

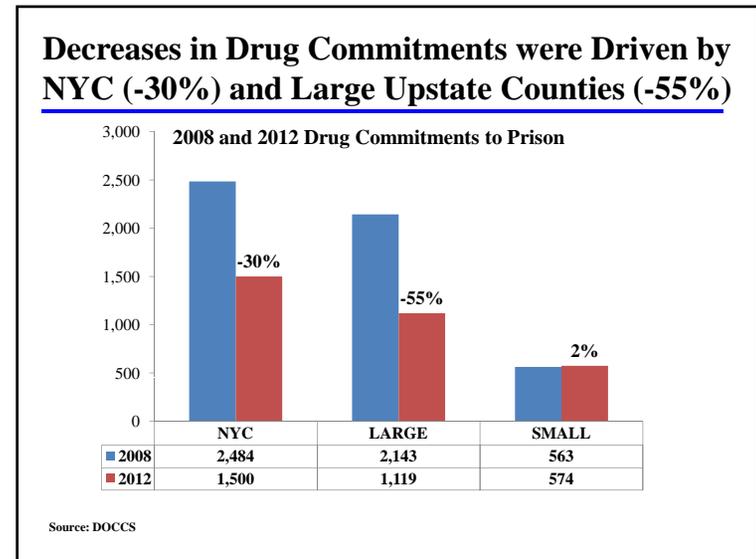
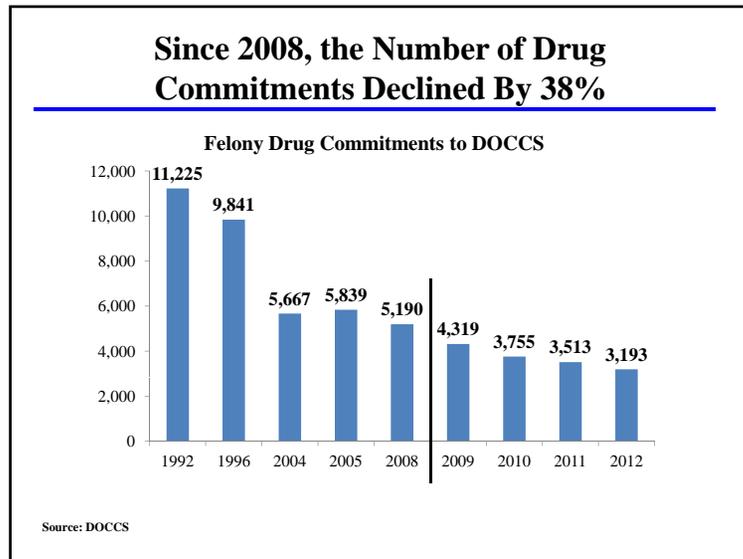
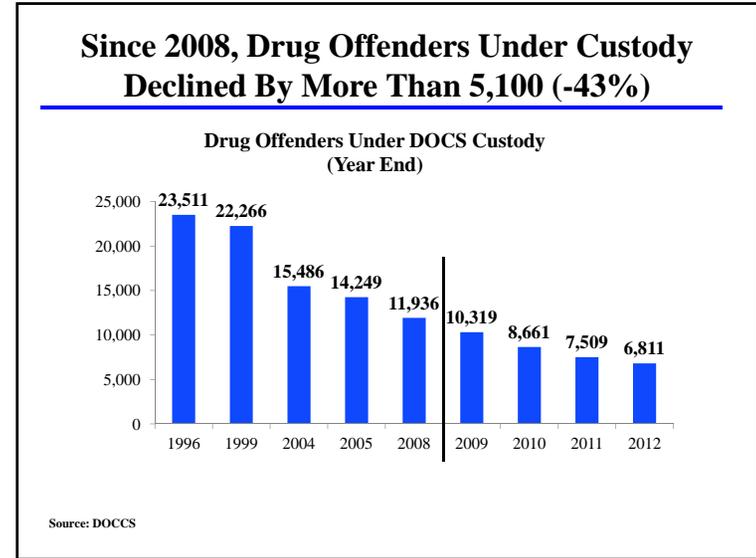
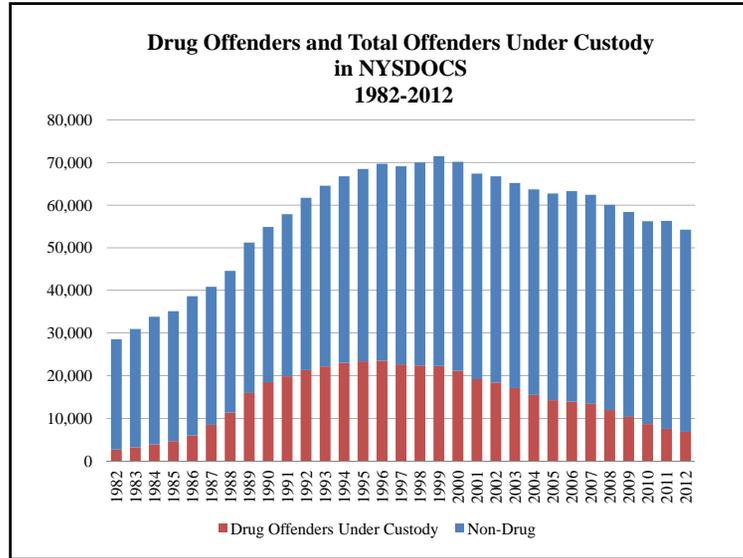
Division of Criminal Justice Services

Office of Justice Research and Performance

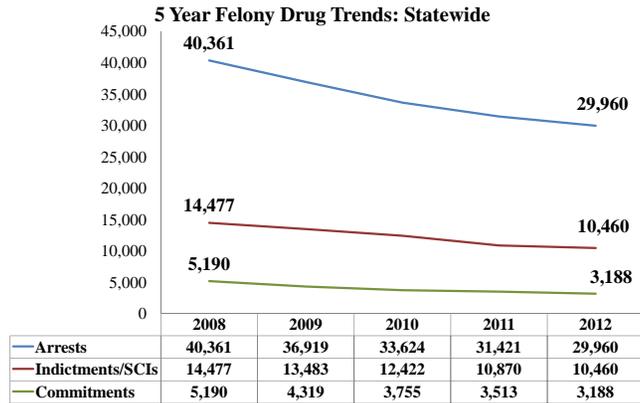


2009 Drug Law Reform Update

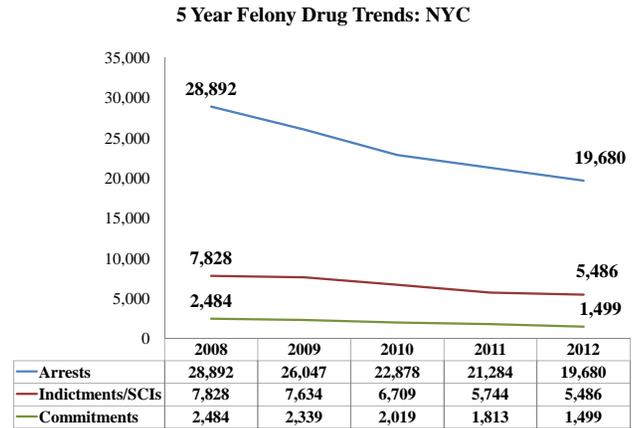
June 2013



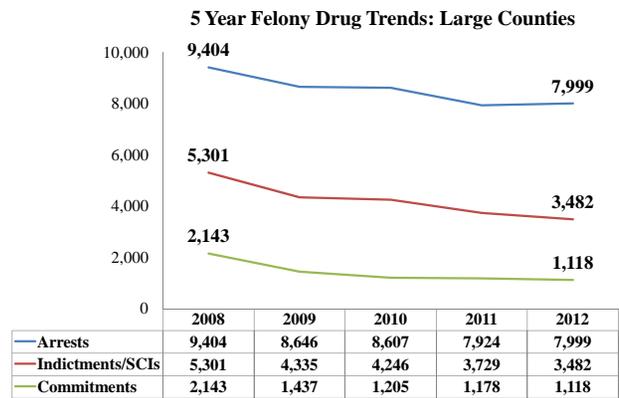
Much of the Decrease was due to a 26% Decline in Felony Drug Arrests Since 2008



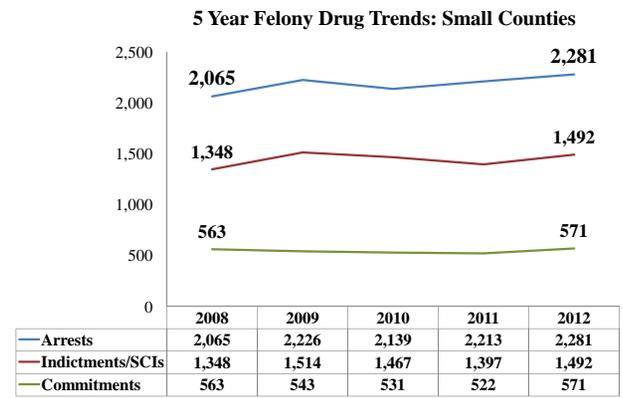
NYC Drug Arrests Declined 32% Since 2008



Large County Arrests Declined 15% Since 2008



Felony Drug Arrests in Small Counties Increased 10% Since 2008

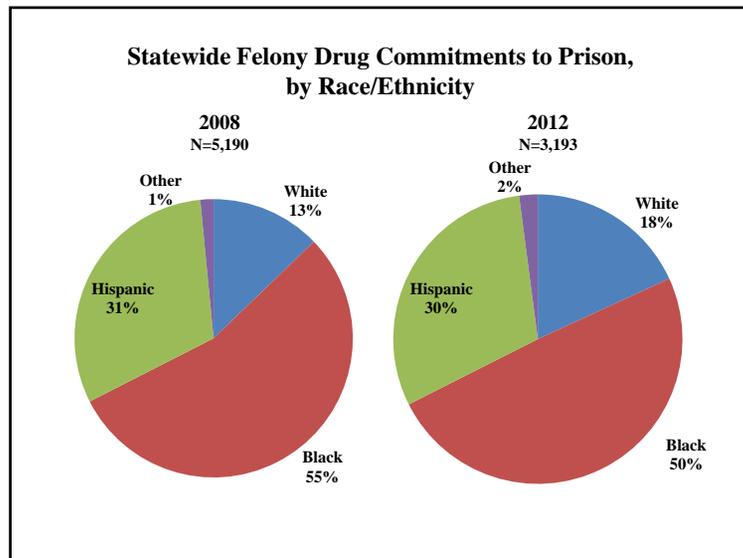
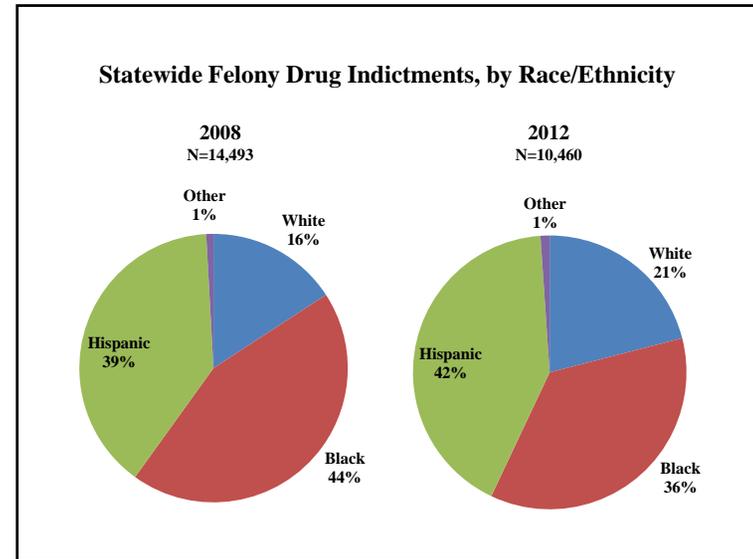
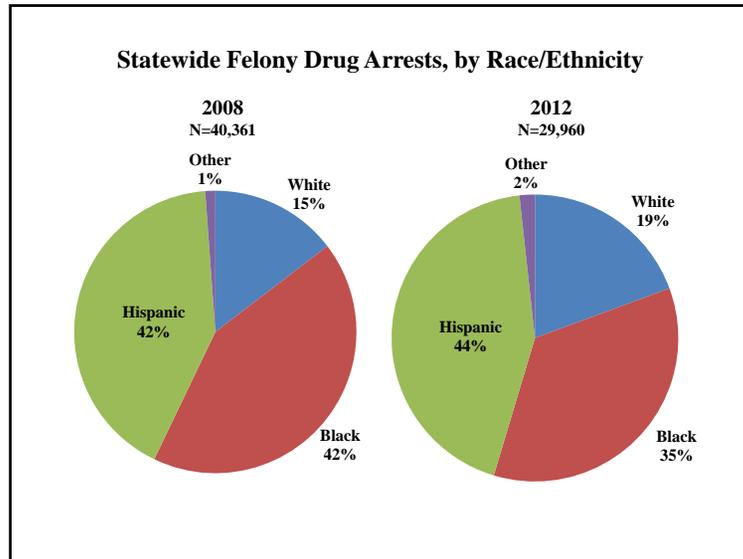


Arrests, Indictments, and Prison Commitments for Felony Drug Offenses, by Race/Ethnicity												
Race	Arrests				Indictments				Commitments			
	2008	2011	2012	% chg 08-12	2008	2011	2012	% chg 08-12	2008	2011	2012	% chg 08-12
White	5,891	5,533	5,806	-1%	2,291	2,118	2,195	-4%	664	563	579	-13%
Black	17,168	11,628	10,562	-38%	6,397	3,976	3,770	-41%	2,839	1,639	1,578	-44%
Hispanic	16,836	13,742	13,071	-22%	5,679	4,640	4,381	-23%	1,607	1,185	970	-40%
Other	466	518	521	12%	126	136	114	-10%	80	126	66	-18%
Total	40,361	31,421	29,960	-26%	14,493	10,870	10,460	-28%	5,190	3,513	3,193	-38%

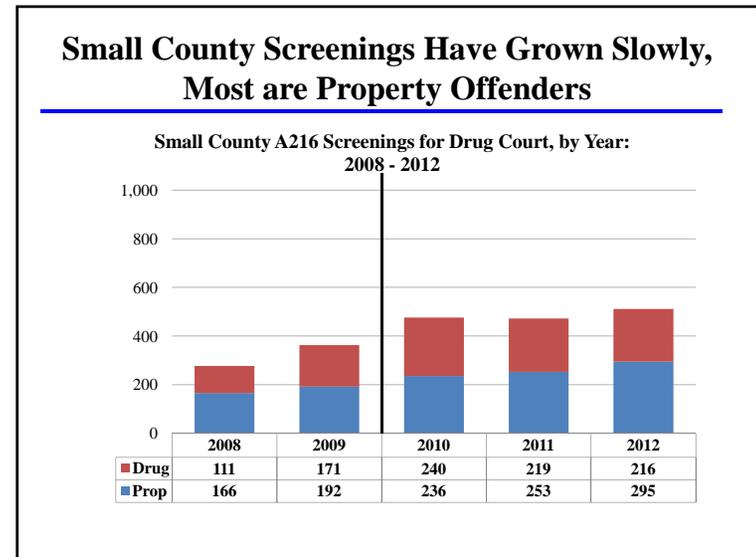
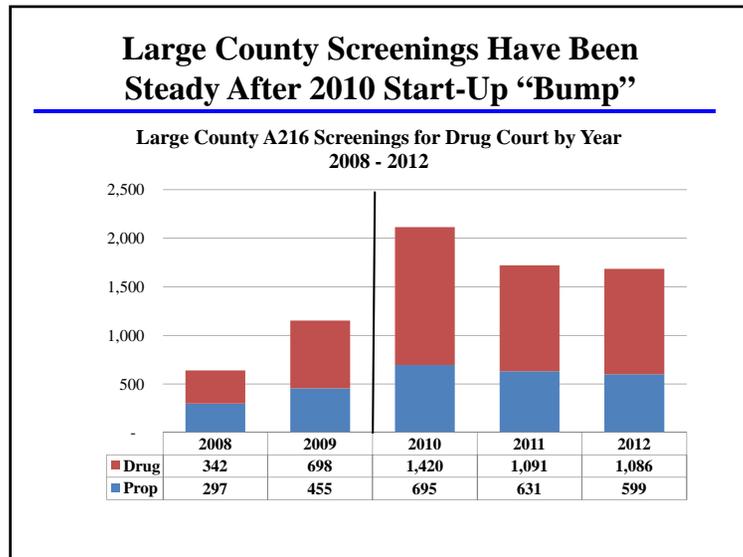
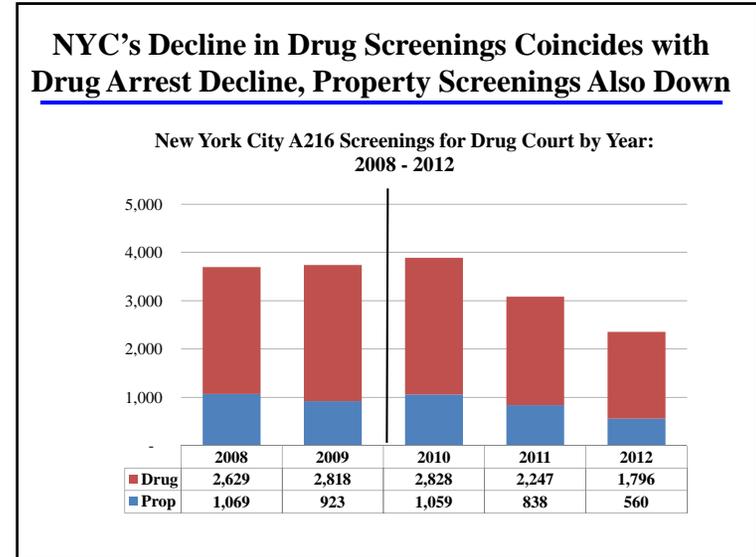
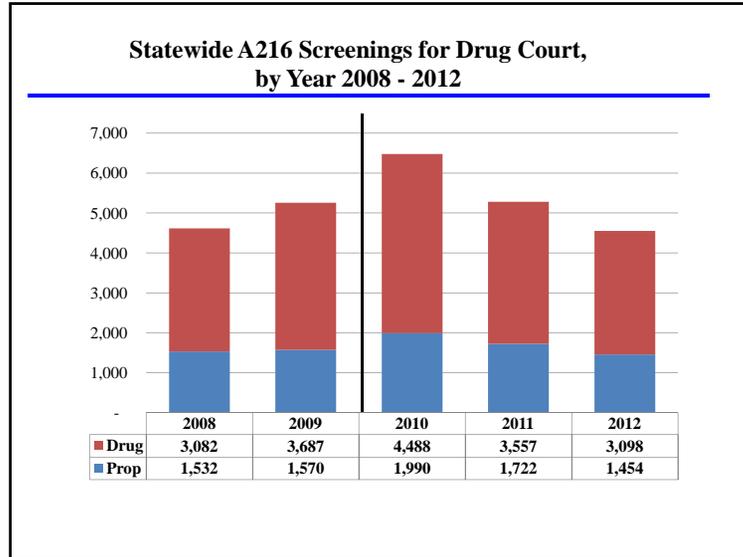
- **Largest declines in arrests (-38%), indictments (-41%) and commitments (-44%) were for Black defendants.**
- **Large declines were also seen for Hispanic defendants in arrest (-22%), indictments (-23%) and commitments (-40%).**
- **There was very little change for white defendants, with arrests (-1%), indictments (-4%) and commitments (-13%).**

Race/Ethnicity of Offenders Committed to Prison for Felony Drug Offenses												
Race	NYC				Large Counties				Small Counties			
	2008	2011	2012	% chg 08-12	2008	2011	2012	% chg 08-12	2008	2011	2012	% chg 08-12
White	86	91	90	5%	328	199	202	-38%	250	273	287	15%
Black	1,220	803	662	-46%	1,382	677	708	-49%	237	159	208	-12%
Hispanic	1,143	864	723	-37%	399	257	186	-53%	65	64	61	-6%
Other	35	55	25	-29%	34	45	23	-32%	11	26	18	64%
Total	2,484	1,813	1,500	-40%	2,143	1,177	1,119	-48%	563	523	574	2%

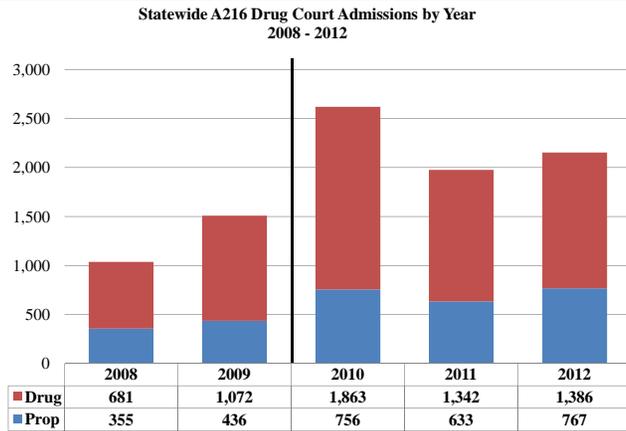
- **There have been large declines in commitments in NYC (-40%) and large counties (-48%), especially for black and Hispanic offenders since 2008.**
- **Small county commitments have fluctuated, but show increases in white offenders committed to prison (+15%).**



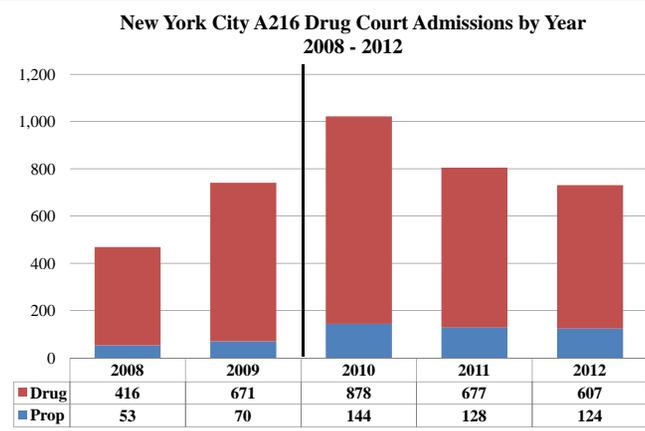
- There has been a shift in the race and ethnicity of drug offenders who are arrested, indicted, and committed.
- The most notable changes are a decline in the proportion of black offenders and a higher proportion of white offenders.
- The actual number of those arrested, indicted, and committed has declined across all racial/ethnic categories.



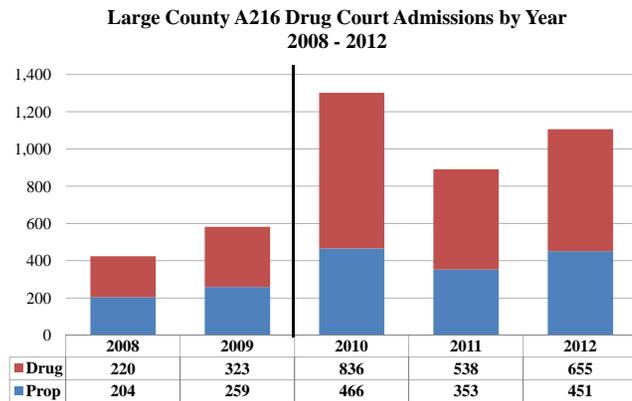
Although Statewide Screenings Down in 2012, Admissions Increased, Driven by Property



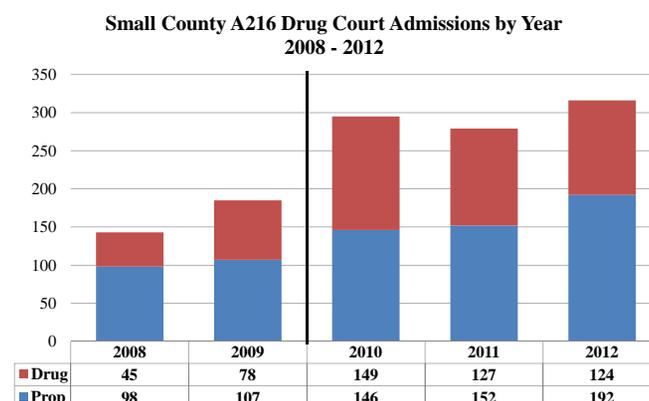
NYC Admissions are Down, Consistent with the Felony Arrest Trend

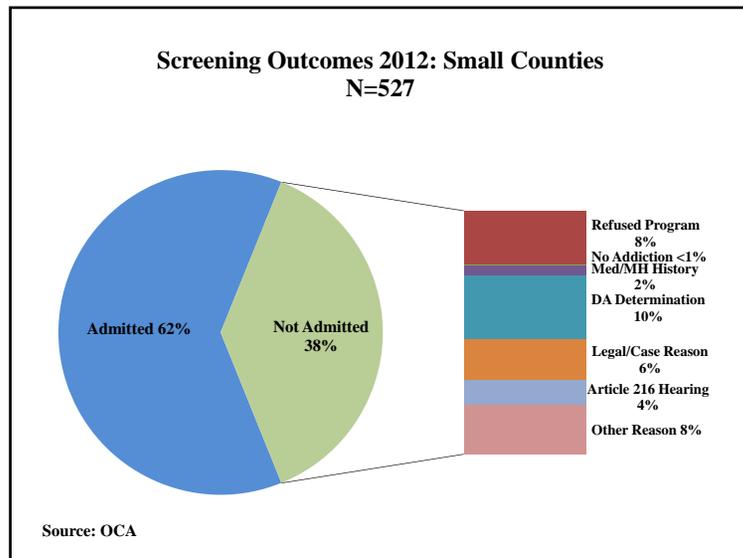
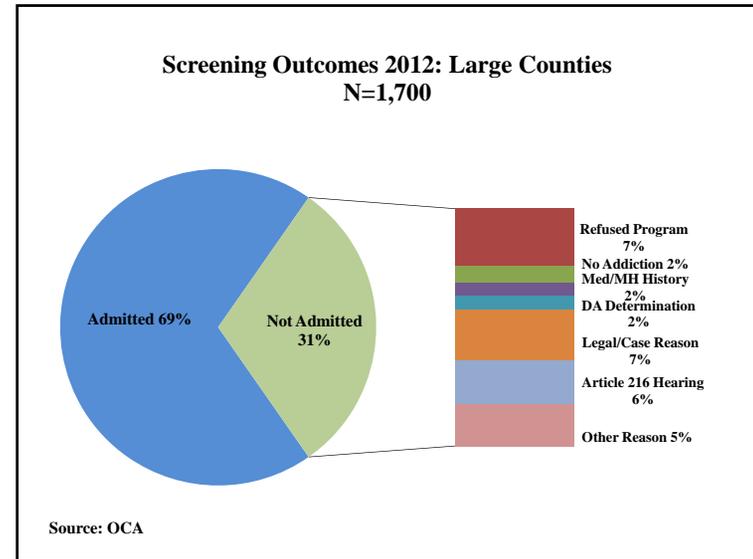
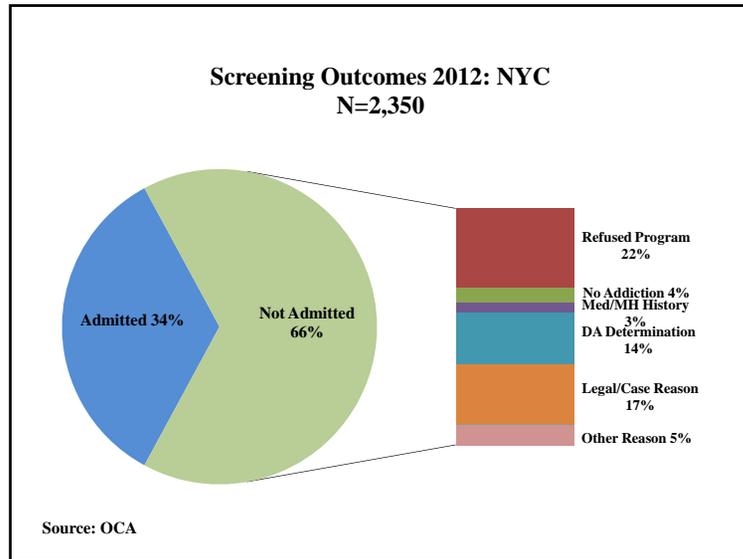


Large County Admissions Up in 2012 for both Drug and Property Offenders



Small County Increase Driven Entirely by Property Offenders

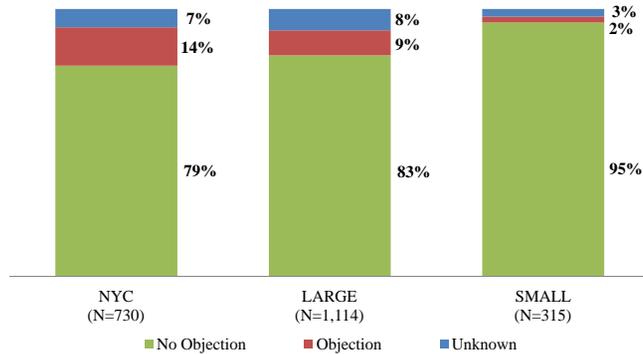




- **Screening outcome data differ due to different processes depending on location.**
- **NYC screens larger numbers of individuals who refuse program participation.**
- **The majority of cases coded “DA Determination” were dismissed outright (13%) or ended in misdemeanor convictions (40%). Only 17% of cases resulted in felony convictions.**

**Most of the DA Objections are from NYC (14%)
Followed by Large Counties (9%)**

DA Objection to Drug Court Admissions for 2012



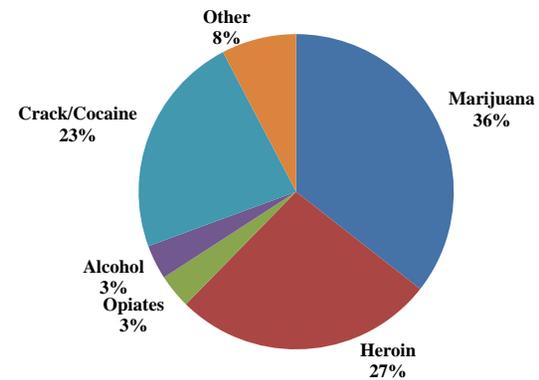
**72% of 2012 Participants are Not Facing
Mandatory Prison Sentences**

	NYC	Large Counties	Small Counties	Total
Total Article 216 Admissions	730	1,114	315	2,159
Facing Mandatory Prison				
B 2nd Drug	236	155	12	403
2nd Specified Property	60	115	25	200
Percent of All Admissions	41%	24%	12%	28%
Not Facing Mandatory Prison				
Other Drug	367	503	113	983
1st Specified Property	67	341	165	573
Total Non-Mandatory	434	844	278	1,556
Percent of All Admissions	59%	76%	88%	72%

**Article 216 Hearings Requested
as of January 31, 2013**

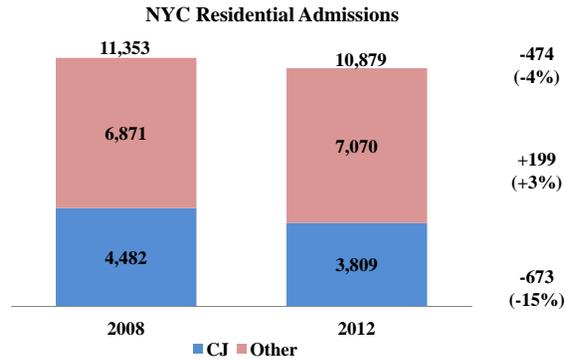
	Intake Year				Total
	2009	2010	2011	2012	
New York City	18	49	26	27	122
Large Counties	26	301	199	261	787
Small Counties	7	46	54	34	141
Statewide Total	51	396	279	322	1,050

**Drug of Choice for NYC A216 Drug Court
Admissions
2012**



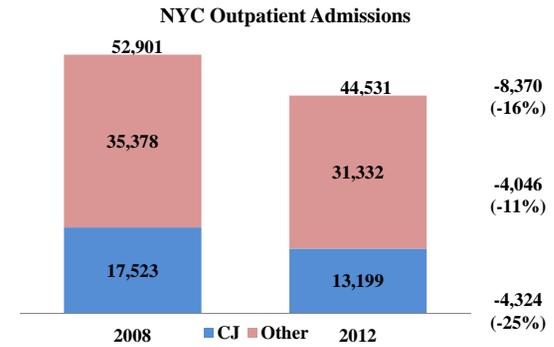
Source: OCA

NYC CJ Admissions to Residential Treatment are Down, but Non-CJ Admissions are Up



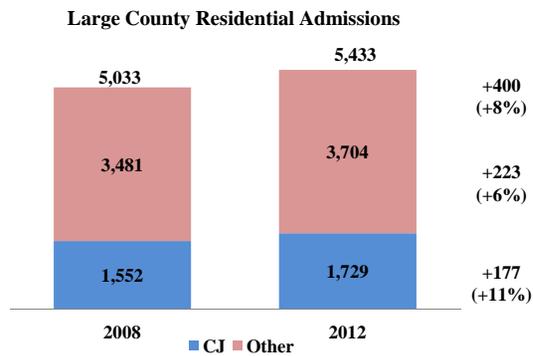
Source: OASAS

NYC Outpatient Admissions are Down for both CJ (-25%) and Non-CJ (-11%) Clients



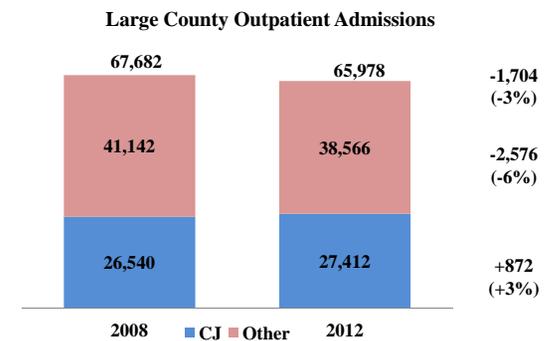
Source: OASAS

Large County Residential is Up (+8%) and Up (+11%) for CJ Clients



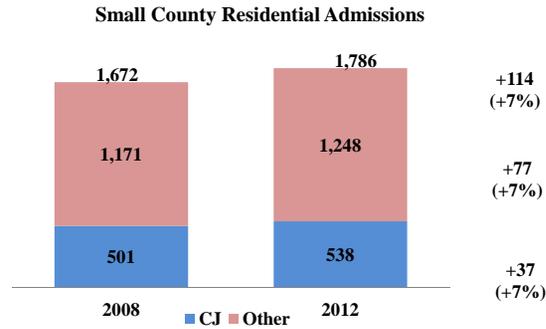
Source: OASAS

Large County Outpatient Admissions are Down (-3%) but Up (+3%) for CJ Clients



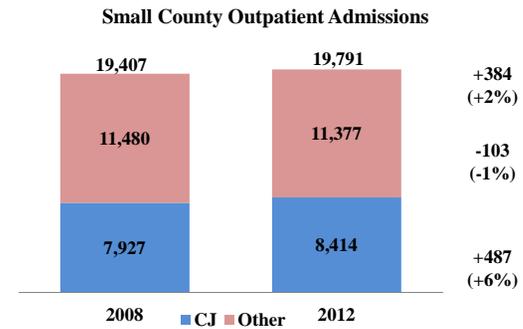
Source: OASAS

Small County Residential Admissions are Up (+7%) for CJ and Non-CJ Clients



Source: OASAS

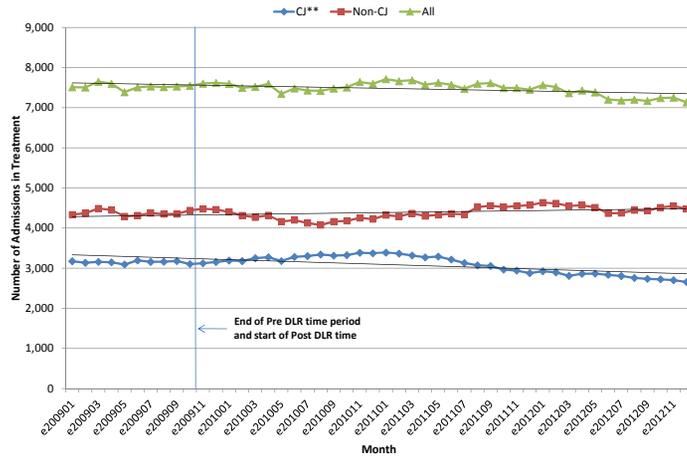
Small County CJ Outpatient Up (+6%) and Driving an Overall Increase



Source: OASAS

EOM Census for RESIDENTIAL Services Pre-Post DLR (clients age 16 and older)

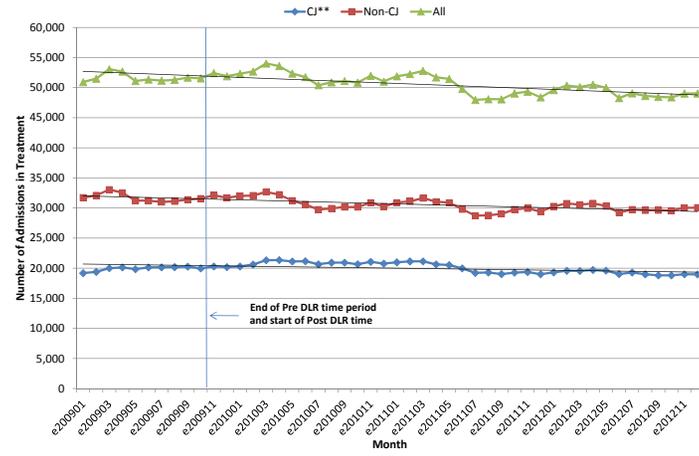
(pre DLR Jan-09 to Sep-09 and post DLR from Oct-09 to Dec-12)



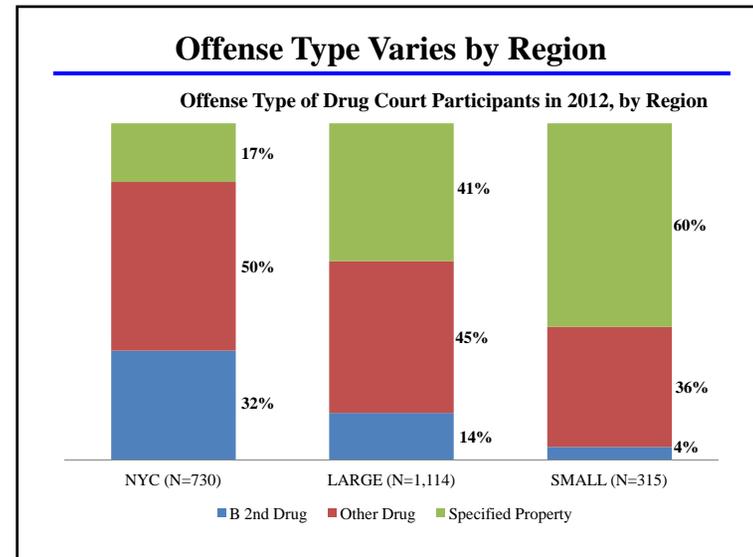
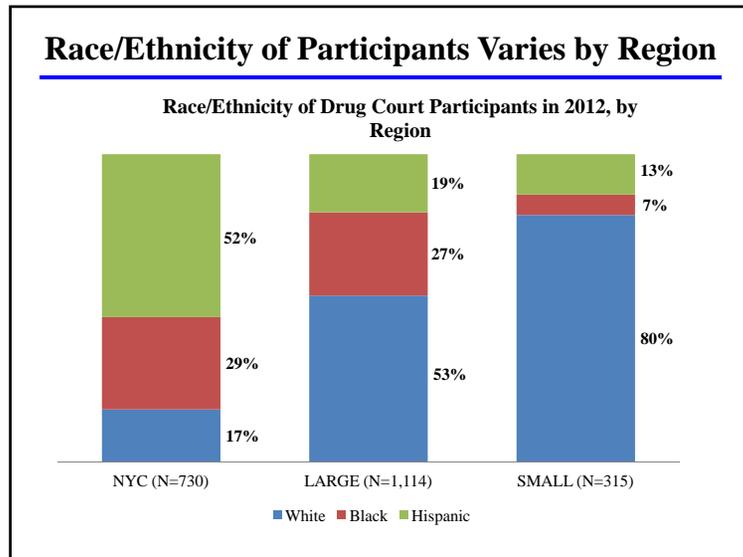
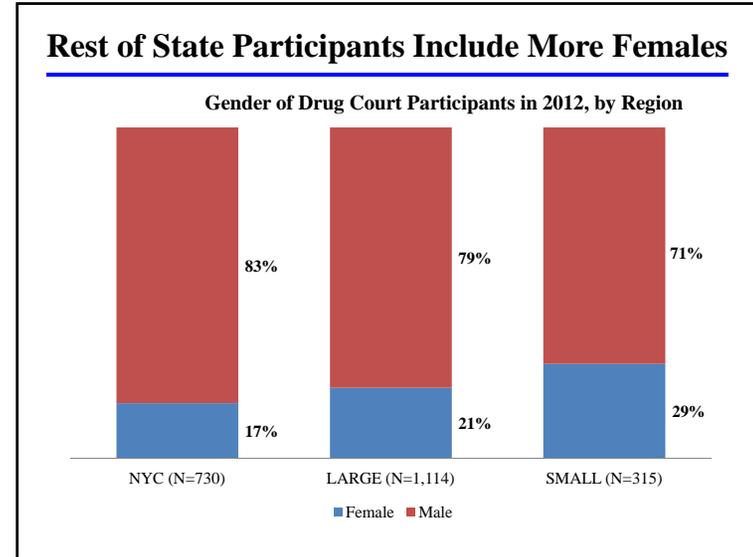
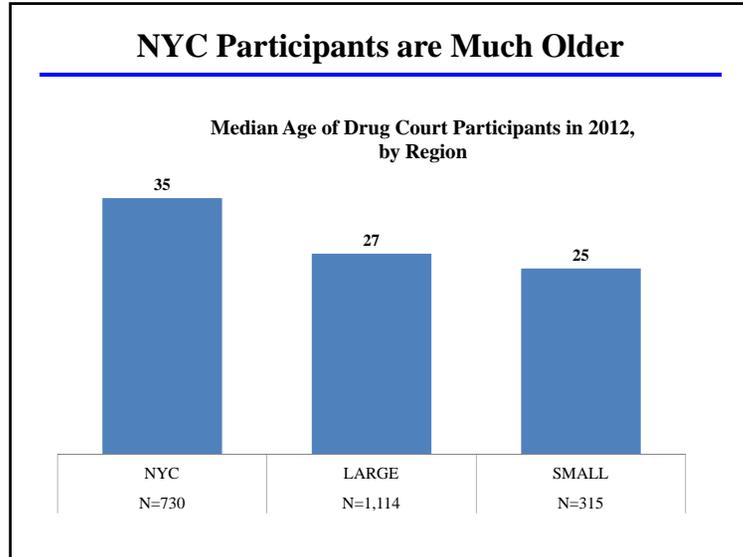
Source: NYS OASAS CDS (Admission-Discharge Data) Extract: May 19, 2013
 **Criminal Justice (CJ) excluding DWI, jail, family court and police

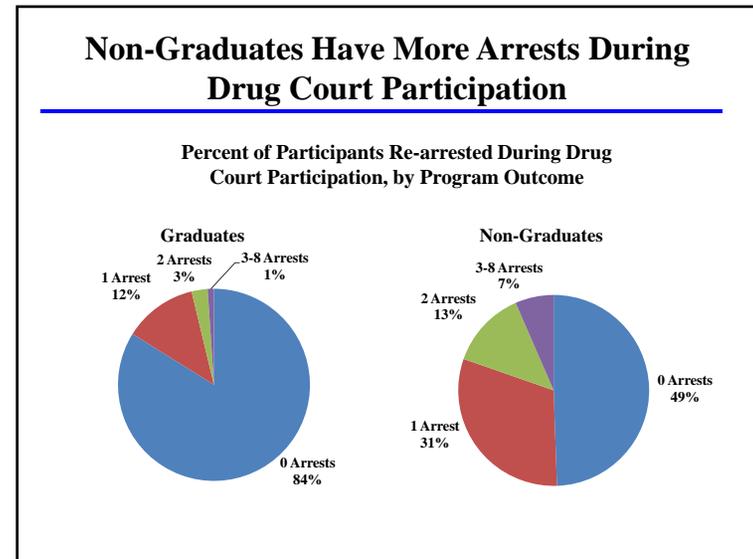
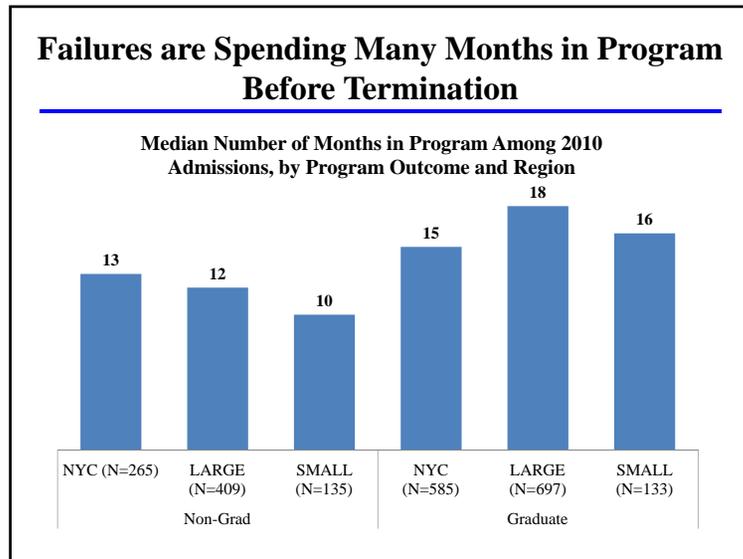
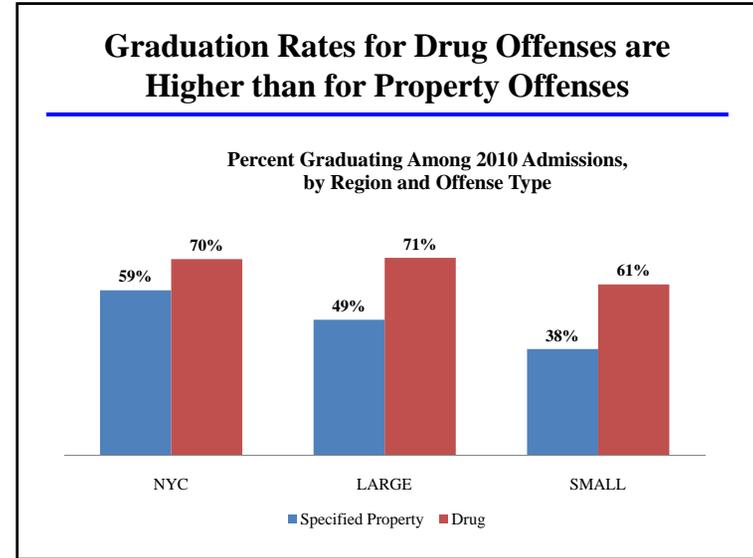
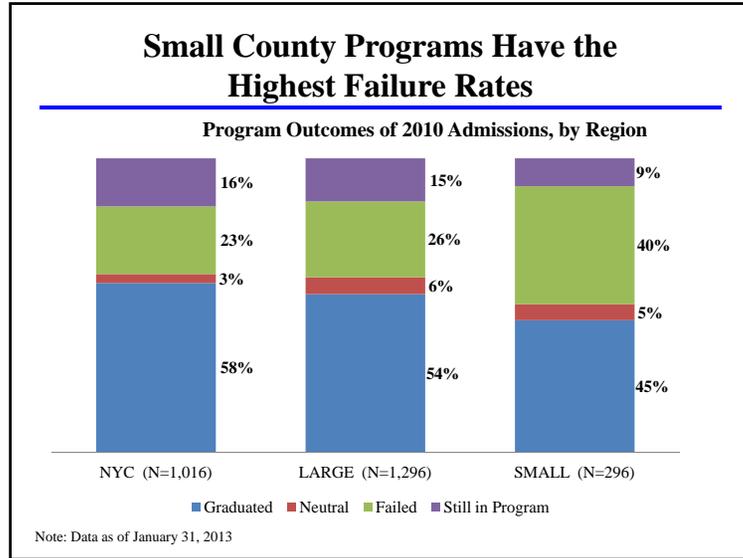
EOM Census for OUTPATIENT Services Pre-Post DLR (clients age 16 and older)

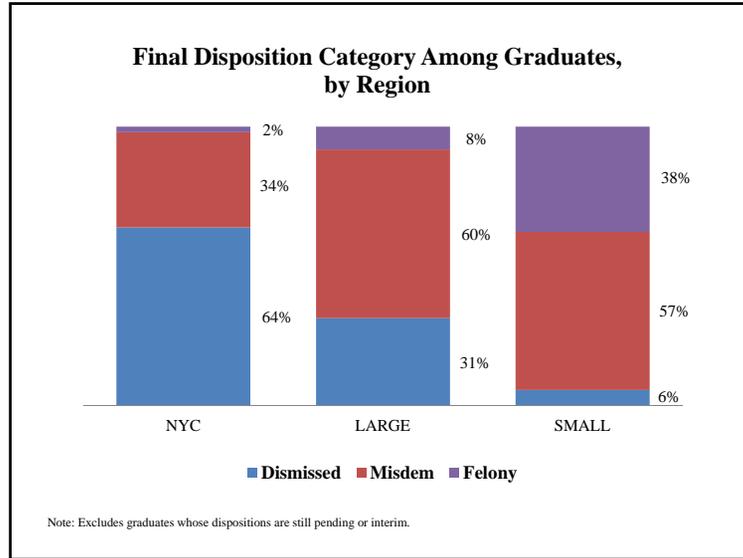
(pre DLR Jan-09 to Sep-09 and post DLR from Oct-09 to Dec-12)



Source: NYS OASAS CDS (Admission-Discharge Data) Extract: May 19, 2013
 **Criminal Justice (CJ) excluding DWI, jail, family court and police

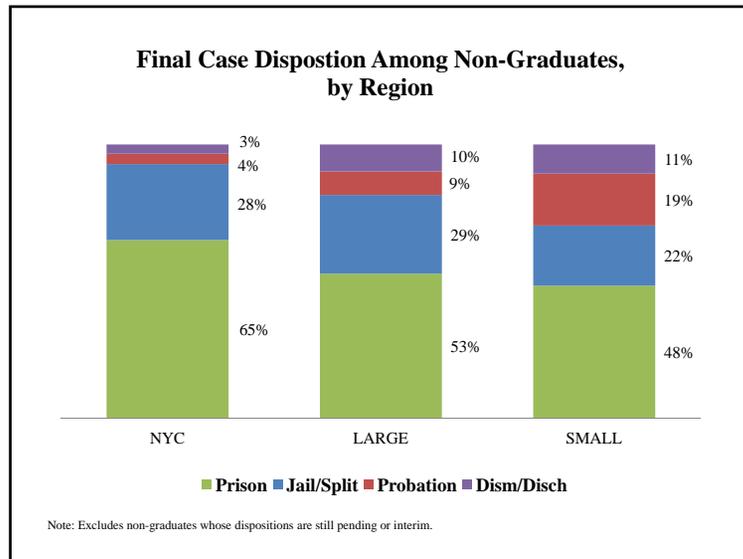






Graduate Dispositions Vary by Location

- **64% of NYC cases are dismissed, with 34% plead to a misdemeanor.**
- **31% of large county cases are dismissed, with 60% plead to a misdemeanor.**
- **Only 6% of small county cases are dismissed. 57% plead to a misdemeanor and 38% plead to a felony.**



Dispositions of Non-Graduates Vary by Region

- **In NYC, 65% of those that failed to graduate got prison, 28% got jail, and 4% got probation.**
- **In large counties, 53% of those that failed to graduate got prison, 29% got jail, and 9% got probation.**
- **In small counties, 48% of those that failed to graduate got prison, 22% got jail, and 19% got probation.**

Conditional Seals

- **Conditional sealing is still being used infrequently. Of the 149 conditional seals imposed, 62 were judicial diversion cases and 87 were for other cases.**
- **Most cases are either dismissed outright (which provides defendants with a full seal) or pled down to a misdemeanor.**

Note: Conditional seal data are as of March 2013.

B Felony Drug Offenders Resentenced as of May 1, 2013

- **As of May 1, 2013, 746 offenders had been resentenced.**
- **Resentences are still being approved.**
- **Of the 746 resentenced offenders,**
 - 539 were released after resentencing,
 - 171 were resentenced while in the community, and
 - 36 were not yet eligible to be released

Next Steps: July

County-specific data will be posted on the DCJS website in July for the following:

- **Judicial Diversion screenings and admissions**
- **Arrests, indictments, and commitments for drug and specified property offenses**
- **Article 216 hearings**
- **Conditional Seals**
- **Resentencing**

Next Steps: Later this Year

- **A formal evaluation report will quantify the impact of different sentencing options - prison, jail, probation, and drug court - on system costs, reoffending, and victimizations.**
- **The report will also provide information on the legal and demographic characteristics of individuals most likely to benefit from judicial diversion.**

Notes

County Categories

- Information is often presented separately for New York City, Large (Operation IMPACT) Counties and Small Counties due to significant differences between these categories.
- New York City Counties include Bronx, Kings, New York, Queens and Richmond.
- Large (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.
- Small 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.

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 drug and first felony specified property offenses that do not require a prison sentence upon conviction.

OASAS Admissions to Residential and Outpatient Treatment

- Charts on page 9 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.