



# 2009 Drug Law Changes

## June 2012 Update

The 2009 changes to New York's drug laws included a requirement to study the impact of the changes (see Section 837, (4) (b-1) of the Executive Law). The Division of Criminal Justice Services (DCJS) coordinates this effort in partnership with other state agencies, including the Office of Court Administration (OCA), the Office of Alcoholism and Substance Abuse Services (OASAS), and the Department of Corrections and Community Supervision (DOCCS). DCJS also works with New York City agencies, district attorneys' offices, and Alternative to Incarceration (ATI) programs to obtain additional data not available at the State level.

This report presents an update of trends in felony drug case processing and participation in treatment diversion programs before and after implementation of the 2009 drug law changes.

# Table of Contents

Summary of Findings	i
Summary of 2005 and 2009 Drug Law Changes	1
Notes	2
Felony Drug Offenders under DOCCS Custody	3
Felony Drug Commitments to Prison	4
Prison Sentence Length (2008 and 2011)	5
Five Year Felony Drug Trends by Region	6
Five Year Crime Trends by Region	7
Race of Felony Drug Offenders by Region (2008 and 2011)	8
Initial Outcomes of Felony Drug Arrests by Region (2008 and 2010)	10
2008 and 2010 Class B-E Drug Arrests: Felony Drug Court Screenings among Indicted/SCI Cases	23
Drug Court Activity among Article 216-Eligible Cases, 2008-2011	24
OASAS Admissions to Residential and Outpatient Treatment by Region (2008 and 2011)	33
Other Information	36
Appendix A: Felony Drug Commitments to DOCCS by Region and Felony Class	39
Appendix B: Median Sentence Length for Drug Commitments to DOCCS by Region 2008 and 2011	40
Appendix C: Five Year Trends: Felony Drug Arrests by County 2007-2011	41
Appendix D: Five Year Trends: Felony Drug Indictments/SCIs by County 2007-2011	43
Appendix E: Five Year Trends: Felony Drug Commitments by County 2007-2011	45
Appendix F: Five Year Trends: Specified Property Arrests by County 2007-2011	47
Appendix G: Five Year Trends: Specified Property Indictments/SCIs by County 2007-2011	49
Appendix H: Five Year Trends: Specified Property Commitments by County 2007-2011	51

## Summary of Findings

The 2009 changes to New York's drug laws included a requirement to study the impact of the changes (see Section 837, (4) (b-1) of the Executive Law). DCJS coordinates this effort in partnership with other state agencies, including the Office of Court Administration (OCA), the Office of Alcoholism and Substance Abuse Services (OASAS), and the Department of Corrections and Community Supervision (DOCCS). DCJS also works with New York City agencies, district attorneys' offices, and Alternative to Incarceration (ATI) programs to obtain additional data not available at the State level.

This report presents an update of trends in criminal case processing and participation in treatment diversion programs before and after implementation of the 2009 drug law changes. Trend data is presented through 2011.

Since implementation of Criminal Procedural Law (CPL) Article 216 in October 2009:

- Drug commitments to prison decreased 33%, from 5,190 in 2008 to 3,513 in 2011 (page 4). This was due to in part to fewer felony drug arrests and in part to increased diversion.
- The large counties outside of New York City had the largest decreases in drug commitments to prison (page 4).
- The biggest decline in commitments was seen for black individuals, followed by Hispanic individuals (page 8).
- Admissions to felony drug courts increased from 1,039 in 2008 to 1,975 in 2011 (page 29). At the same time, the number of participants in other diversion programs declined (pages 10-22).
- The majority (84%) of individuals admitted into drug court programs were not facing a mandatory prison sentence at arraignment (page 30).
- As of June 1, 2012, 645 offenders serving indeterminate B sentences had been resentenced (page 37).
- Arrests for felony class B, C, D and E drug offenses in 2008 and 2010 were followed to initial case disposition, including diversion outcomes. These arrest flows show that, in New York City and smaller counties upstate, there has been minimal change in the processing of felony drug offenders who are first time felons (pages 10-22).
- When drug offenders with a prior felony on their record were followed, the analysis showed fewer going to prison. The most substantial changes were found outside of New York City (pages 10-22).
- DCJS will continue to provide interim updates and is designing a longer term evaluation in collaboration with OCA, OASAS and DOCCS. The evaluation will study recidivism outcomes of drug offenders who receive prison sentences compared to the outcomes of those who are diverted to drug court or receive a jail or probation sentence. The evaluation will commence in 2013 in order to allow sufficient time for a cohort of drug court participants diverted after October 2009 to complete treatment.

# Summary of 2005 and 2009 Drug Law Changes

## January 2005

- Determinate sentencing provisions for drug offenses took effect.
- Resentencing authorized for A-I felony drug offenders in prison custody who were serving an indeterminate sentence.

## October 2005

- Resentencing authorized for A-II felony drug offenders in prison custody who were serving an indeterminate sentence.

## April 2009

- Eliminated mandatory minimum prison sentences for 1<sup>st</sup> B drug convictions (can now be sentenced to local jail time or probation).
- Reduced minimum prison sentence for 2<sup>nd</sup> B drug convictions from 3½ years to 2 years.
- Eliminated mandatory minimum prison sentences for 2<sup>nd</sup> C, D, and E drug convictions (jail or probation now an option).
- Expanded eligibility for Shock participation: age limit increased to 49; B 2<sup>nd</sup> drug offenders now eligible; “aging in” authorized – inmates in general confinement facilities otherwise eligible for Shock can now be approved for Shock when they are within three years of parole eligibility (for indeterminately sentenced inmates) or conditional release (for those who are determinately sentenced).
- Expanded eligibility to Willard Drug Treatment Campus for those convicted of 1<sup>st</sup> felony B drug offenses, 2<sup>nd</sup> felony C drug offenses, and Burglary 3<sup>rd</sup>.
- Division of Parole authorized to discharge nonviolent drug offenders prior to their maximum expiration date.

## June 2009

- Conditional sealing (CPL 160.58) provisions took effect: Upon successful completion of a judicial diversion program, the court may conditionally seal the instant offense and up to three prior misdemeanors. If the defendant is re-arrested, the records are unsealed.

## October 2009

- Judicial diversion statute took effect with B, C, D, and E drug offenders and specified property offenders eligible.
- Resentencing authorized for indeterminately sentenced B felony drug offenders in State DOCCS custody.

## November 2009

- New crimes in effect: B Felony Sale to a Child, A-I Operating as a Major Trafficker.

# Notes

## County Categories

- Information is often presented separately for New York City, Operation IMPACT and Other Counties due to significant differences between these categories.
- New York City Counties include Bronx, Kings, New York, Queens and Richmond.
- Operation IMPACT Counties are 17 counties outside of NYC that account for 80% of index crime reported: Albany, Broome, Chautauqua, Dutchess, Erie, Monroe, Nassau, Niagara, Oneida, Onondaga, Orange, Rensselaer, Rockland, Schenectady, Suffolk, Ulster and Westchester.
- Other Counties are: Allegany, Cattaraugus, Cayuga, Chemung, Chenango, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Fulton, Genesee, Greene, Hamilton, Herkimer, Jefferson, Lewis, Livingston, Madison, Montgomery, Ontario, Orleans, Oswego, Otsego, Putnam, St. Lawrence, Saratoga, Schoharie, Schuyler, Seneca, Steuben, Sullivan, Tioga, Tompkins, Warren, Washington, Wayne, Wyoming and Yates.

## Plans for Outcome Evaluation

- DCJS is collaborating with the Office of Court Administration (OCA), the Office of Alcoholism and Substance Abuse Services (OASAS) and the Department of Corrections and Community Supervision (DOCCS) on a research design that will include assessments of treatment and criminal justice outcomes.
- Analyses show that a sufficient number of drug court cases can be linked to an OASAS database using the TRS-49 Consent Form to include OASAS treatment data in the research.
- Timeline: The follow-up period will begin in 2013 to allow sufficient time for drug court participants to complete treatment, which usually lasts for at least 18 months.

## Race and Ethnicity

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

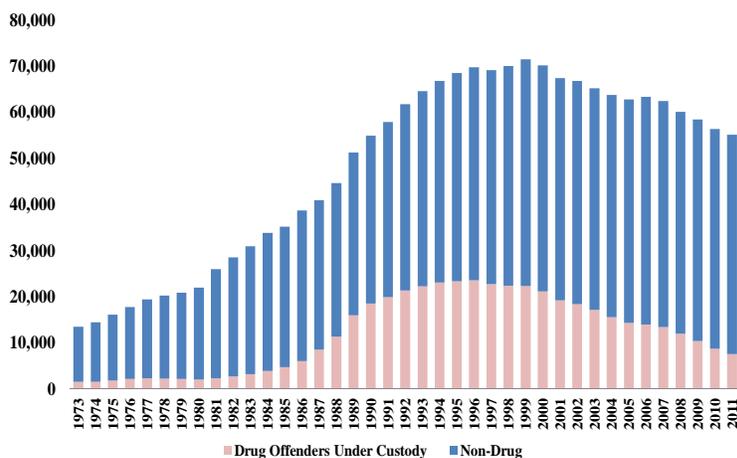
## Location of Additional Information

- The following documents can be accessed at <http://www.criminaljustice.ny.gov/drug-law-reform/index.html>
  - Felony Drug Court Activity Among Offenders Eligible Under 2009 Drug Law Changes, 2008-2010
  - Felony Drug Arrest, Indictment and Commitment Trends, 1973-2008
  - Profile of Felony Drug Offenders Committed to New York State Prison 2008
  - Preliminary Impact of 2009 Drug Law Reform October 2009-September 2010
  - PowerPoints of updates to stakeholders in February 2010, June 2010, and June 2011
  - Monthly Resentencing Summary
- DOCCS includes many informative reports on its website. Reports on the following topics can be accessed at <http://www.doccs.ny.gov/Research/Research.html>
  - Shock Incarceration Program
  - Alcohol and Substance Abuse Treatment
  - Recidivism Research
  - Statistical Reports on Offender Population

## Felony Drug Offenders under DOCCS Custody

### Drug Offenders In Prison Peaked in 1996, Overall Prison Population Peaked in 1999

Drug Offenders and Total Offenders Under Custody in DOCCS, 1973-2011



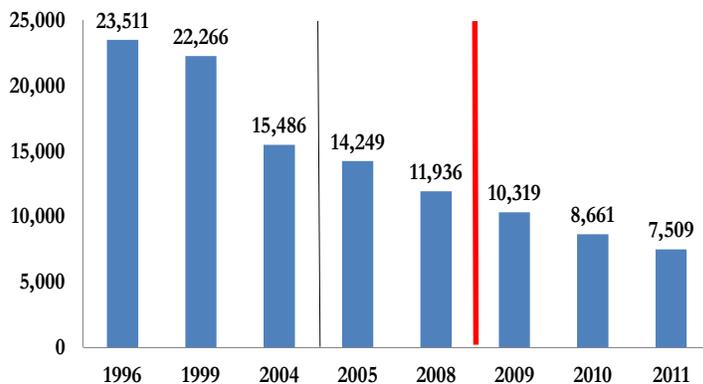
Source: DOCCS

1

- The number of drug offenders in prison peaked in 1996 at 23,511, contributing to an overall prison population that topped 70,000 for several years.

### Drug Offenders in Prison Declined 68% Since Peak in 1996; Down (-37%) since 2008

Drug Offenders Under DOCCS Custody  
(Year End)



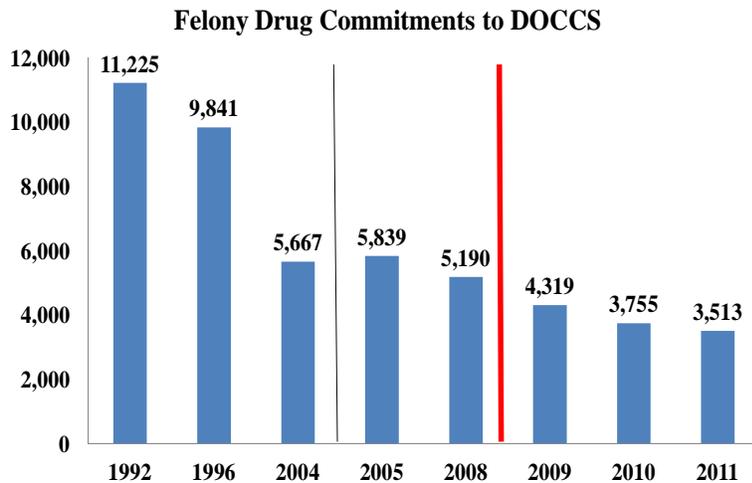
Source: DOCCS

2

- The black line approximates the effective date of the 2005 drug law changes. The red line marks the effective date of the 2009 drug law changes.
- By the end of 2011, the number of drug offenders in prison had decreased 68% from its peak of 23,511 in 1996 to 7,509.
- There were 4,427 fewer drug offenders in prison at year end 2011 than there were in 2008, the year before the 2009 drug law changes. This is a decline of 37%.

## Felony Drug Commitments to Prison

### Felony Drug Commitments to DOCCS Peaked in 1992; down (-33%) since 2008

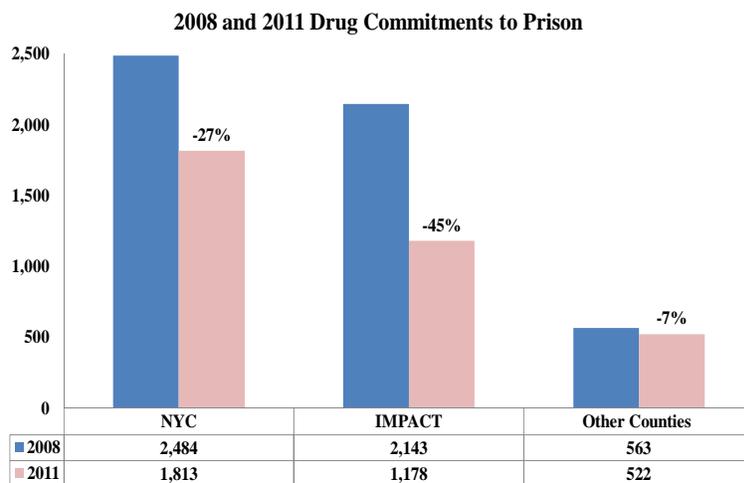


Source: DOCCS

3

- The number of commitments to prison for drug offenses peaked in 1992 at 11,225.
- Between 1992 and 2011, the number of commitments to prison for drug offenses decreased 69% to 3,513.
- There were 1,677 fewer drug offenders committed to prison in 2011 than there were in 2008, the year before the 2009 drug law changes. This represents a decrease of 33%.

### 2008-2011 Drug Commitments to Prison



Source: DOCCS

4

- Regionally, the largest decrease in commitments to prison for drug offenses between 2008 and 2011 was seen in IMPACT Counties, where there was a 45% decrease (from 2,143 to 1,178).

## Prison Sentence Length (2008 and 2011)

### 1<sup>st</sup> B Felony Prison Sentences

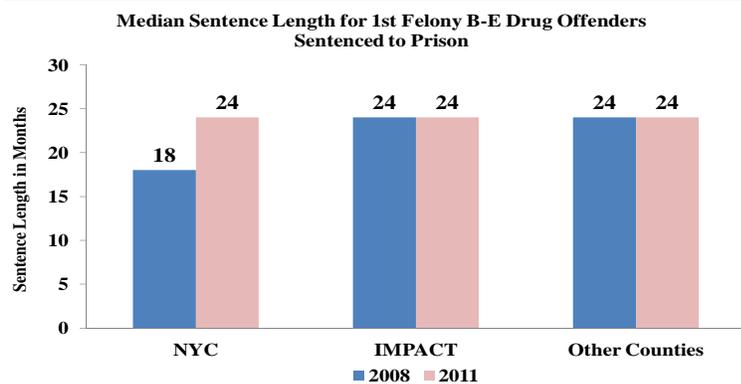
1st Felony B Drug Prison Sentences			
Sentence	2008	2011	% chg
Minimum Sentence	419	177	-58%
Above Minimum	682	637	-7%
Total	1,101	814	-26%

Source: DOCCS

75

- Prior to October 2009, the mandatory minimum sentence for 1<sup>st</sup> felony B drug offenders was one year in prison.
- Since the elimination of this mandatory minimum, the number of 1<sup>st</sup> felony B drug offenders committed to prison for the shortest prison term of one year has dropped 58%.

### Median Sentence Length for 1<sup>st</sup> Felony B-E Drug Commitments to DOCCS

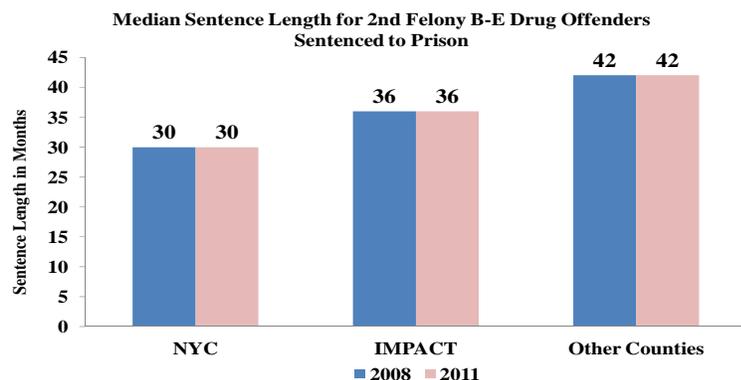


Source: DOCCS

1

- After the 2009 drug law changes, median sentences for first felony class B-E drug commitments to DOCCS remained the same in 2008 and 2011 in IMPACT and Other Counties, at 24 months.
- In New York City, the median sentence length for 1<sup>st</sup> felony class B-E drug offenders increased by 6 months from 2008 to 2011, reaching the same 24-month median as in the rest of the state.

### Median Sentence Length for 2<sup>nd</sup> Felony B-E Drug Commitments to DOCCS



Source: DOCCS

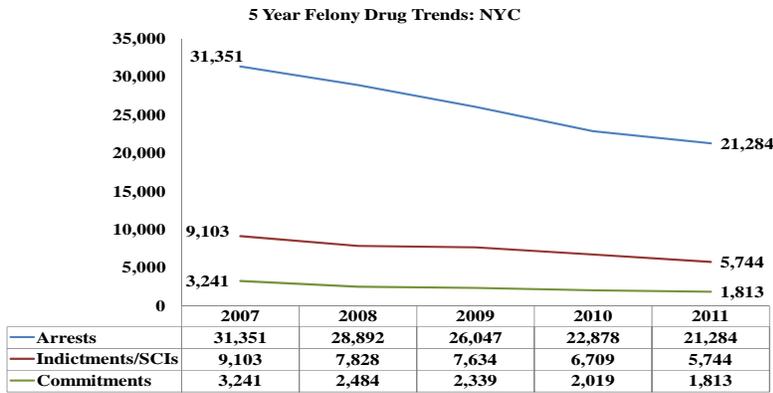
2

- Throughout the state, the median sentence length for 2<sup>nd</sup> felony B-E offenders remained the same between 2008 and 2011.

\*Median sentence length by felony class and region can be found in Appendix B.

## Five Year Felony Drug Trends by Region

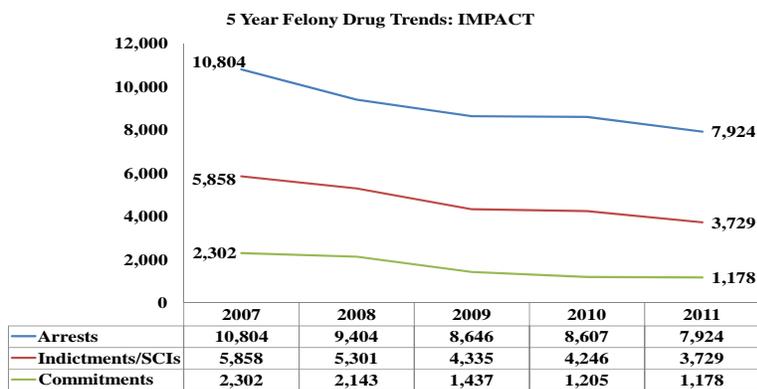
### New York City Felony Drug Trends



Source: DCJS, DOCCS

- In New York City between 2007 and 2011, felony drug arrests went down 32%, drug indictments/SCIs decreased 37%, and drug commitments to prison dropped 44%.

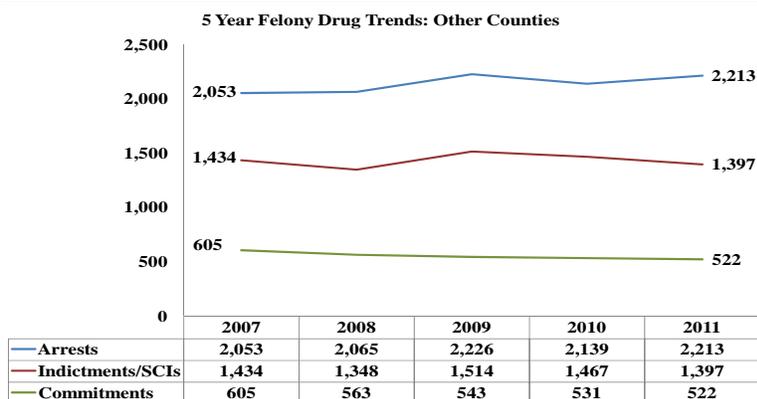
### IMPACT Counties Felony Drug Trends



Source: DCJS, DOCCS

- Over the same five years there were similar decreases in IMPACT Counties, with felony drug arrests down 27%, drug indictments/SCIs down 36%, and drug commitments to prison down 49%.

### Other Counties Felony Drug Trends

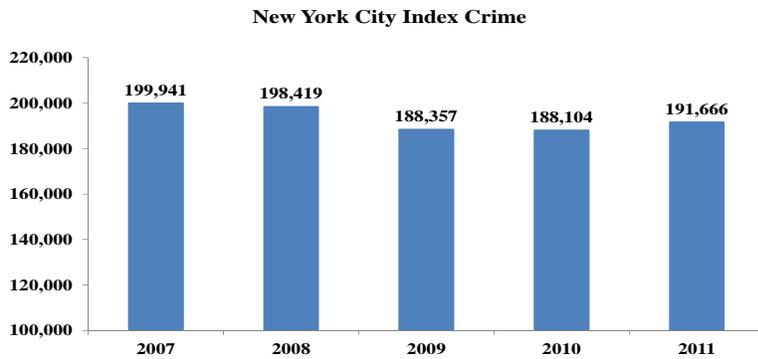


Source: DCJS, DOCCS

- The trend was different in Other Counties between 2007 and 2011, where felony drug arrests increased 8%, drug indictments/SCIs decreased 3%, and drug commitments to prison from Other Counties decreased 14%.

## Five Year Crime Trends by Region

### New York City Crime Down (-4%) Since 2007

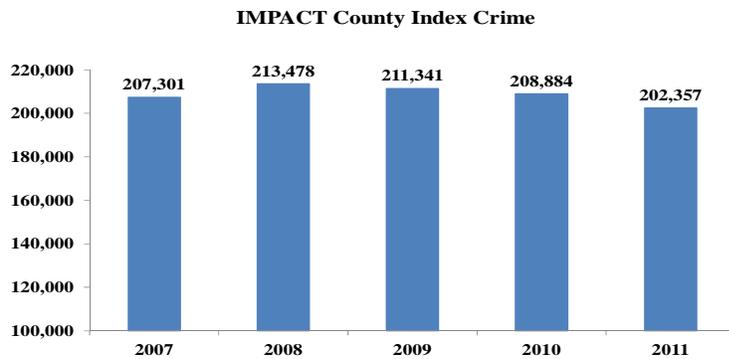


Source: DCJS, UCR/ IBR reporting system (5/21/2012)

6

- In New York City, there were 8,275 fewer index crimes reported in 2011 than there were in 2007.

### IMPACT Counties Crime Down (-2%) Since 2007

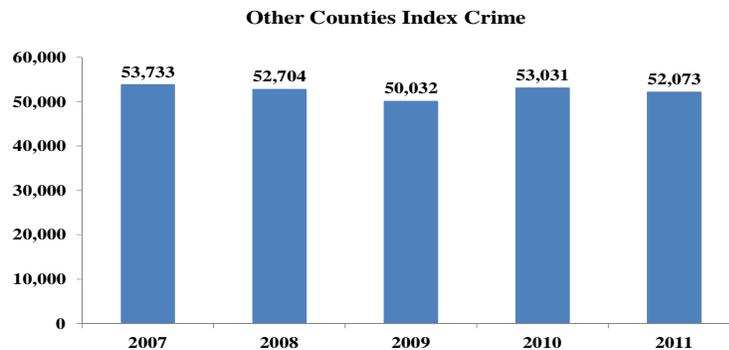


Source: DCJS, UCR/ IBR reporting system (6/2012)

7

- In IMPACT Counties, there were 4,944 fewer index crimes reported in 2011 than there were in 2007.

### Other Counties Crime Down (-3%) Since 2007



Source: DCJS, UCR/ IBR reporting system (6/2012)

8

- In Other Counties, there were 1,660 fewer index crimes reported in 2011 than there were in 2007.

## Race/Ethnicity of Felony Drug Offenders by Region (2008 and 2011)

Between 2008 and 2011, the biggest decreases in the number of felony drug arrests, indictment/SCI's and commitments to prison were among black individuals, followed by Hispanic individuals.

### Felony Drug Arrests for Black and Hispanic Individuals are Down (-8,634) Since 2008

2008 and 2011 Race/Ethnicity of Offenders Arrested for Felony Drug Offenses									
Race/ Ethnicity	NYC			IMPACT			Other Counties		
	2008	2011	% chg	2008	2011	% chg	2008	2011	% chg
White	2,022	1,877	-7%	2,574	2,278	-11%	1,295	1,378	6%
Black	12,160	7,910	-35%	4,556	3,322	-27%	452	396	-12%
Hispanic	14,415	11,142	-23%	2,143	2,214	3%	278	386	39%
Other	295	355	20%	131	110	-16%	40	53	33%
<b>Total</b>	<b>28,892</b>	<b>21,284</b>	<b>-26%</b>	<b>9,404</b>	<b>7,924</b>	<b>-16%</b>	<b>2,065</b>	<b>2,213</b>	<b>7%</b>

Source: DCJS

13

### Felony Drug Indictments/SCIs for Black and Hispanic Individuals are Down (-3,460) Since 2008

2008 and 2011 Race/Ethnicity of Offenders Indicted for Felony Drug Offenses									
Race/ Ethnicity	NYC			IMPACT			Other Counties		
	2008	2011	% chg	2008	2011	% chg	2008	2011	% chg
White	303	377	24%	1,246	972	-22%	742	769	4%
Black	3,263	2,060	-37%	2,747	1,616	-41%	387	300	-22%
Hispanic	4,213	3,249	-23%	1,252	1,090	-13%	214	301	41%
Other	49	58	18%	56	51	-9%	21	27	29%
<b>Total</b>	<b>7,828</b>	<b>5,744</b>	<b>-27%</b>	<b>5,301</b>	<b>3,729</b>	<b>-30%</b>	<b>1,364</b>	<b>1,397</b>	<b>2%</b>

Source: DCJS

17

### Drug Commitments to Prison for Black and Hispanic Individuals are Down (-1,622) Since 2008

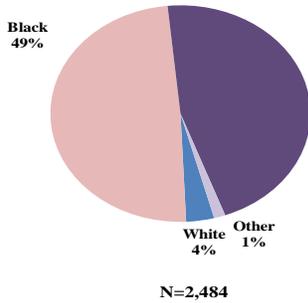
2008 and 2011 Race/Ethnicity of Offenders Committed to Prison for Drug Offenses									
Race/ Ethnicity	NYC			IMPACT			Other Counties		
	2008	2011	% chg	2008	2011	% chg	2008	2011	% chg
White	86	91	6%	328	199	-39%	250	273	9%
Black	1,220	803	-34%	1,382	677	-51%	237	159	-33%
Hispanic	1,143	864	-24%	399	257	-36%	65	64	-2%
Other	35	55	57%	34	45	32%	11	26	136%
<b>Total</b>	<b>2,484</b>	<b>1,813</b>	<b>-27%</b>	<b>2,143</b>	<b>1,177</b>	<b>-45%</b>	<b>563</b>	<b>523</b>	<b>-7%</b>

Source: DOCCS

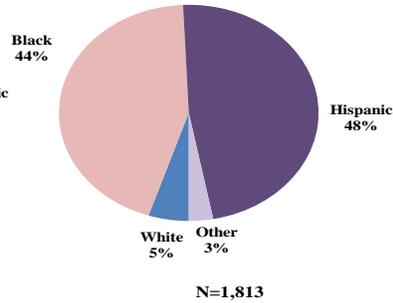
21

## NYC Drug Commitments by Race/Ethnicity 2008 and 2011

2008 NYC Drug Commitments by Race/Ethnicity



2011 NYC Drug Commitments by Race/Ethnicity



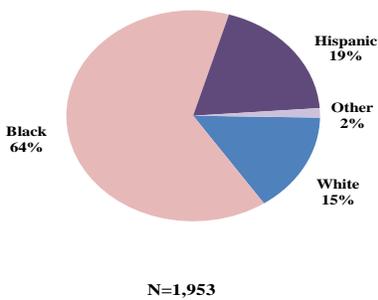
Source: DOCCS

22

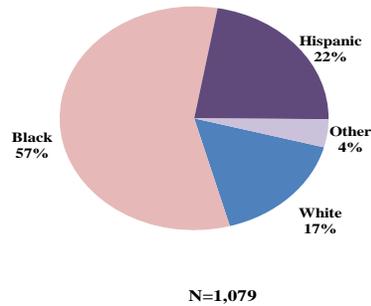
- In New York City in 2011, black individuals accounted for 44% of individuals committed to prison for felony drug offenses, a smaller proportion than in 2008.

## IMPACT Drug Commitments by Race/Ethnicity 2008 and 2011

2008 IMPACT Drug Commitments by Race/Ethnicity



2011 IMPACT Drug Commitments by Race/Ethnicity



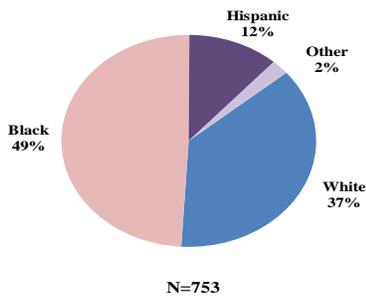
Source: DOCCS

23

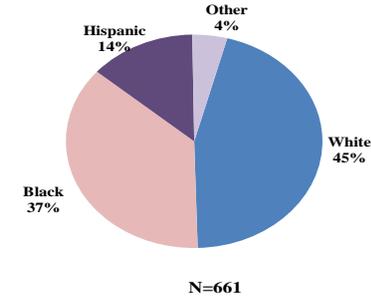
- In IMPACT Counties in 2011, black individuals accounted for 57% of individuals committed to prison for felony drug offenses, a smaller proportion than in 2008.

## Other Counties Drug Commitments by Race/Ethnicity 2008 and 2011

2008 Other Counties Drug Commitments by Race/Ethnicity



2011 Other Counties Drug Commitments by Race/Ethnicity



Source: DOCCS

24

- In Other Counties in 2011, black individuals accounted for 37% of individuals committed to prison for felony drug offenses, a smaller proportion than in 2008.

## **Initial Case Dispositions of Felony Drug Arrests by Region (2008 and 2010)**

The following section compares case processing of felony drug arrests before and after implementation of the drug law changes in October 2009.

Arrests of felony class B, C, D and E drug offenses in 2008 and 2010 were followed to initial case disposition, including diversion outcomes. Because DCJS' Computerized Criminal History (CCH) file does not include data on diversion participation, data files that include felony drug court, Drug Treatment Alternative-to-Prison (DTAP), Structured Treatment to Enhance Public Safety (STEPS) and Alternative to Incarceration (ATI) participants were merged with CCH data to determine the extent to which the 2008 and 2010 arrestees participated in diversion opportunities. The case dispositions in the charts that follow are considered initial dispositions because the final sentences for diversion participants are contingent upon the participants' success in the program.

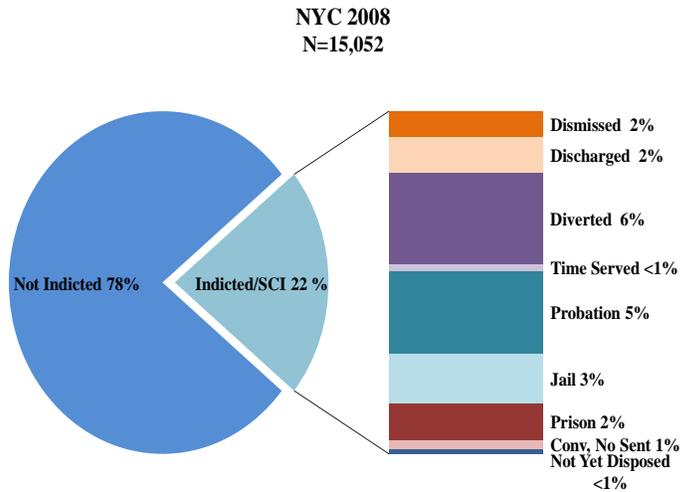
Arrest flows are presented by county categories (New York City, IMPACT Counties, and Other Counties). Within the county categories, separate arrest flows are shown for first and second felony offenders. Arrests among second felony offenders exclude cases where the prior felony conviction was for a Violent Felony Offense; these cases have different sentencing requirements and are not eligible for diversion under Article 216 without the consent of the District Attorney.

Initial disposition categories include the following:

- Dismissed: dismissals and cases not prosecuted
- Discharged: conditional and unconditional discharges
- Diverted: admissions to felony drug courts, participants in ATI and STEPS programs funded by DCJS, DTAP participants, offenders sentenced to Willard Drug Treatment Campus, and other cases that are disposed as diverted and dismissed
- Time Served: convicted and sentenced to time served in jail while the case was being adjudicated
- Probation: sentenced to probation supervision, including split jail/probation sentences
- Jail: sentenced to local jail for one year or less
- Prison: sentenced to State prison for one year or more
- Convicted No Sentence: pending or unknown sentence post-conviction
- Not Yet Disposed: pending or unknown outcome

## New York City: 2008 vs. 2010

### 1<sup>st</sup> B-E Felony Drug Arrest Flow: NYC 2008



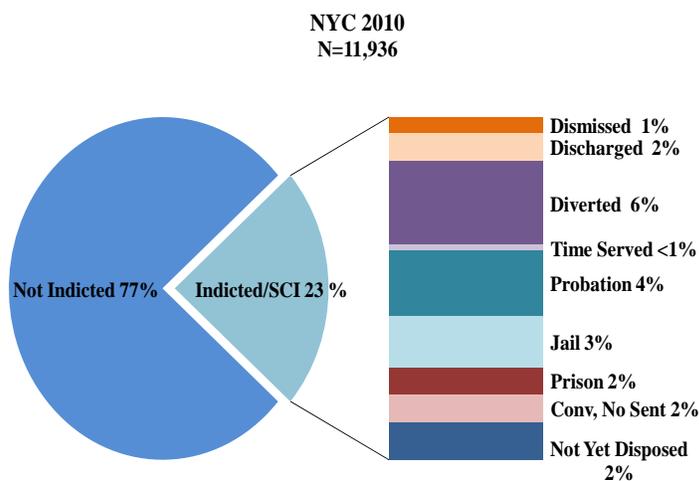
Source: DCJS/OCA/DTAP/ATI

25

- In New York City during both 2008 and 2010, about three-quarters of the first felony, B-E felony drug arrests were disposed prior to indictment/SCI.

- The number of arrests for first felony class B-E dropped 21% between 2008 and 2010, a decrease of 3,116 arrests.

### 1<sup>st</sup> B-E Felony Drug Arrest Flow: NYC 2010



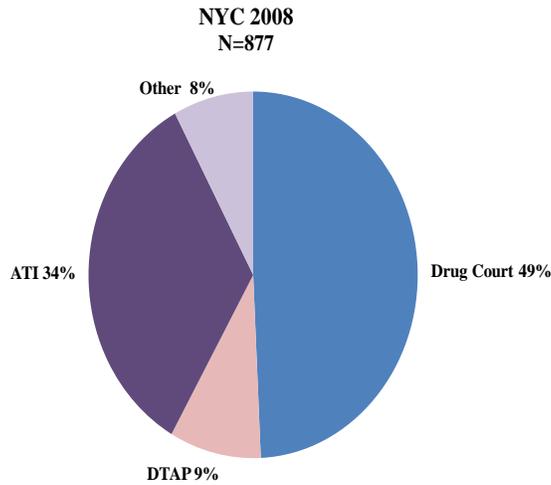
Source: DCJS/OCA/DTAP/ATI

26

- Initial case dispositions were similar among the 2008 and 2010 arrests, with 6% diverted, 3% sentenced to jail, and 2% sentenced to prison.

## New York City: 2008 vs. 2010

### Type of Post-Indictment Diversion 1<sup>st</sup> B-E Felony Drug Arrest: NYC 2008

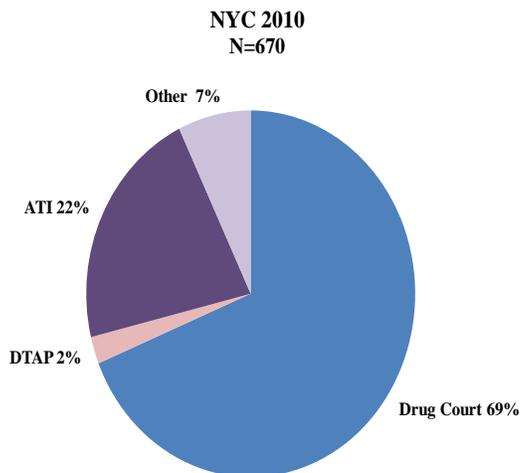


Source: DCJS/OCA/DTAP/ATI

27

- In New York City during 2008, 49% of the first felony class B-E cases diverted after indictment/SCI entered drug court, 34% went to ATI programs, and 9% went to DTAP.

### Type of Post-Indictment Diversion 1<sup>st</sup> B-E Felony Drug Arrest: NYC 2010



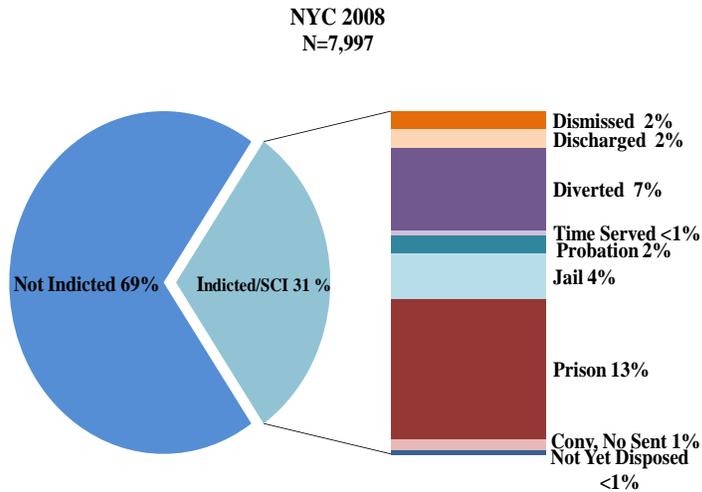
Source: DCJS/OCA/DTAP/ATI

28

- After the 2009 drug law changes, the proportion of diverted cases entering drug court increased to 69%. The proportion entering ATI programs dropped to 22%, and the proportion going to DTAP decreased to 2%.

## New York City: 2008 vs. 2010

### 2<sup>nd</sup> B-E Felony Drug Arrest Flow: NYC 2008



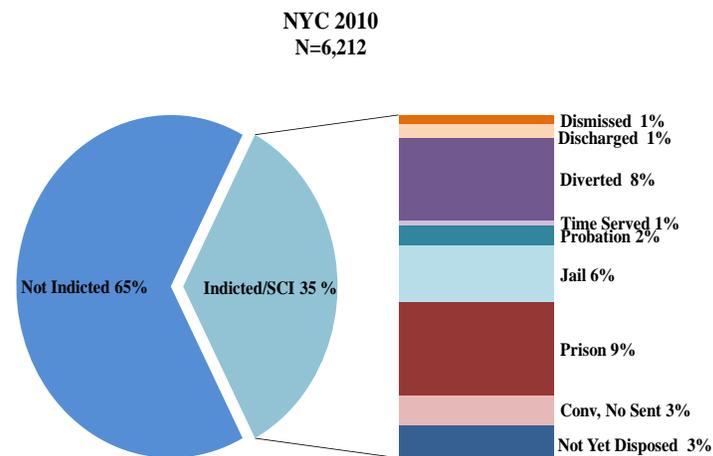
Source: DCJS/OCA/DTAP/ATI

\*Excludes prior VFO convictions

29

- In New York City, the proportion of second felony class B-E felony drug arrests disposed prior to indictment/SCI decreased from 69% in 2008 to 65% in 2010.

### 2<sup>nd</sup> B-E Felony Drug Arrest Flow: NYC 2010



Source: DCJS/OCA/DTAP/ATI

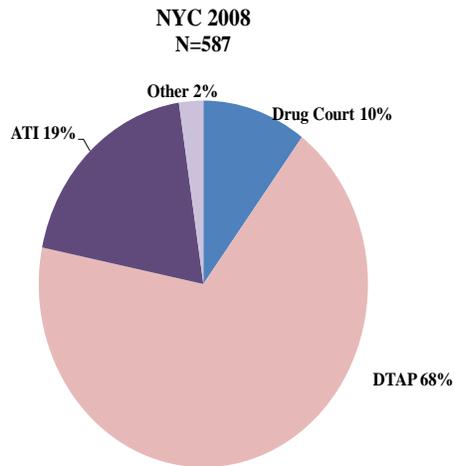
\*Excludes prior VFO convictions

30

- The proportion of arrests resulting in prison as an initial case disposition dropped from 13% to 9% after the 2009 drug law changes, with jail dispositions increasing from 4% to 6%.
- The proportion diverted increased slightly from 7% to 8%.

## New York City: 2008 vs. 2010

### Type of Post-Indictment Diversion 2<sup>nd</sup> B-E Felony Drug Arrest: NYC 2008



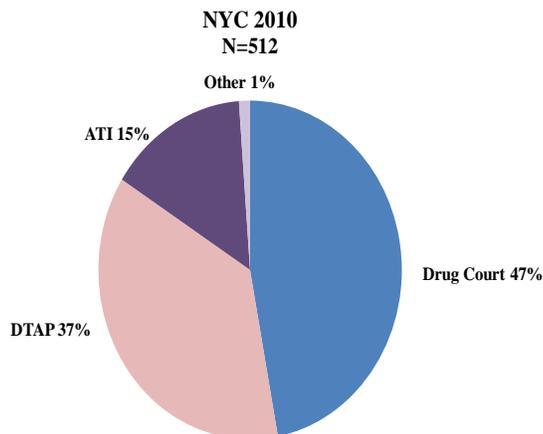
Source: DCJS/OCA/DTAP/ATI

\*Excludes prior VFO convictions

31

- In New York City during 2008, 10% of the second felony class B-E cases diverted after indictment/SCI entered drug court, 19% went to ATI programs, and 68% went to DTAP.

### Type of Post Indictment Diversion 2<sup>nd</sup> B-E Felony Drug Arrest Flow: NYC 2010



Source: DCJS/OCA/DTAP/ATI

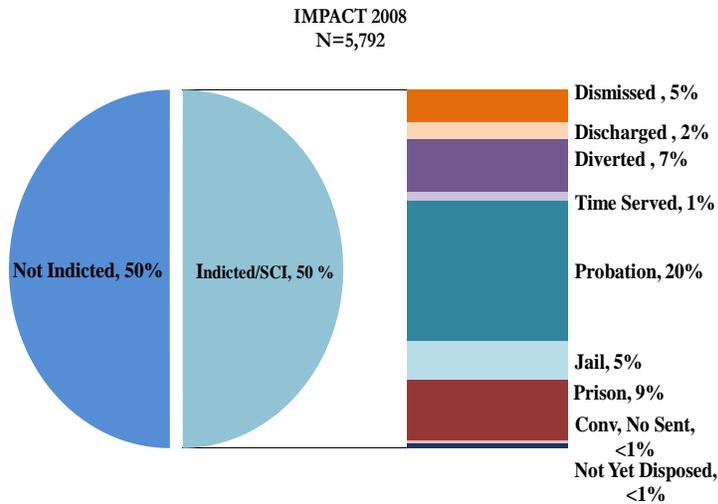
\*Excludes prior VFO convictions

32

- After the 2009 drug law changes, the proportion of diverted cases entering drug court increased to 47%. The proportion entering ATI programs dropped to 15%, and the proportion going to DTAP decreased to 37%.

## IMPACT Counties: 2008 vs. 2010

### 1<sup>st</sup> B-E Felony Drug Arrest Flow: IMPACT 2008

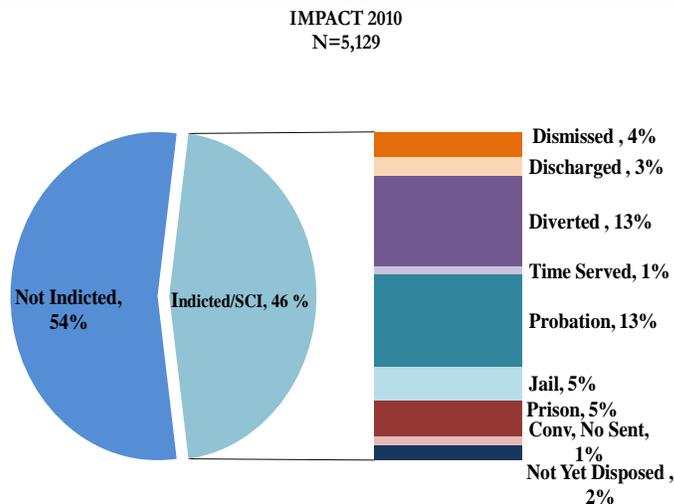


Source: DCJS/OCA/STEPS/ATI

33

- In IMPACT Counties, the proportion of first felony B-E felony drug arrests disposed prior to indictment/SCI increased from 50% in 2008 to 54% in 2010.
- The proportion of arrests resulting in prison as an initial case disposition dropped from 9% to 5% after the 2009 drug law changes, with no change in jail sentences.

### 1<sup>st</sup> B-E Felony Drug Arrest Flow: IMPACT 2010



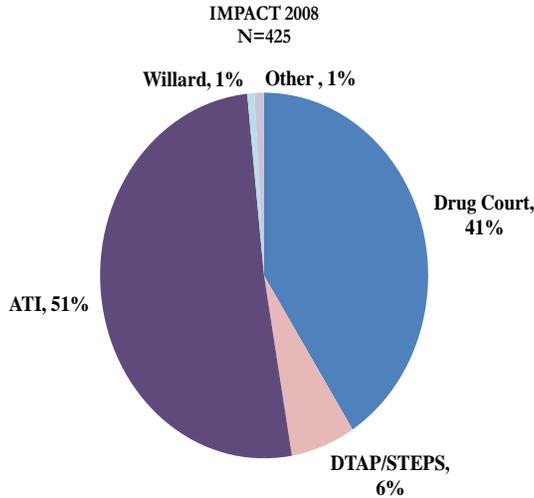
Source: DCJS/OCA/STEPS/ATI

34

- The proportion of arrests resulting in probation sentences dropped from 20% to 13%.
- The proportion diverted increased from 7% to 13%.

## IMPACT Counties: 2008 vs. 2010

### Type of Post-Indictment Diversion 1<sup>st</sup> B-E Felony Drug Arrest: IMPACT 2008

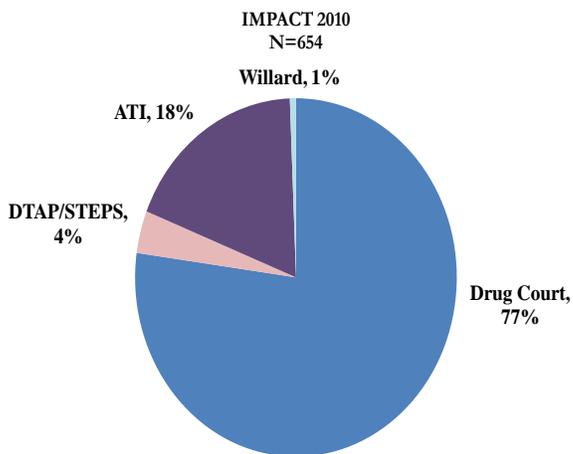


Source: DCJS/OCA/STEPS/ATI

35

- In IMPACT Counties during 2008, 41% of the 1<sup>st</sup> B-E cases diverted after indictment/SCI entered drug court, 51% went to ATI programs, and 6% went to DTAP/STEPS.

### Type of Post-Indictment Diversion 1<sup>st</sup> B-E Felony Drug Arrest: IMPACT 2010



Source: DCJS/OCA/STEPS/ATI

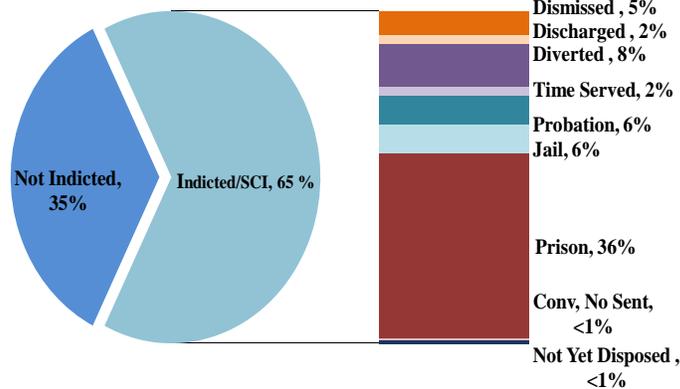
36

- After the 2009 drug law changes, the proportion of diverted cases entering drug court increased to 77%. The proportion entering ATI programs dropped to 18%, and the proportion going to DTAP/STEPS decreased to 4%.

## IMPACT Counties: 2008 vs. 2010

### 2<sup>nd</sup> B-E Felony Drug Arrest Flow: IMPACT 2008

IMPACT 2008  
N=2,282



Source: DCJS/OCA/STEPS/ATI

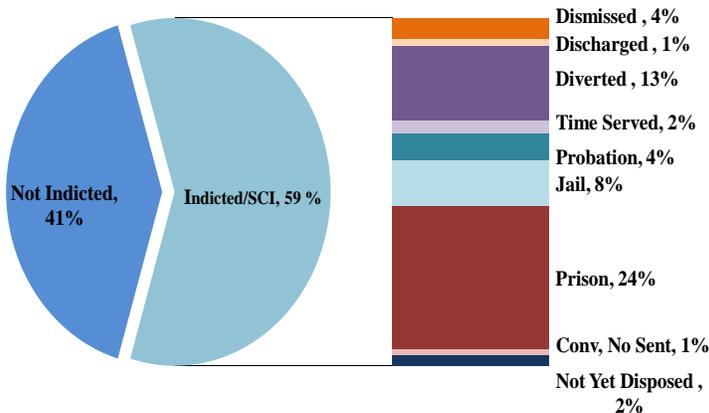
\*Excludes prior VFO convictions

37

- In IMPACT Counties, the proportion of 2<sup>nd</sup> B-E felony drug arrests disposed prior to indictment/SCI increased from 35% in 2008 to 41% in 2010.

### 2<sup>nd</sup> B-E Felony Drug Arrest Flow: IMPACT 2010

IMPACT 2010  
N=2,189



Source: DCJS/OCA/STEPS/ATI

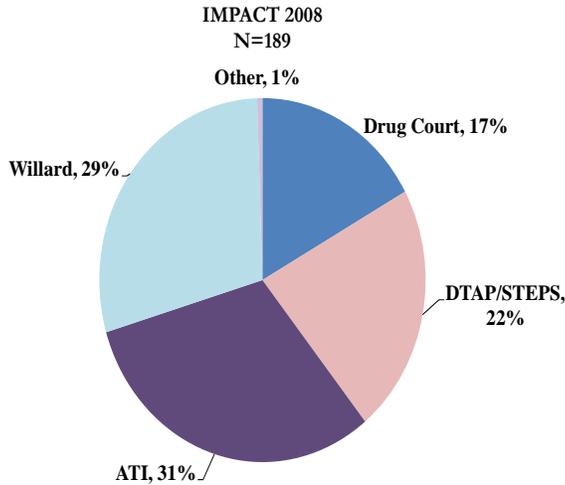
\*Excludes prior VFO convictions

38

- The proportion of arrests resulting in prison as an initial case disposition dropped from 36% to 24% after the 2009 drug law changes.
- The proportion diverted increased from 8% to 13%.

## IMPACT Counties: 2008 vs. 2010

### Type of Post-Indictment Diversion 2<sup>nd</sup> B-E Felony Drug Arrest: IMPACT 2008

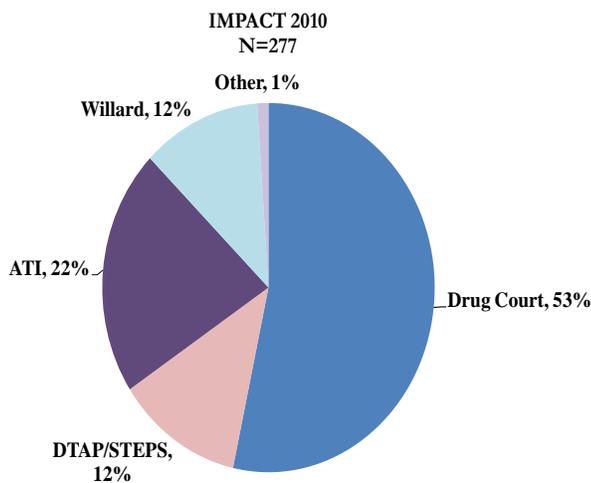


Source: DCJS/OCA/STEPS/ATI

\*Excludes prior VFO convictions <sup>39</sup>

- In IMPACT Counties during 2008, 17% of the 2<sup>nd</sup> B-E cases diverted after indictment/SCI entered drug court, 31% went to ATI programs, 29% went to Willard, and 22% went to DTAP/STEPS.

### Type of Post-Indictment Diversion 2<sup>nd</sup> B-E Felony Drug Arrest: IMPACT 2010

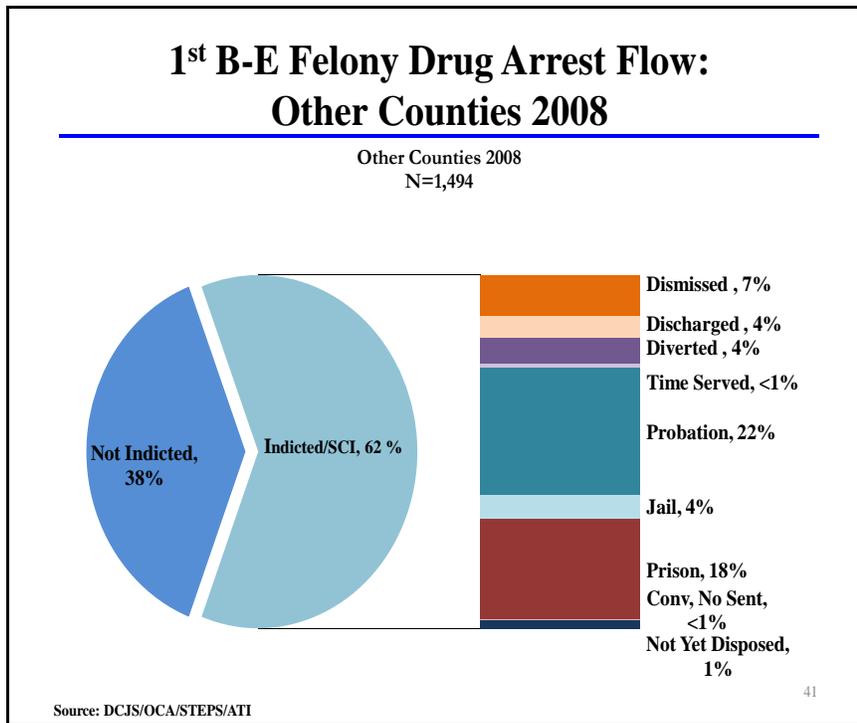


Source: DCJS/OCA/STEPS/ATI

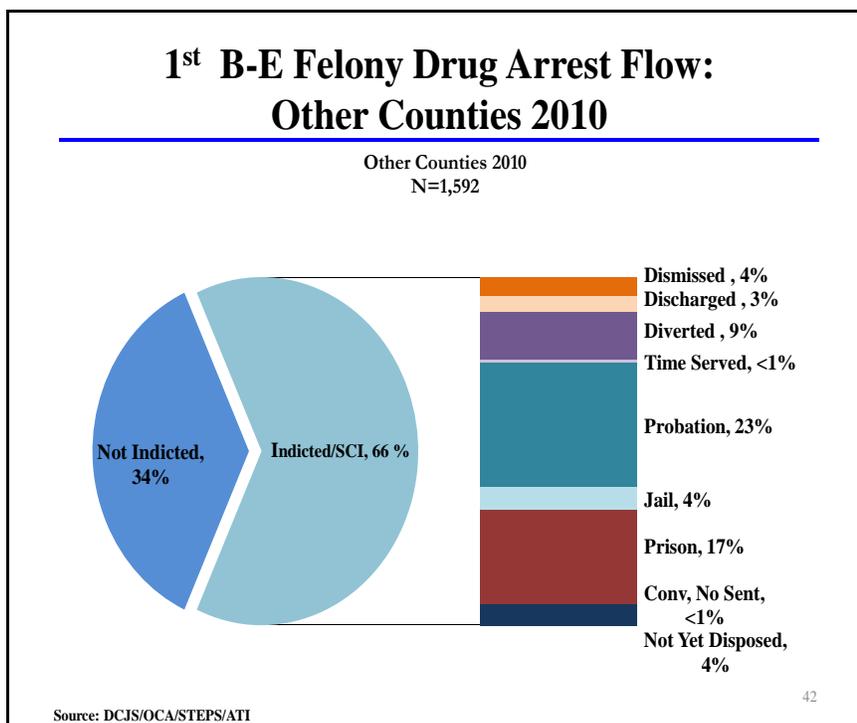
\*Excludes prior VFO convictions <sup>40</sup>

- After the 2009 drug law changes, the proportion of diverted cases entering drug court increased to 53%. The proportion entering ATI programs dropped to 22%, the proportion admitted to Willard declined to 12%, and the proportion going to DTAP/STEPS decreased to 12%.

## Other Counties: 2008 vs. 2010



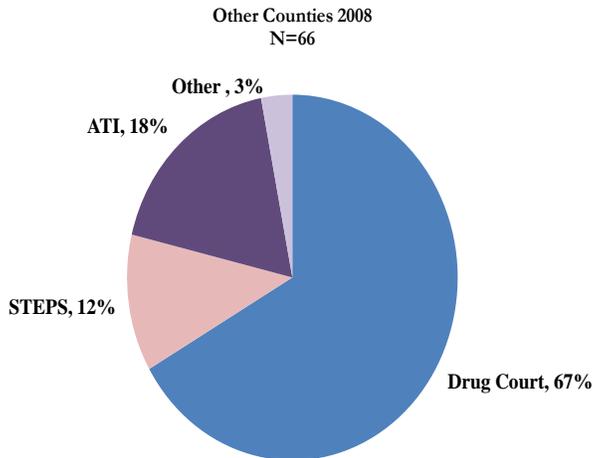
- In Other Counties, the proportion of 1<sup>st</sup> B-E felony drug arrests disposed prior to indictment/SCI went down from 38% in 2008 to 34% in 2010.



- The proportion of arrests resulting in prison as an initial case disposition dropped slightly from 18% to 17% after the 2009 drug law changes.
- The proportion diverted increased from 4% to 9%.

## Other Counties: 2008 vs. 2010

### Type of Post-Indictment Diversion 1<sup>st</sup> B-E Felony Drug Arrest: Other Counties 2008

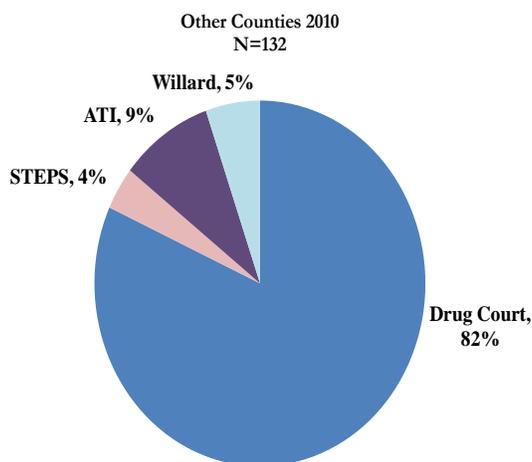


Source: DCJS/OCA/STEPS/ATI

43

- In Other Counties during 2008, 67% of the 1<sup>st</sup> B-E cases diverted after indictment/SCI entered drug court, 18% went to ATI programs, and 12% went to STEPS.

### Type of Post-Indictment Diversion 1<sup>st</sup> B-E Felony Drug Arrest: Other Counties 2010



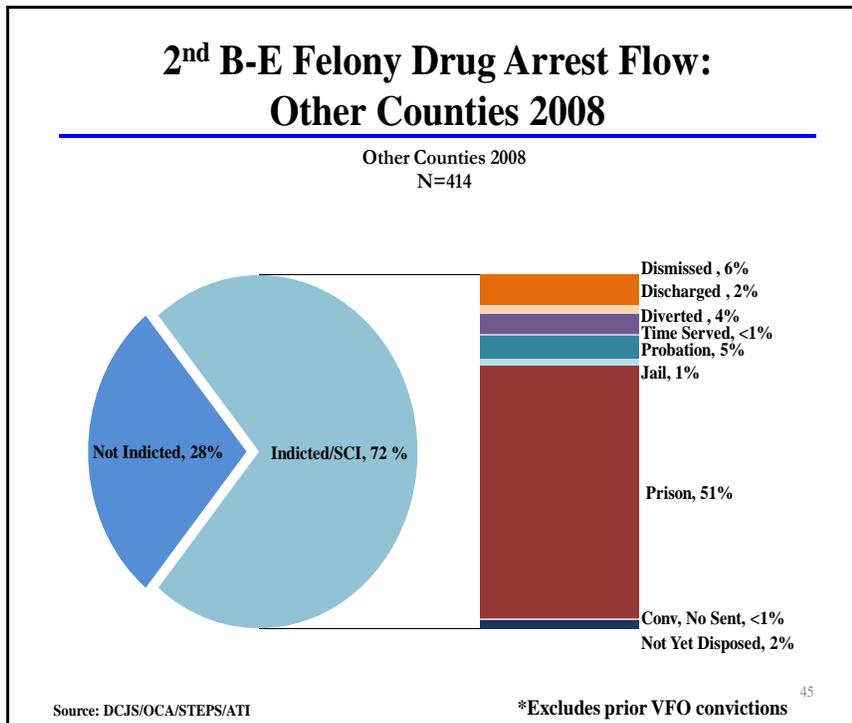
\* Other Diversion is less than 1%

Source: DCJS/OCA/STEPS/ATI

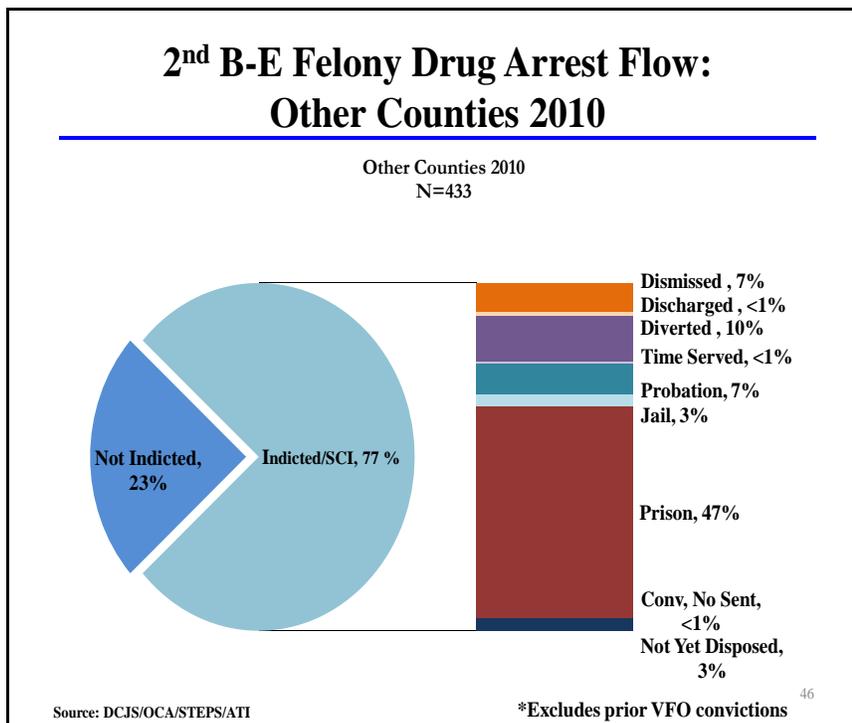
44

- After the 2009 drug law changes, the proportion of diverted cases entering drug court increased to 82%. The proportion entering ATI programs dropped to 9%, and the proportion going to STEPS decreased to 4%.

## Other Counties: 2008 vs. 2010



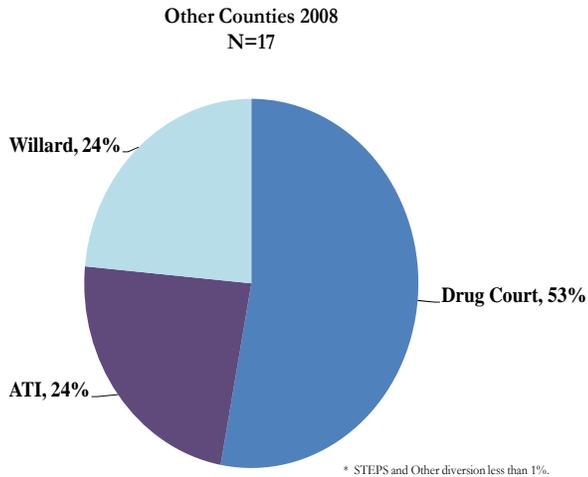
- In Other Counties, the proportion of 2<sup>nd</sup> B-E felony drug arrests disposed prior to indictment/SCI went down from 28% in 2008 to 23% in 2010.



- The proportion of arrests resulting in prison as an initial case disposition dropped from 51% to 47% after the 2009 drug law changes.
- The proportion diverted increased from 4% to 10%.

## Other Counties: 2008 vs. 2010

### Type of Post-Indictment Diversion 2<sup>nd</sup> B-E Felony Drug Arrest: Other Counties 2008



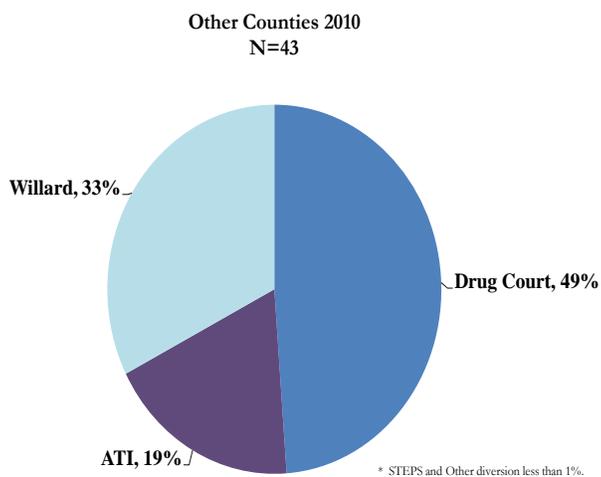
Source: DCJS/OCA/STEPS/ATI

\*Excludes prior VFO convictions

47

- In Other Counties during 2008, 53% of the 1<sup>st</sup> B-E cases diverted after indictment/SCI entered drug court, 24% went to ATI programs, and 24% went to Willard.

### Type of Post-Indictment Diversion 2<sup>nd</sup> B-E Felony Drug Arrest: Other Counties 2010



Source: DCJS/OCA/STEPS/ATI

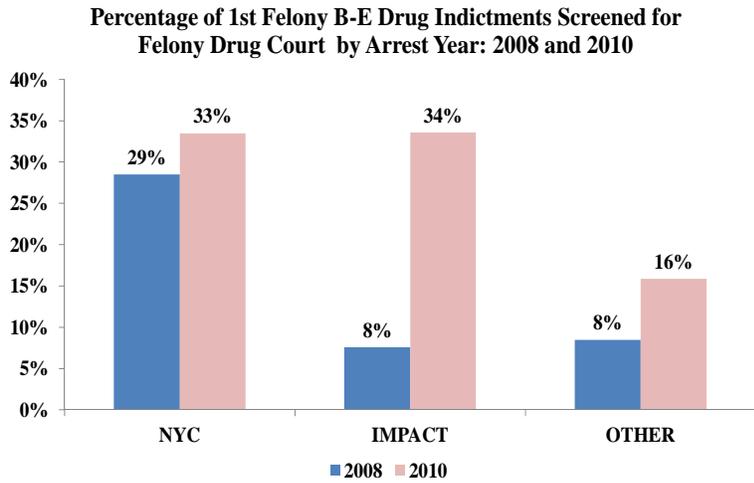
\*Excludes prior VFO convictions

48

- After the 2009 drug law changes, the proportion of diverted cases entering drug court decreased to 49%, while the proportion entering ATI programs dropped to 19% and the proportion going to Willard increased to 33%.

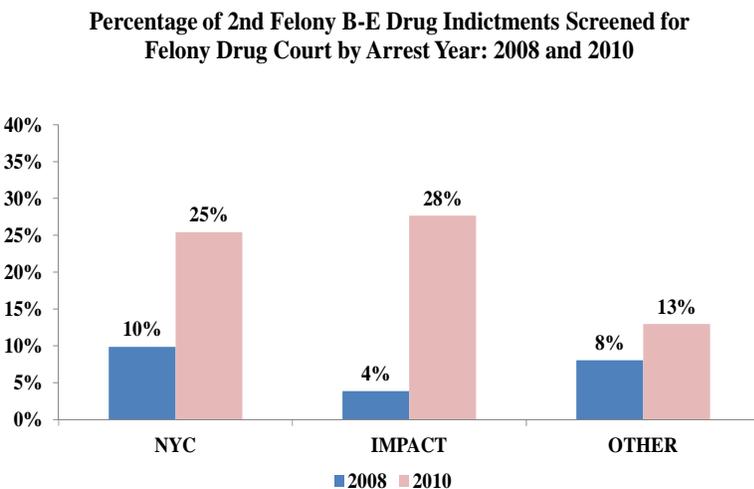
## 2008 and 2010 Class B-E Drug Arrests: Felony Drug Court Screenings among Indicted/SCI Cases

### Proportion of 1<sup>st</sup> Felony B-E Drug Indictments Who Were Screened for Drug Court Increased Statewide from 2008 to 2010



- The proportion of 1<sup>st</sup> felony B-E drug indictments/SCIs that were screened for drug court increased statewide from 2008 to 2010, with the largest increase in IMPACT Counties (8% to 34%) and Other Counties (8% to 16%).

### Proportion of 2<sup>nd</sup> Felony B-E Drug Indictments Who Were Screened for Drug Court Increased Statewide from 2008 to 2010



- The proportion of 2<sup>nd</sup> felony B-E drug indictments/SCIs that were screened for felony drug court also went up between 2008 and 2010, with the largest increase in IMPACT Counties (4% to 28%).

## **Drug Court Activity among Article 216-Eligible Cases, 2008-2011**

The following section updates trends that were initially presented in a report produced by DCJS and the Office of Court Administration (OCA) (see <http://www.criminaljustice.ny.gov/drug-law-reform/documents/drug-court-activity-report.pdf> ). The trends in felony drug court screenings and admissions are now updated through 2011.

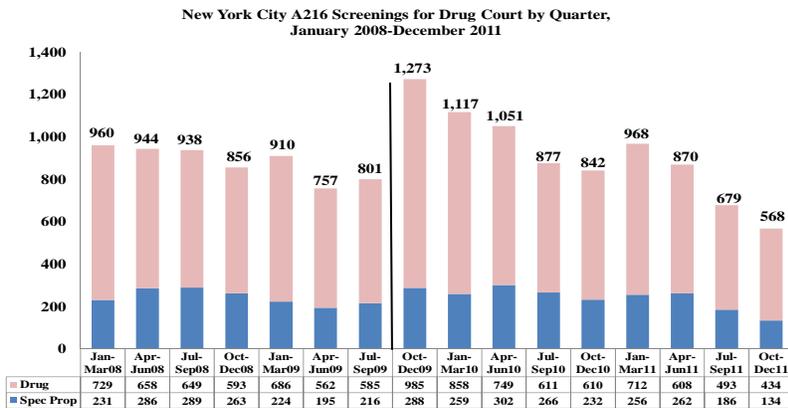
Cases include screenings and admissions among offenders eligible for judicial diversion under CPL Article 216. Eligible offenses include felony level B, C, D, or E drug offenses and property offenses specified in Article 216 (Burglary 3rd, Criminal Mischief 2nd and 3rd, Grand Larceny 3rd and 4th - excluding firearms, Criminal Possession of Stolen Property 3rd and 4th - excluding firearms, Forgery 2nd, Possession of Forged Instrument 2nd, Unauthorized Use of Motor Vehicle 2nd, and Unlawfully Using Slugs 1st).

### **Judicial Diversion: How DCJS Defines Cases Eligible under Article 216**

- Cases are considered Article 216-eligible based on their offense charge; this allows for comparisons of similar cases before and after the drug law changes.
- Counts include cases involving felony class B-E drug offenses and property offenses specified in Article 216 of the Criminal Procedure Law.
- Cases from OCA's Universal Treatment Application (UTA) are matched to the DCJS Computerized Criminal History File (CCH) to determine indictment/SCI offense.
- Extensive validation is done at DCJS to ensure accuracy.
- Cases are counted regardless of the court part.
- Only cases that remain in felony court are counted as Article 216-eligible.
- Eligible cases include many felony drug charges that do not require a prison sentence upon conviction.
- Eligible cases also include property offenses that do not require a prison sentence upon conviction.

## Quarterly Drug Court Screenings by Region (2008-2011)

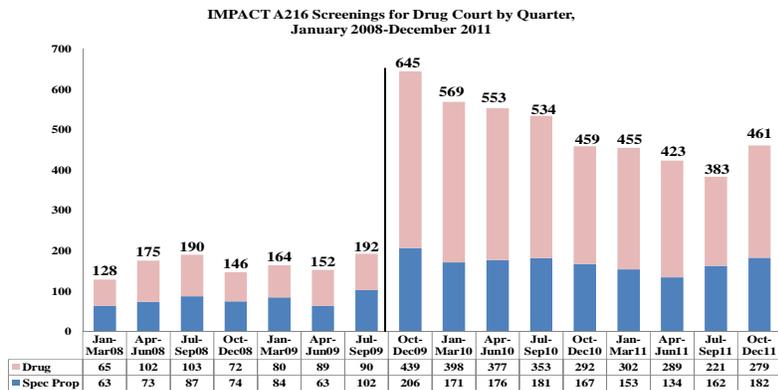
### New York City A216 Screenings for Felony Drug Court, Decreased (17%) from 2008 to 2011



Source: OCA UTA

- These graphs present Article 216-eligible drug court screenings by quarter 2008-2011. The black lines approximate the effective date of Article 216, which was October 7, 2009.
- In New York City, after an initial increase following October 2009, quarterly drug court screenings have declined. This corresponds to the decrease in felony drug arrests.

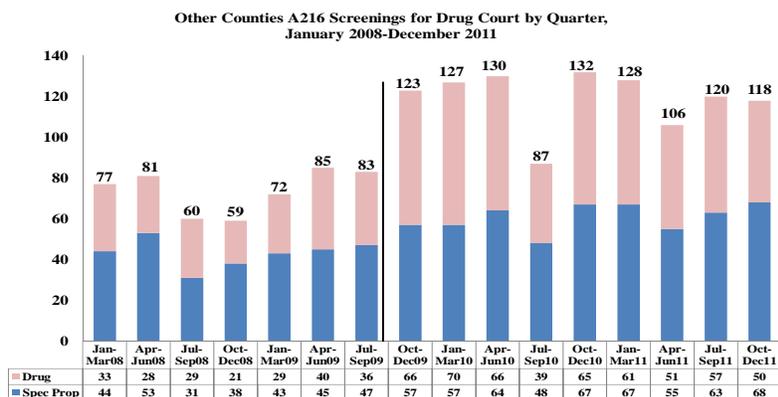
### IMPACT Counties A216 Screenings for Felony Drug Court, Increased (169%) from 2008 to 2011



Source: OCA UTA

- In IMPACT Counties, specified property offenses make up about a third of drug court screenings.
- Annual drug court screenings are up from 639 in 2008 to 1,722 in 2011.

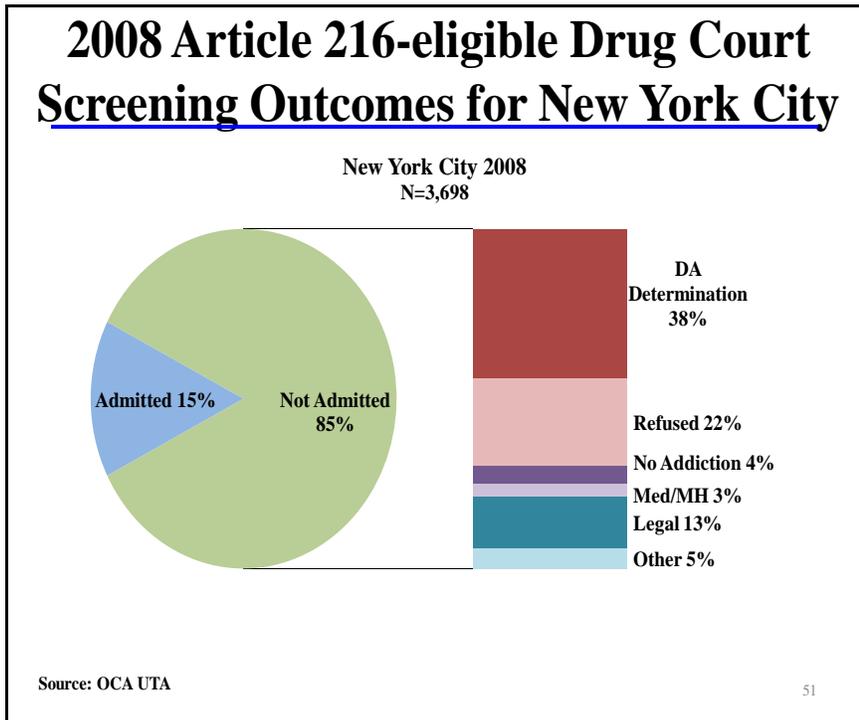
### Other Counties A216 Screenings for Felony Drug Court, Increased (70%) from 2008 to 2011



Source: OCA UTA

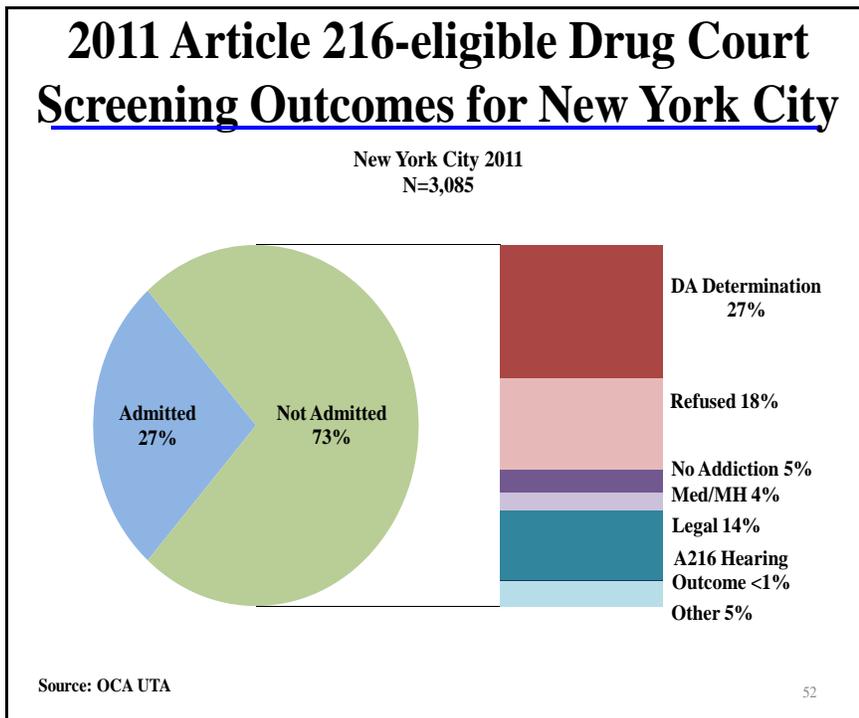
- In Other Counties, specified property offenses make up more than half of drug court screenings.
- Annual drug court screenings are up from 277 in 2008 to 472 in 2011.

## Felony Drug Court Screening Outcomes among Article 216-eligible Offenses, New York City (2008 and 2011)



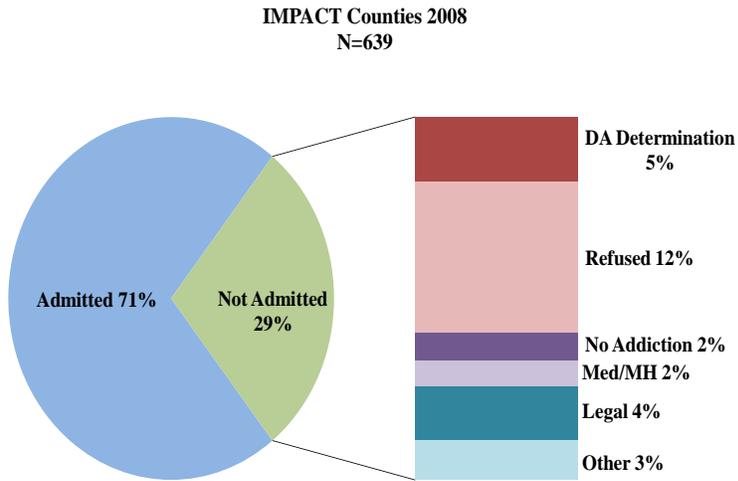
- In New York City, admission rates to drug court after screening increased from 15% to 27% between 2008 and 2011. Refusal rates went down from 22% to 18%.

- The cases coded in the UTA as not admitted due to district attorney determination reflect how diversion cases are processed in some jurisdictions. The majority of these cases were from Brooklyn and Queens, most were diverted from felony prosecution, and many of these defendants ended up in diversion programs other than felony drug court.



**Felony Drug Court Screening Outcomes among Article 216-eligible Offenses, IMPACT Counties (2008 and 2011)**

**2008 Article 216-eligible Drug Court Screening Outcomes IMPACT Counties**

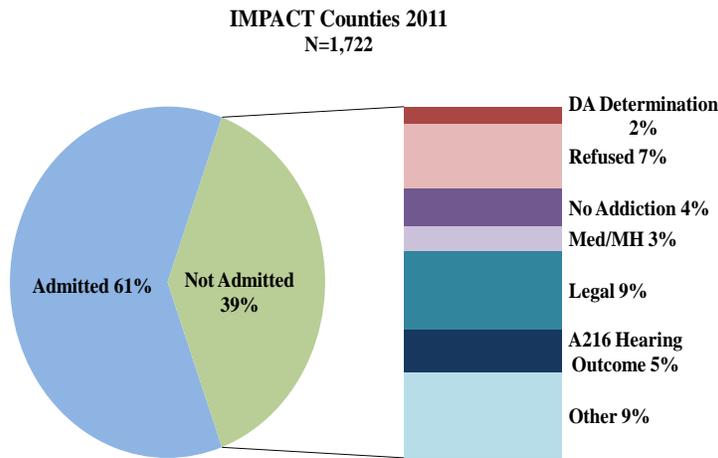


Source: OCA UTA

53

- In IMPACT Counties, admission rates to drug court after screening decreased from 71% to 61% between 2008 and 2011, but the number of screenings almost tripled at the same time.

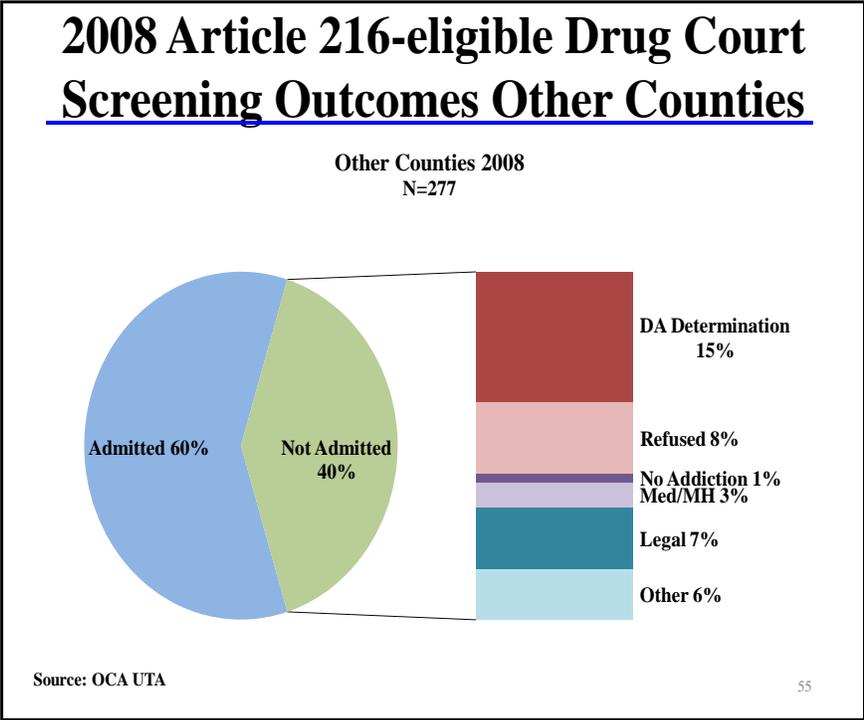
**2011 Article 216-eligible Drug Court Screening Outcomes IMPACT Counties**



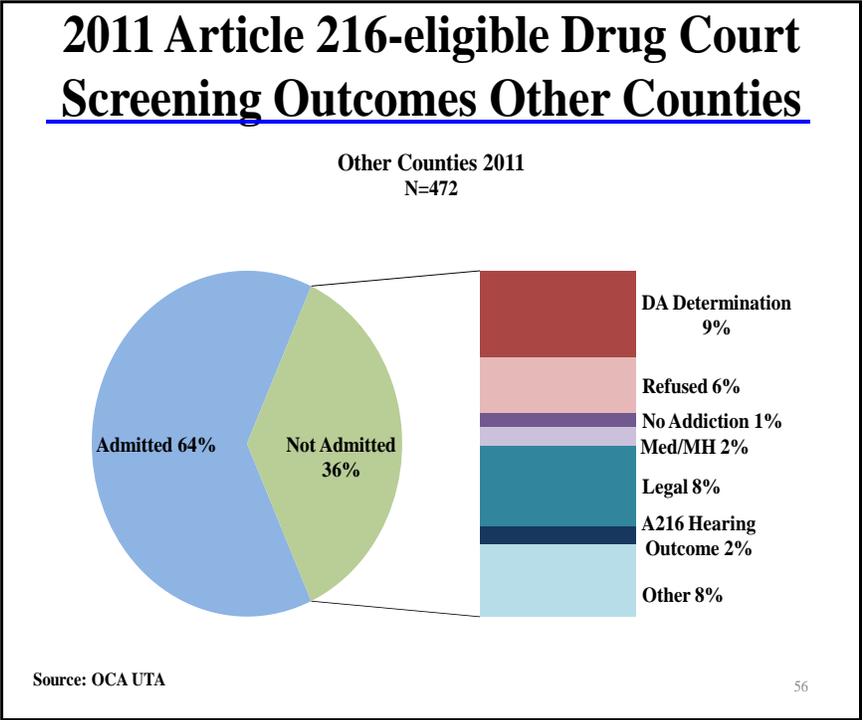
Source: OCA UTA

54

**Felony Drug Court Screening Outcomes among Article 216-eligible Offenses, Other Counties (2008 and 2011)**

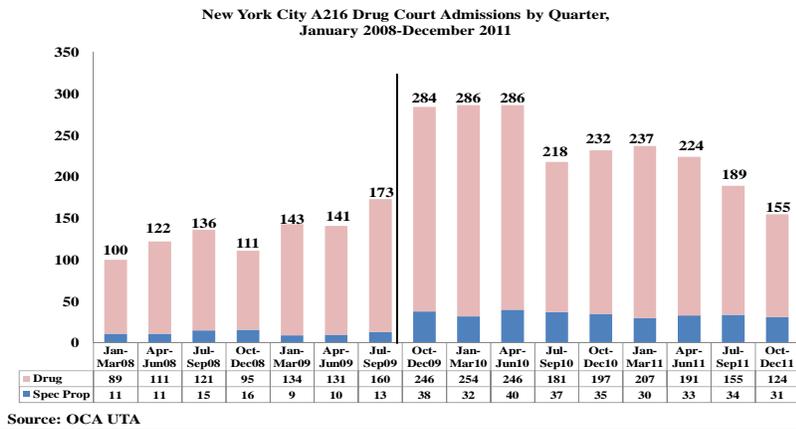


- In Other Counties, admission rates to drug court after screening increased, from 60% in 2008 to 64% in 2011.



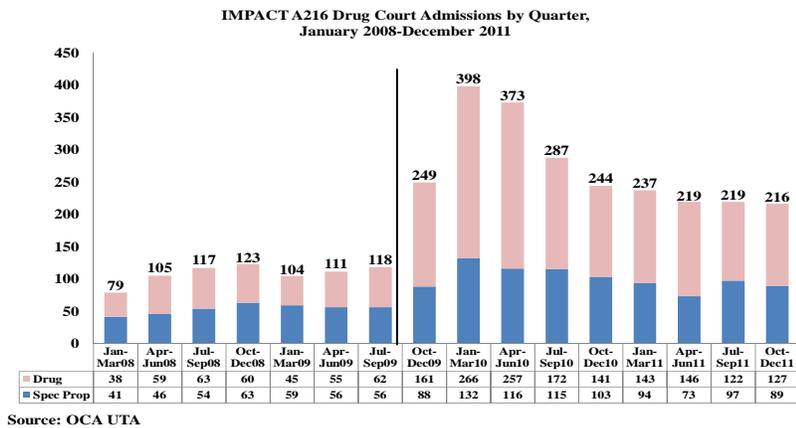
## Quarterly Drug Court Admissions by Region (2008-2011)

### New York City A216 Admissions to Drug Court, Increased (72%) since 2008



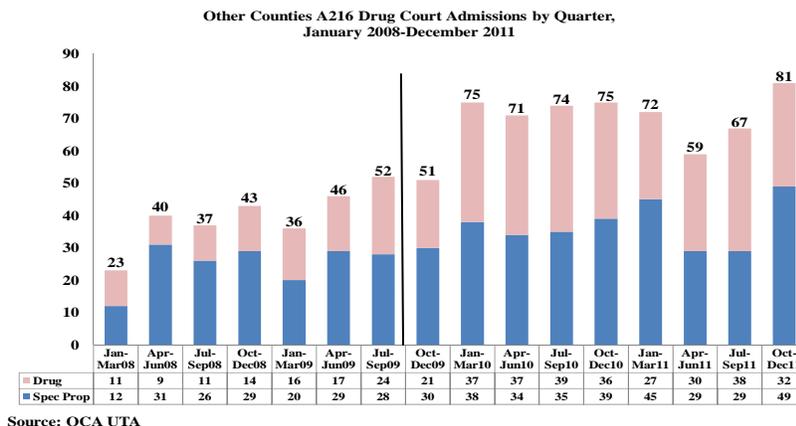
- In New York City, after an initial increase, quarterly admissions to drug court have declined incrementally.

### IMPACT Counties A216 Admissions to Drug Court, Increased (110%) since 2008



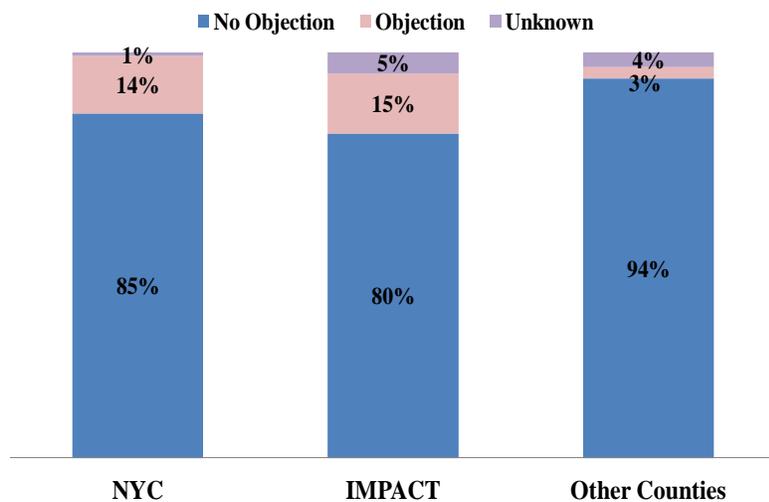
- In IMPACT Counties, specified property offenses make up about a third of drug court admissions.
- Annual drug court admissions more than doubled, up from 424 in 2008 to 891 in 2011.

### Other Counties A216 Admissions to Drug Court, Increased (95%) since 2008



- In Other Counties, specified property offenses make up more than half of drug court admissions.
- Annual drug court admissions doubled, up from 143 in 2008 to 279 in 2011.

## DA Objection to Drug Court Admissions As Reflected On OCA Database for 2011



Source: OCA UTA

57

- Statewide, in 2011, District Attorneys did not formally object to most drug court admissions.
- Formal objections were registered in 14% of drug court admissions in New York City, 15% in IMPACT Counties, and 3% in Other Counties.

## 84% of Article 216 Eligible Cases Admitted to Drug Court are Not Facing a Mandatory Prison Sentence

### Top Arraignment Charge for Article 216 Drug Court Admissions: 2011

	NYC	IMPACT Counties	Other Counties	TOTAL
Total Article 216 Admissions	805	891	279	1,975

#### Facing Mandatory Prison

	NYC	IMPACT Counties	Other Counties	Total
B 2nd Drug	227	81	11	319
Percent of All Admissions	28%	9%	4%	16%

#### Not Facing Mandatory Prison

	NYC	IMPACT Counties	Other Counties	Total
Other Drug	450	457	116	1,023
Specified Property	128	353	152	633
Total Non-Mandatory	578	810	268	1,656
Percent of All Admissions	72%	91%	96%	84%

Source: OCA UTA and DCJS

58

- Of the Article 216 eligible cases that were admitted to drug court in 2011, 72% of the admissions in NYC were not facing a mandatory prison sentence, compared to 91% in IMPACT Counties and 96% in Other Counties.

## Article 216 Hearings

CPL Article 216 provides that a defendant or prosecutor may request a judicial hearing on the defendant's eligibility and suitability for participation in a substance abuse treatment program. After the proceeding, the court makes findings of fact regarding the defendant's eligibility under the statute, the likelihood that treatment will be effective, and how public safety is served by the decision.

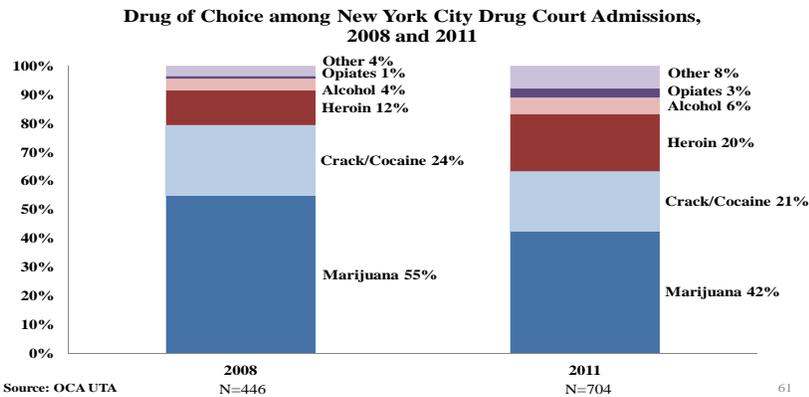
### Article 216 Hearings Requested by County through February 16, 2012 (Total 645)

County	Number	County	Number	County	Number
Albany	3	Jefferson	1	Queens	18
Bronx	5	Kings	25	Rensselaer	3
Broome	6	Livingston	6	Richmond	10
Chautauqua	6	Monroe	120	Rockland	3
Chemung	4	Nassau	29	St. Lawrence	1
Chenango	2	New York	38	Saratoga	16
Columbia	2	Niagara	21	Schenectady	1
Cortland	1	Oneida	5	Suffolk	31
Dutchess	68	Onondaga	66	Sullivan	17
Erie	47	Orange	7	Tioga	1
Fulton	5	Orleans	4	Ulster	3
Genesee	4	Oswego	5	Westchester	42
Greene	1	Putnam	17	Yates	1

- OCA records indicate that Article 216 hearings have been requested in 645 cases; 451 (70%) found in favor of the defendant.
- 53% of hearings reported occurred in five counties: Monroe (120), Dutchess (68), Onondaga (66), Erie (47), and Westchester (42).
- 14% of hearings occurred in NYC, 71% in IMPACT counties, and 15% in Other Counties.
- 393 offenders have been admitted to drug court after requesting an A216 Hearing (5% of admissions).
- The number of hearings requested fell from 369 in 2010 to 218 in 2011 (-41%).

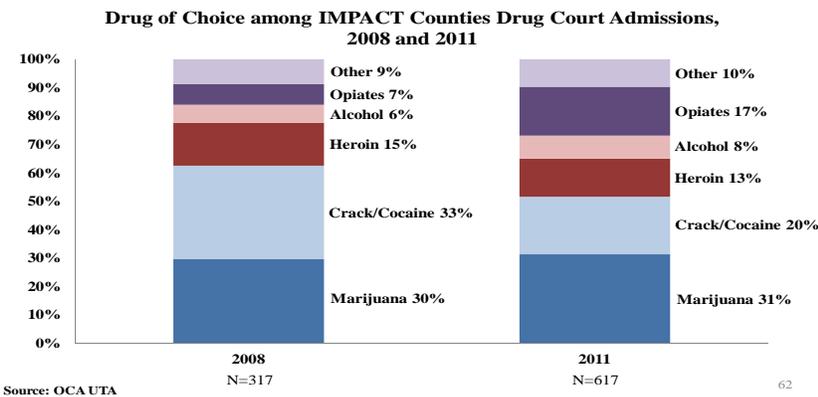
## Drug of Choice by Region (2008 and 2011)

### Drug of Choice Reported by Offender: NYC A216 Drug Court Admissions, 2008 and 2011



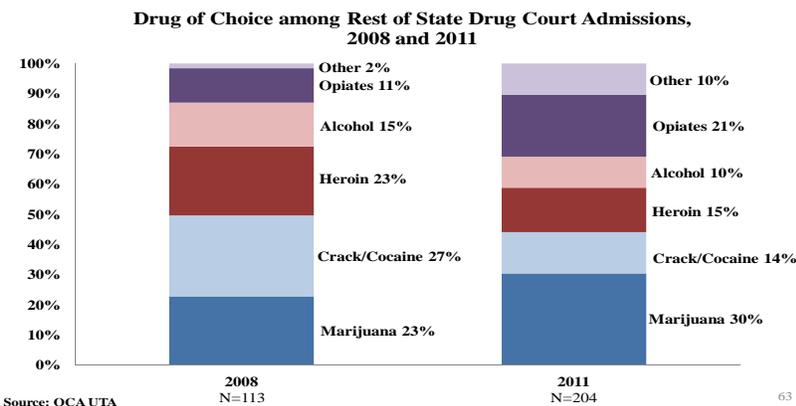
- In New York City in 2011, a smaller proportion of Article 216-eligible drug court admissions reported marijuana as their drug of choice as compared to 2008, and a larger proportion of individuals reported heroin.

### Drug of Choice Reported by Offender: IMPACT A216 Drug Court Admissions, 2008 and 2011



- In IMPACT Counties in 2011, a smaller proportion of Article 216-eligible drug court admissions reported crack/cocaine as their drug of choice than in 2008 and a larger proportion of individuals reported opiates.

### Drug of Choice Reported by Offender: Other Counties A216 Drug Court Admissions, 2008 and 2011



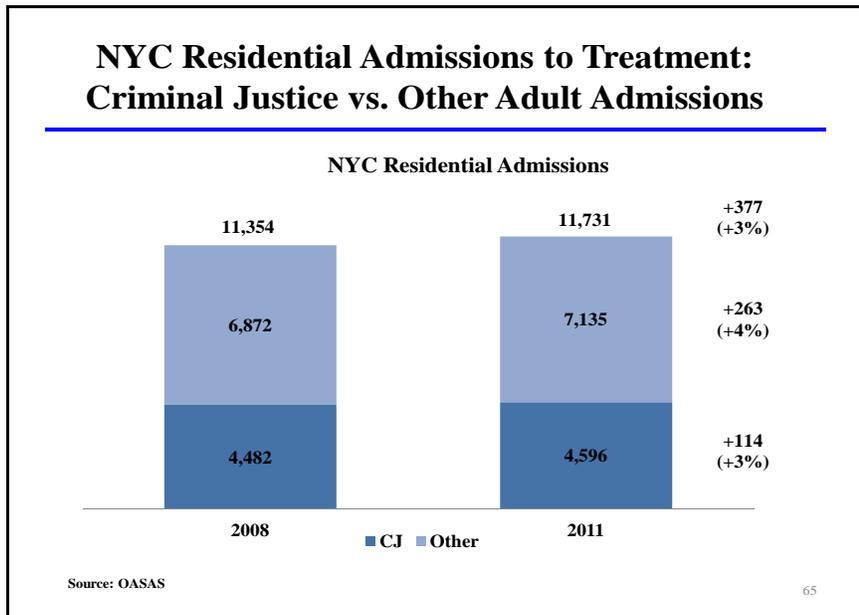
- In Other Counties in 2011, a smaller proportion of Article 216-eligible drug court admissions reported crack/cocaine, heroin, or alcohol as their drug of choice than in 2008 and a larger proportion of individuals reported marijuana or opiates.

\*Other drugs mostly include prescription drugs, designer drugs, and pills.

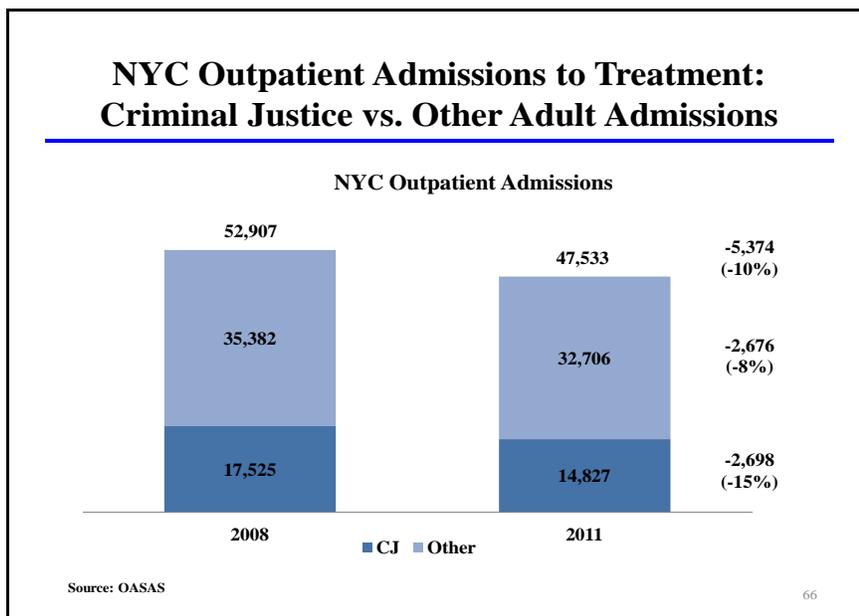
## OASAS Admissions to Residential and Outpatient Treatment by Region (2008 and 2011)

- Because the drug law changes can influence many system changes, DCJS and OASAS are monitoring all criminal justice admissions to treatment
- About half of non-crisis admissions to OASAS certified programs are criminal justice involved
- Charts show the number of admissions referred from drug court, other courts, ATI, programs, parole offices, probation departments and district attorneys' offices
- Counts exclude clients under 16, family court referrals and DWIs, but include misdemeanor offenders

### New York City



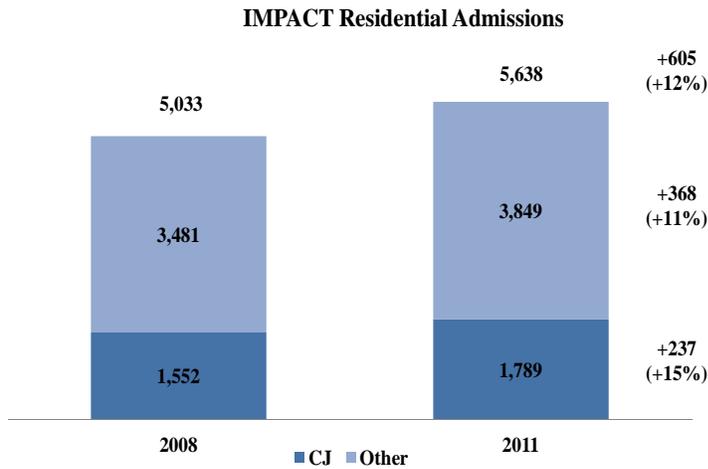
- In New York City, residential admissions to treatment for criminal justice clients increased 3% between 2008 and 2011.



- In New York City, outpatient admissions to treatment for criminal justice clients decreased 15% between 2008 and 2011.

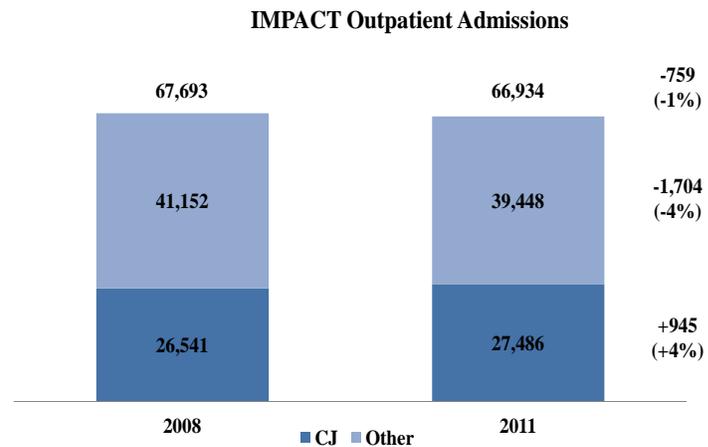
## IMPACT Counties

### IMPACT Counties Residential Admissions to Treatment: Criminal Justice vs. Other Adult Admissions



- In IMPACT Counties, residential admissions to treatment for criminal justice clients increased 15% between 2008 and 2011.

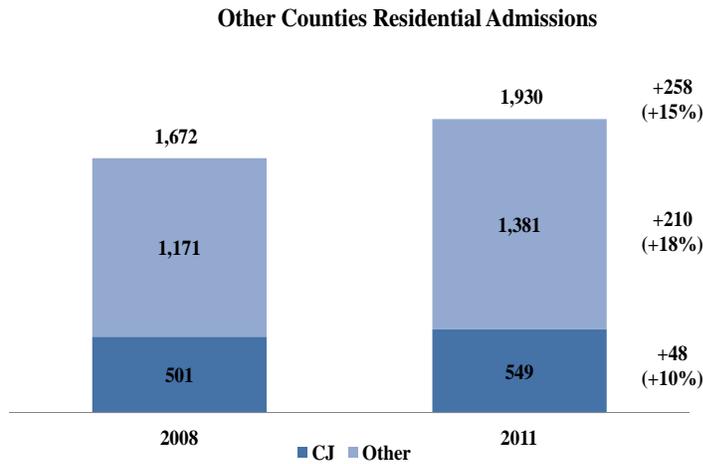
### IMPACT Counties Outpatient Admissions to Treatment: Criminal Justice vs. Other Adult Admissions



- In IMPACT Counties, outpatient admissions to treatment for criminal justice clients increased 4% between 2008 and 2011.

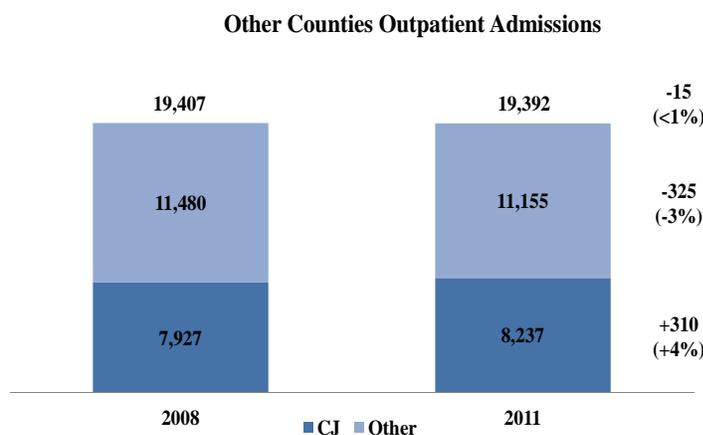
## Other Counties

### Other Counties Residential Admissions to Treatment: Criminal Justice and Other Adult Admissions



- In Other Counties, residential admissions to treatment for criminal justice clients increased 10% between 2008 and 2011.

### Other Counties Outpatient Admissions to Treatment: Criminal Justice vs. Other Adult Admissions



- In Other Counties, outpatient admissions to treatment for criminal justice clients increased 4% between 2008 and 2011.

## Other Information

### Criminal Justice Populations Down

NYS Criminal Justice Populations						
Region		Dec-99	Dec-08	Dec-11	% chg 2011 vs. 1999	% chg 2011 vs. 2008
New York City	Jails	15,959	12,692	11,998	-25%	-5%
	Probation	48,898	44,022	39,415	-19%	-10%
	Prison	46,798	30,201	26,108	-44%	-14%
	Parole	33,733	23,383	20,661	-39%	-12%
	<b>Total</b>	<b>145,388</b>	<b>110,298</b>	<b>98,182</b>	<b>-32%</b>	<b>-11%</b>
Rest of State	Jails	15,787	16,385	16,748	6%	2%
	Probation	87,631	78,142	78,376	-11%	0%
	Prison	24,674	29,880	28,948	17%	-3%
	Parole	17,373	18,372	16,904	-3%	-8%
	<b>Total</b>	<b>145,465</b>	<b>142,779</b>	<b>140,976</b>	<b>-3%</b>	<b>-1%</b>

Source: DCJS

71

- Overall, criminal justice populations who may participate in treatment programs have decreased substantially in New York City since 2008.

### Felony Drug Sentences to Probation Decreased

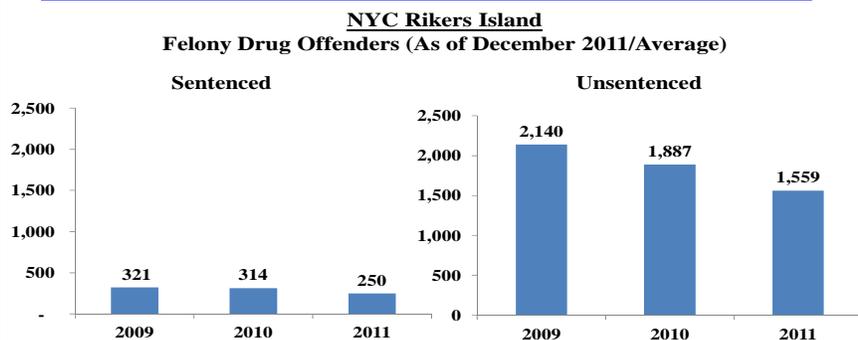
Felony Drug Sentences to Probation					
Region	Year				% chg 2011 vs. 2008
	2008	2009	2010	2011	
NYC	1,409	1,123	907	789	-44%
IMPACT	1,353	1,229	1,038	965	-29%
Other Counties	380	404	448	444	17%
<b>Statewide</b>	<b>3,142</b>	<b>2,756</b>	<b>2,393</b>	<b>2,198</b>	<b>-30%</b>

Source: DCJS

73

- Since 2008, felony drug sentences to probation decreased 44% in New York City and 29% in IMPACT counties. Probation sentences increased 17% in Other Counties.

### NYC Felony Drug Offender Jail Census Down



Source: NYCDOC

74

- Rikers Jail census information shows a decrease in both sentenced and unsented felony drug offenders between 2009 and 2011.

## Resentencing

### B Felony Drug Offenders Resentenced as of June 1, 2012 (645 To Date)

County	Number	County	Number	County	Number
Albany	27	Monroe	26	Saratoga	2
Allegany	1	Montgomery	1	Schenectady	23
Bronx	132	Nassau	15	Suffolk	11
Broome	7	New York	144	Sullivan	2
Chemung	1	Oneida	9	Tompkins	2
Clinton	2	Onondaga	29	Ulster	3
Columbia	11	Ontario	11	Warren	7
Dutchess	2	Orange	17	Washington	1
Erie	7	Oswego	2	Wayne	5
Fulton	5	Queens	44	Westchester	9
Greene	2	Rensselaer	5	Wyoming	1
Kings	63	Richmond	5		
Livingston	1	Rockland	10		
					78

- As of June 1, 2012, 645 individuals had been resentenced.
- Of these 645, 470 were released from prison based on the new sentence, 123 were resentenced after release from prison, and 52 still owe time on their newly imposed determinate sentence.

## Conditional Seals

### Conditional Seals Issued by County

County	Number	County	Number	County	Number
Albany	1	Niagara	3	Saratoga	8
Cattaraugus	1	Onondaga	1	Schenectady	5
Jefferson	3	Ontario	1	Steuben	1
Kings	2	Queens	1	Suffolk	2
Monroe	4	Rensselaer	12	Tompkins	1
Nassau	5	Richmond	1	Ulster	1
New York	4	Rockland	1	Warren	4
				<b>Total</b>	<b>62</b>

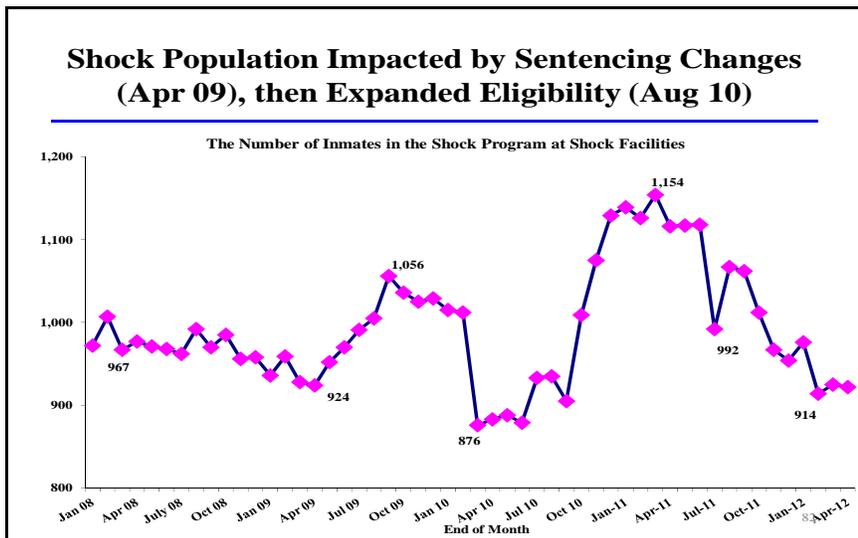
- As of June 1, 2012, 58 offenders have had 62 conditional seals processed by OCA and DCJS.
  - For two offenders, two seals were processed and for one offender three seals were processed.
- For 30 individuals, sealing under Penal Law 160.58 resulted in a clean criminal history.
- The average number of years between arrest and seal is 4.8.
- Regions:
  - 8 seals in NYC
  - 30 in IMPACT Counties
  - 24 in the Other Counties.

80

## New Crimes

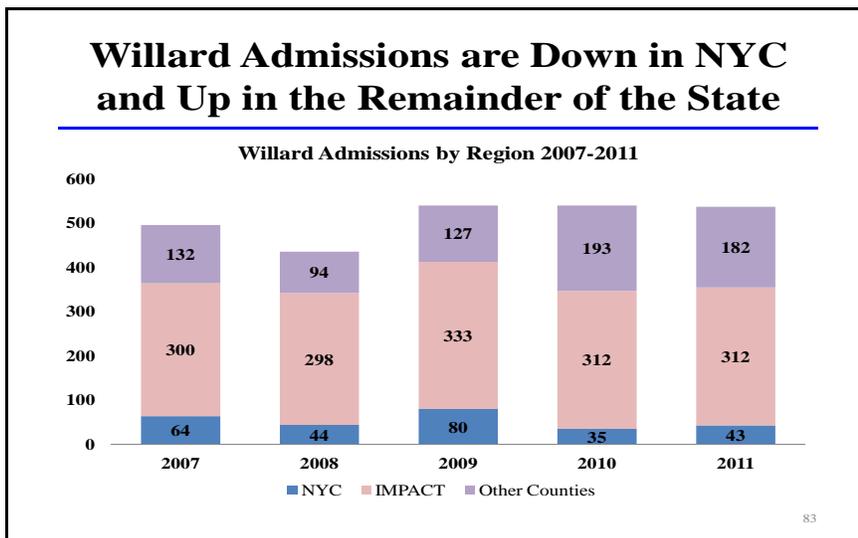
- PL 220.48 Sale of a Controlled Substance to a Child (Class B Felony)
  - Sale of a controlled substance to a person under age 17 by a person over age 21.
  - 7 indictments/SCIs through May 2012.
- PL 220.77 Operating as a Major Trafficker (Class A-I Felony)
  - Directing a controlled substance organization with drug sales of \$75,000 or more within a 12 month period.
  - Selling narcotics worth \$75,000 or more within a 6 month period.
  - Possessing, with the intent to sell, narcotics worth \$75,000 or more within a 6 month period.
  - 56 indictments/SCIs through May 2012.

## Shock Program



- Shock is a six month program for young, non-violent offenders sentenced to prison and includes drug treatment in a highly structured environment. Completion of the program makes offenders eligible for early parole at the discretion of the Board of Parole.
- Initially, the Shock population increased with expanded eligibility, but reductions in the number of drug commitments since 2008 have resulted in an overall decrease in Shock participants.

## Willard Admissions



- Willard Drug Treatment Campus is similar to Shock but is for offenders sentenced to parole and lasts three months.
- Statewide, from 2008 to 2011, Willard admissions increased 23% from 436 to 537.
- In New York City, after an initial increase, Willard admissions returned to 2008 levels.

## Appendix A: Felony Drug Commitments to DOCCS by Region and Felony Class, 2008 vs. 2011

Felony Class		Region & Year											
		NYC			IMPACT			Other Counties			Statewide		
		2008	2011	% chg	2008	2011	% chg	2008	2011	% chg	2008	2011	% chg
A-I	1st	5	12	140%	6	8	33%	0	0	0%	11	20	82%
	2nd	5	3	-40%	6	2	-67%	1	2	100%	12	7	-42%
A-II	1st	115	111	-3%	71	58	-18%	9	6	-33%	195	175	-10%
	2nd	22	22	0%	32	17	-47%	4	1	-75%	58	40	-31%
B	1st	562	451	-20%	483	249	-48%	153	119	-22%	1198	819	-32%
	2nd	354	562	59%	319	276	-13%	70	79	13%	743	917	23%
C	1st	129	50	-61%	194	101	-48%	98	79	-19%	421	230	-45%
	2nd	516	222	-57%	431	200	-54%	65	76	17%	1012	498	-51%
D	1st	110	50	-55%	168	97	-42%	100	87	-13%	378	234	-38%
	2nd	563	258	-54%	343	117	-66%	39	44	13%	945	419	-56%
E	1st	7	3	-57%	13	9	-31%	17	23	35%	37	35	-5%
	2nd	96	69	-28%	77	44	-43%	7	6	-14%	180	119	-34%
<b>Total</b>		2,484	1,813	-27%	2,143	1,178	-45%	563	522	-7%	5,190	3,513	-32%

Source: DOCCS

## Appendix B: Median Sentence Length for Drug Commitments to DOCCS by Region 2008 and 2011



Source: DOCCS

## Appendix C

### Five Year Trends: Felony Drug Arrests by County 2007-2011

FELONY DRUG ARRESTS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Bronx	9,739	9,429	9,070	7,734	7,178
Kings	9,299	8,157	6,934	5,979	5,889
New York	7,627	7,210	6,258	5,730	5,007
Queens	3,532	2,994	2,692	2,533	2,425
Richmond	1,154	1,102	1,093	902	785
<b>NYC Counties Subtotal</b>	<b>31,351</b>	<b>28,892</b>	<b>26,047</b>	<b>22,878</b>	<b>21,284</b>
Albany	718	516	567	515	461
Broome	334	281	231	219	190
Chautauqua	204	214	172	170	130
Dutchess	166	173	181	199	204
Erie	1,936	1,736	1,498	1,425	1,309
Monroe	848	889	722	789	693
Nassau	1,007	974	944	982	705
Niagara	266	230	254	214	220
Oneida	290	278	249	220	247
Onondaga	677	621	509	526	503
Orange	571	503	465	441	365
Rensselaer	196	152	170	150	164
Rockland	355	310	303	261	273
Schenectady	260	172	183	212	160
Suffolk	1,438	1,023	967	904	923
Ulster	244	202	178	187	152
Westchester	1,294	1,130	1,053	1,193	1,225
<b>IMPACT Counties Subtotal</b>	<b>10,804</b>	<b>9,404</b>	<b>8,646</b>	<b>8,607</b>	<b>7,924</b>

Source: DCJS
--------------

(con't)

## Appendix C (cont'd)

### Five Year Trends: Felony Drug Arrests by County 2007-2011

FELONY DRUG ARRESTS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Allegany	49	26	51	56	57
Cattaraugus	38	55	71	45	86
Cayuga	67	69	82	78	74
Chemung	64	74	89	84	63
Chenango	17	14	43	25	22
Clinton	84	101	99	119	79
Columbia	41	51	31	28	52
Cortland	59	27	41	34	49
Delaware	25	44	30	24	28
Essex	26	24	29	37	39
Franklin	89	85	76	78	68
Fulton	40	47	43	43	30
Genesee	40	25	52	33	60
Greene	53	41	65	57	53
Hamilton	7	1	1	3	2
Herkimer	24	33	18	27	32
Jefferson	86	100	109	113	118
Lewis	31	22	15	12	12
Livingston	23	13	38	48	26
Madison	35	23	17	20	32
Montgomery	59	27	67	51	74
Ontario	58	107	150	111	72
Orleans	80	50	59	81	47
Oswego	64	99	86	54	94
Otsego	49	65	57	75	77
Putnam	76	98	80	93	98
St. Lawrence	149	123	115	110	150
Saratoga	91	122	104	121	100
Schoharie	11	9	12	26	18
Schuyler	8	5	22	10	28
Seneca	18	24	18	14	28
Steuben	99	56	86	68	77
Sullivan	115	96	69	68	95
Tioga	15	13	15	29	24
Tompkins	40	36	36	26	32
Warren	52	103	89	62	72
Washington	29	26	34	50	31
Wayne	93	75	94	59	52
Wyoming	41	42	20	59	36
Yates	8	14	13	8	26
<b>Other Counties Subtotal</b>	<b>2,053</b>	<b>2,065</b>	<b>2,226</b>	<b>2,139</b>	<b>2,213</b>
<b>Statewide Total</b>	<b>44,208</b>	<b>40,361</b>	<b>36,919</b>	<b>33,624</b>	<b>31,421</b>

Source: DCJS

## Appendix D

### Five Year Trends: Felony Drug Indictments/SCIs by County 2007-2011

FELONY DRUG INDICTMENTS/SCIS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Bronx	2,589	2,075	2,118	1,949	1,587
Kings	1,917	1,657	1,678	1,352	1,105
New York	3,417	3,196	2,922	2,594	2,236
Queens	958	714	717	629	619
Richmond	222	186	199	185	197
<b>NYC Counties Subtotal</b>	<b>9,103</b>	<b>7,828</b>	<b>7,634</b>	<b>6,709</b>	<b>5,744</b>
Albany	402	280	314	330	281
Broome	216	214	175	158	124
Chautauqua	132	164	123	116	77
Dutchess	97	125	99	117	94
Erie	666	578	478	393	345
Monroe	468	451	300	324	301
Nassau	758	665	566	600	334
Niagara	149	114	152	101	126
Oneida	258	236	224	174	236
Onondaga	410	389	337	372	299
Orange	357	292	156	183	165
Rensselaer	137	120	101	111	103
Rockland	237	199	199	182	199
Schenectady	176	122	93	126	74
Suffolk	951	847	609	636	667
Ulster	109	125	99	70	34
Westchester	335	380	310	253	270
<b>IMPACT Counties Subtotal</b>	<b>5,858</b>	<b>5,301</b>	<b>4,335</b>	<b>4,246</b>	<b>3,729</b>

Source: DCJS

(con't)

## Appendix D (cont'd)

### Five Year Trends: Felony Drug Indictments/SCIs by County 2007-2011

FELONY DRUG INDICTMENTS/SCIS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Allegany	24	18	30	29	38
Cattaraugus	37	57	60	33	73
Cayuga	50	63	86	69	74
Chemung	56	53	77	68	56
Chenango	7	6	27	21	12
Clinton	56	81	60	94	41
Columbia	22	34	21	10	7
Cortland	39	29	27	27	37
Delaware	13	27	15	17	9
Essex	32	11	14	45	34
Franklin	58	35	27	23	38
Fulton	27	28	43	33	19
Genesee	34	18	34	19	47
Greene	20	11	11	22	17
Hamilton	7	1	0	1	0
Herkimer	19	26	18	28	28
Jefferson	69	84	80	102	117
Lewis	33	21	15	12	3
Livingston	22	18	24	43	15
Madison	6	6	1	12	19
Montgomery	26	21	21	22	20
Ontario	67	68	126	103	64
Orleans	60	39	48	70	52
Oswego	27	40	46	26	44
Otsego	40	39	39	45	50
Putnam	24	23	24	25	27
St. Lawrence	56	52	86	64	80
Saratoga	59	49	60	52	57
Schoharie	2	5	0	4	6
Schuyler	11	4	18	10	10
Seneca	3	13	10	11	14
Steuben	83	55	71	46	49
Sullivan	86	60	43	28	25
Tioga	14	7	15	15	21
Tompkins	50	37	22	28	19
Warren	48	76	73	58	63
Washington	23	30	31	34	28
Wayne	83	57	77	44	32
Wyoming	36	36	31	62	33
Yates	5	10	3	12	19
<b>Other Counties Subtotal</b>	<b>1,434</b>	<b>1,348</b>	<b>1,514</b>	<b>1,467</b>	<b>1,397</b>
<b>Statewide Total</b>	<b>16,395</b>	<b>14,477</b>	<b>13,483</b>	<b>12,422</b>	<b>10,870</b>

Source: DCJS

## Appendix E

### Five Year Trends: Felony Drug Commitments by County 2007-2011

<b>FELONY DRUG COMMITMENTS BY COUNTY (2007-2011)</b>					
<b>County</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Bronx	741	541	468	420	438
Kings	465	338	329	194	164
New York	1,598	1,300	1,247	1,157	957
Queens	355	256	242	203	213
Richmond	82	49	53	45	41
<b>NYC Counties Subtotal</b>	<b>3,241</b>	<b>2,484</b>	<b>2,339</b>	<b>2,019</b>	<b>1,813</b>
Albany	189	166	158	169	137
Broome	104	88	84	63	53
Chautauqua	38	48	21	19	18
Dutchess	53	42	42	47	53
Erie	161	157	105	99	98
Monroe	166	156	114	68	98
Nassau	222	213	141	111	75
Niagara	60	37	38	26	37
Oneida	130	137	110	77	97
Onondaga	159	153	114	100	102
Orange	150	172	64	49	42
Rensselaer	38	31	20	29	15
Rockland	89	66	27	37	35
Schenectady	94	88	59	51	35
Suffolk	426	367	196	157	177
Ulster	42	87	48	41	46
Westchester	181	135	96	62	60
<b>IMPACT Counties Subtotal</b>	<b>2,302</b>	<b>2,143</b>	<b>1,437</b>	<b>1,205</b>	<b>1,178</b>

Source: DOCCS

(con't)

## Appendix E (cont'd)

### Five Year Trends: Felony Drug Commitments by County 2007-2011

FELONY DRUG COMMITMENTS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Allegany	1	4	5	9	4
Cattaraugus	19	12	20	16	12
Cayuga	27	34	34	57	28
Chemung	22	26	25	25	16
Chenango	3	3	1	4	8
Clinton	14	29	31	31	36
Columbia	26	16	12	4	4
Cortland	14	17	15	13	9
Delaware	6	8	6	3	6
Essex	13	6	4	2	8
Franklin	14	9	9	7	9
Fulton	13	16	21	16	11
Genesee	8	13	12	11	10
Greene	10	10	5	4	7
Hamilton	2	2	0	1	0
Herkimer	6	5	4	5	11
Jefferson	21	14	24	37	28
Lewis	11	6	8	4	2
Livingston	7	13	6	19	4
Madison	3	3	0	3	4
Montgomery	14	17	9	11	15
Ontario	59	30	53	34	45
Orleans	13	19	19	14	30
Oswego	18	9	18	10	8
Otsego	24	11	20	15	28
Putnam	13	11	12	15	7
St. Lawrence	8	2	7	8	7
Saratoga	25	24	26	29	41
Schoharie	3	2	0	0	2
Schuyler	4	1	1	1	5
Seneca	3	1	1	3	3
Steuben	35	44	28	17	17
Sullivan	50	36	16	9	9
Tioga	9	2	3	4	6
Tompkins	21	10	4	11	4
Warren	28	41	36	30	36
Washington	9	16	23	26	26
Wayne	23	22	15	19	3
Wyoming	5	12	8	3	9
Yates	1	7	2	1	4
<b>Other Counties Subtotal</b>	<b>605</b>	<b>563</b>	<b>543</b>	<b>531</b>	<b>522</b>
<b>Statewide Total</b>	<b>6,148</b>	<b>5,190</b>	<b>4,319</b>	<b>3,755</b>	<b>3,513</b>

Source: DOCCS

## Appendix F

### Five Year Trends: Specified Property Arrests by County 2007-2011

SPECIFIED PROPERTY ARRESTS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Bronx	3,277	3,074	2,986	2,880	2,894
Kings	5,755	5,743	5,202	5,253	5,367
New York	6,643	6,693	6,604	6,119	5,532
Queens	4,509	4,452	4,140	4,485	4,173
Richmond	899	949	866	898	770
<b>NYC Counties Subtotal</b>	<b>21,083</b>	<b>20,911</b>	<b>19,798</b>	<b>19,635</b>	<b>18,736</b>
Albany	965	959	811	881	780
Broome	489	464	491	444	502
Chautauqua	267	247	241	211	269
Dutchess	496	617	527	586	519
Erie	2,302	2,380	2,484	2,300	2,662
Monroe	1,126	1,140	1,184	1,254	1,159
Nassau	1,876	1,814	1,928	1,865	1,623
Niagara	526	572	557	603	580
Oneida	484	462	388	393	361
Onondaga	1,220	1,155	1,045	1,148	1,120
Orange	917	822	769	782	752
Rensselaer	328	307	331	340	338
Rockland	412	482	444	430	373
Schenectady	383	360	322	381	408
Suffolk	1,968	1,784	1,759	1,683	1,628
Ulster	315	363	436	430	419
Westchester	1,712	1,781	1,500	1,426	1,386
<b>IMPACT Counties Subtotal</b>	<b>15,786</b>	<b>15,709</b>	<b>15,217</b>	<b>15,157</b>	<b>14,879</b>

Source: DCJS

(con't)

## Appendix F (cont'd)

### Five Year Trends: Specified Property Arrests by County 2007-2011

SPECIFIED PROPERTY ARRESTS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Allegany	67	86	115	96	114
Cattaraugus	168	194	164	158	180
Cayuga	145	141	133	134	137
Chemung	172	184	144	162	168
Chenango	90	92	96	119	136
Clinton	209	172	169	180	191
Columbia	107	152	136	129	116
Cortland	79	88	117	100	110
Delaware	109	110	91	79	74
Essex	77	74	74	87	94
Franklin	123	115	122	107	126
Fulton	107	140	108	140	103
Genesee	104	122	131	103	134
Greene	137	161	134	145	164
Hamilton	6	6	1	6	6
Herkimer	126	114	75	106	100
Jefferson	253	211	281	249	244
Lewis	52	60	38	71	46
Livingston	115	106	52	74	65
Madison	153	185	138	108	94
Montgomery	92	103	99	101	90
Ontario	189	205	161	185	206
Orleans	60	62	95	88	68
Oswego	257	288	283	268	323
Otsego	183	149	131	159	158
Putnam	114	147	95	114	94
St. Lawrence	214	242	248	219	250
Saratoga	369	307	342	333	346
Schoharie	49	76	66	44	50
Schuyler	30	24	27	40	32
Seneca	47	84	58	54	69
Steuben	182	192	171	135	137
Sullivan	240	240	172	249	208
Tioga	86	79	80	77	65
Tompkins	144	116	137	105	134
Warren	187	179	191	206	175
Washington	94	97	117	96	102
Wayne	108	155	152	146	161
Wyoming	47	61	40	70	72
Yates	44	44	35	42	24
<b>Other Counties Subtotal</b>	<b>5,135</b>	<b>5,363</b>	<b>5,019</b>	<b>5,084</b>	<b>5,166</b>
<b>Statewide Total</b>	<b>42,004</b>	<b>41,983</b>	<b>40,034</b>	<b>39,876</b>	<b>38,781</b>

Source: DCJS

**Appendix G**  
**Five Year Trends: Specified Property**  
**Indictments/SCIs by County 2007-2011**

<b>SPECIFIED PROPERTY INDICTMENTS/SCIS BY COUNTY (2007-2011)</b>					
<b>County</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Bronx	400	404	438	368	302
Kings	484	637	614	570	568
New York	1,069	1,121	1,233	1,206	1,227
Queens	520	568	479	479	585
Richmond	123	89	114	140	124
<b>NYC Counties Subtotal</b>	<b>2,596</b>	<b>2,819</b>	<b>2,878</b>	<b>2,763</b>	<b>2,806</b>
Albany	201	236	191	205	215
Broome	202	170	186	164	196
Chautauqua	121	119	99	121	114
Dutchess	74	89	101	115	105
Erie	356	360	350	309	235
Monroe	472	487	496	393	385
Nassau	400	292	336	350	259
Niagara	102	119	76	115	69
Oneida	185	165	168	168	119
Onondaga	375	267	250	318	295
Orange	231	166	235	193	202
Rensselaer	64	54	55	72	69
Rockland	95	151	163	143	142
Schenectady	106	99	59	75	63
Suffolk	586	584	422	550	580
Ulster	54	71	101	109	58
Westchester	140	204	171	145	160
<b>IMPACT Counties Subtotal</b>	<b>3,764</b>	<b>3,633</b>	<b>3,459</b>	<b>3,545</b>	<b>3,266</b>

Source: DCJS

**(con't)**

**Appendix G (cont'd)**  
**Five Year Trends: Specified Property**  
**Indictments/SCIs by County 2007-2011**

<b>SPECIFIED PROPERTY INDICTMENTS/SCIS BY COUNTY (2007-2011)</b>					
<b>County</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>
Allegany	23	37	33	34	19
Cattaraugus	45	83	75	60	61
Cayuga	18	52	59	44	52
Chemung	69	106	81	78	94
Chenango	21	25	31	43	70
Clinton	86	55	55	48	56
Columbia	20	51	48	41	27
Cortland	27	28	43	45	48
Delaware	16	24	16	22	24
Essex	9	36	16	15	25
Franklin	52	42	40	18	38
Fulton	35	55	41	56	45
Genesee	49	59	69	67	71
Greene	28	21	34	27	39
Hamilton	2	0	0	0	1
Herkimer	48	69	42	50	66
Jefferson	125	83	84	119	87
Lewis	92	97	23	43	25
Livingston	77	66	42	52	46
Madison	20	25	31	76	53
Montgomery	45	32	34	36	30
Ontario	116	141	121	110	122
Orleans	32	20	26	33	23
Oswego	92	112	61	106	127
Otsego	25	27	23	25	25
Putnam	14	21	21	22	25
St. Lawrence	88	76	70	56	86
Saratoga	66	60	70	62	70
Schoharie	11	16	35	9	8
Schuyler	16	15	18	22	21
Seneca	20	20	17	16	24
Steuben	90	94	64	66	67
Sullivan	121	82	65	71	89
Tioga	41	45	47	48	38
Tompkins	39	55	55	60	70
Warren	68	69	60	73	59
Washington	28	51	38	36	40
Wayne	66	52	51	60	57
Wyoming	35	32	27	35	34
Yates	26	27	15	27	17
<b>Other Counties Subtotal</b>	<b>1,901</b>	<b>2,061</b>	<b>1,781</b>	<b>1,911</b>	<b>1,979</b>
<b>Statewide Total</b>	<b>8,261</b>	<b>8,513</b>	<b>8,118</b>	<b>8,219</b>	<b>8,051</b>

Source: DCJS

## Appendix H

### Five Year Trends: Specified Property Commitments by County 2007-2011

SPECIFIED PROPERTY COMMITMENTS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Bronx	106	97	93	90	78
Kings	149	133	141	131	127
New York	458	375	368	354	401
Queens	130	120	125	103	130
Richmond	31	30	28	30	22
<b>NYC Counties Subtotal</b>	<b>874</b>	<b>755</b>	<b>755</b>	<b>708</b>	<b>758</b>
Albany	72	75	90	61	76
Broome	34	40	18	27	36
Chautauqua	24	15	23	21	16
Dutchess	22	17	36	28	31
Erie	85	76	78	78	69
Monroe	97	91	85	64	63
Nassau	52	62	47	46	41
Niagara	37	20	26	31	26
Oneida	61	55	62	48	48
Onondaga	90	70	59	58	88
Orange	47	49	45	54	46
Rensselaer	14	9	12	14	10
Rockland	22	16	23	8	19
Schenectady	36	20	25	16	20
Suffolk	111	92	94	57	91
Ulster	18	13	22	28	43
Westchester	33	59	36	25	33
<b>IMPACT Counties Subtotal</b>	<b>855</b>	<b>779</b>	<b>781</b>	<b>664</b>	<b>756</b>

Source: DOCCS

(con't)

**Appendix H (cont'd)**  
**Five Year Trends: Specified Property**  
**Commitments by County 2007-2011**

SPECIFIED PROPERTY COMMITMENTS BY COUNTY (2007-2011)					
County	2007	2008	2009	2010	2011
Allegany	5	3	8	9	5
Cattaraugus	18	16	15	14	22
Cayuga	9	19	13	20	18
Chemung	13	25	17	15	14
Chenango	1	8	1	5	8
Clinton	9	27	24	24	24
Columbia	11	12	11	3	3
Cortland	10	14	8	11	7
Delaware	8	1	5	5	5
Essex	5	7	5	5	9
Franklin	14	11	11	8	10
Fulton	6	10	16	8	12
Genesee	12	9	13	23	15
Greene	7	8	12	8	23
Hamilton	2	0	0	0	1
Herkimer	15	15	13	10	15
Jefferson	22	8	15	15	10
Lewis	1	2	7	7	1
Livingston	20	22	24	10	9
Madison	8	4	9	11	10
Montgomery	13	10	10	9	9
Ontario	32	41	33	23	41
Orleans	13	9	9	12	9
Oswego	31	29	22	24	43
Otsego	8	7	8	6	11
Putnam	3	2	3	11	8
St. Lawrence	17	9	19	12	23
Saratoga	20	15	10	18	26
Schoharie	2	4	7	5	3
Schuyler	2	2	7	3	2
Seneca	7	3	1	0	6
Steuben	14	25	13	10	22
Sullivan	24	20	9	13	23
Tioga	6	7	10	13	9
Tompkins	10	8	5	8	22
Warren	21	33	28	26	30
Washington	9	9	13	16	20
Wayne	12	10	12	7	5
Wyoming	4	3	2	2	7
Yates	5	2	4	4	4
<b>Other Counties Subtotal</b>	<b>449</b>	<b>469</b>	<b>452</b>	<b>433</b>	<b>544</b>
<b>Statewide Total</b>	<b>2,178</b>	<b>2,003</b>	<b>1,988</b>	<b>1,805</b>	<b>2,058</b>

Source: DOCCS