1971 report of the New York State Joint Legislative Committee on

# CRIME, ITS CAUSES, CONTROL & EFFECT ON SOCIETY

**Senator John H. Hughes**
**Chairman**

State of New York — Legislative Document (1971) No. 26

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# Report of the New York State Joint Legislative Committee On Crime, Its Causes, Control & Effect on Society

STATE OF NEW YORK
Legislative Document (1971)
Number 26



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**To the Governor and the Legislature of the State of New York**

Pursuant to Senate Resolution S-103 concurred in by Assembly on June 22, 1970, creating the Joint Legislative Committee on Crime. Its Causes, Control and Effect on Society, we have the pleasure of submitting the following report.

Respectfully submitted.

John H. Hughes, *Chairman*
John T. Gallagher, *Vice Chairman*
Nicholas Ferraro, *Secretary*
Abraham Bernstein
John D. Calandra
Arthur O. Eve
John T. Flack
Ralph J. Marino
Thomas F. McGowan
S. William Rosenberg
Ronald H. Tills

September 1, 1971



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# Committee Members

Senator John H. Hughes, *Chairman*
Assemblyman John T. Gallagher, *Vice Chairman*
Senator Nicholas Ferraro, *Secretary*
Senator Abraham Bernstein
Senator John D. Calandra
Assemblyman Arthur O. Eve
Assemblyman John T. Flack
Senator Ralph J. Marino
Senator Thomas F. McGowan
Assemblyman S. William Rosenberg
Assemblyman Ronald H. Tills

### *Ex Officio*

Senator Earl W. Brydges, *President Pro Tem, The Senate*
Assemblyman Perry B. Duryea, Jr., *Speaker, The Assembly*
Senator Joseph Zaretski, *Minority Leader, The Senate*
Assemblyman John E. Kingston, *Majority Leader, The Assembly*
Assemblyman Stanley Steingut, *Minority Leader, The Assembly*
Senator Warren M. Anderson, *Finance Committee Chairman, The Senate*
Assemblyman Willis H. Stephens, *Ways and Means Committee Chairman, The Assembly*

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# Contents





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# I. Introduction

On May 10, 1966, the New York State Legislature, by concurrent resolution, established the Joint Legislative Committee on Crime, Its Causes, Control and Effect on Society. The Committee was assigned to investigate, study, and make reports to the legislature on the effectiveness of present legislation and proposals for improvements in the following areas:

1. ***Organized crime.***
2. ***Administration of criminal justice.***
3. ***Pornography.***
4. ***Gambling.***
5. ***Firearms control.***
6. ***Narcotics.***
7. ***Juvenile delinquency***

As stipulated in the concurrent resolution, the Committee is composed of twelve members: six members of the Senate appointed by the Temporary President of the Senate and six members of the Assembly, appointed by the Speaker of the Assembly. Senator John H. Hughes is the Chairman of the Committee, a position he has held since its inception.

The Committee is empowered to investigate all aspects of crime and corruption in the state and may conduct public and private hearings to fulfill its assigned purposes and responsibilities. It has the authority to subpoena witnesses, administer oaths, take testimony and call for the production of all books, papers and other evidence necessary to substantiate its work. The Committee has all the powers of a legislative committee, including the appointment and removal of counsel and staff members.

Since its creation, the Committee has produced over twenty publications dealing with its investigations and findings on such topics as firearms control, guilty plea bargaining, narcotics, organized crime and violence.

The initial enabling resolution and subsequent ones direct the Committee to make an annual report of its activities to the Temporary President of the Senate and the Speaker of the Assembly. We, therefore, submit this comprehensive report on Committee activities during 1971. The report describes the basic program of the Committee, supplemented by charts and graphs depicting critical aspects of the crime problem in the State of New York. Testimony of witnesses who appeared before the Committee at its legislative hearings has also been digested to provide a more rounded picture of the work and activities of the Committee.



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# II. Committee Activities – Summary

**A. Problems of the Criminal Justice System**

**B. Guilty Plea Bargaining**

**C. Narcotics**

**D. Organized Crime**

**E. Legislation**

## A. Problems of the Criminal Justice System and Recommendations for Establishing a Department of Criminal Justice in New York

The State government has been increasingly involved in the protection and maintenance of public safety for its citizens. Each year State expenditures in the area of law enforcement have risen.

There are presently ten district state agencies or departments with responsibility for the operation of a segment of the criminal justice process. These ten agencies have a combined budget of over $389,682,300 for the 1971-1972 fiscal year.

However, increased state involvement and expenditure have not brought concomitant results. On the contrary, an increased effectiveness of the state agencies engaged in the criminal law enforcement process is not apparent. A spiraling crime rate is overwhelming our system of law enforcement and forcing adjustments to be made in the interest of handling numbers that are counter-productive to the goals of the system. Greater numbers of cases are forcing prosecutors and courts to offer plea and sentence concessions that mock the Penal Law. The Penal Law is no longer a deterrent.

The Committee supported a resolution, introduced in the Senate and Assembly for the second year, proposing an amendment to the New York State Constitution to establish a Department of Criminal Justice. The department would have the power to assist, coordinate and supervise district attorneys and sheriffs, probation, parole, correction and rehabilitation officers. It would have created an appropriate body to assimilate and administer the activities of the state police and the organized crime task force. It would be empowered to set minimum standards for law enforcement efforts throughout the state.

## B. Guilty Plea Bargaining

A major research program during 1971 was the project to study the extent and effect of guilty plea bargaining in New York State. Analysis indicates that over 94% of the felony indictments in New York State are disposed of by the acceptance of guilty pleas to some form of reduced charge and/or sentence concessions in lieu of trial.

The Committee's staff conducted personal interviews with various inmates at the Auburn, Attica, and Ossining correctional facilities. Six hundred questionnaires were also distributed to a random sampling of prison inmates in order to learn how convicted men view the criminal justice process. Of the sample queried, 533 prisoners replied. The answers indicated that only about 25% of the prisoners were able to afford private counsel. Of the inmates at the Attica correctional facility who pleaded guilty to a plea bargain offered to them only 47% stated that the plea bargain, as they had understood it, was honored by the judge. There also appears to be rampant dissatisfaction with the quality of the legal representation.

The questionnaire answers, as well as information elicited during the interviews, indicated many grievances against the criminal justice system on the part of the prisoners, alleging:

1. ***an inclination to overcharge the accused in anticipation of a plea of guilty to a reduced charge through guilty plea bargaining.***
2. ***lengthy pre-trial detentions that pressure the defendant to accept the offered plea bargain;***
3. ***clandestine plea discussions among the assistant district attorney, defense counsel and judge without consultation with the accused, a record made of such negotiations or agreement reached other than the final plea and sentence;***
4. ***disparity from county to county in sentences imposed for the same charge under similar circumstances.***

As part of its 1970-1971 legislative program, the Committee proposed three bills designed to alleviate some of the conflicts in the plea bargaining system. One provided that accused individuals be released on some form of recognizance other than money bail, when the circumstances justified their release. Another bill attempted to reduce the overcrowded conditions in the various "short term" detention facilities by allowing individuals to request transfer to a state cor-



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rectional facility. A third stipulated that participation in rehabilitation programs begin prior to a final disposition of the individual's case.*

### C. Narcotics

The continued attention of the Joint Legislative Committee on Crime was focused upon the problem of narcotics in New York State. Hearings conducted by the Committee indicated that the public health and safety of the state's metropolitan areas are threatened by a heroin addiction problem of critical proportions. The number of heroin addicts appears to have increased from an estimated 52,000 in 1968 to 157,000 in 1971. Other studies indicate the numbers have serious implications for the criminal justice system. Narcotics indictments are now 30% to 40% of the indictments returned in New York City. The suburban counties are also feeling the impact of the menace. It is obvious to the knowledgeable observer that our criminal justice system cannot long withstand the impact of these numbers, neither will the public much longer endure the problems associated with narcotics without a significant warping of our society. Analysis of the alternatives available to the state led the Committee to the conclusion that destruction of the 1971 Turkish opium poppy crop, coupled with a program to prevent future cultivation of the Turkish opium poppy, was the single most feasible and effective response to the crisis.

To promote this decision, the Committee introduced a resolution, passed by the legislature, requesting that the U. S. Government persuade Turkey to destroy its 1971 crop in return for compensation from the United States. The legislature also called for establishment of a corporation to negotiate directly with Turkey to implement the abatement of opium poppy production.

On June 30, 1971, the President of Turkey announced that Turkey had reversed its earlier decision and had agreed to eliminate her entire opium production by June of 1972.

### D. Organized Crime

The Committee, in cooperation with the Policy Sciences Center, Inc. and funded in part by a federal grant, undertook a computer assisted analysis of arrest records to determine whether members of the crime syndicate receive more favorable treatment in the criminal justice system than other arrestees. A series of hearings were also held to determine if there is an illegal relationship between big business and organized crime, and to investigate allegations indicating improper activities in various court systems in the state. (December 10, 11, 15, 16, 1970, January 28, 29, February 18, and March 4, 1971).

In addition, the Committee twice submitted memoranda and provided testimony before United States Congressional Committees. The Committee's appearances were to support legislation designed to curtail smuggling, pilferage and hijacking at the international airports in New York and New Jersey, and to assist the development of small businesses in impoverished areas of major cities.

### E. Legislation

The New York State Joint Legislative Committee on Crime submitted seventeen bills and two resolutions during the 1971 Legislative Session. The legislative program included bills designed to improve the administration of criminal justice in the state. The bills affected the following areas needing reform:

A. professional court management;

B. professionalization of the district attorney's offices;

C. legal treatment of professional criminals and the abatement of organized crime;

D. control, treatment and rehabilitation of convicted defendants;

E. improvements in the education and development of trial attorneys;

F. research into the problem of the violent offender;

G. civil remedies to curtail the dissemination of indecent literature to minors.

None of the bills were passed in the 1971 session though many of the bills held in committee are alive for consideration in the forthcoming legislative session.

* See section "Guilty Plea Bargaining."



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# III. Plea Bargaining

A. Analysis of Dispositions of Indictments in the State — Pleadings Compared to Trials.

B. The Case Load Factor — Delays, Detentions and Their Effect on Disposition.

C. The Dimensions of Drastic Reductions of Charges to Induce Guilty Pleas.

D. The Conditions in Detention Facilities.

E. Sentence Commitments in Advance of Guilty Plea.

F. The Impact of the Narcotics Problem.

G. Recommendations.

H. Recent and Applicable Court Decisions.

I. Applicable Committee Sponsored Legislation.

J. Sample Statements of New York State Correctional Facility Inmates Recorded and Reproduced in Digest Form.

K. Tables and Graphs on Dispositions of Felony Arrests.

The Committee has continued its study in depth of guilty plea bargaining as it operates in this state. In 1971, almost 94% of the felony indictments in this state were disposed of through guilty plea bargaining. In New York City the figure is closer to 97%. For example, during the period July 1, 1970 to June 30, 1971, some 23,561 defendants were indicted in the five counties of New York City, but only 583 trials were held. The number of defendants pleading guilty to either a felony or misdemeanor totaled 14,803.[1] The largest portion of the balance of the defendants indicted and not disposed of presumably have their cases still pending.

## A. Dispositions of Indictment Within the City of New York

**Period — July 1, 1970 to June 30, 1971**

| | County | | | | |
|---|---|---|---|---|---|
| Number of Defendants | New York | Kings | Bronx | Queens | Richmond |
| Indicted .... | 6,945 | 7,291 | 5,631 | 3,260 | 434 |
| Pleading Guilty* .... | 4,990 | 4,075 | 3,321 | 2,132 | 285 |
| Convicted After Trial | 121 | 226 | 142 | 83 | 11 |

*(Felony or Misdemeanor)

[1] Source, Unpublished Report of the Judicial Conference, 1972.

**Period — July 1, 1969 to June 30, 1970**

| Number of Defendants | New York | Kings | Bronx | Queens | Richmond |
|---|---|---|---|---|---|
| Indicted .... | 5,212 | 5,027 | 4,565 | 2,543 | 372 |
| Pleading Guilty* .... | 4,025 | 3,618 | 2,910 | 1,036 | 205 |
| Convicted After Trial | 104 | 145 | 90 | 62 | 12 |

**Period — July 1, 1968 to June 30, 1969**

| Number of Defendants | New York | Kings | Bronx | Queens | Richmond |
|---|---|---|---|---|---|
| Indicted .... | 5,924 | 4,581 | 4,140 | 2,487 | 339 |
| Pleading Guilty* .... | 4,301 | 3,519 | 2,408 | 1,397 | 267 |
| Convicted After Trial | 88 | 99 | 103 | 48 | 8 |

* (Felony or Misdemeanor)

### Dispositions of Indictments Outside the City of New York*

**Period — July 1, 1970 to June 30, 1971**

| Number of Defendants Indicted | Number of Defendants Pleading Guilty** | Number of Defendants Convicted After Trial |
|---|---|---|
| 13,538 | 8,915 | 523 |
| **Period — July 1, 1969 to June 30, 1970** | | |
| 11,695 | 6,741 | 583 |
| **Period — July 1, 1968 to June 30, 1969** | | |
| 10,974 | 5,143 | 415 |

* Source, Judicial Conference Reports, 1972, 1971, 1970
** Felony or Misdemeanor

### Statewide Totals

| Period | Defendants Indicted | Defendants Pleading Guilty | Defendants Convicted After Trial |
|---|---|---|---|
| July 1, 1969 to June 30, 1970 | 29,414 | 18,535 | 996 |
| July 1, 1968 to June 30, 1969 | 28,446 | 17,035 | 761 |
| July 1, 1967 to June 30, 1968 | 23,632 | 13,513 | 803 |



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It should be noted that the Judicial Conference statistics are compiled on a fiscal year basis, from July 1. to June 30, whereas the statistics reported in tabular form elsewhere in this report have been compiled on a calendar year basis.

The question raised by this Committee in this report is whether the citizens of this state are best served by permitting the plea bargaining system to continue to operate as it has in the past. As will be shown below, the time is upon us to make this entire plea bargaining process more visible, more structured and more responsive to the ultimate goals of our criminal justice system. Briefly stated, these are the rendition of justice, the protection of the public and the rehabilitation of the convicted defendant.

Plea bargaining remains the single most important phenomenon in the criminal justice process. The entire area of guilty pleas, however, is covered by only six sections of the Criminal Procedure Law, Sections 220.10 through 220.60. These sections do little more than enumerate what pleas may be entered and the consequences for the entire indictment or information of a particular plea. Other than this minimal regulation, the entire area of plea bargaining is left almost entirely to the discretion of the parties involved.

There has been a rising tide of legal controversy over plea bargaining and some commentators have even claimed it is unconstitutional. See, for example, *Note*, 83 Harvard Law Review 1387 (1970). However, the Supreme Court recently laid that issue to rest by declaring the practice of plea bargaining constitutionally valid in *North Carolina v. Alford*, 400 U.S. 25 (1970). This Committee has been examining the plea bargaining system in actual operation, however, rather than its jurisprudential justifications and it is obvious that it is not working to *anyone's* satisfaction. In fact, the system seems to be kept functional through a complex of distorsive practices that contradict the aims of our system of criminal justice. The major distortions afflicting the plea bargaining process are:

1. The rapidly accelerating case loads;
2. The drastic reduction of charges to induce guilty pleas;
3. The conditions of the detention facilities which tend to force otherwise reluctant defendants to plead guilty;
4. Sentence commitments in advance of a plea which negate the role of probation;
5. The impact of the narcotics problem.

### B. The Case Load Factor

In 1960, there were 19,300 indictments returned in this state. By 1968 the number had risen to 24,293. In 1969, indictments kept climbing to 26,622 and for 1971, the year should close with over 32,000 indictments. The rate of felony convictions has not kept pace with the number of indictments. In 1960, the 19,300 indictments resulted in 6,346 felony convictions. In 1968, 24,293 indictments resulted in 6,691 felony convictions. In 1969, 26,622 indictments resulted in 9,576 felony convictions. The 1969 conviction figure is deceptive because in 1968 the law was changed to permit a misdemeanor sentence for a felony conviction. Thus, even though a defendant pleaded guilty to some degree of a felony, for sentence purposes he could be treated as a misdemeanant.

The proof of this fact lay in the rate of state prison sentences. Although there were 2,885 more felony convictions in 1969 over 1968, there were only 592 more sentences to state prison in 1969 over 1968.

The increasing numbers of cases have forced adjustments in our criminal justice system to a point where it no longer resembles a system, much less a criminal justice system. For example, the criminal process in New York City that eventuates in an indictment begins in the arraignment parts of the criminal court. As many as 50 persons are arraigned in one hour and as many as 300 have been arraigned in a single part in one day. In just the Manhattan arraignment part, 18,741 felony cases were arraigned in 1968 and 20,700 in 1969. On a busy day, an average of 2 minutes is devoted to an individual arraignment. In these two minutes, the critical question of bail is decided. It is a critical question because it determines whether the defendant remains in detention or at liberty. That single decision, as we will see later has a profound impact on the eventual disposition of the case.

Felony cases are then sent from the arraignment part to another part of the court for a hearing and here the first real delays are encountered. In 1968 and 1969, the average duration in time a felony case remained in the criminal court was 13 weeks, requiring approximately 4 appearances.*

Some idea of how this delay breaks down can be obtained from a study performed by the Legal Aid Society of New York City* on the delay encountered by their clients in felony cases in 1970. The average lapse of time between arrest and holding or waiver to the grand jury was 3 to 5 weeks in New York County, 4 to 6 weeks in Kings County, 2 to 4 weeks in Bronx County and 2 to 5 weeks in Queens County. Further delay is encountered between the point of waiver of holding for the grand jury, which occurs in the criminal court and the arraignment on the indictment which occurs in the

* This data is extracted from a Rand Corporation study, R-638-NYC. *The Flow of Arrested Adult Defendants Through The Manhattan Criminal Court in 1968 and 1969.*



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supreme court. In New York County, the Legal Aid client waited between 6 to 8 weeks, in Kings County 8 to 8½ weeks, in Bronx County, 8 to 10 weeks and in Queens County 8 weeks.

The average length of time between arraignment on the indictment and entry of the guilty plea for the Legal Aid client in New York City was 4 to 6 weeks in New York County, 11 to 12 weeks in Bronx County and 3 to 4½ weeks in Queens County. It does not end there however. There is a further delay between entry of the plea and sentence which in New York County amounted to 2½ to 5 weeks, in Kings County 5 to 11 weeks, in Bronx County 7 to 8 weeks and in Queens County 10 to 12 weeks.

Culminating and averaging the length of time between arrest and final disposition of felony cases for Legal Aid clients according to whether the defendants were held in detention (in jail) or at liberty on bail or parole, the results are as follows:

**JAIL CASES (1969)**

| Cumulative Average | New York | Kings | Bronx | Queens |
|---|---|---|---|---|
| Total (days) | 196 | 314 | 298 | 185 |
| Range of Days | 121-310 | 179-546 | 78-607 | 35-424 |

**BAIL OR PAROLE CASES (1969)**

| Cumulative Average | New York | Kings | Bronx | Queens |
|---|---|---|---|---|
| Total (days) | 365 | 428 | 350 | 259 |
| Range of Days | — | 168-750 | 160-514 | 35-538 |

The range of days figures are important because these represent actual cases where a defendant or defendants, for example, were held in detention for periods of time ranging up to 310 days in New York County, 546 days in Kings County, 607 days in Bronx County and 424 days in Queens County while awaiting the disposition of their cases.

We see then the larger case loads contributing to long delays in the dispositions of cases as the system of criminal justice strains to merely take in increasing numbers of cases and keep these cases somehow moving toward disposition. More and more court personnel, prosecutors, defense counsel and other ancillary staff are needed just to keep track of and process the case loads. Justice Irwin Brownstein of the Kings County Supreme Court described the feeling of frustration a judge undergoes as he processes these case loads.

Testifying before the Committee, Justice Brownstein related how during a single week in April, he accepted pleas of guilty from 71 defendants, or an average of 14 per working day. During that same week, the other Justices in that same court disposed of the cases of 90 defendants for a total of 160 defendants. Nevertheless, the Kings County Supreme Court fell behind by 35 indictments.

In the last few years, several judges have announced their premature retirement from the bench in disgust over the crowded conditions now prevalent in the criminal justice system. The situation has been aggravated by a tendency of some judges to respond to the intensified pressure by reducing the hours they work. Justice Edward R. Dudley, the Administrative Judge of the Criminal Court has criticized the contribution of members of the court to calendar delay by the shortness of their hours. Reporters who have observed the various parts of the court refer to instances of judges sitting for 2 hours and 15 minutes to 3 hours and 28 minutes even though the Rules of the Judicial Conference state that daily sessions of the Court shall total not less than six hours. *New York Times*, Feb. 2, 1969, p. 1, col. 6 (late city ed.).

The large case loads and resulting delays force a diversion of resources to the calendar process. As more judges are committed to the handling of swollen calendars, less are available for the dispositional work found in motions, hearings and trials. As the court administrators see their scarce resource of judges employed in the calendar process, the pressure builds to utilize these judges for the obtaining of pleas of guilty and dispositions. The pressure is passed on through to the defendant to get him to plead guilty. Unfortunately, as noted above, there is little time available during the court day for the exploration and considered study of the factors surrounding the crime to which the defendant is pleading guilty. Thus, the judges rightly complain they are not rendering justice, but merely processing cases.

### C. The Drastic Reduction of Charges to Induce Guilty Pleas

What is apparent from the statistics recited is that although more and more cases are being fed into the criminal justice system in this state, we are obtaining essentially the same number of prison sentences. This means that greater numbers of serious crimes are being reduced to misdemeanors in terms of the conviction obtained or sentence imposed.

The figures below demonstrate this observation.

* The Legal Aid Society estimates it represents half of all criminal defendants in New York City.



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| Year | Arrests* | Indictments | Convictions** | State** Prison Sentence |
|---|---|---|---|---|
| **Murder** | | | | |
| 1960 | 436 | 207 | 51 | 30 |
| 1965 | 689 | 380 | 66 | 57 |
| 1968 | 791 | 728 | 59 | 52 |
| 1969 | 739 | 797 | 52 | 49 |
| **Rape** | | | | |
| 1960 | 1,424 | 633 | 122 | 41 |
| 1965 | 1,706 | 595 | 84 | 35 |
| 1968 | 1,395 | 301 | 64 | 28 |
| 1969 | 1,465 | 319 | 63 | 33 |
| **Felonious Assault** | | | | |
| 1960 | 9,506 | 1,794 | 786 | 303 |
| 1965 | 13,658 | 2,330 | 750 | 263 |
| 1968 | 11,172 | 2,084 | 741 | 251 |
| 1969 | 11,972 | 2,117 | 840 | 255 |

* Adults Only.

** For some degree of the original crime.

A criminal justice system, which in 1969 convicts of some degree of murder only 52 out of 797 murderers indicted, and sentences to state prison only 49 of those same 797 indicted murders, is in trouble. In 1969, we obtained felony convictions for only 20% of our rape indictments and state prison sentences for only 10% of those indicted. Similarly, in 1969, we convicted of a felony only 39% of those indicted for felonious assault and sentenced to state prison only 12% of those indicted. It seems we have lost the deterrent to crime we thought we had in the Penal Law.

As to the other violent crime of deep concern to a community, robbery, the statistics manifest the same pattern.

| ROBBERY | | | | |
|---|---|---|---|---|
| Year | Arrests | Indictments | Convictions | State Prison Sentences |
| 1960 | 3,386 | 2,537 | 1,003 | 490 |
| 1965 | 4,871 | 2,937 | 997 | 491 |
| 1968 | 8,465 | 4,199 | 1,425 | 679 |
| 1969 | 9,722 | 4,587 | 2,292 | 1,068 |

In 1960 we were sentencing to state prison 19% of the robbers indicted. But by 1969 the ratio of state prison sentences to indictments was essentially the same, 23%.

It is obvious then that our system of criminal justice has accommodated the greater numbers imposed upon it by reducing more and more felonies to misdemeanors and by sentencing fewer of those indicted to state prison. The ratios cited are of convictions and prison sentences to indictments rather than arrests. The indictment procedure acts as a screening process to eliminate defective arrests or cases with serious problems. The standard for the evidence supporting an indictment is that it be sufficient, if uncontradicted, to support a petit jury's finding of guilt beyond a reasonable doubt. There can be no excuse for the low ratios founded upon a claim of poor quality arrests. The responsibility rests squarely with the post-indictment portion of the criminal justice process, namely the prosecutors and the courts.

### D. The Conditions in Detention Facilities

The statistics recited above demonstrate that larger numbers of criminal defendants are pleading guilty, induced by the drastic reduction of the original charge in the indictment or, by a judicial promise of a sentence involving little or no time in prison. The question raised is who is being sentenced to state prison.

From research, we find convincing evidence of a widespread disregard for the mandates of the Penal Law. Murder, rape, felonious assault, and robbery are crimes of violence to which the legislature has attached sanctions in the form of substantial prison sentences in the interest of protecting public safety. These sanctions can scarcely be said to be enforced by a criminal justice system which imposes state prison sentences on those convicted of some degree of the original crime at a rate of 6% of those indicted for murder, 10% of those indicted for rape, 12% of those indicted for felonious assault and 10% of those indicted for robbery.

On the other hand, when we inquire into just who is pleading guilty to some degree of the original charge and who is being sentenced to state prison, the indications are that it is the indigent defendant who can't make bail. Is the answer then that our system of criminal justice is able to show some results in the form of prison sentences only because of the festering conditions of our detention facilities that pressure the indigent defendant to plead guilty and take a prison sentence? Is one distortion in the criminal justice system, namely, the widespread acceptance of ridiculously low pleas of guilty in return for a promise of a lenient or no prison sentence, counterbalanced by another distortion, namely, the obtaining of guilty pleas from defendants without such a promise because of their inability to endure the concededly poor conditions in our detention facilities? The answer seems to be the indigent defendant unable to raise bail.

The Tombs riots of August and October, 1970 brought into the public spotlight the vexing conditions that exist in the detention facilities throughout the



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state. The testimony taken before Senator Dunne's Committee On Crime and Correction demonstrated the detention institutions were afflicted by overcrowding, vermin infestation, very inadequate food, little or no medical attention, infrequent consultation with counsel, brutality by both guards and other prisoners, and so on. When there is any significant delay in the disposition of a case, the conditions encountered in detention facilities exert enormous pressure on the defendant to plead out to a state prison sentence. This is best demonstrated in an interview conducted by Committee staff with a prisoner in Auburn State Prison.

*I had been indicted in the Bronx. At that time it was the procedure in the Bronx County Jail to get you up early in the morning to get you down in the bullpen at 7 o'clock or 7:30. You leave the Bronx County House of Detention for court at approximately 8 o'clock, you would arrive at the Bronx County Supreme Court at 8:30 or 8:45. At that time it was known or very soon after, that you would not reach the court that day, what they would do, they would herd from 8 to 10 sometimes even 12 men in the same status, and they would put you in the bullpen, which was, I would say, about 6' by 6', and you would wait there and when lunch came, you would have a jelly sandwich or maybe bologna, you would wait there while the inmates going back to Rikers Island or Bellevue Hospital were returned, which was done around 2 o'clock. If you were lucky at around 5 o'clock, they would bring you back out of this bullpen where the 12 of you had been without a bathroom or anything, smoking cigarettes, lying on each other and they would put you back on the van and take you back to the Bronx County Jail. If you were lucky to make that van which would get back around 5:30, you had a choice, if you thought you would have visits, you could go upstairs and not eat at all or you could sit downstairs and wait, hopefully they would have something hot left from the last meal, which wasn't much to talk about anyway. If you were very unfortunate, you didn't go in that van, they waited until the last possible van, say they had a trial going that didn't end until 5 or 5:30, then that van wouldn't arrive until about 6 or 6:30, then by the time you got to Bronx County you missed your visit, you missed all the eats, you missed any opportunity for recreation, you were just back ready to start the next morning. This went on from early January to late February in 1965.*

Common sense indicates that the poor conditions encountered in the detention facilities wear down the resistance of the defendant who is initially reluctant to plead guilty. State Prison becomes a very desirable alternative to continued incarceration in a detention facility. There is, however, some statistical verification of this common sense conclusion.

In 1960, the Manhattan Bail project compared the dispositions of cases for defendants at liberty and held in detention. The contrast was striking. We reproduce some of their findings below with the *caveat* that there are factors inherent in the setting of bail, such as the seriousness of crime or the degree of injury suffered by the victim, which would also influence a conviction and sentence, that were not measured in the study. Nevertheless, these statistics, which we are informed have held true into the nineteen seventies, raise disturbing questions for our criminal justice system and the plea bargaining process.

**CASE DISPOSITIONS BY JAIL STATUS AND CHARGE***

| Charge | At Liberty | | | Detained | | |
|---|---|---|---|---|---|---|
| | Percent Convicted | Percent not Convicted | Total Cases | Percent Convicted | Percent not Convicted | Total Cases |
| Assault | 23 | 77 | 126 | 59 | 41 | 128 |
| Grand Larceny | 43 | 57 | 96 | 72 | 28 | 156 |
| Robbery | 51 | 49 | 35 | 58 | 42 | 100 |
| Dangerous Weapons | 43 | 57 | 23 | 57 | 43 | 21 |
| Narcotics | 52 | 48 | 33 | 38 | 62 | 42 |
| Sex Crimes | 10 | 90 | 49 | 14 | 86 | 28 |
| Others | 30 | 70 | 47 | 78 | 22 | 23 |

* Ares, Rankin & Sturz, *The Manhattan Bail Project; An Interim Report On The Use Of Pre-Trial Parole,* 38 New York University Law Review 67 (1963).



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| Charge On Which Guilt Determined | At Liberty | | | Detained | | |
|---|---|---|---|---|---|---|
| | Susp Sent Percent | Prison Percent | Total Cases | Susp Sent Percent | Prison Percent | Total Cases |
| **Felonies** | | | | | | |
| Assault | 42 | 58 | 26 | 6 | 94 | 73 |
| Dangerous Weapons | 30 | 70 | 10 | 9 | 91 | 11 |
| Larceny | 42 | 48 | 40 | 7 | 93 | 107 |
| Narcotics | 41 | 59 | 17 | — | 100 | 16 |
| Robbery | 22 | 78 | 18 | 3 | 97 | 59 |
| Others | 43 | 56 | 14 | 12 | 88 | 17 |
| **Misdemeanors*** | | | | | | |
| Assault | 68 | 32 | 134 | 13 | 87 | 159 |
| Dangerous Weapons | 49 | 51 | 65 | 25 | 75 | 43 |
| Larceny | 72 | 28 | 193 | 14 | 86 | 357 |

* Although all charges enter the court as felonies, the charges are often reduced and defendants plead guilty to misdemeanors.

### E. Sentence Commitments in Advance of Plea

The Committee has observed that a new practice has arisen in the criminal courts in New York City in response to case load pressures. Most indictments in those overloaded jurisdictions are now processed through a Conference Part where plea negotiations are conducted in earnest between prosecutor and defense counsel under the supervision of a judge. The judges most familiar with the conference procedure have declared that pleas of guilty in any significant number cannot be obtained without sentence commitments in advance of the plea. The practice has also become prevalent in the trial parts.

If a judge refuses to give a sentence commitment to a defendant, he will not be able to dispose of his case load by plea. The name of the game is dispositions and as noted above, there are few dispositions obtained by the trial process. In 1970, there were approximately 51 Supreme Court Justices sitting in the criminal parts of the Supreme Court in New York City. These 51 justices were able to try about 520 cases to verdict, a rate of less than one trial per judge per month.

What is wrong with sentence commitments in advance of plea? Most legal commentators declare it to be an undesirable practice which raises constitutional questions involving due process. For example, the American Bar Association commissioned a project to study and report on the standards for the administration of criminal justice that should be applicable throughout the nation. The Chairman of the Committee supervising the project was the Honorable J. Edward Lumbard, the Chief Judge of the federal Court of Appeals for the Second Circuit. In the publication, approved by the entire ABA, *Standards Relating To Pleas of Guilty* (1968), Part III relating to *Plea Discussions and Plea Agreements*, declares in Section 3.3 (a) "the trial judge should not participate in plea discussions."

In 1965 in Informal Opinion No. 779 [Reported in 51 A.B.A.J. 444 (1965)] the American Bar Association's Professional Ethics Committee declared:

*A judge should not be a party to advance arrangements for the determination of sentence, whether as a result of a guilty plea or a finding of guilty based on proof.*

We recognize that neither the ABA's Minimum Standards, nor their informal opinions are the law of New York. Nevertheless they are based on principles which cannot be ignored by the New York courts. *People* v. *Nixon*, 21 N.Y. 2d 345 p. 354 (1967).

There are a number of reasons for keeping the trial or conference judge aloof from the plea bargaining process. As enumerated by the ABA they are:

*(1) judicial participation in the discussions can create the impression in the mind of the defendant that he would not receive a fair trial were he to go to trial before this judge; (2) judicial participation in the discussions makes it difficult for the judge objectively to determine the voluntariness of the plea when it is offered; (3) judicial participation to the extent of promising a certain sentence is inconsistent with the theory behind the use of the presentence investigation report; and (4) the risk of not going along with the disposition apparently desired by the judge may seem so great to the defendant that he will be induced to plead guilty even if innocent.*

Ironically, one reason for disapproval of the practice is directed at the unequal position of the accused in the bargaining process.

*The unequal position of the judge and the accused,*



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*one with the power to commit to prison and the other deeply concerned to avoid prison, at once raised a question of fundamental fairness. When a judge becomes a participant in plea bargaining he brings to bear the full force and majesty of his office. His awesome power to impose a substantially longer or even maximum sentence in excess of that proposed is present whether referred to or not. A defendant needs no reminder that if he rejects the proposal, stands upon his right to trial, and is convicted, he faces a significantly longer sentence.* United States ex rel. Elkins *v.* Gilligan, *256 F. Supp. 244, 254 (S.D.N.Y. 1966).*

This rationale would apply if the criminal justice system was functioning in the way originally intended. If the defendant is on bail, he enjoys the unequal position and can demand the sentence commitment. To quote one Assistant District Attorney in New York City, "they (the defendants) have us by the throat. We have to dispose of cases."

The major reason for disapproval of the practice, however, is the natural inclination of judges to sentence the defendant convicted after trial to a longer prison term than that originally offered in the plea bargaining process. The stiffer sentence for going to trial maintains the incentive to plead guilty. The practice of penalizings by means of a harsher sentence, the defendant exercising his prerogative of demanding a jury trial, has been condemned as unconstitutional. See *Thomas* v. *United States*, 368 f. 2d 941 (5th Cir. 1966); *United States* v. *Tateo*, 214 F. Supp 560 (S.D.N.Y. 1963). In *United States* v. *Jackson*, 390 U.S. 570 (1968), the Supreme Court declared unconstitutional a statute authorizing a death sentence upon conviction by a jury, but only life imprisonment if a guilty plea was entered. The Court held that the exercise of one's right to a jury trial cannot be fettered by the risk of an increased penalty. The practice can thus give rise to a new wave of post-conviction writs charging coercion by the Court in the plea bargaining process.

The practice also encourages distortions of our criminal justice system because it makes the day-to-day calendar call of the Court the supreme instrument for the rendition of justice. The Court will naturally devote its primary effort to the calendar call if that is the best mechanism for obtaining the maximum dispositions and will correspondingly neglect the trial process. Plea discussions and agreements between prosecutor and defense counsel should be conducted outside the courtroom. The precious and very limited resource of a courtroom, presided over by a judge and staffed by trained and expensive personnel,* should be reserved for trials, hearings, motions, and the taking of the plea.

Another reason for condemnation of the practice of sentence commitments by a judge in advance of the entry of a plea is its nullification of a very important component in the sentencing process, the probation report. We now require the submission of a probation report to a judge in advance of sentence in order that the sentence can have some relevance to the defendant involved. The Committee's inquiry has disclosed that once the sentence commitment has been made by a judge the probation report is subtly tailored to justify the sentence. The original purpose of the probation report is thus distorted to fit the exigency of having to keep the dispositions flowing.

This probation report then becomes an important first step in the prison rehabilitation process and in the determination of parole eligibility. If, however, the probation report has been prepared as indicated above, the distortion is transmitted through to the correction process.

### F. The Impact of the Narcotics Problem

In 1960, 1,269 defendants were indicted for the felonious sale or distribution of narcotics. Of that number 378 were convicted of some degree of a felony. By 1965, the figures for indictments and convictions were 2,124 and 454 respectively. By 1969, the figures were 6,772 and 1,837 respectively. In 1969, the 6,772 indictments rose out of 18,489 arrests or roughly a three to one ratio. By 1970, the arrest figure rose to a startling 32,000 plus. Although the figure has not yet been compiled on narcotics indictments for 1970, if the three to one ratio holds there should have been 10,000 plus indictments for the felonious possession or sale of narcotics returned.

A recent study by the New York State Commission of Investigation revealed that narcotics indictments in New York City alone were running close to 40% of all indictments returned. The impact of these numbers on the criminal justice system should be obvious. The narcotics cases have overwhelmed our court system to a point where little else than narcotics sellers are being processed through the courts.

In the most recent statistics available, in 1969, 18,489 felony arrests for narcotics sale or possession resulted in 6,772 indictments, 1,837 felony convictions and 421 state prison sentences. Thus, two per cent of those arrested in 1969 received a state prison sentence, six per cent of those indicted and twenty-three per cent of those convicted of some degree of a felony. These results appear to have worsened more recently.

This tremendous rise in narcotics cases and indictments has been superimposed on a criminal justice sys-

* The cost of a fully staffed and supported Supreme Court part in New York City, exclusive of judicial salaries, is approximately $490,000 per year.



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tem already staggering under the weight of numbers from other crimes. The system has responded to the problem by drastic plea reductions and sentence concessions. This has been done in spite of the clear policy of the legislature to treat narcotics trafficking as the near equivalent of murder. (Selling or possessing 16 ounces or more of heroin is a Class A felony carrying a sentence of 15 years to life, the same as murder.) Even though only about one fourth (25%) of those indicted for trafficking or possessing narcotics are convicted of a felony, the processing of the large numbers of cases involved nevertheless requires the allocation of more but increasingly strained resources.

The following table recapitulates the results of narcotic felony arrests in New York State from 1960 to 1969.

**NARCOTIC FELONY ARREST DISPOSITIONS**
**1960 thru 1969 — NEW YORK STATE**

| | Arrests | Indictments | Percent | Convictions | Percent to Arrests | Percent to Indictments |
|---|---|---|---|---|---|---|
| 1960 | 1,807 | 1,269 | 70.2 | 378 | 20.9 | 29.7 |
| 1961 | 1,649 | 1,058 | 64.1 | 322 | 19.5 | 30.0 |
| 1962 | 2,152 | 1,264 | 58.7 | 480 | 22.3 | 37.9 |
| 1963 | 2,538 | 1,727 | 68.0 | 605 | 23.8 | 35.0 |
| 1964 | 3,479 | 1,837 | 52.8 | 490 | 14.0 | 26.6 |
| 1965 | 4,135 | 2,124 | 51.4 | 454 | 11 | 21.3 |
| 1966 | 5,871 | 3,209 | 54.6 | 613 | 10.4 | 19.1 |
| 1967 | 8,141 | 4,352 | 53.4 | 849 | 10.4 | 19.5 |
| 1968 | 11,912 | 5,030 | 42.3 | 1,050 | 8.8 | 20.8 |
| 1969 | 18,489 | 6,772 | 36.6 | 1,837 | 9.9 | 27.1 |
| **TOTAL** | **60,173** | **28,642** | **47.5** | **7,078** | **11.7** | **24.7** |

During research, the Committee examined with interest, the results obtained in connection with narcotic felony arrests effected by the U.S. Bureau of Narcotics and Dangerous Drugs and prosecuted by the U.S. Department of Justice in New York State from 1960 through 1968. The results are not suitable for comparison because of marked differences in options, structure and design between the federal system of criminal justice and the state system of criminal justice. Yet, the Committee feels that the results obtained by the federal government justifies drawing on their techniques and legal sanctions as models for state amendments designed to improve our operations. One such, would be the exclusion of narcotic felony indictments from guilty plea bargain arrangements.

**BUREAU OF NARCOTICS AND DANGEROUS DRUGS**
**NARCOTIC FELONY ARRESTS AND DISPOSITIONS**
**1960 thru 1968**

| Year | Arrests | Convictions | Percent |
|---|---|---|---|
| 1960 | 1848 | 1125 | 61% |
| 1961 | 1782 | 1223 | 68% |
| 1962 | 1833 | 1262 | 69% |
| 1963 | 1675 | 981 | 59% |
| 1964 | 1717 | 1186 | 69% |
| 1965 | 2135 | 1175 | 55% |
| 1966 | 2014 | 923 | 46% |
| 1967 | 2212 | 974 | 44% |
| 1968 | 2086 | 958 | 46% |
| **TOTAL** | **17302** | **9807** | **57%** |

## G. Recommendations

When we break the plea bargaining system down into its component parts, we see it is not functioning well at all. The system, given present conditions is not rendering justice to the accused; it is turning loose increasing numbers of criminals charged with serious crimes on the happenstance that they were able to make bail. The public realizes more and more that there is no protection for it in the criminal justice system, and those involved in making the system operate concede the system is in serious trouble.

Part of the problem stems from the fact that the vast majority of criminal cases are disposed of by the invisible process of plea bargaining. Without visibility, reform efforts cannot be focused on the problem. The lack of visibility also explains the tremendous lag in bringing the law up to date on plea bargaining and regulating the process with the same specificity with which we regulate the other parts of the criminal justice process, such as arrest and trial.

The legislation proposed by this Committee in the plea bargaining area is a modest first step. It codifies the process and most important, it creates a record of the process for later scrutiny, a record now totally lacking or inaccessible.

A record is needed of the invisible plea bargaining process so that the legislature, governor and other concerned officials can answer the grave questions raised by this report and also appraise the system of criminal justice



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in relation to the accomplishment of its too often stated, though disregarded, objectives.

The following standards set forth by the American Bar Association should be implemented by legislation and court rules. A defendant should not be called upon to plead guilty unless he has had an opportunity to obtain counsel or if he is indigent, counsel has been assigned to represent him; the court should not accept a plea without ascertaining that the defendant fully understands the effect of his plea and the possible sentences that may be imposed upon him. It is recommended that the court not accept a plea without first determining whether it is voluntary, whether it resulted from discussions and negotiations and whether there is a factual basis for it. A verbatim record of the proceedings at which the plea is made should be kept. See *Standards Relating To Pleas of Guilty*, 2 Crim. L. Rep. 2422 (1968).

The Committee has previously recommended legislation to provide that a third party investigate the bargain arrived at with the district attorney and report his findings to the court. This assistant should be present during the plea bargaining process and have the power to inspect the minutes of the grand jury. This would be in compliance with the A.B.A. recommendation that the court not participate in the discussions of the plea bargaining process. A record of the negotiations should be kept and presented to the judge together with a preliminary probation report. The court should be allowed to hear the disclosure of the tentative agreement and the reasons behind it, in advance of the plea. The judge could then indicate to the prosecutor and defense counsel whether he will abide by the tentative agreement. This would eliminate the formalized deception of inquiring of the defendant when he stands before the bench whether any agreement or promises have been made to him by the district attorney and the defendant's negative answer, when in fact everyone knows an agreement has been reached.

The following judicial decisions are quoted in full because they clearly substantiate the Committee's long-held position on the need for structuring, formalizing, and providing a written record of the guilty plea bargain proceedings.

H. THE PEOPLE OF THE STATE OF NEW YORK, Appellant, v. HECTOR LOPEZ and ROBERTO LOPEZ, Also Known as ROBERT LOPEZ, Respondents.

Argued December 10, 1970; decided March 3, 1971.

Crimes — petit larceny — attempted possession of weapon — sentence — where each defendant pleaded guilty to felony and misdemeanor and two crimes were committed as parts of single transaction, if consecutive sentences of imprisonment are imposed, aggregate of such sentences shall not exceed one year (Penal Law, § 70.25, subd. 3) — where defendants were given consecutive sentences of one year for misdemeanor and one year for felony, resentencing properly directed — plea bargain designed to vitiate provisions of statute not permissible — assuming that statutory provision could be waived, no waiver demonstrated here.

1. Each defendant pleaded guilty to petit larceny and to class E felony of attempted possession of a weapon and was sentenced to a one-year term for the misdemeanor and to a like term on the felony count, the sentences to be served consecutively. The two crimes of which each defendant was convicted "were committed as parts of a single * * * transaction" (Penal Law, § 70.25, subd. 3). The statute cited provides that, when in such case, consecutive definite sentences of imprisonment are imposed, "the aggregate of the terms of such sentences shall not exceed one year." Resentencing was properly directed.

2. Assuming that a defendant can effectively waive the mandatory statutory provisions, whether as an incident to a plea bargain or otherwise, in this case no waiver has been demonstrated.

3. A plea bargain designed to vitiate the provisions of the statute is not permissible. (People v. Foster, 19 NY 2d 150 and People v. Griffin, 7 NY 2d 511, distinguished.)

People v. Lopez, 35 A D 2d 695, affirmed.

APPEALS, by permission of an Associate Judge of the Court of Appeals, from orders of the Appellate Division of the Supreme Court in the First Judicial Department, entered October 6, 1970 and November 19, 1970, which (1) reversed, on the law, judgments of the Supreme Court (George M. Carney, J.), entered in New York County convicting defendants on their pleas of guilty of petit larceny and attempted possession of a dangerous weapon as a felony and (2) remanded the case for resentencing.

Frank S. Hogan, District Attorney (Lewis R. Friedman, Michael R. Juviler and William C. Donnino of counsel), for appellant. A defendant having pleaded guilty to attempted possession of a weapon and petit larceny cannot complain of the consecutive sentences imposed. (People ex rel. Maurer v. Jackson, 2 NY 2d 259; People v. Baker, 27 A D 2d 269, 19 NY 2d 982; People v. Guy 33 A D 2d 806; People v. Nelson, 32 A D 2d 952; People v . Foster, 19 NY 2d 150; People v. Griffin 7 NY 2d 511; People ex rel. Wachowicz v. Martin, 293 NY 361; People v. Legacy, 4 A D 2d 454; Matter of Simonson v. Cahn, 27 NY 2d 1; People ex rel. Battista v. Christian, 249 NY 314.)

Albert L. Richter for Roberto Lopez and Emma



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Alden Rothblatt and Stephen H. Peskin for Hector Lopez, respondents. The cumulative sentence of two years received by each defendant is illegal under section 70.25 (subd. 3) of the Penal Law. (People v. Guy, 33 A D 2d 806; People v. Nelson, 32 A D 2d 952; People ex rel. Harris v. Maher, 61 Misc 2d 691; People ex rel. Fitzgerald v. Maher, 61 Misc 2d 22.)

GIBSON, J. The issue arises upon the People's contention that sentences for consecutive terms in excess of the periods permitted by the applicable statute were imposed pursuant to a plea bargain and were valid as proper subjects of the plea-bargaining process. In unanimously reversing the judgments of conviction, the Appellate Division correctly held that the two crimes of which each defendant was convicted "were committed as parts of a single * * * transaction" (Penal Law, § 70.25, subd. 3); the statute cited further providing that when, in such case, consecutive definite sentences of imprisonment are imposed, "the aggregate of the terms of such sentences shall not exceed one year."

The defendants were jointly indicted for robbery in the first degree, petit larceny and possessing a weapon, dangerous instrument and appliance as a felony (Penal Law, §§ 160.15, 155.25, 265.05). Each pleaded guilty to petit larceny, which was the second count, and to the class E felony of attempted possession of a weapon, under the third count, such pleas being accepted in satisfaction of the indictment and of certain related burglary charges which had not been included in the indictment. Upon the recommendation of the prosecutor that an alternative definite sentence be imposed for the class E felony (Penal Law, § 70.05), the court sentenced each defendant to a one-year term on that count and to a like term on the misdemeanor count and directed that the sentences be served consecutively. Had the alternative method not been employed, the conviction of the class E felony would have rendered defendants subject to indeterminate sentences of from one to four years (Penal Law, § 70.00). Instead, the definite one-year sentence was imposed.[1]

It appeared from admissions made by defendants at the time of sentence that in the course of the commission of the larceny one defendant was armed with a stiletto and the other with an opened pocket knife. Thus the attempted possession of weapons, of which defendants were convicted, and the petit larceny in their conceded taking of $25, were parts of a single transaction, a conclusion with which appellant "does not disagree"; and hence consecutive sentences were within the proscription of subdivision 3 of section 70.25. This conclusion, too, remains undisputed.

*The People contend, however, that the defendants waived the provisions of subdivision 3, pursuant to a plea bargain — a claim that the record does not support and defendants decline to concede.* (emphasis added). Indeed, the only indication of any previous discussion is to be found in the remarks of the Trial Judge immediately prior to the imposition of sentence. He said: "We had a discussion at the Bench before this plea was entered, and one of the main considerations in taking the pleas that were taken and coming to a conclusion concerning the disposition from the sentence basis was the fact that the complainants in this case were about ninety years old, and we didn't want to subject them to bringing them to Court, with the possible strain and anxiety that might entail. As a result of that and on the recommendation of the district attorney, the sentence of the Court as to each defendant is: * * *." Here there is a reference to sentence; but certainly no implication of an agreement and waiver in respect of sentence is to be found in these words; and differing from the case of a so-called hypothetical crime where the guilty plea serves, at one and the same time, to formulate the offense and to waive objection to any seeming inconsistency, a plea of guilt tendered in a case such as this could not logically or reasonably be deemed to waive any infirmity or invalidity in a sentence to be imposed some time in future. Assuming, nevertheless, that a defendant can effectively waive the mandatory provisions of subdivision 3, whether as an incident to a plea bargain or otherwise, it is clear that in this case, no waiver has been demonstrated.

It seems to us advisable, however, to reach the broader issue as to the permissibility, in general, of a plea bargain designed to vitiate the provisions of subdivision 3; and we turn to that question. Asserting that such an arrangement can properly be made, the People rely principally on the analogy they profess to find in our decision in People v. Foster (19 NY 2d 150). There we sustained a conviction, upon a plea of guilty, of attempted manslaughter, as against the contention that no such crime could exist, inasmuch as an attempted crime of necessity requires intent while manslaughter by definition excludes it. We held in an opinion by Judge SCILEPPI (p. 154) that the "plea should be sustained on the ground that it was sought by defendant and freely taken as part of a bargain which was struck for the defendant's benefit"; and, as supportive of our decision, we cited and explicitly approved the rationale of People v. Griffin (7 NY 2d 511). In that case, Judge VAN

[1] The imposition of that sentence, having the effect of a misdemeanor sentence, barred the use of the felony as a predicate for recidivist treatment (Penal Law, § 70.10, subd. 1, par. [b], cl. [i]; but the sentence had to be limited to one year; and it is inferable from the prosecutor's argument here, although not from the record, that it was considered that this punishment was too light and that it could not be increasd except by imposition of an additional, consecutive term of one year upon the petit larceny plea.



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VOORHIS, writing for the court, pointed to the distinction between a plea of guilty to a lesser crime, which does not admit the facts that he is guilty or not guilty of the crime therein charged, and a plea of guilty to a lesser crime, which does not admit the facts charged in the indictment (Code Crim. Pro., § 334, subd. 2); the defendant simply "pleads guilty to something else", that is, to the crime, hypothetical or not, specified in the plea itself; the plea in such case referring to the indictment only in respect of "the time, place and intended victim" described therein (p. 515). Quite unlike the case before us, wherein an explicit mandatory sentencing statute was contravened, the plea to a lesser offense, including a hypothetical offense, is "authorized by statute", as Judge VAN VOORHIS was careful to point out, and in particular by sections 334 and 342-a of the Code of Criminal Procedure (p. 516).

In the statute before us nothing could be more clear and explicit than the imperative: "the aggregate of the terms of such sentences shall not exceed one year" (Penal Law, § 70.25, subd. 3). Surely a Judge, a prosecutor and a defendant cannot by agreement restructure substantive law to fit their notion of what is more appropriate in a particular case. If, in cases such as this, the legal scheme of punishment is not sufficiently flexible, the remedy lies with the Legislature.

The orders should be affirmed.

JANSEN, J. (dissenting). On this appeal we are confronted with an important issue involving a plea of guilty and the sentencing process, to wit: whether a defendant, as part of his plea bargaining, may waive the application of section 70.25 (subd. ) of the Penal Law.

The minutes of plea and sentence lead inescapably to the conclusion that prior to the entry of the plea, the court and experienced defense counsel had discussed the possible imposition of the consecutive sentences aggregating two years. Indeed, the guilty pleas to both crimes could have had no other purpose except to permit the imposition of the consecutive sentences. For example, a plea by the defendants to attempted possession of a weapon, as a class E felony, by itself, would have allowed an indeterminate State Prison sentence of one to four years. (Penal Law, § 70.00 subds. 1, 2, par. [e]; subd. 3; § 70.20, subd. 1.) A plea to a class E felony would not authorize a definite sentence of two years, and the additional guilty plea to petit larceny, a misdemeanor, could not result in the imposition of a different sentence unless consecutive definite sentences were being considered. Hence, the pleas here permitted the defendants to be sentenced to two years in a local jail, instead of a State Prison (Penal Law, § 70.20, subd. 2), a result not attainable under any other guilty plea. Concluding, as I do, that the defendants waived section 70.25 (subd. 3), the question then arises as to whether this is permissible.

On its face, section 70.25 (subd. 3), couched in mandatory language, does not seem to permit the exercise of discretion by the court in imposing consecutive sentences for offenses committed as part of a single incident. As Judge LEHMAN observed: "There may be cases where special circumstances are present which would lead a wise judge to believe that less severe punishment would better fit the crimes committed. A judge may fit the punishment to the crime only where the law leaves room for the exercise of discretion in a particular case * * * When by act of Legislature the law provides that particular acts shall have definite consequences, there is no room for the exercise of discretion by the court or judge." (People v. Gowasky, 244 N.Y. 451, 467) concurring in part, dissenting in part].)

However, contrary to the majority's holding, I do not believe the mandatory language of section 70.25 (subd. 3) is dispositive of the matter. I would hold that an accused may knowingly and intelligently waive a statutory right which was enacted for his own protection. As we noted in an analogous situation, when reviewing a conviction, upon a guilty plea to attempted manslaughter, an impossible crime: 'The defendant declined to risk his chances with a jury. He induced the proceeding of which he now complains. He made no objection or complaint when asked in the presence of his counsel whether he had any legal cause to show why judgment should not be pronounced against him, and judgment was thereafter pronounced. As a result, the range of sentence which the court could impose was cut in half — a substantial benefit to defendant." (People v. Foster, 19 NY 2d 150, 153.)

In my view, the Legislature, in deciding to limit consecutive definite sentences to a one-year maximum, had intended to protect a criminal defendant against overcharging by a prosecutor — that is, to avoid the possible aggregation of sentences for those convicted after trial. Notwithstanding its mandatory language, I do not believe that the statute was ever intended to defeat a defendant's right to waive its protection in order to receive a substantial benefit such as by reducing a potential sentence,[1] and preventing the use of a felony as a predicate for recidivist treatment. (Penal Law, § 70.10, subd. 1, par. [b], cl. [i].) The one-year limit on authorized consecutive sentences is certainly not "a public fundamental right, the exercise of which is requisite to jurisdiction * * * [which] is binding upon the individual and cannot be disregarded by him." (Matter of Simonson v. Cahn, 27 NY 2d 1, 3-4; Peo-

[1] Robbery in the first degre, a class B felony, is punishable by a maximum term of 25 years. (Penal Law, § 70.00, subd. , par. [b]; § 70.20, subd. 1; § 160.15.)



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ple ex rel. Battista v. Christian, 249 N.Y. 314, 318.) To hold that an accused may not knowingly and intelligently waive a rule which was made for his own protection is totally unreasonable. Where is the harm to the accused in such case? The State has extended "a benefit to a defendant who in turn extends a substantial benefit to the State and who demonstrates by his plea that he is ready and willing to admit his crime and to enter the correctional system in a frame of mind which affords hope for success in rehabilitation over a shorter period of time than might otherwise be necessary." Brady v. United States, 397 U.S. 742, 753.)

*In view of criminal court congestion and delays in trials, sound public policy would require that we encourage defendants to openly and freely enter guilty pleas, with the presence of counsel, accompanied by a reduction of the scope of possible punishment, provided the imposition of the sentences is realistically related to the facts of the case.*[2]. The majority's position is not only contrary to this approach, but also to the trend of recent decisions in which the courts have extended every effort to sustain freely and voluntarily entered pleas of guilty. (North Carolina v. Alford, 400 U.S. 25; McMann v. Richardson, 397 U.S. 759; Brady v. United States, 397 U.S. 742, supra; People v. Irizarry, 27 NY 2d 856; People v. Reyes, 26 NY 2d 97; People v. Foster, 19 NY 2d 150, supra.)

As in the situation where a defendant pleads guilty to a fictitious crime, the defendants were clearly benefited in being sentenced for the class E felony pursuant to section 70.05 of the Penal Law, authorizing a definite sentence of imprisonment[3], instead of section 70.00, requiring the imposition of an indeterminate sentence. But now, by a majority's holding, the District Attorney, in similar cases, will insist on a felony plea with an indeterminate sentence to be imposed pursuant to section 70.00 of the Penal Law, thereby, most likely, requiring a trial, which, in turn, will result in taxing even more our already overcrowded and congested courts. Considering that approximately 96%[4] of all convictions in our Supreme and County Courts are brought about by pleas of guilty, I am convinced that our decision will place an unreasonable obstacle in the plea bargaining process.

I conclude, therefore, the sentences "should be sustained on the ground that [they were] sought by defendant[s] and freely taken as part of a bargain which was struck for the [defendants'] benefit." (People v. Foster, supra, at p. 154.)

Chief Judge FULD and Judges BURKE and BERGAN concur with Judge GIBSON; Judge JANSEN dissents and votes to reverse in a separate opinion in which Judges SCILEPPI and BREITEL concur.

**Orders affirmed.**

THE PEOPLE OF THE STATE OF NEW YORK ex rel. CALTON SMITH, Relator, v. WALTER J. FLOOD, as Warden of the Nassau County Jail, Respondent.

Supreme Court, Special Term, Nassau County, November 24, 1971.

Crimes — sentence — relator was improperly sentenced to consecutive terms exceeding one year for separate crimes constituting one transaction; writ sustained and relator is entitled to release at expiration of year — habeas corpus is proper remedy — writ was not premature — relator did not waive right to limited sentence.

1. Relator who admitted that he committed acts constituting separate crimes of attempted burglary as part of the same transaction, was improperly sentenced to consecutive sentences of one year on one count and eight months on the other but should have received sentences, under subdivision 3 of section 70.25 of the Penal Law, not exceeding one year in the aggregate. Respondent Warden has failed to submit sufficient proof to show more than one transaction. Relator's writ is sustained and he is entitled to release at the conclusion of his one-year sentence.

2. Since the issue is whether the County Court Judge had the statutory power to sentence relator for two consecutive sentences exceeding one year, habeas corpus, not appeal, is the appropriate remedy.

3. The writ was not premature and relator was not required to wait until relator had commenced serving the second sentence.

4. Although the question is moot, relator did not waive his right to a limited sentence by his plea bargain. *The minutes do not spell out an informed waiver of rights.*

James J. McDonough and Victor Ort for relator. William Cahn, District Attorney (Andrew Boyar of counsel), for respondent.

BERTRAM HARNETT, J. By order to show cause dated November 17, 1971, the Warden respondent asked

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[2] Cf. Brady v. United States (397 U.S. 742, 751-753), in which the Supreme Court in holding that a plea of guilty entered to limit the possible punishment was not for that reason compelled within the meaning of the Fifth Amendment, implicitly recognized that the resources of the criminal justice system would be severely overburdened if guilty pleas based on the expectation of a lesser penalty were forbidden.

[3] The imposition of a one-year sentence of imprisonment had the effect of a misdemeanor sentence, which barred the use of the felony as a predicate for recidivist treatment. (Penal Law, § 70.10, subd. 1, par. [b], cl. [i].)

[4] Sixteenth Annual Report of N.Y. Judicial Conference, 1971, p. A 96, Table 30.



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leave to reargue the October 26, 1971 order of this court sustaining a writ of habeas corpus on behalf of Calton Smith. Leave to reargue was given to the respondent on November 19, 1971, at which time counsel for both sides were before the court and conducted their reargument on the record.

Upon the requested reconsideration, the court holds to its prior result and sustains the writ of habeas corpus. The court, however, vacates its prior memorandum and substitutes in its place this memorandum in amplification of the legal issues now emphasized.

Respondent argues essentially that it contests the singleness of the transaction involved, that the writ of habeas corpus is not timely, and that relator's proper remedy is appeal and not habeas corpus. *Perhaps at the very bottom respondent's real distress is in a "busted" plea bargain.*

Calton Smith pleaded guilty in Nassau County Court on two counts of attempted burglary in the third degree and was convicted on November 17, 1970. He was sentenced to consecutive one-year terms of imprisonment, and began to serve his sentence on March 26, 1971, with credit for four months' time served while awaiting sentence. On June 3, 1971 he was resentenced to one year in the county jail on the first count and eight months in the county jail on the second count, the sentences to run consecutively. Taking into consideration the good behavior allowance permitted by section 804 of the Correction Law, Smith is scheduled for release on November 26, 1971 on the first count and June 12, 1972 on the second.

Since no testimony was offered in the proceedings, all impressions of fact must be taken from documents and concessions of counsel. Smith's point is that the two indictments to which he pleaded guilty related to a single transaction. He says that he and three other codefendants in those indictments, Huggins, Freeman and Miller, broke into a retail furniture store with the intent of breaking through a partition into an adjacent retail fur store. The two stores sit side by side under a common roof in a shopping center building in Manhasset, but differ in depths. It is claimed that the entry procedure was chosen to circumvent a burglar alarm problem in the fur store, where a robbery of coats worth over $16,000 is asserted. While enroute to the fur store through the furniture store, the thieves were robbery of coats worth over $16,000 is asserted. While en route assumed $14.98 theft, taken as a separate offense, leads to the problem at hand. [sic]

Section 70.25 of the Penal Law provides that: "2. When more than one sentence of imprisonment is imposed on a person for two or more offenses committed through a single act or omission, or through an act or omission which in itself constituted one of the offenses and also was a material element of the other, the sentences must run concurrently.

"3. Where consecutive definite sentences of imprisonment are not prohibited by subdivision two of this section and are imposed on a person for offenses which were committed as parts of a single incident or transaction, the aggregate of the terms of such sentences shall not exceed one year".

Where the crimes to which a defendant has pleaded guilty are committed by a single act, consecutive terms of imprisonment are not permissible sentences. (People v. Nelson, 32 A D 2d 952.) However, where separate and distinct acts are committed, punishment for each of them is proper, even though they arise out of a single transaction. (People ex rel. Roberts v. Thomas, 30 A D 2d 802.) There is a distinction then under the Penal Law between a single act which constitutes a multiple crime (§ 70.25, subd. 2) and multiple crimes which are part of one transaction (§ 70.25, subd. 3). In the first circumstance, the sentences must be concurrent and not consecutive. In the second circumstance, however, once a prosecutional election is made for consecutiveness the sentencing limit is one year.

With this background in mind, we will turn to respondent's contentions. First, is the habeas corpus writ an appropriate procedure in the first place? The proceeding was started by Smith with a personal handwritten communication to the court from the county jail as a "motion to set aside sentence". When he appeared in court, his Legal Aid Society attorney pursued the matter as a writ of habeas corpus and the District Attorney treated it as a writ of habeas corpus. The Appellate Division, Second Department, has ruled that: "an action should not be dismissed because it is in improper form, when the same relief is available in a special proceeding". (Board of Educ. of Cent. High School Dist. No. 2 v. Allen, 25 A D 2d 659, 660.) (See CPLR 103, 7001.)

Habeas corpus is a civil remedy and a special proceeding (CPLR 7001; People ex rel. Curtis V. Kidney, 225 N.Y. 299; People ex. rel. Simpkins v. Pilgrim State Hosp., 13 A D 2d 991), and civil proceedings are not generally to be dismissed because in improper form. Rather, the courts "shall make whatever order is required" for proper prosecution. (CPLR 103, subd. [c].) Moreover, the Court of Appeals has ruled that the right to invoke habeas corpus must take precedence over considerations of procedural conformity. (People ex rel. Keitt v. McMann, 18 NY 2d 257; People v. Schildhaus, 8 NY 2d 33.)

The Court of Appeals has upheld the propriety of writs of habeas corpus to challenge sentences exceeding statutory limits. (People ex rel. Carollo v. Brophy, 294 NY 540; People ex rel. Tweed v. Liscomb, 60 NY 559.)



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Since the issue here is whether the County Court Judge had the statutory power to sentence Smith for two consecutive sentences exceeding one year in total, habeas corpus is appropriate. Two other Judges of this court have sustained such writs in proceedings cited below releasing two of Smith's very coparticipants from excessive sentencing in this transaction.

Is then the writ premature? Respondent believes that it could only be brought after the offensive second sentence has already begun. CPLR 7002 (subd. [a]), cited by respondent, is silent on the time of bringing the writ. It deals in terms with inquiry into the cause or legality of detention. Actually, when his writ was first brought, Smith believed he was entitled to immediate release based on some previous time served. Inquiry by the court led, however, to the mutually accepted conclusion that November 26, 1971 was the first release date with credit for good behavior. Since the remaining sentence time was short, the court determined in its discretion to proceed. See, People ex rel. Prosser v. Martin (208 Misc. 875, affd. 281 App. Div. 1008, affd. 306 N.Y. 710) effecting a future grant of a writ of habeas corpus.

Principles of timeliness in criminal matters, as set forth in People ex rel. Smith v. McMann (29 A D 2d 594) and People ex rel. Dote v. Martin (294 N.Y. 330) cited by respondent, must give way where considerations of practicality and necessity dictate. (People ex rel. La Belle v. Harriman, 35 A D 2d 13.)

The glut of the court calendars and the congestion of the jails mandate that courts should address themselves expeditiously to matters at hand. Moreover, the point has become almost moot by lapse of time. Friday, November 26, the release date, now falls on the very next court day after this decision. To wait until the next court day after that is senseless in terms of the legitimate policy of the law, and would necessarily result in Smith spending the weekend unlawfully in jail. To move the writ to Monday, when it would be timely without dispute, is to recall the Mad Hatter of Alice's Wonderland. "I want a clean cup", interrupted the Hatter at the mad tea party. "Let's all move one place on."

With the procedural parts peeled away, the substance surfaces. Smith cites the decision of Mr. Justice L. KINGSLEY SMITH (People ex rel. Huggins v. Flood, Nassau County, Sup. Ct., Aug. 20, 1971, Indictment No. 27,443) freeing his codefendant Huggins on a habeas corpus writ and contends that this collaterally estops the respondent in this proceeding.

Mr. Justice SMITH found that the two consecutive one-year sentences also imposed on Huggins were violative of subdivision 3 of section 70.25 of the Penal Law and, by sustaining a writ of habeas corpus, directed Huggins' release. He pointed out that respondent, on the record there, failed to demonstrate "other than one continuing transaction". The same rationale applies to this case. Respondent offered no testimony with respect to transactional characterization. While respondent in argument claims there was more than one transaction, he did not offer any evidence to support his claim other than to refer to the record of the crime which was in substantial effect the record before Mr. Justice SMITH. Accordingly, this court rules, as did Mr. Justice SMITH, that respondent fails to establish that the acts acknowledged in the plea of guilty were other than one continuing transaction.

There is no apparent published authority as to the definition of the word "transaction" within subdivision 3 of section 70.25 of the Penal Law. Black's Law Dictionary (4th ed.) defines a "transaction" as "an act or * * * several acts * * * having some connection with each other". Here, the breaking into the furniture store was claimed to be with the purpose of circumventing the electric alarm system of the adjoining fur store. The court believes that on the record the taking of $14.98 from the furniture store can be reasonably deemed incidental to the robbery from the target premises of $16,000 in coats, and part of the immediate proximate chain of crime. The entire circumstance seems, within the statutory concept, one transaction. The respondent stakes much on relator's admission that he went into the furniture store and "at another time during that day" the fur store. But this is not conclusive or even persuasive. Subdivision 3 of section 70.25 of the Penal Law refers in terms to offenses which are parts of a single transaction. This may mean two or more acts. If one act of a transaction takes place at 12:01, the next act taking place in that transaction at 12:02 necessarily takes place at another time during that day. Perhaps here the respondent confuses subdivision 2 of section 70.25 of the Penal Law, dealing with two offenses committed by one act leading to concurrency of sentence.

Interestingly, the indictment itself states: "All of the acts and transactions alleged in each of the several counts of this indictment are connected together and form part of a common scheme and plan".

As a criminal statute, subdivision 3 of section 70.25 of the Penal Law must be strictly construed. Unfortunately, the draftsmen opted for generality, and left the issue of "transaction" to an evidentiary finding, although the statute itself makes plain that a transaction may consist of two or more acts. The question here is a close one, but in our tradition substantial doubt must be resolved in favor of a criminal accused. Respondent has submitted insufficient proof to establish multiplicity of transaction.

Does Mr. Justice SMITH'S decision, in any event, estop respondent from raising here the issue of multiple transaction? Certainly, there is a stare decisis involved.



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But, relator Smith asserts a collateral estoppel against respondent, a doctrine which prevents relitigation of a question already determined by a court having general jurisdiction of the subject.

As described in Weinstein-Korn-Miller, New York Civil Practice (Vol. 5, par. 5011.23, p. 50-114): "The doctrine of collateral estoppel prevents a party from denying or asserting a given proposition of law or fact because that issue has been determined in a prior action not involving the same cause of action in which the party, or one in privity with him, participated". (See, also, people v. Lo Cicero, 14 N Y 2d 374, 380.)

Collateral estoppel may rise from a habeas corpus proceeding. (Casler v. State of New York, 33 A D 2d 305.) To the extent of the facts and issues actually presented to Mr. Justice SMITH, it appears that some estoppel should fetter respondent in this proceeding, although due to the fuzzy nature of these particular proceedings the court does not so hold.

At the very least, the treatment of Huggins' acts as one continuing transaction makes it unjust and unfair on the same facts to treat Smith's identical acts as two transactions.

It might also be noted here that on November 9, 1971, Mr. Justice DANIEL ALBERT of this same court, in yet another habeas corpus proceeding, directed the release of a third codefendant, Freeman, on the ground that his consecutive sentences could not exceed one year, because there was a single transaction. (People ex rel. Freeman v. Huggins, Nassau County Sup. Ct., Indictment No. 27,443.) To the court's knowledge, neither the Huggins nor Freeman decision has been appealed to this date.

Assuming that the crimes here are part of a single transaction, it is pertinent to inquire whether Smith waived his rights to a limited sentence by his plea bargain. A waiver of rights in criminal proceedings must be intelligent and informed. (United States ex rel. Bennett v. Myers, 381 F. 2d 814, cert. den. 390 U. S. 973, rehearing den. 390 U. S. 1046.) *The minutes of the sentencing procedure for Smith do not spell out an informed waiver of rights under subdivision* c *of section 70.25 of the Penal Law.* Nor is there any evidence that the County Court or counsel even had that section in mind in the plea bargaining or sentencing procedures.

But, this question of waiver is moot, for the County Court does not have the power to enlarge its statutory sentencing power, specifically here (Penal Law, § 70.25, subd. 3). The point is not whether Smith waived, but whether the County Court had the power to sentence consecutively beyond one year in a single transaction situation. In People v. Lopez (Hector) (28 N Y 2d 148, 152) the Court of Appeals clearly opined that a plea bargain cannot vitiate subdivision 3 of section 70.25 of the Penal Law: "In the statute before us nothing could be more clear and explicit than the imperative: 'The aggregate of the terms of such sentences shall not exceed one year' (Penal Law, § 70.25, subd. 3). Surely a Judge, a prosecutor and a defendant cannot by agreement restructure substantive law to fit their notion of what is more appropriate in a particular case".

The court therefore finds relator Smith was improperly sentenced to consecutive terms exceeding one year in the aggregate. The writ is sustained, and respondent is directed to release relator at the conclusion of the one-year sentence for Indictment No. 27,443, with such good behavior allowance as he may be entitled to, and that sentence shall also be in satisfaction of Indictment No. 27,444.

**STATE OF NEW YORK**
**6119**
**1971-1972 Regular Sessions**
**IN SENATE**
**March 24, 1971**

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Introduced by COMMITTEE ON RULES — (at request of Messrs. Hughes, Marino, McGowan, Bernstein, Calandra) — read twice and ordered printed, and when printed to be committed to the Committee on Codes.

**AN ACT**

To amend the criminal procedure law, in relation to the acceptance and withdrawal of guilty pleas

*The People of the State of New York, represented in Senate and Assembly, do enact as follows*:

Section 1. The criminal procedure law is hereby amended by adding thereto two new sections, to be sections 20.70 and 220.80, to read, respectively, as follows:

§ 220.70 Plea receiving and acting upon the plea.

1. The court may not accept a plea of guilty under section 220.10 without first addressing the defendant personally and

(a) determination that he understands the nature of the charge;

(b) informing him that by his plea of guilty, he waives his right to trial by jury; and

(c) informing him:

(i) of the maximum possible sentence on the charge, including that which may result from consecutive sentences;



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(ii) of the mandatory minimum sentence, if any, on the charge; and

(iii) when the offense charged is one for which a different or additional punishment is authorized by reason of the fact that the defendant has previously been convicted of an offense that this fact may be established after his plea in the present action if he has previously been convicted, thereby subjecting him to such different or additional punishment.

2. The court may not accept a plea of guilty without first determining that the plea is voluntary. The court must determine whether the tendered plea is the result of prior plea discussions between the district attorney and/or judge and defendant's attorney. If a plea agreement has been reached, the court must receive, in writing, the details of the agreement, and the attorney for the defendant shall then request that the court accept the defendant's plea based upon the terms of the agreement. If the agreement provides for charge or sentence concessions, which must be approved by the court, the court must advise the defendant and his attorney that the recommendations for sentence concessions are not binding on the court and that only the court has the power to pass sentence. The court should then address the defendant and his attorney to determine whether any other promises or inducements were used to obtain the plea which were not set forth in the agreement.

3. If prior to sentencing the judge determines that he is unwilling to comply with the terms of the agreement regarding the sentence concessions, he must so inform the defendant and the defendant's attorney. The defendant may at this time withdraw his plea and the terms of the agreement shall not be binding upon him nor be received against him in any criminal proceeding.

4. Notwithstanding the acceptance of plea of guilty, the court should not enter a judgment upon such a plea without making such inquiry as may satisfy it that there is a factual basis for the plea.

5. It is proper for the court to grant charge and sentence concessions to defendant who enter a plea of guilty when the interest of the public in the effective administration of criminal justice would thereby be served. Among the appropriate considerations which are a pre-requisite for a determination of this question are the recommendations of the prosecuting attorney, and defense counsel as set forth in the plea agreement and the pre-sentencing report as required in section 390.20.

6. A verbatim record of the proceedings at which the defendant enters a plea of guilty must be made and preserved. The record should include (i) the court's advice to the defendant; (as required in subdivision one); (ii) the inquiry into the voluntariness of the plea (as required in subdivision two); and (iii) the inquiry into the factual basis of the plea (as required in subdivision four).

§ 220.80 Plea; withdrawal of the plea.

**1. Plea withdrawal.**

(a) The court should allow the defendant to withdraw his plea of guilty whenever the defendant, upon a timely motion for withdrawal, proves that withdrawal is necessary to correct a manifest injustice.

(i) A motion for withdrawal is timely if made with due diligence considering the nature of the allegations therein and is not necessarily barred because made subsequent to judgment or sentence.

(ii) Withdrawal is necessary to correct a manifest injustice whenever the defendant proves that:

(1) he was denied the effective assistance of counsel guaranteed to him by constitution, statute, or rule:

(2) the plea was not entered or ratified by the defendant or a person authorized to so act in his behalf;

(3) the plea was involunatry, or was entered without knowledge of the charge or that the sentence actually imposed could be imposed; or

(4) he did not receive the charge or sentence concessions contemplated by the plea agreement.

(iii) The defendant may move for withdrawal of his plea without alleging that he is innocent of the charge to which the plea has been entered.

(b) In the absence of a showing that withdrawal is necessary to correct a manifest injustice, a defendant may not withdraw his plea of guilty as a matter of right once the plea has been accepted by the court. Before sentence, the court in its discretion may allow the defendant to withdraw his plea for any fair and just reason unless the prosecution has been substantially prejudiced by reliance upon the defendant's plea.

**2. Withdrawn plea not admissable.**

A plea of guilty which is not accepted or has been withdrawn should not be received against the defendant in any criminal proceedings.

§ 2. This act shall take effect on the first day of September next succeeding the date on which it shall become a law.

**STATE OF NEW YORK**
**6114**
**1971-1972 Regular Sessions**
**IN SENATE**
**March 24, 1971**



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Introduced by COMMITTEE ON RULES — (at request of Messrs. Hughes, Bernstein) — read twice and ordered printed, and when printed to be committed to the Committee on Codes.

**AN ACT**

To amend the criminal procedure law and the correction law, in relation to committing certain defendants to the state department of correction

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Subdivision six of section 210.15 of the criminal procedure law is hereby amended to read as follows:

6. Upon the arraignment, the court, unless it intends to make a final disposition of the action immediately thereafter, must, as provided in section 530.40, issue a securing order, releasing the defendant on his own recognizance or fixing bail or committing him to the custody of the sheriff for his future appearance in such action.

*Whenever the court issues or intends to issue a securing order committing the defendant to the custody of the sheriff in accordance with this subdivision, it must inform the defendant of his right to apply for commitment to the state department of correction in accordance with subdivision five of section 530.40.*

§ 2. Subdivision five of section 500.10 of such law is hereby amended to read as follows:

5. "Securing order" means an order of a court committing a principal to the custody of the sheriff *or to the custody of the state department of correction,* or fixing bail, or releasing him on his own ecognizance.

§ 3. Section 530.40 of such law is hereby amended by adding thereto a new subdivision, to be subdivision five, to read as follows:

5. *Notwithstanding the provisions of subdivision two, whenever a defendant has been indicted for a felony by a grand jury, and has been committed to the custody of the sheriff or has been informed of the courts intention to commit him to the custody of the sheriff, such defendant may make an application for commitment to the custody of the state department of correction during the period of time subsequent to such application and prior to the commencement of trial. Upon such application, if the court already has, or would have, committed the defendant to the custody of the sheriff absent such application, the court must issue a securing order committing the defendant to the state department of correction in lieu of or superseding any securing order committing the defendant to the custody of the sheriff. Defendants committed to the custody of the state department of correction shall be provided for pursuant to the provisions of section ninety-five of the correction law. At the commencement of the trial of such defendants, they shall be deemed to have been committed to the custody of the sheriff.*

§ 4. The correction law is hereby amended by adding thereto a new section, to be section ninety-five, to read as follows:

§ 95. *Custody of defendants in criminal proceedings. Defendants committed to the custody of the state department of correction pursuant to subdivision five of section five hundred thirty point forty of the criminal procedure law shall be confined in facilities designated by the commissioner for the purpose of detaining such defendants prior to trial. Such facilities shall not be used to confine inmates serving terms as the result of a conviction for a crime. The commissioner shall establish programs for the education, rehabilitation and recreation of defendants committed to such facilities.*

§ 5. This act shall take effect on the first day of September next, succeeding the date on which it shall have become a law.

EXPLANATION — Matter in *italics* is new; matter in brackets [ ] is old law to be omitted.

**STATE OF NEW YORK**
**6115**
**1971-1972 Regular Sessions**
**IN SENATE**
**March 24, 1971**

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Introduced by COMMITTEE ON RULES — (at request of Messrs. Hughes, Bernstein, Marino, Calandra, McGowan) — read twice and ordered printed, and when printed to be committed to the Committee on Codes.

**AN ACT**

To amend the criminal procedure law, in relation to establishing conditions of release as authorized forms of bail and repealing subdivision two of section 520.10 in relation thereto

*The People of the State of New York, represented in Senate and Assembly, do enact as follows*s

Section 1. Subdivision three of section 500.10 of the criminal procedure law is hereby amended to read as follows:



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3. "Fix bail." A court fixes bail when, having acquired control over the person of a principal, (a) it designates a sum of money and stipulates that, if bail in such amount is posted on behalf of the principal and approved, or

(b) it releases a defendant on a condition of release, or any combination of conditions of release, and stipulates that, if the condition or conditions are adhered to, or

(c) it designates a sum of money in combination with a condition of release, or any combination of conditions of release, and stipulates that, if bail in such amount is posted on behalf of the principal and approved and the condition or conditions are adhered to, it will permit him to be at liberty during the pendency of the criminal action or proceeding involved.

§ 2. The opening paragraph of subdivision one of section 520.10 of such law is hereby amended to read as follows:

The only authorized forms of money bail are the following:

§ 3. Subdivision two of section 520.10 of such law is hereby repealed and a new subdivision two inserted therein, in lieu thereof, to read as follows:

2. The only authorized conditions of release are the following:

(a) That the principal be placed in the custody of a designated person or organization agreeing to supervise him;

(b) That the principal be restricted in his travel, associations, or place of abode during the pendency of such release on condition;

(c) That the principal return to the custody of a sheriff after specified hours of release for employment or other limited purposes.

§ 4. Section 520.10 of such law is hereby amended by adding thereto a new subdivision, to be subdivision three, to read as follows:

3. The methods of fixing bail are as follows:

(a) A court may designate the amount of money bail without designating the form or forms in which it may be posted and without imposing a condition of release. In such case the money bail may be posted in any of the forms specified in paragraphs (a), (b), (c) and (d) or subdivision one of this section, but in no other form;

(b) A court may impose a condition of release, or any combination of conditions, specified in subdivision two of this section;

(c) A court may direct that money bail be posted in any one or more of the forms specified in subdivision one of this section, designated in the alternative and specifying different amounts varying with the forms, and may, in addition, impose a condition of release, or any combination of conditions, specified in subdivision two of this section.

§ 5. This act shall take effect on the first day of September next succeeding the date on which it shall have become a law.

## J. Sample Statements of New York State Correctional Facility Inmates Recorded and Transcribed.

### Abraham

"There is a game on the other side of the fence for the lawyers. The other side of the fence is the D.A.'s side, the side in which the court appointed lawyer offers to make a deal to sell one case for another one. The side wherein you take my case and give it to the district attorney without giving me his competent service and win another man's case because he's got money when I don't have any. In other words, two people — we both have Legal Aid as counsel. I don't have any money, he has some money, it is so often done at Legal Aid will bargain with our two freedoms. He will sell my case down the drain in order to win this man's case because he has a little more money than I have. This is so often done — I've been a part of both sides. I've been a part wherein I've bought my case out wherein there didn't seem to be no chance at all, and according to law, due to the fact that I had some money and there are so many others with no money at all to buy this, this in turn gave the Legal Aid Society an incentive, a gain, in a sense of something to get. This is what they've been practicing.

When you look around you find that over 90% of the inmates in here are the indigent defendants, the ones with no money, although papers and statistics from the outside from arrests alone, would not support this. The arrestees might amount to 50% poor and 50% with some money, but yet when you come to imprisonment itself, you will find that in the prison itself it's full of inmates with no money, very few that is with money. In other words, the one that had money never did make it to prison. The poor ones got there. We are taking some of their time."

### Sonny

"The lawyer that I had I thought was really working on my behalf because he was black, but now I see obviously that he was not. Because he went so far as to tell my wife that if I didn't take the plea, they were going to give me a whole lot of time. And even though



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I was not guilty of this robbery I figured that it was better to do a little bit of time for something I did not do than to do a whole lot of time."

**Abraham**

"With such odds stacked against you, even though some times you are not guilty, you will plead guilty just to get lower time rather than to get it all, even though you are not even guilty of none of it. A lot of inmates in this institution and in most of them, aren't even guilty at all. But knowing that these things can happen, they have the experience to benefit by it insofar as accepting the smaller amount of time rather than to chance whole life."

**Abraham**

"Personally my feelings towards plea bargaining as it stands is, you know, very unfavorable, because as long as the atmosphere is one of plea bargaining the lawyers assigned to you will not spend the time investigating the cases, they will just be concerned with getting you a lesser plea."

**Gerry**

"I just spoke about 25 years I was supposed to get and got seven. But I would like to make another comment now about that. The judge, the D. A. and 2 of the guys I was supposed to have stuck up were good friends. One was a retired head court clerk of Queens, and one was a fire chief."

"Like in my case, I asked the judge at the pleading, he says — do you plead to robbery in the first degree? And I said, your Honor, may I say something? He stopped the trial and told me that anything that I had to say had to come from my attorney — had a bench conference with my lawyer, the D. A. and the judge which I am not included in, came back and was getting a plea from my co-defendant when my lawyer interrupted the plea and in fact, pleaded guilty for me, but the record shows me saying yes, and I never said a word. And this goes on in court. And the record transcripts were all typed up and said yes or no. And then when he turns around and asks you if you made any promises and so forth, it is immediately brought up that if you say you were made a promise, the judge says, stop the typing, tells the stenographer, stop typing, he sells you a ticket, who the hell do you think you are? You ain't never going to get out of this courtroom. This is their thing, you know, and they do it regular."

**Frank**

"If you know that you can't get a fair shake in the courtroom, then what sense does it make to get a 9 to 5 for $2 lunch money, to see that as a means to an end. I can get $2, for lunch money if I hit you on the head. If I go to court I've got to be convicted, right? The judge can talk to me any way he wants, regardless of how many efforts I make before on my own way of life."

Q. "What does this do to the rehabilitation process?"
A. The rehabilitation process as far as I am concerned, in New York, isn't anything, they don't have one."
Q. "What does this do to your attitude if they did have a rehabilitative process?"
A. "I wouldn't have much faith in it, they would have to prove it to me. I don't have any faith in the New York State program, they would have to prove to me that they are trying to help me."
Q. "Do you think that you need help?"
A. "Oh, yeah, I need help. I need help. They are not geared to help us. Evidently for me to continually to come back and forth through these doors, there is definitely something wrong with my sense of values. But I can't accept another set of values which are as corrupt or more corrupt than mine."



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Sample Questionnaire Distributed to New York State Prison Inmates

1. Name _____ Correction Number _____
2. For what crime(s) are you now doing time? _____
3. _____
3. For what crime(s) were you originally indicted? _____
_____
4. In what country were you indicted? _____
5. What was your address at the time of your arrest? _____
Street _____
City _____
Borough or County _____
Precinct No. _____
6. Where did the alleged crime take place? _____
Street _____
City _____
Borough or County _____
Precinct No. _____
7. Were you satisfied with your lawyer? Yes _____ No _____
Why? _____
_____
8. Did you (a) hire your own lawyer? _____
(b) have a court appointed lawyer? _____
(c) have a Legal Aid Society lawyer? _____
9. If you were unsatisfied with your lawyer, could you have gotten another lawyer? Yes ____ No ____
Why? _____
_____
10. How much bail did you have? $ _____
11. Was it fair bail? Yes _____ No _____
12. How long were you in jail before trial or pleading? _____
13. What felony conviction was this for you? First ____ Second ____ Third ____ Fourth ____
14. Were you asked to cop a plea? Yes ____ No ____
15. Who asked you to cop a plea? _____
16. What deal was involved to make it desirable for you to plea guilty? _____
_____
17. Did it sound like a good deal? Yes _____ No _____
18. Was the D.A. aware of this deal? Yes _____ No _____
19. What made you think so? _____
_____
20. Was the judge aware of the deal? Yes _____ No _____
21. What made you think so? _____
_____



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22. Do you think that your race, religion or financial status effected your case in any way?
Yes_____ No _____ How? _____

_____

23. Did you cop a plea rather than go to trial? Yes _____ No _____
Why? _____

_____

_____

If you did cop a plea rather than go to trial, please answer the following questions:

(a) What was the pleading judge's name? _____

(b) Was the deal kept at your sentencing? _____

(c) If you had wanted to go to trial, was your lawyer willing to take your case to trial?
Yes _____ No _____

(d) When the judge asked you if any deals were made, what did you answer? _____

_____

Why? _____

_____

(e) Looking back on this now, would you have copped a plea or gone to trial if you had it to do over again? _____

(i) I would cop a plea again _____

(ii) I would go to trail _____

(f) What is your opinion of copping a plea rather than going to trial? _____

_____



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# TABLE ONE

| County | FELONY INDICTMENTS [1] | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
| Bronx | 1,806 | 1,614 | 1,836 | 1,804 | 2,001 | 2,554 | 2,633 | 3,265 | 3,551 | 4,252 |
| Kings | 3,941 | 4,029 | 4,159 | 3,572 | 3,349 | 3,596 | 3,235 | 2,973 | 3,826 | 5,032 |
| New York | 4,164 | 3,901 | 4,027 | 3,850 | 4,061 | 3,976 | 4,211 | 3,814 | 4,009 | 4,791 |
| Queens | 960 | 1,116 | 929 | 963 | 920 | 1,227 | 1,224 | 1,316 | 1,672 | 1,875 |
| Richmond | 215 | 241 | 248 | 317 | 277 | 267 | 225 | 222 | 335 | 328 |
| Total N. Y. City | 11,086 | 10,901 | 11,199 | 10,506 | 10,608 | 11,620 | 11,528 | 11,590 | 13,393 | 16,278 |
| Albany | 288 | 215 | 246 | 223 | 273 | 252 | 193 | 239 | 233 | 254 |
| Allegany | 37 | 39 | 37 | 39 | 34 | 37 | 41 | 30 | 40 | 27 |
| Broome | 91 | 79 | 80 | 68 | 68 | 66 | 92 | 124 | 139 | 162 |
| Cattaragus | 41 | 53 | 38 | 38 | 42 | 36 | 31 | 35 | 23 | 43 |
| Cayuga | 30 | 41 | 22 | 26 | 33 | 41 | 57 | 11 | 45 | 9 |
| Chautauqua | 101 | 106 | 97 | 100 | 112 | 89 | 106 | 60 | 119 | 102 |
| Chemung | 44 | 64 | 43 | 74 | 33 | 69 | 45 | 58 | 66 | 65 |
| Chenango | 33 | 17 | 46 | 39 | 26 | 33 | 42 | 35 | 39 | 38 |
| Clinton | 80 | 89 | 62 | 65 | 75 | 69 | 44 | 45 | 57 | 78 |
| Columbia | 59 | 51 | 50 | 42 | 35 | 61 | 26 | 28 | 78 | 28 |
| Cortland | 19 | 26 | 16 | 21 | 43 | 45 | 50 | 34 | 34 | 56 |
| Delaware | 52 | 40 | 24 | 38 | 22 | 28 | 45 | 27 | 48 | 48 |
| Dutchess | 158 | 143 | 183 | 205 | 206 | 188 | 179 | 144 | 85 | 181 |
| Erie | 619 | 702 | 719 | 705 | 709 | 793 | 704 | 716 | 648 | 740 |
| Essex | 58 | 48 | 34 | 44 | 60 | 58 | 50 | 45 | 22 | 25 |
| Franklin | 60 | 47 | 41 | 61 | 47 | 57 | 41 | 31 | 35 | 40 |
| Fulton | 34 | 32 | 26 | 30 | 28 | 37 | 41 | 61 | 65 | 18 |
| Genesee | 38 | 35 | 43 | 21 | 37 | 25 | 31 | 28 | 31 | 62 |
| Greene | 46 | 41 | 28 | 29 | 43 | 36 | 26 | 28 | 38 | 64 |
| Hamilton | 7 | 4 | 4 | 6 | 6 | 5 | 8 | 8 | 9 | 2 |
| Herkimer | 26 | 29 | 34 | 36 | 25 | 41 | 16 | 40 | 21 | 37 |
| Jefferson | 78 | 87 | 95 | 91 | 109 | 196 | 72 | 83 | 43 | 88 |
| Lewis | 21 | 13 | 26 | 31 | 15 | 21 | 25 | 25 | 14 | 18 |
| Livingston | 71 | 53 | 67 | 69 | 78 | 40 | 39 | 50 | 37 | 64 |
| Madison | 20 | 47 | 31 | 42 | 48 | 53 | 41 | 41 | 42 | 36 |
| Monroe | 345 | 444 | 398 | 476 | 674 | 532 | 588 | 735 | 668 | 645 |
| Montgomery | 20 | 40 | 32 | 58 | 46 | 55 | 58 | 59 | 75 | 23 |
| Nassau | 708 | 768 | 833 | 1,102 | 1,421 | 1,184 | 1,405 | 1,491 | 1,707 | 2,215 |
| Niagara | 210 | 179 | 185 | 223 | 276 | 165 | 255 | 263 | 141 | 255 |
| Oneida | 123 | 109 | 116 | 171 | 147 | 157 | 171 | 150 | 191 | 239 |
| Onondaga | 256 | 295 | 259 | 248 | 375 | 507 | 515 | 470 | 414 | 568 |
| Ontario | 49 | 51 | 36 | 82 | 128 | 68 | 65 | 57 | 29 | 77 |
| Orange | 131 | 151 | 169 | 198 | 186 | 225 | 218 | 180 | 173 | 206 |
| Orleans | 26 | 26 | 19 | 24 | 28 | 26 | 39 | 27 | 5 | 19 |
| Oswego | 65 | 73 | 81 | 57 | 96 | 73 | 90 | 85 | 82 | 70 |
| Otsego | 39 | 35 | 15 | 19 | 26 | 34 | 74 | 37 | 36 | 29 |
| Putnam | 46 | 59 | 42 | 84 | 40 | 57 | 68 | 89 | 79 | 53 |
| Rensselaer | 67 | 60 | 75 | 55 | 70 | 72 | 70 | 63 | 80 | 139 |
| Rockland | 75 | 65 | 82 | 71 | 90 | 114 | 152 | 140 | 136 | 146 |
| St. Lawrence | 130 | 101 | 105 | 84 | 122 | 191 | 106 | 159 | 135 | 106 |
| Saratoga | 27 | 33 | 28 | 44 | 40 | 38 | 41 | 39 | 43 | 183 |
| Schenectady | 67 | 92 | 68 | 83 | 115 | 90 | 111 | 113 | 62 | 112 |
| Schoharie | 17 | 22 | 26 | 23 | 35 | 24 | 24 | 49 | 16 | 37 |
| Schuyler | 19 | 24 | 40 | 25 | 24 | 32 | 34 | 28 | 9 | 40 |
| Seneca | 16 | 26 | 12 | 22 | 24 | 25 | 17 | 16 | 17 | 24 |
| Steuben | 59 | 106 | 95 | 91 | 154 | 91 | 42 | 43 | 31 | 40 |
| Suffolk | 379 | 406 | 508 | 599 | 618 | 716 | 680 | 831 | 1,115 | 1,145 |
| Sullivan | 115 | 85 | 69 | 66 | 85 | 104 | 137 | 99 | 110 | 105 |
| Tioga | 13 | 8 | 5 | 6 | 17 | 21 | 16 | 22 | 13 | 26 |
| Tompkins | 22 | 36 | 20 | 55 | 39 | 38 | 35 | 30 | 55 | 81 |
| Ulster | 129 | 137 | 124 | 182 | 155 | 139 | 112 | 144 | 105 | 109 |
| Warren | 42 | 40 | 48 | 44 | 41 | 58 | 57 | 52 | 61 | 68 |
| Washington | 28 | 11 | 28 | 31 | 22 | 39 | 36 | 18 | 23 | 25 |
| Wayne | 70 | 53 | 60 | 53 | 75 | 98 | 122 | 99 | 84 | 78 |
| Westchester | 377 | 487 | 477 | 615 | 763 | 911 | 813 | 988 | 1,210 | 1,156 |
| Wyoming | 18 | 33 | 27 | 24 | 23 | 25 | 23 | 31 | 34 | 29 |
| Yates | 14 | 29 | 14 | 11 | 10 | 4 | 12 | 8 | 9 | 11 |
| Total N. Y. State | 16,899 | 17,086 | 17,387 | 17,575 | 18,780 | 19,909 | 19,759 | 20,231 | 22,352 | 26,622 |

[1] The number of felony indictments in this table does not include any indictment where the Grand Jury recommended that the defendant be investigated for possible youthful offender treatment.



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# TABLE ONE

| FELONY CONVICTIONS [2] | | | | | | | | | | COUNTY |
|---|---|---|---|---|---|---|---|---|---|---|
| 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | |
| 447 | 487 | 531 | 495 | 566 | 619 | 574 | 557 | 840 | 999 | Bronx |
| 1,159 | 1,068 | 1,110 | 1,477 | 1,035 | 1,131 | 1,161 | 1,291 | 1,362 | 2,368 | Kings |
| 1,262 | 1,195 | 1,546 | 1,313 | 1,165 | 1,200 | 1,149 | 1,156 | 1,567 | 2,570 | New York |
| 415 | 486 | 464 | 478 | 395 | 440 | 388 | 396 | 460 | 536 | Queens |
| 78 | 65 | 57 | 39 | 55 | 41 | 24 | 48 | 61 | 129 | Richmond |
| 3,361 | 3,301 | 3,708 | 3,802 | 3,216 | 3,431 | 3,296 | 3,448 | 4,290 | 6,602 | Total N. Y. City |
| 91 | 64 | 60 | 60 | 50 | 58 | 63 | 49 | 133 | 90 | Albany |
| 20 | 28 | 28 | 21 | 17 | 12 | 20 | 9 | 8 | 9 | Allegany |
| 70 | 65 | 57 | 57 | 55 | 43 | 53 | 50 | 60 | 111 | Broome |
| 20 | 29 | 21 | 19 | 20 | 25 | 11 | 17 | 11 | 25 | Cattaraugus |
| 24 | 25 | 15 | 17 | 24 | 22 | 31 | 9 | 18 | 13 | Cayuga |
| 80 | 62 | 55 | 36 | 59 | 63 | 29 | 39 | 47 | 26 | Chautauqua |
| 31 | 21 | 9 | 19 | 29 | 24 | 7 | 7 | 26 | 44 | Chemung |
| 38 | 18 | 34 | 55 | 28 | 19 | 19 | 14 | 18 | 16 | Chenango |
| 53 | 34 | 19 | 28 | 33 | 12 | 23 | 9 | 8 | 16 | Clinton |
| 25 | 22 | 10 | 16 | 4 | 27 | 18 | 15 | 46 | 45 | Columbia |
| 18 | 20 | 15 | 15 | 21 | 22 | 20 | 23 | 13 | 46 | Cortland |
| 12 | 31 | 19 | 34 | 14 | 20 | 31 | 24 | 25 | 28 | Delaware |
| 105 | 71 | 110 | 84 | 96 | 72 | 47 | 49 | 43 | 36 | Dutchess |
| 209 | 227 | 192 | 139 | 130 | 146 | 150 | 190 | 199 | 253 | Erie |
| 17 | 18 | 20 | 26 | 21 | 15 | 14 | 15 | 9 | 13 | Essex |
| 30 | 14 | 15 | 16 | 8 | 11 | 14 | 20 | 18 | 19 | Franklin |
| 9 | 7 | 8 | 9 | 7 | 13 | 15 | 16 | 9 | 4 | Fulton |
| 18 | 27 | 29 | 19 | 25 | 43 | 30 | 18 | 24 | 31 | Genesee |
| 23 | 31 | 12 | 11 | 4 | 5 | 2 | 11 | 13 | 24 | Greene |
| 7 | 3 | 0 | 4 | 1 | 8 | 2 | 5 | 2 | 0 | Hamilton |
| 10 | 15 | 16 | 15 | 8 | 13 | 11 | 6 | 12 | 9 | Herkimer |
| 84 | 70 | 44 | 40 | 39 | 44 | 24 | 11 | 5 | 11 | Jefferson |
| 9 | 12 | 13 | 10 | 3 | 6 | 12 | 12 | 20 | 19 | Lewis |
| 52 | 26 | 34 | 29 | 29 | 7 | 2 | 1 | 1 | 8 | Livingston |
| 28 | 20 | 20 | 20 | 34 | 36 | 17 | 21 | 14 | 9 | Madison |
| 220 | 239 | 243 | 301 | 307 | 258 | 201 | 258 | 178 | 228 | Monroe |
| 5 | 11 | 7 | 11 | 5 | 7 | 9 | 1 | 16 | 8 | Montgomery |
| 357 | 308 | 333 | 487 | 572 | 416 | 317 | 381 | 476 | 520 | Nassau |
| 64 | 37 | 25 | 37 | 45 | 23 | 24 | 39 | 51 | 55 | Niagara |
| 86 | 81 | 103 | 61 | 68 | 89 | 81 | 61 | 69 | 107 | Oneida |
| 150 | 114 | 68 | 72 | 41 | 62 | 68 | 57 | 103 | 127 | Onondaga |
| 51 | 26 | 34 | 50 | 69 | 34 | 30 | 31 | 25 | 42 | Ontario |
| 66 | 55 | 78 | 61 | 78 | 53 | 52 | 73 | 74 | 133 | Orange |
| 16 | 16 | 8 | 7 | 8 | 28 | 16 | 6 | 5 | 7 | Orleans |
| 38 | 64 | 73 | 61 | 33 | 51 | 20 | 17 | 22 | 17 | Oswego |
| 20 | 24 | 22 | 7 | 21 | 14 | 23 | 19 | 17 | 13 | Otsego |
| 10 | 3 | 7 | 9 | 9 | 5 | 3 | 3 | 4 | 16 | Putnam |
| 21 | 20 | 37 | 10 | 12 | 22 | 16 | 10 | 12 | 26 | Rensselaer |
| 47 | 32 | 48 | 40 | 28 | 39 | 42 | 31 | 13 | 41 | Rockland |
| 53 | 49 | 17 | 49 | 31 | 47 | 22 | 17 | 36 | 33 | St. Lawrence |
| 16 | 19 | 24 | 34 | 23 | 15 | 5 | 9 | 19 | 39 | Saratoga |
| 41 | 41 | 43 | 42 | 27 | 32 | 29 | 38 | 36 | 43 | Schenectady |
| 14 | 10 | 11 | 18 | 14 | 16 | 11 | 15 | 9 | 11 | Schoharie |
| 3 | 10 | 9 | 10 | 5 | 8 | 3 | 4 | 6 | 8 | Schuyler |
| 11 | 9 | 8 | 9 | 8 | 10 | 8 | 6 | 10 | 9 | Seneca |
| 24 | 56 | 48 | 47 | 48 | 44 | 35 | 15 | 15 | 23 | Steuben |
| 90 | 69 | 104 | 114 | 170 | 121 | 128 | 113 | 137 | 135 | Suffolk |
| 31 | 37 | 6 | 18 | 7 | 13 | 28 | 18 | 15 | 26 | Sullivan |
| 5 | 1 | 3 | 3 | 9 | 17 | 9 | 5 | 12 | 14 | Tioga |
| 12 | 22 | 15 | 30 | 35 | 34 | 50 | 42 | 36 | 32 | Tompkins |
| 15 | 21 | 20 | 28 | 9 | 15 | 19 | 27 | 24 | 23 | Ulster |
| 17 | 26 | 11 | 20 | 11 | 16 | 21 | 22 | 19 | 28 | Warren |
| 22 | 8 | 12 | 13 | 10 | 19 | 21 | 3 | 10 | 9 | Washington |
| 45 | 22 | 27 | 31 | 36 | 42 | 33 | 20 | 21 | 25 | Wayne |
| 261 | 127 | 112 | 139 | 169 | 104 | 120 | 133 | 131 | 248 | Westchester |
| 19 | 24 | 21 | 11 | 19 | 10 | 12 | 19 | 14 | 18 | Wyoming |
| 2 | 5 | 2 | 5 | 3 | 1 | 2 | 2 | 4 | 5 | Yates |
| 6,276 | 5,847 | 6,142 | 6,436 | 5,905 | 5,864 | 5,419 | 5,583 | 6,691 | 9,576 | Total N. Y. State |

[2] The number of felony convictions does not include any indictment where the disposition was to adjudicate the defendant a youthful offender.



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# TABLE TWO

| County | Percentage of Felony Indictments Resulting in Felony Convictions[1] | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
| Bronx | 24.75 | 30.17 | 28.92 | 27.44 | 28.29 | 24.24 | 21.80 | 17.10 | 23.7 | 23.5 |
| Kings | 29.41 | 26.51 | 26.69 | 41.35 | 30.90 | 31.45 | 35.89 | 43.40 | 35.6 | 47.1 |
| New York | 30.31 | 30.63 | 38.39 | 34.10 | 28.69 | 30.18 | 27.29 | 30.30 | 39.1 | 53.6 |
| Queens | 43.23 | 43.55 | 49.95 | 49.64 | 42.93 | 35.86 | 31.70 | 30.10 | 27.5 | 28.6 |
| Richmond | 36.28 | 26.97 | 22.98 | 12.30 | 19.86 | 15.36 | 10.67 | 21.60 | 18.2 | 39.3 |
| Total N. Y. City | 30.32 | 30.28 | 33.11 | 36.19 | 30.32 | 29.53 | 28.59 | 29.80 | 32.0 | 40.6 |
| Albany | 31.60 | 29.77 | 24.39 | 26.91 | 18.32 | 23.02 | 32.64 | 20.50 | 57.1 | 35.4 |
| Allegany | 54.05 | 71.79 | 75.68 | 53.85 | 50.00 | 32.43 | 48.78 | 30.00 | 20.0 | 33.3 |
| Broome | 76.92 | 82.28 | 71.25 | 83.82 | 80.88 | 65.15 | 57.61 | 40.30 | 43.2 | 68.5 |
| Cattaragus | 48.78 | 54.72 | 55.26 | 50.00 | 47.62 | 69.44 | 35.48 | 48.60 | 47.8 | 58.1 |
| Cayuga | 80.00 | 60.98 | 68.18 | 65.38 | 72.73 | 53.66 | 54.39 | 81.80 | 40.0 | 144.4 |
| Chautauqua | 79.21 | 58.49 | 56.70 | 36.00 | 52.68 | 70.79 | 27.36 | 65.00 | 39.5 | 25.5 |
| Chemung | 70.45 | 32.81 | 20.93 | 25.68 | 87.88 | 34.78 | 15.56 | 12.10 | 39.4 | 67.7 |
| Chenango | 115.15 | 105.88 | 73.91 | 141.03 | 107.69 | 57.58 | 45.24 | 40.00 | 46.2 | 42.1 |
| Clinton | 66.25 | 38.20 | 30.65 | 43.08 | 44.00 | 17.39 | 52.27 | 20.00 | 14.0 | 20.5 |
| Columbia | 42.37 | 43.14 | 20.00 | 38.10 | 11.43 | 44.26 | 69.23 | 53.60 | 59.0 | 160.7 |
| Cortland | 94.74 | 76.92 | 93.75 | 71.43 | 48.84 | 48.89 | 40.00 | 67.60 | 38.2 | 82.1 |
| Delaware | 23.08 | 77.50 | 79.17 | 89.47 | 63.64 | 71.43 | 68.89 | 88.90 | 52.1 | 58.3 |
| Dutchess | 66.46 | 49.65 | 60.11 | 40.98 | 46.60 | 38.30 | 26.26 | 34.00 | 50.6 | 19.9 |
| Erie | 33.76 | 32.34 | 26.70 | 19.72 | 18.34 | 18 41 | 21.31 | 26.50 | 30.7 | 34.2 |
| Essex | 29.31 | 37.50 | 58.82 | 59.09 | 35.00 | 25.86 | 28.00 | 33.30 | 40.9 | 52.0 |
| Franklin | 50.00 | 29.79 | 36.59 | 26.23 | 17.02 | 19.30 | 34.15 | 64.50 | 51.4 | 47.5 |
| Fulton | 26.47 | 21.88 | 30.77 | 30.00 | 25.00 | 35.14 | 36.59 | 26.20 | 13.9 | 22.2 |
| Genesee | 47.37 | 77.14 | 67.44 | 90.48 | 67.57 | 172.06 | 96.77 | 64.30 | 77.4 | 50.0 |
| Greene | 50.00 | 75.61 | 42.86 | 37.93 | 9.30 | 13.89 | 7.69 | 39.30 | 34.2 | 37.5 |
| Hamilton | 100.00 | 75.00 | 00.00 | 66.67 | 16.67 | 160.00 | 25.00 | 62.50 | 22.2 | 00.0 |
| Herkimer | 38.46 | 51.72 | 47.06 | 41.67 | 32.00 | 31.71 | 68.75 | 15.00 | 57.1 | 24.3 |
| Jefferson | 107.69 | 80.46 | 46.32 | 43.96 | 35.78 | 22.45 | 33.33 | 13.30 | 11.6 | 12.5 |
| Lewis | 42.86 | 92.31 | 50.00 | 32.26 | 20.00 | 28.57 | 48.00 | 48.00 | 142.9 | 105.6 |
| Livingston | 73.24 | 49.06 | 50.75 | 42.03 | 37.18 | 17.50 | 5.13 | 2.00 | 2.7 | 12.5 |
| Madison | 140.00 | 42.55 | 64.52 | 47.62 | 70.83 | 67.92 | 41.46 | 51.20 | 33.3 | 25.0 |
| Monroe | 63.77 | 53.83 | 61.06 | 63.24 | 45.55 | 48.50 | 34.18 | 35.10 | 26.7 | 35.4 |
| Montgomery | 26.00 | 27.50 | 21.88 | 18.97 | 10.87 | 12.73 | 15.52 | 1.70 | 21.3 | 34.8 |
| Nassau | 50.42 | 40.10 | 39.98 | 44.19 | 40.25 | 35.30 | 22.56 | 25.60 | 27.9 | 23.5 |
| Niagara | 30.48 | 20.67 | 13.51 | 16.59 | 16.30 | 13.94 | 9.41 | 14.80 | 36.2 | 21.6 |
| Oneida | 69.92 | 74.31 | 88.79 | 35.67 | 46.26 | 56.69 | 47.37 | 40.70 | 36.1 | 44.8 |
| Onondaga | 58.59 | 38.64 | 26.25 | 29.03 | 10.93 | 12.23 | 13.20 | 12.10 | 24.9 | 22.4 |
| Ontario | 104.08 | 50.98 | 94.44 | 60.98 | 53.91 | 50.00 | 46.15 | 54.40 | 86.2 | 54.6 |
| Orange | 50.38 | 36.42 | 46.15 | 30.81 | 41.94 | 23.56 | 23.85 | 40.60 | 42.8 | 64.6 |
| Orleans | 61.54 | 61.54 | 42.11 | 29.17 | 28.57 | 107.69 | 41.03 | 22.20 | 100.0 | 36.8 |
| Oswego | 68.46 | 87.67 | 90.12 | 107.02 | 34.38 | 69.86 | 22.22 | 20.00 | 26.8 | 24.3 |
| Otsego | 51.28 | 68.57 | 146.67 | 36.84 | 80.77 | 41.18 | 31.08 | 51.40 | 47.2 | 44.8 |
| Putnam | 21.74 | 5.08 | 16.67 | 10.71 | 22.50 | 8.77 | 4.41 | 3.40 | 5.1 | 30.2 |
| Rensselaer | 31.34 | 33.33 | 49.33 | 18.18 | 17.14 | 30.56 | 22.86 | 15.90 | 15.0 | 18.7 |
| Rockland | 62.67 | 49.23 | 58.54 | 56.34 | 31.11 | 34.21 | 27.63 | 22.10 | 9.6 | 28.1 |
| St. Lawrence | 40.77 | 48.51 | 16.19 | 58.33 | 25.41 | 24.61 | 20.75 | 10.70 | 26.7 | 31.1 |
| Saratoga | 59.26 | 57.58 | 85.71 | 77.27 | 57.50 | 39.47 | 12.20 | 23.10 | 44.2 | 21.3 |
| Schenectady | 61.19 | 44.57 | 63.24 | 50.60 | 23.48 | 35.56 | 26.13 | 33.60 | 58.1 | 38.4 |
| Schoharie | 82.35 | 45.45 | 42.31 | 78.26 | 40.00 | 66.67 | 45.83 | 30.60 | 56.3 | 29.7 |
| Schuyler | 15.79 | 41.67 | 22.50 | 40.00 | 20.83 | 25.00 | 8 82 | 14.30 | 66.7 | 20.0 |
| Seneca | 68.75 | 34.62 | 66.67 | 40.91 | 33.33 | 40.00 | 47.06 | 37.50 | 58.8 | 37.5 |
| Steuben | 40.68 | 52.83 | 50.53 | 51.65 | 31.17 | 48.35 | 83.33 | 34.90 | 48.4 | 57.5 |
| Suffolk | 23.75 | 17.00 | 20.47 | 19.03 | 27.51 | 16.90 | 18.82 | 13.60 | 12.3 | 11.8 |
| Sullivan | 26.96 | 43.53 | 8.70 | 27.27 | 8.24 | 12.50 | 20.44 | 18.20 | 13.6 | 24.8 |
| Tioga | 38.46 | 12.50 | 60.00 | 50.00 | 52.94 | 80.95 | 56.25 | 22.70 | 92.3 | 53.9 |
| Tompkins | 54.55 | 61.11 | 75.00 | 54.55 | 89.74 | 89.47 | 142.86 | 140.00 | 65.5 | 39.5 |
| Ulster | 11.63 | 15.33 | 16.13 | 15.38 | 5.81 | 10.79 | 16.96 | 18.80 | 22.9 | 21.1 |
| Warren | 40.48 | 65.00 | 22.92 | 45.45 | 26.83 | 27.59 | 36.84 | 42.30 | 31.2 | 41.2 |
| Washington | 78.57 | 72.73 | 42.86 | 41.94 | 45.45 | 48.72 | 58.33 | 16.70 | 43.5 | 36.0 |
| Wayne | 64.29 | 41.51 | 45.00 | 58.49 | 48.00 | 42.86 | 27.05 | 20.20 | 25.0 | 32.1 |
| Westchester | 69.23 | 26.08 | 23.48 | 22.60 | 22.15 | 11.42 | 14.76 | 13.50 | 10.8 | 21.5 |
| Wyoming | 105.56 | 72.73 | 77.78 | 45.83 | 82.61 | 40.00 | 52.17 | 61.30 | 41.2 | 62.1 |
| Yates | 14.29 | 17.24 | 14.29 | 45.45 | 30.00 | 25.00 | 16.67 | 25.00 | 44.4 | 45.5 |
| Total N. Y. State | 37.14 | 34.22 | 35.33 | 36.62 | 31.44 | 29.45 | 27.43 | 27.60 | 29.9 | 36.0 |

[1] See Table 1 for definitions.



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# TABLE TWO

PERCENTAGE OF CHANGE
Between 1960 Indictment-Conviction Ratio
And 1969 Indictment-Conviction Ratio

| Percentage of Change (1969-1960) ÷ 1960 | Change in Percentage (1969-1960) | COUNTY |
|---|---|---|
| — 5.1 | — 1.3 | Bronx |
| + 60.2 | + 17.7 | Kings |
| + 76.8 | + 23.3 | New York |
| — 33.8 | — 14.6 | Queens |
| + 8.3 | + 3.0 | Richmond |
| + 33.9 | + 10.3 | Total N. Y. City |
| + 12.0 | + 3.8 | Albany |
| — 38.4 | — 20.8 | Allegany |
| — 11.0 | — 8.4 | Broome |
| + 19.1 | + 9.3 | Cattaraugus |
| + 80.5 | + 64.4 | Cayuga |
| — 67.8 | — 53.7 | Chautauqua |
| — 3.9 | — 2.8 | Chemung |
| — 63.4 | — 73.1 | Chenango |
| — 69.1 | — 45.8 | Clinton |
| +279.3 | +118.3 | Columbia |
| — 13.3 | — 12.6 | Cortland |
| +152.6 | + 35.2 | Delaware |
| — 70.1 | — 46.6 | Dutchess |
| + 1.3 | + 0.4 | Erie |
| + 77.4 | + 22.7 | Essex |
| — 5.0 | — 2.5 | Franklin |
| — 16.1 | — 4.3 | Fulton |
| + 5.6 | + 2.6 | Genesee |
| — 25.0 | — 12.5 | Greene |
| — | — | Hamilton |
| — 36.8 | — 14.2 | Herkimer |
| — 88.4 | — 95.2 | Jefferson |
| +146.4 | + 62.7 | Lewis |
| — 82.9 | — 60.7 | Livingston |
| — 82.1 | —115.0 | Madison |
| — 44.5 | — 28.4 | Monroe |
| + 33.9 | + 8.8 | Montgomery |
| — 53.4 | — 26.9 | Nassau |
| — 29.1 | — 8.9 | Niagara |
| — 35.9 | — 25.1 | Oneida |
| — 61.8 | — 36.2 | Onondaga |
| — 47.5 | — 47.5 | Ontario |
| + 28.2 | + 14.2 | Orange |
| — 40.2 | — 24.7 | Orleans |
| — 64.5 | — 44.2 | Oswego |
| — 12.6 | — 6.5 | Otsego |
| + 38.9 | + 8.5 | Putnam |
| — 40.3 | — 12.6 | Rensselaer |
| — 55.2 | — 34.6 | Rockland |
| — 23.7 | — 9.7 | St. Lawrence |
| — 64.1 | — 38.0 | Saratoga |
| — 37.2 | — 22.8 | Schenectady |
| — 63.9 | — 52.7 | Schoharie |
| + 26.7 | + 4.2 | Schuyler |
| — 45.5 | — 31.3 | Seneca |
| + 41.4 | + 16.8 | Steuben |
| — 50.3 | — 12.0 | Suffolk |
| — 8.0 | — 2.2 | Sullivan |
| + 40.2 | + 15.4 | Tioga |
| — 27.6 | — 15.1 | Tompkins |
| + 81.4 | + 9.5 | Ulster |
| + 1.8 | + 0.7 | Warren |
| — 54.2 | — 42.6 | Washington |
| — 50.1 | — 32.2 | Wayne |
| — 68.9 | — 47.7 | Westchester |
| — 46.2 | — 43.5 | Wyoming |
| +218.4 | + 31.2 | Yates |
| + 32.7 | — 1.1 | Total N. Y. State |



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# TABLE THREE

| County | Y. O. RECOMMENDATIONS [1] | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
| Bronx | 32 | 32 | 28 | 38 | 32 | 22 | 49 | 32 | 44 | 0 |
| Kings | 166 | 223 | 237 | 246 | 68 | 4 | 0 | 0 | 0 | 0 |
| New York | 492 | 445 | 505 | 406 | 547 | 438 | 403 | 437 | 470 | 668 |
| Queens | 408 | 490 | 381 | 293 | 397 | 465 | 384 | 445 | 356 | 600 |
| Richmond | 7 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total N. Y. City | 1,105 | 1,191 | 1,151 | 983 | 1,044 | 929 | 836 | 914 | 870 | 1,268 |
| Albany | 76 | 44 | 48 | 60 | 15 | 42 | 8 | 15 | 1 | 9 |
| Allegany | 10 | 17 | 11 | 13 | 18 | 16 | 11 | 20 | 17 | 15 |
| Broome | 21 | 14 | 15 | 32 | 28 | 43 | 51 | 56 | 60 | 78 |
| Cattaragus | 15 | 19 | 23 | 18 | 33 | 23 | 9 | 19 | 24 | 30 |
| Cayuga | 5 | 14 | 5 | 15 | 21 | 25 | 17 | 4 | 24 | 4 |
| Chautauqua | 14 | 33 | 19 | 23 | 45 | 44 | 29 | 31 | 21 | 38 |
| Chemung | 18 | 3 | 15 | 15 | 22 | 17 | 5 | 7 | 3 | 10 |
| Chenango | 2 | 3 | 6 | 13 | 1 | 0 | 0 | 1 | 0 | 0 |
| Clinton | 16 | 14 | 21 | 13 | 25 | 24 | 21 | 13 | 26 | 15 |
| Columbia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Cortland | 15 | 8 | 8 | 4 | 24 | 16 | 9 | 6 | 12 | 19 |
| Delaware | 10 | 3 | 10 | 11 | 12 | 13 | 20 | 13 | 18 | 10 |
| Dutchess | 27 | 22 | 17 | 25 | 39 | 37 | 32 | 20 | 11 | 15 |
| Erie | 173 | 184 | 204 | 224 | 189 | 93 | 118 | 63 | 66 | 33 |
| Essex | 5 | 3 | 6 | 5 | 0 | 12 | 5 | 10 | 6 | 8 |
| Franklin | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 10 | 14 | 9 |
| Fulton | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 5 | 5 |
| Genesee | 8 | 6 | 7 | 11 | 24 | 11 | 12 | 9 | 7 | 17 |
| Greene | 10 | 4 | 10 | 15 | 4 | 4 | 5 | 4 | 6 | 9 |
| Hamilton | 2 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 2 | 2 |
| Herkimer | 18 | 21 | 7 | 18 | 15 | 5 | 5 | 16 | 5 | 18 |
| Jefferson | 49 | 19 | 19 | 41 | 33 | 36 | 19 | 19 | 28 | 28 |
| Lewis | 0 | 3 | 0 | 4 | 5 | 3 | 6 | 0 | 2 | 5 |
| Livingston | 0 | 0 | 0 | 0 | 5 | 0 | 9 | 6 | 4 | 16 |
| Madison | 11 | 11 | 14 | 16 | 7 | 17 | 18 | 20 | 7 | 4 |
| Monroe | 79 | 75 | 80 | 123 | 135 | 129 | 115 | 82 | 61 | 26 |
| Montgomery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 |
| Nassau | 229 | 198 | 251 | 362 | 508 | 407 | 423 | 401 | 233 | 294 |
| Niagara | 1 | 1 | 1 | 5 | 0 | 1 | 0 | 9 | 5 | 5 |
| Oneida | 44 | 56 | 52 | 84 | 47 | 66 | 53 | 54 | 33 | 54 |
| Onondaga | 94 | 71 | 89 | 81 | 143 | 338 | 198 | 175 | 109 | 110 |
| Ontario | 18 | 16 | 15 | 14 | 52 | 56 | 34 | 35 | 1 | 18 |
| Orange | 14 | 26 | 25 | 34 | 38 | 34 | 46 | 25 | 40 | 40 |
| Orleans | 12 | 11 | 1 | 3 | 9 | 8 | 5 | 1 | 0 | 3 |
| Oswego | 19 | 33 | 17 | 15 | 38 | 39 | 32 | 21 | 34 | 36 |
| Otsego | 13 | 17 | 4 | 3 | 15 | 8 | 7 | 17 | 18 | 16 |
| Putnam | 4 | 13 | 5 | 7 | 13 | 11 | 4 | 10 | 21 | 10 |
| Rensselaer | 19 | 25 | 16 | 11 | 8 | 10 | 13 | 9 | 4 | 1 |
| Rockland | 20 | 35 | 17 | 30 | 33 | 36 | 33 | 18 | 38 | 16 |
| St. Lawrence | 24 | 23 | 24 | 25 | 26 | 18 | 9 | 18 | 13 | 20 |
| Saratoga | 0 | 2 | 2 | 1 | 13 | 11 | 11 | 8 | 0 | 4 |
| Schenectady | 6 | 5 | 16 | 21 | 0 | 0 | 0 | 0 | 1 | 0 |
| Schoharie | 4 | 2 | 8 | 0 | 3 | 0 | 0 | 0 | 2 | 0 |
| Schuyler | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seneca | 0 | 9 | 1 | 3 | 2 | 9 | 6 | 8 | 4 | 5 |
| Steuben | 12 | 35 | 29 | 17 | 38 | 15 | 8 | 8 | 4 | 4 |
| Suffolk | 54 | 93 | 86 | 122 | 85 | 78 | 48 | 52 | 4 | 0 |
| Sullivan | 1 | 6 | 7 | 18 | 7 | 12 | 8 | 5 | 0 | 8 |
| Tioga | 2 | 3 | 15 | 4 | 5 | 15 | 11 | 11 | 9 | 13 |
| Tompkins | 11 | 3 | 13 | 45 | 4 | 25 | 17 | 15 | 10 | 0 |
| Ulster | 10 | 9 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Warren | 3 | 14 | 6 | 7 | 10 | 5 | 8 | 2 | 2 | 1 |
| Washington | 2 | 0 | 2 | 5 | 16 | 13 | 8 | 5 | 13 | 3 |
| Wayne | 18 | 18 | 12 | 8 | 6 | 0 | 0 | 0 | 0 | 12 |
| Westchester | 76 | 100 | 68 | 73 | 71 | 71 | 35 | 42 | 40 | 28 |
| Wyoming | 0 | 9 | 1 | 5 | 18 | 2 | 17 | 4 | 2 | 0 |
| Yates | 2 | 0 | 2 | 0 | 4 | 0 | 0 | 3 | 1 | 2 |
| Total N. Y. State | 2,401 | 2,544 | 2,486 | 2,688 | 2,956 | 2,828 | 2,394 | 2,314 | 1,941 | 2,407 |

[1] The data reflected indicates the number of individuals who while indicted for felony crimes were recommended for treatment as youthful offenders by the Grand Jury.



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# TABLE THREE

| Y. O. ADJUDICATIONS [2] | | | | | | | | | | COUNTY |
|---|---|---|---|---|---|---|---|---|---|---|
| 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | |
| 92 | 60 | 84 | 106 | 148 | 189 | 177 | 215 | 208 | 243 | Bronx |
| 150 | 203 | 197 | 260 | 119 | 123 | 112 | 129 | 109 | 274 | Kings |
| 338 | 356 | 355 | 239 | 279 | 228 | 278 | 256 | 232 | 220 | New York |
| 143 | 178 | 143 | 233 | 243 | 299 | 258 | 240 | 199 | 211 | Queens |
| 49 | 33 | 63 | 64 | 63 | 38 | 37 | 33 | 8 | 24 | Richmond |
| 772 | 830 | 842 | 902 | 852 | 877 | 862 | 873 | 756 | 972 | Total N. Y. City |
| 34 | 18 | 28 | 12 | 33 | 14 | 22 | 33 | 25 | 22 | Albany |
| 7 | 7 | 10 | 18 | 16 | 20 | 8 | 17 | 15 | 23 | Allegany |
| 37 | 37 | 21 | 45 | 42 | 67 | 56 | 41 | 47 | 106 | Broome |
| 21 | 26 | 26 | 17 | 35 | 13 | 13 | 26 | 18 | 28 | Cattaraugus |
| 8 | 16 | 6 | 21 | 21 | 29 | 14 | 11 | 17 | 7 | Cayuga |
| 17 | 36 | 27 | 39 | 63 | 61 | 36 | 41 | 28 | 36 | Chautauqua |
| 5 | 17 | 9 | 13 | 12 | 5 | 25 | 14 | 16 | 23 | Chemung |
| 0 | 4 | 0 | 0 | 3 | 1 | 0 | 0 | 1 | 4 | Chenango |
| 12 | 19 | 20 | 14 | 27 | 22 | 16 | 14 | 24 | 19 | Clinton |
| 0 | 0 | 0 | 0 | 0 | 8 | 7 | 1 | 7 | 0 | Columbia |
| 12 | 9 | 6 | 3 | 24 | 14 | 9 | 6 | 13 | 5 | Cortland |
| 26 | 7 | 15 | 17 | 16 | 14 | 16 | 14 | 23 | 9 | Delaware |
| 36 | 38 | 30 | 31 | 47 | 40 | 36 | 20 | 13 | 16 | Dutchess |
| 237 | 250 | 264 | 253 | 272 | 178 | 145 | 119 | 110 | 77 | Erie |
| 3 | 1 | 3 | 3 | 19 | 14 | 10 | 14 | 12 | 12 | Essex |
| 11 | 7 | 13 | 18 | 23 | 19 | 12 | 16 | 14 | 12 | Franklin |
| 14 | 10 | 6 | 10 | 12 | 9 | 6 | 10 | 10 | 7 | Fulton |
| 11 | 5 | 6 | 12 | 8 | 0 | 13 | 8 | 1 | 4 | Genesee |
| 11 | 7 | 10 | 21 | 9 | 6 | 6 | 9 | 9 | 12 | Greene |
| 1 | 1 | 0 | 0 | 0 | 1 | 0 | 1 | 4 | 4 | Hamilton |
| 11 | 20 | 5 | 26 | 15 | 12 | 8 | 16 | 11 | 16 | Herkimer |
| 13 | 2 | 15 | 35 | 46 | 46 | 22 | 39 | 30 | 33 | Jefferson |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 1 | 0 | Lewis |
| 2 | 4 | 2 | 22 | 6 | 13 | 10 | 13 | 13 | 21 | Livingston |
| 3 | 15 | 16 | 11 | 8 | 15 | 17 | 17 | 18 | 8 | Madison |
| 73 | 79 | 103 | 147 | 133 | 160 | 161 | 119 | 105 | 105 | Monroe |
| 8 | 6 | 5 | 22 | 20 | 10 | 19 | 18 | 8 | 15 | Montgomery |
| 265 | 258 | 295 | 413 | 570 | 466 | 427 | 406 | 395 | 485 | Nassau |
| 68 | 26 | 32 | 65 | 61 | 52 | 32 | 50 | 55 | 20 | Niagara |
| 39 | 58 | 59 | 95 | 69 | 73 | 60 | 54 | 47 | 62 | Oneida |
| 83 | 66 | 90 | 91 | 99 | 151 | 98 | 105 | 94 | 72 | Onondaga |
| 9 | 11 | 4 | 19 | 46 | 30 | 37 | 32 | 30 | 21 | Ontario |
| 33 | 43 | 47 | 46 | 54 | 40 | 59 | 47 | 31 | 55 | Orange |
| 7 | 9 | 4 | 4 | 10 | 12 | 3 | 1 | 0 | 1 | Orleans |
| 19 | 26 | 4 | 11 | 22 | 28 | 34 | 32 | 23 | 39 | Oswego |
| 0 | 4 | 2 | 0 | 18 | 14 | 15 | 18 | 22 | 15 | Otsego |
| 8 | 14 | 11 | 24 | 20 | 14 | 22 | 14 | 26 | 26 | Putnam |
| 22 | 24 | 32 | 27 | 14 | 18 | 11 | 19 | 7 | 17 | Rensselaer |
| 30 | 34 | 20 | 28 | 38 | 45 | 45 | 30 | 41 | 26 | Rockland |
| 31 | 33 | 28 | 9 | 27 | 27 | 26 | 35 | 28 | 16 | St. Lawrence |
| 1 | 9 | 7 | 17 | 15 | 12 | 12 | 13 | 8 | 3 | Saratoga |
| 22 | 19 | 12 | 29 | 47 | 50 | 34 | 20 | 28 | 18 | Schenectady |
| 3 | 1 | 4 | 1 | 4 | 3 | 2 | 5 | 3 | 2 | Schoharie |
| 4 | 5 | 2 | 3 | 7 | 3 | 6 | 12 | 0 | 12 | Schuyler |
| 6 | 17 | 0 | 0 | 5 | 14 | 6 | 4 | 5 | 1 | Seneca |
| 15 | 15 | 5 | 10 | 6 | 0 | 2 | 10 | 1 | 0 | Steuben |
| 77 | 13 | 181 | 188 | 224 | 178 | 161 | 113 | 156 | 183 | Suffolk |
| 8 | 15 | 12 | 8 | 5 | 13 | 3 | 3 | 9 | 3 | Sullivan |
| 1 | 3 | 15 | 8 | 3 | 11 | 13 | 15 | 6 | 7 | Tioga |
| 9 | 6 | 4 | 9 | 4 | 0 | 0 | 0 | 0 | 1 | Tompkins |
| 30 | 16 | 18 | 14 | 10 | 16 | 5 | 23 | 17 | 5 | Ulster |
| 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 8 | Warren |
| 0 | 0 | 0 | 6 | 17 | 6 | 5 | 4 | 14 | 4 | Washington |
| 24 | 23 | 15 | 11 | 13 | 16 | 35 | 29 | 17 | 24 | Wayne |
| 95 | 106 | 134 | 137 | 229 | 179 | 159 | 134 | 135 | 187 | Westchester |
| 0 | 8 | 3 | 9 | 18 | 1 | 13 | 10 | 7 | 0 | Wyoming |
| 3 | 3 | 1 | 2 | 6 | 3 | 1 | 6 | 2 | 4 | Yates |
| 2,297 | 2,336 | 2,529 | 2,996 | 3,423 | 3,143 | 2,876 | 2,761 | 2,556 | 2,913 | Total N. Y. State |

[2] Number of individuals adjudicated youthful offenders after indictment by the court.



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# TABLE FOUR

| County | MURDER INDICTMENTS [1] | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
| Bronx | 18 | 25 | 24 | 32 | 52 | 66 | 60 | 81 | 140 | 190 |
| Kings | 40 | 37 | 45 | 55 | 83 | 81 | 69 | 91 | 169 | 188 |
| New York | 69 | 137 | 112 | 103 | 116 | 105 | 139 | 134 | 186 | 200 |
| Queens | 20 | 21 | 29 | 39 | 35 | 50 | 58 | 39 | 95 | 65 |
| Richmond | 0 | 2 | 3 | 1 | 2 | 2 | 2 | 3 | 1 | 6 |
| Total N. Y. City | 147 | 222 | 213 | 230 | 288 | 304 | 328 | 348 | 591 | 649 |
| Albany | 2 | 1 | 0 | 1 | 5 | 1 | 0 | 3 | 11 | 7 |
| Allegany | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Broome | 0 | 0 | 3 | 1 | 1 | 0 | 1 | 0 | 0 | 1 |
| Cattaragus | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 |
| Cayuga | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Chautauqua | 1 | 1 | 1 | 0 | 2 | 1 | 1 | 2 | 0 | 1 |
| Chemung | 0 | 3 | 0 | 1 | 1 | 1 | 1 | 0 | 1 | 1 |
| Chenango | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Clinton | 0 | 1 | 0 | 2 | 0 | 4 | 0 | 2 | 0 | 0 |
| Columbia | 1 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | 1 |
| Cortland | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Delaware | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Dutchess | 1 | 1 | 2 | 2 | 3 | 4 | 5 | 2 | 0 | 3 |
| Erie | 9 | 5 | 4 | 2 | 9 | 6 | 4 | 12 | 8 | 28 |
| Essex | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franklin | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Fulton | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 |
| Genesee | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 1 |
| Greene | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Hamilton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Herkimer | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Jefferson | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | 0 |
| Livingston | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Lewis | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Madison | 1 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| Monroe | 6 | 5 | 10 | 13 | 15 | 7 | 23 | 15 | 21 | 22 |
| Montgomery | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Nassau | 3 | 17 | 15 | 8 | 10 | 8 | 14 | 16 | 35 | 14 |
| Niagara | 1 | 1 | 0 | 0 | 0 | 4 | 1 | 3 | 1 | 2 |
| Oneida | 0 | 3 | 1 | 1 | 2 | 2 | 4 | 3 | 2 | 2 |
| Onondaga | 6 | 2 | 2 | 4 | 1 | 8 | 8 | 3 | 9 | 13 |
| Ontario | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 0 |
| Orange | 5 | 2 | 4 | 4 | 1 | 1 | 2 | 5 | 2 | 1 |
| Orleans | 0 | 2 | 0 | 1 | 1 | 0 | 1 | 4 | 1 | 0 |
| Oswego | 0 | 2 | 0 | 2 | 0 | 5 | 1 | 5 | 1 | 0 |
| Otsego | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Putnam | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Rensselaer | 2 | 1 | 1 | 3 | 8 | 0 | 2 | 1 | 1 | 3 |
| Rockland | 0 | 0 | 0 | 0 | 2 | 0 | 4 | 4 | 1 | 1 |
| St. Lawrence | 1 | 0 | 2 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| Saratoga | 0 | 0 | 0 | 0 | 1 | 0 | 2 | 1 | 0 | 9 |
| Schenectady | 0 | 0 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 0 |
| Schoharie | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Schuyler | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Seneca | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 |
| Steuben | 0 | 1 | 0 | 2 | 5 | 3 | 1 | 0 | 3 | 0 |
| Suffolk | 2 | 5 | 4 | 4 | 14 | 4 | 7 | 18 | 14 | 23 |
| Sullivan | 1 | 0 | 1 | 1 | 3 | 1 | 1 | 5 | 0 | 0 |
| Tioga | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| Tompkins | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ulster | 1 | 0 | 2 | 0 | 1 | 2 | 1 | 2 | 3 | 2 |
| Warren | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 |
| Washington | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Wayne | 5 | 1 | 0 | 0 | 0 | 0 | 2 | 3 | 1 | 0 |
| Westchester | 4 | 4 | 6 | 2 | 8 | 7 | 11 | 7 | 11 | 8 |
| Wyoming | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Yates | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total N. Y. State | 205 | 286 | 281 | 290 | 384 | 378 | 433 | 469 | 725 | 797 |

[1] Number of defendants indicted for either murder in the first degree or murder in the second degree during each of the years 1960 through 1969.



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# TABLE FOUR

| MURDER CONVICTIONS [2] | | | | | | | | | | COUNTY |
|---|---|---|---|---|---|---|---|---|---|---|
| 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | |
| 4 | 2 | 3 | 7 | 11 | 5 | 4 | 3 | 8 | 5 | Bronx |
| 11 | 4 | 3 | 13 | 13 | 9 | 12 | 6 | 8 | 10 | Kings |
| 18 | 11 | 26 | 24 | 16 | 20 | 13 | 16 | 14 | 9 | New York |
| 3 | 3 | 5 | 10 | 7 | 4 | 4 | 1 | 5 | 4 | Queens |
| 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 3 | Richmond |
| 36 | 20 | 37 | 54 | 47 | 38 | 34 | 26 | 35 | 31 | Total N. Y. City |
| 0 | 0 | 0 | 0 | 3 | 0 | 1 | 0 | 3 | 0 | Albany |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Allegany |
| 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 1 | Broome |
| 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | Cattaraugus |
| 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Cayuga |
| 1 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | Chautauqua |
| 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Chemung |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Chenango |
| 0 | 1 | 0 | 2 | 0 | 0 | 3 | 0 | 0 | 0 | Clinton |
| 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 1 | 2 | Columbia |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Cortland |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Delaware |
| 0 | 0 | 0 | 1 | 0 | 2 | 1 | 1 | 0 | 1 | Dutchess |
| 0 | 0 | 3 | 0 | 2 | 0 | 2 | 4 | 3 | 3 | Erie |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Essex |
| 2 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Franklin |
| 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | Fulton |
| 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | Genesee |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | Greene |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Hamilton |
| 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | Herkimer |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Jefferson |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Lewis |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Livingston |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Madison |
| 2 | 0 | 2 | 3 | 3 | 6 | 4 | 3 | 2 | 4 | Monroe |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Montgomery |
| 0 | 0 | 3 | 3 | 3 | 4 | 3 | 3 | 3 | 4 | Nassau |
| 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | Niagara |
| 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 | Oneida |
| 0 | 0 | 0 | 0 | 0 | 2 | 3 | 1 | 0 | 0 | Onondaga |
| 0 | 0 | 0 | 2 | 0 | 1 | 0 | 0 | 0 | 0 | Ontario |
| 8 | 0 | 4 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | Orange |
| 0 | 2 | 1 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | Orleans |
| 0 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | 0 | Oswego |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Otsego |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Putnam |
| 0 | 2 | 0 | 1 | 2 | 2 | 0 | 0 | 0 | 1 | Rensselaer |
| 0 | 0 | 0 | 0 | 0 | 1 | 3 | 1 | 1 | 0 | Rockland |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | St. Lawrence |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Saratoga |
| 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Schenectady |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Schoharie |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Schuyler |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Seneca |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Steuben |
| 1 | 2 | 0 | 0 | 3 | 2 | 1 | 4 | 4 | 3 | Suffolk |
| 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | Sullivan |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Tioga |
| 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | Tompkins |
| 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | Ulster |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Warren |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Washington |
| 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | Wayne |
| 0 | 1 | 0 | 0 | 2 | 3 | 3 | 3 | 3 | 1 | Westchester |
| 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Wyoming |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Yates |
| 51 | 33 | 55 | 68 | 69 | 66 | 66 | 50 | 59 | 52 | Total N. Y. State |

[2] Number of defendants convicted of either murder in the first degree or murder in the second degree during each of the years 1960 through 1969.



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# TABLE FIVE

| COUNTY | RAPE INDICTMENTS [1] | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
| Bronx | 71 | 78 | 64 | 84 | 82 | 118 | 69 | 55 | 44 | 47 |
| Kings | 218 | 130 | 164 | 160 | 85 | 109 | 84 | 47 | 41 | 45 |
| New York | 75 | 87 | 85 | 76 | 74 | 48 | 53 | 27 | 29 | 26 |
| Queens | 31 | 31 | 27 | 33 | 35 | 51 | 32 | 63 | 22 | 18 |
| Richmond | 8 | 4 | 1 | 1 | 7 | 8 | 7 | 5 | 2 | 2 |
| Total N. Y. City | 403 | 330 | 346 | 354 | 283 | 334 | 245 | 197 | 138 | 138 |
| Albany | 8 | 4 | 6 | 3 | 2 | 2 | 2 | 5 | 8 | 5 |
| Allegany | 0 | 0 | 5 | 1 | 0 | 2 | 2 | 2 | 1 | 3 |
| Broome | 11 | 6 | 5 | 1 | 4 | 3 | 10 | 2 | 3 | 2 |
| Cattaraugus | 1 | 2 | 1 | 2 | 3 | 1 | 3 | 1 | 1 | 0 |
| Cayuga | 1 | 0 | 0 | 1 | 1 | 1 | 3 | 1 | 1 | 0 |
| Chautauqua | 5 | 3 | 6 | 5 | 5 | 8 | 8 | 1 | 3 | 0 |
| Chemung | 1 | 1 | 1 | 4 | 1 | 1 | 3 | 0 | 0 | 0 |
| Chenango | 2 | 0 | 2 | 1 | 1 | 4 | 1 | 0 | 0 | 0 |
| Clinton | 4 | 5 | 2 | 2 | 7 | 6 | 0 | 1 | 2 | 4 |
| Columbia | 3 | 1 | 1 | 3 | 5 | 2 | 0 | 1 | 1 | 1 |
| Cortland | 1 | 2 | 0 | 0 | 7 | 2 | 5 | 3 | 2 | 4 |
| Delaware | 0 | 2 | 2 | 0 | 0 | 1 | 1 | 0 | 2 | 1 |
| Dutchess | 9 | 11 | 7 | 12 | 10 | 11 | 8 | 3 | 1 | 0 |
| Erie | 14 | 20 | 16 | 17 | 18 | 28 | 32 | 9 | 5 | 27 |
| Essex | 2 | 1 | 0 | 1 | 2 | 3 | 0 | 2 | 0 | 0 |
| Franklin | 3 | 1 | 3 | 5 | 2 | 0 | 4 | 0 | 1 | 1 |
| Fulton | 0 | 0 | 0 | 0 | 1 | 2 | 2 | 1 | 0 | 0 |
| Genesee | 1 | 1 | 2 | 1 | 0 | 0 | 1 | 0 | 1 | 4 |
| Greene | 2 | 5 | 0 | 0 | 1 | 3 | 0 | 0 | 2 | 7 |
| Hamilton | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| Herkimer | 1 | 0 | 0 | 2 | 1 | 3 | 2 | 0 | 0 | 0 |
| Jefferson | 2 | 3 | 2 | 5 | 7 | 2 | 5 | 2 | 0 | 3 |
| Lewis | 0 | 1 | 2 | 2 | 1 | 2 | 0 | 1 | 1 | 2 |
| Livingston | 2 | 3 | 6 | 6 | 2 | 5 | 2 | 5 | 1 | 0 |
| Madison | 1 | 3 | 0 | 4 | 2 | 0 | 2 | 3 | 4 | 2 |
| Monroe | 15 | 11 | 17 | 22 | 20 | 13 | 29 | 27 | 11 | 15 |
| Montgomery | 0 | 2 | 1 | 0 | 1 | 2 | 1 | 5 | 4 | 0 |
| Nassau | 18 | 14 | 13 | 18 | 29 | 18 | 14 | 17 | 16 | 15 |
| Niagara | 2 | 5 | 3 | 4 | 6 | 7 | 3 | 7 | 3 | 5 |
| Oneida | 6 | 1 | 1 | 1 | 3 | 2 | 2 | 7 | 5 | 8 |
| Onondaga | 13 | 10 | 9 | 7 | 8 | 21 | 15 | 13 | 7 | 9 |
| Ontario | 4 | 1 | 1 | 5 | 4 | 2 | 9 | 7 | 0 | 4 |
| Orange | 1 | 2 | 9 | 5 | 2 | 2 | 1 | 3 | 6 | 1 |
| Orleans | 2 | 2 | 2 | 0 | 1 | 3 | 0 | 0 | 0 | 0 |
| Oswego | 1 | 5 | 2 | 11 | 5 | 1 | 6 | 7 | 5 | 2 |
| Otsego | 0 | 2 | 4 | 1 | 0 | 2 | 7 | 3 | 0 | 1 |
| Putnam | 2 | 1 | 2 | 5 | 0 | 1 | 1 | 1 | 0 | 0 |
| Rensselaer | 3 | 1 | 5 | 3 | 5 | 4 | 3 | 5 | 3 | 5 |
| Rockland | 2 | 4 | 5 | 3 | 4 | 0 | 8 | 4 | 2 | 2 |
| St. Lawrence | 8 | 10 | 1 | 4 | 5 | 10 | 4 | 1 | 3 | 0 |
| Saratoga | 0 | 0 | 2 | 1 | 0 | 2 | 2 | 1 | 3 | 5 |
| Schenectady | 1 | 7 | 5 | 2 | 2 | 1 | 5 | 1 | 2 | 5 |
| Schoharie | 0 | 0 | 0 | 5 | 2 | 1 | 2 | 2 | 1 | 1 |
| Schuyler | 1 | 0 | 1 | 2 | 2 | 0 | 2 | 0 | 0 | 1 |
| Seneca | 0 | 1 | 0 | 1 | 5 | 1 | 0 | 1 | 0 | 2 |
| Steuben | 1 | 2 | 5 | 3 | 1 | 0 | 1 | 0 | 2 | 3 |
| Suffolk | 17 | 7 | 9 | 14 | 16 | 11 | 15 | 23 | 14 | 10 |
| Sullivan | 4 | 2 | 1 | 5 | 2 | 2 | 8 | 4 | 0 | 3 |
| Tioga | 1 | 0 | 1 | 0 | 2 | 0 | 0 | 3 | 0 | 1 |
| Tompkins | 0 | 1 | 2 | 2 | 1 | 1 | 0 | 0 | 0 | 2 |
| Ulster | 2 | 2 | 6 | 2 | 2 | 4 | 0 | 2 | 2 | 3 |
| Warren | 6 | 4 | 3 | 2 | 2 | 1 | 3 | 0 | 3 | 2 |
| Washington | 0 | 0 | 0 | 0 | 2 | 2 | 0 | 1 | 0 | 0 |
| Wayne | 8 | 2 | 4 | 5 | 5 | 7 | 5 | 0 | 1 | 3 |
| Westchester | 3 | 4 | 6 | 12 | 14 | 19 | 8 | 22 | 9 | 7 |
| Wyoming | 1 | 4 | 4 | 1 | 0 | 0 | 1 | 0 | 1 | 0 |
| Yates | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total N. Y. State | 599 | 515 | 539 | 578 | 517 | 566 | 497 | 407 | 281 | 319 |

[1] Number of defendants indicted for either rape in the first degree or rape in the second degree during each of the years 1960 through 1969.



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# TABLE FIVE

RAPE CONVICTIONS [2]

| 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | COUNTY |
|---|---|---|---|---|---|---|---|---|---|---|
| 2 | 1 | 3 | 5 | 6 | 5 | 5 | 1 | 4 | 3 | Bronx |
| 12 | 5 | 12 | 16 | 7 | 12 | 8 | 12 | 11 | 9 | Kings |
| 4 | 5 | 4 | 4 | 6 | 3 | 1 | 2 | 5 | 4 | New York |
| 5 | 4 | 4 | 8 | 3 | 1 | 5 | 1 | 3 | 2 | Queens |
| 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 0 | Richmond |
| 23 | 15 | 23 | 34 | 22 | 22 | 19 | 16 | 24 | 18 | Total N. Y. City |
| 1 | 1 | 0 | 0 | 0 | 2 | 0 | 0 | 3 | 0 | Albany |
| 0 | 0 | 3 | 0 | 0 | 1 | 0 | 0 | 1 | 0 | Allegany |
| 9 | 2 | 6 | 1 | 2 | 1 | 2 | 0 | 1 | 2 | Broome |
| 2 | 1 | 0 | 0 | 1 | 1 | 0 | 1 | 1 | 0 | Cattaragus |
| 1 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | Cayuga |
| 5 | 1 | 5 | 0 | 2 | 7 | 4 | 6 | 0 | 0 | Chautauqua |
| 0 | 0 | 0 | 4 | 1 | 1 | 0 | 0 | 0 | 4 | Chemung |
| 3 | 0 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | Chenango |
| 2 | 1 | 1 | 0 | 3 | 1 | 0 | 0 | 0 | 0 | Clinton |
| 3 | 1 | 0 | 1 | 0 | 0 | 2 | 1 | 1 | 1 | Columbia |
| 3 | 1 | 0 | 0 | 3 | 1 | 0 | 0 | 0 | 1 | Cortland |
| 0 | 2 | 1 | 3 | 0 | 1 | 5 | 0 | 1 | 2 | Delaware |
| 8 | 7 | 7 | 5 | 2 | 7 | 0 | 0 | 0 | 0 | Dutchess |
| 0 | 1 | 1 | 1 | 0 | 2 | 3 | 1 | 1 | 1 | Erie |
| 2 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 0 | Essex |
| 0 | 1 | 2 | 1 | 0 | 0 | 3 | 0 | 1 | 0 | Franklin |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | Fulton |
| 3 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | Genesee |
| 0 | 8 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 2 | Greene |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Hamilton |
| 1 | 0 | 0 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | Herkimer |
| 1 | 0 | 0 | 0 | 1 | 0 | 4 | 0 | 0 | 0 | Jefferson |
| 1 | 2 | 2 | 0 | 1 | 0 | 0 | 0 | 2 | 0 | Lewis |
| 0 | 1 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | Livingston |
| 0 | 2 | 0 | 4 | 2 | 2 | 0 | 2 | 1 | 1 | Madison |
| 4 | 3 | 4 | 10 | 11 | 8 | 7 | 8 | 2 | 7 | Monroe |
| 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | Montgomery |
| 7 | 3 | 3 | 3 | 3 | 5 | 0 | 7 | 4 | 2 | Nassau |
| 0 | 2 | 0 | 0 | 0 | 0 | 1 | 0 | 1 | 1 | Niagara |
| 2 | 1 | 3 | 1 | 0 | 3 | 0 | 2 | 2 | 0 | Oneida |
| 5 | 7 | 3 | 1 | 3 | 0 | 2 | 0 | 2 | 2 | Onondaga |
| 3 | 0 | 2 | 3 | 4 | 2 | 1 | 4 | 0 | 1 | Ontario |
| 0 | 1 | 0 | 2 | 1 | 0 | 2 | 1 | 0 | 4 | Orange |
| 1 | 2 | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 0 | Orleans |
| 4 | 2 | 5 | 2 | 1 | 0 | 0 | 0 | 4 | 1 | Oswego |
| 0 | 1 | 4 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | Otsego |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Putnam |
| 1 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 1 | 1 | Rensselaer |
| 2 | 2 | 1 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | Rockland |
| 4 | 2 | 0 | 0 | 2 | 1 | 1 | 1 | 1 | 0 | St. Lawrence |
| 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | Saratoga |
| 3 | 3 | 2 | 2 | 3 | 1 | 1 | 1 | 0 | 1 | Schenectady |
| 0 | 0 | 0 | 3 | 0 | 0 | 1 | 0 | 0 | 1 | Schoharie |
| 0 | 0 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | Schuyler |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | Seneca |
| 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 1 | Steuben |
| 3 | 1 | 0 | 5 | 0 | 2 | 3 | 1 | 2 | 1 | Suffolk |
| 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | Sullivan |
| 1 | 1 | 1 | 0 | 1 | 1 | 0 | 0 | 1 | 0 | Tioga |
| 0 | 0 | 0 | 1 | 1 | 0 | 1 | 0 | 0 | 1 | Tompkins |
| 1 | 0 | 3 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | Ulster |
| 3 | 0 | 2 | 3 | 2 | 0 | 2 | 0 | 0 | 1 | Warren |
| 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | Washington |
| 8 | 2 | 1 | 1 | 3 | 1 | 0 | 0 | 0 | 0 | Wayne |
| 0 | 1 | 1 | 1 | 0 | 0 | 1 | 0 | 3 | 2 | Westchester |
| 2 | 1 | 3 | 1 | 0 | 0 | 1 | 0 | 1 | 1 | Wyoming |
| 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Yates |
| 122 | 84 | 94 | 105 | 82 | 84 | 74 | 54 | 64 | 63 | Total N. Y. State |

[2] Number of defendants convicted of either rape in the first degree or rape in the second degree during each of the years 1960 through 1969.



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# TABLE SIX

| County | ROBBERY INDICTMENTS [1] | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
| Bronx | 329 | 280 | 276 | 306 | 373 | 396 | 447 | 600 | 793 | 930 |
| Kings | 665 | 568 | 615 | 546 | 589 | 653 | 703 | 646 | 980 | 1,258 |
| New York | 772 | 681 | 843 | 594 | 801 | 819 | 728 | 633 | 686 | 991 |
| Queens | 153 | 136 | 135 | 139 | 135 | 173 | 164 | 234 | 296 | 378 |
| Richmond | 17 | 16 | 8 | 29 | 29 | 20 | 28 | 39 | 65 | 37 |
| Total N. Y. City | 1,936 | 1,681 | 1,877 | 1,614 | 1,927 | 2,061 | 2,070 | 2,152 | 2,820 | 3,594 |
| Albany | 10 | 13 | 31 | 8 | 17 | 7 | 18 | 33 | 36 | 45 |
| Allegany | 0 | 2 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 |
| Broome | 3 | 2 | 7 | 4 | 1 | 4 | 2 | 5 | 20 | 18 |
| Cattaragus | 1 | 2 | 0 | 0 | 0 | 2 | 1 | 1 | 4 | 1 |
| Cayuga | 4 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 4 | 0 |
| Chautauqua | 3 | 4 | 2 | 1 | 5 | 3 | 0 | 4 | 9 | 4 |
| Chemung | 1 | 4 | 0 | 0 | 2 | 4 | 0 | 2 | 3 | 5 |
| Chenango | 0 | 0 | 0 | 1 | 0 | 0 | 7 | 0 | 0 | 1 |
| Clinton | 9 | 2 | 0 | 1 | 5 | 0 | 5 | 2 | 2 | 2 |
| Columbia | 0 | 6 | 1 | 4 | 1 | 12 | 0 | 0 | 10 | 0 |
| Cortland | 0 | 1 | 0 | 2 | 0 | 6 | 0 | 0 | 1 | 3 |
| Delaware | 0 | 1 | 0 | 3 | 2 | 0 | 0 | 1 | 4 | 3 |
| Dutchess | 8 | 6 | 12 | 2 | 7 | 11 | 7 | 6 | 1 | 12 |
| Erie | 72 | 82 | 73 | 86 | 113 | 137 | 93 | 106 | 126 | 133 |
| Essex | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| Franklin | 2 | 0 | 0 | 1 | 0 | 3 | 0 | 0 | 0 | 4 |
| Fulton | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 0 |
| Genesee | 0 | 0 | 9 | 0 | 2 | 0 | 1 | 2 | 7 | 0 |
| Greene | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 3 |
| Hamilton | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| Herkimer | 1 | 0 | 3 | 4 | 0 | 3 | 0 | 6 | 1 | 3 |
| Jefferson | 5 | 3 | 3 | 1 | 11 | 1 | 2 | 1 | 2 | 2 |
| Lewis | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Livingston | 0 | 0 | 0 | 2 | 1 | 0 | 1 | 0 | 1 | 1 |
| Madison | 0 | 0 | 1 | 0 | 3 | 0 | 0 | 0 | 2 | 3 |
| Monroe | 24 | 50 | 36 | 36 | 67 | 45 | 71 | 109 | 100 | 81 |
| Montgomery | 1 | 0 | 0 | 3 | 0 | 1 | 0 | 0 | 1 | 0 |
| Nassau | 62 | 41 | 64 | 92 | 106 | 114 | 107 | 137 | 240 | 214 |
| Niagara | 11 | 6 | 13 | 18 | 18 | 8 | 20 | 23 | 23 | 39 |
| Oneida | 10 | 2 | 11 | 5 | 2 | 13 | 5 | 15 | 24 | 15 |
| Onondaga | 9 | 17 | 21 | 24 | 23 | 21 | 32 | 37 | 49 | 47 |
| Ontario | 3 | 3 | 1 | 5 | 1 | 5 | 0 | 0 | 0 | 7 |
| Orange | 9 | 15 | 14 | 9 | 7 | 18 | 16 | 15 | 24 | 11 |
| Orleans | 0 | 0 | 0 | 2 | 0 | 1 | 2 | 7 | 0 | 0 |
| Oswego | 6 | 0 | 8 | 0 | 2 | 0 | 8 | 0 | 1 | 1 |
| Otsego | 1 | 3 | 0 | 1 | 1 | 0 | 0 | 2 | 1 | 0 |
| Putnam | 0 | 0 | 0 | 0 | 3 | 5 | 6 | 1 | 6 | 3 |
| Rensselaer | 8 | 7 | 4 | 6 | 7 | 8 | 3 | 14 | 5 | 8 |
| Rockland | 4 | 4 | 1 | 1 | 1 | 10 | 8 | 19 | 6 | 12 |
| St. Lawrence | 4 | 0 | 4 | 0 | 2 | 3 | 2 | 4 | 3 | 4 |
| Saratoga | 0 | 2 | 0 | 1 | 4 | 0 | 0 | 4 | 4 | 9 |
| Schenectady | 1 | 3 | 2 | 5 | 3 | 14 | 0 | 7 | 5 | 12 |
| Schoharie | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 1 |
| Schuyler | 0 | 1 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 |
| Seneca | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |
| Steuben | 0 | 5 | 0 | 0 | 4 | 5 | 3 | 4 | 0 | 0 |
| Suffolk | 35 | 49 | 43 | 60 | 64 | 38 | 42 | 54 | 78 | 112 |
| Sullivan | 7 | 3 | 1 | 0 | 3 | 1 | 11 | 12 | 11 | 1 |
| Tioga | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 4 | 0 | 0 |
| Tompkins | 2 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 7 |
| Ulster | 2 | 8 | 12 | 10 | 8 | 4 | 4 | 15 | 8 | 3 |
| Warren | 0 | 0 | 6 | 0 | 0 | 1 | 7 | 6 | 2 | 4 |
| Washington | 4 | 0 | 0 | 1 | 0 | 1 | 0 | 0 | 0 | 3 |
| Wayne | 2 | 5 | 2 | 0 | 2 | 4 | 0 | 1 | 5 | 3 |
| Westchester | 54 | 42 | 47 | 52 | 93 | 52 | 61 | 73 | 105 | 152 |
| Wyoming | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| Yates | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total N. Y. State | 2,315 | 2,079 | 2,310 | 2,073 | 2,519 | 2,628 | 2,616 | 2,895 | 3,761 | 4,587 |

[1] Number of defendants indicted for either robbery in the first degree, second degree or third degree during each of the years 1960 through 1969.



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# TABLE SIX

ROBBERY CONVICTIONS [2]

| 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | COUNTY |
|---|---|---|---|---|---|---|---|---|---|---|
| 130 | 141 | 157 | 132 | 136 | 148 | 137 | 127 | 212 | 305 | Bronx |
| 317 | 295 | 306 | 407 | 266 | 320 | 325 | 357 | 403 | 786 | Kings |
| 282 | 300 | 348 | 178 | 213 | 240 | 101 | 199 | 359 | 563 | New York |
| 102 | 133 | 112 | 105 | 114 | 94 | 81 | 111 | 158 | 233 | Queens |
| 6 | 4 | 9 | 3 | 5 | 10 | 2 | 9 | 8 | 31 | Richmond |
| 837 | 873 | 932 | 825 | 734 | 812 | 693 | 803 | 1,140 | 1,918 | Total N. Y. City |
| 4 | 4 | 0 | 12 | 4 | 0 | 3 | 9 | 14 | 20 | Albany |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Allegany |
| 2 | 2 | 3 | 3 | 1 | 0 | 1 | 0 | 11 | 13 | Broome |
| 0 | 1 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | Cattaraugus |
| 4 | 0 | 0 | 0 | 0 | 1 | 4 | 2 | 1 | 2 | Cayuga |
| 7 | 5 | 0 | 1 | 4 | 1 | 0 | 1 | 5 | 0 | Chautauqua |
| 1 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 2 | Chemung |
| 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | Chenango |
| 4 | 0 | 0 | 1 | 2 | 0 | 3 | 0 | 0 | 2 | Clinton |
| 0 | 6 | 1 | 2 | 0 | 5 | 0 | 0 | 1 | 2 | Columbia |
| 0 | 1 | 0 | 0 | 1 | 2 | 0 | 0 | 1 | 3 | Cortland |
| 0 | 0 | 0 | 1 | 1 | 0 | 0 | 0 | 4 | 3 | Delaware |
| 10 | 3 | 14 | 4 | 0 | 3 | 6 | 5 | 3 | 2 | Dutchess |
| 32 | 45 | 43 | 20 | 34 | 28 | 35 | 38 | 27 | 46 | Erie |
| 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | Essex |
| 0 | 0 | 0 | 0 | 0 | 2 | 0 | 2 | 0 | 0 | Franklin |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Fulton |
| 0 | 0 | 0 | 4 | 0 | 0 | 2 | 0 | 4 | 2 | Genesee |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | Greene |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Hamilton |
| 1 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | 0 | 1 | Herkimer |
| 3 | 0 | 3 | 0 | 0 | 1 | 0 | 1 | 1 | 1 | Jefferson |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Lewis |
| 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | Livingston |
| 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 1 | Madison |
| 0 | 6 | 13 | 5 | 8 | 18 | 12 | 20 | 14 | 19 | Monroe |
| 1 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | Montgomery |
| 32 | 18 | 41 | 51 | 69 | 70 | 45 | 47 | 92 | 101 | Nassau |
| 1 | 0 | 0 | 2 | 6 | 0 | 4 | 6 | 13 | 15 | Niagara |
| 3 | 1 | 0 | 0 | 0 | 4 | 5 | 0 | 6 | 9 | Oneida |
| 2 | 4 | 0 | 3 | 1 | 3 | 3 | 4 | 7 | 19 | Onondaga |
| 2 | 1 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 1 | Ontario |
| 4 | 4 | 10 | 5 | 5 | 2 | 3 | 3 | 11 | 9 | Orange |
| 0 | 1 | 0 | 2 | 0 | 1 | 0 | 2 | 1 | 0 | Orleans |
| 4 | 2 | 2 | 0 | 1 | 2 | 2 | 0 | 0 | 1 | Oswego |
| 0 | 3 | 0 | 0 | 2 | 0 | 0 | 1 | 2 | 0 | Otsego |
| 1 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 4 | Putnam |
| 5 | 2 | 6 | 2 | 0 | 0 | 3 | 0 | 2 | 3 | Rensselaer |
| 4 | 3 | 2 | 1 | 1 | 4 | 5 | 2 | 3 | 3 | Rockland |
| 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 2 | 0 | St. Lawrence |
| 0 | 2 | 0 | 2 | 4 | 0 | 1 | 0 | 1 | 3 | Saratoga |
| 0 | 1 | 4 | 2 | 1 | 0 | 0 | 1 | 1 | 8 | Schenectady |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Schoharie |
| 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | Schuyler |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Seneca |
| 0 | 3 | 0 | 0 | 2 | 0 | 3 | 1 | 1 | 1 | Steuben |
| 24 | 19 | 11 | 24 | 42 | 17 | 16 | 13 | 23 | 24 | Suffolk |
| 2 | 2 | 0 | 0 | 0 | 0 | 4 | 0 | 3 | 0 | Sullivan |
| 0 | 0 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | Tioga |
| 1 | 1 | 0 | 1 | 2 | 1 | 0 | 0 | 1 | 7 | Tompkins |
| 0 | 0 | 1 | 1 | 0 | 2 | 2 | 4 | 4 | 2 | Ulster |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 0 | Warren |
| 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Washington |
| 0 | 0 | 0 | 0 | 0 | 3 | 0 | 2 | 0 | 1 | Wayne |
| 11 | 10 | 9 | 12 | 18 | 13 | 12 | 17 | 23 | 37 | Westchester |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 1 | Wyoming |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Yates |
| 1,003 | 1,023 | 1,095 | 995 | 948 | 997 | 877 | 987 | 1,425 | 2,292 | Total N. Y. State |

[2] Number of defendants convicted of either robbery in the first degree, second degree or third degree during each of the years 1960 through 1969.



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# TABLE SEVEN

| County | FELONIOUS ASSAULT INDICTMENTS [1] | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
| Bronx | 262 | 220 | 248 | 293 | 307 | 347 | 313 | 416 | 413 | 334 |
| Kings | 498 | 585 | 482 | 370 | 361 | 464 | 394 | 295 | 385 | 455 |
| New York | 373 | 502 | 428 | 369 | 320 | 371 | 289 | 224 | 303 | 330 |
| Queens | 42 | 58 | 40 | 71 | 109 | 121 | 153 | 166 | 126 | 119 |
| Richmond | 21 | 27 | 23 | 41 | 37 | 21 | 29 | 25 | 26 | 23 |
| Total N. Y. City | 1,196 | 1,392 | 1,221 | 1,144 | 1,134 | 1,324 | 1,178 | 1,126 | 1,253 | 1,261 |
| Albany | 22 | 17 | 16 | 13 | 12 | 16 | 20 | 22 | 28 | 46 |
| Allegany | 1 | 1 | 2 | 0 | 1 | 4 | 2 | 3 | 3 | 3 |
| Broome | 4 | 2 | 3 | 2 | 4 | 6 | 4 | 6 | 5 | 7 |
| Cattaragus | 2 | 2 | 1 | 2 | 3 | 3 | 4 | 4 | 3 | 4 |
| Cayuga | 2 | 0 | 0 | 3 | 4 | 4 | 7 | 0 | 1 | 1 |
| Chautauqua | 11 | 10 | 10 | 6 | 9 | 7 | 5 | 1 | 14 | 8 |
| Chemung | 2 | 3 | 3 | 5 | 3 | 5 | 3 | 9 | 7 | 9 |
| Chenango | 1 | 2 | 4 | 5 | 0 | 3 | 1 | 1 | 8 | 2 |
| Clinton | 9 | 6 | 4 | 3 | 2 | 2 | 1 | 2 | 4 | 2 |
| Columbia | 2 | 0 | 10 | 1 | 3 | 8 | 5 | 3 | 4 | 7 |
| Cortland | 1 | 0 | 0 | 0 | 3 | 1 | 2 | 3 | 0 | 2 |
| Delaware | 1 | 1 | 3 | 1 | 2 | 3 | 2 | 4 | 1 | 4 |
| Dutchess | 15 | 9 | 26 | 19 | 18 | 16 | 31 | 18 | 10 | 29 |
| Erie | 79 | 59 | 101 | 71 | 93 | 90 | 69 | 95 | 65 | 93 |
| Essex | 3 | 3 | 3 | 2 | 5 | 11 | 2 | 6 | 0 | 4 |
| Franklin | 6 | 3 | 1 | 3 | 2 | 4 | 1 | 1 | 3 | 5 |
| Fulton | 2 | 0 | 0 | 2 | 1 | 4 | 3 | 8 | 2 | 3 |
| Genesee | 3 | 8 | 6 | 0 | 4 | 2 | 4 | 5 | 2 | 6 |
| Greene | 1 | 4 | 2 | 2 | 1 | 6 | 4 | 2 | 2 | 4 |
| Hamilton | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Herkimer | 1 | 1 | 0 | 1 | 3 | 6 | 1 | 4 | 3 | 4 |
| Jefferson | 3 | 6 | 11 | 14 | 7 | 20 | 7 | 4 | 6 | 6 |
| Lewis | 1 | 0 | 1 | 2 | 0 | 2 | 3 | 3 | 0 | 0 |
| Livingston | 3 | 5 | 11 | 5 | 13 | 5 | 4 | 2 | 0 | 3 |
| Madison | 3 | 6 | 2 | 3 | 2 | 5 | 4 | 3 | 3 | 3 |
| Monroe | 28 | 40 | 32 | 37 | 67 | 78 | 78 | 142 | 98 | 85 |
| Montgomery | 2 | 0 | 2 | 0 | 2 | 5 | 3 | 5 | 8 | 6 |
| Nassau | 55 | 64 | 96 | 94 | 119 | 102 | 138 | 137 | 123 | 150 |
| Niagara | 20 | 19 | 23 | 29 | 33 | 35 | 52 | 40 | 23 | 27 |
| Oneida | 11 | 11 | 4 | 17 | 12 | 9 | 17 | 16 | 19 | 27 |
| Onondaga | 31 | 22 | 36 | 26 | 35 | 83 | 66 | 38 | 31 | 53 |
| Ontario | 6 | 1 | 6 | 13 | 8 | 11 | 4 | 9 | 2 | 8 |
| Orange | 16 | 10 | 8 | 18 | 24 | 23 | 26 | 35 | 14 | 24 |
| Orleans | 2 | 1 | 5 | 10 | 2 | 3 | 4 | 5 | 2 | 3 |
| Oswego | 2 | 2 | 3 | 1 | 4 | 8 | 10 | 7 | 2 | 0 |
| Otsego | 2 | 2 | 0 | 0 | 1 | 1 | 2 | 4 | 2 | 0 |
| Putnam | 6 | 7 | 13 | 6 | 5 | 12 | 9 | 10 | 2 | 9 |
| Rensselaer | 5 | 0 | 6 | 2 | 10 | 9 | 14 | 10 | 20 | 13 |
| Rockland | 9 | 12 | 10 | 13 | 8 | 12 | 23 | 20 | 12 | 17 |
| St. Lawrence | 4 | 5 | 11 | 4 | 7 | 11 | 5 | 2 | 8 | 6 |
| Saratoga | 2 | 0 | 1 | 2 | 11 | 4 | 3 | 4 | 6 | 11 |
| Schenectady | 1 | 12 | 9 | 6 | 12 | 6 | 8 | 26 | 6 | 19 |
| Schoharie | 0 | 1 | 2 | 6 | 4 | 1 | 4 | 1 | 0 | 2 |
| Schuyler | 0 | 4 | 0 | 1 | 1 | 2 | 1 | 1 | 0 | 3 |
| Seneca | 2 | 0 | 2 | 3 | 0 | 0 | 0 | 1 | 1 | 4 |
| Steuben | 0 | 6 | 4 | 6 | 10 | 10 | 4 | 4 | 9 | 2 |
| Suffolk | 35 | 17 | 46 | 44 | 50 | 56 | 49 | 65 | 60 | 44 |
| Sullivan | 12 | 11 | 14 | 12 | 11 | 21 | 19 | 18 | 18 | 9 |
| Tioga | 0 | 1 | 0 | 1 | 1 | 2 | 2 | 1 | 0 | 0 |
| Tompkins | 2 | 0 | 0 | 4 | 2 | 5 | 3 | 1 | 5 | 8 |
| Ulster | 15 | 16 | 16 | 8 | 8 | 16 | 8 | 13 | 6 | 1 |
| Warren | 1 | 1 | 5 | 3 | 3 | 5 | 4 | 4 | 3 | 4 |
| Washington | 5 | 0 | 3 | 4 | 1 | 4 | 5 | 1 | 3 | 3 |
| Wayne | 1 | 5 | 6 | 3 | 10 | 17 | 21 | 12 | 5 | 8 |
| Westchester | 21 | 48 | 58 | 56 | 84 | 78 | 95 | 92 | 74 | 55 |
| Wyoming | 1 | 2 | 2 | 2 | 3 | 0 | 0 | 4 | 2 | 0 |
| Yates | 0 | 0 | 1 | 0 | 2 | 0 | 5 | 2 | 3 | 0 |
| Total N. Y. State | 1,674 | 1,860 | 1,865 | 1,739 | 1,879 | 2,186 | 2,049 | 2,065 | 1,994 | 2,117 |

[1] Number of defendants indicted for either assault in the first degree or assault in the second degree during each of years 1960 through 1969.



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# TABLE SEVEN

| FELONIOUS ASSAULT CONVICTIONS [2] | | | | | | | | | | COUNTY |
|---|---|---|---|---|---|---|---|---|---|---|
| 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | |
| 57 | 77 | 103 | 90 | 78 | 125 | 115 | 112 | 170 | 161 | Bronx |
| 159 | 158 | 150 | 260 | 163 | 143 | 181 | 169 | 130 | 179 | Kings |
| 218 | 201 | 224 | 226 | 179 | 140 | 72 | 126 | 114 | 183 | New York |
| 49 | 45 | 32 | 51 | 62 | 58 | 66 | 71 | 43 | 49 | Queens |
| 7 | 8 | 5 | 4 | 10 | 3 | 7 | 3 | 8 | 14 | Richmond |
| 490 | 489 | 514 | 631 | 492 | 469 | 521 | 481 | 465 | 586 | Total N. Y. City |
| 16 | 4 | 4 | 0 | 4 | 6 | 2 | 6 | 15 | 12 | Albany |
| 0 | 2 | 1 | 2 | 1 | 0 | 0 | 0 | 1 | 1 | Allegany |
| 2 | 1 | 4 | 2 | 0 | 9 | 4 | 3 | 4 | 1 | Broome |
| 1 | 2 | 0 | 0 | 0 | 3 | 1 | 2 | 0 | 1 | Cattaraugus |
| 2 | 0 | 0 | 2 | 3 | 0 | 1 | 0 | 1 | 3 | Cayuga |
| 6 | 8 | 4 | 2 | 2 | 4 | 1 | 3 | 6 | 4 | Chautauqua |
| 1 | 0 | 0 | 1 | 3 | 7 | 0 | 1 | 1 | 3 | Chemung |
| 2 | 1 | 1 | 2 | 0 | 1 | 1 | 1 | 2 | 1 | Chenango |
| 11 | 2 | 1 | 0 | 3 | 0 | 1 | 0 | 1 | 0 | Clinton |
| 2 | 0 | 0 | 1 | 0 | 3 | 1 | 3 | 5 | 6 | Columbia |
| 2 | 0 | 0 | 0 | 1 | 0 | 2 | 6 | 0 | 2 | Cortland |
| 0 | 3 | 3 | 1 | 1 | 2 | 1 | 1 | 0 | 0 | Delaware |
| 10 | 5 | 7 | 10 | 13 | 5 | 4 | 6 | 7 | 4 | Dutchess |
| 32 | 40 | 21 | 26 | 8 | 12 | 26 | 8 | 15 | 24 | Erie |
| 0 | 3 | 0 | 3 | 3 | 0 | 0 | 1 | 1 | 2 | Essex |
| 4 | 0 | 1 | 2 | 0 | 2 | 1 | 0 | 2 | 4 | Franklin |
| 1 | 0 | 0 | 2 | 1 | 3 | 0 | 4 | 1 | 0 | Fulton |
| 1 | 3 | 4 | 2 | 3 | 2 | 4 | 2 | 1 | 2 | Genesee |
| 0 | 1 | 1 | 0 | 0 | 0 | 1 | 0 | 2 | 0 | Greene |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | Hamilton |
| 0 | 1 | 0 | 0 | 1 | 0 | 1 | 3 | 2 | 1 | Herkimer |
| 5 | 8 | 3 | 9 | 9 | 5 | 1 | 3 | 1 | 2 | Jefferson |
| 0 | 0 | 0 | 2 | 0 | 0 | 1 | 5 | 1 | 0 | Lewis |
| 3 | 3 | 6 | 4 | 3 | 1 | 0 | 0 | 0 | 0 | Livingston |
| 4 | 1 | 2 | 1 | 1 | 7 | 2 | 1 | 1 | 1 | Madison |
| 40 | 23 | 35 | 38 | 50 | 32 | 34 | 43 | 27 | 22 | Monroe |
| 2 | 0 | 0 | 1 | 1 | 1 | 0 | 0 | 3 | 1 | Montgomery |
| 29 | 29 | 35 | 61 | 82 | 48 | 52 | 44 | 56 | 40 | Nassau |
| 8 | 7 | 3 | 5 | 1 | 7 | 3 | 6 | 5 | 3 | Niagara |
| 5 | 8 | 11 | 4 | 5 | 5 | 10 | 6 | 5 | 6 | Oneida |
| 15 | 7 | 8 | 14 | 3 | 17 | 18 | 9 | 20 | 8 | Onondaga |
| 4 | 1 | 4 | 6 | 3 | 4 | 4 | 6 | 4 | 7 | Ontario |
| 7 | 13 | 6 | 6 | 12 | 13 | 13 | 18 | 15 | 20 | Orange |
| 1 | 0 | 1 | 3 | 1 | 1 | 0 | 0 | 2 | 1 | Orleans |
| 2 | 4 | 5 | 14 | 1 | 1 | 3 | 4 | 1 | 0 | Oswego |
| 1 | 0 | 0 | 0 | 0 | 0 | 2 | 5 | 0 | 0 | Otsego |
| 4 | 0 | 1 | 0 | 0 | 0 | 0 | 1 | 1 | 1 | Putnam |
| 1 | 3 | 2 | 1 | 0 | 5 | 8 | 2 | 1 | 3 | Rensselaer |
| 3 | 7 | 3 | 8 | 2 | 5 | 8 | 7 | 1 | 3 | Rockland |
| 2 | 9 | 6 | 2 | 3 | 6 | 6 | 0 | 2 | 5 | St. Lawrence |
| 3 | 2 | 2 | 3 | 6 | 0 | 0 | 3 | 4 | 2 | Saratoga |
| 1 | 1 | 2 | 2 | 2 | 2 | 1 | 7 | 3 | 6 | Schenectady |
| 1 | 1 | 0 | 1 | 1 | 0 | 3 | 0 | 0 | 0 | Schoharie |
| 0 | 2 | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 | Schuyler |
| 0 | 0 | 0 | 1 | 2 | 1 | 0 | 0 | 1 | 0 | Seneca |
| 0 | 0 | 1 | 9 | 0 | 3 | 4 | 2 | 2 | 3 | Steuben |
| 10 | 6 | 19 | 16 | 16 | 15 | 18 | 28 | 12 | 9 | Suffolk |
| 1 | 3 | 0 | 1 | 1 | 2 | 7 | 5 | 0 | 1 | Sullivan |
| 0 | 0 | 1 | 0 | 2 | 3 | 2 | 0 | 8 | 0 | Tioga |
| 1 | 1 | 1 | 1 | 0 | 3 | 2 | 4 | 2 | 3 | Tompkins |
| 1 | 4 | 4 | 4 | 0 | 3 | 5 | 8 | 5 | 2 | Ulster |
| 0 | 1 | 2 | 0 | 0 | 2 | 3 | 6 | 1 | 2 | Warren |
| 3 | 0 | 1 | 4 | 0 | 1 | 3 | 1 | 1 | 0 | Washington |
| 2 | 4 | 4 | 7 | 15 | 16 | 14 | 6 | 7 | 8 | Wayne |
| 44 | 18 | 15 | 26 | 23 | 13 | 16 | 37 | 15 | 24 | Westchester |
| 0 | 0 | 2 | 0 | 2 | 0 | 0 | 0 | 1 | 0 | Wyoming |
| 0 | 0 | 1 | 1 | 1 | 0 | 0 | 1 | 1 | 0 | Yates |
| 786 | 731 | 752 | 944 | 787 | 750 | 825 | 800 | 741 | 840 | Total N. Y. State |

[2] Number of defendants convicted of either assault in the first degree or assault in the second degree during each of the years 1960 through 1969.



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# TABLE EIGHT

Percentage of Selected Felony Indictments Resulting in Felony Convictions of Crimes Charged for New York City, Certain Upstate Counties and Total New York State

| COUNTY | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
|---|---|---|---|---|---|---|---|---|---|---|
| **RAPE** | | | | | | | | | | |
| Bronx | 2.82 | 1.28 | 4.35 | 5.95 | 7.32 | 4.24 | 7.25 | 1.80 | 9.1 | 6.4 |
| Kings | 5.50 | 3.85 | 7.32 | 10.00 | 8.23 | 11.01 | 9.52 | 25.50 | 26.8 | 20.0 |
| New York | 5.33 | 5.75 | 4.70 | 5.26 | 8.11 | 6.25 | 1.89 | 7.40 | 17.2 | 15.4 |
| Queens | 16.13 | 12.90 | 14.81 | 24.24 | 8.57 | 1.96 | 15.63 | 1.60 | 13.6 | 11.1 |
| Richmond | 0 | 0 | 0 | 100.00 | 0 | 12.50 | 0 | 0 | 50.0 | 0 |
| Total New York City | 5.71 | 4.54 | 6.65 | 9.60 | 7.77 | 6.59 | 7.76 | 8.10 | 17.4 | 13.0 |
| Erie | 0 | 5.00 | 6.25 | 5.88 | 0 | 7.14 | 9.38 | 11.10 | 20.0 | 3.7 |
| Monroe | 26.67 | 27.27 | 33.53 | 45.45 | 55.00 | 61.54 | 24.14 | 29.60 | 18.2 | 46.7 |
| Nassau | 38.89 | 21.43 | 23.08 | 16.67 | 10.34 | 27.78 | 0 | 41.20 | 25.0 | 13.3 |
| Onondaga | 38.46 | 70.00 | 33.33 | 14.28 | 37.50 | 0 | 13.33 | 0 | 28.6 | 22.2 |
| Suffolk | 17.65 | 14.28 | 0 | 35.71 | 0 | 18.18 | 20.00 | 4.30 | 14.3 | 10.0 |
| Westchester | 0 | 25.00 | 16.67 | 8.33 | 0 | 0 | 12.50 | 0 | 33.3 | 28.6 |
| Total New York State | 20.37 | 16.31 | 17.44 | 18.17 | 15.86 | 14.84 | 14.89 | 13.30 | 22.8 | 19.8 |
| **ROBBERY** | | | | | | | | | | |
| Bronx | 39.51 | 50.36 | 56.88 | 43.14 | 36.46 | 37.37 | 30.65 | 21.20 | 26.7 | 32.8 |
| Kings | 47.67 | 51.94 | 49.76 | 74.54 | 45.16 | 49.00 | 46.23 | 55.30 | 41.1 | 62.5 |
| New York | 36.53 | 44.05 | 41.28 | 29.97 | 36.59 | 29.30 | 13.87 | 31.40 | 52.3 | 56.8 |
| Queens | 66.67 | 97.79 | 82.96 | 75.54 | 84.44 | 54.33 | 49.39 | 47.40 | 53.4 | 61.6 |
| Richmond | 35.29 | 25.00 | 112.50 | 10.35 | 17.24 | 166.67 | 7.14 | 23.10 | 12.3 | 83.8 |
| Total New York City | 43.23 | 51.93 | 49.65 | 51.11 | 38.09 | 39.40 | 33.48 | 37.30 | 40.4 | 53.4 |
| Erie | 44.44 | 54.88 | 58.90 | 23.25 | 30.09 | 20.44 | 37.63 | 35.80 | 21.4 | 34.6 |
| Monroe | 0 | 12.00 | 36.11 | 13.89 | 11.94 | 40.00 | 16.90 | 18.30 | 14.0 | 23.5 |
| Nassau | 51.61 | 43.90 | 64.06 | 55.43 | 65.00 | 61.40 | 42.06 | 34.30 | 38.3 | 47.2 |
| Onondaga | 22.22 | 23.53 | 0 | 12.50 | 4.35 | 14.28 | 9.38 | 10.80 | 14.3 | 40.4 |
| Suffolk | 68.57 | 38.77 | 25.58 | 40.00 | 65.62 | 44.74 | 38.10 | 24.10 | 29.5 | 21.4 |
| Westchester | 20.37 | 23.81 | 19.15 | 23.08 | 19.35 | 25.00 | 19.67 | 23.30 | 21.9 | 24.3 |
| Total New York State | 43.33 | 49.21 | 47.40 | 48.00 | 37.63 | 37.94 | 33.52 | 34.10 | 37.9 | 50.0 |
| **MURDER** | | | | | | | | | | |
| Bronx | 22.22 | 8.00 | 12.50 | 21.87 | 21.15 | 7.57 | 6.67 | 3.70 | 5.7 | 2.6 |
| Kings | 27.50 | 10.81 | 6.67 | 23.64 | 13.66 | 11.11 | 17.39 | 6.60 | 4.7 | 5.3 |
| New York | 26.09 | 8.03 | 23.21 | 23.30 | 13.79 | 19.05 | 9.35 | 11.90 | 7.5 | 4.5 |
| Queens | 15.00 | 14.28 | 17.24 | 25.64 | 20.00 | 8.00 | 6.90 | 2.60 | 5.3 | 6.2 |
| Richmond | 0 | 0 | 0 | 0 | 0 | 0 | 50.00 | 0 | 0 | 50.0 |
| Total New York City | 24.49 | 9.00 | 17.37 | 24.48 | 16.32 | 12.50 | 10.37 | 7.50 | 5.9 | 4.8 |
| Erie | 0 | 0 | 75.00 | 0 | 22.22 | 0 | 50.00 | 33.30 | 37.5 | 10.7 |
| Monroe | 33.33 | 0 | 13.33 | 23.08 | 19.35 | 85.71 | 17.39 | 20.00 | 9.5 | 18.2 |
| Nassau | 0 | 0 | 20.00 | 37.50 | 30.00 | 50.00 | 21.43 | 18.80 | 8.6 | 28.6 |
| Onondaga | 0 | 0 | 0 | 0 | 0 | .25 | 37.50 | 33.30 | 0 | 0 |
| Suffolk | 50.00 | 40.00 | 0 | 0 | 21.43 | 50.00 | 14.29 | 22.20 | 28.6 | 3.0 |
| Westchester | 0 | 25.00 | 0 | 0 | 25.00 | 42.86 | 27.27 | 42.90 | 27.3 | 12.5 |
| Total New York State | 24.88 | 11.54 | 19.57 | 23.45 | 17.97 | 17.46 | 15.24 | 10.70 | 8.2 | 6.5 |
| **FELONIOUS ASSAULT** | | | | | | | | | | |
| Bronx | 21.71 | 35.00 | 41.53 | 30.72 | 25.41 | 36.02 | 36.74 | 26.90 | 41.2 | 48.2 |
| Kings | 31.93 | 27.01 | 31.12 | 70.27 | 45.15 | 30.82 | 45.94 | 57.30 | 33.8 | 39.3 |
| New York | 58.44 | 40.04 | 52.34 | 61.25 | 55.94 | 37.73 | 24.91 | 56.30 | 37.6 | 55.5 |
| Queens | 116.67 | 77.50 | 80.00 | 71.83 | 56.88 | 47.93 | 43.14 | 42.80 | 34.1 | 41.2 |
| Richmond | 33.33 | 29.63 | 21.74 | 9.76 | 27.03 | 14.28 | 24.14 | 12.00 | 30.8 | 60.9 |
| Total New York City | 40.97 | 35.13 | 42.10 | 55.16 | 53.39 | 35.42 | 44.23 | 42.70 | 37.1 | 46.5 |
| Erie | 40.51 | 67.80 | 20.79 | 36.62 | 8.60 | 13.33 | 37.68 | 8.40 | 23.1 | 28.8 |
| Monroe | 142.86 | 57.50 | 109.37 | 102.70 | 74.63 | 41.02 | 43.59 | 30.30 | 27.6 | 25.9 |
| Nassau | 52.73 | 45.31 | 36.46 | 64.89 | 68.91 | 47.06 | 37.68 | 32.10 | 45.5 | 26.7 |
| Onondaga | 48.39 | 31.82 | 22.22 | 53.85 | 8.57 | 20.48 | 27.27 | 23.70 | 64.5 | 15.1 |
| Suffolk | 30.30 | 35.29 | 41.30 | 36.36 | 32.00 | 26.78 | 36.73 | 43.10 | 20.0 | 20.5 |
| Westchester | 209.52 | 37.50 | 25.86 | 46.43 | 27.38 | 16.67 | 16.84 | 40.20 | 20.3 | 43.6 |
| Total New York State | 46.95 | 39.30 | 40.32 | 54.28 | 41.88 | 34.31 | 40.26 | 38.70 | 37.2 | 39.7 |



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# TABLE EIGHT

Percentage Change Between Indictment Conviction Percentage of 1960 and Indictment-Conviction Percentage of 1969

| Change Percentage (1969-1960) ÷ 1960 | Change in Percentage 1969-1960 | COUNTY |
|---|---|---|
| | | **RAPE** |
| +127.0 | + 3.6 | Bronx |
| +263.6 | + 14.5 | Kings |
| +188.9 | + 10.1 | New York |
| — 45.3 | — 5.0 | Queens |
| 0 | 0 | Richmond |
| +127.7 | + 7.3 | Total New York City |
| — | + 3.7 | Erie |
| + 75.1 | + 20.0 | Monroe |
| — 65.8 | — 25.6 | Nassau |
| — 42.3 | — 16.3 | Onondaga |
| — 43.3 | — 7.7 | Suffolk |
| — | + 28.6 | Westchester |
| — 2.8 | — 0.6 | Total New York State |
| | | **ROBBERY** |
| — 17.0 | — 6.7 | Bronx |
| + 31.1 | + 14.8 | Kings |
| + 55.5 | + 20.3 | New York |
| — 7.6 | — 5.1 | Queens |
| +137.5 | + 48.5 | Richmond |
| + 23.5 | + 10.2 | Total New York City |
| — 22.1 | — 9.8 | Erie |
| — | + 23.5 | Monroe |
| — 8.5 | — 4.4 | Nassau |
| + 81.8 | + 18.2 | Onondaga |
| — 68.8 | — 47.2 | Suffolk |
| + 19.3 | — | Westchester |
| + 15.4 | — 6.7 | Total New York State |
| | | **MURDER** |
| — 88.3 | — 19.6 | Bronx |
| — 80.7 | — 22.2 | Kings |
| — 82.8 | — 21.6 | New York |
| — 58.7 | — 8.8 | Queens |
| 0 | + 50.0 | Richmond |
| — 80.4 | — 19.7 | Total New York City |
| — | + 10.7 | Erie |
| — 45.4 | — 15.1 | Monroe |
| — | + 28.6 | Nassau |
| 0 | 0 | Onondaga |
| — 74.0 | — 37.0 | Suffolk |
| — | + 12.5 | Westchester |
| — 73.9 | — 18.4 | Total New York State |
| | | **FELONIOUS ASSAULT** |
| +122.0 | + 26.5 | Bronx |
| + 23.1 | + 7.4 | Kings |
| — 5.0 | — 2.9 | New York |
| — 64.7 | — 75.5 | Queens |
| + 82.7 | + 27.6 | Richmond |
| + 13.5 | + 5.5 | Total New York City |
| — 36.3 | — 14.7 | Erie |
| — 81.9 | —117.0 | Monroe |
| — 49.4 | — 26.0 | Nassau |
| — 68.8 | — 33.3 | Onondaga |
| — 32.3 | — 9.8 | Suffolk |
| — 79.2 | —165.9 | Westchester |
| — 15.4 | — 7.3 | Total New York State |



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# TABLE NINE

| COUNTY | 1960 Population | 1970 Population | Percentage Increase 1960-1970 |
|---|---|---|---|
| Bronx | 1,424,815 | 1,441,403 | 1.2% |
| Kings | 2,627,319 | 2,562,245 | — 2.5 |
| New York | 1,698,281 | 1,509,327 | —11.1 |
| Queens | 1,809,578 | 1,964,147 | 8.5 |
| Richmond | 221,991 | 294,608 | 32.7 |
| Total N. Y. City | 7,781,984 | 7,771,730 | — 0.1 |
| Albany | 272,926 | 280,118 | 2.6 |
| Allegany | 43,978 | 45,342 | 3.1 |
| Broome | 212,661 | 218,273 | 2.6 |
| Cattaraugus | 80,187 | 80,792 | 0.8 |
| Cayuga | 73,942 | 76,286 | 3.2 |
| Chautauqua | 145,377 | 144,928 | — 0.3 |
| Chemung | 98,706 | 100,694 | 2.0 |
| Chenango | 43,243 | 45,618 | 5.5 |
| Clinton | 72,722 | 71,632 | — 1.5 |
| Columbia | 47,322 | 50,366 | 6.4 |
| Cortland | 41,113 | 45,488 | 10.6 |
| Delaware | 43,540 | 43,565 | 0.1 |
| Dutchess | 176,008 | 218,331 | 24.0 |
| Erie | 1,064,688 | 1,103,413 | 3.6 |
| Essex | 35,300 | 38,843 | 10.0 |
| Franklin | 44,742 | 43,075 | — 3.7 |
| Fulton | 51,304 | 51,854 | 1.1 |
| Genesee | 53,994 | 58,268 | 7.9 |
| Greene | 31,372 | 32,000 | 2.0 |
| Hamilton | 4,267 | 4,496 | 5.4 |
| Herkimer | 66,370 | 66,820 | 0.7 |
| Jefferson | 87,835 | 86,971 | — 1.0 |
| Lewis | 23,249 | 23,003 | — 1.1 |
| Livingston | 44,053 | 53,441 | 21.3 |
| Madison | 54,635 | 62,251 | 13.9 |
| Monroe | 506,387 | 706,644 | 39.5 |
| Montgomery | 57,240 | 55,253 | — 3.5 |
| Nassau | 1,300,171 | 1,413,012 | 8.7 |
| Niagara | 242,269 | 233,188 | — 3.7 |
| Oneida | 264,401 | 268,986 | 1.7 |
| Onondaga | 423,028 | 446,334 | 5.5 |
| Ontario | 68,070 | 78,064 | 14.7 |
| Orange | 183,734 | 218,343 | 18.8 |
| Orleans | 34,159 | 36,837 | 7.8 |
| Oswego | 86,118 | 100,605 | 16.8 |
| Otsego | 51,942 | 55,421 | 6.7 |
| Putnam | 31,722 | 54,411 | 71.5 |
| Rensselaer | 142,585 | 150,218 | 5.4 |
| Rockland | 136,803 | 228,897 | 67.3 |
| St. Lawrence | 111,239 | 110,710 | — 0.5 |
| Saratoga | 89,096 | 120,423 | 35.2 |
| Schenectady | 152.896 | 159,955 | 4.6 |
| Schoharie | 22,616 | 24,203 | 7.0 |
| Schuyler | 15,044 | 16,507 | 9.7 |
| Seneca | 31,984 | 34,456 | 7.7 |
| Steuben | 97,691 | 98,600 | 0.9 |
| Suffolk | 666,784 | 1,107,786 | 66.1 |
| Sullivan | 45,272 | 49,740 | 9.9 |
| Tioga | 37,802 | 46,145 | 22.1 |
| Tompkins | 66,164 | 75,327 | 13.8 |
| Ulster | 118,804 | 135,319 | 13.9 |
| Warren | 44,002 | 47,850 | 8.7 |
| Washington | 48,476 | 50,417 | 4.0 |
| Wayne | 67,989 | 78,714 | 15.8 |
| Westchester | 808,891 | 888,314 | 4.8 |
| Wyoming | 34,793 | 36,860 | 5.9 |
| Yates | 18,614 | 19,575 | 5.2 |
| Total N. Y. State | 16,702,304 | 17,964,712 | 7.6% |



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# TABLE NINE

## POPULATION OF THE FIVE LARGEST CITIES

## 1960 and 1970 CENSUS

| | 1960 | 1970 |
|---|---|---|
| Buffalo | 532,759 | 457,814 |
| New York City | 7,781,984 | 7,771,730 |
| Rochester | 318,611 | 293,695 |
| Syracuse | 220,583 | 192,529 |
| Yonkers | 190,634 | 204,789 |

## POPULATION OF THE FOUR LARGEST STANDARD METROPOLITAN STATISTICAL AREAS — APRIL 1, 1970

| | |
|---|---|
| Buffalo | 1,349,211 |
| New York City | 11,528,649 |

Includes 5 Boroughs of New York, plus Nassau, Rockland, Suffolk and Westchester Counties

| | |
|---|---|
| Rochester | 882,667 |
| Syracuse | 635,946 |



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# TABLE TEN

## FELONY ARRESTS IN THE FIVE LARGEST CITIES IN NEW YORK STATE

### 1960-1969

| CITY | | Total Felony | Murder | Rape | Robbery | Felonious Assault | Gambling |
|---|---|---|---|---|---|---|---|
| Buffalo | 1960 | 1,171 | 9 | 9 | 69 | 269 | |
| | 1961 | 1,086 | 2 | 10 | 106 | 222 | |
| | 1962 | 1,221 | 4 | 24 | 102 | 275 | |
| | 1963 | 1,283 | 4 | 26 | 118 | 214 | |
| | 1964 | 1,345 | 5 | 45 | 135 | 232 | |
| | 1965 | 1,405 | 7 | 49 | 157 | 287 | |
| | 1966 | 1,324 | 7 | 60 | 123 | 274 | 12 |
| | 1967 | 1,434 | 11 | 61 | 161 | 255 | 11 |
| | 1968 | 1,680 | 12 | 69 | 237 | 374 | 7 |
| | 1969 | 2,033 | 20 | 49 | 238 | 470 | 28 |
| New York City | 1960 | 29,257 | 363 | 1,030 | 2,845 | 8,150 | |
| | 1961 | 31,981 | 491 | 1,007 | 2,835 | 8,499 | |
| | 1962 | 34,755 | 466 | 1,043 | 3,189 | 8,509 | |
| | 1963 | 38,067 | 534 | 1,038 | 3,256 | 9,248 | |
| | 1964 | 44,183 | 623 | 1,142 | 3,639 | 10,645 | |
| | 1965 | 46,430 | 598 | 1,212 | 3,933 | 11,219 | 4,991 |
| | 1966 | 49,803 | 615 | 1,329 | 4,527 | 11,877 | 4,077 |
| | 1967 | 53,229 | 606 | 1,241 | 5,540 | 12,078 | 3,214 |
| | 1968 | 54,222 | 623 | 1,003 | 6,939 | 8,481 | 1,671 |
| | 1969 | 65,250 | 571 | 991 | 7,952 | 8,860 | 1,878 |

[1] Total number of arrests for the felonies of murder in the first and second degrees, rape in the first and second degrees, robbery in the first, second and third degrees, assault in the first and second degrees and gambling as a felony, for each of the years 1960 through 1969 for each of the five largest cities in the state—(Buffalo, New York, Rochester, Syracuse and Yonkers).



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# TABLE TEN

## FELONY ARRESTS IN THE FIVE LARGEST CITIES IN NEW YORK STATE

### 1960-1969

| CITY | | Total Felony | Murder | Rape | Robbery | Felonious Assault | Gambling |
|---|---|---|---|---|---|---|---|
| Rochester | 1960 | 432 | 5 | 15 | 31 | 71 | |
| | 1961 | 565 | 7 | 15 | 44 | 107 | |
| | 1962 | 630 | 7 | 27 | 47 | 118 | |
| | 1963 | 702 | 10 | 22 | 56 | 125 | |
| | 1964 | 1,139 | 17 | 23 | 92 | 231 | |
| | 1965 | 827 | 9 | 20 | 53 | 195 | |
| | 1966 | 960 | 26 | 39 | 101 | 201 | |
| | 1967 | 1,111 | 15 | 28 | 141 | 267 | |
| | 1968 | 920 | 26 | 21 | 116 | 176 | 0 |
| | 1969 | 1,001 | 29 | 33 | 110 | 207 | 0 |
| Syracuse | 1960 | 329 | 2 | 19 | 21 | 37 | |
| | 1961 | 358 | 2 | 14 | 34 | 33 | |
| | 1962 | 357 | 3 | 7 | 23 | 57 | |
| | 1963 | 467 | 3 | 22 | 33 | 46 | |
| | 1964 | 481 | 3 | 8 | 54 | 62 | |
| | 1965 | 668 | 5 | 26 | 40 | 109 | 17 |
| | 1966 | 556 | 2 | 9 | 32 | 91 | 5 |
| | 1967 | 663 | 7 | 19 | 48 | 81 | 2 |
| | 1968 | 838 | 8 | 6 | 70 | 138 | 1 |
| | 1969 | 704 | 7 | 19 | 86 | 140 | 6 |
| Yonkers | 1960 | 239 | 1 | 6 | 27 | 41 | |
| | 1961 | 245 | 2 | 8 | 16 | 62 | |
| | 1962 | 235 | 2 | 5 | 24 | 49 | |
| | 1963 | 330 | 2 | 9 | 17 | 67 | |
| | 1964 | 426 | 2 | 7 | 31 | 104 | |
| | 1965 | 570 | 3 | 11 | 37 | 125 | 35 |
| | 1966 | 447 | 5 | 13 | 43 | 115 | 21 |
| | 1967 | 531 | 4 | 10 | 35 | 139 | 11 |
| | 1968 | 504 | 2 | 7 | 51 | 106 | 27 |
| | 1969 | 580 | 4 | 4 | 61 | 98 | 18 |



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# TABLE ELEVEN

## FELONY ARREST BY CRIME

### 1965-1969

| | 1965 | | | 1966 | | | 1967 | | | 1968 | | | 1969 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests |
| Total Felonies | 78,194 | 14,363 | 63,831 | 81,938 | 14,391 | 67,547 | 88,247 | 15,112 | 73,135 | 91,124 | 15,421 | 75,703 | 104,674 | 15,348 | 89,326 |
| Murder | 740 | 51 | 689 | 757 | 30 | 727 | 771 | 22 | 749 | 814 | 23 | 791 | 765 | 26 | 739 |
| Manslaughter | 79 | 3 | 76 | 70 | 4 | 66 | 163 | 5 | 158 | 363 | 11 | 352 | 412 | 15 | 397 |
| Negligent Homicide | 109 | 4 | 105 | 142 | 5 | 137 | 108 | 1 | 107 | 131 | 7 | 124 | 139 | 8 | 131 |
| Rape | 1,869 | 163 | 1,706 | 1,965 | 184 | 1,781 | 1,844 | 160 | 1,684 | 1,492 | 97 | 1,395 | 1,595 | 130 | 1,465 |
| Robbery | 6,471 | 1,600 | 4,871 | 7,083 | 1,667 | 5,416 | 9,005 | 2,250 | 6,755 | 11,185 | 2,720 | 8,465 | 12,851 | 3,129 | 9,722 |
| Felonious Assault | 15,025 | 1,367 | 13,658 | 15,705 | 1,300 | 14,405 | 16,234 | 1,292 | 14,942 | 12,038 | 866 | 11,172 | 12,873 | 901 | 11,972 |
| Burglary | 17,228 | 6,767 | 10,961 | 17,652 | 6,271 | 11,381 | 19,183 | 6,466 | 12,717 | 21,697 | 7,270 | 14,427 | 21,823 | 6,619 | 15,204 |
| Burglary Tools | 119 | 9 | 110 | 95 | 2 | 93 | 71 | 0 | 71 | 29 | 3 | 26 | 28 | — | 28 |
| Grand Larceny | 6,634 | 1,079 | 5,555 | 7,167 | 1,117 | 6,050 | 6,815 | 1,187 | 5,628 | 5,539 | 1,179 | 4,360 | 6,467 | 1,179 | 5,288 |
| Larceny—Auto | 9,812 | 2,202 | 7,610 | 9,990 | 2,374 | 7,616 | 9,548 | 2,204 | 7,344 | 8,302 | 1,620 | 6,682 | 7,386 | 1,350 | 6,036 |
| Criminally Receiving Stolen Property | 1,757 | 72 | 1,685 | 2,010 | 85 | 1,925 | 2,620 | 144 | 2,476 | 3,336 | 232 | 3,104 | 4,967 | 334 | 4,633 |
| Frauds and Cheats | 358 | 4 | 354 | 218 | 0 | 218 | 197 | 2 | 195 | 154 | 1 | 153 | 141 | — | 141 |
| Forgery | 2,926 | 87 | 2,839 | 3,044 | 133 | 2,911 | 3,227 | 117 | 3,110 | 3,407 | 89 | 3,318 | 4,833 | 120 | 4,713 |
| Arson | 711 | 364 | 347 | 724 | 336 | 388 | 803 | 371 | 432 | 758 | 308 | 450 | 971 | 411 | 560 |
| Commercialized Vice | 58 | 1 | 57 | 39 | 0 | 39 | 54 | 2 | 52 | 58 | ..... | 58 | 54 | — | 54 |
| Other Sex Offenses | 768 | 160 | 608 | 717 | 148 | 569 | 761 | 162 | 599 | 933 | 212 | 721 | 1,142 | 273 | 869 |
| Narcotics Violations | 4,166 | 31 | 4,135 | 5,914 | 43 | 5,871 | 8,254 | 113 | 8,141 | 12,150 | 238 | 11,912 | 18,819 | 330 | 18,489 |
| Dangerous Weapons | 1,970 | 126 | 1,844 | 1,984 | 77 | 1,907 | 2,764 | 80 | 2,684 | 4,322 | 105 | 4,217 | 4,717 | 105 | 4,612 |
| Intoxicated Driving Felony | 196 | 0 | 196 | 182 | 0 | 182 | 242 | — | 242 | 205 | ..... | 205 | 287 | — | 287 |
| Abandonment | 210 | 1 | 209 | 132 | 0 | 132 | 160 | — | 160 | 88 | 1 | 87 | 60 | 1 | 59 |
| Gambling | 5,122 | 6 | 5,116 | 4,425 | 12 | 4,413 | 3,434 | 5 | 3,429 | 1,914 | 2 | 1,912 | 2,097 | 1 | 2,096 |
| Malicious Mischief | 570 | 287 | 283 | 654 | 302 | 352 | 623 | 242 | 381 | 782 | 295 | 487 | 717 | 238 | 479 |
| All Other Felonies | 1,296 | 479 | 817 | 1,269 | 301 | 968 | 1,366 | 287 | 1,079 | 1,427 | 142 | 1,285 | 1,530 | 178 | 1,352 |

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# TABLE ELEVEN

## FELONY ARREST BY CRIME

## 1960-1964

| | 1960 | | | 1961 | | | 1962 | | | 1963 | | | 1964 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests | Total Arrests | Total Juvenile | Net Felony Arrests |
| Total Felonies | 50,629 | 9,713 | 40,916 | 53,971 | 9,659 | 44,312 | 59,132 | 11,571 | 47,561 | 65,595 | 12,514 | 53,081 | 74,109 | 13,676 | 60,433 |
| Murder | 458 | 22 | 436 | 590 | 29 | 561 | 593 | 35 | 558 | 633 | 27 | 606 | 768 | 35 | 733 |
| Manslaughter | 52 | 1 | 51 | 69 | 0 | 69 | 55 | 2 | 53 | 68 | 2 | 66 | 79 | 3 | 76 |
| Negligent Homicide | 102 | 2 | 100 | 93 | 2 | 91 | 106 | 2 | 104 | 90 | 3 | 87 | 104 | 1 | 103 |
| Rape | 1,534 | 110 | 1,424 | 1,454 | 110 | 1,344 | 1,530 | 133 | 1,397 | 1,581 | 119 | 1,462 | 1,676 | 148 | 1,528 |
| Robbery | 4,361 | 975 | 3,386 | 4,428 | 984 | 3,444 | 5,037 | 1,218 | 3,819 | 5,443 | 1,428 | 4,015 | 5,891 | 1,396 | 4,495 |
| Felonious Assault | 10,378 | 872 | 9,506 | 10,914 | 1,046 | 9,868 | 11,397 | 1,283 | 10,114 | 12,066 | 1,174 | 10,892 | 14,113 | 1,396 | 12,717 |
| Burglary | 11,814 | 4,315 | 7,499 | 12,411 | 4,174 | 8,237 | 13,362 | 4,807 | 8,555 | 15,302 | 5,227 | 10,075 | 17,180 | 5,929 | 11,251 |
| Burglary Tools | 97 | 9 | 88 | 63 | 5 | 58 | 55 | 0 | 55 | 67 | 9 | 58 | 108 | 0 | 108 |
| Grand Larceny | 5,141 | 794 | 4,347 | 5,184 | 769 | 4,415 | 5,684 | 932 | 4,752 | 6,411 | 1,128 | 5,283 | 6,632 | 1,034 | 5,598 |
| Larceny—Auto | 6,604 | 1,502 | 5,102 | 6,703 | 1,561 | 5,142 | 7,087 | 1,874 | 5,213 | 8,598 | 2,153 | 6,445 | 9,609 | 2,361 | 7,248 |
| Criminally Receiving Stolen Property | 1,075 | 20 | 1,055 | 1,129 | 22 | 1,107 | 1,269 | 17 | 1,252 | 1,217 | 36 | 1,181 | 1,650 | 62 | 1,588 |
| Frauds and Cheats | 291 | 2 | 289 | 330 | 1 | 329 | 289 | 0 | 289 | 354 | 0 | 354 | 358 | 0 | 358 |
| Forgery | 1,732 | 45 | 1,687 | 1,935 | 40 | 1,895 | 2,122 | 74 | 2,048 | 2,380 | 93 | 2,287 | 2,620 | 115 | 2,505 |
| Arson | 437 | 237 | 200 | 378 | 163 | 215 | 540 | 300 | 240 | 490 | 246 | 244 | 589 | 240 | 349 |
| Commercialized Vice | 67 | 2 | 65 | 36 | 0 | 36 | 47 | 0 | 47 | 53 | 1 | 52 | 54 | 1 | 53 |
| Other Sex Offenses | 692 | 111 | 581 | 704 | 127 | 577 | 700 | 153 | 547 | 775 | 167 | 608 | 728 | 139 | 589 |
| Narcotics Violations | 1,809 | 2 | 1,807 | 1,655 | 6 | 1,649 | 2,166 | 14 | 2,152 | 2,548 | 10 | 2,538 | 3,499 | 20 | 3,479 |
| Dangerous Weapons | 1,199 | 131 | 1,068 | 1,309 | 154 | 154 | 1,425 | 186 | 1,239 | 1,340 | 122 | 1,218 | 1,517 | 103 | 1,414 |
| Intoxicated Driving Felony | 217 | 0 | 217 | 209 | 1 | 208 | 170 | 0 | 170 | 156 | 0 | 156 | 185 | 0 | 185 |
| Abandonment | 298 | 1 | 297 | 296 | 0 | 296 | 256 | 0 | 256 | 233 | 0 | 233 | 174 | 0 | 174 |
| Gambling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Malicious Mischief | 516 | 324 | 192 | 464 | 229 | 235 | 500 | 258 | 242 | 592 | 278 | 314 | 654 | 281 | 373 |
| All Other Felonies | 1,755 | 236 | 1,519 | 3,617 | 235 | 3,382 | 4,742 | 283 | 4,459 | 5,198 | 291 | 4,907 | 5,921 | 412 | 5,509 |



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# TABLE TWELVE

| COUNTY | Rank By Population (1970 Census) | Average Number Indicted [1] 1960-1969 | Indictment [2] Position | Average Number [3] Convicted 1960-1969 | Percentage of [4] Convictions | Conviction [5] Position |
|---|---|---|---|---|---|---|
| Kings | 1 | 3,771 | 1 | 1,316 | 34.9% | 39 |
| Queens | 2 | 1,220 | 5 | 446 | 36.6 | 37 |
| New York | 3 | 4,080 | 2 | 1,413 | 34.6 | 42 |
| Bronx | 4 | 2,531 | 3 | 611 | 24.1 | 52 |
| Nassau | 5 | 1,284 | 4 | 417 | 32.5 | 45 |
| Suffolk | 6 | 700 | 7 | 118 | 16.9 | 60 |
| Erie | 7 | 706 | 8 | 184 | 26.1 | 48 |
| Westchester | 8 | 780 | 6 | 154 | 19.7 | 57 |
| Monroe | 9 | 551 | 9 | 243 | 44.1 | 26 |
| Onondaga | 10 | 391 | 10 | 87 | 22.3 | 54 |
| Richmond | 11 | 268 | 11 | 60 | 22.4 | 53 |
| Albany | 12 | 241 | 13 | 72 | 29.9 | 46 |
| Oneida | 13 | 157 | 14 | 81 | 51.6 | 17 |
| Niagara | 14 | 215 | 12 | 40 | 18.6 | 58 |
| Rockland | 15 | 107 | 19 | 37 | 34.6 | 41 |
| Orange | 16 | 184 | 15 | 73 | 39.7 | 29 |
| Broome | 17 | 97 | 18 | 62 | 63.9 | 8 |
| Dutchess | 18 | 168 | 17 | 71 | 42.3 | 27 |
| Schenectady | 19 | 91 | 21 | 38 | 41.8 | 28 |
| Rensselaer | 20 | 75 | 20 | 19 | 25.3 | 49 |
| Chautauqua | 21 | 99 | 25 | 49 | 49.5 | 21 |
| Ulster | 22 | 133 | 22 | 20 | 15.0 | 61 |
| Saratoga | 23 | 52 | 16 | 20 | 38.5 | 33 |
| St. Lawrence | 24 | 124 | 23 | 36 | 29.0 | 47 |
| Chemung | 25 | 56 | 33 | 22 | 39.3 | 31 |
| Oswego | 26 | 77 | 31 | 40 | 52.0 | 16 |
| Steuben | 27 | 75 | 43 | 36 | 48.0 | 23 |
| Jefferson | 28 | 94 | 26 | 37 | 39.4 | 30 |
| Cattaraugus | 29 | 38 | 40 | 20 | 52.6 | 15 |
| Wayne | 30 | 79 | 28 | 30 | 38.0 | 34 |
| Ontario | 31 | 64 | 30 | 39 | 60.9 | 10 |
| Cayuga | 32 | 32 | 61 | 20 | 62.5 | 9 |
| Tompkins | 33 | 41 | 27 | 31 | 75.6 | 3 |
| Clinton | 34 | 66 | 29 | 23 | 34.9 | 38 |
| Herkimer | 35 | 31 | 45 | 12 | 38.7 | 32 |
| Madison | 36 | 41 | 47 | 22 | 53.7 | 13 |
| Genesee | 37 | 35 | 36 | 27 | 77.1 | 1 |
| Otsego | 38 | 34 | 48 | 18 | 52.9 | 14 |
| Montgomery | 39 | 46 | 56 | 8 | 17.4 | 59 |
| Putnam | 40 | 62 | 38 | 7 | 11.3 | 62 |
| Livingston | 41 | 57 | 35 | 19 | 33.3 | 44 |
| Fulton | 42 | 37 | 58 | 9 | 24.3 | 51 |
| Washington | 43 | 26 | 53 | 13 | 50.0 | 18 |
| Columbia | 44 | 46 | 50 | 23 | 50.0 | 19 |
| Sullivan | 45 | 98 | 24 | 20 | 20.4 | 56 |
| Warren | 46 | 51 | 32 | 19 | 37.3 | 36 |
| Tioga | 47 | 14 | 52 | 8 | 57.1 | 12 |
| Chenango | 48 | 34 | 44 | 26 | 76.5 | 2 |
| Cortland | 49 | 34 | 37 | 22 | 64.7 | 7 |
| Allegany | 50 | 36 | 51 | 17 | 47.2 | 24 |
| Delaware | 51 | 37 | 39 | 24 | 64.9 | 6 |
| Franklin | 52 | 46 | 41 | 16 | 34.8 | 40 |
| Essex | 53 | 45 | 54 | 17 | 37.8 | 35 |
| Wyoming | 54 | 26 | 49 | 17 | 65.4 | 5 |
| Orleans | 55 | 24 | 57 | 12 | 50.0 | 20 |
| Seneca | 56 | 20 | 55 | 9 | 45.0 | 25 |
| Greene | 57 | 38 | 34 | 13 | 34.2 | 43 |
| Schoharie | 58 | 27 | 46 | 13 | 48.2 | 22 |
| Lewis | 59 | 21 | 59 | 12 | 57.1 | 11 |
| Yates | 60 | 12 | 60 | 3 | 25.0 | 50 |
| Schuyler | 61 | 27 | 42 | 6 | 22.2 | 55 |
| Hamilton | 62 | 6 | 62 | 4 | 66.7 | 4 |

[1] The number of felony indictments does not include any indictment where the Grand Jury recommended that the defendant be investigated for possible youthful offender treatment.

[2] Relative position of each county of the state based on the average number of persons indicted for a felony.

[3] Average number of persons convicted of a felony for the years 1960 through 1969.

[4] The relationship between the average number of persons indicted for a felony and the average number of persons convicted of a felony (exclusive of those persons adjudicated youthful offenders).

[5] Relative position of each county of the state based on the average percentage of persons convicted of a felony.



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# TABLE THIRTEEN

## ESTIMATED 1980 INDICTMENT PROJECTIONS

## (BASED ON 1960 to 1969 EXPERIENCE)

| County | Probable Number of Indictments During 1980 [1] (Includes YO) | County | Probable Number of Indictments During 1980 [1] (Includes YO) |
|---|---|---|---|
| Bronx | 5,700 | Nassau | 3,200 |
| Kings | 6,100 | Niagara | 320 |
| New York | 5,900 | Oneida | 320 |
| Queens | 2,700 | Onondaga | 850 |
| Richmond | 400 | Ontario | 120 |
| Albany | 300 | Orange | 280 |
| Allegany | 60 | Orleans | 30 |
| Broome | 300 | Oswego | 130 |
| Catteraugus | 70 | Otsego | 60 |
| Cayuga | 60 | Putnam | 110 |
| Chautauqua | 160 | Rensselaer | 140 |
| Chemung | 100 | Rockland | 250 |
| Chenango | 50 | St. Lawrence | 190 |
| Clinton | 100 | Saratoga | 100 |
| Columbia | 60 | Schenectady | 140 |
| Cortland | 80 | Schoharie | 50 |
| Delaware | 70 | Schuyler | 50 |
| Dutchess | 240 | Seneca | 40 |
| Erie | 950 | Steuben | 110 |
| Essex | 60 | Suffolk | 1,600 |
| Franklin | 60 | Sullivan | 140 |
| Fulton | 50 | Tioga | 40 |
| Genesee | 70 | Tompkins | 100 |
| Greene | 70 | Ulster | 150 |
| Hamilton | 20 | Warren | 80 |
| Herkimer | 50 | Washington | 50 |
| Jefferson | 120 | Wayne | 120 |
| Lewis | 30 | Westchester | 1,640 |
| Livingston | 80 | Wyoming | 50 |
| Madison | 60 | Yates | 30 |
| Monroe | 960 | | |
| Montgomery | 80 | State Total | 35,600 |

[1] The 1980 felony indictment projections were made on the basis of the number of indictments returned in each county during the years 1960-1969.

Note: These projections could be materially affected by changes in population trends, shifting economy, changes in living standards, improved law enforcement facilities, added manpower for police, prosecutors and judges.



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# TABLE FOURTEEN

## NUMBER OF JUDGES REQUIRED TO PROVIDE TRIALS FOR ONE-THIRD (33%) OF FELONY INDICTMENTS

| County | No. of Judges Required [1] | Authorized No. of Judges [2] | Family Court [3] | Surrogate Court [3] | No. of Indictments Returned, 1969 |
|---|---|---|---|---|---|
| Bronx | 41 | 10 | | | 4,252 |
| Kings | 46 | 16 | | | 5,032 |
| New York | 52 | 15 | | | 5,459 |
| Queens | 24 | 8 | | | 2,475 |
| Richmond | 3 | 2 | | | 328 |
| Total N. Y. City | 166 | 51 | | | 17,546 |
| Albany | 2 | 1 | | | 263 |
| Allegany | 1 | 1 | ● | ● | 42 |
| Broome | 2 | 1 | | | 240 |
| Cattaraugus | 1 | 1 | ● | | 73 |
| Cayuga | 1 | 1 | ● | | 13 |
| Chautauqua | 1 | 1 | | | 140 |
| Chemung | 1 | 1 | | ● | 75 |
| Chenango | 1 | 1 | ● | ● | 38 |
| Clinton | 1 | 1 | ● | | 93 |
| Columbia | 1 | 1 | ● | | 28 |
| Cortland | 1 | 1 | ● | ● | 75 |
| Delaware | 1 | 1 | ● | ● | 58 |
| Dutchess | 2 | 2 | | | 196 |
| Erie | 7 | 4 | | | 773 |
| Essex | 1 | 1 | ● | ● | 33 |
| Franklin | 1 | 1 | ● | ● | 49 |
| Fulton | 1 | 1 | | ● | 23 |
| Genesee | 1 | 1 | ● | ● | 79 |
| Greene | 1 | 1 | ● | ● | 73 |
| Hamilton | 1 | 1 | ● | ● | 4 |
| Herkimer | 1 | 1 | | ● | 55 |
| Jefferson | 1 | 1 | | | 116 |
| Lewis | 1 | 1 | ● | ● | 23 |
| Livingston | 1 | 1 | ● | ● | 80 |
| Madison | 2 | 2 | ● | ● | 40 |
| Monroe | 6 | 4 | | | 671 |
| Montgomery | 1 | 1 | | | 36 |
| Nassau | 23 | 9 | | | 2,509 |
| Niagara | 2 | 2 | ● | ● | 260 |
| Oneida | 2 | 2 | | | 293 |
| Onondaga | 6 | 3 | | | 678 |
| Ontario | 1 | 1 | ● | | 95 |

[1] Based on an estimated capacity of 35 trials per judge per year. Only increases are shown. If no increase is required, authorized quota is shown.

[2] Based on provisions of Section 182 of Judiciary Law, effective 1/1/72, except for New York City. The number of Supreme Court Judges sitting in Criminal Parts on 12/16/71 in New York City Supreme Court is shown as authorized number.

[3] Indicates whether County Court Judge also acts as Family Court Judge or Surrogate or both.



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# TABLE FOURTEEN

## NUMBER OF JUDGES REQUIRED TO PROVIDE TRIALS FOR ONE-THIRD (33%) OF FELONY INDICTMENTS

| County | No. of Judges Required [1] | Authorized No. of Judges [2] | Family Court [3] | Surrogate Court [3] | No. of Indictments Returned, 1969 |
|---|---|---|---|---|---|
| Orange | 2 | 2 | ● | ● | 246 |
| Orleans | 1 | 1 | ● | ● | 22 |
| Oswego | 1 | 1 | | | 106 |
| Otsego | 1 | 1 | ● | | 45 |
| Putnam | 1 | 1 | ● | ● | 63 |
| Rennselaer | 1 | 1 | | | 140 |
| Rockland | 2 | 2 | ● | ● | 162 |
| St. Lawrence | 1 | 1 | | | 126 |
| Saratoga | 1 | 1 | ● | ● | 187 |
| Schenectady | 1 | 1 | | | 112 |
| Schoharie | 1 | 1 | ● | ● | 37 |
| Schuyler | 1 | 1 | ● | ● | 40 |
| Seneca | 1 | 1 | ● | ● | 29 |
| Steuben | 1 | 1 | ● | | 44 |
| Suffolk | 11 | 4 | | | 1,145 |
| Sullivan | 1 | 1 | ● | ● | 113 |
| Tioga | 1 | 1 | ● | ● | 39 |
| Tompkins | 2 | 2 | ● | ● | 81 |
| Ulster | 1 | 1 | | | 109 |
| Warren | 1 | 1 | | ● | 69 |
| Washington | 1 | 1 | ● | | 28 |
| Wayne | 2 | 2 | ● | ● | 90 |
| Westchester | 11 | 5 | | | 1,184 |
| Wyoming | 2 | 2 | ● | ● | 29 |
| Yates | 1 | 1 | ● | ● | 16 |
| Total N. Y. State | 292 | 140 | | | 29,032 |

[1] Based on an estimated capacity of 35 trials per judge per year. Only increases are shown. If no increase is required, authorized quota is shown.

[2] Based on provisions of Section 182 of Judiciary Law, effective 1/1/72, except for New York City. The number of Supreme Court Judges sitting in Criminal Parts on 12/16/71 in New York City Supreme Court is shown as authorized number.

[3] Indicates whether County Court Judge also acts as Family Court Judge or Surrogate or both.



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# TABLE FIFTEEN

## (MINORS NOT INCLUDED)

| | 1960 | | | 1961 | | | 1962 | | | 1963 | | | 1964 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. |
| Total Felonies | 40,916 | 19,300 | 6,276 | 44,312 | 19,630 | 5,847 | 47,561 | 19,871 | 6,142 | 53,081 | 20,263 | 6,436 | 60,433 | 21,736 | 5,895 |
| Murder | 436 | 207 | 51 | 561 | 293 | 33 | 558 | 289 | 55 | 606 | 294 | 68 | 733 | 386 | 69 |
| Non-Negligent Manslaughter | 51 | 145 | 213 | 69 | 204 | 203 | 53 | 225 | 242 | 66 | 212 | 272 | 76 | 251 | 299 |
| Manslaughter by Negligence | 100 | 58 | 26 | 91 | 54 | 23 | 104 | 46 | 17 | 87 | 59 | 21 | 103 | 59 | 33 |
| Rape | 1,424 | 633 | 122 | 1,344 | 543 | 84 | 1,397 | 561 | 94 | 1,462 | 6,021 | 105 | 1,528 | 538 | 82 |
| Robbery | 3,386 | 2,537 | 1,003 | 3,444 | 2,343 | 1,023 | 3,819 | 2,614 | 1,095 | 4,015 | 2,317 | 995 | 4,495 | 2,844 | 948 |
| Felonious Assault | 9,506 | 1,794 | 786 | 9,868 | 2,030 | 731 | 10,114 | 2,019 | 752 | 10,892 | 1,867 | 944 | 12,717 | 2,031 | 787 |
| Burglary | 7,499 | 4,274 | 1,019 | 8,237 | 4,521 | 923 | 8,555 | 4,491 | 842 | 10,075 | 4,910 | 935 | 11,251 | 5,190 | 810 |
| Burglary Tools | 88 | 206 | 38 | 58 | 162 | 40 | 55 | 70 | 40 | 58 | 58 | 23 | 108 | 69 | 25 |
| Grand Larceny | 4,347 | 2,237 | 1,199 | 4,415 | 2,098 | 1,117 | 4,752 | 2,211 | 1,235 | 5,283 | 2,081 | 1,193 | 5,598 | 2,257 | 1,141 |
| Larceny—Auto | 5,102 | 1,979 | 332 | 5,142 | 1,978 | 301 | 5,213 | 2,002 | 279 | 6,445 | 2,098 | 265 | 7,248 | 2,121 | 273 |
| Criminally Receiving Stolen Property | 1,055 | 305 | 42 | 1,107 | 279 | 50 | 1,252 | 267 | 56 | 1,181 | 289 | 38 | 1,588 | 241 | 45 |
| Frauds and Cheats | 289 | 16 | 15 | 329 | 40 | 8 | 289 | 28 | 17 | 354 | 41 | 9 | 358 | 23 | 7 |
| Forgery | 1,687 | 1,156 | 366 | 1,895 | 1,168 | 356 | 2,048 | 1,074 | 310 | 2,287 | 1,036 | 276 | 2,505 | 1,083 | 228 |
| Arson | 200 | 121 | 51 | 215 | 130 | 31 | 240 | 113 | 36 | 244 | 160 | 46 | 349 | 174 | 44 |
| Commercialized Vice | 65 | 18 | 4 | 36 | 3 | 10 | 47 | 21 | 3 | 52 | 12 | 5 | 53 | 32 | 7 |
| Other Sex Offenses | 581 | 312 | 93 | 577 | 322 | 106 | 547 | 316 | 90 | 608 | 334 | 116 | 589 | 322 | 126 |
| Narcotics Violations | 1,807 | 1,269 | 378 | 1,649 | 1,058 | 322 | 2,152 | 1,264 | 480 | 2,538 | 1,727 | 605 | 3,479 | 1,837 | 490 |
| Dangerous Weapons | 1,068 | 634 | 170 | 154 | 544 | 134 | 1,239 | 518 | 179 | 1,218 | 387 | 132 | 1,414 | 586 | 116 |
| Intoxicated Driving Felony | 217 | 227 | 122 | 208 | 182 | 90 | 170 | 213 | 83 | 156 | 319 | 120 | 185 | 378 | 108 |
| Abandonment | 297 | 195 | 61 | 296 | 195 | 50 | 256 | 144 | 36 | 233 | 178 | 45 | 174 | 150 | 32 |
| Gambling | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 | 176 | 0 |
| Malicious Mischief | 192 | 65 | 14 | 235 | 69 | 17 | 242 | 67 | 12 | 314 | 70 | 20 | 373 | 94 | 17 |
| All Other Felonies | 1,519 | 922 | 171 | 3,382 | 1,414 | 195 | 4,459 | 1,318 | 189 | 4,907 | 1,207 | 203 | 5,509 | 894 | 208 |

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# TABLE FIFTEEN

## (MINORS NOT INCLUDED)

| | 1965 | | | 1966 | | | 1967 | | | 1968 | | | 1969 | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. | Arrests | Indict. | Convict. |
| Total Felonies | 63,837 | 23,010 | 5,857 | 67,547 | 22,153 | 5,419 | 73,135 | 22,545 | 5,583 | 75,703 | 24,293 | 6,691 | 89,326 | 26,622 | 9,576 |
| Murder | 689 | 380 | 66 | 727 | 439 | 66 | 749 | 475 | 50 | 791 | 728 | 59 | 739 | 797 | 52 |
| Manslaughter | 76 | 211 | 290 | 66 | 266 | 304 | 158 | 253 | 280 | 352 | 274 | 381 | 397 | 226 | 490 |
| Negligent Homicide | 105 | 80 | 27 | 137 | 75 | 60 | 107 | 84 | 93 | 124 | 58 | 44 | 131 | 89 | 51 |
| Rape | 1,706 | 595 | 84 | 1,781 | 514 | 74 | 1,684 | 448 | 54 | 1,395 | 301 | 64 | 1,465 | 319 | 63 |
| Robbery | 4,871 | 2,937 | 997 | 5,416 | 2,942 | 877 | 6,755 | 3,311 | 987 | 8,465 | 4,199 | 1,425 | 9,722 | 4,587 | 2,292 |
| Felonious Assault | 13,658 | 2,330 | 750 | 14,405 | 2,166 | 825 | 14,942 | 2,179 | 800 | 11,172 | 2,084 | 741 | 11,972 | 2,117 | 840 |
| Burglary | 10,961 | 5,206 | 793 | 11,381 | 4,418 | 616 | 12,717 | 4,253 | 658 | 14,427 | 4,750 | 1,052 | 15,204 | 4,202 | 1,413 |
| Burglary Tools | 110 | 60 | 15 | 93 | 40 | 23 | 71 | 36 | 17 | 26 | 11 | 9 | 28 | 7 | 34 |
| Grand Larceny | 5,555 | 2,122 | 1,195 | 6,050 | 2,161 | 1,001 | 5,628 | 1,900 | 912 | 4,360 | 1,423 | 810 | 5,288 | 1,419 | 878 |
| Larceny—Auto | 7,610 | 2,175 | 269 | 7,616 | 1,695 | 205 | 7,344 | 1,329 | 215 | 6,682 | 550 | 145 | 6,036 | 363 | 119 |
| Criminally Receiving Stolen Property | 1,685 | 419 | 48 | 1,925 | 409 | 46 | 2,476 | 448 | 40 | 3,104 | 730 | 99 | 4,633 | 880 | 181 |
| Frauds and Cheats | 354 | 31 | 11 | 218 | 25 | 3 | 195 | 30 | 4 | 153 | 22 | 9 | 141 | 28 | 9 |
| Forgery | 2,839 | 1,126 | 241 | 2,911 | 989 | 165 | 3,110 | 913 | 165 | 3,318 | 872 | 164 | 4,713 | 971 | 301 |
| Arson | 347 | 173 | 45 | 388 | 151 | 24 | 432 | 170 | 31 | 450 | 189 | 36 | 560 | 243 | 76 |
| Commercialized Vice | 57 | 8 | 2 | 39 | 19 | 1 | 52 | 9 | — | 58 | 11 | — | 54 | 8 | 0 |
| Other Sex Offenses | 608 | 312 | 70 | 569 | 280 | 57 | 599 | 233 | 42 | 721 | 222 | 61 | 869 | 224 | 103 |
| Narcotics Violations | 4,135 | 2,124 | 454 | 5,871 | 3,209 | 613 | 8,141 | 4,352 | 849 | 11,912 | 5,030 | 1,050 | 18,489 | 6,772 | 1,837 |
| Dangerous Weapons | 1,844 | 859 | 181 | 1,907 | 869 | 158 | 2,684 | 770 | 167 | 4,217 | 1,247 | 301 | 4,612 | 1,497 | 567 |
| Intoxicated Driving Felony | 196 | 445 | 137 | 182 | 363 | 137 | 242 | 289 | 71 | 205 | 296 | 92 | 287 | 371 | 106 |
| Abandonment | 209 | 116 | 25 | 132 | 90 | 12 | 160 | 95 | 4 | 87 | 35 | 4 | 59 | 33 | 4 |
| Gambling | 5,122 | 271 | 21 | 4,413 | 307 | 11 | 3,429 | 206 | 13 | 1,912 | 161 | 8 | 2,096 | 281 | 15 |
| Malicious Mischief | 283 | 70 | 14 | 352 | 52 | 15 | 381 | 56 | 15 | 487 | 63 | 16 | 479 | 45 | 8 |
| All Other Felonies | 817 | 960 | 122 | 968 | 674 | 126 | 1,079 | 706 | 116 | 1,285 | 1,037 | 121 | 1,352 | 1,143 | 137 |



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# TABLE 16

## RATIOS OF INDICTMENTS AND CONVICTIONS FOR THE YEARS 1960-1969

YOUTHFUL OFFENDERS AND MINORS NOT INCLUDED

| Totals | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 | Totals 1960 to 1969 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Arrested | 40,916 | 44,312 | 47,561 | 53,081 | 60,433 | 63,837 | 67,547 | 73,135 | 75,703 | 89,326 | 615,851 |
| Indictments[1] | 16,899 | 17,086 | 17,387 | 17,575 | 18,780 | 19,909 | 19,759 | 20,231 | 22,352 | 26,622 | 196,600 |
| Convictions[2] | 6,276 | 5,847 | 6,142 | 6,436 | 5,895 | 5,857 | 5,419 | 5,583 | 6,691 | 9,576 | 63,722 |
| **Ratios** | | | | | | | | | | | |
| Indictments to Arrests | .41 | .39 | .37 | .33 | .31 | .31 | .29 | .28 | .30 | .30 | .32 |
| Convictions to Indictments | .37 | .34 | .35 | .37 | .31 | .29 | .27 | .28 | .30 | .36 | .32 |
| Convictions to Arrests | .15 | .13 | .13 | .12 | .10 | .09 | .08 | .08 | .09 | .11 | .10 |

[1] The indictment figures that appear in this table do not include cases in which the grand jury recommends that an individual be investigated for youthful offender treatment.

[2] The conviction figures that appear in this table do not include cases where the outcome was the adjudication of the defendant as a youthful offender.

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# TABLE 17

## INDICTMENT-CONVICTION RATIOS BY SIZE OF COUNTY

| COUNTY | 1960 | 1961 | 1962 | 1963 | 1964 | 1965 | 1966 | 1967 | 1968 | 1969 |
|---|---|---|---|---|---|---|---|---|---|---|
| **1.** New York City | | | | | | | | | | |
| Bronx | .25 | .30 | .29 | .27 | .28 | .24 | .22 | .17 | .24 | .23 |
| Kings | .29 | .27 | .27 | .41 | .31 | .31 | .36 | .43 | .36 | .47 |
| New York | .30 | .31 | .38 | .34 | .29 | .30 | .27 | .30 | .39 | .54 |
| Queens | .43 | .44 | .50 | .50 | .43 | .36 | .32 | .30 | .28 | .29 |
| Richmond | .36 | .27 | .23 | .12 | .20 | .15 | .11 | .22 | .18 | .39 |
| Total New York City | .30 | .30 | .33 | .36 | .30 | .30 | .29 | .30 | .32 | .41 |
| **2.** Larger Counties Other Than New York City Counties | | | | | | | | | | |
| Albany | .32 | .30 | .24 | .27 | .18 | .23 | .33 | .21 | .57 | .35 |
| Dutchess | .66 | .50 | .60 | .41 | .47 | .38 | .26 | .34 | .51 | .20 |
| Erie | .34 | .32 | .27 | .20 | .18 | .18 | .21 | .27 | .31 | .34 |
| Monroe | .64 | .54 | .61 | .63 | .46 | .49 | .34 | .35 | .27 | .35 |
| Nassau | .50 | .40 | .40 | .44 | .40 | .35 | .23 | .26 | .28 | .23 |
| Niagara | .30 | .21 | .14 | .17 | .16 | .14 | .09 | .15 | .36 | .22 |
| Onondaga | .59 | .39 | .26 | .29 | .11 | .12 | .13 | .12 | .25 | .22 |
| Orange | .50 | .36 | .46 | .31 | .42 | .24 | .24 | .41 | .43 | .65 |
| Suffolk | .24 | .17 | .20 | .19 | .28 | .17 | .19 | .14 | .12 | .12 |
| Westchester | .69 | .26 | .23 | .23 | .22 | .11 | .15 | .14 | .11 | .21 |
| Total Larger Counties | .46 | .35 | .33 | .33 | .30 | .24 | .21 | .22 | .24 | .25 |
| **3.** All Other Counties | .56 | .52 | .50 | .46 | .39 | .40 | .36 | .31 | .36 | .39 |
| **4.** All New York State Counties | .37 | .34 | .35 | .37 | .31 | .29 | .27 | .28 | .30 | .36 |

## TOTAL INDICTMENTS BY SIZE OF COUNTY

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| **1.** New York City Counties | 11,086 | 10,901 | 11,199 | 10,506 | 10,608 | 11,620 | 11,528 | 11,590 | 13,393 | 16,278 |
| % increase over 1960 | — | —2% | 1% | —5% | —4% | 5% | 4% | 5% | 21% | 47% |
| **2.** Other Larger Counties | 3,471 | 3,790 | 3,977 | 4,594 | 5,501 | 5,473 | 5,550 | 6,057 | 6,394 | 7,365 |
| % increase over 1960 | — | 9% | 15% | 32% | 58% | 58% | 60% | 75% | 84% | 1.12% |
| **3.** All Other Counties | 2,342 | 2,395 | 2,211 | 2,475 | 2,671 | 2,816 | 2,681 | 2,584 | 2,565 | 2,979 |
| % increase over 1960 | — | 2% | —6% | 6% | 14% | 20% | 14% | 10% | 10% | 27% |
| **4.** All New York State Counties | 16,899 | 17,086 | 17,387 | 17,575 | 18,780 | 19,909 | 19,759 | 20,231 | 22,352 | 26,622 |
| % increase over 1960 | — | 1% | 3% | 4% | 11% | 18% | 17% | 20% | 32% | 58% |



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# TABLE 18

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1960

| | Convic-tions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 6,276 | 2,538 | 450 | 795 | 22 | 811 | 52 | 69 | 1,205 | 312 | 15 | 7 |
| Murder | 51 | 30 | | 6 | | | | | | | 15 | |
| Non-Negligent Manslaughter | 213 | 153 | 8 | 32 | | 4 | 1 | | 11 | 3 | | 1 |
| Manslaughter by Negligence | 26 | 9 | 2 | 3 | | 8 | 1 | | 3 | | | |
| Rape | 122 | 41 | 7 | 8 | 1 | 20 | 1 | | 35 | 9 | | |
| Robbery | 1,003 | 490 | 140 | 231 | | 50 | | 2 | 68 | 21 | | 1 |
| Felonious Assault | 786 | 303 | 52 | 108 | 2 | 143 | 2 | 5 | 142 | 28 | | 1 |
| Burglary | 1,019 | 333 | 71 | 143 | 3 | 130 | 2 | 1 | 262 | 73 | | 1 |
| Burglary Tools | 38 | 21 | 2 | | | 12 | | | 3 | | | |
| Grand Larceny | 1,199 | 440 | 72 | 105 | 4 | 189 | 6 | 44 | 283 | 55 | | 1 |
| Auto Larceny | 332 | 68 | 16 | 105 | 3 | 40 | | 1 | 78 | 21 | | |
| Criminally Receiving Stolen Property | 42 | 17 | 1 | 4 | | 6 | | 2 | 10 | 2 | | |
| Frauds and Cheats | 15 | 2 | | | | 3 | 1 | 1 | 5 | 3 | | |
| Forgery | 366 | 138 | 19 | 8 | | 53 | 1 | 3 | 111 | 33 | | |
| Arson | 51 | 19 | | 5 | 3 | 9 | | 2 | 12 | 1 | | |
| Commercialized Vice | 4 | 1 | | 3 | | | | | | | | |
| Other Sex Offenses | 93 | 38 | 5 | 1 | 4 | 14 | | | 19 | 11 | | 1 |
| Narcotics Violations | 378 | 288 | 34 | 11 | | 15 | 1 | | 23 | 6 | | |
| Dangerous Weapons | 170 | 63 | 9 | 8 | | 48 | 7 | | 20 | 14 | | 1 |
| Intoxicated Driving | 122 | 12 | 1 | | 1 | 39 | 21 | 1 | 42 | 5 | | |
| Abandonment | 61 | 10 | | | | 5 | | 5 | 33 | 8 | | |
| Malicious Mischief | 14 | | 3 | 1 | 1 | 3 | | | 6 | | | |
| All Other Felonies | 171 | 62 | 8 | 13 | | 20 | 8 | 2 | 39 | 19 | | |
| Gambling | | | | | | | | | | | | |
| | Adj. | | | | | | | | | | | |
| Youthful Offenders | 2,297 | | 21 | 433 | | 43 | 2 | 154 | 1,444 | 199 | | 1 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended sentence.

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# TABLE 19

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1961

| | Convic-tions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 5,847 | 2,391 | 453 | 822 | 16 | 755 | 47 | 46 | 1,049 | 258 | 8 | 2 |
| Murder | 33 | 19 | | 5 | | | | | | 1 | 8 | |
| Non-Negligent Manslaughter | 203 | 143 | 6 | 35 | | 4 | | | 11 | 4 | | |
| Manslaughter by Negligence | 23 | 8 | 2 | 4 | | 3 | 1 | | 5 | | | |
| Rape | 84 | 36 | 7 | 2 | 1 | 16 | | | 16 | 6 | | |
| Robbery | 1,023 | 518 | 140 | 247 | 1 | 55 | | | 50 | 12 | | |
| Felonious Assault | 731 | 295 | 43 | 110 | 3 | 139 | 1 | 5 | 115 | 19 | | 1 |
| Burglary | 923 | 312 | 81 | 167 | 5 | 126 | | 3 | 181 | 48 | | |
| Burglary Tools | 40 | 21 | 1 | 3 | | 8 | | | 5 | 2 | | |
| Grand Larceny | 1,117 | 389 | 88 | 112 | 1 | 155 | 4 | 34 | 280 | 54 | | |
| Auto Larceny | 301 | 66 | 22 | 81 | 1 | 52 | | | 62 | 17 | | |
| Criminally Receiving Stolen Property | 50 | 9 | | 2 | | 6 | 1 | 3 | 25 | 4 | | |
| Frauds and Cheats | 8 | 2 | | | | 2 | 1 | | 1 | 2 | | |
| Forgery | 356 | 119 | 20 | 9 | 1 | 61 | 1 | 1 | 108 | 36 | | |
| Arson | 31 | 14 | 3 | 4 | | 4 | | | 6 | | | |
| Commercialized Vice | 10 | 7 | 1 | | | 1 | 1 | | | | | |
| Other Sex Offenses | 106 | 48 | 5 | 8 | 1 | 13 | | | 27 | 3 | | 1 |
| Narcotics Violations | 322 | 246 | 22 | 17 | | 13 | | | 15 | 9 | | |
| Dangerous Weapons | 134 | 52 | 4 | 10 | 1 | 25 | 6 | | 21 | 15 | | |
| Intoxicated Driving | 90 | 6 | | | | 26 | 19 | | 36 | 3 | | |
| Abandonment | 50 | 6 | | 1 | 1 | 6 | | | 35 | 1 | | |
| Malicious Mischief | 17 | 2 | 1 | | | 2 | 1 | | 11 | | | |
| All Other Felonies | 195 | 73 | 7 | 5 | | 38 | 11 | | 39 | 22 | | |
| Gambling | | | | | | | | | | | | |
| | Adj. | | | | | | | | | | | |
| Youthful Offenders | 2,336 | | 27 | 438 | 3 | 69 | 17 | 82 | 1,442 | 253 | | 5 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended sentence.



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# TABLE 20

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1962

| | Convictions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 6,142 | 2,671 | 497 | 755 | 8 | 725 | 43 | 56 | 1,096 | 272 | 10 | 9 |
| Murder | 55 | 36 | | 7 | | | | | 1 | | 10 | 1 |
| Non-Negligent Manslaughter | 242 | 147 | 7 | 50 | 1 | 5 | | 1 | 24 | 6 | | 1 |
| Manslaughter by Negligence | 17 | 9 | 1 | | | 2 | | | 4 | 1 | | |
| Rape | 94 | 36 | 3 | 9 | | 25 | | | 18 | 3 | | |
| Robbery | 1,095 | 533 | 143 | 261 | 1 | 44 | | 1 | 93 | 17 | | 2 |
| Felonious Assault | 752 | 317 | 52 | 83 | 1 | 134 | | 6 | 130 | 27 | | 2 |
| Burglary | 842 | 292 | 102 | 103 | 2 | 98 | | 1 | 203 | 40 | | 1 |
| Burglary Tools | 40 | 19 | 2 | 4 | | 8 | | | 6 | 1 | | |
| Grand Larceny | 1,235 | 504 | 80 | 120 | | 170 | 2 | 35 | 276 | 48 | | |
| Auto Larceny | 279 | 60 | 24 | 67 | | 32 | | 2 | 69 | 25 | | |
| Criminally Receiving Stolen Property | 56 | 20 | | 3 | | 6 | | 4 | 18 | 5 | | |
| Frauds and Cheats | 17 | 3 | | | | 2 | 1 | 1 | 7 | 3 | | |
| Forgery | 310 | 125 | 14 | 12 | | 58 | 1 | 2 | 73 | 25 | | |
| Arson | 36 | 13 | 3 | 3 | | 4 | | | 13 | | | |
| Commercialized Vice | 3 | 2 | | | | | | | 1 | | | |
| Other Sex Offenses | 90 | 55 | 5 | 2 | | 11 | 1 | | 14 | 2 | | |
| Narcotics Violations | 480 | 361 | 54 | 14 | 3 | 25 | | | 16 | 6 | | 1 |
| Dangerous Weapons | 179 | 64 | 4 | 8 | | 35 | 4 | 1 | 29 | 33 | | 1 |
| Intoxicated Driving | 83 | 3 | | | | 24 | 25 | 1 | 25 | 5 | | |
| Abandonment | 36 | 7 | | | | 5 | | 1 | 22 | 1 | | |
| Malicious Mischief | 12 | 5 | | 3 | | | | | 1 | 3 | | |
| All Other Felonies | 189 | 60 | 3 | 6 | | 37 | 9 | | 53 | 21 | | |
| Gambling | | | | | | | | | | | | |
| | Adj. | | | | | | | | | | | |
| Youthful Offenders | 2,529 | | 30 | 464 | 2 | 65 | 3 | 63 | 1,756 | 145 | | 1 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended sentence.

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# TABLE 21

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1963

| | Convic-tions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 6,436 | 2,574 | 537 | 758 | 13 | 772 | 54 | 48 | 1,363 | 308 | 9 | |
| Murder | 68 | 48 | | 11 | | | | | | | 9 | |
| Non-Negligent Manslaughter | 272 | 175 | 13 | 45 | | 9 | | | 27 | 3 | | |
| Manslaughter by Negligence | 21 | 6 | 2 | 2 | 1 | 3 | | | 4 | 3 | | |
| Rape | 105 | 41 | 9 | 13 | | 15 | | | 24 | 3 | | |
| Robbery | 995 | 461 | 130 | 210 | 2 | 58 | | 2 | 115 | 17 | | |
| Felonious Assault | 944 | 311 | 61 | 136 | 2 | 179 | 4 | 3 | 211 | 37 | | |
| Burglary | 935 | 323 | 108 | 113 | 2 | 91 | 2 | | 239 | 57 | | |
| Burglary Tools | 23 | 14 | 4 | | | 3 | 1 | | 1 | | | |
| Grand Larceny | 1,193 | 410 | 79 | 129 | | 163 | 1 | 33 | 319 | 59 | | |
| Auto Larceny | 265 | 53 | 20 | 51 | | 42 | 1 | 2 | 74 | 22 | | |
| Criminally Receiving Stolen Property | 38 | 15 | | 2 | | 7 | 2 | | 11 | 1 | | |
| Frauds and Cheats | 9 | 1 | | | | 1 | | 1 | 4 | 2 | | |
| Forgery | 276 | 92 | 17 | 10 | | 41 | | 3 | 85 | 28 | | |
| Arson | 46 | 12 | 4 | 3 | 1 | 5 | | | 19 | 2 | | |
| Commercialized Vice | 5 | 1 | 1 | | | 2 | | | 1 | | | |
| Other Sex Offenses | 116 | 60 | 7 | 3 | 2 | 12 | 3 | | 23 | 6 | | |
| Narcotics Violations | 605 | 414 | 69 | 20 | 2 | 45 | 1 | | 46 | 8 | | |
| Dangerous Weapons | 132 | 52 | 8 | 6 | | 15 | 3 | | 36 | 12 | | |
| Intoxicated Driving | 120 | 12 | | 1 | 1 | 45 | 18 | | 35 | 8 | | |
| Abandonment | 45 | 4 | | | | 2 | | 2 | 28 | 9 | | |
| Malicious Mischief | 20 | 5 | | | | 4 | 1 | | 10 | | | |
| All Other Felonies | 203 | 64 | 5 | 3 | | 30 | 17 | 2 | 51 | 31 | | |
| Gambling | | | | | | | | | | | | |
| | Adj. | | | | | | | | | | | |
| Youthful Offenders | 2,996 | | 25 | 530 | 1 | 69 | 16 | 65 | 2,062 | 228 | | |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended sentence.



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# TABLE 22

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1964

| | Convictions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 5,905 | 2,352 | 509 | 672 | 10 | 720 | 49 | 30 | 1,258 | 295 | 5 | 5 |
| Murder | 69 | 41 | | 22 | | | | | | | 5 | 1 |
| Non-Negligent Manslaughter | 299 | 186 | 14 | 60 | | 7 | | | 23 | 8 | | 1 |
| Manslaughter by Negligence | 33 | 13 | 2 | 4 | | 7 | 2 | | 4 | 1 | | |
| Rape | 82 | 23 | 9 | 8 | | 11 | | | 26 | 3 | | 2 |
| Robbery | 948 | 434 | 155 | 203 | 2 | 52 | | | 86 | 15 | | 1 |
| Felonious Assault | 787 | 263 | 65 | 75 | 2 | 148 | | 3 | 192 | 39 | | |
| Burglary | 810 | 284 | 86 | 104 | 1 | 88 | 1 | | 196 | 50 | | |
| Burglary Tools | 25 | 11 | 2 | 3 | | 6 | | | 1 | 2 | | |
| Grand Larceny | 1,141 | 441 | 81 | 101 | 3 | 150 | 6 | 20 | 276 | 61 | | |
| Auto Larceny | 273 | 46 | 22 | 48 | 1 | 37 | | 3 | 100 | 16 | | |
| Criminally Receiving Stolen Property | 45 | 12 | 1 | 2 | | 7 | | 1 | 16 | 6 | | |
| Frauds and Cheats | 7 | | | | | 1 | | | 3 | 3 | | |
| Forgery | 228 | 78 | 11 | 3 | 1 | 44 | 3 | 2 | 62 | 24 | | |
| Arson | 44 | 13 | 9 | 2 | | 6 | | | 13 | 1 | | |
| Commercialized Vice | 7 | 2 | 1 | 1 | | | | | 2 | 1 | | |
| Other Sex Offenses | 126 | 68 | 3 | 5 | | 16 | | | 33 | 1 | | |
| Narcotics Violations | 490 | 329 | 36 | 23 | | 26 | | | 65 | 11 | | |
| Dangerous Weapons | 116 | 40 | 8 | | | 20 | 1 | | 40 | 7 | | |
| Intoxicated Driving | 108 | 9 | | 1 | | 44 | 21 | | 28 | 5 | | |
| Abandonment | 32 | 6 | | | | 6 | | | 15 | 5 | | |
| Malicious Mischief | 17 | 3 | | | | 3 | | | 10 | 1 | | |
| All Other Felonies | 208 | 48 | 4 | 7 | | 40 | 11 | 1 | 62 | 35 | | |
| Gambling | 10 | 2 | | | | 1 | 4 | | 3 | | | |
| | Adj. | | | | | | | | | | | |
| Youthful Offenders | 3,423 | | 13 | 578 | 1 | 78 | 8 | 81 | 2,384 | 277 | | 1 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended sentence.

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# TABLE 23

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1965

| | Convictions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 5,857 | 2,387 | 523 | 726 | 6 | 755 | 51 | 32 | 1,170 | 206 | 1 | |
| Murder | 66 | 57 | | 8 | | | | | | | 1 | |
| Non-Negligent Manslaughter | 290 | 194 | 11 | 42 | 1 | 8 | | | 29 | 5 | | |
| Manslaughter by Negligence | 27 | 9 | 2 | 4 | | 6 | | | 6 | | | |
| Rape | 84 | 35 | 2 | 7 | 1 | 17 | | | 20 | 2 | | |
| Robbery | 997 | 491 | 151 | 217 | | 66 | | | 61 | 11 | | |
| Felonious Assault | 750 | 263 | 67 | 109 | | 125 | 4 | 1 | 158 | 23 | | |
| Burglary | 793 | 275 | 91 | 108 | | 118 | | 3 | 168 | 30 | | |
| Burglary Tools | 15 | 11 | 2 | | | 1 | | | 1 | | | |
| Grand Larceny | 1,195 | 446 | 94 | 138 | | 173 | 3 | 16 | 279 | 46 | | |
| Auto Larceny | 269 | 60 | 23 | 46 | | 40 | 1 | 2 | 77 | 20 | | |
| Criminally Receiving Stolen Property | 48 | 17 | | | | 9 | 2 | | 17 | 3 | | |
| Frauds and Cheats | 11 | 2 | | | | 2 | | | 7 | | | |
| Forgery | 241 | 76 | 16 | 8 | | 36 | 1 | 3 | 74 | 27 | | |
| Arson | 45 | 18 | 4 | 3 | 1 | 2 | | | 14 | 3 | | |
| Commercialized Vice | 2 | 1 | | | | | | | 1 | | | |
| Other Sex Offenses | 70 | 28 | 5 | 3 | 1 | 11 | | | 22 | | | |
| Narcotics Violations | 454 | 307 | 41 | 15 | | 20 | | 1 | 63 | 7 | | |
| Dangerous Weapons | 181 | 56 | 7 | 14 | | 32 | 8 | | 53 | 11 | | |
| Intoxicated Driving | 137 | 10 | | | | 59 | 16 | | 45 | 7 | | |
| Abandonment | 25 | 2 | | | | 2 | 1 | 1 | 18 | 1 | | |
| Malicious Mischief | 14 | 2 | 1 | | 1 | 2 | | | 8 | | | |
| All Other Felonies | 122 | 26 | 6 | 4 | | 23 | 6 | 5 | 43 | 9 | | |
| Gambling | 21 | 1 | | | 1 | 3 | 9 | | 6 | 1 | | |
| | Adj. | | | | | | | | | | | |
| Youthful Offenders | 3,143 | | 16 | 552 | 8 | 82 | | 48 | 2,183 | 253 | | 1 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended sentence.



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# TABLE 24

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1966

| | Convictions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 5,419 | 2,311 | 366 | 546 | 3 | 727 | 56 | 27 | 1,130 | 252 | | 1 |
| Murder | 66 | 56 | | 10 | | | | | | | | |
| Non-Negligent Manslaughter | 304 | 213 | 16 | 36 | | 11 | | | 25 | 3 | | |
| Manslaughter by Negligence | 60 | 36 | 3 | 6 | | 3 | | | 11 | | | 1 |
| Rape | 74 | 33 | 8 | 8 | | 11 | | | 12 | 2 | | |
| Robbery | 877 | 400 | 113 | 175 | | 77 | | | 95 | 17 | | |
| Felonious Assault | 825 | 288 | 48 | 77 | | 170 | 2 | 1 | 201 | 38 | | |
| Burglary | 616 | 226 | 59 | 72 | 2 | 85 | | 1 | 140 | 31 | | |
| Burglary Tools | 23 | 17 | | | | 4 | | | 2 | | | |
| Grand Larceny | 1,001 | 378 | 61 | 95 | | 160 | 1 | 16 | 230 | 60 | | |
| Auto Larceny | 205 | 47 | 13 | 23 | 1 | 46 | | | 62 | 13 | | |
| Criminally Receiving Stolen Property | 46 | 14 | 1 | 2 | | 9 | 1 | | 15 | 4 | | |
| Frauds and Cheats | 3 | | | | | | | 1 | 1 | 1 | | |
| Forgery | 165 | 46 | 6 | 3 | | 19 | | 2 | 76 | 13 | | |
| Arson | 24 | 8 | 2 | 2 | | 3 | | | 9 | | | |
| Commercialized Vice | 1 | 1 | | | | | | | | | | |
| Other Sex Offenses | 57 | 28 | 4 | 2 | | 4 | | | 14 | 5 | | |
| Narcotics Violations | 613 | 419 | 26 | 22 | | 41 | 1 | | 84 | 20 | | |
| Dangerous Weapons | 158 | 53 | 4 | 8 | | 37 | 3 | 2 | 40 | 11 | | |
| Intoxicated Driving | 137 | 9 | | | | 29 | 36 | | 53 | 10 | | |
| Abandonment | 12 | 1 | | | | | | | 8 | 3 | | |
| Malicious Mischief | 15 | 2 | | | | 2 | | | 7 | 4 | | |
| All Other Felonies | 126 | 36 | 2 | 5 | | 15 | 6 | 4 | 41 | 17 | | |
| Gambling | 11 | | | | | 1 | 6 | | 4 | | | |
| | Adj. | | | | | | | | | | | |
| Youthful Offenders | 2,876 | | 11 | 463 | 6 | 108 | 2 | 31 | 2,011 | 24 | | 1 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended sentence.

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# TABLE 25

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1967

| | Convic-tions | State Prison | State Reform. | Recept. Center | Def. Del.[1] | Local Jail | Fine | Rest.[2] | Prob.[3] | S. S.[4] | Death | Other | Uncond. Disch. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 5,583 | 2,400 | 362 | 655 | 5 | 645 | 47 | 24 | 1,129 | 239 | | 59 | 18 |
| Murder | 50 | 38 | | 12 | | | | | | | | | |
| Non-Negligent Manslaughter | 280 | 180 | 17 | 32 | | 7 | | | 41 | 2 | | | 1 |
| Manslaughter by Negligence | 93 | 52 | 3 | 8 | | 7 | | | 19 | 4 | | | |
| Rape | 54 | 20 | 5 | 6 | | 13 | | 1 | 8 | 1 | | | |
| Robbery | 987 | 448 | 122 | 248 | | 62 | | | 85 | 19 | | 2 | 1 |
| Felonious Assault | 800 | 269 | 49 | 87 | | 130 | 4 | 2 | 221 | 34 | | 1 | 3 |
| Burglary | 658 | 250 | 46 | 67 | 1 | 108 | 1 | | 145 | 36 | | 3 | 1 |
| Burglary Tools | 17 | 6 | | 4 | | 1 | | | 4 | 2 | | | |
| Grand Larceny | 912 | 355 | 43 | 104 | | 139 | 1 | 16 | 208 | 40 | | 1 | 5 |
| Auto Larceny | 215 | 43 | 18 | 37 | | 31 | | 1 | 65 | 19 | | 1 | |
| Criminally Receiving Stolen Property | 40 | 15 | | 1 | | 10 | | | 9 | 5 | | | |
| Frauds and Cheats | 4 | | | | | | | 2 | 2 | | | | |
| Forgery | 165 | 67 | 9 | 6 | 1 | 12 | | 2 | 56 | 12 | | | |
| Arson | 31 | 8 | 4 | 3 | 1 | 6 | | | 8 | 1 | | | |
| Commercialized Vice | | | | | | | | | | | | | |
| Other Sex Offenses | 42 | 15 | 1 | 1 | | 8 | 3 | | 8 | 6 | | | |
| Narcotics Violations | 849 | 520 | 33 | 28 | | 38 | | | 147 | 30 | | 48 | 5 |
| Dangerous Weapons | 167 | 63 | 8 | 4 | | 28 | 10 | | 43 | 8 | | 3 | |
| Intoxicated Driving | 71 | 8 | | | | 21 | 17 | | 18 | 6 | | | 1 |
| Abandonment | 4 | | | | | | | | 2 | 2 | | | |
| Gambling | 13 | | | | 2 | 6 | 4 | | 1 | | | | |
| Malicious Mischief | 15 | 2 | 1 | 1 | | 5 | | | 4 | 1 | | | 1 |
| All Other Felonies | 116 | 41 | 3 | 6 | | 13 | 7 | | 35 | 11 | | | |
| | Adj. | | | | | | | | | | | | |
| Youthful Offenders | 2,761 | | 18 | 475 | 4 | 104 | 2 | 17 | 1,917 | 193 | | 12 | 19 |

[1] Defective Delinquent, Correction Law, §450, §451.

[2] Restitution.

[3] Probation.

[4] Suspended Sentence.



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# TABLE 26

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

### 1968

| | Convic-tions | State Prison | State Reform. | Recept. Center | Def. Del. [1] | Local Jail | Fines | Rest. [2] | Prob. [3] | Cond. Disch. | Uncond. Disch. | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 6,691 | 2,454 | 300 | 444 | 7 | 1,531 | 47 | 31 | 1,296 | 220 | 95 | 266 |
| Murder | 59 | 52 | — | 7 | | | | | | | | |
| Manslaughter | 381 | 267 | 12 | 37 | | 12 | | | 48 | 4 | 1 | |
| Negligent Homicide | 44 | 17 | 4 | 1 | | 9 | 1 | | 12 | | | |
| Rape | 64 | 28 | 1 | 5 | | 15 | | | 12 | 2 | 1 | |
| Robbery | 1,425 | 679 | 153 | 142 | | 179 | | 1 | 136 | 32 | 16 | 87 |
| Felonious Assault | 741 | 251 | 31 | 43 | | 168 | 3 | 1 | 198 | 27 | 16 | 3 |
| Burglary | 1,052 | 315 | 35 | 88 | 3 | 302 | 2 | 3 | 225 | 43 | 14 | 22 |
| Burglary Tools | 9 | 1 | — | — | | 2 | | | 3 | 3 | | |
| Grand Larceny | 810 | 236 | 33 | 55 | 2 | 208 | 3 | 18 | 188 | 30 | 21 | 16 |
| Auto Larceny | 145 | 26 | 3 | 13 | 1 | 39 | 1 | 3 | 40 | 13 | 6 | |
| Criminal Possession Stolen Property | 99 | 20 | 4 | 7 | | 33 | 3 | 2 | 29 | | 1 | |
| Frauds and Checks | 9 | 3 | — | — | | 1 | 1 | | 4 | | | |
| Forgery | 164 | 39 | 2 | 6 | | 34 | 2 | 2 | 46 | 20 | 9 | 4 |
| Arson | 36 | 7 | — | 3 | | 13 | | | 9 | 4 | | |
| Commercialized Vice | — | — | — | — | | — | | | — | | | |
| Other Sex Offenses | 61 | 28 | — | 5 | | 11 | 2 | | 14 | | 1 | |
| Narcotics Violations | 1,050 | 363 | 18 | 15 | 1 | 351 | 1 | 1 | 154 | 15 | 2 | 129 |
| Dangerous Weapons | 301 | 73 | 3 | 8 | | 98 | 7 | | 93 | 11 | 6 | 2 |
| Intoxicated Driving | 92 | 4 | — | — | | 33 | 11 | | 36 | 7 | | 1 |
| Abandonment | 4 | 1 | — | — | | — | — | | 3 | | | |
| Gambling | 8 | — | — | — | | — | 3 | | 5 | | | |
| Malicious Mischief | 16 | 2 | — | — | | 3 | 1 | | 10 | | | |
| All Other Felonies | 121 | 42 | 1 | 9 | | 20 | 6 | | 31 | 9 | 1 | 2 |
| Youthful Offenders | 2,556 | | 52 | 334 | 4 | 116 | 3 | 10 | 1,721 | 152 | 109 | 55 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.

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# TABLE 27

## SENTENCES IMPOSED UPON DEFENDANTS CONVICTED OF FELONY CRIMES

1969

| | Convic-tions | State Prison | State Reform. | Recept. Center | Def. Del. [1] | Local Jail | Fines | Rest. [2] | Prob. [3] | Cond. Disch. | Uncond. Disch. | Other |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Total Felonies | 9,576 | 3,146 | 259 | 335 | 3 | 3,139 | 93 | 39 | 1,848 | 234 | 140 | 340 |
| Murder | 52 | 49 | — | 2 | | | | | 1 | | | |
| Manslaughter | 490 | 368 | 12 | 24 | | 11 | | | 69 | 4 | 2 | |
| Negligent Homicide | 51 | 25 | 1 | 1 | | 6 | 1 | | 15 | | 1 | 1 |
| Rape | 63 | 33 | 1 | 7 | | 10 | | | 8 | 2 | 2 | |
| Robbery | 2,292 | 1,068 | 138 | 127 | | 533 | | 2 | 267 | 37 | 21 | 99 |
| Felonious Assault | 840 | 255 | 18 | 24 | | 252 | 2 | 1 | 240 | 29 | 13 | 6 |
| Burglary | 1,413 | 373 | 32 | 67 | | 526 | 5 | 3 | 280 | 36 | 30 | 61 |
| Burglary Tools | 34 | 4 | 1 | | | 20 | | | 3 | 2 | 1 | 3 |
| Grand Larceny | 878 | 188 | 22 | 30 | | 351 | 2 | 28 | 200 | 23 | 15 | 19 |
| Auto Larceny | 119 | 11 | 2 | 4 | 1 | 38 | 3 | 1 | 44 | 9 | 5 | 1 |
| Criminal Possession Stolen Property | 181 | 40 | 2 | 4 | | 72 | 15 | | 37 | 6 | 3 | 2 |
| Frauds and Checks | 9 | 3 | 2 | | | | 1 | 1 | 2 | | | |
| Forgery | 301 | 56 | 3 | 6 | | 88 | 5 | 1 | 98 | 16 | 14 | 14 |
| Arson | 76 | 16 | | 2 | | 19 | 3 | 1 | 32 | 2 | 1 | |
| Commercialized Vice | | | | | | | | | | | | |
| Other Sex Offenses | 103 | 43 | 1 | 4 | | 25 | | | 28 | | 2 | |
| Narcotics Violations | 1,837 | 421 | 18 | 23 | 1 | 896 | 20 | 1 | 289 | 28 | 16 | 124 |
| Dangerous Weapons | 567 | 146 | 4 | 2 | 1 | 210 | 6 | | 163 | 25 | 4 | 6 |
| Intoxicated Driving | 106 | 1 | | | | 49 | 13 | | 32 | 9 | | 2 |
| Abandonment | 4 | 2 | | | | 1 | | | 1 | | | |
| Gambling | 15 | | | | | 1 | 13 | | | 1 | | |
| Malicious Mischief | 8 | | | | | 4 | | | 3 | | 1 | |
| All Other Felonies | 137 | 44 | 2 | 8 | | 27 | 4 | | 36 | 5 | 9 | 2 |
| Youthful Offenders | 2,913 | | 45 | 232 | 1 | 150 | 1 | 5 | 2,022 | 227 | 153 | 77 |

[1] Defective Delinquent, Correction Law §450, §451.

[2] Restitution.

[3] Probation.



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# TABLE TWENTY EIGHT

## THE CURRENT CAPACITY AND POPULATION OF NEW YORK STATE DEPARTMENT OF CORRECTIONAL SERVICES INSTITUTIONS

| INSTITUTION | Capacity | Actual Population |
|---|---|---|
| MALE FACILITIES: | | |
| Attica Correctional Facility | 2,370 | 2,257 |
| Auburn Correctional Facility | 1,700 | 1,497 |
| Clinton Correctional Facility | 1,000 | 916** |
| Clinton Diagnostic & Treatment Ctr. | 125 | 80 |
| Green Haven Correctional Facility | 1,975 | 1,943** |
| Ossining Correctional Facility | 930 | 843** |
| Wallkill Correctional Facility | 500 | 452 |
| Sub-Total No. 1 | 8,600 | 7,988 |
| Elmira Correctional Facility | 1,250 | 1,104 |
| Great Meadow Correctional Facility | 1,025 | 932 |
| Beacon State Institution | 94 | 61 |
| Glenham Correctional Facility | 372 | 264 |
| Coxsackie Correctional Facility | 750 | 502 |
| Sub-Total No. 2 | 3,941 | 2,863 |
| Reception Center at Elmira | | |
| Sub-Total No. 3 | 400 | 220 |
| CAMPS: | | |
| Pharsalia | 80 | 68 |
| Monterey | 80 | 64 |
| Georgetown | 100 | 98 |
| Summit | 100 | 84 |
| Sub-Total No. 4 | 360 | 314 |
| Sub-Total No. 2, 3, 4 | 4,251 | 3,397 |

* Does not include Narcotic "In Pop".

** Does Not include NYC Penitentiary Inmates.



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# TABLE TWENTY EIGHT

## THE CURRENT CAPACITY AND POPULATION OF NEW YORK STATE

## DEPARTMENT OF CORRECTIONAL SERVICES INSTITUTIONS

| INSTITUTION | Capacity | Actual Population | Remarks | |
|---|---|---|---|---|
| HOSPITALS: | | | Male | Female |
| Dannemora | 1,151 | 338 | | |
| Matteawan | 1,209 | 587 | 524 | 63 |
| Sub-Total No. 5 | 2,360 | 925 | | |
| FEMALE INSTITUTIONS: | | | Adult | Infant |
| Albion State Institution and (Closed, July, 1971) | | 0 | 0 | 0 |
| Western Correctional Facility (Closed, July, 1971) | | 0 | 0 | 0 |
| Bedford Hills Correctional Facility | 360 | 314 | 311 | 3 |
| Sub Total No. 6 | 505 | 314 | Includes one MD | |
| Total Correctional Facilities, (No. 1-6) | 15,716 | 12,624 | | |
| N. Y. C. Inmates, Clinton | 1,200 | 1,006 | | |
| N. Y. C. Inmates, Ossining | 670 | 510 | | |
| N. Y. C. Inmates, Eastern N. Y. | 1,000 | 946 | | |
| N. Y. C. House of Detention (females) | 50 | 20 | | |
| N. Y. C. Inmates, Bedford Hills (males) | 350 | 289 | | |
| Total N. Y. C. Facilities | 3,270 | 3,771 | | |
| NARCOTIC ADDICTION POPULATION DATA: | | | Male | Female |
| Narcotic "In Pop" at Great Meadow | 500 | 0 | 0 | 0 |
| Narcotic "In Pop" at Green Haven | 125 | 0 | 0 | 0 |
| Narcotic R. C. at Green Haven | 200 | 0 | 0 | 0 |
| Narcotic R. C. at Matteawan | 146 | 0 | 0 | 0 |
| Mid-Hudson R. C. at Matteawan | 367 | 0 | 0 | 0 |
| Narcotic R. C. at Albion | 200 | 0 | 0 | 0 |
| Narcotic R. C., Woodbourne | 685 | 657 | 657 | 0 |
| Total Narcotic Facilities | 2,223 | 657 | | |
| GRAND TOTAL | 21,209 | 16,052 | | |
| Correction Total | | 12,624 | | |
| N. Y. C. Total | | 2,771 | | |
| Narcotic Total | | 657 | | |
| Grand Total | | 16,052 | | |



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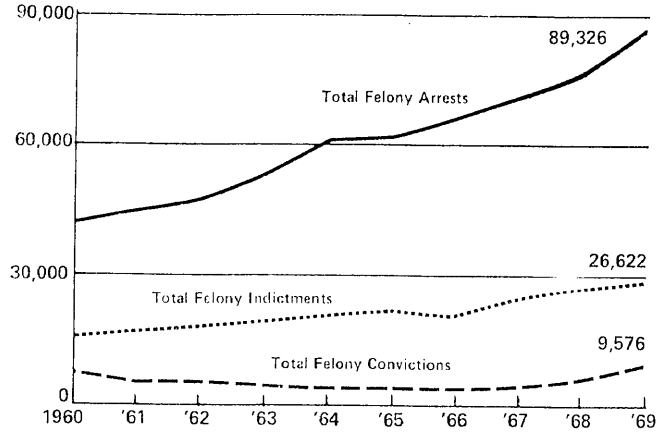
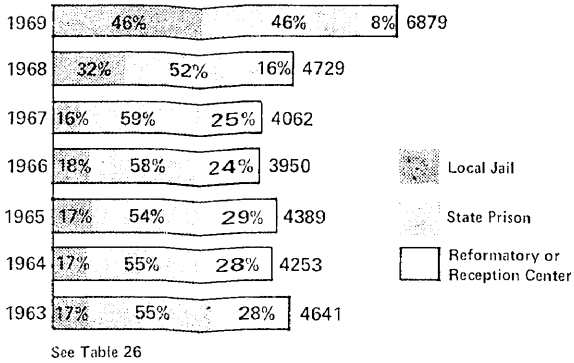
Graph 1. Felony Arrests, Indictments and Convictions - New York State 1960-1970

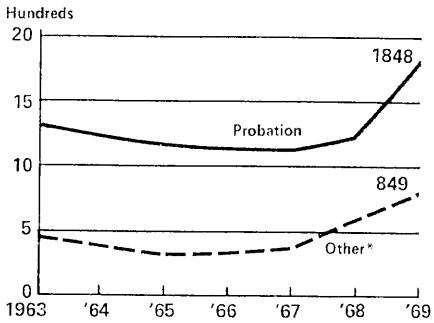



Graph 3. Felony Conviction Confinement Ratios by Type of Facility




See Table 26

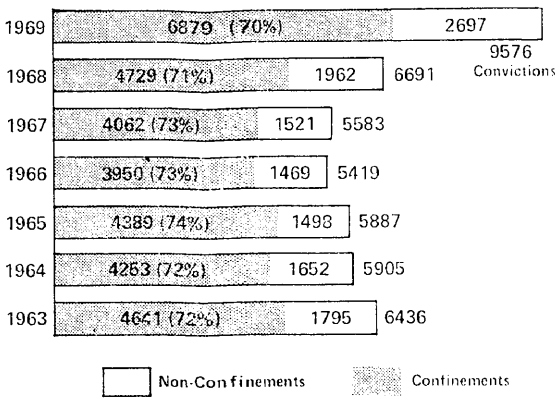
Graph 4. New York State Non-Confinement Dispositions 1963-1969




*includes fines, suspended sentences, conditional and unconditional discharge, etc.

See Table 26

Graph 2. New York State Felony Convictions and Dispositions 1963-1969




See Table 26



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# IV. Narcotics

**A. Applicable Legislation**

**B. Graphic Presentation of Statistics**

**C. Correspondence with Congress, the State Department and the Turkish Government**

During the latter part of 1970, and early 1971, the Joint Legislative Committee on Crime, in its legislative investigations into the criminal justice system in New York State, noted that the heroin addiction problem in the state had grown to fantastic proportions in the past two years. The very magnitude of the increase in heroin addiction led the Committee members to but one conclusion: if left unchecked, crimes caused by heroin would bring a complete breakdown to the state criminal justice system.

Studies conducted by the Committee in previous years dealt with narcotic addiction in the ghetto areas of our large cities. The Committee previously reported that the most vicious activity of organized crime in the ghetto was traffic in narcotics, especially heroin. Based upon the information gathered, the Committee concluded that narcotic addiction was the central problem for residents in the ghetto.

The Committee surveyed the economics of heroin traffic in three ghetto areas: Central Harlem, South Bronx and Bedford-Stuyvesant. The Committee estimated in an earlier study, based on figures released by the Central Narcotics Register of the New York City Board of Health, that a total of $22,000,000 was spent on heroin by hard core addicts. The Committee's computations indicated that in the three ghetto areas mentioned above, adult addicts spent over $93,000,000 annually on narcotics.

Statistics tell only part of the story, however. Previous testimony before the Committee revealed that the ghetto resident was a prisoner in his home, where he had to remain to protect his possessions from theft by the addict. Similarly, the welfare recipient, whose property usually consists solely of clothing and home furnishings, feared to leave his residence to undertake job training or rehabilitation programs. Doctors and dentists feared to practice in the ghetto area, since they became prime targets of the narcotic addict seeking either drugs or the money to purchase them.

The Committee concluded after its 1968 and 1969 hearings that no meaningful progress can be made in the anti-poverty effort, or in the general effort to improve conditions in the ghetto, unless the narcotics traffic is suppressed. Yet, despite the activities and recommendations made by the Committee, despite the work of other Committees dealing with the narcotic problem on the state and federal level, the efforts of law enforcement personnel and the legislature, the public is now threatened by a heroin addiction problem of crisis proportions.

In investigations conducted this year, the Committee discovered that during the decade 1960 through 1969, the number of felony narcotic arrests involving adult persons had increased from approximately 1,807 arrests in 1960 to 18,489 in 1969. The *total* number of adults arrested for all felonies in these years was respectively 40,916 in 1960 and 89,326 in 1969. While these increases were in themselves startling, the Committee staff was astonished when it discovered that in 1970 the number of felony arrests involving narcotics had increased to over 32,000.

Not surprisingly, the quantum jump in arrests between 1969 and 1970 was accompanied by similar dramatic increases in the number of identifiable addicts. There were an estimated 52,000 addicts in 1968, and in 1970, 103,000. According to the Narcotic Control Commission the rate will climb even higher in 1971. There will be approximately 157,000 addicts in New York State alone. It is obvious that the heroin addiction problem is an epidemic, in need of emergency treatment.

This horrendous increase in the sale, distribution and use of dangerous drugs in the State of New York occurred despite the enactment of statutes by the legislature making the penalties for sale or possession of dangerous drugs increasingly severe. From 1951 to 1969, minimum penalties for sale or possession of dangerous drugs were increased on four different occasions.

In 1967, Article 220 of the Penal Law was enacted, which was entitled Dangerous Drug Offenses. Sale and possession of dangerous drugs were classified by degrees. Indeterminate sentences were provided, ranging from one to fifteen years for a class C felony (such as criminally selling in the second degree and criminal possession in the first degree) to a class B felony (criminally selling dangerous drugs to persons under twenty-one) punishable by one to twenty-five years in prison.

Two extensive companion bills enacted in 1969 (L. 1969, C. 787 and C. 788), contained important changes in the Dangerous Offenses Article of the Penal Law (Art. 220). The overall scheme established two new criminal possession crimes or degrees (§§ 220.22, 220.23) and two new "sale" crimes or degrees (§§ 220.40[2], 220.44). All involved very large amounts of narcotic drugs. Sale of eight ounces or more



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of any substance containing heroin, morphine, cocaine or opium was made a class B felony (§§ 220.40[2]), and possession of the same was accorded the same class B felony status (§§ 220.22). Even higher crimes of sale and possession (of *sixteen ounces* or more of such material) were created and graded class A felonies (§§ 220.33, 220.44).

The addition of the new provisions required new degree structures with respect to both the possession and sale crimes. Since the new offenses were placed at the top of the possession and sale ladders, necessarily being given first and second degree status, the existing degree offenses had to be lowered in degree number accordingly — two notches for the possession offenses and one notch for the sale offenses. This produced six degrees of criminal possession and four degrees of criminal sale.

The crisis of addiction, as portrayed by 157,000 heroin addicts, has the potential of inundating a criminal court system which is already in danger of collapsing under the burden of 32,000 felony narcotic arrests in 1970. The situation becomes even more tense, when it is considered that such arrests are growing at a rate of 44% annually. (See Digest of Testimony of Judge Irwin Brownstein). Our present addict rehabilitation program costs over one hundred million dollars a year and yet, less than five percent of our addicts are rehabilitated, and less than ten percent receive treatment. The welfare program is burdened with 15,000 addicts at a cost of fifty million dollars each year. The crisis of addiction means a public school system about to be overcome by frantic, heroin-inundated students terrorizing their fellow students to search for money or drugs. It means an emergency situation in housing caused by the abandonment of habitable buildings as a result of their virtual takeover by addicts. It means the erosion of confidence in the law enforcement establishment as increasing numbers of law officials become enveloped in illegal heroin distribution. It means an infection in our young people, so virulent that death from overdosage of narcotics is the greatest single cause of death in our 15 to 35 year old age group.

In addition to increasing maximum and mandatory minimum sentences for drug sellers and possessors, local police efforts have been augmented with state police reinforcements. The legislature has added to the criminal court bench and augmented the efforts and resources of local prosecutors with a state financed special prosecutor for organized crime. "Stop and frisk" legislation, "no-knock" search warrants, as well as legislation providing for eavesdropping and wiretapping have been enacted. All these restrictions on the basic freedoms of the people of this state were initiated due to the crisis of heroin addiction.

A continuation of similar, uncontrolled increases in drug usage in 1971 and 1972 cannot be tolerated. A program, stopping the heroin flow, which also would be felt within the next six months was deemed essential by the Committee. Analysis of the available alternatives led to the conclusion that destruction of the 1971 Turkish opium crop, coupled with a continuing program to prevent future cultivation of opium poppy in Turkey, was the single, most feasible current approach. Senator John H. Hughes, Chairman of the Committee, introduced Resolution No. 141 to implement such action. The legislature enacted the Resolution on May 13, 1971. It was forwarded to all members of the United States Congress and Senate, calling upon them to induce Turkey to destroy its 1971 poppy crop. When it became evident that the Congress was unable to persuade the Turkish government to destroy the 1971 crop, and to make appropriate arrangements for Turkey to cease the future cultivation of opium, the New York Legislature through the efforts of this Committee attempted to contact Turkish representatives in the United States. The Committee scheduled meetings with the Turkish Ambassador to the United States, for Thursday, June 10, 1971 in New York City, and Friday, June 11, 1971 in Washington, D.C.

The concern of the legislature over the implementation of this program was re-emphasized on June 8, 1971, when in the closing hours of the 1971 session of the legislature, Senate Bill No. 6966 was enacted, which called for the establishment of a corporation to negotiate with all interested parties, including the Turkish and the United States Governments, in an effort to implement the Resolution enacted on May 13th.

On June 11, 1971, the Committee met in Washington, D.C. with the Turkish Ambassador, for the purpose of obtaining the cooperation of the government of Turkey in implementing a plan where the Federal and New York State Governments would pay Turkish farmers to destroy the present crop of opium poppies, and pay subsidies to Turkish farmers not to plant poppies in the future. The Committee was advised that Turkey would not deal with a state government and further, that Turkey would continue to grow its traditional crop. The Turkish representatives claimed their country had long term commitments to supply opium to legitimate drug manufacturers.

On June 30, 1971, President Nixon announced that Turkey had reversed its earlier decision and had agreed to eliminate her entire opium production by June of 1972. The Committee called this decision inadequate and took the position, in the words of Senator Hughes, that "New York needs immediate relief from heroin problems and the present proposal simply will not give that kind of relief."



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In testimony before the House Foreign Affairs Subcommittee On Europe, the Chairman of the Joint Legislative Committee stated "the fact is, that New York State has reached the limit of its resources in manpower, rehabilitation facilities and prosecutorial facilities. We cannot stem the tide. Our fate is now in the hands of the federal government and what it can do to ensure that the heroin problem is controlled. We simply must stop the diversion of opium cultivated in Turkey to the heroin factories in France and from there to the streets of New York. The Turkish poppy crop must be destroyed." He estimated for the Subcommittee that the 1972 heroin crop will begin to filter into New York in early 1973. "The supply which will arrive in 1973 will be sufficient to accommodate the heroin addict population of the State of New York until early 1974."

The Committee urged Congress to adopt a policy that would:

1. Provide all necessary funds to Turkey to insure that absolutely no opium from this year's and next year's crop is diverted into illegitimate channels.

2. Allow U.S. authorities to increase surveillance to detect any signs of breakdown in the Turkish control program.

3. Prepare contingency plans for imposition of penalties on Turkey, should a breakdown occur.

4. Take steps to insure that no other opium producing countries violate their obligations under anti-narcotic treaties.

5. Ensure that countries which have banned poppy cultivation do not re-establish such an industry in the future.

Senator Hughes also sent a cablegram on September 1, 1971 to Prime Minister Basbakan Nihat Erim. In his cablegram, Senator Hughes reveiewed the problem of heroin addiction in New York State and cited its cost in terms of lost lives and economic resources. He requested the cooperation of Prime Minister Erim in signing into law legislation to enforce licensing of opium crops before the October, 1971 planting. A copy of the cablegram was sent to all members of Congress and the Cabinet with a cover letter dated September 1, 1971. In his cover letter Senator Hughes requested that the federal government propose contingency plans to obliterate the diversion of Turkish opium during 1971 and 1972.

**A. STATE OF NEW YORK**
**6966**
**1971-1972 REGULAR SESSIONS**
**IN SENATE**
**May 23, 1971**

---

Introduced by COMMITTEE ON RULES — read twice and ordered printed, and when printed to be committeed to the Committee on Corporations

**AN ACT**

To create a corporation for the purpose of formulating and administering plans for preventing the traffic of heroin into the state.

*The People of the State of New York represented in Senate and Assembly, do enact as follows:*

Section 1. Establishment of corporation. a. there is hereby created a corporation to be known as the "narcotic control corporation". The corporation shall be a body corporate and politic constituting a public benefit corporation. The corporation shall consist of nine members, who shall constitute the board of directors. Three members shall be appointed by the governor, three members shall be appointed by the temporary president of the senate and the remaining three members by the speaker of the assembly. The chairman of the board of directors shall appoint a member as president and chief executive officer of the corporation, with powers and duties as set forth in the by-laws of the corporation.

b. A majority of the members of the corporation then in office shall constitute a quorum for the transaction of any business or the exercise of any power of the corporation. The powers of the corporation shall be vested in, and be exercised by the affirmative vote of, a majority of the members of the board of directors present at a meeting at which a quorum is in attendance. Such board may delegate to one or more of its members or to its officers, agents and employees such powers and duties as it may deem proper, other than the approval of sponsors or of agreements with sponsors. No members of the board of directors may vote by proxy.

c. No member or director of such corporation other than the president and chief executive officer shall receive, directly or indirectly, any salary, compensation or emoluments from such corporation, in any capacity. Each member or director shall be entitled to reimbursement for his actual and necessary expenses incurred in the performance of his duties as a member or director.

d. Members and directors of such corporations shall be appointed for a term of three years. All members shall continue to hold office until their successors have been appointed. If at any time there is a vacancy in the membership of the board of directors, by reason of death, resignation, disqualification or otherwise, such vacancy shall be filled for the unexpired term in the same manner as the original appointment.



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§ 2. General powers of corporation. In the exercise of the powers conferred and the performance of the duties imposed upon it by the following section, and subject to the limitations thereof and to any other limitations contained in this chapter, the corporation shall have the following general powers:

(1) to sue and be sued,

(2) to have a seal and alter the same at pleasure,

(3) to make contracts, incur liabilities, borrow money at such rates of interest as the corporation may determine, issue its notes, bonds and other obligations, and secure any of its obligations by mortgage or pledge of all or any of its real or personal property or any interest therein, wherever situated,

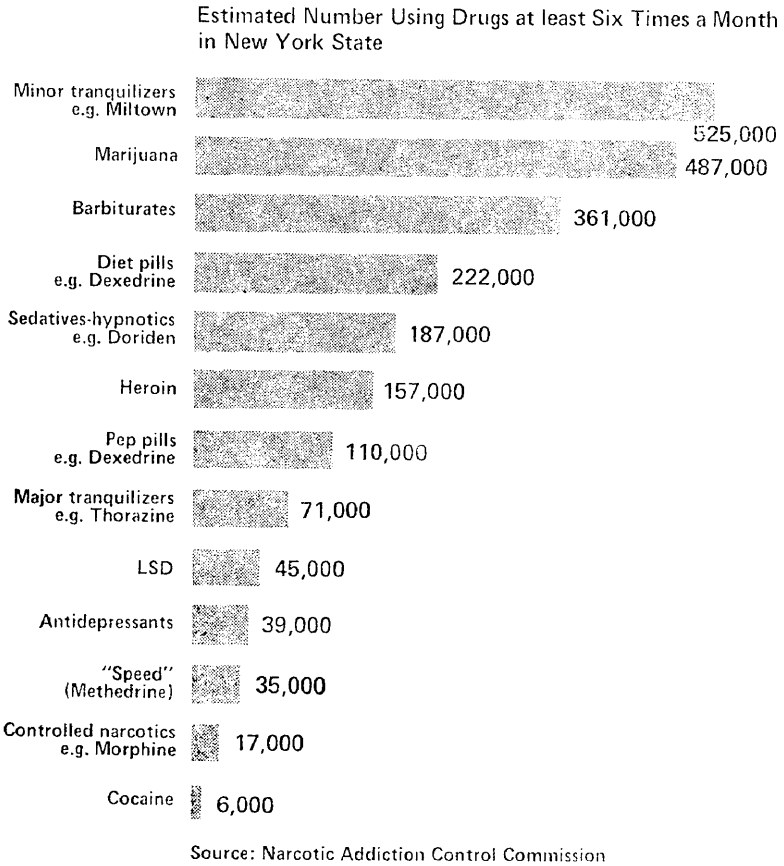
(4) to invest any funds held in reserve or sinking funds, or any moneys not required for immediate use or disbursement, at the discretion of the corporation, in obligations of the state of New York or the United States government or obligations the principal and interest of which are guaranteed by the state or the United States government,

(5) to adopt, amend or repeal by-laws for its organization and internal management, and rules and regulations governing the exercise of its powers, the performance of its duties and the fulfillment of its purposes under this chapter,

(6) to sell, convey, lease, exchange, transfer or otherwise dispose of, or mortgage or pledge, or create a security interest in, or grant options with respect to, all or any of its real or personal property, or any interest therein,

(7) to appoint such officers and employees as it may require for the performance of its duties, and to fix and determine their qualifications, duties and compensation and to retain or employ other agents, including but not limited to architects, counsel, auditors, engineers and private consultants on a contract basis or otherwise for rendering professional or technical services and advice,

(8) to make plans, surveys, and studies necessary, convenient or desirable to the effectuation of the purposes and powers of the corporation, and to prepare recommendations in regard thereto, including plans, surveys and studies with respect to the surrounding area,



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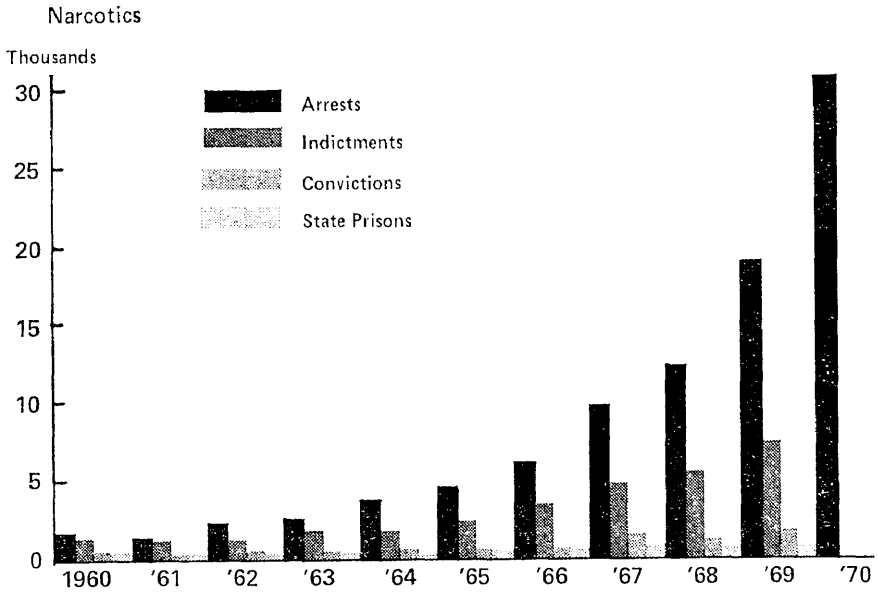
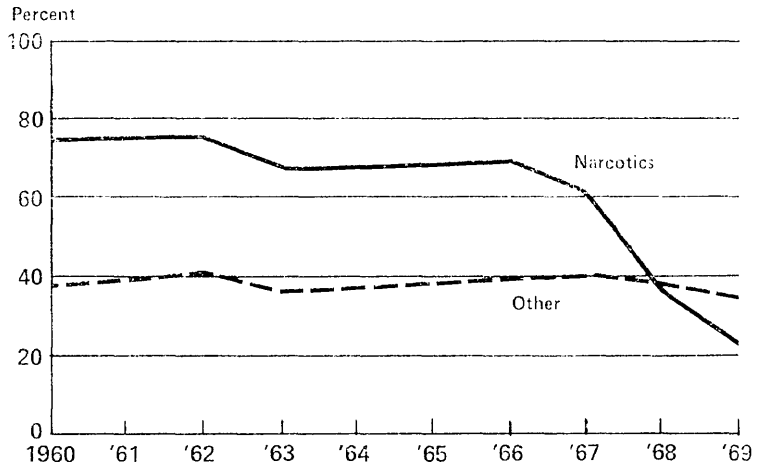



Comparison of State Prison Sentences Imposed on Convicted Narcotic Felony Offender and Other Convicted Felony Offenders, 1960-1969




**THE SENATE**
**STATE OF NEW YORK**
**ALBANY**

May 20th, 1971

*Dear Congressman:*

*I have enclosed for your advice concurrent Resolution No. 141 passed by the Senate and Assembly of this state on May 13, 1971. Essentially the Resolution calls upon the Congress of the United States to use every resource at its command to insure the destruction of the 1971 Turkish opium poppy crop.*

*After twenty-five years as a member of the Senate of the State of New York, I am not so naive as to assume that this, or any other state, memorializing Resolution to Congress can alone be considered as an effective instrument to move your august body. However, such resolutions do possess those qualities necessary to an efficient vehicle for gaining your attention.*

*As a sponsor of the subject Resolution as well as the chairman of the Senate Judiciary Committee and additionally Chairman of the Joint Legislative Committee on Crime Its Causes, Control and Effect on Society, I felt that you would be benefitted by an explanation of the crisis which prompted this unique Resolution.*

*Heroin addiction in this state has reached such critical proportions that I feel that if permitted to increase at its present rate for even one year more than New York State would have to come to grips with the*



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*very real possibility of a governmental emergency of massive proportions. So pervasive has this crisis of addiction become that it is difficult, if not impossible, to conceive of any serious problem confronting the state not exacerbated by it. I fully appreciate that the arithmetic of addicts, addiction, costs of drugs, etc., have been cited so often that much of their significance is lost through their insistent repetition. Aware of this, permit me to briefly define the boundaries of the problem.*

*The fifty-two thousand identifiable heroin addicts in New York City in 1968 grew, by 1971, to 103,000. Translated into phases of the crisis of addiction, 103,000 identifiable heroin addicts equals a criminal court system which is collapsing under the weight of 30,000 felony narcotic arrests in 1970 and which arrests are growing at a rate of 44% annually. It means a narcotic addict rehabilitation program costing over one hundred million dollars a year and which program rehabilitates less than five percent of our addicts and is able to treat less than ten percent. It means a welfare program burdened with 15,000 addicts at a cost of fifty million dollars each year. It means a public school system about to be overcome by the very magnitude of the number of addicted students. It means an emergency situation in housing caused by the abandonment of habitable buildings as a result of their virtual takeover by addicts as places for indulgence. It means the erosion of confidence of our citizens in the entire law enforcement establishment stemming from the increasing public exposure of corruption. It means an infection in our young people so virulent that death from overdosage of narcotics has become the greatest single cause of death in our 15 to 25 year old age group.*

*The litany of the problems of the crisis of addiction is complemented by a similar litany of our efforts to relieve the crisis. In the past 20 years we have increased both maximum and mandatory-minimum imposable sentences for drug sellers. In fact our state now permits a life sentence for some heroin violators. Additionally, we have augmented local police efforts with state police reinforcements. We have added to our criminal court bench. We have supported our prosecutors with a totally state subsidized special prosecutor for organized crime. We have enacted "stop and frisk" legislation, "no-knock" search warrants as well as providing for eavesdropping and wiretapping, all these restrictions on our freedom initiated largely by the crisis of addiction.*

*In a word our citizens have sacrificed both their treasure and their freedom to stem this flood. Our efforts have failed and no present proposal now available to our state offers any greater promise of success. The crisis of addiction has reached Constitutional dimensions which the United States Congress will choose to ignore at its peril. We must stop the flow of heroin this year. The only means with any hope of success is to destroy the present opium poppy crop. This crop is now growing in Turkey. Opium, the only base for heroin, is not grown in any amount meaningful to us anywhere else in the world. If the 1971 Turkish poppy crop is destroyed I assure you New York State will not have a crisis of addiction in 6 months.*

*No consideration, including the placing in jeopardy of our existing military airfields, radar sites, and electronic surveillance outposts in Turkey approaches the danger to which our national interest will be exposed if the crisis of addiction is permitted to continue unabated for even one more year. It is my judgment that despite our presently existing acute fiscal crisis, the dimensions of addiction are such that our state would be willing to underwrite the expense of the program of destruction called for in the Resolution, if an unwillingness to incur such expense would be used as an excuse by the federal government to avoid taking action.*

*I have been made aware of various bills now pending in Congress which call for the cessation of all foreign aid to any country failing to cooperate fully and completely with the control of illicit traffic in heroin. I reject such proposals as being worse than useless, since not only are they foredoomed but they have the additional and possibly greater evil of raising the hopes of the affected public by offering a shadow of a program, with no substance.*

*Accordingly, while we are requesting the destruction of the 1971 poppy crop we do not suggest limits to the alternative means available to our government in executing such a program. However, if it is believed that the suspension of foreign aid can be effective in persuading the Turkish government to undertake and support such a program then the* only *legislation which could be considered credible would be that calling for our immediate suspension of all aid unless the 1971 opium crop were destroyed before harvest.*

*Let me assure you, with humility, and good wishes that the Legislature of the State of New York, could not be more serious than it is in demanding the action by the Congress called for in our Resolution. It would be folly to be misled by the reasonableness of the tone of the subject Resolution into a belief that the Legislature is prepared to dismiss its obligations with regard to the destruction of the opium poppy crop merely with this Resolution. We anticipate and anxiously await Congressional proposals in response to our Resolution.*

*Respectfully yours,*

*JOHN H. HUGHES*
*Chairman*



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**JOINT LEGISLATIVE COMMITTEE**
**ON CRIME**
**ITS CAUSES, CONTROL AND EFFECT**
**ON SOCIETY**
**114 South Warren Street**
**Syracuse, New York 13202**
**Area Code 315 422-0155**

*INTERNATIONAL CABLE*

*BASBAKAN NIHAT ERIM*

*Basbakanlik*

*Ankara, Turkey*

*Dear Prime Minister Erim:*

*We have been advised that the major source of the heroin supply in New York State is manufactured from opium illicitly diverted from Turkish poppies. At the end of World War II our state had virtually no heroin problem. Recent estimates show that at least 157,000 heroin addicts now reside in New York State, which is an increase of 105,000 since 1969. Without a known cure our principal goal must be curtailment of the supply of opium poppies. The situation is tragic in terms of crime, destruction of human life and spread of the infection. If the spread cannot be stopped it could result in the death of the great city of New York.*

*I have been advised that the Turkish Legislature has now approved and sent to you for your signature and promulgation, statutes making the provisions of the United Nations Single Convention On Narcotic Drugs of 1961 the internal law of Turkey.*

*In view of the large number of Turkish farmers involved in poppy cultivation, I do not understand how your proposed licensing procedure can be made effective within one month and before the October, 1971 planting, which you and President Nixon have agreed would be the final such planting.*

*This direct appeal is made to you by me in order to emphasize to you the urgency of our problem in the hope that with your special attention, New York State can hope for relief in the immediate future. The cogent reasons and the importance of your prompt action are as follows:*

*1. In this fiscal year New York State alone will expend $160,000,000 to combat drug addiction.*

*2. In 1970, 30,000 persons were arrested in New York State for serious felony drug law violations thereby bringing our state court system to the brink of collapse.*

*3. It is estimated that ½ of all crime committed in New York City involves drug addicts in search of money to satisfy their habits.*

*4. Despite these expenditures and the enactment of severe penal statutes our heroin problem continues to grow uncontrolled.*

*Therefore, prohibition of opium poppy cultivation must be our major goal. In spite of your present agreement with President Nixon, the 1972 harvest will assure New York an illicit supply of heroin until 1974 unless all diversion of opium is stopped. The delayed enactment of internal Turkish Laws pursuant to the United Nations Treaty raises serious question as to the ability of Turkey to control the 1972 harvest. Only a small diversion by each of the thousands of farmers will supply the growing infection in our State.*

*May I respectfully urge your immediate action to sign and promulgate the new Turkish laws and to enforce licensing before the October 1971 planting. I also urge the implementation of all other means of control available to your Government to end diversion to France and other countries for the refinement of opium into heroin. I would appreciate any views you may have with regard to compensating the opium farmers for loss of their crop. The United States of America and the State of New York have a vital interest in the success of your control program and should be willing to participate in the expense of assuring its success.*

*Respectfully yours,*

*JOHN H. HUGHES*

**JOINT LEGISLATIVE COMMITTEE**
**ON CRIME**
**ITS CAUSES, CONTROL AND EFFECT**
**ON SOCIETY**
**114 South Warren Street**
**Syracuse, New York 13202**
**Area Code 315 422-0155**

*September 1, 1971*

*Honorable William P. Rogers*
*Secretary of State*
*2201 C Street, N. W.*
*Washington, D. C. 20520*

*Dear Secretary Rogers:*

*Enclosed is a copy of my cable to Basbakan Nihat Erim, Prime Minister of Turkey.*



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*Reference is made to my letter to you of June 23rd, 1971 with regard to the emergency situation confronting New York State as a result of the spread of heroin addiction. I will only add that since June 23rd the situation has not improved but in fact has grown worse.*

*I was somewhat encouraged on June 30th, 1971 when I learned that Turkish Prime Minister Erim had agreed to suspend all cultivation of opium poppies in Turkey after the July 1972 harvest. I was also surprised at this development since when I met with His Excellency Melih Esenbel, Ambassador of the Republic of Turkey on June 11, 1971, I was advised by him that Turkey had no intention of abandoning the cultivation of opium poppies. Under the circumstances it appears that the decision of the Turkish Government regarding further cultivation was made some time between June 11th and June 30th, 1971. At that time Turkey had yet to enact controlling legislation pursuant to the United Nations Single Convention on Narcotic Drugs. I understand that the enabling legislation has now been adopted but that the Prime Minister's signature and promulgation are still lacking. This leads to but one conclusion that the 1971 harvest was as uncontrolled as previous harvests.*

*Present Turkish action toward control follows the pattern of failure of promises to enact pursuant to the United Nations Treaty during the past four years. It would appear that the Administrative work alone necessary to license those thousands of farmers who will plant opium poppies in October 1971, cannot possibly be completed in the one month remaining before that cultivation begins. The unfortunate fact of the matter is that Turkey will go into the next poppy cultivation year without the needed controls which means in July of 1972 the harvest of necessity will also be uncontrolled.*

*Even under the most optimistic view of the recent agreement by Turkey to end cultivation after the harvest of 1972, it would not be until 1974 that New York State would be free of that heroin manufactured from Turkish opium. Under the present circumstances, we can expect stock piling of opium by the illicit dealers in the Middle East in such amounts that Turkish opium will continue to supply the heroin factories of France with raw material until 1975 or 1976.*

*We must assume that the Turkish Government will continue to drag its feet as the New York situation continues to deteriorate. In these circumstances the New York Legislature is entitled to know what are the contingency plans of the United States Government through the Department of State to obviate the diversion of Turkish opium during 1971 and 1972. Ours is one of great urgency calling for the exploration of all possible avenues of relief. There is no overstatement in my cable to the Prime Minister.*

*May I have an early reply for my report to the New York Legislature and our law enforcement agencies.*

*Sincerely yours,*

*JOHN H. HUGHES*
*Chairman*



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# V. Organized Crime

A. In the Courts.

1. Graphic and Tabular Presentation of Statistics

B. In Bedford-Stuyvesant, Brooklyn, New York City — A Measurement of the Impact of organized Crime on a Selected Geographic Sample of the City

1. Graphic Presentation of Statistics

## A. Organized Crime in the Courts

During 1970, in cooperation with the Policy Sciences Center, Inc. and funded by a grant from the National Institute of Law Enforcement and Criminal Justice, this committee surveyed the dispositions of criminal cases against members of organized crime during the decade 1960-1970. A list of the identified members of organized crime was compiled from police, federal and other sources. No person was listed as a member or associate of organized crime unless he had been identified as such by three independent sources. The list was also screened to eliminate high echelon members such as the heads of the so-called families of organized crime since they were the least likely to be subjected to an arrest. We were more interested in those members of organized crime most likely to commit the actual crime rather than conspire to commit the crime.

To our knowledge this was the first systematic, comprehensive survey of the arrests, and dispositions of those arrests, of so large a segment of organized crime. It was in effect an evaluation of law enforcement's efforts against organized crime in New York State. Eight hundred persons were initially selected for the survey. Of these 800, only 600 had undergone arrest anywhere in New York State during the sixties.

Work sheets were then designed by the Committee with a format of the information required for analysis. Each sheet represented a single arrest. Many defendants had several work sheets, each one denoting a separate arrest. There was a total of 2,155 work sheets for approximately 600 defendants, many having multiple arrests. In addition, the agency of jurisdiction and charge(s) were transcribed onto the work sheets.

The comprehensive work sheet required the following specific information in order of appearance:

Arresting officer and his command:

Court of jurisdiction

Date of Case

Defense Attorney's name

Amount of bail, bondsman, surety company

Bail Judge

Indictment or Court Number

Date of indictment of first court appearance

Court charge

Charge reduction, its date, court, judge, assistant district attorney.

Final disposition, its date, court, judge, assistant district attorney.

Sentence, its date, court and judge.

Space was left at the bottom of the work sheet for "other pertinent information." This format assured uniformity of data which was necessary for computerization, tabulation and analysis.

The third step was to sort the work sheets according to the courts in which the records were to be found and deploy the personnel. After sorting according to area (Manhattan, Kings, Queens, Richmond, the Bronx, Nassau, Suffolk, Westchester and upstate), they were divided into Supreme (County) Court and Criminal (District) Court cases. The exception here was with Federal Court cases which were divided into Southern, Eastern, Northern and Western Districts of New York. Researchers were then deployed into the respective courts to gather work sheet data on the cases which passed through each jurisdiction. This exhaustive study of local, state and federal court records resulted in a fairly complete record having been compiled on each case.

After the data was gathered, it was then coded into a form ready for the computer. Spread sheets were prepared listing all of the information for each individual case and the computer service of Bullock and Wood Associates programmed the data and provided a basic analysis in the form of a print-out. The General Electric 605 Computer located in Teaneck, New Jersey was used for processing the data.

### THE ARREST PATTERN

The total number of arrests for the selected 600 members of organized crime from 1960 through 1970 in New York State was 2,155. Of these, 393 cases were pending and therefore had no disposition. The 1,762 remaining cases were used for analysis of dispositions.

Organized crime arrest totals have declined since 1960 (Figure 1). While the drop from 1961 (305 arrests) to 1969 (149 arrests) is almost 50%, it must be noted that the earlier figures include a large number of "harassment" arrests. These were used by law enforcement personnel to put pressure on organized



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crime's members. This pressure tactic included arrests for vagrancy, disorderly conduct, loitering and general public nuisance crimes. They were offenses or violations, rather than misdemeanors and felonies. In some cases, especially gambling, the evidence was not sufficient to sustain a misdemeanor or felony arrest, so it became an offense such as obstructing the sidewalk when the dice and a quantity of money were not available to be used as evidence of a gambling charge. Again in gambling, when sufficient evidence was lacking, the arrest dropped to "consorting with known criminals." Later, in the 1960's, Supreme Court decisions against the use of these charges prevented law enforcement officers from making these arrests.

Thus, when one extracts offenses from the data, the arrest decline since 1960 is not quite so sharp. Misdemeanors and felonies have declined 20%. In contrast, the F.B.I. *Uniform Crime Reports* for 1969 (p. 32) give the arrest rate for the overall population as having increased 148%. In 1970, an abrupt drop in organized crime arrests may be attributable to the backlog in our congested courts, combined with the movement of organized criminals into fields where they are not so readily noticed (e.g., securities, freight, and other legitimate businesses).

The six main categories used to classify the crimes were larceny, gambling, narcotics, extortion, assault, and other. When gambling arrests are separated from the total arrests (see Fig. 2), they are found to be one-half of all arrests. This is to be expected, as gambling provides the greatest income to organized crime. It constitutes a major source of their income and is the mainstay of their operations.

A breakdown of the remaining categories of larceny, narcotics, extortion and assault (Figure 3) shows narcotic arrests remaining steady during the last eleven years. Larceny fluctuates at about the same rate for the given years. Extortion arrests have declined slightly. Assault arrests have dropped tremendously. Again, this may reflect the movement of organized crime away from the direct crimes of violence at the street level, toward sophisticated, less easily detected crimes at a much higher level.

These statistics reflect only arrest patterns and court dispositions. Our experts claim that organized criminal activity has been increasing in many areas and at least remained constant in others, although there has been an overall decline in arrests. Public sentiment may also influence the number of arrests for a given crime. For instance, in our study, gambling arrests for members of organized crime have declined 10%. For the same period, the F.B.I. accounting of gambling arrests for the entire population lists a decline of 42.5%. The public may not regard illegal gambling as a crime warranting stern enforcement measures.

The great discrepancy between organized crime arrests for narcotics and those of the general population can be attributed to the levels at which arrests are made. Organized crime trafficks in drugs at the higher, less visible level and the average narcotics arrest is made at the visible street level. The junky and addicts are far more susceptible to arrest. In addition, organized crime takes extraordinary precautions in its activities to avoid arrest.

While it may be startling to note how few members of organized crime are arrested in light of its membership and activity in New York State, it is even more startling to see how few of the arrests that are made result in a conviction and jail sentence.

Not only are members of organized crime relatively immune from arrest, but when they are arrested they are fairly immune from prosection and conviction. The Committee's analysis of case dispositions and sentences proved that these criminals did very well when caught. Note the contrasts for Supreme Court cases in New York City for organized crime and for the general criminal population (Figure 4). The acquittal rate is almost three times greater for organized crime, and the dismissal rate is four times greater in New York City. For the entire state, organized crime's acquittal and dismissal rate is five times greater than the general population.

Figure 5 graphically illustrates that of those settled cases, there are very few convictions and even fewer sentences of jail or prison.

Figure 6 shows that there is an extraordinary attrition rate in the process from disposition to guilty conviction or plea to actual sentences.

It is noteworthy that gambling, which comprised one-half of the arrests in this study constitutes only a tiny fraction of jail or prison sentences. In fact, in the last decade there were only two state prison sentences for gambling. Adding on the jail sentences makes very little difference. (See Figure 7). Of 854 settled gambling cases, 19% had guilty dispositions. Less than 2% of the total number of cases resulted in a prison or jail sentence.

If one uses the data in this investigation to predict the probability of a member of organized crime being sent to jail or prison, one would find the following for each crime:

| Arrested For: | Probability of going to jail or prison |
|---|---|
| larceny | 1 in 5 |
| gambling | 1 in 50 |
| extortion | 1 in 3 |
| narcotics | 1 in 4 |
| assault | 1 in 7 |



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The unmistakable conclusion to be drawn from this study is that our law enforcement agencies are just not effective against crime. We cannot continue the bankrupt policies of the past. There must be a complete reordering of our efforts to achieve a measureable impact on the problem. Without such, we are deluding ourselves in spite of our task forces, strike forces and special Attorney Generals.

FIGURE 1.

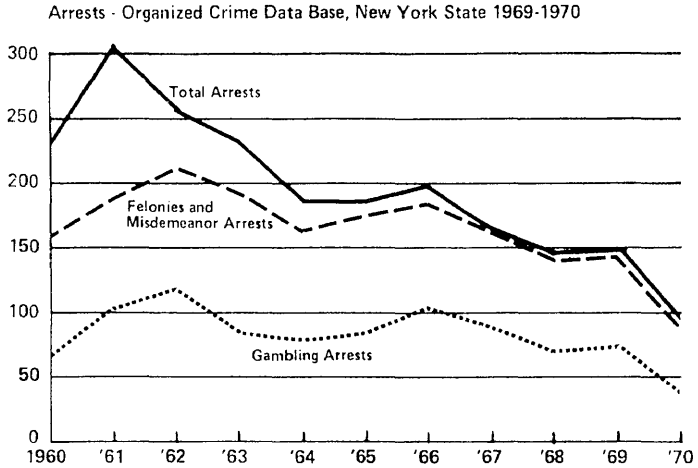


FIGURE 2.

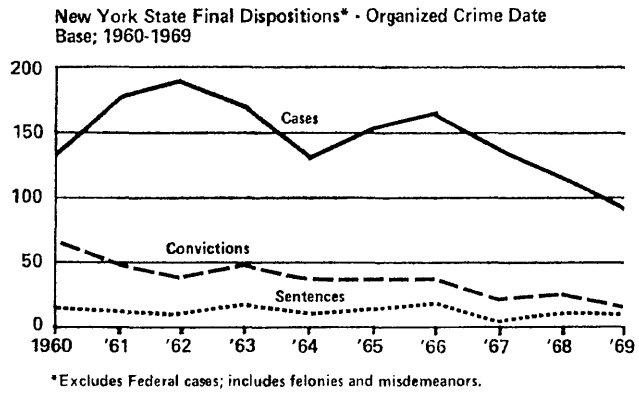


FIGURE 3.

**FOUR CATEGORY BREAKDOWN OF ORGANIZED CRIME ARRESTS IN NEW YORK STATE 1960-1970**

| Year | Larceny | Narcotics | Extortion | Assault |
|---|---|---|---|---|
| 1960 | 26 | 6 | 4 | 9 |
| 1961 | 22 | 8 | 7 | 16 |
| 1962 | 18 | 6 | 5 | 12 |
| 1963 | 10 | 2 | 5 | 16 |
| 1964 | 16 | 9 | 5 | 14 |
| 1965 | 26 | 11 | 0 | 9 |
| 1966 | 22 | 7 | 2 | 7 |
| 1967 | 18 | 4 | 2 | 8 |
| 1968 | 17 | 7 | 3 | 7 |
| 1969 | 13 | 12 | 5 | 4 |
| 1970 | 5 | 7 | 1 | 3 |



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FIGURE 3A.

Narcotics and Assault Arrests - Organized Crime Data Base, New York State 1960-1970

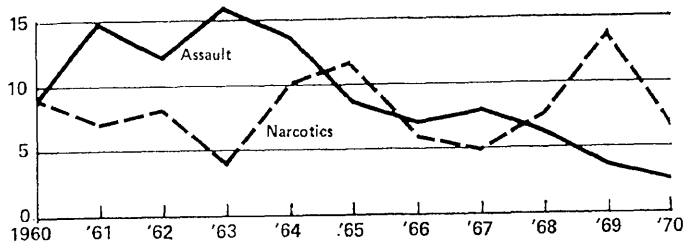
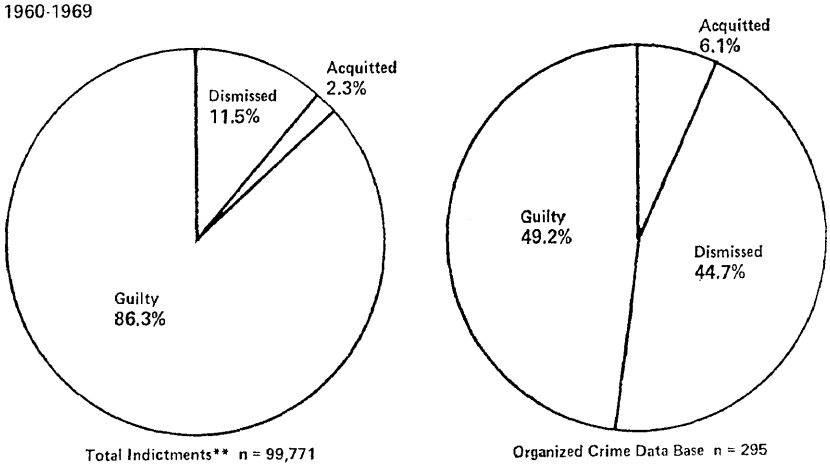



FIGURE 4.

Disposal of Indictments in New York City Supreme Court* 1960-1969




*Includes the five counties of New York City
**Excludes January-June, 1960; also excludes youthful offenders
Source: New York State Judicial Conference

FIGURE 5.

New York State 1960-1969 Final Dispositions in Gambling Cases, Organized Crime Data Base

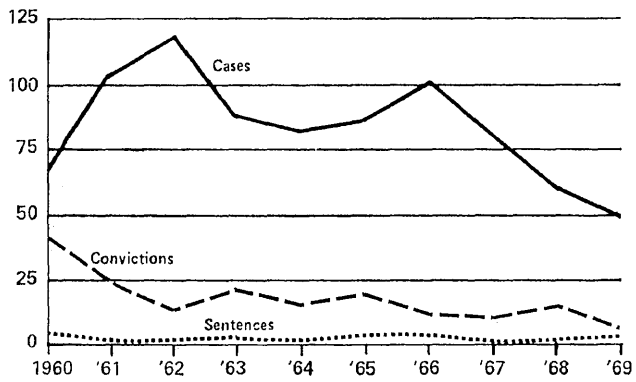





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FIGURE 6.

FINAL DISPOSITIONS FOR ORGANIZED CRIME IN NEW YORK STATE 1960-1969

| Year | Cases | Guilty | Sentences | Prison | Jail |
|---|---|---|---|---|---|
| 1960 | 139 | 63 | 24 | 8 | 16 |
| 1961 | 176 | 48 | 20 | 15 | 5 |
| 1962 | 185 | 42 | 19 | 11 | 8 |
| 1963 | 170 | 48 | 30 | 14 | 16 |
| 1964 | 136 | 39 | 17 | 12 | 5 |
| 1965 | 155 | 40 | 16 | 11 | 5 |
| 1966 | 169 | 41 | 21 | 15 | 6 |
| 1967 | 140 | 23 | 10 | 6 | 4 |
| 1968 | 118 | 27 | 13 | 6 | 7 |
| 1969 | 90 | 16 | 12 | 7 | 5 |

FIGURE 6A.

Final Dispositions - Organized Crime Data Base, New York State Supreme Court, 1960-1970

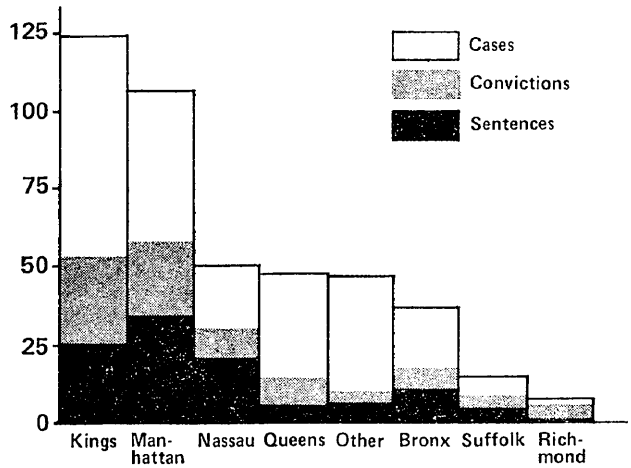


FIGURE 7.

FINAL DISPOSITIONS OF GAMBLING CASES FOR ORGANIZED CRIME IN NEW YORK STATE 1960-1969

| Year | Cases | Convictions | Sentences | Prison | Jail |
|---|---|---|---|---|---|
| 1960 | 68 | 42 | 5 | 0 | 5 |
| 1961 | 104 | 24 | 1 | 0 | 1 |
| 1962 | 118 | 16 | 1 | 1 | 0 |
| 1963 | 90 | 20 | 2 | 0 | 2 |
| 1964 | 84 | 14 | 1 | 0 | 1 |
| 1965 | 89 | 16 | 2 | 0 | 2 |
| 1966 | 102 | 11 | 2 | 1 | 1 |
| 1967 | 83 | 8 | 0 | 0 | 0 |
| 1968 | 64 | 10 | 1 | 0 | 1 |
| 1969 | 52 | 2 | 1 | 0 | 1 |

FIGURE 8.

FINAL DISPOSITIONS OF SUPREME COURT CASES BY SELECTED COUNTIES FOR ORGANIZED CRIME IN NEW YORK STATE 1960-1969

| County | Cases | Convictions | | Sentences | |
|---|---|---|---|---|---|
| Kings | 141 | 54 | (38%) | 30 | (21%) |
| Manhattan | 142 | 59 | (42%) | 30 | (21%) |
| Nassau | 57 | 30 | (53%) | 18 | (32%) |
| Queens | 54 | 14 | (26%) | 6 | (11%) |
| Other Counties | 41 | 10 | (24%) | 6 | (15%) |
| Bronx | 40 | 14 | (35%) | 10 | (25%) |
| Suffolk | 19 | 7 | (37%) | 3 | (16%) |
| Richmond | 6 | 5 | (83%) | 1 | (17%) |
| | 500 | 193 | (38%) | 104 | (20%) |
| Federal Court | 189 | 78 | (41%) | 52 | 27%) |

## B. Organized Crime in Bedford-Stuyvesant

Bedford-Stuyvesant is a community of 280,000 people living in 2.33 square miles in the County of Kings in New York City. It has different boundaries depending on the agency interested, such as the New York City Health Department, the Model Cities Program or the New York City Police Department. For purposes of the project, Bedford-Stuyvesant was considered to lie within the jurisdictional boundaries of the 77th and 79th Police Precincts. A map is annexed as Exhibit A. It is a community in decline. Its crime rate is soaring, its rate of juvenile delinquency is well above the city average, the welfare population is growing and organized crime is thriving.

This committee cooperated with a project funded by the National Institute For Law Enforcement And Criminal Justice of the United States Department of Justice. The object of the project was to measure the impact of organized crime on the Bedford-Stuyvesant community. The project's findings can be summarized in the fact that organized crime extracted more revenue from Bedford-Stuyvesant than the federal government did in income taxes. However, the project did provide insights into organized crime's operations which, until this project's research, had been the subject of speculation.

The research team initially looked into those four areas of criminal activity in which organized crime is alleged to engage, i.e., illegal gambling, narcotics, traffic, prostitution, and loansharking.

Perhaps the most potent indicators of the effects of crime as a primary contributor to the decline (or disintegration) of such communities is the presence of the first two activities but the absence of the latter two.

A contradictory statement? By no means. The resultant weakening of the community fabric by the actions of the organized criminal causes business to collapse or, wherever possible, relocate. When this occurs, loansharking *per se* ceases to be a profitable venture for the organized criminal element. By the same token, community decay makes the practice of prostitution within such communities not feasible, i.e., a prostitute's



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clients would not frequent such areas because of the high risk to personal safety due to the high crime rate.

The project, therefore, concentrated on illegal policy gambling and narcotics.

### Policy gambling in Bedford-Stuyvesant

As of September 1, 1971 the scope of policy operations in the metropolitan New York area, determined from the evidence seized in bank raids by the New York City Police Department, was $758,767 a day or $236,735,304 annually. Of the 15,000 persons believed by the New York City Police Department to be actively involved in these operations, more than 8,215 have been identified as part of a particular policy operation (or combine). An estimated seventy banks operate in New York City. Of this number, twelve have been pinpointed as operating in the Bedford-Stuyvesant area. The policy operation thereby emerges as one of the largest private employers in New York City.

Of the dollar figure referred to above, Brooklyn policy banks account for forty per cent (40%), i.e., $93,475,304., with Bedford-Stuyvesant banks making up 40% of the Brooklyn figure, i.e., $36,989,000.* To put these numbers in the larger context, in a central city community (Bedford-Stuyvesant) having 3.4% of the population of New York City, receiving 1.2% of its legal income and 6.9% of its welfare payments in 1970, 15.5% of all the monies spent in New York City in that same year on policy gambling came from Bedford-Stuyvesant.

What proportion of this money remains in the community either in the form of winnings or as salaries (or commissions) paid to resident colectors and/or comptrollers? Interpretation of the data, seized in the bank raids by the New York Police Department, would seem to indicate that seventy percent (70%) of the monies bet continue to remain in the community in the following manner.

**Table 1. Distribution of movies spent in policy gambling in the Bedford-Stuyvesant community.**

| Category | Percentage |
|---|---|
| Player (in the form of winnings) | 50% |
| Collector ) | |
| Controller)* | 25% |
| Banker | 20% |
| Organized crime syndicate | 5% |

* The Controller actually receives this percentage from which he pays his collectors.

* These figures were obtained by analyzing the evidence seized by the New York City Police Department in the course of raids upon policy banks. The data for Bedford-Stuyvesant was extrapolated from bank raid evidence seized in the course of 71 bank raids by the police in the decade 1960-70.

By tracing the addresses given on the records of the police department we were able to ascertain that eighty percent (80%) of the collectors and/or controllers resided in Bedford-Stuyvesant, and thus 80% of the 25% would presumably remain in the community. Thus thirty percent (30%) of the gross revenue from policy leaves the community to go into the hands of those persons who are part of the organized crime structure.

To get a better idea of what this really means in dollars and cents, see Table 2 which follows. As the data that has been the subject matter of this project was researched over an eight year span of time, we have been able to assess the percentage of increase and/or decrease in the operation from year to year.* It is abundantly clear that the policy operation is growing with weed-like rapidity. The increase has been due primarily to the increase in the amount wagered rather than in the number of bets placed.

**Table 2. Policy Gambling in Bedford-Stuyvesant.**

| Year | Amounts Bet | Amounts to Organized Crime | Percentage of Increase/ Decrease |
|---|---|---|---|
| 1963 | $ 9,354,000 | $ 2,806,,200 | Base year |
| 1964 | 10,336,000 | 3,100,800 | + 10% |
| 1965 | 10,713,000 | 3,213,900 | + 4% |
| 1966 | 13,203,000 | 3,960,900 | + 21% |
| 1967 | 12,788,000 | 3,836,400 | − 3% |
| 1968 | 14,833,000 | 4,449,900 | + 18% |
| 1969 | 21,419,000 | 6,425,700 | + 44% |
| 1970 | 36,898,000 | 11,069,400 | + 71% |

This Table reflects only data actually seized. As it is impossible for all policy banks in Bedford-Stuyvesant (or anywhere else) to be raided each year, it is safe to say that these figures are conservative. And, when it is recalled that they represent only 15.5% of the amounts spent on policy gambling in New York City, it will be seen that in excess of $71 million dollars went last year out of the communities in which the respective bettors resided and into the pockets of the organized criminal element.

### Conclusion

Presently the laws making policy gambling illegal are unenforceable. If all known collectors were arrested

* Data was derived from policy bet slips and account ledgers actually seized in police raids and arrests. Projections were then made to determine a probable yearly volume.



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in a single mass raid and detained but a few hours, the numbers would exceed detention facilities by four to one (and this making no provision for detention of persons arrested on other charges).

Then, too, and contrary to the other major area of lawbreaking in the community under study, i.e., narcotics, policy gambling — though unlawful — does not carry with it the stigma usually associated with crime. As a result, there is little or no community support for the anti-gambling activities of the police.

### The Narcotic Problem In Bedrord-Stuyvesant

Ninety-nine per cent (99%) of all hard-core addicts in Bedford-Stuyvesant are on heroin. It should be noted that both in researching the data, as well as in analyzing it, the staff has used the same definition of an addict as that employed by the Medical Examiner of New York City, i.e., someone who uses hard drugs at least six times a month.

The staff was faced with the problem of developing hard statistics where none seemed to exist. The various public agencies charged with keeping records on the addict population are only able to document those addicts who come to their attention, usually through arrest or when applying for welfare funds.* However, a method for reliably estimating the number of addicts seems to have been developed by the Medical Examiner's office, and the data bolstered during 1969 by an actual "head count" done as part of a survey. It is a simple mathematical formula, i.e., the number of deaths multiplied by one hundred. Inasmuch as the formula is based upon an irrefutable fact, i.e., the number of deaths from narcotism, we felt confident in using this formula.

An equally difficult problem was to determine the range in daily median habit over 1963-1970. Members of the Narcotics Squad, New York City Police Department, were able to provide estimated guidelines as to bag size and cost of bag. These estimates were checked with addicts known to members of the squad.

It can be seen from Table 3 that the per bag price has remained fairly stable, i.e., the $5 or popularly termed "nickel bag." However, data based upon chemical analyses of heroin seized in police raids indicates that the strength of the bag has been vastly diluted over the eight years, e.g., a one-bag habit becoming a three-bag habit but the amount of actual heroin remaining more or less constant.

* In order to qualify for welfare funds as a physically disabled person, the addict must register in a treatment program, e.g., the local methadone center.

Table 3. Narcotics in Bedford-Stuyvesant.

| Year | No. of Addicts | Median* Bag Habit | Price Per Bag | Median No. Grains Per Bag* | Median Annual Cost | Total Annual Cost |
|---|---|---|---|---|---|---|
| 1963 | 1,886 | 1.5 | $5 | 3.0 | $2,920 | $ 5,448,720 |
| 1964 | 2,076 | 1.5 | 7 | 3.0 | 4,015 | 8,335,140 |
| 1965 | 1,836 | 2.0 | 5 | 2.0 | 3,650 | 6,701,400 |
| 1966 | 2,028 | 2.0 | 5 | 2.0 | 3,650 | 7,402,200 |
| 1967 | 3,936 | 4.0 | 5 | 1.5 | 7,300 | 28,732,800 |
| 1968 | 3,900 | 4.0 | 5 | 1.0 | 7,800 | 28,370,000 |
| 1969 | 6,036 | 4.5 | 4 | 1.0 | 6,570 | 39,716,520 |
| 1970 | 6,125 | 5.5 | 4 | 1.0 | 8,395 | 51,419,375 |

* These are mathematical medians. It is recognized that in actual purchase it would be a whole bag, containing one or more whole grains of heroin.

The cost of drugs to a community cannot be assessed at simply the purchase price paid by community residents. While it is not suggested that everyone who mugs, steals, or burglarizes is an addict, the dramatic rise in what could be termed "drug inspired" crimes is too significant to ignore.

Drug-inspired criminal activity appears to be caused by the inability of addicts to maintain their habits with legal sources of income. As the amount of money needed to support addiction in the community rises, the degree of drug-inspired crime will rise proportionately. The effect of these activities can quite literally wreck the economy of a community.

The project's staff then analyzed the growth of the narcotics traffic in Bedford-Stuyvesant in relation to the growth in the narcotics related crime rate. Narcotics related crime is generally considered to be burglary, larceny, and robbery, the crimes normally committed by addicts to obtain the funds for their habit. The rate is arrived at by dividing the number of reported incidents of these crimes into the population totals for the area. In just eight years, the narcotics related crime rate has risen from 9.52 to 52.47, a five fold increase. When the rate is matched against the growth in the addict population, we can see the correlation between the two factors.

| | Narcotic Related Crime | |
|---|---|---|
| Year | Narcotic Crime Rate | Number of Addicts |
| 1963 | 9.52 | 1,866 |
| 1964 | 11.68 | 2,076 |
| 1965 | 13.22 | 1,836 |
| 1966 | 24.04 | 2,028 |
| 1967 | 30.80 | 3,935 |
| 1968 | 47.05 | 3,900 |
| 1969 | 46.65 | 6,036 |
| 1970 | 52.47 | 6,125 |



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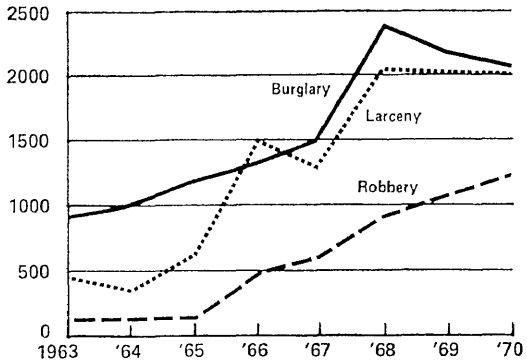
Table 4. Criminal Incidents Reported in Bedford-Stuyvesant: 1963-1970*




*Based on a hand-count of criminal incident records kept in Precincts 77 and 79.

In reading the table above, and the chart attached, we should keep in mind that the addict count lags behind the actual fact by a year or more since the addict usually does not come to the attention of an official agency through arrest or hospitalization until his addiction has taken firm root and he has embarked on a routine of crime to support his habit.

It is also of interest to denominate the places where the crimes were actually committed. The distribution between street and dwelling stayed uniform so that one can conclude there is no increase in safety achieved by remaining at home. It should also be noted that the graph for criminal incidents is deceptive because during the period under study a significant number of businesses closed and another portion ceased operation due to condemnation proceedings prior to urban renewal projects. However, the chart does demonstrate how the crime rate and more particularly the narcotics related crime rate is tearing the Bedford-Stuyvesant community apart.

What are the economics of the narcotics traffic in Bedford-Stuyvesant? The table below shows the volume by year and correspondingly the revenues to organized crime.

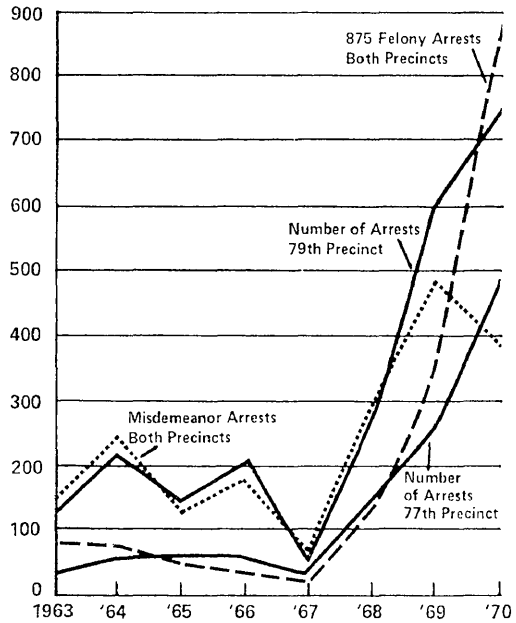
**Narcotics in Bedford-Stuyvesant**

| Year | No. of Addicts | Median Annual Cost To The Addict | Total Annual Cost |
|---|---|---|---|
| 1963 | 1,866 | $2,920 | $ 5,448,720 |
| 1964 | 2,076 | 4,015 | 8,335,140 |
| 1965 | 1,836 | 3,650 | 6,701,400 |
| 1966 | 2,028 | 3,650 | 7,402,200 |
| 1967 | 3,936 | 7,300 | 28,732,800 |
| 1968 | 3,900 | 7,300 | 28,470,000 |
| 1969 | 6,036 | 6,570 | 39,716,520 |
| 1970 | 6,125 | 8,395 | 51,419,375 |

The fluctuations in total volume and annual cost to the addict are explained by the fact that the price of heroin was increased during this period through the device of diluting the amount of heroin sold in each bag.

In the year 1970, there were 1345 people employed in the Bedford-Stuyvesant policy operation which grossed $36,898,000 and netted $11,069,400. In 1970 also, 6,125 addicts purchased $51,419,375 in heroin from approximately 347 pushers. In the tax year 1969, closed out in 1970, the federal government collected approximately $56,000,000 in income taxes from the residents of Bedford-Stuyvesant. Thus, the conclusion that organized crime took more money out of the community of Bedford-Stuyvesant than the federal government. Approximately one out of every 165 residents of Bedford-Stuyvesant is probably engaged full time in a criminal operation controlled by organized crime. If adjustments are made in these figures to exclude infants and the very old the figure would be even more startling. The phenomenon of organized crime thus emerges as one of the most significant factors affecting the life of the Bedford-Stuyvesant community. The policy and narcotics operations have grown at an alarming rate over the past decade and will continue to grow until we mobilize our resources to counteract the enemy in our midst.

Narcotic Arrests in Bedford-Stuyvesant, Brooklyn, New York



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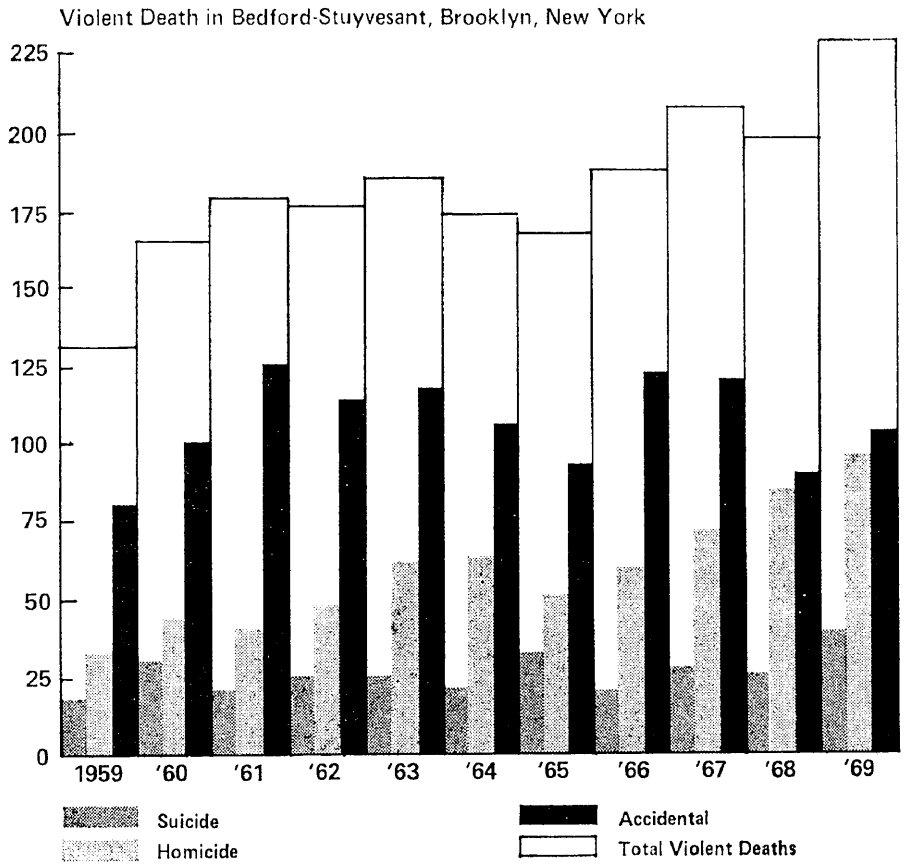




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# VI. Legislative Program



During the 1971 session of the New York State Legislature, the Joint Legislative Committee on Crime submitted seventeen bills and two resolutions. The legislation was proposed after studying information obtained from Committee hearings and research projects of the Committee.

As previous chapters of this report indicate, in 1971 the Committee considered such problems as the criminal justice system, organized crime, narcotics, and guilty plea bargaining. Consequently, the legislation submitted by the Committee was drafted to remedy problems which exist in these areas.

The 1971 legislative program can be divided into the following subdivisions:

A. Professional Court Management and Reform.

B. Professionalization of District Attorneys Offices and Coordination with Proposed Department of Criminal Justice.

C. Bills Dealing with Professional Criminals, Organized Crime and the Legislative Process.

D. Control, Treatment and Rehabilitation of Defendants.

E. Miscellaneous Bills.

## A. Professional Court Management and Reform Program

The key bill in the Committee's program called for the establishment of a Department of Judicial Administration (S-6124, A-7559). The Resolution provided for the reform of the present system of court management and administration. Through the establishment of a Department of Judicial Administration, all aspects of the administration and management of the court system could be handled by a unified, efficient body. In addition, the cost of operation, maintenance and construction of all courts in the system would be assumed by the Department of Judicial Administration. Professionally trained court administrators would be responsible for the operation of the court system. They would handle the assignment of judges, management of court calendars, court hours and terms, employment of personnel, centralized data processing and court publications. This procedure would relieve judges of many miscellaneous duties and free them for more time with judicial duties. The Resolution was not passed in 1971 by the Legislature. It died on the Senate calendar after the third reading, and never left the Assembly Rules Committee.

Another Committee bill established the position of Judicial Assistant (S-6111, A-7557). Under this bill, Judicial Assistants would have the power to assist the grand jury as legal advisors. Furthermore, they would supervise guilty plea bargaining conferences and receive evidence at suppression hearings for submission to the judge. Such judicial assistants would serve in courts having trial jurisdiction over felony cases, and would be appointed by the presiding justice of each appellate division. The legislation died on the Senate calendar after the third reading and did not come out of the Assembly Codes Committee.

The final bill in this area provided for the extension of the statute of limitations to allow prosecution of judges for felony offenses, if they were involved in such misconduct while in office (S-6120, A-7548). The bill would allow prosecution for such felonies to commence at any time, which is similar to the statute of limitation for class A felonies. Prosecutions for all other grades of offenses, involving misconduct in office by a judge, could commence at any time during the judge's service in office, or within five years after his term ends. This bill passed the Senate but was not reported out by the Assembly Rules Committee.

## B. Professionalization of District Attorney Offices and Coordination with Department of Criminal Justitce

In order to improve the degree of professionalism among the personnel of government agencies fighting crime, the Committee proposed the following legislation: Senate Bill S-6113 (A-7553) provided that in counties employing two or more assistant district attorneys, half of those on the staff must be chosen from a civil service list. The bill was drafted to promote career



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service opportunities in the office of the district attorney and still preserve the district attorney's power to select a viable 'team' of his choice. Such a bill would give attorneys an opportunity to elect career specialization in the field of criminal law as prosecutors. Hopefully, a full time staff of experts would emerge. Such experts would insure the state of practiced lawyers for important cases. When experienced defense counsel were engaged on behalf of defendants, especially in the case of reputed members of organized crime, the state would be well represented. This bill was held in committee in both houses of the Legislature.

Another bill proposed by the Committee would integrate and coordinate the activities of the local district attorney's office with the proposed Department of Criminal Justice. (S-6108; A-7556). The effectiveness and applicability of S-6108 would be dependent upon the establishment of such a Department of Criminal Justice. Bill #6108 requires that before a district attorney dismisses an indictment or allows a defendent to plead guilty, he must obtain approval from the head of the Department of Criminal Justice. By implementation of such a procedure, the Department of Criminal Justice would be able to coordinate the work of all local district attorneys' offices throughout the state. Such a move would bring greater uniformity to charges lodged against defendants, and to sentences prescribed. Dangerous criminals and professional gangsters who were often able to "bargain" their way back into the streets would be less likely to obtain a quick release if their case were reviewed by the head of the proposed Department. This bill was held in the Codes Committee of both the Senate and Assembly.

A bill was also submitted which would alleviate the congestion in the offices of district attorneys. Senate Bill 6110 (A-7549) would allow a representative of the Department of Mental Hygiene to be present in the grand jury room whenever a case involving prostitution is considered by the grand jury. Similarly, in cases involving narcotics crimes, a representative of the State Narcotic Addiction Control Commission would be authorized to be present and assist the grand jury as an advisor. This bill was also held in the Codes Committee in both houses.

### C. Bills Dealing with Professional Criminals, Organized Crime and the Legislative and Judicial Process

The Committee also introduced a "preventive detention" bill which would allow a judge to deny bail to defendants charged with dangerous or violent crimes, and to criminals with previous records or histories of committing severe crimes. After a hearing, the court, in its discretion, could deny bail if it believed the safety of the public would be jeopardized by the release of said defendant.

The bill specifically defines "dangerous crime", by enumerating certain crimes such as assault, reckless endangerment, murder, kidnapping, robbery, and drug-related offenses. This bill (S-6121; A-7550) died on the Senate calendar and was not called out of Assembly Codes Committee.

Senate Bill 6123 (A-7522) would authorize legislative and joint legislative committees to confer a grant of immunity upon any witness appearing before them. The resolution establishing each committee would authorize the grant of immunity. The Joint Legislative Committee On Crime believes that this bill is essential in order to conduct meaningful investigations. Legislative committees and joint legislative committees, calling witnesses who are suspected, or alleged members, of the organized crime syndicate, are frequently thwarted by such individuals' invoking the fifth amendment. If the committee is deemed a competent authority to confer a grant of immunity upon such a witness, the witness can then be compelled to testify. His constitutional right against self-incrimination would be protected by conferring immunity upon him and he would be forced to testify. This bill was held in the Senate Finance Committee and the Assembly Codes Committee.

Senate Bill 6118 (A-7541) would cause to be deemed a class E felony, the failure to testify as a witness (after a grant of immunity) before a grand jury or a criminal court. Under the present provisions of the penal law, a reluctant witness who refuses to answer after having been granted immunity may be charged with criminal contempt, punishable by a maximum of one year in prison. Making such refusal a felony offense was designed to reduce the number of witnesses who chose to be sentenced to prison rather than testify. This bill was passed by the Assembly, but was killed in the Senate Codes Committee.

Another bill introduced by the Committee provided for the use of the uncorroborated testimony of an accomplice to support a criminal conviction, in prosecutions involving criminal conspiracy and the selling of dangerous drugs. The federal rule permitting a conviction based on uncorroborated testimony of an accomplice has been consistently upheld in the courts. Passage of such legislation would remove the conflict between New York State and federal law, and allow New York State district attor-



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neys to prosecute those criminal activities to the fullest extent. The bill was held in the Codes Committee of both the Senate and Assembly.

The Committee further submitted a bill which would subject dangerous felony offenders to stricter sentencing procedures and longer minimum terms. Such defendants would be defined as individuals who present a special problem to the public and to law enforcement officers. To be placed in this category, they would have to be previously convicted of at least two serious crimes, or engaged in criminal conduct which produces a large percentage of their gross income. The particular offenses included in the bill were selected as being most representative of the type of activity frequently engaged in by members of organized crime syndicates. The bill directed the court to prescribe no less than one half of the maximum sentence provided by present statute, when the offense committeed was a felony and no more than the maximum period when the offense was a misdemeanor. A defendant who was found to be a dangerous special offender would not be eligible to receive a sentence of probation, conditional discharge or unconditional discharge. Nor would such a defendant be eligible to receive a fine as his sole sentence. The legislation, Senate Bill 6122 (A-7555), was held in the Codes Committees of both the Senate and the Assembly.

### D. Control, Treatment and Rehabilitation of Defendants

Today, prisons are holding thousands of defendants who are awaiting a hearing or trial. Detention facilities utilized for incarceration of such unconvicted defendants are vastly overcrowded, poorly staffed and provide little recreational, educational or rehabilitation facilities. Yet, defendants in such circumstances may wait nine to twelve months for a final disposition of their case. The committee submitted a bill (S-6115; A6259) establishing conditions of release without posting any form of secured, partially secured or unsecured bail bond. The new forms of conditional release would include placement in the custody of a designated person or organization or temporary release from custody for employment or other limited purpose. The judge would still impose some form of money bail in addition to some condition of release, with appropriate restrictions on associations, travel and place of abode. This bill passed in the Senate, but died in the Assembly Codes Committee.

Another bill introduced by the committee (S-6119; A-7542) formalized the plea bargaining procedure described previously. This bill was passed by the Assembly, but was killed in the Senate Codes Committee.

Senate Bill 6144 (A-7545) would permit defendants in felony criminal proceedings to make an application for commitment to the state department of correction during the period subsequent to arrest, and prior to the commencement of trial. Upon such application, the court must issue a securing order committing the defendant to the state department of correction where he must be confined in separate facilities from those of inmates serving terms. The Commissioner of Correctional Facilities must establish programs for the education, rehabilitation and recreation of such defendants, pending the disposition of their cases.

State correctional facilities are less crowded than local jails and supposedly better equipped to offer rehabilitation programs to their inmates. The bill remedies the anomaly of persons not convicted being detained in worse facilities than those of inmates already convicted. This bill died in the Senate Codes Committee and the Assembly Rules Committee.

### E. Miscellaneous Bills

The Committee submitted a bill designed to allow closed circuit television tapes to be made of court room proceedings, subject to the discretion of the judge. The legislation (S-6109; A-7544) contained a provision for establishing a library of such audio-visual records. After all appeals and proceedings have been completed, the tapes could be used in law schools to instruct students in trial practice and techniques. The bill was held in the Senate Codes Committee and in the Judiciary Committee of the Assembly.

The creation of a depository for obscene literature is the subject of Senate bill 6122 (A-7546) proposed by the committee. This bill would amend the education law to establish a depository for obscene literature at the John Jay College of Criminal Justice in New York City. Such a depository would provide a central location for comparatory material to be used by police officers and prosecutors in determining whether a particular document should be regarded as a violation of the law. In addition, qualified scholars would examine such materials and thus study the standards of the courts of this state in regard to obscenity codes, the psychological aspects of obscenity, type of obscenity and other aspects pertaining to the effect of obscenity upon our society. The bill was passed by the Senate and died in the Assembly Education Committee.

The committee drafted and submitted a bill to establish a Research Institute for the Study of the Violent Person (S-6125; A-7554). The objectives of such an institute would be to perform research on the nature and causes of violence and the pathologically violent person, and develop testing procedures for the early identification of violent persons. Such careful research would facilitate the effective treatment and rehabilitation of such persons.



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## Index of 1971 Legislation

| Senate Bill No. | Assembly Bill No. | Subject |
|---|---|---|
| S-6108 | A-7556 | Amend the criminal procedure law, in relation to pleas of guilty and motions to dismiss indictments |
| S-6109 | A-7544 | Amend the civil rights law and the judiciary law, in relation to audio-visual reproduction of court proceedings |
| S-6110 | A-7549 | Amend the criminal procedure law, in relation to appearances before grand juries |
| S-6111 | A-7557 | Amend the judiciary law and the criminal procedure law, in relation to appointment of judicial assistants and prescribing their powers and duties |
| S-6112 | A-7546 | Amend the education law, in relation to establishment of depository of obscene literature under control of John Jay School of Criminal Justice of the University of New York, NYC |
| S-6113 | A-7553 | Amend the civil service law and the county law, in relation to selection and classification of assistant district attorneys |
| S-6114 | A-7545 | Amend the criminal procedure law and the correction law, in relation to committing certain defendants to the State Department of Correction |
| S-6115 | A-6259 | Amend the criminal procedure law, in relation to establishing conditions of release as authorized forms of bail and repealing subdivision of section 520.10 |
| S-6116 | A-7547 | Amend the civil rights law, in relation to dissemination of indecent material to minors |
| S-6117 | A-7551 | Amend the criminal procedure law, in relation to corroboration of accomplice testimony |
| S-6118 | A-7541<br>A-7541-A | Amend the penal law, in relation to provisions regarding obstruction of governmental administration and repealing sec. 215.51 relating to criminal contempt by refusal to testify before grand jury after having immunity |
| S-6119 | A-7542 | Amend the criminal procedure law, in relation to acceptance of and withdrawal of guilty pleas |
| S-6120 | A-7548 | Amend the criminal procedure law, in relation to extension of the period of limitation for prosecution of felonies involving misconduct in office by judge |
| S-6121 | A-7550 | Amend the criminal procedure law, in relation to the denial of recognizance or bail in certain cases |
| S-6122 | A-7555 | Amend the penal law and criminal procedure law, in relation to establishing specific sentencing requirements for dangerous special offenders and a procedure for determining whether a defendant should be treated as a dangerous special offender |
| S-6123 | A-7552 | Amend legislative law and criminal procedure law, in relation to witnesses' immunity in inquiries or investigation of legislative committees |
| S-6124 | A-7559 | RESOLUTION: establishment of department of judicial administration and repealing section 28 of Article 6 |
| S-6125<br>S-6125-A | A-7554 | Amend the mental hygiene law, in relation to creation of a research institute for the study of violent persons |



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The institute would be created within the Department of Correctional Services. Presently no research program exists in New York State where studies can be made to detect and treat the pathologically violent person prior to his committing a violent criminal act. The Senate passed this bill, but it died in the Assembly Health Committee.

Finally, the committee prepared and introduced a bill to allow parents the right to commence a civil action against individuals or corporations engaged in the dissemination of indecent literature and materials to their children. The bill (S-6116; A-7547) provides that the parent be entitled to exemplary damages in an amount not to exceed $1,000 and such compensatory damages as a jury may award.

The bill was passed by both the Senate and Assembly, but was vetoed by the Governor.

# VII. Digest of Testimonies



## A. On Organized Crime

### Digest of Testimony of Kathryn Barry December 10, 1970

Kathryn Barry is the Chief Investigator for the New York State Joint Legislative Committee on Crime, a position she has held for four years. Prior to working with the Committee, Miss Barry was a member of the New York City Police Department. She served in many assignments for twenty-eight years, attaining the rank of Detective, First Grade. Miss Barry has participated in many investigations of major crimes, and studies of organized crime.

Last spring the witness was assigned the task of developing a list of names of persons associated with organized crime in New York State. Through the assistance of federal, state, and local prosecuting offices, an initial list of about four thousand names was developed.



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Many names were deleted because the persons had no record, or were found to be engaged in legitimate businesses. Other names were dropped because the individuals were not important in organized crime or because their participation was unconfirmed by other sources. In this manner names were removed when any uncertainty was attached to them.

At this point, the list of names was reduced to about half. Those remaining names were submitted to the New York State Identification and Intelligence Systems which consolidates criminal records of the various police departments within the state.

Of nearly sixteen hundred names, NYSIIS responded with police records on 1,048 individuals. This list was divided into two groups, one with all arrests previous to, and one with arrests continuing after, the year 1960. Six hundred ten persons had arrests since 1960. Investigation was focused on this group.

The witness described criminal identification and criminal histories, which NYSIIS classifies on the basis of fingerprints. A certain person might be arrested under various names which, upon positive identification through fingerprints, become recorded as aliases. The witness observed that the records are the best available, but are not necessarily complete. Police agencies may fail to report arrests, and federal and out-of-state arrests would not appear on the record unless related to a New York State arrest in some way.

A NYSIIS identification sheet drawn arbitrarily from the group of 610 persons under investigation was displayed to the Committee, and graphically showed NYSIIS strengths and weaknesses. It was a quick means of obtaining a capsule criminal history, but did not always show the disposition after arrest. Thus the records of disposition were somewhat unreliable and required field research in courts and district attorneys' offices.

### Digest of Testimony of Stephen Valle December 10, 1970

Mr. Valle is a consultant to the Joint Legislative Committee on Crime. Before coming to the Committee, he was an Inspector with the New York City Police Department. In other assignments the witness had been with the New York Police for twenty-six years.

Last spring the witness was asked to cooperate with Miss Barry in determining the criminal history of certain members of organized crime in New York State.

Mr. Valle was given 610 NYSIIS sheets of individuals arrested since 1960 who were believed to be involved in organized criminal activity. The sheets were broken down by county, and by felony or misdemeanor, and given to field investigators. It was found that 536 names — totaling 1,764 arrests — could be processed through records in New York State.

A worksheet was prepared for each arrest. The worksheets contained information on the particular court, the attorney's name, the bail amount, indictment or docket number, the date of indictment and charges, whether charges were reduced, the assistant district attorney assigned to the case, and the judge.

Further, the worksheets included the final disposition, the sentence and date of sentencing, and the court and the judge. Space was available for other information such as adjournments, motions, and anything else deemed valuable to the committee.

Mr. Valle's researchers were able to find information on about 1,200 of the 1,764 arrests from court files. For information on the other arrests, it was necessary to resort to the docket books and transcribed material. This information was rechecked, then filed alphabetically and chronologically. The information was placed on large spread sheets so that the range of indictments, convictions, and sentences given these persons could be obtained. Mr. Valle noted that investigation was continuing concerning the number of offenses which involved preliminary hearings and dismissals; and the number of offenses tried by a court alone and by a jury.

### Digest of Testimony of Jeremiah B. McKenna December 10, 1970

Mr. McKenna is senior consultant to the Joint Legislative Committee On Crime. Before his association with the Committee, the witness served seven years in the New York County District Attorney's Office. During that time his primary assignment involved organized crime.

Mr. McKenna examined the criminal histories of members of organized crime from the period of 1960 to 1970. He concluded that the criminal law is not being enforced when, during a ten year period, only thirty-seven persons identified with organized criminal activities are sent to state prisons and, of 1,592 members engaged in criminal activities, only 612 are arrested. It was observed that organized crime often promises its members immunity from the law enforcement process. Although some of the arrests over the period studied were "nonsense arrests" — under the consorting and vagrancy statutes, in which a conviction is not really expected — the witness thought the "extraordinary amount of dismissals of indictments" was a major significance. An indictment can be returned in the state only if there is sufficient evidence before the grand jury which, when submitted to a petty jury uncontradicted, would lead to a conviction of guilty beyond a reasonable doubt. Therefore, when an indictment comes out of the grand jury one can suppose there is enough evidence to warrant a conviction. Despite this, fifty-eight percent of felony arrests leading to indictments were dismissed. The



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witness urged an in-depth study of this situation by the Committee. Mr. McKenna knew of several cases charged with possession of silencer-equipped firearms that were dismissed due to failure to prosecute.

The witness said that many of the indictments subsequently dismissed were based upon arrests by elite police units, homicide, safe and loft, or the criminal investigation bureau, thus indicating that a lengthy investigation had been made and sufficient evidence accumulated. "So when they make an arrest that subsequently is dismissed, for whatever the reason, there is usually some sort of breakdown in the law enforcement process."

Mr. McKenna testified that, distinguished from the organized crime population, there is in the overall criminal population a higher conviction rate, and much higher rate of sentence to state prison. He believed that further study would show a much lower indictment-dismissal rate in the general criminal population than the fifty-eight percent for those associated with organized crime. The witness stressed the need for an in-depth study of where the enforcement of the criminal law breaks down. It had been his experience that cases presented to the grand jury were generally strong enough to go to trial. Cases with glaring defects simply won't be prosecuted.

Mr. McKenna pointed out the need for further study to determine why dismissals of indictments were not appealed by the prosecuting offices. He thought that the legislature would some day have to devise some system of prosecutorial accountability, a legislative mandate to follow through on cases not prosecuted, to determine what happened. Otherwise, it is only with the utmost difficulty that investigators can determine the disposition of organized crime cases.

The witness cited court and jail congestion as deterents to effective organized crime prosecution. The most pressure is now on the courts to try cases in which the defendants are unable to make bail. Most organized crime figures are out on bail, so the tendency is to put their cases farther back on the calendar.

Mr. McKenna conceded that under the formal procedures of the code of criminal procedure, motions to suppress illegal evidence, motions on warnings, lineup, and so forth, would be made after indictments by the grand jury. However, he said that there are informal procedures in which both prosecutors and defense attorneys try to prevent weak cases from reaching the indictment stage.

### Digest of Testimony of William E. Graff and Edward J. Stoll December 11, 1970

Lt. William E. Graff, of the New York City Police Department Intelligence Division, testified before the Committee on law enforcement and organized crime within the city. Captain Edward J. Stoll, of the same division, also appeared.

Lt. Graff described organized crime as a self-perpetuating criminal conspiracy to wring exorbitant profits from society, continuing on despite changes of personnel. It survives on fear and corruption, and, by one means or another, obtains a high degree of immunity from the law. The top men are generally insulated from the criminal act and from the consequent danger of prosecution.

The beginnings of the present day structure of organized crime "families" began about 1930. That date marked the end of interfamily wars and the beginning of the organized criminal family structure.

The witness stated that organized crime is not the sole province of any ethnic group, but that many groups are involved. Their involvement is, however, "a very nebulous thing." Many persons of different ethnic groups exert the highest type of influence.

Many groups have influence far beyond the geographical limits of their criminal activities. A crime suspect may easily be relocated from one part of the country to another to avoid detection and prosecution.

Lt. Graff explained insulation from prosecution, or the placing of many common criminals between the upper echelons of the family — the boss, lieutenants and soldiers — and the criminal act. He said that the offer of immunity from prosecution by a law enforcement agency, in return for cooperation, was offset by the fear of violent physical retaliation from criminal confederates.

Of nine members of the interfamily commission, the witness identified six as operating in New York State, five of these in New York City. Principal criminal activities in the past decade have been loansharking, gambling, narcotics, and hijacking.

Throughout the 1970's the Intelligence Division collected dossiers on individuals and built files on organized criminal activities. They found they had to convince many persons that an organized crime entity actually existed. After close surveillance of known crime members verified Joe Valachi's testimony, intelligence networks were established to gather information across the country. This resulted in the Nationwide Law Enforcement Intelligence Unit, an inter-agency information exchange which studies and reports on organized criminal activities.

Information from the files of the Intelligence Division generated public hearings of the New York State Investigation Commission related to loansharking, infiltration of legitimate business and labor unions, and other crimes.

The witness described the degree of specialization within the Intelligence Division which is necessary to deal with organized crime. Some agents developed ex-



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pertise on stocks and bonds thefts, found to be largely organized crime-motivated. Others were trained in, and almost exclusively focused on, gambling and vice violations. Others specialized in narcotics traffic. This latter unit has been, and continues to be, greatly expanded since the menace of narcotics has been fully realized. This unit now cooperates with state and federal task forces to control the drug traffic.

Captain Stoll stated that fines and probationary sentences have no effect whatsoever on organized crime figures. To diminish their influence they must be taken out of circulation in excess of at least a year.

Lieutenant Graff stated that, at present, legal eavesdropping is the most effective tool against organized crime. It is the means by which the organized crime structure was detected, identified, and observed.

It was thought that an emergency provision for wiretapping, in the form that the federal agencies have, would hasten organized crime's decline. The emergency provision would allow a wiretap or electronic eavesdrop, providing reasonable cause existed, upon the authority of the district attorney until a judge could be reached to rule on probable cause. This eavesdropping would continue for a maximum period of forty-eight hours. If the warrant was subsequently denied, the eavesdrop evidence would be destroyed.

Captain Stoll observed that ordinary criminals often cooperate with the police, testifying against each other and becoming informers. When organized crime is involved, however, the criminals — and frequently the victims — do not talk for fear of physical retribution. He thought that before large numbers will talk they must be assured long-term protection, and possibly be relocated in another part of the country.

The witness testified that federal prosecution was much more effective than state prosecution. For example, in narcotics offenses the minimum jail term is mandatory — it must be served. Also, after the case of Vito Genovese, organized crime was very much frightened by the federal conspiracy statutes. The witness stressed that although state authorities have made it more difficult and complicated for crime figures to operate, they have not curtailed their operations. The witness thought that legislation to enable them to alert prosecutors and courts that organized crime members were coming up for trial could be very helpful.

Upon questioning, the witness stated that although crimes continue when an organized crime member is incarcerated for more than two years, this longer term is beneficial from an intelligence standpoint. The organized crime powers must reorganize, during which period of time they are more visible than normally so, and lesser criminals might be frightened out of the operation altogether.

Because organized crime has vast resources at its disposal, it can buy a great amount of freedom. Policemen are obvious targets of corruption, and the witness acknowledged that payoffs do occur. The payoffs — through money, favors, or anything which might be effective — also occur at higher levels. Prosecutors, courts, and legislators are not immune.

Lt. Graff said that hijacking is a lucrative field because many middle class persons simply do not inquire into the source when they can get a bargain. Often their purchase is a stolen item. They don't know — and don't want to know — with whom they are dealing. Thus hijacking pays off because the purchasers want to remain ignorant of the fact that their half-price purchase of a hi-fi set is pure profit to organized crime.

### Digest of Testimony of Deputy Chief Inspector John L. Keenan and Inspector John Guido December 15, 1970

Inspectors Keenan and Guido commanded the Public Morals Administration Division of the New York City Police Department. This division provides staff supervision over the public morals enforcement program in the police department, coordinating the local districts and planning long range investigations. So-called public morals crimes include gambling, prostitution, and liquor violation.

Inspector Keenan stated that organized crime is very much evident in policy, or numbers, operations and in bookmaking and dice games. He added that organized crime maintains a monopoly on policy operations by threat of violence. It was observed that several years ago three members of organized crime were machinegunned and killed in a Brooklyn bar in a dispute over the control of local policy operations.

The witness estimated that the gross amount of money involved in policy operations in New York City is around a quarter of a billion dollars per year. It is concentrated in the low income and congested business areas.

It was believed that about fifty operations or "banks" control policy in the city. Each bank might employ up to two hundred persons collecting bets, and these persons might have one or more assistants. In all, perhaps 15,000 persons in New York City obtain their principal source of income from working policy.

Although many persons are involved in policy, it is difficult to follow the "runners" back to the banks because trickery and subterfuge is used to throw law enforcement authorities off the track. Many times decoys are employed, and tailing them is very difficult. By the time the police think they have located a bank, it has been moved to another location.

New York enacted legislation in 1960 to make big-time gambling a felony, but Inspector Keenan testified



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that most felony arrests result in misdemeanor convictions. The witness could only recall two persons who have received prison sentences since the felony bill passed.

The Inspector said that many combined considerations i.e. court congestion, other demands on prosecutors' time, lack of evidence — account for a great number of felony arrests, but very few felony prosecutions. He conceded that many prosecutions are probably dropped for lack of sufficient evidence, or dismissed after a motion to suppress by defense counsel. When the police do succeed in obtaining a conviction, a jail sentence seldom results.

The Committee further probed for reasons why law enforcement has been so ineffective against gambling operations. The officers involved in enforcement are specially trained to conduct investigations of gambling offenses. Often a court is involved in issuance of a search warrant, and reasonable cause must be shown at this point. Additionally, the prosecutor's offices may be involved in large investigations. In total, it was shown that the police, the courts, and prosecution offices are involved in many gambling cases. Many arrests are made — 15,000 in four years — but very few result in felony trials. The clear implication was that felony offenders were either allowed to plead guilty to a misdemeanor, or charges were reduced to misdemeanor before trial following a hearing.

In the last ten years, Inspector Keenan testified that all of the fifty policy banks have been raided at least once, sometimes more than once in each year. Each handled $15,000 to $20,000 per day; one bank had gone as high as $30,000 in a single day. Such a daily gross might involve a quarter of a million plays.

Although the police department raids twenty or thirty policy banks each year, it was disclosed that each one goes back into business again, and most resume business the very next day.

In some areas of New York City, virtually everyone plays policy, with average bets perhaps fifty cents a day, three dollars a week. The people often start betting while in their early teens, and the mob is their first real contact with society outside the school. In some areas the policy collector becomes well-known and influential. He may help his players with landlord disputes, obtain jobs for them, and permit short-term loans. This generally results in community friendliness toward collectors and hostility toward the police for enforcing the laws.

Inspector Keenan was hopeful of obtaining more felony convictions in the near future. He cited as a reason for this hope the greatly increased cooperation between the police department and prosecution officers. When organized crime felony gambling offenses were prosecuted recently, felony convictions in Queens and New York Counties resulted.

The Inspector's personal opinion was that the big problem about gambling is that it is illegal. Respectable people will not touch it, with the result that organized crime receives vast profits, and the law enforcement agencies must expend great amounts of manpower and money in futile efforts to eliminate it. Also, it becomes a corruption hazard for the police, as the banks can afford to pay protection money. In terms of suppressing gambling, the Inspector admitted that police efforts have largely had negligible results.

### B. On Criminal Homicide

#### Digest of Testimony of William Averill December 15, 1971

Inspector Averill commands the Third Detective District of the New York City Police Department. The Third District runs from 14th street to 59th street. He had been designated by the Police Commissioner to testify before the Committee on the subject of homicide.

The Inspector expressed his belief in a criminal conspiracy which might be called organized crime. He agreed that its members occasionally kill one another, or other criminals not associated with organized crime. They also kill other persons, such as robbery victims. As a conservative total, thirty persons a year are killed as a direct result of organized criminal activity in New York City.

The witness stated that in the true gangland slaying, the police could find the probable motive and criminal group responsible, but arrests were very infrequent, and convictions almost nonexistent. In contrast, the police department clears about 75% of homicides, meaning that an arrest has been made. The rate of homicides solved is much higher, but the case is not cleared until the suspect is apprehended.

The Inspector did not think more stringent firearms control could affect the number of gangland slayings, for "they would see that death is accomplished in some form." Such controls could possibly have a great impact on non-organized crime homicides.

Gangland killings are successful in relation to other murders because they are well-planned, secretive, well-coordinated, and the perpetrators don't talk. Usually the killers the police do discover are young men, but older members may participate in some way.

Inspector Averill believed that the subpoena power to get suspects to testify before a grand jury might be made more effective by legislative action. Presently, their defense attorneys are able to prevent suspects from being called. Wiretapping, under present laws, is similarly ineffective and little used.

Inspector Averill stated that if any witnesses to the murder appear, fear for their own safety soon silences them, once they learn who is involved. He added that their



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fear is not groundless, that members of organized crime are capable of extreme measures to protect themselves.

The witness testified that legislative measures which would aid law enforcement should include better wiretap laws, and adoption of the federal rules with regard to conspiracies and accomplice testimony.

### C. On Narcotics

#### Digest of Testimony of Deputy Chief Inspector John McCahey and Captain Daniel O'Brien December 16, 1970

Deputy Chief Inspector McCahey was designated by the Police Commissioner of the City of New York to present evidence before the Committee concerning organized crime and narcotics traffic.

Inspector McCahey has been with the New York City Police Department over twenty-one years. In mid July of 1969, he was appointed Commanding Officer of the Narcotics Division.

The witness identified a Spanish speaking multinationality group of organized criminals as the primary conspirators involved in the New York narcotics trade. Cuban, South American, and Spanish persons were thought to be the predominant groups at the present time.

Mr. McCahey said that most of the heroin coming into New York comes in from Turkey by way of France, although there have been indications that some is beginning to come in from Communist China. He stated that the Spanish speaking group finances its own operation and has established its own contacts. That faction of organized crime popularly known as the Mafia or LaCosa Nostra was not believed to be directly in the importation and wholesaling of heroin. The witness indicated that some feared the Cosa Nostra was becoming involved at a somewhat lower, domestic wholesale level, possibly through loan sharking activities, by accepting repayments in drugs.

The marijuana trade was said to be a "fragmented operation," with many college students and individuals involved, rather than any one organization. No one had what could be called control of the marijuana trade. Marijuana was said to be much easier to sell, because it could be marketed on college campuses. The seller didn't need the degree of trustworthiness the heroin dealer had to demand from his buyer. Heroin dealers were more vulnerable to theft, since at the pure, wholesale level, a physically small amount such as a kilo would be worth at least $12,000.

Besides the large heroin organizations, Inspector McCahey testified that many persons bring one to three kilos into the country. These persons — somewhat over a hundred in number — would supply much of the heroin needs of the city. They might wholesale their kilos in bulk or break it down and go into the ounce business.

The narcotics division of the New York Police Department now consists of over seven hundred persons. In 1970, they effected over 14,000 felony arrests, and over 2,500 misdemeanor arrests. A felony involving heroin would be any sale of any amount, or possession of more than an eighth of an ounce. Sale or possession of one pound — a bit less than half a kilo — could carry a possible life sentence.

The Inspector said that the federal conspiracy laws appeared to have a salutary effect on discouraging some elements of organized crime from the heroin trade. He cited the federal conspiracy sentence given Vito Genovese for narcotics involvement.

When questioned why federal prosecution of narcotics offenders resulted in more prison sentences than prosecution by the local authorities, the Inspector said that about 7,000 local arrests were the results of complaints of neighbors that addicts were interfering with them in hallways or on the streets. Federal authorities seldom deal with narcotics at such a low level. The Inspector stated that his bureau would prefer to concentrate exclusively on action against the street pushers and heroin cutting factories.

The witness described the operation of the heroin cutting factories. Usually not more than one pound, or half a kilo, would be cut up at a time. From the pure state, the half kilo would be first cut to about ten percent heroin. The bulk heroin would then be divided into one or two grain "street bags" in glassine envelopes. A half kilo of pure heroin would thus be cut up into about 50,000 bags for street use.

In 1970, the police department raided 327 factories and arrested just over a thousand persons. The police would have information on the operator of the factory, but in most instances, to the Inspector's knowledge, the workers cutting the heroin would not be indicted by the grand jury. He had no opinion as to why they were released; from his experience, that was the practice, even as it was the practice of the police to routinely arrest these persons.

Inspector McCahey said that approximately 65 percent of the factory operators received felony convictions. It appeared that, of about 1,300 felony convictions, 190 received sentences of more than a year, about 300 received one year, and the remainder received lesser sentences.

The witness said that if the cases involved ten kilos or more, the typical sentence would be less than five years. This was despite the fact that about twenty percent of the major violators had prior convictions. Additionally, the problem of bail jumping was beginning to arise. The Inspector knew of several cases of South Americans who posted bail of up to $100,000 and then left the country. He observed that recently some long prison terms had been handed down. One term for possession of more than a pound, was for twenty-five years to life. Despite this, a convicted felon is still more likely to receive a longer prison



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term from the federal courts, where the minimum mandatory felony prison term is five years.

### Public Hearing — May 11, 1971
### Heroin and the Administration of Justice in New York City

On May 11, 1971, a public hearing was held before the Senate Judiciary Committee and the Joint Legislative Committee on Crime, Its Causes, Control and Effect on Society concerning heroin and the administration of justice in New York City.

The Chairman of the two committees, Senator John H. Hughes, prefaced the hearing with a remark that, although the drug problem in New York has received widespread interest and commentary, the problem increases daily. It is worsening not only in terms of quantity of heroin coming in and being used, but also in terms of the administrative handling of drug offenders.

Very little has been done to help the courts respond to greatly increased narcotics case loads. The legislature, the courts, the police, and penal officers have been working separately and, as a result, very ineffectively. Judge Brownstein was asked to testify concerning the handling of drug offenders because of his special position. Before becoming a Kings County Justice of the New York Supreme Court, the witness served in the State Legislature in the Assembly and the Senate.

Judge Brownstein was assigned to Part I-A of the Supreme Court, and it was his function to conduct pre-trial conferences with felony offenders. At these conferences informal plea bargaining occurred, with the District Attorney offering a plea of a count less than the indictment. The defense counsel then asked the judge what may be expected in the way of a sentence. The judge explained that he is a judge who would normally respond with a promised sentence conditioned upon learning nothing in the probation report to cause him to change his mind.

Judge Brownstein testified that during one week in April he took pleas from 71 defendants. Another judge, dealing with the more serious felonies, took 30 pleas. However, in many cases the defendants had been under multiple indictments which were consolidated for the plea, so that the number of cases, as distinguished from defendants, ran well over 100. As a result of trial, pleas, dismissals, acquittals or convictions, the remaining judges in criminal term disposed of about 60 cases. Despite having done an incredible amount of work disposing of 160 defendants, the judges learned that they ran behind by 35 cases.

The witness testified that what was occurring was a breakdown in criminal justice, for the expeditious handling of cases and the rendering of justice are not synonymous. The judge believed one of the causes to be the "tremendous and dramatic increase in the number of narcotic cases."

In 1962 in Kings County there were 168 felony prosecutions for narcotic cases, for sale of narcotics or possession of at least an eighth of an ounce of heroin. In 1970 there were 1,861 defendants indicted for felony possession or sale of heroin. In addition to this concrete example of narcotic arrests is the inestimable increase in property crimes which result from heroin addiction. It has been estimated that over 50 percent of property crimes are perpetrated by narcotic addicts.

The judge estimated that at least 50 percent of the cases pending in Kings County Supreme Court that have come through his part involve the direct sale or possession of heroin. Of the remaining 50 percent, about half are narcotic-related crimes committed for the purpose of obtaining money to buy heroin. He added that according to the Department of Correction, about 40 percent of the prison population in New York City consists of addicts.

Because the Narcotic Addiction Control Commission has refused to make further commitments to treatment facilities, the only remedy the courts have is to put addicts in jail. Of the addicts committed to NACC previously, the judge observed that about 2,000 were wanted on warrants for escape or parole violation, and that the police were not executing these warrants. The judge testified that there is no real penalty for a parole violator from NACC, because all he faces is going back to NACC for further treatment or, if not really addicted, being discharged. Judge Brownstein did not believe persons committed to NACC were motivated to stay out of trouble.

The judge found the New York City Criminal Justice Budget for 1970-71 to be shocking. Of a total of $843 million, the probation department gets 2%; the courts get 3.4%; rehabilitation programs get .3%; drug addiction treatment gets 3.7%. 72% is for police patrol, crime investigation and traffic law enforcement. The judge thought the courts were a separate and unequal branch of government. The "post-arrest process has always been starved for funding and can barely pay even lip service to the stated ideals . . . With the concept of correction that we have today, you must find it."

Because of the number of cases which must move through the judicial system, less than ideal procedures have been worked out to expedite criminal justice. Since 1968, judges have been able to give a local jail sentence carrying a one-year maximum, even after a felony conviction. The result is that defendants plead for a sentence, not to a crime — they do not care what crime they plead guilty to, as long as they get a one-year maximum. This sentence does not rehabilitate; it merely recycles defendants through the system.

Statistics revealed that, despite stiffened narcotics laws,



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the problem has increased because of physical limitations of judges, district attorneys, courthouses, and prison capacities. Since 1956, the New York legislature has increased narcotics penalties four times, most recently in 1969. During the period 1960 to 1969, narcotics accounted for 60,000 felony arrests. Of that number, 3,600 went to state prison, or only 6 percent of those arrested.

In 1960, there was a total of 40,000 felony arrests for all crimes. Narcotics accounted for 1,807 of these arrests. In 1969, the number of arrests for narcotics felonies was 18,489; it reached over 30,000 for 1970. Yet the court system has remained relatively the same since 1960. In a few years it will become clogged because of the narcotic cases alone.

The Chairman outlined three proposals dealing with narcotics and with the courts. First, something would have to be done to cut off the heroin supply from Turkey. Second, the Chairman advocated a constitutional amendment to create a Department of Justice. Third, the Chairman proposed reorganization of the courts, with management by professional court administrators, and a state budget for court operations.

In view of the inability of the Turkish Government to stem the flow of opium base into the illicit market, the Committee was considering the possibility of destroying the plants by defoliation. Close study would have to be given to the many legal ramifications if Turkey agreed to such a solution. Later crops could be prevented by leasing the farmers' lands for the price the opium harvest would bring, and then allowing the farmer to grow other crops. By dealing with individual farmers rather than with the Turkish Government, New York could avoid acts beyond its power as a state.

It was contended that if opium production were stopped, the money invested — about $20 million — in leasing Turkish farmland would be a very good investment, since several hundred million dollars are now being spent every year to control the drug problem. Judge Brownstein believed that along with cutting off illegal heroin a methadone or methadone and heroin maintenance program should be explored to enable the addicts to obtain and maintain jobs. Such a program of methadone/heroin maintenance was being tried in England. The judge suggested a pilot program under the United States Public Health Service at a medical university, with supportive services of psychiatrists, sociologists, pathologists, and others.



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