

Division of Criminal Justice Services

Criminal Justice Statistical Report



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Violent Felony Offense Processing Report Series

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New York State Violent Felony Offense Processing 2011 Annual Report

Executive Law §837-a requires the Division of Criminal Justice Services to report on the processing and disposition of violent felony offenses as defined in Penal Law §70.02. This report complies with that reporting requirement. Criminal justice statistical and research reports, including this one, are available on the DCJS website <http://www.criminaljustice.ny.gov/crimnet/pubs.htm>

Office of Justice Research and Performance

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INTRODUCTION

Chapter 481 of the Laws of 1978 substantially revised New York State's penal, criminal procedure and executive laws. The law created Penal Law §70.02, which specified certain Class B through Class E felonies as "violent felony offenses" (VFO). As a result of the legislation, persons convicted of VFOs were sentenced based on laws that were different from the laws that controlled the sentencing of persons who were convicted of other (non-VFO) felonies. This law also required the Division of Criminal Justice Services to report on the processing and disposition of persons charged with VFOs.

Since 1978, additional offenses were designated as VFOs and the sentencing laws related to VFOs were changed on several occasions, most notably by legislation in 1995 and 1998 which required that persons convicted of VFOs and sentenced to prison receive determinate rather than indeterminate sentences.

This report complies with the original reporting requirement by providing information regarding arrests for VFOs, prosecutions in superior court for persons charged with a violent felony offense in an indictment or superior court information (SCI), and for the disposition of superior court cases for 2007 to 2011.

The report contains a findings section that provides an overview of changes that took place during the five-year period; a data notes section that describes the sources of the data used in the report and other explanatory information about the data; and an additional data tables section that contains tables with additional information about the processing of persons charged with violent felony offenses. See Appendix A for a list of VFO offenses.

SELECTED FINDINGS

The following table shows the number of VFO arrests, VFO indictments and SCIs, VFO convictions and prison sentences for VFO convictions based on the year in which each of those events occurred. This means, for example, that a person sentenced to prison in 2011 may have been arrested, indicted, or convicted in an earlier year or years.

VIOLENT FELONY OFFENSES IN NEW YORK STATE 2007 TO 2011

		2007	2008	2009	2010	2011	% Change 2007 to 2011
Violent Felony Offense Arrests	New York State	44,621	45,646	44,816	44,160	44,681	0.1%
	New York City	28,107	28,305	27,252	27,090	27,804	-1.1%
	Rest of State	16,514	17,341	17,564	17,070	16,877	2.2%
Violent Felony Offense Superior Court Actions	New York State	15,585	16,602	16,584	16,070	15,309	-1.8%
	New York City	8,481	8,993	9,068	8,788	8,291	-2.2%
	Rest of State	7,104	7,609	7,516	7,282	7,018	-1.2%
Violent Felony Offense Convictions	New York State	9,518	9,371	9,840	9,697	9,579	0.6%
	New York City	4,915	4,678	4,998	4,961	4,926	0.2%
	Rest of State	4,603	4,693	4,842	4,736	4,653	1.1%
Violent Felony Offense Prison Sentences	New York State	5,736	5,929	6,268	6,408	6,254	9.0%
	New York City	2,909	2,938	3,188	3,329	3,205	10.2%
	Rest of State	2,827	2,991	3,080	3,079	3,049	7.9%

Sources: DCJS, Uniform Crime Reporting system, Computerized Criminal History system, Felony Processing File. Includes Juvenile Offenders and those adjudicated as Youthful Offenders

Over the five-year period covered by this report, the number of violent felony offense convictions that resulted in a sentence to state prison increased. Moreover, the increase in the number of prison sentences occurred while the number of VFO arrests, indictments and SCIs, and convictions remained relatively stable. Statewide, prison sentences for persons convicted of VFOs increased by 9.0%. This trend occurred in both New York City and the Rest of State.

**PRISON SENTENCES
FOR VIOLENT FELONY OFFENSE CONVICTIONS AND YOUTHFUL OFFENDER ADJUDICATIONS**

		2007	2008	2009	2010	2011	% Change 2007 to 2011
NEW YORK STATE	ALL VIOLENT FELONY OFFENSES	5,736	5,929	6,268	6,408	6,254	9.0%
	ASSAULT	863	911	971	922	937	8.6%
	STRANGULATION	–	–	–	–	13	
	HOMICIDE	509	507	479	510	465	-8.6%
	SEX OFFENSES	570	609	636	618	618	8.4%
	BURGLARY	922	1,035	1,100	1,178	1,238	34.3%
	ROBBERY	1,869	1,816	1,847	1,850	1,777	-4.9%
	WEAPONS OFFENSES	944	994	1,180	1,253	1,130	19.7%
	OTHER VFOs	59	57	55	77	76	28.8%
NEW YORK CITY	ALL VIOLENT FELONY OFFENSES	2,909	2,938	3,188	3,329	3,205	10.2%
	ASSAULT	432	469	543	479	516	19.4%
	STRANGULATION	–	–	–	–	5	
	HOMICIDE	320	290	281	304	277	-13.4%
	SEX OFFENSES	191	171	209	222	210	9.9%
	BURGLARY	335	389	395	479	464	38.5%
	ROBBERY	1,122	1,094	1,118	1,144	1,133	1.0%
	WEAPONS OFFENSES	491	509	620	672	574	16.9%
	OTHER VFOs	18	16	22	29	26	44.4%
REST OF STATE	ALL VIOLENT FELONY OFFENSES	2,827	2,991	3,080	3,079	3,049	7.9%
	ASSAULT	431	442	428	443	421	-2.3%
	STRANGULATION	–	–	–	–	8	
	HOMICIDE	189	217	198	206	188	-0.5%
	SEX OFFENSES	379	438	427	396	408	7.7%
	BURGLARY	587	646	705	699	774	31.9%
	ROBBERY	747	722	729	706	644	-13.8%
	WEAPONS OFFENSES	453	485	560	581	556	22.7%
	OTHER VFOs	41	41	33	48	50	22.0%

Source: DCJS, Felony Processing File.

Includes Youthful Offender and Juvenile Offender cases.

The strangulation law went into effect November 11, 2010.

The table above shows the trends in the number of prison sentences for VFO crimes for the five year period from 2007 to 2011. The 9.0% increase was driven primarily by increases in prison sentences for burglary (+34.3%) and PL 265 weapons offenses (+19.7%).

In 2010, two new VFO offenses were added to the Penal Law – strangulation in the first degree (PL 121.13) and strangulation in the second degree (PL 121.12). In 2011, there were 13 prison sentences for these offenses, including 5 in New York City and 8 in the Rest of State.

DATA NOTES

The data source for the violent felony offense statistics in this report is the DCJS Computerized Criminal History (CCH) system. The counts of arrests are derived from finger printable adult arrest information transmitted from law enforcement agencies to CCH. The counts for felony actions (indictments and superior court information) and for the dispositions of these cases are derived from superior court case information transmitted to CCH from the New York State Office of Court Administration.

Cases in this report are characterized by the most serious charge in the event (arrest, indictment/SCI, or conviction). If the top charge in the event is not a VFO, that event is not included in the statistical tables included in this report. In addition to the offenses specified as VFOs in Penal Law §70.02, certain Class A felonies are included in the statistical tables in this report if attempts to these offenses (Class B felonies) are specified as VFOs or if the offense meets the definition of a “predicate violent felony conviction” found in Penal Law §70.04 - sentence of imprisonment for second violent felony offender. In essence, this includes all Class A felonies other than Penal Law Article 220 (controlled substances) felonies.

The unit of count for arrests is the “arrest event” characterized by the most serious arrest charge in the event (i.e. one arrest event that contains more than one VFO charge is counted as one arrest). The unit of count for indictments and superior court indictments is the “defendant-indictment.” When more than one defendant is charged in one 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. As with arrests, if an indictment or SCI contains more than one VFO charge it is counted once.

ADDITIONAL DATA TABLES

- Table 1 Violent Felony Offense Adult Arrests: Charge Type of Top Arrest Charge
- Table 2 Violent Felony Offense Adult Arrests: Felony Class of Top Arrest Charge
- Table 3 Violent Felony Offense Adult Arrests: Prior Felony Convictions
- Table 4 Violent Felony Offense Superior Court Actions: Charge Type of Top Action Charge
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**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 1 - VIOLENT FELONY OFFENSE ADULT ARRESTS
CHARGE TYPE OF TOP ARREST CHARGE**

		2007	2008	2009	2010	2011	% Change 2007 to 2011
NEW YORK STATE	TOTAL VFO ARRESTS	44,621	45,646	44,816	44,160	44,681	0.1%
	ASSAULT	18,107	17,957	17,518	17,433	16,539	-8.7%
	STRANGULATION	-	-	-	76	1,533	
	HOMICIDE	939	1,000	869	860	861	-8.3%
	SEX OFFENSES	2,560	2,783	2,657	2,700	2,434	-4.9%
	BURGLARY	6,372	6,435	6,719	6,771	7,012	10.0%
	ROBBERY	11,341	12,011	11,077	10,656	10,527	-7.2%
	WEAPONS OFFENSES	4,705	4,916	5,418	5,110	5,255	11.7%
	OTHER VFOs	597	544	558	554	520	-12.9%
NEW YORK CITY	TOTAL VFO ARRESTS	28,107	28,305	27,252	27,090	27,804	-1.1%
	ASSAULT	12,378	12,050	11,644	11,589	11,182	-9.7%
	STRANGULATION	-	-	-	42	1,116	
	HOMICIDE	588	671	559	561	611	3.9%
	SEX OFFENSES	1,169	1,227	1,230	1,286	1,151	-1.5%
	BURGLARY	1,869	1,602	1,719	1,661	1,872	0.2%
	ROBBERY	8,370	8,913	7,860	7,962	7,812	-6.7%
	WEAPONS OFFENSES	3,521	3,619	4,016	3,712	3,840	9.1%
	OTHER VFOs	212	223	224	277	220	3.8%
REST OF STATE	TOTAL VFO ARRESTS	16,514	17,341	17,564	17,070	16,877	2.2%
	ASSAULT	5,729	5,907	5,874	5,844	5,357	-6.5%
	STRANGULATION	-	-	-	34	417	
	HOMICIDE	351	329	310	299	250	-28.8%
	SEX OFFENSES	1,391	1,556	1,427	1,414	1,283	-7.8%
	BURGLARY	4,503	4,833	5,000	5,110	5,140	14.1%
	ROBBERY	2,971	3,098	3,217	2,694	2,715	-8.6%
	WEAPONS OFFENSES	1,184	1,297	1,402	1,398	1,415	19.5%
	OTHER VFOs	385	321	334	277	300	-22.1%

Source: Computerized Criminal History system (October 2012).

Note: Regional designation based on location of crime.

Violent Felony Offenses as defined in PL 70.02.

Between 2007 and 2011, the number of arrests increased statewide for VFO burglary (+10.0%) and weapons offenses (+11.7%). Arrests for “Strangulation” reflect the creation in 2010 of two new violent felony offenses – strangulation in the first degree (PL 121.13) and strangulation in the second degree (PL 121.12).

In New York City, VFO burglary arrests remained unchanged (+0.2%) and arrests for weapons offenses rose 9.1%. In the Rest of State, VFO burglary arrests increased (+14.1%), while arrests for VFO weapons offenses increased (+19.5%).

Statewide, the number of arrests for assault and homicide violent felony offenses decreased (-8.7% and -8.3%, respectively) from 2007 to 2011.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 2 - VIOLENT FELONY OFFENSE ADULT ARRESTS
FELONY CLASS OF TOP ARREST CHARGE**

		2007	2008	2009	2010	2011	% CHANGE 2007-2011
NEW YORK STATE	TOTAL VFO ARRESTS	44,621	45,646	44,816	44,160	44,681	0.1%
	CLASS A	758	757	747	730	672	-11.3%
	CLASS B	9,292	9,375	8,373	8,075	7,632	-17.9%
	CLASS C	18,038	18,413	18,180	17,974	18,228	1.1%
	CLASS D	16,370	16,972	17,360	17,230	17,990	9.9%
	CLASS E	163	129	156	151	159	-2.5%
NEW YORK CITY	TOTAL VFO ARRESTS	28,107	28,305	27,252	27,090	27,804	-1.1%
	CLASS A	438	454	431	434	427	-2.5%
	CLASS B	5,821	5,899	5,066	5,103	4,714	-19.0%
	CLASS C	11,198	11,021	10,608	10,547	10,804	-3.5%
	CLASS D	10,623	10,888	11,089	10,944	11,787	11.0%
	CLASS E	27	43	58	62	72	166.7%
REST OF STATE	TOTAL VFO ARRESTS	16,514	17,341	17,564	17,070	16,877	2.2%
	CLASS A	320	303	316	296	245	-23.4%
	CLASS B	3,471	3,476	3,307	2,972	2,918	-15.9%
	CLASS C	6,840	7,392	7,572	7,427	7,424	8.5%
	CLASS D	5,747	6,084	6,271	6,286	6,203	7.9%
	CLASS E	136	86	98	89	87	-36.0%

Source: Computerized Criminal History system (October 2012).

Note: Regional designation based on location of crime.

Violent Felony Offenses as defined in PL 70.02.

The number arrests for Class A and Class B violent felony offenses decreased by 11.3% and 17.9% respectively from 2007 to 2011. This was due to a decrease in the number of arrests for Class A homicide offenses and Class B sex, burglary, and robbery offenses.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 3 - VIOLENT FELONY OFFENSE ADULT ARRESTS
PRIOR FELONY CONVICTIONS**

		2007	2008	2009	2010	2011	TOTAL ARRESTS	
							#	%
NEW YORK STATE	TOTAL ARRESTS	44,621	45,646	44,816	44,160	44,681	223,924	100.0%
	NO PRIOR FELONY CONVICTIONS	33,911	35,050	34,352	33,757	33,818	170,888	76.3%
	ONE PRIOR FELONY CONVICTION	5,579	5,665	5,533	5,452	5,663	27,892	12.5%
	TWO OR MORE PRIOR FELONY CONVICTIONS	5,131	4,931	4,931	4,951	5,200	25,144	11.2%
NEW YORK CITY	TOTAL ARRESTS	28,107	28,305	27,252	27,090	27,804	138,558	100.0%
	NO PRIOR FELONY CONVICTIONS	21,131	21,558	20,767	20,656	21,024	105,136	75.9%
	ONE PRIOR FELONY CONVICTION	3,493	3,522	3,315	3,219	3,427	16,976	12.3%
	TWO OR MORE PRIOR FELONY CONVICTIONS	3,483	3,225	3,170	3,215	3,353	16,446	11.9%
REST OF STATE	TOTAL ARRESTS	16,514	17,341	17,564	17,070	16,877	85,366	100.0%
	NO PRIOR FELONY CONVICTIONS	12,780	13,492	13,585	13,101	12,794	65,752	77.0%
	ONE PRIOR FELONY CONVICTION	2,086	2,143	2,218	2,233	2,236	10,916	12.8%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,648	1,706	1,761	1,736	1,847	8,698	10.2%

Source: Computerized Criminal History system (October 2012).

Note: Regional designation based on location of crime.

Violent Felony Offenses as defined in PL 70.02.

Youthful Offender adjudications not counted as prior convictions.

Just over three-quarters (76.3%) of persons arrested for a violent felony offense between 2007 and 2011 had no record of a prior felony conviction in New York State.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 4 - VIOLENT FELONY OFFENSE SUPERIOR COURT ACTIONS
CHARGE TYPE OF TOP ACTION CHARGE**

		2007	2008	2009	2010	2011	% Change 2007 to 2011
NEW YORK STATE	TOTAL ACTIONS	15,585	16,602	16,584	16,070	15,309	-1.8%
	ASSAULT	3,421	3,569	3,600	3,456	3,306	-3.4%
	STRANGULATION	-	-	-	-	177	
	HOMICIDE	875	898	833	773	789	-9.8%
	SEX OFFENSES	1,401	1,537	1,442	1,486	1,314	-6.2%
	BURGLARY	2,613	2,780	2,980	3,080	2,869	9.8%
	ROBBERY	4,688	5,237	5,073	4,690	4,538	-3.2%
	WEAPONS OFFENSES	2,392	2,355	2,455	2,355	2,091	-12.6%
	OTHER VFOs	195	226	201	230	225	15.4%
NEW YORK CITY	TOTAL ACTIONS	8,481	8,993	9,068	8,788	8,291	-2.2%
	ASSAULT	1,957	1,979	2,097	1,984	1,807	-7.7%
	STRANGULATION	-	-	-	-	83	
	HOMICIDE	521	608	538	497	537	3.1%
	SEX OFFENSES	509	511	514	564	473	-7.1%
	BURGLARY	840	847	932	1,026	930	10.7%
	ROBBERY	3,123	3,532	3,457	3,236	3,174	1.6%
	WEAPONS OFFENSES	1,465	1,436	1,446	1,371	1,187	-19.0%
	OTHER VFOs	66	80	84	110	100	51.5%
REST OF STATE	TOTAL ACTIONS	7,104	7,609	7,516	7,282	7,018	-1.2%
	ASSAULT	1,464	1,590	1,503	1,472	1,499	2.4%
	STRANGULATION	-	-	-	-	94	
	HOMICIDE	354	290	295	276	252	-28.8%
	SEX OFFENSES	892	1,026	928	922	841	-5.7%
	BURGLARY	1,773	1,933	2,048	2,054	1,939	9.4%
	ROBBERY	1,565	1,705	1,616	1,454	1,364	-12.8%
	WEAPONS OFFENSES	927	919	1,009	984	904	-2.5%
	OTHER VFOs	129	146	117	120	125	-3.1%

Source: DCJS, Felony Processing File (October 2012).

Note: The term actions in this table refers to indictments and superior court information.

Violent Felony Offenses as defined in PL 70.02.

The increase in the number of burglary cases was driven by an increase in the number of cases in which the defendant was charged with burglary of a dwelling (PL 140.25 subsection 2).

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
 TABLE 5 - VIOLENT FELONY OFFENSE SUPERIOR COURT ACTIONS
 FELONY CLASS OF TOP ACTION CHARGE

		2007	2008	2009	2010	2011	% Change 2007-2011
NEW YORK STATE	TOTAL ACTIONS	15,585	16,602	16,584	16,070	15,309	-1.8%
	CLASS A	715	737	741	678	682	-4.6%
	CLASS B	4,702	4,983	4,837	4,553	4,307	-8.4%
	CLASS C	6,328	7,079	7,260	7,098	6,651	5.1%
	CLASS D	3,792	3,767	3,720	3,720	3,648	-3.8%
	CLASS E	48	36	26	21	21	-56.3%
NEW YORK CITY	TOTAL ACTIONS	8,481	8,993	9,068	8,788	8,291	-2.2%
	CLASS A	387	439	400	382	384	-0.8%
	CLASS B	2,849	3,008	2,913	2,804	2,615	-8.2%
	CLASS C	3,364	3,838	3,951	3,791	3,607	7.2%
	CLASS D	1,862	1,703	1,796	1,802	1,677	-9.9%
	CLASS E	19	5	8	9	8	-57.9%
REST OF STATE	TOTAL ACTIONS	7,104	7,609	7,516	7,282	7,018	-1.2%
	CLASS A	328	298	341	296	298	-9.1%
	CLASS B	1,853	1,975	1,924	1,749	1,692	-8.7%
	CLASS C	2,964	3,241	3,309	3,307	3,044	2.7%
	CLASS D	1,930	2,064	1,924	1,918	1,971	2.1%
	CLASS E	29	31	18	12	13	-55.2%

Source: CCH, Felony Processing File (October 2012).

Note: The term actions in this table refers to indictments and superior court information.
 Violent Felony Offenses as defined in PL 70.02.

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 6 - VIOLENT FELONY OFFENSE SUPERIOR COURT ACTIONS
PRIOR FELONY CONVICTIONS

		2007	2008	2009	2010	2011	TOTAL ACTIONS	
							#	%
NEW YORK STATE	TOTAL ACTIONS	15,585	16,602	16,584	16,070	15,309	80,150	100.0%
	NO PRIOR FELONY CONVICTIONS	11,114	11,912	11,834	11,418	10,772	57,050	71.2%
	ONE PRIOR FELONY CONVICTION	2,247	2,415	2,467	2,397	2,303	11,829	14.8%
	TWO OR MORE PRIOR FELONY CONVICTIONS	2,224	2,275	2,283	2,255	2,234	11,271	14.1%
NEW YORK CITY	TOTAL ACTIONS	8,481	8,993	9,068	8,788	8,291	43,621	100.0%
	NO PRIOR FELONY CONVICTIONS	5,807	6,304	6,343	6,085	5,703	30,242	69.3%
	ONE PRIOR FELONY CONVICTION	1,302	1,342	1,356	1,317	1,281	6,598	15.1%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,372	1,347	1,369	1,386	1,307	6,781	15.5%
REST OF STATE	TOTAL ACTIONS	7,104	7,609	7,516	7,282	7,018	36,529	100.0%
	NO PRIOR FELONY CONVICTIONS	5,307	5,608	5,491	5,333	5,069	26,808	73.4%
	ONE PRIOR FELONY CONVICTION	945	1,073	1,111	1,080	1,022	5,231	14.3%
	TWO OR MORE PRIOR FELONY CONVICTIONS	852	928	914	869	927	4,490	12.3%

Source: CCH, Felony Processing File (October 2012).

Note: The term actions in this table refer to indictments and superior court information.

Violent Felony Offenses as defined in PL 70.02.

Youthful Offender adjudications not counted as prior convictions

Statewide, 28.9% of persons charged with a violent felony offense in an indictment or a SCI had at least one prior felony conviction.

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 7 - DISPOSITIONS OF VIOLENT FELONY ACTIONS

		2007	2008	2009	2010	2011	TOTAL DISPOSED	
							#	%
NEW YORK STATE	Total Disposed	14,836	14,678	15,955	15,646	15,568	76,683	100.0%
	Convicted - Plea	9,314	9,278	10,215	10,006	9,950	48,763	63.6%
	Convicted - Verdict	907	862	902	950	959	4,580	6.0%
	Adjudicated - Youthful Offender	2,424	2,376	2,588	2,349	2,408	12,145	15.8%
	Covered by, Consolidated, Superseded	602	566	596	679	631	3,074	4.0%
	Diverted and Dismissed	13	10	12	14	20	69	0.1%
	Dismissed	1,063	1,165	1,195	1,158	1,085	5,666	7.4%
	Acquitted	432	359	377	412	439	2,019	2.6%
	Other	81	62	70	78	76	367	0.5%
NEW YORK CITY	Total Disposed	7,826	7,701	8,568	8,379	8,455	40,929	100.0%
	Convicted - Plea	4,863	4,750	5,389	5,204	5,288	25,494	62.3%
	Convicted - Verdict	464	421	471	514	483	2,353	5.7%
	Adjudicated - Youthful Offender	1,293	1,339	1,515	1,375	1,439	6,961	17.0%
	Covered by, Consolidated, Superseded	189	205	188	217	215	1,014	2.5%
	Diverted and Dismissed	7	8	11	14	20	60	0.1%
	Dismissed	680	730	744	747	693	3,594	8.8%
	Acquitted	270	204	203	252	269	1,198	2.9%
	Other	60	44	47	56	48	255	0.6%
REST OF STATE	Total Disposed	7,010	6,977	7,387	7,267	7,113	35,754	100.0%
	Convicted - Plea	4,451	4,528	4,826	4,802	4,662	23,269	65.1%
	Convicted - Verdict	443	441	431	436	476	2,227	6.2%
	Adjudicated - Youthful Offender	1,131	1,037	1,073	974	969	5,184	14.5%
	Covered by, Consolidated, Superseded	413	361	408	462	416	2,060	5.8%
	Diverted and Dismissed	6	2	1	0	0	9	0.0%
	Dismissed	383	435	451	411	392	2,072	5.8%
	Acquitted	162	155	174	160	170	821	2.3%
	Other	21	18	23	22	28	112	0.3%

Source: CCH, Felony Processing File (October 2012).

Note: Does not include cases where the defendant has been convicted, but not yet sentenced.

The term actions in this table refer to indictments and superior court information

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

Statewide, 85.4% of VFO superior court cases that were disposed during the five-year period resulted in a conviction (by plea or verdict) or Youthful Offender adjudication, including 85.0% in New York City and 85.8% in the Rest of State.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 8 - DISPOSITIONS OF VIOLENT FELONY ACTIONS
2011**

	Total Disposed	Convicted				Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Other
		Convicted - Plea	Convicted - Verdict	Adjudicated - Youthful Offender	% of Total Disposed				
NEW YORK STATE TOTAL	15,568	9,950	959	2,408	85.5%	631	20	1,085	76
ASSAULT	3,441	2,416	186	345	85.6%	101	8	217	22
STRANGULATION	65	56	1	0	87.7%	3	0	4	1
HOMICIDE	742	402	191	12	81.5%	32	1	51	4
SEX OFFENSES	1,393	949	125	89	83.5%	60	1	101	10
BURGLARY	2,990	2,032	122	452	87.2%	235	6	104	7
ROBBERY	4,514	2,479	201	1,329	88.8%	119	2	297	18
WEAPONS OFFENSES	2,209	1,475	112	163	79.2%	68	2	298	12
OTHER VFOs	214	141	21	18	84.1%	13	0	13	2
NEW YORK CITY TOTAL	8,455	5,288	483	1,439	85.3%	215	20	693	48
ASSAULT	1,982	1,364	95	220	84.7%	47	8	143	18
STRANGULATION	23	20	0	0	87.0%	0	0	3	0
HOMICIDE	476	260	109	11	79.8%	21	1	38	3
SEX OFFENSES	487	326	40	27	80.7%	19	1	52	1
BURGLARY	949	729	38	91	90.4%	20	6	47	2
ROBBERY	3,157	1,669	131	994	88.5%	68	2	226	17
WEAPONS OFFENSES	1,294	853	66	92	78.1%	36	2	178	7
OTHER VFOs	87	67	4	4	86.2%	4	0	6	0
REST OF STATE TOTAL	7,113	4,662	476	969	85.9%	416	0	392	28
ASSAULT	1,459	1,052	91	125	86.9%	54	0	74	4
STRANGULATION	42	36	1	0	88.1%	3	0	1	1
HOMICIDE	266	142	82	1	84.6%	11	0	13	1
SEX OFFENSES	906	623	85	62	85.0%	41	0	49	9
BURGLARY	2,041	1,303	84	361	85.6%	215	0	57	5
ROBBERY	1,357	810	70	335	89.5%	51	0	71	1
WEAPONS OFFENSES	915	622	46	71	80.8%	32	0	120	5
OTHER VFOs	127	74	17	14	82.7%	9	0	7	2

Source: CCH, Felony Processing File (October 2012).

Note: Does not include cases where the defendant has been convicted, but not yet sentenced.

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

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

Statewide, 2011 superior court cases with a top charge of robbery, burglary or strangulation were the most likely to end with a conviction or a Youthful Offender adjudication.

Superior court cases with a top charge of a weapons offense or a homicide offense were least likely to end with a conviction or adjudication.

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 9 - DISPOSITIONS OF VIOLENT FELONY ACTIONS

2011

		Total Disposed	Convicted/Adjudicated				Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Other
			Convicted - Plea	Convicted - Verdict	Adjudicated - Youthful Offender	% of Total Disposed				
NEW YORK STATE	TOTAL	15,568	9,950	959	2,408	85.5%	631	20	1,085	76
	CLASS A	656	345	197	1	82.8%	32	0	34	6
	CLASS B	4,486	2,792	329	617	83.3%	190	7	377	26
	CLASS C	6,798	4,149	299	1,320	84.8%	319	7	512	28
	CLASS D	3,609	2,649	134	467	90.1%	89	6	162	16
	CLASS E	19	15	0	3	94.7%	1	0	0	0
NEW YORK CITY	TOTAL	8,455	5,288	483	1,439	85.3%	215	20	693	48
	CLASS A	350	179	103	1	80.9%	16	0	22	2
	CLASS B	2,706	1,669	169	401	82.7%	97	7	262	16
	CLASS C	3,671	2,168	156	797	85.0%	78	7	323	20
	CLASS D	1,723	1,267	55	240	90.7%	24	6	86	10
	CLASS E	5	5	0	0	100.0%	0	0	0	0
REST OF STATE	TOTAL	7,113	4,662	476	969	85.9%	416	0	392	28
	CLASS A	306	166	94	0	85.0%	16	0	12	4
	CLASS B	1,780	1,123	160	216	84.2%	93	0	115	10
	CLASS C	3,127	1,981	143	523	84.6%	241	0	189	8
	CLASS D	1,886	1,382	79	227	89.5%	65	0	76	6
	CLASS E	14	10	0	3	92.9%	1	0	0	0

Source: CCH, Felony Processing File (October 2012).

Note: Does not include cases where the defendant has been convicted, but not yet sentenced.

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

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

Superior court cases where the top charge was a class D or a class E VFO were more likely to end with a conviction or youthful offender adjudication than cases with a more serious top charge.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 10 - VIOLENT FELONY OFFENSE ACTIONS VS CONVICTED OFFENSES
AND YOUTHFUL OFFENDER ADJUDICATIONS**

2007 TO 2011

		TOP ACTION CHARGE					TOTAL
		CLASS A	CLASS B	CLASS C	CLASS D	CLASS E	
NEW YORK STATE	TOTAL CONVICTIONS	2,760	18,866	26,852	16,851	159	65,488
	CLASS A	1,055	18	2	2	0	1,077
	CLASS B	1,249	7,352	198	72	0	8,871
	CLASS C	295	3,232	10,585	110	0	14,222
	CLASS D	96	5,394	11,210	10,638	1	27,339
	CLASS E	39	960	1,409	2,579	136	5,123
	MISDEMEANORS	22	1,730	3,122	3,195	21	8,090
	LESSER OFFENSES	4	180	325	255	1	765
	MISSING	0	0	1	0	0	1
	TOTAL CONVICTIONS	2,760	18,866	26,852	16,851	159	65,488
	VFO CONVICTION	2,597	14,470	18,952	10,559	133	46,711
	NON-VFO CONVICTION	163	4,396	7,900	6,292	26	18,777
NEW YORK CITY	TOTAL CONVICTIONS	1,474	11,067	14,095	8,110	62	34,808
	CLASS A	466	16	1	2	0	485
	CLASS B	714	4,189	181	66	0	5,150
	CLASS C	180	1,564	5,209	88	0	7,041
	CLASS D	70	3,243	5,499	5,157	0	13,969
	CLASS E	26	608	786	810	54	2,284
	MISDEMEANORS	14	1,296	2,151	1,794	8	5,263
	LESSER OFFENSES	4	151	267	193	0	615
	MISSING	0	0	1	0	0	1
	TOTAL CONVICTIONS	1,474	11,067	14,095	8,110	62	34,808
	VFO CONVICTION	1,377	7,976	9,303	5,216	53	23,925
	NON-VFO CONVICTION	97	3,091	4,792	2,894	9	10,883
REST OF STATE	TOTAL CONVICTIONS	1,286	7,799	12,757	8,741	97	30,680
	CLASS A	589	2	1	0	0	592
	CLASS B	535	3,163	17	6	0	3,721
	CLASS C	115	1,668	5,376	22	0	7,181
	CLASS D	26	2,151	5,711	5,481	1	13,370
	CLASS E	13	352	623	1,769	82	2,839
	MISDEMEANORS	8	434	971	1,401	13	2,827
	LESSER OFFENSES	0	29	58	62	1	150
	TOTAL CONVICTIONS	1,286	7,799	12,757	8,741	97	30,680
		VFO CONVICTION	1,220	6,494	9,649	5,343	80
	NON-VFO CONVICTION	66	1,305	3,108	3,398	17	7,894

Source: CCH, Felony Processing File (October 2012).

Note: Does not include cases where the defendant has been convicted, but not yet sentenced.

The term actions in this table include indictments and superior court information.

Violent Felony Offenses as defined in PL 70.02.

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

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 11 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS
AND YOUTHFUL OFFENDER ADJUDICATIONS**

		2007	2008	2009	2010	2011	% Change 2007-2011
NEW YORK STATE	TOTAL SENTENCES	9,518	9,371	9,840	9,697	9,579	0.6%
	PRISON	5,734	5,927	6,267	6,408	6,253	9.1%
	JAIL	1,060	956	995	967	987	-6.9%
	JAIL AND PROBATION	1,210	1,103	1,079	1,043	1,050	-13.2%
	PROBATION	1,429	1,310	1,400	1,200	1,190	-16.7%
	OTHER	85	75	99	79	99	16.5%
NEW YORK CITY	TOTAL SENTENCES	4,915	4,678	4,998	4,961	4,926	0.2%
	PRISON	2,907	2,938	3,187	3,329	3,204	10.2%
	JAIL	627	556	612	559	605	-3.5%
	JAIL AND PROBATION	400	324	313	293	309	-22.8%
	PROBATION	923	805	813	711	724	-21.6%
	OTHER	58	55	73	69	84	44.8%
REST OF STATE	TOTAL SENTENCES	4,603	4,693	4,842	4,736	4,653	1.1%
	PRISON	2,827	2,989	3,080	3,079	3,049	7.9%
	JAIL	433	400	383	408	382	-11.8%
	JAIL AND PROBATION	810	779	766	750	741	-8.5%
	PROBATION	506	505	587	489	466	-7.9%
	OTHER	27	20	26	10	15	-44.4%

Source: DCJS, Felony Processing File (October 2012)

Note: Includes Youthful Offender and Juvenile Offender Sentences

Statewide, the number of prison sentences imposed following a VFO conviction increased by 9.1%, while sentences to local jail (-6.9%), jail and probation (-13.2%), and probation without jail (-16.7%) decreased. New York City had a larger decrease for sentences to jail and probation and probation without jail compared to the Rest of State.

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
 TABLE 12 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS
 AND YOUTHFUL OFFENDER ADJUDICATIONS
 BY CHARGE CATEGORY
 2011

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%
NEW YORK STATE	TOTAL SENTENCES	6,253	65.3%	987	10.3%	1,050	11.0%	1,190	12.4%	99	1.0%	9,579	100.0%
	ASSAULT	936	55.4%	254	15.0%	289	17.1%	184	10.9%	26	1.5%	1,689	100.0%
	HOMICIDE	465	98.9%	2	0.4%	1	0.2%	2	0.4%	0	0.0%	470	100.0%
	SEX OFFENSES	618	73.4%	41	4.9%	115	13.7%	68	8.1%	0	0.0%	842	100.0%
	BURGLARY	1,238	64.6%	153	8.0%	281	14.7%	237	12.4%	8	0.4%	1,917	100.0%
	ROBBERY	1,777	59.0%	302	10.0%	296	9.8%	582	19.3%	56	1.9%	3,013	100.0%
	WEAPONS OFFENSES	1,130	74.0%	221	14.5%	59	3.9%	109	7.1%	9	0.6%	1,528	100.0%
	OTHER VFOs	89	74.2%	14	11.7%	9	7.5%	8	6.7%	0	0.0%	120	100.0%
NEW YORK CITY	TOTAL SENTENCES	3,204	65.0%	605	12.3%	309	6.3%	724	14.7%	84	1.7%	4,926	100.0%
	ASSAULT	515	56.5%	144	15.8%	136	14.9%	99	10.9%	18	2.0%	912	100.0%
	HOMICIDE	277	98.2%	2	0.7%	1	0.4%	2	0.7%	0	0.0%	282	100.0%
	SEX OFFENSES	210	78.7%	18	6.7%	14	5.2%	25	9.4%	0	0.0%	267	100.0%
	BURGLARY	464	80.3%	40	6.9%	15	2.6%	55	9.5%	4	0.7%	578	100.0%
	ROBBERY	1,133	56.3%	220	10.9%	126	6.3%	479	23.8%	55	2.7%	2,013	100.0%
	WEAPONS OFFENSES	574	69.2%	173	20.9%	16	1.9%	59	7.1%	7	0.8%	829	100.0%
	OTHER VFOs	31	68.9%	8	17.8%	1	2.2%	5	11.1%	0	0.0%	45	100.0%
REST OF STATE	TOTAL SENTENCES	3,049	65.5%	382	8.2%	741	15.9%	466	10.0%	15	0.3%	4,653	100.0%
	ASSAULT	421	54.2%	110	14.2%	153	19.7%	85	10.9%	8	1.0%	777	100.0%
	HOMICIDE	188	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	188	100.0%
	SEX OFFENSES	408	71.0%	23	4.0%	101	17.6%	43	7.5%	0	0.0%	575	100.0%
	BURGLARY	774	57.8%	113	8.4%	266	19.9%	182	13.6%	4	0.3%	1,339	100.0%
	ROBBERY	644	64.4%	82	8.2%	170	17.0%	103	10.3%	1	0.1%	1,000	100.0%
	WEAPONS OFFENSES	556	79.5%	48	6.9%	43	6.2%	50	7.2%	2	0.3%	699	100.0%
	OTHER VFOs	58	77.3%	6	8.0%	8	10.7%	3	4.0%	0	0.0%	75	100.0%

Source: DCJS, Felony Processing File (October 2012)

Note: Includes Youthful Offender and Juvenile Offender Sentences

Statewide, 65.3% of sentences imposed after a VFO conviction or Youthful Offender adjudication were sentences to prison. Nearly all sentences following a VFO homicide conviction adjudication resulted in a prison sentence (98.9%).

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
 TABLE 13 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS
 AND YOUTHFUL OFFENDER ADJUDICATIONS
 BY FELONY CLASS
 2011

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%
NEW YORK STATE	TOTAL SENTENCES	6,253	65.3%	987	10.3%	1,050	11.0%	1,190	12.4%	99	1.0%	9,579	100.0%
	CLASS A	203	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	203	100.0%
	CLASS B	1,493	83.2%	43	2.4%	66	3.7%	180	10.0%	13	0.7%	1,795	100.0%
	CLASS C	2,182	72.5%	149	5.0%	191	6.3%	446	14.8%	40	1.3%	3,008	100.0%
	CLASS D	2,365	51.9%	795	17.4%	789	17.3%	561	12.3%	46	1.0%	4,556	100.0%
	CLASS E	10	58.8%	0	0.0%	4	23.5%	3	17.6%	0	0.0%	17	100.0%
NEW YORK CITY	TOTAL SENTENCES	3,204	65.0%	605	12.3%	309	6.3%	724	14.7%	84	1.7%	4,926	100.0%
	CLASS A	88	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	88	100.0%
	CLASS B	823	78.5%	29	2.8%	28	2.7%	155	14.8%	13	1.2%	1,048	100.0%
	CLASS C	1,023	68.0%	82	5.5%	54	3.6%	307	20.4%	38	2.5%	1,504	100.0%
	CLASS D	1,265	55.5%	494	21.7%	227	10.0%	261	11.4%	33	1.4%	2,280	100.0%
	CLASS E	5	83.3%	0	0.0%	0	0.0%	1	16.7%	0	0.0%	6	100.0%
REST OF STATE	TOTAL SENTENCES	3,049	65.5%	382	8.2%	741	15.9%	466	10.0%	15	0.3%	4,653	100.0%
	CLASS A	115	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	115	100.0%
	CLASS B	670	89.7%	14	1.9%	38	5.1%	25	3.3%	0	0.0%	747	100.0%
	CLASS C	1,159	77.1%	67	4.5%	137	9.1%	139	9.2%	2	0.1%	1,504	100.0%
	CLASS D	1,100	48.3%	301	13.2%	562	24.7%	300	13.2%	13	0.6%	2,276	100.0%
	CLASS E	5	45.5%	0	0.0%	4	36.4%	2	18.2%	0	0.0%	11	100.0%

Source: DCJS, Felony Processing File (October 2012)

Note: Includes Youthful Offender and Juvenile Offender Sentences

The more serious the felony class of the VFO conviction, the more likely a prison sentence will be imposed.

Appendix A: Violent Felony Offenses

TITLE	SECTION	DESCRIPTION	SUB SECTION	CLASS
PL	120.02	RECKLESS ASSAULT OF A CHILD *		D
PL	120.05	ASSAULT SECOND DEGREE *		D
PL	120.06	GANG ASSAULT 2ND DEGREE		C
PL	120.07	GANG ASSAULT 1ST DEGREE		B
PL	120.08	ASLT:POLICE OFF/FIREMAN/EMT		C
PL	120.09	ASSAULT ON A JUDGE		C
PL	120.10	ASSAULT 1ST DEGREE		B
PL	120.11	AGGRAVATED ASSAULT UPON A POLICE OFFICER/PEACE		B
PL	120.18	MENACING POLICE/PEACE OFFICER *		D
PL	120.60	STALKING 1ST:CAUSE INJURY *	01	D
PL	121.12	STRANGULATION 2ND DEGREE *		D
PL	121.13	STRANGULATION 1ST DEGREE		C
PL	125.11	AGGRAVATED CRIM NEGLIGENT HOMICIDE		C
PL	125.20	MANSLAUGHTER -1ST		B
PL	125.21	AGGRAVATED MANSLAUGHTER 2ND DEGREE		C
PL	125.22	AGGRAVATED MANSLAUGHTER 1ND DEGREE		B
PL	125.25	MURDER-2ND DEG **		A
PL	125.27	MURDER - 1ST DEGREE **		A
PL	130.30	RAPE-2ND DEGREE *		D
PL	130.35	RAPE-1ST		B
PL	130.45	CRIMINAL SEXUAL ACT-2ND		D
PL	130.50	CRIMINAL SEXUAL ACT-1ST		B
PL	130.53	PERSISTENT SEXUAL ABUSE *		E
PL	130.65	SEXUAL ABUSE-1ST *		D
PL	130.65-A	AGGRAVATED SEXUAL ABUSE- 4TH *		E
PL	130.66	AGGRAVATED SEXUAL ABUSE -3RD *		D
PL	130.67	AGGRAVATED SEXUAL ABUSE 2ND		C
PL	130.70	AGGRAVATED SEXUAL ABUSE-1ST		B
PL	130.75	COURSE SEX CONDUCT-CHILD 1ST		B
PL	130.80	COURSE SEX CONDUCT-CHILD 2ND *		D
PL	130.90	PL490.25/TERR:FAC SEX OFFENSE *		C
PL	130.95	PREDATORY SEXUAL ASSAULT		A
PL	130.96	PREDATORY SEX ASSAULT AGAINST CHILD		A
PL	135.20	KIDNAPPING 2ND		B
PL	135.25	KIDNAPPING-1ST **		A
PL	140.25	BURGLARY-2ND		C
PL	140.30	BURGLARY-1ST		B
PL	150.15	ARSON-2ND		B
PL	150.20	ARSON-1ST **		A
PL	160.10	ROBBERY-2ND		C
PL	160.15	ROBBERY-1ST		B
PL	215.16	INTIMIDATE VICTIM/WITNESS-2ND *		D

* An attempt to commit these offenses is not a violent felony.

** Class A felonies were not designated violent felonies by legislation (Penal Law 70.02) but are included here because they are governed by similar sentencing provisions. Attempts at these offenses (class B felonies) are specified as VFOs.

NOTE: Other offenses designated as hate crimes, crimes of terrorism, and sexually motivated felonies are also VFOs.

Appendix A: Violent Felony Offenses

TITLE	SECTION	DESCRIPTION	SUB SECTION	CLASS
PL	215.17	INTIMIDATE VICTIM/WITNESS-1ST		B
PL	240.55	FALSELY REPORTING INCIDENT-2ND *		E
PL	240.60	FALSELY REPORTING INCIDENT-1ST *		D
PL	240.61	PLACE FALSE BOMB/HAZ SUBSTAN-2 *		E
PL	240.62	PLACE FALSE BOMB/HAZ SUBSTAN-1 *		D
PL	240.63	FALSE BOMB/HAZ SUB- MALL/ARENA *		D
PL	255.27	INCEST-1ST DEGREE		B
PL	265.02	CRIMINAL POSSESSION OF A WEAPON- 3RD	5 - 10	D
PL	265.03	CRIMINAL POSSESSION OF A WEAPON-2ND		C
PL	265.04	CRIMINAL POSSESSION OF A WEAPON-1ST		B
PL	265.08	CRIMINAL USE FIREARM 2ND DEG		C
PL	265.09	CRIMINAL USE FIREARM-1ST DEG		B
PL	265.11	CRIMINAL SALE OF A FIREARM-3RD		
PL	265.12	CRIMINAL SALE OF A FIREARM-2ND *		C
PL	265.13	CRIMINAL SALE OF A FIREARM-1ST		B
PL	265.14	CRIMINAL SALE FIREARM/AID MINOR		C
PL	265.19	AGGRAVATED CRIMINAL POSSESSION WEAPON		C
PL	405.18	AGGRAVATED USE PYROTECHNICS- 1 *		D
PL	490.10	SUPPORT ACT OF TERRORISM 2ND *		D
PL	490.15	SUPPORT ACT OF TERRORISM 1ST		C
PL	490.20	MAKE TERRORISTIC THREAT *		D
PL	490.30	HINDER PROSECUTION TERRORISM 2		C
PL	490.35	HINDER PROSECUTION TERRORISM 1		B
PL	490.37	CRIM POSS CHEM/BIOLOGICAL WEAPON-3RD		C
PL	490.40	CRIM POSS CHEM/BIOLOGICAL WEAPON-2ND		B
PL	490.45	CRIM POSS CHEM/BIOLOGICAL WEAPON-1ST		A
PL	490.47	CRIM USE CHEM/BIOLOGICAL WEAPON-3RD		B
PL	490.50	CRIM USE CHEM/BIOLOGICAL WEAPON-2ND		A
PL	490.55	CRIM USE CHEM/BIOLOGICAL WEAPON-1ST		A

* An attempt to commit these offenses is not a violent felony.

** Class A felonies were not designated violent felonies by legislation (Penal Law 70.02) but are included here because they are governed by similar sentencing provisions. Attempts at these offenses (class B felonies) are specified as VFOs.

NOTE: Other offenses designated as hate crimes, crimes of terrorism, and sexually motivated felonies are also VFOs.