

State of New York
Department of Correctional Services

Building Number 2
Harriman Office Campus
Albany, New York 12226

UNDER CUSTODY REPORT:

**Profile of Inmate Population
Under Custody on January 1, 2010**



**David A. Paterson
Governor**



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Commissioner**

**Profile of Inmate Population
Under Custody on January 1, 2010**

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Profile of Inmate Population Under Custody on January 1, 2010

Executive Summary

Characteristics	Category	Total Under
Population January 1, 2010		58,378
Gender	Male	95.8%
Age	Average Age	37.2
Race/Ethnic Status	White	21.9%
	African-American	51.0%
	Hispanic	25.0%
Region	New York City	49.2%
	Suburban New York	11.6%
	Upstate Urban	23.0%
	Upstate Other	16.2%
World Region of Birth	Foreign Born	10.3%
Marital Status	Never Married	65.7%
Living Children	One or more living children	59.4%
Religious Affiliation	Catholic	25.0%
	Protestant	29.7%
	Islam	12.0%
Veteran Status	Veteran	5.0%
Minimum Sentence	Median time in months	62.0
	Average time in months	113.5
Crime	Violent Felony	60.5%
	Other Coercive	8.0%
	Drug Offenses	17.7%
	Property/Other	11.9%
	Youthful/Juvenile	1.9%
Second Felony Offender Status	First Felony	54.3%
	Second Felony	41.5%
	Persistent Felony	4.2%
Prior Adult Criminal Record	No Prior Arrest	15.3%
	No Prior Conviction	8.1%
	Conviction No Jail	17.9%
	Prior Jail	24.4%
	Prior prison term	34.3%
Time Served in Department Custody	Median time in months	25.2
	Average time in months	57.9
Time to Earliest Release Date	Median time in months	15.0
	Average time in months	47.7

**Profile of Inmate Population
Under Custody on January 1, 2010**

INTRODUCTION

Purpose of the Report

This report profiles the inmate population by demographic and criminal history characteristics. It presents information on inmates held under Department of Correctional Services (DOCS) custody on January 1, 2010.

Sections of the Report

The first section describes the demographic characteristics of inmates, including gender, age, race/ethnic status, region of commitment, birthplace, marital status, number of living children, religious affiliation, and veteran status. The second section describes the criminal history of inmates, including information on minimum sentence, commitment crime, second felony sentencing status, prior adult criminal record, length of time served at current facility, length of time in Department custody, and time to earliest release.

Section One

DEMOGRAPHIC CHARACTERISTICS

Gender Distribution

There were 58,378 inmates under custody on January 1, 2010. Of this total, 55,898 (95.8%) were male and 2,480 (4.2%) were female.

Age Distribution

The average age of offenders under DOCS custody on January 1, 2010 was 37 years old.

Inmates under 21 years old constituted 5% of the total under custody population while inmates 60 and over represented 3% of the inmate population.

Figure 1. Inmate Age

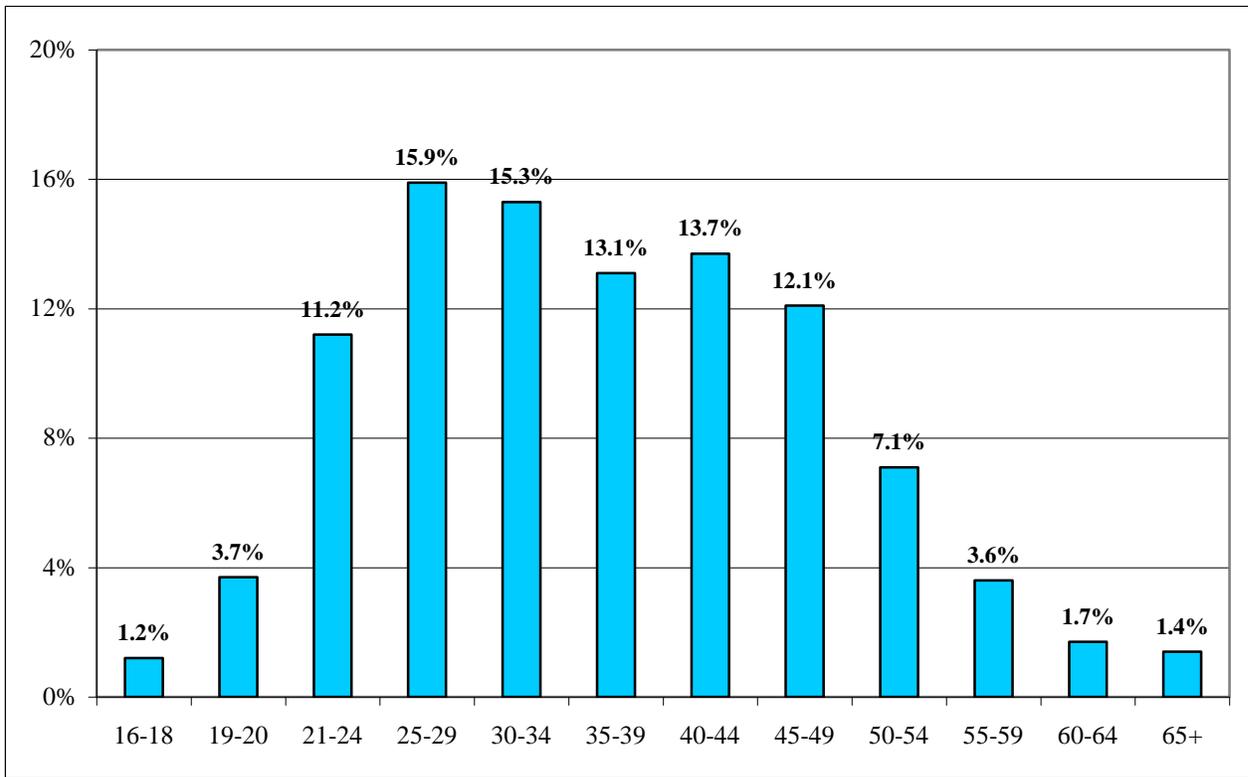


Table 1. Inmate Age, Under Custody Population on January 1, 2010

Gender	16-18	19-20	21-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	Total	Average
Male	665	2,113	6,275	8,897	8,562	7,318	7,566	6,722	4,014	1,999	970	797	55,898	37.2
Female	22	69	288	395	356	312	409	323	152	85	49	20	2,480	37.3
Total	687	2,182	6,563	9,292	8,918	7,630	7,975	7,045	4,166	2,084	1,019	817	58,378	37.2
	1.2%	3.7%	11.2%	15.9%	15.3%	13.1%	13.7%	12.1%	7.1%	3.6%	1.7%	1.4%	100.0%	

Race/Ethnic Distribution

Over half (51%) of the inmates under custody on January 1, 2010, were African-American, a quarter were Hispanic (25%) and about a fifth were White (22%). The female inmate population had a larger proportion of Whites (35%) than the male inmate population (21%).

Figure 2. Race/Ethnic Status

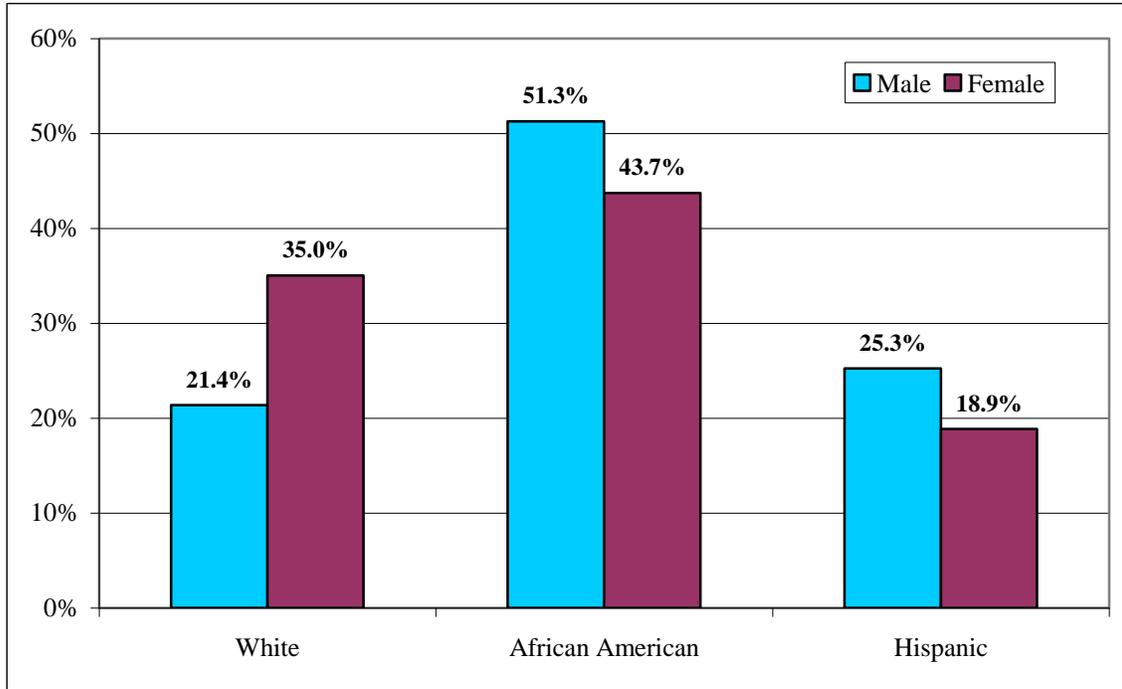


Table 2. Race/Ethnic Status; Under Custody Population on January 1, 2010

Race/ethnic Status by Gender	White	African American	Hispanic	Native American	Asian	Other	Unknown	Total
Male	11,941	28,671	14,115	315	287	301	268	55,898
Female	869	1,084	468	7	20	15	17	2,480
Total	12,810	29,755	14,583	322	307	316	285	58,378
Male	21.4%	51.3%	25.3%	0.6%	0.5%	0.5%	0.5%	100.0%
Female	35.0%	43.7%	18.9%	0.3%	0.8%	0.6%	0.7%	100.0%
Total	21.9%	51.0%	25.0%	0.6%	0.5%	0.5%	0.5%	100.0%

Region of Commitment

Half (49%) of the inmates under custody on January 1, 2010, were committed from New York City and 12% were committed from suburban New York (Nassau, Rockland, Suffolk, and Westchester counties). Upstate counties with a population center containing 50,000 inhabitants or more (Albany, Broome, Erie, Monroe, Oneida, Onondaga, Niagara, Rensselaer, and Schenectady counties) committed 23% of the inmate population. The remaining 16% were sentenced from the other Upstate counties.

Figure 3. Region of Commitment

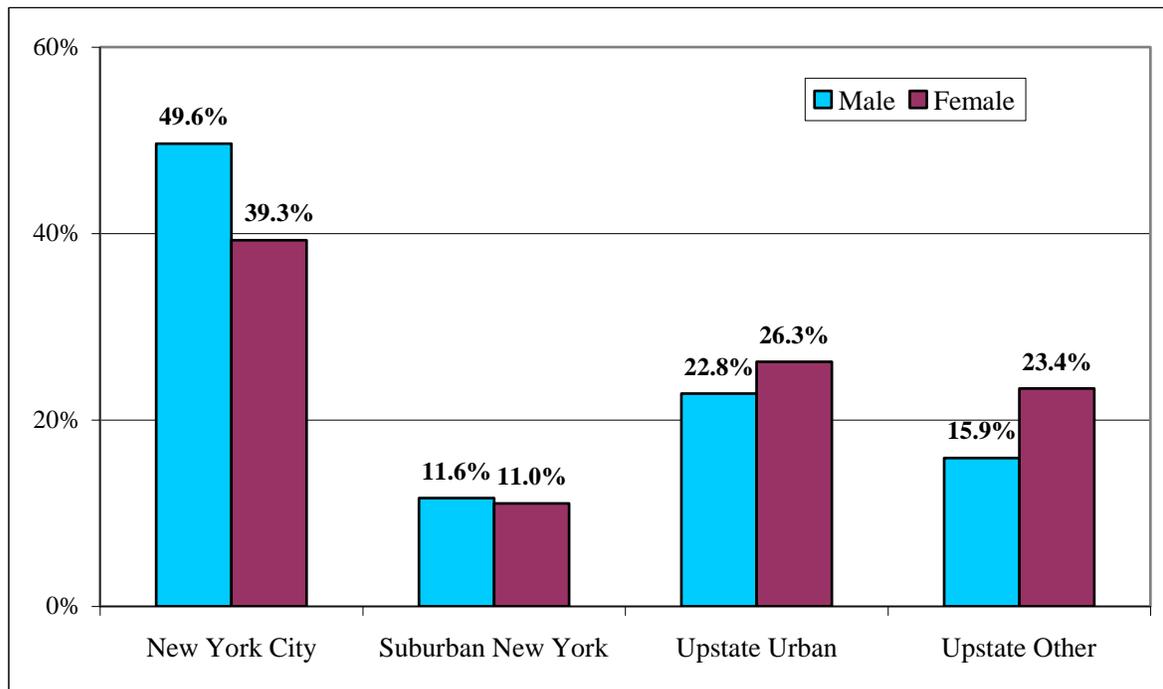


Table 3. Region of Commitment; Under Custody Population January 1, 2010

Region by Gender	New York City	Suburban New York	Upstate Urban	Upstate Other	Total*
Male	27,747	6,487	12,767	8,897	55,898
Female	974	274	651	580	2,479
Total	28,721	6,761	13,418	9,477	58,377
	49.2%	11.6%	23.0%	16.2%	100.0%

*One case missing, out of state inmate.

World Region of Birth

Eighty-nine percent (89%) of under custody inmates were born in the United States or a United States Territory. Approximately ten percent (N=6,018) of under custody inmates report birth in a foreign country. Most of these inmates reporting birth in a foreign country were from one of the island nations in the Caribbean basin.¹

Figure 4. Foreign Born Inmates Under Custody Population January 1, 2010

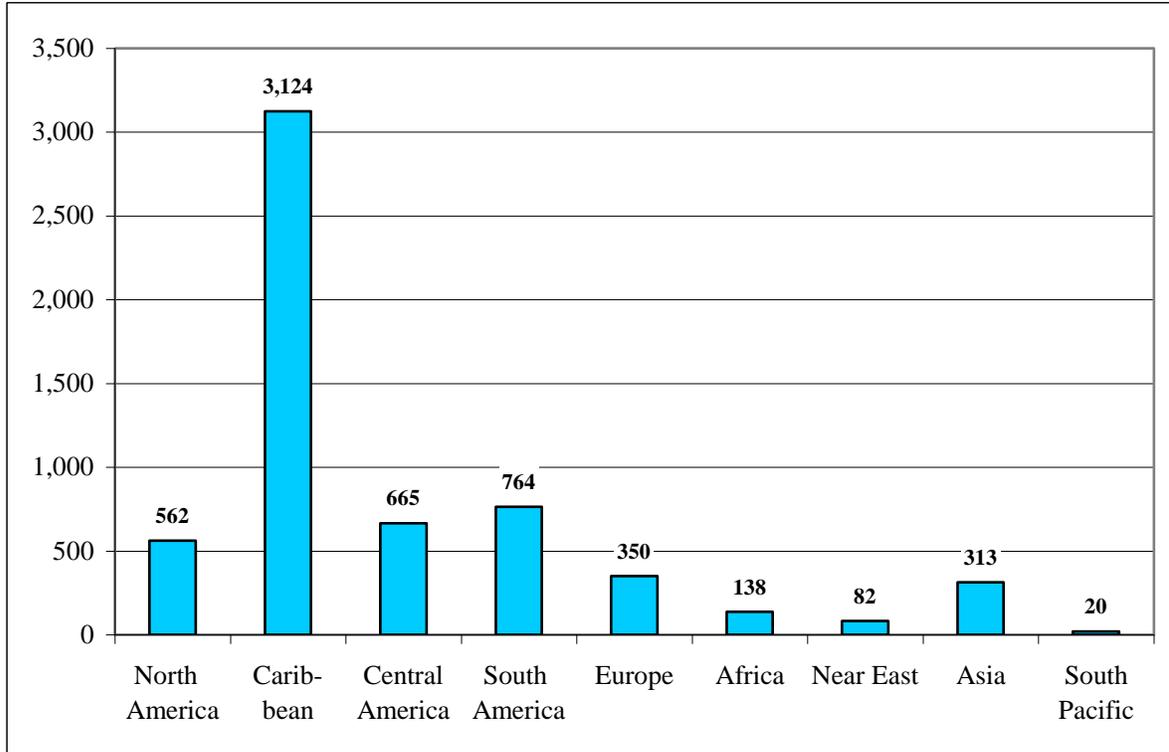


Table 4. World Region of Birth; Under Custody Population January 1, 2010

United States*	North America	Caribbean	Central America	South America	Europe	Africa	Near East	Asia	South Pacific	Not Known	Total
52,061	562	3,124	665	764	350	138	82	313	20	299	58,378
89.2%	1.0%	5.4%	1.1%	1.3%	0.6%	0.2%	0.1%	0.5%	0.0%	0.5%	100.0%

* Includes offenders committed from United States Territories.

1. For additional information on foreign born inmates see "The Foreign Born Under Custody Population and the Institutional Removal Program" (2010), New York State Department of Correctional Services, Albany, New York 12226. On the DOCS web site at: <http://www.docs.state.ny.us/Research/annotate.asp#foreign>

Marital Status

Two thirds (66%) of the inmate population report never being married.

Figure 5. Marital Status

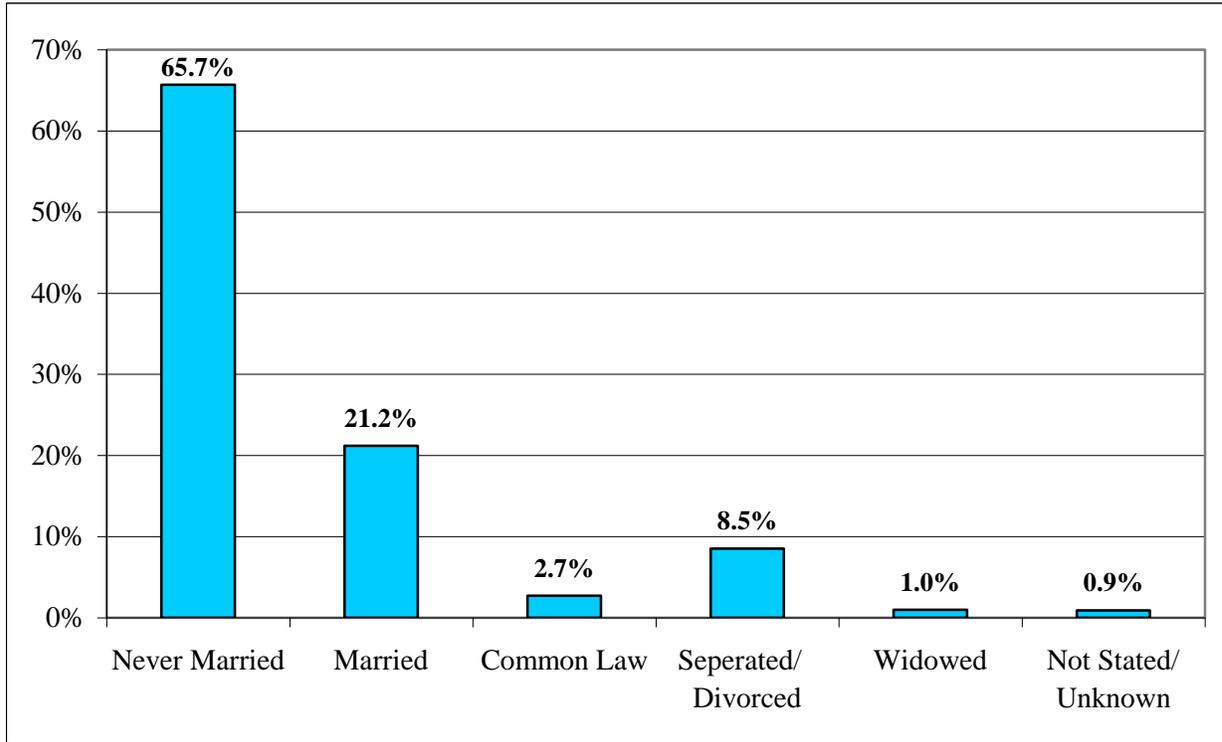


Table 5. Marital Status; Under Custody Population January 1, 2010

Marriage Status	Never Married	Married	Common Law	Separated/Divorced	Widowed	Not Stated/Unknown	Total
Male	36,685	11,912	1,548	4,727	514	512	55,898
Female	1,649	468	14	251	84	14	2,480
Total	38,334	12,380	1,562	4,978	598	526	58,378
Male	65.6%	21.3%	2.8%	8.5%	0.9%	0.9%	100.0%
Female	66.5%	18.9%	0.6%	10.1%	3.4%	0.6%	100.0%
Total	65.7%	21.2%	2.7%	8.5%	1.0%	0.9%	100.0%

Number of Living Children

The majority of inmates under custody (59%) self-reported at the time of admission to the Department that they had at least one living child.

Figure 6. Inmates With One or More Living Children

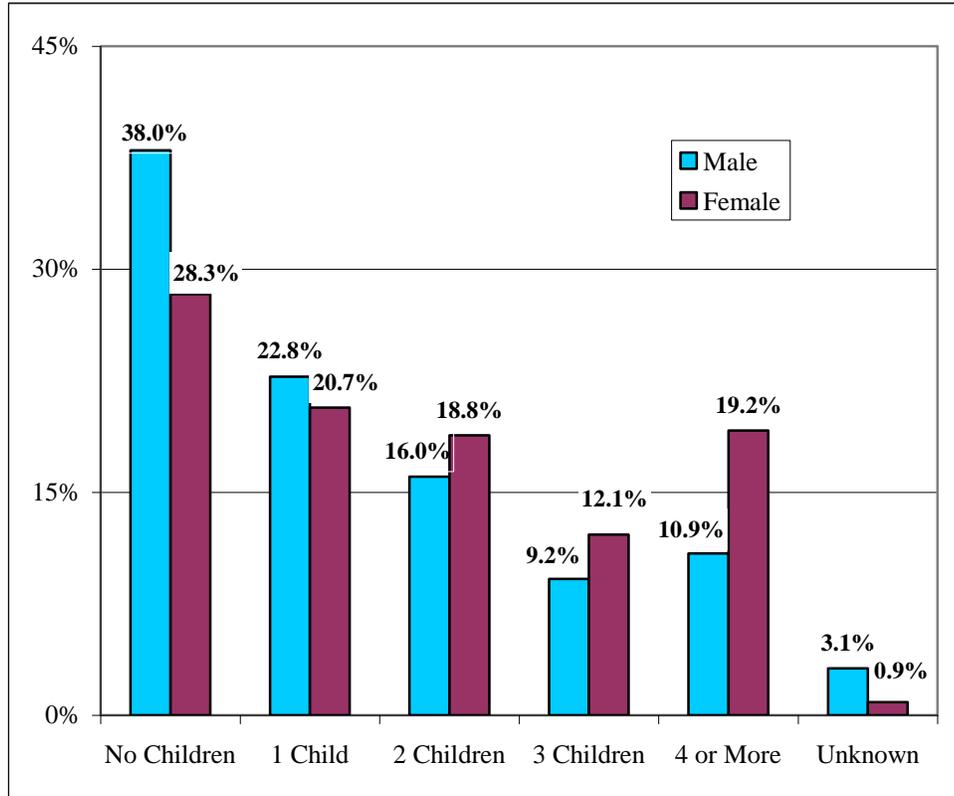


Table 6. Number of Children; Under Custody Population January 1, 2010

Children by Gender	No Children	1 Child	2 Children	3 Children	4 or More	Unknown	Total
Male	21,237	12,722	8,967	5,130	6,082	1,760	55,898
Female	702	513	467	301	475	22	2,480
Total	21,939	13,235	9,434	5,431	6,557	1,782	58,378
	37.6%	22.7%	16.2%	9.3%	11.2%	3.1%	100.0%

Religious Affiliation

Eighty-seven percent (87%) of under custody inmates reported affiliation with a recognized religion. Thirty percent (30%) were Protestant, 25% were Catholic, 12% were Islam, 20% other faiths, and 13% did not report affiliation with a religious faith.

Figure 7. Religious Affiliation

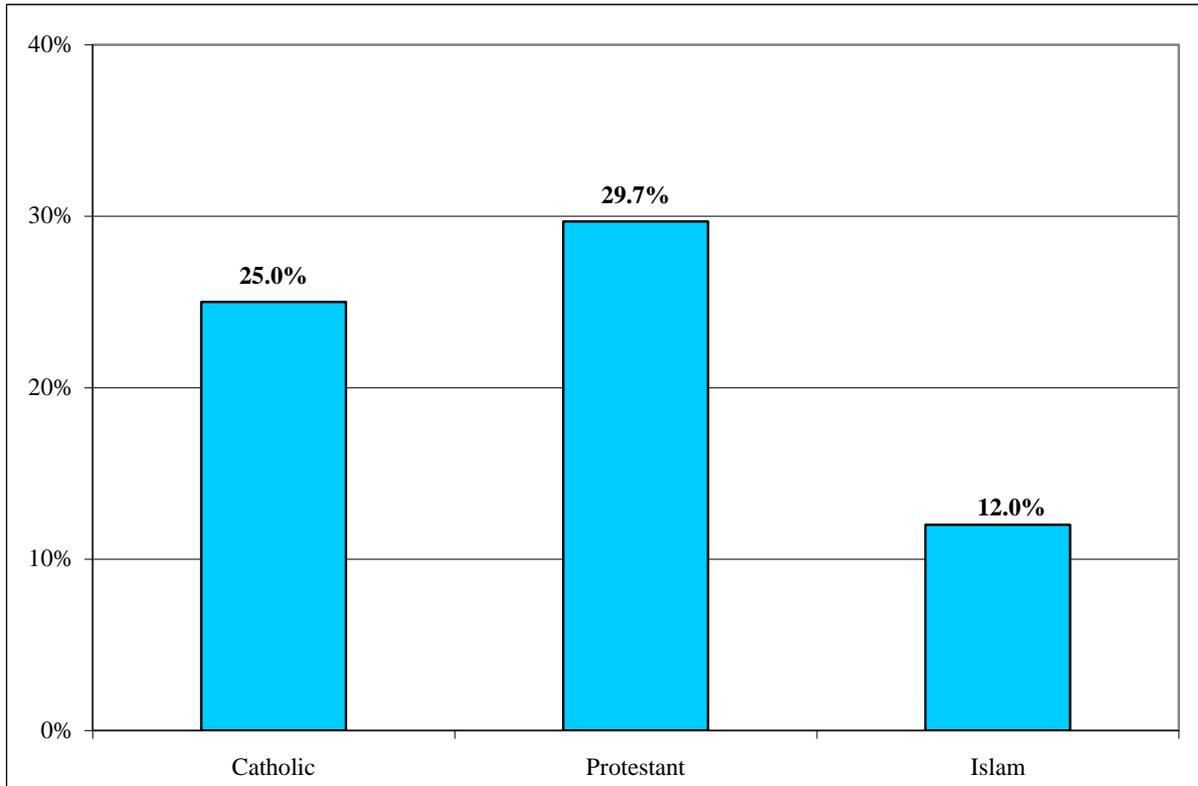


Table 7. Religious Affiliation; Under Custody January 1, 2010

Catholic	Protes - tant	Islam	Nation of Islam	Rasta- farian	Jewish	Asian Religions	Native American	Greek Orthodox	Other	None Listed	Total
14,619	17,338	7,008	2,346	3,431	3,692	333	401	73	1,449	7,688	58,378
25.0%	29.7%	12.0%	4.0%	5.9%	6.3%	0.6%	0.7%	0.1%	2.5%	13.2%	100.0%

Veteran Status

Of the 58,378 inmates under custody on January 1, 2010, 5% (2,903) reported military service. Of this total, the largest number claimed military service in the Post-Vietnam Era (May 1975 to August 1990).

Figure 8. Inmate Veterans by Military Service Era

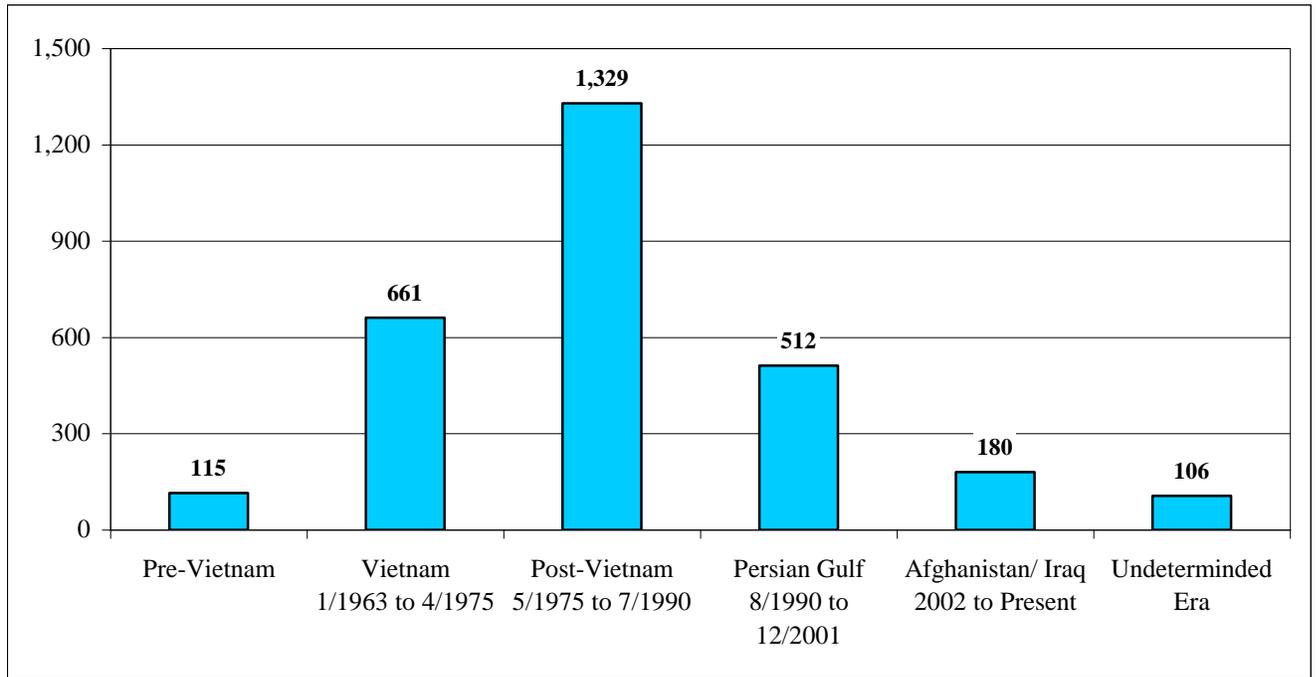


Table 8. Veteran Status by Service Era; Under Custody Population January 1, 2010

Not-Veteran	Pre-Vietnam	Vietnam 1/1963 To 4/1975	Post-Vietnam 5/1975 to 7/1990	Persian Gulf 8/1990 to 12/2001	Afghanistan/ Iraq 2002 to Present	Undeter- mined Era	Total
55,475	115	661	1,329	512	180	106	58,378
95.0%	0.2%	1.1%	2.3%	0.9%	0.3%	0.2%	100.0%

Section Two

CRIMINAL HISTORY

Minimum Sentence

The median minimum sentence of under custody inmates was over 5 years². However, the average minimum sentence length was nine and a half years, reflecting the influence of lengthy minimum terms of many inmates.

Current sentencing laws in New York require an offender convicted of certain crimes to receive a determinate sentence. Determinate sentences require an inmate to serve a minimum of 6/7 of the determinate sentence imposed by the judge before being eligible for release. An offender committed for a crime not designated as having determinate sentence has a minimum sentence that is 1/3 of the maximum for first felony offenses and 1/2 the maximum for second felony offenses.

As of January 1, 2010, there were 213 inmates under custody who were serving sentences of “Life Without Parole”.

Figure 10. Minimum Sentence Length

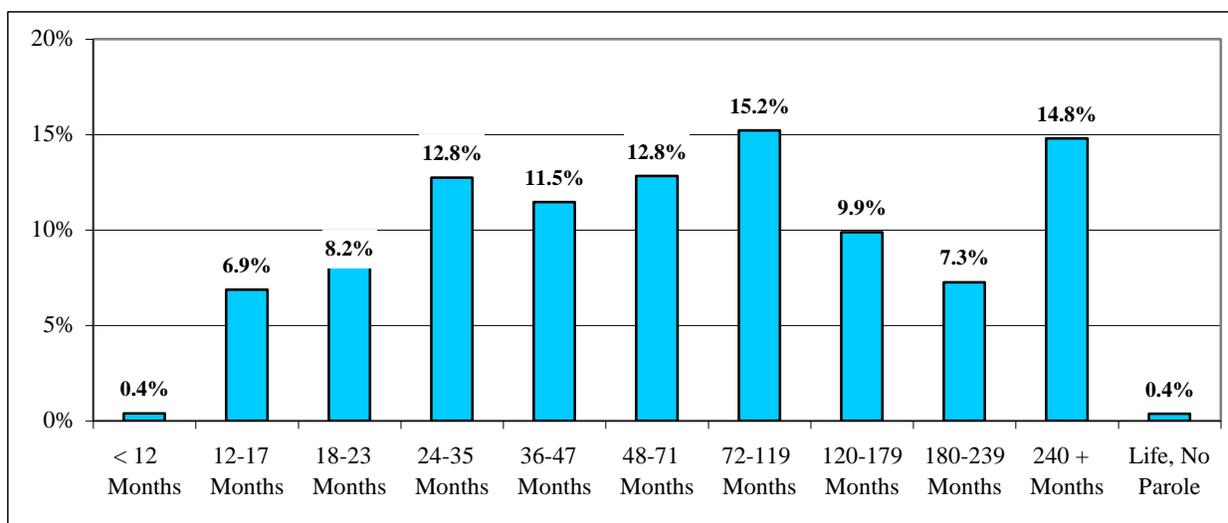


Table 10. Minimum Sentence; Under Custody Population January 1, 2010

Minimum Sentence by Gender	< 12 Months	12-17 Months	18-23 Months	24-35 Months	36-47 Months	48-71 Months	72-119 Months	120-179 Months	180-239 Months	240 + Months	Life, No Parole	Total
Male	205	3,684	4,464	6,969	6,339	7,158	8,640	5,639	4,132	8,461	207	55,898
Female	25	324	313	475	355	328	243	129	107	175	6	2,480
Total	230	4,008	4,777	7,444	6,694	7,486	8,883	5,768	4,239	8,636	213	58,378
	0.4%	6.9%	8.2%	12.8%	11.5%	12.8%	15.2%	9.9%	7.3%	14.8%	0.4%	100.0%
							Average in Months			Median in Months		
Male							115.5			62.0		
Female							69.8			36.0		
Total							113.5			62.0		

² The median is the middle point between the number of instances of greater value and the number of instances of lesser value. The median is therefore less subject to the influence of extreme values than is the average and is preferred by some for this reason.

Commitment Crime

Over 60% of the inmates under custody on January 1, 2010, were currently serving a Violent Felony Offense (VFO) sentence. Another 18% of inmates were serving a sentence for a Drug crime. Forty percent (40%) of female inmates were serving a sentence for a Violent Felony crime compared to 61% for male inmates. In contrast, 24% of female inmates were sentenced for a drug crime compared to 17% percent of male inmates. Table 11B lists the commitment crimes that are included in each of the general categories in figure 11.

Figure 11. Commitment Crime Category

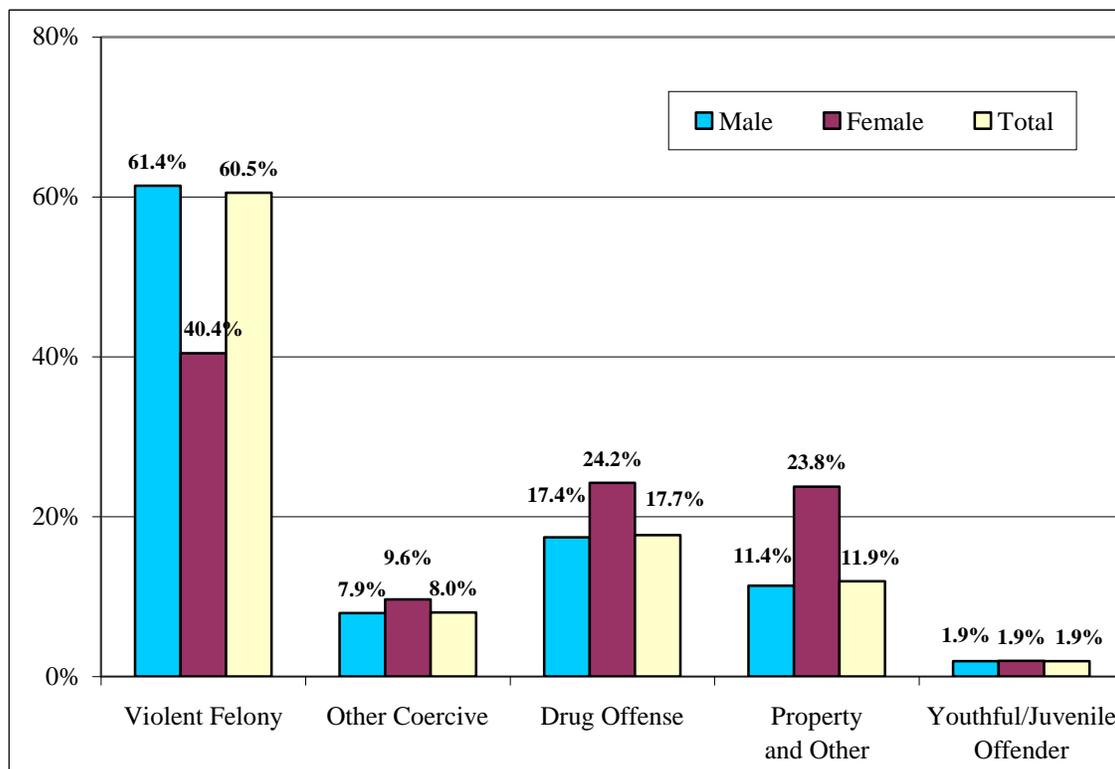


Table 11A. Crime Category; Under Custody Population January 1, 2010

Commitment Crime Type by Gender	Violent Felony	Other Coercive	Drug Offense	Property and Other	Youthful Offender	Juvenile Offender	Total
Male	34,319	4,431	9,728	6,356	890	174	55,898
Female	1,003	239	601	589	46	2	2,480
Total	35,322	4,670	10,329	6,945	936	176	58,378
Male	61.4%	7.9%	17.4%	11.4%	1.6%	0.3%	100.0%
Female	40.4%	9.6%	24.2%	23.8%	1.9%	0.1%	100.0%
Total	60.5%	8.0%	17.7%	11.9%	1.6%	0.3%	100.0%

Table 11B. By VFO and Crime; Under Custody Population January 1, 2010

VFO BY CRIME	MALE	FEMALE	TOTAL
VIOLENT FELONY			
MURDER	7,335	210	7,545
ATTEMPTED MURDER	1,416	23	1,439
MANSLT 1ST,AG 2ND	2,100	153	2,253
RAPE 1ST	1,838	6	1,844
ROBBERY 1ST	4,860	110	4,970
ROBBERY 2ND	3,180	97	3,277
ASSAULT 1ST	1,852	110	1,962
ASSAULT 2ND	1,406	86	1,492
BURGLARY 1ST	1,004	25	1,029
BURGLARY 2ND	3,291	102	3,393
ARSON 1ST,2ND	177	18	195
SODOMY 1ST	1,141	4	1,145
SEX AB 1ST,AG.2	1,199	10	1,209
WEAPONS OFFENSES	3,030	31	3,061
KIDNAPPING 1ST,2ND	350	14	364
OTHER VFO SEX OFF	82	1	83
OTHER VIOLENT	58	3	61
SUBTOTAL	34,319	1,003	35,322
	97.2%	2.8%	100.0%
OTHER COERCIVE			
MANSLAUGHTER 2ND	293	48	341
OTHER HOMICIDE	97	18	115
ROBBERY 3RD	1,306	47	1,353
ATT ASSAULT 2ND	406	32	438
CONSPIRACY 2,3,4	229	11	240
OTHER WEAPONS	626	18	644
OTHER SEX OFFENSES	1,044	26	1,070
OTHER COERCIVE	430	39	469
SUBTOTAL	4,431	239	4,670
	94.9%	5.1%	100.0%
DRUG OFFENSES			
DRUG SALE	5,436	377	5,813
DRUG POSSESSION	4,292	224	4,516
SUBTOTAL	9,728	601	10,329
	94.2%	5.8%	100.0%
PROPERTY AND OTHER OFFENSES			
BURGLARY 3RD	2,072	51	2,123
GRAND LARCENY	1,231	215	1,446
FORGERY	472	121	593
STOLEN PROPERTY	485	38	523
DRIVE INTOXICATED	869	66	935
CONTEMPT 1ST	314	7	321
ALL OTHER FELONIES	913	91	1,004
SUBTOTAL	6,356	589	6,945
	91.5%	8.5%	100.0%
YO & JO			
YOUTHFUL OFFENDER	890	46	936
JUVENILE OFFENDER	174	2	176
SUBTOTAL	1,064	48	1,112
	95.7%	4.3%	100.0%
GRAND TOTAL			
	55,898	2,480	58,378
	95.8%	4.2%	100.0%

Second Felony Offender Status

Over half (54%) of the inmates under custody on January 1, 2010, were sentenced as first felony offenders. Crime by predicate felony sentencing status is presented in Table 12A.

New York State Penal Law establishes more severe sentences for second felony offenders than for first felony offenders. It should be noted that some inmates included among the individuals sentenced as first felony offenders were convicted of prior felony crimes and some even had previous sentences to state prison. The majority of such inmates were convicted of class A-1 violent felony crimes, which do not permit sentencing as a second felony offender since the penalties for A-1 violent felony crimes are already the most severe.

Figure 12. Predicate Felony Sentencing Status

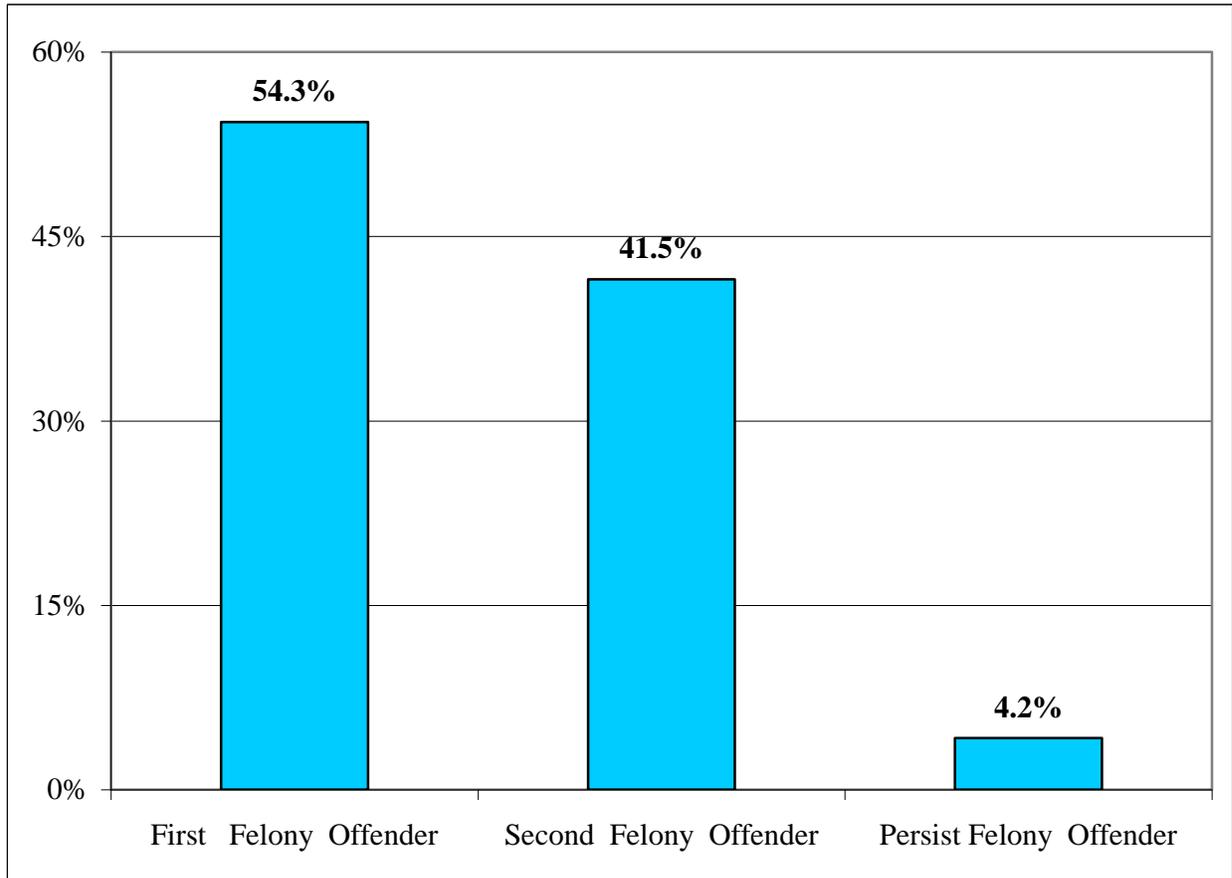


Table 12A. Second Felony Sentencing Status by VFO and Crime;
Under Custody Population January 1, 2010

VFO BY CRIME	FIRST FELONY OFFENDER	SECOND FELONY	PERSIST FELONY	TOTAL
VIOLENT FELONY				
MURDER	7,545	0	0	7,545
ATTEMPTED MURDER	939	437	63	1,439
MANSLT 1ST,AG 2ND	1,687	519	47	2,253
RAPE 1ST	1,107	610	127	1,844
ROBBERY 1ST	2,211	2,204	555	4,970
ROBBERY 2ND	1,583	1,321	373	3,277
ASSAULT 1ST	1,228	646	88	1,962
ASSAULT 2ND	744	639	109	1,492
BURGLARY 1ST	501	435	93	1,029
BURGLARY 2ND	1,209	1,636	548	3,393
ARSON 1ST,2ND	128	66	1	195
SODOMY 1ST	803	288	54	1,145
SEX AB 1ST,AG.2	916	257	36	1,209
WEAPONS OFFENSES	1,621	1,270	170	3,061
KIDNAPPING 1ST,2ND	277	70	17	364
OTHER VFO SEX OFF	64	15	4	83
OTHER VIOLENT	51	7	3	61
SUBTOTAL	22,614	10,420	2,288	35,322
	64.0%	29.5%	6.5%	100.0%
OTHER COERCIVE				
MANSLAUGHTER 2ND	261	73	7	341
OTHER HOMICIDE	94	20	1	115
ROBBERY 3RD	389	939	25	1,353
ATT ASSAULT 2ND	124	311	3	438
CONSPIRACY 2,3,4	118	116	6	240
OTHER WEAPONS	131	491	22	644
OTHER SEX OFFENSES	757	306	7	1,070
OTHER COERCIVE	226	237	6	469
SUBTOTAL	2,100	2,493	77	4,670
	45.0%	53.4%	1.6%	100.0%
DRUG OFFENSES				
DRUG SALE	1,506	4,291	16	5,813
DRUG POSSESSION	1,453	3,057	6	4,516
SUBTOTAL	2,959	7,348	22	10,329
	28.6%	71.1%	0.2%	100.0%
PROPERTY AND OTHER OFFENSES				
BURGLARY 3RD	617	1,477	29	2,123
GRAND LARCENY	502	925	19	1,446
FORGERY	167	422	4	593
STOLEN PROPERTY	100	412	11	523
DRIVE INTOXICATED	914	17	4	935
CONTEMPT 1ST	135	182	4	321
ALL OTHER FELONIES	473	517	14	1004
SUBTOTAL	2,908	3,952	85	6,945
	41.9%	56.9%	1.2%	100.0%
YOUTHFUL & JUVENILE OFFENDER				
YOUTHFUL OFFENDER	936	0	0	936
JUVENILE OFFENDER	176	0	0	176
SUBTOTAL	1,112	0	0	1,112
	100.0%	0.0%	0.0%	100.0%
GRAND TOTAL				
	31,693	24,213	2,472	58,378
	54.3%	41.5%	4.2%	100.0%

Prior Adult Criminal Record

For this report, inmates are placed in a prior adult criminal record category based on their most extensive penetration into the criminal justice system prior to their current incarceration. Thirty-four percent (34%) of under custody inmates had served a prior prison term. For 24%, prior jail was the most serious contact with the criminal justice system while 15% had no prior arrest.

Figure 13. Prior Adult Criminal Record

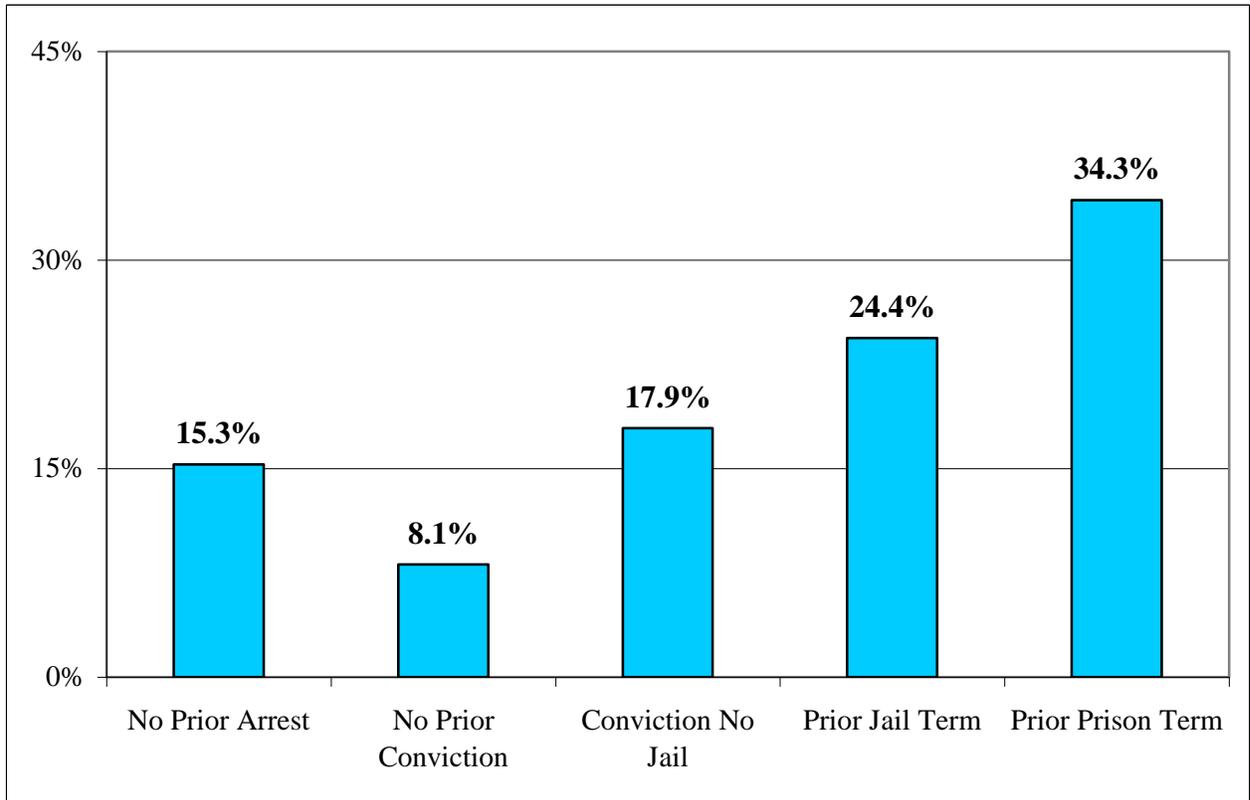


Table 13. Prior Adult Criminal Record; Under Custody Population January 1, 2010

No Prior Arrest	No Prior Conviction	Conviction No Jail	Prior Jail Term	Prior Prison Term	Total*
8,938	4,705	10,463	14,235	20,021	58,362
15.3%	8.1%	17.9%	24.4%	34.3%	100.0%

*Missing data on 16 cases.

Length of Time Served in Department Custody

One quarter (26%) of the inmate population had spent six years or more under custody since their latest admission to DOCS, while nearly one-third (32%) had spent less than one year under custody.

Inmates under custody on January 1, 2010, had spent an average of 58 months in DOCS since their latest admission date. The median length of time served^{was} 25 months³.

Figure 14. Length of Time Served in DOCS Custody Since Last Admission Date

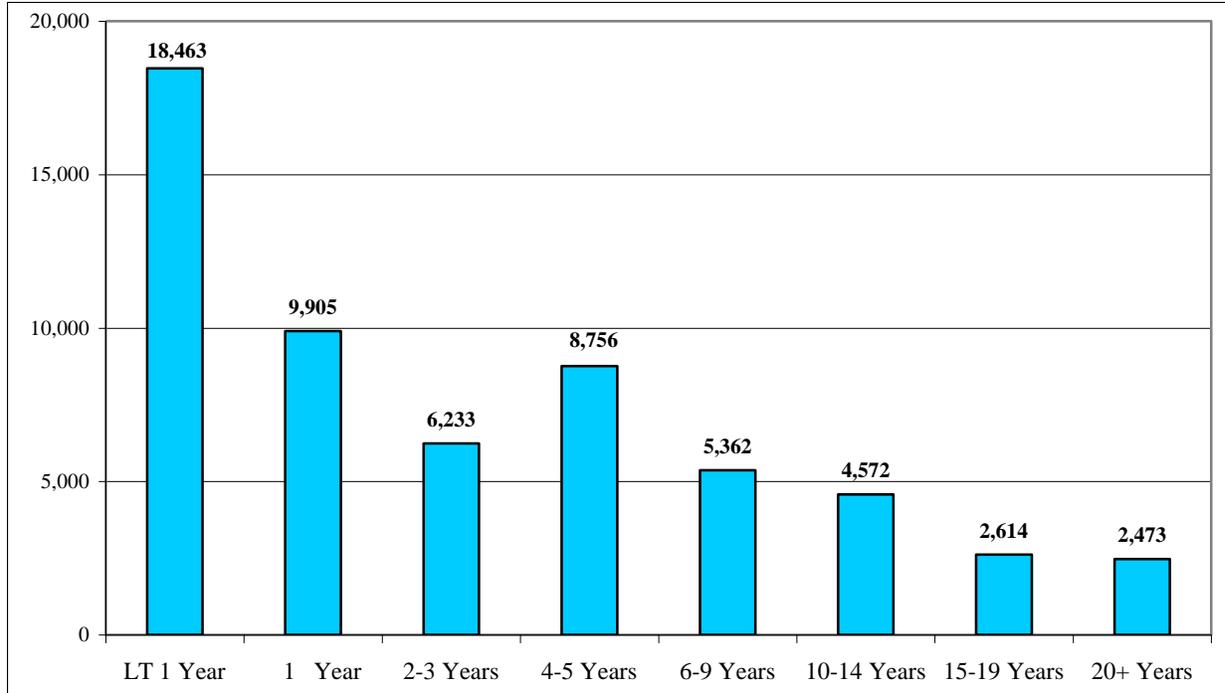


Table 14. DOCS Time Served in Months; Under Custody Population January 1, 2010

LT 1 Year	1 Year	2-3 Years	4-5 Years	6-9 Years	10-14 Years	15-19 Years	20+ Years	Total
18,463	9,905	6,233	8,756	5,362	4,572	2,614	2,473	58,378
31.6%	17.0%	10.7%	15.0%	9.2%	7.8%	4.5%	4.2%	100.0%
Average Time Served Since Latest Admission Date in Months							57.9	
Median Time Served Since Latest Admission Date in Months							25.2	

³ The median is the middle point between the number of instances of greater value and the number of instances of lesser value. The median is therefore less subject to the influence of extreme values than is the average and is preferred by some for this reason.

Time to Earliest Release Eligibility

Time to earliest release date is a measure of the length of time until the earliest possible date at which the inmate can be legally released.

Nearly two-thirds (64%) of the inmate population have less than two years to their earliest release dates. The average time to earliest release for the under custody population on January 1, 2010, was 48 months. The median time to earliest release was 15 months⁴.

Figure 15. Length of Time to Earliest Release Date

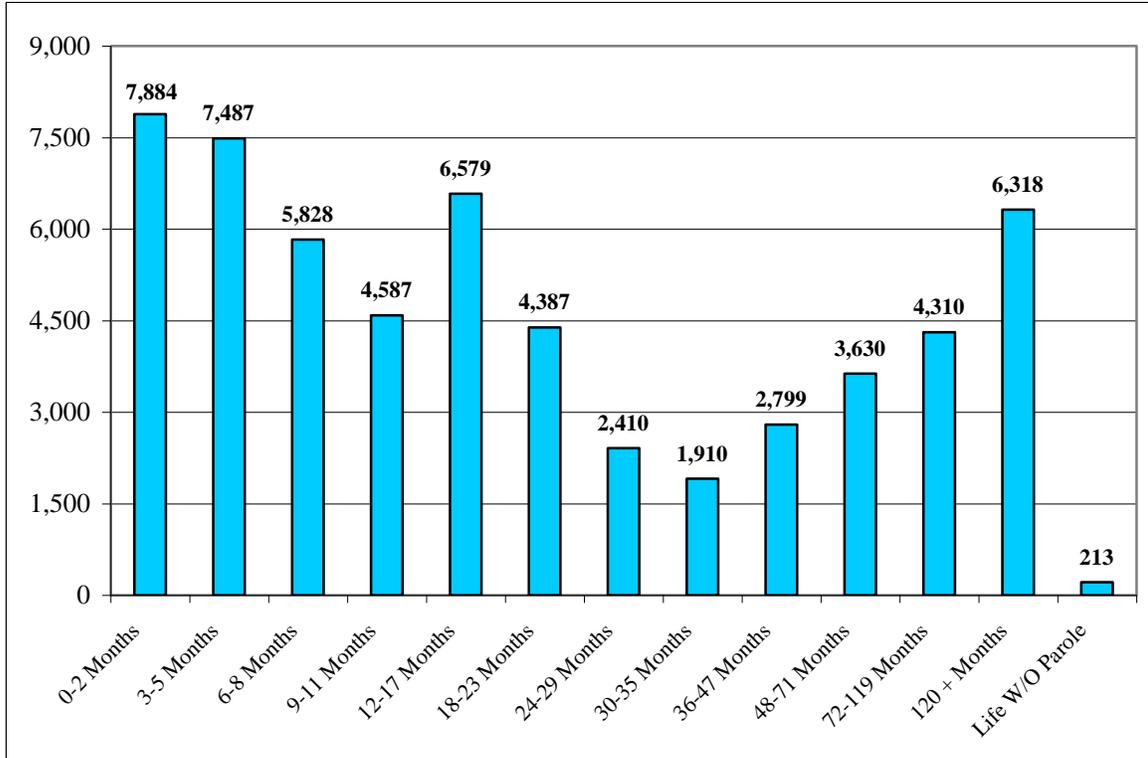


Table 15. Time to Earliest Release Date in Months; Under Custody Population January 1, 2010

0-2 Months	3-5 Months	6-8 Months	9-11 Months	12-17 Months	18-23 Months	24-29 Months	30-35 Months	36-47 Months	48-71 Months	72-119 Months	120 + Months	Life W/O Parole	Total*
7,884	7,487	5,828	4,587	6,579	4,387	2,410	1,910	2,799	3,630	4,310	6,318	213	58,342
13.5%	12.8%	10.0%	7.9%	11.3%	7.5%	4.1%	3.3%	4.8%	6.2%	7.4%	10.8%	0.4%	100.0%
Average Time to Earliest Release Date in Months**										47.7			
Median Time to Earliest Release Date in Months										15.0			

*Missing data on 36 cases.

**Does not include the 213 Life Without Parole cases.

⁴ The median is the middle point between the number of instances of greater value and the number of instances of lesser value. The median is therefore less subject to the influence of extreme values than is the average and is preferred by some for this reason.

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