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NEW YORK STATE: Criminal Justice Processing

Violent Felony Offenses

DCJS

JULY 28 1992

Introduction

On September 1, 1978, substantial revisions to the New York State Penal, Criminal Procedure and Executive Laws became effective and altered the treatment of violent offenders. The newly created Penal Law Section 70.02 designated specific Class B through Class E felonies as violent felony offenses (VFOs). Additional offenses were later designated violent felonies through subsequent amendments to the Penal Law (see Appendix A for listing of all offenses) and currently VFOs include specific charges within nine different Penal Law articles.

Beyond defining specific offenses, the statute also specified minimum mandatory indeterminate state prison sentences to be imposed for convictions to violent felonies. However, discretionary provisions in the law permit the court to impose alternative sentences for youthful offender adjudications and for selected violent felony convictions if the court determines that mitigating circumstances exist, or where the mandated sentence would be unduly harsh.

The Criminal Procedure Law was amended by the creation of an armed felony category for all violent felonies that include as a statutory element either (a) possession, being armed with, or causing serious injury by means of a loaded deadly weapon; or (b) displaying what appears to be a firearm.

Lastly, the Executive Law was amended by requiring the Division of Criminal Justice Services (DCJS) to report on the criminal justice processing of violent

felony offenses. This report is published in compliance with that mandate. Trends in arrests, prosecutions, convictions and sentences are presented for the State and three major regions: *New York City* consisting of Bronx, Kings, New York, Queens and Richmond counties; *Suburban New York City* consisting of Nassau, Rockland, Suffolk and Westchester counties; and the remaining *Upstate* counties.

TABLE OF CONTENTS

Arrests	2
Prosecutions	4
Convictions	5
Sentences	7
Summary	8
Appendix A: Data Source	9
Offense Listing	9
Appendix B: Data Tables	10

Arrests

Approximately one-third of all felony arrests in the State are for violent felonies. In 1991, this represented 70,490 arrest events in which an adult was charged with a violent felony. VFO arrests rose steadily between 1986 and 1989 showing a 12 percent cumulative change for that period. This increase was followed by two years of decline as VFO arrests dropped 0.4 percent in 1990 and 0.6 percent in 1991. In contrast, arrests for felony drug offenses soared 80 percent between 1986 and 1989, and declined more sharply in 1990 (-5%) and 1991 (-9%). (See Appendix B for source data.)

Almost three-quarters of the VFO arrests in the State occurred in New York City, while eight percent were from the Suburban counties surrounding New York City and the remaining 18 percent were from the Upstate counties. The trend in VFO arrests was generally similar across regions except that the non-New York City counties reported increases in VFO arrests in 1990 and 1991, while New York City showed declines of two percent (1990) and one percent (1991). Over the past

Figure 1

FELONY ARRESTS BY OFFENSE
1986-1991

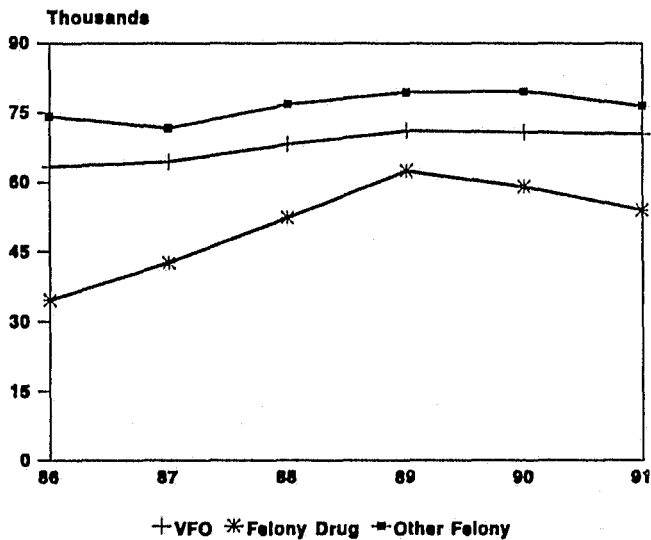
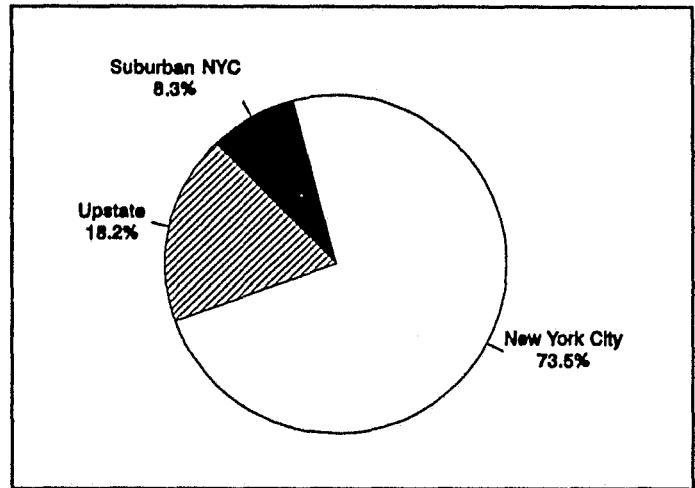


Figure 2

VFO ARRESTS BY REGION
1991



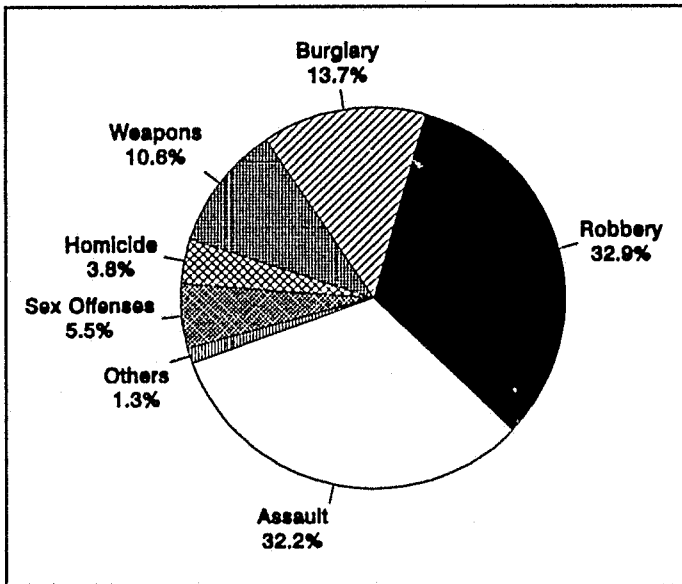
six years, the *rate of growth* in VFO arrests outside of the City was more than twice as great (+22%) as the rate of growth in New York City (+8%). Another regional difference is in the proportional distribution of felony arrests across the State. In New York City, 37 percent of all felony arrests involved VFOs in 1991, compared with approximately 30 percent Upstate and in Suburban New York City. However, since 1986, all regions in the State experienced a gradual decline in the proportion of VFO arrests, as the proportion of felony drug arrests increased.

Offense Categories

In 1991, assault (Penal Law Article 120) and robbery (Penal Law Article 160) offenses each comprised approximately one-third of all violent felony arrest offenses. Burglary (Penal Law Article 140) was the next most frequently occurring arrest offense (14%). These proportions did not appreciably change over time despite fairly different rates of growth across offenses. Some of the lower volume offenses showed the highest rates of growth between 1986 and 1991. The largest increases in arrests were reported for weapon offenses (+63%) and kidnapping (+31%). Other major increases were reported in arrests for robbery (+16%) and assault

Figure 3

VFO ARRESTS BY OFFENSE CATEGORY
1991



(+9%), while significant decreases were evident in arson (-12%) and burglary (-9%) arrests.

There were also marked differences in the distribution of offenses across regions in the State. Between 1986 and 1991, almost forty percent of the VFO arrests in New York City were for robbery. In Suburban New York City, the largest arrest category was assault (38%), while Upstate, burglaries were most common (32%). Similar growth patterns in arrest categories were experienced in each region, with the exception of burglary, which rose 23 percent Upstate but declined elsewhere.

Arrestee Characteristics

Table 1 displays the major characteristics of arrestees for different felony categories. Although the demographic profiles were similar, there were some salient differences in the age, race/ethnicity and prior offending history of arrestees across felony categories.

Among violent felons, 53 percent of arrestees were black, 24 percent Hispanic, and 21 percent white. (See Table B-2 in Appendix B; note that race and ethnicity are not reported separately to the data system.) Com-

pared to drug felons, about the same percentage of arrestees were black, but a significantly larger proportion were Hispanic (40%) and fewer were white (10%).

Violent felony arrestees also tended to be younger than arrestees for non-violent felonies, and were less likely to have prior felony arrests or convictions than drug felons. The latter is a relatively recent phenomenon. In 1986, violent felons were more likely to have had prior felony convictions than drug felons. With the proportion of drug arrestees who had prior felony convictions increasing almost 58 percent between 1986 and 1991 (compared to a 12 percent increase for VFO arrestees), there were more repeat offenders among drug arrestees than VFO arrestees in 1991.

Table 1

CHARACTERISTICS OF FELONY ARRESTEES
1991

		<u>% of arrests</u>
<i>Violent Felons</i>	Male	90%
	Black	53%
	Under 25 years	50%
	Prior Felony Arrest	57%
	Prior Felony Conviction	27%
<i>Drug Felons</i>	Male	85%
	Black	49%
	Under 25 years	38%
	Prior Felony Arrest	68%
	Prior Felony Conviction	36%
<i>Other Felons</i>	Male	89%
	Black	39%
	Under 25 years	45%
	Prior Felony Arrest	55%
	Prior Felony Conviction	25%

Prosecutions

One important outcome measure of criminal justice processing is the proportion of VFO arrests which retain their felony status by reaching the upper courts for disposition (*felony prosecution rate*). Cases prosecuted in the upper courts (the Supreme Court in New York City and all county courts outside of the City) can be assumed to have retained at least one felony charge through the indictment or Superior Court Information (SCI) stage.

For all felony offenses, just under one-third of the dispositions occurred in the upper courts in both 1986 and 1990. Across offense categories, drug arrests had the highest felony prosecution rate in 1990 (53%) compared to violent felony arrests (29%) and other felonies (20%) such as larceny and fraud. The only felony category to experience an increase in the felony prosecution rate since 1986 was drug offenses, while the rate for VFOs and all non-drug felonies declined.

Across regions, the Suburban New York City area had the highest percentage of VFO arrests reaching the upper courts in 1990 (44%) and New York City's rate

was the lowest (27%). The Upstate counties experienced the largest drop in the felony prosecution rate since 1986 (from 42% in 1986 to 30% in 1990).

Figure 5 shows prosecution rates for specific violent felony offenses. Almost eight out of every ten homicides were prosecuted as felonies in the upper court, the highest among VFO categories. In contrast, violent felony assaults had the lowest proportion of cases disposed in the upper courts (only one in every ten). The low rate for assaults may stem from the difficulty in securing convincing and cooperative victim-witnesses, many of whom may be partially culpable themselves as participants in altercations.

The felony prosecution rates for the remaining offense categories were typically between 30 and 48 percent. The overall rate across all offense categories dropped between 1986 and 1990, with burglary and robbery showing the largest declines (-25%). These decreases may be a byproduct of the emphasis on drug enforcement during the late 1980s and the resulting strain on police and prosecutorial resources.

Figure 4

FELONY PROSECUTION RATES
1986 and 1990

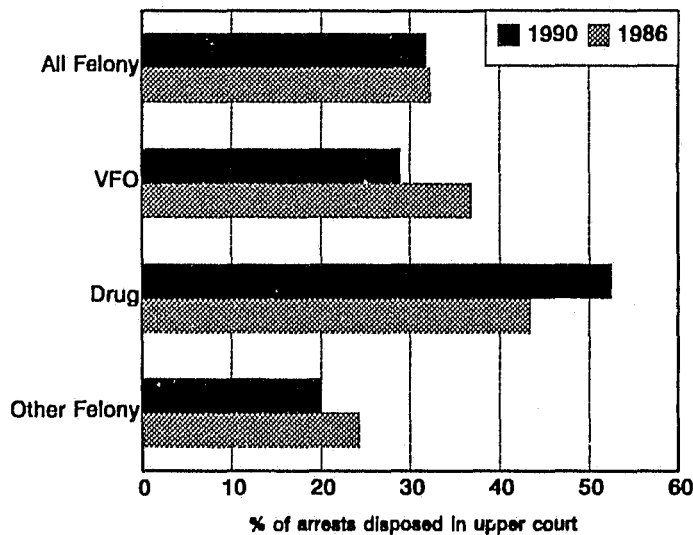
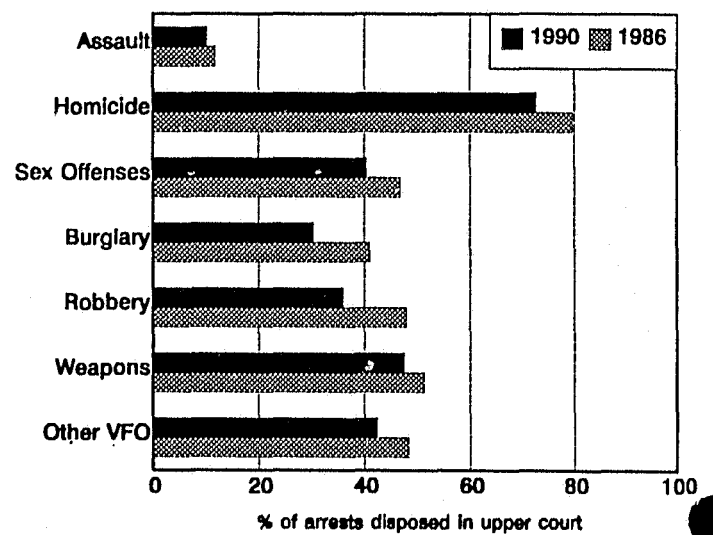


Figure 5

VFO PROSECUTION RATES BY OFFENSE
1986 and 1990



Convictions

Conviction Rate

The *conviction rate* refers to the proportion of all dispositions that resulted in a conviction to *any* charge, not necessarily the violent felony offense charged at arrest. Charges may be reduced shortly after arrest when police charges are first reviewed for accuracy and evidence sufficiency by prosecutors. Still further reductions may be made if the case is plea bargained or if a trial finds the defendant guilty of lesser charges. Changes in this rate of conviction can be a function of police charging practices or of the overall efficiency of the system in obtaining convictions.

In 1990, less than half of all VFO arrests resulted in a conviction. This is a decline from the 59 percent conviction rate in 1986. Part of this decline is related to the decreasing proportion of VFOs that were processed in the upper courts. Generally, conviction rates are higher in the upper courts than lower courts, so any drop in the felony prosecution rate would result in a lower overall conviction rate. For VFOs, 85 percent of the upper court prosecutions resulted in a conviction in 1990, compared with 36 percent in the lower courts. This pattern is also evident in the higher conviction rates

for felony drug offenses (73%), which were also shown to have higher felony prosecution rates.

Across regions, the variation in the conviction rate for VFOs was similar to that shown earlier in felony prosecution rates. The Suburban New York City area had the highest conviction rate in 1990 (72%), compared with the Upstate counties (60%) and New York City (44%). The conviction rate also declined the most in New York City between 1986 and 1990 (-19%).

Across VFO categories, the disparity in conviction rates was similar but not as large as that shown in Figure 5 for the felony prosecution rates. Both burglary and homicide arrests were the most likely to result in a conviction (61% in 1990), while assault arrests had the lowest conviction rate (41%). This range in rates is not very wide because assaults, despite largely being prosecuted in the lower courts, had a higher conviction rate in the lower courts than all other VFO categories except for burglaries.

Level of Conviction

A VFO arrest can result in a conviction to either a felony, misdemeanor or non-criminal (infractions,

Figure 6

CONVICTION RATES
1986 and 1990

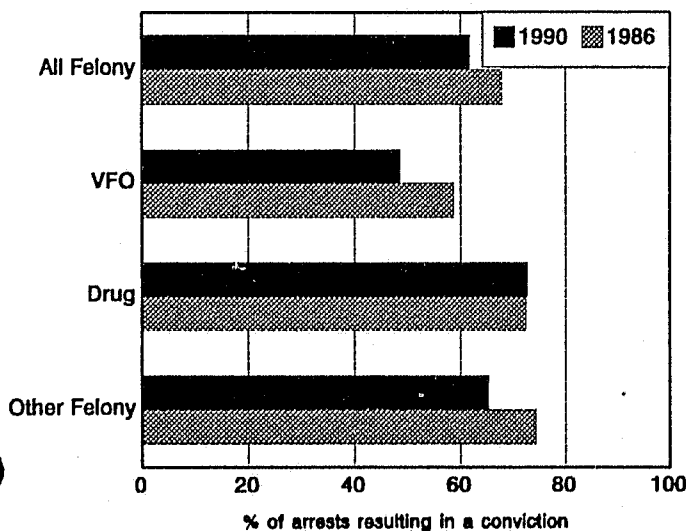
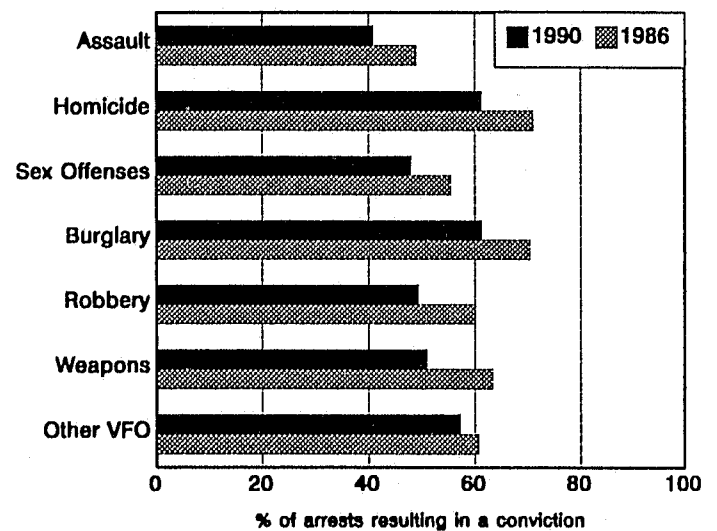


Figure 7

CONVICTION RATES BY VFO CATEGORY
1986 and 1990



violations) level offense. Among those who were arrested for a violent felony and ultimately convicted, less than half were convicted of a felony level offense. In 1990, 47 percent of VFO arrests that resulted in a conviction were convicted of felonies, a slight drop from the 51 percent in 1986. Consequently, convictions at the misdemeanor (32%) and non-criminal offense (21%) level in 1990 were slightly higher than in 1986. By comparison, the proportion of convictions that were felonies in 1990 was greater when an offender was arrested for a felony drug offense (65%).

Regionally, the Upstate area had the fewest felony convictions resulting from VFO arrests in 1990 (38%), while both New York City and Suburban New York City reported that almost half of the convictions from VFOs were at the felony level.

Although the conviction rate for burglary offenses was one of the highest among the offense types, the percentage of convictions to felonies in 1990 was relatively low for burglaries (42%) in comparison with the felony conviction rates for homicides (93%), weapons (68%), robberies (61%) and sex offenses (59%). This variance in felony conviction rates reflects the differences noted in upper court processing rates, where felony convictions occur.

Violent Felony Convictions

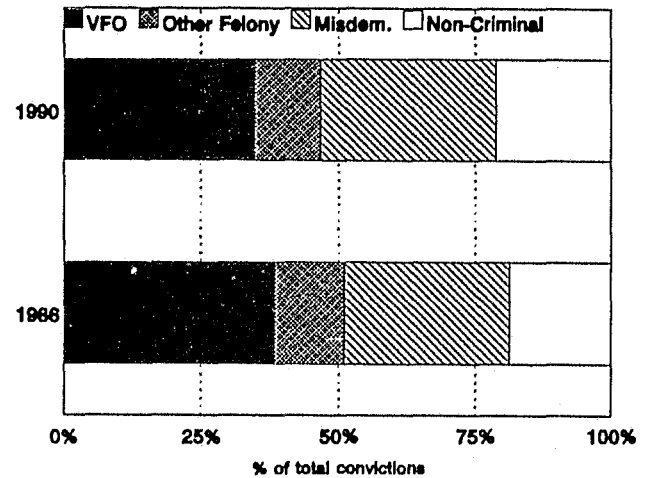
In 1990, there were 11,148 violent felony convictions resulting from all felony arrests across the State. The number of VFO convictions has steadily declined since 1986 when 13,144 convictions for violent felonies were reported. VFOs also represented a smaller proportion of total felony convictions, decreasing from 33 percent in 1986 to 23 percent in 1990.

Among those arrested for a VFO and convicted in 1990, 35 percent were convicted of at least one violent felony charge. This represents a slight decline from 38 percent in 1986. Within regions, the Upstate area had the lowest percentage of convictions to violent felonies (26%), while Suburban New York City had the highest rate (40%).

Convictions resulting from homicide arrests were more likely to be for a violent felony than convictions from other VFO arrest offenses. In 1990, almost eight

Figure 8

LEVEL OF CONVICTION
(resulting from VFO Arrests)
1986 and 1990

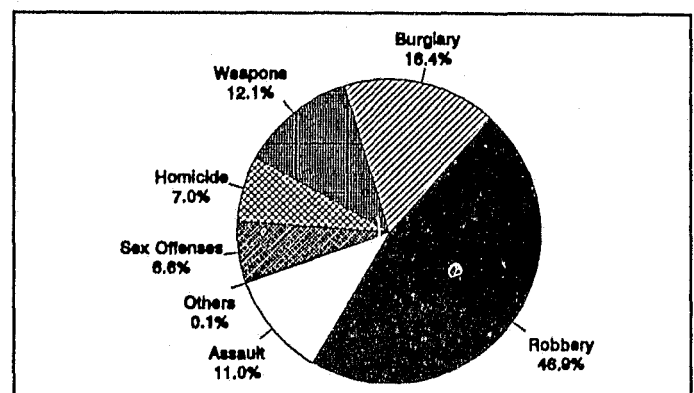


out of every ten convictions stemming from homicide arrests were convictions to violent felonies. The lowest VFO conviction rate was for assault offenses where only 11 percent of all convictions obtained were for some violent felony charge.

The proportional distribution of violent felony conviction offenses differs somewhat from that of VFO arrests presented earlier. A larger percentage of the VFO convictions involved robbery offenses (47%) than the VFO arrests (33%). Also, assaults had a much smaller representation in the conviction total (11%) compared with the arrest total (32%).

Figure 9

VFO CONVICTIONS BY OFFENSE CATEGORY
1990



Sentences

Among those arrested for a VFO and convicted in 1990 of some offense (including non-VFO charges), 61 percent were given an incarcerative sentence of either State prison, local jail, or a combination of jail plus probation (see caution on page 9 regarding sentencing data). An additional 16 percent were sentenced to probation. These sentencing proportions were relatively unchanged from 1986. In comparison, offenders convicted as a result of a felony drug arrest were much more likely to be incarcerated in 1990 (78%), and at a greater rate than in 1986 (64%).

Regionally, the Upstate area incarcerated fewer offenders (54%) than Suburban New York City (68%), and New York City (62%), and was also the only region to experience a decline in the incarceration rate compared with 1986 (-8%).

Sentences for Violent Felony Convictions

The major objective of the violent felony legislation was to enhance the severity of the sentence imposed upon persons convicted of a violent felony offense. Generally, a minimum one year prison term is mandated for VFO convictions. However, sentencing provisions

do not mandate State prison terms for all VFO offenders. For example, youthful offenders and those convicted of certain Class D and E violent felonies are not subject to mandatory imprisonment.

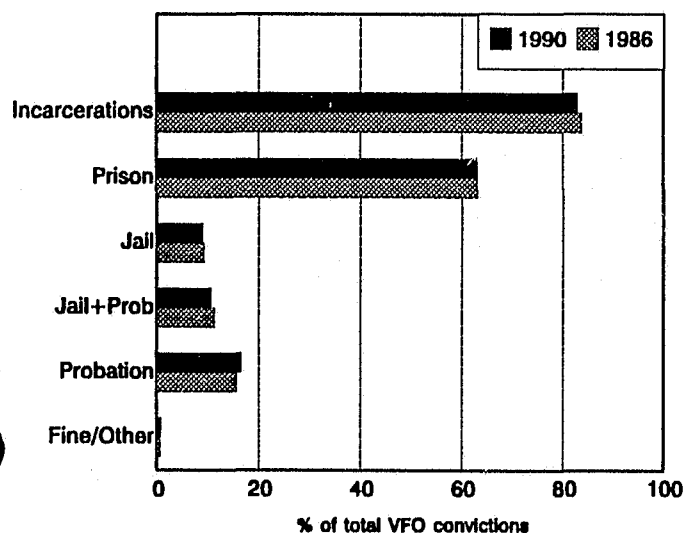
As shown in Figure 10, the overwhelming majority of violent felony offenders were incarcerated upon conviction (83%). Among those imprisoned, three-quarters were sentenced to State prison, and the remaining 25 percent received local jail sentences. In contrast, less than 60 percent of those incarcerated for felony drug offenses were sentenced to State prison.

Across regions, the rate of incarceration for violent felony convictions in 1990 was slightly higher in Suburban New York City (87%) than in New York City (82%) and Upstate (81%). However, a larger proportion of the New York City incarcerations were sentences to State prison (79%) than in Suburban New York City (69%) and Upstate (65%). Suburban New York City was also the only region to experience an increase in the incarceration rate between 1986 and 1990.

Virtually all homicide convictions resulted in a prison sentence in 1990. Among the other conviction offenses, robberies were most likely to result in an incarceration (86%) and for that incarceration to be in State prison (81%). Persons convicted of weapon offenses were the least likely to be imprisoned (58%).

Figure 10

SENTENCES FOR VFO CONVICTIONS
1986 and 1990



Prison Terms for Violent Felony Convictions

The length of a prison term for a VFO is primarily determined by both the class (A through E felony) of the conviction offense and the offender's prior felony conviction history. Among all sentences to prison for a violent felony conviction (C felons were the single largest category), the median minimum term was almost 30 months and the median maximum term was almost 72 months. These terms were essentially the same as the median terms in 1986. In contrast, felony drug offenders in 1990 received a median minimum term of 24 months and a median maximum term of 48 months.

The terms for VFO convictions from New York City closely mirrored that of the State total because the City accounted for 78 percent of those sentenced to prison. However, there was little variation in term lengths among the other regions.

Data Source

Data for this analysis were obtained from the Computerized Criminal History/Offender-Based Transaction Statistics (CCH/OBTS) system maintained by DCJS. The unit of count is the "arrest event" which consists of all charges placed against an arrestee for a given arrest, although only events that contain a violent felony charge as the most serious charge are included in this analysis. In cases where there are multiple violent felony charges at arrest, only the most serious offense among all the VFOs is counted. When summarized by Penal Law article, the violent felony data include only those selected offenses within the article that were legislatively defined as violent felonies (see box at right). The only exception to this is for the Class A felonies of murder-1° and 2°, kidnapping-1°, and arson-1° which are included in this analysis because they are governed by similar processing and sentencing provisions. Also, the offenses of criminal sale of a firearm-2° (PL 265.12), criminal sale of a firearm-1° (PL 265.13), and criminal sale of a firearm with the aid of a minor (PL 265.14) were newly created by the State Legislature during the 1991 session. They are excluded from the analysis because no arrests for these offenses have yet been reported.

The analyses of system processing and sentencing are based on the most serious disposition occurring in a calendar year, regardless of the year in which the arrest occurred. Caution is advised when utilizing the "jail" and "fine" sentences after 1988. A data transmission problem involving such sentences reported from the Office of Court Administration through the Criminal Records and Information Management System erroneously coded most "fine" sentences as "jail" sentences. Since relatively few of the violent felony convictions result in a "fine" sentence, this error should minimally affect those data (Figure 10, Tables B-10 and B-11). The error is more apparent in sentences for convictions resulting from VFO arrests (which are predominately non-violent offenses where fines are more common) (Table B-9).

VIOLENT FELONY OFFENSE LISTING

ASSAULT (Penal Law Article 120)

Aggravated Assault Upon a Peace Officer (PL 120.11)
Assault-1° (PL 120.10)
Assault-2° (PL 120.05)*

HOMICIDE (Penal Law Article 125)

Manslaughter-1° (PL 125.20)
Murder-1° (PL 125.27)**
Murder-2° (PL 125.25)**

SEX OFFENSES (Penal Law Article 130)

Rape-1° (PL 130.35)
Sodomy-1° (PL 130.50)
Aggravated Sexual Abuse-1° (PL 130.70)
Aggravated Sexual Abuse-2° (PL 130.67)
Sexual Abuse-1° (PL 130.65)*

BURGLARY (Penal Law Article 140)

Burglary-1° (PL 140.30)
Burglary-2° (PL 140.25)

ROBBERY (Penal Law Article 160)

Robbery-1° (PL 160.15)
Robbery-2° (PL 160.10)

WEAPON OFFENSES (Penal Law Article 265)

Criminal Possession of a Weapon-1° (PL 265.04)
Criminal Possession of a Weapon-2° (PL 265.03)
Criminal Possession of a Weapon-3° (PL 265.02 subs 4,5)
Criminal Use of a Firearm-1° (PL 265.09)
Criminal Use of a Firearm-2° (PL 265.08)
Criminal Sale of a Firearm-1° (PL 265.13)
Criminal Sale of a Firearm-2° (PL 265.12)*
Crim. Sale of a Firearm with the aid of a Minor
(PL 265.14)*

OTHER VIOLENT FELONY OFFENSES

Kidnapping-1° (PL 135.25)**
Kidnapping-2° (PL 135.20)
Arson-1° (PL 150.20)**
Arson-2° (PL 150.15)
Intimidating a Victim or Witness-1° (PL 215.17)
Intimidating a Victim or Witness-2° (PL 215.16)*

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

** Not designated as a violent felony by legislation (Penal Law §70.02) but included for analytic purposes. Attempts at these offenses (Class B felonies) are specified as VFOs.

Data Tables

Table B-1
FELONY ARRESTS BY OFFENSE AND REGION

	1986	1987	1988	1989	1990	1991
NEW YORK STATE						
Total Felony Arrests	172,242	178,845	197,437	213,039	209,692	201,076
Violent	63,388	64,463	68,251	71,151	70,890	70,490
Drug	34,629	42,659	52,346	62,425	59,087	54,051
Other	74,225	71,723	76,840	79,463	79,715	76,535
NEW YORK CITY						
Total Felony Arrests	123,102	129,695	142,893	151,428	146,428	138,721
Violent	48,077	48,961	51,903	53,776	52,538	51,852
Drug	29,928	36,249	43,480	49,034	47,868	43,082
Other	45,097	44,485	47,510	48,618	46,022	43,787
SUBURBAN NEW YORK CITY						
Total Felony Arrests	16,029	16,150	18,860	21,398	20,691	19,784
Violent	4,884	4,877	5,391	5,504	5,599	5,817
Drug	2,149	3,198	4,192	6,592	5,198	4,705
Other	8,996	8,075	9,277	9,302	9,894	9,262
UPSTATE						
Total Felony Arrests	33,111	33,000	35,684	40,213	42,573	42,571
Violent	10,427	10,625	10,957	11,871	12,753	12,821
Drug	2,552	3,212	4,674	6,799	6,021	6,264
Other	20,132	19,163	20,053	21,543	23,799	23,486

Table B-2
FELONY ARRESTS BY RACE/ETHNICITY: 1991

	White	Black	Hispanic	Other/Unk.
Total Felony Arrests	49,369	93,234	54,712	3,761
Violent	14,725	37,199	16,648	1,918
Drug	5,380	26,569	21,762	340
Other	29,264	29,466	16,302	1,503

Table B-3
VIOLENT FELONY ARRESTS BY ARTICLE AND REGION

	1986	1987	1988	1989	1990	1991
NEW YORK STATE						
Assault	20,871	21,571	23,377	23,851	23,202	22,707
Homicide	2,711	2,758	2,500	2,545	2,731	2,711
Sex Offenses	3,916	3,947	3,988	3,814	3,766	3,889
Burglary	10,568	10,762	10,892	10,774	9,494	9,667
Robbery	19,935	19,774	20,899	23,385	24,366	23,157
Weapons	4,592	4,854	5,706	5,971	6,550	7,478
All Others	795	797	889	811	781	881
NEW YORK CITY						
Assault	15,877	16,799	17,896	17,760	16,526	16,489
Homicide	2,345	2,364	2,113	2,158	2,325	2,253
Sex Offenses	2,087	2,127	2,150	1,982	1,836	1,955
Burglary	5,866	5,800	5,865	5,679	4,401	4,309
Robbery	17,505	17,282	18,411	20,705	21,426	19,918
Weapons	3,869	4,046	4,840	4,930	5,468	6,342
All Others	528	543	628	562	556	586
SUBURBAN NEW YORK CITY						
Assault	1,732	1,659	2,022	2,158	2,374	2,167
Homicide	116	154	126	138	122	160
Sex Offenses	366	371	385	403	341	414
Burglary	1,398	1,332	1,379	1,313	1,174	1,293
Robbery	1,027	1,028	1,132	1,157	1,209	1,406
Weapons	178	263	278	268	314	316
All Others	67	70	69	67	65	61
UPSTATE						
Assault	3,262	3,113	3,459	3,933	4,302	4,051
Homicide	250	240	261	249	284	298
Sex Offenses	1,463	1,449	1,453	1,429	1,589	1,520
Burglary	3,304	3,630	3,648	3,782	3,919	4,065
Robbery	1,403	1,464	1,356	1,523	1,731	1,833
Weapons	545	545	588	773	768	820
All Others	200	184	192	182	160	234

Table B-4
FELONY PROSECUTION RATES BY REGION
(percentage of arrests prosecuted in the upper courts)

Arrest Offense	NEW YORK STATE		NEW YORK CITY		SUBURBAN NYC		UPSTATE	
	1986	1990	1986	1990	1986	1990	1986	1990
Total Felony	32.2	31.8	29.2	29.8	41.6	47.8	38.4	31.8
VFO	36.8	28.9	34.7	27.2	47.9	44.0	41.5	30.2
Drug	43.4	52.5	41.0	50.5	58.2	70.1	58.1	53.3
Other	24.3	20.1	17.8	14.7	34.7	35.6	34.7	28.1
Violent Felony:								
Assault	11.7	10.1	8.2	7.5	21.4	20.8	24.7	17.8
Homicide	79.6	72.6	77.4	70.4	93.4	90.6	90.8	83.1
Sex Offenses	46.8	40.4	39.0	33.7	59.3	57.5	56.2	47.3
Burglary	41.0	30.4	34.8	24.3	59.0	53.1	43.5	31.5
Robbery	48.1	36.0	46.8	34.5	61.0	58.5	53.2	38.8
Weapons	51.4	47.6	54.3	49.7	59.5	58.4	24.3	26.1
All Others	48.4	42.4	45.1	36.8	60.4	69.0	55.3	54.2

Table B-5
CONVICTION RATES BY REGION
(percentage of arrests resulting in a conviction)

Arrest Offense	NEW YORK STATE		NEW YORK CITY		SUBURBAN NYC		UPSTATE	
	1986	1990	1986	1990	1986	1990	1986	1990
Total Felony	67.9	61.7	64.3	58.0	80.1	80.0	75.0	68.4
VFO	58.7	48.6	54.9	44.4	74.3	71.6	69.1	59.5
Drug	72.5	72.7	71.1	71.4	83.7	86.3	78.8	70.4
Other	74.3	65.3	71.1	59.9	82.7	81.2	77.7	73.1
Violent Felony:								
Assault	48.9	40.9	44.0	35.5	69.3	64.9	62.3	55.3
Homicide	71.0	61.3	68.5	58.8	89.8	80.5	82.5	74.7
Sex Offenses	55.5	47.9	44.8	36.7	68.8	66.3	69.5	62.4
Burglary	70.4	61.3	65.3	55.6	81.2	78.8	74.7	64.1
Robbery	60.2	49.3	59.1	47.6	72.1	74.9	64.3	53.2
Weapons	63.4	50.9	61.0	48.3	78.5	73.5	78.1	62.5
All Others	60.7	57.2	56.5	51.5	68.8	77.6	71.7	72.9

Table B-6
LEVEL OF CONVICTIONS BY REGION
(percentage of VFO arrests disposed)

Level of Conviction	NEW YORK STATE		NEW YORK CITY		SUBURBAN NYC		UPSTATE	
	1986	1990	1986	1990	1986	1990	1986	1990
Felony	51.1	46.8	52.0	48.7	52.3	48.8	46.8	37.5
Misdemeanor	30.2	32.0	26.1	27.0	35.4	37.0	43.4	49.2
Non-Criminal	18.7	21.2	21.9	24.2	12.3	14.1	9.8	13.3
VFO	38.3	34.7	39.4	36.1	41.7	39.7	31.9	25.6

Table B-7
LEVEL OF CONVICTIONS BY OFFENSE CATEGORY: 1990
(percentage of VFO arrests disposed)

Level of Conviction	Assault	Homicide	Sex Offenses	Burglary	Robbery	Weapons	All Others
Felony	16.2	92.1	59.1	41.9	61.4	67.7	59.3
Misdemeanor	44.0	6.1	32.9	38.8	24.1	23.1	27.2
Non-Criminal	39.8	1.7	8.0	19.2	14.5	9.3	13.5
VFO	10.5	77.2	49.0	30.3	49.3	36.4	33.9

Table B-8
VIOLENT FELONY CONVICTIONS BY ARTICLE AND REGION

	1986	1987	1988	1989	1990
NEW YORK STATE	90,144	12,279	11,295	11,083	11,148
Assault	1,251	1,222	1,246	1,194	1,218
Homicide	948	840	779	854	772
Sex Offenses	1,010	997	792	764	726
Burglary	2,830	2,709	2,368	2,191	1,811
Robbery	6,085	5,452	4,986	4,950	5,187
Weapons	920	948	1,037	1,021	1,341
All Others	100	111	87	109	93
NEW YORK CITY	9,704	8,838	8,380	8,227	8,390
Assault	807	766	858	771	774
Homicide	743	679	619	686	612
Sex Offenses	459	415	350	330	326
Burglary	1,497	1,381	1,227	1,175	867
Robbery	5,271	4,659	4,315	4,260	4,504
Weapons	867	866	955	932	1,240
All Others	60	72	56	73	67
SUBURBAN NEW YORK CITY	1,499	1,433	1,247	1,373	1,377
Assault	127	160	149	150	158
Homicide	76	69	68	67	79
Sex Offenses	129	117	91	111	102
Burglary	656	604	500	507	494
Robbery	479	437	387	465	477
Weapons	22	36	42	56	50
All Others	10	10	10	17	17
UPSTATE	1,941	2,008	1,668	1,483	1,381
Assault	317	296	239	273	286
Homicide	129	92	92	101	81
Sex Offenses	422	465	351	323	298
Burglary	677	724	641	509	450
Robbery	335	356	284	225	206
Weapons	31	46	40	33	51
All Others	30	29	21	19	9

Table B-9
SENTENCES FOR CONVICTIONS FROM VFO ARRESTS

	NEW YORK STATE		NEW YORK CITY		SUBURBAN NYC		UPSTATE	
	1986	1990	1986	1990	1986	1990	1986	1990
TOTAL CONVICTIONS	32,527	30,023	23,251	21,497	3,460	3,350	5,816	5,176
Prison	9,298	8,264	7,064	6,437	909	907	1,325	920
Jail*	7,371	8,029	5,329	5,828	730	934	1,312	1,267
Jail + Probation	2,590	2,063	1,358	1,017	435	443	797	603
Total Incarcerations	19,259	18,356	13,751	13,282	2,074	2,284	3,434	2,790
Probation	5,696	4,831	3,577	3,005	766	561	1,353	1,265
Fine*	2,424	949	1,545	197	381	263	518	489
Other	5,148	5,887	4,378	5,013	259	242	511	632

* Most of the decline in "fine" sentences and increase in "jail" sentences was due to a data transmission error which erroneously coded fines as jail sentences in 1990.

Table B-10
SENTENCES FOR VFO CONVICTIONS

	NEW YORK STATE		NEW YORK CITY		SUBURBAN NYC		UPSTATE	
	1986	1990	1986	1990	1986	1990	1986	1990
TOTAL VFO CONVICTIONS	13,144	11,148	9,704	8,390	1,499	1,377	1,941	1,381
Prison	8,283	7,026	6,369	5,469	834	831	1,080	726
Jail	1,216	999	860	754	137	116	219	129
Jail + Probation	1,496	1,191	882	666	273	256	341	269
Total Incarcerations	10,995	9,216	8,111	6,889	1,244	1,203	1,640	1,124
Probation	2,065	1,849	1,531	1,440	247	160	287	249
Fine/Other	84	83	62	61	8	14	14	8

Table B-11
SENTENCES FOR VFO CONVICTIONS BY OFFENSE TYPE: 1990

	Assault	Homicide	Sex Offenses	Burglary	Robbery	Weapons	All Others
TOTAL VFO CONVICTIONS	1,218	772	726	1,811	5,187	1,341	93
Prison	584	758	463	1,083	3,629	425	84
Jail	159	4	40	168	398	229	1
Jail + Probation	246	2	107	276	439	119	2
Total Incarcerations	989	764	610	1,527	4,466	773	87
Probation	211	4	114	271	695	550	4
Fine/Other	18	4	2	13	26	18	2

Table B-12
MEDIAN* PRISON TERMS (in months)
FOR VIOLENT FELONY CONVICTIONS: 1986 and 1990

	ALL VFOs		Class A Felony		Class B Felony		Class C Felony		Class D Felony		Class E Felony	
	1986	1990	1986	1990	1986	1990	1986	1990	1986	1990	1986	1990
NEW YORK STATE												
N of Cases	8,283	7,026	348	253	2,542	1,989	3,153	2,498	2,237	2,277	3	9
Minimum	30.4	29.9	242.8	273.0	59.5	47.9	27.8	29.6	23.9	24.0	na	na
Maximum	72.1	71.9	Life	Life	143.7	119.9	72.0	72.0	48.4	48.4	na	na
NEW YORK CITY												
N of Cases	6,369	5,469	239	182	2,005	1,634	2,410	1,888	1,712	1,756	3	9
Minimum	30.3	29.8	242.6	241.5	54.1	47.7	24.4	24.5	23.9	24.0	na	na
Maximum	72.1	71.8	Life	Life	143.5	114.3	71.8	71.8	48.4	48.4	na	na
SUBURBAN NEW YORK CITY												
N of Cases	834	831	42	36	233	184	375	352	184	259	0	0
Minimum	35.9	30.4	241.8	291.4	60.8	48.3	35.9	35.4	24.0	24.3	na	na
Maximum	72.9	72.1	Life	Life	144.4	142.7	72.9	72.7	51.0	54.8	na	na
UPSTATE COUNTIES												
N of Cases	1,080	726	67	35	304	171	368	258	341	262	0	0
Minimum	30.2	30.2	294.7	295.7	59.9	53.8	28.3	35.9	23.8	23.8	na	na
Maximum	72.3	72.2	Life	Life	145.7	144.5	72.1	80.5	50.3	48.4	na	na

na = not appropriate, fewer than 10 cases.

* The median represents the midpoint of a distribution, (i.e., half of the prison terms were shorter than the median and half were longer).



NEW YORK STATE: Criminal Justice Processing Violent Felony Offenses

OJSA BUREAU OF CRIMINAL JUSTICE STATISTICAL SERVICES
NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
EXECUTIVE PARK TOWER, STUYVESANT BLAZA, ALBANY, NY 12203

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Deborah-Katherine Stanley
Collection Development Supervisor
National Institute of Justice/NCJRS
Acquisitions Department ASL
Box 6000
Rockville, MD 20850