

NORTHEASTERN UNIVERSITY SCHOOL OF LAW

# A SCHEME FOR ALL

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Recommendations for Improving the Massachusetts  
Victims of Violent Crime Compensation Scheme

LAW OFFICE 10

in partnership with

THE LOUIS D. BROWN PEACE INSTITUTE

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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 non-profit 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 project researching the Massachusetts Victims of Violent Crime Compensation Scheme and providing concrete recommendations for improvement. This project built off of the work completed 2022–2023, which provided recommendations to better serve survivors of victims of homicide in Massachusetts.

## EXECUTIVE SUMMARY

In its Dorchester community, the Louis D. Brown Peace Institute (Peace Institute) works to support families navigating the unthinkable: the loss of a loved one to violent crime.<sup>1</sup> In the wake of such loss, surviving family members face immeasurable burdens. The emotional toll of a person's absence is often compounded by financial hardship—one fewer wage-earner in the family, alongside hefty bills for burial and funeral costs. In too many cases, grief and trauma carry an impossible price tag.

The Peace Institute advises survivors of resources and support mechanisms which may be available to them.<sup>2</sup> The Massachusetts Victims of Violent Crime Compensation Scheme (the Scheme), administered by the Massachusetts' Attorney General's Office (AGO), seeks to alleviate the financial burdens often associated with the loss of a family member.<sup>3</sup> Hospital bills, burial expenses, psychological treatment, and lost wages are among the types of costs commonly compensated in efforts to prevent "further victimization [of] those who are affected by violent crime."<sup>4</sup> Such compensation programs are offered by states across the country, responding to common and widely-demonstrated need.

How well does the Scheme accomplish this goal in application? Is the Scheme accessible and responsive to the needs of those grieving the loss of a loved one to violent crime? In the course of our partnership with the Peace Institute, we sought to answer these questions. In the absence of official information or outreach by the AGO regarding the Scheme, non-

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<sup>1</sup> *Survivors Outreach Services (SOS)*, The Louis D. Brown Peace Institute (last visited Feb. 24, 2024), <https://ldbpeaceinstitute.org/survivors-outreach-services/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Victims of Violent Crime Compensation*, Massachusetts Office of the Attorney General (last visited Jan. 29, 2024), <https://www.mass.gov/massachusetts-victims-of-violent-crime-compensation>.

<sup>4</sup> *Id.*

governmental organizations such as the Peace Institute fill a key gap in raising public awareness. Many survivors have no prior knowledge of the Scheme, and thus face considerable difficulty completing an application without support from an outside organization such as the Peace Institute.<sup>5</sup> To assess the Scheme’s success in implementation, we consulted with survivors who relied on the Peace Institute’s support while navigating the application process.

Recalling their experiences with the application process, survivors noted that the application “felt like a grueling process (that) deters people from wanting to apply.”<sup>6</sup> Worse, applicants felt that navigating the Scheme was “not a trustworthy process.”<sup>7</sup> For the few survivors whose applications were approved, the limited support they received “just didn’t feel adequate” given the significant upfront costs for their loved one’s funeral and burial.<sup>8</sup> Others reported that their applications were denied without explanation or guidance as to resubmission.

Carla, who received no support through the Scheme, was told her application was denied because her son had “contributed to his own demise.”<sup>9</sup> In similarly ambiguous terms, Carla and others reported being told they were ineligible for support due to their failure to cooperate with law enforcement.<sup>10</sup> The bounds of this requirement appear broad and ambiguous, potentially obligating a surviving family member to cooperate with all investigation and prosecution efforts, regardless of their mental and emotional capacity to do so. Giannia, whose mother was murdered when Giannia was an infant, was denied support on account of submitting her application too late. She recalled the experience of receiving her denial letter: “That denial letter...it makes

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<sup>5</sup> Interview with Stefany Boston, Survivor Outreach & Support Manager, Louis D. Brown Peace Institute in Boston, Mass. (Jan. 18, 2024).

<sup>6</sup> Interview with Giannia, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>7</sup> *Id.*

<sup>8</sup> Interview with Paige, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>9</sup> Interview with Carla, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>10</sup> Interview with Carla, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

people feel like, ‘Do they care? Is it my fault?’ ...If you’re at your wit’s end, it makes you feel like there’s nobody there to help you.”<sup>11</sup>

When reflecting on the Scheme overall, these survivors recalled a process in which they lacked dignity and agency.<sup>12</sup> Their accounts spoke to issues going deeper than a complicated application form or difficulty getting their questions answered; they described a system that can be at best unfair and at worst dehumanizing. Giannia wished that whoever had considered her application might “learn to listen instead of judge.”<sup>13</sup> In the words of Pace McConkie, Policy & Advocacy Manager at the Peace Institute, “A little bit of dignity goes a long way.”<sup>14</sup>

Why does the Scheme fail those it was intended to serve? How might the Scheme’s mechanics be adjusted to better achieve its goals? This report will examine the Scheme’s purpose—embodied in its structure, operation, and funding mechanisms—and contrast the Scheme’s goals to its real-life application and personal outcomes for applicants. We will examine how the system is ideally intended to work, contrast the reality of how it is applied, and provide recommendations on how to bridge that gap. Overall, this report seeks to demonstrate how procedural changes to the Scheme’s operation can help realize more equitable outcomes for applicants.

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<sup>11</sup> Interview with Giannia, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>12</sup> Interview with Survivors, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>13</sup> Interview with Giannia, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>14</sup> Interview with Pace McConkie, Policy and Advocacy Manager, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

## METHODOLOGY

This report builds on the previous work of Northeastern University School of Law’s Law Office 6 from 2022–2023. Last year, these students worked in partnership with the Louis D. Brown Peace Institute to develop two complementary reports: “Who Killed Louis Brown?: How the Criminal Justice System Fails Families and Communities”<sup>15</sup> and “One Size Does Not Fit All: Transforming the Approach to Survivors of Homicide Victims in Massachusetts.”<sup>16</sup> The first of these reports offered an in-depth look at the circumstances and repercussions surrounding the murder of Louis Brown—the 15-year-old son of Chaplain Clementina Chéry, founder of the Peace Institute.<sup>17</sup> This report highlighted the many ways the investigation of his death was mishandled, and the painful repercussions for Louis’ family and wider community.<sup>18</sup> The second report focused on policy considerations and challenges related to the Massachusetts Victim Bill of Rights.<sup>19</sup> This policy report examined the avenues of state support available to surviving family members in the wake of violent crime, and questioned to what degree victims’ rights are substantively respected and upheld.<sup>20</sup>

This report picks up where the policy report left off, continuing the critical examination of policies and programs making up the MA victim support system. Beginning with a wide scope

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<sup>15</sup> Rakabe Abraham, Jenna Clemenzi, Madison Crump, Gabrielle Delgado, Kyle Josias, Cate Spigel, Emily Teems, Christopher Thomas, and Ryan Wallace, *Who Killed Louis Brown? How the Criminal Justice System Fails Families and Communities*, Louis D. Brown Peace Institute (2023), <https://ldbpeaceinstitute.org/wp-content/uploads/2023/08/Who-Killed-Louis-Brown-Northeastern-Report-1.pdf>.

<sup>16</sup> Josephine Ban, Rylie Bretz, Julia Canney, Josephine Golder, *One Size Does Not Fit All: Transforming the Approach to Survivors of Homicide Victims in Massachusetts*, Louis D. Brown Peace Institute (2023), <https://ldbpeaceinstitute.org/wp-content/uploads/2023/08/Policy-One-Size-Does-Not-Fit-All-Northeastern-Report-2.pdf>.

<sup>17</sup> Louis D. Brown Peace Institute, *supra* note 15 at 7.

<sup>18</sup> *Id.*

<sup>19</sup> Louis D. Brown Peace Institute, *supra* footnote 16.

<sup>20</sup> *Id.*

of inquiry, we conducted interviews with Chaplain Chéry, other Peace Institute staff, and surviving families of homicide victims, in effort to identify the most pressing challenges to accessing these state programs. Our interview pool consisted of 11 survivors invited by Chaplain Chery to speak with us, all of whom volunteered and were comfortable having their stories included in this report. Additionally, we spoke with three staff members at the Peace Institute who work closely with survivors, as well as the clinical director of the Violence Intervention Advocacy Program (VIAP) at Boston Medical Center.

Throughout these dialogues, survivors consistently identified the MA Victim Compensation Scheme—one aspect of the wider victim support system—as a key area of confusion, frustration, and—at worst—re-traumatization among survivors. Our research then narrowed to focus on the workings of the Scheme, and the underlying causes of its inaccessibility to this group of survivors. While our survivor interviews provided invaluable insight into the applicant experience, our interview pool is not representative of all those the Peace Institute has helped navigate the Scheme, or applicants to the Scheme as a whole.

To structure our analysis of the Scheme, our group split into four research subgroups: Eligibility, Navigation, Funding, and Multi-State Comparison. Those in the Eligibility group focused on assessing available sources of information regarding the Scheme and how potential applicants might learn about the Scheme to determine their eligibility. The Navigation group focused on the mechanics of the application process, including the application form, the submission process, and subsequent communications regarding one’s application status. The Funding group researched how the state allocates funds to the Scheme, as well as the federal channels of funding for MA’s broader victim support services. Finally, the Multi-State Comparison group surveyed how similar programs operate across other states, examining the

clarity and ease of access in official state materials and the Scheme’s per capita outcomes relative to other states. To ensure a thorough understanding of the Scheme, we held additional interviews with staff from the AGO and the Victim Compensation and Assistance Division (VCAD)—the branch within the AGO responsible for administering the Scheme.

By joining these perspectives, this report highlights the aspects of the Scheme which impede access and fail to meet the lived needs and experience of survivors. It provides recommendations targeting the technical application process, ambiguities in the Scheme’s operation, and gaps in information and communication available to applicants. Overall, these recommendations speak to how procedural adjustments in the Scheme may result in more equitable outcomes and afford greater respect for survivors’ dignity.

This report uses “victim” and “survivor” synonymously. Official materials regarding the Scheme use the term “victim” in reference to those affected by violent crime, including both the decedent and family members who may apply to the Scheme. However, those interviewed as part of this study indicated their preference for the term “survivor” when speaking about their experiences. In deference to their wishes, we have exchanged “victim” for the term “survivor” wherever possible.

## FRAMING THE PROBLEM

In the United States, every state has a program to reimburse victims of violent crime and their families for some of the financial burdens associated with violent crime.<sup>21</sup> In many states, hospital bills, funeral and burial costs, and lost wages are among the most compensated.<sup>22</sup> In Massachusetts, the Scheme, operated by the AGO, works to prevent “further victimization [of] those who are affected by violent crime.”<sup>23</sup>

But not everyone has equal access to the Scheme. An Associated Press study conducted in 2023 found that Black applicants are disproportionately more likely to be denied compensation in many states—including Massachusetts—usually for reasons unrelated to the violent crime itself.<sup>24</sup> While white applicants were more likely to be denied for missing deadlines or applying under crimes not covered by compensation schemes, Black applicants were more likely to be denied for reasons outside the application process, such as if they ‘provoked’ the violent crime.<sup>25</sup> In most states, applicants can also be denied for failing to cooperate with a police investigation, which disproportionately impacts communities with a history of negative interactions with law enforcement.<sup>26</sup> The AP also found that Black applicants were almost three times as likely to be denied compensation for behavioral reasons, such as “contributory misconduct.”<sup>27</sup>

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<sup>21</sup> Claudia Lauer and Mike Catalini, *Every State Offers Victim Compensation. For the Longs and Other Black Families, It Often Isn't Fair*, AP News (May 17, 2023), <https://apnews.com/article/crime-victims-compensation-racial-bias-58908169e0ee05d4389c57f975eae49b>.

<sup>22</sup> Massachusetts Office of the Attorney General, *supra* footnote 3.

<sup>23</sup> *Id.*

<sup>24</sup> AP News, *supra* footnote 21.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

VCAD states that it rejects only 10% of applications to the Scheme.<sup>28</sup> However, the majority of people interviewed at the Peace Institute informed us their applications were rejected, often with no explanation as to why. Only three of our interviewees mentioned getting *any* compensation: two, a mother and daughter, received \$850 for their loved one’s funeral;<sup>29</sup> the other received \$100 for a single therapy session following the death of her son.<sup>30</sup>

While the Scheme is intended to prevent further victimization of those affected by violent crime,<sup>31</sup> the process often results in applicants further losing faith in the system. The survivors we interviewed faced obstacles at every step of the process. Giannia, whose mother was killed when she was an infant, was denied because the statute of limitations for applying expired when she was 21.<sup>32</sup> Carla, whose son was killed in a routine traffic stop, was denied because her son had “contributed to his own demise,” a term often used by police to indicate that the victim was involved with criminal activity prior to their death.<sup>33</sup> Another survivor was initially accepted, but was later incorrectly informed that she couldn’t submit reimbursement claims after 10 years.<sup>34</sup>

Misinformation runs deeper than a deadline for reimbursements. Many survivors apply to the Scheme with the understanding that it is an emergency fund or a cash benefit. In fact, the Scheme is a “fund of last resort”, and only reimburses applicants for certain, specific expenses after all other methods have been exhausted. It also takes months for an applicant to hear if they have been approved, and even longer to receive reimbursements. “[The misconception] exists

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<sup>28</sup> Interview with VCAD Staff, Massachusetts Attorney General’s Office, in Boston, Mass. (Jan. 18, 2024).

<sup>29</sup> Interview with Paige, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>30</sup> Interview with Anonymous, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>31</sup> Massachusetts Office of the Attorney General, *supra* footnote 3.

<sup>32</sup> Interview with Giannia, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>33</sup> Interview with Carla, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>34</sup> Interview with Anonymous, Survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

because it makes sense,”<sup>35</sup> says Pace McConkie. “It’s noninstinctual for it to be a reimbursement model.”<sup>36</sup> Unfortunately for both applicants to the Scheme and third-party providers, there is limited official communication about the Scheme on public-facing channels. The only official information about the Scheme lives on Massachusetts’s official government website, but much of that information is either unclear, outdated, or oversimplified, and doesn’t give applicants an accurate picture of each step of the process.

The communication gap only grows wider when we consider that applicants are coming to the Scheme at a very traumatic time in their lives. Stefany Boston, Survivor Outreach & Support Manager at the Peace Institute, told us that she has seen that trauma can impede a person’s ability to answer even the most straight-forward question on the form. “Trauma impacts different survivors differently. A survivor may not be ready to sit with these questions right now. It’s also possible to be faced with a survivor who, three years later, is still unable to sit with these questions[.]”<sup>37</sup>

“Often, for our survivors, systems are failing them again and again,”<sup>38</sup> says Kali Geddes, Healing Support Services Coordinator at the Peace Institute. Between the stigmatization, unequal access, and lack of concrete information, applicants grow disillusioned with the system, rather than receiving support when they needed it most.

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<sup>35</sup> Interview with Pace McConkie, Policy and Advocacy Manager, Louis D. Brown Peace Institute in Boston, Mass. (Jan. 18, 2024).

<sup>36</sup> *Id.*

<sup>37</sup> Interview with Stefany Boston, Survivor Outreach & Support Manager, Louis D. Brown Peace Institute in Boston, Mass. (Jan. 18, 2024).

<sup>38</sup> Interview with Kali Geddes, Healing Support Services Coordinator, Louis D. Brown Peace Institute in Boston, Mass. (Jan. 18, 2024).

## SCHEME MECHANICS

The Scheme is complex. It is comprised of many stakeholders, various funding sources, and multiple limitations. Its complexity has the potential to exacerbate miscommunication in the survivor community.<sup>39</sup> This report seeks to address this issue by establishing a baseline of common knowledge. In the following section, we present a high-level overview of the Scheme, its funding process, and its distribution requirements. Later in the section, we provide an in-depth look into VCAD, including its structure and current constraints.

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<sup>39</sup> Interview with Stefany Boston, Survivor Outreach & Support Manager, Louis D. Brown Peace Institute in Boston, Mass. (Jan. 18, 2024).

## EXPLANATION OF THE SCHEME

The Massachusetts Victims of Violent Crime Compensation Scheme is a reimbursement-style funding program that provides financial assistance to victims of violent crimes or their family members.<sup>40</sup> The Scheme is operated by the Victim Compensation and Assistance Division (VCAD), a division of the AGO.<sup>41</sup> VCAD is responsible for determining whether a party is eligible, how much money is awarded to survivors or their families<sup>42</sup> and distributing funds to those deemed eligible.<sup>43</sup>

The Scheme receives funding from two separate sources: the federal government and the Commonwealth of Massachusetts.<sup>44</sup> The federal funds flow from Congress to the Office for Victims of Crime (OVC), a federal agency, and then to Massachusetts.<sup>45</sup> Additionally, the Scheme receives annual appropriations from the Massachusetts state legislature.<sup>46</sup> Finally, VCAD receives its operations costs directly from the federal agency.<sup>47 48</sup>

Survivors<sup>49</sup> and their families may apply to this fund to receive reimbursement for expenses incurred due to a violent crime.<sup>50</sup> A “family member”<sup>51</sup> can include a spouse, parent,

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<sup>40</sup> Massachusetts Office of the Attorney General, *supra* footnote 3.

<sup>41</sup> *Id.*

<sup>42</sup> The legal term used in the scheme is ‘victim,’ but survivors prefer to be called survivors. See the Methodology section of this report and its note on terminology.

<sup>43</sup> Massachusetts Office of the Attorney General, *supra* footnote 3.

<sup>44</sup> *Victims of Crime Act Crime Victims Fund*, U.S. Department of Justice Office for Victims of Crime, (last visited Feb. 7, 2024), [https://www.ncjrs.gov/ovc\\_archives/factsheets/cvfvca.htm](https://www.ncjrs.gov/ovc_archives/factsheets/cvfvca.htm).

<sup>45</sup> *Id.*

<sup>46</sup> *Audit of the Office of Justice Programs Victim Compensation Grants Awarded to the Massachusetts Department of Attorney General*, Department of Justice (Aug. 2020), <https://oig.justice.gov/sites/default/files/reports/20-089.pdf>.

<sup>47</sup> *Id.*

<sup>48</sup> See Appendix A for more information on federal funding for the Scheme.

<sup>49</sup> A victim/survivor of violent crime is defined as a person who suffers personal, physical, or psychological injury or death as a direct result of a crime committed against them. 940 MASS. CODE REGS. 14.00 (2023).

<sup>50</sup> Interview with VCAD Team, Massachusetts Attorney General’s Office, in Boston, Mass. (Jan. 18, 2024).

<sup>51</sup> For a full list of those included as a “family member”, see 940 MASS. CODE REGS. 14.00 (2023).

child, or a full or partial dependent of the victim of crime at the time of their injury or death.<sup>52</sup>

<sup>53</sup>Under the Scheme, survivors have a right to notification of their application status.<sup>54</sup> Survivors typically hear about the Scheme from a Victim Assistance Advocate<sup>55</sup> (based in the MA Office of Victim Assistance; not the AGO) or a non-governmental support organization, such as the Peace Institute.<sup>56</sup>

To access the Scheme, a survivor must be deemed “eligible”<sup>57</sup> by the state.<sup>58</sup> Applicants must be a survivor or family member of a victim of a violent crime in Massachusetts, must report the crime within five days, and must cooperate with law enforcement during the investigation and prosecution process in order to be eligible for compensation.<sup>59</sup> Survivors must take a series of steps, beginning with submitting an application form to VCAD by mail, fax, or email.<sup>60</sup> VCAD will notify survivors with their decision of eligibility within one to four months for homicide crimes and six to nine months for all other violent crimes.<sup>61</sup>

The application form is available on Massachusetts’ official government website.<sup>62</sup> VCAD directs eligible individuals where to download the application and fill it out.<sup>63</sup> The survivor will submit the completed application and required supporting documents (usually

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<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> A Victim Assistance Advocate ensures that survivors and their family members are fully informed of their rights under the Victims Bill of Rights. *Victim & Witness Assistance*, Berkshire District Attorney's Office (last visited Mar. 11, 2024), <https://www.mass.gov/victim-witness-assistance>.

<sup>56</sup> Interview with VCAD Team, Massachusetts Attorney General’s Office, in Boston, Mass. (January 18, 2024).

<sup>57</sup> 940 MASS. CODE REGS. 14.00 (2023).

<sup>58</sup> *Id.* at §14.06.

<sup>59</sup> *Applying for Victims of Violent Crime Assistance*, Office of the Attorney General (last visited Feb. 9, 2024), <https://www.mass.gov/info-details/applying-for-victims-of-violent-crime-assistance>.

<sup>60</sup> *Id.*

<sup>61</sup> Interview with VCAD Team, Massachusetts Attorney General’s Office, in Boston, Mass. (Jan. 18, 2024).

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

receipts or invoices of eligible expenses) to VCAD.<sup>64</sup> If there are any errors or incomplete sections in the application, survivors will be contacted by VCAD.<sup>65</sup> Any additional information or changes to the information originally reported is allowed to be submitted throughout the consideration process without penalty up until a final decision is reached by VCAD.<sup>66</sup> Survivors can reapply if their application is rejected.<sup>67</sup> However, VCAD may not indicate the reason for denial.<sup>68</sup> Once the application is accepted, it may take up to six to nine months to be reimbursed for violent crimes other than homicide.<sup>69</sup>

The Scheme operates on a reimbursement model, meaning that all expenses must be paid out-of-pocket before the possibility of reimbursement by VCAD.<sup>70</sup> The maximum award for individual compensation is \$50,000 for catastrophic injuries and \$25,000 for non-catastrophic injuries.<sup>71</sup> A catastrophic injury is defined as “an injury that creates a permanent impairment for the victim.”<sup>72</sup> <sup>73</sup> The compensation fund covers costs such as uninsured medical and dental care, mental health counseling, funeral and burial costs, and income lost due to the inability to work.<sup>74</sup> <sup>75</sup> For example, the maximum award for funeral and burial expenses is \$8,000.<sup>76</sup> Notably, the Scheme is a “fund of last resort.”<sup>77</sup> In other words, to be eligible for the Scheme, a survivor must

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<sup>64</sup> *Id.*

<sup>65</sup> Interview with John Malone, VCAD Deputy Director (Feb. 27, 2024).

<sup>66</sup> *Id.*

<sup>67</sup> *Id.*

<sup>68</sup> Interview with Giannia, survivor, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>69</sup> Interview with VCAD Team, Massachusetts Attorney General’s Office in Boston, Mass. (Jan. 18, 2024).

<sup>70</sup> *Id.*

<sup>71</sup> MASS. GEN. LAWS ANN. ch. 258C, §3 (2023).

<sup>72</sup> 940 MASS. CODE REGS. 14.00 (2023).

<sup>73</sup> *Id.* at §14.03.

<sup>74</sup> *Id.*

<sup>75</sup> *Id.* at §14.06.

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

have exhausted all other sources of financial assistance.<sup>78</sup> The state defines “other sources” to include health insurance, GoFundMe campaigns, public benefits, and financial support.<sup>79</sup>

The Scheme is meant to be an avenue for financial reparations following crime or the loss of a family member. Ideally, a survivor would fill out the application form, be deemed eligible, and get their financial recompense. However, it is clear from conversations with survivors, state officials, and local advocates that this is not the case. There are considerable obstacles to the Scheme’s accessibility and viability as a means of support for survivors of violent crime.

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<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

## VICTIM COMPENSATION AND ASSISTANCE DIVISION (VCAD)

### HOW DOES VCAD DISBURSE FUNDING?

Under the Scheme, victims of violent crime may be eligible to receive reimbursement of expenses in several categories. In the Commonwealth of Massachusetts, victims may receive funds to cover:

- Funeral and burial expenses;
- Medical expenses;
- Mental health counseling fees;
- Lost wages;
- Homemaker services;
- Loss of financial support;
- Attorney's fees;
- Professional crime clean-up services;
- Replacement of clothing and bedding;
- Security measures;
- Catastrophic injury loss.<sup>80</sup>

Once VCAD has determined that an applicant is eligible, they may be reimbursed for expenses in any number of these categories. However, the total compensation amount will be affected if an applicant received support from another organization or individual.<sup>81</sup> For example, outside organizations (such as the Peace Institute) providing a survivor with money for funeral expenses will affect a survivor's compensation calculation.<sup>82</sup> The amount received by an outside organization will be deducted from the applicant's final funding total.<sup>83</sup>

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<sup>80</sup> MASS. GEN. LAWS ANN. ch. 258C, §3 (2023).

<sup>81</sup> Interview with VCAD Team, Massachusetts Attorney General's Office in Boston, Mass. (Jan. 18, 2024).

<sup>82</sup> *Id.*

<sup>83</sup> *Id.*

The process for receiving the actual check from the Commonwealth is cumbersome and lengthy. Frequently, VCAD must communicate directly with a third party (such as a funeral home) to verify an expense, creating unnecessary delays. Once that third party has confirmed the invoice and the amount, VCAD will then reimburse the victim for that amount with a mailed check.<sup>84</sup> The AGO does not directly issue the checks; they must be issued from the Commonwealth's treasurer's office, sometimes causing additional delay.<sup>85</sup>

To illustrate, suppose a family had to pay \$5,000 out-of-pocket for a funeral expense. Once they apply for reimbursement through VCAD and are determined to be eligible, they will submit a copy of the invoice from the funeral home.<sup>86</sup> Then, someone in the VCAD office will call the funeral home, confirm the details of the invoice, and any other necessary information.<sup>87</sup> Both survivors and staff from the AGO report that businesses may be slow to respond to VCAD, and this process could add weeks or months to the timeline due to a lack of response.<sup>88</sup> Once VCAD gathers the information, they will send the necessary paperwork to the treasurer's office, which will ultimately cut and mail the check.<sup>89</sup>

## CURRENT CONSTRAINTS ON VCAD

VCAD staff are responsible for reviewing over 1,000 applications each year from both victims and survivors.<sup>90</sup> While the recent 2020 Department of Justice report has stated that there

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<sup>84</sup> *Id.*

<sup>85</sup> *Id.*

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.*

<sup>89</sup> *Id.*

<sup>90</sup> *Victim Compensation Formula Grant Program: Annual Performance Measures Reports October 01, 2021 - September 30, 2022*, Office for Victims of Crime, (Nov. 14, 2022), <https://ovc.ojp.gov/states/vc-fy-2022-massachusetts-annual-report.pdf>.

were no “significant concerns” with VCAD’s reports, there remain inefficiencies in the claim processing time. In addition to these inefficiencies, we have identified several constraints limiting VCAD staff’s ability to provide responsive and timely support to applicants.<sup>91</sup> These constraints include (1) the Scheme’s caps on specific compensable expenses, and (2) limited staffing.

### I. CAPS ON FUNERAL EXPENSES

The statute governing the Scheme<sup>92</sup> sets an \$8,000 cap on expenses for funeral and burial costs.<sup>93</sup> There is also an overall cap of \$25,000 on compensation for each individual victim, with an exception for cases of serious injuries (including the families of homicide victims) for which awards may range up to \$50,000.<sup>94</sup> Despite survivors of homicide being eligible for a maximum of \$50,000 in compensation, the actual amount provided per case is usually far lower.<sup>95</sup> This is due to funeral expenses—which make up the majority of survivors’ homicide compensation claims—being capped at only \$8,000.<sup>96</sup>

During the 2022 fiscal year reporting period, 222 applicants who filed under the homicide category received funds under the Scheme.<sup>97</sup> Collectively, they received a total of \$1,140,312 in overall compensation,<sup>98</sup> \$968,084 of which went towards “Funeral Burial” expenses.<sup>99</sup> This

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<sup>91</sup> *Victim Compensation Formula Grant Program: Annual Performance Measures Reports October 01, 2018 - September 30, 2019*, Office for Victims of Crime (Nov. 14, 2019),

<https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/vc-fy-19-massachusetts-annual-report-508.pdf>.

<sup>92</sup> MASS. GEN. LAWS ANN. ch. 258C, §3 (2023).

<sup>93</sup> MASS. GEN. LAWS ANN. ch. 258C, § 3(1)(A) (2023).

<sup>94</sup> *Id.* at § 3(a).

<sup>95</sup> Office for Victims of Crime, *supra* note 91. (In the October 2018 – September 2019 reporting period, 262 applications by homicide survivors were compensated for a total of \$1,373,178. This averages to only \$5,241.13 of compensation per successful applicant.)

<sup>96</sup> *Id.*

<sup>97</sup> *Id.*

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

means that 84.9% of all compensation for homicide in FY 2022 was for funeral and burial costs.<sup>100</sup> This is not an isolated occurrence: between FY 2018 and FY 2022, funeral costs have averaged 82.8% of all compensation for homicide applications.<sup>101,102,103,104,105</sup>

The current cap unduly limits support to survivors and fails to reflect the actual costs of funeral services. As of 2024, estimates for the average funeral cost of a full-service burial in Massachusetts range between \$9,525<sup>106</sup> and \$10,270.<sup>107</sup> These estimates are noticeably above the maximum compensable amount under the Scheme.<sup>108</sup> Given that Massachusetts law recognizes survivors of homicide victims as an exceptional category entitled to the higher compensation cap of \$50,000, and that funeral costs make up 82.8% of historical compensation to this group, the cap on funeral expenses means that most homicide applicants never receive anywhere near the \$50,000 for which they are legally eligible.<sup>109</sup> The current \$8,000 cap on funeral expenses is a significant and arbitrary obstacle—it is neither commensurate to the actual cost of funerals in Massachusetts nor mandated by law, as there is no federal requirement for such a cap.<sup>110</sup>

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<sup>100</sup> *Id.*

<sup>101</sup> *Victim Compensation Formula Grant Program: Annual Performance Measures Reports October 01, 2017 - September 30, 2018*, Office for Victims of Crime (Nov. 15, 2018), <https://ovc.ojp.gov/sites/g/files/xyckuh226/files/media/document/massachusetts-2018-voca-compensation-state-report.pdf>.

<sup>102</sup> Office for Victims of Violent Crimes, *supra* note 91.

<sup>103</sup> *Victim Compensation Formula Grant Program: Annual Performance Measures Reports October 01, 2019 - September 30, 2020*, Office for Victims of Crime (Nov. 13, 2020), <https://ovc.ojp.gov/states/vc-fy-2020-massachusetts-annual-report.pdf>.

<sup>104</sup> *Victim Compensation Formula Grant Program: Annual Performance Measures Reports October 01, 2020 - September 30, 2021*, Office for Victims of Crime (Nov. 12, 2021), <https://ovc.ojp.gov/states/vc-fy-2021-massachusetts-annual-report.pdf>.

<sup>105</sup> Office for Victims of Violent Crimes, *supra* note 90.

<sup>106</sup> *Average Funeral Cost in Massachusetts*, Funeralocity Consumer Advocate (last visited Mar. 11, 2024), <https://www.funeralocity.com/average-funeral-price/ma>.

<sup>107</sup> *Average Funeral Cost by State 2024*, World Population Review (2024), <https://worldpopulationreview.com/state-rankings/average-funeral-cost-by-state>.

<sup>108</sup> MASS. GEN. LAWS. ANN. ch. 258C, §3 (2023).

<sup>109</sup> Office for Victims of Crime, *supra* note 91; Office for Victims of Crime, *supra* note 102; Office for Victims of Crime, *supra* note 103; Office for Victims of Crime, *supra* note 104; Office for Victims of Crime, *supra* note 105.

<sup>110</sup> Interview with VCAD Staff, Massachusetts Attorney General's Office, in Boston, Mass. (Jan. 18, 2024).

We recommend that the legislature either raise the \$8,000 cap or remove it entirely. Removing this limitation would allow VCAD to fully accommodate all costs incurred by survivors in the burial of their loved ones. This removal would not change the overall compensation cap of \$50,000 per case, remaining well within the boundaries established by state law.

If removing the limitation entirely is not possible, we recommend that the legislature instead follow the guidance of the Governor's office and increase the existing limit on compensation for funeral and burial costs to better represent actual costs.<sup>111</sup> Governor Healey's 2025 Budget Recommendation (Section 79) proposed a change to Victim Compensation Reimbursement which would increase maximum compensation for funeral and burial costs from \$8,000 to \$13,000 per victim<sup>112</sup> by amending Section 3(b)(1)(A).<sup>113</sup>

## II. LIMITED STAFFING

A small team of nine VCAD staff must process over 1,000 applications for compensation support annually.<sup>114</sup> In our meeting with VCAD, current staff acknowledged they would benefit from additional staff members to assist with review of applications.<sup>115</sup> The processing time for non-homicide applications in Massachusetts is six to nine months, while the national average

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<sup>111</sup> *Section 79 Victim Compensation Reimbursement*, Governor's Budget FY 2025 Recommendation (last visited Mar. 11, 2024), <https://budget.digital.mass.gov/govbudget/fy25/outside-section/section-79-victim-compensation-reimbursement-1/>.

<sup>112</sup> *Id.*

<sup>113</sup> MASS. GEN. LAWS. ch. 258C, § 3 (2023).

<sup>114</sup> Interview with Staff, Massachusetts Victims Compensation and Assistance Division in Boston, Mass. (Nov. 13, 2023).

<sup>115</sup> Office for Victims of Crime, *supra* note 91; Interview with VCAD Staff, Massachusetts Attorney General's Office, in Boston, Mass. (Jan. 18, 2024).

stands at four to seven months.<sup>116</sup> The processing time for homicide cases is not much better at an average one to four months before funding reaches the applicants.<sup>117</sup>

As of 2023, one employee at a time works the phone line.<sup>118</sup> VCAD rotates the responsibility of answering calls throughout the department, which diverts staff time away from processing applications.<sup>119</sup> Hiring a dedicated staff person for communications would help fix this issue. This staff member can serve as the first line of support, answering applicants' common questions and forwarding more complex inquiries to the appropriate party.

In order to fund this additional employee position, VCAD can access federal funds from the Victim Compensation Formula Grant. The Victims of Crime Act (VOCA) allows states to use up to five percent of their federal grant allocation for administrative expenses.<sup>120</sup> In 2023, Massachusetts received a Victim Compensation Formula Grant of \$2,019,000.<sup>121</sup> Of that total, VCAD can access just over \$100,000 of this grant for administrative expenses. In a 2020 audit, however, the Department of Justice found that VCAD had accessed only two to three percent of available VOCA grant money.<sup>122</sup> Had VCAD accessed five percent of the 2023 grant, as opposed to their typical three percent, the department would have had an additional \$40,000 to fund this communications role. An additional employee dedicated to communications will increase call response time and decrease claim processing time. VCAD staff and applicants to the Scheme

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<sup>116</sup> Interview with VCAD Team, Massachusetts Attorney General's Office, in Boston, Mass. (January 18, 2024).

<sup>117</sup> *Id.*

<sup>118</sup> Interview with Staff, Massachusetts Victims Compensation and Assistance Division in Boston, Mass. (Nov. 13, 2023).

<sup>119</sup> *Id.*

<sup>120</sup> Department of Justice, *supra* note 46.

<sup>121</sup> *OVC FY 2023 VOCA Victim Compensation Formula Grant*, Office for Victims of Crime (Aug. 23, 2023), <https://ovc.ojp.gov/funding/awards/15povc-23-gg-00419-comp>.

<sup>122</sup> *Id.*

will benefit from this additional support, and federal grant money is available to fund this position.<sup>123</sup>

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<sup>123</sup> DOJ, Audit of the Office of Justice Programs Victim Compensation Grants Awarded to the Massachusetts Department of Attorney General (Aug. 2020).

## FIXING THE APPLICATION PROCESS

The current application process for compensation in Massachusetts hinders access to justice for survivors. While some of the issues with the application process require broader reforms, several targeted changes would make the application an easier process for survivors. These recommended changes address: (1) a restrictive statute of limitations; (2) ambiguity regarding the requirement of cooperation with law enforcement; (3) the Scheme's website; (4) accessibility of the application form; and (5) lack of communication and transparency regarding the application process.

### STATUTE OF LIMITATIONS

A statute of limitations bars an individual from bringing a claim after a certain period of time has passed since the date of the event.<sup>124</sup> The statute of limitations of a specific crime is state-dependent.<sup>125</sup> These time limits exist to protect defendants from legal action when evidence might become unreliable due to the passage of time.<sup>126</sup>

The Scheme has a statute of limitations of three years.<sup>127</sup> Survivors must file a claim within three years of the date of the crime to be eligible for compensation. Minors that are survivors of violent crimes must either file via an immediate family member or wait until they

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<sup>124</sup> *STATUTE OF LIMITATIONS Definition & Legal Meaning*, The Law Dictionary, <https://thelawdictionary.org/statute-of-limitations/>.

<sup>125</sup> For example, the statute of limitations in Texas is 2 years from the date of accident, while it is 3 years in Massachusetts. *Eligibility for Crime Victims' Compensation Program*, Attorney General of Texas (last visited Mar. 12, 2024), <https://www.texasattorneygeneral.gov/crime-victims/crime-victims-compensation-program/eligibility-crime-victims-compensation-program#:~:text=The%20victim%20or%20claimant%20must%20capacity%20of%20the%20victim%2C%20etc;940> MASS. CODE REGS. 14.05 (2023).

<sup>126</sup> Christina Majaski, *Statute of Limitations: Definition, Types, and Example*, Investopedia, Jan. 04, 2024.

<sup>127</sup> MASS. GEN. LAWS ANN. ch. 258C, §3 (2023).

are 18 to file; if a survivor is under 18 at the time of the crime, the statute of limitations does not begin to run until they turn 18.<sup>128</sup> These survivors then have until the age of 21 to file for reimbursement.<sup>129</sup>

There are two significant obstacles to otherwise eligible applicants applying within this three-year window. The first is a lack of awareness of the Scheme itself. As established above, there is no official outreach to victims of violent crime, with most survivors instead hearing about the Scheme through word of mouth. It is difficult to justify cutting off a survivor's access to the Scheme after three years in the absence of an official means of notice. The second obstacle is the all-consuming nature of trauma following an incident of violent crime and the potential loss of a loved one. In the words of Stefany Brown: "Trauma is different for everyone. Someone might not be ready to sit with those questions right now. They might not be ready to sit with those questions three years from now."<sup>130</sup> Thus, the statute of limitations unjustly excludes those who were unaware of the Scheme or unable to apply due to trauma.

Furthermore, the statute of limitations excludes people *needlessly*, as the AGO has clarified that they do not deny applicants based on the completeness of an application.<sup>131</sup> This means that even if an applicant submits an incomplete application within the three-year limit, their application will still be reviewed and VCAD staff will help the applicant complete it later. For instance, consider two survivors: A and B, both impacted by a violent crime in May of 2014. Survivor A completed an application with minimal details and submitted it to VCAD. Survivor B did not submit an application at all. Despite not technically receiving a "complete" application

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<sup>128</sup> *Id.*

<sup>129</sup> *Id.*

<sup>130</sup> Phone Interview with Stefany Boston, Survivor Outreach & Support Manager, Louis D. Brown Peace Institute (Jan. 25, 2024).

<sup>131</sup> Interview with VCAD Team, Massachusetts Attorney General's Office in Boston, Mass. (Jan. 18, 2024).

from either person, VCAD will still process Survivor A's application and aid in its completion, even if this occurs more than three years after the date of the crime. Had Survivor B submitted an application, no matter how incomplete, they too would have had the opportunity to have their application reviewed. But because they didn't—due to a lack of knowledge about the Scheme or an inability to do so due to ongoing trauma—they are now completely barred from accessing the Scheme.

If the purpose of the Scheme's statute of limitations is to ensure that claimants do not seek compensation for long-past events, this purpose is not served by a three-year time limit. Documentation of eligible expenses can likely still be secured after three years, reducing the risk of fraudulent or unsupported claims. The time limitation furthermore does not operate to conserve the Scheme's funding, given that survivors—once determined eligible—may seek compensation for the rest of their lives after opening an initial claim. If there is no time limit on how long an approved individual may continue submitting claims (up to the \$25,000 or \$50,000 cap, depending on the type of crime), then the three-year limitation of when the initial qualifying claim must be submitted seems to place an arbitrary limitation on access to the Scheme. At worst, this limitation can result in the lifetime exclusion of an otherwise eligible applicant, merely because they did not learn of the Scheme in time.

We strongly advocate for Massachusetts to either extend the Scheme's statute of limitations or eliminate it entirely. California's compensation scheme offers a compelling model to consider,<sup>132</sup> with a statute of limitations of seven years. Alternately, Vermont places no such

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<sup>132</sup> *How to Get Compensated*, California Victim Compensation Board (last visited Mar. 11, 2024) <https://victims.ca.gov/for-victims/how-compensation-works/#:~:text=You%20must%20apply%20within%20filing,been%20discovered%20%E2%80%93%20whichever%20is%20later.>

temporal restrictions on access to its own reimbursement scheme.<sup>133</sup> Extending or eliminating the statute of limitations would provide survivors more time to learn about the Scheme, and to process potentially debilitating trauma before applying. Such a change would make an immense improvement for overall accessibility.

## **COOPERATION WITH LAW ENFORCEMENT**

The current Scheme requires that applicants “cooperate” with law enforcement.<sup>134</sup> However, this requirement fails to properly define the expectations of “cooperation” and is itself a discretionary obligation not mandated by the federal government.

In our consultation with survivors, multiple individuals raised this issue of uncertainty regarding what constitutes “cooperation” for the purposes of eligibility.<sup>135</sup> As per the statute, such cooperation may include “reporting the crime to law enforcement authorities; assisting in identifying the suspect; and complying with all reasonable requests of law enforcement officials for information and assistance.”<sup>136</sup> These requests may further include responding to calls from law enforcement and responding to summons by the court.<sup>137</sup> Neither the Scheme’s application form nor general website offers a simple explanation of this requirement, however, making it difficult for potential applicants to know whether this may be grounds for ineligibility.

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<sup>133</sup> *Eligibility*, Vermont Center for Crime Services (last visited Mar. 11, 2024),

<https://www.ccvs.vermont.gov/support-for-victims/victims-compensation-program/eligibility>.

<sup>134</sup> MASS. GEN. LAWS. ANN. ch. 258C, §3 (2023).

<sup>135</sup> Interview with Survivors, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>136</sup> 940 MASS. CODE REGS. 14.05 (2023).

<sup>137</sup> Interview with John Malone, VCAD Deputy Director, Victim Compensation and Assistance Division (Feb. 27, 2024).

When reviewing an application, VCAD staff determine if applicants have successfully fulfilled this obligation, and will consider reasonable excuses for not doing so.<sup>138</sup> These excuses include, but are not limited to, “physical or psychological inability to cooperate or reasonable fear of retaliation by the offender or others; a physical inability to travel to court, or cultural or language barriers limiting access to the court system.”<sup>139</sup> As the list above is not exhaustive, VCAD also has discretion to allow for other forms of reasonable excuse on a case-by-case basis.<sup>140</sup> Similar to the above-referenced ambiguity regarding what constitutes “cooperation,” applicants are generally unaware that reasonable excuses can be considered for failing to meet this requirement.

Requiring cooperation with law enforcement may further discourage applicants from communities who are disproportionately impacted by violent crime. According to the FBI’s Uniform Crime Report, 22% of victims of violent crime in Massachusetts in 2022 were Black,<sup>141</sup> despite making up under ten percent of the state’s population.<sup>142</sup> Violent crime also occurred disproportionately in areas where the average household incomes are lower than the state’s median and contain larger minority populations.<sup>143</sup> It is exactly these populations who are both

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<sup>138</sup> *Id.*

<sup>139</sup> 940 MASS. CODE REGS. 14.05 (2023).

<sup>140</sup> Interview with John Malone, VCAD Deputy Director, Victim Compensation and Assistance Division (Feb. 27, 2024).

<sup>141</sup> *Crime Data*, Federal Bureau of Investigation Crime Data Explorer (May 1, 2023), <https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/crime-trend>.

<sup>142</sup> *QuickFacts: Massachusetts*, United States Census Bureau (Jul. 1, 2023), <https://www.census.gov/quickfacts/fact/table/MA/PST045223>.

<sup>143</sup> *Crime Occurance: Property crime (2022)*, MassAnalysis (last visited Feb. 10, 2024), [https://massanalysis.com/index.php/crime/?gad\\_source=1&gclid=Cj0KCCQiA5rGuBhCnARIsAN11vgQWtmXGcUnKG5kdLA6131A1d73a6kLlsvvipTavJrJXzHSiwnUrPogaAuT1EALw\\_wcB; Massachusetts Income – Table](https://massanalysis.com/index.php/crime/?gad_source=1&gclid=Cj0KCCQiA5rGuBhCnARIsAN11vgQWtmXGcUnKG5kdLA6131A1d73a6kLlsvvipTavJrJXzHSiwnUrPogaAuT1EALw_wcB; Massachusetts Income – Table), National Institute on Minority Health and Health Disparities (last visited Mar. 8, 2024), [https://hdpulse.nimhd.nih.gov/data-portal/social/table?race=00&race\\_options=race\\_7&sex=0&sex\\_options=sexboth\\_1&age=001&age\\_options=ageall\\_1&statefips\\_options=area\\_states&demo=00011&demo\\_options=income\\_3&socialtopic=030&socialtopic\\_options=social\\_6&statefips=25](https://hdpulse.nimhd.nih.gov/data-portal/social/table?race=00&race_options=race_7&sex=0&sex_options=sexboth_1&age=001&age_options=ageall_1&statefips_options=area_states&demo=00011&demo_options=income_3&socialtopic=030&socialtopic_options=social_6&statefips=25).

most likely to benefit from the Scheme, and most likely to have a reasonable excuse not to “cooperate” with law enforcement due to fear of retaliation, distrust of law enforcement agencies, or potential immigration issues. It is therefore imperative that this barrier be lowered, and access improved for those groups most affected by violent crime.

### I. DEFINE WHAT “COOPERATION” MEANS

To reduce uncertainty among potential applicants, the “cooperation” requirement should be communicated with greater clarity. Drawing from the statutory language noted above, the application form could include a brief overview of VCAD’s common expectations under this requirement and provide notice that reasonable excuses will be considered. Most importantly, it must be clearly communicated to survivors that an inability to engage with law enforcement is not sole grounds for ineligibility under the Scheme.

Potential applicants would also benefit from a clearer indication that “law enforcement” need not only include police officers. According to state regulations, law enforcement authorities include: “federal, state, or local police; school, college, or university police; housing authority police; or the M.B.T.A. police.”<sup>144</sup> Someone who is uncomfortable interacting with state police may be more willing to interact with one of these alternative entities. If they did not know the alternative options, that person may think they are precluded from the Scheme’s funds because they believe that cooperation with the police is the only way to be able to qualify.<sup>145</sup> Providing greater clarity would lower, albeit not remove, this potential barrier.

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<sup>144</sup> 940 MASS. CODE REGS. 14.05 (2023).

<sup>145</sup> Interview with VCAD Team, Massachusetts Attorney General’s Office, Boston, Mass. (Jan. 18, 2024).

## II. REMOVE THE COOPERATION REQUIREMENT ALTOGETHER

Going beyond improved clarity and communication, it could prove more effective for the Massachusetts state legislature to remove the cooperation requirement altogether. At the federal level, states are no longer required to have a cooperation requirement as part of their schemes. VOCA initially required that state programs must promote “victim cooperation with the reasonable requests of law enforcement authorities” to be eligible for funding from the Federal Government.<sup>146</sup> However, in 2021 Congress passed the VOCA Fix to Sustain the Crime Victims Fund Act, which clarified that this requirement may be waived by the state in certain circumstances.<sup>147</sup> If a state program “determines such cooperation may be impacted due to a victim's age, physical condition, psychological state, cultural or linguistic barriers, or any other health or safety concern that jeopardizes the victim's wellbeing,” then the state is allowed to waive the requirement.<sup>148</sup> The requirement could be removed through an amendment to Chapter 258C Section 2, by removing subsection C.<sup>149</sup>

## THE WEBSITE

Two improvements can reduce the divide between the AGO and survivors seeking support during a period of grief and loss. First, a general website change tailoring information for specific audiences will better support those attempting to receive government assistance. Second, additional resources can help aid navigation of the application.

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<sup>146</sup> *VOCA Fix to Sustain the Crime Victims Fund Act of 2021*, Congress.gov (Jul. 22, 2021), <https://www.congress.gov/bill/117th-congress/house-bill/1652>.

<sup>147</sup> *Victims of Crime Act (VOCA) Administrators: Laws & Policies*, Office for Victims of Crime (Jun. 5, 2023), <https://ovc.ojp.gov/program/victims-crime-act-voca-administrators/laws-policies/>.

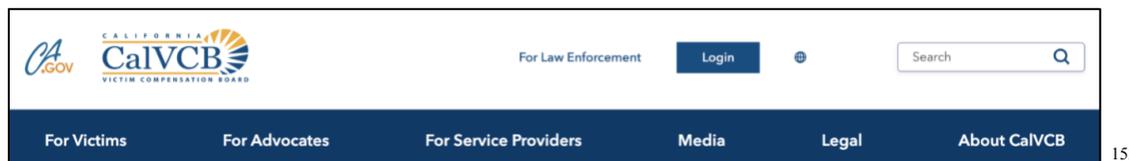
<sup>148</sup> Congress.gov, *supra* note 146.

<sup>149</sup> *Id.*

## I. LACK OF SUFFICIENT INFORMATION FOR EVERY APPLICANT

The Massachusetts web portal provides a simple overview of the Scheme.<sup>150</sup> It appears on a government website page, with links guiding visitors to the application itself and various ways to contact the office.<sup>151</sup>

In contrast, other states bolster their outreach through more detailed websites. California's government website includes a dedicated landing page managed by the state's Victim Compensation Board (CalVCB), rather than using a single tab on a generalized website.<sup>152</sup>



CalVCB's homepage includes a tab for each audience.

Through use of these various tabs, California organizes information for different audiences.<sup>154</sup> There are individual pages designed for victims, advocates, service providers, media, legal, and frequently asked questions.<sup>155</sup> Each audience can click their corresponding tab and find what information they need rather than sifting through information in one generalized location. The homepage provides a helpful overview, along with the link to the application form for those familiar with the process who do not need further information.<sup>156</sup> Because CalVCB

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<sup>150</sup> *Massachusetts Victims of Violent Crime Compensation*, Official Website for the Commonwealth of Massachusetts (last visited Mar. 9, 2024), <https://www.mass.gov/massachusetts-victims-of-violent-crime-compensation>.

<sup>151</sup> *Id.*

<sup>152</sup> *CalVCB*, California Victim Compensation Board (last visited Feb. 9, 2024), <https://victims.ca.gov/>.

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

<sup>156</sup> *Id.*

manages their own webpage within the California government website, they have greater control over their outreach to potential applicants, thereby improving the program’s accessibility.

Massachusetts should consider similarly organizing its outreach by audience and establishing a dedicated website for the Scheme. Revamping the website to include catered pages for each audience will help improve public awareness and understanding of the Scheme. Setting up an independent page would allow VCAD to keep the page readily updated, and to better engage with current and potential applicants.

## II. LACK OF RESOURCES TO HELP APPLICANTS NAVIGATE THE SCHEME

People unfamiliar with the Scheme can read about eligibility criteria, how to apply, and other necessary information on the Massachusetts webpage.<sup>157</sup> If questions arise, a person can contact VCAD, but—as noted above—VCAD staff have limited capacity to respond to all assistance requests.<sup>158</sup> In contrast, Connecticut’s webpage provides this information up front.

Select Language ▾

**Victim Compensation Program**

If you or someone you know is the victim of a violent crime, the Victim Compensation Program may be able to help pay for certain crime expenses that are not covered by insurance or another financial resource.

This video explains who may be eligible for victim compensation, the benefits available, how to file an application, and the claim process. You may watch the entire video or choose a video below.

Choose a video

1. [Who may be eligible for victim compensation](#) (6:00)
2. [Benefits available](#) (4:48)
3. [How to file an application](#) (3:05)
4. [The claim process](#) (7:05)

The Victim Compensation Program has compassionate and caring staff that will help you with the application and claim process. If you would like to speak with a staff member, please call **1-888-286-7347** or email [OVSCompensation@jud.ct.gov](mailto:OVSCompensation@jud.ct.gov).

**Frequently Asked Questions** (Click [+] below to expand or collapse)

[Preguntas frecuentes acerca de la atención a las víctimas - PDF](#)

1. [Who can receive victim compensation?](#) [+]

*"[The claims examiner] helped me through the worst time in my whole life with compassion. She is wonderful."*  
Comment from a Victim Compensation Program survey

0:00 / 18:28

159

<sup>157</sup> Massachusetts Office of the Attorney General, *supra* footnote 3.

<sup>158</sup> *Id.*

<sup>159</sup> *Victim Compensation Program*, State of Connecticut Judicial Branch (last visited Feb. 9, 2024), <https://www.jud.ct.gov/crimevictim/compensation.htm>.

Connecticut’s homepage includes video links that explain the process and frequently asked questions.

Connecticut’s website exemplifies how a state can provide accessible resources to the public, reducing the burden on the administering office to answer a high volume of individual calls about the compensation program.<sup>160</sup> First, Connecticut posts videos to promote, explain, and walk people through the application process.<sup>161</sup> Second, they list multiple frequently asked questions.<sup>162</sup> If those resources are not helpful, they list the office phone number and email address for direct inquiries.<sup>163</sup> New York provides a resource that could also benefit Massachusetts—a tab on the website dedicated to connecting people with Victim Assistance Programs near them.<sup>164</sup>

Improved resources would better enable people to locate information on their own, thereby reducing the burden on the compensation program’s administrators to respond to individual inquiries. Improved online resources for the Massachusetts Scheme will alleviate pressure on the Office and close the gap in understanding between the Scheme’s implementers and its applicants.

## THE FORM

In this section, we suggest improvements to the 2018 version of the Crime Victim Compensation Form, which is the current version available on the AGO’s website.<sup>165</sup> To begin, we suggest that the website link to the most current version of the form, which we were told was

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<sup>160</sup> *Id.*

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *New York State*, OVS Resource Connect (last visited Feb. 15, 2024), <https://ovs.ny.concerncenter.com/>.

<sup>165</sup> Massachusetts Office of the Attorney General, *supra* footnote 3.

updated more recently but has yet to be uploaded. Two improvements to the compensation application form will aid survivors in its completion. First, the form should be available in more languages; second, burdensome language should be removed from the form.

## I. THE FORM IS NOT ACCESSIBLE IN DIFFERENT LANGUAGES

The Massachusetts website has embedded language translation, which means that the webpage itself can automatically translate into numerous languages.<sup>166</sup> However, the application form itself does not translate in the same manner,<sup>167</sup> and is only available in English and Spanish.<sup>168</sup> A person who does not speak English or Spanish would then have to contact the office to find out if they have the ability to assist them in their preferred language.



169



170

LEFT: Massachusetts provides two options for viewing the application (English and Spanish)

RIGHT: New York provides many language choices for their application (list does not capture all available languages)

Other states provide more language options than Massachusetts. New York, for example, supplies its application form in several languages (as seen in the above graphic), removing a

<sup>166</sup> *Id.*

<sup>167</sup> *Id.*

<sup>168</sup> *Id.*

<sup>169</sup> *Massachusetts Victims of Violent Crime Compensation*, Massachusetts Office of the Attorney General, (last visited Feb. 9, 2024), <https://www.mass.gov/massachusetts-victims-of-violent-crime-compensation>.

<sup>170</sup> *Victim Compensation*, New York State Office of Victim Services (last visited Feb. 9, 2024), [ny.gov/victim-compensation](https://ny.gov/victim-compensation).

significant potential obstacle for applicants.<sup>171</sup> By having the application in their native languages, applicants would not have to rely on translators or computer software and could more comfortably access the Scheme. For the AGO, translation would be an upfront cost, with subsequent translation costs if the form is updated. Based on the average rates for translation services in Massachusetts, we estimate that it would cost around \$300 per language to translate the form into Spanish, Portuguese, and Chinese (the top three languages—other than English—spoken in Massachusetts).<sup>172</sup> Roughly a quarter of Massachusetts residents do not speak English at home, making increased language offerings of paramount importance in ensuring access to the greatest number of people.<sup>173</sup>

## II. BURDENSOME LANGUAGE IN THE APPLICATION FORM

This section includes screenshots of the 2018 version of the application form, highlighting burdensome language and common user difficulties.<sup>174</sup> We do not explore the entire form, only those sections for which we propose changes.

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<sup>171</sup> *Id.*

<sup>172</sup> *Certified Translation in Boston, MA*, US Language Services LLC (last visited Mar. 8, 2024), <https://www.uslanguageservices.com/massachusetts/boston-translation-services>.

<sup>173</sup> *Massachusetts*, Data USA (last visited Mar. 8, 2024), <https://datausa.io/profile/geo/massachusetts#demographics>.

<sup>174</sup> *Application for Crime Victim Compensation*, Massachusetts Office of the Attorney General (last visited Jan. 28, 2024), [https://www.mass.gov/files/documents/2019/04/02/application\\_for\\_web\\_040119.pdf](https://www.mass.gov/files/documents/2019/04/02/application_for_web_040119.pdf).

## “ACKNOWLEDGEMENT AND INFORMATION RELEASE”

| ACKNOWLEDGEMENT AND INFORMATION RELEASE   |                    |
|---|--------------------|
| <p>I understand that the Victim Compensation Fund is a fund of last resort. I agree to inform the Division of any funds I receive from any source for losses for which I have requested compensation, and agree to promptly reimburse the Commonwealth for any such funds awarded to me or on my behalf. If an award is made, I authorize the Division to make payments directly to the provider of services if I fail to respond within 3 months of the date on the Notice of Award.</p>   |                    |
| <p>I give permission to any hospital, medical facility, doctor, mental health provider, insurance company, employer, person or agency, including state and federal agencies, to give information to the Victim Compensation and Assistance Division, including medical records and test results which may include drug and alcohol screens, HIV screening and AIDS related information. I understand that the information will be used to determine my claim for victim compensation benefits. I do not authorize the use or release of this information to any person or entity for any other purpose without my express written consent, except where such use or release is provided for by court order or otherwise provided for by law. A photocopy of this signed release is as valid as the original. This authorization shall expire upon final determination of all requirements under M.G.L. c. 258C and 940 CMR 14.00.</p> |                    |
| <p>I certify, under the pains and penalties of perjury, that all information and supporting documentation contained in this application is true and accurate to the best of my knowledge and belief.</p>  |                    |
| <p>Applicant signature: _____</p> <p><i>Parent or guardian if victim is a minor.</i></p>  | <p>Date: _____</p> |
| <p>Prepared by _____ on behalf of _____</p>   |                    |

The Crime Victim Compensation Form begins with an “Acknowledgement and Information Release,” where survivors must give VCAD permission to investigate any relevant information regarding the crime.<sup>175</sup> This is a lengthy and confusing paragraph, mainly because this section requires survivors to sign away confidentiality of their own or their loved one’s records.<sup>176</sup> As noted in the image above, disclosing this information allows VCAD to process claims for victim compensation benefits.<sup>177</sup> For a survivor, this could be a daunting release to sign. When survivors first access this form, they often struggle with completing even the most basic parts of it due to grief associated with the crime.<sup>178</sup> If VCAD moves this section to the end, or alternatively includes a plain language explainer of what the Release means for survivors, then

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<sup>175</sup> *Id.*

<sup>176</sup> *Id.*

<sup>177</sup> *Id.*

<sup>178</sup> Interview with Stefany Boston, Pace McConkie Jr., and Kali Geddes, Staff, Louis D. Brown Peace Institute in Boston, Mass. (Jan. 18, 2024).

survivors can confront the comparatively easier sections first, rather than feeling immediately discouraged from engaging with the form at all.

### SECTION I: VICTIM INFORMATION

|  |  |  |
|--|--|--|
| <b>I. VICTIM INFORMATION</b>                               |  |  |
| Victim's name: _____<br><i>First Middle Initial Last</i>   | Gender: _____                                    |  |
| Mailing address: _____                                     | Home phone: (____) _____                         |  |
| City/State: _____ Zip: _____                               | Cell phone: (____) _____                         |  |
| Email address: _____                                       |  |  |
| Date of birth: ____ / ____ / ____<br><i>Month Day Year</i> | Age at time of incident: _____ SSN: XXX-XX-_____ |  |

The victim information section of the application form requires personal information for the victim of the crime for which compensation is sought.<sup>179</sup> VCAD needs to have this information on file, as the victim of the crime is not always the person filling out the form. However, the person completing the form may not have access to sensitive information, such as the victim's social security number. When information is left off a Crime Victim Compensation Form, the typical response from the AGO is to send a letter to the point person asking for missing information.<sup>180</sup> But what happens if a Social Security number, or any other information on the form, is impossible for a family member to locate? Neither the form nor the website provides information on what to do if you do not have such information.<sup>181</sup> A caption clarifying what happens if a person does not know the social security number—and confirming that an application without this information will not be automatically rejected—can guide an applicant past a potential roadblock to applying for the Scheme.

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<sup>179</sup> Massachusetts Office of the Attorney General, *supra* footnote 174.

<sup>180</sup> Interview with VCAD Team, Massachusetts Attorney General's Office, in Boston, Mass. (Jan. 18, 2024).

<sup>181</sup> Massachusetts Office of the Attorney General, *supra* footnote 3.

### SECTION III: CRIME INFORMATION

|  |   |   |   |
|--|---|---|---|
| <b>III. CRIME INFORMATION</b> <i>Type of crime:</i>  |   |   | Page 2                                  |
| <input type="checkbox"/> Arson   | <input type="checkbox"/> Child Pornography  | <input type="checkbox"/> Human Trafficking  | <input type="checkbox"/> Sexual assault |
| <input type="checkbox"/> Assault   | <input type="checkbox"/> Child Sexual Abuse | <input type="checkbox"/> Kidnapping   | <input type="checkbox"/> Stalking       |
| <input type="checkbox"/> Burglary  | <input type="checkbox"/> DUI/DWI            | <input type="checkbox"/> Other Vehicular Crimes   | <input type="checkbox"/> Terrorism      |
| <input type="checkbox"/> Child Physical Abuse/Neglect  | <input type="checkbox"/> Homicide           | <input type="checkbox"/> Robbery  | <input type="checkbox"/> Other: _____   |
| Exact location of crime: _____   |   | City/State: _____   |   |
| Date of crime: ____/____/____<br><i>Month Day Year</i>   |   | Date crime was reported: ____/____/____<br><i>Month Day Year</i> <i>If not reported within 5 days, please explain why in an attached statement.</i> |   |
| Name of police department: _____   |   | Investigating officer: _____  |   |
| Name(s) of person(s) who committed crime (if known): _____   |   |   |   |
| If you have been assisted by a victim advocate in the court/district attorney's office, provide the name and telephone number of advocate: _____ |   |   |   |
| If <u>no</u> police report is attached, briefly describe the crime and any injuries which resulted on a separate piece of paper.                 |   |   |   |

The Crime Information section of the form requires the point person to categorize the type of crime for which they are seeking compensation.<sup>182</sup> VCAD needs this information to confirm the details of the crime with the relevant police department. If multiple crimes are applicable, applicants should check all boxes that apply to their situation.<sup>183</sup> If there is no specific “date of crime” that can be reported in this section, VCAD can gather that information from the police report during their investigations. Any additional information or changes to the information originally reported is allowed to be submitted throughout the consideration process without penalty up until a final decision is reached by VCAD.<sup>184</sup>

First, we recommend that VCAD should make it more clear that multiple boxes can be checked for “type of crime.” Adding a “check all that apply” note next to the “Crime Information” heading could resolve confusion. Second, VCAD should make it clear on the application that individuals can submit additional information or changes to the information

<sup>182</sup> Massachusetts Office of the Attorney General, *supra* footnote 174.

<sup>183</sup> Interview with John Malone, Deputy Director, VCAD (Feb. 27, 2024).

<sup>184</sup> *Id.*

originally reported throughout the consideration process without penalty up until VCAD reaches a final decision. It does not say this anywhere on the form, and inclusion of this language could take some of the pressure off of the survivor filling out the form.

#### SECTION IV: VICTIMIZATION INFORMATION

**IV. VICTIMIZATION INFORMATION** *Indicate whether one (1) or more of the following is related to the selected crime type(s):*  
 Bullying    Domestic and Family Violence    Elder Abuse/Neglect    Hate Crime    Mass Violence

The Victimization Information section requires the point person to characterize the type of crime they seek compensation for.<sup>185</sup> VCAD needs this information so that they can determine whether the motives of the crime fall into any of the categories noted above. This section is optional, but still causes confusion for survivors. It is optional because not all crimes fall into the narrow categories listed here. For example, if a police officer commits a racially motivated crime against the victim, does that qualify as a hate crime under the AGO's definition? Terms such as "bullying" or "hate crime" are undefined here, which might pose a further barrier to completing the form.<sup>186</sup> One way to solve this issue is to add an "other" box next to the "mass violence" box in this section. This affords the point person an opportunity to explain the nature of the crime, rather than having to categorize it into one of these specific boxes.

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<sup>185</sup> Massachusetts Office of the Attorney General, *supra* footnote 174.

<sup>186</sup> *Id.*

## END OF FORM

Return completed application to:

Office of Attorney General, Victim Compensation & Assistance Division  
One Ashburton Place, Boston, MA 02108

Phone: (617) 727-2200 ext. 2160 Fax: (617) 742-6262 TTY: (617) 727-4765

Email: VCCorrespondence@state.ma.us

The end of the application includes instructions for how to submit the completed form.<sup>187</sup> The language in this section seems to indicate that survivors only have one option for submission: to mail their completed form to the AGO. However, we received clarification from VCAD that the Office accepts completed forms by fax, mail, or email.<sup>188</sup> We recommend that the wording change here to make this clearer. If survivors know up front that they can submit a form by fax, mail, or email, the application process becomes more accessible.

## COMMUNICATION WITH VCAD

To better fulfill the Scheme's goal of supporting survivors, there must be improved public outreach regarding the Scheme in general, and improved communication with individual applicants regarding their pending claims.

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<sup>187</sup> *Id.*

<sup>188</sup> *Id.*

## **I. PRODUCE OFFICIAL VCAD INFORMATIONAL GUIDES FOR DISTRIBUTION TO THE PUBLIC**

Survivors typically learn about the Scheme through community organizations like the Peace Institute and word-of-mouth communication.<sup>189</sup> This can foster a piece-meal understanding of the Scheme and lead to the spread of misinformation. To address this issue, we recommend creating short-form documents as official forms of VCAD communications. These documents can be shared with community organizations and hospitals, and posted on the VCAD website.

VCAD one-pagers should focus on key information that clarifies common areas of confusion. Using California’s victim compensation brochure as a model,<sup>190</sup> we recommend including the following information in the VCAD documents: a basic explanation of the Scheme; a list of covered expenses and required documents; and a collection of frequently-asked questions. These documents can be updated as additional questions arise via the phone lines and feedback form discussed below, and would likely alleviate many of the procedural questions that VCAD receives from survivors.

## **II. ESTABLISH A FEEDBACK CHANNEL TO HEAR FROM VARIOUS STAKEHOLDERS.**

The prior recommendations address public-facing communications from VCAD. However, two-way communication between VCAD and survivors is vital for the success of the Scheme, and to ensure it remains responsive to survivors’ needs. We recommend establishing a formal feedback channel by circulating an annual survey to all applicants and community organizations. Feedback from survivors and others who have interacted with the Scheme will

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<sup>189</sup> Interview with Danielle Bennett, Project Manager, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>190</sup> “*We can help*” Brochure, California Victim Compensation Board (Sept. 1, 2016), [https://victims.ca.gov/uploads/2021/02/CalVCP\\_Eng.pdf](https://victims.ca.gov/uploads/2021/02/CalVCP_Eng.pdf).

keep VCAD informed of what is working and what needs improvement. We recommend including questions on the feedback form that survey response times, overall satisfaction, and additional questions. In terms of staffing resources to administer and review such a survey, the additional VCAD employee recommended above may be tasked with reviewing the feedback forms and compiling relevant takeaways. VCAD could also partner with local organizations like the Peace Institute to disseminate the feedback form for responses.

### **III. INFORM APPLICANTS WHY THEIR APPLICATION WAS REJECTED.**

According to survivors, applications are frequently returned with no feedback as to why they were rejected from the Scheme.<sup>191</sup> Rejection without explanation or guidance deters survivors from reattempting the application process.<sup>192</sup> For example, an applicant may be unsure whether their application was rejected due to an error in completing the form or because they actually were not statutorily eligible in the first place. Some survivors are not aware that even if they are rejected, they can reapply.<sup>193</sup> Therefore, we recommend that all denials be accompanied by a clear indication of why the application was denied. When possible, survivors should also be given clear instructions on how the reason for their denial can be resolved. That way, survivors who would otherwise be eligible can properly re-submit the completed application and receive support.

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<sup>191</sup> Interview with Danielle Bennett, Project Manager, Louis D. Brown Peace Institute in Boston, Mass. (Nov. 15, 2023).

<sup>192</sup> *Id.*

<sup>193</sup> *Id.*

## CONCLUSION

While the Scheme's objective is to provide financial relief to survivors, it falls short in granting adequate relief to the communities who need it most. Families who have lost their loved one to violent crime are burdened both with the emotional and financial costs, with little to no aid from the Scheme.

The Scheme, in its current form, is not serving survivors. Despite the \$50,000 reimbursement cap for survivors of homicide, survivors rarely receive enough to even cover the full cost of a funeral and burial.<sup>194,195</sup> There is limited up-to-date formal communications about the Scheme, including information about the application and denials. Additionally, some requirements are undefined, and can be arbitrarily enforced against the survivor.

Through interviews with survivors, Peace Institute staff, and members of the VCAD team, we have drawn out specific issues that impact survivors' ability to be fully reimbursed under the Scheme. These recommendations, both individual and systemic, illuminate how minor changes to the Scheme can make a world of difference to families experiencing such a significant loss in their life. The Scheme purports to serve survivors in Massachusetts, and with these changes, that goal could become a reality. At all stages, the Scheme should ensure that survivors feel that the system is treating them with dignity and providing them with support rather than acting as another burden they must navigate.

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<sup>194</sup> MASS. GEN. LAWS. ANN. ch. 258C, §3 (2023).

<sup>195</sup> Office for Victims of Crime, *supra* note 91.

## APPENDIX I: SCHEME FUNDING IN-DEPTH

### PROGRAM FUNDING FROM THE FEDERAL GOVERNMENT

In 1984, Congress passed the Victims of Crime Act (VOCA), establishing both the Office for Victims of Crime (OVC) and the Crime Victims Fund.<sup>196</sup> Through the fund, the OVC provides states with the means to aid victims of violent crimes.<sup>197</sup> The OVC also provides specific guidelines for the oversight of funds.<sup>198</sup> However, it is up to each state to decide how much money their victim's compensation program receives.<sup>199</sup> Over the past five years, Massachusetts has received \$7,710,000 from the OVC.<sup>200</sup> Below is a breakdown of OVC's allocations to Massachusetts over this period:

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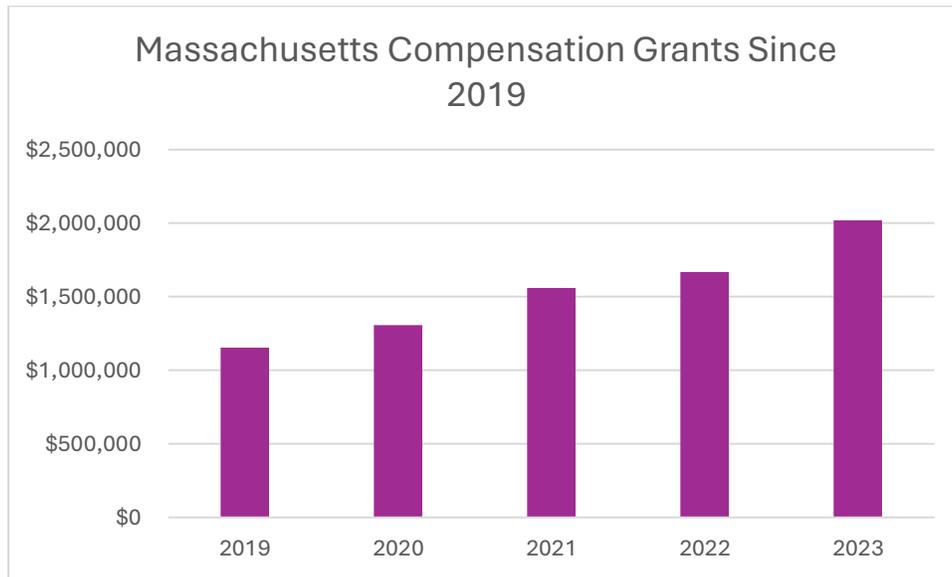
<sup>196</sup> *Laws & Policies: Victims of Crime Act (VOCA) administrators*, Office for Victims of Crime (Jun. 5, 2023), <https://ovc.ojp.gov/program/victims-crime-act-voca-administrators/laws-policies>.

<sup>197</sup> DOJ, *Audit of the Office of Justice Programs Victim Compensation Grants Awarded to the Massachusetts Department of Attorney General* (Aug. 2020).

<sup>198</sup> *Id.*

<sup>199</sup> *Victims of Crime Act Crime Victims Fund*, OVC, (last visited Feb. 10, 2024), [https://www.ncjrs.gov/ovc\\_archives/factsheets/cvfvca.htm](https://www.ncjrs.gov/ovc_archives/factsheets/cvfvca.htm).

<sup>200</sup> *OVC Awards List*, Office for Victims of Crime (last visited Feb. 15, 2024), [https://ovc.ojp.gov/funding/awards?field\\_award\\_status\\_value=All&state=MA&field\\_funding\\_type\\_value=All&state\\_served=All&field\\_served\\_nationally\\_value=All&fiscal\\_year=&combine\\_awards=&awardee=&city=&field\\_geographical\\_areas\\_served\\_value=#awards-block-3-xq2zrkrygieqi84e](https://ovc.ojp.gov/funding/awards?field_award_status_value=All&state=MA&field_funding_type_value=All&state_served=All&field_served_nationally_value=All&fiscal_year=&combine_awards=&awardee=&city=&field_geographical_areas_served_value=#awards-block-3-xq2zrkrygieqi84e).



*MA Compensation Grants received from OVC since 2019.*

## APPROPRIATIONS FUNDING FROM MASSACHUSETTS STATE

### LEGISLATURE

In addition to funds from the federal government, the Scheme also receives annual funding directly from the Massachusetts state legislature through the state’s appropriations process.<sup>201</sup> The legislature has appropriated funds for compensation to victims of crime since before the 1984 passage of VOCA. In 1967, the Massachusetts legislature passed “An Act to Provide for the Compensation of Victims of Violent Crimes” which created the first version of Massachusetts’ victim compensation: Chapter 258A “Compensation of Victims of Violent Crime” as added to the General Laws.”<sup>202</sup> Chapter 258A was later repealed in 1993 and replaced

<sup>201</sup> *Commonwealth of Massachusetts Fiscal Year 2012 Final Budget*, 193<sup>rd</sup> General Court of the Commonwealth of Massachusetts (last visited Jan. 29, 2024), <https://malegislature.gov/Budget/FY2012/FinalBudget>.

<sup>202</sup> MASS. GEN. LAWS ch. 258A, (repealed in 1993). <https://archives.lib.state.ma.us/server/api/core/bitstreams/455019a7-574e-47eb-8f7c-ceb3dd6490fe/content>; Mass. Acts and Resolves 1967, <https://www.mass.gov/lists/acts-and-resolves-volumes-1960-to-2010#acts-and-resolves:-1960-1969->.

by Chapter 258C which became the new location for state funding beginning in FY 1996.<sup>203</sup> Once VOCA passed in Congress, this federal funding was added to the Massachusetts final budget beginning in FY 1987.<sup>204</sup>

The state appropriation process is under the control of the Governor's office and the state legislature.<sup>205</sup> The Governor, State House, and State Senate all "submit their own budget recommendations," then the House and Senate engage in conference before reaching a final budget which must then be approved of by the Governor, or if vetoed, overridden by the Legislature.<sup>206</sup> Unlike federal funding which follows a strict calculation for determining each fiscal year's allotment, state funding is open for discussion at both the executive and legislative levels.

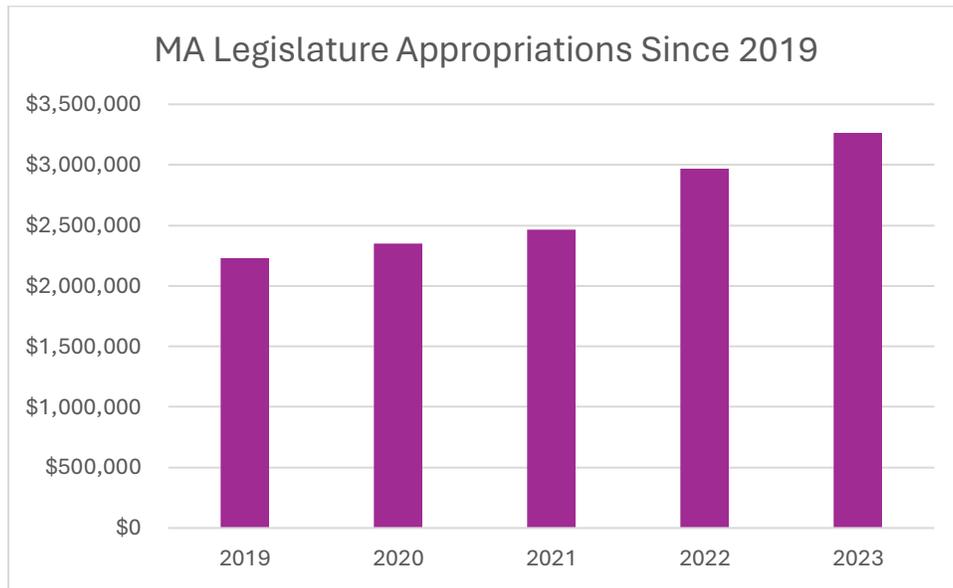
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<sup>203</sup> MASS. GEN. LAWS Appropriations for Fiscal Year 1996 (1995). <https://archives.lib.state.ma.us/items/ef45d8a7-07e9-4a47-a878-0f0a8fb70ae1>.

<sup>204</sup> MASS GEN. LAWS Appropriations for Fiscal Year 1987, Ch. 206 (1986). <https://archives.lib.state.ma.us/items/6c55e33f-e394-4bd4-99c2-8b6d2b095578>.

<sup>205</sup> *Massachusetts Budget Process*, Mass.gov (last visited Feb. 9, 2024), <https://www.mass.gov/info-details/massachusetts-budget-process#:~:text=The%20Executive%20and%20Legislative%20branches,then%20finally%20by%20the%20Senate>.

<sup>206</sup> *Id.*



*Massachusetts State Legislature Appropriations since 2019.*

### **AGO FUNDING FOR VCAD ADMINISTRATIVE COSTS**

The federal funding received through VOCA also accounts for funding VCAD’s administrative expenses.<sup>207</sup> VCAD is permitted to draw directly from the VOCA grant to fund the administrative costs of managing the Scheme.<sup>208</sup> This includes wages and day-to-day expenses.<sup>209</sup> According to the federal statute, Crime Control and Law Enforcement: “Not more than 5 percent of a grant made under this section may be used for training purposes and the administration of the State crime victim compensation program receiving the grant.”<sup>210</sup> This limits the funding available for onboarding new staff at VCAD and is a direct block to expanding the office to better deal with the high number of applications received each year.<sup>211</sup>

<sup>207</sup> DOJ, Audit of the Office of Justice Programs Victim Compensation Grants Awarded to the Massachusetts Department of Attorney General (Aug. 2020).

<sup>208</sup> *Id.*

<sup>209</sup> *Id.*

<sup>210</sup> 34 U.S.C. § 20102 (2022).

<sup>211</sup> Interview with VCAD Team, Massachusetts Attorney General’s Office, in Boston, Mass. (Jan. 18, 2024).

This report was produced by Northeastern University law students  
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For more information, please visit [www.ldbpeaceinstitute.org](http://www.ldbpeaceinstitute.org).

