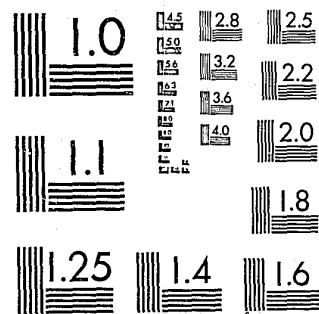


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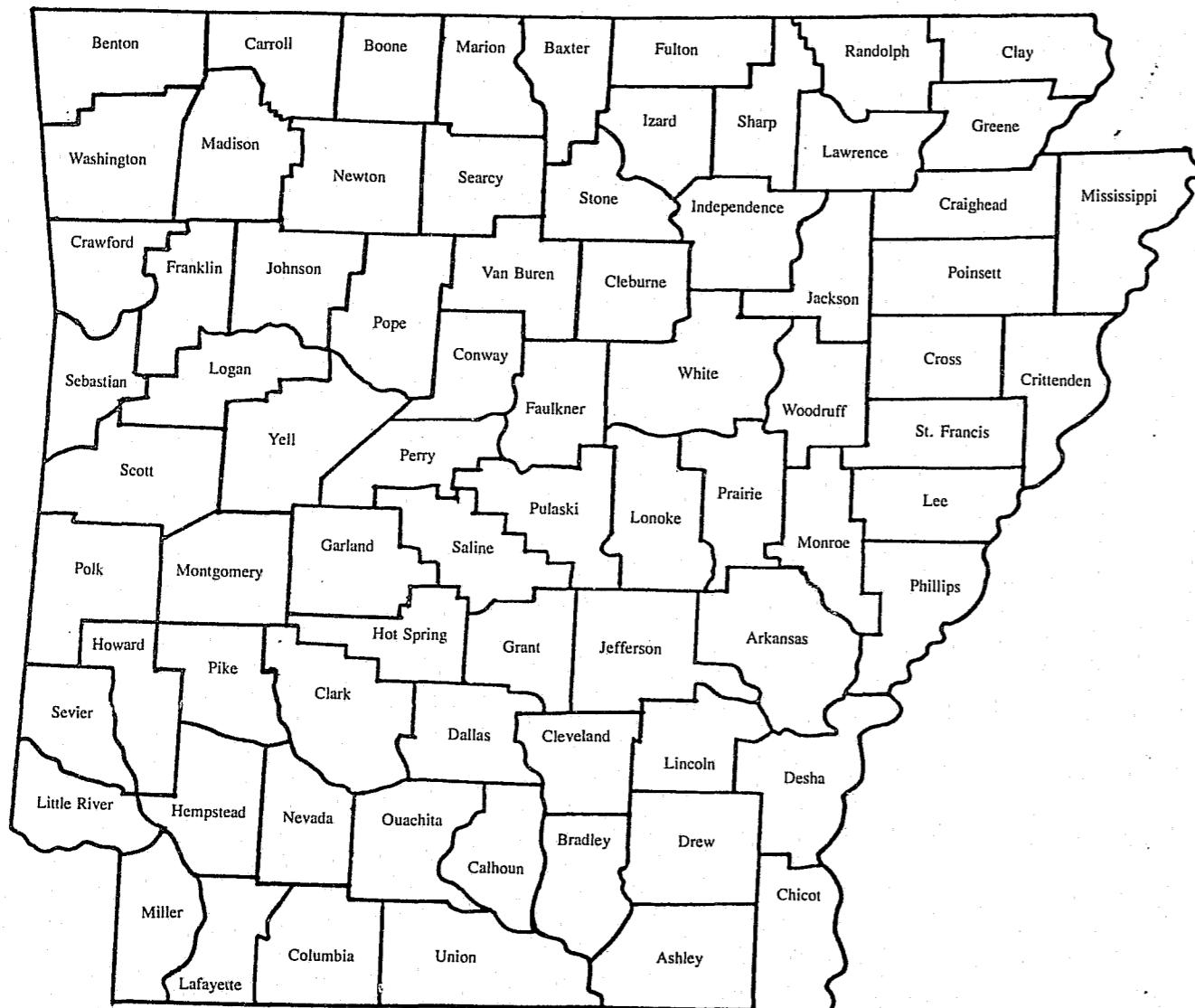
Felony Processing in Arkansas 1975

85608

Arkansas Crime Information Center



A Research and Statistics Division Report



**FELONY PROCESSING
IN
ARKANSAS
1975**

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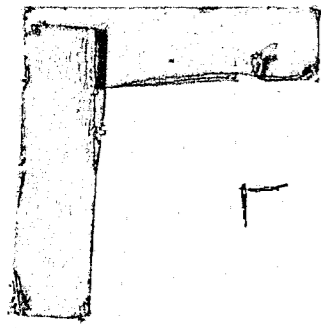
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February, 1980

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HISTORY

The Arkansas Crime Information Center was created in 1971 under the name of the Criminal Justice and Highway Safety Information Center pursuant to Arkansas General Act 286. The agency was transferred to the Department of Public Safety in 1975 by Act 742 and received its present name (ACIC) under Act 379 (1979).

In outlining agency responsibilities, regarding crime statistics, the statute states: "The Center shall collect data and compile statistics on the nature and extent of crime . . . in Arkansas and compile other data related to planning for and operating criminal justice agencies . . . the Center shall also periodically publish statistics . . . and report such information to the Governor, the General Assembly, federal, state and local criminal justice agencies, and the general public." Ark. Stat. Ann. §5-1102.

ACKNOWLEDGEMENT

The successful completion of *FELONY PROCESSING* in Arkansas was made possible by the cooperation and participation of many people in county and municipal criminal justice agencies throughout the State of Arkansas. Contribution of state agency personnel from the Judicial Department, Department of Corrections, and the Department of Public Safety were also invaluable in compiling the data.

The results of this study depict the type and quality of information available with the timely and accurate submission of data obtained in an *OFFENDER-BASED TRANSACTION STATISTICS* system.

PREFACE

This study, which provides an overview of the operation of the criminal justice system, and specifically the processing of felony offenses within the seventy-five counties of Arkansas, is a product of the Research and Statistics Division of the Arkansas Crime Information Center (ACIC). The system utilized to collect and portray the information obtained in the study is the Offender-Based Transaction Statistics (OBTS) system.

An Offender-Based Transaction Statistics (OBTS) system is defined as:

A statistical system that describes the aggregate experiences of an individual in the terms of the types and sequences of criminal justice processes they encounter. More simply put, the system is to collect key data elements on defendants as they flow through the criminal justice process and summarize this data to be used for intelligent decision making in the criminal justice system.

The most viable tool in reducing crime is an efficiently operated, well administered criminal justice system. No individual entity within a state system can be as effective in combating crime alone as it can by functioning as an integral part of the total justice system. In order to achieve such an effectual system, it is imperative to accurately and objectively analyze the operation of criminal processing within the context of each component of the criminal justice system as to scope, nature, and trends of crime. Using this analysis, programs and capabilities can be evaluated, problem areas can be identified and realistic and meaningful decisions can be made regarding allocation of funds and resources commensurate with established goals and standards.

The bases of current criminal justice statistics in the State of Arkansas are the number of arrests made by law enforcement, the number of cases in the courts, and the number of individuals in the corrections units. These data systems fail to describe the "clients" of the criminal justice system, and identify the points throughout the process where they exit the system. Additionally, we are often unable to account for the time it takes the criminal justice system to carry out its functions. Offender-Based Transaction Statistics solves such information gaps through evaluation of the system with respect to the aggregate experiences of those who pass through it. The result is a "road map" of the flow of felony offenders through the criminal justice processes.



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SECTION 1

INTRODUCTION

INTRODUCTION

The OFFENDER-BASED TRANSACTION STATISTICS (OBTS) concept is in a relatively infant state. It has as its statistical base, the only unit which is common to each area of the criminal justice system — the offender, himself. The system provides an analysis of the overall criminal justice system through a continuous record of the offenders progress through each component of the system.

At the present time, Arkansas does not have a fully computerized, ongoing OBTS system. The study which provided the basis of this report was, however, conducting utilizing OBTS concepts. This study represents a manual collection of individuals who were arrested in the state of Arkansas for felony offenses during calendar year 1975. This data was collected from arrest records, jail logs, and court dockets of criminal justice agencies throughout all 75 counties of Arkansas.

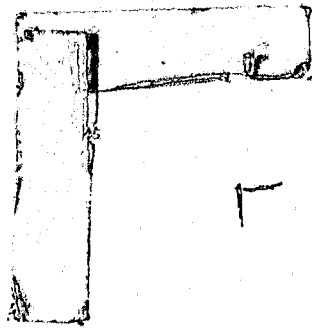
This report presents analyses of all felony arrests which data collectors could reasonably obtain from existing records. Although there may well have been some felony arrests missed due to inaccuracy of records or complexity of legal procedure, it is unlikely that the representations as to types of offenses committed, characteristics of offenders, or analysis of their processing through the criminal justice system has been derogated.

Since the basis of data collection for this report is the date of arrest, the year 1975 was selected to allow time for the majority of offenders to be completely processed through the criminal justice system. This also provides a look at actual time served in the corrections units, and some indications of the incidence of subsequent arrest, parole violations, and suspension revocations.

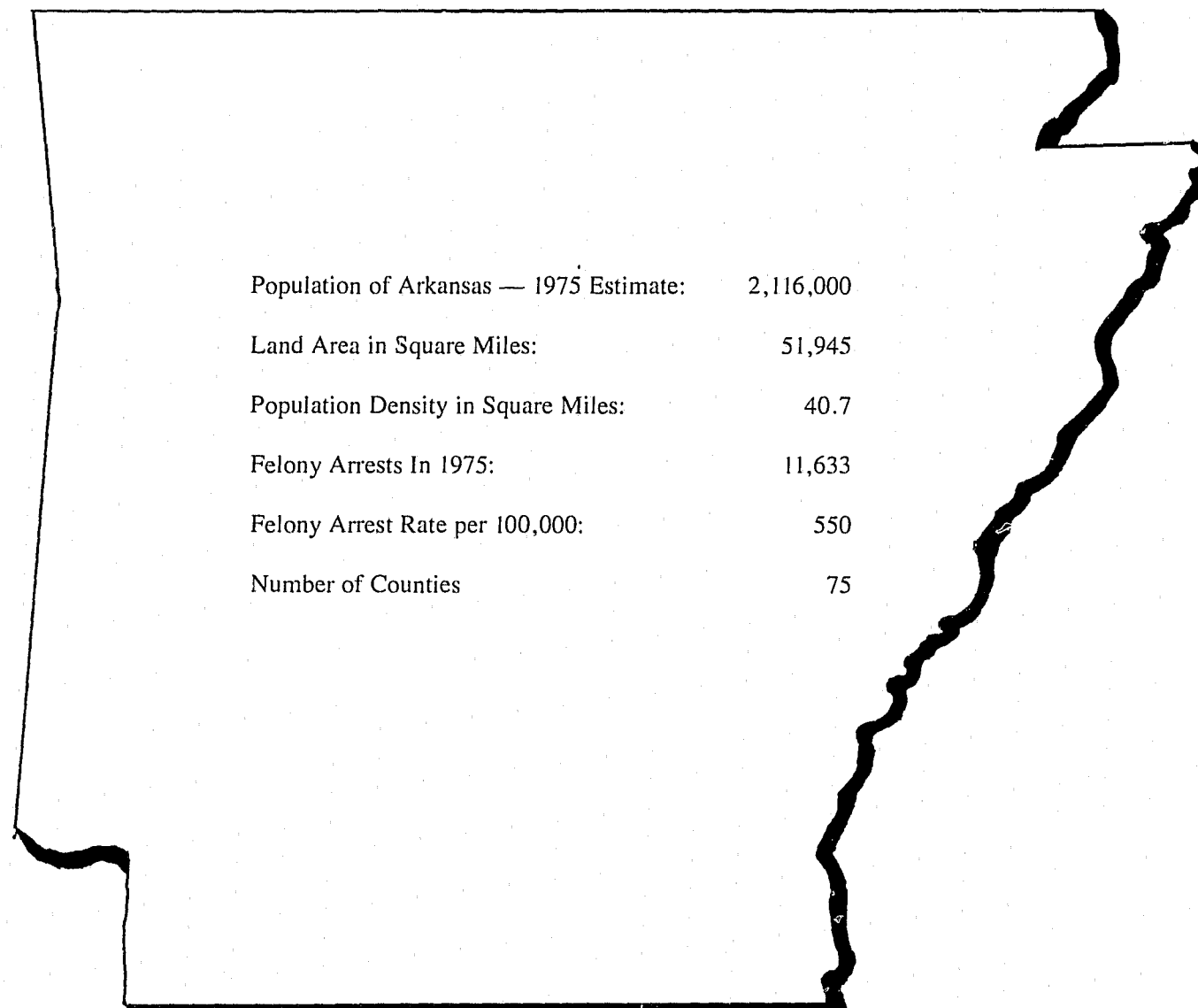
With the overall objective of providing a meaningful tool for studying the effectiveness of the criminal justice system in dealing with the processing of criminal offenders in a movement toward an ultimate end of crime reduction, the OBTS system offers the most comprehensive, precise, and up-to-date information available concerning the criminal justice system in the State of Arkansas.

NOTE:

This report represents only a presentation of the statistical data collected and shown in the format of the charts, graphs and other figures herein depicted. It in no way purports to explain the causes of this data nor draws any conclusions regarding the multitudinous complexity of factors from which these statistics result.



SECTION 2



1975 STATE CHARACTERISTICS

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STATE CHARACTERISTICS

Before beginning our analysis of the various components of the Criminal Justice System, this section presents a brief overview of the statewide statistics involving all of the Felony arrests occurring within the state during calendar year 1975. On the title page of this section are some general facts about the State of Arkansas as they existed in 1975. Most important of these with respect to this report is the total number of felony arrests within the state — 11,633. It is this statistic which provides the overall basis of the statistical analysis presented in this report. It is these 11,633 offenders which we will follow through the various processes of the criminal justice system, and identify the points along the process at which they either exit the system, or at which they remained at the conclusion of our data collection.

Table 1 depicts the age, sex, and race characteristics of all of the felony offenders arrested during calendar year 1975. Because part of the records from which the information was compiled were not complete, some data was not available. This is reflected in the "unknown" blocks of each characteristic. These characteristics represent all types of felony offenses committed in the state. A breakdown of age, sex, and race characteristics by felony type will appear later in this report.

TABLE 1 — CHARACTERISTICS OF FELONY OFFENDERS

AGE						SEX			RACE			
17 & Under	18-25	26-32	33-39	40 & Over	Unknown	Male	Female	Unknown	Black	White	Other	Unknown
1,655	4,343	1,450	584	697	2,904	9,756	1,330	547	3,458	5,852	46	2,277
TOTAL FELONY ARRESTS 11,633												

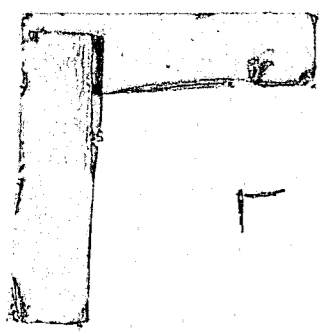
Table 2 provides a breakdown, by county, of the number of felony arrests in that county, and the percentage of the total felony arrests in Arkansas which that number represented. This table also shows the population of the county in 1975¹ and the percentage of the total population of Arkansas which that county represented. This is the only statistical data presented in this report which is broken down on the county level.

TABLE 2 — DISTRIBUTION OF ARRESTS AND POPULATION BY COUNTY

COUNTY	POPULATION	PERCENT DISTRIBUTION	FELONY ARRESTS	PERCENT DISTRIBUTION
Arkansas	23,000	1.09	174	1.50
Ashley	25,000	1.19	83	.71
Baxter	21,000	.99	61	.52
Benton	59,700	2.82	400	3.44
Boone	22,500	1.06	27	.23
Bradley	12,600	.60	35	.30
Calhoun	5,600	.26	31	.27
Carroll	14,000	.66	65	.56
Chicot	18,000	.85	110	.95
Clark	21,900	1.03	71	.61
Clay	20,000	.95	81	.70
Cleburne	13,000	.66	53	.46
Cleveland	6,900	.33	37	.32
Columbia	25,900	1.22	115	.99
Conway	17,700	.84	88	.76
Craighead	59,400	2.81	122	1.05
Crawford	30,300	1.43	194	1.67
Crittenden	50,400	2.38	367	3.15
Cross	19,400	.92	102	.88
Dallas	10,300	.49	37	.32
Desha	18,300	.86	69	.59
Drew	15,500	.73	83	.71
Faulkner	38,500	1.82	160	1.38
Franklin	12,000	.57	30	.26
Fulton	8,800	.42	11	.09
Garland	61,700	2.92	553	4.75
Grant	11,900	.56	25	.21
Greene	28,800	1.36	103	.89
Hempstead	20,000	.95	71	.61
Hot Spring	23,700	1.12	98	.84
Howard	13,100	.62	28	.24
Independence	23,600	1.11	65	.56
Izard	9,400	.44	23	.20
Jackson	21,700	1.03	76	.65
Jefferson	83,700	3.96	472	4.06
Johnson	15,600	.74	47	.40
Lafayette	9,400	.44	73	.63
Lawrence	18,500	.87	87	.75

TABLE 2 — DISTRIBUTION OF ARRESTS AND POPULATION BY COUNTY

COUNTY	POPULATION	PERCENT DISTRIBUTION	FELONY ARRESTS	PERCENT DISTRIBUTION
Lee	17,600	.83	94	.81
Lincoln	13,000	.61	31	.27
Little River	11,700	.55	66	.57
Logan	18,100	.86	40	.34
Lonoke	30,900	1.46	66	.57
Madison	10,100	.48	46	.40
Marion	9,100	.43	5	.04
Miller	33,400	1.58	273	2.35
Mississippi	61,500	2.91	516	4.43
Monroe	15,200	.72	71	.61
Montgomery	6,500	.31	20	.17
Nevada	10,300	.49	25	.21
Newton	6,800	.32	24	.21
Ouachita	29,800	1.41	88	.76
Perry	7,000	.33	20	.17
Phillips	38,100	1.80	197	1.69
Pike	9,700	.46	35	.30
Poinsett	27,600	1.30	161	1.38
Polk	14,800	.70	69	.59
Pope	34,100	1.61	115	.99
Prairie	9,900	.47	38	.33
Pulaski	324,200	15.32	3349	28.79
Randolph	16,200	.77	41	.35
St. Francis	31,000	1.47	202	1.74
Saline	43,000	2.03	221	1.90
Scott	9,300	.44	23	.20
Searcy	8,200	.39	18	.15
Sebastian	109,500	5.17	372	3.20
Sevier	12,500	.59	63	.54
Sharp	10,600	.50	25	.21
Stone	8,100	.38	48	.41
Union	44,300	2.09	180	1.55
Van Buren	9,800	.46	30	.26
Washington	89,400	4.22	456	3.92
White	46,200	2.18	190	1.63
Woodruff	10,100	.48	61	.52
Yell	16,600	.78	27	.23
TOTAL	2,116,000	100.00	11,633	100.00



SECTION 3

THE OFFENDER

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THE OFFENDER

This section is a particularly important area of this report. As previously stated, one purpose of this report is to provide criminal justice agencies a basis upon which to make improvements toward greater efficiency. This basis would not be complete if we failed to consider the many and varied personal characteristics of the offenders who are processed by the system.

Because the full realm of personal traits is vast enough to comprise a complete report within itself, and because a large portion of such data was not reasonably available from existing records, the areas looked at in this report cover important aspects for which a reasonable amount of data was available.

Table 3 summarizes the number of felony arrests attributable to each age group in 1975 and the percentage of the total number of felony arrests which that particular age group represents. In order to provide a more meaningful analysis of these figures, this table compares those arrest figures to the population of that group in 1975, as well as the percentage of the total population of Arkansas which that group represented. Age information on about 25.0% of the arrestees was unavailable to our data collectors.

TABLE 3 — DISTRIBUTION OF ARRESTS AND POPULATION BY AGE

	17 & Under	18-25	26-32	33-39	40 & Over	Unknown	Total
NUMBER OF ARRESTS	1,655	4,343	1,450	584	697	2,094	11,633
PERCENTAGE OF ARRESTS	14.2	37.3	12.5	5.0	6.0	25.0	100
*POPULATION	666,000	233,000	265,000	125,000	827,000		2,116,000
*PERCENTAGE OF POPULATION	31	11	13	6	39		100

*Population figures are interpolations from 1975 Population Estimates

Figure 1 exhibits a comparison of the percentage of total felony arrests represented by each age group, to the percentage of the total population (in 1975) which that age group represented. In order to eliminate the "unknown" category from the age groups, we have arbitrarily distributed the arrests in the "unknown" category to the other age groups on the assumption that "unknown" ages were the same proportionately as the known ages. This distribution is reflected in Figure 1.

Figure 1. AGE OF OFFENDERS vs. REPRESENTATION IN POPULATION

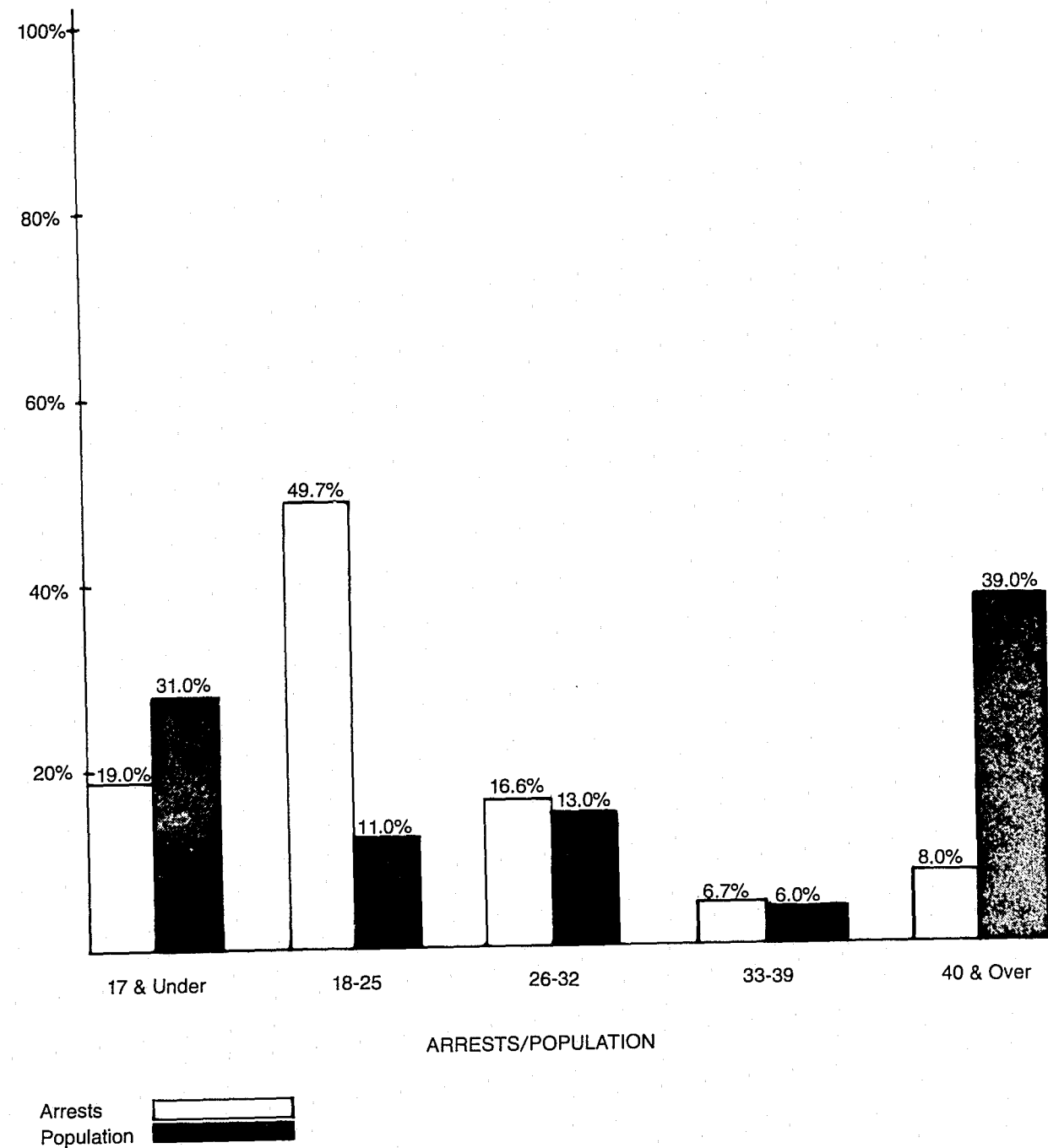


Table 4 is a comparison of the race of arrestees in 1975 with the percentage of population which that race represents. The rows underneath the arrests and percent distribution are the adjusted figures. This data takes the 19.5% of the arrestees for whom race information was not available, and redistributes them proportionately among those whose race was ascertainable (the "other" category is inclusive of all races other than "black" or "white").

TABLE 4 — DISTRIBUTION OF ARRESTS AND POPULATION BY RACE

	BLACK	WHITE	OTHER	UNKNOWN	TOTAL
Number of Arrests	3,485	5,582	46	2,277	11,633
*Adjusted Number of Arrests	4,300	7,276	57	0	
Percent Distribution	30	50	0.5	19.5	100
*Adjusted Percent Distribution	37	62.5	0.5	0	
Population	335,000	1,739,000	42,000	0	2,116,000
Percent Distribution	16	82	2	0	100

**"Unknown" category redistributed proportionately among known categories.

Table 5 depicts the number of felony arrests in 1975 attributed to each sex and the percentage of the total arrests which involved that gender. These numbers are compared with the population figures for each sex, and the percentage of the total population which that sex represents. The "adjusted" figures again represent a redistribution of the offenders whose sex was unknown using the same percent representation as those whose sex was known.

TABLE 5 — DISTRIBUTION OF ARRESTS AND POPULATION BY SEX

	MALE	FEMALE	UNKNOWN	TOTAL
Number of Arrests	9,756	1,330	547	11,633
Adjusted Number of Arrests*	10,237	1,396	0	
Percent Distribution	84	11	5	100
*Adjusted Percent Distribution	88	12	0	
Population	1,000,744	1,115,256	0	2,116,000
Percent Distribution	47.3	52.7	0	100

*"Unknown" category redistributed proportionately among known categories.

So far, in looking at personal characteristics of the offenders, we have considered all types of felony offenses. In order to get a more realistic look at who the "typical" offenders might be, it is necessary to look at the type of felony for which the offender was arrested. Thus, Table 6 demonstrates the distribution of ages of offenders as broken down into the type of felony offense for which they were arrested. For example, it may be noted that Table 6 shows that more than three times as many persons age 25 years or younger were arrested for felony narcotics charges than were those persons in categories comprising ages 26 years and older. On the other hand, the younger group represented 30% less arrests for embezzlement than did the older group. This distribution is based on the charge at the time of arrest.

Table 7 takes the race and sex characteristics of the felony offenders and displays their distribution among the twenty one categories of felony offenses for which they were arrested. This table, like Table 6, shows distinctions, though in some cases subtle ones, among the various types of offenders and the types of crimes which they seem most often to commit. As before, the "unknown" categories reflect the information which was unavailable to data collectors. Here, these proportions are relatively slight.

The felony offense of prostitution in both Table 6 and Table 7 might be more appropriately titled "Prostitution — Related Felonies" since it includes the offenses of pandering, receiving the earnings of a prostitute, enticing or transporting a woman for the purpose of prostitution, etc. The actual offense of prostitution is a misdemeanor offense in the State of Arkansas. This is why Table 7 reflects more male offenders for this offense than female offenders.

TABLE 6 — AGE OF OFFENDER BY TYPE OF INITIAL CHARGE

OFFENSE	AGE OF OFFENDER						TOTAL
	17 & Under	18-25	26-32	33-39	40 & Over	Unknown	
Murder/ Manslaughter	23	60	60	15	50	74	282
Rape	30	79	28	10	11	71	229
Robbery	118	344	83	35	22	124	726
Kidnapping	5	32	17	10	4	30	98
Assault	35	144	80	46	82	180	567
Burglary	696	1,238	259	83	81	799	3,156
Larceny	267	538	169	62	75	450	1,561
Motor Vehicle Theft	89	89	20	7	9	76	290
Arson	11	18	7	9	14	20	79
Possession Stolen Goods	139	297	98	47	67	185	833
Forgery	84	336	92	39	33	119	703
Counterfeit	0	9	4	1	0	0	14
Embezzlement	4	38	27	15	18	30	132
Fraud	1	90	74	40	45	86	336
Hot Checks	4	135	156	80	82	146	603
Narcotics	113	736	178	25	26	350	1,428
Sex Offenses	7	17	14	4	24	16	82
Prostitution*	0	1	4	2	1	3	11
Gambling	0	2	2	8	13	6	31
Other Felony	29	140	78	46	40	139	472
TOTAL	1,655	4,343	1,450	584	697	2,904	11,633

*Includes Pandering, Receiving Earnings of Prostitute or Transporting Women for Prostitution, Etc.

TABLE 7 — RACE AND SEX OF OFFENDERS BY TYPE OF INITIAL CHARGE

OFFENSE	RACE OF OFFENDER				SEX OF OFFENDER		
	WHITE	BLACK	OTHER	UNKNOWN	MALE	FEMALE	UNKNOWN
Murder/ Manslaughter	116	122	4	40	212	58	12
Rape	70	97	1	61	210	0	19
Robbery	229	418	5	74	661	45	20
Kidnapping	47	31	0	20	92	2	4
Assault	240	195	2	130	461	68	38
Burglary	1,498	994	6	658	2,847	146	163
Larceny	764	447	4	346	1,326	165	70
Motor Vehicle Theft	179	68	3	40	262	25	3
Arson	32	27	0	20	60	14	5
Possession Stolen Goods	437	249	2	145	712	80	41
Forgery	357	245	4	97	475	199	29
Counterfeit	6	8	0	0	7	7	0
Embezzlement	82	25	0	25	111	14	7
Fraud	211	54	0	71	241	73	22
Hot Checks	360	121	1	121	365	190	48
Narcotics	889	212	9	318	1,181	189	58
Sex Offenses	57	11	1	13	81	0	1
Prostitution	6	1	0	4	9	2	0
Gambling	14	11	0	6	27	4	0
Other Felony	258	122	4	88	416	49	7
TOTAL	5,852	3,458	46	2,277	9,756	1,330	547

Educational Background —

One personal characteristic which would have been highly desirable to include in our analysis would be the level of education which an offender had attained at the time of his arrest. Unfortunately educational background information was available on only 1% of the arrestees. We would certainly not purport that such a small amount of data could in any way be representative. Within the 1% of data which was available, the educational level of arrestees ranged from first grade level to a doctorate (Phd.) level.

Occupational Background —

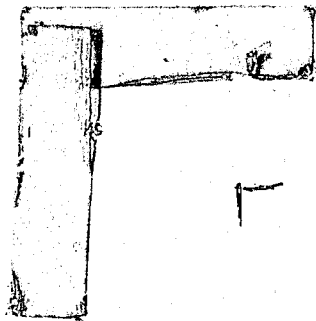
While an appreciably larger percentage of information was available for occupational background of offenders (30%), this data was distributed over some two hundred occupational categories making it absolutely unfeasible to put in a displayable format. Noteworthy, however, were the facts that of the 30% known occupational data, 40% of these were unemployed at the time.

Table 8 is the result of record searches at the Identification Bureau of the Arkansas State Police as well as other county and municipal law enforcement agencies.

Table 8 shows the distribution of the number of prior felony convictions an offender had at the time of his arrest. It also indicates the percentage of the total number of arrests which the offenders with that number of prior felony convictions comprised. Although the largest group in this chart is the combination of those with no prior felony arrest and those for whom this information was not available, it is known that a sizeable majority of this group had no prior felony arrests (the exact numbers are not available).

TABLE 8 — FREQUENCY OF PRIOR FELONY CONVICTIONS

No. of Prior Felony Convictions	Number of Arrests	Percentage of Total Arrests
0 or Unknown	10,874	93.47
1	376	3.23
2	180	1.55
3	100	0.86
4	43	0.37
5	28	0.24
6	14	0.12
7	7	0.06
8	2	0.02
10	1	0.01
11-15	0	0.00
16 or More	2	0.02
TOTAL	11,633	100.00



SECTION 4

LAW ENFORCEMENT

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LAW ENFORCEMENT

This section pertains to the activities involved with the processing of felony offenders through the Law Enforcement area of the Criminal Justice System. This is the area at which the processing operation begins — the arrest. Data for this section was a result of searches of arrest records and jail logs of the county and municipal law enforcement agencies throughout all seventy five counties in Arkansas. Law enforcement accounted for almost 30% of the final dispositions of persons arrested on felony charges.

Status at Arrest —

One important aspect of the offender is his status with respect to the Criminal Justice System at the time of his arrest. Some offenders were on probation, or parole from a previous conviction, while some were fugitives from previous alleged criminal activity. Unfortunately, the status of a large number of offenders was not available. We do know that a substantial majority of the offenders were "free" at the time of their 1975 felony arrest; that is, they were not under the auspices of any element of the Criminal Justice System.

Table 9 charts the distribution of the amount of bail set in relation to the type of felony charge for which the offender was arrested. The category marked "not applicable" reflects those who were released on recognizance, released to a second party (including Juvenile Authorities), or released on appearance bond. Those listed in the category titled "none set" include those offenders whose crimes were considered too serious, and thus no bail was set. This same category also includes those who were transferred to some other agency without bail. Slightly over 60% of the arrests did not have bail information available.

TABLE 9 — AMOUNT OF BAIL BY OFFENSE

OFFENSE	\$1-499	\$500-999	\$1,000-2,499	\$2,500-4,999	\$5,000-9,999	\$10,000-24,999	\$25,000-49,999	\$50,000-& Above	None Set	Not Applicable	Undetermined
Murder/Manslaughter	0	1	5	3	16	9	8	7	12	17	204
Rape	0	1	13	15	15	8	3	4	3	9	158
Robbery	4	10	25	33	45	30	25	13	6	38	497
Kidnapping	2	3	13	4	6	1	1	1	1	12	54
Burglary	9	44	247	263	184	61	2	7	10	361	1,968
Larceny/MVT	18	86	155	146	74	13	0	3	4	251	1,101
Arson	1	4	6	3	3	3	0	1	0	5	53
Forgery	5	27	81	68	19	8	0	0	1	42	452
Narcotics	14	32	111	133	229	83	19	11	1	64	731
Other	141	185	281	203	118	42	9	0	7	224	1,871
TOTAL	194	393	937	871	709	258	67	4	45	1,023	7,089

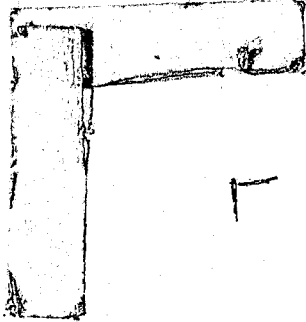


Table 10 shows the frequency of bond release information according to type of release. It also lists the percentage of the total number of felony arrests which that type of release represents.

TABLE 10 — DISTRIBUTION OF ARRESTEES BY BOND RELEASE TYPE — LAW ENFORCEMENT

<u>TYPE RELEASE</u>	<u>NUMBER OF ARRESTEES</u>	<u>PERCENTAGE OF TOTAL ARRESTS</u>
Personal Recognizance Appearance Bond	203	1.7
Second Party Custody That Included To Juvenile Agency	591	5.1
Released	1,938	16.7
Bond Set But Not Released	135	1.2
None Set-Not Released	50	0.4
Released To Other Law Enforcement Agency	394	3.4
Fugitive	78	0.6
Released-Charges Dropped	979	8.4
Unknown	<u>7,265</u>	<u>62.5</u>
TOTALS	11,633	100%

Table 11 deals with the length of pre-trial incarceration of offenders as related to the felony offense for which they are initially charged at the time of their arrest. This is not to be confused with any punishment adjudicated in the court system as a result of a conviction, but refers only to confinement pending release on bond or awaiting trial. Information concerning the length of pre-trial confinement was unavailable on approximately 57% of the arrestees. The table indicates that about 30% of all arrestees were confined for five days or less while slightly over 1% were confined in excess of 100 days.

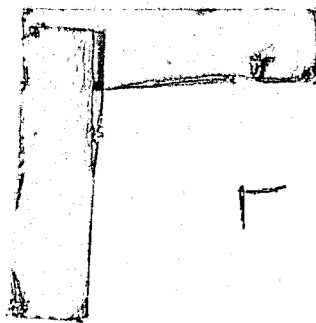
TABLE 11 — LENGTH OF PRE-TRIAL CONFINEMENT BY OFFENSE

OFFENSE	1-5 Days	6-10 Days	11-20 Days	21-30 Days	31-50 Days	51-100 Days	Over 100 Days	Undetermined
Murder/Manslaughter	55	14	9	9	5	13	8	169
Rape	53	6	12	4	6	15	5	128
Robbery	196	18	25	10	13	24	22	418
Kidnapping	23	4	0	2	3	4	2	60
Burglary	1,025	151	122	76	64	58	54	1,606
Larceny/Motor Vehicle Theft	674	89	66	32	29	41	19	901
Arson	30	3	4	2	2	0	2	36
Forgery	205	28	18	16	25	16	6	389
Narcotics	328	37	29	11	14	12	12	985
Other	852	77	57	32	25	37	22	1,980
TOTALS	3,440	427	342	194	186	220	152	6,672

A significant indicator of the efficiency of a criminal justice element, is the length of time which that entity takes to carry out its processes. This is the topic illustrated in Table 12. This table demonstrates the mean time (in days) in which an offender was involved in the law enforcement process based on the disposition which resulted. The shortest amount of time was averaged by those who were released while the longest involved those offenders transferred to other agencies. The 5.5 days listed under the "TOTAL" column represents the total mean time for the processing of all 11,633 felony cases which began the criminal justice system in 1975.

TABLE 12 — PROCESSING TIME FROM ARREST TO DISPOSITION — LAW ENFORCEMENT

	DISPOSITION AT LAW ENFORCEMENT LEVEL									TOTAL
	Transferred To Other Agency	Transferred To Other Law Enforcement Agency	Released	Transferred To Juvenile Authority	Fugitive	Misdemeanor Complaint Filed To Lower Court	Felony Complaint Filed Direct To Lower Court	Felony Complaint Filed Direct To Circuit Court	Undetermined	
Number of Offenses	31	523	1045	596	10	21	3617	4620	1170	11633
Mean Days From Arrest To Disposition	62.5	10.9	2.3	3.4	22.7	9.7	2.5	10.8	3.3	5.5



SECTION 5

LOWER COURT

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LOWER COURT

In this section we turn our attention to an element of the criminal justice system which plays a varied, but important part in the processing of offenders — that of the lower or municipal courts. Although these courts do not have jurisdiction over the actual trying of felony charges, their function of determining which felony cases can reasonably be reduced and tried as misdemeanors accounts for final disposition of over 23% of the offenders who were charged with felony offenses upon arrest. Of the 11,633 felony arrests in 1975, 3,649 were filed for preliminary hearing at lower court. Out of that number a total of 2,670 reached final disposition. While some counties by-passed the lower courts by filing felony charges direct to circuit court, the statistics demonstrate the value of this entity in reducing circuit court caseload and enhancing efficiency of the criminal justice system.

The chart in Figure 2 shows the distribution of felony arrest final dispositions among the elements of the criminal justice system which process those arrests. It is important to distinguish the point in the system at which a final disposition is adjudicated, and the point at which an offender actually exits the system. For example a disposition at lower court may be a sentence to a corrections unit or a referral to juvenile authority. The latter would be the point at which an offender would exit the system, whereas the former would be the point at which a final disposition was reached.

FIGURE 2 — DISTRIBUTION OF FELONY ARREST FINAL DISPOSITIONS

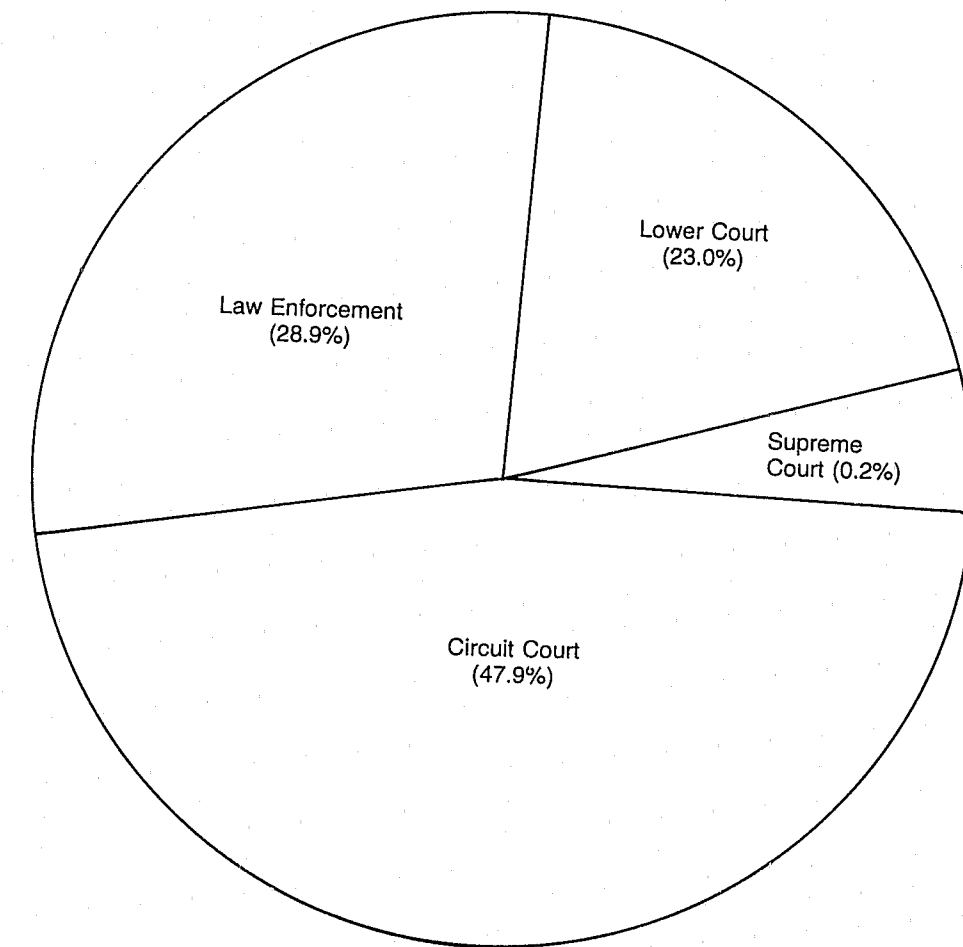


Table 13 depicts the distribution of final disposition at lower court, and the percentage of all the lower court final dispositions which that particular disposition represents. Since this table includes only final dispositions, it does not reflect those cases which were bound over to circuit court after preliminary hearing, nor those which were sent on to circuit court as a result of defendants' waiver of a preliminary hearing. Likewise, the percentages listed are percentages of the total number of final dispositions at lower court. The disposition entitled "Offender Death" indicates that the offender died before any disposition could be reached.

TABLE 13 DISTRIBUTION OF LOWER COURT FINAL DISPOSITIONS

DISPOSITION	NUMBER OF CASES	PERCENTAGE OF TOTAL FINAL DISPOSITIONS
Dismissed	693	26.1
Nolle-Prossed	823	30.8
Convicted Misdemeanor	762	28.5
Acquitted	8	0.4
Pending	21	0.7
Archived	1	0.0
Offender Death	2	0.0
Remanded Juvenile Authority	45	1.7
Case Deferred	18	0.7
Transferred Other Agency	107	4.0
Undetermined	190	7.1
TOTALS	2,670	100.0%

When a felony charge is filed to lower court for preliminary hearing three avenues are open with respect to the nature of that charge: (A) The lower court can bind the felony charge over to circuit court as it was at the time of arrest, (B) It may change the charge to another (usually less) felony, which also must be bound over to circuit court jurisdiction, or (C) It may reduce it to a misdemeanor, and dispose of it there at lower court.

Table 14 displays the number of charges which were changed at lower court to another felony or misdemeanor from the initial arrest charge and those which remained the same, based upon the type of felony originally charged. For example, the table shows that 71 arrests for murder or manslaughter were filed to lower court, while 4 of these were changed in some form, the 67 remaining were dealt with as originally charged.

TABLE 14 — CHARGE CHANGES AT LOWER COURT

OFFENSE	CHARGE CHANGE		
	Yes	No	Unknown
Murder/ Manslaughter	4	67	0
Rape	0	46	0
Robbery	41	181	0
Kidnapping	9	16	0
Burglary	140	483	1
Larceny/Motor Vehicle Theft	162	314	1
Arson	7	11	0
Forgery	48	135	0
Narcotics	270	353	0
Other Felony	358	1000	2
TOTAL	1039	2606	4

Table 15 illustrates the initial and final pleas of the defendants at lower court. The initial plea is entered at the time of arraignment, while the final plea is entered at the hearing itself. If the initial plea is "Guilty," no final plea need be entered and a "Not Applicable" will be shown for the final plea. Also, since an initial plea is entered before defense counsel and prosecutors have had sufficient time to pursue the case thoroughly, a substantial majority of initial pleas are that of "Not Guilty." The chart indicates how many fewer final pleas are "Not Guilty" than are initial pleas.

TABLE 15 — LOWER COURT PLEAS BY PLEA TYPE

	PLEA TYPE							TOTAL
	Guilty	Not Guilty	Nolo Contendere	Not Guilty By Insanity	Not Applicable	Not Guilty Self Defense	Undetermined	
Initial Plea	273	2,204	3	0	728	0	441	3,649
Final Plea	437	316	4	3	2,444	0	445	3,649

Table 16 distinguishes those offenders who at lower court were defended by a privately employed attorney, or due to indigency or other statutorily recognized reasons had an attorney appointed for them by the court. It also shows how many defendants were represented by a public defender, or those who chose to exercise their constitutional right to defend themselves, or youth who allowed a parent or guardian to conduct a defense. The chart also depicts the percentage of the total lower court filings which that type of attorney comprised. Since many lower court dockets did not reflect attorney data, this information was unavailable in over 60% of the cases.

TABLE 16 — ATTORNEY DATA AT LOWER COURT

ATTORNEY DATA	NUMBER OF FILINGS	PERCENTAGE OF TOTAL FILINGS
Private	1,048	29.0
Appointed	240	6.5
Public Defender	35	1.0
Self	13	0.4
Parent or Guardian	2	0.1
Undetermined	2,311	63.0
TOTAL FILINGS	3,649	100%

Table 17 looks at the time it took the lower courts to carry out their functions. It breaks down the average number of days which it took the lower court to reach each type of disposition. This time is measured from the date of filing to the date of disposition. The table also lists the number of cases which result in each disposition. Note that this table considers all lower court dispositions, and not just final dispositions. The table indicates that the cumulative average for all dispositions at the lower court was 29.1 days.

TABLE 17 — PROCESSING TIME TO DISPOSITION AT LOWER COURT

DISPOSITIONS	NUMBER OF CASES	AVERAGE TIME IN SYSTEM* (DAYS)
Dismissed	693	22.0
Nolle-Prossed	823	22.2
Convicted Misdemeanor	762	21.8
Acquitted	8	24.2
Bound Over To Circuit Court After Preliminary Hearing	579	42.1
Bound Over To Circuit Court Waiver of Preliminary Hearing	400	50.9
Pending	21	19.7
Archived	1	8.0
Offender Death	2	0.0
Remanded Juvenile Authority	45	17.3
Case Deferred	18	111.5
Transferred Other Agency	107	9.4
Undetermined	190	5.5
TOTAL	3,694	29.1

*Average Number of Days From Filing To Disposition.



SECTION 6

CIRCUIT COURT

CIRCUIT COURT

The circuit courts representing the nineteen judicial circuits in Arkansas have original jurisdiction over the trying of felony cases. Of the total 11,633 felony offenders in 1975, 5,588 reached circuit court for disposition of their charges. The circuit courts accounted for slightly less than 50% of all final dispositions reached by the entire criminal justice system in the processing of the total 11,633 felony offenders.

Table 18 is a cumulative look at all the arrests and convictions as distributed among the types of offenses charged at the time of arrest. The convictions include *both* felony and misdemeanor convictions at lower and circuit courts. (The lower courts accounted for 762 of the misdemeanor convictions, while all 3,252 felony convictions, plus 400 additional misdemeanor convictions were handed down from circuit court level). All the convictions, both felony and misdemeanor, were initially arrested on felony charges. Table 18 provides a comparison between the percentage of total arrests which each type of offense represents and the percentage of convictions which that same type of offense comprises.

TABLE 18 — DISTRIBUTION OF ARRESTS AND CONVICTIONS BY OFFENSE

OFFENSE	ARRESTS	PERCENTAGE OF ARRESTS	CONVICTIONS	PERCENTAGE OF CONVICTIONS
Murder/ Manslaughter	282	2.5	134	3.0
Rape	229	2.0	60	1.4
Robbery	726	6.3	310	7.0
Kidnapping	98	0.8	35	0.8
Burglary	3,156	27.1	1,349	30.6
Larceny/Motor Vehicle Theft	1,851	15.9	624	14.1
Arson	79	0.7	14	0.3
Forgery	703	6.0	321	7.3
Narcotics	1,428	12.3	721	16.3
Other	3,081	26.4	846	19.2
TOTAL	11,633	100.0%	4,414	100.0%

Table 19 depicts the distribution of dispositions of the 5,588 felony offenders whose cases were filed to circuit court as well as the percentage of the total circuit court dispositions represented by that disposition. As in lower court, the disposition titled "Offender Death" indicates that the offender died before final disposition of the case could take place.

TABLE 19 — DISTRIBUTION OF CIRCUIT COURT DISPOSITIONS

DISPOSITIONS	NUMBER OF CASES	PERCENTAGE OF TOTAL DISPOSITIONS
Dismissed	385	6.9
Nolle-Prossed	774	13.9
Remanded Municipal Court	6	0.1
Guilty of Felony	3,252	58.2
Acquitted Felony	73	1.3
Guilty of Misdemeanor	400	7.2
Acquitted of Misdemeanor	0	0
Pending	99	1.8
Offender Death	10	0.2
Archived	116	2.1
Remanded to Juvenile Authority	86	1.5
Transferred Other Agency	17	0.3
Deferred	260	4.6
Undetermined	110	1.9
TOTALS	5,588	100.0%

The distribution of initial and final pleas at the circuit court level is shown in Table 20. At circuit court, the initial plea is entered by the defendant at arraignment proceedings. This usually occurs before defense counsel has fully constructed his case, and before determination is made by the Prosecutor's office whether or not to prosecute, and if so, on what charge prosecution would likely be successful. These factors account, at least in part, for the high number of "Not Guilty" initial pleas, as well as numerous "Not Applicable" final pleas.

TABLE 20 — CIRCUIT COURT PLEA BY PLEA TYPE

	PLEA TYPE							TOTAL
	Guilty	Not Guilty	Nolo Contendre	Not Guilty By Insanity	Not Applicable	Not Guilty Self defense	Undetermined	
Initial Plea	1,575	2,917	56	17	814	0	209	5,588
Final Plea	1,957	316	40	2	3,026	1	246	5,588

The pie chart in Figure 3 graphically illustrates the proportions of the circuit court trials which are represented by each trial type. By way of explanation, a jury trial is one in which a panel of jurors make determinations as to findings of fact and the ultimate issue of guilt or innocence, while the presiding judge makes rulings as to questions of law. Every person charged with a criminal offense has a constitutional right to have his case heard by a jury. Thus if a defendant so desires, he may waive his right to a jury trial and allow the judge alone to make findings as to both fact and law, as well as determine guilt or innocence. This is categorized as a Bench Trial.

The distinguishing characteristic between a bench trial and plea negotiations is the fact that no hearing on the merits of the case is conducted in the instance of a negotiated plea. A plea of guilty to a lesser charge or the same charge with a recommendation for a reduced sentence is entered and accepted by the bench with sentencing usually in accordance with the agreed upon recommendation by the prosecutor. As the chart indicates, a sizable majority of the cases filed at circuit court are disposed of in this manner. The category marked "No Trial" include Nolle Prosequi (Prosecutor decides not to prosecute, but can re-file same charge at later date), Dismissals, Archived, and Deferred cases.

FIGURE 3 — TYPE TRIAL AT CIRCUIT COURT

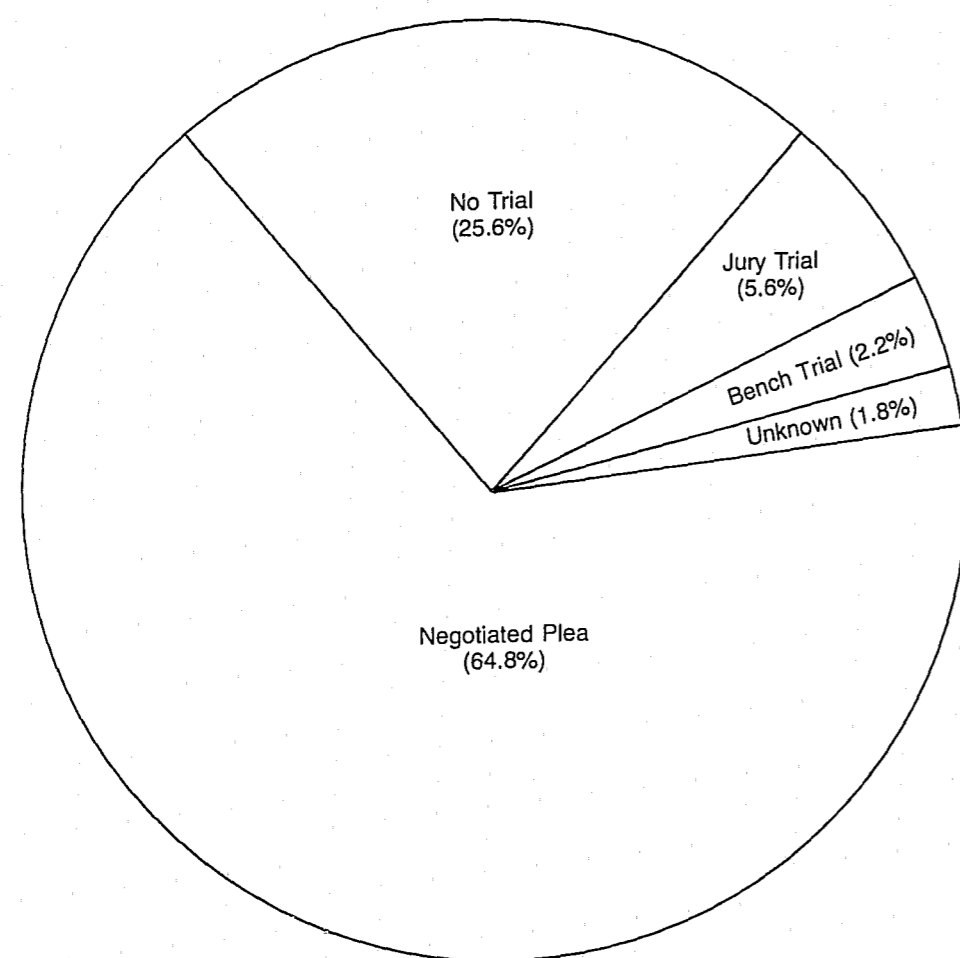


Table 21 divides the trial types at circuit court (explained for Figure 3) by the type of offense for which the defendant was charged. Fortunately, the percentage of this information which was not available to data collectors was less than 2%. The chart indicates that generally a higher percentage of persons charged with more serious felonies such as murder or rape demand jury trials than do those accused of less serious felonies such as burglary or larceny.

TABLE 21 — CIRCUIT COURT TRIAL TYPE BY OFFENSE

OFFENSE	Jury	Bench	Plea	No Trial	Unknown	Total
Murder/ Manslaughter	43	5	96	34	0	178
Rape	11	4	54	61	4	134
Robbery	39	12	260	86	3	400
Kidnapping	3	1	27	11	2	44
Burglary	64	32	1304	355	27	1782
Larceny/Motor Vehicle Theft	17	16	539	180	15	767
Arson	5	1	9	24	0	39
Forgery	7	6	295	97	7	412
Narcotics	70	20	472	170	13	745
Other Felony	54	26	567	414	26	1087
TOTAL	313	123	3623	1432	97	5588
PERCENTAGE	5.6%	2.2%	64.8%	25.6%	1.8%	100.0%

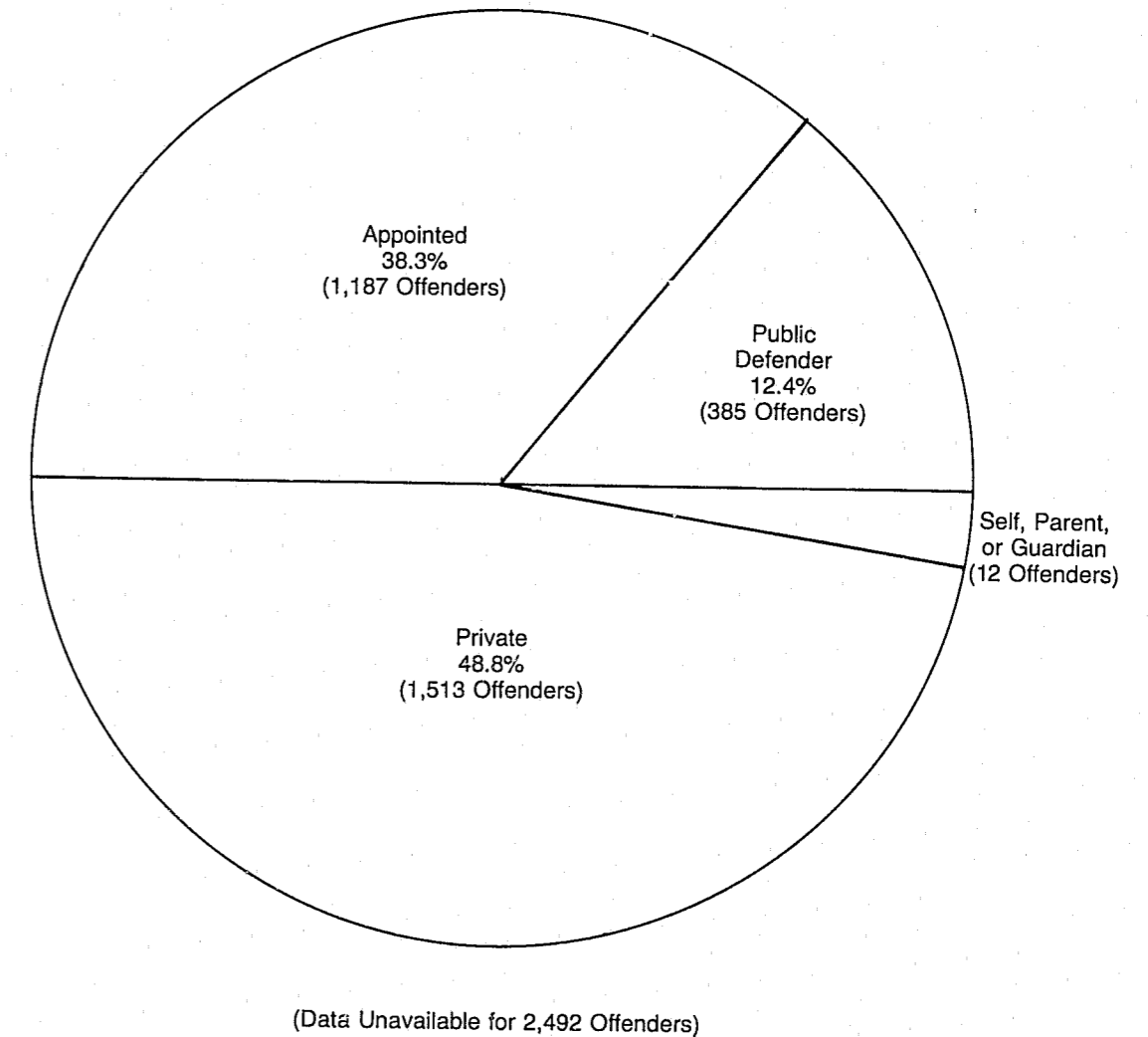
Similar to lower court, charges can be changed for various reasons at circuit court. Prosecutors may determine that the facts of a case may fit more comfortably into a different felony in terms of proving his case; or a part of a plea negotiation might be an agreement to plead guilty to a reduced charge, etc. Table 22 shows the distribution of charge changes among the types of offenses with which the alleged offender was charged at the time of his 1975 felony arrest. This chart is based on those cases in which a charge filed to circuit court differs from the final charge at lower court, or if the lower court is by-passed, indicates the relationship of the charge at circuit court to the charge at the time of arrest.

TABLE 22 — CHARGE CHANGES AT CIRCUIT COURT

OFFENSE	CHARGE CHANGE		
	Yes	No	Unknown
Murder/ Manslaughter	111	67	0
Rape	29	104	1
Robbery	94	305	1
Kidnapping	14	29	1
Burglary	434	1340	8
Larceny/ Motor Vehicle Theft	206	552	9
Arson	2	37	0
Forgery	85	324	3
Narcotics	214	525	6
Other Felony	214	856	17
TOTAL	1403	4139	46

The illustration in Figure 4 exhibits the distribution of the types of attorneys who represented defendants at the circuit court level. This chart does not include the 45% of offenders processed in circuit court for whom attorney data was unavailable. The explanation of their attorney types were previously discussed under Table 18 in Section 5 (lower court) of this report.

FIGURE 4 — ATTORNEY DATA AT CIRCUIT COURT



Again an important indicator of the efficiency of any element of the criminal justice system is the time it takes to carry out its processes. Table 23 shows the average time, in days, which it took the circuit courts to achieve a specific disposition of a felony case. The chart also indicates the number of cases which resulted in each disposition. The time computed in this table is measured from the date a case is filed in circuit court to the date the disposition is handed down. The total average time for all cases filed in circuit court was 166.2 days.

TABLE 23 — PROCESSING TIME TO DISPOSITION AT CIRCUIT COURT

DISPOSITIONS	NUMBER OF CASES	AVERAGE TIME IN SYSTEM* (DAYS)
Dismissed	385	251.2
Nolle-Prossed	774	236.5
Remanded Lower Court	6	112.8
Guilty of Felony	3,252	124.8
Acquitted Felony	73	218.0
Guilty of Misdemeanor	400	168.8
Acquitted of Misdemeanor	0	0
Pending	99	579.8
Archived	116	378.5
Offender Death	10	196.6
Remanded Juvenile Authority	86	86.9
Transferred Other Agency	17	174.8
Deferred	260	266.2
Undetermined	110	135.9
TOTALS	5,588	*166.2

*Average Number of Days From Filing To Disposition.

TABLE 24 — PROCESSING TIME FROM ARREST TO DISPOSITION AT CIRCUIT COURT

	DISPOSITION AT CIRCUIT COURT														
	Dismissed	Nolle-Prossed	Remanded To Lower Court	Guilty of a Felony	Acquitted	Guilty of Misdemeanor	Acquitted of Misdemeanor	Pending	Archived	Death of Offender	Remanded To Juvenile Authority	Deferred	Transferred	Undetermined	TOTAL
Number Of Filings	385	774	6	3,252	73	400	0	99	116	10	86	260	17	110	5,588
Average System Time In Days	274.4	257.1	127.2	143.7	213.7*	188.9	0	594.5	390.6	212.3	100.8	240.7*	183.7	154.1	182.4

The average days in Circuit Court (filing to disposition) for the dispositions noted above with asterisks () are higher than total average days from arrest to circuit disposition for these same dispositions (Chart 23). This discrepancy is caused by 183 offenders for whom arrest dates were unavailable. Those records were included in computation of the above Chart 24, but not in Chart 23.

In comparison, Table 24 looks at the cumulative processing time from the day of an offenders arrest until the day a disposition at the circuit court level was reached. These average times (in days) are broken down by the disposition reached at circuit court. The computations necessarily include law enforcement, lower court, and circuit court, plus any time the prosecutor's office spent weighing the feasibility of pursuing that case. The total average tells us that an average offender arrested for a felony offense in Arkansas in 1975 could expect his case to be disposed of at circuit court within approximately six months from the date of his arrest.

Due to the complexities of criminal court procedures, a pending trial can be delayed for a myriad of reasons. Using a parameter of 90 days or greater from the filing date to disposition at circuit court constituting a delay, our data collectors categorized reasons which caused the trial process to exceed 90 days. These results are displayed in Table 25. Out of the 5,588 felonies filed in circuit court from 1975 arrests, 45% exceeded 90 days from date of filing to disposition. Since in some cases, more than one reason caused delay, the data collectors attempted to ascertain and categorize the principle cause of the delay.

TABLE 25 — TYPE OF DELAY AT CIRCUIT COURT

	TYPE OF DELAY									
	Change of Attorney	Lack of Witness	Fugitive Status	Failure to Appear	Defense Motion	Prosecution Motion	Mental Observation	Medical Attention	Other	Under 90 Days
Number of Cases	22	9	45	128	422	58	56	8	1,908	2,932



SECTION 7

SUPREME COURT

SUPREME COURT

Prior to the passing of Amendment No. 58 to the Arkansas Constitution at the November 1978 General Election,² the Arkansas Supreme Court was the only appellate court within the state judicial system. Like all other states in the union, Arkansas guarantees the right to appeal a conviction of a misdemeanor or felony charge under Rule 36.1 of the Arkansas Rules of Criminal Procedure.³ Thus the Arkansas Supreme Court was compelled with certain notable exceptions to hear the appeal of any person convicted. The Supreme Court also has the option of hearing petitions for various forms of post-conviction relief.

This was the procedural situation which affected those persons arrested in Arkansas of a felony during calendar year 1975 and who were convicted of either a misdemeanor or a felony as a result thereof. Of the convictions in this study, 96 appeals were taken to the states high courts, 5 of which were in the form of petition for post-conviction relief. Opinions on these appeals were handed down in a mean total time of 300.9 days.

With the passage of Amendment No. 58, the voting public of Arkansas have risen to the need for updating our Judicial System and allowed a major advance in the structure of the state's court system. As a result of this amendment, the Arkansas Court of Appeals was established effective July 1, 1979. The judges have now been appointed, and the courts have already begun hearing appeals and handing down opinions. This will undoubtedly serve to relieve an already overburdened Supreme Court, and improve the overall effectiveness of the state judicial system.

Table 26 summarizes the holdings of the 96 appeals taken to the Arkansas Supreme Court from the convictions which resulted from 1975 felony arrests. In only 24 of these cases was the trial court reversed, 7 of these reversed and dismissed the case, while the remaining 17 reversals were remanded back to circuit court for some further action, usually a new trial. All 5 of the petitions for post-conviction relief, Pro Se (Rule 37) were denied.

TABLE 26 — ACTION OF THE SUPREME COURT

SUPREME COURT ACTION	NUMBER OF APPEALS
Pending	0
Affirmed	62
Reversed or Dismissed	7
Modified	3
Reversed & Remanded	17
Affirmed With Remittitur	2
Dismissed On Behalf of Appellant	0
Affirmed In Part/ Reversed In Part	0
Pro se (Rule 37) Granted	0
Pro se (Rule 37) Denied	5
TOTAL	96

Arkansas Rules of Criminal Procedure

Rule 37.1

A prisoner, in custody under sentence of a circuit court and whose case was not appealed to the Supreme Court, claiming a right to be released, or to have a new trial, or to have the original sentence modified on the ground:

- (a) *that the sentence was imposed in violation of the Constitution and laws of the United States or this state; or*
- (b) *that the court imposing the sentence was without jurisdiction to do so; or*
- (c) *that the sentence was in excess of the maximum authorized by law; or*
- (d) *that the sentence is otherwise subject to collateral attack;*

may file a verified motion at any time in the court which imposed the sentence, praying that the sentence be vacated or corrected.



SECTION 8

CORRECTIONS

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CORRECTIONS

Among the various elements of the criminal justice system, one which seems to have been in the public eye slightly more so than the rest is the Corrections Sub-system. One of the factors which affects this is a tendency of people to look at the correctional element as a separate entity. Throughout this report, we have tried to emphasize that each element of the criminal justice system is dependant upon the efficiency of all the other elements in carrying out the processing of felony offenders. Viewed in this light, one realizes that the "clients" received by the Department of Corrections are a result of the processes already carried out by the other elements in the system.

This section looks at the processing of convicted felony offenders at the corrections level which have flowed into it from the remainder of the criminal justice system.

Table 27 shows the distribution of the type of sentences awarded to offenders convicted of felony. It also displays the percentage of total sentences which each sentence type represented. The table does not include misdemeanor convictions.

TABLE 27 -- DISTRIBUTION OF FELONY SENTENCES

SENTENCES	Number of Offenders Sentenced	Percentage of Total Sentences
Fine Only	26	0.8
Suspension	834	25.8
Probation	370	11.4
Suspension/Probation	352	10.8
Jail	115	3.5
Prison Less Than 2 yrs.	187	5.7
Prison 2-4 yrs. 11 mos.	630	19.4
Prison 5-9 yrs. 11 mos.	408	12.5
Prison 10-19 yrs.	210	6.4
Prison 20-29 yrs.	74	2.3
Prison 30 yrs. or more	39	1.2
Unknown	7	0.2
TOTALS	3,252	100.0%

Table 28 distributes the sentences given to those offenders who were convicted of the same felony charge for which they were arrested, according to the age of the offender receiving that sentence. The age information on 15% of these offenders was unavailable, while data collectors were unable to determine the sentence given to 6 persons convicted in this category.

TABLE 28 — SENTENCE DISTRIBUTION BY AGE — FELONY CONVICTION CHARGE SAME AS ARREST CHARGE

SENTENCE	17 & Under	18-25	26-32	33-39	40 & Over	Unknown	Total
Fine Only	0	9	1	1	1	7	19
Suspension	88	254	71	23	28	137	601
Probation	51	132	29	12	14	73	311
Suspension/Probation	33	154	28	11	16	47	289
Jail	9	41	4	1	2	17	74
Prison Less Than 2 yrs.	14	77	20	10	10	9	140
Prison 2-4 yrs. 11 mos.	46	280	57	22	29	44	478
Prison 5-9 yrs. 11 mos.	16	179	65	19	16	16	311
Prison 10-19 yrs.	9	89	21	16	18	7	160
Prison 20-29 yrs.	3	20	18	4	2	2	49
Prison 30 yrs. or more	3	11	4	2	3	1	24
Unknown	1	1	0	1	1	2	6
TOTAL	273	1,247	318	122	140	362	2,462

Table 29 similarly shows the distribution of sentences by age, but in this case the offenders were convicted of a felony charge other than that for which they were arrested. In this category only 10% of the age information was unavailable, and only 1 offender's sentence could not be determined.

TABLE 29 — SENTENCE DISTRIBUTION BY AGE — FELONY CONVICTION CHARGE NOT SAME AS ARREST CHARGE

SENTENCE	17 & Under	18-25	26-32	33-39	40 & Over	Unknown	Total
Fine Only	0	2	1	0	2	2	7
Suspension	32	119	24	6	17	35	233
Probation	9	28	8	2	7	5	59
Suspension/Probation	14	26	11	2	1	9	63
Jail	4	26	3	1	2	5	41
Prison Less Than 2 yrs.	7	23	8	1	1	7	47
Prison 2-4 yr. 11 mos.	12	93	23	6	7	11	152
Prison 5-9 yr. 11 mos.	6	49	27	9	5	1	97
Prison 10-19 yrs.	4	21	10	3	10	2	50
Prison 20-29 yrs.	4	5	8	1	4	3	25
Prison 30 yrs. or more	1	4	5	2	3	0	15
Unknown	0	1	0	0	0	0	1
TOTAL	93	397	128	33	59	80	790

Table 30 examines the sentence received by offenders convicted of the same felony charge for which they were arrested in relation to the race of the offender. The sentence received as a result of felony conviction could not be determined for 6 of the offenders.

**TABLE 30 — SENTENCE DISTRIBUTION BY RACE
FELONY CONVICTION CHARGE SAME AS ARREST CHARGE**

SENTENCE	White	Black	Other	Total
Fine Only	8	5	6	19
Suspension	304	162	135	601
Probation	192	48	71	311
Suspension/Probation	148	89	52	289
Jail	41	11	22	74
Prison Less Than 2 yrs.	89	42	9	140
Prison 2-4 yrs. 11 mos.	275	155	48	478
Prison 5-9 yrs. 11 mos.	187	107	17	311
Prison 10-19 yrs.	72	82	6	160
Prison 20-29 yrs.	23	25	1	49
Prison 30 yrs. or more	11	13	0	24
Unknown	1	2	3	6
TOTAL	1,351	741	370	2,462

Table 31 is the sentence distribution by race for those offenders convicted of a felony charge other than that for which the offender was arrested. In this category, the sentence of only 1 offender could not be determined from available records.

**TABLE 31 — SENTENCE DISTRIBUTION BY RACE — FELONY
CONVICTION CHARGE NOT SAME AS ARREST CHARGE**

SENTENCE	White	Black	Other	Total
Fine Only	5	0	2	7
Suspension	107	94	32	233
Probation	45	8	6	59
Suspension/Probation	35	22	6	63
Jail	19	15	7	41
Prison Less Than 2 yrs.	22	19	6	47
Prison 2-4 yrs. 11 mos.	85	61	6	152
Prison 5-9 yrs. 11 mos.	50	45	2	97
Prison 10-19 yrs.	15	34	1	50
Prison 20-29 yrs.	10	13	2	25
Prison 30 yrs. or More	8	7	0	15
Unknown	1	0	0	1
TOTAL	402	318	70	790



SECTION 9

SUMMARY

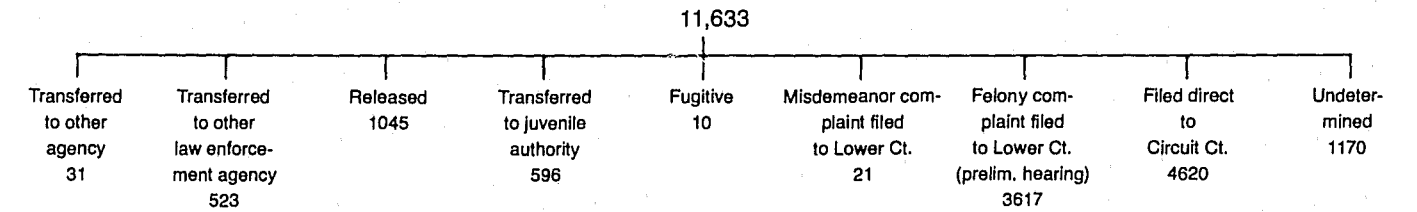
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SUMMARY

In this section we take an overall look at the total process of the criminal justice system which faced an offender arrested for a felony during calendar year 1975 within the State of Arkansas. We begin with an overview through each subsystem, then put it all together with a complete "roadmap" of all 11,633 felony arrests.

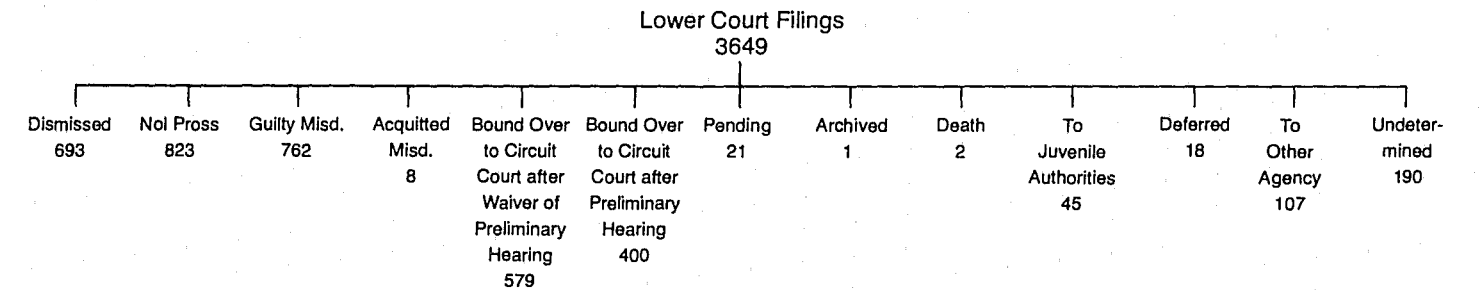
Beginning with Figure 5, we see the input of 11,633 felony arrests into the law enforcement subsystem. Out of that beginning figure 2,768 were considered as having exited the system at this point; 3,649 were moved into lower court, 4,620 passed directly to circuit court and 596 were transferred to juvenile authority.

FIGURE 5 — LAW ENFORCEMENT SUBSYSTEM



Moving to Figure 6, we follow the 3,649 filed into lower court. At this point 2,625 more exited the system, 45 were transferred to the cognizance of juvenile authorities, and 979 were bound over to the circuit court level either before or after preliminary hearing.

FIGURE 6 — LOWER COURT SUBSYSTEM



Combined into Figure 7 are the 4,620 cases filed direct to circuit court from law enforcement which we saw in Figure 5, plus the 979 we just saw bound over from lower court in Figure 6. These comprise the 5,599 cases sent to circuit court, of which 5,588 ultimately got filed (the remaining 11 likely were not pursued by the prosecutor's office). A total of 1,584 exited here either before or as a result of trial, 86 more were turned over to juvenile authority, leaving 3,918 to face sentencing for either a misdemeanor or felony conviction.

FIGURE 7 — CIRCUIT COURT SUBSYSTEM

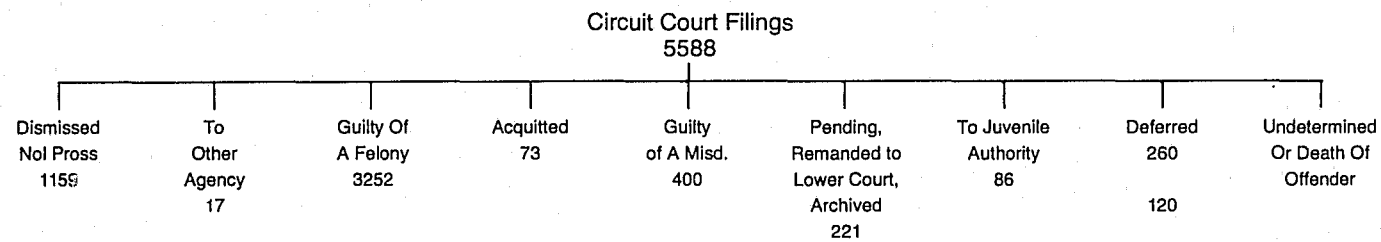


Figure 8 puts it all together. This is our ultimate felony processing "roadmap." It represents the very essence of the Offender-Based Transaction Statistics (OBTS) concept. It traces every offender from the point of entry into the criminal justice system, which is the felony arrest, to the point at which that offender either exits from the system, or at which he remains at the time the survey is completed. Although the chart is somewhat confusing at first glance, it does represent a logical and accurate progression through the procedural steps of the criminal justice system, and every offender is accounted for.

FIGURE 8

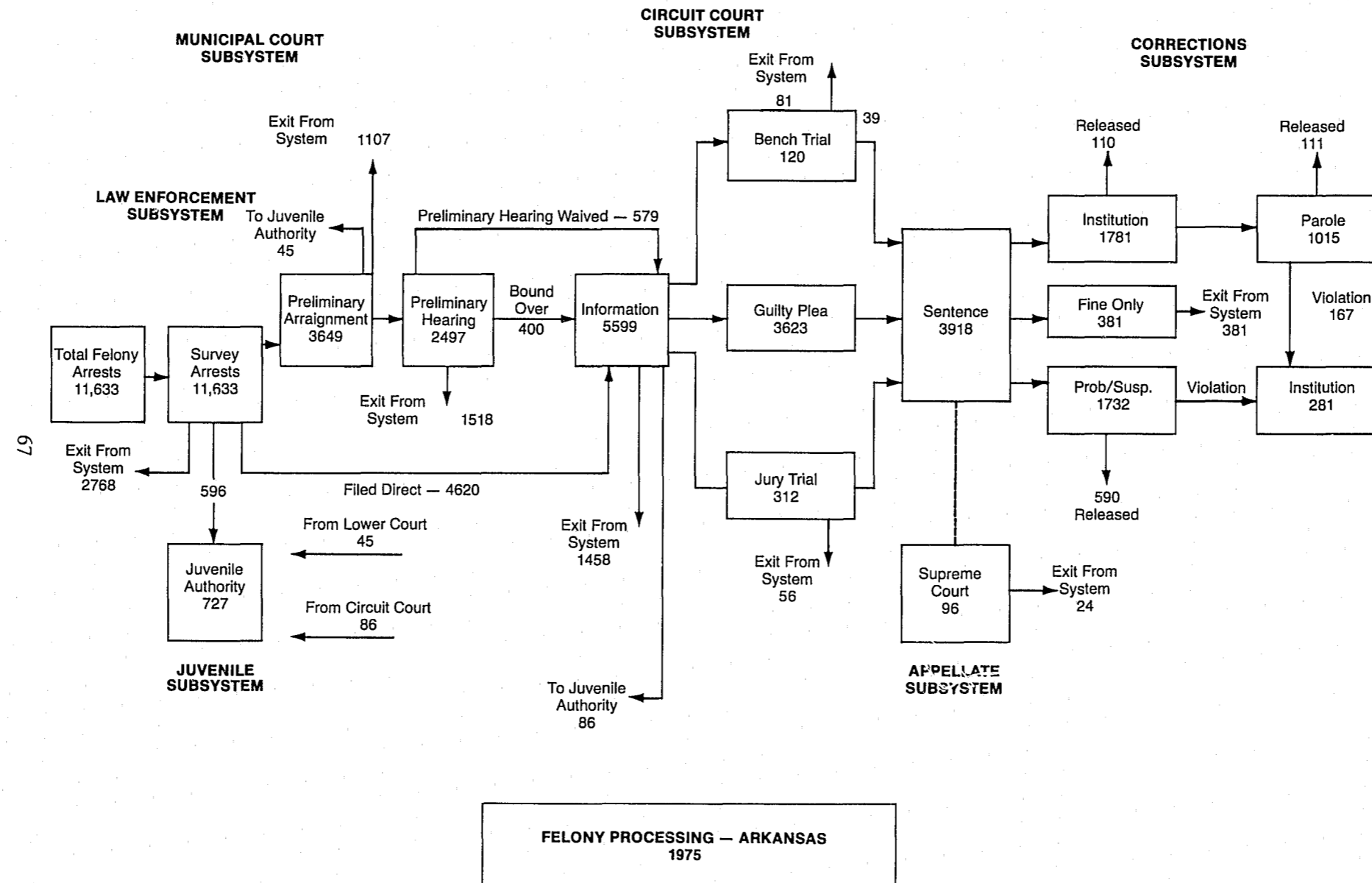


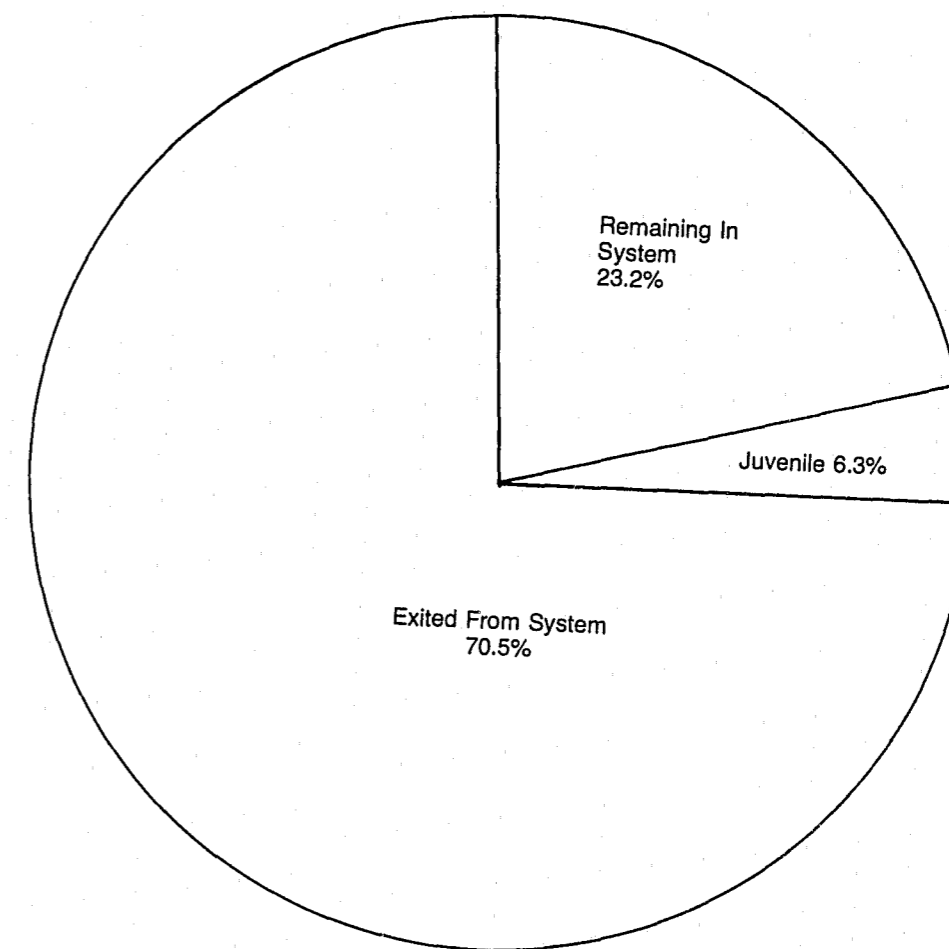
Table 32 provides a numerical breakdown summarizing the points of exit and points where offenders remain from the flow chart in Figure 8. It also provides a percentage calculation as to what part of the total flow of offenders is represented by each point in the system.

TABLE 32 — FELONY PROCESSING SUMMARY

POINT EXITED OR REMAINING	Number Exited Or Remaining	Percentage Of Arrests
Law Enforcement	2,768	23.8
Lower Court (Before Hearing)	1,107	9.5
Lower Court (After Hearing)	1,518	13.0
Circuit Court (Before Trial)	1,458	12.5
Circuit Court (From Bench Trial)	81	0.7
Circuit Court (From Jury Trial)	56	0.5
From Supreme Court	24	0.2
After Paying Fine	381	3.3
From Prison	110	0.9
From Probation/Suspension	590	5.1
From Parole	111	1.0
Remaining in Prison	937	8.1
Remaining on Parole	737	6.3
Remaining on Suspension or Probation	1,028	8.8
Transferred to Juvenile Authority	727	6.3
TOTAL	11,633	100.0%

This report concludes in Figure 9 with a broad display of the distribution of felony processing. Over 70% of all the offenders arrested in 1975 ultimately exited the system. Slightly over 6% were sent to Juvenile Authority for processing, the exact disposition of which is beyond the scope of this report. The rest still remained, at least at the completion of data collection, under the auspices of some aspect of the Criminal Justice System in Arkansas.

FIGURE 9 — FELONY PROCESSING DISTRIBUTION



FOOTNOTES

1. U.S. Department of the Census, *Current Population Reports, Series P — 26, No. 75-4*, "Estimates of the Population of Arkansas Counties and Metropolitan Areas: July 1, 1974 and 1975," U.S. Government Printing Office, Washington, D.C., 1976; and

U.S. Department of the Census, *Current Population Reports, Series P — 20 No. 334*, "Demographic, Social and Economic Profile of States: Spring 1976," U.S. Government Printing Office, Washington, D.C., 1979.

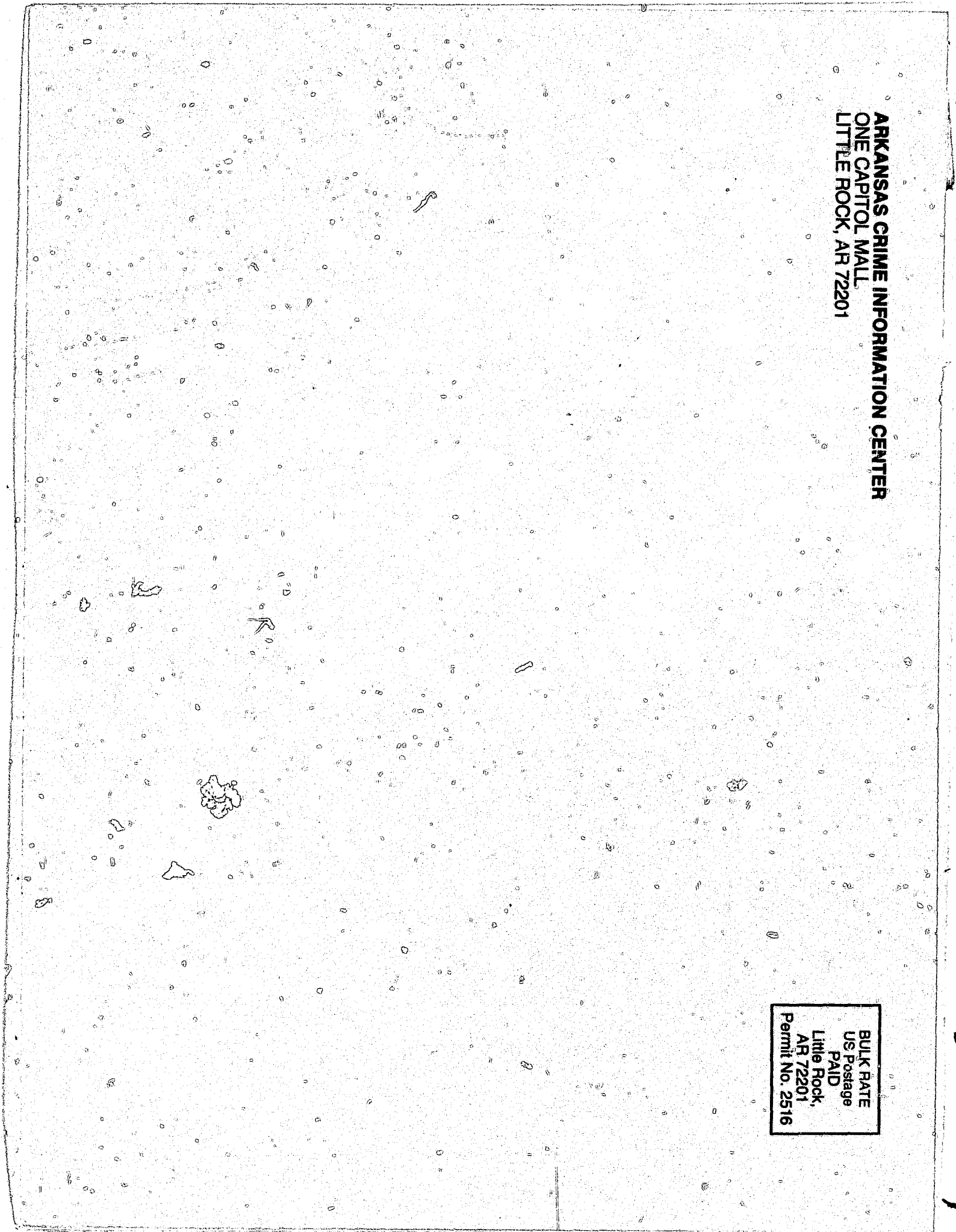
2. Amendment No. 3, § 1, Constitution of Arkansas:

§ 1. (Court of Appeals) — The General Assembly is hereby empowered to create and establish a Court of Appeals and divisions thereof. The Court of Appeals shall have such appellate jurisdiction as the Supreme Court shall by rule determine, and shall be subject to the general superintending control of the Supreme Court. Judges of the Court of Appeals shall have the same qualifications as Justices of the Supreme Court and shall be selected in the manner provided by law.

3. Arkansas Rules of Criminal Procedure:

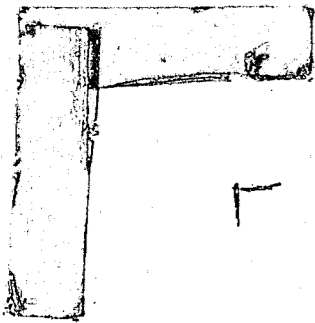
Rule 36.1 Right of Appeal.

Any person convicted of a misdemeanor or a felony by virtue of a trial in any circuit of this state has the right to appeal to the Supreme Court of Arkansas. An appeal may be taken jointly by codefendants or by any defendant jointly charged and convicted with another defendant, and only one (1) appeal need be taken where a defendant has been found guilty of one (1) or more charges at a single trial. *There shall be no appeal from a plea of guilty or nolo contendere. (Emphasis added.)*



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