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THE VERMONT CRIMINAL JUSTICE SYSTEM'S RESPONSE TO DRUG CRIME: 2009-2012

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Introduction

This report is the first research initiative detailing drug crime in Vermont. The report follows drug crime in Vermont from 2009-2012. Incidents were tracked from police contact through the courts and corrections. A cohort of 2009 convicted drug defendants was followed for three years to determine their recidivism rate. The tables and graphs contained in this report are intended to give policy makers and citizens an overview of drug crime, case processing, and recidivism.

Highlights

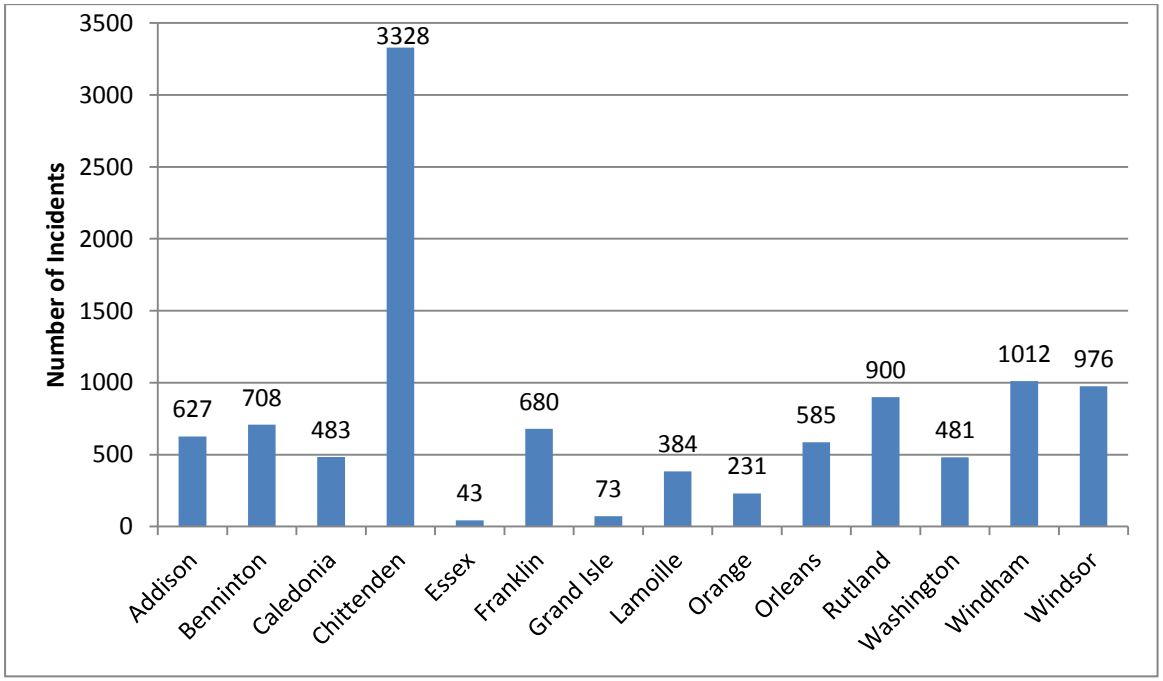
- Marijuana was the sole drug found in 54% of the incidents reported to police from 2009-2012.
- The average age of drug arrestees was 28 years old. The age range for drug arrestees was 11 years of age to 80.
- Drug incidents involving heroin tripled from 2009-2012.
- Fifty-one percent of felony drug charges were disposed of by guilty plea.
- Approximately 48% of misdemeanor drug charges were disposed of by guilty plea.
- The typical sentence to incarceration for felony drug convictions was one to three years.
- The typical sentence to incarceration for misdemeanor drug convictions was 11 to 62 days.
- The most common sentence for misdemeanor drug crimes is a fine.
- Misdemeanor drug defendants are more likely to serve the maximum incarcerative sentence than felony drug defendants.
- Of those defendants convicted of a drug offense in 2009, 49.2% earned a new conviction by August 2014.
- Thirty-five percent of the recidivists earned a new conviction for a drug offense.
- The average time to a new offense was 21.4 months.

This study highlighted several data quality issues that are discussed at the end of the report. For a richer and more accurate analysis of drug and other criminal incidents in Vermont, several of these data quality issues should be remedied.

Drug Incidents Reported to the Police

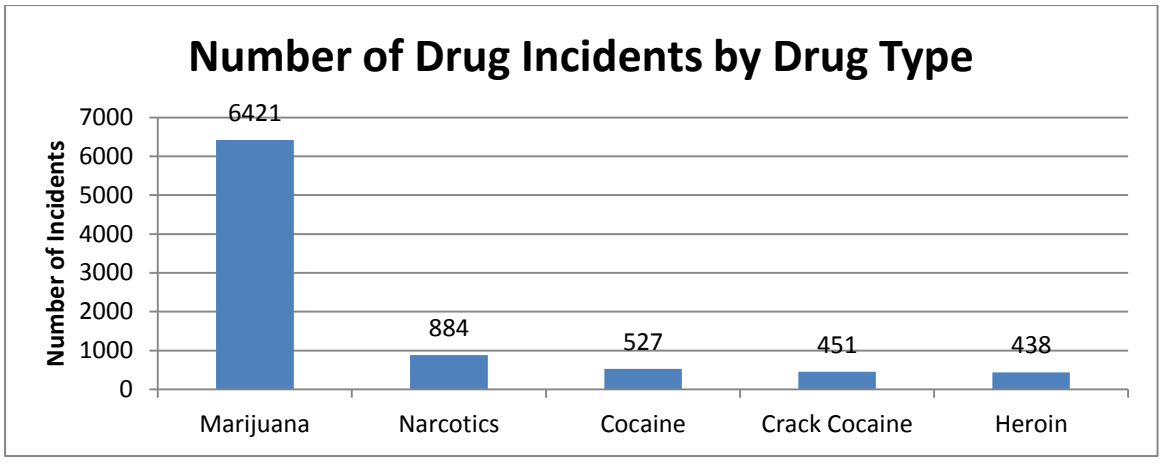
There were 11,415 drug incidents reported to Vermont Law Enforcement Agencies from 2009-2012. The charts in this section provide descriptive analysis of the nature of drug crime.

Chart 1: Number of Drug Incidents by County 2009-2012



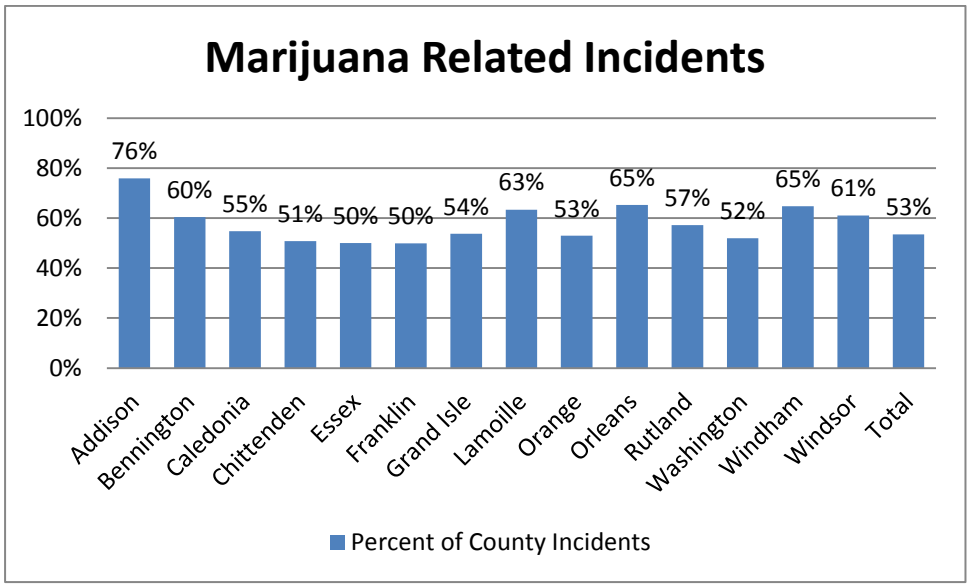
As expected, the more populated counties experienced more drug crime incidents.

Chart 2: Most Common Drug Types 2009-2012



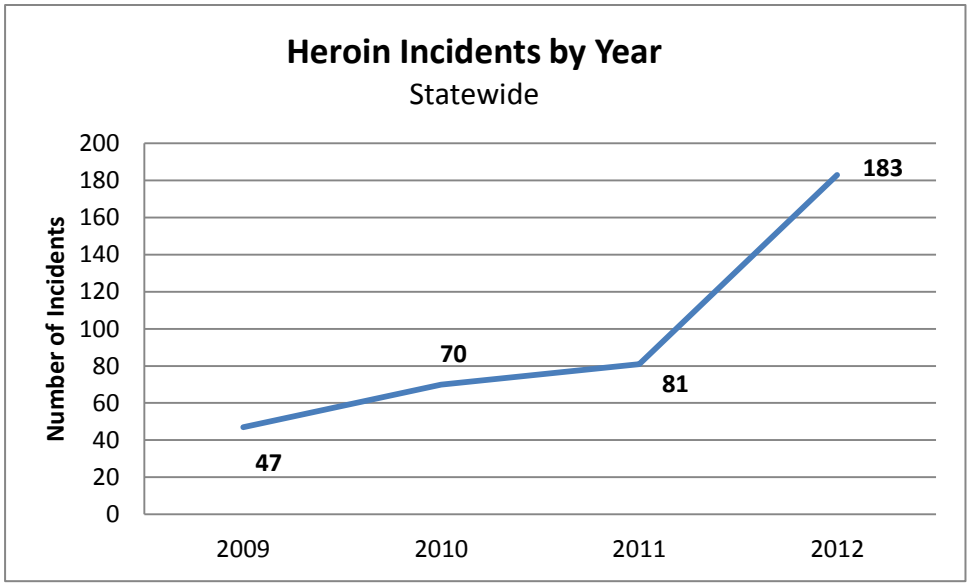
Marijuana was the most common drug involved in drug incidents, with 54% of the incidents involving marijuana. Almost 12% of drug incidents involved either heroin or another narcotic.

Chart 3: Marijuana Related Incidents by County



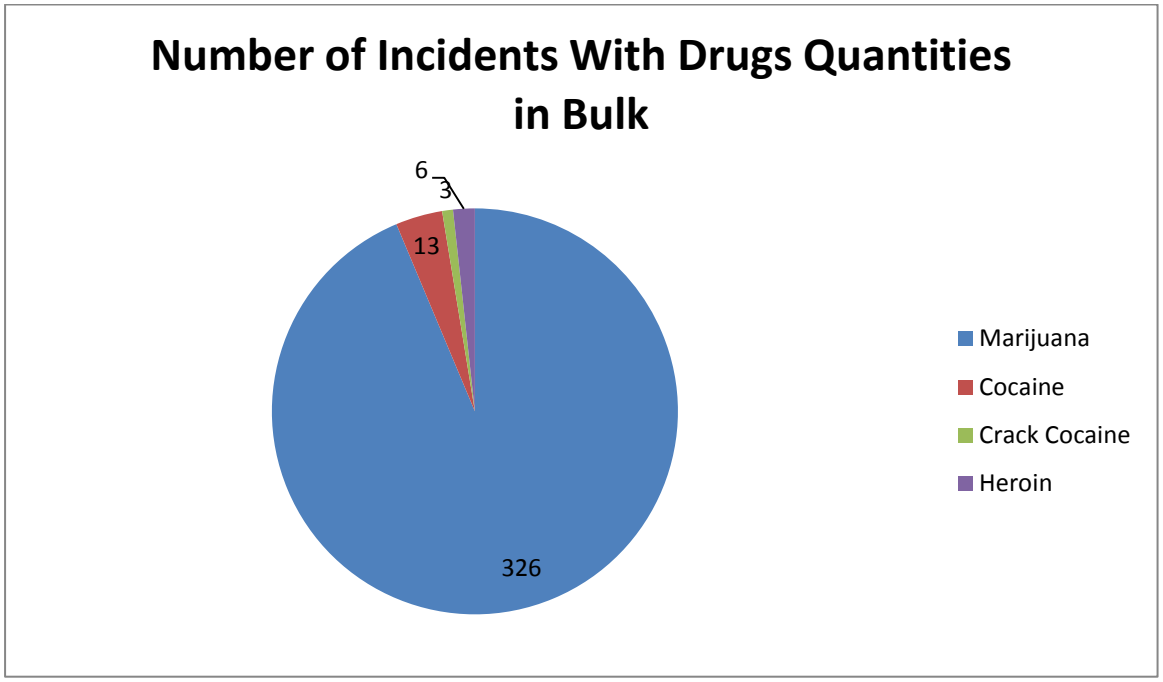
No county had fewer than 46 % of drug incidents involving marijuana. In Addison County, from 2009 through 2012, 76% of all drug incidents targeted marijuana.

Chart 4: Heroin Incidents by Year



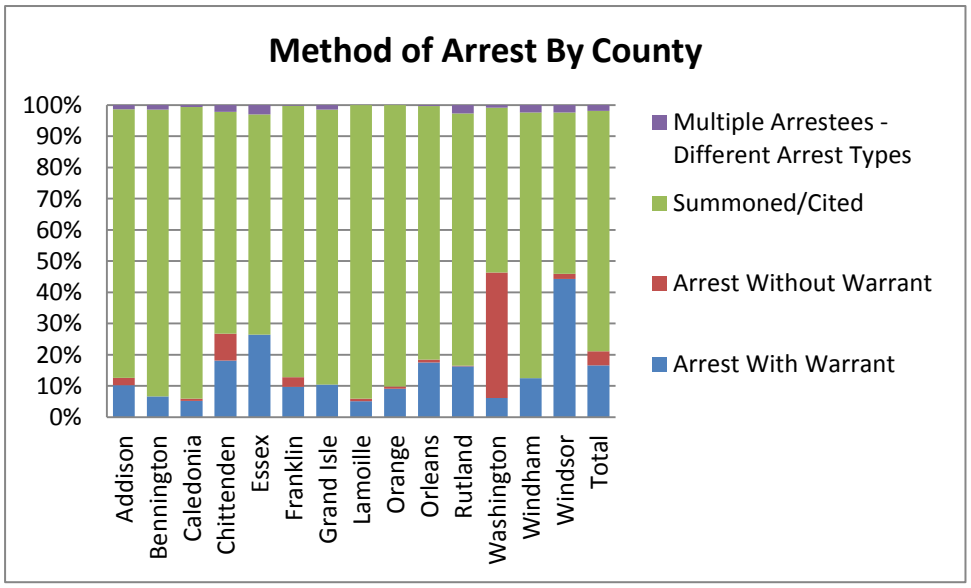
Drug incidents involving heroin more than tripled in the four years studied.

Chart 5: Incidents with Bulk Quantities of Drugs



The larger quantities of drugs were mostly marijuana, with 274 incidents involving marijuana plants and 52 incidents of pounds or kilograms. The other notable drugs with larger quantities included 13 incidents with ounces of cocaine, 3 incidents with ounces of crack cocaine, and 6 incidents with pounds of heroin.

Chart 6: Arrest Type by County



Of the 6,582 incidents where someone was arrested, 77% of incidents involved arrest by summons or citation. Lamoille County had the highest rate of arrest via summons or citation, with 94% of all arrestees of drug incidents arrested this way. Only 52% of drug incidents in Windsor County had arrests of this type.

Chart 7: Arrestee Age

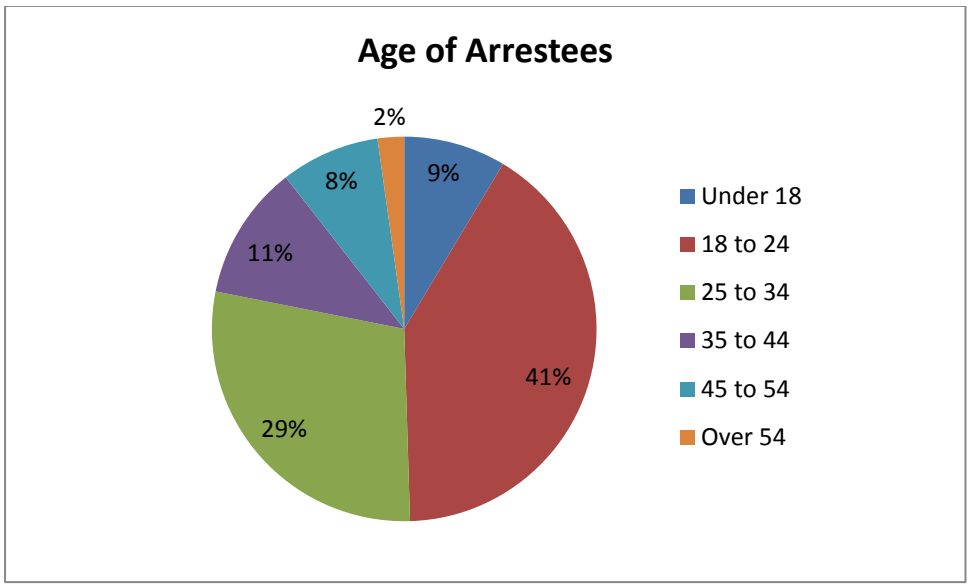
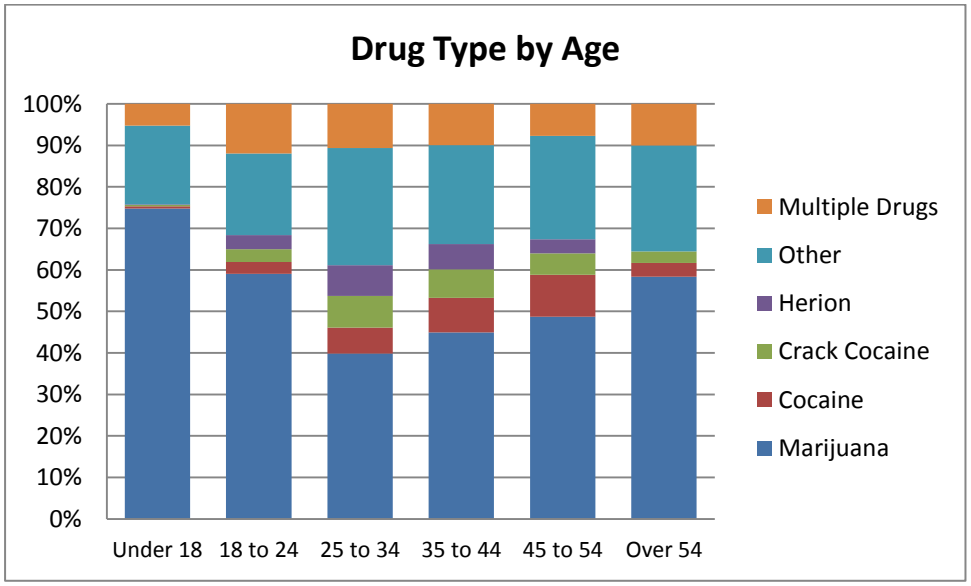


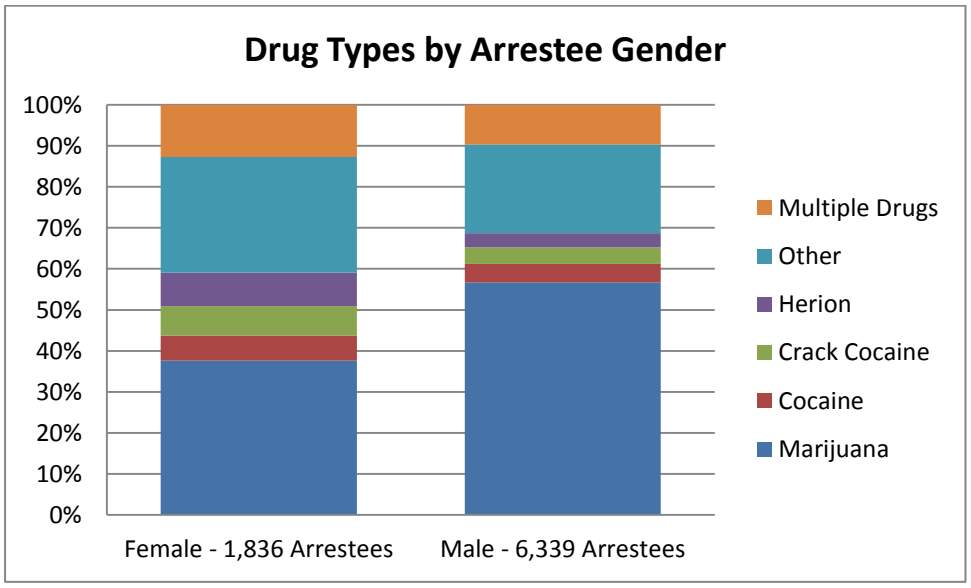
Chart 8: Age of Arrestee by Drug Type



The average age of a Vermont drug arrestee was 28 years old, the youngest arrestees were 11, the oldest 80. 70% of all drug arrestees were between the ages of 18 and 34. The 25 to 34 year olds were

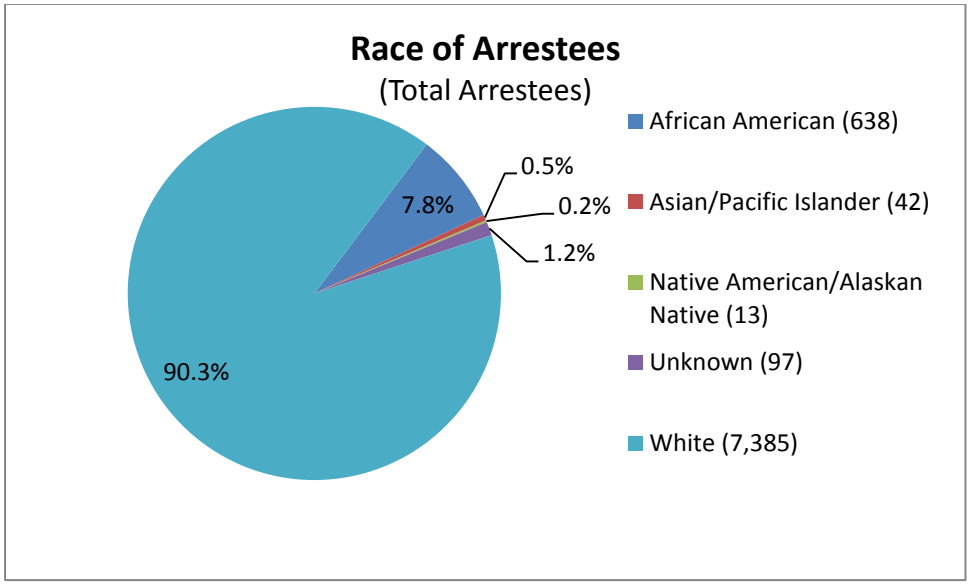
the least likely to be arrested for marijuana offenses and the most likely to be arrested for heroin, cocaine, and crack cocaine offenses.

Chart 9: Arrestee Gender by Drug Type



Male and female drug arrestees in Vermont had significantly different distributions of drug types, most notably in their arrest for marijuana offenses. While 56% of all male arrestees were arrested for marijuana offenses, only 37% of female arrestees were arrested for this drug. Female arrestees were more than twice as likely as men to be arrested for heroin offenses.

Chart 10: Race of Arrestees

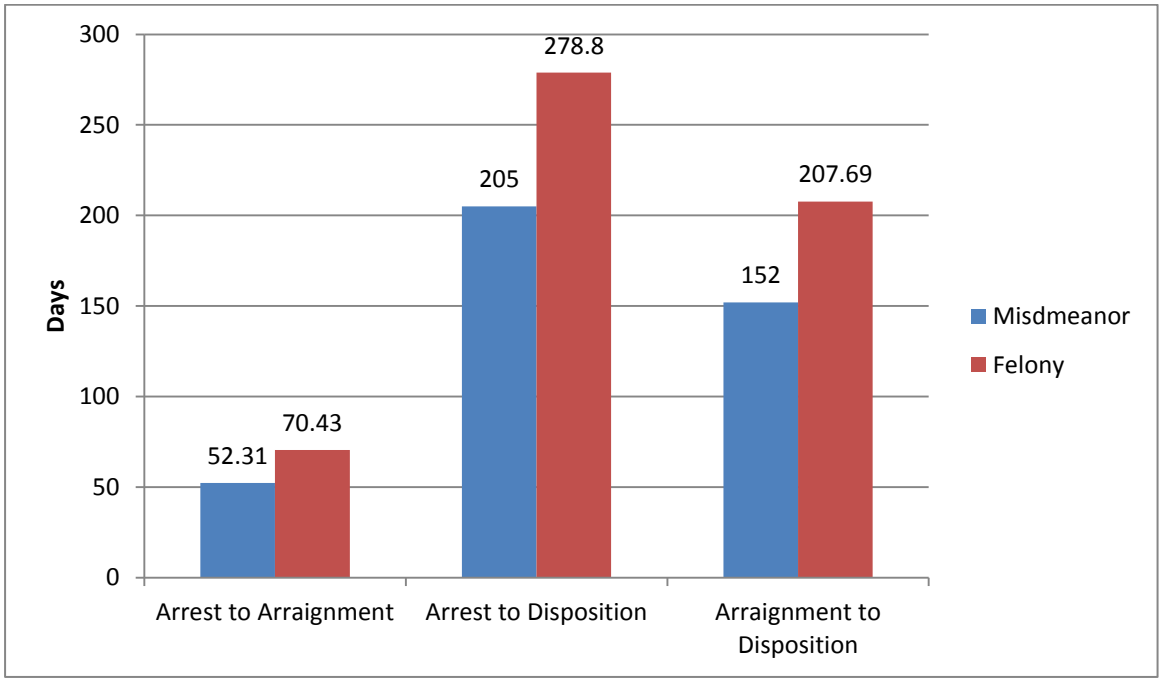


The racial distribution of arrestees reflects the fact that Vermont is primarily a white state. However, although only 7.8% of all drug arrestees are African American, they account for much less--only 1.0%--of the state's overall population (according to the 2010 census).

Court Adjudication

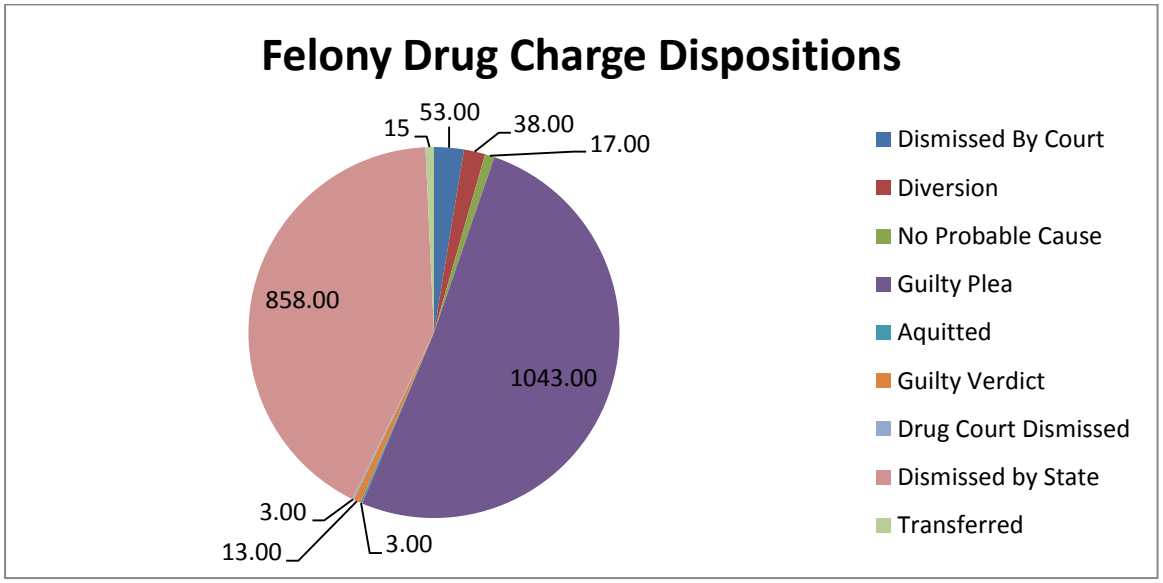
The 8,175 arrests made by police led to 6,566 cases filed for arraignment in Vermont Criminal Court.

Chart 11: Timing of Significant Court Events in Days



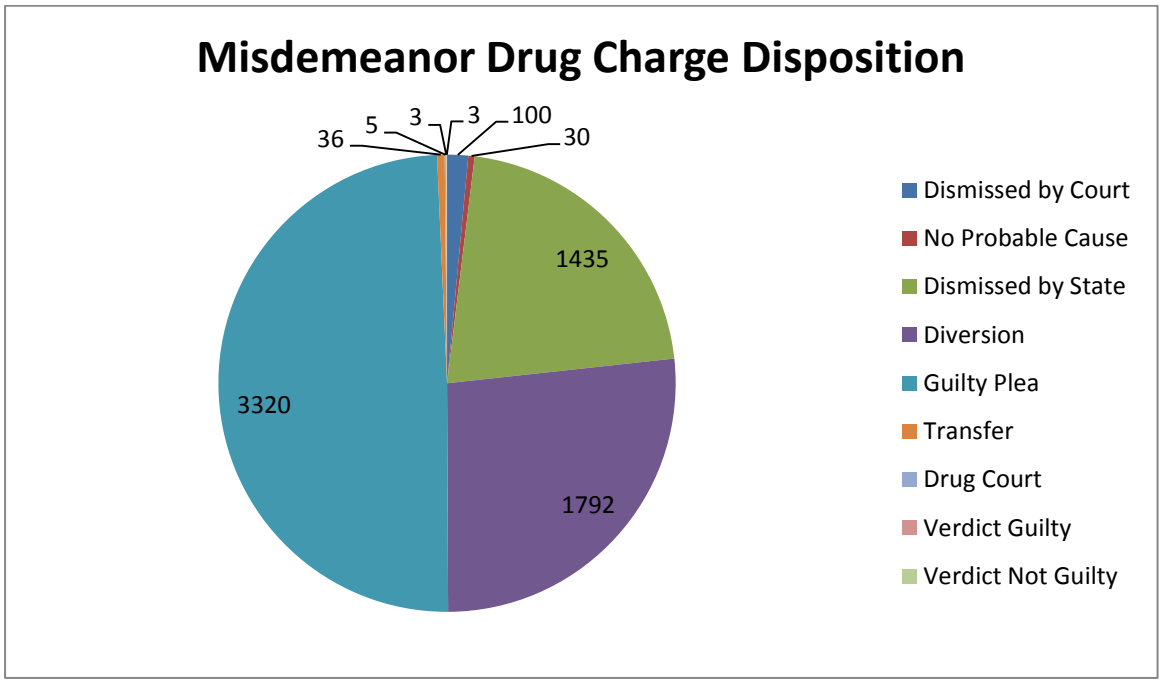
As the State of Vermont moves towards an early intervention for low risk offenders, the timing of such intervention depends on how quickly a case moves from Arrest to Disposition.

Chart 12: Felony Drug Charge Dispositions



The most common disposition for felony charges was a guilty plea, with 858 (51.1%) charges disposed of by plea.

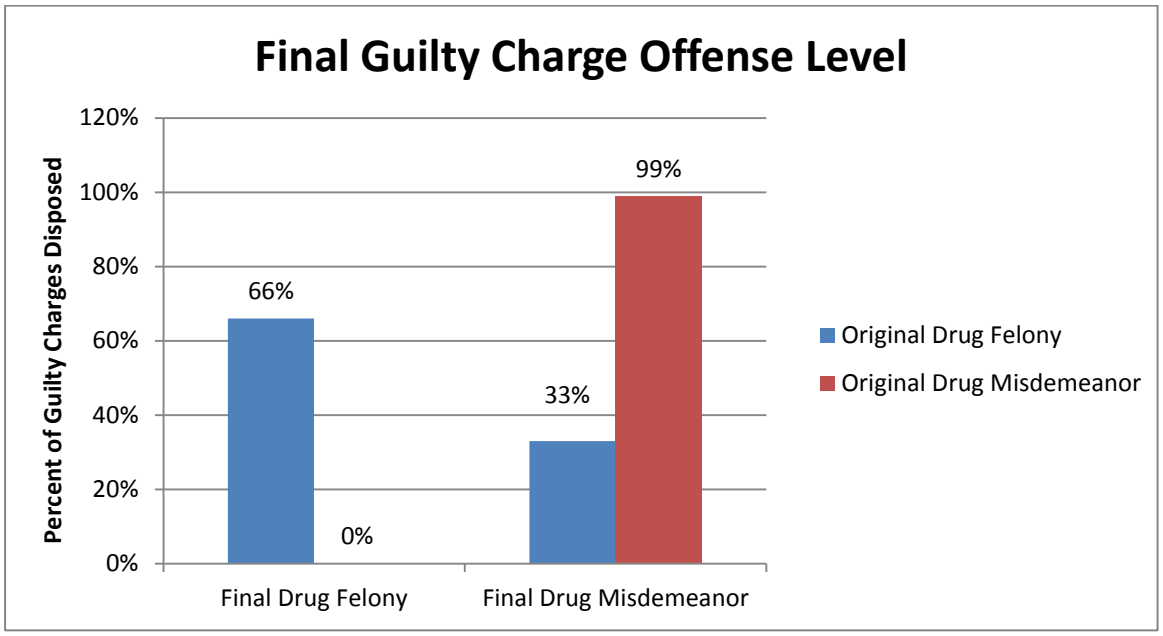
Chart 13: Misdemeanor Drug Charge Dispositions



The most common disposition for misdemeanor charges was also guilty plea, with 3,220 (47.8%) charges disposed of by plea. According to the Court Data only five misdemeanor charges and three felony charges were successful completion of Drug Court. The low number is inconsistent with prior research on the Drug Court programs[1], and points to a data quality issue and not a Drug Court failure.

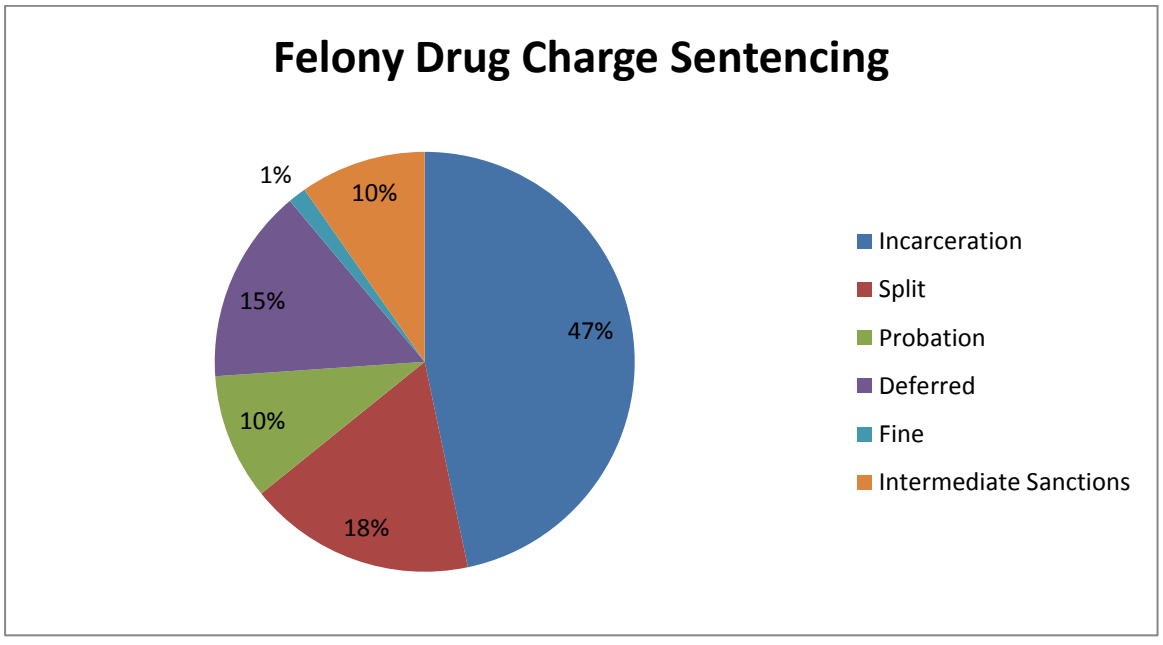
[1] http://www.vcjr.org/reports/reportscrimjust/reports/RTCreport.html

Chart 14: Guilty Charges Disposed by Final Offense Level



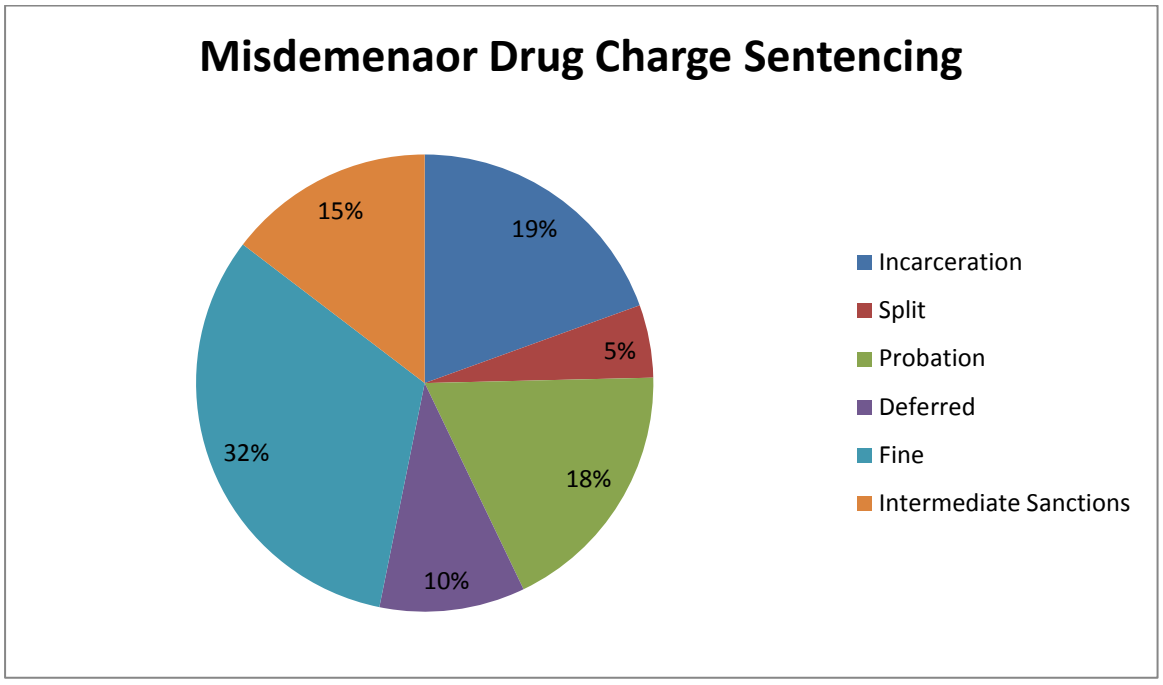
There were 1,582 guilty dispositions for drug charges originally filed as a felony. Sixty-Six percent of the charges were disposed of as a felony drug charge. Thirty-Three percent were found guilty of a misdemeanor drug offense. There were 2,814 guilty dispositions for drug charges that were originally filed as a misdemeanor. Ninety-nine percent were found guilty of a misdemeanor drug offense.

Chart 15: Felony Drug Sentencing



The most common sentence for a felony drug charge was incarceration, with 47% of the charges receiving that sentence. Only one percent of charges were sentenced to a fine only.

Chart 16: Misdemeanor Drug Charge Sentencing



The most common sentence for a misdemeanor drug charge was a fine, with 32% of the charges receiving that sentence. The next most common sentence was straight incarceration (19%) followed by probation at 18%.

Table 1: Sentencing Statistics Felony Drug Charges, Time Sentenced

Sentence	Minimum in Years				Maximum in Years				Days to Serve		
	Mean	Median	Mode		Mean	Median	Mode		Mean	Median	Mode
Straight Time	1.34	1	1		3.6	3	5				
Split Sentence	1.5	1.5	1		4.15	4	5		164	180	183
Probation	1.13	1	1		3	3	3				
Deferred	2.6	3	3								

The typical sentence to incarceration for felony drug convictions was one to three years. Felony defendants sentenced to a split sentence (a short period of incarceration followed by probation)

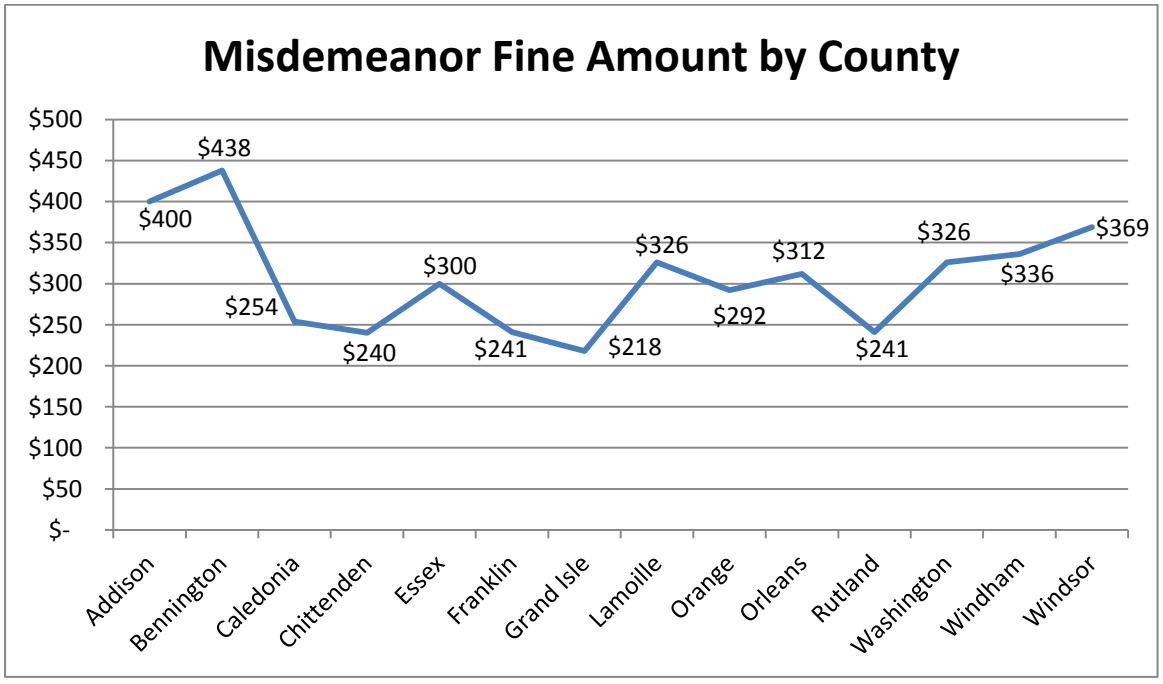
typically were sentenced from 1.5 years to four years with 180 days to serve. Probationary sentences typically were for a one to three year term of community supervision.

Table 2: Sentencing Statistics Misdemeanor Drug Charges, Time Sentenced

Sentence	Minimum in Years				Maximum in Years				Days to Serve		
	Mean	Median	Mode		Mean	Median	Mode		Mean	Median	Mode
Straight Time	.15	.03	0		.39	.17	.5				
Split Sentence	.45	.5	.5		1	1	1		40.9	30	30
Probation	.30	.25	.5		.7	.5	.5				
Deferred	1.19	1	1								

The typical sentence to incarceration for misdemeanor drug convictions was 11 to 62 days. Felony defendants sentenced to a split sentence typically were sentenced from six months to one year with 30 days to serve. Probationary sentences typically were for three to six months of community supervision.

Chart 17: Misdemeanor Fine Amount by County

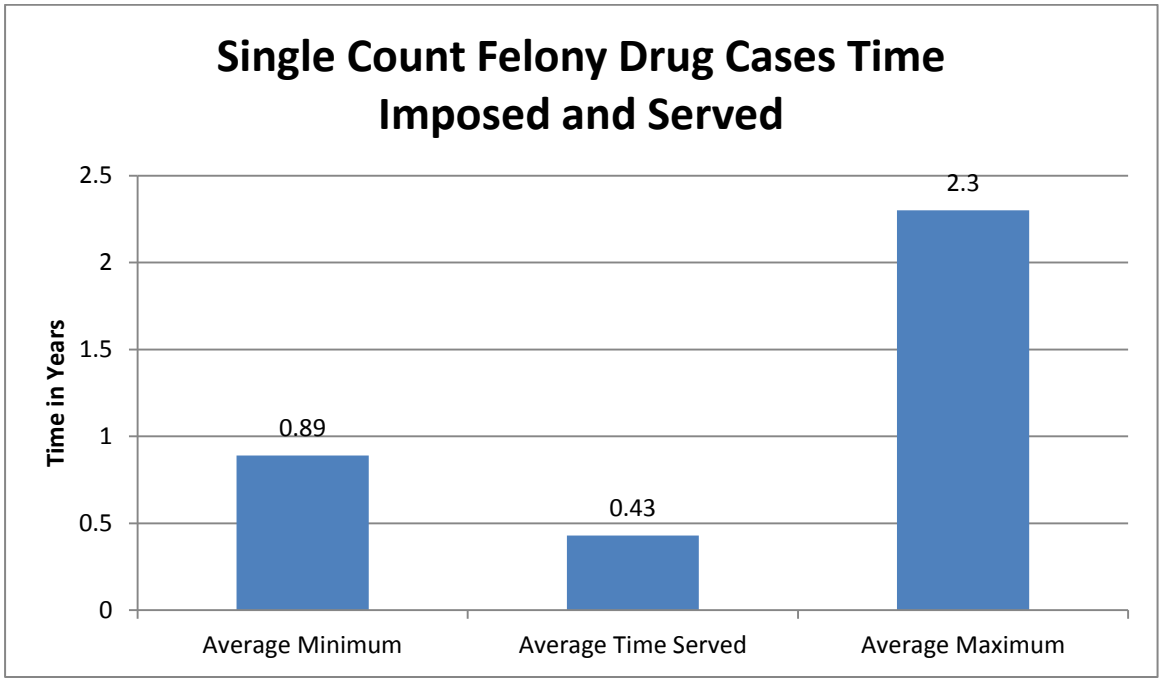


The statewide average fine for misdemeanor drug charge was $307. Only five counties sentenced a felony drug charge to a fine only. The fines ranged from $500 in Chittenden County to $8,250 in Orleans County.

Corrections

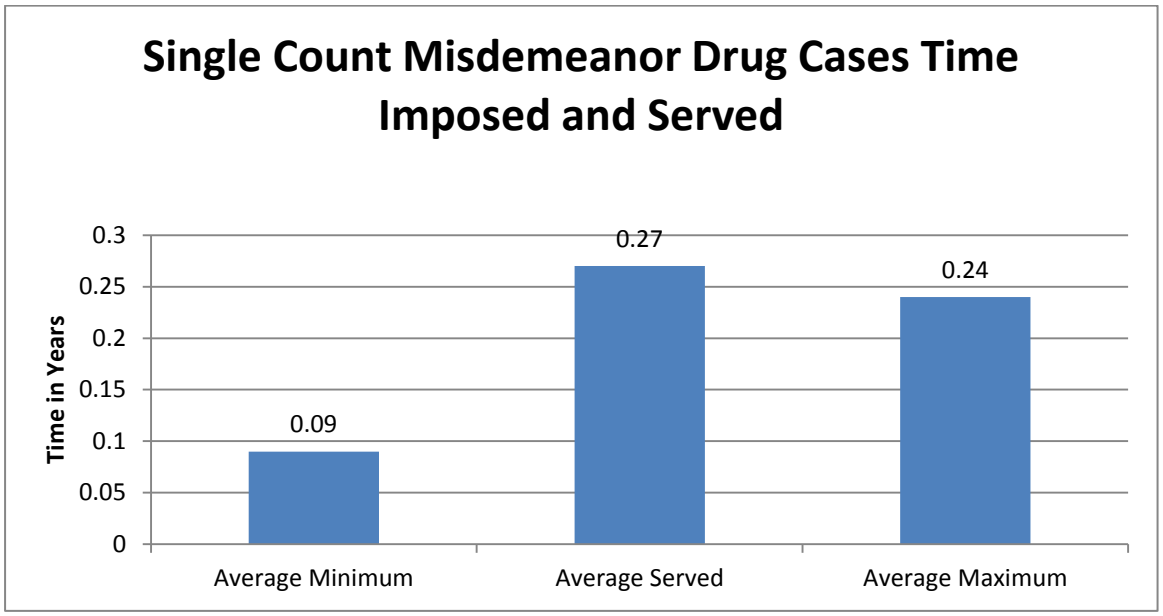
The Department of Corrections provided raw data of the custody status of individuals in monthly intervals.

Chart 18: Felony Drug Charge Time Served



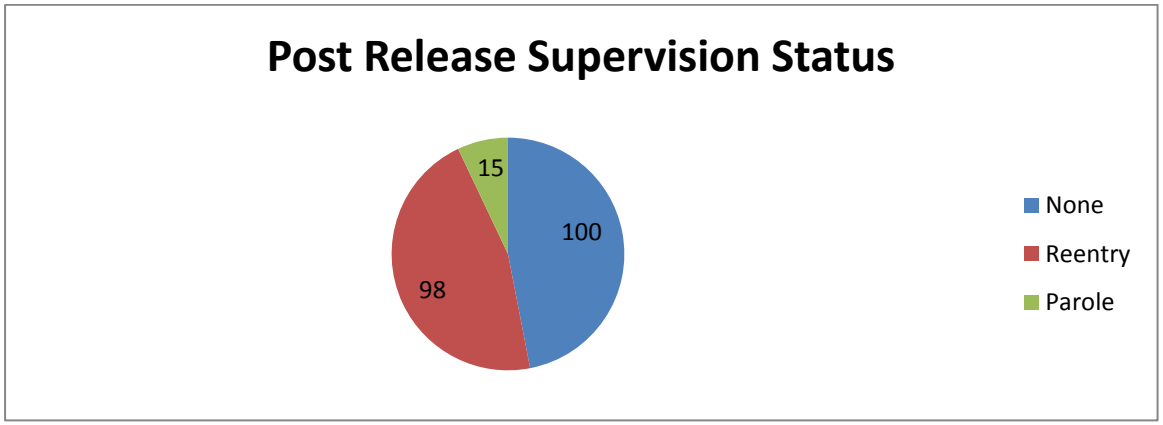
Defendants with one felony drug charge serve 48% of the minimum imposed sentence.

Chart 19: Misdemeanor Drug Charge Time Served



Defendants with one misdemeanor drug charge, on average serve 100% of the maximum sentence imposed. The discrepancy between felony and misdemeanor defendants time served may be reflecting the willingness of the defendant to participate in programming or the availability of programming inside or outside the facility.

Chart 20: Post Release Supervision



Of the 213 drug defendants sentenced to incarceration, 15 served time on parole after incarceration averaging 174 days on parole. Ninety-Eight defendants served time in a reentry program after incarceration, averaging 174 days on reentry.

2009-2012 DRUG CRIME THROUGHPUT MODEL

LAW ENFORCEMENT[2]

ARRESTS

8,175

ADJUDICATION

CASES ARRAIGNED

6,566

CONVICTIONS

3,734 Cases

CORRECTIONS[3]

FINE

1,096 Persons

DEFERRED SENTENCE

360 Persons

PROBATION

526 Persons

INTERMEDIATE SANCTION

490 Persons

SPLIT SENTENCE

306 Persons

INCARCERATED

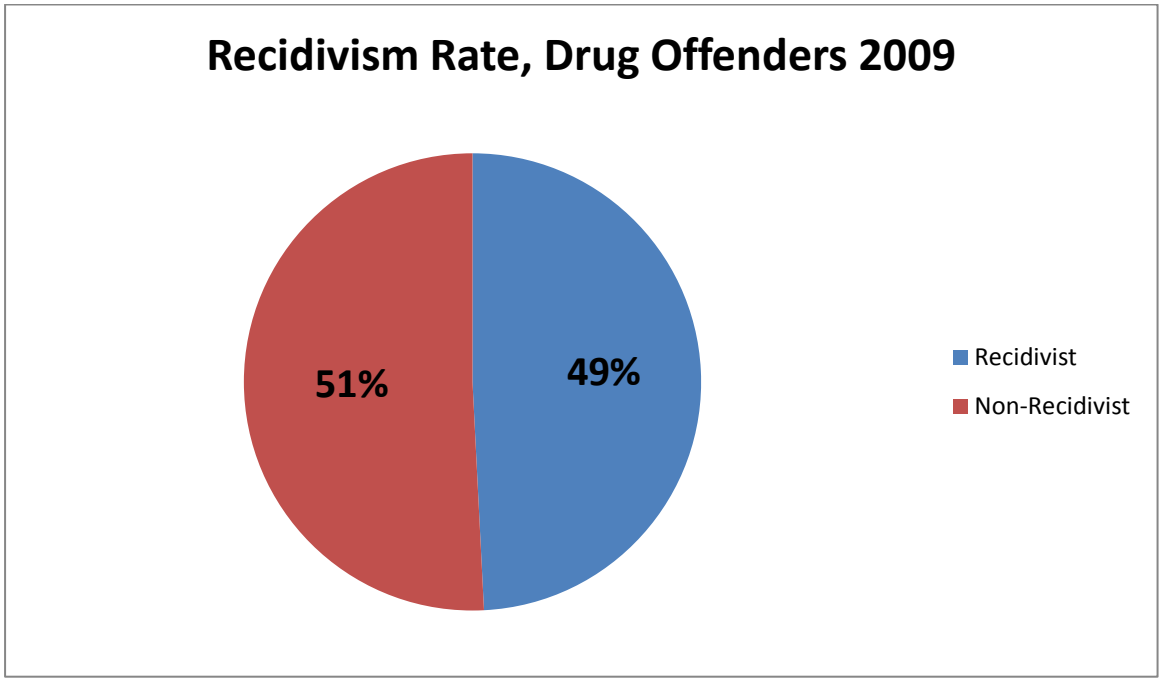
213 Persons

[2] Because of the nature of drug crime investigations, actual number of arrests may be over reported.
[3] The sentence was missing or unknowns in 19 cases.

Recidivism

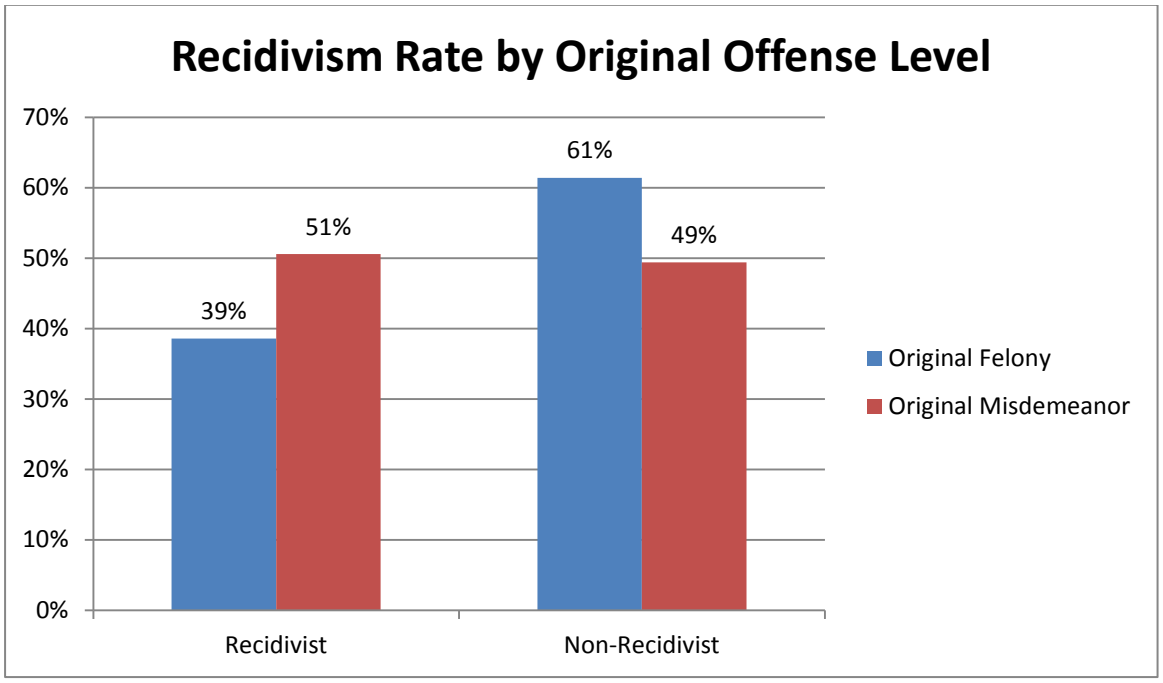
Six hundred and forty-four defendants convicted of a drug offense in 2009 were followed through August 2014 to determine the recidivism rate. Recidivism is defined as any new conviction or probation revocation after the date the defendant was eligible to recidivate.

Chart 21: Overall Recidivism Rate



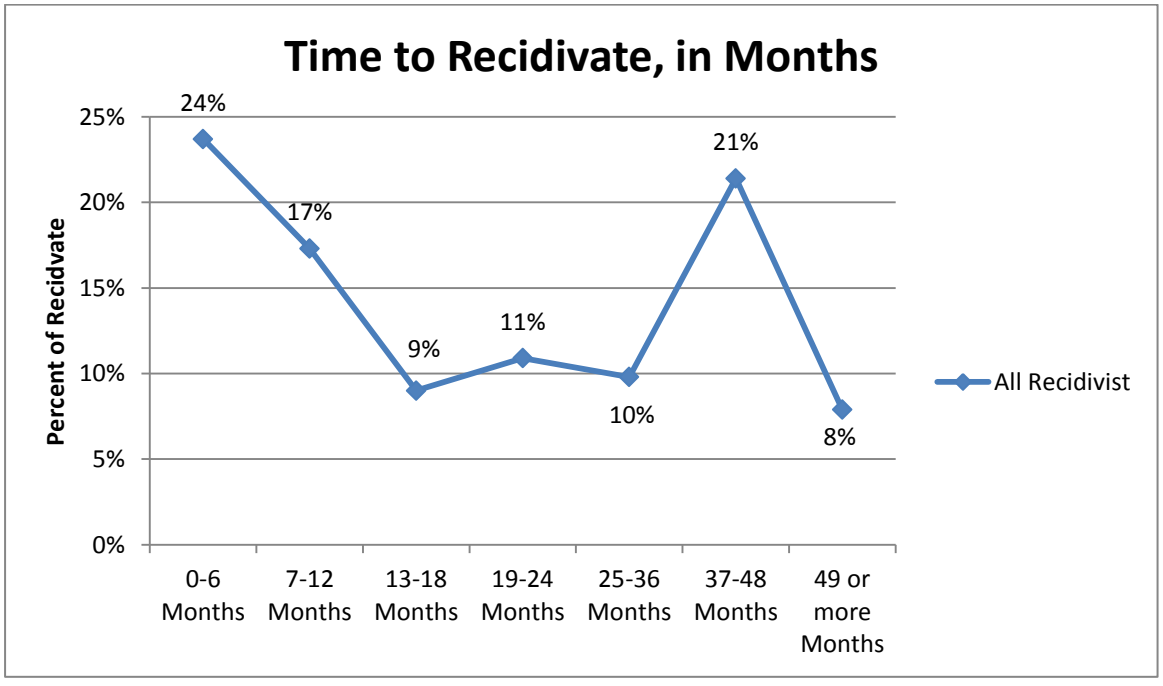
Forty-nine percent of the drug defendants committed a new offense during the study period.

Chart 22: Recidivism by Original Offense Level



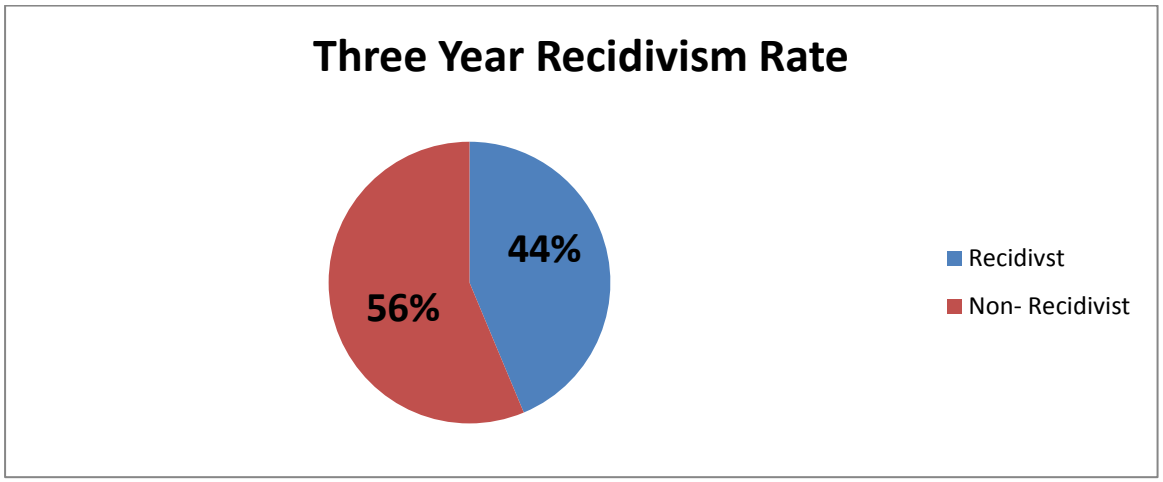
Almost 40% of felony defendants recidivated during the study period. Over 50% of misdemeanor defendants did.

Chart 23: Time to Recidivate



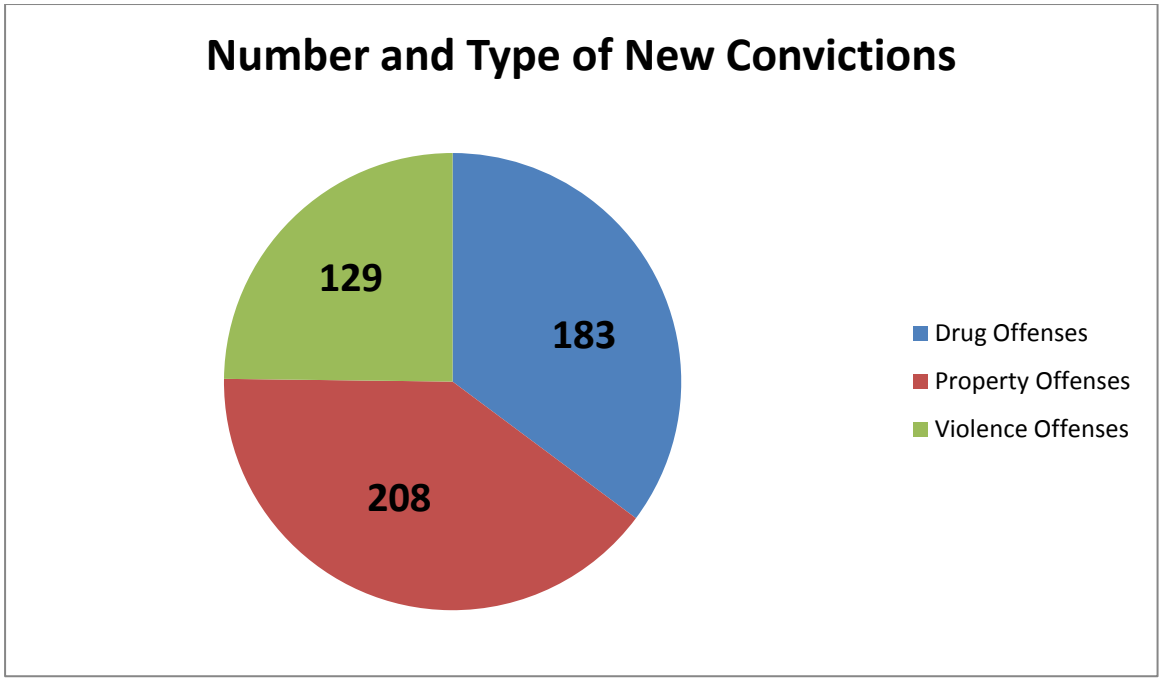
Fifty percent of recidivists committed a new offense within 18 months of being eligible to do so. The average time to recidivate was 21.48 months

Chart 24: Three Year Recidivism Rate



When followed for only three years, the recidivism rate was 44%.

Chart 25: New Offenses



The 317 recidivists averaged another 2.35 new cases resulting in a conviction. Those cases included the charges described above: 183 new convicted drug charges, 208 new convicted property crime charges and 129 new convicted charges involving crimes of violence.

Data Quality

This project illustrated several data quality issues in the major Criminal Justice Data Systems in Vermont. These issues made answering some of the questions we intended to answer difficult.

NIBRS Data:

Vermont Crime On-Line allows for researchers to download incident level data and arrestee level data. Several data quality issues were discovered during this research. Vermont Crime On-Line does not indicate the weight of the drug, only the unit of measurement. Additionally, the type of drug involved was missing in 700 cases. Because of the nature of drug investigations, multiple incidents may be cleared with the arrest of one person, thus overestimating the amount of people that were arrested. Only one incident number is followed into the court filings. Thus, if multiple incidents are cleared by one arrest, only one incident number will be associated with the filing. Because of these issues, we were not able to accurately match incidents into the court adjudication database. Determining the number of cases chosen for prosecution, and the relationship between the arrested charge and prosecuted charge was not possible.

Court Adjudication Database:

In the Court Adjudication Database, there were also data quality concerns. The data did not accurately reflect Drug Court graduates. The data also contained errors on dates of significant court events and errors on the length of sentence. The status of the defendant at pretrial was not consistently accurate and therefore prevented VCJR's ability to report on pretrial custody issues. These errors are not unique in drug charges, they are indicative of a larger data quality problem.

Department of Corrections Data:

The data provided by the Department of Corrections listed the supervisory status (Probation, Intermediate Sanctions, Detained, Sentenced, Sentenced/Detained, Parole or Reentry) for each defendant for every month the defendant is under DOC supervision. However, there is no distinction made for which case a defendant is currently under supervision. Therefore, if a defendant is sentenced concurrently or consecutively it is impossible to distinguish when the defendant is finished with one sentence or beginning another. The data provided did not distinguish what level of security a defendant served an incarcerative sentence.