

.....

A Massachusetts law (*General Law c258B*) ensures that victims and witnesses have access to advocates whose job is to:

.....

- Keep you informed about dates and times of court hearings related to your case.
- Help you ask a judge to prohibit abuse or harassment. This is known as filing a request for a 209A or 258E order.
- Help you apply for funds available to people who are victims of violent crime.
- Guide you if you have problems with court appearances.
- Accompany you to hearings and provide support.
- Help you prepare what is known as a victim impact statement, describing your experience of the crime and how it affected your life, to present to the judge. If you are not comfortable reading it in court, someone can read it on your behalf, or you can submit a written statement. An advocate will discuss this with you.
- Interact with your employer and creditors.
- Help you apply for restitution for your losses, and seek recovery of your property.
- Help you receive notices of the offender's release from incarceration by completing a certification process for victim notification in criminal cases.
- Direct you to help with housing, mental health needs and financial issues.
- Let you know of decisions related to your case.

About Our Victim/ Witness Services

.....

The Victim/ Witness Assistance Unit is here to help you.

.....

We assist all victims and witnesses throughout Hampshire and Franklin counties and in the town of Athol. Our services are free. We encourage you to call or visit us. Our phone numbers and multiple office addresses are listed in this brochure.

All of us at the District Attorney's Office work for justice; District Attorney Sullivan leads a team of Assistant District Attorneys, Victim/Witness Advocates, and others dedicated to keeping our communities safe. That's a simple truth we ask you to remember.

The work of the Victim/Witness Unit is written into the law, and it's important to know that as a victim or a witness, your rights are spelled out in that law.

.....

It's our job to explain those rights to you. All questions are welcome.

.....

Contact Us

VISIT OUR WEBSITE
NorthwesternDA.org

VICTIM/WITNESS UNITS:

NORTHAMPTON
Office of the District Attorney
1 Gleason Plaza
Northampton, MA 01060
(413) 586-5780 Fax: (413) 584-3635

GREENFIELD
Office of the District Attorney
56 Bank Row
Greenfield, MA 01301
(413)772-6944 Fax: (413)773-3278

BELCHERTOWN
Office of the District Attorney
Eastern Hampshire District Court
205 State Street
Belchertown, MA 01007
(413)323-5275 Fax: (413)584-3635

ORANGE
Office of the District Attorney
Orange District Court
1 Court Square
Orange, MA 01364
(978)544-7376 Fax: (978)544-7741



Victim/Witness Services

To Seek Justice For All

The Office of the Northwestern District Attorney, in partnership with the communities we serve, is dedicated to the pursuit of truth and justice, safety of the public and protection of the innocent.

NorthwesternDA.org

Message from the District Attorney

.....

We want you to know how important you are to our work.

.....

In order to seek justice, we need the full participation of victims and witnesses. We know it won't be easy for you, but we will do our best to guide you through this process and calm any fears you may have.

When you walk through our doors, our goal is to make a difficult experience less stressful. We want you to know you are entering a safe and secure space. Our team members are professional and respectful.

The criminal justice system is how we make sure people who commit crimes are brought to justice. With your help, we'll be working for justice and protecting our families, friends and neighbors. This brochure is meant to help you understand the role our Victim/Witness Unit plays in helping you navigate this process and understand your rights under the law.

Sincerely,

David E. Sullivan
Northwestern District Attorney

Common terms and definitions related to the criminal justice process

The process you have entered may be new to you. You may be overwhelmed by what you have experienced. We understand that. Our trained advocates can provide clarity and answer your questions.

The judicial system can seem confusing and like all systems, it uses a particular language that may seem full of jargon to people unfamiliar with it. Below is a simple guide to help you better understand the judicial system.

In Massachusetts, the Court System is divided into two levels: **District Court** for misdemeanors and some felonies and **Superior Court** for most felonies.

When a crime is committed, a police officer or a citizen files a criminal complaint at the District Court clerk's office. The person charged with the crime (**the defendant**) is required to appear in court at an **arraignment**, which is when defendants are formally informed of the charges and where they typically enter not guilty pleas at arraignment. Based on several factors, cash bail or other release conditions may be set before the defendant is released. This is up to the judge.

The next step is a **pre-trial hearing**. An Assistant District Attorney (also known as

a prosecutor) and the defendant's attorney sometimes try to resolve the case without going to trial, which is called a **change of plea**. If they can't reach a resolution, a trial is scheduled.

A District Court trial goes before a judge or a six-person jury. Witnesses to the crime might receive a **subpoena** (a formal order requiring them to appear in court, swear to tell the truth and testify). They are questioned by both the prosecutor and the defendant's attorney. Once all the evidence is heard, a judge or the jury will decide the defendant's guilt or innocence.

Felony cases sometimes involve a **probable cause** (also known as **bindover**) hearing. A District Court judge hears testimony and determines whether there's enough evidence to proceed to the next level, which is Superior Court. Cases also get to Superior Court by way of a **Grand Jury**, made up of 23 citizens from the community who hear from witnesses to decide if there is enough evidence to **indict**

★

Your advocate's contact info:

(charge) a defendant. A grand jury is a secret proceeding, closed to the public and to the defendant. If indicted, an arraignment will take place in Superior Court. For Superior Court **trials**, witnesses are subpoenaed, ordering them to testify in front of a jury of 12 people or a Superior Court judge. If the defendant is found guilty, a sentencing hearing is set.

At the sentencing, the judge hears from both the prosecutor and defense attorney regarding a sentence recommendation. After considering these arguments as well as any victim impact statements, the judge makes the final sentencing decision.

If a defendant is convicted in District Court, the maximum sentence for a person found guilty is 2 ½ years served at the **House of Corrections**, also known as jails. Superior Court cases can result in a **State Prison** sentence of any length.

Massachusetts Victim Bill of Rights

The rights of all crime victims and witnesses are protected under the law.

YOUR RIGHTS

- Be informed of court hearings.
- Be present at all court proceedings.
- Meet with a prosecutor before the case is settled.
- Apply for funds to cover out-of-pocket medical expenses.
- Have a safe waiting area at court.
- Present a victim impact statement to the judge before a sentence is handed down.
- Be notified of an offender's release from incarceration. (Advocates can guide you through process.)
- Be heard in the parole process prior to an offender's release.
- Have your property returned to you (when no longer needed for the prosecution).
- Request compensation from the court as part of the sentence.
- Remain free from intimidation.

A GUIDE FOR WITNESSES

- Let the District Attorney's office know you received your subpoena.
- In court, you may dress casually, but please, no shorts, tank tops or torn clothing.
- Arrive on time.
- Listen carefully to questions and answer directly.
- Being questioned in court can some times provoke emotion. It is important to remain calm and courteous.

FOR VICTIMS AND WITNESSES

It's important to keep us informed of your contact information so that we can keep you informed as your case makes its way through court. Please call or visit us if you need help.

For more information, visit our website: NorthwesternDA.org