



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

Making government work better

Official Audit Report – Issued January 11, 2021

Suffolk County District Attorney's Office

For the period July 1, 2017 through June 30, 2019





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Office of the State Auditor
Suzanne M. Bump

Making government work better

January 11, 2021

District Attorney Rachael Rollins
Suffolk County District Attorney's Office
One Bulfinch Place
Boston, MA 02114

Dear District Attorney Rollins:

I am pleased to provide this performance audit of the Suffolk County District Attorney's Office. This report details the audit objectives, scope, and methodology for the audit period, July 1, 2017 through June 30, 2019. My audit staff discussed the contents of this report with management of your office.

I would also like to express my appreciation to the Suffolk 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

JAR	Juvenile Alternative Resolution
SCDAO	Suffolk County District Attorney's Office
VWA	victim witness advocate
VWAP	Victim Witness Assistance 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 Suffolk County District Attorney's Office (SCDAO) for the period July 1, 2017 through June 30, 2019. In this performance audit, we examined SCDAO's compliance with Section 5 of Chapter 258B of the General Laws for the Victim Witness Assistance Program, as well as its administration of the Juvenile Alternative Resolution (JAR) Program. There are no regulatory requirements for SCDAO to operate the JAR Program, so our examination focused on existing SCDAO policies.

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

OVERVIEW OF AUDITED ENTITY

Established under Sections 12 and 13 of Chapter 12 of the Massachusetts General Laws, the Suffolk County District Attorney's Office (SCDAO) administers criminal law and defends civil actions brought against the Commonwealth, in accordance with Section 5 of Chapter 258 of the General Laws. SCDAO serves Suffolk County from the following locations: the Suffolk County Division of the Superior Court, the Massachusetts Appeals Court, the Massachusetts Supreme Court, Chelsea District Court, and eight divisions of the Boston Municipal Court (Central, Brighton, Charlestown, Dorchester, East Boston, South Boston, Roxbury, and West Roxbury).¹ SCDAO's main administrative and accounting office is in downtown Boston. For fiscal years 2018 and 2019, SCDAO received appropriations totaling \$19,290,288 and \$20,195,706, respectively, to fund its administrative operations. It also received appropriations totaling \$368,438 in fiscal year 2018 and \$375,779 in fiscal year 2019 for the overtime costs of state police officers assigned to it. SCDAO operates many programs to serve its communities; our audit reviewed the Juvenile Alternative Resolution (JAR) Program and the Victim Witness Assistance Program (VWAP).

JAR Program

The JAR Program was launched as a pilot program on May 1, 2017, in partnership with community-based agencies, to provide individualized services to young people between the ages of 11 and 17 years as an alternative to traditional prosecution. Enrollment in the JAR Program is at the District Attorney's discretion. The program was not governed by statute during the audit period and does not receive separate funding.

The JAR Program's goal is to reduce juvenile involvement in the criminal justice system in Suffolk County. Before arraignment in district court, each youth is assessed by SCDAO's Juvenile Unit using the Ohio Youth Assessment System.² This helps the prosecutor decide whether the youth needs informal diversion, arraignment, or inclusion in the JAR Program, which is more structured than informal diversion and geared to at-risk individuals (i.e., those who may be more likely to reoffend). Youths who are eligible for the JAR Program are evaluated using a form called the Youth Lead of Service / Case Management Interview Form, and the JAR Program Coordinator prepares an individualized diversion

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1. Cases that arise in Winthrop are directed to the East Boston Municipal Court. The Chelsea District Court serves Chelsea and Revere.
 2. This is a risk assessment tool that was developed for the state of Ohio by the University of Cincinnati along with several pilot counties in Ohio.

plan for the youth and parent/s or guardian/s to sign. The youth is then referred and tracked through community organizations, with which SCDAO has memoranda of understanding, until cases against the youth are dismissed. However, SCDAO does not have a mechanism to track the youths once they complete the JAR Program. SCDAO measures the success rate of the JAR Program based on the percentage of youths who successfully complete it.

VWAP

In accordance with Section 5 of Chapter 258B of the General Laws (see [Appendix](#)), VWAP provides information to victims and witnesses of crime about the court process and their rights. Section 5 specifically states that the following services shall be provided if requested by a victim or witness: 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. A victim witness advocate is present in court during arraignments to identify any victims and/or witnesses. The advocates continue their contact with victims and/or witnesses throughout the court process in person or by letter, email, or phone to ensure that they receive proper notification of court events, support, and/or services to which they are entitled pursuant to Chapter 258B.

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 Suffolk County District Attorney's Office (SCDAO) for the period July 1, 2017 through June 30, 2019.

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 SCDAO's Juvenile Alternative Resolution (JAR) Program assess the needs of, provide professional services to, and actively monitor juvenile offenders to ensure that program requirements are fulfilled, documented for juveniles who have completed the program, and compliant with program policies and procedures?	Yes
2. Does SCDAO's Victim Witness Assistance Program (VWAP) provide assistance throughout the court process to victims and witnesses of crimes as required by Section 5 of Chapter 258B of the General Laws?	Yes

To achieve our objectives, we gained an understanding of SCDAO's internal control environment related to our audit objectives by reviewing applicable agency policies and procedures, as well as conducting inquiries with SCDAO management.

In addition, we performed the following audit procedures to obtain sufficient audit evidence to address our audit objectives.

JAR Program

For the JAR Program, we selected a random nonstatistical sample of 20 case files out of a population of 89 cases. We reviewed the case files to ensure the following:

- that the Ohio Youth Assessment System's OYAS Diversion Screen Forms (which enable prosecutors to make initial determination of the appropriate course of action for juveniles at the time of arraignment) were prepared by the JAR Program coordinator and signed by the Assistant District Attorney responsible for coordinating the program
- that juveniles and parents or guardians had signed participation agreements
- that the JAR Program coordinator had evaluated and prepared the Youth Lead of Service / Case Management Interview (YLS/CMI 2.0) Forms and the Communicating Risk Assessment Information Forms (also called Intake Forms), which provide a reliable way to assess recidivism risk by measuring 42 risk or need factors
- that juveniles and parents/guardians signed diversion plans.

We verified evidence of monitoring by reviewing relevant emails; memos on voice calls; messages from juveniles, service providers, and probation officers; and notes on in-person communication with juveniles, service providers, and probation officers. Further, we verified that the JAR Program coordinator reevaluated the successful juveniles on the YLS/CMI 2.0 Form.

VWAP

To determine whether VWAP cases were prepared, and services were provided, in accordance with Section 5 of Chapter 258B of the General Laws, we initially selected a random nonstatistical sample of 60 case files out of a population of 34,428 from the audit period. However, because the data contained cases that did not have victim witness advocates (VWAs) assigned to them and SCDAO could not extract the VWAP cases from the population, we randomly selected an additional 240 cases in increments of 60 (total of 300) and asked SCDAO to identify the ones that had VWAs assigned to reach our needed sample size of 60 cases. To validate that this identification and selection were unbiased, we selected the first 188 cases that SCDAO did not identify as having VWAs assigned and reviewed them for the types of crime being committed to determine whether they might have warranted VWAs.

For the 60 cases that SCDAO identified as VWAP cases, we examined the files to determine the types of crime and whether appropriate types of service were provided throughout the court process to the victims. Further, we determined whether the victims and witnesses were contacted by advocates within a reasonable time after the alleged crimes.

Data Reliability

From SCDAO management, we obtained a list of case files related to the JAR Program and VWAP for fiscal years 2018 and 2019 and obtained a client representation letter³ from SCDAO confirming the population of these case files.

Conclusion

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

3. A client representation letter states that all of the information submitted by an agency is accurate and all material information has been disclosed to the auditors.

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.*