

NORTHEASTERN UNIVERSITY

SCHOOL OF LAW

Law Office 6

Legal Skills in a Social Context

2023

ONE SIZE DOES NOT FIT ALL

**Transforming the Approach
to Survivors of Homicide
Victims in Massachusetts**

ACKNOWLEDGMENTS

This project was completed under the supervision of Professor Andrew Haile, by the following students:

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We are eternally grateful to Chaplain Clementina Chéry and her family for trusting us with Louis' story. We owe an enormous debt to Chaplain Chéry, the Peace Institute, Antonio Thompson, Pastors Ronald and Kim Odom, Elisha Ross, Natasha Carrington, Alexis Smith, and Shondell Davis for sharing their loved ones' lives and memories with us for this report. We hope that we represented their stories in a way that is honest, compassionate, and with the care that they deserve.

We would also like to thank our Lawyering Fellows for their feedback and support during our report process: Anna Caliandro, Kiran Keneally, and Allison Mastrangelo.

We are grateful to the following individuals for giving us their time:

Charles Bagues
Ryan Griffin, Special Agent, Bureau of Alcohol, Tobacco, and Firearms
Janet Fine, M.S., National Victim Advocacy Consultant & Trainer, former Executive Director of MOVA (2002-2012)
Tony Locy, former Boston Globe Investigative Journalist

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NUSL'S Legal Skills in a Social Context Course

Northeastern University School of Law gives first-year law students the opportunity to collaborate with nonprofit or government organizations on a social justice project. Students are introduced to effective community lawyering practices on behalf of a public-service partner organization. Alongside Professor Andrew Haile, this law office worked in partnership with the Louis D. Brown Peace Institute on a two-pronged project: investigating the circumstances of Louis Brown's death in 1993 and providing policy recommendations for the Massachusetts victim support system.

FOREWORD

For every one homicide victim, there are at least ten surviving family members who suffer in the aftermath of homicide. For the past three decades, I have worked with survivors who are facing the intergenerational, traumatic, and lasting impacts of homicide on their families and our Boston communities.

When my son, Louis Brown, was caught in a fatal crossfire shootout near our home in December of 1993, our worlds were changed forever. In the aftermath of our tragedy, we were without any support or information to guide us through his burial, the subsequent three-year gap of information, and the subsequent prosecution of his murder. We felt failed by the Massachusetts justice system, and more importantly, by the victim support system.

Perhaps most importantly, the aftermath of Louis' death opened my eyes to vitally important questions that have guided me ever since: if we only received support because he was an honor student, participating in Teens Against Gang Violence, what would that mean for victims who were less than perfect in the eyes of the state and the media?

My answer was simple: to create a place where survivors could receive holistic, compassionate, and consistent support and services in the aftermath of a homicide, regardless of the circumstances surrounding their loved one's death. For the past 29 years, the Louis D. Brown Peace Institute has served as the living legacy of my son and his hopes and dreams. Together with the Peace Institute staff, we provide a space for survivors to heal and move through their grief, while simultaneously honoring their loved one's life regardless of the circumstances surrounding their death.

I have seen firsthand the powerful impact that support, care, and resources have on surviving family members in the wake of homicide. Survivors experience short-term and chronic physical and behavioral health consequences, an increase in economic burdens, psychological trauma associated with their loved one's murder, and often a further re-traumatization by the legal justice system. Together with organizations in Massachusetts, the Peace Institute has attempted to fulfill that role for survivors of homicide victims.

But we cannot do it alone. We work together with the dedicated advocates, law enforcement, and legal system practitioners who are fighting every day for survivors to be treated honorably by the Massachusetts' Victim Bill of Rights. This report represents our stories and uses the strength of our families to call on the Massachusetts' system to change. We have a right to make a claim on our government to be treated with compassion, integrity, and care.

In Louis' own words, "if true peace is to happen, it would be up to my generation, regardless which side of the street they are from." 29 years after his death, the Peace Institute serves as a center of healing, teaching, and learning for families and survivors impacted by murder, trauma, grief, and loss. Thank you for letting us walk with you through loss and life as we transform society's response to homicide.

In peace,
Chaplain Clementina Chéry, President and CEO of the Louis D. Brown Peace Institute

LETTER FROM SURVIVORS

When you lose a loved one to homicide, you join a group of people you never thought you would be a part of: survivors of homicide victims. For all of us, there was no chance to say goodbye to our sons, daughters, brothers, sisters, grandchildren, parents, or cousins—they were taken from us, and we are left only with their memories.

In the wake of losing our loved ones, the world is like a fog. You are suddenly thrust into a new life, where you are expected to internalize your grief while often navigating the confusing and challenging criminal justice system. There is no handbook for dealing with a system that both punishes you for the violence you have experienced and claims to give you a handful of rights meant to ease whatever legal process you may be going through, but rarely delivers. For those of us who never see the inside of a courtroom, or who never saw our loved one's case investigated, our grief is heavy with an inability to understand exactly what happened—and an inability to understand why the justice system acts like our experiences don't matter.

Amidst this trauma, we have found community. We have found community with loved ones who rally around our family member's memory. We have found community with members of the Massachusetts victim support system, whether in the form of Victim Witness Advocates or homicide detectives. And most importantly, we have found community with Chaplain Clementina Chéry and the staff at the Louis D. Brown Peace Institute.

In a time of darkness, Chaplain Chéry and the Peace Institute is a bright, warm, comforting light. Through and with our community, we began to learn, to heal, to teach, and to live in the legacy of our loved ones every day. Because of the Peace Institute, we are courageous in our everyday life, even when it becomes unbearable. It is our hope that this report helps to bring our stories to light and encourages movement and change for survivors everywhere.

In peace,

Natasha Carrington, mother of Darrion Carrington

Shondell Davis, mother of Johnny Davis

Pastors Ronald and Kim Odom, parents of Steven Odom

Elisha Ross, mother of Michael "Pac Man" Irving Ross

Alexis Smith, mother of Ameen Lacy

EXECUTIVE SUMMARY

On December 20, 1993, Louis Brown—a 15-year-old boy—was killed when he was caught in a fatal crossfire shootout near his home in Dorchester, Massachusetts.¹ For Louis' mother, Chaplain Clementina Chéry, and her family, the wake of his death was a fog, filled with unsympathetic hospital workers and a justice system that provided little—if any—support during the three years it took to charge someone for Louis' death.

In every step of the investigation into Louis' death, evidence, witnesses, and potential leads were mishandled, resulting in consequences that are still palpable nearly 30 years later. No one was treated with the respect they deserved—not Louis, callously murdered and then initially treated as a criminal in death until his identification as a 'good kid' by his mother; not Charles Bogues, forced into a plea deal with no information due to shoddy lawyering and a police department intent on obtaining a quick conviction; and not Chaplain Chéry, who has been forced to live without closure after the death of her son for the past 30 years.

One year after Louis was killed, his parents founded the Louis D. Brown Peace Institute (Peace Institute) in Dorchester. The Peace Institute aims to fill a critical gap in the community: providing holistic, non-judgmental support to families affected by community violence. Since its founding, the Peace Institute has served as a fundamental source of support for families who too often are left behind by the Massachusetts' victim support system.

Victims' rights were codified in Massachusetts in 1983, after tireless campaigning from victims and their families. The subsequent Victim Bill of Rights created a permanent place for victims and survivors within the criminal justice system, similar to—but substantially very different from—rights of criminal defendants.² These 'rights' include access to information on ongoing trials or investigations, certain protections when in the courtroom, access to mental health counseling, and more. The Victim Bill of Rights allocates many rights to surviving family members, but these rights are rarely actualized by law enforcement officials in the criminal justice system.³

As illustrated by two parents whose son was killed in Dorchester, “in the fog after a loved one was murdered, you're supposed to remember all of these [rights], but that's not what you're thinking about at all.” For survivors, the first days, months, and years after a tragic loss should be filled with family, support from both state and organizational actors, and time to grieve however they see fit. Instead, survivors are forced to advocate for themselves day in and day out, only to receive the bare minimum from the state—if they receive anything at all.

What would it look like to have a Victim Bill of Rights that actually serves those left behind after a murder? The answer is a long and complicated one, but it can be answered by examining the experiences of surviving family members, tireless community practitioners, and state officials determined to ensure that these rights are upheld. This report aims to answer this policy question, with recommendations ranging from informing survivors of their rights, finding ways of enforcing their rights, and holding the system accountable when their rights are not provided.

METHODOLOGY

This report serves as a companion paper to Who Killed Louis Brown? How the Criminal Justice System Failed a Family and Community, an in-depth look at the circumstances, shortcomings, and repercussions of Louis' murder in 1993 and how the criminal justice system responded. Our work with Chaplain Chéry and the Peace Institute began with an introduction to Louis' murder and the ensuing years of re-traumatization that she and many others have lived through. As our research progressed, we separated into two groups: one that investigated Louis' murder and the related shortcomings of the criminal justice system, and another dedicated to creating policy recommendations that would support families of victims, like Louis' family.

We determined as a class that the policy group should focus on victims' and survivors of homicide victims' rights. We began with a narrow focus on Victim Witness Advocates (VWAs) in Massachusetts. From our initial research and conversations with Chaplain Chéry and other Peace Institute staff, we determined that VWAs are just one small piece of a wider MA victim support system. VWAs alone have little to no power in the system as a whole, and thus focusing solely on them, we concluded, would likely create minimal change to the system. The policy group interviewed experts including Chaplain Chéry, Peace Institute staff, surviving families of homicide victims, and a member of the Massachusetts Office for Victim Assistance (MOVA). Every recommendation came directly from people working within the system or families affected by the system.

This report uses 'victim' and 'survivor' to have the same meaning. While 'victim' is the legal word used in Massachusetts' legislation, survivors indicated that they preferred the moniker 'survivor' when speaking about their experiences. To respect their wishes, we use 'victim' when speaking about legal areas, and survivor in every other section.

This report analyzes the experiences of families of homicide victims in Massachusetts and explores what is needed in the future to prevent police, prosecutorial, attorney, and justice system misconduct. It provides recommendations to specific branches of the Massachusetts justice system, civil society organizations, and key stakeholders, centered around a simple question: what needs to change for the government to effectively support survivors of victims of homicide?

Framing the Problem: Systemic Failures of the Victim Support System

In 2020, 19,384 people in the United States were killed by firearms.⁴ For each of these deaths, countless loved ones were left behind and forced to deal with the loss of their family member in addition to going through a traumatic criminal justice process. The impact of losing a loved one to homicide cannot be understated.

Too many families face re-traumatization because they are forced through a criminal justice system that purports to support them, but in fact does very little to follow through. There is a cycle of victimization and re-victimization throughout Massachusetts: when an individual is killed, the state focuses on finding, charging, and prosecuting perpetrators—not on the victim's family. The Massachusetts Victim Bill of Rights is meant to provide these families with different forms of support, whether through burial services, mental health providers, or support during a prosecution.

But often the victim is blamed for their death, either because of their community or alleged gang/criminal involvement, which stigmatizes the families left behind. And because the criminal justice system's focus is on responding to and punishing criminal acts, rights afforded to victims' families are often seen as an afterthought. While the criminal justice system and judicial system in Massachusetts purports to hold these rights dearly, it is left to local organizations and community leaders, like Chaplain Chéry, to pick up the slack.

Chaplain Chéry's Story

Chaplain Chéry was aware of the violence in her Dorchester community in the 1990s, but never thought it would directly impact her life. This all changed in the blink of an eye, when her son, Louis, was senselessly killed while walking to the Teens Against Gun Violence Christmas Party. Since Louis' death, Chaplain Chéry has become a pillar in the community. Her story is one that has been repeated far too often.

Chaplain Chéry learned her son was shot when someone from the Dorchester Library, who identified Louis' library card to the police, called her.⁵ Once she arrived at the hospital, the staff would not let her see her son until they realized she was the daughter (and he the grandson) of someone who worked at the hospital. Immediately, she found herself mistreated by people because they believed Louis was involved in gang activity due to the nature of the shooting.

Louis' death was first reported in the media as gang violence.⁶ Reports stated he was killed during a shootout of rival gangs, making references to his potential involvement with gang violence until refuted by Chaplain Chéry and her family.⁷ With the media unsure of whether Louis was involved with the gangs or an innocent bystander, instead of grieving the loss of her child, Chaplain Chéry spent the earliest days defending his character, his goals, and how she raised him. This forced her to grapple with the realities of gun violence in her community. It is unbiased in who it effects, even if you are a "good family" or a "good kid." She found herself asking the question "even if someone wasn't a good kid are they not worthy of respect? They are still a person who had a life and a family."

Time and time again, as justification for violence and to create a false sense of security within the community, Black children's deaths are written off because they had a "history with police" or were "involved with gangs, guns, or drugs" even if it is not true.^{8,9} The Boston Police Department (BPD) perpetuated this by failing to update Chaplain Chéry during her son's three-year-long investigation. She resorted to self-help, asking the community, "who killed Louis Brown?"

Finally, in 1996, Charles Bogues was arrested on federal gun charges. While Bogues was with the federal agents, they identified him as one of the shooters in the crossfire which killed Louis. They offered Bogues a deal to plead guilty to state charges for Louis' murder and, in return, his federal charges were dropped. Although this happens often in the criminal justice system, Chaplain Chéry was left with little information and no say in the matter. When interacting with prosecutors, she found herself alone in the complex world of the justice system; no one looked out for her needs as a survivor. To better understand the system, she resorted to hiring her own lawyer. Still, throughout Bogues' indictment and plea, she felt unheard and unsupported by the system. To the prosecutors, Chaplain Chéry's definition of justice did not matter. They were only concerned about making sure that she was a "good survivor:" someone that was not too loud and did not ask for too much.

Chaplain Chéry, not one to sit still and be quiet, took matters into her own hands. Only one year after Louis's death in 1994, she founded the Peace Institute to be a pillar of service and support for survivors of homicide and continue Louis' legacy of peace and community betterment. Through her restorative justice work (and against police advice), she was able to meet, talk, and grieve with Bogues' mother. When they first met, there was a moment of "silent tears in a warm embrace;" Chaplain Chéry grasped that she was not the only one who lost a son in this tragedy.

Setting out to make state-wide and national change, Chaplain Chéry worked with government organizations, like the Massachusetts Office of Victim's Assistance, and fought for services she was not granted when she went through the system. Her work continues today, twenty-nine years after her son's death. Her impact is undeniable; the Peace Institute is now one of the first places people are sent when a family member is lost to homicide. In times of extreme grief when people do not know where to turn, Chaplain Chéry is there to share principles of peace and provide a mountain of support. While she is still fighting for justice for her son, she is determined to make the system better for people to come.

Not Just One Family's Story: A Systemic Problem

In the wake of a loved one's murder in Massachusetts, an unfortunate thread runs through every family's story: a systemic, pervasive lack of official governmental support. It seems intuitive that survivors have access to justice and fair treatment after their loved one is murdered. But for too many families, it appears that they are given little, if any, support. Instead, they are left feeling retraumatized and neglected.

This is not just one family's story. Included below are recollections from interviews with survivors, facilitated by the Peace Institute, who have experienced or are currently navigating the aftermath of their loved ones' murders. In addition to Chaplain Chéry and her family, we spoke with five families affected by gun violence and Massachusetts' criminal justice system at the Peace Institute in December 2022 and February 2023:

- Pastors Ronald and Kim Odom's son, Steven Odom, was killed at age 13 while walking to his Dorchester home with his friends on October 4, 2007. Steven's death, a case of mistaken identity, caused immense pain to his family and community. 2022 marks 15 years since Steven's passing.¹⁰ As part of the Peace Institute's Inform, Influence and Impact grant, the Odoms led a kite-flying memorial event in September 2022 for the National Day of Remembrance for Murder Victims and hosted a healing event at True Vines Church during Survivors of Homicide Victims Awareness month, November 20 – December 20, 2022.
- Natasha's son, Darrion Carrington, was killed in a Chinese restaurant in Dorchester on January 7, 2008, and passed from his wounds on January 8, 2008. It took Natasha 10 years to get any response from the police department about the investigation. Over phone and via email in June 2021, Natasha was told by her Advocate that the office was going to open a 'Crimestoppers' type of investigation into Darrion's death that would be shared on social media and with the public. In September 2022, when she asked about this process, she was told that because of the switch between District Attorneys in the office, the Crimestoppers opportunity never happened. At this meeting, she was told that Darrion's case was officially a 'cold case' because it had been 10 years since his death. No one was ever charged or investigated for Darrion's death, his story was never shared with the public for investigation, and his murder remains unsolved.¹¹ Natasha created the Darrion Carrington Memorial Scholarship in 2009, which awards \$1000 to a graduating high school senior. She is also a part of the Community Healing Services at her church, St. John Missionary Baptist Church in Roxbury, MA.
- Elisha's son, Michael "Pac Man" Irving Ross, was murdered on March 30, 2018, just blocks from his home in Dorchester, MA. Since Michael's death, Elisha has been through two mistrials for the man accused of the murder. A third trial is scheduled for September 2023.¹²

- Shondell Davis' son, Johnny Davis, was shot and killed on April 24, 2009. In the wake of his death, she said police focused more on his alleged gang affiliations than supporting his family or searching for those responsible. Shondell's family members have experienced both physical and mental health problems since his death. No one was ever charged or investigated for Johnny's death, and his murder remains unsolved.¹³ Shondell is a part of The Cory Johnson Program for Post-Traumatic Healing at the Roxbury Presbyterian Church Social Impact Center, which provides free weekly trauma support programming using a community-based approach to foster recovery and healing from all sources of post-traumatic stress.
- Alexis Smith's son, Ameen Lacy, was shot and killed as he left a basketball game at the Tobin Community Center with his friends in Mission Hill on December 8, 2017. Alexis was told that a fight had broken out after Ameen and his friends were leaving, and they were caught in the crossfire despite not being involved in the altercation. Despite the incident being captured on social media and witnessed by over 200 people at the game, no one has been charged, and the detectives have changed many times over without any notification to Alexis.¹⁴ Alexis is working on a Peace Pole project with the Peace Institute, which is a new project to express generational peace.

Oftentimes, the disregard for survivors began the moment they were notified that their loved one has passed. For one mother, Ms. Ross, her son was moved to the coroner's office without her permission or any notification, and as a result, she was unable to see her child for a week after he was killed.¹⁵ She was told that they called her and went to her house while she was at work, but that was the extent of their efforts to try to contact her.¹⁶ Another mother, Ms. Smith, was not contacted when her son was murdered and then, once she found out, she was sent to the wrong hospital.¹⁷ Ms. Carrington was immediately questioned about her son's character and the type of life he lived—despite being the victim himself—and then went ten years without hearing anything about her son's case.¹⁸ Instead of supporting these families through this unimaginable tragedy, the police and the media quickly attempted to find faults on the part of the victims. For example, the media reported remarks such as “known by the police,” which suggested that the victims had prior encounters with the police due to their involvement in criminal activity. This labeling diminished the tragedy as if the victims' lives were less important because of their presumed criminal activity before their deaths.¹⁹ As a result, victims' family members suffered unimaginable pain in silence while also trying to clarify the truth about their loved ones.

Unfortunately, the trauma and grief these families experienced often manifested as mental and physical health struggles for surviving family members. Pastor Ronald Odom, for example, lost so much weight that he had to go to the hospital for a full-body examination, concerning his doctors.²⁰ Ms. Carrington said she had no support system, so she processed her grief at home by herself, sleeping in her car instead of her newly empty home, and not eating right.²¹ Ms. Davis said her young daughter started having seizures after losing her brother, and it was not until they relocated her to a predominately white school that doctors took it seriously.²² Furthermore, it was difficult, if not impossible, for survivors to receive the help that they needed and were due under the Victim Bill of Rights. They reported that there were difficulties with their insurance not covering certain treatments because they made too much money, did not have enough of their own funds to pay for treatment, or were not taken seriously about the toll the loss has taken on their health.²³

When asked, “At any point, were you given notice of the formal rights afforded you via the MA Victim Bill of Rights, including access to a Victim Witness Advocate?” most survivors answered that they did not know what formal rights were afforded to them. Pastors Ronald and Kim Odom could not remember if they received any useful information because they were in a state of shock.²⁴ Ms. Carrington did not receive any pamphlets, and nobody came to her to explain what the next steps might look like.²⁵ What use is it for Massachusetts to have laws in place if these rights are not communicated to the people who need them?

Even if survivors were notified of the rights afforded to them, the state did not attempt to enforce these rights. Ms. Carrington was not connected with a Victim Witness Advocate for about twelve years.²⁶ Ms. Ross and her family were not given a separate room in the courthouse for the first couple of days of trial, contrary to [state law or policy that typically provides this].²⁷ This inconsistency was not only unfair, but an outright violation of the Victim Bill of Rights included in the Massachusetts General Laws. Yet, there seems to be no recourse for families who were not treated in the manner that they are legally entitled. Instead, they were made to feel that they were a bother to the people who were supposed to be providing them resources in this immense time of need.

Another prevailing issue regarding the investigation phase of their loved ones’ murders is the lack of communication from the police and district attorney’s office. Many families felt like they had no voice and that they were continually brushed off; the detectives on their loved one’s cases would change, but family members were not notified about it.²⁸ Calls would go consistently unanswered for years with no updates.²⁹ They were left wondering who, if anyone, really cared for them. A police detective told Pastor Ronald Odom that they act based on experience—because some families have previously expressed that they do not want to be called unless there is an update, some detectives will refrain from making any calls regardless of the family’s wishes.³⁰ This treatment is understandably upsetting—as he put it, “all survivors are not the same, and one size does not fit all.”³¹ A couple families felt that the lack of updates suggested that the detectives never investigated fully, and they ended up resigned to the belief that they may never get justice.³²

For many survivors, they must lean on their faith and community to pull them through their darkest times. Luckily, local organizations like the Peace Institute undertake this essential task of survivor support during the aftermath of their loved ones’ murders. Ms. Davis heard about the Peace Institute prior to her son’s death, she took mental note of this resource. Understanding the systemic reality of raising Black sons today, she knew she might become a survivor herself one day.³³ The BPD, hospitals, and local government agencies refer survivors of homicide victims to Chaplain Chéry and the Peace Institute, relying on private citizens to do their job. Thankfully, the Peace Institute has created a safe space for survivors to support one another. For many, this has made all the difference. Pastors Ronald and Kim Odom felt that things did not begin to happen until they were connected with the Peace Institute.³⁴ For Ms. Carrington, Chaplain Chéry gave her the “hug that [she] needed that [she] was waiting ten years for.”³⁵

The survivors’ accounts make it painfully clear that the criminal justice system has failed and continues to fail family after family. To put it plainly, “sorry is not enough.”³⁶

Current Legislative Framework

The Massachusetts General Laws chapter 258B outlines the rights afforded to victims³⁷ of crime. Under this chapter, the definition of victim is broad, including “the family members of such person if the person is a minor, incompetent or deceased.”³⁸ The entirety of the rights afforded to victims in the Massachusetts Victim Bill of Rights³⁹ can be found in Appendix A of this paper, but some notable rights include:

1. Receiving information from the prosecutor about financial assistance and other social services available to victims;
2. Conferring with the prosecutor before the following: hearings on motions by the defense to obtain confidential records; termination of the prosecution; the commencement of trial; and the submission of the proposed sentence recommendation to the Court;
3. Informing the court of the victim’s position regarding the sentencing recommendation;
4. Having a summary of the rights posted in all courthouses and police stations in a variety of languages; and
5. Providing a victim impact statement at sentencing or the end of the case against the defendant about the effects of the crime on the victim and a recommended sentence.⁴⁰

Importantly, section 2 of the law provides that prosecutors may offer the above services to victims or family members who are harmed as the result of a crime even if complaints or indictments have not been issued.⁴¹ Additionally, victims “shall be afforded [these] basic and fundamental rights, to the greatest extent possible.”⁴² A caveat, however, immediately follows: the affordance of these rights is “subject to appropriation and to available resources.”⁴³

These rights are enforceable until the final disposition of the charges against the defendant.⁴⁴ If a conviction is reversed and remanded to the trial court for further proceedings, the victim’s rights resume.⁴⁵ The only referenced enforcement mechanism stated is that “law enforcement agencies, prosecutors, judges, probation officers, clerks, and corrections officials shall assure that victims of crime are afforded the rights established in this chapter.”⁴⁶ There is no other section that references how these rights should be enforced, or what repercussions exist if they are not enforced.

In addition to the affordance of rights, this chapter of the law provides a mechanism of oversight via the Victim and Witness Assistance Board (VWAB).⁴⁷ Additionally, the VWAB must assist law enforcement agencies with familiarizing their employees with these rights and establishing procedures whereby expedient notification is given to victims.⁴⁸

This chapter also provides a mechanism for funding by providing that the court must impose an assessment of no less than \$90 against anyone over seventeen years old who is convicted of a felony.⁴⁹ These assessments are deposited into the Victim and Witness Assistance Fund.⁵⁰ In addition to assessments, the governor’s budget for federal-year 2023 includes \$39,585 for the VWAB from the attorney general’s office.⁵¹ Additionally, budgetary direct appropriations allot \$1,375,827 for the VWAB and \$233,855 for the Victim and Witness Assistance Program.⁵² Finally, federal grant spending for the Office of Victims and Crimes is set at \$35,800,000.⁵³

As a whole, the current legislative framework for surviving family members of victims of homicide includes valuable substantive rights with oversight provided via a diverse board of individuals. There is a glaring hole, however, when it comes to the enforcement and notification of rights, which may effectively negate such rights. In the next section, we explore more existing structures in place to support survivors in addition to legislation.

Existing Structures That Support Survivors

The existing structures for victim support services can be divided into two broad categories: public and private. The public category includes state and federal agencies within the criminal justice system and government that provide support for victims. Conversely, the private category consists of nonprofit and community-based groups that fill in gaps left by the public services.

Existing Public Structures in Massachusetts	
I. Massachusetts Victims and Witness Assistance Board (VWAB).⁵⁴	II. Victim Witness Advocates (VWA).⁵⁵
<ul style="list-style-type: none"> ● Consists of the Attorney General, two district attorneys, and two members of the public – one of whom is a survivor of a crime.⁵⁶ ● Responsibilities include: <ol style="list-style-type: none"> (1) Governing board of the Massachusetts Office of Victims Assistance (MOVA); (2) Reviewing plans and programs for the different committees; and (3) Providing materials that inform social service and law enforcement agencies of survivor's rights.⁵⁷ 	<ul style="list-style-type: none"> ● VWA's are part of the District Attorney's Office.⁵⁸ ● Considered a direct liaison between the prosecutorial team and the survivor.⁵⁹ ● Families of homicide victims are assigned a VWA who provides the following assistance: <ol style="list-style-type: none"> (1) Give important information to survivors about the services available to them; (2) Help them apply to receive resources and compensation; and (3) Explain to them the inner workings of their specific cases and the investigation.⁶⁰
III. Massachusetts Office of Victims Assistance (MOVA).⁶¹	
<ul style="list-style-type: none"> ● An independent state agency that provides training and workshops for service providers and connects survivors with local agencies to assist them.^{62, 63} ● Provides survivor-informed assistance and funding for marginalized and under-served communities.⁶⁴ ● This funding for survivors comes primarily in two ways: <ol style="list-style-type: none"> (1) Through the Victims of Crime Act (VOCA): a federal fund for victims of crimes to help mitigate their immediate needs and expenses;⁶⁵ or (2) Through more specific grants, such as <ol style="list-style-type: none"> (a) SAFEPLAN for domestic violence, stalking, and sexual assault survivors;⁶⁶ or (b) The Culturally Specific Victim Services in Western Massachusetts for agencies run by people of color that support communities of color.⁶⁷ 	

Shortcomings of Existing Public Structures

Even with these structures in place, the state often does not fulfill its promise to support and assist survivors, especially families of homicide victims. As seen through the experiences of families illustrated throughout this report, families often are not even made aware of their rights. And when they are, they are rarely given the full extent of them. VWAs are often underfunded and understaffed,⁶⁸ which causes some families to go through the entire criminal justice process without receiving an advocate. This results in survivors never learning or understanding the resources available to them. So, survivors must learn how to navigate the system alone, while also navigating the immense grief that accompanies the loss of a loved one. Even though the government's laws and funding should provide support, the existing structures are not enough. Families are instead forced to search for private structures to provide the support they need.

Existing Private Structures

Both before and after legislative statutes were enacted in Massachusetts, grassroots community agencies have consistently been the backbone of the victim's rights movement. They provide resources, counseling, and assistance to survivors who are often ignored by the state. In Massachusetts, many people who felt underserved by the criminal justice system dedicate their lives to make sure other families get the support they never received. Community agencies step in to provide support when the justice system does not have the resources to help.

Existing Private Structures in Massachusetts⁶⁹	
I. Louis D. Brown Peace Institute.⁷⁰	
<ul style="list-style-type: none"> ● The Peace Institute divides its work into three main categories: <ol style="list-style-type: none"> (1) services; (2) advocacy; and (3) training ● Through these categories, their work includes: <ol style="list-style-type: none"> (1) Creating a place of support for families of homicide victims; (2) Providing re-entry services and restorative justice opportunities to those convicted of crimes; (3) Advocating on a local and national level for better victim support services; and (4) Providing trauma-informed and survivor focused training. 	
II. Casa Myrna.⁷¹	III. Family and Community Resources, Inc.⁷²
<ul style="list-style-type: none"> ● Provides shelter and advocacy for women who are survivors of domestic violence. ● Provides community advocacy with over seven sites around Boston. ● Provides education and prevention with school, church, and workplace resources. 	<ul style="list-style-type: none"> ● Provides support services for victims of trauma, including: <ol style="list-style-type: none"> (1) Prevention work through creating domestic violence warning behaviors; (2) Behavioral health services; and (3) Domestic violence services.

Broad Call to Action: We Have the Tools to Support Survivors

The case of Louis D. Brown is a recurring tragedy on multiple levels. But, as we know, this is not just one family's story. Louis is not the only young Black boy killed in Dorchester. Charles Bogues is not the only Black man convicted of a crime through a dubious criminal justice process. And Chaplain Chéry is not the only mother dealing with a justice system that treats survivors as less than. These missteps along the way represent a systemic issue within the Massachusetts investigative, prosecutorial, and victim support system. The stories of other families, survivors, and members of the criminal justice system illustrate persistent problems that re-traumatize surviving family members, whether their case is prosecuted or not.

This report provides recommendations on how to improve the victim support system, directly from survivors and practitioners in Massachusetts. Every strategy, however small, is important. But tackling the issues within the victim support system requires actors at all levels to take steps to build an equitable system that delivers for survivors and their families. This can range from state and local government to civil society organizations, to elected and appointed leaders, and the media. The opportunities listed below are specific to each actor, but should be used together, across different levels, for the most positive impact.

We provide three key recommendations that contextualize and address existing problems. These recommendations center around the content and enforcement of the MAVictim Bill of Rights. First, the system must develop *a clear, systematic and understandable way of disseminating information about the rights that are afforded to victims in the wake of a homicide*. Currently, this is done in an ad hoc manner, often in the immediate wake of a loved one's death. Family members are unlikely to remember rights delivered in this manner. To fulfill this recommendation, information about the MAVictim Bill of Rights must be repeatedly shared with victims, in both written and oral format, in situations outside of that initial disclosure. There are many different models that can be explored to adjust this dissemination, including those of other states, civil society or legal organizations.

Second, there must be *actual application of these rights for victims*. This might entail creating formal or informal opportunities for additional training for Victim Witness Advocates, members of law enforcement, members of the judicial system, and anyone who may encounter victims throughout their time with the criminal justice process. Given the sensitive nature of these cases, this training should be routinely reviewed by victims and those most closely impacted to ensure they accurately reflect victims' needs.

Third, there must be clear guidance on enforcement and accountability for when these rights are abandoned, *not provided to victims, or simply done incorrectly and/or in a way that perpetuates harm*. Currently, there is no system for victims to turn to when they are not afforded these rights. And there is certainly no process for accountability when a VWA or member of the criminal justice system re-traumatizes a victim or their family. To ensure that these rights are actually afforded by the MA justice system, there must be a method of accountability. This could include a periodic review by the MOVA board of existing VWAs, or an ombudsperson⁷³ who keeps track of what rights each victim should receive. Best practices from other states or countries should also be explored. Enforcement mechanisms ensure that victims and their families experience their full range of rights in the wake of tragedy.

Recommendations & Opportunities for Action

The opportunities for action that follow are organized for quick reference, with the tools that are most useful or relevant for members of specific government institutions or sectors of society. These actions should be implemented by each respective actor, keeping in mind that it is only when taken together that their true influence can be seen. Exploring ways to work together across these levels—such as further partnership between the state and organizations like the Peace Institute—is likely to have the greatest impact on ensuring that victims in Massachusetts are supported and avoid re-traumatization.

Recommendations for Massachusetts Office for Victim Assistance (MOVA) Board and Victim Witness Assistance Oversight⁷⁴

- Explore deployment of VWAs at very beginning of a homicide investigation.
- Standardize VWA training and ensure that they receive regular re-training.
- Increase allocation of funding for VWAs in order to increase the actual number of VWAs.
- Increase victim representation on the Victim and Witness Assistance (VWA) Board by requiring that the two members of the public on the Board are themselves survivors.
- Pursuant to the Crime Victims Fund, allocate additional funds to the victim support structure.
- Standardize and publicize the process for distribution of funds to survivors.
- Convene a semi-annual meeting between MOVA, other government actors, and local organizations on the current state of victim support in Massachusetts.
- Raise awareness of victims' rights and standardize how victims are notified of these rights. The rights need to be communicated in an immediate and repetitive and should be done in hard copy and electronic modes.
- Notify victims regardless of whether a criminal case is underway within the criminal justice system in Massachusetts.
- Support legislative initiatives and implement laws that further support victims and tackle homicide in Massachusetts.
- Follow up consistently with survivors of homicide victims, even if there is no update on their case.
- Establish an Office of Violence Prevention and Trauma Recovery.⁷⁵

Recommendations for the Judicial System

- Ensure that victim's family receives all court accommodations, including separate rooms during trial.⁷⁶
- Standardize financial support for families for parking during trials, either via MOVA funds or otherwise.
- Implement a system that would pay families for time off work (similar to jury duty) when they have to attend court dates, either via MOVA funds or otherwise.

Recommendations for Law Enforcement

- Notify families when there is a shift in the detective(s) working on their case.
- Keep families up to date regularly on the case, even if there are no updates on the investigation.
- Coordinate with VWAs to facilitate individualized communication between families and law enforcement.

Recommendations for Private Sector Structures

- Work together to share funds and best practices on supporting victims in the wake of homicide.
- Use social media to raise awareness and express solidarity with victims in the media, both positively and negatively.
- Work with government actors to develop methods of review for MOVA board, VWA trainings, and updates to the Victim Bill of Rights.
- Explore opportunities for national partnership with like-minded organizations, including knowledge-sharing of best practices from cities and towns across the United States.

In addition to these sector-specific recommendations, we would also like to highlight the below recommendations directly from survivors. These recommendations speak more to what's needed as part of a culture shift in our communities from a punitive system that treats the deaths of marginalized populations as unworthy of investigation, and the families unworthy of respect. These relate specifically to survivors of victims of homicide in the immediate and long-term aftermath of their death, and provide guidance for members of the media, healthcare professionals, and the justice system as a whole.

- Acknowledge the negative connotations of calling an investigation a “cold case,” which gives the impression that the case is not worth investigating.
- Require comprehensive training for media on trauma-informed reporting mechanisms.
- Ensure appropriate attribution to families in articles interviewing family members or speaking about homicide and ensure that misrepresented or incorrect stories are immediately rectified.
- Provide healthcare professionals increased access to post-traumatic stress counseling for survivors of homicide victims, including the physical manifestations of trauma.
- Recognize the limitations of current funding mechanisms for survivors of homicide victims and explore how these could be changed.
- Explore the use of government-allocated funds to create partnerships within Boston healthcare systems to support families.
- Follow guidelines from the Peace Institute's Survivors' Burial and Resource Guide in regard to notifying families of a loved one's death.
- Understand that survivors of homicide victims are not one-size-fits-all. Advocates and detectives working with survivors should treat each case as if it is new, and not assume that survivors want one thing or another.
- Explore cooperation between organizations like the Peace Institute, MOVA, and the BPD.

CONCLUSION

Together, we can build a system that supports survivors instead of criminalizing and re-traumatizing them in the face of immense loss. The model is out there, seen in the work of dedicated practitioners like the Peace Institute, networks supporting survivors of homicide, and trauma-informed healthcare providers. The question is: how do we achieve a system-wide approach to supporting survivors of homicide? Support for victims and survivors does not just come from law enforcement, or VWAs, or the legal system. It is impossible to point to one aspect of the system as the crux of a problem. Taken all together, this is a systemic failure for survivors. For too long, local organizations filled the gap left by state systems that claim to support survivors, but in reality, are stretched far too thin to provide the support that is legally due to these families.

The system as it stands is not serving survivors. A broad range of actors keep the system half-operating, and a broad range of actors are needed to ensure that the MA victim support system can actually deliver on what it promises. Organizations like the Peace Institute, members of the MOVA board, and activist politicians in Boston are champions for change. But they cannot do this alone. If staffed, trained, and applied correctly and with accountability measures, the Massachusetts' victim support system can adequately support these families.

The practitioners and government officials highlighted in this report generated a long legacy of expertise, coupled with real-life knowledge about what survivors need the most in the wake of a loved one's murder. We have the tools to ensure that no other survivor goes through what Chaplain Chéry and countless other families dealt with after an already traumatic and life-changing experience. These recommendations mark the next step in this fight for survivors' rights: a fight that will ensure that survivors are treated with compassion, integrity, and care.

Appendices

Appendix A:

The Victim Bill of Rights

Section 3. To provide victims a meaningful role in the criminal justice system, victims and witnesses of crime, or in the event the victim is deceased, the family members of the victim, shall be afforded the following basic and fundamental rights, to the greatest extent possible and subject to appropriation and to available resources, with priority for services to be provided to victims of crimes against the person and crimes where physical injury to a person results:

(a) for victims, to be informed by the prosecutor about the victim's rights in the criminal process, including but not limited to the rights provided under this chapter. At the beginning of the criminal justice process, the prosecutor shall provide an explanation to the victim of how a case progresses through the criminal justice system, what the victim's role is in the process, what the system may expect from the victim, why the system requires this, and, if the victim requests, the prosecutor shall periodically apprise the victim of significant developments in the case;

(b) for victims and family members, to be present at all court proceedings related to the offense committed against the victim, unless the victim or family member is to testify and the court determines that the person's testimony would be materially affected by hearing other testimony at trial and orders the person to be excluded from the courtroom during certain other testimony;

(c) for victims and witnesses, to be notified by the prosecutor, in a timely manner, when a court proceeding to which they have been summoned will not go on as scheduled, provided that such changes are known in advance. In order to notify victims and witnesses, a form shall be provided to them by the prosecutor for the purpose of maintaining a current telephone number and address. The victim or witness shall thereafter maintain with the prosecutor a current telephone number and address;

(d) for victims and witnesses, to be provided with information by the prosecutor as to the level of protection available and to receive protection from the local law enforcement agencies from harm and threats of harm arising out of their cooperation with law enforcement and prosecution efforts;

(e) for victims, to be informed by the prosecutor of financial assistance and other social services available to victims, including information relative to applying for such assistance or services;

(f) for victims and witnesses, to a prompt disposition of the case in which they are involved as a victim or a witness;

(g) for victims, to confer with the prosecutor before the commencement of the trial, before any hearing on motions by the defense to obtain psychiatric or other confidential records, and before the filing of a nolle prosequi or other act by the commonwealth terminating the prosecution or before the submission of the commonwealth's proposed sentence recommendation to the court. The prosecutor shall inform the court of the victim's position, if known, regarding the prosecutor's sentence recommendation. The right of the victim to confer with the prosecutor does not include the authority to direct the prosecution of the case;

(h) for victims and witnesses, to be informed of the right to request confidentiality in the criminal justice system. Upon the court's approval of such request, no law enforcement agency, prosecutor, defense counsel, or parole, probation or corrections official may disclose or state in open court, except among themselves, the residential address, telephone number, or place of employment or school of the victim, a victim's family member, or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses;

(i) for victims, family members and witnesses to be provided, by the court as provided in section 17 of chapter 211B, with a secure waiting area or room which is separate from the waiting area of the defendant or the defendant's family, friends, attorneys or witnesses and separate from the district attorney's office; provided, however, that the court shall designate a waiting area at each courthouse; and provided further, that designation of those areas shall be made in accordance with the implementation plan developed by the task force.

(j) for victims and witnesses, to be informed by the court and the prosecutor of procedures to be followed in order to apply for and receive any witness fee to which they are entitled;

(k) for victims and witnesses, to be provided, where appropriate, with employer and creditor intercession services by the prosecutor to seek employer cooperation in minimizing employees' loss of pay and other benefits resulting from their participation in the criminal justice process, and to seek consideration from creditors if the victim is unable, temporarily, to continue payments;

(l) for victims or witnesses who have received a subpoena to testify, to be free from discharge or penalty or threat of discharge or penalty by his employer by reason of his attendance as a witness at a criminal proceeding. A victim or witness who notifies his employer of his subpoena to appear as a witness prior to his attendance, shall not on account of his absence from employment by reason of such witness service be subject to discharge or penalty by his employer. Any employer or agent of said employer who discharges or disciplines or continues to threaten to discharge or discipline a victim or witness because that victim or witness is subpoenaed to attend court for the purpose of giving testimony may be subject to the sanctions stated in section fourteen A of chapter two hundred and sixty-eight;

(m) for victims and witnesses, to be informed of the right to submit to or decline an interview by defense counsel or anyone acting on the defendant's behalf, except when responding to lawful process, and, if the victim or witness decides to submit to an interview, the right to impose reasonable conditions on the conduct of the interview;

(n) for victims, to confer with the probation officer prior to the filing of the full presentence report. If the victim is not available or declines to confer, the probation officer shall record that information in the report. If the probation officer is not able to confer with the victim or the victim declines to confer, the probation officer shall note in the full presentence report the reason why the probation officer did not make contact with the victim;

(o) for victims, to request that restitution be an element of the final disposition of a case and to obtain assistance from the prosecutor in the documentation of the victim's losses. If restitution is ordered as part of a case disposition, the victim has the right to receive from the probation department a copy of the schedule of restitution payments and the name and telephone number of the probation officer or other official who is responsible for supervising the defendant's payments.

If the offender seeks to modify the restitution order, the offender's supervising probation officer shall provide notice to the victim and the victim shall have the right to be heard at any hearing relative to the proposed modification.

(p) for victims, to be heard through an oral and written victim impact statement at sentencing or the disposition of the case against the defendant about the effects of the crime on the victim and as to a recommended sentence, pursuant to section four B of chapter two hundred and seventy-nine, and to be heard at any other time deemed appropriate by the court. The victim also has a right to submit the victim impact statement to the parole board for inclusion in its records regarding the perpetrator of the crime;

(q) for victims, to be informed by the prosecutor of the final disposition of the case, including, where applicable, an explanation of the type of sentence imposed by the court and a copy of the court order setting forth the conditions of probation or other supervised or unsupervised release within thirty days of establishing the conditions, with the name and telephone number of the probation officer, if any, assigned to the defendant;

(r) for victims, to have any personal property that was stolen or taken for evidentiary purposes, except contraband, property subject to evidentiary analysis, and property the ownership of which is disputed, returned by the court, the prosecutor or law enforcement agencies within ten days of its taking or recovery if it is not needed for law enforcement or prosecution purposes or as expeditiously as possible when said property is no longer needed for law enforcement or prosecution purposes;

(s) for victims, to be informed by the parole board of information regarding the defendant's parole eligibility and status in the criminal justice system;

(t) for victims, to be informed in advance by the appropriate custodial authority whenever the defendant receives a temporary, provisional or final release from custody, whenever a defendant is moved from a secure facility to a less-secure facility, and whenever the defendant escapes from custody. The victim shall be informed by the prosecutor about notification rights and the certification process required to access the criminal offender record information files. Persons requesting such notice must provide the appropriate authority with current information as to their address and telephone number;

(u) for victims, to be informed that the victim may have a right to pursue a civil action for damages relating to the crime, regardless of whether the court has ordered the defendant to make restitution to the victim.

(v) for one family member of a victim of a homicide, which the matter before the court is related, to possess in the courtroom a photograph, that is not of itself of an inflammatory nature, of the deceased victim that is not larger than eight by ten inches; provided, however, that at no time may the photograph be exposed or in anyway displayed in the presence of any member of the jury, or the jury pool from which a jury is to be selected in a particular matter; provided, further, that nothing in this section shall preclude the admission into evidence of a photograph that the court deems relevant and material.

(w) Where the victim or witness is an employee of the department of youth services, no law enforcement agency, prosecutor, defense counsel or parole, probation or corrections official shall disclose or state the residential address, telephone number or place of employment or school of the victim, a victim's family member or a witness, except as otherwise ordered by the court. The court may enter such other orders or conditions to maintain limited disclosure of the information as it deems appropriate to protect the privacy and safety of victims, victims' family members and witnesses.

There shall be conspicuously posted in all courthouses and police stations a summary of the rights afforded under this section. The victim and witness assistance board, pursuant to section 4, shall devise and provide posters to satisfy this requirement to court officials and police station personnel, and, upon request and at the discretion of the office and board, to any other institution or organization to post and maintain in space accessible to the general public. The board shall develop such posters in a variety of languages as determined by the Massachusetts office for victim assistance. Upon request, the board will respond, to the extent possible, to any requests for additional language translations of such posters.

MASS. GEN. LAWS ch. 258B, § 3 (2023).

Appendix B:

A Review of Massachusetts' Victim Support System

Project Summary

As part of a wider project in partnership with the Louis D. Brown Peace Institute and Chaplain Clementina Chéry, the Policy Subgroup is investigating existing rules, regulations and statutes surrounding the role of the Massachusetts' support system for families of homicide victims. Our key focus will be to determine how our proposed policies can support the families of victims/survivors of homicide via the Massachusetts' victim support and justice system, including through the Victim Witness Advocate role and the MA Victims Bill of Rights. We hope to provide recommendations to legislators, policymakers, and non-profit organizations working to support victims and families of victims in Massachusetts so our state policies can better serve these populations.

How Can I Be Involved?

We are looking to conduct short interviews with victims/survivors and family members of victims/survivors of violence. The goal of these interviews will be to explore personal experiences with the Massachusetts justice system and the Victim Witness Advocate system, specifically to learn how the system has both served and failed victims and their families. In particular, we are hoping to learn what would have been helpful to you in the wake of the loss of your family member so that we can make recommendations to MA policymakers. Our hope is to be able to conduct these interviews either virtually or in-person in conjunction with Peace Institute staff. We hope to explore the following questions:

1. Could you please describe the process you went through (if any) with the Massachusetts victim support system? What was your overall experience, good and bad?
2. At any point, were you given notice of the formal rights afforded you via the MA Victims Bill of Rights, including access to a Victim Witness Advocate?
3. If you could make 3 recommendations for how the state could better serve families of victims, what would they be?

Northeastern University School of Law's Law Office Projects

Northeastern University School of Law gives first-year law students the opportunity to work together with nonprofit or government organizations on a social justice project. Students are introduced to effective community lawyering practices on behalf of a public-service partner organization. Alongside Professor Andrew Haile, we are working in partnership with the Louis D. Brown Peace Institute on a two-pronged project, investigating the circumstances of Louis' death in 1993, and providing policy recommendations on the MA victim support system.

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- ³⁹ The Massachusetts Bill of Rights was first enacted in 1983.
- ⁴⁰ Id. §3.
- ⁴¹ Id. § 2.
- ⁴² Id. § 3.

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- ⁴⁴ Id. § 11.
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⁷³ An ombudsperson is an official appointed to investigate individuals' complaints against maladministration, especially that of public authorities. See https://ioa.memberclicks.net/assets/Ombuds_Tool_kit/2022_IOA_Ombuds_Toolkit_Ombuds_Overview.pdf.

⁷⁴ These recommendations are aligned with the 2021-2024 Strategic Plan published by MOVA, outlining strategic goals for the Board over the next few years: <https://www.mass.gov/info-details/strategic-plan-2021-2024>.

⁷⁵ Municipal offices of violence prevention have begun to pop up around the United States as leading centers for urban violence prevention. The City of Newark, New Jersey, integrates a particular focus on trauma recovery as part of violence prevention and associated programming. For more information, visit the National Offices of Violence Prevention Network: <https://ovpnetwork.org>.

⁷⁶ This is directed towards those referred to in the current legislative framework including “law enforcement agencies, prosecutors, judges, probation officers, clerks, and corrections officials [who] shall assure that victims of crime are afforded the rights established in this chapter.” MASS. GEN. LAWS ch. 258B, § 12 (2023).



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