



# Corrections and Community Supervision

Under Custody Report:

Profile of Under Custody Population  
As of January 1, 2016

**Profile of Under Custody Population  
As of January 1, 2016**

**Table of Contents**

---

	<u>Page</u>
Table of Contents .....	i
Executive Summary .....	ii
Introduction .....	1
Inmate 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
Felony Sentencing Status.....	18
Prior Adult Criminal Record .....	20
Length of Time Served in Department Custody .....	21
Time to Earliest Release.....	22
Determinate Sentencing .....	23
Education.....	24
Mental Health Indicator .....	25

**Profile of Under Custody Population  
As of January 1, 2016**

**Executive Summary**

Characteristics	Category	Inmates Under Custody	Incarcerated Parolees Under Custody	Total Under Custody
Population January 1, 2016		51,744	600	52,344
Gender	Male	95.5%	85.2%	95.3%
	Female	4.5%	14.8%	4.7%
Age	Average Age	38.3	32.8	38.3
Race/Ethnic Status	White	24.4%	48.2%	24.7%
	African-American	48.6%	35.2%	48.5%
	Hispanic	24.0%	13.0%	23.8%
Region	New York City	43.7%	12.2%	43.4%
	Suburban New York	10.6%	7.3%	10.6%
	Upstate	45.6%	80.5%	46.1%
World Region of Birth	Foreign Born	9.6%	2.7%	9.5%
Marital Status	Never Married	66.1%	75.8%	66.3%
Living Children	One or more living children	60.3%	60.2%	60.3%
Religious Affiliation	Catholic	21.6%	26.2%	21.6%
	Protestant	25.6%	18.3%	25.5%
	Islam	11.3%	5.2%	11.3%
Military Service Veteran Status	Veteran	4.6%	2.8%	4.6%
Minimum Sentence	Median Minimum (in months)	72.0	24.0	67.0
	Average Minimum (in months)	124.5	28.6	123.4
Maximum Sentence	Median Maximum (in months)	84.0	42.0	84.0
	Average Maximum (in months)	141.0	47.9	139.9
Crime	Violent Felony	65.0%	6.8%	64.3%
	Drug Offenses	12.6%	43.3%	13.0%
	Property/Other	12.8%	37.3%	13.1%
Felony Sentencing Status	First Felony	55.8%	53.7%	55.8%
	Second Felony	40.0%	46.3%	40.0%
	Persistent Felony	4.2%	0.0%	4.2%
Prior Adult Criminal Record	No Prior Arrest	15.9%	7.2%	15.8%
	Prior Prison Term	34.5%	22.3%	34.3%
Time Served in Department Custody	Median time served (in months)	25.4	1.5	*
	Average time served (in months)	61.3	1.8	*
Time to Earliest Release Date	Median time (in months)	14.3	*	*
	Average time (in months)	50.9	*	*
Determinate Sentence	Drug Offenses - Determinate	*	*	96.8%
	Violent Felony - Determinate	*	*	69.9%
Education	Verified High School Credential	59.3%	56.3%	59.2%
OMH Service Level	OMH Level 1 - 4	19.5%	24.0%	19.6%

\* Not reported

# Profile of Under Custody Population As of January 1, 2016

## INTRODUCTION

### Purpose of the Report

This report presents information on inmates and incarcerated parolees held under Department of Corrections and Community Supervision (DOCCS) custody as of January 1, 2016. It profiles their demographic and criminal history characteristics.

### Additional Offenders Reported Due to the Merger of Corrections and Parole

On April 1, 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 the 2012 report in this series, all inmates are reported including those participating in the Alt 90 or Alt 45 programs<sup>1</sup>. In addition, "incarcerated parolees" (offenders under community supervision who are participating in a parole program at a DOCCS facility) are 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. (See next page for a description).

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	51,363	172	51,535
Parole Program Facilities	381	428	809
Total	51,744	600	52,344

1. Alt-90 cases have been assigned to an alternative 90-day drug treatment program at Willard Drug Treatment Campus (DTC), while Alt-45 cases have been assigned to an alternative 45-day drug treatment program at Edgecombe Residential Treatment Facility. See next page for a more complete description.

## Inmate Categories

**Inmates in correctional facilities** are inmates 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 (N=51,363).

**Incarcerated parolees in correctional facilities** are parolees 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). Incarcerated parolees in correctional facilities (N=172) 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 (ALJ) 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.

**Inmates in parole program facilities** are returned parole violators who are participating in an alternative drug treatment program. These inmates were revoked and given a time assessment by an 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 (N=381).

**Incarcerated parolees in parole program facilities** are parolees who are under community supervision and participating in an assigned treatment program at a parole program facility. Once these incarcerated parolees complete the treatment program, they will be returned to the community to complete their term of community supervision. If these incarcerated parolees do not successfully complete their assigned treatment program, they will be removed from the program and the parole 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 (N=428).

## Sections of the Report

The first section of this report describes the demographic characteristics of inmates and incarcerated parolees, 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 inmates and incarcerated parolees, 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.

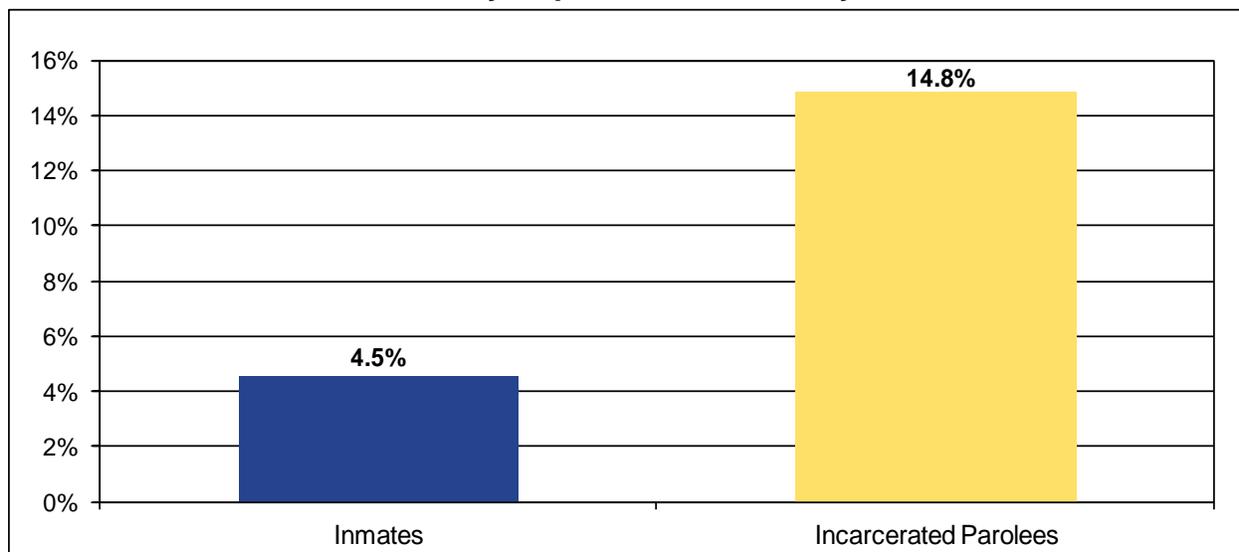
## Section One

### DEMOGRAPHIC CHARACTERISTICS

#### Gender Distribution

Of the 52,344 offenders under custody on January 1, 2016, 49,901 (95%) were male and 2,443 (5%) were female. There was a drop of 759 (-1%) total offenders under custody since January 1, 2015. The number of male offenders decreased by 813 (-2%) while female offenders increased by 54 (2%). Females made up a larger proportion of incarcerated parolees (15%) than inmates (5%).

**Figure 1. Proportion of Females Under Custody by Offender Status;  
Under Custody Population on January 1, 2016**



**Table 1. Gender Distribution and Offender Status;  
Under Custody Population on January 1, 2015 and January 1, 2016**

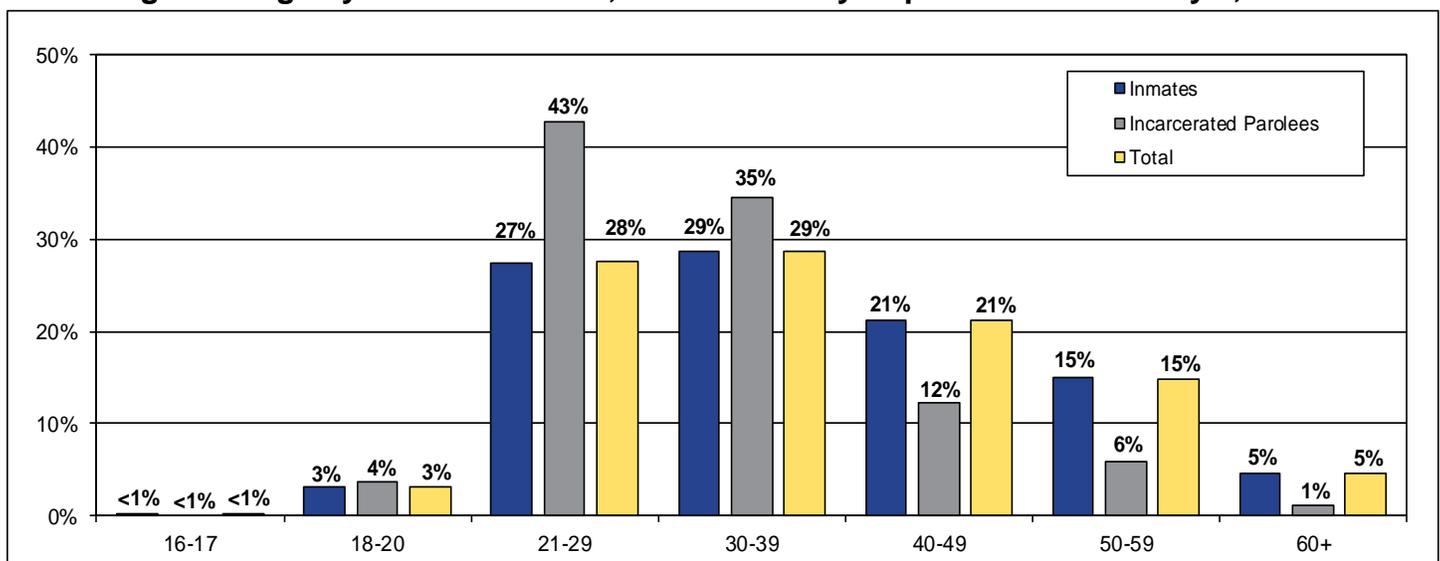
Gender and Offender Status	2015	2016	Numeric Change	Percent Change	Percent of Total 2015	Percent of Total 2016
<b>Inmates</b>						
Male	50,216	49,390	-826	-1.6%	95.6%	95.5%
Female	2,325	2,354	29	1.2%	4.4%	4.5%
Total Inmates	52,541	51,744	-797	-1.5%	100%	100%
<b>Incarcerated Parolees</b>						
Male	498	511	13	2.6%	88.6%	85.2%
Female	64	89	25	39.1%	11.4%	14.8%
Total Parolees	562	600	38	6.8%	100%	100%
<b>Grand Total</b>						
Male	50,714	49,901	-813	-1.6%	95.5%	95.3%
Female	2,389	2,443	54	2.3%	4.5%	4.7%
Total Under Custody	53,103	52,344	-759	-1.4%	100%	100%

## Age Distribution

The average age of offenders under custody on January 1, 2016 was 38 years old. On average, inmates were older (38) than incarcerated parolees (33). About 47% of incarcerated parolees were under age 30, while only 31% of the inmates fell into this younger age group.

Offenders under 21 years old numbered 1,679 (3%). Since last year's report, the number of offenders in the under 21 age group decreased by 233 (-12%). Of the 1,679 offenders under age 21, 89 were 16 or 17 years old, 8 fewer than on January 1, 2015. Overall, the number of offenders age 50 and older increased by 207 (2%) between January 1, 2015 and January 1, 2016, while the total population declined by 759 (-1.4%).

**Figure 2. Age by Offender Status; Under Custody Population on January 1, 2016**



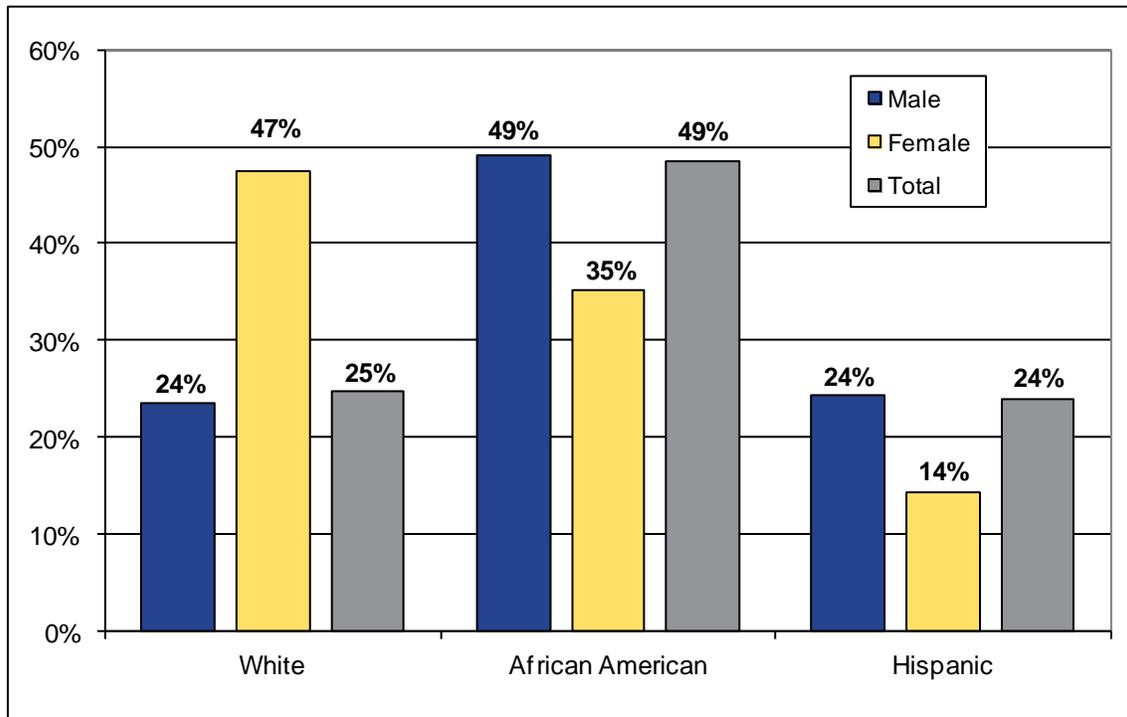
**Table 2. Age by Gender or Offender Status; Under Custody Population on January 1, 2016**

Age by Gender	16-17	18-20	21-29	30-39	40-49	50-59	60+	Total	Average
Male	87	1,526	13,709	14,291	10,551	7,420	2,317	49,901	38.3
Female	2	64	727	741	506	331	72	2,443	37.3
Total	89	1,590	14,436	15,032	11,057	7,751	2,389	52,344	38.3
Male	0.2%	3.1%	27.5%	28.6%	21.1%	14.9%	4.6%	100.0%	
Female	0.1%	2.6%	29.8%	30.3%	20.7%	13.5%	2.9%	100.0%	
Total	0.2%	3.0%	27.6%	28.7%	21.1%	14.8%	4.6%	100.0%	
<b>Age by Offender Status</b>									
Inmates	89	1,568	14,179	14,825	10,984	7,716	2,383	51,744	38.3
Incarcerated Parolees	0	22	257	207	73	35	6	600	32.8
Total Under Custody	89	1,590	14,436	15,032	11,057	7,751	2,389	52,344	38.3
Inmates	0.2%	3.0%	27.4%	28.7%	21.2%	14.9%	4.6%	100.0%	
Incarcerated Parolees	0.0%	3.7%	42.8%	34.5%	12.2%	5.8%	1.0%	100.0%	
Total Under Custody	0.2%	3.0%	27.6%	28.7%	21.1%	14.8%	4.6%	100.0%	

## Race/Ethnic Distribution

Almost half (49%) of the total offenders under custody on January 1, 2016 were African-American, while just under a quarter were Hispanic and another quarter identified as White. A larger proportion of the female under custody population was White (47%) compared to the male under custody population (24%). A larger proportion of the incarcerated parolee population was White (48%) compared to the inmate population (24%).

**Figure 3. Race/Ethnic Status by Gender; Under Custody Population on January 1, 2016**



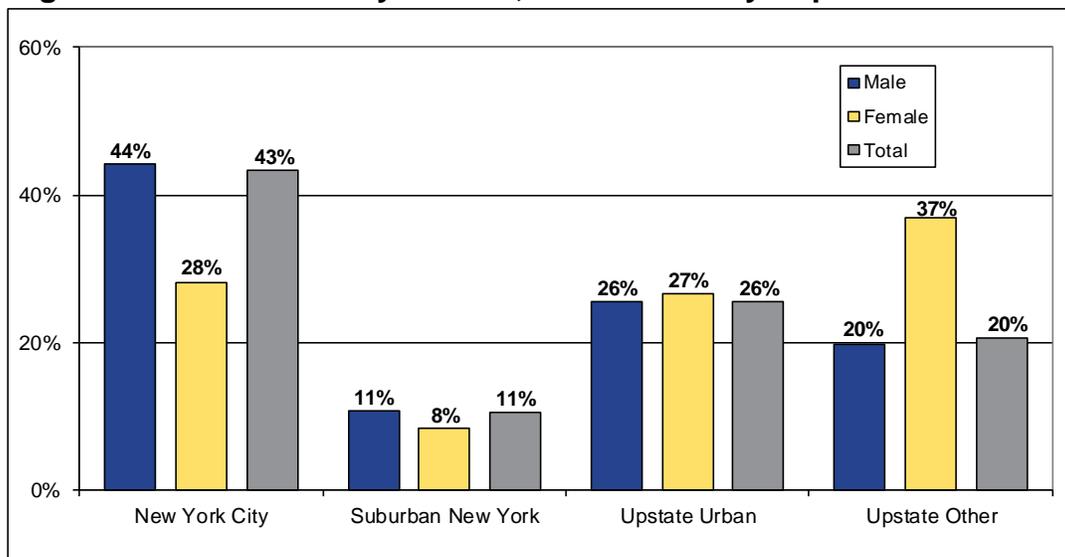
**Table 3. Race/Ethnic Status by Gender or Offender Status; Under Custody Population on January 1, 2016**

Race/Ethnic Status by Gender	White	African American	Hispanic	Native American	Asian	Other	Unknown	Total
Male	11,744	24,504	12,124	395	239	605	290	49,901
Female	1,159	861	349	25	12	18	19	2,443
Total	12,903	25,365	12,473	420	251	623	309	52,344
Male	23.5%	49.1%	24.3%	0.8%	0.5%	1.2%	0.6%	100.0%
Female	47.4%	35.2%	14.3%	1.0%	0.5%	0.7%	0.8%	100.0%
Total	24.7%	48.5%	23.8%	0.8%	0.5%	1.2%	0.6%	100.0%
<b>Offender Status</b>								
Inmates	12,614	25,154	12,395	415	250	618	298	51,744
Incarcerated Parolees	289	211	78	5	1	5	11	600
Total Under Custody	12,903	25,365	12,473	420	251	623	309	52,344
Inmates	24.4%	48.6%	24.0%	0.8%	0.5%	1.2%	0.6%	100.0%
Incarcerated Parolees	48.2%	35.2%	13.0%	0.8%	0.2%	0.8%	1.8%	100.0%
Total Under Custody	24.7%	48.5%	23.8%	0.8%	0.5%	1.2%	0.6%	100.0%

## Region of Commitment

Nearly half (43%) of the offenders under custody on January 1, 2016 were committed from New York City and 11% were committed from suburban New York (Nassau, Rockland, Suffolk, and Westchester counties). Offenders from Upstate counties with a population center of 50,000 inhabitants or more (Albany, Broome, Erie, Monroe, Oneida, Onondaga, Niagara, Rensselaer, and Schenectady counties) comprised 26% of the under custody population. The remaining 20% were sentenced from the other Upstate counties. Incarcerated parolees were less likely than inmates to have been committed from New York City (12% vs. 44%) and more likely to have been committed from Upstate Other counties (49% vs. 20%). When compared with males under custody, females under custody were less likely to come from New York City (28% vs. 44%) and were more likely to come from Upstate Other (37% vs. 20%).

**Figure 4. Region of Commitment by Gender; Under Custody Population on January 1, 2016**



**Table 4. Region of Commitment by Gender or Offender Status; Under Custody Population on January 1, 2016**

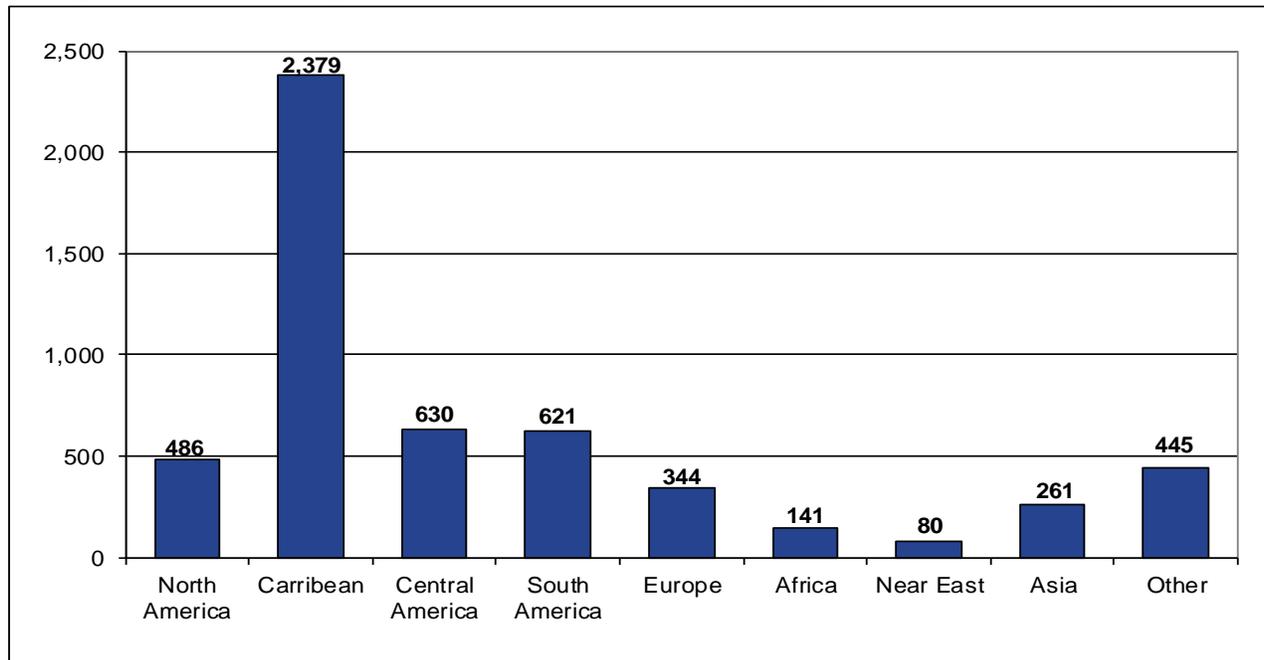
Region by Gender	New York City	Suburban New York	Upstate Urban	Upstate Other	Total*
Male	22,018	5,336	12,734	9,813	49,901
Female	688	202	650	902	2,442
<b>Total</b>	<b>22,706</b>	<b>5,538</b>	<b>13,384</b>	<b>10,715</b>	<b>52,343</b>
Male	44.1%	10.7%	25.5%	19.7%	100.0%
Female	28.2%	8.3%	26.6%	36.9%	100.0%
<b>Total</b>	<b>43.4%</b>	<b>10.6%</b>	<b>25.6%</b>	<b>20.5%</b>	<b>100.0%</b>
<b>Offender Status</b>					
Inmates	22,633	5,494	13,193	10,423	51,743
Incarcerated Parolees	73	44	191	292	600
<b>Total Under Custody</b>	<b>22,706</b>	<b>5,538</b>	<b>13,384</b>	<b>10,715</b>	<b>52,343</b>
Inmates	43.7%	10.6%	25.5%	20.1%	100.0%
Incarcerated Parolees	12.2%	7.3%	31.8%	48.7%	100.0%
<b>Total Under Custody</b>	<b>43.4%</b>	<b>10.6%</b>	<b>25.6%</b>	<b>20.5%</b>	<b>100.0%</b>

\* One inmate is from out of state, so the total for this table differs from the other tables in this report.

## World Region of Birth

Ninety percent (90%) of offenders under custody were born in the United States or a United States Territory. The other 10% or 4,968 reported birth in a foreign country. Of the offenders who reported birth in a foreign country, 48% or 2,379 were from one of the island nations in the Caribbean basin.<sup>2</sup> Among inmates, 10% or 4,952 were foreign-born while only 3% or 16 of incarcerated parolees were foreign-born.

**Figure 5. World Region of Birth; Under Custody Population on January 1, 2016**



**Table 5. World Region of Birth; Under Custody Population on January 1, 2016**

World Region by Gender	United States*	North America	Caribbean	Central America	South America	Europe	Africa	Near East	Asia	South Pacific	Unknown	Total
Male	44,668	476	2,315	619	602	318	135	78	254	25	411	49,901
Female	2,289	10	64	11	19	26	6	2	7	1	8	2,443
<b>Total</b>	<b>46,957</b>	<b>486</b>	<b>2,379</b>	<b>630</b>	<b>621</b>	<b>344</b>	<b>141</b>	<b>80</b>	<b>261</b>	<b>26</b>	<b>419</b>	<b>52,344</b>
Male	89.5%	1.0%	4.6%	1.2%	1.2%	0.6%	0.3%	0.2%	0.5%	0.1%	0.8%	100.0%
Female	93.7%	0.4%	2.6%	0.5%	0.8%	1.1%	0.2%	0.1%	0.3%	0.0%	0.3%	100.0%
<b>Total</b>	<b>89.7%</b>	<b>0.9%</b>	<b>4.5%</b>	<b>1.2%</b>	<b>1.2%</b>	<b>0.7%</b>	<b>0.3%</b>	<b>0.2%</b>	<b>0.5%</b>	<b>0.0%</b>	<b>0.8%</b>	<b>100.0%</b>
<b>Offender Status</b>												
Inmates	46,385	486	2,370	629	621	339	141	80	260	26	407	51,744
Incarcerated Parolees	572	0	9	1	0	5	0	0	1	0	12	600
<b>Total Under Custody</b>	<b>46,957</b>	<b>486</b>	<b>2,379</b>	<b>630</b>	<b>621</b>	<b>344</b>	<b>141</b>	<b>80</b>	<b>261</b>	<b>26</b>	<b>419</b>	<b>52,344</b>
Inmates	89.6%	0.9%	4.6%	1.2%	1.2%	0.7%	0.3%	0.2%	0.5%	0.1%	0.8%	100.0%
Incarcerated Parolees	95.3%	0.0%	1.5%	0.2%	0.0%	0.8%	0.0%	0.0%	0.2%	0.0%	2.0%	100.0%
<b>Total Under Custody</b>	<b>89.7%</b>	<b>0.9%</b>	<b>4.5%</b>	<b>1.2%</b>	<b>1.2%</b>	<b>0.7%</b>	<b>0.3%</b>	<b>0.2%</b>	<b>0.5%</b>	<b>0.0%</b>	<b>0.8%</b>	<b>100.0%</b>

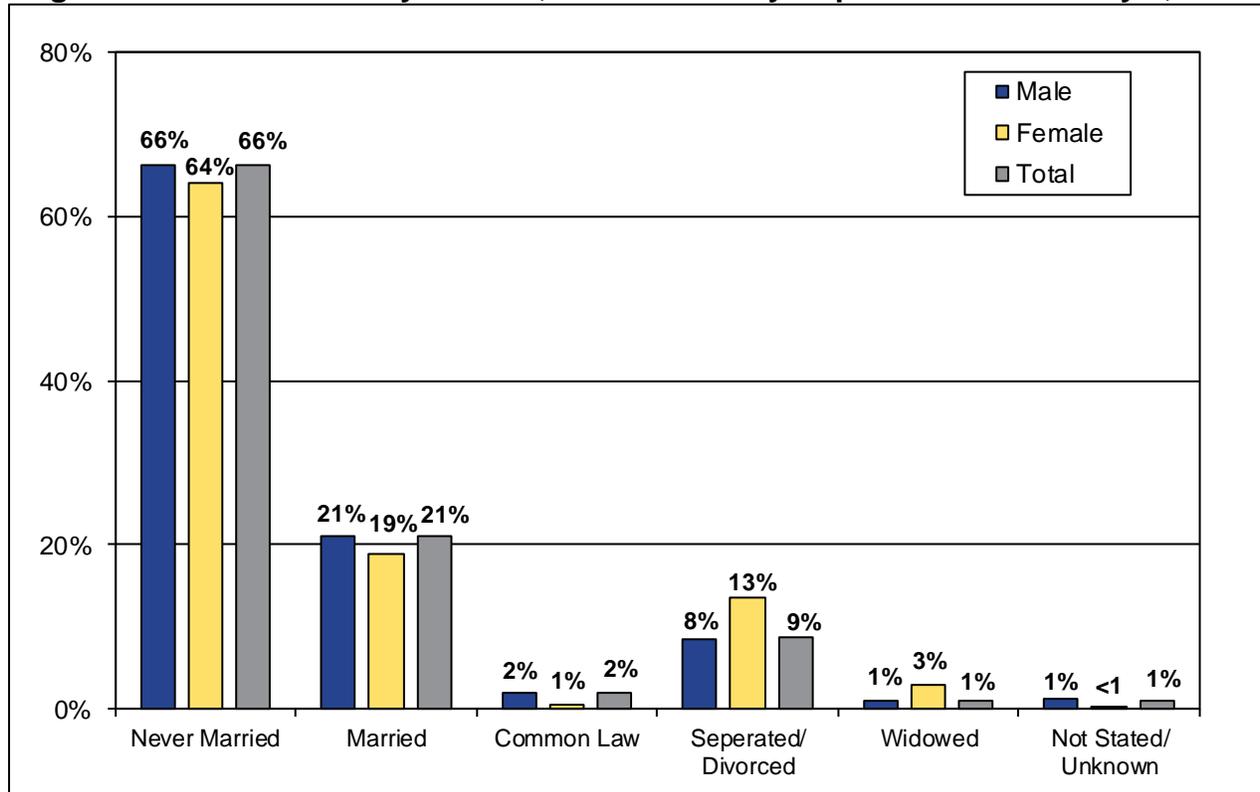
\* Includes offenders committed from United States Territories.

2. For additional information on foreign born inmates see "The Foreign Born Under Custody Population and the Institutional Removal Program" (2013), New York State Department of Corrections and Community Supervision, Albany, New York 12226. This report is on the DOCCS' website at: [http://www.doccs.ny.gov/Research/Reports/2014/ForeignBorn\\_IRP\\_Report\\_2013.pdf](http://www.doccs.ny.gov/Research/Reports/2014/ForeignBorn_IRP_Report_2013.pdf)

## Marital Status

Two-thirds (66%) of the under custody population reported never being married. The proportion was higher (76%) for incarcerated parolees.

**Figure 6. Marital Status by Gender; Under Custody Population on January 1, 2016**



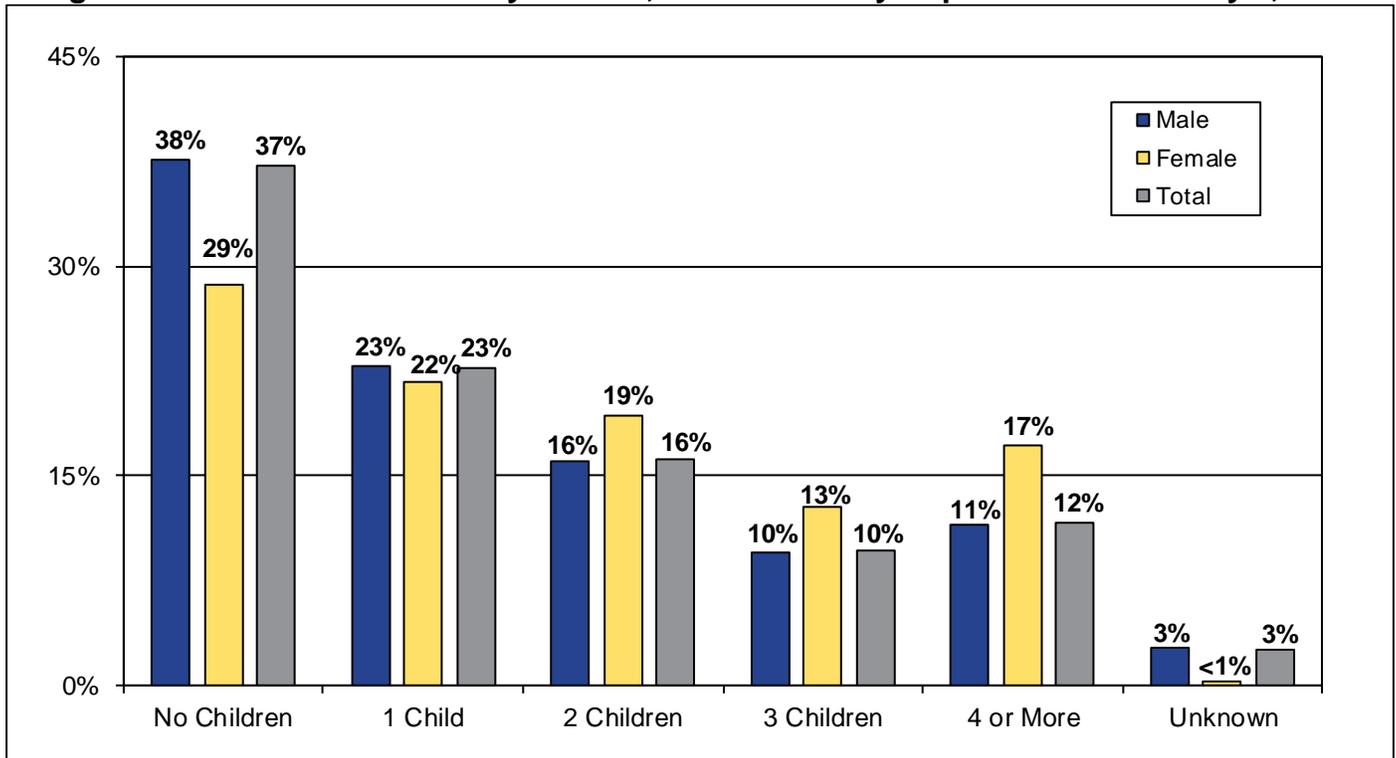
**Table 6. Marital Status; Under Custody Population on January 1, 2016**

Marital Status by Gender	Never Married	Married	Common Law	Separated/Divorced	Widowed	Not Stated/Unknown	Total
Male	33,116	10,540	1,022	4,206	476	541	49,901
Female	1,564	463	12	328	71	5	2,443
Total	34,680	11,003	1,034	4,534	547	546	52,344
Male	66.4%	21.1%	2.0%	8.4%	1.0%	1.1%	100.0%
Female	64.0%	19.0%	0.5%	13.4%	2.9%	0.2%	100.0%
Total	66.3%	21.0%	2.0%	8.7%	1.0%	1.0%	100.0%
<b>Offender Status</b>							
Inmates	34,225	10,937	1,030	4,476	543	533	51,744
Incarcerated Parolees	455	66	4	58	4	13	600
Total Under Custody	34,680	11,003	1,034	4,534	547	546	52,344
Inmates	66.1%	21.1%	2.0%	8.7%	1.0%	1.0%	100.0%
Incarcerated Parolees	75.8%	11.0%	0.7%	9.7%	0.7%	2.2%	100.0%
Total Under Custody	66.3%	21.0%	2.0%	8.7%	1.0%	1.0%	100.0%

## Number of Living Children

Among inmates reporting parental status, the majority of offenders under custody (60%) reported that they had at least one living child at the time of admission to the Department. Women were more likely than men to report having a living child (71% vs. 60%).

**Figure 7. Number of Children by Gender; Under Custody Population on January 1, 2016**



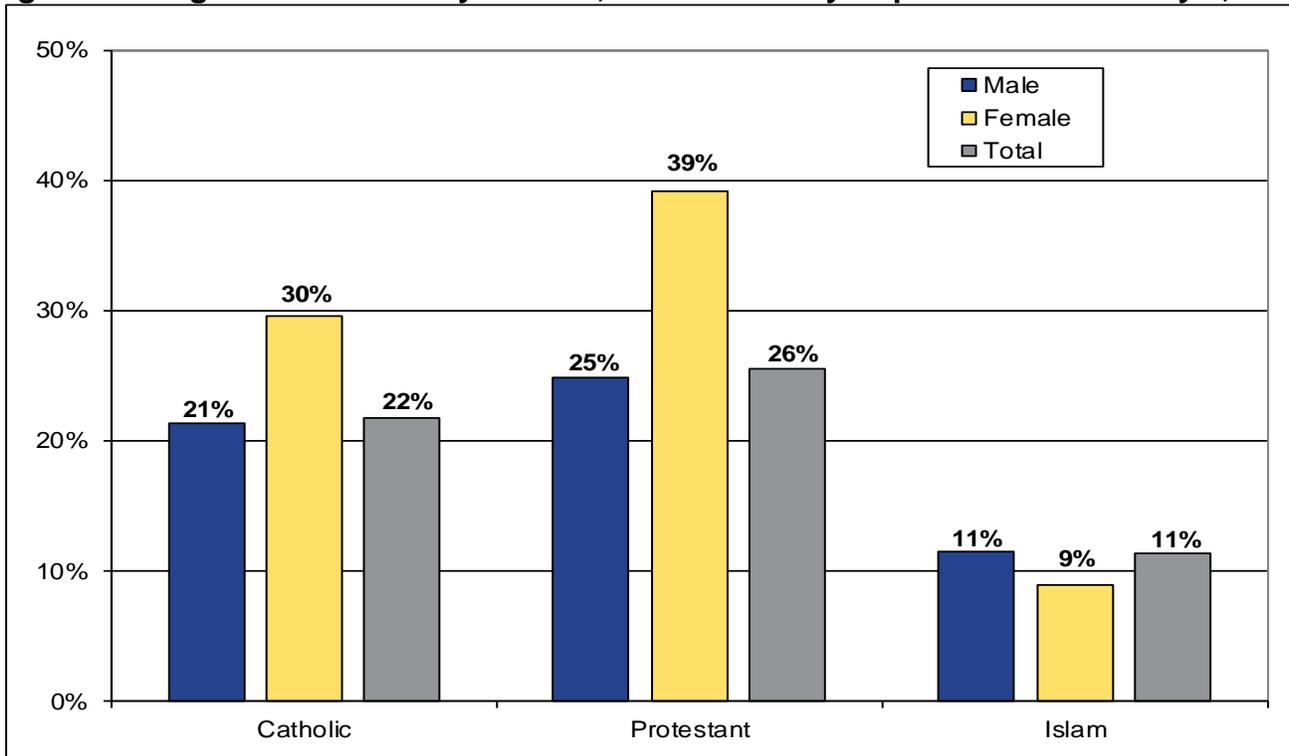
**Table 7. Number of Children; Under Custody Population on January 1, 2016**

Number of Children by Gender	No Children	1 Child	2 Children	3 Children	4 or More	Unknown	Total
Male	18,773	11,392	8,007	4,737	5,695	1,297	49,901
Female	700	532	473	313	419	6	2,443
Total	19,473	11,924	8,480	5,050	6,114	1,303	52,344
Male	37.6%	22.8%	16.0%	9.5%	11.4%	2.6%	100.0%
Female	28.7%	21.8%	19.4%	12.8%	17.2%	0.2%	100.0%
Total	37.2%	22.8%	16.2%	9.6%	11.7%	2.5%	100.0%
<b>Offender Status</b>							
Inmates	19,247	11,788	8,379	4,989	6,051	1,290	51,744
Incarcerated Parolees	226	136	101	61	63	13	600
Total Under Custody	19,473	11,924	8,480	5,050	6,114	1,303	52,344
Inmates	37.2%	22.8%	16.2%	9.6%	11.7%	2.5%	100.0%
Incarcerated Parolees	37.7%	22.7%	16.8%	10.2%	10.5%	2.2%	100.0%
Total Under Custody	37.2%	22.8%	16.2%	9.6%	11.7%	2.5%	100.0%

## Religious Affiliation

Eighty-five percent (85%) of offenders under custody reported affiliation with a recognized religion. Twenty-six percent (26%) were Protestant, 22% were Catholic, 11% were Islamic, 27% reported another faith, and 15% did not report affiliation with a religious faith.

**Figure 8. Religious Affiliation by Gender; Under Custody Population on January 1, 2016**



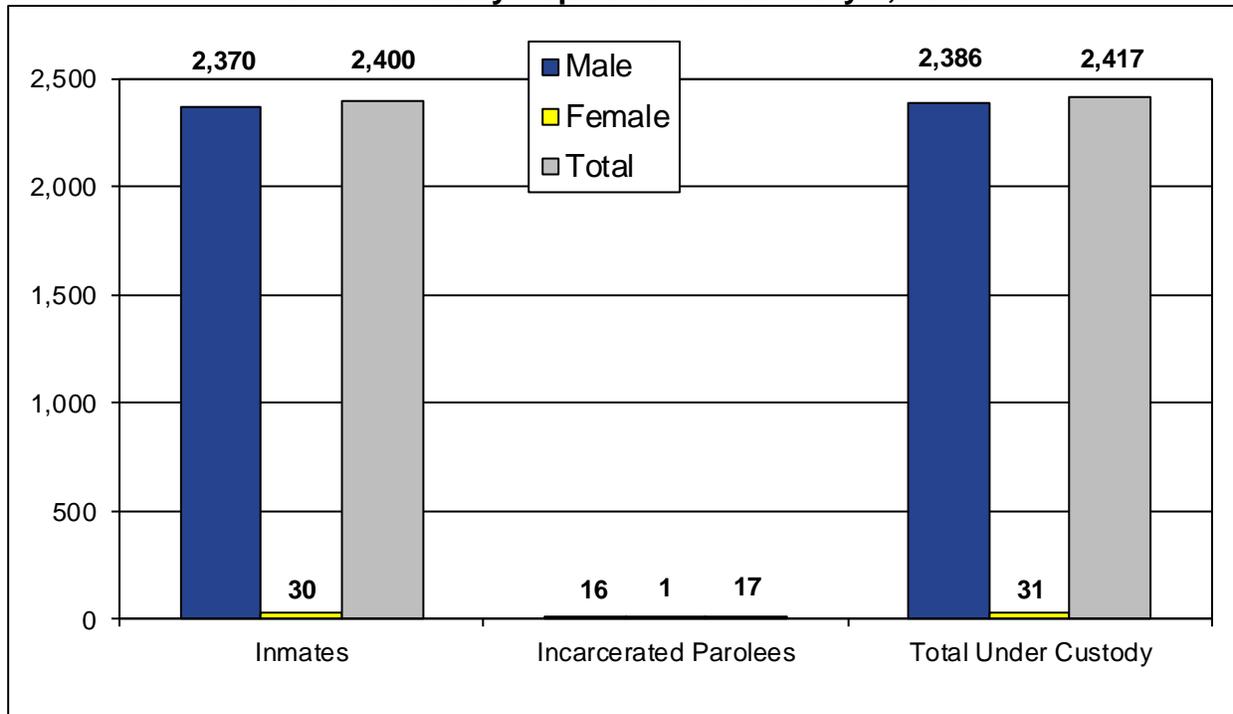
**Table 8. Religious Affiliation; Under Custody Population on January 1, 2016**

Religious Affiliation by Gender	Catholic	Protes-tant	Islam	Nation of Islam	Rasta-farian	Jewish	Asian Religions	Native American	Greek Orthodox	Other	None Listed	Total
Male	10,610	12,383	5,672	2,044	4,814	3,981	323	473	49	2,202	7,350	49,901
Female	722	955	217	10	17	36	14	15	4	28	425	2,443
Total	11,332	13,338	5,889	2,054	4,831	4,017	337	488	53	2,230	7,775	52,344
Male	21.3%	24.8%	11.4%	4.1%	9.6%	8.0%	0.6%	0.9%	0.1%	4.4%	14.7%	100.0%
Female	29.6%	39.1%	8.9%	0.4%	0.7%	1.5%	0.6%	0.6%	0.2%	1.1%	17.4%	100.0%
Total	21.6%	25.5%	11.3%	3.9%	9.2%	7.7%	0.6%	0.9%	0.1%	4.3%	14.9%	100.0%
Offender Status												
Inmates	11,175	13,228	5,858	2,045	4,797	3,994	335	484	52	2,219	7,557	51,744
Incarcerated Parolees	157	110	31	9	34	23	2	4	1	11	218	600
Total Under Custody	11,332	13,338	5,889	2,054	4,831	4,017	337	488	53	2,230	7,775	52,344
Inmates	21.6%	25.6%	11.3%	4.0%	9.3%	7.7%	0.6%	0.9%	0.1%	4.3%	14.6%	100.0%
Incarcerated Parolees	26.2%	18.3%	5.2%	1.5%	5.7%	3.8%	0.3%	0.7%	0.2%	1.8%	36.3%	100.0%
Total Under Custody	21.6%	25.5%	11.3%	3.9%	9.2%	7.7%	0.6%	0.9%	0.1%	4.3%	14.9%	100.0%

## Veteran Status

Of the 52,344 offenders under custody on January 1, 2016, 5% (2,417) are reported as verified veterans. Of this total, 2,400 were inmates while only 17 were incarcerated parolees. Only 31 veterans were female. Veteran status is verified through a data match with the Veteran's Administration (VA) or verified possession of a DD 214 form.

**Figure 9. Veterans by Gender and Offender Status;  
Under Custody Population on January 1, 2016**



**Table 9. Veterans by Gender and Offender Status;  
Under Custody Population on January 1, 2016**

Veteran Status by Offender Status	Male			Female			Total		
	Non Veteran	Veteran	Total	Non Veteran	Veteran	Total	Non Veteran	Veteran	Total
Inmates	47,020	2,370	49,390	2,324	30	2,354	49,344	2,400	51,744
Incarcerated Parolees	495	16	511	88	1	89	583	17	600
Total Under Custody	47,515	2,386	49,901	2,412	31	2,443	49,927	2,417	52,344
Inmates	95.2%	4.8%	100.0%	98.7%	1.3%	100.0%	95.4%	4.6%	100.0%
Incarcerated Parolees	96.9%	3.1%	100.0%	98.9%	1.1%	100.0%	97.2%	2.8%	100.0%
Total Under Custody	95.2%	4.8%	100.0%	98.7%	1.3%	100.0%	95.4%	4.6%	100.0%

## Section Two

### CRIMINAL HISTORY

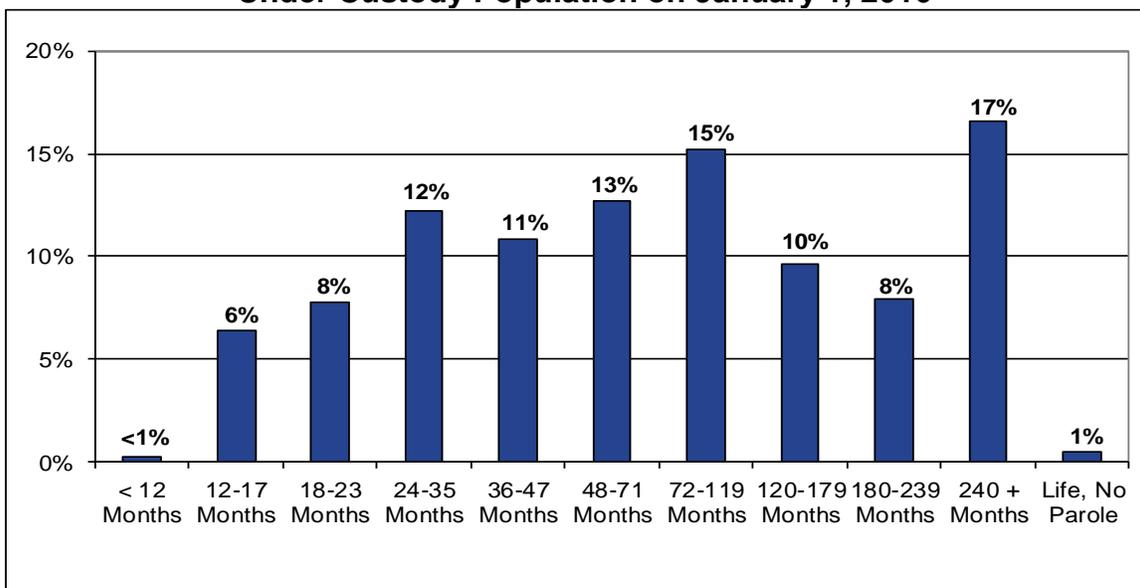
#### Minimum Sentence

Overall, the median minimum sentence for offenders under custody was 6 years (67 months)<sup>3</sup>. However, the average minimum sentence length was ten years, reflecting the influence of lengthy minimum terms of many offenders. About one-third were serving minimum sentences of 10 years or more.

Current sentencing laws in New York require an inmate convicted of certain crimes to receive a determinate sentence. Determinate sentences require an offender to serve a minimum term of 6/7 of the determinate sentence imposed by the judge before being eligible for release. An inmate committed for a crime not designated as having a determinate sentence has a minimum sentence set by the court.

As of January 1, 2016, there were 275 inmates 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 Offenders; Under Custody Population on January 1, 2016**



**Table 10A. Minimum Sentence; Under Custody Population on January 1, 2016**

Minimum Sentence	< 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
Total Under-Custody	131	3,338	4,081	6,402	5,684	6,643	7,945	5,050	4,137	8,658	275	52,344
	0.3%	6.4%	7.8%	12.2%	10.9%	12.7%	15.2%	9.6%	7.9%	16.5%	0.5%	100.0%

<sup>3</sup> 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 less subject to the influence of extreme values than is the average and is preferred by some users for this reason.

**Table 10B. Minimum Sentence; Under Custody Population on January 1, 2016**

Minimum Sentence by Gender - Inmates	Male	Female	Total	Male	Female	Total
< 12 Months	103	19	122	0.2%	0.8%	0.2%
12-17 Months	2,865	343	3,208	5.8%	14.6%	6.2%
18-23 Months	3,642	310	3,952	7.4%	13.2%	7.6%
24-35 Months	5,811	407	6,218	11.8%	17.3%	12.0%
36-47 Months	5,315	282	5,597	10.8%	12.0%	10.8%
48-71 Months	6,284	322	6,606	12.7%	13.7%	12.8%
72-119 Months	7,674	249	7,923	15.5%	10.6%	15.3%
120-179 Months	4,928	120	5,048	10.0%	5.1%	9.8%
180-239 Months	4,020	117	4,137	8.1%	5.0%	8.0%
240 + Months	8,482	176	8,658	17.2%	7.5%	16.7%
Life, No Parole	266	9	275	0.5%	0.4%	0.5%
Total Inmates	49,390	2,354	51,744	100.0%	100.0%	100.0%
Minimum Sentence by Gender - Parolees	Male	Female	Total	Male	Female	Total
< 12 Months	6	3	9	1.2%	3.4%	1.5%
12-17 Months	105	25	130	20.5%	28.1%	21.7%
18-23 Months	106	23	129	20.7%	25.8%	21.5%
24-35 Months	155	29	184	30.3%	32.6%	30.7%
36-47 Months	82	5	87	16.0%	5.6%	14.5%
48-71 Months	33	4	37	6.5%	4.5%	6.2%
72-119 Months	22	0	22	4.3%	0.0%	3.7%
120-179 Months	2	0	2	0.4%	0.0%	0.3%
180-239 Months	0	0	0	0.0%	0.0%	0.0%
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	511	89	600	100.0%	100.0%	100.0%
Total Under Custody	49,901	2,443	52,344	95.3%	4.7%	100.0%
Average and Median Minimum Sentence	Male Average	Female Average	Total Average	Male Median	Female Median	Total Median
Total Inmates	127.0	72.6	124.5	72.0	36.0	72.0
Total Incarcerated Parolees	29.6	22.7	28.6	24.0	21.0	24.0
Total Under Custody	126.0	70.8	123.4	72.0	36.0	67.0

As can be seen in Table 10B above, the median minimum sentence for inmates was 72 months. There is a large difference between male inmates, whose median minimum sentence was 72 months, and female inmates, whose median minimum was 36 months.

For incarcerated parolees, the median minimum sentence was 24 months. Male parolees had a median minimum sentence of 24 months, while female parolees had a median minimum of 21 months. In general, incarcerated parolees have shorter minimum and maximum sentences than inmates committed to state prison. Overall, 16% of inmates had a minimum sentence of less than 2 years compared with 45% of incarcerated parolees.

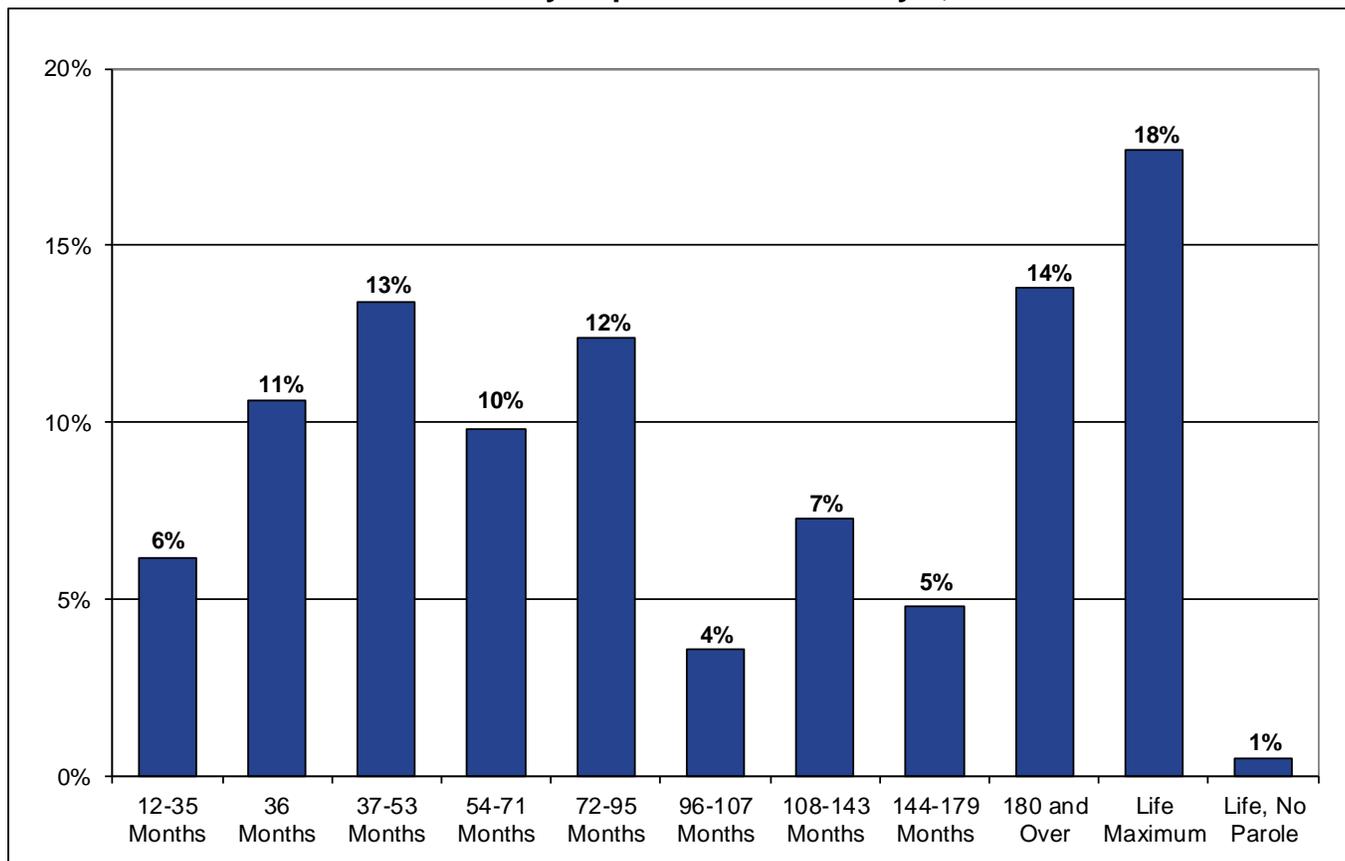
## Maximum Sentence

As of January 1, 2016, the median maximum sentence of offenders under custody was seven years (84 months). However, the average maximum sentence length was nearly 12 years, reflecting the influence of lengthy maximum terms of many offenders. Almost one-third had maximum sentences of 15 years or more with 18% of the population having a maximum sentence of life.

Average maximum sentences for women (96 months) were 47 months shorter than for men (143 months). Median maximum sentences for women (60 months) were 24 months shorter than for men (84 months). Average maximum sentences for inmates (141 months) were 93 months shorter than for incarcerated parolees (48 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 Offenders;  
Under Custody Population on January 1, 2016**



**Table 11A. Maximum Sentence; Under Custody Population on January 1, 2016**

Maximum Sentence	12 - 35 Months	36 Months	37-53 Months	54-71 Months	72-95 Months	96-107 Months	108-143 Months	144-179 Months	180 and Over	Life Max	Life, No Parole	Total Inmates
Total	3,240	5,526	6,994	5,122	6,475	1,909	3,806	2,519	7,215	9,263	275	52,344
Under Custody	6.2%	10.6%	13.4%	9.8%	12.4%	3.6%	7.3%	4.8%	13.8%	17.7%	0.5%	100.0%

**Table 11B. Maximum Sentence; Under Custody Population on January 1, 2016**

Maximum Sentence by Gender - Inmates	Male	Female	Total	Male	Female	Total
12 to 35	2,869	245	3,114	5.8%	10.4%	6.0%
36 Months	4,913	453	5,366	9.9%	19.2%	10.4%
37-53 Months	6,446	387	6,833	13.1%	16.4%	13.2%
54-71 Months	4,819	253	5,072	9.8%	10.7%	9.8%
72-95 Months	6,107	293	6,400	12.4%	12.4%	12.4%
96-107 Months	1,816	86	1,902	3.7%	3.7%	3.7%
108-143 Months	3,647	143	3,790	7.4%	6.1%	7.3%
144-179 Months	2,425	92	2,517	4.9%	3.9%	4.9%
180 and Over	7,032	181	7,213	14.2%	7.7%	13.9%
Life Max	9,050	212	9,262	18.3%	9.0%	17.9%
Life, No Parole	266	9	275	0.5%	0.4%	0.5%
Total Inmates	49,390	2,354	51,744	100.0%	100.0%	100.0%
Maximum Sentence by Gender - Parolees	Male	Female	Total	Male	Female	Total
12 to 35	102	24	126	20.0%	27.0%	21.0%
36 Months	130	30	160	25.4%	33.7%	26.7%
37-53 Months	145	16	161	28.4%	18.0%	26.8%
54-71 Months	45	5	50	8.8%	5.6%	8.3%
72-95 Months	63	12	75	12.3%	13.5%	12.5%
96-107 Months	7	0	7	1.4%	0.0%	1.2%
108-143 Months	15	1	16	2.9%	1.1%	2.7%
144-179 Months	1	1	2	0.2%	1.1%	0.3%
180 and Over	2	0	2	0.4%	0.0%	0.3%
Life Max	1	0	1	0.2%	0.0%	0.2%
Life, No Parole	0	0	0	0.0%	0.0%	0.0%
Total Incarcerated Parolees	511	89	600	100.0%	100.0%	100.0%
Total Under Custody	49,901	2,443	52,344	95.3%	4.7%	100.0%
Average and Median Maximum Sentence	Male Average	Female Average	Total Average	Male Median	Female Median	Total Median
Total Inmates	143.1	96.4	141.0	84.0	60.0	84.0
Total Incarcerated Parolees	48.7	43.3	47.9	48.0	36.0	42.0
Total Under Custody	142.2	94.5	139.9	84.0	60.0	84.0

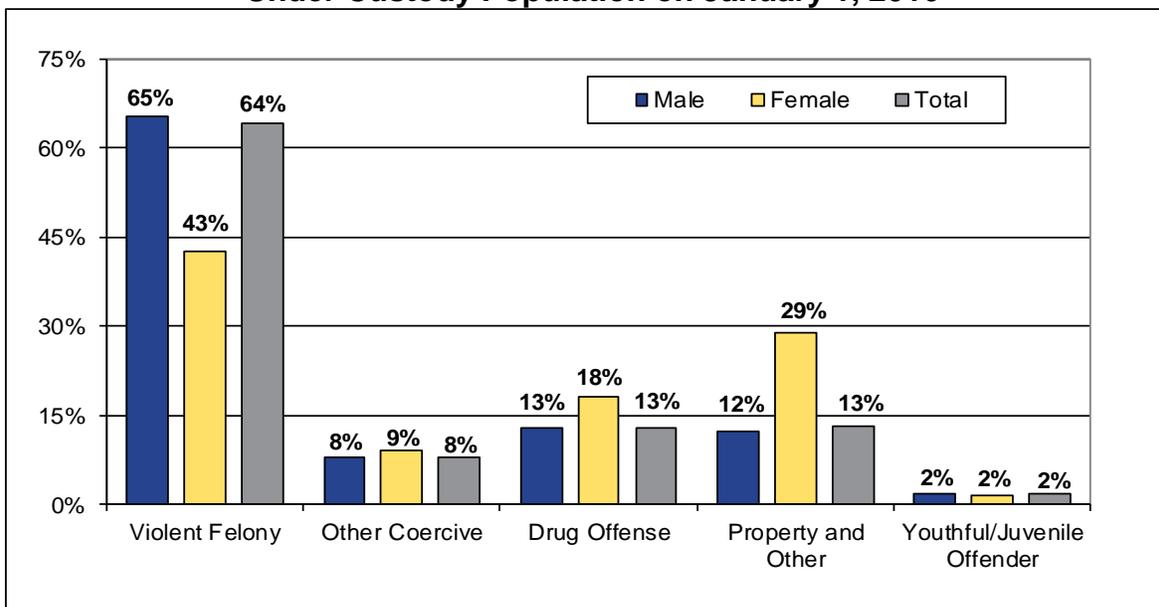
As can be seen in Table 11B above, the median maximum sentence for inmates was 84 months. There was a large difference between male inmates, whose median maximum sentence was 84 months, and female inmates, with a median maximum sentence of 60 months.

For incarcerated parolees, the median maximum sentence was 42 months. The difference between males and females was much smaller, with a median maximum sentence of 48 months for males compared with 36 months for female incarcerated parolees.

## Commitment Crime

Sixty-four percent (64%) of the offenders under custody on January 1, 2016 were convicted of a Violent Felony Offense (VFO). Another 13% of offenders were convicted of a Property or Other crime and another 13% of offenders were convicted of drug crimes. Forty-three percent (43%) of females were serving a sentence for a VFO compared to 65% of males. In contrast, 29% of females were sentenced for a Property or Other crime compared to 12% percent of males. Table 12B (below) lists the commitment crimes that are included in each of the general categories included in Figure 12. On January 1, 1997, there were 24,085 drug offenders out of a total custody population of 70,209 (34%). This compares with 6,780 drug offenders (13%) under custody on January 1, 2016. Between 1997 and 2016, there was a 72% reduction (-17,305) in the number of drug offenders held under custody.

**Figure 12. Commitment Crime Category by Gender; Under Custody Population on January 1, 2016**



**Table 12A. Crime Category; Under Custody Population on January 1, 2016**

Commitment Crime Type by Gender	Violent Felony	Other Coercive	Drug Offenses	Property and Other	YO/JO	Total
Male	32,611	3,896	6,340	6,169	885	49,901
Female	1,043	219	440	704	37	2,443
<b>Total</b>	<b>33,654</b>	<b>4,115</b>	<b>6,780</b>	<b>6,873</b>	<b>922</b>	<b>52,344</b>
Male	65.4%	7.8%	12.7%	12.4%	1.8%	100.0%
Female	42.7%	9.0%	18.0%	28.8%	1.5%	100.0%
<b>Total</b>	<b>64.3%</b>	<b>7.9%</b>	<b>13.0%</b>	<b>13.1%</b>	<b>1.8%</b>	<b>100.0%</b>
<b>Offender Status</b>						
Inmates	33,613	4,067	6,520	6,649	895	51,744
Incarcerated Parolees	41	48	260	224	27	600
<b>Total Under Custody</b>	<b>33,654</b>	<b>4,115</b>	<b>6,780</b>	<b>6,873</b>	<b>922</b>	<b>52,344</b>
Inmates	65.0%	7.9%	12.6%	12.8%	1.7%	100.0%
Incarcerated Parolees	6.8%	8.0%	43.3%	37.3%	4.5%	100.0%
<b>Total Under Custody</b>	<b>64.3%</b>	<b>7.9%</b>	<b>13.0%</b>	<b>13.1%</b>	<b>1.8%</b>	<b>100.0%</b>

**Table 12B. Crime Category by Offender Status by Gender; UC Population on January 1, 2016**

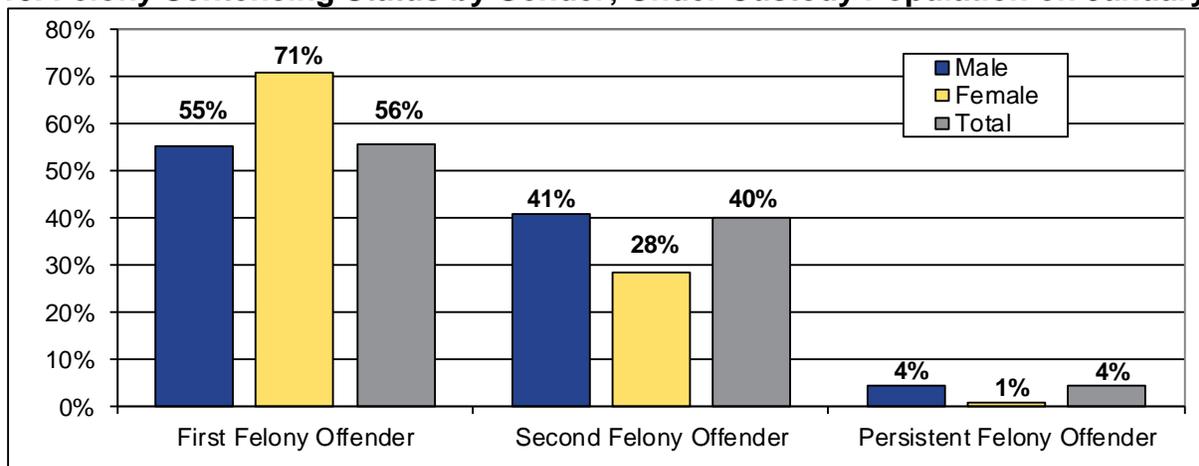
Commitment Crime Type	Inmates			Incarcerated Parolees			Grand Total
	Male	Female	Total	Male	Female	Total	
<b>Violent Felony</b>							
Murder	6,429	193	6,622	0	0	0	6,622
Attempted Murder	1,323	31	1,354	3	0	3	1,357
Manslt 1st,Ag 2nd	1,942	153	2,095	0	0	0	2,095
Rape 1st	1,645	6	1,651	0	0	0	1,651
Robbery 1st	3,860	83	3,943	8	0	8	3,951
Robbery 2nd	2,569	82	2,651	8	0	8	2,659
Assault 1st	1,869	107	1,976	2	0	2	1,978
Assault 2nd	1,253	79	1,332	0	0	0	1,332
Burglary 1st	1,060	23	1,083	1	0	1	1,084
Burglary 2nd	3,717	144	3,861	8	0	8	3,869
Arson 1st,2nd	202	32	234	0	0	0	234
Sodomy 1st	958	5	963	0	0	0	963
Sex Ab 1st,Ag.2	1,197	11	1,208	0	0	0	1,208
Weapons Offenses	3,534	67	3,601	11	0	11	3,612
Kidnapping 1st,2nd	321	11	332	0	0	0	332
Other VFO Sex Off	545	15	560	0	0	0	560
Other Violent	146	1	147	0	0	0	147
Subtotal	32,570	1,043	33,613	41	0	41	33,654
	96.9%	3.1%	100.0%	100.0%	0.0%	100.0%	
<b>Other Coercive</b>							
Manslaughter 2nd	224	20	244	0	0	0	244
Other Homicide	160	31	191	0	0	0	191
Robbery 3rd	1,012	45	1,057	27	2	29	1,086
Att Assault 2nd	346	39	385	6	0	6	391
Conspiracy 2,3,4	318	23	341	1	0	1	342
Other Weapons	655	11	666	4	0	4	670
Other Sex Offenses	781	15	796	0	1	1	797
Other Coercive	356	31	387	6	1	7	394
Subtotal	3,852	215	4,067	44	4	48	4,115
	94.7%	5.3%	100.0%	91.7%	8.3%	100.0%	
<b>Drug Offenses</b>							
Drug Sale	3,156	232	3,388	106	19	125	3,513
Drug Possession	2,961	171	3,132	117	18	135	3,267
Subtotal	6,117	403	6,520	223	37	260	6,780
	93.8%	6.2%	100.0%	85.8%	14.2%	100.0%	
<b>Property and Other</b>							
Burglary 3rd	2,002	99	2,101	69	14	83	2,184
Grand Larceny	1,140	231	1,371	47	15	62	1,433
Forgery	437	74	511	20	9	29	540
Stolen Property	326	31	357	14	3	17	374
Drive Intoxicated	645	84	729	16	3	19	748
Contempt 1st	367	11	378	3	0	3	381
All Other felonies	1,075	127	1,202	8	3	11	1,213
Subtotal	5,992	657	6,649	177	47	224	6,873
	90.1%	9.9%	100.0%	79.0%	21.0%	100.0%	
<b>YO/JO</b>							
Youthful Offender	733	34	767	26	1	27	794
Juvenile Offender	126	2	128	0	0	0	128
Subtotal	859	36	895	26	1	27	922
	96.0%	4.0%	100.0%	96.3%	3.7%	100.0%	
<b>Grand Total</b>	<b>49,390</b>	<b>2,354</b>	<b>51,744</b>	<b>511</b>	<b>89</b>	<b>600</b>	<b>52,344</b>
	<b>95.5%</b>	<b>4.5%</b>	<b>100.0%</b>	<b>85.2%</b>	<b>14.8%</b>	<b>100.0%</b>	

## Felony Sentencing Status

Fifty-six percent (56%) of the total offenders under custody on January 1, 2016, were sentenced as first felony offenders. Crimes are presented by felony sentencing status in Table 13B. In general VFO and YO/JO's were more likely to be first felony offenders while Drug, Property, and Other Coercive offenders were more likely to be second felony offenders. Men were more likely than women (41% vs. 28%) to be sentenced as second felony offenders.

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. This status allows them to be sentenced to a life maximum. It should be noted that some offenders included among the individuals sentenced as first felony offenders were also 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 by Gender; Under Custody Population on January 1, 2016**



**Table 13A. Second Felony Sentencing Status; Under Custody Population on January 1, 2016**

Felony Offender by Gender	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total
Male	27,475	20,267	2,159	49,901
Female	1,733	695	15	2,443
Total	29,208	20,962	2,174	52,344
Male	55.1%	40.6%	4.3%	100.0%
Female	70.9%	28.4%	0.6%	100.0%
Total	55.8%	40.0%	4.2%	100.0%
<b>Offender Status</b>				
Inmates	28,886	20,684	2,174	51,744
Incarcerated Parolees	322	278	0	600
Total Under Custody	29,208	20,962	2,174	52,344
Inmates	55.8%	40.0%	4.2%	100.0%
Incarcerated Parolees	53.7%	46.3%	0.0%	100.0%
Total Under Custody	55.8%	40.0%	4.2%	100.0%

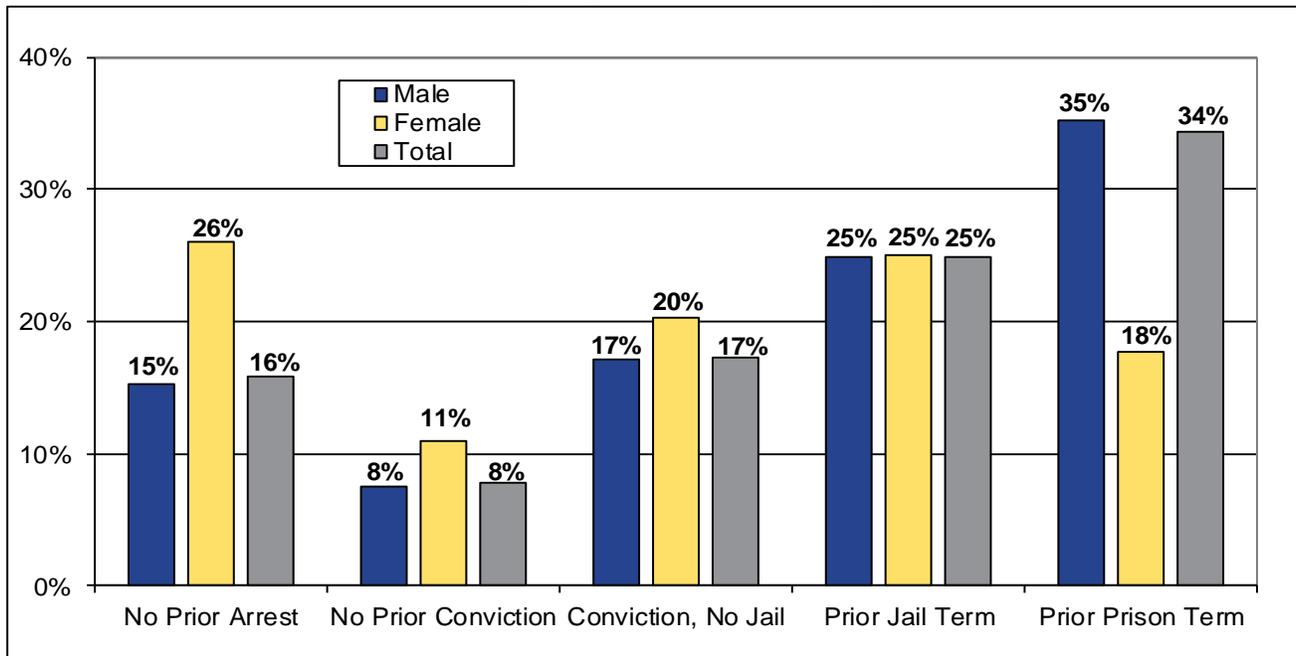
**Table 13B. Second Felony Sentencing Status; Under Custody Population on January 1, 2016**

Commitment Crime Type	Inmates				Incarcerated Parolees				Grand Total
	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total	
<b>Violent Felony</b>									
Murder	6,622	0	0	6,622	0	0	0	0	6,622
Attempted Murder	886	414	54	1,354	3	0	0	3	1,357
Manslt 1st,Ag 2nd	1,548	512	35	2,095	0	0	0	0	2,095
Rape 1st	996	534	121	1,651	0	0	0	0	1,651
Robbery 1st	1,770	1,699	474	3,943	6	2	0	8	3,951
Robbery 2nd	1,192	1,145	314	2,651	5	3	0	8	2,659
Assault 1st	1,190	692	94	1,976	1	1	0	2	1,978
Assault 2nd	608	630	94	1,332	0	0	0	0	1,332
Burglary 1st	515	476	92	1,083	1	0	0	1	1,084
Burglary 2nd	1,539	1,814	508	3,861	5	3	0	8	3,869
Arson 1st,2nd	169	65	0	234	0	0	0	0	234
Sodomy 1st	674	240	49	963	0	0	0	0	963
Sex Ab 1st,Ag.2	941	224	43	1,208	0	0	0	0	1,208
Weapons Offenses	1,898	1,582	121	3,601	7	4	0	11	3,612
Kidnapping 1st,2nd	234	82	16	332	0	0	0	0	332
Other VFO Sex Off	420	128	12	560	0	0	0	0	560
Other Violent	96	46	5	147	0	0	0	0	147
Subtotal	21,298	10,283	2,032	33,613	28	13	0	41	33,654
	63.4%	30.6%	6.0%	100.0%	68.3%	31.7%	0.0%	100.0%	
<b>Other Coercive</b>									
Manslaughter 2nd	178	58	8	244	0	0	0	0	244
Other Homicide	164	24	3	191	0	0	0	0	191
Robbery 3rd	301	733	23	1,057	18	11	0	29	1,086
Att Assault 2nd	90	294	1	385	3	3	0	6	391
Conspiracy 2,3,4	209	128	4	341	1	0	0	1	342
Other Weapons	152	505	9	666	1	3	0	4	670
Other Sex Offenses	550	240	6	796	1	0	0	1	797
Other Coercive	200	180	7	387	5	2	0	7	394
Subtotal	1,844	2,162	61	4,067	29	19	0	48	4,115
	45.3%	53.2%	1.5%	100.0%	60.4%	39.6%	0.0%	100.0%	
<b>Drug Offenses</b>									
Drug Sale	991	2,394	3	3,388	68	57	0	125	3,513
Drug Possession	995	2,132	5	3,132	62	73	0	135	3,267
Subtotal	1,986	4,526	8	6,520	130	130	0	260	6,780
	30.5%	69.4%	0.1%	100.0%	50.0%	50.0%	0.0%	100.0%	
<b>Property and Other</b>									
Burglary 3rd	635	1,444	22	2,101	40	43	0	83	2,184
Grand Larceny	517	837	17	1,371	22	40	0	62	1,433
Forgery	151	356	4	511	13	16	0	29	540
Stolen Property	92	258	7	357	7	10	0	17	374
Drive Intoxicated	720	4	5	729	19	0	0	19	748
Contempt 1st	147	228	3	378	2	1	0	3	381
All Other Felonies	601	586	15	1,202	5	6	0	11	1,213
Subtotal	2,863	3,713	73	6,649	108	116	0	224	6,873
	43.1%	55.8%	1.1%	100.0%	48.2%	51.8%	0.0%	100.0%	
<b>YO/JO</b>									
Youthful Offender	767	0	0	767	27	0	0	27	794
Juvenile Offender	128	0	0	128	0	0	0	0	128
Subtotal	895	0	0	895	27	0	0	27	922
	100.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	100.0%	
<b>Grand Total</b>	<b>28,886</b>	<b>20,684</b>	<b>2,174</b>	<b>51,744</b>	<b>322</b>	<b>278</b>	<b>0</b>	<b>600</b>	<b>52,344</b>
	55.8%	40.0%	4.2%	100.0%	53.7%	46.3%	0.0%	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 offenders under custody had served a prior prison term. For 25% of the custody population, prior jail was the most serious contact with the criminal justice system, while 16% had no prior arrest. Women had less serious prior adult records than men.

**Figure 14. Prior Adult Criminal Record by Gender;  
Under Custody Population on January 1, 2016**



**Table 14. Prior Adult Criminal Record; Under Custody Population on January 1, 2016**

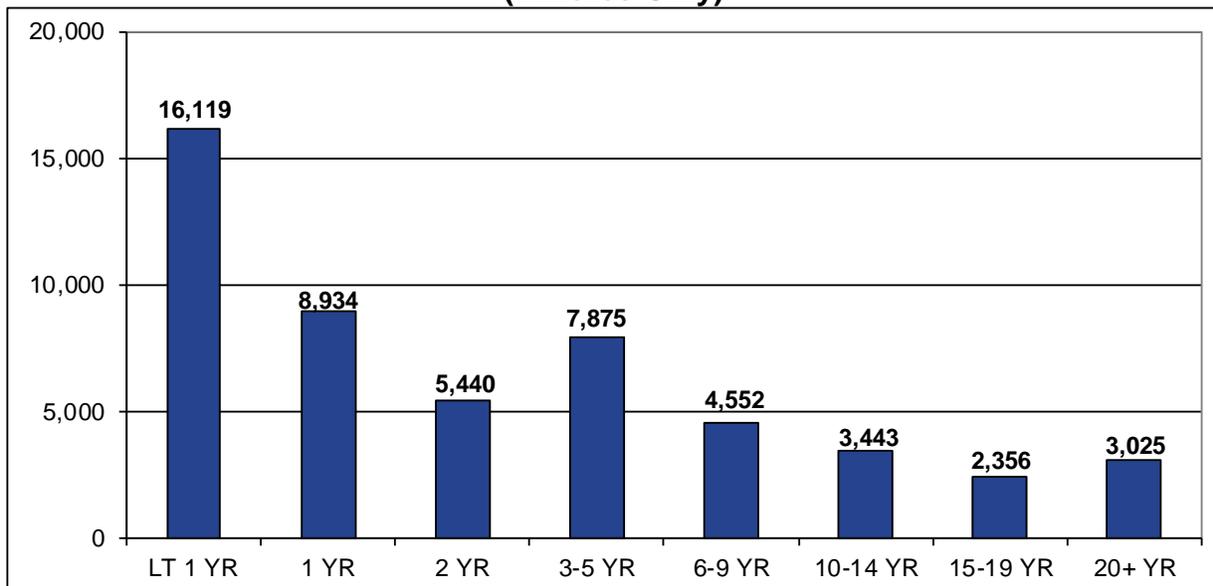
Prior Record by Gender	No Prior Arrest	No Prior Conviction	Conviction, No Jail	Prior Jail Term	Prior Prison Term	Total
Male	7,628	3,769	8,525	12,435	17,544	49,901
Female	636	268	495	610	434	2,443
Total	8,264	4,037	9,020	13,045	17,978	52,344
Male	15.3%	7.6%	17.1%	24.9%	35.2%	100.0%
Female	26.0%	11.0%	20.3%	25.0%	17.8%	100.0%
Total	15.8%	7.7%	17.2%	24.9%	34.3%	100.0%
<b>Offender Status</b>						
Inmates	8,221	4,000	8,864	12,815	17,844	51,744
Incarcerated Parolees	43	37	156	230	134	600
Total Under Custody	8,264	4,037	9,020	13,045	17,978	52,344
Inmates	15.9%	7.7%	17.1%	24.8%	34.5%	100.0%
Incarcerated Parolees	7.2%	6.2%	26.0%	38.3%	22.3%	100.0%
Total Under Custody	15.8%	7.7%	17.2%	24.9%	34.3%	100.0%

## Length of Time Served in Department Custody

About one quarter (26%) of the inmates under custody on January 1, 2016 had spent six years or more under custody since their latest admission to DOCCS. While nearly one-third (32%) had spent less than one year under custody, 17% had spent 10 or more years incarcerated at DOCCS.

Inmates under custody on January 1, 2016 had spent an average of 61 months at DOCCS since their latest admission date. The median length of time served was 25 months. Due to the short period of incarceration for incarcerated parolees, all had served less than a year (average of 2 months).

**Figure 15. Length of Time Served in DOCCS Custody Since Last Admission Date (Inmates Only)**



**Table 15. DOCCS Time Served in Years; Under Custody Population on January 1, 2016**

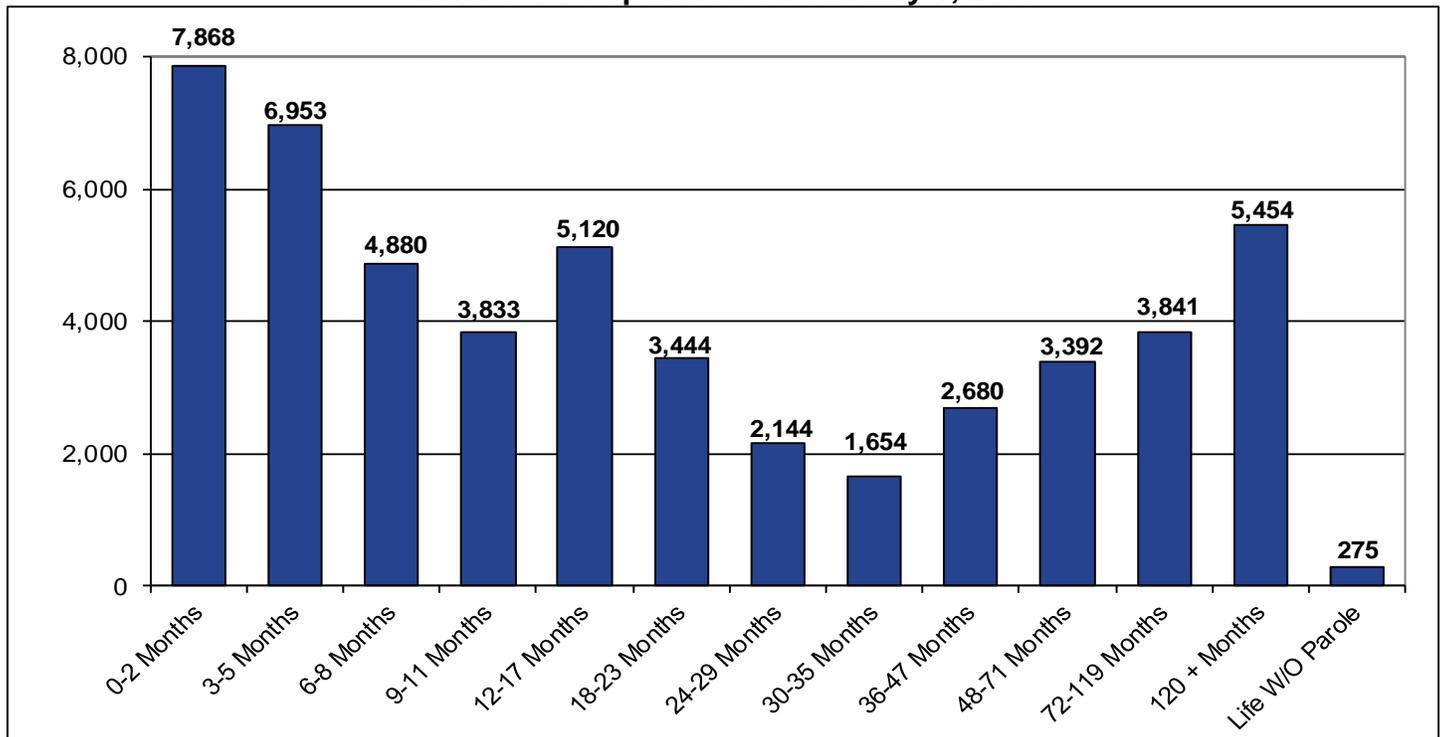
Time in DOCCS	LT 1 YR	1 YR	2 YR	3-5 YR	6-9 YR	10-14 YR	15-19 YR	20+ YR	Total		
Male	15,560	8,459	5,210	7,576	4,439	3,360	2,311	2,986	49,901		
Female	1,159	475	230	299	113	83	45	39	2,443		
<b>Total</b>	<b>16,719</b>	<b>8,934</b>	<b>5,440</b>	<b>7,875</b>	<b>4,552</b>	<b>3,443</b>	<b>2,356</b>	<b>3,025</b>	<b>52,344</b>		
Male	31.2%	17.0%	10.4%	15.2%	8.9%	6.7%	4.6%	6.0%	100.0%		
Female	47.4%	19.4%	9.4%	12.2%	4.6%	3.4%	1.8%	1.6%	100.0%		
<b>Total</b>	<b>31.9%</b>	<b>17.1%</b>	<b>10.4%</b>	<b>15.0%</b>	<b>8.7%</b>	<b>6.6%</b>	<b>4.5%</b>	<b>5.8%</b>	<b>100.0%</b>		
<b>Offender Status</b>											
Inmates	16,119	8,934	5,440	7,875	4,552	3,443	2,356	3,025	51,744		
Incarcerated Parolees	600	0	0	0	0	0	0	0	600		
<b>Total Under Custody</b>	<b>16,719</b>	<b>8,934</b>	<b>5,440</b>	<b>7,875</b>	<b>4,552</b>	<b>3,443</b>	<b>2,356</b>	<b>3,025</b>	<b>52,344</b>		
Inmates	31.2%	17.3%	10.5%	15.2%	8.8%	6.7%	4.6%	5.8%	100.0%		
Incarcerated Parolees	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		
<b>Total Under Custody</b>	<b>31.9%</b>	<b>17.1%</b>	<b>10.4%</b>	<b>15.0%</b>	<b>8.7%</b>	<b>6.6%</b>	<b>4.5%</b>	<b>5.8%</b>	<b>100.0%</b>		
Time Served Since Latest Admission Date in Months				Inmate-Average			61.3		Parolee-Average		1.8
Time Served Since Latest Admission Date in Months				Inmate-Median			25.4		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 inmate can legally be released. Incarcerated parolees are not included in this section.

Sixty-two percent (62%) of the inmate population had less than two years to their earliest release dates. The average time to earliest release for the inmate population on January 1, 2016 was 51 months. The median time to earliest release was 14 months. Median and average time to earliest release was much lower for female inmates than for male inmates.

**Figure 16. Length of Time to Earliest Release Date (Inmates Only);  
Inmate UC Population on January 1, 2016**



**Table 16. Time to Earliest Release Date in Months; Inmate UC Population on January 1, 2016**

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	7,376	6,553	4,609	3,621	4,876	3,303	2,045	1,586	2,581	3,300	3,728	5,341	266	49,185
Female	492	400	271	212	244	141	99	68	99	92	113	113	9	2,353
Total	7,868	6,953	4,880	3,833	5,120	3,444	2,144	1,654	2,680	3,392	3,841	5,454	275	51,538
Male	15.0%	13.3%	9.4%	7.4%	9.9%	6.7%	4.2%	3.2%	5.2%	6.7%	7.6%	10.9%	0.5%	100.0%
Female	20.9%	17.0%	11.5%	9.0%	10.4%	6.0%	4.2%	2.9%	4.2%	3.9%	4.8%	4.8%	0.4%	100.0%
Total	15.3%	13.5%	9.5%	7.4%	9.9%	6.7%	4.2%	3.2%	5.2%	6.6%	7.5%	10.6%	0.5%	100.0%
Inmates	Average Time to Earliest Release Date in Months						Male	52.1	Female		27.4	Total		50.9
	Median Time to Earliest Release Date in Months						Male	14.8	Female		9.2	Total		14.3

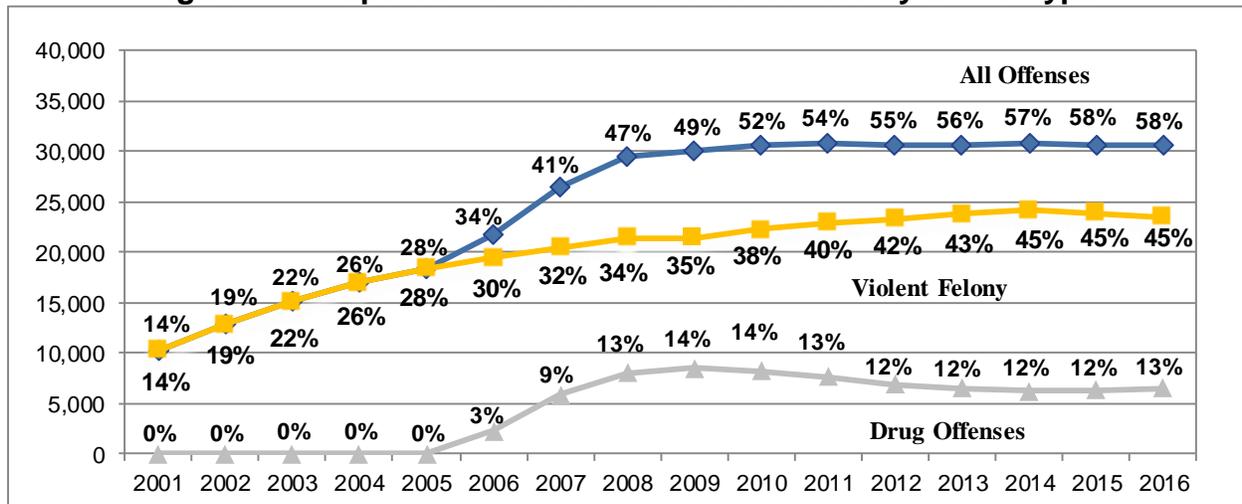
\* Missing 206 cases.

## Determinate Sentencing

The proportion of offenders in DOCCS serving determinate sentences has grown dramatically. Fifty-eight percent (30,584) of the 52,344 offenders under custody on January 1, 2016 were serving determinate sentences, which is more than 3 times larger than was reported in 2001.

As of January 1, 2016, 97% (6,566) of the offenders under custody for drug offenses were serving determinate sentences, while 70% (23,511) of the offenders sentenced for Violent Felony Offenses were serving determinate sentences.

**Figure 17. Proportion of Determinate Sentences by Crime Type**



**Table 17A. Number of Determinate Sentences; Under Custody Population on January 1, 2016**

Offender Status	Violent Felony	Other Coercive	Drug Offenses	Property and Other Offenses	Youthful Offender	Juvenile Offender	Total
<b>Inmates &amp; Incarcerated Parolees</b>							
Indeterminate	10,143	3,620	214	6,868	787	128	21,760
Determinate	23,511	495	6,566	5	7	0	30,584
<b>Total</b>	<b>33,654</b>	<b>4,115</b>	<b>6,780</b>	<b>6,873</b>	<b>794</b>	<b>128</b>	<b>52,344</b>
Indeterminate	30%	88%	3%	100%	99%	100%	42%
Determinate	70%	12%	97%	0%	1%	0%	58%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>

**Table 17B. Historic Number of Total Determinate, Violent Felony Determinate, and Drug Felony Determinate Sentences; Under Custody Populations on January 1, 2005 – 2016**

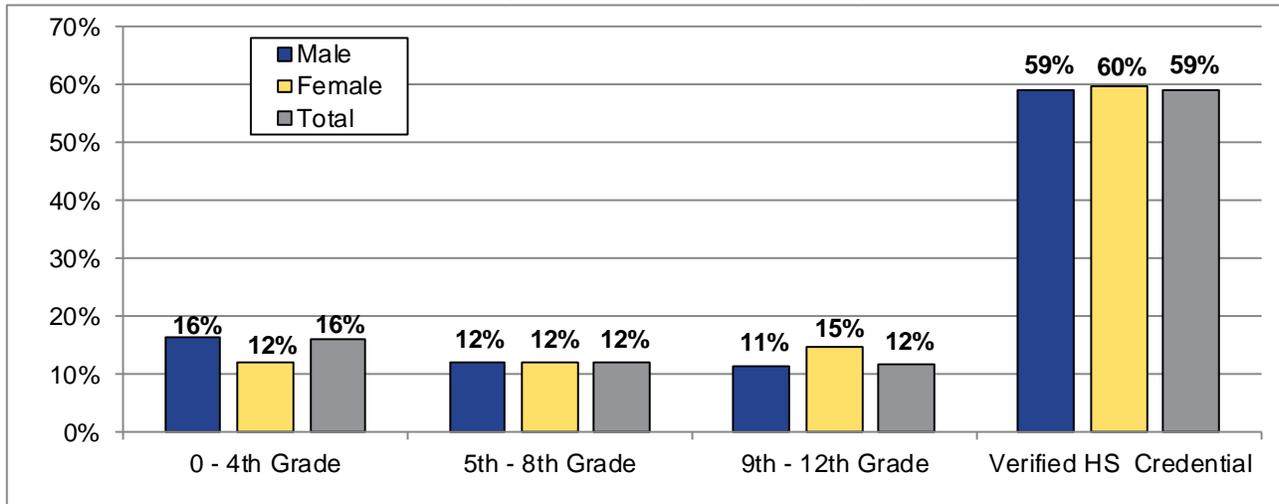
January 1,	2005	2006	2008	2009	2010	2011	2012	2013	2014	2015	2016
Total Determinate	0	0	5,833	8,042	8,481	8,182	7,614	6,902	6,484	6,257	6,343
Percent of UC	0%	0%	40%	58%	69%	77%	85%	88%	92%	94%	96%
Violent Determinate	18,380	19,454	21,426	21,406	22,277	22,936	23,355	23,785	24,140	0	0
Percent of UC	28%	30%	34%	35%	38%	40%	42%	43%	45%	45%	45%
Drug Determinate	0	2,233	8,042	8,481	8,182	7,614	6,902	6,484	6,257	6,343	6,566
Percent of UC	0%	3%	13%	14%	14%	13%	12%	12%	12%	12%	13%

## Education Level

The Department's education program objective is to encourage every inmate to earn a high school equivalency diploma while incarcerated. Testing and educational programming are used by the Department to track the academic level of inmates in reading and mathematics. In order to take the high school equivalency examination, the Department requires inmates to take tests demonstrating at least a ninth grade level in reading and mathematics.

Sixteen percent (16%) of inmates had a tested reading score at the 0 – 4<sup>th</sup> Grade level, 12% at 5<sup>th</sup> – 8<sup>th</sup> Grade level, 12% at the 9<sup>th</sup> – 12<sup>th</sup> Grade level (but no verified high school or equivalency diploma), and finally 59% had a verified high school or equivalency diploma. There was very little difference in education levels due to gender.

**Figure 18. Reading Score Grade Level and HS Diploma Status by Gender: Under Custody Population on January 1, 2016**



**Table 18. Reading Score Grade Level & HS Diploma Status; UC Population January 9, 2016**

Grade Level based on Tested Reading Score	0 - 4th Grade	5th - 8th Grade	9th - 12th Grade	Missing Test Data	Verified HS Credential	Total
Male	8,068	5,915	5,685	661	29,516	49,845
Female	292	290	354	41	1,460	2,437
Total*	8,360	6,205	6,039	702	30,976	52,282
Male	16.2%	11.9%	11.4%	1.3%	59.2%	100.0%
Female	12.0%	11.9%	14.5%	1.7%	59.9%	100.0%
Total	16.0%	11.9%	11.6%	1.3%	59.2%	100.0%
<b>Offender Status</b>						
Inmates	8,285	6,121	5,945	696	30,642	51,689
Incarcerated Parolees	75	84	94	6	334	593
Total Under Custody*	8,360	6,205	6,039	702	30,976	52,282
Inmates	16.0%	11.8%	11.5%	1.3%	59.3%	100.0%
Incarcerated Parolees	12.6%	14.2%	15.9%	1.0%	56.3%	100.0%
Total Under Custody	16.0%	11.9%	11.6%	1.3%	59.2%	100.0%

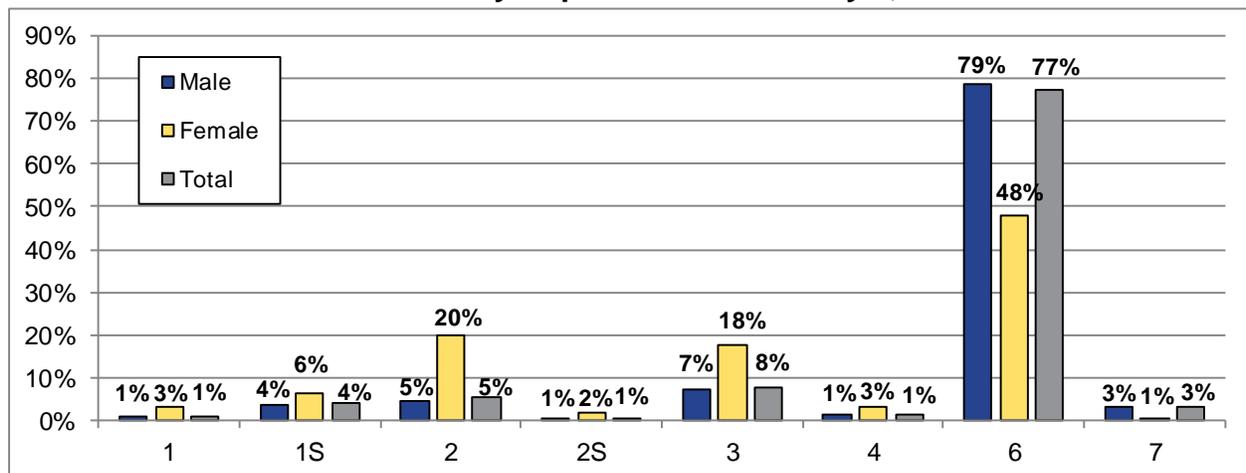
\*Data used from Education Data Files on January 9, 2016. Totals do not equal January 1, 2016 totals.

## Mental Health Service Level

The NYS Office of Mental Health (OMH) provides mental health diagnostic and treatment services to offenders in DOCCS' custody. OMH staff classify offenders according to the mental health service level needed. Offenders who may need mental health treatment services are classified from level 1 through level 4, with 1 indicating the most serious mental health diagnoses and 4 the least serious. Level 6 offenders have been assessed by OMH staff with no mental health service required and level 7 inmates have not yet been assessed. The "S" label in Table 19 indicates Serious Mental Illness (SMI) and the OMH level numbers indicate the level of OMH services that must be available at the facility where the offender is housed.

Twenty percent (20%) of offenders under custody had an OMH service level of 1 – 4, while 77% had a service level classification of 6 (no mental health services required). Women were more likely than men to have an OMH service level classification of 1 – 4 (51% and 18%, respectively).

**Figure 19. Mental Health Service Level by Gender;  
Under Custody Population on January 1, 2016**



**Table 19. OMH Service Level and SMI Status; Under Custody Population on January 1, 2016**

OMH Service Level by Gender	1	1S	2	2S	3	4	6	7	Total*
Male	455	1,870	2,246	258	3,485	679	39,334	1,570	49,897
Female	72	155	482	39	433	75	1,173	14	2,443
Total	527	2,025	2,728	297	3,918	754	40,507	1,584	52,340
Male	0.9%	3.7%	4.5%	0.5%	7.0%	1.4%	78.8%	3.1%	100.0%
Female	2.9%	6.3%	19.7%	1.6%	17.7%	3.1%	48.0%	0.6%	100.0%
Total	1.0%	3.9%	5.2%	0.6%	7.5%	1.4%	77.4%	3.0%	100.0%
<b>Offender Status</b>									
Inmates	523	2,022	2,695	297	3,832	736	40,057	1,578	51,740
Incarcerated Parolees	4	3	33	0	86	18	450	6	600
Total Under Custody	527	2,025	2,728	297	3,918	754	40,507	1,584	52,340
Inmates	1.0%	3.9%	5.2%	0.6%	7.4%	1.4%	77.4%	3.0%	100.0%
Incarcerated Parolees	0.7%	0.5%	5.5%	0.0%	14.3%	3.0%	75.0%	1.0%	100.0%
Total Under Custody	1.0%	3.9%	5.2%	0.6%	7.5%	1.4%	77.4%	3.0%	100.0%

\* Missing 4 cases.

Prepared by:

Kim Dworakowski  
Program Research Specialist II

Division of Program Planning,  
Research and Evaluation

April 2016