



# Arrest and Disposition of Juveniles In Arkansas Circuit Courts: Summary

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**Arkansas Advocates for Children  
and Families**

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## PREFACE

During the past few years Arkansas Advocates has devoted much time and effort learning how the justice system works for the children and youth of Arkansas. Our concern centered on issues such as whether juvenile matters are equitably handled throughout the State, the judicial rights and legal procedures extended juveniles, and the extent and reasons juveniles appear in adult courts. This study, prepared for Arkansas Advocates for Children and Families by B. J. McCoy, a private attorney, together with a study on juvenile courts that was recently published, is the culmination of this effort.

The study of juveniles in Circuit Courts yields some unexpected findings. The normally accepted justifications for sending juveniles to adult court rather than to juvenile court do not seem applicable. Contrary to the popularly held view, most juveniles who appear in Circuit Court are charged with property offenses rather than with dangerous crimes. Moreover, a juvenile is no more likely to be "kept off the street" if he or she is sent to Circuit Court rather than to juvenile court because the Circuit Court's disposition for many juveniles is probation or a suspended sentence. Unlike the juvenile on probation from juvenile court, however, the juvenile on probation from Circuit Court has a lifetime criminal record. Also, the Circuit Court does not have the same treatment and rehabilitative responsibilities that juvenile courts are suppose to have.

Anomalies regarding the Circuit Court's handling of juveniles on the basis of age and race also seem to exist. For certain offenses, younger juveniles appear to receive longer sentences than do older juveniles. Compared to their white counterparts, a higher proportion of black males seem to be sent to the Department of Correction and for almost all offenses black juveniles serve a greater percentage of their sentence than do whites before being released.

The study clearly points to the need for further investigation and better record keeping. If we are to improve the handling of justice for juveniles in Arkansas, the split in jurisdiction between juveniles courts and adult courts--both Municipal and Circuit--must be viewed together. What are the factors that cause juveniles not charged with serious offenses to be brought to adult court--convenience, habit, or the fact that the juvenile court is not an integral part of the State's court system?

Arkansas Advocates for Children and Families sincerely hopes that its studies will enlighten and be a catalyst for bettering the administration of justice to young Arkansans.

ARREST AND DISPOSITION OF JUVENILES IN  
ARKANSAS CIRCUIT COURTS

The number of juveniles incarcerated in adult prisons and jails has steadily increased throughout the nation in recent years. It has been suggested that the increased number of juveniles in adult criminal detention facilities is a reaction to the public outcry surrounding violent juvenile crimes, the perceived lack of options for handling juveniles and increasing use of waiver of juveniles from juvenile courts to adult courts. While it is assumed that adult prisons and jails only house the most dangerous juveniles, the majority of juveniles in adult prisons or jails according to a nationwide survey prepared by the National Center on Institutions and Alternatives in 1979, were property offenders.

Data and information regarding arrest and disposition of juveniles in Arkansas adult courts can best be characterized as fragmentary. Although the assumption is generally made in Arkansas that more juveniles than ever before are being processed in adult courts and sentenced to adult prisons or jails, it is not supported by available data or research. While juvenile arrest data exists, such data does not show the actual disposition of juveniles diverted to Arkansas adults courts. Because of the scarcity of data and research on juveniles tried in adult courts for criminal offenses and sentenced to adult prisons or jails this study on the disposition of juveniles in Arkansas Circuit Courts was done. The purpose of the study was to determine what Arkansas juveniles are charged in Circuit Courts

and sentenced to adult prisons or jails. The study focuses on juveniles under age 18 charged with criminal offenses and tried in Circuit Courts in selected Arkansas Judicial Circuits during the period 1978-1980. Arrest data and data regarding juveniles committed to the Arkansas Department of Correction was derived from reports prepared by the Arkansas Crime Information Center and the Arkansas Department of Youth Services. The data was grouped by Judicial Circuit for purposes of analysis and Judicial Circuits with the greatest and fewest number of arrests and juveniles diverted to adult courts were selected for analysis and comparison. Within the selected Judicial Circuits the records of the several Circuit Clerks were researched to identify cases involving juveniles during the study period. Standardized forms were used to collect data e.g. sex, race, date of birth, date of arrests, offense charged, plea, verdict, sentence, etc. It was assumed that all data and information collected from files, records, reports, surveys, interviews etc., were accurate and that all relevant Circuit Court records in the several counties regarding juveniles were made available to the researcher.

#### Juvenile Arrests and Diversion To Adult Courts

The 315,417 juveniles in the State of Arkansas under age 18, comprise approximately 14% of the population. During the period 1978-1980, there were 45,865 arrests involving juveniles under age 18 for varying violations of Arkansas laws ranging from curfew and loitering violations to murder. Table 1 shows the

distribution of juvenile arrests during the period by race and sex.

TABLE 1  
ARKANSAS JUVENILE ARRESTS  
1978-1980

<u>Year</u>	<u>Arrests</u>	<u>Male</u>	<u>Female</u>	<u>White</u>	<u>Black</u>	<u>Other</u>
1978	15,651	12,493	3,158	11,804	3,822	25
1979	15,483	12,370	3,112	11,894	3,571	17
1980	14,732	11,814	2,918	11,364	3,337	31
Total	45,865	36,677	9,188	35,062	10,730	73

Approximately 20,932 or 46% of all juvenile arrests for the period were felony arrests punishable by fine, imprisonment or both. Juveniles arrested for felony offenses were most often arrested for larceny, burglary and narcotics related offenses. Approximately 50% were arrested for larceny, 21% for burglary, 14% for narcotics related offenses and 10% for crimes against the person e.g., murder, manslaughter, rape, robbery and assault.

Although arrests declined during the period, the pattern of arrests by age and offense remained generally unchanged. Juveniles in each age group 10-17 were charged with offenses ranging from theft of property to murder. Juveniles under age 15 were responsible for 5,322 or 25% of the 20,932 felony arrests. They were most often arrested for the offenses of larceny and burglary and the most frequent offender was in the 13-14 year old age groups. Approximately 7% of the juveniles under age 15 were arrested for violent offenses e.g. rape, murder, homicide,

TABLE 2  
 JUVENILE FELONY ARRESTS BY RACE, AGE, OFFENSE, 1978-1980

Offense	Total	Black	White	Male	Female	Under 15	15	16	17
Total	20,932	6,880	14,052	17,441	3,491	5,322	3,772	5,352	6,486
Murder/manslaughter	59	19	40	49	10	14	7	15	23
Rape	108	76	32	105	3	17	25	33	33
Robbery	441	276	165	406	35	56	81	133	171
Assault	1,595	733	862	1,277	318	279	291	461	564
Burglary	4,363	1,447	2,291	4,102	261	1,227	829	1,149	1,158
Larceny	10,837	3,916	6,921	8,564	2,273	3,392	2,055	2,519	2,871
Arson	117	30	87	109	8	43	18	28	28
Narcotics	2,936	267	2,669	2,441	495	214	379	883	1,460
Other	476	116	360	388	88	80	87	131	178

robbery and aggravated assault. Juveniles ages 15-17 were responsible for 15,610 or 75% of juvenile felony arrests during the study period. Twelve percent (12%) of the arrests in this age grouping were for violent offenses e.g., homicide, rape, robbery and assault. The offenses charged most frequently were larceny, narcotics and burglary. The most frequent offender was the 17 year old juvenile who was also responsible for the majority of arrests for violent offenses.

Approximately 75% of total juvenile arrests involved white juveniles and approximately 25% involved Blacks juveniles. Black juveniles were responsible however, for approximately 33% of juvenile felony arrests throughout the period even though their overall percentage of arrests declined. Table 2 shows a distribution of felony offenses by race, age and offense for the study period. White juveniles were more frequently arrested for larceny, burglary and narcotics while Black juveniles were most frequently arrested for the offenses of larceny, burglary and assault. There was a basic pattern suggested in which Blacks were more likely and Whites less likely than expected to have been arrested for the offenses of rape, robbery, and larceny. Whites, on the other hand were more likely and Blacks are less likely than expected to have been arrested for narcotics offenses.

According to Arkansas Crime Reports, approximately 33% of juveniles arrested during the study period were diverted to adult courts for disposition of charges. Data regarding the number of juveniles diverted to adult courts by age, race, sex and offense or by municipal or circuit court is not available. Available

TABLE 3  
JUVENILES DIVERTED TO ADULT COURTS  
BY JUDICIAL CIRCUIT  
1978-1980

<u>JUDICIAL CIRCUIT</u>	<u>TOTAL ARRESTS</u>	<u>ADULT COURT</u>	<u>PERCENTAGE TO ADULT COURT</u>
1ST	2388	1035	43.3
2ND	6114	2092	34.2
3RD	1314	406	30.9
4TH	2982	1579	53.0
5TH	1097	433	39.5
6TH	6542	2209	33.8
7TH	1312	91	7.0
8TH	2096	789	37.6
9TH	940	477	50.7
10TH	1092	574	30.2
11TH	2710	567	20.9
12TH	4748	1537	32.4
13TH	2648	352	13.3
14TH	1031	313	30.4
15TH	854	280	32.8
16TH	1080	539	50.0
17TH	2371	664	28.0
18TH	2932	962	32.8
19TH	1740	436	25.1
20TH	562	259	46.1
Total	47,363	15,594	32.9

data shows however, that while total juvenile arrests decreased from 15,651 in 1978 to 14,732 in 1980, the number of juveniles diverted to adult courts increased significantly from 4467 in 1978 to 5276 in 1980. Table 3 shows that at least 50% of juveniles arrested in the Fourth, Ninth and Sixteenth Judicial Circuits were diverted to adult courts and 20% or less were diverted to adult courts in the Seventh, Thirteenth, and Eleventh Judicial Circuits. Based on total arrests, the greatest number of juveniles were diverted to adult courts in the Sixth, Second, Twelfth and First Judicial Circuit, while the fewest number of juveniles were diverted to adult courts in the Seventh, Twentieth, and Fifteenth Judicial Circuits.

In spite of the total number of arrests, juvenile felony arrests and the number of juveniles diverted to adult courts for disposition of charges, only 366 male juveniles under age 18, as shown in Figures 1 and 2, were committed to the Arkansas Department of Correction (ADC) during the period 1978-1980. Table 4 provides a summary of average sentences and time served by juveniles sentenced to ADC during the period 1978-1980 by race, age and offense. Juveniles received sentences to the ADC for from one year to life imprisonment. Most juveniles however, without regard to race or age were sentenced to ADC for five years or less. They most often received sentences of five years for robbery and three years for burglary or larceny. Although juveniles received sentences ranging from one year to life imprisonment, they served a minimum sentence in the ADC of 18 days and a maximum sentence of 41 months for

# Juvenile Male and Female Arrests and Juvenile Males Committed to Arkansas Department of Corrections by Race, 1978-1980

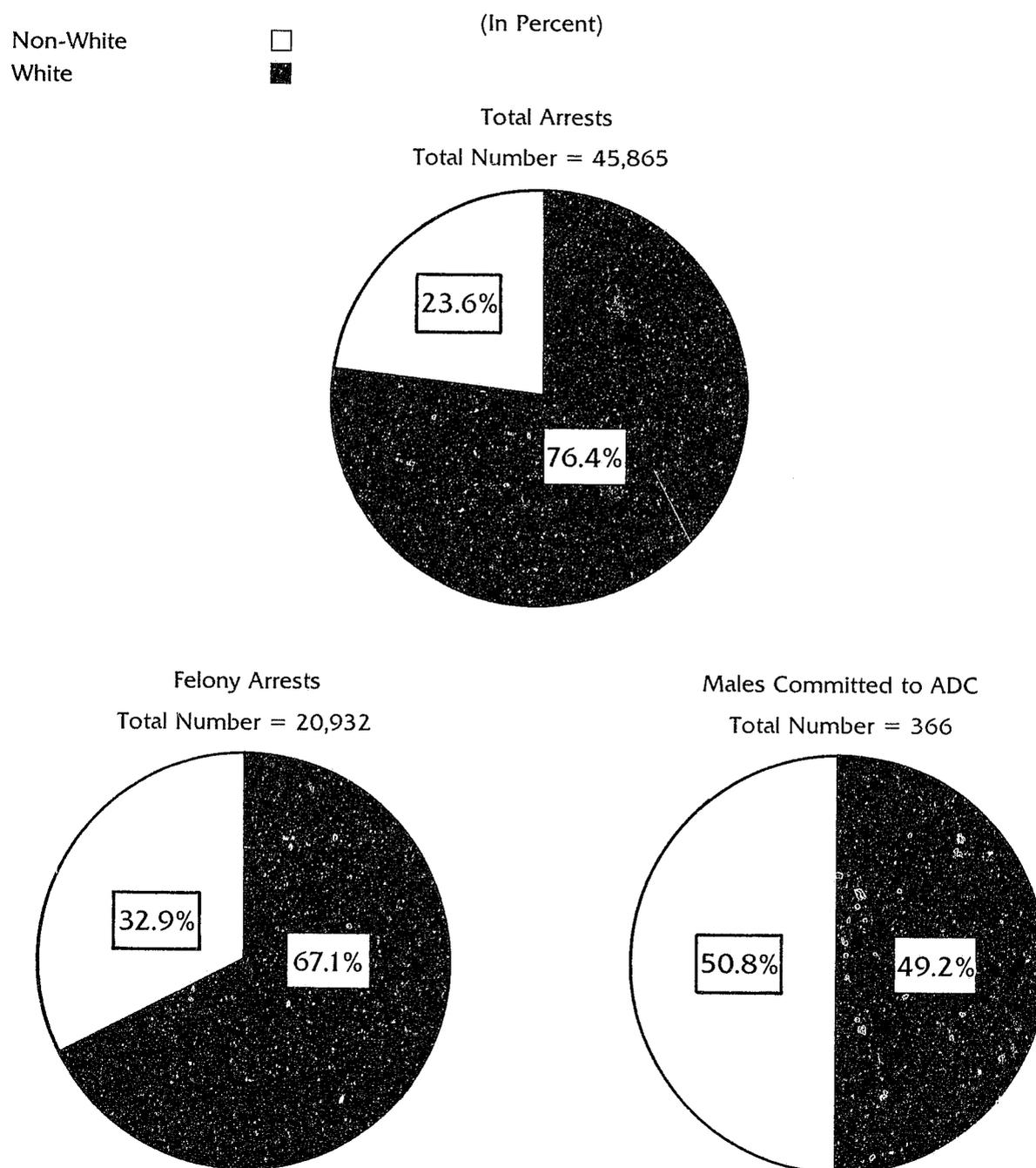


Figure 1

# Juvenile Male and Female Felony Arrests and Juvenile Males Committed to Arkansas Department of Corrections by Age, 1978-1980

(In Percent)

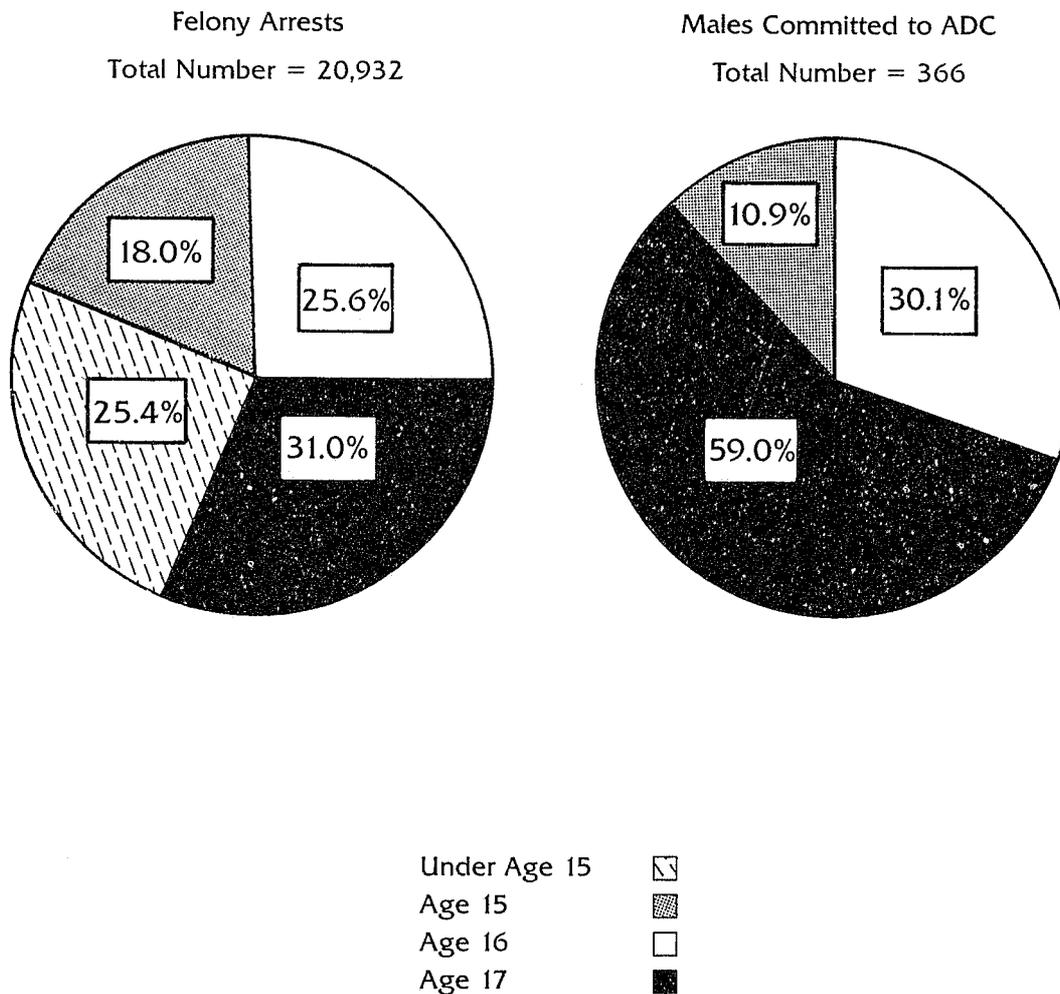


Figure 2

similar offenses between ages or races for the study period. A comparison of average sentences and time served by juveniles sentenced to ADC by age, race and offense is shown in Figures 3 and 4.

In an effort to perform a more meaningful comparison of sentences and time served and minimize the effect of extreme sentences, an analysis of median sentences was performed. An analysis of sentences received by juveniles committed to ADC during the study period by age shows that the median sentence received by 15 year olds for the offenses of burglary, larceny, grand larceny and robbery was five years; 16 year olds, five years; and 17 years olds, four and one half years. Although the sixth month difference in the median sentence between 15 and 17 year olds is interesting, it is not significant. Longer sentences were consistently imposed for the offense of robbery without regard to age. If offense categories are ignored, the median sentence for Black male juveniles was a five year term and for White juveniles, a three year term. In order to examine the race/offense relationship more closely, racial comparisons were made within the following offense categories: burglary, burglary and larceny, robbery, larceny, forgery, and assault, which include 83.2% of Black offenders and 81.4% of White offenders. The analysis showed that White juveniles received a longer sentence for robbery than Blacks; Blacks received longer sentences for burglary and larceny, and larceny, while there was no difference between sentences received for forgery and assault. Further, analysis suggests that there was not interaction between race and

TABLE 4  
 AVERAGE LENGTH OF SENTENCE & TIME SERVED BY MALE JUVENILES IN DEPARTMENT OF CORRECTION BY RACE, AGE & OFFENSE  
 1978-1980 (In Months)

	TOTAL			AGE 15			AGE 16			AGE 17		
	Total	Black	White	Total	Black	White	Total	Black	White	Total	Black	White
Total Number of juveniles	274	136	138	29	23	6	82	40	42	163	73	90
Average Sentence	54.7	59.9	49.5	57.9	51.1	84.0	55.8	69.3	43.0	53.5	57.5	50.3
Average time served	12.9	15.9	10.0	14.2	14.3	13.5	12.8	16.8	9.0	12.2	14.7	10.1
% of sentence served	23.6%	26.5%	20.2%	24.5%	28.0%	16.1%	22.9%	24.2%	20.9%	22.8%	25.6%	20.1%
<b>Murder/Manslaughter</b>												
Number of juveniles	3	2	1	0	0	0	1	1	0	2	1	1
Average Sentence	88.0	60.0	144.0	0	0	0	60.0	60.0	0	102.0	60.0	144.0
Average time served	23.3	22.5	25.0	0	0	0	16.0	16.0	0	27.0	29.0	25.0
% of sentence served	26.5%	37.5%	17.4%	0	0	0	26.7%	26.7%	0	26.5%	48.3%	17.4
<b>Rape</b>												
Number of juveniles	8	7	1	1	1	0	4	4	0	3	2	1
Average sentence	153.0	140.6	240.0	180.0	180.0	0	165.0	165.0	0	128.0	72.0	240.0
Average time served	37.4	40.9	13.0	27.0	27.0	0	31.0	31.0	0	18.7	21.5	13.0
% of sentence served	24.4%	29.1%	5.4%	15.0%	15.0%	0	18.8%	18.8%	0	14.6%	29.9%	5.4%
<b>Robbery</b>												
Number of juveniles	48	34	14	10	9	1	13	8	5	25	17	8
Average sentence	72.3	64.9	90.0	78.0	54.9	288.0	64.6	67.5	60.0	73.9	69.2	84.0
Average time served	16.8	16.5	17.6	14.0	14.0	14.0	15.9	17.4	13.6	18.4	17.4	20.6
% of sentence served	23.2%	25.4%	19.6%	17.9%	25.6%	4.9%	24.6%	25.8%	22.7%	24.9%	25.1%	24.5%
<b>Assault</b>												
Number of juveniles	9	4	5	1	1	0	1	0	1	7	3	4
Average sentence	57.3	60.0	55.2	36.0	36.0	0	60.0	0	60.0	60.0	68.0	54.0
Average time served	15.8	22.8	10.2	22.0	22.0	0	11.0	0	11.0	15.6	23.0	10.0
% of sentence served	27.6%	38.0%	18.5%	61.1%	61.1%	0	18.3%	0	18.3%	26.0	33.8%	18.5%
<b>Burglary</b>												
Number of juveniles	128	59	69	7	6	1	38	19	19	83	34	49
Average sentence	50.1	56.4	44.6	41.1	42.0	36.0	53.8	61.9	45.8	49.1	55.9	44.3
Average time served	11.1	14.2	8.4	14.0	14.3	12.0	11.9	15.5	8.2	10.5	13.4	8.4
% of sentence served	22.2%	25.2%	18.8%	34.0	34.0%	33.3%	22.1%	25.0%	17.9%	21.4%	24.0%	19.0%
<b>Larceny</b>												
Number of juveniles	52	19	33	10	6	4	17	4	13	25	9	16
Average sentence	40.2	43.6	38.2	39.6	36.0	45.0	33.2	45.0	29.6	45.2	48.0	43.6
Average time served	10.8	12.2	10.0	12.4	11.5	13.8	9.9	15.8	8.2	10.7	11.0	10.6
% of sentence served	26.9%	28.0%	26.2%	31.3%	31.9%	30.7%	29.8%	35.1%	27.7%	23.7%	22.9%	24.3%

	TOTAL			AGE 15			AGE 16			AGE 17		
	Total	Black	White	Total	Black	White	Total	Black	White	Total	Black	White
<b>Arson</b>												
Number of juveniles	1	1	0	0	0	0	1	1	0	0	0	0
Average sentence	36.0	36.0	0	0	0	0	36.0	36.0	0	0	0	0
Average time served	7.0	7.0	0	0	0	0	7.0	7.0	0	0	0	0
% of sentence served	19.4%	19.4%	0	0	0	0	19.4%	19.4%	0	0	0	0
<b>Narcotics</b>												
Number of juveniles	5	0	5	0	0	0	0	0	0	5	0	5
Average sentence	33.6	0	33.6	0	0	0	0	0	0	33.6	0	33.6
Average time served	7.8	0	7.8	0	0	0	0	0	0	7.8	0	7.8
% of sentence served	23.2%	0	23.2%	0	0	0	0	0	0	23.2%	0	23.2%
<b>Others</b>												
Number of juveniles	20	10	10	0	0	0	7	3	4	13	7	6
Average sentence	40.2	39.6	40.8	0	0	0	44.6	40.0	48.0	37.8	39.4	36.0
Average time served	10.0	11.2	8.7	0	0	0	9.6	9.3	9.8	10.2	12.0	8.0
% of sentence served	24.9%	28.3%	21.3%	0	0	0	21.5%	23.3%	20.4%	27.0%	30.5%	22.2%

- \*Notes:
- (1) Excludes juveniles sentenced but time served has either not expired or not known
  - (2) Includes only one offense for persons charged with more than one offense but served time concurrently
  - (3) Larceny includes receiving and vehicle theft;
  - (4) Burglary includes forced entry, grand larceny, and breaking and entering
  - (5) Rape includes strongarm, sexual assault
  - (6) Other includes escape, forgery, kidnapping, probation violation,

# Average Length of Sentence and Average Time Served by Male Juveniles in Arkansas Department of Corrections by Age and Offense, 1978-1980

(In Months)

Age 15   
 Age 16   
 Age 17

\* = No Cases

Average Length of Sentence

Average Length of Time Served

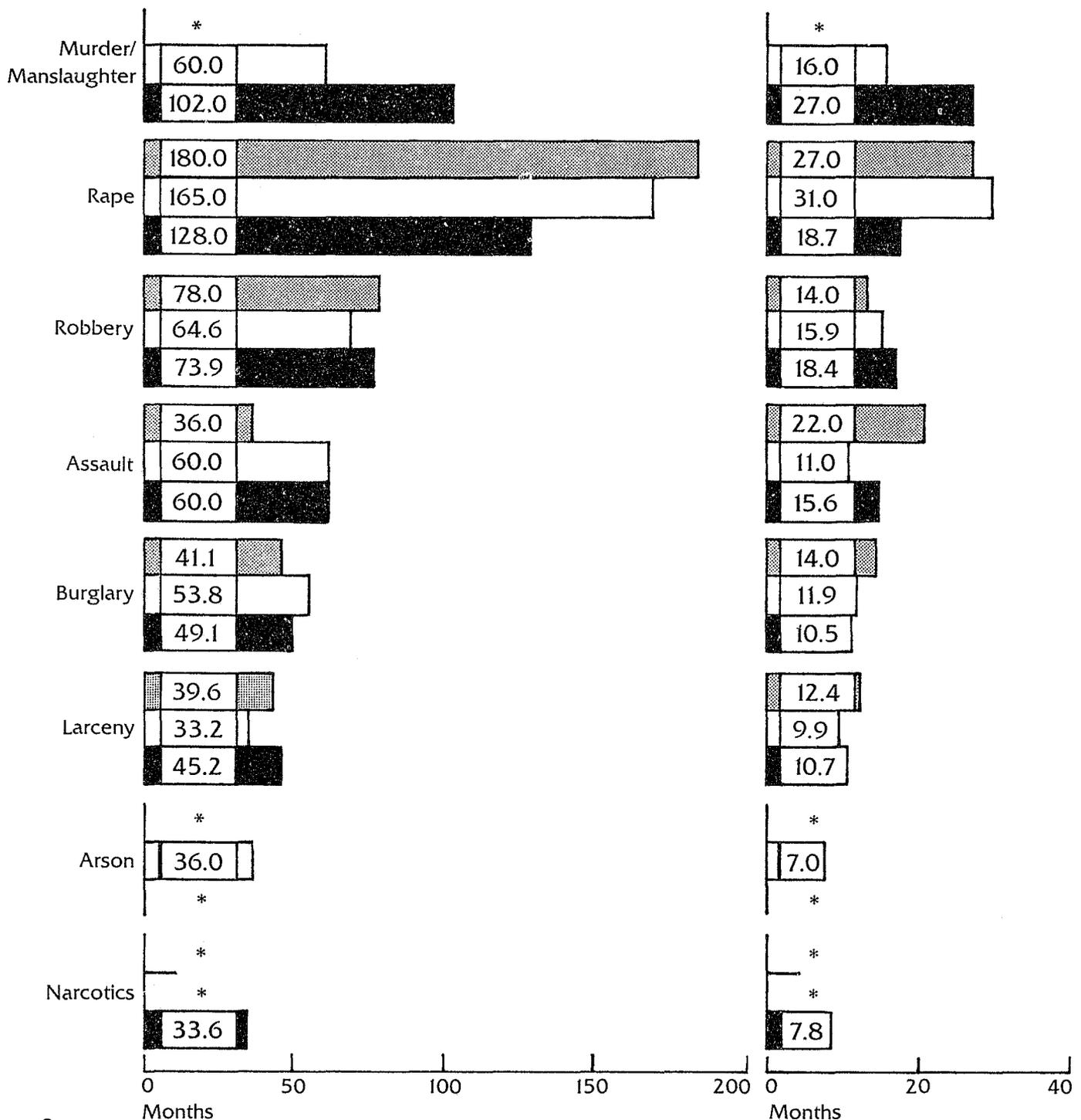


Figure 3

# Average Length of Sentence and Average Time Served by Male Juveniles in Arkansas Department of Corrections by Race and Offense, 1978-1980

1978-1980

Non-White   
White

(In Months)

\* = No Cases

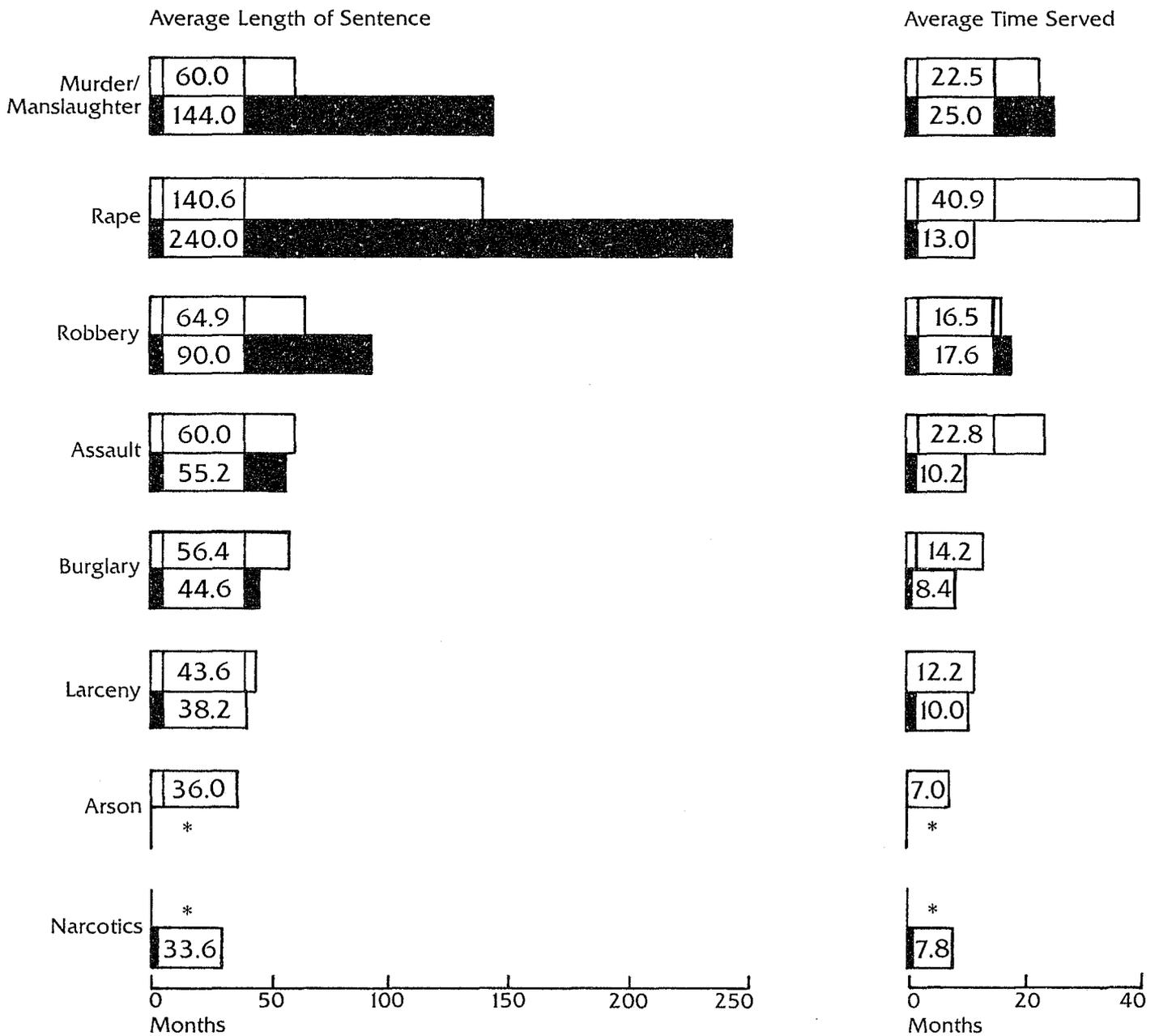


Figure 4

offense. An analysis performed to determine the impact of prior confinements and number of offenses charged suggests that neither contributes significantly to the difference in sentences received by Black and White juveniles for similar crimes.

Blacks committed to ADC during the study period served a median sentence of approximately 14.7 months, while Whites served a median sentence of 10.8 months for similar offense. In order to examine the race of offense relationship more closely, racial comparisons were made with following offenses categories: burglary, robbery, forgery, larceny, and simple assault. The results showed no interaction between race and offense. Further analysis also shows the neither prior confinements, nor number of offenses charged, contribute significantly to the difference in time served by Black and White juveniles. Finally, both Black and White committed to ADC for the crime of robbery served more time than those committed for other offenses during the study period.

#### Juveniles in Selected Arkansas Circuit Courts

The small percentage of juveniles sentenced to the Arkansas Department of Correction when compared to total arrests and diversion of juveniles to adult courts suggested the need for further research to explain what happens to those juveniles diverted to adult courts but not sentenced to ADC. Circuit Court cases in the Second, Sixth, Seventh and Fifteenth Judicial Circuits were selected for review and analysis because of the number of juveniles diverted to adult courts within each Judicial Circuit

during the study period. Due to their geographic locations, racial composition and urban/rural characteristics they provide a basis for generalization of conclusions to the total state.

Second Judicial Circuit

The Second Judicial Circuit located in Northeast Arkansas is made up of six counties: Clay, Craighead, Crittenden, Greene, Mississippi and Poinsett. Table 5 shows that during the study period, 2092 juveniles within the Second Judicial Circuit were diverted to adult courts for disposition of charges.

TABLE 5

JUVENILE ARRESTS AND DIVERSIONS TO ADULT COURT  
2ND JUDICIAL CIRCUIT  
1978-1980

COUNTIES	JUVENILE POPULATION		TOTAL ARRESTS	FELONY ARRESTS	ADULT COURT
	WHITE	BLACK			
CLAY	4,229	0	384	172	142
CRAIGHEAD	12,175	599	896	555	105
CRITTENDEN	6,414	6,760	1,419	836	142
GREENE	4,537	0	464	254	365
MISSISSIPPI	9,065	4,928	2,302	1,257	1,045
POINSETT	5,793	544	649	203	293

Although Mississippi and Crittenden Counties are the most populous for the study age group, and have the greatest number of arrests, Mississippi and Greene Counties diverted the greatest number of juveniles to adult court for disposition. A review of Circuit

Court records in each of the counties within the Second Judicial Circuit resulted in identification of 223 cases involving juveniles ages 14-17 charged with criminal offenses and tried as adults in the several Circuit Courts. Although the cases reviewed represent only 7% of total arrests and 11% of felony arrests, they represent all of the criminal cases involving juveniles for the study period that could be identified from court records.

In Clay County 12, White, juveniles ages 15-17 were charged and tried in the Circuit Court for the offenses of burglary and theft of property. They all entered negotiated pleas of guilty. Three of the juveniles who were 17 years old were sentenced to ADC while eight of the remaining nine received 5 years suspended sentences and one was placed on 5 years probation. The Court conditioned the suspended sentences on public service, staying in school or three months in the County Jail.

Forty one (41) cases involving juveniles ages 15-17 were tried in Craighead County Circuit Courts during the study period. The cases involved juveniles charged with offenses including rape, forgery, burglary, and theft of property. Charges against six of the juveniles were nolle prossed, proceedings against one juvenile 15 years old were transferred to Juvenile Court; one juvenile 15 years old was sentenced to the Training School indefinitely; eleven juveniles were sentenced to ADC; 17 were granted suspended sentences; three were placed on probation; and one was found guilty after trial. Some of the juveniles

who were placed on probation or granted suspended sentences were also required to pay fines of \$250.00 and make restitution.

Twenty-two (22) cases involving juveniles ages 16 and 17 were identified and reviewed in Crittenden County. Fifteen of the 22 juveniles were charged with larceny and/or burglary and the remaining seven were charged with rape, robbery, battery, aggravated robbery and assault. Charges against one juvenile were dismissed; one juvenile was placed on probation; 13 juveniles received suspended sentences and seven were sentenced to ADC.

A review of Greene County Circuit Court records resulted in identification of 24 cases involving White, male juveniles ages 16 and 17. In addition to being charged with the offenses of larceny and burglary offenses, juveniles were also charged with forgery, arson and sale of controlled substance with intent to deliver. Two juveniles age 16 were transferred to Juvenile Court. Two juveniles were sentenced to the Greene County Jail for one year, four were placed on probation, eleven were granted suspended sentences, five were placed on probation and charges against one was dismissed. All juveniles convicted of possession or sale of narcotics were fined and some of those convicted of burglary and theft of property were fined and required to pay restitution.

A review of Mississippi County Circuit Court records resulted in the identification of 96 cases involving male juveniles 15-17 years of during the period 1978-1980. Ninety (90) of the 96 juveniles in Mississippi County were charged with

burglary or larceny offenses. The remaining six juveniles were charged with sale of a controlled substance, aggravated assault or attempted robbery. The court used the full range of sentencing in disposing of charges against the juveniles. Two were transferred to Juvenile Court; one was sentenced to the Training School; 22 were sentenced to ADC for a term of years; 51 were granted suspended sentences; six were placed on probation; and charges against eight were dismissed. Twenty-seven of the juveniles granted suspended sentences were required to serve three to six months in the County Jail.

Finally, 27 cases were identified from a review of Poinsett County Circuit Court records which involved 16 and 17 year old, White juveniles. Three were charged with arson, murder and aggravated assault respectively, and 24 were charged with larceny or burglary. Two juveniles including one convicted of murder were sentenced to ADC; one was sentenced to county jail; 19 received suspended sentences and the sentences of five juveniles were conditioned on them serving one to six months in the County Jail.

Consistent with the analysis of arrest data, the majority of juveniles tried as adults in the Second Judicial Circuit, without regard to race or age, were charged with a larceny or burglary offense. As shown in Table 6, in cases involving 222 juveniles in the Second Judicial Circuit, charges against 16 juveniles were dismissed, four were transferred to Juvenile Court, two were sentenced to the Department of Youth Services Training School, one was found not guilty and the remaining 199 were found guilty

TABLE 6

2ND JUDICIAL CIRCUIT COURT JUVENILE  
DISPOSITION BY RACE & AGE  
1978-1980

	Age Age Age			Black	White	Unknown	Total
	15	16	17				
Juvenile Ct.	3	1	0	1	3	0	4
Clay	0	0	0	0	0	0	0
Craighead	1	0	0	0	1	0	1
Crittenden	0	0	0	0	0	0	0
Greene	0	1	0	0	1	0	1
Mississippi	2	0	0	1	1	0	2
Poinsett	0	0	0	0	0	0	0
Training School	1	1	0	0	2	0	2
Clay	0	0	0	0	0	0	0
Craighead	1	0	0	0	1	0	1
Crittenden	0	0	0	0	0	0	0
Greene	0	0	0	0	0	0	0
Mississippi	0	1	0	0	1	0	2
Poinsett	0	0	0	0	0	0	0
County Jail	0	0	3	0	3	0	3
Clay	0	0	0	0	0	0	0
Craighead	0	0	0	0	0	0	0
Crittenden	0	0	0	0	0	0	0
Greene	0	0	2	0	2	0	2
Mississippi	0	0	0	0	0	0	0
Poinsett	0	0	1	0	1	0	1
Dept. of Correction	1	10	38	21	19	9	49
Clay	0	0	3	0	3	0	3
Craighead	1	2	8	2	1	8	11
Crittenden	0	1	6	3	3	1	7
Greene	0	3	1	0	4	0	4
Mississippi	0	2	20	16	6	0	22
Poinsett	0	2	0	0	2	0	2
Suspended sentence	2	30	87	29	67	23	119
Clay	2	3	3	0	8	0	8
Craighead	0	5	12	0	3	14	17
Crittenden	0	5	8	1	3	9	13
Greene	0	3	8	0	11	0	11
Mississippi	0	11	40	28	23	0	51
Poinsett	0	3	16	0	19	0	19
Probation	1	4	16	4	14	3	21
Clay	0	1	0	0	1	0	1
Craighead	0	0	3	0	1	2	3

	Age			Black	White	Unknown	Total
	15	16	17				
Crittenden	0	0	1	0	0	1	1
Greene	0	1	4	0	5	0	5
Mississippi	1	1	4	4	2	0	6
Poinsett	0	1	4	0	5	0	5
Not Guilty	0	0	1	0	0	1	1
Clay	0	0	0	0	0	0	0
Craighead	0	0	1	0	0	1	1
Crittenden	0	0	0	0	0	0	0
Greene	0	0	0	0	0	0	0
Mississippi	0	0	0	0	0	0	0
Poinsett	0	0	0	0	0	0	0
Dismissed	0	3	13	4	5	7	16
Clay	0	0	0	0	0	0	0
Craighead	0	0	6	0	0	6	6
Crittenden	0	0	1	0	0	1	1
Greene	0	1	0	0	1	0	1
Mississippi	0	2	6	4	4	0	8
Poinsett	0	0	0	0	0	0	0
Act 378	0	0	0	0	0	0	0
Clay	0	0	0	0	0	0	0
Craighead	0	0	0	0	0	0	0
Crittenden	0	0	0	0	0	0	0
Greene	0	0	0	0	0	0	0
Mississippi	0	0	0	0	0	0	0
Poinsett	0	0	0	0	0	0	0
Other	0	0	7	0	6	1	7
Clay	0	0	0	0	0	0	0
Craighead	0	0	1	0	0	1	1
Crittenden	0	0	0	0	0	0	0
Greene	0	0	0	0	0	0	0
Mississippi	0	0	6	0	6	0	6
Poinsett	0	0	0	0	0	0	0
Total	8	49	165	59	119	44	222
Clay	2	4	6	0	12	0	12
Craighead	3	7	31	2	7	32	41
Crittenden	0	6	16	4	6	12	22
Greene	0	9	15	0	24	0	24
Mississippi	3	17	76	53	43	0	96
Poinsett	0	6	21	0	27	0	27

and sentenced pursuant to Arkansas law. Approximately 70% of juveniles tried in Second Judicial Circuit Courts, without regard to offense race or age received suspended sentences or probation conditioned on good conduct, payment of a fine or restitution, performance of public service or a two to six month sentence in the county jail. Thirty-four of the 144 juveniles granted suspended sentences or probation were required to serve a sentence of from two to six months in the county jail but only three juveniles were sentenced to the county jail for terms exceeding six months. When the number of juveniles sentenced to county jail is viewed in conjunction with 46 juveniles sentenced to the Arkansas Department of Correction, however, approximately 42% of juveniles convicted of criminal offenses in the Second Judicial Circuit were required to serve some jail time for violation of Arkansas laws. Only 14 of the juveniles were sentenced pursuant to Act 378 of 1975 which provides for alternative sentencing including immediate eligibility for people.

Approximately 49% of juveniles tried as adults in the Second Judicial Circuit during the study period were White, 26% were Black and the race of 25% could not be determined from Court records. Table 6 also shows that the total range of disposition alternatives were applied in cases involving White juveniles while Black juveniles were granted suspended sentences and probation or sentenced to the Arkansas Department of Correction. Five or six cases transferred from Circuit courts to juvenile courts involved White juveniles and both juveniles sentenced to the Training School where White. Only one case involving a Black juvenile was transferred from Circuit Court to Juvenile Court and 32% of Black juveniles

composed of 16% of White juveniles were sentenced to the Arkansas Department of Correction for a term of years.

#### Sixth Judicial Circuit

The Sixth Judicial Circuit is located in Central Arkansas and is comprised of two counties, Perry and Pulaski. During the study period, 6542 juvenile arrests were made in the Sixth Judicial Circuit of which 3,448 felony arrests. In addition, 2,209 juveniles arrested in the Sixth Judicial Circuit were diverted to the adult courts.

A review of Circuit Court records in Pulaski and Perry Counties resulted in the identification of 292 cases involving male juveniles under age 18. In Pulaski County, 287 juveniles ages 14-17 years of age were diverted to Circuit Court for disposition of felony charges, 17% were 15 years of age, 36% were 16 years of age and 47% were 17 years of age. The juveniles were charged with offenses ranging from theft of property to capital felony murder, 62% of the juveniles were Black and 38% were White.

The majority of juveniles convicted of felony offenses in Pulaski County Circuit Court were sentenced to a term of years in the Arkansas Department of Corrections. Table 7 shows that 59% of juveniles were institutionalized in the Pulaski County Jail, Department of Youth Services, or ADC and that 53% were sentenced to a term of years in ADC. Seventy-seven percent (77%) of those sentenced to ADC were Black; 57% of those sentenced to the Youth Services Training School were Black; and 63% of those sentenced to the County Jail were White. Although 16 and 17 year

old juveniles were most frequently sentenced to ADC, 19 Black, fifteen year old juveniles were sentenced to ADC during the study period as opposed to two White 15 year old juveniles. Approximately 19% of the juveniles sentenced to ADC were sentenced pursuant to Act 378 of 1975. While 42% of White juveniles sentenced to ADC were sentenced pursuant to Act 378, only 9% of Black juveniles were so sentenced. Further, 17 year old juveniles were more frequently sentenced pursuant to Act 378 than any of the other age groups.

Juveniles not institutionalized in Pulaski County during the study period received suspended sentences or probation. Twenty-four percent (24%) of the juveniles received suspended sentences or probation, and 68% of those were White juveniles. While juveniles in all age groups received suspended sentences or probation, juveniles in the 16 and 17 year old age groups most frequently received suspended sentences or probation.

Thirteen percent (13%) of the juveniles had charges against them dismissed or were found not guilty after trial. Seventy-nine percent (79%) of the juveniles who had charges against them dismissed were Black and only nine of the juveniles found not guilty after trial were Black.

Further analysis of disposition data shows that significantly more Black juveniles than expected by chance were sentenced to ADC and that significantly more White juveniles receive suspended sentences or probation than expected by chance. The analysis also suggests that probation and suspended sentencing, as a sentencing alternative, are used more frequently than expected for 17 year old juveniles and less than could reasonably be

TABLE 7

PULASKI COUNTY CIRCUIT COURT

JUVENILE DISPOSITIONS  
1978-1980

DISPOSITION ALTERNATIVES	AGE 14		AGE 15		AGE 16		AGE 17		<u>TOTALS</u>
	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	<u>B</u>	<u>W</u>	
JUVENILES COURT	0	0	0	0	0	3	0	0	3
TRAINING SCHOOL	0	0	3	3	1	0	0	0	7
COUNTY JAIL	0	1	1	0	0	0	2	4	8
DEPARTMENT OF CORRECTION	0	0	19	2	40	19	48	24	152
SUSPENDED SENTENCE	0	0	4	4	6	11	13	22	60
PROBATION	0	0	1	0	3	0	0	5	9
DISMISSED	0	0	8	0	8	5	5	3	29
NOT GUILTY	0	0	5	0	0	0	4	0	9
OTHER	0	0	0	1	2	1	2	4	10
TOTALS	0	1	41	10	60	39	74	62	287

expected for 14 and 15 year old juveniles. Finally, while fewer juveniles in the 14-15 year old age group than expected received suspended sentences or probation, more than expected had charges against them dismissed.

#### Seventh Judicial Circuit

The Seventh Judicial Circuit comprised of Grant, Hot Spring and Saline Counties is located in South Central Arkansas. Fewer juveniles were diverted to Circuit Courts within the Seventh Judicial Circuit than other Judicial Circuit during the study period. Although 1312 juveniles arrests and 515 felony arrests were made in the Seventh Judicial Circuit, only 91 cases involving juveniles were diverted to adult courts for disposition.

A total of five cases involving juveniles were identified and reviewed from the Seventh Judicial Circuit. Two of the cases involved White male juveniles from Grant County ages 14 and 16 charged with the offenses of burglary, theft or property and breaking and entering. The proceedings against the 14 year old juveniles were transferred to juvenile court and the 16 year old was sentenced to ADC for five years with three years suspended.

Three juveniles, one Black and two White were tried in Saline County Circuit Court during the study period. The Black juvenile charged with Rape entered a negotiated plea of guilty to a reduced charge of criminal abuse and received a five year suspended sentence. The charge against a juvenile charged with Arson was dismissed and the juvenile charged with sale of a controlled substance was transferred to Juvenile Court.

## Twentieth Judicial Circuit

A review of Circuit Court records in the Twentieth Judicial Circuit which consists of Faulkner, Searcy and Van Buren Counties did not result in the identification of any juvenile under age 18 tried in the several Circuit Courts during the study period even though 259 juveniles were diverted to adult courts.

## Summary and Conclusions

Juvenile arrests in Arkansas during the period 1978-1980 declined slightly while the number of juveniles diverted to adult courts increased significantly. A review of 521 cases in the Second, Sixth, and Seventh Judicial Circuits shows that juveniles were not waived from the Juveniles Court to Circuit Courts. Approximately 12% of juveniles arrested in these Judicial Circuits were charged and tried as adults in the Circuits Courts. Juveniles arrested for felony offenses, who were at least 14 years of age, were routinely charged as adults without regard to age, or offense. Approximately 70% of juveniles charged as adults and tried for larceny and burglary offenses and approximately ten percent were tried for violent offenses e.g. rape, murder, robbery and assault. Although juveniles ages 14-17 years of age were tried in the Circuit Courts, the most frequent offender was 17 years of age.

In each of the Judicial Circuits, juvenile offenders were most often represented by appointed counsel or the public defender. In more than 90% of cases, juvenile offenders entered negotiated pleas of guilty to the offense charged. In those instances where charges against a juvenile were dismissed or

nolle prossed, the juvenile was charged with more than one offense and dismissal was part of the plea agreement.

The Courts utilized the full range of available sentencing alternatives to dispose of charges against juveniles. In fewer than ten of 521 cases, juveniles were transferred to Juvenile Court or sentenced to the Training School. The juvenile offenders most often received a suspended sentence or probation conditioned on good conduct, a fine, restitution, public service or a two to six month term in the County Jail. There did not appear to be a relationship between an offense charged and suspended sentence or probation condition except that larger fines were imposed for narcotics related offenses and restitution was required for offenses such as forgery, theft of property, etc.

The full prior criminal records of juveniles could not be determined from Circuit Court records. First offenders who were not placed on probation or granted a suspended sentence for a term of years were convicted of crimes such as rape, homicide, aggravated robbery or aggravated assault. Other juveniles sentenced to the Arkansas Department of Correction were charged and convicted of more than one offense or had a suspended sentence or probation revoked for conviction of subsequent offenses or some other violation. This circumstance reflects the sensitivity of the Court to the age of the offender and a willingness to sentence him to prison only as a last resort.

Diversion of juveniles to Circuit Courts does not address the problem of punishment and rehabilitation of juveniles ages 14-17 charged with criminal offenses as evidenced by the number of juveniles who entered negotiated pleas of guilty and were sentenced to probation on a suspended sentence. Under these circumstances the major difference between juveniles convicted in Circuit Court and the juveniles "convicted" in Juvenile Court is that one group has a "criminal record" and an increased chance of incarceration in the Arkansas Department of Correction. Both juveniles however, are likely to be on the streets and neither is provided with the quality and kind of supportive services necessary for rehabilitation.

This survey of juvenile arrests and study of Circuit Court disposition of juvenile offenders raises more questions than it answers and suggests a serious need for additional research. For example, there is a need to determine whether there is a difference in treatment of White and Black juveniles within the system. This question is relevant because although Black juveniles represented approximately 25% of the total arrests and 33% of felony arrests during the study period, approximately 51% of juveniles committed to the Arkansas Department of Correction were Black. Following are other questions which require answers:

- (1) Is the suspended sentence or probation in Circuit Court the trade-off for a negotiated plea of guilty?
- (2) How frequently are suspended sentences or probation revoked and why?

- (3) Why are juveniles ages 14-17 diverted to Circuit Courts for disposition of charges for non-violent offenses?
- (4) How frequently are 18 year old juveniles sentenced to the Arkansas Department of Correction?
- (5) To what extent are juveniles ages 14-17 sentenced to the Arkansas Department of Correction subsequently sentenced as habitual criminals?

Answers to the foregoing questions would contribute to shifting the focus of the debate regarding juveniles from the Court in which they should be tried to what actually happens to the juvenile.