

# Rollins Backs Tougher Penalties in Abuse of Power Cases

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State House News Service

Warning that existing law leaves a dangerous “loophole” in place, Suffolk County District Attorney Rachael Rollins pushed Tuesday for the Legislature to create a new criminal charge for adults who exploit positions of authority to engage in sexual acts with minors.

Teachers, coaches, babysitters, mentors and other adults who misuse their standing to participate in sexual activity with a child under their watch would face substantial prison time if lawmakers advance a bill (H 1801 / S 1092) that Rollins endorsed.

Under current law, Rollins said, anyone in Massachusetts above the age of consent of 16 years old can legally engage in consensual sexual touching with minors who are at least 14 years old and can have intercourse with minors 16 years old and above.

“This becomes problematic when the person over 16 is an adult and in a position of authority or trust,” Rollins told the Judiciary Committee.

Last year, the Suffolk County DA’s office convened a leadership council of adults who survived sexual abuse and assault as children. Council members heard story after story, Rollins recalled, of children who were victimized by someone “in a position of trust,” including a baseball coach, two priests, a director of a youth musical organization and others.

Several of the cases could not be prosecuted at all because the children were technically old enough to consent despite the disproportionate power structure in the relationship, Rollins said.

Rollins's testimony came one day after her office announced that a former Boston Public Schools middle school teacher pleaded guilty to child sex abuse charges involving a former student.

David Lockwood, 54, on Monday was sentenced to four years in prison followed by two years of probation after pleading guilty to four counts of rape against a child. Starting in 1996, the DA's office said, Lockwood began abusing a 12-year-old student of his at the Timilty Middle School in Roxbury, using his position "to gain her trust and prime her for abuse."

As Rollins noted at Tuesday's hearing, prosecutors could only charge Lockwood for a portion of his crimes. He continued the abuse past the survivor's 16th birthday, Rollins's office said, but because the survivor had reached the age of consent, the DA said she no longer had the same legal protection.

"It is unbelievable that we are talking about this, but I am so grateful you are considering closing this loophole," Rollins told lawmakers on Tuesday. "There are real lives impacted."

The bill, filed by Sen. Joan Lovely, would allow for a maximum sentence of 10 years in prison for a person in a position of trust, authority or supervision who commits an assault and battery on a child between the ages of 14 and 18.

An adult who commits a similar offense on a child younger than 14 "shall be punished by imprisonment in the state prison for life or for any term of years, but not less than 10 years," under the bill. Adult caretakers who have intercourse with minors, for whom the age of consent is 16, would face

“imprisonment in the state prison for life or for any terms of years.”

The legislation also stresses that anyone under the age of 18 is incapable of consenting to a sexual interaction with an adult in a position of authority in such cases.

“Teachers, coaches, tutors, mentors – anyone who has any type of authority over a child should strive to protect them, not to exploit them,” Lovely, a Salem Democrat, said. “This bill would help close that loophole.”

Lovely filed half a dozen bills before the Judiciary Committee at Tuesday’s hearing, including another bill (S 1091) that would require schools to implement new standardized screening mechanisms to examine if any new hires have been previously disciplined for abuse or sexual misconduct.

“It is beyond comprehension that we do not have this in place,” Suzanne Messina, a board member at the Massachusetts Citizens for Children group, or MassKids, told the committee. “Those people most entrusted with our children should be screened. Just as parents screen a babysitter, just as parents screen a nanny, those parents have the right to expect our schools to do the same for those people to whom we entrust our children.”