3	1.0%	4	1.3%
GENERAL OFFICE CLERKS	9	6	66.7%	3	37.5%			2	25.0%	3	37.5%					1	11.1%
LIBRARIANS	24	18	75.0%	18	81.8%	1	4.5%	1	4.5%		0.0%			2	9.1%	2	8.3%
MANAGEMENT ANALYSTS	170	112	65.9%	114	69.5%	10	6.1%	21	12.8%	19	11.6%					6	3.5%
NETWORK TECH AND																	
ADMINISTRATORS	1	1	100.0%	1	100.0%				0.0%		0.0%						0.0%
OCA & EXEC ASSTS	4	1	25.0%	4	100.0%				0.0%		0.0%						0.0%
OFF/ADM- LEGAL	18	8	44.4%	15	88.2%	1	5.9%		0.0%	1	5.9%					1	5.6%
PAYROLL & BUDGET SPECIALISTS	17	12	70.6%	14	82.4%			2	11.8%	1	5.9%						0.0%
SOCIAL WORKERS	256	192	75.0%	147	59.8%	3	1.2%	53	21.5%	39	15.9%	1	0.4%	3	1.2%	10	3.9%
UNCATEGORIZED TITLES	5	1	20.0%	3	75.0%	1	25.0%		0.0%		0.0%					1	20.0%
Total	3896	2524	64.8%	2469	69.5%	163	4.6%	421	11.9%	435	12.3%	5	0.1%	56	1.6%	346	8.9%
Technicians																	
COMPUTER & IT MANAGERS	1		0.0%	1	100.0%				0.0%		0.0%						0.0%
COMPUTER PROGRAMMERS	61	19	31.1%	37	75.5%	8	16.3%		0.0%	3	6.1%		1	2.0%	12	19.7%	
NETWORK TECH AND																	
ADMINISTRATORS	220	37	16.8%	104	56.8%	42	23.0%	17	9.3%	18	9.8%			2	1.1%	37	16.8%
Total	282	56	19.9%	141	60.5%	51	21.9%	17	7.3%	21	9.0%			3	1.3%	49	17.4%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity					
											Protective Service				
BUILDING GUARDS	7	1	14.3%	5	71.4%	0.0%	1	14.3%	1	14.3%	0.0%	0.0%	0.0%	0.0%	0.0%
CO/SCO SERGEANTS	420	59	14.0%	313	74.9%	1	0.2%	42	10.0%	47	11.2%	2	0.5%	13	3.1%
COURT ATTENDANTS	49	9	18.4%	31	63.3%	0.0%	7	14.3%	11	22.4%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT OFFICERS & SR CT OFC	3035	815	26.9%	1902	63.5%	61	2.0%	551	18.4%	426	14.2%	9	0.3%	45	1.5%
LIEUTENANTS	150	27	18.0%	109	72.7%	2	1.3%	18	12.0%	16	10.7%	0.0%	0.0%	5	3.3%
NY'S CO CAPT/MAJORS	98	20	20.4%	68	69.4%	3	3.1%	11	11.2%	14	14.3%	0.0%	0.0%	2	2.0%
OCA & EXEC ASST'S	12	1	8.3%	9	75.0%	1	8.3%	0.0%	0.0%	1	8.3%	0.0%	0.0%	0.0%	0.0%
Total	3771	932	24.7%	2437	65.4%	68	1.8%	630	16.9%	516	13.8%	11	0.3%	65	1.7%
Administrative Support															
ASSOCIATE CT CLERKS	374	204	54.5%	224	59.9%	7	1.9%	82	21.9%	55	14.7%	0.0%	0.0%	6	1.6%
COMPUTER OPERATORS	6	1	16.7%	5	83.3%	0.0%	1	16.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ASSISTANTS	862	675	78.3%	591	69.2%	19	2.2%	158	18.5%	65	7.6%	2	0.2%	18	2.1%
COURT CLERK SPEC	43	15	34.9%	27	62.8%	0.0%	9	20.9%	5	11.6%	0.0%	0.0%	2	4.7%	0.0%
COURT REPORTERS/SUPERVISING	303	278	91.7%	232	80.0%	5	1.7%	26	9.0%	25	8.6%	1	0.3%	1	0.3%
CT CLERKS & SR CT CLERKS	1615	1078	66.7%	903	56.1%	45	2.8%	430	26.7%	184	11.4%	4	0.2%	43	2.7%
DATA ENTRY CLERKS	131	111	84.7%	26	20.5%	6	4.7%	73	57.5%	21	16.5%	0.0%	0.0%	1	0.8%
DRIVERS & MESSENGERS	28	3	10.7%	15	53.6%	0.0%	8	28.6%	5	17.9%	0.0%	0.0%	0.0%	0.0%	0.0%
GENERAL OFFICE CLERKS	1251	988	79.0%	772	62.5%	33	2.7%	266	21.5%	142	11.5%	1	0.1%	21	1.7%
JUDGES ATTENDANT	1	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PAYROLL & BUDGET SPECIALISTS	118	90	76.3%	65	55.1%	4	3.4%	29	24.6%	17	14.4%	0.0%	0.0%	3	2.5%
PRINCIPAL CT CLERKS	106	61	57.5%	68	64.8%	3	2.9%	18	17.1%	15	14.3%	0.0%	0.0%	1	1.0%
PRINTING MACHINE OPERATORS	10	3	30.0%	1	10.0%	0.0%	8	80.0%	1	10.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SECRETARIES & ADM ASSIST'S	90	89	98.9%	62	68.9%	2	2.2%	17	18.9%	8	8.9%	0.0%	0.0%	1	1.1%
SECRETARIES-LAW STENO	82	80	97.6%	48	59.3%	3	3.7%	18	22.2%	12	14.8%	0.0%	0.0%	1	1.2%
SECRETARIES-STAT APPT	699	684	97.9%	548	82.2%	5	0.7%	51	7.6%	58	8.7%	0.0%	0.0%	5	0.7%
SENIOR/PRINCIPAL COURT REPORTERS	599	535	89.3%	459	77.7%	5	0.8%	76	12.9%	42	7.1%	2	0.3%	6	1.0%
TYPISTS	187	182	97.3%	151	81.6%	4	2.2%	13	7.0%	11	5.9%	1	0.5%	5	2.7%
Total	6505	5077	78.0%	4197	65.4%	142	2.2%	1283	20.0%	666	10.4%	11	0.2%	113	1.8%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity					
Paraprofessionals															
AGCY MGR, CLS OF JUROR \$ CO CLKS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%					
COMPUTER SYSTEM ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%					
COURT ANALYSTS	44	35	79.5%	1	2.4%	11	26.8%	5	12.2%	1	2.4%	3	6.8%		
LAW LIB CLERKS & ASSISTS	36	25	69.4%	1	2.8%	2	5.6%	4	11.1%	0.0%	0.0%	0.0%			
Total	82	62	75.6%	2	2.6%	13	16.7%	9	11.5%	1	1.3%	4	4.9%		
Service Maintenance															
CUST WORKERS BLDG SUPERS	11	4	36.4%	1	9.1%	0.0%	0.0%	0.0%	0.0%	4	36.4%	0.0%			
MANAGEMENT ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
NURSERY ATTENDANTS	5	5	100.0%	1	20.0%	3	60.0%	0.0%	0.0%	1	20.0%	0.0%			
UNCATEGORIZED TITLES	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Total	18	11	61.1%	2	11.1%	3	16.7%	3	16.7%	5	27.8%	0.0%			
Skilled Craft															
PRINTING MACHINE OPERATORS	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Total	1	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
TOTAL	15295	9123	59.6%	438	3.0%	2424	16.4%	1691	11.5%	28	0.2%	255	1.7%	535	3.5%

**NEW YORK STATE UNIFIED COURT SYSTEM
WORKFORCE DIVERSITY**

July 2019

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or more Ethnicities	Unknown Ethnicity						
											Officials and Administrators					
AGCY MGR, CLS OF JUROR \$ CO CLKS	47	28	59.6%	40	88.9%	0.0%	4	8.9%	1	2.2%	0.0%	0.0%	0.0%	0.0%	2	4.3%
ATTORNEYS GENERAL	13	9	69.2%	12	92.3%	0.0%	1	0.0%	1	7.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CHIEF CLERKS & DEP	474	349	73.6%	389	82.4%	4	0.8%	42	8.9%	29	6.1%	0.0%	0.0%	8	1.7%	0.4%
COMPUTER & IT MANAGERS	25	6	24.0%	18	72.0%	5	20.0%	2	8.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER SYSTEM ANALYSTS	6	5	83.3%	6	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ATTENDANTS	1	0	0.0%	0	0.0%	0.0%	0	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT CLERK SPEC	63	24	38.1%	45	71.4%	3	4.8%	4	6.3%	8	12.7%	0.0%	0.0%	3	4.8%	0.0%
COURT REPORTERS/SUPERVISING COURT REPORTERS	2	1	50.0%	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
MANAGEMENT ANALYSTS	1	1	100.0%	0	0.0%	0.0%	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OCA & EXEC ASSTS	59	23	39.0%	47	81.0%	1	1.7%	8	13.8%	2	3.4%	0.0%	0.0%	0.0%	1	1.7%
OFF/ADM- LEGAL	61	29	47.5%	56	91.8%	0.0%	3	4.9%	2	3.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SENIOR/PRINCIPAL COURT REPORTERS	12	8	66.7%	9	75.0%	0.0%	3	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	764	483	63.2%	624	82.2%	13	1.7%	66	8.7%	45	5.9%	0.0%	0.0%	11	1.4%	0.7%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or more Ethnicities	Unknown Ethnicity					
Professionals															
ATTNYS STAT APPOINT	687	411	82.5%	19	3.6%	40	7.5%	21	4.0%	0.0%	13	2.4%	156	22.7%	
ATTORNEYS - SUPPORT MAGISTRATES	116	71	61.2%	2	1.8%	16	14.7%	3	2.8%	0.0%	5	4.6%	7	6.0%	
ATTORNEYS GENERAL	1501	981	65.4%	1015	80.5%	62	4.9%	62	4.9%	2	0.2%	18	1.4%	240	16.0%
AUDITORS/ACCOUNTANTS	29	11	37.9%	18	66.7%	8	29.6%	0.0%	0.0%	0.0%	0.0%	0.0%	2	6.9%	
CHIEF CLERKS & DEP	2	1	50.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1	50.0%	
COMPUTER & IT MANAGERS	5	0.0%	4	80.0%	1	20.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
COMPUTER PROGRAMMERS	15	3	20.0%	9	69.2%	2	15.4%	1	7.7%	0.0%	0.0%	0.0%	2	13.3%	
COMPUTER SUPPORT PROF	45	13	28.9%	30	71.4%	4	9.5%	1	2.4%	1	2.4%	0.0%	3	6.7%	
COMPUTER SYSTEM ANALYSTS	22	10	45.5%	15	88.2%	0.0%	0.0%	1	5.9%	0.0%	0.0%	1	5.9%	5	22.7%
COURT ANALYSTS	687	527	76.7%	397	59.7%	30	4.5%	147	22.1%	79	11.9%	8	1.2%	22	3.2%
COURT INTERPRETERS	303	167	55.1%	49	16.4%	31	10.4%	15	5.0%	200	67.1%	3	1.0%	5	1.7%
GENERAL OFFICE CLERKS	7	5	71.4%	2	33.3%	2	33.3%	2	33.3%	0.0%	0.0%	0.0%	1	14.3%	
LIBRARIANS	26	20	76.9%	20	83.3%	1	4.2%	1	4.2%	0.0%	0.0%	2	8.3%	2	7.7%
MANAGEMENT ANALYSTS	157	106	67.5%	100	66.7%	10	6.7%	19	12.7%	21	14.0%	0.0%	7	4.5%	
OCA & EXEC ASSTS	4	2	50.0%	3	75.0%	0.0%	0.0%	1	25.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
OFF/ADM- LEGAL	19	9	47.4%	14	87.5%	1	6.3%	1	6.3%	0.0%	0.0%	0.0%	3	15.8%	
PAYROLL & BUDGET SPECIALISTS	16	11	68.8%	13	81.3%	0.0%	0.0%	2	12.5%	1	6.3%	0.0%	0.0%	0.0%	
SOCIAL WORKERS	268	208	77.6%	146	58.9%	3	1.2%	55	22.2%	39	15.7%	4	1.6%	20	7.5%
UNCATEGORIZED TITLES	4	0.0%	3	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1	25.0%	
Total	3913	2556	65.3%	2360	68.7%	167	4.9%	416	12.1%	431	12.5%	54	1.6%	477	12.2%
Technicians															
COMPUTER & IT MANAGERS	1	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
COMPUTER PROGRAMMERS	59	15	25.4%	33	75.0%	8	18.2%	2	4.5%	0.0%	0.0%	1	2.3%	15	25.4%
NETWORK TECH AND ADMINISTRATORS	222	36	16.2%	102	56.7%	42	23.3%	17	9.4%	17	9.4%	2	1.1%	42	18.9%
Total	282	51	18.1%	135	60.0%	51	22.7%	17	7.6%	19	8.4%	3	1.3%	57	20.2%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or more Ethnicities	Unknown Ethnicity
Protective Service										
BUILDING GUARDS	8	1	62.5%	0.0%	1	12.5%	2	25.0%	0.0%	0.0%
CO/SCO SERGEANTS	410	62	15.1%	0.2%	42	10.3%	48	11.7%	0.0%	12
COURT ATTENDANTS	54	10	18.5%	1.9%	7	13.0%	10	18.5%	0.0%	0.0%
COURT OFFICERS & SR CT OFC	3284	838	25.5%	2.3%	579	17.8%	488	15.0%	0.0%	43
LIEUTENANTS	152	27	17.8%	1.3%	18	11.8%	16	10.5%	0.0%	6
NYS CO CAPT/MAJORS	99	20	20.2%	3.0%	10	10.1%	14	14.1%	0.0%	2
OCA & EXEC ASSTS	11	1	9.1%	9.1%	0.0%	0.0%	1	9.1%	0.0%	0.0%
Total	4018	959	23.9%	2.1%	657	16.5%	579	14.6%	2	63
Administrative Support										
ASSOCIATE CT CLERKS	352	200	56.8%	3.1%	79	22.4%	52	14.8%	0.0%	6
COMPUTER OPERATORS	5	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ASSISTANTS	910	732	80.4%	1.8%	156	17.4%	86	9.6%	0.0%	16
COURT CLERK SPEC	43	16	37.2%	0.0%	9	20.9%	6	14.0%	0.0%	2
COURT REPORTERS/SUPERVISING COURT REPORTERS	311	285	91.6%	1.6%	28	9.2%	25	8.2%	0.0%	2
CT CLERKS & SR CT CLERKS	1712	1169	68.3%	2.8%	469	27.5%	208	12.2%	0.0%	43
DATA ENTRY CLERKS	121	102	84.3%	5.2%	69	59.5%	20	17.2%	0.0%	1
DRIVERS & MESSENGERS	25	3	12.0%	0.0%	8	32.0%	4	16.0%	0.0%	0.0%
GENERAL OFFICE CLERKS	1417	1153	81.4%	2.4%	289	20.8%	158	11.4%	0.0%	23
JUDGES ATTENDANT	1	0.0%	0.0%	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PAYROLL & BUDGET SPECIALISTS	126	97	77.0%	2.4%	33	26.6%	17	13.7%	0.0%	3
PRINCIPAL CT CLERKS	102	54	52.9%	2.0%	17	16.8%	12	11.9%	0.0%	1
PRINTING MACHINE OPERATORS	10	3	30.0%	0.0%	7	70.0%	2	20.0%	0.0%	0.0%
SECRETARIES & ADM ASSISTANTS	86	85	98.8%	2.3%	14	16.3%	8	9.3%	0.0%	1
SECRETARIES-LAW STENO	71	69	97.2%	5.8%	17	24.6%	9	13.0%	0.0%	0.0%
SECRETARIES-STAT APPT	698	681	97.6%	0.8%	50	7.8%	54	8.4%	0.0%	3
SENIOR/PRINCIPAL COURT REPORTERS	588	528	89.8%	0.9%	73	12.6%	44	7.6%	0.0%	6
TYPISTS	12	12	100.0%	0.0%	1	9.1%	1	9.1%	0.0%	0.0%
Total	6590	5189	78.7%	2.2%	1319	20.4%	706	10.9%	3	107
										1.7%
										1.6%
										1.0%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or more Ethnicities	Unknown Ethnicity
Paraprofessionals										
AGCY MGR, CLS OF JUROR \$ CO CLKS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER SYSTEM ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ANALYSTS	39	31	79.5%	1	2.9%	4	11.4%	1	2.9%	4
LAW LIB CLERKS & ASSISTS	33	22	66.7%	1	3.0%	3	9.1%	0.0%	0.0%	0.0%
Total	74	55	74.3%	2	2.9%	7	10.0%	1	1.4%	4
Service Maintenance										
CUST WORKERS BLDG SUPERS	11	4	36.4%	0.0%	0.0%	0.0%	0.0%	0.0%	4	44.4%
MANAGEMENT ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NURSERY ATTENDANTS	4	4	100.0%	1	25.0%	2	50.0%	0.0%	1	25.0%
UNCATEGORIZED TITLES	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	17	10	58.8%	1	6.7%	2	13.3%	0.0%	5	33.3%
TOTAL	15658	9303	59.4%	457	3.1%	1789	12.0%	6	0.2%	715
					2488	16.6%	30	0.2%	244	1.6%
										4.6%

**NEW YORK STATE UNIFIED COURT SYSTEM
WORKFORCE DIVERSITY**

July 2020

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity							
											Officials and Administrators						
AGCY MGR, CLS OF JUROR \$ CO CLKS	46	27	58.7%	40	90.9%	0.0%	3	6.8%	1	2.3%	0.0%	0.0%	0.0%	0.0%	0.0%	2	4.3%
ATTORNEYS GENERAL	11	8	72.7%	10	90.9%	0.0%	0.0%	0.0%	1	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
CHIEF CLERKS & DEP	483	358	74.1%	393	81.9%	4	0.8%	9.4%	45	6.5%	31	6.5%	0.0%	0.0%	7	1.5%	0.6%
COMPUTER & IT MANAGERS	26	6	23.1%	19	73.1%	5	19.2%	7.7%	2	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER SYSTEM ANALYSTS	6	5	83.3%	6	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ATTENDANTS	1	0	0.0%	0	0.0%	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT CLERK SPEC	58	23	39.7%	41	70.7%	2	3.4%	6.9%	4	13.8%	8	13.8%	0.0%	0.0%	3	5.2%	0.0%
COURT REPORTERS/SUPERVISING COURT REPORTERS	2	1	50.0%	2	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
MANAGEMENT ANALYSTS	1	1	100.0%	0	0.0%	0.0%	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
OCA & EXEC ASSTS	61	26	42.6%	51	85.0%	1	1.7%	10.0%	6	10.0%	1	1.7%	0.0%	0.0%	1	1.7%	1.6%
OFF/ADM- LEGAL	59	29	49.2%	53	91.4%	0.0%	0.0%	5.2%	3	3.4%	2	3.4%	0.0%	0.0%	0.0%	0.0%	1.7%
SENIOR/PRINCIPAL COURT REPORTERS	12	9	75.0%	8	66.7%	0.0%	0.0%	33.3%	4	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	766	493	64.4%	623	82.1%	12	1.6%	8.8%	67	8.8%	46	6.1%	0.0%	0.0%	11	1.4%	0.9%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Professionals										
ATTNYS STAT APPOINT	699	420 60.1%	425 80.8%	21 4.0%	39 7.4%	26 4.9%	0.0%	0.0%	15 2.9%	173 24.7%
ATTORNEYS - SUPPORT MAGISTRATES	112	73 65.2%	79 76.0%	2 1.9%	15 14.4%	4 3.8%	0.0%	0.0%	4 3.8%	8 7.1%
ATTORNEYS GENERAL	1509	996 66.0%	996 80.6%	62 5.0%	99 8.0%	58 4.7%	3 0.2%	0.0%	18 1.5%	273 18.1%
AUDITORS/ACCOUNTANTS	27	10 37.0%	16 69.6%	1 4.3%	5 21.7%	1 4.3%	0.0%	0.0%	0.0%	4 14.8%
CHIEF CLERKS & DEP	2	1 50.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1 50.0%
COMPUTER & IT MANAGERS	5	0.0%	4 80.0%	1 20.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	16	4 25.0%	10 71.4%	2 14.3%	1 7.1%	1 7.1%	0.0%	0.0%	0.0%	2 12.5%
COMPUTER SUPPORT PROF	48	13 27.1%	32 71.1%	5 11.1%	6 13.3%	1 2.2%	1 2.2%	0.0%	0.0%	3 6.3%
COMPUTER SYSTEM ANALYSTS	19	10 52.6%	11 78.6%	0.0%	1 7.1%	0.0%	0.0%	0.0%	2 14.3%	5 26.3%
COURT ANALYSTS	682	529 77.6%	383 58.5%	33 5.0%	147 22.4%	77 11.8%	3 0.5%	1 0.2%	11 1.7%	27 4.0%
COURT INTERPRETERS	297	164 55.2%	48 16.6%	27 9.3%	15 5.2%	196 67.8%	0.0%	0.0%	3 1.0%	8 2.7%
GENERAL OFFICE CLERKS	8	5 62.5%	3 42.9%	0.0%	2 28.6%	2 28.6%	0.0%	0.0%	0.0%	1 12.5%
LIBRARIANS	25	18 72.0%	19 86.4%	1 4.5%	1 4.5%	0.0%	0.0%	0.0%	1 4.5%	3 12.0%
MANAGEMENT ANALYSTS	157	108 68.8%	94 63.5%	11 7.4%	20 13.5%	23 15.5%	0.0%	0.0%	0.0%	9 5.7%
OCA & EXECASSTS	4	2 50.0%	3 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1 25.0%
OFF/ADM- LEGAL	17	8 47.1%	12 85.7%	1 7.1%	0.0%	1 7.1%	0.0%	0.0%	0.0%	3 17.6%
PAYROLL & BUDGET SPECIALISTS	13	9 69.2%	10 76.9%	0.0%	2 15.4%	1 7.7%	0.0%	0.0%	0.0%	0.0%
SOCIAL WORKERS	283	223 78.8%	150 58.6%	4 1.6%	56 21.9%	40 15.6%	1 0.4%	0.0%	5 2.0%	27 9.5%
UNCATEGORIZED TITLES	4	0.0%	3 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	1 25.0%
Total	3927	2593 66.0%	2299 68.1%	171 5.1%	409 12.1%	431 12.8%	8 0.2%	1 0.0%	59 1.7%	549 14.0%
Technicians										
COMPUTER & IT MANAGERS	1	0.0%	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COMPUTER PROGRAMMERS	58	14 24.1%	31 73.8%	8 19.0%	0.0%	2 4.8%	0.0%	0.0%	1 2.4%	16 27.6%
NETWORK TECH AND ADMINISTRATORS	221	36 16.3%	103 56.6%	42 23.1%	17 9.3%	17 9.3%	0.0%	0.0%	3 1.6%	39 17.6%
Total	280	50 17.9%	134 59.6%	51 22.7%	17 7.6%	19 8.4%	0.0%	0.0%	4 1.8%	55 19.6%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity							
Protective Service																	
BUILDING GUARDS	7	1	14.3%	4	57.1%	0.0%	1	14.3%	2	28.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	
CO/SCO SERGEANTS	427	65	15.2%	310	72.8%	1	0.2%	46	10.8%	54	12.7%	2	0.5%	13	3.1%	1	0.2%
COURT ATTENDANTS	52	10	19.2%	33	63.5%	1	1.9%	9	17.3%	9	17.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT OFFICERS & SR CT OFC	3341	832	24.9%	2051	62.2%	83	2.5%	594	18.0%	519	15.7%	9	0.3%	42	1.3%	42	1.3%
LIEUTENANTS	144	29	20.1%	98	68.1%	2	1.4%	21	14.6%	19	13.2%	0.0%	0.0%	4	2.8%	0.0%	0.0%
NYS CO CAPT/MAJORS	102	20	19.6%	74	72.5%	2	2.0%	9	8.8%	16	15.7%	0.0%	0.0%	1	1.0%	0.0%	0.0%
OCA & EXECASSTS	11	1	9.1%	8	72.7%	1	9.1%	0.0%	0.0%	1	9.1%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	4084	958	23.5%	2578	63.8%	90	2.2%	680	16.8%	620	15.3%	11	0.3%	60	1.5%	43	1.1%
Administrative Support																	
ASSOCIATE CT CLERKS	386	221	57.3%	212	55.1%	15	3.9%	91	23.6%	60	15.6%	0.0%	0.0%	7	1.8%	1	0.3%
COMPUTER OPERATORS	5	0.0%	0.0%	5	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ASSISTANTS	938	757	80.7%	665	72.1%	14	1.5%	147	15.9%	79	8.6%	1	0.1%	14	1.5%	16	1.7%
COURT CLERK SPEC	42	17	40.5%	25	59.5%	0.0%	0.0%	8	19.0%	7	16.7%	0.0%	0.0%	2	4.8%	0.0%	0.0%
COURT REPORTERS/SUPERVISING	297	272	91.6%	235	81.0%	2	0.7%	27	9.3%	24	8.3%	0.0%	0.0%	2	0.7%	7	2.4%
CT CLERKS & SR CT CLERKS	1656	1141	68.9%	895	54.4%	50	3.0%	439	26.7%	206	12.5%	5	0.3%	49	3.0%	11	0.7%
DATA ENTRY CLERKS	108	92	85.2%	19	18.3%	6	5.8%	63	60.6%	16	15.4%	0.0%	0.0%	0.0%	0.0%	4	3.7%
DRIVERS & MESSENGERS	25	4	16.0%	13	52.0%	0.0%	0.0%	8	32.0%	4	16.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
GENERAL OFFICE CLERKS	1361	1102	81.0%	812	60.9%	34	2.5%	296	22.2%	171	12.8%	3	0.2%	18	1.3%	27	2.0%
JUDGES ATTENDANT	1	0.0%	0.0%	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
PAYROLL & BUDGET SPECIALISTS	122	98	80.3%	65	54.6%	3	2.5%	31	26.1%	18	15.1%	1	0.8%	1	0.8%	3	2.5%
PRINCIPAL CT CLERKS	105	59	56.2%	69	66.3%	4	3.8%	17	16.3%	13	12.5%	0.0%	0.0%	1	1.0%	1	1.0%
PRINTING MACHINE OPERATORS	6	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4	66.7%	2	33.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
SECRETARIES & ADM ASSISTANTS	77	74	96.1%	50	67.6%	2	2.7%	13	17.6%	7	9.5%	0.0%	0.0%	2	2.7%	3	3.9%
SECRETARIES-LAW STENO	69	67	97.1%	36	55.4%	4	6.2%	16	24.6%	9	13.8%	0.0%	0.0%	0.0%	0.0%	4	5.8%
SECRETARIES-STAT APPT	682	664	97.4%	503	81.4%	4	0.6%	53	8.6%	54	8.7%	0.0%	0.0%	4	0.6%	64	9.4%
SENIOR/PRINCIPAL COURT REPORTERS	587	526	89.6%	450	77.7%	7	1.2%	71	12.3%	42	7.3%	1	0.2%	7	1.2%	8	1.4%
TYPISTS	10	10	100.0%	7	77.8%	0.0%	0.0%	1	11.1%	1	11.1%	0.0%	0.0%	0.0%	0.0%	1	10.0%
Total	6477	5104	78.8%	4061	64.2%	146	2.3%	1285	20.3%	713	11.3%	11	0.2%	107	1.7%	150	2.3%

Job Categories	Total	Women	White	Asian	Black	Hispanic	Native American	Pacific Islander	Two or More Ethnicities	Unknown Ethnicity
Paraprofessionals										
AGCY MGR, CLS OF JUROR \$ CO CLKS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
COURT ANALYSTS	37	28	75.7%	1	2.9%	4	11.8%	0.0%	2	5.9%
LAW LIB CLERKS & ASSISTS	36	24	66.7%	1	2.8%	4	11.1%	0.0%	0.0%	0.0%
Total	74	53	71.6%	2	2.8%	8	11.3%	0.0%	2	2.8%
Service Maintenance										
CUST WORKERS BLDG SUPERS	10	3	30.0%	0.0%	0.0%	0.0%	0.0%	0.0%	4	44.4%
MANAGEMENT ANALYSTS	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
NURSERY ATTENDANTS	4	4	100.0%	1	25.0%	2	50.0%	0.0%	1	25.0%
UNCATEGORIZED TITLES	1	1	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Total	16	9	56.3%	1	6.7%	2	13.3%	0.0%	5	33.3%
TOTAL	15624	9260	59.3%	473	3.2%	2473	16.7%	1839	12.4%	7
							31	0.2%	248	1.7%
									808	5.2%

APPENDIX M

New York State Unified Court System – Workforce Diversity

Non-Judicial Black Employees-2015-2020

**UNIFIED COURT SYSTEM WORKFORCE DIVERSITY
NON-JUDICIAL BLACK EMPLOYEES
2015-2020**

TITLE	TOTAL EMPLOYEES	# BLACK	%
2015			
Professional	3919	482	12.7
Technicians	208	8	4.1
Admin Support	6534	1302	20.0
Skilled Crafts	1	0	0
2016			
Professional	3862	458	12.4
Technicians	236	16	7.4
Admin Support	6581	1326	20.3
Skilled Crafts	1	0	
2017			
Professional	3917	460	12.4
Technicians	247	17	7.4
Admin Support	6510	1324	20.5
Skilled Crafts	1	0	0
2018			
Professional	3896	421	11.9
Technicians	282	17	7.3
Admin Support	6505	1283	20
Skilled Crafts	1	0	0
2019			
Professional	3913	416	11.9
Technicians	282	17	7.6
Admin Services	6590	1369	20.4
Skilled Crafts	1	0	0
2020			
Professional	3927	409	12.1
Technicians	280	17	7.6
Admin Support	6477	1285	20.3

APPENDIX N

New York State Unified Court System – Title Categories

NYS Unified Court System Title Categories

JOB CATEGORY	TITLE	GRADE
Administrative Support		
ASSOCIATE CT CLERKS	Asc Appellate Court Clerk	523
	Asc Surrogate Court Clerk	523
	Associate Court Clerk	523
COMPUTER OPERATORS	Senior Computer Operator	515
COURT ASSISTANTS	Appellate Court Assistant	516
	Court Assistant	516
	Court Assistant HSAP	516
	Supv of Records Surrogate Ct	516
COURT CLERK SPEC	Case Management Coordinator	528
COURT REPORTERS/SUPERVISING CO	Citywide Spvg Court Reporter	526
	County Spvg Court Reporter	525
	Court Reporter	524
	Senior Court Reporter Realtime	527
CT CLERKS & SR CT CLERKS	Appellate Court Clerk	518
	Court Clerk	518
	Criminal Leave Application Clk	521
	Senior Appellate Court Clerk	521
	Senior Court Clerk	521
	Senior Court Clerk HSAP	521
	Senior Surrogate Court Clerk	521
	Surrogate Court Clerk	518
DATA ENTRY CLERKS	Data Recording Assistant	510
	Senior Data Entry Clerk	510
	Snr Data Recording Assistant	512
	Snr Spvg Data Recording Asst	518
	Spvg Data Recording Assistant	516
DRIVERS & MESSENGERS	Appellate Messenger	512
	Driver Messenger	511
GENERAL OFFICE CLERKS	Administrative Clerk	512
	Clerical Assistant	512
	Clerical Assistant HSAP	512
	Clerk NS	560
	Clerk Part Time NS	560
	Court Aide	510
	Court Office Assistant	510
	Court Office Assistant HSAP	510
	Court Office Asst Part Time	510
	Law Reporting Aide	514
	Law Reporting Assistant	517
	Office Clerical Assistant	510
	Office Clerical Assistant HSAP	510
	Office Clerical Asst Part Time	510
	Principal App Office Assistant	513
	Senior Administrative Clerk	514
	Senior Clerical Assistant COA	515
	Senior Law Reporting Assistant	519
	Snr Appellate Office Assistant	509
	Student Aide III	560

JOB CATEGORY	TITLE	GRADE
	Supervising Clerical Assistant	516
	Supervising Court Aide	514
JUDGES ATTENDANT	Judge's Attendant	512
PAYROLL & BUDGET SPECIALISTS	Court Revenue Assistant	514
PRINCIPAL CT CLERKS	Ct Clerk Training Specialist	525
	Principal Court Clerk	526
	Prn Appellate Court Clerk	526
	Prn Surrogate Court Clerk	526
PRINTING MACHINE OPERATORS	Assistant Microfilm Supervisor	512
	Chief Offset Print Machine Opr	515
	Microfilm Supervisor	514
	Prn Offset Print Machine Opr	514
SECRETARIES & ADM ASSISTS	Admin Stenographer COC	517
	Administrative Secretary	517
		560
	Prn Administrative Secretary	521
	Secretary	514
	Secretary NS	560
	Snr Administrative Secretary	519
SECRETARIES-LAW STENO	Appellate Law Stenographer	517
	Appellate Law Typist	515
	Law Stenographer	514
	Law Stenographer Acting JSC	517
	Principal Law Stenographer	518
	Principal Office Stenographer	512
	Principal Stenographer COA	519
	Prn Office Stenographer PT	512
	Secretary Family Court Judge	517
	Snr Appellate Law Stenographer	521
SECRETARIES-STAT APPT	Principal Secretary to Judge	519
	Secretary Court of Appeals	523
	Secretary to App Div Justice	521
	Secretary to COA Judge	523
	Secretary to Judge	517
	Secretary to Presiding Judge	524
SENIOR/PRINCIPAL COURT REPORTER	Senior Court Reporter	527
	Snr Court Reporter Part Time	527
TYPISTS	Court Office Asst Keyboard	510
	Prn Appellate Office Typist	513
	Snr Court Office Asst Kybd PT	512

JOB CATEGORY	TITLE	GRADE
Officials and Administrators		
AGCY MGR, CLS OF JUROR \$ CO CL	Commissioner of Jurors	560
	Commissioner of Jurors I	521
	Commissioner of Jurors II	525
	Commissioner of Jurors III	528
	Commissioner of Jurors IV	532
	County Clerk	560
	First Deputy County Clerk NYC	530
	Second Deputy County Clerk NYC	523
ATTORNEYS GENERAL	Chief Motion Clerk	560
	Counsel to the Chief Judge COA	560
	Deputy Counsel Family Law	560
	Deputy State Reporter	560
	Supervising Court Attorney	532
CHIEF CLERKS & DEP	Asc Deputy Clerk App Div 2nd	560
	Assistant Deputy Chief Clerk	528
	Chief Clerk Appellate Term	560
	Chief Clerk Court of Claims	560
	Chief Clerk I	521
	Chief Clerk I Multi Bench	522
	Chief Clerk II	525
	Chief Clerk II Multi Bench	526
	Chief Clerk III	528
	Chief Clerk IV	532
	Chief Clerk IV Commr of Jurors	526
	Chief Clerk VI	532
	Chief Clerk VII	560
	Chief Deputy County Clerk NYC	531
	Clerk Court of Appeals	560
	Clerk of the Court App Div	560
	Dep Chf Clerk Arraignment Part	528
	Dep Clerk of the Court App Div	560
	Deputy Chief Clerk I	518
	Deputy Chief Clerk II	521
	Deputy Chief Clerk III	524
	Deputy Chief Clerk IV	528
	Deputy Chief Clerk V	530
	Deputy Clerk of the Court	560
	Deputy District Executive	530
First Deputy Chief Clerk	532	
COMPUTER & IT MANAGERS	Dep Senior Technical Manager	531
	Senior Technical Manager	532
	Technical Manager	530
COMPUTER SYSTEM ANALYSTS	Senior Info Technical Analyst	528
COURT ATTENDANTS	Chief Security Attendant COA	530
COURT CLERK SPEC	Court Clerk Specialist	530
COURT REPORTERS/SUPERVISING CO	Supervising Court Reporter	525
MANAGEMENT ANALYSTS	Crd Office of Language Access	528

JOB CATEGORY	TITLE	GRADE
OCA & EXEC ASSTS	Chief Budget Analyst	532
	Chief Dept of Public Safety	560
	Chief Management Analyst	532
	Chief of Operations, OCA	560
	Chief of Staff	560
	Chief Records Officer	560
	Crd Dispute Resolution Program	560
	Dep Dir ITS Statewide Net Serv	560
	Dep Director Human Resources	560
	Dep Exec Dir Brd Law Examiners	531
	Deputy Director Admin Services	560
	Deputy Inspector General	532
	Director of Court Research	560
	Director of Public Affairs	560
	Director of Technology	560
	Director Workforce Diversity	560
	Director, OCA	560
	Director, Public Information	560
	District Executive	560
	Exec Assistant to Chief Judge	560
	Exec Dir Brd of Law Examiners	560
	Exec Dir Failla LGBTQ Comm	531
	Exec Dir Frank Williams Comm*	532
	Exec Dir Judiciary Ethics Comm	560
	Exec Dir Perm Jud Comm Jsc Chl	560
	Executive Assistant App Div	560
	Executive Director	560
	First Deputy Chief DPS	560
	Inspector General	560
	OCA Executive Director	560
OFF/ADM- LEGAL	Chf Appellate Ct Attorney 1st	560
	Chf Appellate Ct Attorney 2nd	560
	Chf Appellate Ct Attorney 4th	560
	Chief Attorney	560
	Chief Court Attorney	533
	Chief Court Attorney COA	560
	Chief Ct Attorney App Term 1st	533
	Chief Ct Attorney App Term 2nd	533
	Counsel	560
	Counsel NYS Continuing Ed Brd	560
	Counsl Com Character & Fitness	560
	Dep Chief App Ct Attorney 1st	560
	Dep Chief App Ct Attorney 4th	533
	Dep Chief Court Attorney COA	531
	Deputy Chief Attorney	532
	Deputy Chief Court Attorney	532
	Deputy Director MHLS	532
	Director MHLS	560
	First Deputy Counsel	560
	Member of the Board	560
	Special Counsel for Ethics	560
	State Reporter	560
SENIOR/PRINCIPAL COURT REPORTE	Principal Court Reporter	528

JOB CATEGORY	TITLE	GRADE
Paraprofessionals		
AGCY MGR, CLS OF JUROR \$ CO CL	Library Clerk Commr of Jurors	521
COURT ANALYSTS	Junior Court Analyst	512
LAW LIB CLERKS & ASSISTS	Law Library Assistant	516
	Law Library Clerk	514
	Library Clerk Commr of Jurors	515
	Library Technical Assistant	512
Professionals		
ATTNYS STAT APPOINT	Assistant Law Clerk	523
	Associate Law Clerk to Judge	528
	Law Clerk to Chief Judge	527
	Law Clerk to COA Judge	526
	Law Clerk to Judge	524
	Principal Law Clerk to Judge	531
	Prn Law Clerk App Div Justice	531
	Prn Law Clerk to COA Judge	531
	Senior Law Clerk App Div Judge	526
	Senior Law Clerk to COA Judge	529
	Senior Law Clerk to Judge	526
	Snr Law Clerk to Chief Judge	530
	Snr Prn Law Clerk to Chf Judge	533
	Snr Prn Law Clerk to COA Judge	532
	Snr Prn Law Clk App Div Jsc	532
	ATTORNEYS - SUPPORT MAGISTRATE	Support Magistrate
ATTORNEYS GENERAL	Appellate Court Attorney	526
	Asc Court Attorney Trial Part	529
	Asc Court Atty TP Acting JSC	528
	Assistant Deputy Counsel	531
	Associate Attorney	528
	Associate Counsel	528
	Associate Court Attorney	530
	Asst Appellate Court Attorney	523
	Asst Dep Chf App Ct Atty 2nd	532
	Asst Dep Chief App Court Atty	532
	Ast Counsel NS*	560
	Attorney	523
	Attorney NS	560
	Atty Board of Law Examiners	526
	Chief Motion Clerk App Div 3rd	533
	Commercial Division Law Clerk	523
	Court Attorney	523
	Court Attorney COA	526
	Court Attorney Referee	531
	Court Attorney Trial Part	523
	Court Attorney Trial Part PT	523
	Dep Counsel Criminal Justice	560
	Deputy Counsel	560
	Legal Editor	524
	Principal Attorney	531
	Principal Court Attorney	531
	Principal Court Attorney COA	531
	Principal Legal Editor	530
	Prn Appellate Court Attorney	531

JOB CATEGORY	TITLE	GRADE
	Prn Court Atty TP Acting JSC	531
	Prn Employee Relations Atty	531
	Prn Law Clerk NYC Family Ct	531
	Senior Assistant Counsel	523
	Senior Attorney	526
	Senior Court Attorney	526
	Senior Court Attorney COA	529
	Senior Legal Editor	528
	Senior Settlement Coordinator	531
	Snr Appellate Court Attorney	528
	Snr Atty Brd of Law Examiners	529
	Snr Court Attorney Trial Part	525
	Special Counsel Justice Courts	560
	Spvr Decision Dept App Div 4th	533
	Supv Decision Dept App 3rd	533
	Supv of Decision App Div 2nd	560
	Supv of Decision Appellate Div	560

JOB CATEGORY	TITLE	GRADE
AUDITORS/ACCOUNTANTS	Assistant Internal Auditor	521
	Associate Internal Auditor	528
	Chief Internal Auditor	532
	Client Protection Fund Invsgr	560
	Internal Auditor	523
	Investigator	523
	Principal Internal Auditor	530
	Senior Internal Auditor	525
CHIEF CLERKS & DEP	Assistant Deputy Clerk COA	560
COMPUTER & IT MANAGERS	Principal IT Analyst	530
COMPUTER PROGRAMMERS	Prn Computer Apps Programmer	528
COMPUTER SUPPORT PROF	PC Analyst	518
	Principal PC Analyst	523
	Senior PC Analyst	521
COMPUTER SYSTEM ANALYSTS	Asc Computer Systems Analyst	526
	Computer Systems Analyst	518
	Prn Computer Systems Analyst	529
	Snr Computer Systems Analyst	523
COURT ANALYSTS	Administrative Aide	521
	Assistant Court Analyst	516
	Court Analyst	518
	Jury Analyst	516
	Principal Court Analyst	523
	Principal Jury Analyst	525
	Senior Court Analyst	521
Senior Jury Analyst	521	
COURT INTERPRETERS	Court Interpreter	518
	Court Interpreter Arabic	518
	Court Interpreter Bengali	518
	Court Interpreter Cantonese	518
	Court Interpreter Croatian	518
	Court Interpreter French	518
	Court Interpreter Hebrew	518
	Court Interpreter Italian	518
	Court Interpreter Korean	518
	Court Interpreter Mandarin	518
	Court Interpreter Part Time	518
	Court Interpreter Polish	518
	Court Interpreter Punjabi	518
	Court Interpreter Russian	518
	Court Interpreter Sign	518
	Court Interpreter Urdu	518
	Court Interpreter Wolof	518
	Ct Interpreter Haitian Creole	518
	Principal Court Interpreter	523
Senior Court Interpreter	521	
GENERAL OFFICE CLERKS	Case Technician	512
LIBRARIANS	Law Librarian	520
	Librarian Public App Law Lbr	531
	Principal Law Librarian	528
	Principal Law Librarian, COA	528
	Senior Law Librarian	524
	Senior Law Librarian, COA	524

JOB CATEGORY	TITLE	GRADE
MANAGEMENT ANALYSTS	Administrative Assistant	525
	Budget Analyst	525
	Management Analyst	525
	Principal Management Analyst	530
	Senior Budget Analyst	528
	Senior Management Analyst	528
	Snr Administrative Assistant	528
	Spec Projects Coordinator II	560
	Special Projects Coordinator	560
OCA & EXEC ASSTS	Communications Officer	560
	Public Information Officer COA	560
	Spec Asst Dep Chf Admin Judge	560
OFF/ADM- LEGAL	Asst Consultation Clerk COA	560
	Chf Atty Grievence Commission	560
	Chief Atty Grievence Comm 1st	560
	Chief Family Court Magistrate	560
	Consultation Clerk COA	560
	Counsel to County Clerk	560
	Prn Settlement Coordinator	533
	Special Counsel	560
	Special Projects Counsel	560
PAYROLL & BUDGET SPECIALISTS	Administrative Services Clerk	515
	Principal Admin Services Clerk	523
	Senior Admin Services Clerk	520
SOCIAL WORKERS	Case Manager I	516
	Case Manager II	518
	Family Counseling Case Analyst	518
	Mental Health Info Officer	519
	Prn Mental Health Info Officer	526
	Project Director I	523
	Project Director II	525
	Resource Coordinator I	516
	Resource Coordinator II	518
	Resource Coordinator III	521
	Snr Mental Health Info Officer	524
UNCATEGORIZED TITLES	Snr Graphics Design Specialist	528
	Special Programs Coordinator	560

JOB CATEGORY	TITLE	GRADE
Protective Service		
BUILDING GUARDS	Senior Court Building Guard	511
CO/SCO SERGEANTS	NYS Court Officer-Sergeant	520
	NYS Court Security Trng Offr	520
	Sec Appl Verif Compliance Offr	520
	Senior Court Security Officer	520
COURT ATTENDANTS	Dep Chf Security Attendant COA	522
	NYS Asc Ct Attendant App Div	522
	NYS Chief of Security App Div	528
	NYS Prn Ct Attendant App Div	524
	NYS Snr Ct Attendant App Div	521
	Senior Security Attendant COA	521
COURT OFFICERS & SR CT OFC	NYS Court Officer	519
	NYS Court Officer-Trainee	516
	Senior Court Officer	519
LIEUTENANTS	Asc Court Security Officer	522
	NYS Court Officer Lieutenant	522
	NYS Snr Ct Security Trng Offr	522
	Snr Sec Appl Verif Comp Offr	522
NYS CO CAPT/MAJORS	Mgr Appl Verif Compliance Offr	526
	NYS Assoc Court Sec Trng Offr	524
	NYS Court Officer-Capt 3rd/4th	524
	NYS Court Officer-Captain	524
	NYS Court Officer-Major I	526
	NYS Court Officer-Major II	528
	NYS Court Security Specialist	524
	NYS Prn Court Secur Trng Offr	526
	Spvg Appl Verif Comp Offr	524
OCA & EXEC ASSTS	NYS Chf of Court Security Trng	532
	NYS Court Security Liaison	530
	NYS Security Coordinator	528
Service Maintenance		
CUST WORKERS BLDG SUPERS	Asst Building Superintendent I	513
	Building Manager	531
	Deputy Building Superintendent	523
	HVAC Asst Bldg Superintendent	526
	Principal Custodial Aide	511
	Prn Asst Bldg Superintendent	516
	Senior Custodial Aide	509
	Snr Asst Bldg Superintendent	515
MANAGEMENT ANALYSTS	Dir COA Mgmt and Operations	531
NURSERY ATTENDANTS	Nursery Attendant	510
UNCATEGORIZED TITLES	Senior Services Aide	514

JOB CATEGORY	TITLE	GRADE
Technicians		
COMPUTER & IT MANAGERS	Website Systems Director	530
COMPUTER PROGRAMMERS	Asc Comp Systems Programmer	527
	Asc Computer Apps Programmer	524
	Comp Applications Programmer	516
	Computer Systems Programmer	521
	Snr Asc Comp Apps Programmer	526
	Snr Computer Apps Programmer	521
NETWORK TECH AND ADMINSTRATORS	Assistant LAN Administrator	518
	Associate LAN Administrator	525
	LAN Administrator	521
	Network System Engineer I	523
	Network System Engineer II	525
	Network System Engineer III	528
	Network System Technician I	516
	Network System Technician II	518
	Network System Technician III	521
	Principal LAN Administrator	528
	Senior LAN Administrator	523
	Web Developer	526

APPENDIX O

**New York State Unified Court System –Workforce Diversity,
Chief Clks & Dep-July 2020**

**NEW YORK STATE UNIFIED COURT SYSTEM
WORKFORCE DIVERSITY: CHIEF CLKS & DEP**

July 2020

Title	Grade	Total	Women	White	Asian	Black	Hispanic	Two or More Ethnicities	Unknown Ethnicity
Deputy Chief Clerk I	518	38	35 92.1%	38 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chief Clerk I	521	94	91 96.8%	90 95.7%	0.0%	1 1.1%	2 2.1%	1 1.1%	0.0%
Deputy Chief Clerk II	521	45	43 95.6%	40 90.9%	0.0%	0.0%	3 6.8%	1 2.3%	1 2.2%
Chief Clerk I Multi Bench	522	5	4 80.0%	5 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Deputy Chief Clerk III	524	28	24 85.7%	21 75.0%	0.0%	5 17.9%	2 7.1%	0.0%	0.0%
Chief Clerk II	525	56	48 85.7%	54 96.4%	0.0%	1 1.8%	1 1.8%	0.0%	0.0%
Chief Clerk II Multi Bench	526	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chief Clerk IV Commr of Jurors	526	1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Grades below 528		268	246 91.8%	250 93.6%	0 0.0%	7 2.6%	8 3.0%	2 0.7%	1 0.4%

Title	Grade	Total	Women	White	Asian	Black	Hispanic	Two or More Ethnicities	Unknown Ethnicity
Assistant Deputy Chief Clerk	528	36	19 52.8%	16 44.4%	0.0%	12 33.3%	7 19.4%	1 2.8%	0.0%
Chief Clerk III	528	33	23 69.7%	27 84.4%	0.0%	4 12.5%	1 3.1%	0.0%	1 3.0%
Dep Chf Clerk Arraignment Part	528	8	4 50.0%	4 50.0%	0.0%	2 25.0%	1 12.5%	1 12.5%	0.0%
Deputy Chief Clerk IV	528	38	21 55.3%	31 81.6%	1 2.6%	5 13.2%	0.0%	1 2.6%	0.0%
Deputy Chief Clerk V	530	17	6 35.3%	6 35.3%	1 5.9%	4 23.5%	6 35.3%	0.0%	0.0%
Deputy District Executive	530	8	5 62.5%	6 75.0%	0.0%	2 25.0%	0.0%	0.0%	0.0%
Chief Deputy County Clerk NYC	531	2	0.0%	0.0%	0.0%	0.0%	0.0%	2 100.0%	0.0%
Chief Clerk IV	532	24	13 54.2%	20 87.0%	0.0%	2 8.7%	1 4.3%	0.0%	1 4.2%
Chief Clerk VI	532	7	3 42.9%	4 57.1%	1 14.3%	0.0%	2 28.6%	0.0%	0.0%
First Deputy Chief Clerk	532	10	4 40.0%	7 70.0%	0.0%	1 10.0%	2 20.0%	0.0%	0.0%
Asc Deputy Clerk App Div 2nd	560	3	2 66.7%	3 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Assistant Deputy Clerk COA	560	2	1 50.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	1 50.0%
Chief Clerk Appellate Term	560	2	0.0%	2 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chief Clerk Court of Claims	560	1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Chief Clerk VII	560	13	5 38.5%	5 38.5%	1 7.7%	5 38.5%	2 15.4%	0.0%	0.0%
Clerk Court of Appeals	560	1	0.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Clerk of the Court App Div	560	4	2 50.0%	3 75.0%	0.0%	0.0%	1 25.0%	0.0%	0.0%
Dep Clerk of the Court App Div	560	7	3 42.9%	6 85.7%	0.0%	1 14.3%	0.0%	0.0%	0.0%
Deputy Clerk of the Court	560	1	1 100.0%	1 100.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Grades 528 and above		217	113 52.1%	144 67.3%	4 1.9%	38 17.8%	23 10.7%	5 2.3%	3 1.4%
Total		485	359 74.0%	394 81.9%	4 0.8%	45 9.4%	31 6.4%	7 1.5%	4 0.8%

APPENDIX P

New York State Adult Arrests Disposed by Race/Ethnicity: 2018

Disposed Adult Arrest Demographics Data Source Notes

The attached disposition data is derived from the New York State criminal history records database maintained by the Division of Criminal Justice Services (DCJS) and known as the Computerized Criminal History (CCH) system. CCH contains adult arrests and dispositions for offenses where fingerprints are required to be taken (Criminal Procedure Law 160.10). Arrest information is submitted to DCJS by police agencies via a fingerprint transaction and disposition information is electronically transmitted to DCJS by the Office of Court Administration. Race/ethnicity information is recorded by police and transmitted to DCJS as part of the fingerprint transaction. Four categories of race/ethnicity are displayed: White, Black, Hispanic, and Other. All arrestees of Hispanic ethnicity, regardless of race, are included in the Hispanic category. The White, Black, and Other categories include only persons of non-Hispanic origin. Arrests counts include adult arrests for finger-printable offenses only. Arrests for misdemeanors committed by 16 year olds after September 30, 2018 are not included.

Disposition outcomes are categorized by the most serious charge reported at the time of arrest. For example, if an individual was charged with a felony and a misdemeanor resulting from a single event, a single disposition outcome would be displayed and the event would be categorized as a felony. Final disposition outcomes are shown for the following arrest categories:

- **Felony:** Offenses for which a sentence of imprisonment of more than one year may be imposed (Penal Law Article 10.05).
- **Violent Felony:** A subset of the felony category that includes all charges listed under Penal Law Article 70.02 and the Class A felonies of murder, arson, kidnapping, and predatory sexual assault.
- **Drug Felony:** A subset of the felony category that includes all felony charges listed under Penal Law Article 220 (Controlled Substances) and Article 221 (Marijuana).
- **Misdemeanor:** Offenses, other than traffic infractions, for which a sentence of imprisonment of more than 15 days but no more than one year can be imposed (Penal Law Article 10.04).

Outcomes are shown only for arrests that have reached a final disposition. Arrests with no disposition, an interim disposition, or a conviction without a sentence are not considered fully disposed and are not displayed.

Convictions may be the result of a plea bargain or a trial and may include convictions for offenses other than those charged at arrest (i.e., A felony arrest may result in conviction for a misdemeanor or violation. Conversely, charges can also be upgraded post-arrest). Adult (non-Youthful Offender) convictions are shown separately from individuals adjudicated as Youthful Offenders per CPL Article 720. Data is displayed according to the year in which the final disposition occurred, regardless of when the arrest actually occurred (i.e., An arrest occurring in 2015 that was disposed in 2017 would be displayed in the 2017 column). For arrest events with multiple charges, the disposition shown is the most serious disposition. Final disposition types include:

- **Convicted-Sentenced:** Cases resulting in a conviction, either by plea or trial, where a sentence has been imposed.
- **Diverted and Dismissed:** Cases dismissed after successful completion of a treatment/diversion program pursuant to CPL 400.10(04). Note that not all 'Diverted and dismissed' dispositions are reported to DCJS.
- **Covered by Another Case:** Cases covered by a disposition (usually a plea) from a separate case.
- **Dismissed-Adjourned in Contemplation of Dismissal (ACD):** Cases dismissed after a period of adjournment per CPL 170.55.
- **Dismissed-Not ACD:** Cases that were dismissed based on merit or procedure.
- **Acquitted:** Cases where the defendant was found not guilty after trial.
- **DA Declined to Prosecute:** Cases where the District Attorney declined to bring formal charges against the defendant.
- **Other:** Includes cases abated by the defendant's death, unknown favorable dispositions, and cases where it was determined that New York State did not have jurisdiction.

Sentences to prison, jail, and probation represent court-imposed sanctions and not actual admissions or caseloads.

Note All percentages, even in the sentence type section of the tables, represent the percentage/proportion of total disposed arrests for the year.

NYS Division of Criminal Justice Services

**New York State
Adult Arrests Disposed by Race/Ethnicity: 2018**

Top Arrest Charge	Race/Ethnicity											
	White		Black		Hispanic		Other		Total			
	N	%	N	%	N	%	N	%	N	%	N	%
Felony	34,672	100.0%	58,683	100.0%	31,333	100.0%	6,396	100.0%	131,084	100.0%	131,084	100.0%
Convicted-Sentenced	26,227	75.6%	36,054	61.4%	19,373	61.8%	3,698	57.8%	85,352	65.1%	85,352	65.1%
Diverted and Dismissed	97	0.3%	142	0.2%	102	0.3%	33	0.5%	374	0.3%	374	0.3%
Covered by Another Case	1,994	5.8%	1,983	3.4%	702	2.2%	159	2.5%	4,838	3.7%	4,838	3.7%
Dismissed-ACD	1,908	5.5%	3,965	6.8%	2,198	7.0%	960	15.0%	9,031	6.9%	9,031	6.9%
Dismissed-Not ACD	3,502	10.1%	12,604	21.5%	6,554	20.9%	1,251	19.6%	23,911	18.2%	23,911	18.2%
Acquitted	86	0.2%	290	0.5%	96	0.3%	14	0.2%	486	0.4%	486	0.4%
DA Declined to Prosecute	396	1.1%	3,197	5.4%	2,087	6.7%	243	3.8%	5,923	4.5%	5,923	4.5%
Other	462	1.3%	448	0.8%	221	0.7%	38	0.6%	1,169	0.9%	1,169	0.9%
Adult Non-YO Convictions for:	8,653	25.0%	10,200	17.4%	5,245	16.7%	685	10.7%	24,783	18.9%	24,783	18.9%
Felonies	11,555	33.3%	13,538	23.1%	6,756	21.6%	1,090	17.0%	32,939	25.1%	32,939	25.1%
Misdemeanors	5,192	15.0%	10,678	18.2%	6,571	21.0%	1,790	28.0%	24,231	18.5%	24,231	18.5%
Non-Criminal/Unknown												
Youthful Offender Adjudications for:	309	0.9%	994	1.7%	463	1.5%	61	1.0%	1,827	1.4%	1,827	1.4%
Felonies	509	1.5%	640	1.1%	331	1.1%	71	1.1%	1,551	1.2%	1,551	1.2%
Misdemeanors	9	0.0%	2	0.0%	5	0.0%	1	0.0%	17	0.0%	17	0.0%
Unknown												
Sentences to:	3,729	10.8%	6,374	10.9%	2,960	9.4%	288	4.5%	13,351	10.2%	13,351	10.2%
Prison	4,051	11.7%	6,956	11.9%	3,304	10.5%	378	5.9%	14,689	11.2%	14,689	11.2%
Jail	1,439	4.2%	4,258	7.3%	2,069	6.6%	369	5.8%	8,135	6.2%	8,135	6.2%
Time Served	2,132	6.1%	1,365	2.3%	696	2.2%	164	2.6%	4,357	3.3%	4,357	3.3%
Jail+Probation	5,582	16.1%	3,840	6.5%	2,115	6.8%	435	6.8%	11,972	9.1%	11,972	9.1%
Probation	3,521	10.2%	2,797	4.8%	1,812	5.8%	539	8.4%	8,669	6.6%	8,669	6.6%
Fine	5,549	16.0%	10,298	17.5%	6,336	20.2%	1,511	23.6%	23,694	18.1%	23,694	18.1%
Cond Discharge	224	0.6%	166	0.3%	81	0.3%	14	0.2%	485	0.4%	485	0.4%
Other/Unknown												

**New York State
Adult Arrests Disposed by Race/Ethnicity: 2018**

Top Arrest Charge	Race/Ethnicity													
	White			Black			Hispanic			Other			Total	
	N	%		N	%		N	%		N	%			
Violent Felony														
Total Dispositions	6,548	100.0%		18,299	100.0%		9,514	100.0%		1,662	100.0%		36,023	100.0%
Convicted-Sentenced	4,675	71.4%		9,471	51.8%		4,922	51.7%		827	49.8%		19,895	55.2%
Diverted and Dismissed	6	0.1%		20	0.1%		5	0.1%		1	0.1%		32	0.1%
Covered by Another Case	301	4.6%		412	2.3%		158	1.7%		31	1.9%		902	2.5%
Dismissed-ACD	341	5.2%		914	5.0%		551	5.8%		175	10.5%		1,981	5.5%
Dismissed-Not ACD	1,013	15.5%		5,831	31.9%		2,920	30.7%		549	33.0%		10,313	28.6%
Acquitted	48	0.7%		192	1.0%		67	0.7%		7	0.4%		314	0.9%
DA Declined to Prosecute	88	1.3%		1,301	7.1%		820	8.6%		67	4.0%		2,276	6.3%
Other	76	1.2%		158	0.9%		71	0.7%		5	0.3%		310	0.9%
Adult Non-YO Convictions for:														
Felonies	1,886	28.8%		3,762	20.6%		1,710	18.0%		203	12.2%		7,561	21.0%
Misdemeanors	1,600	24.4%		2,517	13.8%		1,304	13.7%		190	11.4%		5,611	15.6%
Non-Criminal/Unknown	897	13.7%		2,205	12.0%		1,458	15.3%		372	22.4%		4,932	13.7%
Youthful Offender Adjudications for:														
Felonies	163	2.5%		703	3.8%		316	3.3%		33	2.0%		1,215	3.4%
Misdemeanors	127	1.9%		281	1.5%		133	1.4%		29	1.7%		570	1.6%
Unknown	2	0.0%		2	0.0%		1	0.0%		0	0.0%		5	0.0%
Sentences to:														
Prison	1,187	18.1%		2,940	16.1%		1,253	13.2%		123	7.4%		5,503	15.3%
Jail	623	9.5%		1,603	8.8%		781	8.2%		91	5.5%		3,098	8.6%
Time Served	214	3.3%		611	3.3%		330	3.5%		68	4.1%		1,223	3.4%
Jail+Probation	422	6.4%		456	2.5%		228	2.4%		45	2.7%		1,151	3.2%
Probation	831	12.7%		1,057	5.8%		579	6.1%		91	5.5%		2,558	7.1%
Fine	386	5.9%		219	1.2%		137	1.4%		35	2.1%		777	2.2%
Cond Discharge	976	14.9%		2,552	13.9%		1,600	16.8%		374	22.5%		5,502	15.3%
Other/Unknown	36	0.5%		33	0.2%		14	0.1%		0	0.0%		83	0.2%

**New York State
Adult Arrests Disposed by Race/Ethnicity: 2018**

Top Arrest Charge	Race/Ethnicity											
	White		Black		Hispanic		Other		Total			
	N	%	N	%	N	%	N	%	N	%		
Drug Felony												
Total Dispositions	5,609	100.0%	9,658	100.0%	6,022	100.0%	845	100.0%	22,134	100.0%		
Convicted-Sentenced	4,482	79.9%	7,206	74.6%	4,403	73.1%	607	71.8%	16,698	75.4%		
Diverted and Dismissed	67	1.2%	89	0.9%	79	1.3%	26	3.1%	261	1.2%		
Covered by Another Case	249	4.4%	330	3.4%	119	2.0%	7	0.8%	705	3.2%		
Dismissed-ACD	272	4.8%	536	5.5%	386	6.4%	111	13.1%	1,305	5.9%		
Dismissed-Not ACD	454	8.1%	1,264	13.1%	874	14.5%	78	9.2%	2,670	12.1%		
Acquitted	1	0.0%	29	0.3%	13	0.2%	0	0.0%	43	0.2%		
DA Declined to Prosecute	27	0.5%	141	1.5%	112	1.9%	13	1.5%	293	1.3%		
Other	57	1.0%	63	0.7%	36	0.6%	3	0.4%	159	0.7%		
Adult Non-YO Convictions for:												
Felonies	1,704	30.4%	2,808	29.1%	1,560	25.9%	117	13.8%	6,189	28.0%		
Misdemeanors	1,746	31.1%	2,777	28.8%	1,590	26.4%	178	21.1%	6,291	28.4%		
Non-Criminal/Unknown	955	17.0%	1,528	15.8%	1,192	19.8%	302	35.7%	3,977	18.0%		
Youthful Offender Adjudications for:												
Felonies	34	0.6%	57	0.6%	36	0.6%	3	0.4%	130	0.6%		
Misdemeanors	42	0.7%	36	0.4%	24	0.4%	7	0.8%	109	0.5%		
Unknown	1	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.0%		
Sentences to:												
Prison	890	15.9%	1,818	18.8%	938	15.6%	60	7.1%	3,706	16.7%		
Jail	545	9.7%	1,301	13.5%	666	11.1%	64	7.6%	2,576	11.6%		
Time Served	335	6.0%	997	10.3%	514	8.5%	82	9.7%	1,928	8.7%		
Jail+Probation	267	4.8%	183	1.9%	91	1.5%	13	1.5%	554	2.5%		
Probation	809	14.4%	753	7.8%	461	7.7%	65	7.7%	2,088	9.4%		
Fine	626	11.2%	404	4.2%	303	5.0%	100	11.8%	1,433	6.5%		
Cond Discharge	959	17.1%	1,716	17.8%	1,413	23.5%	218	25.8%	4,306	19.5%		
Other/Unknown	51	0.9%	34	0.4%	17	0.3%	5	0.6%	107	0.5%		

**New York State
Adult Arrests Disposed by Race/Ethnicity: 2018**

Top Arrest Charge	Race/Ethnicity												Total
	White		Black		Hispanic		Other						
	N	%	N	%	N	%	N	%	N	%	N	%	
Misdemeanor													
Total Dispositions	95,356	100.0%	99,845	100.0%	67,395	100.0%	13,702	100.0%	276,298	100.0%			
Convicted-Sentenced	58,488	61.3%	43,179	43.2%	28,542	42.4%	5,648	41.2%	135,857	49.2%			
Diverted and Dismissed	65	0.1%	21	0.0%	24	0.0%	8	0.1%	118	0.0%			
Covered by Another Case	5,633	5.9%	3,033	3.0%	1,408	2.1%	184	1.3%	10,258	3.7%			
Dismissed-ACD	18,220	19.1%	26,516	26.6%	19,298	28.6%	4,719	34.4%	68,753	24.9%			
Dismissed-Not ACD	10,015	10.5%	20,107	20.1%	12,639	18.8%	2,433	17.8%	45,194	16.4%			
Acquitted	139	0.1%	169	0.2%	101	0.1%	25	0.2%	434	0.2%			
DA Declined to Prosecute	1,529	1.6%	6,176	6.2%	5,021	7.5%	623	4.5%	13,349	4.8%			
Other	1,267	1.3%	644	0.6%	362	0.5%	62	0.5%	2,335	0.8%			
Adult Non-YO Convictions for:													
Felonies	299	0.3%	304	0.3%	217	0.3%	31	0.2%	851	0.3%			
Misdemeanors	25,309	26.5%	18,173	18.2%	10,254	15.2%	1,371	10.0%	55,107	19.9%			
Non-Criminal/Unknown	32,178	33.7%	24,271	24.3%	17,861	26.5%	4,206	30.7%	78,516	28.4%			
Youthful Offender Adjudications for:													
Felonies	2	0.0%	18	0.0%	9	0.0%	1	0.0%	30	0.0%			
Misdemeanors	631	0.7%	386	0.4%	179	0.3%	35	0.3%	1,231	0.4%			
Unknown	68	0.1%	21	0.0%	19	0.0%	3	0.0%	111	0.0%			
Sentences to:													
Prison	84	0.1%	131	0.1%	82	0.1%	7	0.1%	304	0.1%			
Jail	7,019	7.4%	6,653	6.7%	3,215	4.8%	420	3.1%	17,307	6.3%			
Time Served	3,921	4.1%	8,694	8.7%	4,459	6.6%	593	4.3%	17,667	6.4%			
Jail+Probation	634	0.7%	318	0.3%	189	0.3%	41	0.3%	1,182	0.4%			
Probation	3,884	4.1%	1,457	1.5%	924	1.4%	193	1.4%	6,458	2.3%			
Fine	28,307	29.7%	9,438	9.5%	9,102	13.5%	2,551	18.6%	49,398	17.9%			
Cond Discharge	13,951	14.6%	16,161	16.2%	10,453	15.5%	1,809	13.2%	42,374	15.3%			
Other/Unknown	688	0.7%	327	0.3%	118	0.2%	34	0.2%	1,167	0.4%			

APPENDIX Q

New York State Adult Arrests Disposed by Race/Ethnicity: 2017

Disposed Adult Arrests Data Source Notes

The attached disposition data is derived from the Division of Criminal Justice Services (DCJS) Computerized Criminal History (CCH) system. CCH contains adult arrests and dispositions for offenses where fingerprints are required to be taken (Criminal Procedure Law 160.10). Arrest information is submitted by police agencies via a fingerprint transaction and disposition information is electronically transmitted to DCJS by the Office of Court Administration. Race/ethnicity information is recorded by police as part of the fingerprint transaction. Four categories of race/ethnicity are displayed: White, Black, Hispanic, and Other. All arrestees of Hispanic ethnicity, regardless of race, are included in the Hispanic category. The White, Black, and Other categories include only persons of non-Hispanic origin. For calendar years up to and including 2017, state law defined an adult as anyone age 16 or older.

Dispositions are categorized by the most serious charge reported at the time of arrest. For example, if an individual was charged with a felony and a misdemeanor in connection with the same crime, a single disposition outcome would be displayed and would be categorized as a felony. **Outcomes are shown only for arrests that have reached a final disposition. Arrests with no disposition, an interim disposition, or a conviction without a sentence are not considered fully disposed and are not displayed.** Disposed arrests are categorized by the following arrest types:

- **Felony:** Offenses for which a sentence of imprisonment of more than one year may be imposed (Penal Law Article 10.05).
- **Violent Felony:** A subset of the felony category that includes all charges listed under Penal Law Article 70.02 and the Class A felonies of murder, arson, kidnapping, and predatory sexual assault.
- **Drug Felony:** A subset of the felony category that includes all felony charges listed under Penal Law Article 220 (Controlled Substances) and Article 221 (Marijuana).
- **Misdemeanor:** Offenses, other than traffic infractions, for which a sentence of imprisonment of more than 15 days but no more than one year can be imposed (Penal Law Article 10.04).

If an arrest resulted in a conviction, the table notes whether the conviction charge was a felony, misdemeanor, or non-criminal offense. Convictions may be the result of a plea bargain or a trial and may be for offenses other than what was charged at arrest (i.e., a felony arrest may result in conviction for a misdemeanor or violation. Conversely, charges can also be upgraded post-arrest). Convictions are further categorized as Adult Convictions and Youthful Offender Adjudications. Under state law, Youthful Offender status may be granted by a court to individuals who are 16, 17 or 18 years old. This results in the conviction being sealed, however, the individual may serve a period of incarceration as the result of the Youthful Offender Adjudication. Data is displayed according to the year in which the final disposition occurred, regardless of when the arrest occurred (i.e., an arrest from 2015 that was disposed in 2017 would be displayed in the 2017 column). For arrest events with multiple charges, the disposition shown is the most serious disposition. The following are final disposition types:

- **Convicted-Sentenced:** Cases resulting in a conviction, either by plea or trial, where a sentence has been imposed.
- **Diverted and Dismissed:** Cases dismissed after successful completion of a treatment/diversion program pursuant to CPL 400.10(04). **Note:** Not all 'Diverted and dismissed' dispositions are reported to DCJS.
- **Covered by Another Case:** Cases resolved by a disposition (usually a guilty plea) in a separate case.
- **Dismissed-Adjourned in Contemplation of Dismissal (ACD):** Cases dismissed after a period of adjournment under CPL 170.55.
- **Dismissed-Not ACD:** Cases that were dismissed based on merit or procedure.
- **Acquitted:** Cases where the defendant was found not guilty after trial.
- **DA Declined to Prosecute:** Cases where the District Attorney declined to bring formal charges against the arrested individual. **Note:** This disposition primarily occurs in the five counties/boroughs of New York City.
- **Other:** Cases abated by the defendant's death, other unknown favorable dispositions and cases where it was determined that New York State did not have jurisdiction.

Sentences to prison, jail, and probation represent court-imposed sanctions and not actual admissions or caseloads.

Note: All percentages, even in the sentence type section of the tables, represent the percentage/proportion of total disposed arrests for the year.

New York State

Adult Arrests Disposed by Race/Ethnicity: 2017

Top Arrest Charge	Race/Ethnicity												Total
	White		Black		Hispanic		Other						
	N	%	N	%	N	%	N	%	N	%	N	%	
Total Dispositions	35,769	100.0%	61,137	100.0%	33,541	100.0%	6,725	100.0%	137,172	100.0%	100.0%		
Convicted-Sentenced	26,972	75.4%	38,856	63.6%	21,564	64.3%	3,921	58.3%	91,313	66.6%	66.6%		
Diverted and Dismissed	138	0.4%	144	0.2%	103	0.3%	18	0.3%	403	0.3%	0.3%		
Covered by Another Case	2,150	6.0%	1,943	3.2%	755	2.3%	141	2.1%	4,989	3.6%	3.6%		
Dismissed-ACD	1,973	5.5%	3,621	5.9%	2,348	7.0%	1,272	18.9%	9,214	6.7%	6.7%		
Dismissed-Not ACD	3,613	10.1%	12,902	21.1%	6,458	19.3%	1,078	16.0%	24,051	17.5%	17.5%		
Acquitted	89	0.2%	284	0.5%	109	0.3%	25	0.4%	507	0.4%	0.4%		
DA Declined to Prosecute	427	1.2%	3,014	4.9%	2,014	6.0%	220	3.3%	5,675	4.1%	4.1%		
Other	407	1.1%	373	0.6%	190	0.6%	50	0.7%	1,020	0.7%	0.7%		
Adult Non-YO Convictions for:													
Felonies	9,141	25.6%	11,285	18.5%	6,076	18.1%	735	10.9%	27,237	19.9%	19.9%		
Misdemeanors	11,638	32.5%	14,566	23.8%	7,560	22.5%	1,143	17.0%	34,907	25.4%	25.4%		
Non-Criminal/Unknown	5,294	14.8%	11,096	18.1%	7,014	20.9%	1,883	28.0%	25,287	18.4%	18.4%		
Youthful Offender Adjudications for:													
Felonies	344	1.0%	1,132	1.9%	550	1.6%	77	1.1%	2,103	1.5%	1.5%		
Misdemeanors	543	1.5%	757	1.2%	355	1.1%	83	1.2%	1,738	1.3%	1.3%		
Unknown	12	0.0%	8	0.0%	5	0.0%	0	0.0%	25	0.0%	0.0%		
Sentences to:													
Prison	3,937	11.0%	7,095	11.6%	3,380	10.1%	298	4.4%	14,710	10.7%	10.7%		
Jail	4,322	12.1%	8,008	13.1%	3,937	11.7%	454	6.8%	16,721	12.2%	12.2%		
Time Served	1,409	3.9%	4,338	7.1%	2,156	6.4%	338	5.0%	8,241	6.0%	6.0%		
Jail+Probation	2,307	6.4%	1,512	2.5%	848	2.5%	156	2.3%	4,823	3.5%	3.5%		
Probation	5,639	15.8%	4,179	6.8%	2,368	7.1%	438	6.5%	12,624	9.2%	9.2%		
Fine	3,464	9.7%	2,762	4.5%	1,835	5.5%	587	8.7%	8,648	6.3%	6.3%		
Cond Discharge	5,680	15.9%	10,822	17.7%	6,963	20.8%	1,625	24.2%	25,090	18.3%	18.3%		
Other/Unknown	214	0.6%	140	0.2%	77	0.2%	25	0.4%	456	0.3%	0.3%		

New York State
Adult Arrests Disposed by Race/Ethnicity: 2017

Top Arrest Charge	Race/Ethnicity												Total	
	White			Black			Hispanic			Other			N	%
	N	%	N	%	N	%	N	%	N	%				
Violent Felony	6,858	100.0%	19,147	100.0%	9,906	100.0%	1,640	100.0%	37,551	100.0%				
Total Dispositions	4,809	70.1%	10,390	54.3%	5,339	53.9%	876	53.4%	21,414	57.0%				
Convicted-Sentenced	3	0.0%	19	0.1%	6	0.1%	0	0.0%	28	0.1%				
Diverted and Dismissed	382	5.6%	434	2.3%	168	1.7%	28	1.7%	1,012	2.7%				
Covered by Another Case	356	5.2%	877	4.6%	561	5.7%	165	10.1%	1,959	5.2%				
Dismissed-ACD	1,053	15.4%	5,954	31.1%	2,886	29.1%	483	29.5%	10,376	27.6%				
Dismissed-Not ACD	54	0.8%	200	1.0%	73	0.7%	12	0.7%	339	0.9%				
Acquitted	127	1.9%	1,162	6.1%	813	8.2%	68	4.1%	2,170	5.8%				
DA Declined to Prosecute	74	1.1%	111	0.6%	60	0.6%	8	0.5%	253	0.7%				
Other														
Adult Non-YO	2,036	29.7%	4,237	22.1%	1,928	19.5%	178	10.9%	8,379	22.3%				
Convictions for:	1,592	23.2%	2,743	14.3%	1,426	14.4%	231	14.1%	5,992	16.0%				
Non-Criminal/Unknown	836	12.2%	2,287	11.9%	1,453	14.7%	392	23.9%	4,968	13.2%				
Youthful Offender	184	2.7%	802	4.2%	391	3.9%	43	2.6%	1,420	3.8%				
Adjudications for:	157	2.3%	310	1.6%	136	1.4%	32	2.0%	635	1.7%				
Unknown	4	0.1%	6	0.0%	3	0.0%	0	0.0%	13	0.0%				
Sentences to:	1,327	19.3%	3,303	17.3%	1,402	14.2%	124	7.6%	6,156	16.4%				
Prison	618	9.0%	1,819	9.5%	864	8.7%	87	5.3%	3,388	9.0%				
Jail	208	3.0%	645	3.4%	333	3.4%	50	3.0%	1,236	3.3%				
Time Served	426	6.2%	512	2.7%	264	2.7%	37	2.3%	1,239	3.3%				
Jail+Probation	911	13.3%	1,235	6.5%	649	6.6%	103	6.3%	2,898	7.7%				
Probation	372	5.4%	224	1.2%	145	1.5%	45	2.7%	786	2.1%				
Fine	923	13.5%	2,623	13.7%	1,666	16.8%	427	26.0%	5,639	15.0%				
Cond Discharge	24	0.3%	29	0.2%	16	0.2%	3	0.2%	72	0.2%				
Other/Unknown														

New York State
Adult Arrests Disposed by Race/Ethnicity: 2017

Top Arrest Charge	Race/Ethnicity												Total	
	White			Black			Hispanic			Other			N	%
	N	%		N	%		N	%		N	%			
Drug Felony	5,694	100.0%	10,358	100.0%	7,225	100.0%	778	100.0%	24,055	100.0%	100.0%	24,055	100.0%	
Convicted-Sentenced	4,634	81.4%	7,757	74.9%	5,403	74.8%	591	76.0%	18,385	76.4%	76.4%	18,385	76.4%	
Diverted and Dismissed	101	1.8%	93	0.9%	83	1.1%	18	2.3%	295	1.2%	1.2%	295	1.2%	
Covered by Another Case	212	3.7%	362	3.5%	133	1.8%	21	2.7%	728	3.0%	3.0%	728	3.0%	
Dismissed-ACD	219	3.8%	446	4.3%	421	5.8%	55	7.1%	1,141	4.7%	4.7%	1,141	4.7%	
Dismissed-Not ACD	450	7.9%	1,459	14.1%	1,032	14.3%	68	8.7%	3,009	12.5%	12.5%	3,009	12.5%	
Acquitted	3	0.1%	24	0.2%	11	0.2%	1	0.1%	39	0.2%	0.2%	39	0.2%	
DA Declined to Prosecute	22	0.4%	155	1.5%	122	1.7%	19	2.4%	318	1.3%	1.3%	318	1.3%	
Other	53	0.9%	62	0.6%	20	0.3%	5	0.6%	140	0.6%	0.6%	140	0.6%	
Adult Non-YO Convictions for:	1,733	30.4%	3,030	29.3%	1,992	27.6%	128	16.5%	6,883	28.6%	28.6%	6,883	28.6%	
Felonies	1,823	32.0%	3,057	29.5%	2,001	27.7%	152	19.5%	7,033	29.2%	29.2%	7,033	29.2%	
Misdemeanors	996	17.5%	1,582	15.3%	1,330	18.4%	293	37.7%	4,201	17.5%	17.5%	4,201	17.5%	
Non-Criminal/Unknown														
Youthful Offender Adjudications for:	34	0.6%	61	0.6%	41	0.6%	8	1.0%	144	0.6%	0.6%	144	0.6%	
Felonies	47	0.8%	26	0.3%	39	0.5%	10	1.3%	122	0.5%	0.5%	122	0.5%	
Misdemeanors	1	0.0%	0	0.0%	0	0.0%	0	0.0%	1	0.0%	0.0%	1	0.0%	
Unknown														
Sentences to:	917	16.1%	1,988	19.2%	1,154	16.0%	55	7.1%	4,114	17.1%	17.1%	4,114	17.1%	
Prison	632	11.1%	1,537	14.8%	942	13.0%	72	9.3%	3,183	13.2%	13.2%	3,183	13.2%	
Jail	350	6.1%	1,065	10.3%	634	8.8%	85	10.9%	2,134	8.9%	8.9%	2,134	8.9%	
Time Served	333	5.8%	244	2.4%	136	1.9%	20	2.6%	733	3.0%	3.0%	733	3.0%	
Jail+Probation	769	13.5%	721	7.0%	576	8.0%	63	8.1%	2,129	8.9%	8.9%	2,129	8.9%	
Probation	609	10.7%	346	3.3%	312	4.3%	103	13.2%	1,370	5.7%	5.7%	1,370	5.7%	
Fine	991	17.4%	1,832	17.7%	1,638	22.7%	192	24.7%	4,653	19.3%	19.3%	4,653	19.3%	
Cond Discharge	33	0.6%	24	0.2%	11	0.2%	1	0.1%	69	0.3%	0.3%	69	0.3%	
Other/Unknown														

**New York State
Adult Arrests Disposed by Race/Ethnicity: 2017**

Top Arrest Charge	Race/Ethnicity												Total	
	White		Black		Hispanic		Other						N	%
	N	%	N	%	N	%	N	%	N	%				
Misdemeanor	99,037	100.0%	105,885	100.0%	71,863	100.0%	14,249	100.0%	291,034	100.0%	291,034	100.0%		
Convicted-Sentenced	62,105	62.7%	52,419	49.5%	34,575	48.1%	6,227	43.7%	155,326	53.4%	155,326	53.4%		
Diverted and Dismissed	56	0.1%	28	0.0%	10	0.0%	0	0.0%	94	0.0%	94	0.0%		
Covered by Another Case	5,756	5.8%	2,958	2.8%	1,367	1.9%	176	1.2%	10,257	3.5%	10,257	3.5%		
Dismissed-ACD	19,131	19.3%	26,132	24.7%	20,078	27.9%	5,061	35.5%	70,402	24.2%	70,402	24.2%		
Dismissed-Not ACD	9,259	9.3%	18,851	17.8%	11,490	16.0%	2,242	15.7%	41,842	14.4%	41,842	14.4%		
Acquitted	125	0.1%	156	0.1%	114	0.2%	24	0.2%	419	0.1%	419	0.1%		
DA Declined to Prosecute	1,180	1.2%	4,678	4.4%	3,884	5.4%	434	3.0%	10,176	3.5%	10,176	3.5%		
Other	1,425	1.4%	663	0.6%	345	0.5%	85	0.6%	2,518	0.9%	2,518	0.9%		
Adult Non-YO Convictions for:	363	0.4%	308	0.3%	206	0.3%	23	0.2%	900	0.3%	900	0.3%		
Felonies	27,561	27.8%	22,638	21.4%	12,586	17.5%	1,467	10.3%	64,252	22.1%	64,252	22.1%		
Misdemeanors	33,406	33.7%	28,896	27.3%	21,455	29.9%	4,697	33.0%	88,454	30.4%	88,454	30.4%		
Non-Criminal/Unknown														
Youthful Offender Adjudications for:	7	0.0%	17	0.0%	11	0.0%	0	0.0%	35	0.0%	35	0.0%		
Felonies	710	0.7%	506	0.5%	284	0.4%	37	0.3%	1,537	0.5%	1,537	0.5%		
Misdemeanors	54	0.1%	34	0.0%	23	0.0%	3	0.0%	114	0.0%	114	0.0%		
Unknown														
Sentences to:	109	0.1%	156	0.1%	74	0.1%	10	0.1%	349	0.1%	349	0.1%		
Prison	8,089	8.2%	9,228	8.7%	4,453	6.2%	452	3.2%	22,222	7.6%	22,222	7.6%		
Jail	4,731	4.8%	12,010	11.3%	5,966	8.3%	706	5.0%	23,413	8.0%	23,413	8.0%		
Time Served	711	0.7%	299	0.3%	221	0.3%	37	0.3%	1,268	0.4%	1,268	0.4%		
Jail+Probation	4,243	4.3%	1,596	1.5%	1,118	1.6%	209	1.5%	7,166	2.5%	7,166	2.5%		
Probation	28,819	29.1%	10,015	9.5%	10,180	14.2%	2,688	18.9%	51,702	17.8%	51,702	17.8%		
Fine	14,773	14.9%	18,854	17.8%	12,412	17.3%	2,105	14.8%	48,144	16.5%	48,144	16.5%		
Cond Discharge	630	0.6%	261	0.2%	151	0.2%	20	0.1%	1,062	0.4%	1,062	0.4%		
Other/Unknown														

APPENDIX R

New York State Adult Arrests Disposed by Race/Ethnicity: 2016

Disposed Adult Arrests Data Source Notes

The attached disposition data is derived from the Division of Criminal Justice Services (DCJS) Computerized Criminal History (CCH) system. CCH contains adult arrests and dispositions for offenses where fingerprints are required to be taken (Criminal Procedure Law 160.10). Arrest information is submitted by police agencies via a fingerprint transaction and disposition information is electronically transmitted to DCJS by the Office of Court Administration. Race/ethnicity information is recorded by police as part of the fingerprint transaction. Four categories of race/ethnicity are displayed: White, Black, Hispanic, and Other. All arrestees of Hispanic ethnicity, regardless of race, are included in the Hispanic category. The White, Black, and Other categories include only persons of non-Hispanic origin. For calendar years up to and including 2017, state law defined an adult as anyone age 16 or older.

Dispositions are categorized by the most serious charge reported at the time of arrest. For example, if an individual was charged with a felony and a misdemeanor in connection with the same crime, a single disposition outcome would be displayed and would be categorized as a felony. **Outcomes are shown only for arrests that have reached a final disposition. Arrests with no disposition, an interim disposition, or a conviction without a sentence are not considered fully disposed and are not displayed.** Disposed arrests are categorized by the following arrest types:

- **Felony:** Offenses for which a sentence of imprisonment of more than one year may be imposed (Penal Law Article 10.05).
- **Violent Felony:** A subset of the felony category that includes all charges listed under Penal Law Article 70.02 and the Class A felonies of murder, arson, kidnapping, and predatory sexual assault.
- **Drug Felony:** A subset of the felony category that includes all felony charges listed under Penal Law Article 220 (Controlled Substances) and Article 221 (Marijuana).
- **Misdemeanor:** Offenses, other than traffic infractions, for which a sentence of imprisonment of more than 15 days but no more than one year can be imposed (Penal Law Article 10.04).

If an arrest resulted in a conviction, the table notes whether the conviction charge was a felony, misdemeanor, or non-criminal offense. Convictions may be the result of a plea bargain or a trial and may be for offenses other than what was charged at arrest (i.e., a felony arrest may result in conviction for a misdemeanor or violation. Conversely, charges can also be upgraded post-arrest). Convictions are further categorized as Adult Convictions and Youthful Offender Adjudications. Under state law, Youthful Offender status may be granted by a court to individuals who are 16, 17 or 18 years old. This results in the conviction being sealed, however, the individual may serve a period of incarceration as the result of the Youthful Offender Adjudication. Data is displayed according to the year in which the final disposition occurred, regardless of when the arrest occurred (i.e., an arrest from 2015 that was disposed in 2017 would be displayed in the 2017 column). For arrest events with multiple charges, the disposition shown is the most serious disposition. The following are final disposition types:

- **Convicted-Sentenced:** Cases resulting in a conviction, either by plea or trial, where a sentence has been imposed.
- **Diverted and Dismissed:** Cases dismissed after successful completion of a treatment/diversion program pursuant to CPL 400.10(04). **Note:** Not all 'Diverted and dismissed' dispositions are reported to DCJS.
- **Covered by Another Case:** Cases resolved by a disposition (usually a guilty plea) in a separate case.
- **Dismissed-Adjourned in Contemplation of Dismissal (ACD):** Cases dismissed after a period of adjournment under CPL 170.55.
- **Dismissed-Not ACD:** Cases that were dismissed based on merit or procedure.
- **Acquitted:** Cases where the defendant was found not guilty after trial.
- **DA Declined to Prosecute:** Cases where the District Attorney declined to bring formal charges against the arrested individual. **Note:** This disposition primarily occurs in the five counties/boroughs of New York City.
- **Other:** Cases abated by the defendant's death, other unknown favorable dispositions and cases where it was determined that New York State did not have jurisdiction.

Sentences to prison, jail, and probation represent court-imposed sanctions and not actual admissions or caseloads.

Note: All percentages, even in the sentence type section of the tables, represent the percentage/proportion of total disposed arrests for the year.

New York State
Adult Arrests Disposed by Race/Ethnicity: 2016

Top Arrest Charge	Race/Ethnicity												Total
	White		Black		Hispanic		Other						
	N	%	N	%	N	%	N	%	N	%	N	%	
Total Dispositions	37,832	100.0%	63,041	100.0%	34,435	100.0%	6,885	100.0%	142,193	100.0%	100.0%		
Convicted-Sentenced	28,406	75.1%	39,695	63.0%	22,052	64.0%	3,953	57.4%	94,106	66.2%	66.2%		
Diverted and Dismissed	145	0.4%	135	0.2%	93	0.3%	20	0.3%	393	0.3%	0.3%		
Covered by Another Case	2,195	5.8%	2,024	3.2%	742	2.2%	119	1.7%	5,080	3.6%	3.6%		
Dismissed-ACD	2,075	5.5%	3,499	5.6%	2,053	6.0%	1,332	19.3%	8,959	6.3%	6.3%		
Dismissed-Not ACD	3,861	10.2%	13,400	21.3%	6,895	20.0%	1,054	15.3%	25,210	17.7%	17.7%		
Acquitted	97	0.3%	293	0.5%	122	0.4%	17	0.2%	529	0.4%	0.4%		
DA Declined to Prosecute	582	1.5%	3,499	5.6%	2,243	6.5%	344	5.0%	6,668	4.7%	4.7%		
Other	471	1.2%	496	0.8%	235	0.7%	46	0.7%	1,248	0.9%	0.9%		
Adult Non-YO Convictions for:													
Felonies	9,469	25.0%	11,403	18.1%	6,075	17.6%	713	10.4%	27,660	19.5%	19.5%		
Misdemeanors	12,339	32.6%	14,958	23.7%	7,651	22.2%	1,094	15.9%	36,042	25.3%	25.3%		
Non-Criminal/Unknown	5,595	14.8%	11,312	17.9%	7,360	21.4%	1,995	29.0%	26,262	18.5%	18.5%		
Youthful Offender Adjudications for:													
Felonies	416	1.1%	1,180	1.9%	577	1.7%	84	1.2%	2,257	1.6%	1.6%		
Misdemeanors	575	1.5%	829	1.3%	386	1.1%	67	1.0%	1,857	1.3%	1.3%		
Unknown	11	0.0%	10	0.0%	1	0.0%	0	0.0%	22	0.0%	0.0%		
Sentences to:													
Prison	4,023	10.6%	7,242	11.5%	3,421	9.9%	312	4.5%	14,998	10.5%	10.5%		
Jail	4,446	11.8%	8,279	13.1%	4,069	11.8%	392	5.7%	17,186	12.1%	12.1%		
Time Served	1,501	4.0%	4,328	6.9%	2,115	6.1%	351	5.1%	8,295	5.8%	5.8%		
Jail+Probation	2,550	6.7%	1,629	2.6%	771	2.2%	163	2.4%	5,113	3.6%	3.6%		
Probation	6,039	16.0%	4,111	6.5%	2,404	7.0%	421	6.1%	12,975	9.1%	9.1%		
Fine	3,621	9.6%	2,709	4.3%	1,922	5.6%	594	8.6%	8,846	6.2%	6.2%		
Cond Discharge	6,028	15.9%	11,261	17.9%	7,291	21.2%	1,693	24.6%	26,273	18.5%	18.5%		
Other/Unknown	198	0.5%	136	0.2%	59	0.2%	27	0.4%	420	0.3%	0.3%		

**New York State
Adult Arrests Disposed by Race/Ethnicity: 2016**

Top Arrest Charge	Race/Ethnicity												Total	
	White		Black		Hispanic		Other						N	%
	N	%	N	%	N	%	N	%	N	%				
Violent Felony	7,431	100.0%	19,994	100.0%	10,202	100.0%	1,701	100.0%	39,328	100.0%	39,328	100.0%		
Convicted-Sentenced	5,222	70.3%	10,682	53.4%	5,390	52.8%	886	52.1%	22,180	56.4%	22,180	56.4%		
Diverted and Dismissed	5	0.1%	8	0.0%	4	0.0%	0	0.0%	17	0.0%	17	0.0%		
Covered by Another Case	438	5.9%	520	2.6%	159	1.6%	28	1.6%	1,145	2.9%	1,145	2.9%		
Dismissed-ACD	364	4.9%	883	4.4%	535	5.2%	207	12.2%	1,989	5.1%	1,989	5.1%		
Dismissed-Not ACD	1,131	15.2%	6,154	30.8%	3,036	29.8%	456	26.8%	10,777	27.4%	10,777	27.4%		
Acquitted	56	0.8%	210	1.1%	87	0.9%	11	0.6%	364	0.9%	364	0.9%		
DA Declined to Prosecute	135	1.8%	1,373	6.9%	913	8.9%	107	6.3%	2,528	6.4%	2,528	6.4%		
Other	80	1.1%	164	0.8%	78	0.8%	6	0.4%	328	0.8%	328	0.8%		
Adult Non-YO Convictions for:	2,119	28.5%	4,322	21.6%	1,886	18.5%	207	12.2%	8,534	21.7%	8,534	21.7%		
Misdemeanors	1,783	24.0%	2,760	13.8%	1,393	13.7%	193	11.3%	6,129	15.6%	6,129	15.6%		
Non-Criminal/Unknown	936	12.6%	2,347	11.7%	1,542	15.1%	395	23.2%	5,220	13.3%	5,220	13.3%		
Youthful Offender Adjudications for:	224	3.0%	901	4.5%	415	4.1%	59	3.5%	1,599	4.1%	1,599	4.1%		
Felonies	157	2.1%	345	1.7%	152	1.5%	32	1.9%	686	1.7%	686	1.7%		
Misdemeanors	3	0.0%	6	0.0%	1	0.0%	0	0.0%	10	0.0%	10	0.0%		
Unknown														
Sentences to:	1,346	18.1%	3,542	17.7%	1,398	13.7%	138	8.1%	6,424	16.3%	6,424	16.3%		
Prison	756	10.2%	1,872	9.4%	942	9.2%	90	5.3%	3,660	9.3%	3,660	9.3%		
Jail	222	3.0%	692	3.5%	309	3.0%	60	3.5%	1,283	3.3%	1,283	3.3%		
Time Served	469	6.3%	563	2.8%	245	2.4%	49	2.9%	1,326	3.4%	1,326	3.4%		
Jail+Probation	982	13.2%	1,122	5.6%	671	6.6%	103	6.1%	2,878	7.3%	2,878	7.3%		
Probation	382	5.1%	207	1.0%	142	1.4%	34	2.0%	765	1.9%	765	1.9%		
Fine	1,035	13.9%	2,657	13.3%	1,670	16.4%	410	24.1%	5,772	14.7%	5,772	14.7%		
Cond Discharge	30	0.4%	27	0.1%	13	0.1%	2	0.1%	72	0.2%	72	0.2%		
Other/Unknown														

New York State
Adult Arrests Disposed by Race/Ethnicity: 2016

Top Arrest Charge	Race/Ethnicity												Total			
	White			Black			Hispanic			Other						
	N	%		N	%		N	%		N	%		N	%	N	%
Drug Felony	5,952	100.0%		10,626	100.0%		7,624	100.0%		718	100.0%		24,920	100.0%	24,920	100.0%
Total Dispositions	4,773	80.2%		8,073	76.0%		5,698	74.7%		528	73.5%		19,072	76.5%	19,072	76.5%
Convicted-Sentenced	107	1.8%		96	0.9%		77	1.0%		13	1.8%		293	1.2%	293	1.2%
Diverted and Dismissed	222	3.7%		340	3.2%		144	1.9%		17	2.4%		723	2.9%	723	2.9%
Covered by Another Case	273	4.6%		417	3.9%		301	3.9%		62	8.6%		1,053	4.2%	1,053	4.2%
Dismissed-ACD	474	8.0%		1,442	13.6%		1,220	16.0%		74	10.3%		3,210	12.9%	3,210	12.9%
Dismissed-Not ACD	3	0.1%		22	0.2%		13	0.2%		2	0.3%		40	0.2%	40	0.2%
Acquitted	37	0.6%		167	1.6%		137	1.8%		19	2.6%		360	1.4%	360	1.4%
DA Declined to Prosecute	63	1.1%		69	0.6%		34	0.4%		3	0.4%		169	0.7%	169	0.7%
Other																
Adult Non-YO	1,840	30.9%		3,097	29.1%		2,055	27.0%		132	18.4%		7,124	28.6%	7,124	28.6%
Convictions for:	1,872	31.5%		3,365	31.7%		2,173	28.5%		150	20.9%		7,560	30.3%	7,560	30.3%
Misdemeanors	974	16.4%		1,499	14.1%		1,395	18.3%		237	33.0%		4,105	16.5%	4,105	16.5%
Non-Criminal/Unknown																
Youthful Offender	30	0.5%		50	0.5%		43	0.6%		2	0.3%		125	0.5%	125	0.5%
Adjudications for:	57	1.0%		62	0.6%		32	0.4%		7	1.0%		158	0.6%	158	0.6%
Misdemeanors	0	0.0%		0	0.0%		0	0.0%		0	0.0%		0	0.0%	0	0.0%
Unknown																
Sentences to:	933	15.7%		1,909	18.0%		1,202	15.8%		62	8.6%		4,106	16.5%	4,106	16.5%
Prison	620	10.4%		1,777	16.7%		1,027	13.5%		59	8.2%		3,483	14.0%	3,483	14.0%
Jail	342	5.7%		1,060	10.0%		696	9.1%		67	9.3%		2,165	8.7%	2,165	8.7%
Time Served	311	5.2%		241	2.3%		91	1.2%		17	2.4%		660	2.6%	660	2.6%
Jail+Probation	902	15.2%		796	7.5%		522	6.8%		50	7.0%		2,270	9.1%	2,270	9.1%
Probation	589	9.9%		385	3.6%		293	3.8%		88	12.3%		1,355	5.4%	1,355	5.4%
Fine	1,038	17.4%		1,874	17.6%		1,852	24.3%		181	25.2%		4,945	19.8%	4,945	19.8%
Cond Discharge	38	0.6%		31	0.3%		15	0.2%		4	0.6%		88	0.4%	88	0.4%
Other/Unknown																

New York State
Adult Arrests Disposed by Race/Ethnicity: 2016

Top Arrest Charge	Race/Ethnicity												Total		
	White			Black			Hispanic			Other			N	%	
	N	%		N	%		N	%		N	%				
Misdemeanor	107,431	100.0%	117,160	100.0%	78,675	100.0%	14,962	100.0%	318,228	100.0%					
Convicted-Sentenced	67,435	62.8%	58,879	50.3%	38,401	48.8%	6,476	43.3%	171,191	53.8%					
Diverted and Dismissed	122	0.1%	33	0.0%	9	0.0%	1	0.0%	165	0.1%					
Covered by Another Case	5,947	5.5%	3,260	2.8%	1,338	1.7%	196	1.3%	10,741	3.4%					
Dismissed-ACD	20,802	19.4%	28,690	24.5%	21,117	26.8%	5,438	36.3%	76,047	23.9%					
Dismissed-Not ACD	10,036	9.3%	19,215	16.4%	11,844	15.1%	2,091	14.0%	43,186	13.6%					
Acquitted	175	0.2%	161	0.1%	104	0.1%	15	0.1%	455	0.1%					
DA Declined to Prosecute	1,415	1.3%	6,188	5.3%	5,470	7.0%	663	4.4%	13,736	4.3%					
Other	1,499	1.4%	734	0.6%	392	0.5%	82	0.5%	2,707	0.9%					
Adult Non-YO Convictions for:	339	0.3%	326	0.3%	220	0.3%	50	0.3%	935	0.3%					
Misdemeanors	29,512	27.5%	25,328	21.6%	13,458	17.1%	1,392	9.3%	69,690	21.9%					
Non-Criminal/Unknown	36,604	34.1%	32,538	27.8%	24,411	31.0%	4,992	33.4%	98,545	31.0%					
Youthful Offender Adjudications for:	6	0.0%	14	0.0%	13	0.0%	3	0.0%	36	0.0%					
Felonies	869	0.8%	636	0.5%	278	0.4%	34	0.2%	1,817	0.6%					
Misdemeanors	98	0.1%	33	0.0%	18	0.0%	3	0.0%	152	0.0%					
Unknown															
Sentences to:	99	0.1%	154	0.1%	83	0.1%	17	0.1%	353	0.1%					
Prison	8,806	8.2%	10,621	9.1%	4,887	6.2%	456	3.0%	24,770	7.8%					
Jail	5,095	4.7%	13,623	11.6%	6,981	8.9%	754	5.0%	26,453	8.3%					
Time Served	740	0.7%	329	0.3%	216	0.3%	55	0.4%	1,340	0.4%					
Jail+Probation	4,360	4.1%	1,585	1.4%	1,054	1.3%	202	1.4%	7,201	2.3%					
Probation	31,231	29.1%	10,359	8.8%	10,061	12.8%	2,640	17.6%	54,291	17.1%					
Fine	16,459	15.3%	21,936	18.7%	14,978	19.0%	2,317	15.5%	55,690	17.5%					
Cond Discharge	645	0.6%	272	0.2%	141	0.2%	35	0.2%	1,093	0.3%					
Other/Unknown															

APPENDIX S

Washington State's General Rule 37

The Supreme Court
State of Washington

CHARLES W. JOHNSON
JUSTICE
TEMPLE OF JUSTICE
POST OFFICE BOX 40929
OLYMPIA, WASHINGTON
98504-0929



(360) 357-2020
FACSIMILE (360) 357-2103
E-MAIL J.C.JOHNSON@COURTS.WA.GOV

SENT BY EMAIL ONLY

April 5, 2018

TO: PROPOSED NEW GR 37—JURY SELECTION WORKGROUP MEMBERS
Mr. Sal Mungia, American Civil Liberties Union of Washington
Ms. La Rond Baker, American Civil Liberties Union of Washington
Ms. Pam Loginsky, Washington Association of Prosecuting Attorneys
Judge Laurel Siddoway, Court of Appeals Presiding Chief Judge
Judge Sean O'Donnell, Superior Court Judges' Association
Judge Scott Ahlf, District and Municipal Court Judges' Association

FROM: Justice Charles W. Johnson, Rules Committee Chair

SUBJECT: ADOPTION OF NEW GENERAL RULE (GR) 37—JURY SELECTION

On behalf of the court, I am notifying you that the court adopted proposed new General Rule (GR) 37—Jury Selection after review of the original proposals, the comments submitted thereto, and the final report of the Proposed New GR 37—Jury Selection Workgroup. This rule will become effective upon publication in the Washington Reports.

cc: Chief Justice Mary Fairhurst
Justice Barbara A. Madsen
Justice Susan Owens
Justice Debra Stephens
Justice Charles K. Wiggins
Justice Steven C. Gonzalez
Justice Sheryl Gordon McCloud
Justice Mary I. Yu
Lynne Alfasso, AOC
Janet Skreen, AOC
Sharon Harvey, AOC

Attachment (BY EMAIL)

FILED
APR - 5 2018
WASHINGTON STATE
SUPREME COURT

THE SUPREME COURT OF WASHINGTON

IN THE MATTER OF THE PROPOSED NEW)
RULE GENERAL RULE 37 — JURY SELECTION)
)
)
)
)
)
)

ORDER
NO. 25700-A- 1221

The Proposed New GR 37 — Jury Selection Workgroup, convened by the Supreme Court having recommended the adoption of the proposed new General Rule 37 — Jury Selection, and the Court having considered the new rule, the workgroup’s final report, and comments submitted to the rule originally proposed by the American Civil Liberties Union of Washington, and having determined that the proposed new rule will aid in the prompt and orderly administration of justice:

Now, therefore, it is hereby

ORDERED:

- (a) That the new rule as attached hereto is adopted.
- (b) The new rule will be published in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 5th day of April, 2018.

Johnson, J.
Madsen, J. *

Over, J.
Stynes, J.

Fairhurst, Cg.

Wiggins, Jr.

Conzelmann, J.

Robert McLeod, Jr.

Jr. J.

* I agree with sections (a) - (g). I disagree with (h) and (i) as both overinclusive and underinclusive.

NEW General Rule 37. JURY SELECTION

(a) Policy and Purpose. The purpose of this rule is to eliminate the unfair exclusion of potential jurors based on race or ethnicity.

(b) Scope. This rule applies in all jury trials.

(c) Objection. A party may object to the use of a peremptory challenge to raise the issue of improper bias. The court may also raise this objection on its own. The objection shall be made by simple citation to this rule, and any further discussion shall be conducted outside the presence of the panel. The objection must be made before the potential juror is excused, unless new information is discovered.

(d) Response. Upon objection to the exercise of a peremptory challenge pursuant to this rule, the party exercising the peremptory challenge shall articulate the reasons that the peremptory challenge has been exercised.

(e) Determination. The court shall then evaluate the reasons given to justify the peremptory challenge in light of the totality of circumstances. If the court determines that an objective observer could view race or ethnicity as a factor in the use of the peremptory challenge, then the peremptory challenge shall be denied. The court need not find purposeful discrimination to deny the peremptory challenge. The court should explain its ruling on the record.

(f) Nature of Observer. For purposes of this rule, an objective observer is aware that implicit, institutional, and unconscious biases, in addition to purposeful discrimination, have resulted in the unfair exclusion of potential jurors in Washington State.

(g) Circumstances Considered. In making its determination, the circumstances the court should consider include, but are not limited to, the following:

(i) the number and types of questions posed to the prospective juror, which may include consideration of whether the party exercising the peremptory challenge failed to question the prospective juror about the alleged concern or the types of questions asked about it; (ii) whether the party exercising the peremptory challenge asked significantly more questions or different questions of the potential juror against whom the peremptory challenge was used in contrast to other jurors; (iii) whether other prospective jurors provided similar answers but were not the subject of a peremptory challenge by that party; (iv) whether a reason might be disproportionately associated with a race or ethnicity; and (v) if the party has used peremptory challenges disproportionately against a given race or ethnicity, in the present case or in past cases.

(h) Reasons Presumptively Invalid Because historically the following reasons for peremptory challenges have been associated with improper discrimination in jury selection in Washington State, the following are presumptively invalid reasons for a peremptory challenge: (i) having prior contact with law enforcement officers; (ii) expressing a distrust of law enforcement or a belief that law enforcement officers engage in racial profiling; (iii) having a close relationship with people who have been stopped, arrested, or convicted of a crime; (iv) living in a high-crime neighborhood; (v) having a child outside of marriage; (vi) receiving state benefits; and (vii) not being a native English speaker.

(i) Reliance on Conduct. The following reasons for peremptory challenges also have historically been associated with improper discrimination in jury selection in Washington State: allegations that the prospective juror was sleeping, inattentive, staring or failing to make eye contact, exhibited a problematic attitude, body language, or demeanor, or provided unintelligent or confused answers. If any party intends to offer one of these reasons or a similar reason as the justification for a peremptory challenge, that party must provide reasonable notice to the court and the other parties so the behavior can be verified and addressed in a timely manner. A lack of corroboration by the judge or opposing counsel verifying the behavior shall invalidate the given reason for the peremptory challenge.