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CHARACTERISTICS OF FEMALE INMATES HELD UNDER CUSTODY  
1975 - 1985

This report presents a statistical profile of the changes in the Department's female inmate population during the 11 year period 1975 through 1985. Information is provided on variables such as commitment offense, sentence length, prior adult record and personal characteristics.

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ACQUISITIONS

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CHARACTERISTICS OF FEMALE INMATES HELD UNDER CUSTODY  
1975 - 1985

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### HIGHLIGHTS

1. The number of women held under custody has more than doubled from 1975 (428) to 1985 (1057).
2. The proportion of women held under custody who were committed for a violent felony offense increases from 37.7% of the female under custody population in 1975 to 51.6% in 1985.
3. The proportion of women held under custody for property or drug offenses, taken together, has declined from 45.6% in 1975 to 42.1% in 1985.
4. The proportion of women held under custody who were sentenced as second felony offenders increases sharply from 9.1% of the population in 1975 to 36.4% in 1985.
5. Property and drug offenses, taken together, demonstrate the greatest increase in the proportion of second felony offenders, increasing from 4.0% in 1975 to 23.6% in 1985.
6. There has been a substantial increase (9.7% in 1975; 18.3% in 1985) in the proportion of women who have relatively long (72 months or longer) minimum sentences.
7. The average minimum sentence for women has increased from 36.4 months in 1975 to 51.0 months in 1985.
8. There has been a substantial decline in the proportion of women with life maximum sentences decreasing from 28.7% in 1975 to 14.9% in 1984.
9. The average time served by women, at year end, held under custody has increased from 13.6 months in 1975 to 17.9 months in 1985.
10. The average age of female inmates held under custody has increased from 29.8 years in 1975 to 32.2 years in 1985.
11. The proportion of white or Hispanic women has increased from 22.0% of the female under custody population in 1975 to 29.1% of the population in 1985. Black women represented 64.7% of the under custody population in 1975 compared to 51.6% in 1985. Puerto Rican women made up 13.3% of the population in 1975 compared to 18.9% in 1985.
12. The average educational achievement of the female under custody population has remained relatively stable at approximately ten years of education.

13. For the years 1975 - 1985, the majority, at approximately 55 - 60%, of women held under custody have never been married.
14. The majority of women over the years 1975 - 1985, at approximately 60 to 65 percent, were committed from the New York City region.
15. There has been a substantial decrease in the proportion of women who report being unemployed, dropping from 53.3% in 1975 to 20.1% in 1985.

#### ACKNOWLEDGMENT

Much of the legislative background and preparatory information for compiling this report was provided by Mr. William Chapman. Layout, typing, and computer graphics were provided by Ms. Mary Lee Smaldone and Ms. Christine Barone. I am especially thankful for their accuracy, persistence, and good cheer.

## INTRODUCTION

This report provides information on the characteristics of the female under custody population of the New York State Department of Correctional Services. The data in the report describe the women held under custody on December 31, for each year 1975 through 1985. Two general types of information are provided. First, information is presented on criminal justice system characteristics (e.g. offense type, sentence length) of female inmates held under custody. The other type of information is on demographic characteristics (e.g. age, education, ethnicity). By presenting data for each year over the 11 year period, it is possible to identify changes or trends in the characteristics of the female under custody population.

The data used in this report are contained on computerized data files which are created at the end of each calendar year. These data enable an overview of the population held at the end of each respective year. There is considerable overlap between those women held under custody for any given year and the women held under custody in the following year. For example, many of the women held under custody on December 31, 1983, will also be held under custody on December 31, 1984. However, as the number and characteristics of yearly admissions to state prison change, and as inmates are released by the Board of Parole, some changes are apparent in the characteristics of the female under custody population. Consequently, if the population of female inmates held under custody is examined over several years, changes in the characteristics of the female inmate population can be observed.

To facilitate the use of this document by various readers, the data is presented in three different forms. First, statistical tables are provided for each variable indicating the number of women in each category. Secondly, a percentage breakdown is presented to aid the reader in making comparisons across the 11 year time period. Lastly, a graphic display is provided for several variables allowing for a visual illustration of changes or trends over the time period.

In closing, it should be noted that a previously issued report on the characteristics of the Department's total inmate population (which is approximately 97% male) can be referenced by the reader who is interested in comparative statistics on male offenders.\*

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\* See "Characteristics of Inmates Under Custody A Ten Year Trend Study." New York State Department of Correctional Services, Albany, New York, 12226, 1985.



-Section One-

INCREASE IN THE SIZE OF THE FEMALE UNDER CUSTODY POPULATION

As illustrated in Table 1.1 and Figure 1.1, the population of women held under custody by the Department of Correctional Services has more than doubled between December 31, 1975 (N=428) and December 31, 1985 (N=1,057).

\*\*\*\*\*

TABLE 1.1  
Number of Women Held Under Custody By The Department  
of Correctional Services on December 31, 1975 - 1985

<u>Year</u>	<u>Number</u>
1975	428
1976	468
1977	531
1978	560
1979	603
1980	608
1981	771
1982	824
1983	849
1984	1015
1985	1057

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Changes in the size of the under custody population are attributable to increases in yearly admissions and to changes in the length of time being served. Fluctuations in admissions are discussed immediately below. Changes in time served will be examined in Section 8.

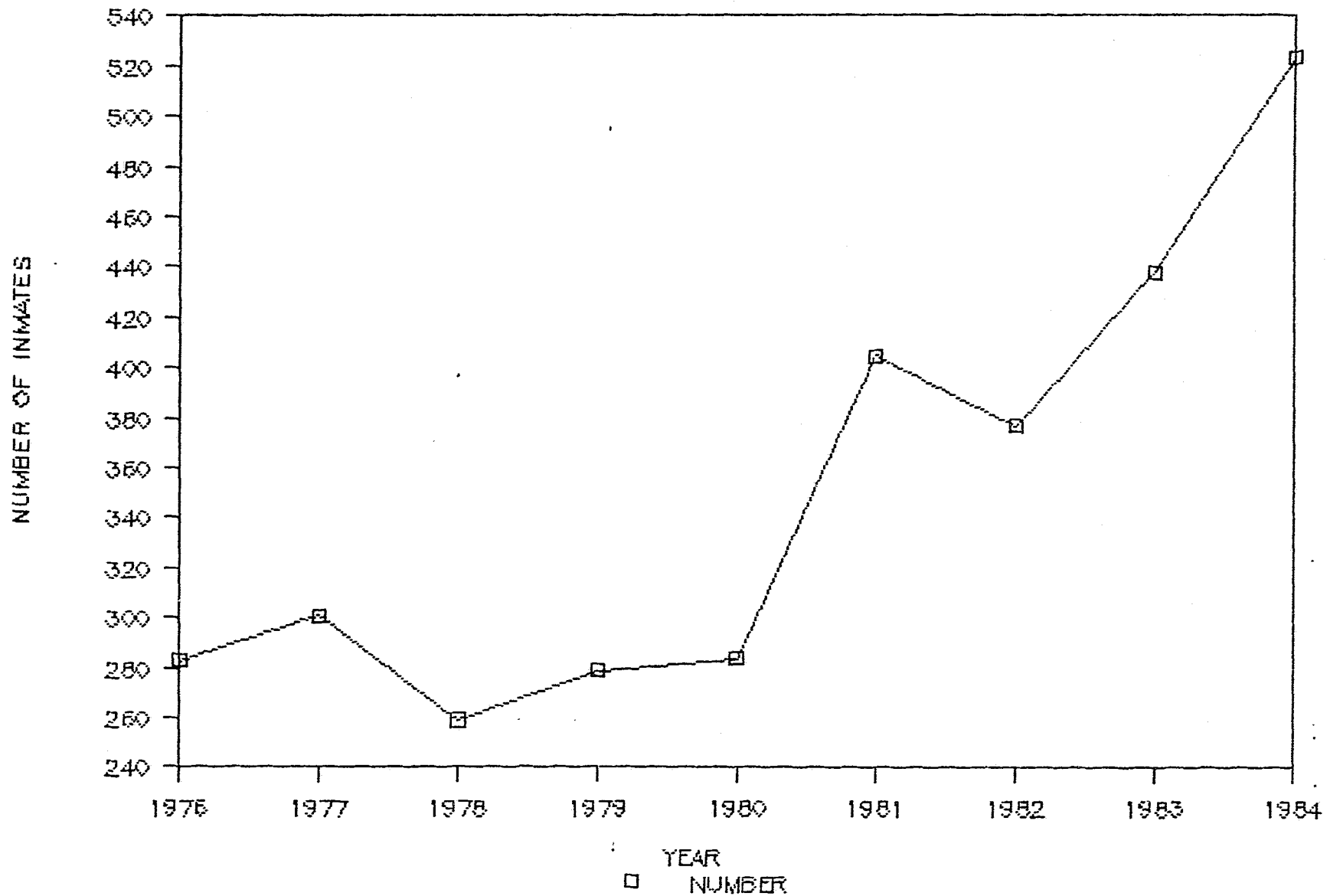
The single largest category of admissions to the Department of Correctional Services is new court commitments. These are people committed to state prison by judges in county courts following a conviction for a felony offense. As indicated in Table 1.2 and Figure 1.1, there has been an overall increase in the number of new court commitments received by the Department over the years 1976 to 1984. In 1976, there were 283 female new court commitments received by the Department. In contrast, during 1984, 523 new court commitments were received. A/

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A/ For more complete discussion on female new court commitments, see "An Examination of the Trend of Female New Commitments 1976 to 1984." New York State Department of Correctional Services, Albany, New York, 12226, 1986.

FIGURE 1.1

# FEMALE NEW COURT COMMITMENTS TO DOCS

1976 - 1984



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Table 1.2  
Annual Number of Female New Court Commitments Received by the  
Department of Correctional Services (1976 - 1984)

<u>Year</u>	<u>Number</u>
1976	283
1977	301
1978	259
1979	279
1980	284
1981	405
1982	377
1983	438
1984	523

\*\*\*\*\*

In general, the information provided in Table 1.1 shows a steady increase over the period 1976 to 1984. The single largest increase was demonstrated between 1980 and 1981, increasing from 284 female new commitments to 405.

-Section Two-

COMMITMENT OFFENSE TYPE

Tables 2.1 and 2.2 present information on the number and percent of women held under custody according to commitment offense type. As shown in these tables, commitment offenses have been grouped into several larger categories. The first general category is labeled Violent Felony Offenses. During a 1978 special session, the New York State Legislature enacted new laws designed to provide for more severe penalties for certain violent felony offenses. As part of these new laws, the Legislature designated certain crimes as violent felony offenses. As reflected in Tables 2.1 and 2.2, the Violent Felony Offender category includes offenses such as Manslaughter 1st, Attempted Murder 2nd, Rape 1st, Robbery 1st and 2nd, Assault 1st and 2nd, etc. For the purposes of this report, certain Class A-I felonies (e.g., Murder 2nd, Kidnapping 1st, Arson 1st) were also included in this category, although they were not included in the legislation. Because of the violent nature of the Class A-I felonies, and the already severe sentences, they were included in the Violent Felony Offender Category.

The second general category of offenses is labeled "Other Felony Offenses." This group consists of all remaining felony offenses, with the exception of Youthful Offenders, which were not categorized as a Violent Felony Offense. This general category is divided into two subgroups. The first subgroup is made up of offenses that involve some element of violence or coercion (e.g., Manslaughter 2nd, Attempted Assault 2nd). The second subgroup is made up of property offenses (e.g., Burglary 3rd, Grand Larceny, Possession of Stolen Property), drug offenses, and all other felonies.

The last general category is made up of Youthful Offenders. Youthful Offenders are persons, age 16 to 18 at the date of the offense, who had been convicted of a felony offense but were subsequently granted Youthful Offender status.

In addition to the large increases in the total number of women held under custody for these years, Tables 2.2 and Figure 2.1 show marked shifts in the distribution of cases across the different offense categories. The proportion of women committed for a violent felony increases from 35.7% of the female under custody population in 1975 to a high of 57.8% in 1981. In 1985, the proportion dropped slightly to 51.6%.

The proportion of female under custody inmates in the other general offense categories have, correspondingly, declined. The percent of women committed for other felony offenses, involving some element of violence or coercion (though they are not designated by the legislature as violent felonies), has declined from 17.5% of the female under custody population in 1975 to 5.6% of the population in 1985. The proportion of women held under custody for property and drug offenses has also demonstrated a slight decline. In 1975, this

TABLE 2.1

## COMMITMENT OFFENSE TYPE

Female Under Custody Population On December 31, 1975 - 1985

COMMITMENT OFFENSE	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
A. Violent Felony Offense	153	177	202	242	282	334	446	474	507	551	545
Murder	13	22	23	28	31	44	52	58	63	67	71
Attempted Murder	2	1	1	4	5	3	7	9	13	17	19
Manslaughter 1	50	50	59	61	81	97	110	127	124	129	133
Rape 1	0	3	4	4	4	3	1	1	2	3	4
Robbery 1	20	24	35	42	46	55	76	84	114	99	79
Robbery 2	29	37	33	44	51	56	98	80	73	88	85
Assault 1	7	7	7	14	20	26	25	21	23	26	32
Assault 2	23	19	20	24	20	16	20	33	27	23	20
Burglary 1	0	0	0	0	1	1	2	1	8	11	9
Burglary 2	1	1	5	7	6	10	21	20	23	48	51
Arson 2	2	2	3	4	5	12	13	11	15	14	14
Sodomy 1	0	1	1	1	2	2	4	4	1	5	4
Sexual Abuse 1	0	0	0	1	1	0	0	0	0	1	1
Dangerous Weapon	3	8	10	5	5	7	15	21	17	13	16
Kidnapping	3	2	1	3	4	2	2	4	4	7	7
B. Other Felony Offenses	270	286	320	307	308	266	312	340	331	449	504
1. Offenses Involving Violence/Coercion	75	78	91	85	77	63	59	54	54	63	59
Manslaughter 2	51	50	46	40	41	36	28	29	32	34	33
Rape 2 & 3	0	0	0	0	0	0	0	0	0	0	0
Robbery 3	18	24	32	30	24	15	15	15	11	15	11
Attempted Assault 2	0	0	0	0	0	0	0	0	0	8	8
Other Coercive Violent	6	4	13	15	12	12	16	10	11	6	7
2. Property, Drugs and Other Offenses	195	208	229	222	231	203	253	286	277	386	445
Burglary 3	7	8	10	12	20	18	24	17	11	9	10
Grand Larceny	27	28	26	41	42	38	47	60	46	88	118
Drugs	143	147	154	136	127	106	120	125	125	196	232
Forgery	11	12	16	12	20	24	37	54	62	62	52
Pos. Stolen Property	2	4	6	10	11	7	12	16	20	19	18
All Other Felonies	5	9	17	11	11	10	13	14	13	12	15
C. Youthful Offender	5	5	9	11	13	8	13	10	11	15	8
TOTAL	428	468	531	560	603	608	771	824	849	1015	1057

# FIGURE 2.1 COMMITMENT OFFENSE TYPE FEMALE

UNDER CUSTODY POP. 12/31, 1975 - 1985

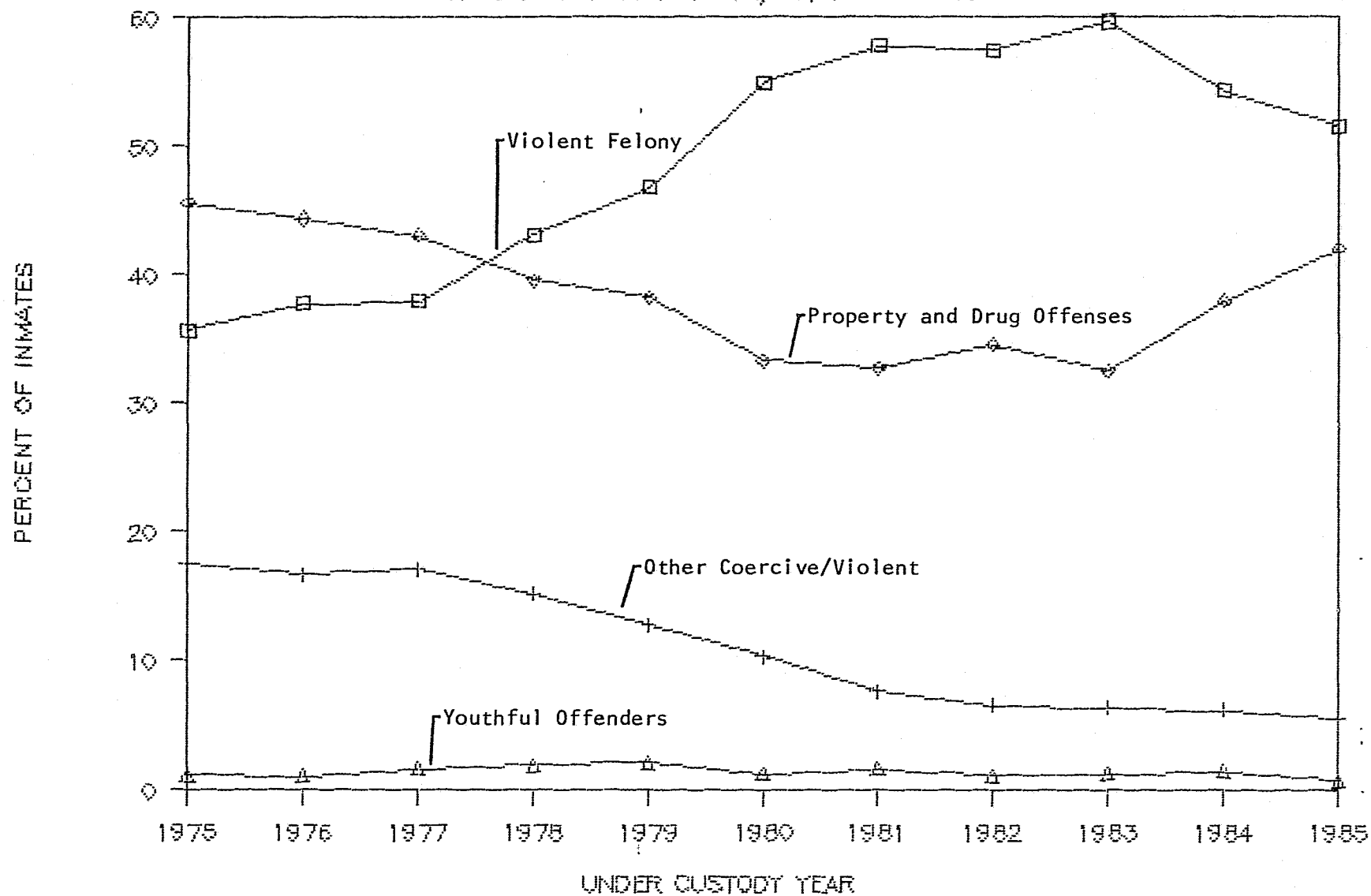


TABLE 2.2

COMMITMENT OFFENSE (IN PERCENT) BY YEAR,  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

COMMITMENT OFFENSE	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
A. Violent Felony Offense	35.7	37.8	38.0	43.2	46.8	54.9	57.8	57.5	59.7	54.3	51.6
Murder	3.0	4.7	4.3	5.0	5.1	7.2	6.7	7.0	7.4	6.6	6.7
Attempted Murder	0.4	0.2	0.2	0.7	0.8	0.5	0.9	1.1	1.5	1.7	1.8
Manslaughter 1	11.7	10.7	11.1	10.9	13.4	16.0	18.1	15.4	14.6	12.7	12.6
Rape 1	0.0	0.6	0.8	0.7	0.7	0.5	0.1	0.1	0.2	0.3	0.4
Robbery 1	4.6	5.1	6.6	7.5	7.6	9.0	9.9	10.2	13.4	9.8	7.5
Robbery 2	6.8	7.9	6.2	7.9	8.5	9.2	12.7	9.7	8.6	8.7	8.0
Assault 1	1.6	1.5	1.3	2.5	3.3	4.3	3.2	2.5	2.7	2.6	3.2
Assault 2	5.4	4.1	3.8	4.3	3.3	2.6	2.6	4.0	3.2	2.3	1.9
Burglary 1	0.0	0.0	0.0	0.0	0.2	0.2	0.3	0.1	0.9	1.1	0.9
Burglary 2	0.2	0.2	0.9	1.3	1.0	1.6	2.7	2.4	2.7	4.7	4.8
Arson 2	0.4	0.4	0.6	0.7	0.8	2.0	1.7	1.3	1.8	1.4	1.3
Sodomy 1	0.0	0.2	0.2	0.2	0.3	0.3	0.5	0.5	0.1	0.5	0.4
Sexual Abuse 1	0.0	0.0	0.0	0.2	0.2	0.0	0.0	0.0	0.0	0.1	0.1
Dangerous Weapons	0.7	1.7	1.9	0.9	0.8	1.1	1.9	2.5	2.0	1.3	1.5
Kidnapping	0.7	0.4	0.2	0.5	0.7	0.3	0.3	0.5	0.5	0.7	0.7
B. Other Felony Offenses	63.0	61.1	60.2	54.8	51.1	43.8	40.5	41.3	40.0	44.2	47.7
1. Offenses Involving Violence/Coercion	17.5	16.7	17.1	15.2	12.8	10.4	7.7	6.6	6.4	6.2	5.6
Manslaughter 2	12.0	10.7	8.7	7.1	6.8	5.9	3.6	3.5	3.8	3.3	3.1
Robbery 3	4.2	5.1	6.0	5.4	4.0	2.5	1.9	1.8	1.3	1.5	1.0
Attempted Assault 2nd	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.8	0.8
Other Coercive/Violent	1.4	0.9	2.4	2.7	2.0	2.0	2.0	1.2	1.3	0.6	0.7
2. Property, Drug and Other Offenses	45.6	44.4	43.1	39.6	38.3	33.4	32.8	34.7	32.6	38.0	42.1
Burglary 3	1.6	1.7	1.9	2.1	3.3	3.0	3.1	2.0	1.3	0.9	0.9
Grand Larceny	6.3	6.0	4.9	7.3	7.0	6.3	6.1	7.3	5.4	8.7	11.2
Drugs	33.4	31.4	29.0	24.3	21.0	17.4	15.6	15.2	14.7	19.3	21.9
Forgery	2.6	2.6	3.0	2.1	3.3	3.9	4.8	6.6	7.3	6.1	4.9
Pos. Stolen Property	0.5	0.9	1.1	1.8	1.8	1.2	1.6	1.9	2.4	1.9	1.7
All Other Felonies	1.2	1.9	3.2	2.0	1.8	1.6	1.7	1.7	1.5	1.2	1.4
C. Youthful Offender	1.2	1.1	1.7	2.0	2.2	1.3	1.7	1.2	1.3	1.5	0.8
TOTAL	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%

category represented 45.6% of the female under custody population. By 1985, the proportion of women committed for a property or drug crime decreases to 42.1%. Because the decline in the property and drug offenses are slight, the overall decline for the general category of "Other Felony Offenses" can be solely attributable to the decline in the subgroup of offenses involving some element of violence or coercion.

Those women held under custody as Youthful Offenders represent only a small proportion of the under custody population for all of the years in the study. There is a slight decline from 1.2% of the population in 1975 to .8% of the female under custody population in 1985.

There are several factors which have contributed to the shift in distribution across the general offense type categories. The plea bargain restrictions contained in the violent felony offender legislation is one factor which has influenced the shift into the violent felony offender group. There were several types of plea bargain restrictions contained in the violent felony offender legislation. Some of these restrictions occur prior to indictment and others occur after indictment. Prior to indictment, a judge in a criminal court may not reduce the charge if there is reason to believe the defendant committed a Class A-I felony (other than an A-I drug offense) or the defendant committed an armed felony (Criminal Procedure Law Sections 180.50, 180.70). Following indictment, a defendant charged with a Class A felony (other than a drug offense or an armed Class B violent felony) may plead to no lower than a Class C violent felony (Criminal Procedure Law Section 220.10). A defendant charged with a Class B or Class C violent felony may plead to no lower than a Class D violent felony offense. In addition, defendants charged with certain weapons offenses that fall into the Class D violent felony offense category may (depending in part on prior convictions) plead to no lower than a Class E violent felony.

These provisions, therefore, limit the plea negotiation possibilities of defendants who are arrested or indicted for violent felony crimes, or crimes involving weapon use. Defendants are restricted from pleading down to an offense that falls outside of the violent felony category or to an offense that falls into a misdemeanor category. These restrictions may not always increase the severity of the sentence. For example, Class D or Class E first felony offenders convicted of a "violent" felony offense may not face more severe sentences than persons convicted of Class D and E "nonviolent" felony offenses. These restrictions do, however, (and, consistent with legislative intent), place the defendant at a higher risk of being sentenced as a second violent felony offender, should the defendant be convicted of a subsequent violent felony offense.



Looking at several specific offense categories helps to illustrate the impact of these changes. We have observed, for instance, that in recent years, more people are sentenced to state prison for Attempted Robbery 2nd (a Class D violent felony) than for Robbery 3rd (a Class D non-violent felony)<sup>A/</sup> even though the penalty structure is the same for a first felony offender. As shown in Table 2.2, women held under custody for a commitment of either Robbery 1st or Robbery 2nd make up 11.4% of the population in 1975. This increases to 15.5% in 1985. Those women committed for Robbery 3rd shows a decrease from 4.2% of the female under custody population in 1975 to only 1.0% of the population in 1985.

Similarly, the proportion of women held under custody who were committed for Burglary 3rd declines from 1.6% in 1975 to .9% in 1984 and 1985. However, women committed for Burglary 1st and 2nd (taken as a group) increased from .2% in 1975 to 5.7% of the under custody population in 1985. Women under custody for Manslaughter 2nd decline from 12.0% of the population in 1975 to only 3.1% in 1985. At the same time, the proportion of females committed for Manslaughter 1st increased slightly from 11.7% in 1975 to 12.6% in 1985. However, the offenses of Murder and Attempted Murder (taken together) increase from 3.4% in 1975 to 8.5% of the female under custody population in 1985.

In general, these shifts are consistent with the plea restrictions in the violent felony offender legislation. The restrictions have made it more likely for a woman who is arrested for, or indicted for, a violent felony offense to be convicted and sentenced for a violent felony offense. And, even though conviction for a legislatively designated violent felony may not necessarily increase the range of sentence that a defendant is subject to, a person convicted of a violent felony would face the more severe penalties that attach to a conviction as a "second violent felony offender" (see New York State Penal Law Section 70.04) should they be convicted a second time for a violent felony offense.

In addition to the plea restrictions, the violent felony offender legislation required mandatory incarceration for persons convicted of Class B or Class C violent felony offenses. Prior to the legislation, most people convicted of these crimes would have received a prison sentence. Therefore, this part of the legislation may not have added to the proportionate increase in the size of the violent felony offender population. This legislation did, however, require that certain persons convicted of a Class D violent felony, and who used a

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<sup>A/</sup> See "Violent Felony Commitments to Department of Correctional Services 1976 to 1981." New York State Department of Correctional Services, Albany, New York, 12226, 1983.

weapon in the commission of that crime, be sentenced to a prison term. Consequently, defendants who accept a plea to a Class D violent felony offense with an indictment charging the person with an armed felony must receive a prison sentence unless mitigating circumstances can be shown (Penal Law Section 70.02 (5)(b)). Additionally, defendants convicted of the Class D violent felony offense of Criminal Possession of a Weapon 3rd, Criminal Sale of a Firearm 1st, or the Class E violent felony of Attempted Criminal Possession of a Weapon 3rd must be sentenced to an indeterminate term (or a flat one year term) unless mitigating circumstances can be demonstrated. The added emphasis on incarceration of Class D and Class E felony offenders who use weapons appears to have contributed to the overall increase in female commitments and to the proportionate increase in violent felony offenders held under custody.

The violent felony offender legislation also provided for more severe sentences for Class B and Class C violent felony offenders (in comparison to the sentences that apply to all other Class B and Class C felonies; (see New York State Penal Law Section 70.02). The lowest legally permissible minimum sentences have also been increased for persons convicted of a second or third violent felony offense. In most instances, violent felony offenders receive lengthier sentences than do non-violent felony offenders. Because violent felony offenders are generally confined for longer periods of time than are other types of offenders, the under custody population shows a greater concentration of violent felony offenders compared, for instance, to a yearly cohort of new admissions. In other words, the increase in the minimum period of imprisonment (and, presumably in the period of time served) for violent felony offenders would appear to contribute to the increased concentration of violent felony offenders held under custody.

As illustrated in Table 2.1, the number of women held under custody for a conviction of a violent felony offense has more than tripled over the 11 year period. In 1975, 153 women had been committed for a violent offense; among females under custody in 1985, 545 had been committed for a violent felony offense.

-Section Three-

FELONY CLASS OF COMMITMENT OFFENSE

Criminal offenses in New York State are grouped into felony class categories. The minimum and maximum sentence structure (or range) for any particular offense is based on the felony class category in which the offense is included. In general, these felony class categories represent a ranking of the seriousness of the offenses. The first category, Class A-I, contains those offenses which are considered the most serious (i.e., Murder 2nd, Kidnapping 1st, Arson 1st). The Class D and E categories contain comparatively less serious offenses such as Forgery, Fraud, and Possession of Stolen Property, etc.

Table 3.1 presents the felony class distribution of the commitment offense for the female under custody population over the years 1975 to 1985.

The proportion of women held under custody for Class A-I felony offenses increases from 5.4% in 1975 to 8.6% in 1985. Changes in the proportion of women committed for Class A-II, A-III, and Class B felony offenses are mainly attributable to changes in the Penal Law regarding drug offenses. In its 1979 session, the Legislature passed several revisions designed to lessen the severity of some of the drug laws created in 1973. Major changes were made in the following areas. First, the necessary weight of drugs for a Class A-I offense was doubled. The weight of the controlled substance necessary for Class A-II drug felony offenses was also doubled. The weights for drug sale offenses were quadrupled. Secondly, the Class A-III drug felony category was eliminated and the offenses in it reclassified as Class B felonies. Third, the minimum period of imprisonment for a Class A-II drug felony conviction was lowered from six to three years. Lastly, amendments were made which gave defendants greater latitude to plea down to lesser categories of drug offenses. Following these 1979 revisions, a defendant is permitted, for instance, to plea down from an A-I felony to an A-II felony. This is especially significant because of the reduction in the minimum sentence range for Class A-II drug felonies (see Hecthman, Practice Commentary, Penal Law Section 220, 1980).

Some of the affects of the Penal Law changes can be seen in Table 3.1. The proportion of Class A-II female felony offenders held under custody increases from 2.6% in 1975 to 6.1% in 1985. The increase in the A-II category may, in part, be attributable to drug cases which formerly would have fallen into either the Class A-I category or the Class A-III category. As previously mentioned, the 1979 legislation abolished the Class A-III category and reclassified those offenses into the Class B felony category. Consequently, the number of under custody cases in the Class A-III category declines steadily from 1980 to 1985.

TABLE 3.1

FELONY CRIME CLASS OF COMMITMENT OFFENSE (NUMBER AND PERCENT),  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

FELONY CLASS CATEGORY	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
Class A-I	23 5.4	31 6.6	34 6.4	39 7.0	41 6.8	56 9.2	64 8.3	64 7.8	73 8.6	83 8.3	91 8.6
Class A-II	11 2.6	16 3.4	23 4.3	26 4.6	19 3.2	19 3.1	23 3.0	32 3.9	35 4.1	59 5.9	65 6.1
Class A-III	90 21.1	97 20.7	95 17.9	83 14.8	77 12.8	51 8.4	29 3.8	19 2.3	7 0.8	1 0.1	1 0.1
Class B	85 19.9	88 18.8	106 20.0	113 20.2	137 22.7	156 25.7	211 27.4	239 29.0	268 31.6	288 28.7	288 27.2
Class C	96 22.5	101 21.6	103 19.4	122 21.8	140 23.2	145 23.8	173 22.4	160 19.4	173 20.4	191 19.0	185 17.5
Class D	65 15.2	68 14.5	87 16.4	83 14.8	92 15.3	112 18.4	166 21.5	174 21.1	173 20.4	226 22.5	238 22.5
Class E	52 12.2	62 13.2	73 13.8	83 14.8	84 13.9	61 10.0	92 11.9	126 15.3	109 12.8	152 15.2	181 17.1
Youthful Offender	5 1.2	5 1.1	9 1.7	11 2.0	13 2.2	8 1.3	13 1.7	10 1.2	11 1.3	3 0.3	8 0.8
TOTAL	426 100%	468 100%	530 100%	560 100%	603 100%	608 100%	771 100%	824 100%	849 100%	1003 100%	1057 100%
MISSING OBSERVATIONS	1	0	0	0	0	0	0	0	0	12	0

The proportion of women held under custody for a Class B felony offense increases fairly steadily from 1975 to 1983, and then declines slightly in 1984 and 1985. Women in the Class B felony category make up 19.9% of the female under custody population in 1975 compared to 31.6% in 1983. Some of the increase, at least that after 1979, may be attributable to the reclassification of Class A-III drug felonies to Class B felony offenses. Additionally, the plea negotiation restrictions, which were a part of the 1978 violent felony offender legislation, may have contributed to a portion of the increase.

The proportion of female inmates held under custody for a Class C felony offense has declined slightly over the time period. In 1975, 22.5% were held under custody for a Class C offense compared to 17.5% in 1985. The proportion of women committed for Class D felonies, however, increases. In 1975, 15.2% of the women held under custody were committed for a Class D felony offense. In 1985, this proportion increases to 22.5% of the women held under custody. Those committed for a Class E felony also shows a slight increase. In 1975, 12.2% of the women under custody were committed for a Class E felony offense compared to 17.1% in 1985.

Table 3.2 presents the proportion of women who were sentenced as first or second felony offenders within each felony class category. The proportion of women sentenced as second felony offenders for Class A-II felonies has changed very little. Those committed as a second felony offender for a Class B or C felony offense have increased substantially. In 1975, 2.4% of females under custody for a Class B felony offense were sentenced as a second felony offender compared to 13.2% in 1985. Similarly, 3.1% of females under custody in 1983 committed for a Class C felony offense were sentenced as a second felony offender; this compares with 33.0% in 1985.

It should be pointed out that legislation re-instituting specific sentencing statutes for second felony offenders (along with more severe sentences than for first felony offenders in most cases) was enacted in 1973. There were, obviously, persons under custody in 1975 and earlier who were committed to state prison for a second felony offense; but it is only after 1973 that persons were sentenced (under the new laws) as second felony offenders. So, part of the increase in the proportion inmates held under custody who are sentenced as second felony offenders is due to a legislative change in sentencing practice and not solely to an increase in persons committed to state prison following a second conviction for a felony offense. At the same time, this legislation required mandatory state imprisonment for those convicted of a second felony offense. The mandatory sentencing provision of this legislation has, we believe, served to increase the number of persons committed to state prison and it also accounts for part of the increases in the proportion of second felony offenders in each felony class category.

TABLE 3.2

FELONY CRIME CLASS CATEGORY BY FIRST OR SECOND FELONY  
OFFENDER STATUS, FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

FELONY CRIME CLASS	1975		1976		1977		1978		1979	
	First	Second	First	Second	First	Second	First	Second	First	Second
A-I	23 100.0	0 0.0	31 100.0	0 0.0	34 100.0	0 0.0	39 100.0	0 0.0	41 100.0	0 0.0
A-II	11 100.0	0 0.0	15 93.8	1 6.2	22 95.7	1 4.3	25 96.2	1 3.8	18 94.7	1 5.3
A-III	90 100.0	0 0.0	97 100.0	0 0.0	95 100.0	0 0.0	83 100.0	0 0.0	77 100.0	0 0.0
B	83 97.6	2 2.4	83 94.3	5 5.7	100 94.3	6 5.7	104 92.0	9 8.0	125 91.2	12 8.8
C	93 96.9	3 3.1	92 91.1	9 8.9	90 87.4	13 12.6	104 85.2	18 14.8	121 86.4	19 13.6
D	47 72.3	18 27.7	44 64.7	24 35.3	58 66.6	29 33.3	59 71.1	24 28.9	65 70.7	27 29.3
E	36 69.2	16 30.8	32 51.6	30 48.4	38 52.1	35 47.9	36 43.4	47 56.6	38 45.2	46 54.8
YOUTHFUL OFFENDER	5 100.0	0 0.0	5 100.0	0 0.0	9 100.0	0 0.0	11 100.0	0 0.0	13 100.0	0 0.0
TOTAL	388 90.9	39 9.1	399 85.3	69 14.7	446 84.2	84 15.8	461 82.3	99 17.7	498 82.6	105 17.4

TABLE 3.2 Continued

FELONY CRIME CLASS CATEGORY BY FIRST OR SECOND FELONY  
OFFENDER STATUS, FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

FELONY CRIME CLASS	1980		1981		1982		1983		1984		1985	
	First	Second	First	Second	First	Second	First	Second	First	Second	First	Second
A-I	56 100.0	0 0.0	64 100.0	0 0.0	64 100.0	0 0.0	73 100.0	0 0.0	83 100.0	0 0.0	91 100.0	0 0.0
A-II	18 94.7	1 5.3	22 95.7	1 4.3	31 97.0	1 3.0	35 100.0	0 0.0	55 93.2	4 6.8	61 93.8	4 6.1
A-III	51 100.0	0 0.0	29 100.0	0 0.0	19 100.0	0 0.0	7 100.0	0 0.0	1 100.0	0 0.0	1 100.0	0 0.0
B	138 88.5	18 11.5	186 88.2	25 11.8	211 88.3	28 11.7	234 87.3	34 12.7	254 88.2	34 11.8	250 86.8	38 13.2
C	126 86.9	19 13.1	149 86.1	24 13.9	138 86.3	22 13.7	137 79.2	36 20.8	139 72.8	52 27.2	124 67.0	61 33.0
D	71 63.4	41 36.6	111 66.9	55 33.1	105 60.3	69 39.7	89 51.4	84 48.6	89 39.4	137 60.6	86 36.1	152 63.9
E	32 52.5	29 47.5	34 37.0	58 63.0	40 31.7	86 68.3	35 32.1	74 67.9	40 26.3	112 73.6	51 28.2	130 71.9
YOUTHFUL OFFENDER	8 100.0	0 0.0	13 100.0	0 0.0	10 100.0	0 0.0	11 100.0	0 0.0	3 100.0	0 0.0	8 100.0	0 0.0
TOTAL	500 82.2	108 17.8	608 78.9	163 21.1	618 75.0	206 25.0	621 73.1	228 26.9	664 66.2	339 33.8	672 63.6	385 36.4

The Class D and Class E felony offenses have the largest distribution of second felony offenders. In 1975, 27.7% of those women committed for a Class D offense were sentenced as a second felony offender. By 1985, this proportion increases to 63.9%. A more dramatic change is evident for those committed for a Class E offense. In 1975, 30.8% of the Class E offenders were sentenced as second felony offenders. But by 1985, 71.9% of the female offenders under custody for a Class E felony offense were sentenced as second felony offenders and only 28.2% as first offenders.

The increases in the proportion of women held under custody as second felony offenders is also important because of the subsequent increases in minimum sentence length. For a Class B violent felony offense, a first felony offender could receive a minimum term as low as two years. Comparatively, the lowest possible minimum term for a person sentenced as a second violent felony offender (for a Class B violent felony) would be nothing lower than a 6 year minimum term. For a first felony offender convicted of a Class B non-violent felony offense, the lowest possible minimum period of imprisonment is one year. A person sentenced as a second felony offender, for the same type of offense, could receive no less than 4 1/2 years of imprisonment. Similarly, there were substantial increases in the minimum period of imprisonment for Class C offenders sentenced as second felony offenders compared to those sentenced as first offenders (see New York State Penal Law Section 70.00 through Section 70.10).

For Class D and Class E felony offenses, the difference in the length of the minimum period of imprisonment for second felony offenders as compared to first felony offenders is not as severe. For Class D and E first felony offenders (for both violent and non-violent felony offenses), the lowest permissible minimum period of imprisonment is one year. For Class D and E felons sentenced as second felony offenders, the minimum period of imprisonment ranges from 1 1/2 to 2 1/2 years.

The 1973 second felony offender statutes appear to be a contributor to the increasing size of the female under custody population. These statutes require that repeat felony offenders be sentenced to state prison. In conjunction with this, the penalties for persons sentenced as a second felony offender are more severe than those for first felony offenders, particularly for persons convicted for Class B and Class C felonies. Moreover, the penalties are further enhanced for defendants sentenced as second violent felony offenders (i.e., both the present and prior offenses are legislatively designated violent felonies). It is also important to note that prior to the mandatory prison requirement for second felony offenders, persons convicted (even a second time) of a Class D or E felony might have received a sentence of jail or probation. This is particularly important for the female population because of the high concentration of women committed for drug and property offenses.



-Section Four-

FIRST, SECOND AND PERSISTENT FELONY OFFENDERS

In its 1973 session, the New York State Legislature re-enacted second felony offender statutes. These amendments to the Penal Law provide that persons who have been convicted of a felony offense and who have had a prior felony conviction (with such conviction occurring within 10 years of present conviction) shall be sentenced as a Second Felony Offender (see New York State Penal Law Section 70.06). The purpose of these laws was to provide for more severe penalties for repeat offenders. This objective is accomplished in two ways. First, persons convicted of a second felony offense face a mandatory state prison term. Second, these laws require more lengthy minimum sentences for second felony offenders (as compared to the legal range of sentences for first felony offenders).

The data in Table 4.1 show a substantial increase in the proportion of women held under custody who were sentenced as a second or persistent felony offender (see also Figure 4.1). Among female inmates held under custody on December 31, 1975, 9.1% were sentenced as second felony offenders. By 1980, 17.8% of the women held under custody were sentenced as second felony offenders. By 1985, this proportion increased to 36.4% of the female population.

One reason for this increase can be attributed to the continued overall increase in female new court commitments which are second felony offender commitments. For instance, of those women who were new court commitments to state prison in 1976, 15.2% were sentenced as second felony offenders. This proportion compares to 17.6% in 1980 and 38.2% of the 1984 female new admissions.<sup>A/</sup>

Tables 4.2 and 4.3 present, for female under custody inmates, a breakdown of first and second felony offenders according to commitment offense type. These data are presented for the female under custody population for each year in the study. Persistent felony offenders have been grouped with the second felony offenders in this table. Again, this data reflects the commitment offense type for women held under custody at the end of each respective year. For those women in the second felony offender category, the prior offense need not be the same as the current commitment offense.

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<sup>A/</sup> These data are presented in a separate report on female new commitments. See "An Examination of the Trend of Female New Commitments 1976 to 1984." New York State Department of Correctional Services, Albany, New York, 12226, 1986.

TABLE 4.1

FEMALES SENTENCED AS SECOND OR (PERSISTENT) FELONY OFFENDERS,  
FEMALES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

SENTENCING STATUS	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
First Felony	389 90.9	399 85.3	447 84.2	461 82.3	498 82.6	500 82.2	608 78.9	618 75.0	621 73.1	676 66.6	672 63.6
Predicate Felony	39 9.1	69 14.7	84 15.8	99 17.7	105 17.4	108 17.8	163 21.1	206 25.0	228 26.9	339 33.4	385 36.4
Persistent Felony	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0.0	0 0	0 0
TOTAL	428 100.0	468 100.0	531 100.0	560 100.0	603 100.0	608 100.0	771 100.0	824 100.0	849 100.0	1015 100.0	1057 100.0

FIGURE 4.1

# FIRST/PREDICATE FELONY STATUS

FEMALE UNDER CUSTODY POP. 12/31, 1975-85

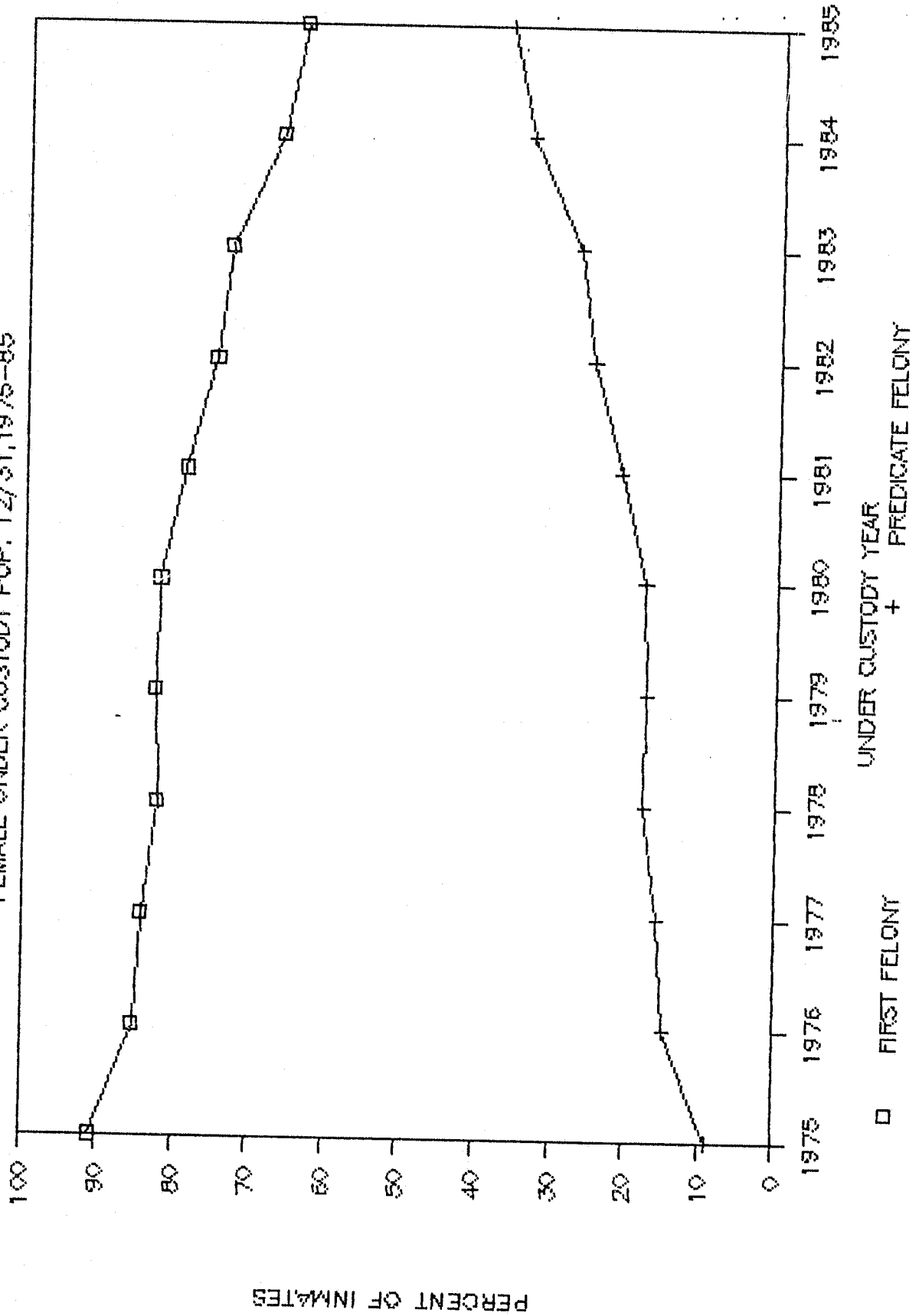


TABLE 4.2

FIRST OR SECOND FELONY OFFENDERS BY OFFENSE TYPE,  
FEMALES UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

Commitment Offense	1975		1976		1977		1978		1979	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
A. Violent Felony Offenses: (as defined by law)	142	11	155	22	177	25	212	30	249	33
Murder	13	0	22	0	23	0	28	0	31	0
Attempted Murder	2	0	1	0	1	0	4	0	5	0
Manslaughter 11	48	2	46	4	54	5	55	6	74	7
Rape 1	0	0	3	0	4	0	4	0	4	0
Robbery 1	20	0	23	1	33	2	38	4	41	5
Robbery 2	26	3	34	3	30	3	36	8	40	11
Assault 1	6	1	3	4	4	3	11	3	17	3
Assault 2	18	5	13	6	15	5	19	5	17	3
Burglary 1	0	0	0	0	0	0	0	0	1	0
Burglary 2	1	0	1	0	4	1	6	1	4	2
Arson 2	2	0	2	0	3	0	4	0	5	0
Sodomy 1	0	0	1	0	1	0	1	0	2	0
Sexual Abuse 1	0	0	0	0	0	0	1	0	1	0
Dangerous Weapons	3	0	4	4	4	6	2	3	3	2
Kidnapping	3	0	2	0	1	0	3	0	4	0
B. Other Felony Offenses	242	28	239	47	261	59	238	69	236	72
1. Offenses Involving Violence/Coercion	64	11	61	17	73	18	67	18	59	18
Manslaughter 2	49	2	45	5	41	5	35	5	35	6
Rape 2, 3	0	0	0	0	0	0	0	0	0	0
Robbery 3	10	8	14	10	22	10	18	12	12	12
Attempted Assault 2	0	0	0	0	0	0	0	0	0	0
Other Coercive/Violent	5	1	2	2	10	3	14	1	12	0
2. Property, Drug and Other Offenses	178	17	178	30	188	41	171	51	177	54
Burglary 3	6	1	5	3	5	5	7	5	15	5
Grand Larceny	17	10	14	14	11	15	17	24	20	22
Drugs	142	1	144	3	149	5	131	5	121	6
Forgery	8	3	6	6	5	11	3	9	8	12
Pos. Stolen Property	0	2	2	2	3	3	3	7	4	7
All Other Felonies	5	0	7	2	15	2	10	1	9	2
C. Youthful Offenders	5	0	5	0	9	0	11	0	13	0
TOTAL	389	39	399	69	447	84	461	99	498	105

TABLE 4.2 continued

Commitment Offense	1980		1981		1982		1983		1984		1985	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
<b>A. Violent Felony Offenses</b> (as defined by law)	288	46	379	67	391	83	413	88	443	108	428	117
Murder	44	0	52	0	58	0	63	0	67	0	71	0
Attempted Murder	3	0	7	0	9	0	13	0	15	2	15	4
Manslaughter 1	87	10	99	11	116	11	113	11	120	9	122	11
Rape 1	3	0	1	0	1	0	2	0	3	0	4	0
Robbery 1	46	9	65	11	70	14	93	21	82	17	64	15
Robbery 2	41	15	80	18	64	16	56	17	53	35	50	33
Assault 1	26	0	22	3	19	2	18	5	18	8	20	12
Assault 2	12	4	12	8	19	14	12	9	17	6	17	3
Burglary 1	1	0	2	0	1	0	7	1	10	1	7	2
Burglary 2	4	6	12	9	10	10	11	12	26	22	24	27
Arson 2	12	0	13	0	11	0	15	0	14	0	13	1
Sodomy 1	2	0	4	0	4	0	1	0	5	0	4	0
Sexual Abuse 1	0	0	0	0	0	0	0	0	1	0	1	0
Dangerous Weapons	5	2	8	7	5	16	5	12	5	8	9	7
Kidnapping	2	0	2	0	4	0	4	0	7	0	7	0
<b>B. Other Felony Offenses</b>	204	62	216	96	217	123	197	140	218	231	236	268
1. Offenses Involving Violence/Coercion	51	12	46	13	39	15	39	12	45	18	40	19
Manslaughter 2	31	5	22	6	25	4	29	3	27	7	26	7
Rape 2, 3	0	0	0	0	0	0	0	0	0	0	0	0
Robbery 3	9	6	9	6	6	9	6	5	9	6	4	7
Attempted Assault 2	0	0	0	0	0	0	2	4	4	4	3	5
Other Coercive/Violent	11	1	15	1	8	2	2	0	5	1	7	0
2. Property, Drug and Other Offenses	153	50	170	83	178	108	158	128	173	213	196	249
Burglary 3	11	7	15	9	10	7	9	2	5	4	2	8
Grand Larceny	16	22	17	30	25	35	17	29	19	69	36	82
Drugs	100	6	108	12	102	23	89	36	124	72	133	99
Forgery	13	11	17	20	22	32	21	41	17	45	8	44
Pos. Stolen Property	3	4	4	8	8	8	7	13	3	16	8	10
All Other Felonies	10	0	9	4	11	3	15	7	3	7	9	6
<b>C. Youthful Offenders</b>	8	0	13	0	10	0	11	0	15	0	8	0
<b>TOTAL</b>	500	108	608	163	618	206	621	228	676	339	672	385

TABLE 4.3

FIRST FELONY OR SECOND FELONY OFFENDERS STATUS BY OFFENSE TYPE;  
FEMALES UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

Commitment Offense	1975		1976		1977		1978		1979	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
<b>A. Violent Felony Offenses</b> (as defined by law)	33.2	2.6	33.1	4.7	33.3	4.7	37.9	5.4	41.3	5.5
Murder	3.0	0.0	4.7	0.0	4.3	0.0	5.0	0.0	5.1	0.0
Attempted Murder	0.5	0.0	0.2	0.0	0.2	0.0	0.7	0.0	0.8	0.0
Manslaughter 1	11.2	0.5	9.8	0.9	10.2	0.9	9.8	1.1	12.3	1.1
Rape 1	0.0	0.0	0.6	0.0	0.8	0.0	0.7	0.0	0.7	0.0
Robbery 1	4.7	0.0	4.9	0.2	6.2	0.4	6.8	0.7	6.8	0.8
Robbery 2	6.1	0.7	7.3	0.6	5.6	0.6	6.4	1.4	6.6	1.8
Assault 1	1.4	0.2	0.6	0.9	0.8	0.6	2.0	0.5	2.8	0.5
Assault 2	4.2	1.2	2.8	1.3	2.8	0.9	3.4	0.9	2.8	0.5
Burglary 1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.0
Burglary 2	0.2	0.0	0.2	0.0	0.8	0.2	1.1	0.2	0.7	0.3
Arson 2	0.5	0.0	0.4	0.0	0.6	0.0	0.7	0.0	0.8	0.0
Sodomy 1	0.0	0.0	0.2	0.0	0.2	0.0	0.2	0.0	0.3	0.0
Sexual Abuse 1	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.0	0.2	0.0
Dangerous Weapons	0.7	0.0	0.9	0.9	0.8	1.1	0.4	0.5	0.5	0.3
Kidnapping	0.7	0.0	0.4	0.0	0.2	0.0	0.5	0.0	0.7	0.0
<b>B. Other Felony Offenses</b>	56.5	6.5	51.1	10.0	49.2	11.1	42.5	12.3	39.1	11.9
1. Offenses Involving Violence/Coercion	15.0	2.6	13.0	3.6	13.7	3.4	12.0	3.2	9.8	3.0
Manslaughter 2nd	11.4	0.5	9.6	1.1	7.7	0.9	6.3	0.9	5.8	1.0
Rape 2nd, 3rd	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Robbery 3rd	2.3	1.9	3.0	2.1	4.1	1.9	3.2	2.1	2.0	2.0
Attempted Assault 2nd	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Other Coercive/Violent	1.2	0.2	0.4	0.4	1.9	0.6	2.5	0.2	2.0	0.0
2. Property, Drug and Other Offenses	41.6	4.0	38.0	6.4	35.4	7.7	30.5	9.1	29.4	9.0
Burglary 3rd	1.4	0.2	1.1	0.6	0.9	0.9	1.3	0.9	2.5	0.8
Grand Larceny	4.0	2.3	3.0	3.0	2.1	2.8	3.0	4.3	3.3	3.6
Drugs	33.2	0.2	30.8	0.6	28.1	0.9	23.4	0.9	20.1	1.0
Forgery	1.9	0.7	1.3	1.3	0.9	2.1	0.5	1.6	1.3	2.0
Pos. Stolen Property	0.0	0.5	0.4	0.4	0.6	0.6	0.5	1.3	0.7	1.2
All Other Felonies	1.2	0.0	1.5	0.4	2.8	0.4	1.8	0.2	1.5	0.3
<b>C. Youthful Offenders</b>	1.2	0.0	1.1	0.0	1.7	0.0	2.0	0.0	2.2	0.0
<b>TOTAL</b>	90.9%	9.1%	85.3%	14.7%	84.2%	15.8%	82.4%	17.7%	82.6%	17.4%

TABLE 4.3 Continued

Commitment Offense	1980		1981		1982		1983		1984		1985	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
<b>A. Violent Felony Offenses</b> (as defined by law)	<b>47.4</b>	<b>7.6</b>	<b>49.2</b>	<b>8.7</b>	<b>47.5</b>	<b>10.1</b>	<b>48.6</b>	<b>10.4</b>	<b>43.6</b>	<b>10.6</b>	<b>40.5</b>	<b>11.1</b>
Murder	7.2	0.0	6.7	0.0	7.0	0.0	7.4	0.0	6.6	0.0	6.7	0.0
Attempted Murder	0.5	0.0	0.9	0.0	1.1	0.0	1.5	0.0	1.5	0.2	1.4	0.4
Manslaughter 1	14.3	1.6	12.8	1.4	14.1	1.3	13.3	1.3	11.8	0.9	11.5	1.0
Rape 1	0.5	0.0	0.1	0.0	0.1	0.0	0.2	0.0	0.3	0.0	0.4	0.0
Robbery 1	7.6	1.5	8.4	1.4	8.5	1.7	11.0	2.5	8.1	1.7	6.1	1.4
Robbery 2	6.7	2.5	10.4	2.3	7.8	1.9	6.6	2.0	5.2	3.4	4.7	3.3
Assault 1	4.3	0.0	2.9	0.4	2.3	0.2	2.1	0.6	1.7	0.8	1.9	1.1
Assault 2	2.0	0.7	1.6	1.0	2.3	1.7	1.4	1.1	1.7	0.6	1.6	0.3
Burglary 1	0.2	0.0	0.3	0.0	0.1	0.0	0.8	0.1	1.0	0.1	0.7	0.2
Burglary 2	0.7	1.0	1.6	1.2	1.2	1.2	1.3	1.4	2.6	2.2	2.3	2.6
Arson 2	2.0	0.0	1.7	0.0	1.3	0.0	1.8	0.0	1.4	0.0	1.2	0.1
Sodomy 1	0.3	0.0	0.5	0.0	0.5	0.0	0.1	0.0	0.5	0.0	0.4	0.0
Sexual Abuse 1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0	0.09	0.0
Dangerous Weapons	0.8	0.3	1.0	0.9	0.6	1.9	0.6	1.4	0.5	0.8	0.9	0.7
Kidnapping	0.3	0.0	0.3	0.0	0.5	0.0	0.5	0.0	0.7	0.0	0.7	0.0
<b>B. Other Felony Offenses</b>	<b>33.6</b>	<b>10.2</b>	<b>28.0</b>	<b>12.5</b>	<b>26.3</b>	<b>14.9</b>	<b>23.2</b>	<b>16.5</b>	<b>21.5</b>	<b>22.8</b>	<b>22.3</b>	<b>25.4</b>
1. Offenses Involving Violence/Coercion	8.4	2.0	6.0	1.7	4.7	1.8	4.6	1.4	4.4	1.8	3.8	1.8
Manslaughter 2	5.1	0.8	2.9	0.8	3.0	0.5	3.4	0.4	2.7	0.7	2.5	0.7
Rape 2, 3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Robbery 3	1.5	1.0	1.2	0.8	0.7	1.1	0.7	0.6	0.9	0.6	0.4	0.7
Attempted Assault 2	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.5	0.4	0.4	0.3	0.5
Other Coercive/Violent	1.8	0.2	1.9	0.1	1.0	0.2	0.2	0.0	0.5	0.1	0.7	0.0
2. Property, Drug and Other Offenses	25.2	8.2	22.0	10.8	21.6	13.1	18.6	15.1	17.0	21.0	18.5	23.6
Burglary 3	1.8	1.2	1.9	1.2	1.2	0.8	1.1	0.2	0.5	0.4	0.2	0.8
Grand Larceny	2.6	3.6	2.2	3.9	3.0	4.2	2.0	3.4	1.9	6.8	3.4	7.8
Drugs	16.4	1.0	14.0	1.6	12.4	2.8	10.5	4.2	12.2	7.1	12.6	9.4
Forgery	2.1	1.8	2.2	2.6	2.7	3.9	2.5	4.8	1.7	4.4	0.8	4.2
Pos. Stolen Property	0.5	0.7	0.5	1.0	1.0	1.0	0.8	1.5	0.3	1.6	0.8	0.9
All Other Felonies	1.6	0.0	1.2	0.5	1.3	0.4	1.7	0.8	0.5	0.7	0.9	0.6
<b>C. Youthful Offenders</b>	<b>1.3</b>	<b>0.0</b>	<b>1.7</b>	<b>0.0</b>	<b>1.2</b>	<b>0.0</b>	<b>1.3</b>	<b>0.0</b>	<b>1.5</b>	<b>0.0</b>	<b>0.8</b>	<b>0.0</b>
<b>TOTAL</b>	<b>82.3%</b>	<b>17.8%</b>	<b>78.9%</b>	<b>21.2%</b>	<b>75.0%</b>	<b>25.0%</b>	<b>73.1%</b>	<b>26.9%</b>	<b>66.6%</b>	<b>33.4%</b>	<b>63.6%</b>	<b>36.5%</b>

Table 4.3 presents, for each crime grouping and for each under custody population from 1975 to 1985, the percent of cases which were first felony offenders and the percent which were second felony offenders. This table shows that in the Violent Felony Offense category the percent of women committed as second felony offenders in 1975 was only 2.6% of the population. By 1985, the proportion increased to 11.1% of the female under custody population. In the "Other Felony Offense" category, the proportion of second felony offenders increased from 6.5% in 1975 to 25.4% of the under custody population in 1985. The subgroup of property and drug offenses had the largest increases in the proportion of second felony offenders, increasing from 4.0% in 1975 to 23.6% in 1985.

The most dramatic change in any one offense category is for drug offenses. Only .2% of the female under custody population in 1975 had been sentenced as a second felony offender (see Table 4.3) for a drug offense. By 1985, 9.4% of the female population was sentenced as a second felony offender for a drug offense. These increases in the percentage of drug offenders held under custody that have been sentenced as a second felony offender may, in part, be due to changes in the Penal Law. These changes expanded the number of drug offenses for which persons can be sentenced as a second felony offender (see New York State Penal Law Sections 70.00, 70.06, 220.00, 220.18). Drug offenders make up a relatively large proportion of the under custody female population. Consequently, changes in the Penal Laws affecting drug offenses have an impact on a substantial number of women held under custody.



-Section Five-

PRIOR ADULT CRIMINAL RECORD

Information on prior adult criminal record for women held under custody 1975 - 1982 is presented in Table 5.1.A/ Prior adult criminal record is broken into five general categories. The first group includes women who have no prior arrest or evidence of contact with the criminal justice system as an adult. The second category represents women who have a prior arrest history, but no indication of a prior conviction. The third category includes women who have been arrested and convicted of an offense (misdemeanor or felony) and who have received a non-incarcerative sentence (e.g. probation, fine, conditional discharge, unconditional discharge, or other alternative sentence). The fourth category is made up of women who have a prior conviction which resulted in a sentence in a city or county jail (this category includes inmates with a split sentence, e.g. jail followed by probation). The last category includes women who have served a prior state or federal prison term. Each inmate is classified according to most serious prior record. In other words, if a person has had both a local jail term and a prison term, they would be included only in the prison category.

As shown in Table 5.1, the proportion of women held under custody who had no prior adult criminal record has remained stable at approximately 25% in 1975 and 1982. There has been a steady decline in the proportion of women with no prior convictions, dropping from 25.7% in 1975 to 15.2% in 1982. Females held under custody with prior convictions but no prior incarceration increases slightly from 15.0% in 1975 to 16.3% in 1982. More noticeably, the proportion of women with a previous local jail term increases from 22.9% in 1975 to 29.6% in 1982. The percent of women with a prior prison term has also increased from 11.9% in 1975 to 13.6% in 1985.

Over the eight year period, a greater proportion of the under custody female population has served a prior term of incarceration in either a local jail or prison. And, the proportion of women with no prior conviction drops off steadily over the time period.

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A/ Data on prior adult record for the last three years in the study is currently unavailable, and consequently, cannot be included at this time.

TABLE 5.1

PRIOR ADULT CRIMINAL RECORD,  
FEMALE UNDER CUSTODY INMATES ON DECEMBER 31, 1975 - 1982

PRIOR ADULT CRIMINAL RECORD	1975	1976	1977	1978	1979	1980	1981	1982
NO PRIOR RECORD	105 24.5	122 26.1	131 24.9	122 22.0	140 23.3	144 23.7	176 22.8	209 25.4
NO PRIOR CONVICTION	110 25.7	113 24.1	124 23.6	124 22.3	120 20.0	119 19.6	122 15.8	125 15.2
CONVICTION, PROBATION, ETC. (NO JAIL)	64 15.0	68 14.5	94 17.9	93 16.8	111 18.5	109 17.9	133 17.3	134 16.3
LOCAL JAIL	98 22.9	104 22.2	117 22.2	146 26.3	148 24.6	159 26.2	236 30.6	244 29.6
STATE OR FEDERAL PRISON	51 11.9	61 13.0	60 11.4	70 12.6	82 13.6	77 12.7	104 13.5	112 13.6
TOTAL	428 100%	468 100%	526 100%	555 100%	601 100%	608 100%	771 100%	824 100%
MISSING OBSERVATIONS	0	0	5	5	2	0	0	0

-Section Six-

MINIMUM SENTENCE LENGTH

Over the last 10 to 15 years, the New York State Penal Law has been amended to alter the minimum and maximum sentencing range for certain types of offenders. Most of these changes have been designed to provide for more severe penalties for persons who commit felony offenses and who are sentenced to state prison.

Second Felony Offender Law

In 1973, the New York State Legislature enacted new second felony offender statutes. These laws require that persons who are convicted of a felony offense and who have a prior felony conviction (within 10 years of current offense) should be sentenced as a Second Felony Offender (New York State Penal Law Section 70.06). These second felony offender laws provide for mandatory prison sentences for persons convicted of a second felony offense. Among new court commitments, the proportion of women sentenced to state prison as a Second Felony Offender has risen in recent years. Women sentenced as second felony offenders made up of 15.2% of the female new commitments in 1976 compared to 38.2% in 1984 A/. The percentage of women held under custody who were sentenced as second felony offenders has also risen sharply. As previously noted in Table 4.1, the proportion of women held under custody who were sentenced as a second felony offender has increased from 9.1% in 1975 to 36.4% of the female under custody population in 1985.

This legislation not only required mandatory prison terms for second felony offenders, it also increased the minimum period of imprisonment for most second felony offenders committed to state prison. When a first felony offender is committed to state prison the judge is restricted from setting the minimum sentence length to any term which would exceed one-third of the maximum sentence. However, for persons convicted as a second felony offender, the judge must set the minimum period of imprisonment at one half of the maximum term (New York State Penal Law Section 70.06 (4)). The second felony offender laws have contributed to increased population size through mandatory incarceration and by longer requirements for minimum sentences for second felony offenders.

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A/ See "An Examination of the Trend of Female New Commitments 1976 to 1984." New York State Department of Correctional Services, Albany, New York, 12226, 1986.

### Violent Felony Offender Law

In a 1978 special session, the Legislature enacted new sentencing provisions for certain violent crimes. The Legislature designated specific crimes to be classified as violent felony offenses (New York State Penal Law Section 70.02). In addition to certain plea negotiation restrictions, the violent felony offender legislation increased the minimum period of imprisonment for persons convicted of Class B or Class C violent felony offenses. The lowest legally permissible sentence for a Class B violent felony offense was raised from 1 year to 2 years. For Class C violent felony offenses the lowest legally permissible sentence was raised from 1 year to 18 months. Furthermore, persons convicted of a second violent felony offense (i.e., both the current offense and the prior offense were designated violent felony offenses) face even more severe penalties. A person who has a prior violent felony conviction and is subsequently convicted of a Class B violent felony offense can receive a minimum sentence of no less than 6 years. Prior to this legislation, the lowest minimum sentence would have been 4 1/2 years. For a Class C second violent felony offender the minimum term was increased from 3 years to 4 years (New York State Penal Law Section 70.04).

The 1978 violent felony offender legislation also required judges to fix the minimum period of imprisonment at sentencing for Class B and Class C violent felony offenders. In 1980, this requirement was extended to all other felony offenders not covered by earlier legislation. Prior to the 1978 and 1980 legislation, minimum sentences were set by the Board of Parole for the majority of all first felony offender commitments. For those inmates with relatively short maximum sentences (e.g., 36 months) the court imposed minimum sentence has resulted in somewhat shorter minimum terms than the Board set minimum sentences. On the other hand, for offenders with comparatively long maximum terms, the judicially set minimum period of imprisonment (to be set at one-third the maximum term, or between 1 year and 1/3 the maximum term) tended to be slightly longer than the Parole Board set minimum period. Consequently, the requirement of the judicially fixed minimum sentence has resulted in longer minimum sentences for persons committed to prison for more serious Class B and Class C felony offenses.

### Consecutive Sentence Provisions

Legislative changes in the sentencing laws have also affected persons receiving consecutive sentences. Prior to 1978, the Penal Law provided that where a defendant received consecutive sentences the minimum sentences would merge and be satisfied by service of the period which had the longest unexpired time to run. In other words, the minimum period of imprisonment for a defendant receiving consecutive sentences would be satisfied by the defendant serving the longest minimum period of the consecutive offenses. In a 1978 amendment to the Penal Law, the legislature required that the minimum terms of consecutive sentences be aggregated (or added together) as the method for establishing the minimum sentence that must be served prior to parole release consideration (New York State Penal Law Section 70.30). Consequently, most persons receiving consecutive sentences after 1978 received longer minimum sentences.

### Build-Up of Offenders with Long Minimum Terms

When compared with a yearly admissions cohort, the under custody population has a disproportionate number of women who have been committed for serious offenses. This is largely attributable to the more serious offenders having longer minimum sentences and consequently not being released at the same rate as less serious offenders. Therefore, there tends to be a build up of the more serious offender population over the years. The affect of sentencing law changes that increase sentence length for serious offenders may more markedly affect the characteristics of the under custody population (as compared to an admissions cohort) because of the higher concentration of serious offenders with long sentences in this group.

### Changes in Minimum Sentence Length in the Under Custody Population over the Period 1975 to 1984

The distribution of the female under custody population according to minimum sentence length is presented in Table 6.1. In 1975, 54.8% of the under custody population had been committed to state prison with an unspecified minimum term. For those cases, the Board of Parole would fix the minimum period of imprisonment at a hearing shortly after commitment. The data in Table 6.1 show that over the years 1975 through 1985 the percent of women held under custody with an unspecified minimum sentence steadily declines. As discussed above, this drop off is due to changes in the law which requires judges, not the Board of Parole, to fix the minimum period of imprisonment.

TABLE 6.1

MINIMUM SENTENCE LENGTH BY YEAR  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

MINIMUM SENTENCE (IN MONTHS)	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
Unspecified Minimum	239 54.8%	215 46.1%	236 45.0%	241 43.5%	246 41.0%	179 29.6%	101 13.1%	33 4.0%	23 2.7%	0 0.0%	0 0.0%
12 - 17 Months	71 16.7%	69 14.8%	51 9.7%	48 8.7%	50 8.3%	47 7.8%	123 16.0%	147 17.9%	120 14.2%	140 13.9%	136 12.9%
18 - 23 Months	20 4.7%	30 6.4%	39 7.4%	50 9.0%	66 11.0%	73 12.1%	135 17.5%	147 17.9%	137 16.2%	176 17.4%	181 17.2%
24 - 35 Months	27 6.4%	42 9.0%	57 10.9%	57 10.3%	66 11.0%	99 16.4%	153 19.9%	188 22.8%	200 23.6%	244 24.2%	261 24.8%
36 - 47 Months	17 4.0%	30 6.4%	35 6.7%	35 6.3%	39 6.5%	50 8.3%	75 9.7%	100 12.2%	121 14.3%	141 14.0%	136 12.9%
48 - 71 Months	16 3.8%	22 4.7%	30 5.7%	37 6.7%	49 8.2%	58 9.6%	72 9.4%	87 10.6%	104 12.3%	139 13.8%	146 13.9%
72 - 119 Months	22 5.2%	32 6.9%	44 8.4%	48 8.7%	45 7.5%	42 7.0%	47 6.1%	55 6.7%	66 7.8%	84 8.3%	96 9.1%
120 - 179 Months	2 0.5%	0 0.0%	3 0.6%	1 0.2%	2 0.3%	3 0.5%	3 0.4%	4 0.5%	4 0.5%	6 0.6%	8 0.8%
180 - 239 Months	12 2.8%	18 3.9%	21 4.0%	25 4.3%	23 3.8%	30 5.0%	38 4.9%	37 4.5%	43 5.1%	45 4.5%	52 4.9%
240+ Months	5 1.2%	8 1.7%	9 1.7%	12 2.2%	14 2.3%	23 3.8%	23 3.0%	25 3.0%	29 3.4%	35 3.5%	37 3.5%
TOTAL	425 100.0%	466 100.0%	525 100.0%	554 100.0%	600 100.0%	604 100.0%	770 100.0%	823 100.0%	847 100.0%	1010 100.0%	1053 100.0%
MISSING	3	2	6	6	3	4	1	1	2	5	4

Because of the dramatic change in the percent of cases with unspecified as opposed to specified minimum terms between 1975 and 1985, it is difficult to determine whether important changes have occurred in the distribution of minimum sentences for each minimum period of imprisonment category. This is particularly true for inmates with a minimum period of imprisonment of 47 months or less. This is because most of the women committed to prison with an unspecified minimum term received a minimum period of imprisonment set by the parole board (that fell for the most part between 18 and 36 months, depending upon the length of the maximum term and other factors). Since most of the cases with unspecified minimum terms had relatively short maximum terms, it is still possible, from the data in Table 6.1, to compare the percent of cases in the relatively long minimum sentence categories (i.e., 72 months or longer) over the years 1975 to 1985. For instance, female inmates with a minimum term of 72 months to 119 months made up 5.2% of the female under custody population on December 31, 1975. By December 31, 1985, 9.1% of the female under custody population had a minimum sentence of 72 to 119 months. Women in the 120 to 179 month minimum sentence category made up .5% of the under custody female population in 1975 compared to .8% in 1985. If all female inmates with a minimum term of 72 months or longer are grouped together they would make up 9.7% of the female under custody population in 1975. They would, however, make up 18.3% of the population in 1985. The data in Table 6.1 make clear that over the period 1975 to 1985 there has been a substantial increase in the proportion of women in the female under custody population who have relatively long minimum sentences.

A better assessment of the extent of change in minimum sentence length across the range of minimum sentences could be obtained if the Board set minimum period of imprisonment (for those people committed to state prison with an unspecified minimum term) had been recorded on electronic data files. Unfortunately, this information is not recorded on the computer files used in this study. It is possible, however, to estimate the minimum period of imprisonment (MPI) fixed by the Parole Board at an MPI hearing. A more complete picture of the range of minimum periods of imprisonment can be achieved by estimating the Board set minimum sentence left unspecified by the court. The Board set minimum period of imprisonment was estimated on the basis of some 10,510 MPI decisions, for both men and women, made by the Board of Parole between 1979 and 1983. A formula to predict minimum period of imprisonment which employed information on maximum sentence length, felony class of conviction crime, and second felony offender status was derived from a computer data file of Parole Board decisions.

Table 6.2 presents data on minimum sentence length for female under custody inmates across the years 1975 to 1985. A graphic display for this population in 1975, 1979, and 1985 is presented in Figure 6.1. The data in Table 6.2 include an estimate of the minimum period of imprisonment for cases with an unspecified minimum term. One of the limitations in the data on minimum sentence length in Table 6.2 is the assumption (implicit in this estimation procedure) that the minimum period of imprisonment set by the Board from 1980 to 1983 is similar to the minimum period of imprisonment set by the Board, from 1975 to 1985, for inmates with comparable maximum sentence length and prior record.

Despite some limitations, it is believed that the data on minimum sentence length in Table 6.2 are valid and useful. Changes in minimum sentence length are relevant because they are an important determinate of time served.

#### Decreasing Percentage of Female Inmates with Minimum Terms under Four (4) Years

The data in Table 6.2 show that there has been a shift in the percent of women under custody in most of the minimum sentence categories used in Table 6.2 over the years 1975 through 1985 (see also Figure 6.1). The percent of cases in the 12 to 17 month minimum sentence category was 25.2% in 1975 compared to 12.9% in 1985. In the category of 18 to 23 months, there is an increase, for a few years, in the percent of women with minimum sentences in this category. By 1985, the percent of women in this category returns to 17.2% which is the same as the proportion in this category in 1975. However, if all the female inmates with a minimum sentence of less than 48 months are grouped together, a marked shift is apparent. In 1975, 84.7% of the female inmates had a minimum sentence of less than 48 months compared to 67.8% of the women under custody in 1985.

#### Increasing Percentage of Female Inmates with Minimum Sentence of Four (4) Years or More

Over the period of 1975 to 1985, there is a fairly steady increase in the percent of cases in the 48 to 71 month minimum sentence category and in each of the minimum sentence categories greater than this (Table 6.2). The percent of cases in the 48 to 71 month category increases from 5.6% in 1975 to 13.9% in 1985. The percent with a minimum sentence between 72 and 119 months increases from 5.2% in 1975 to 9.1% in 1985. Similarly, the proportion of women held under custody with a minimum sentence of 240 months or greater increased from 1.2% in 1975 to 3.5% in 1985. If all female inmates with a minimum term of 48 months or longer are grouped together, we can see that persons in this group make up approximately 15% of the females under custody in 1975, but they make up approximately 32% of the female inmates under custody in 1985. These increases in the percent of women with relatively lengthy minimum terms is consistent with legislative changes in sentencing laws described earlier.



TABLE 6.2

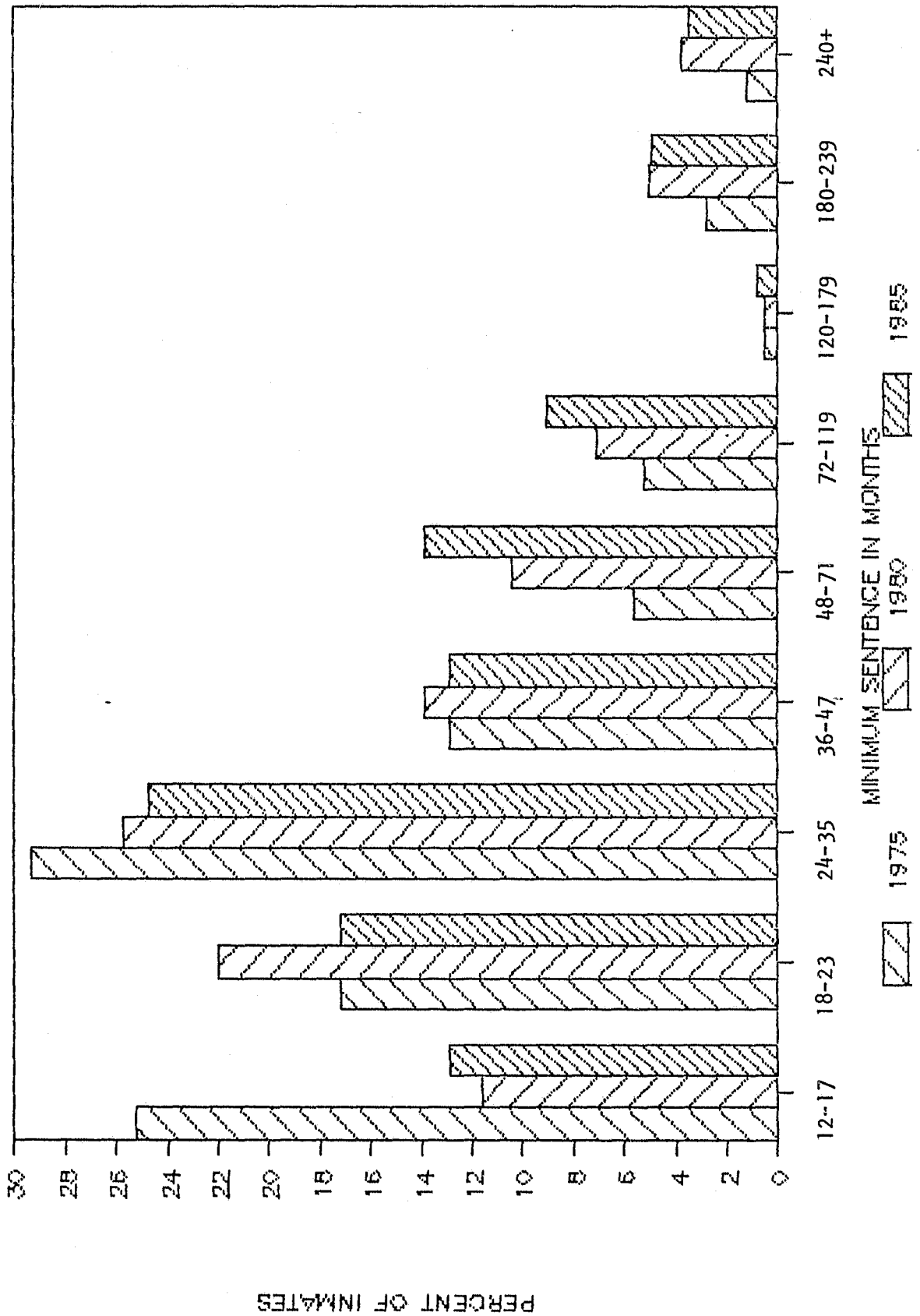
MINIMUM SENTENCE LENGTH BY YEAR  
(WITH UNSPECIFIED MINIMUM TERM ESTIMATED);  
FEMALE INMATES UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

MINIMUM SENTENCE (IN MONTHS)	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
12 - 17 Months	107 25.2%	100 21.5%	85 16.2%	78 14.1%	80 13.3%	70 11.6%	132 17.1%	148 18.0%	121 14.3%	140 13.9%	136 12.9%
18 - 23 Months	73 17.2%	88 18.9%	113 21.5%	110 19.9%	138 23.0%	133 22.0%	173 22.5%	155 18.8%	145 17.1%	176 17.4%	181 17.2%
24 - 35 Months	125 29.4%	128 27.5%	148 28.2%	159 28.7%	156 26.0%	153 25.7%	181 23.5%	200 24.3%	207 24.4%	244 24.2%	261 24.8%
36 - 47 Months	55 12.9%	60 12.9%	67 12.8%	78 14.1%	87 14.5%	84 13.9%	97 12.6%	110 13.4%	129 15.2%	141 14.0%	136 12.9%
48 - 71 Months	24 5.6%	32 6.9%	36 6.9%	43 7.8%	55 9.2%	63 10.4%	75 9.7%	88 10.7%	104 12.2%	139 13.8%	146 13.9%
72 - 119 Months	22 5.2%	32 6.9%	43 8.2%	48 8.7%	45 7.5%	43 7.1%	48 6.2%	56 6.8%	67 7.9%	84 8.3%	96 9.1%
120 - 179 Months	2 0.5%	0 0.0%	3 0.6%	1 0.2%	2 0.3%	3 0.5%	3 0.4%	4 0.5%	4 0.5%	6 0.6%	8 0.8%
180 - 239 Months	12 2.8%	18 3.9%	21 4.0%	25 4.5%	23 3.8%	30 5.0%	38 4.9%	37 4.5%	43 5.1%	45 4.5%	52 4.9%
240+ Months	5 1.2%	8 1.7%	9 1.7%	12 2.2%	14 2.3%	23 3.8%	23 3.0%	25 3.0%	29 3.4%	35 3.5%	37 3.5%
TOTAL	425 100.0%	466 100.0%	525 100.0%	554 100.0%	600 100.0%	604 100.0%	770 100.0%	823 100.0%	849 100.0%	1010 100.0%	1053 100.0%
MISSING	3	2	6	6	3	4	1	1	0	5	4
MEDIAN (IN MONTHS)	25.6	25.4	26.4	28.0	27.5	27.5	24.0	24.0	24.0	24.0	24.0
AVERAGE (IN MONTHS)	36.4	40.0	42.0	44.8	44.0	49.8	45.6	45.9	49.6	49.2	51.0

FIGURE 6.1

# MINIMUM SENTENCE LENGTH

FEMALE UNDER CUSTODY POP. 1975, 1980, 1985



The median minimum sentence and the average minimum sentence for female inmates held under custody on December 31 of each year are also presented in Table 6.2. The median is a measure of central tendency which represents the value of the middle case in a distribution of cases (i.e., it is the case at the 50th percentile). The median is less sensitive to extreme values (in this instance cases with extremely long minimum sentences) than is the arithmetic average. The median minimum sentence decreases slightly from 25.6 months in 1975 to 24.0 months in 1985. It remains stable, at 24.0 months, from 1981 to 1985. In contrast, the average minimum sentence length was 36.4 months for women held in 1975 compared to an average of 51.0 months for those women held under custody in 1985. The average, as a measure of central tendency, is more sensitive to the increase between 1975 and 1985 in the number of women held under custody who received relatively lengthy minimum sentences (e.g. 72 months or longer).

-Section Seven-

MAXIMUM SENTENCE LENGTH

Amendments to the Penal Law, over the past 10 to 15 years, have altered the minimum-maximum sentence structure for various groups of offenders (e.g., drug offenders, violent felony offenders, second felony offenders). These changes are more fully discussed in previous sections on offense type, first or second felony offender status, felony crime class, and minimum sentence. Since the minimum period of imprisonment is generally a fraction of the maximum sentence (e.g., 1 year up to  $1/3$  of the maximum sentence for non-violent first felony offenders;  $1/2$  of the maximum term for second felony offenders), the discussion of those changes in the law which have increased the minimum periods of incarceration have affected maximum sentences as well.

The data in Table 7.1 presents the distribution of the female under custody population according to maximum sentence length. This data is based on controlling maximum sentence. More specifically, for persons convicted and sentenced to state prison for more than one offense the controlling maximum sentence is the longest maximum term for which the person serving time has been sentenced. Many inmates are sentenced to concurrent sentences (i.e. sentences which run at the same time). For the persons serving concurrent sentences, the minimum period of imprisonment depends on the longest maximum period of imprisonment.

Alternatively, for persons serving consecutive sentences, the minimum and maximum term of the consecutive sentences are aggregated or added together. There are, however, limitations or caps on the length of consecutive sentences (New York State Penal Law Section 70.30). Those limitations depend on the felony class category of the conviction offense.

The computer file used for the under custody populations, from 1975 to 1985, contain only the information on the controlling maximum sentence. Consequently, the maximum sentences reported in Table 7.1 pertain only to the single longest maximum term.

Over the 10 year period, there appears to be only slight overall changes in the proportion of women held under custody with relatively short maximum sentences (see also Figure 7.1). In Table 7.1, the proportion of women held under custody in the 36 month maximum sentence category remained virtually unchanged from 20.6% in 1975 to 20.4% in 1985. The proportion of women with a maximum term of 37 to 53 months increases slightly from 14.0% in 1975 to 16.3% in 1985. With the exceptions of the 120-143 month and the Life maximum categories

TABLE 7.1

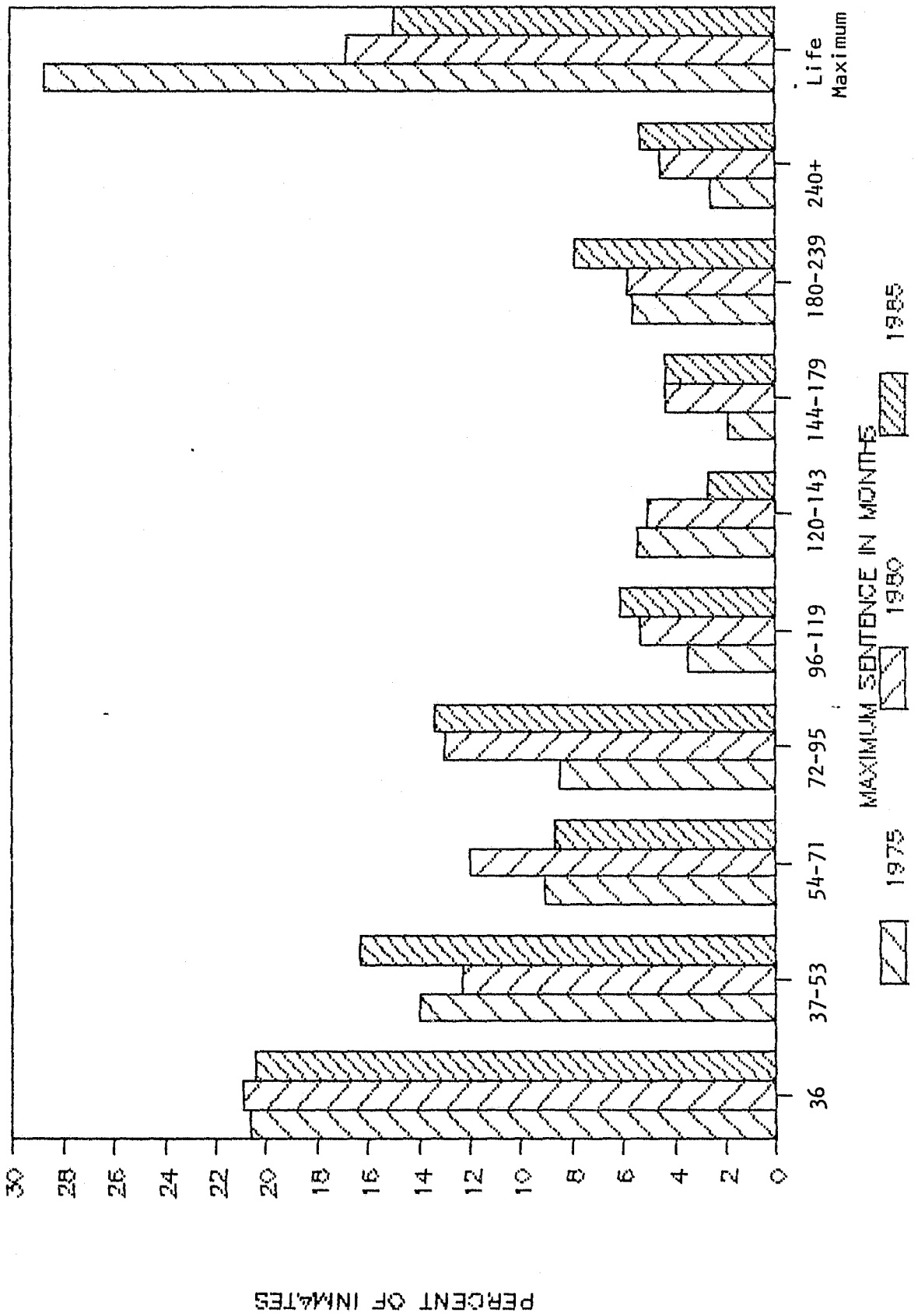
MAXIMUM SENTENCE LENGTH BY YEAR,  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

MAXIMUM SENTENCE (in months)	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
36 months	88 20.6	107 22.9	118 22.2	119 21.2	135 22.4	127 20.9	175 22.7	179 21.7	157 18.5	198 19.5	216 20.4
37-53 months	60 14.0	59 12.6	77 14.5	78 13.9	78 13.0	75 12.3	102 13.2	110 13.3	112 13.2	166 16.4	172 16.3
54-71 months	39 9.1	31 6.6	34 6.4	39 7.0	46 7.6	73 12.0	99 12.8	94 11.4	91 10.7	96 9.5	92 8.7
72-95 months	37 8.5	41 8.8	51 9.6	59 10.5	73 12.1	79 13.0	124 14.8	128 15.6	135 15.9	136 13.4	142 13.4
96-119 months	15 3.5	13 2.8	19 3.6	20 3.6	25 4.2	32 5.3	49 6.4	66 8.0	72 8.5	74 7.3	64 6.1
120-143 months	23 5.4	19 4.1	17 3.2	25 4.5	29 4.8	30 5.0	27 3.5	25 3.0	30 3.5	28 2.8	29 2.7
144-179 months	8 1.9	13 2.8	19 3.6	20 3.6	26 4.3	27 4.4	32 4.1	38 4.6	42 4.9	49 4.8	46 4.4
180-239 months	24 5.6	24 5.1	23 4.4	30 5.4	36 6.0	35 5.8	42 5.4	40 4.8	57 6.7	77 7.6	83 7.9
240+	11 2.6	16 3.4	21 4.0	21 3.8	23 3.8	27 4.6	29 3.7	37 4.4	40 4.7	46 4.5	56 5.3
Life Maximum	123 28.7	145 31.0	150 28.3	149 26.6	132 21.9	102 16.8	101 13.1	106 12.8	112 13.2	145 14.3	157 14.9
Total	428 100%	468 100%	530 100%	560 100%	603 100%	607 100%	770 100%	823 100%	848 100%	1015 100%	1057 100%
Missing	0	0	1	0	0	1	1	1	1	0	0
Median	84.0	84.0	84.0	84.0	84.0	72.0	72.0	72.0	72.1	72.0	72.0
Average	145.0	150.8	144.9	142.9	133.4	123.1	111.1	112.8	116.8	118.0	120.3

FIGURE 7.1

# MAXIMUM SENTENCE LENGTH

FEMALE UNDER CUSTODY POP. 1975, 80, 85



all the remaining categories demonstrate slight increases. The 120-143 category declines from 5.4% in 1975 to 2.7% in 1985. The most drastic change occurs in the Life Maximum category. There is a sharp decline in the proportion of women with Life Maximum sentences dropping from 28.7% in 1975 to 14.9% in 1984. The decline in females under custody with Life maximum terms is partially a result of change in the drug laws. The A-III felony class category was abolished in 1979 and these drug offenses were included as Class B felony offenses. The A-III felony category carried a Life maximum term; the reclassification of these offenses as Class B felonies accounts for some of the decline in females with Life maximum sentences. The decline in Life maximum sentences, because of the changes in drug laws, is probably not as dramatic as it might be because of the counteractive effect of a larger proportion of women held under custody for violent felony offenses (see Section 2) which carry relatively lengthy maximum sentences.

The median maximum sentence length (Table 7.1) holds constant from 1975 to 1979 at approximately 84 months. In 1980, the median maximum sentence drops to 72 months and remains steady through 1985. The average maximum sentence length\* demonstrates a fairly steady decline from 145 months in 1975 until reaching a low in 1981 of 111.1 months. From 1982 to 1985, there has been a steady increase in average maximum sentence increasing from 112.8 months in 1982 to 120.3 months in 1985. The sharp drop off in the average maximum sentence between 1979 (133.4 months) and 1981 (111.1 months) is due to a drop off in the number of female inmates held under custody for a Class A-III conviction (see Table 3.1). The Class A-III conviction carried a Life maximum sentence (which we treated as 25 years in calculating the average maximum sentence) so the decline in the number of Class A-III drug offenders under custody sharply pulls down the average minimum sentence for the total group.

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\* In estimating average maximum sentence, Life maximum is calculated at 25 years. The purpose of this is to avoid extreme values erroneously inflating the average maximum sentence.

-Section Eight-

TIME SERVED AS OF YEAR'S END

As discussed in previous sections, amendments to the Penal Law over the last 10 to 15 years have served to increase the sentence length for most persons convicted of a felony and sentenced to prison. It is difficult, at this time, to determine the impact of sentencing law changes on the actual length of time served by an inmate. This is especially true for those persons committed for a serious crime and who receive a relatively long sentence. Before the overall effect of the new laws can be assessed a defendant must be sentenced under the new laws, serve the sentence, and be released.

In this section, changes in the average length of time served by the under custody female population will be examined. Time served will be based on the period of time an inmate has served from the time of latest reception to December 31 of the particular year. These time served data offer a preliminary view of the impact of new sentencing laws on time served. These data also provide a profile of time served by the female inmate population for each of the years 1975 to 1985.

Increase in Time Served

In Table 8.1, time served is broken down into 11 categories. The percent of females under custody in both the 0-5 month category and the 6-11 month category decline from approximately 32% in 1975 to approximately 23% in 1985. The percent of inmates in all the remaining categories increase over the time period. The categories demonstrating the greatest increases are: 12-17 months going from 14% in 1975 to 18.6% in 1985; 24-29 months increasing from 2.8% in 1975 to 6.0% in 1985; 30-35 months from 1.9% in 1975 to 5.0% in 1985; and 48-71 months increasing from 1.9% in 1975 to 4.8% in 1985. In general, these data show an upward shift in time served from 1975 through 1985 (see also Figure 8.1).

Both the median and average time served are presented for each year of the study in Table 8.1. The median time served for female inmates was 9.2 months in 1975. This compares to a median of 12.4 months in 1985. The average time served by female inmates also shows an increase over the time period. The average time served is higher than the median time served due to its greater sensitivity to extreme values. The average time served in 1975 was 14.1 months. This figure increases to an average of 18.5 months in 1985, or, an approximate increase of four months over the 11 year period.



TABLE 8.1

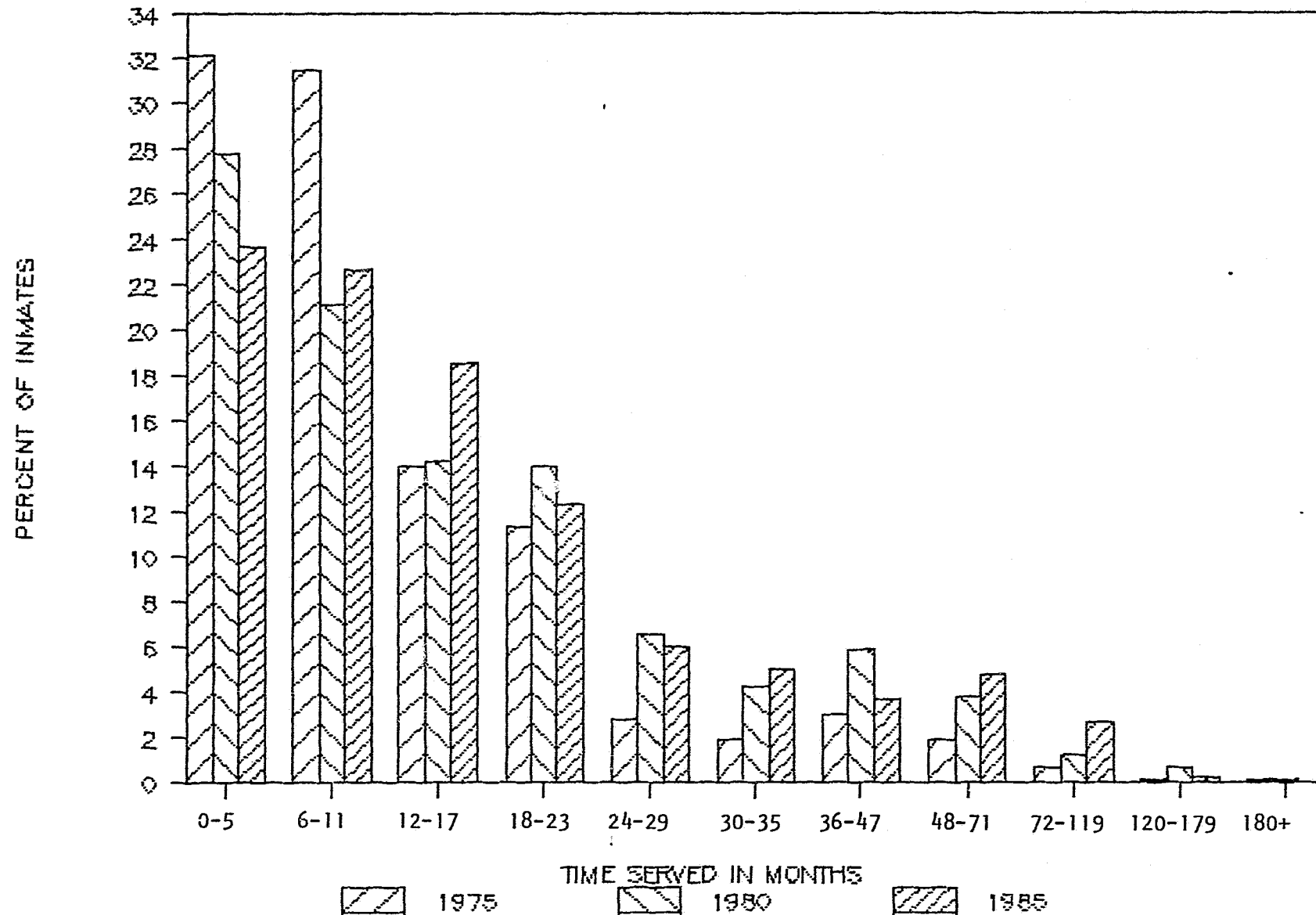
TIME SERVED IN STATE PRISON AS OF DECEMBER 31,  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

TIME SERVED TO DECEMBER 31 (IN MONTHS)	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
0 - 5 Months	138 32.2	141 30.1	164 30.9	135 24.1	132 21.9	169 27.8	222 28.8	208 25.2	239 26.2	282 27.8	250 23.7
6 - 11 Months	135 31.5	157 33.5	161 30.3	144 25.7	176 29.2	129 21.2	199 25.8	186 22.6	189 22.3	225 22.2	241 22.8
12 - 17 Months	60 14.0	68 14.5	88 16.6	101 18.0	96 15.9	85 14.0	119 15.4	151 18.3	132 15.5	157 15.5	197 18.6
18 - 23 Months	49 11.4	41 8.8	54 10.2	71 12.7	65 10.8	87 14.3	69 8.9	104 12.6	80 9.4	114 11.2	131 12.4
24 - 29 Months	12 2.8	22 4.7	19 3.6	44 7.9	43 7.1	40 6.6	42 5.4	52 6.3	59 6.9	66 6.5	63 6.0
30 - 35 Months	8 1.9	14 3.0	19 3.6	24 4.3	30 5.0	26 4.3	40 5.2	33 4.0	44 5.2	33 3.3	53 5.0
36 - 47 Months	13 3.0	8 1.7	8 1.5	21 3.7	38 6.3	36 5.9	31 4.0	38 4.6	50 5.9	58 5.7	39 3.7
48 - 71 Months	8 1.9	11 2.4	10 1.9	12 2.1	12 2.0	23 3.8	35 4.5	27 3.3	31 3.7	44 4.3	51 4.8
72 - 119 Months	3 0.7	3 0.6	5 0.9	5 0.9	8 1.3	8 1.3	9 1.2	20 2.4	20 2.4	28 2.8	29 2.7
120 - 179 Months	1 0.2	2 0.4	2 0.4	2 0.4	2 0.3	4 0.7	3 0.4	3 0.4	4 0.5	7 0.7	3 0.3
180+	1 0.2	1 0.2	1 0.2	1 0.2	1 0.2	1 0.2	2 0.3	2 0.2	1 0.1	1 0.1	0 0.0
TOTAL	428 100%	468 100%	531 100%	560 100%	603 100%	608 100%	771 100%	824 100%	849 100%	1015 100%	1057 100%
MEDIAN (IN MONTHS)	9.2	9.7	9.7	12.1	11.7	12.6	10.9	12.9	11.9	12.2	12.4
AVERAGE (IN MONTHS)	14.1	14.4	14.2	17.0	17.7	18.6	17.4	18.5	18.2	18.7	18.5

FIGURE 8.1

# TIME SERVED IN STATE PRISON ON DEC. 31

FEMALE UNDER CUSTODY POP. 1975, 80, 85



Data on time served in state prison (for females) that is generated from examining annual release cohorts from the Department of Correctional Services can be found in a separate report.<sup>A/</sup> This report has information on time served by offense type for total commitments (approximately 97% male) and female commitments released from Department custody.

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<sup>A/</sup> "Time Served Among Female Releases 1978-1983, " Division of Program Planning, Research and Evaluation, New York State Department of Correctional Services, Albany, New York 12226, November 1984.

-Section Nine-

AGE AS OF DECEMBER 31

Table 9.1 presents the age distribution of women held under custody on December 31 for each year 1975 through 1985 (see also Figure 9.1). In this table, age refers to the age of the inmate on December 31 of each particular calendar year.

Table 9.1 shows that the proportion of women who are in the younger age categories decline somewhat over the 11 year period (see also Figure 9.1). Women in the 16 to 18 age group decline slightly from 2.3% in 1975 to 1.2% of the under custody female population in 1985. The 19 to 20 age group also declines from 6.5% of the population in 1975 to 3.1% in 1985. An even greater decline is apparent in the 21 to 24 age group, dropping from 25.5% of the female inmate population in 1975 to 15.5% in 1985. Beginning with 30 to 34 age category, increases are demonstrated in each of the older age groups through the 50 to 59 age group category. The most substantial increase is in 30 to 34 age group, increasing from 15.4% of the female under custody population in 1975 to a high of 24.9% in 1985.

When female inmates age 24 or younger are grouped together, they comprise approximately 34% of females held under custody on December 31, 1975. However, females age 24 or younger make up approximately 20% of females had under custody on December 31, 1985.

Using the arithmetic average (or mean) as a measure of central tendency is another way of demonstrating a slight increase in the average age of the female population over the 11 year period. The average age on December 31, 1975 is 29.8. The average age among female inmates on December 31, 1985 has increased to 32.2 years. In other words, the women held under custody in 1985 are slightly older, on average, than the women held in 1975.

TABLE 9.1

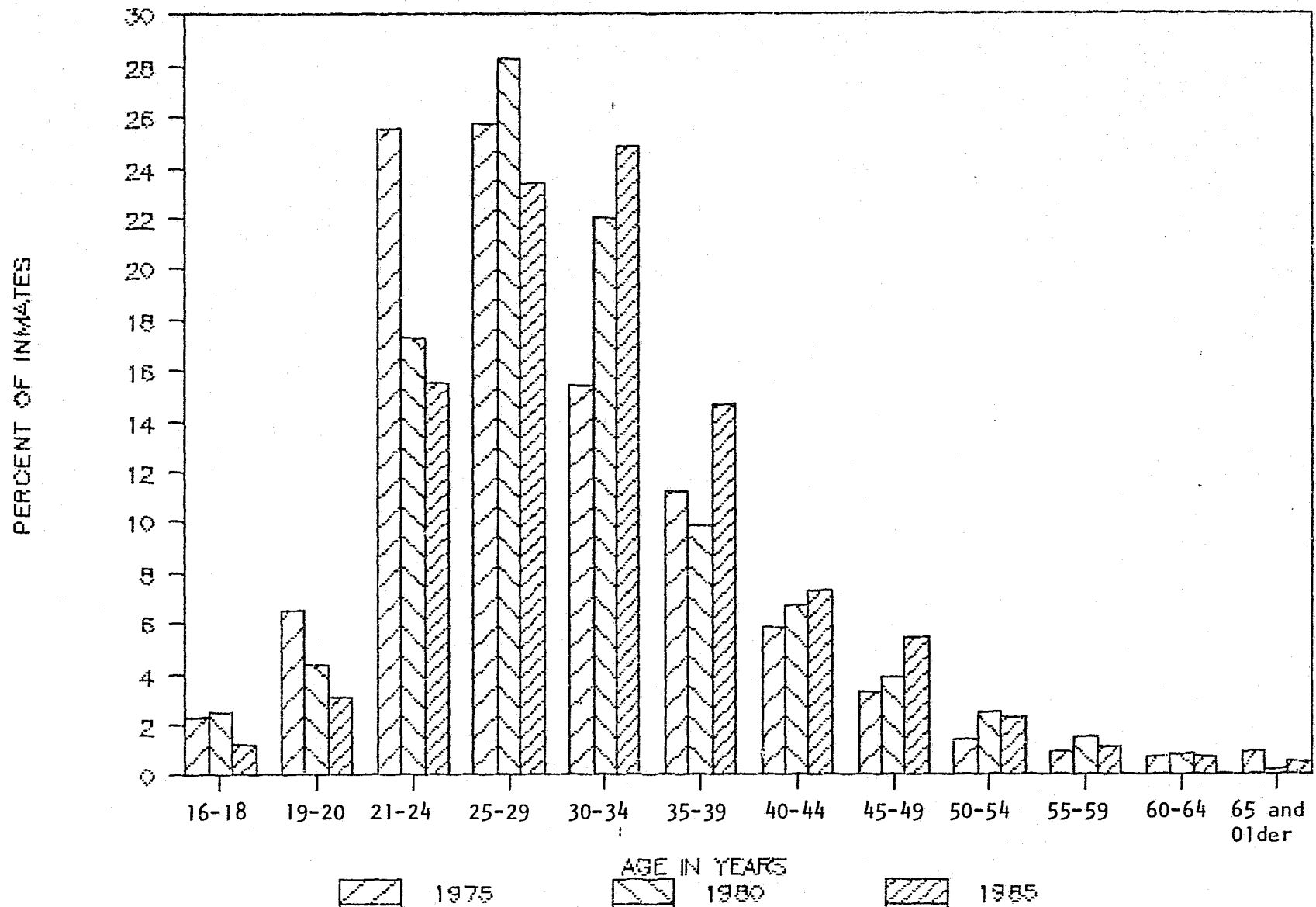
AGE AS OF DECEMBER 31,  
FEMALES UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

AGE IN YEARS	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
16 TO 18	10 2.3	13 2.8	10 1.9	12 2.1	13 2.2	15 2.5	19 2.5	17 2.1	13 1.5	13 1.3	13 1.2
19 TO 20	28 6.5	39 8.3	43 8.1	29 5.2	28 4.6	27 4.4	47 6.1	49 5.9	43 5.1	61 6.0	33 3.1
21 TO 24	109 25.5	114 24.4	122 23.0	104 18.6	118 19.6	105 17.3	129 16.7	118 14.3	134 15.8	137 13.5	164 15.5
25 TO 29	110 25.7	127 27.1	158 29.8	165 29.5	182 30.2	172 28.3	238 30.9	239 29.0	235 27.7	278 27.4	247 23.4
30 TO 34	66 15.4	68 14.5	89 16.8	111 19.8	116 19.2	134 22.0	156 20.2	192 23.3	199 23.4	241 23.7	263 24.9
35 TO 39	48 11.2	41 8.8	36 6.8	49 8.7	50 8.3	60 9.9	83 10.8	95 11.5	108 12.7	126 12.4	155 14.7
40 TO 44	25 5.8	30 6.4	37 7.0	43 7.7	42 7.0	41 6.7	39 5.1	50 6.1	58 6.8	76 7.5	77 7.3
45 TO 49	14 3.3	14 3.0	16 3.0	28 5.0	31 5.1	24 3.9	27 3.5	29 3.5	33 3.9	50 4.9	57 5.4
50 TO 54	6 1.4	6 1.3	8 1.5	10 1.8	13 2.2	15 2.5	17 2.2	18 2.2	14 1.6	16 1.6	24 2.3
55 TO 59	4 0.9	8 1.7	7 1.3	6 1.1	6 1.0	9 1.5	10 1.3	10 1.2	6 0.7	11 1.1	12 1.1
60 TO 64	3 0.7	4 0.9	1 0.2	1 0.2	3 0.5	5 0.8	4 0.5	3 0.4	4 0.5	4 0.4	7 0.7
65 AND OLDER	4 0.9	4 0.9	4 0.8	2 0.4	1 0.2	1 0.2	2 0.3	4 0.5	2 0.2	2 0.2	5 0.5
TOTAL	428 100%	468 100%	531 100%	560 100%	603 100%	608 100%	771 100%	824 100%	849 100%	1015 100%	1057 100%
MEAN	29.8	29.6	29.5	30.4	30.5	30.9	30.3	30.8	30.8	31.2	32.2

FIGURE 9.1

# AGE OF FEMALE UNDER CUSTODY POPULATION

ON DECEMBER 31, 1975, 1980, 1985



-Section Ten-

ETHNIC STATUS

Table 10.1 presents the ethnic status distribution of women held under custody in each of the years 1975 through 1985. Figure 10.1 presents a graphic display of these same data.

For most of the under custody files used in the study, Hispanics (excluding inmates of Puerto Rican birth or parentage) were coded as White. In order to remain consistent with earlier data, Whites and Hispanics will be grouped together in each of the under custody populations in the study.

The data in Table 10.1 (and the graphic display in Figure 10.1) show that those women who are White represent 22.0% of the population in 1975 and 29.1% of the population in 1985. These figures demonstrate a fairly steady increase of White female inmates over the ten year period.

In contrast, the proportion of Black female inmates has declined somewhat from 1975 to 1985. Black women represented 64.7% of the under custody female population in 1975. That figure declines to 51.6% of the population in 1985.

The proportion of women under custody either born in Puerto Rico or of Puerto Rican parentage has increased from 1975 to 1985. This increase has not been steady. In 1975, Puerto Rican women made up 13.3% of the population. In 1977, the figure increased to 16.4% but drops again in 1980 to 13.8%. After 1980, there is a steady increase through 1985. In 1985, 18.9% of the under custody female population was made up of persons born in Puerto Rico or whose parents were Puerto Rican.

For both of the groups, American Indian and Oriental, the actual numbers are very small with both groups representing only a fraction of the total female under custody population across each year from 1975 to 1985.

TABLE 10.1

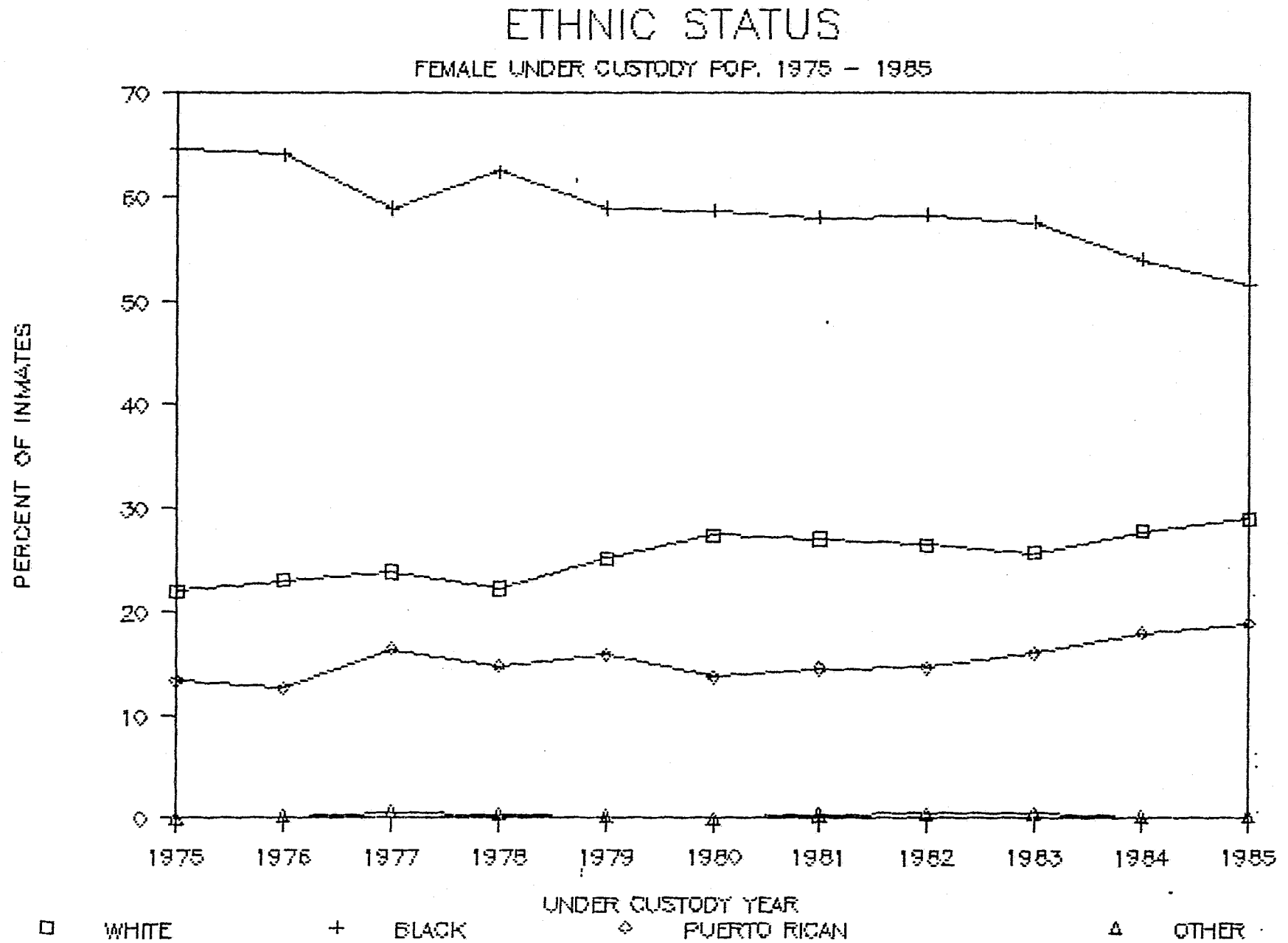
ETHNIC STATUS, FEMALE INMATES HELD  
UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

ETHNICITY	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
White or Hispanic	94 22.0	108 23.1	127 23.9	125 22.3	152 25.2	167 27.5	209 27.1	219 26.6	219 25.8	282 27.8	308 29.1
Black	277 64.7	300 64.1	313 58.9	350 62.5	355 58.9	357 58.7	448 58.1	480 58.3	489 57.6	547 53.9	545 51.6
Puerto Rican	57 13.3	59 12.6	87 16.4	83 14.8	95 15.8	84 13.8	112 14.5	121 14.7	137 16.1	183 18.0	200 18.9
American Indian	0 0.0	0 0.0	1 0.2	0 0.0	0 0.0	0 0.0	2 0.3	3 0.4	3 0.4	0 0.0	0 0.0
Oriental*	0 0.0	1 0.2	2 0.6	2 0.4	1 0.2	0 0.0	0 0.3	1 0.5	1 0.5	1 0.1	1 0.1
TOTAL	428 100%	468 100%	530 100%	560 100%	603 100%	608 100%	771 100%	824 100%	849 100%	1013 100%	1054 100%
MISSING	0	0	1	0	0	0	0	0	0	2	3

\*Includes Japanese, Chinese, and Other Oriental



FIGURE 10.1



-Section Eleven-

EDUCATIONAL STATUS

Table 11.1 presents the educational attainment distribution for female inmates held under custody on December 31 for each of the years from 1975 to 1985. Note should be made of the large number of missing cases in 1984 and 1985. While the average educational attainment remains stable over these years, some caution should be used when interpreting these results. A graphic display of educational attainment for the female under custody population on December 31, for the years 1975, 1979, and 1985 is presented in Figure 11.1. Educational status, for this purpose, refers to the highest grade level completed. For example, those women who left school while attending the tenth grade, but not completing the tenth grade, would be included in the ninth grade category. Those women who have obtained a General Education Diploma (G.E.D.) were coded as completing the twelfth grade. Women who had any type of post secondary education credits (e.g., business college, vocational training, college credits) were grouped together in the "some college" category. This category also includes those who have completed a two year degree, four year degree or higher. It should be recognized that these data for the most part are based on information reported by the inmate during the reception/classification process. In many cases, the probation officer who prepared a pre-sentence investigation will verify the extent of educational achievement. Furthermore, in recent years, the Department has taken steps to verify achievement of high school diploma, G.E.D., or college credit. Additionally, the Department administers tests during the reception/classification process to assess levels of reading and mathematical abilities. Nonetheless, for many of the cases in Table 11.1 (particularly the earlier years) information supplied by the inmate concerning educational attainment is supplied by the inmate at classification and is unverified.

The data in Table 11.1 show that there was a slight decrease in the proportion of women held under custody with a sixth grade education or less. The percentage drops from 6.6% in 1975 to 5.7% in 1985. The proportion of women with seventh, eighth, and ninth grade educations (when taken together) increases slightly from approximately 26.2% in 1975 to 31.2% in 1985. Women with a high school education decreased from 23.0% in 1975 to 18.6% in 1985. Women reporting some college education increases slightly from 7.8% in 1975 to 9.3% in 1985. Figure 11.1 presents a graphic display of this information for the years 1975, 1980, and 1985.

Table 11.1, also presents the mean or arithmetic average over the ten year span. While there has been some fluctuation in the various education categories, the average educational attainment (in school years completed) has remained relatively stable at approximately ten years.

TABLE 11.1

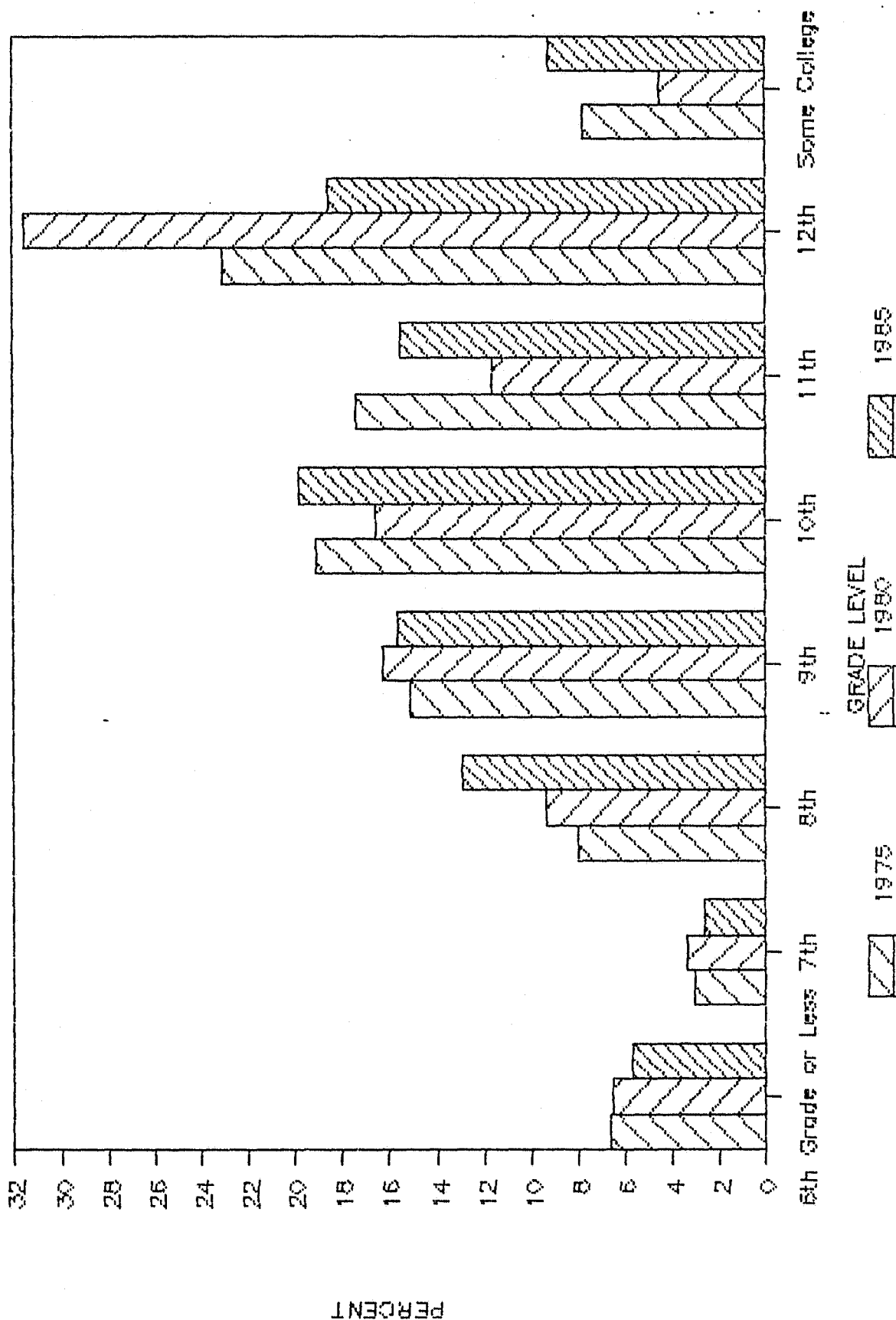
EDUCATION ON COMMITMENT DATE,  
FEMALE INMATES HELD UNDER CUSTODY  
ON DECEMBER 31, 1975 - 1985

EDUCATION (IN YEARS COMPLETED)	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
6th Grade or Less	28 6.6%	31 6.6%	32 6.2%	34 6.2%	40 6.8%	39 6.5%	50 6.6%	50 6.1%	49 5.8%	37 5.5%	49 5.7%
7th Grade	13 3.1%	18 3.8%	18 3.5%	20 3.6%	16 2.7%	20 3.4%	35 4.6%	33 4.1%	40 4.8%	28 4.2%	23 2.7%
8th Grade	34 8.0%	56 12.0%	45 8.7%	44 8.0%	54 9.1%	56 9.4%	57 7.5%	72 8.8%	91 10.8%	96 14.3%	110 12.9%
9th Grade	64 15.1%	74 15.8%	79 15.2%	88 16.0%	85 14.4%	97 16.3%	117 15.5%	129 15.8%	136 16.2%	110 16.4%	133 15.6%
10th Grade	81 19.1%	94 20.1%	96 18.5%	100 18.1%	99 16.7%	99 16.6%	125 16.5%	129 15.8%	130 15.5%	106 15.8%	169 19.8%
11th Grade	74 17.4%	64 13.7%	69 13.3%	76 13.8%	79 13.3%	70 11.7%	116 15.3%	124 15.2%	101 12.0%	92 13.7%	132 15.5%
12th Grade	98 23.1%	104 22.2%	162 31.2%	163 29.6%	193 32.6%	188 31.5%	231 30.6%	249 30.6%	262 31.2%	169 25.1%	159 18.6%
Some College	33 7.8%	27 5.8%	18 3.5%	26 4.7%	26 4.4%	27 4.5%	25 3.3%	28 3.4%	31 3.7%	34 5.1%	79 9.3%
TOTAL	425 100.0%	468 100.0%	519 100.0%	551 100.0%	592 100.0%	596 100.0%	756 100.0%	814 100.0%	840 100.0%	672 100.0%	854 100.0%
MISSING	3	0	12	9	11	12	15	10	9	343	203
Average Education in Years	10.2	9.9	10.1	10.2	10.2	10.1	10.1	10.2	10.1	10.0	10.1

FIGURE 11.1

# EDUCATION OF FEMALE UNDER CUSTODY POP.

ON DECEMBER 31, 1975, 1980, 1985



-Section Twelve-

MARITAL STATUS

Table 12.1 presents the distribution of the female under custody population according to marital status. This table reflects the inmate's marital status as of admission date to the Department of Correctional Services. Figure 12.1 presents a graphic display of marital status for female inmates over the period 1975 to 1985.

For the purpose of the report, the category never married includes women who report never being legally married. In previous reports a category of common-law marriage was included. However, because of difficulties in reliably classifying and verifying common-law relationships, these cases are included in the never married category. As shown in Table 12.1, the proportion of women held under custody who report never being married has increased from 54.2% in 1975 to 59.6% in 1985. The proportion of women reporting being legally married increases slightly from 11.4% in 1975 to 15.8% in 1985. There has been a decline in the divorced or separated category dropping from a high of 28.5% in 1975 to 19.7% in 1985.

TABLE 12.1

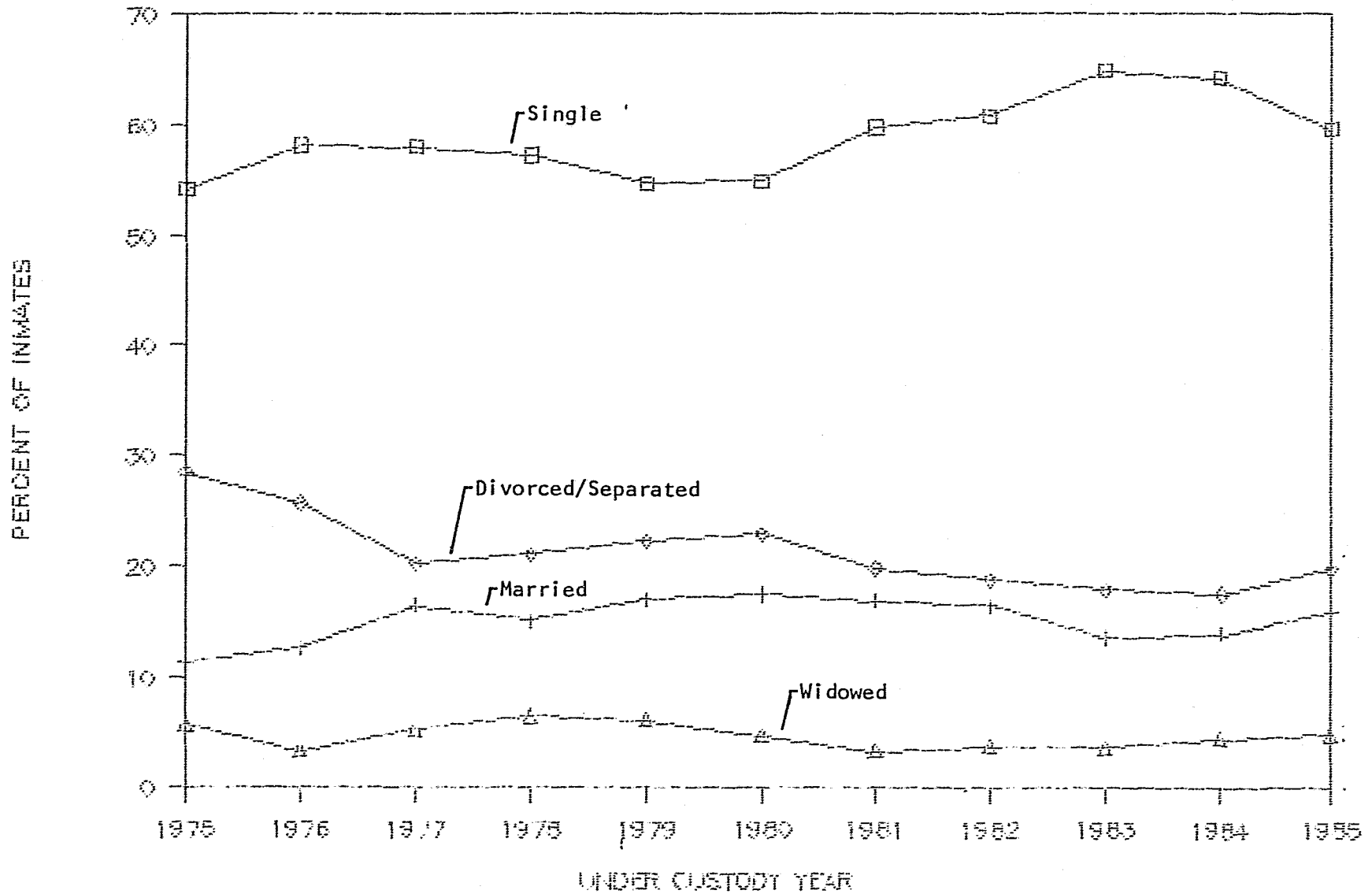
MARITAL STATUS ON COMMITMENT DATE;  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

MARITAL STATUS	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
Never Married	232 54.2%	272 58.2%	308 58.1%	319 57.3%	325 54.7%	326 54.9%	456 59.8%	498 60.9%	548 64.9%	444 64.2%	585 59.6%
Married	49 11.4%	59 12.6%	87 16.4%	84 15.1%	101 17.0%	104 17.5%	129 16.9%	135 16.5%	115 13.6%	96 13.9%	155 15.8%
Divorced or Separated	122 28.5%	120 25.7%	107 20.2%	118 21.2%	132 22.2%	136 22.9%	151 19.8%	154 18.8%	151 17.9%	121 17.5%	193 19.7%
Widowed	25 5.8%	16 3.4%	28 5.3%	36 6.5%	36 6.1%	28 4.7%	26 3.4%	31 3.8%	31 3.7%	31 4.5%	48 4.9%
TOTAL	428 100.0%	467 100.0%	530 100.0%	557 100.0%	594 100.0%	594 100.0%	762 100.0%	818 100.0%	845 100.0%	692 100.0%	981 100.0%
MISSING	0	1	1	3	9	14	9	6	4	323	76

FIGURE 12.1

# MARITAL STATUS

FEMALE UNDER CUSTODY POP. 1975 - 1985



-Section Thirteen-

REGION/COUNTY OF COMMITMENT

The distribution of under custody female inmates according to the region of New York State in which they were committed is presented in Table 13.1. A graphic display of the information is presented in Figure 13.1.

Region of the state is broken into four categories. Inmates from New York City are made up of those women committed to state prison from the Bronx, Kings, New York (Manhattan), Queens, and Richmond counties. The second region are those counties that are treated as Suburban New York City (Nassau, Suffolk, Rockland, and Westchester counties).

The third region, Upstate Urban, reflects commitments from counties that are upstate and which contain a population center of some size. For instance, Niagara County contains the city of Buffalo, Monroe County the city of Rochester, Albany County contains the city of Albany, etc. The fourth region, Upstate Rural, are counties that, for the most part, are rural areas.

As demonstrated by Table 13.1, the large majority of female inmates held under custody are commitments from the New York City Region. In 1975, 63.1% of the female inmates were committed in the New York City Region. This increases slightly for the years 1976 through 1978 when approximately 65% were committed in that area. This figure drops slightly for the next six years, 1979 through 1984, but returns to the 65% level in 1985.

The proportion of women from the Suburban New York City counties also increases somewhat over the 10 year period. The female under custody population from this area increases from 10.7% in 1975 to 14.4% in 1985.

The Upstate urban area accounts for the second highest proportion of commitments, although there has been a slight overall decline at the end of the 10 year period. In 1975, 21.3% of the women under custody were committed from Upstate Urban counties. This proportion reaches a high of 22.2% in 1979 and then fluctuates until reaching a low of 17.1% in 1985.



TABLE 13.1

REGION OF COMMITMENT;  
FEMALE INMATES UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

REGION	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
NEW YORK CITY A/	270 63.1	307 65.6	346 65.2	367 65.5	369 61.2	371 61.0	465 60.3	518 62.9	530 62.4	639 63.0	690 65.3
SUBURBAN NEW YORK B/	46 10.7	53 11.3	57 10.7	63 11.2	67 11.1	71 11.7	99 12.8	118 14.3	115 13.5	141 13.9	152 14.4
UPSTATE URBAN C/	91 21.3	93 19.9	106 20.0	104 18.6	134 22.2	127 20.9	162 21.0	153 18.6	167 19.7	197 19.4	181 17.1
UPSTATE RURAL D/	21 4.9	15 3.2	22 4.1	26 4.6	33 5.5	39 6.4	45 5.8	35 4.2	37 4.4	38 3.7	34 3.2
TOTAL	428 100%	468 100%	531 100%	560 100%	603 100%	608 100%	771 100%	824 100%	849 100%	1015 100%	1057 100%

A/ Includes Bronx, Kings, New York, Queens and Richmond Counties.

B/ Includes Nassau, Suffolk, Rockland and Westchester Counties.

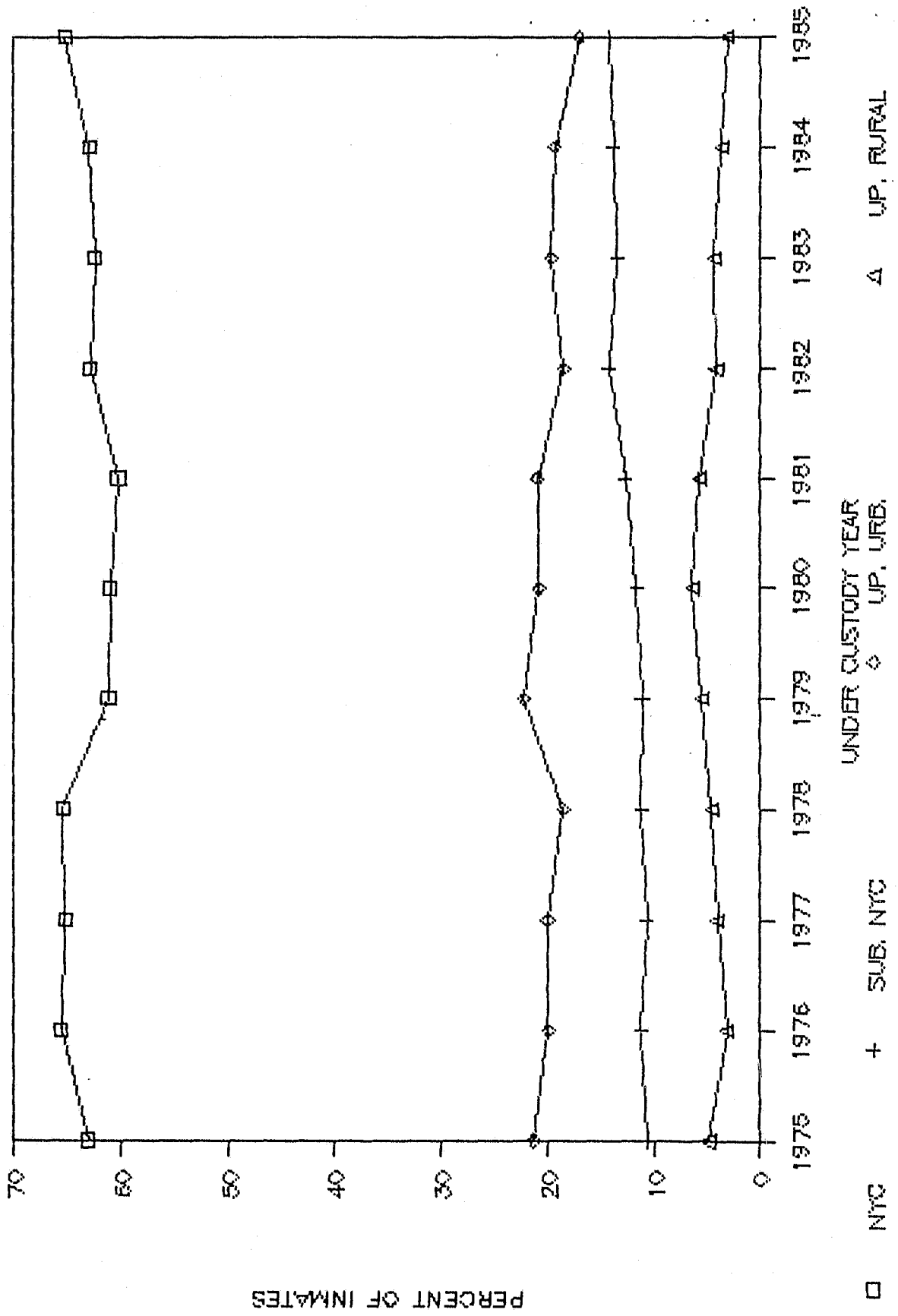
C/ Includes Albany, Broome, Chemung, Dutchess, Erie, Monroe, Niagara, Oneida, Onondaga, Orange, Putnam, Rensselaer, Schenectady Counties.

D/ All remaining Counties.

FIGURE 13.1

# REGION OF COMMITMENT

FEMALE UNDER CUSTODY POP. 1975 - 1985



The Upstate rural area of the state represents the region with the smallest proportion of females under custody. In 1975, 4.9% of the female under custody population was committed from this area. In 1980, females from Upstate rural counties make up 6.4% of the under custody population but steadily drops to only 3.2% of under custody females in 1985.

Table 13.2 presents the number and percent of the under custody female population according to county of commitment for each New York State county over the period 1975 to 1985.

TABLE 13.2

COUNTY OF COMMITMENT;  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

COUNTY OF COMMITMENT	1975		1976		1977		1978		1979	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Albany	10	2.3	15	3.2	17	3.2	19	3.4	20	3.3
Allegheny	0	0.0	0	0.0	1	0.2	1	0.2	2	0.2
Bronx	54	12.6	61	13.0	83	15.6	70	12.5	70	11.6
Broome	3	0.7	5	1.1	5	0.9	4	0.7	6	1.0
Cattaraugus	0	0.0	1	0.2	0	0.0	0	0.0	1	0.2
Cayuga	0	0.0	1	0.2	1	0.2	0	0.0	1	0.2
Chautauque	1	0.2	2	0.4	2	0.4	2	0.4	3	0.5
Chemung	1	0.2	0	0.0	0	0.0	0	0.0	1	0.2
Chenango	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Clinton	1	0.2	1	0.2	0	0.0	0	0.0	4	0.7
Columbia	1	0.2	0	0.0	0	0.0	0	0.0	0	0.0
Cortland	1	0.2	0	0.0	1	0.2	1	0.2	1	0.2
Delaware	0	0.0	0	0.0	1	0.2	1	0.2	0	0.0
Dutchess	9	2.1	7	1.5	7	1.3	2	0.4	3	0.5
Erie	18	4.2	16	3.4	15	2.8	13	2.3	21	3.5
Essex	1	0.2	0	0.0	0	0.0	0	0.0	0	0.0
Franklin	1	0.2	0	0.0	0	0.0	0	0.0	0	0.0
Fulton	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Genesee	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Greene	0	0.0	0	0.0	1	0.2	1	0.2	0	0.0
Hamilton	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Herkimer	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Jefferson	0	0.0	0	0.0	0	0.0	1	0.2	2	0.3
Kings	60	14.0	71	15.2	76	14.3	74	13.2	79	13.1
Lewis	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Livingston	1	0.2	0	0.0	1	0.2	1	0.2	1	0.2
Madison	1	0.2	1	0.2	1	0.2	0	0.0	0	0.0
Monroe	20	4.7	25	5.3	30	5.6	29	4.1	37	6.1
Montgomery	1	0.2	0	0.0	0	0.0	0	0.0	1	0.2

TABLE 13.2 Continued

COUNTY OF COMMITMENT	1980		1981		1982		1983		1984		1985	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Albany	21	3.5	21	2.7	27	3.3	40	4.7	46	4.5	35	3.3
Allegheny	0	0.0	1	0.1	0	0.0	0	0.0	0	0.0	0	0.0
Bronx	66	10.9	96	12.5	105	12.7	112	13.2	113	11.1	122	11.5
Broome	6	1.0	9	1.2	5	0.6	4	0.5	3	0.3	6	0.6
Cattaraugus	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Cayuga	0	0.0	1	0.1	0	0.0	1	0.1	2	0.2	2	0.2
Chataugus	4	0.7	3	0.4	3	0.4	3	0.4	3	0.3	2	0.2
Chemung	4	0.7	7	0.9	9	1.1	9	1.1	8	0.8	12	1.1
Chenango	0	0.0	1	0.1	2	0.2	1	0.1	2	0.2	1	0.1
Clinton	7	1.2	3	0.4	1	0.1	1	0.1	1	0.1	1	0.1
Columbia	0	0.0	0	0.0	1	0.1	2	0.2	0	0.0	3	0.3
Cortland	3	0.5	1	0.1	0	0.0	1	0.1	1	0.1	0	0.0
Delaware	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Dutchess	2	0.3	4	0.5	6	0.7	5	0.6	9	0.9	5	0.5
Erie	26	4.3	24	3.1	15	1.8	24	2.8	33	3.3	32	3.0
Essex	1	0.2	1	0.1	0	0.0	0	0.0	0	0.0	0	0.0
Franklin	1	0.2	1	0.1	1	0.1	0	0.0	0	0.0	0	0.0
Fulton	1	0.2	2	0.3	2	0.2	2	0.2	1	0.1	1	0.1
Genesee	0	0.0	1	0.1	1	0.1	0	0.0	2	0.2	1	0.1
Greene	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Hamilton	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Herkimer	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Jefferson	2	0.3	3	0.4	3	0.4	2	0.2	3	0.3	4	0.4
Kings	77	12.7	87	11.3	93	11.3	104	12.2	108	10.6	123	11.6
Lewis	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Livingston	0	0.0	1	0.1	1	0.1	1	0.1	1	0.1	1	0.1
Madison	0	0.0	1	0.1	0	0.0	0	0.0	0	0.0	0	0.0
Monroe	26	4.3	33	4.3	33	4.0	34	4.0	39	3.8	24	2.3
Montgomery	2	0.3	2	0.3	1	0.1	3	0.4	3	0.3	2	0.2

TABLE 13.2 Continued

COUNTY OF COMMITMENT;  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

COUNTY OF COMMITMENT	1975		1976		1977		1978		1979	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Nassau	21	4.9	23	4.9	19	3.6	21	3.7	21	3.5
New York	112	26.2	135	28.8	150	28.2	188	33.6	175	29.0
Niagara	5	1.2	1	0.2	5	0.9	8	1.4	3	0.5
Oneida	2	0.5	5	1.1	4	0.8	7	1.2	8	1.3
Onondaga	14	3.3	9	1.9	14	2.6	17	3.0	22	3.6
Ontario	2	0.5	1	0.2	1	0.2	2	0.4	2	0.3
Orange	4	0.9	5	1.1	3	0.6	6	1.1	8	1.3
Orleans	0	0.0	0	0.0	2	0.4	2	0.4	2	0.3
Oswego	0	0.0	0	0.0	0	0.0	0	0.0	1	0.2
Otsego	0	0.0	0	0.0	0	0.0	0	0.0	1	0.2
Putnam	0	0.0	0	0.0	0	0.0	0	0.0	1	0.2
Queens	98	8.9	37	7.9	34	6.4	29	5.2	41	6.8
Rensselaer	2	0.5	2	0.4	3	0.6	1	0.2	1	0.2
Richmond	6	1.4	3	0.6	3	0.6	6	1.1	4	0.7
Rockland	7	1.6	4	0.9	4	0.8	2	0.4	5	0.8
St. Lawrence	1	0.2	0	0.0	0	0.0	2	0.4	3	0.5
Saratoga	0	0.0	0	0.0	2	0.4	2	0.4	1	0.2
Schenectady	3	0.7	3	0.6	3	0.6	2	0.4	3	0.5
Schoharie	2	0.5	2	0.4	1	0.2	1	0.2	1	0.2
Schuyler	0	0.0	0	0.0	0	0.0	0	0.0	1	0.2
Seneca	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Steuben	1	0.2	2	0.4	0	0.0	0	0.0	1	0.2
Suffolk	8	1.9	12	2.6	14	2.6	17	3.0	21	3.5
Sullivan	0	0.0	0	0.0	1	0.2	1	0.2	1	0.2
Tioga	1	0.2	0	0.0	0	0.0	0	0.0	0	0.0
Tompkins	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Ulster	3	0.7	3	0.6	2	0.4	3	0.5	3	0.5
Warren	1	0.2	0	0.0	1	0.2	1	0.2	0	0.0
Washington	1	0.2	1	0.2	1	0.2	1	0.2	0	0.0
Wayne	0	0.0	0	0.0	0	0.0	2	0.4	1	0.2
Westchester	10	2.3	14	3.0	20	3.8	23	4.1	20	3.3
Wyoming	0	0.0	0	0.0	1	0.2	1	0.2	0	0.0
Yates	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
TOTAL	428	100%	468	100%	531	100%	560	100%	603	100%

TABLE 13.2 Continued

COUNTY OF COMMITMENT	1980		1981		1982		1983		1984		1985	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Nassau	24	3.9	36	4.7	35	4.2	33	3.9	29	2.9	39	3.7
New York	180	29.6	221	28.7	245	29.7	240	28.3	331	32.6	347	32.8
Niagara	4	0.7	9	1.2	10	1.2	6	0.7	7	0.7	9	0.9
Oneida	5	0.8	5	0.6	7	0.8	7	0.8	8	0.8	7	0.7
Onondaga	23	3.8	32	4.2	24	2.9	25	2.9	29	2.9	31	2.9
Ontario	0	0.0	0	0.0	0	0.0	1	0.1	2	0.2	3	0.3
Orange	5	0.8	11	1.4	9	1.1	7	0.8	9	0.9	12	1.1
Orleans	2	0.3	2	0.3	2	0.2	1	0.1	2	0.2	0	0.0
Oswego	0	0.0	2	0.3	1	0.1	1	0.1	1	0.1	1	0.1
Otsego	3	0.5	1	0.1	0	0.0	1	0.1	0	0.0	0	0.0
Putnam	0	0.0	0	0.0	1	0.1	1	0.1	2	0.2	2	0.2
Queens	44	7.2	51	6.6	64	7.8	64	7.5	80	7.9	89	8.4
Rensselaer	0	0.0	0	0.0	2	0.2	2	0.2	1	0.1	2	0.2
Richmond	4	0.7	10	1.3	11	1.3	10	1.2	7	0.7	9	0.9
Rockland	5	0.8	6	0.8	11	1.3	8	0.9	8	0.8	6	0.6
St. Lawrence	3	0.5	1	0.1	0	0.0	2	0.2	2	0.2	2	0.2
Saratoga	1	0.2	2	0.3	1	0.1	1	0.1	2	0.2	2	0.2
Schenectady	5	0.8	7	0.9	5	0.6	3	0.4	3	0.3	4	0.4
Schoharie	2	0.3	2	0.3	2	0.2	1	0.1	0	0.0	0	0.0
Schuyler	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Seneca	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Steuben	1	0.2	4	0.5	3	0.4	2	0.2	2	0.2	1	0.1
Suffolk	19	3.1	30	3.9	33	4.0	37	4.4	54	5.3	62	5.9
Sullivan	0	0.0	1	0.1	2	0.2	2	0.2	2	0.2	2	0.2
Tioga	0	0.0	1	0.1	2	0.2	1	0.1	0	0.0	0	0.0
Tompkins	1	0.2	2	0.3	1	0.1	1	0.1	1	0.1	1	0.1
Ulster	3	0.5	2	0.3	1	0.1	3	0.4	3	0.3	2	0.2
Warren	2	0.3	3	0.4	4	0.5	4	0.5	0	0.0	0	0.0
Washington	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Wayne	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Westchester	23	3.8	27	3.5	39	4.7	37	4.4	50	4.9	45	4.3
Wyoming	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
Yates	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0	0	0.0
TOTAL	608	100%	771	100%	824	100%	849	100%	1015	100%	1057	100%

-Section Fourteen-

OCCUPATIONAL STATUS

Table 14.1 presents the occupational status distribution of women held under custody on December 31, 1975 to 1985. Occupational Status is based on the inmate's self-reported type of employment prior to arrest or commitment. Note should be made of the large number of missing cases in 1984 and 1985. While there does not appear to be any dramatic changes in the distribution for those years, some caution should be used in interpreting these results.

The data in Table 14.1 show that for women held under custody across the eleven year period, most are concentrated in the blue collar, white collar, and not employed categories. While the proportion of women in the not employed category is substantial in 1985, at 20.1%, this is a dramatic drop from 1975 when 53.3% of the women reported no employment. It should be noted that the not employed category is not necessarily an accurate description since homemakers and students are included in this group.

Figures 14.1 and 14.2 present a graphic display of the Occupation Status of female inmates held under custody on December 31, 1975 and 1985, respectively.



TABLE 14.1

OCCUPATIONAL STATUS;  
FEMALE INMATES HELD UNDER CUSTODY ON DECEMBER 31, 1975 - 1985

OCCUPATIONAL STATUS A/	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985
Professional	8 1.9%	8 2.8%	22 4.1%	16 2.9%	14 2.3%	20 3.3%	21 2.7%	27 3.3%	34 4.0%	37 4.7%	38 4.7%
Managers	6 1.4%	11 2.4%	15 2.8%	12 2.1%	13 2.2%	22 3.6%	29 3.8%	31 3.8%	25 2.9%	24 3.0%	24 3.0%
White Collar	73 17.1%	95 20.3%	138 26.0%	144 25.7%	157 26.0%	137 22.5%	210 27.2%	238 28.9%	249 29.3%	202 25.6%	216 26.6%
Craftsmen	3 0.7%	4 0.9%	7 1.3%	10 1.8%	7 1.2%	17 2.8%	19 2.5%	24 2.9%	13 1.5%	15 1.9%	16 2.0%
Blue Collar	99 23.1%	166 35.5%	212 39.9%	225 40.2%	254 42.1%	246 40.5%	294 38.1%	294 35.7%	308 36.3%	240 30.5%	270 33.3%
Laborer	11 2.6%	19 4.1%	29 5.5%	26 4.6%	28 4.6%	28 4.6%	34 4.4%	30 3.6%	43 5.1%	36 4.6%	34 4.2%
Not Employed	228 53.3%	160 34.2%	107 20.2%	127 22.7%	130 21.6%	138 22.7%	164 21.3%	180 21.8%	177 20.8%	234 29.7%	213 26.3%
TOTAL	428 100.0%	468 100.0%	530 100.0%	560 100.0%	603 100.0%	608 100.0%	771 100.0%	824 100.0%	849 100.0%	788 100.0%	811 100.0%
MISSING B/	0	0	1	0	0	0	0	0	0	227	246

A/ Professionals, includes physicians, lawyers, engineers, teachers, accountants, musicians, athletes, policemen, firemen, nurses, etc. /Managers, includes farmers, buyers, building managers, superintendents, self-employed, etc. /White Collar, includes telephone operators, researchers, typists, bookkeepers, cashiers, shipping clerks, sales people, insurance agents, etc./Craftsmen, includes carpenters, plumbers, painters, tailors, radio and TV repairmen, auto mechanics, electricians, jewelers, members of armed forces, printers, heavy equipment operators, metal workers, roofers, bricklayers, welders, bakers, dental technicians, etc./Blue Collar, includes bus drivers, taxicab drivers, truck and tractor drivers, butchers, pressers, factory workers, weavers, baker's helpers, laundry workers, machinists, watchmen, gas station attendants, barbers, cooks, bartenders, waiters, janitors, hospital attendants, maintenance workers, etc./Laborer, includes farm laborers, garage laborers, car washers, odd jobs, packers, construction workers, warehouse workers, landscapers, movers, sanitation workers, etc./Not Employed, persons not employed at arrest or prior to commitment to DOCS, includes students and homemakers.

B/ Some caution should be used when interpreting the results for 1984 and 1985 due to the large number of missing cases.

Figure 14.1

OCCUPATIONAL STATUS  
FEMALE UNDER CUSTODY POPULATION ON DECEMBER 31, 1975

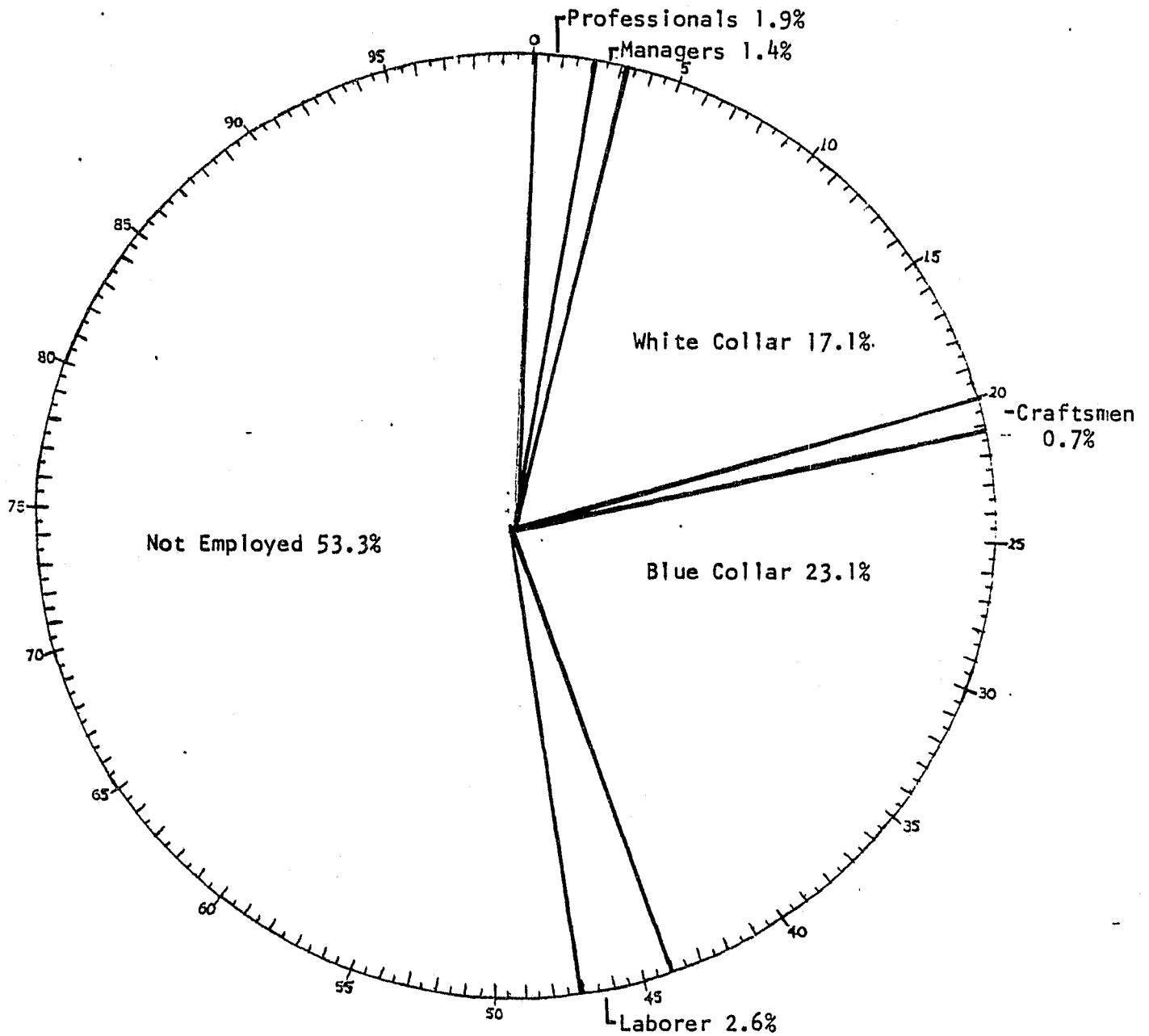


Figure 14.2

OCCUPATIONAL STATUS  
FEMALE UNDER CUSTODY POPULATION ON DECEMBER 31, 1985

