



To: The Honorable Charlie Baker, Governor
The Honorable Maria Mossaides, Child Advocate
The Honorable Michael Rodrigues, Chair, Senate Committee on Ways and Means
The Honorable Aaron Michlewitz, Chair, House Committee on Ways and Means
The Honorable James Eldridge, Senate Chair, Committee on the Judiciary
The Honorable Michael Day, House Chair, Committee on the Judiciary
The Honorable Adam Gomez, Senate Chair, Committee on Children, Families and Persons with Disabilities
The Honorable Michael Finn, House Chair, Committee on Children, Families and Persons with Disabilities
The Honorable Michael Hurley, Clerk of the Senate
The Honorable Steven James, Clerk of the House

From: Jennifer Franco, Massachusetts District Attorneys Association

Date: April 8, 2022

Re: **Report on the Status of Child Abuse and Neglect Cases (G.L. c. 12, § 20D)¹**

As required by G.L. c. 12, § 20D, the Massachusetts District Attorneys Association (MDAA) submits the following information relative to child abuse and neglect cases that have been referred for criminal prosecution to ten of the eleven District Attorneys during FY2021². The Department of Children and Families, which is mandated to report certain categories of child abuse and neglect to the District Attorneys, pursuant to G.L. c. 119, § 51A, is the primary source of child abuse and neglect referrals for the District Attorneys. However, the District Attorneys also receive a significant number of reports from the police, and directly from victims, and from the victims' families.

¹ G.L. c. 12, § 20D: The executive director [of the Massachusetts District Attorneys Association] shall annually 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 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.

² The MDAA will supplement this report should it receive data from the Berkshire District Attorney's Office

The number of criminal prosecutions initiated by the District Attorneys does not reflect the tremendous workload of pre-charge investigations involved in reviewing these sensitive and complex cases.

Please note that MDAA is reporting referrals as the number of new cases reported or referred to ten of the eleven District Attorneys during FY2021; all other information relates to child abuse and neglect cases reported or referred to the District Attorneys in any year. Child abuse and neglect cases, from initial referral to final disposition, can take several years to resolve.

Abuse/Neglect Referrals (Per Child)	12,066
Referrals Closed without Prosecution	7,129
Criminal Cases Initiated (Per Defendant)	2,057
Criminal Cases Disposed with Conviction	626
Criminal Cases Disposed without Conviction	747

It is important to note that the state of emergency due to the COVID-19 pandemic was ongoing during this reporting period and court houses were open in a limited capacity. The pandemic likely had an impact on the number of referrals, investigations, cases initiated, and cases disposed of in court.

The District Attorneys report the following as the principal reasons for the decision not to prosecute:

- Insufficient evidence
- Psychological trauma
- No disclosure/victim denied abuse
- Competency issues of child/tender age of victim
- Lack of specificity/detail
- Not in child's best interest
- Lack of jurisdiction
- Offender under 12 years old
- Family unsupportive and unwilling to go forward
- Suspect unknown
- Suspect not considered a "caregiver"/51A does not require a 51B
- Does not meet elements of a crime
- Investigation remains pending at the police department
- Motion to Suppress/Dismiss allowed by court

The District Attorneys believe that each agency utilizes all available resources to serve victims, their families, and the public during every step in the long process toward healing the victims

and their families, and toward resolution of these difficult cases. However, the District Attorneys report that the following resources would have assisted in these investigations and prosecutions:

- Funding for more specialized investigators, victim-witness advocates and prosecutors

- Data Tracking System

- Bilingual/multi-lingual MDT members for better/more direct communication

- More consistent receipt of information from law enforcement regarding closeout/charging

- Receiving 51Bs and/or police reports with the referrals so that much of the review time is not spent waiting for these materials