

**NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES
2012 REPORT ON FELONY INSURANCE FRAUD OFFENSES**

Executive Law §837-a requires the Division of Criminal Justice Services to report on the processing and disposition of Penal Law Article 176 (Insurance Fraud) felony offenses. This report complies with that reporting requirement and provides processing information for the years 2008 to 2012.

Table 1 provides information about the number of persons arrested for felony Insurance Fraud offenses from 2008 to 2012. The counts of arrests are derived from fingerprintable adult arrest information transmitted by law enforcement agencies to the DCJS Computerized Criminal History (CCH) system and are based on the most serious charge in the arrest event.

TABLE 1
NEW YORK STATE
FELONY INSURANCE FRAUD ARRESTS
2008 to 2012

		2008	2009	2010	2011	2012	Total
NEW YORK STATE	TOTAL INSURANCE FRAUD ARRESTS	323	219	192	196	188	1,118
	1st Degree Insurance Fraud	1	0	3	1	0	5
	2nd Degree Insurance Fraud	17	7	14	8	34	80
	3rd Degree Insurance Fraud	232	148	130	136	101	747
	Aggravated Insurance Fraud	2	0	0	0	1	3
	4th Degree Insurance Fraud	71	64	45	51	52	283
NEW YORK CITY	TOTAL INSURANCE FRAUD ARRESTS	172	99	89	90	92	542
	1st Degree Insurance Fraud	1	0	3	1	0	5
	2nd Degree Insurance Fraud	9	1	3	2	25	40
	3rd Degree Insurance Fraud	152	87	72	76	58	445
	Aggravated Insurance Fraud	0	0	0	0	1	1
	4th Degree Insurance Fraud	10	11	11	11	8	51
REST OF STATE	TOTAL INSURANCE FRAUD ARRESTS	151	120	103	106	96	576
	2nd Degree Insurance Fraud	8	6	11	6	9	40
	3rd Degree Insurance Fraud	80	61	58	60	43	302
	Aggravated Insurance Fraud	2	0	0	0	0	2
	4th Degree Insurance Fraud	61	53	34	40	44	232

Source: Computerized Criminal History system (as of 06/18/2013).
Regional designation based on location of crime.

Table 2 provides information about the number of defendants prosecuted in superior court where the top charge in the indictment or superior court information was an insurance fraud felony offense based on the year that the defendant was

arraigned in superior court. The counts are derived from information about superior court cases transmitted to CCH from the New York State Office of Court Administration. The unit of count in this table is the “defendant-indictment.” When more than one defendant is charged in a single indictment or SCI, each defendant is counted separately. If one defendant is charged in multiple indictments or SCIs, each indictment or SCI is counted separately. More than one indictment or SCI can be linked to a single arrest event and multiple arrests can be combined into one indictment or SCI.

TABLE 2
NEW YORK STATE
FELONY INSURANCE FRAUD ACTIONS
2008 to 2012

		2008	2009	2010	2011	2012	Total
NEW YORK STATE	TOTAL INSURANCE LAW ACTIONS	109	65	60	48	59	341
	1st Degree Insurance Fraud	1	0	1	0	0	2
	2nd Degree Insurance Fraud	25	4	6	5	8	48
	3rd Degree Insurance Fraud	63	36	36	28	39	202
	Aggravated Insurance Fraud	1	1	0	0	0	2
	4th Degree Insurance Fraud	19	24	17	15	12	87
NEW YORK CITY	TOTAL INSURANCE LAW ACTIONS	43	17	16	12	24	112
	1st Degree Insurance Fraud	1	0	1	0	0	2
	2nd Degree Insurance Fraud	15	0	0	2	5	22
	3rd Degree Insurance Fraud	22	9	10	9	18	68
	4th Degree Insurance Fraud	5	8	5	1	1	20
REST OF STATE	TOTAL INSURANCE LAW ACTIONS	66	48	44	36	35	229
	2nd Degree Insurance Fraud	10	4	6	3	3	26
	3rd Degree Insurance Fraud	41	27	26	19	21	134
	Aggravated Insurance Fraud	1	1	0	0	0	2
	4th Degree Insurance Fraud	14	16	12	14	11	67

Source: Felony Processing File (as of 06/18/2013).

The term actions in this table refers to indictments and superior court informations.

Regional designation based on location of crime.

Tables 3 through 5 provide information about the dispositions of arrests for felony insurance fraud offenses. The summaries are displayed according to the year in which the final disposition occurred, regardless of when the arrest actually occurred.

TABLE 3
NEW YORK STATE
DISPOSITIONS OF FELONY INSURANCE FRAUD ARRESTS
2008 to 2012

	2008	2009	2010	2011	2012	TOTAL
TOTAL DISPOSITIONS	274	246	217	209	214	1,160
Convicted-Sentenced	206	185	173	160	173	897
Adjudicated Youthful Offender	2	6	0	5	1	14
Convicted-Sentence Pending	4	1	1	3	11	20
Diverted and Dismissed	0	0	0	0	0	0
Covered by Another Case	6	6	0	3	1	16
Dismissed-ACD	0	0	0	0	0	0
Dismissed-Other	50	42	30	35	25	182
Acquitted	0	2	3	0	1	6
DA Declined to Prosecute	6	4	10	3	2	25
TOTAL SENTENCES	206	185	173	160	173	897
Felonies	47	41	36	30	23	177
Misdemeanors	128	104	89	91	106	518
Non-Criminal Offenses	31	40	48	39	44	202
TOTAL SENTENCES	208	191	173	165	174	911
Prison	8	5	4	8	2	27
Jail	10	6	11	8	9	44
Time Served	5	3	3	11	6	28
Jail+Probation	4	6	7	2	5	24
Probation	47	47	24	40	27	185
Fine	33	34	30	30	35	162
Cond Discharge	99	87	90	65	88	429
Uncond Discharge	2	3	3	1	2	11
Other	0	0	1	0	0	1

Source: Computerized Criminal History system (as of 06/18/2013).

Includes convictions to felonies, misdemeanors and non-criminal offenses such as violations and infractions

Regional designation based on location of the disposition court.

TABLE 4
NEW YORK CITY
DISPOSITIONS OF FELONY INSURANCE FRAUD ARRESTS
2008 to 2012

	2008	2009	2010	2011	2012	TOTAL
TOTAL DISPOSITIONS	150	107	99	114	130	600
Convicted-Sentenced	105	72	67	79	105	428
Adjudicated Youthful Offender	1	4	0	5	1	11
Convicted-Sentence Pending	4	0	0	1	4	9
Diverted and Dismissed	0	0	0	0	0	0
Covered by Another Case	3	3	0	0	0	6
Dismissed-ACD	0	0	0	0	0	0
Dismissed-Other	31	23	19	26	18	117
Acquitted	0	1	3	0	0	4
DA Declined to Prosecute	6	4	10	3	2	25
TOTAL SENTENCES	105	72	67	79	105	428
Felonies	27	17	12	9	10	75
Misdemeanors	59	35	32	43	60	229
Non-Criminal Offenses	19	20	23	27	35	124
TOTAL SENTENCES	106	76	67	84	106	439
Prison	4	2	1	3	0	10
Jail	5	4	6	2	5	22
Time Served	4	2	1	9	6	22
Jail+Probation	1	0	0	0	1	2
Probation	17	9	5	5	4	40
Fine	16	12	14	15	17	74
Cond Discharge	59	46	40	50	73	268
Uncond Discharge	0	1	0	0	0	1
Other	0	0	0	0	0	0

Source: Computerized Criminal History system (as of 06/18/2013).

Includes convictions to felonies, misdemeanors and non-criminal offenses such as violations and infractions

Regional designation based on location of the disposition court.

TABLE 5
REST OF STATE
DISPOSITIONS OF FELONY INSURANCE FRAUD ARRESTS
2008 to 2012

	2008	2009	2010	2011	2012	TOTAL
TOTAL DISPOSITIONS	124	139	118	95	84	560
Convicted-Sentenced	101	113	106	81	68	469
Adjudicated Youthful Offender	1	2	0	0	0	3
Convicted-Sentence Pending	0	1	1	2	7	11
Diverted and Dismissed	0	0	0	0	0	0
Covered by Another Case	3	3	0	3	1	10
Dismissed-ACD	0	0	0	0	0	0
Dismissed-Other	19	19	11	9	7	65
Acquitted	0	1	0	0	1	2
DA Declined to Prosecute	0	0	0	0	0	0
TOTAL SENTENCES	101	113	106	81	68	469
Felonies	20	24	24	21	13	102
Misdemeanors	69	69	57	48	46	289
Non-Criminal Offenses	12	20	25	12	9	78
TOTAL SENTENCES	102	115	106	81	68	472
Prison	4	3	3	5	2	17
Jail	5	2	5	6	4	22
Time Served	1	1	2	2	0	6
Jail+Probation	3	6	7	2	4	22
Probation	30	38	19	35	23	145
Fine	17	22	16	15	18	88
Cond Discharge	40	41	50	15	15	161
Uncond Discharge	2	2	3	1	2	10
Other	0	0	1	0	0	1

Source: Computerized Criminal History system (as of 06/18/2013).

Includes convictions to felonies, misdemeanors and non-criminal offenses such as violations and infractions

Regional designation based on location of the disposition court.