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THE INSTITUTIONAL EXPERIENCE OF MAJOR VIOLATORS IN MASSACHUSETTS

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ABSTRACT

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The attention of corrections administrators is becoming increasingly focussed upon Major Violators, as the national scene witnesses a proliferation of prosecution programs which successfully convict and impose lengthy terms of incarceration upon this offender type. Corrections thus assumes the responsibility of determining if these inmates present special needs while in prison; and if so, to develop corresponding programs and strategies.

This study assesses the needs of the institutionalized Major Violator in Massachusetts. These individuals have been prosecuted by the Suffolk County District Attorney's Major Violators Division, and primarily sentenced to MCI-Walpole, the state's maximum security facility. The research continues to utilize the original cohort of inmates originally sentenced under this program between mid-1975 and 1976. Three research objectives sought to ascertain if Major Violators experience more difficulty than other inmates in adjusting to institutional life; whether programmatic needs appeared to be different; and whether this group could be differentiated on the basis of needs demonstrated upon commitment and during an initial period of incarceration.

The institutional experience of Major Violators was compared to two control groups: a contemporary control (men sentenced to Walpole from the same court during the period in which Major Violators were sentenced); and an historical group (men convicted during the previous year from the same court who were also sentenced to Walpole). A wide range of institutional variables was collected for a six-month period commencing with the start of each individual's sentence. These included inter-institutional movement, disciplinary reports, program recommendations, and other experience characteristics. Statistical comparisons were first drawn between Major Violators and each of the control groups. The contemporary control was then combined with Major Violators into a collective 1975 sample and compared to the historical control, to determine if observed differences could be attributable to the year.

The most overwhelming finding was that for the majority of the variables, there was no significant difference between Major Violators and the control groups. Some of the distinctions obtained appeared to be a result of factors specific to the year during which the cohort was committed; for example, Major Violators and the contemporary control were more likely than the historical control to have received disciplinary reports, to have a drug problem, and to have spent time in isolation. Characteristics that did distinguish Major Violators from both groups tended to be related to the type of prosecution received; i.e., they were more likely to have been sentenced with pending court cases or outstanding warrants, to have longer minimum and maximum sentences, and to be incarcerated for a property or person offense.

The study concludes by reemphasizing the similarity of institutional experience of Major Violators with other inmates, and cautions against applying this potentially damaging label in the form of special programs until further and more long range research is conducted.

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A number of individuals made significant contributions to the research:

The tedious, lengthy, and at times frustrating job of data collection at the correctional institutions was the task of different people at various times - Paul Gilpin, Joe Landolfi, and Joe Spinale, all former or current staff of the Research Division. The complex coding of the data was performed almost exclusively by Joe Spinale.

The staff of the records room of MCI's Walpole and Norfolk, were particularly cooperative during the data collection phase, by allowing extensive utilization of the folders and providing working space for the researchers.

Finally, as always, Ellen Weiner endured the typing of this study through its many draft stages.

LIST OF TABLES

	<u>Page</u>
Table I: Minimum Sentence Received by Major Violators, 1975 Control, and 1974 Control	11
Table II: Maximum Sentence Received by Major Violators, 1975 Control, and 1974 Control	12
Table IIIA: Maximum Chi Square Splits Distinguishing Major Violators from Both Control Groups	21
Table IIIB: Maximum Chi Square Splits Distinguishing Major Violators from the Historical Control	22
Table IIIC: Maximum Chi Square Splits Distinguishing Major Violators from the Contemporary Control	23

## TABLE OF CONTENTS

	<u>Page</u>
Introduction	1
The Career Criminal	1
Major Violators Division	1
The Major Violator and Corrections	2
Methodology	4
The Sample	4
Research Technique	4
Research Questions	5
Data Sources	6
Statistical Analysis	7
Findings	9
Variables Distinguishing Major Violators	9
Variables Distinguishing Major Violators and the Contemporary Control from the Historical Control	14
Institutional Adjustment	14
Program Needs	15
Problem Areas Upon Commitment	16
Other Statistically Significant Associations	18
Variables Failing to Distinguish Major Variables	19
Summary of Findings	19
Discussion	24
Conclusions and Implications	26
Appendix A: Variable List	
Appendix B: Future Research	

## MAJOR VIOLATORS

### INTRODUCTION

#### The Career Criminal

The identification of the career criminal as a conceptually distinct offender type is emerging as a focus of national concern. Tested assumptions lend support to arguments that a small segment of the general offender population is repeatedly responsible for a large proportion of criminal acts. Many of these crimes can be assessed as more serious in nature, as compared to those committed by other offenders. It is further argued that the traditional correctional response to this offender type has proved unworkable in either stemming their continued involvement with illegal activity, or serving as a deterrent to others from embarking on similar criminal careers.

The validity of these contentions leads criminal justice professionals to begin to devise alternative approaches for dealing with career criminals in ways that would minimize the likelihood of continued criminality. From a correctional standpoint, an array of programs can be utilized, ranging from innovative strategies, supplementing current modalities, to a "do-nothing" approach. The interplay of other criminal justice components, such as presumptive or mandatory sentencing, or the creation of special District Attorney's offices, contributes towards a comprehensive effort to handle the career criminal.

The definition of what constitutes career criminals, or major violators, is hardly clearcut; some point to repeated recidivism, while others assert that the types of criminal acts are more appropriate indicators. A combination of both "quality" and "quantity" may be most accurate when making the assessment of career criminality, although probably an individualized evaluation on a case-by-case basis best serves to signal this type of offender to criminal justice practitioners. Research is currently underway on a national level to clarify and refine the characteristics of the "typical" career criminal.<sup>1</sup>

#### Major Violators Division

The national recognition and public concern with the existence of the career criminal has served as an impetus to the establishment of federally funded law enforcement and prosecutorial programs specifically concerned with the apprehension, successful prosecution, and conviction of these offenders.

<sup>1</sup> The Rand Corporation is the organization conducting the bulk of this activity. See, for example, Petersilia, Greenwood, Lavin Criminal Careers of Habitual Offenders (August, 1977); and Honig, Paul The Prison Experience of Career Criminal: Current Practice and Future Considerations (paper P-6178) (July, 1978).

In mid-1975, the Commonwealth of Massachusetts became the recipient of such funding to impact career criminals through a unified approach. At the prosecutorial end, the Suffolk County District Attorney's Office was enabled to establish a Major Violators Division with the primary objectives to: identify, from all cases screened by the District Attorney's Office, the career criminal, utilizing a set of pre-determined criteria; to develop and implement strategies aimed at effectively prosecuting individuals so identified; and to adhere to mechanisms ensuring speedy and efficient case management.

The process was effectuated with agreement and corollary support from the police and the courts. A weighted scale of factors, which include seriousness of the offense, status of the victim, status of the defendant within the criminal justice system, and related considerations, is utilized when initially determining the appropriateness of prosecuting the case through this division.<sup>2</sup>

In the period of September 8, 1975 through July 19, 1976, a total of 2,693 cases were referred to the Major Violators Division. Of these, 238 were accepted for diagnostic assessment (8.9 percent) and 177 were classified as Major Violators (6.6 percent of all cases referred; 74.4 percent of all accepted cases). These statistics are indicative of a careful screening procedure, and lend further credence to the assumption that only a small minority of offenders meet the career criminal criteria.

The efforts of the Major Violators Division resulted in the high conviction rate of 96.4 percent during this same period. Finally, research has also shown that the sentences imposed on these offenders were longer than those for non-major violators; a mean maximum of 10.20 years and maximum of 15.15 years. These were both several years longer than for contemporary and historical comparison groups examined.<sup>3</sup>

### The Major Violator and Corrections

If a conviction is secured and a sentence to a state correctional institution is imposed, the burden of responsibility shifts to the Department of Correction, the other recipient of LEAA funds. Previous research had indicated that commitments prosecuted by the Major Violators Division are distinguishable by a number of characteristics regarding their criminal history, personal background, and nature of the current offense. Some of the more salient differences obtained demonstrated that Major Violators were significantly more likely than a comparison group: to have received a longer sentence; to have been booked on a general charge of property offense and a specific offense of armed robbery; to have previously appeared in court on more than

<sup>2</sup> See, New England Bureau for Criminal Justice Services, Evaluation of the Suffolk County Major Violators Project (May, 1977).

<sup>3</sup> See, Chayet, E. Characteristics of Major Violators in Massachusetts, Massachusetts Department of Correction, Pub. No. 124 (October, 1976).



ten occasions for property and person offenses; and to have embarked on a criminal career at a younger age.<sup>4</sup> Insofar as a distinct group is in prison, the goal of the corrections component, therefore, becomes one of formulating a series of program modalities developed specifically for these offenders.

Before program planning can commence, however, an evaluation must be made of the actual correctional needs of the career criminal, as well as an assessment of the impact this group has upon the correctional system. Interactional and situational characteristics of the institutional experience of this population must be investigated in order to delineate concrete areas in which programs are needed and would prove fruitful. This study is based on this necessity, and will assume a diagnostic perspective on the problem.

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<sup>4</sup> See, Chayet, op cit. Also: LeClair, Daniel, An Analysis of Recidivism Rates Among Residents Released from Massachusetts Correctional Institutions During the Year 1973, Massachusetts Department of Correction, Pub. No. 126 (October, 1976).

## METHODOLOGY

### The Sample

Three samples are utilized for this report. In actuality, these groups represent the total populations. It was decided to include all relevant cases rather than sampling due to the relatively small number of individuals in each group.

1. Major Violators: All cases convicted through the efforts of the Suffolk County District Attorney's Major Violators Division and committed to MCI-Walpole from September 8, 1975 through July 19, 1976 are in this group. (This time frame was utilized to be consistent with the previously published study of the characteristics of these offenders). Sentences to facilities other than Walpole are excluded since they constitute a minority of all such commitments. Further, it is expected that a bulk of any program planning will be oriented toward residents of Walpole. This sample totals 92 individuals.
2. Contemporary Control: This sample (also referred to as 1975 control) consists of all offenders convicted from Suffolk Superior Court and sentenced to Walpole coterminous with program implementation who were not classified as Major Violators. A total of 152 individuals fit these criteria.
3. Historical Control: The historical (or 1974) control is comprised of the population of offenders convicted and sentenced to Walpole from Suffolk Superior Court during the year immediately preceding operationalization of the Major Violators Division (1974). This sample size of 54 individuals.

The use of two separate control groups has some advantages. First, employing a contemporary group will tend to ensure against the possible influence of dynamic factors, such as institutional conditions, at the time Major Violators serve their sentences at Walpole. Second, the historical sample will control for time factors; that is, to ascertain if any observed variations are actually due to differences in the year being investigated. The delimitation of control group criteria was made with regard to comparability of samples with the Major Violators population.<sup>1</sup>

### Research Technique

A six-month tracking process was conducted for all three samples. This time frame was chosen since it allowed the inclusion of a relatively large number of Major Violators, without

<sup>1</sup> For further discussion of this issue of similarity of control groups in quasi-experimental designs, see: Campbell, Donald T. and Julian C. Stanley, Experimental and Quasi-Experimental Designs for Research. Rand-McNally Publishing Company, Chicago (1963).

imposing too great a limitation on the length of time individuals could be observed as correctional residents. Thus, data was systematically collected for a six-month period beginning with the individual's commitment to Walpole.

As a needs assessment, a variety of open-ended data regarding institutional experience was gathered. These include, but are not limited to, movement among custody levels both within Walpole and between other facilities; classification procedures and outcomes; results of appearing before program review boards; disciplinary problems; work assignments; and recommendations for participation in programs such as furlough and work and education release.

### Research Questions

Three major need areas which have actual programmatic and custodial implications will be examined, and can be framed as the following research questions:

1. Do Major Violators experience more difficulty than non-Major Violators in adjusting to residence in a correctional facility?
2. Are there any differences in the types of programs recommended for Major Violators by institutional personnel, as compared to non-Major Violators?
3. Can we differentiate Major Violators from non-Major Violators on the basis of demonstrated need upon commitment and during the first six months of residence at a correctional facility?

The first question concerns institutional adjustment, or a determination of real and potential problem areas. Specific indicators include:

- a) number and seriousness of disciplinary reports;
- b) length of time residing in higher custody (both intra and inter-institutional movement are considered);
- c) reasons for remaining in higher custody, or for transfer thereto;
- d) frequency and length of segregation or isolation for disciplinary purposes;
- e) program reviews;
- f) furlough outcomes;
- g) overall adjustment (as assessed via comments by institutional staff such as classification board members).

The second question addresses program needs, as indicated by examining the suggestions for program participation made by program review and classification boards. Possible programs include education and work release, furloughs, a variety of counseling modalities, vocational programs, GED, college preparatory and college courses, and work assignments.

The research will seek to investigate the third question of problem areas upon commitment, by examining the following areas:

- a) evidence of any substance abuse problem that may require focussed treatment;
- b) possession of one or more outstanding warrants or court cases which prohibit participation in certain types of programs, and possible transfers to lower custody;
- c) need for clearance as a "Sexually Dangerous Person: (SDP) which carries the same prohibitions as (b);<sup>2</sup>
- d) commitment on a number of charges with varying types of sentences, which may also prevent program participation and movement;
- e) receiving additional sentences subsequent to commitment, which may affect length of incarceration, parole eligibility, program participation, and movement.

#### Data Sources

The data for all indicators described above were obtained from two sources. Inmate folders constituted the primary data source. The research utilized those folders maintained at the institutions. These folders are transferred with the offender to his or her subsequent placements, and, upon release from custody, return to the original commitment institution. They contain an administrative chronology summarizing movement of the resident through the system, as well as materials documenting classification, program reviews, work assignments - in short, all information regarding the period of incarceration.

Central Office master cards, recording institutional movement, correctional history, and offense, were utilized as secondary sources of data when the institutional records could not be obtained or were incomplete. Centrally filed inmate folders were employed for this purpose as well.

<sup>2</sup> In Massachusetts, all offenders convicted on a sex-related charge may need evaluation to determine SDP status.

## Statistical Analysis

Two basic types of statistical analysis are utilized in this study, the primary purpose of which is to compare the three samples with respect to each variable, or combinations thereof.

Simple frequency distributions, or the number and percentage of each group represented for all possible values of a variable, are employed to gain insight into the characteristics of a particular group. Intergroup comparisons will be made when the variable is quantifiable, thus lending itself to the derivation of a measure of central tendency (i.e., mean, mode,<sup>3</sup> or median). These can be obtained and compared across samples.<sup>3</sup>

Crosstabulations, or examining each variable by comparing the values for one sample with those of the other samples, will constitute the major portion of the analysis. A measure of association, the Chi Square test ( $X^2$ ), will determine whether the particular observed relationship is statistically significant by postulating the frequency with which we could expect the relationship to occur in the population by chance alone. The standard significance level adopted will be at the .05 level or beyond; that is, the probability of the observed relationship occurring by chance is less than five times in one hundred.<sup>4</sup>

The test described above has been refined to a determination of the maximum Chi Square. In other words, on each variable for which a statistically significant association is evident, the value of the variable at which the statistic was highest will be the one reported. This enables us to assert at what value, or split in the variable, the differences among samples are greatest.<sup>5</sup>

All necessary and possibly fruitful controls have been instituted during the analysis. Thus, what may at first seem to be a significant difference may disappear, or an enigmatic relationship explained, once another variable is held constant. This procedure will be reported where appropriate.

In all cases, however, we first compare Major Violators with each individual control group; second, the two control groups are compared with each other; and finally, Major Violators and the contemporary control are combined into a "1975 group" and compared to the historical sample to examine the possible influence of the year over the observed data. (The reader must remember that this does not refer to the calendar year, however.)

<sup>3</sup> Examples of variables in this category are age, number of disciplinary reports, and number of program reviews.

<sup>4</sup> Note that Chi Square does not answer questions regarding the degree or strength of a relationship; it merely posits that an association exists.

<sup>5</sup> The Yates correction was applied in all cases in which the expected cell frequency was less than five.

In the following presentation of the findings, variables demonstrating statistical significance will be elaborated upon first. A table documenting these, including the location of the split and probability level, can be found on pages 21 through 23.

## FINDINGS

### I. Variables Distinguishing Major Violators

Since there were very few factors that distinguished Major Violators from both control groups, these will be examined separately.

#### Education Recommendation Made by the RDC

Major Violators who were classified at the Reception Diagnostic Center (RDC)<sup>1</sup> were more likely than the contemporary control and less likely than the historical control to have been recommended for participation in a pre-GED program. Whereas 21.1 percent of the Major Violators were recommended to pursue this option, only ten percent of the contemporary group was so classified, and fifty percent of the historical control.

The following constellation of variables - offense, minimum sentence, maximum sentence, and outstanding warrants - also mark Major Violators from the two controls. These findings were anticipated, however, since prosecution by the District Attorney's Major Violators Division nearly guarantees these distinctions.

#### Offense

Major Violators were distinctly less likely to have been convicted on a narcotics charge. No one in this group was incarcerated for narcotics, compared to 12.5 percent of the contemporary control and 11.1 percent of the historical control.

They were more likely to be serving their sentence on a property offense (for example, burglary). This charge constituted 14.1 percent of all Major Violators, and only 3.3 percent of the contemporary group and 1.9 percent of the historical control.

Offenses against the person, excluding murder and manslaughter, but including armed robbery, accounted for a disproportionate percentage of Major Violators. Whereas 66.3 percent of this group had been booked on a person-related charge, only 39.5 percent of the 1975 sample and 48.1 percent of the 1974 sample were responsible for this type of crime.

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<sup>1</sup> This is the intake classification facility serving Walpole commitments primarily. During the time being studied, men began their sentence at Walpole (generally in a "New Man's Section") and were transferred to the RDC some time thereafter. The RDC would make a series of programmatic recommendations, including an appropriate security level and specific institution to which the inmate is recommended for residence.

### Minimum Sentence

Major Violators were more likely than either control group to have received a minimum sentence of at least eight years. Whereas 65.2 percent of this group had a minimum of eight years or more, only 48.7 percent of the contemporary control and 40.7 percent of the historical control were in this category.

Sentences of Life and Death were then excluded from the analysis since both control groups received these sentences more often. The same finding as described above was obtained: Major Violators were more apt to be serving a minimum sentence of at least eight years; 63.2 percent of this group, compared to 33.9 percent of the 1975 sample and 28.9 percent of the 1974 sample. It should be noted, however, that when the total 1975 commitments are combined (Major Violators and the contemporary control) they are statistically more likely than the 1974 group to have received this minimum (46.3 percent versus 28.9 percent). This finding may be reflective of a general trend toward imposing longer sentences.

### Maximum Sentence

The two control groups were found to be sentenced to Life or Death in greater proportion than Major Violators. Although 5.4 percent of the latter received this maximum, 22.4 percent of the contemporary control and 16.7 percent of the historical control were committed to Life or Death.

This sentence was again excluded from the analysis. It was then found that Major Violators also received a greater maximum sentence. Of this group, 60.9 percent were committed to a maximum of 12 years or more, versus 41.5 percent of the contemporary control and 42.2 percent of the historical sample.

Tables I and II on pages 11 and 12 illustrates the substantially longer sentences received by Major Violators. Particular attention should be paid to the column entitled "Cum (%)," since more meaningful inferences can be drawn from this. As can be seen, fewer Major Violators received a minimum of nine years or less (47.8 percent), compared to the 1975 group (57.7 percent) and the 1974 control (66.7 percent).

The same type of discrepancy is evident for maximum sentence. Regarding sentences of at least twenty years (but not including Life or Death), it can be seen that 29 (31.6 percent) of the Major Violators are in this category, as compared to 25 (16.9 percent) in the 1975 control, and 9 (16.6 percent) of the 1974 control.



TABLE I: MINIMUM SENTENCE RECEIVED BY MAJOR VIOLATORS, 1975 CONTROL, AND 1974 CONTROL

MINIMUM SENTENCE	MAJOR VIOLATORS			CONTEMPORARY (1975) CONTROL			HISTORICAL (1974) CONTROL		
	<u>N</u>	<u>%</u>	<u>CUM (%)</u>	<u>N</u>	<u>%</u>	<u>CUM (%)</u>	<u>N</u>	<u>%</u>	<u>CUM (%)</u>
3 to 4 Years	13	(14.1)	(14.1)	35	(23.0)	(23.0)	11	(20.4)	(20.4)
5 to 6 Years	16	(17.4)	(31.5)	32	(21.0)	(44.0)	14	(25.9)	(46.3)
7 to 9 Years	15	(16.3)	(47.8)	21	(13.7)	(57.7)	11	(20.4)	(66.7)
10 to 12 Years	18	(19.5)	(67.3)	13	( 8.6)	(66.3)	6	(11.1)	(77.8)
13 to 15 Years	12	(13.1)	(80.4)	10	( 6.6)	(72.9)	2	( 3.7)	(81.5)
16 to 20 Years	6	( 6.6)	(87.0)	5	( 3.3)	(76.2)	-	-	(8.15)
More than 20 Years	7	( 7.6)	(94.6)	2	( 1.4)	(77.6)	1	( 1.9)	(83.4)
Life, Death	5	( 5.4)	(100.0)	34	(22.4)	(100.0)	9	(16.6)	(100.0)
TOTAL	92	(100.0)		152	(100.0)		54	(100.0)	

TABLE II: MAXIMUM SENTENCE RECEIVED BY MAJOR VIOLATORS, 1975 CONTROL, AND 1974 CONTROL

MAXIMUM SENTENCE	MAJOR VIOLATORS			CONTEMPORARY (1975) CONTROL			HISTORICAL (1974) CONTROL		
	N	%	CUM (%)	N	%	CUM (%)	N	%	CUM (%)
3 to 6 Years	10	(10.9)	(10.9)	31	(20.3)	(20.3)	7	(13.0)	(13.0)
7 to 9 Years	12	(13.0)	(23.9)	15	( 9.9)	(30.2)	10	(18.5)	(31.5)
10 to 12 Years	24	(26.0)	(49.9)	34	(22.3)	(52.5)	12	(22.2)	(53.7)
13 to 18 Years	12	(13.1)	(63.0)	13	( 8.6)	(61.1)	7	(13.0)	(66.7)
20 to 25 Years	19	(20.7)	(83.7)	19	(12.5)	(73.6)	8	(14.8)	(81.5)
More than 25 Years	10	(10.9)	(94.6)	6	( 4.0)	(77.6)	1	( 1.8)	(83.3)
Life, Death	5	( 5.4)	(100.0)	34	(22.4)	(100.0)	9	(16.7)	(100.0)
TOTAL	92	(100.0)		152	(100.0)		54	(100.0)	

Outstanding Warrants

At the time individuals were seen by the RDC, there was a visible difference between Major Violators and the two controls in terms of whether they possessed any outstanding warrants or court cases. Major Violators were significantly more likely to need clearance on these issues (54.4 percent) versus 28.8 percent of the contemporary sample and 26.5 percent of the 1974 control.

## II. VARIABLES DISTINGUISHING MAJOR VIOLATORS AND THE CONTEMPORARY CONTROL FROM THE HISTORICAL CONTROL

Major Violators were distinctly different from the 1974 control group on a number of variables. In some cases, these differences were also obtained when comparing the 1975 sample with the 1974 group. Given these conditions, the total 1975 population was combined (Major Violators and contemporary control) and compared to the historical sample. This control procedure enables us to examine the influence of the year upon the experience being observed; i.e., whether the variations are actually due to characteristics of the Major Violators, or to particular institutional conditions and/or administrative policy, a different type of inmate being committed, or some combination of these factors.

These variables will be discussed in logical groupings concerning institutional adjustment, program needs, and problem areas upon commitment.

### A. Institutional Adjustment

#### Disciplinary Reports:

Both Major Violators and the contemporary control group were significantly more likely than the historical control to have received disciplinary reports that were adjudicated as guilty. Whereas 35.9 percent of all Major Violators and 29.6 percent of the contemporary control had at least one, only 14.8 percent of the 1974 sample were in this category. There was also a statistically significant relationship when controlling for the year; 32 percent of the combined 1975 population received at least one report in contrast to 14.8 percent of the 1974 population.

The same finding was obtained for disciplinary reports incurring a major sanction, such as isolation, reclassification, or a referral to the District Attorney's office. On the dimension of none versus some, both Major Violators and the contemporary control were more likely to have received a major report (20.7 percent of the Major Violators and 22.4 percent of the 1975 control) as compared to 5.6 percent of the 1974 group. This relationship remains significant in differentiating the total 1975 group (21.7 percent) from the 1974 group (5.6 percent).

#### Time Spent in Isolation:

Data on the number of days spent in isolation for disciplinary purposes reveals that Major Violators and the contemporary control group spent considerably more time in separate confinement than did the historical control. The significant difference was found at no time compared to some time; 27.8 percent of the Major Violators and 21.7 percent of the 1975 control spent one or more days in isolation, in contrast to 3.7 percent of the 1974 control. Once again, examination of the total 1975 population yields this distinction (22.1 percent versus 3.7 percent of the 1974 group).

Since isolation time is generally imposed as a sanction for major disciplinary reports, this finding could be expected.

Appearance Before Walpole Classification Board:

Major Violators and the contemporary control groups were most apt to have appeared before the internal review board at Walpole.<sup>1</sup> Whereas only 16.7 percent of the 1974 control were seen by the board, 81.6 percent of the Major Violators and 74.3 percent of the 1975 control had appeared. The year may be influential, since a disproportionate share of the total 1975 group had seen the Board (77 percent), possibly indicating a policy or operations change just prior to that year.

Time Until Seen by Walpole Classification Board:

A significant difference existed in length of time each sample was incarcerated prior to seeing the Walpole Classification Board. Both Major Violators and the 1975 control group were more likely to have seen the Board before less than ten weeks had passed (90.5 percent and 89.2 percent respectively). Only twenty-five percent of the 1974 control group had appeared before the Board by this time. The difference in year is evident in this finding as well, since 89.7 percent of the entire 1975 population were in this category.

Custody Level of Placement After RDC:

The custody level of institutional placement following classification by the Reception Diagnostic Center distinguished Major Violators and the 1975 control from the 1974 group. Compared to 73.5 percent of the latter being placed in a medium security facility, only 51.8 percent of the Major Violators and 43.5 percent of the 1975 control were transferred to this level institution. This relationship remains stable when controlling for the year; i.e., 46.3 percent of the combined 1975 sample were recommended for medium security, as opposed to 73.5 percent of the 1974 group.

B. Program Needs

Transfer Recommendation Made by the Walpole Classification Board:

As mentioned, institutional boards may screen for transfer out of the resident's current facility, although during the initial period of incarceration, it is usually more appropriately conducted by a reception/diagnostic center. The 1974 control was more likely to have been recommended for a transfer than either of the other two groups. Whereas 33 percent of the historical control were recommended to transfer, one percent of the Major Violators and four percent of the contemporary control were deemed suitable. The historical group was also

<sup>1</sup> This institutional classification capability reviews program needs, institutional custody level, and screens for inter-institutional transfers.

more likely than the combined 1975 population to have been recommended for a transfer (33 percent versus 2.7 percent). This does not imply, however, that such a transfer actually took place.

### C. Problem Areas Upon Commitment

This section deals with factors that may influence the character of the individual's term of incarceration, as well as some final status information as of the end of the six-month follow-up period.

#### Final Custody Status at Walpole:

The custody status of housing levels at Walpole was investigated for residents remaining at this facility at six months. Individuals in the 1974 control were more likely to be residing in a maximum custody block than Major Violators or men in the 1975 control group. Compared to 85.7 percent of the 1974 group, only 40 percent of the Major Violators and 46.4 percent of the 1975 control were in maximum custody housing. Analysis of the combined 1975 population yields the same result; only 43 percent of this group were in maximum custody. This finding may have two explanations. First, we found that more of the 1974 control were transferred to a medium security facility after having been seen by the RDC. Thus, those who remained might have presented more difficult management problems, warranting residence in the more maximum end at Walpole. Second, there has been a gradual expansion of medium custody housing at the prison during the past several years. The implication is that medium security beds were simply unavailable for the 1974 group, and conversely, the housing options for the 1975 control and Major Violators were expanded.

#### Evidence of a Drug Problem:

Drug problems or possible drug problems were measured through comments made by classification and program review boards. Major Violators and the 1975 control group were more likely to be targeted as having drug problems than the 1974 control. In contrast to 22.2 percent of the 1974 group, 44.6 percent of the Major Violators and 37.7 percent of the 1975 control were assessed as having drug problems. This distinction was similarly significant when the entire 1975 group is compared to the 1974 sample (40.3 percent versus 22.2 percent).

#### Additional Concurrent Sentences Received:

Additional sentences received during the six months were tabulated since these can affect program eligibility. Of all the types of sentences possible, it was found that 32.6 percent of the Major Violators and 26.3 percent of the 1975 control group had received additional concurrent sentences. These were both statistically significant when compared to the 13 percent

of the 1974 control who received additional concurrents. This latter group was also less likely than the total 1975 population to have accrued additional sentences (13 percent versus 28.7 percent).

### III. Other Statistically Significant Associations

Two variables produced associations between Major Violators and one of the other samples.

#### Vocational Recommendation Made by the Walpole Classification Board:

This board was consistent with the RDC in being less apt to refer Major Violators to a vocational program (4.0 percent). On the other hand, 15 percent of the 1975 group received this recommendation.

#### Other Program Recommendation Made by RDC:

Recommendations by the RDC to seek medical care, to participate in avocational programs, and the like were labelled "other program recommendation." The only distinction here was that Major Violators were more likely to have received this type of recommendation (71.9 percent) than the 1975 control (46.8 percent).



#### IV. Variables Failing to Distinguish Major Violators

Numerous data were collected for the sample, and as can be seen, relatively few yielded a statistically significant association. Several reasons can be proffered for this.

1. The most obvious way in which to account for findings of "no difference" is simply that the populations do not have varying institutional experience. In other words, the District Attorney's Office may be selecting a distinct population and committing them to longer terms of incarceration, but once this type of inmate is a correctional resident, there are no visible behavioral or adjustment distinctions. This argument will be expanded in a later section. All variables considered are presented in Appendix A.

2. A second explanation for finding non-distinguishing variables concerns the length of follow-up. Six months tracking is a relatively short time frame to be able to observe certain institutional occurrences, especially in view of the generally long sentences imposed upon Walpole commitments. Therefore, it may be premature to expect a majority of the samples to have experienced much of the following: inter-institutional transfers, more than one program review by institutional classification boards, furloughs, and other programs that presume assessment as a lower custody risk.

3. Finally, some variables were found to be impossible to analyze due to the unavailability and incompleteness of the data. Since this study began as an exploration of the appropriate institutional information, much of this had to be discarded along the way. The outstanding example here concerns program participation. Although we obtained specific programmatic recommendations of review boards, it was extremely difficult to locate indicators of actual program participation.

#### Summary of Findings:

Major Violators were distinguished from both contemporary and historical controls by being:

- more likely than the contemporary and less likely than the historical to be recommended by RDC for a pre-GED program
- more likely to have outstanding warrants or court cases
- less likely to be convicted on a narcotics charge, but more likely to be incarcerated for a property or person offense
- more likely to have a longer minimum sentence
- more likely to have a longer maximum sentence

Major Violators and the contemporary control group (both as separate groups and as a combined population) were distinguishable from the historical control by being:

- more likely to have received a guilty disciplinary report
- more likely to have received a guilty disciplinary report which incurred a major sanction
- more likely to have spent time in isolation
- more likely to have appeared before the Walpole Classification Board
- more likely to have seen the Walpole Classification Board sooner
- less likely to have been transferred to medium security after RDC classification
- less likely to have been recommended for a transfer by the Walpole Classification Board
- less likely to be residing in a maximum security housing block at Walpole as of six months
- more likely to have a drug problem
- more likely to have received additional concurrent sentences

Other findings distinguishing Major Violators from one of the two control groups include the following:

- Major Violators were less likely to have been recommended by the Walpole Classification Board to a vocational program than the contemporary control
- Major Violators were more likely to be recommended by the RDC for an "other program" than the contemporary control

TABLE IIIA: MAXIMUM CHI SQUARE ( $\chi^2$ ) SPLITS DISTINGUISHING MAJOR VIOLATORS FROM BOTH CONTROL GROUPS

LOCATION OF SPLIT IN VARIABLE	MAJOR VIOLATORS		1975 CONTROL		$\chi^2$		MAJOR VIOLATORS		1974 CONTROL		$\chi^2$
	N	(%)	N	(%)			N	(%)	N	(%)	
1. RDC Education Recommendation:											
Pre-GED	12	(21.1)	811	(10.0)	3.960 P < .05		12	(21.1)	17	(50.0)	5.705 P < .01..
All Others	45	(78.9)	100	(90.0)		45	(78.9)	17	(50.0)		
2. Outstanding Warrants when seen by RDC:											
Yes	31	(54.4)	32	(28.8)	10.495 P < .01		31	(54.4)	9	(26.5)	6.737 P < .01
No	26	(45.6)	79	(71.2)		26	(45.6)	25	(73.5)		
3. Offense:											
Narcotics	0	( 0.0)	19	(12.5)	12.471 P < .001		0	( 0.0)	6	(11.1)	8.027* P < .01
All Others	92	(100.0)	133	(87.5)		92	(100.0)	48	(88.9)		
Property	13	(14.1)	5	( 3.3)	9.858 P < .01		13	(14.1)	1	( 1.9)	5.917 P < .05
All Others	79	(85.9)	147	(96.7)		79	(85.9)	53	(98.1)		
Person (excluding murder)	61	(66.3)	60	(39.5)	16.504 P < .001		61	(66.3)	26	(48.1)	4.658 P < .05
All Others	31	(33.7)	92	(60.5)		31	(33.7)	28	(51.9)		
4. Minimum Sentence:											
7 Years or Less	32	(34.8)	78	(51.3)	6.328 P < .05		32	(34.8)	22	(59.3)	8.280 P < .01
8 Years or More	60	(65.2)	74	(48.7)		60	(65.2)	22	(40.7)		
Maximum Sentence:											
10 Years or Less	34	(39.1)	69	(58.5)	7.535 P < .01		34	(39.1)	26	(57.8)	4.182 P < .05
12 Years or More	53	(60.9)	49	(41.5)		53	(60.9)	19	(42.2)		

\* = Yates correction applied.

TABLE IIIB: MAXIMUM CHI SQUARE ( $X^2$ ) SPLITS DISTINGUISHING MAJOR VIOLATORS AND THE CONTEMPORARY CONTROL (COMBINED 1975) FROM THE HISTORICAL CONTROL

LOCATION OF SPLIT IN VARIABLE	COMBINED 1975		1974 CONTROL		$X^2$
	N	(%)	N	(%)	
1. Guilty disciplinary reports:					
None	166	(68.0)	46	(85.2)	6.336
Some	78	(32.0)	8	(14.8)	$P < .01$
2. Guilty disciplinary reports incurring in a major sanction:					
None	191	(78.3)	51	(94.4)	7.572
Some	53	(21.7)	3	( 5.6)	$P < .01$
3. Time (in days) spent in isolation:					
None	190	(77.9)	52	(96.3)	9.838
Some	54	(22.1)	2	( 3.7)	$P < .01$
4. Seen by WCB:					
Didn't see WCB	56	(23.0)	45	(83.3)	71.951
Saw WCB	188	(77.0)	9	(16.7)	$P < .001$
5. Time until seen by WCB:					
Less than 10 weeks	166	(89.7)	2	(25.0)	28.496
More than 10 weeks	19	(10.3)	6	(75.0)	$P < .001$
6. Custody level of placement after seen by RDC:					
Medium	76	(46.3)	25	(73.5)	8.330
All others	88	(53.7)	9	(26.5)	$P < .01$
7. Transfer recommendation made by WCB:					
No	183	(97.3)	6	(66.7)	20.742
Yes	5	( 2.7)	3	(33.3)	$P < .001$
8. Final custody status if at Walpole:					
Maximum	49	(43.0)	18	(85.7)	12.953
All others	65	(57.0)	3	(14.3)	$P < .001$
9. Drug problem:					
Yes or possible	98	(40.3)	12	(22.2)	6.212
No	145	(59.7)	42	(77.8)	$P < .01$
10. Additional concurrent sentences received:					
None	174	(71.3)	47	(87.0)	5.705
Some	70	(28.7)	7	(13.0)	$P < .05$

TABLE IIIC: MAXIMUM CHI SQUARE ( $\chi^2$ ) SPLITS DISTINGUISHING MAJOR VIOLATORS FROM THE CONTEMPORARY (1975) CONTROL

LOCATION OF SPLIT IN VARIABLE	MAJOR VIOLATORS		1975 CONTROL		$\chi^2$
	<u>N</u>	<u>(%)</u>	<u>N</u>	<u>(%)</u>	
1. Vocational recommenda- tion made by WCB:					
Yes	3	( 4.0)	17	(15.0)	5.784 P < .05
No	72	(96.0)	96	(85.0)	

## Discussion

This study has attempted to characterize the institutional experience of Major Violators. The basic objective of the research was to determine whether this experience diverges from that of other Walpole commitments, and if so, to suggest what type of perspective to assume if program planners desire to design programs to meet these needs.

Three areas were investigated to provide documentation of need; as posed in the original research questions, these concerned difficulty in adjustment to prison life, programmatic necessities, and needs evident upon commitment. The following discussion will be organized loosely within this framework, although due to the scope and nature of the findings, we will not strictly adhere to this structure.

The overall gist of the findings has implications for program planning, but not specifically for Major Violators. With few exceptions, it appears that inmates sentenced to Walpole from Suffolk Superior Court during 1975 in general are distinctly different from those committed in the preceding year. For the majority of variables producing a statistically significant association, no difference was found between Major Violators and the 1975 control group, whereas both separately and combined, there were significant distinctions between these groups and the 1974 control. Further, these dissimilarities were quite often indicative of problematic institutional adjustment, such as more disciplinary reports, isolation time, and program recommendations.

Overwhelmingly, however, the experience of Major Violators at Walpole resembled that of the regular population. Those isolating differences that were found tended to bear upon program eligibility. For example, inasmuch as Major Violators were more likely to have outstanding warrants and court cases, and longer minimum sentences, it may take more time before they meet the statutory and administrative eligibility requirements for participation in certain programs.

The differences in these characteristics were anticipated, since they were consistent with the objectives of the District Attorney's Major Violators Division, which seeks to have longer sentences imposed by the judiciary, and accepts for prosecution the more severe offenses. The possession of outstanding warrants and court cases by Major Violators may be an outcome of this prosecutorial mechanism. Since the Division is committed to swift prosecution and conviction of the cases it accepts, this may result in the incarceration of the inmate before all outstanding cases have been cleared. Additionally, a portion of the selection criteria to be considered when selecting a case as a Major Violator stipulates that the individual be currently involved with the criminal justice system; e.g., on probation, parole, or awaiting trial, thus yielding the same result.

Numerous interpretations can be offered for the other findings. Concerning disciplinary reports, it was remarked that the finding of greater isolation time served by both Major Violators and the

1975 sample is directly linked to the greater number of disciplinary reports incurring a major sanction received by these groups. These differences might have accounted for distinctions in both the custody level of placement after seeing the RDC, and transfer recommendations made by the Walpole Classification Board. Since in both cases, Major Violators and the 1975 control were assessed as high security risks, we may speculate that the disproportionate disciplinary reports and isolation time might have played a role in the Boards' determination of this assessment. In spite of this, however, both groups were less apt to be residing in a maximum security housing block at Walpole at the end of six months. As previously discussed, however, this may be attributable to the gradual expansion of medium custody housing at Walpole, with the concomitant ability to place residents in a wider range of housing within the maximum security institution.

It is possible that a shift in institutional administrative policy at Walpole was made between 1974 and 1975. The findings show that men sentenced during the latter year were more likely to have appeared before an internal review board (the Walpole Classification Board), and that these appearances occurred sooner after their incarceration than for the 1974 control. If this contention was valid, it would have implications for other findings. For example, it might be a change in institutional policy that accounts for the increased disciplinary reports written, and the frequent imposition of isolation time for the 1975 population, rather than actual inability to adjust to institutional life.

It cannot be emphasized too strongly that perhaps the most outstanding finding is that for numerous institutional variables examined, there were no differences among the samples studied. In other words, the experience of Major Violators in the correctional system appears to be quite similar to that of other commitments.

National evidence would tend to support this conclusion. In its survey of correctional administrators, the Rand Corporation found that generally, corrections does not believe that a specialized response to the career criminal is necessary. Aside from displaying a lengthier and possible more severe criminal history, career criminals are perceived as similarly, if not more positively adjusted than other inmates in terms of institutional characteristics. Additional strength for this argument derives from their analysis of the prison census data, which revealed that career criminals and other inmates do not participate in programs at a different rate, or present distinct programmatic needs.<sup>1</sup> Thus, the findings of the Massachusetts experience with Major Violators is consistent with what is emerging as the national perspective.

<sup>1</sup> Honig (op cit).

## Conclusions and Implications

In summary, then, two major conclusions can be reached.

1. The impact upon the correctional system of sentencing Major Violators appears to derive specifically from the practices of the District Attorney's Office. In other words, the distinguishing characteristics of Major Violators alone are primarily those that can be directly attributable, to some extent, to the prosecution: i.e., minimum and maximum sentence, offense, and outstanding warrants. By selecting the more serious cases for prosecution, these observed variations are consistent with their efforts.

2. In terms of institutional adjustment or the behavior manifested by Major Violators while incarcerated, and interpreted as troublesome by institutional staff, it is evident that there are no clearcut differences from the regular Suffolk Superior Court commitments to Walpole during the same year.

These findings have important implications for the Department of Corrections's policy concerning Major Violators, especially with regard to their institutional classification.

1. Perhaps the most appropriate policy to assume would be that of no specific policy. Other than not meeting certain program eligibility requirements that might prohibit participation (see below), Major Violators should neither be systematically denied a place in programs for which they are eligible, nor designated as a client population for specialized services.

2. The impact of special prosecution may have the most far-reaching operational implications. The first of these is that receipt of corrections of men with long sentences and outstanding warrants may curtail the placement and program options of classification and program review boards if Major Violators are indeed ineligible for movement into many types of programs.

3. The above-mentioned limitation on program eligibility may result in longer periods of incarceration at higher custody institutions. Thus, we may witness a clustering of these offenders at these facilities (such as Walpole and MCI-Norfolk, the medium security institution that primarily houses Walpole transfers). If any specialized programs were to be developed, we would assume that these should most properly be implemented at these facilities.

4. This clustering at higher security levels has the potential for contributing to sustained overcrowding at these institutions. A possible consequence may bring pressure upon classification boards to "move out" men who might otherwise have remained at Walpole.<sup>2</sup> This might have either positive or negative implications, depending upon the types of suitability factors subsequently considered by these Boards.

If this reasoning is accepted, we might infer that the continued success of the District Attorney's Office to secure

<sup>2</sup> This potential problem may be alleviated by the opening of two new medium security facilities, scheduled for 1979.



commitments with particularly long sentences could impact both the suitability criteria utilized by classification boards, and tend to influence the security mix of the institutions. This argument is speculative, however, and would have to be substantiated by further systems research over time.

One overriding consideration remains clear: that upon review of the findings, the label Major Violators appears to be solely an a priori definition derived essentially from criminal history and applied prior to incarceration. Rather than treatment based upon this label, it would be sensible for corrections not to adopt distinct planning strategies for this segment of the inmate population. To paraphrase the basic tenet of labelling theory, things perceived as real become real in their effects. Major Violators were not found to experience a distinct sort of institutional life. The corrections response must therefore be careful to avoid imputing a potentially costly label which may have the consequences that this research has thus far shown to be basically absent.<sup>3</sup>

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<sup>3</sup> Rand also cautions that inasmuch as the career criminal tends to exhibit a positive institutional behavior, corrections might create a potentially hazardous management problem by defining a separate group and treating them as such. (See Honig, op cit, p. 22).

## APPENDIX A: VARIABLE LIST

The following table contains most of the variables explored during the course of this analysis. Omitted are those which had too few cases to perform a meaningful test of statistical significance. These include furloughs and participation in a variety of community-based programs (as pre-release and work and education release).

Variables included are grouped into four categories:

- I. Adjustment Indicators: These factors, such as disciplinary reports, provide information on the degree to which the institutional adjustment of the inmate may be problematic.
- II. Program Eligibility Indicators: This refers to areas which may, by virtue of statutory restrictions, prevent an inmate from participation in certain types of programs.
- III. Program Need Indicators: This category mainly consists of classification and review board recommendations.
- IV. Other: Three additional offense categories which yielded statistical significance are grouped under this heading.

Major Violators are compared individually to both control groups; the final column contrasts the combined 1975 population with the 1974 control. If a variable was found to statistically signify an association between two groups, the direction of the difference is noted in the table. Otherwise, the columns are left blank.

It should be noted that the chart should be considered for illustrative purposes. It does graphically argue for the general finding that few variables significantly distinguish Major Violators from both control groups; that many of the findings are differences in the year (i.e., total 1975 group versus the 1974 control); and that the predominant distinguishing characteristics of Major Violators as compared to both controls may be attributable to the type of prosecution received.

VARIABLE	MAJOR VIOLATORS	1975 CONTROL		MAJOR VIOLATORS	1974 CONTROL		TOTAL 1975	1974 CONTROL
<b>I. Adjustment Indicators</b>								
Guilty D-Reports				More	Less		More	Less
Guilty D-Reports with Major Sanction				More	Less		More	Less
Isolation Time Served				More	Less		More	Less
Placement Custody after RDC				Higher	Lower		Higher	Lower
Transfer Recommendation after WCB				Higher	Lower		Higher	Lower
Final Custody Status at Walpole				Lower	Higher		Lower	Higher
Drug Problem				Yes	No		Yes	No
Alcohol Problem				Yes	No		Yes	No
RDC Placement Recommendation								
WCB Housing Recommendation								
Inter-Institutional Movement								
Final Custody Status (Non-Walpole)								
Actual Housing after WCB								
<b>II. Program Eligibility Indicators</b>								
Outstanding Warrants by RDC	More	Less		More	Less			
Minimum Sentence	Longer	Shorter		Longer	Shorter		Longer	Shorter
*Maximum Sentence	Longer	Shorter		Longer	Shorter			
Additional Concurrents				More	Less		More	Less
Time Until Seen by WCB				Longer	Shorter		Longer	Shorter
**Murder 2 Offense	No	Yes		No	Yes			
Manslaughter Offense	No	Yes		No	Yes			
Armed Robbery Offense	Yes	No						
Rape Offense				No	Yes		No	Yes
Type of Sentence Received								

\* With the exception that both 1975 and 1974 controls were more apt to have a maximum of Life or Death.

\*\* Only offenses which statistically differentiated the groups are listed.

VARIABLE	MAJOR VIOLATORS	1975 CONTROL		MAJOR VIOLATORS	1974 CONTROL		TOTAL 1975	1974 CONTROL
II. <u>Program Eligibility Indicators (Continued)</u>								
"From and afters" Received								
WCB Warrants Outstanding								
RDC Classification								
SDP Need by RDC								
RDC other Legal Recommendation								
III. <u>Program Need Indicators</u>								
Pre-GED Recommendation by RDC	Yes	No		No	Yes			
Vocational Program Recommendation by RDC	No	Yes						
Other Program Recommendation by RDC	Yes	No						
*Seen by WCB				Yes	No		Yes	No
WCB Vocational Program Recommendation	No	Yes						
Work Assignment after WCB								
WCB other Program Recommendation								
WCB Counseling Recommendation								
WCB Education Recommendation								
WCB Work Assignment								
RDC Counseling Recommendation								
RDC Vocational Recommendation								
RDC other Recommendation								

\* Also a "program eligibility" indicator.

VARIABLE	MAJOR VIOLATORS	1975 CONTROL		MAJOR VIOLATORS	1974 CONTROL		TOTAL 1975	1974 CONTROL
IV. <u>Other</u>								
Narcotics Offense	No	Yes		No	Yes			
Property Offense	Yes	No		Yes	No			
Burglary Offense	Yes	No						

## APPENDIX B: FUTURE RESEARCH

This exploratory study has outlined the institutional-related characteristics of Major Violators that may have programmatic implications. An outcome of this type of research is the formulation of additional objectives to be examined. Inasmuch as the findings described in this document are preliminary, several questions which encompass short-range and long-term research goals, can be constructed.

### Short-Range Objectives

Three major inferences deriving from the present findings are appropriate for investigation within a relatively short time frame.

(a) Are Major Violators more likely to be retained in higher security settings for a longer period of time? Related to (a), are (b) and (c) below:

(b) What other factors are associated with ineligibility and/or non-suitability of Major Violators for various program options that could not be investigated here due to time limitations (for example, furloughs, education and work release, pre-release)?

(c) Is the overall tendency of the findings, that the groups differed in their institutional characteristics by virtue of their identification with the year during which they were committed, a general trend in criminal justice and corrections? And, are Major Violators virtually non-distinguishable from other commitments in terms of institutional experience?

The first question could be explored via an extended tracking of the original samples to further ascertain inter-institutional movement. This analysis could be fairly straightforward; its advantage is that a lengthier time frame (one to two years) should allow for significant population movement.

The second question, concerning specific programs, is integrally linked to the first, and should include an analysis of subsequent classification recommendations which speak to both security and treatment needs. To the extent possible, it would be fruitful to locate program records in order to address the differential rates of participation and termination types.

Finally, question three would essentially constitute a replication of this research. The populations studied would be extended to encompass subsequent commitments to Walpole during the remainder of 1976, and possibly 1977. Thus, a three year period could be studied to explore whether a more problematic population is being committed to Walpole, or if the findings described here are peculiar only to 1975 commitments. This analysis could be linked to a more extensive follow-up, to determine if Major Violators remain indistinguishable, or if longer sentences do have an impact on subsequent institutional behavior.

### Long-Range Objectives

It may be that despite the District Attorney's Office efforts, individuals sentenced under the Major Violators program do not pose a greater threat to society than other offenders who are sentenced to Walpole. If we measure "threat to society" by recidivism rates subsequent to release, this question can be answered. Obviously, this type of investigation would only be appropriate when a majority of all samples have been released from prison for at least a year. A one year follow-up could identify individuals who are reincarcerated for more than thirty days during that year. These recidivism rates of individuals originally sentenced as Major Violators would then be compared to those for individuals who were not so designated. If any specialized programs are instituted, the research could also account for the impact of these by computing the expected recidivism rates and comparing them to the actual rates obtained.

Another long-range objective, but one which could be addressed sooner, would be an analysis of pre-release participation. Two issues could be examined here: a) do Major Violators differ from other groups in terms of the proportion who experience graduated release, especially pre-release; and b) are these differential rates of program completion by Major Violators contrasted to other groups. Again, given the longer sentences imposed on this target population, their eligibility for pre-release, hence the necessary condition for study, is some time in the future.

**END**