

Youthful Offenders Evaluation Volume II
Bind Overs Committed To The
Massachusetts Department of Correction
1968 To 1979

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Commissioner

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Abstract

This report is the second volume of a five volume series on youthful offenders committed to the Massachusetts Department of Correction from 1968 to 1979. This particular volume is concerned with the subset of this population consisting of all youthful offenders who were bound over from the original jurisdiction of the juvenile court to the adult criminal court, and were subsequently sentenced to the state correctional system.

The analysis in this report has indicated that the bind over youthful offenders were more serious offenders than the non-bind overs. This is reflected in the fact that bind overs received more Walpole sentences and longer maximum sentences than did the non-bind overs. The bind overs received more maximum security placements and served longer periods of time in prison before their release. Bind overs had more extensive prior juvenile justice experiences than did non-bind over youthful offenders. Bind overs had more prior court appearances in juvenile court and more commitments to the Department of Youth Service and had their initial juvenile court appearance at a younger age than did the non-bind overs. Finally, bind overs were more likely to be poor, black offenders from multi-problem families than were the non-bind overs.

When comparing bind overs over the twelve years of the study, there were nine variables that indicated significant differences. Bind overs presently being committed are receiving longer sentences (as are all offenders) and have penetrated deeper into the juvenile

justice system prior to their state prison commitment. Bind overs and non-bind over youthful offenders exhibited approximately equal recidivism rates. Bind overs had a recidivism rate of 29% and non-bind overs a rate of 30% when utilizing a one-year follow-up and rates of 40% and 47% respectively when utilizing a two-year follow-up period.

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Introduction

There is an increasing amount of concern and focus in our present society regarding crime and correction of juveniles and other youthful offenders. There is a widespread impression among the majority of the public that the juvenile justice system is inadequate and unable to handle the serious, repeat youthful offender. Several remedies have been proposed to alleviate this alleged deficiency in the juvenile justice system. One popular remedy would make it easier to transfer the violent, repeat offenders from the juvenile justice system to the adult criminal process. However, before a serious examination can be undertaken to alter the present system, it is important that policy makers, legislators, and the public at large become cognizant of how the process currently operates and the effects on the youthful offenders who become involved in the process.

It is important to understand that a process currently exists (and has existed for quite a while) whereby serious juvenile offenders may be transferred from juvenile court jurisdiction to the adult criminal process. While these offenders may still be under the age of seventeen, they are treated as adult offenders by the criminal court and can be sentenced to adult correctional facilities. This

process is known as the bind over process and for the purposes of this report, youthful offenders who have undergone this process will be referred to as bind overs.

This report is the second volume of a five volume study of youthful offenders committed to the Massachusetts Department of Correction from 1968 to 1979. For this series of reports, a youthful offender is defined as any offender who was seventeen years of age or younger when committed to the Department of Correction from 1968 to 1979. This volume looks at a particular subset of the total population of youthful offenders during this time period by focusing on the bind over youthful offender. This report will develop a profile of the bind over offender, examine any changes in these offenders over time, and compare the bind overs with the other non-bind over youthful offenders in the sample to determine any differences or similarities between the two groups. Recidivism data will be presented for bind overs released from the Department of Correction to indicate how these offenders perform in the community after release.

The first volume in this series, Youthful Offenders Committed to the Massachusetts Department of Correction 1968 to 1979: An Overview (Report No. 227), was an overview of the total sample of youthful offenders committed to the Department of Correction from 1968 to 1979. The analysis revealed that with the exception of more extensive criminal involvements, there had not been very many changes in this population over the twelve years of the study. There was evidence presented in the report of a change in the manner in which the juvenile justice system and the adult correctional system handled these offenders. The recidivism rate of youthful offenders released

from 1968 to 1978 was 30%, which is consistently higher than the overall departmental recidivism rates.

Volume three of this series will present a quantitative analysis of the data of youthful offenders. Volume four presents the statistical tables for both bind over and non-bind over youthful offenders. Finally, the last volume (volume five) will present case studies of some of the youthful offenders in the sample as well as the results of interviews carried out with youthful offenders committed to the department during 1980 and 1981. Also, a summary of the series will be presented and a discussion of the implications will be presented as well.

Methodology

As already stated, this series of reports deals with youthful offenders committed to the Massachusetts Department of Correction from 1968 to 1979. The Department of Correction maintains a computerized data base for all individuals who have been committed from 1972 to 1979. The sample of youthful offenders committed from 1972 to 1979 was drawn from the computerized data base of the Department. For the sample of youthful offenders committed from 1968 to 1971, all commitments were drawn from the admission and release forms maintained by the three committing institutions (MCI-Walpole, MCI-Concord, and MCI-Framingham). After identifying each person committed from 1968 to 1971, dates of birth were collected and all those offenders who were seventeen years of age or younger at commitment were included in the total sample.

All juvenile court delinquency petitions were collected for the total sample of youthful offenders. Any youthful offenders whose juvenile offense was dismissed followed by the filing of an adult criminal complaint and listed as bound over was considered for the bind over population. If a check of the youth's adult offense indicated that he or she was subsequently charged as an adult for the same offense and also committed to the Department of Correction, then he or she was included in the bind over sample of youthful offenders.

It is important to realize that an offender may have been fifteen or sixteen when he or she committed the present offense, and due to delays in awaiting trial and other procedural delays, may have been eighteen at commitment. If this did occur, this individual would not be included in the sample. During the latter years of the 1970's some offenders awaited booking at county houses of correction for several weeks (or even months) before being committed to the Department of Correction and these offenders may have turned eighteen before they were committed to the department. If this happened, these offenders would also not be included in this sample. As a result it is possible for some bind overs or other youthful offenders to have been excluded from the sample because they had turned eighteen prior to their commitment, even though they had been seventeen years of age or younger at the time of their offense. The best way to avoid these types of problems would have been to define the sample based on the youth's age at offense. However, this information is not always available and could not be used to define the sample. The cut off date for the end of the data collection effort was January 1, 1980.

Variables Collected

The analyses that follow in this series of reports are based on five categories of variables: commitment variables, institutional history/movement variables, juvenile court history variables. Department of Youth Service (DYS) history variables, and social history variables. For those youthful offenders released from 1968 to 1978¹, a sixth category of recidivism variables was added. The majority of the data was collected from Central Office files at the Department of Correction. The DYS history variables were collected at the Central Office of the Department of Youth Services. The data were analyzed and the tables produced on the Massachusetts State College Computer Network (MSCCN).

Background

One issue that arises when dealing with youthful offenders is the variability among the different states and their definitions of what constitutes a "juvenile". This may seem strange to a lot of people who feel that it is generally agreed that the age of majority or adulthood in this country is eighteen. However, it is important to realize that there are significant numbers of individuals sixteen and seventeen years old in this country who come under the original

jurisdiction of the criminal court. A juvenile in one state may be an adult in another state.

In the majority of states or jurisdictions (39 out of 51), the juvenile court has original jurisdiction over youth until they reach the age of eighteen.² In eight jurisdictions, the juvenile court has original jurisdiction until age seventeen³ and in four jurisdictions, until age sixteen.⁴ The majority of the states or jurisdictions (37 out of 51) also use the date of offense as the basis for determining jurisdictional age.⁵ As noted in footnote three, Massachusetts is one of eight states that gives the juvenile court original jurisdiction over youth sixteen years of age or younger. Since this is atypical of most states, this series of reports used as its sample those offenders who were seventeen years of age or younger at their commitment date.

Statutory Regulations

The procedure concerning bind overs in Massachusetts is statutorily defined in the Massachusetts General Laws Chapter 119 Section 61. One of the following requirements must be present:

- A) The youth must have been previously committed to the Department of Youth Services (DYS) and have committed an offense for which adults can be punished by imprisonment;
 - B) The youth must have been between the ages of fourteen and seventeen at the time of the alleged offense;
- or-
- C) The youth must have committed a crime involving the infliction or threat of serious bodily harm,
 - D) The youth presents a significant danger to the public and is not amenable to rehabilitation as a juvenile.

If the juvenile court judge finds that these conditions are present, a transfer hearing may be held within seven days of the youth's arraignment to consider the bind over of the youth. This involves a bifurcated hearing process. The first phase involves the determination of whether probable cause exists to believe that the juvenile has committed the crime as charged. The second phase proceeds only upon determination of probable cause. The focus in this phase is concerned with whether it is in the best interest of society to transfer (or certify or bind over) the youth. Several factors are considered in determining whether the youth is a danger to the public and is or is not amenable to treatment as a juvenile. Some of the factors considered are:

- 1) The seriousness of the crime;
- 2) The juvenile's family, school and social history, including court and delinquent record (if any);
- 3) Whether the public would be adequately protected;
- 4) The nature of past treatment efforts for the youth;
- 5) The likelihood of the rehabilitation of the youth.⁶

If the juvenile court judge determines that the youth should be treated as an adult in adult criminal court, the juvenile complaint is dismissed and a criminal complaint is issued. If the juvenile is bound over, the grand jury considers the case and it proceeds as does a regular adult criminal case.

This volume is concerned with the bind overs who were committed to the Department of Correction in Massachusetts from 1968 to 1979. While all the youthful offenders in the sample who were under the age of seventeen at their commitment were bind overs, simply by looking at these youth as the total committed bind over population neglects some youth. Some of the youth who were bound over at age sixteen were seventeen when finally committed to prison. As a result, Table I provides information on the number of bind overs for each year of the study period.

Table 1

Bind Overs And Non-Bind Overs Committed To The Massachusetts
Department of Correction 1968 To 1979

Committing Year	Bind Over Youthful Offenders		Non-Bind Over Youthful Offenders		Total Youthful Offenders	
	Number	Percent of Total Commitments	Number	Percent Of Total Commitments	Number	Percent Of Total Commitments
1968	12	(1)	24	(3)	36	(4)
1969	9	(1)	18	(2)	27	(3)
1970	11	(1)	25	(3)	36	(4)
1971	9	(1)	32	(3)	41	(4)
1972	17	(2)	31	(3)	48	(4)
1973	16	(1)	24	(2)	40	(4)
1974	15	(2)	21	(2)	36	(4)
1975	8	(1)	18	(2)	26	(2)
1976	21	(2)	32	(2)	53	(4)
1977	14	(1)	17	(1)	31	(3)
1978	9	(1)	7	(1)	16	(2)
1979	5	(0)	15	(1)	20	(2)
TOTAL	146	(1)	264	(2)	410	(3)

As Table I indicates from 1968 to 1979 there were 146 bind over youthful commitments to the Department of Correction. These bind overs represented 36% the total youthful offender population. Table I also shows that the number of bind overs committed from 1963 to 1979 ranged from a low of 5 in 1979 to a high of 21 in 1976. Overall, bind overs represented one percent of the total commitments to prison in Massachusetts from 1968 to 1979. Table II presents the age at commitment for the 146 bind overs in the sample.

Table II

Age At Commitment Bind Overs Committed From 1968 To 1979

Committing Year	Age At Commitment									
	Fourteen		Fifteen		Sixteen		Seventeen		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
1968	0	(0)	3	(25)	4	(33)	5	(42)	12	(100)
1969	0	(0)	0	(0)	3	(33)	6	(67)	9	(100)
1970	0	(0)	1	(9)	5	(46)	5	(46)	11	(100)
1971	0	(0)	1	(11)	2	(22)	6	(67)	9	(100)
1972	0	(0)	1	(6)	8	(47)	8	(47)	17	(100)
1973	0	(0)	0	(0)	7	(44)	9	(56)	16	(100)
1974	0	(0)	0	(0)	3	(20)	12	(80)	15	(100)
1975	0	(0)	1	(13)	4	(50)	3	(38)	8	(100)
1976	0	(0)	3	(14)	5	(24)	13	(62)	21	(100)
1977	0	(0)	0	(0)	5	(36)	9	(64)	14	(100)
1978	1	(11)	1	(11)	3	(33)	4	(49)	9	(100)
1979	0	(0)	0	(0)	5	(100)	0	(0)	5	(100)
TOTAL	1	(1)	11	(18)	54	(37)	80	(55)	146	(100)

Table II indicates that 45% of the bind overs were sixteen or younger when committed to the Department of Correction. For the total bind over sample, one youth was fourteen at commitment, eleven were fifteen, fifty-four were sixteen and eighty were seventeen when committed to the Department.

Results

I. Profile

Prior to engaging in any analysis, it is important to develop a profile of the bind over youthful offenders who made up the sample for this report. This profile is developed by focusing on social history variables, juvenile court/DYS variables, present offense/commitment variables, institutional/movement variables, and recidivism variables.

A. Social History Variables

A disproportionate percentage of the bind overs were black or hispanic. Half (50%) of the bind overs were black or hispanic, with the vast majority being black. Census figures for the state of Massachusetts indicate that from 1960 to 1980, only 3% of the total population of 15-19 year olders were black or hispanic.⁷ For the total sample of non-bind over youthful offenders committed during this same time frame, only 37% were black.⁸ When looking at total commitments to the Department of Correction from

1974 to 1979, 34% were black. Significantly more of the bind overs were black when compared to the total Department of Correction commitments.

All of the bind overs were single at the time of their commitment, most were born in Massachusetts (72%), and did not have any children of their own at the time of their commitment (88%). The median last grade completed for the bind overs was the ninth grade and when committed, most bind overs had both of their parents living. The majority of the bind overs had fewer than three brothers (64%) and fewer than three sisters (64%). Also, when committed to the Department, 20% of the bind overs had a brother who was also incarcerated.

Immediately prior to their commitment, more of the bind overs were living with their mother only (42%); half of the bind overs had fewer than three siblings living at home with them immediately before their commitment to prison. Also, 36% of the bind overs were from families who received public assistance as their only reported source of income. Finally, most bind overs had fewer than four addresses in the past ten years before their commitment (54%) and had lived for less than seven years at their current address (57%).

B. Juvenile Court/Department of Youth Service Variables

These variables indicate that the majority of bind overs had an extensive amount of prior involvement in the juvenile justice

system before their commitment to prison. Sixty-two percent of the bind overs had prior DYS commitments and almost half of them (47%) had more than one prior DYS commitment. Half of the bind overs had more than seven prior juvenile court appearances, slightly more than half (54%) of the bind overs had received prior suspended DYS commitments, and forty percent had two or more prior probations as a juvenile in juvenile court. The median age of the bind overs at their first juvenile court appearance was thirteen and the median number of prior charges as a juvenile under juvenile court jurisdiction was twelve.

C. Present Offense/Commitment Variables

The vast majority of the bind overs committed to the Massachusetts Department of Correction from 1968 to 1979 were Concord commitments who were serving indeterminate minimum sentences (71%) and maximum sentences of less than sixteen years (52%). When committed to the Department, most of the bind overs had one year or less to serve until their original parole eligibility date (55%)⁹ and 45% of the bind overs were sixteen or younger at commitment. Most of the bind overs were committed for offenses against the person (79%) with the majority of these offenders committing the crime of armed robbery. Thirteen percent had committed a sex offense, eight percent had committed a property offense, and one percent had committed an "other" offense¹⁰ as their committing offense.

D. Institutional/Movement Variables

Most of the bind overs committed to the Department of Correction in Massachusetts from 1968 to 1979 did not receive any maximum security placements while incarcerated (66%), had fewer than two placements in a medium security institution (65%), and never received any pre-release placements (75%), Bridgewater State Hospital placements (79%), forestry camp placements (92%), or house of correction placements (92%) while they were incarcerated in prison. Most of the bind overs in the sample spent less than nine months incarcerated in a medium security institution (51%) and had served less than seven months in prison before receiving any disciplinary reports (68%) if they had received any disciplinary reports at all. Of the total sample, 71% had received at least one disciplinary report before release. Finally, for those bind overs in the sample who were released prior to the cut off date, most were eighteen or younger at their release date (67%) and had served a year and a half or less in prison prior to being released (63%). The majority of the bind overs who were released had not participated in the furlough program prior to being released (73%) and almost half were released directly from medium security at MCI-Concord to the streets (47%).

E. Recidivism Variables

These variables are concerned with the recidivism rates for bind overs released from the Department of Correction from 1968 to

1978. For the purpose of this analysis, a recidivist is defined as any individual returned to a federal or state correctional institution, or to a county jail or house of correction for 30 days or more as a result of either a parole violation or a new court sentence.

Table III gives recidivism rates with both a one year and two year follow-up period for bind overs released from 1968 to 1978.¹¹

Table III

Recidivism Rates - One Year And Two Year Follow-Up
Bind Overs Released From Prison From 1968 To 1978

Year	Total Number of Releases	Recidivism Rate	
		One Year Follow-Up	Two Year Follow-Up
1968	12	25%	67%
1969	8	13%	35%
1970	9	22%	22%
1971	9	33%	56%
1972	15	33%	47%
1973	15	20%	33%
1974	13	23%	31%
1975	4	50%	50%
1976	14	36%	36%
1977	9	33%	44%
1978	3	67%	N/A
TOTAL	112	29%	40%*

* This figure excludes 1978 data.

As table III indicates, recidivism rates overall for all bind overs released from 1968 to 1979 (with a one-year follow-up) is 29%. Overall (excluding 1978), the recidivism rate for the bind overs (utilizing a two-year follow-up period) was 40%. For comparative purposes, the recidivism rate for non-bind overs was 30% utilizing a one-year follow-up and 47% utilizing a two-year follow-up.

II. Comparison Between Bind-Over And Non-Bind Over Youth

A. Method

This particular section compares the bind over sample to the non-bind over youthful offender sample to determine any significant differences between the two groups. All variables will be compared for both the bind overs and non-bind overs. A chi-square analysis was then carried out to determine any significant relationships.

B. Results

After carrying out the analysis and comparing the two samples there were twenty-seven variables that differentiated the two groups: seven present offense/commitment variables, eight institutional/movement variables, six juvenile court/DYS variables, and six social history variables. A general profile of the bind over will be provided based on the variables that were found to be

significant from the analysis.

C. Profile

Social History Variables

Bind over youth exhibited characteristics associated with poor, multi-problem families. The bind overs were more likely to be black, single offenders. Bind overs were also more likely to have a brother incarcerated (at commitment) when compared to the non-bind overs and to have spent less than four years at their last address prior to being incarcerated. Bind overs also had more brothers and sisters living with them immediately prior to their prison sentence than did the non-bind over youthful offenders. Finally, significantly more of the families of the bind overs were on public assistance before the youth was committed to prison.

Juvenile Court/Department of Youth Service Variables

For this class of variables, the bind overs exhibited characteristics associated with more extensive involvement and contact with juvenile court and the Department of Youth Service while under the jurisdiction of the juvenile court. Bind overs had received more probations while under juvenile court jurisdiction,

more filed charges, and were younger than the non-bind overs when they had their first juvenile court hearing. Bind overs had more prior charges as juveniles in juvenile court, more prior juvenile court appearances, and more than one prior Department of Youth Service commitment than did the non-bind over youth.

Present Offense/Commitment Variables

The bind over juveniles were more likely to be Walpole commitments which would indicate that they were viewed as more serious offenders than the seventeen year old non-bind over commitments. Conversely, comparatively speaking the bind overs did not receive as many indeterminate sentences (indicative of Concord commitments), received longer maximum sentences, and therefore had a longer time to serve before their parole eligibility date (at their commitment). The bind overs were also more likely to have committed a serious offense against the person or a sex offense than were the seventeen year old non-bind over offenders. More of the bind overs were still incarcerated at the conclusion of the data collection effort than were the non-bind overs. For those bind overs who were released, they served longer time in prison and thus were older at release than the non-bind overs who served shorter sentences and were released at a younger age.

Institutional Movement & Placement Variables

Bind overs were viewed as more serious offenders than were the non-bind overs by the Department of Correction. As a result, their institutional movement and placement histories corresponded to ones that are more likely to be utilized with the serious, long term offender. The bind overs received more maximum security placements and more medium security placements than the non-bind overs. When the bind over spent some time in a medium security institution, he or she served a longer period of time than did the other youthful offenders. Bind overs were also more likely to have received Bridgewater State Hospital transfers for a period of evaluation. They were also more likely to be guilty of several disciplinary infractions while incarcerated and to have spent a longer time in prison than the non-bind overs before receiving their first disciplinary report. Finally, bind overs served longer than one year in prison before being released.

Almost half (45%) of the variables indicated a significant difference between the bind overs and non-bind overs. A listing of all these variables with their corresponding chi square values is presented in Appendix I.

Discussion

The comparison between bind overs and non-bind overs indicates that the bind overs were more serious offenders than were the non-bind over offenders. That is, those youth who are felt to be inappropriate in the juvenile justice system due to the nature of their crime, who are bound over to adult criminal processing, and who are committed to prison are in fact serious offenders and more serious than the non-bind over seventeen year old offender. The bind over youth had a more extensive involvement with both the juvenile court and the Department of Youth Service than did the non-bind over sample. Also, bind overs had their first juvenile court appearance at a younger age than did the non-bind overs. Clearly, most of these youth had an opportunity to be dealt with by the juvenile justice system and whatever form the courts intervention and DYS involvement took, it was not sufficient to prevent the bind over from committing his or her serious offense.

The bind over committed to the Department was more likely to be viewed as a serious offender by the court and so these youth received more Walpole sentences and longer maximum sentences than did the non-bind over youth. Once in the custody of the Department of Correction, the bind over received more maximum security placements, more medium security placements and served longer periods of time in prison than did the non-bind overs.

In terms of the social variables, the bind overs were more likely to be poor, black offenders from multi-problem families - they were more likely than non-bind overs to come from families where a member (brother) was already incarcerated at the time of the bind over's commitment. The bind overs came from larger families with more brothers and sisters living at home with them and the main source of income for the family was public assistance. Also, the families of the bind overs changed residences much more frequently than did the non-bind over families. In short, these bind over youthful offenders came from chaotic, disruptive, and problematic environments.

While the bind overs are more serious offenders than the non-bind overs, they exhibited comparable recidivism rates. When utilizing a one-year follow-up period, 29% of the bind overs and 30% of the non-bind overs had been returned to prison for a new offense or a violation of their parole. When utilizing a two-year follow-up period, 40% of the bind overs and 47% of the non-bind overs been returned to prison.

III. Bind Overs Over Time

This section of this report looks at the bind overs in the sample over the twelve year period of this study to examine any changes in this population. This type of examination helps to provide some information on the question of whether the bind over youthful offenders being committed in latter years are more serious than those committed in the earlier years. First, a discussion of the method used will be undertaken and then a discussion of the findings will follow.

A. Method

This part of the analysis focuses on the bind overs over the twelve years covered by this report. This was done by grouping the bind overs committed over the twelve years into three groups: Group One consists of bind overs committed from 1968 to 1971; Group Two - those bind overs who were committed from 1972 to 1975; and Group Three - those bind overs committed from 1976 to 1979. After this split, Groups 1 and 3 were compared and a chi-square analysis was carried out to determine all variables that proved to be significant. Once variables and splits were found that were significant, a comparison was then made with Group 2 to determine if the relationship held during the middle phase of the study years.

B. Findings

In discussing the differences found over the time frame of the study, variables were grouped into the following categories: present offense/commitment variables, juvenile court/DYS variables, social history variables, and institutional/movement variables. The differences found will be discussed by looking at these four categories of variables. These were two present offense/commitment variables, three institutional/movement variables, three juvenile court/DYS variables, and one social history variable that yielded significant differences over time.

Present Offense/Commitment Variables

There were two present offense/commitment variables that yielded significant results. Basically, both variables indicate that bind overs in the latter years of the sample are serving longer sentences than those bind overs who were committed in the earlier years. Specifically, only 27% of the bind overs in Group 1 (committed from 1968 to 1971) had received maximum sentences of six years or longer. When looking at Group 2 (committed from 1972 to 1975) the results indicate that 71% of the bind overs had received maximum sentences of six years or longer. An examination of bind overs in Group 3 (committed from 1976 to 1979) reveals that 78% of the bind overs had received maximum sentences of six years or longer. This trend is also shown by focusing on the amount of time to be served until original parole eligibility dates for the total sample. For bind overs in Group 1 the majority (68%) of them had one year or less until their original parole eligibility date while for bind overs in Group 3, 41% had one year or less to serve until their original parole eligibility date. These two results are a reflection of the general trend for the total population of committed offenders. Research has shown that the overall trend in sentencing in Massachusetts is toward longer sentences.¹² As a result, these findings are a further demonstration of the general increasing sentence length in the Commonwealth.

Juvenile Court/Department of Youth Service Variables

Three of these variables proved to be significant in distinguishing between the earlier and later bind overs committed to the department. For bind overs in Group 1, only 15% were eleven years or younger when they made their first juvenile court appearance. However, when looking at bind overs in Group 3, 35% were eleven years or younger when they made their first juvenile court appearance. That is, more of the bind overs are now appearing in juvenile courts at an earlier age than did bind overs in the earlier years of the study.

The majority of the bind overs in earlier years had not had any prior exposure in the Department of Youth Service before being committed to prison. Specifically, 54% of the bind overs in Group 1 had no prior DYS commitments while under the jurisdiction of the juvenile court. However, for bind overs in Group 3, most (71%) had at least one prior commitment as juveniles with the Department of Youth Service. Finally, bind overs who were committed in the earlier years of the study had fewer charges while under the juvenile courts jurisdiction. Only 39% of the bind overs in Group 1 had more than eight charges as a juvenile in juvenile court.

Institutional/Movement Variables

There were three institutional/movement variables that distinguished the sample of bind overs over time. The Correctional Reform Act was passed by the legislature in 1972 and this act provided for pre-release placements and the development of the furlough program. As a result, bind overs in Group 1 did not receive furloughs and did not get any pre-release placements. For the bind overs in Group 3, 29% had received a pre-release placement before being released and 26% had received a furlough before being released. For bind overs in Group 1, 44% had received more than one disciplinary infraction and for bind overs in Group 3, 71% had received more than one disciplinary infraction before release.

Social History Variable

There was only one social history variable that proved to be significant when looking at bind overs over time. Ten percent of the fathers of the bind overs in Group 1 were deceased at the time of the youth's commitment. For the bind overs in Group 3, 27% of their fathers were deceased at the youth's initial commitment to the Department.

A specific listing of all variables found to be significant and their corresponding chi square values are presented in Appendix II.

C. Discussion

This analysis found nine variables that were significant when looking at bind overs over the time frame of the study. The changes that were revealed indicated that the bind overs being committed in the present are receiving longer sentences than did those committed in the past. This trend is true for all other offenders being committed to the Department. The bind overs being committed in the latter years also penetrated deeper into the juvenile justice system before their adult prison placement with more DYS commitments more total changes as a juvenile, and a younger age at their initial involvement in the system.

Summary

This volume has examined a particular subset of the youthful offender sample by looking at those youthful offenders who were bound over from the original jurisdiction of juvenile court to the adult criminal courts. This particular group is important to examine because they represent the most serious youth who are dealt with by the juvenile justice and adult criminal justice system. They represent the most serious youth because not only were they bound over to the adult system, but they were subsequently incarcerated in the state prison system. Accordingly, this group of youthful offenders deserves special scrutiny.

The bind over youthful offenders were more serious offenders than were the non-bind over offenders. This is reflected in the fact that bind overs received more Walpole sentences and longer maximum sentences than did the non-bind overs. They received more maximum security placements and served longer periods of time in prison than did the non-bind overs. Bind overs had more extensive prior juvenile justice experiences than did the non-bind overs. Bind overs had a more extensive involvement with both the juvenile court and the Department of Youth Service than did the non-bind overs. Also, bind overs had their first juvenile court appearance at a younger age than did the non-bind over sample. Bind overs were more likely to be poor, black offenders from multi-problem families than were the non-bind overs.

When looking at bind overs for the twelve years of the sample, there were nine variables that were significant. The changes that were revealed indicated that the bind overs being committed in the present are receiving longer sentences (as are all offenders) and have penetrated deeper into the juvenile justice system prior to their state prison commitment. Even though the bind overs were more serious offenders than the non-bind overs, both groups of youthful offenders exhibited comparable recidivism rates. The recidivism rate for bind overs was 29% and for non-bind overs was 30% when utilizing a one-year follow-up period. The recidivism rate for bind overs was 40% and for non-bind overs was 47% when utilizing a two year follow-up period. In other words, even though the bind over youthful offenders and non-bind over youthful

offenders differed considerably when they were committed to prison, they returned to prison at approximately the same rate utilizing a one year follow-up period. Also, the less serious offenders (non-bind overs) returned to prison at a greater rate than the more serious bind over offenders when utilizing a two year follow-up period.

Footnotes

1. The recidivism analysis covered the years 1968 to 1978. An analysis for bind overs released during 1979 could not be carried out since the cut off date for the data collection effort was January 1, 1980.
2. Alabama, Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.
3. Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, South Carolina, and Texas.
4. Connecticut, New York, North Carolina, and Vermont.
5. Charles P. Smith, Paul S. Alexander, Thomas V. Halatyn, and Chester F. Roberts, Reports of the National Juvenile Justice Assessment of Serious Juvenile Crime Volume II, U. S. Department of Justice (April, 1980).
6. Massachusetts General Laws, Chapter 119 Section 61.
7. U. S. Department of Commerce, Bureau of the Census.
8. This figure was derived from the annual commitment reports of the Department of Correction for 1972 to 1980. Massachusetts Department of Correction Publication Numbers 122, 86, 108, 116, 139, 161, 173, 196, and 226.
9. Concord commitments receive an indeterminate sentence; that is, they do not receive a minimum sentence and are given a maximum sentence. For some Concord commitments (first offenders) they are eligible for parole within six months, other Concord commitments are eligible within one year, one year and a half, etc.
10. Examples of "other" offenses included escapes, weapons offenses, prostitution, motor vehicle offenses, etc.
11. For the bind over youth released from the Department during 1978, it was not possible to carry out a two-year follow-up period since the data collection effort was terminated on January 1, 1980.

12. Holt, Linda K. An Analysis of Recent Trends in Court Commitments to the Massachusetts Department of Correction Massachusetts Department of Correction Publication Number 207 (September, 1980).

Appendix I

Variables Found To Distinguish
Bind Overs From Non-Bind Overs

Variables Found To Distinguish
Bind Overs From Non-Bind Overs

	Non Bind Overs		Bind Overs	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
<hr/>				
1. <u>Present Offense - General Categories</u>				
Person, Sex	168	(64)	134	(92)
Property, Drug, Other	96	(36)	12	(8)
TOTAL	264	(100)	146	(100)
$(X^2=38.3792, \text{ldf}, p < .001)$				
2. <u>Number of Maximum Security Placements</u>				
None	237	(90)	97	(66)
One or More	27	(10)	49	(34)
TOTAL	264	(100)	146	(100)
$(X^2=33.8979, \text{ldf}, p < .001)$				
3. <u>Committing Institution</u>				
Walpole	22	(8)	40	(27)
Concord and Framingham	242	(92)	106	(73)
TOTAL	264	(100)	146	(100)
$(X^2=26.6192, \text{ldf}, p < .001)$				
4. <u>Maximum Sentence</u>				
5 Years or Less	173	(66)	58	(40)
6 Years or More	91	(34)	88	(60)
TOTAL	264	(100)	146	(100)
$(X^2=25.4483, \text{ldf}, p < .001)$				

Variables Found to Distinguish
Bind Overs From Non-Bind Overs

		<u>Non Bind Overs</u>		<u>Bind Overs</u>	
		<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
5.	<u>Number of Juvenile Court Appearances</u>				
	Four or Less	141	(53)	43	(29)
	Five or More	123	(47)	103	(71)
	TOTAL	264	(100)	146	(100)
	$(\chi^2=21.8113, \text{ldf}, p < .001)$				
6.	<u>Number of Charges in Juvenile Court</u>				
	Six or Fewer	136	(52)	41	(28)
	Seven or More	128	(48)	105	(72)
	TOTAL	264	(100)	146	(100)
	$(\chi^2=21.0410, \text{ldf}, p < .001)$				
7.	<u>Number of Medium Security Placements</u>				
	One or None	220	(83)	94	(64)
	Two or More	44	(17)	52	(36)
	TOTAL	264	(100)	146	(100)
	$(\chi^2=18.8256, \text{ldf}, p < .001)$				
8.	<u>Status as Of 1/1/80</u>				
	Still Incarcerated	22	(8)	34	(23)
	Release (At Least Once)	242	(92)	112	(77)
	TOTAL	264	(100)	146	(100)
	$(\chi^2=17.8272, \text{ldf}, p < .001)$				

Variables Found to Distinguish
Bind Overs From Non-Bind Overs

		<u>Non-Bind Overs</u>		<u>Bind Overs</u>	
		<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
9.	<u>Number of Bridgewater State Hospital Placements</u>				
	None	245	(93)	115	(79)
	One or More	19	(7)	31	(21)
	TOTAL	264	(100)	146	(100)
	$(\chi^2=17.2961, 1df, p < .001)$				
10.	<u>Time Served (Excluding Still Incarcerated)</u>				
	12 Months or Less	160	(66)	48	(43)
	13 Months or More	82	(34)	64	(57)
	TOTAL	242	(100)	112	(100)
	$(\chi^2=17.0917, 1df, p < .001)$				
11.	<u>Reception Diagnostic Center Security Rating (Excluding Unknown)</u>				
	Maximum	11	(4)	22	(15)
	Medium, Minimum, Pre-Rel.	252	(96)	124	(85)
	TOTAL	263	(100)	146	(100)
	$(\chi^2=14.9991, 1df, p < .001)$				
12.	<u>Time Until Original Parole Eligibility Date</u>				
	9 Months or Less	145	(55)	52	(36)
	10 Months or More	119	(45)	94	(64)
	TOTAL	264	(100)	146	(100)
	$(\chi^2=14.0398, 1df, p < .001)$				

Variables Found to Distinguish
Bind Overs From Non-Bind Overs

	<u>Non-Bind Overs</u>		<u>Bind Overs</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
<hr/>				
13. <u>Time Spent in Medium Security Institution (Excluding Not Applicables)</u>				
8 Months or Less	149	(58)	58	(41)
9 Months or More	106	(42)	85	(59)
TOTAL	255	(100)	143	(100)
$(\chi^2=11.7246, 1df, p < .001)$				
14. <u>Minimum Sentence</u>				
Indeterminate	241	(91)	116	(80)
Non-Indeterminate	23	(9)	30	(20)
TOTAL	264	(100)	146	(100)
$(\chi^2=11.7002, 1df, p < .001)$				
15. <u>Total Number of Disciplinary Reports</u>				
One or None	140	(53)	55	(38)
Two or More	124	(47)	91	(62)
TOTAL	264	(100)	146	(100)
$(\chi^2=8.8919, 1df, p < .01)$				
16. <u>Marital Status</u>				
Single	249	(94)	146	(100)
Other	15	(6)	0	(0)
TOTAL	264	(100)	146	(100)
$(\chi^2=8.6105, 1df, p < .01)$				

Variables Found To Distinguish
Bind Overs From Non-Bind Overs

	<u>Non-Bind Overs</u>		<u>Bind Overs</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
<hr/>				
17. <u>Source of Family Income</u> <u>(Excluding Unknowns)</u>				
Public Assistance	62	(24)	53	(44)
Other	156	(76)	67	(56)
TOTAL	218	(100)	120	(100)
$(\chi^2=8.5272, 1df, p < .01)$				
18. <u>Number of Department of</u> <u>Youth Service Commitments</u>				
None	139	(53)	55	(38)
One or More	125	(47)	91	(62)
TOTAL	264	(100)	146	(100)
$(\chi^2=8.4630, 1df, p < .01)$				
19. <u>Number of Siblings Living</u> <u>with Youth (Excluding</u> <u>Unknowns)</u>				
One or None	116	(47)	46	(34)
Two or More	130	(53)	91	(66)
TOTAL	246	(100)	137	(100)
$(\chi^2=6.6467, 1df, p < .01)$				
20. <u>Number of Probations From</u> <u>Juvenile Court</u>				
None	124	(47)	50	(34)
One or More	140	(53)	96	(66)
TOTAL	264	(100)	146	(100)
$(\chi^2=6.2297, 1df, p < .02)$				

Variables Found To Distinguish
Bind Overs From Non-Bind Overs

	<u>Non-Bind Overs</u>		<u>Bind Overs</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
21. <u>Age at First Juvenile Court Hearing (Excluding Not Applicables)</u>				
13 Years Old or Younger	104	(52)	93	(65)
14 Years or Older	96	(48)	50	(35)
TOTAL	200	(100)	143	(100)
$(X^2=5.7951, 1df, p < .02)$				
22. <u>Length of Time at Current Address (Excluding Unknowns)</u>				
3 Years or Less	87	(37)	68	(49)
More Than 3 Years	149	(63)	71	(51)
TOTAL	236	(100)	139	(100)
$(X^2=5.2438, 1df, p < .05)$				
23. <u>Time Until First Disciplinary Report (Excluding Not Applicables)</u>				
2 Months or Less	83	(47)	38	(34)
3 Months or More	94	(53)	74	(66)
TOTAL	177	(100)	112	(100)
$(X^2=4.7367, 1df, p < .05)$				
24. <u>Age at Release (Excluding Still Incarcerated)</u>				
18 Years or Younger	188	(71)	75	(67)
19 Years or Older	54	(29)	37	(33)
TOTAL	242	(100)	112	(100)
$(X^2=4.6085, 1df, p < .05)$				

Variables Found to Distinguish
Bind Overs From Non-Bind Overs

	<u>Non-Bind Overs</u>		<u>Bind Overs</u>	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
<hr/>				
25. <u>Number of Brothers</u> <u>Incarcerated</u>				
None	232	(88)	117	(80)
One or More	32	(12)	29	(20)
TOTAL	264	(100)	146	(100)
$(X^2=4.4491, 1df, p < .05)$				
26. <u>Race (Excluding Hispanics)</u>				
Black	98	(39)	71	(49)
White	155	(61)	73	(51)
TOTAL	253	(100)	144	(100)
$(X^2=4.1940, 1df, p < .05)$				
27. <u>Number of Filed Charges</u> <u>in Juvenile Court</u>				
None	129	(49)	56	(38)
One or More	135	(51)	90	(62)
TOTAL	264	(100)	146	(100)
$(X^2=4.1916, 1df, p < .05)$				

Appendix II

Variables That Distinguished Bind Overs
Over Time

	1968 - 1971 Commitments		1976 - 1979 Commitments	
	N	(%)	N	(%)
<u>1. Maximum Sentence</u>				
5 Years or Less	30	(73)	11	(22)
6 Years or More	11	(27)	38	(78)
TOTAL	41	(100)	49	(100)
$(X^2=23.1543, 1df, p < .001)$				
<u>2. Number of Pre-Release Placements</u>				
None	41	(100)	35	(71)
One or More	0	(0)	14	(29)
TOTAL	41	(100)	49	(100)
$(X^2=13.8722, 1df, p < .001)$				
<u>3. Number of Furloughs</u>				
None	41	(100)	36	(73)
One or More	0	(0)	13	(27)
TOTAL	41	(100)	49	(100)
$(X^2=12.7140, 1df, p < .001)$				
<u>4. Number of Charges in Juvenile Court</u>				
8 or Fewer	25	(61)	12	(24)
9 or More	16	(39)	37	(76)
TOTAL	41	(100)	49	(100)
$(X^2=12.2742, 1df, p < .001)$				

	1968 - 1971		1976 - 1979	
	Commitments		Commitments	
	N	(%)	N	(%)

5. Total Number of Disciplinary Reports

One or None	23	(56)	14	(29)
Two or More	18	(44)	35	(71)
TOTAL	41	(100)	49	(100)

($X^2=6.9861$, 1df, $p<.01$)

6. Time Until Parole Eligibility Date

One Year or Less	28	(68)	20	(41)
More Than 1 Year	13	(32)	29	(59)
TOTAL	41	(100)	49	(100)

($X^2=6.7709$, 1df, $p<.01$)

7. Number of Department of Youth Service Commitments

None	22	(54)	14	(29)
One or More	19	(46)	35	(71)
TOTAL	41	(100)	49	(100)

($X^2=5.8537$, 1df, $p<.02$)

8. Age at First Juvenile Court Hearing

11 Years or Younger	6	(15)	17	(35)
12 Years or Older	35	(85)	32	(65)
TOTAL	41	(100)	49	(100)

($X^2=4.7214$, 1df, $p<.05$)

9. Fathers Status at Youths Commitment

Alive	37	(90)	36	(73)
Deceased	4	(10)	13	(27)
TOTAL	41	(100)	49	(100)

($X^2=4.0997$, 1df, $p<.05$)