A PROPOSAL FOR "FULLY DETERMINATE" SENTENCING FOR NEW YORK STATE

A Recommendation to the Chief Judge of the State of New York

DECEMBER 2014

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A.   Introduction

On October 13, 2010, Chief Judge Jonathan Lippman established the New York State Permanent Commission on Sentencing. The Commission was tasked with advancing proposals that would: (i) simplify New York's increasingly complex sentencing statutes; (ii) promote more transparent sentencing so that judges, offenders, crime victims and the public may have a truer sense of the time an offender will actually serve; and (iii) identify categories of offenses for which greater or lesser punishment might be warranted.[1]

Early in its tenure, the Commission reached a consensus that New York sentencing law should be modified so that virtually all sentences are determinate. Notably, this is the same conclusion that the O'Donnell Commission reached in its 2009 Report.[2] As the O'Donnell Commission recognized and as discussed further below, current New York sentencing law is the product of a series of "ad hoc and piecemeal" amendments that have resulted in a "convoluted" sentencing structure in which sentences for violent crimes and drug offenses are determinate and sentences for non-violent offenses are indeterminate.[3] No one looking at our current laws can help but be dismayed at their incoherence and complexity. Ours is a structure that cries out for reform.

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[1]   The Commission was also charged with reviewing in-custody programs, such as drug treatment, that could lead to an offender's earlier release. Such programs are the next subject of the Commission's work.

[2]   The O'Donnell Commission was established by then Governor Eliot Spitzer and chaired by Denise O'Donnell. Its thoughtful report, "The Future of Sentencing in New York State: Recommendations for Reform" (1/30/09), can be found at http://www.criminaljustice.ny.gov/pio/csr_report2-2009.pdf.

[3]   McKinney's 2014 Sentence and Related Law Charts contains five distinct charts for felonies with numerous footnotes describing exceptions.

B.   Indeterminate and Determinate Sentences

For more than 100 years beginning in 1877, state prison sentences in New York were "indeterminate."[4] A sentencing judge would set a range -- e.g., 3 to 9 years -- and parole authorities would subsequently determine when, within that range, an offender was ready to be released. A medical analogy was often invoked: just as a doctor could not predict the date on which her patient would be restored to health, the sentencing judge could not predict when an offender would be rehabilitated. Parole authorities, so it was argued, were better positioned to assess an offender's rehabilitation and decide whether he could be released to the community.

By the late 1960's, a New York prison sentence had this basic structure: an offender was sentenced to an indeterminate term in which the minimum was typically one-third the maximum, for example 3 to 9 years; he was first eligible for parole upon completion of his minimum period (3 years in our example); he would receive good time credit if he abided by prison rules and participated in recommended programs, calculated at one-third of his maximum sentence (1/3 x 9 = 3 years); and therefore he could be held no longer than his "conditional release date" (9 - 3 = 6) unless he failed to earn good time credits.[5] Thus, whether the offender served three years or more than three years (up to six years in our example) was decided by parole authorities, not the sentencing judge.[6]

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[4]   For a fuller discussion of the history of New York sentencing laws, see "The Future of Sentencing in New York State: Recommendations for Reform" pp. 1-23.

[5]   If the offender was released after six years, he was supervised by parole authorities for the remaining three years of his term.

[6]   As prison population soared in the 1990's, the Legislature enacted a series of measures -- work release, shock incarceration, the CASAT drug program, and merit time -- that permitted an offender to be released from custody before the expiration of his minimum term.

In 1995, the Legislature enacted a Sentencing Reform Act which established determinate sentences for second-time felons who were convicted of violent felonies.[7] The switch to determinate sentences for those offenders was prompted by the fact that the federal government authorized incentive grants to states that adopted such laws. In 1998, the Legislature extended determinate sentencing to first-time violent felony offenders.[8] In 2004, sentences for drug offenders were converted from indeterminate to determinate. And in 2007, determinate sentences were authorized for those few sex offenders whose felonies are classified as "non-violent."

The basic structure of a determinate sentence is this: an offender sentenced to state prison receives a fixed term, for example 7 years; he may earn up to one-seventh off for "good time" (1/7 x 7 = 1 year in our example); and therefore he will be released from custody after serving 6 years if he earns the full amount of good time credit. Determinate sentences are said to reflect "truth-in-sentencing" because the offender, the crime victim, and the public know the precise date (assuming the offender receives his full good time credits) on which the offender will be released.

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[7]   Penal Law §70.02 delineates those crimes that are categorized as "violent felonies." As a general rule, violent felons are sentenced more severely than non-violent felons. (The exception includes certain homicides, such as murder, which New York peculiarly categorizes as non-violent.) Violent felony offenders are also ineligible for certain early release programs. In addition, New York differentiates between first-time felons and second (or repeat) felons, and it requires state prison sentences for the latter. In the future, the Commission intends to review the violent felon classification, which some believe is over-inclusive; it also intends to consider whether some second-time felons should be eligible for alternative (non-state prison) sentences.

[8]   The Legislature also added specific post-release supervision periods for offenders sentenced to determinate terms.

As a result of all these measures, sentences for only non-violent, non-drug, non-sex offenses are indeterminate -- a residual category of some 200 offenses that includes crimes as diverse as grand larceny, failing to register as a sex offender, and bribing a witness.[9]

C.   The Argument for "Full Determinacy"

The Commission is unanimous in the view that New York should convert the remaining sentences (with the exception of Class A non-drug offenses) to determinate ones.[10] There is simply no logic to the current hybrid system, and there is no movement to revert to indeterminate sentences for violent offenders, drug offenders, and non-violent sex offenders. If New York sentencing law is to be coherent, a conversion to "full determinacy" is required.

As the O'Donnell Commission noted in its Report, there are compelling arguments for determinate sentences other than coherency. First, determinate sentences fulfill Chief Judge Lippman's goal of transparency -- they allow one to predict with reasonable certainty the time an offender will serve. For offenders and crime victims predictability is desirable. Second, determinate sentences facilitate plea bargaining by allowing the prosecution

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[9]   For violent and non-violent offenses, New York recognizes five classes of felonies -- A, B, C, D and E -- with Class E felonies being the least serious.

[10]   Class A non-drug sentences include murder and certain terrorist crimes. For murder, absent aggravating circumstances, the punishment is an indeterminate term of 15 to life to 25 to life. Converting life sentences to determinate terms is obviously difficult. Moreover, a determinate sentence of, say, 40 years for murder would leave no possibility for a young offender to rehabilitate himself and earn an earlier return to the community. For these reasons, as used in this Report, the phrase "full determinacy" excludes Class A non-drug crimes. It bears note that there will be a continuing need for a much down-sized "Parole Board" to determine when those convicted of Class A non-drug offenses should be released from custody. Parole authorities will also be needed for persistent felony offenders whose sentences under Penal Law §70.10 are indeterminate and for those few offenders whose crimes were the product of domestic violence abuse and who are sentenced to indeterminate terms under Penal Law §60.12. Our Report does not consider sentences for juvenile offenders, which now are indeterminate under Penal Law §70.05. We are aware that Governor Cuomo's Commission on Youth, Public Safety and Justice is studying issues related to juvenile offenders and that it is considering whether sentences for those offenders should be converted to determinate terms.

and defense to bargain with more certainty. Plea bargaining has a bad name in some quarters but, as the United States Supreme Court has recently observed, plea bargaining is "not some adjunct to the criminal justice system; it is the criminal justice system" in large measure.[11] In New York, less than four percent of felony cases are resolved by trial. Third, despite the best efforts of parole authorities, there is little empirical evidence to support the proposition that we can effectively distinguish those offenders who are truly rehabilitated from those who merely "talk the talk." Unless we can distinguish between the two, the rationale for an indeterminate structure is eroded.[12]

Determinate sentences have another advantage in terms of post-release supervision. In an indeterminate structure, the length of the supervision period is the time between the offender's release and his maximum sentence. Thus, as noted above, if the offender is sentenced to an indeterminate term of 3 to 9 years and is released after 6 years, he is on supervision for 3 years (9 - 6 = 3). That means that if an offender earns no good time credit and serves his full term (9 years in the example), he is released to no supervision, even though his poor prison adjustment suggests that he may need supervision the most. Determinate sentences guarantee a period of supervision after release for all offenders.

For all these reasons, the decision to recommend a fully determinate sentencing structure met with no disagreement among the Commissioners.

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[11] <u>Missouri v. Frye</u>, 132 S.Ct. 1399, 1407 (2012).

[12] The current hybrid system also creates the possibility for "mixed sentences" -- a determinate sentence for one crime and an indeterminate sentence for another. Adding a 4 year determinate sentence to a 1 to 3 year indeterminate sentence is no easy feat.

D.   Sentencing Ranges

What has not been easy is agreeing upon the ranges for the proposed determinate sentences. On this issue, the Commission heard from various "stakeholders," who often took sharply divergent positions.[13] On one side, there are those who note that New York has experienced a sharp reduction in crime and link that reduction to our current sentencing laws. For them, any reform that might reduce punishment runs the risk of increasing crime. On the other side, there are those who argue that New York's current sentencing laws are harsh by national (and international) standards and that there is little evidence that long sentences reduce crime. For them, even the modest ranges that the Commission has settled on are too severe. The Commission listened carefully to the stakeholders, and our proposal reflects their considerable input.

The current indeterminate sentencing ranges for Class B through Class E non-violent, non-drug, non-sex offenses are set forth below with the ranges for first and predicate offenders shown separately:

CHART A

First Non-Violent, Non-Drug, Non-Sex Felony Offender
(indeterminate)

	Minimum	Maximum
Class B	1 to 3	8 1/3 to 25
Class C	1 to 3	5 to 15
Class D	1 to 3	2 1/3 to 7
Class E	1 to 3	1 1/3 to 4

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[13]   A list of the stakeholders who addressed the Commission is included in Exhibit A; copies of statements submitted by stakeholders are available on request.

CHART B

Predicate Non-Violent Felony, Non-Drug, Non-Sex Felony Offender
(indeterminate)

	Minimum	Maximum
Class A-II	6 to life	12 1/2 to life
Class B	4 1/2 to 9	12 1/2 to 25
Class C	3 to 6	7 1/2 to 15
Class D	2 to 4	3 1/2 to 7
Class E	1 1/2 to 3	2 to 4

Thus, for a first-time offender who has been convicted of a Class B non-violent, non-drug, non-sex crime felony, for example Grand Larceny in the First Degree (stealing more than $1 million), the minimum sentence is 1 to 3 years (with his actual release date determined by parole authorities and good time credits) and the maximum sentence is 8 1/3 to 25 years (with his actual release date determined similarly).

The following example shows the challenge that the Commission faced in fixing maximum determinate sentences for each crime class.[14] As noted, under current law, a first offender convicted of a Class B non-violent, non-drug, non-sex crime felony faces a maximum indeterminate sentence of 8 1/3 to 25 years. If the judge imposes that sentence, the offender is eligible to be released at 8 1/3 years, and his conditional release date is 16 2/3 years. What should the maximum determinate sentence be for such a crime?

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[14]   The Commission agreed upon minimum determinate sentences with little difficulty. There was a general consensus that the minimum determinate terms should be the same as the minimum periods under current law. For example, the minimum indeterminate sentence for a first time Class B non-violent felony is now 1 to 3 years, and the proposed minimum determinate sentence is one year.

When New York converted from indeterminate to determinate sentences for violent felonies, the Legislature answered this question by fixing the maximum term at 25 years. Thus, an offender convicted of a Class B violent felony, for example, rape, can now be sentenced to a determinate term of 25 years. That decision reflected a judgment to "get tough" on violent crime. Grand larceny, however, is not the same type of crime as rape and, therefore, the approach of having determinate maximums track indeterminate maximums found few supporters on the Commission.

A second approach would be to use conditional release dates to set the maximum determinate sentences. This was the approach of the O'Donnell Commission. For Grand Larceny in the First Degree, this approach would call for a maximum determinate sentence of 16 2/3 years (2/3 x 25).[15] For a majority of the Commission, however, this approach also resulted in sentences that seemed too harsh. That the work of the O'Donnell Commission did not receive support in the Legislature also gave reason to believe that another approach was needed.

The Commission decided to adopt a third course and look at the length of time that offenders were actually serving. If an offender was sentenced to 8 1/3 to 25 years for the crime of Grand Larceny in the First Degree, how long did he actually serve? The answer was revealing. Between 2000 and 2012, 118 offenders were sentenced for Grand Larceny in the First Degree; the average sentence was 38.26 months (less than four years); and only one offender served more than 12 years. Only two served more than 10.3 years (6/7 of 12 years). For a majority of Commissioners, these statistics meant this: if the maximum determinate sentence for a first time non-violent, non-drug, non-sex crime offender was set at more than 12 years, then

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[15]   Charts showing the determinate sentences recommended by the O'Donnell Commission are attached as Exhibit B to this Report.

sentences for such offenders would likely increase. Fixing the maximum at more than 12 years was a recipe for increased punishment, which was not our goal.[16]

The Commission decided to use time served data to help set the proposed maximum determinate sentences. Our rule of thumb was that the maximums (less 1/7 for good time) should encompass roughly 95 percent of the time actually served.[17] For first time non-violent offenders, that rule led to these proposed ranges:

<u>CHART C</u>

<u>First Non-Violent, Non-Drug, Non-Sex, Non-Homicide Felony Offender</u>
(determinate)

	Minimum	Maximum	PRS
Class B	1	12	1 to 3
Class C	1	6	1 to 3
Class D	1	4	1 to 2
Class E	1	2 1/2	1

This means, for example, that for a first-time offender convicted of a Class B felony, a judge may impose any determinate sentence between 1 year and 12 years.

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[16] Commission member Kathleen B. Hogan, the District Attorney of Warren County, has written a letter expressing the view, shared by some others on the Commission, that the use of "a time served methodology" is inappropriate and "has the potential to exact a heavy cost to public safety." See letter of Kathleen B. Hogan, Appendix A.

[17] Time served data for all non-violent, non-drug, non-sex crimes can be found in Exhibit C to this Report. The "95 percent rule" was a guide, not a bright line. For first time Class B felonies, a maximum sentence of 12 years captures almost 98 percent of all time served. For first time Class C felonies, a maximum sentence of 6 years captures 97.5 percent of all time served and 95 percent when good time is considered (i.e., 95 percent of such offenders are now released after serving 6/7 of 6 years or less). For Class D felonies, a four year maximum sentence captures 96.5 percent of all time served and 92.2 when good time is considered (i.e., 92.2 percent of such offenders are now released after serving 6/7 of 4 years or less). The 95 percent rule was relaxed some for first time Class E offenders: for them, the maximum of 2 1/2 years captures 86.3 percent of all time served. The Commission concluded that raising the maximum for Class E offenders to 3 years ran the risk of increasing sentences considerably from those now imposed. As Exhibit C shows, the percentages for second-time offenders are similar to those for first-timers.

For second time, non-violent offenders, that rule of thumb led to these proposed ranges:

CHART D

Predicate Non-Violent, Non-Drug, Non-Sex, Non-Homicide Felony Offender
(determinate)

	Minimum	Maximum	PRS
Class B	4 1/2	14	1 to 3
Class C	3	8	1 to 3
Class D	2	5	1 to 2
Class E	1 1/2	3	1

This means, for example, that for a predicate offender convicted of a Class B felony, a judge may impose any determinate sentence between 4 1/2 years and 14 years.

Notably, the maximum sentences are considerably less than those proposed by the O'Donnell Commission. For first-time non-violent offenders, for example, the O'Donnell Commission proposed maximums of 16 (B felony), 12 (C felony), 5 1/2 (D felony) and 3 (E felony) as compared to the numbers shown above -- 12, 6, 4 and 2 1/2.

E.   Outliers

In examining the time served data, the Commission came to appreciate that for certain crimes the sentences imposed were considerably longer than those for others in the same class. An example is Criminal Contempt in the First Degree, now a Class E non-violent felony.[18] The vast majority of first-time offenders sentenced for non-violent Class E felonies serve less than 2 1/2 years. (The statutory maximum is now an indeterminate sentence of 1 1/3 to 4 years.) By contrast, almost one third of the offenders sentenced for Criminal Contempt in the First

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[18]   Contempt in the First Degree, Penal Law §215.51, proscribes, inter alia, placing a person in reasonable fear of physical injury by displaying a firearm or by means of threats when the defendant has been served with an order of protection requiring him to stay away from the person.

Degree serve more than 2 1/2 years. In a word, Criminal Contempt in the First Degree is an "outlier." Rather than increase the maximum determinate sentence for all Class E non-violent sentences to accommodate the longer sentences currently served for Criminal Contempt in the First Degree, the Commission opted to recommend converting the crime to a Class D non-violent offense; the maximum sentence for it would be 4 years under the proposal.

For similar reasons, the Commission would "upgrade" these crimes: Conspiracy in the Second Degree (non-drug offense), Promoting Prostitution in the First Degree, and Tampering with a Witness in the First Degree, now Class B non-violent felonies, would be elevated to Class C violent felonies. In addition, Aggravated Criminal Contempt, Tampering with a Witness in the Second Degree, and Intimidating a Victim or Witness in the Second Degree, now Class D non-violent felonies, would be elevated to Class C non-violent felonies.[19]

F.   Homicide Offenses

The Commission decided that homicide offenses should be considered separately. There was a broad consensus that the ranges for truly non-violent offenses should not be the same as those for homicide offenses, which New York law peculiarly classifies as "non-violent." Put simply, to treat Manslaughter in the Second Degree or Vehicular Manslaughter in the First Degree the same as Insurance Fraud in the Second Degree would be wrong. The Commission therefore proposes these ranges for "non-violent" Class B, C, D and E homicide offenses.[20]

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[19]   For some of these offenses, one need only consider the elements to realize that they are currently misclassified. For example, Promoting Prostitution in the First Degree, Penal Law §230.32, now a non-violent crime, proscribes "advanc[ing] or profit[ting] from prostitution of a person less than eleven years old."

[20]   The sole Class B homicide offense is Aggravated Vehicular Manslaughter, Penal Law §125.14. The two Class C homicide offenses are Manslaughter in the Second Degree, Penal Law §125.15, and Vehicular Manslaughter in the First Degree, Penal Law §125.13. The sole Class D homicide offense is Vehicular Manslaughter in the Second Degree, Penal Law §125.12, and the sole Class E homicide offense is Negligent Homicide, Penal Law §125.10.

CHART E

First Offender

	Minimum	Maximum	PRS
Class B	1	16	1 to 5
Class C	1	12 1/2	1 to 5
Class D	1	8	1 to 5
Class E	1	4	1 to 3

CHART F

Predicate Offender

	Minimum	Maximum	PRS
Class B	4 1/2	18	1 to 5
Class C	3	14	1 to 5
Class D	2	10	1 to 5
Class E	1 1/2	5	1 to 3

Here, too, the Commission looked to time served data to inform its choice of maximum terms.

G.   Post-Release Supervision Terms

There was a general consensus among the Commissioners that current post-release supervision ("PRS") periods are too long. An offender sentenced to a 3 to 9 year indeterminate term and released on his parole eligibility date will spend six years "on parole" unless discharged earlier. The academic literature strongly indicates that if a person adjusts successfully in the community in the first 12 months after his release, a longer term of supervision is generally undesirable.[21] It is expensive and diverts resources from services for offenders exiting prison where the need is greatest. As shown in Charts C through F above, the

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[21]   Georgiou, G. (2014). Does increased post-release supervision of criminal offenders reduce recidivism? Evidence from a statewide quasi-experiment. *International Review of Law and Economics, 37*: 221-243; Rhodes, W., Dyous, C., Kling, R., Hunt, D., & Luallen, J. (2012). Recidivism of offenders on federal community supervision. 2010-BJ-CX-K069. *Bureau of Justice Statistics: Washington, D.C.*; Durose, M. R., Cooper, A.D., & Snyder, H.N. (2014). Recidivism of prisoners released in 30 states in 2005: Patterns from 2005 to 2010. *Bureau of Justice Statistics Special Report*: NCJ 244205.

Commission proposes to give judges discretion to impose PRS terms as short as one year and as long as three years for these non-violent, non-homicide offenses, and as long as five years for homicide offenses. Many non-class A homicides involve alcohol abuse, so longer PRS terms may be desirable.[22]

H.   Alternative Sentences

Importantly, the Commission believes that first time Class C, D and E non-violent, non-drug, non-sex crime offenders, including homicide offenders, should be eligible for all existing alternative sentences. That includes probation, "split sentences" (probation coupled with a prison term) and definite sentences (local jail sentences of up to one year). This would mark a change from existing law. Now, most Class C non-violent felons are eligible for probation but not definite sentences, and for certain Class C felonies involving bribery, usury and prostitution, probation is not authorized.[23]

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[22]   The Commission is concerned that if sentences for non-violent offenders are converted to determinate, an unintended consequence may be that the duration of certain orders of protection will be shortened. Under current law, the duration of an order of protection may not exceed "eight years from the date of the expiration of the maximum term of an indeterminate or the term of a determinate sentence of imprisonment actually imposed." See CPL §530.13(4). Thus, if an offender is sentenced to an indeterminate term of 2 to 6 years for Stalking in the First Degree, a Class D felony, the maximum duration of an order of protection is 14 (6 + 8) years. If the same offender were to receive a four year determinate sentence, the maximum duration of the order would be 12 (4 + 8) years. The Commission intends to consider the issue of the appropriate duration of orders of protection at future meetings.

[23]   Commission member Seymour James, the Attorney-in-Chief of the Legal Aid Society, has written a letter expressing the view, shared by some others on the Commission, that a more "fair and balanced proposal" would include measures "to give judges the discretion to sentence offenders to alternatives to state prison sentences for C, D and E level second felony offenders." See letter of Seymour James, Appendix B; see also fn. 7, supra.

I.   Effect on Prison Population

As the chart below shows, the prison population in New York has declined significantly in the past 15 years:

State Prison Population in New York
December 31: 1976 - 2013
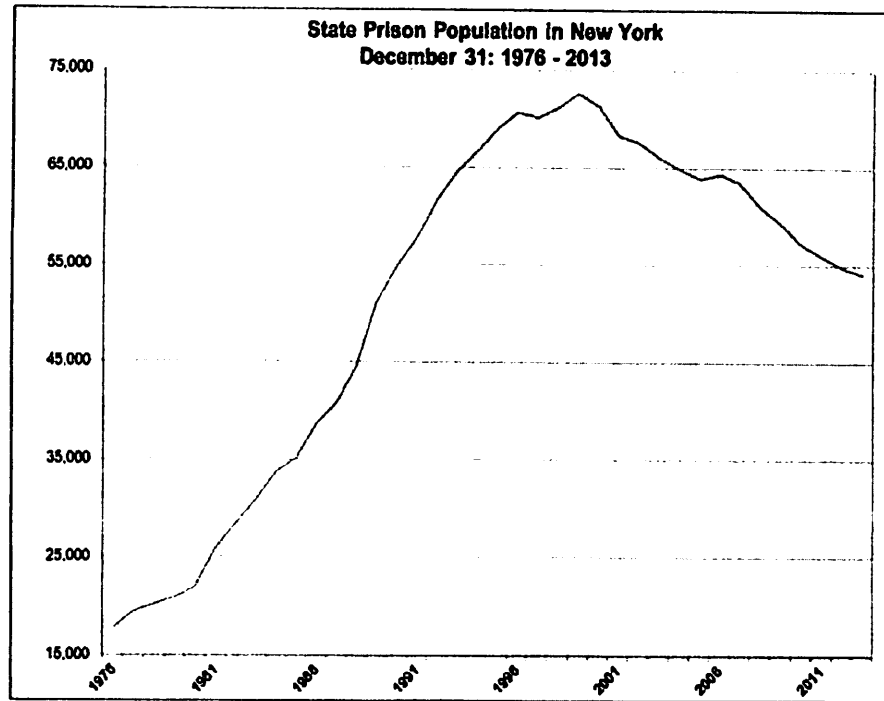
No one is eager to see this trend reversed. [24]

For that reason, the Commission attempted to test how its determinate sentencing proposal would affect prison population. Here, too, the task was not easy. If a judge would have sentenced a Class B non-violent offender to the maximum sentence under current law (an indeterminate term of 8 1/3 to 25 years), what sentence would she impose under our proposal? Would she impose the maximum determinate sentence of 12 years? Would she assume that, under an indeterminate scheme, parole authorities would likely release the offender at his first parole eligibility date (8 1/3 years) and impose that sentence? Would she figure good time credit into her calculation?

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[24]   Of the 10 largest states, New York has the lowest imprisonment rate. See Exhibit D.

The Commission created several models to test for prison population effect. The most realistic model assumed this: that if a group of offenders would have received an indeterminate sentence of, for example, 1 to 3 years, then 1/3 of them would now receive a determinate sentence of one year; 1/3 would receive a determinate sentence of 2 years (the old conditional release date); and 1/3 would receive a sentence of 18 months (the midpoint of the minimum and conditional release date). And so forth for other sentences. Using this model, and applying it to recent commitments, produced these results:

	Current Avg. Length	Proposal
Class C first time	2.6 yrs/inmate	2.3 yrs/inmate
Class D first time	1.8 yrs/inmate	1.6 yrs/inmate
Class E first time	1.7 yrs/inmate	1.3 yrs/inmate
Class D second time	2.8 yrs/inmate	2.2 yrs/inmate
Class E second time	1.9 yrs/inmate	1.5 yrs/inmate

The chart suggests that adoption of the proposal would result in a marked decrease in prison population.[25]

Part of the reason one sees a likely reduction in prison population involves merit time. Merit time allows an offender serving an indeterminate sentence to obtain a parole hearing before the expiration of his minimum term as a reward for certain in-custody accomplishments such as earning a high school equivalency degree.[26] To illustrate, assume an offender is sentenced to an indeterminate term of 3 to 9 years. As noted above, normally that would mean he would be eligible for parole release after serving 3 years. Merit time advances that date to

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[25] Because Class B first time non-violent offenders and Class B and C second time non-violent offenders are few in number, calculations were not made for them. The full set of results can be found in Exhibit E.

[26] Merit time allows certain non-violent offenders serving indeterminate sentences to be eligible to earn a one-sixth reduction in their minimum period if they (i) earn a high school equivalency degree; (ii) receive an alcohol and substance abuse treatment certificate; (iii) receive a vocational trade certificate following at least six months of programming; or (iv) perform 400 hours of community service.

2 1/2 years – 1/6 off the minimum. There is no guarantee, however, that the parole board will release a merit time recipient at his first (and now earlier) release date. In fact, of those serving indeterminate sentences, less than 40 percent of merit time recipients are released at their "first board."[27]

In a determinate sentencing structure, those who earn merit time always benefit from it. An offender who is sentenced to a determinate term of, for example, 7 years and earns merit time (and also receives his good time credits) will be released at 5 years (7 - 1/7 (for good time) - 1/7 (for merit time) = 5).[28] If one earns it, it counts. For obvious reasons, the Commission finds this outcome desirable, and its effect will be to reduce prison population.

J.   Sunsetting

In the past, the Legislature has enacted new determinate sentencing laws with "sunset provisions," requiring that the laws continually be extended lest there be a reversion to indeterminate terms. For example, determinate sentences for second violent felony offenders became the law in 1995 with a sunset provision that required a return to indeterminate sentences beginning in September 2005 unless determinate sentencing was extended. Determinate sentencing was extended in September 2005 to September 2009, in September 2009 to September 2011, in September 2011 to September 2013, and in September 2013 to September 2015. Suffice it to say, this is no way to run a sentencing system. The Commission believes that the move to full determinacy should be accompanied by a move to permanency.

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[27]   A conversion to determinate sentences will have a similar effect on those who complete the Shock Incarceration program. Now some graduates from the rigorous Shock program are denied early release by parole authorities. With determinate sentencing, an offender would begin post-release supervision following successful completion of Shock.

[28]   The calculation assumes that merit time for those serving non-violent, non-drug sentences will be 1/7 of the sentence, as it is now for determinate non-Class A drug offenses.

K.   <u>Conclusion</u>

Few subjects are as contentious as criminal sentencing. The Commission has reached a strong consensus on the need for New York to convert to "full determinacy." But there remains some disagreement among us on the appropriate maximum terms. Moreover, we are aware that many outside the Commission believe that our proposals are too severe or too lenient, depending on their perspective. We have listened to all sides and tried to strike a sensible middle ground.

Of course, the last word on this subject will be that of our elected officials in Albany. There is, after all, no right answer to the question of what should be the maximum sentence for a non-violent felony. No doubt, the Governor and the Legislature may see it differently than a majority of this Commission does. But the fundamental point is that sentencing reform is needed. The current system makes little sense; it is a hodgepodge that has resulted more from historical accident than considered judgment. Our hope is this proposal will be a catalyst for thoughtful change.

Appendix A

Letter from Hon. Kathleen Hogan

District Attorney, Warren County

November 18, 2014

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New York, New York 10019

Re: Sentencing Commission's Proposed Changes
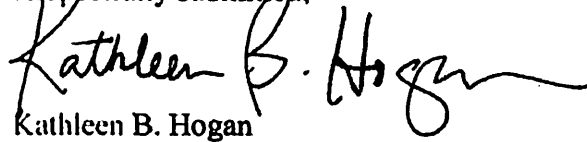
Dear Mr. Horn:

As a member of this Commission, I strongly support the purpose of its creation to propose sensible changes aimed at enhancing justice, improving public safety and clarifying and simplifying New York State's sentencing statutes. My colleagues and I unanimously support the migration to a determinate sentence model for the obvious and laudable goal of simplifying our patchwork sentencing structure. However, we have grave concerns on how to achieve that transition while preserving public safety and enhancing justice. The majority of us are troubled by the logic used to come to the suggested maximum sentences as the analysis disregards the realities of plea bargaining, good time, merit time and back-end reductions, which I have called "gadgets and gizmos."

At the early stages of this Commission's existence, a "time served" methodology was proposed and adopted. The adoption of that methodology was and continues to be a concern for me and the majority of elected district attorneys throughout the state. This time served model is misnamed, because it does not capture all the time served for every inmate in a particular class of offense. For some inexplicable reason, this methodology varies in the percentage of the incarcerated population that is analyzed. In Class B felonies, this model considers 98% of the inmates. However, for Class E felonies, this model considers only 86.3% of the inmates. There does not appear to be any rational basis to exclude all inmates other than wanting to reduce the amount of potential exposure for incarceration of future inmates. If the Commission bases its recommendation on the time served data of 98% of all inmates who have committed

Class B felonies, which are serious by nature, we are blatantly ignoring the 2% of the inmates who were deserving of a higher sentence. As a result of the reliance on this methodology, what is proposed is a sentencing scheme that has what the Commission refers to as "outliers", which sound benign, but really represent the worst of the worst offenders and for the benefit of the public's safety should not be ignored, but rather carefully considered and incorporated into the Commission's recommendations. Indeed, even the Commission recognized that the time served model resulted in inappropriately low sanctions for certain crimes which caused the Commission to suggest complex carve-outs and reclassifications. I respectfully submit that the sentencing proposal as it currently is configured is neither simplified nor transparent and has the potential to exact a heavy cost to public safety.

Respectfully submitted,

Kathleen B. Hogan

Appendix B

Letter from Seymour James

Attorney in Chief

The Legal Aid Society

November 13, 2014

The Legal Aid Society
199 Water St.
New York, NY 10038
T (212) 577-3300
www.legal-aid.org

Direct Dial: 212-577-3646
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Richard J. Davis
Chairperson of the Board

Blaine (Fin) V. Fogg
President

Seymour W. James, Jr
Attorney-in-Chief

November 13, 2014

Martin F. Horn
Executive Director
New York State Permanent Sentencing Commission
John Jay College of Criminal Justice
524 W. 59th St.
New York, New York 10019

Dear Director Horn:

Statement of Seymour James
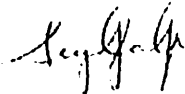
I write to explain my position regarding the New York State Permanent Sentencing Commission's proposed grid on determinate sentences for non-violent felony offenses. From the beginning of our discussions on this topic the Commission struggled with the task of creating a determinate sentencing structure that met the current criminal justice needs of New York State. Our discussions began with a set of proposals that were designed to keep the average time served at the approximate time served as the current sentencing structure. The proposed grid, however, includes a number of significant sentence increases. I believe that in order to achieve a fair and balanced proposal we could and should have done more to give judges the discretion to sentence offenders to alternative to state prison sentences for C, D and E level second felony offenders.

The Commission was presented with a series of expert reports which showed that sentence length is not the most crucial element in preventing recidivism. New York's own experience with drug law reform shows that short sentences combined with access to effective treatment programs can be more effective in preventing future crime. Rather than follow this model, the present proposal does little to change what is essentially a mandatory sentencing scheme for many non-violent offenders. It makes little sense to mandate a state prison sentence for the non-violent felony offenders who could benefit from an effective treatment program. The non-violent offender who steals to feed a drug habit should not be denied access to a treatment program because he was convicted of non-violent property crime instead of a drug crime.

In the course of our discussions a majority of the Commission made the decision to "upgrade" and reclassify crimes such as Contempt 1, Conspiracy 2, Promoting Prostitution 1, Tampering with a Witness 1, Aggravated Contempt, Tampering with a Witness 2, Intimidating a Victim/Witness 2. Maximum sentences for homicide crimes such as Manslaughter 2 and Vehicle Manslaughter 2 were also increased. Because of the very nature of a shift from an indeterminate sentencing structure, which offers an early release opportunity through a minimum sentence, almost all of those offenders who receive the proposed new maximum determinate sentences will serve significantly more prison time for these offenses.

I understand that policy choices have been made regarding the upgraded and reclassified crimes. In light of the fact that the Commission made the decisions to enhance sentences, it should have also provided judges the discretion to reduce sentences for lower-level second felony non-violent offenders who they deem appropriate for alternative to state prison sentences. With that addition I believe that this would have been a more fair and balanced proposal. By focusing so exclusively on sentence lengths rather than effective criminal justice results we have missed an opportunity for effective reform.

Sincerely,

Seymour James
Attorney-in-Chief

Exhibit A

List of Stakeholders

List of Stakeholders

Council of Probation Administrators;

Westchester County Department of Probation;

NYC Department of Probation;

Mothers Against Drunk Driving (MADD);

Deidcatedd;

Bronx County and Nassau County District Attorney's offices – Vehicular Crime Units;

New York County Lawyers' Association;

The Bronx Defenders;

Brooklyn Defender Services;

Neighborhood Defender Service of Harlem;

Office of the Appellate Defender;

Center for Appellate Litigation;

The Fortune Society;

Prison Action Network;

Center for Community Alternatives;

Correctional Association of New York;

Coalition of Reentry Advocates;

Downstate Coalition for Crime Victims;

Crime Victims Center; and

NYC Alliance Against Sexual Assault.

Exhibit B

Sentences Recommended by

O'Donnell Commission

O'Donnell Commission Charts

Conditional Release-Based Model: First-Felony Offenders

Felony Class	Range and Release Types	Current Indeterminate (in years)		Proposed Determinate (in years)[a]	
		Min	Max	Min	Max
B	Sentence Range	1 – 3	8 – 25	1	16
	Earliest Release				
	Range				
	Merit	0.8	6.9	0.7	11.4 – 13.7
	Parole	1.0	8.3	..	
	CR	2.0	16.7	0.9	
C	Sentence Range	1 – 3	5 – 15	1	12
	Earliest Release				
	Range				
	Merit	0.8	4.2	0.7	8.6
	Parole	1.0	5.0	– 0.9	– 10.3
	CR	2.0	10.0		
D	Sentence Range	1 – 3	2 – 7	1	5½
	Earliest Release				
	Range				
	Merit	0.8	1.9	0.7	3.9 – 4.7
	Parole	1.0	2.3	– 0.9	
	CR	2.0	4.7		
E	Sentence Range	1 – 3	1 – 4	1	3
	Earliest Release				
	Range				
	Merit	0.8	1.1	0.7	2.1 – 2.6
	Parole	1.0	1.3	– 0.9	
	CR	2.0	2.7		

Conditional Release-Based Model: Second Felony Offenders

	Range and Release Types	Current Indeterminate (in years)		Proposed Determinate (in years)[a]	
		Min	Max	Min	Max
B	Sentence Range	4 ½ – 9	12 ½ – 25	5	16
	Earliest Release Range				
	Merit	3.7 4 5	10 4 12 5	3.6 –	11 4 – 13 7
	Parole	6.0	16 7	4.3	
	CR				
C	Sentence Range	3 – 6	7 ½ – 15	3½	12
	Earliest Release Range				
	Merit	2 5	6 2	2 5 / 3.0	8.6
	Parole	3.0	7.5		– 10 3
	CR	4.0	10 0		
D	Sentence Range	2 – 4	3 ½ – 7	2	5½
	Earliest Release Range				
	Merit	1.7 2.0	2.9 3 5	1.4	3 9
	Parole	2.7	4 7		
	CR			1 7	4 7
E	Sentence Range	1 ½ – 3	2 – 4	1½	3
	Earliest Release Range				
	Merit	1.2 1.5 2.0	1 7 2 0 2 7	1.1 – 1.3	2.1 – 2 6
	Parole				
	CR				

Exhibit C

Time Served by Prisoners Released

2000-2012

CLASS B

First Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012

Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	12 YRS		6/7 OF 12 YRS		5/7 OF 12 YRS							
BUS CORRUPTION	196	24.91	7.69	143.90	0	0.0%	1	0.5%	2	1.0%	1	0.5%	3	1.5%	66	33.7%
GRAND LARCEN 1ST	118	38.26	9.90	179.87	1	0.8%	2	1.7%	2	1.7%	1	0.8%	1	0.8%	46	39.0%
MONEY LAUNDERING 1	9	21.63	11.80	39.85	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
STOLEN PROP 1ST	3	38.03	12.20	71.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	33.3%
ARSON 3RD*	3	74.62	29.98	121.97	0	0.0%	0	0.0%	1	33.3%	1	33.3%	0	0.0%	0	0.0%
CRIM MISCHIEF 1ST	3	71.38	46.22	96.00	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%
INSUR FRAUD 1ST	2	18.31	16.57	20.05	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
GRAND LARCEN 2ND*	1	19.96	19.96	19.96	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
SEX TRAFFICKING	1	21.50	21.50	21.50	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%		
Total	336	30.42	7.69	179.87	1	0.3%	3	0.9%	5	1.5%	3	0.9%	4	1.2%	118	35.1%

Hate Crime

Notes #2.

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	12 YRS		6/7 OF 12 YRS		5/7 OF 12 YRS							
CONSPIRACY 2ND	518	40.45	2.10	299.97	9	1.7%	11	2.1%	20	3.9%	24	4.6%	43	8.3%	129	24.9%
PROMO PROSTI 1ST	2	36.49	24.66	48.33	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%
Total	520	40.43	2.10	299.97	9	1.7%	11	2.1%	20	3.8%	25	4.8%	43	8.3%	129	24.8%

There were no 'Tampering with a Witness in the First Degree' cases.

CLASS C
First Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012

Total Time Served

	N	Time Served			Releases Serving more than Proposed												Released after		SHOCK		MERIT	
		Mean	Low	High	6 YRS		6/7 of 6 YRS		5/7 of 6 YRS		7 YRS		6/7 OF 7 YRS		5/7 OF 7 YRS		Org. CR Date		Graduations		Releases	
GRAND LARCEN 2ND	676	25.27	6.81	119.93	■	1.2%	■	2.1%	30	4.4%	5	0.7%	8	1.2%	16	2.4%	6	0.9%	43	6.4%	214	31.7%
ARSON 3RD	· 272	35.84	8.61	120.03	16	5.9%	35	12.9%	49	18.0%	12	4.4%	16	5.9%	38	14.0%	25	9.2%	5	1.8%	31	11.4%
POS FORGE INS 1ST	58	21.30	7.13	59.97	0	0.0%	0	0.0%	2	3.4%	0	0.0%	0	0.0%	0	0.0%	3	5.2%	13	22.4%	14	24.1%
ATT BUS CORRUPTION	40	20.88	9.96	76.73	1	2.5%	1	2.5%	1	2.5%	0	0.0%	1	2.5%	1	2.5%	2	5.0%	0	0.0%	10	25.0%
PROMO PROSTI 2ND	29	43.84	12.30	79.36	1	3.4%	5	17.2%	8	27.6%	0	0.0%	1	3.4%	5	17.2%	8	27.6%	0	0.0%	4	13.8%
CRIM FACIL 2ND	23	32.86	11.38	107.28	1	4.3%	4	17.4%	4	17.4%	1	4.3%	1	4.3%	4	17.4%	0	0.0%	2	8.7%	2	8.7%
STOLEN PROP 2ND	17	20.19	9.21	47.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	17.6%	4	23.5%
MONEY LAUNDERING 2	14	21.10	9.93	57.80	0	0.0%	0	0.0%	1	7.1%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	21.4%
FORGERY 1ST	11	23.60	7.99	62.86	0	0.0%	1	9.1%	1	9.1%	0	0.0%	0	0.0%	1	9.1%	1	9.1%	4	36.4%	1	9.1%
ATT GRAND LAR 1ST	10	31.67	11.87	81.04	1	10.0%	2	20.0%	2	20.0%	0	0.0%	1	10.0%	2	20.0%	0	0.0%	0	0.0%	3	30.0%
INSUR FRAUD 2ND	6	23.03	11.97	43.23	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	50.0%
AGG VEHICULAR ASSLT	6	27.40	16.87	35.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	16.7%
CRIM USURY 1ST	5	18.93	11.93	29.92	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	60.0%
TRADE COUNTERFEIT 1ST	5	14.54	11.74	18.15	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	20.0%
CRIM DIVERS PRESCRIP 1ST	3	39.67	19.92	69.27	0	0.0%	1	33.3%	1	33.3%	0	0.0%	0	0.0%	1	33.3%	0	0.0%	0	0.0%	2	66.7%
BRIBE REC 2ND	3	26.26	11.93	42.87	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
BRIBERY 2ND	3	21.25	19.92	23.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	66.7%
RECK ENDANGER 1ST*	2	22.72	13.61	31.82	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%
ENDNGR PUB HLTH 1ST	1	16.04	16.04	16.04	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CRIM SALE FIREARM-MINOR	1	23.84	23.84	23.84	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT ARSON 3RD*	1	119.97	119.97	119.97	1	100.0%	1	100.0%	1	100.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
ATT STOLN PROP 1ST	1	11.97	11.97	11.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	1,187	27.88	6.81	120.03	29	2.4%	64	5.4%	100	8.4%	19	1.6%	29	2.4%	69	5.8%	45	3.8%	70	5.9%	299	25.2%
Total (excluding 2 crimes**)	1,135	27.37	6.81	120.03	27	2.4%	55	4.8%	88	7.8%	18	1.6%	27	2.4%	60	5.3%	37	3.3%	68	6.0%	293	25.8%

* Hate Crime

** Promoting Prostitution 2nd, and Criminal Facilitation 2nd

Notes #2.

	N	Time Served			Releases Serving more than Proposed												Released after		SHOCK		MERIT	
		Mean	Low	High	6 YRS		6/7 of 6 YRS		5/7 of 6 YRS		7 YRS		6/7 OF 7 YRS		5/7 OF 7 YRS		Org. CR Date		Graduations		Releases	
ATT CONSPIRACY 2ND	50	23.01	7.73	63.25	0	0.0%	1	2.0%	2	4.0%	0	0.0%	0	0.0%	1	2.0%	2	4.0%	5	10.0%	15	30.0%

There were no Att. Promoting Prostitution 1st and Att. Tampering with a Witness 1st cases

GRAND LARCEN 2ND Time served	N	Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
> 6 YRS	8	2	25.0%	0	0.0%	0	0.0%
> 6/7 OF 6 YRS	14	2	14.3%	0	0.0%	0	0.0%

CLASS D
First Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after		SHOCK		MERIT	
		Mean	Low	High	4 YRS		6/7 OF 4 YRS		5/7 OF 4 YRS		Org. CR Date		Graduations		Releases	
BURGLARY 3RD	2,980	19.08	6.81	83.77	82	2.8%	176	5.9%	307	10.3%	190	6.4%	977	32.8%	297	10.0%
DWI: ALC OR DRGS 3 OFF	2,296	25.10	5.65	83.87	94	4.1%	257	11.2%	491	21.4%	146	6.4%	291	12.7%	229	10.0%
ROBBERY 3RD	1,726	23.40	6.90	84.07	95	5.5%	178	10.3%	324	18.8%	227	13.2%	366	21.2%	133	7.7%
GRAND LARCEN 3RD	838	17.80	6.48	71.87	11	1.3%	36	4.3%	66	7.9%	32	3.8%	201	24.0%	159	19.0%
POS FORGE INS 2ND	543	17.64	7.23	56.88	8	1.5%	17	3.1%	33	6.1%	22	4.1%	138	25.4%	88	16.2%
CR POS WEAP 3 SUB1,2,3	480	24.20	7.04	83.93	27	5.6%	47	9.8%	94	19.6%	60	12.5%	66	13.8%	41	8.5%
RECK ENDANGER 1ST	453	28.41	7.73	74.53	45	9.9%	90	19.9%	125	27.6%	47	10.4%	10	2.2%	49	10.8%
FORGERY 2ND	403	18.25	5.39	68.09	7	1.7%	14	3.5%	29	7.2%	17	4.2%	81	20.1%	67	16.6%
STOLEN PROP 3RD	259	19.74	5.42	71.97	6	2.3%	20	7.7%	29	11.2%	22	8.5%	69	26.6%	20	7.7%
FAIL REGIS SEX 2ND	122	33.53	11.97	71.97	11	9.0%	20	16.4%	64	52.5%	60	49.2%	0	0.0%	2	1.6%
CRIM MISCHIEF 2ND	101	20.16	7.89	71.87	3	3.0%	3	3.0%	12	11.9%	12	11.9%	26	25.7%	12	11.9%
ATT ARSON 3RD	86	29.43	7.89	68.88	8	9.3%	16	18.6%	24	27.9%	14	16.3%	2	2.3%	3	3.5%
AGG. IDENTITY THEFT	75	19.32	8.19	50.37	1	1.3%	4	5.3%	9	12.0%	5	6.7%	12	16.0%	9	12.0%
VEHIC ASSAULT 1ST	37	31.41	14.60	55.99	4	10.8%	8	21.6%	13	35.1%	1	2.7%	0	0.0%	1	2.7%
ATT GRAND LAR 2ND	36	20.13	8.78	55.79	1	2.8%	1	2.8%	3	8.3%	3	8.3%	3	8.3%	8	22.2%
AGGR DWI:2 PRIOR 10 YR	36	18.34	7.69	35.87	0	0.0%	0	0.0%	2	5.6%	0	0.0%	8	22.2%	4	11.1%
DRIVE IMPAIR 3 OFF	27	19.88	7.13	41.98	0	0.0%	1	3.7%	3	11.1%	1	3.7%	7	25.9%	2	7.4%
COERCION 1ST	27	36.06	11.90	60.76	5	18.5%	10	37.0%	15	55.6%	8	29.6%	0	0.0%	2	7.4%
CRIM SALE FIREARM 3RD	23	15.77	6.90	44.38	0	0.0%	1	4.3%	1	4.3%	1	4.3%	8	34.8%	3	13.0%
PROMO PROSTI 3RD	20	22.67	8.84	47.90	0	0.0%	2	10.0%	4	20.0%	2	10.0%	0	0.0%	1	5.0%
INSUR FRAUD 3RD	19	20.42	6.05	54.02	1	5.3%	1	5.3%	2	10.5%	2	10.5%	2	10.5%	2	10.5%
HINDER PROSEC 1ST	17	32.75	11.93	56.02	3	17.6%	5	29.4%	7	41.2%	1	5.9%	0	0.0%	2	11.8%
WLFARE FRAUD 3 D FELONY	15	15.04	7.99	35.90	0	0.0%	0	0.0%	1	6.7%	1	6.7%	3	20.0%	2	13.3%
PERJURY 1ST	14	17.16	9.90	27.95	0	0.0%	0	0.0%	0	0.0%	1	7.1%	3	21.4%	2	14.3%
LV SCENE OF ACC W/O REP	13	37.89	15.88	55.99	4	30.8%	6	46.2%	8	61.5%	3	23.1%	0	0.0%	1	7.7%
BAIL JUMPING 1ST	13	20.74	9.93	55.92	1	7.7%	1	7.7%	1	7.7%	1	7.7%	1	7.7%	1	7.7%
ATT POS FORGE 1ST	12	15.88	11.34	35.77	0	0.0%	0	0.0%	1	8.3%	1	8.3%	6	50.0%	0	0.0%
BRIBE PUBLIC SERVANT 3RD	11	20.66	10.95	37.08	0	0.0%	0	0.0%	2	18.2%	1	9.1%	1	9.1%	0	0.0%
CONSPIRACY 3RD	9	20.42	10.19	55.96	1	11.1%	1	11.1%	1	11.1%	0	0.0%	2	22.2%	0	0.0%
ATT PRO PROST 2ND	8	33.55	17.19	47.84	0	0.0%	1	12.5%	6	75.0%	5	62.5%	0	0.0%	0	0.0%
CRIM SOLI 2ND	8	36.35	23.67	71.90	1	12.5%	3	37.5%	3	37.5%	1	12.5%	0	0.0%	0	0.0%
MONEY LAUNDERING 3	6	23.43	8.02	47.87	0	0.0%	1	16.7%	1	16.7%	0	0.0%	0	0.0%	1	16.7%
ATT CRIM FACIL 2ND	6	17.48	10.65	32.02	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	16.7%	1	16.7%
CRIM TRESPASS 1ST	5	25.21	7.82	51.62	1	20.0%	1	20.0%	1	20.0%	0	0.0%	1	20.0%	1	20.0%
BRIBE REC 3RD	5	13.43	9.90	17.00	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	20.0%	1	20.0%
ATT STOLN PROP 2ND	3	25.05	11.90	38.27	0	0.0%	0	0.0%	1	33.3%	2	66.7%	0	0.0%	0	0.0%
POS FORGE DEVICE	3	27.64	11.93	51.06	1	33.3%	1	33.3%	1	33.3%	0	0.0%	0	0.0%	1	33.3%
BRIBE LABOR OFF	3	17.94	11.93	23.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
UNAU USE VEHIC 1ST	2	41.42	31.86	50.99	1	50.0%	1	50.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%
TAMP PUB RECDS 1ST	2	21.11	12.72	29.49	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%

CLASS D

First Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012

Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	4 YRS		6/7 OF 4 YRS		5/7 OF 4 YRS							
ATT INS FRAUD 2ND	2	17.67	14.89	20.45	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%
CRIM MISCHIEF 3RD*	2	27.96	24.10	31.82	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT ROBBERY 3RD*	1	35.97	35.97	35.97	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
ATT ASSAULT 2ND*	1	47.90	47.90	47.90	0	0.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
GRAND LARCEN 4TH*	1	14.93	14.93	14.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
COMPUTER TAMPERING 2ND	1	24.00	24.00	24.00	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
AUTO STRIPPING 1ST	1	14.79	14.79	14.79	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
ATT TRADE COUNTERFT 1ST	1	31.89	31.89	31.89	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT CRIM USURY 1ST	1	23.84	23.84	23.84	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
UNLAW POSS PERS ID 1	1	8.28	8.28	8.28	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CIG TAX-POSS/TRANS>30K	1	23.93	23.93	23.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT FORGERY 1ST	1	7.56	7.56	7.56	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
ESCAPE 1ST	1	14.17	14.17	14.17	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
BRIBING WITNESS	1	48.89	48.89	48.89	1	100.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
REC BRIBE LABOR OFF	1	14.93	14.93	14.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Total	10,759	21.92	5.39	84.07	423	3.9%	925	8.6%	1,688	15.7%	890	8.3%	2,289	21.3%	1,147	10.7%
Total (excluding 6 crimes**)	10,090	21.37	5.39	84.07	351	3.5%	786	7.8%	1,456	14.4%	770	7.6%	2,279	22.6%	1,090	10.8%

* Hate Crime

** Reck Endanger 1st, Coercion 1st, Hinder Prosec 1st, LV Scene of Acc w/o Rep, Failure to Register as a Sex Offender 2nd, and Vehicular Assault 1st

Notes #3.

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	4 YRS		6/7 OF 4 YRS		5/7 OF 4 YRS							
AGG.CRIMINAL CONTEMPT	125	33.86	7.53	77.85	16	12.8%	30	24.0%	49	39.2%	23	18.4%	1	0.8%	3	2.4%
TAMP WITNESS 2ND	1	16.08	16.08	16.08	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	126	33.72	7.53	77.85	16	12.7%	30	23.8%	49	38.9%	23	18.3%	1	0.8%	3	2.4%

	Time Served	N	Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
BURGLARY 3RD	> 4 YRS	82	46	56.1%	0	0.0%	0	0.0%
	> 6/7 OF 4 YRS	176	72	40.9%	0	0.0%	0	0.0%
DWI: ALC OR DRGS 3 OFF	> 4 YRS	94	32	34.0%	0	0.0%	0	0.0%
	> 6/7 OF 4 YRS	257	41	16.0%	0	0.0%	0	0.0%
ROBBERY 3RD	> 4 YRS	95	55	57.9%	0	0.0%	0	0.0%
	> 6/7 OF 4 YRS	178	87	48.9%	0	0.0%	0	0.0%

CLASS E
First Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

		Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
	N	Mean	Low	High	2⅓ YRS		6/7 OF 2⅓ YRS		5/7 OF 2⅓ YRS							
DRIVE INTOX 2 OFF	4,082	20.25	5.88	47.97	616	15.1%	724	17.7%	2,316	56.7%	256	6.3%	571	14.0%	270	6.6%
GRAND LARCEN 4TH	1,256	16.53	6.44	48.00	111	8.8%	140	11.1%	310	24.7%	87	6.9%	274	21.8%	106	8.4%
ATT ASSAULT 2ND	776	24.69	7.10	48.00	243	31.3%	270	34.8%	582	75.0%	139	17.9%	8	1.0%	27	3.5%
ATT BURGLARY 3RD	618	16.86	7.23	47.97	61	9.9%	77	12.5%	162	26.2%	45	7.3%	174	28.2%	50	8.1%
AGG. UNLICENSED OPERATION	582	20.13	6.94	48.00	93	16.0%	109	18.7%	309	53.1%	49	8.4%	100	17.2%	28	4.8%
STOLEN PROP 4TH	536	16.56	5.98	47.97	49	9.1%	57	10.6%	134	25.0%	39	7.3%	128	23.9%	42	7.8%
ATT ROBBERY 3RD	399	20.82	7.20	48.00	75	18.8%	95	23.8%	201	50.4%	71	17.8%	80	20.1%	10	2.5%
CRIM MISCHIEF 3RD	197	18.72	7.27	47.97	29	14.7%	32	16.2%	77	39.1%	20	10.2%	41	20.8%	10	5.1%
ATT POS FORGE 2ND	141	15.33	7.04	35.77	10	7.1%	12	8.5%	25	17.7%	6	4.3%	32	22.7%	16	11.3%
ATT CR POS WEAP 3 SUB1-3	137	20.02	7.69	47.97	22	16.1%	25	18.2%	66	48.2%	13	9.5%	24	17.5%	8	5.8%
SCHEME TO DEFRAUD 1ST	114	16.07	4.67	47.87	9	7.9%	10	8.8%	24	21.1%	4	3.5%	15	13.2%	16	14.0%
CONSPIRACY 4TH	107	17.10	7.69	48.03	9	8.4%	13	12.1%	30	28.0%	9	8.4%	17	15.9%	8	7.5%
VEHIC ASSAULT 2ND	90	22.44	6.02	35.87	27	30.0%	27	30.0%	60	66.7%	4	4.4%	2	2.2%	8	8.9%
AGGR DWI:1 PRIOR 10 YR	81	17.02	7.17	35.87	2	2.5%	3	3.7%	30	37.0%	2	2.5%	17	21.0%	9	11.1%
ATT FORGERY 2ND	74	16.54	8.28	35.90	7	9.5%	11	14.9%	21	28.4%	5	6.8%	17	23.0%	10	13.5%
LEAVE ACCIDENT SCENE	69	24.19	8.84	35.93	15	21.7%	18	26.1%	59	85.5%	5	7.2%	1	1.4%	3	4.3%
SEX OFF REG VIOL 1	68	26.03	11.84	39.32	18	26.5%	19	27.9%	63	92.6%	15	22.1%	0	0.0%	0	0.0%
ATT GRAND LAR 3RD	68	17.26	6.94	35.90	6	8.8%	6	8.8%	22	32.4%	3	4.4%	7	10.3%	7	10.3%
DRIVE IMPAIR 2 OFF	64	19.05	7.86	38.96	4	6.3%	6	9.4%	31	48.4%	7	10.9%	8	12.5%	4	6.3%
ARSON 4TH	62	24.51	8.35	47.97	21	33.9%	22	35.5%	45	72.6%	10	16.1%	4	6.5%	1	1.6%
BAIL JUMPING 2ND	52	17.94	9.47	47.34	6	11.5%	7	13.5%	15	28.8%	4	7.7%	6	11.5%	2	3.8%
UNAU USE VEHIC 2ND	40	18.75	10.26	35.87	4	10.0%	4	10.0%	16	40.0%	2	5.0%	6	15.0%	2	5.0%
UNLAWFUL IMPRIS 1ST	40	27.85	11.93	47.97	16	40.0%	20	50.0%	35	87.5%	15	37.5%	0	0.0%	1	3.2%
ATT RECK ENDANG 1ST	31	23.95	11.31	43.82	7	22.6%	8	25.8%	22	71.0%	7	22.6%	1	3.2%	1	3.2%
IDENTITY THEFT 2	31	14.61	7.53	31.96	1	3.2%	1	3.2%	4	12.9%	0	0.0%	11	35.5%	5	16.1%
FALSE BUS RCDS 1ST	30	15.22	8.05	31.99	1	3.3%	2	6.7%	6	20.0%	1	3.3%	6	20.0%	2	6.7%
FALSE INSTRUMENT	26	17.38	9.93	35.90	2	7.7%	3	11.5%	8	30.8%	2	7.7%	2	7.7%	4	15.4%
TAMPERING EVIDENCE	25	20.33	4.37	47.90	7	28.0%	8	32.0%	9	36.0%	4	16.0%	4	16.0%	1	4.0%
CRIM NUISANCE 1	23	12.42	9.67	23.87	0	0.0%	0	0.0%	1	4.3%	0	0.0%	5	21.7%	5	21.7%
ATT CONTRABAND 1ST	22	15.44	7.36	35.93	2	9.1%	2	9.1%	5	22.7%	1	4.5%	7	31.8%	4	18.2%
AUTO STRIPPING 2ND	20	20.64	9.24	35.18	1	5.0%	3	15.0%	12	60.0%	3	15.0%	2	10.0%	1	5.0%
ATT STOLN PROP 3RD	17	16.21	8.42	34.92	1	5.9%	1	5.9%	4	23.5%	1	5.9%	6	35.3%	2	11.8%
AGGR DWI:WITH CHILD-1ST	17	18.40	9.96	24.99	0	0.0%	0	0.0%	9	52.9%	0	0.0%	2	11.8%	1	5.9%
ATT FAIL REGIS SEX 2ND	10	29.13	23.87	36.07	4	40.0%	5	50.0%	10	100.0%	4	40.0%	0	0.0%	0	0.0%
CRIM IMPERSONATION	10	18.32	8.45	34.03	2	20.0%	2	20.0%	3	30.0%	1	10.0%	2	20.0%	0	0.0%
ESCAPE 2ND	10	19.11	11.80	31.89	1	10.0%	1	10.0%	5	50.0%	0	0.0%	0	0.0%	0	0.0%
ATT CR SALE FIREARM 3RD	9	16.97	9.11	35.93	1	11.1%	1	11.1%	3	33.3%	1	11.1%	1	11.1%	1	11.1%
AGG HAR: EMPEE BY INMATE	8	30.38	11.87	47.87	5	62.5%	5	62.5%	6	75.0%	4	50.0%	0	0.0%	0	0.0%
ATT CR MISCHIEF2ND	7	24.50	10.06	47.84	1	14.3%	2	28.6%	5	71.4%	2	28.6%	0	0.0%	1	14.3%
WLFARE FRAUD 4TH DEG	6	12.14	7.86	18.02	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	33.3%	1	16.7%
SALE FIREARM 3RD	6	18.13	11.87	31.73	1	16.7%	1	16.7%	2	33.3%	0	0.0%	0	0.0%	0	0.0%
DIS INDEC MAT MIN 2ND	6	19.91	11.97	31.86	1	16.7%	1	16.7%	3	50.0%	0	0.0%	0	0.0%	0	0.0%
TAMP WITNESS 3RD	6	28.60	23.84	36.00	3	50.0%	3	50.0%	6	100.0%	1	16.7%	0	0.0%	0	0.0%
UNLAWFUL SURV 2ND (1)	6	28.36	11.97	48.00	3	50.0%	4	66.7%	4	66.7%	2	33.3%	0	0.0%	0	0.0%
STALKING 2ND	5	27.08	23.84	31.89	2	40.0%	2	40.0%	5	100.0%	0	0.0%	0	0.0%	0	0.0%
ATT MENACING POL OFFICER	5	27.08	23.87	35.87	1	20.0%	2	40.0%	5	100.0%	1	20.0%	0	0.0%	0	0.0%
INCEST 3RD DEGREE	5	26.31	23.80	35.87	1	20.0%	1	20.0%	5	100.0%	0	0.0%	0	0.0%	1	20.0%
ANIMAL FIGHTING	5	21.32	11.67	32.05	1	20.0%	1	20.0%	3	60.0%	0	0.0%	0	0.0%	0	0.0%
CUSTODY INTERFE 1ST	5	25.49	11.87	35.93	2	40.0%	2	40.0%	4	80.0%	1	20.0%	0	0.0%	0	0.0%

CLASS E
First Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	2½ YRS		6/7 OF 2½ YRS		5/7 OF 2½ YRS							
ASSAULT 3RD*	4	23.79	15.35	31.99	1	25.0%	1	25.0%	3	75.0%	0	0.0%	0	0.0%	0	0.0%
MENACING	4	25.72	23.21	31.82	1	25.0%	1	25.0%	4	100.0%	0	0.0%	1	25.0%	2	50.0%
ATT IDENTITY THEFT 1	4	14.17	8.02	23.93	0	0.0%	0	0.0%	1	25.0%	0	0.0%	2	50.0%	0	0.0%
INSUR FRAUD 4TH	4	13.22	8.38	23.87	0	0.0%	0	0.0%	1	25.0%	0	0.0%	0	0.0%	1	25.0%
SECURITIES FRAUD	4	14.37	11.93	16.27	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
MONEY LAUNDER 2ND	4	17.30	11.97	23.97	0	0.0%	0	0.0%	1	25.0%	0	0.0%	0	0.0%	0	0.0%
CIG TAX-POSS/TRANS	4	21.90	15.88	31.96	1	25.0%	1	25.0%	2	50.0%	0	0.0%	0	0.0%	0	0.0%
FALS RPT STOLEN MV	4	19.08	12.36	23.97	0	0.0%	0	0.0%	2	50.0%	0	0.0%	0	0.0%	0	0.0%
ATT COERCION 1ST	4	28.92	23.93	35.87	2	50.0%	2	50.0%	4	100.0%	1	25.0%	0	0.0%	0	0.0%
ACCEPT COM BRIBE 1ST	4	10.97	9.90	12.00	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	50.0%
COMPUTR TRESSPAS	3	13.70	11.93	15.85	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	33.3%
UNLAWFUL SURV 2ND (2,3,4)	3	33.03	23.90	43.27	2	66.7%	2	66.7%	3	100.0%	1	33.3%	0	0.0%	0	0.0%
RIOT 1ST	3	21.24	11.93	35.84	1	33.3%	1	33.3%	1	33.3%	1	33.3%	0	0.0%	0	0.0%
ATT RECKLESS ASLT/CHILD	2	33.86	31.86	35.87	2	100.0%	2	100.0%	2	100.0%	1	50.0%	0	0.0%	0	0.0%
ATT WLFARE FRAUD 3 D FELONY	2	14.89	11.87	17.92	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT INS FRAUD 3RD	2	17.90	11.93	23.87	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%
MONOPOLY CONTRACTS	2	12.66	11.97	13.35	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%
CIG TAX-ATT EVADE/DEFEAT	2	13.45	11.93	14.96	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%
ILL VEHIC PLATE	2	17.93	12.00	23.87	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%
PATRO PROSTI 2ND	2	35.90	35.90	35.90	2	100.0%	2	100.0%	2	100.0%	2	100.0%	0	0.0%	0	0.0%
ATT CR SALE FIREARM 3RD	2	19.73	15.52	23.93	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%	0	0.0%
ATT LV SCENE OF ACC W/O REP	2	27.96	23.97	31.96	1	50.0%	1	50.0%	2	100.0%	0	0.0%	0	0.0%	0	0.0%
CRIM MISCHIEF 4TH*	2	16.31	11.90	20.71	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%	0	0.0%
CEMETARY DESEC 1ST	2	13.36	12.99	13.74	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%
ATT PERJURY 1ST	2	11.01	10.06	11.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%
PERJURY 2ND	2	12.94	10.68	15.19	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT BRIBING WITNESS	2	23.95	23.93	23.97	0	0.0%	0	0.0%	2	100.0%	0	0.0%	1	50.0%	0	0.0%
ATT INTIMI WIT 2ND	2	18.72	16.01	21.44	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CRIM FACIL 3RD	2	18.41	12.99	23.84	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%	0	0.0%
PROMOTING SUICIDE	1	35.87	35.87	35.87	1	100.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
MENACING 2ND*	1	23.90	23.90	23.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
RECK ASLT/CHLD DAY CARE	1	10.59	10.59	10.59	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
ATT STRANGULATION 2ND	1	23.97	23.97	23.97	0	0.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
ATT UN USE VEH 1ST	1	26.01	26.01	26.01	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
TRADE COUNTERFEIT 2ND	1	12.16	12.16	12.16	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CRIM USE ACCSS DEV 1	1	11.97	11.97	11.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
UNLAW POSS PERS ID 2	1	27.85	27.85	27.85	0	0.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
MONEY LAUNDERING 4	1	12.39	12.39	12.39	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
DEFRAUD GOVT	1	13.25	13.25	13.25	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
CORP TAX RETURN	1	9.90	9.90	9.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
ILLEGAL PROFESSION	1	11.97	11.97	11.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
INCOME TAX FAILURE	1	11.97	11.97	11.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
MISUSE FOOD STAMPS	1	10.03	10.03	10.03	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
FRAUDULENT PRACTICES	1	11.31	11.31	11.31	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
ATT POS FORGE DEVICE	1	17.82	17.82	17.82	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
FORG VEHIC ID	1	14.89	14.89	14.89	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
ATT PRO PROST 3RD	1	23.97	23.97	23.97	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
SELL/ISS. INST. W/O LIC.	1	31.92	31.92	31.92	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
ATT MFG TRANS WEAP	1	15.85	15.85	15.85	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%

CLASS E
First Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

		Time Served			Releases Serving more than Proposed						Released after		SHOCK		MERIT	
	N	Mean	Low	High	2 ½ YRS		6/7 OF 2 ½ YRS		5/7 OF 2 ½ YRS		Org. CR Date		Graduations		Releases	
UNLAW BODY VEST	1	24.92	24.92	24.92	0	0.0%	0	0.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
FLEE OFFICER MOTOR VEH 2	1	11.93	11.93	11.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
NON-SUPPORT CHILD 1ST	1	11.97	11.97	11.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ENDANG VUL ELDER 2ND	1	31.92	31.92	31.92	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
AGG HARASSMENT 1ST	1	34.95	34.95	34.95	1	100.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	1	100.0%
PROMO GAMBLING 1ST	1	9.90	9.90	9.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
PROMO BOOKMAKE 1ST	1	11.97	11.97	11.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT ESCAPE 1ST	1	26.33	26.33	26.33	0	0.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
ATT HINDR PROS 1ST	1	11.90	11.90	11.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
HINDER PROSEC 2ND	1	32.98	32.98	32.98	1	100.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
BIGAMY	1	35.97	35.97	35.97	1	100.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
OFF MISCON 2ND	1	19.96	19.96	19.96	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT BRIBERY 3RD	1	15.88	15.88	15.88	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT BRIBE REC 3RD	1	11.24	11.24	11.24	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CRIM DIVERS.PRESCRIP 3RD	1	17.92	17.92	17.92	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT CRIM SOLI 2ND	1	16.04	16.04	16.04	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
CRIM SOLI 3RD	1	12.85	12.85	12.85	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
FAIL DISCLOSE ORIG REC 1ST	1	15.88	15.88	15.88	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	10,123	19.56	4.37	48.03	1,523	15.0%	1,790	17.7%	4,829	47.7%	859	8.5%	1,594	15.7%	687	6.8%
Total (excluding 11 crimes**)	5,085	18.57	4.67	48.03	699	13.7%	831	16.3%	1,917	37.7%	494	9.7%	912	17.9%	374	7.4%

*Hate Crime
** Highlighted crimes

*Note #3.

		Time Served			Releases Serving more than Proposed						Released after		SHOCK		MERIT	
	N	Mean	Low	High	2 ½ YRS		6/7 OF 2 ½ YRS		5/7 OF 2 ½ YRS		Org. CR Date		Graduations		Releases	
ATT AGG.CRIM.CONTEMPT	5	25.70	23.87	31.86	1	20.0%	1	20.0%	5	100.0%	1	20.0%	0	0.0%	0	0.0%
ATT TAMP WITNES 2ND	1	34.95	34.95	34.95	1	100.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
CONTEMPT 1ST	781	25.50	7.17	48.07	220	28.2%	247	31.6%	666	85.3%	119	15.2%	16	2.0%	12	1.5%
INTIMIDATE WIT 3RD	16	22.28	9.90	47.97	5	31.3%	5	31.3%	7	43.8%	2	12.5%	2	12.5%	0	0.0%
Total	803	25.45	7.17	48.07	227	28.3%	254	31.6%	679	84.6%	123	15.3%	18	2.2%	12	1.5%

	Time Served	N	Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
DRIVE INTOX 2 OFF	> 2 1/2 YRS	616	138	22.4%	0	0.0%	0	0.0%
	> 6/7 OF 2 1/2 YRS	724	212	29.3%	0	0.0%	0	0.0%
GRAND LARCEN 4TH	> 2 1/2 YRS	111	63	56.8%	0	0.0%	0	0.0%
	> 6/7 OF 2 1/2 YRS	140	79	56.4%	1	0.7%	0	0.0%
ATT ASSAULT 2ND	> 2 1/2 YRS	243	109	44.9%	0	0.0%	0	0.0%
	> 6/7 OF 2 1/2 YRS	270	128	47.4%	0	0.0%	0	0.0%

CLASS B
2nd Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	14 YRS		6/7 OF 14 YRS		5/7 OF 14 YRS							
BUS CORRUPTION	14	67.81	44.78	124.87	0	0.0%	0	0.0%	1	7.1%	2	14.3%	0	0.0%	6	42.9%
GRAND LARCEN 1ST	5	62.61	17.95	173.33	1	20.0%	1	20.0%	1	20.0%	0	0.0%	0	0.0%	1	20.0%
CRIM MISCHIEF 1ST	1	14.96	14.96	14.96	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Total	20	63.87	14.96	173.33	1	5.0%	1	5.0%	2	10.0%	2	10.0%	0	0.0%	8	40.0%

Notes # 2.

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	14 YRS		6/7 OF 14 YRS		5/7 OF 14 YRS							
CONSPIRACY 2ND	111	82.38	22.95	291.29	5	4.5%	10	9.0%	18	16.2%	16	14.4%	0	0.0%	42	37.8%

There were no 'Promoting prostitution 1st' and 'Tampering with a Witness in the First Degree' cases.

CLASS C

2nd Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012

Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	8 YRS		6/7 of 8 YRS		5/7 of 8 YRS							
GRAND LARCEN 2ND	111	47.13	7.96	134.60		3.6%	7	6.3%	13	11.7%	11	9.9%	10	9.0%	44	39.6%
ARSON 3RD	63	66.93	29.79	138.94	7	11.1%	13	20.6%	27	42.9%	22	34.9%	0	0.0%	2	3.2%
POS FORGE INS 1ST	33	37.79	8.12	70.39	0	0.0%	0	0.0%	1	3.0%	3	9.1%	5	15.2%	10	30.3%
STOLEN PROP 2ND	21	49.88	13.38	113.36	1	4.8%	2	9.5%	5	23.8%	3	14.3%	3	14.3%	2	9.5%
ATT BUS CORRUPTION	18	34.58	29.69	64.01	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	12	66.7%
PROMO PROSTI 2ND	11	64.07	31.79	112.80	2	18.2%	2	18.2%	4	36.4%	7	63.6%	0	0.0%	1	9.1%
FORGERY 1ST	5	44.24	29.79	63.91	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	60.0%
CRIM FACIL 2ND	3	53.23	37.84	71.93	0	0.0%	0	0.0%	1	33.3%	0	0.0%	0	0.0%	1	33.3%
INSUR FRAUD 2ND	2	42.10	36.33	47.87	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT GRAND LAR 1ST	2	45.99	36.07	55.92	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	50.0%
CRIM DIVERS PRESCRIP 1ST	1	29.79	29.79	29.79	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
BRIBERY 2ND	1	50.93	50.93	50.93	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%
ATT INS FRAUD 1ST	1	23.93	23.93	23.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
TRADE COUNTERFEIT 1ST	1	20.15	20.15	20.15	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
Total	273	50.37	7.96	138.94	14	5.1%	24	8.8%	51	18.7%	48	17.6%	18	6.6%	78	28.6%
Total (excluding 2 crimes**)	259	49.76	7.96	138.94	12	4.6%	22	8.5%	46	17.8%	41	15.8%	18	6.9%	76	29.3%

** Promoting Prostitution 2nd, and Criminal Facilitation 2nd

Notes # 2.

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	8 YRS		6/7 of 8 YRS		5/7 of 8 YRS							
ATT CONSPIRACY 2ND	72	43.16	9.80	95.93	0	0.0%	3	4.2%	6	8.3%	12	16.7%	4	5.6%	22	30.6%

There were no Att. Promoting Prostitution 1st and Att. Tampering with a Witness 1st cases.

GRAND LARCEN 2ND Time served	N	Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
> 8 YRS	4	3	75.0%	0	0.0%	0	0.0%
> 6/7 OF 8 YRS	7	4	57.1%	0	0.0%	0	0.0%

CLASS D
2nd Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
		Mean	Low	High	5 YRS		6/7 OF 5 YRS		5/7 OF 5 YRS							
BURGLARY 3RD	4,065	33.62	5.42	84.00	161	4.0%	448	11.0%	885	21.8%	856	21.1%	331	8.1%	920	22.6%
ROBBERY 3RD	2,102	38.43	7.10	84.03	139	6.6%	393	18.7%	698	33.2%	587	27.9%	108	5.1%	239	11.4%
CR POS WEAP 3 SUB1,2,3	929	33.53	2.56	83.93	24	2.6%	83	8.9%	184	19.8%	170	18.3%	74	8.0%	127	13.7%
GRAND LARCEN 3RD	897	30.06	7.23	83.64	23	2.6%	71	7.9%	142	15.8%	129	14.4%	107	11.9%	255	28.4%
POS FORGE INS 2ND	737	28.42	5.19	83.93	11	1.5%	34	4.6%	76	10.3%	88	11.9%	85	11.5%	236	32.0%
STOLEN PROP 3RD	585	31.73	6.94	84.00	20	3.4%	47	8.0%	108	18.5%	117	20.0%	58	9.9%	134	22.9%
FORGERY 2ND	561	29.56	6.90	83.97	8	1.4%	33	5.9%	87	15.5%	81	14.4%	58	10.3%	196	34.9%
RECK ENDANGER 1ST	385	37.21	7.79	83.93	20	5.2%	51	13.2%	103	26.8%	99	25.7%	7	1.8%	40	10.4%
AGG. IDENTITY THEFT	101	28.86	1.32	72.13	3	3.0%	4	4.0%	11	10.9%	12	11.9%	13	12.9%	34	33.7%
ATT ARSON 3RD	69	38.74	7.40	71.93	2	2.9%	8	11.6%	25	36.2%	20	29.0%	1	1.4%	4	5.8%
CRIM MISCHIEF 2ND	56	28.00	7.23	56.98	0	0.0%	3	5.4%	9	16.1%	7	12.5%	7	12.5%	17	30.4%
FAIL REGIS SEX 2ND	44	38.48	11.93	60.00	0	0.0%	3	6.8%	19	43.2%	24	54.5%	0	0.0%	1	2.3%
ATT POS FORGE 1ST	39	26.27	12.10	50.14	0	0.0%	0	0.0%	1	2.6%	5	12.8%	2	5.1%	14	35.9%
BAIL JUMPING 1ST	36	25.47	5.92	48.00	0	0.0%	0	0.0%	2	5.6%	5	13.9%	4	11.1%	9	25.0%
CONSPIRACY 3RD	32	33.03	8.55	59.97	0	0.0%	4	12.5%	7	21.9%	7	21.9%	2	6.3%	7	21.9%
ATT GRAND LAR 2ND	27	28.97	12.95	54.28	0	0.0%	1	3.7%	3	11.1%	4	14.8%	2	7.4%	10	37.0%
DWI: ALC OR DRGS 3 OFF	26	30.32	10.13	61.61	1	3.8%	1	3.8%	5	19.2%	6	23.1%	1	3.8%	1	3.8%
PROMO PROSTI 3RD	20	37.21	19.92	84.00	1	5.0%	1	5.0%	5	25.0%	6	30.0%	0	0.0%	3	15.0%
INSUR FRAUD 3RD	19	27.83	7.33	47.97	0	0.0%	0	0.0%	1	5.3%	2	10.5%	1	5.3%	7	36.8%
CRIM SALE FIREARM 3RD	18	36.32	13.64	55.86	0	0.0%	2	11.1%	6	33.3%	3	16.7%	2	11.1%	2	11.1%
COERCION 1ST	17	40.60	19.79	72.00	3	17.6%	3	17.6%	7	41.2%	7	41.2%	0	0.0%	3	17.6%
VEHIC ASSAULT 1ST	16	37.40	19.89	63.98	1	6.3%	2	12.5%	4	25.0%	1	6.3%	0	0.0%	1	6.3%
WLFARE FRAUD 3 D FELONY	15	22.15	7.13	47.87	0	0.0%	0	0.0%	1	6.7%	1	6.7%	4	26.7%	3	20.0%
BRIBE PUBLIC SERVANT 3RD	15	28.57	10.45	48.07	0	0.0%	0	0.0%	1	6.7%	0	0.0%	2	13.3%	2	13.3%
PERJURY 1ST	11	33.09	11.31	58.88	0	0.0%	1	9.1%	2	18.2%	4	36.4%	2	18.2%	3	27.3%
HINDER PROSEC 1ST	10	37.25	21.21	71.97	1	10.0%	2	20.0%	3	30.0%	1	10.0%	0	0.0%	1	10.0%
ESCAPE 1ST	8	37.96	24.20	58.85	0	0.0%	1	12.5%	3	37.5%	3	37.5%	0	0.0%	2	25.0%
ATT PRO PROST 2ND	7	45.37	29.92	59.90	0	0.0%	2	28.6%	4	57.1%	5	71.4%	0	0.0%	0	0.0%
POS FORGE DEVICE	6	26.32	14.73	34.85	0	0.0%	0	0.0%	0	0.0%	0	0.0%	3	50.0%	3	50.0%
ATT FORGERY 1ST	5	25.32	19.69	31.46	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	20.0%
AUTO STRIPPING 1ST	4	23.66	18.05	28.80	0	0.0%	0	0.0%	0	0.0%	1	25.0%	0	0.0%	0	0.0%
ATT CRIM FACIL 2ND	4	23.96	22.55	24.72	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	50.0%
UNAU USE VEHIC 1ST	3	22.56	19.86	23.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	33.3%
ATT ROBBERY 3RD*	2	27.65	25.45	29.85	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%	0	0.0%
ATT STOLN PROP 2ND	2	68.02	52.04	84.00	1	50.0%	2	100.0%	2	100.0%	1	50.0%	0	0.0%	0	0.0%
MONEY LAUNDERING 3	2	19.91	19.89	19.92	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	2	100.0%
ATT INS FRAUD 2ND	2	18.71	13.51	23.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	0	0.0%
CRIM TAMPERING 1ST	2	14.15	8.35	19.96	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	50.0%	1	50.0%

CLASS D
2nd Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

	N	Time Served Mean	Low	High	Releases Serving more than Proposed 5 YRS		6/7 OF 5 YRS		5/7 OF 5 YRS		Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
CRIM TRESPASS 1ST	2	27.57	19.10	36.03	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CRIM SOLI 2ND	2	39.93	31.99	47.87	0	0.0%	0	0.0%	1	50.0%	0	0.0%	1	100.0%	0	0.0%
TAMP PUB RECDS 1ST	1	7.20	7.20	7.20	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT CRIM USURY 1ST	1	32.05	32.05	32.05	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
ATT MONEY LAUNDERING 2	1	24.95	24.95	24.95	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
AGG INS FRAUD 4TH	1	20.19	20.19	20.19	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
INCEST 2ND DEGREE	1	23.93	23.93	23.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
MFG TRANS WEAP	1	55.96	55.96	55.96	0	0.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
DRIVE IMPAIR 3 OFF	1	33.60	33.60	33.60	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%
LV SCENE OF ACC W/O REP	1	39.95	39.95	39.95	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
WITNESS REC BRIBE	1	35.90	35.90	35.90	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%	0	0.0%
BRIBING JUROR	1	47.97	47.97	47.97	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%
BRIBING WITNESS	1	14.27	14.27	14.27	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
ATT CRIM DIV PRESCRIP 1ST	1	19.96	19.96	19.96	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
CRIM DIVERS PRESCRIP 2ND	1	29.79	29.79	29.79	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CONSPIRACY 4TH*	1	31.82	31.82	31.82	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	10,897	33.60	1.32	84.03	419	3.8%	1,202	11.0%	2,407	22.1%	2,254	20.7%	878	8.1%	2,285	21.0%
Total (excluding 6 crimes**)	10,424	33.43	1.32	84.03	394	3.8%	1,141	10.9%	2,271	21.8%	2,122	20.4%	871	8.4%	2,239	21.5%

* Hate Crime

** Reck Endanger 1st, Failure to Register as a Sex Offender 2nd, Coercion 1st, Vehicular Assault 1st, Hinder Prosec 1st and LV Scene of Acc w/o Rep

Notes #3.

	N	Time Served Mean	Low	High	Releases Serving more than Proposed 5 YRS		6/7 OF 5 YRS		5/7 OF 5 YRS		Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
AGG.CRIMINAL CONTEMPT	124	37.61	19.79	75.72	3	2.4%	13	10.5%	32	25.8%	25	20.2%	0	0.0%	6	4.8%
TAMP WITNESS 2ND	1	25.28	25.28	25.28	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
Total	125	37.51	19.79	75.72	3	2.4%	13	10.4%	32	25.6%	25	20.0%	0	0.0%	6	4.8%

	Time Served	N	Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
BURGLARY 3RD	> 5 YRS	161	160	99.4%	0	0.0%	1	0.6%
	> 6/7 OF 5 YRS	448	319	71.2%	0	0.0%	1	0.2%
ROBBERY 3RD	> 5 YRS	139	139	100.0%	0	0.0%	0	0.0%
	> 6/7 OF 5 YRS	394	249	63.2%	0	0.0%	0	0.0%

CLASS E
2nd Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

		Time Served			Releases Serving more than Proposed						Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
	N	Mean	Low	High	3 YRS		6/7 OF 3 YRS		5/7 OF 3 YRS							
GRAND LARCEN 4TH	3,024	22.80	2.60	48.07	122	4.0%	587	19.4%	745	24.6%	541	17.9%	238	7.9%	602	19.9%
ATT BURGLARY 3RD	2,334	21.85	3.22	48.07	49	2.1%	318	13.6%	440	18.9%	369	15.8%	196	8.4%	452	19.4%
ATT ASSAULT 2ND	1,660	27.16	5.95	48.00	113	6.8%	584	35.2%	676	40.7%	380	22.9%	8	0.5%	94	5.7%
STOLEN PROP 4TH	1,576	22.59	2.79	48.00	55	3.6%	277	17.6%	359	22.8%	271	17.2%	117	7.4%	291	18.5%
ATT ROBBERY 3RD	1,375	24.32	7.17	48.00	40	2.9%	298	21.7%	393	28.6%	292	21.2%	77	5.6%	153	11.1%
ATT CR POS WEAP 3 SUB1-3	910	22.34	6.94	47.93	17	1.9%	103	11.3%	156	17.1%	147	16.2%	83	9.1%	113	12.4%
ATT POS FORGE 2ND	550	19.10	7.10	39.22	1	0.2%	29	5.3%	49	8.9%	43	7.8%	66	12.0%	153	27.8%
ATT GRAND LAR 3RD	368	20.34	4.37	47.97	8	2.2%	34	9.2%	56	15.2%	47	12.8%	41	11.1%	89	24.2%
ATT FORGERY 2ND	309	19.89	7.73	47.90	2	0.6%	29	9.4%	45	14.6%	34	11.0%	29	9.4%	83	26.9%
AUTO STRIPPING 2ND	297	23.15	8.22	48.07	7	2.4%	52	17.5%	74	24.9%	57	19.2%	8	2.7%	60	20.2%
CRIM MISCHIEF 3RD	281	22.84	8.22	47.87	6	2.1%	48	17.1%	60	21.4%	45	16.0%	17	6.0%	57	20.3%
CONSPIRACY 4TH	183	23.10	7.82	47.83	10	5.5%	34	18.6%	50	27.3%	34	18.6%	12	6.6%	42	23.0%
UNAU USE VEHIC 2ND	156	23.71	7.46	47.20	11	7.1%	37	23.7%	42	26.9%	36	23.1%	13	8.3%	30	19.2%
ATT STOLN PROP 3RD	152	21.45	7.53	46.68	2	1.3%	19	12.5%	30	19.7%	25	16.4%	14	9.2%	32	21.1%
BAIL JUMPING 2ND	151	21.46	9.21	47.84	2	1.3%	19	12.6%	24	15.9%	16	10.6%	9	6.0%	30	19.9%
ATT RECK ENDANG 1ST	139	24.60	14.83	47.87	8	5.8%	24	17.3%	32	23.0%	27	19.4%	1	0.7%	9	6.5%
IDENTITY THEFT 2	93	21.34	7.76	47.97	4	4.3%	12	12.9%	14	15.1%	14	15.1%	11	11.8%	23	24.7%
SCHEME TO DEFRAUD 1ST	90	21.35	7.40	40.21	2	2.2%	13	14.4%	15	16.7%	9	10.0%	7	7.8%	22	24.4%
ARSON 4TH	62	26.54	8.28	47.93	3	4.8%	20	32.3%	25	40.3%	16	25.8%	1	1.6%	6	9.7%
FALSE INSTRUMENT	50	21.22	1.94	35.84	0	0.0%	8	16.0%	9	18.0%	6	12.0%	2	4.0%	11	22.0%
UNLAWFUL IMPRIS 1ST	47	27.88	15.72	47.90	2	4.3%	20	42.6%	22	46.8%	8	17.0%	0	0.0%	2	4.3%
TAMPERING EVIDENCE	45	23.64	7.92	47.93	2	4.4%	13	28.9%	14	31.1%	4	8.9%	4	8.9%	10	22.2%
FALSE BUS RCDS 1ST	41	20.26	7.89	36.00	0	0.0%	4	9.8%	7	17.1%	7	17.1%	5	12.2%	11	26.8%
DRIVE INTOX 2 OFF	38	23.26	7.86	35.87	0	0.0%	12	31.6%	13	34.2%	2	5.3%	2	5.3%	5	13.2%
VEHIC ASSAULT 2ND	33	27.06	17.98	47.97	2	6.1%	12	36.4%	12	36.4%	5	15.2%	0	0.0%	1	3.0%
ATT IDENTITY THEFT 1	32	20.95	3.12	45.01	1	3.1%	6	18.8%	8	25.0%	6	18.8%	3	9.4%	9	28.1%
INSUR FRAUD 4TH	28	16.74	6.90	39.45	1	3.6%	2	7.1%	2	7.1%	2	7.1%	6	21.4%	11	39.3%
ESCAPE 2ND	28	25.46	12.82	47.97	1	3.6%	7	25.0%	10	35.7%	8	28.6%	0	0.0%	1	3.6%
ATT COERCION 1ST	28	23.23	8.84	35.93	0	0.0%	5	17.9%	7	25.0%	5	17.9%	1	3.6%	4	14.3%
ATT FAIL REGIS SEX 2ND	27	30.36	17.95	47.90	2	7.4%	13	48.1%	15	55.6%	14	51.9%	0	0.0%	0	0.0%
WLFARE FRAUD 4TH DEG	23	18.47	8.94	48.07	1	4.3%	1	4.3%	1	4.3%	2	8.7%	2	8.7%	13	56.5%
CRIM IMPERSONATION	23	23.43	14.79	35.97	0	0.0%	5	21.7%	7	30.4%	6	26.1%	0	0.0%	7	30.4%
ATT PRO PROST 3RD	21	24.06	12.82	35.97	0	0.0%	5	23.8%	6	28.6%	6	28.6%	1	4.8%	2	9.5%
ATT CR MISCHIEF2ND	18	17.88	7.73	27.91	0	0.0%	0	0.0%	1	5.6%	0	0.0%	4	22.2%	3	16.7%
CRIM NUISANCE 1	17	21.13	9.93	35.93	0	0.0%	3	17.6%	4	23.5%	2	11.8%	1	5.9%	8	47.1%
AGG HAR: EMPEE BY INMATE	17	28.85	11.84	41.92	1	5.9%	7	41.2%	9	52.9%	8	47.1%	0	0.0%	0	0.0%
ATT BRIBERY 3RD	16	20.94	8.19	35.97	0	0.0%	3	18.8%	4	25.0%	4	25.0%	1	6.3%	4	25.0%
SEX OFF REG VIOL 1	11	26.97	23.80	35.93	0	0.0%	3	27.3%	3	27.3%	3	27.3%	0	0.0%	0	0.0%
AGG. UNLICENSED OPERATION	11	24.74	14.96	35.93	0	0.0%	4	36.4%	4	36.4%	2	18.2%	1	9.1%	1	9.1%
HINDER PROSEC 2ND	11	22.06	9.76	29.42	0	0.0%	0	0.0%	2	18.2%	1	9.1%	1	9.1%	1	9.1%
ATT INS FRAUD 3RD	10	18.06	14.83	24.00	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	4	40.0%
ATT CR SALE FIREARM 3RD	10	24.11	14.79	35.90	0	0.0%	2	20.0%	2	20.0%	2	20.0%	0	0.0%	1	10.0%
ATT BAIL JUMP 1ST	10	23.03	14.30	29.95	0	0.0%	0	0.0%	3	30.0%	4	40.0%	1	10.0%	0	0.0%
TAMP WITNESS 3RD	9	28.05	17.92	35.28	0	0.0%	5	55.6%	5	55.6%	1	11.1%	0	0.0%	0	0.0%
ATT PERJURY 1ST	9	24.53	14.86	35.97	0	0.0%	3	33.3%	3	33.3%	2	22.2%	0	0.0%	1	11.1%
STALKING 2ND	8	29.17	23.97	35.90	0	0.0%	4	50.0%	5	62.5%	3	37.5%	0	0.0%	0	0.0%

CLASS E
2nd Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

		Time Served			Releases Serving more than Proposed			Released after Org. CR Date	SHOCK Graduations	MERIT Releases
	N	Mean	Low	High	3 YRS	6/7 OF 3 YRS	5/7 OF 3 YRS			
SALE FIREARM 3RD	8	30.62	23.93	42.84	1 12.5%	4 50.0%	5 62.5%	3 37.5%	0 0.0%	0 0.0%
ATT MENACING POL OFFICER	7	23.89	23.80	23.93	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 28.6%	0 0.0%
TRADE COUNTERFEIT 2ND	7	19.36	14.17	28.04	0 0.0%	0 0.0%	1 14.3%	1 14.3%	0 0.0%	1 14.3%
ATT ESCAPE 1ST	7	22.93	15.09	31.82	0 0.0%	1 14.3%	2 28.6%	1 14.3%	0 0.0%	1 14.3%
ABSCONDING 1ST	7	18.50	14.96	23.93	0 0.0%	0 0.0%	0 0.0%	1 16.7%	0 0.0%	0 0.0%
MENACING	6	26.39	17.98	32.94	0 0.0%	2 33.3%	3 50.0%	1 16.7%	0 0.0%	1 16.7%
ATT POS FORGE DEVICE	6	16.89	5.65	25.25	0 0.0%	2 33.3%	2 33.3%	0 0.0%	0 0.0%	0 0.0%
ATT CR SALE FIREARM 3RD	6	25.52	17.79	31.89	0 0.0%	0 0.0%	1 16.7%	1 16.7%	0 0.0%	1 16.7%
LEAVE ACCIDENT SCENE	6	22.59	14.93	25.91	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	3 50.0%
PROMO BOOKMAKE 1ST	6	18.39	14.86	24.56	0 0.0%	3 50.0%	3 50.0%	3 50.0%	0 0.0%	1 20.0%
ASSAULT 3RD*	5	29.68	19.89	35.93	0 0.0%	3 60.0%	3 60.0%	3 60.0%	0 0.0%	0 0.0%
CUSTODY INTERFE 1ST	5	30.27	23.84	47.93	1 20.0%	2 40.0%	2 40.0%	1 20.0%	0 0.0%	1 20.0%
ATT WLFARE FRAUD 3 D FELONY	4	17.35	14.93	18.67	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 25.0%
MONEY LAUNDERING 4	4	19.59	14.63	24.85	0 0.0%	0 0.0%	0 0.0%	1 25.0%	1 25.0%	1 25.0%
ILL VEHIC PLATE	4	16.11	7.56	23.93	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 25.0%	2 50.0%
PROMO GAMBLING 1ST	4	17.97	14.93	24.10	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
ATT CR TRESPASS 1ST	4	31.60	23.77	36.03	0 0.0%	2 50.0%	3 75.0%	3 75.0%	1 25.0%	1 25.0%
ATT BRIBING WITNESS	4	16.22	8.12	23.97	0 0.0%	0 0.0%	0 0.0%	2 50.0%	0 0.0%	0 0.0%
UNLAWFUL SURV 2ND (2,3,4)	4	27.21	23.90	31.82	0 0.0%	1 25.0%	2 50.0%	2 50.0%	2 50.0%	1 25.0%
FAIL DISCLOSE ORIG REC 1ST	4	13.01	8.55	17.88	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 33.3%
CRIM USURY 2ND	3	18.02	15.09	20.88	0 0.0%	0 0.0%	0 0.0%	0 0.0%	2 66.7%	1 33.3%
BIGAMY	3	10.77	7.69	15.12	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 33.3%
UNLAWFUL SURV 2ND (1)	3	31.31	22.16	47.84	1 33.3%	1 33.3%	1 33.3%	1 33.3%	0 0.0%	1 33.3%
CRIM FACIL 3RD	3	18.95	14.86	24.03	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
ABORTION 2ND	2	27.95	24.03	31.86	0 0.0%	1 50.0%	1 50.0%	0 0.0%	0 0.0%	0 0.0%
MISUSE FOOD STAMPS	2	23.97	23.93	24.00	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 50.0%	0 0.0%
DRIVE IMPAIR 2 OFF	2	13.05	11.93	14.17	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
POS GAMBLING RECDS	2	18.15	18.05	18.25	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 50.0%	0 0.0%
CEMETARY DESEC 1ST	2	17.00	9.99	24.00	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
RIOT 1ST	2	29.93	23.93	35.93	0 0.0%	1 50.0%	1 50.0%	1 50.0%	1 100.0%	0 0.0%
ATT VEHIC ASLT 1ST	1	8.84	8.84	8.84	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
ATT RECKLESS ASLT/CHILD	1	31.86	31.86	31.86	0 0.0%	1 100.0%	1 100.0%	0 0.0%	0 0.0%	0 0.0%
COMPUTR TRESSPAS	1	23.87	23.87	23.87	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%
C POS COMPUTR MAT	1	8.02	8.02	8.02	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
CRIM POS BENFT CARD 3RD	1	23.93	23.93	23.93	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
ATT UN USE VEH 1ST	1	17.95	17.95	17.95	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%
ATT AUTO STRIPPING 1ST	1	16.90	16.90	16.90	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%	0 0.0%
POSS SKIMMER DEVICE 1	1	9.47	9.47	9.47	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%
ATT MONEY LAUNDERING 3	1	14.86	14.86	14.86	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
SECURITIES FRAUD	1	35.01	35.01	35.01	0 0.0%	1 100.0%	1 100.0%	1 100.0%	0 0.0%	0 0.0%
ILLEGAL PROFESSION	1	23.93	23.93	23.93	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
CIG TAX-ATT EVADE/DEFEAT	1	19.40	19.40	19.40	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	1 100.0%
FRAUDULENT PRACTICES	1	15.06	15.06	15.06	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
ATT MFG TRANS WEAP	1	24.03	24.03	24.03	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%
UNLAW BODY VEST	1	23.77	23.77	23.77	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%	0 0.0%

CLASS E
2nd Non-VFO/Drug/Sex/Homicide Felony Offenders, First releases 2000-2012
Total Time Served

	N	Time Served			Releases Serving more than Proposed						Released after		SHOCK		MERIT	
		Mean	Low	High	3 YRS		6/7 OF 3 YRS		5/7 OF 3 YRS		Org. CR Date		Graduations		Releases	
FALSE REPORT 1ST	1	25.87	25.87	25.87	0	0.0%	0	0.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
AGG HARASSMENT 1ST	1	27.88	27.88	27.88	0	0.0%	0	0.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
POS BOOKMAKE RECDS	1	24.00	24.00	24.00	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT HINDR PROS 1ST	1	23.93	23.93	23.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
PERJURY 2ND	1	24.69	24.69	24.69	0	0.0%	0	0.0%	0	0.0%	1	100.0%	0	0.0%	0	0.0%
REWRD OFF MISC 2ND	1	15.62	15.62	15.62	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
ATT INTIMI WIT 2ND	1	23.90	23.90	23.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT BRIBE REC 3RD	1	23.93	23.93	23.93	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT CRIM DIV PRESCRIP 2ND	1	17.16	17.16	17.16	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	1	100.0%
EAVESDROP	1	23.77	23.77	23.77	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
ATT CRIM SOLI 2ND	1	23.77	23.77	23.77	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CRIM SOLI 3RD	1	23.90	23.90	23.90	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
UNAUTH RECORDING-1ST	1	23.84	23.84	23.84	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CRIME NO LONGER FELONY	1	32.58	32.58	32.58	0	0.0%	1	100.0%	1	100.0%	1	100.0%	0	0.0%	0	0.0%
Total	14,492	23.00	1.94	48.07	479	3.3%	2,707	18.7%	3,495	24.1%	2,541	17.5%	998	6.9%	2,474	17.1%
Total (excluding 11 crimes**)	14,209	22.94	1.94	48.07	469	3.3%	2,610	18.4%	3,385	23.8%	2,489	17.5%	990	7.0%	2,448	17.2%

* Hate Crime
** Highlighted crimes

Notes #3.

	N	Time Served			Releases Serving more than Proposed						Released after		SHOCK		MERIT	
		Mean	Low	High	3 YRS		6/7 OF 3 YRS		3 ½ YRS		Org. CR Date		Graduations		Releases	
ATT AGG.CRIM.CONTEMPT	32	26.57	17.85	47.80	2	6.3%	7	21.9%	9	28.1%	6	18.8%	0	0.0%	0	0.0%
ATT TAMP WITNES 2ND	1	18.05	18.05	18.05	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%	0	0.0%
CONTEMPT 1ST	1077	26.48	8.35	47.97	37	3.4%	282	26.2%	352	32.7%	218	20.2%	11	1.0%	37	3.4%
INTIMIDATE WIT 3RD	26	26.89	17.85	35.93	0	0.0%	8	30.8%	11	42.3%	7	26.9%	0	0.0%	0	0.0%
Total	1,136	26.48	8.35	47.97	39	3.4%	297	26.1%	372	32.7%	231	20.3%	11	1.0%	37	3.3%

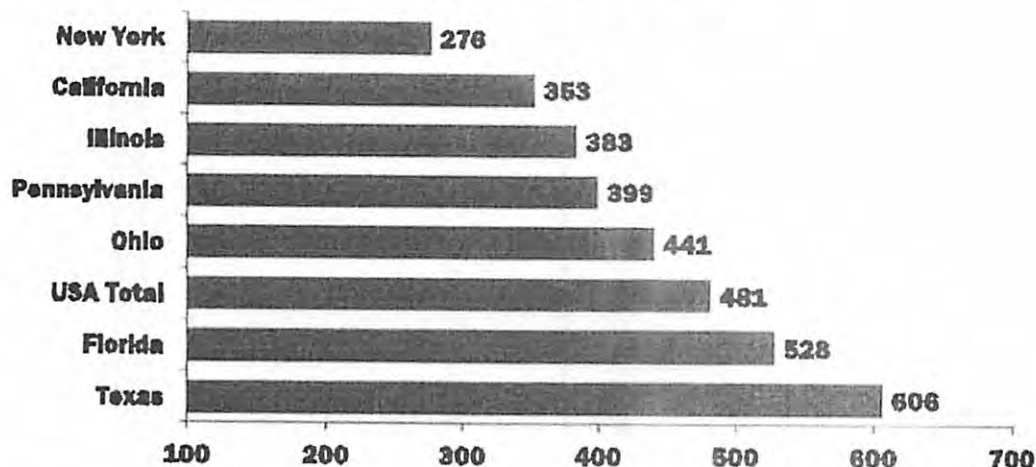|	Time Served	N	Released after Org. CR Date		SHOCK Graduations		MERIT Releases	
GRAND LARCEN 4TH	> 3 YRS	122	121	99.2%	1	0.8%	1	0.8%
	> 6/7 OF 3 YRS	587	383	65.2%	1	0.2%	2	0.3%
ATT BURGLARY 3RD	> 3 YRS	49	49	100.0%	0	0.0%	0	0.0%
	> 6/7 OF 3 YRS	318	231	72.6%	0	0.0%	0	0.0%
ATT ASSAULT 2ND	> 3 YRS	113	113	100.0%	0	0.0%	0	0.0%
	> 6/7 OF 3 YRS	584	277	47.4%	0	0.0%	0	0.0%
STOLEN PROP 4TH	> 3 YRS	56	54	96.4%	0	0.0%	0	0.0%
	> 6/7 OF 3 YRS	277	178	64.3%	0	0.0%	0	0.0%

Exhibit D

2012 Imprisonment Rate New York

Compared to

Other Large States

New York Has the Lowest Imprisonment Rate of Any Large State

Imprisonment Rate per 100,000 population
December 31, 2012

State	Rate
New York	276
California	353
Illinois	383
Pennsylvania	399
Ohio	441
USA Total	481
Florida	528
Texas	606

States with Population Over 10 Million
Source: Prisoners in 2012, Bureau of Statistics
Note: Counts are based on prisoners with sentences of more than 1 year under the jurisdiction of state or federal correctional officials.

Exhibit E

Estimating the Impact of Proposed Changes

On New York Prison Population

Table 1. Burglary 3rd, Class D First felony, 2005 New Court Commitments

Max. Sent in Mths	N	Avg. Time Served	Rel. after Org. CR Date		SHOCK Grad.		Others Merit Releases	Hearing Denied	Total		Remaining		Total Bed Months
36	114	15.6	9	7.9%	26	22.8%	4	0	4	5.1%	75	94.9%	1,779.5
48	40	18.0	3	7.5%	14	35.0%	6	1	7	30.4%	16	69.6%	720.4
54,60	20	23.9	3	15.0%	7	35.0%	2	2	4	40.0%	6	60.0%	477.6
63,64,72	46	24.4	1	2.2%	16	34.8%	9	6	15	51.7%	14	48.3%	1,122.9
84	23	25.5	0	0.0%	9	39.1%	5	4	9	64.3%	5	35.7%	587.4
Total	243	19.3	16	6.6%	72	29.6%	26	13	39	25.2%	116	74.8%	4,687.5

*Percentage is based on Total N.   *Percentage is based on total 'Others'.

1.6 yr/inmate

Raw maximum sentence

Max. Sent in Mths	N	Avg. Time Served	Rel. after Org. CR Date		SHOCK Grad.		Others Merit Releases	Hearing Denied	Total		Remaining		Total Bed Months
36	114	15.6	9	7.9%	26	22.8%	4	0	4	5.1%	75	94.9%	1,779.5
48	40	18.0	3	7.5%	14	35.0%	6	1	7	30.4%	16	69.6%	720.4
54	10	26.7	2	20.0%	3	30.0%	1	1	2	40.0%	3	60.0%	266.9
60	10	21.1	1	10.0%	4	40.0%	1	1	2	40.0%	3	60.0%	210.6
63	1	41.9	0		0		0	1	1	100.0%	0	0.0%	41.9
64	1	19.9	0		0		0	0	0	0.0%	1	100.0%	19.9
72	44	24.1	1	2.3%	16	36.4%	9	5	14	51.9%	13	48.1%	1,060.8
84	23	25.5	0		9	39.1%	5	4	9	64.3%	5	35.7%	587.4
Total	243	19.3	16	6.6%	72	29.6%	26	13	39	25.2%	116	74.8%	4,687.5

*Percentage is based on Total N.   *Percentage is based on total 'Others'.

Projected Bed Months for Burglary 3rd (Base Projection)

Table 2-1. Lenient Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36	114	12	108.0	234.0	34.3	771.4	1,147.7
48	40	18	54.0	168.0	90.0	246.9	558.9
54,60	20	24	72.0	84.0	68.6	123.4	348.0
63, 64,72	46	30	30.0	192.0	321.4	360.0	903.4
84	23	36	0.0	108.0	231.4	154.3	493.7
Total	243		264.0	786.0	745.7	1,656.0	3,451.7

* SHOCK releases with 12 month sentences were assumed to serve 9 months.   1.2 yr/ inmate
  SHOCK releases with sentences longer than one year were treated as serving one year.

Table 2-2. Intermediate Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36	57	12	54.0	117.0	17.1	385.7	573.9
	57	18	81.0	156.0	25.7	578.6	841.3
48	20	18	27.0	84.0	45.0	123.4	279.4
	20	24	36.0	84.0	60.0	164.6	344.6
54, 60	10	24	36.0	42.0	34.3	61.7	174.0
	10	30	45.0	42.0	42.9	77.1	207.0
63, 64,72	23	30	15.0	96.0	160.7	180.0	451.7
	23	36	18.0	96.0	192.9	216.0	522.9
84	12	36	0.0	54.0	115.7	77.1	246.9
	11	42	0.0	54.0	135.0	90.0	279.0
Total	243		312.0	825.0	829.3	1,954.3	3,920.6

1.3 yr/ inmate

Table 2-3. Harsh Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36	38	12	36.0	78.0	11.4	257.1	382.6
	38	18	54.0	104.0	17.1	385.7	560.9
	38	24	72.0	104.0	22.9	514.3	713.2
48	14	18	18.9	58.8	31.5	86.4	195.6
	13	24	23.4	54.6	39.0	107.0	224.0
	13	30	29.3	54.6	48.8	133.7	266.3
54,60	7	24	25.2	29.4	24.0	43.2	121.8
	7	30	31.5	29.4	30.0	54.0	144.9
	6	36	32.4	25.2	30.9	55.5	144.0
63, 64,72	16	30	10.6	66.8	111.7	125.1	314.2
	15	36	11.9	62.6	125.7	140.8	341.0
	15	42	13.9	62.6	146.6	164.2	387.4
84	8	36	0.0	37.5	80.5	53.7	171.8
	8	42	0.0	37.5	94.0	62.6	194.1
	7	48	0.0	32.8	94.0	62.6	189.4
Total	243		359.1	837.9	908.0	2,246.1	4,351.1

1.5 yr/ inmate

Projected Bed Months for Burglary 3rd (# of SHOCK grads: adjusted by Drug Deter. Sent.)

Table 3-1. Lenient Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36	114	12	108.0	47.5	43.3	973.8	1,172.6
48	40	18	54.0	117.4	106.5	292.1	570.0
54,60	20	24	72.0	77.1	72.5	130.5	352.1
63, 64,72	46	30	30.0	116.5	391.1	438.1	975.7
84	23	36	0.0	98.6	244.4	162.9	505.9
Total	243		264.0	457.2	857.8	1,997.3	3,576.3

* SHOCK releases with 12 month sentences were assumed to serve 9 months.   **1.2 yr/ inmate**
SHOCK releases with sentences longer than one year were treated as serving one year.

Table 3-2. Intermediate Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36	57	12	54.0	23.8	21.6	486.9	586.3
	57	18	81.0	154.6	25.8	580.2	841.7
48	20	18	27.0	58.7	53.2	146.0	285.0
	20	24	36.0	89.9	57.4	157.5	340.9
54, 60	10	24	36.0	38.6	36.3	65.3	176.1
	10	30	45.0	34.1	48.5	87.3	214.9
63, 64,72	23	30	15.0	58.3	195.6	219.0	487.9
	23	36	18.0	86.1	203.8	228.2	536.2
84	12	36	0.0	51.5	127.5	85.0	263.9
	11	42	0.0	21.2	178.0	118.7	317.9
Total	243		312.0	616.8	947.7	2,174.1	4,050.6

1.4 yr/ inmate

Table 3-3. Harsh Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36	38	12	36.0	15.8	14.4	324.6	390.9
	38	18	54.0	103.1	17.2	386.8	561.1
	38	24	72.0	157.9	19.0	426.5	675.4
48	14	18	18.9	41.1	37.3	102.2	199.5
	13	24	23.4	58.4	37.3	102.4	221.6
	13	30	29.3	51.7	50.3	138.0	269.3
54,60	7	24	25.2	27.0	25.4	45.7	123.2
	7	30	31.5	23.9	33.9	61.1	150.4
	6	36	32.4	30.3	26.5	47.7	136.9
63, 64,72	16	30	10.6	40.5	136.0	152.3	339.4
	15	36	11.9	56.2	132.9	148.8	349.7
	15	42	13.9	25.3	194.9	218.3	452.4
84	8	36	0.0	34.3	85.0	56.7	176.0
	8	42	0.0	15.4	129.5	86.3	231.2
	7	48	0.0	10.5	135.0	90.0	235.5
Total	243		359.1	691.5	1,074.6	2,387.5	4,512.6

1.5 yr/ inmate

Table 4. Class D First felony, 2005 New Court Commitments (Non-Violent, Non-Drug, Non-Sex, Non-Homicide Felony Offenses)

Max. Sent in Mths	N	Avg. Time Served	Rel. after Org. CR Date		SHOCK Grad.		Others Merit Releases	Hearing Denied	Total		Remaining		Total Bed Months
36,39	434	17.4	43	9.9%	71	16.4%	23	13	36	11%	284	89%	7,560.3
42,48	157	20.9	12	7.6%	32	20.4%	28	21	49	43%	64	57%	3,276.6
54,60	94	28.4	12	12.8%	14	14.9%	11	24	35	51%	33	49%	2,673.4
63,64,66,72	149	28.4	6	4.0%	34	22.8%	34	34	68	62%	41	38%	4,224.2
84	66	33.0	2	3.0%	14	21.2%	15	14	29	58%	21	42%	2,178.0
Total	900	22.1	75	8.3%	165	18.3%	111	106	217	33%	443	67%	19,917.0

*Percentage is based on Total N.   *Percentage is based on total 'Others'.

1.8 yr/inmate

*Aggravated criminal contempt and Tampering with a witness 2nd that are proposed to be elevated to a Class C felony are excluded.

Projected Bed Months for Class D (# of SHOCK grads: adjusted by Drug Deter. Sent.)

Table 6-1. Lenient Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36,39	434	12	516.0	130.1	363.1	3,437.3	4,446.5
42,48	157	18	216.0	268.6	683.6	1,071.4	2,239.7
54,60	94	24	288.0	154.3	610.1	690.3	1,742.6
63,64,66,72	149	30	180.0	247.3	1,636.2	1,183.8	3,247.3
84	66	36	72.0	153.4	763.8	663.7	1,653.0
Total	900		1,272.0	953.8	4,056.7	7,046.5	13,329.0

1.2 yr/ inmate

* SHOCK releases with 12 month sentences were assumed to serve 9 months.

SHOCK releases with sentences longer than one year were treated as serving one year.

Table 6-2. Intermediate Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36,39	217	12	258.0	64.9	181.6	1,718.8	2,223.3
	217	18	387.0	422.4	231.9	2,194.9	3,236.2
42,48	79	18	108.0	134.2	344.6	540.2	1,127.0
	78	24	144.0	205.5	407.9	639.3	1,396.8
54,60	47	24	144.0	77.1	305.1	345.2	871.3
	47	30	180.0	68.2	389.5	440.7	1,078.4
63,64,66,72	75	30	90.0	123.8	824.6	596.7	1,635.1
	74	36	108.0	182.9	894.4	647.1	1,832.5
84	33	36	36.0	76.8	381.9	331.8	826.4
	33	42	42.0	34.6	506.7	440.3	1,023.5
Total	900		1,497.0	1,390.5	4,468.1	7,895.0	15,250.5

1.4 yr/ inmate

Table 6-3. Harsh Model

Current Max. Sent in Months	N	Determinate Setence in Months	Estimated Bed Months				
			Entire Sent. Over Org. CR	SHOCK*	5/7 Merit	6/7 All Other	Total
36,39	145	12	172.0	43.3	121.4	1,148.9	1,485.5
	145	18	258.0	281.6	155.1	1,467.8	2,162.5
	144	24	344.0	431.3	180.8	1,711.2	2,667.2
42,48	53	18	72.0	89.5	231.6	363.0	756.1
	52	24	96.0	137.0	271.9	426.2	931.2
	52	30	120.0	121.2	352.2	551.9	1,145.3
54,60	32	24	96.0	51.4	209.3	236.8	593.4
	31	30	120.0	45.5	256.0	289.6	711.1
	31	36	144.0	67.2	283.2	320.4	814.8
63, 64,66,72	50	30	60.0	82.5	549.8	397.8	1,090.0
	50	36	72.0	122.0	607.0	439.2	1,240.1
	49	42	84.0	54.9	794.0	574.5	1,507.4
84	22	36	24.0	51.2	254.6	221.2	551.0
	22	42	28.0	23.0	337.8	293.5	682.4
	22	48	32.0	17.9	394.6	342.9	787.4
Total	900		1,722.0	1,619.5	4,999.0	8,784.9	17,125.4

1.6 yr/ inmate