

**Division of Criminal Justice Services**

**Criminal Justice Statistical Report**



**Andrew M. Cuomo**  
Governor

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Executive Deputy Commissioner

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**Violent Felony Offense Processing Report Series**

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# **New York State Violent Felony Offense Processing 2006 to 2010**

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

Theresa E. Salo, Deputy Commissioner

## **INTRODUCTION**

Chapter 481 of the Laws of 1978 substantially revised New York State's penal, criminal procedure and executive laws. The new 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 2006 to 2010.

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 that provide additional information about the processing of persons charged with violent felony offenses.

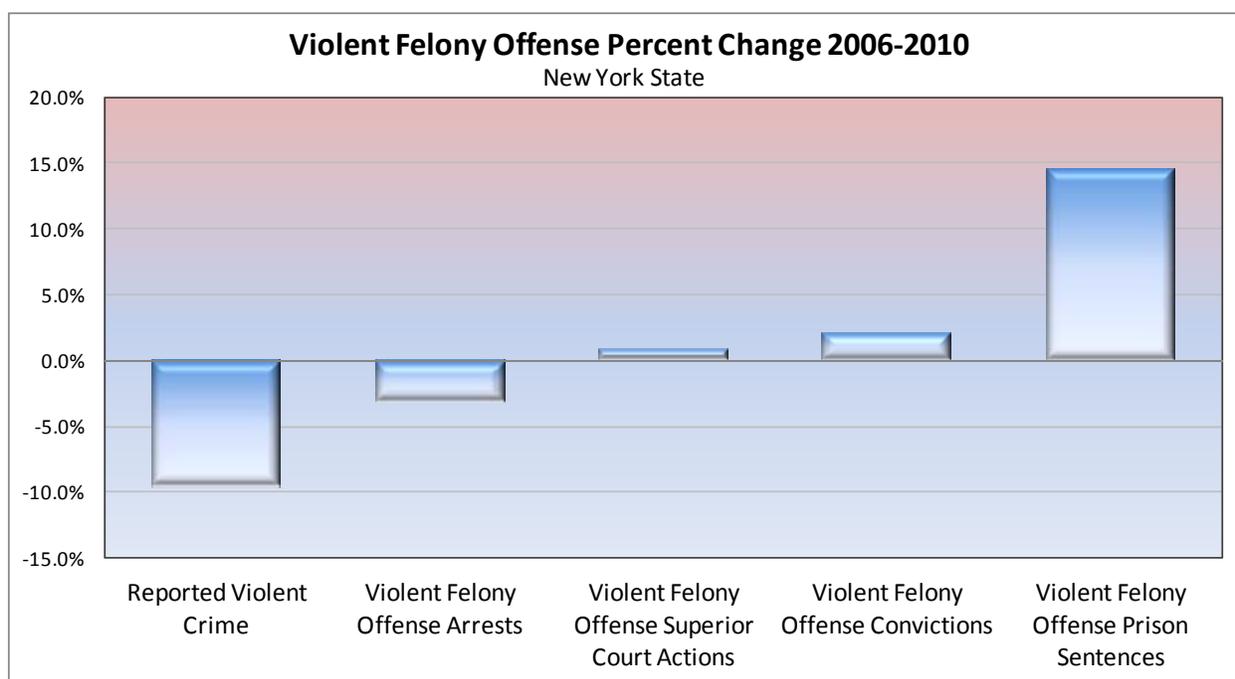
## SELECTED FINDINGS

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 substantially. Moreover, the increase in the number of prison sentences occurred even though the number of reported violent crimes decreased and the number of VFO arrests, indictments and superior court informations, and convictions remained relatively stable.

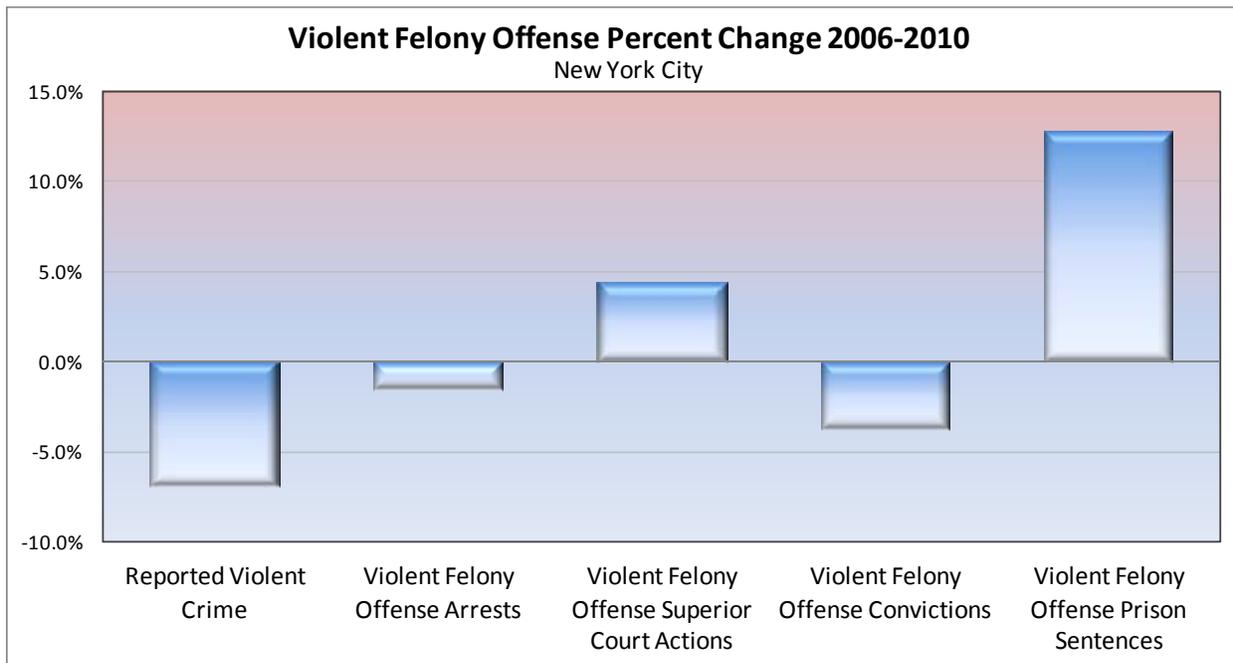
The increase in prison commitments is primarily due to changes in Penal Law Article 265 (firearms and other dangerous weapons) offenses, which became effective in November 2006. The change elevated the crime of possession of a loaded firearm from a Class D violent felony offense to a Class C violent felony offense causing an increase in the likelihood of a prison sentence.

The magnitude of the change in prison sentences for VFO convictions can be seen in the following charts and table.

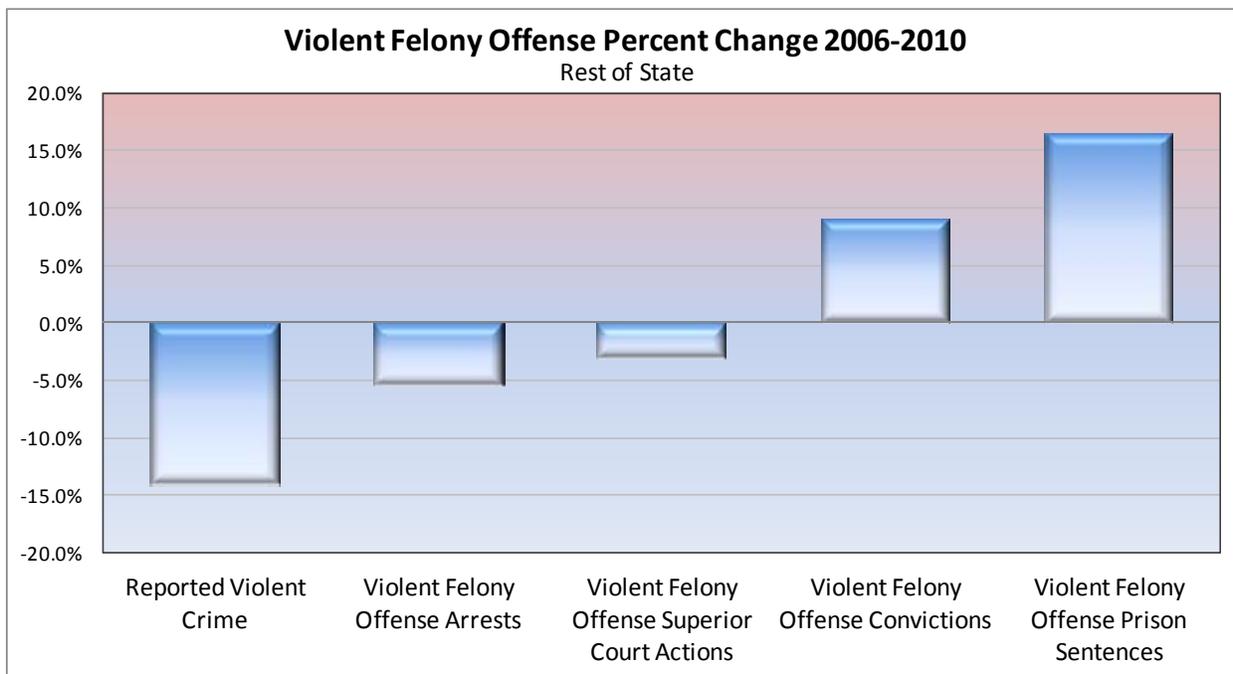
Statewide, prison sentences for persons convicted of VFOs increased by 14.6 percent while reported violent crime (-9.6%) and VFO arrests (-3.1%) decreased, and VFO indictments and SCIs (+0.9%) and VFO convictions (+2.2%) increased slightly.



In New York City, prison sentences for persons convicted of VFOs increased by 12.8%. Reported violent crime decreased (-6.9%), VFO arrests decreased (-1.5%), VFO indictments and SCIs increased (+4.4%), and VFO convictions decreased (-3.7%).



In the Rest of State, prison sentences increased (+16.6%). Reported violent crime decreased (-14%), VFO arrests decreased (-5.4%), VFO indictments and SCIs decreased (-3.1%) and VFO convictions increased (+9.1%).



The following table shows the number of reported violent crimes, 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 2010 may have been arrested, indicted, or convicted in an earlier year or years.

VIOLENT CRIME AND VIOLENT FELONY OFFENSES IN NEW YORK STATE 2006 TO 2010

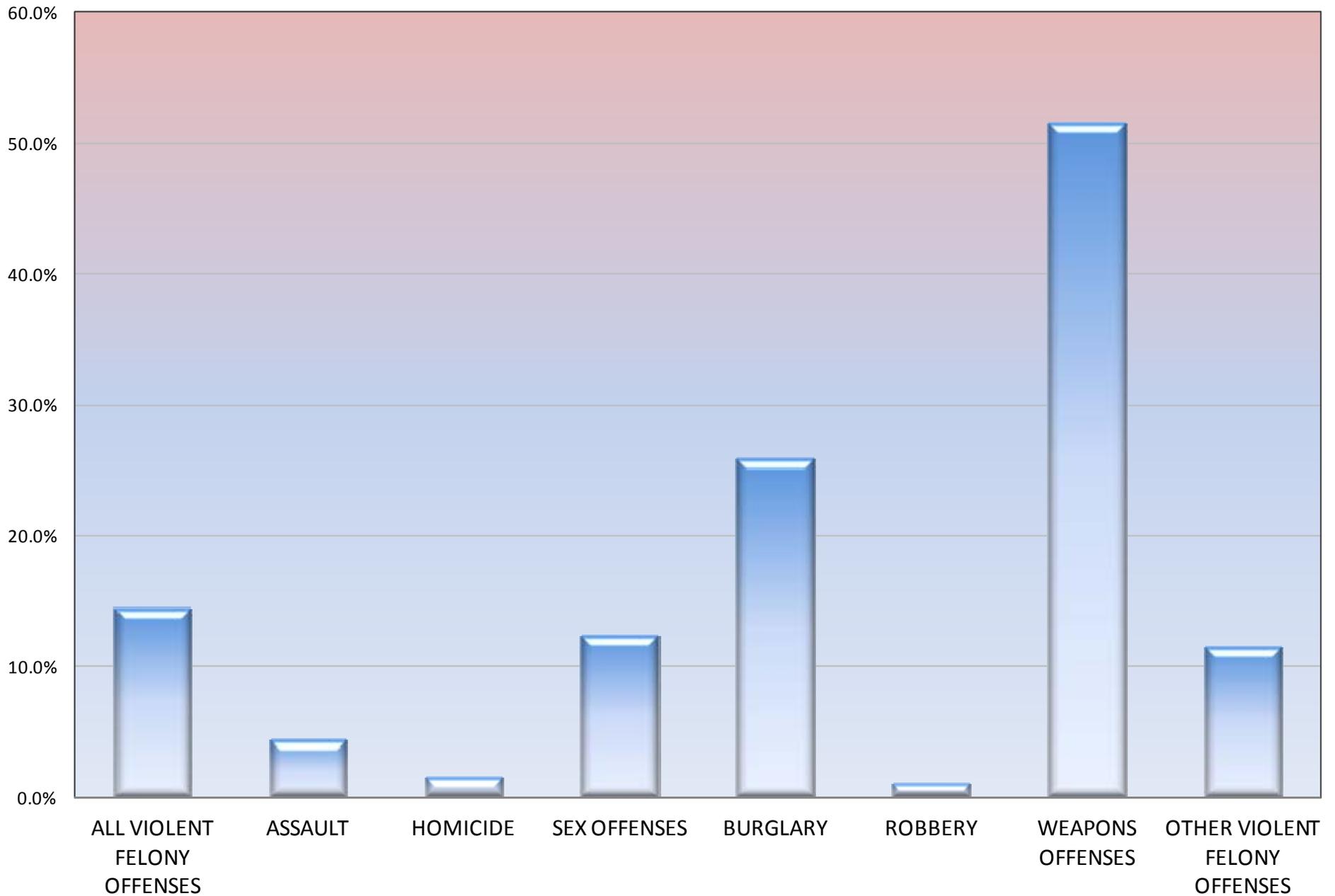
		2006	2007	2008	2009	2010	% Change 2006 to 2010
Reported Violent Crime	New York State	83,812	79,817	77,417	74,824	75,784	-9.6%
	New York City	52,086	50,453	48,430	46,357	48,489	-6.9%
	Rest of State	31,726	29,364	28,987	28,467	27,295	-14.0%
Violent Felony Offense Arrests	New York State	45,543	44,638	45,648	44,816	44,146	-3.1%
	New York City	27,546	28,130	28,321	27,269	27,122	-1.5%
	Rest of State	17,997	16,508	17,327	17,547	17,024	-5.4%
Violent Felony Offense Superior Court Actions	New York State	15,844	15,572	16,569	16,566	15,982	0.9%
	New York City	8,413	8,482	8,981	9,068	8,779	4.4%
	Rest of State	7,431	7,090	7,588	7,498	7,203	-3.1%
Violent Felony Offense Convictions	New York State	9,504	9,524	9,394	9,861	9,710	2.2%
	New York City	5,164	4,920	4,693	5,017	4,974	-3.7%
	Rest of State	4,340	4,604	4,701	4,844	4,736	9.1%
Violent Felony Offense Prison Sentences	New York State	5,603	5,736	5,945	6,279	6,419	14.6%
	New York City	2,958	2,913	2,948	3,200	3,336	12.8%
	Rest of State	2,645	2,823	2,997	3,079	3,083	16.6%

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

The increase from 2006 to 2010 in the number of prison sentences following a VFO conviction was driven primarily by a very large increase in prison sentences for PL 265 VFO weapons convictions.

Statewide, the increase was 51.6% -- from 830 in 2006 to 1,258 in 2010. In New York City, the number of prison sentences for PL 265 VFO convictions increased by 43.3%, from 471 in 2006 to 675 in 2010. In Rest of State, prison sentences for PL 265 VFO convictions increased by 62.4% from 359 in 2006 to 583 in 2010. In 2006, prison sentences for VFO Weapons Offenses accounted for 14.8% of all VFO prison sentences (830 of 5,603); in 2010 the percentage increased to 19.6% (1,258 of 6,419) as displayed in the following chart and table.

## Percent Change in Prison Sentences for Violent Offenses 2006 - 2010



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

		2006	2007	2008	2009	2010	% Change 2006 to 2010
NEW YORK STATE	ALL VIOLENT FELONY OFFENSES	5,603	5,736	5,945	6,279	6,419	14.6%
	ASSAULT	888	861	912	975	927	4.4%
	HOMICIDE	501	509	510	482	509	1.6%
	SEX OFFENSES	547	569	611	636	615	12.4%
	BURGLARY	935	922	1,040	1,099	1,178	26.0%
	ROBBERY	1,833	1,874	1,819	1,850	1,855	1.2%
	WEAPONS OFFENSES	830	942	996	1,181	1,258	51.6%
	OTHER VIOLENT FELONY OFFENSES	69	59	57	56	77	11.6%
NEW YORK CITY	ALL VIOLENT FELONY OFFENSES	2,958	2,913	2,948	3,200	3,336	12.8%
	ASSAULT	457	433	469	547	480	5.0%
	HOMICIDE	316	320	291	283	304	-3.8%
	SEX OFFENSES	186	191	173	211	221	18.8%
	BURGLARY	382	335	392	394	479	25.4%
	ROBBERY	1,119	1,125	1,097	1,120	1,148	2.6%
	WEAPONS OFFENSES	471	491	510	623	675	43.3%
	OTHER VIOLENT FELONY OFFENSES	27	18	16	22	29	7.4%
REST OF STATE	ALL VIOLENT FELONY OFFENSES	2,645	2,823	2,997	3,079	3,083	16.6%
	ASSAULT	431	428	443	428	447	3.7%
	HOMICIDE	185	189	219	199	205	10.8%
	SEX OFFENSES	361	378	438	425	394	9.1%
	BURGLARY	553	587	648	705	699	26.4%
	ROBBERY	714	749	722	730	707	-1.0%
	WEAPONS OFFENSES	359	451	486	558	583	62.4%
	OTHER VIOLENT FELONY OFFENSES	42	41	41	34	48	14.3%

Source: DCJS, Felony Processing File.

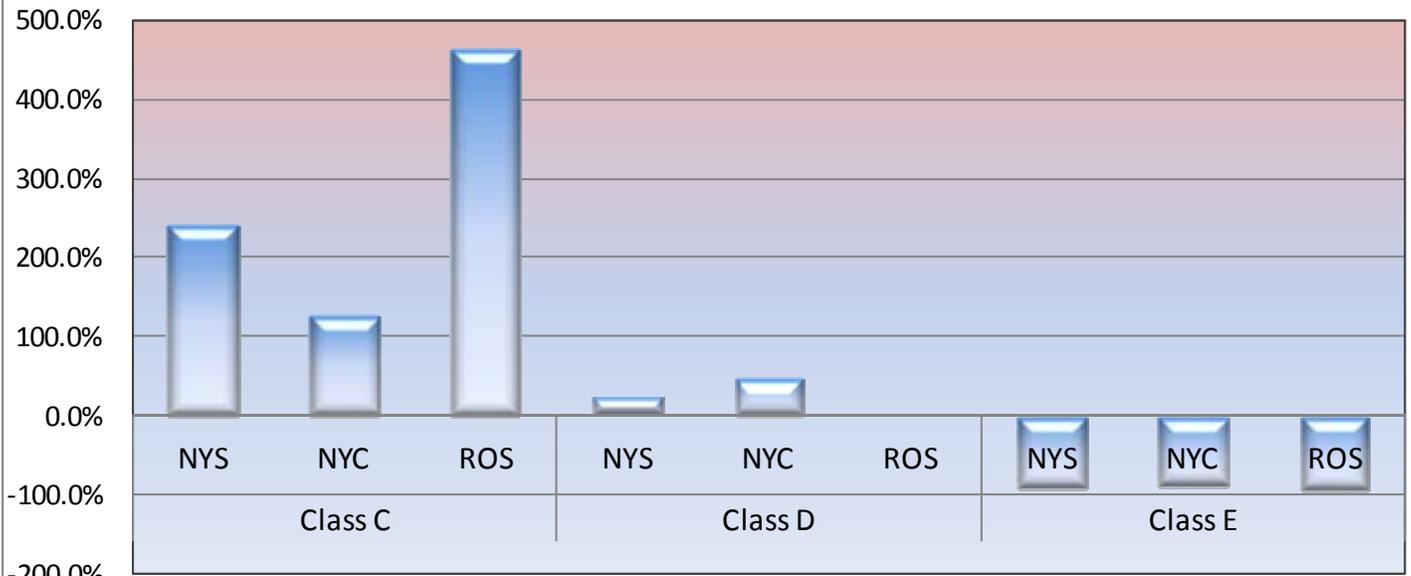
Includes Juvenile Offenders and Youthful Offenders.

This change can be attributed in large part to the change to the state's weapons law (described earlier), which elevated the crime of possession of a loaded firearm from a Class D violent felony offense to a Class C violent felony offense. The result of this statutory change was a dramatic shift in the felony class of PL 265 VFO convictions resulting in prison sentences. Outside of New York City, the number of prison sentences for Class C VFO weapons offenses increased by five-fold from 63 in 2006 to 355 in 2010. In New York City, the numbers of prison sentences for Class C PL 265 VFO convictions more than doubled from 123 to 279 -- a 126.8% increase.

In New York City and in Rest of the State, the decrease in the number prison sentences for Class E PL 265 VFO convictions is due to a decrease in the number of Class E VFO convictions. The decrease is also a result of the 2006 law change. Under New York State law, an attempt to commit a Class D felony is a Class E felony. Prior to the law change, attempted possession of a loaded firearm was a Class E felony; after the change it was a Class D felony.

The following chart and table show the change in the number of prison sentences for PL 265 VFO convictions.

**Percent Change in Prison sentences for PL 265 VFO Convictions 2006-2010**



New York State, New York City, Rest of State

**PRISON SENTENCES  
FOR PL 265 VFO CONVICTIONS AND YOUTHFUL OFFENDER ADJUDICATIONS**

		2006	2007	2008	2009	2010	% Change 2006 to 2010
New York State	ALL CLASSES	830	942	996	1181	1258	51.6%
	CLASS B	0	2	6	5	10	
	CLASS C	186	337	479	547	634	240.9%
	CLASS D	482	522	486	614	601	24.7%
	CLASS E	162	81	25	15	13	-92.0%
New York City	ALL CLASSES	471	491	510	623	675	43.3%
	CLASS B	0	2	5	3	9	
	CLASS C	123	160	210	243	279	126.8%
	CLASS D	254	277	279	370	377	48.4%
	CLASS E	94	52	16	7	10	-89.4%
Rest of State	ALL CLASSES	359	451	486	558	583	62.4%
	CLASS B	0	0	1	2	1	
	CLASS C	63	177	269	304	355	463.5%
	CLASS D	228	245	207	244	224	-1.8%
	CLASS E	68	29	9	8	3	-95.6%

Source: DCJS, Felony Processing File.

Note: Includes Juvenile Offenders and Youthful Offenders.

## 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 fingerprintable adult arrest information transmitted from law enforcement agencies to CCH. The counts for felony actions (indictments and superior court informations) 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. The report also contains statistics on reported violent crime in New York State. The sources for these data are the DCJS Uniform Crime and the Incident-Based Reporting systems.

Reported violent crime is based on the federal Uniform Crime Reporting Program definition and is composed of four offenses: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. Not all offenses that meet the federal definition of violent crime are classified as violent felony offenses (as specified in Penal Law Section 70.02), and vice versa.

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
Table 5	Violent Felony Offense Superior Court Actions: Felony Class of Top Action Charge
Table 6	Violent Felony Offense Superior Court Actions: Prior Felony Convictions
Table 7	Dispositions of Violent Felony Offense Actions
Table 8	Dispositions of Violent Felony Offense Actions: 2010
Table 9	Dispositions of Violent Felony Offense Actions: 2010
Table 10	Indicted Violent Felony Offense Actions vs. Convicted Offenses: 2006 - 2010
Table 11	Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications
Table 12	Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications by Charge Category: 2010
Table 13	Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications: by Felony Class: 2010

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 1 - VIOLENT FELONY OFFENSE ADULT ARRESTS  
CHARGE TYPE OF TOP ARREST CHARGE**

		2006	2007	2008	2009	2010	% CHANGE 2006 - 2010
NEW YORK STATE	TOTAL VFO ARRESTS	45,541	44,638	45,648	44,816	44,146	-3.1%
	ASSAULT	17,772	18,112	17,960	17,522	17,431	-1.9%
	HOMICIDE	983	939	1,001	869	860	-12.5%
	SEX OFFENSES	2,654	2,561	2,780	2,654	2,697	1.6%
	BURGLARY	6,533	6,376	6,435	6,714	6,765	3.6%
	ROBBERY	11,846	11,348	12,010	11,080	10,651	-10.1%
	WEAPONS OFFENSES	5,193	4,705	4,916	5,419	5,111	-1.6%
	OTHER VFOs	560	597	546	558	631	12.7%
NEW YORK CITY	TOTAL VFO ARRESTS	27,533	28,112	28,305	27,251	27,087	-1.6%
	ASSAULT	11,541	12,379	12,052	11,644	11,588	0.4%
	HOMICIDE	643	588	671	559	561	-12.8%
	SEX OFFENSES	1,255	1,169	1,226	1,229	1,285	2.4%
	BURGLARY	1,623	1,869	1,602	1,719	1,661	2.3%
	ROBBERY	8,387	8,374	8,912	7,860	7,961	-5.1%
	WEAPONS OFFENSES	3,830	3,521	3,619	4,016	3,712	-3.1%
	OTHER VFOs	254	212	223	224	319	25.6%
REST OF STATE	TOTAL VFO ARRESTS	18,008	16,526	17,343	17,565	17,059	-5.3%
	ASSAULT	6,231	5,733	5,908	5,878	5,843	-6.2%
	HOMICIDE	340	351	330	310	299	-12.1%
	SEX OFFENSES	1,399	1,392	1,554	1,425	1,412	0.9%
	BURGLARY	4,910	4,507	4,833	4,995	5,104	4.0%
	ROBBERY	3,459	2,974	3,098	3,220	2,690	-22.2%
	WEAPONS OFFENSES	1,363	1,184	1,297	1,403	1,399	2.6%
	OTHER VFOs	306	385	323	334	312	2.0%

Source: DCJS, Computerized Criminal History system (November 2011).

Note: Regional designation based on location of crime.

The number of arrests for homicide and robbery violent felony offenses decreased by 12.5% and 10.1% respectively from 2006 to 2010. The number of arrests falling into the “Other VFO” category increased by 12.7%, mainly due to 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), and to an increase in arrests in New York City for PL 240.20 - making a terroristic threat.

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

		2006	2007	2008	2009	2010	% CHANGE 2006 - 2010
NEW YORK STATE	TOTAL VFO ARRESTS	45,541	44,638	45,648	44,816	44,146	-3.1%
	CLASS A	833	758	760	747	731	-12.2%
	CLASS B	9,820	9,299	9,377	8,373	8,073	-17.8%
	CLASS C	16,606	18,044	18,411	18,180	17,965	8.2%
	CLASS D	18,137	16,374	16,971	17,360	17,226	-5.0%
	CLASS E	145	163	129	156	151	4.1%
NEW YORK CITY	TOTAL VFO ARRESTS	27,533	28,112	28,305	27,251	27,087	-1.6%
	CLASS A	522	438	454	431	434	-16.9%
	CLASS B	5,923	5,823	5,899	5,065	5,103	-13.8%
	CLASS C	9,691	11,201	11,020	10,608	10,545	8.8%
	CLASS D	11,330	10,623	10,889	11,089	10,943	-3.4%
	CLASS E	67	27	43	58	62	-7.5%
REST OF STATE	TOTAL VFO ARRESTS	18,008	16,526	17,343	17,565	17,059	-5.3%
	CLASS A	311	320	306	316	297	-4.5%
	CLASS B	3,897	3,476	3,478	3,308	2,970	-23.8%
	CLASS C	6,915	6,843	7,391	7,572	7,420	7.3%
	CLASS D	6,807	5,751	6,082	6,271	6,283	-7.7%
	CLASS E	78	136	86	98	89	14.1%

Source: DCJS, Computerized Criminal History system (November 2011).

Note: Regional designation based on location of crime.

The number arrests for Class A and Class B violent felony offenses decreased by 12.2% and 17.8% respectively from 2006 to 2010. 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**

		2006	2007	2008	2009	2010	TOTAL ARRESTS	
NEW YORK STATE	TOTAL ARRESTS	45,541	44,638	45,648	44,816	44,146	224,789	100.0%
	NO PRIOR FELONY CONVICTIONS	34,718	33,921	35,043	34,322	33,674	171,678	76.4%
	ONE PRIOR FELONY CONVICTION	5,691	5,582	5,673	5,561	5,508	28,015	12.5%
	TWO OR MORE PRIOR FELONY CONVICTIONS	5,132	5,135	4,932	4,933	4,964	25,096	11.2%
NEW YORK CITY	TOTAL ARRESTS	27,533	28,112	28,305	27,251	27,087	138,288	100.0%
	NO PRIOR FELONY CONVICTIONS	20,686	21,130	21,551	20,740	20,595	104,702	75.7%
	ONE PRIOR FELONY CONVICTION	3,478	3,497	3,527	3,338	3,266	17,106	12.4%
	TWO OR MORE PRIOR FELONY CONVICTIONS	3,369	3,485	3,227	3,173	3,226	16,480	11.9%
REST OF STATE	TOTAL ARRESTS	18,008	16,526	17,343	17,565	17,059	86,501	100.0%
	NO PRIOR FELONY CONVICTIONS	14,032	12,791	13,492	13,582	13,079	66,976	77.4%
	ONE PRIOR FELONY CONVICTION	2,213	2,085	2,146	2,223	2,242	10,909	12.6%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,763	1,650	1,705	1,760	1,738	8,616	10.0%

Source: DCJS, Computerized Criminal History system (November 2011).

Note: Regional designation based on location of crime.

Youthful Offender adjudications not counted as prior convictions.

Just over three-quarters of persons arrested for a violent felony offense between 2006 and 2009 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**

		2006	2007	2008	2009	2010	% CHANGE 2006 - 2010
NEW YORK STATE	TOTAL ACTIONS	15,841	15,568	16,566	16,564	15,979	0.9%
	ASSAULT	3,325	3,422	3,565	3,594	3,455	3.9%
	HOMICIDE	834	873	892	832	765	-8.3%
	SEX OFFENSES	1,306	1,401	1,529	1,439	1,479	13.2%
	BURGLARY	2,523	2,606	2,774	2,972	3,040	20.5%
	ROBBERY	5,080	4,678	5,228	5,071	4,655	-8.4%
	WEAPONS OFFENSES	2,579	2,392	2,355	2,458	2,354	-8.7%
	OTHER VFOs	194	196	223	198	231	19.1%
NEW YORK CITY	TOTAL ACTIONS	8,413	8,482	8,981	9,068	8,779	4.4%
	ASSAULT	1,653	1,961	1,977	2,095	1,993	20.6%
	HOMICIDE	519	518	604	538	491	-5.4%
	SEX OFFENSES	432	509	512	514	561	29.9%
	BURGLARY	817	838	845	932	1,028	25.8%
	ROBBERY	3,261	3,123	3,526	3,458	3,230	-1.0%
	WEAPONS OFFENSES	1,666	1,466	1,437	1,448	1,365	-18.1%
	OTHER VFOs	65	67	80	83	111	70.8%
REST OF STATE	TOTAL ACTIONS	7,428	7,086	7,585	7,496	7,200	-3.1%
	ASSAULT	1,672	1,461	1,588	1,499	1,462	-12.6%
	HOMICIDE	315	355	288	294	274	-13.0%
	SEX OFFENSES	874	892	1,017	925	918	5.0%
	BURGLARY	1,706	1,768	1,929	2,040	2,012	17.9%
	ROBBERY	1,819	1,555	1,702	1,613	1,425	-21.7%
	WEAPONS OFFENSES	913	926	918	1,010	989	8.3%
	OTHER VFOs	129	129	143	115	120	-7.0%

Source: DCJS, Felony Processing File (November 2011).

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

The increase in the number of indictments and superior court informations where the top charge was a sex offense is due to 2006 and 2007 law changes that made rape in the second degree (PL 130.30) and criminal sexual act in the second degree (PL 130.45) violent felony offenses and created two new Class A-II felonies – predatory sexual assault (PL 130.95) and predatory sexual assault against a child (PL 130.96). 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**

		2006	2007	2008	2009	2010	% CHANGE 2006 - 2010
NEW YORK STATE	TOTAL ACTIONS	15,841	15,568	16,566	16,564	15,979	0.9%
	CLASS A	667	713	733	736	670	0.4%
	CLASS B	5,046	4,701	4,969	4,832	4,532	-10.2%
	CLASS C	5,221	6,318	7,073	7,259	7,050	35.0%
	CLASS D	4,754	3,788	3,757	3,713	3,705	-22.1%
	CLASS E	153	48	34	24	22	-85.6%
NEW YORK CITY	TOTAL ACTIONS	8,413	8,482	8,981	9,068	8,779	4.4%
	CLASS A	391	384	436	397	377	-3.6%
	CLASS B	2,882	2,854	2,999	2,911	2,805	-2.7%
	CLASS C	2,630	3,363	3,838	3,957	3,786	44.0%
	CLASS D	2,401	1,862	1,703	1,795	1,801	-25.0%
	CLASS E	109	19	5	8	10	-90.8%
REST OF STATE	TOTAL ACTIONS	7,428	7,086	7,585	7,496	7,200	-3.1%
	CLASS A	276	329	297	339	293	6.2%
	CLASS B	2,164	1,847	1,970	1,921	1,727	-20.2%
	CLASS C	2,591	2,955	3,235	3,302	3,264	26.0%
	CLASS D	2,353	1,926	2,054	1,918	1,904	-19.1%
	CLASS E	44	29	29	16	12	-72.7%

Source: DCJS, Felony Processing File (November 2011).

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

The increase in the number of Class C indictments and SCIs and the decrease in Class D and Class E indictments and SCIs is due to an increase in the number of indictments and SCIs for burglary of a dwelling (a Class C VFO) and changes to PL Article 265 laws, described in the "Selected Findings" portion of this report. The change elevated the crime of possession of a loaded firearm from a Class D violent felony offense to a Class C violent felony offense.

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

		2006	2007	2008	2009	2010	TOTAL ACTIONS	
NEW YORK STATE	TOTAL ACTIONS	15,841	15,568	16,566	16,564	15,979	80,518	100.0%
	NO PRIOR FELONY CONVICTIONS	11,289	11,099	11,882	11,809	11,317	57,396	71.3%
	ONE PRIOR FELONY CONVICTION	2,309	2,245	2,415	2,469	2,405	11,843	14.7%
	TWO OR MORE PRIOR FELONY CONVICTIONS	2,243	2,224	2,269	2,286	2,257	11,279	14.0%
NEW YORK CITY	TOTAL ACTIONS	8,413	8,482	8,981	9,068	8,779	43,723	100.0%
	NO PRIOR FELONY CONVICTIONS	5,798	5,805	6,295	6,338	6,054	30,290	69.3%
	ONE PRIOR FELONY CONVICTION	1,257	1,303	1,341	1,361	1,337	6,599	15.1%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,358	1,374	1,345	1,369	1,388	6,834	15.6%
REST OF STATE	TOTAL ACTIONS	7,428	7,086	7,585	7,496	7,200	36,795	100.0%
	NO PRIOR FELONY CONVICTIONS	5,491	5,294	5,587	5,471	5,263	27,106	73.7%
	ONE PRIOR FELONY CONVICTION	1,052	942	1,074	1,108	1,068	5,244	14.3%
	TWO OR MORE PRIOR FELONY CONVICTIONS	885	850	924	917	869	4,445	12.1%

Source: DCJS, Felony Processing File (November 2011).

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

Youthful Offender adjudications not counted as prior convictions.

Statewide, about 29% of persons charged with a violent felony offense in an indictment or a SCI were convicted of at least one felony.

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

	2006	2007	2008	2009	2010	TOTAL DISPOSED	
<b>NEW YORK STATE</b> Total Disposed	14,699	14,826	14,680	15,964	15,629	75,798	100.0%
Convicted - Plea	9,268	9,318	9,276	10,212	10,001	48,075	63.4%
Convicted - Verdict	914	910	877	918	966	4,585	6.0%
Adjudicated - Youthful Offender	2,371	2,417	2,376	2,592	2,353	12,109	16.0%
Covered by, Consolidated, Superseded	547	592	557	588	641	2,925	3.9%
Diverted and Dismissed	8	13	10	12	15	58	0.1%
Dismissed	1,087	1,063	1,165	1,194	1,163	5,672	7.5%
Acquitted	441	431	358	377	412	2,019	2.7%
Other	63	82	61	71	78	355	0.5%
<b>NEW YORK CITY</b> Total Disposed	7,982	7,828	7,713	8,588	8,407	40,518	100.0%
Convicted - Plea	4,983	4,870	4,754	5,395	5,211	25,213	62.2%
Convicted - Verdict	508	464	429	480	520	2,401	5.9%
Adjudicated - Youthful Offender	1,310	1,287	1,340	1,517	1,380	6,834	16.9%
Covered by, Consolidated, Superseded	179	189	204	189	220	981	2.4%
Diverted and Dismissed	7	7	8	11	15	48	0.1%
Dismissed	691	680	730	745	753	3,599	8.9%
Acquitted	258	270	204	203	252	1,187	2.9%
Other	46	61	44	48	56	255	0.6%
<b>REST OF STATE</b> Total Disposed	6,717	6,998	6,967	7,376	7,222	35,280	100.0%
Convicted - Plea	4,285	4,448	4,522	4,817	4,790	22,862	64.8%
Convicted - Verdict	406	446	448	438	446	2,184	6.2%
Adjudicated - Youthful Offender	1,061	1,130	1,036	1,075	973	5,275	15.0%
Covered by, Consolidated, Superseded	368	403	353	399	421	1,944	5.5%
Diverted and Dismissed	1	6	2	1	0	10	0.0%
Dismissed	396	383	435	449	410	2,073	5.9%
Acquitted	183	161	154	174	160	832	2.4%
Other	17	21	17	23	22	100	0.3%

Source: DCJS, Felony Processing File (November 2011).

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 informations

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 a Youthful Offender adjudication compared to 85% in New York City and 86% in the Rest of State.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 8 - DISPOSITIONS OF VIOLENT FELONY ACTIONS  
2010**

	Total Disposed	Convicted/Adjudicated				% of Total Disposed	Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Other
		Convicted Plea	Convicted Verdict	Adjudicated Youthful Offender						
NEW YORK STATE TOTAL	15,629	10,001	966	2,353	85.2%	641	15	1,163	78	
ASSAULT	3,256	2,292	183	297	85.1%	113	4	228	20	
HOMICIDE	812	423	232	12	82.1%	27	0	50	6	
SEX OFFENSES	1,459	982	127	79	81.4%	79	0	127	7	
BURGLARY	2,835	1,928	131	412	87.2%	192	4	119	12	
ROBBERY	4,749	2,704	160	1,349	88.7%	134	5	314	17	
WEAPONS OFFENSES	2,319	1,534	115	191	79.3%	81	0	315	16	
OTHER VFOs	199	138	18	13	84.9%	15	2	10	0	
NEW YORK CITY TOTAL	8,407	5,211	520	1,380	84.6%	220	15	753	56	
ASSAULT	1,806	1,236	91	166	82.7%	56	4	170	14	
HOMICIDE	521	261	140	12	79.3%	20	0	41	5	
SEX OFFENSES	532	350	48	20	78.6%	19	0	65	2	
BURGLARY	895	686	53	73	90.7%	16	4	39	7	
ROBBERY	3,177	1,719	109	999	89.0%	55	5	228	15	
WEAPONS OFFENSES	1,394	903	72	107	77.6%	49	0	203	13	
OTHER VFOs	82	56	7	3	80.5%	5	2	7	0	
REST OF STATE TOTAL	7,222	4,790	446	973	86.0%	421	0	410	22	
ASSAULT	1,450	1,056	92	131	88.2%	57	0	58	6	
HOMICIDE	291	162	92	0	87.3%	7	0	9	1	
SEX OFFENSES	927	632	79	59	83.1%	60	0	62	5	
BURGLARY	1,940	1,242	78	339	85.5%	176	0	80	5	
ROBBERY	1,572	985	51	350	88.2%	79	0	86	2	
WEAPONS OFFENSES	925	631	43	84	81.9%	32	0	112	3	
OTHER VFOs	117	82	11	10	88.0%	10	0	3	0	

Source: DCJS, Felony Processing File (November 2011).

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 informations.

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

Superior court cases with a top charge of robbery or burglary 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 sex 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  
2010**

	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	15,629	10,001	966	2,353	85.2%	641	15	1,163	78
CLASS A	730	361	238	4	82.6%	30	0	33	6
CLASS B	4,550	2,878	300	580	82.6%	211	4	396	23
CLASS C	6,793	4,073	306	1,353	84.4%	309	5	582	31
CLASS D	3,533	2,667	122	415	90.7%	91	6	152	18
CLASS E	23	22	0	1	100.0%	0	0	0	0
NEW YORK CITY TOTAL	8,407	5,211	520	1,380	84.6%	220	15	753	56
CLASS A	398	181	129	3	78.6%	20	0	21	5
CLASS B	2,706	1,652	164	374	80.9%	97	4	299	19
CLASS C	3,610	2,089	170	795	84.6%	87	5	350	22
CLASS D	1,684	1,280	57	208	91.7%	16	6	83	10
CLASS E	9	9	0	0	100.0%	0	0	0	0
REST OF STATE TOTAL	7,222	4,790	446	973	86.0%	421	0	410	22
CLASS A	332	180	109	1	87.3%	10	0	12	1
CLASS B	1,844	1,226	136	206	85.0%	114	0	97	4
CLASS C	3,183	1,984	136	558	84.1%	222	0	232	9
CLASS D	1,849	1,387	65	207	89.7%	75	0	69	8
CLASS E	14	13	0	1	100.0%	0	0	0	0

Source: DCJS, Felony Processing File (November 2011).

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 informations.

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 a Youthful Offender adjudication than cases with a more serious top charge.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 10 - INDICTED VIOLENT FELONY OFFENSES VS CONVICTED OFFENSES  
AND YOUTHFUL OFFENDER ADJUDICATIONS  
2006 TO 2010**

		TOP ACTION CHARGE					
		CLASS A	CLASS B	CLASS C	CLASS D	CLASS E	TOTAL
NEW YORK STATE	TOTAL CONVICTIONS	2,758	19,120	25,158	17,438	295	64,769
	CLASS A	1,087	14	1	2	0	1,104
	CLASS B	1,212	7,442	169	62	0	8,885
	CLASS C	301	3,260	9,812	93	0	13,466
	CLASS D	97	5,545	10,757	11,209	1	27,609
	CLASS E	39	996	1,373	2,670	276	5,354
	MISDEMEANORS	20	1,697	2,763	3,144	17	7,641
	LESSER OFFENSES	2	166	282	258	1	709
	MISSING	0	0	1	0	0	1
	TOTAL CONVICTIONS	2,758	19,120	25,158	17,438	295	64,769
	VFO CONVICTION	2,594	14,710	17,793	11,171	270	46,538
	NON-VFO CONVICTION	164	4,410	7,365	6,267	25	18,231
NEW YORK CITY	TOTAL CONVICTIONS	1,508	11,203	13,076	8,491	170	34,448
	CLASS A	496	11	0	2	0	509
	CLASS B	714	4,301	154	57	0	5,226
	CLASS C	190	1,544	4,887	69	0	6,690
	CLASS D	67	3,327	5,221	5,680	0	14,295
	CLASS E	25	613	757	847	163	2,405
	MISDEMEANORS	14	1,267	1,827	1,664	7	4,779
	LESSER OFFENSES	2	140	229	172	0	543
	MISSING	0	0	1	0	0	1
	TOTAL CONVICTIONS	1,508	11,203	13,076	8,491	170	34,448
	VFO CONVICTION	1,407	8,148	8,743	5,746	160	24,204
	NON-VFO CONVICTION	101	3,055	4,333	2,745	10	10,244
REST OF STATE	TOTAL CONVICTIONS	1,250	7,917	12,082	8,947	125	30,321
	CLASS A	591	3	1	0	0	595
	CLASS B	498	3,141	15	5	0	3,659
	CLASS C	111	1,716	4,925	24	0	6,776
	CLASS D	30	2,218	5,536	5,529	1	13,314
	CLASS E	14	383	616	1,823	113	2,949
	MISDEMEANORS	6	430	936	1,480	10	2,862
	LESSER OFFENSES	0	26	53	86	1	166
	TOTAL CONVICTIONS	1,250	7,917	12,082	8,947	125	30,321
	VFO CONVICTION	1,187	6,562	9,050	5,425	110	22,334
	NON-VFO CONVICTION	63	1,355	3,032	3,522	15	7,987

Source: DCJS, Felony Processing File (November 2011).

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

The term indictment in this table includes indictments and superior court informations.

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**

		2006	2007	2008	2009	2010	% CHANGE 2006 - 2010
NEW YORK STATE	TOTAL SENTENCES	9,502	9,520	9,389	9,856	9,708	2.2%
	PRISON	5,602	5,733	5,943	6,278	6,418	14.6%
	JAIL	1,201	1,053	946	997	965	-19.7%
	JAIL AND PROBATION	1,206	1,219	1,111	1,079	1,045	-13.3%
	PROBATION	1,431	1,429	1,313	1,403	1,200	-16.1%
	OTHER	62	86	76	99	80	29.0%
NEW YORK CITY	TOTAL SENTENCES	5,163	4,917	4,690	5,015	4,973	-3.7%
	PRISON	2,958	2,910	2,948	3,199	3,336	12.8%
	JAIL	767	625	555	612	561	-26.9%
	JAIL AND PROBATION	495	402	325	316	294	-40.6%
	PROBATION	902	921	807	815	712	-21.1%
	OTHER	41	59	55	73	70	70.7%
REST OF STATE	TOTAL SENTENCES	4,339	4,603	4,699	4,841	4,735	9.1%
	PRISON	2,644	2,823	2,995	3,079	3,082	16.6%
	JAIL	434	428	391	385	404	-6.9%
	JAIL AND PROBATION	711	817	786	763	751	5.6%
	PROBATION	529	508	506	588	488	-7.8%
	OTHER	21	27	21	26	10	-52.4%

Source: DCJS, Felony Processing File (November 2011).

Note: Includes Youthful Offender and Juvenile Offender Sentences.

Statewide, the number of prison sentences imposed following a VFO conviction increased by 14.6 %, while sentences to local jail (-19.7 %), jail and probation (-13.3 %), and probation without jail (-16.1 %) decreased. The decrease in sentences to local custody or local supervision was more dramatic in New York City than in 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  
2010**

		PRISON	% PRISON	JAIL	JAIL AND PROBATION	PROBATION	OTHER	TOTAL
NEW YORK STATE	TOTAL SENTENCES	6,418	66.1%	965	1,045	1,200	80	9,708
	ASSAULT	927	58.0%	231	274	146	19	1,597
	HOMICIDE	509	99.2%	1	1	2	0	513
	SEX OFFENSES	615	73.4%	47	101	73	2	838
	BURGLARY	1,178	62.7%	165	287	240	9	1,879
	ROBBERY	1,854	59.4%	319	306	600	43	3,122
	WEAPONS OFFENSES	1,258	75.6%	199	68	131	7	1,663
	OTHER VFOs	77	80.2%	3	8	8	0	96
NEW YORK CITY	TOTAL SENTENCES	3,336	67.1%	561	294	712	70	4,973
	ASSAULT	480	58.5%	119	124	81	17	821
	HOMICIDE	304	98.7%	1	1	2	0	308
	SEX OFFENSES	221	80.1%	13	15	25	2	276
	BURGLARY	479	81.7%	49	18	35	5	586
	ROBBERY	1,148	56.8%	224	108	500	40	2,020
	WEAPONS OFFENSES	675	72.7%	153	27	68	6	929
	OTHER VFOs	29	87.9%	2	1	1	0	33
NON NEW YORK CITY	TOTAL SENTENCES	3,082	65.1%	404	751	488	10	4,735
	ASSAULT	447	57.6%	112	150	65	2	776
	HOMICIDE	205	100.0%	0	0	0	0	205
	SEX OFFENSES	394	70.1%	34	86	48	0	562
	BURGLARY	699	54.1%	116	269	205	4	1,293
	ROBBERY	706	64.1%	95	198	100	3	1,102
	WEAPONS OFFENSES	583	79.4%	46	41	63	1	734
	OTHER VFOs	48	76.2%	1	7	7	0	63

Source: DCJS, Felony Processing File (November 2011)

Note: Includes Youthful Offender and Juvenile Offender Sentences

Statewide, 66.1% of sentences imposed after a VFO conviction or Youthful Offender adjudication were to prison. Nearly all sentences following a VFO homicide conviction or Youthful Offender adjudication resulted in a prison sentence.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**  
**TABLE 13 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS**  
**AND YOUTHFUL OFFENDER ADJUDICATIONS**  
**BY FELONY CLASS**  
**2010**

		PRISON	% PRISON	JAIL	JAIL AND PROBATION	PROBATION	OTHER	TOTAL
NEW YORK STATE	TOTAL SENTENCES	6,418	66.1%	965	1,045	1,200	80	9,708
	CLASS A	236	100.0%	0	0	0	0	236
	CLASS B	1,552	83.6%	65	64	164	12	1,857
	CLASS C	2,196	72.8%	142	206	434	38	3,016
	CLASS D	2,414	52.9%	755	771	593	30	4,563
	CLASS E	20	55.6%	3	4	9	0	36
NEW YORK CITY	TOTAL SENTENCES	3,336	67.1%	561	294	712	70	4,973
	CLASS A	107	100.0%	0	0	0	0	107
	CLASS B	849	79.5%	40	23	145	11	1,068
	CLASS C	1,039	69.3%	84	38	304	35	1,500
	CLASS D	1,326	58.2%	435	233	262	24	2,280
	CLASS E	15	83.3%	2	0	1	0	18
REST OF STATE	TOTAL SENTENCES	3,082	65.1%	404	751	488	10	4,735
	CLASS A	129	100.0%	0	0	0	0	129
	CLASS B	703	89.1%	25	41	19	1	789
	CLASS C	1,157	76.3%	58	168	130	3	1,516
	CLASS D	1,088	47.7%	320	538	331	6	2,283
	CLASS E	5	27.8%	1	4	8	0	18

Source: DCJS, Felony Processing File (November 2011).

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.