

Division of Criminal Justice Services

Criminal Justice Statistical Report



Andrew M. Cuomo
Governor

Michael C. Green
Executive Deputy Commissioner

Violent Felony Offense Processing Report Series

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New York State Violent Felony Offense Processing 2013 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

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 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 2008 to 2013.

In addition to presenting statewide data, the report includes summary information for three regional categories: New York City, Large Counties and Small Counties. New York City includes the five boroughs, Bronx, Kings, Queens, New York and Richmond. The Large Counties category includes the counties that collectively report over 86 percent of the violent crime in the state outside of New York City: Albany, Broome, Chautauqua, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Schenectady, Suffolk, Ulster and Westchester. The state's remaining counties make up the Small Counties category.

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 a data 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 2013 may have been arrested, indicted, or convicted in an earlier year or years.

VIOLENT CRIME AND VIOLENT FELONY OFFENDERS IN NEW YORK STATE 2009 TO 2013

		2009	2010	2011	2012	2013	% Change '09 to '13
Violent Felony Offense Arrests	New York State	44,839	44,186	44,705	43,999	42,846	-4.4%
	New York City	27,274	27,142	27,826	27,542	27,218	-0.2%
	Large Counties	14,285	13,781	13,609	13,130	12,499	-12.5%
	Small Counties	3,280	3,263	3,270	3,327	3,129	-4.6%
Violent Felony Offense Superior Court Actions	New York State	16,534	16,056	15,276	14,955	13,966	-15.5%
	New York City	9,106	8,820	8,345	8,292	7,542	-17.2%
	Large Counties	5,958	5,819	5,414	5,014	4,918	-17.5%
	Small Counties	1,470	1,417	1,517	1,649	1,506	2.4%
Violent Felony Offense Convictions/YO Adjudications	New York State	9,849	9,686	9,574	9,445	9,380	-4.8%
	New York City	5,000	4,954	4,932	4,813	4,941	-1.2%
	Large Counties	4,044	3,969	3,803	3,771	3,615	-10.6%
	Small Counties	805	763	839	861	824	2.4%
Violent Felony Offense Prison Sentences	New York State	6,276	6,387	6,243	6,223	6,324	0.8%
	New York City	3,193	3,319	3,206	3,133	3,300	3.4%
	Large Counties	2,558	2,578	2,474	2,487	2,444	-4.5%
	Small Counties	525	490	563	603	580	10.5%

Sources: DCJS, Computerized Criminal History System, Felony Processing File.

Includes Juvenile Offenders (JOs) and Youthful Offenders (YOs):

Juvenile Offenders (JO) are youth age 13 to 15 at the time of crime who are arrested for certain violent felony offenses and processed in adult court (see PL 70.05).

Offenders age 16 to 18 at time of crime may be adjudicated as Youthful Offenders (see CPL 720.10), which result in a sealed criminal record. Table 7 on page 12 includes information on the number of VFO cases disposed as YO adjudications 2009-2013.

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 slightly statewide (+0.8%). Increases were noted in Small Counties (+10.5%) and New York City (+3.4%) with decreases noted in the Large Counties (-4.5%).

At the same time, the number of VFO arrests decreased in all regions of the state. Indictments/SCIs and convictions/adjudications decreased in New York City and Large Counties but increased in Small Counties.

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

		2009	2010	2011	2012	2013	% Change '09 to '13
NEW YORK STATE	ALL VIOLENT FELONY OFFENSES	6,276	6,387	6,243	6,223	6,324	0.8%
	ASSAULT	979	918	943	923	913	-6.7%
	STRANGULATION	-	-	13	26	19	
	HOMICIDE OFFENSES	472	509	464	499	506	7.2%
	SEX OFFENSES	637	613	611	587	608	-4.6%
	BURGLARY	1,105	1,174	1,238	1,287	1,333	20.6%
	ROBBERY	1,849	1,848	1,773	1,643	1,636	-11.5%
	WEAPONS OFFENSES	1,179	1,249	1,126	1,198	1,241	5.3%
	OTHER VFOS	55	76	75	60	68	23.6%
NEW YORK CITY	ALL VIOLENT FELONY OFFENSES	3,193	3,319	3,206	3,133	3,300	3.4%
	ASSAULT	547	476	520	493	535	-2.2%
	STRANGULATION	-	-	5	9	5	
	HOMICIDE OFFENSES	276	302	277	315	343	24.3%
	SEX OFFENSES	212	222	206	192	243	14.6%
	BURGLARY	395	480	465	420	496	25.6%
	ROBBERY	1,121	1,143	1,134	1,065	1,022	-8.8%
	WEAPONS OFFENSES	620	668	573	609	630	1.6%
	OTHER VFOS	22	28	26	30	26	18.2%
LARGE COUNTIES	ALL VIOLENT FELONY OFFENSES	2,558	2,578	2,474	2,487	2,444	-4.5%
	ASSAULT	332	343	314	321	289	-13.0%
	STRANGULATION	-	-	7	9	9	
	HOMICIDE OFFENSES	172	177	154	158	137	-20.3%
	SEX OFFENSES	265	255	252	246	223	-15.8%
	BURGLARY	573	573	601	663	626	9.2%
	ROBBERY	653	638	587	515	552	-15.5%
	WEAPONS OFFENSES	535	555	522	552	575	7.5%
	OTHER VFOS	28	37	37	23	33	17.9%
SMALL COUNTIES	ALL VIOLENT FELONY OFFENSES	525	490	563	603	580	10.5%
	ASSAULT	100	99	109	109	89	-11.0%
	STRANGULATION	-	-	1	8	5	
	HOMICIDE OFFENSES	24	30	33	26	26	8.3%
	SEX OFFENSES	160	136	153	149	142	-11.3%
	BURGLARY	137	121	172	204	211	54.0%
	ROBBERY	75	67	52	63	62	-17.3%
	WEAPONS OFFENSES	24	26	31	37	36	50.0%
	OTHER VFOS	5	11	12	7	9	80.0%

Sources: DCJS, Felony Processing File.
Includes Juvenile Offenders (JOs) and Youthful Offenders (YOs).

The table above shows the trends in the number of prison sentences for VFO crimes for the five year period from 2009 to 2013. While prison sentences remained relatively stable statewide over the five years (+0.8%), there were increases in the number of prison sentences for burglaries (+20.6%), homicide offenses, which include attempts and manslaughter offenses (+7.2%) and weapons offenses (+5.3%). The number of prison sentences for VFO burglary increased in all regions, including (+25.6%) in New York City, (+9.2%) in Large Counties and (+54%) in the Small Counties.

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 2013, there were 19 prison sentences for these offenses, including 5 in New York City, 9 in Large Counties and 5 in the Small Counties.

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 Adults Arrests: Charge Type of Top Arrest Charge, 2009-2013
- Table 2 Violent Felony Offense Adult Arrests: Felony Class of Top Arrest Charge, 2009-2013
- Table 3 Violent Felony Offense Adult Arrests: Prior Felony Convictions, 2009-2013
- Table 4 Violent Felony Offense Superior Court Actions: Charge Type of Top Action Charge, 2009-2013
- Table 5 Violent Felony Offense Superior Court Actions: Felony Class of Top Action Charge, 2009-2013
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- Table 10 Violent Felony Offense Actions Vs. Convicted Offenses and Youthful Adjudications, 2009-2013
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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**

		2009	2010	2011	2012	2013	% Change '09 to '13
NEW YORK STATE	TOTAL VFO ARRESTS	44,839	44,186	44,705	43,999	42,846	-4.4%
	ASSAULT	17,516	17,424	16,532	16,630	16,540	-5.6%
	STRANGULATION	-	76	1,535	1,864	2,150	
	HOMICIDE OFFENSES	863	858	861	816	755	-12.5%
	SEX OFFENSES	2,652	2,686	2,428	2,407	2,218	-16.4%
	BURGLARY	6,714	6,765	7,009	6,972	6,734	0.3%
	ROBBERY	11,070	10,650	10,532	9,740	9,348	-15.6%
	WEAPONS OFFENSES	5,466	5,173	5,286	5,012	4,560	-16.6%
	OTHER VFOS	558	554	522	558	541	-3.0%
NEW YORK CITY	TOTAL VFO ARRESTS	27,274	27,142	27,826	27,542	27,218	-0.2%
	ASSAULT	11,646	11,594	11,183	11,567	11,757	1.0%
	STRANGULATION	-	42	1,116	1,401	1,718	
	HOMICIDE OFFENSES	561	565	613	586	470	-16.2%
	SEX OFFENSES	1,230	1,288	1,153	1,096	1,040	-15.4%
	BURGLARY	1,726	1,669	1,876	1,852	1,893	9.7%
	ROBBERY	7,861	7,972	7,815	7,166	6,819	-13.3%
	WEAPONS OFFENSES	4,026	3,732	3,850	3,628	3,277	-18.6%
	OTHER VFOS	224	280	220	246	244	8.9%
LARGE COUNTIES	TOTAL VFO ARRESTS	14,285	13,781	13,609	13,130	12,499	-12.5%
	ASSAULT	4,851	4,795	4,398	4,205	3,981	-17.9%
	STRANGULATION	-	31	309	337	334	
	HOMICIDE OFFENSES	267	262	217	194	252	-5.6%
	SEX OFFENSES	910	878	822	805	754	-17.1%
	BURGLARY	3,709	3,797	3,817	3,760	3,516	-5.2%
	ROBBERY	2,938	2,497	2,518	2,373	2,338	-20.4%
	WEAPONS OFFENSES	1,345	1,305	1,297	1,229	1,108	-17.6%
	OTHER VFOS	265	216	231	227	216	-18.5%
SMALL COUNTIES	TOTAL VFO ARRESTS	3,280	3,263	3,270	3,327	3,129	-4.6%
	ASSAULT	1,019	1,035	951	858	802	-21.3%
	STRANGULATION	-	3	110	126	98	
	HOMICIDE OFFENSES	35	31	31	36	33	-5.7%
	SEX OFFENSES	512	520	453	506	424	-17.2%
	BURGLARY	1,279	1,299	1,316	1,360	1,325	3.6%
	ROBBERY	271	181	199	201	191	-29.5%
	WEAPONS OFFENSES	95	136	139	155	175	84.2%
	OTHER VFOS	69	58	71	85	81	17.4%

Source: DCJS, Computerized Criminal History System.

Between 2009 and 2013, the number of arrests decreased statewide for all VFO offenses except burglary. 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).

Arrests for VFO burglary increased in New York City (+9.7%) and Small Counties (+3.6%), and decreased in Large Counties (-5.2%). Over the five years, arrests for VFO weapons offenses decreased in New York City (-18.6%) and in the Large Counties (-17.6%), while in the Small Counties arrests for these offenses increased (+84.2%), from 95 in 2009 to 175 in 2013.

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

		2009	2010	2011	2012	2013	% Change '09 to '13
NEW YORK STATE	TOTAL VFO ARRESTS	44,839	44,186	44,705	43,999	42,846	-4.4%
	CLASS A	741	728	673	665	592	-20.1%
	CLASS B	8,367	8,063	7,631	7,051	6,781	-19.0%
	CLASS C	18,173	17,960	18,221	17,780	16,839	-7.3%
	CLASS D	17,402	17,284	18,021	18,329	18,492	6.3%
	CLASS E	156	151	159	174	142	-9.0%
NEW YORK CITY	TOTAL VFO ARRESTS	27,274	27,142	27,826	27,542	27,218	-0.2%
	CLASS A	432	438	428	421	290	-32.9%
	CLASS B	5,074	5,120	4,722	4,299	4,085	-19.5%
	CLASS C	10,610	10,554	10,804	10,517	9,944	-6.3%
	CLASS D	11,100	10,968	11,800	12,241	12,841	15.7%
	CLASS E	58	62	72	64	58	0.0%
LARGE COUNTIES	TOTAL VFO ARRESTS	14,285	13,781	13,609	13,130	12,499	-12.5%
	CLASS A	268	252	198	196	241	-10.1%
	CLASS B	2,768	2,485	2,455	2,300	2,261	-18.3%
	CLASS C	6,138	5,957	5,947	5,757	5,449	-11.2%
	CLASS D	5,037	5,016	4,955	4,811	4,484	-11.0%
	CLASS E	74	71	54	66	64	-13.5%
SMALL COUNTIES	TOTAL VFO ARRESTS	3,280	3,263	3,270	3,327	3,129	-4.6%
	CLASS A	41	38	47	48	61	48.8%
	CLASS B	525	458	454	452	435	-17.1%
	CLASS C	1,425	1,449	1,470	1,506	1,446	1.5%
	CLASS D	1,265	1,300	1,266	1,277	1,167	-7.7%
	CLASS E	24	18	33	44	20	-16.7%

Source: DCJS, Computerized Criminal History System.

The number of arrests for Class A and Class B VFOs decreased by -20.1% and -19.0% respectively from 2009 to 2013. 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 ADULT ARRESTS
PRIOR FELONY CONVICTIONS**

		2009	2010	2011	2012	2013	TOTAL ARRESTS	
							#	%
NEW YORK STATE	TOTAL ARRESTS	44,839	44,186	44,705	43,999	42,846	220,575	100.0%
	NO PRIOR FELONY CONVICTIONS	35,066	34,578	34,680	33,913	32,940	171,177	77.6%
	ONE PRIOR FELONY CONVICTION	5,096	4,950	5,101	5,088	5,047	25,282	11.5%
	TWO OR MORE PRIOR FELONY CONVICTIONS	4,677	4,658	4,924	4,998	4,859	24,116	10.9%
NEW YORK CITY	TOTAL ARRESTS	27,274	27,142	27,826	27,542	27,218	137,002	100.0%
	NO PRIOR FELONY CONVICTIONS	21,402	21,399	21,812	21,362	21,202	107,177	78.2%
	ONE PRIOR FELONY CONVICTION	2,918	2,779	2,915	3,007	2,947	14,566	10.6%
	TWO OR MORE PRIOR FELONY CONVICTIONS	2,954	2,964	3,099	3,173	3,069	15,259	11.1%
LARGE COUNTIES	TOTAL ARRESTS	14,285	13,781	13,609	13,130	12,499	67,304	100.0%
	NO PRIOR FELONY CONVICTIONS	11,043	10,572	10,328	9,979	9,339	51,261	76.2%
	ONE PRIOR FELONY CONVICTION	1,783	1,801	1,758	1,656	1,664	8,662	12.9%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,459	1,408	1,523	1,495	1,496	7,381	11.0%
SMALL COUNTIES	TOTAL ARRESTS	3,280	3,263	3,270	3,327	3,129	16,269	100.0%
	NO PRIOR FELONY CONVICTIONS	2,621	2,607	2,540	2,572	2,399	12,739	78.3%
	ONE PRIOR FELONY CONVICTION	395	370	428	425	436	2,054	12.6%
	TWO OR MORE PRIOR FELONY CONVICTIONS	264	286	302	330	294	1,476	9.1%

Source: DCJS, Computerized Criminal History System.
Youthful Offender (YO) adjudications are not counted as prior convictions.

Over three-quarters (77.6%) of persons arrested for a VFO between 2009 and 2013 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**

		2009	2010	2011	2012	2013	% Change '09 to'13
NEW YORK STATE	TOTAL ACTIONS	16,534	16,056	15,276	14,955	13,966	-15.5%
	ASSAULT	3,586	3,453	3,291	3,075	3,043	-15.1%
	STRANGULATION	-	-	176	161	145	
	HOMICIDE OFFENSES	836	775	795	734	643	-23.1%
	SEX OFFENSES	1,438	1,488	1,325	1,294	1,204	-16.3%
	BURGLARY	2,951	3,058	2,849	3,143	2,952	0.0%
	ROBBERY	5,057	4,695	4,533	4,242	3,783	-25.2%
	WEAPONS OFFENSES	2,462	2,356	2,085	2,071	2,008	-18.4%
	OTHER VFOS	204	231	222	235	188	-7.8%
NEW YORK CITY	TOTAL ACTIONS	9,106	8,820	8,345	8,292	7,542	-17.2%
	ASSAULT	2,108	1,994	1,821	1,860	1,815	-13.9%
	STRANGULATION	-	-	84	74	59	
	HOMICIDE OFFENSES	541	499	541	500	364	-32.7%
	SEX OFFENSES	517	564	479	475	463	-10.4%
	BURGLARY	935	1,032	935	1,080	1,010	8.0%
	ROBBERY	3,465	3,247	3,188	2,952	2,564	-26.0%
	WEAPONS OFFENSES	1,453	1,373	1,197	1,228	1,170	-19.5%
	OTHER VFOS	87	111	100	123	97	11.5%
LARGE COUNTIES	TOTAL ACTIONS	5,958	5,819	5,414	5,014	4,918	-17.5%
	ASSAULT	1,132	1,131	1,122	901	924	-18.4%
	STRANGULATION	-	-	59	48	55	
	HOMICIDE OFFENSES	258	237	218	202	250	-3.1%
	SEX OFFENSES	566	565	503	475	447	-21.0%
	BURGLARY	1,513	1,535	1,381	1,394	1,366	-9.7%
	ROBBERY	1,443	1,337	1,241	1,152	1,090	-24.5%
	WEAPONS OFFENSES	950	921	801	751	726	-23.6%
	OTHER VFOS	96	93	89	91	60	-37.5%
SMALL COUNTIES	TOTAL ACTIONS	1,470	1,417	1,517	1,649	1,506	2.4%
	ASSAULT	346	328	348	314	304	-12.1%
	STRANGULATION	-	-	33	39	31	
	HOMICIDE OFFENSES	37	39	36	32	29	-21.6%
	SEX OFFENSES	355	359	343	344	294	-17.2%
	BURGLARY	503	491	533	669	576	14.5%
	ROBBERY	149	111	104	138	129	-13.4%
	WEAPONS OFFENSES	59	62	87	92	112	89.8%
	OTHER VFOS	21	27	33	21	31	47.6%

Source: DCJS, Felony Processing File.

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

The increase in the number of burglary cases in New York City and the Small Counties was primarily due to a rise in the number of charges for 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**

		2009	2010	2011	2012	2013	% Change '09 to '13
NEW YORK STATE	TOTAL ACTIONS	16,534	16,056	15,276	14,955	13,966	-15.5%
	CLASS A	744	674	688	680	540	-27.4%
	CLASS B	4,828	4,565	4,318	4,017	3,705	-23.3%
	CLASS C	7,235	7,076	6,612	6,532	6,075	-16.0%
	CLASS D	3,701	3,719	3,638	3,701	3,617	-2.3%
	CLASS E	26	22	20	25	29	*
NEW YORK CITY	TOTAL ACTIONS	9,106	8,820	8,345	8,292	7,542	-17.2%
	CLASS A	403	381	389	385	224	-44.4%
	CLASS B	2,923	2,821	2,639	2,558	2,337	-20.0%
	CLASS C	3,970	3,802	3,628	3,553	3,286	-17.2%
	CLASS D	1,802	1,806	1,681	1,780	1,680	-6.8%
	CLASS E	8	10	8	16	15	*
LARGE COUNTIES	TOTAL ACTIONS	5,958	5,819	5,414	5,014	4,918	-17.5%
	CLASS A	291	246	242	240	257	-11.7%
	CLASS B	1,561	1,458	1,372	1,149	1,077	-31.0%
	CLASS C	2,681	2,729	2,385	2,263	2,156	-19.6%
	CLASS D	1,414	1,378	1,408	1,354	1,419	0.4%
	CLASS E	11	8	7	8	9	*
SMALL COUNTIES	TOTAL ACTIONS	1,470	1,417	1,517	1,649	1,506	2.4%
	CLASS A	50	47	57	55	59	18.0%
	CLASS B	344	286	307	310	291	-15.4%
	CLASS C	584	545	599	716	633	8.4%
	CLASS D	485	535	549	567	518	6.8%
	CLASS E	7	4	5	1	5	*

Source: DCJS, Felony Processing File.

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

*Percent change not calculated due to the small number of cases.

From 2009 to 2013, superior court actions for VFOs declined in New York City (-17.2%) and in the Large Counties (-17.5%), and increased (+2.4%) in the Small Counties.

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

		2009	2010	2011	2012	2013	TOTAL ACTIONS	
							#	%
NEW YORK STATE	TOTAL ACTIONS	16,534	16,056	15,276	14,955	13,966	76,787	100.0%
	NO PRIOR FELONY CONVICTIONS	12,121	11,757	11,152	10,924	10,023	55,977	72.9%
	ONE PRIOR FELONY CONVICTION	2,269	2,183	2,015	2,013	1,950	10,430	13.6%
	TWO OR MORE PRIOR FELONY CONVICTIONS	2,144	2,116	2,109	2,018	1,993	10,380	13.5%
NEW YORK CITY	TOTAL ACTIONS	9,106	8,820	8,345	8,292	7,542	42,105	100.0%
	NO PRIOR FELONY CONVICTIONS	6,679	6,409	6,100	6,049	5,404	30,641	72.8%
	ONE PRIOR FELONY CONVICTION	1,166	1,139	1,042	1,079	1,010	5,436	12.9%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,261	1,272	1,203	1,164	1,128	6,028	14.3%
LARGE COUNTIES	TOTAL ACTIONS	5,958	5,819	5,414	5,014	4,918	27,123	100.0%
	NO PRIOR FELONY CONVICTIONS	4,327	4,279	3,959	3,664	3,536	19,765	72.9%
	ONE PRIOR FELONY CONVICTION	901	850	735	695	721	3,902	14.4%
	TWO OR MORE PRIOR FELONY CONVICTIONS	730	690	720	655	661	3,456	12.7%
SMALL COUNTIES	TOTAL ACTIONS	1,470	1,417	1,517	1,649	1,506	7,559	100.0%
	NO PRIOR FELONY CONVICTIONS	1,115	1,069	1,093	1,211	1,083	5,571	73.7%
	ONE PRIOR FELONY CONVICTION	202	194	238	239	219	1,092	14.4%
	TWO OR MORE PRIOR FELONY CONVICTIONS	153	154	186	199	204	896	11.9%

Source: DCJS, Felony Processing File.
The term actions in this table refers to indictments and superior court informations.
Youthful Offender (YO) adjudications are not counted as prior convictions.

Statewide, 72.9% of persons charged with a VFO in a superior court case had no prior felony convictions.

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

		2009	2010	2011	2012	2013	TOTAL DISPOSED	
							#	%
NEW YORK STATE	Total Disposed	15,896	15,547	15,509	15,176	15,407	77,535	100.0%
	Convicted - Plea	10,220	10,007	9,962	9,889	10,160	50,238	64.8%
	Convicted - Verdict	883	929	944	927	917	4,600	5.9%
	Adjudicated – Youthful Offender	2,588	2,352	2,409	2,264	2,259	11,872	15.3%
	Covered by, Consolidated, Superseded	554	604	583	598	679	3,018	3.9%
	Diverted and Dismissed	12	14	20	19	17	82	0.1%
	Dismissed	1,197	1,158	1,082	1,021	968	5,426	7.0%
	Acquitted	379	410	438	394	356	1,977	2.5%
	Other	63	73	71	64	51	322	0.4%
NEW YORK CITY	Total Disposed	8,562	8,368	8,456	8,333	8,886	42,605	100.0%
	Convicted - Plea	5,396	5,211	5,303	5,196	5,571	26,677	62.6%
	Convicted - Verdict	462	505	479	495	541	2,482	5.8%
	Adjudicated – Youthful Offender	1,513	1,376	1,443	1,424	1,472	7,228	17.0%
	Covered by, Consolidated, Superseded	188	209	208	216	292	1,113	2.6%
	Diverted and Dismissed	11	14	20	19	17	81	0.2%
	Dismissed	744	748	689	711	740	3,632	8.5%
	Acquitted	204	252	270	231	224	1,181	2.8%
	Other	44	53	44	41	29	211	0.5%
LARGE COUNTIES	Total Disposed	5,860	5,757	5,543	5,266	4,940	27,366	100.0%
	Convicted - Plea	3,852	3,826	3,628	3,586	3,477	18,369	67.1%
	Convicted - Verdict	299	329	346	311	277	1,562	5.7%
	Adjudicated – Youthful Offender	911	847	840	733	681	4,012	14.7%
	Covered by, Consolidated, Superseded	264	270	249	234	223	1,240	4.5%
	Diverted and Dismissed	1	0	0	0	0	1	0.0%
	Dismissed	377	349	323	251	161	1,461	5.3%
	Acquitted	141	123	138	136	103	641	2.3%
	Other	15	13	19	15	18	80	0.3%
SMALL COUNTIES	Total Disposed	1,474	1,422	1,510	1,577	1,581	7,564	100.0%
	Convicted - Plea	972	970	1,031	1,107	1,112	5,192	68.6%
	Convicted - Verdict	122	95	119	121	99	556	7.4%
	Adjudicated – Youthful Offender	164	129	126	107	106	632	8.4%
	Covered by, Consolidated, Superseded	102	125	126	148	164	665	8.8%
	Diverted and Dismissed	0	0	0	0	0	0	0.0%
	Dismissed	76	61	70	59	67	333	4.4%
	Acquitted	34	35	30	27	29	155	2.0%
	Other	4	7	8	8	4	31	0.4%

Source: DCJS, Felony Processing File.

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

The term actions in this table refers to indictments and superior court informations. Includes convictions and Youthful Offender (YO) adjudications for felonies, misdemeanors, and non-criminal offenses such as violations and infractions.

Statewide, 86.0% of VFO superior court cases that were disposed during the five-year period resulted in a guilty finding, which includes convictions (by plea or verdict) and Youthful Offender (YO) adjudications. This includes convictions and YO adjudications for felonies, misdemeanors, and non-criminal offenses such as violations and infraction. Regionally, 85.4% of the VFO cases disposed in New York City resulted in a guilty finding, as did 87.5% of the VFO cases in the Large Counties and 84.4% in the Small Counties.

YO adjudications may be granted to offenders who are 16 to 18 years of age at the time of the crime who have no prior felony convictions or adjudications (see CPL 720.10). A YO adjudication broadens sentencing options and seals the criminal record. Statewide, YO adjudications made up 17.8% of the VFO cases with guilty findings over the five-year period, including 19.9% of the New York City cases, 16.8% of the cases in Large Counties and 9.9% of the cases in Small Counties.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 8 - DISPOSITIONS OF VIOLENT FELONY ACTIONS
2013**

	Total Disposed	Convicted/Adjudicated			Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Acquitted	Other
		Convicted - Plea	Convicted - Verdict	Adjudicated - Youthful Offender					
NEW YORK STATE									
TOTAL	15,407	10,160	917	2,259	679	17	968	356	51
ASSAULT	3,212	2,265	202	277	118	10	224	103	13
STRANGULATION	142	110	13	2	7	0	7	1	2
HOMICIDE OFFENSES	808	456	192	16	35	1	54	50	4
SEX OFFENSES	1,342	949	123	67	77	0	79	41	6
BURGLARY	3,096	2,224	90	397	243	4	103	28	7
ROBBERY WEAPONS OFFENSES	4,388	2,462	161	1,296	108	2	272	76	11
OTHER VFOS	2,207	1,540	120	189	81	0	221	48	8
	212	154	16	15	10	0	8	9	0
NEW YORK CITY									
TOTAL	8,886	5,571	541	1,472	292	17	740	224	29
ASSAULT	2,000	1,345	132	198	68	10	175	66	6
STRANGULATION	72	54	7	2	4	0	2	1	2
HOMICIDE OFFENSES	580	331	120	13	28	1	45	38	4
SEX OFFENSES	524	358	50	18	31	0	53	13	1
BURGLARY	1,114	853	45	120	32	4	46	11	3
ROBBERY WEAPONS OFFENSES	3,153	1,672	110	987	71	2	243	59	9
OTHER VFOS	1,337	881	69	127	51	0	170	35	4
	106	77	8	7	7	0	6	1	0
LARGE COUNTIES									
TOTAL	4,940	3,477	277	681	223	0	161	103	18
ASSAULT	899	680	53	65	33	0	31	30	7
STRANGULATION	44	34	4	0	2	0	4	0	0
HOMICIDE OFFENSES	196	108	60	2	7	0	9	10	0
SEX OFFENSES	474	350	38	32	19	0	17	16	2
BURGLARY	1,360	955	25	220	108	0	37	12	3
ROBBERY WEAPONS OFFENSES	1,121	697	48	299	33	0	27	15	2
OTHER VFOS	765	590	45	58	20	0	35	13	4
	81	63	4	5	1	0	1	7	0
SMALL COUNTIES									
TOTAL	1,581	1,112	99	106	164	0	67	29	4
ASSAULT	313	240	17	14	17	0	18	7	0
STRANGULATION	26	22	2	0	1	0	1	0	0
HOMICIDE OFFENSES	32	17	12	1	0	0	0	2	0
SEX OFFENSES	344	241	35	17	27	0	9	12	3
BURGLARY	622	416	20	57	103	0	20	5	1
ROBBERY WEAPONS OFFENSES	114	93	3	10	4	0	2	2	0
OTHER VFOS	105	69	6	4	10	0	16	0	0
	25	14	4	3	2	0	1	1	0

Source: DCJS, Felony Processing File.

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

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

Includes convictions and Youthful Offender (YO) adjudications for felonies, misdemeanors, and non-criminal offenses such as violations and infractions.

Statewide, 2013 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.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 9 - DISPOSITIONS OF VIOLENT FELONY ACTIONS
2013**

	Total Disposed	Convicted/Adjudicated			Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Acquitted	Other	
		Convicted - Plea	Convicted - Verdict	Adjudicated - Youthful Offender						
NEW YORK STATE	TOTAL	15,407	10,160	917	2,259	679	17	968	356	51
	CLASS A	698	397	185	4	30	0	36	43	3
	CLASS B	4,241	2,633	333	584	202	5	320	149	15
	CLASS C	6,685	4,252	268	1,227	341	6	461	109	21
	CLASS D	3,751	2,852	129	443	106	6	148	55	12
	CLASS E	32	26	2	1	0	0	3	0	0
NEW YORK CITY	TOTAL	8,886	5,571	541	1,472	292	17	740	224	29
	CLASS A	419	236	107	3	18	0	23	29	3
	CLASS B	2,809	1,675	196	430	140	5	261	95	7
	CLASS C	3,825	2,292	166	812	105	6	359	72	13
	CLASS D	1,818	1,357	70	227	29	6	95	28	6
	CLASS E	15	11	2	0	0	0	2	0	0
LARGE COUNTIES	TOTAL	4,940	3,477	277	681	223	0	161	103	18
	CLASS A	219	123	63	0	9	0	12	12	0
	CLASS B	1,146	771	101	144	39	0	43	40	8
	CLASS C	2,180	1,504	79	354	128	0	75	33	7
	CLASS D	1,383	1,067	34	183	47	0	31	18	3
	CLASS E	12	12	0	0	0	0	0	0	0
SMALL COUNTIES	TOTAL	1,581	1,112	99	106	164	0	67	29	4
	CLASS A	60	38	15	1	3	0	1	2	0
	CLASS B	286	187	36	10	23	0	16	14	0
	CLASS C	680	456	23	61	108	0	27	4	1
	CLASS D	550	428	25	33	30	0	22	9	3
	CLASS E	5	3	0	1	0	0	1	0	0

Source: DCJS, Felony Processing File.

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

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

Includes convictions and Youthful Offender (YO) adjudications for 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 result in 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
2009 TO 2013**

		TOP ACTION CHARGE					TOTAL
		CLASS A	CLASS B	CLASS C	CLASS D	CLASS E	
NEW YORK STATE	TOTAL CONVICTIONS	2,827	18,469	28,702	16,593	119	66,710
	<u>FELONY CLASS</u>						
	CLASS A	1,010	21	4	2	0	1,037
	CLASS B	1,339	7,145	211	82	0	8,777
	CLASS C	272	3,070	11,332	104	0	14,778
	CLASS D	119	5,189	11,555	9,990	1	26,854
	CLASS E	49	1,050	1,467	2,666	91	5,323
	MISDEMEANORS	35	1,816	3,673	3,402	26	8,952
	LESSER OFFENSES	3	178	460	347	1	989
	<u>CONVICTION TYPE</u>						
	VFO CONVICTION	2,624	13,994	19,947	9,884	86	46,535
NON-VFO CONVICTION	203	4,475	8,755	6,709	33	20,175	
NEW YORK CITY	TOTAL CONVICTIONS	1,506	11,247	15,706	7,883	45	36,387
	<u>FELONY CLASS</u>						
	CLASS A	452	20	4	2	0	478
	CLASS B	750	4,186	192	75	0	5,203
	CLASS C	160	1,579	5,627	85	0	7,451
	CLASS D	84	3,217	5,921	4,551	0	13,773
	CLASS E	31	666	847	854	37	2,435
	MISDEMEANORS	26	1,423	2,720	2,037	7	6,213
	LESSER OFFENSES	3	156	395	279	1	834
	<u>CONVICTION TYPE</u>						
	VFO CONVICTION	1,367	7,983	10,003	4,591	35	23,979
NON-VFO CONVICTION	139	3,264	5,703	3,292	10	12,408	
LARGE COUNTIES	TOTAL CONVICTIONS	1,082	5,887	10,540	6,382	52	23,943
	<u>FELONY CLASS</u>						
	CLASS A	442	1	0	0	0	443
	CLASS B	503	2,501	19	7	0	3,030
	CLASS C	92	1,218	4,957	18	0	6,285
	CLASS D	26	1,569	4,319	4,076	1	9,991
	CLASS E	14	269	403	1,162	35	1,883
	MISDEMEANORS	5	311	782	1,057	16	2,171
	LESSER OFFENSES	0	18	60	62	0	140
	<u>CONVICTION TYPE</u>						
	VFO CONVICTION	1,034	4,979	8,461	3,986	33	18,493
NON-VFO CONVICTION	48	908	2,079	2,396	19	5,450	
SMALL COUNTIES	TOTAL CONVICTIONS	239	1,335	2,456	2,328	22	6,380
	<u>FELONY CLASS</u>						
	CLASS A	116	0	0	0	0	116
	CLASS B	86	458	0	0	0	544
	CLASS C	20	273	748	1	0	1,042
	CLASS D	9	403	1,315	1,363	0	3,090
	CLASS E	4	115	217	650	19	1,005
	MISDEMEANORS	4	82	171	308	3	568
	LESSER OFFENSES	0	4	5	6	0	15
	<u>CONVICTION TYPE</u>						
	VFO CONVICTION	223	1,032	1,483	1,307	18	4,063
NON-VFO CONVICTION	16	303	973	1,021	4	2,317	

Source: DCJS, Felony Processing File.

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

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

Includes convictions and youthful offender (YO) adjudications for 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**

		2009	2010	2011	2012	2013	% Change '09 to '13
NEW YORK STATE	TOTAL SENTENCES	9,849	9,686	9,574	9,445	9,380	-4.8%
	PRISON	6,276	6,387	6,243	6,223	6,324	0.8%
	JAIL	971	949	986	979	940	-3.2%
	JAIL AND PROBATION	1,098	1,064	1,053	981	866	-21.1%
	PROBATION	1,404	1,207	1,190	1,123	1,096	-21.9%
	OTHER	100	79	102	139	154	54.0%
NEW YORK CITY	TOTAL SENTENCES	5,000	4,954	4,932	4,813	4,941	-1.2%
	PRISON	3,193	3,319	3,206	3,133	3,300	3.4%
	JAIL	608	558	607	643	585	-3.8%
	JAIL AND PROBATION	316	296	311	248	246	-22.2%
	PROBATION	810	712	722	673	672	-17.0%
	OTHER	73	69	86	116	138	89.0%
LARGE COUNTIES	TOTAL SENTENCES	4,044	3,969	3,803	3,771	3,615	-10.6%
	PRISON	2,558	2,578	2,474	2,487	2,444	-4.5%
	JAIL	330	342	336	294	316	-4.2%
	JAIL AND PROBATION	627	627	580	584	489	-22.0%
	PROBATION	508	414	402	387	354	-30.3%
	OTHER	21	8	11	19	12	-42.9%
SMALL COUNTIES	TOTAL SENTENCES	805	763	839	861	824	2.4%
	PRISON	525	490	563	603	580	10.5%
	JAIL	33	49	43	42	39	18.2%
	JAIL AND PROBATION	155	141	162	149	131	-15.5%
	PROBATION	86	81	66	63	70	-18.6%
	OTHER	6	2	5	4	4	-33.3%

Source: DCJS, Felony Processing File.

Includes Youthful Offender (YO) and Juvenile Offender (JO) sentences.

Statewide between 2009 and 2013, the number of prison sentences for VFOs stayed about the same (+0.8%), while there were decreases in VFO sentences to local jail (-3.2%), split probation/jail (-21.1%), and straight probation (-21.9%).

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 12 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS
AND YOUTHFUL OFFENDER ADJUDICATIONS
BY CHARGE CATEGORY
2013**

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%
NEW YORK STATE	TOTAL SENTENCES	6,324	67.4%	940	10.0%	866	9.2%	1,096	11.7%	154	1.6%	9,380	100.0%
	ASSAULT	913	59.7%	233	15.2%	192	12.6%	168	11.0%	23	1.5%	1,529	100.0%
	STRANGULATION	19	59.4%	3	9.4%	7	21.9%	2	6.3%	1	3.1%	32	100.0%
	HOMICIDE OFFENSES	506	99.2%	1	0.2%	1	0.2%	1	0.2%	1	0.2%	510	100.0%
	SEX OFFENSES	608	74.0%	40	4.9%	106	12.9%	67	8.2%	1	0.1%	822	100.0%
	BURGLARY	1,333	65.9%	163	8.1%	249	12.3%	260	12.8%	19	0.9%	2,024	100.0%
	ROBBERY	1,636	59.6%	299	10.9%	249	9.1%	466	17.0%	96	3.5%	2,746	100.0%
	WEAPONS OFFENSES	1,241	76.1%	197	12.1%	54	3.3%	126	7.7%	12	0.7%	1,630	100.0%
	OTHER VFOS	68	78.2%	4	4.6%	8	9.2%	6	6.9%	1	1.1%	87	100.0%
NEW YORK CITY	TOTAL SENTENCES	3,300	66.8%	585	11.8%	246	5.0%	672	13.6%	138	2.8%	4,941	100.0%
	ASSAULT	535	60.6%	145	16.4%	87	9.9%	97	11.0%	19	2.2%	883	100.0%
	STRANGULATION	5	45.5%	2	18.2%	3	27.3%	0	0.0%	1	9.1%	11	100.0%
	HOMICIDE OFFENSES	343	99.1%	1	0.3%	0	0.0%	1	0.3%	1	0.3%	346	100.0%
	SEX OFFENSES	243	82.1%	14	4.7%	17	5.7%	21	7.1%	1	0.3%	296	100.0%
	BURGLARY	496	75.8%	55	8.4%	21	3.2%	70	10.7%	12	1.8%	654	100.0%
	ROBBERY	1,022	56.4%	206	11.4%	95	5.2%	393	21.7%	95	5.2%	1,811	100.0%
	WEAPONS OFFENSES	630	69.5%	161	17.8%	20	2.2%	88	9.7%	8	0.9%	907	100.0%
	OTHER VFOS	26	78.8%	1	3.0%	3	9.1%	2	6.1%	1	3.0%	33	100.0%
LARGE COUNTIES	TOTAL SENTENCES	2,444	67.6%	316	8.7%	489	13.5%	354	9.8%	12	0.3%	3,615	100.0%
	ASSAULT	289	57.0%	81	16.0%	74	14.6%	61	12.0%	2	0.4%	507	100.0%
	STRANGULATION	9	60.0%	1	6.7%	3	20.0%	2	13.3%	0	0.0%	15	100.0%
	HOMICIDE OFFENSES	137	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	137	100.0%
	SEX OFFENSES	223	69.9%	17	5.3%	48	15.0%	31	9.7%	0	0.0%	319	100.0%
	BURGLARY	626	58.6%	97	9.1%	185	17.3%	154	14.4%	6	0.6%	1,068	100.0%
	ROBBERY	552	64.3%	87	10.1%	147	17.1%	71	8.3%	1	0.1%	858	100.0%
	WEAPONS OFFENSES	575	85.8%	30	4.5%	29	4.3%	33	4.9%	3	0.4%	670	100.0%
	OTHER VFOS	33	80.5%	3	7.3%	3	7.3%	2	4.9%	0	0.0%	41	100.0%
SMALL COUNTIES	TOTAL SENTENCES	580	70.4%	39	4.7%	131	15.9%	70	8.5%	4	0.5%	824	100.0%
	ASSAULT	89	64.0%	7	5.0%	31	22.3%	10	7.2%	2	1.4%	139	100.0%
	STRANGULATION	5	83.3%	0	0.0%	1	16.7%	0	0.0%	0	0.0%	6	100.0%
	HOMICIDE OFFENSES	26	96.3%	0	0.0%	1	3.7%	0	0.0%	0	0.0%	27	100.0%
	SEX OFFENSES	142	68.6%	9	4.3%	41	19.8%	15	7.2%	0	0.0%	207	100.0%
	BURGLARY	211	69.9%	11	3.6%	43	14.2%	36	11.9%	1	0.3%	302	100.0%
	ROBBERY	62	80.5%	6	7.8%	7	9.1%	2	2.6%	0	0.0%	77	100.0%
	WEAPONS OFFENSES	36	67.9%	6	11.3%	5	9.4%	5	9.4%	1	1.9%	53	100.0%
	OTHER VFOS	9	69.2%	0	0.0%	2	15.4%	2	15.4%	0	0.0%	13	100.0%

Source: DCJS, Felony Processing File.
Includes Youthful Offender (YO) and Juvenile Offender (JO) sentences.

Statewide, 67.4% of 2013 sentences imposed after a VFO conviction or Youthful Offender adjudication were sentences to prison. Nearly all sentences following a VFO homicide conviction or Youthful Offender adjudication were prison sentences (99.2%).

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 13 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS
AND YOUTHFUL OFFENDER ADJUDICATIONS
BY FELONY CLASS
2013**

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%
NEW YORK STATE	TOTAL SENTENCES	6,324	67.4%	940	10.0%	866	9.2%	1,096	11.7%	154	1.6%	9,380	100.0%
	CLASS A	204	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	204	100.0%
	CLASS B	1,462	83.8%	52	3.0%	52	3.0%	164	9.4%	14	0.8%	1,744	100.0%
	CLASS C	2,240	75.0%	147	4.9%	159	5.3%	378	12.7%	62	2.1%	2,986	100.0%
	CLASS D	2,395	54.4%	737	16.7%	649	14.7%	548	12.4%	77	1.7%	4,406	100.0%
	CLASS E	23	57.5%	4	10.0%	6	15.0%	6	15.0%	1	2.5%	40	100.0%
NEW YORK CITY	TOTAL SENTENCES	3,300	66.8%	585	11.8%	246	5.0%	672	13.6%	138	2.8%	4,941	100.0%
	CLASS A	107	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	107	100.0%
	CLASS B	884	80.6%	41	3.7%	18	1.6%	140	12.8%	14	1.3%	1,097	100.0%
	CLASS C	1,061	68.8%	95	6.2%	42	2.7%	287	18.6%	57	3.7%	1,542	100.0%
	CLASS D	1,234	56.7%	446	20.5%	186	8.6%	243	11.2%	66	3.0%	2,175	100.0%
	CLASS E	14	70.0%	3	15.0%	0	0.0%	2	10.0%	1	5.0%	20	100.0%
LARGE COUNTIES	TOTAL SENTENCES	2,444	67.6%	316	8.7%	489	13.5%	354	9.8%	12	0.3%	3,615	100.0%
	CLASS A	75	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	75	100.0%
	CLASS B	485	88.3%	11	2.0%	31	5.6%	22	4.0%	0	0.0%	549	100.0%
	CLASS C	999	80.6%	48	3.9%	109	8.8%	79	6.4%	5	0.4%	1,240	100.0%
	CLASS D	880	50.6%	256	14.7%	344	19.8%	252	14.5%	7	0.4%	1,739	100.0%
	CLASS E	5	41.7%	1	8.3%	5	41.7%	1	8.3%	0	0.0%	12	100.0%
SMALL COUNTIES	TOTAL SENTENCES	580	70.4%	39	4.7%	131	15.9%	70	8.5%	4	0.5%	824	100.0%
	CLASS A	22	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	22	100.0%
	CLASS B	93	94.9%	0	0.0%	3	3.1%	2	2.0%	0	0.0%	98	100.0%
	CLASS C	180	88.2%	4	2.0%	8	3.9%	12	5.9%	0	0.0%	204	100.0%
	CLASS D	281	57.1%	35	7.1%	119	24.2%	53	10.8%	4	0.8%	492	100.0%
	CLASS E	4	50.0%	0	0.0%	1	12.5%	3	37.5%	0	0.0%	8	100.0%

Source: DCJS, Felony Processing File.
Includes Youthful Offender (YO) and Juvenile Offender (JO) sentences.

The more serious the felony class of the VFO conviction, the more likely a prison sentence was imposed, from 100% of Class A VFOs down to 54.4% of Class D VFOs and 57.5% of Class E VFOs.

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.