

State of New York
DEPARTMENT OF CORRECTIONS
AND COMMUNITY SUPERVISION

Building Number 2
Harriman Office Campus
Albany, New York 12226

UNDER CUSTODY REPORT:

**Profile of Incarcerated Offender Population
Under Custody on January 1, 2012**



Andrew M. Cuomo
Governor



Brian Fischer
Commissioner

**Profile of Incarcerated Offender Population
Under Custody on January 1, 2012**

Table of Contents

| | <u>Page</u> |
|---|-------------|
| Table of Contents | i |
| Executive Summary | ii |
| Introduction..... | 1 |
| Offender Categories..... | 2 |
| Section 1: Demographic Characteristics | |
| Gender Distribution | 3 |
| Age Distribution | 4 |
| Race/Ethnic Distribution | 5 |
| Region of Commitment | 6 |
| World Region of Birth | 7 |
| Marital Status | 8 |
| Number of Living Children | 9 |
| Religious Affiliation | 10 |
| Veteran Status | 11 |
| Section 2: Criminal History | |
| Minimum Sentence | 12 |
| Maximum Sentence | 14 |
| Commitment Crime | 16 |
| Second Felony Offender Status | 18 |
| Prior Adult Criminal Record..... | 20 |
| Length of Time Served in Department Custody | 21 |
| Time to Earliest Release | 22 |
| Determinate Sentencing | 23 |

**Profile of Incarcerated Offender Population
Under Custody on January 1, 2012**

Executive Summary

| Characteristics | Category | Inmates Under Custody | Incarcerated Parolees Under Custody | Total Under Custody |
|-----------------------------------|-----------------------------|-----------------------|-------------------------------------|---------------------|
| Population January 1, 2012 | | 55,436 | 543 | 55,979 |
| Gender | Male | 95.8% | 91.3% | 95.8% |
| Age | Average Age | 37.5 | 32.1 | 37.5 |
| Race/Ethnic Status | White | 23.1% | 37.9% | 23.3% |
| | African-American | 49.5% | 43.5% | 49.5% |
| | Hispanic | 24.6% | 14.7% | 24.5% |
| Region | New York City | 47.5% | 22.3% | 47.2% |
| | Suburban New York | 11.6% | 10.1% | 11.6% |
| | Upstate Urban | 23.9% | 31.0% | 24.0% |
| | Upstate Other | 17.0% | 36.5% | 17.2% |
| World Region of Birth | Foreign Born | 10.3% | 1.7% | 10.2% |
| Marital Status | Never Married | 65.5% | 77.7% | 65.6% |
| Living Children | One or more living children | 59.3% | 59.1% | 59.3% |
| Religious Affiliation | Catholic | 24.9% | 26.2% | 24.9% |
| | Protestant | 28.1% | 24.9% | 28.1% |
| | Islam | 11.5% | 8.1% | 11.5% |
| Veteran Status | Veteran | 4.7% | 3.3% | 4.7% |
| Minimum Sentence | Median time in months | 62.0 | 24.0 | 62.0 |
| | Average time in months | 118.2 | 28.6 | 117.4 |
| Maximum Sentence | Median time in months | 84.0 | 42.0 | 84.0 |
| | Average time in months | 140.2 | 49.4 | 139.3 |
| Crime | Violent Felony | 63.8% | 5.9% | 63.2% |
| | Other Coercive | 8.0% | 6.3% | 7.9% |
| | Drug Offenses | 13.6% | 43.8% | 13.9% |
| | Property/Other | 12.6% | 38.9% | 12.8% |
| | Youthful/Juvenile | 2.0% | 5.2% | 2.1% |
| Second Felony Offender Status | First Felony | 56.1% | 45.7% | 56.0% |
| | Second Felony | 39.6% | 54.0% | 39.8% |
| | Persistent Felony | 4.3% | 0.4% | 4.3% |
| Prior Adult Criminal Record | No Prior Arrest | 15.7% | 6.6% | 15.6% |
| | No Prior Conviction | 7.9% | 6.3% | 7.9% |
| | Conviction No Jail | 18.2% | 22.9% | 18.2% |
| | Prior Jail | 24.6% | 37.5% | 24.7% |
| | Prior prison term | 33.6% | 26.8% | 33.5% |
| Time Served in Department Custody | Median time in months | 24.8 | 1.5 | N/A |
| | Average time in months | 59.4 | 1.8 | N/A |
| Time to Earliest Release Date | Median time in months | 15.9 | * | * |
| | Average time in months | 50.4 | * | * |
| Determinate Sentence | Total | 55% | 46% | 55% |
| | Drug Offenses | 88% | 92% | 88% |
| | Violent Felony | 66% | 91% | 66% |

* Not reported

Profile of Incarcerated Offender Population Under Custody on January 1, 2012

INTRODUCTION

Purpose of the Report

This report profiles the incarcerated offender population by demographic and criminal history characteristics. It presents information on offenders held under Department of Corrections and Community Supervision (DOCCS) custody on January 1, 2012.

Additional Offenders Reported Due to the Merger of Corrections and Parole

In April 2011, the former Division of Parole and the former Department of Correctional Services merged to form the Department of Corrections and Community Supervision (DOCCS). In past years the Department's Under Custody reports only included inmates in correctional facilities. Starting with this report, all inmates will be reported including those participating in the Alt 90 or Alt 45 programs¹. In addition, "incarcerated parolees" (offenders under community supervision who are participating in a parole program at a DOCCS facility) will be included, but reported separately. Most "incarcerated parolees" are housed in parole program facilities, while some are housed in correctional facilities. Similarly, most inmates are housed in correctional facilities, while others are housed in parole program facilities.

The table below shows the distribution of the various offender subgroups within the under custody population. Descriptions of these different offender subgroups are presented on the next page.

| Type of Facility | Inmates | Incarcerated Parolees | Total |
|---------------------------|---------|-----------------------|--------|
| Correctional Facilities | 55,099 | 97 | 55,196 |
| Parole Program Facilities | 337 | 446 | 783 |
| Total | 55,436 | 543 | 55,979 |

1. Alt-90 cases have been assigned to a 90-day drug treatment program at Willard DTC, while Alt-45 cases have been assigned to a 45-day drug treatment program at Edgecombe Residential Treatment Facility.

Offender Categories

Inmates in correctional facilities are offenders who have been sentenced to prison (or returned to prison as a result of a parole violation), are not under community supervision, and are incarcerated in a traditional “prison” facility (55,099).

Inmates in parole program facilities are returned parole violators who are participating in an alternative drug treatment program. These offenders were revoked and given a time assessment by an Administrative Law Judge (ALJ) that represents a period of time that they must spend in prison. However, in lieu of serving the full amount of time in prison, these offenders were offered the opportunity to participate in a drug treatment program and they have volunteered to do so. If they successfully complete the program (either 90 days at Willard Drug Treatment Campus or 45 days at Edgecombe Residential Treatment Facility), these offenders will be released from incarceration at the completion of the program and restored to community supervision. If they do not successfully complete the drug treatment program, they must complete the remainder of their time assessment in a correctional facility (337).

Incarcerated parolees in correctional facilities are offenders who are under community supervision and have been incarcerated in order to participate in a treatment program at a parole program facility (e.g. Willard Drug Treatment Campus, Edgecombe Residential Treatment Facility). These offenders (97) are in one of the following situations: 1) in a reception facility on the way to beginning a treatment program in a parole program facility, 2) in a correctional facility awaiting an outcome hearing by an administrative law judge as a result of being removed from a treatment program at a parole program facility, or 3) are participating in an alternative treatment program due to medical or mental health needs that cannot be met at the designated parole program facility.

Incarcerated parolees in parole program facilities are offenders who are under community supervision and participating in an assigned treatment program at a parole program facility. Once these offenders complete the treatment program, they will be returned to the community to complete their term of community supervision. If these offenders do not successfully complete their assigned treatment program, they will be removed from the program and the violation process will proceed accordingly. Parolees who fail the Willard Drug Treatment program and parolees who were sent to Edgecombe via special condition are removed from the programs and a violation warrant is issued. Parolees who were sent to Edgecombe with the issuance of a warrant are removed from the program and a final hearing is scheduled. (446).

Sections of the Report

The first section of this report describes the demographic characteristics of offenders, including gender, age, race/ethnicity, region of commitment, birthplace, marital status, number of living children, religious affiliation, and veteran status. The second section describes the criminal history of offenders, 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, time to earliest release, and determinant sentencing status.

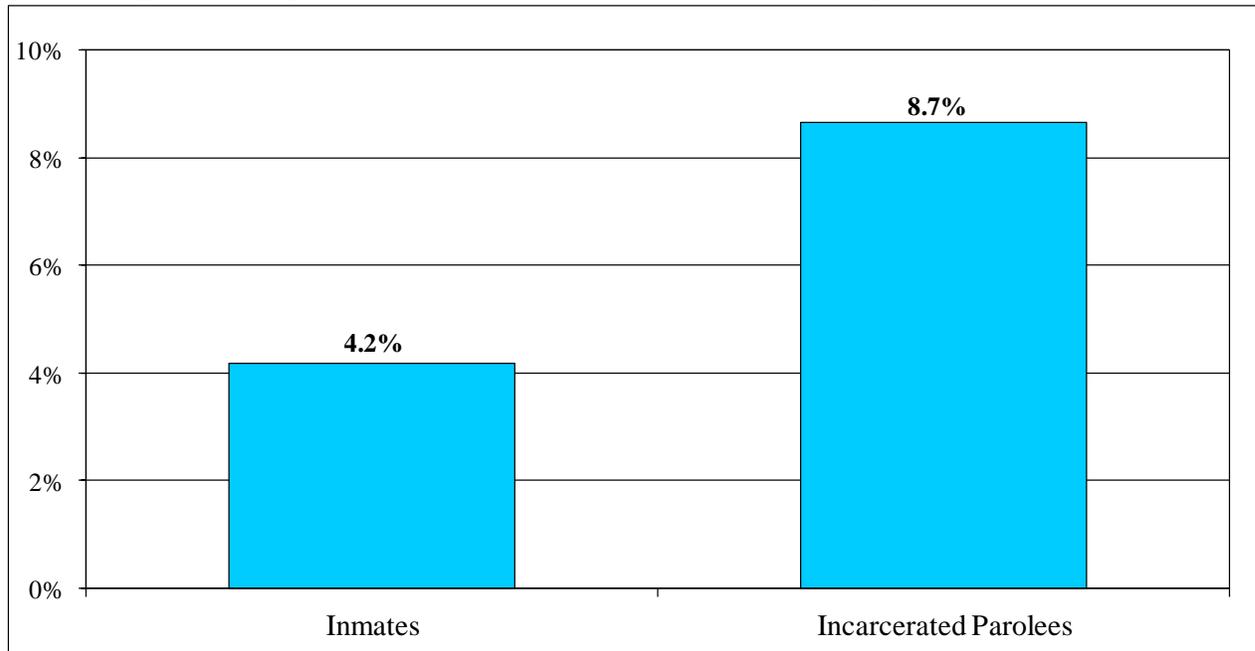
Section One

DEMOGRAPHIC CHARACTERISTICS

Gender Distribution

There were 55,979 offenders under custody on January 1, 2012. Of this total, 53,620 (96%) were male and 2,359 (4%) were female. This is a drop of 1,250 (-2%) total offenders since last year. The number of male offenders decreased by 1,349 (-2%) and female offenders increased by 99 (4%). A larger proportion of incarcerated parolees were female (9%) than were inmates (4%).

Figure 1. Proportion of Female Offenders Under Custody by Offender Status



**Table 1. Gender by Offender Status;
Under Custody Population January 1, 2011 and 2012**

| Gender and Custody Status | 2011 | 2012 | Numeric Change | Percent Change | Percent of Total 2011 | Percent of Total 2012 |
|------------------------------|--------|--------|----------------|----------------|-----------------------|-----------------------|
| Inmates | | | | | | |
| Male | 54,429 | 53,124 | -1,305 | -2.4% | 96.1% | 95.8% |
| Female | 2,216 | 2,312 | 96 | 4.3% | 3.9% | 4.2% |
| Total | 56,645 | 55,436 | -1,209 | -2.1% | 100% | 100% |
| Incarcerated Parolees | | | | | | |
| Male | 540 | 496 | -44 | -8.1% | 92.5% | 91.3% |
| Female | 44 | 47 | 3 | 6.8% | 7.5% | 8.7% |
| Total | 584 | 543 | -41 | -7.0% | 100% | 100% |
| Grand Total | | | | | | |
| Male | 54,969 | 53,620 | -1,349 | -2.5% | 96.1% | 95.8% |
| Female | 2,260 | 2,359 | 99 | 4.4% | 3.9% | 4.2% |
| Total | 57,229 | 55,979 | -1,250 | -2.2% | 100% | 100% |

Age Distribution

The average age of offenders under DOCCS custody on January 1, 2012 was 37 years old. Inmates were older than incarcerated parolees. Over 50% of incarcerated parolees were under age 30, while only 32% of the inmates fell into this younger age group.

Offenders under 21 years old constituted 5% of the total under custody population while offenders 60 and over represented 4% of the incarcerated offender population.

Figure 2. Offender Age

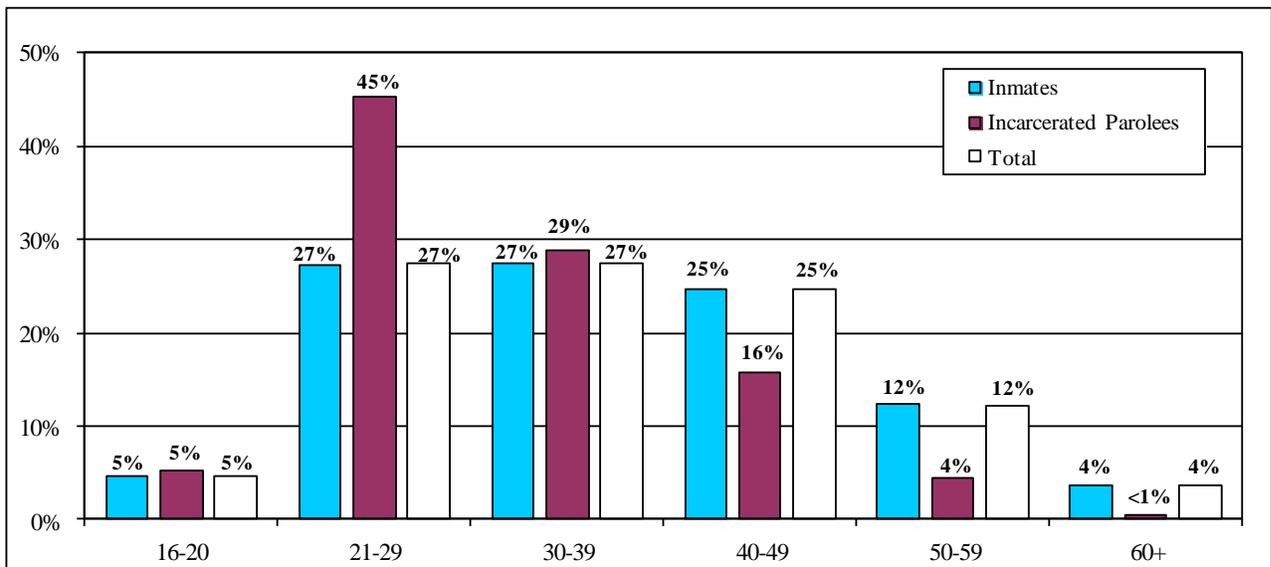


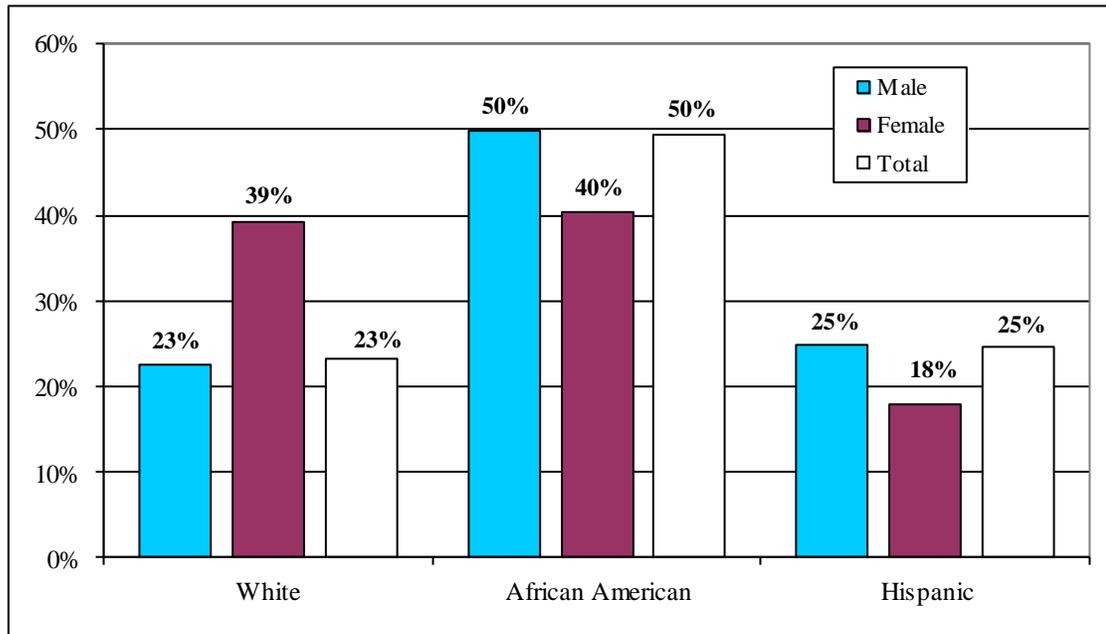
Table 2. Offender Age, Under Custody Population on January 1, 2012

| Age by Gender | 16-20 | 21-29 | 30-39 | 40-49 | 50-59 | 60+ | Total | Average |
|------------------------|-------|--------|--------|--------|-------|-------|--------|---------|
| Male | 2,561 | 14,662 | 14,727 | 13,129 | 6,606 | 1,935 | 53,620 | 37.5 |
| Female | 75 | 676 | 635 | 645 | 257 | 71 | 2,359 | 37.4 |
| Total | 2,636 | 15,338 | 15,362 | 13,774 | 6,863 | 2,006 | 55,979 | 37.5 |
| Male | 4.8% | 27.3% | 27.5% | 24.5% | 12.3% | 3.6% | 100.0% | |
| Female | 3.2% | 28.7% | 26.9% | 27.3% | 10.9% | 3.0% | 100.0% | |
| Total | 4.7% | 27.4% | 27.4% | 24.6% | 12.3% | 3.6% | 100.0% | |
| Offender Status | | | | | | | | |
| Inmates | 2,608 | 15,092 | 15,205 | 13,688 | 6,839 | 2,004 | 55,436 | 37.5 |
| Incarcerated Parolees | 28 | 246 | 157 | 86 | 24 | 2 | 543 | 32.1 |
| Total | 2,636 | 15,338 | 15,362 | 13,774 | 6,863 | 2,006 | 55,979 | 37.5 |
| Inmates | 4.7% | 27.2% | 27.4% | 24.7% | 12.3% | 3.6% | 100.0% | |
| Incarcerated Parolees | 5.2% | 45.3% | 28.9% | 15.8% | 4.4% | 0.4% | 100.0% | |
| Total | 4.7% | 27.4% | 27.4% | 24.6% | 12.3% | 3.6% | 100.0% | |

Race/Ethnic Distribution

Approximately half of the offenders under custody on January 1, 2012, were African-American, with just under a quarter Hispanic and another quarter White. The female offender population had a larger proportion of Whites (39%) than the male offender population (23%). The incarcerated parolee population was more likely than inmates to be White (38% vs. 23%).

Figure 3. Race/Ethnic Status by Gender



**Table 3. Race/Ethnic, by Gender or Offender Status;
Under Custody Population January 1, 2012**

| Race/ethnic Status by Gender | White | African American | Hispanic | Native American | Asian | Other | Unknown | Total |
|------------------------------|--------|------------------|----------|-----------------|-------|-------|---------|--------|
| Male | 12,100 | 26,751 | 13,312 | 308 | 240 | 316 | 593 | 53,620 |
| Female | 924 | 953 | 423 | 22 | 13 | 7 | 17 | 2,359 |
| Total | 13,024 | 27,704 | 13,735 | 330 | 253 | 323 | 610 | 55,979 |
| Male | 22.6% | 49.9% | 24.8% | 0.6% | 0.4% | 0.6% | 1.1% | 100.0% |
| Female | 39.2% | 40.4% | 17.9% | 0.9% | 0.6% | 0.3% | 0.7% | 100.0% |
| Total | 23.3% | 49.5% | 24.5% | 0.6% | 0.5% | 0.6% | 1.1% | 100.0% |
| Offender Status | | | | | | | | |
| Inmates | 12,818 | 27,468 | 13,655 | 325 | 251 | 322 | 597 | 55,436 |
| Incarcerated Parolees | 206 | 236 | 80 | 5 | 2 | 1 | 13 | 543 |
| Total | 13,024 | 27,704 | 13,735 | 330 | 253 | 323 | 610 | 55,979 |
| Inmates | 23.1% | 49.5% | 24.6% | 0.6% | 0.5% | 0.6% | 1.1% | 100.0% |
| Incarcerated Parolees | 37.9% | 43.5% | 14.7% | 0.9% | 0.4% | 0.2% | 2.4% | 100.0% |
| Total | 23.3% | 49.5% | 24.5% | 0.6% | 0.5% | 0.6% | 1.1% | 100.0% |

Region of Commitment

Approximately half (47%) of the offenders under custody on January 1, 2012, 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) comprised 24% of the offender population. The remaining 17% were sentenced from the other Upstate counties. The incarcerated parolee population was less likely than inmates to have been committed from New York City and more likely to be committed from upstate counties.

Figure 4. Region of Commitment by Gender

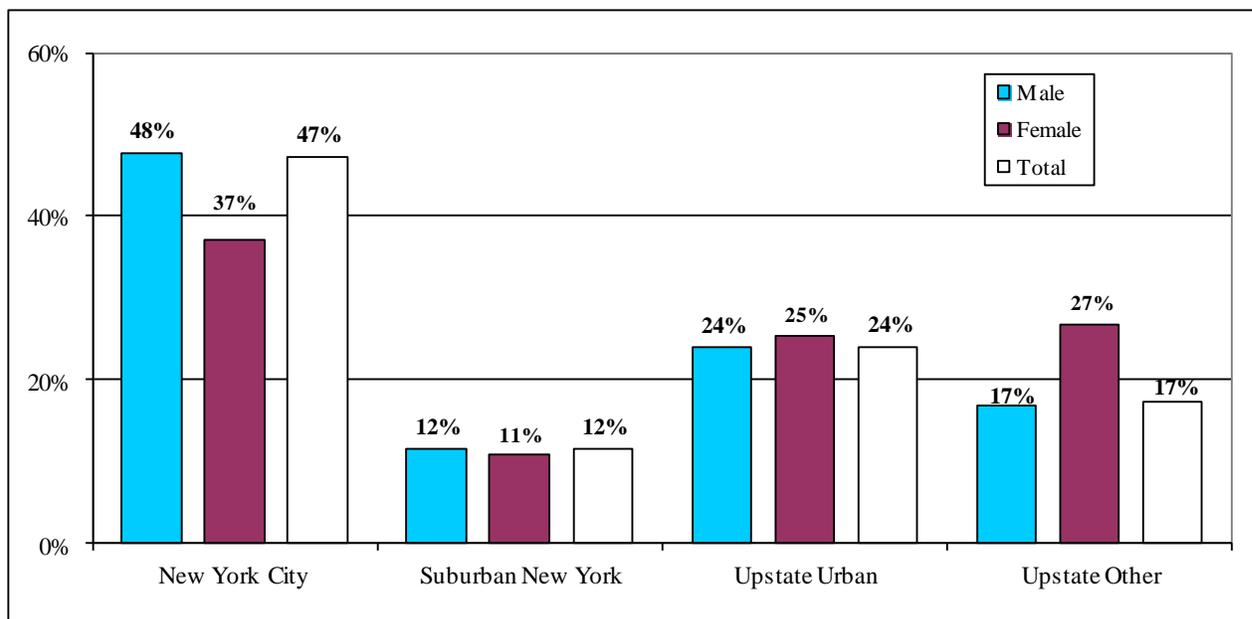


Table 4. Region of Commitment by Gender or Offender Status; Under Custody Population January 1, 2012

| Region by Gender | New York City | Suburban New York | Upstate Urban | Upstate Other | Total* |
|------------------------|---------------|-------------------|---------------|---------------|--------|
| Male | 25,557 | 6,219 | 12,830 | 9,014 | 53,620 |
| Female | 873 | 253 | 599 | 633 | 2,358 |
| Total | 26,430 | 6,472 | 13,429 | 9,647 | 55,978 |
| Male | 47.7% | 11.6% | 23.9% | 16.8% | 100.0% |
| Female | 37.0% | 10.7% | 25.4% | 26.8% | 100.0% |
| Total | 47.2% | 11.6% | 24.0% | 17.2% | 100.0% |
| Offender Status | | | | | |
| Inmates | 26,309 | 6,417 | 13,260 | 9,449 | 55,435 |
| Incarcerated Parolees | 121 | 55 | 169 | 198 | 543 |
| Total | 26,430 | 6,472 | 13,429 | 9,647 | 55,978 |
| Inmates | 47.5% | 11.6% | 23.9% | 17.0% | 100.0% |
| Incarcerated Parolees | 22.3% | 10.1% | 31.1% | 36.5% | 100.0% |
| Total | 47.2% | 11.6% | 24.0% | 17.2% | 100.0% |

* One inmate from out of state.

World Region of Birth

Ninety percent (90%) of under custody offenders were born in the United States or a United States Territory. Approximately 10% or 5,728 of under custody offenders reported birth in a foreign country. Most of these offenders who reported birth in a foreign country were from one of the island nations in the Caribbean basin.²

Figure 5. World Region of Birth

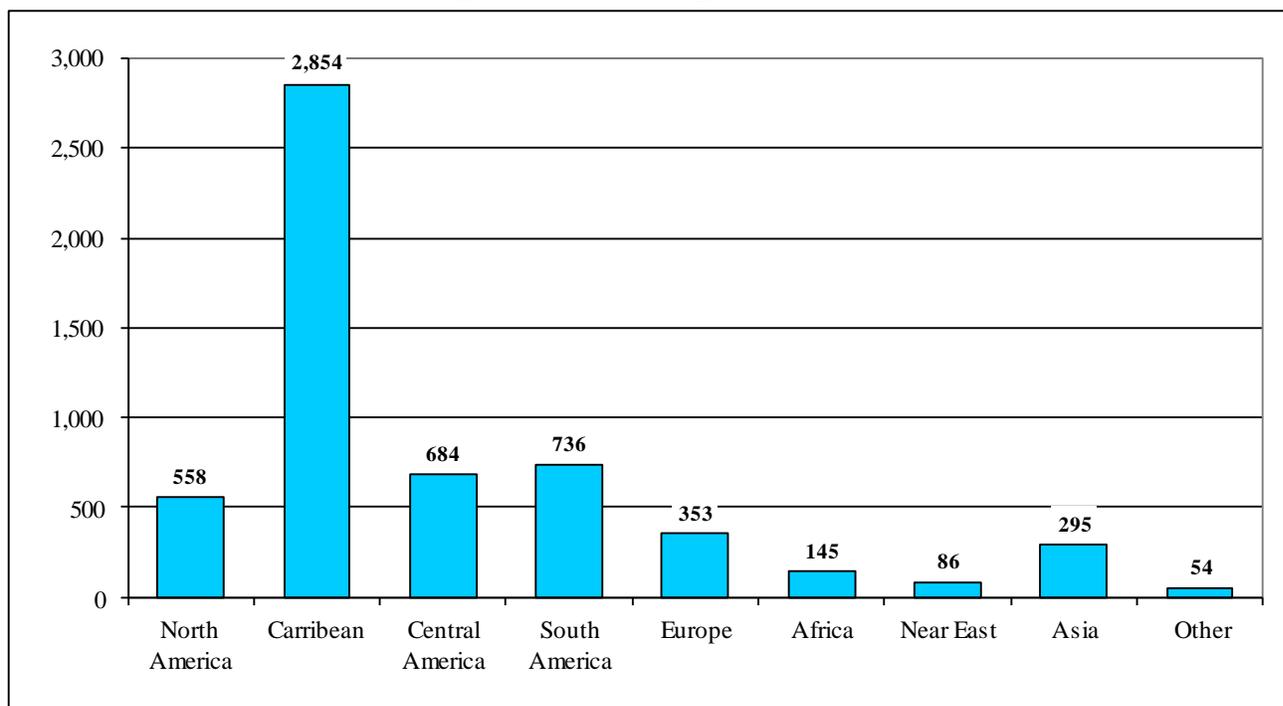


Table 5. World Region of Birth; Under Custody Population January 1, 2012

| World Region by Gender | United States* | North America | Caribbean | Central America | South America | Europe | Africa | Near East | Asia | South Pacific | Unknown | Total |
|------------------------|----------------|---------------|-----------|-----------------|---------------|--------|--------|-----------|------|---------------|---------|--------|
| Male | 48,057 | 539 | 2,755 | 667 | 710 | 331 | 142 | 82 | 288 | 13 | 36 | 53,620 |
| Female | 2,157 | 19 | 99 | 17 | 26 | 22 | 3 | 4 | 7 | 4 | 1 | 2,359 |
| Total | 50,214 | 558 | 2,854 | 684 | 736 | 353 | 145 | 86 | 295 | 17 | 37 | 55,979 |
| Male | 89.6% | 1.0% | 5.1% | 1.2% | 1.3% | 0.6% | 0.3% | 0.2% | 0.5% | 0.0% | 0.1% | 100.0% |
| Female | 91.4% | 0.8% | 4.2% | 0.7% | 1.1% | 0.9% | 0.1% | 0.2% | 0.3% | 0.2% | 0.0% | 100.0% |
| Total | 89.7% | 1.0% | 5.1% | 1.2% | 1.3% | 0.6% | 0.3% | 0.2% | 0.5% | 0.0% | 0.1% | 100.0% |
| Offender Status | | | | | | | | | | | | |
| Inmates | 49,690 | 556 | 2,853 | 684 | 735 | 352 | 143 | 86 | 293 | 17 | 27 | 55,436 |
| Incarcerated Parolees | 524 | 2 | 1 | 0 | 1 | 1 | 2 | 0 | 2 | 0 | 10 | 543 |
| Total | 50,214 | 558 | 2,854 | 684 | 736 | 353 | 145 | 86 | 295 | 17 | 37 | 55,979 |
| Inmates | 89.6% | 1.0% | 5.1% | 1.2% | 1.3% | 0.6% | 0.3% | 0.2% | 0.5% | 0.0% | 0.0% | 100.0% |
| Incarcerated Parolees | 96.5% | 0.4% | 0.2% | 0.0% | 0.2% | 0.2% | 0.4% | 0.0% | 0.4% | 0.0% | 1.8% | 100.0% |
| Total | 89.7% | 1.0% | 5.1% | 1.2% | 1.3% | 0.6% | 0.3% | 0.2% | 0.5% | 0.0% | 0.1% | 100.0% |

* Includes offenders committed from United States Territories.

2. For additional information on foreign born inmates see "The Foreign Born Under Custody Population and the Institutional Removal Program" (2011), New York State Department of Corrections and Community Supervision, Albany, New York 12226. On the DOCCS' web site at: http://www.doccs.ny.gov/Research/Reports/2011/ForeignBorn_IRP_Report.pdf

Marital Status

Two-thirds of the offender population reported never being married. The rate was higher (78%) for incarcerated parolees.

Figure 6. Marital Status

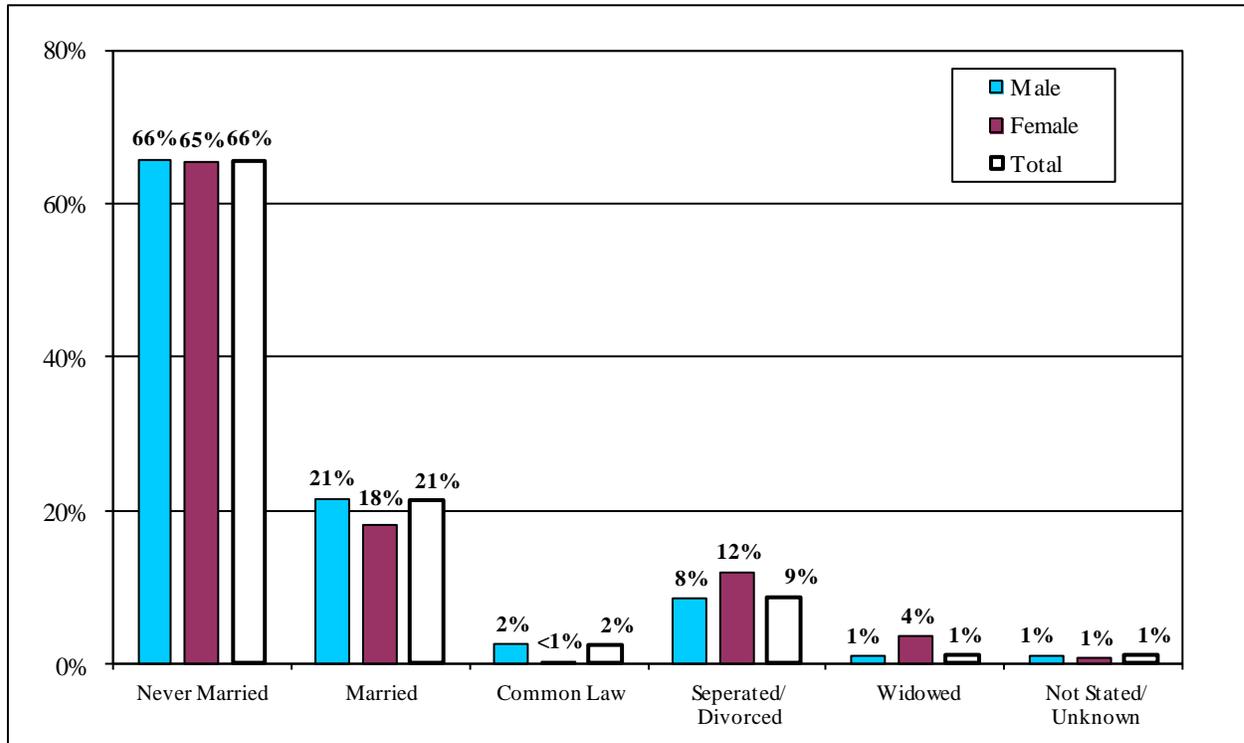


Table 6. Marital Status; Under Custody Population January 1, 2012

| Marriage Status | Never Married | Married | Common Law | Separated/Divorced | Widowed | Not Stated/Unknown | Total |
|------------------------|---------------|---------|------------|--------------------|---------|--------------------|--------|
| Male | 35,176 | 11,522 | 1,305 | 4,546 | 505 | 566 | 53,620 |
| Female | 1,542 | 429 | 7 | 282 | 84 | 15 | 2,359 |
| Total | 36,718 | 11,951 | 1,312 | 4,828 | 589 | 581 | 55,979 |
| Male | 65.6% | 21.5% | 2.4% | 8.5% | 0.9% | 1.1% | 100.0% |
| Female | 65.4% | 18.2% | 0.3% | 12.0% | 3.6% | 0.6% | 100.0% |
| Total | 65.6% | 21.3% | 2.3% | 8.6% | 1.1% | 1.0% | 100.0% |
| Offender Status | | | | | | | |
| Inmates | 36,296 | 11,893 | 1,309 | 4,780 | 587 | 571 | 55,436 |
| Incarcerated Parolees | 422 | 58 | 3 | 48 | 2 | 10 | 543 |
| Total | 36,718 | 11,951 | 1,312 | 4,828 | 589 | 581 | 55,979 |
| Inmates | 65.5% | 21.5% | 2.4% | 8.6% | 1.1% | 1.0% | 100.0% |
| Incarcerated Parolees | 77.7% | 10.7% | 0.6% | 8.8% | 0.4% | 1.8% | 100.0% |
| Total | 65.6% | 21.3% | 2.3% | 8.6% | 1.1% | 1.0% | 100.0% |

Number of Living Children

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

Figure 7. Offenders with One or More Living Children

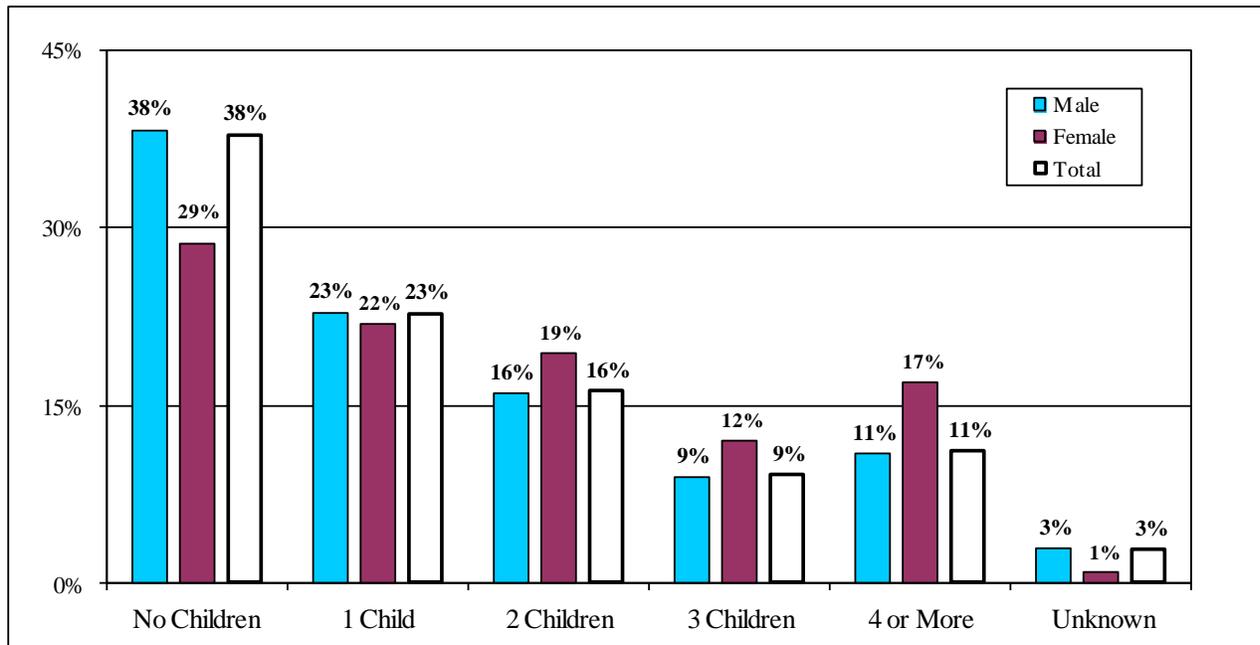


Table 7. Number of Children; Under Custody Population January 1, 2012

| Number of Children | No Children | 1 Child | 2 Children | 3 Children | 4 or More | Unknown | Total |
|------------------------|-------------|---------|------------|------------|-----------|---------|--------|
| Male | 20,517 | 12,242 | 8,605 | 4,823 | 5,862 | 1,571 | 53,620 |
| Female | 675 | 518 | 458 | 284 | 401 | 23 | 2,359 |
| Total | 21,192 | 12,760 | 9,063 | 5,107 | 6,263 | 1,594 | 55,979 |
| Male | 38.3% | 22.8% | 16.0% | 9.0% | 10.9% | 2.9% | 100.0% |
| Female | 28.6% | 22.0% | 19.4% | 12.0% | 17.0% | 1.0% | 100.0% |
| Total | 37.9% | 22.8% | 16.2% | 9.1% | 11.2% | 2.8% | 100.0% |
| Offender Status | | | | | | | |
| Inmates | 20,983 | 12,643 | 8,970 | 5,067 | 6,192 | 1,581 | 55,436 |
| Incarcerated Parolees | 209 | 117 | 93 | 40 | 71 | 13 | 543 |
| Total | 21,192 | 12,760 | 9,063 | 5,107 | 6,263 | 1,594 | 55,979 |
| Inmates | 37.9% | 22.8% | 16.2% | 9.1% | 11.2% | 2.9% | 100.0% |
| Incarcerated Parolees | 38.5% | 21.5% | 17.1% | 7.4% | 13.1% | 2.4% | 100.0% |
| Total | 37.9% | 22.8% | 16.2% | 9.1% | 11.2% | 2.8% | 100.0% |

Religious Affiliation

Eighty-five percent (85%) of under custody offenders reported affiliation with a recognized religion. Twenty-eight percent (28%) were Protestant, 25% were Catholic, 11% were Islam, 21% other faiths, and 15% did not report affiliation with a religious faith.

Figure 8. Religious Affiliation

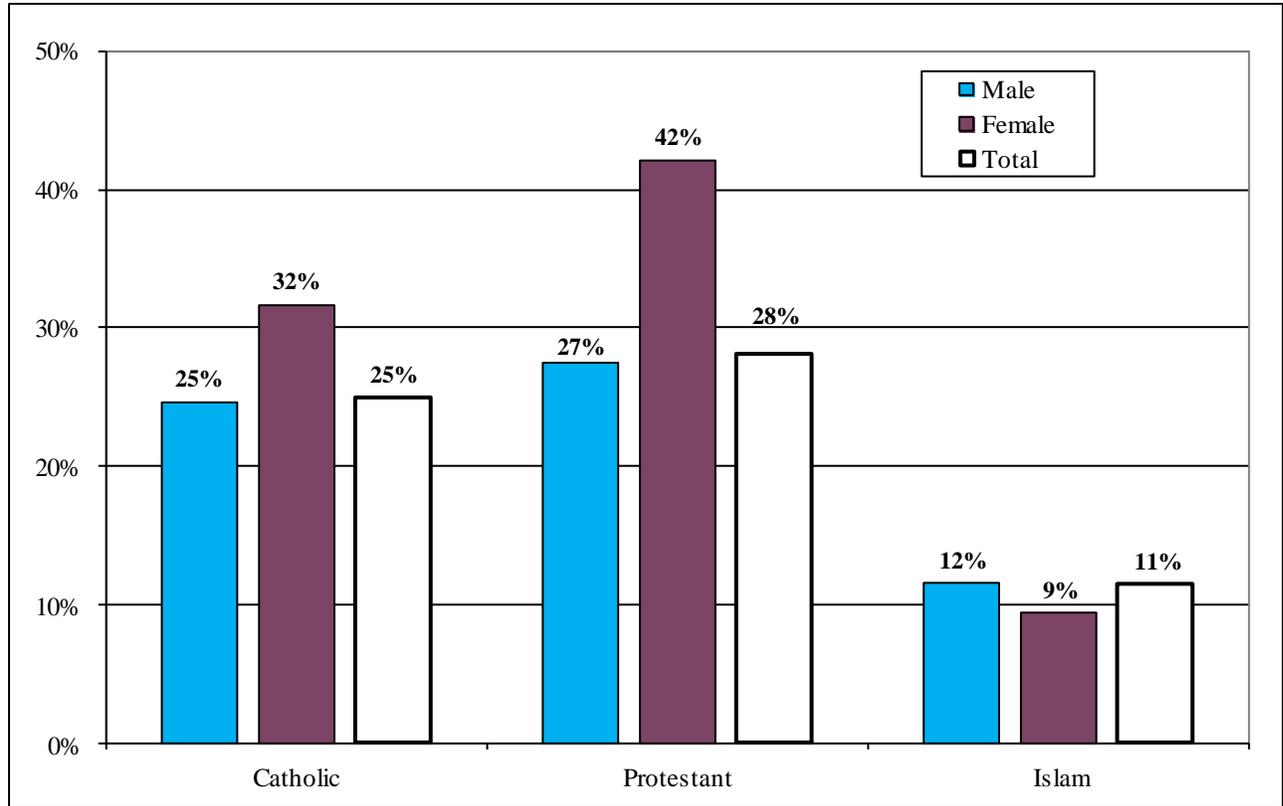


Table 8. Religious Affiliation; Under Custody January 1, 2012

| Religious Affiliation | Catholic | Protes - tant | Islam | Nation of Islam | Rasta - farian | Jewish | Asian Religions | Native American | Greek Orthodox | Other | None Listed | Total |
|------------------------|----------|---------------|-------|-----------------|----------------|--------|-----------------|-----------------|----------------|-------|-------------|--------|
| Male | 13,206 | 14,733 | 6,195 | 2,128 | 3,534 | 3,548 | 339 | 440 | 52 | 1,552 | 7,893 | 53,620 |
| Female | 746 | 992 | 222 | 14 | 18 | 49 | 9 | 11 | 2 | 13 | 283 | 2,359 |
| Total | 13,952 | 15,725 | 6,417 | 2,142 | 3,552 | 3,597 | 348 | 451 | 54 | 1,565 | 8,176 | 55,979 |
| Male | 24.6% | 27.5% | 11.6% | 4.0% | 6.6% | 6.6% | 0.6% | 0.8% | 0.1% | 2.9% | 14.7% | 100.0% |
| Female | 31.6% | 42.1% | 9.4% | 0.6% | 0.8% | 2.1% | 0.4% | 0.5% | 0.1% | 0.6% | 12.0% | 100.0% |
| Total | 24.9% | 28.1% | 11.5% | 3.8% | 6.3% | 6.4% | 0.6% | 0.8% | 0.1% | 2.8% | 14.6% | 100.0% |
| Offender Status | | | | | | | | | | | | |
| Inmates | 13,810 | 15,590 | 6,373 | 2,134 | 3,536 | 3,580 | 345 | 445 | 52 | 1,561 | 8,010 | 55,436 |
| Incarcerated Parolees | 142 | 135 | 44 | 8 | 16 | 17 | 3 | 6 | 2 | 4 | 166 | 543 |
| Total | 13,952 | 15,725 | 6,417 | 2,142 | 3,552 | 3,597 | 348 | 451 | 54 | 1,565 | 8,176 | 55,979 |
| Inmates | 24.9% | 28.1% | 11.5% | 3.8% | 6.4% | 6.5% | 0.6% | 0.8% | 0.1% | 2.8% | 14.4% | 100.0% |
| Incarcerated Parolees | 26.2% | 24.9% | 8.1% | 1.5% | 2.9% | 3.1% | 0.6% | 1.1% | 0.4% | 0.7% | 30.6% | 100.0% |
| Total | 24.9% | 28.1% | 11.5% | 3.8% | 6.3% | 6.4% | 0.6% | 0.8% | 0.1% | 2.8% | 14.6% | 100.0% |

Veteran Status

Of the 55,979 offenders under custody on January 1, 2012, 5% (2,604) reported military service. Of this total, the largest number claimed military service in the Post-Vietnam Era (May 1975 to July 1990).

Figure 9. Offender Veterans by Military Service Era

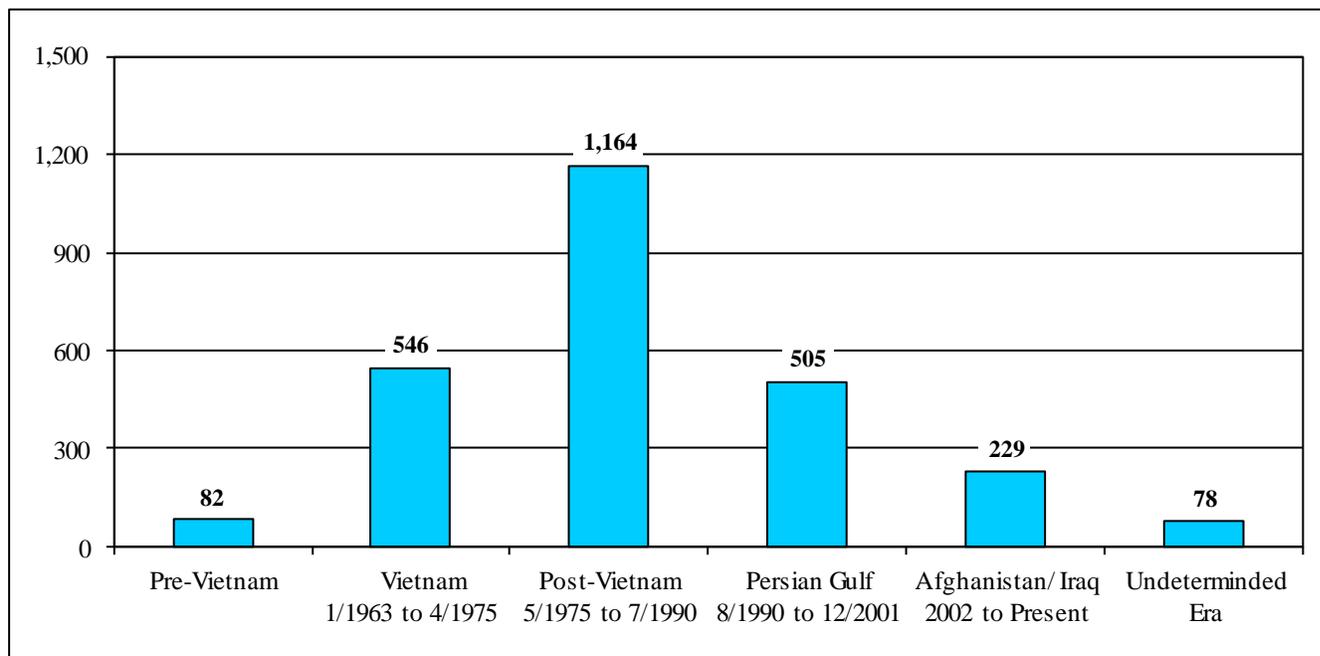


Table 9. Veteran Status by Service Era; Under Custody Population January 1, 2012

| Veteran Status | 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 | Undetermined Era | Total |
|------------------------|-------------|-------------|--------------------------------|-------------------------------------|--------------------------------------|---|---------------------|--------|
| Male | 51,039 | 82 | 546 | 1,158 | 496 | 222 | 77 | 53,620 |
| Female | 2,336 | 0 | 0 | 6 | 9 | 7 | 1 | 2,359 |
| Total | 53,375 | 82 | 546 | 1,164 | 505 | 229 | 78 | 55,979 |
| Male | 95.2% | 0.2% | 1.0% | 2.2% | 0.9% | 0.4% | 0.1% | 100.0% |
| Female | 99.0% | 0.0% | 0.0% | 0.3% | 0.4% | 0.3% | 0.0% | 100.0% |
| Total | 95.3% | 0.1% | 1.0% | 2.1% | 0.9% | 0.4% | 0.1% | 100.0% |
| Offender Status | | | | | | | | |
| Inmates | 52,850 | 82 | 545 | 1,154 | 501 | 226 | 78 | 55,436 |
| Incarcerated | 525 | 0 | 1 | 10 | 4 | 3 | 0 | 543 |
| Parolees | | | | | | | | |
| Total | 53,375 | 82 | 546 | 1,164 | 505 | 229 | 78 | 55,979 |
| Inmates | 95.3% | 0.1% | 1.0% | 2.1% | 0.9% | 0.4% | 0.1% | 100.0% |
| Incarcerated | 96.7% | 0.0% | 0.2% | 1.8% | 0.7% | 0.6% | 0.0% | 100.0% |
| Parolees | | | | | | | | |
| Total | 95.3% | 0.1% | 1.0% | 2.1% | 0.9% | 0.4% | 0.1% | 100.0% |

Section Two

CRIMINAL HISTORY

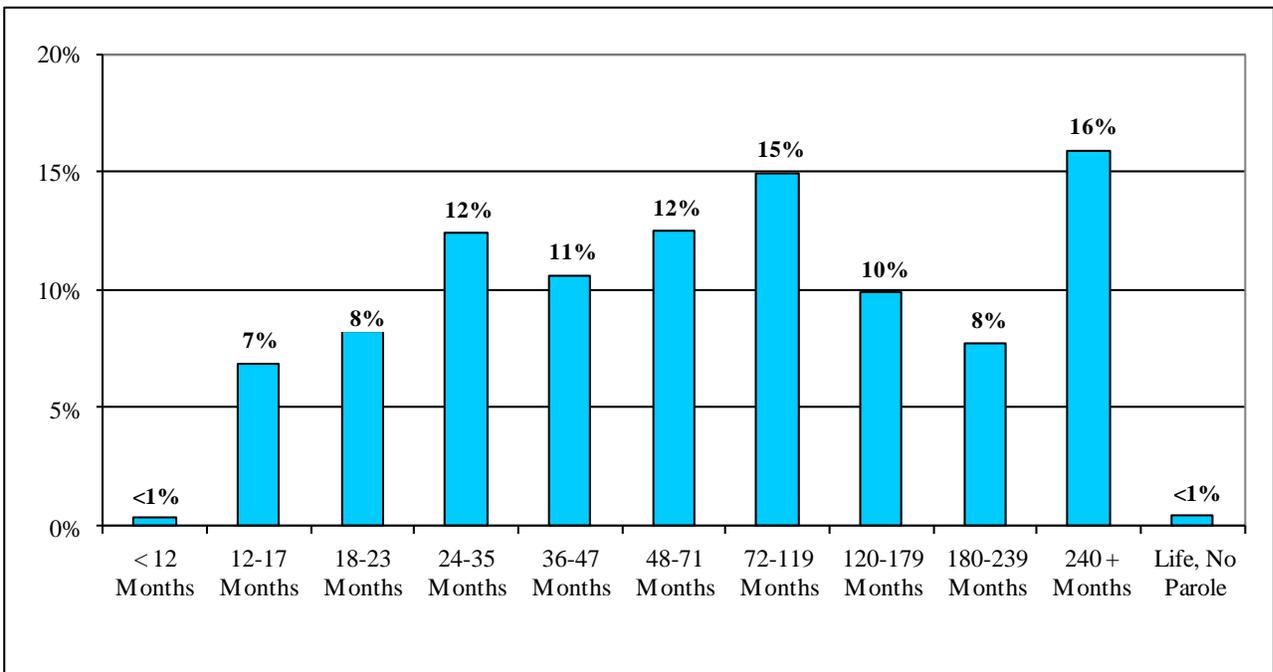
Minimum Sentence

The median minimum sentence for under custody offenders was more than 5 years³. However, the average minimum sentence length was nine and a half years, reflecting the influence of lengthy minimum terms of many offenders.

Current sentencing laws in New York require an offender convicted of certain crimes to receive a determinate sentence. Determinate sentences require an offender 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 a determinate sentence has a minimum sentence set by the court.

As of January 1, 2012, there were 240 offenders under custody who were serving sentences of “Life Without Parole.” In calculating the average minimum sentence length, “Life Without Parole” cases were given a value of 45 years or 540 months.

Figure 10. Minimum Sentence Length of Inmates



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 users for this reason.

Table 10. Minimum Sentence; Under Custody Population January 1, 2012

| Minimum Sentence by Gender - Inmates | Male | Female | Total | Male | Female | Total |
|--|---------------|----------------|---------------|---------------|---------------|---------------|
| < 12 Months | 151 | 23 | 174 | 0.3% | 1.0% | 0.3% |
| 12-17 Months | 3,456 | 353 | 3,809 | 6.5% | 15.3% | 6.9% |
| 18-23 Months | 4,346 | 288 | 4,634 | 8.2% | 12.5% | 8.4% |
| 24-35 Months | 6,502 | 392 | 6,894 | 12.2% | 17.0% | 12.4% |
| 36-47 Months | 5,658 | 276 | 5,934 | 10.7% | 11.9% | 10.7% |
| 48-71 Months | 6,632 | 318 | 6,950 | 12.5% | 13.8% | 12.5% |
| 72-119 Months | 8,060 | 230 | 8,290 | 15.2% | 9.9% | 15.0% |
| 120-179 Months | 5,337 | 123 | 5,460 | 10.0% | 5.3% | 9.8% |
| 180-239 Months | 4,155 | 124 | 4,279 | 7.8% | 5.4% | 7.7% |
| 240 + Months | 8,595 | 177 | 8,772 | 16.2% | 7.7% | 15.8% |
| Life, No Parole | 232 | 8 | 240 | 0.4% | 0.3% | 0.4% |
| Total Inmates | 53,124 | 2,312 | 55,436 | 100.0% | 100.0% | 100.0% |
| Minimum Sentence by Gender - Parolee | Male | Female | Total | Male | Female | Total |
| < 12 Months | 2 | 0 | 2 | 0.4% | 0.0% | 0.4% |
| 12-17 Months | 100 | 10 | 110 | 20.2% | 21.3% | 20.3% |
| 18-23 Months | 111 | 16 | 127 | 22.4% | 34.0% | 23.4% |
| 24-35 Months | 150 | 15 | 165 | 30.2% | 31.9% | 30.4% |
| 36-47 Months | 85 | 4 | 89 | 17.1% | 8.5% | 16.4% |
| 48-71 Months | 29 | 1 | 30 | 5.8% | 2.1% | 5.5% |
| 72-119 Months | 16 | 1 | 17 | 3.2% | 2.1% | 3.1% |
| 120-179 Months | 2 | 0 | 2 | 0.4% | 0.0% | 0.4% |
| 180-239 Months | 1 | 0 | 1 | 0.2% | 0.0% | 0.2% |
| 240 + Months | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| Life, No Parole | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| Total Incarcerated Parolees | 496 | 47 | 543 | 100.0% | 100.0% | 100.0% |
| Total Count of Incarcerated Offenders | 53,620 | 2,359 | 55,979 | 95.8% | 4.2% | 100.0% |
| Average and Median Minimum Sentence | Male Average | Female Average | Total Average | Male Median | Female Median | Total Median |
| Total Inmates | 120.2 | 74.1 | 118.2 | 67.0 | 36.0 | 62.0 |
| Total Incarcerated Parolees | 28.9 | 25.0 | 28.6 | 24.0 | 21.0 | 24.0 |
| Total Incarcerated Offenders | 119.3 | 73.1 | 117.4 | 62.0 | 36.0 | 62.0 |

As can be seen in Table 10 above, the median minimum sentence for inmates is 62 months, but there is a large difference between male inmates whose median minimum sentence is 67 months and female inmates at 36 months.

For incarcerated parolees the median minimum sentence was 24 months and the differences between males and female were much smaller, with male median minimum sentence at 24 months compared with 21 months for female parolees.

Maximum Sentence

As of January 1, 2012 the median maximum sentence of under custody inmates was 7 years. However, the average maximum sentence length was eleven and a half years, reflecting the influence of lengthy maximum terms of many inmates.

Average maximum sentences for women (98 months) were 43 months shorter than for men (141 months). Median maximum sentences for women (60 months) were 24 months shorter than for men (84 months). Average maximum sentences for inmates (140 months) were 91 months shorter than for incarcerated parolees (49 months).

In calculating the average maximum sentence length, “Life Without Parole” cases were given a value of 45 years or 540 months, and Life maximum cases were given a value of 25 years or 300 months.

Figure 11. Maximum Sentence Length of Inmates

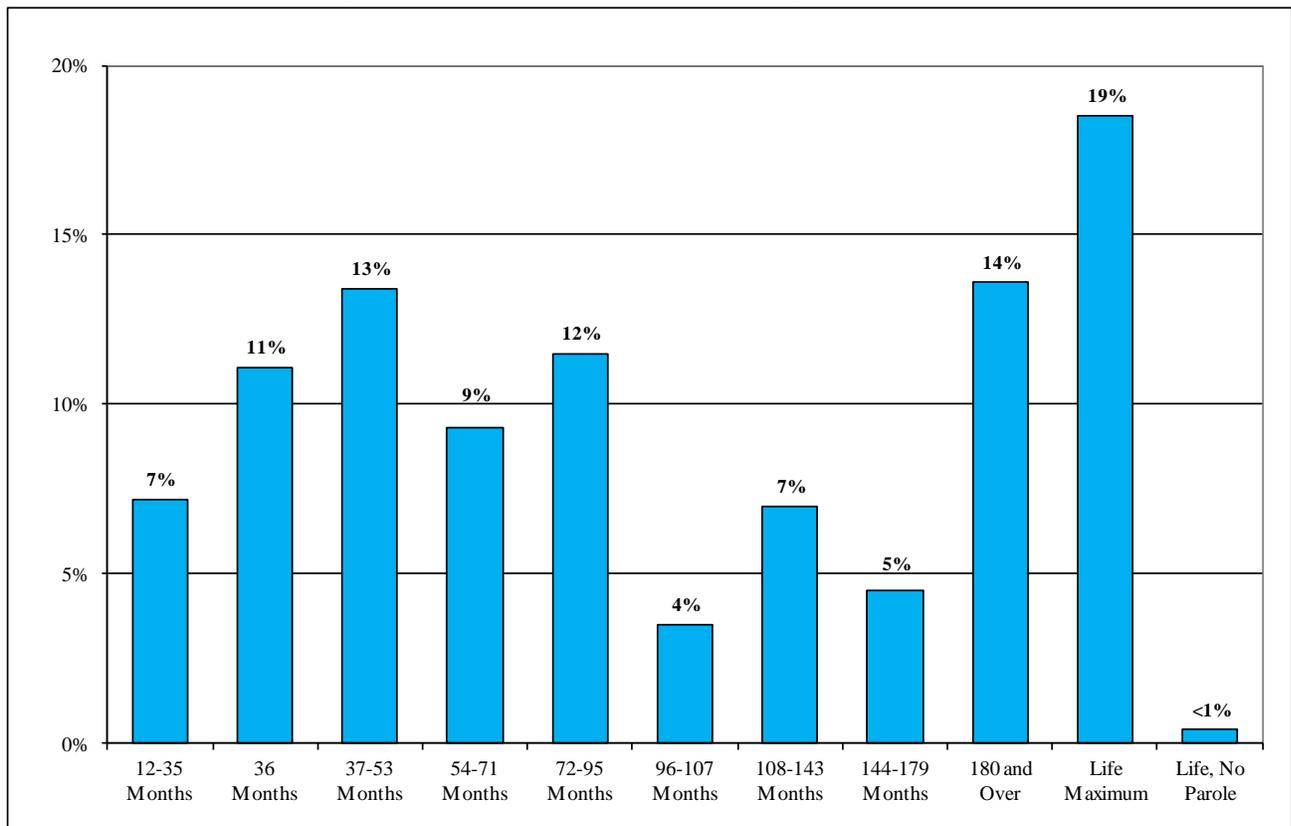


Table 11. Maximum Sentence; Under Custody Population January 1, 2012

| Maximum Sentence by Gender - Inmates | Male | Female | Total | Male | Female | Total |
|---------------------------------------|--------------|----------------|---------------|-------------|---------------|--------------|
| 12 to 35 | 3,729 | 256 | 3,985 | 7.0% | 11.1% | 7.2% |
| 36 Months | 5,702 | 460 | 6,162 | 10.7% | 19.9% | 11.1% |
| 37-53 Months | 7,079 | 371 | 7,450 | 13.3% | 16.0% | 13.4% |
| 54-71 Months | 4,955 | 224 | 5,179 | 9.3% | 9.7% | 9.3% |
| 72-95 Months | 6,089 | 264 | 6,353 | 11.5% | 11.4% | 11.5% |
| 96-107 Months | 1,868 | 67 | 1,935 | 3.5% | 2.9% | 3.5% |
| 108-143 Months | 3,712 | 157 | 3,869 | 7.0% | 6.8% | 7.0% |
| 144-179 Months | 2,411 | 84 | 2,495 | 4.5% | 3.6% | 4.5% |
| 180 and Over | 7,331 | 187 | 7,518 | 13.8% | 8.1% | 13.6% |
| Life Max | 10,016 | 234 | 10,250 | 18.9% | 10.1% | 18.5% |
| Life, No Parole | 232 | 8 | 240 | 0.4% | 0.3% | 0.4% |
| Total Inmates | 53,124 | 2,312 | 55,436 | 100.0% | 100.0% | 100.0% |
| Maximum Sentence by Gender - Parolee | Male | Female | Total | Male | Female | Total |
| 12 to 35 | 96 | 10 | 106 | 19.4% | 21.3% | 19.5% |
| 36 Months | 144 | 15 | 159 | 29.0% | 31.9% | 29.3% |
| 37-53 Months | 136 | 15 | 151 | 27.4% | 31.9% | 27.8% |
| 54-71 Months | 37 | 2 | 39 | 7.5% | 4.3% | 7.2% |
| 72-95 Months | 54 | 4 | 58 | 10.9% | 8.5% | 10.7% |
| 96-107 Months | 3 | 0 | 3 | 0.6% | 0.0% | 0.6% |
| 108-143 Months | 17 | 0 | 17 | 3.4% | 0.0% | 3.1% |
| 144-179 Months | 3 | 0 | 3 | 0.6% | 0.0% | 0.6% |
| 180 and Over | 2 | 1 | 3 | 0.4% | 2.1% | 0.6% |
| Life Max | 4 | 0 | 4 | 0.8% | 0.0% | 0.7% |
| Life, No Parole | 0 | 0 | 0 | 0.0% | 0.0% | 0.0% |
| Total Inmates | 496 | 47 | 543 | 100.0% | 100.0% | 100.0% |
| Total Count of Incarcerated Offenders | 53,620 | 2,359 | 55,979 | 95.8% | 4.2% | 100.0% |
| Average and Median Maximum Sentence | Male Average | Female Average | Total Average | Male Median | Female Median | Total Median |
| Total Inmates | 142.0 | 99.2 | 140.2 | 84.0 | 60.0 | 84.0 |
| Total Incarcerated Parolees | 49.8 | 45.2 | 49.4 | 42.0 | 36.0 | 42.0 |
| Total Incarcerated Offenders | 141.1 | 98.2 | 139.3 | 84.0 | 60.0 | 84.0 |

As can be seen in Table 11 above, the median maximum sentence for inmates is 84 months, but there is a large difference between male inmates whose median maximum sentence is 84 months and female inmates at 60 months.

For incarcerated parolees the median maximum sentence is 42 months the differences between males and female were much smaller, with male median maximum sentence at 42 months compared with 36 months for female incarcerated parolees.

Commitment Crime

Sixty-three percent (63%) of the offenders under custody on January 1, 2012, were serving a sentence for a Violent Felony Offense (VFO). Another 14% of offenders were serving a sentence for a Drug crime. Forty-five percent (45%) of female offenders were serving a sentence for a VFO compared to 64% for male offenders. In contrast, 27% of female offenders were sentenced for a property or other crime compared to 13% percent of male offenders. Table 12B lists the commitment crimes that are included in each of the general categories in Figure 12. Over 82% of incarcerated parolees were convicted of a drug or property related crime in comparison to 26% of inmates.

Figure 12. Commitment Crime Category

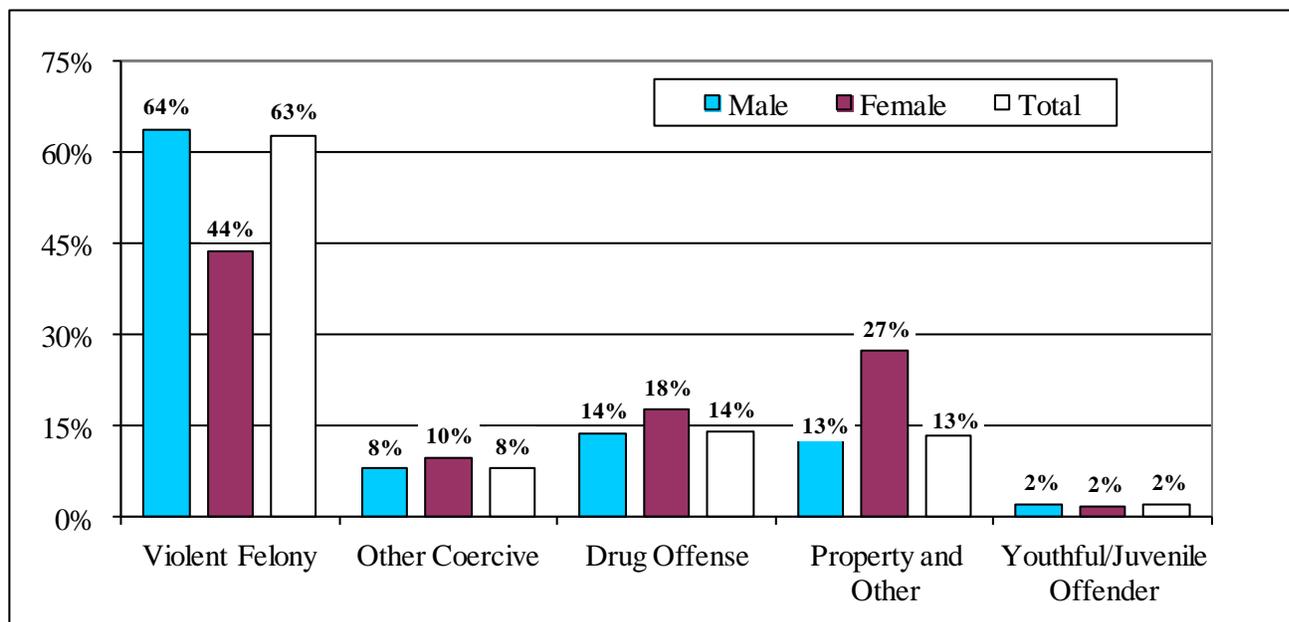


Table 12A. Crime Category; Under Custody Population January 1, 2012

| Commitment Crime Type | Violent Felony | Other Coercive | Drug Offenses | Property and Other | YO/JO | Total |
|------------------------|----------------|----------------|---------------|--------------------|-------|--------|
| Male | 34,339 | 4,211 | 7,390 | 6,570 | 1,110 | 53,620 |
| Female | 1,061 | 231 | 415 | 611 | 41 | 2,359 |
| Total | 35,400 | 4,442 | 7,805 | 7,181 | 1,151 | 55,979 |
| Male | 64.0% | 7.9% | 13.8% | 12.3% | 2.1% | 100.0% |
| Female | 45.0% | 9.8% | 17.6% | 25.9% | 1.7% | 100.0% |
| Total | 63.2% | 7.9% | 13.9% | 12.8% | 2.1% | 100.0% |
| Offender Status | | | | | | |
| Inmates | 35,368 | 4,408 | 7,567 | 6,970 | 1,123 | 55,436 |
| Incarcerated Parolees | 32 | 34 | 238 | 211 | 28 | 543 |
| Total | 35,400 | 4,442 | 7,805 | 7,181 | 1,151 | 55,979 |
| Inmates | 63.8% | 8.0% | 13.6% | 12.6% | 2.0% | 100.0% |
| Incarcerated Parolees | 5.9% | 6.3% | 43.8% | 38.9% | 5.2% | 100.0% |
| Total | 63.2% | 7.9% | 13.9% | 12.8% | 2.1% | 100.0% |

Table 12B. Crime Category by Offender status; Under Custody Population January 1, 2012

| Commitment Crime Type | Inmate | | | Parolee | | |
|---------------------------|--------|--------|--------|---------|--------|--------|
| | Male | Female | Total | Male | Female | Total |
| Violent Felony | | | | | | |
| Murder | 7,103 | 213 | 7,316 | 0 | 0 | 0 |
| Attempted Murder | 1,314 | 28 | 1,342 | 0 | 0 | 0 |
| Manslt 1st,Ag 2nd | 1,986 | 156 | 2,142 | 1 | 0 | 1 |
| Rape 1st | 1,719 | 3 | 1,722 | 0 | 0 | 0 |
| Robbery 1st | 4,427 | 100 | 4,527 | 3 | 0 | 3 |
| Robbery 2nd | 3,088 | 115 | 3,203 | 9 | 0 | 9 |
| Assault 1st | 1,898 | 104 | 2,002 | 0 | 0 | 0 |
| Assault 2nd | 1,422 | 89 | 1,511 | 2 | 0 | 2 |
| Burglary 1st | 1,092 | 22 | 1,114 | 2 | 0 | 2 |
| Burglary 2nd | 3,599 | 121 | 3,720 | 5 | 0 | 5 |
| Arson 1st,2nd | 177 | 30 | 207 | 0 | 0 | 0 |
| Sodomy 1st | 1,083 | 6 | 1,089 | 0 | 0 | 0 |
| Sex Ab 1st,Ag 2 | 1,211 | 8 | 1,219 | 0 | 0 | 0 |
| Weapons Offenses | 3,364 | 41 | 3,405 | 10 | 0 | 10 |
| Kidnapping 1st,2nd | 356 | 16 | 372 | 0 | 0 | 0 |
| Other VFO Sex Off | 386 | 5 | 391 | 0 | 0 | 0 |
| Other Violent | 82 | 4 | 86 | 0 | 0 | 0 |
| Subtotal | 34,307 | 1,061 | 35,368 | 32 | 0 | 32 |
| | 97.0% | 3.0% | 100.0% | 100.0% | 0.0% | 100.0% |
| Other Coercive | | | | | | |
| Manslaughter 2nd | 259 | 41 | 300 | 0 | 0 | 0 |
| Other Homicide | 127 | 28 | 155 | 0 | 0 | 0 |
| Robbery 3rd | 1,244 | 42 | 1,286 | 14 | 0 | 14 |
| Att Assault 2nd | 445 | 28 | 473 | 6 | 0 | 6 |
| Conspiracy 2,3,4 | 227 | 22 | 249 | 2 | 0 | 2 |
| Other Weapons | 617 | 13 | 630 | 9 | 0 | 9 |
| Other Sex Offenses | 812 | 19 | 831 | 0 | 0 | 0 |
| Other Coercive | 447 | 37 | 484 | 2 | 1 | 3 |
| Subtotal | 4,178 | 230 | 4,408 | 33 | 1 | 34 |
| | 94.8% | 5.2% | 100.0% | 97.1% | 2.9% | 100.0% |
| Drug Offenses | | | | | | |
| Drug Sale | 4,027 | 266 | 4,293 | 125 | 7 | 132 |
| Drug Possession | 3,143 | 131 | 3,274 | 95 | 11 | 106 |
| Subtotal | 7,170 | 397 | 7,567 | 220 | 18 | 238 |
| | 94.8% | 5.2% | 100.0% | 92.4% | 7.6% | 100.0% |
| Property and Other | | | | | | |
| Burglary 3rd | 2,098 | 63 | 2,161 | 73 | 7 | 80 |
| Grand Larceny | 1,217 | 225 | 1,442 | 46 | 4 | 50 |
| Forgery | 433 | 76 | 509 | 16 | 7 | 23 |
| Stolen Property | 369 | 30 | 399 | 12 | 3 | 15 |
| Drive Intoxicated | 866 | 87 | 953 | 18 | 5 | 23 |
| Contempt 1st | 398 | 8 | 406 | 2 | 0 | 2 |
| All Other felonies | 936 | 92 | 1,028 | 16 | 2 | 18 |
| Business Corruption | 70 | 2 | 72 | 0 | 0 | 0 |
| Subtotal | 6,387 | 583 | 6,970 | 183 | 28 | 211 |
| | 91.6% | 8.4% | 100.0% | 86.7% | 13.3% | 100.0% |
| YO/JO | | | | | | |
| Youthful Offender | 903 | 38 | 941 | 28 | 0 | 28 |
| Juvenile Offender | 179 | 3 | 182 | 0 | 0 | 0 |
| Subtotal | 1,082 | 41 | 1,123 | 28 | 0 | 28 |
| | 96.3% | 3.7% | 100.0% | 100.0% | 0.0% | 100.0% |
| Grand Total | | | | | | |
| | 53,124 | 2,312 | 55,436 | 496 | 47 | 543 |
| | 95.8% | 4.2% | 100.0% | 91.3% | 8.7% | 100.0% |

Second Felony Offender Status

Fifty-six percent (56%) of the offenders under custody on January 1, 2012, were sentenced as first felony offenders. Crimes by felony sentencing status are presented in Table 13B. Incarcerated parolees were more likely to be second felony offenders than were inmates.

New York State Penal Law establishes more severe sentences for second felony offenders and persistent felony offenders than for first felony offenders. In general, a persistent felony offender is a person convicted of at least two prior felony offenses on separate occasions. It should be noted that some offenders 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 offenders 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 13. Felony Sentencing Status

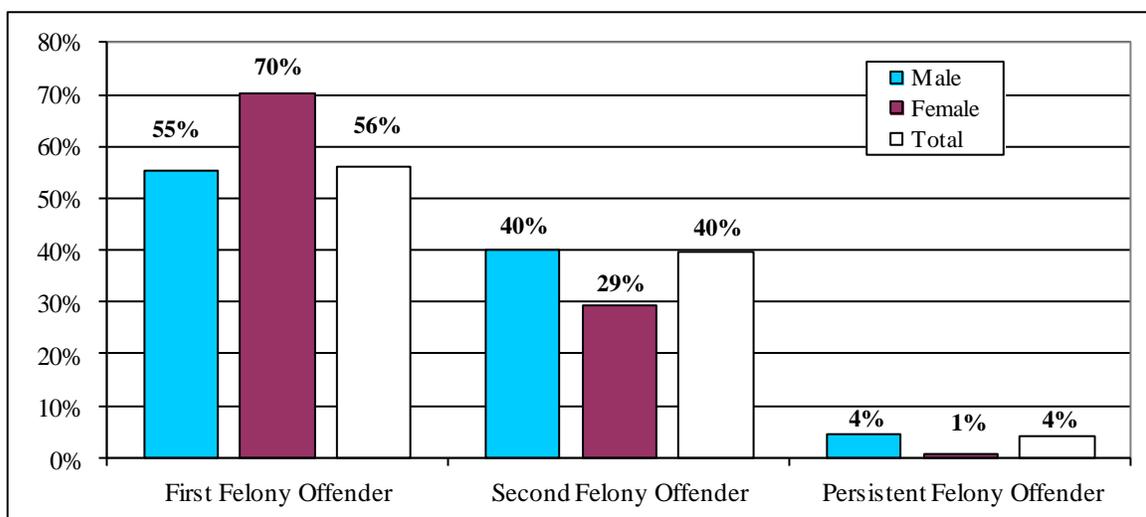


Table 13A. Second Felony Sentencing Status; Under Custody Population January 1, 2012

| Second Felony Offender | First Felony Offender | Second Felony Offender | Persistent Felony Offender | Total |
|------------------------|-----------------------|------------------------|----------------------------|--------|
| Male | 29,665 | 21,571 | 2,384 | 53,620 |
| Female | 1,656 | 689 | 14 | 2,359 |
| Total | 31,321 | 22,260 | 2,398 | 55,979 |
| Male | 55.3% | 40.2% | 4.4% | 100.0% |
| Female | 70.2% | 29.2% | 0.6% | 100.0% |
| Total | 56.0% | 39.8% | 4.3% | 100.0% |
| Offender Status | | | | |
| Inmates | 31,073 | 21,967 | 2,396 | 55,436 |
| Incarcerated Parolees | 248 | 293 | 2 | 543 |
| Total | 31,321 | 22,260 | 2,398 | 55,979 |
| Inmates | 56.1% | 39.6% | 4.3% | 100.0% |
| Incarcerated Parolees | 45.7% | 54.0% | 0.4% | 100.0% |
| Total | 56.0% | 39.8% | 4.3% | 100.0% |

Table 13B. Second Felony Sentencing Status; Under Custody Population January 1, 2012

| Commitment Crime Type | Inmate | | | | Parolee | | | |
|---------------------------|-----------------------|------------------------|----------------------------|--------|-----------------------|------------------------|----------------------------|--------|
| | First Felony Offender | Second Felony Offender | Persistent Felony Offender | Total | First Felony Offender | Second Felony Offender | Persistent Felony Offender | Total |
| Violent Felony | | | | | | | | |
| Murder | 7,316 | 0 | 0 | 7,316 | 0 | 0 | 0 | 0 |
| Attempted Murder | 888 | 398 | 56 | 1,342 | 0 | 0 | 0 | 0 |
| Manslt 1st,Ag 2nd | 1,611 | 489 | 42 | 2,142 | 0 | 1 | 0 | 1 |
| Rape 1st | 1,021 | 575 | 126 | 1,722 | 0 | 0 | 0 | 0 |
| Robbery 1st | 2,044 | 1,951 | 532 | 4,527 | 2 | 1 | 0 | 3 |
| Robbery 2nd | 1,557 | 1,282 | 364 | 3,203 | 6 | 3 | 0 | 9 |
| Assault 1st | 1,271 | 639 | 92 | 2,002 | 0 | 0 | 0 | 0 |
| Assault 2nd | 748 | 654 | 109 | 1,511 | 1 | 1 | 0 | 2 |
| Burglary 1st | 549 | 476 | 89 | 1,114 | 1 | 1 | 0 | 2 |
| Burglary 2nd | 1,423 | 1,734 | 563 | 3,720 | 2 | 2 | 1 | 5 |
| Sodomy 1st | 770 | 269 | 50 | 1,089 | 0 | 0 | 0 | 0 |
| Sex Ab 1st,Ag,2 | 930 | 251 | 38 | 1,219 | 0 | 0 | 0 | 0 |
| Weapons Offenses | 1,823 | 1,436 | 146 | 3,405 | 6 | 4 | 0 | 10 |
| Kidnapping 1st,2nd | 271 | 82 | 19 | 372 | 0 | 0 | 0 | 0 |
| Other VFO Sex Off | 307 | 80 | 4 | 391 | 0 | 0 | 0 | 0 |
| Other Violent | 65 | 18 | 3 | 86 | 0 | 0 | 0 | 0 |
| Subtotal | 22,594 | 10,334 | 2,233 | 35,161 | 18 | 13 | 1 | 32 |
| | 64.3% | 29.4% | 6.4% | 100.0% | 56.3% | 40.6% | 3.1% | 100.0% |
| Other Coercive | | | | | | | | |
| Manslaughter 2nd | 226 | 67 | 7 | 300 | 0 | 0 | 0 | 0 |
| Other Homicide | 130 | 22 | 3 | 155 | 0 | 0 | 0 | 0 |
| Robbery 3rd | 377 | 885 | 24 | 1,286 | 7 | 7 | 0 | 14 |
| Att Assault 2nd | 125 | 346 | 2 | 473 | 3 | 3 | 0 | 6 |
| Conspiracy 2,3,4 | 118 | 124 | 7 | 249 | 2 | 0 | 0 | 2 |
| Other Weapons | 116 | 499 | 15 | 630 | 4 | 5 | 0 | 9 |
| Other Sex Offenses | 586 | 237 | 8 | 831 | 0 | 0 | 0 | 0 |
| Other Coercive | 259 | 219 | 6 | 484 | 2 | 1 | 0 | 3 |
| Subtotal | 1,937 | 2,399 | 72 | 4,408 | 18 | 16 | 0 | 34 |
| | 43.9% | 54.4% | 1.6% | 100.0% | 52.9% | 47.1% | 0.0% | 100.0% |
| Drug Offenses | | | | | | | | |
| Drug Sale | 1,219 | 3,063 | 11 | 4,293 | 52 | 80 | 0 | 132 |
| Drug Possession | 1,088 | 2,181 | 5 | 3,274 | 36 | 70 | 0 | 106 |
| Subtotal | 2,307 | 5,244 | 16 | 7,567 | 88 | 150 | 0 | 238 |
| | 30.5% | 69.3% | 0.2% | 100.0% | 37.0% | 63.0% | 0.0% | 100.0% |
| Property and Other | | | | | | | | |
| Burglary 3rd | 587 | 1,550 | 24 | 2,161 | 36 | 44 | 0 | 80 |
| Grand Larceny | 487 | 936 | 19 | 1,442 | 17 | 32 | 1 | 50 |
| Forgery | 132 | 374 | 3 | 509 | 8 | 15 | 0 | 23 |
| Stolen Property | 85 | 304 | 10 | 399 | 3 | 12 | 0 | 15 |
| Drive Intoxicated | 939 | 10 | 4 | 953 | 22 | 1 | 0 | 23 |
| Contempt 1st | 162 | 241 | 3 | 406 | 0 | 2 | 0 | 2 |
| All Other Felonies | 673 | 551 | 11 | 1,235 | 10 | 8 | 0 | 18 |
| Business Corruption | 47 | 24 | 1 | 72 | 0 | 0 | 0 | 0 |
| Subtotal | 3,112 | 3,990 | 75 | 7,177 | 96 | 114 | 1 | 211 |
| | 43.4% | 55.6% | 1.0% | 100.0% | 45.5% | 54.0% | 0.5% | 100.0% |
| YO/JO | | | | | | | | |
| Youthful Offender | 941 | 0 | 0 | 941 | 28 | 0 | 0 | 28 |
| Juvenile Offender | 182 | 0 | 0 | 182 | 0 | 0 | 0 | 0 |
| Subtotal | 1,123 | 0 | 0 | 1,123 | 28 | 0 | 0 | 28 |
| | 100.0% | 0.0% | 0.0% | 100.0% | 100.0% | 0.0% | 0.0% | 100.0% |
| Grand Total | 31,073 | 21,967 | 2,396 | 55,436 | 248 | 293 | 2 | 543 |
| | 56.1% | 39.6% | 4.3% | 100.0% | 45.7% | 54.0% | 0.4% | 100.0% |

Prior Adult Criminal Record

For this report offenders are placed in a prior adult criminal record category based on their most extensive contact with the criminal justice system prior to their current incarceration. Thirty-four percent (34%) of under custody offenders had served a prior prison term. For 25% prior jail was the most serious contact with the criminal justice system, while 16% had no prior arrest. Women were more likely than men to have no prior arrests or convictions.

Figure 14. Prior Adult Criminal Record

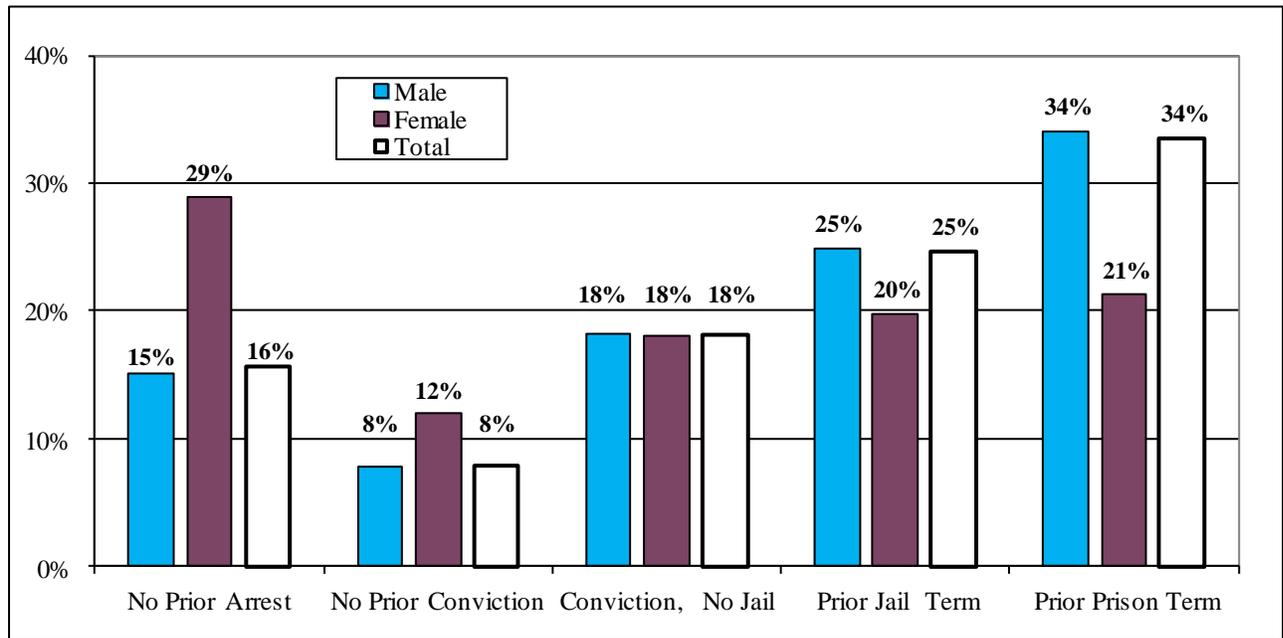


Table 14. Prior Adult Criminal Record; Under Custody Population January 1, 2012

| Prior Record | No Prior Arrest | No Prior Conviction | Conviction, No Jail | Prior Jail Term | Prior Prison Term | Total* |
|------------------------|-----------------|---------------------|---------------------|-----------------|-------------------|--------|
| Male | 8,067 | 4,147 | 9,761 | 13,371 | 18,259 | 53,605 |
| Female | 682 | 282 | 426 | 467 | 502 | 2,359 |
| Total | 8,749 | 4,429 | 10,187 | 13,838 | 18,761 | 55,964 |
| Male | 15.0% | 7.7% | 18.2% | 24.9% | 34.1% | 100.0% |
| Female | 28.9% | 12.0% | 18.1% | 19.8% | 21.3% | 100.0% |
| Total | 15.6% | 7.9% | 18.2% | 24.7% | 33.5% | 100.0% |
| Offender Status | | | | | | |
| Inmates | 8,713 | 4,395 | 10,063 | 13,635 | 18,616 | 55,422 |
| Incarcerated Parolees | 36 | 34 | 124 | 203 | 145 | 542 |
| Total | 8,749 | 4,429 | 10,187 | 13,838 | 18,761 | 55,964 |
| Inmates | 15.7% | 7.9% | 18.2% | 24.6% | 33.6% | 100.0% |
| Incarcerated Parolees | 6.6% | 6.3% | 22.9% | 37.5% | 26.8% | 100.0% |
| Total | 15.6% | 7.9% | 18.2% | 24.7% | 33.5% | 100.0% |

*Missing data on 15 cases.

Length of Time Served in Department Custody

About one quarter of the offender population had spent six years or more under custody since their latest admission to DOCCS, while nearly one-third had spent less than one year under custody.

Offenders under custody on January 1, 2012, had spent an average of 59 months in DOCCS since their latest admission date. The median length of time served was 25 months. Due to the short term period of incarceration for incarcerated parolees, all of them had served less than a year as of January 2012.

Figure 15. Length of Time Served in DOCCS Custody by Inmates Since Last Admission Date

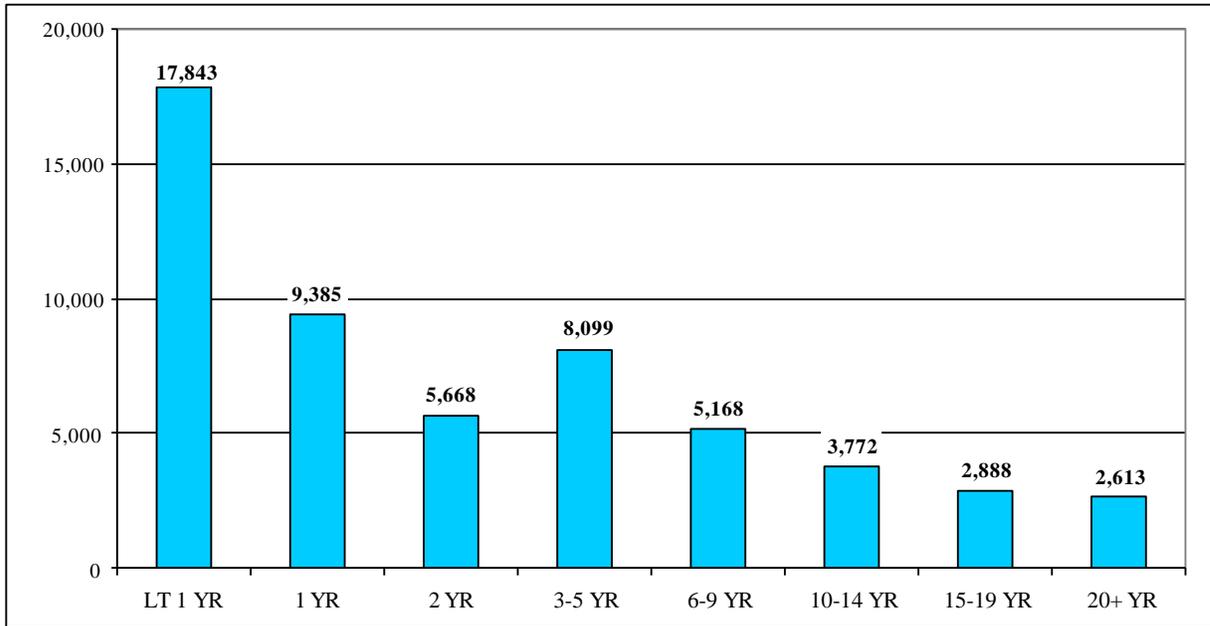


Table 15. DOCCS Time Served in Months; Inmate Under Custody Population January 1, 2012

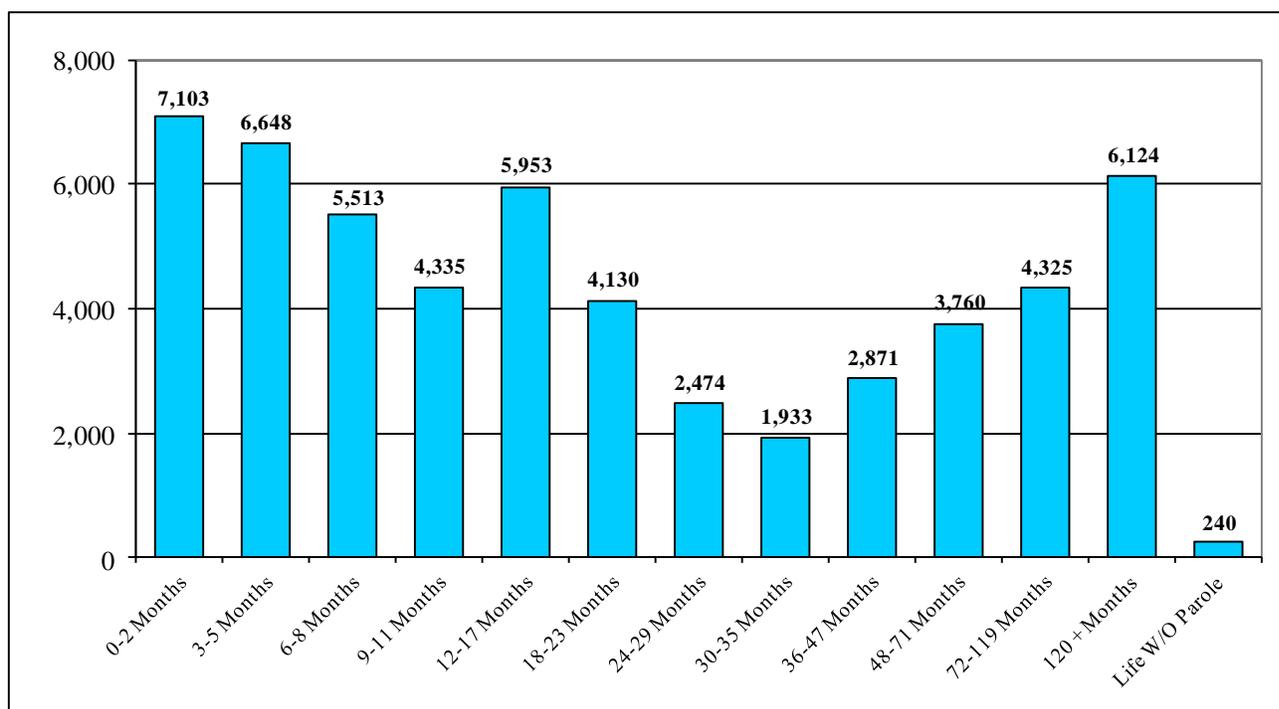
| Time in DOCCS | LT 1 YR | 1 YR | 2 YR | 3-5 YR | 6-9 YR | 10-14 YR | 15-19 YR | 20+ YR | Total |
|---|---------|-------|-------|----------------|--------|-----------------|----------|--------|--------|
| Male | 16,737 | 8,952 | 5,450 | 7,838 | 5,039 | 3,689 | 2,838 | 2,581 | 53,620 |
| Female | 1,106 | 433 | 218 | 261 | 129 | 83 | 50 | 32 | 2,359 |
| Total | 17,843 | 9,385 | 5,668 | 8,099 | 5,168 | 3,772 | 2,888 | 2,613 | 55,979 |
| Male | 31.2% | 16.7% | 10.2% | 14.6% | 9.4% | 6.9% | 5.3% | 4.8% | 100.0% |
| Female | 46.9% | 18.4% | 9.2% | 11.1% | 5.5% | 3.5% | 2.1% | 1.4% | 100.0% |
| Total | 31.9% | 16.8% | 10.1% | 14.5% | 9.2% | 6.7% | 5.2% | 4.7% | 100.0% |
| Offender Status | | | | | | | | | |
| Inmates | 17,843 | 9,385 | 5,668 | 8,099 | 5,168 | 3,772 | 2,888 | 2,613 | 55,436 |
| Incarcerated Parolees | 543 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 543 |
| Total | 18,386 | 9,385 | 5,668 | 8,099 | 5,168 | 3,772 | 2,888 | 2,613 | 55,979 |
| Inmates | 32.2% | 16.9% | 10.2% | 14.6% | 9.3% | 6.8% | 5.2% | 4.7% | 100.0% |
| Incarcerated Parolees | 100.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 100.0% |
| Total | 32.8% | 16.8% | 10.1% | 14.5% | 9.2% | 6.7% | 5.2% | 4.7% | 100.0% |
| Time Served Since Latest Admission Date in Months | | | | Inmate-Average | | Parolee-Average | | 1.8 | |
| Time Served Since Latest Admission Date in Months | | | | Inmate-Median | | Parolee-Median | | 1.5 | |

Time to Earliest Release

Time to earliest release date is a measure of the length of time until the earliest possible date at which the offender can legally be released. Incarcerated parolees are not included in this section.

More than three-fifths of the inmate population had less than two years to their earliest release dates. The average time to earliest release for the under custody population on January 1, 2012, was 50 months. The median time to earliest release was 16 months.

Figure 16. Length of Time to Earliest Release Date (Inmate Only)



**Table 16. Time to Earliest Release Date in Months;
Inmate Under Custody Population January 1, 2012**

| Time to Earliest Release Date | 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* |
|---|------------|------------|------------|-------------|--------------|--------------|--------------|--------------|--------------|--------------|---------------|-------------|-----------------|--------|
| Male | 6,679 | 6,313 | 5,255 | 4,148 | 5,693 | 3,972 | 2,362 | 1,843 | 2,772 | 3,652 | 4,193 | 5,983 | 232 | 53,097 |
| Female | 424 | 335 | 258 | 187 | 260 | 158 | 112 | 90 | 99 | 108 | 132 | 141 | 8 | 2,312 |
| Total | 7,103 | 6,648 | 5,513 | 4,335 | 5,953 | 4,130 | 2,474 | 1,933 | 2,871 | 3,760 | 4,325 | 6,124 | 240 | 55,409 |
| Male | 12.6% | 11.9% | 9.9% | 7.8% | 10.7% | 7.5% | 4.4% | 3.5% | 5.2% | 6.9% | 7.9% | 11.3% | 0.4% | 100.0% |
| Female | 18.3% | 14.5% | 11.2% | 8.1% | 11.2% | 6.8% | 4.8% | 3.9% | 4.3% | 4.7% | 5.7% | 6.1% | 0.3% | 100.0% |
| Total | 12.8% | 12.0% | 9.9% | 7.8% | 10.7% | 7.5% | 4.5% | 3.5% | 5.2% | 6.8% | 7.8% | 11.1% | 0.4% | 100.0% |
| Average Time to Earliest Release Date in Months** | | | | | | | Male | 51.2 | Female | | 30.7 | Total | | 50.4 |
| Median Time to Earliest Release Date in Months** | | | | | | | Male | 15.9 | Female | | 11.1 | Total | | 15.9 |

*Missing data on 27 cases.

**Does not include the 240 Life Without Parole cases.

Determinate Sentencing

Fifty-five percent (55% or 30,609) of the 55,979 offenders under Department custody on January 1, 2012, were serving determinate sentences.

As of that date, 88% (6,902) of the offenders committed for drug offenses (7,805) had determinate sentences while 66% (23,355) of the 35,400 offenders sentenced for Violent Felony Offenses were serving determinate sentences.

Figure 17. Number of Determinate Sentences

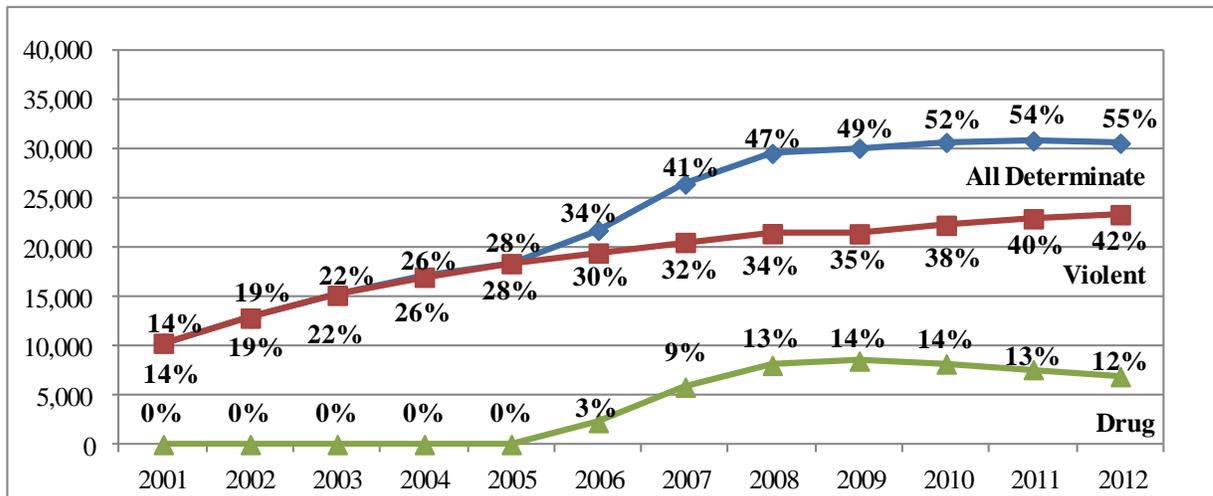


Table 17A. Number of Determinate Sentences; Under Custody Population January 1, 2012

| Offender Status | Violent Felony | Other Coercive | Drug Offenses | Property and Other Offenses | Youthful Offender | Juvenile Offender | Total |
|------------------|----------------|----------------|---------------|-----------------------------|-------------------|-------------------|---------------|
| Offenders | | | | | | | |
| Indeterminate | 12,045 | 4,113 | 903 | 7,176 | 951 | 182 | 25,370 |
| Determinate | 23,355 | 329 | 6,902 | 5 | 18 | 0 | 30,609 |
| Total | 35,400 | 4,442 | 7,805 | 7,181 | 969 | 182 | 55,979 |
| Indeterminate | 34% | 93% | 12% | 100% | 98% | 100% | 45% |
| Determinate | 66% | 7% | 88% | 0% | 2% | 0% | 55% |
| Parolees | | | | | | | |
| Indeterminate | 3 | 34 | 18 | 210 | 28 | 0 | 292 |
| Determinate | 29 | 0 | 220 | 1 | 0 | 0 | 250 |
| Total | 32 | 34 | 238 | 210 | 28 | 0 | 542 |
| Indeterminate | 9% | 100% | 8% | 100% | 100% | 0% | 54% |
| Determinate | 91% | 0% | 92% | 0% | 0% | 0% | 46% |

Table 17B. Historical Number of Determinate Sentences

| January 1, | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
|-------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Determinate | 10,297 | 12,853 | 15,171 | 17,026 | 18,406 | 21,756 | 26,463 | 29,573 | 30,103 | 30,689 | 30,845 | 30,609 |
| Percent | 14% | 19% | 22% | 26% | 28% | 34% | 41% | 47% | 49% | 52% | 54% | 55% |

Prepared by:

Dan Bernstein
Program Research Specialist III

With assistance by:

Hyejung Kim
Research Intern: Winter 2012-Spring 2012

Division of Program Planning,
Research and Evaluation

December 2012