

COMMONWEALTH OF MASSACHUSETTS

Office of

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To: Attorney Andrea J. Campbell, Chair, Victim and Witness Assistance Board  
Matthew Gorzkowicz Secretary, Executive Office for Administration and Finance  
Michael J. Rodriguez Chair, Senate Committee on Ways and Means  
Aaron Michlewitz Chair, House Committee on Ways and Means

From: District Attorney Joseph D. Early Jr.

Date: January 15, 2025

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

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(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 that crime victims and witnesses can effectively participate in the criminal justice process and access resources to address the short and long-term effects of the crime.

Chapter 258B allows crime victims to be informed, present, and heard throughout the criminal justice process. Additionally, the statute outlines certain rights and services to address the victim's well-being. Victim rights extend to a victim's family members when the victim is a minor, deceased, or incompetent. Certain rights within the law pertain to non-victim witnesses subpoenaed to testify during a criminal matter. Serving as a witness in a criminal matter can be intimidating and impact a witness's safety, emotional and physical health, and financial security.

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## **The 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. District attorneys have created victim witness programs employing victim witness advocates (VWAs) to serve crime victims effectively and ensure their rights are afforded.

The VWA serves as a prosecution team member and works 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 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 appropriate services and reduce barriers to receiving information, support, and additional referrals.

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## **Affording Rights to Crime Victims and Witnesses**

### **Right to be informed.**

Victim Witness Advocates provide information to ensure crime victims and witnesses understand their rights, the case involving them, the criminal justice process, and their role. Advocates help prepare victims to understand the potential outcomes of each step within a criminal matter and the roles that individuals play. They 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, VWAs ensure that victims, witnesses, and their families understand the outcome and any sentence 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 probation or parole conditions. This can include a "stay away" order or electronic monitoring conditions requiring the offender to remain away from the victim.

### **Right to be present.**

Victim Witness Advocates 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 occur 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.**

Victim Witness Advocates 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 critical milestones. These include opportunities to provide input to the prosecutor, the probation department, and the court regarding sentencing and delivery of a victim impact statement at sentencing detailing the crime's physical, emotional, and financial costs.

They ensure that post-conviction agencies have access to the victim impact statement and that the victim is registered to deliver a statement to the Parole Board when applicable.

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## **Helping victims in the aftermath of crime**

District Attorney Victim Witness programs play a critical and often lifesaving role for victims outside 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 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 under M.G.L. Chapter 258C. This program receives approximately 1,500 new applications each year. It reimburses victims' "out-of-pocket" costs such as medical, dental, and mental health expenses, funeral/burial costs, security measures, and other costs. VWA's assistance is often the first step to accessing this critical resource to ensure the financial impacts of violent crime are addressed.

## **(2). Personnel and Agency Collaboration**

### **Personal**

Twenty-five full-time advocates, a Program Director, a Deputy Director, a Program Coordinator, and a Program Training Coordinator work within the Worcester County District Attorney's Victim Assistance Program. Advocates are available in Superior Court, District, Juvenile Courts, Child Advocacy Center, and all eleven district courts within the Middle District. Advocates are assigned to assist victims and witnesses in various criminal cases. However, certain advocates are assigned to specialized units to help only victims of particularly sensitive crimes, such as homicide/motor vehicle homicide, child abuse, sexual assault, elder abuse, individuals with disabilities, sexual assault, and domestic violence victims.

Advocate involvement is at the SAIN (Sexual Abuse Intervention Network) Team interview. A specially trained advocate in dealing with young victims of physical and sexual abuse literally greets the child and family/DCF worker at the door and begins the process (with the SAIN Team interviewer) of familiarizing both the child and parents with not only the SAIN Team procedure but also provides emotional support and referrals for intervention services in their particular community. If, in fact, a criminal prosecution results from the SAIN Team investigation, a victim witness advocate is then assigned to the case, where they assist the child and family throughout the entire criminal process.

These advocates handle cases from initial investigation to final case disposition, providing consistent advocacy to these most vulnerable populations. Additionally, the unit has advocates who speak languages other than English; the languages spoken are Spanish, Portuguese, French,

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Mandingo, Swahili, Kinyarwanda, and Kirundi. The Victim/Witness Assistance program faced staffing challenges this past year, and to ensure that victim services were not compromised, advocates had to take on additional roles and responsibilities to assist with coverage.

While the advocates have been diligently working to provide consistent services, the challenges of adequately serving victims and witnesses have placed additional stress on all our staff. Another major challenge has been the loss of numerous advocates to higher-paying state agencies. Over several years, we have lost advocates to Probation, Parole, the Attorney General's Office, DCF, and the Sheriff's Departments. The entry-level salaries for advocates are lower than those of other state agencies with victim service units.

As a result, more of our advocates are hired straight from college and are young and inexperienced. A lot of time and effort is spent training our staff, only to see them move on within 1 – 2 years. It is getting more challenging to compete with other higher-paying state employment opportunities. Our program has lost several advocates in the past year span.

### **Agency Collaboration**

The Advocates continue to work closely with numerous state and local agencies to ensure that victims are afforded the most comprehensive services. They collaborate with state and local law enforcement, Court personnel, Probation and parole, Sheriff's Departments, the Attorney General's Victim of Violent Crime Compensation unit, the Department of Correction, the Criminal History Systems Board, and the Department of Youth Services.

The advocate's participation aims to ensure that victims access their post-conviction information, such as updated information concerning a Victim Compensation claim, any upcoming release of an offender that is of concern to a particular victim, or the victim's/ family member an opportunity to address the Parole Board, the placement of an inmate in specific facilities or institutions, and the impact of that placement on the safety of the victim.

The Middle District Attorney's Office Victim/Witness Assistance Program works closely with medical and mental health agencies, schools, homicide survivor programs, elder services, DCF, DPPC, and interfaith organizations. The Middle District Attorney's office maintains long-lasting and intensely cooperative relationships with the battered women's programs in our jurisdiction: YWCA/Battered Women's Resources, Inc., Daybreak, Inc., New Hope, Inc., and Wayside Community Counseling a great deal of mutual support and assistance is provided to victims and their families by fostering these reciprocal relationships.

Our in-court blending services for battering victims with programs such as SAFEPLAN Massachusetts and the Worcester Intervention Network help to create a dove-tailing continuum of services for domestic violence victims. By working closely with the domestic violence community roundtables throughout the county, our advocates can foster an environment of mutual support and cooperation among the various service programs.

These relationships ultimately result in better delivery of services and the protection of victims, as well as a forum to discuss similar concerns constructively. Advocates also attend various

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community coalition meetings and work with multiple social service agencies and schools concerning issues such as child abuse and domestic violence to assist these community groups, schools, and coalitions in improving their services to victims of crime. Advocates provide professional training to social service agency personnel and local police departments. They also speak at community forums attended by victims and the general public to inform them about services to assist them in times of need.

### **(3) Education and Training**

Advocates receive in-house, local, and statewide training throughout the year. Coordination with local and state social service and law enforcement agencies is ongoing in staff training and education. Our monthly staff meetings typically include outside speakers on topics such as sexual assault, domestic violence, child abuse, elder/disabled person abuse, homicide survivors, victim traumatization, post-conviction services, refugee and immigration services, and legislative updates. This year, the advocates (and ADAs) received training from the Massachusetts Office of Victim Assistance (MOVA) Massachusetts Victim Bill of Rights; a representative from the Executive Office of Public Safety provided training to ADAs and advocates on the witness protection guidelines.

Advocates and ADAs completed mandatory training on understanding vicarious trauma, the DYS commitment and placement process, and” Domestic Violence High-Risk training.” Additionally, advocates received online training on the following topics: Dating Violence, “The hidden victims,” the Confidentiality Program, Conflict of Interest Law, and Safeguarding confidential information.

The advocates received outside training as well. Some of the training/conferences included:

- Child Sex Trafficking Conference
- Opioid Training
- Support After a Death by Overdose
- Advocate support for families of children with problematic sexual behavior
- Firearms in Domestic Violence
- 2024 Victim Rights Conference
- New Advocate Training
- 2024 Massachusetts Victim Assistance Academy
- Forum: Safely Accessing and Connecting to Technology & Social Media

Training for Advocates and Assistant District Attorneys will continue throughout the year.