



**MICHAEL W. MORRISSEY**  
NORFOLK DISTRICT ATTORNEY

# The Commonwealth of Massachusetts

## NORFOLK DISTRICT ATTORNEY'S OFFICE

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To: Attorney General Andrea Campbell  
Chair, Victim and Witness Assistance Board  
Michael J. Heffernan,  
Secretary of the Executive Office for Administration and Finance  
The Honorable Michael J. Rodrigues  
Chair, Senate Committee on Ways and Means  
The Honorable Aaron Michlewitz  
Chair, House Committee on Ways and Means

From: Michael W. Morrissey, Norfolk District Attorney

Date: January 14, 2025

Re: **Norfolk District Attorney's Program Plan Submitted Pursuant to G.L. c. 258B § 6**

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Pursuant to M.G.L. c. 258B § 6, I submit the following information to you concerning the Norfolk District Attorney's Victim Witness Advocate Program.

### **1. Description of Service**

#### **Background**

The Massachusetts Rights of Victims and Witnesses of Crime Law (M.G.L. c. 258B) established rights and services for crime victims and witnesses to ensure them a "meaningful role in the criminal justice system." Crime can significantly impact a victim and witnesses' safety, emotional and physical health, and financial security. Navigating the complex and often intimidating criminal justice system can be overwhelming. The Rights of Victims and Witnesses of Crime Law seeks to address the impact of crime by ensuring that crime victims and witnesses are able to effectively participate in the criminal justice process and have access to resources to address the short- and long-term impact of the crime.

Chapter 258B affords crime victims and witnesses the right to be informed, present, and heard throughout the criminal justice process. Additionally, the statute outlines certain rights and services to address their well-being. Victim and witness rights extend to family members when the victim is a minor, deceased, or incompetent.

Certain rights within the law pertain specifically to non-victim witnesses subpoenaed to testify in the course of a criminal matter. Serving as a witness in a criminal matter can be an intimidating

process. It can also impact a witnesses' safety, financial security, and emotional and physical health.

### **Victim Witness Programs in District Attorneys' Offices**

The Rights of Victims and Witnesses of Crime Law directed prosecutors' offices and other criminal justice officials "to create and maintain a program to afford victims and witnesses of crimes the rights and services" established under 258B. Although many district attorneys already offered victim services, the law created the opportunity for consistency of services statewide.

In order to effectively serve crime victims and witnesses while ensuring that their rights are afforded, district attorneys have created victim witness programs employing **Victim Witness Advocates (VWAs)**. The VWA serves as a member of the prosecution team and works in partnership with prosecutors, police, investigators and other staff to assist victims and witnesses. VWAs work in the District, Juvenile, Superior and Probate Courts. There are also specialized units that address domestic violence, sexual assault, commercial sexual exploitation of children (CSEC), community violence, and solved and unsolved homicides. VWAs provide specialized services and resources to vulnerable populations including children, the elderly and persons with disabilities. VWAs build relationships with both criminal justice and community-based stakeholders to ensure victims and witnesses have access to information, assistance, and support.

VWAs regularly work with individuals and organizations on behalf of victims and witnesses such as:

- Department of Criminal Justice Information Services (DCJIS) Victim Notification Registry (VNR);
- Community-based domestic violence, sexual assault, homicide, legal assistance, and trauma services;
- Probation officers;
- Parole Board staff;
- House of Correction officials;
- Department of Correction officials;
- Attorney General Victim Compensation staff;
- Department of Children and Families (DCF), Department of Transitional Assistance (DTA), and other state and federal support services; and
- Disabled Persons Protection Commission and Elder Protective Services.

These established relationships and VWAs' understanding of available resources ensure victims and witnesses have access to appropriate services and reduce barriers to receiving information, support, and additional referrals.

### **Affording Rights to Crime Victims and Witnesses**

#### *Right to be informed*

- VWAs provide information to ensure crime victims and witnesses understand their rights, the case they are involved in, the criminal justice process, and their role in it. VWAs help victims and witnesses understand the potential outcomes of each step within

a criminal matter, the roles that individuals play within it, and often serve as the identified liaison for the victims, witnesses and their families. They regularly provide timely information about court dates and hearings to help minimize the impact on victims' and witnesses' employment and family obligations (i.e. childcare, elder care, etc.).

- Once a criminal matter has been resolved, whether an offender is found guilty or not guilty, VWAs ensure that victims, witnesses, and their families understand the outcome and the sentence that has been imposed by the court.
- VWAs assist victims and witnesses with gaining access to offender information. Victims and witnesses are entitled to information about an offender's release from custody and/or conditions of probation or parole. This can include a "stay away" order or electronic monitoring conditions requiring the offender to remain away from the victim and/or witness.

#### *Right to be present*

- VWAs accompany crime victims and witnesses to all relevant court proceedings. VWAs are available to answer questions and address concerns as they arise.
- VWAs strive to create a safer environment for victims and witnesses at the courthouse by planning for potential issues that may arise in the court building during proceedings, and working to reduce interactions amongst the various parties to the criminal matter (i.e. defendants, their families, and the media). Additionally, VWAs serve as the entry point to direct victims and witnesses to the designated safe and secure waiting areas provided in all courts across the Commonwealth.

#### *Right to be heard*

- VWAs regularly guarantee the victim's right to be heard throughout the criminal justice process. The law recognizes the importance of victim input throughout the process, and VWAs help victims achieve these important objectives, including:
  - Opportunities to provide input to the prosecutor, the probation department, and the court regarding sentencing;
  - Delivery of a victim impact statement at sentencing that details the physical, emotional, and financial costs of the crime; and
  - Ensuring that post-conviction agencies also have access to the victim impact statement and that the victim is registered to deliver a statement to the Parole Board when applicable.

## Helping Victims and Witnesses in the Aftermath of Crime

District Attorney Victim Witness Advocate (VWA) programs play a critical and sometimes life-saving role for victims and witnesses outside of the courtroom. They assist victims and witnesses in addressing the ongoing and evolving impact of the crimes committed against them.

### Planning for safety

- VWAs assist victims and witnesses who live under threat to their safety to strategize, think through and plan for potential future violent events that may be committed against them. They help victims and witnesses to understand and access court-ordered protection when necessary. They plan exit strategies for the victim and their children when in danger of further violence.
- VWAs also assist victims and witnesses in relocating to a shelter or a safer community when necessary. This can include applying to the state witness protection fund when deemed appropriate to keep a victim and/or witness safe.

### Connecting to free resources

- VWAs assist crime victims in applying for the **Victim of Violent Crime Compensation Program** offered through the Attorney General's office pursuant to M.G.L. chapter 258C. This program receives new applications each year and reimburses victims for "out-of-pocket" costs such as medical, dental, and mental health expenses; funeral/burial costs; security measures and other costs. A VWA's assistance is often the first step in order to access these critical resources to ensure the financial impacts of violent crime(s) are addressed.
- Victims are connected to free community-based services that have been established to serve victims of all crimes and to meet their unique needs. VWAs regularly maintain relationships with programs serving victims of domestic violence, rape, homicide and other crimes to access various services (i.e. shelter, counseling, or legal assistance) for the victims and witnesses they serve.
- Trauma from violent crime and attendance at court proceedings can significantly impact a victim's and witness' ability to maintain a regular schedule at school and work. VWAs assist victims and witnesses in communicating with educators, administrators, and employers about the impact of violence and the rights of victims and witnesses to attend court proceedings.

## 2. Personnel and Agency Collaboration

- a. The Norfolk District Attorney's Unit is staffed by thirty-one (31) full-time Victim Witness Advocates (VWAs), all of whom earned their college diploma with several holding a higher degree, including Master's Degrees for the Victim Witness Advocate Chief and Motor Vehicle Homicide Victim Witness Advocate, and a Juris Doctorate for the Director of the Special Victims Unit. Advocates are located in every court in

Norfolk County including the Superior, District, Juvenile and Probate Courts to assist crime victims and witnesses.

- b. The Norfolk District Attorney's Office assigns VWAs to specialized units which include: Domestic Violence, Special Victims Unit (child sexual and physical abuse, adult sexual assault, elder abuse, abuse of persons with disabilities, and commercial sexual exploitation of children [CSEC]); Motor Vehicle Homicide and Serious Bodily Injury crashes; and to cases in the Probate, Juvenile, District and Superior Court.
- c. The Norfolk District Attorney's Office provides certain written information to victims and witnesses of crime in their native language and utilizes translators in and outside of the courtroom to assure effective communication.
- d. Victim Witness Advocates collaborate with a myriad of criminal justice, court, government and community-based agencies including, but not limited to, the following:

- Attorney General's Office Habeas Corpus Process;
- Attorney General's Office Victim Compensation and Assistance Division;
- Child Witness to Violence Programs;
- Clerks' Offices;
- Community Crisis Response Teams;
- Community Mental Health Providers;
- Court Clinics;
- Crime Scene Clean-Up Agencies;
- Department of Children and Families (DCF);
- Department of Corrections Victim Services Unit (DOC);
- Department of Criminal Justice Information Services (DCJIS);
- Department of Developmental Services (DDS);
- Department of Mental Health (DMH);
- Department of Transitional Assistance (DTA);
- Department of Youth Services Victim Services Unit (DYS);
- Disabled Persons Protection Commission (DPPC);
- Domestic Violence Community Based Programs;
- Domestic Violence Shelters;
- Elder Services Programs;
- Grief Programs;
- Homicide Survivors Groups;
- Hospital-Based Victim Services Programs;
- Intimate Partner Abuse Programs;
- LGBTQ Victim Services Programs;
- Legal Assistance Programs;
- Massachusetts Office for Victim Assistance (MOVA);
- Massachusetts Office of Victim Assistance Safeplan Program;
- Massachusetts Probation Victim Services Unit (state);
- Mothers Against Drunk Driving (MADD);
- Medical Examiner's Office;
- Parole Board Victim Services Unit;

Police Departments;  
Probate Court;  
Probation Departments (local);  
Religious and Spiritual Communities;  
School-Based Programs;  
Sexual Assault Community-Based Programs;  
Sex Offender Registry Board Victim Services Unit (SORB);  
Sexual Assault Nurse Examiners (SANE);  
Sheriff's Department Victim Services Unit;  
Substance Use Disorder Support Networks;  
Trauma Services for Crime Victims; and  
U.S. Attorney's Office Victim Witness Assistance Division.

- e. In Norfolk County, plaintiffs seeking protection under Chapter 209A (Abuse Prevention Order) or Chapter 258E (Harassment Prevention Order) are assisted by a Victim Witness Advocate through the civil/criminal process. This includes accompaniment before the Court in seeking the Order.

### **3. Education and Training**

The Norfolk District Attorney's Victim Witness Advocate (VWA) staff attended the following training courses in 2024:

- 39<sup>th</sup> Annual San Diego International Conference on Child & Family Maltreatment, January 2024;
- OJJDP Teen Dating Violence Webinar, February 2024;
- NDAA Introduction to Teen Dating, Violence for Prosecutors Webinar, February 2024;
- MDAA MA Probation Service Pretrial Service Division: MassHealth Initiative Webinar, February 2024
- NDAA Generative AI Child Sexual Abuse Images: What you need to know Webinar, March 2024;
- Norfolk Advocates for Children TEND Academy Series--Post-Traumatic Growth: How Trauma Shifts our Priorities in Work and Life Presented by Diane Tikasz, April 2024;
- MDAA Victim Notification Registry Training for Advocates Spring/Summer 4 date Webinar Series, April through July 2024;
- DOVE Spring 2024 Domestic Violence Trainings, April through May 2024;
- MACA 13<sup>th</sup> Annual Conference, May 2024;
- CAC Leadership Conference in Washington, DC, June 2024;
- MOVA New Advocate Training, September 2024;
- 2024 Annual Conference on Shaken Baby and Head Trauma, September 2024;
- NDAA Juvenile Justice Conference, September 2024;
- 2024 Annual JuST Conference, October 2024;
- Parole Training with Judith Lyons in Person Canton, MA, October 2024;
- MA Department of Criminal Justice Info Service, Victim Service Unit: VNR Training, December 2024; and
- NDAO hosted Disabled Persons Protections Commission Training, November 2024.

#### **4. Budget**

The annual cost for salaries for all Norfolk District Attorney Victim Witness Advocates is approximately \$1,800,020.75, which is paid through Appropriation 03400700 unless federal and state grant funding is obtained for such salaries. The Norfolk District Attorney has not directly received any direct deposits and expenditures of funds pursuant to G.L. c. 258B § 9.

Please feel free to contact me if you have any questions or need any additional information at 781-830-4800.