



# DA Child Abuse Data FY 2018

(July 1, 2017 - June 30, 2018)

## DISTRICT: Northern District/Middlesex

<b>Child Abuse/Neglect Referrals* (per child)</b>	1634
<b>Referrals Closed without Prosecution</b>	1269
<b>Criminal Cases Initiated (per defendant)</b>	410
<b>Criminal Cases Disposed <u>with</u> Conviction**</b>	213
<b>Criminal Cases Disposed <u>without</u> Conviction***</b>	198

*\*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 (221)

No Response to Letter (209)

Insufficient Disclosure (186)

No Case Jurisdiction (172)

### List resources that would have assisted with investigations and prosecutions:

Increased funding to retain and expand staff is needed. A specialized team of experienced prosecutors, advocates, interviewers and administrative support is required for these unique and time sensitive investigations and prosecutions.

Increased funding for professional development and support of prosecutors, advocates, investigators and mandated reporters.



The Commonwealth of Massachusetts  
 MIDDLESEX DISTRICT ATTORNEY  
 15 COMMONWEALTH AVENUE WOBURN, MA 01801  
 WWW.MIDDLESEXDA.COM



MARIAN T. RYAN  
 DISTRICT ATTORNEY

TEL: 781-897-8300  
 FAX: 781-897-8301

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 PROTECTION UNIT
- DOMESTIC VIOLENCE UNIT
- ELDER/DISABLED UNIT
- SPECIAL INVESTIGATIONS UNIT (SIU)

STATE POLICE DETECTIVES

- COMPUTER FORENSICS
- HOMICIDE
- SIU

REGIONAL OFFICES

- CAMBRIDGE
- FRAMINGHAM
- LOWELL

DISTRICT COURT OFFICES

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

September 28, 2018

Office of Senator Karen Spilka, Chairwoman  
 Senate Committee on Ways and Means  
 State House, Room 332  
 Boston MA 02133

Office of Representative Jeffrey Sanchez, Chairman  
 House Committee on Ways and Means  
 State House, Room 243  
 Boston MA 02133

RE: FY2018 Middlesex (Northern) District Attorney's Office Notice pursuant to MGL c. 94C §47 (d), "...use of the monies in the (Forfeiture) trust fund for the purposes of drug rehabilitation, drug education..."

Dear Senator Spilka and Representative Sanchez:

Pursuant to the filing requirement of MGL c. 94C §47 (d), "...each district attorney ...shall file an annual report with the house and senate committees on ways and means on the use of the monies in the (Forfeiture) trust fund for the purposes of drug rehabilitation, drug education , and other anti-drug or neighborhood crime watch programs."

In FY2018 the MDAO continued its tradition of contributing a portion of these funds to the following programs focused on drug education and anti-drug events:

- **Middlesex Partnership for Youth, Inc., (MPY)** - MPY is a nonprofit organization that has over 30 years' experience in collaborating with the MDAO, educators, public safety personnel, community leaders, mental health professionals and others. In FY18, the MDAO's \$20,000 contribution helped fund key intervention and prevention training for its member school districts and their community partners. Specifically, with the MDAO's contribution, MPY sponsored two key substance abuse professional development conferences. "Understanding Marijuana Today: Conversations Across Disciplines" was held on November 2, 2017 and "Marijuana, Edibles & Vapors" was held on April 5, 2018.



Two students conferences, one for middle school students and one for high school students, were held in January, 2018. These conferences focused on teaching teens to make good decisions regarding living substance free lives during the teen years.

In addition, Middlesex Partnerships for Youth, Inc. presented workshops at schools in Middlesex County regarding underage substance abuse, marijuana, and vaping. These workshops were presented to students, staff and parents.

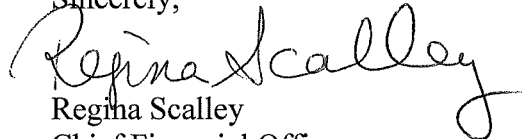
- Year Four of Program to Provide Stipends for Substance Free Post – Prom, Post-Graduation or Other End of the Year Events – in partnership with the School Superintendents of the 54 communities of Middlesex County, District Attorney Ryan offered \$500 stipends to any interested Middlesex School District that certified that these funds would be used to support a substance free school based event during the spring season. As has been well documented, the prom and graduation season is a particularly important time to reaffirm the message to young people regarding safe behavior and safe choices, especially with regard to drug and alcohol decisions. This is an important extension of the safe prom and graduation letter that the District Attorney and School Superintendent co-sign and send to all parents/guardians of junior and senior high school student in Middlesex County. In FY2018, the MDAO contributed \$6,000 for this purpose.
- Provide Community Based Unused Prescription Drug Collection Lock Boxes – In partnership with the Police Chiefs of the 54 cities and towns in Middlesex County, the MDAO purchased a drug collection drop box for any police department that requested one. In FY18, the MDAO purchased 2, 1 for Somerville PD and 1 for Framingham PD. Total cost \$1,390.
- Presentation/Training – Presentation by Dr. Ruth Potee, a nationally recognized expert on opioids and substance abuse disorders, on Understanding the Physiology of Addiction presented to ADA's and Community Partners with the goal being recognition of addiction as a disease and the ability to approach these cases differently by considering options beyond the traditional ones. Cost \$500.

The MDAO recognizes the significant benefit that can be provided by contributing forfeiture trust fund dollars to programs and initiatives that are focused on drug rehabilitation, education and other anti-drug programs.

The MDAO is pleased to have the opportunity to use some of its state forfeiture funds in a manner that furthers its partnership with local communities and provides the ability to provide a direct impact to young people. We hope to continue to be able to provide funding to these deserving programs.

If you have any questions, please feel free to contact me at 781-897-8456.

Sincerely,

A handwritten signature in cursive script that reads "Regina Scalley". The signature is written in black ink and is positioned above the printed name and title.

Regina Scalley  
Chief Financial Officer  
Office of the Middlesex District Attorney

cc: District Attorney Marian Ryan, Middlesex County  
Steve Loughlin, First Assistant District Attorney, MDAO

## District Attorney and MDAA FY 2019 Reporting Obligations

Filing Date From/To	Topic	Statutory Reference
<p style="text-align: center;"><b>Every six months</b> <b>DAs file directly with W&amp;M</b> <b>G. L. c. 277, § 70C</b></p> <p>Sept 2018 done</p> <p><u>Jan 2019</u></p>	<p style="text-align: center;"><b>Commonwealth's Invocation of</b></p>	<p>Upon oral motion by the commonwealth or the defendant at arraignment or pretrial conference, or upon the court's own motion at any time, the court may, unless the commonwealth objects, in writing, stating the reasons for such objection, treat a violation of a municipal ordinance, or by-law or a misdemeanor offense as a civil infraction. The provisions of this section shall not apply to {exceptions listed}. If a motion to proceed civilly is allowed, the court shall not appoint counsel. If counsel has already been appointed, the court shall revoke the appointment. A person complained of for such civil infraction shall be adjudicated responsible upon such finding by the court and shall not be sentenced to any term of incarceration. The commonwealth shall maintain a copy of all objections filed under this section and shall report the number of such objections, delineated by divisions of the district court, <i>every 6 months</i> to the house and senate committees on ways and means.</p>
<p style="text-align: center;"><b>September 28, 2018</b> <b>DAs file directly with W&amp;M</b></p> <p><i>Not applicable</i></p>	<p style="text-align: center;"><b>Motor Vehicle Forfeiture Funds</b></p>	<p>G.L. c. 90, § 24W(e). There shall be established within the office of the state treasurer a separate Operating Under the Influence Deterrent Trust Fund for each district attorney and for the attorney general. All monies and proceeds received by a prosecuting district attorney or attorney general pursuant to this section shall be deposited in the fund and shall be expended without further appropriation to defray the costs of investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or for such other law enforcement purposes as the district attorney or attorney general deems appropriate. Any program seeking to be an eligible recipient of the funds shall file an annual audit report with the local district attorney and attorney general. Such report shall include, but not be limited to, a listing of the assets, liabilities, itemized expenditures and board of directors of the program. <i>Within 90 days of the close of the fiscal year</i>, each district attorney and the attorney general shall file an annual report with the house and senate committees on ways and means on the use of the monies in the trust fund for the purposes of deterring operating under the influence programs.</p>

## District Attorney and MDAA FY 2019 Reporting Obligations

**September 28, 2018**  
**DAs file directly with W&M**

10% Report Done Sept 28,  
2018

**New Annual Report due**  
**Jan 31**

**Drug Rehab, Drug Education &  
Neighborhood Crime Watch Trust**



G.L. c. 94C, § 47. There shall be established within the office of the state treasurer separate special law enforcement trust funds for each district attorney and for the attorney general. All such monies and proceeds received by any prosecuting district attorney or attorney general shall be deposited in such a trust fund and shall then be expended without further appropriation to defray the costs of protracted investigations, to provide additional technical equipment or expertise, to provide matching funds to obtain federal grants, or such other law enforcement purposes as the district attorney or attorney general deems appropriate. **The district attorney or attorney general may expend up to ten percent of the monies and proceeds for drug rehabilitation, drug education and other anti-drug or neighborhood crime watch programs which further law enforcement purposes. Any program seeking to be an eligible recipient of said funds shall file an annual audit report with the local district attorney and attorney general. Such report shall include, but not be limited to, a listing of the assets, liabilities, itemized expenditures, and board of directors of such program.**

*Within ninety days of the close of the fiscal year*, each district attorney and the attorney general shall file an annual report with the house and senate committees on ways and means on the use of the monies in the trust fund for the purposes of drug rehabilitation, drug education, and other anti-drug or neighborhood crime watch programs.

**SECTION 61 of CHAPTER 69 of the Acts of 2018. Section 47 of said chapter 94C, as appearing in the 2016 Official Edition, is hereby amended by adding the following subsection:-**

**(k)(1) The attorney general, each district attorney and each police department for which the state treasurer has established a special law enforcement trust fund pursuant to subsection (d) shall file an annual report with the treasurer regarding all assets, monies and proceeds from assets seized pursuant to this section and held by such fund. The report shall provide itemized accounting for all assets, monies and proceeds from assets within the following asset categories: cash, personal property, conveyances and real property, including any property disposed of by the office of seized property management. The report shall be filed not later than January 31 for the preceding calendar year and shall be a public record.**

# District Attorney and MDAA FY 2019 Reporting Obligations

(2) The attorney general, each district attorney and each police department for which the state treasurer has established a special law enforcement trust fund pursuant to subsection (d) shall file an annual report with the treasurer regarding all expenditures therefrom, which shall include, but not be limited to, the following expense categories: personnel, contractors, equipment, training, private-public partnerships, inter-agency collaborations and community grants. The report shall be filed not later than January 31 for the preceding calendar year and shall be a public record.

(3) Annually, not later than March 15, the state treasurer shall file a report with the executive office of administration and finance and the house and senate committees on ways and means regarding the aggregate deposits, aggregate expenditures, and ending balances for each special law enforcement trust fund during the preceding calendar year. The reports shall be a public record.

**January 8, 2019**  
**DAs file to MDAA**  
**January 15, 2019**  
**MDAA files with W&M and Clerks**  
  
**Sent email to David Depres Nov 8**

## **Prosecution Statistics**

FY 2019 budget, MDAA 0340-2100. [MDAA] shall work in conjunction with the 11 district attorneys' offices to prepare and submit a report to the house and senate committees on ways and means and the clerks of the house of representatives and the senate *no later than January 15, 2019*, provided further, that the association shall provide the 11 district attorneys' offices with an agreed upon template for the report to be filled out; provided further that, that the district attorneys' offices shall submit the report in a standard electronic format; provided further, that the template shall include, delineated by charge type: (a) the number of criminal cases initiated by arraignment in each department of the trial court; (b) the number of criminal cases disposed of in each department of the trial court; (c) the number of cases appealed to the appeals court or supreme judicial court or any other appeals; and (d) the number of cases reviewed but not charged; and (e) the number of cases under active management where the case includes charges for drug offenses under chapter 94C or the General Laws, motor vehicle charges under chapter 90 of the General Laws or firearm offenses under chapter 140 of the General Laws. (Use calendar year 2018 data).

## District Attorney and MDAA FY 2019 Reporting Obligations

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<p><b>January 11, 2019</b> DAs file directly with Clerks</p>	<p><b>Wiretap Applications</b></p>	<p>G.L. c. 272, § 99. <i>On the second Friday of January, each year, the attorney general and each district attorney shall submit a report to the general court stating (1) the number of applications made for warrants during the previous year, (2) the name of the applicant, (3) the number of warrants issued, (4) the effective period for the warrants, (5) the number and designation of the offenses for which those applications were sought, and for each of the designated offenses, the following: (a) the number of renewals, (b) the number of interceptions made during the previous year, (c) the number of indictments believed to be obtained as a result of those interceptions, (d) the number of criminal convictions obtained in trial where interception evidence or evidence derived therefrom was introduced. This report shall be a public document and be made available to the public at the offices of the attorney general and district attorneys. In the event of failure to comply with the provisions of this paragraph any person may compel compliance by means of an action of mandamus.</i></p>
<p><b>Email sent to Graham November 8</b></p>		
<p><b>February 1, 2019</b> DAs file directly with W&amp;M and Clerks</p>	<p><b>Community Based Juvenile Justice Programs</b></p>	<p>G.L. c. 12, § 32(e). The district attorneys operating such programs shall participate in a community based juvenile justice program task force for the purpose of sharing information on the practices and developments of violence prevention and prosecution in their particular programs and such task force shall submit an annual report on each program, including statistics and findings, to the house and senate committees on ways and means on or before <i>February 1 each year.</i></p>
<p><b>February 15, 2019</b> DAs file to MDAA <b>March 15, 2019</b> MDAA files with W&amp;M and Clerks</p>	<p><b>DPPC Referrals to the DAs</b></p>	<p>FY 2019 budget, MDAA 0340-2100. [MDAA] shall work in conjunction with the disabled persons protection commission and the 11 district attorneys' offices to prepare a report that shall include, but not be limited to, the following: (a) the number of abuse cases that are referred to each district attorney's office for further investigation; (b) the number of those referrals resulting in the filing of criminal charges, delineated by type of charge; (c) the number of cases referred to each district attorney's office that remain open as of the date of submission of the report; and (d) the number of cases that resulted in a criminal prosecution, and the disposition of each such prosecution. Provided further, that the report shall be submitted to the House &amp; Senate Committees on ways and means and the clerks of the house of representatives and senate <i>not later than March 15, 2019.</i> (Use FY 2018 data).</p>



## District Attorney and MDAA FY 2019 Reporting Obligations

<p style="text-align: center;"><b>February 15, 2019</b>  <b>DAs file to MDAA</b>  <b>March 15, 2019</b>  <b>MDAA files with required officials/bodies</b></p>	<p style="text-align: center;"><b>DCF Referrals to the DAs</b></p>	<p>G.L. c. 12, § 20D. The [MDAA] executive director shall <i>annually</i> report on the status of child abuse and neglect cases that have been referred for criminal prosecution, including the number prosecuted, the results of those prosecutions, the principal reason for decisions not to prosecute, and what resources would have assisted in those investigations and prosecutions. The report shall be filed with the clerks of the senate and the house, the senate and the house committees on ways and means, the joint committee on children, families and persons with disabilities, the joint committee on the judiciary, the child advocate, and the governor. (Use FY 2018 data).</p>
<p style="text-align: center;"><b>60 days prior to distribution</b>  <b>MDAA files with W&amp;M</b></p>	<p style="text-align: center;"><b>ADA Salary Reserve</b></p>	<p>FY 2019 budget, MDAA 0340-2117. For increases in the annual salaries of assistant district attorneys; provided, that the Massachusetts District Attorneys Association shall transfer funds to the AA object class in each of the 11 district attorneys' offices so that the resulting minimum annual salary for an assistant district attorney shall exceed \$46,000 per year; provided further, that salary increases shall not take effect until January 1, 2019; provided further, that not less than 30 days prior to the distribution of funds, the Massachusetts District Attorneys Association shall notify the house and senate committees on ways and means of: (a) the amount to be distributed to each district attorneys' office; (b) the reasoning behind said distribution; (c) the number of assistant district attorneys from each office who will receive funds from this item; and (d) the resulting salaries of the assistant district attorneys who will receive funds from this item; and provided further, that no funds from this item shall be expended on the administrative costs of the Massachusetts District Attorneys Association.</p>
<p style="text-align: center;"><b>60 days prior to distribution</b>  <b>MDAA files with W&amp;M</b></p>	<p style="text-align: center;"><b>ADA Retention Fund</b></p>	<p>FY 2019 budget, MDAA 0340-2117. For the retention of assistant district attorneys with not less than 3 years of experience; provided, that the Massachusetts District Attorneys Association shall transfer funds to the AA object class in each of the 11 district attorneys' offices; provided further, that the association shall develop a formula for distribution of said funds; provided further, that funds distributed from this item to the district attorneys' offices shall be used for retention purposes and shall not be transferred out of the AA object class; provided further, that not more than \$100,000 shall be distributed to any 1 district attorney's office for such purpose; provided further, that not less than 60 days prior to the distribution of funds, the Massachusetts District Attorneys Association shall submit a report to the house and senate</p>

## District Attorney and MDAA FY 2019 Reporting Obligations

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		<p>committees on ways and means detailing: (a) the methodology used to determine the amount to be disbursed; (b) the amount to be given to each district attorney's office; (c) the reason behind the distribution; and (d) the number of assistant district attorneys from each office who would receive funds from this item; and provided further, that no funds from this item shall be expended for the administrative costs of the Massachusetts District Attorneys Association.</p>
<p><b>January 15, 2019</b> <b>DAs file directly with the Victim Witness Assistance Board, A&amp;F and W&amp;M</b></p>	<p><b>Victim and Witness Rights Program Plan</b></p>	<p>G.L. c. 258B, § 6. Each district attorney shall submit annually on January fifteenth to the board, the secretary of administration and finance and the house and senate committees on ways and means, a program plan to be implemented within the district attorney's jurisdiction. The program plan shall include, but not be limited to: a description of the services to be provided to victims and witnesses in each judicial district within the district attorney's jurisdiction; the personnel or agencies responsible for providing individual services and related administrative programs; proposed staffing for the program; proposed education, training and experience requirements for program staff and, where appropriate, the staff of agencies providing individual services and related administrative services; and a proposed budget for implementing the program. The district attorney shall include in the annual program plan a detailed report on the operation of the program, as well as a detailed report of deposits and expenditures of all funds made available to said district attorney for the preceding fiscal year and the current fiscal year, and proposed for the upcoming fiscal year, pursuant to section nine.</p>

## District Attorney and MDAA FY 2019 Reporting Obligations

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**60 days prior to distribution  
MDAA files with W&M**

**Drug Diversion for Young-Adult Non-  
Violent Drug Offenders**

FY 2019 budget, MDAA 0340-0203 For the implementation and administration of drug diversion programs for young-adult non-violent drug offenders; provided, that individuals using heroin or other opiate derivatives who are arrested for non-violent crimes shall be eligible for the drug diversion program; provided further, that individuals charged with violent crimes shall not be eligible for participation in a drug diversion program; provided further, that a district attorney's office may contract with any organization for the purpose of administering a drug diversion program or education program; provided further, that such programs shall be designed in consultation with the department of public health; provided further, that eligible drug diversion programs shall offer pre- or post-arraignment programs for non-violent drug offenders to provide candidates the opportunity to receive comprehensive substance use treatment services in lieu of prosecution through the traditional court process; provided further, that treatment plans may include, but shall not be limited to, inpatient, outpatient and step-down recovery services; provided further, that diversion program candidates without insurance coverage for such services shall not be denied access to the program based on the inability to pay; provided further, that not more than \$100,000 shall be distributed to any 1 district attorney's office for such purpose; provided further, that not less than 60 days prior to the distribution of funds, the Massachusetts District Attorneys Association shall submit a report to the house and senate committees on ways and means detailing: (a) the amount to be given to each district attorney's office; (b) the reasoning behind the distribution; and (c) the administration and cost of the program; and provided further, that no funds from this item shall be expended on the administrative costs of the Massachusetts District Attorneys Association.



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MARIAN T. RYAN  
 DISTRICT ATTORNEY

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**EXECUTIVE**

- ADMINISTRATION
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- PUBLIC POLICY
- LEGISLATION
- VICTIM WITNESS BUREAU

October 11, 2018

Office of Senator Karen Spilka, Chairwoman  
 Senate Committee on Ways and Means  
 State House, Room 332  
 Boston MA 02133

**TRIAL TEAMS**

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

Office of Representative Jeffrey Sanchez, Chairman  
 House Committee on Ways and Means  
 State House, Room 243  
 Boston MA 02133

**SPECIALTY UNITS**

- APPEALS & TRAINING BUREAU
- CYBER PROTECTION PROGRAM
- FAMILY PROTECTION BUREAU
- CHILD PROTECTION UNIT
- DOMESTIC VIOLENCE UNIT
- ELDER/DISABLED UNIT
- SPECIAL INVESTIGATIONS UNIT (SIU)

RE: FY2018 Middlesex (Northern) District Attorney's Office Report to The Senate and House Ways and Means Committees regarding the Commonwealth's Invocation of MGL. C. 277 §70C for the period January 1, 2018 – June 30, 2018. (REVISED)

**STATE POLICE DETECTIVES**

- COMPUTER FORENSICS
- HOMICIDE
- SIU

Dear Senator Spilka and Representative Sanchez:

Pursuant to Massachusetts General Law Chapter 277 §70C, "The Commonwealth shall maintain a copy of all objections filed under this section and shall report the number of such objections, delineated by divisions of the district court, every 6 months to the house and senate committees on ways and means."

**REGIONAL OFFICES**

- CAMBRIDGE
- FRAMINGHAM
- LOWELL

On behalf of the Middlesex District Attorney's Office (MDAO), please accept this filing which meets the above stated requirement. During the period January 1, 2018 – June 30, 2018, prosecutors from the MDAO made the following number of objections pursuant to this statute:

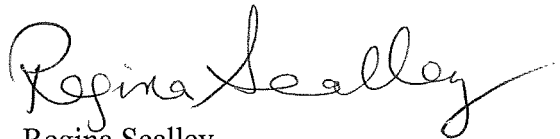
**DISTRICT COURT OFFICES**

• AYER	1. Woburn District Court	0
• CAMBRIDGE	2. Malden District Court	0
• CONCORD	3. Somerville District Court	0
• FRAMINGHAM	4. Framingham/Natick District Courts	0
• LOWELL	5. Waltham District Court	0
• MALDEN	6. Ayer District Court	0
• MARLBOROUGH	7. Lowell District Court	0
• NEWTON	8. Marlborough District Court	0
• SOMERVILLE	9. Cambridge District Court	0
• WALTHAM	10. Newton District Court	0
• WOBURN	11. Concord District Court	0



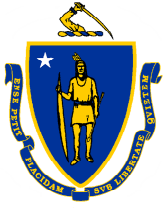
If you have any questions regarding this program or the MDAO generally,  
please contact me at 781-897-8456.

Sincerely,

A handwritten signature in cursive script that reads "Regina Scalley". The signature is written in black ink and is positioned above the printed name.

Regina Scalley  
Chief Financial Officer  
Office of the Middlesex District Attorney

Cc: District Attorney Marian T. Ryan  
✓ Steve Loughlin, First Assistant District Attorney, MDAO  
Alice Casey, ADA & Director of District Courts, MDAO



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MARIAN T. RYAN  
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- COMPUTER FORENSICS
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- WALTHAM
- WOBURN

January 29, 2019

Senate Committee on Ways and Means  
 State House, Room 332  
 Boston MA 02133

House Committee on Ways and Means  
 State House, Room 243  
 Boston MA 02133

RE: FY2019 Middlesex (Northern) District Attorney’s Office Report to The Senate and House Ways and Means Committees regarding the Commonwealth’s Invocation of MGL. C. 277 §70C for the period July 1, 2018 – December 31, 2018.

Dear Chairpersons:

Pursuant to Massachusetts General Law Chapter 277 §70C, “ The Commonwealth shall maintain a copy of all objections filed under this section and shall report the number of such objections, delineated by divisions of the district court, every 6 months 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 meets the above stated requirement. During the period July 1, 2018 – December 31, 2018, prosecutors from the MDAO made the following number of objections pursuant to this statute:

1. Woburn District Court	0
2. Malden District Court	0
3. Somerville District Court	0
4. Framingham/Natick District Courts	0
5. Waltham District Court	0
6. Ayer District Court	0
7. Lowell District Court	0
8. Marlborough District Court	0
9. Cambridge District Court	0
10. Newton District Court	0
11. Concord District Court	0



NATIONAL CHILDREN'S ALLIANCE

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

Sincerely,

Regina Scalley  
Chief Financial Officer  
Office of the Middlesex District Attorney

Cc: District Attorney Marian T. Ryan  
Steve Loughlin, First Assistant District Attorney, MDAO  
Alice Casey, ADA & Director of District Courts, MDAO



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- ELDER/DISABLED UNIT
- SPECIAL INVESTIGATIONS UNIT (SIU)

**STATE POLICE DETECTIVES**

- COMPUTER FORENSICS
- HOMICIDE
- SIU

**REGIONAL OFFICES**

- CAMBRIDGE
- FRAMINGHAM
- LOWELL

**DISTRICT COURT OFFICES**

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

January 28, 2019

Treasurer Deborah B. Goldberg  
 Office of the State Treasurer and Receiver General  
 State House Room 227  
 Boston MA 02133

RE: Law Enforcement Trust Fund Report pursuant to Section 61 of Chapter 69 of the Acts of 2018...Section 47 of Chapter 94C (k)(1 and 2)

Dear Treasurer Goldberg:

Pursuant to the above referenced filing requirement, attached please find the Annual Report, time period January 1, 2018 – December 31, 2018, of the Middlesex District Attorney's Office state forfeiture trust fund account.

If you have any questions, please feel free to contact me at 781-897-8456.

Sincerely,

Regina Scalley  
 Chief Financial Officer  
 Office of the Middlesex District Attorney

cc: District Attorney Marian Ryan, Middlesex County  
 Steve Loughlin, First Assistant District Attorney, MDAO





**Middlesex District Attorney's Office**  
**Law Enforcement Trust Fund Report**

(pursuant to) SECTION 61 of CHAPTER 69 of the Acts of 2018  
Section 47 of Chapter 94C (k)(1 and 2)  
January 1, 2018 to December 31, 2018

<b>Assets</b>	
Cash	\$ 383,143.09
Personal Property	\$ 12,236.00
Conveyances	\$ -
Real Property (including that disposed of)	\$ -
<b>TOTAL ASSETS</b>	<b>\$ 395,379.09</b>

<b>Expenditures</b>	
Personnel	\$ -
Contractors	\$ -
Equipment	\$ 7,702.00
Training	\$ 7,576.00
Private-Public Partnerships	\$ -
Inter-agency Collaborations	\$ -
Community Grants	\$ 26,000.00
Return to Claimants	\$ 178,185.00
Distribution to Police*	\$ 91,639.00
Protracted Investigations	\$ 52,619.00
Other Law Enforcement Purposes	\$ 50,869.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 414,590.00</b>

\*Excludes Forfeited Money Retained by Police and NOT Deposited Into District Attorney Law Enforcement Trust Fund

## Personal Property

2000 Ford Explorer 1FMZU73E14ZB16077

2000 Ford Winstar 2FMZA5144YBC01991

2003 Dodge Caravan 2D4GP44323R157287

2002 Ford Taurus 1FAFP55U82A197758

2006 Chevrolet Impala 2G1WC581969103467

2007 Toyota Corolla 2T1BR32E47C761395

2001 Buick LeSabre v1G4HP54K614278690

2005 Chrysler Pacifica 2C4GF48415R328956

2000 Kawasaki Jet Ski US-KAW43274L900

2009 Kawasaki Ultra 150 Red Jet Ski US-KAW1959C909

2000 Honda Accord Special Edition JHMCG669XVC030147

2003 Land Rover Freelander SALNM222X3A280991

Men's Techno Pave watch

Men's Movado Museum Watch

Men's Movado Museum Watch

Movado Ladies Kara Watch

Ladies 14KG Diamond Bracelet

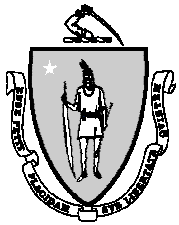
Ladies Diamond Ring

Ladies Diamond Ring

Ladies Ring with faux stones

Lot: 2 Crosses, 2 Chains, 1 MOM Ring, 1 Bracelet 2 pairs stud earrings, 1 ladies ring

Pair 14K diamond screw back stud earrings



MARIAN T. RYAN  
DISTRICT ATTORNEY

**The Commonwealth of Massachusetts**  
MIDDLESEX DISTRICT ATTORNEY  
15 COMMONWEALTH AVENUE ♦ WOBURN, MA 01801  
WWW.MIDDLESEXDA.COM



TEL: 781-897-8300  
FAX: 781-897-8301

Memo To: Attorney General Maura Healey  
Chair, Victim and Witness Assistance Board  
Secretary Michael J. Heffernan  
Secretary, Executive Office for Administration and Finance  
Chair, Senate Committee on Ways and Means  
Chair, House Committee on Ways and Means

From: Middlesex District Attorney Marian T. Ryan  
Victim Witness Services Bureau Chief Anne Foley

Date: January 11, 2019

Re: **District Attorney's Program Plan Submitted Pursuant to G.L. c. 258B, § 6**

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(1) **Description of Services**

**M.G.L Chapter 258B Section 6 DA Report**

*Description of services*

**Background**

The Massachusetts Victim Rights Laws (M.G.L. 258B), enacted in 1984, established rights and services for crime victims to ensure that they have a “meaningful role in the criminal justice system.” Crime can significantly impact a victim’s safety, emotional and physical health and financial security as they navigate the complex and often intimidating criminal justice system. The Victim Rights Law seeks to address the impact of crime, by ensuring crime victims and witnesses are able to effectively participate in the criminal justice process and access resources to address the short- and long-term impact of the crime. Chapter 258B affords crime victims the right to be informed, present and heard throughout the criminal justice process. Additionally, the statute outlines certain rights and services to address the wellbeing of the victim. Victim rights extend to a victim’s family members when the victim is a minor, deceased, or incompetent. Certain rights within the law pertain specifically to non-victim witnesses subpoenaed to testify in the course of a criminal matter. Serving as a witness in a criminal matter can be an intimidating process and also impact a witness’s safety, emotional and physical health, and financial security.

**Victim Witness Programs in District Attorney's Offices**

The Victim Rights Law directed prosecutor's offices and other criminal justice officials "to create and maintain a program to afford victims and witnesses of crimes the rights and services" established under Chapter 258B. Although many district attorneys already offered victim services, the law created the opportunity for consistency of services statewide.

In order to effectively serve crime victims and ensure their rights are afforded, district attorneys have created victim witness programs employing **victim witness advocates (VWAs)**. The VWA serves as a member of the prosecution team and works in partnership with prosecutors, police, investigators, and other staff to assist victims and witnesses. They work in the District, Juvenile, and Superior Courts and also in specialized units addressing domestic violence, sexual assault, human trafficking, community violence, solved and unsolved homicides or providing specialized services to children, the elderly, and persons with disabilities. VWAs build relationships with both criminal justice and community-based stakeholders to ensure victims' access to information, assistance, and support. VWAs regularly work with individuals and organizations on behalf of victims and witnesses such as:

- Community-based domestic violence, sexual assault, homicide, legal assistance and trauma services
- Probation officers
- Parole Board staff
- House of Correction officials
- Department of Correction officials
- Attorney General Victim Compensation staff
- Department of Children and Families (DCF), Department of Transitional Assistance (DTA), and other state and federal support services
- Disabled Persons Protection Commission and Elder Protective Services

These established relationships and the VWA's understanding of available resources ensure victims access to appropriate services and reduce barriers to receiving information, support, and additional referrals.

### **Affording Rights to Crime Victims and Witnesses**

#### *Right to be informed*

- VWAs provide information to ensure crime victims and witnesses understand their rights in the case involving them, the criminal justice process, and their role in it. Advocates help prepare victims to understand the potential outcomes of each step within a criminal matter, the roles that individuals play within it and often serve as the identified liaison for victims and their families. They regularly provide timely information about court dates and hearings to help minimize the impact on victims and witnesses' employment and family obligations (child care, elder care, etc.).
- Once a criminal matter has been resolved, whether an offender is found guilty or not guilty, VWAs ensure victims, witnesses, and their families understand the outcome and any sentence that has been imposed by the court.
- VWAs assist victims and witnesses with gaining access to offender information. Victims are entitled to information about an offenders release from custody

and/or conditions of probation or parole. This can include a “stay away” order or electronic monitoring conditions requiring the offender to remain away from the victim.

#### *Right to be present*

- VWAs accompany crime victims to all relevant court proceedings and are available to answer questions and address concerns as they arise.
- Victim Witness Advocates strive to create a safer environment for victims at the court house by planning for potential issues that may arise in the court building during proceedings and working to reduce potentially stressful interactions amongst the various parties to the criminal matter. (E.g. defendants, their families and the media.) Additionally, VWAs serve as the entry point to the designated safe and secure waiting areas designated in most courts across the Commonwealth.

#### *Right to be heard*

- VWAs regularly guarantee the victim’s right to be heard throughout the criminal justice process. The law recognizes the importance of victim input throughout the process, and advocates help victims achieve these important milestones including:
  - Opportunities to provide input to the prosecutor, the probation department, and the court regarding sentencing;
  - Delivery of a victim impact statement at sentencing detailing the physical, emotional and financial costs of the crime.
  - Ensuring that post-conviction agencies also have access to the victim impact statement and that the victim is registered to deliver a statement to the Parole Board when applicable.

#### **Helping victims in the aftermath of crime**

District Attorney Victim Witness Advocate programs play a critical and often lifesaving role for victims outside of the courtroom. They assist victims in addressing the ongoing and evolving impact of the crimes committed against them.

#### **Planning for safety**

- VWAs assist victims who live under threat to strategize and plan to protect their safety. They help victims to understand and access court ordered protection when necessary and plan exit strategies for themselves and their children when in danger of further violence.
- VWAs also assist victims and witnesses in a relocating to shelter or a safer community when necessary. This can include applying to the state witness protection fund, when deemed appropriate to keep a witness safe.

#### **Connecting to free resources**

- VWAs assist crime victims in applying for the **Victim of Violent Crime Compensation Program** offered through the Attorney General’s office pursuant

to M.G.L. Chapter 258C. This program receives approximately 1500 new applications each year and reimburses victims “out of pocket” costs such as medical, dental, and mental health expenses, funeral/burial costs, security measures, and other costs. A VWA’s assistance is often the first step to access this critical resource to ensure the financial impacts of violent crime are addressed.

- Victims are connected to free community based services that have been established to serve victims of all crimes and meet their unique needs. VWAs regularly reach out to programs serving victims of domestic violence, rape, homicide and other crimes to access shelter, counseling or legal assistance for the victims they serve.
- Trauma from violent crime and the court schedule can significantly impact a victim’s ability to maintain a regular schedule at school and work. VWAs assist victims in communicating with educators, administrators, and employers about the impact of violence and the rights of victims to attend court proceedings.

(2) **Personnel or Agencies Responsible for Providing Individual Services**

- a. The Middlesex Victim Witness Bureau (VWB) is comprised of 42 Victim Witness Advocates (VWA) countywide. <sup>1</sup>Although our starting salary for entry level VWAs increased by \$2,000 (from \$ 28,000 to \$30,000) within the past few years, we still struggle to attract qualified applicants. Many cite basic cost of living needs as a determining factor in choosing not to join our staff. During the past few years we have faced an additional dilemma that has greatly affected our ability to retain more senior VWAs. Newly created Victim Service positions at other state agencies that offer a marked increase in salary continue to be challenging competition.
- b. Of the 42 VWAs, 18 are assigned to the Superior Court. This includes the VWB Chief as well as the VWB Deputy Chief. Nine of the Superior Court VWAs are assigned by region and intake cases from specific District Courts within that region. We currently employ 4 assigned to the Child Protection Unit, which handles investigations and prosecutions of cases involving children countywide. Additional specialized unit assignments include 2 Superior Court Advocates in the Elder and Disabled Unit and 1 Superior Court Advocate who handles Post-Disposition and Sexually Dangerous Person cases. The remaining 24 VWAs are assigned to each of the District Courts with staffing proportionate to need based upon the volume of cases in that jurisdiction.

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<sup>1</sup> As of January 1, 2019 the starting salary was increased to \$33, 000.

c. The VWB consists of a diverse staff with a variety of language skills. This serves to enhance the services provided to the ever increasing diverse communities who live and reside in Middlesex County. These language skills include Cantonese, Polish, Portuguese, Russian, Spanish and Ukrainian.

i. In order to provide the most comprehensive services possible, the VWAs collaborate daily with police officers from each of the 54 cities and towns located in Middlesex County. We also interact daily with AOTC personnel (clerk's office and probation). We also interact regularly with Middlesex Sheriff's Department ( Records Department with regard to Bail Notifications as well as Victim Services Unit for all other matters), Department of Corrections Victim Services Unit, Massachusetts Parole Board Victim Services Unit, Sex Offender Registry Board Victim Services Unit, MOVA, Victim Compensation Division of the Office of the Attorney General, Department of Youth Services Victim Services Unit, Department of Transitional Assistance Domestic Violence Unit and Department of Children and Families. In each Region, the assigned VWAs have ongoing working relationships with many community service agencies in that region. These include, but are not limited to Respond, Inc., REACH Beyond Domestic Violence, Boston Area Rape Crisis Center, Homicide Bereavement Services, Center for Hope and Healing, Elder Services, Jewish Family and Children's Services, Portal to Hope, Transition House, Voices against Violence, and Child Witness to Violence Project. To date, there is one SAFEPLAN Advocate in Middlesex County (Ayer District Court). The SAFEPLAN Advocate and MDAO VWA have established a productive working relationship and provide much needed support to victims of domestic violence.

d. Additionally, the District Court VWAs provide assistance with the civil restraining order and harassment prevention order process, both during the application stage as well as 10 day in court hearings and subsequent extension and/or modification hearings.

(3) **Victim-Witness Advocate Education and Training**

a. We strive to enable VWB staff to avail themselves of any and all trainings and conferences in an effort to become more proficient in their advocacy. Staff attended these trainings which include the following, offered by MOVA (Massachusetts Office of Victim Assistance):

**2018 Victim Rights Awards Ceremony** – State House, Boston  
April 9th

**2018 Victim Rights Conference** – Boston, MA

April 24th

*The 2017 Victim Rights Month Conference took place on Tuesday, April 24<sup>th</sup> at the Seaport World Trade Center in Boston, Massachusetts. The purpose of the conference was to empower survivors and service providers through a variety of award presentations, a keynote speaker, networking opportunities and workshop exhibitions. The Victim Rights Conference Keynote Speaker was Lucia McBath, a member of the Georgia House of Representatives, whose son was killed by gun violence in 2012. The remainder of the day was filled with a variety of workshops and panels were offered that were designed to educate, broaden perspectives and promote interaction among the survivors and professionals in attendance.*

**2018 Massachusetts Victim Assistance Academy** – Beverly, MA

Traditional Academy July 15-20th

Advanced Academy July 18-20<sup>th</sup>

*The annual Massachusetts Victim Assistance Academy (MVAA) was held on July 15 – July 20, 2018 at Endicott College in Beverly, Massachusetts. The traditional academy consisted of students from diverse backgrounds with less than five years' experience. The Advanced Academy was held from July 18 to July 20, 2018. These students have more than five years' experience in their field. There were faculty members from a variety of agencies, both state and community, for the Traditional and Advanced Academy this year.*

**New Advocate Training** – Marlborough, MA

March 20, 21, 22, 2018 and September 12, 13, 14, 2017

*New Advocate Training is three day training for new Victim Witness Advocates working in District Attorney's Offices or other government based court settings. The training covers a wide array of topics that are pertinent to Victim Advocacy in the courts including but not limited to general overviews of the Criminal Justice System, working with prosecutors, collaborating with community partners, post-conviction information and a survivor's perspective*

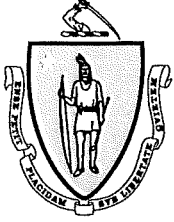
b. In addition to external opportunities, the Middlesex VWB also provides a comprehensive New VWA Training several times a year contingent upon hiring/staffing needs. The training is conducted by the VWB Chief, Deputy



Chief, Regional Supervisors as well as VWAs who possess specific expertise. The New VWA training is 3-4 day training that includes but is not limited to Trauma and Victimization, Case Management and Recordkeeping, the Court Process and VWA Responsibilities, Specialized Victim Services and Domestic Violence. The VWB staff also receives ongoing trainings throughout the year, both at monthly VWB staff meetings as well as specific trainings that are designed for VWA/ Assistant District Attorney cross over. The topics discussed at VWB staff meetings included guest speakers from the Community Legal Services and Counseling Center discussing immigration issues facing victims of crime as well as Middlesex D.A. Office staff presenting on our procedures related to Motor Vehicle Fatality Investigations and Prosecutions and Drug Court. The VWAs are invited and encouraged to attend the District Court ADA Trainings that are provided within the office. The topics covered in these trainings include: Mental Health Issues in criminal cases, Cultural Competency, the Use of Digital Evidence and Social Media. The Middlesex District Attorney also provided the following guest speaker to discuss Vicarious Trauma:

**March 15, 2018 - Newton Wellesley Hospital**

Madelon Baranoski, PH.D, Professor, Law and Psychiatry Division,  
Yale School of Medicine.



MARIAN T. RYAN  
DISTRICT ATTORNEY

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WWW.MIDDLESEXDA.COM



TEL: 781-897-8300  
FAX: 781-897-8301

December 28, 2018

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

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

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

Dear Messers Welch and James:

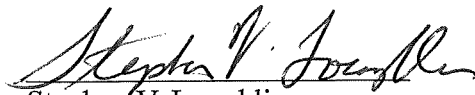
Pursuant to G.L. c. 272, §99(R), we submit this report to the General Court on behalf of the Middlesex District Attorney's Office for the 2018 calendar year.

1. During calendar year 2018, this office submitted applications pursuant to G.L. c. 272, §99 for eight warrants authorizing the installation and use of pen register/trap-and-trace devices to intercept wire and/or oral communications ("warrants") to Justices of the Superior Court.
2. The applicants for the warrants were Assistant District Attorneys Graham Van Epps and Michael Klunder.
3. The Superior Court issued each of the requested warrants.
4. The warrants authorized interceptions during 15-day periods beginning on the following dates of issuance:
  - a. April 6, 2018;
  - b. May 2, 2018 (renewal of the April 6, 2018 warrant);
  - c. May 17, 2018 (renewal of the April 6, 2018 warrant);

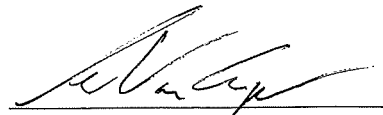
- d. June 1, 2018 (renewal of the April 6, 2018 warrant);
  - e. June 6, 2018 (warrant plus renewal of the April 6, 2018 warrant);
  - f. June 20, 2018 (renewal of the April 6, 2018 and June 6, 2018 warrants);
  - g. June 29, 2018 (renewal of the April 6, 2018 and June 6, 2018 warrants);
  - h. July 11, 2018 (renewal of the April 6, 2018 warrant);
5. The warrants were sought to discover evidence of “possession or sale of a narcotic or harmful drug” as defined in G.L. c. 272, §99(B)(7), including distribution and possession with intent to distribute class A and B controlled substances, possession of class A and B controlled substances, and conspiracy to violate the controlled substances Act, in violation of G.L. c. 94C, §32, §32A, §34, and §40. The controlled substances involved were heroin and fentanyl.
6. While executing the warrants, law enforcement intercepted signaling and connection information concerning approximately 41,905 communications occurring over certain cell-phone based messaging application(s).
7. As a result of those interceptions, a grand jury returned 22 indictments against six defendants. The charges included trafficking fentanyl over 200 grams; trafficking heroin over 200 grams; trafficking cocaine over 200 grams; conspiracy to traffick fentanyl, heroin, and cocaine; possession with intent to distribute fentanyl, heroin, and cocaine; possession of a false RMV document; conspiracy to commit identity fraud, in violation of Massachusetts General Laws Chapter 94C, Sections 32E, 40, 32A, and 32; Chapter 90, Section 24B; and Chapter 274, Section 7. Those cases are pending in the Superior Court.
8. During the 2018 calendar year, this office did not conduct any trials in which intercepted communications or evidence derived therefrom was used.

If you require further information, do not hesitate to contact us.

Very truly yours,



Stephen V. Loughlin  
First Assistant District Attorney



Graham G. Van Epps  
Assistant District Attorney