

VICTIM BILL OF RIGHTS

The Massachusetts Victim Bill of Rights provides all crime victims and witnesses with statutory rights to ensure a meaningful role in the criminal justice system. These rights include the following:

- Notification of all Court Proceedings
- To be present at all Court Proceedings
- To meet with a prosecutor prior to any disposition of a Case
- To apply for funds to cover out of pocket medical expenses through the Victim Compensation Fund
- To have a safe waiting area at court
- To present a Victim Impact Statement to the court at time of sentencing
- Upon certification, to be notified of an offenders release from incarceration under sentence.
- To participate in the Parole process prior to an offender's release.
- To have returned to you any property recovered not further needed for the prosecution.
- To request Restitution from the court as part of a sentence
- To be free from Intimidation

The rights set forth above are some of the rights enumerated in Massachusetts General Laws, Chapter 258B.

SUGGESTIONS FOR WITNESSES

If you are subpoenaed as a witness there are some important things to remember.

- Confirm receipt of your subpoena with the District Attorney's Office
- Dress appropriately for court. No shorts, tank tops or torn clothing
- Arrive in a timely manner
- Listen carefully to questions and answer directly
- Remain calm and courteous

As a victim or witness, it is very important to keep the victim/witness unit informed of your current address, phone and e-mail address. If you change any of your contact information, please be sure to let us know.

The Victim/Witness Assistance Unit of the Northwestern District Attorney's office is available to all crimes victims in Hampshire and Franklin County and the town of Athol. Services are free. Please call or visit us if we can be of any assistance. All office locations and phone numbers are on the back of this brochure. You may also visit our website at:

NorthwesternDA.org

Updated May 2019

VICTIM/WITNESS ASSISTANCE AND COURT LOCATIONS NORTHWESTERN DISTRICT

NORTHAMPTON

- **VICTIM/WITNESS ASSISTANCE**
Office of the District Attorney
1 Gleason Plaza
Northampton, MA 01060
(413)586-5780 Fax: (413)584-3635
District and Superior Courts – 15 Gothic Street

GREENFIELD

- **VICTIM/WITNESS ASSISTANCE**
Office of the District Attorney
56 Bank Row
Greenfield, MA 01301
(413)772-6944 Fax: (413)773-1833
District and Superior Courts – 43 Hope Street

BELCHERTOWN

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

ORANGE

- **VICTIM/WITNESS ASSISTANCE**
Office of the District Attorney
Orange District Court
1 Court Square
Orange, MA 01364
(978) 544-7376 Fax: (978)544-7741

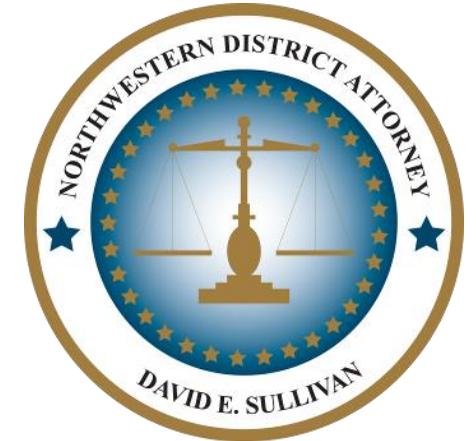
If you are in **IMMEDIATE DANGER**, please contact your local **POLICE** department.

For information/ referral to local resources call
First Call for Help:
Hampshire County: (413) 582-4237
Franklin County: (413) 475-1570
North Quabbin: (978) 544-8091

NORTHWESTERN DISTRICT ATTORNEY'S OFFICE

Victim / Witness Services

David E. Sullivan District Attorney



Northampton, MA 01060
413-586-9225

Greenfield, MA 01301
413-774-3186

NorthwesternDA.org

A MESSAGE FROM DISTRICT ATTORNEY SULLIVAN,

As a victim or witness in a criminal case, you are entering a system which can be confusing, frustrating and frightening. The District Attorney's Office, specifically the Victim Witness Assistance Unit, is dedicated to ensuring that you are treated with respect and compassion as you navigate this process. This brochure will help you gain some understanding of the legal terms and procedures you may encounter. It will also inform you that you have statutory rights that are available to all victims and witnesses who enter the criminal justice system. The Advocates in the Victim Witness Assistance Unit will provide you with guidance and support throughout the criminal process and will facilitate the delivery of these rights.

Your participation and cooperation is a vital aspect of our ability to prosecute cases. I encourage you to contact our Victim Witness Assistance Unit at the numbers provided on the back cover of this brochure. Any questions or concerns you may have will be addressed in a professional and timely manner.

Sincerely



David E. Sullivan
District Attorney

Services Provided by Victim/Witness Advocates under M.G.L c 258B include the following:

- Information and Notification of all Court Proceedings
- Assistance in Obtaining 209A and 258E Abuse and Harassment Orders
- Help in applying for Victim of Violent Crime Compensation
- Assistance with Court Appearance Issues (Transportation, Employer, Disabilities)
- In-Court Support and Accompaniment
- Aid in the Preparation of Victim Impact Statements
- Employer and Creditor Intercession
- Assist with Restitution, Recovery and Return of Property
- Facilitate the Certification Process for Victim Notification of Offender's Release
- Referrals to Social and Community Agencies for Housing, Mental Health and Financial Assistance
- Notice of Case Disposition

THE CRIMINAL JUSTICE PROCESS

COMPLAINT- A complaint charges someone with committing a crime. A criminal complaint is obtained at the District Court Clerk's Office by the police or a private citizen.

DEFENDANT - The person charged with the crime.

ARRAIGNMENT- The arraignment is the first appearance of a defendant in court. The defendant is told of the charges and will enter a not guilty plea. A pre-trial hearing or other hearing dates will be set. Bail will also be set at this proceeding. Bail may be an amount of money, or, if no money amount is set, then conditions of release may be imposed by the court.

PRE-TRIAL HEARING- At this hearing the Assistant District Attorney and defense attorney will discuss the case in an effort to resolve it effectively. If they cannot, then a further hearing or Trial will be scheduled.

DISTRICT COURT TRIAL- Any case deemed under the jurisdiction of the District Court may result in a trial in front of judge or a six person jury. Witnesses will receive a subpoena, which is a court order to appear. Witnesses who testify will be questioned by both the Assistant District Attorney and the defense attorney. Once all the evidence is complete then either the judge or jury will render a verdict of Guilty or Not Guilty.

PROBABLE CAUSE HEARING- A hearing used to determine whether a case should be bound over to the Superior Court for prosecution. A judge will hear testimony and make the decision if enough evidence is present to find that probable cause exists to believe the defendant committed the crimes alleged.

GRAND JURY -The Grand Jury is the method by which cases get into the Superior Court. Evidence is presented via witnesses to the Grand Jurors who are 23 citizens of the community. These jurors determine if enough evidence is present to Indict, or charge, a defendant. This proceeding is secret and closed to the public. The defendant is not present. If the defendant is indicted, then an arraignment similar to the District Court will take place. At the arraignment, bail will be determined and further court dates will be scheduled.

TRIAL- Any case may result in a trial. If so, witnesses will be subpoenaed and called to testify. Evidence is presented to either a jury of 12 people or to a Superior Court judge. A verdict is ultimately rendered and if the defendant is found Guilty, then a sentencing hearing will be set.

SENTENCING- After a Guilty verdict, the Commonwealth will move for sentencing of the defendant. The judge is the person who determines what the sentence should be but each side gets to argue for what they feel is appropriate. The judge will take into consideration the prosecutor and defense attorney's recommendations along with any Victim Impact Statements presented and make the final determination.