



"Building Partnerships"

*Working Together to Protect
Persons with Disabilities*



**A Criminal Justice Response to Abuse
or Crimes Committed Against Persons
with Disabilities: *Examining the Nuts
and Bolts of a “Successful”
BPI-based Prosecution***

**September 30, 2015
Orlando, Florida**

Presenters



- **Nancy Alterio**
Executive Director
MA Disabled Persons
Protection Commission (DPPC)



- **Elizabeth Dunphy Farris**
Legal Counsel to the
District Attorney
Hampden County (MA)

Agenda

- **Key Aspects of BPI**
- **Investigation**
 - **DPPC Role**
 - **Law Enforcement Role**
 - **APS Investigator Role**
- **Prosecutor-based Model**
 - **Criminal/APS Investigation**
 - **Prosecution of Offender**

Who did it?

APS Team Assignment

Your Assignment

- **You are a member of an Adult Protective Services (APS) Team**
- **A recent sexual assault has led to this meeting of the team**
- **The initial investigation has yielded a list of possible suspects**
- **As there is considerable physical evidence, the team is discussing the possibility of obtaining a search warrant**
- **Your assignment is to determine which suspect should be the subject of a search warrant**



Reasons for BPI

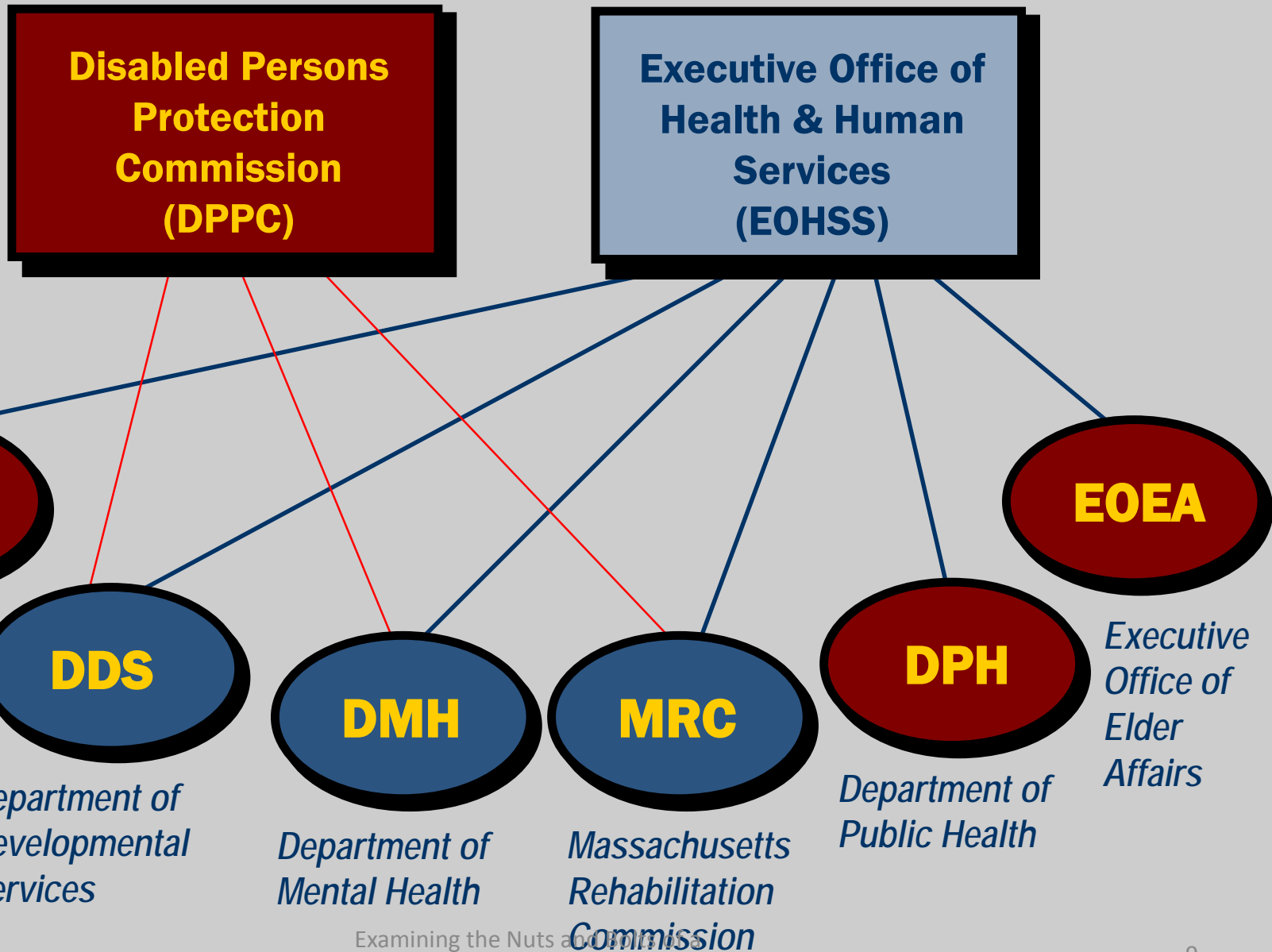
- **No one person or agency possesses all of the skill, knowledge and resources necessary to respond to the complex problems of mistreatment and abuse;**
- **Each agency brings a different perspective and different information to the table; and**
- **In working together, crimes committed against persons with disabilities are being recognized, reported, investigated and prosecuted.**

Some Statistics

- Rates of **serious violent victimization** – rape, sexual assault, robbery or aggravated assault – were more than **three times higher** for persons with disabilities than those persons without disabilities;
- **Forty-one percent (41%)** of violent crimes against persons with disabilities were committed by **persons they knew well or by casual acquaintance(s)**; with **fifty-eight (58%)** percent of violent crimes against persons with disabilities occurring in the **daytime**; and
- About **fifty-one (51%)** percent of violent crimes committed against persons with disabilities involved persons with **multiple disabilities**.

Bureau of Justice Statistics, *Crime Against Persons with Disabilities, 2009-2013 – Statistical Tables*

State Agencies Reporting Structure





MA Law Enforcement Agencies

- **Attorney General**
- **District Attorneys (11 Districts)**
- **State Police**
 - **Patrol Highways, State Parks**
 - **State Police Detective Units**
 - **Attorney General**
 - **District Attorney**
 - **Specialized Units**
 - **Disabled Persons Protection Commission**
- **Municipal Police (local) Cities and Towns**

Creation of Massachusetts Building Partnerships Initiative (BPI)



**To effectively address
abuse, neglect and crimes
committed against
persons with disabilities
using a multidisciplinary approach**



BPI Steering Committee

- **Developed Memorandums of Understanding**
- **Developed Annual Plans and Annual Reports**
- **Secured funding and developed annual budgets**
- **Drafted and secured passage of new legislation**
- **Developed training curricula and implemented training recommendations**



BPI Steering Committee Members

- **District Attorney (DA)**
- **MA District Attorneys Association (MDAA)**
- **Massachusetts State Police (MSP)**
- **Disabled Persons Protection Commission (DPPC)**
- **Department of Developmental Services (DDS)**
- **Department of Mental Health (DMH)**
- **Massachusetts Rehabilitation Commission (MRC)**



BPI Steering Committee Members [cont'd]

- **Attorney General (AG)**
- **MA Office of Victim Assistance (MOVA)**
- **Provider Agency**
- **Massachusetts Advocates Standing Strong (MASS)**
- **Department of Public Health (DPH)**
- **Executive Office of Elder Affairs (EOEA)**



BPI Training Curricula

Includes:

➤ **Law Enforcement**

- **State & Municipal Police Recruits**
- **Veteran Officers**

➤ **Service Providers**

➤ **Persons with Disabilities**

- **Learning Tool**
- **Awareness & Action**



Other Trainings

- **Adult Protective Service (APS) Investigators**
 - **Forty-hour basic investigation certification**
 - **Forty-hour sexual assault certification**
 - **In-Service Training**
- **Emergency Room Nurses and Physicians (in collaboration with SANE)**
- **Judiciary/Court Personnel Training**
 - **Practical Guide for Court Personnel entitled, *Crimes Against Persons with Disabilities: A Practical Guide to the Reporting, Investigation and Prosecution***
 - **Americans with Disabilities Act (ADA) Coordinators**



Reference Materials

- **Crisis Intervention Program (CIP) Officer Reference Book**
- **BPI Replication Guide, Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice,**
<http://www.ovc.gov/pubs/victimswithdisabilities/stateguide/index.html>, *Guide* (NCJ 239107)



Memorandums of Understanding (MOU)

Jurisdiction: Geographical (by District Attorney)

I. Statement of Purpose

II. Participating Agencies

III. Goals

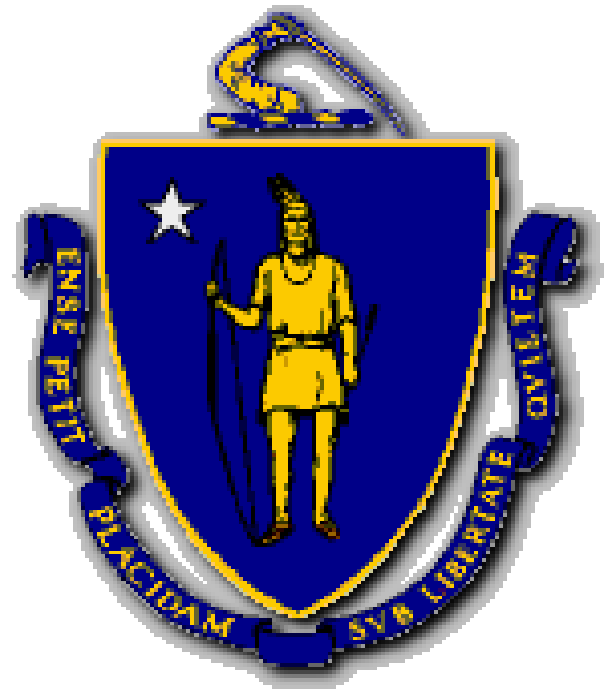
IV. Reporting and Investigation

V. Human Services Investigation Liaison

VI. Review and Evaluation

DPPC History

Created in 1987 as an independent state agency responsible for the investigation and remediation of instances of abuse against persons with disabilities within our Commonwealth (M.G.L.c.19C)





BPI and DPPC

- **DPPC** – A critical stakeholder in the BPI Partnership
- **DPPC** – Legislative and administrative changes as a result of BPI
- **DPPC** – Initial (single) point of entry for victims with disabilities as a result of BPI



DPPC Intake Unit 24 HOUR HOTLINE

- Operates a 24-hour Hotline, 1-800-426-9009
- Receives reports of suspected **physical, emotional, sexual abuse, neglect and deaths** of adults with disabilities
- Evaluates reports to determine required response [emergency or non-emergency] and jurisdictional criteria
- Provides information and referrals to callers



DPPC Statute

M.G.L. c. 19C

Jurisdiction:

- **Person with a disability**
- **18-59 years of age, and**
- **Wholly or partially dependent on others for daily living needs**
- **Abused by a caregiver**
- **Residing in state care or private setting**

DPPC/SPDU Criminal Screening

- **District Attorney's office notified**
- **Designated assistant district attorney assigns criminal investigations to:**
 - **Local Police**
 - **DA's SPDU**
 - **DPPC's SPDU**
- **Human Service agency contacts notified**
- **Civil Investigator proceeds with protective services**



DPPC 19C APS Investigations

**Conducts abuse/neglect investigations,
assesses risk and recommends
protective service actions**

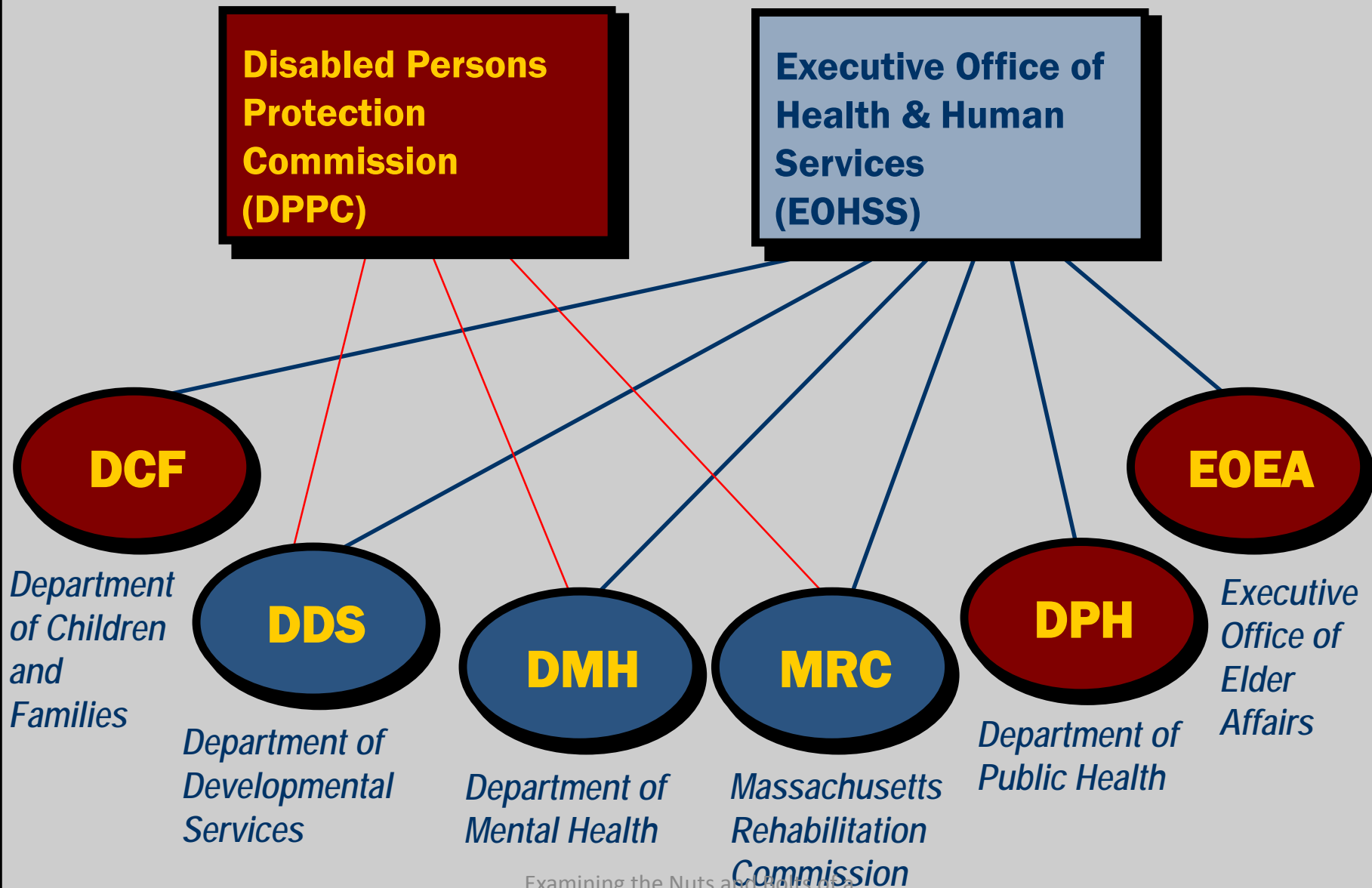
DPPC

DDS

DMH

MRC

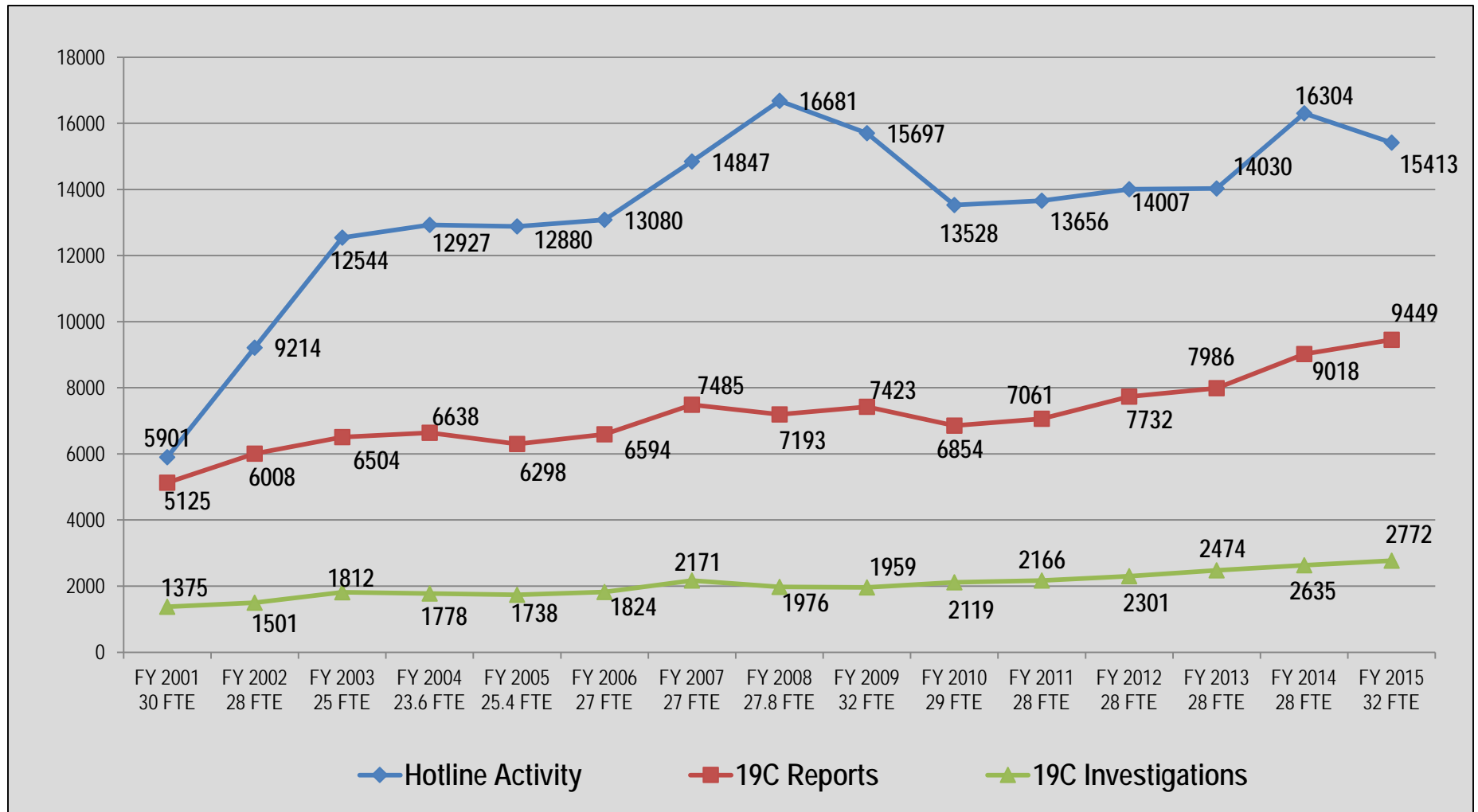
Cases not Meeting DPPC Jurisdiction



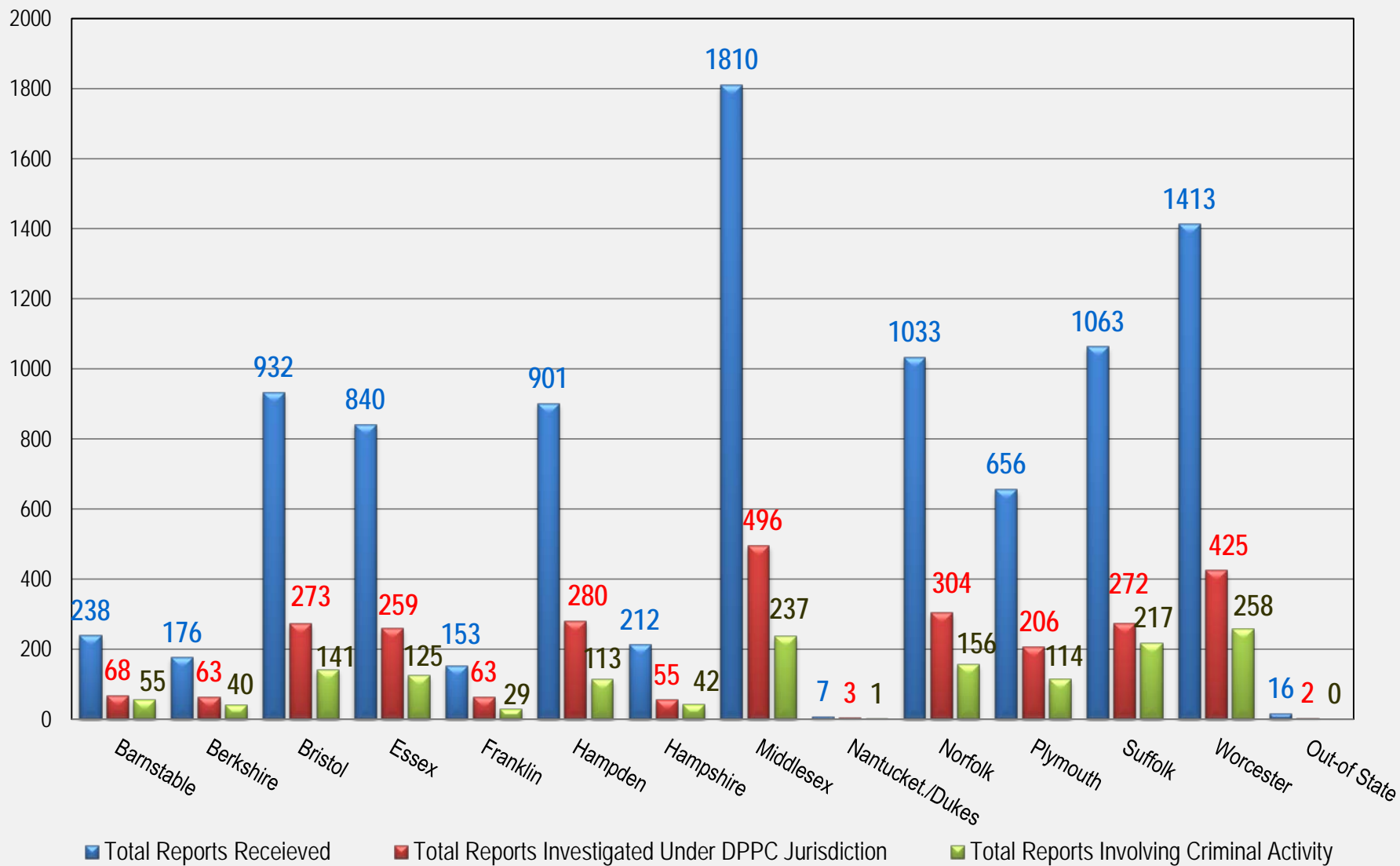
Protective Service Examples

- **Access Warrants**
- **Protective Orders**
- **Respite Care**
- **Emergency Shelter**
- **Restraining Orders**
- **Case Management**
- **Family Planning**
- **Housing Assistance**
- **Adaptive Equipment**
- **Transportation**
- **Specialized Counseling**
- **Guardianship/GAL**
- **Counseling**
- **Financial Management**
- **Education/Training**
- **Support Groups**
- **Employment/Vocational Services**
- **Legal Assistance**
- **PCA's/Home Health**
- **Clinical Evaluation**
- **Medical Assistance**

FY2015 DPPC Hotline & Investigation Activity



FY2015 19C Criminal Reports by County



Criminal Activity

DPPC Database FY 2015

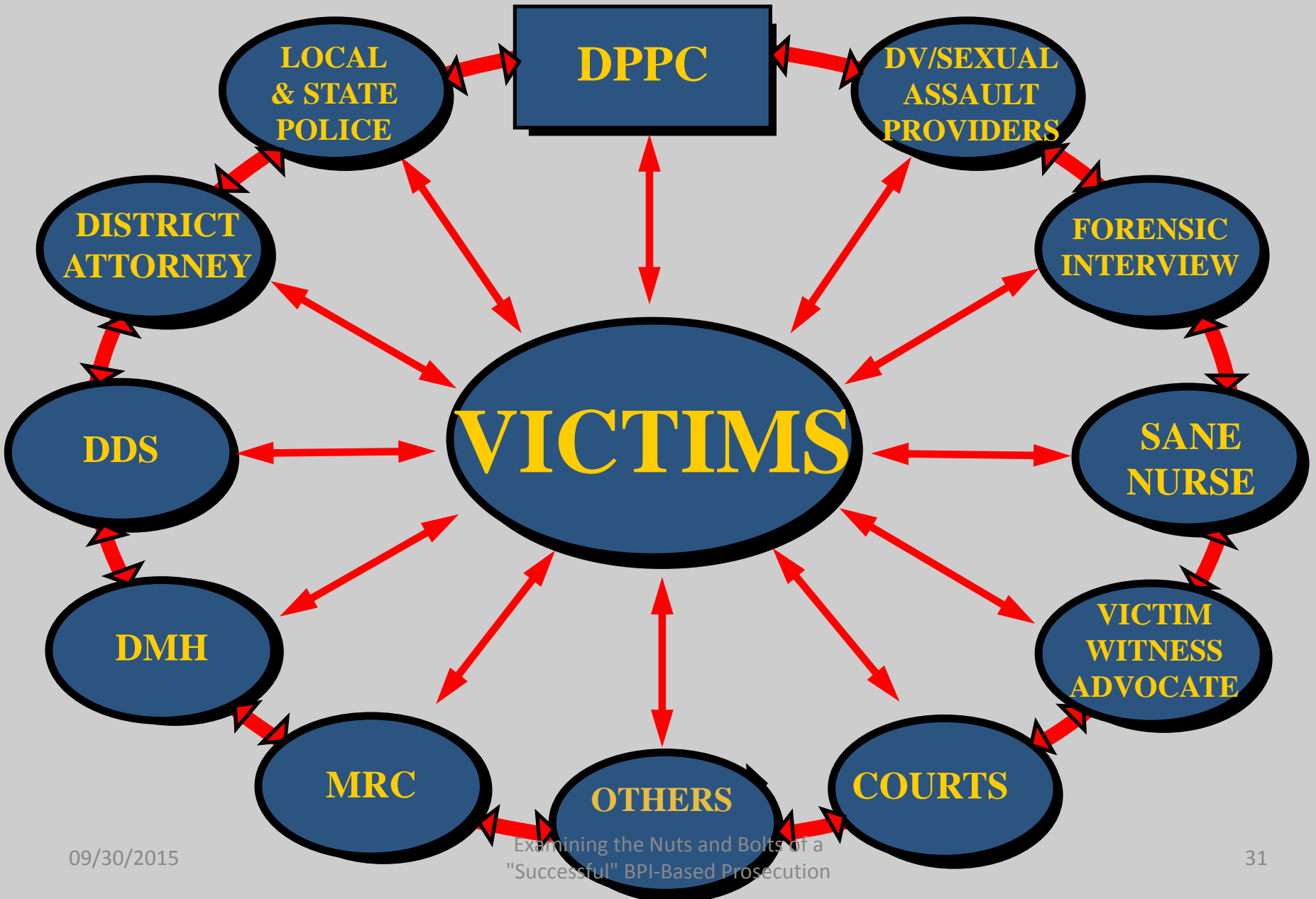
Assault & Battery on a Person with a Disability	744
Domestic Assault & Battery	275
Assault & Battery on a Person with an Intellectual Disability	16
Assault & Battery with a Weapon	28
Indecent Assault & Battery	278
Rape	198
Larceny of a Person with a Disability	252
Death	40
Narcotics Violations	15
Caregiver Negligence	66

Case Scenerio(s)

General Questions for Each:

- **Do you believe the victim?**
- **Do you know whether or not the incident did (or did not) happen?**
- **Is this reportable?**
- **Was there an injury?**
- **Is this a crime?**
- **How should the incident be handled?**

The Partners In Protection





Prosecution-Based BPI Model

- **Coordinate team response**
- **Provide legal assistance**
- **Prosecute Offenders**

“JANE” – The “mosquito bite” case

- A 45 year old female with developmental disabilities, named Jane, who is **intellectually challenged, mildly autistic, deaf and non-verbal**, returns home, to her residential program, 45 minutes later than her usual time.
- The van driver that transports Jane back and forth to her day program tells the staff at the residence that he ran into traffic and that is why they are late.
- In the course of changing Jane out of her work clothes, it is observed that she has **multiple scratches and bug bites all over her body**.
- At this time **Jane tried to cover the bites up, and seemed visibly upset and distraught**, and ran to her room. ...

“JANE” – The “mosquito bite” case

- ...The staff present at the time, are the 3-11 shift staff; **two staff** assigned to provide support for **four individuals**.
- **One** of the staff is a **part-time relief staff**. He is assigned to float between several residences, depending on coverage needs. He is **not familiar with Jane or her typical behaviors**.
- The other staff is more experienced. She has been working at this residence for one year and has received basic orientation, human rights and first aid/CPR/safety training.
- She is **concerned about Jane's appearance and behavior, but there are three other individuals** who have also returned to the residence, **all requiring some degree of personal care**.

**What does a
BPI-based
MDT look like
given these
facts?**





District Attorney's Personnel

- **Eleven (11) jurisdictions in Massachusetts**
- **Geographically Divided (primarily by county)**
- **Assistant District Attorney(s)**
 - **Elders and Persons with Disabilities Unit**
 - **Superior/District Court**
- **Victim Witness Advocate(s)**
- **Forensic Interviewer**
- **Massachusetts State Police Detective Unit**



DA's Role in BPI

➤ Notification from DPPC

- Identifies parties
- Details reportable incident(s)

➤ Review by ADA

- Coordinate with APS to ensure victim safety
- Obtain necessary mental health, medical, school, work or social worker records from APS agencies
- Determine civil/criminal focus
- Designate investigating agency
- Identify available collateral agencies
- Request necessary medical services
- Coordinate forensic interview, if any
- Assign person with disability victim/witness advocate
- Provide legal assistance



Forensic Interview of Victim



- One interview of victim meets needs of all agencies
- Less trauma for victim (and family)
- More efficient investigation
- Improved evidence collection
- Access to more information
- Increased chance of successful prosecution



Law Enforcement Role in BPI

➤ Investigation

- **Interviewing victim and witnesses**
- **Interviewing suspects**
- **Obtaining corroborating evidence**
- **Access to judicial system/process**
- **Powers of arrest**
- **Documenting the case file**

➤ Education and Training

Law Enforcement Assistance to APS

- **Education and training**
- **Interview victims/suspects**
- **Access to judicial system/process**
- **Powers of arrest**

APS Assistance to Law Enforcement

At the Scene:

- **Secure protective orders, access warrants and emergency guardianship**
- **Obtain emergency residential placement**
- **Obtain alternative personal care attendants**
- **Access emergency and non-emergency medical treatment**
- **Arrange for interpreters**

APS Assistance to Law Enforcement

At the Interview:

- Provide background data on alleged victims, abusers and providers**
- Assist with gathering and analysis of medical and administrative records**
- Assist in identifying communication abilities**
- Assist with scheduling interviews**
- Arrange for interpreters**
- Assist with interview process, as needed**

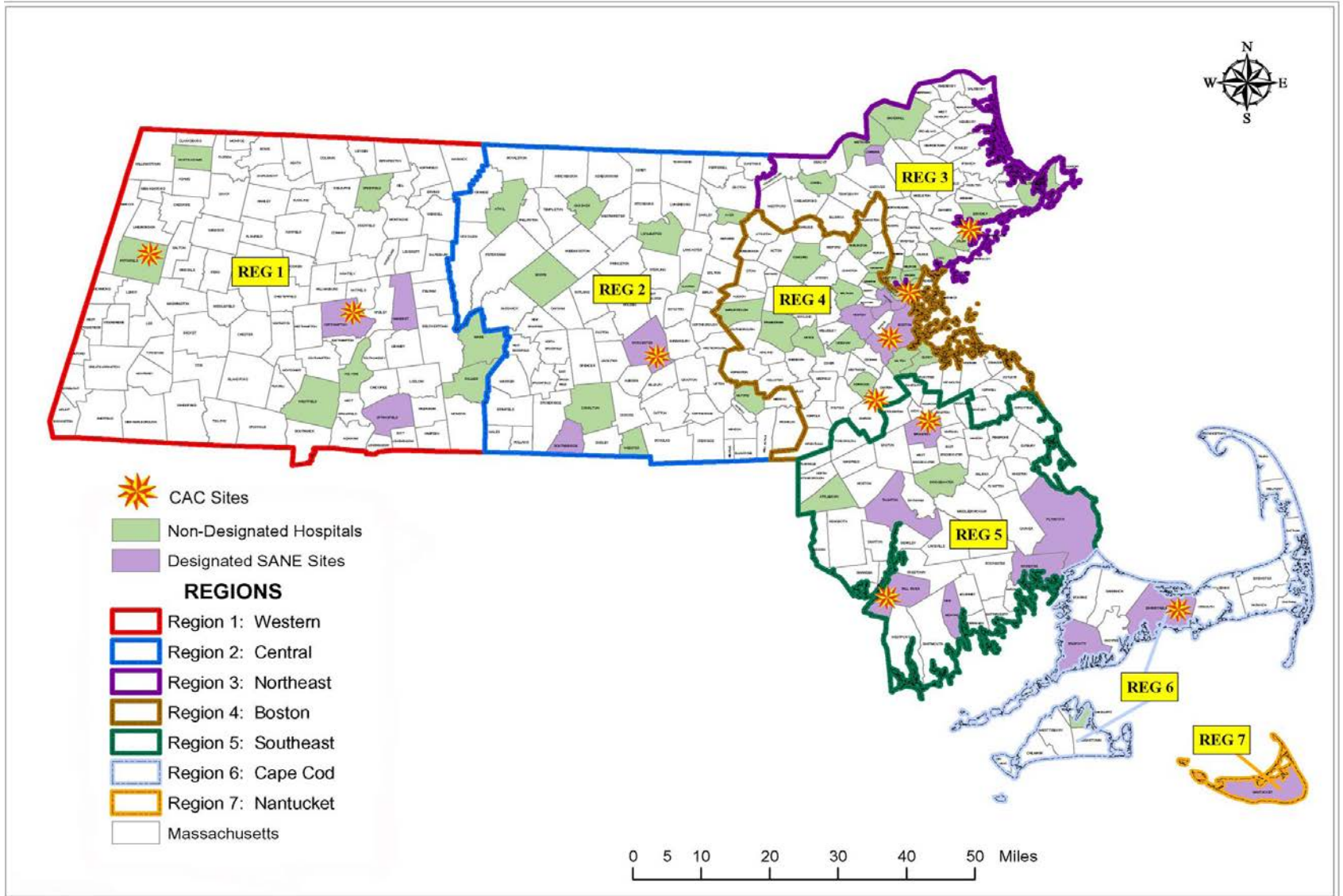
SANE Role in BPI

Sexual Assault victims can wait **up to 8 hours to be examined**

- **Average **length of exam** is **3 - 4 hours****
- **85% of hospitals offered some training to new RN's**
 - **only 25% offered yearly updates**
- **Evidence**
 - **39% of evidence collection, when indicated, was not completed**
 - **38% of evidence collected was collected inappropriately**

(Source: MA DPH Study)

SANE and CAC Program Site Designation



Criteria for a SANE Exam

- **Patient must be medically cleared**
- **Able to consent**
- **Assault within 5 days/120 hours**
- **Patient does not have to report to police to have evidence collected (evidence held for 6 month+ if not reporting at this time)**

90-95% conviction rate when a SANE testifies at trial!

Case Studies of BPI-MDT Referrals

What are some immediate red flags you see in this short description of the facts?



- **Case #1** – Alleged Financial Abuse of adult male (with an intellectual disability)
- **Case #2** – Alleged Sexual Abuse of adult male (with physical disabilities) by caretaker
- **Case #3** – Alleged Sexual Abuse of teenage male (with developmental disabilities) by stranger
- **Case #4** – Alleged sexual abuse of two adult women, sisters, (with developmental disabilities) by biological father involving delayed disclosures

DPPC REFERRAL #1

- In talking about income tax and bank accounts with ALV, Reporter discovered that ALAB's name was added to ALV's bank account. ALV indicated never giving permission for this. Reporter also observed that ALAB has been taking out \$500 out of ALV's account for rent.
- Reporter also discovered that ALV had a deposit of \$64,000 from retirement fund on 3/8 and a withdrawal of \$40,000 on the same day. ALV indicated ALAB took \$40,000 for rent. ALV had no plans to cash in retirement fund.
- Reporter went to the bank with ALV. She and ALV moved the \$20,000 to another account. Bank is investigating how ALAB got her name on account and withdrew money. ALAB used to work at the bank and was fired.

ALV BACKGROUND

- **Relatively independent 49 year old male with an intellectual disability**
- **Worked full time since 1985 at a local McDonalds as a cook**
- **Lives with his elderly 81 year old foster mother. ALAB was paid to care for her so she was regularly in the home**
- **Mother was in the early stages of dementia**
- **Had a retirement account from his work at McDonalds that contained approximately \$86,000.00**



ALV STATEMENT

- **Had a good relationship with the ALAB**
- **Did not know ALAB had been added to his bank account but remembers she told him to sign something bank related**
- **Did not give permission to ALAB to handle any of his money**
- **Had his own car, did his own banking. Would go to the bank with his passbook to withdraw money when needed.**
- **Did not know his retirement money had been compromised**

FOLLOW THE MONEY



- **Was there a forgery?**
- **Is the ALAB's name on ALV's account? If so, how did it get there? Is there signed authorization?**
- **What can be learned from the passbook?**
- **How was access gained to the retirement account?**
- **Is there a paper trail? On line access? Telephone calls?**

A check was made out to ALV from McDonalds and was endorsed "For deposit only"

ALWAYS VERIFY ENTRY BEFORE LEAVING WINDOW

DATE	WITHDRAWAL	DEPOSIT OR INTEREST	BALANCE	MEMO
01 12Dec12	100.00		266.00	8204
02 12Dec12	230.00		36.00	8204
04 17Dec12	20.00		16.00	8204
05 31Dec12		0.01 INT	16.01	8116
06 03Jan13		414.00 DEP	430.01	8116
07 03Jan13	162.45		267.56	8116
08 03Jan13	150.00		117.56	8128
09 07Jan13	100.00		17.56	8204
10 01Feb13		414.00 DEP	431.56	8206
11 04Feb13	219.07		212.49	8206
12 05Feb13	50.00		162.49	8203
13 13Feb13	150.00		12.49	8203
DO WE HAVE YOUR CORRECT ADDRESS?				
DO WE HAVE YOUR SOCIAL SECURITY NUMBER?				
15 28Feb13		0.01 INT	12.50	8205
16 01Mar13		200.00 DEP	212.50	8205
17 04Mar13	198.16		14.34	8205
18 19Mar13		64,248.39 DEP	64,262.73	8203
19 19Mar13	40,000.00		24,262.73	8203
21 03Apr13	279.91		24,443.68	45
22 03Apr13	50.00		24,393.68	8209
23 10Apr13	24,000.00		393.68	8204
24 11Apr13	100.00		293.68	8209

Deposit

Withdrawal

The withdrawal slip was signed by the ALAB.

IN OUR CASE

FIRST TELEPHONE CALL:

- **ALAB gives her name and asks about the ALV's account. She says she is the ALV's cousin and that he is "slow" and has speech problems so she is calling for him**
- **When asked, she is able to provide the last four digits of his SSN but not his password. She can be heard asking him if he knows his password but he does not.**
- **ALAB asks that a temporary password be sent to him.**

SECOND TELEPHONE CALL:

- **ALAB calls back, again giving her name and saying she is ALV's cousin and he has speech problems.**
- **They speak to her because she has the password.**
- **She is given the User ID because she cannot access the website to register the new password.**

THIRD TELEPHONE CALL:

- **ALAB is still having problems registering online so it is done over the telephone.**
- **She gives her name and repeats she is speaking for her cousin who has speech problems.**
- **Can't direct deposit because of the 7 day waiting period for processing.**
- **ALAB originally asks for a partial distribution then opts for cashing out all of his stock and having a check sent out to ALV minus taxes.**

ALAB INTERVIEW



- **Make an inquiry to see if the ALAB is willing to sit down and talk**
- **Why would it be worthwhile to have an ALAB on record about the investigation you are doing?**
- **GET THEIR STORY ON RECORD!**

ALAB'S STORY

- **Admitted to taking the money**
- **She told on ALV what she was doing**
- **He gave her his SSN and PIN # to access the money**
- **She took \$40,000 from ALV's account and transferred it to her own account**
- **She was planning to pay it back**
- **She paid her outstanding bills**
- **She paid bills associated with the ALAB's housing (taxes, etc.)**

RESULT

ALAB charged with Larceny over \$250 from a Person with a Disability [c. 266 §30(5)]

Plea of guilty. Restitution of all monies to ALV.

Legal Issues relating to victim/witness

- **Consent** – person's free/voluntary act
- **Competency** – question of law
- **Capacity** – question of fact
- **Privilege(s)** – question of common law/statute
- **Confidentiality** – involves private information

Approved Alternative Procedures

- **Family member, clinician, counselor, social worker or friend may sit near or next to such witness;**
- **Permitting testimony at other location and/or on videotape**
 - **Provided that in criminal case defendant and counsel are present at location and defendant has unobstructed view of witness**
- **Court SHALL not deny a witness the benefit of an appropriate alternative procedure and is required to allow additional time or continuances to accommodate these procedures**
- **Use of expert witness regarding persons with intellectual disabilities by proponent of witness**
- **Any other appropriate means**

DPPC Referral #2

- **ALV reported to his care coordinator that he had been sexually assaulted in the early morning. ALV said that he had been asleep in his bed when ALAB, whom he knew, came into his room , fondled his genitalia and anally raped him. ALV believed ALAB ejaculated on him. ALV reported his genitalia had been touched with ALAB's hands.**
- **ALV was a 37 year old male at time of incident. He is a person with Cerebral Palsy and is a spastic quadriplegic. His physical mobility is very limited. He communicates effectively through a device called a Dynavox, a communication board.**
- **ALV's Case Coordinator brings ALV to local hospital. Once there, ALV undergoes SANE during which anorectal swabs were collected.**

MDT Approach

- **Police contact ALAB. He denies allegations. Moves away from area while investigation is pending.**
- **Crime laboratory processes ALV's rape kit. Semen is found on anorectal swab. Results submitted into CODIS. CODIS hit with ALAB profile.**
- **Police re-interview ALAB who is now incarcerated in Maryland for theft charges. After initial denials, ALAB admits penetration of ALV.**

APS/Police As Witnesses

A percipient witness may testify to what his/her senses perceived

Percipient witness: relates what he/she saw, heard, smelled, tasted, or touched. NOT what others said, unless non-hearsay use of evidence or hearsay exception applies....

Hearsay: Out of court statement(s) offered for the truth of the matter asserted.

**When we prove
declaration was
an “excited
utterance”**



What is an “Excited Utterance”? *Any statement made by a person, while under the influence of the “exciting event”, concerning the cause or circumstances surrounding the event.*

RESULT

ALAB charged with Rape and Indecent Assault and Battery on a Person Over Fourteen Years Old [c. 265 §22 and c. 265, §13H]

Plea of guilty. State Prison sentence imposed.

DPPC REFERRAL #3

- **ALV's mother reported to police that the ALV, her 19 year old son, was assaulted while taking out the trash. Police arrive at scene, speak with ALV who is then transported to a local hospital for a sexual assault examination.**
- **ALV is a teenager with developmental disabilities. A forensic interview is conducted with ALV. There, he reports that while taking out the trash, he noticed a man, ALAB, following him. ALAB pulls ALV into an alleyway, removes his clothing and anally penetrates him. ALV escapes and goes home. ALAB follows ALV to his home. ALV immediately reports incident to his mother. Reporter approached ALAB, who denies assault. ALAB flees area.**

MDT Approach

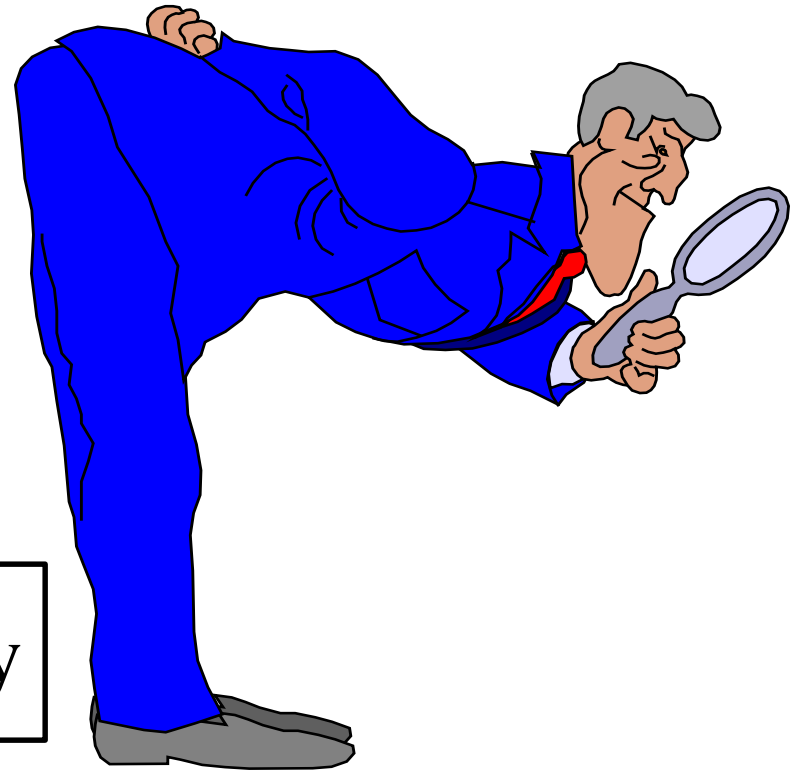
- **Police obtain video surveillance footage that captures ALV and ALAB heading toward area described by ALV. Minutes later ALV is seen running toward home with ALAB.**
- **SANE makes note of abrasion on ALAB backside. It is consistent with markings that could have been made from watch found on ALAB.**
- **ALAB had past incident involving another assault seven years earlier.**



Introduction of

Physical

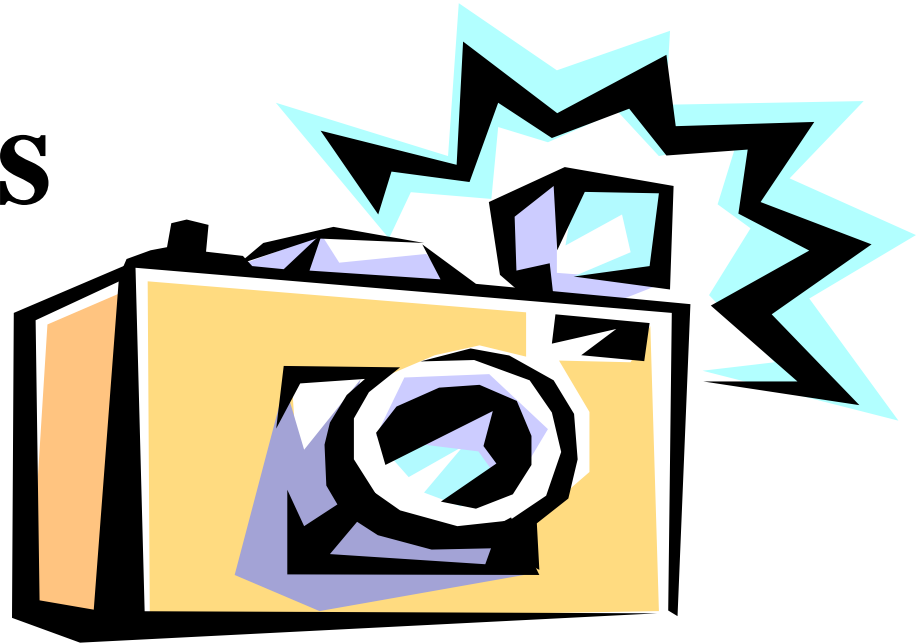
Evidence



Establish: Chain of Custody

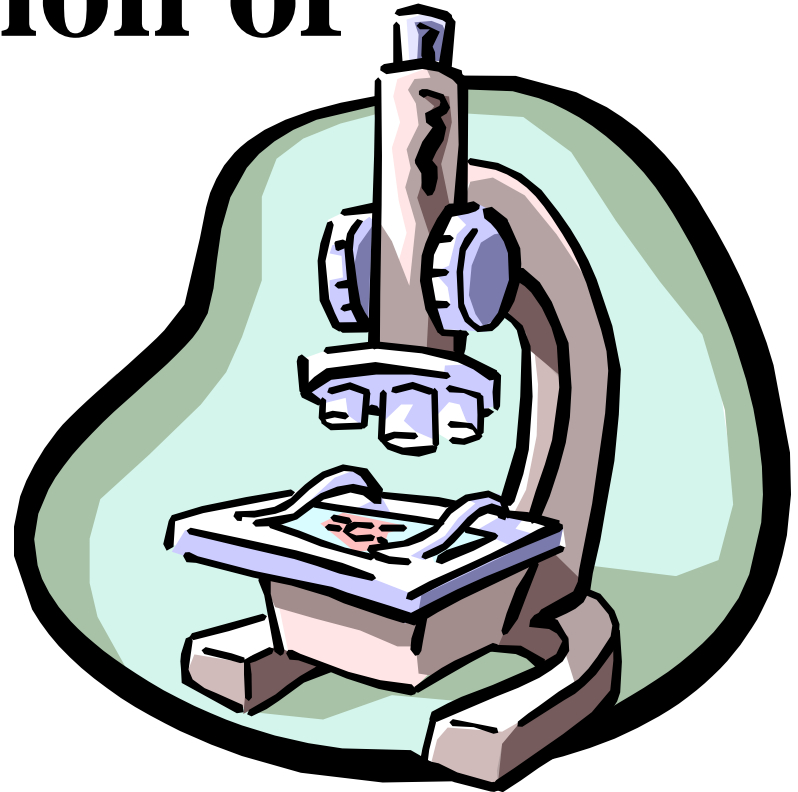
Introduction of

Pictures



Foundation: Fair and accurate representation

Introduction of Opinion



Foundation: Training and experience in field

RESULT

ALAB charged with Rape and Indecent Assault and Battery on a Person Over Fourteen Years Old [c. 265 §22 and c. 265, §13H]

Jury Trial. Verdict of Guilty. State Prison sentence imposed.

DPPC REFERRAL #4

- **ALV, a twenty-three year old woman with intellectual disabilities, reported to her supervisor at her day program that the ALAB, her biological father, had sexually assaulted her six months previously and tried to molest her sister.**
- **Police are notified and a forensic interview of ALV is conducted. ALV reports that on three separate occasions she had been sexually assaulted by her father starting when she was sixteen years old. Her disclosure was made due to a telephone call from ALAB requesting that she move back to his home. Upset still at her day program the next day, she confided in a supervisor.**
- **ALV's younger sister, a twenty-one year old woman with intellectual disabilities is interviewed and reports that, when she was seventeen or eighteen, ALAB asked her to perform oral sex on him and to have sexual intercourse with him.**

MDT Approach

- **Police obtain statements from first complaint witnesses at ALV's day program.**
- **Biological mom is interviewed and reveals ALV's sister's disclosure at time of incident.**
- **ALAB is interviewed and denies inappropriate touching of his daughters and a "misunderstanding" of his approach to ALV's sister.**

RESULT

ALAB charged with Incest, Rape and Indecent Assault & Battery on Person with an Intellectual Disability [c. 272 §17, c. 265 §22 and c. 265, § 13F]

Jury Trial. Verdict of Not Guilty.

Expert(s)/Testimonial Aids

Daubert/Lanigan Challenge?

- *Daubert* “gatekeeper” obligation applies to all expert testimony, not only “scientific” testimony;
- Trial judge is not limited to enumerated factors in *Daubert* in making “gatekeeper” inquiry. Instead, standard is flexible to particular facts and expert’s particular experience and nature of issue;
- Trial judge has broad latitude of discretion when ruling on admissibility.

Canavan’s Case, 432 Mass. 304, 313-316 (2000) citing Kumho Tire Co., Ltd. v. Carmichael (1999) (Extending holding of Lanigan to apply to expert opinions based on personal observation and clinical experience, concluding diagnosis and causation could be subject to Lanigan analysis)

Corroborating Evidence

In the Matter of a Grand Jury Investigation,
427 Mass. 221, (1998)

- Grand jury may order blood/buccal samples from individuals
- Standard: **Reasonable basis for believing** that blood sample will provide test results that will significantly aid grand jury in their investigation of circumstances in which there is good reason to believe a crime has been committed

Admissibility of evidence

Legality of Search(es)/Seizure(s)

➤ Warrant obtained?

- No crime scene exception to warrant requirement
 - *Flippo v. West Virginia*, 528 U.S. 11 (1999)

➤ Valid warrantless exception available?

- No search
 - Abandonment
 - No reasonable expectation of privacy
- Consent
- Plain view
- Emergency
- Exigency
- Search Incident to Arrest

“Lost”/Missing Evidence

Arizona v. Youngblood (1988):

- **Due Process Clause of the U.S. Constitution does not require police and other law enforcement agencies to collect all “evidence”**
- **Failure to preserve evidence that may be “potentially useful” for a defendant will not violate due process unless the failure to collect/preserve is based upon “bad faith” on the part of the police or other law enforcement agencies**

Burns

Accidental or Inflicted?

- **Immersion burns are the most common burns caused by:**
 - **Glove**
 - **Sock/ Stocking**
 - **No splash marks**
- **Immersion burns are often associated with toileting accidents**
- **Splash burns are the most common type of accidental burns**

Average Water Temperature

	<u>Degrees</u>
➤ Comfortable infant bathing	mid 90s
➤ Comfortable jacuzzi	@ 103
➤ Adult - painful to touch	118 - 120
➤ Adult deep 2nd to 3rd degree in 30 sec.	130
➤ Adult deep 2nd to 3rd degree in 10 sec.	138
➤ Adult deep 2nd to 3rd degree in 3-4 sec.	146
➤ AVERAGE HOME TAP WATER	140-145

MA Criminal Statutes

- **Aggravated penalties for crimes committed against a person with a disability;**
- **Includes acts of commission and/or omission;**
- **Includes negligent, wanton or reckless or intentional conduct; and**
- **Includes:**
 - **Crimes against the person**
 - **Crimes against property**

Roma's Story

- How comfortable would you feel
 - Knowing who to report the abuse to?
 - Communicating with Roma?
 - Providing the extra time for Roma?
 - Investigating the abuse/crime?
 - Prosecuting the case?
 - Asking for or knowing where to go for assistance if needed?
- Is this a “Successful Prosecution”?



Roma's Story

Measures of Success

- Trained staff has increased
- Mandated report to DPPC is timely made
- APS is notified to optimize victim's safety
- DA is notified for case review
- DA coordinates with BPI partners to conduct criminal/civil investigation
- Collection of forensic evidence is optimized with timely SANE and other forensic examinations
- Prosecution of offender can be maintained

Contact Information

➤ Nancy Alterio

Executive Director

MA Disabled Persons Protection
Commission

Nancy.Alterio@massmail.state.ma.us

➤ Elizabeth Dunphy Farris

Legal Counsel to the District Attorney
Hampden County (MA)

beth.farris@state.ma.us

References

- **What Every Law Enforcement Officer Should Know About DNA, National Commission on the Future of DNA Evidence**
 - **Beginner Level, NCJ 182992**
 - **Advanced Level, NCJ 184479**

National Criminal Justice Reference Service

1-800-851-3420

<http://www.ojp.usdoj.gov/nij>

References

- **Death Investigation – A guide for the scene investigator – NCJ 167568**
- **Eyewitness Evidence – A guide for Law Enforcement – NCJ 178240**
- **Crime Scene Investigation A Guide for Law Enforcement – NCJ 178280**
- **Investigating Child Fatalities – Portable Guide to Investigating Child Abuse – NCJ 209764**

National Criminal Justice Reference Service
1-800-851-3420

<http://www.ojp.usdoj.gov/nij>

References

- **West's, *Massachusetts Criminal Law and Procedure*, annual pamphlet, ISBN 0-314-95210-1**
- ***The Massachusetts Criminal Law: A District Court Prosecutor's Guide*, annual publication, P.O. Box 1333, Dedham, MA (also available on CD ROM)**

Questions?



THE END.