



THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE
DISTRICT ATTORNEY

CAPE & ISLANDS DISTRICT

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MEMORANDUM

To: Attorney General Andrea Campbell, Chair
Victim Witness Assistance Board

Matthew Gorzkowicz, Secretary
Executive Office for Administration and Finance

Michael J. Rodrigues, Chair
Senate Committee on Ways and Means

Aaron Michlewitz, Chair
House Committee on Ways and Means

Steven T. James, Clerk of the House
Office of the Clerk of the House

Michael D. Hurley, Senate Clerk
Office of the Clerk of the Senate

From: Deborah J. McCoy
Victim Witness Assistance Program
Cape and Islands District Attorney Robert Galibois

Date: January 4, 2024

Re: District Attorney's Program Plan Submitted Pursuant to G.L. c. 258B § 6

M.G.L. Chapter 258B Section 6 DA Report

Description of Services

Background

The Massachusetts Victim Rights Laws (M.G.L. 258B), enacted in 1984, established rights and services for crime victims to ensure them a “meaningful role in the criminal justice system”. Crime can significantly impact a victim’s safety, emotional and physical health, and financial security as they navigate the complex and often intimidating criminal justice system. The Victim Rights Law seeks to address the impact of crime by ensuring crime victims and witnesses can effectively participate in the criminal justice process and access resources to address the short- and long-term impact of the crime.

Chapter 258B affords crime victims the right to be informed, present and heard throughout the criminal justice process. Additionally, the statute outlines certain rights and services to address the wellbeing of the victim. Victim rights extend to a victim’s family members when the victim is a minor, deceased, or incompetent.

Certain rights within the law pertain specifically to non-victim witnesses subpoenaed to testify during a criminal matter. Serving as a witness in a criminal matter can be an intimidating process and impact a witness’ safety, emotional and physical health, and financial security.

Victim Witness Program in District Attorney’s Offices

The Victim Rights Law directed prosecutor’s offices and other criminal justice officials “to create and maintain a program to afford victims and witnesses of crimes the rights and services” established under Chapter 258B. Although many District Attorneys already offered victim services, the law created the opportunity for consistency of services statewide.

To effectively serve crime victims and ensure their rights are afforded, District Attorneys have created victim witness programs employing **Victim Witness Advocates (VWAs)**. The VWA serves as a member of the prosecution team and works in partnership with prosecutors, police, investigators, and other staff to assist victims and witnesses. They work in the District, Juvenile, and Superior Courts and in specialized units addressing domestic violence, sexual assault, human trafficking, community violence, and solved and unsolved homicides, or providing specialized services to children, the elderly, and persons with disabilities. VWAs build relationships with both criminal justice and community-based stakeholders to ensure victims’ access to information, assistance, and support. VWAs regularly work with individuals and organizations on behalf of victims and witnesses such as:

- Community-based domestic violence, sexual assault, homicide, legal assistance, and trauma services
- Probation Officers
- Parole Board Staff
- House of Correction Officials

- Department of Correction Officials
- Attorney General Victim Compensation Staff
- Department of Children and Families (DCF), Department of Transitional Assistance (DTA), and other state and federal support services
- Disabled Persons Protection Commission and Elder Protective Services

These established relationships and the VWA's understanding of available resources ensure victims access to appropriate services and reduce barriers to receiving information, support, and additional referrals.

Affording Rights to Crime Victims and Witnesses

Right to be Informed

- VWAs provide information to ensure crime victims and witnesses understand their rights, the case involving them, the criminal justice process, and their role in it. Advocates help prepare victims to understand the potential outcomes of each step within a criminal matter, the roles that individuals play within it, and often serve as the identified liaison for victims and their families. They regularly provide timely information about court dates and hearings to help minimize the impact on victims and witnesses' employment and family obligations (childcare, elder care, etc.).
- Once a criminal matter has been resolved, whether an offender is found guilty or not guilty, VWAs ensure victims, witnesses, and their families understand the outcome and any sentence that has been imposed by the court.
- VWAs assist victims and witnesses with gaining access to offender information. Victims are entitled to information about an offender's release from custody and/or conditions of probation or parole. This can include a "stay away" order or electronic monitoring conditions requiring the offender to remain away from the victim.

Right to be Present

- VWAs accompany crime victims to all relevant court proceedings and are available to answer questions and address concerns as they arise.
- VWAs strive to create a safer environment for victims at the courthouse by planning for potential issues that may arise in the court building during proceedings and working to reduce interactions amongst the various parties to the criminal matter, e.g., defendants, their families, and the media. Additionally, VWAs serve as the entry point to the designated safe and secure waiting areas designated in most courts across the Commonwealth.

Right to be Heard

- VWAs regularly guarantee the victim's right to be heard throughout the criminal justice process. The law recognizes the importance of victim input throughout the process, and advocates help victims achieve these important milestones including:

- Opportunities to provide input to the prosecutor, the probation department, and the court regarding sentencing.
- Delivery of a Victim Impact Statement at sentencing detailing the physical, emotional, and financial costs of the crime.
- Ensuring that post-conviction agencies also have access to the Victim Impact Statement and that the victim is registered to deliver a statement to the Parole Board when applicable.

Helping Victims in the Aftermath of Crime

District Attorney Victim Witness Programs play a critical lifesaving role for victims outside of the courtroom. They assist victims in addressing the ongoing and evolving impact of the crimes committed against them.

Planning for Safety

- VWAs assist victims who live under threat to their safety to strategize, think through the violent events committed against them and plan for the future. They help victims to understand and access court ordered protection when necessary and plan exit strategies for themselves and their children when in danger of further violence.
- VWAs also assist victims and witnesses in relocating to a shelter or a safer community when necessary. This can include applying to the state witness protection fund, when deemed appropriate to keep a witness safe.

Connecting to Free Resources

- VWAs assist crime victims in applying for the **Victim of Violent Crime Compensation Program** offered through the Attorney General's Office pursuant to M.G.L. Chapter 258C. This program receives approximately 1,500 new applications each year and reimburses victims "out of pocket" costs such as medical, dental, and mental health expenses, funeral/burial costs, security measures, and other costs. A VWA's assistance is often the first step to accessing this critical resource to ensure the financial impacts of violent crime are addressed.
- Victims are connected to free community-based services that have been established to serve victims of all crimes and meet their unique needs. VWAs regularly reach out to programs servicing victims of domestic violence, rape, homicide, and other crimes to access shelter, counseling, or legal assistance for the victims they serve.
- Trauma from violent crime and the court schedule can significantly impact a victim's ability to maintain a regular schedule at school and work. VWAs assist victims in communicating with educators, administrators, and employers about the impact of violence and the rights of victims to attend court proceedings.

The Cape and Islands District Attorney's Victim Witness Assistance Program Plan
As outlined in M.G.L. c. 258B, § 6

Personnel

The Cape and Islands District Attorney's Office currently employs twelve Victim Witness Advocates, (one of whom is part time), to provide services in the following courts:

- Barnstable Superior, District and Juvenile Courts
- Orleans District and Juvenile Courts
- Falmouth District and Juvenile Courts
- Martha's Vineyard Superior, District and Juvenile Courts
- Nantucket Superior, District and Juvenile Courts

Some advocates specialize in cases of Domestic Violence as well as Child Abuse and Human Trafficking.

Collaboration

To provide appropriate and timely services, Victim Witness Advocates collaborate with all local police departments, the Massachusetts State Police, Sheriff's Departments, Massachusetts Parole Board, Sex Offender Registry Board, the Attorney General's Office, Probation Departments, Victim Rights Law Center, and the Victim Notification Registry. Collaboration also includes but is not limited to local social service agencies such as: The Children's Cove, Independence House, SAFEPLAN, Legal Services, Cape Cod Hospital, Falmouth Hospital, Provincetown Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Community.

Training

Extensive training is provided for new Victim Witness Advocates within the District Attorney's Office. Senior Advocates and Assistant District Attorneys introduce new advocates to the nuances of the court system and the role of advocates in the court process in accordance with the Victim Bill of Rights. In office trainings include homicide, motor vehicle homicide, domestic violence, sexual assault, child abuse, elder abuse, LGBTQ abuse, human trafficking, parole, probation, house of correction, juvenile, bail, and legal services. Victim Witness Advocates also participate in external working groups such as domestic violence round tables, high risk task forces, community vigils, and presentations.

Massachusetts Office for Victim Assistance "MOVA" offers specific trainings for advocates as listed:

- **Annual Victim Rights Conference** – Virtual – Annually in April
Historically there has been an intensive one-day training in Boston. The general purpose of the conference is to empower survivors and service providers through a variety of award presentations, a keynote speaker, networking opportunities and workshop exhibitions. This year, there were numerous virtual trainings throughout the month of

April in honor of Victim Rights Month. Examples of some of the trainings that were offered include: Gender Affirming Care for Survivors 201; The Americans with Disabilities Act and Reasonable Accommodations for People with Disabilities; Developing and Implementing Trauma – Informed and Resiliency-Approached Training for Agency- Wide Staff; Working with Deaf and Hard of Hearing Survivors; and Access to Forensic Information -Options for Survivors after a Sexual Assault.

- **New Advocate Training** – Hybrid, May, and September
The New Advocate Training is historically a three-day training for new Victim Witness Advocates working in District Attorney’s Offices or other government-based court settings. This year the training was held as a hybrid training. The training covers a wide array of topics that are pertinent to Victim Advocacy in the courts including but not limited to general overviews of the Criminal Justice System, working with prosecutors, collaborating with community partners, post-conviction information, trauma, and a survivor’s perspective. The training also often includes information on self-care and vicarious trauma.

In addition to The Massachusetts Office for Victim Assistance, (MOVA), trainings, other agencies with whom VWAs work regularly also offered virtual trainings. For example, the Massachusetts Department of Criminal Justice Information Services, (DCJIS), offered virtual trainings on the Victim Notification Registry, (VNR). Newly hired VWAs participate in the trainings to learn when to offer the use of the VNR, as well as how to navigate the online application for both release notifications and criminal offender record information. The Sex Offender Registry, (SOR), also offered virtual trainings to advocates to share information about their agency, the classification process, sex offender levels and registration, and the application process that VWAs use to allow victims to participate in the process and receive notice from the SOR.

The Children’s Cove, the Cape and Islands Child Advocacy Center, also offered trainings in the past year that VWAs were able to attend. The Children’s Cove trainings include Champions for Children Seminars at which they have speakers and presentations that cover subject matters such as: Extent of the Problem: Neurobiology of Trauma; Effective Victim Interviewing; and Problems with Traditional Interviewing Techniques.

Independence House, Cape Cod’s domestic and sexual violence advocacy center, also offers trainings and resources through their Domestic Violence Quarterly Meetings. A couple of examples from the past year include Strangulation and Intimate Partners, and Bikers against Child Abuse. The Annual Independence House Domestic Violence Awareness Month Community Breakfast is held in the fall, usually in October. The speakers at the Community Breakfast provide information on domestic violence, including how to aid someone that has been a victim of domestic violence. Domestic violence survivors share their experiences at breakfast. Usually at least one survivor is from our own community.

The Cape and Islands District Attorney’s Office VWAs also receive additional training and resource information sporadically throughout the year from in house trainings and staff meetings.

One training included presenters from The Massachusetts Behavioral Health Hotline, The Family Resource Center located in Hyannis, and Independence House, located in Hyannis. These trainings are also valuable for networking.

The above-mentioned trainings are examples, not an exhaustive list. Attending trainings is often problematic for VWAs because of large caseloads. VWAs spend most of their time providing direct services to victims and witnesses. Advocates also must maintain courtroom coverage. Time often does not allow for attendance at trainings because of the rigorous duties of Victim Witness Advocates. VWAs work diligently to maintain consistent services to victims and witnesses on large caseloads.

It has become difficult to retain VWAs in the office for more than a couple of years. VWAs seek other employment opportunities that offer better salaries within the criminal justice system, or in the field of social work. Maintaining longevity in the profession is crucial to best serve victims and witnesses. It is imperative to have seasoned advocates who are fully aware of the intricacies of the process, including post-conviction issues. Hiring new advocates can be difficult due to fiscal constraints, as well as finding appropriate candidates from our area. The cost of living/housing costs are very high on Cape Cod. The ability to offer a greater salary and consistent raises would help attract qualified candidates and retain experienced VWAs.