



MARIAN T. RYAN  
DISTRICT ATTORNEY

**The Commonwealth of Massachusetts**  
MIDDLESEX DISTRICT ATTORNEY  
15 COMMONWEALTH AVENUE ♦ WOBURN, MA 01801  
WWW.MIDDLESEXDA.COM



TEL: 781-897-8300  
FAX: 781-897-8301

Memo To: Attorney General Maura Healey  
Chair, Victim and Witness Assistance Board  
The Honorable Michael J. Rodrigues, Chair  
Senate Committee on Ways and Means  
The Honorable Aaron Michlewitz, Chair  
House Committee on Ways and Means

From: Middlesex District Attorney Marian T. Ryan  
Victim Witness Services Bureau Chief Anne Foley

Date: January 13, 2022

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

---

(1) **Description of Services**

**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 that they have 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, 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 in 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 (child care, 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 offenders 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 court house by planning for potential issues that may arise in the court building during proceedings and working to reduce potentially stressful 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 Advocate 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 strategize and plan to protect their safety. 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. The Middlesex Victim Witness Bureau (VWB) is comprised of 42 Victim Witness Advocates (VWA) countywide. In early 2021 our starting salary for entry level VWAs increased by \$3,000 (from \$ 35,000 to \$38,000). This represents our ongoing efforts to attract qualified candidates and to recognize the value of the Victim Witness Advocate role in our office.
- b. Of the 42 VWAs, 18 are assigned to the Superior Court. This includes the VWB Chief as well as the VWB Deputy Chief. Nine of the Superior Court VWAs are assigned by region and intake cases from specific District Courts within that region. We currently employ 4 assigned to the Child Protection Unit, which handles investigations and prosecutions of cases involving children countywide. Additional specialized unit assignments include 2 Superior Court Advocates in the Elder and Disabled Unit and 1 Superior Court Advocate who handles Post-Disposition and Sexually Dangerous Person cases. The remaining 24 VWAs are assigned to each of the District Courts with staffing proportionate to need based upon the volume of cases in that jurisdiction.
- c. The VWB consists of a diverse staff with a variety of language skills. This serves to enhance the services provided to the ever increasing diverse communities who live and reside in Middlesex County. These language

skills include Cantonese, Polish, Portuguese, Russian, Spanish and Ukrainian.

- i. In order to provide the most comprehensive services possible, the VWAs collaborate daily with police officers from each of the 54 cities and towns located in Middlesex County. We also interact daily with AOTC personnel (clerk's office and probation). We also interact regularly with Middlesex Sheriff's Department ( Records Department with regard to Bail Notifications as well as Victim Services Unit for all other matters), Department of Corrections Victim Services Unit, Massachusetts Parole Board Victim Services Unit, Sex Offender Registry Board Victim Services Unit, MOVA, Victim Compensation Division of the Office of the Attorney General, Department of Youth Services Victim Services Unit, Department of Transitional Assistance Domestic Violence Unit and Department of Children and Families. In each Region, the assigned VWAs have ongoing working relationships with many community service agencies in that region. These include, but are not limited to Respond, Inc., REACH Beyond Domestic Violence, Boston Area Rape Crisis Center, Homicide Bereavement Services, Center for Hope and Healing, Elder Services, Jewish Family and Children's Services, Portal to Hope, Transition House, Voices against Violence, and Child Witness to Violence Project. To date, there is one SAFEPLAN Advocate in Middlesex County (Ayer District Court). The SAFEPLAN Advocate and MDAO VWA have established a productive working relationship and provide much needed support to victims of domestic violence.
- d. Additionally, the District Court VWAs provide assistance with the civil restraining order and harassment prevention order process, both during the application stage as well as 10 day in court hearings and subsequent extension and/or modification hearings.
- e. In direct response to the pandemic and limited access to resources due to stay at home orders, Middlesex District Attorney's Office implemented a non-emergency text line to connect people with a Victim Witness Advocate who can discreetly provide much needed information, support and resources. This text line remains in effect despite courts reopening for ongoing business.
- f. In order to provide support and assistance to family members in the immediate aftermath of a sudden, traumatic death we now have Victim Witness Advocates responding 24/7 when needed. In addition, we have Advocates reaching out to families of those lost to suicide in order to provide much needed resources

### **(3) Victim-Witness Advocate Education and Training**

- a. We strive to enable VWB staff to avail themselves of any and all trainings and conferences in an effort to become more proficient in their advocacy. Staff attended these trainings which include the following, offered by MOVA (Massachusetts Office of Victim Assistance):

#### **New Advocate Training – Virtual**

Sept 28, 29 and October 5, 6, 2021

*New Advocate Training is three day training for new Victim Witness Advocates working in District Attorney's Offices or other government based court settings. 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 and a survivor's perspective*

- a. In addition to external opportunities, the Middlesex VWB also provides a training for newly hired Victim Witness Advocates. During 2021, we adapted the format to account for pandemic practices. The training was handled in person in the busiest District Court, which was open for business every day. This allowed for on the job training in areas that include but are not limited to Trauma and Victimization, Case Management and Recordkeeping, the Court Process and VWA Responsibilities, Specialized Victim Services and Domestic Violence. The VWB staff also receives ongoing trainings throughout the year at VWB staff meetings. During the course of 2021 these training topics included: Victim Compensation; Bail Duty procedures; Boston Area Rape Crisis Center; Competency and Criminal Responsibility; Civil Legal Aid for Victims of Crime; Motor vehicle fatality investigations and prosecutions and the Department of Youth Services Victim Services Unit.
- b. Despite the restrictions dictated by the current pandemic, training remained a priority. The Victim Witness Advocates participated in regularly scheduled countywide trainings that are designed for VWA/ Assistant District Attorney cross over. This enabled staff of varying levels of experience to share their expertise and practical tips. The

training topics included: Sexual Assault Prosecution; Racial and Cultural Competency; the Victims Perspective; Sentencing and prosecuting Domestic Violence cases.

- c. The Middlesex District Attorney continued the ongoing office wide discussion groups and trainings on the issue of Racial Bias, Implicit Bias, The Importance of the Specific Language we use as a Prosecutors Office, The Importance of De- escalation in Police/ Community Encounters