



Benchmarks & Bar Charts

Arkansas Court Statistics Research

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Criminal Court Research Issue: Drug Possession, Sales, & Manufacture

Fast Facts About Illegal Drugs in Arkansas

- During the 1990s, court filings under Arkansas' controlled substance statute have doubled as a percentage of the criminal caseload (see Exhibit A). Such filings are now close to 1/3 of the overall criminal caseload.
- Possession rose from 44% of controlled substance filings in 1991 to more than 55% in the late 1990s.
- One percent (1%) or less of all drug cases (possession and drug dealing) were acquitted each year of the 1990s.

Introduction

Section 5-64-401 of the Arkansas Criminal Code provides that it is unlawful for any person to possess without a valid prescription, manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance. Primarily covered under this statute are narcotics and methamphetamines. Counterfeit substances are punishable as well under this statute.

Recent news coverage has focused on a growing "crystal meth" problem in Arkansas. An August 2001 article in the *Arkansas Democrat-Gazette* noted that police seized 780 meth labs in 2000, more than 200 more lab seizures from the year before.

Even before the noticeable methamphetamine trend, some courts in Arkansas have sought to address drug and drug-addiction problems in the criminal justice system. Pulaski County's former STEP (Supervised Treatment & Education Program) Court and its current Post-Adjudication Drug Court have paved the way for other such courts around the state.

**Exhibit A: Overall Criminal Caseload
Compared to Drug Caseload of Arkansas Courts**

Year	Overall*	Drug Cases as	
		Drug	% of Overall
1990	29,825	4,838	16%
1991	32,460	6,158	19%
1992	34,035	7,141	21%
1993	35,014	7,151	20%
1994	38,701	8,650	22%
1995	40,756	8,838	22%
1996	40,266	9,139	23%
1997	41,374	10,674	26%
1998	41,984	11,431	27%
1999	42,078	12,789	30%

*Caseload figures count misdemeanor, felony, capital, & juvenile delinquency filings, not any violation, probation revocation, or post-conviction remedy filings.

Proponents of such drug courts tout intervention as a means of saving money spent on prisoners as well as a means of saving people from a lifetime of drug abuse and criminal recidivism.

This issue of *Benchmarks & Bar Charts* will investigate statistics pertaining to the controlled substance caseload of Arkansas circuit courts. Among the items discussed are arrests, court filings, case dispositions, and the geography of the drug problem in Arkansas.

How do drugs impact Arkansas courts' caseload?

Exhibit A shows the growth of drug cases filed under section 5-64-401 *vis-à-vis* the rest of the state's criminal caseload. Unfortunately, filings that involved a drug-addicted defendant who was not charged under 5-64-401 cannot be measured here as data collected is linked to statute numbers and not information about case circumstances such as the defendant's drug abuse.

Exhibit B: Drug Cases in the Arkansas Criminal Justice Process*

Year	Arrests	Total Filings**	Circuit Court Filings			Juvenile Court Filings		
			Possession		Distribution, Sales, Manufacturing***	Possession		Distribution, Sales, Manufacturing***
			Misdemeanor	Felony	Felony	Misdemeanor	Felony	Felony
1990	6,016	4,838	288	1,894	2,414	154	50	38
1991	6,363	6,158	267	2,350	3,319	96	32	94
1992	7,230	7,141	330	2,901	3,639	129	54	88
1993	7,932	7,151	390	2,805	3,531	227	88	110
1994	9,256	8,650	628	3,193	4,276	345	109	99
1995	11,201	8,838	818	3,553	3,627	528	197	115
1996	12,033	9,139	849	3,843	3,470	691	203	83
1997	12,858	10,674	1,002	4,260	4,481	690	146	95
1998	14,236	11,431	1,134	4,851	4,508	665	176	97
1999	14,873	12,789	1,230	5,404	5,205	678	200	72

*Court filings represent the number of defendants, not counts of charges.

**Sum total of following columns.

***Includes intent to distribute.

How many cases flow through the system each year?

Exhibit B displays statewide controlled substance caseloads from arrest to court filing for the circuit and juvenile courts. The following statistics can be gleaned from the aggregate figures listed above:

- For the past decade, the ratio of court filings to arrests was at its highest in 1992 with an average of 99 filings to every 100 drug arrests. The ratio was at its lowest in 1996 with an average 76 filings to every 100 drug arrests. By 1999, the ratio had rebounded to 86 filings per every 100 arrests.
- Possession filings--those where there is no intent to distribute alleged--are up from 44% of the overall drug caseload in 1991 to 59% in 1999. Thus, there are more defendants now charged with possessing rather than “dealing” drugs.
- In juvenile court, the possession caseload has climbed to over 90% of the drug filings with misdemeanors composing the majority of the docket. Distribution, sales, and manufacturing filings have always remained below 50% of the juvenile drug caseload, even though they reached a high of 42% of the drug docket in 1991.

What is the dispersion of controlled substance filings statewide?

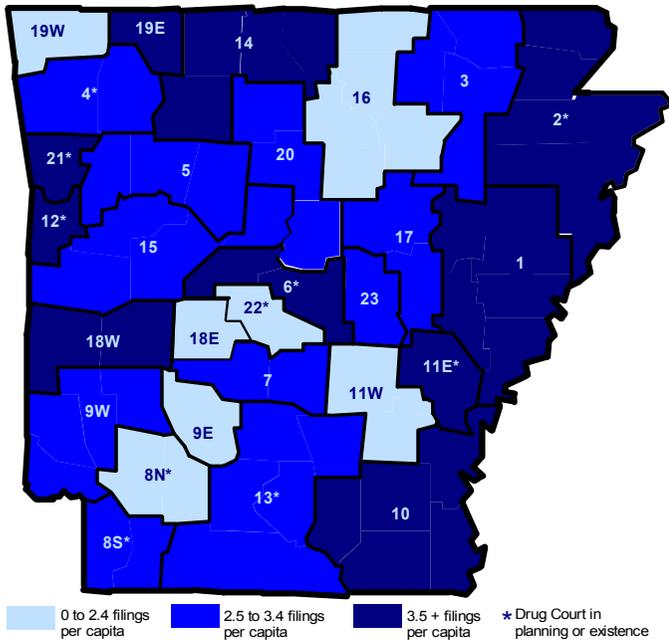
Exhibit C (see top of next page) presents a geographic analysis of controlled substance filings in circuit court per 100 people in the 1990 Census. The units of analysis in this map are the judicial circuits, outlined in bold. An asterisk has been placed in judicial circuits that have or are planning a drug court program.

Because this map pits all drug filings--possession as well as drug dealing--against population, it should have utility in answering the question of where to put drug court programs based on docket demand of varying circuit populations. Hence, a smaller populated circuit with a high filing per capita ratio may want to consider a drug court or other intervention programs as problems appear as evidenced by drug charges in that area. Even though a larger populated circuit may have a lower per capita ratio on this map, it too may want to consider a program if such charges cause a burden to court docket time.

A corridor along eastern Arkansas, capturing most of Arkansas’ Delta, stands out on the map. This area has 4 of the 10 judicial circuits with the highest per capita filings. Moreover, the 2 circuits planning drug courts in this area exemplify widely varying characteristics. The 2nd Judicial Circuit encompasses 6 counties and includes the metropolitan statistical areas (MSA) of Jonesboro and West Memphis (part of the Memphis, Tennessee MSA). The 11-East Judicial Circuit is a single judge, single county circuit. While the 11-East Circuit only had a population of 21,653 in the 1990 Census, it had 994 controlled substance filings in circuit court, an average of 4.6 filings per 100 people in the population.

In addition to the 2nd Judicial Circuit, other well-populated areas such as the 6th Judicial Circuit (Greater Little Rock area) and the 12th Judicial Circuit (Fort Smith) had high per capita drug filings. Of small circuits, 18-West and 19-East, which are single judge circuits, had high per capita ratios.

**EXHIBIT C: DRUG FILINGS IN CIRCUIT/CRIMINAL COURT PER 100 CAPITA
1990-1999**



How are drug cases adjudicated and disposed?

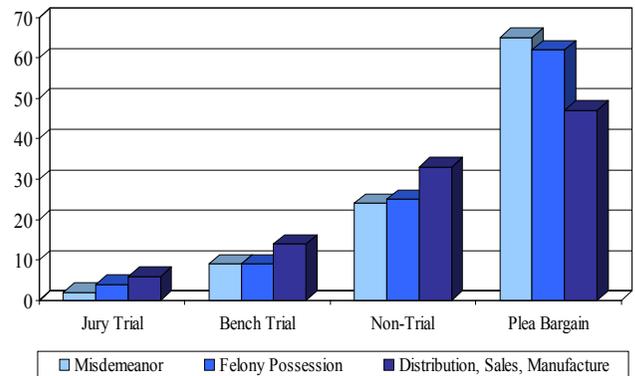
Due to the nature of data reporting, this newsletter cannot track a case from court filing to disposition. However, aggregate statistics on adjudication and disposition are available.

Plea bargaining, or settling the case before trial, is utilized most often in drug cases (see Exhibit D). Plea bargains may also account for a reduction in the charge pending against the defendant. For example, someone charged with felony possession may agree to accept the punishment for a misdemeanor possession, if the prosecution is willing to do so.

The rate of plea bargains is noticeably lower for the “drug dealing” charges, while the rate of bench trials and non-trial dispositions for the same charge is larger. Two possibilities may speak to this situation. First, with regard to plea bargains, a prosecutor may be more willing to go to trial, most likely a bench trial, in a felony drug dealing case, as opposed to bargaining a felony drug dealing case to a lesser felony sentence, felony possession, or misdemeanor punishment.

Second, with regard to higher non-trial statistics for drug dealing charges, there is an increasing trend in nolle prosequi, an entry made on the record, by which the prosecutor declares that there will be no further proceedings after filing the case. In 1990, nolle prosequi dispositions accounted for 23% of all drug

**Exhibit D: Drug Adjudication Statistics
(in percentage form)**



dealing cases. In 1999, that figure had climbed to 33% of all such dispositions.¹ Thus, it appears, despite higher drug arrests, a lower overall percentage of drug dealing cases make it to trial or a plea bargain.

Dispositions of drug possession cases have remained relatively stable during the 1990s. Over 70% of all possession cases were found or pleaded guilty during each year of the 1990s, while nolle prosequi remained below 25% each year. Of all possession cases, 1% or less resulted in acquittal during a trial in the 1990s.

Dispositions of drug dealing cases showed fluctuation similar to their adjudication statistics. In 1992, guilty pleas and findings were at a high of 74% of all drug dealing cases, while nolle prosequi was at a low of 19%. In 1999, guilty pleas and findings were at a low of 62%, while nolle prosequi was at a high of 33%. Similar to possession, only 1% each year resulted in acquittal.

Conclusion

Drug cases present a challenge for Arkansas’ circuit courts as they consume a growing percentage of the criminal caseload and as possession filings rise throughout the population. While the statistics presented here cannot assess the societal factors of drug abuse, they do show a need for some type of intervention for the court docket.

External Sources

Arkansas Crime Information Center (ACIC). 1990-1999. *Crime in Arkansas*.

Census State Data Center, University of Arkansas at Little Rock, Institute for Economic Advancement. 1991. “Arkansas *Census 1990 Data*.”

Davis, Andy. August 6, 2001. “Five Courts to Focus on Drug Suspects.” *Arkansas Democrat-Gazette*.

¹The 22nd Judicial Circuit (Saline County) ironically did NOT impact the nolle prosequi count for sales, distribution, and manufacturing charges for the 1990s. The numbers were well distributed across all counties. Speculation will not be made in this newsletter as to why nolle prosequi was high, as there is no data regarding circumstances behind a nolle prosequi entry.

For More Information

Benchmarks & Bar Charts: Arkansas Court Statistics Research is available on the web with additional files to download at http://courts.state.ar.us/courts/aoc_pubs.html. Copies of statistical data files used in this analysis are included.

The Arkansas Crime Information Center (ACIC) has data related to arrests. Their annual report *Crime in Arkansas* is available on their web site at <http://www.acic.org/>.

*This report was written by Kellye Mashburn, AOC Research Analyst.
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