

**Division of Criminal Justice Services**

**Criminal Justice Statistical Report**



**Andrew M. Cuomo**  
Governor

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**Violent Felony Offense Processing Report Series**

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# **New York State Violent Felony Offense Processing 2012 Annual Report**

Executive Law §837-a requires the Division of Criminal Justice Services to report on the processing and disposition of violent felony offenses as defined in Penal Law §70.02. This report complies with that reporting requirement. Criminal justice statistical and research reports, including this one, are available on the DCJS website <http://www.criminaljustice.ny.gov/crimnet/pubs.htm>

Office of Justice Research and Performance

Theresa E. Salo, Deputy Commissioner

## **INTRODUCTION**

Chapter 481 of the Laws of 1978 substantially revised New York State's penal, criminal procedure and executive laws. The law created Penal Law §70.02, which specified certain Class B through Class E felonies as "violent felony offenses" (VFO). As a result of the legislation, persons convicted of VFOs were sentenced based on laws that were different from the laws that controlled the sentencing of persons who were convicted of other (non-VFO) felonies. This law also required the Division of Criminal Justice Services to report on the processing and disposition of persons charged with VFOs.

Since 1978, additional offenses were designated as VFOs and the sentencing laws related to VFOs were changed on several occasions, most notably by legislation in 1995 and 1998 which required that persons convicted of VFOs and sentenced to prison receive determinate rather than indeterminate sentences.

This report complies with the original reporting requirement by providing information regarding arrests for VFOs, prosecutions in superior court for persons charged with a violent felony offense in an indictment or superior court information (SCI), and for the disposition of superior court cases for 2008 to 2012.

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

The report contains a findings section that provides an overview of changes that took place during the five-year period; a data notes section that describes the sources of the data used in the report and other explanatory information about the data; and a data section that contains tables with additional information about the processing of persons charged with violent felony offenses. See Appendix A for a list of VFO offenses.

## SELECTED FINDINGS

The following table shows the number of VFO arrests, VFO indictments and SCIs, VFO convictions and prison sentences for VFO convictions based on the year in which each of those events occurred. This means, for example, that a person sentenced to prison in 2012 may have been arrested, indicted, or convicted in an earlier year or years.

**VIOLENT CRIME AND VIOLENT FELONY OFFENSES IN NEW YORK STATE 2008 TO 2012**

		2008	2009	2010	2011	2012	% Change '08 to '12
Violent Felony Offense Arrests	New York State	45,609	44,788	44,120	44,649	43,922	-3.7%
	New York City	28,317	27,267	27,120	27,810	27,520	-2.8%
	Large Counties	13,964	14,251	13,746	13,584	13,088	-6.3%
	Small Counties	3,328	3,270	3,254	3,255	3,314	-0.4%
Violent Felony Offense Superior Court Actions	New York State	16,611	16,588	16,100	15,327	14,833	-10.7%
	New York City	9,001	9,093	8,818	8,321	8,208	-8.8%
	Large Counties	6,073	6,042	5,890	5,510	5,032	-17.1%
	Small Counties	1,537	1,453	1,392	1,496	1,593	3.6%
Violent Felony Offense Convictions/YO adjudications	New York State	9,347	9,820	9,670	9,552	9,403	0.6%
	New York City	4,672	4,991	4,952	4,923	4,787	2.5%
	Large Counties	3,847	4,035	3,962	3,811	3,771	-2.0%
	Small Counties	828	794	756	818	845	2.1%
Violent Felony Offense Prison Sentences	New York State	5,900	6,249	6,376	6,233	6,192	4.9%
	New York City	2,927	3,181	3,316	3,202	3,116	6.5%
	Large Counties	2,443	2,550	2,573	2,478	2,481	1.6%
	Small Counties	530	518	487	553	595	12.3%

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

Over the five-year period covered by this report, the number of violent felony offense convictions that resulted in a sentence to state prison increased. The increase in the number of prison sentences occurred while the number of VFO arrests, indictments/SCIs, and convictions/adjudications either decreased or remained relatively stable. This trend occurred in all regions of the state. Statewide, prison sentences for persons convicted of VFOs increased by 4.9%.

**VIOLENT FELONY CONVICTIONS AND YOUTHFUL OFFENDER (YO) ADJUDICATIONS  
2008 TO 2012**

		2008	2009	2010	2011	2012	% Change '08 to '12
Violent Felony Offense Convictions	New York State	7,347	7,680	7,703	7,582	7,521	2.4%
	New York City	3,571	3,780	3,839	3,799	3,680	3.1%
	Large Counties	3,083	3,222	3,207	3,047	3,067	-0.5%
	Small Counties	693	678	657	736	774	11.7%
Violent Felony Offense YO Adjudications	New York State	2,000	2,140	1,967	1,970	1,882	-5.9%
	New York City	1,101	1,211	1,113	1,124	1,107	0.5%
	Large Counties	764	813	755	764	704	-7.9%
	Small Counties	135	116	99	82	71	-47.4%
Total VFO Convictions/YO Adjudications	New York State	9,347	9,820	9,670	9,552	9,403	0.6%
	New York City	4,672	4,991	4,952	4,923	4,787	2.5%
	Large Counties	3,847	4,035	3,962	3,811	3,771	-2.0%
	Small Counties	828	794	756	818	845	2.1%

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

Young offenders age 16 to 18 at the time of crime may be adjudicated as Youthful Offenders (see CPL 720.10). A Youthful Offender (YO) adjudication broadens sentencing options and seals the criminal record.

Between 2008 and 2012, the number of YO adjudications for VFOs decreased (-5.9%) statewide. In New York City, YO adjudications remained stable over the five years, while the numbers decreased in Large Counties (-7.9%) and in the Small Counties (-47.4%).

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

		2008	2009	2010	2011	2012	% Change '08 to '12
NEW YORK STATE	ALL VIOLENT FELONY OFFENSES	5,900	6,249	6,376	6,233	6,192	4.9%
	ASSAULT	903	970	918	937	916	1.4%
	STRANGULATION	---	---	---	13	26	
	HOMICIDE	500	473	509	464	494	-1.2%
	SEX OFFENSES	601	632	613	610	584	-2.8%
	BURGLARY	1,035	1,099	1,170	1,235	1,279	23.6%
	ROBBERY	1,815	1,844	1,841	1,772	1,637	-9.8%
	WEAPONS OFFENSES	989	1,176	1,249	1,126	1,197	21.0%
	OTHER VFOs	57	55	76	76	59	3.5%
NEW YORK CITY	ALL VIOLENT FELONY OFFENSES	2,927	3,181	3,316	3,202	3,116	6.5%
	ASSAULT	467	543	476	520	489	4.7%
	STRANGULATION	---	---	---	5	9	
	HOMICIDE	287	277	304	277	311	8.4%
	SEX OFFENSES	168	209	222	207	190	13.1%
	BURGLARY	389	395	477	463	417	7.2%
	ROBBERY	1,093	1,117	1,140	1,132	1,062	-2.8%
	WEAPONS OFFENSES	507	618	669	572	609	20.1%
	OTHER VFOs	16	22	28	26	29	81.3%
LARGE COUNTIES	ALL VIOLENT FELONY OFFENSES	2,443	2,550	2,573	2,478	2,481	1.6%
	ASSAULT	344	329	344	311	322	-6.4%
	STRANGULATION	---	---	---	7	9	
	HOMICIDE	190	172	176	154	158	-16.8%
	SEX OFFENSES	263	264	255	254	246	-6.5%
	BURGLARY	501	569	573	603	659	31.5%
	ROBBERY	656	653	634	589	514	-21.6%
	WEAPONS OFFENSES	458	535	554	522	550	20.1%
	OTHER VFOs	31	28	37	38	23	-25.8%
SMALL COUNTIES	ALL VIOLENT FELONY OFFENSES	530	518	487	553	595	12.3%
	ASSAULT	92	98	98	106	105	14.1%
	STRANGULATION	---	---	---	1	8	
	HOMICIDE	23	24	29	33	25	8.7%
	SEX OFFENSES	170	159	136	149	148	-12.9%
	BURGLARY	145	135	120	169	203	40.0%
	ROBBERY	66	74	67	52	61	-7.6%
	WEAPONS OFFENSES	24	23	26	31	38	58.3%
	OTHER VFOs	10	5	11	12	7	-30.0%

Source: DCJS, Felony Processing File  
Includes Youthful Offender and Juvenile Offender cases.

The table above shows the trends in the number of prison sentences for VFO crimes for the five year period from 2008 to 2012. The 4.9% increase was driven primarily by increases in prison sentences for burglary (+23.6%) and PL 265 weapons offenses (+21.0%).

In 2010, two new VFO offenses were added to the Penal Law – strangulation in the first degree (PL 121.13) and strangulation in the second degree (PL 121.12). In 2012, there were 26 prison sentences for these offenses, including 9 in New York City, 9 in Large Counties outside of New York City and 8 in the Small Counties.

## **DATA NOTES**

The data source for the violent felony offense statistics in this report is the DCJS Computerized Criminal History (CCH) system. The counts of arrests are derived from finger-printable adult arrest information transmitted from law enforcement agencies to CCH. The counts for felony actions (indictments and superior court information) and for the dispositions of these cases are derived from superior court case information transmitted to CCH from the New York State Office of Court Administration.

Cases in this report are characterized by the most serious charge in the event (arrest, indictment/SCI, or conviction). If the top charge in the event is not a VFO, that event is not included in the statistical tables included in this report. In addition to the offenses specified as VFOs in Penal Law §70.02, certain Class A felonies are included in the statistical tables in this report if attempts to these offenses (Class B felonies) are specified as VFOs or if the offense meets the definition of a “predicate violent felony conviction” found in Penal Law §70.04 - sentence of imprisonment for second violent felony offender. In essence, this includes all Class A felonies other than Penal Law Article 220 (controlled substances) felonies.

The unit of count for arrests is the “arrest event” characterized by the most serious arrest charge in the event (i.e. one arrest event that contains more than one VFO charge is counted as one arrest). The unit of count for indictments and superior court indictments is the “defendant-indictment.” When more than one defendant is charged in one indictment or SCI, each defendant is counted separately. If one defendant is charged in multiple indictments or SCIs, each indictment or SCI is counted separately. More than one indictment or SCI can be linked to a single arrest event and multiple arrests can be combined into one indictment or SCI. As with arrests, if an indictment or SCI contains more than one VFO charge it is counted once.

## **ADDITIONAL DATA TABLES**

- Table 1 Violent Felony Offense Adults Arrests: Charge Type of Top Arrest Charge, 2008-2012
- Table 2 Violent Felony Offense Adult Arrests: Felony Class of Top Arrest Charge, 2008-2012
- Table 3 Violent Felony Offense Adult Arrests: Prior Felony Convictions Arrest Charge Category, 2008-2012
- Table 4 Violent Felony Offense Superior Court Actions: Charge Type of Top Action Charge, 2008-2012
- Table 5 Violent Felony Offense Superior Court Actions: Felony Class of Top Action Charge, 2008-2012
- Table 6 Violent Felony Offense Superior Court Actions: Prior Felony Convictions, 2008-2012
- Table 7 Dispositions of Violent Felony Actions, 2008-2012
- Table 8 Dispositions of Violent Felony Actions, 2012
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- Table 10 Violent Felony Offense Actions Vs. Convicted Offenses and Youthful Adjudications, 2008-2012
- Table 11 Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications, 2008-2012
- Table 12 Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications by Charge Category, 2012
- Table 13 Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications by Felony Class, 2012

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

		2008	2009	2010	2011	2012	% Change '08 to '12
NEW YORK STATE	TOTAL VFO ARRESTS	45,609	44,788	44,120	44,649	43,922	-3.7%
	ASSAULT	17,951	17,517	17,424	16,531	16,623	-7.4%
	STRANGULATION	---	---	76	1,534	1,865	
	HOMICIDE	995	862	858	861	816	-18.0%
	SEX OFFENSES	2,776	2,652	2,685	2,428	2,400	-13.5%
	BURGLARY	6,431	6,715	6,767	7,007	6,972	8.4%
	ROBBERY	11,999	11,066	10,649	10,515	9,729	-18.9%
	WEAPONS OFFENSES	4,914	5,418	5,107	5,252	4,959	0.9%
	OTHER VFOs	543	558	554	521	558	2.8%
NEW YORK CITY	TOTAL VFO ARRESTS	28,317	27,267	27,120	27,810	27,520	-2.8%
	ASSAULT	12,051	11,647	11,593	11,183	11,567	-4.0%
	STRANGULATION	---	---	42	1,116	1,402	
	HOMICIDE	675	561	565	613	586	-13.2%
	SEX OFFENSES	1,236	1,231	1,286	1,153	1,094	-11.5%
	BURGLARY	1,602	1,726	1,669	1,878	1,852	15.6%
	ROBBERY	8,911	7,861	7,972	7,807	7,158	-19.7%
	WEAPONS OFFENSES	3,619	4,017	3,713	3,840	3,615	-0.1%
	OTHER VFOs	223	224	280	220	246	10.3%
LARGE COUNTIES	TOTAL VFO ARRESTS	13,964	14,251	13,746	13,584	13,088	-6.3%
	ASSAULT	4,787	4,851	4,796	4,397	4,199	-12.3%
	STRANGULATION	---	---	31	309	337	
	HOMICIDE	286	266	262	217	194	-32.2%
	SEX OFFENSES	971	910	879	822	800	-17.6%
	BURGLARY	3,591	3,710	3,800	3,814	3,762	4.8%
	ROBBERY	2,882	2,934	2,497	2,510	2,371	-17.7%
	WEAPONS OFFENSES	1,199	1,315	1,265	1,285	1,198	-0.1%
	OTHER VFOs	248	265	216	230	227	-8.5%
SMALL COUNTIES	TOTAL VFO ARRESTS	3,328	3,270	3,254	3,255	3,314	-0.4%
	ASSAULT	1,113	1,019	1,035	951	857	-23.0%
	STRANGULATION	---	---	3	109	126	
	HOMICIDE	34	35	31	31	36	5.9%
	SEX OFFENSES	569	511	520	453	506	-11.1%
	BURGLARY	1,238	1,279	1,298	1,315	1,358	9.7%
	ROBBERY	206	271	180	198	200	-2.9%
	WEAPONS OFFENSES	96	86	129	127	146	52.1%
	OTHER VFOs	72	69	58	71	85	18.1%

Source: DCJS, Computerized Criminal History system

Between 2008 and 2012, the number of arrests increased statewide for VFO burglary (+8.4%), and decreased for most other VFO offenses. Arrests for “Strangulation” reflect the creation in 2010 of two new violent felony offenses – strangulation in the first degree (PL 121.13) and strangulation in the second degree (PL 121.12).

Arrests for VFO burglary increased in each region (+15.6% in New York City, +4.8% in Large Counties and +9.7% in the Small Counties). Over the five years, arrests for VFO weapons offenses stayed about the same in New York City and in the Large Counties, while In the Small Counties arrests for these offenses increased (+52.1%), from 96 in 2008 to 146 in 2012.

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

		2008	2009	2010	2011	2012	% Change '08 to '12
NEW YORK STATE	TOTAL VFO ARRESTS	45,609	44,788	44,120	44,649	43,922	-3.7%
	CLASS A	754	740	728	673	664	-11.9%
	CLASS B	9,359	8,364	8,059	7,621	7,039	-24.8%
	CLASS C	18,401	18,171	17,962	18,209	17,771	-3.4%
	CLASS D	16,966	17,357	17,220	17,987	18,274	7.7%
	CLASS E	129	156	151	159	174	34.9%
NEW YORK CITY	TOTAL VFO ARRESTS	28,317	27,267	27,120	27,810	27,520	-2.8%
	CLASS A	456	432	438	428	421	-7.7%
	CLASS B	5,908	5,075	5,117	4,721	4,295	-27.3%
	CLASS C	11,018	10,611	10,555	10,799	10,511	-4.6%
	CLASS D	10,892	11,091	10,948	11,790	12,229	12.3%
	CLASS E	43	58	62	72	64	48.8%
LARGE COUNTIES	TOTAL VFO ARRESTS	13,964	14,251	13,746	13,584	13,088	-6.3%
	CLASS A	259	267	252	198	195	-24.7%
	CLASS B	2,905	2,764	2,485	2,447	2,293	-21.1%
	CLASS C	5,991	6,135	5,959	5,941	5,756	-3.9%
	CLASS D	4,747	5,011	4,979	4,944	4,778	0.7%
	CLASS E	62	74	71	54	66	6.5%
SMALL COUNTIES	TOTAL VFO ARRESTS	3,328	3,270	3,254	3,255	3,314	-0.4%
	CLASS A	39	41	38	47	48	23.1%
	CLASS B	546	525	457	453	451	-17.4%
	CLASS C	1,392	1,425	1,448	1,469	1,504	8.0%
	CLASS D	1,327	1,255	1,293	1,253	1,267	-4.5%
	CLASS E	24	24	18	33	44	83.3%

Source: DCJS, Computerized Criminal History system

The number arrests for Class A and Class B VFOs decreased by -11.9% and -24.8% respectively from 2008 to 2012. This was due to a decrease in the number of arrests for Class A homicide offenses and Class B sex, burglary, and robbery offenses.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 3 - VIOLENT FELONY OFFENSE ADULT ARRESTS  
PRIOR FELONY CONVICTIONS  
ARREST CHARGE CATEGORY**

		2008	2009	2010	2011	2012	TOTAL ARRESTS	
							#	%
NEW YORK STATE	TOTAL ARRESTS	45,609	44,788	44,120	44,649	43,922	223,088	100.0%
	NO PRIOR FELONY CONVICTIONS	35,680	35,008	34,529	34,627	33,805	173,649	77.8%
	ONE PRIOR FELONY CONVICTION	5,261	5,108	4,936	5,106	5,119	25,530	11.4%
	TWO OR MORE PRIOR FELONY CONVICTIONS	4,668	4,672	4,655	4,916	4,998	23,909	10.7%
NEW YORK CITY	TOTAL ARRESTS	28,317	27,267	27,120	27,810	27,520	138,034	100.0%
	NO PRIOR FELONY CONVICTIONS	22,143	21,382	21,377	21,791	21,302	107,995	78.2%
	ONE PRIOR FELONY CONVICTION	3,177	2,931	2,776	2,919	3,034	14,837	10.7%
	TWO OR MORE PRIOR FELONY CONVICTIONS	2,997	2,954	2,967	3,100	3,184	15,202	11.0%
LARGE COUNTIES	TOTAL ARRESTS	13,964	14,251	13,746	13,584	13,088	68,633	100.0%
	NO PRIOR FELONY CONVICTIONS	10,840	11,012	10,551	10,306	9,940	52,649	76.7%
	ONE PRIOR FELONY CONVICTION	1,699	1,784	1,792	1,760	1,660	8,695	12.7%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,425	1,455	1,403	1,518	1,488	7,289	10.6%
SMALL COUNTIES	TOTAL ARRESTS	3,328	3,270	3,254	3,255	3,314	16,421	100.0%
	NO PRIOR FELONY CONVICTIONS	2,697	2,614	2,601	2,530	2,563	13,005	79.2%
	ONE PRIOR FELONY CONVICTION	385	393	368	427	425	1,998	12.2%
	TWO OR MORE PRIOR FELONY CONVICTIONS	246	263	285	298	326	1,418	8.6%

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

Over three-quarters (77.8%) of persons arrested for a VFO between 2008 and 2012 had no record of a prior felony conviction in New York State.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 4 - VIOLENT FELONY OFFENSE SUPERIOR COURT ACTIONS  
CHARGE TYPE OF TOP ACTION CHARGE**

		2008	2009	2010	2011	2012	% Change '08 to '12
NEW YORK STATE	TOTAL ACTIONS	16,611	16,588	16,100	15,327	14,833	-10.7%
	ASSAULT	3,570	3,604	3,462	3,321	3,054	-14.5%
	STRANGULATION	---	---	---	178	157	
	HOMICIDE	902	835	773	789	723	-19.8%
	SEX OFFENSES	1,531	1,429	1,484	1,313	1,283	-16.2%
	BURGLARY	2,787	2,982	3,091	2,864	3,108	11.5%
	ROBBERY	5,240	5,079	4,702	4,550	4,224	-19.4%
	WEAPONS OFFENSES	2,355	2,456	2,358	2,087	2,055	-12.7%
	OTHER VFOs	226	203	230	225	229	1.3%
NEW YORK CITY	TOTAL ACTIONS	9,001	9,093	8,818	8,321	8,208	-8.8%
	ASSAULT	1,981	2,104	1,993	1,818	1,837	-7.3%
	STRANGULATION	---	---	---	84	70	
	HOMICIDE	613	542	497	537	496	-19.1%
	SEX OFFENSES	511	515	563	476	473	-7.4%
	BURGLARY	847	933	1,033	934	1,071	26.4%
	ROBBERY	3,533	3,464	3,249	3,179	2,929	-17.1%
	WEAPONS OFFENSES	1,436	1,449	1,373	1,193	1,213	-15.5%
	OTHER VFOs	80	86	110	100	119	48.8%
LARGE COUNTIES	TOTAL ACTIONS	6,073	6,042	5,890	5,510	5,032	-17.1%
	ASSAULT	1,244	1,156	1,148	1,156	910	-26.8%
	STRANGULATION	---	---	---	59	47	
	HOMICIDE	254	256	238	217	196	-22.8%
	SEX OFFENSES	605	571	564	503	475	-21.5%
	BURGLARY	1,414	1,549	1,577	1,405	1,407	-0.5%
	ROBBERY	1,572	1,465	1,345	1,269	1,157	-26.4%
	WEAPONS OFFENSES	872	949	925	809	751	-13.9%
	OTHER VFOs	112	96	93	92	89	-20.5%
SMALL COUNTIES	TOTAL ACTIONS	1,537	1,453	1,392	1,496	1,593	3.6%
	ASSAULT	345	344	321	347	307	-11.0%
	STRANGULATION	---	---	---	35	40	
	HOMICIDE	35	37	38	35	31	-11.4%
	SEX OFFENSES	415	343	357	334	335	-19.3%
	BURGLARY	526	500	481	525	630	19.8%
	ROBBERY	135	150	108	102	138	2.2%
	WEAPONS OFFENSES	47	58	60	85	91	93.6%
	OTHER VFOs	34	21	27	33	21	-38.2%

Source: DCJS, Felony Processing File

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

The increase in the number of burglary cases was driven by an increase in the number of cases in which the defendant was charged with burglary of a dwelling (PL 140.25 subsection 2).

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 5 - VIOLENT FELONY OFFENSE SUPERIOR COURT ACTIONS  
FELONY CLASS OF TOP ACTION CHARGE**

		2008	2009	2010	2011	2012	% Change '08 to '12
NEW YORK STATE	TOTAL ACTIONS	16,611	16,588	16,100	15,327	14,833	-10.7%
	CLASS A	743	740	675	684	673	-9.4%
	CLASS B	4,981	4,841	4,567	4,315	3,969	-20.3%
	CLASS C	7,086	7,269	7,112	6,651	6,479	-8.6%
	CLASS D	3,765	3,712	3,725	3,656	3,686	-2.1%
	CLASS E	36	26	21	21	26	*
NEW YORK CITY	TOTAL ACTIONS	9,001	9,093	8,818	8,321	8,208	-8.8%
	CLASS A	445	404	380	387	383	-13.9%
	CLASS B	3,010	2,921	2,821	2,627	2,528	-16.0%
	CLASS C	3,838	3,961	3,804	3,617	3,523	-8.2%
	CLASS D	1,703	1,799	1,804	1,682	1,759	3.3%
	CLASS E	5	8	9	8	15	*
LARGE COUNTIES	TOTAL ACTIONS	6,073	6,042	5,890	5,510	5,032	-17.1%
	CLASS A	261	287	249	241	235	-10.0%
	CLASS B	1,605	1,581	1,462	1,386	1,137	-29.2%
	CLASS C	2,651	2,728	2,776	2,443	2,282	-13.9%
	CLASS D	1,531	1,435	1,395	1,432	1,368	-10.6%
	CLASS E	25	11	8	8	10	*
SMALL COUNTIES	TOTAL ACTIONS	1,537	1,453	1,392	1,496	1,593	3.6%
	CLASS A	37	49	46	56	55	48.6%
	CLASS B	366	339	284	302	304	-16.9%
	CLASS C	597	580	532	591	674	12.9%
	CLASS D	531	478	526	542	559	5.3%
	CLASS E	6	7	4	5	1	*

Source: DCJS, Felony Processing File

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

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

From 2008 to 2012 superior court actions for VFOs declined in New York City by -8.8% and in the Large Counties by -17.1%, and increased by +3.6% in the Small Counties.

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

		2008	2009	2010	2011	2012	TOTAL ACTIONS	
							#	%
NEW YORK STATE	TOTAL ACTIONS	16,611	16,588	16,100	15,327	14,833	79,459	100.0%
	NO PRIOR FELONY CONVICTIONS	12,239	12,169	11,787	11,188	10,816	58,199	73.2%
	ONE PRIOR FELONY CONVICTION	2,210	2,270	2,190	2,030	2,012	10,712	13.5%
	TWO OR MORE PRIOR FELONY CONVICTIONS	2,162	2,149	2,123	2,109	2,005	10,548	13.3%
NEW YORK CITY	TOTAL ACTIONS	9,001	9,093	8,818	8,321	8,208	43,441	100.0%
	NO PRIOR FELONY CONVICTIONS	6,580	6,665	6,403	6,077	5,980	31,705	73.0%
	ONE PRIOR FELONY CONVICTION	1,169	1,169	1,141	1,041	1,073	5,593	12.9%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,252	1,259	1,274	1,203	1,155	6,143	14.1%
LARGE COUNTIES	TOTAL ACTIONS	6,073	6,042	5,890	5,510	5,032	28,547	100.0%
	NO PRIOR FELONY CONVICTIONS	4,478	4,404	4,333	4,029	3,679	20,923	73.3%
	ONE PRIOR FELONY CONVICTION	839	901	858	757	699	4,054	14.2%
	TWO OR MORE PRIOR FELONY CONVICTIONS	756	737	699	724	654	3,570	12.5%
SMALL COUNTIES	TOTAL ACTIONS	1,537	1,453	1,392	1,496	1,593	7,471	100.0%
	NO PRIOR FELONY CONVICTIONS	1,181	1,100	1,051	1,082	1,157	5,571	74.6%
	ONE PRIOR FELONY CONVICTION	202	200	191	232	240	1,065	14.3%
	TWO OR MORE PRIOR FELONY CONVICTIONS	154	153	150	182	196	835	11.2%

Source: DCJS, Felony Processing File

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

Youthful Offender (YO) adjudications are not counted as prior convictions.

Statewide, 73.2% of persons charged with a VFO in a superior court case had no prior felony convictions.

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

		2008	2009	2010	2011	2012	TOTAL DISPOSED	
							#	%
NEW YORK STATE	Total Disposed	14,659	15,928	15,590	15,512	15,173	76,862	100.0%
	Convicted - Plea	9,264	10,203	9,990	9,929	9,847	49,233	64.1%
	Convicted - Verdict	847	887	930	949	923	4,536	5.9%
	Adjudicated - Youthful Offender	2,376	2,584	2,354	2,408	2,256	11,978	15.6%
	Covered by, Consolidated, Superseded	577	603	661	612	634	3,087	4.0%
	Diverted and Dismissed	10	12	13	20	19	74	0.1%
	Dismissed	1,164	1,191	1,154	1,081	1,023	5,613	7.3%
	Acquitted	359	378	411	438	392	1,978	2.6%
	Other	62	70	77	75	79	363	0.5%
NEW YORK CITY	Total Disposed	7,692	8,550	8,356	8,437	8,310	41,345	100.0%
	Convicted - Plea	4,747	5,381	5,198	5,283	5,159	25,768	62.3%
	Convicted - Verdict	413	463	505	481	493	2,355	5.7%
	Adjudicated - Youthful Offender	1,340	1,513	1,376	1,439	1,418	7,086	17.1%
	Covered by, Consolidated, Superseded	205	188	210	209	226	1,038	2.5%
	Diverted and Dismissed	8	11	13	20	19	71	0.2%
	Dismissed	730	744	747	689	712	3,622	8.8%
	Acquitted	205	203	252	269	231	1,160	2.8%
	Other	44	47	55	47	52	245	0.6%
LARGE COUNTIES	Total Disposed	5,522	5,914	5,835	5,593	5,308	28,172	100.0%
	Convicted - Plea	3,546	3,856	3,834	3,637	3,596	18,469	65.6%
	Convicted - Verdict	332	302	332	351	311	1,628	5.8%
	Adjudicated - Youthful Offender	859	908	848	844	734	4,193	14.9%
	Covered by, Consolidated, Superseded	267	314	331	280	262	1,454	5.2%
	Diverted and Dismissed	2	1	0	0	0	3	0.0%
	Dismissed	374	373	351	322	252	1,672	5.9%
	Acquitted	128	141	124	139	134	666	2.4%
	Other	14	19	15	20	19	87	0.3%
SMALL COUNTIES	Total Disposed	1,445	1,464	1,399	1,482	1,555	7,345	100.0%
	Convicted - Plea	971	966	958	1,009	1,092	4,996	68.0%
	Convicted - Verdict	102	122	93	117	119	553	7.5%
	Adjudicated - Youthful Offender	177	163	130	125	104	699	9.5%
	Covered by, Consolidated, Superseded	105	101	120	123	146	595	8.1%
	Diverted and Dismissed	0	0	0	0	0	0	0.0%
	Dismissed	60	74	56	70	59	319	4.3%
	Acquitted	26	34	35	30	27	152	2.1%
	Other	4	4	7	8	8	31	0.4%

Source: DCJS, Felony Processing File

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

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

Statewide, 85.6% of VFO superior court cases that were disposed during the five-year period resulted in a conviction (by plea or verdict) or Youthful Offender adjudication, including 85.1% in New York City, 86.3% in the Large Counties and 85.0% in the Small Counties.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 8 - DISPOSITIONS OF VIOLENT FELONY ACTIONS  
2012**

	Total Disposed	Convicted/Adjudicated			Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Acquitted	Other	
		Convicted - Plea	Convicted -Verdict	Adjudicated - Youthful Offender						
NEW YORK STATE	TOTAL	15,173	9,847	923	2,25	634	19	1,02	392	79
	ASSAULT	3,049	2,193	187	230	65	7	218	130	19
	STRANGULATION	153	124	8	4	8	0	7	2	0
	HOMICIDE	805	432	203	26	35	0	52	54	3
	SEX OFFENSES	1,323	927	114	69	60	0	93	44	16
	BURGLARY	2,979	2,046	127	444	231	3	90	25	13
	ROBBERY	4,427	2,442	165	1,28	152	5	290	78	9
	WEAPONS OFFENSES	2,212	1,524	102	184	76	4	257	48	17
	OTHER VFOs	225	159	17	13	7	0	16	11	2
NEW YORK CITY	TOTAL	8,310	5,159	493	1,41	226	19	712	231	52
	ASSAULT	1,759	1,191	110	156	36	7	166	81	12
	STRANGULATION	58	50	3	2	2	0	1	0	0
	HOMICIDE	544	292	117	26	28	0	40	38	3
	SEX OFFENSES	480	333	35	20	20	0	45	20	7
	BURGLARY	954	677	49	139	28	3	42	9	7
	ROBBERY	3,105	1,653	104	965	75	5	242	52	9
	WEAPONS OFFENSES	1,300	881	65	109	36	4	166	26	13
	OTHER VFOs	110	82	10	1	1	0	10	5	1
LARGE COUNTIES	TOTAL	5,308	3,596	311	734	262	0	252	134	19
	ASSAULT	972	758	54	63	16	0	37	39	5
	STRANGULATION	50	39	3	1	3	0	3	1	0
	HOMICIDE	229	122	76	0	6	0	10	15	0
	SEX OFFENSES	516	361	47	32	21	0	34	16	5
	BURGLARY	1,430	974	39	257	105	0	37	13	5
	ROBBERY	1,198	701	54	302	70	0	45	26	0
	WEAPONS OFFENSES	827	586	34	68	35	0	82	19	3
	OTHER VFOs	86	55	4	11	6	0	4	5	1
SMALL COUNTIES	TOTAL	1,555	1,092	119	104	146	0	59	27	8
	ASSAULT	318	244	23	11	13	0	15	10	2
	STRANGULATION	45	35	2	1	3	0	3	1	0
	HOMICIDE	32	18	10	0	1	0	2	1	0
	SEX OFFENSES	327	233	32	17	19	0	14	8	4
	BURGLARY	595	395	39	48	98	0	11	3	1
	ROBBERY	124	88	7	19	7	0	3	0	0
	WEAPONS OFFENSES	85	57	3	7	5	0	9	3	1
	OTHER VFOs	29	22	3	1	0	0	2	1	0

Source: DCJS, Felony Processing File

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

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

Statewide, 2012 superior court cases with a top charge of robbery, burglary or strangulation were the most likely to end with a conviction or a Youthful Offender adjudication. Superior court cases with a top charge of a weapons offense or a homicide offense were least likely to end with a conviction or adjudication.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 9 - DISPOSITIONS OF VIOLENT FELONY ACTIONS  
2012**

	Total Disposed	Convicted/Adjudicated			Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Acquitted	Other	
		Convicted - Plea	Convicted - Verdict	Adjudicated - Youthful Offender						
NEW YORK STATE	TOTAL	15,173	9,847	923	2,256	634	19	1,023	392	79
	CLASS A	681	374	192	5	26	0	33	47	4
	CLASS B	4,176	2,582	320	533	178	2	374	158	29
	CLASS C	6,658	4,098	277	1,324	339	11	474	106	29
	CLASS D	3,634	2,776	134	391	89	6	142	79	17
	CLASS E	24	17	0	3	2	0	0	2	0
NEW YORK CITY	TOTAL	8,310	5,159	493	1,418	226	19	712	231	52
	CLASS A	368	196	101	4	16	0	19	30	2
	CLASS B	2,612	1,539	179	388	100	2	284	100	20
	CLASS C	3,634	2,156	150	820	86	11	331	61	19
	CLASS D	1,685	1,258	63	206	24	6	78	39	11
	CLASS E	11	10	0	0	0	0	0	1	0
LARGE COUNTIES	TOTAL	5,308	3,596	311	734	262	0	252	134	19
	CLASS A	255	140	76	1	10	0	12	14	2
	CLASS B	1,235	806	109	134	55	0	75	51	5
	CLASS C	2,403	1,544	82	447	157	0	124	41	8
	CLASS D	1,405	1,101	44	150	38	0	41	27	4
	CLASS E	10	5	0	2	2	0	0	1	0
SMALL COUNTIES	TOTAL	1,555	1,092	119	104	146	0	59	27	8
	CLASS A	58	38	15	0	0	0	2	3	0
	CLASS B	329	237	32	11	23	0	15	7	4
	CLASS C	621	398	45	57	96	0	19	4	2
	CLASS D	544	417	27	35	27	0	23	13	2
	CLASS E	3	2	0	1	0	0	0	0	0

Source: DCJS, Felony Processing File

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

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

Includes convictions/adjudications for felonies, misdemeanors, and non-criminal offenses such as violations and infractions.

Superior court cases where the top charge was a Class C or a Class D VFO were more likely to result in a conviction or Youthful Offender adjudication than cases with a more serious top charge. Class B VFO cases were least likely to end with a conviction or Youthful Offender adjudication.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES**  
**TABLE 10 - VIOLENT FELONY OFFENSE ACTIONS VS CONVICTED OFFENSES**  
**AND YOUTHFUL OFFENDER ADJUDICATIONS**  
**2008 TO 2012**

		TOP ACTION CHARGE					TOTAL
		CLASS A	CLASS B	CLASS C	CLASS D	CLASS E	
NEW YORK STATE	TOTAL CONVICTIONS	2,780	15,529	21,277	14,091	92	53,769
	<u>FELONY CLASS</u>						
	CLASS A	1,036	21	3	4	0	1,064
	CLASS B	1,286	5,337	94	76	0	6,793
	CLASS C	279	2,708	6,668	88	0	9,743
	CLASS D	105	4,823	9,962	8,367	0	23,257
	CLASS E	46	926	1,260	2,346	70	4,648
	MISDEMEANORS	24	1,534	2,910	2,912	20	7,400
	LESSER OFFENSES	4	180	380	298	2	864
	<u>CONVICTION TYPE</u>						
VFO CONVICTION	2,599	11,593	14,113	8,274	67	36,646	
NON-VFO CONVICTION	181	3,936	7,164	5,817	25	17,123	
NEW YORK CITY	TOTAL CONVICTIONS	1,447	9,007	11,044	6,587	38	28,123
	<u>FELONY CLASS</u>						
	CLASS A	453	20	2	4	0	479
	CLASS B	706	2,843	79	69	0	3,697
	CLASS C	163	1,348	2,921	71	0	4,503
	CLASS D	75	2,895	4,990	3,855	0	11,815
	CLASS E	30	579	700	719	30	2,058
	MISDEMEANORS	16	1,164	2,032	1,639	7	4,858
	LESSER OFFENSES	4	158	320	230	1	713
	<u>CONVICTION TYPE</u>						
VFO CONVICTION	1,336	6,224	6,644	3,892	29	18,125	
NON-VFO CONVICTION	111	2,783	4,400	2,695	9	9,998	
LARGE COUNTIES	TOTAL CONVICTIONS	1,108	5,241	8,250	5,460	38	20,097
	<u>FELONY CLASS</u>						
	CLASS A	475	1	1	0	0	477
	CLASS B	498	2,050	15	7	0	2,570
	CLASS C	95	1,115	3,180	17	0	4,407
	CLASS D	22	1,533	3,899	3,326	0	8,780
	CLASS E	14	240	380	1,057	27	1,718
	MISDEMEANORS	4	284	718	990	10	2,006
	LESSER OFFENSES	0	18	57	63	1	139
	<u>CONVICTION TYPE</u>						
VFO CONVICTION	1,055	4,388	6,302	3,244	25	15,014	
NON-VFO CONVICTION	53	853	1,948	2,216	13	5,083	
SMALL COUNTIES	TOTAL CONVICTIONS	225	1,281	1,983	2,044	16	5,549
	<u>FELONY CLASS</u>						
	CLASS A	108	0	0	0	0	108
	CLASS B	82	444	0	0	0	526
	CLASS C	21	245	567	0	0	833
	CLASS D	8	395	1,073	1,186	0	2,662
	CLASS E	2	107	180	570	13	872
	MISDEMEANORS	4	86	160	283	3	536
	LESSER OFFENSES	0	4	3	5	0	12
	<u>CONVICTION TYPE</u>						
VFO CONVICTION	208	981	1,167	1,138	13	3,507	
NON-VFO CONVICTION	17	300	816	906	3	2,042	

Source: DCJS, Felony Processing File

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

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

Includes convictions/adjudications for felonies, misdemeanors and non-criminal offenses such as violations and infractions.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 11 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS  
AND YOUTHFUL OFFENDER ADJUDICATIONS**

		2008	2009	2010	2011	2012	% Change '08 to '12
NEW YORK STATE	TOTAL SENTENCES	9,347	9,820	9,670	9,552	9,403	0.6%
	PRISON	5,900	6,249	6,376	6,233	6,192	4.9%
	JAIL	941	972	945	980	965	2.6%
	JAIL AND PROBATION	1,115	1,097	1,064	1,050	983	-11.8%
	PROBATION	1,314	1,402	1,206	1,189	1,123	-14.5%
	OTHER	77	100	79	100	140	81.8%
NEW YORK CITY	TOTAL SENTENCES	4,672	4,991	4,952	4,923	4,787	2.5%
	PRISON	2,927	3,181	3,316	3,202	3,116	6.5%
	JAIL	554	608	557	603	634	14.4%
	JAIL AND PROBATION	325	317	296	311	246	-24.3%
	PROBATION	809	812	714	722	674	-16.7%
	OTHER	57	73	69	85	117	105.3%
LARGE COUNTIES	TOTAL SENTENCES	3,847	4,035	3,962	3,811	3,771	-2.0%
	PRISON	2,443	2,550	2,573	2,478	2,481	1.6%
	JAIL	351	330	340	335	289	-17.7%
	JAIL AND PROBATION	630	626	628	584	592	-6.0%
	PROBATION	408	508	413	404	390	-4.4%
	OTHER	15	21	8	10	19	26.7%
SMALL COUNTIES	TOTAL SENTENCES	828	794	756	818	845	2.1%
	PRISON	530	518	487	553	595	12.3%
	JAIL	36	34	48	42	42	16.7%
	JAIL AND PROBATION	160	154	140	155	145	-9.4%
	PROBATION	97	82	79	63	59	-39.2%
	OTHER	5	6	2	5	4	-0.2%

Source: DCJS, Felony Processing File

Note: Includes Youthful Offender and Juvenile Offender Sentences

Statewide, the number of prison sentences increased by 4.9% and local jail sentences increased by 2.6% while sentences decreased to jail and probation (-11.8%), and probation without jail (-14.5%). Between 2008 and 2012, prison sentences increased +6.5% in New York City, 1.6% in Large Counties and 12.3% in the Small Counties.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 12 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS  
AND YOUTHFUL OFFENDER ADJUDICATIONS  
BY CHARGE CATEGORY  
2012**

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%
NEW YORK STATE	TOTAL SENTENCES	6,192	65.9%	965	10.3%	983	10.5%	1,123	11.9%	140	1.5%	9,403	100.0%
	ASSAULT	916	60.1%	216	14.2%	228	15.0%	143	9.4%	21	1.4%	1,524	100.0%
	STRANGULATION	26	51.0%	3	5.9%	16	31.4%	6	11.8%	0	0.0%	51	100.0%
	HOMICIDE	494	99.0%	3	0.6%	0	0.0%	2	0.4%	0	0.0%	499	100.0%
	SEX OFFENSES	584	72.4%	49	6.1%	98	12.1%	70	8.7%	6	0.7%	807	100.0%
	BURGLARY	1,279	64.4%	147	7.4%	286	14.4%	254	12.8%	20	1.0%	1,986	100.0%
	ROBBERY WEAPONS OFFENSES	1,637	57.9%	322	11.4%	272	9.6%	517	18.3%	81	2.9%	2,829	100.0%
	OTHER VFOs	1,197	73.5%	222	13.6%	78	4.8%	121	7.4%	11	0.7%	1,629	100.0%
NEW YORK CITY	TOTAL SENTENCES	3,116	65.1%	634	13.2%	246	5.1%	674	14.1%	117	2.4%	4,787	100.0%
	ASSAULT	489	60.5%	126	15.6%	99	12.3%	77	9.5%	17	2.1%	808	100.0%
	STRANGULATION	9	56.3%	2	12.5%	1	6.3%	4	25.0%	0	0.0%	16	100.0%
	HOMICIDE	311	98.4%	3	0.9%	0	0.0%	2	0.6%	0	0.0%	316	100.0%
	SEX OFFENSES	190	76.9%	14	5.7%	10	4.0%	30	12.1%	3	1.2%	247	100.0%
	BURGLARY	417	72.6%	54	9.4%	29	5.1%	66	11.5%	8	1.4%	574	100.0%
	ROBBERY WEAPONS OFFENSES	1,062	56.5%	244	13.0%	81	4.3%	413	22.0%	79	4.2%	1,879	100.0%
	OTHER VFOs	609	66.7%	190	20.8%	26	2.8%	79	8.7%	9	1.0%	913	100.0%
LARGE COUNTIES	TOTAL SENTENCES	2,481	65.8%	289	7.7%	592	15.7%	390	10.3%	19	0.5%	3,771	100.0%
	ASSAULT	322	58.4%	75	13.6%	97	17.6%	54	9.8%	3	0.5%	551	100.0%
	STRANGULATION	9	52.9%	1	5.9%	5	29.4%	2	11.8%	0	0.0%	17	100.0%
	HOMICIDE	158	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	158	100.0%
	SEX OFFENSES	246	69.7%	25	7.1%	52	14.7%	27	7.6%	3	0.8%	353	100.0%
	BURGLARY	659	58.8%	78	7.0%	211	18.8%	162	14.5%	10	0.9%	1,120	100.0%
	ROBBERY WEAPONS OFFENSES	514	58.9%	77	8.8%	177	20.3%	102	11.7%	2	0.2%	872	100.0%
	OTHER VFOs	550	82.6%	31	4.7%	46	6.9%	38	5.7%	1	0.2%	666	100.0%
SMALL COUNTIES	TOTAL SENTENCES	595	70.4%	42	5.0%	145	17.2%	59	7.0%	4	0.5%	845	100.0%
	ASSAULT	105	63.6%	15	9.1%	32	19.4%	12	7.3%	1	0.6%	165	100.0%
	STRANGULATION	8	44.4%	0	0.0%	10	55.6%	0	0.0%	0	0.0%	18	100.0%
	HOMICIDE	25	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	25	100.0%
	SEX OFFENSES	148	71.5%	10	4.8%	36	17.4%	13	6.3%	0	0.0%	207	100.0%
	BURGLARY	203	69.5%	15	5.1%	46	15.8%	26	8.9%	2	0.7%	292	100.0%
	ROBBERY WEAPONS OFFENSES	61	78.2%	1	1.3%	14	17.9%	2	2.6%	0	0.0%	78	100.0%
	OTHER VFOs	38	76.0%	1	2.0%	6	12.0%	4	8.0%	1	2.0%	50	100.0%
	7	70.0%	0	0.0%	1	10.0%	2	20.0%	0	0.0%	10	100.0%	

Source: DCJS, Felony Processing File  
Note: Includes Youthful Offender and Juvenile Offender Sentences

Statewide, 65.9% of 2012 sentences imposed after a VFO conviction or Youthful Offender adjudication were sentences to prison. Nearly all sentences following a VFO homicide conviction or Youthful Offender adjudication were prison sentences (99.0%).

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES  
TABLE 13 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS  
AND YOUTHFUL OFFENDER ADJUDICATIONS  
BY FELONY CLASS  
2012**

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%
NEW YORK STATE	TOTAL SENTENCES	6,192	65.9%	965	10.3%	983	10.5%	1,123	11.9%	140	1.5%	9,403	100.0%
	CLASS A	199	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	199	100.0%
	CLASS B	1,434	84.7%	54	3.2%	53	3.1%	134	7.9%	18	1.1%	1,693	100.0%
	CLASS C	2,200	72.4%	143	4.7%	215	7.1%	422	13.9%	59	1.9%	3,039	100.0%
	CLASS D	2,348	52.8%	766	17.2%	713	16.0%	560	12.6%	62	1.4%	4,449	100.0%
	CLASS E	11	47.8%	2	8.7%	2	8.7%	7	30.4%	1	4.3%	23	100.0%
NEW YORK CITY	TOTAL SENTENCES	3,116	65.1%	634	13.2%	246	5.1%	674	14.1%	117	2.4%	4,787	100.0%
	CLASS A	92	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	92	100.0%
	CLASS B	827	81.5%	39	3.8%	20	2.0%	112	11.0%	17	1.7%	1,015	100.0%
	CLASS C	1,026	68.0%	109	7.2%	36	2.4%	288	19.1%	50	3.3%	1,509	100.0%
	CLASS D	1,163	53.9%	485	22.5%	190	8.8%	271	12.6%	49	2.3%	2,158	100.0%
	CLASS E	8	61.5%	1	7.7%	0	0.0%	3	23.1%	1	7.7%	13	100.0%
LARGE COUNTIES	TOTAL SENTENCES	2,481	65.8%	289	7.7%	592	15.7%	390	10.3%	19	0.5%	3,771	100.0%
	CLASS A	84	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	84	100.0%
	CLASS B	497	87.7%	15	2.6%	32	5.6%	22	3.9%	1	0.2%	567	100.0%
	CLASS C	980	75.1%	32	2.5%	165	12.6%	121	9.3%	7	0.5%	1,305	100.0%
	CLASS D	917	50.7%	241	13.3%	394	21.8%	244	13.5%	11	0.6%	1,807	100.0%
	CLASS E	3	37.5%	1	12.5%	1	12.5%	3	37.5%	0	0.0%	8	100.0%
SMALL COUNTIES	TOTAL SENTENCES	595	70.4%	42	5.0%	145	17.2%	59	7.0%	4	0.5%	845	100.0%
	CLASS A	23	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	23	100.0%
	CLASS B	110	99.1%	0	0.0%	1	0.9%	0	0.0%	0	0.0%	111	100.0%
	CLASS C	194	86.2%	2	0.9%	14	6.2%	13	5.8%	2	0.9%	225	100.0%
	CLASS D	268	55.4%	40	8.3%	129	26.7%	45	9.3%	2	0.4%	484	100.0%
	CLASS E	0	0.0%	0	0.0%	1	50.0%	1	50.0%	0	0.0%	2	100.0%

Source: DCJS, Felony Processing File

Note: Includes Youthful Offender and Juvenile Offender Sentences

The more serious the felony class of the VFO conviction, the more likely a prison sentence was imposed, from 100% of Class A VFOs down to 47.8% of Class E VFOs.

## Appendix A: Violent Felony Offenses

TITLE	SECTION	DESCRIPTION	SUB SECTION	CLASS
PL	120.02	RECKLESS ASSAULT OF A CHILD *		D
PL	120.05	ASSAULT SECOND DEGREE *		D
PL	120.06	GANG ASSAULT 2ND DEGREE		C
PL	120.07	GANG ASSAULT 1ST DEGREE		B
PL	120.08	ASLT:POLICE OFF/FIREMAN/EMT		C
PL	120.09	ASSAULT ON A JUDGE		C
PL	120.10	ASSAULT 1ST DEGREE		B
PL	120.11	AGGRAVATED ASSAULT UPON A POLICE OFFICER/PEACE		B
PL	120.18	MENACING POLICE/PEACE OFFICER *		D
PL	120.60	STALKING 1ST:CAUSE INJURY *	01	D
PL	121.12	STRANGULATION 2ND DEGREE *		D
PL	121.13	STRANGULATION 1ST DEGREE		C
PL	125.11	AGGRAVATED CRIM NEGLIGENT HOMICIDE		C
PL	125.20	MANSLAUGHTER -1ST		B
PL	125.21	AGGRAVATED MANSLAUGHTER 2ND DEGREE		C
PL	125.22	AGGRAVATED MANSLAUGHTER 1ND DEGREE		B
PL	125.25	MURDER-2ND DEG **		A
PL	125.27	MURDER - 1ST DEGREE **		A
PL	130.30	RAPE-2ND DEGREE *		D
PL	130.35	RAPE-1ST		B
PL	130.45	CRIMINAL SEXUAL ACT-2ND		D
PL	130.50	CRIMINAL SEXUAL ACT-1ST		B
PL	130.53	PERSISTENT SEXUAL ABUSE *		E
PL	130.65	SEXUAL ABUSE-1ST *		D
PL	130.65-A	AGGRAVATED SEXUAL ABUSE- 4TH *		E
PL	130.66	AGGRAVATED SEXUAL ABUSE -3RD *		D
PL	130.67	AGGRAVATED SEXUAL ABUSE 2ND		C
PL	130.70	AGGRAVATED SEXUAL ABUSE-1ST		B
PL	130.75	COURSE SEX CONDUCT-CHILD 1ST		B
PL	130.80	COURSE SEX CONDUCT-CHILD 2ND *		D
PL	130.90	PL490.25/TERR:FAC SEX OFFENSE *		C
PL	130.95	PREDATORY SEXUAL ASSAULT		A
PL	130.96	PREDATORY SEX ASSAULT AGAINST CHILD		A
PL	135.20	KIDNAPPING 2ND		B
PL	135.25	KIDNAPPING-1ST **		A
PL	140.25	BURGLARY-2ND		C
PL	140.30	BURGLARY-1ST		B
PL	150.15	ARSON-2ND		B
PL	150.20	ARSON-1ST **		A
PL	160.10	ROBBERY-2ND		C
PL	160.15	ROBBERY-1ST		B
PL	215.16	INTIMIDATE VICTIM/WITNESS-2ND *		D

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

\*\* Class A felonies were not designated violent felonies by legislation (Penal Law 70.02) but are included here because they are governed by similar sentencing provisions. Attempts at these offenses (class B felonies) are specified as VFOs.

NOTE: Other offenses designated as hate crimes, crimes of terrorism, and sexually motivated felonies are also VFOs.

## Appendix A: Violent Felony Offenses

TITLE	SECTION	DESCRIPTION	SUB SECTION	CLASS
PL	215.17	INTIMIDATE VICTIM/WITNESS-1ST		B
PL	240.55	FALSELY REPORTING INCIDENT-2ND *		E
PL	240.60	FALSELY REPORTING INCIDENT-1ST *		D
PL	240.61	PLACE FALSE BOMB/HAZ SUBSTAN-2 *		E
PL	240.62	PLACE FALSE BOMB/HAZ SUBSTAN-1 *		D
PL	240.63	FALSE BOMB/HAZ SUB- MALL/ARENA *		D
PL	255.27	INCEST-1ST DEGREE		B
PL	265.02	CRIMINAL POSSESSION OF A WEAPON- 3RD	5 - 10	D
PL	265.03	CRIMINAL POSSESSION OF A WEAPON-2ND		C
PL	265.04	CRIMINAL POSSESSION OF A WEAPON-1ST		B
PL	265.08	CRIMINAL USE FIREARM 2ND DEG		C
PL	265.09	CRIMINAL USE FIREARM-1ST DEG		B
PL	265.11	CRIMINAL SALE OF A FIREARM-3RD		
PL	265.12	CRIMINAL SALE OF A FIREARM-2ND *		C
PL	265.13	CRIMINAL SALE OF A FIREARM-1ST		B
PL	265.14	CRIMINAL SALE FIREARM/AID MINOR		C
PL	265.19	AGGRAVATED CRIMINAL POSSESSION WEAPON		C
PL	405.18	AGGRAVATED USE PYROTECHNICS- 1 *		D
PL	490.10	SUPPORT ACT OF TERRORISM 2ND *		D
PL	490.15	SUPPORT ACT OF TERRORISM 1ST		C
PL	490.20	MAKE TERRORISTIC THREAT *		D
PL	490.30	HINDER PROSECUTION TERRORISM 2		C
PL	490.35	HINDER PROSECUTION TERRORISM 1		B
PL	490.37	CRIM POSS CHEM/BIOLOGICAL WEAPON-3RD		C
PL	490.40	CRIM POSS CHEM/BIOLOGICAL WEAPON-2ND		B
PL	490.45	CRIM POSS CHEM/BIOLOGICAL WEAPON-1ST		A
PL	490.47	CRIM USE CHEM/BIOLOGICAL WEAPON-3RD		B
PL	490.50	CRIM USE CHEM/BIOLOGICAL WEAPON-2ND		A
PL	490.55	CRIM USE CHEM/BIOLOGICAL WEAPON-1ST		A

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

\*\* Class A felonies were not designated violent felonies by legislation (Penal Law 70.02) but are included here because they are governed by similar sentencing provisions. Attempts at these offenses (class B felonies) are specified as VFOs.

NOTE: Other offenses designated as hate crimes, crimes of terrorism, and sexually motivated felonies are also VFOs.