

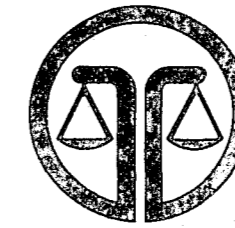


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**Felony Processing
in
Arkansas
1976**

85675

Arkansas Crime Information Center



A Research and Statistics Division Report

FELONY PROCESSING

IN

ARKANSAS

1976

**U.S. Department of Justice
National Institute of Justice**

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October, 1981

**Arkansas Crime Information Center
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Little Rock, Arkansas 72201**

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 the 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 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). The Department of Public Safety was abolished in July, 1981 by Act 45 of 1981 and ACIC became an independent agency.

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.

Effective January 1, 1976, state criminal justice operations were governed by the provisions of the new Arkansas Criminal Code (Title 41). Although the legislature enacted the new code in March 1975, the January 1976 effective date was provided to allow adequate time for law enforcement and legal communities to familiarize themselves with the provisions of the new code.

The Arkansas Code is, for the most part, an adoption of the American Law Institute's Model Penal Code. The model code is a compilation of standardized criminal offenses drafted by a group of noted authorities in the field of criminal law. The Model Penal Code has served as the basis for revision of criminal codes in a majority of states as well as the Federal Justice System.

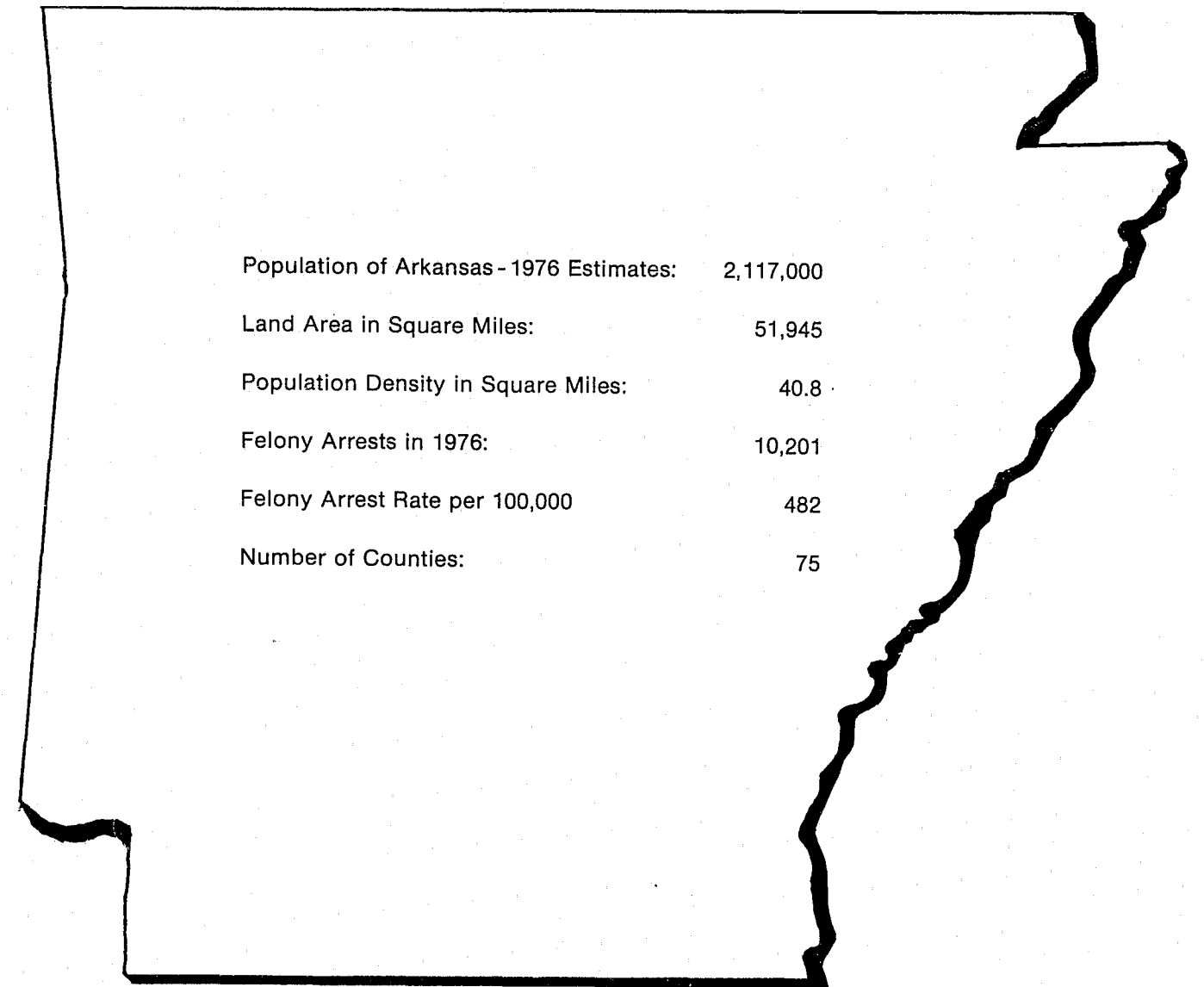
All elements of the legal system have benefited from the provisions of the Arkansas Criminal Code. By incorporating many specific offenses in broader, more general categories of offenses, the new code has improved clarity and reduced ambiguity in the definitions by criminal offenses. The practical effect of this is to make the requisite elements of proof less cumbersome. Criminal defendants have also benefited from the new code, which has codified many pre-existing common law defenses while creating some new defenses appropriate to the code offenses.

NOTE:

The 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



Population of Arkansas - 1976 Estimates:	2,117,000
Land Area in Square Miles:	51,945
Population Density in Square Miles:	40.8
Felony Arrests in 1976:	10,201
Felony Arrest Rate per 100,000	482
Number of Counties:	75

1976 State Characteristics

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 1976. On the title page of this section are some general facts about the State of Arkansas as they existed in 1976. Most important of these with respect to this report is the total number of felony arrests within the state - 10,201. It is this statistic which provides the overall basis of the statistical analysis presented in this report. It is these 10,201 offenders on which we collect data from 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 1976. 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 2 provides a breakdown, by county, of the number of felony arrests in that county, and percentage of the total felony arrests in Arkansas which that number represented. This table also shows the population of Arkansas which that number represented. This is the only statistical data presented in this report which is broken down on the county level.

TABLE 1 - CHARACTERISTICS OF FELONY OFFENDERS

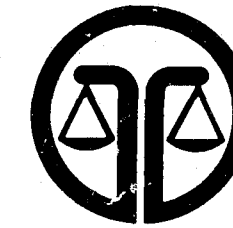
AGE						SEX			RACE			
17 & Under	18-25	26-32	33-39	40 & Over	Unknown	Male	Female	Unknown	Black	White	Other	Unknown
1,511	3,930	1,320	546	642	2,252	8,781	1,184	236	5,245	3,216	29	1,711
TOTAL FELONY ARRESTS 10,201												

TABLE 2 - DISTRIBUTION OF ARRESTS AND POPULATION BY COUNTY

COUNTY	POPULATION	PERCENT DISTRIBUTION	FELONY ARRESTS	PERCENT DISTRIBUTION
Arkansas	24,000	1.13	98	.96
Ashley	25,500	1.20	61	.60
Baxter	23,400	1.10	69	.68
Benton	61,100	2.89	315	3.09
Boone	23,200	1.10	32	.31
Bradley	13,000	.61	37	.36
Calhoun	5,500	.26	21	.21
Carroll	14,500	.69	46	.45
Chicot	17,600	.83	79	.77
Clark	21,800	1.03	56	.55
Clay	20,500	.97	39	.38
Cleburne	14,500	.69	33	.32
Cleveland	6,700	.32	38	.37
Columbia	25,800	1.22	113	1.11
Conway	18,300	.86	45	.44
Craighead	59,500	2.81	151	1.48
Crawford	31,200	1.47	156	1.53
Crittenden	50,300	2.38	278	2.72
Cross	20,300	.96	70	.69
Dallas	10,100	.48	39	.38
Desha	17,700	.84	50	.49
Drew	16,100	.76	73	.72
Faulkner	38,200	1.80	64	.63
Franklin	12,700	.60	48	.47
Fulton	9,300	.44	17	.17
Garland	63,000	2.98	660	6.47
Grant	12,100	.57	36	.35
Greene	29,100	1.37	46	.45
Hempstead	20,500	.97	73	.72
Hot Spring	24,100	1.14	117	1.15
Howard	13,200	.62	23	.22
Independence	25,300	1.20	64	.63
Izard	9,800	.46	14	.14
Jackson	21,400	1.01	69	.68
Jefferson	84,500	3.99	319	3.13
Johnson	15,900	.75	51	.50
Lafayette	9,400	.44	63	.62
Lawrence	18,900	.89	71	.70

TABLE 2 - DISTRIBUTION OF ARRESTS AND POPULATION BY COUNTY

COUNTY	POPULATION	PERCENT DISTRIBUTION	FELONY ARRESTS	PERCENT DISTRIBUTION
Lee	17,600	.83	105	1.03
Lincoln	13,200	.62	36	.35
Little River	11,800	.56	73	.72
Logan	18,500	.87	36	.35
Lonoke	32,300	1.53	42	.41
Madison	10,400	.49	21	.21
Marion	10,200	.48	7	.07
Miller	33,800	1.60	216	2.12
Mississippi	63,100	2.98	367	3.60
Monroe	14,700	.69	65	.64
Montgomery	6,500	.31	15	.15
Neveda	10,400	.49	43	.42
Newton	6,900	.33	3	.03
Ouachita	29,600	1.40	111	1.09
Perry	7,000	.33	15	.15
Phillips	38,100	1.80	178	1.74
Pike	9,300	.44	23	.22
Poinsett	27,800	1.31	153	1.50
Polk	15,000	.71	42	.41
Pope	34,000	1.61	48	.47
Prairie	10,400	.49	50	.49
Pulaski	321,400	15.18	3,380	33.13
Randolph	16,300	.77	40	.39
St. Francis	31,400	1.48	173	1.70
Saline	43,500	2.05	139	1.36
Scott	9,000	.43	14	.14
Searcy	8,400	.40	8	.08
Sebastian	87,200	4.12	318	3.12
Sevier	12,300	.58	31	.30
Sharp	11,500	.54	43	.42
Stone	8,200	.39	32	.31
Union	45,000	2.13	80	.78
Van Buren	10,300	.49	34	.33
Washington	89,900	4.25	387	3.79
White	46,500	2.20	169	1.66
Woodruff	10,900	.51	43	.42
Yell	16,600	.78	27	.26
TOTAL	2,117,000	100.00	10,201	100.00



SECTION 3

THE OFFENDER

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 1976 and the percentage of the total number of felony arrests which that particular age group represented. Age information on 22.1% of the arrestees was unavailable to our data collectors.

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 1976) 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.

Table 4 is the comparison of the race of arrestees in 1976 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 16.8% 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 5 depicts the number of felony arrests in 1976 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.

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. This distribution is based on the charges at the time of arrest.

Table 7 shows the race and sex characteristics of the felony offenders and their distribution among the twenty 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.

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 education level of arrestees ranged from first grade level to a doctorate (Ph.d.) level.

A larger percentage of information was available for occupational background of offenders (30%) than for education, this data was distributed over some two hundred occupational categories. Noteworthy, however, was the fact that of the 30% of the offenders with known occupational data, 40% of these were unemployed.

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 arrest (the exact numbers are not available).

TABLE 3 - DISTRIBUTION OF ARRESTS AND POPULATION BY AGE

	17 & Under	18-25	26-32	33-39	40 & Over	Unknown	TOTAL
NUMBER OF ARRESTS	1,511	3,930	1,320	546	642	2,252	10,201
PERCENTAGE OF ARRESTS	14.8%	38.5%	12.9%	5.4%	6.3%	22.1%	100%
POPULATION*	650,000	273,000	213,000	145,000	836,000		2,117,000
PERCENTAGE* OF POPULATION	30.7%	12.9%	10.1%	6.8%	39.5%		100.0%

*Population figures interpolations from 1976 Population Estimates

FIGURE 1 - AGE OF OFFENDERS vs. REPRESENTATION IN POPULATION

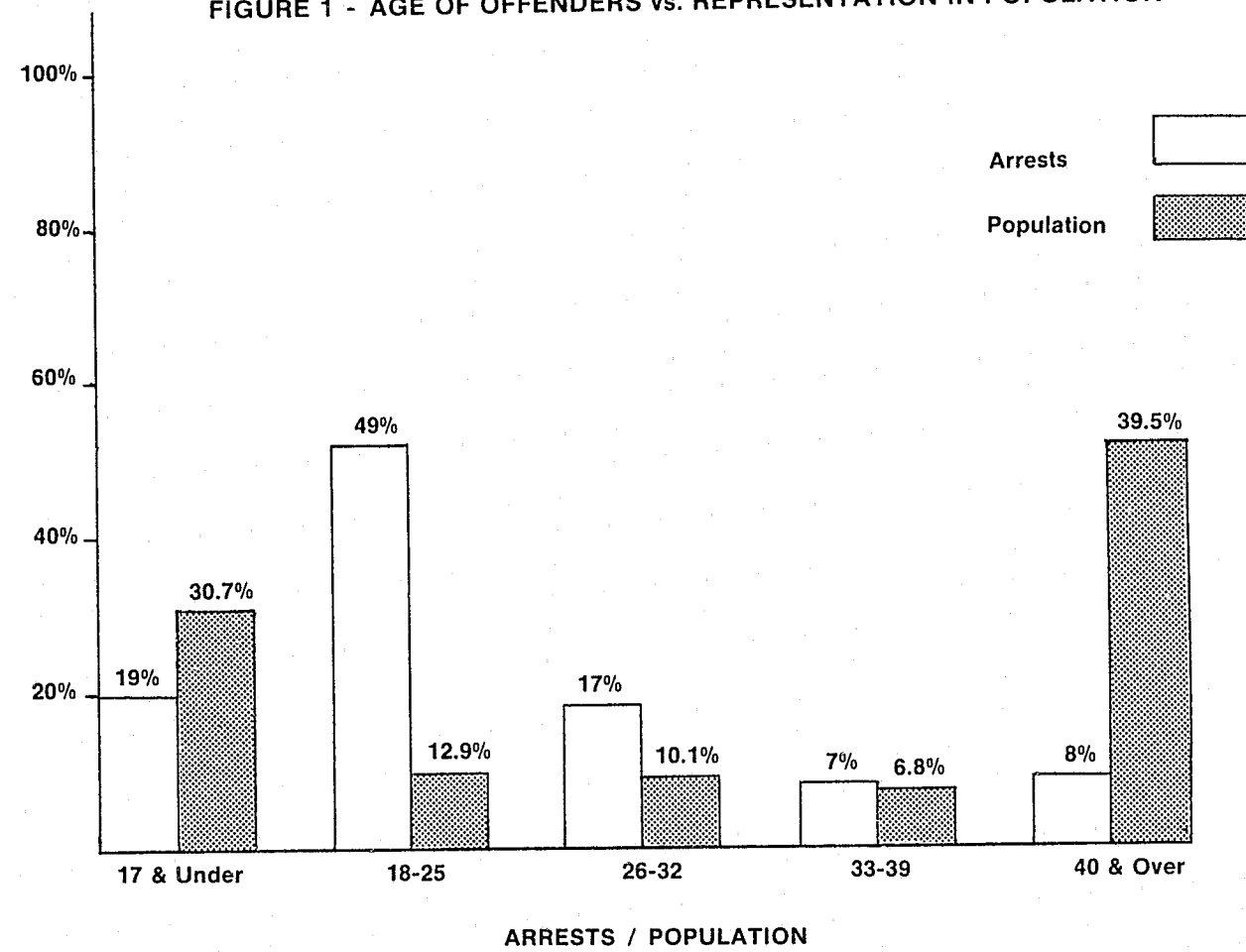


TABLE 4 - DISTRIBUTION OF ARRESTS AND POPULATION BY RACE

	BLACK	WHITE	OTHER	UNKNOWN	TOTAL
NUMBER OF ARRESTS	3,216	5,245	29	1,711	10,201
ADJUSTED* NUMBER OF ARRESTS	3,865	6,302	34	0	
PERCENT DISTRIBUTION	31.5%	51.4%	0.3%	16.8%	100.0%
ADJUSTED* PERCENT DISTRIBUTION	37.9%	61.8%	0.3%	0	
POPULATION	365,000	1,740,000	12,000		2,117,000
PERCENT DISTRIBUTION	17.2%	82.2%	0.6%		100.0%

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

TABLE 5 - DISTRIBUTION OF ARRESTS AND POPULATION BY SEX

	MALE	FEMALE	UNKNOWN	TOTAL
NUMBER OF ARRESTS	8,781	1,184	236	10,201
ADJUSTED* NUMBER OF ARRESTS	8,989	1,212	0	
PERCENT DISTRIBUTION	86.1%	11.6%	2.3%	100.0%
ADJUSTED* PERCENT DISTRIBUTION	88.1%	11.9%	0	
POPULATION	1,001,000	1,116,000		2,117,000
PERCENT DISTRIBUTION	47.3%	52.7%		100.0%

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

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	16	83	38	22	52	46	257
Rape	24	93	34	24	35	79	289
Robbery	113	339	62	19	22	99	674
Kidnapping	8	19	12	3	8	11	61
Assault	33	204	116	64	102	189	708
Burglary	619	975	198	48	54	507	2,401
Larceny	312	716	255	112	129	430	1,954
Motor Vehicle Theft	114	68	17	5	11	78	293
Arson	30	28	9	5	10	30	112
Possession Stolen Goods	29	66	29	15	8	41	188
Forgery	52	285	93	37	25	112	604
Counterfeit	3	0	0	0	0	0	3
Emblezzlement	0	10	16	7	9	3	45
Fraud	2	49	40	28	28	34	181
Hot Checks	5	156	133	82	76	96	548
Narcotics	115	701	194	41	21	353	1,425
Sex Offenders	5	3	0	2	9	1	20
Gambling	0	0	0	1	5	5	11
Other Felony	31	135	54	31	38	138	427
TOTAL	1,511	3,930	1,320	546	642	2,252	10,201

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	103	123	0	31	209	37	11
Rape	122	116	0	51	280	5	4
Robbery	253	362	3	56	599	72	3
Kidnapping	27	27	0	7	54	5	2
Assault	317	242	0	149	612	62	34
Burglary	1,175	822	4	400	2,229	116	56
Larceny	997	624	6	327	1,700	206	48
Motor Vehicle Theft	191	61	2	39	264	25	4
Arson	48	34	1	29	96	13	3
Possession Stolen Goods	98	54	1	35	175	12	1
Forgery	302	222	0	80	429	162	13
Counterfeit	2	1	0	0	2	1	0
Emblezzlement	31	10	0	4	36	9	0
Fraud	118	40	0	23	130	44	7
Hot Checks	353	109	2	84	382	148	18
Narcotics	848	250	9	318	1,202	203	20
Sex Offenses	16	4	0	0	20	0	0
Gambling	4	2	0	5	8	0	3
Other Felony	240	113	1	73	354	64	9
TOTAL	5,245	3,216	29	1,711	8,781	1,184	236

TABLE 8 - FREQUENCY OF PRIOR FELONY CONVICTIONS

NUMBER OF PRIOR FELONY CONVICTIONS	NUMBER OF ARRESTS	PERCENTAGE OF TOTAL ARRESTS
0 or Unknown	9,299	91.16
1	380	3.72
2	160	1.57
3	104	1.02
4	41	0.40
5	19	0.18
6	15	0.15
7	7	0.07
8	9	0.09
9	2	0.02
10	3	0.03
11-15	5	0.05
16 or More	157	1.54
TOTAL	10,201	100.00



SECTION 4

LAW ENFORCEMENT

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.

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 1976 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 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 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 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 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 59% 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.

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 includes 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 2.34 days listed under the "TOTAL" column represents the total mean time for the processing of all 10, 201 felony cases which began the criminal justice system in 1976.

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	1	1	7	7	7	10	9	5	8	23	179
Rape	1	7	23	12	18	13	14	3	0	11	187
Robbery	0	1	32	35	35	36	78	15	4	56	382
Kidnapping	0	1	2	5	7	3	2	1	0	6	34
Burglary	6	46	217	165	131	45	6	3	10	341	1,431
Larceny/Motor Vehicle Theft	26	59	270	178	98	28	5	7	4	248	1,324
Arson	0	5	4	6	12	2	0	1	1	13	68
Forgery	3	28	104	52	20	12	6	1	0	36	342
Narcotics	15	27	168	133	231	123	14	20	2	60	632
Other	131	145	246	138	72	30	6	4	7	182	1,170
TOTAL	183	320	1,073	731	631	302	140	60	36	976	5,749

TABLE 10
DISTRIBUTION OF ARRESTEES BY BOND RELEASE -
LAW ENFORCEMENT

TYPE RELEASE	NUMBER OF ARRESTEES	PERCENTAGE OF TOTAL ARRESTS
Personal Recognizance		
Appearance Bond	183	1.8
Second Party Custody That Included To Juvenile Agency	623	6.1
Releases	1,663	16.3
Bond Set But Not Released	76	0.8
None Set - Not Released	50	0.5
Released To Other Law Enforcement Agency	331	3.1
Fugitive	10	0.1
Released - Charges Dropped	808	7.9
Unknown	6,457	63.3
TOTAL	10,201	100.0%

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	101 & Over	Undetermined
Murder/Manslaughter	63	15	14	3	6	10	5	141
Rape	85	5	5	3	7	8	4	172
Robbery	159	14	25	7	19	12	19	419
Kidnapping	21	3	3	1	0	3	0	30
Burglary	846	111	79	47	46	46	21	1,205
Larceny/Motor Vehicle Theft	697	89	62	15	36	32	25	1,291
Arson	42	3	4	1	1	2	1	58
Forgery	152	25	18	9	10	4	5	381
Narcotics	410	40	14	8	2	11	7	933
Other	556	56	48	16	20	11	14	1,410
TOTAL	3,031	361	272	110	147	139	101	6,040



SECTION 5

LOWER COURT

**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 Offenders	20	390	873	590	8	10	3,592	3,582	1,136	10,201
Mean Days From Arrest To Disposition	16.47	10.42	3.43	5.77	41.28	4.70	1.97	10.80	0.71	2.34

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 arrests. Of the 10,201 felony arrests in 1976, 3,612 were filed for preliminary hearing at the lower court. Out of that number a total of 2,304 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.

Table 13 depicts the distribution of final disposition at lower court, and the percentage of all 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 to circuit court as a result of defendant's 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.

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 lesser) felony, which also must be bound over to the 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 49 arrests for murder or manslaughter were filed to lower court, while 1 of these was changed in some form, the 48 remaining were dealt with as originally charged.

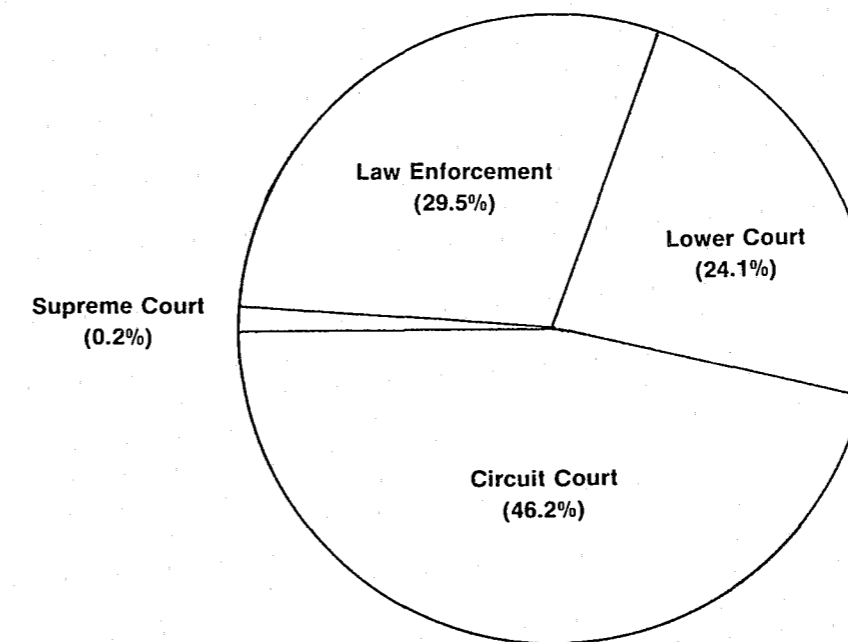
Table 15 illustrates the initial and final pleas of the defendants at lower court. The initial plea is entered at the time of arraignment, while the final plea is entered at the hearing itself. If the initial plea is "Guilty", no final plea need be entered and a "Not Applicable" will be shown for the final plea. Also, since an initial plea is entered before a 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 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 public defender, or those who chose to exercise their constitutional right to defend themselves. 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 70% of the cases.

The time it took the lower courts to carry out their functions is given in Table 17. It breaks down the average number of days the lower court took 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 34.37 days.

FIGURE 2 - DISTRIBUTION OF FELONY ARREST FINAL DISPOSITIONS



**TABLE 13 -
DISTRIBUTION OF LOWER COURT DISPOSITIONS**

DISPOSITIONS	NUMBER OF CASES	PERCENTAGE TOTAL FINAL DISPOSITIONS
Dismissed	580	23.5
Nolle Prossed	854	34.7
Convicted Misdemeanor	726	29.5
Acquitted	4	0.2
Pending	30	1.2
Archived	5	0.2
Offender Death	3	0.1
Remanded To Junvenile Authority	54	2.2
Case Deferred	30	1.2
Transferred Other Agency	51	2.1
Undetermined	125	5.1
TOTAL	2,462	100.0%

**TABLE 14
CHARGE CHANGES AT LOWER COURT**

OFFENSE	CHARGE CHANGE		
	YES	NO	UNKNOWN
Murder/Manslaughter	1	48	0
Rape	9	84	0
Robbery	35	235	0
Kidnapping	0	21	0
Burglary	130	410	5
Larceny/Motor Vehicle Theft	216	571	6
Arson	4	20	1
Forgery	45	171	2
Narcotics	260	360	6
Other Felony	273	689	10
TOTAL	973	2,609	30

TABLE 15 - LOWER COURT PLEAS BY TYPE

	PLEA TYPE							TOTAL
	Guilty	Not Guilty	Nolo Contendre	Not Guilty By Insanity	Not Applicable	Not Guilty Self Defense	Undetermined	
Initial Plea	398	2,587	8	0	387	0	232	3,612
Final Plea	394	979	6	1	1,990	0	242	3,612

**TABLE 16
ATTORNEY DATA AT LOWER COURT**

ATTORNEY DATA	NUMBER OF FILINGS	PERCENTAGE OF TOTAL FILINGS
Private	628	17.4
Appointed	345	9.6
Public Defender	92	2.5
Self	2	0.1
Undetermined	2,545	70.4
TOTAL	3,612	100.0%

**TABLE 17
PROCESSING TIME TO DISPOSITION AT LOWER COURT**

DISPOSITIONS	NUMBER OF CASES	AVERAGE TIME IN SYSTEM (DAYS)
Dismissed	580	27.21
Nol-Prossed	854	24.17
Convicted Misdemeanor	726	29.46
Acquitted	4	7.50
Bound Over To Circuit Court After Preliminary Hearing	606	39.82
Bound Over To Circuit Court Waiver of Preliminary Hearing	544	43.23
Pending	30	38.14
Archived	5	80.50
Offender Death	3	201.00
Remanded Juvenile Authority	54	10.40
Case Deferred	30	252.79
Transferred Other Agency	51	8.34
Undetermined	125	110.20
TOTAL	3,612	34.37



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 10,201 felony offenders in 1976, 4,722 reached circuit court for disposition of their charges. The circuit courts represented slightly less than 50% of all final dispositions reached by the entire criminal justice system in the processing of the total 10,201 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 726 of the misdemeanor convictions, while all 3,812 felony convictions, plus 333 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 19 depicts the distribution of dispositions of the 4,722 felony offenders whose cases were filed at 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.

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.

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.

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 5%. 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.

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 1976 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.

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 42.2% of offenders processed in circuit court for whom attorney data was unavailable. The explanation of these attorney types were previously discussed under Table 16 in Section 5 (lower court) of this report.

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 148.0 days.

In comparison, Table 24 shows the cumulative processing time from the day of an offender's 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 1976 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 4,722 felonies filed in circuit court from 1976 arrests, 48.9% 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 18 -
DISTRIBUTION OF ARRESTS AND CONVICTIONS BY OFFENSE**

OFFENSE	ARRESTS	PERCENTAGE OF ARRESTS	CONVICTIONS	PERCENTAGE OF CONVICTIONS
Murder/Manslaughter	257	2.5	124	3.3
Rape	289	2.8	86	2.3
Robbery	674	6.6	296	7.8
Kidnapping	61	0.6	11	0.3
Burglary	2,401	23.5	954	25.0
Larceny/Motor Vehicle Theft	2,247	22.0	824	21.6
Arson	112	1.1	25	0.7
Forgery	604	5.9	276	7.2
Narcotics	1,425	14.1	646	16.9
Other	2,131	20.9	570	14.9
TOTAL	10,201	100.0%	3,812	100.0%

**TABLE 19
DISTRIBUTION OF CIRCUIT COURT DISPOSITIONS**

DISPOSITIONS	NUMBER OF CASES	PERCENTAGE OF TOTAL DISPOSITIONS
Dismissed	265	5.6
Nol-Prossed	620	13.1
Remanded Municipal Court	9	0.2
Guilty of Felony	2,752	58.3
Acquitted Felony	61	1.3
Guilty of Misdemeanor	333	7.0
Acquitted Misdemeanor	1	0.0
Pending	240	5.1
Archived	36	0.8
Offender Death	10	0.2
Remanded to Juvenile Authority	41	0.9
Deferred	221	4.7
Transferred Other Agency	18	0.4
Undetermined	115	2.4
TOTAL	4,722	100.0%

TABLE 20 - CIRCUIT COURT PLEA BY TYPE

	PLEA TYPE							TOTAL
	Gulity	Not Gulity	Nolo Contendre	Not Gulity By Insanity	Not Applicable	Not Gulity Self Defense	Undeter-mined	
Initial Plea	1,249	2,520	37	17	589	1	309	4,722
Final Plea	1,690	296	49	2	2,352	1	332	4,722

**FIGURE 3
TYPE TRIAL AT CIRCUIT COURT**

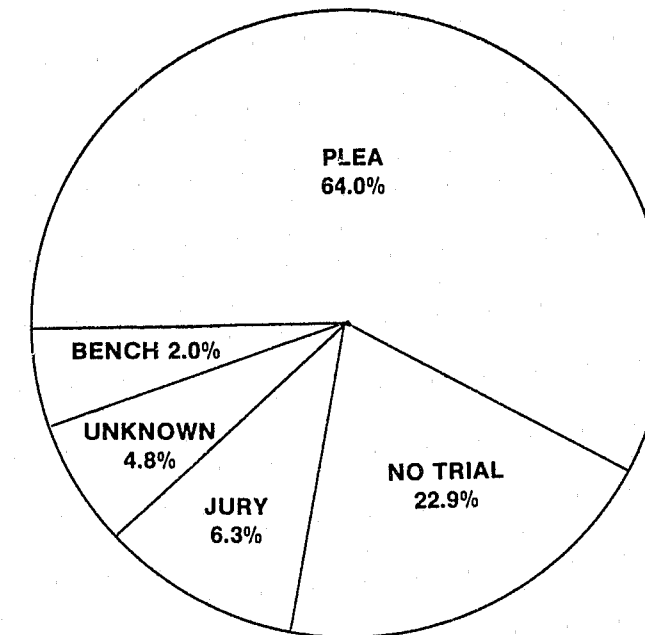


TABLE 21 - CIRCUIT COURT TRIAL TYPE BY OFFENSE

OFFENSE	JURY	BENCH	PLEA	NO TRIAL	UNKNOWN	TOTAL
Murder/Manslaughter	53	1	76	37	8	175
Rape	18	4	67	66	3	158
Robbery	48	13	237	74	12	384
Kidnapping	3	0	9	7	3	22
Burglary	36	20	885	227	46	1,214
Larceny/Motor Vehicle Theft	37	16	662	212	51	978
Arson	4	0	24	15	3	46
Forgery	4	4	251	66	11	336
Narcotics	52	12	424	147	40	675
Other Felony	41	22	388	232	51	734
TOTAL	293	92	3,023	1,083	228	4,722
PERCENTAGE	6.3%	2.0%	64.0%	22.9%	4.8%	100.0%

TABLE 22 - CHARGE CHANGES AT CIRCUIT COURT

OFFENSE	CHARGE CHANGE		
	YES	NO	UNKNOWN
Murder/Manslaughter	84	84	7
Rape	38	118	2
Robbery	71	305	8
Kidnapping	3	16	3
Burglary	290	896	28
Larceny/Motor Vehicle Theft	257	676	45
Arson	6	38	2
Forgery	49	277	10
Narcotics	162	476	37
Other Felony	216	474	44
TOTAL	1,175	3,360	186

FIGURE 4 - ATTORNEY DATA-CIRCUIT COURT

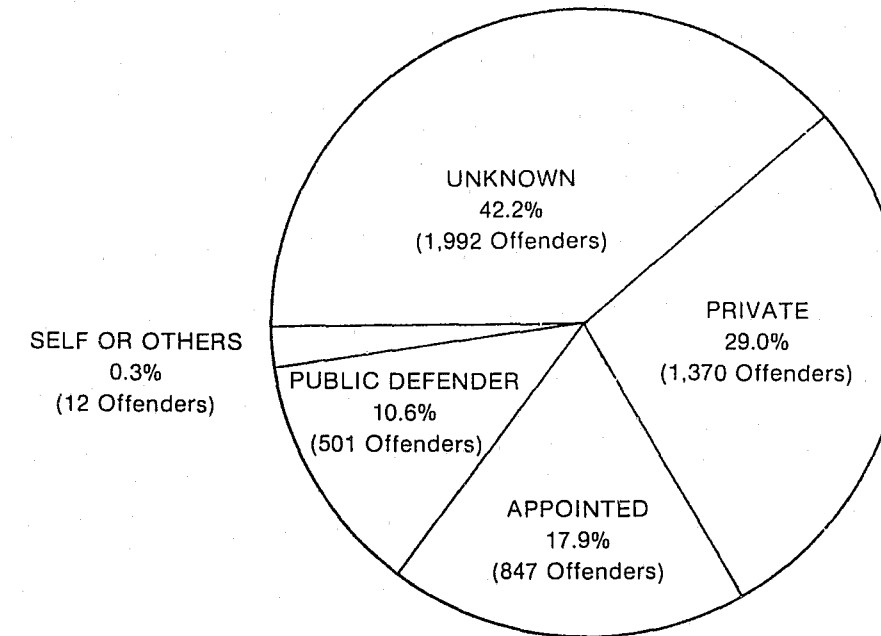


TABLE 23
PROCESSING TIME TO DISPOSITION AT CIRCUIT COURT

DISPOSITIONS	NUMBER OF CASES	AVERAGE TIME IN SYSTEM (DAYS)
Dismissed	265	179.14
Nol-Prossed	620	194.57
Remanded Municipal Court	9	99.88
Guilty of Felony	2,753	128.47
Acquitted Felony	61	152.68
Guilty of Misdemeanor	333	156.68
Acquitted of Misdemeanor	1	65.00
Pending	240	292.38
Archived	36	285.76
Offender Death	10	240.66
Remanded To Juvenile Authority	41	67.51
Transferred Other Agency	18	203.94
Deferred	221	194.69
Undetermined	114	91.44
TOTAL	4,722	148.00

*Average Number of Days From Filing to Disposition

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

	DISPOSITION AT CIRCUIT COURT														
	Dismissed	Not-Processed	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	265	620	9	2,752	61	333	1	240	36	10	41	221	18	115	4,722
AVERAGE SYSTEM TIME IN DAYS	193.70	207.28	177.00	149.15	196.87	181.46	150.0	285.47	279.15	256.55	77.92	199.01	234.93	111.11	166.64



SECTION 7

SUPREME COURT

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	24	5	23	107	417	40	76	5	1,612	2,413

SUPREME COURT

Prior to the passing of Amendment No. 58 to the Arkansas Constitution at the November 1978 General Election², 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 Procedure³. 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 1976 and who were convicted of either a misdemeanor or a felony as a result thereof. Of the convictions in this study, 41 appeals were taken to the state's high courts, 3 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 182.36 days.

With the passage of Amendment No. 58, the voting public of Arkansas has 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 41 appeals taken to the Arkansas Supreme Court from the convictions which resulted from 1976 felony arrests. In only 15 of these cases was the trial court reversed, 1 of these reversed and dismissed the case, while the remaining 14 reversals were remanded back to circuit court for some further action, usually a new trial. All 3 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	23
Reversed and Dismissed	1
Modified	0
Reversed and Remanded	14
Affirmed With Remittitur	0
Dismissed Behalf of Appellant	0
Affirmed in Part/Revised in Part	0
Pro Se (Rule 37) Granted	0
Pro Se (Rule 37) Denied	3

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.

The processing of convicted felony offenders at the corrections level which have flowed into it from the remainder of the criminal justice system is covered in this section.

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

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 the sentence. The age information on 10% of these offenders was unavailable, while data collectors were unable to determine the sentence given to one person convicted in this category.

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 one offender's sentence could not be determined.

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 2 of the offenders.

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 one offender could not be determined from available records.

TABLE 27 - DISTRIBUTION OF FELONY SENTENCES

SENTENCES	NUMBER OF OFFENDERS SENTENCES	PERCENTAGE OF TOTAL SENTENCES
Fine Only	23	.84
Suspension	538	19.55
Probation	383	13.92
Suspension/Probation	267	9.70
Jail	135	4.91
Prison Less Than 2 yrs.	209	7.59
Prison 2-4 yrs. 11 mos.	503	18.28
Prison 5-9 yrs. 11 mos.	377	13.70
Prison 10-19 yrs.	202	7.34
Prison 20-29 yrs.	56	2.03
Prison 30 yrs. or more	56	2.03
Unknown	3	.11
TOTALS	2,752	100.00%

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	5	2	1	1	7	16
Suspension	37	178	47	20	18	81	381
Probation	40	160	38	24	18	49	329
Suspension/Probation	21	108	32	5	11	33	210
Jail	7	53	16	5	3	10	94
Prison Less Than 2 Yrs.	20	78	18	14	7	3	140
Prison 2-4 yrs. 11 mos.	36	235	54	19	22	15	381
Prison 5-9 yrs. 11 mos.	28	161	51	19	19	12	290
Prison 10-19 yrs.	15	98	30	13	14	2	172
Prison 20-29 yrs.	1	24	9	6	2	3	45
Prison 30 yrs. or more	3	19	6	7	5	4	44
Unknown	0	0	1	0	0	1	2
TOTAL	208	1,119	304	133	120	220	2,104

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

SENTENCE	17 & Under	18-25	26-32	33-39	40 & Over	Unknown	TOTAL
Fine Only	0	3	2	1	1	0	7
Suspension	14	82	18	7	13	23	157
Probation	7	23	6	1	3	14	54
Suspension/Probation	7	29	11	3	1	6	57
Jail	6	20	7	0	3	5	41
Prison Less Than 2 Yrs.	13	36	11	3	3	3	69
Prison 2-4 yrs. 11 mos.	15	66	19	5	9	8	122
Prison 5-9 yrs. 11 mos.	12	48	14	3	6	4	87
Prison 10-19 yrs.	3	16	6	2	2	1	30
Prison 20-29 yrs.	2	3	1	1	4	0	11
Prison 30 yrs. or more	2	6	0	2	2	0	12
Unknown	0	0	0	0	1	0	1
TOTAL	81	332	95	28	48	64	648

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

SENTENCE	WHITE	BLACK	OTHER	TOTAL
Fine Only	6	1	0	7
Suspension	90	52	15	157
Probation	31	14	9	54
Suspension/Probation	27	22	8	57
Jail	24	13	4	41
Prison Less Than 2 yrs.	39	26	4	69
Prison 2-4 yrs. 11 mos.	70	45	7	122
Prison 5-9 yrs. 11 mos.	40	41	6	87
Prison 10-19 yrs.	19	11	0	30
Prison 20-29 yrs.	5	6	0	11
Prison 30 yrs. or More	3	8	1	12
Unknown	1	0	0	1
TOTAL	355	239	54	648

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

SENTENCE	WHITE	BLACK	OTHER	TOTAL
Fine Only	7	3	6	16
Suspension	191	129	61	381
Probation	212	57	60	329
Suspension/Probation	94	73	43	210
Jail	69	16	9	94
Prison Less Than 2 yrs.	96	37	7	140
Prison 2-4 yrs. 11 mos.	223	135	23	381
Prison 5-9 yrs. 11 mos.	148	128	14	290
Prison 10-19 yrs.	83	84	5	172
Prison 20-29 yrs.	20	22	3	45
Prison 30 yrs. or More	18	23	3	44
Unknown	0	1	1	2
TOTAL	1,161	738	235	2,104



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 1976 within the State of Arkansas. We begin with an overview through each sub-system, then put it all together with a complete "roadmap" of all 10,201 felony arrests.

Beginning with Figure 5, we see the input of 10,201 felony arrests into the law enforcement subsystem. Out of that beginning figure 2,417 were considered as having exited the system at this point; 3,612 were moved into lower court, 3,582 passed directly to circuit court and 590 were transferred to juvenile authority.

Moving to Figure 6, we follow the 3,612 filed into lower court. At this point 2,408 more exited the system, 54 were transferred to the cognizance of juvenile authorities, and 1,150 were bound over to the circuit court level either before or after preliminary hearing.

Combined into Figure 7 are the 3,582 cases filed direct to circuit court from law enforcement which we saw in Figure 5, plus the 1,150 we just saw bound over from lower court in Figure 6. These comprise the 4,732 cases sent to circuit court, of which 4,722 ultimately got filed (the remaining 10 likely were not pursued by the prosecutor's office). A total of 1,367 exited here either before or as a result of trial, 41 more were turned over to juvenile authority, leaving 3,305 to face sentencing for either a misdemeanor or felony conviction.

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.

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.

This report concludes in Figure 9 with a broad display of the distribution of felony processing. Over 70% of all the offenders arrested in 1976 ultimately exited the system. Slightly over 7% 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 5 - LAW ENFORCEMENT SUBSYSTEM

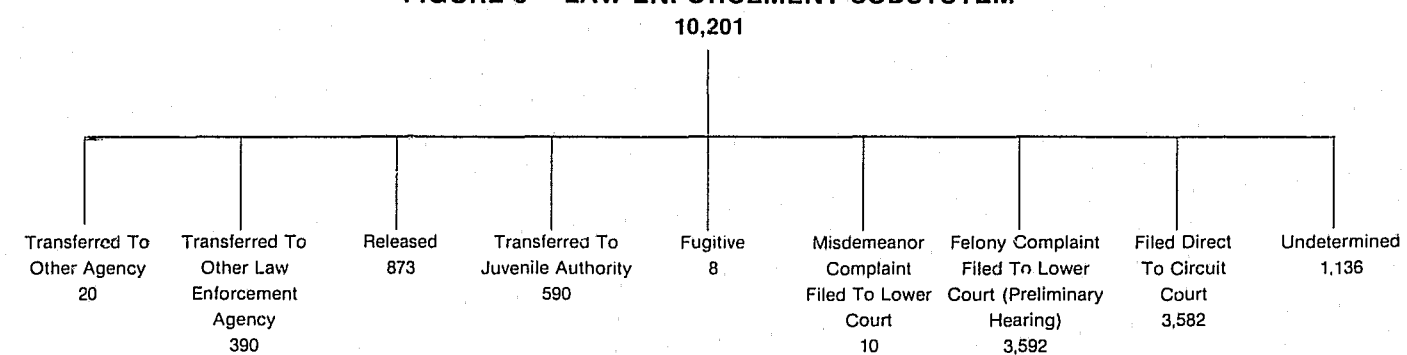


FIGURE 6 - LOWER COURT SUBSYSTEM

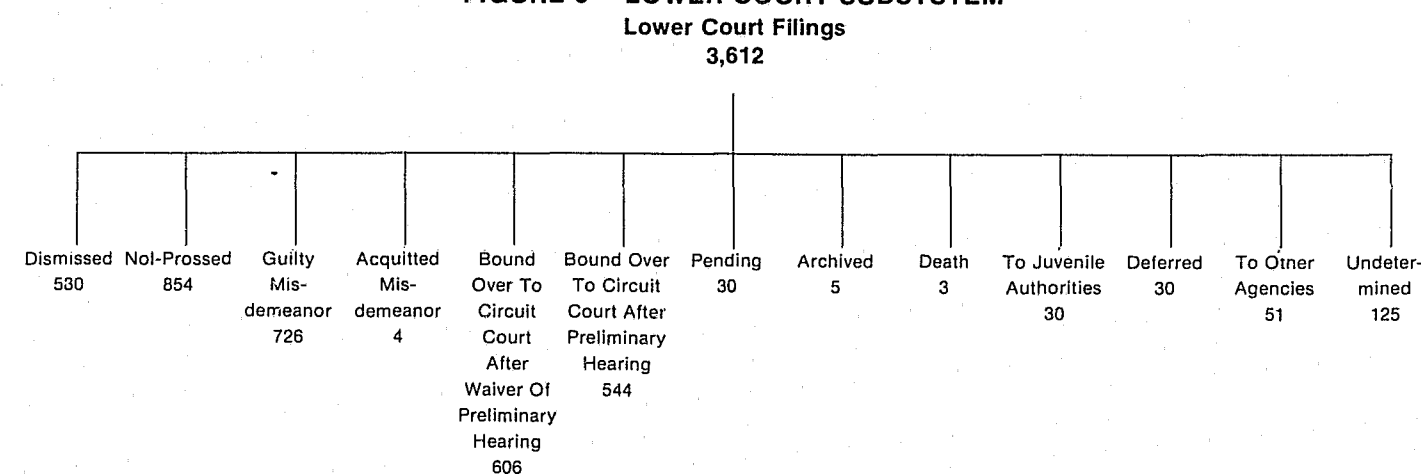


FIGURE 7 - CIRCUIT COURT SUBSYSTEM

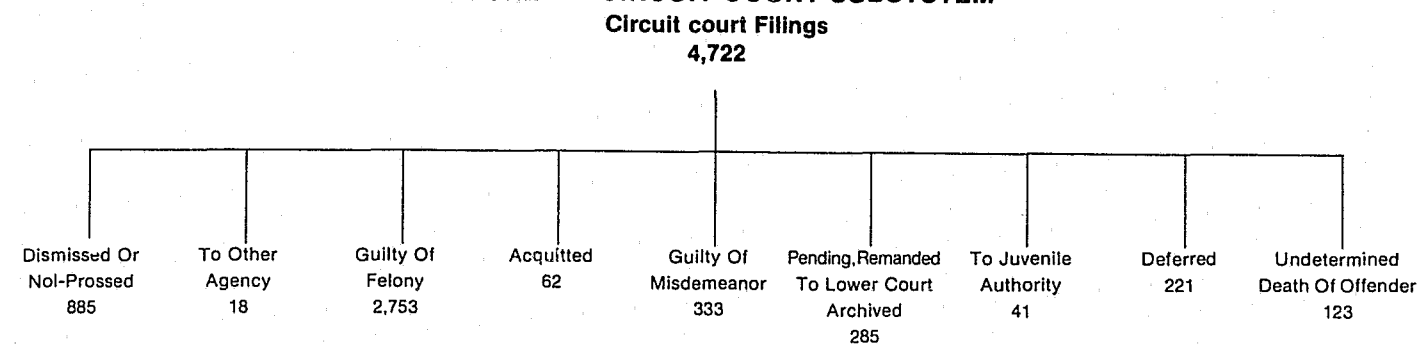
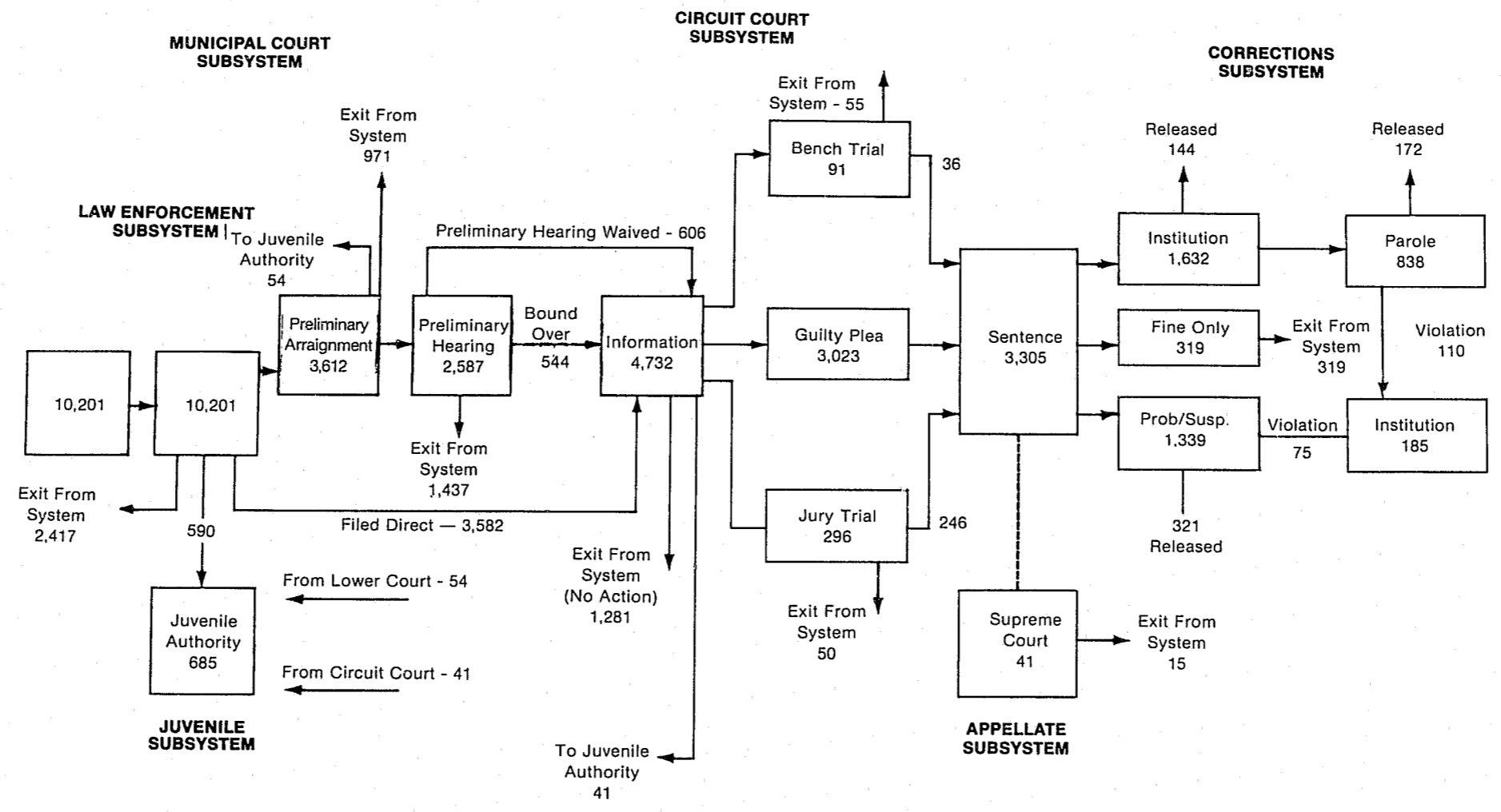


FIGURE 8

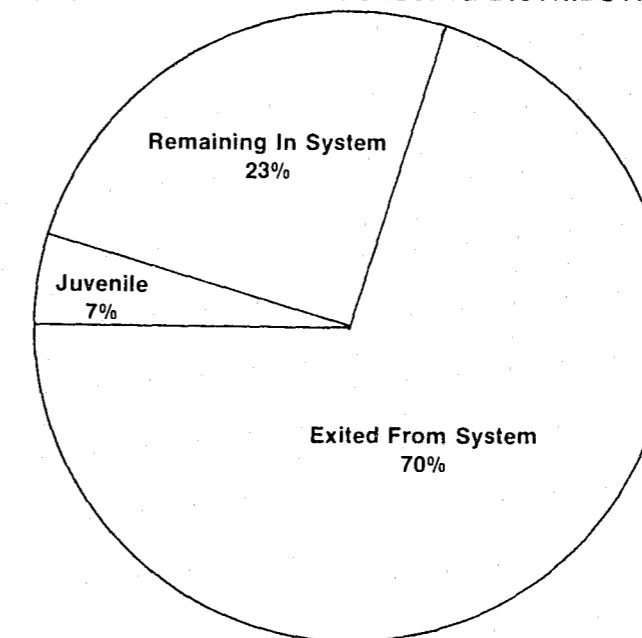


FELONY PROCESSING - ARKANSAS
1976

TABLE 32 - FELONY PROCESSING SUMMARY

POINT EXITED OR REMAINING	NUMBER EXITED OR REMAINING	PERCENTAGE OF ARRESTS
Law Enforcement	2,417	23.7
Lower Court (Before Hearing)	971	9.5
Lower Court (After Hearing)	1,437	14.1
Circuit Court (Before Hearing)	1,281	12.6
Circuit Court (From Bench Trial)	55	.5
Circuit Court (From Jury Trial)	50	.5
From Supreme Court	15	.2
After Paying Fine	319	3.1
From Prison	144	1.4
From Probation/Suspension	321	3.1
From Parole	172	1.7
Remaining in Prison	835	8.2
Remaining on Parole	556	5.5
Remaining on Suspension or Probation	943	9.2
Transferred Juvenile Authority	685	6.7
TOTAL	10,201	100.0%

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. 58, § 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 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 court 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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END