The background of the slide features a faint, stylized image of the scales of justice, symbolizing law and equity. The scales are positioned on the right side of the slide, with the central pillar and the two pans extending across the width of the page.

Building Partnerships to Enhance Access to the Criminal Justice System for Crime Victims with Disabilities

A Massachusetts Initiative

Presented by:

Elizabeth D. Scheibel

Nancy A. Alterio

Timothy F. X. Grant

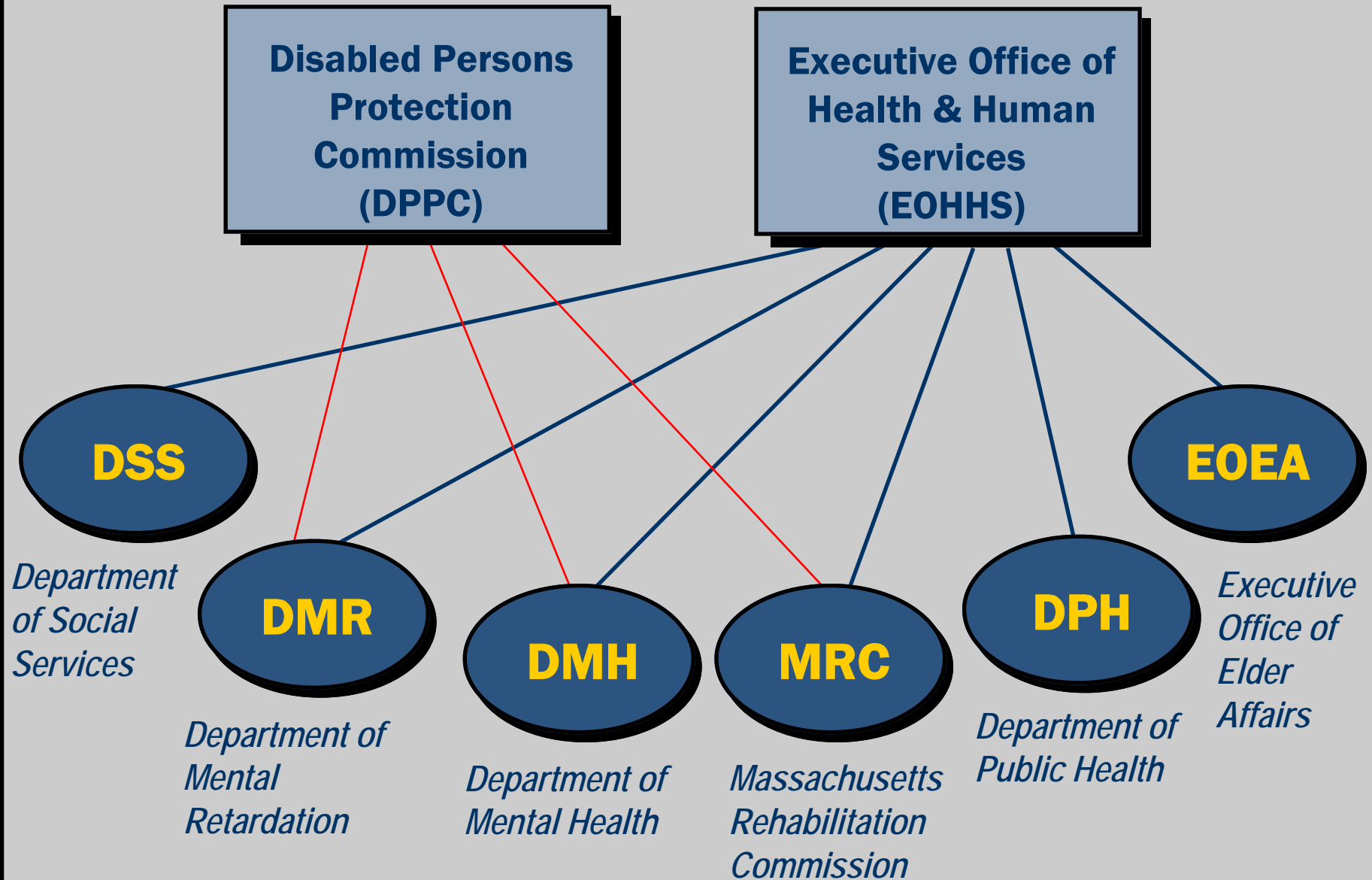
October 13, 2005

AGENDA

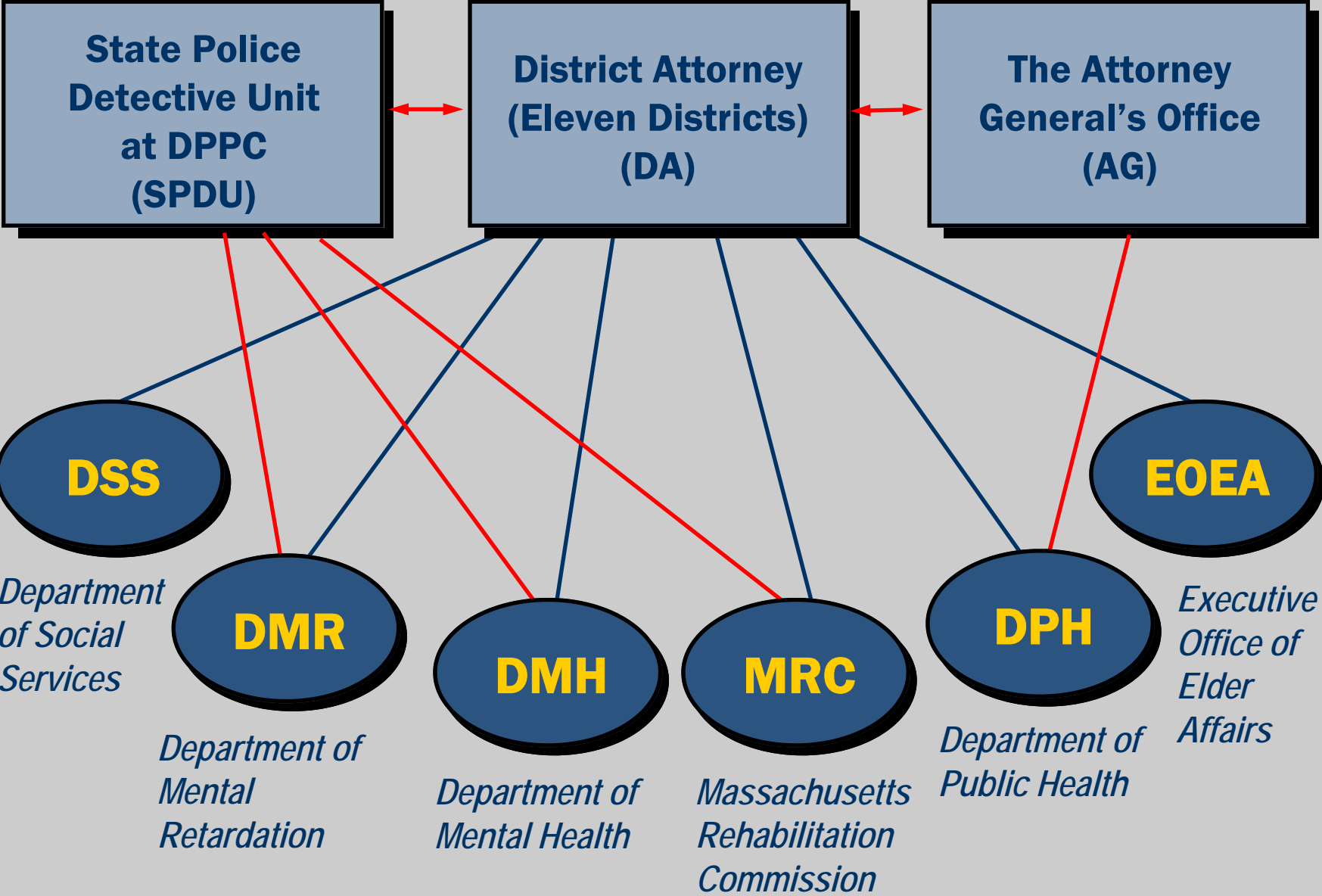


- Introduction to the Structure of MA Agencies
- Identifying Abuse as a Problem
- “House of Horrors” – Case that Changed the System
- MA Response to the System Failure
- Building Partnerships Initiative
- How cases move through the APS System in MA
- Protect, Report, Preserve
- Building Partnerships Results

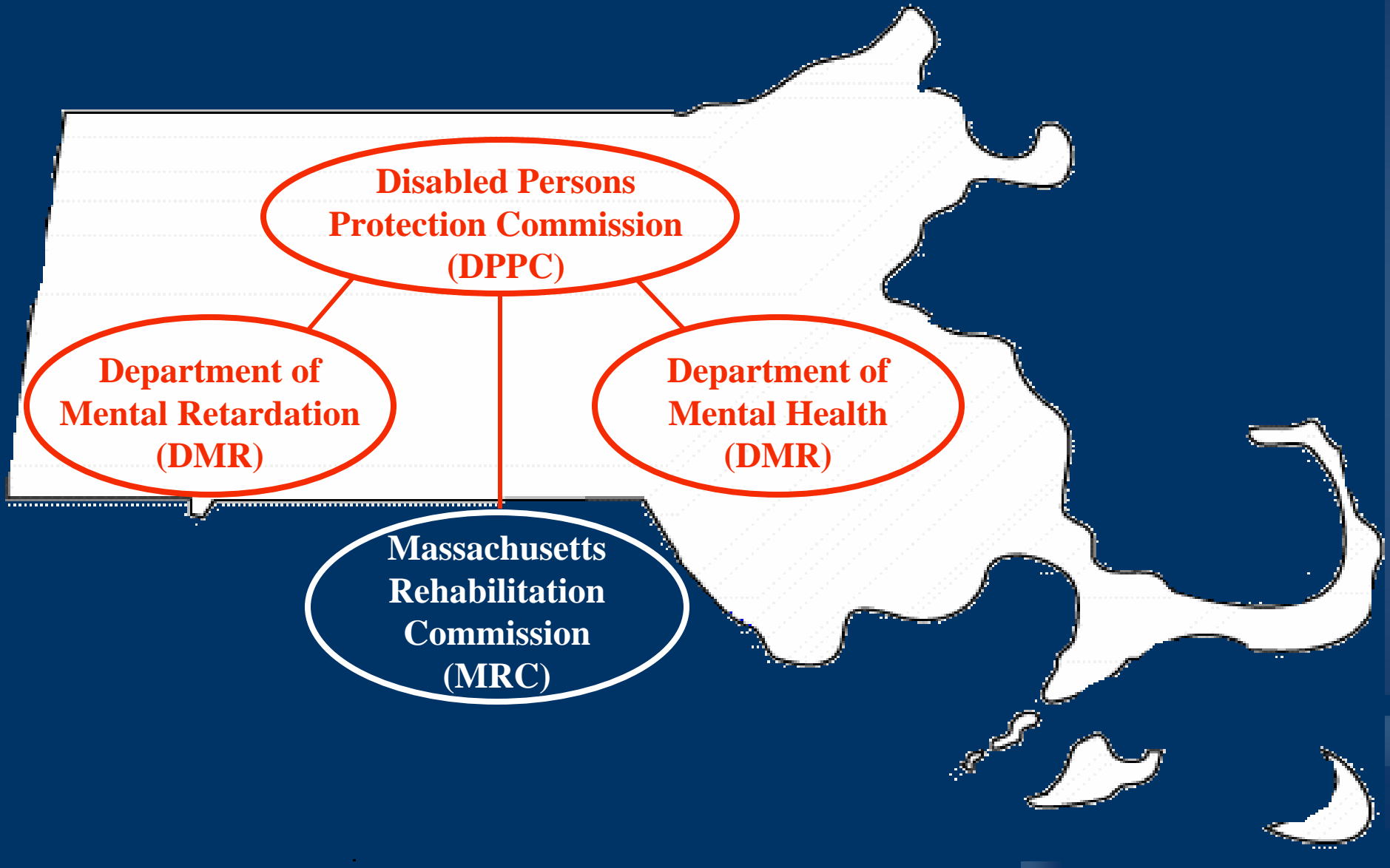
EOHHS Structure & Oversight



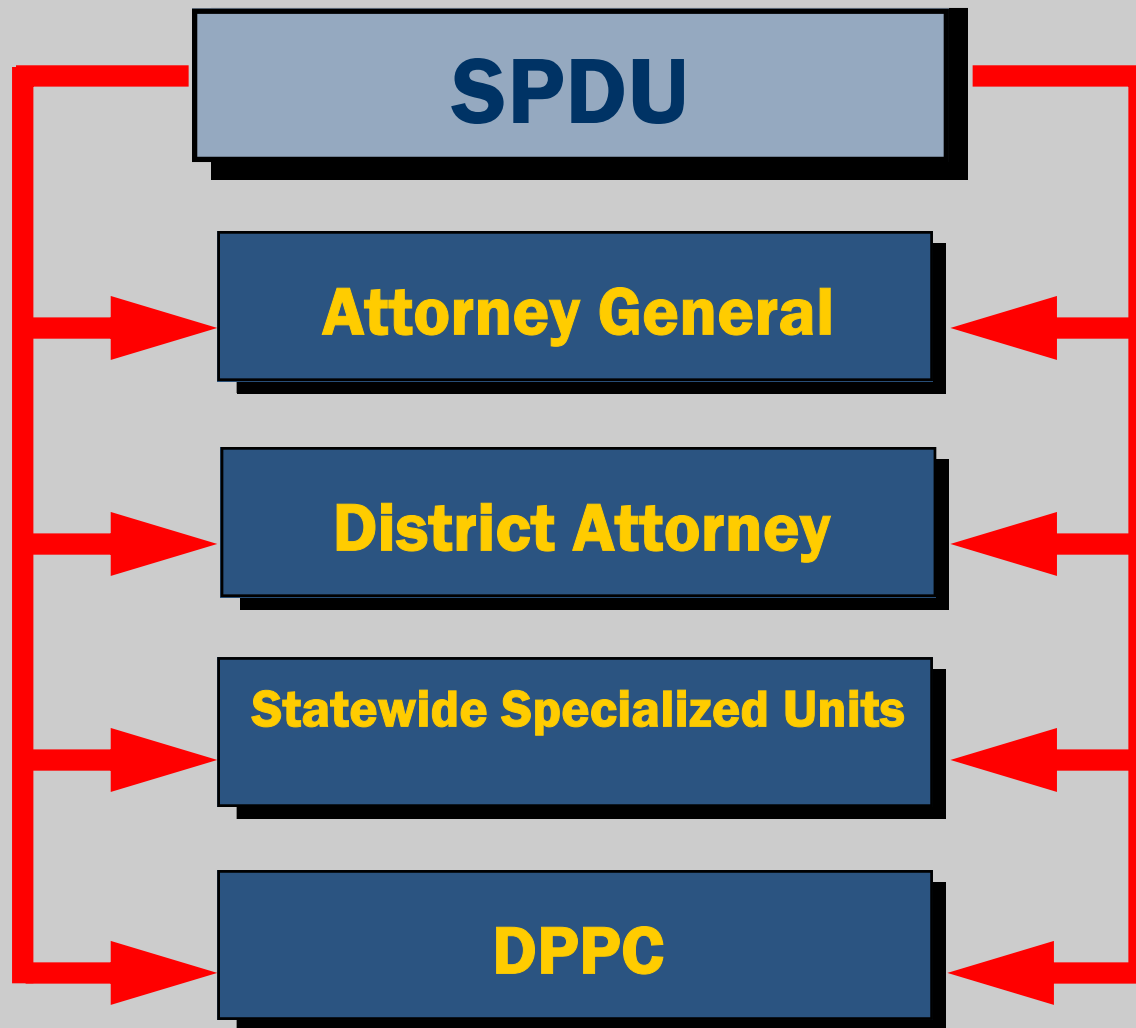
Structure and Oversight



Adult Protective Service System



Massachusetts State Police Detective Units (SPDU)



Identifying the Problem



Prevalence of Violence
Against
Persons with Disabilities

Prevalence of Violence Against Persons with Disabilities

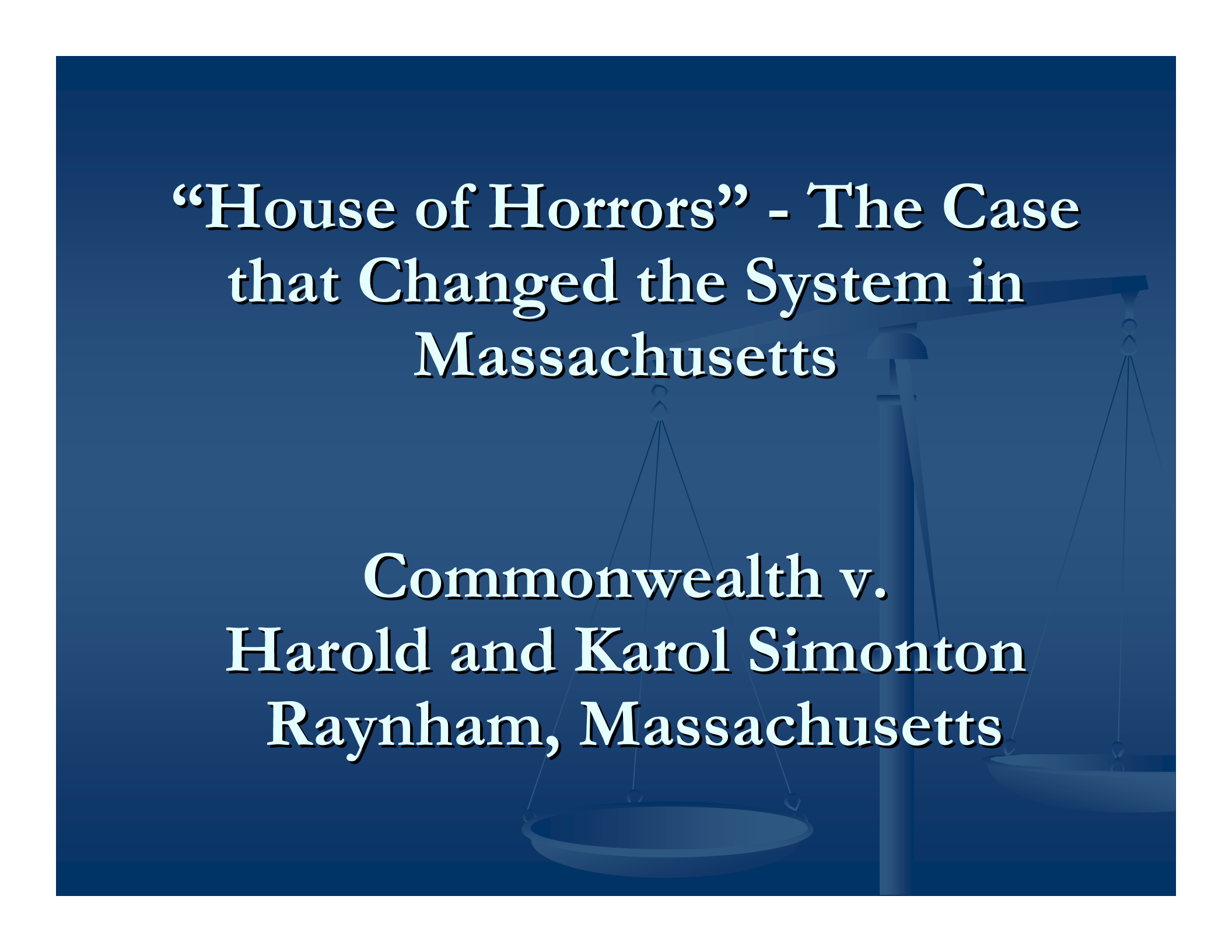
- 54 million Americans with disabilities
(U.S. Department of Justice, 1998)
- 5 million crimes committed against persons with developmental disabilities each year in the U.S. compared with (Petersilia, Ph.D., UCD):
 - 1.4 million Child Abuse
 - 1 million Spousal Abuse
 - 1 million Elder Abuse
 - 800,000 Hate Crimes

Prevalence of Violence

- More than 90 percent of persons with developmental disabilities will experience sexual abuse at some point in their lives. 49 percent will experience 10 or more abuse incidents (Valenti-Hein & Schwartz, 1995)
- A study of psychiatric inpatients found that 81 percent had been physically or sexually assaulted (Jacobson & Richardson, American Journal of Psychiatry, 1987)

Prevalence of Violence

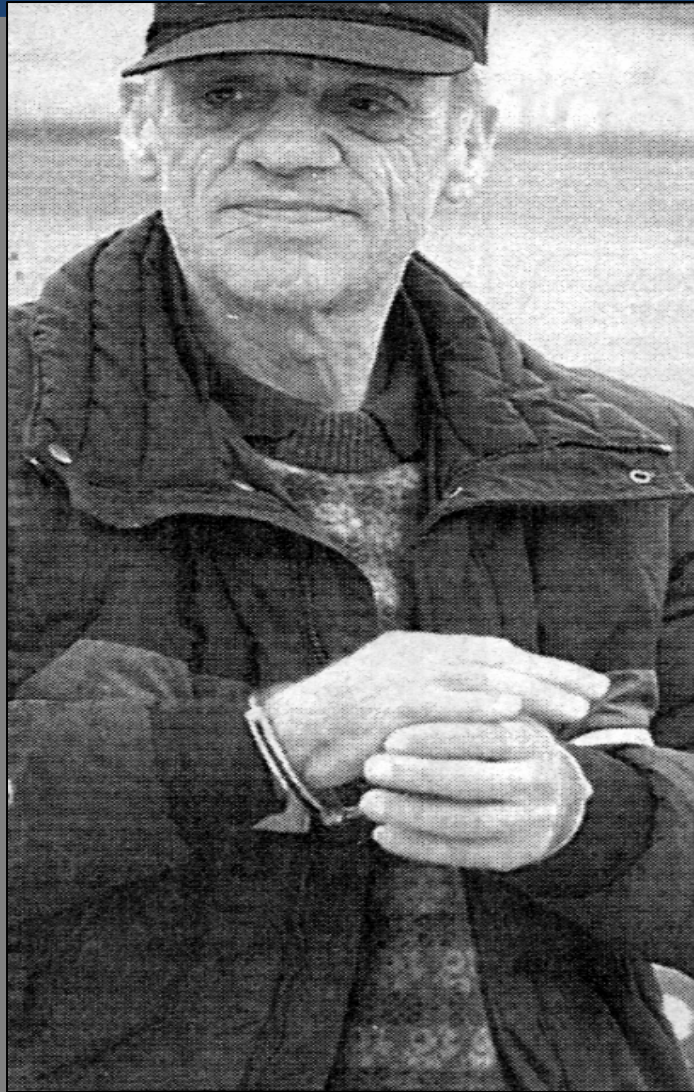
- 62% of women with physical disabilities reported experiencing emotional, physical or sexual abuse (Nosek & Howland, 1998)
- Only 3% of sexual abuse cases involving people with developmental disabilities will ever be reported (Valenti-Hein & Schwartz, 1995)

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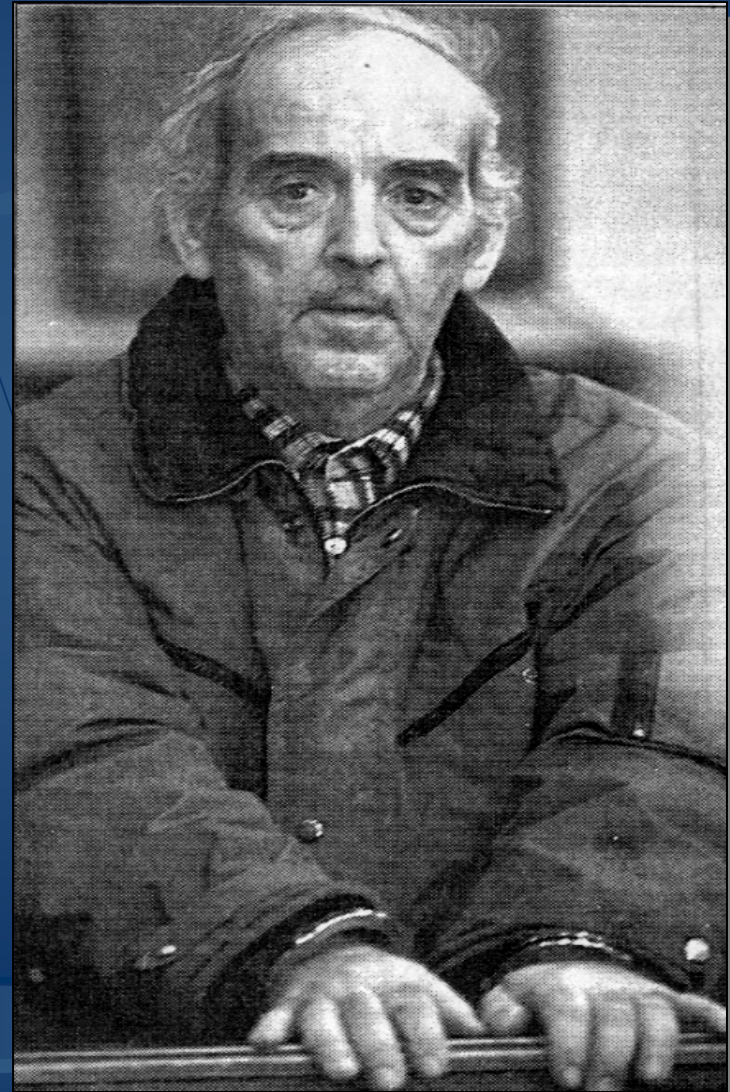
“House of Horrors” - The Case that Changed the System in Massachusetts

**Commonwealth v.
Harold and Karol Simonton
Raynham, Massachusetts**

*Harold
Simonton*



*Karol
Simonton*

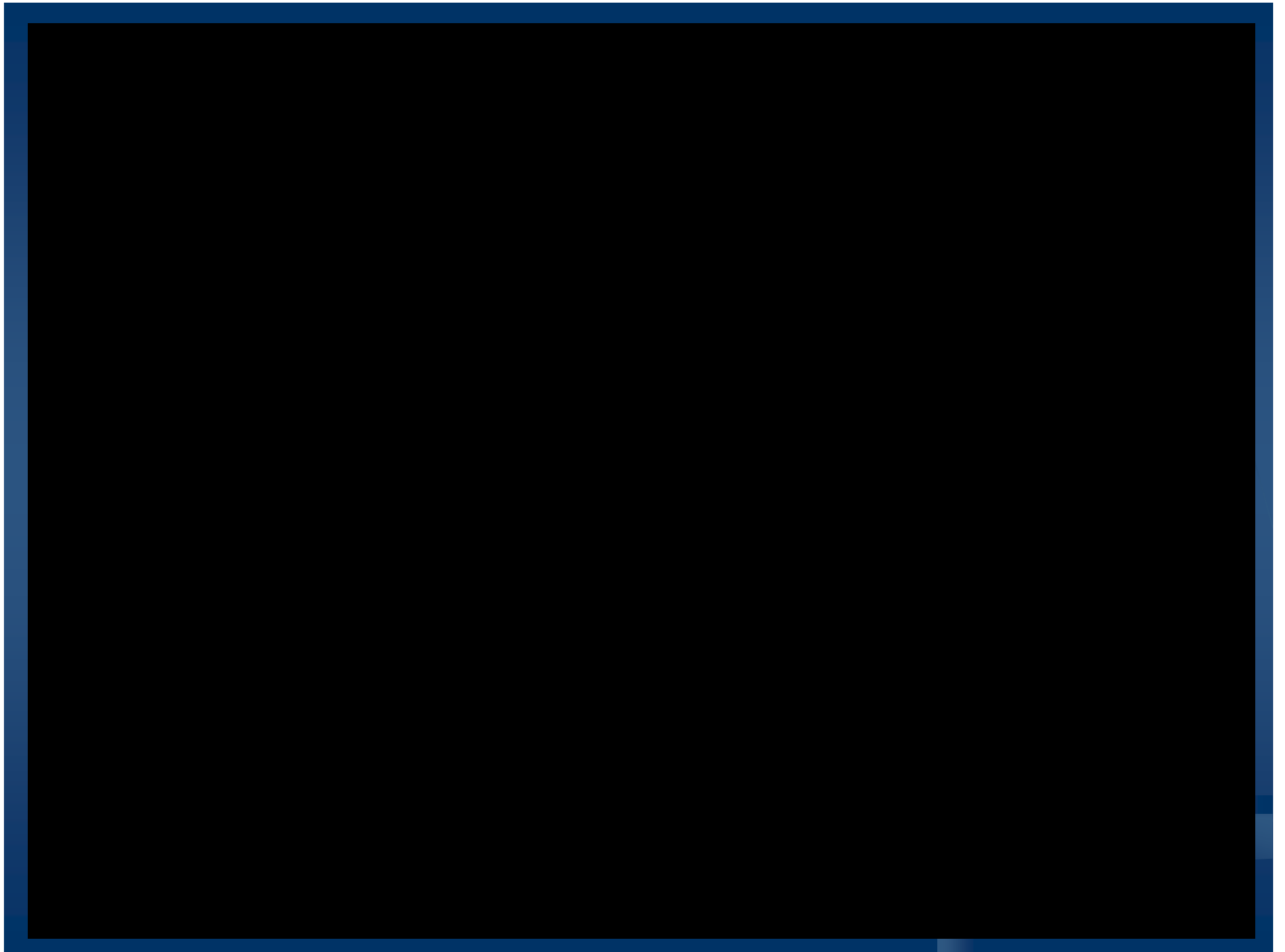


TORTURE

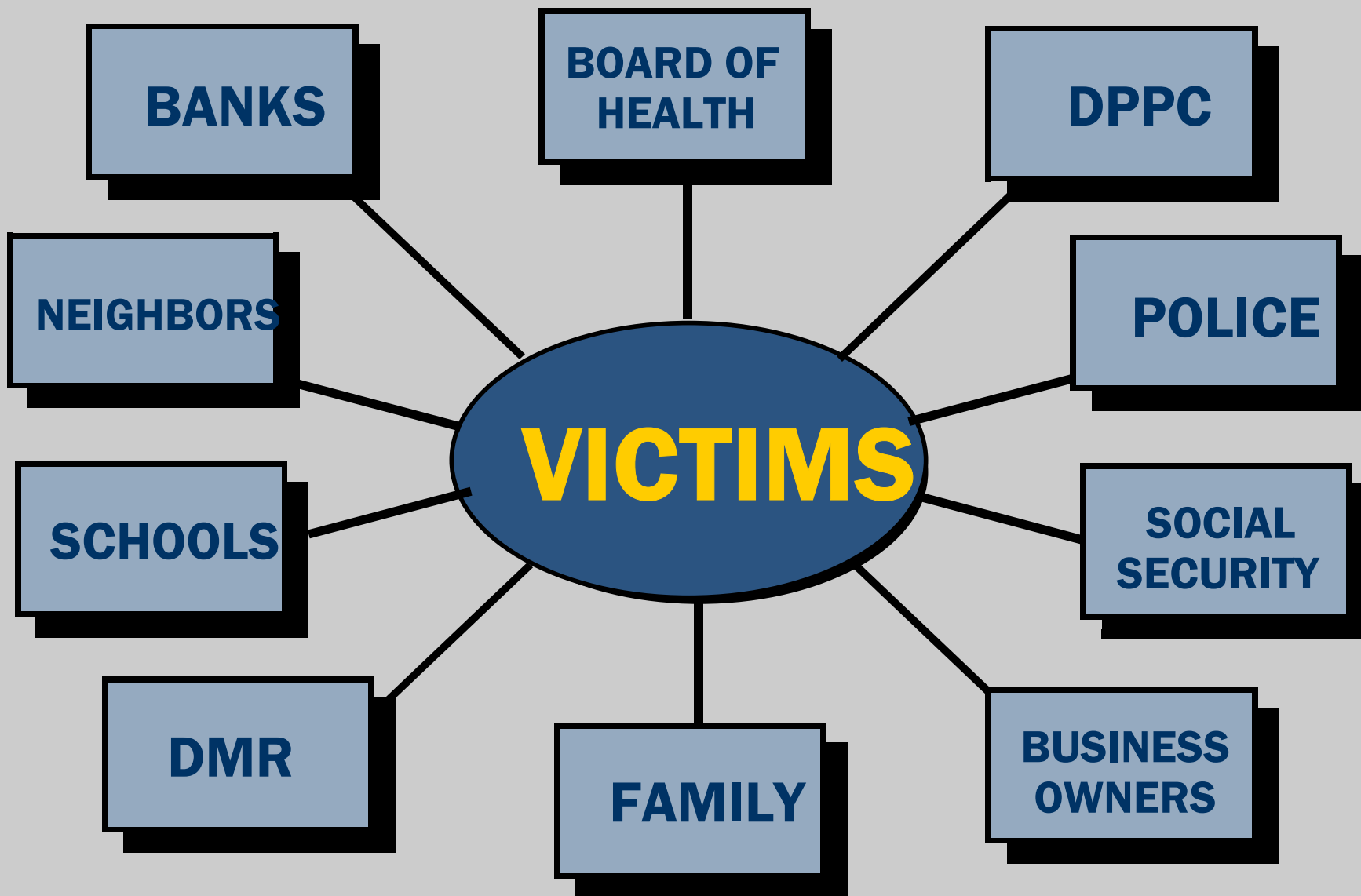


- Tied to Piping hot radiator
- Fingers/Hands in vice grips
- Fingers in monkey wrench
- Burned with boiling hot water
- Hit with whips, thorned sticks, 3 lb hammers
- Forced to hand over SS \$\$
- Assaulted & threatened with several firearms
- Hit with motor chain (causing blindness in one eye)
- Attacked by vicious dogs on D's command
- Sexually assaulted
- Forced to beg for food
- Forced to sleep in doghouse





WHAT WENT WRONG



A SYSTEM FAILURE

The Massachusetts Response to the System Failure



The Process

DMR

House Post
Audit Report
Issued

Investigation
Advisory Panel
Report Issued

Statewide
Conference

1997

1998

1999

DMR
Investigation
Advisory Panel
Established

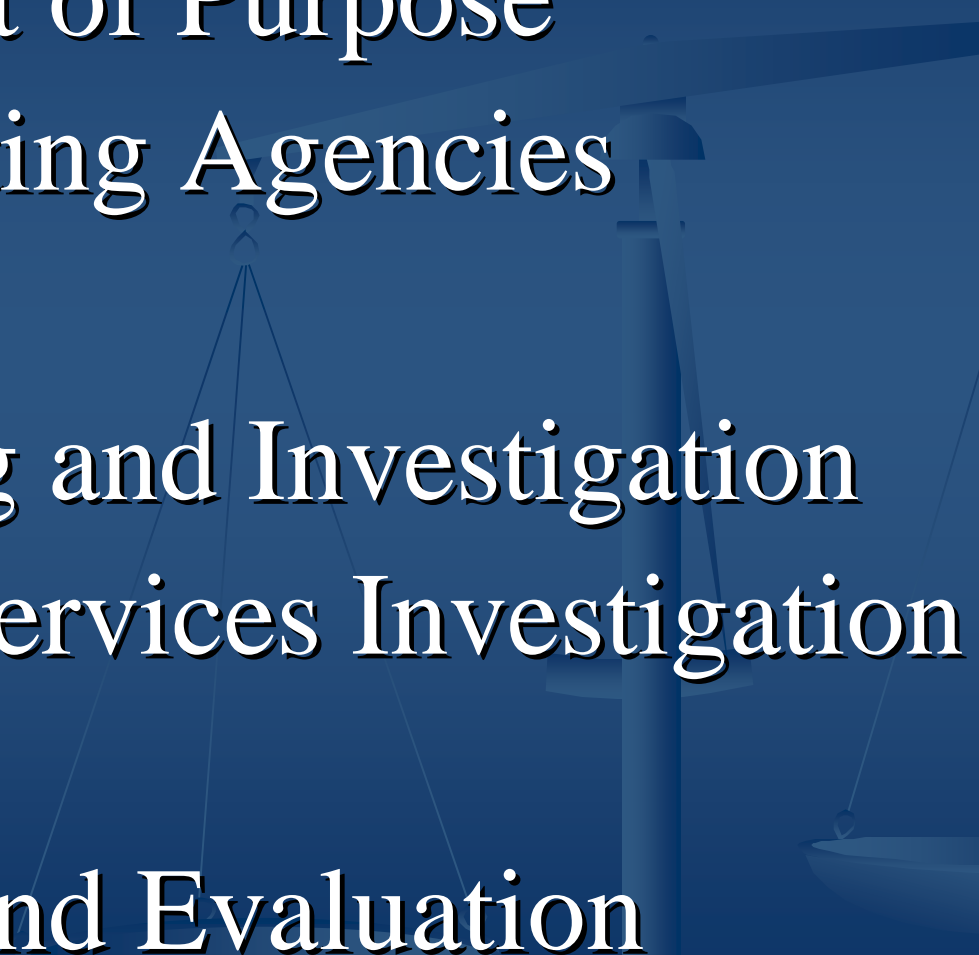
EOHHS Unites
Human Service
Agencies

MOU Process
Begins

Multidisciplinary Agency Response Joint Investigations

- 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

THE AGREEMENT (MOU)


- I. Statement of Purpose
 - II. Participating Agencies
 - III. Goals
 - IV. Reporting and Investigation
 - V. Human Services Investigation
Liaison
 - VI. Review and Evaluation
- 



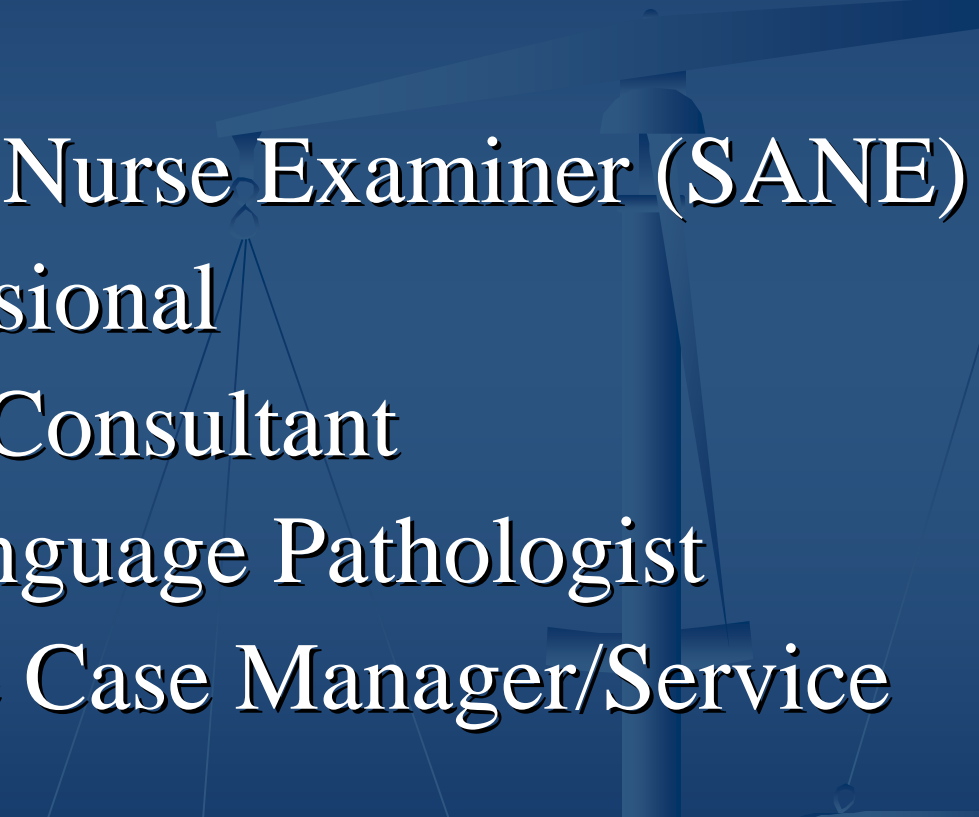
I. Statement of Purpose

To provide a framework for the prompt and effective reporting, investigation and prosecution of crimes against persons with disabilities through a multidisciplinary approach

II. Participating Agencies (Multidisciplinary Team)

- District Attorney's Office
 - Prosecutor
 - Forensic Interviewer
 - Victim/Witness Advocate
 - Disabled Persons Protection Commission
 - Human Service Agency
 - Department of Mental Retardation
 - Department of Mental Health
 - Massachusetts Rehabilitation Commission
 - State Police
- 

Other Team Members

- Local Police
 - Sexual Assault Nurse Examiner (SANE)
 - Medical Professional
 - Mental Health Consultant
 - Speech and Language Pathologist
 - Human Service Case Manager/Service Coordinator
- 

III. MOU Goals

- **GOAL I:** To provide protection, treatment and continuity of care for persons with disabilities
- **GOAL II:** To ensure crimes against persons with disabilities are promptly and effectively reported, investigated and prosecuted
- **GOAL III:** To enhance communication and cooperation between law enforcement and human service agencies
- **GOAL IV:** To increase awareness of crimes against persons with disabilities



IV. Reporting and Investigation

- Reporting of Felonies
 - Deaths
 - Indecent Assault and Battery
 - Assault and Battery
 - Rape
 - Intent to Commit Rape
 - Larceny of a Person with a Disability
- District Attorney Notified
 - 24 hour period



IV. Reporting and Investigation

➤ Investigation

- Assignment of Criminal Investigation
 - District Attorney State Police
 - DPPC State Police
 - Local Police
- Referred back for Civil Investigation
 - DPPC



V. Human Services Liaisons

➤ State and Regional Civil Contacts

- Disabled Persons Protection Commission (DPPC)
- Department of Mental Retardation (DMR)
- Department of Mental Health (DMH)
- Massachusetts Rehabilitation Commission (MRC)



"Building Partnerships"

*Working Together to Protect
Persons with Disabilities*



Steering Committee

- **Purpose of Steering Committee**
 - Directs activities of Building Partnerships for the Protection of Persons with Disabilities initiative



Steering Committee

➤ Membership

- District Attorney
- Disabled Persons Protection Commission (DPPC)
- Department of Mental Retardation (DMR)
- Department of Mental Health (DMH)
- Massachusetts Rehabilitation Commission
- State Police
- MA District Attorneys Association (MDAA)
- MA Office of Victim Assistance (MOVA)



Partnerships Projects

➤ Public Education and Awareness

- Logo Development
- Building Partnerships Brochure
- Educational Brochures
- Laminated Reporting Cards
- State and County Training
- Video Development



Training

➤ Law Enforcement Training

- Training by County
- Municipal Police Training Academies
 - ▼ Curriculum Developed
 - ▼ Online Training
- State Police Academy

➤ Human Service Provider Training

- Training by County
- Video Produced, “Protect, Report, Preserve”



Training

- **Human Service (Civil) Investigators**
 - 40 Hour Basic Investigation
 - 40 Hour Sexual Assault Certification

- **Medical Community Training**
 - SANE Nurses
 - Emergency Room Staff



Court Personnel Training

- Distributed to every Court House, “Crimes Against Persons with Disabilities – A Practical Guide to the Reporting, Investigation and Prosecution”

- Trained
 - Americans with Disabilities Act Coordinators
 - Court Officers
 - Court Security
 - Judiciary – District Court Judges



Communicating with Crime Victims with Disabilities

- Two Day Statewide Conference – October 2002
- Interviewing Persons with
 - Mental Retardation
 - Mental Illness
 - Physical Disabilities
- Prosecutors, Forensic Interviewers, Victim Witness Advocates, Police Officers, APS Investigators, Human Rights Officers



Legislative Initiatives

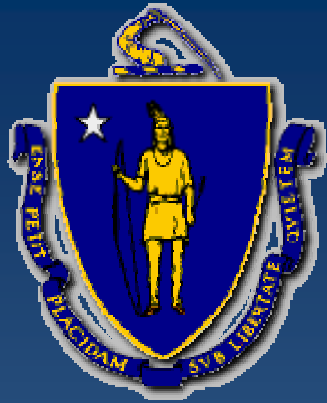
- Passage of Senate 1083
 - Criminalizes abuse, mistreatment and neglect of persons with disabilities (all ages) and elders
 - Creates crime of indecent A&B on a person with a disability
 - Creates crime of simple A&B on a person with a disability
 - Permits Attorney General to seek civil damages against Long Term Care Facilities for wanton and reckless infliction of abuse, mistreatment or neglect and misappropriation of funds of patients



Legislative Initiatives

➤ Pending Legislation

- House Bill 798 – Creates specific crime of rape against an elder or a person with a disability with enhanced penalties
- House Bill 797 – Extends the current protection of the 209A Statute to victims with disabilities and elders who reside in the community and are victimized by non-familial caregivers



Massachusetts Adult Protective Service System

DISABLED PERSONS PROTECTION COMMISSION

- Department of Mental Retardation (DMR)
- Department of Mental Health (DMH)
- Massachusetts Rehabilitation Commission (MRC)

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)



Civil Protection Agencies

DSS

Children

*Department of
Social Services*

DPPC

Adults

*Disabled Persons
Protection
Commission*

DPH

All Ages

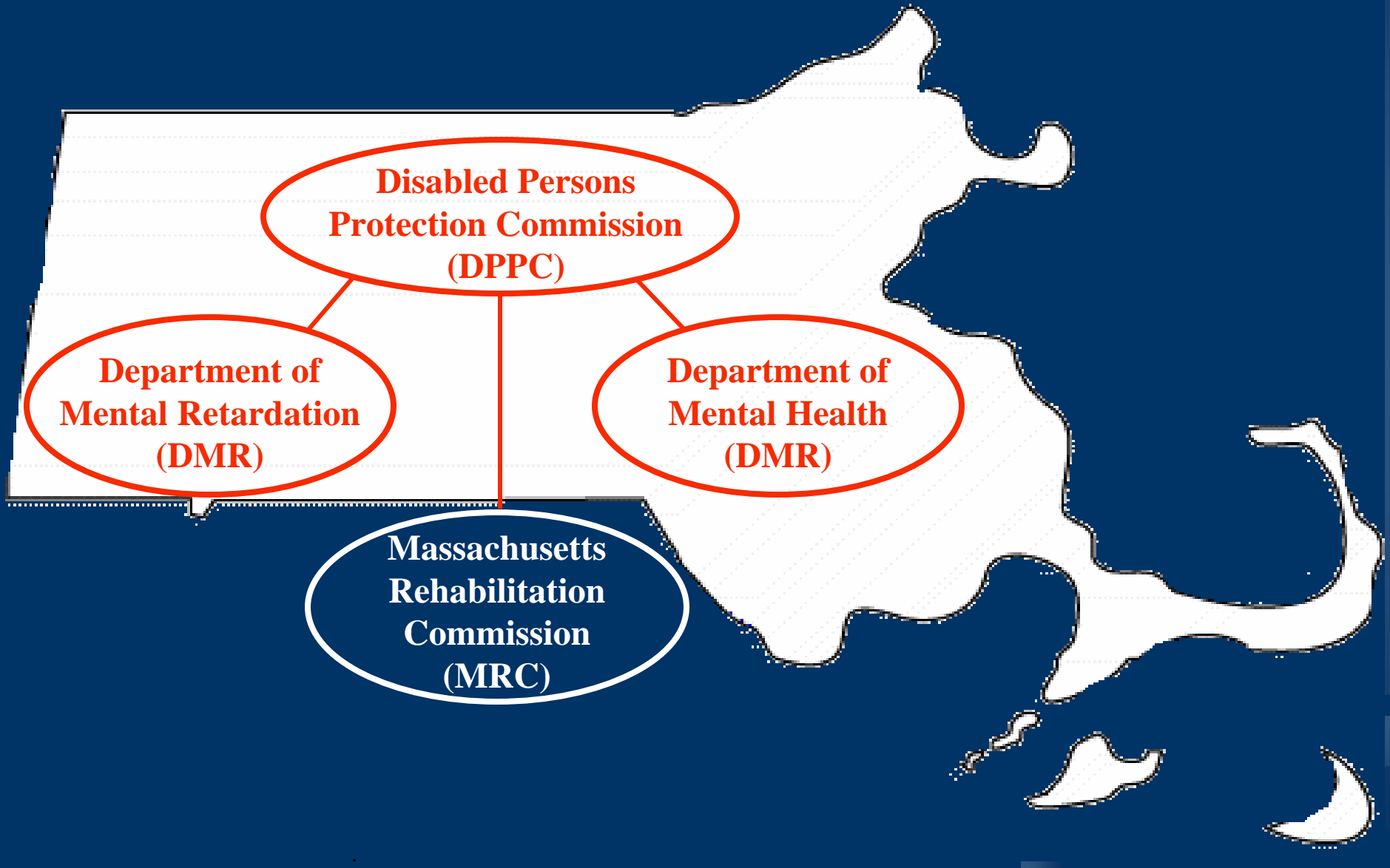
*Department of
Public Health*

EOEA

Elders

*Executive Office
of Elder Affairs*

Adult Protective Service System



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
- Residing in state care or private setting
(includes Department of Corrections)

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



Disabled Persons Protection Commission State Police Detective Unit



(617) 727-6465

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 Civil Investigations

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

DPPC

DMR

DMH

MRC

DPPC Oversight

Assesses victims risk, monitors civil and criminal investigation and ensures protective services are in place

DPPC

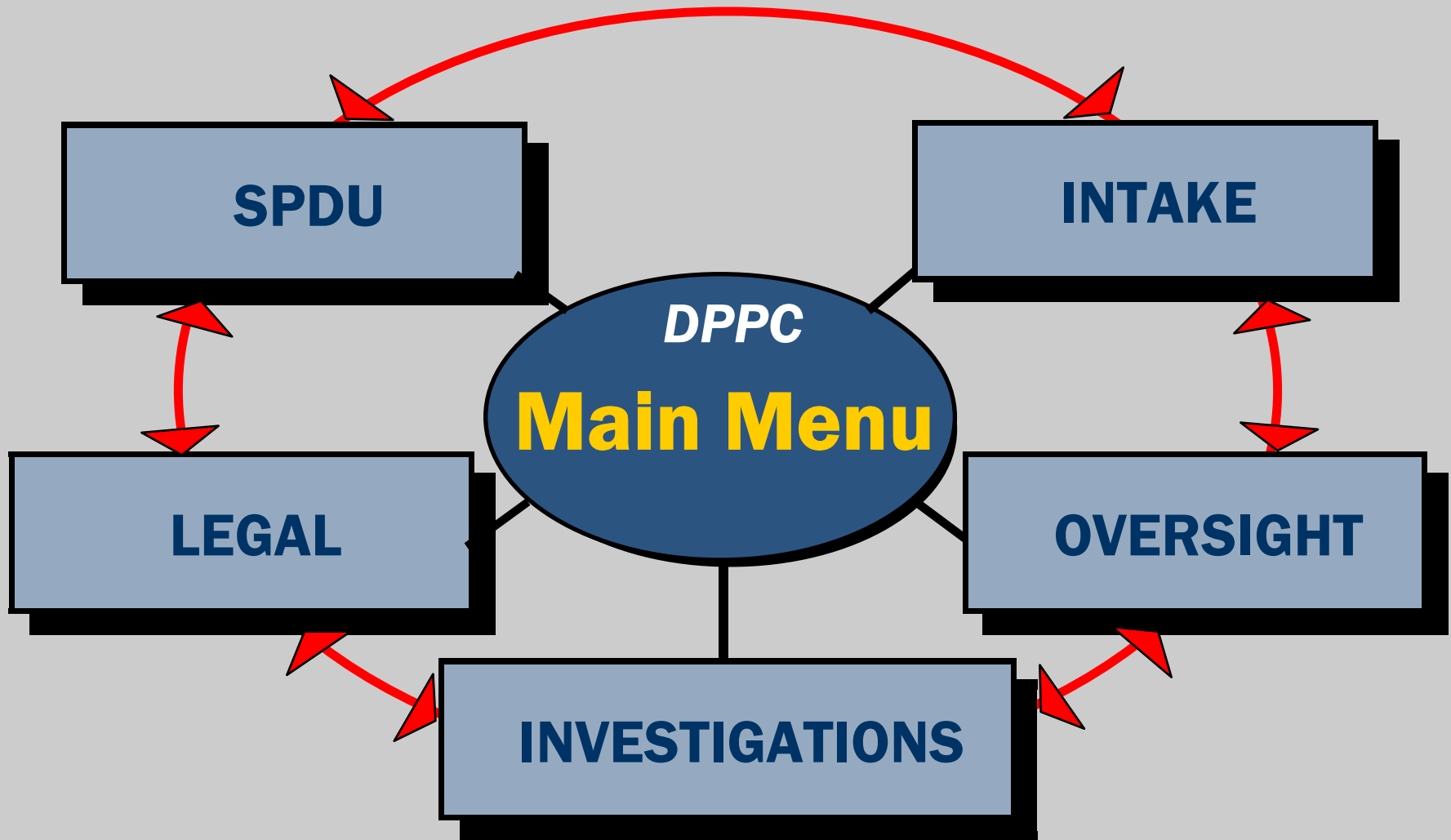
DMR

DMH

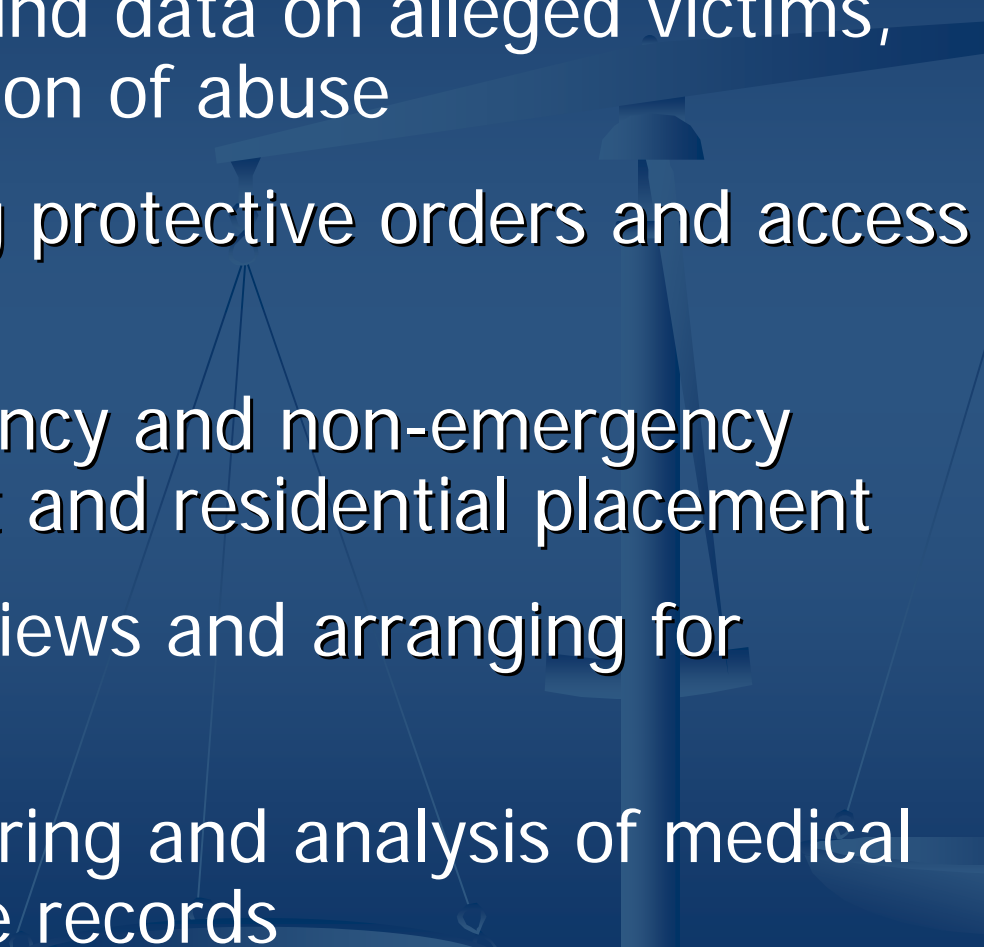
MRC

DISABLED PERSONS PROTECTION COMMISSION

PRIMARY DATABASE



DPPC (APS) Assisting Law Enforcement

- Provides background data on alleged victims, abusers and location of abuse
 - Assists in securing protective orders and access warrants
 - Accessing emergency and non-emergency medical treatment and residential placement
 - Assists with interviews and arranging for interpreters
 - Assists with gathering and analysis of medical and administrative records
- 

A faint, stylized image of a pair of scales of justice is visible in the background, centered behind the text. The scales are rendered in a light blue color, matching the overall theme of the slide.

**What To Do and What NOT To
Do When Responding to
Suspected Abuse
Against
Persons with Disabilities
‘Protect, Report and Preserve’**

Protect, Report, Preserve

REMEMBER

Victims most often disclose to someone they trust
IF THIS IS YOU..... Contain your emotions:

- Stay calm and remain non-judgmental
- Be supportive and ensure the individual's safety
- Explain the requirement to immediately report to DPPC or your local APS agency
- Listen closely if the victim wants to talk

Protect, Report, Preserve

Do gather essential information, by asking:

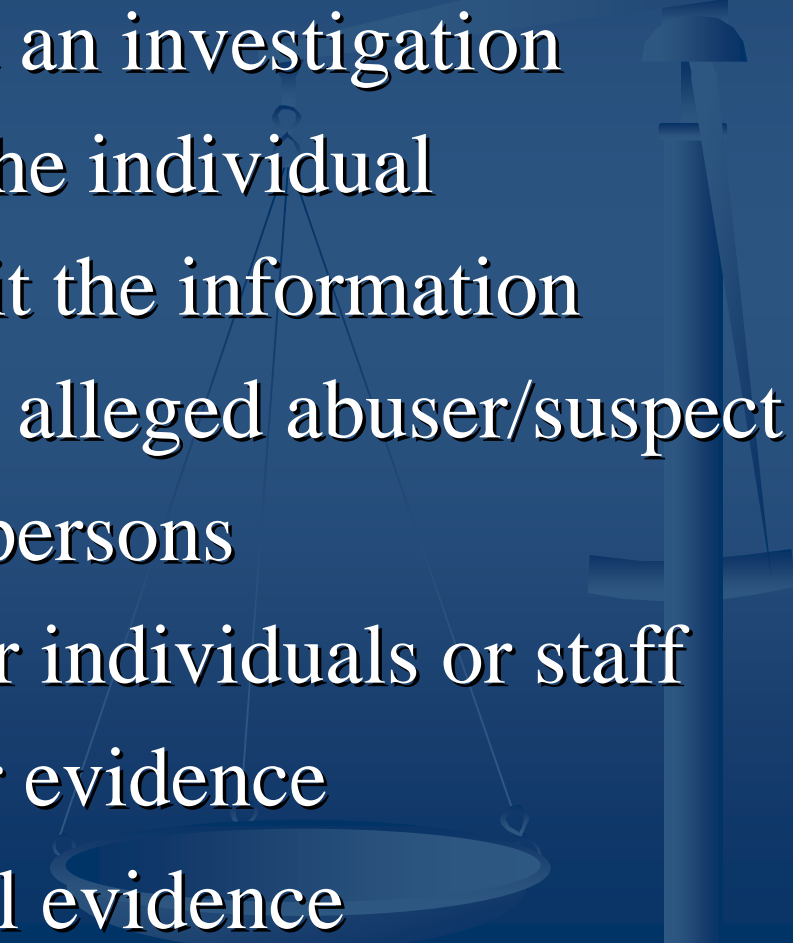
- **What happened?** - *Only enough to establish that abuse or a crime has occurred*
- **Where did it happen?** - *Important to know for notifying appropriate police department*
- **When did it happen?** - *If within 120 hours of sexual assault, go to an emergency room for a sexual assault exam*
- **Who is alleged abuser?** – *If appropriate, ask obvious questions of the alleged abuser about what happened*

Protect, Report, Preserve

- Gather and document basic information on the alleged victim and alleged abuser
- If possible, collect relevant logs, schedules, and correspondence etc.
- Prevent loss or destruction of known evidence
- Contain & control the situation
- Ensure allegations are not repeated to others
- Speak directly with the original source of the report
- Ensure all contact with the alleged abuser/suspect is by one person

Protect, Report, Preserve

DO NOT:

- Try to conduct an investigation
 - Re-interview the individual
 - Interpret or edit the information
 - Interrogate the alleged abuser/suspect
 - Involve other persons
 - Interview other individuals or staff
 - Go looking for evidence
 - Touch physical evidence
- 

Protect, Report, Preserve File an Abuse Report

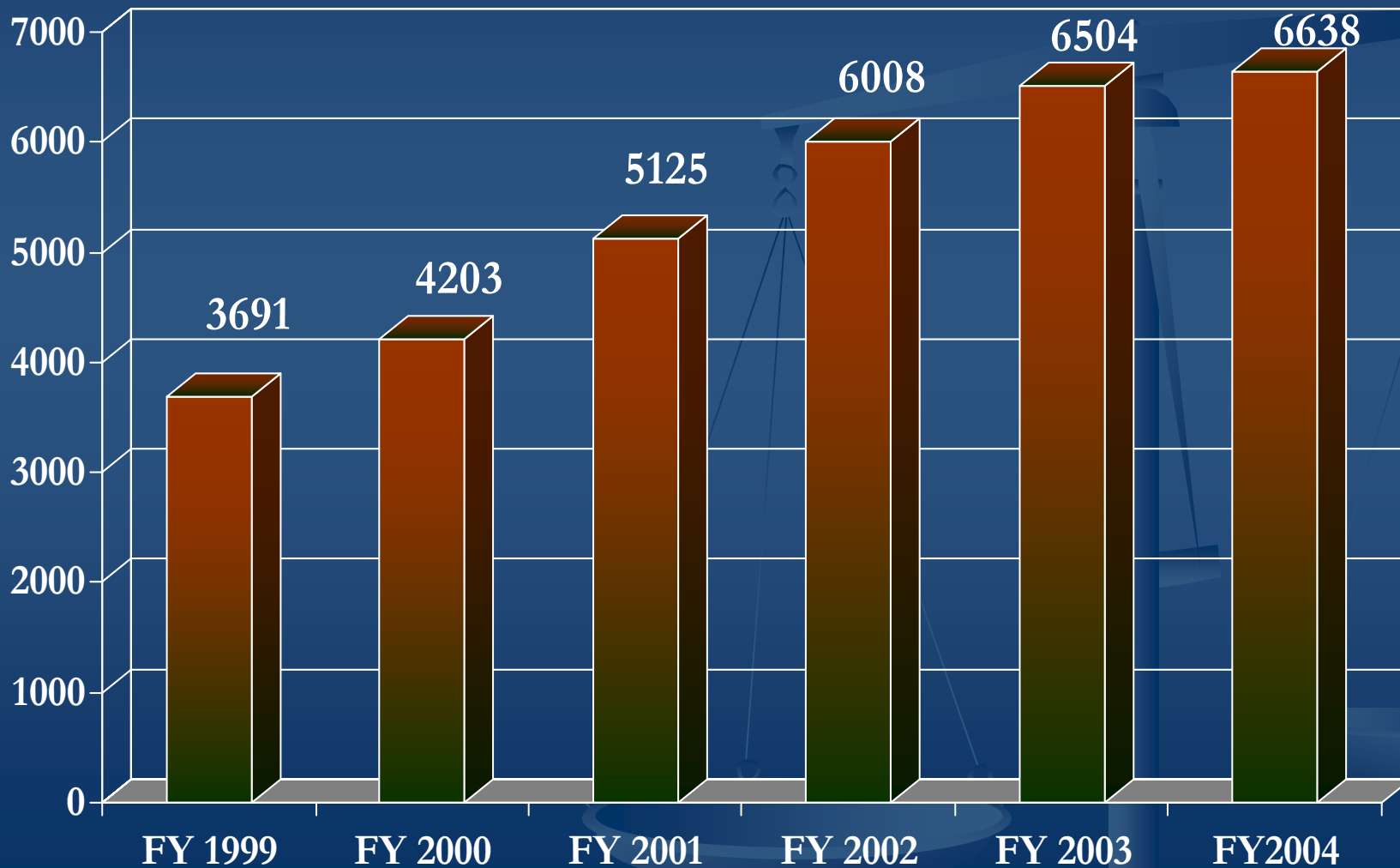
- **In an Emergency – Always Call 911**
- **To locate/identify your local Adult Protective Service Agency (APS) contact NAPSA at 1-720-565-0906**
- **To report abuse and neglect in MA contact DPPC 24 Hour Hotline at 1-800-426-9009 V/TTY**

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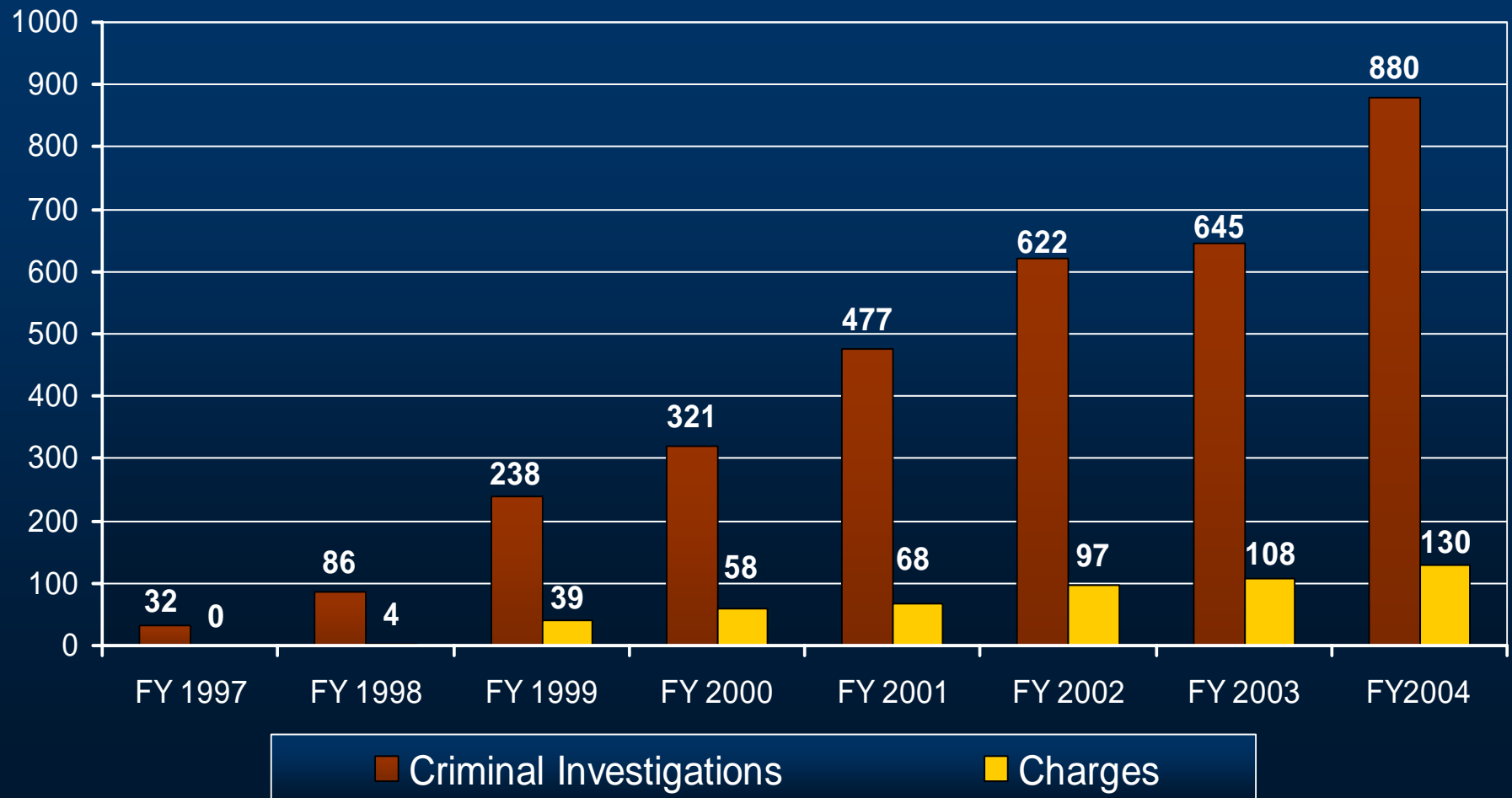
**“Protect, Report, Preserve”
Abuse Against Persons with
Disabilities**

Video Presentation

Abuse Reports to the DPPC Hotline



Criminal Investigations/Criminal Charges DPPC Database



Criminal Activity FY 2004

DPPC Database

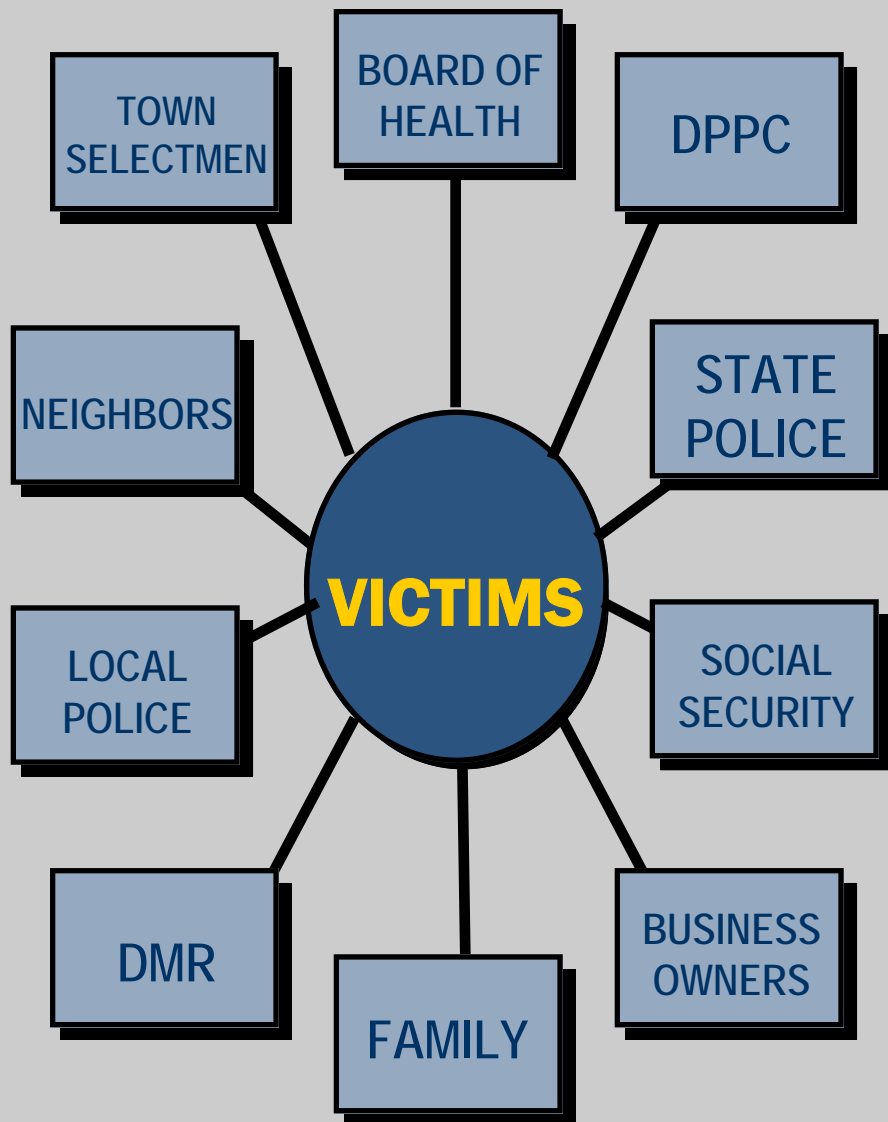
| CRIMINAL ACTIVITY | FISCAL YEAR TOTALS |
|---|---------------------------|
| SEXUAL ASSAULT | 350 |
| ASSAULT & BATTERY | 367 |
| LARCENY | 95 |
| DEATH | 16 |
| OTHER- <i>for example: threats, intimidation, mistreatment</i> | 52 |
| TOTAL CASES | 880 |

Benefits to Building Partnerships

- Improved communication and coordination
- Less trauma for victims and families
- Increased and improved civil and criminal reporting, investigations and prosecutions
- Enhanced access to the criminal justice system for victims with disabilities
- Institutionalized systemic improvements
- Improved data collection and documentation
- Common goal:

Increased protection for victims with disabilities

What Went Wrong



A System Failure

The Partners In Protection

