



SEX OFFENDER COMMITMENTS TO STATE PRISON

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ALBANY, NEW YORK 12226

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TABLE OF CONTENTS

Table of Contents i

Summary ii-iii

Introduction 1

1. *Sex Offenders: New Court Commitments 1987-1990* 2-15

 a. *Commitments by Year* 2-4

 b. *Felony Offender Status* 5-7

 c. *Minimum Sentence* 8-10

 d. *Age at Commitment* 11

 e. *Prior Adult Record* 12-15

2. *Sex Offenders in the Undercustody Population* 16

 a. *Undercustody Population on December 31, 1990* 16

3. *Sex Offenders: First Releases to Parole 1987-1990* 17-26

 a. *1990 First Releases to Parole* 17-19

 b. *First Releases to Parole by Year* 20-26

 c. *Time Served Distribution for 1990 First Releases* 26

Conclusion 27

Appendix A 28-30

Appendix B 31

Appendix C 32

SEX OFFENDER COMMITMENTS TO STATE PRISON

SUMMARY

1. The total number of individuals committed for all sex offenses increased from 630 in 1987 to 685 in 1990 (see Table 1.1, p.3).
2. Approximately 46% of sex offenders committed to DOCS during 1987-1990, were convicted of rape, 26% for sodomy and 28% for sexual abuse (see Figure 1, p.4).
3. Of all sex offenders committed in 1990, 72.4% were first felons, 25.8% were sentenced as second felony offenders and 1.8% were persistent felons (see Table 1.2, p.7).
4. When controlling for felony offender status and felony class category, the average minimum sentence for sex offenders has been subject to minor fluctuation across the last four admission years (see Grand Total in Table 1.3, p.9).
5. Generally, for the years examined in this report (1987 - 1990), sex offenders received longer minimum terms of incarceration than did other violent felony offenders. For example, in 1990, the average minimum sentence for a first felony, class B sex offender was 57.8 months but for all other violent, class B first felons, it was 47.7 months (see Table 1.3, p.9 and Appendix B, p.31).
6. The average age at admission for all sex offenders in 1990 was 33.2 years. Sodomy offenders were the oldest (average age, 36.5), followed by sexual abuse offenders (33.2 years) and then rape commitments (31.6 years) (see Table 1.4, p.11).
7. About one quarter (25.4%) of sex offenders committed to DOCS from 1987 through 1990 had no known prior arrest history, while over half (60.4%) had been arrested for a crime other than a sex offense. Only 14.1% of sex offenders had an arrest for an earlier sex related offense (see Table 1.5, p.14).
8. Time Served data for sex offenders first released to parole in 1990 indicates that, on average, rape offenders served more time (58.1 months) than those imprisoned for sodomy (51.3 months) or sexual abuse (33.5 months) (see Table 3.1, P.18).

9. Time served data for sex offenders first released to parole in 1990 was also calculated on the basis of the felony crime class of the commitment offense. On average, class B sex offenders served 73.9 months, class C offenders, 47.6 months, and class D and E felons served 36.0 and 28.1 months, respectively (see Table 3.2, p.19).
10. Looking across the four years of this report, the greatest variation in time served occurred among class B offenders, where the average time incarcerated increased 7.9 months, from 66.0 months in 1987 to 73.9 months in 1990 (see Table 3.3, p.21).
11. The overall growth in the average time served by class B sex offenders is driven by the second felony offenders in this group. In 1987, class B, second felony sex offenders served, on average, 87.8 months but by 1990, they served 113.1 months (see Table 3.4, p.24).
12. Second felony sex offenders released in 1990, served in some instances, almost two more years than a comparable group of other second violent felony offenders. On average, class B, second felony sex offenders served 113.1 months, while other class B, violent second felons served an average of 88.5 months (see Table 3.4, p.24 and Appendix C, p.32).

INTRODUCTION

The public and members of the legislature have been concerned for some time about the sentencing and treatment of sex offenders in New York State. Legislative proposals designed to address these concerns include limitations on plea bargaining in sex offense cases, raising the felony class category of certain sex offenses and mandating ongoing treatment and supervision for convicted sex offenders.

This report provides a legal profile of sex offenders committed to the New York State Department of Correctional Services (DOCS). The report examines three different populations: (1) sex offenders admitted to DOCS as new court commitments during the last four years; (2) sex offenders under custody on December 31, 1990; and (3) sex offenders released to parole from 1987 through 1990.

SECTION ONE - NEW COURT COMMITMENTS 1987-1990

Commitment Offense By Year

The number of sex offenders committed to DOCS remained stable over the past several years.¹ However, sex offenders as a proportion of total commitments, decreased from 4.0% in 1987 to 3.0% in 1990. This percentage decline is the result of the vast number of individuals committed for drug offenses during this same time period.

In Table 1.1, as with most of the tables in this report, the sex offender population is broken into three general categories: those committed for rape, sodomy, or sexual abuse offenses (see also Figure 1). Each category lists specific sex crimes by degree and attempt status. First degree offenses are more serious than second degree offenses, which in turn are more serious than third degree offenses. An attempted crime falls into the next lower felony class category. A YO designation before a crime indicates an individual granted Youthful Offender status at sentencing. Youthful Offenders must be between 16 and 21 at the time the offense was committed and must have no prior felony convictions.

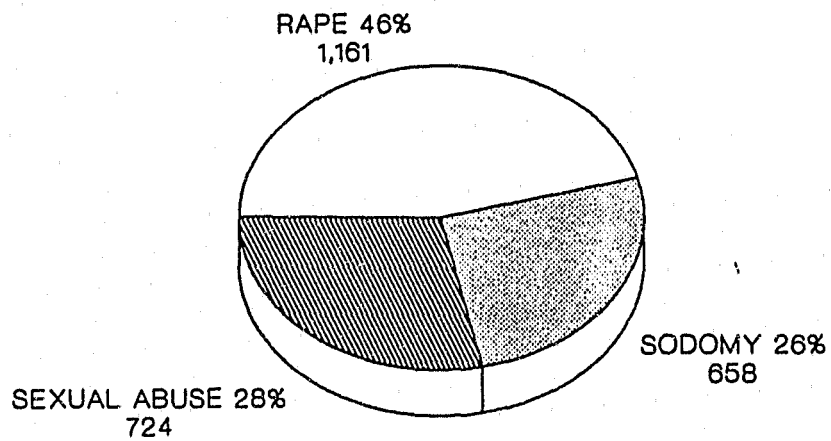
The total number of individuals committed for all sex offenses increased from 630 in 1987 to 685 in 1990 (see Grand Total in Table 1.1). Increased commitments for Sex Abuse 1st in 1990 were in large part responsible for the growth of sex offenders in that year. In 1990, as in earlier years, rape offenses accounted for almost half of all sex related crimes. Commitments for sodomy offenses declined to 22.5% in 1990, while those for sexual abuse increased to 26.7 percent. It can further be seen in Table 1.1, that most offenders are committed for the top charge in each of the three respective offense-categories.

¹ Only those inmates whose controlling offense was a sex crime were included in this study. Determination as to controlling offense is arrived at through a formula that incorporates both sentence length and the seriousness of the offense. Consequently, not all those convicted of a sex crime are included in this report.

1.1 SEX OFFENSES BY YEAR RECEIVED: 1987 - 1990 NEW COURT COMMITMENTS

COMMITMENT OFFENSE	1987		1988		1989		1990	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
RAPE								
RAPE 1ST	173	27.5%	156	25.9%	164	26.2%	183	26.7%
ATT RAPE 1ST	84	13.3%	75	12.4%	65	10.4%	74	10.8%
RAPE 2ND	14	2.2%	18	3.0%	25	4.0%	25	3.6%
ATT RAPE 2ND	1	.2%	3	.5%	2	.3%	4	.6%
RAPE 3RD	15	2.4%	16	2.7%	19	3.0%	23	3.4%
YO RAPE	3	.5%	5	.8%	1	.2%	10	1.5%
ATT YO RAPE	0	.0%	2	.3%	0	.0%	1	.1%
TOTAL	290	46.0%	275	45.6%	276	44.2%	320	46.7%
SODOMY								
SODOMY 1ST	102	16.2%	89	14.8%	116	18.6%	94	13.7%
ATT SODOMY 1ST	35	5.6%	25	4.1%	28	4.5%	25	3.6%
SODOMY 2ND	15	2.4%	29	4.8%	20	3.2%	26	3.8%
ATT SODOMY 2ND	3	.5%	5	.8%	6	1.0%	2	.3%
SODOMY 3RD	10	1.6%	10	1.7%	11	1.8%	7	1.0%
TOTAL	165	26.2%	158	26.2%	181	29.0%	154	22.5%
SEXUAL ABUSE								
SEX ABUSE 1ST	143	22.7%	140	23.2%	139	22.2%	183	26.7%
ATT SEX ABUSE 1ST	26	4.1%	21	3.5%	19	3.0%	13	1.9%
AGG SEX ABUSE	1	.2%	2	.3%	3	.5%	0	.0%
ATT AGG SEX ABUSE	0	.0%	0	.0%	0	.0%	1	.1%
AGG SEX ABUSE 2ND	0	.0%	0	.0%	0	.0%	2	.3%
ATT AGG SEX AB 2ND	0	.0%	0	.0%	0	.0%	2	.3%
YO SEX ABUSE	5	.8%	6	1.0%	6	1.0%	9	1.3%
ATT YO SEX ABUSE	0	.0%	1	.2%	1	.2%	1	.1%
TOTAL	175	27.8%	170	28.2%	168	26.9%	211	30.8%
GRAND TOTAL	630	100.0%	603	100.0%	625	100.0%	685	100.0%

**FIGURE 1
TYPE OF SEX OFFENSE
NEW COURT COMMITMENTS: 1987-1990**



Felony Offender Status²

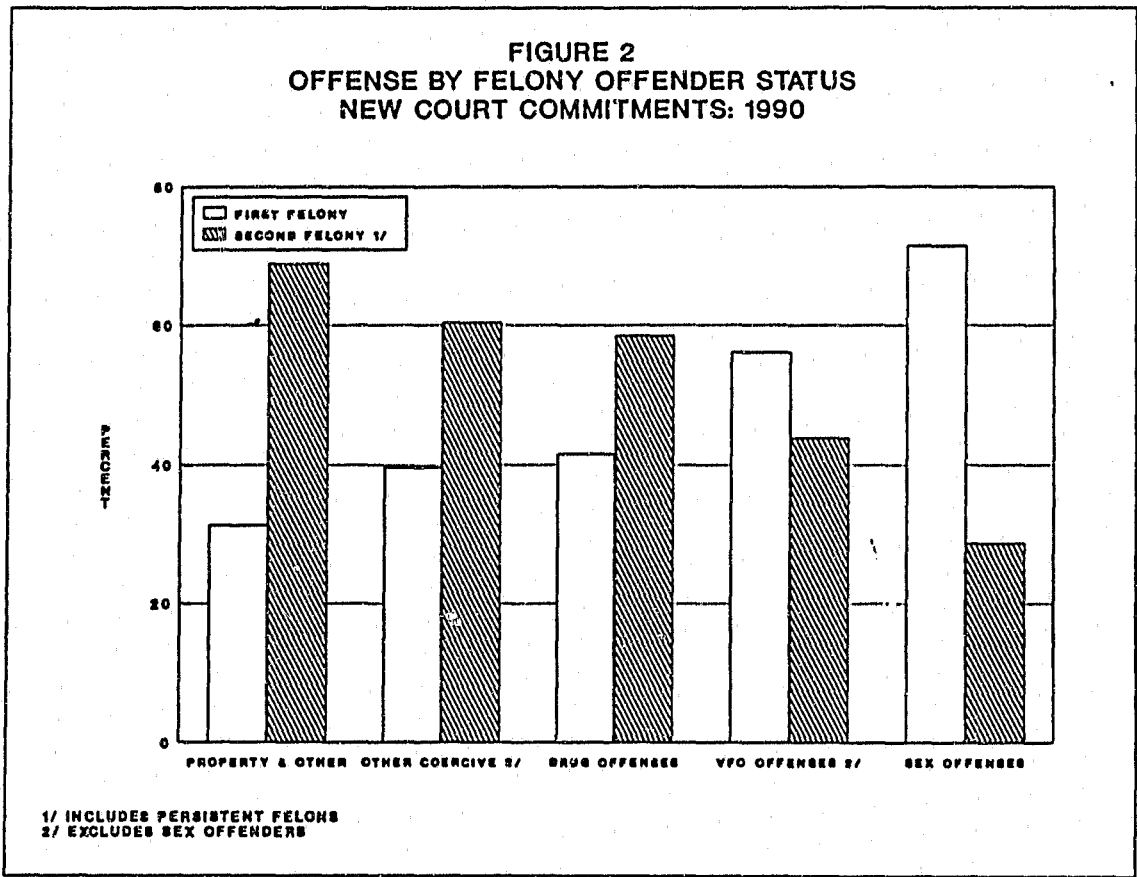
The 1990 new court commitment population was divided into five offense type categories: Drug Offenses, Other Violent Felonies, Sex Offenses, Other Coercive Felonies, and Property and Other Remaining Offenses. These offense type categories are further divided by first and second felony offender status. As indicated in Figure 2, sex offenders as a group had proportionately fewer second and persistent felons (28.6%) than any other offense type group. In the offense type group most comparable to that of Sex Offenses, Other Violent Felony Offenses, 43.9% were second or persistent felons.

Looking only at sex offenders committed in 1990, 72.4% were first felons while 25.8% were sentenced as second felony offenders (see Table 1.2). The remaining 1.8% were sentenced as persistent felony offenders. Slightly fewer sodomy offenders are second felons (20.8%) in comparison to rape offenders (26.2%) and sexual abuse offenders (28.9%). It should be noted that while the instant offense is for a sex crime, the previous offense need not have been so.

² Throughout this report, unless stated otherwise, persistent felony offenders have been grouped with second felony offenders.

1.2 SEX OFFENSES BY FELONY OFFENDER STATUS: JANUARY 1 - DECEMBER 31, 1990 NEW COURT COMMITMENTS

COMMITMENT OFFENSE	FIRST	FELONY	SECOND	FELONY	PERSIST	FELONY	TOTAL	
RAPE								
RAPE 1ST	138	75.4%	40	21.9%	5	2.7%	183	100.0%
ATT RAPE 1ST	51	68.9%	23	31.1%	0	.0%	74	100.0%
RAPE 2ND	18	72.0%	7	28.0%	0	.0%	25	100.0%
ATT RAPE 2ND	3	75.0%	1	25.0%	0	.0%	4	100.0%
RAPE 3RD	10	43.5%	13	56.5%	0	.0%	23	100.0%
YO RAPE	10	100.0%	0	.0%	0	.0%	10	100.0%
ATT YO RAPE	1	100.0%	0	.0%	0	.0%	1	100.0%
TOTAL	231	72.2%	84	26.2%	5	1.6%	320	100.0%
SODOMY								
SODOMY 1ST	71	75.5%	19	20.2%	4	4.3%	94	100.0%
ATT SODOMY 1ST	18	72.0%	7	28.0%	0	.0%	25	100.0%
SODOMY 2ND	21	80.8%	5	19.2%	0	.0%	26	100.0%
ATT SODOMY 2ND	2	100.0%	0	.0%	0	.0%	2	100.0%
SODOMY 3RD	6	85.7%	1	14.3%	0	.0%	7	100.0%
TOTAL	118	76.6%	32	20.8%	4	2.6%	154	100.0%
SEXUAL ABUSE								
SEX ABUSE 1ST	123	67.2%	57	31.1%	3	1.6%	183	100.0%
ATT SEX ABUSE 1ST	9	69.2%	4	30.8%	0	.0%	13	100.0%
ATT AGG SEX ABUSE	1	100.0%	0	.0%	0	.0%	1	100.0%
AGG SEX ABUSE 2ND	2	100.0%	0	.0%	0	.0%	2	100.0%
ATT AGG SEX AB 2ND	2	100.0%	0	.0%	0	.0%	2	100.0%
YO SEX ABUSE	9	100.0%	0	.0%	0	.0%	9	100.0%
ATT YO SEX ABUSE	1	100.0%	0	.0%	0	.0%	1	100.0%
TOTAL	147	69.7%	61	28.9%	3	1.4%	211	100.0%
GRAND TOTAL	496	72.4%	177	25.8%	12	1.8%	685	100.0%



Minimum Sentence

Table 1.3 presents the average and median minimum sentence by crime class and felony offender status for 1987 through 1990 sex offense commitments. The minimum sentence indicates the time an offender must serve before parole eligibility. The length of the minimum sentence is dependent upon the crime class of the offense, as well as the felony status of the offender. (See Appendix A for allowable minimum sentences according to crime class and felony offender status.)

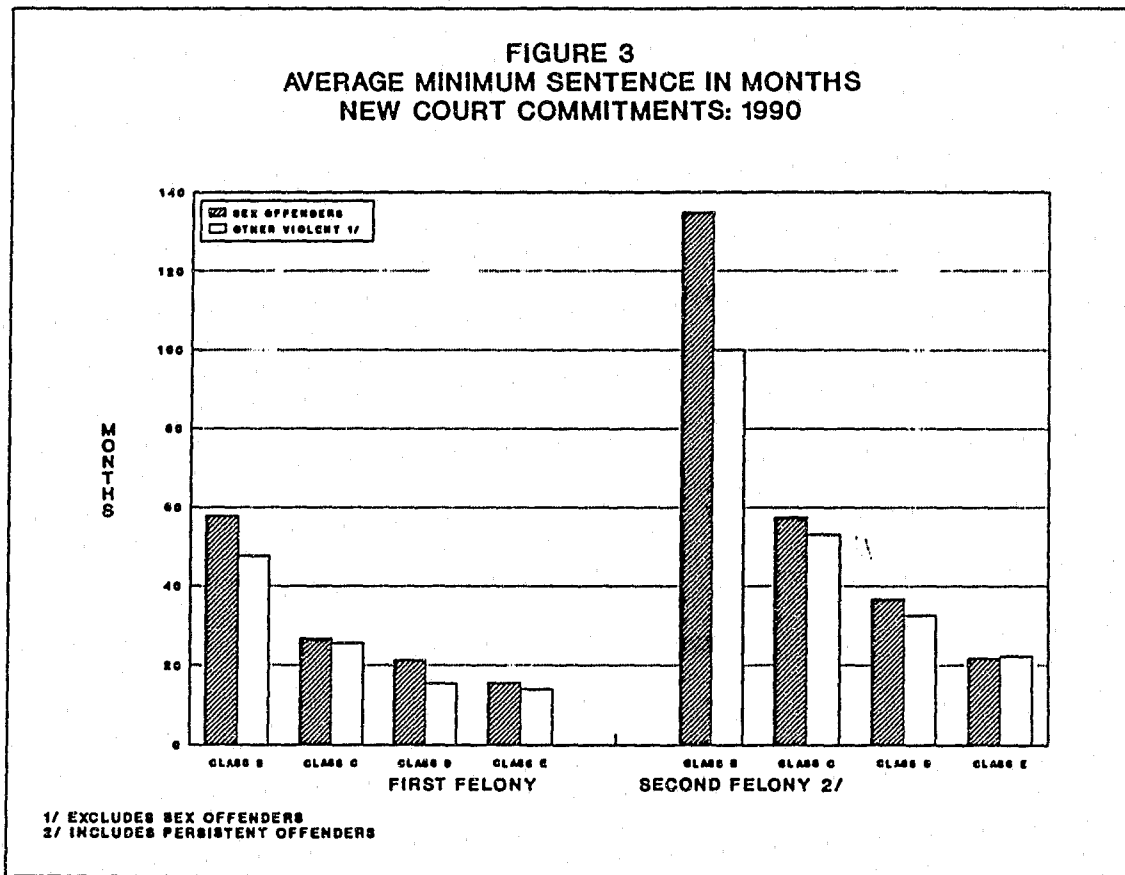
As would be expected, the average minimum sentence decreases with crime class. Among first felony offenders in 1990, those convicted of class B offenses received an average sentence of 57.8 months, class C offenders received 26.8 months, class D offenders received 21.3 months and class E offenders, 15.6 months (see Table 1.3). Second felony offenders receive longer minimum sentences than do first felons. For example in 1990, the average minimum term for first felons convicted of Rape 1st was 59.5 months, but for second felons it was 138.5 months.

While there is fluctuation across the four year period in average minimum sentence length for specific crimes, there is no evidence of a general pattern of increasing or decreasing minimum sentences. Offenders sentenced for Rape 1st as first felons, for example, received an average minimum sentence of 58.3 months in 1987 and 57.9 months in 1988. The minimum sentence decreased slightly in 1989 to 54.8 months, but increased again in 1990 to 59.5 months.

When comparing the average minimum sentences of sex offenders with those of other violent felony offenders, sex offenders receive longer sentences (see Figure 3). Appendix B displays the average minimum sentence for all other felony offenders (excluding sex offenders) committed to DOCS from 1987 through 1990. As an example, the average minimum term of incarceration for a first felony offender convicted of a class B sex offense and committed to DOCS in 1990 was 57.8 months (see Table 1.3). For the same year, first felons convicted of other class B violent felonies received an average minimum term of 47.7 months (see Appendix B). Looking at class B offenders again, sex offenders committed as second felons in 1990 received 135.0 months (see Table 1.3), compared with, 100.0 months for other class B, violent second felony offenders (see Appendix B). Using 1990 as a reference again, a similar disparity in average minimum sentence exists between first felony, class D sex offenders (21.3 months) and all other class D first felons (15.5 months).

1.3 AGGREGATE MINIMUM SENTENCE BY CRIME CLASS AND FELONY OFFENDER STATUS FOR SEX OFFENDERS: 1987 - 1990 NEW COURT COMMITMENTS

COMMITMENT STATUS	1987			1988			1989			1990		
	AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS			AGGREGATE MINIMUM IN MONTHS		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
FIRST FELONY												
CLASS B FELONY												
RAPE 1ST	114	58.3	48.0	117	57.9	48.0	118	54.8	48.0	138	59.5	48.0
SODOMY 1ST	74	57.4	38.0	72	54.5	40.0	85	52.4	48.0	71	54.3	48.0
AGG SEX ABUSE	1	48.0	48.0	1	24.0	24.0	3	74.7	68.0	0	.	.
TOTAL	191	57.9	48.0	190	56.4	42.0	206	54.1	48.0	209	57.8	48.0
CLASS C FELONY												
ATT RAPE 1ST	52	29.1	24.0	53	30.5	24.0	48	30.4	24.0	51	27.0	24.0
ATT SODOMY 1ST	30	23.1	18.0	16	34.6	29.0	23	27.4	24.0	18	26.3	24.0
ATT AGG SEX ABUSE	0	.	.	0	.	.	0	.	.	1	24.0	24.0
AGG SEX ABUSE 2ND	0	.	.	0	.	.	0	.	.	2	26.0	26.0
TOTAL	62	26.9	18.0	69	31.5	24.0	71	29.4	24.0	72	26.8	24.0
CLASS D FELONY												
RAPE 2ND	9	20.0	18.0	15	29.4	24.0	18	27.3	19.5	18	29.0	24.0
SODOMY 2ND	11	26.5	24.0	23	28.3	24.0	14	20.1	21.0	21	21.0	18.0
SEX ABUSE 1ST	90	18.4	16.0	93	19.1	16.0	102	18.2	17.0	123	20.3	18.0
ATT AGG SEX AB 2ND	0	.	.	0	.	.	0	.	.	2	19.0	19.0
TOTAL	110	19.4	18.0	131	21.9	20.0	134	19.6	18.0	164	21.3	18.0
CLASS E FELONY												
ATT RAPE 2ND	1	12.0	12.0	2	12.0	12.0	2	12.0	12.0	3	12.0	12.0
RAPE 3RD	7	13.9	12.0	12	15.0	16.0	10	13.2	12.0	10	14.8	12.0
ATT SODOMY 2ND	1	16.0	16.0	4	33.0	12.0	4	15.0	12.0	2	17.0	17.0
SODOMY 3RD	6	14.8	14.8	6	10.7	14.0	6	18.0	12.0	6	19.0	16.0
ATT SEX ABUSE 1ST	6	12.7	12.0	6	14.3	14.0	1	12.0	12.0	9	15.1	16.0
TOTAL	21	13.6	12.0	30	14.7	12.0	23	14.6	12.0	30	15.6	14.0
YOUTHFUL OFFENDER												
YO RAPE	3	14.7	16.0	5	15.2	16.0	1	12.0	12.0	10	14.4	16.0
ATT YO RAPE	0	.	.	2	16.0	16.0	0	.	.	1	16.0	16.0
YO SEX ABUSE	5	13.6	12.0	6	12.7	12.0	6	14.0	14.0	9	12.9	12.0
ATT YO SEX ABUSE	0	.	.	1	16.0	16.0	1	16.0	16.0	1	16.0	16.0
TOTAL	8	14.8	14.0	14	14.3	16.0	8	14.0	14.0	21	13.9	12.0
SECOND FELONY												
CLASS B FELONY												
RAPE 1ST	57	134.9	120.0	39	157.3	120.0	44	190.6	126.0	45	138.5	120.0
SODOMY 1ST	28	113.8	90.0	17	128.5	90.0	31	133.4	120.0	23	128.1	120.0
AGG SEX ABUSE	0	.	.	1	96.0	96.0	0	.	.	0	.	.
TOTAL	85	128.0	102.0	57	147.6	96.0	77	167.5	120.0	68	135.0	120.0
CLASS C FELONY												
ATT RAPE 1ST	32	58.2	48.0	22	54.5	48.0	17	55.4	54.0	23	61.0	54.0
ATT SODOMY 1ST	5	61.2	54.0	9	64.7	60.0	5	45.2	36.0	7	45.4	48.0
TOTAL	37	58.6	48.0	31	59.4	48.0	22	52.6	48.0	30	57.4	48.0
CLASS D FELONY												
RAPE 2ND	5	30.8	28.0	3	36.0	36.0	7	39.4	24.0	7	46.3	36.0
SODOMY 2ND	4	36.0	30.0	6	49.0	42.0	6	28.0	24.0	5	52.0	36.0
SEX ABUSE 1ST	53	30.1	30.0	47	34.5	30.0	37	31.8	30.0	60	34.3	33.0
TOTAL	62	30.2	29.0	56	36.1	30.0	50	32.4	30.0	72	36.8	36.0
CLASS E FELONY												
ATT RAPE 2ND	0	.	.	1	24.0	24.0	0	.	.	1	24.0	24.0
RAPE 3RD	0	35.1	24.0	4	28.3	19.5	9	21.3	24.0	13	21.7	18.0
ATT SODOMY 2ND	2	21.0	21.0	1	18.0	18.0	2	27.0	27.0	0	.	.
SODOMY 3RD	4	21.0	21.0	4	19.5	18.0	5	45.2	18.0	1	24.0	24.0
ATT SEX ABUSE 1ST	20	20.8	18.0	15	19.6	18.0	18	19.3	18.0	4	21.0	21.0
TOTAL	34	23.9	18.0	25	19.8	18.0	34	23.8	18.0	19	21.0	21.0
GRAND TOTAL	629	50.1	30.0	603	48.4	28.0	625	52.5	30.0	605	47.0	30.0



Age At Commitment

The average age at admission for all sex offenders in 1990 was 33.2 years (see Table 1.4). Those committed for sodomy offenses were older than other sex offenders (36.5 years). Next oldest, were those admitted for sexual abuse (33.3 years), with rape offenders being the youngest, with an average age of 31.6 years.

The greatest variation in the three sex offense categories occurred in the under 21 age groups. Those under 21 accounted for 16.9% of all rape offenders, whereas only 3.2% of sodomy offenders fell into these age distributions. Approximately 8% of sexual abuse offenders were under 21. In the age category 21 - 24 years old, the percentage of rape and sexual abuse offenders was about the same at roughly 17%, in contrast to the proportion of sodomy offenders (9.1%).

1.4 SEX OFFENSES BY AGE AT ADMISSION: JANUARY 1 - DECEMBER 31, 1990 NEW COURT COMMITMENTS

COMMITMENT OFFENSE	RAPE	SODOMY	SEXUAL ABUSE	TOTAL
16-18 YR	25 7.8%	2 1.3%	9 4.3%	36 5.3%
19-20 YR	29 9.1%	3 1.9%	8 3.8%	40 5.8%
21-24 YR	55 17.2%	14 9.1%	36 17.1%	105 15.3%
25-29 YR	51 15.9%	29 18.8%	34 16.1%	114 16.6%
30-34 YR	54 16.9%	32 20.8%	40 19.0%	126 18.4%
35-39 YR	45 14.1%	25 16.2%	38 18.0%	108 15.8%
40-44 YR	26 8.1%	18 11.7%	17 8.1%	61 8.9%
45-49 YR	13 4.1%	13 8.4%	15 7.1%	41 6.0%
50-54 YR	12 3.7%	4 2.6%	5 2.4%	21 3.1%
55-59 YR	6 1.9%	7 4.5%	7 3.3%	20 2.9%
60-64 YR	1 .3%	4 2.6%	1 .5%	6 .9%
65 AND OVER	3 .9%	3 1.9%	1 .5%	7 1.0%
TOTAL	320 100.0%	154 100.0%	211 100.0%	685 100.0%
AVG	31.6	36.5	33.3	33.2
MEDIAN	30.0	34.6	32.2	32.0

Prior Adult Record

This section deals with the prior adult criminal history of sex offenders committed to DOCS from 1987 through 1990. The current commitment offense is not included and all categories are mutually exclusive. The stub variable *prior arrest*, appearing in each table in this section, is derived from a Departmental variable, *most serious prior crime*. The Department uses the *most serious prior crime* variable for security classification purposes.

Classification staff utilize a scale to assess the level of violence in an inmate's prior criminal history. The goal of this scale is to identify the most violent prior criminal event perpetrated by the inmate. In pursuit of this goal, the staff may examine prior criminal convictions or arrests, providing the arrests have no current dispositions. Hence, the *prior arrest* variable created for this report, may be indicative of an undisposed arrest or an arrest resulting in a conviction.

The *most serious prior crime* variable does have some limitations. First, it reflects only one offense where there may be multiple felony or misdemeanor arrests and convictions. Also where there is more than one violent offense in the prior criminal history, a prior sex offense may not always take precedence over another violent felony offense. Despite these limitations, this data element is the only variable available on DOCS computer files that provides an actual penal law reference to a prior offense.

The information represented by the *prior arrest* variable has been collapsed into three categories: no arrest prior to the instant offense, an earlier arrest for a sex offense, and an arrest for any other crime.

About one quarter (25.4%) of sex offenders have no known arrest history, while over half (60.4%) were arrested for a crime in the Other Offense category (see Table 1.5 and Figure 4). Only 14.1% of sex offenders committed during this four year time period had an arrest for an earlier sex offense. Note in Table 1.5, a higher proportion of sodomy offenders (32.5%) had no previous arrests as compared with either rape offenders (23.8%) or sexual abuse offenders (21.7%). Regardless of the offender's current offense, earlier sex related arrests tended to be for sexual abuse offenses.

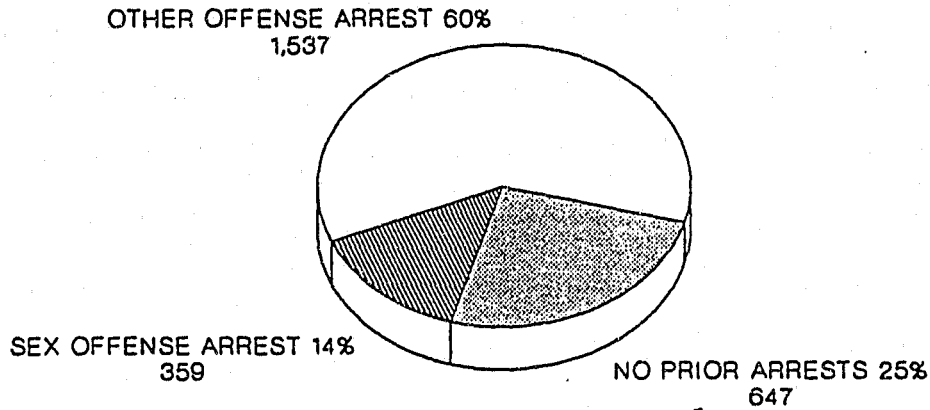
The remaining three tables in this section display the offender's prior adult criminal history by prior arrest history. Separate tables are provided for rape, sodomy, and sexual abuse offenders. Table 1.6A deals only with those committed for rape offenses. The majority of rape offenders who had earlier arrests

for rape or sodomy, were imprisoned for these offenses in either state or federal prisons (63.3% and 50.0%, respectively). However, among those with known arrests for sexual abuse, far more offenders had been sentenced to jail (43.5%) than to prison (24.2%). This disparity is most likely the result of the class D felony status of Sexual Abuse 1st.

The prior record of sodomy offenders appears in Table 1.6B. Once again, if an offender currently incarcerated for sodomy had an earlier sex related arrest, they were more likely to have previously been sentenced to prison (42.9%) than to have received a jail sentence (24.2%) or some other alternative sentence (23.1%). Unlike in Table 1.6A, a higher percentage of offenders with records of conviction for sexual abuse served time in prison (37.5%) than in jail (31.3%).

Similar patterns of imprisonment for sex related priors exist in Table 1.6C, where 55.9% and 82.4% of current sexual abuse offenders served a prison sentence for previous rape or sodomy arrests. Among sexual abuse offenders whose prior was also for sexual abuse, only 15.7% had been sentenced to prison as opposed to 38.6% to jail. An additional 38.6% of these offenders also received some type of alternative sentence.

**FIGURE 4
PRIOR ADULT ARREST FOR SEX OFFENDERS
NEW COURT COMMITMENTS: 1987-1990**



OTHER OFFENSE ARREST EXCLUSIVE OF SEX OFFENSES

1.5 SEX OFFENSES BY PRIOR ADULT RECORD: 1987 - 1990 NEW COURT COMMITMENTS

PRIOR ARREST	CURRENT OFFENSE						TOTAL	
	RAPE		SODOMY		SEXUAL ABUSE			
NO PRIOR ARREST								
NO PRIOR ARREST	276	23.8%	214	32.5%	157	21.7%	647	25.4%
TOTAL	276	23.8%	214	32.5%	157	21.7%	647	25.4%
SEX OFFENSES								
RAPE	60	5.2%	19	2.9%	34	4.7%	113	4.4%
SODOMY	12	1.0%	24	3.6%	17	2.3%	53	2.1%
SEXUAL ABUSE	62	5.3%	48	7.3%	83	11.5%	193	7.6%
TOTAL	134	11.5%	91	13.8%	134	18.5%	359	14.1%
OTHER OFFENSES								
OTHER OFFENSES	751	64.7%	353	53.6%	433	59.8%	1537	60.4%
TOTAL	751	64.7%	353	53.6%	433	59.8%	1537	60.4%
GRAND TOTAL	1161	100.0%	658	100.0%	724	100.0%	2543	100.0%

1.6A RAPE COMMITMENTS BY PRIOR ADULT RECORD: 1987 - 1990 NEW COURT COMMITMENTS

PRIOR ARREST	NO ARREST	NO CONVICT	CONVICT NO JAIL	JAIL TERM	PRISON TERM	TOTAL
NO PRIOR ARREST						
NO PRIOR ARREST	267 100.0%	0 .0%	0 .0%	0 .0%	0 .0%	267 100.0%
TOTAL	267 100.0%	0 .0%	0 .0%	0 .0%	0 .0%	267 100.0%
SEX OFFENSES						
RAPE	0 .0%	4 6.7%	13 21.7%	5 8.3%	38 63.3%	60 100.0%
SODOMY	0 .0%	1 8.3%	3 25.0%	2 16.7%	6 50.0%	12 100.0%
SEXUAL ABUSE	0 .0%	3 4.8%	17 27.4%	27 43.5%	15 24.2%	62 100.0%
TOTAL	0 .0%	8 6.0%	33 24.6%	34 25.4%	59 44.0%	134 100.0%
OTHER OFFENSES						
OTHER OFFENSES	0 .0%	168 22.4%	277 36.9%	185 24.6%	121 16.1%	751 100.0%
TOTAL	0 .0%	168 22.4%	277 36.9%	185 24.6%	121 16.1%	751 100.0%
GRAND TOTAL	267 23.2%	176 15.3%	310 26.9%	219 19.0%	180 15.6%	1152 100.0%

1.6B SODOMY COMMITMENTS BY PRIOR ADULT RECORD: 1987 - 1990 NEW COURT COMMITMENTS

PRIOR ARREST	NO ARREST	NO CONVICT	CONVICT NO JAIL	JAIL TERM	PRISON TERM	TOTAL
NO PRIOR ARREST						
NO PRIOR ARREST	202 100.0%	0 .0%	0 .0%	0 .0%	0 .0%	202 100.0%
TOTAL	202 100.0%	0 .0%	0 .0%	0 .0%	0 .0%	202 100.0%
SEX OFFENSES						
RAPE	0 .0%	3 15.8%	4 21.1%	1 5.3%	11 57.9%	19 100.0%
SODOMY	0 .0%	2 8.3%	6 25.0%	6 25.0%	10 41.7%	24 100.0%
SEXUAL ABUSE	0 .0%	4 8.3%	11 22.9%	15 31.3%	18 37.5%	48 100.0%
TOTAL	0 .0%	9 9.9%	21 23.1%	22 24.2%	39 42.9%	91 100.0%
OTHER OFFENSES						
OTHER OFFENSES	0 .0%	80 22.7%	145 41.1%	69 19.5%	59 16.7%	353 100.0%
TOTAL	0 .0%	80 22.7%	145 41.1%	69 19.5%	59 16.7%	353 100.0%
GRAND TOTAL	202 31.5%	89 13.8%	166 25.7%	91 14.1%	98 15.2%	646 100.0%

1.6C SEXUAL ABUSE COMMITMENTS BY PRIOR ADULT RECORD: 1987 - 1990 NEW COURT COMMITMENTS

PRIOR ARREST	NO ARREST	NO CONVICT	CONVICT NO JAIL	JAIL TERM	PRISON TERM	TOTAL
NO PRIOR ARREST						
NO PRIOR ARREST	150 100.0%	0 .0%	0 .0%	0 .0%	0 .0%	150 100.0%
TOTAL	150 100.0%	0 .0%	0 .0%	0 .0%	0 .0%	150 100.0%
SEX OFFENSES						
RAPE	0 .0%	1 2.9%	9 26.5%	5 14.7%	19 55.9%	34 100.0%
SODOMY	0 .0%	0 .0%	1 5.9%	2 11.8%	14 82.4%	17 100.0%
SEXUAL ABUSE	0 .0%	6 7.2%	32 38.6%	32 38.6%	13 15.7%	83 100.0%
TOTAL	0 .0%	7 5.2%	42 31.3%	39 29.1%	46 34.3%	134 100.0%
OTHER OFFENSES						
OTHER OFFENSES	0 .0%	61 14.1%	173 40.0%	117 27.0%	82 18.9%	433 100.0%
TOTAL	0 .0%	61 14.1%	173 40.0%	117 27.0%	82 18.9%	433 100.0%
GRAND TOTAL	150 20.9%	68 9.5%	215 30.0%	156 21.8%	128 17.9%	717 100.0%

SECTION TWO - UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

Table 2.1 displays the felony offender status for all sex offenders in the Department's custody on December 31, 1990. Overall 64.1% of these offenders were sentenced as first felons, 33.1% as second felons and 2.8% as persistent felons.

Referring back to Table 1.2, it appears that there is a shift towards a higher percentage of first felons among sex offenders admitted as new court commitments in 1990. The greater proportion of second and persistent felons in the undercustody population, as opposed to the new court commitment population, reflects the longer sentences these offenders must serve before parole eligibility. Similar to Table 1.2, offenders undercustody for sodomy offenses were more likely to be first felons (69.0%) than those undercustody for sexual abuse (65.5%) or rape (61.4%).

2.1 SEX OFFENDERS BY FELONY OFFENDER STATUS: UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

COMMITMENT OFFENSE	FIRST	FELONY	SECOND	FELONY	PERSIST	FELONY	TOTAL	
RAPE								
RAPE 1ST	850	61.7%	469	34.0%	59	4.3%	1378	100.0%
ATT RAPE 1ST	195	57.5%	134	39.5%	10	2.9%	339	100.0%
RAPE 2ND	53	76.8%	16	23.2%	0	.0%	69	100.0%
ATT RAPE 2ND	5	83.3%	1	16.7%	0	.0%	6	100.0%
RAPE 3RD	21	47.7%	23	52.3%	0	.0%	44	100.0%
YO RAPE	8	100.0%	0	.0%	0	.0%	8	100.0%
ATT YO RAPE	1	100.0%	0	.0%	0	.0%	1	100.0%
TOTAL	1133	61.4%	643	34.9%	69	3.7%	1845	100.0%
SODOMY								
SODOMY 1ST	440	69.1%	184	28.9%	13	2.0%	637	100.0%
ATT SODOMY 1ST	77	65.8%	37	31.6%	3	2.6%	117	100.0%
SODOMY 2ND	58	75.3%	19	24.7%	0	.0%	77	100.0%
ATT SODOMY 2ND	6	66.7%	3	33.3%	0	.0%	9	100.0%
SODOMY 3RD	11	61.1%	7	38.9%	0	.0%	18	100.0%
TOTAL	592	69.0%	250	29.1%	16	1.9%	858	100.0%
SEXUAL ABUSE								
SEX ABUSE 1ST	287	66.1%	142	32.7%	5	1.2%	434	100.0%
ATT SEX ABUSE 1ST	11	33.3%	22	66.7%	0	.0%	33	100.0%
AGG SEX ABUSE	6	75.0%	2	25.0%	0	.0%	8	100.0%
ATT AGG SEX ABUSE	1	100.0%	0	.0%	0	.0%	1	100.0%
AGG SEX ABUSE 2ND	2	100.0%	0	.0%	0	.0%	2	100.0%
ATT AGG SEX AB 2ND	2	100.0%	0	.0%	0	.0%	2	100.0%
YO SEX ABUSE	12	100.0%	0	.0%	0	.0%	12	100.0%
ATT YO SEX ABUSE	3	100.0%	0	.0%	0	.0%	3	100.0%
TOTAL	324	65.5%	166	33.5%	5	1.0%	495	100.0%
GRAND TOTAL	2049	64.1%	1059	33.1%	90	2.8%	3198	100.0%

SECTION THREE - FIRST RELEASES TO PAROLE 1987-1990

The length of time sex offenders serve before first release to parole supervision is discussed in this section. Two types of time served data are presented here. First, the length of time an offender is incarcerated in state prison (state time served) and second, the total time an offender is incarcerated for the instant offense, which includes both state time and any time spent in jail prior to trial or sentencing (total time served).

1990 First Releases to Parole³

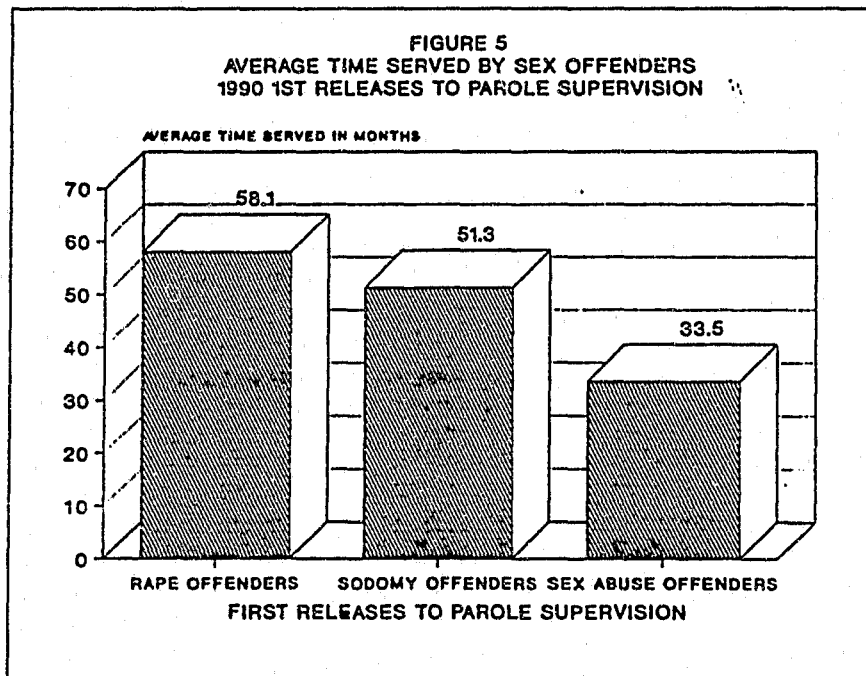
Time served data for sex offenders first released to parole supervision in 1990 appears in Table 3.1 and Figure 5. Looking at total time served figures for this population of sex offenders, note that those incarcerated for rape offenses served more time (on average, 58.1 months) than those imprisoned for sodomy (on average, 51.3 months). Offenders committed for sexual abuse crimes served the least amount of time, on average, 33.5 months. Overall, the average total time served for all offenders in this table was 47.9 months.

Table 3.2 displays time served data for 1990 first releases to parole supervision. Here, the offenses have been grouped according to felony class status. Notable in Table 3.2 is the length of total time served by class B sex offenders. Class B sex felons served 73.9 months on average, with Rape 1st offenders serving 78.1 months. In contrast, class C offenders served only 47.6 months on average, while class D and E felons served 36.0 and 28.1 months, respectively. These differences in time served by felony class category are expected since the seriousness of offenses declines as one moves from class A to class E felonies.

³ A first release indicates an inmate released to parole supervision by the Board of Parole, after the inmate served his minimum period of incarceration, but before the inmate reached his conditional release date.

3.1 TIME SERVED BY SEX OFFENDERS: 1990 FIRST RELEASES TO PAROLE SUPERVISION

COMMITMENT OFFENSE	NUMBER	STATE TIME SERVED IN MONTHS		TOTAL (STATE+JAIL) TIME SERVED IN MONTHS	
		AVERAGE	MEDIAN	AVERAGE	MEDIAN
RAPE					
RAPE 1ST	68	78.5	62.4	78.1	72.1
ATT RAPE 1ST	50	41.7	34.8	48.0	36.8
RAPE 2ND	13	34.4	35.4	39.9	47.8
ATT RAPE 2ND	3	19.9	21.2	29.5	31.8
RAPE 3RD	12	24.7	23.4	32.2	27.0
YO RAPE	6	17.3	21.6	21.6	23.9
TOTAL	152	51.3	43.9	58.1	48.0
SODOMY					
SODOMY 1ST	36	59.1	46.3	46.2	54.6
ATT SODOMY 1ST	14	38.8	36.3	46.3	48.0
SODOMY 2ND	14	40.4	42.3	44.0	43.9
ATT SODOMY 2ND	4	18.3	16.5	25.9	23.9
SODOMY 3RD	10	24.3	23.8	24.1	24.0
TOTAL	88	45.4	39.2	51.3	47.8
SEXUAL ABUSE					
SEX ABUSE 1ST	104	28.3	24.8	34.4	31.9
ATT SEX ABUSE 1ST	16	21.7	21.5	26.6	23.9
AGG SEX ABUSE	2	45.6	45.6	71.9	71.9
YO SEX ABUSE	6	17.0	14.9	24.4	23.9
TOTAL	128	27.6	23.5	33.5	31.8
GRAND TOTAL	359	41.7	34.3	47.9	39.8



3.2 TIME SERVED BY CRIME CLASS FOR SEX OFFENDERS: 1990 FIRST RELEASES TO PAROLE SUPERVISION

COMMITMENT STATUS	NUMBER	STATE TIME SERVED IN MONTHS		TOTAL (STATE+JAIL) TIME SERVED IN MONTHS	
		AVERAGE	MEDIAN	AVERAGE	MEDIAN
CLASS B FELONY					
RAPE 1ST	68	70.3	62.4	78.1	72.1
SODOMY 1ST	36	59.1	46.3	66.2	54.6
AGG SEX ABUSE	2	65.6	65.6	71.9	71.9
TOTAL	106	66.4	59.2	73.9	71.8
CLASS C FELONY					
ATT RAPE 1ST	50	41.7	34.8	48.0	36.0
ATT SODOMY 1ST	16	38.8	36.3	46.3	40.0
TOTAL	66	41.0	35.5	47.6	36.0
CLASS D FELONY					
RAPE 2ND	13	34.4	35.4	39.9	47.8
SODOMY 2ND	14	40.4	42.3	44.0	43.9
SEX ABUSE 1ST	104	28.3	24.8	34.4	31.9
TOTAL	131	30.2	28.3	36.0	32.0
CLASS E FELONY					
ATT RAPE 2ND	3	19.9	21.2	29.5	31.8
RAPE 3RD	12	26.7	23.6	32.2	27.0
ATT SODOMY 2ND	4	18.3	16.5	25.9	23.9
SODOMY 3RD	10	24.3	23.8	26.1	24.0
ATT SEX ABUSE 1ST	16	21.7	21.5	26.6	23.9
TOTAL	45	23.2	23.1	28.1	24.0
YOUTHFUL OFFENDR					
YO RAPE	6	17.3	21.6	21.6	23.9
YO SEX ABUSE	6	17.0	14.9	24.4	23.9
TOTAL	12	17.1	18.4	23.0	23.9
GRAND TOTAL	359	41.7	34.3	47.9	39.8

First Releases to Parole by Year

Examined below is the time served experience of sex offenders across the last four release years. Tables 3.3 and 3.4 are based on 1987 through 1990 first releases to parole supervision and are further broken down by the felony class of the individual sex offense. Only total time served data is presented in the remaining tables.

The average time served for all sex offenders varied only slightly over time, from a low of 47.7 months in 1987 to a high of 49.0 months in 1988 (see Grand Total in Table 3.3; see also Figure 6). The greatest variation in time served occurred among class B sex felons, where the average time incarcerated increased 7.9 months, from 66.0 months in 1987 to 73.9 months in 1990. Within this felony class category, Rape 1st offenders first released to parole in 1990 served 5.8 months longer (78.1 months) than Rape 1st offenders released in 1987 (72.3 months), while 1990 Sodomy 1st offenders served an additional 12.5 months (66.2 months) more than their 1987 counterparts (53.7 months).

This growth in time served is not reflected in the Grand Total because the number of Rape 1st and Sodomy 1st offenders released to parole decreased during the four years under examination. In 1987, 127 Rape 1st and 62 Sodomy 1st offenders were released, but in 1990, only 68 Rape 1st and 36 Sodomy 1st offenders were paroled.

3.3 TIME SERVED BY CRIME CLASS FOR SEX OFFENDERS: 1987 - 1990 FIRST RELEASES TO PAROLE SUPERVISION

COMMITMENT STATUS	1987			1988			1989			1990		
	TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
CLASS B FELONY												
RAPE 1ST	127	72.3	69.9	128	74.3	71.8	93	78.5	71.8	68	78.1	72.1
SODOHY 1ST	62	53.7	46.2	56	50.9	42.5	54	65.9	59.9	36	66.2	54.6
AGG SEX ABUSE	2	53.8	53.8	2	90.5	90.5	0	.	.	2	71.9	71.9
TOTAL	191	66.0	59.9	186	67.5	60.5	147	73.9	67.9	106	73.9	71.8
CLASS C FELONY												
ATT RAPE 1ST	68	44.4	35.9	68	46.6	38.5	50	45.7	36.0	50	48.0	36.0
ATT SODOHY 1ST	20	45.2	39.5	27	46.1	35.9	22	49.8	41.9	16	46.3	40.0
ATT AGG SEX ABUSE	0	.	.	1	27.4	27.4	0	.	.	0	.	.
TOTAL	88	44.6	35.9	96	47.6	36.8	72	47.0	36.0	66	47.6	36.0
CLASS D FELONY												
RAPE 2ND	8	29.1	25.6	8	31.9	31.6	13	34.6	35.7	13	39.9	47.8
SODOHY 2ND	15	27.8	23.9	10	36.6	35.9	12	29.1	29.7	14	44.8	43.9
SEX ABUSE 1ST	96	31.3	30.8	100	31.9	26.5	114	33.6	31.9	104	34.4	31.9
TOTAL	119	30.7	28.0	118	32.3	28.0	139	33.3	31.9	131	36.0	32.0
CLASS E FELONY												
ATT RAPE 2ND	1	22.4	22.4	1	24.8	24.0	1	24.8	24.8	3	29.5	31.8
RAPE 3RD	11	24.1	23.9	14	24.8	23.9	17	27.6	24.8	12	32.2	27.0
ATT SODOHY 2ND	1	28.3	28.3	3	26.6	24.0	3	33.2	24.8	4	25.9	23.9
SODOHY 3RD	7	26.5	24.3	9	29.3	31.9	8	25.0	23.9	10	26.1	24.0
ATT SEX ABUSE 1ST	14	24.0	23.9	15	23.6	23.9	27	26.0	23.9	16	26.6	23.9
TOTAL	34	24.6	23.9	42	25.4	23.9	56	26.7	23.9	45	28.1	24.0
YOUTHFUL OFFENDR												
YO RAPE	7	26.7	26.1	4	18.9	19.9	2	20.8	20.8	6	21.6	23.9
ATT YO RAPE	0	.	.	1	37.9	37.9	2	21.4	21.4	0	.	.
YO SEX ABUSE	12	23.6	23.5	8	24.1	24.2	4	21.2	20.5	6	24.4	23.9
TOTAL	19	24.7	23.9	13	23.6	24.0	8	21.2	20.5	12	23.0	23.9
GRAND TOTAL	451	47.7	37.2	455	49.0	37.2	422	48.7	37.1	360	47.9	39.4

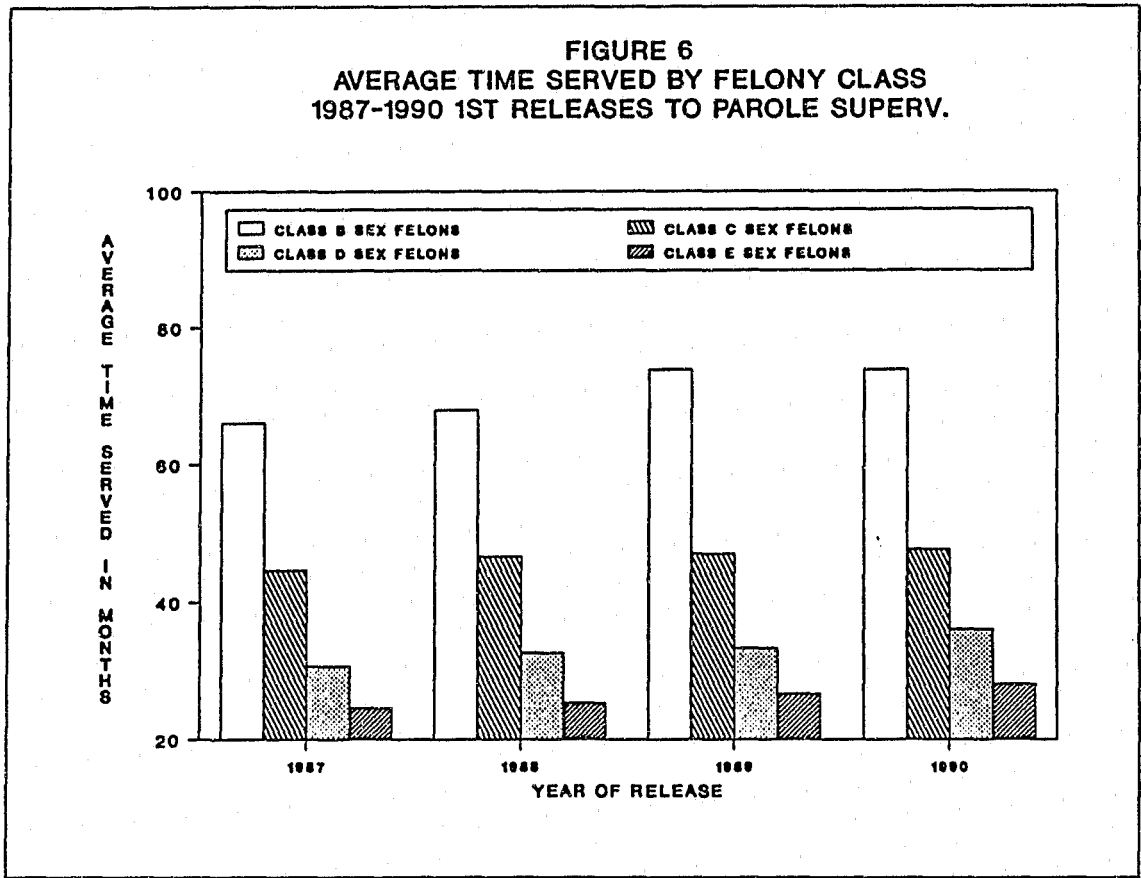


Table 3.4 is much the same as Table 3.3, only it distinguishes between first and second felony offenders. This table indicates that the increased time served by class B sex offenders observed above, was not as great among first felony offenders as it was for those sentenced as second felons. For example, total time served by first felony offenders committed for Rape 1st remained fairly constant from 1987 through 1990 (at approximately 66 months), while there was modest growth in time served by first felons committed for Sodomy 1st (approximately eight months, from 50.1 to 58.5).

Among class B second felons, however, there was dramatic growth in the amount of time offenders served before being first released to parole supervision. Of these felons, Rape 1st offenders served, on average, 89.0 months before being released in 1987. By 1990, members of this group served, on average, 116.1 months, or 27.1 months more than in 1987. Similarly, Sodomy 1st offenders served an additional 22.4 months in 1990 (on average, 104.6 months) compared with offenders released in 1987 (on average, 82.2 months). Note that in 1990, these second felony offenders represented respectively, about 25% and 17% of all Rape 1st and Sodomy 1st offenders.

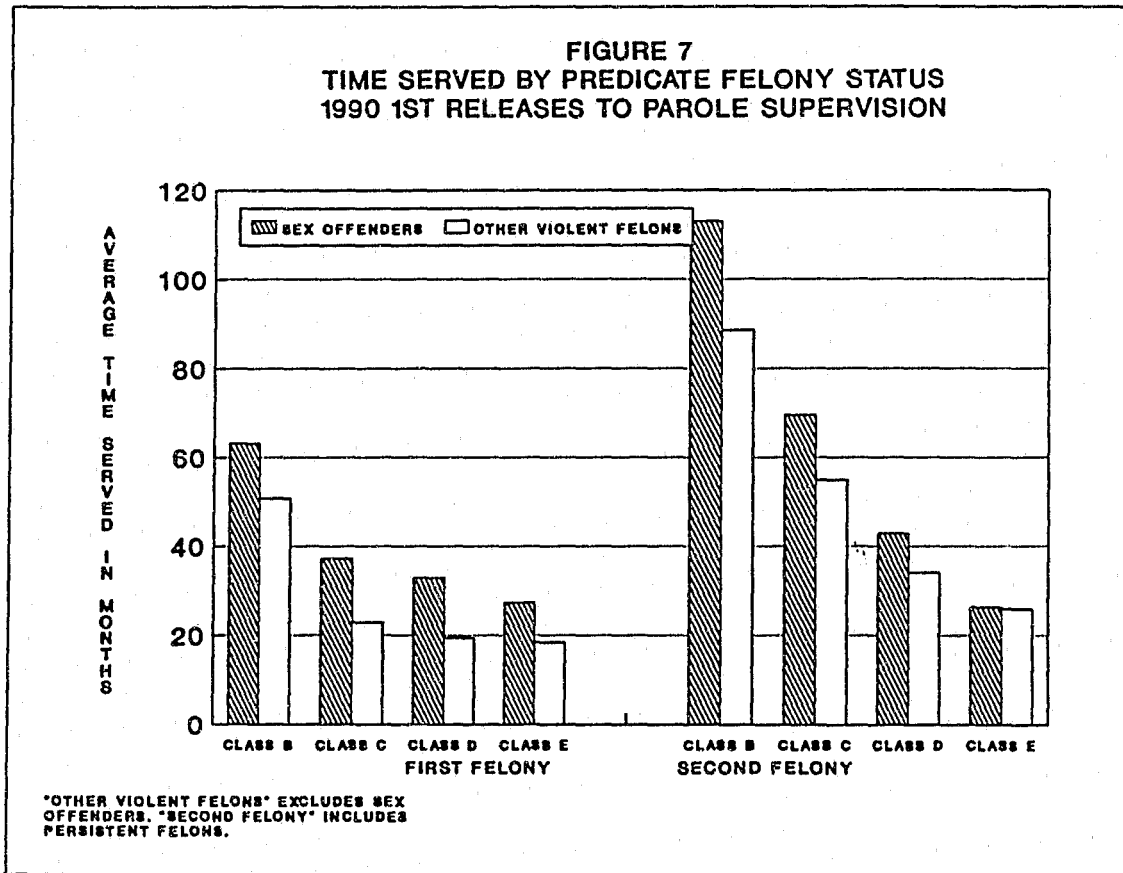
In the discussion on minimum sentence in Section One above, it was observed that when controlling for felony crime class and offender status, the average minimum sentence for many sex offenders, particularly class B sex offenders, was higher than that for a comparable group of other violent felony offenders (see Figure 3). By controlling for felony crime class and offender status among 1990 first releases to parole supervision, it can be seen that variations in total time served between sex offenders and other violent felons are even more accentuated and consistent than were the minimum sentence variations for new court commitments (see Figure 7).

For instance among offenders released in 1990 (see Table 3.4), first felony, class B sex offenders served an average of 63.1 months, which was 12.4 months higher than the average time served by other first felony, class B violent offenders (on average, 50.7 months). (See Appendix C for time served data for all other felony offenders first released to parole in 1990.) Regardless of crime class, first felony sex offenders consistently served more time than did other violent first felony offenders.

Among second felony offenders released in 1990, the discrepancy in time served between sex offenders and other violent felons was even greater, particularly among class B and C offenders. Many of these class B sex offenders were imprisoned two years more than their violent class B counterparts. On average, class B, second felony sex offenders served 113.1 months (see Table 3.4, 1990 figures), while other class B, violent second felons served an average of 88.5 months (see Appendix C). For class C,

3.4 TIME SERVED BY FELONY STATUS FOR SEX OFFENDERS: 1987 - 1990 FIRST FIRST RELEASES TO PAROLE SUPERVISION

COMMITMENT STATUS	1987			1988			1989			1990		
	TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
FIRST FELONY												
CLASS B FELONY												
RAPE 1ST	96	66.8	59.9	103	65.8	59.9	71	66.1	56.5	51	65.4	65.4
SODOHY 1ST	55	50.1	40.9	48	45.5	40.0	41	55.2	50.8	30	58.5	48.2
AGG SEX ABUSE	2	53.8	53.8	2	90.5	90.5	0	.	.	2	71.9	71.9
TOTAL	153	60.6	54.8	153	59.8	52.9	112	62.1	52.2	83	63.1	58.9
CLASS C FELONY												
ATT RAPE 1ST	53	35.7	30.6	57	44.8	35.9	40	41.8	35.9	34	37.1	35.8
ATT SODOHY 1ST	15	39.3	35.9	22	36.7	34.3	18	44.5	36.0	11	37.6	36.0
ATT AGG SEX ABUSE	0	.	.	1	27.4	27.4	0	.	.	0	.	.
TOTAL	68	36.5	33.0	80	42.4	35.9	58	42.6	35.9	45	37.2	35.9
CLASS D FELONY												
RAPE 2ND	8	29.1	25.6	6	31.9	30.5	11	35.1	37.1	10	41.3	47.8
SODOHY 2ND	14	26.3	23.9	6	37.0	34.4	10	27.6	27.0	9	37.7	31.9
SEX ABUSE 1ST	70	28.8	25.1	71	26.8	23.9	77	30.5	25.9	72	31.2	24.4
TOTAL	92	28.5	24.3	83	27.9	24.0	98	30.7	29.7	91	32.9	27.8
CLASS E FELONY												
ATT RAPE 2ND	1	22.4	22.4	1	24.0	24.0	1	24.0	24.0	2	28.3	28.3
RAPE 3RD	9	22.7	23.8	7	19.6	23.9	11	24.7	23.9	6	28.3	29.0
ATT SODOHY 2ND	1	28.3	28.3	1	23.9	23.9	1	23.1	23.1	3	24.6	23.9
SODOHY 3RD	3	23.3	23.8	6	30.6	32.0	8	25.0	23.9	7	26.4	24.0
ATT SEX ABUSE 1ST	7	21.9	23.9	8	23.1	23.9	9	25.5	24.0	3	27.4	26.3
TOTAL	21	22.6	23.8	23	24.1	23.9	30	24.9	23.9	21	27.3	25.6
YOUTHFUL OFFENDR												
YO RAPE	7	26.7	26.1	4	18.9	19.9	2	20.8	20.8	6	21.6	23.9
ATT YO RAPE	8	.	.	1	37.9	37.9	2	21.4	21.4	0	.	.
YO SEX ABUSE	12	23.6	23.5	8	24.1	24.2	4	21.2	20.5	6	24.4	23.9
TOTAL	19	24.7	23.9	13	23.6	24.0	8	21.2	20.5	12	23.0	23.9
SECOND FELONY												
CLASS B FELONY												
RAPE 1ST	31	89.0	81.4	25	109.3	96.0	22	118.6	119.3	17	116.1	121.7
SODOHY 1ST	7	82.2	71.9	8	83.7	81.7	13	99.5	97.9	6	104.6	110.1
TOTAL	38	87.8	80.6	33	103.1	95.8	35	111.5	99.8	23	113.1	119.8
CLASS C FELONY												
ATT RAPE 1ST	15	75.2	69.9	11	67.9	60.7	10	61.2	62.4	16	71.2	64.9
ATT SODOHY 1ST	5	62.8	47.9	5	67.4	81.6	4	74.0	73.6	5	65.5	63.8
TOTAL	20	72.1	63.9	16	74.0	62.4	14	64.8	63.9	21	69.8	63.9
CLASS D FELONY												
RAPE 2ND	0	.	.	2	31.9	31.9	2	31.9	31.9	3	35.2	33.6
SODOHY 2ND	1	47.9	47.9	4	35.9	35.9	2	37.0	37.0	5	55.3	53.1
SEX ABUSE 1ST	26	38.1	36.0	29	44.5	39.9	37	40.1	39.9	32	41.7	39.9
TOTAL	27	38.4	37.2	35	42.8	39.9	41	39.6	39.9	40	42.9	39.9
CLASS E FELONY												
ATT RAPE 2ND	0	.	.	0	.	.	0	.	.	1	31.8	31.8
RAPE 3RD	2	30.5	30.5	7	30.0	23.9	6	33.1	31.9	6	36.2	25.9
ATT SODOHY 2ND	0	.	.	2	27.9	27.9	2	38.2	38.2	1	23.9	23.9
SODOHY 3RD	4	28.9	30.9	3	26.5	24.0	0	.	.	3	25.3	24.0
ATT SEX ABUSE 1ST	7	24.0	23.9	7	24.2	23.9	18	26.3	23.9	13	26.4	23.9
TOTAL	13	27.6	28.5	19	27.1	23.9	26	26.8	23.9	24	28.9	24.0



second felony sex offenders, the average time served was 69.8 months, 14.9 months more the average time served by other violent, class C second felony offenders.

Time Served Distribution for 1990 First Releases

In addition to the display of time served data based on averages or medians, Table 3.5 presents time served data in a frequency distribution for offenders paroled in 1990. Among all class B sex offenders, about one third (31.1%), served between 72 and 119 months. In contrast, over one third (36.4%) of class C sex offenders served between 30 and 35 months. For the remaining felony class categories, and for Youthful Offenders, the category containing the single largest group of offenders was the one indicating that the offender served between 18 and 23 months before release to parole. Twenty-nine percent of class D offenders fell here, as did 48.9% of class E felons, and 50.0% of Youthful Offenders.

3.5 COMMITMENT OFFENSE STATUS OF SEX OFFENDERS BY TOTAL TIME SERVED 1990 FIRST RELEASES TO PAROLE SUPERVISION

COMMITMENT STATUS	TOTAL TIME SERVED (STATE TIME + JAIL TIME)										TOTAL
	12-17 MONTHS	18-23 MONTHS	24-29 MONTHS	30-35 MONTHS	36-41 MONTHS	42-47 MONTHS	48-59 MONTHS	60-71 MONTHS	72-119 MONTHS	120-179 MONTHS	
CLASS B FELONY											
RAPE 1ST	0	1	1	4	2	11	6	9	25	9	68
SODOHY 1ST	0	0	0	0	7	7	6	7	8	1	36
AGG SEX ABUSE	0	0	0	0	0	0	0	2	0	0	2
TOTAL	0	1	1	4	9	18	12	18	33	10	106
	.0%	.9%	.9%	3.8%	8.5%	17.0%	11.3%	17.0%	31.1%	9.4%	100.0%
CLASS C FELONY											
ATT RAPE 1ST	4	1	4	18	0	1	7	9	5	1	50
ATT SODOHY 1ST	0	1	1	6	0	2	2	3	1	0	16
TOTAL	4	2	5	24	0	3	9	12	6	1	66
	6.1%	3.0%	7.6%	36.4%	.0%	4.5%	13.6%	18.2%	9.1%	1.5%	100.0%
CLASS D FELONY											
RAPE 2ND	0	3	1	2	0	4	3	0	0	0	13
SODOHY 2ND	0	1	1	4	1	3	2	1	1	0	14
SEX ABUSE 1ST	4	34	7	19	15	12	12	0	1	0	104
TOTAL	4	38	9	25	16	19	17	1	2	0	131
	3.1%	29.0%	6.9%	19.1%	12.2%	14.5%	13.0%	.8%	1.5%	.0%	100.0%
CLASS E FELONY											
ATT RAPE 2ND	0	0	1	2	0	0	0	0	0	0	3
RAPE 3RD	0	5	3	3	0	0	0	0	1	0	12
ATT SODOHY 2ND	0	3	0	1	0	0	0	0	0	0	4
SODOHY 3RD	0	6	2	2	0	0	0	0	0	0	10
ATT SEX ABUSE 1ST	1	8	1	5	1	0	0	0	0	0	16
TOTAL	1	22	7	13	1	0	0	0	1	0	45
	2.2%	48.9%	15.6%	28.9%	2.2%	.0%	.0%	.0%	2.2%	.0%	100.0%
YOUTHFUL OFFENDR											
YO RAPE	2	2	1	1	0	0	0	0	0	0	6
YO SEX ABUSE	0	4	1	1	0	0	0	0	0	0	6
TOTAL	2	6	2	2	0	0	0	0	0	0	12
	16.7%	50.0%	16.7%	16.7%	.0%	.0%	.0%	.0%	.0%	.0%	100.0%
GRAND TOTAL	11	69	24	68	26	40	38	31	42	11	360
	3.1%	19.2%	6.7%	18.9%	7.2%	11.1%	10.6%	8.6%	11.7%	3.1%	100.0%

CONCLUSION

This report on sex offenders committed to DOCS has concentrated on the legal history of these felons. There exists a general tendency among sex offenders to receive minimum terms of incarceration which, on average, are longer than those received by a comparable group of other violent felony offenders. In particular, class B and C sex felons serve many months more than other class B and C violent felons.

Further research regarding sex offenders is needed to present a balanced portrait of this type of offender. Additional reports might focus on the demographic characteristics of these offenders or provide a description of the various treatment programs available to sex offenders while incarcerated in state prison.

**APPENDIX A: RANGE OF MINIMUM AND MAXIMUM
SENTENCES BY FELONY CLASS CATEGORY**

<u>Sentence to State Prison for Second Felony Offense</u>		
<u>Felony Class</u>	<u>Legislatively Designated Violent Felony Offense</u>	<u>All Other Felony Offenses</u>
Class A-II	Maximum N/A	Life
	----- Minimum	6-12 1/2 (Minimum Sentence fixed by Court)
Class B Felony	Maximum 12-25	9-25
	----- Minimum 6-12 1/2 (Minimum Sentence = 1/2 of maximum sentence)	4 1/2-12 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class C Felony	Maximum 8-15	6-15
	----- Minimum 4-7 1/2 (Minimum Sentence = 1/2 of maximum sentence)	3-7 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class D Felony	Maximum 5-7	4-7
	----- Minimum 2 1/2-3 1/2 (Minimum Sentence = 1/2 of maximum sentence)	2-3 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class E Felony	Maximum 4 years	3-4
	----- Minimum 2 years (Minimum Sentence = 1/2 of maximum sentence)	1 1/2-2 (Minimum Sentence = 1/2 of maximum sentence)

**APPENDIX A: RANGE OF MINIMUM AND MAXIMUM
SENTENCES BY FELONY CLASS CATEGORY⁴**

Sentence to State Prison for First Felony Offense

Felony Class	Legislatively Designated Violent Felony Offense		All Other Felony Offense
	A-I Felony	Maximum	N/A
	Minimum		15-25 Years
A-II Felony	Maximum	N/A	Life
	Minimum		3-8 1/2 Years
Class B Felony	Maximum	6-25 ⁵	3-25
	Minimum	2-8 1/3 (Minimum = 1/3 of maximum sentence)	1-8 1/3 (Minimum = 1 year up to 1/3 of maximum)
Class C Felony	Maximum	4 1/2-15	3-15
	Minimum	1 1/2-5 (Minimum = 1/3 of maximum sentence)	1-5 (Minimum = 1 year up to 1/3 of maximum)
Class D Felony	Maximum	3-7	3-7
	Minimum	1-2 1/3 (Minimum = 1 year up to 1/3 of maximum)	1-2 1/3 (Minimum = 1 year up to 1/3 of maximum)
Class E Felony	Maximum	3-4	3-4
	Minimum	1-1 1/3 (Minimum = 1 year up to 1/3 of maximum)	1-1 1/3 (Minimum = 1 year up to 1/3 of maximum)

⁴These are the general cases for these offense categories. Exceptions do exist. For example, certain class C, class D and class E felony offenders may receive a definite sentence of one year or less. For more detail see Article 70, Sentences of Imprisonment, New York State Penal Law or New York State Sentence Charts, West Publishing Co.

⁵For a class B "armed violent felony offense" the court may impose a minimum term which is between 1/3 the maximum and 1/2 the maximum term imposed (i.e. a minimum of 2-12 1/2).

**APPENDIX A: RANGE OF MINIMUM AND MAXIMUM
SENTENCES BY FELONY CLASS CATEGORY**

Sentence to State Prison for Persistent Felony Offense

<u>Felony Class</u>		<u>Legislatively Designated Violent Felony Offense</u>	<u>All Other Felony Offenses*</u>
Class B Felony	Maximum	LIFE	9-25 Life Optional
	Minimum	10-25	4 1/2-12 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class C Felony	Maximum	LIFE	6-15 Life Optional
	Minimum	8-25	3-7 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class D Felony	Maximum	LIFE	4-7 Life Optional
	Minimum	6-25	2-3 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class E Felony	Maximum	LIFE	3-4 Life Optional
	Minimum	Statute does not specify minimum term	1 1/2-2 (Minimum Sentence = 1/2 of maximum sentence)

*Under the old law a person convicted of a third felony could be sentenced as a second felony offender.

APPENDIX B AVERAGE MINIMUM SENTENCE (IN MONTHS) BY FELONY CLASS, VIOLENT FELONY STATUS, AND BY FIRST OR SECOND FELONY OFFENDER STATUS (SEX OFFENDERS EXCLUDED): 1987-1990 NEW COURT COMMITMENTS

	1987			1988			1989			1990		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
FIRST FELONY												
VIOLENT FELONY												
A-I FELONY	331	295.5	252.0	302	292.5	264.0	356	293.4	276.0	295	306.6	300.0
CLASS B FELONY	1076	48.0	36.0	952	50.4	40.0	1119	50.7	40.0	1134	47.7	36.0
CLASS C FELONY	1283	24.3	18.0	1203	24.9	18.0	1309	24.6	18.0	1358	25.6	18.0
CLASS D FELONY	867	15.7	12.0	948	15.8	12.0	936	15.6	12.0	1052	15.5	12.0
CLASS E FELONY	20	12.6	12.0	18	12.4	12.0	30	13.5	12.0	15	14.0	12.0
TOTAL	3577	54.4	24.0	3423	53.1	24.0	3750	55.6	24.0	3854	50.8	24.0
NON-VIOLENT FELONY												
A-I FELONY	101	194.4	180.0	116	173.4	180.0	105	190.0	180.0	96	191.9	180.0
A-II FELONY	586	52.2	48.0	623	50.7	42.0	712	53.1	48.0	673	53.9	48.0
CLASS B FELONY	1432	17.9	12.0	1551	18.4	12.0	2197	18.1	12.0	2118	18.8	12.0
CLASS C FELONY	505	18.8	12.0	708	19.7	12.0	1248	18.3	12.0	1365	18.3	12.0
CLASS D FELONY	672	16.6	12.0	687	16.5	12.0	906	16.5	12.0	989	16.5	12.0
CLASS E FELONY	352	13.6	12.0	517	13.6	12.0	632	13.4	12.0	674	13.5	12.0
YOUTHFUL OFFENDER	243	13.3	12.0	343	13.5	12.0	431	13.5	12.0	421	13.5	12.0
TOTAL	3891	26.9	12.0	4545	25.8	12.0	6231	24.0	12.0	6336	23.7	12.0
SECOND FELONY												
VIOLENT FELONY												
A-I FELONY	0	.	.	2	84.0	84.0	0	.	.	1	150.0	150.0
CLASS B FELONY	559	107.5	90.0	463	103.1	90.0	484	107.3	90.0	490	100.0	90.0
CLASS C FELONY	960	54.5	48.0	944	55.2	48.0	925	57.4	48.0	966	53.1	48.0
CLASS D FELONY	1122	31.5	30.0	1216	33.2	30.0	1223	33.2	30.0	1331	32.6	30.0
CLASS E FELONY	183	22.1	24.0	216	21.4	18.0	219	22.2	24.0	233	22.3	24.0
TOTAL	2824	53.7	42.0	2841	51.0	36.0	2851	52.8	36.0	3021	49.3	36.0
NON-VIOLENT FELONY												
A-I FELONY	0	.	.	0	.	.	1	42.0	42.0	0	.	.
A-II FELONY	27	79.1	72.0	43	79.7	72.0	58	79.6	72.0	72	86.3	72.0
CLASS B FELONY	322	60.6	54.0	401	64.5	54.0	569	64.8	54.0	590	64.5	54.0
CLASS C FELONY	532	36.9	36.0	550	37.6	36.0	1004	38.2	36.0	1275	38.6	36.0
CLASS D FELONY	2074	26.7	24.0	2576	26.5	24.0	3550	26.9	24.0	4327	26.8	24.0
CLASS E FELONY	1810	19.1	18.0	2387	18.9	18.0	2827	19.1	18.0	2932	19.1	18.0
YOUTHFUL OFFENDER	0	.	.	1	24.0	24.0	1	18.0	18.0	0	.	.
TOTAL	4765	27.5	24.0	5958	27.4	24.0	8010	28.7	24.0	9196	28.9	24.0
GRAND TOTAL	15057	38.6	24.0	16767	36.2	24.0	20842	35.4	24.0	22407	34.0	24.0

APPENDIX C AVERAGE MINIMUM SENTENCE AND AVERAGE TIME SERVED BY FELONY CLASS, VIOLENT FELONY STATUS, AND 1ST OR 2ND FELONY STATUS (SEX OFFENDERS EXCLUDED): 1990 FIRST RELEASES

FELONY CLASS OF COMMITMENT OFFENSE	NUMBER	MINIMUM SENTENCE IN MOS		STATE TIME SERVED IN MONTHS		TOTAL (STATE+JAIL) TIME SERVED IN MOS	
		AVERAGE	MEDIAN	AVERAGE	MEDIAN	AVERAGE	MEDIAN
FIRST FELONY							
VIOLENT FELONY							
A-I FELONY	27	184.0	180.0	177.9	177.9	197.5	187.4
CLASS B FELONY	907	44.5	36.0	43.3	35.2	50.7	41.9
CLASS C FELONY	1175	24.0	18.0	22.3	17.4	27.9	23.9
CLASS D FELONY	970	15.3	12.0	14.3	12.0	19.4	17.9
CLASS E FELONY	32	15.5	16.0	14.9	14.1	18.4	17.8
TOTAL	3111	28.6	20.0	27.2	18.8	33.3	23.9
OTHER FELONY							
A-I FELONY	29	102.2	48.0	94.7	41.9	100.3	47.9
A-II FELONY	559	43.2	36.0	32.4	32.2	38.7	36.0
CLASS B FELONY	2144	16.4	12.0	12.0	9.7	16.4	12.2
CLASS C FELONY	123	16.0	12.0	12.2	9.9	16.4	12.1
CLASS D FELONY	1035	17.4	16.0	14.2	11.7	18.9	17.8
CLASS E FELONY	733	14.1	12.0	13.0	12.1	17.3	16.3
YOUTHFUL OFFENDR	480	13.3	12.0	10.0	8.1	14.4	12.0
TOTAL	6218	18.8	12.0	14.6	10.6	19.2	13.9
SECOND FELONY							
VIOLENT FELONY							
CLASS B FELONY	359	82.1	72.0	79.8	76.3	88.5	83.9
CLASS C FELONY	762	49.6	48.0	47.4	44.3	54.9	48.5
CLASS D FELONY	1022	30.0	30.0	28.1	26.1	34.0	30.4
CLASS E FELONY	200	21.1	21.0	20.9	19.5	25.9	23.9
TOTAL	2343	43.6	36.0	41.7	34.7	48.5	41.8
OTHER FELONY							
A-II FELONY	29	68.1	72.0	59.9	63.6	68.0	71.9
CLASS B FELONY	151	48.5	54.0	43.8	46.9	49.7	53.9
CLASS C FELONY	501	35.8	36.0	26.1	29.9	31.5	35.9
CLASS D FELONY	2672	25.8	24.0	20.8	20.6	26.0	24.0
CLASS E FELONY	2442	18.7	18.0	15.9	15.9	20.3	18.0
YOUTHFUL OFFENDR	2	15.0	15.0	16.1	16.1	22.4	22.4
TOTAL	5797	24.5	24.0	20.0	18.1	24.9	23.9
GRAND TOTAL	17469	25.8	24.0	22.3	17.0	27.5	23.9