



**Division of Criminal
Justice Services**

Criminal Justice Statistical Report

Andrew M. Cuomo
Governor

Michael C. Green
Executive Deputy Commissioner

Violent Felony Offense Processing Report Series

November 2017

New York State Violent Felony Offense Processing 2016 Annual Report

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 2012 to 2016. While Class A felonies were not designated as violent felonies by legislation (Penal Law 70.02), they are included here because they are governed by similar sentencing provisions. Attempts at these offenses (Class B felonies) are specified as VFOs.

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 85 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 adjudications, 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 2016 may have been arrested, indicted, or convicted in an earlier year or years.

VIOLENT CRIME AND VIOLENT FELONY OFFENDERS IN NEW YORK STATE 2012-2016

		2012	2013	2014	2015	2016	% Change '15-'16	% Change '12-'16
VIOLENT FELONY OFFENSE ARRESTS	NEW YORK STATE	43,718	42,586	41,171	40,422	40,540	0.3%	-7.3%
	NEW YORK CITY	27,249	26,918	26,499	26,337	26,576	0.9%	-2.5%
	LARGE COUNTIES	13,137	12,535	11,876	11,508	11,250	-2.2%	-14.4%
	SMALL COUNTIES	3,332	3,133	2,796	2,577	2,714	5.3%	-18.5%
VIOLENT FELONY OFFENSE SUPERIOR COURT ACTIONS	NEW YORK STATE	14,959	14,694	12,829	12,287	12,544	2.1%	-16.1%
	NEW YORK CITY	8,329	8,120	6,956	6,614	7,075	7.0%	-15.1%
	LARGE COUNTIES	5,016	5,066	4,396	4,418	4,235	-4.1%	-15.6%
	SMALL COUNTIES	1,614	1,508	1,477	1,255	1,234	-1.7%	-23.5%
VIOLENT FELONY OFFENSE CONVICTIONS/YO ADJUDICATIONS	NEW YORK STATE	9,345	9,274	8,098	7,432	7,913	6.5%	-15.3%
	NEW YORK CITY	4,753	4,888	4,057	3,720	4,008	7.7%	-15.7%
	LARGE COUNTIES	3,747	3,571	3,203	3,007	3,213	6.9%	-14.3%
	SMALL COUNTIES	845	815	838	705	692	-1.8%	-18.1%
VIOLENT FELONY OFFENSE PRISON SENTENCES	NEW YORK STATE	6,142	6,245	5,539	5,273	5,584	5.9%	-9.1%
	NEW YORK CITY	3,083	3,262	2,722	2,652	2,831	6.7%	-8.2%
	LARGE COUNTIES	2,467	2,408	2,227	2,113	2,272	7.5%	-7.9%
	SMALL COUNTIES	592	575	590	508	481	-5.3%	-18.8%

Sources: DCJS, Computerized Criminal History System, Felony Processing File (as of 10/20/2017).

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

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

Offenders age 16 to 18 at time of crime may be adjudicated as Youthful Offenders (see CPL 720.10), which result in a sealed criminal record. Table 7 on page 12 includes information on the number of VFO cases disposed as YO adjudications 2012-2016

Over the five-year period covered by this report, the number of VFO arrests, indictments/SCIs, convictions, and sentences have decreased statewide. VFO arrests decreased statewide (-7.3%) with larger decreases seen in Large Counties (-14.4%) and Small Counties (-18.5%). VFO arrests in New York City decreased slightly (-2.5%) since 2012.

In 2016, all VFO processing points showed increases statewide, reversing a trend showing overall declines since 2012. Arrests (+0.3%), indictments/SCIs (+2.1%), convictions/YO adjudications (+6.5%), and prison sentences (+5.9%) all showed increases during the year.

**PRISON SENTENCES
FOR VIOLENT FELONY CONVICTIONS AND YOUTHFUL OFFENDER ADJUDICATIONS 2012-2016**

		2012	2013	2014	2015	2016	% Change '15-'16	% Change '12-'16
NEW YORK STATE	ALL VIOLENT FELONY OFFENSES	6,142	6,245	5,539	5,273	5,584	5.9%	-9.1%
	ASSAULT	901	903	862	893	906	1.5%	0.6%
	STRANGULATION	26	18	26	25	31	*	*
	HOMICIDE	487	498	467	465	566	21.7%	16.2%
	SEX OFFENSES	576	599	510	476	517	8.6%	-10.2%
	BURGLARY	1,284	1,320	1,151	977	948	-3.0%	-26.2%
	ROBBERY	1,630	1,619	1,408	1,319	1,277	-3.2%	-21.7%
	WEAPON OFFENSES	1,176	1,222	1,043	1,043	1,267	21.5%	7.7%
	OTHER VFOS	62	66	72	75	72	-4.0%	16.1%
NEW YORK CITY	ALL VIOLENT FELONY OFFENSES	3,083	3,262	2,722	2,652	2,831	6.7%	-8.2%
	ASSAULT	476	533	439	498	522	4.8%	9.7%
	STRANGULATION	9	5	4	7	8	*	*
	HOMICIDE	309	337	273	288	328	13.9%	6.1%
	SEX OFFENSES	188	240	191	175	175	0.0%	-6.9%
	BURGLARY	418	492	432	386	356	-7.8%	-14.8%
	ROBBERY	1,057	1,008	855	770	757	-1.7%	-28.4%
	WEAPON OFFENSES	594	621	489	501	659	31.5%	10.9%
	OTHER VFOS	32	26	39	27	26	-3.7%	-18.8%
LARGE COUNTIES	ALL VIOLENT FELONY OFFENSES	2,467	2,408	2,227	2,113	2,272	7.5%	-7.9%
	ASSAULT	320	281	320	300	296	-1.3%	-7.5%
	STRANGULATION	9	8	16	12	13	*	*
	HOMICIDE	153	135	169	161	217	34.8%	41.8%
	SEX OFFENSES	245	217	183	179	219	22.3%	-10.6%
	BURGLARY	660	622	534	435	452	3.9%	-31.5%
	ROBBERY	510	548	488	493	469	-4.9%	-8.0%
	WEAPON OFFENSES	547	565	501	496	570	14.9%	4.2%
	OTHER VFOS	23	32	16	37	36	-2.7%	56.5%
SMALL COUNTIES	ALL VIOLENT FELONY OFFENSES	592	575	590	508	481	-5.3%	-18.8%
	ASSAULT	105	89	103	95	88	-7.4%	-16.2%
	STRANGULATION	8	5	6	6	10	*	*
	HOMICIDE	25	26	25	16	21	31.3%	-16.0%
	SEX OFFENSES	143	142	136	122	123	0.8%	-14.0%
	BURGLARY	206	206	185	156	140	-10.3%	-32.0%
	ROBBERY	63	63	65	56	51	-8.9%	-19.0%
	WEAPON OFFENSES	35	36	53	46	38	-17.4%	8.6%
	OTHER VFOS	7	8	17	11	10	-9.1%	42.9%

Sources: DCJS, Felony Processing File (as of 10/20/2017).

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

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

The table above shows the trends in the number of prison sentences for VFO crimes over the five-year period covered in this report as well as changes between 2015 and 2016. Between 2012 and 2016, prison sentences decreased (-9.1%). However, reversing the five-year trend, prison sentences for VFOs between 2015 and 2016 increased (+5.9%). The largest increases between 2015 and 2016 were for homicide (+21.7%), weapon offenses (+21.5%), and sex offenses (+8.6%).

Regionally, prison sentences increased in New York City (+6.7%) and Large Counties (+7.5%), but continued to decrease in small counties (-5.3%). The increase in New York City was driven by sentences for weapon offenses (+31.5%), homicide (+13.9%), and assault (+4.8%). The increase in Large Counties was driven by homicide (+34.8), sex offenses (+22.3%), and weapon offenses (+14.9%).

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.

The unit of count for prison sentences is each superior court case in which a prison sentence is imposed. Because a person can be sentenced to prison in more than one superior court case in a given year, DCJS sentence counts are generally higher than DOCCS admission counts.

ADDITIONAL DATA TABLES

Table 1	Violent Felony Offense Adults Arrests: Charge Type of Top Arrest Charge, 2012-2016
Table 2	Violent Felony Offense Adult Arrests: Felony Class of Top Arrest Charge, 2012-2016
Table 3	Violent Felony Offense Adult Arrests: Prior Felony Convictions, 2012-2016
Table 4	Violent Felony Offense Superior Court Actions: Charge Type of Top Action Charge, 2012-2016
Table 5	Violent Felony Offense Superior Court Actions: Felony Class of Top Action Charge, 2012-2016
Table 6	Violent Felony Offense Superior Court Actions: Prior Felony Convictions, 2012-2016
Table 7	Dispositions of Violent Felony Actions, 2012-2016
Table 8	Dispositions of Violent Felony Actions by Charge, 2016
Table 9	Dispositions of Violent Felony Actions by Class, 2016
Table 10	Violent Felony Offense Actions Vs. Convicted Offenses and Youthful Offender Adjudications, 2012-2016
Table 11	Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications, 2012-2016
Table 12	Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications by Charge Category, 2016
Table 13	Sentences for Violent Felony Offense Convictions and Youthful Offender Adjudications by Felony Class, 2016
Appendix A:	New York State Violent Felony Offenses

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

		2012	2013	2014	2015	2016	% Change '15-'16	% Change '12-'16
NEW YORK STATE	TOTAL VFO ARRESTS	43,718	42,586	41,171	40,422	40,540	0.3%	-7.3%
	ASSAULT	16,513	16,435	16,560	16,021	16,417	2.5%	-0.6%
	STRANGULATION	1,857	2,136	2,113	2,007	2,457	22.4%	32.3%
	HOMICIDE	814	751	890	844	957	13.4%	17.6%
	SEX OFFENSES	2,392	2,213	2,148	2,136	2,030	-5.0%	-15.1%
	BURGLARY	6,961	6,716	5,992	5,230	4,991	-4.6%	-28.3%
	ROBBERY	9,641	9,244	8,213	8,723	8,135	-6.7%	-15.6%
	WEAPON OFFENSES	4,971	4,533	4,613	4,873	4,936	1.3%	-0.7%
	OTHER VFOS	569	558	642	588	617	4.9%	8.4%
NEW YORK CITY	TOTAL VFO ARRESTS	27,249	26,918	26,499	26,337	26,576	0.9%	-2.5%
	ASSAULT	11,447	11,634	12,104	11,664	11,959	2.5%	4.5%
	STRANGULATION	1,394	1,703	1,683	1,614	2,033	26.0%	45.8%
	HOMICIDE	583	462	630	544	655	20.4%	12.3%
	SEX OFFENSES	1,081	1,032	978	1,011	991	-2.0%	-8.3%
	BURGLARY	1,836	1,867	1,751	1,502	1,308	-12.9%	-28.8%
	ROBBERY	7,068	6,713	5,791	6,327	5,908	-6.6%	-16.4%
	WEAPON OFFENSES	3,586	3,248	3,249	3,416	3,438	0.6%	-4.1%
	OTHER VFOS	254	259	313	259	284	9.7%	11.8%
LARGE COUNTIES	TOTAL VFO ARRESTS	13,137	12,535	11,876	11,508	11,250	-2.2%	-14.4%
	ASSAULT	4,207	3,994	3,707	3,612	3,637	0.7%	-13.5%
	STRANGULATION	337	334	335	293	334	14.0%	-0.9%
	HOMICIDE	195	257	228	267	249	-6.7%	27.7%
	SEX OFFENSES	802	759	760	699	635	-9.2%	-20.8%
	BURGLARY	3,764	3,524	3,140	2,837	2,737	-3.5%	-27.3%
	ROBBERY	2,372	2,339	2,236	2,217	2,052	-7.4%	-13.5%
	WEAPON OFFENSES	1,230	1,110	1,219	1,329	1,354	1.9%	10.1%
	OTHER VFOS	230	218	251	254	252	-0.8%	9.6%
SMALL COUNTIES	TOTAL VFO ARRESTS	3,332	3,133	2,796	2,577	2,714	5.3%	-18.5%
	ASSAULT	859	807	749	745	821	10.2%	-4.4%
	STRANGULATION	126	99	95	100	90	-10.0%	-28.6%
	HOMICIDE	36	32	32	33	53	60.6%	47.2%
	SEX OFFENSES	509	422	410	426	404	-5.2%	-20.6%
	BURGLARY	1,361	1,325	1,101	891	946	6.2%	-30.5%
	ROBBERY	201	192	186	179	175	-2.2%	-12.9%
	WEAPON OFFENSES	155	175	145	128	144	12.5%	-7.1%
	OTHER VFOS	85	81	78	75	81	8.0%	-4.7%

Source: DCJS, Computerized Criminal History system (as of 10/20/2017).

Between 2012 and 2016, the number of VFO arrests have decreased statewide (-7.3%). While VFO arrests decreased slightly in New York City (-2.5%), Large Counties experienced a larger decrease (-14.4%) as did Small Counties (-18.5%).

Between 2015 and 2016, VFO arrests increased slightly statewide (+0.3%). This increase was driven by VFO arrests in New York City (+0.9%) and Small Counties (+5.3%) while VFO arrests in Large Counties declined during the year (-2.2%). The increase in New York City was driven by arrests for strangulation (+26.0%), homicide (+20.4%), and other VFOs (+9.7%), while the increase in Small Counties was driven by arrests for homicide (+60.6%), weapon offenses (+12.5%), and assault (+10.2%).

Arrests for "Strangulation" reflect the creation in late 2010 of two new violent felony offenses – strangulation in the first degree (PL 121.13) and strangulation in the second degree (PL 121.12).

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

		2012	2013	2014	2015	2016	% Change '15-'16	% Change '12-'16
NEW YORK STATE	TOTAL VFO ARRESTS	43,718	42,586	41,171	40,422	40,540	0.3%	-7.3%
	CLASS A	663	591	666	572	608	6.3%	-8.3%
	CLASS B	7,017	6,733	6,275	6,322	6,226	-1.5%	-11.3%
	CLASS C	17,643	16,720	15,794	15,511	15,309	-1.3%	-13.2%
	CLASS D	18,221	18,400	18,273	17,888	18,245	2.0%	0.1%
	CLASS E	174	142	163	129	152	17.8%	-12.6%
NEW YORK CITY	TOTAL VFO ARRESTS	27,249	26,918	26,499	26,337	26,576	0.9%	-2.5%
	CLASS A	418	286	418	315	349	10.8%	-16.5%
	CLASS B	4,259	4,028	3,714	3,717	3,719	0.1%	-12.7%
	CLASS C	10,377	9,812	9,463	9,626	9,494	-1.4%	-8.5%
	CLASS D	12,131	12,734	12,835	12,632	12,948	2.5%	6.7%
	CLASS E	64	58	69	47	66	40.4%	3.1%
LARGE COUNTIES	TOTAL VFO ARRESTS	13,137	12,535	11,876	11,508	11,250	-2.2%	-14.4%
	CLASS A	197	245	203	212	200	-5.7%	1.5%
	CLASS B	2,304	2,268	2,185	2,232	2,130	-4.6%	-7.6%
	CLASS C	5,760	5,462	5,115	4,855	4,719	-2.8%	-18.1%
	CLASS D	4,810	4,496	4,304	4,143	4,135	-0.2%	-14.0%
	CLASS E	66	64	69	66	66	0.0%	0.0%
SMALL COUNTIES	TOTAL VFO ARRESTS	3,332	3,133	2,796	2,577	2,714	5.3%	-18.5%
	CLASS A	48	60	45	45	59	31.1%	22.9%
	CLASS B	454	437	376	373	377	1.1%	-17.0%
	CLASS C	1,506	1,446	1,216	1,030	1,096	6.4%	-27.2%
	CLASS D	1,280	1,170	1,134	1,113	1,162	4.4%	-9.2%
	CLASS E	44	20	25	16	20	25.0%	-54.5%

Source: DCJS, Computerized Criminal History system (as of 10/20/2017).

Between 2012 and 2016, the largest percentage decreases were seen statewide in arrests for Class B (-11.3%), Class C (-13.2%), and Class E (-12.6%) VFOs. Regionally, Large Counties have showed a steady decline over the five-year period (-14.4%) and while Small Counties have also showed a decline (-18.5%), there was an increase in arrests between 2015 and 2016 (+5.3%). In New York City, VFO arrests have declined 2.5% since 2012, however there was a slight increase (+0.9%) between 2015 and 2016.

The increase in 2016 was driven primarily by arrests for Class D (+2.0%) VFOs, which increased by 316 in New York City and 49 in Small Counties.

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

		2012	2013	2014	2015	2016	Total Arrests	
							#	%
NEW YORK STATE	TOTAL VFO ARRESTS	43,718	42,586	41,171	40,422	40,540	208,437	100.0%
	NO PRIOR FELONY CONVICTIONS	33,653	32,738	31,449	30,706	30,602	159,148	76.4%
	ONE PRIOR FELONY CONVICTION	5,081	5,016	5,051	4,977	4,987	25,112	12.0%
	TWO OR MORE PRIOR FELONY CONVICTIONS	4,984	4,832	4,671	4,739	4,951	24,177	11.6%
NEW YORK CITY	TOTAL VFO ARRESTS	27,249	26,918	26,499	26,337	26,576	133,579	100.0%
	NO PRIOR FELONY CONVICTIONS	21,101	20,983	20,466	20,206	20,295	103,051	77.1%
	ONE PRIOR FELONY CONVICTION	2,994	2,898	3,000	3,000	3,060	14,952	11.2%
	TWO OR MORE PRIOR FELONY CONVICTIONS	3,154	3,037	3,033	3,131	3,221	15,576	11.7%
LARGE COUNTIES	TOTAL VFO ARRESTS	13,137	12,535	11,876	11,508	11,250	60,306	100.0%
	NO PRIOR FELONY CONVICTIONS	9,979	9,352	8,925	8,580	8,295	45,131	74.8%
	ONE PRIOR FELONY CONVICTION	1,658	1,683	1,622	1,600	1,564	8,127	13.5%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,500	1,500	1,329	1,328	1,391	7,048	11.7%
SMALL COUNTIES	TOTAL VFO ARRESTS	3,332	3,133	2,796	2,577	2,714	14,552	100.0%
	NO PRIOR FELONY CONVICTIONS	2,573	2,403	2,058	1,920	2,012	10,966	75.4%
	ONE PRIOR FELONY CONVICTION	429	435	429	377	363	2,033	14.0%
	TWO OR MORE PRIOR FELONY CONVICTIONS	330	295	309	280	339	1,553	10.7%

Source: DCJS, Computerized Criminal History system (as of 10/20/2017).
Youthful Offender (YO) adjudications are not counted as prior convictions.

Over three-quarters (76.4%) of persons arrested for a VFO between 2012 and 2016 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**

		2012	2013	2014	2015	2016	% Change '15-'16	% Change '12-'16
NEW YORK STATE	TOTAL ACTIONS	14,959	14,694	12,829	12,287	12,544	2.1%	-16.1%
	ASSAULT	3,087	3,225	3,049	2,815	2,938	4.4%	-4.8%
	STRANGULATION	158	150	166	133	145	9.0%	-8.2%
	HOMICIDE	734	733	729	744	770	3.5%	4.9%
	SEX OFFENSES	1,293	1,258	1,188	1,113	1,089	-2.2%	-15.8%
	BURGLARY	3,121	3,014	2,362	2,081	1,984	-4.7%	-36.4%
	ROBBERY	4,250	3,988	3,095	3,023	2,978	-1.5%	-29.9%
	WEAPON OFFENSES	2,073	2,104	2,002	2,164	2,398	10.8%	15.7%
	OTHER	243	222	238	214	242	13.1%	-0.4%
NEW YORK CITY	TOTAL ACTIONS	8,329	8,120	6,956	6,614	7,075	7.0%	-15.1%
	ASSAULT	1,866	1,967	1,885	1,679	1,827	8.8%	-2.1%
	STRANGULATION	73	60	78	56	63	12.5%	-13.7%
	HOMICIDE	497	438	458	454	491	8.1%	-1.2%
	SEX OFFENSES	479	500	439	436	416	-4.6%	-13.2%
	BURGLARY	1,084	1,072	831	755	735	-2.6%	-32.2%
	ROBBERY	2,969	2,717	1,989	1,893	2,004	5.9%	-32.5%
	WEAPON OFFENSES	1,232	1,242	1,155	1,246	1,419	13.9%	15.2%
	OTHER	129	124	121	95	120	26.3%	-7.0%
LARGE COUNTIES	TOTAL ACTIONS	5,016	5,066	4,396	4,418	4,235	-4.1%	-15.6%
	ASSAULT	907	949	862	826	818	-1.0%	-9.8%
	STRANGULATION	47	58	58	42	50	19.0%	6.4%
	HOMICIDE	204	265	224	261	233	-10.7%	14.2%
	SEX OFFENSES	473	453	423	398	402	1.0%	-15.0%
	BURGLARY	1,397	1,385	1,002	926	856	-7.6%	-38.7%
	ROBBERY	1,144	1,144	981	1,029	877	-14.8%	-23.3%
	WEAPON OFFENSES	752	747	762	842	901	7.0%	19.8%
	OTHER	92	65	84	94	98	4.3%	6.5%
SMALL COUNTIES	TOTAL ACTIONS	1,614	1,508	1,477	1,255	1,234	-1.7%	-23.5%
	ASSAULT	314	309	302	310	293	-5.5%	-6.7%
	STRANGULATION	38	32	30	35	32	-8.6%	-15.8%
	HOMICIDE	33	30	47	29	46	58.6%	39.4%
	SEX OFFENSES	341	305	326	279	271	-2.9%	-20.5%
	BURGLARY	640	557	529	400	393	-1.8%	-38.6%
	ROBBERY	137	127	125	101	97	-4.0%	-29.2%
	WEAPON OFFENSES	89	115	85	76	78	2.6%	-12.4%
	OTHER	22	33	33	25	24	-4.0%	9.1%

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

The decrease in superior court actions for VFOs between 2012 and 2016 is consistent across all regions of the state: New York City (-15.1%), Large Counties (-15.6%), and Small Counties (-23.5%).

The increase in VFO cases between 2015 and 2016 is driven exclusively by an increase in New York City (+7.0%). Indictments and SCIs increased for all VFO categories except for sex offenses (-4.6%) and burglary (-2.6%). The largest volume increase in New York City was for indictments and SCIs for weapon offenses, which increased by 173 or 13.9 percent followed by assault which increased by 148 or 8.8 percent.

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

		2012	2013	2014	2015	2016	% Change '15 -'16	% Change '12 -'16
NEW YORK STATE	TOTAL ACTIONS	14,959	14,694	12,829	12,287	12,544	2.1%	-16.1%
	CLASS A	691	610	617	606	594	-2.0%	-14.0%
	CLASS B	4,010	3,972	3,413	3,286	3,316	0.9%	-17.3%
	CLASS C	6,539	6,341	5,468	5,252	5,382	2.5%	-17.7%
	CLASS D	3,695	3,738	3,298	3,123	3,224	3.2%	-12.7%
	CLASS E	24	33	33	20	28	*	*
NEW YORK CITY	TOTAL ACTIONS	8,329	8,120	6,956	6,614	7,075	7.0%	-15.1%
	CLASS A	391	275	330	306	293	-4.2%	-25.1%
	CLASS B	2,552	2,553	2,101	1,953	2,054	5.2%	-19.5%
	CLASS C	3,582	3,501	2,925	2,869	3,067	6.9%	-14.4%
	CLASS D	1,789	1,773	1,586	1,473	1,646	11.7%	-8.0%
	CLASS E	15	18	14	13	15	*	*
LARGE COUNTIES	TOTAL ACTIONS	5,016	5,066	4,396	4,418	4,235	-4.1%	-15.6%
	CLASS A	243	274	226	252	235	-6.7%	-3.3%
	CLASS B	1,147	1,120	1,030	1,085	1,028	-5.3%	-10.4%
	CLASS C	2,269	2,221	1,941	1,903	1,866	-1.9%	-17.8%
	CLASS D	1,349	1,441	1,186	1,173	1,095	-6.6%	-18.8%
	CLASS E	8	10	13	5	11	*	*
SMALL COUNTIES	TOTAL ACTIONS	1,614	1,508	1,477	1,255	1,234	-1.7%	-23.5%
	CLASS A	57	61	61	48	66	37.5%	15.8%
	CLASS B	311	299	282	248	234	-5.6%	-24.8%
	CLASS C	688	619	602	480	449	-6.5%	-34.7%
	CLASS D	557	524	526	477	483	1.3%	-13.3%
	CLASS E	1	5	6	2	2	*	*

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

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

When looking at the data by class, decreases are shown for each region in Class A through Class D VFOs over the five-year period, except in Small Counties where there was a 15.8 percent increase in superior court actions for Class A VFOs.

Between 2015 and 2016, there were increases in New York City for Class B (+5.2%), Class C (+6.9%), and Class D (11.7%) superior court actions. Actions in Large Counties and Small Counties continued to decline between 2015 and 2016 by 4.1 percent and 1.7 percent respectively.

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

		2012	2013	2014	2015	2016	Total Actions	
							#	%
NEW YORK STATE	TOTAL ACTIONS	14,959	14,694	12,829	12,287	12,544	67,313	100.0%
	NO PRIOR FELONY CONVICTIONS	10,901	10,489	9,100	8,451	8,652	47,593	70.7%
	ONE PRIOR FELONY CONVICTIONS	2,032	2,067	1,924	1,883	1,843	9,749	14.5%
	TWO OR MORE PRIOR FELONY CONVICTIONS	2,026	2,138	1,805	1,953	2,049	9,971	14.8%
NEW YORK CITY	TOTAL ACTIONS	8,329	8,120	6,956	6,614	7,075	37,094	100.0%
	NO PRIOR FELONY CONVICTIONS	6,054	5,778	4,949	4,558	4,878	26,217	70.7%
	ONE PRIOR FELONY CONVICTIONS	1,094	1,108	950	957	988	5,097	13.7%
	TWO OR MORE PRIOR FELONY CONVICTIONS	1,181	1,234	1,057	1,099	1,209	5,780	15.6%
LARGE COUNTIES	TOTAL ACTIONS	5,016	5,066	4,396	4,418	4,235	23,131	100.0%
	NO PRIOR FELONY CONVICTIONS	3,671	3,627	3,101	3,043	2,939	16,381	70.8%
	ONE PRIOR FELONY CONVICTIONS	694	752	716	701	662	3,525	15.2%
	TWO OR MORE PRIOR FELONY CONVICTIONS	651	687	579	674	634	3,225	13.9%
SMALL COUNTIES	TOTAL ACTIONS	1,614	1,508	1,477	1,255	1,234	7,088	100.0%
	NO PRIOR FELONY CONVICTIONS	1,176	1,084	1,050	850	835	4,995	70.5%
	ONE PRIOR FELONY CONVICTIONS	244	207	258	225	193	1,127	15.9%
	TWO OR MORE PRIOR FELONY CONVICTIONS	194	217	169	180	206	966	13.6%

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

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

Statewide, 70.7 percent 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**

		2012	2013	2014	2015	2016	Total Disposed	
							#	%
Total	Total Disposed	15,030	15,263	13,424	12,210	12,891	68,818	100.0%
	Convicted Felony/Misdemeanor- Plea	9,629	9,841	8,776	8,111	8,638	44,995	65.4%
	Convicted Felony/Misdemeanor- Verdict	858	874	808	735	796	4,071	5.9%
	Convicted- Non-Crim Violation/Infraction	229	253	234	161	169	1,046	1.5%
	Adjudicated - Youthful Offender	2,259	2,267	1,776	1,542	1,573	9,417	13.7%
	Covered by, Consolidated, Superseded	548	625	494	517	512	2,696	3.9%
	Diverted and Dismissed	19	17	25	20	7	88	0.1%
	Dismissed	1,029	975	916	746	800	4,466	6.5%
	Acquitted	395	358	321	312	322	1,708	2.5%
	Other	64	53	74	66	74	331	0.5%
NYC	Total Disposed	8,275	8,825	7,433	6,646	7,053	38,232	100.0%
	Convicted Felony/Misdemeanor- Plea	5,000	5,319	4,529	4,201	4,497	23,546	61.6%
	Convicted Felony/Misdemeanor- Verdict	448	516	438	396	419	2,217	5.8%
	Convicted- Non-Crim Violation/Infraction	187	229	197	133	138	884	2.3%
	Adjudicated - Youthful Offender	1,422	1,475	1,139	940	997	5,973	15.6%
	Covered by, Consolidated, Superseded	214	277	175	186	230	1,082	2.8%
	Diverted and Dismissed	19	17	25	20	7	88	0.2%
	Dismissed	714	741	687	543	536	3,221	8.4%
	Acquitted	232	223	189	191	179	1,014	2.7%
	Other	39	28	54	36	50	207	0.5%
Large Counties	Total Disposed	5,225	4,896	4,528	4,255	4,606	23,510	100.0%
	Convicted Felony/Misdemeanor- Plea	3,531	3,419	3,202	2,954	3,252	16,358	69.6%
	Convicted Felony/Misdemeanor- Verdict	298	262	275	252	288	1,375	5.8%
	Convicted- Non-Crim Violation/Infraction	38	20	32	25	27	142	0.6%
	Adjudicated - Youthful Offender	733	685	538	522	500	2,978	12.7%
	Covered by, Consolidated, Superseded	216	222	186	212	195	1,031	4.4%
	Dismissed	257	164	164	161	204	950	4.0%
	Acquitted	136	105	113	105	124	583	2.5%
	Other	16	19	18	24	16	93	0.4%
Small Counties	Total Disposed	1,530	1,542	1,463	1,309	1,232	7,076	100.0%
	Convicted Felony/Misdemeanor- Plea	1,098	1,103	1,045	956	889	5,091	71.9%
	Convicted Felony/Misdemeanor- Verdict	112	96	95	87	89	479	6.8%
	Convicted- Non-Crim Violation/Infraction	4	4	5	3	4	20	0.3%
	Adjudicated - Youthful Offender	104	107	99	80	76	466	6.6%
	Covered by, Consolidated, Superseded	118	126	133	119	87	583	8.2%
	Dismissed	58	70	65	42	60	295	4.2%
	Acquitted	27	30	19	16	19	111	1.6%
	Other	9	6	2	6	8	31	0.4%

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

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

Statewide, 86.5 percent of VFO superior court cases that were disposed during the five-year period resulted in a guilty finding, which includes criminal convictions (by plea or verdict) (71.3%), Youthful Offender (YO) adjudications (13.7%) and non-criminal convictions of violations/infractions (1.5%). Regionally, 85.3 percent of the VFO cases disposed in New York City resulted in a guilty finding, as did 88.7 percent of the VFO cases in the Large Counties, and 85.6 percent in the Small Counties.

YO adjudications may be granted to offenders 16 to 18 years of age at the time of the crime who have no prior felony convictions or adjudications (see CPL 720.10). A YO adjudication broadens sentencing options and seals the criminal record. Statewide, YO adjudications made up 13.7 percent of the VFO cases with guilty findings over the five-year period, including 15.6 percent of the New York City cases, 12.7 percent of the cases in Large Counties, and 6.6 percent of the cases in Small Counties.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 8 - DISPOSITIONS OF VIOLENT FELONY ACTIONS
2016**

	Total Disposed	Convicted/Adjudicated			Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Acquitted	Other
		Convicted - Plea	Convicted - Verdict	Youthful Offender					
NEW YORK STATE	12,891	8,802	798	1,576	512	7	800	322	74
Assault	2,945	2,194	187	215	83	1	156	94	15
Strangulation	135	109	6	0	8	0	7	5	0
Homicide	866	526	197	22	31	0	42	44	4
Sex Offenses	1,194	839	120	71	42	0	67	47	8
Burglary	2,123	1,595	75	214	128	1	79	23	8
Robbery	3,148	1,830	104	883	95	2	174	47	13
Weapon	2,266	1,563	84	160	107	3	268	58	23
Other	214	146	25	11	18	0	7	4	3
NEW YORK CITY	7,053	4,633	420	998	230	7	536	179	50
Assault	1,811	1,322	103	152	57	1	105	59	12
Strangulation	52	43	4	0	0	0	3	2	0
Homicide	533	318	109	19	21	0	33	30	3
Sex Offenses	445	320	47	18	9	0	34	14	3
Burglary	779	627	33	48	17	1	38	11	4
Robbery	2,031	1,067	73	659	53	2	134	31	12
Weapon	1,298	858	40	97	66	3	188	31	15
Other	104	78	11	5	7	0	1	1	1
LARGE COUNTIES	4,606	3,277	288	502	195	0	204	124	16
Assault	834	635	61	52	18	0	35	31	2
Strangulation	45	39	0	0	4	0	0	2	0
Homicide	300	187	82	3	7	0	9	11	1
Sex Offenses	461	324	45	30	17	0	19	24	2
Burglary	960	694	23	135	67	0	26	11	4
Robbery	1,025	694	26	217	37	0	34	16	1
Weapon	894	650	40	61	37	0	75	26	5
Other	87	54	11	4	8	0	6	3	1
SMALL COUNTIES	1,232	892	90	76	87	0	60	19	8
Assault	300	237	23	11	8	0	16	4	1
Strangulation	38	27	2	0	4	0	4	1	0
Homicide	33	21	6	0	3	0	0	3	0
Sex Offenses	288	195	28	23	16	0	14	9	3
Burglary	384	274	19	31	44	0	15	1	0
Robbery	92	69	5	7	5	0	6	0	0
Weapon	74	55	4	2	4	0	5	1	3
Other	23	14	3	2	3	0	0	0	1

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

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

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

Statewide, 86.7 percent of 2016 superior court Felony VFO cases resulted in a conviction or Youthful Offender adjudication.

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 9 - DISPOSITIONS OF VIOLENT FELONY ACTIONS
2016**

	Total Disposed	Convicted/Adjudicated			Covered by, Consolidated, Superseded	Diverted and Dismissed	Dismissed	Acquitted	Other	
		Convicted - Plea	Convicted - Verdict	Youthful Offender						
NEW YORK STATE	TOTAL	12,891	8,802	798	1,576	512	7	800	322	74
	Class A	759	441	202	5	27	0	32	46	6
	Class B	3,444	2,219	262	462	150	1	218	114	18
	Class C	5,426	3,579	217	827	257	4	408	96	38
	Class D	3,231	2,541	114	280	75	2	141	66	12
	Class E	31	22	3	2	3	0	1	0	0
NEW YORK CITY	TOTAL	7,053	4,633	420	998	230	7	536	179	50
	Class A	397	217	109	4	13	0	24	27	3
	Class B	2,069	1,281	130	343	86	1	153	62	13
	Class C	3,004	1,902	117	512	109	4	281	53	26
	Class D	1,566	1,220	61	139	22	2	77	37	8
	Class E	17	13	3	0	0	0	1	0	0
LARGE COUNTIES	TOTAL	4,606	3,277	288	502	195	0	204	124	16
	Class A	311	194	80	1	10	0	8	16	2
	Class B	1,114	766	104	104	42	0	51	44	3
	Class C	1,986	1,368	74	282	107	0	105	40	10
	Class D	1,183	941	30	114	33	0	40	24	1
	Class E	12	8	0	1	3	0	0	0	0
SMALL COUNTIES	TOTAL	1,232	892	90	76	87	0	60	19	8
	Class A	51	30	13	0	4	0	0	3	1
	Class B	261	172	28	15	22	0	14	8	2
	Class C	436	309	26	33	41	0	22	3	2
	Class D	482	380	23	27	20	0	24	5	3
	Class E	2	1	0	1	0	0	0	0	0

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

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

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

Statewide, superior court cases where the top charge was a Class D or a Class E VFO were more likely to result in a conviction or Youthful Offender adjudication than cases with a more serious top charge. Of disposed cases that resulted in a conviction in 2016, 78.8 percent were by plea bargain, 7.1 percent were by trial verdict, and 14.1 percent were through youthful offender adjudication (plea or verdict).

NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 10 - VIOLENT FELONY OFFENSE ACTIONS VS CONVICTED OFFENSES AND YOUTHFUL OFFENDER
ADJUDICATIONS 2012 - 2016

		TOP ACTION CHARGE					
		Class A	Class B	Class C	Class D	Class E	TOTAL
NEW YORK STATE	TOTAL CONVICTIONS	2,835	15,835	25,351	15,390	118	59,529
	<u>FELONY CLASS</u>	-					
	CLASS A	1,010	18	7	3	0	1,038
	CLASS B	1,372	6,247	177	71	0	7,867
	CLASS C	242	2,638	10,101	109	0	13,090
	CLASS D	122	4,158	9,613	8,989	0	22,882
	CLASS E	36	972	1,562	2,532	100	5,202
	MISDEMEANORS	46	1,637	3,440	3,264	17	8,404
	LESSER OFFENSES	7	165	451	422	1	1,046
	<u>CONVICTION TYPE</u>	-					
VFO CONVICTION	2,612	11,846	17,196	8,887	95	40,636	
NON-VFO CONVICTION	223	3,989	8,155	6,503	23	18,893	
NEW YORK CITY	TOTAL CONVICTIONS	1,512	9,864	13,917	7,267	60	32,620
	<u>FELONY CLASS</u>	-					
	CLASS A	450	15	3	3	0	471
	CLASS B	772	3,815	162	67	0	4,816
	CLASS C	146	1,387	4,909	94	0	6,536
	CLASS D	81	2,525	4,848	3,844	0	11,298
	CLASS E	22	635	1,000	873	51	2,581
	MISDEMEANORS	34	1,333	2,604	2,055	8	6,034
	LESSER OFFENSES	7	154	391	331	1	884
	<u>CONVICTION TYPE</u>	-					
VFO CONVICTION	1,352	6,907	8,483	3,885	50	20,677	
NON-VFO CONVICTION	160	2,957	5,434	3,382	10	11,943	
LARGE COUNTIES	TOTAL CONVICTIONS	1,075	4,795	9,100	5,845	38	20,853
	<u>FELONY CLASS</u>	-					
	CLASS A	466	3	4	0	0	473
	CLASS B	487	2,051	15	4	0	2,557
	CLASS C	79	1,010	4,461	14	0	5,564
	CLASS D	26	1,259	3,544	3,796	0	8,625
	CLASS E	10	232	374	1,027	30	1,673
	MISDEMEANORS	7	231	650	923	8	1,819
	LESSER OFFENSES	0	9	52	81	0	142
	<u>CONVICTION TYPE</u>	-					
VFO CONVICTION	1,029	4,028	7,301	3,716	29	16,103	
NON-VFO CONVICTION	46	767	1,799	2,129	9	4,750	
SMALL COUNTIES	TOTAL CONVICTIONS	248	1,176	2,334	2,278	20	6,056
	<u>FELONY CLASS</u>	-					
	CLASS A	94	0	0	0	0	94
	CLASS B	113	381	0	0	0	494
	CLASS C	17	241	731	1	0	990
	CLASS D	15	374	1,221	1,349	0	2,959
	CLASS E	4	105	188	632	19	948
	MISDEMEANORS	5	73	186	286	1	551
	LESSER OFFENSES	0	2	8	10	0	20
	<u>CONVICTION TYPE</u>	-					
VFO CONVICTION	231	911	1,412	1,286	16	3,856	
NON-VFO CONVICTION	17	265	922	992	4	2,200	

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

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

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

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

		2012	2013	2014	2015	2016	% Change '15-'16	% Change '12-'16
NEW YORK STATE	TOTAL SENTENCES	9,345	9,274	8,098	7,432	7,913	6.5%	-15.3%
	PRISON	6,142	6,245	5,539	5,273	5,584	5.9%	-9.1%
	JAIL	979	936	685	540	564	4.4%	-42.4%
	JAIL AND PROBATION	973	857	800	662	655	-1.1%	-32.7%
	PROBATION	1,113	1,083	984	847	951	12.3%	-14.6%
	OTHER	138	153	90	110	159	44.5%	15.2%
NEW YORK CITY	TOTAL SENTENCES	4,753	4,888	4,057	3,720	4,008	7.7%	-15.7%
	PRISON	3,083	3,262	2,722	2,652	2,831	6.7%	-8.2%
	JAIL	649	587	442	316	321	1.6%	-50.5%
	JAIL AND PROBATION	242	241	225	206	211	2.4%	-12.8%
	PROBATION	664	661	591	449	500	11.4%	-24.7%
	OTHER	115	137	77	97	145	49.5%	26.1%
LARGE COUNTIES	TOTAL SENTENCES	3,747	3,571	3,203	3,007	3,213	6.9%	-14.3%
	PRISON	2,467	2,408	2,227	2,113	2,272	7.5%	-7.9%
	JAIL	291	314	197	195	213	9.2%	-26.8%
	JAIL AND PROBATION	582	486	439	351	341	-2.8%	-41.4%
	PROBATION	388	351	329	341	377	10.6%	-2.8%
	OTHER	19	12	11	7	10	*	*
SMALL COUNTIES	TOTAL SENTENCES	845	815	838	705	692	-1.8%	-18.1%
	PRISON	592	575	590	508	481	-5.3%	-18.8%
	JAIL	39	35	46	29	30	3.4%	-23.1%
	JAIL AND PROBATION	149	130	136	105	103	-1.9%	-30.9%
	PROBATION	61	71	64	57	74	29.8%	21.3%
	OTHER	4	4	2	6	4	*	*

Source: DCJS, Felony Processing File (as of 10/20/2017).

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

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

Between 2012 and 2016 the number of sentences decreased statewide by 15.3 percent. Sentences to prison decreased by 9.1 percent while larger decreases were seen in sentences to local jail (-42.4%), split jail/probation (-32.7%), and straight probation (-14.6%). The largest decreases in sentences over the five-year period occurred between 2013 and 2014 when prison sentences decreased by 11.3 percent and sentences to local jail decreased by 26.8 percent.

Between 2015 and 2016, sentences for VFOs increased by 6.5%. Increases were seen statewide in sentences to prison (+5.9%), local jail (+4.4%), straight probation (12.3%), and other sentences (44.5%).

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 12 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS
AND YOUTHFUL OFFENDER ADJUDICATIONS
BY CHARGE CATEGORY
2016**

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		#	%	#	%	#	%	#	%	#	%	#	%
NEW YORK STATE	TOTAL SENTENCES	5,584	70.6%	564	7.1%	655	8.3%	951	12.0%	159	2.0%	7,913	100.0%
	ASSAULT	906	61.5%	179	12.1%	205	13.9%	157	10.7%	27	1.8%	1,474	100.0%
	STRANGULATION	31	64.6%	6	12.5%	8	16.7%	1	2.1%	2	4.2%	48	100.0%
	HOMICIDE	566	99.3%	2	0.4%	0	0.0%	2	0.4%	0	0.0%	570	100.0%
	SEX	517	70.1%	31	4.2%	90	12.2%	95	12.9%	5	0.7%	738	100.0%
	BURGLARY	948	72.5%	74	5.7%	106	8.1%	168	12.8%	12	0.9%	1,308	100.0%
	ROBBERY	1,277	60.9%	175	8.3%	156	7.4%	399	19.0%	91	4.3%	2,098	100.0%
	WEAPON	1,267	79.7%	94	5.9%	84	5.3%	125	7.9%	20	1.3%	1,590	100.0%
	OTHER	72	82.8%	3	3.4%	6	6.9%	4	4.6%	2	2.3%	87	100.0%
NEW YORK CITY	TOTAL SENTENCES	2,831	70.6%	321	8.0%	211	5.3%	500	12.5%	145	3.6%	4,008	100.0%
	ASSAULT	522	62.4%	111	13.3%	93	11.1%	86	10.3%	24	2.9%	836	100.0%
	STRANGULATION	8	53.3%	2	13.3%	2	13.3%	1	6.7%	2	13.3%	15	100.0%
	HOMICIDE	328	98.8%	2	0.6%	0	0.0%	2	0.6%	0	0.0%	332	100.0%
	SEX	175	76.1%	12	5.2%	13	5.7%	27	11.7%	3	1.3%	230	100.0%
	BURGLARY	356	83.0%	19	4.4%	11	2.6%	36	8.4%	7	1.6%	429	100.0%
	ROBBERY	757	57.5%	117	8.9%	64	4.9%	288	21.9%	91	6.9%	1,317	100.0%
	WEAPON	659	80.5%	57	7.0%	27	3.3%	59	7.2%	17	2.1%	819	100.0%
	OTHER	26	86.7%	1	3.3%	1	3.3%	1	3.3%	1	3.3%	30	100.0%
LARGE COUNTIES	TOTAL SENTENCES	2,272	70.7%	213	6.6%	341	10.6%	377	11.7%	10	0.3%	3,213	100.0%
	ASSAULT	296	59.0%	58	11.6%	82	16.3%	63	12.5%	3	0.6%	502	100.0%
	STRANGULATION	13	68.4%	2	10.5%	4	21.1%	0	0.0%	0	0.0%	19	100.0%
	HOMICIDE	217	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	217	100.0%
	SEX	219	72.0%	13	4.3%	35	11.5%	37	12.2%	0	0.0%	304	100.0%
	BURGLARY	452	65.7%	46	6.7%	76	11.0%	109	15.8%	5	0.7%	688	100.0%
	ROBBERY	469	65.3%	57	7.9%	88	12.3%	104	14.5%	0	0.0%	718	100.0%
	WEAPON	570	78.9%	35	4.8%	53	7.3%	62	8.6%	2	0.3%	722	100.0%
	OTHER	36	83.7%	2	4.7%	3	7.0%	2	4.7%	0	0.0%	43	100.0%
SMALL COUNTIES	TOTAL SENTENCES	481	69.5%	30	4.3%	103	14.9%	74	10.7%	4	0.6%	692	100.0%
	ASSAULT	88	64.7%	10	7.4%	30	22.1%	8	5.9%	0	0.0%	136	100.0%
	STRANGULATION	10	71.4%	2	14.3%	2	14.3%	0	0.0%	0	0.0%	14	100.0%
	HOMICIDE	21	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	21	100.0%
	SEX	123	60.3%	6	2.9%	42	20.6%	31	15.2%	2	1.0%	204	100.0%
	BURGLARY	140	73.3%	9	4.7%	19	9.9%	23	12.0%	0	0.0%	191	100.0%
	ROBBERY	51	81.0%	1	1.6%	4	6.3%	7	11.1%	0	0.0%	63	100.0%
	WEAPON	38	77.6%	2	4.1%	4	8.2%	4	8.2%	1	2.0%	49	100.0%
	OTHER	10	71.4%	0	0.0%	2	14.3%	1	7.1%	1	7.1%	14	100.0%

Source: DCJS, Felony Processing File (as of 10/20/2017).
Includes Youthful Offender (YO) and Juvenile Offender (JO) sentences.

Statewide, 70.6 percent of 2016 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 (99.3%).

**NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES
TABLE 13 - SENTENCES FOR VIOLENT FELONY OFFENSE CONVICTIONS
AND YOUTHFUL OFFENDER ADJUDICATIONS
BY FELONY CLASS
2016**

		PRISON		JAIL		JAIL AND PROBATION		PROBATION		OTHER		TOTAL	
		N	%	N	%	N	%	N	%	N	%	N	%
NEW YORK STATE	TOTAL SENTENCES	5,584	70.6%	564	7.1%	655	8.3%	951	12.0%	159	2.0%	7,913	100.0%
	CLASS A	223	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	223	100.0%
	CLASS B	1,298	83.5%	44	2.8%	37	2.4%	134	8.6%	42	2.7%	1,555	100.0%
	CLASS C	1,937	78.0%	97	3.9%	94	3.8%	289	11.6%	65	2.6%	2,482	100.0%
	CLASS D	2,102	58.1%	420	11.6%	519	14.3%	525	14.5%	51	1.4%	3,617	100.0%
	CLASS E	24	66.7%	3	8.3%	5	13.9%	3	8.3%	1	2.8%	36	100.0%
NEW YORK CITY	TOTAL SENTENCES	2,831	70.6%	321	8.0%	211	5.3%	500	12.5%	145	3.6%	4,008	100.0%
	CLASS A	97	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	97	100.0%
	CLASS B	722	77.4%	37	4.0%	18	1.9%	114	12.2%	42	4.5%	933	100.0%
	CLASS C	922	73.1%	57	4.5%	28	2.2%	193	15.3%	62	4.9%	1,262	100.0%
	CLASS D	1,075	63.3%	225	13.3%	164	9.7%	192	11.3%	41	2.4%	1,697	100.0%
	CLASS E	15	78.9%	2	10.5%	1	5.3%	1	5.3%	0	0.0%	19	100.0%
LARGE COUNTIES	TOTAL SENTENCES	2,272	70.7%	213	6.6%	341	10.6%	377	11.7%	10	0.3%	3,213	100.0%
	CLASS A	107	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	107	100.0%
	CLASS B	498	92.2%	6	1.1%	18	3.3%	18	3.3%	0	0.0%	540	100.0%
	CLASS C	865	81.8%	39	3.7%	61	5.8%	90	8.5%	3	0.3%	1,058	100.0%
	CLASS D	793	53.1%	167	11.2%	259	17.3%	268	17.9%	7	0.5%	1,494	100.0%
	CLASS E	9	64.3%	1	7.1%	3	21.4%	1	7.1%	0	0.0%	14	100.0%
SMALL COUNTIES	TOTAL SENTENCES	481	69.5%	30	4.3%	103	14.9%	74	10.7%	4	0.6%	692	100.0%
	CLASS A	19	100.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	19	100.0%
	CLASS B	78	95.1%	1	1.2%	1	1.2%	2	2.4%	0	0.0%	82	100.0%
	CLASS C	150	92.6%	1	0.6%	5	3.1%	6	3.7%	0	0.0%	162	100.0%
	CLASS D	234	54.9%	28	6.6%	96	22.5%	65	15.3%	3	0.7%	426	100.0%
	CLASS E	0	0.0%	0	0.0%	1	33.3%	1	33.3%	1	33.3%	3	100.0%

Source: DCJS, Felony Processing File (as of 10/20/2017).
Includes Youthful Offender (YO) and Juvenile Offender (JO) sentences.

The more serious the felony class of the VFO conviction, the more likely a prison sentence was imposed, from 100 percent of Class A VFOs down to 58.1 percent of Class D 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 & 02T	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	125.26	AGGRAVATED MURDER **		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
PL	215.17	INTIMIDATE VICTIM/WITNESS-1ST		B
PL	230.34	SEX TRAF:FEAR OF INJURY/DEATH	05A & 05B	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

* 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	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		D
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	125.26	AGGRAVATED MURDER **		A
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.