

**NEW YORK STATE
DIVISION OF CRIMINAL JUSTICE SERVICES
2011 REPORT ON FELONY INSURANCE FRAUD OFFENSES**

Executive Law §837-a requires the Division of Criminal Justice Services to report on the processing and disposition of Penal Law Article 176 (Insurance Fraud) felony offenses. This report complies with that reporting requirement and provides processing information for the years 2007 to 2011.

Table 1 provides information about the number of persons arrested for felony Insurance Fraud offenses from 2007 to 2011. The counts of arrests are derived from fingerprintable adult arrest information transmitted by law enforcement agencies to the DCJS Computerized Criminal History (CCH) system and are based on the most serious charge in the arrest event.

**TABLE 1
NEW YORK STATE
FELONY INSURANCE FRAUD ARRESTS
2007 to 2011**

		2007	2008	2009	2010	2011	Total
NEW YORK STATE	TOTAL INSURANCE FRAUD ARRESTS	301	323	219	192	195	1,230
	1st Degree Insurance Fraud	2	1	0	3	1	7
	2nd Degree Insurance Fraud	21	17	7	14	8	67
	3rd Degree Insurance Fraud	228	232	148	130	135	873
	Aggravated Insurance Fraud	1	2	0	0	0	3
	4th Degree Insurance Fraud	49	71	64	45	51	280
NEW YORK CITY	TOTAL INSURANCE FRAUD ARRESTS	137	172	99	89	90	587
	1st Degree Insurance Fraud	2	1	0	3	1	7
	2nd Degree Insurance Fraud	9	9	1	3	2	24
	3rd Degree Insurance Fraud	119	152	87	72	76	506
	Aggravated Insurance Fraud	1	0	0	0	0	1
	4th Degree Insurance Fraud	6	10	11	11	11	49
REST OF STATE	TOTAL INSURANCE FRAUD ARRESTS	164	151	120	103	105	643
	2nd Degree Insurance Fraud	12	8	6	11	6	43
	3rd Degree Insurance Fraud	109	80	61	58	59	367
	Aggravated Insurance Fraud	0	2	0	0	0	2
	4th Degree Insurance Fraud	43	61	53	34	40	231

Source: Computerized Criminal History system (as of 05/21/2012).
Regional designation based on location of crime.

Table 2 provides information about the number of defendants prosecuted in superior court where the top charge in the indictment or superior court information

was an insurance fraud felony offense based on the year that the defendant was arraigned in superior court. The counts are derived from information about superior court cases transmitted to CCH from the New York State Office of Court Administration. The unit of count in this table is the “defendant-indictment.” When more than one defendant is charged in a single indictment or SCI, each defendant is counted separately. If one defendant is charged in multiple indictments or SCIs, each indictment or SCI is counted separately. More than one indictment or SCI can be linked to a single arrest event and multiple arrests can be combined into one indictment or SCI.

**TABLE 2
NEW YORK STATE
FELONY INSURANCE FRAUD ACTIONS
2007 to 2011**

		2007	2008	2009	2010	2012	Total
NEW YORK STATE	TOTAL INSURANCE LAW ACTIONS	76	108	65	60	45	354
	1st Degree Insurance Fraud	3	1	0	1	0	5
	2nd Degree Insurance Fraud	8	24	4	6	5	47
	3rd Degree Insurance Fraud	41	63	36	36	25	201
	Aggravated Insurance Fraud	0	1	1	0	0	2
	4th Degree Insurance Fraud	24	19	24	17	15	99
NEW YORK CITY	TOTAL INSURANCE LAW ACTIONS	33	43	17	16	12	121
	1st Degree Insurance Fraud	1	1	0	1	0	3
	2nd Degree Insurance Fraud	4	15	0	0	2	21
	3rd Degree Insurance Fraud	17	22	9	10	9	67
	4th Degree Insurance Fraud	11	5	8	5	1	30
REST OF STATE	TOTAL INSURANCE LAW ACTIONS	43	65	48	44	33	233
	1st Degree Insurance Fraud	2	0	0	0	0	2
	2nd Degree Insurance Fraud	4	9	4	6	3	26
	3rd Degree Insurance Fraud	24	41	27	26	16	134
	Aggravated Insurance Fraud	0	1	1	0	0	2
	4th Degree Insurance Fraud	13	14	16	12	14	69

Source: Felony Processing File (as of 05/21/2012).

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

Regional designation based on location of crime.

Tables 3 through 5 provide information about the dispositions of arrests for felony insurance fraud offenses. The summaries are displayed according to the year in which the final disposition occurred, regardless of when the arrest actually occurred.

**TABLE 3
NEW YORK STATE
DISPOSTIONS OF FELONY INSURANCE FRAUD ARRESTS
2007 to 2011**

	2007	2008	2009	2010	2011	TOTAL
TOTAL DISPOSITIONS	292	277	251	219	213	1,252
Convicted-Sentenced	222	209	191	173	161	956
Convicted-Sentence Pending	0	4	1	1	8	14
Diverted and Dismissed	0	0	0	0	0	0
Covered by Another Case	2	6	6	0	2	16
Dismissed-ACD	7	11	14	8	5	45
Dismissed-Other	52	39	28	23	31	173
Acquitted	4	0	2	3	0	9
DA Declined to Prosecute	5	6	4	10	3	28
Other	0	2	5	1	3	11
TOTAL SENTENCES	222	209	191	173	161	956
Felonies	49	47	43	36	32	207
Misdemeanors	138	131	108	89	91	557
Non-Criminal Offenses	35	31	40	48	38	192
TOTAL SENTENCES	222	209	191	173	161	956
Prison	3	8	5	4	8	28
Jail	9	10	6	11	8	44
Time Served	2	5	3	3	11	24
Jail+Probation	9	4	6	7	2	28
Probation	37	47	47	24	36	191
Fine	44	33	34	30	30	171
Cond Discharge	116	100	87	90	65	458
Uncond Discharge	2	2	3	3	1	11
Other	0	0	0	1	0	1

Source: Computerized Criminal History system (as of 05/21/2012).

Includes 15 Youthful Offender adjudications.

Includes convictions to felonies, misdemeanors and non-criminal offenses such as violations and infractions

Regional designation based on location of the disposition court.

**TABLE 4
NEW YORK CITY
DISPOSTIONS OF FELONY INSURANCE FRAUD ARRESTS
2007 to 2011**

	2007	2008	2009	2010	2011	TOTAL
TOTAL DISPOSITIONS	160	151	110	99	116	636
Convicted-Sentenced	118	107	76	67	83	451
Convicted-Sentence Pending	0	4	0	0	3	7
Diverted and Dismissed	0	0	0	0	0	0
Covered by Another Case	1	3	3	0	0	7
Dismissed-ACD	2	4	6	5	1	18
Dismissed-Other	31	27	17	14	25	114
Acquitted	3	0	1	3	0	7
DA Declined to Prosecute	5	6	4	10	3	28
Other	0	0	3	0	1	4
TOTAL SENTENCES	118	107	76	67	83	451
Felonies	24	27	19	12	10	92
Misdemeanors	73	61	37	32	47	250
Non-Criminal Offenses	21	19	20	23	26	109
TOTAL SENTENCES	118	107	76	67	83	451
Prison	2	4	2	1	3	12
Jail	3	5	4	6	2	20
Time Served	2	4	2	1	9	18
Jail+Probation	2	1	0	0	0	3
Probation	10	17	9	5	4	45
Fine	15	16	12	14	15	72
Cond Discharge	83	60	46	40	50	279
Uncond Discharge	1	0	1	0	0	2
Other	0	0	0	0	0	0

Source: Computerized Criminal History system (as of 05/21/2012).

Includes 10 Youthful Offender adjudications.

Includes convictions to felonies, misdemeanors and non-criminal offenses such as violations and infractions

Regional designation based on location of the disposition court.

TABLE 5
REST OF STATE
DISPOSTIONS OF FELONY INSURANCE FRAUD ARRESTS
2007 to 2011

	2007	2008	2009	2010	2011	TOTAL
TOTAL DISPOSITIONS	132	126	141	120	97	616
Convicted-Sentenced	104	102	115	106	78	505
Convicted-Sentence Pending	0	0	1	1	5	7
Diverted and Dismissed	0	0	0	0	0	0
Covered by Another Case	1	3	3	0	2	9
Dismissed-ACD	5	7	8	3	4	27
Dismissed-Other	21	12	11	9	6	59
Acquitted	1	0	1	0	0	2
DA Declined to Prosecute	0	0	0	0	0	0
Other	0	2	2	1	2	7
TOTAL SENTENCES	104	102	115	106	78	505
Felonies	25	20	24	24	22	115
Misdemeanors	65	70	71	57	44	307
Non-Criminal Offenses	14	12	20	25	12	83
TOTAL SENTENCES	104	102	115	106	78	505
Prison	1	4	3	3	5	16
Jail	6	5	2	5	6	24
Time Served	0	1	1	2	2	6
Jail+Probation	7	3	6	7	2	25
Probation	27	30	38	19	32	146
Fine	29	17	22	16	15	99
Cond Discharge	33	40	41	50	15	179
Uncond Discharge	1	2	2	3	1	9
Other	0	0	0	1	0	1

Source: Computerized Criminal History system (as of 05/21/2012).

Includes 5 Youthful Offender adjudications.

Includes convictions to felonies, misdemeanors and non-criminal offenses such as violations and infractions

Regional designation based on location of the disposition court.