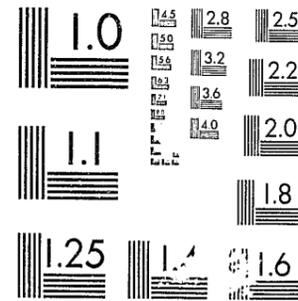


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The Commonwealth of Massachusetts

Commissioner of Probation

206 New Court House, Boston 02108

X DRUG DEFENDANTS IN MASSACHUSETTS:

1976 - 1978

by

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April 12, 1979

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ACQUISITIONS

Introduction

The Office of the Commissioner of Probation has studied the drug defendant population in Massachusetts since 1974. Data for this three-year study was compiled from court records received from 74 district and juvenile probation departments across the state during selected weeks of 1976, 1977 and 1978.

Massachusetts is unique in that the Office of the Commissioner of Probation is mandated to centrally file criminal history information, including copies of all criminal and delinquency court appearance records. Over six million records, dating back to 1924, are centrally filed at the OCP in Massachusetts. Records of new charges, as well as long continuances and dispositional information, are sent to the OCP on a daily basis from all superior, district and juvenile probation departments across the state.

While this study analyzed arraignments on drug charges, it does not purport to draw conclusions on the conviction rate for controlled substance violations. Various questions about drug defendants were addressed, but no analysis was undertaken regarding adjudicated offenders.

Methodology

In the three years, all new arraignments for controlled substance crimes were counted during four sample weeks of the year. Only new charges, not continued cases or dispositional record information, were counted. The sample weeks were spaced throughout the year to control for seasonal variations.

Court records were analyzed by age of the defendant, residence of the defendant by region of the state, drug substance by class, frequency of simultaneous offenses and type of offense (possession versus distribution).

In 1978, 1,312 new drug cases were received and counted during the four sample weeks; in 1977, 1,094 cases were included compared to 785 in 1976.

Definitions

Regions: Massachusetts cities and towns were divided into seven geographical regions, based on the Department of Mental Health regions, as follows:

Region I: Berkshire, Franklin, Hampshire and Hampden Counties;

Region II: Primarily Worcester County;

Region III: Northern and Northwestern Middlesex County and the Lowell area;

Region IV: Essex County plus the Malden-Medford-Everett area in Middlesex County;

Region V: Most of Norfolk County plus the southern section of Middlesex County;

Region VI: Suffolk County plus Brookline;

Region VII: Southern Norfolk County plus the Brockton area and all of Southeastern Massachusetts.

Drug classes: classification of the various controlled substances has been coded based on the following standard drug classes:

Class A: Heroin, other named opiates and opiate derivatives;

- Class B: Amphetamines, methamphetamine, cocaine, methadone, opium, barbituates;
- Class C: Hallucinogens, including LSD, DMT, TCH, hashish, PCP;
- Class D: Marijuana and certain barbitals;
- Class E: Dilute mixtures of codeine, morphine or opium prescription drugs not named elsewhere;
- Other: miscellaneous categories of drug offenses

Three-Year Data Analysis: 1976-1978

The four-quarterly samples drawn in 1976, 1977 and 1978 have shown a steady increase in total volume. The 1978 volume reflected a 19.9 percent increase over 1977 and 67.1 percent increase over 1976.

To adjust for whatever portion of the increases might be related to fluctuations in the state population, the drug offense rate was computed. Using 1976, 1977 and 1978 state population estimates from the Department of Public Health, the rate of drug defendants per 100,000 population was as follows:

	<u>Estimated Annual Volume of Drug Defendants</u>	<u>Estimated Annual Population</u>	<u>= Projected Drug Offense Rate</u>
1976	10,205	5,834,974	1.74
1977	14,222	5,860,482	2.42
1978	17,056	5,885,990	2.89

Even with this adjustment for increase in the state's population, the volume of drug defendants again reflects a steady increase over the three year period.

Age at Arraignment

In recognition of the high number of young people who are charged with drug offenses, the study coded the age of defendants as follows:

- Juveniles (16 years of age and younger)
- Young adults (17-25 years of age)
- Older adults (26 years of age and older).

(Table 1 about here)

Young adults (17-25 years of age) represented nearly two-thirds (63.7 percent) of all drug defendants in the 1978 sample, compared to 67 percent in 1977 and 66 percent in 1976.

Older adults (26+ years), represented a consistent pattern over the three years. In 1976, older adults accounted for 24 percent of the cases in the study, dropped slightly to 22 percent in 1977, then increased to 23.7 percent in 1978.

Juveniles, 16 years of age and younger, showed a steady pattern of increased representation in the number of defendants. While only 9 percent of drug charges were against juveniles in 1976, 12 percent were juveniles in 1977 and 12.6 percent in 1978. The number of juveniles increased 35 percent from 1977 to 1978. In all three years, juveniles were most frequently 15 or 16 years of age.

Young adults, 19-21 years of age, witnessed the fastest rate of increase, up 55 percent from 1977 to 1978.

Young adult defendants were nearly two and one half times as frequent as adults, and five times as frequent as juveniles.

Residence by Region

Table 2 shows a shift in the residence of defendants from 1976 to 1978, to a more even distribution across the state. The metropolitan areas of Region VI (Boston), Region I (Springfield) and Region II (Worcester) no

longer dominate the incidence of drug cases. Region VII (Southeastern Massachusetts and Cape Cod) reflected the fastest growing rate of drug arrests, up 291 percent since 1976.

(Table 2 about here)

In 1978, the regions were evenly distributed, each with about 10-12 percent of the total number of defendants, with the exception of the greater Boston area and Southeastern Massachusetts/Cape Cod which each accounted for 18.2 percent. Out of state defendants accounted for 3.9 percent of the cases in 1978, compared to 5 percent in 1977 and 2 percent in 1976.

One should be cautious about the significance of these residential shifts, however. While there may be some legitimate changes in the incidence of drug crimes based on region, it is possibly more accurate to attribute these shifts to varying degrees of police attention to drug offenses.

Police discretion has not been measured as an independent variable in this study; however, one must acknowledge the potential error in the findings by overestimating the significance of regional shifts.

Substance by Class

Over the three-year period 1976-1978, the data reflects a steady reduction in the percent of defendants charged with Class A (heroin) offenses and an increase in Class D (marijuana) offenses.

(Table 3 about here)

Class A (heroin) crimes accounted for only 6.7 percent of the 1978 cases, compared to 11 percent in 1977 and 16 percent in 1976. In terms of volume, Class A arrests decreased 29 percent from 1977 to 1978.

Marijuana (Class D) offenses represented 58.9 percent of the 1978 drug charges, compared to 60 percent in 1977 and 51 percent in 1976. However, a truer picture of the volume of marijuana charges is apparent in the

dramatic (93.7 percent) rise since 1976. Where an estimated 5,187 drug defendants were charged with marijuana offenses in 1976, that number had risen to 8,580 in 1977 and 10,049 in 1978.

All other drug classes remained relatively constant in percent distribution over the three-year period. Multiple offenses (where a person was charged with violations of two or more classes of controlled substances) represented approximately 13 percent of the defendants in all three years. Volume of persons charged with multiple classes of drug charges increased 78 percent from 1976 to 1978.

Drug Distributors

Since 1976, the Office of the Commissioner of Probation has analyzed the type of controlled substance offense, comparing distributors and those charged with possession or being in the presence of drugs (Class A only).

(Table 4 about here)

The percentage of persons charged with simple possession or being in the presence of Class A drugs is compared to the percentage who were distributors or had quantities of drugs such that they probably intended to distribute. The category marked as "other" includes those persons who did not clearly fit into either category, such as uttering false prescriptions and possessing hypodermic needles and syringes.

In 1978, two-thirds of the drug defendants were charged with possession, while 27.4 percent were distributors, or had quantities such that they intended to distribute. These figures compare to 61 percent charged with possession in 1976 and 18 percent charged with distribution.

The substantial reduction in the "other" category (-29 percent) from 1976 to 1978 may be explained by the apparent reduction in heroin (Class

A) use and associated paraphernalia.

(Table 5 about here)

In 1977 and 1978, analysis was undertaken of drug distributors by class. Over the two year period, notable shifts were noted in every drug class.

The percent of the actual/intended distributors dealing in Class A drugs (heroin) declined in 1978, while Class B (amphetamines) distributors showed an increase in the same period. The Class B increase may be attributed to the 46.4 percent increase in Class B useage (ie. possession offenses). Class B distributors increased 92 percent from 1977 to 1978.

Class C (hallucinogens, LSD, hashish) dropped from 9 percent of the distributors in 1977 to 6.9 percent in 1978, while Class D (marijuana) distributors dropped from 44 percent to 26.9 percent of the distributors in 1977 and 1978 respectively.

Class E (prescription drugs) increased slightly, but represented an insignificant sample. Distributors dealing in multiple classes of drugs increased from 11 to 17.6 percent when 1977 and 1978 records were compared. The volume of distributors charged with multiple classes of drug offenses increased substantially, up 117 percent from 1977 to 1978.

Region by Class

(insert Tables 6 and 7 about here)

Tables 6 and 7 analyze the distribution of drug classes by residential region of the drug defendants. Over one-half (55.1 percent) of the Class A defendants in the 1978 sample were from Region VI (Boston), followed by 16.9 percent from Region I (Springfield). Not surprisingly,

the Boston area also showed the highest frequency of Class B (28.0 percent), Class C (34.8 percent) and Class E (30.4 percent) defendants.

Class D (marijuana) defendants were evenly dispersed across the state. However, Region VII (Southeastern Massachusetts and Cape Cod) showed a higher number of marijuana distributor defendants than any other region.

Those charged with multiple classes of drug distribution offenses were also most frequent in the Region VII area of Massachusetts.

Simultaneous Offenses

Table 8 illustrates the incidence of simultaneous offenses; that is, what percent of drug defendants were charged with other offenses at the time of the drug arrest.

(Table 8 about here)

While public opinion has often linked drug use with other crimes, the 1978 Drug Study found only limited validation for this theory. Sixty-one percent of the defendants were charged with drug crimes only. Of the 29 percent who had simultaneous offenses, 4 percent were for crimes against persons. The remaining 35 percent were evenly distributed between crimes against property, motor vehicle offenses and public order crimes.

Conclusions

Heroin offenses showed a steady reduction (28 percent) in frequency from 1976 to 1978. On the other hand, marijuana offenses have increased 93.7 percent when the same two years were compared.

The study found a 19.9 percent overall increase in the number of defendants charged with controlled substance violations (1976-1978); an estimated 17,056 defendants were charged with drug crimes in 1978, compared to 14,222 in 1977 and 10,205 in 1976.

More than half of all drug charges were for possession or distribution of marijuana (Class D). While no data was prepared regarding the conviction rate, an estimated 8,322 defendants were charged with possession of marijuana in 1978.

Young adults represented a fairly consistent two-thirds of all drug defendants over the three-year period, while older adults accounted for about 23 percent of the cases and juveniles accounted for 12 percent.

Regional shifts were noted, but police discretion may be as relevant as any significant shifts in drug useage, based on geographical region. Police in major metropolitan areas may have a higher percentage of serious offenses to which they must allocate time and resources, than do their counterparts in less highly populated areas. The number of drug arrests may be dependent on the priority to which the police chief/commissioner places drug offenses vis-a-vis other crimes.

Table 1 -- Age at Arraignment, Three Year Comparison -- Frequency & Percent

	<u>1976</u>	<u>1977</u>	<u>1978</u>
under 14	5 - 1%	17 - 2%	33 - 2.5%
15-16	64 - 8%	106 - 10%	133 - 10.1%
17-18	136 - 17%	243 - 22%	258 - 19.7%
19-21	199 - 25%	195 - 18%	303 - 23.1%
22-25	188 - 24%	297 - 27%	274 - 20.9%
26 +	191 - 24%	236 - 22%	311 - 23.7%
Unknown	2 - -	- - -	- - -
	<u>785 - 99%</u>	<u>1,094 - 101%</u>	<u>1,312 - 100%</u>

Table 2 -- Residence by Region, Three Year Comparison -- Frequency and Percent

<u>Region</u>	<u>1976</u>	<u>1977</u>	<u>1978</u>
I	131 - 17%	153 - 14%	163 - 12.4%
II	95 - 12%	164 - 15%	138 - 10.5%
III	76 - 10%	131 - 12%	167 - 12.7%
IV	61 - 8%	103 - 9%	156 - 11.9%
V	85 - 11%	164 - 15%	160 - 12.2%
VI	219 - 28%	183 - 17%	239 - 18.2%
VII	61 - 8%	155 - 14%	239 - 18.2%
Out of State	17 - 2%	41 - 5%	50 - 3.9%
Unknown	40 - 5%	- - -	- - -
	<u>785 - 101%</u>	<u>1,094 - 100%</u>	<u>1,312 - 100%</u>

Table 3 -- Substance by Class, Three Year Comparison -- Frequency and Percent

Class	1976	1977	1978
A	124 - 16%	125 - 11%	89 - 6.7%
B	56 - 7%	56 - 5%	82 - 6.3%
C	33 - 5%	45 - 4%	46 - 3.5%
D	399 - 51%	660 - 60%	773 - 58.9%
E	16 - 2%	12 - 1%	23 - 1.8%
Multiple	101 - 13%	136 - 12%	180 - 13.7%
Other	47 - 6%	27 - 3%	56 - 4.3%
Unknown	9 - 1%	33 - 3%	63 - 4.8%
	785 - 101%	1,094 - 99%	1,312 - 100%

Table 5 -- Distribution by Class, Two Year Comparison (1976 data not available)

Class	1977	1978
A	61 - 22%	64 - 17.8%
B	25 - 9%	48 - 13.3%
C	22 - 9%	25 - 6.9%
D	120 - 44%	133 - 36.9%
E	1 - -	6 - 1.7%
Multiple	29 - 11%	63 - 17.6%
Unknown	16 - 6%	21 - 5.8%
	274 - 101%	360 - 100%

Table 4 -- Type of Control Substance Offense, Three Year Comparison

Offense	1976	1977	1978
Possession or Present	542 - 61%	751 - 69%	880 - 67.1%
Distribution or Intent	141 - 18%	274 - 25%	360 - 27.4%
Others	102 - 21%	69 - 6%	72 - 5.5%
	785 - 100%	1,094 - 100%	1,312 - 100%

Table 6 -- Class by Region - 1978 Information

REGION	CLASS		CLASS		CLASS	
	A	B	C	D	E	UNKNOWN
I	15 -- 16.9%	7 -- 8.5%	3 -- 6.5%	113 -- 14.6%	1 -- 4.4%	6 -- 9.5%
II	7 -- 7.9%	2 -- 2.4%	1 -- 2.2%	104 -- 13.4%	1 -- 4.4%	1 -- 1.6%
III	4 -- 4.5%	8 -- 9.8%	10 -- 21.7%	101 -- 13.1%	3 -- 13.0%	10 -- 15.9%
IV	1 -- 1.1%	14 -- 17.1%	1 -- 2.2%	100 -- 12.9%	2 -- 8.7%	8 -- 12.7%
V	6 -- 6.7%	8 -- 9.8%	4 -- 8.7%	85 -- 11.0%	4 -- 17.4%	20 -- 31.7%
VI	49 -- 55.1%	23 -- 28.0%	16 -- 34.8%	94 -- 12.2%	7 -- 30.4%	6 -- 9.5%
VII	6 -- 6.7%	15 -- 18.3%	9 -- 19.6%	145 -- 18.8%	5 -- 21.7%	9 -- 14.3%
Out of State	1 -- 1.1%	5 -- 6.1%	2 -- 4.3%	31 -- 4.0%	- - -	3 -- 4.8%
	89 -- 100%	82 -- 100%	46 -- 100%	773 -- 100%	23 -- 100%	63 -- 100%
REGION	CLASS		MULTIPLE		OTHER	
I	1 -- 4.4%	13 -- 7.2%	5 -- 8.9%	6 -- 9.5%		
II	1 -- 4.4%	19 -- 10.6%	3 -- 5.3%	1 -- 1.6%		
III	3 -- 13.0%	19 -- 10.6%	12 -- 21.4%	10 -- 15.9%		
IV	2 -- 8.7%	22 -- 12.2%	8 -- 14.3%	8 -- 12.7%		
V	4 -- 17.4%	24 -- 13.3%	9 -- 15.1%	20 -- 31.7%		
VI	7 -- 30.4%	34 -- 18.9%	10 -- 17.9%	6 -- 9.5%		
VII	5 -- 21.7%	41 -- 22.8%	9 -- 16.1%	9 -- 14.3%		
Out of State	- - -	8 -- 4.4%	- - -	3 -- 4.8%		
	23 -- 100%	180 -- 100%	56 -- 100%	63 -- 100%		

Table 7 - Percent Distribution of Class by Region - 1978 Information

REGION	CLASS A	CLASS B	CLASS C	CLASS D	CLASS E	Multiple	Other	Unknown	Totals
I	1.1%	.5%	.2%	8.6%	.1%	1.0%	.4%	.5%	12.4%
II	.5%	.2%	.1%	7.9%	.1%	1.4%	.2%	.1%	10.5%
III	.3%	.6%	.8%	7.7%	.2%	1.4%	.9%	.7%	12.6%
IV	.1%	1.1%	.1%	7.6%	.2%	1.7%	.6%	.6%	12.0%
V	.5%	.6%	.3%	6.4%	.3%	1.8%	.7%	1.5%	12.1%
VI	3.7%	1.8%	1.2%	7.2%	.5%	2.6%	.7%	.5%	18.2%
VII	.5%	1.1%	.7%	11.1%	.4%	3.1%	.7%	.7%	18.3%
Out of State	.1%	.4%	.2%	2.4%	-	.6%	-	.2%	3.9%
	<u>6.8%</u>	<u>6.3%</u>	<u>3.6%</u>	<u>58.9%</u>	<u>1.8%</u>	<u>13.6%</u>	<u>4.2%</u>	<u>4.8%</u>	<u>100%</u>

END

Table 8 - Simultaneous Offenses - 1978 Statistics - Class of Offense & Percent

OFFENSE	NUMBER	PERCENT
Drug Only	802	61.1%
Against Person	60	4.6%
Against Property	145	11.1%
Sex	3	.2%
Motor Vehicle	147	11.2%
Against Public Order	155	11.8%
	<u>1,312</u>	<u>100%</u>