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Social, Demographic, and Legal Characteristics of Drug Arrests in Lexington, Kentucky

Research Report

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Introduction

The mid-1980s witnessed a sharp increase in drug use and arrests in the United States. Congress reacted swiftly by imposing strict mandatory sentencing guidelines for offenders possessing and/or selling illicit substances (especially for possession of crack cocaine). During this time, the criminal justice system experienced an influx of drug-related prison incarcerations. Increased attention to the distribution and use of illicit drugs has reshaped the composition of America's jails and state and federal correctional facilities (Tonry and Wilson 1990).

While drug use and arrests were once believed to be an urban inner-city problem, the latter 1980s and 1990s challenged this notion as drug use and arrests became widespread in urban, rural and suburban areas. Though many people would be affected by the *war* declared on drugs, none would be more affected than the minority segments of urban populations, especially young African-American males (Tonry and Wilson 1990). It seems that enforcement, and to some extent other agencies in the criminal justice system, has focused on this group of Americans. Studies have also concluded adverse effects of drug enforcement by gender. In fact, the war of drugs has been labeled, a *war on women* (Chesney-Lind 1997).

Race Differences in Drug Arrests

The criminal justice literature is replete with research and governmental reports that support a relationship between race, gender, and drug arrests. For example, Mann (1993) argues that drug use

by African-Americans, Hispanics, and Asians has been the main focus of increased law enforcement activity. She argues that ethnic and minority groups constitute targeted populations since police presence is more visible in areas where these groups reside. Tillman (1987) postulates that, while generally, females have lower arrest rates than males, African-Americans and Hispanics are disproportionately represented in all categories of arrest statistics.

Official statistics, likewise, reveal disproportionate representation by race among drug arrestees. For example, the United States Department of Health and Human Services (1994) finds that though African-Americans comprise only 13 percent of all drug users, they account for 39 percent of those arrested for drug-related crime. However, the majority are arrested for possession of drugs. The Correctional Association of New York (1994) reports that in 1989, 91 percent of those arrested for drug possession were African-American. These observations suggest that African-Americans have been arrested at alarming rates, disproportionate to their white counterparts.

Surveys conducted by the National Institute for Drug Abuse also support disparate treatment by race. These surveys indicate that African-American arrest rates have little bearing on their rates of use. Despite African-Americans and whites using marijuana and cocaine at comparable rates, the former group is five times more likely to be arrested. These surveys also reveal that from 1985 to 1989, the number of African-American arrests has doubled from 210,000 to 452,000, while white arrest rates grew by only 27 percent during the same period (Federal Bureau of Investigation, 1989).

Supporters of the disparate treatment perspective charge that an explanation for this inequality could be found in the type of drugs preferred by different racial groups. For example, despite each racial group using cocaine, those that use crack cocaine (a derivative) are arrested at much higher rates. Commentators argue that crack cocaine appears to be the drug of choice for young African-

American males. They contend that this explains the sentencing and arrest disparity African-Americans face in the justice system since those who use crack are punished more harshly than others (Tonry and Wilson, 1990).

Available research suggests that drug enforcement strategies have had a differential impact on females and minorities. Certainly, drug war strategies have been carried out at higher rates in places where minorities and low socio-economic status women reside. Part of the explanation for this is that local drug reduction strategies have concentrated on decreasing illicit drug use, trafficking, and distribution at the street level. These efforts have increased the rates at which minority groups are arrested.

Gender Differences in Drug Arrests

The Bureau of Justice Statistics reports that between 1980 and 1989 the number of females arrested for drug violations doubled. For example, in 1980, female arrestees accounted for less than 11 percent of drug arrests, however, by 1989, their drug arrest statistics increased to 20 percent (U. S. Department of Justice, 1991). Likewise, statistics reveal that prison admissions are disproportionate by gender with a higher rate of women incarcerated on drug convictions (U S. Department of Justice, 1994).

Some observers suggest that the *war on drugs* is waged against women, especially women of lower socio-economic statuses who reside in metropolitan and urban areas. The available evidence consistently shows that recent efforts to combat the use of drugs and drug offenses have differentially affected women (Chesney-Lind, 1997).

Although evidence suggests that drug enforcement differentially focuses on minorities and

women, suggesting at least a measure of bias, it seems that the over-representation of these groups can be explained by the nature of the drug problem and the police's natural reaction to it. Policing the drug war has concentrated on *deviant places* or *hot spots*. As such, deviant locations can explain, in part, the disproportionate number of minority arrests.

'Hot Spots' and Drug Enforcement Strategy

Hot spots are problem areas where crime is concentrated, or to some extent, seen as an everyday occurrence. These areas create concern for community residents as well as police agencies since they contribute to a declining quality of life, especially where drug use and sales are common. Moreover, hot spots are places where criminal behavior of all kind proliferates. They are typically characterized as being low-income neighborhoods that are occupied by young minorities with violent and property offenses being everyday occurrences. Further, they are places where law enforcement activities are concentrated. For example, in his early work on "hot spots" in Minneapolis, Sherman (1987) presents a crime control strategy to deal with the problem. He maintains that crime problems and service calls could be drastically reduced if proactive police work is employed. Sherman finds that by placing small units of police officers in problem areas, crime and the number of service calls to the police would invariably be reduced. Similarly, Barlow (1990) found a substantial decline in the numbers of reported crime as the result of assigning security guards to selected areas (hot spots) of a housing complex disproportionately occupied by young minority women.

Roncek and Maier (1991) argue that routine activities or lifestyle determines which establishments, communities, or locations will become hot spots for criminal activity. They argue that when people congregate in public areas or certain commercial establishments, there is an

increase in the probability that criminal offenders will be present. Criminals tend to be attracted to specific types of physical locations. Likewise, Sherman observes that a disproportionate number of service calls were from apartment buildings, grocery stores, and bars. The common thread linking these areas together is that they are public places where people congregate. This is especially true for poor young minorities who generally have limited recreational opportunities. Therefore, routine activities could increase the opportunity for criminal behavior. Police departments tend to target these hot spots because of an increased number of citizen complaints regarding criminal activities. Police efforts tend to escalate in lower income communities across America, as the police engage in problem solving and hot spot enforcement.

The Present Research

The data collected for this research includes all crime reports for drug violations for 1996 within the Lexington-Fayette Urban County Division of Police, Lexington, Kentucky. These arrest data represent 930 drug violation case summaries. The crime data sheets include information on offender characteristics (i.e., age, sex, and race), specific charges, seriousness of charges (i.e., felony or misdemeanor), circumstances of arrest, asset forfeiture information, police personnel information, and arrest location. Additionally, data were collected reflecting the average family income by arrest location.

The descriptive analysis contained in the research observes race, gender, and characteristics of drug arrest location, legal characteristics (i.e., type and seriousness of charge), and police activity by beat area. Further analysis considers the relationships between race, gender, location circumstances of arrest, and type of drug charge.

Age, Race, Gender, and Location Characteristics

Table 1 presents the characteristics of individuals arrested on drug charges in 1996. Young adults aged 22 to 32 are represented more than any other age group. The youngest age group (16-21) and second oldest group (33-39) are almost equally represented at 21.5 and 22.2 percents respectively. The oldest age group, persons 40 to 63 years old, represent only 15 percent of those arrested. Thus, contrary to popular opinion, the drug problem is not necessarily a youth problem.

African-Americans are disproportionately represented in the arrest data at 36.2 percent. The African-American population for Lexington, Kentucky is approximately 11 percent. This figure is consistent with arrest and criminal justice data generally. Hispanics are represented at 2.1 percent, and whites are under-represented at 61.4 percent. Less than 1 percent (.3%) of the arrests for drug violations in 1996 involved persons other than African-American, Hispanic, or white. The arrest data also reveals that 85.1 percent of the arrestees are males, and the remaining 14.9 percent are females.

Census data were examined for each beat. Fortunately, police patrol beats were congruent with census tracts which enabled the researchers to make broad judgements about the economic levels of arrestees. The data reveal that arrestees from middle income areas (\$25,000 to \$39,999) are responsible for more than half (56.8%) of all drug arrests. Beat areas with a medium income less than \$25,000 represent one-third (33.5%) of arrests, and the highest income area (over \$40,000) is present at 9.7 percent. The relatively higher representation of the medium income group in the arrest data suggests that drug enforcement may be more equally distributed by social class in Lexington, Kentucky than on the national level. It seems that the Lexington Police Department has approached the problem in an unbiased or objective manner.

Drug Arrest Characteristics

Legal characteristics of the Lexington drug data are presented in Table 2. These data reflect that over two-thirds (70.7%) of all drug arrests are for misdemeanor offenses, and the remaining 29.3 percent are felony arrests. Therefore, the vast majority of arrests are for less serious offenses involving marijuana (54.2%) and paraphernalia (14.0) possession. Other specific charges include: crack trafficking (11.1%); crack possession (7.4%); marijuana trafficking (5.1%); cocaine possession; and possession of a controlled substance other than an illicit drug (1.7%). Controlled substance trafficking, possession of prescription drugs without a container, cultivating marijuana, and other miscellaneous drug violations represent less than 1 percent for each category.

Drug arrest data reveal that the vast majority of these arrests are made by patrol. Patrol arrests reflect 86.7 percent of all apprehensions. Warrants are represented in the arrest data at 17.3 percent, and sting or undercover operations by narcotics officers reflect only 8.6 percent of these occurrences. These data indicate that the Lexington Police Department has involved a variety of operational units in its drug enforcement.

Additional legal characteristics of the arrest data reveal that in 39.9 percent of cases, two drug violations were filed. Multiple drug charges are filed in only 6.3 percent of cases. Approximately 24 percent of drug arrests involve violations for non-drug related crimes. The use of alcohol is represented in 28.3 percent of arrests, and asset forfeiture is recorded in 11.1 percent of occurrences. These data are also indicative of enhanced enforcement.

Minority Status and Circumstances of Arrest

Table 3 presents cross tabulations observing minority status by the circumstances of arrest.

These data reveal that white arrestees are more likely to be apprehended by patrolman. Although the majority of both minorities and whites were arrested in this manner, minorities at 76.1 percent and whites at 93.1 percent, minorities are twice as likely to be arrested by warrant (25.3% versus 12.3%) and nearly six times as likely to be apprehended during sting operations (17.6% versus 3.0%).

These data suggest that whites are routinely arrested for drug offenses during patrol, while minorities have higher probability of being arrested on a warrant or during undercover or sting operations. The disproportionate presence of minorities in warrant and sting operations indicate, once again, that the police are focusing on hot spots or problem areas.

Gender Status and Circumstances of Arrest

Table 4 presents an analysis of gender status by circumstances of arrest. Minority status and gender status reveals similar patterns. In this sense, males are more likely to be arrested by a routine patrol occurrence (in 87.8% of cases), and females slightly less likely (at 80.5%). As with minority status, the inverse observation is made when observing rates of arrest by warrant and sting operations. Females, like minorities, reveal a higher rate of both warrant and undercover arrests. Warrant arrests represent 22.6 percent of all female arrests and only 16.4 percent of male arrests. Likewise, sting operation arrests account for 10.2 percent of all female arrests and 8.2 percent of the male arrests. However, these percentages in the case for females do not suggest statistically significant, cross tabular relationships.

Medium Income and Circumstances of Arrest

The analysis in Table 5 presents the circumstances of arrest by the medium income of police beat areas. Literature has consistently shown that economically strained areas have higher rates of arrest for most crimes. These arrest data suggest that the lowest income category (below \$25,000) has significantly lower rates of arrest (83.4%) for routine patrol occurrences than either the medium income (87.3%) or highest income group (97.8%). Arrests by warrant are more likely to occur in medium (19.1%) and low income areas (17.5%).

Warrant arrests represent only 4.5 percent of all drug arrests in the highest income area. Sting operations disproportionately affect both medium and low income areas. In fact, no sting operations are reported in the highest income areas, while sting operations represent 12.4 and 7.2 percents respectively of all drug arrests in the low and medium income areas. This observation supports the contention that street-level drug use strategy impacts lower socio-economic areas more so than higher ones. In this sense, concentrated efforts to decrease drug use and trafficking differentially affects lower economic class individuals. However, since patrol related enforcement appears to focus on other areas, targeted enforcement of stings and obtaining warrants seems to coincide with problem solving and hot spots.

Race, Gender, Income and Type of Drug Charge

Table 6 reveals the race, gender, and income level characteristics of persons represented in the arrest data. One of the most common charges for both whites and minorities is marijuana possession. Approximately one-third (32.9%) of all minorities are arrested for marijuana possession; the white representation among marijuana possession arrestees is higher at 69.6 percent. However,

minority arrests for drug trafficking represents the highest percentage of cases in this category at 33.1 percent of the total. With the exception of marijuana possession and possession of a controlled substance other than an illicit drug, minorities are disproportionately represented in all drug arrests.

Again, marijuana possession is the most likely arrest charge by gender with 57.3 percent of males and 43.9 percent of females being represented. Generally, crime is considered a male-dominated phenomenon, however, women have higher rates of arrest for paraphernalia possession (15.9% versus 14.0%), crack possession (12.9% versus 6.6%), and drug trafficking (22.7% versus 16.4%). As with race, gender status is linked to arrests involving the minor offense of paraphernalia possession, and the street-level offenses of crack possession and drug trafficking.

Conclusion

In 1995, drug violations represented only 8.0 percent of all arrests within the Lexington-Fayette Urban County Division of Police jurisdiction. One important finding suggests that drug enforcement in Lexington, Kentucky, though concentrated around lower income areas, is spread across more medium income areas than national data suggest. This may demonstrate that the Lexington Urban County Division of Police embraces a more comprehensive drug enforcement strategy. However, drug enforcement is still primarily concentrated in economically disadvantaged areas. Therefore, the Lexington, Kentucky arrest data both compares with and contradicts other research observing drug arrests.

Consistent with previous findings, minorities are disproportionately represented in drug arrests, at almost three times their population percentage. Females are arrested more for minor offenses and street-level drug activity. While efforts to conduct drug enforcement by routine patrol is fairly

evenly distributed across minorities, whites, and both genders alike, warrant arrests and proactive undercover operations appear to have differential effects by race and gender, with minorities and females at the focal point. As some critics have observed, the minority use and trafficking of crack may explain more selective enforcement initiatives in areas where these citizens reside.

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Table 1. Demographic Characteristics of Arrestees

	<u>Number</u>	<u>Percentage</u>
Age:		
16-21	196	21.5
22-32	377	41.3
33-39	203	22.2
40-63	137	15.0
Race:		
African-American	336	36.2
Hispanic	19	2.1
White	570	61.4
Other	3	.3
Sex:		
Male	790	85.1
Female	138	14.9
Beat Income Average:		
Below 24k	309	33.5
25k-39k	525	56.8
40k-60k	90	9.7

Note: Percentages represent valid ones. Beat income average represents the medium family income of arrest areas (police beats).

Table 2. Legal Characteristics of Arrestees

	<u>Number</u>	<u>Percentage</u>
Charge Seriousness:		
Felony	272	29.3
Misdemeanor	655	70.7
Charge Type:		
Marijuana Possession	499	54.2
Paraphernalia	129	14.0
Cocaine Trafficking (Crack)	102	11.1
Possession of Cocaine (Crack)	68	7.4
Marijuana Trafficking	47	5.1
Possession of Cocaine	30	3.3
Possession of a Controlled Other Than Illicit Drugs	16	1.7
Controlled/ Subst. Trafficking	8	.9
Prescription without Container	8	.9
Miscellaneous	7	.8
Cultivating Marijuana	4	.4
Circumstances of Arrest:		
Patrol Occurrence	788	86.7
Warrant	159	17.3
Sting Operation	77	8.6
Other Crime Characteristics:		
2 Drug Arrests	371	39.9
3 Drug Arrests	59	6.3
Arrested for Crimes non-drug related	218	24.1
Asset Forfeiture	101	11.1
Alcohol Involved	256	28.3

Note: Percentages represent valid ones. In the circumstances of arrest category, there is overlap due to incidents where warrants were obtained or were outstanding.

Table 3. Minority Status and Circumstances of Arrest (Percentages)

	<u>Patrol Occurrence*</u>	<u>Warrant Arrest*</u>	<u>Sting Operation*</u>
Minority	76.1	25.5	17.6
White	93.1	12.3	3.0

Notes: All percentages are valid ones and represent by category the portion of each group and circumstance of arrest. Asterisks () represent chi-square significance at the .05 level.*

Table 4. Gender Status and Circumstances of Arrest (Percentages)

	<u>Patrol Occurrence*</u>	<u>Warrant Arrest</u>	<u>Sting Operation</u>
Male	87.8	16.4	8.2
Female	80.5	22.6	10.2

Notes: All percentages are valid ones and represent by category the portion of each group and circumstance of arrest. Asterisk () represent chi-square significance at the .05 level.*

Table 5. Beat Area Medium Income and Circumstances of Arrest (Percentages)

	<u>Patrol Occurrence*</u>	<u>Warrant Arrest*</u>	<u>Sting Operation*</u>
Below 25k	83.4	17.5	12.4
25k-39k	87.3	19.1	7.2
40k-60k	97.8	4.5	0.0

Notes: All percentages are valid ones and represent by category the portion of each group and circumstance of arrest. Asterisks () represent chi-square significance at the .05 level.*

Table 6. Race, Sex, Beat Area Medium Income and Type of Drug Charge (Percentages)

	<u>paraphernalia</u>	<u>marijuana possession</u>	<u>controlled substance possession</u>	<u>possession of cocaine</u>	<u>possession of crack</u>	<u>drug trafficking</u>
Race*:						
Minority	16.6	32.9	.9	4.0	12.3	33.1
White	12.9	69.6	2.4	2.9	4.5	7.2
Sex*:						
Male	14.0	57.3	1.8	3.5	6.6	16.4
Female	15.9	43.9	1.5	2.3	12.9	22.7
Income Category*:						
Below 25k	16.7	50.2	1.0	3.0	8.4	20.4
25k-39k	13.9	55.4	2.0	3.3	8.4	16.3
40k-63k	8.9	74.4	3.3	3.3	0.0	10.0

Notes: All percentages are valid ones and represent by category the portion of each group and type of drug charge. Asterisks () represent chi-square significance at the .05 level.*

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