

From Cara Cookson, Victim Witness Advocate Coordinator, Office of the Attorney General

I can offer some insights based on my experience as a victim services professional and victim rights expert – please share with the Committee that my views do not represent the official position of the Attorney General.

First, I'd like to provide the Committee with some context from the victim/survivor perspective, to the extent the Committee is interested in fairness.

Crime victim/survivors have benefitted tremendously from being able to access criminal court proceedings through Zoom, so long as they have the necessary technology and other access needs are met (language translation, accommodations for disabilities). Accessing court through Zoom eliminates the need for transportation, childcare, and less time off work to participate. Safety is often improved many victim/survivors have reported feeling safer due to fewer in-person confrontations with Defendants and their family members/supporters in court buildings, parking lots, etc. With that said, I have heard at least one report of victim coercion by defendants, which could potentially be addressed with some procedural safeguards. On the whole, Victim Witness Advocates are hopeful that crime victim/survivors will have the option to continue to exercise their statutory victim rights via Zoom or other electronic means beyond this time of COVID.

With respect to Legislative hearings, it's inevitable that the majority of crime victims will perceive enhanced access by incarcerated individuals as unfair and potentially re-traumatizing, especially if victim/survivor access to Zoom for criminal court ceases. Imagine being among the hundreds of Mainers who have experienced the homicide of a loved one and watching the news or reading a newspaper only to unwittingly read/see/watch the person responsible has offered testimony. At a bare minimum, crime victims who have elected to receive post-conviction notifications from DOC should receive prior notification of this type of activity so they can be prepared and an opportunity to access DOC Victim Services to address any re-traumatization.

Allowing this type of access could chill Legislative participation among crime victim/survivors as well. For example, will a surviving family member of a homicide want to testify at a hearing knowing that the person responsible for the murder could be there to offer a counter-argument or make other potentially harassing or harmful statements? What mechanisms would be in place to protect victims from slander, abuse, and harassment?

Over this past session, I heard from several folks about how painful it can be simply to hear about the person responsible for murdering their loved one writing a letter and having it read allowed by someone else during a Legislative hearing. I heard stories about incarcerated individuals testifying about their own crimes in ways that either avoided or outright denied the harm caused, thereby causing more harm and pain to the surviving family.