

67841



The Commonwealth of Massachusetts

Commissioner of Probation

206 New Court House, Boston 02108

NCJRS

APR 25 1980

NEWS RELEASE

ACQUISITIONS

April 14, 1980

FOR RELEASE, ON OR AFTER
Sunday, April 20, 1980

For further information contact:

Joseph P. Foley, Commissioner of Probation, 617-727-5300; Marge Brown Roy, Director of Research, 617-727-8484; or the Chief Probation Officer in your local district or juvenile court.

MARIJUANA DEFENDANTS HAVE "LESS SERIOUS" CRIMINAL RECORDS THAN HEROIN DEFENDANTS, PROBATION STUDY FINDS

Persons charged with use or sale of marijuana have less serious previous criminal records than people charged with use or sale of heroin, according to a research report issued by the Office of the Commissioner of Probation.

"Nearly 9 out of 10 heroin defendants had a previous conviction for a drug crime, compared to less than one-third of the marijuana defendants," reported Probation Commissioner Joseph P. Foley.

Among the heroin defendants who had prior drug convictions, about one-quarter (28%) had previously been convicted of a marijuana-related offense, which points to a weak relationship between marijuana convictions and later heroin convictions.

Age Differences Found

The defendants charged with use or sale of heroin were substantially older than those charged with marijuana possession or sale. While 63% of the heroin defendants were 26 years of age or older, only 16% of those charged with marijuana offenses were over 25.

Juveniles accounted for one out of 25 heroin defendants, compared to one in 5 of the marijuana defendants.

The Probation study also computed the percent of heroin and marijuana defendants who were "first offenders"; that is, persons having no prior criminal or delinquency record. While 36% of those charged with use or sale of marijuana had no prior record, only 14% of those charged with heroin-related crimes were "first offenders."

Heroin Defendants Have More Prior Assaultive Offenses

"Nearly half (45%) of the heroin defendants had previously been convicted of a crime against persons, compared to less than 20% of the marijuana defendants. This indicates that heroin defendants may have more serious histories of assaultive behavior than those charged with use or sale of marijuana," Commissioner Foley said.

Property crimes were also more common in the criminal histories of heroin defendants, with 61% having previously been convicted of a property crime, compared to 39% of the marijuana defendants.

Diversity of Prior Crimes

When the Probation study examined the extent to which the marijuana and heroin defendants showed diversity in prior criminal convictions, heroin defendants were found to have greater diversity. That is, an aggregate of those charged with possession or distribution of heroin had prior convictions in three of six basic crime categories (crimes against persons, crimes against property, public order crimes, non-assaultive sex crimes, major motor vehicle violations, and drug offenses), while an aggregate of those charged with marijuana-related offenses had prior convictions in less than two of the six categories.

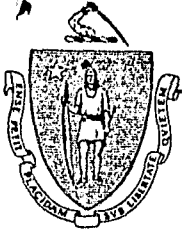
Prior Commitments

Nearly one-third of the persons charged with use or sale of heroin had previously been committed to a correctional facility, compared to only one out of twelve people charged with marijuana offenses. "The

higher incarceration rate of heroin defendants is indicative of the seriousness of their prior crimes," according to Commissioner Foley.

In every measure tested, the Probation study found that people charged with heroin-related crimes showed more serious prior criminal behavior than those people who were charged with marijuana offenses.

The Office of the Commissioner of Probation publishes crime and delinquency research about a wide range of topics of current interest. Copies of this study are available free of charge through the Research Unit, Office of the Commissioner of Probation, 211 New Court House, Boston, Mass. 02108 (617-727-8484).



The Commonwealth of Massachusetts

Commissioner of Probation

206 New Court House, Boston 02108

DRUG DEFENDANTS IN MASSACHUSETTS:

A COMPARISON OF CLASS A & CLASS D DEFENDANTS

Joseph P. Foley
Commissioner

Prepared by:

Marjorie Brown Roy
Director of Research

Anne Derrane
Research Analyst

April 14, 1980

DRUG DEFENDANTS IN MASSACHUSETTS:

A COMPARISON OF CLASS A & CLASS D DEFENDANTS

Introduction

Since 1974, the Office of the Commissioner of Probation has analyzed court appearance records of drug defendants in Massachusetts. Reports of annual shifts in age of drug defendants, drug classes, simultaneous offenses and geographical distributions have been published by the Research Unit of the Office of the Commissioner of Probation.

This report took that aggregate data a step further, comparing the prior criminal histories of defendants charged with two drug classes: to assess what differences exist, if any, between the prior criminal behavior of persons charged with the two drug classes.

The specific hypothesis was: Class A and Class D defendants have significantly different criminal/delinquency histories in terms of:

- * age
- * percent who are first offenders
- * diversity of prior convictions
- * type of prior convictions
- * prior commitments

The Class A and Class D defendants who were included in this 1980 report will be followed for one year to assess: conviction rates, sentencing patterns and recidivism for subsequent drug offenses. That report will be available by April 1, 1981.

Method

Court appearance records are submitted to the Office of the Commissioner of Probation by statewide probation offices every day, with information about new charges, the status of continued cases and dispositional information. These court appearance records reflect criminal and delinquency cases heard statewide on the previous day.

The sample for this study included all Class A and all Class D defendants who were arraigned statewide during the four sample weeks in 1979: January 24-28, April 23-27, July 23-27 and October 15-19.

A total of 56 people were charged with Class A offenses, while 792 were charged with Class D offenses. All these defendants were included in this study.

Data regarding the prior criminal and delinquency records of these 848 drug defendants were obtained from the Probation Central File (PCF) at the Office of the Commissioner of Probation. The PCF contains over 6 million court appearance records dating back to 1924.

Findings

The following is the frequency distribution of all Class A and Class D defendants whose records were received by the Office of the Commissioner of Probation during the four sample weeks of 1979.

TABLE I - DISTRIBUTION OF DEFENDANTS BY DRUG OFFENSE

	<u>Charged with Distribution</u>	<u>Charged with Possession</u>	<u>Total</u>
Class A	33	23	56
Class D	<u>149</u>	<u>643</u>	<u>792</u>
TOTAL	<u>182</u>	<u>666</u>	<u>848</u>

The criminal/delinquency records of these 848 persons were reviewed and coded for the following variables:

- * age at arraignment
- * no prior criminal/delinquency record
- * prior commitments
- * prior convictions for crimes against persons, property, drugs, non-assaultive sex offenses, motor vehicle violations, public order crimes.

The purpose of this Drug Study was to assess differences, if any, between the criminal histories of persons charged with Class A and Class D offenses. Specifically: do people charged with Class A offenses have more prior commitments and more convictions for drug offenses and crimes against persons than persons charged with Class D offenses?

Class A/D Defendants by Age

The age distribution of the Class A versus Class D defendants showed a substantially different pattern. While 62.50% of the Class A defendants were 26 years of age or older, only 15.78% of the Class D defendants were 26+ years of age.

Conversely, juveniles (under 17 years) accounted for 1.79% of those charged with Class A offenses, while they represented 19.32% of the Class D defendants.

TABLE II - CLASS A/D DEFENDANTS, BY AGE

	<u>Juveniles (under 17)</u>	<u>Young Adults (17-25 yrs.)</u>	<u>Adults (26+ yrs.)</u>	<u>Total</u>
Class A	1 (1.79%)	20 (35.71%)	35 (62.50%)	56 (100.0%)
Class D	153 (19.32%)	514 (64.90%)	125 (15.78%)	792 (100.0%)

When the age distribution was further refined based on the type of drug offense (distribution versus possession), further differences were found. (see Table III)

TABLE III - CLASS A/D DEFENDANTS, BY AGE AND TYPE OF OFFENSE

	<u>Juveniles</u> (under 17)	<u>Young Adults</u> (17-25 yrs.)	<u>Adults</u> (26+ yrs.)	<u>Total</u>
<u>Class A</u>				
possession	1 (4.35%)	10 (43.48%)	12 (52.17%)	23 (100%)
distribution	0 (0.00%)	10 (30.00%)	23 (70.00%)	33 (100%)
<u>Class D</u>				
possession	124 (19.29%)	435 (67.65%)	84 (13.06%)	643 (100%)
distribution	29 (19.46%)	79 (53.02%)	41 (27.52%)	149 (100%)

Among the distributors of Class A drugs, 30% were 17-15 years of age and 70% were over 26. The age pattern shifted toward the younger group slightly for those charged with possession of Class A drugs: 4.35% were juveniles, 43.48% were young adults and 52.17% were adults over 25 years old.

Among the distributors of Class D drugs, 19.46% were juveniles, 53.02% were young adults and 27.52% were adults over 25. Persons charged with possession of Class D drugs showed the following age distribution: 19.29% were juveniles, 67.65% were young adults and 13.06% were adults over 25.

The data seems to support the theory that persons charged with Class A drugs (both those charged with distribution and possession) are older than those charged with either category of Class D drugs. Age appears to be linked more strongly with the class of drug than it is related to differences between those using or selling drugs. Few juveniles were charged with possession or distribution of Class A drugs, while nearly one out of 5 people charged with either possession or distribution of Class D drugs was a juvenile.

First Offenders

The data showed significant differences in the percent of defendants who were first offenders, based on the two different drug classes. While only 9.09% of the persons charged with distribution of Class A drugs were first offenders (that is, no prior convictions), 21.74% of those charged with possession of Class A drugs had no prior criminal or delinquency record.

Among persons charged with distribution of Class D drugs, 31.54% were first offenders. Those charged with possession of Class D drugs showed the highest percentage of no prior convictions: 37.33% had no prior record.

This data indicates that persons charged with Class A offenses have a history of criminal behavior, with one out of seven Class A defendants being first offenders. Class D defendants were more often arraigned for the first time, with 2.6 out of seven Class A defendants having no prior criminal or delinquency record.

TABLE IV - DEFENDANTS WITH NO PRIOR CONVICTIONS

	<u># Defendants</u>	<u># With No Prior Convictions</u>	<u>% With No Prior Convictions</u>
Class A Distributors	33	3	9.09%
Class A Possession	23	5	21.47%
Class D Distributors	149	47	31.54%
Class D Possession	643	240	37.33%

Diversity of Prior Convictions

In analyzing the incidence of prior convictions, significant differences were found in the diversity of prior criminal/delinquency behavior between the two classes of drug defendants.

TABLE V - PRIOR CONVICTIONS IN MULTIPLE CRIME CATEGORIES

<u>Drug Class & Type</u>		
Class A, Distributors	3.18	3.08
Class A, Possession	2.96	
Class D, Distributors	1.96	1.68
Class D, Possession	1.61	

Analysis of the incidence of prior convictions reflected more diverse criminal behavior among Class A defendants. While the average Class A defendant had prior convictions in more than three different categories of crimes (crimes against persons, crimes against property, major motor vehicle violations, public order crimes, drug crimes and non-assaultive sex offenses), Class D defendants showed an average of less than two categories, indicating less criminal diversity.

In further refining the data, persons charged with distribution of Class A drugs had the greatest diversity of prior criminal behavior (3.18 categories of crime), while persons charged with possession of Class D drugs showed the least diversity (prior convictions in 1.61 crime categories).

Type of Prior Offenses

The data in Table VI indicates the crime categories in which the defendants had prior convictions. Significant differences were found between Class A and Class D defendants in all crime categories.

In terms of prior convictions for drug offenses, 87.88% of the defendants charged with distribution of Class A drugs had a prior conviction for a drug offense: 73.91% of those charged with possession of Class A drugs had a prior drug conviction.

Less than half (47.65%) of the defendants charged with distribution of Class D drugs had a prior drug conviction, while one-third (33.13%) of those charged with possession of Class D drugs had a prior drug conviction.

In an effort to assess the linkage between Class A and Class D drugs, the prior drug records of Class A defendants were examined. Of those charged with distribution of Class A drugs, 31.03% had a prior conviction for a Class D drug; 23.53% of those charged with possession of Class A drugs had a prior Class D drug conviction. This data shows only a weak relationship between Class A crimes and previous convictions for Class D drug offenses.

TABLE VI - DISTRIBUTION OF PRIOR CONVICTIONS

	<u>Drug</u>	<u>- P R I O R C O N V I C T I O N S -</u>				<u>Public Order</u>
		<u>Agnst. Persons</u>	<u>Agnst. Propty.</u>	<u>Sex</u>	<u>MMV</u>	
Class A Distrib	87.88%	45.45%	57.58%	12.12%	60.61%	54.55%
Class A Possess	73.91%	43.48%	65.22%	4.35%	56.52%	52.17%
Class D Distrib	47.65%	22.82%	45.64%	3.36%	37.58%	39.60%
Class D Possess	33.13%	17.88%	36.86%	1.71%	33.44%	38.88%

Table VI data also shows significant differences in the prior history of violent interpersonal behavior. While 45.45% of those charged with distribution of Class A drugs had a previous conviction for a crime against persons, (nearly half), only 22.82% of those charged with distributing Class D drugs had a prior conviction for an assaultive offense. Similarly, those charged with possession of Class A drugs showed 43.48% had a prior conviction for a crime against persons, compared to 17.88% of those charged with possession of Class D drugs.

Property crimes also showed Class A defendants to have a higher incidence of prior convictions than Class D defendants. While 65.22% of those charged with possession of Class A drugs had a previous conviction for a crime against property, 36.86% of the defendants charged with possession of Class D drugs had a prior conviction for property crimes.

Similar patterns were also found for non-assaultive (commercial) sex crimes, major motor vehicle offenses, and public order violations. In all offense categories, those charged with Class D drug crimes had a higher incidence of prior convictions than those charged with Class D drug crimes.

Summary

This data supports the hypothesis that the criminal/delinquency histories of Class A and Class D drug defendants are significantly different. People charged with selling (or using) Class A drugs typically had more serious prior records than those selling (or using) Class D drugs.

This analysis has shown that Class A defendants are older (63% were over 26 years of age) than Class D defendants, with only a small percentage (14%) of Class A defendants being "first offenders". About one-third (32.14%) of the Class A defendants had previously been committed to a correctional facility.

Nearly 9 out of 10 (87.88%) had a prior conviction for a drug offense, while nearly half (45.45%) had previously been convicted for a crime against persons. Class A defendants showed diversity in the type of prior criminal/delinquency behavior, with previous convictions in more than three different offense categories.

Class D defendants were found to be largely (85%) under 26 years of age, with 32% being "first offenders". Less than one out of 10 (8.33%) had previously been committed to a correctional facility. One out of three (33.13%) had a prior conviction for a drug offense, while less than one out of five (17.88%) had previously been convicted of a crime against persons.

Class D defendants showed less diversity in their prior criminal behavior, with previous convictions in less than two (1.68) crime categories.

In every measure tested, persons charged with Class A drug crimes showed more serious prior criminal behavior than those charged with Class D drug crimes.

CLASS "A" - HEROIN - Distributors

Quarterly Total No. All Classes Distributor Defendants	Quarterly Sample Week	Juveniles (to 17 yrs)	Young Adults (17-25)	Adults (25/over)	TOTAL	No Prior Record	Adult with Prior Juv. Record	Drugs	Against Person	Against Property	Sex	Motor Vehicle	Public Order	Had Prior Comm'ts	Total All Drug Defendants
110 (19%)	January-1979 24-28	-	8 (38%)	13 (62%)	21	2 (10%)	-	19 (90%)	9 (43%)	12 (57%)	3 (14%)	14 (67%)	11 (52%)	6 (28%)	337 (6%)
86 (44%)	April - 1979 23-27	-	-	3 (100%)	3	1 (33%)	-	2 (67%)	1 (33%)	2 (67%)	-	1 (33%)	2 (67%)	1 (33%)	332 (1%)
75 (7%)	July - 1979 23-27	-	2 (40%)	3 (60%)	5	-	1 (20%)	4 (80%)	4 (80%)	3 (60%)	1 (33%)	4 (80%)	3 (60%)	3 (60%)	323 (2%)
76 (5%)	October-1979 15-19	-	-	4 (100%)	4	-	-	4 (100%)	1 (25%)	2 (50%)	-	1 (25%)	2 (50%)	-	337 (1%)
347	TOTALS		10	23	33	3	1	29	15	19	4	20	18	10	1,329

CLASS "A" - HEROIN - Possession

Quarterly Total No. All Classes Possession Defendants	Quarterly Sample Week	Juveniles (to 17 yrs)	Young Adults (17-25)	Adults (25/over)	TOTAL	No Prior Record	Adult with Prior Juv. Record	Drugs	Against Person	Against Property	Sex	Motor Vehicle	Public Order	Had Prior Comm'ts	Total All Drug Defendants
211 (6%)	January-1979 24-28	1 (8%)	9 (69%)	3 (23%)	13	1 (8%)	3 (23%)	12 (92%)	8 (62%)	10 (77%)	1 (8%)	8 (62%)	10 (77%)	5 (38%)	337 (4%)
234 (1%)	April -1979 23-27	-	-	3 (100%)	3	2 (66%)	1 (33%)	1 (33%)	1 (33%)	1 (33%)	-	1 (33%)	1 (33%)	1 (33%)	332 (1%)
226 (1%)	July -1979 23-27	-	-	2 (100%)	2	-	-	2 (100%)	-	1 (50%)	-	2 (100%)	-	1 (50%)	323 (1%)
252 (2%)	October-1979 15-19	-	1 (20%)	4 (80%)	5	2 (40%)	1 (20%)	2 (40%)	1 (20%)	3 (60%)	-	2 (40%)	1 (20%)	1 (20%)	337 (2%)
923	TOTALS	1	10	12	23	5	5	17	10	15	1	13	12	8	1,329

CLASS "D" - MARIJUANA - Distributors

Quarterly Total No. All Classes Distributor Defendants	Quarterly Sample Week	Juveniles (to 17 yrs)	Young Adults (17-25)	Adults (25/over)	TOTAL	No Prior Record	Adult with Prior Juv. Record	Drugs	Against Person	Against Property	Sex	Motor Vehicle	Public Order	Had Prior Comm'ts	Total All Drug Defendants
110 (32%)	January-1979 24-28	3 (9%)	22 (63%)	10 (28%)	35	10 (28%)	7 (20%)	24 (69%)	9 (26%)	15 (43%)	1 (3%)	17 (49%)	12 (34%)	5 (14%)	337 (10%)
86 (36%)	April - 1979 23-27	14 (45%)	13 (42%)	4 (13%)	31	15 (48%)	7 (23%)	13 (42%)	7 (23%)	10 (32%)	1 (3%)	6 (19%)	10 (32%)	3 (10%)	332 (9%)
75 (49%)	July - 1979 23-27	5 (14%)	18 (49%)	14 (37%)	37	9 (24%)	10 (27%)	17 (46%)	7 (19%)	20 (54%)	1 (3%)	13 (35%)	17 (46%)	6 (16%)	323 (11%)
76 (60%)	October-1979 15-19	7 (15%)	26 (57%)	13 (28%)	46	13 (28%)	14 (30%)	17 (37%)	11 (24%)	23 (50%)	2 (4%)	20 (43%)	20 (43%)	2 (4%)	337 (14%)
347	TOTALS	29	79	41	149	47	38	71	34	68	5	56	59	16	1,329

CLASS "D" - MARIJUANA - Possession

Quarterly Total No. All Classes Possession Defendants	Quarterly Sample Week	Juveniles (to 17 yrs)	Young Adults (17-25)	Adults (25/over)	TOTAL	No Prior Record	Adult with Prior Juv. Record	Drugs	Against Person	Against Property	Sex	Motor Vehicle	Public Order	Had Prior Comm'ts	Total All Drug Defendants
211 (59%)	January-1979 24-28	110 (8%)	91 (73%)	23 (19%)	124	33 (26%)	41 (33%)	86 (69%)	27 (22%)	60 (48%)	4 (3%)	51 (41%)	63 (51%)	15 (12%)	337 (37%)
234 (71%)	April -1979 23-27	31 (19%)	117 (70%)	18 (11%)	166	70 (42%)	44 (27%)	41 (25%)	31 (19%)	53 (32%)	2 (1%)	54 (33%)	57 (34%)	14 (8%)	332 (50%)
226 (72%)	July -1979 23-27	38 (23%)	100 (61%)	25 (16%)	163	65 (40%)	34 (21%)	37 (23%)	28 (17%)	55 (34%)	3 (2%)	51 (31%)	65 (40%)	9 (6%)	323 (50%)
252 (75%)	October-1979 15-19	45 (24%)	127 (67%)	18 (9%)	190	72 (38%)	46 (24%)	49 (26%)	29 (15%)	69 (36%)	2 (1%)	59 (31%)	65 (34%)	12 (6%)	337 (56%)
923	TOTALS	124	435	84	643	240	165	213	115	237	11	215	250	50	1,329