

# Division of Criminal Justice Services

## Criminal Justice Research Report



David A. Paterson  
Governor

Denise E. O'Donnell  
Deputy Secretary for Public Safety/  
DCJS Commissioner

Drug Law Reform Series

Report No. 2

Issued February 2010

# Profile of Felony Drug Offenders Committed to New York State Prison 2008

This report is the second in a series related to statutory changes to New York's drug laws enacted in April 2009. The new laws give judges more sentencing options for defendants who are addicted to drugs or have a substance abuse dependency, including expanded opportunities for treatment alternatives to incarceration. As a first step in assessing the impact of the new drug laws, the *Profile of Felony Drug Offenders Committed to New York State Prison 2008* presents the demographic and criminal histories of drug offenders admitted to prison in 2008, the year before the statutory changes were enacted, in order to establish a baseline for future reports. Prison admissions data from New York State Department of Correctional Services (DOCS) were combined with criminal history information maintained by the Division of Criminal Justice Services (DCJS) to describe the 5,190 drug offenders committed to DOCS in 2008, including 2,484 committed from New York City and 2,706 from other counties in the State. This report, as well as future reports, can be accessed at [www.criminaljustice.state.ny.us](http://www.criminaljustice.state.ny.us).

## Table of Contents

|   |    |
|---|----|
| Major Findings  | 3  |
| Introduction  | 4  |
| Data Notes  | 5  |
| Crime of Conviction for 2008 Drug Commitments   | 6  |
| Prior Criminal History of 2008 Drug Commitments   | 8  |
| Prison Sentence Lengths among 2008 Drug Commitments   | 12 |
| Demographics of Drug Offenders Committed in 2008  | 16 |
| Map of 2008 Drug Offender Commitments by County   | 18 |
| Appendix A: 2008 First Felony Drug Commitments by Indictment County<br>and Conviction Class   | 19 |
| Appendix B: 2008 Second Felony Drug Commitments by Indictment County<br>and Conviction Class  | 21 |
| Appendix C: 2008 Felony Drug Commitments: Most Serious Prior History<br>by Indictment County  | 23 |
| Appendix D: 2008 Felony Drug Commitments: Mandatory/Discretionary Sentencing<br>by Indictment County                                    | 25 |
| Appendix E: 2008 First Felony B and Second Felony C, D and E Drug Commitments:<br>Minimum/Above Minimum Sentencing by Indictment County | 27 |

## **Major Findings**

- Prior to the arrest that led to the 2008 drug commitment to DOCS, the 2008 drug offenders had been arrested an average of 10 times, and convicted an average of six times in New York State. On average, the arrests included five felony arrests and five misdemeanor arrests; the convictions included two felonies and four misdemeanors.
  - About a quarter (24%) of the drug offenders had one or more prior violent felony convictions.
  - Offenders from New York City had more extensive criminal histories than offenders from the Rest of State. New York City offenders averaged 12 prior arrests, compared to eight prior arrests from the Rest of State.
- Of the 4,813 offenders with a prior criminal history, most had arrests or convictions for both drug and other crimes. Only 444 (9%) had a “drug only” criminal history.
- Only 377 (7%) had no prior arrests or convictions in New York State before their 2008 commitment.
- Statewide, the most common drug commitments were first-time felony offenders convicted of a class B felony offense (23%), followed by second felony offenders convicted of a class C (20%) and a class D (18%) felony offense.
  - Only 5% of the drug commitments (276) were for class A felonies. Of these, 23 were A-1 felonies and 253 were A-2 felonies.
  - Only 1% (71) of the drug offenders were committed for a felony marijuana offense.
- A total of 84% of the 5,190 drug offenders in 2008 were convicted of a crime that mandated a sentence to prison.
- The median prison sentence imposed on drug commitments from New York City counties was 24 months, six months shorter than the 30-month median imposed from the Rest of State.
- In terms of demographics:
  - Of the 2,484 offenders committed from New York City, 49% were black, 46% were Hispanic and less than 4% were white. In the Rest of the State, 60% were black, 21% were white and 17% were Hispanic.
  - A total of 91% of the drug commitments were male, and 9% were female.
  - Drug offenders convicted from New York City had a median age of 34, five years older than offenders from the Rest of State who had a median age of 29.

## Introduction

New York's Rockefeller Drug Laws, enacted in 1973, mandated long prison sentences for many drug offenders. After several amendments to the original laws, in April 2009 the Legislature instituted significant changes. Mandatory prison sentences for some drug offenses were eliminated, and minimum sentence lengths were reduced for others. In October 2009, Article 216 of the Penal Law became effective, expanding judicial discretion to offer drug court alternatives to certain addicted non-violent offenders.

The 2009 reform of New York's drug laws included a requirement to study the impact of these changes (see Section 837 of the Executive Law). The Division of Criminal Justice Services (DCJS) is coordinating this effort and working with other state agencies, including the Office of Court Administration (OCA), the Office of Alcoholism and Substance Abuse Services (OASAS), the Department of Correctional Services (DOCS), the Division of Parole (DOP), and the Division of Probation and Correctional Alternatives (DPCA). DCJS is also working with New York City agencies, district attorneys' offices and diversion programs to obtain other data not available at the State level.

The 2009 drug law reform is expected to result in fewer non-violent drug offenders sentenced to prison in New York State, and increase the number of individuals participating in community-based treatment. To provide context for analyzing the impact of the drug law reform, a companion report entitled *Felony Drug Arrest, Indictment and Commitment Trends 1973-2008*, presents trends in the processing of criminal justice processing of felony drug cases since the implementation of the Rockefeller Drug Laws in 1973.

This report profiles 5,190 individuals who were committed to DOCS as drug offenders in 2008, the year prior to the enactment of the new drug laws. These individuals were committed after being sentenced to prison for the felony sale or possession of a controlled substance (Penal Law 220) or marijuana (Penal Law 221). This report details:

- the types of drug conviction offenses for which offenders were sentenced to prison;
- the extent of the offenders' criminal histories prior to the 2008 drug commitment;
- gender, race/ethnicity and age of the commitments;
- differences between commitments from New York City and the Rest of State; and
- county-based commitment trends, offense class levels, and prior histories (included as appendices).

In 2010, DCJS will issue periodic reports on changes associated with the new laws, including information on diversions from prison into treatment, changes in plea practices, changes in sentencing, and treatment participation. Longer term evaluation efforts will also focus on local and statewide arrest and crime trends, the analyses of drug court and treatment outcomes, and criminal recidivism.

## **Data Notes**

Because of the limited scope of this report, the data sources used include only the DOCS 2008 admission file and the DCJS Computerized Criminal History (CCH) file. Future reports will describe the impact of the 2009 drug law changes and will also analyze diversion and treatment data available from the OCA and OASAS, as well as other sources. Please note the following data limitations when reviewing this report:

### **Prior Participation in Diversion Programs Not Known**

When analyzing drug commitments to prison, DCJS was not able to identify individuals who had completed a diversion program in the past, or those who had failed a diversion program and were consequently sentenced to prison. This information is maintained by OCA and the district attorneys' offices. Through data sharing with OCA, OASAS and others, DCJS plans to incorporate this information in future reports.

### **Number of Probation Failures Not Known**

This analysis does not identify the number of drug commitments who first received a sentence to probation, were violated on probation, and were then sentenced to prison. DCJS is analyzing various data sources so that these cases can be identified in future reports.

### **Second Felony Status for New Commitments**

Offenders with no prior felony convictions in New York State may be sentenced as second felony offenders under Article 70 of the Penal Law if they have felony convictions from other jurisdictions. Also, offenders may have prior felony convictions but may still be sentenced as first felony offenders because of the length of time that has elapsed since the previous crime was committed.

### **Prior Criminal History is New York State Only**

The analysis of prior criminal histories includes arrests and convictions in New York State that were unrelated to the arrest resulting in the 2008 commitment, and were disposed prior to the 2008 commitment. The CCH file includes only New York State criminal history, so any arrests or convictions that occurred in other states or at the Federal level are not included in the analyses of prior criminal history.

### **Indictments from the NYC Office of the Special Narcotics Prosecutor**

In addition to the district attorneys' offices from the five counties within New York City, a sixth New York City office, the Office of the Special Narcotics Prosecutor (SNP), prosecutes many drug cases. In this report, individuals sentenced to prison after prosecution by SNP are counted as New York county commitments. Future reports which analyze indictment data will show cases processed by SNP separately.

### **Race and Ethnicity**

The information on race (white, black, other) and ethnicity (Hispanic vs. non-Hispanic) is collected at DOCS. This analysis presents a combination of race and ethnicity. Any individual with an ethnicity of Hispanic, regardless of reported race, is classified as Hispanic.

## Crime of Conviction for 2008 Drug Commitments

Prior to the 2009 drug law changes, most felony drug offenses carried mandatory determinate prison sentences. All first felony class A and B drug offenders, and all drug offenders sentenced under the second felony offender statute, were required to serve prison time.<sup>1</sup>

Table 1 below shows that 84% of the drug offenders admitted to DOCS in 2008 were convicted of offenses that required mandatory prison sentences. This included 90% of the commitments from NYC and 78% of those from the Rest of State.

Statewide, the most common commitment offenses were first-time felony offenders convicted of a class B felony offense (23%), followed by second felony offenders convicted of a class C (20%) and a class D (18%) felony offense.

Compared to NYC offenders, a greater proportion of offenders committed to DOCS from the Rest of State were convicted for the first time of a class C, D or E felony offense, which do not require a prison sentence.

**Table 1. Felony Class and Second Felony Status of 2008 Drug Commitments**

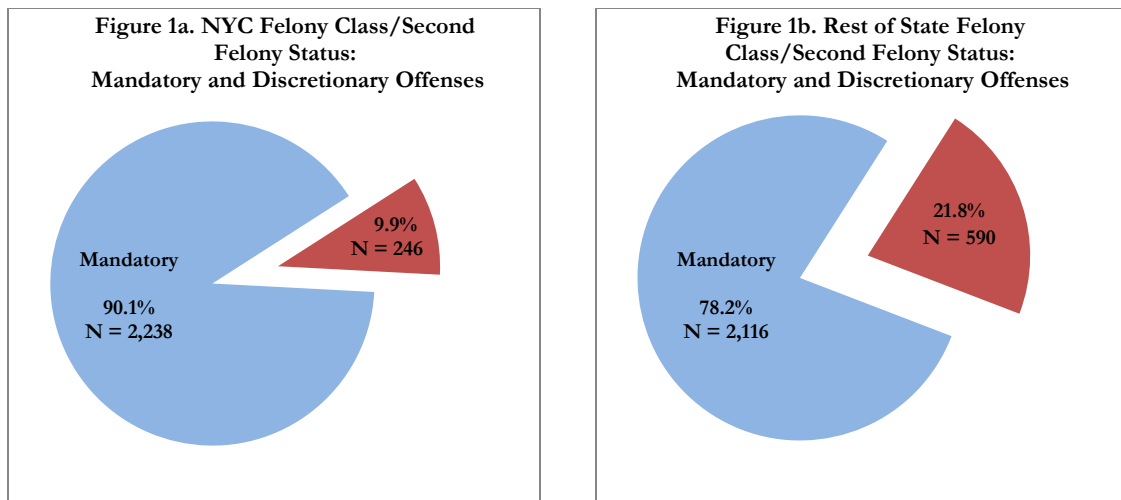
| Felony Class/Second Felony Status             | NYC          |               | Rest of State |              | Statewide    |              |
|---|--------------|---------------|---------------|--------------|--------------|--------------|
|   | #            | %             | #             | %            | #            | %            |
| Class A-I 1 <sup>st</sup> Felony              | 5            | 0.2%          | 6             | 0.2%         | 11           | 0.2%         |
| Class A-I 2 <sup>nd</sup> Felony              | 5            | 0.2%          | 7             | 0.3%         | 12           | 0.2%         |
| Class A-II 1 <sup>st</sup> Felony             | 115          | 4.6%          | 80            | 3.0%         | 195          | 3.8%         |
| Class A-II 2 <sup>nd</sup> Felony             | 22           | 0.9%          | 36            | 1.3%         | 58           | 1.1%         |
| Class B 1 <sup>st</sup> Felony                | 562          | 22.6%         | 636           | 23.5%        | 1,198        | 23.1%        |
| Class B 2 <sup>nd</sup> Felony                | 354          | 14.3%         | 389           | 14.4%        | 743          | 14.3%        |
| Class C 2 <sup>nd</sup> Felony                | 516          | 20.8%         | 496           | 18.3%        | 1,012        | 19.5%        |
| Class D 2 <sup>nd</sup> Felony*               | 563          | 22.7%         | 382           | 14.1%        | 945          | 18.2%        |
| Class E 2 <sup>nd</sup> Felony*               | 96           | 3.9%          | 84            | 3.1%         | 180          | 3.5%         |
| <b>Mandatory Prison Offenses Subtotal</b>     | <b>2,238</b> | <b>90.1%</b>  | <b>2,116</b>  | <b>78.2%</b> | <b>4,354</b> | <b>83.9%</b> |
| Class C 1 <sup>st</sup> Felony                | 129          | 5.2%          | 292           | 10.8%        | 421          | 8.1%         |
| Class D 1 <sup>st</sup> Felony                | 110          | 4.4%          | 268           | 9.9%         | 378          | 7.3%         |
| Class E 1 <sup>st</sup> Felony                | 7            | 0.3%          | 30            | 1.1%         | 37           | 0.7%         |
| <b>Discretionary Prison Offenses Subtotal</b> | <b>246</b>   | <b>9.9%</b>   | <b>590</b>    | <b>21.8%</b> | <b>836</b>   | <b>16.1%</b> |
| <b>Total</b>                                  | <b>2,484</b> | <b>100.0%</b> | <b>2,706</b>  | <b>100%</b>  | <b>5,190</b> | <b>100%</b>  |

Source: NYSDOCS Admission File

\*Class D 2<sup>nd</sup> felony includes 392 commitments who were eligible to be sentenced to the 90-day Willard Drug Treatment Campus, with the consent of the district attorney. Class E 2<sup>nd</sup> felony includes 50 Willard-eligible commitments.

<sup>1</sup> See PL 70.70 and PL 70.06 for a full description of the felony sentencing statutes governing drug offenses. Individuals were sentenced as second felony drug offenders when their instant offense was any felony drug offense and their prior offense was a felony other than a violent felony. The prior conviction must have been either a felony in this State or an offense in any other jurisdiction for which a sentence to a term of imprisonment in excess of one year was authorized.

Figures 1a and 1b show the proportion of commitments that required mandatory sentences, as opposed to first-time class C, D, and E felony offenses that did not require prison.



**Table 2. Drug Offense Commitment Category by Region**

|  | NYC          |             | Rest of State |             | Statewide    |             |
|--|--------------|-------------|---------------|-------------|--------------|-------------|
|  | #            | %           | #             | %           | #            | %           |
| <b>Marijuana vs. Controlled Substances</b> |              |             |               |             |              |             |
| Marijuana                                  | 14           | 0.6%        | 57            | 2.1%        | 71           | 1.4%        |
| Controlled Substances                      | 2,470        | 99.4%       | 2,649         | 97.9%       | 5,119        | 98.6%       |
| <b>Total</b>                               | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>Drug Sale vs. Drug Possession</b>       |              |             |               |             |              |             |
| Drug Sale                                  | 1,451        | 58.4%       | 1,285         | 47.5%       | 2,736        | 52.7%       |
| Drug Possession                            | 1,033        | 41.6%       | 1,421         | 52.5%       | 2,454        | 47.3%       |
| <b>Total</b>                               | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>All Drug Charges vs. Drug/Other</b>     |              |             |               |             |              |             |
| All Drug                                   | 2,391        | 96.3%       | 2,600         | 96.1%       | 4,991        | 96.2%       |
| Drug with Other Offenses                   | 93           | 3.7%        | 106           | 3.9%        | 199          | 3.8%        |
| <b>Total</b>                               | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |

Source: NYSDOCS Admission file

Table 2 shows that the vast majority of 2008 drug commitments to DOCS involved controlled substances, or drugs other than marijuana. Statewide, only 71 (1%) of the drug admissions had a top charge involving marijuana; 57 of the 71 marijuana-related commitments came from counties outside of NYC.

Statewide, drug sales accounted for a greater percentage of the commitments than did drug possession offenses (53% vs. 47%).

A commitment to DOCS may include more than one conviction offense. DOCS categorizes offense types by the conviction offense carrying the longest maximum sentence. Among the 2008 drug

commitments, 199 (4%) were committed for a violent or property offense in addition to the drug offense. Among these 199, 66 were convicted of violent offenses, most commonly for weapons possession.

### **Prior Criminal History of 2008 Drug Commitments**

Computerized Criminal History (CCH) data maintained by DCJS were combined with the DOCS admissions file to analyze the prior criminal history of the 2008 drug commitments.<sup>2</sup> Prior to their 2008 drug commitment to DOCS, the average offender had been previously arrested 10 times, and acquired six convictions in New York State for these arrests, including two felony convictions and four misdemeanor convictions. Below, the prior criminal histories of the 2008 drug commitments are reviewed in greater detail.

Table 3 categorizes the offenders according to the most serious level of offense in their respective criminal histories before the 2008 drug commitment. A total of 3,852 (74%) had at least one prior felony conviction, including 1,219 (24%) who had a prior conviction for a Violent Felony Offense (VFO).<sup>3</sup> Twelve percent (612 offenders) had convictions for one or more misdemeanor offenses, but had no felony convictions. For 349 (7%), the most serious prior criminal involvement was an arrest that did not result in a misdemeanor or felony conviction. Finally, 377 commitments (7%) had no prior arrest or conviction. County-based information on level of prior history is presented in Appendices A and B.

**Table 3. Most Serious Prior Criminal History**

|   | NYC          |               | Rest of State |               | Statewide    |               |
|---|--------------|---------------|---------------|---------------|--------------|---------------|
|   | #            | %             | #             | %             | #            | %             |
| <b>Highest Level of Prior NYS History</b> |              |               |               |               |              |               |
| No Criminal History                       | 188          | 7.6%          | 189           | 7.0%          | 377          | 7.3%          |
| Arrest Only, No Conviction                | 184          | 7.4%          | 165           | 6.1%          | 349          | 6.7%          |
| Misdemeanor Conviction                    | 216          | 8.7%          | 396           | 14.6%         | 612          | 11.8%         |
| Felony (Non-VFO) Conviction               | 1,251        | 50.4%         | 1,382         | 51.1%         | 2,633        | 50.7%         |
| Felony VFO Conviction                     | 645          | 26.0%         | 574           | 21.2%         | 1,219        | 23.5%         |
| <b>Total</b>                              | <b>2,484</b> | <b>100.0%</b> | <b>2,706</b>  | <b>100.0%</b> | <b>5,190</b> | <b>100.0%</b> |

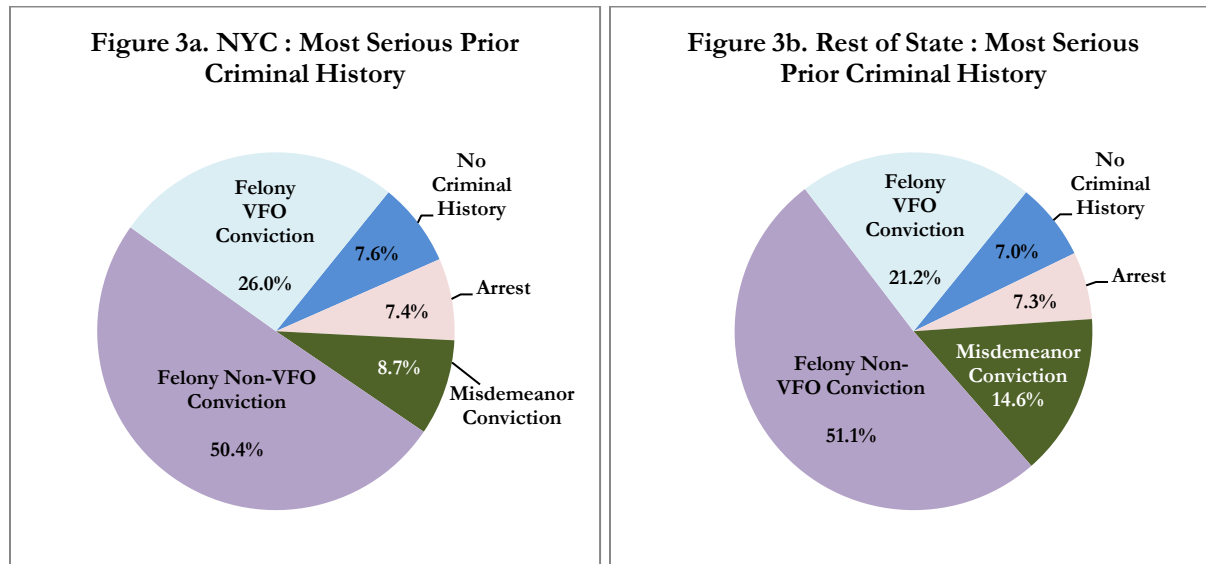
Source: NYSDOCS Admission file and CCH

<sup>2</sup> The CCH file includes only New York State criminal history, so any arrests or convictions that occurred in other states or at the Federal level are not included. The courts can and do consider convictions in other jurisdictions when imposing sentences. A total of 59 of the 377 offenders with no prior NYS criminal history were identified in the DOCS database as having prior felony or misdemeanor conviction, indicating criminal records in other jurisdictions. Of those 59, 25 were sentenced as second felony offenders by the courts.

<sup>3</sup> Violent Felony Offenses are those specified in PL 70.02 as well as the following Class A-I offenses: Murder 1, Attempted Murder 1, Murder 2, Arson 1, and Kidnapping 1.



Figures 3a and 3b below illustrate that the level of seriousness of prior criminal histories was similar among commitments from NYC and the Rest of State.



**Table 4. Extent of Drug-Only Prior Criminal History**

|                         | NYC          |               | Rest of State |               | Statewide    |               |
|-------------------------|--------------|---------------|---------------|---------------|--------------|---------------|
|                         | #            | %             | #             | %             | #            | %             |
| No NYS Criminal History | 188          | 7.6%          | 189           | 7.0%          | 377          | 7.3%          |
| Only Drug History       | 218          | 8.8%          | 226           | 8.4%          | 444          | 8.6%          |
| Mixed History           | 2,078        | 83.7%         | 2,291         | 84.7%         | 4,369        | 84.2%         |
| <b>Total</b>            | <b>2,484</b> | <b>100.0%</b> | <b>2,706</b>  | <b>100.0%</b> | <b>5,190</b> | <b>100.0%</b> |

Source: NYSDOCS Admission file and CCH

Table 4 (above) shows the types of prior offenses the 2008 drug commitments had in their criminal histories. A total of 7% had no prior arrests or convictions and 9% had a criminal history limited to drug offenses. The majority (84%) were either arrested for or convicted of at least one prior non-drug offense.

Offenders with a “mixed” criminal history most frequently had prior convictions for misdemeanor larcenies and other thefts, criminal trespass, and assault. When the prior non-drug conviction history included a prior felony conviction, the conviction most often involved robbery, property damage and intrusion offenses, as well as possession of firearms and other dangerous weapons offenses.

**Table 5. Number of Prior Felony Convictions**

|                                  | NYC          |             | Rest of State |             | Statewide    |             |
|----------------------------------|--------------|-------------|---------------|-------------|--------------|-------------|
|                                  | #            | %           | #             | %           | #            | %           |
| <b>Any Felony Conviction</b>     |              |             |               |             |              |             |
| None                             | 588          | 23.7%       | 750           | 27.7%       | 1,338        | 25.8%       |
| One                              | 606          | 24.4%       | 886           | 32.7%       | 1,492        | 28.7%       |
| Two                              | 502          | 20.2%       | 538           | 19.9%       | 1,040        | 20.0%       |
| 3 or More                        | 788          | 31.7%       | 532           | 19.7%       | 1,320        | 25.4%       |
| <b>Total</b>                     | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>Mean</b>                      | 1.9          |             | 1.5           |             | 1.7          |             |
| <b>Range</b>                     | 0 - 10       |             | 0 - 8         |             | 0 - 10       |             |
| <b>Felony Drug Conviction</b>    |              |             |               |             |              |             |
| None                             | 933          | 37.6%       | 1,261         | 46.6%       | 2,194        | 42.3%       |
| One                              | 689          | 27.7%       | 852           | 31.5%       | 1,541        | 29.7%       |
| Two                              | 425          | 17.1%       | 382           | 14.1%       | 807          | 15.5%       |
| 3 or More                        | 437          | 17.6%       | 211           | 7.8%        | 648          | 12.5%       |
| <b>Total</b>                     | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>Mean</b>                      | 1.3          |             | 0.9           |             | 1.1          |             |
| <b>Range</b>                     | 0 - 10       |             | 0 - 6         |             | 0 - 10       |             |
| <b>Violent Felony Conviction</b> |              |             |               |             |              |             |
| None                             | 1,839        | 74.0%       | 2,132         | 78.8%       | 3,971        | 76.5%       |
| One                              | 467          | 18.8%       | 468           | 17.3%       | 935          | 18.0%       |
| Two                              | 133          | 5.4%        | 90            | 3.3%        | 223          | 4.3%        |
| 3 or More                        | 45           | 1.8%        | 16            | 0.6%        | 61           | 1.2%        |
| <b>Total</b>                     | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>Mean</b>                      | 0.4          |             | 0.3           |             | 0.3          |             |
| <b>Range</b>                     | 0 - 6        |             | 0 - 4         |             | 0 - 6        |             |

Source: DOCS Admission File, Computerized Criminal History system

Statewide, almost three-quarters (74%) of the drug commitments had at least one prior felony conviction and 58% had at least one prior drug felony conviction (Table 5). Only about one-quarter (24%) had a previous violent felony conviction.

Drug commitments from NYC tended to have more extensive criminal histories. Almost a third of the commitments from NYC (32%) had three or more prior felony convictions, compared to only 20% of the commitments from the Rest of State. Similarly, 18% of the NYC commitments had three or more prior felony drug commitments, compared to only 8% of the drug admissions from the Rest of State. In Appendix C, county-based information on the most serious level of prior history is presented.

**Table 6. Number of Prior Misdemeanor Convictions**

|                         | NYC          |             | Rest of State |             | Statewide    |             |
|-------------------------|--------------|-------------|---------------|-------------|--------------|-------------|
|                         | #            | %           | #             | %           | #            | %           |
| <b>Any Misdemeanor</b>  |              |             |               |             |              |             |
| None                    | 758          | 30.5%       | 739           | 27.3%       | 1,497        | 28.8%       |
| One                     | 358          | 14.4%       | 545           | 20.1%       | 903          | 17.4%       |
| Two                     | 279          | 11.2%       | 391           | 14.4%       | 670          | 12.9%       |
| 3 or More               | 191          | 43.8%       | 267           | 38.1%       | 458          | 40.8%       |
| <b>Total</b>            | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>Mean</b>             | 4.9          |             | 2.8           |             | 3.8          |             |
| <b>Range</b>            | 0 - 113      |             | 0 - 41        |             | 0 - 113      |             |
| <b>Misdemeanor Drug</b> |              |             |               |             |              |             |
| None                    | 1,100        | 44.3%       | 1,629         | 60.2%       | 2,729        | 52.6%       |
| One                     | 476          | 19.2%       | 596           | 22.0%       | 1,072        | 20.7%       |
| Two                     | 281          | 11.3%       | 259           | 9.6%        | 540          | 10.4%       |
| 3 or More               | 177          | 25.2%       | 102           | 8.2%        | 279          | 16.4%       |
| <b>Total</b>            | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>Mean</b>             | 2.1          |             | 0.8           |             | 1.4          |             |
| <b>Range</b>            | 0 - 54       |             | 0 - 18        |             | 0 - 54       |             |

Source: DOCS Admission File, Computerized Criminal History system

Table 6 (above) presents the number of prior misdemeanor convictions among the drug offenders committed in 2008. On average, drug offenders had accumulated 3.8 misdemeanor convictions prior to the drug offense for which they were committed, including an average of 1.4 convictions for misdemeanor drug offenses.

**Table 7. Number of Prior Arrests**

| Arrest Type            | NYC  |     |     | Rest of State |     |     | Statewide |     |     |
|------------------------|------|-----|-----|---------------|-----|-----|-----------|-----|-----|
|                        | Mean | Min | Max | Mean          | Min | Max | Mean      | Min | Max |
| Felony                 | 5.8  | 0   | 37  | 3.8           | 0   | 27  | 4.8       | 0   | 37  |
| Felony Drug            | 2.9  | 0   | 22  | 1.6           | 0   | 13  | 2.2       | 0   | 22  |
| Violent Felony Offense | 1.5  | 0   | 19  | 1.0           | 0   | 15  | 1.3       | 0   | 19  |
| Misdemeanor            | 6.2  | 0   | 113 | 4.2           | 0   | 66  | 5.2       | 0   | 113 |
| Misdemeanor Drug       | 2.8  | 0   | 67  | 1.1           | 0   | 19  | 1.9       | 0   | 67  |

Source: DOCS Admission File, Computerized Criminal History system

Statewide, the 2008 drug commitments averaged 4.8 felony arrests and 5.2 misdemeanor arrests prior to their commitment offense (see Table 7 above). The average number of prior felony drug arrests was 2.2. Commitments from NYC consistently averaged a higher number of prior arrests than drug offenders from the Rest of State.

## Prison Sentence Lengths among 2008 Drug Commitments

Prior to the 2009 statutory changes, the following determinate ranges governed sentencing for persons convicted of drug felonies:

**Table 8. Pre-2009 Drug Law Reform Determinate Sentencing Ranges for Drug Offenders**

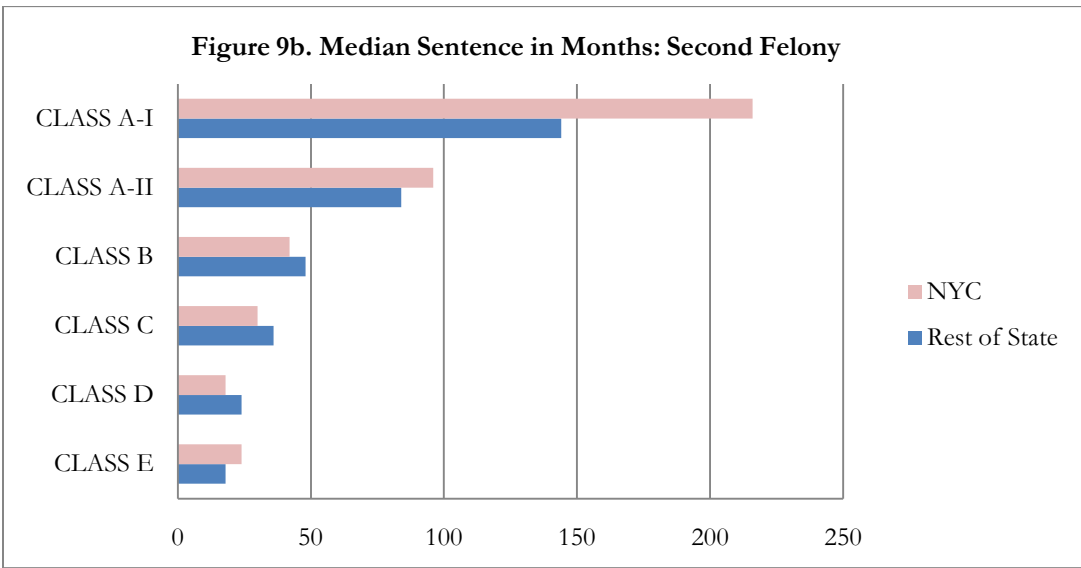
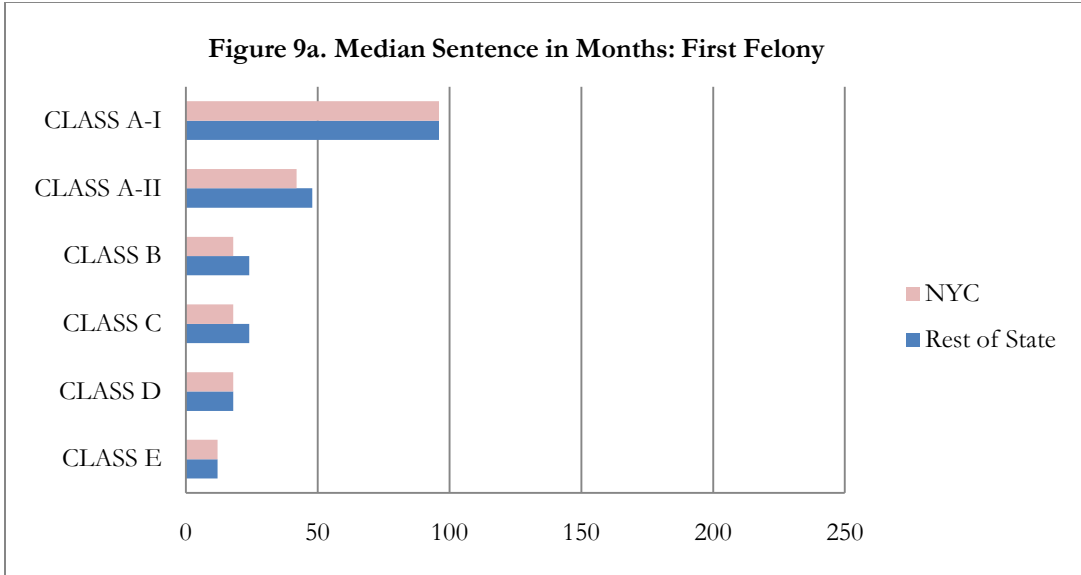
|                   | First       | Second:<br>No Prior Violent | Second:<br>Prior Violent |
|-------------------|-------------|-----------------------------|--------------------------|
| <b>Class A-I</b>  | 8 – 20 yrs  | 12 – 24 yrs                 | 15 – 30 yrs              |
| <b>Class A-II</b> | 3 – 10 yrs  | 6 – 14 yrs                  | 8 – 17 yrs               |
| <b>Class B</b>    | 1 – 9 yrs   | 3 ½ – 12 yrs                | 6 – 15 yrs               |
| <b>Class C</b>    | 1 – 5½ yrs* | 2 – 8 yrs                   | 3½ – 9 yrs               |
| <b>Class D</b>    | 1 – 2½ yrs* | 1 ½ – 4 yrs                 | 2½ – 4½ yrs              |
| <b>Class E</b>    | 1 – 1½ yrs* | 1½ – 2 yrs                  | 2 – 2½ yrs               |

\*First-time class C, D, and E felony offenders could also be sentenced to jail or probation.

Of the 5,190 drug commitments, 4,950 were subject to these determinate ranges; 240 were sentenced indeterminately, primarily because their crimes were committed before determinate drug sentences took effect in 2005. Table 9 and Figures 9a and 9b (below and next page) show the average sentence lengths for the 4,950 drug commitments who received a determinate sentence. Overall, the median sentence was 30 months. Offenders from the Rest of State tended to receive longer sentences, with a 30-month median sentence, than those from NYC, with a median sentence of 24 months. As shown below, while sentence lengths are influenced by felony class and second felony offender status, generally drug commitments from outside of NYC received prison sentences that averaged 6 months longer than commitments from NYC. Appendix D provides a breakdown of the mandatory and discretionary sentencing by county.

**Table 9. Average Sentencing Length in Months**

|                                   | NYC          |           |           | Rest of State |           |           | Statewide    |           |           |
|-----------------------------------|--------------|-----------|-----------|---------------|-----------|-----------|--------------|-----------|-----------|
|                                   | #            | Mean      | Median    | #             | Mean      | Median    | #            | Mean      | Median    |
| Class A-I 1 <sup>st</sup> Felony  | 3            | 100       | 96        | 6             | 92        | 96        | 9            | 95        | 96        |
| Class A-I 2 <sup>nd</sup> Felony  | 5            | 221       | 216       | 7             | 165       | 144       | 12           | 188       | 180       |
| Class A-II 1 <sup>st</sup> Felony | 110          | 48        | 42        | 78            | 54        | 48        | 188          | 51        | 42        |
| Class A-II 2 <sup>nd</sup> Felony | 20           | 100       | 96        | 36            | 89        | 84        | 56           | 93        | 87        |
| Class B 1 <sup>st</sup> Felony    | 518          | 22        | 18        | 627           | 28        | 24        | 1,145        | 25        | 24        |
| Class B 2 <sup>nd</sup> Felony    | 334          | 53        | 42        | 385           | 57        | 48        | 719          | 56        | 48        |
| Class C 2 <sup>nd</sup> Felony    | 480          | 33        | 30        | 493           | 38        | 36        | 973          | 36        | 36        |
| Class D 2 <sup>nd</sup> Felony    | 535          | 23        | 18        | 376           | 26        | 24        | 911          | 24        | 24        |
| Class E 2 <sup>nd</sup> Felony    | 91           | 22        | 24        | 82            | 21        | 18        | 173          | 21        | 24        |
| <b>Mandatory Prison</b>           |              |           |           |               |           |           |              |           |           |
| <b>Offenses Overall</b>           | <b>2,096</b> | <b>33</b> | <b>24</b> | <b>2,090</b>  | <b>38</b> | <b>36</b> | <b>4,186</b> | <b>35</b> | <b>30</b> |
| Class C 1 <sup>st</sup> Felony    | 106          | 22        | 18        | 280           | 28        | 24        | 386          | 26        | 24        |
| Class D 1 <sup>st</sup> Felony    | 101          | 17        | 18        | 246           | 20        | 18        | 347          | 19        | 18        |
| Class E 1 <sup>st</sup> Felony    | 6            | 14        | 12        | 25            | 15        | 12        | 31           | 15        | 12        |
| <b>Discretionary Prison</b>       |              |           |           |               |           |           |              |           |           |
| <b>Offenses Overall</b>           | <b>213</b>   | <b>20</b> | <b>18</b> | <b>551</b>    | <b>24</b> | <b>24</b> | <b>764</b>   | <b>23</b> | <b>18</b> |
| <b>Total</b>                      | <b>2,309</b> | <b>31</b> | <b>24</b> | <b>2,641</b>  | <b>35</b> | <b>30</b> | <b>4,950</b> | <b>33</b> | <b>30</b> |



## B-E Felony Drug Commitments Sentenced to the Mandatory Minimum

Prior to the 2009 sentencing changes that eliminated mandatory prison sentences for many felony drug convictions, drug offenders were sentenced under the determinate sentencing provisions enacted in December 2004 (see Table 8 on page 12). A minimum sentence of incarceration was mandated for drug offenders who were convicted of a class B felony drug offense (1 year); second felony offenders convicted of a class B drug offense (3½ years); second felony offenders convicted of a class C felony drug offense (2 years); and second felony offenders convicted of a class D or E felony drug offense (1½ years). As of April 2009, these convictions no longer require a sentence to prison. This section examines the extent to which judges imposed the minimum sentence required under the old law, instead of a longer sentence.

Not all of the 5,190 drug commitments were included in this review: only offenders who were committed for drug offenses which, as of April 2009, no longer require a mandatory prison sentence were used in the analysis. These include first-time class B felony offenses and class C felony, class D felony, and class E felony offenders sentenced as second felony offenders. In addition, a total of 216 commitments were excluded because they were serving indeterminate sentences, either because they committed their crimes prior to the 2004 sentencing changes or were also serving time for non-drug offenses. In all, 3,119 of the 5,190 drug offenders committed to DOCS in 2008 (60%) were included in this analysis.

**Table 10a. Statewide Drug Commitments Subject to Mandatory Minimum, 2008**

|              | Minimum      |              | Above Minimum |              | Total        |             |
|--------------|--------------|--------------|---------------|--------------|--------------|-------------|
|              | #            | %            | #             | %            | #            | %           |
| B First      | 419          | 38.1%        | 682           | 61.9%        | 1,101        | 100%        |
| C Second     | 319          | 33.9%        | 621           | 66.1%        | 940          | 100%        |
| D Second     | 453          | 50.0%        | 453           | 50.0%        | 906          | 100%        |
| E Second     | 76           | 44.2%        | 96            | 55.8%        | 172          | 100%        |
| <b>Total</b> | <b>1,267</b> | <b>40.6%</b> | <b>1,852</b>  | <b>59.4%</b> | <b>3,119</b> | <b>100%</b> |

Source: NYSDOCS Admission file

Statewide, 41% of the first-time class B felony drug offenders and second-time class C, D, and E felony drug offenders subject to determinate mandatory minimums were sentenced at their minimum; the remaining 59% received longer sentences. If those individuals who received the mandatory minimums were sentenced today, a sentence to probation or jail would be an option available to the courts.

**Table 10b. NYC Drug Commitments Subject to Mandatory Minimum, 2008**

|              | Minimum    |              | Above Minimum |              | Total        |             |
|--------------|------------|--------------|---------------|--------------|--------------|-------------|
|              | #          | %            | #             | %            | #            | %           |
| B First      | 219        | 43.9%        | 280           | 56.1%        | 499          | 100%        |
| C Second     | 177        | 38.1%        | 287           | 61.9%        | 464          | 100%        |
| D Second     | 297        | 55.8%        | 235           | 44.2%        | 532          | 100%        |
| E Second     | 31         | 34.4%        | 59            | 65.6%        | 90           | 100%        |
| <b>Total</b> | <b>724</b> | <b>45.7%</b> | <b>861</b>    | <b>54.3%</b> | <b>1,585</b> | <b>100%</b> |

Source: NYSDOCS Admission file

**Table 10c. Rest of State Drug Commitments Subject to Mandatory Minimum, 2008**

|              | Minimum    |              | Above Minimum |              | Total        |             |
|--------------|------------|--------------|---------------|--------------|--------------|-------------|
|              | #          | %            | #             | %            | #            | %           |
| B First      | 200        | 33.2%        | 402           | 66.8%        | 602          | 100%        |
| C Second     | 142        | 29.8%        | 334           | 70.2%        | 476          | 100%        |
| D Second     | 156        | 41.7%        | 218           | 58.3%        | 374          | 100%        |
| E Second     | 45         | 54.9%        | 37            | 45.1%        | 82           | 100%        |
| <b>Total</b> | <b>543</b> | <b>35.4%</b> | <b>991</b>    | <b>64.6%</b> | <b>1,534</b> | <b>100%</b> |

Source: NYSDOCS Admission file

Commitments from New York City were more likely to receive the mandatory minimum (46%) than were drug commitments from the Rest of State (35%).

Of the total 5,190 individuals committed to DOCS in 2008, almost one-quarter (1,267 or 24%) were first-time class B felony or second felony offenders convicted of a class C, D, or E felony sentenced to the minimum prison sentence allowed under the law.

County-based information on the number of drug commitments sentenced to the mandatory minimum is presented in Appendix E.

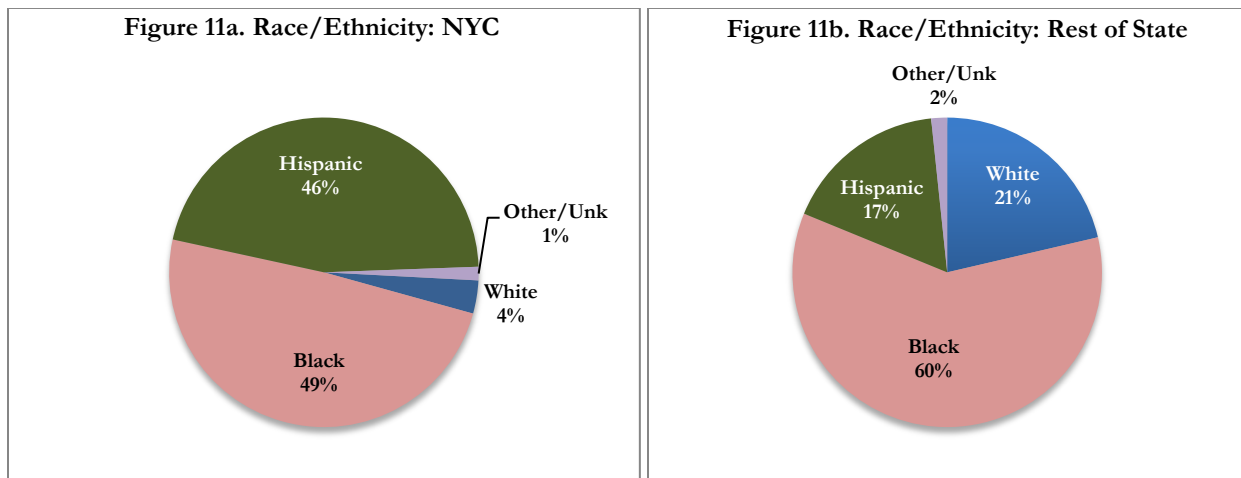
## Demographics of Drug Offenders Committed in 2008

Table 11. Gender and Race/Ethnicity by Region of Commitment

|                       | NYC          |             | Rest of State |             | Statewide    |             |
|-----------------------|--------------|-------------|---------------|-------------|--------------|-------------|
|                       | #            | %           | #             | %           | #            | %           |
| <b>Gender</b>         |              |             |               |             |              |             |
| Male                  | 2,285        | 92.0%       | 2,432         | 89.9%       | 4,717        | 90.9%       |
| Female                | 199          | 8.0%        | 274           | 10.1%       | 473          | 9.1%        |
| <b>Total</b>          | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| <b>Race/Ethnicity</b> |              |             |               |             |              |             |
| White                 | 86           | 3.5%        | 578           | 21.4%       | 664          | 12.8%       |
| Black                 | 1,220        | 49.1%       | 1,619         | 59.8%       | 2,839        | 54.7%       |
| Hispanic              | 1,143        | 46.0%       | 464           | 17.1%       | 1,607        | 31.0%       |
| Other                 | 28           | 1.1%        | 32            | 1.2%        | 60           | 1.2%        |
| Unknown               | 7            | 0.3%        | 13            | 0.5%        | 20           | 0.4%        |
| <b>Total</b>          | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |

Source: NYSDOCS Admission File

Note: Reported race (White, Black, and Other) and ethnicity (Hispanic or non-Hispanic) are combined in this table. Any individual reported with Hispanic ethnicity, regardless of race reported, is categorized as Hispanic.



Nine out of 10 (91%) drug offenders committed to prison in 2008 were male, including 92% of the commitments from NYC and 90% from the Rest of State (Table 11).

More than half (55%) of the drug commitments statewide were black, nearly one third (31%) were Hispanic and 13% were white. Ethnicity varied by region: 46% of drug commitments from NYC were Hispanic compared to 17% in the Rest of State; 4% of NYC commitments were white compared to 21% in the Rest of State (Table 11). The proportion of commitments who were black was 49% from NYC, compared to 60% in the Rest of State (refer to Figures 11a and 11b).



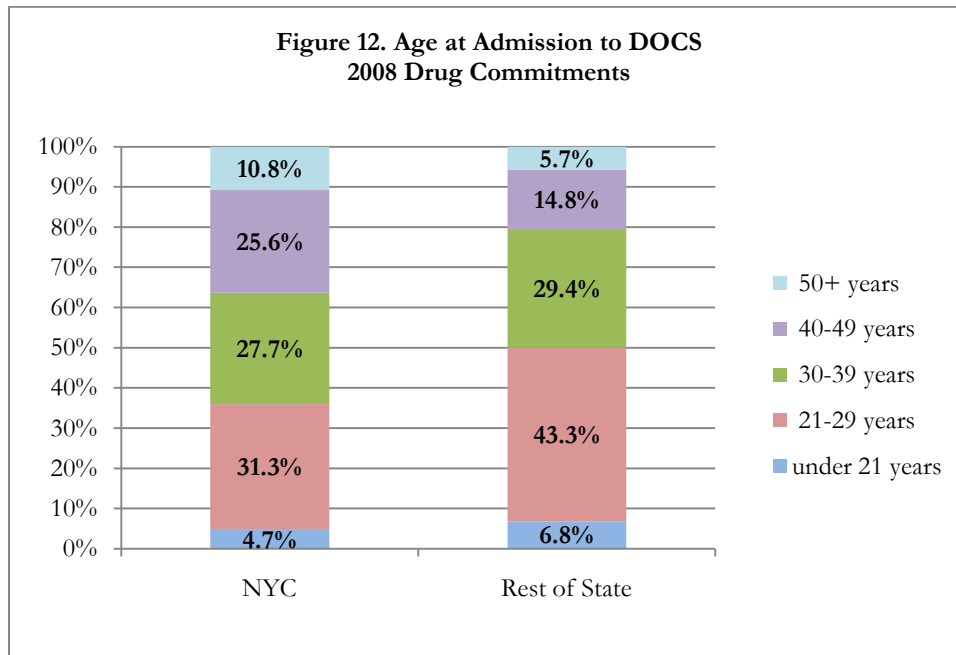
**Table 12. Age by Region of Commitment**

|                         | NYC          |             | Rest of State |             | Statewide    |             |
|-------------------------|--------------|-------------|---------------|-------------|--------------|-------------|
|                         | #            | %           | #             | %           | #            | %           |
| <b>Age at Admission</b> |              |             |               |             |              |             |
| 16-21 years             | 116          | 4.7%        | 183           | 6.8%        | 299          | 5.8%        |
| 21-29 years             | 778          | 31.3%       | 1,172         | 43.3%       | 1,950        | 37.6%       |
| 30-39 years             | 687          | 27.7%       | 796           | 29.4%       | 1,483        | 28.6%       |
| 40-49 years             | 635          | 25.6%       | 400           | 14.8%       | 1,035        | 19.9%       |
| Over 50 years           | 268          | 10.8%       | 155           | 5.7%        | 423          | 8.2%        |
| <b>Total</b>            | <b>2,484</b> | <b>100%</b> | <b>2,706</b>  | <b>100%</b> | <b>5,190</b> | <b>100%</b> |
| Mean                    | 35.5         |             | 31.8          |             | 33.5         |             |
| Median                  | 34           |             | 29            |             | 31           |             |
| Range                   | 17-75        |             | 16-79         |             | 16-79        |             |

Source: NYSDOCS Admission File

Statewide, 43% of the drug commitments to DOCS in 2008 were less than 30 years of age when admitted to prison (Table 12).

Drug commitments from outside of NYC tended to be younger than those from NYC. Half (50%) of the drug commitments from outside NYC were under age 30 at admission, with a median age of 29. In comparison, the median age of drug commitments from NYC was 34, and the percentage of commitments who were under 30 was 36% (Figure 12).





**APPENDIX A**  
**2008 FIRST FELONY DRUG COMMITMENTS BY INDICTMENT COUNTY**  
**AND CONVICTION CLASS\***

| <b>County</b> | <b>A-1</b> | <b>A-2</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>Total</b> |
|---------------|------------|------------|----------|----------|----------|----------|--------------|
| Albany        | 1          | 1          | 9        | 20       | 39       | 3        | 73           |
| Allegany      | 0          | 0          | 1        | 0        | 1        | 1        | 3            |
| Broome        | 0          | 0          | 14       | 8        | 6        | 0        | 28           |
| Cattaraugus   | 0          | 0          | 3        | 1        | 2        | 0        | 6            |
| Cayuga        | 0          | 1          | 21       | 1        | 1        | 0        | 24           |
| Chautauqua    | 0          | 1          | 2        | 3        | 12       | 0        | 18           |
| Chemung       | 0          | 1          | 9        | 1        | 4        | 0        | 15           |
| Chenango      | 0          | 0          | 0        | 1        | 1        | 0        | 2            |
| Clinton       | 0          | 0          | 8        | 4        | 5        | 0        | 17           |
| Columbia      | 0          | 0          | 6        | 0        | 1        | 0        | 7            |
| Cortland      | 0          | 0          | 7        | 1        | 1        | 1        | 10           |
| Delaware      | 0          | 1          | 3        | 1        | 1        | 0        | 6            |
| Dutchess      | 0          | 1          | 2        | 3        | 10       | 0        | 16           |
| Erie          | 0          | 6          | 31       | 21       | 10       | 2        | 70           |
| Essex         | 0          | 0          | 2        | 1        | 0        | 2        | 5            |
| Franklin      | 0          | 0          | 0        | 2        | 1        | 5        | 8            |
| Fulton        | 0          | 0          | 8        | 1        | 5        | 0        | 14           |
| Genesee       | 0          | 1          | 0        | 4        | 2        | 0        | 7            |
| Greene        | 0          | 1          | 3        | 2        | 0        | 0        | 6            |
| Hamilton      | 0          | 0          | 2        | 0        | 0        | 0        | 2            |
| Herkimer      | 0          | 1          | 2        | 0        | 0        | 1        | 4            |
| Jefferson     | 0          | 0          | 0        | 1        | 2        | 0        | 3            |
| Lewis         | 0          | 0          | 0        | 0        | 5        | 0        | 5            |
| Livingston    | 0          | 0          | 9        | 1        | 0        | 0        | 10           |
| Madison       | 0          | 0          | 1        | 1        | 1        | 0        | 3            |
| Monroe        | 1          | 5          | 59       | 6        | 6        | 1        | 78           |
| Montgomery    | 0          | 0          | 0        | 2        | 9        | 1        | 12           |
| Nassau        | 0          | 9          | 58       | 16       | 3        | 0        | 86           |
| Niagara       | 0          | 0          | 4        | 8        | 9        | 1        | 22           |
| Oneida        | 0          | 1          | 39       | 2        | 23       | 1        | 66           |
| Onondaga      | 2          | 2          | 37       | 23       | 9        | 1        | 74           |
| Ontario       | 0          | 0          | 16       | 1        | 4        | 0        | 21           |
| Orange        | 1          | 5          | 81       | 8        | 8        | 1        | 104          |
| Orleans       | 0          | 0          | 3        | 3        | 10       | 0        | 16           |
| Oswego        | 0          | 0          | 0        | 0        | 3        | 1        | 4            |
| Otsego        | 0          | 0          | 1        | 1        | 7        | 0        | 9            |
| Putnam        | 0          | 0          | 4        | 0        | 4        | 0        | 8            |
| Rensselaer    | 0          | 0          | 1        | 3        | 6        | 0        | 10           |
| Rockland      | 0          | 8          | 23       | 4        | 0        | 0        | 35           |
| St. Lawrence  | 0          | 0          | 0        | 1        | 0        | 0        | 1            |
| Saratoga      | 0          | 0          | 0        | 12       | 3        | 1        | 16           |
| Schenectady   | 0          | 2          | 17       | 11       | 11       | 0        | 41           |
| Schoharie     | 0          | 0          | 0        | 0        | 0        | 1        | 1            |
| Schuyler      | 0          | 0          | 0        | 0        | 1        | 0        | 1            |

**APPENDIX A (continued)**  
**2008 FIRST FELONY DRUG COMMITMENTS BY INDICTMENT COUNTY**  
**AND CONVICTION CLASS\***

| <b>County</b>                 | <b>A-1</b> | <b>A-2</b> | <b>B</b>     | <b>C</b>   | <b>D</b>   | <b>E</b>  | <b>Total</b> |
|-------------------------------|------------|------------|--------------|------------|------------|-----------|--------------|
| Seneca                        | 0          | 0          | 0            | 0          | 1          | 0         | 1            |
| Steuben                       | 0          | 0          | 7            | 18         | 9          | 0         | 34           |
| Suffolk                       | 1          | 25         | 67           | 42         | 7          | 3         | 145          |
| Sullivan                      | 0          | 1          | 9            | 5          | 3          | 2         | 20           |
| Tioga                         | 0          | 0          | 0            | 0          | 1          | 0         | 1            |
| Tompkins                      | 0          | 0          | 2            | 2          | 0          | 1         | 5            |
| Ulster                        | 0          | 4          | 25           | 4          | 3          | 0         | 36           |
| Warren                        | 0          | 2          | 8            | 17         | 5          | 0         | 32           |
| Washington                    | 0          | 0          | 3            | 4          | 4          | 0         | 11           |
| Wayne                         | 0          | 0          | 7            | 5          | 1          | 0         | 13           |
| Westchester                   | 0          | 1          | 14           | 12         | 6          | 0         | 33           |
| Wyoming                       | 0          | 0          | 4            | 3          | 2          | 0         | 9            |
| Yates                         | 0          | 0          | 4            | 1          | 0          | 0         | 5            |
| <b>Rest of State Subtotal</b> | <b>6</b>   | <b>80</b>  | <b>636</b>   | <b>292</b> | <b>268</b> | <b>30</b> | <b>1,312</b> |
| Bronx                         | 1          | 6          | 175          | 30         | 53         | 4         | 269          |
| Kings                         | 0          | 5          | 77           | 13         | 34         | 0         | 129          |
| New York**                    | 3          | 99         | 230          | 63         | 8          | 1         | 404          |
| Queens                        | 0          | 3          | 76           | 18         | 14         | 2         | 113          |
| Richmond                      | 1          | 2          | 4            | 5          | 1          | 0         | 13           |
| <b>NYC Subtotal</b>           | <b>5</b>   | <b>115</b> | <b>562</b>   | <b>129</b> | <b>110</b> | <b>7</b>  | <b>928</b>   |
| <b>Statewide Total</b>        | <b>11</b>  | <b>195</b> | <b>1,198</b> | <b>421</b> | <b>378</b> | <b>37</b> | <b>2,240</b> |

Source: Department of Correctional Services

\*Includes PL 220/221

\*\*Drug commitments included in this report that were indicted by the office of the Special Narcotics Prosecutor (SNP), which covers drug activity throughout the five boroughs, are counted in this report as New York county indictments

**APPENDIX B**  
**2008 SECOND FELONY DRUG COMMITMENTS BY INDICTMENT COUNTY AND**  
**CONVICTION CLASS\***

| <b>County</b> | <b>A-1</b> | <b>A-2</b> | <b>B</b> | <b>C</b> | <b>D</b> | <b>E</b> | <b>Total</b> |
|---------------|------------|------------|----------|----------|----------|----------|--------------|
| Albany        | 0          | 0          | 12       | 44       | 35       | 2        | 93           |
| Allegany      | 0          | 0          | 0        | 1        | 0        | 0        | 1            |
| Broome        | 0          | 0          | 27       | 24       | 8        | 1        | 60           |
| Cattaraugus   | 0          | 1          | 0        | 3        | 2        | 0        | 6            |
| Cayuga        | 0          | 0          | 6        | 3        | 1        | 0        | 10           |
| Chautauqua    | 0          | 0          | 3        | 4        | 21       | 2        | 30           |
| Chemung       | 0          | 0          | 7        | 3        | 1        | 0        | 11           |
| Chenango      | 0          | 0          | 0        | 0        | 0        | 1        | 1            |
| Clinton       | 0          | 0          | 2        | 7        | 2        | 1        | 12           |
| Columbia      | 1          | 0          | 5        | 0        | 2        | 1        | 9            |
| Cortland      | 0          | 0          | 5        | 2        | 0        | 0        | 7            |
| Delaware      | 0          | 0          | 0        | 1        | 1        | 0        | 2            |
| Dutchess      | 0          | 0          | 4        | 10       | 12       | 0        | 26           |
| Erie          | 1          | 2          | 11       | 29       | 31       | 13       | 87           |
| Essex         | 0          | 0          | 1        | 0        | 0        | 0        | 1            |
| Franklin      | 0          | 0          | 0        | 0        | 1        | 0        | 1            |
| Fulton        | 0          | 0          | 0        | 0        | 1        | 1        | 2            |
| Genesee       | 0          | 0          | 1        | 1        | 3        | 1        | 6            |
| Greene        | 0          | 0          | 1        | 3        | 0        | 0        | 4            |
| Hamilton      | 0          | 0          | 0        | 0        | 0        | 0        | 0            |
| Herkimer      | 0          | 0          | 1        | 0        | 0        | 0        | 1            |
| Jefferson     | 0          | 0          | 2        | 7        | 2        | 0        | 11           |
| Lewis         | 0          | 0          | 0        | 1        | 0        | 0        | 1            |
| Livingston    | 0          | 0          | 0        | 1        | 1        | 1        | 3            |
| Madison       | 0          | 0          | 0        | 0        | 0        | 0        | 0            |
| Monroe        | 2          | 6          | 21       | 16       | 26       | 7        | 78           |
| Montgomery    | 0          | 0          | 2        | 0        | 3        | 0        | 5            |
| Nassau        | 0          | 1          | 33       | 54       | 27       | 12       | 127          |
| Niagara       | 0          | 0          | 3        | 3        | 7        | 2        | 15           |
| Oneida        | 0          | 2          | 33       | 10       | 24       | 2        | 71           |
| Onondaga      | 1          | 2          | 27       | 22       | 23       | 4        | 79           |
| Ontario       | 0          | 0          | 8        | 1        | 0        | 0        | 9            |
| Orange        | 0          | 4          | 37       | 15       | 7        | 5        | 68           |
| Orleans       | 0          | 0          | 0        | 2        | 1        | 0        | 3            |
| Oswego        | 0          | 1          | 0        | 0        | 4        | 0        | 5            |
| Otsego        | 0          | 0          | 0        | 1        | 1        | 0        | 2            |
| Putnam        | 0          | 0          | 3        | 0        | 0        | 0        | 3            |
| Rensselaer    | 0          | 1          | 2        | 3        | 13       | 2        | 21           |
| Rockland      | 0          | 3          | 14       | 9        | 4        | 1        | 31           |
| St. Lawrence  | 0          | 0          | 0        | 0        | 1        | 0        | 1            |
| Saratoga      | 0          | 0          | 2        | 4        | 2        | 0        | 8            |
| Schenectady   | 1          | 2          | 17       | 12       | 14       | 1        | 47           |
| Schoharie     | 0          | 0          | 0        | 0        | 1        | 0        | 1            |
| Schuyler      | 0          | 0          | 0        | 0        | 0        | 0        | 0            |

**APPENDIX B (continued)**  
**2008 SECOND FELONY DRUG COMMITMENTS BY INDICTMENT COUNTY AND**  
**CONVICTION CLASS\***

| <b>County</b>                 | <b>A-1</b> | <b>A-2</b> | <b>B</b>   | <b>C</b>     | <b>D</b>   | <b>E</b>   | <b>Total</b> |
|-------------------------------|------------|------------|------------|--------------|------------|------------|--------------|
| Seneca                        | 0          | 0          | 0          | 0            | 0          | 0          | 0            |
| Steuben                       | 0          | 1          | 1          | 7            | 0          | 1          | 10           |
| Suffolk                       | 1          | 6          | 34         | 130          | 42         | 9          | 222          |
| Sullivan                      | 0          | 0          | 7          | 5            | 4          | 0          | 16           |
| Tioga                         | 0          | 0          | 0          | 1            | 0          | 0          | 1            |
| Tompkins                      | 0          | 0          | 2          | 2            | 1          | 0          | 5            |
| Ulster                        | 0          | 2          | 31         | 9            | 9          | 0          | 51           |
| Warren                        | 0          | 1          | 3          | 5            | 0          | 0          | 9            |
| Washington                    | 0          | 0          | 4          | 0            | 1          | 0          | 5            |
| Wayne                         | 0          | 0          | 5          | 2            | 2          | 0          | 9            |
| Westchester                   | 0          | 1          | 10         | 37           | 40         | 14         | 102          |
| Wyoming                       | 0          | 0          | 2          | 1            | 0          | 0          | 3            |
| Yates                         | 0          | 0          | 0          | 1            | 1          | 0          | 2            |
| <b>Rest of State Subtotal</b> | <b>7</b>   | <b>36</b>  | <b>389</b> | <b>496</b>   | <b>382</b> | <b>84</b>  | <b>1,394</b> |
| Bronx                         | 0          | 2          | 64         | 47           | 145        | 14         | 272          |
| Kings                         | 0          | 1          | 33         | 27           | 114        | 34         | 209          |
| New York**                    | 5          | 17         | 217        | 393          | 244        | 20         | 896          |
| Queens                        | 0          | 1          | 33         | 37           | 45         | 27         | 143          |
| Richmond                      | 0          | 1          | 7          | 12           | 15         | 1          | 36           |
| <b>NYC Subtotal</b>           | <b>5</b>   | <b>22</b>  | <b>354</b> | <b>516</b>   | <b>563</b> | <b>96</b>  | <b>1,556</b> |
| <b>Statewide Total</b>        | <b>12</b>  | <b>58</b>  | <b>743</b> | <b>1,012</b> | <b>945</b> | <b>180</b> | <b>2,950</b> |

Source: Department of Correctional Services

\*Includes PL 220/221

\*\*Drug commitments included in this report that were indicted by the office of the Special Narcotics Prosecutor (SNP), which covers drug activity throughout the five boroughs, are counted in this report as New York county indictments

**APPENDIX C**  
**2008 FELONY DRUG COMMITMENTS**  
**MOST SERIOUS PRIOR HISTORY BY INDICTMENT COUNTY\***

| Indictment County | Most Serious Prior History |       |                            |       |                 |       |                        |        |                    |       |       |      |
|-------------------|----------------------------|-------|----------------------------|-------|-----------------|-------|------------------------|--------|--------------------|-------|-------|------|
|                   | No Arrests or Convictions  |       | Arrest Only/ No Conviction |       | Misd Conviction |       | Fel non-VFO Conviction |        | Fel VFO Conviction |       | Total |      |
|                   | #                          | %     | #                          | %     | #               | %     | #                      | %      | #                  | %     | #     | %    |
| Albany            | 7                          | 4.2%  | 7                          | 4.2%  | 24              | 14.5% | 90                     | 54.2%  | 38                 | 22.9% | 166   | 100% |
| Allegany          | 0                          | 0.0%  | 0                          | 0.0%  | 0               | 0.0%  | 3                      | 75.0%  | 1                  | 25.0% | 4     | 100% |
| Broome            | 4                          | 4.5%  | 3                          | 3.4%  | 8               | 9.1%  | 50                     | 56.8%  | 23                 | 26.1% | 88    | 100% |
| Cattaraugus       | 2                          | 16.7% | 1                          | 8.3%  | 3               | 25.0% | 5                      | 41.7%  | 1                  | 8.3%  | 12    | 100% |
| Cayuga            | 3                          | 8.8%  | 1                          | 2.9%  | 12              | 35.3% | 13                     | 38.2%  | 5                  | 14.7% | 34    | 100% |
| Chautauqua        | 0                          | 0.0%  | 0                          | 0.0%  | 2               | 4.2%  | 30                     | 62.5%  | 16                 | 33.3% | 48    | 100% |
| Chemung           | 1                          | 3.8%  | 3                          | 11.5% | 7               | 26.9% | 11                     | 42.3%  | 4                  | 15.4% | 26    | 100% |
| Chenango          | 0                          | 0.0%  | 0                          | 0.0%  | 0               | 0.0%  | 3                      | 100.0% | 0                  | 0.0%  | 3     | 100% |
| Clinton           | 0                          | 0.0%  | 0                          | 0.0%  | 9               | 31.0% | 17                     | 58.6%  | 3                  | 10.3% | 29    | 100% |
| Columbia          | 0                          | 0.0%  | 0                          | 0.0%  | 2               | 12.5% | 12                     | 75.0%  | 2                  | 12.5% | 16    | 100% |
| Cortland          | 0                          | 0.0%  | 0                          | 0.0%  | 2               | 11.8% | 13                     | 76.5%  | 2                  | 11.8% | 17    | 100% |
| Delaware          | 1                          | 12.5% | 0                          | 0.0%  | 1               | 12.5% | 5                      | 62.5%  | 1                  | 12.5% | 8     | 100% |
| Dutchess          | 1                          | 2.4%  | 2                          | 4.8%  | 3               | 7.1%  | 27                     | 64.3%  | 9                  | 21.4% | 42    | 100% |
| Erie              | 4                          | 2.5%  | 15                         | 9.6%  | 20              | 12.7% | 77                     | 49.0%  | 41                 | 26.1% | 157   | 100% |
| Essex             | 0                          | 0.0%  | 1                          | 16.7% | 2               | 33.3% | 3                      | 50.0%  | 0                  | 0.0%  | 6     | 100% |
| Franklin          | 0                          | 0.0%  | 0                          | 0.0%  | 0               | 0.0%  | 7                      | 77.8%  | 2                  | 22.2% | 9     | 100% |
| Fulton            | 0                          | 0.0%  | 1                          | 6.3%  | 6               | 37.5% | 6                      | 37.5%  | 3                  | 18.8% | 16    | 100% |
| Genesee           | 0                          | 0.0%  | 0                          | 0.0%  | 2               | 15.4% | 7                      | 53.8%  | 4                  | 30.8% | 13    | 100% |
| Greene            | 0                          | 0.0%  | 3                          | 30.0% | 2               | 20.0% | 3                      | 30.0%  | 2                  | 20.0% | 10    | 100% |
| Hamilton          | 1                          | 50.0% | 0                          | 0.0%  | 1               | 50.0% | 0                      | 0.0%   | 0                  | 0.0%  | 2     | 100% |
| Herkimer          | 2                          | 40.0% | 0                          | 0.0%  | 0               | 0.0%  | 2                      | 40.0%  | 1                  | 20.0% | 5     | 100% |
| Jefferson         | 0                          | 0.0%  | 0                          | 0.0%  | 0               | 0.0%  | 10                     | 71.4%  | 4                  | 28.6% | 14    | 100% |
| Lewis             | 1                          | 16.7% | 1                          | 16.7% | 1               | 16.7% | 2                      | 33.3%  | 1                  | 16.7% | 6     | 100% |
| Livingston        | 2                          | 15.4% | 0                          | 0.0%  | 5               | 38.5% | 6                      | 46.2%  | 0                  | 0.0%  | 13    | 100% |
| Madison           | 1                          | 33.3% | 1                          | 33.3% | 0               | 0.0%  | 1                      | 33.3%  | 0                  | 0.0%  | 3     | 100% |
| Monroe            | 8                          | 5.1%  | 6                          | 3.8%  | 7               | 4.5%  | 97                     | 62.2%  | 38                 | 24.4% | 156   | 100% |
| Montgomery        | 2                          | 11.8% | 0                          | 0.0%  | 2               | 11.8% | 12                     | 70.6%  | 1                  | 5.9%  | 17    | 100% |
| Nassau            | 10                         | 4.7%  | 10                         | 4.7%  | 26              | 12.2% | 120                    | 56.3%  | 47                 | 22.1% | 213   | 100% |
| Niagara           | 0                          | 0.0%  | 5                          | 13.5% | 11              | 29.7% | 16                     | 43.2%  | 5                  | 13.5% | 37    | 100% |
| Oneida            | 14                         | 10.2% | 9                          | 6.6%  | 25              | 18.2% | 64                     | 46.7%  | 25                 | 18.2% | 137   | 100% |
| Onondaga          | 10                         | 6.5%  | 8                          | 5.2%  | 19              | 12.4% | 84                     | 54.9%  | 32                 | 20.9% | 153   | 100% |
| Ontario           | 5                          | 16.7% | 1                          | 3.3%  | 11              | 36.7% | 10                     | 33.3%  | 3                  | 10.0% | 30    | 100% |
| Orange            | 20                         | 11.6% | 18                         | 10.5% | 31              | 18.0% | 75                     | 43.6%  | 28                 | 16.3% | 172   | 100% |
| Orleans           | 2                          | 10.5% | 2                          | 10.5% | 5               | 26.3% | 9                      | 47.4%  | 1                  | 5.3%  | 19    | 100% |

**APPENDIX C (continued)**  
**2008 FELONY DRUG COMMITMENTS**  
**MOST SERIOUS PRIOR HISTORY BY INDICTMENT COUNTY\***

| Indictment County             | Most Serious Prior History |       |                            |        |                 |       |                        |        |                    |       |       |      |
|-------------------------------|----------------------------|-------|----------------------------|--------|-----------------|-------|------------------------|--------|--------------------|-------|-------|------|
|                               | No Arrests or Convictions  |       | Arrest Only/ No Conviction |        | Misd Conviction |       | Fel non-VFO Conviction |        | Fel VFO Conviction |       | Total |      |
|                               | #                          | %     | #                          | %      | #               | %     | #                      | %      | #                  | %     | #     | %    |
| Oswego                        | 0                          | 0.0%  | 0                          | 0.0%   | 0               | 0.0%  | 6                      | 66.7%  | 3                  | 33.3% | 9     | 100% |
| Otsego                        | 1                          | 9.1%  | 2                          | 18.2%  | 6               | 54.5% | 2                      | 18.2%  | 0                  | 0.0%  | 11    | 100% |
| Putnam                        | 2                          | 18.2% | 3                          | 27.3%  | 1               | 9.1%  | 3                      | 27.3%  | 2                  | 18.2% | 11    | 100% |
| Rensselaer                    | 2                          | 6.5%  | 0                          | 0.0%   | 3               | 9.7%  | 19                     | 61.3%  | 7                  | 22.6% | 31    | 100% |
| Rockland                      | 6                          | 9.1%  | 2                          | 3.0%   | 5               | 7.6%  | 40                     | 60.6%  | 13                 | 19.7% | 66    | 100% |
| St. Lawrence                  | 0                          | 0.0%  | 0                          | 0.0%   | 0               | 0.0%  | 1                      | 50.0%  | 1                  | 50.0% | 2     | 100% |
| Saratoga                      | 2                          | 8.3%  | 2                          | 8.3%   | 7               | 29.2% | 12                     | 50.0%  | 1                  | 4.2%  | 24    | 100% |
| Schenectady                   | 7                          | 8.0%  | 7                          | 8.0%   | 12              | 13.6% | 41                     | 46.6%  | 21                 | 23.9% | 88    | 100% |
| Schoharie                     | 0                          | 0.0%  | 0                          | 0.0%   | 0               | 0.0%  | 2                      | 100.0% | 0                  | 0.0%  | 2     | 100% |
| Schuyler                      | 0                          | 0.0%  | 1                          | 100.0% | 0               | 0.0%  | 0                      | 0.0%   | 0                  | 0.0%  | 1     | 100% |
| Seneca                        | 0                          | 0.0%  | 0                          | 0.0%   | 0               | 0.0%  | 1                      | 100.0% | 0                  | 0.0%  | 1     | 100% |
| Steuben                       | 1                          | 2.3%  | 6                          | 13.6%  | 16              | 36.4% | 13                     | 29.5%  | 8                  | 18.2% | 44    | 100% |
| Suffolk                       | 33                         | 9.0%  | 20                         | 5.4%   | 38              | 10.4% | 186                    | 50.7%  | 90                 | 24.5% | 367   | 100% |
| Sullivan                      | 4                          | 11.1% | 1                          | 2.8%   | 9               | 25.0% | 15                     | 41.7%  | 7                  | 19.4% | 36    | 100% |
| Tioga                         | 0                          | 0.0%  | 0                          | 0.0%   | 1               | 50.0% | 1                      | 50.0%  | 0                  | 0.0%  | 2     | 100% |
| Tompkins                      | 0                          | 0.0%  | 2                          | 20.0%  | 2               | 20.0% | 4                      | 40.0%  | 2                  | 20.0% | 10    | 100% |
| Ulster                        | 6                          | 6.9%  | 2                          | 2.3%   | 15              | 17.2% | 42                     | 48.3%  | 22                 | 25.3% | 87    | 100% |
| Warren                        | 7                          | 17.1% | 8                          | 19.5%  | 10              | 24.4% | 8                      | 19.5%  | 8                  | 19.5% | 41    | 100% |
| Washington                    | 2                          | 12.5% | 3                          | 18.8%  | 3               | 18.8% | 7                      | 43.8%  | 1                  | 6.3%  | 16    | 100% |
| Wayne                         | 0                          | 0.0%  | 2                          | 9.1%   | 3               | 13.6% | 14                     | 63.6%  | 3                  | 13.6% | 22    | 100% |
| Westchester                   | 13                         | 9.6%  | 3                          | 2.2%   | 11              | 8.1%  | 69                     | 51.1%  | 39                 | 28.9% | 135   | 100% |
| Wyoming                       | 0                          | 0.0%  | 3                          | 25.0%  | 3               | 25.0% | 4                      | 33.3%  | 2                  | 16.7% | 12    | 100% |
| Yates                         | 2                          | 28.6% | 0                          | 0.0%   | 2               | 28.6% | 2                      | 28.6%  | 1                  | 14.3% | 7     | 100% |
| <b>Rest of State Subtotal</b> | 189                        | 7.0%  | 165                        | 6.1%   | 396             | 14.6% | 1,382                  | 51.1%  | 574                | 21.2% | 2,706 | 100% |
| Bronx                         | 22                         | 4.1%  | 40                         | 7.4%   | 82              | 15.2% | 278                    | 51.4%  | 119                | 22.0% | 541   | 100% |
| Kings                         | 6                          | 1.8%  | 30                         | 8.9%   | 34              | 10.1% | 158                    | 46.7%  | 110                | 32.5% | 338   | 100% |
| New York**                    | 137                        | 10.5% | 91                         | 7.0%   | 71              | 5.5%  | 673                    | 51.8%  | 328                | 25.2% | 1,300 | 100% |
| Queens                        | 21                         | 8.2%  | 19                         | 7.4%   | 26              | 10.2% | 119                    | 46.5%  | 71                 | 27.7% | 256   | 100% |
| Richmond                      | 2                          | 4.1%  | 4                          | 8.2%   | 3               | 6.1%  | 23                     | 46.9%  | 17                 | 34.7% | 49    | 100% |
| <b>NYC Subtotal</b>           | 188                        | 7.6%  | 184                        | 7.4%   | 216             | 8.7%  | 1,251                  | 50.4%  | 645                | 26.0% | 2,484 | 100% |
| <b>Statewide Total</b>        | 377                        | 7.3%  | 349                        | 6.7%   | 612             | 11.8% | 2,633                  | 50.7%  | 1,219              | 23.5% | 5,190 | 100% |

Source: NYS DOCS Admission File, CCH

\*Includes PL 220/221

\*\*Drug commitments included in this report that were indicted by the office of the Special Narcotics Prosecutor (SNP), which covers drug activity throughout the five boroughs, are counted in this report as New York county indictments



**APPENDIX D**  
**2008 FELONY DRUG COMMITMENTS**  
**MANDATORY/DISCRETIONARY SENTENCING BY INDICTMENT COUNTY\***

| County      | Sentencing   |        |  |       |       |      |
|-------------|--|--------|--|-------|-------|------|
|             | Mandatory Prison<br>(A 1 <sup>st</sup> , A 2 <sup>nd</sup> , B 1 <sup>st</sup> , B-E 2 <sup>nd</sup> ) |        | Discretionary Prison<br>(C-E 1 <sup>st</sup> ) |       | Total |      |
|             | #  | %      | #  | %     | #     | %    |
| Albany      | 104  | 62.7%  | 62   | 37.3% | 166   | 100% |
| Allegany    | 2  | 50.0%  | 2  | 50.0% | 4     | 100% |
| Broome      | 74   | 84.1%  | 14   | 15.9% | 88    | 100% |
| Cattaraugus | 9  | 75.0%  | 3  | 25.0% | 12    | 100% |
| Cayuga      | 32   | 94.1%  | 2  | 5.9%  | 34    | 100% |
| Chautauqua  | 33   | 68.8%  | 15   | 31.3% | 48    | 100% |
| Chemung     | 21   | 80.8%  | 5  | 19.2% | 26    | 100% |
| Chenango    | 1  | 33.3%  | 2  | 66.7% | 3     | 100% |
| Clinton     | 20   | 69.0%  | 9  | 31.0% | 29    | 100% |
| Columbia    | 15   | 93.8%  | 1  | 6.3%  | 16    | 100% |
| Cortland    | 14   | 82.4%  | 3  | 17.6% | 17    | 100% |
| Delaware    | 6  | 75.0%  | 2  | 25.0% | 8     | 100% |
| Dutchess    | 29   | 69.0%  | 13   | 31.0% | 42    | 100% |
| Eric        | 124  | 79.0%  | 33   | 21.0% | 157   | 100% |
| Essex       | 3  | 50.0%  | 3  | 50.0% | 6     | 100% |
| Franklin    | 1  | 11.1%  | 8  | 88.9% | 9     | 100% |
| Fulton      | 10   | 62.5%  | 6  | 37.5% | 16    | 100% |
| Genesee     | 7  | 53.8%  | 6  | 46.2% | 13    | 100% |
| Greene      | 8  | 80.0%  | 2  | 20.0% | 10    | 100% |
| Hamilton    | 2  | 100.0% | 0  | 0.0%  | 2     | 100% |
| Herkimer    | 4  | 80.0%  | 1  | 20.0% | 5     | 100% |
| Jefferson   | 11   | 78.6%  | 3  | 21.4% | 14    | 100% |
| Lewis       | 1  | 16.7%  | 5  | 83.3% | 6     | 100% |
| Livingston  | 12   | 92.3%  | 1  | 7.7%  | 13    | 100% |
| Madison     | 1  | 33.3%  | 2  | 66.7% | 3     | 100% |
| Monroe      | 143  | 91.7%  | 13   | 8.3%  | 156   | 100% |
| Montgomery  | 5  | 29.4%  | 12   | 70.6% | 17    | 100% |
| Nassau      | 194  | 91.1%  | 19   | 8.9%  | 213   | 100% |
| Niagara     | 19   | 51.4%  | 18   | 48.6% | 37    | 100% |
| Oneida      | 111  | 81.0%  | 26   | 19.0% | 137   | 100% |
| Onondaga    | 120  | 78.4%  | 33   | 21.6% | 153   | 100% |
| Ontario     | 25   | 83.3%  | 5  | 16.7% | 30    | 100% |
| Orange      | 155  | 90.1%  | 17   | 9.9%  | 172   | 100% |

**APPENDIX D (continued)**  
**2008 FELONY DRUG COMMITMENTS**  
**MANDATORY/DISCRETIONARY SENTENCING BY INDICTMENT COUNTY\***

| County                        | Sentencing   |              |  |              |              |             |
|-------------------------------|--|--------------|--|--------------|--------------|-------------|
|                               | Mandatory Prison<br>(A 1 <sup>st</sup> , A 2 <sup>nd</sup> , B 1 <sup>st</sup> , B-E 2 <sup>nd</sup> ) |              | Discretionary Prison<br>(C-E 1 <sup>st</sup> ) |              | Total        |             |
|                               | #  | %            | #  | %            | #            | %           |
| Orleans                       | 6  | 31.6%        | 13   | 68.4%        | 19           | 100%        |
| Oswego                        | 5  | 55.6%        | 4  | 44.4%        | 9            | 100%        |
| Otsego                        | 3  | 27.3%        | 8  | 72.7%        | 11           | 100%        |
| Putnam                        | 7  | 63.6%        | 4  | 36.4%        | 11           | 100%        |
| Rensselaer                    | 22   | 71.0%        | 9  | 29.0%        | 31           | 100%        |
| Rockland                      | 62   | 93.9%        | 4  | 6.1%         | 66           | 100%        |
| St. Lawrence                  | 1  | 50.0%        | 1  | 50.0%        | 2            | 100%        |
| Saratoga                      | 8  | 33.3%        | 16   | 66.7%        | 24           | 100%        |
| Schenectady                   | 66   | 75.0%        | 22   | 25.0%        | 88           | 100%        |
| Schoharie                     | 1  | 50.0%        | 1  | 50.0%        | 2            | 100%        |
| Schuyler                      | 0  | 0.0%         | 1  | 100.0%       | 1            | 100%        |
| Seneca                        | 0  | 0.0%         | 1  | 100.0%       | 1            | 100%        |
| Steuben                       | 17   | 38.6%        | 27   | 61.4%        | 44           | 100%        |
| Suffolk                       | 315  | 85.8%        | 52   | 14.2%        | 367          | 100%        |
| Sullivan                      | 26   | 72.2%        | 10   | 27.8%        | 36           | 100%        |
| Tioga                         | 1  | 50.0%        | 1  | 50.0%        | 2            | 100%        |
| Tompkins                      | 7  | 70.0%        | 3  | 30.0%        | 10           | 100%        |
| Ulster                        | 80   | 92.0%        | 7  | 8.0%         | 87           | 100%        |
| Warren                        | 19   | 46.3%        | 22   | 53.7%        | 41           | 100%        |
| Washington                    | 8  | 50.0%        | 8  | 50.0%        | 16           | 100%        |
| Wayne                         | 16   | 72.7%        | 6  | 27.3%        | 22           | 100%        |
| Westchester                   | 117  | 86.7%        | 18   | 13.3%        | 135          | 100%        |
| Wyoming                       | 7  | 58.3%        | 5  | 41.7%        | 12           | 100%        |
| Yates                         | 6  | 85.7%        | 1  | 14.3%        | 7            | 100%        |
| <b>Rest of State Subtotal</b> | <b>2,116</b>   | <b>78.2%</b> | <b>590</b>                                     | <b>21.8%</b> | <b>2,706</b> | <b>100%</b> |
| Bronx                         | 454  | 83.9%        | 87   | 16.1%        | 541          | 100%        |
| Kings                         | 291  | 86.1%        | 47   | 13.9%        | 338          | 100%        |
| New York**                    | 1,228  | 94.5%        | 72   | 5.5%         | 1,300        | 100%        |
| Queens                        | 222  | 86.7%        | 34   | 13.3%        | 256          | 100%        |
| Richmond                      | 43   | 87.8%        | 6  | 12.2%        | 49           | 100%        |
| <b>NYC Subtotal</b>           | <b>2,238</b>   | <b>90.1%</b> | <b>246</b>                                     | <b>9.9%</b>  | <b>2,484</b> | <b>100%</b> |
| <b>Statewide Total</b>        | <b>4,354</b>   | <b>83.9%</b> | <b>836</b>                                     | <b>16.1%</b> | <b>5,190</b> | <b>100%</b> |

Source: NYS DOCS Admission File

\*Includes PL 220/221

\*\*Drug commitments included in this report that were indicted by the office of the Special Narcotics Prosecutor (SNP), which covers drug activity throughout the five boroughs, are counted in this report as New York county indictments

**APPENDIX E**  
**2008 1<sup>ST</sup> FELONY B AND 2<sup>ND</sup> FELONY C, D AND E DRUG COMMITMENTS:**  
**MINIMUM/ABOVE MINIMUM SENTENCE BY INDICTMENT COUNTY\***

| County      | Minimum |        | Above Minimum |        | Total |      |
|-------------|---------|--------|---------------|--------|-------|------|
|             | #       | %      | #             | %      | #     | %    |
| Albany      | 10      | 11.4%  | 78            | 88.6%  | 88    | 100% |
| Allegany    | 0       | 0.0%   | 2             | 100.0% | 2     | 100% |
| Broome      | 12      | 26.7%  | 33            | 73.3%  | 45    | 100% |
| Cattaraugus | 0       | 0.0%   | 8             | 100.0% | 8     | 100% |
| Cayuga      | 1       | 4.3%   | 22            | 95.7%  | 23    | 100% |
| Chautauqua  | 9       | 31.0%  | 20            | 69.0%  | 29    | 100% |
| Chemung     | 0       | 0.0%   | 13            | 100.0% | 13    | 100% |
| Chenango    | 1       | 100.0% | 0             | 0.0%   | 1     | 100% |
| Clinton     | 2       | 11.1%  | 16            | 88.9%  | 18    | 100% |
| Columbia    | 2       | 22.2%  | 7             | 77.8%  | 9     | 100% |
| Cortland    | 1       | 14.3%  | 6             | 85.7%  | 7     | 100% |
| Delaware    | 1       | 20.0%  | 4             | 80.0%  | 5     | 100% |
| Dutchess    | 11      | 50.0%  | 11            | 50.0%  | 22    | 100% |
| Erie        | 59      | 58.4%  | 42            | 41.6%  | 101   | 100% |
| Essex       | 0       | 0.0%   | 2             | 100.0% | 2     | 100% |
| Franklin    | 0       | 0.0%   | 1             | 100.0% | 1     | 100% |
| Fulton      | 1       | 11.1%  | 8             | 88.9%  | 9     | 100% |
| Genesee     | 0       | 0.0%   | 5             | 100.0% | 5     | 100% |
| Greene      | 0       | 0.0%   | 6             | 100.0% | 6     | 100% |
| Hamilton    | 1       | 50.0%  | 1             | 50.0%  | 2     | 100% |
| Herkimer    | 1       | 50.0%  | 1             | 50.0%  | 2     | 100% |
| Jefferson   | 2       | 22.2%  | 7             | 77.8%  | 9     | 100% |
| Lewis       | 0       | 0.0%   | 1             | 100.0% | 1     | 100% |
| Livingston  | 2       | 16.7%  | 10            | 83.3%  | 12    | 100% |
| Madison     | 0       | 0.0%   | 1             | 100.0% | 1     | 100% |
| Monroe      | 61      | 58.7%  | 43            | 41.3%  | 104   | 100% |
| Montgomery  | 0       | 0.0%   | 3             | 100.0% | 3     | 100% |
| Nassau      | 70      | 48.3%  | 75            | 51.7%  | 145   | 100% |
| Niagara     | 6       | 37.5%  | 10            | 62.5%  | 16    | 100% |
| Oneida      | 22      | 29.7%  | 52            | 70.3%  | 74    | 100% |
| Onondaga    | 38      | 44.7%  | 47            | 55.3%  | 85    | 100% |
| Ontario     | 7       | 43.8%  | 9             | 56.3%  | 16    | 100% |
| Orange      | 37      | 35.6%  | 67            | 64.4%  | 104   | 100% |
| Orleans     | 1       | 16.7%  | 5             | 83.3%  | 6     | 100% |
| Oswego      | 0       | 0.0%   | 4             | 100.0% | 4     | 100% |

**APPENDIX E (continued)**  
**2008 1<sup>ST</sup> FELONY B AND 2<sup>ND</sup> FELONY C, D AND E DRUG COMMITMENTS:**  
**MINIMUM/ABOVE MINIMUM SENTENCE BY INDICTMENT COUNTY\***

| County                        | Minimum      |              | Above Minimum |              | Total        |             |
|-------------------------------|--------------|--------------|---------------|--------------|--------------|-------------|
|                               | #            | %            | #             | %            | #            | %           |
| Otsego                        | 0            | 0.0%         | 3             | 100.0%       | 3            | 100%        |
| Putnam                        | 1            | 25.0%        | 3             | 75.0%        | 4            | 100%        |
| Rensselaer                    | 4            | 21.1%        | 15            | 78.9%        | 19           | 100%        |
| Rockland                      | 10           | 28.6%        | 25            | 71.4%        | 35           | 100%        |
| St. Lawrence                  | 0            | 0.0%         | 1             | 100.0%       | 1            | 100%        |
| Saratoga                      | 1            | 16.7%        | 5             | 83.3%        | 6            | 100%        |
| Schenectady                   | 6            | 14.6%        | 35            | 85.4%        | 41           | 100%        |
| Schoharie                     | 0            | 0.0%         | 1             | 100.0%       | 1            | 100%        |
| Schuyler                      | 0            | 0.0%         | 0             | 0.0%         | 0            | 100%        |
| Seneca                        | 0            | 0.0%         | 0             | 0.0%         | 0            | 100%        |
| Steuben                       | 0            | 0.0%         | 12            | 100.0%       | 12           | 100%        |
| Suffolk                       | 87           | 37.5%        | 145           | 62.5%        | 232          | 100%        |
| Sullivan                      | 2            | 13.3%        | 13            | 86.7%        | 15           | 100%        |
| Tioga                         | 0            | 0.0%         | 1             | 100.0%       | 1            | 100%        |
| Tompkins                      | 3            | 60.0%        | 2             | 40.0%        | 5            | 100%        |
| Ulster                        | 15           | 35.7%        | 27            | 64.3%        | 42           | 100%        |
| Warren                        | 0            | 0.0%         | 12            | 100.0%       | 12           | 100%        |
| Washington                    | 0            | 0.0%         | 3             | 100.0%       | 3            | 100%        |
| Wayne                         | 2            | 18.2%        | 9             | 81.8%        | 11           | 100%        |
| Westchester                   | 54           | 52.9%        | 48            | 47.1%        | 102          | 100%        |
| Wyoming                       | 0            | 0.0%         | 5             | 100.0%       | 5            | 100%        |
| Yates                         | 0            | 0.0%         | 6             | 100.0%       | 6            | 100%        |
| <b>Rest of State Subtotal</b> | <b>543</b>   | <b>35.4%</b> | <b>991</b>    | <b>64.6%</b> | <b>1,534</b> | <b>100%</b> |
| Bronx                         | 139          | 41.0%        | 200           | 59.0%        | 339          | 100%        |
| Kings                         | 105          | 47.9%        | 114           | 52.1%        | 219          | 100%        |
| New York**                    | 384          | 46.5%        | 441           | 53.5%        | 825          | 100%        |
| Queens                        | 82           | 47.4%        | 91            | 52.6%        | 173          | 100%        |
| Richmond                      | 14           | 48.3%        | 15            | 51.7%        | 29           | 100%        |
| <b>NYC Subtotal</b>           | <b>724</b>   | <b>45.7%</b> | <b>861</b>    | <b>54.3%</b> | <b>1,585</b> | <b>100%</b> |
| <b>Statewide Total</b>        | <b>1,267</b> | <b>40.6%</b> | <b>1,852</b>  | <b>59.4%</b> | <b>3,119</b> | <b>100%</b> |

Source: NYS DOCS Admission File

\*Includes PL 220/221

\*\*Drug commitments included in this report that were indicted by the office of the Special Narcotics Prosecutor (SNP), which covers drug activity throughout the five boroughs, are counted in this report as New York county indictments

Note: Under the 2009 sentencing changes, these drug offenses are no longer subject to mandatory prison sentences. Minimum sentence was determined based on the pre-2009 sentencing ranges.