


To: The Honorable Karen Spilka, Chair, Senate Committee on Ways and Means  
The Honorable Brian S. Dempsey, Chair, House Committee on Ways and Means  
The Honorable William N. Brownsberger, Senate Chair, Joint Committee on the Judiciary  
The Honorable John V. Fernandes, House Chair, Joint Committee on the Judiciary  
The Honorable James E. Timilty, Senate Chair, Joint Committee on Public Safety  
The Honorable Harold P. Naughton, Jr., House Chair, Joint Committee on Public Safety  
The Honorable William F. Welch, Clerk of the Senate  
The Honorable Steven T. James, Clerk of the House

From: Tara Maguire, Executive Director, Massachusetts District Attorneys Association 

Date: July 9, 2015

Re: **Report on the District Attorneys' Domestic Violence Prosecution Statistics**  
*(amending report filed on June 30, 2015)*

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As required by Chapter 260 of the Acts of 2014,<sup>1</sup>An Act relative to Domestic Violence, the Massachusetts District Attorneys Association submits to the Ways & Means Committees, the Joint Committee on the Judiciary, the Joint Committee on Public Safety and Homeland Security, and the Clerks of the Senate and House data from the District Attorneys relative to their prosecutions of

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<sup>1</sup> SECTION 49. The executive office of public safety and security, in conjunction with the district attorneys, shall develop a report to be filed with the clerks of the house of representative and senate, the house and senate committees on ways and means, the joint committee on public safety and homeland security and the joint committee on the judiciary. The report shall contain, but not be limited to, comprehensive information and statistics related to domestic violence crimes and arrests and prosecutions of domestic violence related offenses, including dangerousness hearings, to serve as an examination of the effectiveness of the commonwealth's domestic violence laws. The report shall include data collection following the implementation of this act and shall be filed not later than June 30, 2015.

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domestic violence related cases from August 8, 2014, the effective date of the Act, to May 31<sup>st</sup>, 2015.

The attached submissions report the data on the following newly created crimes: assault and battery on a household member (Ch.265 s.13M), and strangulation or suffocation (Ch.265 s.15D). The submissions also report data on stalking and stalking in violation of a restraining order (Ch.265 s.43), and violation of an abuse prevention order (Ch. 209A s.7). Although strangulation, suffocation and stalking are not, by definition, domestic cases, the vast majority of cases are committed by a “family or household member” as defined in Ch.265 s.13M. Please note, the data reported undercounts the total number of domestic violence cases because it does not include those charged under statutes that are not domestic violence specific. For example, intimidation of a witness, sexual assault, and malicious destruction of property do not require a “domestic” element, but are often charged in domestic situations and can accompany or follow a domestic violence case. Also note, the disposition data provided for stalking/stalking in violation of a restraining order and violation of an abuse prevention order includes cases that were initiated prior to August 8<sup>th</sup>, 2014 but were resolved during the reporting period.

The District Attorneys have made every effort to report uniformly. However, although the attached submissions appear uniform, the data cannot be compared county to county. While the District Attorneys utilize the same case management system (DAMION), they differ significantly in how each office defines, inputs, and reports its data, as well as whether certain data is even tracked at all. Specifically, in reporting this data, some counties are only able to count the number of charges filed; others are only able to count cases. (A case may include a number of charges arising out of a single incident.) Thus, although the submitted forms appear consistent, the data they report is not. Additionally, in some counties DAMION does not track dangerousness hearings, bail and arrests. In order to report on these, those counties would have to retrieve and search each domestic violence case file to find handwritten notations indicating such. This would be an extraordinary task which they do not have the staffing to do at this time.

The DA offices have utilized DAMION for more than ten years and the current software is nearing end-of-life. With funding provided by the legislature in FY14 and FY15, MDAA is undergoing a process to evaluate and select new case management software. MDAA’s extensive plan includes a process to make certain that new software is deployed in a uniform manner, including the use of common definitions. Thus, once implemented, the districts will be able to collect and report common data to the legislature.

This report will also be distributed to the Executive Office of Public Safety today for its review. Please do not hesitate to contact me should you have any questions or concerns.