

CASELOAD HIGHLIGHTS

Volume 6 • Number 2

EXAMINING THE WORK OF STATE COURTS

A Renewed Interest in Low-Level Crime

Many crimes historically viewed as “minor” are getting renewed attention through a variety of criminal justice initiatives. One tenet of the community justice movement, including community policing and community courts, is to build healthy neighborhoods by resolving disputes at all levels of severity. As a consequence, police departments in many cities, including New York, Boston, and Los Angeles, now stress the need to more actively enforce laws for “nuisance” or “quality-of-life” offenses. A related initiative aimed at minor offenses is the “Broken Windows” notion of crime control (Wilson and Kelling, 1982). That idea contends that violent crime can be reduced, at least in part, by aggressively policing minor criminal behavior (e.g., vandalism, drug possession, and disorderly behavior). Consequently, resources in many communities are being used to target simple assaults, small-time drug dealers, and public intoxication.

Yet, despite the prominence of the community justice movement and the concept of Broken Windows, there is

very little information on the trends in targeted offenses. Moreover, while many are aware that arrests for violent crime have fallen substantially in the U.S. since 1990, it is still not clear whether there exists a relationship between arrest rates for less serious criminal conduct and arrests for violent crimes. Are arrests for quality-of-life, drug, and domestic abuse

crimes increasing as might be expected? If so, are they rising while arrests for more serious crimes are falling? Also, is the increased attention on less serious crime translating into a higher level of misdemeanor court filings?

This issue of *Caseload Highlights* addresses the above questions in several ways. First, general arrest trends are

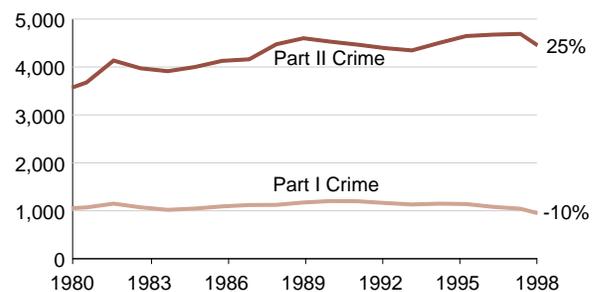
examined nationally for serious violent and property crime (the Uniform Crime Report’s Part I offenses) and for less serious crime (the Uniform Crime Report’s Part II offenses). Second, trends in Part II arrest rates are analyzed for representative states. Third, Part II arrest rates are compared to the rate of misdemeanor court cases in five selected states.

National Trends in Arrests

From 1980 to 1990, arrest rates increased steadily for both Part I and Part II crimes. Since then, arrest rates for Part I offenses have gradually decreased with most of the decline occurring from 1995 to 1998. In comparison, arrest rates for Part II offenses moved downward from 1989 to 1993 before turning upward through 1997. This latest period of increase was when many community justice initiatives were being implemented.

At the national level, there is no clear relationship between the trends in Part I and Part II arrest rates. Such comparisons are made more difficult

United States Arrest Rates, 1980-1998 (per 100,000 population)



Source: Sourcebook of Criminal Justice Statistics, 1998
Uniform Crime Reports, 1980-1998

by the nature of the two crime categories. Unlike Part I crimes, Part II arrests are typically not offense driven. Instead, Part II arrests are largely discretionary, reflecting the policies and resource distribution of local police departments. A drop in Part

II arrests may indicate that police are shifting resources away from enforcing laws for less serious crimes or that community policing strategies now emphasize a greater use of warning and mediation strategies and less dependence on arrests.

A Closer Look at Drug, DUI, Quality-of-Life, and Simple Assault Arrests

Because not all Part II offenses are given equal attention in community justice initiatives, it is necessary to examine particular offense patterns. For example, open air drug dealing, prostitution, public drunkenness, and disorderly conduct are often the focus of community justice programs, such as the Midtown Community Court in Manhattan. Other offenses, such as driving under the influence (DUI) and simple assaults (including domestic violence), represent a sizeable share of Part II arrests

and are subject to other crime control efforts.

Drug arrest rates spiked in the late 1980s, declined in the early 1990s, and increased significantly from the mid-1990s onward. This pattern tracks changes in national drug control policy beginning with aggressive enforcement during the crack epidemic years. The latter half of the 1990s has seen stepped up arrests for more minor drug crimes, such as marijuana possession, perhaps as part of community

justice enforcement efforts. (Kelling and Coles, 1996).

Arrest rates for other assaults have increased 130 percent since the early 1980s. Rather than attributing these increases to an assault crime epidemic, many argue that aggressive intervention and mandatory arrest policies for domestic violence crimes have contributed to this trend. (Sherman, 1998; Blumstein and Beck, 1999).

“Quality-of-life” offenses are usually targeted under a

community justice rubric (see Definitions on fold-in page). Arrest rates for quality-of-life crimes dropped 27 percent during the nineteen-year period. These national figures likely mask the changes in quality-of-life arrest rates that have occurred in jurisdictions targeting low-level crime for increased enforcement. For example, New York City has seen its non-drug misdemeanor arrest rate increase by 60 percent. From a national perspective, however, quality-of-life arrest rates

The Changing Composition of Part II Arrests

United States Part II Arrest Rates, 1980 vs. 1998

	1980	1998	Growth Rate 1980-1998
Part II Assaults	488,600	1,338,800	174%
Drug Abuse Violations	580,900	1,559,100	168
Curfew Violations	70,700	187,800	166
Family & Children Offenses	55,400	146,400	164
Embezzlement	8,500	17,100	101
Forgery & Counterfeiting	78,200	114,600	47
Sex Offenses	67,400	93,600	39
Liquor Laws	463,500	630,400	36
Fraud	291,500	394,600	35
Vandalism	250,500	300,200	20
Weapons: Carrying, Poss.	166,700	190,600	14
Stolen Property	123,200	137,900	12
Runaways	153,200	165,100	8
Prostitution & Commercialized Vice	88,900	94,000	6
Vagrancy	30,700	30,400	-1
Driving Under Influence	1,426,700	1,402,800	-2
Disorderly Conduct	769,700	696,100	-10
Drunkenness	1,125,800	710,300	-37
Suspicion	17,200	5,200	-70
Gambling	87,000	12,800	-85
Totals	6,344,300	8,227,800	

Source: Uniform Crime Reports, 1980-1998

The types of offenses that make up Part II arrests and the percentage change for these arrest categories (from 1980-1998) are shown in the adjacent table. In 1980, DUI arrests predominated, while arrests for drunkenness, disorderly conduct, drug abuse violations, and other assaults made up the next largest categories. Arrests for these five offense categories comprise almost 70 percent of all Part II arrests in 1980. By 1998, the composition of Part II arrests had undergone several changes. Drug abuse violations replaced DUI as the most frequent arrest type, and assault climbed from the fifth to the third largest category. In addition, drunken-

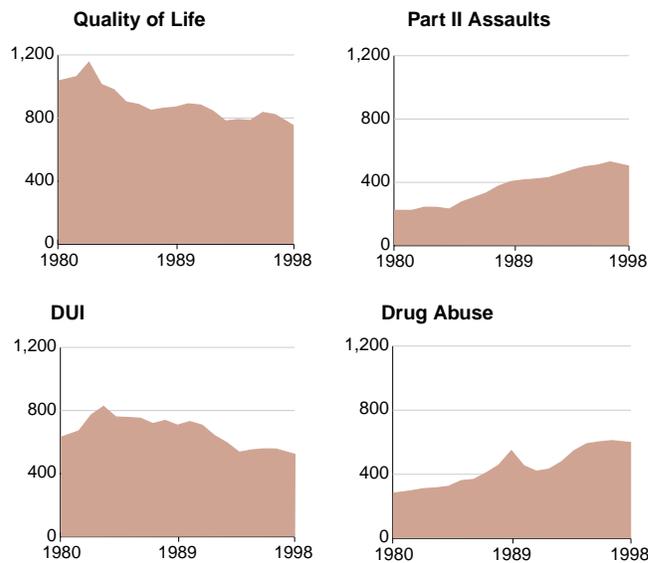
ness and disorderly conduct significantly diminished in proportion by 1998.

The percentage change for each of the Part II arrest categories from 1980 to 1998 is shown in the last column of the table. Examining the rates of change provides another view of the offenses targeted for increased enforcement. Arrests for other (simple) assaults, drugs, curfew and loitering violations, family and children offenses, and embezzlement saw large increases—over 100 percent between 1980-1998. At the other end, arrests for gambling, suspicion, drunkenness, and disorderly conduct all decreased substantially.

have not been increasing and in fact, have decreased steadily since 1982.

In contrast to the drug and simple assault arrest rates, DUI arrests have diminished significantly over the past nineteen years. The largest decrease, occurring between 1984 and 1994, coincides with numerous media campaigns to heighten public awareness and the emergence of groups such as Mothers Against Drunk Driving (MADD).

United States Arrest Rates, Selected Crimes, 1980-1998
(per 100,000 population)



Source: Uniform Crime Reports, 1980-1998

The 12 line graphs to the right show arrest rates for quality-of-life, drug abuse, and other assaults in these representative states: California, Hawaii, Iowa, Massachusetts, Michigan, Missouri, New Jersey, Ohio, Oklahoma, Texas, Virginia, and Washington.¹

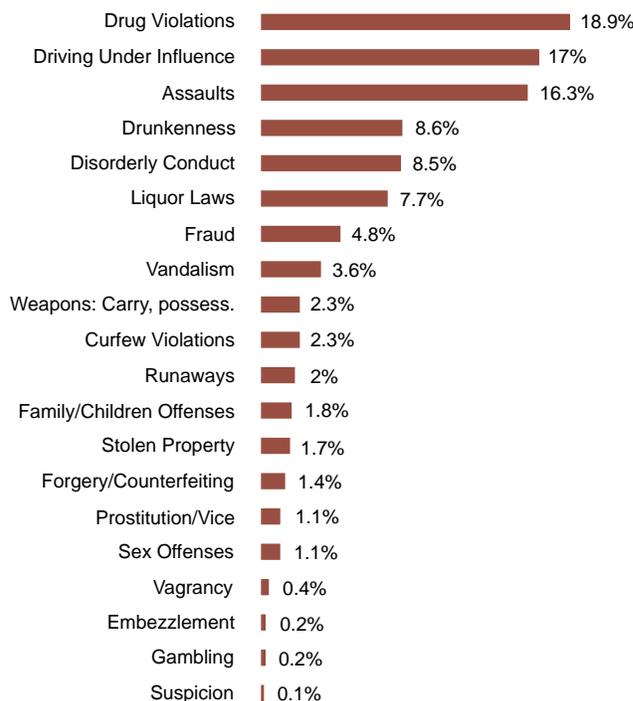
Since 1991, the national trend in arrest rates has been down for quality-of-life and up for both drug and less serious assaults. At the state level, quality-of-life arrest rates were generally down except for moderate increases in Iowa and Missouri. Drug arrest rates were up (except Hawaii and Massachusetts) and more than doubled in Oklahoma, Iowa, and Missouri. Also following the national trend, 10 of 12 states showed increases in arrest rates for less serious assaults. The exceptions were the relatively stable trends in California and New Jersey.

In Michigan, Ohio, and Washington, arrest rate trends for drugs, assaults, and quality-of-life offenses tended to move together during the 1990s. Similar patterns of increases and decreases across crimes may indicate the presence of statewide initiatives in the area of Part II crime.

The influence of community justice policies on arrest patterns is not readily apparent in the table. Certainly drug arrests are up significantly. Arrests for curfew and loitering violations (typical community justice target offenses) have expanded rapidly, although these crimes comprise only a small portion of Part II arrests (see bar chart). In contrast, arrests for two other quality-of-life offense categories, public drunkenness and disorderly conduct, decreased substantially. The decriminalization of drunkenness and disorderly behavior, coupled with the nullification of many vagrancy statutes, might explain this trend.

(Kelling and Coles, 1996).

United States Part II Arrest Composition, 1998



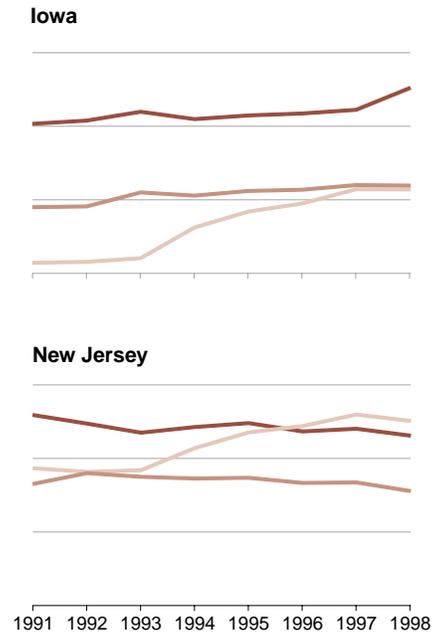
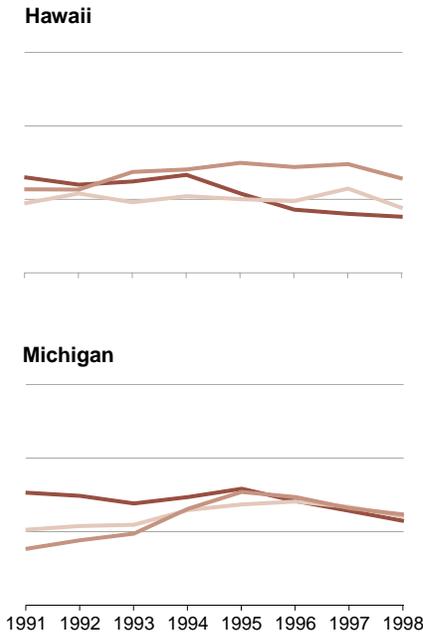
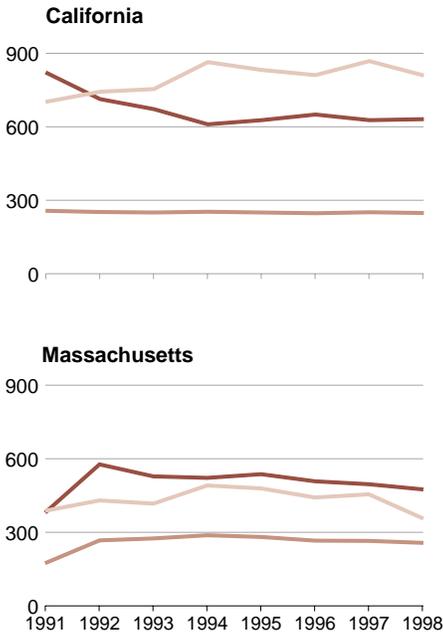
Source: Uniform Crime Reports, 1998

¹ The Uniform Crime Reports do not routinely publish Part II arrest statistics for individual states prior to 1991. These states were selected based on geographical location, population, and their ability to provide complete and comparable data.

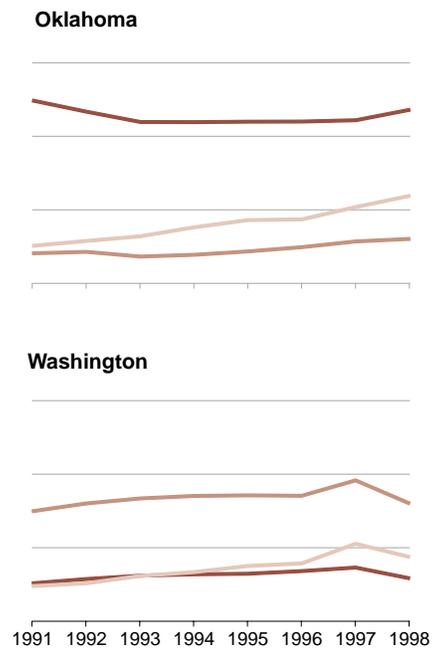
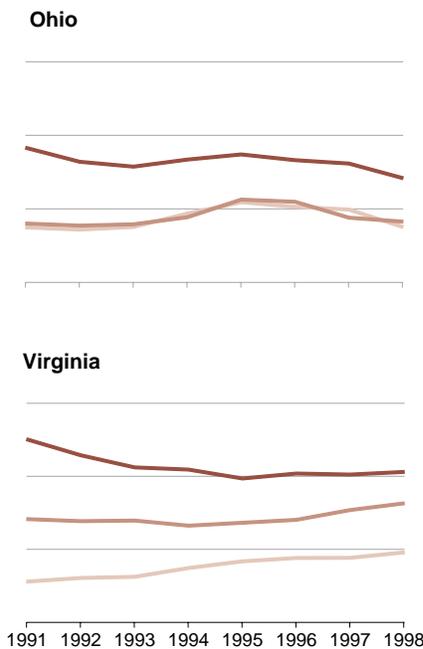
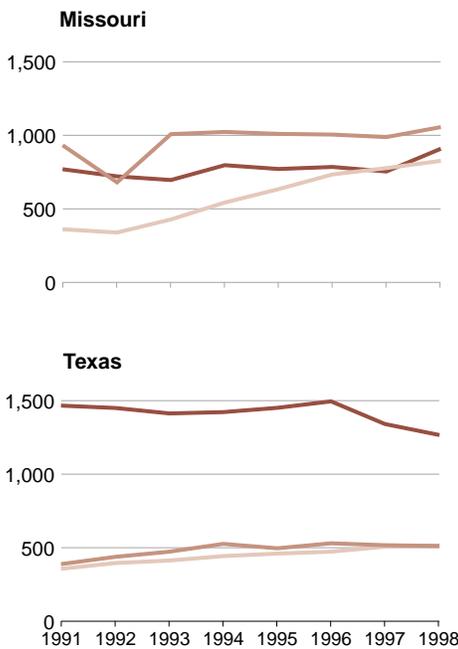
Arrest Rates in 12 States, 1991-1998

Arrest Rates for Selected Crimes in 12 States, 1991-1998 (per 100,000 population)

States with scales to 900



States with scales to 1,500



■ Quality-of-Life ■ Part II Assaults ■ Drugs

Note: 1991 arrest data for Iowa are estimated by the NCSC.
Source: Uniform Crime Reports, 1991-1998

Misdemeanor Arrests vs. Misdemeanor Filings

Arrest rates have the potential to serve as a leading indicator of future court workload. In addition, the relationship between arrest rates and court filings helps clarify the type of arrests that result in prosecution. However, comparisons between arrests and court filings are troublesome because of dif-

ferences in case counting procedures and offense definitions. The following graphs attempt to overcome some basic definitional problems by comparing the “misdemeanor” arrest rate to the misdemeanor filing rate for an eight-year period in five states: California, Hawaii, Iowa, Missouri, and Okla-

homa. These states were selected because they report arrest and filing data in a more complete and comparable format relative to other states, and data were available for 1991-1998.

Arrest and filing rates generally track each other; Hawaii, Iowa, Missouri and Oklahoma have arrest and filing rates that increased simultaneously since 1991. The exception is California, where arrest rates have been steady and filing rates have dropped moderately. Misde-

misdemeanor filings have doubled in Iowa since 1991 due to changes in how the suspended driver’s license violations are classified. On the other hand, the Iowa arrest rate has increased by 25 percent over the same time period. The amount of change between 1991 and 1998 for arrests and filings was also similar for some states; the Missouri arrest rate increased 30 percent and the filing rate rose 29 percent, while Oklahoma rates rose 12 percent and 5 percent respectively.

Definitions

Uniform Crime Reporting Program (UCR) The FBI’s UCR program collects data on reported crimes and arrests from local and state police agencies. Crime figures are split into Part I and Part II offenses. The UCR makes no distinction between felony and misdemeanor offenses. Differences in state and agency reporting practices contribute to patterns observed within the data.

Part I Crimes Part I crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft and arson. Part I crimes, the most serious violent and property crimes, are often used to calculate the “crime rate” and are also referred to as “index” crimes.

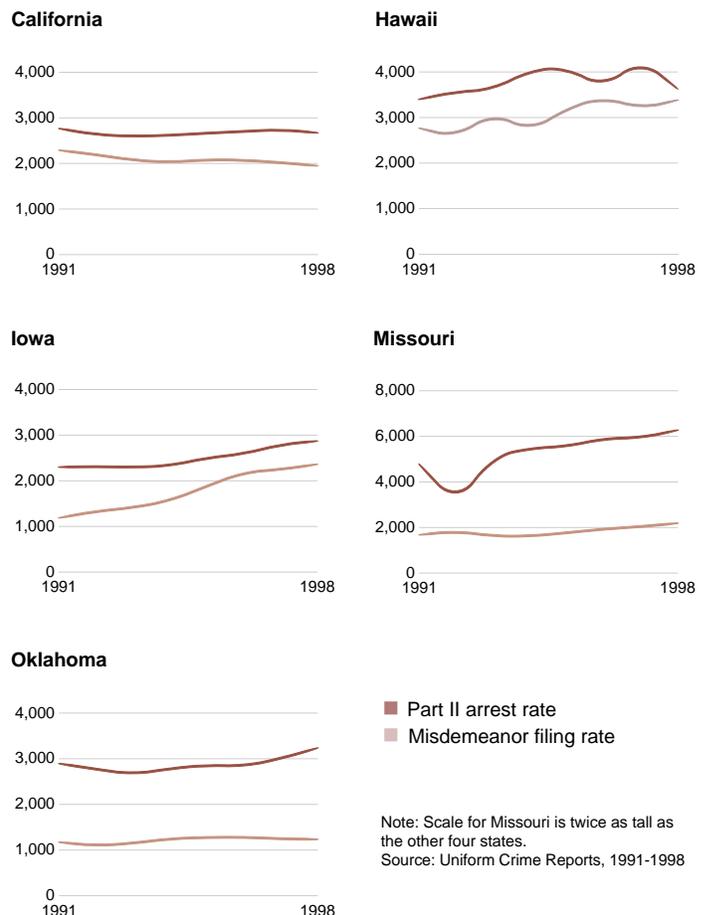
Part II Crimes Part II crimes include non-aggravated assaults, drug abuse violations, curfew violations, family offenses, embezzlement, forgery/counterfeiting, sex offenses, fraud, vandalism, possessing weapons, stolen property, prostitution/vice, vagrancy, DUI, disorderly conduct, drunkenness, and other offenses. Part II crimes are counted only when an arrest is made.

Quality-of-Life Offenses Less serious crimes associated with neighborhood deterioration and blight. For this analysis, the following offenses were combined to form the quality-of-life category: vandalism, prostitution, drunkenness, disorderly conduct, vagrancy, and curfew and loitering violations.

Other Assaults Simple assaults or offenses not involving weapons or serious injury to the victim. These Part II crimes are most often referred to as simple assaults.

Misdemeanor Arrest Rate Segments of Part I and Part II crimes were used to construct an estimate of the type of arrests most likely to result in misdemeanor court cases. Part II crimes categorized as misdemeanor arrests include all vandalism, other assaults, weapons possession, prostitution, gambling, liquor laws, drunkenness, disorderly conduct, vagrancy, curfew and loitering, runaways, and 80 percent of other arrests. In addition, estimated violations for possession of marijuana, synthetic or manufactured drugs, and other dangerous non-narcotic drugs are included from the drug abuse violations category. Also, 70 percent of the Part I larceny arrest total is estimated to be misdemeanors.

Comparing Part II Arrest Rates & Misdemeanor Filing Rates, 1991-1998 (per 100,000 population)



Conclusion

Numerous community justice initiatives support crime prevention through efforts designed to make neighborhoods cleaner and safer. One strategy is paying more attention to less serious crime. At the national level, however, arrest rates for lower-level

crimes do not necessarily track this localized focus on minor offending. In fact, arrest rates for several quality-of-life offenses, including public drunkenness, vagrancy, and disorderly conduct have been declining. On the other hand, arrests

for other offenses such as minor drug abuse violations and simple assaults have increased—both nationally and at the state level. Because some Part II offenses are increasing while others are falling, it is difficult to assess whether there exists a

relationship between Part I and Part II crime, as speculated by the concept of Broken Windows. Despite uncertainty over the precise cause, we do know that the 1990s have witnessed a dramatic decline in the level of violent crime.

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The Court Statistics Project (CSP)

In existence since 1975, the CSP is administered by the National Center for State Courts, with generous support by the State Justice Institute (Grant SJI-91-N-007-O00-1) and the Bureau of Justice Statistics. The CSP receives general policy direction from the Conference of State Court Administrators

through its Court Statistics Project Advisory Committee. Those wishing a more comprehensive review and analysis of the business of state trial and appellate courts are invited to read the CSP's latest publication, *Examining the Work of State Courts, 1998*.



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