

Vera Institute of Justice

Criminal Justice Issues and Prisoners' Rights

<https://www.vera.org/blog/ensuring-equal-access-in-the-courts>

Public Facing Advocacy Writing

Could you imagine being the victim of a violent crime and not being allowed to testify, even though you wanted to?

Through Vera's work on the [Accessing Safety Initiative](#), we have learned that this is an all-too-common scenario for people with disabilities and Deaf people who have experienced a violent crime.

The good news is that last week the Massachusetts Supreme Judicial Court ruled that crime victims with disabilities are entitled to accommodations to ensure their equal access to justice. This landmark decision, the first appellate ruling of its kind, holds that a victim with a disability must be accorded a hearing to determine reasonable accommodations and that both the victim and the prosecutor can seek judicial review if agreement on accommodations cannot be reached or if accommodations are not provided. Chief Justice Margaret Marshall wrote, To exclude testimony from those individuals where the Commonwealth seeks to punish the perpetrator imposes a particular hardship on the victim.

[The ruling](#) came in response to a case where a nursing home resident accused an aide of sexually assaulting her. The victim was determined incompetent to testify based on her inability to narrate her testimony (because of aphasia resulting from a stroke), even though a court-appointed expert had testified that the victim was competent and could testify provided the court made accommodations that facilitated her testimony.

The Massachusetts decision affirms that the Americans with Disabilities Act not only covers physical access to the courtroom, but testimonial access as well. Although [physical access is still an issue in many courthouses across the country](#), this ruling is a move in the right direction for ensuring access and justice for all victims, including victims with disabilities and Deaf victims.

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