



**THE COMMONWEALTH OF MASSACHUSETTS
ESSEX DISTRICT ATTORNEY**

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

Secretary Matthew Gorzkowicz
Executive Office for Administration and Finance

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

The Honorable Aaron Michlewitz, Chair
House Committee on Ways and Means

From: District Attorney Paul Tucker

Date: January 23, 2024

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

(1) 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 are able to 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 in the course of a criminal matter. Serving as a witness in a criminal matter can be an intimidating process and also impact a witness’s safety, emotional and physical health, and financial security.

Victim Witness Programs 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.

In order 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 also in specialized units addressing domestic violence, sexual assault, human trafficking, community violence, 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.
- Victim Witness Advocates 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 and often 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 and plan for future violent events committed against them. 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 a relocating to 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 1500 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 access 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 serving 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.

(2) Personnel or Agencies Responsible for Providing Individual Services

- a. Currently, the Essex District Attorney's Office employs 23 victim/witness advocates including the Chief and Deputy Chief of the unit.
- b. In Lynn and Lawrence District Court, the Essex District Attorney's office staffs domestic violence units that include prosecutors and victim/witness advocates. The office also staffs Juvenile Court with assigned prosecutors and victim/witness advocates. There is a victim/witness advocate assigned to the Veteran's Court in Lawrence District Court. There are three advocates assigned to the Essex County Child Abuse Project.
- c. Eight Victim/Witness Advocates are fluent in Spanish. One Advocate is fluent in Greek and Albanian. Another advocate is fluent in Portuguese.
- d. The Essex District Attorney's office works closely with all police departments including State police and campus police departments located in the county. The advocates work closely with the Department of Children and Families, several domestic violence agencies including, but not limited to, HAWC, the YWCA, Jeanne Geiger, the Asian Task Force, VOCAL, Supportive Care and Protective Services. The office also works collaboratively with the Safeplan advocates assigned to the various courts throughout the county. Furthermore, the advocates work with the staff from the Victim Compensation and Assistance Division of the Attorney General's Office. For post-conviction services, the advocates work with the Victim Services Units from the Essex County House of Correction, Department of Correction, Parole, Sex Offender Registry Board and Probation. The staff routinely utilizes the Victim Notification Registry through the Department of Criminal Justice Information Systems.
- e. When staffing allows, the Advocates assist victims through the civil restraining and protective order proceedings. However, the Advocates rely heavily on the assistance of the Safeplan advocates in those proceedings.

(3) Victim-Witness Advocate Education and Training

- a. In Essex County, the Victim/Witness unit typically participates in a number of trainings both locally and nationally throughout the year. Several advocates attended the Massachusetts Office of Victim Assistance New Advocate Training held in Marlborough, MA. The advocates in the Child Abuse Unit attended the MACA conference this past year.
- b. The office chairs Domestic Violence Roundtables and High-Risk teams throughout the year. The Chief of Victim/Witness Services holds monthly staff meetings which include guest speakers and in-house presentations on relative topics. Biannually, the office hosts Joint Domestic Violence Roundtables to commemorate Victim Rights' Month in April and Domestic Violence Awareness Month in October.