

137640

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

This document has been reproduced exactly as received from the person or organization originating it. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the National Institute of Justice.

Permission to reproduce this copyrighted material has been granted by  
**Delaware Statistical Analysis  
Center**

to the National Criminal Justice Reference Service (NCJRS).

Further reproduction outside of the NCJRS system requires permission of the copyright owner.



137640



RECEIVED  
JUL 20 1992  
ACQUISITION

STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
STATISTICAL ANALYSIS CENTER  
60 THE PLAZA  
DOVER, DELAWARE 19901

10-07-03-92-06-05

TELEPHONE (302) 739-4626

June 1992

**DRUG TRAFFICKERS' CRIMINAL HISTORY PROFILE**  
Enhancement of the March 1992 Study  
"Impact of the New Drug Trafficking Law on the  
Delaware Criminal Justice System"

In July 1989, the Delaware State Senate Bill 142 (SB142) significantly toughened the State's drug trafficking law. With this change, the weight threshold for drug trafficking was reduced from 15 to 5 grams. The possession of this amount of illicit drugs is 'per se' evidence of drug trafficking. Upon conviction the minimum mandatory sentence is at least 3 years.

Prior to SB142, offenders possessing 5 grams of an illicit drug were sentenced under the drug delivery or simple possession laws. In either case, most of these offenders would have received a lighter sentence. To date, the harsher drug trafficking sentences under SB142, have resulted in nearly a +200 bed impact on the prison system. Ultimately the impact due to SB142 will surpass a need for 300 beds. Meanwhile, the indicators of the severity of illicit drugs in Delaware continue to increase. (See Delaware Drug Success Indicators, November 1991).

The publication of the March 1992 study "Impact of the New Drug Trafficking Law on the Delaware Criminal Justice System" prompted questions relating to the criminal histories of persons incarcerated for 3 year mandatory prison terms under SB142. Specifically, "Do offenders admitted to prison as drug traffickers have a criminal history profile as serious as other violent offenders"?

In this analysis a criminal history profile is provided for drug traffickers (Title 16 Section 4753A) sentenced to incarceration in 1990 and 1991. The 1990 to 1991 time period is used to limit the analysis to a period in which SB142 was fully in effect. In addition, to provide a comparison, the criminal history profile for drug traffickers is compared to the other high volume Class B Felony -- Robbery 1st Degree (Title 11 Section 832) and next most serious drug offense, Possession With the Intent to Deliver which is a Class C Felony (PWITD, Title 16 Section 4751).

**CRIMINAL HISTORY MEASURES: Arrests, Detentions, and Incarcerations**

Three measures are used to portray criminal history; prior arrests, prior detentions, and prior incarcerations. Prior arrests represent the least involvement with the criminal justice process. Prior arrests in this analysis include all recorded incidents of traffic and criminal related arrests.

Prior admissions to detention is the second measure for examining criminal history and represents a deeper involvement with the criminal justice system. Whereas arrest indicates an initial contact with law enforcement, detention measures whether the arrest was serious enough to merit booking and at least a short term stay while awaiting a bail hearing. In the more serious cases, a person can be detained until trial.

An offender being sentenced to incarceration of either jail (one year and less) or prison (greater than one year) is the third measure of criminal history and represents the deepest involvement with the criminal justice system. This level of penetration is most likely to be characterized by the conviction of a serious crime and/or a history of persistent criminal behavior.

**FINDINGS**

The table below shows a comparison of the extent of criminality in terms of incarceration for Drug Trafficking cases under SB142 compared to PWITD and Robbery 1st Degree. The measures used in this table are No Prior Incarcerations, Jail Only (a sentence of one year or less) and Prison (sentences greater than one year). Drug Traffickers show a less severe profile of incarceration than either PWITD or Robbery 1st Degree. Seventy-eight percent of the offenders admitted for drug trafficking had no prior history of incarceration, while 15 percent had been to jail and a little less than 8 percent had been to been to prison at least once.

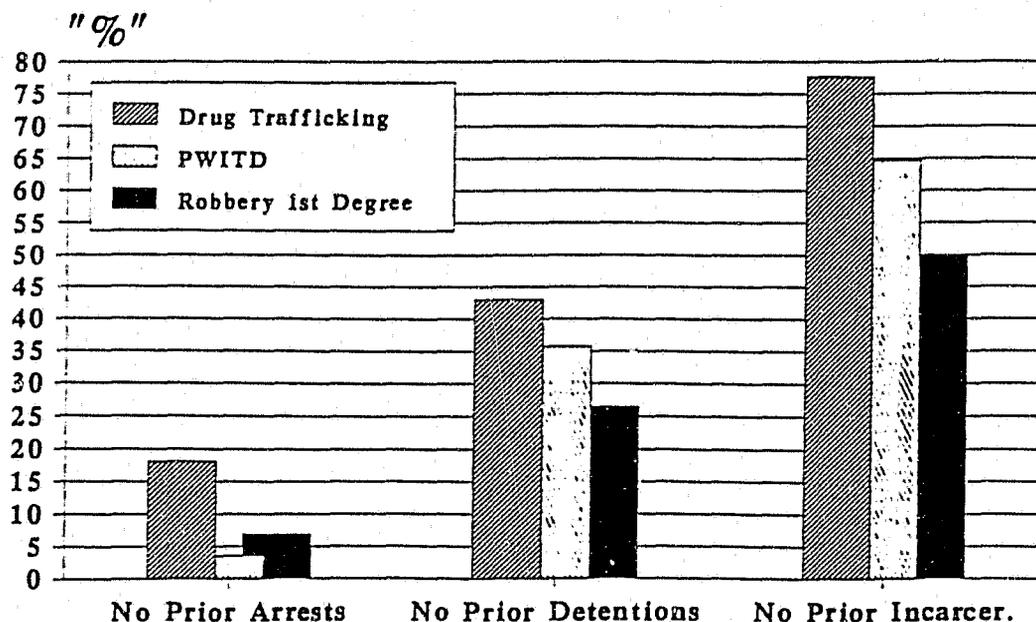
**PERCENT OF 1990 AND 1991 OFFENDERS  
AT DIFFERENT LEVELS OF INCARCERATION**

	Drug Trafficking	PWITD	Robbery 1st Degree
No Prior Incarceration	77.7%	64.7%	50.0%
Jail Only (< One YR)	14.8%	22.7%	24.5%
Prison (> One YR)	7.5%	12.6%	25.5%
Total	100.0%	100.0%	100.0%

The graph below compares Drug Trafficking cases with PWITD and Robbery 1st Degree cases in terms of the percentage of offenders that have no prior arrests, no prior detentions and no prior incarcerations. At each threshold of criminal justice involvement, drug traffickers under SB142 have a less severe criminal history pattern. Seventy-eight percent of the drug traffickers had no prior incarcerations. Forty-three had no prior history of detention, and 18 percent had no prior arrests (including traffic violations).

On the following page, extensive criminal history information is shown for Drug Trafficking, PWITD and Robbery 1st Degree. In all cases drug trafficking offenders under SB142 show a less serious criminal history profile.

**Comparison of Prior Criminal Histories  
Drug Trafficking, PWITD, and Robbery 1  
NO PRIORS**



Comparison of Selected Felony Prior Criminal History Profiles  
Arrests, Detentions, and Incarcerations  
Based on Persons Incarcerated in 1990 and 1991

Felony "B": Drug Trafficking 4753A  
265 1990 and 1991 Admissions to Jail or Prison

	PERSONS			PERCENTAGE		
	Arrests	Detentions	Incarcerations	Arrests	Detentions	Incarcerations
No Priors	48	114	206	18.1 %	43.0 %	77.7 %
Priors (Total)	217	151	59	81.9	57.0	22.3
# Priors	1	21	66	7.9	24.9	10.2
	2	14	33	5.3	12.5	7.9
	3	13	18	4.9	6.8	2.3
	4-7	50	28	18.9	10.6	1.9
	8-11	43	5	16.2	1.9	0.0
	12+	76	1	0	28.7	0.4

Felony "C": Possession With the Intent to Deliver 4751  
224 1990 and 1991 Admissions to Jail or Prison

	PERSONS			PERCENTAGE			
	Arrests	Detentions	Incarcerations	Arrests	Detentions	Incarcerations	
No Priors	8	80	145	3.6 %	35.7 %	64.7 %	
Priors (Total)	216	144	79	96.4	64.3	35.3	
# Priors	1	9	38	4.0	17.0	18.8	
	2	13	32	5.8	14.3	8.0	
	3	12	26	5.4	11.6	3.6	
	4-7	43	35	11	19.2	15.6	4.9
	8-11	39	10	0	17.4	4.5	0.0
	12+	100	3	0	44.6	1.3	0.0

Felony "B": Robbery 1st Degree  
102 1990 and 1991 Admissions to Jail or Prison

	PERSONS			PERCENTAGE			
	Arrests	Detentions	Incarcerations	Arrests	Detentions	Incarcerations	
No Priors	7	27	51	6.9 %	26.5 %	50.0 %	
Priors (Total)	95	75	51	93.1	73.5	50.0	
# Priors	1	6	24	5.9	23.5	21.6	
	2	6	13	5.9	12.7	12.7	
	3	6	11	5.9	10.8	7.8	
	4-7	15	20	8	14.7	19.6	7.8
	8-11	13	6	0	12.7	5.9	0.0
	12+	49	1	0	48.0	1.0	0.0