

DRUG OFFENDERS COMMITTED TO STATE PRISON

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STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
DIVISION OF PROGRAM PLANNING, RESEARCH AND EVALUATION
THE STATE OFFICE BUILDING CAMPUS
ALBANY, NEW YORK 12226

1991

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DEPARTMENT OF CORRECTIONAL SERVICES

THE STATE OFFICE BUILDING CAMPUS

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DRUG OFFENDERS COMMITTED TO STATE PRISON

This report provides a legal profile of drug offenders committed to the New York State Department of Correctional Services. The report examines drug offenders admitted to the Department as new court commitments from January 1, 1987 through December 31, 1990, those undercustody on December 31, 1990 and offenders released to parole from 1987 through 1990.

DIVISION OF PROGRAM PLANNING, RESEARCH AND EVALUATION

1991

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DRUG OFFENDER COMMITMENTS TO STATE PRISON

SUMMARY

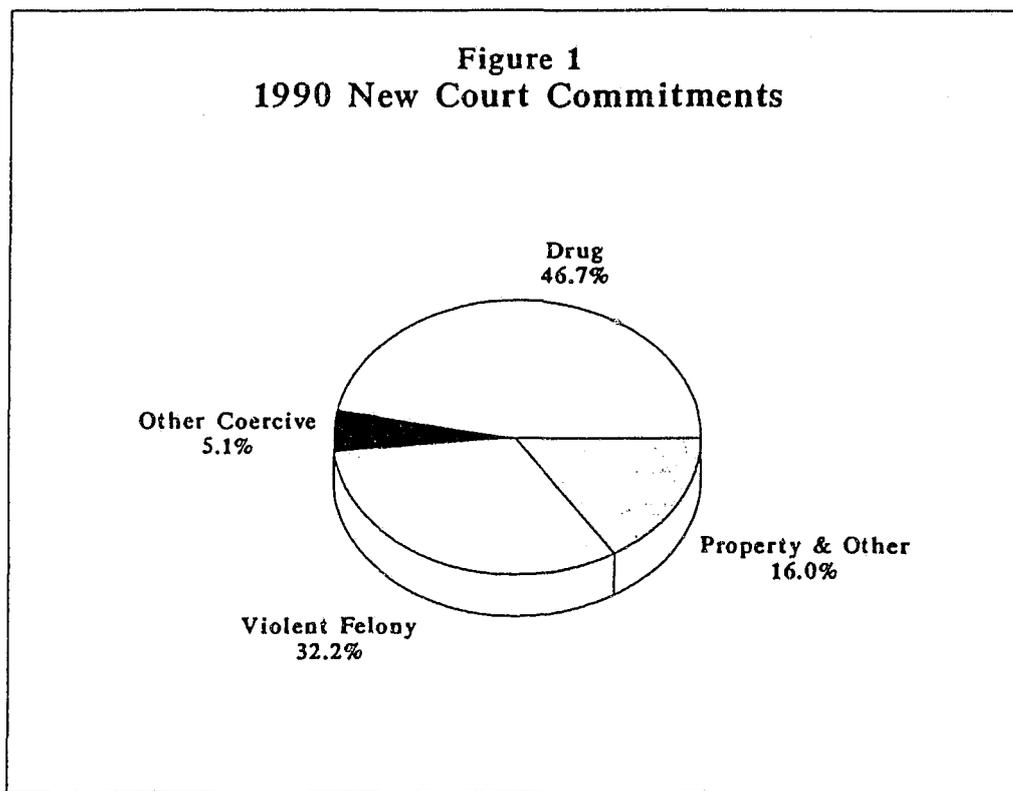
1. In the early 1980s, drug offenders accounted for roughly 10% of all new court commitments to the New York State Department of Correctional Services (DOCS). By 1990, 46.7% of all new court commitments were admitted for drug offenses (see Figure 1, p.1).
2. From 1987 to 1990, the years covered by this report, the number of individuals committed for drug offenses more than doubled, from 5,106 drug commitments in 1987 to 10,784 in 1990 (see Table 1.2, p.5).
3. Of the 10,784 offenders committed for drug offenses in 1990, 6,285 (58.3%) were second felony offenders, 4,475 (41.5%) were first felony offenders, and 24 (.2%) were persistent felons (see Table 1.1B, p.3).
4. In 1990, first felony offenders accounted for 90.3% of class A-II drug commitments and 78.2% of class B drug commitments. In comparison, second felony offenders dominated admissions for the lowest level of drug felonies, class D (90.7%) and E (94.7%) offenses (see Table 1.1B, p.3).
5. Overall, 70.4% of all offenders committed for drug offenses in 1990 were admitted for the sale of a controlled substance, while 29.6% were admitted for the possession of a controlled substance (see Table 1.3A, p.8).
6. Among drug offenders committed in 1990, 41.1% stated their offense resulted from the sale or possession of cocaine and an almost equal proportion (40.8%), reported crack. About another 17% said their drug offense involved some type of opiate (see Table 1.5B, p.11).
7. Drug commitments which involved cocaine decreased from 50.0% in 1988 to 41.1% in 1990, conversely, commitments for crack offenses rose from 33.1% in 1988 to 40.8% in 1990 (see Table 1.6, p.13).

8. The average minimum sentence for drug offenders decreased from a high of 31.7 months in 1987 to a low of 29.4 months in 1989 (in 1990, the average minimum sentence was 29.5 months) (see Table 1.7, p.14).
9. On December 31, 1990, there were 18,425 drug offenders under custody for drug offenses. Of this number, 11,527 (62.6%) were second felony offenders and 6,839 (37.1%) were first felony offenders (see Table 2.1B, p.17).
10. Average total time served for drug offenders first released to parole supervision in 1990, was 22.2 months. Among first felony offenders, average total time served was 19.6 months and for second felony offenders, it was 25.4 months (see Table 3.1, p.24).
11. In 1987, drug offenders served, on average, 25.5 months before being paroled. In comparison, drug offenders paroled in 1990 served an average of 22.2 months (see Table 3.2, p.25).
12. Approximately 90% of drug offenders in 1990 served less than 36 months before first release to parole (see Table 3.3, p.27).

INTRODUCTION

In the early 1980s, drug offenders accounted for roughly 10% of all new court commitments to the New York State Department of Correctional Services (DOCS). The proportion of drug offenders in the commitment population rose steadily from 1984 to 1990, when 46.7% of all new court commitments were admitted for drug offenses. As the 1990 figure suggests, more individuals are committed to state prison for drug offenses than for any other offense type (see Figure 1).¹ In earlier years, the state prison population was dominated by those admitted for violent felony offenses.

This report provides a legal profile of drug offenders admitted to DOCS as new court commitments during the last four years, those undercustody on December 31, 1990 and offenders released to parole from 1987 through 1990.



¹ In this report, commitments to DOCS are organized according to following offense typology: drug, violent felony, other coercive, and property offenses.

SECTION ONE - NEW COURT COMMITMENTS 1987 -1990

Commitments by Felony Offender Status

The tables in this report display drug commitments according to their respective felony class categories. Class A-I is the most serious felony class designation, while class E indicates the least serious felony class category. Tables 1.1A (column percent) and 1.1B (row percent) follow this format, with the addition of felony offender status, for drug offenders committed to DOCS in 1990.

Substantially more drug offenders in 1990 were second felony offenders (6,285), than first felons (4,475) (see Total of Table 1.1A). A second felony offender's previous felony conviction may or may not have been for a drug offense. As can be seen in Table 1.1A, first felony offenders are admitted for more serious drug offenses than are second or persistent felons. For example, 46.6% of first felons were convicted of a class B drug offense, while most second felons were convicted of a class D offense (52.7%).

1.1A DRUG COMMITMENTS BY FELONY CLASS CATEGORY AND BY FELONY OFFENDER STATUS: JANUARY 1 - DECEMBER 31, 1990

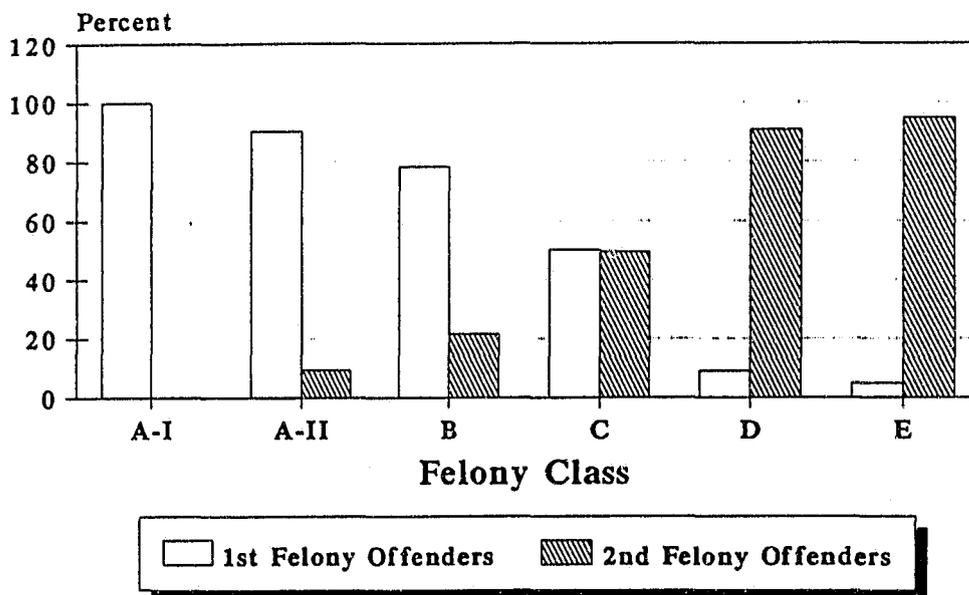
FELONY CLASS	FIRST	FELONY	SECOND	FELONY	PERSIST	FELONY	TOTAL
A-I FELONY	95	2.1%	0	.0%	0	.0%	95 .9%
A-II FELONY	673	15.0%	71	1.1%	1	4.2%	745 6.9%
CLASS B FELONY	2086	46.6%	575	9.1%	5	20.8%	2666 24.7%
CLASS C FELONY	1234	27.6%	1221	19.4%	5	20.8%	2460 22.8%
CLASS D FELONY	330	7.4%	3311	52.7%	8	33.3%	3649 33.8%
CLASS E FELONY	57	1.3%	1107	17.6%	5	20.8%	1169 10.8%
TOTAL	4475	100.0%	6285	100.0%	24	100.0%	10784 100.0%

All class A-I drug offenders fall into the first felony category as New York State Penal Law exempts those convicted of class A-I offenses from second or persistent felony offender designations. Table 1.1B and Figure 2 further illustrate the more serious offense pattern of first felons in comparison to second felony offenders. Among class A-II drug offenders, fully 90% were first felons and first felons accounted for the vast majority of class B drug offenders as well (78.2%). About an equal percentage of class C drug offenders were either first or second felons (50.2% versus 49.6%). In contrast, second felony offenders accounted for 90.7% of all class D drug offenders and 94.7% of all class E offenders. The concentration of second felony offenders in the class D and E felony categories results largely from Section 70.06 of the New York State Penal Law, which mandates state imprisonment for anyone designated a second felony offender.

1.1B DRUG COMMITMENTS BY FELONY CLASS CATEGORY AND BY FELONY OFFENDER STATUS: JANUARY 1 - DECEMBER 31, 1990

FELONY CLASS	FIRST	FELONY	SECOND	FELONY	PERSIST	FELONY	TOTAL
A-I FELONY	95	100.0%	0	.0%	0	.0%	95 100.0%
A-II FELONY	673	90.3%	71	9.5%	1	.1%	745 100.0%
CLASS B FELONY	2086	78.2%	575	21.6%	5	.2%	2666 100.0%
CLASS C FELONY	1234	50.2%	1221	49.6%	5	.2%	2460 100.0%
CLASS D FELONY	330	9.0%	3311	90.7%	8	.2%	3649 100.0%
CLASS E FELONY	57	4.9%	1107	94.7%	5	.4%	1169 100.0%
TOTAL	4475	41.5%	6285	58.3%	24	.2%	10784 100.0%

Figure 2
1990 Drug Commitments by Felony Class
Category and Offender Status 1/



1/ Excludes Persistent Felony Offenders.

Drug Commitments by Year

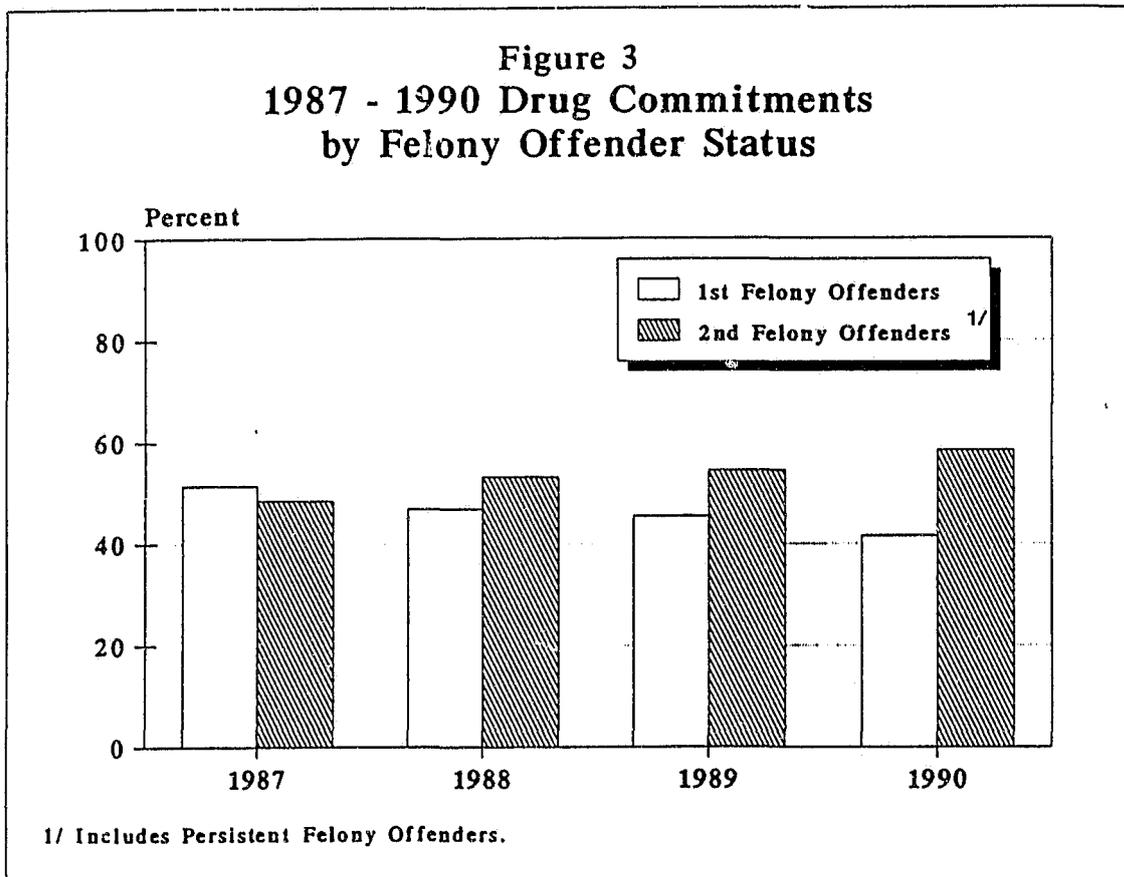
From 1987 to 1990, the number of individuals committed for drug offenses more than doubled, from a total of 5,106 drug commitments in 1987 to 10,784 in 1990 (see Table 1.2).

Table 1.2 also permits the comparison of felony crime class and felony offender status across the last four admission years (1987 - 1990). As a result of their small numbers, persistent felons are grouped with second felony offenders in this table, as well as in several other tables throughout this report.

The proportion of first felony offenders among drug commitments declined each year, from a high of 51.5% in 1987 to a low of 41.5% in 1990 (see Figure 3). Conversely, the proportion of second felony offenders rose from 48.5% in 1987 to 58.5% in 1990.

1.2 FELONY OFFENDER STATUS AND FELONY CLASS STATUS FOR DRUG COMMITMENTS: 1987 - 1990 NEW COURT COMMITMENTS

FELONY CLASS	1987		1988		1989		1990	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
FIRST FELONY								
A-I FELONY	101	2.0%	115	1.8%	105	1.1%	95	.9%
A-II FELONY	586	11.5%	623	9.7%	712	7.3%	673	6.2%
CLASS B FELONY	1377	27.0%	1512	23.5%	2165	22.2%	2086	19.3%
CLASS C FELONY	389	7.6%	565	8.8%	1128	11.6%	1234	11.4%
CLASS D FELONY	164	3.2%	177	2.8%	273	2.8%	330	3.1%
CLASS E FELONY	15	.3%	20	.3%	54	.6%	57	.5%
TOTAL	2632	51.5%	3012	46.8%	4437	45.5%	4475	41.5%
SECOND FELONY								
A-II FELONY	27	.5%	43	.7%	58	.6%	72	.7%
CLASS B FELONY	298	5.8%	389	6.0%	557	5.7%	580	5.4%
CLASS C FELONY	457	9.0%	516	8.0%	967	9.9%	1226	11.4%
CLASS D FELONY	1262	24.7%	1713	26.6%	2664	27.3%	3319	30.8%
CLASS E FELONY	430	8.4%	759	11.8%	1059	10.9%	1112	10.3%
TOTAL	2474	48.5%	3420	53.2%	5305	54.5%	6309	58.5%
GRAND TOTAL	5106	100.0%	6432	100.0%	9742	100.0%	10784	100.0%



Drug Commitments by Sale or Possession of Controlled Substance

Drug commitments are dichotomized below according to whether the offense was for the sale of controlled substance or the possession of a controlled substance.

Overall, 70.4% of all offenders committed for drug offenses in 1990, were admitted for the sale of a controlled substance (see Table 1.3A). Among first felony offenders, 65.8% were admitted for the sale of a controlled substance, as were 73.7% of second felony offenders and 83.3% of persistent felons. Conversely, 34.2% of first, 26.3% of second and 16.7% of persistent felony offenders were admitted for the possession of a controlled substance.

As can be seen in Table 1.3B, the majority of offenders committed for the sale of a controlled substance were second felony offenders (61.0%). However, among offenders admitted for the possession of a controlled substance, the proportion of first and second felons was about equal (48.1% of first felons versus 51.8% of second felons).

Regardless of whether the offense was for the sale or possession of a controlled substance, first felony offenders dominated the more serious felony class categories (class A-I through class B) as second felony offenders did the least serious (class D and E). About an equal percentage of first and second felony offenders were incarcerated for class C drug offenses.

Table 1.4 looks at commitment offenses across the four year period 1987 to 1990. The percentage of offenders who were first felons imprisoned for drug sale offenses decreased from 37.3% in 1987 to 27.3% in 1990. With the exception of 1989, the proportion of offenders incarcerated for drug possession as first felony offenders remained at 14.2 percent.

The proportion of those admitted for drug sale offenses as second felony offenders, increased from 39.8% in 1987 to 43.2% in 1990. More significant was the percentage increase among those admitted for drug possession as second felony offenders, from 8.6% in 1987 to 15.3% in 1990.

1.3A DRUG COMMITMENTS BY CATEGORY OF COMMITMENT AND BY FELONY OFFENDER STATUS: JANUARY 1 - DECEMBER 31, 1990

COMMITMENT STATUS	FIRST FELONY		SECOND FELONY		PERSIST FELONY		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
SALE								
A-I FELONY	38	.8%	0	.0%	0	.0%	38	.4%
A-II FELONY	302	6.7%	32	.5%	1	4.2%	335	3.1%
CLASS B FELONY	1512	33.8%	445	7.1%	4	16.7%	1961	18.2%
CLASS C FELONY	966	21.6%	991	15.8%	3	12.5%	1960	18.2%
CLASS D FELONY	103	2.3%	2521	40.1%	8	33.3%	2632	24.4%
CLASS E FELONY	22	.5%	645	10.3%	4	16.7%	671	6.2%
TOTAL	2943	65.8%	4634	73.7%	20	83.3%	7597	70.4%
POSSESSION								
A-I FELONY	57	1.3%	0	.0%	0	.0%	57	.5%
A-II FELONY	371	8.3%	39	.6%	0	.0%	410	3.8%
CLASS B FELONY	574	12.8%	130	2.1%	1	4.2%	705	6.5%
CLASS C FELONY	268	6.0%	230	3.7%	2	8.3%	500	4.6%
CLASS D FELONY	227	5.1%	790	12.6%	0	.0%	1017	9.4%
CLASS E FELONY	35	.8%	462	7.4%	1	4.2%	498	4.6%
TOTAL	1532	34.2%	1651	26.3%	4	16.7%	3187	29.6%
GRAND TOTAL	4475	100.0%	6285	100.0%	24	100.0%	10784	100.0%

1.3B DRUG COMMITMENTS BY CATEGORY OF COMMITMENT AND BY FELONY OFFENDER STATUS: JANUARY 1 - DECEMBER 31, 1990

COMMITMENT STATUS	FIRST FELONY		SECOND FELONY		PERSIST FELONY		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
SALE								
A-I FELONY	38	100.0%	0	.0%	0	.0%	38	100.0%
A-II FELONY	302	90.1%	32	9.6%	1	.3%	335	100.0%
CLASS B FELONY	1512	77.1%	445	22.7%	4	.2%	1961	100.0%
CLASS C FELONY	966	49.3%	991	50.6%	3	.2%	1960	100.0%
CLASS D FELONY	103	3.9%	2521	95.8%	8	.3%	2632	100.0%
CLASS E FELONY	22	3.3%	645	96.1%	4	.6%	671	100.0%
TOTAL	2943	38.7%	4634	61.0%	20	.3%	7597	100.0%
POSSESSION								
A-I FELONY	57	100.0%	0	.0%	0	.0%	57	100.0%
A-II FELONY	371	90.5%	39	9.5%	0	.0%	410	100.0%
CLASS B FELONY	574	81.4%	130	18.4%	1	.1%	705	100.0%
CLASS C FELONY	268	53.6%	230	46.0%	2	.4%	500	100.0%
CLASS D FELONY	227	22.3%	790	77.7%	0	.0%	1017	100.0%
CLASS E FELONY	35	7.0%	462	92.8%	1	.2%	498	100.0%
TOTAL	1532	48.1%	1651	51.8%	4	.1%	3187	100.0%
GRAND TOTAL	4475	41.5%	6285	58.3%	24	.2%	10784	100.0%

1.4 DRUG COMMITMENTS BY CATEGORY OF COMMITMENT AND BY FELONY OFFENDER STATUS: 1987 - 1990 NEW COURT COMMITMENTS

COMMITMENT STATUS	1987		1988		1989		1990	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
FIRST FELONY								
SALE								
A-I FELONY	56	1.1%	64	1.0%	50	.5%	38	.4%
A-II FELONY	351	6.9%	365	5.7%	375	3.8%	302	2.8%
CLASS B FELONY	1063	20.8%	1139	17.7%	1642	16.9%	1512	14.0%
CLASS C FELONY	312	6.1%	422	6.6%	879	9.0%	966	9.0%
CLASS D FELONY	115	2.3%	100	1.6%	121	1.2%	103	1.0%
CLASS E FELONY	10	.2%	10	.2%	18	.2%	22	.2%
TOTAL	1907	37.3%	2100	32.6%	3085	31.7%	2943	27.3%
POSSESSION								
A-I FELONY	45	.9%	51	.8%	55	.6%	57	.5%
A-II FELONY	235	4.6%	258	4.0%	337	3.5%	371	3.4%
CLASS B FELONY	314	6.1%	373	5.8%	523	5.4%	574	5.3%
CLASS C FELONY	77	1.5%	143	2.2%	249	2.6%	268	2.5%
CLASS D FELONY	49	1.0%	77	1.2%	152	1.6%	227	2.1%
CLASS E FELONY	5	.1%	10	.2%	36	.4%	35	.3%
TOTAL	725	14.2%	912	14.2%	1352	13.9%	1532	14.2%
SECOND FELONY								
SALE								
A-II FELONY	15	.3%	25	.4%	29	.3%	33	.3%
CLASS B FELONY	238	4.7%	321	5.0%	450	4.6%	449	4.2%
CLASS C FELONY	382	7.5%	420	6.5%	796	8.2%	994	9.2%
CLASS D FELONY	1059	20.7%	1471	22.9%	2094	21.5%	2529	23.5%
CLASS E FELONY	339	6.6%	641	10.0%	645	6.6%	649	6.0%
TOTAL	2033	39.8%	2878	44.7%	4014	41.2%	4654	43.2%
POSSESSION								
A-II FELONY	12	.2%	18	.3%	29	.3%	39	.4%
CLASS B FELONY	60	1.2%	68	1.1%	107	1.1%	131	1.2%
CLASS C FELONY	75	1.5%	96	1.5%	171	1.8%	232	2.2%
CLASS D FELONY	203	4.0%	242	3.8%	570	5.9%	790	7.3%
CLASS E FELONY	91	1.8%	118	1.8%	414	4.2%	463	4.3%
TOTAL	441	8.6%	542	8.4%	1291	13.3%	1655	15.3%
GRAND TOTAL	5106	100.0%	6432	100.0%	9742	100.0%	10784	100.0%

Drug Commitments by Type of Drug Involved in Commitment

The tables in this subsection provide some indication of the type of controlled substance (drug type) for which the offender was convicted of selling or possessing. Information pertaining to drug type is self-reported at initial classification. These tables exclude those unsure of the drug involved in the crime, those denying guilt in the instant offense and those choosing not to respond to the question.

Table 1.5A (column percent) and Table 1.5B (row percent) display drug type by felony class category. Of the 4,265 drug offenders in 1990 admitted for the sale or possession of cocaine, about an equal proportion were committed for class B (27.7%) and class D (26.7%) offenses (see Table 1.5A). Class C offenses accounted for another 21.0% of 1990 cocaine admissions, while 644 offenders (15.1%) were admitted for a class A-II cocaine offense.

A higher concentration of crack offenders were committed for lower felony class offenses than were cocaine offenders. Thirty-seven percent of the 4,233 offenders admitted for the sale or possession of crack in 1990, were sentenced for a class D offense, 25.2% for a class C offense, and about another quarter (23.3%), for a class B offense.

Opiate admissions were dominated by class D offenses (44.5%), while in the Other Drugs category, 47.2% were admitted for class E offenses.² Only 45 individuals were admitted for an offense involving marijuana in 1990. Of these offenders, 14 or 31.1% were committed for class C offenses, and 11 each, for class D and E offenses.

1.5A DRUG COMMITMENTS BY TYPE OF DRUG INVOLVED IN COMMITMENT: JANUARY 1 - DECEMBER 31, 1990

FELONY STATUS	COCAINE		CRACK		OPIATES		MARIJUANA		OTHER DRUGS		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A-I FELONY	80	1.9%	6	.1%	3	.2%	0	.0%	0	.0%	89	.9%
A-II FELONY	644	15.1%	36	.9%	31	1.8%	2	4.4%	2	1.9%	715	6.9%
CLASS B FELONY	1183	27.7%	987	23.3%	354	20.4%	7	15.6%	19	17.9%	2550	24.6%
CLASS C FELONY	897	21.0%	1066	25.2%	393	22.6%	14	31.1%	5	4.7%	2375	22.9%
CLASS D FELONY	1139	26.7%	1570	37.1%	773	44.5%	11	24.4%	30	28.3%	3523	33.9%
CLASS E FELONY	322	7.5%	568	13.4%	183	10.5%	11	24.4%	50	47.2%	1134	10.9%
TOTAL	4265	100.0%	4233	100.0%	1737	100.0%	45	100.0%	106	100.0%	10386	100.0%

² The Opiates category is almost exclusively composed of offenders committed for selling or possessing heroin.

Table 1.5B permits comparison of felony crime class across drug types. Analysis concerning this table will be limited to cocaine and crack offenses, as there were about an equal number of these offenders admitted in 1990 (4,265 commitments for cocaine versus 4,233 for crack). (See Figure 4 for the drug type composition of 1990 admissions.)

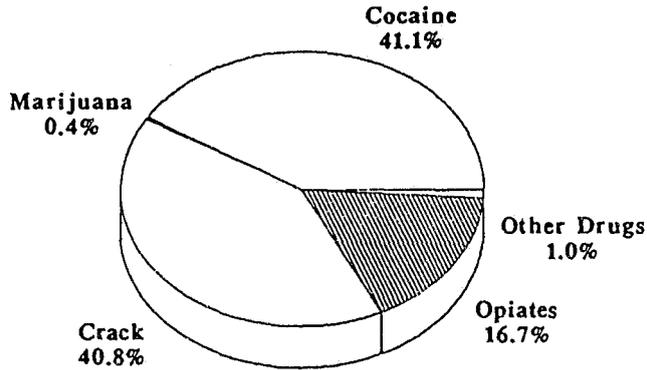
Among drug offenders admitted for a class A-I offense in 1990, 89.9% (80) stated their offense involved cocaine compared with 6.7% (6) who reported crack involvement (see also Figure 5). The same pattern exists for class A-II drug offenses, with 90.1% (644) reporting cocaine as the drug sold or possessed, versus 5.0% (36) who reported crack. The number of class B drug offenders reporting the sale or possession of cocaine was still greater than that for crack (1,183 versus 987), although the gap between the two narrowed considerably.

In the remaining felony class categories, the proportion of crack commitments exceeded those for cocaine, particularly as the felony class of the offense decreased. For example, 44.9% of class C drug offenses involved crack as opposed to cocaine (37.8%), while among class E drug felons, 50.1% were committed for crack offenses but only 28.4% for offenses involving cocaine.

1.5B DRUG COMMITMENTS BY TYPE OF DRUG INVOLVED IN COMMITMENT: JANUARY 1 - DECEMBER 31, 1990

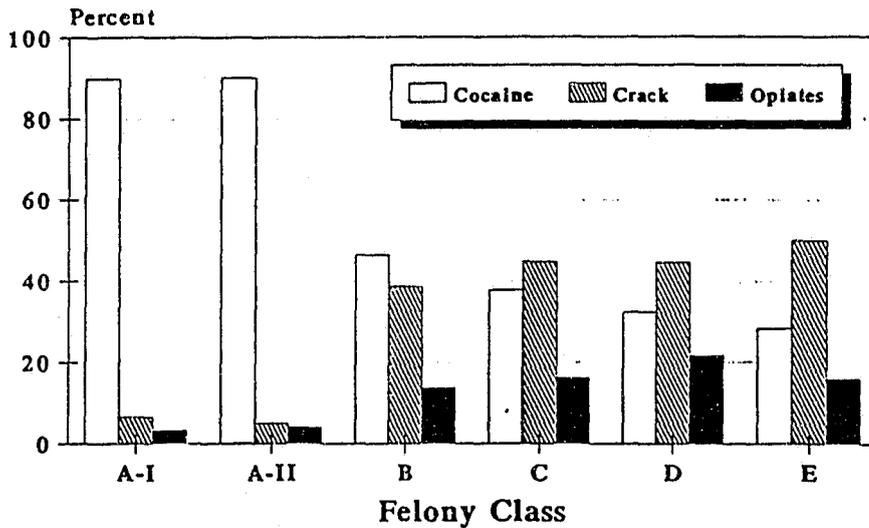
FELONY STATUS	COCAINE		CRACK		OPIATES		MARIJUANA		OTHER DRUGS		TOTAL	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
A-I FELONY	80	89.9%	6	6.7%	3	3.4%	0	.0%	0	.0%	89	100.0%
A-II FELONY	644	90.1%	36	5.0%	31	4.3%	2	.3%	2	.3%	715	100.0%
CLASS B FELONY	1183	46.4%	987	38.7%	354	13.9%	7	.3%	19	.7%	2550	100.0%
CLASS C FELONY	897	37.8%	1066	44.9%	393	16.5%	14	.6%	5	.2%	2375	100.0%
CLASS D FELONY	1139	32.3%	1570	44.6%	773	21.9%	11	.3%	30	.9%	3523	100.0%
CLASS E FELONY	322	28.4%	568	50.1%	183	16.1%	11	1.0%	50	4.4%	1134	100.0%
TOTAL	4265	41.1%	4233	40.8%	1737	16.7%	45	.4%	106	1.0%	10386	100.0%

Figure 4
1990 Drug Commitments By Type
Of Drug Involved 1/



1/ Information pertaining to drug type is self-reported at initial classification.

Figure 5
1990 Drug Commitments by Type of Drug
Involved and Felony Crime Class 1/

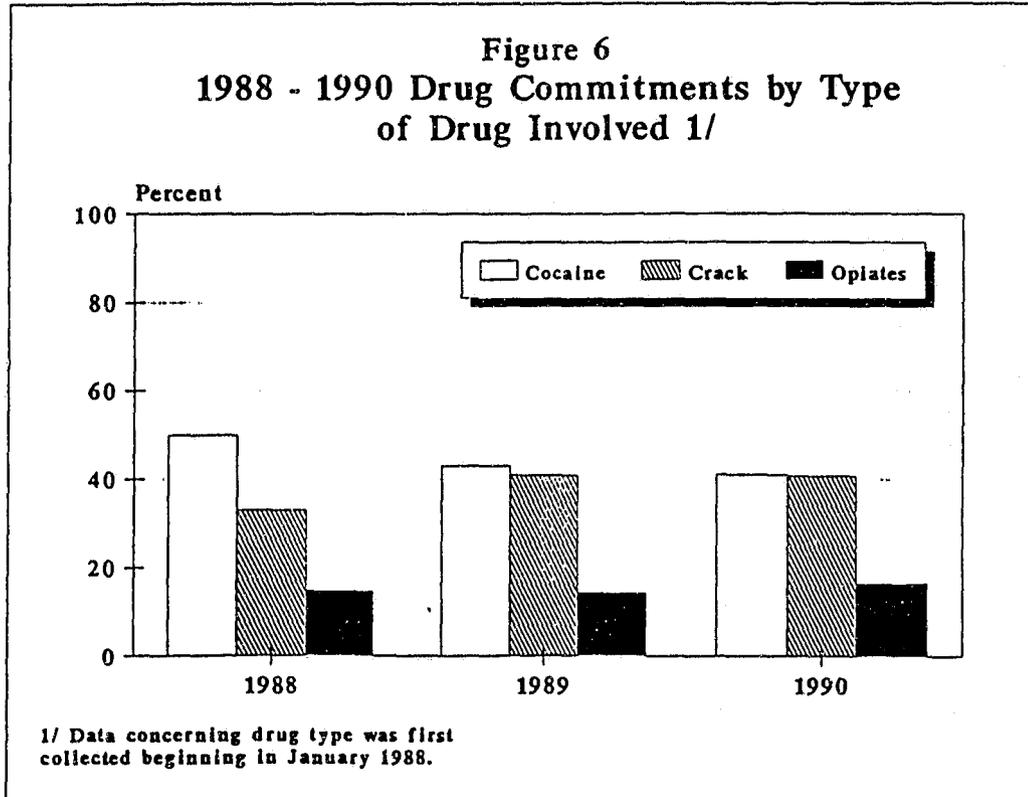


1/ Excludes Marijuana and Other Drugs categories.

Data concerning drug type was first collected beginning in January of 1988, hence Table 1.6 and Figure 6 cover only the admission years 1988 through 1990. Drug commitments involving cocaine decreased from 50.0% in 1988 to 41.1% in 1990, while commitments for crack offenses rose from 33.1% in 1988 to 40.8% in 1990 (see Table 1.6). The proportion of offenders in the opiates, marijuana and other drug categories remained relatively stable over this period, although the percentage of commitments for opiates did increase slightly from 14.9% in 1988 to 16.7% in 1990.

1.6 TYPE OF DRUG INVOLVED IN DRUG COMMITMENTS BY YEAR RECEIVED: 1988 - 1990 NEW COURT COMMITMENTS

DRUG TYPE	1988		1989		1990	
	NUMBER	PERCENT	NUMBER	PERCENT	NUMBER	PERCENT
COCAINE	3000	50.0%	3986	43.0%	4265	41.1%
CRACK	1984	33.1%	3784	40.9%	4234	40.8%
OPIATES	892	14.9%	1339	14.5%	1737	16.7%
MARIJUANA	32	.5%	45	.5%	45	.4%
OTHER DRUGS	92	1.5%	106	1.1%	106	1.0%
TOTAL	6000	100.0%	9260	100.0%	10387	100.0%



Drug Commitments by Year and Minimum Sentence

Table 1.7 displays the average and median minimum sentence by felony offender status and crime class for 1987 through 1990 drug commitments. The minimum sentence indicates the time an offender must serve before parole eligibility. The length of the minimum sentence is dependent upon the crime class of the offense, as well as the felony status of the offender. (See Appendix A for allowable minimum sentences according to crime class and felony offender status.)

Regardless of year, the overall median minimum sentence was 24.0 months (see Grand Total in Table 1.7). The overall average minimum sentence decreased from a high of 31.7 months in 1987 to a low of 29.4 months in 1989 (in 1990, the average minimum sentence was 29.5 months).

Looking further at Table 1.7, note that the average minimum sentence for second felony drug offenders fluctuated slightly, while it declined 4.7% for first felony drug offenders (from 31.6 months in 1987 to 26.9 months in 1990). This drop in the average minimum sentence of first felony offenders was not so much a reflection of declining minimum sentences, as it was the influx of large numbers of class B and C drug offenders whose offenses carry relatively low minimum sentences. Indeed, only first felony class A-I offenders received, on average, lower minimum sentences in the years succeeding 1987. With the exception of 1988, however, the declines were so minor and the numbers of class A-I offenders were so small, that the impact of these offenders on the total average minimum sentence for first felony offenders was negligible in comparison to the growth of class B and C drug offenders.

1.7 AGGREGATE MINIMUM SENTENCE BY CRIME CLASS AND FELONY OFFENDER STATUS FOR DRUG OFFENDERS: 1987 - 1990 NEW COURT COMMITMENTS

COMMITMENT STATUS	1987			1988			1989			1990		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
FIRST FELONY												
A-I FELONY	101	194.4	180.0	115	174.5	180.0	105	190.0	180.0	95	193.2	180.0
A-II FELONY	586	52.2	48.0	623	50.7	42.0	712	53.1	48.0	673	53.9	48.0
CLASS B FELONY	1377	17.4	12.0	1512	18.0	12.0	2165	17.8	12.0	2086	18.5	12.0
CLASS C FELONY	389	16.0	12.0	565	17.0	12.0	1128	16.8	12.0	1234	17.0	12.0
CLASS D FELONY	164	15.4	12.0	177	15.9	12.0	273	16.2	12.0	330	16.1	12.0
CLASS E FELONY	15	12.3	12.0	20	13.6	12.0	54	12.5	12.0	57	13.4	12.0
TOTAL	2632	31.6	16.0	3012	30.4	18.0	4437	27.1	12.0	4475	26.9	12.0
SECOND FELONY												
A-II FELONY	27	79.1	72.0	43	79.7	72.0	58	79.6	72.0	72	86.3	72.0
CLASS B FELONY	298	62.0	54.0	389	64.3	54.0	557	65.0	54.0	580	64.5	54.0
CLASS C FELONY	457	37.9	36.0	516	36.6	36.0	967	37.6	36.0	1226	37.6	36.0
CLASS D FELONY	1262	25.9	24.0	1713	25.6	24.0	2664	26.0	24.0	3319	26.2	24.0
CLASS E FELONY	430	18.4	18.0	759	18.4	18.0	1059	18.7	18.0	1112	18.6	18.0
TOTAL	2474	31.8	24.0	3420	30.7	24.0	5385	31.3	24.0	6389	31.3	24.0
GRAND TOTAL	5106	31.7	24.0	6430	30.6	24.0	9742	29.4	24.0	10783	29.5	24.0

In Table 1.8, the felony crime class categories of Table 1.7, are replaced by the type of drug sold or possessed.³ Offenders admitted for offenses involving cocaine received longer average minimum sentences than did offenders admitted for crack. (Cocaine and crack offenses accounted for the large majority of all drug commitments.) For example, in 1990, first felony cocaine offenders received an average minimum sentence of 34.6 months, while crack offenders, received an average of 17.8 months. Average minimum sentences for second felony cocaine and crack offenders in 1990 were not as dissimilar, with cocaine offenders receiving an average minimum sentence of 34.4 months and crack offenders, an average of 29.7 months.

Average minimum sentences for first felony cocaine offenders exceeded those of second felony offenders across all years because of the lengthy minimum sentences received by class A-I offenders (see Table 1.7). The predominance of cocaine offenders in the Class A-I category is also responsible for the large discrepancy in the average minimum sentences received by first felony cocaine and crack offenders (see Table 1.5B).

The overall decline in the average minimum sentence noted in Table 1.6 is the result of the changing composition of the drug commitment population. As discussed above, offenses involving crack are generally of a lower felony class than those involving cocaine, hence the minimum sentences received by crack offenders are also generally lower. Increasing numbers of crack offenders, particularly in 1989 and 1990, were most likely responsible for the decrease in the overall average minimum sentences noted for those years in Table 1.6.

1.8 AGGREGATE MINIMUM SENTENCE BY DRUG TYPE AND FELONY OFFENDER STATUS FOR DRUG OFFENDERS: 1988 - 1990 NEW COURT COMMITMENTS

COMMITMENT STATUS	1988			1989			1990		
	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN	NUMBER	AVERAGE	MEDIAN
FIRST FELONY									
COCAINE	1657	36.2	24.0	2158	33.8	18.0	2213	34.6	24.0
CRACK	815	19.0	12.0	1519	17.1	12.0	1547	17.8	12.0
OPIATES	236	23.7	12.0	416	22.4	12.0	453	19.8	12.8
MARIJUANA	13	14.5	12.0	30	17.9	16.0	23	22.0	16.0
OTHER DRUGS	28	27.5	14.0	28	23.7	19.0	31	21.0	16.0
TOTAL	2749	29.8	18.0	4151	26.3	12.0	4267	26.8	12.0
SECOND FELONY									
COCAINE	1343	33.3	24.0	1828	33.7	24.0	2052	34.4	30.0
CRACK	1169	29.0	24.0	2265	29.8	24.0	2687	29.7	24.0
OPIATES	656	29.3	24.0	923	30.3	24.0	1284	30.2	24.0
MARIJUANA	19	26.9	24.0	15	35.0	24.0	22	31.9	24.0
OTHER DRUGS	64	21.2	18.0	78	22.4	18.0	75	22.6	18.0
TOTAL	3251	30.7	24.0	5109	31.2	24.0	6120	31.3	24.0
GRAND TOTAL	5998	30.3	24.0	9260	29.0	24.0	10386	29.4	24.0

³ Data concerning drug type was not available until 1988.

SECTION TWO - UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

This section profiles drug offenders in the Department's custody on December 31, 1990. Characteristics of the undercustody drug population discussed in this section include: the felony class category of the offense, felony offender status, sale or possession status of the offense and the type of drug involved in the offense.

Drug Offenses by Felony Offender Status

Tables 2.1A (column percent) and 2.1B (row percent) display the felony class of the drug offense by felony offender status. Comparing first and second felony offenders in Table 2.1A, about 75% of first felons were incarcerated for class A-I, A-II and B drug offenses but only 18% of second felons fell into the A-II and B felony class categories. Thirty-two percent of persistent felons were also imprisoned for class A-II and B drug offenses.

2.1A DRUG OFFENDERS BY FELONY CLASS CATEGORY AND BY FELONY OFFENDER STATUS
UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

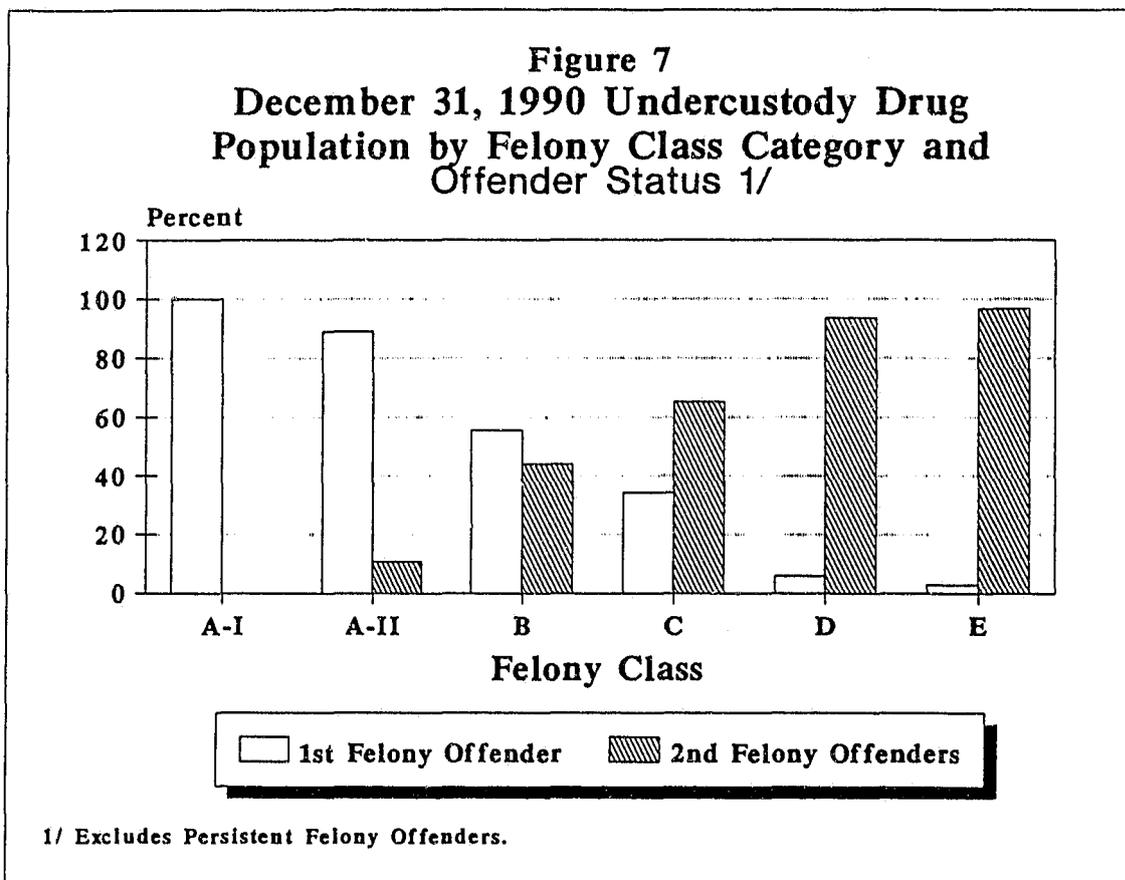
FELONY CLASS	FIRST	FELONY	SECOND	FELONY	PERSIST	FELONY	TOTAL
A-I FELONY	674	9.9%	0	.0%	0	.0%	674 3.7%
A-II FELONY	2127	31.1%	259	2.2%	2	3.4%	2388 13.0%
CLASS B FELONY	2353	34.4%	1873	16.2%	17	28.8%	4243 23.0%
CLASS C FELONY	1300	19.0%	2473	21.5%	12	20.3%	3785 20.5%
CLASS D FELONY	341	5.0%	5415	47.0%	22	37.3%	5778 31.4%
CLASS E FELONY	44	.6%	1507	13.1%	6	10.2%	1557 8.5%
TOTAL	6839	100.0%	11527	100.0%	59	100.0%	18425 100.0%

The pronounced division between first and second felony offenders in regards to the seriousness of the commitment offense is more clearly seen in Table 2.1B and Figure 7. As mentioned in Section One, those convicted of class A-I offenses are not additionally sentenced as second or persistent felony offenders. First felony offenders also accounted for 89.1% of class A-II drug offenses. There was still a higher percentage of first felony, class B drug offenders than there were second felony, class B drug offenders (55.5% versus 44.1%). Sixty-five percent of class C drug offenders were second felons compared with 34.3% of first felony offenders. In the lowest felony class categories, 93.7% of class D drug offenders were second felons, as were 96.8% of class E offenders.

Overall, 62.6% of those undercustody for drug offenses on December 31, 1990 were sentenced as second felony offenders and 37.1% were first felons (see Table 2.1B). Contrasting these figures with those for 1990 drug commitments, where 41.5% were first felons and 58.3% were second felons (see Table 1.1B, Section One), it might appear that there is a minor shift towards a higher percentage of first felony offenders in the commitment population. However, the greater proportion of second felony offenders in the undercustody population reflects the longer sentences these offenders must serve before parole eligibility.

2.1B DRUG OFFENDERS BY FELONY CLASS CATEGORY AND BY FELONY OFFENDER STATUS
UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

FELONY CLASS	FIRST	FELONY	SECOND	FELONY	PERSIST	FELONY	TOTAL
A-I FELONY	674	100.0%	0	.0%	0	.0%	674 100.0%
A-II FELONY	2127	89.1%	259	10.8%	2	.1%	2388 100.0%
CLASS B FELONY	2353	55.5%	1873	44.1%	17	.4%	4243 100.0%
CLASS C FELONY	1300	34.3%	2473	65.3%	12	.3%	3785 100.0%
CLASS D FELONY	341	5.9%	5415	93.7%	22	.4%	5778 100.0%
CLASS E FELONY	44	2.8%	1507	96.8%	6	.4%	1557 100.0%
TOTAL	6839	37.1%	11527	62.6%	59	.3%	18425 100.0%



Drug Offenses by Sale or Possession of Controlled Substance

In Table 2.2, drug offenses are dichotomized according to the sale or possession status of the commitment offense. Of all offenders undercustody for drug offenses on December 31, 1990, 71.7% were admitted for the sale of a controlled substance. Among first felony offenders, 64.6% were admitted for the sale of a controlled substance, as were 75.9% of second felony offenders and 69.5% of persistent felons. Conversely, 35.4% of first, 24.1% of second and 30.5% of persistent felony offenders were admitted for the possession of a controlled substance.

The distribution pattern of drug sale or possession offenses for first and second felony offenders in the undercustody population, closely resembled that for 1990 new court commitments (see Table 1.3A, Section One). However, a higher percentage of persistent felons in the undercustody population were imprisoned for possession offenses (30.5%) compared with their proportion in the 1990 commitment population (16.7%).

2.2 DRUG OFFENDERS BY CATEGORY OF COMMITMENT AND BY FELONY OFFENDER STATUS
UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

COMMITMENT STATUS	FIRST	FELONY	SECOND	FELONY	PERSIST	FELONY	TOTAL	
SALE								
A-I FELONY	392	5.7%	0	.0%	0	.0%	392	2.1%
A-II FELONY	1163	17.0%	141	1.2%	2	3.4%	1306	7.1%
CLASS B FELONY	1721	25.2%	1486	12.9%	11	18.6%	3218	17.5%
CLASS C FELONY	1013	14.8%	2015	17.5%	8	13.6%	3036	16.5%
CLASS D FELONY	115	1.7%	4191	36.4%	16	27.1%	4322	23.5%
CLASS E FELONY	13	.2%	914	7.9%	4	6.8%	931	5.1%
TOTAL	4417	64.6%	8747	75.9%	41	69.5%	13205	71.7%
POSSESSION								
A-I FELONY	282	4.1%	0	.0%	0	.0%	282	1.5%
A-II FELONY	964	14.1%	118	1.0%	0	.0%	1082	5.9%
CLASS B FELONY	632	9.2%	387	3.4%	6	10.2%	1025	5.6%
CLASS C FELONY	287	4.2%	458	4.0%	4	6.8%	749	4.1%
CLASS D FELONY	226	3.3%	1224	10.6%	6	10.2%	1456	7.9%
CLASS E FELONY	31	.5%	593	5.1%	2	3.4%	626	3.4%
TOTAL	2422	35.4%	2780	24.1%	18	30.5%	5220	28.3%
GRAND TOTAL	6839	100.0%	11527	100.0%	59	100.0%	18425	100.0%

Drug Offenses by Type of Drug Involved in Commitment

The two tables in this subsection provide some indication of the type of controlled substance (drug type) for which the offender was convicted of selling or possessing.⁴ Tables 2.3A (column percent) and 2.3B (row percent) display drug type by felony class category.

Of the 7,136 offenders undercustody for cocaine offenses, most were imprisoned for class A-II through class D offenses. Twenty-six percent were incarcerated for class D offenses, 23.5% for class B offenses, 21.9% for class A-II offenses and 19.1% for class C offenses.

Crack offenses were not as evenly distributed by felony class category as were cocaine offenses. For example, 39.3% of crack offenders were imprisoned for class D felonies followed by 24.3% for class C offenses, 22.5% for class B offenses and 12.4% for class E offenses.

The majority of offenders undercustody for opiates or marijuana were convicted of class C or D offenses. Over 45% of opiate offenders were incarcerated for class D felonies with another 23.3%, for class C offenses. Of marijuana offenders, 36.5% were committed for class C offenses and 31.7% for class D offenses. Approximately three-quarters of those in the Other Drugs category, were either class D or E felons (32.7% class D felons and 43.8% class E felons).

2.3A DRUG OFFENDERS BY TYPE OF DRUG INVOLVED IN COMMITMENT: UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

FELONY STATUS	COCAINE		CRACK		OPIATES		MARIJUANA		OTHER DRUGS		TOTAL	
A-I FELONY	244	3.4%	17	.3%	12	.5%	0	.6%	0	.0%	273	1.7%
A-II FELONY	1565	21.9%	67	1.1%	90	3.4%	2	3.2%	2	1.3%	1726	10.8%
CLASS B FELONY	1677	23.5%	1349	22.5%	487	18.5%	10	15.9%	23	15.0%	3546	22.2%
CLASS C FELONY	1363	19.1%	1452	24.3%	613	23.3%	23	36.5%	11	7.2%	3462	21.7%
CLASS D FELONY	1853	26.0%	2354	39.3%	1191	45.3%	20	31.7%	50	32.7%	5468	34.2%
CLASS E FELONY	434	6.1%	744	12.4%	239	9.1%	8	12.7%	67	43.8%	1492	9.3%
TOTAL	7136	100%	5983	100%	2632	100%	63	100%	153	100%	15967	100%

⁴ Information regarding drug type was first solicited from inmates beginning in 1988. The tables exclude those unsure of the drug involved in the crime, those denying guilt in the instant offense and those choosing not to respond to the question.

Table 2.3B permits comparison of felony crime class across drug types. Since over 80% of offenders undercustody for drug offenses on December 31, 1990 were incarcerated for the sale or possession of either cocaine or crack, analysis concerning Table 2.3B will be limited to these offenses.

Of the 273 offenders imprisoned for class A-I felonies, 89.4% (244) stated their offense involved cocaine compared with only 6.2% (17) who reported crack. The same pattern exists for class A-II offenses, with 90.7% (1,565) reporting cocaine as the drug sold or possessed, versus 3.9% (67) for crack. Commitments for cocaine still dominated the class B felony category, although not to the extent that it had the class A-I and A-II felony categories (1,677 undercustody for cocaine versus 1,349 for crack).

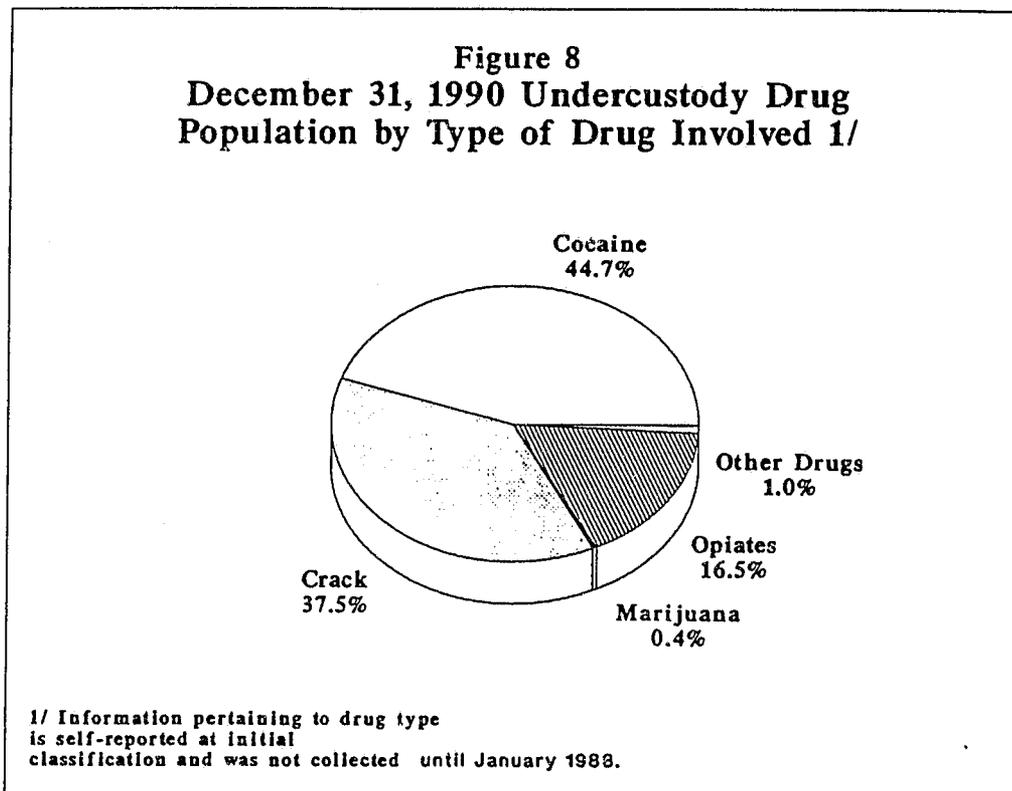
In the remaining felony class categories, the proportion of crack commitments exceeded those for cocaine, particularly as the felony class of the offense decreased. For example, 41.9% of class C drug offenses involved crack as opposed to cocaine (39.4%), while among class E drug felons, 49.9% were committed for crack offenses but only 29.1% for offenses involving cocaine.

2.3B DRUG OFFENDERS BY TYPE OF DRUG INVOLVED IN COMMITMENT: UNDERCUSTODY POPULATION ON DECEMBER 31, 1990

FELONY STATUS	COCAINE		CRACK		OPIATES		MARIJUANA		OTHER DRUGS		TOTAL	
A-I FELONY	244	89.4%	17	6.2%	12	4.4%	0	.0%	0	.0%	273	100%
A-II FELONY	1565	90.7%	67	3.9%	90	5.2%	2	.1%	2	.1%	1726	100%
CLASS B FELONY	1677	47.3%	1349	38.0%	487	13.7%	10	.3%	23	.6%	3546	100%
CLASS C FELONY	1363	39.4%	1452	41.9%	613	17.7%	23	.7%	11	.3%	3462	100%
CLASS D FELONY	1853	33.9%	2354	43.1%	1191	21.8%	20	.4%	50	.9%	5468	100%
CLASS E FELONY	434	29.1%	744	49.9%	239	16.0%	8	.5%	67	4.5%	1492	100%
TOTAL	7136	44.7%	5983	37.5%	2632	16.5%	63	.4%	153	1.0%	15967	100%

The undercustody drug population differs little from the 1990 admission population discussed in Section One. This is expected as 1990 commitments contributed heavily to the composition of the December 31, 1990 undercustody population. A minor variation between the undercustody and 1990 commitment populations mentioned earlier in this section, regarded the slightly higher proportion of second felony offenders in the undercustody drug population (see p.17).

Another noticeable difference between these two populations occurred in the type of drug sold or possessed by the offender, where the proportion of crack offenders in the undercustody population stood at 37.5% (see Figure 8), but for 1990 commitments, the figure was 40.8% (see Tables 2.3B and 1.5B). The lower percentage of offenders undercustody for crack offenses is indicative of earlier commitment years when admissions for cocaine more clearly exceeded those for crack (see Table 1.6).



SECTION THREE - FIRST RELEASES TO PAROLE 1987 -1990

The length of time drug offenders serve before first release to parole supervision is discussed in this section. Two types of time served data are presented here. First, the length of time an offender is incarcerated in state prison (state time served) and second, the total time an offender is imprisoned for the instant offense, which includes both state time and any time spent in jail prior to trial or sentencing (total time served).

1990 First Releases to Parole⁵

Time served data for drug offenders first released to parole supervision in 1990 appears in Table 3.1. Average total time served for all drug offenders in this table was 22.2 months. As would be expected, average total time served was higher for second felony offenders than for first felony offenders. For example, among second felony offenders imprisoned for class A-II and B offenses, average total time served was 68.0 and 50.2 months respectively, compared with first felony offenders who served 38.7 months for class A-II offenses and 16.3 months class B offenses. Overall, average total time served for first felony offenders was 19.6 months and for second felons, 25.4 months.

⁵ A first release indicates either an inmate released to parole supervision by the Board of Parole after serving his minimum period of incarceration, or, a first release can indicate an inmate conditionally released to parole supervision after serving two-thirds of his maximum sentence.

3.1 AVERAGE TIME SERVED BY FELONY CLASS AND FELONY STATUS FOR DRUG OFFENDERS
1990 FIRST RELEASES TO PAROLE SUPERVISION

FELONY CLASS	NUMBER	STATE TIME SERVED IN MONTHS		TOTAL (STATE+JAIL) TIME SERVED IN MONTHS	
		AVERAGE	MEDIAN	AVERAGE	MEDIAN
FIRST FELONY					
A-I FELONY	29	94.7	41.9	100.3	47.9
A-II FELONY	559	32.4	32.2	38.7	36.0
CLASS B FELONY	2124	12.0	9.6	16.3	12.2
CLASS C FELONY	1134	10.9	9.4	15.0	12.0
CLASS D FELONY	364	13.7	11.3	18.6	17.8
CLASS E FELONY	100	11.6	10.8	15.0	13.2
TOTAL	4310	15.1	10.4	19.6	12.8
SECOND FELONY					
A-II FELONY	29	59.9	63.6	68.0	71.9
CLASS B FELONY	144	44.4	48.0	50.2	53.9
CLASS C FELONY	478	25.5	29.7	30.8	35.9
CLASS D FELONY	1903	19.5	20.0	24.6	24.0
CLASS E FELONY	885	15.8	16.2	18.9	18.0
TOTAL	3439	20.8	19.2	25.4	23.9
GRAND TOTAL	7742	17.6	14.7	22.2	18.1

First Releases to Parole by Year

Examined below is the total time served experience of drug offenders across the last four release years.

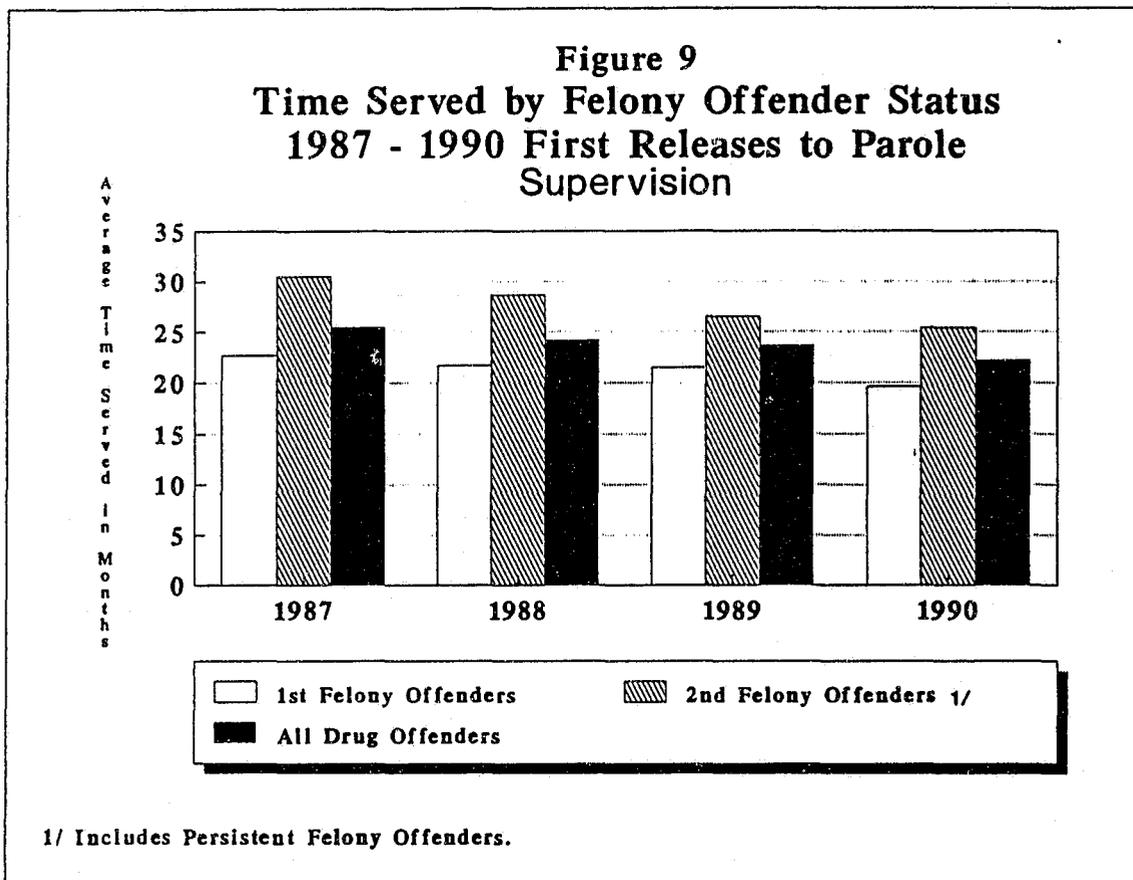
The number of offenders first released to parole more than tripled from 2,427 in 1987 to 7,747 in 1990 (see Table 3.2). This increase in the number paroled is not unexpected given growth in drug commitments, and the relatively short minimum sentences received by many drug offenders. Over this same time period, the proportion of second felony offenders in the release population rose from approximately 37% in 1987 to 44% in 1990 (see Figure 9).

Average total time served decreased from 25.5 months in 1987 to 22.2 months in 1990 (see Grand Total in Table 3.2). Although the decline in average time served was experienced by both first and second felony offenders, it was greater among second felons. Across the four release years, average total time served by second felons fell 5.1 months, from 30.5 months in 1987 to 25.4 months in 1990, while for first felony offenders, average time served decreased 3.1 months (from 22.7 months in 1987 to 19.6 months in 1990) (see Table 3.2). Steady declines in average time served by class B, C, and D drug offenders drove the overall decrease in average total time served by second felony offenders.

Finally, the greater drop in average time served by second felony offenders, resulted in a slightly smaller gap in time served between them and first felony offenders. In 1987, second felony offenders served, on average, 7.8 months more than first felons but by 1990, second felons served only 5.8 months more.

3.2 AVERAGE TIME SERVED BY FELONY CLASS AND FELONY STATUS FOR DRUG OFFENDERS
1987 - 1990 FIRST RELEASES TO PAROLE SUPERVISION

FELONY CLASS	1987			1988			1989			1990		
	TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS			TOTAL (STATE+JAIL) TIME SERVED IN MONTHS		
	NUMBER	AVERAGE	MEDIAN									
FIRST FELONY												
A-I FELONY	16	102.4	80.8	22	128.9	177.9	18	128.7	179.8	29	100.3	47.9
A-II FELONY	227	42.6	35.9	342	41.0	36.0	473	39.2	35.9	559	38.7	36.0
CLASS B FELONY	866	18.0	15.3	1252	16.5	12.7	1426	17.1	12.6	2124	16.3	12.2
CLASS C FELONY	215	18.2	16.1	375	17.3	12.5	545	15.9	12.1	1134	15.0	12.0
CLASS D FELONY	181	16.8	17.8	212	18.3	17.0	260	18.3	16.6	364	18.6	17.8
CLASS E FELONY	27	18.5	17.9	32	17.3	17.9	59	17.5	17.9	100	15.0	13.2
TOTAL	1532	22.7	17.5	2235	21.7	16.1	2781	21.5	15.9	4310	19.6	12.8
SECOND FELONY												
A-II FELONY	17	53.7	48.0	15	61.5	59.9	22	69.7	71.9	29	68.0	71.9
CLASS B FELONY	80	56.5	54.0	106	54.1	53.9	121	54.1	53.9	144	50.2	53.9
CLASS C FELONY	111	38.5	35.9	139	35.5	35.9	271	33.1	35.9	478	30.8	35.9
CLASS D FELONY	524	27.2	24.2	766	25.9	24.0	1156	25.3	24.0	1903	24.6	24.0
CLASS E FELONY	163	20.5	18.0	238	19.8	18.0	592	18.5	18.0	885	18.9	18.0
TOTAL	895	30.5	25.7	1264	28.6	24.0	2162	26.5	24.0	3439	25.4	23.9
GRAND TOTAL	2427	25.5	23.8	3498	24.2	20.1	4942	23.7	20.1	7747	22.2	18.1



Time Served Distribution for 1990 First Releases

In addition to the display of time served data based on averages or medians, Table 3.3 presents time served data in a frequency distribution for offenders paroled in 1990. Almost 66% of first felony drug offenders served between 12 and 17 months, whereas only 27.5% of second felony offenders fell into this category. The category containing the single largest group of second felony offenders was the one indicating that the offender served between 18 and 23 months. Overall, approximately 90% of drug offenders in 1990 served less than 36 months before release to parole.

3.3 FELONY OFFENDER STATUS AND FELONY CLASS STATUS BY TOTAL TIME SERVED FOR DRUG OFFENDERS
1990 FIRST RELEASES TO PAROLE SUPERVISION

FELONY STATUS	TOTAL TIME SERVED (STATE TIME + JAIL TIME)											TOTAL
	12-17 MONTHS	18-23 MONTHS	24-29 MONTHS	30-35 MONTHS	36-41 MONTHS	42-47 MONTHS	48-59 MONTHS	60-71 MONTHS	72-119 MONTHS	120-179 MONTHS	180 + MONTHS	
FIRST FELONY												
A-I FELONY	0	0	0	7	6	2	0	0	2	8	3	28
A-II FELONY	107	11	3	180	72	64	67	29	25	1	0	559
CLASS B FELONY	1541	357	106	49	28	16	17	5	5	0	0	2124
CLASS C FELONY	907	141	44	21	12	6	1	2	0	0	0	1134
CLASS D FELONY	196	98	43	19	5	3	0	0	0	0	0	364
CLASS E FELONY	83	13	3	1	0	0	0	0	0	0	0	100
TOTAL	2834 65.8%	623 14.4%	199 4.6%	277 6.4%	123 2.9%	91 2.1%	85 2.0%	36 .8%	32 .7%	9 .2%	3 .1%	4309 100.0%
SECOND FELONY												
A-II FELONY	0	0	0	1	3	1	1	15	8	0	0	29
CLASS B FELONY	16	9	6	1	3	2	78	16	13	0	0	144
CLASS C FELONY	128	22	13	180	77	35	17	3	3	0	0	478
CLASS D FELONY	331	688	495	278	68	31	7	5	0	0	0	1903
CLASS E FELONY	470	326	61	26	2	0	0	0	0	0	0	885
TOTAL	945 27.5%	1045 30.4%	575 16.7%	486 14.1%	153 4.4%	69 2.0%	103 3.0%	39 1.1%	24 .7%	0 .0%	0 .0%	3439 100.0%
GRAND TOTAL	3779 48.8%	1665 21.5%	774 10.0%	763 9.8%	276 3.6%	160 2.1%	188 2.4%	75 1.0%	56 .7%	9 .1%	3 .0%	7748 100.0%

CONCLUSION

This report presented a legal history profile of three populations of drug offenders sentenced to DOCS. Among those committed for drug offenses during the 1987 through 1990 admission years, it was noted that first felony offenders tended to be sentenced for more serious felony class offenses than second felony offenders. This commitment pattern most likely reflects the practice of sentencing many first felony offenders convicted of minor drug felonies to probation or jail, rather than state prison. For those with a prior felony conviction, a current conviction for even the most minor drug felony mandates a state prison term.

Another trend identified in the 1987 - 1990 drug commitment population was a slight decline in average minimum sentence, from 31.7 months in 1987 to 29.4 months in 1989. The decrease in average minimum sentence was attributed to the influx of those committed for lower felony class crack offenses.

Examination of drug offenders first released to parole supervision from 1987 through 1990, revealed that average total time served decreased, especially for second felony offenders. The decline in average total time served may be attributed to several factors; for example, the large numbers of crack offenders sentenced for lower felony class offenses and state prison program participation.⁶

Since admissions for drug offenses expanded rapidly in recent years and drug offenders serve relatively short sentences in state prison, the profile of the December 31, 1990 undercustody drug population varied little from the profile drawn of the 1990 drug commitment population.

⁶ The Earned Eligibility Program provides for the release of inmates at their parole eligibility date, if they satisfactorily complete certain prescribed programs (see *Earned Eligibility Program: July 1987 through September 1990*. New York State Department of Correctional Services, December 1990). The Shock Incarceration Program permits early release to parole supervision for inmates successfully completing a six month program of intensive physical training, counseling and drug treatment (see *The Third Annual Report to the Legislature: Shock Incarceration in New York State*. New York State Department of Correctional Services, January 1991).

Once again it should be emphasized that this report covers only the legal characteristics of certain drug offender populations. Further reports, such as one covering offender demographics, are needed to develop a more comprehensive profile of the drug offender sentenced to state prison.

**APPENDIX A: RANGE OF MINIMUM AND MAXIMUM
SENTENCES BY FELONY CLASS CATEGORY^{1/}**

Sentence to State Prison for First Felony Offense

Felony Class	Legislatively Designated Violent Felony Offense		All Other Felony Offense
	A-I Felony	Maximum	N/A
	Minimum		15-25 Years
A-II Felony	Maximum	N/A	Life
	Minimum		3-8 1/2 Years
Class B Felony	Maximum	6-25 ^{2/}	3-25
	Minimum	2-8 1/3 (Minimum = 1/3 of maximum sentence)	1-8 1/3 (Minimum = 1 year up to 1/3 of maximum)
Class C Felony	Maximum	4 1/2-15	3-15
	Minimum	1 1/2-5 (Minimum = 1/3 of maximum sentence)	1-5 (Minimum = 1 year up to 1/3 of maximum)
Class D Felony	Maximum	3-7	3-7
	Minimum	1-2 1/3 (Minimum = 1 year up to 1/3 of maximum)	1-2 1/3 (Minimum = 1 year up to 1/3 of maximum)
Class E Felony	Maximum	3-4	3-4
	Minimum	1-1 1/3 (Minimum = 1 year up to 1/3 of maximum)	1-1 1/3 (Minimum = 1 year up to 1/3 of maximum)

^{1/} These are the general cases for these offense categories. Exceptions do exist. For example, certain class C, class D and class E felony offenders may receive a definite sentence of one year or less. For more detail see Article 70, Sentences of Imprisonment, New York State Penal Law or New York State Sentence Charts, West Publishing Co.

^{2/} For a class B "armed violent felony offense" the court may impose a minimum term which is between 1/3 the maximum and 1/2 the maximum term imposed (i.e. a minimum of 2-12 1/2.)

**APPENDIX A: RANGE OF MINIMUM AND MAXIMUM
SENTENCES BY FELONY CLASS CATEGORY**

<u>Sentence to State Prison for Second Felony Offense</u>		
<u>Felony Class</u>	<u>Legislatively Designated Violent Felony Offense</u>	<u>All Other Felony Offenses</u>
Class A-II	Maximum	N/A
	Minimum	Life 6-12 1/2 (Minimum Sentence fixed by Court)
Class B Felony	Maximum	12-25
	Minimum	9-25 4 1/2-12 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class C Felony	Maximum	8-15
	Minimum	6-15 3-7 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class D Felony	Maximum	5-7
	Minimum	4-7 2 1/2-3 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class E Felony	Maximum	4 years
	Minimum	3-4 1 1/2-2 (Minimum Sentence = 1/2 of maximum sentence)

**APPENDIX A: RANGE OF MINIMUM AND MAXIMUM
SENTENCES BY FELONY CLASS CATEGORY**

Sentence to State Prison for Persistent Felony Offense

<u>Felony Class</u>		<u>Legislatively Designated Violent Felony Offense</u>	<u>All Other Felony Offenses*</u>
Class B Felony	Maximum	LIFE	9-25 Life Optional
	Minimum	10-25	4 1/2-12 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class C Felony	Maximum	LIFE	6-15 Life Optional
	Minimum	8-25	3-7 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class D Felony	Maximum	LIFE	4-7 Life Optional
	Minimum	6-25	2-3 1/2 (Minimum Sentence = 1/2 of maximum sentence)
Class E Felony	Maximum	LIFE	3-4 Life Optional
	Minimum	Statute does not specify minimum term	1 1/2-2 (Minimum Sentence = 1/2 of maximum sentence)

*Under the old law a person convicted of a third felony could be sentenced as a second felony offender.