



STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
THE STATE OFFICE BUILDING CAMPUS
ALBANY, N.Y. 12226

CR-547
7-29-87
MF-1

THOMAS A. COUGHLIN III
COMMISSIONER

WARD DE WITT
ASSISTANT COMMISSIONER

CHARACTERISTICS OF INMATES UNDER CUSTODY
A TEN YEAR TREND STUDY

105165

U.S. Department of Justice
National Institute of Justice

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by
Department of Correctional Services
(New York State)

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.

1 4 -

MAY 8 1987

ACQUISITIONS

105165
591501

1985

Report Prepared by:

William R. Chapman
Program Research Specialist

Stuart A. Zausner
Program Research Specialist

CHARACTERISTICS OF INMATES UNDER CUSTODY
A TEN YEAR TREND STUDY

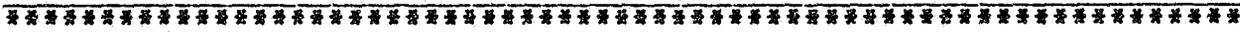


TABLE OF CONTENTS

	<u>PAGE</u>
Table of Contents	i
Summary	ii
Acknowledgement	v
Introduction	1
1. Increase in the Size of the Under Custody Population	2
2. Commitment Offense Type	8
3. Felony Class of Commitment Offense	15
4. First or Second Felony Offender Status	21
5. Prior Adult Criminal Record	27
6. Minimum Sentence Length	30
7. Maximum Sentence Length	39
8. Time Served as of Year's End	43
9. Sex Distribution	47
10. Age Distribution	50
11. Ethnic Status	53
12. Educational Attainment	56
13. Marital Status	59
14. County/Region of Commitment	62
15. Occupational Status	67
16. Country of Birth	70

-SUMMARY-

This report compares the characteristics of inmates held under custody on December 31st across the years 1975 to 1984.

The size of the under custody population has increased dramatically over the years 1975 (approximately 16,000 inmates) to 1984 (approximately 33,000 inmates). This increase in size appears to be due to increases in the number of yearly admissions to the Department of Correctional Services and to increases in the length of time served prior to release. Changes in the volume of admissions and length of time served in prison appear to be due, at least in part, to changes in the Penal Law which provide for greater use of mandatory state prison sentences and for more severe sentences for repeat felony offenders, violent felony offenders, and for certain drug offenders.

The proportion of inmates held under custody who had been sentenced to state prison for a legislatively designated violent felony offense increases from 52% of under custody inmates in 1975 to 71% of under custody inmates in 1984. Numerically, persons sentenced as violent felony offenders who are held under custody have tripled over the ten year period of the study (8,313 in 1975; 23,518 in 1984).

Over the ten year period of the study, the under custody population has a higher concentration of offenders committed for Class A-I felony crimes and Class B felony crimes and proportionately fewer under custody inmates committed for Class E felony offenses or as Youthful Offenders.

Consistent with a 1973 amendment to the Penal Law regarding repeat felony offenders, the proportion of inmates held under custody who had been sentenced as a Second Felony Offender increases from 21% (3,400 inmates) in 1975 to 44% (14,471 inmates) in 1984.

The proportion of under custody inmates with a prior jail term or a prior state or federal prison term has increased somewhat over the ten year period. The proportion of the under custody population with a prior jail term or a prior state or federal prison term increases from 57.4% in 1975 to 63.1% in 1983.

There has been a steady increase in minimum sentence length over the ten year period. Among inmates held under custody in 1975, 21% had a minimum period of imprisonment of 48 months or longer; among inmates held under custody in 1984, 45% had a minimum period of imprisonment of 48 months or longer. Further, the average minimum period of imprisonment among under custody inmates has risen from 46.8 months in 1975 to 56.2 months in 1979 to 68.6 months in 1984.

Maximum sentence length has also shown an increase over this period. Thirty-four percent (34%) of under custody inmates in 1975 had a maximum term of ten years or longer, as contrasted with 41% of inmates held in 1984. The median maximum sentence length (both the median and the average are presented in Table 7.1) increases from 72 months among inmates held in 1975 to 96 months among inmates held in 1984.

The length of time served between latest reception date and December 31 of the particular calendar year is compared across under custody populations held on December 31 for the years 1975 to 1984. The average period of time served to year's end has steadily increased over the ten year period. Among inmates held under custody in 1975, only 9% had served 36 months or longer by year's end, but among inmates held under custody in 1984, 21% had served 36 months or longer by year's end. The average period of time served by year's end increases from 18.3 months in 1975 to 24.7 months in 1984.

Males make up approximately 97% of the under custody population and females approximately 3% of the under custody population for each of the year-end under custody populations examined between the years 1975 and 1984. However, the number of females held under custody rises from 428 in 1975 to 1,015 in 1984.

The age of inmates held under custody (as of December 31 of the particular calendar year) has increased slightly over the ten year period. The average age of inmates held under custody in December of 1984 (29.7 years) was slightly higher than the average age of inmates held under custody in December of 1975 (28.9 years).

Blacks have declined somewhat as proportion of the under custody population between 1975 (56%) and 1984 (52%). Inmates of Puerto Rican birth or parentage have increased somewhat over the period 1975 (16%) to 1984 (21%). Whites make up approximately 27% of the year end under custody population for each year between 1975 and 1984.

The education level of inmates held under custody has increased somewhat over the ten year period. The average number of education years completed increases slightly from 9.6 years among persons held under custody in 1975 to 9.9 years among persons held under custody in 1984.

The proportion of inmates who report that they have never married increases somewhat from approximately 52% of under custody inmates in 1975 to approximately 58% of under custody inmates in 1984.

Persons sentenced to state prison from New York City (Bronx, Kings, New York, Queens and Richmond Counties) make up 69% of under custody inmates in 1975 and 70% of under custody inmates in 1984 (though this percentage dips to 66% during 1978 to 1981). Persons held under custody from communities that are suburbs of New York City (Nassau, Suffolk, Rockland, and Westchester Counties) show a modest but steady increase from 9% in 1975 to 12% in 1984. The proportion of under custody inmates from upstate urban counties (see Table 14.1) declines slightly from 16% in 1975 to 14% in 1984, as does the proportion of inmates from upstate rural counties (5.6% in 1975, 4.3% in 1984).

The occupational status (prior to incarceration) of persons held under custody on December 31, 1984 was as follows: Not employed (27%), Labor (19%), Blue Collar (27%), Craftsmen (10%), White Collar (10%), Managers (6%), Professional (2%).

Among persons held under custody on December 31, 1984, 80% had been born in the United States; 12% in United States Possessions and Territories; 5% had been born in countries located in the Caribbean Sea; and the remaining 3% in other foreign countries.

ACKNOWLEDGEMENT

Several of the computer data files examined in this study were constructed by Mr. Gerald Bala. Manuscript preparation and other secretarial assistance was provided by Mrs. Grace Tambasco and Ms. Mary Lee Smaldone. We are sincerely grateful to each of them for their meticulous work and good cheer.

INTRODUCTION

This report provides information on the characteristics of the under custody population of the New York State Department of Correctional Services. The data in the report describe the population of persons held under custody on December 31 for each year between 1975 and 1984. Two objectives have guided the preparation of this material. First, the report serves as a resource document which contains information on the legal characteristics (e.g. offense type, sentence length) and the demographic characteristics (e.g. age, sex, ethnicity) of the population of persons held under custody on the last day of each calendar year. Second, by presenting data for each year over the last 10 years, it is possible to identify changes that have occurred in the characteristics of the under custody population.

The data used in this report are contained on computerized data files that were created at the end of the calendar year for each of the 10 years studied. Each of these data files is a snapshot of the under custody population at the end of the year. There is considerable overlap between the under custody population for any given year and the under custody population in the next following year. Many of the inmates held under custody on December 31, 1983 will, for instance, still be held under custody on December 31, 1984. However, as the number and characteristics of yearly admissions to state prison change, and as inmates with differing legal history characteristics are released by the Board of Parole, the characteristics of persons held under custody change. Comparing the under custody population at one year's end with the under custody population at year's end in following years allows us to see changes in the characteristics of the population of persons held under custody.

Table 1.1 contains data on the flow of admissions to and releases from the Department of Correctional Services over the last 10 years. Table 1.1 also presents figures on the under custody population on December 31 for each year 1975 through 1984. These are currently the most accurate figures. In the tables used in the report, the figure for the total under custody population for each year differs slightly from the figure for the total under custody population for each year presented in Table 1.1. This occurs because the under custody figures in Table 1.1 have been manually adjusted to reflect the correct custody status of certain inmates transferred to the Central New York Psychiatric Center. In addition, for each of the specific characteristics of the under custody population examined in the sections to follow (e.g. offense type, ethnicity, educational status) there is a small portion of the population for which data are missing. We believe, however, that the data in the sections that follow constitute an accurate and useful representation of the under custody population as of the end of the calendar year.

TABLE 1.1 ADMISSIONS AND RELEASES FROM FACILITIES OF THE
DEPARTMENT OF CORRECTIONAL SERVICES
FOR THE CALENDAR YEARS 1975-1984

<u>TYPE OF ADMISSION OR RELEASE</u>	<u>1975</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>	<u>1984</u>
<u>Under Custody on January 1</u>	14,386	16,103	17,752	19,408	20,187	20,855	21,626	25,499	27,943	30,537
<u>Admissions</u>	9,093	9,760	10,272	8,837	9,462	10,260	12,723	12,727	14,867	14,848
Court Commitment	7,424	8,063	8,436	7,232	7,595	7,959	10,303	10,406	12,536	12,247
Transfers from Outside Dept.	26	14	50	244	341	418	463	446	497	554
Affirmation of Sentence	32	40	46	60	56	59	67	61	52	48
Parole Violator	890	836	984	871	985	1,234	1,307	1,229	1,224	1,498
Conditional Release Violator	359	361	359	263	346	479	493	445	430	356
Statutory Release Violator	--	--	--	--	--	--	--	--	--	--
Returned from Escape/Abandoned	362	446	397	167	139	111	90	140	128	145
<u>Under Custody All or Part of Year</u>	23,479	25,863	28,024	28,245	29,649	31,115	34,349	38,226	42,810	45,385
<u>Releases</u>	7,405	8,111	8,276	8,058	8,794	9,489	8,850	10,283	12,273	12,249
Parole	4,237	4,979	5,468	5,066	5,378	5,659	5,001	6,319	8,575	9,007
Conditional Release	1,901	1,900	1,816	1,981	2,302	2,549	2,530	2,594	2,451	1,886
Statutory Release	13	4	--	--	1	--	1	--	--	--
Maximum Expiration of Sentence	461	388	413	388	344	527	590	546	382	407
Death	37	30	32	30	31	41	39	62	54	110
Court Order	217	187	209	203	182	169	132	122	118	100
Escaped or Absconded	468	611	525	86	65	70	75	126	126	156
Transfers Outside Dept.	57	7	152	304	407	466	480	512	561	575
Other	14	5	1	--	4	8	2	2	6	8
<u>Under Custody on December 31</u>	16,074	17,752	19,408	20,187	20,855	21,626	25,499	27,943	30,537	33,136
<u>Parole Detainees on December 31</u>						303	422	556	414	673
<u>Under Custody Plus Detainees</u>						21,929	25,921	28,499	30,951	33,809

-Section One-

INCREASE IN THE SIZE OF THE UNDER CUSTODY POPULATION

As is illustrated in Figure 1.1, the population of persons held under custody by the Department of Correctional Services has more than doubled between December 31, 1975 (N=16,074) and December 31, 1984 (33,136). Changes in the size of the under custody population are produced by changes in the number of yearly admissions and by changes in the length of the period of time persons serve in prison. Fluctuations in admissions are discussed immediately below, increases in average time served are examined in Section Eight.

The single largest category of admissions to the Department of Correctional Services is new court commitments. These are persons committed to state prison by judges in county courts following a conviction for a felony offense. As is indicated in Table 1.2, there has been an overall increase in the number of court commitments to state prison between the years 1971 to 1984. In 1971 there were 5,130 new court commitments received by the Department. In contrast, during calendar year 1984 there were 12,247 new court commitments received by the Department.

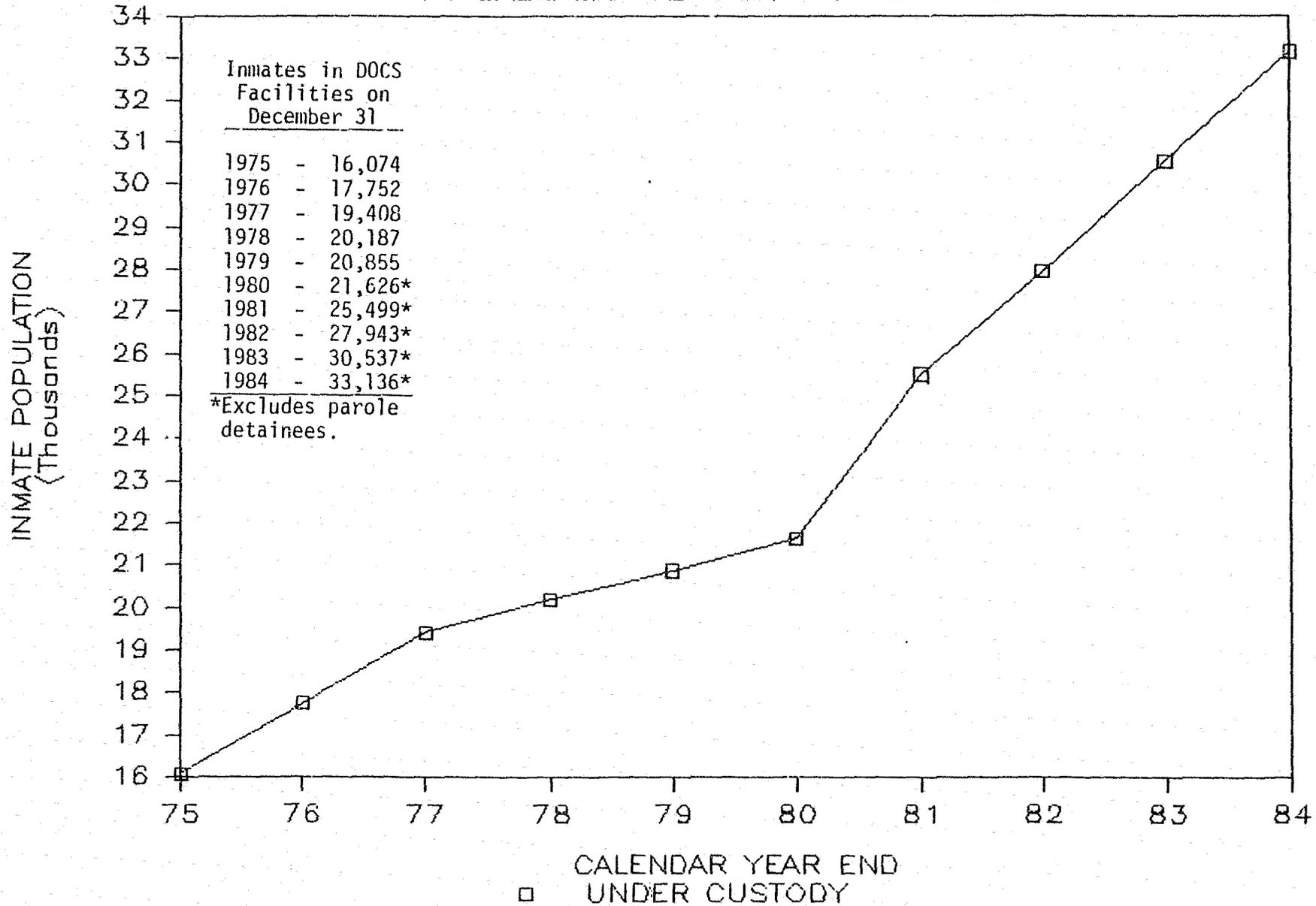
TABLE 1.2 NUMBER OF NEW COURT COMMITMENTS TO THE DEPARTMENT OF CORRECTIONAL SERVICES 1971-1984

<u>Year</u>	<u>Number</u>
1971	5,130
1972	5,709
1973	6,477
1974	6,691
1975	7,424
1976	8,063
1977	8,436
1978	7,232
1979	7,595
1980	7,959
1981	10,303
1982	10,406
1983	12,536
1984	12,247

The comparatively high number of admissions in 1976 and 1977 reflected an effort by the Office of Court Administration to reduce a large backlog of felony cases pending before the Supreme Court. Further, in 1981, 37 additional trial court judges were added to the bench which served to increase the number of dispositions of felony cases. In general, the information in Table 1.2 shows a steady increase in court commitments to DOCS over the period 1971 to 1984.

INMATES UNDER CUSTODY

AT CALENDAR YEAR END: 1975 - 1984



Factors Contributing to Increase in Size of Under Custody Population

There are several factors that may help to account for increases in court commitments to state prison over the years 1971 through 1984. Part of this increase may be attributable to higher levels of serious crime. As is shown in Table 1.3, there has been an increase in the number of felony arrests in New York State between 1975 (127,095 felony arrests) and 1983 (142,485 felony arrests). Of course, increases in the number of arrests might also be due to more activity or greater manpower on the part of police departments. In either case there is a higher number of reported felony arrests in 1983 than there was in 1975. Table 1.3 also shows that there was a higher number of felony indictments and a higher number of dispositions of felony indictments in 1983 when compared with 1975. Though not all those convicted following a felony indictment are convicted of a felony offense (i.e. a portion of convictions are for misdemeanors or violations), it is still the case that convictions following a felony indictment show an increase between 1975 (25,249) and 1983 (38,759). In summary, part of the increase in admissions to state prison between 1975 and 1984 may be due to an increase in the volume of persons arrested and processed for felony crimes.

Changes in the Penal Law which require mandatory imprisonment for certain offenders are another contributor to the increase in commitments to prison. In 1973 the legislature required that all persons convicted of a Class B felony offense should receive a state prison sentence (NYS Penal Law Section 60.05(2)). The legislature also required a mandatory state prison sentence for certain Class C felony offenses (these were largely drug related offenses, Penal Law Section 60.05(3)). In another important step the legislature, in its 1973 session, reinstated more severe penalties for second felony offenders (NYS Penal Law Section 60.05(5) and 70.06(2)). Persons who commit a second felony offense face a mandatory state prison term. The year 1973 also saw the enactment of more stringent penalties for drug offenders.

In 1978 the legislature added the Violent Felony Offender provisions to the penal law (NYS Penal Law Section 70.02). These laws extended the mandatory imprisonment requirement to additional offenses. Persons convicted of a Class B violent felony offense must be sentenced to prison, and this represents no change. But the legislature also required that persons convicted of a Class C violent felony offense be sentenced to state prison. This extended the mandatory state prison requirement to a larger group of Class C felony offenses. The violent felony offender laws also stipulated that persons convicted of certain weapons offenses (e.g. Criminal Possession of a Weapon 3rd, Criminal State of Firearms 1st) which are Class D violent felony offenses be sentenced to state prison unless mitigating circumstances can be shown (NYS Penal Law Section 70.02(2)(c)).

TABLE 1.3 NUMBER OF FELONY ARRESTS, INDICTMENTS,
DISPOSITIONS AND CONVICTIONS PROCESSED IN
NEW YORK STATE DURING 1975, 1980 AND 1983

<u>Year</u>	<u>Arrest^{A/}</u>	<u>Indictment</u>	<u>Disposition</u>	<u>Conviction^{B/}</u>
1975	127,095	35,454	32,532	25,249
1980 ^{C/}	131,650	36,112	30,269	24,823
1983 ^{D/}	142,485	45,514	45,360	38,759

^{A/}Reported Felony Arrests based on arrest fingerprint records received by the New York State Division of Criminal Justice Services. Felony Arrest figures for the year 1975 were taken from the New York State Crime and Justice Annual Report 1975, New York State Division of Criminal Justice Services, p.105. Figures on the number of indictments, dispositions and convictions are contained on pages 116-117. Information of indictments, dispositions and convictions are provided to the Division of Criminal Justice Services by the District Attorney's office in each county.

^{B/}Not all those indicted for a felony are convicted of a felony offense. A portion of the persons in this column have been convicted of a misdemeanor or a violation.

^{C/}Figures for 1980 are taken from the New York State Crime and Justice Annual Report 1980, Division of Criminal Justice Services, Stuyvesant Plaza, Executive Park Tower, Albany, N.Y. 12203. Total felony arrests are reflected on page 175. Information on the number of reported felony indictments, dispositions and convictions is contained on page 192-193.

^{D/}1983 data are taken from New York State Crime and Justice Annual Report 1983, Division of Criminal Justice Services, p. 167 (Felony Arrests), p. 180-181 (Felony Indictments, Dispositions, Convictions).

The Violent Felony Offender laws also contained several restrictions on plea negotiation for persons arrested and indicted for violent felony crimes (see NYS Criminal Procedure Law Sections 180.50, 180.70, 220.10). These plea restrictions may have contributed to a higher number of commitments to prison insofar as they prevent persons from pleading down to an offense which does not demand a mandatory state prison term.

It seems reasonable to believe that these recent mandatory imprisonment amendments have contributed to the higher number of court commitments to state prison. It may also be true that where judges have the discretionary authority to impose either a prison sentence or some other type of sanction (e.g. local jail, probation, or jail and probation) that they have more frequently than in the past elected to commit defendants to state prison.

- Section Two -

COMMITMENT OFFENSE TYPE

Tables 2.1 and 2.2 present information on the number and percent of persons held under custody according to commitment offense type. As is shown in these tables, commitment offenses have been grouped together into several larger categories. The first general category is labeled Violent Felony Offenses. During a 1978 special session, the New York State legislature enacted new laws designed to provide for more severe penalties for certain violent felony offenders. As part of these new laws, the legislature designated certain crimes as violent felony offenses. As is reflected in Table 2.1, this category includes offenses such as Attempted Murder 2nd, Manslaughter 1st, Rape 1st, Robbery 1st and 2nd, Assault 1st and 2nd, etc. We have included in this violent felony category certain class A-I felonies (e.g., Murder 2nd, Kidnapping 1st, Arson 1st) that were not designated in the 1978 legislation as violent felonies (because class A-I felonies already carry severe sentences). The violent nature of these A-I felonies dictates that they be included in the Violent Felony Offense Category.

The second general category of offenses is labeled "Other Felony Offenses." It is made up of all other offenses (with the exception of Youthful Offenders) not designated by the legislature as violent felony offenses. This general group is divided into two subgroups. The first subgroup is made up of offenses that involve some element of violence or coercion (e.g., Manslaughter 2nd, Rape 2nd and 3rd, Attempted Assault 2nd). The second subgroup is made up of property offenses (e.g., Burglary 3rd, Grand Larceny, Possession of Stolen Property), drug offenses and all other felonies. The third general category is made up of Youthful Offenders. Youthful Offenders are persons (under the age of 21) who have been convicted of a felony offense but have subsequently been granted Youthful Offender status.

In addition to large increases in the total number of inmates held under custody over the last 10 years, the percent figures in Table 2.2 and in Figure 2.1 show that marked shifts have occurred in the proportion of under custody inmates in each of the general offense type categories. The proportion of inmates committed to state prison for a legislatively designated violent felony offense increases from 52% of under custody inmates in 1975 to approximately 71% of under custody inmates during 1982 to 1984.

The proportion of under custody inmates in other general offense categories have, correspondingly, declined. The percent of inmates committed for other offenses involving some element of violence or coercion has declined from 17.7% of under custody

TABLE 2.1 COMMITMENT OFFENSE TYPE BY YEAR, INMATES HELD
UNDER CUSTODY ON DECEMBER 31, 1975-1984

Commitment Offense	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
A. Violent Felony Offenses (as defined by law)	8,313	9,579	10,785	11,579	12,975	14,331	17,486	19,888	22,085	23,518
Murder	847	1,000	1,142	1,277	1,427	1,649	1,926	2,277	2,563	2,866
Attempted Murder	181	203	240	280	314	349	435	505	586	651
Manslaughter 1st	1,139	1,349	1,436	1,513	1,624	1,736	1,947	2,035	2,082	2,097
Rape 1st	451	577	650	712	819	936	1,032	1,109	1,170	1,252
Robbery 1st	1,940	2,346	2,842	3,104	3,393	3,766	4,807	5,654	6,308	6,568
Robbery 2nd	1,983	2,285	2,431	2,483	2,786	2,921	3,549	3,653	3,752	3,778
Assault 1st	290	301	349	373	425	449	519	549	535	568
Assault 2nd	358	310	299	329	385	382	403	405	392	424
Burglary 1st	66	79	88	87	103	129	186	248	370	435
Burglary 2nd	177	202	271	328	445	624	880	1,426	2,092	2,497
Arson 2nd	25	29	42	47	80	107	135	155	178	175
Sodomy 1st	84	111	146	167	217	235	310	350	354	400
Sexual Abuse 1st	98	102	106	131	150	152	182	181	209	236
Dangerous Weapons	617	619	675	664	715	795	1,072	1,224	1,357	1,417
Kidnapping	57	66	68	84	92	101	103	117	137	154
B. Other Felony Offenses	6,969	7,256	7,673	7,725	7,078	6,679	7,543	7,826	8,060	9,100
1. Offenses Involving Violence/Coercion	2,838	2,648	2,448	2,233	1,786	1,417	1,309	1,175	1,109	1,194
Manslaughter 2nd	745	713	623	533	481	426	353	318	287	275
Rape 2nd, 3rd	65	64	55	66	48	33	32	36	35	38
Robbery 3rd	1,731	1,608	1,545	1,391	1,032	760	690	578	574	641
Attempted Assault 2nd	144	136	98	112	106	89	107	115	98	120
Other Coercive/Violent	153	127	127	131	119	109	127	128	115	120
2. Property, Drug and Other Offenses	4,131	4,608	5,225	5,492	5,292	5,262	6,234	6,651	6,951	7,906
Burglary 3rd	1,309	1,398	1,695	1,942	1,903	2,041	2,477	2,299	1,917	1,767
Grand Larceny	418	407	424	462	446	424	545	555	597	792
Drugs	1,746	2,124	2,282	2,217	2,115	1,983	2,234	2,684	3,187	3,884
Forgery	174	180	191	171	182	209	241	295	315	358
Pos. Stolen Property	150	176	227	264	244	234	347	416	482	589
All Other Felonies	334	323	406	436	402	371	390	402	453	516
C. Youthful Offenders	779	869	888	850	753	611	599	471	384	354

FIGURE 2.1

OFFENSE TYPE

UNDER CUSTODY POP. ON 12/31, 1975-1984

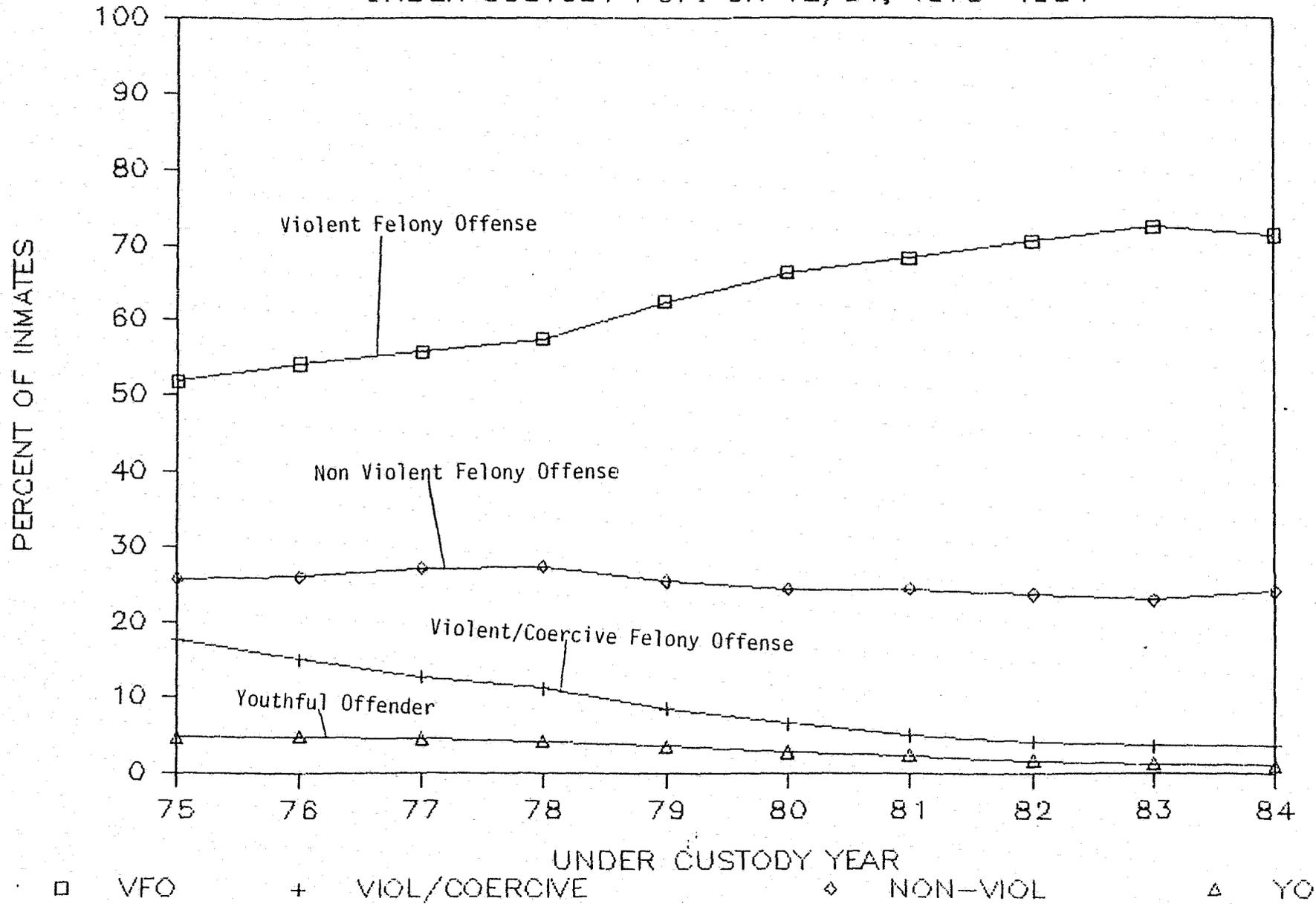


TABLE 2.2 COMMITMENT OFFENSE TYPE (In Percent)
 BY YEAR, INMATES HELD UNDER CUSTODY ON
 DECEMBER 31, 1975-1984

Commitment Offense	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
TOTAL	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
A. Violent Felony Offenses (as defined by law)	51.8%	54.1%	55.7%	57.4%	62.4%	66.3%	68.2%	70.5%	72.3%	71.3%
Murder	5.3%	5.6%	5.9%	6.3%	6.9%	7.6%	7.5%	8.1%	8.4%	8.7%
Attempted Murder	1.1%	1.1%	1.2%	1.4%	1.5%	1.6%	1.7%	1.8%	1.9%	2.0%
Manslaughter 1st	7.1%	7.6%	7.4%	7.5%	7.8%	8.0%	7.6%	7.2%	6.8%	6.4%
Rape 1st	2.8%	3.3%	3.4%	3.5%	3.9%	4.3%	4.0%	3.9%	3.8%	3.8%
Robbery 1st	12.1%	13.3%	14.7%	15.4%	16.3%	17.4%	18.8%	20.1%	20.7%	19.9%
Robbery 2nd	12.3%	12.9%	12.6%	12.3%	13.4%	13.5%	13.9%	13.0%	12.3%	11.4%
Assault 1st	1.8%	1.7%	1.8%	1.9%	2.1%	2.1%	2.0%	1.9%	1.7%	1.7%
Assault 2nd	2.2%	1.8%	1.5%	1.6%	1.9%	1.8%	1.6%	1.4%	1.3%	1.3%
Burglary 1st	.4%	.4%	.5%	.4%	.5%	.6%	.7%	.9%	1.2%	1.3%
Burglary 2nd	1.1%	1.1%	1.4%	1.6%	2.1%	2.9%	3.4%	5.1%	6.9%	7.6%
Arson 2nd	.2%	.2%	.2%	.2%	.4%	.5%	.5%	.6%	.6%	.5%
Sodomy 1st	.5%	.6%	.8%	.8%	1.1%	1.1%	1.2%	1.2%	1.2%	1.2%
Sexual Abuse 1st	.6%	.6%	.5%	.7%	.7%	.7%	.7%	.6%	.7%	.7%
Dangerous Weapons	3.8%	3.5%	3.5%	3.3%	3.4%	3.7%	4.2%	4.3%	4.4%	4.3%
Kidnapping	.4%	.4%	.3%	.4%	.4%	.5%	.4%	.4%	.4%	.5%
B. Other Felony Offenses	43.4%	41.0%	39.7%	38.3%	34.0%	30.9%	29.4%	27.8%	26.4%	27.6%
1. Offenses Involving Violence/Coercion	17.7%	15.0%	12.7%	11.1%	8.6%	6.6%	5.1%	4.2%	3.6%	3.6%
Manslaughter 2nd	4.6%	4.0%	3.2%	2.6%	2.3%	2.0%	1.4%	1.1%	.9%	.8%
Rape 2nd, 3rd	.4%	.4%	.3%	.3%	.2%	.2%	.1%	.1%	.1%	.1%
Robbery 3rd	10.8%	9.1%	8.0%	6.9%	5.0%	3.5%	2.7%	2.1%	1.9%	1.9%
Attempted Assault 2nd	.9%	.8%	.5%	.6%	.5%	.4%	.4%	.4%	.3%	.4%
Other Coercive/Violent	1.0%	.7%	.7%	.7%	.6%	.5%	.5%	.5%	.4%	.4%
2. Property, Drug and Other Offenses	25.7%	26.0%	27.0%	27.3%	25.4%	24.3%	24.3%	23.6%	22.8%	24.0%
Burglary 3rd	8.1%	7.9%	8.8%	9.6%	9.1%	9.4%	9.7%	8.2%	6.3%	5.3%
Grand Larceny	2.6%	2.3%	2.2%	2.3%	2.1%	2.0%	2.1%	2.0%	2.0%	2.4%
Drugs	10.9%	12.0%	11.8%	11.0%	10.2%	9.2%	8.7%	9.5%	10.4%	11.8%
Forgery	1.1%	1.0%	1.0%	.9%	.9%	1.0%	.9%	1.0%	1.0%	1.1%
Pos. Stolen Property	.9%	1.0%	1.1%	1.3%	1.2%	1.1%	1.4%	1.5%	1.6%	1.8%
All Other Felonies	2.1%	1.8%	2.1%	2.2%	1.9%	1.7%	1.5%	1.4%	1.5%	1.6%
C. Youthful Offenders	4.8%	4.9%	4.6%	4.2%	3.6%	2.8%	2.4%	1.7%	1.3%	1.1%

inmates in 1975 to 3.6% of under custody inmates in 1984. (see Table 2.2 and Figure 2.1). The proportion of under custody inmates committed as Youthful Offenders shows a steady decline from 4.8% of inmates held under custody on December 31, 1975 to 1.1% of inmates held under custody on December 31, 1984.

The proportion of under custody inmates committed for property, drug and other offenses shows a slight decline from approximately 26% in 1975 to approximately 24% during 1980 to 1984.

There are several factors that contribute to the shift of cases into the violent felony offense category and away from the other general offense type categories. The plea bargain restrictions contained in the violent felony offender legislation are one factor that is behind this shift of commitments into the violent felony group. There were several types of plea bargain restrictions implemented in this legislation; some of these restrictions occur prior to indictment, others occur following indictment. Prior to indictment, a judge in a criminal court may not reduce the charge if there is reason to believe the defendant committed a class A-I felony (other than an A-I drug offense) or the defendant committed an armed felony (Criminal Procedure Law Sections 180.50, 180.70). Following indictment, a defendant charged with a class A felony (other than a drug offense) or an armed class B violent felony may plead to no lower than a class C violent felony (Criminal Procedure Law Section 220.10). A defendant charged with a class B or class C violent felony may plead to no lower than a class D violent felony offense. Further, defendants charged with certain weapons offenses that fall into the class D violent felony offense category may (in part depending on prior convictions) plead to no lower than a class E violent felony. In general, these provisions limit the ability of defendants who are arrested or indicted for violent felony crimes (or crimes involving weapon use) to plea down to offenses that fall out of the violent felony category or to offenses that fall into the misdemeanor category. Restrictions that limit the ability of defendants to plea to an offense outside the violent felony category may not (in the case of class D or class E first felony offenders) increase the severity of the penalty but they do, consistent with legislative intent, place the defendant at a risk for sentencing as a second violent felony offender (where the penalties have been enhanced) should the defendant be convicted of a second violent felony.

One of the results of these restrictions is, for instance, that more persons are committed to state prison for Attempted Robbery 2nd (a class D violent felony) than Robbery 3rd (a class D non-violent felony)^{A/} even though the penalty structure (for a first felony offender) is the same. Following

^{A/}See "Violent Felony Commitments to Department of Correctional Services 1976-1981." New York State Department of Correctional Services, Albany, New York 12226, 1983.

this legislation, commitments to state prison for Burglary 3rd declined (a class D non-violent felony), but commitments for Attempted Burglary 2nd (a class D violent felony increased).^{A/} Some of these trends appear in the under custody data in Table 2.2. For instance, persons committed for Robbery 3rd make up 10.8% of the under custody population in 1975; but they make up only 1.9% of the under custody population in 1984. Persons held under custody who had been committed for either Robbery 1st or Robbery 2nd make up 24.4% of under custody inmates in 1975, but they make up 30.8% of under custody inmates in 1984.

Similarly, the proportion of persons held under custody who were committed for Burglary 3rd declines from 8.1% in 1975 to 5.3% in 1984. But persons committed for Burglary 1st or Burglary 2nd (taken as a group) increases from 1.5% of under custody inmates in 1975 to 8.9% in 1984 (see Table 2.2). Persons under custody for Manslaughter 2nd declines from 4.6% in 1975 to .8% by 1984. At the same time, persons under custody for Murder or Attempted Murder (taken together) increases from 6.4% in 1975 to 10.7% in 1984.

In general, these shifts are consistent with the assumption that the plea restrictions in the violent felony offender legislation have increased the likelihood that persons arrested or indicted for a violent felony crime will be convicted of a violent felony offense. While certain provisions of the violent felony offender laws may be part of the overall increase in the size of the under custody population, part of the increase in the proportion of violent felony offenders currently held under custody (see Table 2.2) is due to the migration of inmates from the non-violent felony group to the violent felony group (due to the plea negotiation limitations described earlier).

The violent felony offender legislation also contained new restrictions on eligibility for Youthful Offender status. Young persons (ages 18-21) who are convicted of an armed felony offense or who have a prior juvenile delinquency adjudication for a Family Court Act designated felony are denied eligibility for Youthful Offender status. Due to these restrictions, we might expect many young persons will be sentenced on the basis of the original conviction offense (and if these are armed felonies, it is likely that these offenders would be convicted of an offense that falls into the violent felony offenses category) instead of being granted Youthful Offender status. These eligibility limitations would appear to contribute to an increase in the proportion of new admissions (and subsequently persons held under custody) committed for violent felony offenses and a decline in commitments as a Youthful Offender.^{A/} As the data in Table 2.2 indicate, the proportion of the under custody population made up of Youthful Offenders declines from 4.8% in 1975 to 1.1% in 1984.

^{A/}See "Violent Felony Commitments to Department of Correctional Services 1976-1981." New York State Department of Correctional Services, Albany, New York 12226, 1983.

The violent felony offender legislation also provided for mandatory incarceration for persons convicted of class B or class C violent felony offenses. Since most persons convicted of crimes in these felony class categories would have been committed to prison in any case, this part of the legislation may not have added to the proportionate increase in the size of the violent felony offenders held under custody. This legislation did, however, require that certain persons convicted of class D violent felony offenses who used a weapon in the commission of a crime be sentenced to state prison. Defendants who accept a plea to a class D violent felony offense in satisfaction of an indictment charging the person with an "armed felony" (i.e., a violent felony offense committed while armed) must receive a prison sentence unless mitigating circumstances can be shown (Penal Law Section 70.02 (5)(b)). Defendants convicted of the class D violent felony offenses of Criminal Possession of a Weapon 3rd or Criminal Sale of a Firearm 1st, or the class E violent felony of Attempted Criminal Possession of a Weapon 3rd must be sentenced to an indeterminate term (or a flat definite one year term) unless mitigating circumstances can be shown. The added emphasis on incarceration of class D and class E felony offenders who use weapons appears to have contributed to the overall increase in commitments to state prison and to the proportionate increase in violent felony offenders held under custody.

The violent felony offender legislation also provided for more severe sentences for class B and class C violent felony offenders (in comparison to the sentences that apply to all other class B and class C felonies; see New York State Penal Law Section 70.02). The lowest legally permissible minimum sentence has also been increased for persons convicted of a second violent felony offense, as well as for persons convicted of a third violent felony offense. In general, violent felony offenders receive lengthier sentences than do non-violent felony offenders. Since violent felony offenders are, on the whole, confined longer, the under custody population has a greater concentration--when compared with an annual admissions cohort--of violent felony offenders. We can expect that increases in sentence length would contribute to the increase in the proportion of violent felony offenders held under custody insofar as they increase the period of time in which these violent felony offenders are confined in state prison. That is, increasing the minimum period of imprisonment (and presumably, the period of time served) for violent felony offenders would appear to contribute to the increased concentration of violent felony offenders held under custody.

It is also important to note that numerically, the number of persons convicted of violent felony offenses held under custody has nearly tripled (8,313 in 1975; 23,518 in 1984) over the 10 year period of the study (see Table 2.1).

-Section Three-

FELONY CLASS OF COMMITMENT OFFENSE

Criminal offenses in New York State are grouped into felony class categories. The minimum and maximum sentence structure (or range) for any particular offense is determined by the felony class category that the offense falls into. In general, these felony class categories represent a ranking of the seriousness of offenses. The class A-I category contains very serious violent offenses such as Murder 2nd, Kidnapping 1st, Arson 1st. The class D and class E categories contain comparatively less serious conviction offenses such as Forgery, Fraud or Criminal Possession of Stolen Property.

Table 3.1 presents the felony class distribution for the population of persons held under custody on December 31 over the years 1975 to 1984. Several important shifts have occurred.

The proportion of under custody inmates committed for class A-I felony offenses increases from 7.8% in 1975 to 9.8% in 1984. Shifts in the proportion of inmates that fall into the class A-II, class A-III, and class B felony offense categories are, in large part, due to changes in the Penal Law in regard to drug offenses. In its 1979 session, the Legislature passed several revisions designed to bring about some relaxation of the rigidities in the 1973 (Rockefeller) drug laws. Major changes were made in the following areas. First, the weights of the prohibited drug used to determine the crime classification were adjusted. The weight of the drug required for a class A-I drug felony was doubled and for class A-II drug felonies possession weights were doubled and sale weights quadrupled. Secondly, the class A-III drug felony category was eliminated and the drug crimes in this category were reclassified as class B felonies. Third, the minimum period of imprisonment for conviction of a class A-II drug felony was lowered from six to three years. Defendants in the A-II category were made susceptible to second felony offender treatment as were all of those individuals who were formerly A-III felons and who were reclassified as B felons. Lastly, amendments were made affecting plea negotiation restrictions which allowed defendants greater latitude to plea down to lesser categories of drug offenses. Following these 1979 revisions, a defendant was permitted, for instance, to plea down from an A-I felony to an A-II felony, a change made more significant due to the reduction in the minimum sentence range for A-II drug felonies (see Hecthman, Practice Commentary, Penal Law Section 220, 1980).

Some of the affects of these Penal Law changes can be seen in Table 3.1. The proportion of class A-II felony offenders held under custody increases from 0.7% in 1975 to 2.6% in 1985. The increase in the number of inmates in the class A-II category

TABLE 3.1 FELONY CRIME CLASS OF COMMITMENT OFFENSE, INMATES
HELD UNDER CUSTODY ON DECEMBER 31, 1975-1984

Felony Class Category	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Class A-I	1,242 (7.8%)	1,330 (7.5%)	1,442 (7.5%)	1,564 (7.8%)	1,737 (8.3%)	1,972 (9.1%)	2,265 (8.8%)	2,625 (9.3%)	2,939 (9.6%)	3,222 (9.8%)
Class A-II	117 (.7%)	200 (1.1%)	263 (1.3%)	317 (1.6%)	347 (1.7%)	316 (1.5%)	421 (1.6%)	525 (1.8%)	658 (2.2%)	863 (2.6%)
Class A-III	765 (4.8%)	1,229 (7.0%)	1,292 (6.7%)	1,249 (6.2%)	1,160 (5.6%)	854 (3.9%)	530 (2.1%)	350 (1.2%)	159 (.5%)	66 (0.2%)
Class B	3,362 (21.0%)	4,074 (23.1%)	4,759 (24.6%)	5,203 (25.8%)	5,684 (27.3%)	6,368 (29.5%)	7,715 (30.1%)	8,841 (31.4%)	9,872 (32.3%)	10,626 (32.2%)
Class C	3,701 (23.1%)	4,086 (23.1%)	4,495 (23.2%)	4,580 (22.7%)	4,813 (23.1%)	4,842 (22.4%)	5,853 (22.8%)	6,745 (23.9%)	7,406 (24.3%)	7,645 (23.2%)
Class D	3,782 (23.6%)	3,694 (20.9%)	3,908 (20.2%)	4,036 (20.0%)	4,167 (20.0%)	4,620 (21.4%)	5,777 (22.5%)	6,147 (21.8%)	6,585 (21.6%)	7,269 (22.1%)
Class E	2,263 (14.1%)	2,175 (12.3%)	2,297 (11.9%)	2,355 (11.7%)	2,135 (10.3%)	2,026 (9.4%)	2,463 (9.6%)	2,471 (8.8%)	2,517 (8.2%)	2,894 (8.8%)
Youthful Offender	779 (4.9%)	869 (4.9%)	888 (4.6%)	850 (4.2%)	753 (3.6%)	611 (2.8%)	599 (2.4%)	471 (1.7%)	384 (1.2%)	354 (1.1%)
TOTAL	16,011 (100%)	17,657 (100%)	19,344 (100%)	20,154 (100%)	20,796 (100%)	21,609 (100%)	25,623 (100%)	28,175 (100%)	30,520 (100%)	32,939 (100%)

may, in part, be due to drug cases that formerly would have fallen into either the class A-I category or the class A-III category. As mentioned, the 1979 legislation abolished the class A-III category and reclassified these offenses into the class B felony category. Accordingly, the number of under custody cases in the class A-III category steadily drops off from 1979 on.

The proportion of under custody inmates in the class B felony category shows a consistent year to year increase from 1975 to 1984. Inmates in the class B felony category make up 21% of under custody inmates in 1975, but they make up 32% of under custody inmates in 1984. Some part of the increase in the percent of cases in this category (at least from 1979 on) is due to the reclassification of class A-III drug felonies as class B felony offenses. Further, the plea negotiation restrictions that were part of the 1978 violent felony offender legislation may have contributed to a portion of the increase in cases in this felony class category. Changes in the law that require more severe sentences for class B felony offenders (or changes in attitude by the public or by judges and prosecutors with respect to comparatively serious offenders) which lead to more time served in prison may also contribute to a higher concentration of class B felony offenders in the under custody population.

The proportion of under custody inmates who were convicted of class C felony offenses remained constant at approximately 23% over the 10 year period of the study. Similarly, the proportion of under custody inmates convicted of class D felony offenses stayed at approximately 21% to 22% over the 10 year period. However, the proportion of the under custody population made up by persons convicted of class E felony offenses declines from 1975 (14%) to 1984 (9%) as does the proportion of inmates committed to the Department of Correctional Services as Youthful Offenders (5% in 1975, 1% in 1984; see Table 3.1). The decline in the proportion of the under custody population made up of class E felony offenders or Youthful Offenders may, in part, be due to plea negotiation restrictions that affect persons who are arrested or indicted for violent felony crimes or for persons who use a weapon in the commission of an offense, as well as the denial of Youthful Offender eligibility for persons who commit armed felonies (see New York State Penal Law Section 70.02, and New York State Criminal Procedure Law Sections 180.50 and 220.10).

In any case, the data in Table 3.1 show that over the 10 year period of the study, the under custody population has a higher concentration of offenders committed for class A-I felony crimes and class B felony crimes and proportionately fewer under custody inmates committed for class E felony offenses or as Youthful Offenders.

In recent months attention has been directed at the growing number of persons sentenced to state prison as Second Felony Offenders (see Section Four). It has been suggested that a sentencing alternative other than the current mandatory incarceration for all second felony offenders be provided for second felony offenders convicted of class D and E felony offenses. The Department has prepared a separate report that describes some of the characteristics of second felony offenders convicted of non-violent crimes who are committed to state prison.^{A/}

Table 3.2 presents a breakdown of felony crime class distribution by first or second felony offender status. This crosstabulation is presented for each of the under custody populations from 1975 to 1984. Persistent felony offenders have been grouped with second felony offenders in this table. The percentage figures in Table 3.2 show for under custody inmates in each felony class category the percent that were sentenced as first felony offenders and the percent that were sentenced as second felony offenders. For instance, among inmates held under custody on December 31, 1975, 87% of the class B felony offenders were sentenced as a first felony offender and 13% were sentenced under the Second Felony Offender statutes.

The information in Table 3.2 shows marked shifts in the percent of cases in each felony class category that have been sentenced as a second felony offender. Among inmates held under custody who were committed to state prison for a Class B, Class C, Class D or Class E felony, the proportion sentenced as a second felony offender has increased markedly over the 10 year period 1975 to 1984. The change in the percent of persons in each felony class category that have been sentenced as second felony offenders is much higher in the class B and class C felony categories than in the class D or class E felony offense categories. As noted earlier, among class B felons held under custody at the close of the year 1975, 13% were sentenced as second felony offenders, but by 1984, 40% of class B felons held under custody had been sentenced as second felony offenders. Similarly, the proportion of class C felony offenders held under custody who were sentenced as a second felony offender increases from 18% in 1975 to 47% in 1984. While not as extreme (with respect to percent change), there have been significant increases in the percentage of class D felons held under custody who were sentenced as second felony offenders (30% in 1975, 65% in 1984) as well as among class E felons held under custody (53% sentenced as second felony offenders in 1975, 77% in 1984).

^{A/}"Statistical Profile: Second Felony Offenders Committed for Non-Violent Crimes," Division of Program Planning, Research and Evaluation, New York State Department of Correctional Services, Albany, New York, 12226, October 1985.

TABLE 3.2 FELONY CRIME CLASS CATEGORY BY FIRST OR SECOND
 FELONY OFFENDER STATUS, INMATES HELD UNDER CUSTODY ON
 DECEMBER 31, 1975-1984

Felony Crime Class	1975		1976		1977		1978		1979		1980		1981		1982		1983		1984	
	1st	2nd	1st	2nd	1st	2nd														
A-I	1242 (100%)	0 (0%)	1330 (100%)	0 (0%)	1442 (100%)	0 (0%)	1564 (100%)	0 (0%)	1737 (100%)	0 (0%)	1972 (100%)	0 (0%)	2265 (100%)	0 (0%)	2625 (100%)	0 (0%)	2939 (100%)	0 (0%)	3222 (100%)	0 (0%)
A-II	117 (100%)	0 (0%)	200 (100%)	0 (0%)	263 (100%)	0 (0%)	317 (100%)	0 (0%)	347 (100%)	0 (0%)	315 (100%)	1 (0%)	414 (98%)	7 (2%)	514 (98%)	11 (2%)	649 (99%)	9 (0%)	799 (93%)	59 (9%)
A-III	765 (100%)	0 (0%)	1229 (100%)	0 (0%)	1292 (100%)	0 (0%)	1249 (100%)	0 (0%)	1160 (100%)	0 (0%)	854 (85%)	0 (0%)	530 (100%)	0 (0%)	350 (100%)	0 (0%)	159 (100%)	0 (0%)	66 (100%)	0 (0%)
B	2939 (87%)	423 (13%)	3233 (79%)	841 (21%)	3453 (73%)	1306 (27%)	3593 (69%)	1610 (31%)	3790 (67%)	1894 (33%)	4265 (67%)	2103 (33%)	5099 (66%)	2616 (34%)	5815 (66%)	3026 (34%)	6289 (64%)	3583 (36%)	6420 (60%)	4206 (40%)
C	3038 (82%)	663 (18%)	2922 (72%)	1164 (28%)	2983 (66%)	1512 (34%)	2896 (63%)	1684 (37%)	3047 (63%)	1766 (37%)	3018 (62%)	1824 (36%)	3801 (65%)	2052 (35%)	4338 (64%)	2407 (36%)	4337 (59%)	3069 (41%)	4043 (53%)	3602 (47%)
D	2659 (70%)	1123 (30%)	2147 (58%)	1547 (42%)	2172 (56%)	1736 (44%)	2256 (56%)	1780 (44%)	2315 (56%)	1852 (44%)	2531 (55%)	2089 (45%)	2921 (51%)	2856 (49%)	2757 (45%)	3390 (55%)	2478 (38%)	4107 (62%)	2539 (35%)	4730 (65%)
E	1068 (47%)	1195 (53%)	801 (37%)	1374 (63%)	875 (38%)	1422 (62%)	903 (38%)	1452 (62%)	760 (36%)	1375 (64%)	753 (37%)	1273 (63%)	833 (34%)	1630 (66%)	671 (27%)	1800 (73%)	535 (21%)	1982 (79%)	658 (23%)	2236 (77%)
Y.O.	779 (100%)	0 (0%)	869 (100%)	0 (0%)	888 (100%)	0 (0%)	850 (100%)	0 (0%)	753 (100%)	0 (0%)	611 (100%)	0 (0%)	599 (100%)	0 (0%)	471 (100%)	0 (0%)	384 (100%)	0 (0%)	354 (100%)	0 (0%)
Total	12,607 (79%)	3404 (21%)	12,731 (72%)	4926 (28%)	13,368 (69%)	5976 (31%)	13,628 (68%)	6526 (32%)	13,909 (67%)	6887 (33%)	14,319 (66%)	7290 (34%)	16,462 (64%)	9161 (36%)	17,541 (62%)	10,634 (38%)	17,770 (58%)	12,750 (42%)	18,101 (55%)	14,838 (45%)

The substantial increase over the period 1975 to 1984 in the percent of class B and class C felony offenders held under custody who were sentenced as second felony offenders is important because of the large increase in the minimum period of imprisonment for second felony offenders when compared with first felony offenders. For a class B violent felony offense, a first felony offender could receive a minimum term as low as 2 years, but the lowest permissible minimum term for a class B violent felony offender sentenced as a second violent felony offender is 6 years. For a first felony offender convicted of a class B non-violent felony offense, the lowest permissible minimum period of imprisonment is one year, but for a person sentenced as a second felony offender, the lowest permissible minimum period of imprisonment is 4 1/2 years. There are substantial increases in the minimum period of imprisonment for class C offenders sentenced as second felony offenders in comparison to those for a first felony offender as well (see New York State Penal Law Section 70.00 through Section 70.10).

For class D and class E felony offenses, the difference in the length of the minimum period of imprisonment for second felony offenders as compared to first felony offenders is not as severe. For class D and E first felony offenders (for both violent and non-violent felony offenses), the lowest permissible minimum period of imprisonment is one year. For class D and E felons sentenced as second felony offenders, the minimum period of imprisonment ranges from 1 1/2 to 2 1/2 years.

The 1973 second felony offender statutes appear to be an important contributor to the increasing size of the under custody population. These statutes require that repeat felony offenders be sentenced to state prison. In conjunction with this, the penalties for persons sentenced as a second felony offender are more severe than those for first felony offenders, particularly for defendants convicted of class B and class C felonies. Moreover, the penalties are further enhanced for defendants sentenced as second violent felony offenders (i.e., both the instant and the predicate offenses are legislatively designated violent felonies). It is also possible that some fraction of those persons who have been convicted of a class D or class E felony offense and committed to state prison might have received a sentence other than commitment to state prison were it not for the mandatory imprisonment requirement for all second felony offenders.

-Section Four-

FIRST, SECOND AND PERSISTENT FELONY OFFENDERS

In its 1973 session, the New York State legislature re-enacted second felony offender statutes. These amendments to the Penal Law provide that persons who have been convicted of a felony offense and who have a prior felony conviction (such conviction occurring within 10 years of the present conviction) shall be sentenced as a Second Felony Offender (see New York State Penal Law Section 70.06). The objective of these laws was to provide for more severe penalties for repeat offenders. More severe penalties are accomplished in two ways. First, persons convicted of a second felony offense face a mandatory state prison term. Second, these laws provide for more lengthy minimum sentences for second felony offenders (when compared with the legal range of sentences for first felony offenders).

The data in Table 4.1 show a substantial increase in the proportion of persons held under custody who have been sentenced as a second felony offender (see also Figure 4.1). Among inmates held under custody on December 31, 1975, 21% were sentenced as a second felony offender. By 1980, persons sentenced as a second felony offender made up 33% of under custody inmates and the 1984 persons sentenced as second felony offenders made up 44% of under custody inmates.

The proportion of persons held under custody who are second felony offenders may continue to increase in that the proportion of second felony offenders found in recent admission cohorts has continued to increase. For instance, persons sentenced as second (and persistent) felony offenders made up 32% of 1980 admissions, 37% of the 1981 and 1982 admissions, 43% of 1983 admissions, and 44% of 1984 admissions.

The data in Table 4.1 also show that the number of persons held under custody who were sentenced as a Persistent Felony Offender has also increased dramatically over the last 10 years. A Persistent Felony Offender is a person who has been convicted of a felony offense and who has two prior felony convictions (see New York State Penal Law Section 70.10). The minimum-maximum sentence structure is, overall, more severe for persistent felony offenders than it is for first or second felony offenders. The information in Table 4.1 shows that there were only 6 persons held under custody in 1975 that had been sentenced as a persistent felony offender. By 1980, there were 119 persistent felony offenders held under custody and by 1984, there were 438 such persons held under custody.

Table 4.2 presents a breakdown of first and second felony offenders according to commitment offense type. These data are presented for each of the under custody populations used in the study. Persistent felony offenders have been grouped in the second felony offender category in this table. Again, these data reflect the current commitment offense type for persons sentenced as a first or second felony offender and who were held

TABLE 4.1 PERSONS SENTENCED AS SECOND OR PERSISTENT FELONY
OFFENDERS, INMATES HELD UNDER CUSTODY ON
DECEMBER 31, 1975-1984

Sentencing Status	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
First Felony	12,695 (78.8%)	12,822 (72.2%)	13,424 (69.2%)	13,648 (67.6%)	13,958 (66.9%)	14,336 (66.3%)	16,476 (64.3%)	17,566 (62.3%)	17,790 (58.2%)	18,122 (54.9%)
Second Felony	3,400 (21.1%)	4,910 (27.7%)	5,913 (30.5%)	6,434 (31.9%)	6,797 (32.6%)	7,177 (33.2%)	8,999 (35.1%)	10,447 (37.0%)	12,493 (40.9%)	14,471 (43.9%)
Persistent Felony	6 (.0%)	17 (.1%)	68 (.4%)	100 (.5%)	96 (.5%)	119 (.6%)	167 (.7%)	190 (.7%)	260 (.9%)	398 (1.2%)
TOTAL	16,101 (100%)	17,749 (100%)	19,405 (100%)	20,182 (100%)	20,851 (100%)	21,632 (100%)	25,642 (100%)	28,203 (100%)	30,543 (100%)	32,991 (100%)

FIGURE 4.1

FIRST/PREDICATE FELONY STATUS

UNDER CUSTODY POP. ON 12/31/, 1975-1984

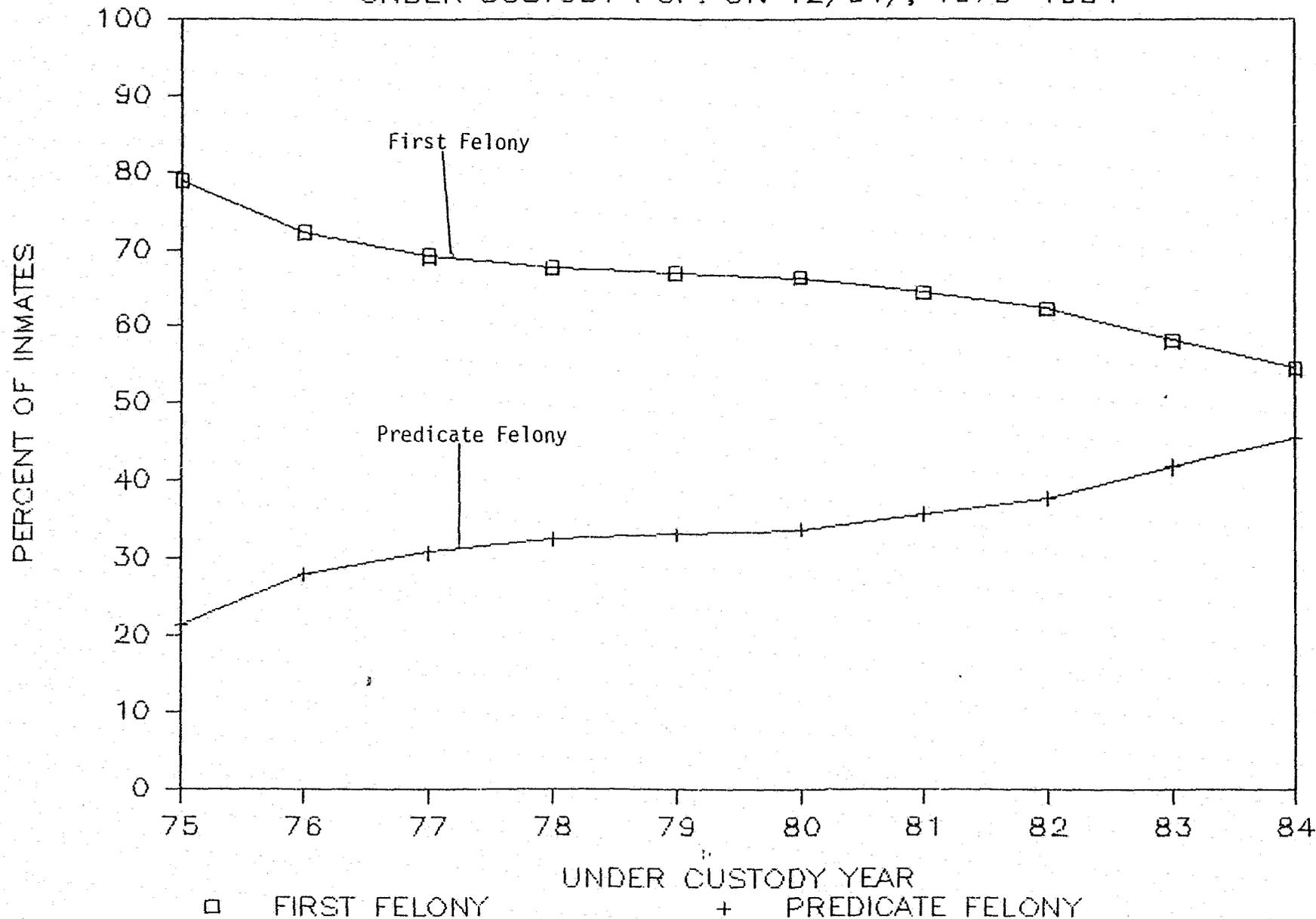


TABLE 4.2 NUMBER OF PERSONS SENTENCED AS FIRST OR SECOND FELONY OFFENDERS BY OFFENSE TYPE BY YEAR, INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975-1984

Commitment Offense	1975		1976		1977		1978		1979		1980		1981		1982		1983		1984	
	1st	2nd	1st	2nd	1st	2nd														
TOTAL	12,656	3,405	13,646	4,927	13,367	5,979	13,624	6,530	13,915	6,891	14,328	7,293	16,472	9,156	17,559	10,626	17,786	12,743	18,123	14,849
A. Violent Felony Offenses (as defined by law)	6,749	1,564	7,023	2,556	7,438	3,347	7,807	3,772	8,686	4,289	9,588	4,743	11,637	5,849	13,037	6,851	13,747	8,338	13,826	9,692
Murder	847	0	1,000	0	1,141	1	1,276	1	1,426	1	1,648	1	1,925	1	2,276	1	2,563	0	2,866	0
Attempted Murder	170	11	177	26	198	42	219	61	235	79	253	96	306	129	352	153	390	196	410	241
Manslaughter 1st	1,079	60	1,204	145	1,209	227	1,234	279	1,299	325	1,388	348	1,556	391	1,614	421	1,630	452	1,555	542
Rape 1st	384	67	447	130	467	183	489	223	549	270	624	312	683	349	729	380	732	438	752	560
Robbery 1st	1,531	409	1,613	733	1,769	1,073	1,837	1,267	1,975	1,418	2,210	1,556	2,848	1,959	3,399	2,255	3,617	2,691	3,554	3,014
Robbery 2nd	1,492	491	1,477	808	1,481	950	1,482	1,001	1,712	1,074	1,784	1,137	2,231	1,318	2,221	1,432	2,093	1,659	1,885	1,893
Assault 1st	251	39	240	61	264	85	274	99	300	125	307	142	358	161	386	163	356	179	356	212
Assault 2nd	281	77	203	107	181	118	198	131	246	139	233	149	226	177	233	172	220	172	213	211
Burglary 1st	61	5	68	11	66	22	63	24	65	38	85	44	121	65	151	97	218	152	235	200
Burglary 2nd	129	48	119	83	149	122	169	159	222	223	299	325	436	444	677	749	896	1,196	933	1,564
Arson 2nd	24	1	27	2	39	3	41	6	67	13	86	21	98	37	112	43	131	47	118	57
Sodomy 1st	73	11	90	21	112	34	123	44	157	60	169	66	216	94	240	110	236	118	261	139
Sexual Abuse 1st	78	20	69	33	67	39	88	43	107	43	106	46	126	56	124	57	134	75	148	88
Dangerous Weapons	298	319	229	390	234	441	240	424	246	469	312	483	427	645	432	792	428	929	431	986
Kidnapping	51	6	60	6	61	7	74	10	80	12	84	17	80	23	91	26	103	34	109	45
B. Other Felony Offenses	5,128	1,841	5,754	2,371	5,041	2,632	4,967	2,758	4,476	2,602	4,129	2,550	4,236	3,307	4,051	3,775	3,655	4,405	3,943	5,157
1. Offenses Involving Violence/Coercion	2,106	732	1,715	933	1,579	869	1,395	838	1,093	693	863	554	740	569	631	544	555	554	570	624
Manslaughter 2nd	702	43	620	93	518	105	415	118	357	124	320	106	261	92	240	78	216	71	195	80
Rape 2nd, 3rd	44	21	42	22	39	16	46	18	29	19	23	10	23	9	27	9	28	7	29	9
Robbery 3rd	1,170	561	904	704	883	662	788	603	575	457	405	355	330	360	255	323	211	363	256	405
Attempted Assault 2nd	74	70	60	76	52	46	58	54	48	58	38	51	42	65	32	83	23	75	30	90
Other Coercive/Violent	116	37	89	38	87	40	86	45	84	35	77	32	84	43	77	51	77	38	80	40
2. Property, Drug and Other Offenses	3,022	1,109	3,170	1,438	3,462	1,763	3,572	1,920	3,383	1,909	3,266	1,996	3,496	2,738	3,420	3,231	3,100	3,851	3,373	4,533
Burglary 3rd	691	618	611	787	714	981	844	1,098	809	1,094	891	1,150	583	1,494	780	1,519	485	1,432	438	1,329
Grand Larceny	256	162	199	208	203	221	210	252	192	254	178	246	212	333	199	356	155	442	218	574
Drugs	1,657	89	1,993	131	2,121	161	2,062	155	1,955	160	1,789	194	1,845	389	1,964	720	2,018	1,169	2,210	1,674
Forgery	89	85	64	116	58	133	59	112	75	107	82	127	86	155	98	197	83	232	97	261
Pos. Stolen Property	79	71	80	96	89	138	97	167	82	162	81	153	130	217	144	272	113	369	144	445
All Other Felonies	250	84	223	100	277	129	300	136	270	132	245	126	240	150	235	167	246	207	266	250
C. Youthful Offenders	779	0	869	0	888	0	850	0	753	0	611	0	599	0	471	0	384	0	354	0

TABLE 4.3 PERCENT OF CASES SENTENCED AS FIRST OR SECOND FELONY OFFENDERS BY OFFENSE TYPE BY YEAR, INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975-1984

Commitment Offense	1975		1976		1977		1978		1979		1980		1981		1982		1983		1984	
	1st	2nd																		
TOTAL	79%	21%	73%	27%	69%	31%	68%	32%	67%	33%	66%	34%	64%	36%	62%	38%	58%	42%	55%	45%
A. Violent Felony Offenses (as defined by law)	81%	19%	73%	27%	69%	31%	67%	33%	67%	33%	67%	33%	66%	34%	66%	34%	62%	38%	59%	41%
Murder	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%
Attempted Murder	94%	6%	87%	13%	83%	17%	78%	22%	75%	25%	72%	28%	70%	30%	70%	30%	67%	33%	63%	37%
Manslaughter 1st	95%	5%	89%	11%	84%	16%	82%	18%	80%	20%	80%	20%	80%	20%	79%	21%	78%	22%	74%	26%
Rape 1st	85%	15%	78%	22%	72%	28%	69%	31%	67%	33%	67%	33%	66%	34%	66%	34%	63%	37%	60%	40%
Robbery 1st	79%	21%	69%	31%	62%	38%	59%	41%	58%	42%	59%	41%	59%	41%	60%	40%	57%	43%	54%	46%
Robbery 2nd	75%	25%	65%	35%	61%	39%	60%	40%	62%	38%	61%	39%	63%	37%	61%	39%	56%	44%	50%	50%
Assault 1st	87%	13%	80%	20%	76%	24%	74%	26%	71%	29%	68%	32%	69%	31%	70%	30%	67%	33%	63%	37%
Assault 2nd	79%	21%	66%	34%	60%	40%	60%	40%	64%	36%	61%	39%	56%	44%	58%	42%	56%	44%	50%	50%
Burglary 1st	92%	8%	86%	14%	75%	25%	72%	28%	63%	37%	66%	34%	65%	35%	61%	39%	59%	41%	54%	46%
Burglary 2nd	73%	27%	59%	41%	55%	45%	52%	48%	50%	50%	48%	52%	50%	50%	48%	52%	43%	57%	37%	63%
Arson 2nd	96%	4%	93%	7%	93%	7%	87%	13%	84%	16%	80%	20%	73%	27%	72%	28%	74%	26%	67%	33%
Sodomy 1st	87%	13%	81%	19%	77%	23%	74%	26%	72%	28%	72%	28%	70%	30%	69%	31%	67%	33%	65%	35%
Sexual Abuse 1st	80%	20%	68%	32%	63%	37%	67%	33%	71%	29%	70%	30%	69%	31%	68%	32%	64%	36%	63%	37%
Dangerous Weapons	48%	52%	37%	63%	35%	65%	36%	64%	34%	66%	39%	61%	40%	60%	35%	65%	32%	68%	30%	70%
Kidnapping	90%	10%	91%	9%	90%	10%	88%	12%	87%	13%	83%	17%	78%	22%	78%	22%	75%	25%	71%	29%
B. Other Felony Offenses	74%	26%	71%	29%	66%	34%	64%	36%	63%	37%	62%	38%	56%	44%	52%	48%	45%	55%	43%	57%
1. Offenses Involving Violence/Coercion	74%	26%	65%	35%	64%	36%	62%	38%	61%	39%	61%	39%	56%	44%	54%	46%	50%	50%	48%	52%
Manslaughter 2nd	94%	6%	87%	13%	83%	17%	78%	22%	74%	26%	75%	25%	74%	26%	76%	24%	75%	25%	71%	29%
Rape 2nd, 3rd	68%	32%	66%	34%	71%	29%	73%	27%	60%	40%	70%	30%	72%	28%	75%	25%	80%	20%	76%	24%
Robbery 3rd	68%	32%	56%	44%	57%	43%	57%	43%	56%	44%	53%	47%	48%	52%	44%	56%	37%	63%	37%	63%
Attempted Assault 2nd	51%	49%	44%	56%	53%	47%	52%	48%	45%	55%	43%	57%	39%	61%	28%	72%	24%	76%	25%	75%
Other Coercive/Violent	76%	24%	70%	30%	68%	32%	66%	34%	71%	29%	71%	29%	66%	34%	60%	40%	67%	33%	67%	33%
2. Property, Drug and Other Offenses	73%	27%	69%	31%	66%	34%	65%	35%	64%	36%	62%	38%	56%	44%	51%	49%	45%	55%	43%	57%
Burglary 3rd	53%	47%	44%	56%	42%	58%	44%	56%	42%	58%	44%	56%	40%	60%	34%	66%	25%	75%	25%	75%
Grand Larceny	61%	39%	49%	51%	48%	52%	46%	54%	43%	57%	42%	58%	39%	61%	36%	64%	26%	74%	28%	72%
Drugs	95%	5%	94%	6%	93%	7%	93%	7%	92%	8%	90%	10%	83%	17%	73%	27%	63%	37%	57%	43%
Forgery	51%	49%	36%	64%	30%	70%	34%	66%	41%	59%	39%	61%	36%	64%	33%	67%	26%	74%	27%	73%
Pos. Stolen Property	53%	47%	46%	54%	39%	61%	37%	63%	34%	66%	35%	65%	38%	62%	35%	67%	23%	77%	24%	76%
All Other Felonies	75%	25%	69%	31%	68%	32%	69%	31%	67%	31%	66%	34%	62%	38%	58%	42%	54%	46%	52%	48%
C. Youthful Offenders	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%	100%	0%

under custody at the end of the year. Persons listed in the second felony column in Table 4.1 are persons sentenced as a second felony offender and whose current commitment offense is the offense listed in the left hand column. For inmates in the second felony column, the prior offense need not be (and very likely is not) the same type of offense as is the current offense. (That is, persons listed in the second felony offender column who are, for instance, convicted of Rape 1st are persons who have been convicted of Rape 1st on the current offense and have a prior felony conviction, but the prior offense need not be Rape 1st.)

Table 4.3 presents, for each crime grouping and for each under custody population from 1975 to 1984, the percent of cases that were first felony offenders and the percent of cases that were second felony offenders. This table shows that in the violent felony offenses category the percent of under custody inmates who are second felony offenders increases from 19% in 1975 to 41% in 1984 (an increase of 22 percentage points). In the "Other Felony Offenses" category, the proportion of second felony offenders increases from 26% in 1975 to 57% in 1984 (an increase of 31 percentage points). The increase in the proportion of second felony offenders is larger for offenses categorized as property and drug felonies or certain comparatively less serious violent felonies when compared with offenses designated by the legislature as violent felony offenses.

The most dramatic change in any one category appears among drug offenses. Only 5% of persons held under custody in 1975 for a drug offense had been sentenced as a second felony offender (see Table 4.3), but among drug offenders held under custody in 1984, 43% had been sentenced as second felony offenders.^{A/} These increases in the percent of drug offenders held under custody that have been sentenced as second felony offenders may, in part, be due to changes in the Penal Law which expand the number of drug offenses for which persons can be sentenced as a second felony offender (see New York State Penal Law Section 70.00, 70.06, 220.00, 220.18). As can be seen in Table 4.2, drug offenders make up a relatively large proportion of the under custody population. Changes in the Penal Law affecting drug offenses affect a substantial number of persons held under custody.

^{A/} Though only 5 percent of drug offenders held under custody in 1975 had been sentenced as second felony offenders does not mean only 5 percent of drug offenders held under custody in 1975 had a prior drug conviction. The 1973 amendments to the Penal Law simply required that repeat felony offenders be sentenced as a Second Felony Offender. The increase in the percent of drug offenders who are sentenced to state prison as a Second Felony Offender over the last 10 years should not be taken to represent a dramatic increase in repeated felony drug convictions but rather that those persons who are repeat offenders are being sentenced as Second Felony Offenders according to the statutes enacted in 1973.

-Section Five-

PRIOR ADULT CRIMINAL RECORD

Information on prior adult criminal record for persons held under custody is presented in Table 5.1 and in Figure 5.1. Prior adult criminal record is broken into five general categories. The first group is made up of persons who have no prior adult criminal record; that is, there is no evidence of an arrest or other type of contact with the criminal justice system as an adult. The second category is made up of persons who have an arrest history but no indication (in the criminal history records maintained by the New York State Division of Criminal Justice Services or in police and court records examined by probation officials who prepare a pre-sentence investigation) of a prior conviction. The third category is made up of persons who have been arrested and convicted of a misdemeanor or a felony and who received some type of non-incarcerative sentence (e.g., probation, fine, conditional discharge, unconditional discharge, or other alternative sentence). The fourth category is made up of persons who have a prior conviction which resulted in a sentence that included a term in a city or county jail. The last category is made up of persons who have served a prior state or federal prison term. Each inmate is coded according to the extent of his or her penetration into the criminal justice system. That is, if a person has a prior local jail term and a prior state prison term, he will be coded in the state prison category.

The distribution of the under custody population according to prior adult criminal record is presented in Table 5.1. These data are for the under custody population on December 31 for each of the years 1975 to 1983. The proportion of under custody inmates with no prior adult criminal record increases slightly from approximately 10% in 1975 to 12% in 1983. The proportion of inmates with a prior arrest but no conviction declines sharply from approximately 20% of under custody inmates in 1975 to 10% of under custody inmates in 1983 (see also Figure 1). Inmates with a prior conviction but a non-incarcerative sentence make up approximately 14% to 15% of under custody inmates across the 9 year period examined. The proportion of under custody inmates with a prior local jail term increases somewhat from 26% in 1975 to approximately 30% in 1983. Inmates who have served a prior state or federal prison term increase from approximately 30% of the under custody population during 1975 to 1977 to approximately 33% of under custody inmates in 1983.

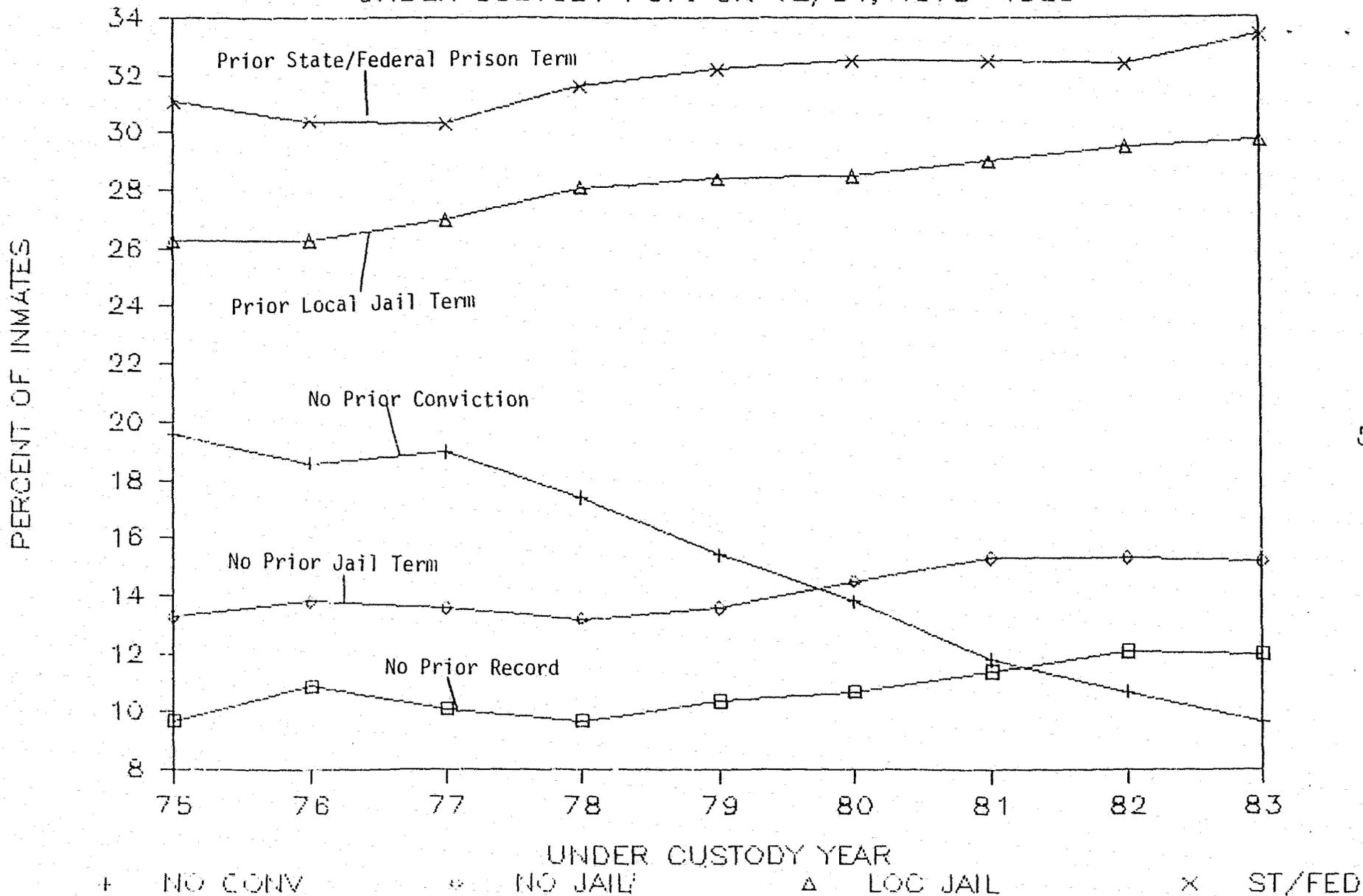
In summary, over the 9 year period a somewhat greater proportion of the under custody population has a prior jail term or a prior state or federal prison term. The proportion of inmates with an arrest but no prior adult conviction drops off markedly over the 9 year period.

TABLE 5.1 PRIOR ADULT CRIMINAL RECORD, INMATES HELD
UNDER CUSTODY ON DECEMBER 31, 1975-1983

Prior Adult Criminal Record	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
No Prior Arrest/Record	1,557 (9.7%)	1,885 (10.9%)	1,915 (10.1%)	1,933 (9.7%)	2,155 (10.4%)	2,302 (10.7%)	2,917 (11.4%)	3,406 (12.1%)	3,645 (12.0%)	N/A
No Prior Conviction	3,160 (19.6%)	3,235 (18.6%)	3,613 (19.0%)	3,469 (17.4%)	3,184 (15.4%)	2,974 (13.8%)	3,026 (11.8%)	2,993 (10.6%)	2,974 (9.8%)	
Prior Conviction, No Jail	2,135 (13.3%)	2,390 (13.8%)	2,594 (13.6%)	2,624 (13.2%)	2,811 (13.6%)	3,118 (14.5%)	3,902 (15.3%)	4,312 (15.3%)	4,623 (15.2%)	
Prior Local Jail Term	4,218 (26.3%)	4,565 (26.3%)	5,132 (27.0%)	5,592 (28.1%)	5,862 (28.4%)	6,143 (28.5%)	7,417 (29.0%)	8,301 (29.5%)	9,071 (29.7%)	
Prior State or Federal Prison Term	4,994 (31.1%)	5,277 (30.4%)	5,752 (30.3%)	6,289 (31.6%)	6,644 (32.2%)	6,990 (32.5%)	8,294 (32.5%)	9,120 (32.4%)	10,179 (33.4%)	
TOTALS	16,064 (100%)	17,352 (100%)	19,006 (100%)	19,907 (100%)	20,656 (100%)	21,527 (100%)	25,556 (100%)	28,132 (100%)	30,492 (100%)	N/A

PRIOR ADULT CRIMINAL RECORD

UNDER CUSTODY POP. ON 12/31, 1975-1983



-Section Six-

MINIMUM SENTENCE LENGTH

A. Amendments To The Penal Law Which Affect Sentence Length

Over the last ten to fifteen years, the New York State Penal Law has been amended so as to alter the minimum and maximum sentence range for certain types of offenses and for certain types of offenders. Most of these changes have been designed to provide for more severe penalties for persons who commit felony crimes and who are sentenced to state prison.

Second Felony Offender Law. In 1973, the New York State Legislature enacted new second felony offender statutes. These laws require that persons who have been convicted of a felony offense and who have a prior felony conviction should be sentenced as a Second (or Predicate) Felony Offender (New York State Penal Law Section 70.06). These second felony offender laws provide for mandatory state prison sentences for persons convicted of a second felony offense. Among new court commitments, the proportion of persons sentenced to state prison as a Second Felony Offender has risen in recent years (persons sentenced as second felony offenders made up 34% of 1978 new commitments but they made up 43% of 1983 new commitments^{A/}). The proportion of persons held under custody who were sentenced as second felony offenders has also risen sharply. As reflected in Table 4.1, the proportion of persons held under custody at the close of the year who were sentenced as second felony offenders increases from 21.1% as of December 1975 to 43.9% as of December 1984.

Not only did this legislation require mandatory prison terms for second felony offenders, it also increased the minimum period of imprisonment for most second felony offenders committed to state prison. For a first felony offender committed to state prison, the judge cannot set the minimum period of imprisonment to exceed one-third of the maximum sentence. However, for persons sentenced as a second felony offender, the judge must fix the minimum period of imprisonment at one-half the maximum term (New York State Penal Law Section 70.06(4)). These second felony offender laws have no doubt contributed to the increase in the number of persons committed to state prison over the last 10 years. These laws may also have contributed to an increasingly longer minimum period of imprisonment for second felony offenders.

^{A/}See "Characteristics of New Commitments 1983," Division of Program Planning, Research and Evaluation, New York State Department of Correctional Services, Albany, New York, 12226, p. 59-60.

Violent Felony Offender Law. In a 1978 special session, the Legislature enacted new sentencing provisions for certain violent crimes. Certain crimes were designated by the Legislature as violent felony offenses (New York State Penal Law Section 70.02). In addition to certain plea negotiation restrictions, the violent felony offender legislation increased the minimum period of imprisonment for persons convicted of a Class B or a Class C "violent felony" offense. The lowest legally permissible minimum term for a Class B violent felony offense was raised from 1 year to 2 years. The lowest legally permissible minimum term for a Class C violent felony was raised from 1 year to 18 months. Furthermore, persons convicted of a second violent felony offense (i.e., both the instant conviction and the prior conviction were designated violent felony offenses) face more severe penalties. For a person who has a prior violent felony conviction and is now convicted of a Class B violent felony offense, the lowest legally permissible minimum sentence has been increased from 4 1/2 years to 6 years. For a Class C second violent felony offender the lowest legally permissible minimum term has been increased from 3 years to 4 years (New York State Penal Law Section 70.04).

The 1978 violent felony offender legislation also required judges to fix the minimum period of imprisonment at sentencing for Class B and Class C violent felony offenders. In 1980, this requirement was extended to all other offenders not covered by prior legislation. For nearly all offenders committed to state prison, the minimum period of imprisonment is set by the judge at sentencing. Prior to changes in 1978 and in 1980, the minimum period of imprisonment was set by the Board of Parole for approximately 65% of all first felony commitments to state prison. Requiring the judge to fix the minimum term at sentencing has resulted in somewhat shorter minimum terms for inmates with comparatively short maximum sentences (e.g., 36 months) in that the Board set minimum term tended to be slightly longer than the judicially fixed minimum term. However, for offenders with comparatively long maximum terms, the judicially set minimum period of imprisonment (to be set at 1/3 the maximum term, or between one year and 1/3 the maximum term) tended to be slightly longer than the Board set minimum period of imprisonment. So, the requirement that the minimum period of imprisonment be fixed at sentencing has resulted in longer minimum periods of imprisonment for persons committed to state prison for more serious Class B and Class C felony offenses.

Consecutive Sentence Provisions. Legislative changes in the sentencing laws pertaining to persons who receive consecutive sentences have also served to increase the length of the minimum period of imprisonment for certain defendants. Prior to 1978, the Penal Law provided that where a defendant received consecutive sentences the minimum sentences (or minimum periods of imprisonment) would merge and be satisfied by service of the period which had the longest unexpired time to run. That is, the minimum period of imprisonment for a defendant receiving consecutive sentences would be satisfied by serving the longest

minimum period of imprisonment of the consecutive sentences. In a 1978 amendment to the Penal Law, the legislature required that the minimum terms of consecutive sentences be aggregated (or added together) to form the minimum period of imprisonment that must be served prior to parole release consideration (New York State Penal Law Section 70.30). This amendment has, for most cases, resulted in longer minimum terms for persons who receive consecutive sentences.^{A/}

For persons sentenced to state prison for comparatively more serious offenses (e.g., Class B and C violent felony offenders, Class B and C second felony offenders), the overall affect of these amendments to the Penal Law has been to increase the length of the minimum period of imprisonment.

Build-Up of Offenders with Long Minimum Terms. When compared with a yearly admissions cohort, the under custody population is disproportionately made up of persons who have committed serious offenses. That is, the more serious offenders with long minimum terms that are admitted each year tend to build up over the years. Persons with comparatively short maximum sentences (e.g., 3 or 4 years) make up a large percent of admissions each year, but they move through the system relatively quickly. Persons with long sentences move through the system more slowly, and they comprise a much larger percent of the under custody population than would be true of any given admissions cohort. The affect of sentencing law changes that increase sentence length for serious offenders may more markedly affect the characteristics of the under custody population (as compared to an admission cohort) because of the higher concentration of serious offenders with long sentences in this group.

B. Changes in Minimum Sentence Length in the Under Custody Population Over the Period 1975 to 1984

The distribution of the under custody population according to minimum sentence length is presented in Table 6.1. In 1975 approximately 55% of the under custody population had been committed to state prison with an unspecified minimum term. For these cases the Board of Parole would fix the minimum period of imprisonment at a hearing early in the inmate's sentence. The data in Table 6.1 show that over the years 1975 through 1984 the percent of the under custody population committed to state prison

^{A/} See also "Commitments to State Prison with Long Minimum Terms," Division of Program Planning, Research and Evaluation; New York State Department of Correctional Services, Albany, New York, 12226; December 1984.

TABLE 6.1 MINIMUM SENTENCE LENGTH BY YEAR,
INMATES HELD UNDER CUSTODY ON
DECEMBER 31, 1975-1984

Minimum Sentence (In Months)	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Unspecified Minimum Sentence	8,417 (54.6%)	7,900 (45.5%)	7,785 (41.0%)	7,626 (38.4%)	6,525 (31.7%)	4,723 (22.0%)	2,771 (10.9%)	1,342 (4.8%)	707 (2.3%)	--
12-17 Months	570 (3.7%)	772 (4.4%)	684 (3.6%)	625 (3.1%)	699 (3.4%)	989 (4.6%)	2,409 (9.4%)	2,900 (10.3%)	2,772 (9.1%)	2,560 (7.8%)
18-23 Months	1,118 (7.3%)	1,263 (7.3%)	1,305 (6.9%)	1,337 (6.7%)	1,683 (8.2%)	2,204 (10.3%)	3,154 (12.4%)	3,557 (12.7%)	3,775 (12.4%)	3,793 (11.6%)
24-35 Months	1,412 (9.2%)	1,905 (11.0%)	2,209 (11.6%)	2,309 (11.6%)	2,660 (12.9%)	3,442 (16.0%)	4,990 (19.6%)	6,005 (21.4%)	6,651 (21.9%)	7,097 (21.7%)
36-47 Months	894 (5.8%)	1,402 (8.1%)	1,780 (9.4%)	1,929 (9.7%)	2,126 (10.3%)	2,413 (11.2%)	2,995 (11.7%)	3,585 (12.8%)	4,054 (13.3%)	4,401 (13.4%)
48-71 Months	1,049 (6.8%)	1,500 (8.6%)	1,977 (10.4%)	2,226 (11.2%)	2,451 (11.9%)	2,718 (12.7%)	3,245 (12.7%)	3,797 (13.5%)	4,530 (14.9%)	5,298 (16.2%)
72-119 Months	769 (5.0%)	1,177 (6.8%)	1,584 (8.3%)	1,915 (9.6%)	2,250 (10.9%)	2,442 (11.4%)	2,927 (11.5%)	3,313 (11.8%)	3,831 (12.6%)	4,581 (14.0%)
120-179 Months	190 (1.2%)	254 (1.5%)	339 (1.8%)	416 (2.1%)	512 (2.5%)	574 (2.7%)	744 (2.9%)	908 (3.2%)	1,093 (3.6%)	1,359 (4.2%)
180-239 Months	395 (2.6%)	508 (2.9%)	602 (3.2%)	669 (3.4%)	758 (3.7%)	867 (4.0%)	982 (3.9%)	1,120 (4.0%)	1,244 (4.1%)	1,501 (4.6%)
240 Plus Months	601 (3.9%)	669 (3.9%)	732 (3.9%)	817 (4.1%)	919 (4.5%)	1,084 (5.1%)	1,277 (5.0%)	1,532 (5.5)	1,763 (5.8%)	2,139 (6.5%)
TOTAL	15,415 (100%)	17,350 (100%)	18,997 (100%)	19,869 (100%)	20,583 (100%)	21,456 (100%)	25,494 (100%)	28,059 (100%)	30,420 (100%)	32,729 (100%)

with an unspecified minimum term steadily drops off. As discussed above, this drop off is due to changes in the law which required judges, not the Board of Parole to fix the minimum period of imprisonment. Between 1983 and 1984 a new under custody computer file was put in place and the minimum period of imprisonment was entered on the file, so for virtually every inmate held at the close of 1984 a known value for the minimum period of imprisonment could be obtained.

That there is a dramatic change between the percent of cases with unspecified as opposed to specified minimum terms between 1975 and 1984 makes it difficult to determine whether important changes have occurred in the percent of cases in each minimum period of imprisonment category, particularly for inmates with a minimum period of imprisonment of 47 months or less. That is, most of those persons committed to state prison with an unspecified minimum term received a minimum period of imprisonment (fixed by the Board of Parole) that fell, for most cases, between 18 and 36 months, depending upon the length of the maximum term and other factors. Since most of those cases with unspecified minimum terms had relatively short maximum terms it is still possible, from the data in Table 6.1, to compare the percent of cases in the relatively long minimum sentence categories (i.e., 72 months or longer) over the years 1975 through 1984. For instance, inmates with a minimum term that fell between 72 and 119 months made up 5.0% of the under custody population on December 31, 1975 but they made up 14.0% of the under custody population on December 31, 1984. Inmates in the 120-179 month minimum sentence category made up 1.2% of the under custody population in 1975 but they made up 4.2% of the under custody population in 1984. Moreover, if all inmates with a minimum term of 72 months or longer are grouped together they would make up 12.7% of the under custody population in 1975; they would, however, make up 29.3% of the under custody population in 1984. The data in Table 6.1 make clear that over the period 1975 through 1984 there has been a substantial increase in the proportion of persons in the under custody population who have relatively long minimum sentences.

A better assessment of the extent of change in minimum sentence length all across the range of minimum sentences could be obtained if the Board set minimum period of imprisonment (for those cases committed to state prison with an unspecified minimum term) had been recorded on electronic data files. Unfortunately, this information is not recorded on the computer files used in this study. It is possible, however, to estimate the minimum period of imprisonment (MPI) fixed by the Board of Parole at an MPI hearing. In order to provide a more complete picture of the range of minimum periods of imprisonment found in the under custody population we decided to estimate the Board set minimum period of imprisonment for cases that had been committed to state prison with the minimum sentence left unspecified by the sentencing court. The Board set minimum period of imprisonment

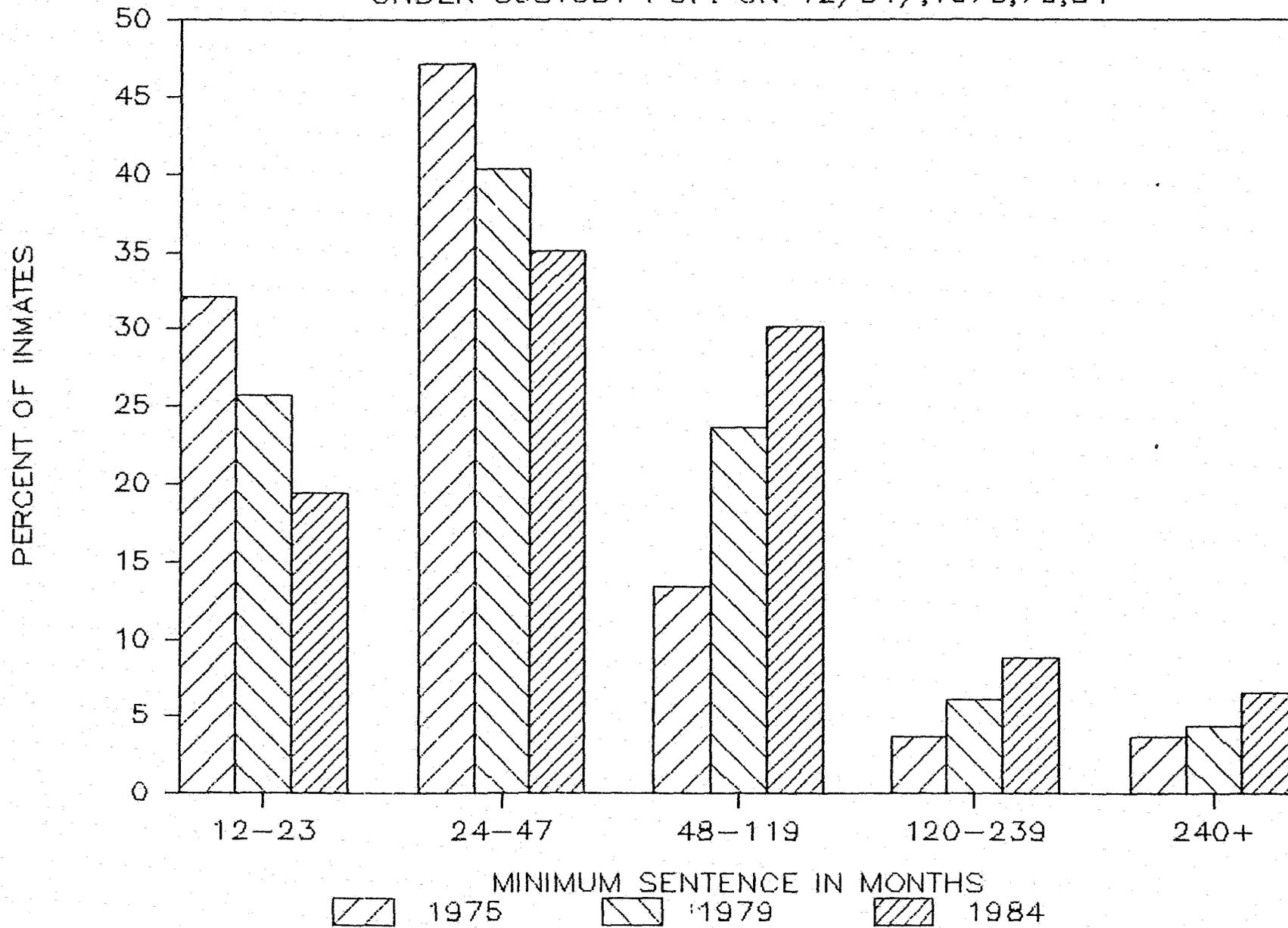
TABLE 6.2 MINIMUM SENTENCE LENGTH BY YEAR,
 (With Unspecified Minimum Term Estimated)
 INMATES UNDER CUSTODY ON DECEMBER 31, 1975-1984^{A/}

Minimum Sentence (In Months)	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
12-17 Months	615 (3.8%)	816 (4.6%)	744 (3.8%)	654 (3.2%)	745 (3.6%)	1,001 (4.6%)	2,425 (9.5%)	2,920 (10.4%)	2,788 (9.1%)	2,560 (7.8%)
18-23	4,562 (28.3%)	4,372 (24.6%)	4,609 (23.8%)	4,640 (23.0%)	4,598 (22.1%)	4,440 (20.5%)	4,364 (17.0%)	3,995 (14.2%)	3,968 (13.0%)	3,793 (11.6%)
24-35	5,186 (32.2%)	5,323 (30.0%)	5,570 (28.7%)	5,589 (27.7%)	5,330 (25.6%)	5,150 (23.8%)	5,975 (23.3%)	6,533 (23.2%)	6,951 (22.8%)	7,097 (21.7%)
36-47	2,412 (15.0%)	2,820 (15.9%)	2,976 (15.3%)	3,006 (14.9%)	3,074 (14.7%)	3,182 (14.7%)	3,552 (13.9%)	3,967 (14.1%)	4,281 (14.0%)	4,401 (13.4%)
48-71	1,378 (8.6%)	1,815 (10.2%)	2,252 (11.6%)	2,480 (12.3%)	2,670 (12.8%)	2,892 (13.4%)	3,394 (13.2%)	3,914 (13.9%)	4,624 (15.1%)	5,298 (16.2%)
72-119	771 (4.8%)	1,178 (6.6%)	1,585 (8.2%)	1,916 (9.5%)	2,250 (10.8%)	2,444 (11.3%)	2,929 (11.4%)	3,314 (11.8%)	3,832 (12.5%)	4,581 (14.0%)
120-179	191 (1.2%)	255 (1.4%)	341 (1.8%)	417 (2.1%)	512 (2.5%)	575 (2.7%)	745 (2.9%)	909 (3.2%)	1,093 (3.6%)	1,359 (4.2%)
180-239	395 (2.5%)	508 (2.9%)	602 (3.1%)	669 (3.3%)	758 (3.6%)	867 (4.0%)	982 (3.8%)	1,120 (4.0%)	1,244 (4.1%)	1,501 (4.6%)
240 Plus	591 (3.7%)	662 (3.7%)	726 (3.7%)	811 (4.0%)	914 (4.4%)	1,081 (5.0%)	1,276 (5.0%)	1,531 (5.4%)	1,762 (5.8%)	2,139 (6.5%)
TOTAL	16,101 (100%)	17,749 (100%)	19,405 (100%)	20,182 (100%)	20,851 (100%)	21,632 (100%)	25,642 (100%)	28,203 (100)	30,543 (100%)	32,729 (100%)
Median (In Months)	29.4	31.4	32.3	32.8	34.9	36.0	36.0	36.0	36.0	36.4
Average (In Months)	46.8	49.2	51.3	53.7	56.2	58.6	57.7	59.8	62.1	68.6

^{A/}Cases with missing data on minimum sentence also estimated.

MINIMUM SENTENCE LENGTH

UNDER CUSTODY POP. ON 12/31/,1975,79,84



was estimated on the basis of some 10,510 MPI decisions made by the Board of Parole between 1979 and 1983. A formula to predict minimum period of imprisonment that employed information on maximum sentence length, felony class of conviction crime, and second felony offender status was derived from this computer file of Parole board decisions.

Table 6.2 presents data on minimum sentence length among under custody inmates across the years 1975 through 1984. A graphic display for the under custody population in 1975, 1979 and 1984 is presented in Figure 6.1. The data in Table 6.2 include an estimate of the minimum period of imprisonment for cases with an unspecified minimum term. One of the limitations in the data on minimum sentence length in Table 6.2 is the assumption (implicit in our estimation procedure) that the minimum period of imprisonment set by the Board during 1980 through 1983 is similar to the minimum period of imprisonment set by the Board from 1975 (and earlier) to 1979 for inmates with comparable maximum sentence length and prior record.

Despite some limitations, we believe that the data on minimum sentence length in Table 6.2 are valid and useful. Changes in minimum sentence length are relevant because they are an important determinant of time served. For example, among 1983 first releases to parole supervision, there is a strong correlation between minimum sentence length and time served in state prison (Pearson's coefficient $r=.80$).

Decreasing Percentage of Inmates with Minimum Terms Under Four (4) Years. Examining the data in Table 6.2, it can be seen that there are distinct shifts in the percent of under custody inmates in each minimum sentence category over the years 1975 through 1984 (see also Figure 6.1). The percent of cases in the 12-17 month minimum sentence category was 3.8% in 1975 but stands at 7.8% in 1984. This increase occurs because inmates with a maximum term of 36 months are receiving, in more recent years, a judicially fixed minimum period of imprisonment of 12 months which differs from a Board set minimum period of imprisonment which previously would have been approximately 18 to 20 months. The percent of cases with a minimum term between 18 and 23 months drops sharply from 28.3% of 1975 under custody inmates to 11.6% of 1984 under custody inmates. A portion of the cases that were formerly in the 18 to 23 months category appear to have dropped into the 12 to 17 months minimum sentence range and others have shifted into a higher minimum sentence length category. The percent of under custody inmates with a minimum term between 24 and 35 months also steadily declines between 1975 (32.2%) and 1984 (21.7%). However, if all inmates with a minimum term of less than 48 months are grouped together, 79% of the under custody inmates in 1975 had a minimum term of less than 48 months, but only 55% of the under custody inmates in 1984 had a minimum term that fell between 12 and 47 months.

Increasing Percentage of Inmates with Minimum Sentence of Four (4) Years or More. Over the period 1975 through 1984, there is a steady increase in the percent of cases in the 48 to 71 month minimum sentence category and in each of the minimum sentence length categories above this (Table 6.2). The percent of cases in the 48 to 71 month category rises from 8.6% in 1975 to 16.2% in 1984. The percent with a minimum term between 72 and 119 months increases from 4.8% in 1975 to 14.0% in 1984. The proportion of under custody inmates with a minimum term of 240 months or longer (i.e., 20 years or longer) increases from 3.7% in 1975 to 6.5% in 1984. The increase in the percent of inmates in these relatively lengthy minimum sentence categories is consistent with the legislative changes in the sentencing laws described earlier.

The median minimum sentence and the average minimum sentence for inmates held under custody on December 31 of each year are also presented in Table 6.2. The median is a measure of central tendency which represents the value of the middle case in a distribution of cases (i.e., it is the case or cases at the 50th percentile). The median is less sensitive to extreme values (in this instance, cases with extremely long minimum sentences) than is the arithmetic average. The median minimum sentence increases by increments from 29.4 months among 1975 under custody inmates to 36.0 months among 1980 under custody inmates. It remains stable at 36 months across the years 1980 through 1984. The average minimum sentence length (in Table 6.2) shows a steady year to year increase over the period 1975 through 1984. The average minimum sentence length is 46.8 months among inmates held under custody in 1975. This figure rises to 58.6 months in 1980 and to 68.6 months in 1984.

These measures of central tendency show that the average minimum term of the population of inmates held under custody has markedly increased over the last 10 years.

-Section Seven-

MAXIMUM SENTENCE LENGTH

Amendments to the Penal Law over the past 10 to 15 years have altered the minimum-maximum sentence structure for various groups of offenders (e.g., drug offenders, violent felony offenders, second felony offenders, persons who receive consecutive sentences). These changes are more fully discussed in the earlier sections on offense type, first or second felony offender status, felony crime class, and minimum sentence. Since the minimum period of imprisonment is generally a fraction of the maximum sentence (e.g., one year up to one-third of the maximum sentence for non-violent first felony offenders; one-half of the maximum term for second felony offenders), the discussion of those changes in the law that have served to increase the minimum period of imprisonment (in the previous section of the report) apply to maximum sentence length as well.

The data in Table 7.1 on the distribution of the under custody population according to maximum sentence length are based on the controlling maximum sentence. For persons who have been convicted and sentenced to state prison for more than one crime (or for multiple counts of the same offense), the controlling maximum sentence is the longest of the maximum terms for which the person is serving time in state prison. Many inmates are serving time based on two or more concurrent sentences. Concurrent refers to sentences that run at the same time. Where a person is serving concurrent sentences the length of the minimum period of imprisonment depends on the length of the longest maximum sentence. Other persons committed to state prison may have received consecutive sentences. Where a defendant receives two or more sentences that run consecutively the minimum terms of the consecutive sentences are aggregated (or added together) and the maximum terms are aggregated (or added together). There are, however, limitations (or caps) on the length of consecutive sentences (New York State Penal Law Section 70.30). These caps depend upon the felony class category of the conviction offenses.

The computer file used for the under custody populations from 1975 to 1982 contain information for only the controlling maximum sentence. Consequently, the maximum sentence distributions examined in Table 7.1 pertain to the controlling (or single longest) maximum term.

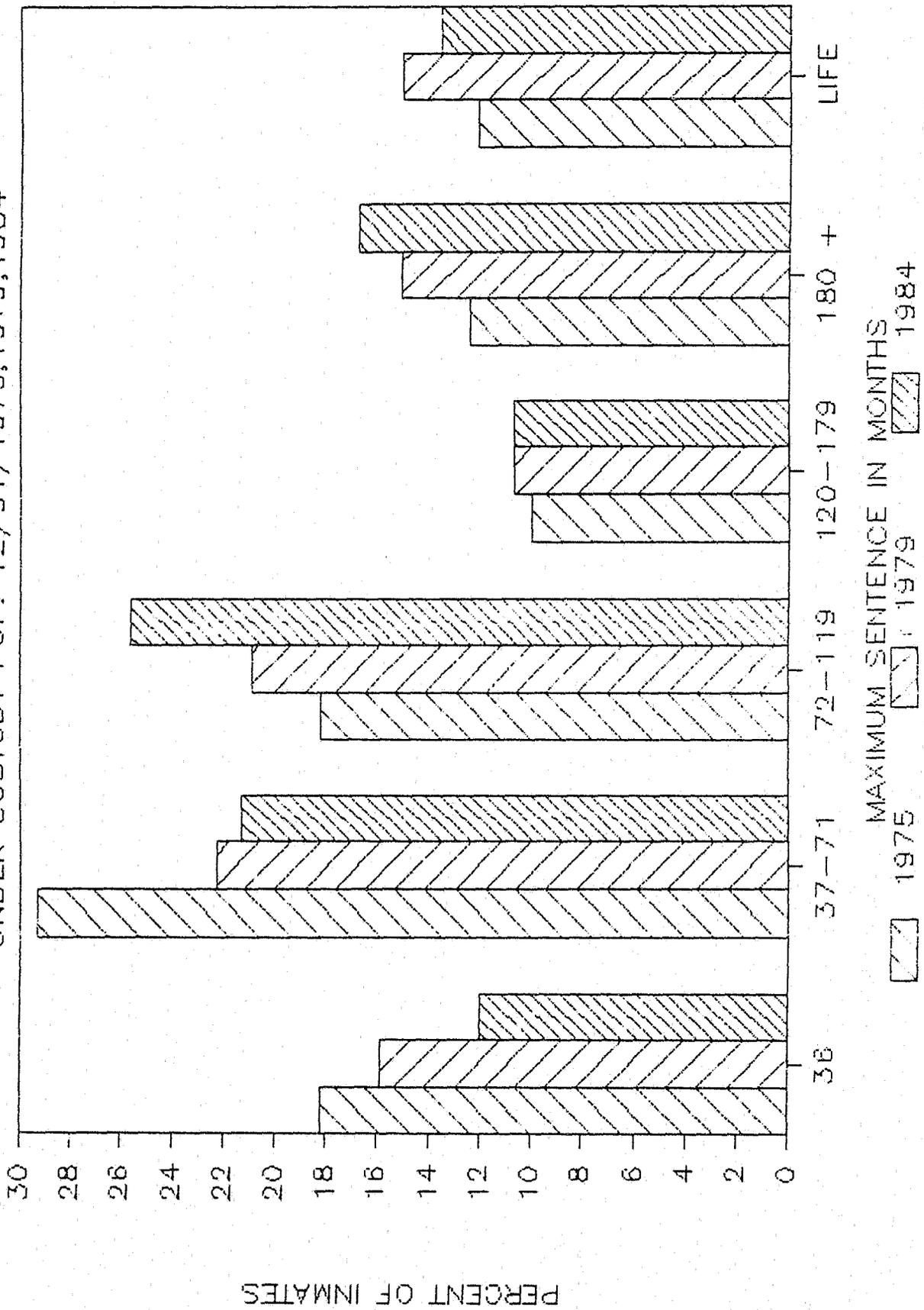
TABLE 7.1 MAXIMUM SENTENCE LENGTH BY YEAR,
INMATES HELD UNDER CUSTODY ON
DECEMBER 31, 1975-1984

Maximum Sentence (In Months)	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
36 Months	2,923 (18.2%)	2,947 (16.6%)	3,228 (16.7%)	3,274 (16.2%)	3,298 (15.9%)	3,319 (15.4%)	3,892 (15.2%)	3,736 (13.3%)	3,736 (12.2%)	3,955 (12.0%)
37-53 Months	3,296 (20.5%)	3,295 (18.6%)	3,353 (17.3%)	3,357 (16.7%)	2,996 (14.4%)	2,783 (12.9%)	3,271 (12.8%)	3,297 (11.7%)	3,326 (10.9%)	3,701 (11.2%)
54-71 Months	1,378 (8.6%)	1,337 (7.6%)	1,400 (7.2%)	1,392 (6.9%)	1,643 (7.9%)	1,955 (9.0%)	2,569 (10.0%)	2,998 (10.6%)	3,250 (10.6%)	3,317 (10.1%)
72-95 Months	2,244 (14.0%)	2,459 (13.9%)	2,810 (14.5%)	2,921 (14.5%)	3,087 (14.8%)	3,409 (15.8%)	4,226 (16.5%)	4,913 (17.4%)	5,225 (17.1%)	5,364 (16.3%)
96-119 Months	682 (4.2%)	915 (5.2%)	1,073 (5.5%)	1,149 (5.7%)	1,265 (6.1%)	1,501 (6.9%)	1,857 (7.2%)	2,283 (8.1%)	2,708 (8.9%)	3,073 (9.3%)
120-143 Months	1,112 (6.9%)	1,144 (6.5%)	1,166 (6.0%)	1,212 (6.0%)	1,199 (5.8%)	1,207 (5.6%)	1,228 (4.8%)	1,272 (4.5%)	1,315 (4.3%)	1,372 (4.2%)
144-179 Months	497 (3.1%)	650 (3.7%)	770 (4.0%)	875 (4.3%)	1,027 (4.9%)	1,151 (5.3%)	1,449 (5.7%)	1,690 (6.0%)	1,937 (6.3%)	2,157 (6.5%)
180-239 Months	1,105 (6.9%)	1,270 (7.2%)	1,409 (7.3%)	1,545 (7.7%)	1,730 (8.3%)	1,914 (8.9%)	2,301 (9.0%)	2,517 (8.9%)	2,843 (9.3%)	3,077 (9.3%)
240 Plus	878 (5.5%)	1,010 (5.7%)	1,153 (6.0%)	1,275 (6.3%)	1,414 (6.8%)	1,502 (6.9%)	1,731 (6.8%)	1,956 (6.9%)	2,191 (7.2%)	2,475 (7.5%)
Life Maximum	1,942 (12.1%)	2,677 (15.2%)	2,983 (15.4%)	3,152 (15.6%)	3,147 (15.1%)	2,878 (13.3%)	3,100 (12.1%)	3,519 (12.4%)	3,995 (13.0%)	4,485 (13.6%)
TOTAL	16,057 (100%)	17,704 (100%)	19,345 (100%)	20,152 (100%)	20,806 (100%)	21,619 (100%)	25,624 (100%)	28,181 (100%)	30,543 (100%)	32,976 (100%)
Median ^{A/} (In Months)	72.1	83.6	83.8	83.9	84.1	84.1	83.8	84.0	89.6	95.9
Average	115.2	124.1	125.7	127.9	129.4	127.2	123.9	126.4	129.6	131.6

^{A/} For purposes of calculating measures of central tendency a Life Maximum Sentence was treated as 25 years (or 300 months).

MAXIMUM SENTENCE LENGTH

UNDER CUSTODY POP: 12/31/1975, 1979, 1984



Over the 10 year period 1975 to 1984 there appears to be slightly fewer under custody inmates with relatively short maximum sentences and slightly more inmates with relatively long maximum sentences (see also Figure 7.1). In Table 7.1 the proportion of under custody inmates in the 36 month maximum sentence category declines from approximately 18% in 1975 to approximately 12% by 1984. Similarly, the proportion of inmates with a maximum term that falls between 37 and 53 months declines from approximately 20% in 1975 to approximately 11% by 1984. With the exception of the 120-143 month category and the Life maximum category, the proportion of cases in each of the other categories shows a slow but steady increase over the years 1975 through 1984.

The Life Maximum Sentence category shows a sharp increase from 1975 (12.1%) to 1979 (15.1%) and this no doubt occurs from the influx of class A-III drug offenders (as a result of the 1973 amendments to the Penal Law regarding drug offenses) who could receive a one-year to Life sentence. In 1979, the class A-III felony category was eliminated and the crimes in this category were reclassified as class B felonies. There is a slight decline in 1980 and in 1981 in the proportion of persons with Life maximum sentences. Since the elimination of the class A-III felony category, the Life maximum sentence category is more heavily represented by persons convicted of Murder 2nd, Kidnapping 1st, Arson 1st, and class A-I and class A-II drug offenses.

Looking at the median maximum sentence length (in Table 7.1) indicates that the median maximum sentence remains at approximately 84 months from 1976 to 1982, but it shows an increase to approximately 90 months among inmates under custody in 1983 and increases again to approximately 96 months among inmates under custody in 1984. The average maximum sentence length shows a yearly increase from 1975 (115 months) to 1979 (129 months). This increase would appear to be due in part to the influx of class A-III drug offenders (with a one to Life maximum sentence). The persons in the A-III category had relatively short minimum terms (i.e., as low as one year) such that few of them could be expected to serve longer than 2 or 3 years. Since the Life maximum sentence category was treated as 25 years, these class A-III drug offenders (with Life maximum sentences) would tend to inflate the average maximum term of the whole under custody population. In 1979, the A-III category was eliminated (and the drug offenses in it reclassified as class B felonies) and the average maximum term drops off in 1980 and in 1981. However, the average increases again in 1982 (126 months), 1983 (129 months) and in 1984 (132 months). Taking into consideration the influx and subsequent decline of class A-III drug offenders, it would appear that, overall, the average maximum term has steadily increased over the years 1975 to 1984.

As of December 31, 1975, there were 25 inmates held under custody who had originally received a death sentence. Due to court proceedings which found the death penalty statutes under which these persons were sentenced to be unconstitutional, these cases were converted to a Life maximum sentence. Legislative changes that have occurred over the last 15 years which affect sentence length for persons who received Life maximum sentences are examined in a separate report.^{A/}

^{A/} See Zausner, "1978 - 1982 Releases: Offenders Committed for Murder Released Prior to Court Set Minimums," Division of Program Planning, Research and Evaluation; New York State Department of Correctional Services, Albany, New York 12226, March 1984.

-Section Eight-

TIME SERVED AS OF YEAR'S END

Over the last 10 to 15 years, several changes have been made in the sentencing laws pertaining to convicted felons. For the most part, these amendments to the penal law have served to increase the sentence length for persons convicted of a felony and committed to state prison. The impact of these sentencing law changes on the actual length of time served in prison is yet to be determined. Earlier reports by the Department have presented information on the time served experience of inmates who fall into yearly release cohorts. However, the impact of these sentencing law changes on persons who have been sentenced for very serious crimes (which draw comparatively long sentences) may not be fully reflected in data on time served in recent release cohorts. That is, following passage of new laws affecting sentence length, a fair amount of time must pass before the impact on time served of these sentencing law changes can be assessed. Defendants must be sentenced under these new laws and then serve the sentence and be released before time served comparisons can be made.

In this section, changes in the average length of time served by the under custody population over the last 10 years are examined. With respect to inmates held under custody, time served refers to the period of time between the inmate's latest reception date and December 31 of the particular calendar year. These time served data on the under custody population are useful for two reasons. They offer an opportunity for an earlier (though preliminary) view of the affect on time served of various changes in the penal law in recent years. These data also provide information on a specific characteristic of the inmate population; they describe how much time on average each inmate has served as of the end of the calendar year.

Definition: Time Served for Under Custody Populations.

Table 8.1 presents data on time served for the end of the year under custody population from 1975 to 1984. For the under custody population, time served refers to the period of time between an inmate's latest reception date and December 31 of the particular calendar year.

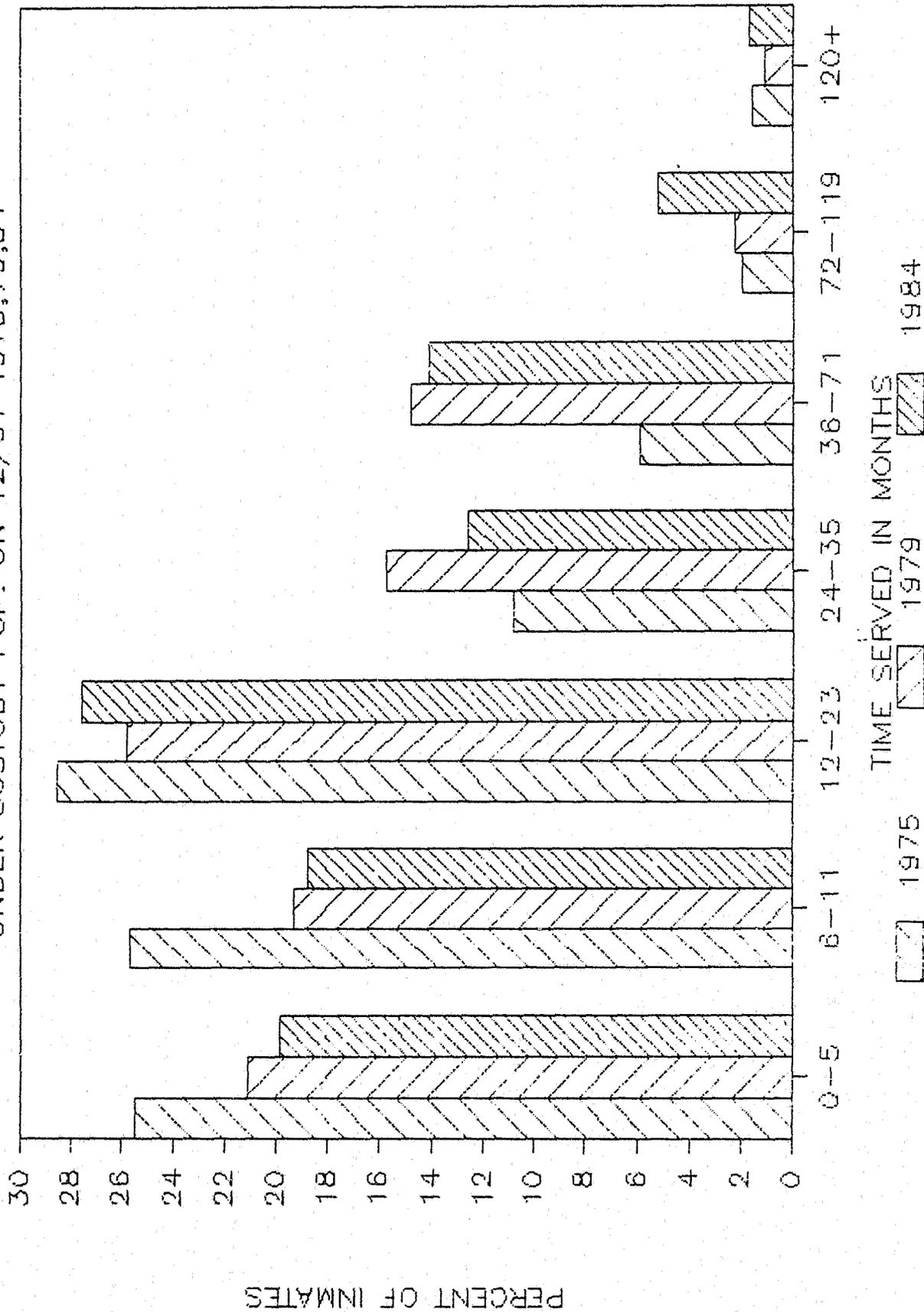
Increase in Time Served. In Table 8.1, time served is broken down into 11 categories. The percent of under custody inmates in both the 0-5 month category and the 6-11 month category declines from approximately 26% in 1975 to approximately 19% in 1984. The percent of under custody inmates in each of the middle time served categories (i.e., 12-17, 18-23, 24-29 and 30-35 months) is about the same in 1984 as it was in 1975. Inmates who have served 36 to 47 months increase from 3.3% of the population in 1975 to 8.4% of the population in 1979; they make up roughly 7% of the population across the years 1979 to 1984.

TABLE 8.1 TIME SERVED IN STATE PRISON AS OF DECEMBER 31;
INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 THROUGH 1984

Time Served To Dec. 31 (In Months)	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
0-5 Months	4,101 (25.5%)	4,474 (25.2%)	4,532 (23.4%)	4,003 (19.8%)	4,399 (21.1%)	5,124 (23.7%)	6,310 (24.6%)	5,612 (19.9%)	6,283 (20.6%)	6,573 (19.9%)
6-11 Months	4,133 (25.7%)	4,481 (25.2%)	4,838 (24.9%)	4,035 (20.0%)	4,019 (19.3%)	3,809 (17.6%)	5,010 (19.5%)	5,556 (19.7%)	6,499 (21.3%)	6,212 (18.8%)
12-17 Months	2,636 (16.4%)	2,736 (15.4%)	3,182 (16.4%)	3,394 (16.8%)	2,986 (14.3%)	3,215 (14.9%)	3,882 (15.1%)	4,824 (17.1%)	4,155 (13.6%)	4,958 (15.0%)
18-23 Months	1,965 (12.2%)	2,118 (11.9%)	2,395 (12.3%)	2,989 (14.8%)	2,396 (11.5%)	2,395 (11.1%)	2,462 (9.6%)	3,281 (11.6%)	3,400 (11.1%)	4,153 (12.6%)
24-29 Months	1,007 (6.3%)	1,241 (7.0%)	1,186 (6.1%)	1,709 (8.5%)	1,722 (8.3%)	1,449 (6.7%)	1,792 (7.0%)	2,110 (7.5%)	2,563 (8.4%)	2,290 (6.9%)
30-35 Months	730 (4.5%)	927 (5.2%)	1,032 (5.3%)	1,203 (6.0%)	1,567 (7.5%)	1,193 (5.5%)	1,284 (5.0%)	1,339 (4.7%)	1,656 (5.4%)	1,863 (5.7%)
36-47 Months	535 (3.3%)	760 (4.3%)	1,095 (5.6%)	1,296 (6.4%)	1,748 (8.4%)	1,847 (8.5%)	1,604 (6.3%)	1,793 (6.4%)	1,957 (6.4%)	2,519 (7.6%)
48-71 Months	426 (2.6%)	493 (2.8%)	618 (3.2%)	979 (4.9%)	1,329 (6.4%)	1,691 (7.8%)	2,081 (8.1%)	2,031 (7.2%)	1,956 (6.4%)	2,151 (6.5%)
72-119 Months	320 (2.0%)	295 (1.7%)	321 (1.7%)	365 (1.8%)	470 (2.3%)	674 (3.1%)	929 (3.6%)	1,305 (4.6%)	1,652 (5.4%)	1,715 (5.2%)
120-179 Months	157 (1.0%)	151 (.9%)	142 (.7%)	139 (.7%)	140 (.7%)	161 (.7%)	201 (.8%)	256 (.9%)	317 (1.0%)	451 (1.4%)
180 Plus	91 (.6%)	73 (.4%)	64 (.3%)	70 (.3%)	75 (.4%)	74 (.3%)	87 (.3%)	96 (.3%)	105 (.3%)	105 (.3%)
TOTAL	16,101 (100%)	17,749 (100%)	19,405 (100%)	20,182 (100%)	20,851 (100%)	21,632 (100%)	25,642 (100%)	28,203 (100%)	30,543 (100%)	32,990 (100%)
MEDIAN (in months)	11.2	11.4	12.0	14.9	15.3	14.9	13.8	15.0	14.8	15.8
AVERAGE (in months)	18.3	18.0	18.3	20.5	22.0	22.5	22.1	23.4	23.8	24.7

FIGURE 8.1

TIME SERVED IN STATE PRISON ON DEC. 31 UNDER CUSTODY POP. ON 12/31 1975, 79, 84



Similarly, inmates who have served 48 to 71 months as of the end of the calendar year increase from 2.6% of the population in 1975 to 6.5% of the population in 1984. Inmates who have served 72-119 months increase from 2.0% of the population in 1975 to 5.2% of the population in 1984. In general, these data show an upward shift in time served across the years 1975 through 1984 (see also Figure 7.1).

Both the median and the average time served for each yearly under custody population are reported in Table 8.1. The median time served in state prison as of the last day of the calendar year stood at 11.2 months in 1975. The median time served rises to approximately 15 months by 1978 and remains at this level for the years 1978 through 1983. The median time served then increases to 15.8 months in 1984. The average time served shows a relatively steady pattern of increase from year to year. The average time served is higher than the median time served due to its greater sensitivity to extreme values, in this case, to persons with relatively long periods of time in custody. The increase in the average time served as of the end of the year is substantial; it changes from 18.3 months for the under custody population in 1975 to 24.7 months for the under custody population in 1984 (a 35% increase).

The data in Table 8.1 show a sizable change in average time served between persons held under custody in 1975 and those held under custody in 1984.

-Section Nine-

SEX DISTRIBUTION

As is reflected in Table 9.1 the sex distribution of persons held under custody at the close of the calendar year has changed very little over the ten year period examined. The proportion of inmates held under custody who were female offenders ranges from a low of 2.6% in 1976 to a high of 3.1% in 1984. In each of the yearly under custody populations examined females make up approximately 3% of the total population.

Even though the proportion of inmates held under custody who are women has changed very little over this ten year period, the number of female offenders held under custody has more than doubled. In 1975 there were 428 females held under custody, by December 31, 1984 there were 1,015 females held under custody.

TABLE 9.1. SEX DISTRIBUTION, INMATES HELD UNDER CUSTODY ON
DECEMBER 31, 1975-1984

Sex	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Male	15,673 (97.3%)	17,281 (97.4%)	18,874 (97.3%)	19,622 (97.2%)	20,248 (97.1%)	21,024 (97.2%)	24,871 (97.0%)	27,379 (97.1%)	29,694 (97.2%)	31,944 (96.9%)
Female	428 (2.7%)	468 (2.6%)	531 (2.7%)	560 (2.8%)	603 (2.9%)	608 (2.8%)	771 (3.0%)	824 (2.9%)	849 (2.8%)	1,015 (3.1%)
TOTAL	16,101 (100%)	17,749 (100%)	19,405 (100%)	20,182 (100%)	20,851 (100%)	21,632 (100%)	25,642 (100%)	28,203 (100%)	30,543 (100%)	32,959 (100%)

-Section Ten-

AGE AS OF DECEMBER 31

Table 10.1 presents the age distribution of persons held under custody on December 31 for each year 1975 through 1984. In this table age refers to the age of the inmate as of December 31 of the particular calendar year.

Overall, the proportion of inmates in each age category remains relatively stable across the ten under custody populations examined. There is, however, an indication that persons in the under custody population as of December 1984 were, on average, slightly older than the persons held under custody on December 31, 1975 (see also Figure 10.1). Table 10.1 shows that proportion of persons in the 16-18 age group declines from 5.3% of the under custody population in 1975 to 2.9% of the under custody population in 1984. Those in the 19-20 age group decline from 9.4% in 1975 to 7.6% in 1984. In contrast, inmates in the 30-34 age group increase from 15.5% of the under custody inmates in 1975 to 18.6% of the under custody inmates in 1984. Similarly, those inmates age 35 to 39 increase from 8.9% in 1975 to 11.6% in 1984. These trends are more easily visualized in Figure 10.1 where data on age for the under custody population on December 31, of 1975, 1979, and 1984 are presented. In comparison to persons held under custody in 1975 or in 1979, fewer inmates held under custody in 1984 were ages 16-18 or ages 19-20, and a higher percent of 1984 inmates fell into the 30 to 39 year age group.

Using the arithmetic average (or mean) as a measure of central tendency shows that the average age of the under custody population increases somewhat over the ten year period. The average age is 28.9 months among inmates held on December 31, 1975; but the average age is 29.7 months among inmates held on December 31, 1984.

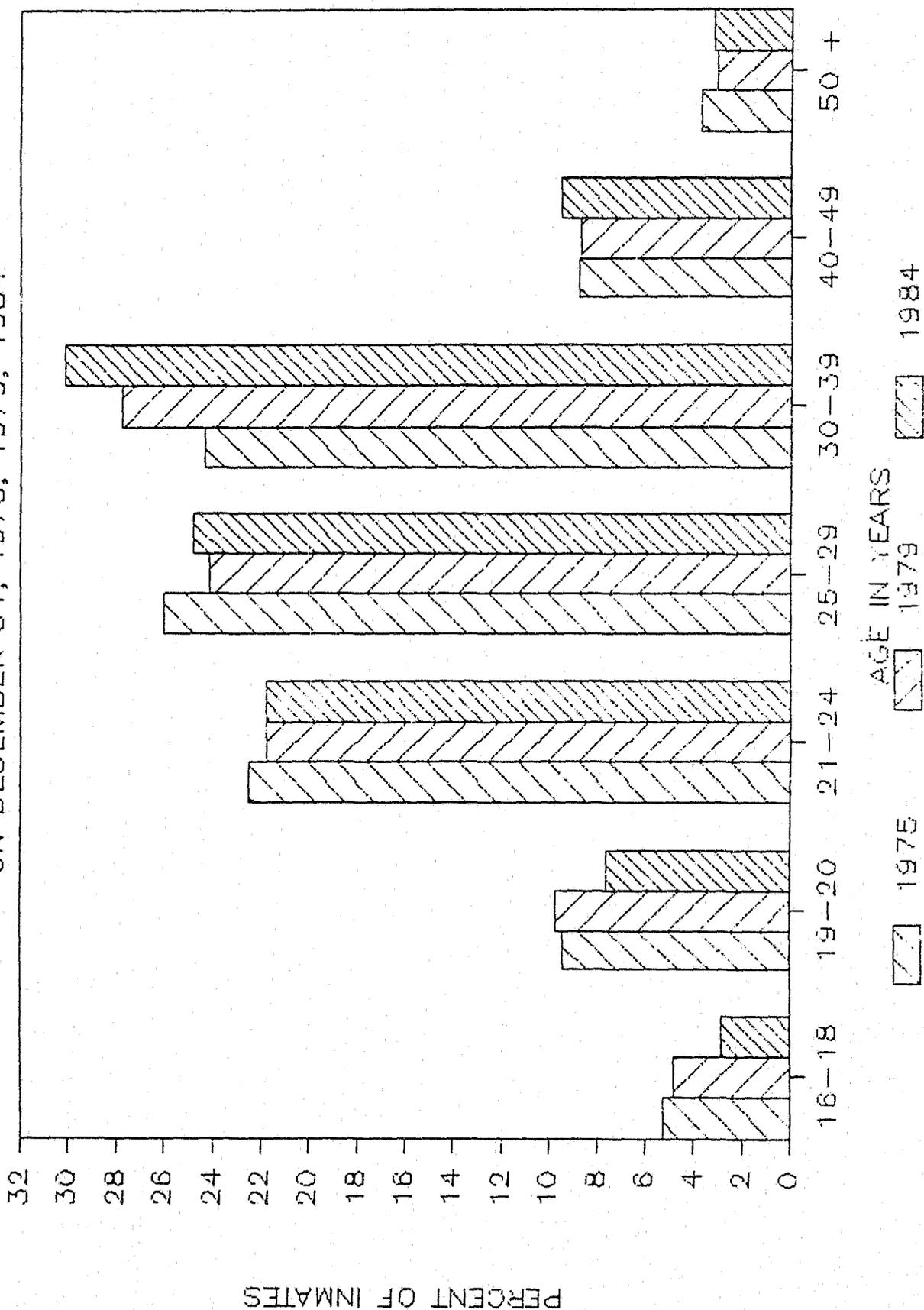
TABLE 10.1. AGE OF UNDER CUSTODY POPULATION ON
DECEMBER 31, 1975-1984

Age in Years	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
16-18	859 (5.3%)	934 (5.3%)	1,069 (5.5%)	1,003 (5.0%)	1000 (4.8%)	977 (4.5%)	1,157 (4.5%)	1,083 (3.8%)	1,029 (3.4%)	944 (2.9%)
19-20	1,517 (9.4%)	1,738 (9.8%)	1,967 (10.1%)	2,026 (10.0%)	2,032 (9.7%)	2,071 (9.6%)	2,470 (9.6%)	2,570 (9.1%)	2,614 (8.6%)	2,510 (7.6%)
21-24	3,621 (22.5%)	3,956 (22.3%)	4,343 (22.4%)	4,454 (22.1%)	4,538 (21.7%)	4,705 (21.8%)	5,694 (22.2%)	6,274 (22.2%)	6,708 (22.0%)	7,192 (21.8%)
25-29	4,186 (26.0%)	4,735 (26.7%)	5,006 (25.8%)	5,091 (25.2%)	5,026 (24.1%)	5,145 (23.8%)	6,125 (23.9%)	6,752 (23.9%)	7,456 (24.4%)	8,186 (24.8%)
30-34	2,489 (15.5%)	2,744 (15.5%)	3,126 (16.1%)	3,395 (16.8%)	3,660 (17.6%)	3,845 (17.8%)	4,558 (17.8%)	5,098 (18.1%)	5,614 (18.4%)	6,133 (18.6%)
35-39	1,430 (8.9%)	1,557 (8.8%)	1,758 (9.1%)	1,944 (9.6%)	2,129 (10.2%)	2,272 (10.5%)	2,634 (10.3%)	3,011 (10.7%)	3,347 (11.0%)	3,827 (11.6%)
40-44	830 (5.2%)	954 (5.4%)	972 (5.0%)	1,059 (5.2%)	1,157 (5.5%)	1,217 (5.6%)	1,449 (5.7%)	1,716 (6.1%)	1,870 (6.1%)	2,077 (6.3%)
45-49	575 (3.6%)	562 (3.2%)	573 (3.0%)	580 (2.9%)	660 (3.2%)	671 (3.1%)	723 (2.8%)	795 (2.8%)	925 (3.0%)	1,071 (3.2%)
50-54	290 (1.8%)	307 (1.7%)	317 (1.6%)	358 (1.8%)	326 (1.6%)	374 (1.7%)	444 (1.7%)	490 (1.7%)	518 (1.8%)	538 (1.6%)
55-59	161 (1.0%)	141 (0.8%)	137 (0.7%)	153 (0.8%)	192 (0.9%)	201 (0.9%)	231 (0.9%)	251 (0.9%)	281 (0.9%)	303 (0.9%)
60-64	84 (0.5%)	76 (0.4%)	72 (0.4%)	68 (0.3%)	78 (0.4%)	95 (0.4%)	103 (0.4%)	102 (0.4%)	121 (0.4%)	137 (0.4%)
65 and Over	58 (0.4%)	45 (0.3%)	65 (0.3%)	51 (0.3%)	53 (0.3%)	59 (0.3%)	54 (0.2%)	61 (0.2%)	60 (0.2%)	73 (0.2%)
TOTAL	16,101 (100%)	17,749 (100%)	19,405 (100%)	20,182 (100%)	20,851 (100%)	21,632 (100%)	25,642 (100%)	28,203 (100%)	30,543 (100%)	32,991 (100%)
MEAN	28.9	28.7	28.6	28.7	29.0	29.1	29.0	29.2	29.4	29.7

FIGURE 10.1

AGE OF UNDER CUSTODY POPULATION

ON DECEMBER 31, 1975, 1979, 1984



-Section Eleven-

ETHNIC STATUS

Table 11.1 presents the ethnic status distribution of persons held under custody in each of the years 1975 through 1984. Figure 11.1 presents a graphic display of these same data.

The proportion of the under custody population made up by blacks has declined somewhat over the years 1975 through 1984. Blacks made up 56.6% of the under custody population on December 31, 1975. This figure drops to 52.3% in 1979 and remains at 52 to 53% for the years 1979 to 1984.

The proportion of the under custody population made up of persons of either Puerto Rican birth or Puerto Rican parentage has increased across the years 1975 to 1984. Persons of Puerto Rican birth or parentage made up 16.3% of the under custody population in 1975, 19.2% of the under custody population in 1979, and 21.1% of the under custody population in 1984.

For most of the under custody files used in the study Hispanics (excluding persons of Puerto Rican birth or parentage) were generally coded as white. In order to remain consistent with earlier data, whites and Hispanics are grouped together in each of the under custody populations in the study. It should be noted that the Department presently utilizes an expanded Hispanic category which includes persons of Puerto Rican birth or parentage as well as foreign-born Hispanic individuals.

The data in Table 11.1 (and the graphic display in Figure 11.1) show that persons who are white make up 26 to 27% of the under custody population in each of the years 1975 through 1984. There is very little change in the percent of under custody inmates who are white across the ten year period.

Persons categorized as American Indian show relatively little change as a percent of the under custody population across the years 1975 through 1984. However, persons who are categorized as Oriental have increased as a percent of the under custody population. Persons in the Oriental category include those who are Japanese, Chinese, Korean, Vietnamese, or Other Oriental. Inmates in this group made up .1% of the under custody population in 1975, but they make up .3% of the under custody population in 1984. Numerically, the increase among persons of Oriental origin is more noticeable. There were 22 persons categorized as Oriental in the 1975 under custody population, 51 in the 1979 under custody population and 94 in the 1984 under custody population.

TABLE 11.1 ETHNIC STATUS, INMATES HELD UNDER CUSTODY ON
DECEMBER 31, 1975-1984

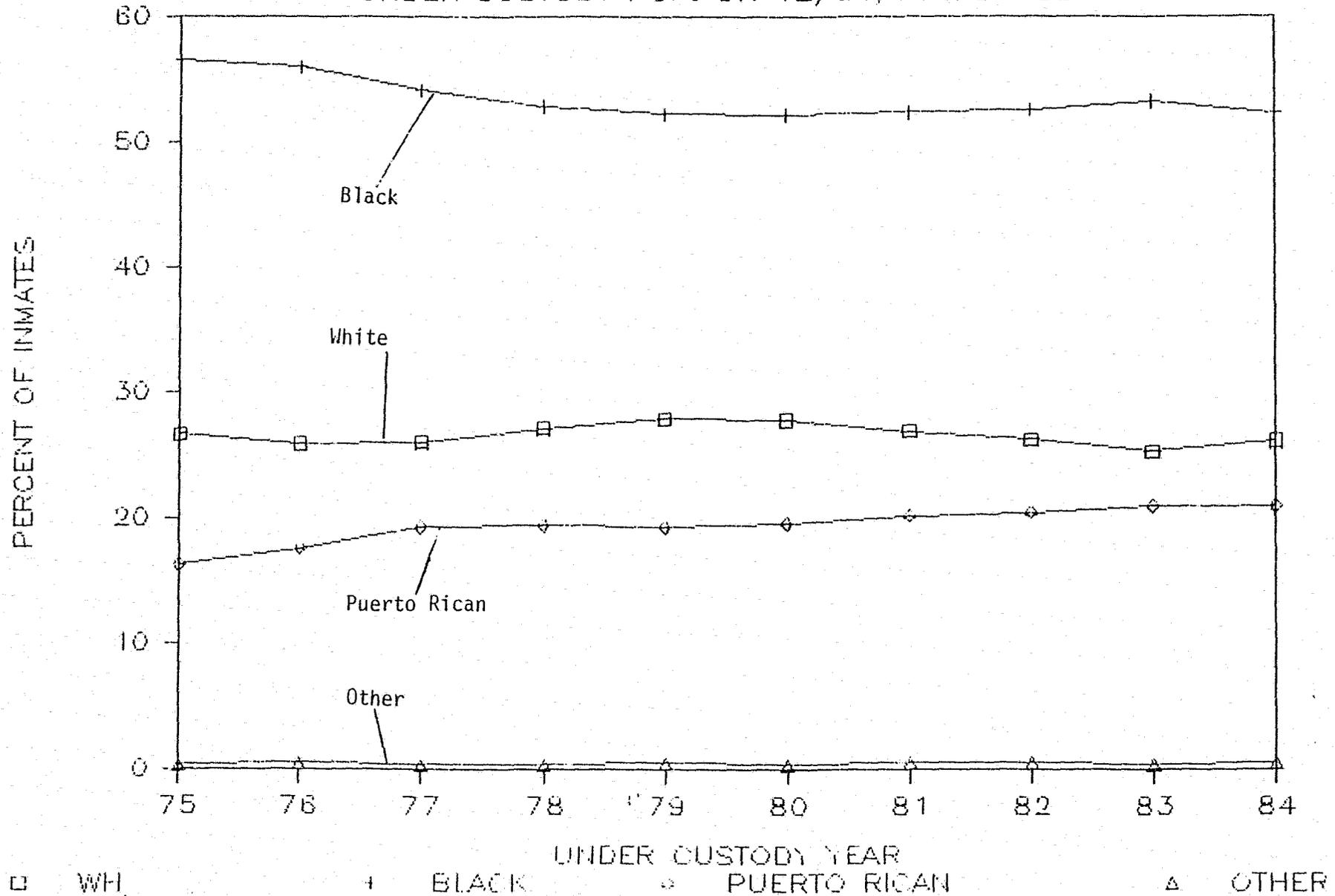
Ethnicity	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
White	4,295 (26.7%)	4,593 (25.9%)	5,061 (26.1%)	5,481 (27.2%)	5,823 (27.9%)	6,004 (27.8%)	6,907 (26.9%)	7,415 (26.3%)	7,739 (25.3%)	8,621 (26.2%)
Black	9,111 (56.6%)	9,944 (56.0%)	10,497 (54.2%)	10,657 (52.8%)	10,907 (52.3%)	11,296 (52.2%)	13,425 (52.4%)	14,870 (52.7%)	16,274 (53.3%)	17,225 (52.3%)
Puerto Rican	2,622 (16.3%)	3,123 (17.6%)	3,729 (19.2%)	3,935 (19.5%)	4,013 (19.2%)	4,230 (19.6%)	5,178 (20.2%)	5,781 (20.5%)	6,397 (20.9%)	6,948 (21.1%)
American Indian	45 (.3%)	46 (.3%)	43 (.2%)	49 (.2%)	53 (.3%)	51 (.2%)	64 (.2%)	62 (.2%)	59 (.2%)	55 (.2%)
Oriental ^{A/}	22 (.1%)	36 (.2%)	49 (.3%)	56 (.3%)	51 (.3%)	50 (.2%)	67 (.3%)	74 (.3%)	74 (.3%)	94 (.3%)
TOTAL	16,095 (100%)	17,742 (100%)	19,379 (100%)	20,178 (100%)	20,847 (100%)	21,631 (100%)	25,641 (100%)	28,202 (100%)	30,543 (100%)	32,943 (100%)

^{A/}Includes Japanese, Chinese, and Other Oriental

FIGURE 11.1

ETHNIC STATUS

UNDER CUSTODY POP. ON 12/31/ 1975-1984



-Section Twelve-

EDUCATIONAL STATUS

Table 12.1 presents the educational attainment distribution for persons held under custody on December 31 for each of the years 1975 to 1984. A graphic display of the educational attainment of the under custody population for the years 1975, 1979, and 1984 is presented in Figure 12.1. Educational status refers to the last grade level that a person had completed. Those who left school in the 10th grade, for instance, would be treated as having completed the 9th grade. Those persons who had left school prior to graduation but who had subsequently completed a General Education Diploma were coded as completing the 12th grade. Persons who had any type of post secondary educational credits (e.g., business college, vocational training, college credits) were grouped together in the "some college" category. This category also includes those who had completed a two year degree, four year degree or higher. It should be pointed out that these data are in large part based on information reported by the inmate during the reception/classification process. In many cases, the probation officer who prepares a pre-sentence investigation will verify the extent of educational attainment, and in recent years, the Department has taken steps to verify achievement of a High School Diploma, G.E.D., or college credit. Moreover, the Department administers tests during the reception/classification process that indicate reading and mathematics ability level. Nonetheless, for many of the cases in Table 12.1, grade level completed relies on the inmate's statement about the extent of his or her educational attainment.

The data in Table 12.1 show that for those grade level categories between 6th grade or less and 11th grade there is very little change in the percent of under custody inmates in each category across the years 1975 to 1984. There is, however, an increase in the proportion of under custody inmates who report completion of the 12th grade. Among inmates held under custody in 1975, 18% report completion of the 12th grade. Among those held under custody in 1984, 29% report completion of the 12th grade. At the same time, the percent of under custody inmates who have completed some college or post secondary education has declined from approximately 7% in 1975 to approximately 3% in 1984.

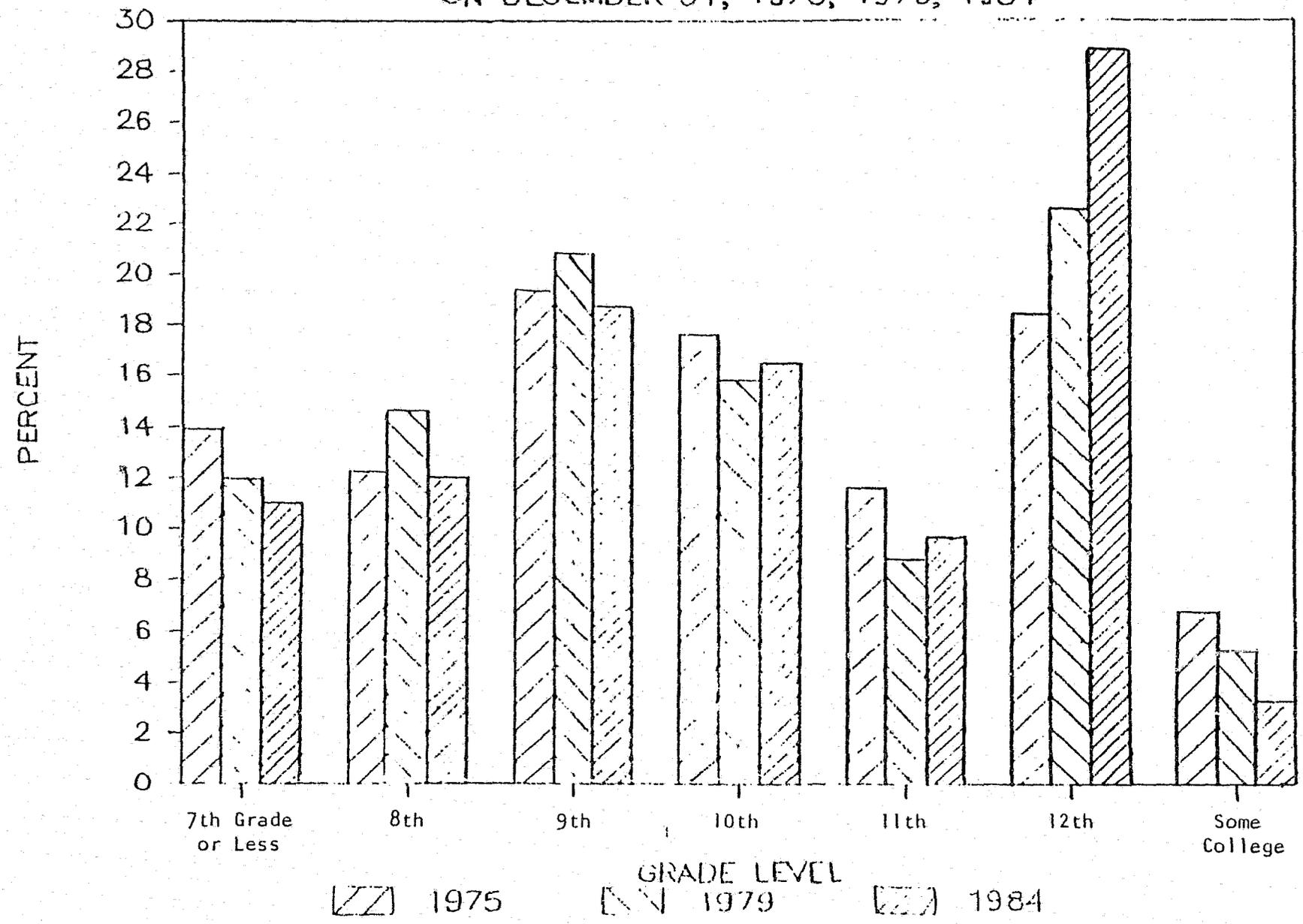
Overall, it would appear that the educational level of the under custody population has increased somewhat over the 10 year period. For instance, those who have an 8th grade education or less make up approximately 26% of under custody inmates in 1975, but they make up approximately 23% of under custody inmates in 1984 (see Table 12.1). Correspondingly, those inmates who report 12th grade or more education make up 25% of the inmates held in 1975, but they make up 32% of the inmates held in 1984. Similarly, the average of education years completed (bottom row in Table 12.1) increases slightly from 9.6 years in 1975 to 9.9 years in 1984.

TABLE 12.1 EDUCATION ON COMMITMENT DATE, INMATES HELD
UNDER CUSTODY ON DECEMBER 31, 1975-1984

Education (In Years Completed)	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
6th Grade or Less	1,270 (8.6%)	1,360 (8.1%)	1,437 (7.7%)	1,461 (7.4%)	1,442 (7.1%)	1,467 (6.9%)	1,655 (6.5%)	1,856 (6.7%)	2,015 (6.7%)	2,193 (6.7%)
7th Grade	784 (5.3%)	873 (5.2%)	1,017 (5.4%)	1,066 (5.4%)	1,000 (4.9%)	1,026 (4.8%)	1,162 (4.6%)	1,274 (4.6%)	1,340 (4.4%)	1,425 (4.3%)
8th Grade	1,822 (12.3%)	2,260 (13.5%)	2,736 (14.6%)	2,889 (14.7%)	2,999 (14.7%)	3,109 (14.6%)	3,693 (14.6%)	3,958 (14.2%)	3,937 (13.0%)	3,946 (12.0%)
9th Grade	2,867 (19.4%)	3,260 (19.4%)	3,777 (20.2%)	4,032 (20.5%)	4,253 (20.8%)	4,359 (20.5%)	5,117 (20.2%)	5,499 (19.7%)	5,809 (19.2%)	6,166 (18.8%)
10th Grade	2,607 (17.7%)	2,831 (16.9%)	3,087 (16.5%)	3,150 (16.0%)	3,246 (15.9%)	3,412 (16.1%)	4,085 (16.2%)	4,508 (16.2%)	4,931 (16.3%)	5,408 (16.5%)
11th Grade	1,709 (11.6%)	1,746 (10.4%)	1,707 (9.1%)	1,687 (8.6%)	1,792 (8.8%)	1,913 (9.0%)	2,296 (9.1%)	2,523 (9.1%)	2,827 (9.4%)	3,152 (9.6%)
12th Grade	2,721 (18.4%)	3,253 (19.4%)	3,772 (20.1%)	4,114 (20.9%)	4,610 (22.6%)	5,048 (23.8%)	6,408 (25.3%)	7,431 (26.7%)	8,439 (27.9%)	9,509 (28.9%)
Some College	985 (6.7%)	1,211 (7.2%)	1,210 (6.5%)	1,280 (6.5%)	1,064 (5.2%)	913 (4.3%)	870 (3.4%)	819 (2.9%)	928 (3.1%)	1,049 (3.2%)
TOTAL	14,765 (100%)	16,794 (100%)	18,743 (100%)	19,679 (100%)	20,406 (100%)	21,247 (100%)	25,286 (100%)	27,868 (100%)	30,226 (100%)	32,848 (100%)
Average Education (In Years Completed)	9.6	9.7	9.6	9.7	9.7	9.7	9.8	9.8	9.8	9.9

EDUCATION OF UNDER CUSTODY POP.

ON DECEMBER 31, 1975, 1979, 1984



-Section Thirteen-

MARITAL STATUS

Table 13.1 presents the distribution of the under custody population according to marital status. This table reflects the inmate's self-reported marital status as of admission date to DOCS custody. Figure 13.1 presents a graphic display of marital status for state prison inmates over the period 1975 to 1984.

The proportion of the under custody population who have never married increases somewhat from approximately 52% of under custody inmates in 1975 to approximately 58% of under custody inmates in 1984. The percent of under custody inmates who are legally married declines slightly from 19.6% in 1975 to 15.9% in 1984. Common-law marriage (at reception date, inmate indicates he has been living with another person for a relatively long period of time) is relatively unchanged over the years 1975 through 1984 (about 16% to 17% of under custody inmates). The proportion of under custody inmates who are divorced or separated declines from 11.0% in 1975 to 7.4% in 1984.

Over the ten year period 1975 through 1984, inmates held under custody are somewhat less likely to be married at the time of reception or to have been married at some time in the past (i.e. are divorced, separated or widowed as of reception date).

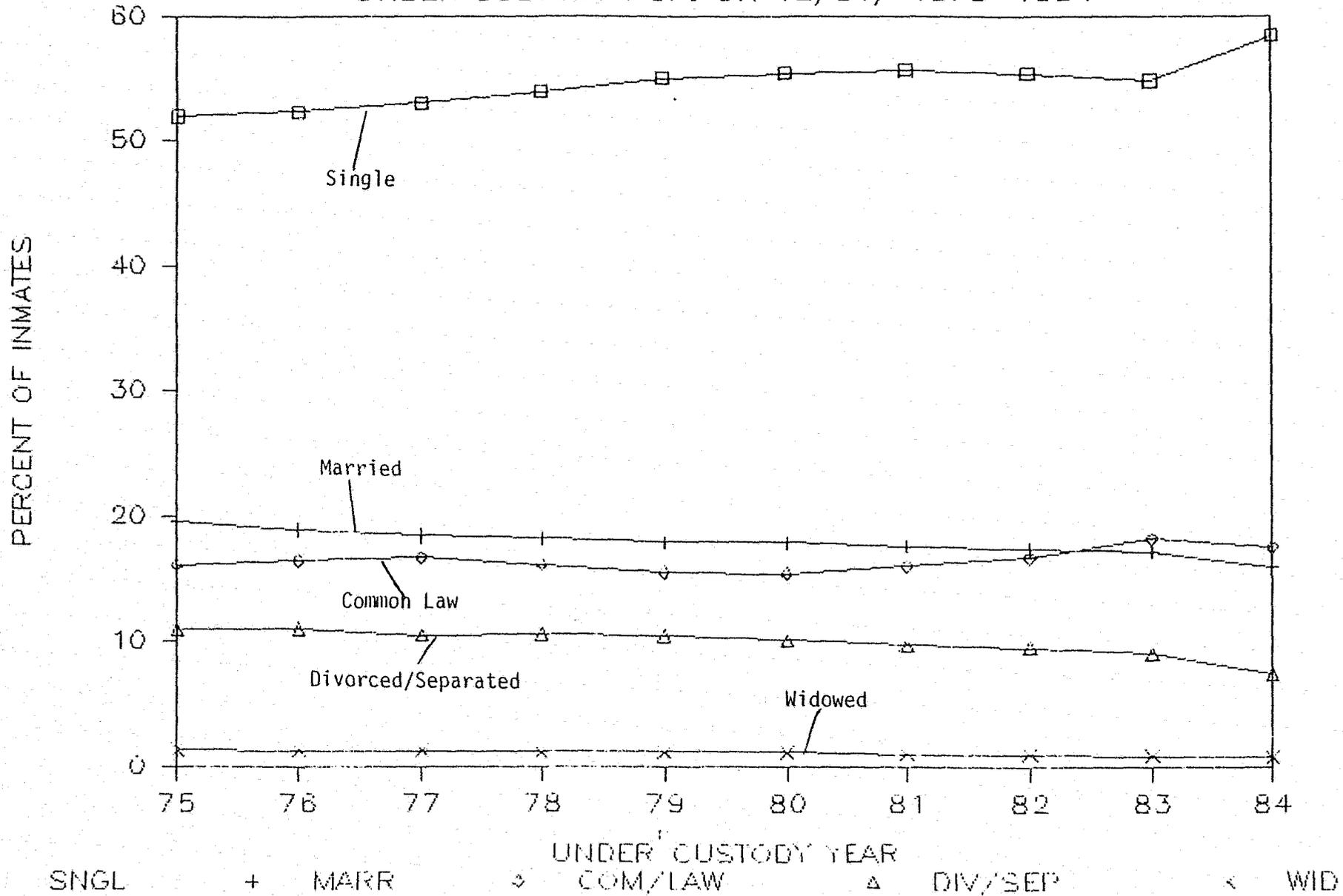
TABLE 13.1 MARITAL STATUS ON COMMITMENT DATE, INMATES HELD
UNDER CUSTODY ON DECEMBER 31, 1975-1984

Marital Status	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
Never Married	8,324 (51.9%)	9,222 (52.3%)	10,211 (53.0%)	10,816 (53.9%)	11,376 (55.0%)	11,914 (55.4%)	14,197 (55.7%)	15,528 (55.5%)	16,630 (54.8%)	19,212 (58.4%)
Married	3,140 (19.6%)	3,339 (18.9%)	3,553 (18.5%)	3,647 (18.2%)	3,701 (17.9%)	3,841 (17.9%)	4,483 (17.6%)	4,859 (17.4%)	5,213 (17.2%)	5,226 (15.9%)
Common Law Marriage	2,578 (16.1%)	2,918 (16.5%)	3,210 (16.7%)	3,235 (16.1%)	3,215 (15.5%)	3,312 (15.4%)	4,073 (16.0%)	4,687 (16.7%)	5,520 (18.2%)	5,756 (17.5%)
Divorced or Separated	1,765 (11.0%)	1,936 (11.0%)	2,031 (10.5%)	2,119 (10.6%)	2,151 (10.4%)	2,179 (10.1%)	2,467 (9.7%)	2,656 (9.5%)	2,726 (9.0%)	2,423 (7.4%)
Widowed	225 (1.4%)	231 (1.3%)	252 (1.3%)	234 (1.2%)	238 (1.2%)	246 (1.1%)	254 (1.0%)	270 (1.0%)	279 (.9%)	273 (0.8%)
TOTAL	16,032 (100%)	17,646 (100%)	19,257 (100%)	20,051 (100%)	20,681 (100%)	21,492 (100%)	25,474 (100%)	28,200 (100%)	30,368 (100%)	32,890 (100%)

FIGURE 13.1

MARITAL STATUS

UNDER CUSTODY POP. ON 12/31/ 1975-1984



-Section Fourteen-

REGION/COUNTY OF COMMITMENT

The distribution of under custody inmates according to the region of New York State from which they were committed is presented in Table 14.1. A graphic display of this information is presented in Figure 14.1.

Region of the state is broken into four categories. Inmates from New York City are made up of those persons committed to state prison from Bronx, Kings, New York (Manhattan), Queens, and Richmond Counties. The second region are those counties that are treated as Suburban New York City (Nassau, Suffolk, Rockland and Westchester Counties).

The Upstate Urban category reflects commitments from counties that are upstate and which contain a population center of some size. For instance, Niagara County contains the city of Buffalo, Monroe County the city of Rochester, Albany County contains the city of Albany, etc. Upstate Rural counties are those that, for the most part, are rural areas.

As is reflected in Table 14.1, the large majority of inmates held under custody are commitments from New York City. Commitments from New York City make up 69% of under custody inmates in 1975. This percent dips somewhat to approximately 66% of under custody inmates during 1978 to 1980; but it returns to 70% among under custody inmates held in 1983 and 1984 (see also figure 14.1).

The proportion of under custody inmates from the Suburban New York City counties show a small but steady increase over the 10 year period. Commitments from these counties make up approximately 9% of the population in 1975 but they make up approximately 12% of under custody inmates during 1981 to 1984.

The percent of under custody inmates from Upstate Urban counties holds steady at approximately 16% over the years 1975 to 1981. But among inmates held under custody on December 31, 1984 only 13.8% were from Upstate Urban counties. The percent of the population from Upstate Rural counties also declines slightly by 1984.

Table 14.2 presents the number and percent of under custody inmates from each New York State county over the period 1975 to 1984.

TABLE 14.1 REGION OF COMMITMENT, INMATES HELD UNDER
CUSTODY ON DECEMBER 31, 1975-1984

Region	Year									
	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984
New York City ^{a/}	11,097 (69.1%)	12,047 (68.0%)	13,157 (68.0%)	13,450 (66.7%)	13,765 (66.2%)	14,355 (66.4%)	17,204 (67.1%)	19,152 (68.0%)	21,382 (70.0%)	23,130 (70.1%)
Suburban New York ^{b/}	1,490 (9.3%)	1,811 (10.2%)	1,985 (10.3%)	2,212 (11.0%)	2,304 (11.1%)	2,470 (11.4%)	3,041 (11.9%)	3,450 (12.2%)	3,542 (11.6%)	3,891 (11.8%)
Upstate Urban ^{c/}	2,581 (16.1%)	2,943 (16.6%)	3,176 (16.4%)	3,342 (16.6%)	3,561 (17.1%)	3,579 (16.6%)	4,033 (15.7%)	4,221 (15.0%)	4,184 (13.7%)	4,559 (13.8%)
Upstate Rural ^{d/}	893 (5.6%)	905 (5.1%)	1,029 (5.3%)	1,150 (5.7%)	1,177 (5.7%)	1,217 (5.6%)	1,350 (5.3%)	1,362 (4.8%)	1,421 (4.7%)	1,411 (4.3%)
TOTAL	16,061 (100%)	17,706 (100%)	19,347 (100%)	20,154 (100%)	20,807 (100%)	21,621 (100%)	25,628 (100%)	28,185 (100%)	30,529 (100%)	32,991 (100%)

^{a/}Includes Bronx, Kings, New York, Queens and Richmond Counties.

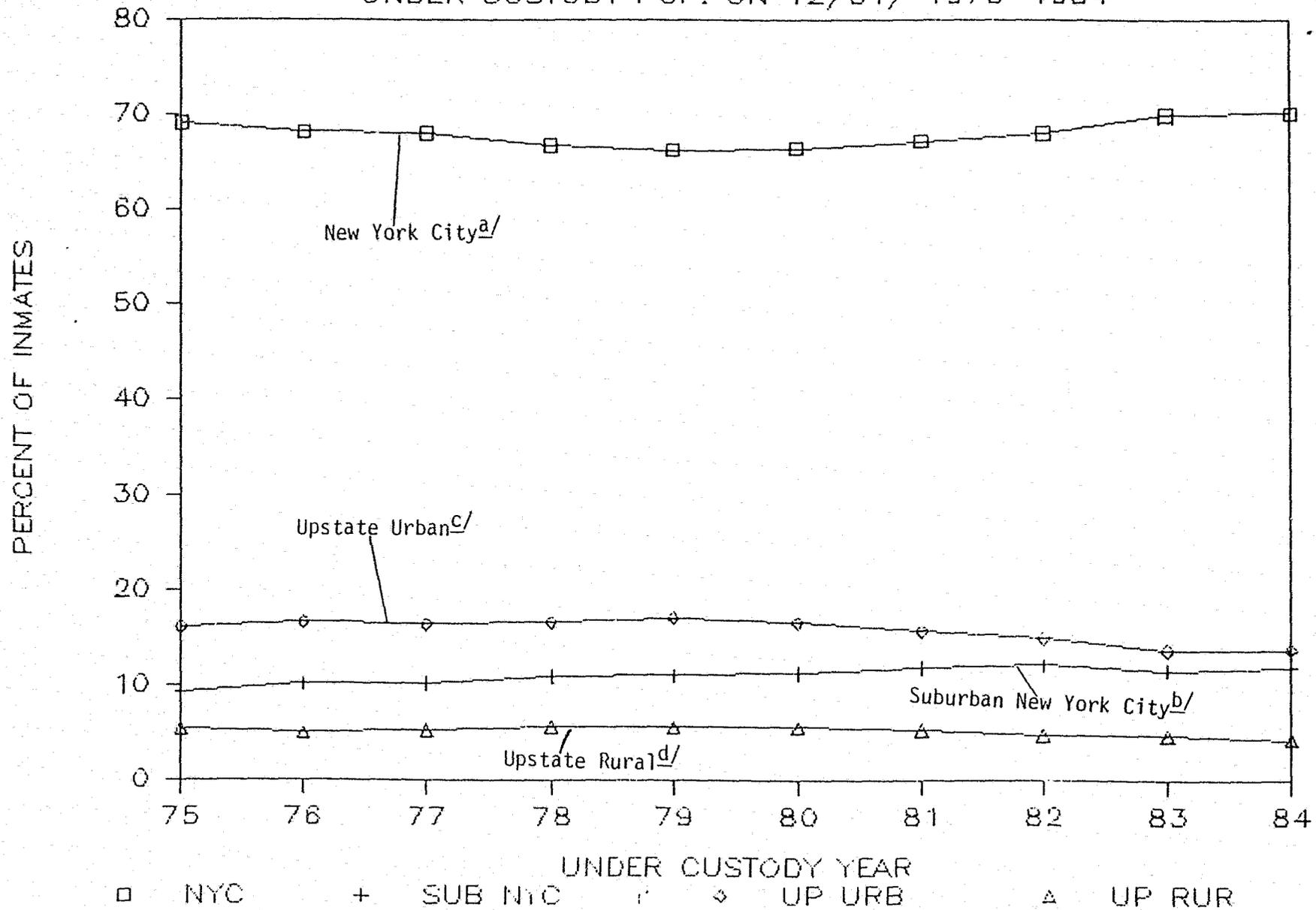
^{b/}Includes Nassau, Suffolk, Rockland and Westchester Counties.

^{c/}Includes Albany, Broome, Chemung, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga, Orange, Putnam, Rensselaer, Schenectady

^{d/}All remaining Counties.

REGION OF COMMITMENT

UNDER CUSTODY POP. ON 12/31/ 1975-1984



a/ Includes Bronx, Kings, New York, Queens and Richmond Counties
 b/ Includes Nassau, Suffolk, Rockland and Westchester Counties
 c/ Includes Albany, Broome, Chemung, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga,
 Orange, Putnam, Rensselaer and Schenectady Counties
 d/ And remaining counties

TABLE 14.2 COUNTY OF COMMITMENT, INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975-1984

County of Commitment	1975		1976		1977		1978		1979	
	Number	Percent								
Albany	209	1.3%	280	1.6%	313	1.6%	398	2.0%	450	2.2%
Allegheny	7	.0%	7	.0%	12	.1%	20	.1%	24	.1%
Bronx	2,457	15.3%	2,751	15.5%	3,265	16.9%	3,408	16.9%	3,556	17.1%
Broome	139	.9%	134	.8%	152	.8%	176	.9%	205	1.0%
Cattaraugus	15	.1%	11	.1%	19	.1%	22	.1%	27	.1%
Cayuga	19	.1%	38	.2%	34	.2%	51	.3%	38	.2%
Chatauqua	38	.2%	37	.2%	42	.2%	34	.2%	45	.2%
Chemung	96	.6%	96	.5%	111	.6%	105	.5%	109	.5%
Chenango	4	.0%	4	.0%	5	.0%	7	.0%	10	.0%
Clinton	29	.2%	22	.1%	32	.2%	40	.2%	61	.3%
Columbia	19	.1%	11	.1%	14	.1%	14	.1%	11	.1%
Cortland	19	.1%	17	.1%	23	.1%	30	.1%	45	.2%
Delaware	10	.1%	12	.1%	19	.1%	18	.1%	13	.1%
Dutchess	153	1.0%	179	1.0%	190	1.0%	163	.8%	142	.7%
Erie	609	3.8%	705	4.0%	696	3.6%	686	3.4%	718	3.5%
Essex	10	.1%	14	.1%	18	.1%	16	.1%	17	.1%
Franklin	37	.2%	28	.2%	19	.1%	17	.1%	17	.1%
Fulton	26	.2%	29	.2%	24	.1%	29	.1%	28	.1%
Genesee	26	.2%	29	.2%	25	.1%	25	.1%	24	.1%
Greene	23	.1%	31	.2%	25	.1%	23	.1%	16	.1%
Hamilton	1	.0%	1	.0%	7	.0%	6	.0%	2	.0%
Herkimer	20	.1%	22	.1%	18	.1%	21	.1%	11	.1%
Jefferson	20	.1%	19	.1%	36	.2%	39	.2%	36	.2%
Kings	3,091	19.2%	3,308	18.7%	3,441	17.8%	3,525	17.5%	3,611	17.4%
Lewis	2	.0%	2	.0%	7	.0%	8	.0%	7	.0%
Livingston	17	.1%	18	.1%	27	.1%	30	.1%	22	.1%
Madison	20	.1%	24	.1%	23	.1%	21	.1%	22	.1%
Monroe	500	3.1%	603	3.4%	692	3.6%	720	3.6%	729	3.5%
Montgomery	11	.1%	8	.0%	9	.0%	10	.0%	14	.1%
Nassau	624	3.9%	728	4.1%	767	4.0%	834	4.1%	822	4.0%
New York	3,762	23.4%	4,267	24.1%	4,594	23.7%	4,602	22.8%	4,707	22.6%
Niagara	88	.5%	99	.1%	131	.7%	172	.9%	171	.8%
Oneida	104	.6%	93	.5%	107	.6%	112	.6%	141	.7%
Onondaga	393	2.4%	381	2.2%	419	2.2%	460	2.3%	513	2.5%
Ontario	40	.2%	38	.2%	47	.2%	62	.3%	72	.3%
Orange	177	1.1%	229	1.3%	210	1.1%	196	1.0%	196	.9%
Orleans	20	.1%	26	.1%	41	.2%	40	.2%	50	.2%
Oswego	54	.3%	46	.3%	53	.3%	56	.3%	56	.3%
Otsego	22	.1%	21	.1%	26	.1%	33	.2%	40	.2%
Putnam	11	.1%	11	.1%	19	.1%	17	.1%	23	.1%
Queens	1,567	9.8%	1,504	8.5%	1,638	8.5%	1,694	8.4%	1,646	7.9%
Rensselaer	38	.2%	60	.3%	70	.4%	66	.3%	72	.3%
Richmond	220	1.4%	217	1.2%	219	1.1%	221	1.1%	245	1.2%
Rockland	110	.7%	128	.7%	137	.7%	122	.6%	138	.7%
St. Lawrence	35	.2%	33	.2%	39	.2%	40	.2%	38	.2%
Saratoga	30	.2%	28	.2%	38	.2%	43	.2%	41	.2%
Schenectady	64	.4%	73	.4%	66	.3%	71	.4%	92	.4%
Schoharie	5	.0%	5	.0%	7	.0%	5	.0%	4	.0%
Schuyler	6	.0%	6	.0%	7	.0%	7	.0%	8	.0%
Seneca	6	.0%	8	.0%	13	.1%	8	.0%	5	.0%
Steuben	37	.2%	43	.2%	64	.3%	60	.3%	65	.3%
Suffolk	360	2.2%	474	2.7%	515	2.7%	614	3.0%	713	3.4%
Sullivan	56	.3%	54	.3%	69	.4%	79	.4%	81	.4%
Tioga	8	.0%	8	.0%	12	.1%	23	.1%	22	.1%
Tompkins	33	.2%	36	.2%	33	.2%	36	.2%	22	.1%
Ulster	76	.5%	80	.5%	58	.3%	73	.4%	100	.5%
Warren	19	.1%	15	.1%	18	.1%	23	.1%	24	.1%
Washington	15	.1%	17	.1%	19	.1%	16	.1%	12	.1%
Wayne	40	.2%	38	.2%	29	.1%	39	.2%	32	.2%
Westchester	396	2.5%	481	2.7%	566	2.9%	642	3.2%	631	3.0%
Wyoming	12	.1%	11	.1%	12	.1%	19	.1%	11	.1%
Yates	6	.0%	8	.0%	6	.0%	7	.0%	4	.0%
TOTAL	16,061	100%	17,706	100%	19,347	100%	20,154	100%	20,807	100%

TABLE 14.2 COUNTY OF COMMITMENT, INMATES HELD UNDER
CUSTODY ON DECEMBER 31, 1975-1984 continued

County of Commitment	1980		1981		1982		1983		1984	
	Number	Percent								
Albany	453	2.1%	493	1.9%	592	2.1%	639	2.1%	674	2.0%
Allegheny	11	.1%	15	.1%	20	.1%	10	.0%	7	.0%
Bronx	3,532	16.3%	4,115	16.1%	4,377	15.5%	4,648	15.2%	4,936	15.0%
Broome	214	1.0%	226	.9%	229	.8%	225	.7%	234	.7%
Cattaragus	30	.1%	30	.1%	20	.1%	17	.1%	24	.1%
Cayuga	42	.2%	49	.2%	44	.2%	46	.2%	48	.1%
Chatauqua	48	.2%	45	.2%	47	.2%	43	.1%	61	.2%
Chemung	113	.5%	161	.6%	182	.6%	175	.6%	189	.6%
Chenango	13	.1%	18	.1%	21	.1%	23	.1%	22	.1%
Clinton	68	.3%	64	.2%	69	.2%	60	.2%	57	.2%
Columbia	11	.1%	14	.1%	25	.1%	30	.1%	35	.1%
Cortland	59	.3%	44	.2%	37	.1%	35	.1%	33	.1%
Delaware	9	.0%	7	.0%	11	.0%	8	.0%	5	.0%
Dutchess	141	.7%	161	.6%	152	.5%	161	.5%	181	.5%
Erie	715	3.3%	785	3.1%	774	2.7%	825	2.7%	910	2.8%
Essex	18	.1%	14	.1%	14	.0%	10	.0%	10	.0%
Franklin	22	.1%	34	.1%	24	.1%	24	.1%	36	.1%
Fulton	21	.1%	35	.1%	36	.1%	37	.1%	38	.1%
Genesee	21	.1%	28	.1%	27	.1%	24	.1%	29	.1%
Greene	16	.1%	18	.1%	19	.1%	17	.1%	16	.0%
Hamilton	2	.0%	4	.0%	2	.0%	3	.0%	4	.0%
Herkimer	9	.0%	9	.0%	9	.0%	14	.0%	12	.0%
Jefferson	34	.2%	35	.1%	53	.2%	56	.2%	56	.2%
Kings	3,703	17.1%	4,461	17.4%	5,156	18.3%	5,879	19.3%	6,176	18.7%
Lewis	6	.0%	7	.0%	7	.0%	5	.0%	1	.0%
Livingston	24	.1%	29	.1%	26	.1%	32	.1%	31	.1%
Madison	31	.1%	30	.1%	30	.1%	33	.1%	34	.1%
Monroe	672	3.1%	781	3.0%	820	2.9%	770	2.5%	909	2.8%
Montgomery	19	.1%	20	.1%	16	.1%	15	.0%	23	.1%
Nassau	878	4.1%	1,057	4.1%	1,133	4.0%	1,139	3.7%	1,229	3.7%
New York	5,078	23.5%	6,164	24.1%	6,825	24.2%	7,708	25.2%	8,653	26.2%
Niagara	161	.7%	170	.7%	194	.7%	207	.7%	185	.6%
Oneida	139	.6%	165	.6%	161	.6%	174	.6%	193	.6%
Onondaga	558	2.6%	636	2.5%	642	2.3%	595	1.9%	641	1.9%
Ontario	59	.3%	63	.2%	57	.2%	73	.2%	68	.2%
Orange	232	1.1%	259	1.0%	265	.9%	230	.8%	272	.8%
Orleans	54	.2%	69	.3%	66	.2%	63	.2%	53	.2%
Oswego	48	.2%	54	.2%	55	.2%	61	.2%	67	.2%
Otsego	43	.2%	39	.2%	51	.2%	43	.1%	26	.1%
Putnam	17	.1%	22	.1%	26	.1%	26	.1%	32	.1%
Queens	1,759	8.1%	2,135	8.3%	2,475	8.8%	2,842	9.3%	3,037	9.2%
Rensselaer	64	.3%	75	.3%	97	.3%	81	.3%	72	.2%
Richmond	283	1.3%	329	1.3%	319	1.1%	305	1.0%	328	1.0%
Rockland	132	.6%	170	.7%	169	.6%	153	.5%	184	.6%
St. Lawrence	36	.2%	45	.2%	47	.2%	50	.2%	47	.1%
Saratoga	59	.3%	64	.2%	63	.2%	76	.2%	71	.2%
Schenectady	100	.5%	99	.4%	87	.3%	76	.2%	67	.2%
Schoharie	9	.0%	10	.0%	11	.0%	13	.0%	15	.0%
Schuyler	6	.0%	11	.0%	8	.0%	5	.0%	2	.0%
Seneca	2	.0%	6	.0%	4	.0%	5	.0%	8	.0%
Steuben	49	.2%	57	.2%	68	.2%	73	.2%	66	.2%
Suffolk	763	3.5%	942	3.7%	1,104	3.9%	1,208	4.0%	1,328	4.0%
Sullivan	89	.4%	93	.4%	96	.3%	120	.4%	106	.3%
Tioga	20	.1%	25	.1%	29	.1%	42	.1%	34	.1%
Tompkins	28	.1%	35	.1%	34	.1%	32	.1%	34	.1%
Ulster	110	.5%	124	.5%	121	.4%	126	.4%	109	.3%
Warren	31	.1%	41	.2%	32	.1%	36	.1%	20	.1%
Washington	9	.0%	6	.0%	7	.0%	9	.0%	12	.0%
Wayne	38	.2%	45	.2%	41	.1%	39	.1%	41	.1%
Westchester	697	3.2%	872	3.4%	1,044	3.7%	1,042	3.4%	1,150	3.5%
Wyoming	9	.0%	8	.0%	8	.0%	4	.0%	3	.0%
Yates	4	.0%	6	.0%	7	.0%	9	.0%	12	.0%
TOTAL	21,621	100%	25,628	100%	28,185	100%	30,529	100%	32,956	100%

-Section Fifteen-

OCCUPATIONAL STATUS

Table 15.1 presents the occupational status distribution of persons held under custody on December 31, 1983 and December 31, 1984. Data on occupational status for earlier years was not available on certain data files used in this report. Data for earlier years may be included in a subsequent revision of this report.

Occupational status is based on the type of employment that the inmate reported he or she was performing prior to arrest (for those persons confined in a local jail during court proceedings) or prior to commitment to the Department of Correctional Services (for those persons out on bail during court proceedings).

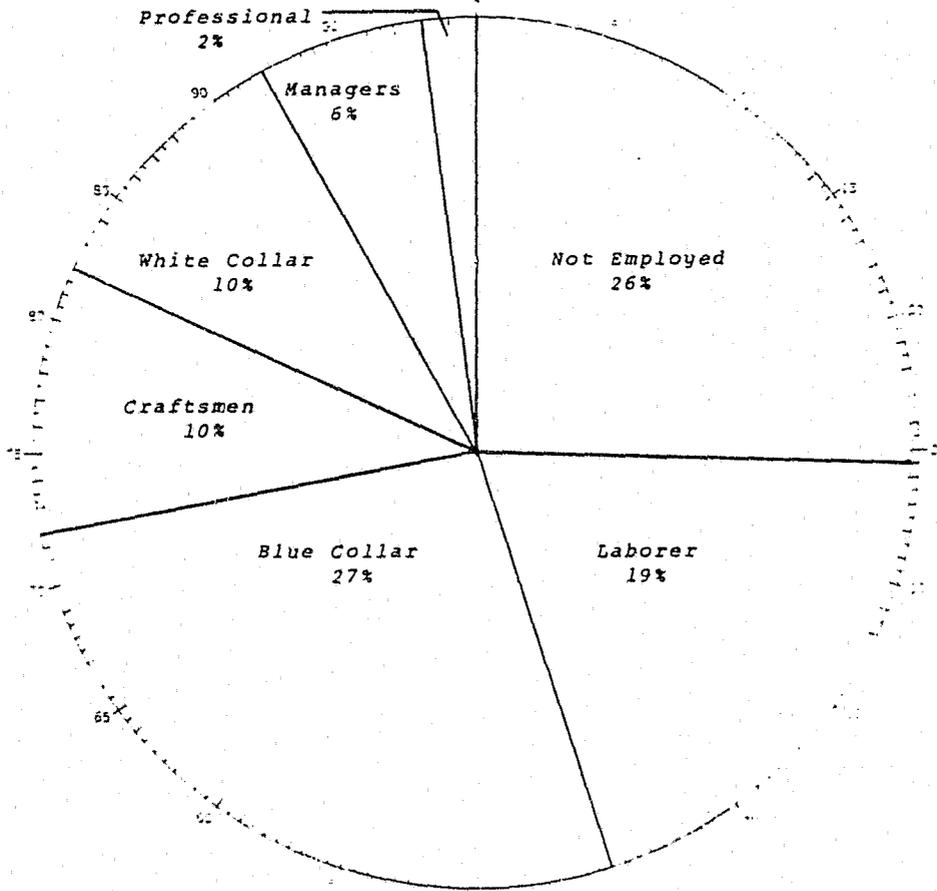
The information in Table 15.1 shows that inmates held under custody are more heavily concentrated in the blue collar, labor, or not employed categories. A graphic display of the occupational status distribution of inmates held under custody on December 31, 1984 is presented in Figure 15.1.

TABLE 15.1 OCCUPATIONAL STATUS, INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1983 AND 1984

Occupation ^{A/}	YEAR	
	1983	1984
Professional	485 (1.6%)	550 (1.7%)
Managers	2,221 (7.3%)	1,820 (5.8%)
White Collar	3,049 (10.0%)	3,139 (9.9%)
Craftsmen	2,949 (9.7%)	3,170 (10.0%)
Blue Collar	8,642 (28.3%)	8,494 (26.9%)
Laborer	5,942 (19.5%)	5,990 (19.0%)
Not Employed	7,244 (23.7%)	8,391 (26.6%)
TOTAL	30,532 (100%)	31,554 (100%)

^{A/} Professional, includes physicians, lawyers, engineers, teachers, accountants, musicians, athletes, policemen, firemen, nurses, etc./Managers, includes farmers, buyers, building managers, superintendents, self-employed, etc./White Collar, includes telephone operators, researchers, typists, bookkeepers, cashiers, shipping clerks, sales people, insurance agents, etc./Craftsmen, includes carpenters, plumbers, painters, tailors, radio and TV repairmen, auto mechanics, electricians, jewelers, members of armed forces, printers, heavy equipment operators, metal workers, roofers, bricklayers, welders, bakers, dental technicians, etc./Blue Collar, includes bus drivers, taxicab drivers, truck and tractor drivers, butchers, pressers, factory workers, weavers, baker's helpers, laundry workers, machinists, watchmen, gas station attendants, barbers, cooks, bartenders, waiters, janitors, hospital attendants, maintenance men, etc./Laborer, includes farm laborers, garage laborers, car washers, odd jobs, packers, construction workers, warehouse men, landscapers, movers, sanitation men, etc./Not Employed, persons not employed at arrest or prior to commitment to DOCS, includes students.

Figure 15.1
OCCUPATIONAL STATUS
UNDER CUSTODY POPULATION ON DECEMBER 31, 1984



-Section Sixteen-

COUNTRY OF BIRTH

The country of birth of inmates held under custody at the close of the year in 1983 and in 1984 is presented in Table 16.1. These data show that approximately 80% of under custody inmates were born in one of the states of the United States. Another 12% were born in United States Possessions and Territories (principally Puerto Rico). Approximately 5% were born in one of the nations in the Caribbean Sea. The remaining 3% were born in other nations throughout the world.

Foreign-born persons held under custody at the end of the year in 1984 are somewhat under represented in the data presented in Table 16.1. Data on birth place was missing for some 1,200 inmates on the data file for under custody inmates held on December 31, 1984. Subsequent addition of this information to current data files has indicated that foreign-born persons were more heavily concentrated among those persons with missing data on country of birth. In addition to updating the computer file for cases where country of birth was missing, the Department has recently revised the coding procedure for country of birth so as to reflect the specific country of birth (as opposed to a regional designation). Figures on the number and percent of foreign-born inmates held under custody on December 31, 1985, for instance, will be slightly higher than those reflected in Table 16.1 due to these modifications.

TABLE 16.1 COUNTY OF BIRTH, INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1983 AND 1984

Country	1983		1984	
	#	%	#	%
United States	24,482	80.3%	25,412	80.0%
U.S. Possessions & Territories	3,771	12.4%	3,923	12.3%
Puerto Rico	(3,702)		(3,840)	
Other Possessions	(69)		(83)	
North America	44	.1%	42	.1%
Canada	(29)		(25)	
Mexico	(15)		(17)	
Caribbean Nations	1,413	4.6%	1,528	4.8%
Cuba	(353)		(404)	
Dominican Republic	(421)		(495)	
Haiti	(57)		(70)	
Jamaica	(278)		(215)	
Other	(304)		(344)	
Central America	166	.5%	170	.5%
South America	268	.9%	335	1.1%
Colombia	(131)		(170)	
Other	(137)		(165)	
Europe	265	.9%	266	.8%
Great Britain	(49)		(49)	
Ireland	(4)		(4)	
Germany	(46)		(38)	
Poland	(17)		(19)	
Italy	(62)		(63)	
Spain or Portugal	(8)		(11)	
Russia	(14)		(19)	
Other	(65)		(63)	
Africa	10	.0%	13	.0%
Near East	45	.1%	45	.1%
Asia	39	.1%	38	.1%
China	(39)		(37)	
Japan	-		(1)	
South Pacific	1	.0%	1	.0%
Australia/New Zealand	(1)		(1)	
TOTAL	30,504	100%	31,773	100%