



MARIAN T. RYAN
DISTRICT ATTORNEY

**THE COMMONWEALTH OF
MASSACHUSETTS
MIDDLESEX DISTRICT ATTORNEY
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January 6, 2014

William F. Welch, Clerk of the Senate
24 Beacon Street
Room 335 – State House
Boston, MA 02133

Steven T. James, Clerk of the House
24 Beacon Street
Room 145 – State House
Boston, MA 02133

Re: Annual Report of Wiretap Interceptions Pursuant to G.L. c. 272 § 99(R)

Dear Mr. Welch:

Pursuant to Chapter 272, Section 99(R) of the Massachusetts General Laws, I hereby submit this report to the General Court on behalf of the Middlesex District Attorney's Office for the 2013 calendar year.

- 1) The Middlesex District Attorney's Office has made three applications for electronic surveillance (wiretap) warrants during the calendar year 2013.
- 2) The applicants in each case were Assistant District Attorneys David Solet and Stephen Gilpatric.
- 3) Three wiretap warrants were issued by the Superior Court as a result of these applications.
- 4) These warrants authorized interceptions for fifteen days at a time, and were issued on February 14, 2013, February 28, 2013, and March 14, 2013, respectively.
- 5) The above-described applications sought to discover evidence pertaining to designated offenses "involving the possession or sale of a narcotic or harmful

drug.” These designated offenses, as defined in G.L. c. 272 § 99(B)(7), were as follows:

- a. February 14, 2013 warrant: Chapter 94C, Sections 32C (Distribution of Class D Substance), and 34 (Possession of Marihuana), and Conspiracy to commit these offenses, in violation of Chapter 94C, Section 40.
 - b. February 28, 2013 warrant: Chapter 94C, Sections 32C (Distribution of Class D Substance), and 34 (Possession of Marihuana), and Conspiracy to commit these offenses, in violation of Chapter 94C, Section 40.
 - c. March 14, 2013 warrant: Chapter 94C, Sections 32C (Distribution of Class D Substance), and 34 (Possession of Marihuana), and in Conspiracy to commit these offenses, in violation of Chapter 94C, Section 40; Chapter 94C, Section 32A (Distribution of Class B substances - Cocaine and Oxycodone); Chapter 94C, Section 34 (Possession of Class B substance), and Conspiracy to commit the same, in violation of Chapter 94C, Section 40.
- 6) Each of the three warrants related to the same investigation; the February 28, 2013 and March 14, 2013 warrants may thus be considered “renewals,” though the March 14, 2013 application had added one target phone to the application, and no longer sought permission to renew one of the initial target phones.
 - 7) As a result of these warrants, 699 pertinent phone calls and 3350 pertinent text messages to and from the target telephones were intercepted by monitoring officers.
 - 8) As a result of the wiretap investigation and evidence developed therefrom, a total of fifty-four indictments were obtained against eleven individual defendants, for charges including Trafficking in Marijuana over 100 lbs.; Conspiracy to Traffick in Marijuana over 100 lbs.; Possession of Ammunition by an Armed Career Criminal; Money Laundering; Conspiracy to Commit Money Laundering; Possession with Intent to Distribute a Class B Substance, Subsequent Offense; Receiving Stolen Property over \$250 (Firearm); Possession of a Lg. Capacity Firearm During Commission of a Felony; Possession of a Firearm with Defaced Serial Number During Commission of a Felony; Possession of a Firearm by an Armed Career Criminal; Possession of a Lg. Capacity Feeding Device; Improper Storage of a Lg. Capacity Weapon; Breaking and Entering in the Daytime with Intent to Commit a Felony; Attempt to Commit Larceny in a Building; Possession of a Lg. Capacity Weapon; Possession with Intent to Distribute a Class D Substance; Possession of a Firearm with a Defaced Serial Number; Improper Storage of a Firearm; Possession of a Class B Substance (Oxycodone); Possession with Intent to Distribute Phencyclidine (PCP); School Zone Violation; Conspiracy to Distribute a Class B Substance (Cocaine); Conspiracy to Distribute a Class B Substance (3,4-

methylenedioxy methamphetamine – MDMA); Conspiracy to Distribute a Class D Substance (Marijuana); Solicitation to Commit a Felony (Possession of a Firearm).

- 9) To date, two defendants have pleaded guilty to charges arising from the wiretap investigation described above, to charges including Conspiracy to Traffick over 100 lbs. of Marijuana, Distribution of a Class D Substance, and Possession with Intent to Distribute Phencylidine (PCP). As of this time, no defendant has elected to proceed to trial, though cases against nine defendants are currently pending in Middlesex Superior Court.
- 10) In addition, other evidence recovered during the execution of physical search warrants obtained at the conclusion of the wiretap investigation has led to the issuance of eighteen additional indictments against four individual defendants, for charges including Armed Robbery, Conspiracy to Commit Armed Robbery, Armed Assault to Rob, Inducing a Minor to Possess a Controlled Substance with Intent to Distribute, Distribution of a Class B Substance (3,4-methylenedioxy methamphetamine – MDMA) to a Minor, and Distribution of a Class D Substance.
- 11) In addition, pursuant to Chapter 272, Section 99 (R)(5)(d), the Middlesex District Attorney's Office hereby reports the following convictions obtained during the 2013 calendar year that were the result of evidence obtained through electronic surveillance:
 - a. One individual who was indicted as a result of wiretap warrants issued in 2009 and 2010 was convicted as a result of a guilty plea. He was convicted of Trafficking in Cocaine over 28 grams, Distribution of Cocaine, Conspiracy to Distribute Cocaine, Possession of a Firearm in the Commission of a Felony, and Possession of Ammunition.
 - b. One other defendant who was indicted as a result of that 2009-2010 investigation remains at large and is a fugitive in warrant status.

Please do not hesitate to contact me if you have any questions about the above information or if you need any further information from this office.

Sincerely,

David Solet
General Counsel
Middlesex District Attorney's Office



DA Child Abuse Data FY 2013

(July 1, 2012 - June 30, 2013)

DISTRICT: NORTHERN DISTRICT/MIDDLESEX

Child Abuse/Neglect Referrals* (per child)	1469
Referrals Closed without Prosecution	871
Criminal Cases Initiated (per defendant)	252
Criminal Cases Disposed <u>with</u> Conviction**	192
Criminal Cases Disposed <u>without</u> Conviction***	121

**Referrals = reports of child abuse/neglect received from ANY source.*

***Conviction = disposition of guilty plea, guilty verdict, admission to sufficient facts or pretrial probation on any count or charge.*

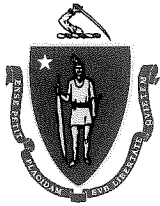
****Without Conviction = disposition of not guilty, nolle prosequi or dismissal.*

List principal reasons not to prosecute:

Family Unsupportive of Prosecution
 No Response to Letter/Correspondence to Family
 No Case Jurisdiction
 Insufficient Disclosure
 Insufficient Evidence

List resources that would have assisted with investigations and prosecutions:

Increased funding for additional experienced staff is needed. A specialized team of prosecutors, advocates, interviewers and administrative support is required for these unique and time sensitive investigations and prosecutions.
 Increased funding for training of prosecutors, advocates, investigators and mandated reporters.
 Increased funding for a pediatric nurse whose forensic work is invaluable in these investigations and prosecutions.



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- VICTIM WITNESS BUREAU

TRIAL TEAMS

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- WOBURN DISTRICT COURT

SPECIALTY UNITS

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- FAMILY PROTECTION BUREAU
- CHILD ABUSE UNIT
- DOMESTIC VIOLENCE UNIT
- ELDER/DISABLED UNIT
- PUBLIC PROTECTION, ANTI-TERRORISM, CORRUPTION & TECHNOLOGY (PACT)

STATE POLICE DETECTIVES

- COMPUTER FORENSICS
- HOMICIDE
- PACT

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- NEWTON
- SOMERVILLE
- WALTHAM
- WOBURN

January 3, 2014

Tara Maguire
Executive Director
Massachusetts District Attorneys Association
One Bulfinch Place
Boston, MA 02114

RE: Middlesex (Northern) District Attorney's Office Report to the
Senate and House Ways and Means Committees
Regarding Volunteer Attorneys

Tara
Dear Ms. Maguire:

Pursuant to the reporting requirement of the appropriation for the Massachusetts District Attorney's Association, 0340-2100, in the Fiscal Year 2014 General Appropriations Act (c. 38 of the Acts of 2013), "...the department (MDAA) shall work together with the 11 district attorneys' offices to submit a report to the house and senate committees on ways and meansdetailing the total number and use of private attorneys participating in any volunteer prosecutor program; provided further, that the report shall include, but not be limited to, the following: a) the total number of personnel from private law firms participating in the program; b) the name and address of the law firms; c) the duties performed by the personnel; and d) the benefits and costs savings associated with the program;.."

1. The total number of personnel from private law firms participating in the program are:

Edwards, Wildman - 111 Huntington Ave., Boston, MA 02199;

Goodwin Procter - Exchange Place, 53 State St., Boston, MA 02109;

Mintz, Levin, et. al. – One Financial Center, Boston, MA 02111;

Nixon Peabody – 100 Summer St., Boston, MA 02110;



Ropes and Gray – Prudential Tower, 800 Boylston St., Boston, MA 02199-3600;
and

Wilmer Hale – 60 State St., Boston, MA 02109.

The specific contribution of volunteer attorney hours from each firm is designated below.

Edwards, Wildman - provided two attorneys, for approximately 1,297.5 hours;

Goodwin Procter - provided five attorneys for approximately 3,562.5 hours;

Mintz, Levin -, et. al. – provided three attorneys for approximately 1,717.5 hours;

Nixon Peabody – provided two attorneys, for approximately 1,725 hours;

Ropes and Gray – provided four attorneys, for approximately 1,985 hours;

Wilmer Hale – provided five attorneys, for approximately 3,682.5 hours;

In total, 21 attorneys participated in the program this year, contributing a total of 13,970 hours.

It should be noted that the decrease in participants and hours worked during FY 2013 is directly attributed to the overall improvement of the economy. As such, many firms that had authorized newly hired associates to defer their start dates for one year due to the fiscal downturn in FY 2010 - FY 2012; thus allowing these attorneys to commit to a year of public interest / public service law, while receiving a reduced salary from the firm and then joining the firm as an associate the following year; no longer offered this type of program. Instead these newly hired attorneys were joining the firms right away. The MDAO did not benefit from this initiative beyond the first quarter of FY 2012.

As part of the volunteer attorney program the MDAO provides extensive training opportunities for these attorneys throughout their tenure as SADAs. Those SADAs assigned to the District Courts receive individualized training from MDAO staff as part of their orientation to their specific assignment; additionally they are required to attend trainings, at least monthly, conducted by members of the MDAO's Leadership Team. SADAs assigned to the Appeals and Training Bureau, receive general legal orientation from the MDAO's Director of Training and Professional Development and are assigned one-to one attorney supervision for the duration of their appellate work. If they will be making an oral argument to the Appeals Court they are also required to participate in a formal moot court program. While the MDAO does benefit from the many hours that these volunteer attorneys donate to the MDAO, there are significant costs associated with preparing these attorneys for the work that they will perform on behalf of the MDAO. This initial training expense has a much shorter

period to be depreciated against for a volunteer as opposed to a staff member since volunteers tend to stay at the MDAO for a significantly shorter period of time.

2. The names and addresses of the law firms:

This information was provided above.

3. The duties performed by these personnel included:

Most of the volunteer private attorneys, sworn-in as Special Assistant District Attorneys, were assigned to one of the district courts in Middlesex County. These attorneys provided invaluable assistance, carrying full caseloads (non-victim matters) thus reducing the overall number of cases handled by the Assistant District Attorneys in the courts that had volunteer attorneys assigned to them. One of these attorneys briefed and argued an appellate case under the direction of the Chief of the Appeals and Training Bureau of this Office.

4. The benefits and costs savings associated with the program:

The volunteer attorney program has become even more important to this office in recent years. Especially, during the most recent fiscal years when the MDAO has had to absorb significant attrition, as it has been forced to absorb smaller budgets and/or mid-year cuts. The MDAO appropriation is just returning to its pre-fiscal downturn level, therefore, these volunteer attorneys have played an important role in helping the MDAO address the level of cases that are annually before us.

This office is being required to absorb additional mandates that go beyond our core function of investigating and prosecuting criminal matters, which are often unfunded. These mandates are made necessary due to expectations and requests of the public that we protect and serve; legislative statutes, acts and resolves; additional court imposed mandates and, due to our overall commitment to doing what is necessary and just to carry out our responsibilities. Therefore, this program and others that add to our resources and capabilities are even more critical to our ability to function. Therefore, the ability to have the additional legal assistance provided by the volunteer attorney participants has been invaluable to the operation of this office. Their assistance has allowed us to continue to carry out the programmatic non-core mission responsibilities while managing to not lose focus on our core mandates.

During the course of the past year, **the most conservative estimated value of the contributions from these 21 attorneys which was the equivalent of 7.16 FTE's was at least \$268,500 to the Commonwealth.** This calculation is based upon the starting salary for Assistant District Attorneys at \$37,500, though many of these attorneys have experience that would place them above that level.

Volunteer Attorney Report

January 3, 2014

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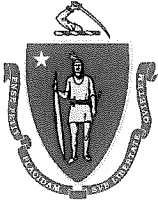
If you have any questions regarding this program or the MDAO generally please contact me directly at 781-897-8456.

Sincerely,



Jeffrey Shapiro
Assistant District Attorney and
Chief Operating Officer

Cc: District Attorney Marian T. Ryan
Michael Pelgro, First Assistant District Attorney
Sarah Ellis, ADA and Director of District Courts
Patricia Gould, ADA and Director of Training & Professional Development
James Sahakian, ADA and Chief Appeals & Training Bureau
Kevin Curtin, Grand Jury Director



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- SPECIAL INVESTIGATIONS UNIT (SIU)

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- NEWTON
- SOMERVILLE
- WALTHAM
- WOBURN

February 3, 2014

James Cowdell
 Fiscal Policy Analyst
 Office of Senator Stephen Brewer, Chairman
 Senate Committee on Ways and Means
 State House, Room 212
 Boston, MA 02133

Kathleen Pierre
 Budget Analyst
 Office of Representative Brian Dempsey, Chairman
 House Committee on Ways and Means
 State House, Room 251
 Boston, MA 02133

RE: FY 2014 Middlesex (Northern) District Attorney's Office
 Report to the Senate and House Ways and Means Committees
 Regarding the CY 2013 Community Based Juvenile Justice Program

Dear Mr. ^{Jimmy}Cowdell and Ms. ^{Kathleen}Pierre:

Pursuant to Massachusetts General Law Chapter 12, §32 [each] district attorney, "... shall submit an annual report on each program, including statistics and findings, to (the) House and Senate Committees on Ways and Means...."

On behalf of the Middlesex District Attorney's Office (MDAO), please accept this filing which serves as a summary of the Community Based Justice (CBJ) program activities for the 2013 calendar year.

This office continues to cultivate and maintain effective relationships with numerous local institutions that work daily with at-risk youth to intervene in their lives, prevent their involvement in criminal matters, and divert and remediate when they do make bad choices that impact schools, communities and others. Through frequent CBJ meetings, our regular Community Youth Development Collaborative Meetings, the MDAO juvenile diversion program, and involvement with Middlesex Partnerships for Youth, we have created a comprehensive system to focus on the youth population of Middlesex County and to assist schools in



keeping students safe by providing information about court involved youth, training, and crime prevention information and support.

CBJ programs are a critical tool that allows partnering agencies to collaboration efforts to address youth violence and school safety. The mission of CBJ is to work proactively, collaboratively and consistently with schools, law enforcement officials, social service agencies, human health resources, probation representatives, court representatives, Department of Youth Services staff, Department of Children & Families staff and community leaders to promote public safety and social responsibility among school-aged children.

CBJ Meetings

Approximately fifty times each month in various communities across the county, prosecutors meet with CBJ partners to collaborate on intervention and prevention initiatives that focus on preventing violence among middle and high school aged youth. In addition to participating personally in some meetings herself, the District Attorney has dedicated the resources of over fifty prosecutors to the CBJ program. Each multi-disciplinary CBJ meeting includes a team of our prosecutors, one from the juvenile court and one from the district court that services that community. Through this collaboration, prosecutors become familiar with the character of each city or town, focusing on the trends of violence, drug use, gang involvement, and other criminal activities particular to that community.

Information learned in the weekly, bi-weekly or monthly CBJ meetings is used for several purposes. The information learned as it pertains to specific individuals assists the Assistant District Attorneys (ADAs) in crafting disposition recommendations that are informed by school and police input. Importantly, youth-specific information provided to the school by MDAO and law enforcement assists the school and police in determining which students are court-involved, at-risk, or may pose a risk to others. On a larger scale, the CBJ meetings provide particularized data that can be extrapolated into youth community and county-wide trends. For example, juvenile and district court prosecutors summarize the trends and topics that arise within each of the CBJ meetings. This information is then utilized to inform the allocation of resources and efforts around prevention and education initiatives.

Youth who are court involved have their cases handled by ADAs who attend the CBJ meeting in their town or city so that ADAs view the cases and their potential community impact in the fullest way possible. A prosecutor's involvement with the youth's community provides a knowledge base to propose individualized sanctions that can deter the offender from further criminal involvement. This focus also provides meeting attendees with pertinent information on all juvenile and young adult cases that impact the school and community, helping the schools fulfill their statutory mandate under General Laws Chapter 71, §37H and 37 H1/2, to keep children safe.

Community Youth Development Collaboratives

This year MDAO has continued the practice of regular Community Youth Development Collaborative Meetings in the City of Lowell and the Town of Framingham. The mission of the Community Youth Development Collaborations [CYDC] is to bring together a larger group of community stake holders, which expands beyond the partnerships anticipated by CBJ, for larger-scale, community change aimed at the improvement of youth services. The CYDCs first identify the current needs of youth within the community, and then create partnerships between public and private industry community stake-holders targeted at meeting the identified needs.

Participants in these Collaborations include the city or town manager, city councilmen, the police chief and officers, school superintendents and principals, area university and college representatives, community service care providers, and MDAO employees. Examples of the product of such collaborations have been applications for and the receipt of funding from state and federal grantors to community service providers, partnerships with private industry donors to provide funding targeted at community needs, and reliance upon the analysis and expertise of professors and graduate students within local universities and colleges to interpret crime statistic data and to generate models for social improvement.

Drug Addiction and Addiction Related Crime Prevention Initiatives

As information ascertained from CBJ meetings in the Lowell area underscored a trend of opiate addiction and abuse of prescription medication, District Attorney Ryan has worked with community partners in the Lowell region to respond to these concerns about increased youth and young adult substance abuse, addiction and over-dose fatality. Beginning in calendar year 2012, District Attorney Ryan, then legal counsel for the MDAO, spearheaded an **Opiate Addiction Action Group** aimed at uniting Lowell community stakeholders to address opiate addiction in the greater Lowell youth and young adult community. The aim of the group, which District Attorney Ryan continues to chair, is to mobilize resources and develop a comprehensive approach to drug addiction that spans law enforcement, the medical community, local high schools, colleges and universities, and area service providers.

Products of the Opiate Addiction Action Group included a unified approach between the MDAO, the Lowell Police Department, Lowell Medical Center and other area health care providers to engage in roundtable discussions with local legislators concerning the Prescription Management Plan (PMP), opiate addiction treatment options and funding, the prescribing of opiates in emergency rooms and clinics as well as opiate prescribing and use on college campuses. Those discussions have fostered collaboration to ensure the sharing of information, the maximization of resources, and the identification of areas for legislative action.

District Attorney Ryan has also engaged the Administrative Office of the Trial Courts as well as area health care and service providers to work toward the establishment of a **Drug**

Court session in the Lowell District Court. District Attorney Ryan worked with the presiding justices of the Lowell District Court and the Lynn District Court Drug Court session to provide Lowell District Court partners an opportunity to view a successful Drug Court in action. Further, the Lowell team was able to participate in a learning dialogue with those involved in the Lynn Drug Court, to better understand the considerations in establishing a Drug Court to treat a population of offenders at risk for relapse and recidivism.

Child Fatality Review Team

In July 2000, the Massachusetts **Child Fatality Review Team** legislation (G.L. c. 38, § 2A) was enacted to bring together professionals from a variety of disciplines and experiences to examine individual fatality cases of children under the age of eighteen. The law established a State Team within the Office of the Chief Medical Examiner and Local Teams within each of the eleven District Attorney's Offices. The purpose of these teams is to decrease the incidence of preventable child fatalities. The law was later amended, to include the review of "near fatalities" of children.

The Local Teams are chaired by the District Attorney and include representation from the Chief Medical Examiner's Office, the Department of Children and Families, the Department of Public Health, the Massachusetts SIDS Center, state and local police, the juvenile courts, and a pediatrician with experience in diagnosing or treating child abuse and neglect. Persons with expertise or information relevant to an individual case may be invited on an ad hoc basis to sit in on a review by agreement of the permanent team members.

The Local Teams are charged with collecting and reviewing information on individual cases in an effort to understand the causes and incidence of child fatalities and near fatalities in the county. The teams are not looking to assign blame for a child's death. Rather, they are trying to identify factors that may have contributed to the child's death so as to prevent future, similar deaths. The Local Teams advise the State Team by making recommendations for changes in law, policy or practice, which may prevent future child deaths and near deaths.

Local teams report statistics and recommendations to the State Team who then reviews the data and advises the Governor's office, the General Court, and the public by making recommendations that will prevent child fatalities and near fatalities. The State Team is chaired by the Chief Medical Examiner. Members are drawn from state departments of public health, children and families, mental health, developmental services, education, and youth services. There also is representation from the American Academy of Pediatrics, the Massachusetts SIDS Center, the Massachusetts Hospital Association, state and local police, the Attorney General's Office, the Massachusetts District Attorney's Association, and the juvenile courts.

All team meetings are closed to the public. All information is kept strictly confidential. Any documents, records or information gathered is exempt from being obtained or used in any civil or criminal court proceeding. Only statistical data, which does not

contain any identifiable information, may be disclosed as necessary to carry out a team's duties and purposes.

District Attorney Ryan chairs the MDAO Child Fatality Review Team, which convenes MDAO Child Abuse Unit prosecutors with other statutory participants, often those who worked directly with deceased children and their families to examine the root causes of non-criminal child fatalities with the aim of preventing future tragedies. The team addresses each adolescent suicide and teen drug over-dose in Middlesex County.

Middlesex Juvenile Diversion Program

The Middlesex Juvenile Diversion Program ["MJDP"] is a creative and progressive program which offers an alternative to formal prosecution in the juvenile court system to certain eligible juvenile offenders. The diversion program is a pre-arraignment model designed to protect eligible juvenile offenders from having a criminal record. The diversion program allows the juvenile the opportunity to participate in remedial programming, attend counseling and/or perform community service in lieu of prosecution. The goal is to address the root causes of juvenile delinquency and to work with the juvenile to make better choices while also minimizing any life altering negative consequences. The diversion program seeks to treat juveniles, not as criminals, but as children in need of aid, encouragement and guidance.

Under the model, the police refer diversion eligible cases to the MDAO for initial review. The assigned juvenile ADA then receives input from the CBJ participants on suggested terms and conditions of the juvenile's diversion contract, and when a victim is involved contact is made to receive victim input. It is through our collaboration with the police and the other CBJ partners that the MDAO is able to identify those youth who do not currently pose a risk to schools or community and who may benefit from this intervention process to prevent further criminal involvement.

Once accepted into the program, juveniles are given the opportunity to complete a program and/or community service that will address issues related to the offense committed and underlying causes of their criminal behavior. If the juvenile satisfies all of the requirements of diversion, there will be no further proceedings in the criminal justice system related to the matter. This program allows participants to compensate for their mistakes, avoid recidivism, and be provided a road map to a successful future without having a juvenile board of probation record that may have long lasting adverse effect on the youth's entry into future employment or academic opportunities.

In calendar year 2013, the MJDP screened 376 juvenile criminal cases for diversion. Of these cases screened for diversion, eighty-two cases were deemed ineligible and 294 cases were entered into the diversion program. Each of these 294 cases was overseen from in-take through the diversionary period by the part-time MJDP Director and the MJDP Case Manager. The MDJP is also sustained by the on-going efforts of the Director of District Courts and seven juvenile District Court ADAs.

On September 18, 2013, Governor Deval Patrick signed into law House Bill 1432, An Act Expanding Juvenile Jurisdiction, thereby raising the age of juvenile court jurisdiction from seventeen to eighteen for delinquency cases. Because MJDP is a program focused on providing eligible first-time juvenile offenders with a second-chance, one anticipated effect of An Act Expanding Juvenile Jurisdiction will be an increase in the number of offenders eligible for MJDP diversion. Current staffing levels and funding available for the MJDP will not address the anticipated increase in volume of cases screened and accepted into the diversion program.

The MJDP actively engaged throughout Middlesex County, and the outreach efforts of the Diversion Director have generated active participation on the part of police departments and schools in referring juveniles to MJDP. Additionally, the Diversion Director and Case Manager have engaged in community outreach to successfully increase the number of community partnerships with programs that offer services such as mental health counseling, drug addiction services, and youth employment training to generate locally accessible options for diversion conditions.

The MJDP Director continues to work directly with the MDAO Director of Information and Technology to create a diversion case management tracking system that will generate reliable statistics about the diversion program. This diversion case tracking system will supply information to form the basis for data-driven assessments of the efficacy of the MJDP and its use of community partners, including an analysis of recidivism after diversion as well as an exploration of any corollary existing between MJDP and Juvenile Court statistics. The success of the MJDP depends on our ability to continue to staff this worthwhile initiative. Should the office be forced to absorb budget cuts there would be concern over whether the MJDP could continue on this trajectory of law enforcement, school and community engagement across Middlesex County, as well as the design and implementation of the diversion case tracking system described above.

Restorative Justice

In Calendar Year 2013, District Attorney Ryan partnered with juvenile Court Restorative Justice Diversion, Inc., of Lowell ["JCRJD"] to apply for and ultimately receive a Juvenile Accountability Block Grant for Restorative Justice from the Commonwealth's Executive Office of Public Safety and Security. District Attorney Ryan is committed to utilizing a Restorative Justice partnership to further the goals of intervening in the lives as at-risk youth to prevent crime, reduce juvenile delinquency, and to provide youth with opportunities for positive change. With the award of the Restorative Justice Grant, the MJDP will expand upon our partnership with JCRJD, referring pre-arraignment juvenile cases to restorative justice for diversion, and referring active juvenile cases to restorative justice as a disposition condition.

Prior to the award of the Restorative Justice Grant, District Attorney Ryan teamed with the Lowell Juvenile Court and JCRJD to host an informational session about Restorative

Justice in the Lowell Juvenile Court. Included at this meeting were members of the JCRJD board of directors including Juvenile Judge, the Honorable Jay D. Blitzman and Northeastern Professor Susan Maze-Rothstein, District Attorney Ryan, the MDAO Director of District Courts, the MDAO Regional District Court Supervisor, the MDJP Director, school resource officers from local police departments in the greater Lowell area, juvenile probation officers, members of the defense bar, middle school and high school representatives and local youth service providers.. The purpose of this gathering was to discuss the Restorative Justice program, to familiarize those who work directly with at-risk youth with the opportunities Restorative Justice presents through diversion and juvenile probation, and to begin building opportunities for collaboration in the arena of prevention and intervention for youth.

Middlesex Partnerships for Youth

Other prevention efforts include the MDAO's on-going partnership with Middlesex Partnerships for Youth, Inc. (MPY), a non-profit organization which conducts prevention trainings for schools on issues of 51A mandated reporting, the sharing of student records, drug and alcohol use, bullying, cyber safety, suicide prevention, teen dating violence, anti-gang initiatives, as well as school climate and emergency preparedness.

MPY was established by the Middlesex District Attorney in 1988 as a consortium of school superintendents, police and fire chiefs from a small number of public school communities throughout Middlesex County. District Attorney Ryan has been an engaged and invested participant in MPY planning and programming throughout her career in the MDAO prior to becoming the District Attorney. This consortium has expanded to every city and town in Middlesex County. In addition, several public Charter Schools and private schools located in Middlesex County are members of Middlesex Partnerships for Youth, Inc. MPY has become a robust and respected organization, serving a population of approximately 200,000 students. Through its programming, MPY trains more than 5,000 educators, public safety personnel and parents each year.

The MDAO collaborates with MPY on a continual basis. The CBJ program works directly with MPY to identify trends and issues that are a concern to the schools. This assists MPY in selecting relevant topics for conferences and in-service trainings.

The beginning of the 2013-14 school year focused on programming around preventing acts of domestic violence and teen dating abuse. The 18th Annual School Safety Summit hosted by MPY on October 7, 2013 was entitled "More Than a Few Good Men: Strategies for Inspiring Men and Boys to be Allies in Gender Violence Prevention." This conference featured Jackson Katz, Ph.D., who shared with educators and law enforcement a series of strategies for inspiring men and boys to work in collaboration with women to change the social norms that tolerate or condone some men's sexist or abusive behaviors. The conference also featured a segment on the crucial role of media literacy in the prevention of gender violence and bullying.

District Attorney Ryan also worked in partnership with MPY on the school based initiative for the 2013-14 school year, "Present and Accounted For – Improving School Attendance." This school based initiative is a theme that unifies MPY programming to teachers and students for the year. This truancy and attendance based initiative was developed because children who stay in school and remain engaged in their classrooms everyday will make better life choices over time. A new report by Johns Hopkins University School of Education found that nationwide, 5 million to 7.5 million students are chronically absent each year, a problem that contributes to higher dropout rates and wider achievement gaps. The link between truancy and crime has been anecdotally recorded through the CBJ process, and District Attorney Ryan is using this initiative to collaborate with students, parents, teacher, administrators, staff and law enforcement to focus on attendance as a key to success.

Highlighting the community aspect of school and the various opportunities available to students, MPY and District Attorney Ryan chose the topic "CommUnity Involves You" for the 2013-2014 Public Service Announcement (PSA) and Poster Projects. Students will be asked to create a PSA and / or a poster that highlights the benefits of not only staying in school, but also reflecting that involvement in the school community builds opportunities. Additionally, District Attorney Ryan and MPY hosted the annual School Attendance Summit this year on October 24, 2013 which featured speakers from the Juvenile Court and the Department of Children and Families to address the correlation between attendance issues and lack of school achievement, juvenile delinquency and dropping out of school. The summit brought together representatives from schools, law enforcement, the Department of Children and Families and the court system to explore root causes of attendance problems and to make positive recommendations to combat truancy and tardiness.

The 16th Annual MPY SECURE Conference will be held on May 14, 2014 and is entitled, "The Intersection of Mental Health and Violence in Schools – A Perspective for Change." The conference will feature District Attorney Ryan as well as Dr. Daniel Jacobs, who will speak on addressing mental health issues impacting students and schools, and Dr. Peter Raffalli, who will speak to the impact of aggression, bullying and cyber bullying on students with neuro-developmental disorders. The intersection of adolescent safety and mental health issues have been identified through the CBJ program as a significant concern to educational and law enforcement personnel, staff from community agencies, and the general public. They are also of major concern to students and parents. Although tragedies - such as the events that occurred at Sandy Hook Elementary School in Newtown, Connecticut and at Danvers High School - may be aberrations, there is a perception that more students are dealing with mental health issues that may impact the safety of others.

Additionally, Middlesex Partnerships for Youth, Inc. collaborates with the Middlesex District Attorney's Office to co-sponsor prevention initiatives for students. Two annual Peer Leadership Conferences are held each winter, for middle school and high school students. The Peer Leadership Conferences are co-sponsored with the Massachusetts Interscholastic Athletic Association and foster a healthy, substance-free lifestyle for teens. On February 4, 2014, Middlesex Partnerships for Youth, Inc. and the Middlesex District Attorney's Office

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are sponsoring for the second year a conference entitled "Empowering Girls." Approximately 400 female high school students will hear inspirational messages from a variety of speakers, including Middlesex District Attorney Ryan and United States Attorney for the District of Massachusetts Carmen Ortiz.

The Executive Director of MPY is a member of the Massachusetts Association of School Superintendents, as a former public school assistant superintendent. She is also a member of the Administrators of Special Education in Massachusetts. Through her involvement with these state organizations of school leaders, she is able to successfully network with school administrators, including principals and special education administrators, and work closely with the MDAO regarding the very successful CBJ Program. The MDAO relies heavily on this partnership with MPY to engage school officials with the CBJ Program.

District Attorney Ryan serves as the chairperson of MPY and the MDAO makes a direct cash contribution to the organization each year. In addition, an in-kind contribution includes office space and staff resources for MPY. This enhances strong partnerships with the school districts throughout Middlesex County. While in past years an MDAO assistant district attorney had dedicated 60% of her work time to MPY efforts, unfortunately that level of MDAO resources was unable to be sustained. Instead, the MDAO Director of District Courts assumed the additional position of MPY-MDAO liaison, and she as well as the MDAO Communication Directors and the MDAO Chief of the Cyber Protection Unit dedicated time to working with MPY to plan MPY events and publications.

Further, MPY developed for the first time in 2013 an assembly presented directly to students on the topic of cyber safety. The assembly, which has thus far been presented to approximately ten schools and student groups since September 2013, is in very high demand throughout Middlesex County. Entitled Navigating the Cyber World, the presentation features the MDAO Legal Counsel and Chief of the Cyber Protection Unit. During Navigating the Cyber World, students are educated on the dangers of on-line predators, cyber bullying and identity fraud.

District Attorney Ryan not only participates directly in a variety of MPY trainings and presentations, but she also encourages and permits ADAs to volunteer as presenters at a variety of school and community functions on important safety issues. This collaboration and in-kind contribution to MPY serves to further enhance prevention efforts across Middlesex County. Such functions include in-service trainings, which are educational events for parents and educators that usually happen in the evenings at local schools. This support adds value to the training efforts, especially in regards to topics like social host liability, search and seizures in schools and the on-going demand for cyber-safety education.

MPY programming is directly influenced by the trends discussed at CBJ. Continuous dialogue between the CBJ program administrators and the MPY Executive Director enhances the collaboration and effectiveness between CBJ and MPY.

In summary, the collaboration between the Middlesex District Attorney's Office and its prevention partner, Middlesex Partnership for Youth, Inc., has become a proactive and formidable presence in Massachusetts, offering current and state-of-the-art initiatives and training in matters of health and safety for youth. Middlesex District Attorney Marian Ryan, as District Attorney and Chairman of the Middlesex Partnerships for Youth, Inc. Board of Directors, has engaged MPY to further develop its outreach and programming, all aimed at keeping kids safe.

Growth of CBJ

District Attorney Marian Ryan is committed to working with the public and private schools in the 54 cities and towns of Middlesex County. District Attorney Ryan has executed 89 Memorandums of Understanding with Middlesex Schools since taking office in April of 2013. These MOU's outline a plan for direct communication through the CBJ program as well as in criminal investigations and prosecutions.

The MDAO contributes significant time in these critical, non-core mission areas and unfunded mandates because we believe in the long term value of intervention and prevention. Due in part to the vast size of Middlesex and its unique demographics and geography, it has developed a rich history of progressive minded public service, and a national reputation for excellence with its innovative approach to crime prevention, education and intervention programs. In fact, the MDAO is a national leader in its efforts to protect and serve the public with its focus on the full range of Criminal Justice System prevention and intervention programs, which engage schools and community stakeholders through education and training. The MDAO was the first in the Commonwealth to develop the Community Based Justice approach that became a model within our state and in many other jurisdictions across the country. The MDAO has strong, collaborative relationships with the leadership within the Middlesex municipalities, police departments, school districts and with health and human service professionals. Prosecutors play a particularly unique and critical role at the intersection of the following sectors: the challenges facing our health and human service agencies, law enforcement and public safety, public health, and the criminal justice system. Often times, however, when it is time to fund others from these sectors via state and federal funds, grants and other types of discretionary funding, "prosecutors" are historically ignored for funding, placing additional burdens on us to deliver our required and expected services to the public.

Current Trends

The illegal use of opioid-based prescription drugs by teens and young adults continues to be identified by school, law enforcement and community service providers as an area of paramount concern. Class B substances under General Laws Chapter 94C, s.32A, such as Oxycodone (OxyContin) and Percocet, are highly addictive and often easily obtained by youth, who have only to search their family medicine cabinet for such substances. MDAO first identified this trend through reports made in CBJ meetings, and as described above, MDAO has worked with local law enforcement and community service providers

within the context of CYDC meetings to establish medicine disposal opportunities. Additional prevention efforts have included utilization of the MDAO partnership with MPY to educate youth concerning the dangers of the illegal use and distribution of prescription medication.

Middlesex schools also continue to report significant marijuana use among middle school and high school students. This trend was identified after the passage of Ballot Question 2 in 2008, which made the possession of one ounce or less of marijuana punishable only by civil penalties, forfeiture, and in the case of individuals under the age of eighteen, participation in a drug awareness program and parental notification. The increase in students using marijuana, and doing so in schools and on school property, has continued to escalate with the passage of Ballot Question 3 this November (CY 2012), which legalized the use of medical marijuana in the state. School officials and school resource officers report an on-going frustration over a witnessed shift in attitude within the youth community as it relates to marijuana. Despite the known dangers marijuana poses as a mind and mood altering substance, and the continued illegality of distribution of marijuana under G.L.c.90C, s.32C and 32E, school officials and school resource officers indicate that marijuana is perceived by youth as harmless and not criminal. As a result, school officials and school resource officers report that they continue to observe a wide array of instances where marijuana is found within schools and in the possession of students.

Synthetic marijuana and other manufactured drugs, including a form of MDMA known as "Molly" have arisen this year as substances abused by students in middle school and high school. The dangers of Molly have been apparent as Middlesex County students have been hospitalized due to Molly use and as well as other manufactured substances created in efforts to skirt the definition of controlled substances under General Laws Chapter 94C. Middlesex ADAs continue to prosecute the distribution and possession of such substances when factually and legally appropriate under the Controlled Substances Act.

One of the activities that continues to be of particular concern in many CBJ communities over the past year has been "sexting" behavior among adolescents. "Sexting" refers to the dissemination of digital photographs depicting nude or semi-nude youth via digital media (i.e., email, text messages containing pictures, or posting on social networking sites). It frequently arises in the context of a youth photographing him/her self and sending that picture to another youth. In addition to the illegality of the dissemination under our current laws, the equally disturbing issue is that once the image is released it can be easily and widely disseminated, well beyond the intended recipient.

When CBJ communities expressed frustration with the inadequate options for responding to this behavior the MDAO developed a Cyber Educational Protection Program (CEPP). This program is offered to Middlesex communities that participate in the juvenile diversion program and is targeted at diverted youth who have engaged in sexting. The program was created and run by the MDAO Cyber Protection Program and focuses on educating youth and parents. The clear preference in addressing these matters is through intervention, prevention, training and education. Our Cyber Enforcement Unit (CEU),

however, will prosecute appropriate, very serious cases of sexting. During CY 2012, cases involving thirteen Middlesex County juveniles have come to our attention. We had thirteen youth; including non-diversion-involved volunteers attend the CEPP in 2012 and eleven parents.

CBJ Highlights from the Past Year

The significant commitment of resources by the MDAO to this program, though for a very worthwhile pro-active initiative, is one that is beyond our core mission. MDAO's ADAs are working outside of their mandated core mission on behalf of the public by taking on the added responsibility to perform these (and other) important and often unfunded mandates.

- Over 500 CBJ meetings were held last year in Middlesex County, chaired or co-chaired by Middlesex ADAs. These meetings take place before court starts to accommodate the ADAs who need to be present in court for 9:00 a.m.
- In CY 2013, there were 550-600 participants that regularly attended these CBJ meetings.
- To be effective as directed by G.L. c. 12, §32, CBJ participants must include, "[t]he district attorneys ... schools and local law enforcement representatives, probation and court representatives and, where appropriate, the department of social services, department of youth services and department of mental health."
- The MDAO revised and executed new Memorandum of Understanding (MOU) documents about CBJ roles and responsibilities between District Attorney Ryan and our local community partners, including schools and police, to 89 school systems and school districts across our county.
- These CBJ meetings presently serve virtually all of the *public high schools*, and nearly all of the *middle schools* in Middlesex County. Although we aim for 100% participation, the MDAO does understand that some schools have decided for budgetary or other reasons not to participate. The MDAO will continue to work with these school districts in the year ahead to continue to impress upon them the overall value of the program and their participation.
- Given the expansion of our juvenile pre-complaint diversion program, the CBJ program has become the venue to discuss

whether or not a juvenile is appropriate for diversion. In CY 2013 the MJDP screened 376 juvenile cases for diversion, and entered 294 cases into the program prior to arraignment. The MDAO considers the feedback and input of the CBJ group in the decision to divert. The group not only provides insight on whether diversion is appropriate in any given case but they provide us with suggestions on appropriate conditions for the juvenile in an effort to change their behavior.

- The CBJ reports that are generated at each meeting by the ADAs not only serve as a confidential record of the matters discussed during the meetings pertaining to priority prosecutions, but the reports also allow us to identify and monitor trends in schools throughout the county. Often times we are able to target a problem in a certain school and or community and assist them in solving the issue. Other times information obtained regarding community trends serves as a basis to develop violence prevention and intervention programs, identification protocol and curricula as mandated by G.L.c.12, s.32.

Attached to this report you will find charts that illustrate the number of schools currently participating in our CBJ Program.

CBJ and other intervention and prevention initiatives are important efforts that this office has developed over the years. While we believe these to be important programs, this office is being required to absorb additional mandates in other areas, which are often unfunded and that go beyond our core function of investigating and prosecuting criminal matters. These mandates are made necessary due to expectations and requests of the public that we protect and serve; legislative statutes, acts and resolves; court imposed mandates and due to our overall commitment to doing what is necessary and just to carry out our responsibilities. Beginning in September 2012, the MDAO has also dedicated significant resources to litigating pending cases and post-conviction motions about the Hinton State Laboratory and former state chemist Annie Dookhan. As the Commonwealth's fiscal challenges continue and critical fiscal choices must be made, these important but non-core initiatives must be closely scrutinized given the significant resources that they require.

At the present time, the additional legal assistance provided by the volunteer attorney participants in the CBJ program has been invaluable to the operation of this office and allows the MDAO to continue this important legislatively mandated program. However, as courtroom resources are reduced and criminal caseloads continue to demand more of our time and resources, our ability to continue to carry out the programmatic responsibilities that are above and beyond our mandated core mission must be evaluated.

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Thank you for providing the MDAO with the opportunity to share this update on CBJ and related programs with you. We believe that this report demonstrates that the MDAO continues in its commitment and dedication to improve and expand these important programs in this county. If you have any questions regarding this program or the MDAO generally, please contact me directly at 781-897-8383.

Sincerely,



Jeffrey Shapiro
Chief Operating Officer and
Assistant District Attorney

Attachment: CBJ Meeting Charts

Cc: ADA Michael Pelgro, First Assistant District Attorney, MDAO
ADA Sarah Ellis, Director of District Courts, MDAO
William Nguyen, Fiscal Analyst, EOAF

Organization of Community Based Justice Program

**Cambridge
Juvenile Court**

Cambridge District Court
Malden District Court
Somerville District Court

CBJ MEETINGS
Cambridge
Arlington
Belmont
Somerville
Medford
Malden
Everett
Melrose
Wakefield
Northeast Voke

**Framingham
Juvenile Court**

Framingham District Court
Concord District Court
Marlborough District Court
Natick District Court

CBJ MEETINGS
Framingham
Ashland
Holliston
Hopkinton
Wayland
Lincoln/Sudbury
Sudbury Middle School
Lincoln Middle School
Natick
Sherborn
Marlborough
Hudson
Concord/Carlisle
Maynard/Stow
Lexington
Minuteman Tech

**Waltham
Juvenile Court**

Waltham District Court
Newton District Court

CBJ MEETINGS
Waltham
Weston
Watertown
Newton

**Lowell
Juvenile Court**

Lowell District Court
Ayer District Court
Woburn District Court

CBJ MEETINGS
Lowell
Billerica
Chelmsford
Dracut
Tewksbury
Tyngsborough
Woburn
Burlington
North Reading
Reading
Stoneham
Winchester
Wilmington
Ayer North
Ayer South

**CAMBRIDGE
JUVENILE COURT**

**Arlington
Monthly**

- Arlington High School
- Ottoson Middle School

**Belmont
Monthly**

- Belmont High School
- Chenery Middle School

**Melrose
Monthly**

- Melrose High School
- Melrose Middle School

**Wakefield
Monthly**

- Wakefield High School
- Galvin Middle School

**N.E. Vocational
Monthly**

- Northeast Technical High School

**Cambridge
Every Other Week**

- Cambridge Rindge & Latin High School
- Cambridgeport School
- Morse School
- Graham & Parks School
- Haggerty School
- Kennedy-Longfellow School
- Maria L. Baldwin School
- King Open School
- Fletcher Maynard Academy
- John M. Tobin School
- Martin Luther King, Jr. School
- Peabody School
- Amigos School

**Everett
Every Other Week**

- Everett High School
- Madeline English School
- Lafayette School
- Webster School
- Whittier School
- Keverian School
- *Parlin School

**Medford
Monthly**

- Medford High School
- Medford Vocational
- Curtis Tufts School
- Andrews Middle School
- McGlynn Middle School

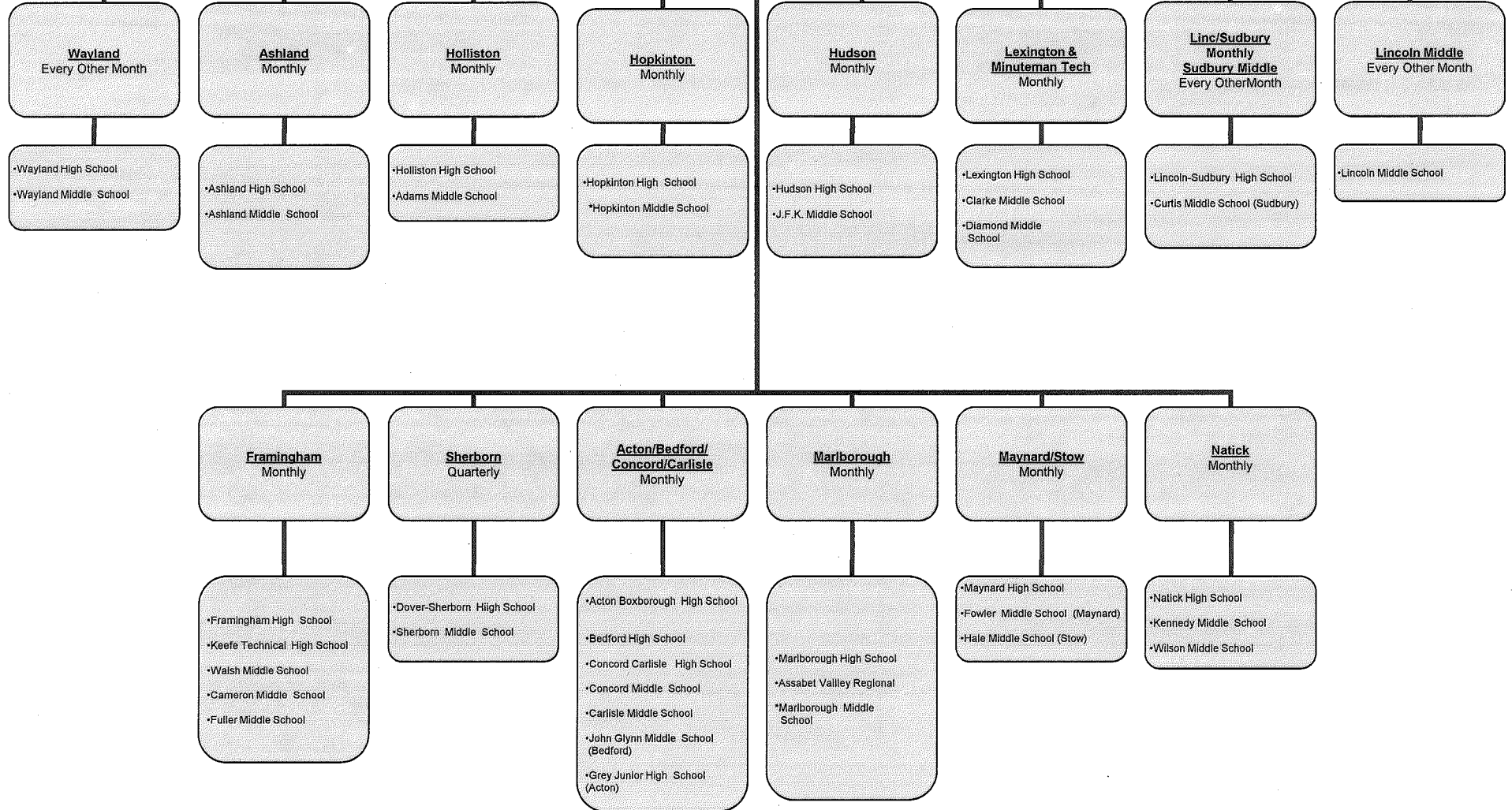
**Malden
Every Other Week**

- Malden High School
- Ferryway School
- Linden School
- Salemwood School
- Forestdale School
- Reebe School

**Somerville
Every Other Week**

- Somerville High School
- Full Circle High School
- Next Wave Junior High
- John F. Kennedy School
- East Somerville Community School
- West Somerville Neighborhood School
- Albert F. Argenziano School
- Arthur D. Healey School

**FRAMINGHAM
JUVENILE COURT**



**WALTHAM
JUVENILE COURT**

Weston
Monthly

- Weston High School
- Weston Middle School

Watertown
Monthly

- Watertown High School
- Watertown Middle School

Waltham
Monthly

- Waltham High School
- Kennedy Middle School
- McDevitt Middle School

Newton
Monthly

- Newton North High School
- Newton South High School
- Bigelow Middle School
- Brown Middle School
- Day Middle School
- Oak Hill Middle School

**LOWELL
JUVENILE COURT**

Winchester
Every Other Month

- Winchester High School
- McCall Middle School

Woburn
Monthly

- Woburn High School
- Kennedy Middle School
- Joyce Middle School

Reading
Monthly

- Reading High School
- Parker Middle School
- Coolidge Middle School

N. Reading
Every Other Month

- N. Reading High School
- N. Reading Middle School

Stoneham
Every Other Month

- Stoneham High School
- Stoneham Middle School

Wilmington
Monthly

- Wilmington High School
- Wilmington Middle School

Burlington
Monthly

- Burlington High School
- Marshall Simonds Middle School

Tewksbury
Monthly

- Tewksbury High School
- Wynn Middle School

**Ayer North: Ashby
Dunstable, Groton
Pepperell &
Townsend**
Monthly

- Groton Dunstable High School
- Groton Dunstable Middle School
- N. Middlesex Regional High School
- Varnum Brook Middle School (Pepperell)
- Nissitissit Middle School (Pepperell)
- Hawthorne Brook Middle School (Townsend Ashby)
- Nashoba Valley H.S

**Ayer South: Ayer,
Boxborough,
Littleton
Shirley & Westford**
Monthly

- Ayer /Shirley High School
- Ayer /Shirley Middle School
- Littleton High School
- Littleton Middle School
- Westford Academy High School
- Blanchard Middle School
- Stony Brook Middle School
- Nashoba Valley H.S

Billerica
Monthly

- Billerica High School
- Shawsteeen Valley High School
- Locke Middle School
- Marshall Middle School

Lowell
Weekly

- Lowell High School
- Molloy Alternative High School
- Greater Lowell Tech. High School
- Stolkosa Middle School
- Rogers Middle School
- Butler Middle School
- Wang Middle School
- Sullivan Middle School
- Robinson Middle
- Daley Middle School
- Bartlett Middle School
- Cardinal O'Connell
- Pyne Arts Magnet

Tyngsborough
Every Other Month

- Tyngsborough High School
- Greater Lowell Technical School
- Tyngsborough Middle School

Chelmsford
Monthly

- Chelmsford High School
- McCarthy Middle School
- Parker Middle School

Dracut
Monthly

- Dracut High School
- Lakeview Junior High School



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 MIDDLESEX DISTRICT ATTORNEY
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 DISTRICT ATTORNEY

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EXECUTIVE

- ADMINISTRATION
- COMMUNICATIONS
- INTERVENTION & PREVENTION PROGRAMS
- PUBLIC POLICY
- LEGISLATION
- VICTIM WITNESS BUREAU

TRIAL TEAMS

- CAMBRIDGE REGION SUPERIOR COURT
- MALDEN REGION SUPERIOR COURT
- WOBURN DISTRICT COURT

SPECIALTY UNITS

- APPEALS & TRAINING BUREAU
- CYBER PROTECTION PROGRAM
- FAMILY PROTECTION BUREAU
- CHILD ABUSE UNIT
- DOMESTIC VIOLENCE UNIT
- ELDER/DISABLED UNIT
- PUBLIC PROTECTION, ANTI-TERRORISM, CORRUPTION & TECHNOLOGY (PACT)

STATE POLICE DETECTIVES

- COMPUTER FORENSICS
- HOMICIDE
- PACT

REGIONAL OFFICES

- CAMBRIDGE
- FRAMINGHAM
- LOWELL

DISTRICT COURT OFFICES

- AYER
- CAMBRIDGE
- CONCORD
- FRAMINGHAM
- LOWELL
- MALDEN
- MARLBOROUGH
- NEWTON
- SOMERVILLE
- WALTHAM
- WOBURN

February 4, 2014

Tara Maguire
 Executive Director
 Massachusetts District Attorneys Association
 One Bulfinch Place
 Boston, MA 02114

RE: **Middlesex (Northern) District Attorney's Office (MDAO) Report to the Senate and House Ways and Means Committee, Filed via the MDAA, Summarizing the Number and Types of Criminal Cases Managed or Prosecuted by the MDAO for Calendar Year 2013**

Dear Ms. Maguire:

Pursuant to the General Appropriations Act for Fiscal Year 2014, specifically line item 0340-2100, please find, a report of data from the Middlesex District Attorney's Office to the Executive Director of the Massachusetts District Attorneys' Association, "...summarizing the number and types of criminal cases managed or prosecuted by all district attorney offices in the calendar year 2013 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate, superior, appeals, and supreme judicial court in which the cases were managed or prosecuted; provided further, that for each jurisdiction of said courts, the report shall include, but not be limited to, the following: (a) the type of criminal case; (b) the total number of defendants charged under the type of case; and (c) summary of dispositions or statuses thereof;"

As you know, the legislature has recently modified the procedure for filing such that each District Attorney's Office makes its individual filing with the MDAA. Subsequently, per the appropriation language in 0340-2100, the MDAA will make a comprehensive report that will be filed with the house and senate committees on ways and means no later than February 28, 2014.

Attached you will find the report for the MDAO calendar year 2013 that was generated from the DAMION Case Tracking System. While the case statistics provided are the best available data reports,



the data may be under inclusive due to limitations with the current case management system.

There are a significant number of matters and investigations conducted by this office each year that are not included in these statistics. These include: investigations that may be closed without resulting in a prosecution, DCF child abuse investigative referrals, pre-complaint Juvenile Diversion matters, Clerk's Hearings, Probation Surrenders, 209A hearings, Sexual Dangerous Person cases, Appeals matters (see attached chart), mental health commitment matters, and referrals to the PACT Unit regarding white collar crime; and other matters. Additionally, this office also operates a number of initiatives that would otherwise not be included in these statistics, yet are critical programs, in the areas of intervention and prevention. These programs include the Middlesex Partnership for Youth, the Middlesex Juvenile Diversion Program, and Community Based Justice.

While the MDAO relied on a significant number of volunteer attorneys in the past, as previously reported, to assist the office in absorbing the added mandates that go beyond the core function of investigating and prosecuting criminal matters, as the economy has changed the number of volunteer attorneys has been reduced and those that remain have been redirected to core functions. These mandates, many of which are included in this report, were made necessary due to expectations and requests of the public that we protect and serve; legislative statutes, acts and resolves; and due to our overall commitment to doing what is necessary and just to carry out our responsibilities. Therefore, these programs and others that add to our resources and capabilities are even more critical to our ability to function in these fiscally challenging times. However, the need to realign MDAO core function spending back to the appropriated line in FY 2014; make it more likely that all resources will need to be directed to prosecuting cases.

Should you have any additional questions or require further information regarding this response please contact me directly at 781-897-8456.

Sincerely,



Jeffrey Shapiro
Assistant District Attorney and
Chief Operating Officer

Enclosure: 2013 Case Statistic Reports (New Unified Format)

Middlesex District Attorney's Office (NOR)
ANNUAL PROSECUTION STATISTICS
CALENDAR YEAR 2013

TOTAL NUMBER OF CRIMINAL CASES INITIATED BY ARRAIGNMENT	38,865
Including:	
Charges in Chapter 94C (drug)	4,122
Charges in Chapter 90 (motor vehicle)	13,535
Charges in Chapter 140 (firearms)	468

TOTAL NUMBER OF CRIMINAL CASES DISPOSED	38,514
Including:	
Charges in Chapter 94C (drug)	4,086
Charges in Chapter 90 (motor vehicle)	13,438
Charges in Chapter 140 (firearms)	427

TOTAL NUMBER OF CRIMINAL CASES ACTIVELY MANAGED DURING YEAR	58,566
Including:	
Charges in Chapter 94C (drug)	7,894
Charges in Chapter 90 (motor vehicle)	16,681
Charges in Chapter 140 (firearms)	891

While the case statistics provided are the best available data reports, the data may be under inclusive due to ongoing efforts to standardize data entry across all offices, continuing efforts to provide common definitions to specific case events and to identify case types relevant to our new initiatives, the transition of the office administrative staff which inhibits the ability to audit the statistics independently. There are a significant number of matters and investigations conducted by this office each year that are not included in these statistics. These include: investigations that may be closed without resulting in a prosecution, DCF child abuse investigative referrals, pre-complaint Juvenile Diversion matters, Clerk's Hearings, Probation Surrenders, 209A hearings, Sexual Dangerous Person cases, Appeals matters (see attached chart), mental health commitment matters, and referrals to the SIU Unit regarding white collar crime; and other matters. Additionally, this office also operates a number of initiatives that would otherwise not be included in these statistics, yet are critical programs, in the areas of intervention and prevention. These programs include the Middlesex Partnership for Youth, the Middlesex Juvenile Diversion Program, and Community Based Justice.