

Office of Northwestern District Attorney David E. Sullivan

2011 Annual Report

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Message from District Attorney David E. Sullivan

During my first year as District Attorney, our office has embraced a community prosecution model that blends smart and fair prosecutions, crime prevention, law enforcement partnerships and community collaboration to build safer communities throughout Hampshire and Franklin counties and the town of Athol. We have developed initiatives to be more accessible and responsive to the needs of the people we serve in our 47 communities. We have implemented innovative programs to promote school safety, help abused children, assist vulnerable elders, and advocate for victims of domestic violence. Our collective prosecution and prevention efforts have enhanced public safety throughout our District.

As part of our administration's first year of challenges and change, please find a few highlights of our accomplishments:

- Created a Domestic Violence and Sexual Assault Unit and implemented priority prosecutions for high risk domestic violence offenders;
- Created a Communications Unit to increase our accessibility and responsiveness to the public and media. A new, interactive website has further enhanced our office's connection to the community;
- Established the Northwestern Law Enforcement Assistance Program (LEAP) to provide local law enforcement with access to essential criminal justice training programs, assistance, and investigative tools;
- Created a Community Outreach & Education Unit to provide community and educational trainings to strengthen our communities and prevent crime;
- Co-founded the Veteran's Justice Partnership with community and criminal justice partners to provide coordinated services and treatment, and rehabilitation, and alternatives to incarceration for local veterans and military service members who enter the criminal justice system;
- Co-founded the Northwestern Fire Intervention Response, Education and Safety Partnership (NoFIRES) in collaboration with community and public safety partners to identify and help youth who are juvenile fire setters;
- Established a Safe School Response Team to prevent and promptly address acts of harassment, bullying, and violence that impact students, families and communities;
- Created a Child Sexual Predator Task Force to enhance training for law enforcement and prosecutors to aid in the investigation and prosecution of child sexual predators. The program is funded with a \$493,000 Department of Justice Community Oriented Policing Services (COPS) grant which was awarded to our office and also includes prevention and education programs helping youth and families;

- Created a Citizens Advisory Board to advise and assist the office in the areas of community outreach and education, crime prevention, community prosecution, civic engagement, social justice and civil rights issues;
- Coordinated with community partners two National Prescription Drug Take Back Days in the Northwestern District resulting in the removal of thousands of pounds of unwanted prescription and nonprescription drugs from our communities. Our Take Back campaigns have provided education and outreach to schools, health care providers, elders, youth, and families to eliminate access and prevent abuse of these drugs. More drugs were collected through this campaign in the Northwestern District than in the entire states of Rhode Island and Vermont;
- Developed and launched a series of consumer protection public service announcements (PSAs) and consumer protection seminars to educate the public about consumer scams and consumer rights.

These programs and initiatives are just some of the many accomplishments coming from the work of our community partners and the Office of Northwestern District Attorney. I am very thankful for the dedicated team of prosecutors and staff who seek justice in our courtrooms and communities. This 2011 Annual Report represents a snapshot of the work that our Offices does every day on behalf of the people of the Northwestern District.

I remain deeply grateful for the opportunity to serve as District Attorney and look forward to working with you and the community to make a difference in the quality of life for all citizens of the Northwestern District.

Sincerely,

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Our Mission

To seek justice for all. The Office of Northwestern District Attorney, in partnership with the communities we serve, is dedicated to the pursuit of truth, justice, and the protection of the public.

Our Vision

Our vision is to enhance public safety and quality of life for all citizens in the 47 Northwestern communities. We will be leaders in fair and effective prosecutions and progressive prevention initiatives.

Our Values

Integrity

We are people of integrity who hold ourselves to the highest standards of personal and professional conduct. We are committed to fair and ethical prosecutions.

Respect

We treat each other and all members of the public with dignity and respect. We will be fair and respectful to all those involved in the justice system and the community we serve.

Support for Victims

We embrace the Massachusetts Victim Bill of Rights in order to inform, assist, and empower all people who need victim, witness, and survivor services. We will show compassion to individuals and their families victimized by crime.

Accountability

We have a shared responsibility for ensuring an accessible and responsive office, sound fiscal management, and operational efficiency.

Community Partnership

We support the building of strong partnerships and collaborations with law enforcement, all members of the criminal justice system, and the communities we serve.

Teamwork

We will be open and forthright in our communication with each other. We are committed to teamwork and standards of excellence in achieving our mission. We are committed to creating an inclusive office in which we recognize the significant and valuable contributions to our mission from each of our employees and the community we serve.

Innovation

We will embrace new and innovative ideas, technologies, and legal advancements in order to promote the mission of our Office. **Stewardship**

We are the law office of the People and are steadfast guardians of the rights and liberties of every citizen. We will advocate for making our communities safer and stronger, while protecting civil rights and promoting social justice.

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STAFF

Senior Management Team

District Attorney David E. Sullivan Deputy District Attorney Janice Healy First Assistant District Attorney Steven Gagne Director of Operations Martha Murphy Kane Chief Financial Officer Donna Dudkiewicz

Superior Court

First Assistant DA Steven Gagne Chief Trial Counsel ADA Jeremy Bucci ADA Steve Greenbaum ADA Michael McHale ADA Matt Thomas ADA Christine Tetreault, COPS Grant David Rist, Criminal List Manager Beth Connly, Superior Court Support

Child Abuse Unit

ADA Linda Pisano, Chief ADA Carrie Russell Jane Chevalier, CAU Coordinator/Family Service Advocate Suzanne Koch, Forensic Interviewer Kathy Bengtson, Family Service Advocate Deb Kierstead, Family Service Advocate Linda Rogers, Family Service Advocate Heather Hubbard, Unit Administrator

Elders & Persons with Disabilities Unit

ADA Jayme Parent, Chief Chris Geffin, EPD Unit & TRIAD Coordinator

Domestic Violence & Sexual Assault Unit

ADA Jennifer Suhl, Chief ADA Susan Loehn, Safety Audit Coordinator Mary Kociela, Director of DV Projects Cassie Carter, High Risk Team Coordinator Elizabeth Finn, AWARE/DVIP Coordinator Karen Sheehy, Administrative Assistant

Appellate Unit

ADA Thomas Townsend, Chief ADA Steve Greenbaum ADA Cindy Pepyne

District Court

ADA Rosemary Tarantino, Chief ADA Jeffrey Bengtson, *(AIC) Franklin ADA Kristen Brandt, Eastern Hampshire ADA Joella Fortier, (AIC) Eastern Hampshire ADA Beth Lux, (AIC) Orange ADA Bob Opsitnick, Eastern Hampshire ADA Liz Priest, Orange ADA Scott Rathbun, Hampshire ADA Mike Russo, (AIC) Hampshire ADA Janine Simonian, Franklin ADA Steve Sloan, Hampshire Mary Bates, Administrative Assistant Ronnie Burns, Administrative Assistant Gemma DeJackome, Administrative Assistant Noreen Grogan, Administrative Assistant Donna Jackson, Administrative Assistant Debra Jacques, Administrative Assistant Ann Metzger, Administrative Assistant

*AIC=Attorney-In -Charge

Juvenile Justice Unit

ADA Yvonne Pesce, Chief ADA Elizabeth Mulcahy ADA Caitlyn Rock Luisa Gutierrez, Administrative Assistant

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Victim Witness Assistance Unit

Jackie Gaw, Director Bonnie Press, Deputy Director Laurie Roy, Supervisor Wendy Adams, Advocate Kate Clogston, Advocate Heather Darling, Advocate Karen Fitzpatrick, Advocate Janice Francis, Advocate Margaret LaSalle, Advocate Melissa Lizardi, Advocate Lauren McGee, Advocate Leah Shulman, Advocate Nancy Webb, Advocate Jennifer Pise, Administrative Assistant

Consumer Protection Unit

Janice Garrett, Chief Caroline Smith, Case Coordinator

Outreach and Education Unit

Jana McClure, Director

Civil Rights Unit

Deputy DA Janice Healy - Co-Chair ADA Rosemary Tarantino - Co-Chair Jana McClure - Director Outreach & Education

Communications

Mary Carey, Director

IT Department

Bruce Fieldman, Director Will Medina, IT Support Specialist

State Police Detective Unit

Commander Det. Lt. Robin Whitney Executive Officer Lt. Michael Barrett Narcotics Unit Sgt. Christopher Ray Vicky Novotny, Administrative Assistant 13 State Police Troopers

Support Staff

Jean Bryant, Hampshire Office Manager Roberta Reardon, Franklin Office Manager Michelle Richotte, Executive Assistant Sue Snyder, Executive Assistant Pat Matusiewicz, Supervisor

Fiscal Unit

Donna Dudkiewicz, CFO Higy Chan, Fiscal Assistant Jessie Diemand, Fiscal/Administrative Assistant





DA Sullivan's and ADAs' swearing-in, Jan. 5, 2011

SUPERIOR COURT

The Superior Court Unit of the Northwestern District Attorney's Office (NWDAO) handles some of the most challenging and tragic cases including murders, robberies, serious crimes of violence abuse and exploitation. There are eight prosecutors who are assigned full-time to the Superior Court Unit, prosecuting cases in the Hampshire Superior Court, Northampton, and Franklin Superior Court, Greenfield.

First Assistant District Attorney Steven E. Gagne is the new head of the Superior Court Unit. He approves cases for indictment, assigns indicted cases to prosecutors, prosecutes his own caseload of felonies, and oversees the work of the Child Abuse Unit, Elders and Persons with Disabilities Unit, Domestic Violence and Sexual Assault Unit, Appellate Unit, as well as the Child Sexual Predator Project. He is assisted in his supervisory responsibilities by Chief Trial Counsel Jeremy Bucci, who specializes in narcotics prosecutions, homicides, search warrants, and asset forfeiture.

During 2011, the Northwestern District Attorney's Office prosecuted nearly 300 felony cases in the Hampshire and Franklin Superior Courts, including new cases indicted in 2011 and cases pending from previous years. Approximately 160 cases were resolved through trials, pleas, or other means, and our prosecutors obtained either a conviction or an admission of guilt in 85% of those cases.

Among the notable cases prosecuted during 2011 were:



First Assistant District Attorney Steven E. Gagne Daily Hampshire Gazette photo

Commonwealth v. Sean Mulveyhill, Kayla Narey, Ashley Longe, Sharon Velazquez & Flannery Mullins (Hampshire Superior Court & Franklin/Hampshire Juvenile Court) – five students charged in connection with the bullying and subsequent suicide of Phoebe Prince resolved their cases with admissions of guilt in open court and probationary sentences, concluding this landmark legal proceeding that raised national and international awareness of the harmful consequences of harassment and bullying. Prosecuted by First ADA Steven Gagne, and ADAs Yvonne Pesce, Thomas Townsend and Deputy District Attorney Janice Healy.

Commonwealth v. Timothy Zabek (Franklin Superior Court) – the defendant was convicted after trial of multiple counts of child rape and indecent assault and battery, for which he was sentenced to 15 years in state prison. Prosecuted by ADA Carrie Russell.





ADA Matt Thomas

Commonwealth v. Craig Barton (Hampshire Superior Court) – the defendant pled guilty to felony motor vehicle homicide in connection with the 2010 death of a young man in South Hadley, which resulted from the defendant driving recklessly while under the influence of alcohol; the defendant is now serving 5-7 years in state prison. Prosecuted by ADA Matthew Thomas.

Commonwealth v. Daniel Tompkins (Franklin Superior Court) – the defendant was convicted after trial of two counts of motor vehicle manslaughter in connection with a deadly crash in the town of Bernardston in 2007, for which he was sentenced to 8-12 years in state prison. Prosecuted by First ADA Steven Gagne.

Commonwealth v. James Hepp (Hampshire Superior Court) – the defendant was convicted by a jury of secretly recording several unsuspecting females with cameras he had installed inside the walls of their residence, for which he was sentenced to two years in jail with five years of probation following his release. Prosecuted by ADA Jayme Parent. **Commonwealth v. Gerald Gould** (Franklin Superior Court) – for viciously beating a man in an alleyway in Greenfield in 2009, the defendant was sentenced to 8-12 years in state prison after a jury found him guilty of assault and battery by means of a dangerous weapon. Prosecuted by ADA Michael McHale.

Commonwealth v. Anthony Baye (Hampshire Superior Court) – Criminal proceedings continued throughout the year in the prosecution of the defendant, who is accused of setting over a dozen fires in a single night in December, 2009 that terrorized the City of Northampton. A father and son, unable to escape from their burning home, perished in one of the fires. The trial on the murder, arson, and other charges is expected to occur in May, 2013. Prosecuted by Special ADA Brett Vottero.

In addition, the Northwestern District Attorney's Office obtained an indictment in a high-profile homicide that occurred in 2010, following an extensive investigation conducted jointly by the Massachusetts State Police Detectives Unit assigned to the Northwestern District Attorney's Office and local police departments:

Commonwealth v. Cara Rintala – in October 2011, the Hampshire Grand Jury indicted the defendant for murdering her spouse inside their marital home in Granby in March 2010, concluding an exhaustive 18-month investigation. The defendant remains held without bail, and the case is tentatively scheduled for trial in late 2012.

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DA Sullivan and Chief Trial Counsel Jeremy Bucci

CHILD ABUSE UNIT

The Northwestern District Attorney's Child Abuse Unit's (CAU) mission is to investigate and prosecute child abuse cases, to protect children and to keep children and families safe, healthy and strong. The CAU team includes the new Chief Linda Pisano, ADA Carrie Russell, family service advocates, child interview specialists and staff, who all work closely with law enforcement and child protective services workers to provide a multi-disciplinary approach to responding to child abuse.



Northwestern CAC mural painted by artist Kathryn Brown



Our CAU works collaboratively with the **Northwestern Children's Advocacy Center**, a non-profit, in screening, interviewing and helping abused children. These services include:

- Forensically sound interviews conducted by a qualified forensic interviewer, as part of a multidisciplinary Sexual Assault Intervention Network (S.A.I.N.) approach;
- Medical Intervention;
- Therapeutic Intervention;
- Victim and family support services.

2011 was a busy year for the CAU. There were 316 cases referred to the Child Abuse Unit for investigation, which translates into almost a new case each day of the year.

Of these 316 referrals, 132 cases were charged.

Child Abuse Unit staff members

Child Fatality Review Team

A high priority for DA Sullivan in 2011 was the re-establishment of the Northwestern District's Child Fatality Review Team (CFRT). In October of 2011, the NWDA held the first CFRT Meeting in several years. The CFRT consists of the District Attorney, CAU staff, representatives from Department of Children and Families, Department of Public Health, medical professionals, law enforcement and other child advocacy and protective services fields.

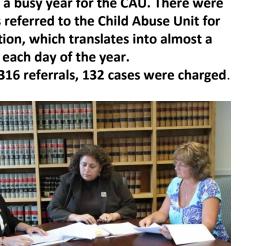
2011 Highlights for both the Child Abuse Unit and the Children's Advocacy Center included:

- A multi-disciplinary team of 8 people from the Northwestern District participated in the National Children's Advocacy Center's Child Abuse Symposium in Huntsville, Alabama;
- The CAC sponsored the 11th Annual Child Abuse Awareness month breakfast which was attended by 335 law enforcement and community members;

- **CAU** Coordinator Jane Chevalier completed training to become the 2nd forensic interviewer for the CAC;
- CAU re-established the Northwestern District's Child Fatality Review Team and held the first CFRT meeting in several years in October;
- A Child Fatality Review Team Database Training by Dr. Holly Hackman, Epidemiologist for the MA Department of Public Health was sponsored by the CAU;
- In November, the CAU hosted a 3 day Forensic Interview Training at the UMass-Amherst Conference Center. This was the first training of its kind in Massachusetts and was attended by staff from numerous District Attorney's Offices, law enforcement personnel, and Department of Children and Families (DCF) staff;
- CAC Open House unveiled murals painted by local children's book illustrator, Kathryn Brown, which was the culmination of several months' work that also included participation by area youth.

ELDER & PERSONS WITH DISABILITIES UNIT

District Attorney Sullivan appointed, as the new Chief to the Elders & Persons with Disabilities Unit (EPDU), ADA Jayme Parent. EPDU focuses on prosecuting and preventing crimes against elders and persons with disabilities. The Unit, which also includes Coordinator Chris Geffin and a specialized victim witness advocate, work in cooperation with local and state law enforcement, adult protective services providers and human service agencies, to promptly and effectively investigate and prosecute these crimes.





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This partnership also ensures that the victim receives the necessary services.

Crimes Against Elders

As the elder population continues to grow, crimes against elders will continue to grow in number. The EPDU staff is trained and prepared to respond to the special needs of the elder population and to ensure equal access to the criminal justice system, focusing on the investigation and prosecution of specific targeted crimes including but not limited to:

- Financial Exploitation
- Physical Abuse
- Sexual Abuse
- Caregiver Neglect



DA Sullivan, Elders and Disabilities Unit Programs Director Chris Geffin and community partners

Crimes Against Persons with Disabilities

The EPDU staff is trained and prepared to respond to the special needs of persons with disabilities so as to preserve the person's dignity and trust, as well as to ensure equal access to the criminal justice system, focusing on the investigation and prosecution of crimes committed against persons with mental illness, developmental disabilities and physical disabilities.

<u>Cases</u>

During 2011, the EPDU had a total of 34 cases involving elders. Of those cases, 12 were referred to the unit via Elder Protective Service Agencies and the remaining cases were referred via the District Courts in our jurisdiction. A total of 38 cases involving persons with disabilities were handled by the EPDU. Of this number, 12 were referred to our office by the Disabled Persons Protection Commission and the remaining cases were referred via the District Courts in our jurisdiction.

Case Highlights:

In 2011, the Unit had many successful prosecutions including:

Commonwealth v. Alfred Edmonds

Defendant pled guilty to B&E in the Nighttime with the Intent to Commit a Felony and Unarmed Robbery of a 90 yr. old woman and was sentenced to 3-5 years in State Prison with 5 years probation after the period of incarceration. Prosecuted by ADA Matthew Thomas.

Commonwealth v. Richard Ittner

Defendant pled guilty to Forgery, Uttering and Larceny Over \$250 after using the checks of his 90 year old aunt and was sentenced to 4-6 years in State Prison. Prosecuted by ADA Michael McHale.

Commonwealth v. Wayne Mitchell

Defendant pled guilty to Larceny over \$250 and Home Improvement Contractor Fraud Violations and made full restitution in the amount of \$3500 to the victim who was in her 80's. He was placed on probation with a 2 year suspended sentence. Prosecuted by ADA Stephen Sloan.

Senior Outreach and Education

The TRIAD Program

As part of the EPDU, the TRIAD program plays a major role in linking community partnerships. TRIAD is a community policing initiative of seniors, law enforcement and service providers who are focused on increasing safety through education and crime prevention. Its goals are:

- To reduce criminal activity which targets seniors;
- To alleviate seniors' fears of victimization, build confidence and improve the quality of life;
- To enhance the delivery of law enforcement services to seniors.

TRIAD is anchored by the Northwestern District's three top law enforcement officials: District Attorney David Sullivan, Hampshire County Sheriff Robert Garvey, and Franklin County Sheriff Christopher Donelan.



DOMESTIC VIOLENCE & SEXUAL ASSAULT UNIT

HAMPSHIRE/FRANKLIN COUNTY

In 2011, the long-existing Domestic Violence Unit was expanded to include sexual assault and is now called the Domestic Violence and Sexual Assault Unit. The change of the formal name of the unit reflects the sexual assault work already engaged in by the unit as the areas of domestic violence and sexual assault regularly cross paths in many of our cases.

At the end of 2011, the District Attorney appointed ADA Jennifer Suhl as the Chief of the Domestic Violence & Sexual Assault Unit, with an eye toward extensive development of the unit in both the prosecution of domestic violence and sexual assault cases, as well as prevention in these areas. In addition to the Chief, the unit also includes five highly-trained and experienced staff members: Mary Kociela, Director of DV Projects; Cassie Carter, High Risk Team Coordinator; Elizabeth Finn, DVIP/AWARE Project Coordinator; and Karin Sheehy, Administrative Assistant.

In order to provide comprehensive and consistent treatment of domestic violence cases at the District Court level, the District Attorney has designated a specialized domestic violence prosecutor in each of the four district courts: Janine Simonian in Greenfield, Beth Lux in Orange, Michael Russo in Northampton and Joella Fortier in Belchertown.

In 2011, the office prosecuted nearly 1600 domestic violence cases and 43 adult sexual assault cases in its four District Courts and two Superior Courts. Domestic violence encompasses approximately 20% of all prosecutions handled by the Northwestern District Attorney's Office.



Unit Chief Jennifer Suhl



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In addition to prosecution, the unit coordinates numerous prevention and intervention initiatives aimed at strengthening victim safety and offender accountability. The unit also facilitates a task force of over 100 community and law enforcement members and DV roundtables in each of the four courts in the district.

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Domestic Violence and Sexual Assault Unit staff

District Attorney's Task Force on Domestic and Sexual Violence

This task force is made up of members of law enforcement and community advocates and leaders. The task force, which is chaired by NWDAO's Director of Domestic Violence Projects, Mary Kociela, meets monthly and offers training and networking opportunities for people working to end domestic and sexual violence. The task force organizes numerous outreach campaigns throughout the year.

In 2011, the task force participated in local outreach for the 4th Annual White Ribbon Campaign to involve men in the movement to end violence against women. The task force garnered participation from two area colleges and nine high schools. Three thousand ribbons were distributed and over one thousand students and staff took a pledge to end **violence against women.** A particular highlight from the 2011 campaign was from Granby High School where two students created a rap song encouraging men to get involved which is now posted on the NWDAO's Facebook page. The task force has goals of expansion in 2012.

A task force subcommittee created a comprehensive training on the importance of universal screening for domestic and sexual violence by health professionals. Trainings were held at Franklin Medical Center, Cooley Dickinson and Mary Lane Hospitals for emergency room and general practice doctors, nurses and staff. Informational binders, resource cards, DVDs and posters were distributed to all hospitals.

DVIP/AWARE Project

The NWDAO continued its work through the Domestic Violence Intervention Project (DVIP) which is funded through the Massachusetts Executive Office of Public Safety and Security STOP Grant. NWDAO staff member Elizabeth Finn is the DVIP Coordinator. The DVIP is an early intervention program designed to coordinate the efforts of police, advocates, court personnel and batterer's intervention programs. Specially trained advocates from local battered women's programs (NELCWIT & Safe Passage) are immediately available following a domestic violence incident. Police departments, in Franklin and Hampshire County and the Town of Athol, contact an on-call advocate who in turn contacts the victim. Advocates offer victims immediate support, safety information and referrals for counseling, shelter and/or legal advocacy. Representatives from the local batterer's intervention program (Moving Forward) are also available to meet with offenders in court at the time of arraignment. Offenders receive information about their responsibilities under the law and batterer's intervention groups.



In 2011, a total of 305 domestic violence victims received on-call services by a DVIP advocate. In addition, 111 offenders/ defendants were served by the Moving Forward Program.

Quarterly DVIP partnership meetings were held for police, dispatchers and advocates. Topics included Understanding Cultural Differences presented by the Center for New Americans, Women who use Force, and updates on laws and procedures.

Additionally, as part of the DVIP, the AWARE project (Abused Women's Active Response Emergency) provides victims of domestic violence with in-home personal safety alarms. Identified participants are given a silent alarm pendant allowing them priority police response in a domestic violence emergency. Referrals for an alarm are made to the project coordinator who then meets with potential recipients and reviews the contract agreement to be signed by the victim.

Safety and Accountability Audit Project

In 2011, the office completed its third Safety and Accountability Audit. The Northwestern District Attorney's office initiated its first safety audit in 2002 as a way to review and strengthen our system response to domestic violence. Safety audits have been funded through the Office on Violence Against Women Grants to Encourage Arrest Program. Since that time, the audit teams, made up of law enforcement, advocates and court personnel, have performed three audits over a ten year period. These audits have focused on our domestic violence response from the perspective of police/dispatch, courts and prosecution and probation and batterer's intervention. The overarching goal of each audit is to identify strategies and create policies that will increase victim safety and offender accountability. The audit process has resulted in the creation and

distribution of many products that have greatly benefited the district. These products include a comprehensive domestic violence policy for police officers, a checklist for writing strong police reports, a dispatcher checklist for handling domestic violence calls, training DVDs outlining best practices for police and prosecutors and a charging booklet to assist police in bringing charges in domestic violence cases. The audit also resulted in the creation of the district's first high risk team program. The 2011 audit was focused on policies and procedures in the probation and sentencing phase of the criminal justice system. After an extensive investigation and review, findings and recommendations were agreed upon by the audit team and documented in a report.

On September 8, 2011, a conference was held at the Clarion Hotel and Conference Center in Northampton with approximately 80 court, law enforcement and community participants in attendance. The conference featured a national speaker and recommendations of the safety audit were presented and discussed. Shortly thereafter, implementation of the audit recommendations was discussed at court roundtables and initiatives for implementation have begun.

Domestic Violence High Risk Team Project

In an effort to reduce domestic violence homicides and to identify the most serious, repeat offenders, high risk teams were established in 2010 in each county. Evidence based research shows us that a set standard of high risk behaviors, perpetrated alone or together, substantially increases the level of risk for victims. By identifying high risk behaviors and sharing case information, the teams make recommendations that maximize offender accountability and safety for victims. The purpose of the project is to identify and closely monitor high risk offenders in order to prevent further incidents of abuse and homicide.

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In 2011, each high risk team met monthly. Team meetings include probation officers, House of Corrections officials, parole representatives, police officers, 911 dispatchers, prosecutors, representatives from the Department of Children and Families and community advocates.

In 2011, 77 high risk offenders were added to the newly created high risk list. Once an offender is added to the list, detailed information regarding that offender as well as his/her victim(s) is distributed to dispatchers, police, probation, prosecutors, and other agencies to ensure a coordinated, comprehensive, and consistent response to future incidents involving the offender. Training of all first responders in high-risk offender protocol (which began in 2010) was completed in 2011 with training for all probation officers in each court. Court roundtable meetings were held to meet with bail commissioners and discuss their role in the process. A meeting was also held with dispatchers throughout the district and a protocol was crafted for the protection of police officers dispatched to the scene where a high risk offender resides. Prosecutors were trained in high risk assessment and how to make referrals to the team with a review of the priority prosecution policy for high risk offenders. Additionally, a steering committee was established of community advocates to act as an advisory board as we move forward with the project.

Sexual Assault Response Team (SART)

The SART is a coordinated, multi-disciplinary team of people, including Domestic Violence and Sexual Assault Unit Chief Jennifer Suhl, ADA Susan Loehn, and Victim-Witness Unit Chief Jackie Gaw, who respond to sexual assault. The Center for Women & Community coordinates the SART, which includes representatives of: Law Enforcement, Health Care, Forensic Sexual Assault Nurse Examiners, Prosecutors, Victim/Survivor Advocates. The Hampshire County SART reviews best practice models in responding to sexual assault that are victim centered and increase the chances of effective prosecution. SART members share these models within their own department and develop and implement cross training opportunities.

Sexual Assault Response Training team

Community Education

The Domestic Violence and Sexual Assault Unit sponsors several training and outreach programs each year. In 2011, the programs included programs for middle school students, first responders, health professionals, police officers, and community advocates.

APPELLATE UNIT

DA Sullivan tapped Thomas Townsend to head the Appellate Unit. ADA Townsend, who had served for 13 years in the Hampden County District Attorney's Office, joined ADAs Cynthia Pepyne (14 years of appellate experience) and Steven Greenbaum (12 years as an appellate prosecutor) to form one of the most experienced appellate divisions in the State. Together they represent the NWDA before the Massachusetts appellate courts, typically after a defendant has been convicted at trial.





David E. Sullivan



In 2011, the Appellate Unit had an undefeated year (6-0) in published opinions – those decisions that serve as precedent for future cases. Most notable were the affirmance of the first-degree murder conviction of Nathan Ruell for the 2005 murder of 83-year-old Rose Ann Martowski and the upholding of Jacob Liptak's manslaughter conviction for the death of Northampton attorney Geri Laventis. But there was also a trio of operating-under-the-influence (OUI) decisions that will be of great use in future OUI prosecutions:

<u>Commonwealth v. Zoanne Zeininger</u> (breathalyzer certification and diagnostic records are admissible without live testimony)

<u>Commonwealth v. Russell Rumery</u> (improper admission of multiple breath tests can be harmless error)

<u>Commonwealth v. James Soldega</u> (ATV can qualify as "motor vehicle" for purposes of OUI statute)

The NWDAO also prevailed in a case (<u>Commonwealth v. Spencer Shangkuan</u>) that established that a completed return of service for a restraining order is admissible at trial without live testimony.



The Appellate Unit

A majority of the Appellate Unit's work occurs in the Appeals Court. 2011 saw a 50% increase in the NWDA's caseload: 33 cases were docketed in the Appeals Court in 2011, up from 22 cases in 2010.

In all, the Appellate Unit filed 22 briefs in 2011: three in the Supreme Judicial Court and 19 in the Appeals Court.

The Appellate Unit also responds to motions for a new trial, which can be filed at the trial level before or after an appeal. In 2011, a total of 24 motions for a new trial were filed. In addition, the Appellate Unit oversees parole hearings for those serving life sentences but who are eligible for parole. There were three hearings this past year, all involving seconddegree murder convictions. Parole was denied in all three cases.

DISTRICT COURT



ADA Michael Russo

The District Court is the gateway to the justice system. It is where the vast majority of criminal cases begin. The District Courts in the Northwestern District are located in Northampton, Belchertown, Greenfield and Orange. These courts have jurisdiction over all misdemeanors, including drug offenses, 17

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weapons offenses and motor vehicle offenses. The District Courts also have iurisdiction over those felonies that are punishable by imprisonment in the state prison for not more than 5 years.

District Attorney Sullivan appointed Rosemary Tarantino as the new Chief of the District Court. She supervises 11 ADAs who are assigned to the four district courts.

Prosecutor and Staff Development

David E. Sullivan

In addition to the re-organization of the District Court staff and the establishment of a permanent office in the Belchertown courthouse, DA Sullivan has initiated a Career Development Program, which is designed to enhance the skills and knowledge of the legal staff. A training committee was established and has offered in-house trainings for prosecutors on a monthly or bi-monthly basis on a variety of topics including grand jury presentations, eyewitness identifications, competency to stand trial and search and seizure issues. Other components of the Career Development Program which have been launched include a performance evaluation system for all staff, the development of "best practices" in child abuse and domestic violence cases. Also developed was a comprehensive Training Manual for new ADAs.

JUVENILE JUSTICE UNIT

The Juvenile Justice Unit aims to reduce youth violence and crime using a coordinated community approach which includes early intervention and prevention. In addition, the unit handles those serious juvenile cases where the juveniles are indicted as Youthful Offenders, thus making them open to adult criminal prosecution. The unit is comprised of three prosecutors and two victim witness advocates who handle cases in four juvenile courts located in Hampshire and Franklin counties.

The unit also operates an ambitious array of inhouse programs to enhance the skills and knowledge of prosecutors and staff and community outreach and prevention efforts. The in-house programs are Juvenile Diversion, which is an alternative to court prosecution, School Is Where It's At, an anti-truancy effort, NoFIRES, an arson prevention and education

District Court Chief Rosemary Tarantino

During 2011, DA Sullivan re-organized the NWDA District Court staff and assigned ADAs to particular courts in order to provide continuity in the prosecution of cases for victims, witnesses and police officers. A satellite NWDA's office was established in the Eastern Hampshire District Courthouse located in Belchertown. Three ADAs are permanently assigned to both the Northampton and Belchertown District Courts and two ADAs are permanently assigned to both the Orange and Greenfield District Courts. A senior ADA has been designated as "Attorney in Charge" (AIC) for each of the four District Courts.

The 11 District Court Assistant District Attorneys prosecuted over 8,500 cases in 2011.





David E. Sullivan



program targeting juveniles, and the Safe School Response Team, designed to oversee and aid schools in their investigations of threats, bullying incidents, and other unsafe behaviors.



The Juvenile Justice Unit

The Juvenile Justice Unit team is led by its new Chief, ADA Yvonne Pesce and includes ADA Caitlyn Rock and Diversion Specialist Donna Cole. Later in the year, ADA Elizabeth Mulcahy, joined the Unit as our Juvenile Community Prosecutor to take over the diversion and truancy programs and to help establish the NoFIRES program.

During 2011, the unit revived the regional meetings of School Resource Officers, and is planning an Anti-Underage Drinking Prevention Conference aimed at teens and pre-teens. A similar conference for college students will be held in the fall of 2012 along with a first annual Safe School Summit.

Community Based Justice Meetings

Under M.G.L. Ch. 12, section 32, District Attorney's offices are mandated to establish, implement, and coordinate a partnership of schools, police, and state agencies to address violence prevention and school violence. This initiative in Hampshire and Franklin counties is called Community Based Justice (CBJ). The goal of these meetings is for all agencies, schools, and police to build stronger communities by fostering better communication and relationships. Agency representation, and the information shared, varies depending on the needs of the CBJ participants and the community.

Juvenile Diversion Program

When appropriate, first time offenders under age 17 who commit minor criminal offenses will be referred to the Northwestern District Attorney's Juvenile Diversion Program. The program is an alternative to the court system. Participating youth are required to attend and complete counseling/education programs, perform community service and, when applicable, pay restitution.

In 2011, 154 juvenile cases were handled through our Diversion Program.

ADA Elizabeth Mulcahy leads this program as well at School Is Where It's At Truancy Program.

School is Where It's At Program

Truancy is a problem that has long-term effects on children, families and the community. The recognition of the significant correlation between a failed school experience and delinquent behavior has been well documented. The "School Is Where It's At" program is a two-step process involving progressively stronger measures to compel students, ages 6 to 16, and their parents to address the truancy problem in a positive manner. The District Attorney's Office provides assistance to any school interested in creating or enhancing its attendance, drop-out or antitruancy program.

In 2011, 155 students were referred by schools to the School Is Where It's At Program.





Northwestern Juvenile Fire Intervention Response, Education and Safety Partnership

A Community Response to Youth-Set Fires

In 2011, District Attorney Sullivan and his Director of Operations formed a community advisory group to establish a juvenile fire setter's prevention program. Our District Attorney's Office, fire departments and other community partners will be filing for a state grant in 2012 to launch education and intervention services for juveniles.

The core mission of the NoFIRES program is to protect our youth, their families and the communities in which they live from the dangerous and sometimes fatal act of setting fires. A collaboration of law enforcement and social service agencies, NoFIRES is committed to providing a consistent, coordinated and appropriate response to youths through the age of 16 who set fires or engage in fire-related behavior. The components of this approach include intervention and education in conjunction with prosecution or other juvenile court action.

Safe Schools Response Team

The new Massachusetts bullying law offers a definition of bullying, but as victims, educators and parents have learned, there is no specific criminal charge of bullying. Bullying behavior often does, however, fit specific criminal threats and others. In order to assist local schools in their response to bullying and harassing behavior targeting students and serve as a resource to schools, parents and victims, District Attorney Sullivan launched the Safe Schools Response Team.

Members of the Safe School Response Team include Deputy District Attorney Janice Healy, Juvenile Justice Unit Chief ADA Yvonne Pesce, Assistant District Attorneys Caitlyn Rock and Liz Mulcahy, Victim-Witness Advocates Janice Francis and Heather Darling, Director of Community Outreach & Education Jana McClure and Administrative Assistant Sue Snyder.

During 2011, the Safe Schools Response Team reviewed 16 referrals and complaints.



Franklin County Victim-Witness Advocates

VICTIM-WITNESS ASSISTANCE UNIT

The Victim-Witness Unit provides advocacy and information about the court process to victims and witnesses of crime, as well as information about victim rights and referrals to community resources, in accordance with the Massachusetts Victims Bill of Rights. Services are also provided to family members of child victims and to survivors of homicide victims.



District Attorney Sullivan appointed a seasoned victim services advocate, Jackie Gaw, to be the Chief of this Unit.

Office of Northwestern District Attorney

2011 Annual Report

In Hampshire County the Victim Witness Assistance Unit assisted with 1145 cases and 1480 victims. In Franklin County, there were 1255 cases and 1627 victims. A total of 3107 victims and 1410 witnesses received services.

Helping victims to understand our complex legal system and move forward to achieve justice and healing are hallmarks of this unit.

2011 Highlights and Accomplishments

Franklin County victim witness advocate Nancy Webb was recognized by the Massachusetts Office of Victim Assistance for her 15 years of service to victims. Nancy's commitment is summed up best by her thoughts: "One of the best parts of this job is to see victims find strength that they didn't know they had, and to use that strength to make their lives better; for them, every little step on the right path helps them to find the freedom they seek."

Family service advocate Jane Chevalier of our Child Abuse Unit merits special recognition for her dedication and work with the family of Phoebe Prince as she supported them through the prosecutions of the teenagers charged with offenses connected with bullying and harassment prior to her suicide.

Franklin County advocate Wendy Adams also was recognized for her work this year on two very difficult and heart wrenching cases. The Daniel Tompkins vehicular homicide trial involved two deceased victims and a third injured victim. It required a tremendous amount of work and coordination of witnesses along with the need to take care of the survivors of the deceased. The Kevin May case was an OUI, Serious Bodily Injury matter in which a teenage girl ended up paralyzed. In both instances, Wendy did a tremendous job advocating for and taking care of her victims.

CONSUMER PROTECTION UNIT



Consumer Protection Unit presentation

The Northwestern District Attorney's office has been home to a local consumer program for the past 38 years. The Consumer Protection Unit's Director, Janice Garrett and Case Coordinator, Caroline Smith, are trained mediators who work to resolve consumer complaints through an informal mediation process and also provide resources and referrals to the public. Unit staff also provides education and outreach programs throughout both counties in order to give consumers the information they need to make informed decisions and protect themselves against scams and fraud.

The Consumer Protection Unit works in cooperation with the Attorney General's Office; we are one of nineteen programs who receive a grant from the AGO for our local consumer program.

2011 Highlights

The Consumer Protection Unit produced several public service announcements on consumer

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protection that are airing on fifteen local community access television stations in our area. Additionally, through a new and expanded page on the NWDAO website, the Consumer Protection Unit has been able to extend its reach throughout the district and link community members to a vast array of resources, consumer advisories, and consumer tips.

Following the hurricane that hit our area in 2011, the Consumer Protection Unit utilized our website to provide advisories to consumers on how to avoid scams when rebuilding and distributed consumer packets to all of our police chiefs and council on aging offices to pass on to their constituents.

The Consumer Unit received approximately 2,000 calls in 2011, opened 300 cases and has recovered \$1,325,818.54 in the last 5 years, with \$123,583.79 recovered for consumers in 2011.

COMMUNITY OUTREACH AND EDUCATION UNIT

Director of Outreach Education Jana McClure, NWDA staff and YAB members

Soon after District Attorney Sullivan took office in January 2011, Jana R. McClure was brought

on board to lead the Community Outreach and Education Unit. The unit was reconstructed by the new administration to move toward outreaching to a broader spectrum of the community.

A key element of connecting with a diverse range of constituents in the community was to develop significant partnerships with area coalitions. Currently, the director sits on nine coalitions or task forces that serve Hampshire and Franklin counties and the town of Athol. One of the Community Outreach and Education Unit's goals for the year 2011 was to develop these coalition partnerships. This ensures that the District Attorney's Office is aware of community needs and opinions and is able to respond appropriately and effectively. This goal is actively in process and has been met.

Highlights of 2011

Two significant projects undertaken in 2011 were the development of the Youth Advisory Boards (YAB) and the Citizen Advisory Board (CAB).

Youth Advisory Board

In 2011 the outreach director developed a new power point training program on Internet Safety and Cyber bullying and trained students on the NetSmartz Internet Safety presentation.

The NetSmartz student mentoring program, funded by an Internet Crimes Against Children (ICAC) grant, engaged the District Attorney's Youth Advisory Board's (YAB) in four schools. The director assembled four boards of students to participate on the YAB. Each month the high school students learned new aspects of the presentation and engaged in discussion about mentoring the younger students on Internet Safety. This program provides a unique





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opportunity for community building. It brings local high school students back into their elementary schools to teach the younger members of their community, and it reinforces the same key issues in the lives of the high school students.



A Youth Advisory Board member and young student

The Director of Community Outreach and Education, along with the Chief of Juvenile Justice, have also presented programs on Internet Safety and Cyber bullying for students, parents and school administrators on Internet Safety and Cyber bullying at day and evening events hosted by schools. The total number trained was 328 participants (132 of which represent the YAB monthly training).

Citizen Advisory Board (CAB)

The Citizen Advisory Board was developed by DA Sullivan in partnership with citizens who are local community leaders. The goal of this partnership is to help the DA's Office hear the concerns of our unique and diverse area. The board will help identify concerns of underrepresented and vulnerable community members as well as assist in implementing safe Neighborhood and crime prevention initiatives. The CAB is co-chaired by DA Sullivan and the Director of Community Outreach & Education.

2011 Achievements

In addition to the YAB and CAB, the Director of Community Outreach and Education is chairing the coordination of an Annual Youth Conference on Preventing Underage Drinking to be held in 2012.

Our Director is involved in all Safe School and Neighborhood initiatives, Internet Safety and Civil Rights awareness and enforcement.

The Community Outreach and Education Unit works closely with many other units to ensure that the knowledge, expertise and resources of of the DA's office reaches the citizens of our communities.

CIVIL RIGHTS REVIEW TEAM

The protection of all citizens' civil rights is a fundamental value in our District Attorney's Office. District Attorney Sullivan created the Civil Rights Review Team, comprised by Deputy District Attorney Janice Healy, District Court Chief Rosemary Tarantino and Outreach and Education Director Jana McClure. This team has allowed the NWDAO to respond in a prompt and effective way to civil rights violations.

COMMUNICATIONS UNIT

At the start of his administration in 2011, DA Sullivan created the Communications Unit in order to improve the flow of information to the public and media.

As the office's first Director of Communications, Mary Carey has been instrumental in bringing

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the NWDA website, NorthwesternDA.org, to a new level. It provides information about the many services offered by the NWDAO, as well as resources and updates about cases being prosecuted by our office and outreach events. As an ever-expanding archive of the office's many brochures and educational materials, it has become a key resource for our community partners and the public.

IT Unit 2011 Accomplishments

presentations.

 Implemented the NWDAO's new website and made improvements to the office systems;

INFORMATION TECHNOLOGY UNIT

The Information Technology (IT) Unit works in a

behind-the-scenes role. Our new IT Director,

Bruce Fieldman and his staff are charged with

applications for each of our offices in both

Hampshire and Franklin counties. The IT Unit actively assists our prosecutors with courtroom

procuring, installing, developing and supporting

information technology hardware, software and

- Procured professional camera equipment and video software for educational and training videos produced by the office for the community, prosecutors and law enforcement which will also be available on the NWDAO website;
- Upgraded the office's computer backup equipment and put into place a comprehensive backup regimen;
- Developed a system to digitize case files and transmit discovery materials to the defense bar;
- Upgraded and reconfigured network security structure.

MASSACHUSETTS STATE POLICE DETECTIVE AND NARCOTICS UNIT

The State Police Detective and Narcotics Unit (SPDU) is led by dedicated law enforcement professionals Detective Lt. Robin Whitney and Executive Officer Lt. Michael Barrett. There are an additional 13 Troopers assigned to the Detective and Narcotics Units in the Hampshire and Franklin Counties.

NWDA press conference

By keeping the media apprised of significant case developments and by being responsive to all media inquiries, the Communications Unit has fostered positive relationships with the public and local news media.

As a supplement to the website, the NWDAO has developed a Facebook page with links to news stories, videos and photos of NWDAO and community events.

The Communications Unit has also been instrumental in fostering strong working relationships with local community access television stations that have helped the NWDAO produce educational videos and public service announcements on underage drinking prevention, National Prescription Drug Take Back Day and consumer protection issues.



Troopers assigned to the Detective Unit investigate homicides, major felonies and special investigations in the district. The Narcotics Unit works closely with the Detective Unit, local police departments and federal law enforcement agencies to investigate and prosecute drug cases in the Northwestern District.

All unattended deaths in Franklin and Hampshire counties and the town of Athol are investigated by SPDU.

Massachusetts State Police detectives assigned to the NWDAO at a crime scene with prosecutors – Greg Saulmon/MassLive photo

ADDITIONAL NEW INITIATIVES & PROJECTS

Child Sexual Predator Project

Launched in 2011 and funded by a federal Department of Justice Community Oriented Policing (COPS) grant, the Child Sexual Predator Project is an initiative of the Northwestern District Attorney's Office which seeks to protect children from sexual predators by:

 establishing and maintaining a computer forensics laboratory within the district to examine digital media for evidence of child pornography and other predatory behaviors; ensuring that sex offenders comply with conditions of probation, parole and registration by assisting with rigorous oversight of such offenders;

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- aggressively prosecuting sex offenders who fail to comply with registration requirements or who violate conditions of probation/parole; who create, distribute or possess child pornography; and/or who target child victims through the Internet;
- training local law enforcement officers in the latest techniques for detecting child pornography on computers, cell phones and other digital media;
- establishing a text-a-tip line, allowing citizens to report offenders who are in violation of their conditions of release, who are creating, distributing or possessing child pornography; who are targeting child victims through the Internet; or who are actively offending;
- providing Internet safety training in the community for children, parents and professionals who work with children.

Child Sexual Predator Task Force members Springfield Republican photo

Assistant District Attorney Christine M. Tetreault is the director of the Child Sexual Predator Project.





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The **Child Sexual Predator Task Force** is a collaboration of the Northwestern District Attorney's Office; the United States Attorney's Office, United States Marshals Service and federal, state and local law enforcement officers who are specially trained to investigate Internet Crimes Against Children (ICAC); parole and probation officers who supervise convicted sex offenders; the Massachusetts State Police Violent Fugitive Apprehension Squad and the United States Marshall's Service, who help locate and apprehend high-risk offenders.

ADA Christine M. Tetreault and the Massachusetts State Police's Thomas Bakey are co-coordinators of the Child Sexual Predator Task Force. The Task Force consists of local, state and federal agencies that collaborate to protect children.

Law Enforcement Assistance Program (LEAP)



National presenters on Community Prosecution

The Law Enforcement Assistance Program (LEAP) has conducted trainings and provided assistance for law enforcement agencies throughout the Northwestern District. Law enforcement and prosecutor trainers have collaborated with the Communications and IT units to create video trainings for local law enforcement as a supplement to trainings and conferences the office holds regularly. In 2012, LEAP will establish web-based access for training.

Restorative Justice

In 2011, the Office laid the groundwork with Franklin County Restorative Probation Coordinator Lucinda Brown to replicate the Restorative Justice program in Hampshire County. The program has had a lasting impact in helping probationers realize the long-term effects their actions have on the community and helping survivors of crime to heal.



Veterans Justice Partnership members

Veterans Justice Partnership

The Veterans Justice Partnership (VJP) is a collaboration of community and criminal justice partners with the goal of helping court-involved veterans and service members in need. The mission of the Veterans Justice Partnership is to provide veterans with access to information, resources and programs to help them make positive transitions and lead productive lives. The purpose of the partnership is to develop service and treatment options and, where appropriate in certain criminal prosecutions involving a defendant who is a veteran, propose alternatives to incarceration.

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The Northwestern District Attorney's Office is a founding member of the VJP. Our new Director of Operations, Martha Murphy Kane was instrumental in establishing the VJP. In 2012, the Veterans Justice Partnership will start to service veterans in our courtrooms and communities.

National Prescription Drug Take-Back Campaign



Easthampton Take Back volunteers

Our Elders and People with Disabilities Unit Programs Coordinator, Chris Geffin, spearheaded the NWDA's highly successful participation in National Prescription Drug Take Back Day. Working with law local and state law enforcement agencies, departments of health, Councils on Aging, elders and other volunteers, prescription and nonprescription drugs were collected in order to get those drugs out of medicine cabinets where they can fall into the wrong hands – and out of the environment. In 2012, the NWDAO will move to have a permanent Take Back solution with Take Back collection boxes located in many of our local police departments. 27

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FISCAL UNIT / FISCAL 2012

The Fiscal Unit is led by Chief Financial Officer Donna Dudkiewicz. The Fiscal Unit oversees the Northwestern DA's Office budget which includes all grants awarded to the office from federal and state sources. In addition, it coordinates with the Chief Trial Counsel Jeremy Bucci in tracking forfeiture funds recovered by the office through successful prosecution of narcotics cases.

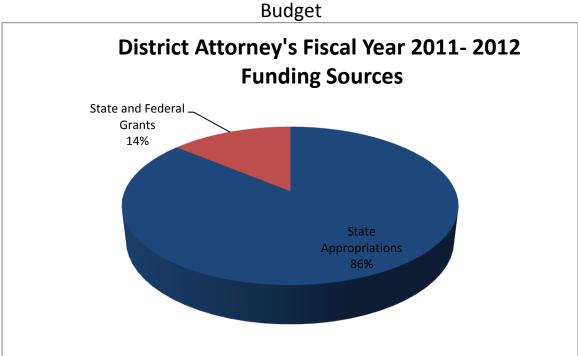


The Fiscal Unit

The District Attorney's FY 2012 Budget...... \$6,286,137.00

State Funding...... \$5,410,873.00

State and Federal Grant Funding...... \$ 875,264.18



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NORTHWESTERN DISTRICT ATTORNEY'S OFFICE's CONTACT INFO



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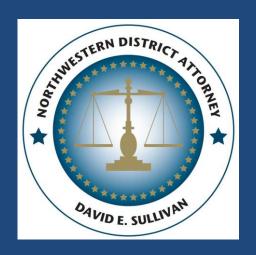
ORANGE DISTRICT COURT OFFICE

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Special thanks to Mary Carey, Janice Healy, and Susan Snyder for their dedicated time and talent in producing our 1st Annual Report.

Cover photo: Hopkins Academy mural painted by students led by Project Director Marilyn Judah for the Pioneer Valley Historical Mural Project, 1998-2000



Our Mission

To seek justice for all. The Office of Northwestern District Attorney, in partnership with the communities we serve, is dedicated to the pursuit of truth, justice, and the protection of the public.

Our Vision

Our vision is to enhance public safety and quality of life for all citizens in the 47 Northwestern communities. We will be leaders in fair and effective prosecutions and progressive prevention initiatives.

> The Northwestern District Attorney's Office wishes to thank the Franklin County Sheriff's Department for the printing of this report.