

## No simple strategy for protecting kids

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It's nice to imagine a perfect criminal justice system that hums along with right always vanquishing wrong and bad guys always getting what they deserve. Nice to imagine - but wildly unrealistic.

Because in the real world, traumatized kids sometimes can't or won't testify. Evidence doesn't always stack up against an accused rapist, no matter how guilty he is. And which is worse: A shorter-than-deserved sentence, or an offender walking free altogether?

That's why a bill announced this week aimed at toughening sentences for child rapists - but acknowledging that prosecutors need real tools to help them make a case - is preferable to the stiffer mandatory minimums that some advocates for victims of sex crimes had proposed.

We admit it's tempting to treat the hideous crime of child rape with a take-all-prisoners approach. This bill does not go as far as a Florida statute known as Jessica's Law, which would impose 25-year mandatory minimum sentences for convicted child rapists. And given the poor judgment of some Massachusetts judges in recent high-profile cases, well, yes - we understand the animus behind their campaign.

But beyond victims and families there is no one who cares more about locking predators up than prosecutors. And when all 11 district attorneys and the state's attorney general say 25-year mandatory minimums will make it harder to put some predators away, well, we believe them.

Faced with a 25-year mandatory minimum sentence, every defendant will take a chance at trial, forcing child victims to testify or else profoundly weaken the case.

In the event of a conviction, more cases will be prolonged by appeal, further victimizing victims. If a single mistake is made in the courtroom a conviction could be overturned, starting the process over again.

The bill sponsored by House Speaker Sal DiMasi, Rep. Gene O'Flaherty and backed by Attorney General Martha Coakley and the DAs would impose mandatory minimum sentences for the most egregious cases of assault on a child - those committed by a person in a position of authority such as a teacher or clergy member, for example, or aggravated by use of drugs, alcohol or a weapon.

Supporters of Jessica's Law, driven by profound empathy for children and frustration with a system that has set some predators free, say those 10- to 15-year minimums fall short. But they tend to see this issue in purely black and white terms. If only it were that simple.

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