

State of New York  
DEPARTMENT OF CORRECTIONS  
AND COMMUNITY SUPERVISION

Building Number 2  
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Albany, New York 12226

**UNDER CUSTODY REPORT:**

**Profile of Incarcerated Offender Population  
Under Custody on January 1, 2012**



**Andrew M. Cuomo**  
Governor



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Commissioner

**Profile of Incarcerated Offender Population  
Under Custody on January 1, 2012**

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## Profile of Incarcerated Offender Population Under Custody on January 1, 2012

### Executive Summary

Characteristics	Category	Inmates Under Custody	Incarcerated Parolees Under Custody	Total Under Custody
Population January 1, 2012		55,436	543	55,979
Gender	Male	95.8%	91.3%	95.8%
Age	Average Age	37.5	32.1	37.5
Race/Ethnic Status	White	23.1%	37.9%	23.3%
	African-American	49.5%	43.5%	49.5%
	Hispanic	24.6%	14.7%	24.5%
Region	New York City	47.5%	22.3%	47.2%
	Suburban New York	11.6%	10.1%	11.6%
	Upstate Urban	23.9%	31.0%	24.0%
	Upstate Other	17.0%	36.5%	17.2%
World Region of Birth	Foreign Born	10.3%	1.7%	10.2%
Marital Status	Never Married	65.5%	77.7%	65.6%
Living Children	One or more living children	59.3%	59.1%	59.3%
Religious Affiliation	Catholic	24.9%	26.2%	24.9%
	Protestant	28.1%	24.9%	28.1%
	Islam	11.5%	8.1%	11.5%
Veteran Status	Veteran	4.7%	3.3%	4.7%
Minimum Sentence	Median time in months	62.0	24.0	62.0
	Average time in months	118.2	28.6	117.4
Maximum Sentence	Median time in months	84.0	42.0	84.0
	Average time in months	140.2	49.4	139.3
Crime	Violent Felony	63.8%	5.9%	63.2%
	Other Coercive	8.0%	6.3%	7.9%
	Drug Offenses	13.6%	43.8%	13.9%
	Property/Other	12.6%	38.9%	12.8%
	Youthful/Juvenile	2.0%	5.2%	2.1%
Second Felony Offender Status	First Felony	56.1%	45.7%	56.0%
	Second Felony	39.6%	54.0%	39.8%
	Persistent Felony	4.3%	0.4%	4.3%
Prior Adult Criminal Record	No Prior Arrest	15.7%	6.6%	15.6%
	No Prior Conviction	7.9%	6.3%	7.9%
	Conviction No Jail	18.2%	22.9%	18.2%
	Prior Jail	24.6%	37.5%	24.7%
	Prior prison term	33.6%	26.8%	33.5%
Time Served in Department Custody	Median time in months	24.8	1.5	N/A
	Average time in months	59.4	1.8	N/A
Time to Earliest Release Date	Median time in months	15.9	*	*
	Average time in months	50.4	*	*
Determinate Sentence	Total	55%	46%	55%
	Drug Offenses	88%	92%	88%
	Violent Felony	66%	91%	66%

\* Not reported

# Profile of Incarcerated Offender Population Under Custody on January 1, 2012

## INTRODUCTION

### Purpose of the Report

This report profiles the incarcerated offender population by demographic and criminal history characteristics. It presents information on offenders held under Department of Corrections and Community Supervision (DOCCS) custody on January 1, 2012.

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

In April 2011, the former Division of Parole and the former Department of Correctional Services merged to form the Department of Corrections and Community Supervision (DOCCS). In past years the Department's Under Custody reports only included inmates in correctional facilities. Starting with this report, all inmates will be reported including those participating in the Alt 90 or Alt 45 programs<sup>1</sup>. In addition, "incarcerated parolees" (offenders under community supervision who are participating in a parole program at a DOCCS facility) will be included, but reported separately. Most "incarcerated parolees" are housed in parole program facilities, while some are housed in correctional facilities. Similarly, most inmates are housed in correctional facilities, while others are housed in parole program facilities.

The table below shows the distribution of the various offender subgroups within the under custody population. Descriptions of these different offender subgroups are presented on the next page.

Type of Facility	Inmates	Incarcerated Parolees	Total
Correctional Facilities	55,099	97	55,196
Parole Program Facilities	337	446	783
Total	55,436	543	55,979

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1. Alt-90 cases have been assigned to a 90-day drug treatment program at Willard DTC, while Alt-45 cases have been assigned to a 45-day drug treatment program at Edgecombe Residential Treatment Facility.

## **Offender Categories**

**Inmates in correctional facilities** are offenders who have been sentenced to prison (or returned to prison as a result of a parole violation), are not under community supervision, and are incarcerated in a traditional “prison” facility (55,099).

**Inmates in parole program facilities** are returned parole violators who are participating in an alternative drug treatment program. These offenders were revoked and given a time assessment by an Administrative Law Judge (ALJ) that represents a period of time that they must spend in prison. However, in lieu of serving the full amount of time in prison, these offenders were offered the opportunity to participate in a drug treatment program and they have volunteered to do so. If they successfully complete the program (either 90 days at Willard Drug Treatment Campus or 45 days at Edgecombe Residential Treatment Facility), these offenders will be released from incarceration at the completion of the program and restored to community supervision. If they do not successfully complete the drug treatment program, they must complete the remainder of their time assessment in a correctional facility (337).

**Incarcerated parolees in correctional facilities** are offenders who are under community supervision and have been incarcerated in order to participate in a treatment program at a parole program facility (e.g. Willard Drug Treatment Campus, Edgecombe Residential Treatment Facility). These offenders (97) are in one of the following situations: 1) in a reception facility on the way to beginning a treatment program in a parole program facility, 2) in a correctional facility awaiting an outcome hearing by an administrative law judge as a result of being removed from a treatment program at a parole program facility, or 3) are participating in an alternative treatment program due to medical or mental health needs that cannot be met at the designated parole program facility.

**Incarcerated parolees in parole program facilities** are offenders who are under community supervision and participating in an assigned treatment program at a parole program facility. Once these offenders complete the treatment program, they will be returned to the community to complete their term of community supervision. If these offenders do not successfully complete their assigned treatment program, they will be removed from the program and the violation process will proceed accordingly. Parolees who fail the Willard Drug Treatment program and parolees who were sent to Edgecombe via special condition are removed from the programs and a violation warrant is issued. Parolees who were sent to Edgecombe with the issuance of a warrant are removed from the program and a final hearing is scheduled. (446).

## **Sections of the Report**

The first section of this report describes the demographic characteristics of offenders, including gender, age, race/ethnicity, region of commitment, birthplace, marital status, number of living children, religious affiliation, and veteran status. The second section describes the criminal history of offenders, including information on minimum sentence, commitment crime, second felony sentencing status, prior adult criminal record, length of time served at current facility, length of time in Department custody, time to earliest release, and determinant sentencing status.

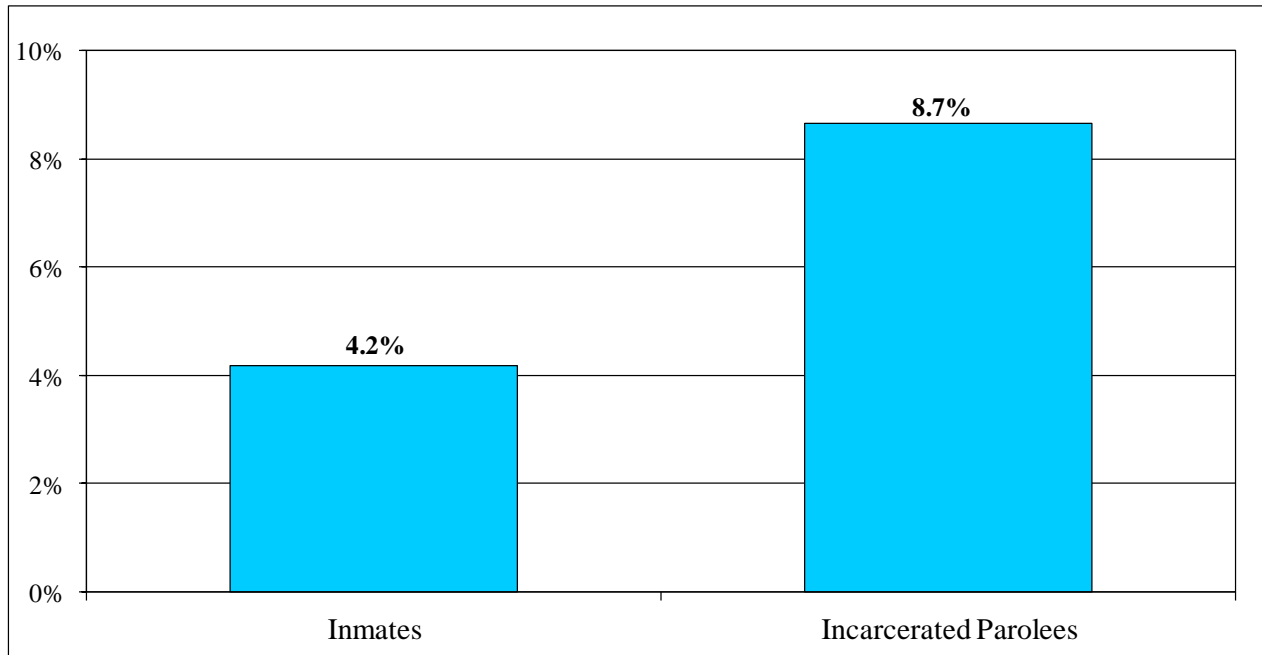
## Section One

### DEMOGRAPHIC CHARACTERISTICS

#### Gender Distribution

There were 55,979 offenders under custody on January 1, 2012. Of this total, 53,620 (96%) were male and 2,359 (4%) were female. This is a drop of 1,250 (-2%) total offenders since last year. The number of male offenders decreased by 1,349 (-2%) and female offenders increased by 99 (4%). A larger proportion of incarcerated parolees were female (9%) than were inmates (4%).

**Figure 1. Proportion of Female Offenders Under Custody by Offender Status**



**Table 1. Gender by Offender Status;  
Under Custody Population January 1, 2011 and 2012**

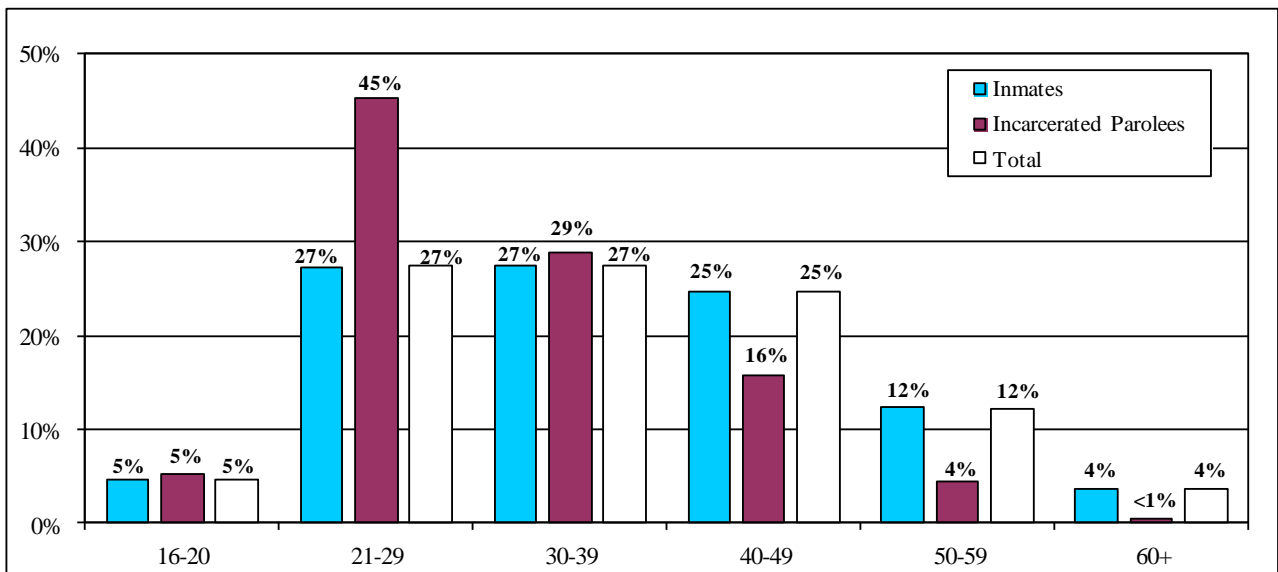
Gender and Custody Status	2011	2012	Numeric Change	Percent Change	Percent of Total 2011	Percent of Total 2012
<b>Inmates</b>						
Male	54,429	53,124	-1,305	-2.4%	96.1%	95.8%
Female	2,216	2,312	96	4.3%	3.9%	4.2%
Total	56,645	55,436	-1,209	-2.1%	100%	100%
<b>Incarcerated Parolees</b>						
Male	540	496	-44	-8.1%	92.5%	91.3%
Female	44	47	3	6.8%	7.5%	8.7%
Total	584	543	-41	-7.0%	100%	100%
<b>Grand Total</b>						
Male	54,969	53,620	-1,349	-2.5%	96.1%	95.8%
Female	2,260	2,359	99	4.4%	3.9%	4.2%
Total	57,229	55,979	-1,250	-2.2%	100%	100%

## Age Distribution

The average age of offenders under DOCCS custody on January 1, 2012 was 37 years old. Inmates were older than incarcerated parolees. Over 50% of incarcerated parolees were under age 30, while only 32% of the inmates fell into this younger age group.

Offenders under 21 years old constituted 5% of the total under custody population while offenders 60 and over represented 4% of the incarcerated offender population.

**Figure 2. Offender Age**



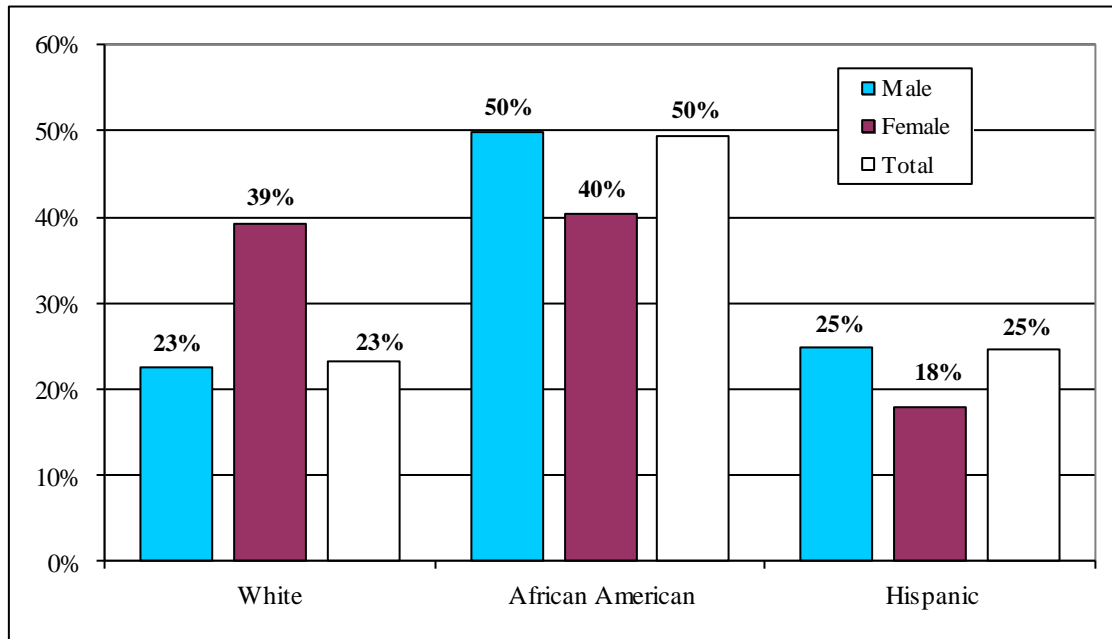
**Table 2. Offender Age, Under Custody Population on January 1, 2012**

Gender	16-20	21-29	30-39	40-49	50-59	60+	Total	Average
Male	2,561	14,662	14,727	13,129	6,606	1,935	53,620	37.5
Female	75	676	635	645	257	71	2,359	37.4
Total	2,636	15,338	15,362	13,774	6,863	2,006	55,979	37.5
Male	4.8%	27.3%	27.5%	24.5%	12.3%	3.6%	100.0%	
Female	3.2%	28.7%	26.9%	27.3%	10.9%	3.0%	100.0%	
Total	4.7%	27.4%	27.4%	24.6%	12.3%	3.6%	100.0%	
<b>Offender Status</b>								
Inmates	2,608	15,092	15,205	13,688	6,839	2,004	55,436	37.5
Incarcerated Parolees	28	246	157	86	24	2	543	32.1
Total	2,636	15,338	15,362	13,774	6,863	2,006	55,979	37.5
Inmates	4.7%	27.2%	27.4%	24.7%	12.3%	3.6%	100.0%	
Incarcerated Parolees	5.2%	45.3%	28.9%	15.8%	4.4%	0.4%	100.0%	
Total	4.7%	27.4%	27.4%	24.6%	12.3%	3.6%	100.0%	

## Race/Ethnic Distribution

Approximately half of the offenders under custody on January 1, 2012, were African-American, with just under a quarter Hispanic and another quarter White. The female offender population had a larger proportion of Whites (39%) than the male offender population (23%). The incarcerated parolee population was more likely than inmates to be White (38% vs. 23%).

**Figure 3. Race/Ethnic Status by Gender**



**Table 3. Race/Ethnic, by Gender or Offender Status;  
Under Custody Population January 1, 2012**

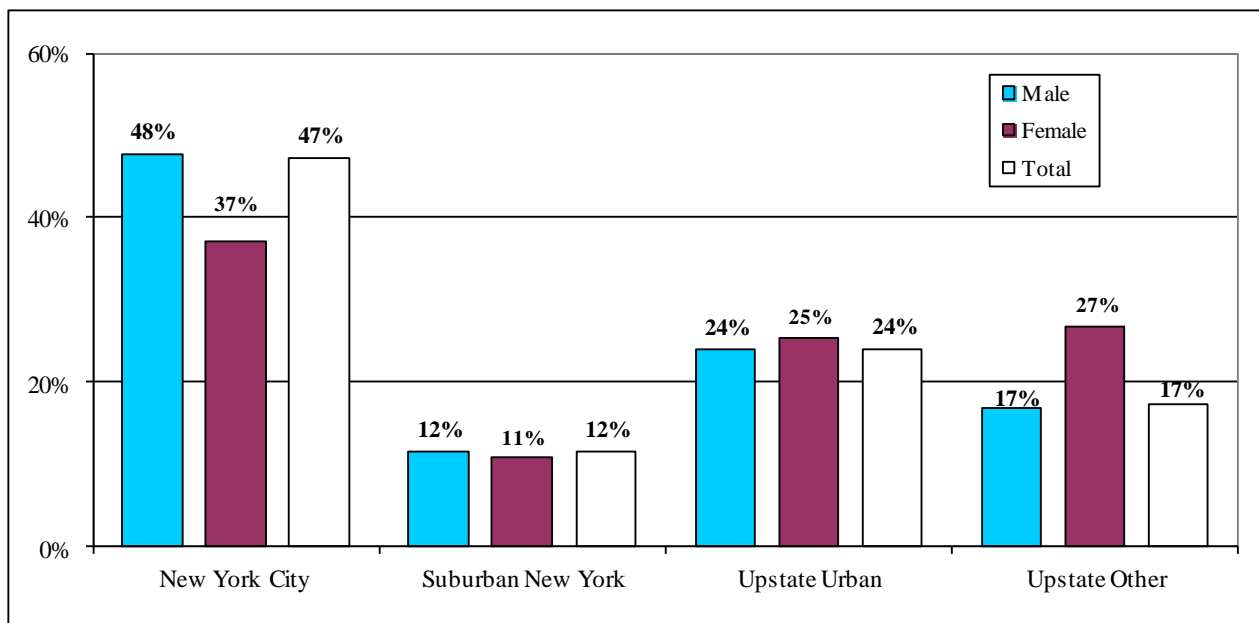
Race/ethnic Status by Gender	White	African American	Hispanic	Native American	Asian	Other	Unknown	Total
Male	12,100	26,751	13,312	308	240	316	593	53,620
Female	924	953	423	22	13	7	17	2,359
Total	13,024	27,704	13,735	330	253	323	610	55,979
Male	22.6%	49.9%	24.8%	0.6%	0.4%	0.6%	1.1%	100.0%
Female	39.2%	40.4%	17.9%	0.9%	0.6%	0.3%	0.7%	100.0%
Total	23.3%	49.5%	24.5%	0.6%	0.5%	0.6%	1.1%	100.0%
<b>Offender Status</b>								
Inmates	12,818	27,468	13,655	325	251	322	597	55,436
Incarcerated Parolees	206	236	80	5	2	1	13	543
Total	13,024	27,704	13,735	330	253	323	610	55,979
Inmates	23.1%	49.5%	24.6%	0.6%	0.5%	0.6%	1.1%	100.0%
Incarcerated Parolees	37.9%	43.5%	14.7%	0.9%	0.4%	0.2%	2.4%	100.0%
Total	23.3%	49.5%	24.5%	0.6%	0.5%	0.6%	1.1%	100.0%



## Region of Commitment

Approximately half (47%) of the offenders under custody on January 1, 2012, were committed from New York City and 12% were committed from suburban New York (Nassau, Rockland, Suffolk, and Westchester counties). Upstate counties with a population center containing 50,000 inhabitants or more (Albany, Broome, Erie, Monroe, Oneida, Onondaga, Niagara, Rensselaer, and Schenectady counties) comprised 24% of the offender population. The remaining 17% were sentenced from the other Upstate counties. The incarcerated parolee population was less likely than inmates to have been committed from New York City and more likely to be committed from upstate counties.

**Figure 4. Region of Commitment by Gender**



**Table 4. Region of Commitment by Gender or Offender Status; Under Custody Population January 1, 2012**

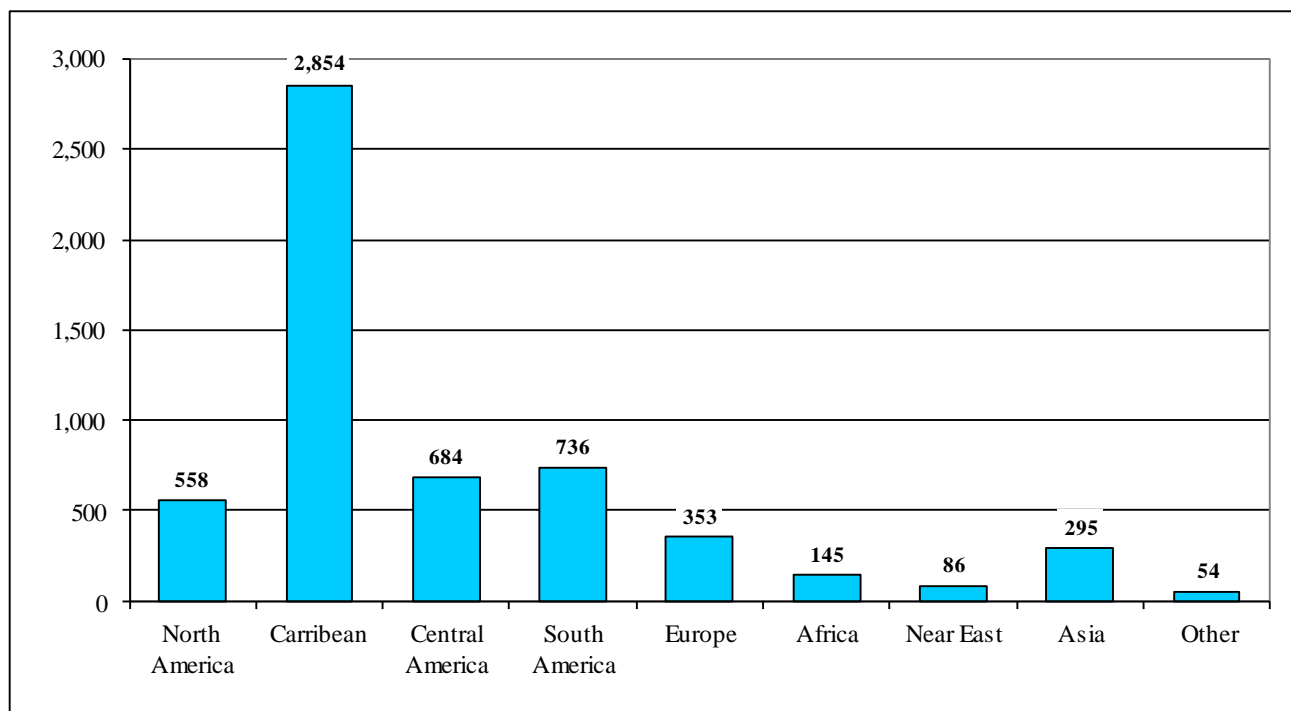
Region by Gender	New York City	Suburban New York	Upstate Urban	Upstate Other	Total*
Male	25,557	6,219	12,830	9,014	53,620
Female	873	253	599	633	2,358
Total	26,430	6,472	13,429	9,647	55,978
Male	47.7%	11.6%	23.9%	16.8%	100.0%
Female	37.0%	10.7%	25.4%	26.8%	100.0%
Total	47.2%	11.6%	24.0%	17.2%	100.0%
<b>Offender Status</b>					
Inmates	26,309	6,417	13,260	9,449	55,435
Incarcerated Parolees	121	55	169	198	543
Total	26,430	6,472	13,429	9,647	55,978
Inmates	47.5%	11.6%	23.9%	17.0%	100.0%
Incarcerated Parolees	22.3%	10.1%	31.1%	36.5%	100.0%
Total	47.2%	11.6%	24.0%	17.2%	100.0%

\* One inmate from out of state.

## World Region of Birth

Ninety percent (90%) of under custody offenders were born in the United States or a United States Territory. Approximately 10% or 5,728 of under custody offenders reported birth in a foreign country. Most of these offenders who reported birth in a foreign country were from one of the island nations in the Caribbean basin.<sup>2</sup>

**Figure 5. World Region of Birth**



**Table 5. World Region of Birth; Under Custody Population January 1, 2012**

Region by Gender	United States*	North America	Caribbean	Central America	South America	Europe	Africa	Near East	Asia	South Pacific	Unknown	Total
Male	48,057	539	2,755	667	710	331	142	82	288	13	36	53,620
Female	2,157	19	99	17	26	22	3	4	7	4	1	2,359
Total	50,214	558	2,854	684	736	353	145	86	295	17	37	55,979
Male	89.6%	1.0%	5.1%	1.2%	1.3%	0.6%	0.3%	0.2%	0.5%	0.0%	0.1%	100.0%
Female	91.4%	0.8%	4.2%	0.7%	1.1%	0.9%	0.1%	0.2%	0.3%	0.2%	0.0%	100.0%
Total	89.7%	1.0%	5.1%	1.2%	1.3%	0.6%	0.3%	0.2%	0.5%	0.0%	0.1%	100.0%
Offender Status												
Inmates	49,690	556	2,853	684	735	352	143	86	293	17	27	55,436
Incarcerated Parolees	524	2	1	0	1	1	2	0	2	0	10	543
Total	50,214	558	2,854	684	736	353	145	86	295	17	37	55,979
Inmates	89.6%	1.0%	5.1%	1.2%	1.3%	0.6%	0.3%	0.2%	0.5%	0.0%	0.0%	100.0%
Incarcerated Parolees	96.5%	0.4%	0.2%	0.0%	0.2%	0.2%	0.4%	0.0%	0.4%	0.0%	1.8%	100.0%
Total	89.7%	1.0%	5.1%	1.2%	1.3%	0.6%	0.3%	0.2%	0.5%	0.0%	0.1%	100.0%

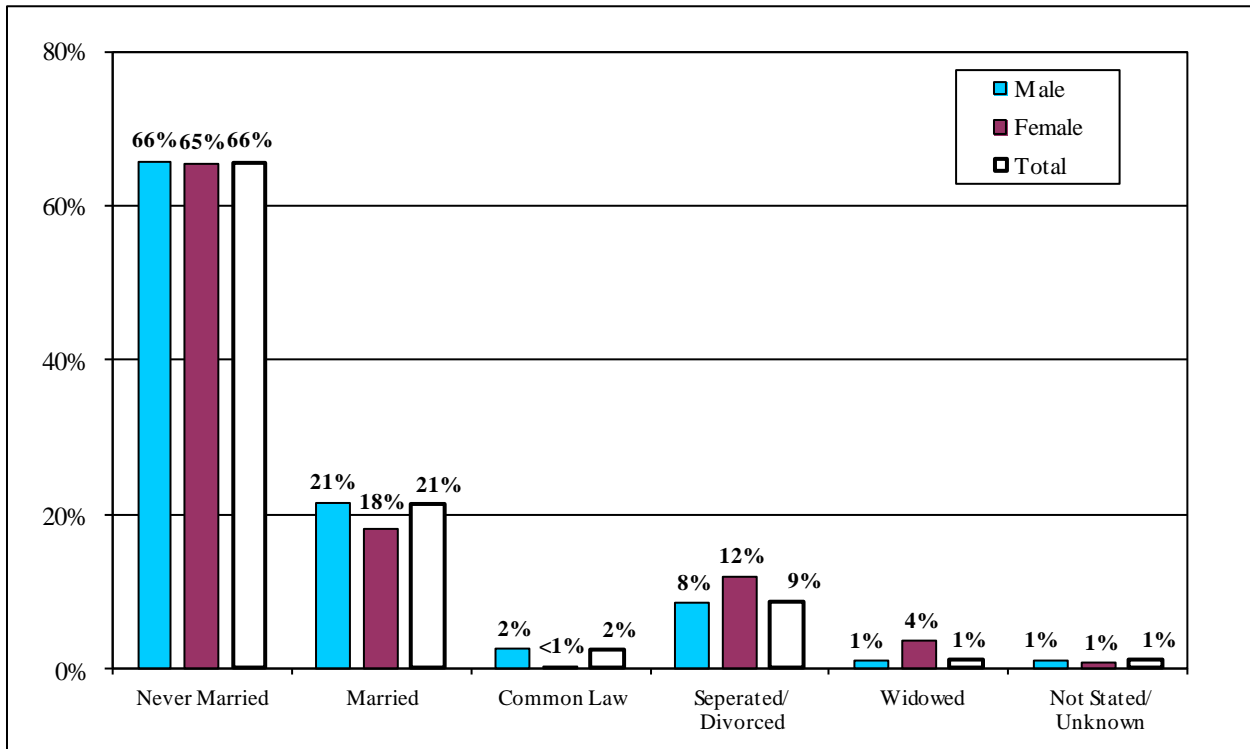
\* Includes offenders committed from United States Territories.

2. For additional information on foreign born inmates see "The Foreign Born Under Custody Population and the Institutional Removal Program" (2011), New York State Department of Corrections and Community Supervision, Albany, New York 12226. On the DOCCS' web site at: [http://www.doccs.ny.gov/Research/Reports/2011/ForeignBorn\\_IRP\\_Report.pdf](http://www.doccs.ny.gov/Research/Reports/2011/ForeignBorn_IRP_Report.pdf)

## Marital Status

Two-thirds of the offender population reported never being married. The rate was higher (78%) for incarcerated parolees.

**Figure 6. Marital Status**



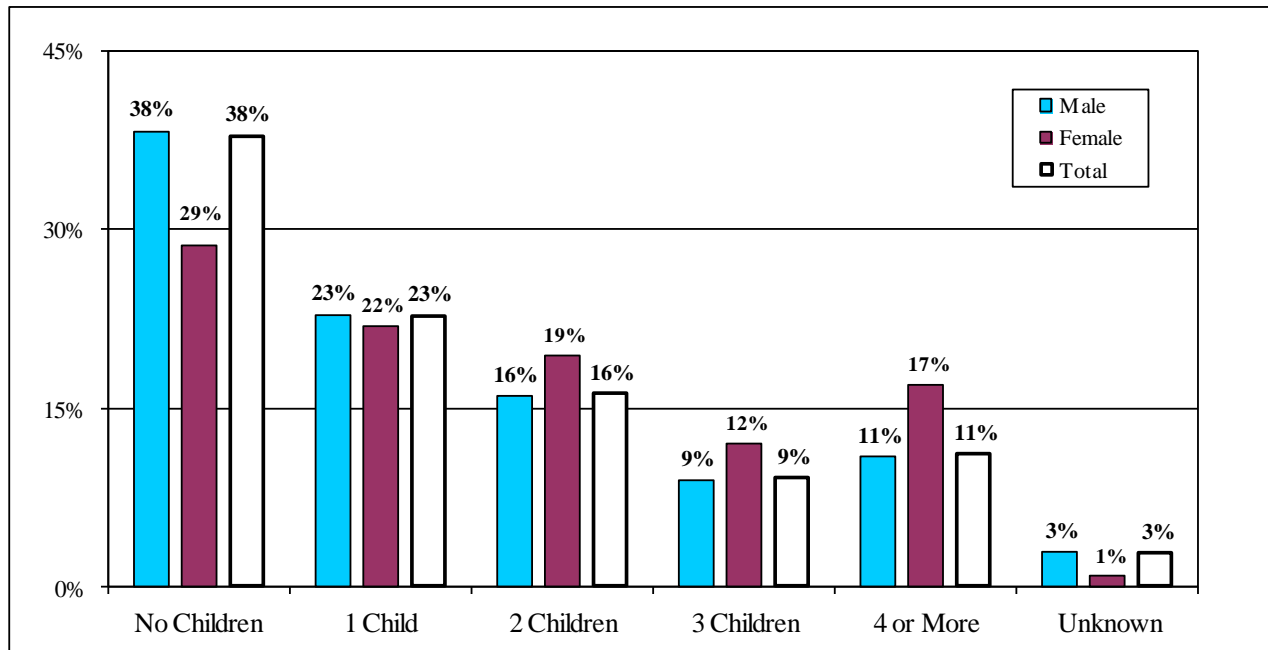
**Table 6. Marital Status; Under Custody Population January 1, 2012**

Marriage Status	Never Married	Married	Common Law	Separated/Divorced	Widowed	Not Stated/Unknown	Total
Male	35,176	11,522	1,305	4,546	505	566	53,620
Female	1,542	429	7	282	84	15	2,359
Total	36,718	11,951	1,312	4,828	589	581	55,979
Male	65.6%	21.5%	2.4%	8.5%	0.9%	1.1%	100.0%
Female	65.4%	18.2%	0.3%	12.0%	3.6%	0.6%	100.0%
Total	65.6%	21.3%	2.3%	8.6%	1.1%	1.0%	100.0%
<b>Offender Status</b>							
Inmates	36,296	11,893	1,309	4,780	587	571	55,436
Incarcerated Parolees	422	58	3	48	2	10	543
Total	36,718	11,951	1,312	4,828	589	581	55,979
Inmates	65.5%	21.5%	2.4%	8.6%	1.1%	1.0%	100.0%
Incarcerated Parolees	77.7%	10.7%	0.6%	8.8%	0.4%	1.8%	100.0%
Total	65.6%	21.3%	2.3%	8.6%	1.1%	1.0%	100.0%

## Number of Living Children

The majority of offenders under custody (59%) reported that they had at least one living child at the time of admission to the Department.

**Figure 7. Offenders with One or More Living Children**



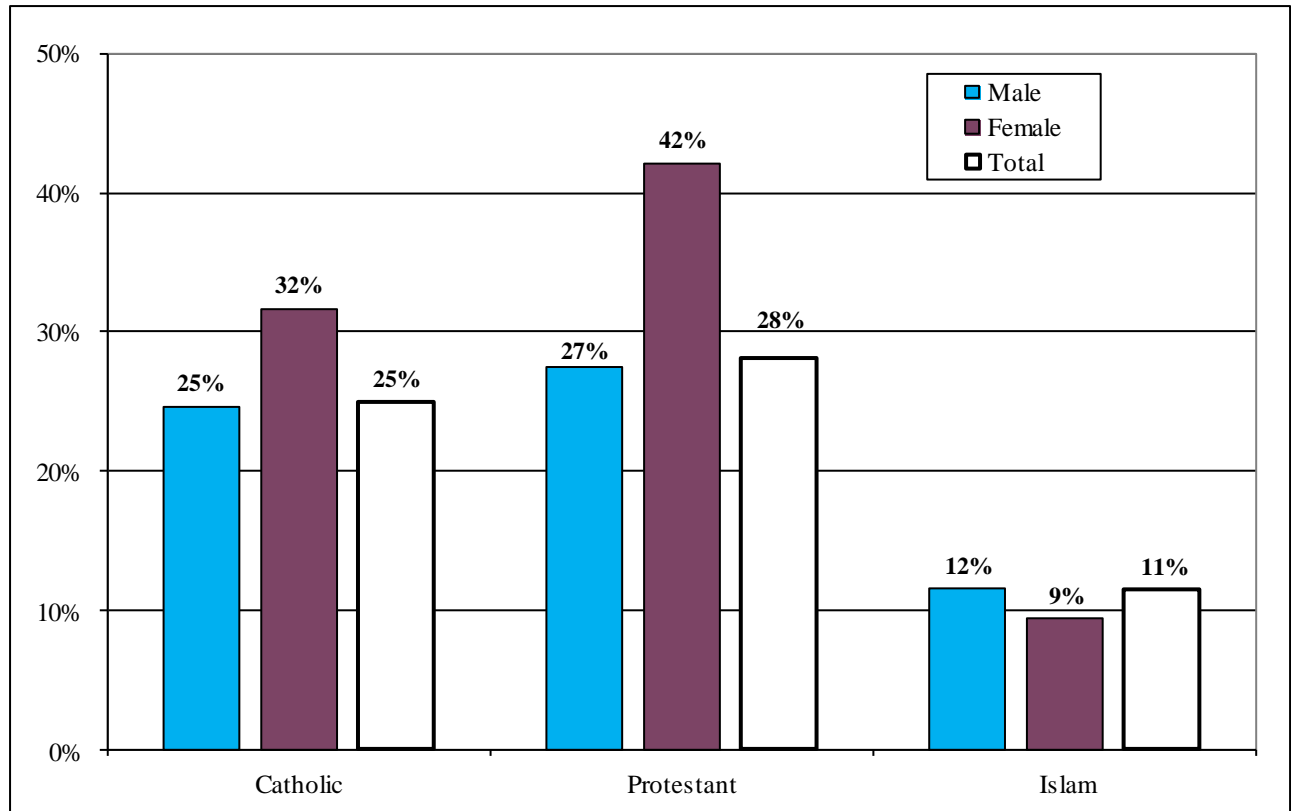
**Table 7. Number of Children; Under Custody Population January 1, 2012**

Marriage Status	No Children	1 Child	2 Children	3 Children	4 or More	Unknown	Total
Male	20,517	12,242	8,605	4,823	5,862	1,571	53,620
Female	675	518	458	284	401	23	2,359
Total	21,192	12,760	9,063	5,107	6,263	1,594	55,979
Male	38.3%	22.8%	16.0%	9.0%	10.9%	2.9%	100.0%
Female	28.6%	22.0%	19.4%	12.0%	17.0%	1.0%	100.0%
Total	37.9%	22.8%	16.2%	9.1%	11.2%	2.8%	100.0%
<b>Offender Status</b>							
Inmates	20,983	12,643	8,970	5,067	6,192	1,581	55,436
Incarcerated Parolees	209	117	93	40	71	13	543
Total	21,192	12,760	9,063	5,107	6,263	1,594	55,979
Inmates	37.9%	22.8%	16.2%	9.1%	11.2%	2.9%	100.0%
Incarcerated Parolees	38.5%	21.5%	17.1%	7.4%	13.1%	2.4%	100.0%
Total	37.9%	22.8%	16.2%	9.1%	11.2%	2.8%	100.0%

## Religious Affiliation

Eighty-five percent (85%) of under custody offenders reported affiliation with a recognized religion. Twenty-eight percent (28%) were Protestant, 25% were Catholic, 11% were Islam, 21% other faiths, and 15% did not report affiliation with a religious faith.

**Figure 8. Religious Affiliation**



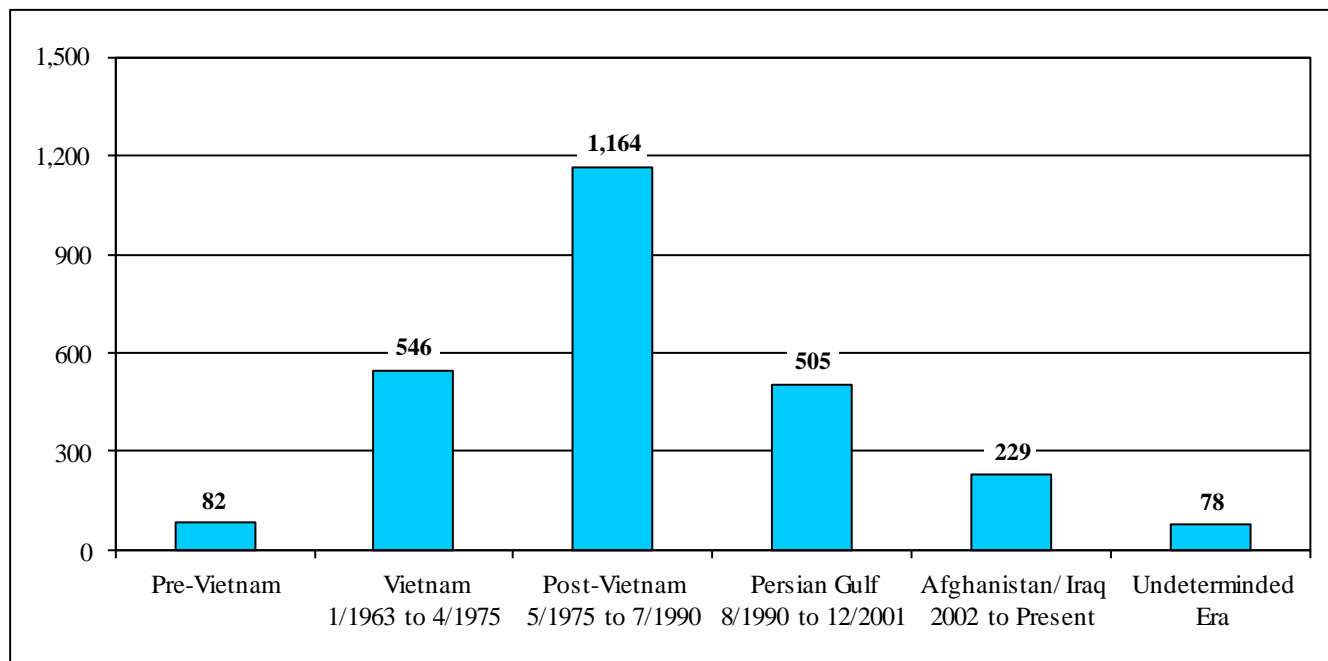
**Table 8. Religious Affiliation; Under Custody January 1, 2012**

Marriage Status	Catholic	Protes - tant	Islam	Nation of Islam	Rasta- farian	Jewish	Asian Religions	Native American	Greek Orthodox	Other	None Listed	Total
Male	13,206	14,733	6,195	2,128	3,534	3,548	339	440	52	1,552	7,893	53,620
Female	746	992	222	14	18	49	9	11	2	13	283	2,359
Total	13,952	15,725	6,417	2,142	3,552	3,597	348	451	54	1,565	8,176	55,979
Male	24.6%	27.5%	11.6%	4.0%	6.6%	6.6%	0.6%	0.8%	0.1%	2.9%	14.7%	100.0%
Female	31.6%	42.1%	9.4%	0.6%	0.8%	2.1%	0.4%	0.5%	0.1%	0.6%	12.0%	100.0%
Total	24.9%	28.1%	11.5%	3.8%	6.3%	6.4%	0.6%	0.8%	0.1%	2.8%	14.6%	100.0%
Offender Status												
Inmates	13,810	15,590	6,373	2,134	3,536	3,580	345	445	52	1,561	8,010	55,436
Incarcerated Parolees	142	135	44	8	16	17	3	6	2	4	166	543
Total	13,952	15,725	6,417	2,142	3,552	3,597	348	451	54	1,565	8,176	55,979
Inmates	24.9%	28.1%	11.5%	3.8%	6.4%	6.5%	0.6%	0.8%	0.1%	2.8%	14.4%	100.0%
Incarcerated Parolees	26.2%	24.9%	8.1%	1.5%	2.9%	3.1%	0.6%	1.1%	0.4%	0.7%	30.6%	100.0%
Total	24.9%	28.1%	11.5%	3.8%	6.3%	6.4%	0.6%	0.8%	0.1%	2.8%	14.6%	100.0%

## Veteran Status

Of the 55,979 offenders under custody on January 1, 2012, 5% (2,604) reported military service. Of this total, the largest number claimed military service in the Post-Vietnam Era (May 1975 to July 1990).

**Figure 9. Offender Veterans by Military Service Era**



**Table 9. Veteran Status by Service Era; Under Custody Population January 1, 2012**

Veteran Status	Not-Veteran	Pre-Vietnam	Vietnam 1/1963 to 4/1975	Post-Vietnam 5/1975 to 7/1990	Persian Gulf 8/1990 to 12/2001	Afghanistan/ Iraq 2002 to Present	Undetermined Era	Total
Male	51,039	82	546	1,158	496	222	77	53,620
Female	2,336	0	0	6	9	7	1	2,359
Total	53,375	82	546	1,164	505	229	78	55,979
Male	95.2%	0.2%	1.0%	2.2%	0.9%	0.4%	0.1%	100.0%
Female	99.0%	0.0%	0.0%	0.3%	0.4%	0.3%	0.0%	100.0%
Total	95.3%	0.1%	1.0%	2.1%	0.9%	0.4%	0.1%	100.0%
<b>Offender Status</b>								
Inmates	52,850	82	545	1,154	501	226	78	55,436
Incarcerated	525	0	1	10	4	3	0	543
Parolees								
Total	53,375	82	546	1,164	505	229	78	55,979
Inmates	95.3%	0.1%	1.0%	2.1%	0.9%	0.4%	0.1%	100.0%
Incarcerated	96.7%	0.0%	0.2%	1.8%	0.7%	0.6%	0.0%	100.0%
Parolees								
Total	95.3%	0.1%	1.0%	2.1%	0.9%	0.4%	0.1%	100.0%

## Section Two

### CRIMINAL HISTORY

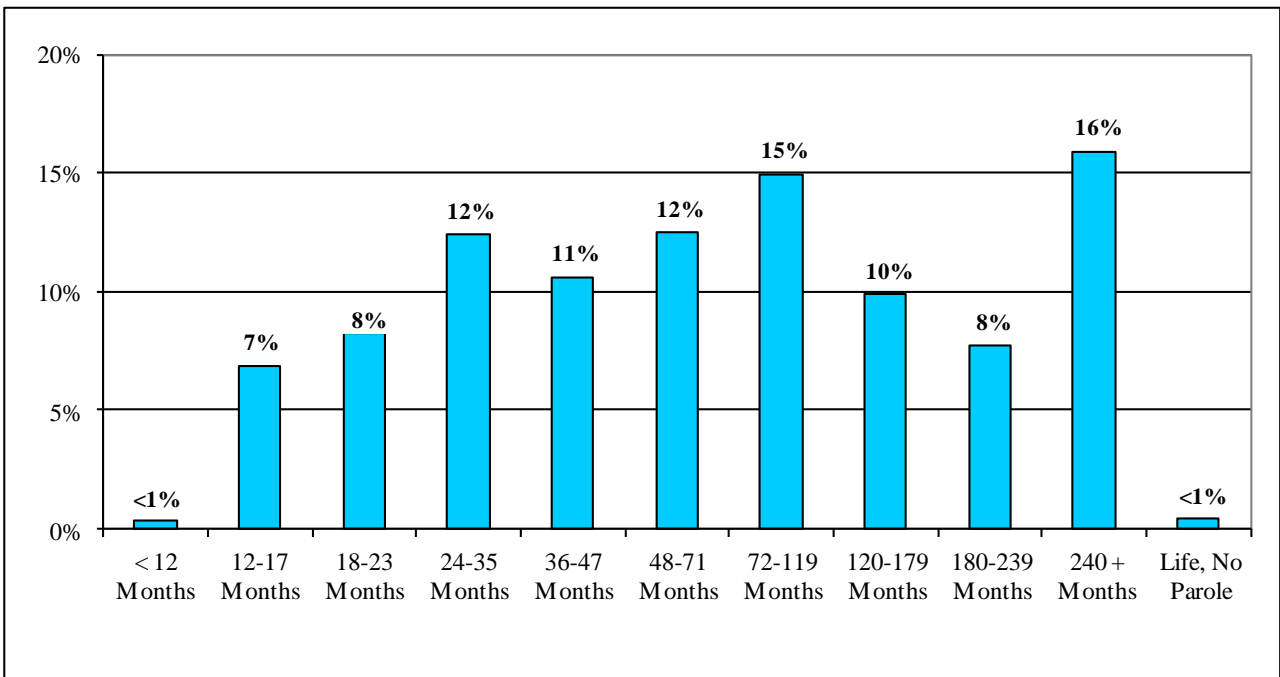
#### Minimum Sentence

The median minimum sentence for under custody offenders was more than 5 years<sup>3</sup>. However, the average minimum sentence length was nine and a half years, reflecting the influence of lengthy minimum terms of many offenders.

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

As of January 1, 2012, there were 240 offenders under custody who were serving sentences of “Life Without Parole.” In calculating the average minimum sentence length, “Life Without Parole” cases were given a value of 45 years or 540 months.

**Figure 10. Minimum Sentence Length of Inmates**



<sup>3</sup> The median is the middle point between the number of instances of greater value and the number of instances of lesser value. The median is therefore less subject to the influence of extreme values than is the average and is preferred by some users for this reason.

**Table 10. Minimum Sentence; Under Custody Population January 1, 2012**

Minimum Sentence by Gender - Inmates	Male	Female	Total	Male	Female	Total
< 12 Months	151	23	174	0.3%	1.0%	0.3%
12-17 Months	3,456	353	3,809	6.5%	15.3%	6.9%
18-23 Months	4,346	288	4,634	8.2%	12.5%	8.4%
24-35 Months	6,502	392	6,894	12.2%	17.0%	12.4%
36-47 Months	5,658	276	5,934	10.7%	11.9%	10.7%
48-71 Months	6,632	318	6,950	12.5%	13.8%	12.5%
72-119 Months	8,060	230	8,290	15.2%	9.9%	15.0%
120-179 Months	5,337	123	5,460	10.0%	5.3%	9.8%
180-239 Months	4,155	124	4,279	7.8%	5.4%	7.7%
240 + Months	8,595	177	8,772	16.2%	7.7%	15.8%
Life, No Parole	232	8	240	0.4%	0.3%	0.4%
<b>Total Inmates</b>	<b>53,124</b>	<b>2,312</b>	<b>55,436</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
Minimum Sentence by Gender - Parolee	Male	Female	Total	Male	Female	Total
< 12 Months	2	0	2	0.4%	0.0%	0.4%
12-17 Months	100	10	110	20.2%	21.3%	20.3%
18-23 Months	111	16	127	22.4%	34.0%	23.4%
24-35 Months	150	15	165	30.2%	31.9%	30.4%
36-47 Months	85	4	89	17.1%	8.5%	16.4%
48-71 Months	29	1	30	5.8%	2.1%	5.5%
72-119 Months	16	1	17	3.2%	2.1%	3.1%
120-179 Months	2	0	2	0.4%	0.0%	0.4%
180-239 Months	1	0	1	0.2%	0.0%	0.2%
240 + Months	0	0	0	0.0%	0.0%	0.0%
Life, No Parole	0	0	0	0.0%	0.0%	0.0%
<b>Total Incarcerated Parolees</b>	<b>496</b>	<b>47</b>	<b>543</b>	<b>100.0%</b>	<b>100.0%</b>	<b>100.0%</b>
<b>Total Count of Incarcerated Offenders</b>	<b>53,620</b>	<b>2,359</b>	<b>55,979</b>	<b>95.8%</b>	<b>4.2%</b>	<b>100.0%</b>
Average and Median Minimum Sentence	Male Average	Female Average	Total Average	Male Median	Female Median	Total Median
Total Inmates	120.2	74.1	118.2	67.0	36.0	62.0
Total Incarcerated Parolees	28.9	25.0	28.6	24.0	21.0	24.0
Total Incarcerated Offenders	119.3	73.1	117.4	62.0	36.0	62.0

As can be seen in Table 10 above, the median minimum sentence for inmates is 62 months, but there is a large difference between male inmates whose median minimum sentence is 67 months and female inmates at 36 months.

For incarcerated parolees the median minimum sentence was 24 months and the differences between males and female were much smaller, with male median minimum sentence at 24 months compared with 21 months for female parolees.



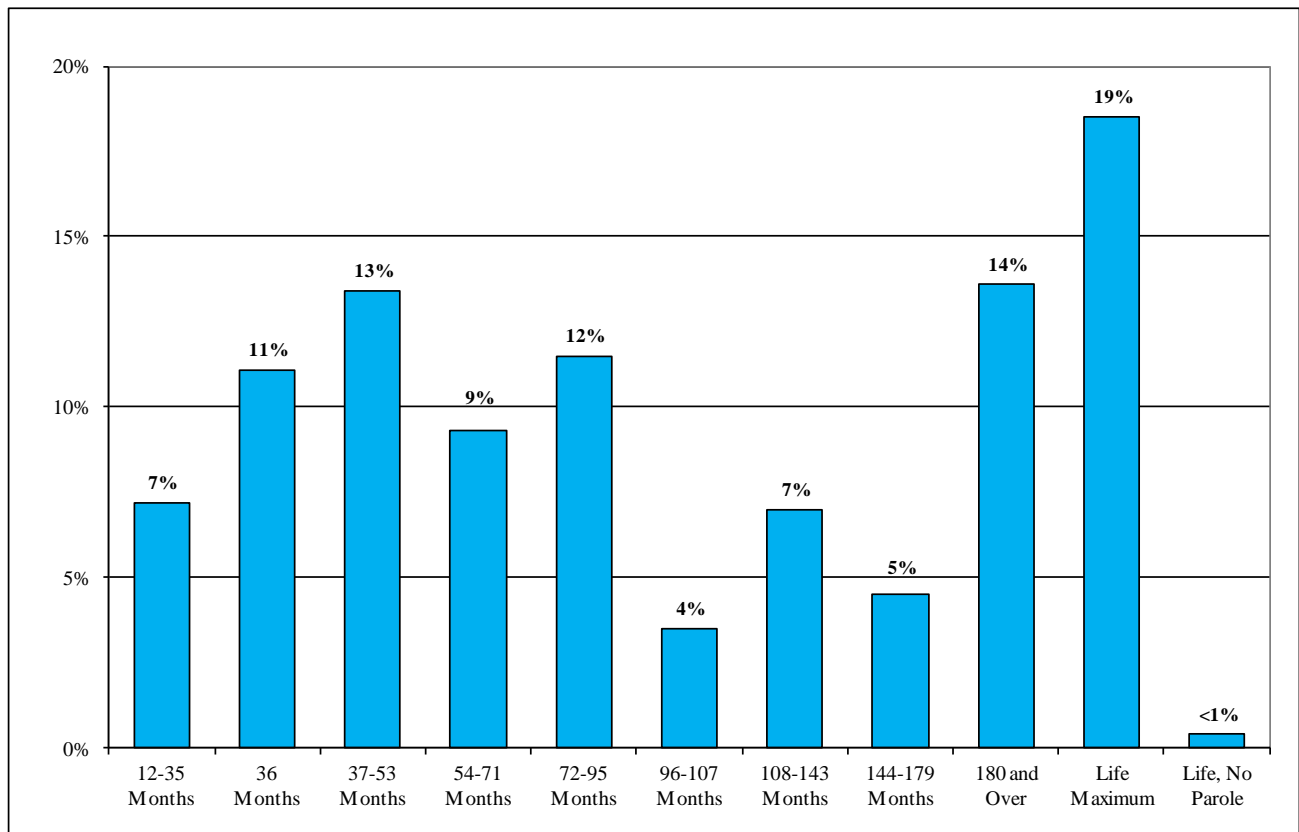
## Maximum Sentence

As of January 1, 2012 the median maximum sentence of under custody inmates was 7 years. However, the average maximum sentence length was eleven and a half years, reflecting the influence of lengthy maximum terms of many inmates.

Average maximum sentences for women (98 months) were 43 months shorter than for men (141 months). Median maximum sentences for women (60 months) were 24 months shorter than for men (84 months). Average maximum sentences for inmates (140 months) were 91 months shorter than for incarcerated parolees (49 months).

In calculating the average maximum sentence length, “Life Without Parole” cases were given a value of 45 years or 540 months, and Life maximum cases were given a value of 25 years or 300 months.

**Figure 11. Maximum Sentence Length of Inmates**



**Table 11. Maximum Sentence; Under Custody Population January 1, 2012**

Maximum Sentence by Gender - Inmates	Male	Female	Total	Male	Female	Total
12 to 35	3,729	256	3,985	7.0%	11.1%	7.2%
36 Months	5,702	460	6,162	10.7%	19.9%	11.1%
37-53 Months	7,079	371	7,450	13.3%	16.0%	13.4%
54-71 Months	4,955	224	5,179	9.3%	9.7%	9.3%
72-95 Months	6,089	264	6,353	11.5%	11.4%	11.5%
96-107 Months	1,868	67	1,935	3.5%	2.9%	3.5%
108-143 Months	3,712	157	3,869	7.0%	6.8%	7.0%
144-179 Months	2,411	84	2,495	4.5%	3.6%	4.5%
180 and Over	7,331	187	7,518	13.8%	8.1%	13.6%
Life Max	10,016	234	10,250	18.9%	10.1%	18.5%
Life, No Parole	232	8	240	0.4%	0.3%	0.4%
Total Inmates	53,124	2,312	55,436	100.0%	100.0%	100.0%
Maximum Sentence by Gender - Parolee	Male	Female	Total	Male	Female	Total
12 to 35	96	10	106	19.4%	21.3%	19.5%
36 Months	144	15	159	29.0%	31.9%	29.3%
37-53 Months	136	15	151	27.4%	31.9%	27.8%
54-71 Months	37	2	39	7.5%	4.3%	7.2%
72-95 Months	54	4	58	10.9%	8.5%	10.7%
96-107 Months	3	0	3	0.6%	0.0%	0.6%
108-143 Months	17	0	17	3.4%	0.0%	3.1%
144-179 Months	3	0	3	0.6%	0.0%	0.6%
180 and Over	2	1	3	0.4%	2.1%	0.6%
Life Max	4	0	4	0.8%	0.0%	0.7%
Life, No Parole	0	0	0	0.0%	0.0%	0.0%
Total Inmates	496	47	543	100.0%	100.0%	100.0%
Total Count of Incarcerated Offenders	53,620	2,359	55,979	95.8%	4.2%	100.0%
Average and Median Maximum Sentence	Male Average	Female Average	Total Average	Male Median	Female Median	Total Median
Total Inmates	142.0	99.2	140.2	84.0	60.0	84.0
Total Incarcerated Parolees	49.8	45.2	49.4	42.0	36.0	42.0
Total Incarcerated Offenders	141.1	98.2	139.3	84.0	60.0	84.0

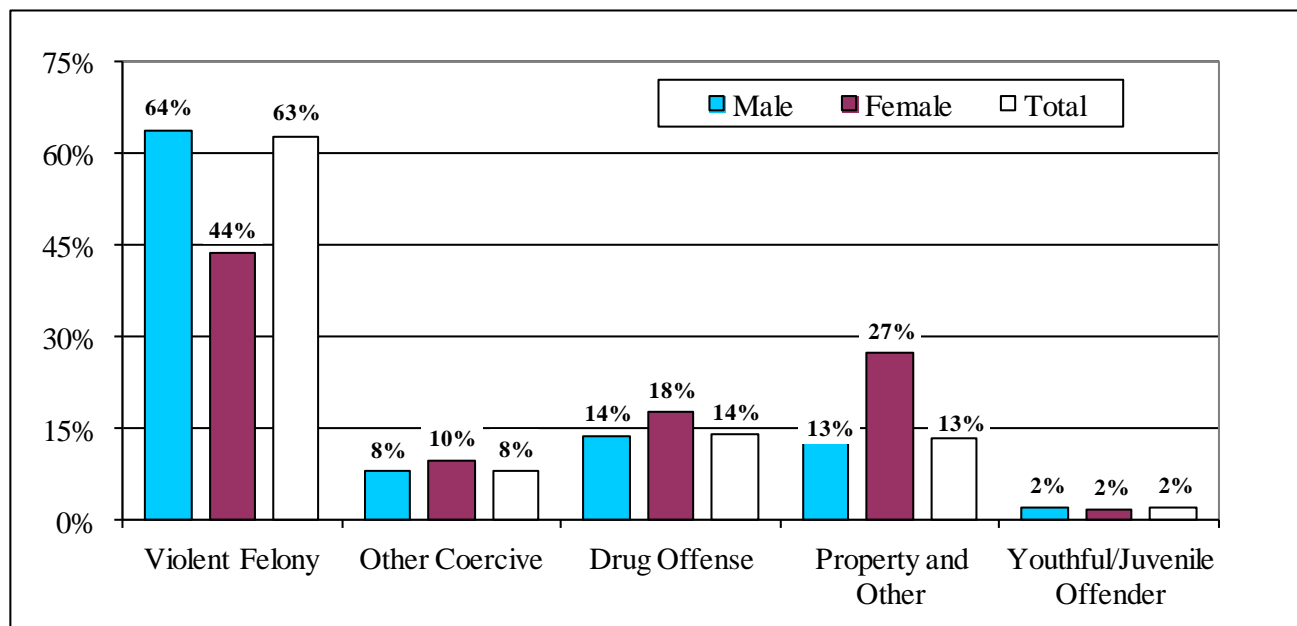
As can be seen in Table 11 above, the median maximum sentence for inmates is 84 months, but there is a large difference between male inmates whose median maximum sentence is 84 months and female inmates at 60 months.

For incarcerated parolees the median maximum sentence is 42 months the differences between males and female were much smaller, with male median maximum sentence at 42 months compared with 36 months for female incarcerated parolees.

## Commitment Crime

Sixty-three percent (63%) of the offenders under custody on January 1, 2012, were serving a sentence for a Violent Felony Offense (VFO). Another 14% of offenders were serving a sentence for a Drug crime. Forty-five percent (45%) of female offenders were serving a sentence for a VFO compared to 64% for male offenders. In contrast, 27% of female offenders were sentenced for a property or other crime compared to 13% percent of male offenders. Table 12B lists the commitment crimes that are included in each of the general categories in Figure 12. Over 82% of incarcerated parolees were convicted of a drug or property related crime in comparison to 26% of inmates.

**Figure 12. Commitment Crime Category**



**Table 12A. Crime Category; Under Custody Population January 1, 2012**

Commitment Crime Type	Violent Felony	Other Coercive	Drug Offenses	Property and Other	YO/JO	Total
Male	34,339	4,211	7,390	6,570	1,110	53,620
Female	1,061	231	415	611	41	2,359
Total	35,400	4,442	7,805	7,181	1,151	55,979
Male	64.0%	7.9%	13.8%	12.3%	2.1%	100.0%
Female	45.0%	9.8%	17.6%	25.9%	1.7%	100.0%
Total	63.2%	7.9%	13.9%	12.8%	2.1%	100.0%
<b>Offender Status</b>						
Inmates	35,368	4,408	7,567	6,970	1,123	55,436
Incarcerated Parolees	32	34	238	211	28	543
Total	35,400	4,442	7,805	7,181	1,151	55,979
Inmates	63.8%	8.0%	13.6%	12.6%	2.0%	100.0%
Incarcerated Parolees	5.9%	6.3%	43.8%	38.9%	5.2%	100.0%
Total	63.2%	7.9%	13.9%	12.8%	2.1%	100.0%

Table 12B. Crime Category by Offender status; Under Custody Population January 1, 2012

Commitment Crime Type	Inmate			Parolee		
	Male	Female	Total	Male	Female	Total
<b>Violent Felony</b>						
Murder	7,103	213	7,316	0	0	0
Attempted Murder	1,314	28	1,342	0	0	0
Manslt 1st,Ag 2nd	1,986	156	2,142	1	0	1
Rape 1st	1,719	3	1,722	0	0	0
Robbery 1st	4,427	100	4,527	3	0	3
Robbery 2nd	3,088	115	3,203	9	0	9
Assault 1st	1,898	104	2,002	0	0	0
Assault 2nd	1,422	89	1,511	2	0	2
Burglary 1st	1,092	22	1,114	2	0	2
Burglary 2nd	3,599	121	3,720	5	0	5
Arson 1st,2nd	177	30	207	0	0	0
Sodomy 1st	1,083	6	1,089	0	0	0
Sex Ab 1st,Ag 2	1,211	8	1,219	0	0	0
Weapons Offenses	3,364	41	3,405	10	0	10
Kidnapping 1st,2nd	356	16	372	0	0	0
Other VFO Sex Off	386	5	391	0	0	0
Other Violent	82	4	86	0	0	0
Subtotal	34,307	1,061	35,368	32	0	32
	97.0%	3.0%	100.0%	100.0%	0.0%	100.0%
<b>Other Coercive</b>						
Manslaughter 2nd	259	41	300	0	0	0
Other Homicide	127	28	155	0	0	0
Robbery 3rd	1,244	42	1,286	14	0	14
Att Assault 2nd	445	28	473	6	0	6
Conspiracy 2,3,4	227	22	249	2	0	2
Other Weapons	617	13	630	9	0	9
Other Sex Offenses	812	19	831	0	0	0
Other Coercive	447	37	484	2	1	3
Subtotal	4,178	230	4,408	33	1	34
	94.8%	5.2%	100.0%	97.1%	2.9%	100.0%
<b>Drug Offenses</b>						
Drug Sale	4,027	266	4,293	125	7	132
Drug Possession	3,143	131	3,274	95	11	106
Subtotal	7,170	397	7,567	220	18	238
	94.8%	5.2%	100.0%	92.4%	7.6%	100.0%
<b>Property and Other</b>						
Burglary 3rd	2,098	63	2,161	73	7	80
Grand Larceny	1,217	225	1,442	46	4	50
Forgery	433	76	509	16	7	23
Stolen Property	369	30	399	12	3	15
Drive Intoxicated	866	87	953	18	5	23
Contempt 1st	398	8	406	2	0	2
All Other felonies	936	92	1,028	16	2	18
Business Corruption	70	2	72	0	0	0
Subtotal	6,387	583	6,970	183	28	211
	91.6%	8.4%	100.0%	86.7%	13.3%	100.0%
<b>YO/JO</b>						
Youthful Offender	903	38	941	28	0	28
Juvenile Offender	179	3	182	0	0	0
Subtotal	1,082	41	1,123	28	0	28
	96.3%	3.7%	100.0%	100.0%	0.0%	100.0%
<b>Grand Total</b>						
	53,124	2,312	55,436	496	47	543
	95.8%	4.2%	100.0%	91.3%	8.7%	100.0%

## Second Felony Offender Status

Fifty-six percent (56%) of the offenders under custody on January 1, 2012, were sentenced as first felony offenders. Crimes by felony sentencing status are presented in Table 13B. Incarcerated parolees were more likely to be second felony offenders than were inmates.

New York State Penal Law establishes more severe sentences for second felony offenders and persistent felony offenders than for first felony offenders. In general, a persistent felony offender is a person convicted of at least two prior felony offenses on separate occasions. It should be noted that some offenders included among the individuals sentenced as first felony offenders were convicted of prior felony crimes and some even had previous sentences to state prison. The majority of such offenders were convicted of class A-1 violent felony crimes, which do not permit sentencing as a second felony offender since the penalties for A-1 violent felony crimes are already the most severe.

**Figure 13. Felony Sentencing Status**

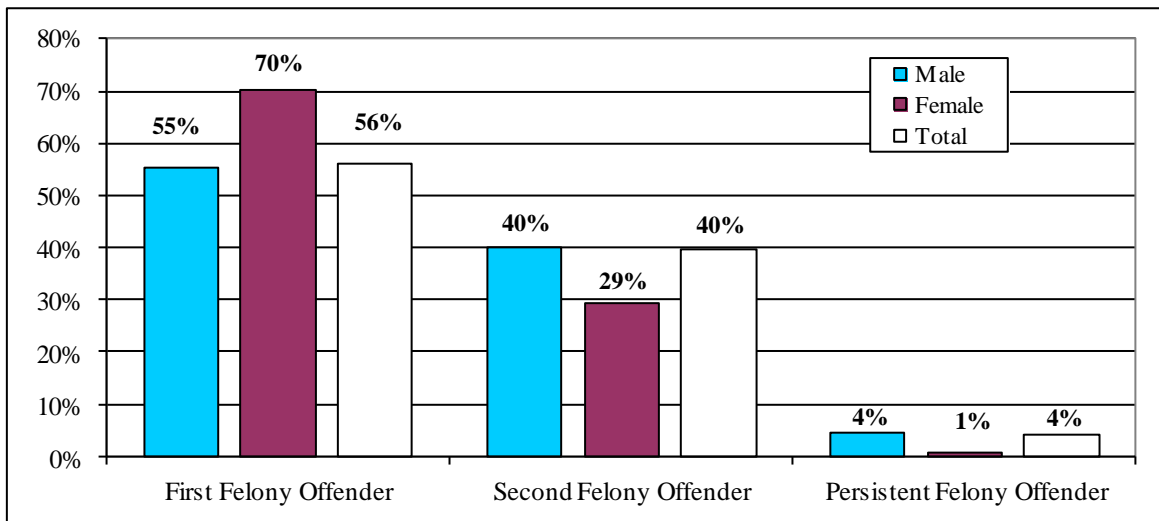


Table 13A. Second Felony Sentencing Status; Under Custody Population January 1, 2012

Region by Gender	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total
Male	29,665	21,571	2,384	53,620
Female	1,656	689	14	2,359
Total	31,321	22,260	2,398	55,979
Male	55.3%	40.2%	4.4%	100.0%
Female	70.2%	29.2%	0.6%	100.0%
Total	56.0%	39.8%	4.3%	100.0%
<b>Offender Status</b>				
Inmates	31,073	21,967	2,396	55,436
Incarcerated Parolees	248	293	2	543
Total	31,321	22,260	2,398	55,979
Inmates	56.1%	39.6%	4.3%	100.0%
Incarcerated Parolees	45.7%	54.0%	0.4%	100.0%
Total	56.0%	39.8%	4.3%	100.0%

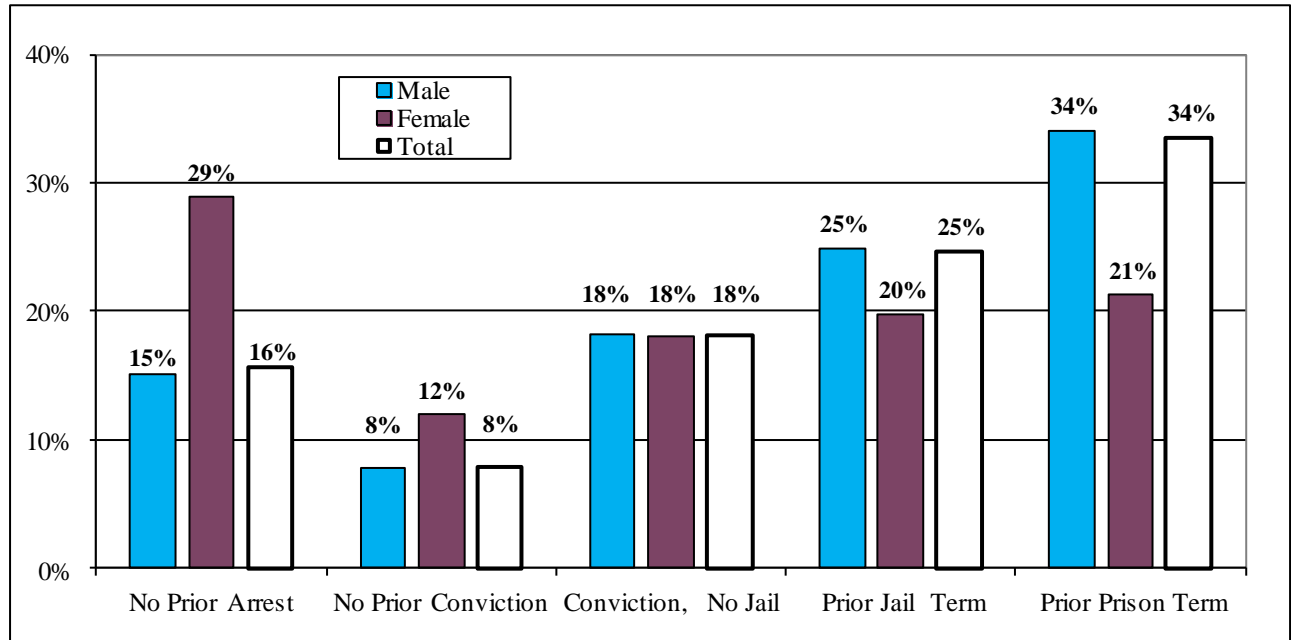
Table 13B. Second Felony Sentencing Status; Under Custody Population January 1, 2012

Commitment Crime Type	Inmate				Parolee			
	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total	First Felony Offender	Second Felony Offender	Persistent Felony Offender	Total
<b>Violent Felony</b>								
Murder	7,316	0	0	7,316	0	0	0	0
Attempted Murder	888	398	56	1,342	0	0	0	0
Manslt 1st,Ag 2nd	1,611	489	42	2,142	0	1	0	1
Rape 1st	1,021	575	126	1,722	0	0	0	0
Robbery 1st	2,044	1,951	532	4,527	2	1	0	3
Robbery 2nd	1,557	1,282	364	3,203	6	3	0	9
Assault 1st	1,271	639	92	2,002	0	0	0	0
Assault 2nd	748	654	109	1,511	1	1	0	2
Burglary 1st	549	476	89	1,114	1	1	0	2
Burglary 2nd	1,423	1,734	563	3,720	2	2	1	5
Sodomy 1st	770	269	50	1,089	0	0	0	0
Sex Ab 1st,Ag,2	930	251	38	1,219	0	0	0	0
Weapons Offenses	1,823	1,436	146	3,405	6	4	0	10
Kidnapping 1st,2nd	271	82	19	372	0	0	0	0
Other VFO Sex Off	307	80	4	391	0	0	0	0
Other Violent	65	18	3	86	0	0	0	0
Subtotal	22,594	10,334	2,233	35,161	18	13	1	32
	64.3%	29.4%	6.4%	100.0%	56.3%	40.6%	3.1%	100.0%
<b>Other Coercive</b>								
Manslaughter 2nd	226	67	7	300	0	0	0	0
Other Homicide	130	22	3	155	0	0	0	0
Robbery 3rd	377	885	24	1,286	7	7	0	14
Att Assault 2nd	125	346	2	473	3	3	0	6
Conspiracy 2,3,4	118	124	7	249	2	0	0	2
Other Weapons	116	499	15	630	4	5	0	9
Other Sex Offenses	586	237	8	831	0	0	0	0
Other Coercive	259	219	6	484	2	1	0	3
Subtotal	1,937	2,399	72	4,408	18	16	0	34
	43.9%	54.4%	1.6%	100.0%	52.9%	47.1%	0.0%	100.0%
<b>Drug Offenses</b>								
Drug Sale	1,219	3,063	11	4,293	52	80	0	132
Drug Possession	1,088	2,181	5	3,274	36	70	0	106
Subtotal	2,307	5,244	16	7,567	88	150	0	238
	30.5%	69.3%	0.2%	100.0%	37.0%	63.0%	0.0%	100.0%
<b>Property and Other</b>								
Burglary 3rd	587	1,550	24	2,161	36	44	0	80
Grand Larceny	487	936	19	1,442	17	32	1	50
Forgery	132	374	3	509	8	15	0	23
Stolen Property	85	304	10	399	3	12	0	15
Drive Intoxicated	939	10	4	953	22	1	0	23
Contempt 1st	162	241	3	406	0	2	0	2
All Other Felonies	673	551	11	1,235	10	8	0	18
Business Corruption	47	24	1	72	0	0	0	0
Subtotal	3,112	3,990	75	7,177	96	114	1	211
	43.4%	55.6%	1.0%	100.0%	45.5%	54.0%	0.5%	100.0%
<b>YO/JO</b>								
Youthful Offender	941	0	0	941	28	0	0	28
Juvenile Offender	182	0	0	182	0	0	0	0
Subtotal	1,123	0	0	1,123	28	0	0	28
	100.0%	0.0%	0.0%	100.0%	100.0%	0.0%	0.0%	100.0%
<b>Grand Total</b>	31,073	21,967	2,396	55,436	248	293	2	543
	56.1%	39.6%	4.3%	100.0%	45.7%	54.0%	0.4%	100.0%

## Prior Adult Criminal Record

For this report offenders are placed in a prior adult criminal record category based on their most extensive contact with the criminal justice system prior to their current incarceration. Thirty-four percent (34%) of under custody offenders had served a prior prison term. For 25% prior jail was the most serious contact with the criminal justice system, while 16% had no prior arrest. Women were more likely than men to have no prior arrests or convictions.

**Figure 14. Prior Adult Criminal Record**



**Table 14. Prior Adult Criminal Record; Under Custody Population January 1, 2012**

Prior Record	No Prior Arrest	No Prior Conviction	Conviction, No Jail	Prior Jail Term	Prior Prison Term	Total*
Male	8,067	4,147	9,761	13,371	18,259	53,605
Female	682	282	426	467	502	2,359
Total	8,749	4,429	10,187	13,838	18,761	55,964
Male	15.0%	7.7%	18.2%	24.9%	34.1%	100.0%
Female	28.9%	12.0%	18.1%	19.8%	21.3%	100.0%
Total	15.6%	7.9%	18.2%	24.7%	33.5%	100.0%
<b>Offender Status</b>						
Inmates	8,713	4,395	10,063	13,635	18,616	55,422
Incarcerated Parolees	36	34	124	203	145	542
Total	8,749	4,429	10,187	13,838	18,761	55,964
Inmates	15.7%	7.9%	18.2%	24.6%	33.6%	100.0%
Incarcerated Parolees	6.6%	6.3%	22.9%	37.5%	26.8%	100.0%
Total	15.6%	7.9%	18.2%	24.7%	33.5%	100.0%

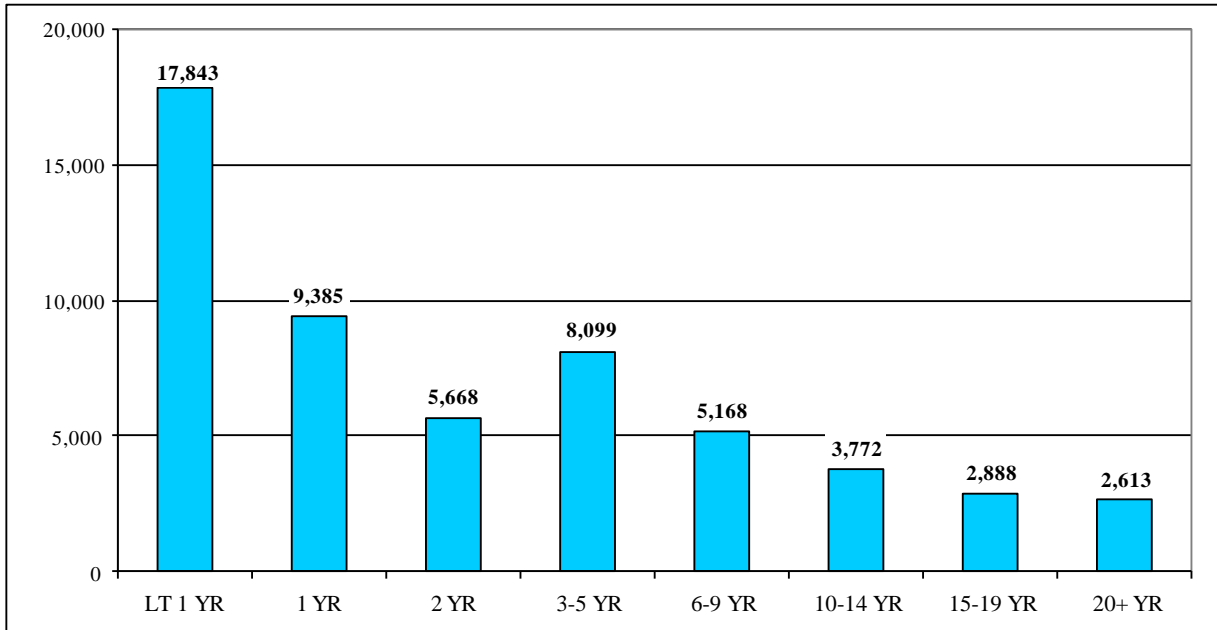
\*Missing data on 15 cases.

## Length of Time Served in Department Custody

About one quarter of the offender population had spent six years or more under custody since their latest admission to DOCCS, while nearly one-third had spent less than one year under custody.

Offenders under custody on January 1, 2012, had spent an average of 59 months in DOCCS since their latest admission date. The median length of time served was 25 months. Due to the short term period of incarceration for incarcerated parolees, all of them had served less than a year as of January 2012.

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



**Table 15. DOCCS Time Served in Months; Inmate Under Custody Population January 1, 2012**

Time in DOCCS	LT 1 YR	1 YR	2 YR	3-5 YR	6-9 YR	10-14 YR	15-19 YR	20+ YR	Total	
Male	16,737	8,952	5,450	7,838	5,039	3,689	2,838	2,581	53,620	
Female	1,106	433	218	261	129	83	50	32	2,359	
<b>Total</b>	<b>17,843</b>	<b>9,385</b>	<b>5,668</b>	<b>8,099</b>	<b>5,168</b>	<b>3,772</b>	<b>2,888</b>	<b>2,613</b>	<b>55,979</b>	
Male	31.2%	16.7%	10.2%	14.6%	9.4%	6.9%	5.3%	4.8%	100.0%	
Female	46.9%	18.4%	9.2%	11.1%	5.5%	3.5%	2.1%	1.4%	100.0%	
<b>Total</b>	<b>31.9%</b>	<b>16.8%</b>	<b>10.1%</b>	<b>14.5%</b>	<b>9.2%</b>	<b>6.7%</b>	<b>5.2%</b>	<b>4.7%</b>	<b>100.0%</b>	
<b>Offender Status</b>										
Inmates	17,843	9,385	5,668	8,099	5,168	3,772	2,888	2,613	55,436	
Incarcerated Parolees	543	0	0	0	0	0	0	0	543	
<b>Total</b>	<b>18,386</b>	<b>9,385</b>	<b>5,668</b>	<b>8,099</b>	<b>5,168</b>	<b>3,772</b>	<b>2,888</b>	<b>2,613</b>	<b>55,979</b>	
Inmates	32.2%	16.9%	10.2%	14.6%	9.3%	6.8%	5.2%	4.7%	100.0%	
Incarcerated Parolees	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	
<b>Total</b>	<b>32.8%</b>	<b>16.8%</b>	<b>10.1%</b>	<b>14.5%</b>	<b>9.2%</b>	<b>6.7%</b>	<b>5.2%</b>	<b>4.7%</b>	<b>100.0%</b>	
Time Served Since Latest Admission Date in Months				Inmate-Average			Parolee-Average		1.8	
Time Served Since Latest Admission Date in Months				Inmate-Median			Parolee-Median		1.5	

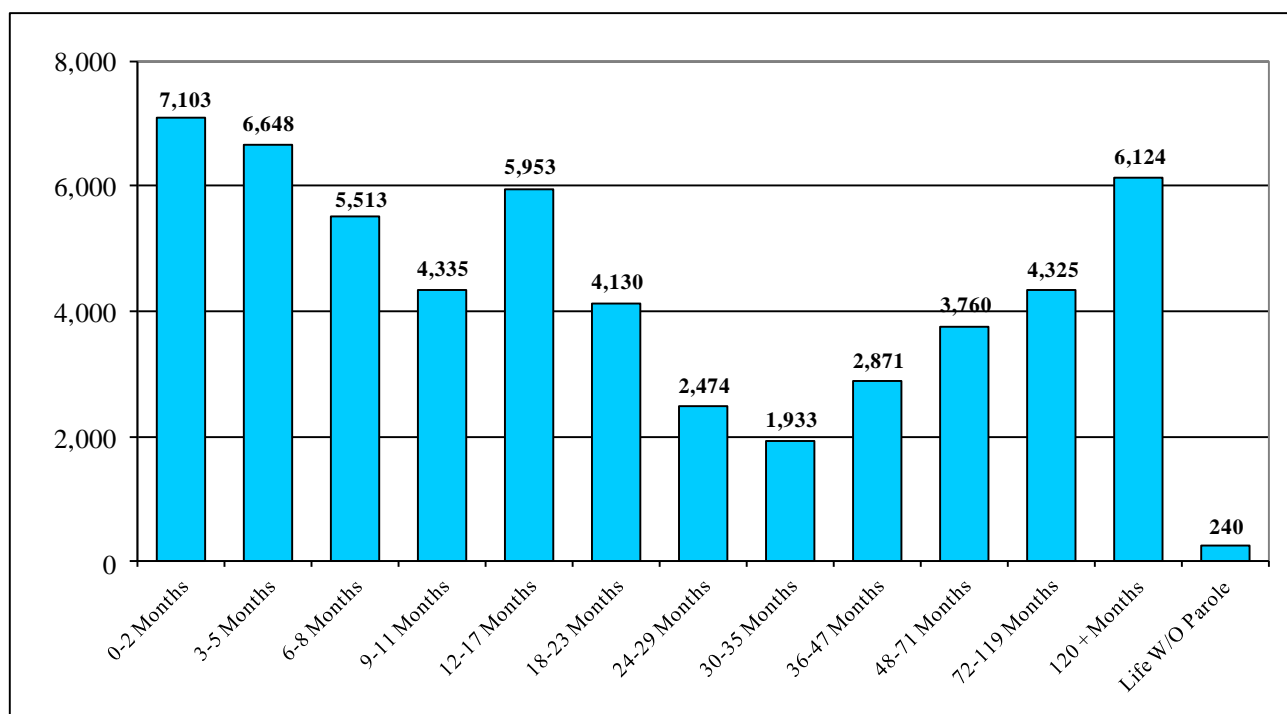


## Time to Earliest Release

Time to earliest release date is a measure of the length of time until the earliest possible date at which the offender can legally be released. Incarcerated parolees are not included in this section.

More than three-fifths of the inmate population had less than two years to their earliest release dates. The average time to earliest release for the under custody population on January 1, 2012, was 50 months. The median time to earliest release was 16 months.

**Figure 16. Length of Time to Earliest Release Date (Inmate Only)**



**Table 16. Time to Earliest Release Date in Months; Inmate Under Custody Population January 1, 2012**

Time to Earliest Release Date	0-2 Months	3-5 Months	6-8 Months	9-11 Months	12-17 Months	18-23 Months	24-29 Months	30-35 Months	36-47 Months	48-71 Months	72-119 Months	120+ Months	Life W/O Parole	Total*
Male	6,679	6,313	5,255	4,148	5,693	3,972	2,362	1,843	2,772	3,652	4,193	5,983	232	53,097
Female	424	335	258	187	260	158	112	90	99	108	132	141	8	2,312
Total	7,103	6,648	5,513	4,335	5,953	4,130	2,474	1,933	2,871	3,760	4,325	6,124	240	55,409
Male	12.6%	11.9%	9.9%	7.8%	10.7%	7.5%	4.4%	3.5%	5.2%	6.9%	7.9%	11.3%	0.4%	100.0%
Female	18.3%	14.5%	11.2%	8.1%	11.2%	6.8%	4.8%	3.9%	4.3%	4.7%	5.7%	6.1%	0.3%	100.0%
Total	12.8%	12.0%	9.9%	7.8%	10.7%	7.5%	4.5%	3.5%	5.2%	6.8%	7.8%	11.1%	0.4%	100.0%
Average Time to Earliest Release Date in Months**							Male	51.2	Female	30.7	Total	50.4		
Median Time to Earliest Release Date in Months**							Male	15.9	Female	11.1	Total	15.9		

\*Missing data on 27 cases.

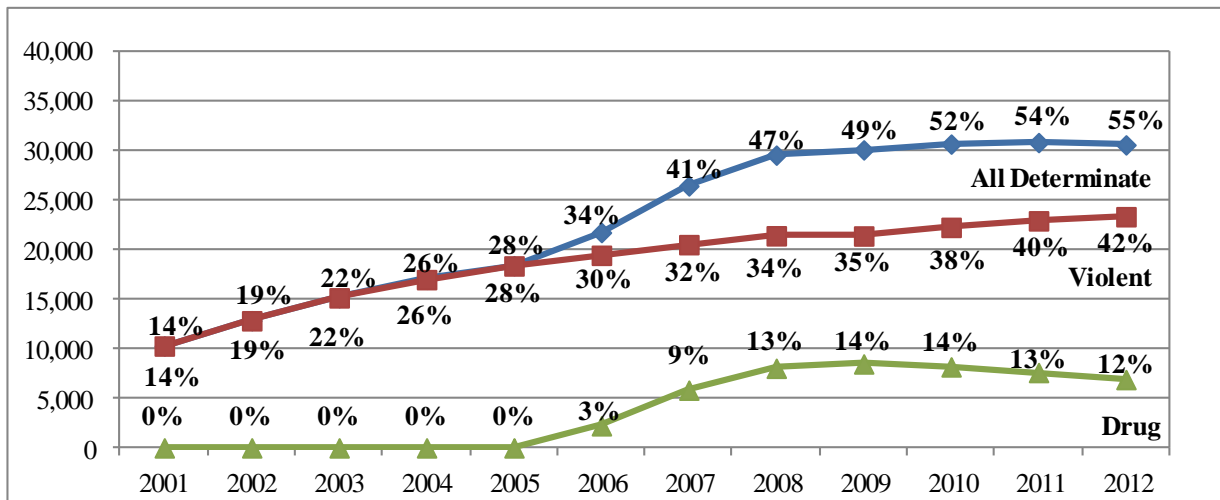
\*\*Does not include the 240 Life Without Parole cases.

## Determinate Sentencing

Fifty-five percent (55% or 30,609) of the 55,979 offenders under Department custody on January 1, 2012, were serving determinate sentences.

As of that date, 88% (6,902) of the offenders committed for drug offenses (7,805) had determinate sentences while 66% (23,355) of the 35,400 offenders sentenced for Violent Felony Offenses were serving determinate sentences.

**Figure 17. Number of Determinate Sentences**



**Table 17A. Number of Determinate Sentences; Under Custody Population January 1, 2012**

Offender Status	Violent Felony	Other Coercive	Drug Offenses	Property and Other Offenses	Youthful Offender	Juvenile Offender	Total
<b>Offenders</b>							
Indeterminate	12,045	4,113	903	7,176	951	182	25,370
Determinate	23,355	329	6,902	5	18	0	30,609
<b>Total</b>	<b>35,400</b>	<b>4,442</b>	<b>7,805</b>	<b>7,181</b>	<b>969</b>	<b>182</b>	<b>55,979</b>
Indeterminate	34%	93%	12%	100%	98%	100%	45%
Determinate	66%	7%	88%	0%	2%	0%	55%
<b>Parolees</b>							
Indeterminate	3	34	18	210	28	0	292
Determinate	29	0	220	1	0	0	250
<b>Total</b>	<b>32</b>	<b>34</b>	<b>238</b>	<b>210</b>	<b>28</b>	<b>0</b>	<b>542</b>
Indeterminate	9%	100%	8%	100%	100%	0%	54%
Determinate	91%	0%	92%	0%	0%	0%	46%

**Table 17B. Historical Number of Determinate Sentences**

January 1,	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Determinate	10,297	12,853	15,171	17,026	18,406	21,756	26,463	29,573	30,103	30,689	30,845	30,609
Percent	14%	19%	22%	26%	28%	34%	41%	47%	49%	52%	54%	55%

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