



Commonwealth of Massachusetts
Office of the State Auditor
Suzanne M. Bump

Making government work better

Official Audit Report – Issued February 11, 2022

Essex County District Attorney's Office

For the period January 1, 2018 through December 31, 2020





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Making government work better

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District Attorney Jonathan Blodgett
Essex County District Attorney's Office
10 Federal Street, Fifth Floor
Salem, MA 01970

Dear District Attorney Blodgett:

I am pleased to provide this performance audit of the Essex County District Attorney's Office. This report details the audit objectives, scope, and methodology for the audit period, January 1, 2018 through December 31, 2020. My audit staff discussed the contents of this report with management of the agency.

I would also like to express my appreciation to the Essex County District Attorney's Office for the cooperation and assistance provided to my staff during the audit.

Sincerely,

A handwritten signature in blue ink, appearing to read "SMB", written over a light blue circular background.

Suzanne M. Bump
Auditor of the Commonwealth

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LIST OF ABBREVIATIONS

| | |
|--------|---|
| DAMION | District Attorney Management Information Office Network |
| EDAO | Essex County District Attorney's Office |
| VWA | victim witness advocate |
| YDP | Youthful Diversion Program |

EXECUTIVE SUMMARY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of the Essex County District Attorney's Office (EDAO) for the period January 1, 2018 through December 31, 2020. In this performance audit, we examined EDAO's compliance with Section 5 of Chapter 258B of the General Laws (see [Appendix](#)) for the Victim Witness Assistance Program, as well as its administration of the Youthful Diversion Program (YDP). There are no regulatory requirements for EDAO to operate YDP, so our examination focused on existing EDAO policies.

Our audit revealed no significant instances of noncompliance by EDAO that must be reported under generally accepted government auditing standards.

OVERVIEW OF AUDITED ENTITY

The Essex County District Attorney's Office (EDAO) was established under Sections 12 and 13 of Chapter 12 of the Massachusetts General Laws, which give the district attorney the power to represent the Commonwealth in the prosecution of criminal cases and defense of civil cases.

EDAO is one of 11 district attorneys' offices in the Commonwealth and represents the state in the prosecution of criminal offenses that occur within its jurisdiction. That jurisdiction comprises the 34 cities and towns in Essex County. EDAO's principal administrative and accounting office is in Salem; it also maintains site offices at 10 courthouses in the county. As of December 31, 2020, EDAO had 157 employees: one district attorney; 82 assistant district attorneys; 20 victim witness advocates (VWAs); five staff members in its diversion programs, including the Youthful Diversion Program (YDP) discussed below; and 49 administrative and support staff members.

According to EDAO's website, the office is "committed to holding criminals accountable, securing justice for victims of crime and providing services and drug treatment to non-violent offenders." This is consistent with EDAO's internal control plan, which states that EDAO's "primary role is to prosecute criminal cases at the eight district courts, three superior courts, and three juvenile courts in Essex County each year."

Victim Witness Assistance Program

EDAO operates a Victim Witness Assistance Program, under which VWAs are present in criminal court during arraignments and other court proceedings. VWAs notify crime victims and witnesses of the results of these proceedings by phone, email, or letter in accordance with Section 5 of Chapter 258B of the General Laws, which requires EDAO to provide information to victims and witnesses about the court process, court events, and available services. Section 5 specifically states that the following shall be provided to victims and witnesses: court appearance notification; information related to witness fees, victim compensation, and restitution; escort and transportation; case process notification; employer intercession; expedited return of property; protection; family support, including care of children and other dependents; waiting facilities; and social service referrals.

YDP

According to EDAO's website, the office offers services "in lieu of prosecution" to first-time, nonviolent offenders through its voluntary YDP. To qualify for YDP, a person should be at least 18 years old and generally no older than 21. After EDAO's staff refers offenders to the program, YDP personnel screen them to determine their specific needs. Once an offender agrees to participate, a YDP staff member creates a contract, and the offender signs it. EDAO's *Juvenile/Youthful Diversion Guidelines* require that the contract contain at least a counseling assessment, as well as any additional treatment sessions required by the counselor. YDP's staff may also include the completion of educational classes, essays, apology letters, and community service as contract requirements. Upon completion of all contract requirements, the charges are dropped. Participants who do not complete the program, or who voluntarily withdraw from it, have their cases forwarded by EDAO to the appropriate court for prosecution.

AUDIT OBJECTIVES, SCOPE, AND METHODOLOGY

In accordance with Section 12 of Chapter 11 of the Massachusetts General Laws, the Office of the State Auditor has conducted a performance audit of certain activities of the Essex County District Attorney's Office (EDAO) for the period January 1, 2018 through December 31, 2020.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Below is a list of our audit objectives, indicating each question we intended our audit to answer and the conclusion we reached regarding each objective.

| Objective | Conclusion |
|---|------------|
| 1. Does EDAO ensure that all Youthful Diversion Program (YDP) participants fulfill the requirements of their YDP contracts and EDAO's <i>Juvenile/Youthful Diversion Guidelines</i> ? | Yes |
| 2. Do victims and witnesses involved in cases that are disposed of in the Superior Court receive assistance throughout the court process from EDAO, as required by Section 5 of Chapter 258B of the General Laws? | Yes |

To achieve our objectives, we gained an understanding of EDAO's internal control environment related to the objectives by reviewing applicable office policies and procedures, as well as conducting inquiries with EDAO's management and staff members.

To obtain sufficient, appropriate audit evidence to address our audit objectives, we conducted further audit testing as follows.

YDP

To determine whether EDAO ensured that all YDP participants fulfilled the requirements of their diversion program contracts and EDAO's *Juvenile/Youthful Diversion Guidelines*, we obtained a list of all 317 YDP cases for which the closing dates were during the audit period from EDAO's Juvenile Justice Diversion Tracking System. EDAO uses this system to track and monitor the progress of all YDP cases.

From the list of cases we obtained, we selected a judgmental, nonstatistical sample of 47 for testing. For each case selected, we inspected a redacted version of the hardcopy EDAO YDP case file to verify that it contained a signed YDP contract and other documents that evidenced completion of the contract requirements. The documents inspected depended on the participant's contract and included documents like proof of counseling, proof of community service, essays related to offenses committed, certificates for education classes or training, apology letters, and certificates of program completion. We also inspected the case files for evidence of intake forms and the inclusion of counseling assessments in contracts in accordance with EDAO's *Juvenile/Youthful Diversion Guidelines*. When sampling, we used a nonstatistical sampling method, the results of which we could not project to the entire population.

Victim Witness Assistance Program

To determine whether EDAO's Victim Witness Assistance Program provided assistance throughout the court process to victims and witnesses of crimes, as required by Section 5 of Chapter 258B of the General Laws, we obtained a list of all 201 closed Superior Court cases that had arraignment¹ dates during our audit period and involved a victim and/or witness. We obtained this list from EDAO's District Attorney Management Information Office Network (DAMION) case management system, which EDAO uses to monitor the progress of all the cases the office processes.

From the list of cases obtained, we selected a judgmental, nonstatistical sample of 36 for testing. We conducted our testing by reviewing redacted versions of each case file. Each case file included court appearance notifications and victim witness advocate (VWA) case notes. Case files could also include documentation regarding any of the following that was requested: victim compensation and restitution; witness fees; escorts and other transportation related to the investigation or prosecution of a case; employer intercession; protection; family support, including childcare and other dependent care; waiting facilities; and social service referrals. We used the documents and case notes in the case files to determine whether VWAs provided services requested by victims or witnesses. When sampling, we used a nonstatistical sampling method, the results of which we could not project to the entire population.

1. All arraignments for Superior Court cases are processed through the Essex County Superior Court in Salem.

Data Reliability Assessment

We assessed the reliability of the data obtained from EDAO's Juvenile Justice Diversion Tracking System and DAMION by conducting interviews with EDAO officials with knowledge about the data, examining system documentation, and testing the data for duplicate records and dates outside our audit period.

To confirm the completeness and accuracy of the list of YDP cases, we traced a judgmental sample of 30 cases from the list to the hardcopy case files and selected a judgmental sample of 24 hardcopy case files to trace back to the list. We also conducted tests to identify any hidden columns or rows within the data to determine the data's integrity.

To confirm the completeness and accuracy of the list of Superior Court cases that had been disposed of and had involved victims and/or witnesses, we traced a judgmental sample of 20 cases from the list to the hardcopy case files and traced a judgmental sample of 20 hardcopy case files to the list. We also conducted tests to identify any hidden columns or rows within the data to determine the data's integrity.

We have determined that the lists are sufficiently reliable for our audit purposes.

Conclusion

Our audit revealed no significant instances of noncompliance that must be reported under generally accepted government auditing standards.

APPENDIX

Section 5 of Chapter 258B of the Massachusetts General Laws

Each district attorney shall create and maintain, to the extent reasonably possible and subject to the available resources, a program to afford victims and witnesses of crimes the rights and services described in this chapter. Those services shall include but not be limited to the following:

- a. court appearance notification services, including cancellations of appearances;*
- b. informational services relative to the availability and collection of witness fees, victim compensation and restitution;*
- c. escort and other transportation services related to the investigation or prosecution of the case, if necessary;*
- d. case process notification services;*
- e. employer intercession services;*
- f. expedited return of property services;*
- g. protection services;*
- h. family support services including child and other dependent care services;*
- i. waiting facilities; and*
- j. social service referrals.*