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Federal Probation

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This Issue in Brief ACQUISITIONS

Systems Therapy: A Multimodality for Addictions Counseling.—Chemical dependency is a growing problem which has increased at least tenfold over the past decade. Until recent years the phenomenon was not recognized as a disease, but rather a mental health problem, and current therapies still tend to address mental health aspects rather than the disease of chemical dependency. Alcohol, although a drug, is still considered to cause separate and distinct problems from other drugs. Author John D. Whalen maintains, however, that alcoholism and drug abuse can be treated as one common problem with a set of exhibiting symptomologies. This article describes Systems Therapy, a therapeutic approach developed by the author.

Assessment of Drug and Alcohol Problems: A Probation Model.—Authors Billy D. Haddock and Dan Richard Beto highlight the increased emphasis on assessment methods in drug and alcohol treatment programs and describe the assessment model used in a Texas probation department. Major theories of substance abuse and dependence are dis-

cussed as they relate to assessment. The objectives, components, and general functioning of the assessment model are described. A counselor/consultant is used in the assessment process to offer greater diagnostic specificity and make individualized treatment recommendations. According to the authors, the assessment process facilitates a harmonious relationship between probation officers and therapists, thus promoting continuity of care and quality services.

Drug Offenses and the Probations System: A 17-Year Followup of Probationer Status.—Authors Gordon A. Martin, Jr. and David C. Lewis provide the current status of 78 of 84 probationers previously studied in 1970. Of the original group, 14.1 percent are deceased and 18 percent have had constant problems with the law. Sixty eight percent have had varying degrees of success, with one-third essentially free of all criminal involvement. The study indicates that younger probationers who used heroin and barbiturates were the population at greatest long-term risk and merit the longest periods of probation

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and most intense supervision. For them, marijuana did not serve as a "gateway" drug, though alcohol may have. The authors note that the original group of probationers was supervised by a probation officer who was a specialist in drug offenders. While his probation load was sizeable, it was manageable. For probation to fulfill its crucial mandate—the authors conclude—more resources must be made available to it, and caseloads must be manageable.

All-or-Nothing Thinking and Alcoholism: A Cognitive Approach.—Self-destructive all-or-nothing thinking is both a correlate of alcoholic drinking and a likely area for cognitive intervention. Author Katherine van Wormer contends that it is not the alcoholic's personality but the alcoholic's thinking that is the source of the drinking. Specific cognitive strategies are offered—strategies that should be effective both in recovery from alcoholism as well as in its prevention.

Lower Court Treatment of Jail and Prison Overcrowding Cases: A Second Look.—In 1979 and 1981, the United States Supreme Court issued opinions in which it ruled that double-bunking of prison and jail cells designed for single occupancy was not unconstitutional *per se*. It also indicated that lower courts should demonstrate greater restraint in "second guessing" the decisions of correctional administrators. In 1983, *Federal Probation* published an article in which author Jack E. Call concluded that many lower courts were still quite willing to find overcrowded conditions of confinement unconstitutional. In this followup article, Call finds that after 4 more years of lower court decisions in overcrowding cases, this earlier conclusion is still valid.

Rewarding Convicted Offenders.—Offenders can be rewarded by deescalating punishments in response to behavior one wishes to encourage. This practice has distinguished origins, has been subjected to a variety of criticisms, but is regaining ascendancy. In his review of the controversy, author Hans Toch suggests that defensible reward systems for offenders can be instituted and can enhance the rationality, humaneness, and effectiveness of corrections.

Current Perspectives in the Prisoner Self-Help Movement.—Prison rehabilitation programs are usually designed to correct yesterday's problems in order to build a better tomorrow for criminal offenders. Yet the struggle for personal survival in prison often diverts inmates' attention away from these "official" treatment policies and toward more informal organizations as a means of coping with the

immediate "pains of imprisonment." Prisoner self-help groups promise to bridge the gap between immediate personal survival and official mandates for correctional treatment. Drawing on historical and interview data, author Mark S. Hamm offers a typology that endeavors to explain the promise explicit in prisoner self-help organizations.

Consequences of the Habitual Offender Act on the Costs of Operating Alabama's Prisons.—Habitual offender acts have been adopted by 43 states and are under consideration in the legislatures of others. According to authors Robert Sigler and Concetta Culliver, these acts have been adopted with relatively little evaluation of the costs involved in the implementation of this legislation. The data reported here indicate that one area of costs—costs to departments of corrections—will be prohibitive. The authors suggest that the funds needed to implement the habitual offender acts could be better used to develop and test community-based programs designed to divert offenders from a life of crime.

Evaluating Privatized Correctional Institutions: Obstacles to Effective Assessment.—Institutional populations in the American correctional system have increased dramatically during the last decade. This increase has produced serious concern about both overcrowding and the economic costs of imprisonment. One proposed solution to the current dilemma involves the engagement of the private sector in the correctional process. Although it is apparent that there are a number of potential benefits to be obtained from private sector participation in the administration of punishment, a variety of potential hazards have also been identified. In this article, author Alexis M. Durham III considers some of the hazards associated with the evaluation of privately operated correctional institutions. The discussion identifies some of these potential obstacles to effective evaluation and concludes that although evaluation impediments may well be surmountable, the costs of dealing with these problems may offset the economic advantages otherwise gained from private sector involvement.

Negotiating Justice in the Juvenile System: A Comparison of Adult Plea Bargaining and Juvenile Intake.—Plea bargaining and its concomitant problems have been of little concern to those who study the juvenile justice system. We hear little or nothing of "plea bargaining" for juveniles. However, in this article, author Joyce Dougherty argues that the juvenile system itself is based on the very same system of "negotiated justice" that lies at the

heart of adult plea bargaining. By placing society's interest in "caring for its young" (translated into the doctrine of *parens patriae*) over the individual rights of juveniles, the juvenile justice system has created a situation where the determination of a child's "treatability" has become more important than the

determination of his or her guilt or innocence. The author compares adult plea bargaining and juvenile intake in an effort to illustrate how, despite all theoretically good intentions, the "justice" in the juvenile system is no better than the "negotiated justice" that is the end result of adult plea bargaining.

All the articles appearing in this magazine are regarded as appropriate expressions of ideas worthy of thought, but their publication is not to be taken as an endorsement by the editors or the Federal Probation System of the views set forth. The editors may or may not agree with the articles appearing in the magazine, but believe them in any case to be deserving of consideration.

Drug Offenses and the Probation System: A 17-Year Followup of Probationer Status

BY GORDON A. MARTIN, JR., AND DAVID C. LEWIS, M.D.*

Introduction

A DECADE and a half ago we studied a population of 84 criminal offenders affected by drugs. In "Drug Abuse and the Court: The Relationship between Probation and Medical Treatment" (Martin, *et al.*, 1972), we analyzed the case load of the East Boston probation department's drug specialist on September 15, 1970. We now present followup data on 78 probationers from the original study population.

We conducted this long-term study in order to develop an accurate picture of what happened to those offenders—their recidivism or lack of it—and the outcomes of their treatment, incarceration, and probation. Our conclusions assess the implications of their experience for court programs in dealing with drug offenders. There are two new dimensions to this study. We compare today's drug probationers with that predecessor group, and we examine the relevant law enforcement institutions with which they interact: the East Boston Court's Probation Office and the Boston Police Department as it has recently operated in East Boston.

The area served by the East Boston, Massachusetts District Court provides an ideal setting for a longitudinal survey because it has a cohesiveness which stands in sharp contrast to society as a whole. The transient nature of the populations served by most urban courts would make such an undertaking

impossible. East Boston maintains the characteristics we first noted in 1970, physical isolation from the rest of Boston and a predominantly Italian-American background.

There have been some changes since 1970. According to the 1980 census, the area's population decreased from 1970 by 17 percent to 32,178 of which 31,564 are white. The black population, only 326 in 1970, further decreased to 128. Some Vietnamese and Cambodian refugees have settled in the area since the 1980 census; the number of Hispanic residents is believed to have tripled with the dramatic increase of immigration from Mexico and Central America.¹ The educational level of the population dropped. Only 48 percent of persons age 25 and older were high school graduates in contrast to 55 percent in 1970. Conversely, the unemployment rate increased to 7.4 percent in 1980, sharply above the 4.7 percent of 1970. The type of occupations in this area did not change significantly. The predominant change of the civilian labor force was in "Clerical and Administrative Support"—an 11 percent increase from 1970 to 1980, a change in occupation type probably typical of society as a whole. The percentage of families falling below the poverty level increased from 11 percent in 1970 to 15 percent in 1980.

The Probation Office—Then and Now

Staffing and Organization

Returning to the East Boston District Court's Probation Office, one finds an operation still of high quality but different in staffing and mode of operation. There have been changes in the composition of the probation officer force, in the system of assigning probationers to officers, and in the methods used by the officers.

In 1970, all persons with drug problems, whether convicted of drug offenses or not, were supervised by the drug specialist, at that time, one of six probation officers, five men, one woman, under the court's chief

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¹The increase in the Hispanic population has resulted in the celebration of a Sunday Mass in Spanish since 1980 at Most Holy Redeemer Church, one of East Boston's seven Roman Catholic churches. The church conducts one of Boston's largest English as a Second Language programs. Many of the new residents have participated. The 1980 census had shown East Boston to have 984 Hispanic residents. *La Semana*, Boston, p. 11 [October 17-23, 1985].

probation officer. Each probation officer had a specialized case load, the woman handling all female probationers, and each male officer having a specialty such as drug offenders, youthful offenders, non-support cases, or juveniles.

In 1979, the Commissioner of Probation developed a probationer needs assessment program, followed shortly thereafter by a risk assessment mechanism. Experimentation with these new procedures in nine pilot probation offices evolved into a case load management system, the Risk/Need Offender Classification System. This system required each probation officer to score offenders in such categories as prior record, prior probation supervision, employment/school absence, and family structure.² On the basis of this ordered numerical rating, probation officers set the dimensions of their supervision: the frequency, content, and style of their contacts with each offender.

During the eighties, with the exception of non-support cases, all categories of offenders were taken in rotation until November 1986. The man who had been the drug specialist at the time of the original study was now the chief probation officer with a staff of two assistant chiefs and nine probation officers, equally divided between men and women. The chief probation officer made a first step back to a specialist orientation. He began assigning all cases involving cocaine, marijuana, and second offenses of driving under the influence of intoxicating liquor to the same probation officer, a woman with an extensive background in nursing and counseling and a familiarity with treatment facilities comparable to his own.

Early in 1987 the East Boston office was 1 of 14 Massachusetts District Court probation offices certified by the Commissioner of Probation.

Case Load

In September 1970, the case loads of the six probation officers varied from 75 to 125. In November 1984, there was a greater variance in the case loads: from 48 to 232.³ Since 1984, more balance toward an average case load of 125 has been achieved as newer probation officers have taken on heavier case loads. It should be noted, however, that the existing case loads in as competent an operation as East Boston are far from the model level of 35-40 probationers recommended in 1967 by the President's Commission on Law Enforcement and Administration of Jus-

tice, the National Council on Crime and Delinquency, and the Massachusetts Commissioner of Probation. (Martin, *et al.*, 1972)

Supervision is more difficult than it was in 1970 because the probationers are more widely scattered. In 1970, 60 of the 84 probationers studied lived in East Boston itself, with an additional seven in adjoining Winthrop. The cohesiveness which made this study possible no longer exists. Just under half of the 1984 probationers live in East Boston, 9 in Winthrop,⁴ 13 in Revere, and 18 in other portions of Boston. Six come from Roxbury, the heart of Boston's black community. In November 1984, out of an overall case load of 942, 146 were considered to have a drug problem. Sixty-three of the drug probationers were being supervised by the probation officer with the heaviest case load.

Effect of the Structure of the Boston Police Department

During the eighties there no longer existed the same relatively stable retinue of officers and detectives operating in the police station which is a part of the East Boston Court Building. That station became simply a substation for the larger Area A which is based in Government Center in downtown Boston, a congested harbor tunnel away. Police officers for the entire Area A reported to Government Center for roll call where they were assigned a location to serve for that particular shift. The authors believe that this reorganization of the Boston Police Department to a more impersonal manner of law enforcement had some effect upon both the volume and type of cases being brought by the police in the East Boston Court. This belief is not susceptible to statistical analysis. Happily, however, Boston's new police commissioner apparently came to the same conclusion. The substation was renovated and reopened as a full station on June 27, 1987.

Method

This survey is a followup of probationers of the East Boston Court's Probation Department. All were being actively supervised by one particular probation officer, a drug specialist, with the help of a probation aide—an ex-addict—in September 1970. Of the 84 probationers thus supervised, 78 probationers were evaluated in this followup survey. The others were excluded because their old data or current records were unavailable.

²Massachusetts Commissioner of Probation, Manual For Risk/Need Classification System #3 (December 1, 1981).

³The 232 is an inflated figure, as it reflects one officer's supervision of probationers transferred in by other courts and his oversight of the files of individuals actually supervised elsewhere.

⁴The Town of Winthrop is contiguous to East Boston. Offenses occurring there and at Logan International Airport, which lies territorially within East Boston, fall within the jurisdiction of the East Boston District Court.

A number of sources were utilized to update information on the 78. Probation records of those individuals accused of additional violations of the law within East Boston's jurisdiction had been maintained by the Probation Office and updated as necessary over the years. All were then checked with the Office of the Massachusetts Commissioner of Probation in early 1984 and, where necessary, updated thereafter. In many cases, the individual could be traced through the most recent court in which he had appeared. Personal contact or interviews were limited. However, in some cases, there was a home or family followup.

The research was greatly aided by and dependent upon the cooperation of the chief probation officer of the East Boston Court's Probation Department who, in 1970, had personally supervised the studied population. The nature of the community allowed for highly accurate information to become available through personal contact by him and his staff over the years. This served to supplement and occasionally correct the sometimes fallible records.

Profile of the Probationer

In 1970 the drug probationer in the East Boston District Court was most frequently a man between 17 and 25 years of age who had reached the 12th grade, was no stranger to the correctional system, and had drug experience with heroin and barbiturates and, to a slightly smaller degree, marijuana. He had been arrested more than twice before for drug offenses and crimes against property. Violent crimes were infrequent (Martin, *et al.*, 1972).

While today's drug probationer is also most commonly young, 10 are 40 or older. One is 63. The median age is just under 27. Cocaine and marijuana have replaced heroin and barbiturates as the primary illegal drugs used. The median years of school completed was down to 10.8, and the median number of arrests per probationer was up to 6.7. For 14 of the probationers, the arrest which led to their being placed on probation in East Boston was their first. One probationer, however, had been arrested 34 times and two, 26 times.

Results

The Deceased—11 Probationers

Eleven of the 78 traced are dead. Their average age at the time of death was 29. Three of the 11 were dead by January 1971 and 8 by September 1974.

At the time of the original 1970 study the average age of this group was 25.7 years. The work and residence profile of the men prior to their deaths is as

follows: a student, a laborer, a spray painter, a test borer, and an employee in some capacity in the book industry. The remaining six were unemployed. Nine has lived either in East Boston [7] or close by, with one in Winthrop and one in downtown Boston. Furthest away were the student in the central and the veteran in the northeast sections of the state.

A review of the Medical Examiner's Certificates of Death revealed that two were murdered, and two had committed suicide. The mother of one of the suicide victims, the only student in the group, who both resided and attended college in Central Massachusetts, attributed her son's death to LSD. She told us he had been having hallucinations and was consulting a psychiatrist at the time of his death. The other suicide victim was a Vietnam veteran who had lived in northeastern Massachusetts.

The medical examiner did not rule out suicide for a third probationer who had ingested a "large amount of propoxyphene [Darvon]" while at home. At the time of his death in November 1978, he was being supervised by the East Boston probation staff after a conviction for assault with a dangerous weapon [a knife]. He had had constant criminal involvement following the original study including five instances of public drunkenness,⁵ two driving under the influence of intoxicating liquor convictions,⁶ and drug

⁵Public drunkenness has not been a crime in Massachusetts since July 1973. A review of East Boston's drunkenness case load from 1941 through 1973, the year of its repeal, showed a high of 1,683 in 1942 and a low of 476 in the final year. Public drunkenness ("Punishment for drunkenness; probation; treatment for alcoholism") had been prescribed by M.G.L. c.272, sec. 48 as follows:

A person convicted of drunkenness by the voluntary use of intoxicating liquor may be punished by imprisonment in a jail or house of correction for not more than thirty days; or, if a male, in the state farm, or, if a female, in the reformatory for women, for six months; or by a fine of not more than fifteen dollars; or the judge may place the case on file, or may place the defendant on probation and prescribe the terms thereof, which may include the voluntary commitment of the defendant for treatment as an alcoholic under section thirty-five of chapter one hundred and twenty-three or his attendance at a clinic for the treatment of alcoholism for any period. (emphasis added)

While drunkenness was considered an arrestable offense, a defendant must have been "committing a breach of the peace or disturbing others by noise." *Joyce v. Parkhurst*, 150 Mass. 243, 246 [1889]. See also *Ford v. Breen*, 173 Mass. 52, 53 [1899]. Evidence had to show that the arrested persons were intoxicated and committing a breach of peace.

St. 1971, c.1076 effective July 1, 1973 provided for the repeal of the public drunkenness law.

Any existing ordinance, by-law, resolution or other legislation of a county, municipality or other jurisdiction within the commonwealth establishing the offense of public intoxication or any equivalent offense is hereby repealed. No county, city, town or other political subdivision of the Commonwealth shall adopt any law, ordinance, by-law . . . which provides that being found in any place in an intoxicated condition shall constitute an offense, a violation or the subject of criminal or civil penalties or sanctions of any kind or in any way inconsistent with the provisions of chapter one hundred and eleven B of the General Laws.

The Alcoholism Treatment and Rehabilitation Law, M.G.L. c.111B, was "designed to eliminate the crime of public intoxication when not accompanied by disorderly conduct, and to establish a system of detoxification centers to care for drunken persons taken into custody." (Landsman, 1972). C.111B, sec. 8, authorizes a police officer to assist "any person who is incapacitated" to his residence, a facility for detoxification, or to a police station. The term "incapacitated" is defined as "the condition of an intoxicated person who, by reason of the consumption of intoxicating liquor is 1) unconscious, 2) in need of medical attention, 3) likely to suffer or cause physical harm or damage property, or 4) disorderly," c. 111B, sec. 3.

offenses involving barbiturates [2], valium [2], an amphetamine derivative, and Doriden.

Two other deaths were clearly induced by substance abuse: "Cerebral anoxia, bronchopneumonia, hepatitis and hepatic failure associated with multiple drug abuse" and "acute glutethimide intoxication" were the diagnoses. The most recent death occurred in July 1979 when the oldest man in the group died at the age of 50 of cirrhosis of liver, a condition commonly associated with alcoholism.⁷

No cause of death was listed for two of the remaining three, though the chief probation officer suspected heroin overdoses. He suspected that barbiturate overdose was the cause of death for the third which was listed as "pulmonary congestion and edema" by the medical examiner.

Constant Problems—14 Probationers

Fourteen of the 67 living probationers have been in constant trouble with the law since the original study. The background and record of each follows: [Parentheses after the letter designation include the following information if it is known: the probationer's age in 1970, the time of the original study; the highest grade in school which he completed; and known drug use in 1970. Alcohol is considered a drug and is included when the data were available.]

CP1 [age 24; 11th grade; heroin and barbiturates] remains serving a life sentence imposed in 1974 for second degree murder. He had a variety of lesser offenses in the year and half preceding that conviction. At the time of the original study, he had already been committed to the House of Correction for 6-month sentences on four drug complaints.

CP2 [age 19; 11th grade; marijuana, heroin, and barbiturates] remains a heroin addict, as is his wife, whom he met while being maintained at the local clinic. He has committed a wide range of criminal offenses.

Except for a 2½-year period in the early seventies, the probationer, who is on general relief, has been in virtually constant difficulty with the law. While he says that he did relatively well during a 4-year period in the late seventies while being maintained on methadone and did, in fact, become certified in a skilled craft, court records reflect continued criminal difficulties. He also suffered several serious violent injuries. During the last 6 months of 1985, long-term methadone withdrawal, as well as weekly individual

psychotherapy, appeared to be achieving some affirmative results. However, just 4 months after apparently having become drug free in March 1986, he was arrested in Chelsea for possessing heroin with intent to distribute. In February 1987, he entered yet another treatment program which spared him incarceration on that charge and a related surrender. Two months later, the charge was reduced to possession only, and he received a 1-year sentence suspended until April 1989.

CP3 [age 23; 10th grade; heroin and barbiturates, alcohol] is the uncle of CP2. By 1970 he had been prosecuted twice for drunkenness and once each for threats, operating after suspension of his driver's license, and breaking and entering in the daytime. In the 8-year period from December 1972 to December 1980, he was convicted of assault and battery twice and armed robbery once, as well as being placed on a non-support payment schedule for his wife and minor child. A continuing alcohol problem caused a civil warrant of apprehension to be issued for him to be examined at a Boston mental health center in the fall of 1984. In August 1984 he received a 6-month suspended sentence for the illegal possession of mace.

CP4 [age 16; 11th grade; barbiturates] had been a juvenile offender at the time of the original study, having been charged with delinquency because of receiving stolen goods when he was 16 ½ years old. His first adult offenses did not come until 5 years later. Over the 7 years which then followed, he was convicted of eight drug offenses and one alcohol offense [possession on a public reservation]. Barbiturates and glutethimide were the only illegal drugs specified in his record. There were three additional convictions for the obviously related offenses of receiving stolen property and larceny over \$100. A new warrant on a non-support case was issued in February 1985. This probationer had been in and out of drug treatment centers throughout the period.

CP5 [age 25; 11th grade; heroin and alcohol], whose offenses prior to the original study had included public drunkenness and possession heroin, had no subsequent offenses in either area. Eight of his 16 convictions, however, fell into a category of larceny, unarmed robbery, receiving stolen goods, or breaking and entering. Yet, this now 41-year-old man is now in the words of the chief probation officer, "clean as a whistle, taking college courses and working for a local delivery service, his last offenses relatively minor." His most recent probationary period, however, ended only in October 1984.

CP6 [age 21; 9th grade; heroin and barbiturates] was a major law violator both then and now. He had

⁶These convictions came well prior to the current substantially increased enforcement level for this violation.

⁷Despite this probationer's multiple problems during the 8 years that he lived following the original study, his brother, 8 years younger and on probation for a heroin offense, never again had any problem, had his record sealed in accordance with state law, and is a municipal employee.

received state prison sentences in December 1968 for both unlawful possession of a narcotic drug and possession of burglarious implements. His subsequent offenses included an armed bank robber in New Jersey. He remained on probation until May 1986 for receiving stolen property.

CP7 [age 23; ninth grade; barbiturates and alcohol] had already committed seven drug or alcohol offenses by 1970. Subsequently, he committed offenses commonly associated with being an alcoholic: four assaults and batteries [two with dangerous weapons] for which he was placed on probation until August 1985; two idle and disorderly conduct charges; driving under the influence and to endanger; and three allegations of non-support. He was believed, however, to have done well in and benefited from treatment at a New Hampshire detoxification facility in 1984.

CP8 [age 17; 10th grade; barbiturates and alcohol] had one public drunkenness offense as a juvenile and a drug and glue sniffing violation in February 1970. He had 10 subsequent public drunkenness or possession of alcoholic beverage offenses, three convictions for operating under the influence of intoxicating liquor, two assaults and batteries on police officers, and two drug offenses, one of them marijuana. He was still believed to have "a drinking problem" in September 1979 when a larceny of motor vehicle complaint was filed against him in nearby Somerville. He remains in default to that charge, his whereabouts unknown.

CP9 Through CP12 are also fugitives in one sense or another. Two escaped from the local correctional institution, the Deer Island House of Correction.⁸

CP9 [age 23; 9th grade; heroin, barbiturates, and alcohol] already had 15 public drunkenness arrests and five possession of illegal drugs convictions before receiving a 2 ½-6 year state prison sentence for armed robbery in January 1970. He was paroled in September 1971 and committed his next drunkenness and drug offenses exactly 1 week later. With his parole revoked and one more public drunkenness charge filed, he was returned to prison in November 1971. His subsequent offenses were receiving stolen goods, April 1975, and assault and battery, May 1977 and April 1982 [reduced from murder]. It was while serving the latter 2 ½-year sentence, imposed in October 1982, that he escaped from the House of Correction on August 4, 1983. He has not been apprehended.

CP10 [age 19; 10th grade; heroin], the second Deer Island escapee, escaped from that institution twice.

He already had two heroin convictions and an escape from a court officer prior to the original study. In the next year, he had both marijuana and heroin convictions. In later years he added two larceny convictions and the two escapes from the House of Correction to his record.

CP11 [age 28; 10th grade; barbiturates, heroin, and alcohol]. Within a month of our original study he was convicted of heroin and marijuana possession. He previously had used both heroin and barbiturates. Three public drunkenness convictions [an old problem for him] and three other minor violations followed before 1973. Then came a 10-20 years state prison sentence for armed robbery. He is now in Florida, with the Commonwealth contemplating whether the expense involved in extraditing him as a parole violator is worthwhile.

CP12 [age 23; high school graduate; Doriden and alcohol] is the fourth fugitive. By 1970 he had 13 alcohol and 19 drug offenses, Doriden being the only drug named, and multiple driving violations. He remains wanted for a number of alleged 1981 offenses including assault and battery with a dangerous weapon and trafficking in cocaine.

CP13 [age 20; high school graduate; marijuana and alcohol] remained on probation with the East Boston staff until March 1986. Before getting into serious trouble in 1976, he had one public drunkenness charge and three motor vehicle convictions. The following year he was twice convicted of attempted breaking and entering in the nighttime with intent to commit larceny and armed robbery and sentenced to state prison. Offenses since parole included three assaults and batteries, one on a police officer and another with a dangerous weapon; idle and disorderly conduct; two more armed robberies; three larcenies; and a final breaking and entering.

CP14 [age 24; high school graduate; heroin and barbiturates] was unlike the other probationers in that he both had traveled and been in trouble elsewhere. As early as 1968 he began serving 19 months for theft over \$50 in Dallas, Texas. In 1983 he escaped from a work furlough program in California and was at large for more than 4 months. In August 1984 he was sentenced to 2 years confinement by the Los Angeles Superior Court for attempted armed robbery. His final Massachusetts court appearances were in Middlesex Superior Court in 1976 as a result of drug offenses in Cambridge 2 years earlier.

Recent Signs of Rehabilitation—27

Twenty-seven probationers had records marred in some way beyond the insignificant. Yet, within the broad ranges of the criminal justice system and so-

⁸Escapes from the Suffolk County House of Corrections, as it is correctly known, are prosecuted in the East Boston District Court since the facility is located in Winthrop.

ciety as a whole, they must be considered to have evolved successfully, though in different degrees, from their probationary periods. They fall into the following subcategories:

No Criminal Offenses Since April 1972. Probationers R1-R5. (R5 did have one instance of operating a motor vehicle without having his car registration with him and three instances of operating after revocation of his driver's license.)

R1 [age 19; high school graduate; marijuana] His original offense was the possession of that drug. He had one subsequent drug violation 6 months later for which he was placed on probation for 6 months in Suffolk Superior Court. He is now married, with a child, and working in electronics in northern New England.

R2 [age 24; college graduate; barbiturates and marijuana] A year after the first study he received a year's probation for assault and battery and assault with a dangerous weapon and paid a \$10 fine for operating a motor vehicle without a license. He is currently a salesman of home improvement materials and a substitute teacher.

R3 [age 25; high school graduate; heroin and alcohol] His offenses at the time of the original study, which were all committed on June 22, 1970, included public drunkenness and having a hypodermic needle in his possession. He had heroin and related complaints filed against him in September 1971 in Roxbury and April 1972 in East Boston. The first substance did not turn out to be heroin, and charges of possessing a syringe and hypodermic needle were continued without a finding⁹ for 6 months. On the subsequent charge, attempting to purchase heroin, he was given a 1-year House of Correction sentence in East Boston District Court which he appealed to Suffolk Superior Court where he defaulted. A still unserved warrant was issued. He moved to Fort Lauderdale, Florida, has acquired no additional record anywhere in the United States, and has given no overt indications of continued drug use on the few occasions he has subsequently been observed in East Boston.

R4 [age 28; ninth grade; marijuana and alcohol] By 1970 he had a record going back 7 years which included one uttering of a forged prescription for a

narcotic drug and two larcenies. He was charged with two additional larcenies, three instances of receiving stolen goods, carrying a firearm without a permit, jumping bail and escape, all within 7 months of the original study. He finally received a 3- to 5-year state prison sentence in June 1971, was paroled in June 1972, did not violate the terms of parole which continued for 4 more years, and continues to live, without apparent difficulty, at the same address in Winthrop.

R5 [age 27; ninth grade; barbiturates and alcohol] He is the older brother of R12. Like him, at the time of the original study, he had been charged with both drunkenness and possession of an illegal drug, though only once on each. Like him also, he had been committed, the actual commitment coming via probation surrender a year after the study date. Essentially all of his additional difficulties arose in that year. The following four charges on which he received concurrent House of Correction sentences in Superior Court resulted from a March 1971 automobile accident: possession of harmful drug (Dexamyl), operating under the influence, operating after revocation of his driver's license, and leaving the scene of an accident after causing property damage. Two other confinements for drunkenness and assault by means of a dangerous weapon also occurred that year. Since then his only difficulty has come from an unwillingness to stop driving after revocation of his license. He remains in default in Chelsea for having failed to pay fines for that offense in 1980 and 1981. He lives with his father, working for him as bricklayer, and seems prosperous.

No Convictions Since 1975. Probationers R6-R9. (R9 is included since his only offenses since 1973 have been two non-support cases. The problems raised by such conduct are beginning to be appreciated, but it is sufficiently distanced from illegal drug use and related offenses not to bar his inclusion here.)

R6 [age 21; 2 years of college; marijuana] His only offense at the time of the original study, apart from a \$10 speeding ticket, had been being present where a narcotic drug was kept. He had but one subsequent violation. It was, however, a major one: a Federal conviction for conspiracy to distribute cocaine and for possession of that drug with intent to distribute. He was committed for 3 years with concurrent 3-year special parole terms.

R7 [age 20; high school graduate; barbiturates and alcohol] He had four alcohol offenses and one drug violation by the original study date. Three days later he was sent to Massachusetts Mental Health Center for observation upon being arrested on an idle and disorderly charge. Having been given a 6-

⁹The Supreme Judicial Court of Massachusetts has appropriately termed this rather murky practice one of the "less clearly defined aspects of District Court practice. . . . Under the practice . . . a District Court judge continues a case for a lengthy period of time without making a finding of guilty. The judge may impose certain conditions on the defendant. At the end of the designated period, if the defendant has complied with the conditions of the continuance, the case is dismissed." *Commonwealth v. Duquette*, 386 Mass. 834, 837-38, 438 N.E. 2d 334, 338 [1982]. A continuance without a finding may be made after either an "admission to sufficient facts" for a finding of guilty or a judicial determination after trial that such facts exist. For relatively minor matters, the continuance may be for a brief period, three months not being uncommon.

month House of Correction sentence, suspended for a year, he was surrendered by his probation officer and commenced serving the sentence in January 1971. The surrender was precipitated by Cambridge charges of uttering a forged prescription and receiving stolen property.¹⁰ Additional court matters in the next 2 years charged drunkenness, idle and disorderly conduct, and attempted larceny from the person. In April 1975 he was committed for 3 months for breaking and entering in the nighttime with intent to commit larceny. Subsequently, he has been out of trouble, married, with a child, assisted in the early years by long-term methadone withdrawal. He is, however, disabled by a mental condition and receives SSI benefits.

R8 [age 20; 11th grade; heroin and barbiturates] His violations had been relatively minor, but all within a 5 1/2-month period: uttering a forged prescription, receiving stolen property; being present where gambling implements were found; and knowingly being where narcotic drugs were found. His only post-study convictions were for trespassing and idle and disorderly conduct in 1975. He is today divorced, living in Winthrop, working at an East Boston food market, and supporting his wife and children.

R9 [age 17; 10th grade; barbiturates] His only offenses had been motor vehicle violations, but he "hung out" with a young group which abused barbiturates, particularly seconal. After a 6-month continuance without a finding for being an idle and disorderly person in September 1972, he was given a 6-month suspended sentence for wilful and malicious destruction of personal property after a surrender hearing in December 1973. Twice during this period he was referred to the East Boston Drug Action Council which operated both a residential treatment center and storefront out-patient program. His only subsequent court cases alleged non-support. A case of non-support of an illegitimate minor child was continued without a finding in East Boston for 2 months and then dismissed at the request of the complainant in July 1982. He has been in default in the Chelsea District Court since November 1982 for non-support of his wife and minor child. For some time he has been employed as the manager of the local branch of a car rental agency.

No Violations Later Than April 1978. Probationers R10-R17.

R10 [age 31; eighth grade; marijuana] By the time of the original study, he had committed a variety of

minor offenses but never prosecuted for the use he was believed to have made of marijuana. He has had just two subsequent offenses: a 1975 South Boston non-support case for which a default warrant was issued in November 1977 and a conviction for "being found" in an illegal gambling operation. The \$1250 fine he received indicates that he was viewed as more than a casual passerby.

R11 [age 22; high school graduate; heroin and alcohol] His only conviction, other than a one-way street violation, was for drunkenness. The seriousness of that matter as viewed by the sentencing judge was demonstrated by the imposition of a 6-month sentence to the Massachusetts Correctional Institution at Bridgewater, suspended for 1 year. His subsequent convictions were for non-support of wife and child which was monitored by the East Boston Court probation staff from July 1975 through April 1980 and a 1976 breaking and entering for which he was committed by the Malden Court for 6 months. Currently, he lives in East Boston, works as a laborer, and cares for his daughter, his wife having died 2 years ago.

R12 [age 23; 10th grade; heroin, barbiturates, and alcohol] He had, by the time of the original study, been arrested seven times for public drunkenness and three times for possession or being in the company of one possessing illegal drugs. On four of the violations he was committed to the House of Correction, either immediately or after surrender. Problems continued for another 5 years: one drunkenness charge, one instance of both operating under the influence of liquor and to endanger, and three petty larcenies. However, for more than a decade he had no problems with the law. He is unemployed, living with and supported by his father in East Boston.

R13 [age 19; high school graduate; marijuana and alcohol] His original two offenses were larceny of property valued at \$165 and being disorderly. He has had but two more (August 1976 and September 1977), both in Lowell for operating under the influence of liquor. He has had no legal problems since taking an alcohol education course after the second offense.

R14 [age 18; high school graduate; marijuana and alcohol] He had only a minor marijuana offense at the time of the original study. Exactly 1 month later he was arrested for selling marijuana, however, and placed on probation for 2 years in Suffolk Superior Court. Plagued by alcohol, he was arrested for drunkenness four times. On one occasion he was described as being "in no condition to appear before court." The next morning he was committed for 30 days. Three more serious offenses were "larceny in

¹⁰ A surrender proceeding is initiated by the supervising probation officer when his probationer violates the terms of probation. A court hearing is held which may result in the execution of a previously suspended sentence.

a building" for which he was committed for 2 years; "use without authority" for which he received an 18-month suspended sentence, and an "assault with intent to rob while masked" indictment for which he received a 3 to 5-year suspended state prison sentence in Essex Superior Court. Somewhere along the way something appears to have moved him in the right direction, because, since being terminated from the last probation in April 1979, he has had no further legal involvement.

R15 [age 17; high school graduate; marijuana] This is the younger brother of probationer CP2. His only offense was possessing marijuana just 2 weeks prior to the study date. Two months later he was charged in New York with larceny of a motor vehicle and receiving stolen property, but no disposition was ever made of those allegations. His next charge came almost 5 years later, non-support of his wife and minor child, and was followed 7 months later by assault and battery upon his wife. In February 1978 he was indicted for possession of a Class B Controlled Substance and unlawfully carrying a firearm. Since being terminated (May 1981) from the probation which accompanied his suspended sentences, he has had no further legal involvement. He is employed and is supporting his child and wife, from whom he is separated.

R16 [age 22; high school graduate; heroin and alcohol] His first criminal charge, for drunkenness 3 months before his 18th birthday, had been continued without a finding for 6 months and then dismissed. It was 3 years until his next offense, also drunkenness. Three pre-study 1970 offenses for possessing a hypodermic needle, related instruments, and a narcotic drug resulted in 3-month concurrent sentences imposed, after surrender, in December 1970. Probationer's difficulties with the law continued for another 7 years. In November 1971, the East Boston Court executed a 3-month suspended sentence for larceny of less than \$100. In court in January 1973, because of a second drunkenness arrest in 5 months, he was committed for 6 months on a previously suspended sentence for breaking and entering in the daytime. A 3-month sentence, concurrent with the breaking and entering sentence, was imposed a month later for a May 1972 larceny of over \$100. Those were his final commitments, though suspended sentences or probation terms were received in 1975 and 1976 in Boston Municipal Court and the District Courts of Roxbury and South Boston for larceny of under \$100, assault and battery with a dangerous weapon, use of a motor vehicle without authority, being a disorderly person, and assault and battery upon a police officer. His final offenses occurred in

July 1977. The possession of an alcoholic beverage, combined with breaking glass in a recreational area, indicates a continuing problem with alcohol. The other offense in Chelsea, entering in the daytime with intent to commit larceny, resulted in a suspended sentence and probation from which he was terminated in June 1979. He now resides in Boston's South End and does odd jobs.

R17 [age 22; high school graduate; heroin and alcohol] This individual is included in this category despite his troubled history, because he has not been charged with a criminal offense since April 1978. By 1970 he had already been charged with 14 different violations of the law on nine different occasions and in three different courts. Four of the arrests included drug offenses and two alcohol. Despite various suspended sentences and surrender hearings, he had never been committed. That soon changed. Between 1971 and 1981 he was habitually court involved. He was committed on four occasions for such offenses as two of his six drunkenness charges, motor vehicle violations including leaving the scene of an accident after causing property damage and personal injury, possession of heroin, breaking and entering, possession of burglarious tools, larceny, and obstruction of mail. A special condition of probation, part of a Federal commitment-probation cycle, was that he enroll in a drug rehabilitation program approved by his probation officer. Despite the tumultuous 10 years, he was terminated from his last probation in April 1981. He is single, living with his father, and working as a carpenter with no apparent problem with illegal drugs. He does still see some of his old crowd and once in a while appears "tipsy."

No Convictions Later Than 1981, a significant period of time. Probationers R18-R24.

R18 [age 20; 11th grade; marijuana] has had just two subsequent significant encounters with the law: a 1975 larceny over \$100 for which he received a 6-month suspended sentence and June 1980 charges of assault and battery on a police officer and being a disorderly person. The former was continued without a finding for 6 months with 75 hours of community service imposed. As to the latter, he was found guilty and fined \$125. He is single and generally can be found working at local recreational facilities.

R19 [age 33; ninth grade; marijuana and alcohol] By 1970 he had two public drunkenness charges as well as suspended sentences for operating under the influence of liquor, leaving the scene of an accident after causing property damage, and operating to endanger, all of which evolved from the same incident, and for larceny from the person. After the drunk-

eness charge in 1972, his only subsequent offenses were digging clams in a contaminated area in 1975 and larceny of more than \$100 in 1981. He remains in East Boston where he has raised six children.

R20 [age 22; high school graduate; barbiturates, marijuana, alcohol, and misused cough medicine] He had the following four relatively minor charges, all within the 6-month period September 1969-February 1970: uttering a forged prescription, possession of stolen property, being present where gaming implements were found, and knowingly being present where a narcotic drug was found. His drug problem, including the use of methadone, continued on and off for the next decade, although it was not until July 1980 that he was arrested for his only subsequent offense, possession of a class E controlled substance. On appeal, his case was continued without a finding until October 1981. He has had no court involvement since. During the pendency of his 1980 case, he contended to a treatment program that he had been off illegal drugs since March 1980, though he conceded a continuing alcohol problem.

R21 [age 22; high school graduate; heroin, barbiturates, and alcohol] had several relatively minor offenses from October 1969 through July 1970, including two actual or attempted larcenies, two drunkenness arrests, and an idle and disorderly person charge. His only subsequent offense was operating under the influence of liquor in Lawrence in May 1979. Placed in an alcohol education program, he was found in default in August 1980. That status has not changed. Yet, he is doing well as a pollution control specialist and is considered a "real success" by East Boston's chief probation officer.

R22 [age 22; high school graduate; barbiturates and alcohol]. By 1970 he had two drug possession charges, two drunkenness complaints, and one for receiving stolen property. Apart from one instance of operating a motor vehicle without being licensed, his only subsequent offense was an August 1980 larceny of more than \$100 for which he was given a 6-month sentence, suspended until February 1982 when his probation was terminated. He remains single, living with his mother in East Boston. He has worked with vending machines and, more recently, with computers.

R23 [age 26; high school graduate; barbiturates and marijuana] He had three drug possession charges arise from the same April 1970 arrest. His only subsequent conviction was for assault and battery in 1977 for which he received a 1-year sentence, suspended during a 2-year probationary period. Two prosecutions for operating under the influence of intoxicating liquor were dismissed. In 1979 a Brockton

case was dismissed promptly within 3 weeks, indicating at best a marginal case against him there. The second dismissal of a 1981 Quincy charge, along with an operating to endanger, occurred only after a year had passed, indicating supervision.

R24 [age 23; 10th grade; heroin] This probationer had received a suspended sentence, with 3 years probation still in effect at the time of the original study. Four months later he was committed to the House of Correction for 6 months for possessing heroin. In September 1978, he received concurrent 1-year suspended sentences for possession and distribution in late 1977 of glutethimide, a class C controlled substance, and of Tuinal, a class B substance. Additional drug violations occurred in 1979 and 1980. However, his urine analyses revealed no drug involvement when he was a patient at the Noddle's Island Multi-Service Agency from March to November 1981. The probation for his final offenses was terminated in February 1983, and he has had no subsequent difficulties. He is married with three sons, working as a laborer and a printer. Though sometimes living apart from his wife, he has not been the subject of non-support actions.

Others. Probationers R25-R27. Despite a lapse, R25 and R26 had each previously gone a decade without criminal conviction, and neither has had a subsequent relapse. R27 is included in the rehabilitated category since his only post-1980 violation was for possessing marijuana.

R25 [age 19; 10th grade; heroin and alcohol] His offenses in the 2 years prior to the original study that he had been an adult offender included affray, two larceny from the person, assault and battery, and breaking and entering in the daytime. In November 1971, he was charged with the possession of a hypodermic needle and with possession of hashish, receiving a 1-year sentence, suspended for 2 years, on the former complaint. Later that month he received the same sentence for the possession of barbiturates. Drunkenness complaints then and in May 1972 were placed on file after guilty findings. Ten years passed before another finding against him occurred. It was also alcohol-related, an operating under the influence of liquor charge in Chelsea. That June 1982 complaint was continued without a finding for a year, but he remains in default as to it. Nonetheless, he lives with his father, works as a carpenter, and has no apparent problems.

R26 [age 18; high school graduate; barbiturates, marijuana, and alcohol] He was being supervised for public drunkenness and two drug possession offenses at the time of the original study. His subsequent offenses included three more occasions of public

drunkenness during the less than 3 years that conduct remained prosecutable and four drug offenses, including the possession of nembutal. Yet, he was wholly free of criminal involvement from the time he received four concurrent 1-year House of Correction sentences in September 1973 until charged with possession of a hypodermic needle and syringe in June 1984. Because of the long period free of criminal involvement, he was the beneficiary of a year-long continuance without a finding. The matter was dismissed in August 1985. A resident of a nearby older suburb, this probationer has been a custodian for a major Greater Boston manufacturer since 1978. Over the years he has been involved with some eight drug treatment programs.

R27 [age 18; ninth grade; alcohol] He had been committed for 3 months for using a motor vehicle without authority within a month of becoming 17. He also had a 6-month suspended sentence for being a disorderly person. Nine days after our original study date he was again committed to the House of Correction, this time by Suffolk Superior Court for 6 months for breaking and entering in the nighttime with intent to commit larceny. He had two post-original study alcohol violations as well as convictions for attempted larceny, breaking and entering in the nighttime, and receiving stolen property and was in default in East Boston District Court for larceny under \$100 from March 1982 until November 1985 when the complaint was dismissed at the request of the complainant. Yet, he is believed to be living with his mother in East Boston. His arrest, which presumably could have occurred at any time, was not a high priority for law enforcement officers in Boston confronted with massive numbers of defaults. In any case, with police officers not then assigned on a neighborhood basis, they would not have known him.¹¹ His only other relatively recent charge was in Malden District Court where court costs were assessed for marijuana possession in June 1984.

No Longer Court Involved—26

The easiest classification, apart from the deceased, are those who have had no involvement with the law apart from completing the probation supervision they were on at the time of the original study. Twenty-six fell into this category. One probationer, a sheet metal worker, is included, despite a recent non-support case. He has an otherwise unblemished record and no known drug involvement. In addition,

eight of these men did have minor motor vehicle violations. Beyond the fact of their current disengagement from the criminal law system, we do not, for the most part, have access to current information about them.

Of these success stories of the highest level, there had been a great deal of drug use and of other crimes. Six had used both heroin and barbiturates. There were five other heroin users, one other barbiturate user, eight who only used marijuana, and one who used methamphetamine. The latter had also been involved in three larcenies. Seven others had also committed or attempted larcenies. One of them also had received stolen goods, and he was known to be a heroin user. The average age of the 24 men at the time of the original study was 26.2 years, skewed by the fact that the group included men aged 41, 53, and 60 at the time.

Discussion

Probationary supervision was not the only factor affecting the men in this study. Yet, we believe that a good probation officer with a reasonably manageable case load can have impact on the individuals supervised. The probationers of the East Boston District Court whom we studied in 1970 were all seen regularly and supervised by the same probation officer, now the court's chief probation officer, who knew their problems, had special experience in the drug field, and was very familiar with available treatment resources.

We consider it of significance that there has been some degree of success in avoiding violations of the law by 53 (68 percent) of the original probationers with 26 (33 percent) essentially free of criminal involvement. This "success" is not unblemished, nor are the criteria for success clearcut. Some may be struck by the early, sometimes violent, deaths of 11 (14 percent) of the 78 probationers and by the 14 (18 percent) apparent failures of those who are counted in the continuing crime or "constant problems" category. Analysts may suggest different standards for dividing the probationers into categories. For them, as for other readers, detailed information concerning the probationers surveyed is included.

After classifying the 78 probationers, the four groups were reviewed as to age, grade level, and nature of drug use at the time of the original study to see what conclusions, if any, could be drawn. Educational level was discarded since the variation between high and low average grade level of the four groups was less than one full grade (11.4 for the "no longer court involved" and 10.5 for those "in constant trouble").

¹¹As one lead editorial bluntly stated following reports by its investigative team concerning the extent of defaults in the courts of Massachusetts: "a good strategy to avoid being convicted of crime is simply not to show up for trial." *The Boston Globe*, October 9, 1984, p. 14.

Both age and the type of drug used appear to have had an effect. The 14 "in constant trouble" averaged 21.8 years, almost 4 full years younger than the next youngest group, the deceased, and 4.2 and 5.1 years younger respectively than the "no longer court involved" and the "rehabilitated." Their use of heroin and barbiturates was strikingly higher than that of the probationers in the other three categories and their average abuse of alcohol higher than that of probationers in two of the other three categories. Interestingly, marijuana use was minimal among those who turned out to be "in constant trouble" (14 percent). For them, marijuana was not a "gateway" drug. In contrast, half of those "no longer court involved" and 48 percent of the "rehabilitated" used marijuana at the time of our original study.

The effect of probation upon the 11 men in the original study who have died is difficult to assess, at least in a durational sense, since three died within 4 months of our study, five more within 4 years, and all in less than 9 years. That illegal drug use and alcoholism continued to be a problem for this group is evident in the manner in which most of them died.

What our data appear to indicate is that the younger a person is who becomes a serious user of heroin and barbiturates, the more at risk that person is during and after the period of probationary

supervision. That would call for the imposition of longer and a more intense level of probationary supervision for such persons.

We consider effective probation to be the highest priority of our court system. At the time of the original study, the Law Enforcement Assistance Administration provided creative assistance to our probation system as it did to so many other aspects of the criminal justice system. That worthy program, like so many other Federal programs, no longer exists. With the pervasiveness and openness of drug use and drug sales on the streets of America's cities, one hopes that data such as presented here will encourage governments at all levels to support the probation departments of our courts so that realistic case loads and meaningful supervision of our drug population can occur.

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