



*"Building Partnerships"*  
*Working Together to Protect*  
*Persons with Disabilities*



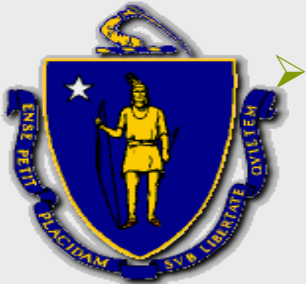
**Allies in the Good Fight -  
*Massachusetts' Practices for the  
Identification, Report and Investigation  
of Abuse Committed Against  
Persons with Disabilities***

**August 29, 2017  
Milwaukee, Wisconsin**

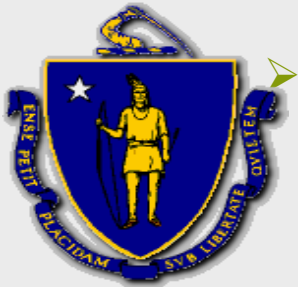
# PANEL MEMBERS



- ▶ **Elizabeth Dunphy Farris, Esq.**  
Legal Counsel to the  
Hampden District Attorney (MA)



- ▶ **Timothy F.X. Grant, Sergeant**  
Massachusetts State Police  
State Police Detective Unit DPPC



- ▶ **David Viens,**  
Director of Investigations  
DPPC



# Agenda

- **MA BPI – Introduction to key components of Massachusetts’ multidisciplinary team (MDT) approach to the identification, report, investigation and prosecution of abuse and crimes committed against persons with disabilities; and**
- **Case studies from MA BPI MDT investigations and prosecutions -**
  - **Includes strategies for interviewing victims with disabilities and alleged abusers, and creating a case file for a successful investigation and prosecution of crimes committed against persons with disabilities.**

# MA Government Structure & Oversight

**Disabled Persons  
Protection  
Commission  
(DPPC)**

**Executive Office of  
Health & Human  
Services  
(EOHSS)**

**DCF**

**EOEA**

**DDS**

**DMH**

**MRC**

**DPH**

*Department  
of Children  
and Families*

*Executive  
Office of  
Elder  
Affairs*

*Department of  
Developmental  
Services*

*Department of  
Mental Health*

*Massachusetts  
Rehabilitation  
Commission*

*Department of  
Public Health*



# MA Law Enforcement Agencies

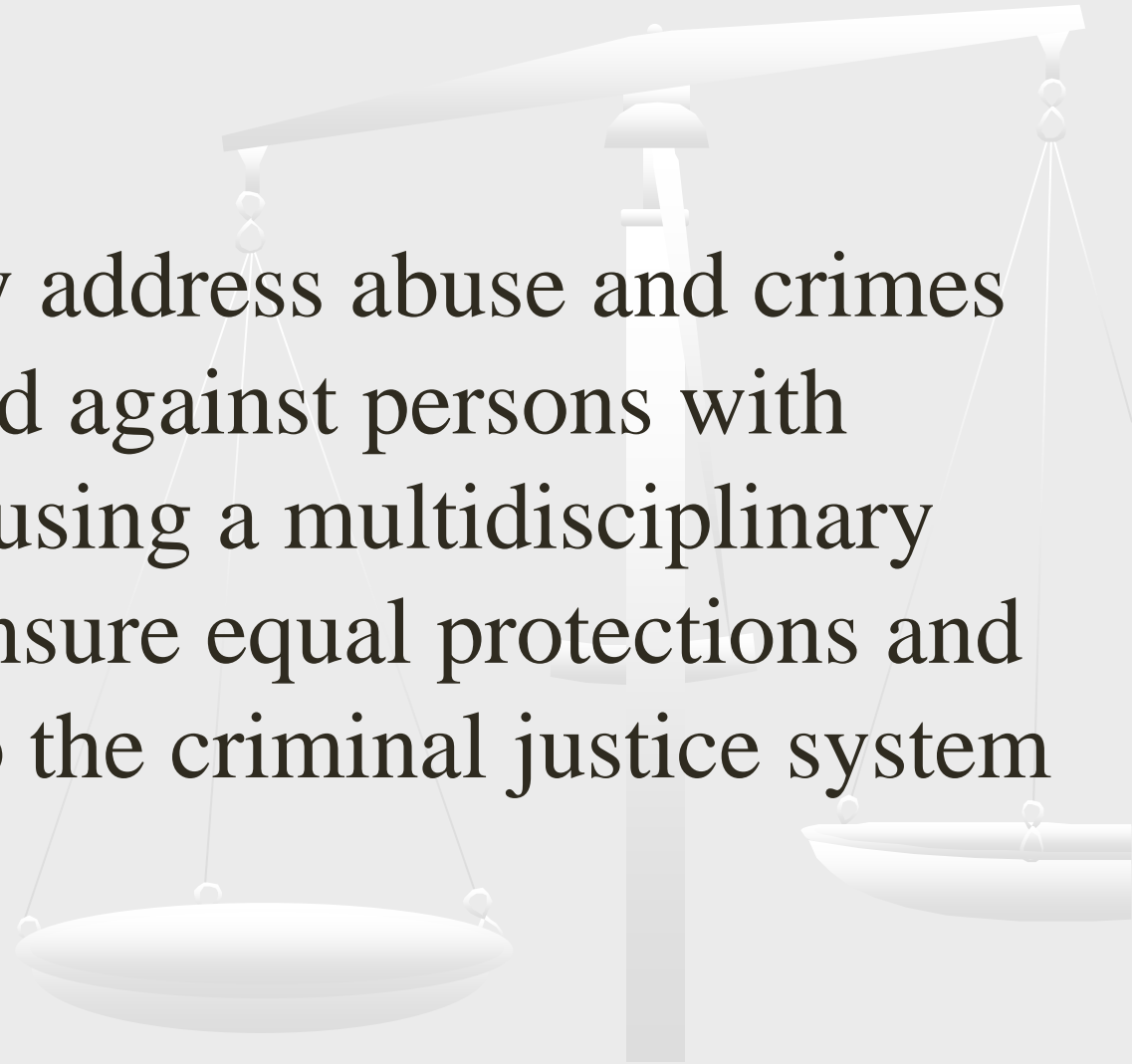


- Attorney General
- District Attorneys (11 Districts)
- State Police
  - Patrol Highways, State Parks
  - State Police Detective Units
    - ▼ Attorney General
    - ▼ District Attorney
    - ▼ Specialized Units
    - ▼ Disabled Persons Protection Commission
- Municipal Police (local) Cities and Towns

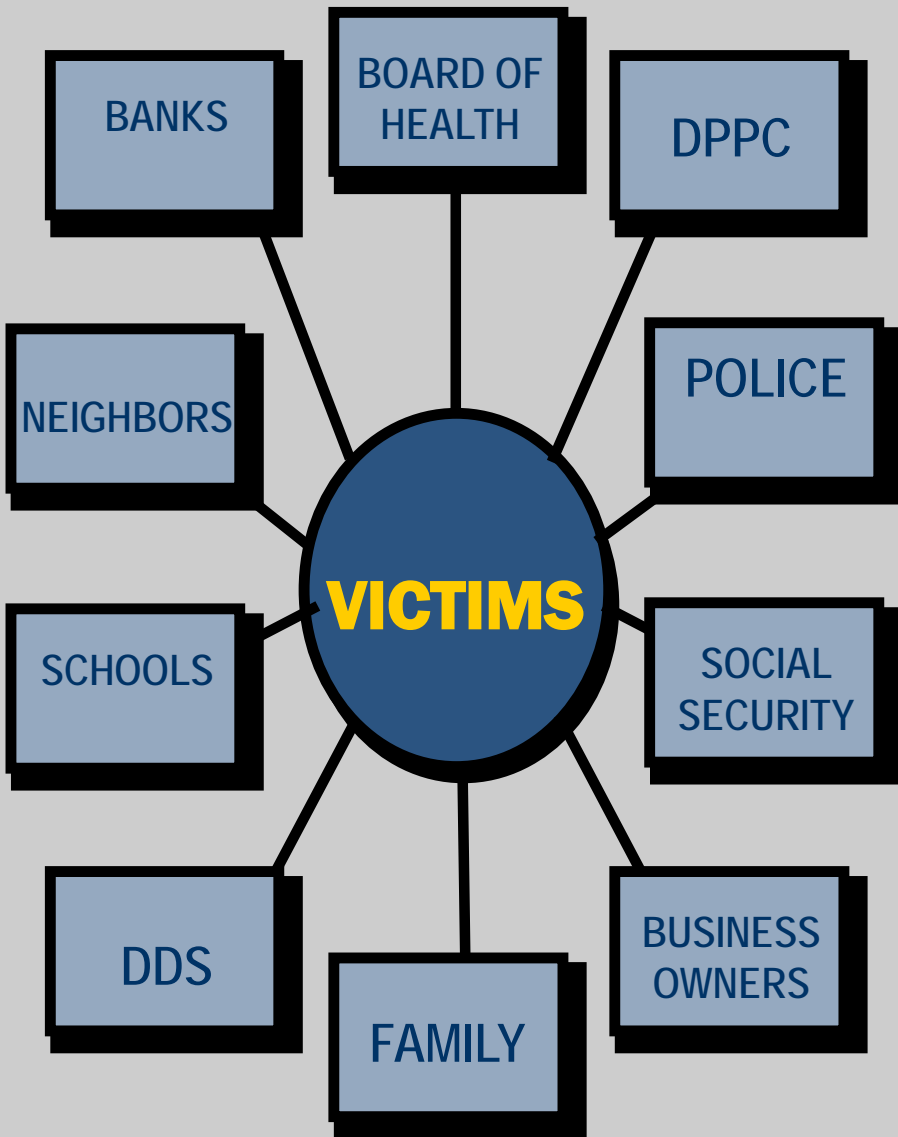


# Creation of BPI

To effectively address abuse and crimes committed against persons with disabilities using a multidisciplinary approach to ensure equal protections and equal access to the criminal justice system



## Before BPI



**A System Failure**

- Inaccurate and/or no information reported to APS
- Little to no response to complaints
- Lack of communication
- No coordination
- Delayed referral for criminal investigation
- Inadequate protections





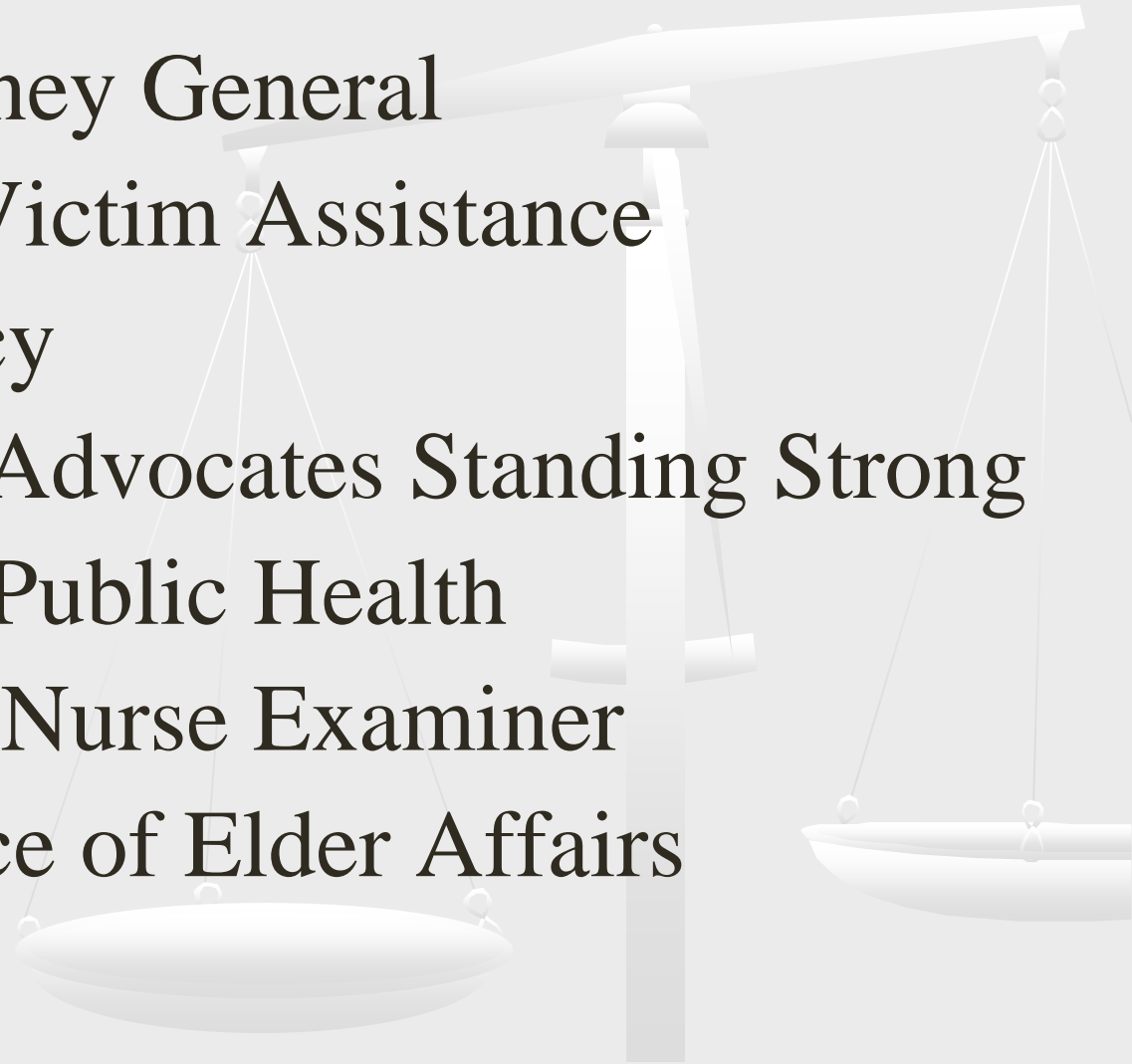
# BPI Steering Committee

- District Attorney
- MA District Attorneys Association
- MA State Police
- Disabled Persons Protection Commission
- Department of Developmental Services
- Department of Mental Health
- Massachusetts Rehabilitation Commission



# BPI Steering Committee (cont'd)

- Office of Attorney General
- MA Office of Victim Assistance
- Provider Agency
- Massachusetts Advocates Standing Strong
- Department of Public Health
- Sexual Assault Nurse Examiner
- Executive Office of Elder Affairs





# Implementation of BPI

- Developed Memorandums of Understanding
- Secured funding
- Drafted and secured passage of new legislation
- Developed training curricula and implemented training recommendations



# 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 training



# 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)



# Prosecution-Based BPI Model

- Coordinate team response
- Provide legal assistance
- Prosecute Offenders



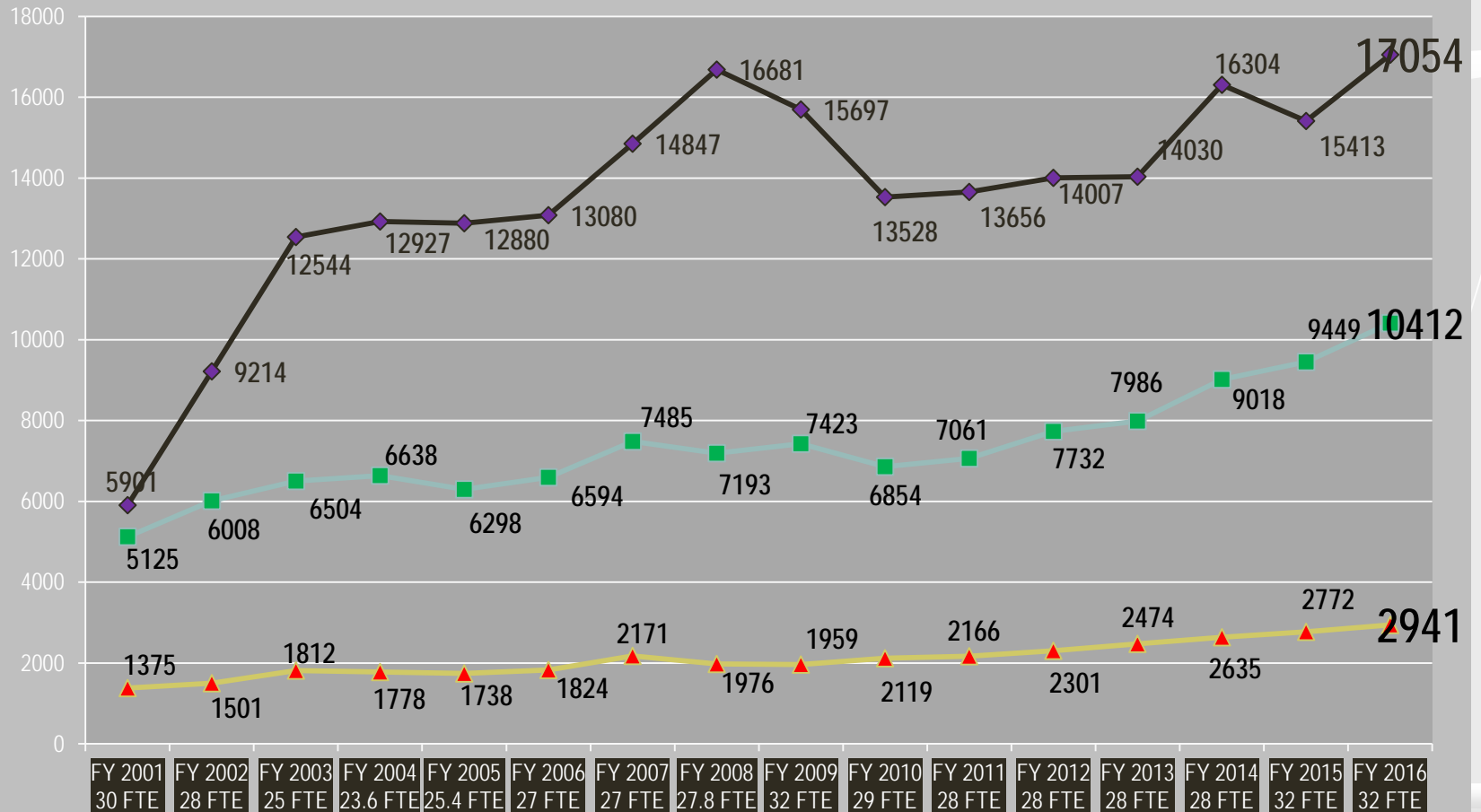


# District Attorney's Personnel

- 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



# FY2016 DPPC Hotline & Investigation Activity



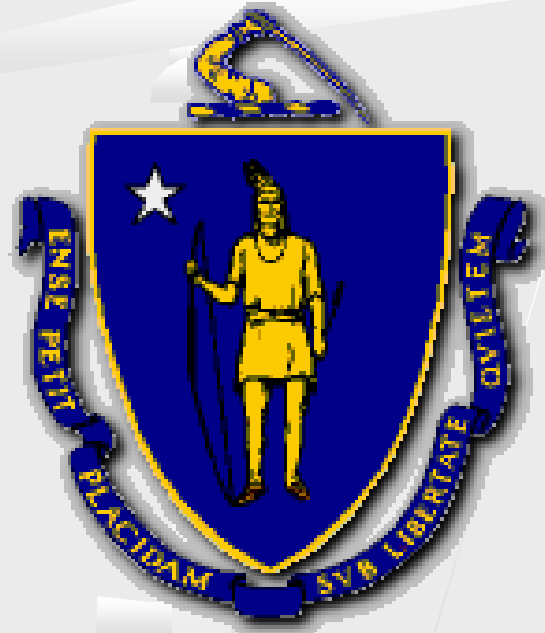
◆ Hotline Activity

■ 19C Reports

▲ 19C Investigations

# DPPC Profile

- Created: 1987, Independent Agency
- Location: Braintree, Massachusetts
- Staffing: 32
- Units
  - Administration Finance
  - **Hotline/Intake**
  - **Investigations**
  - **Oversight**
  - **Legal**
  - Informational Technology
  - Outreach and Prevention
- State Police Detective Unit

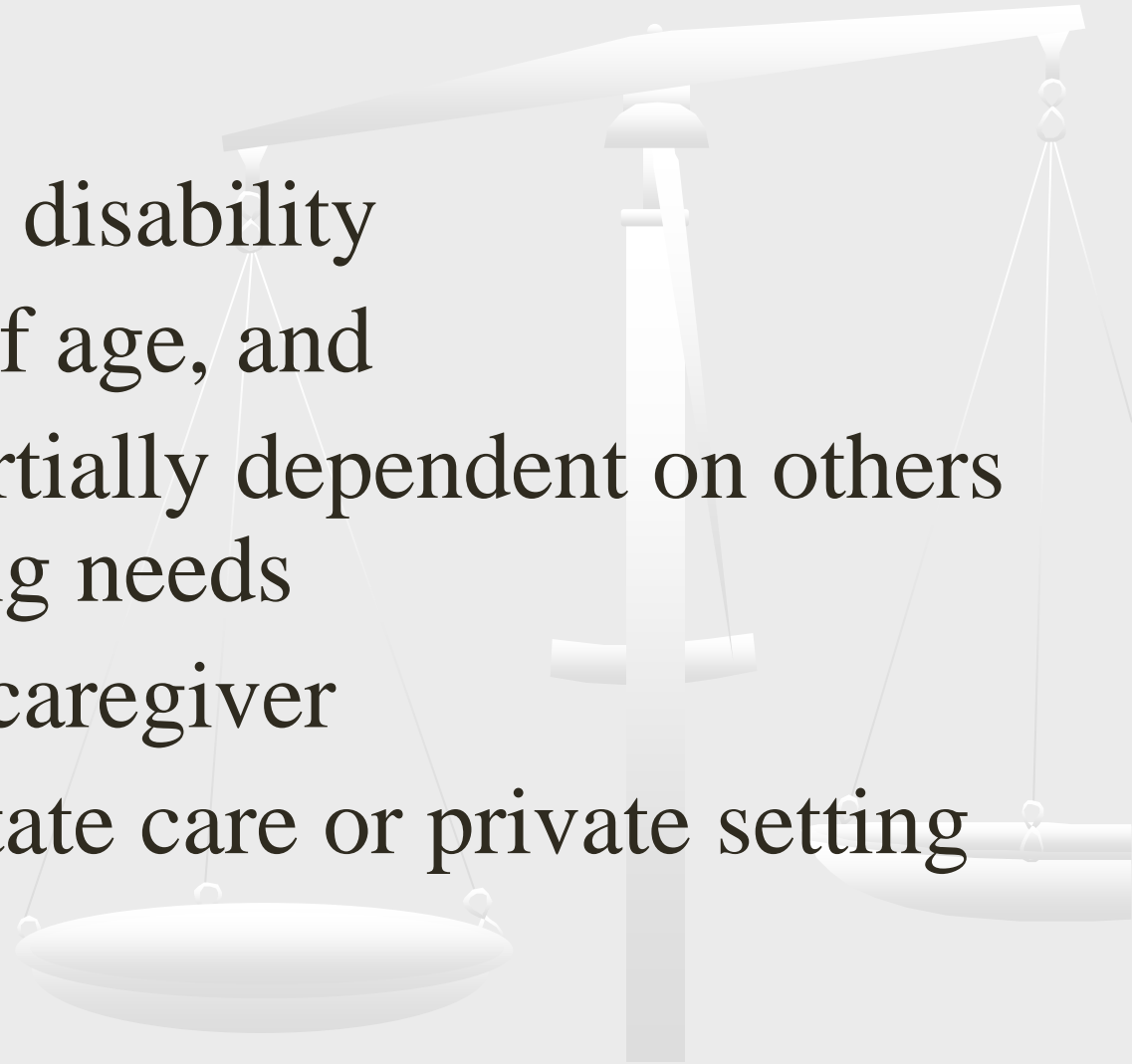


# DPPC Statute

## 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 Oversight**

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

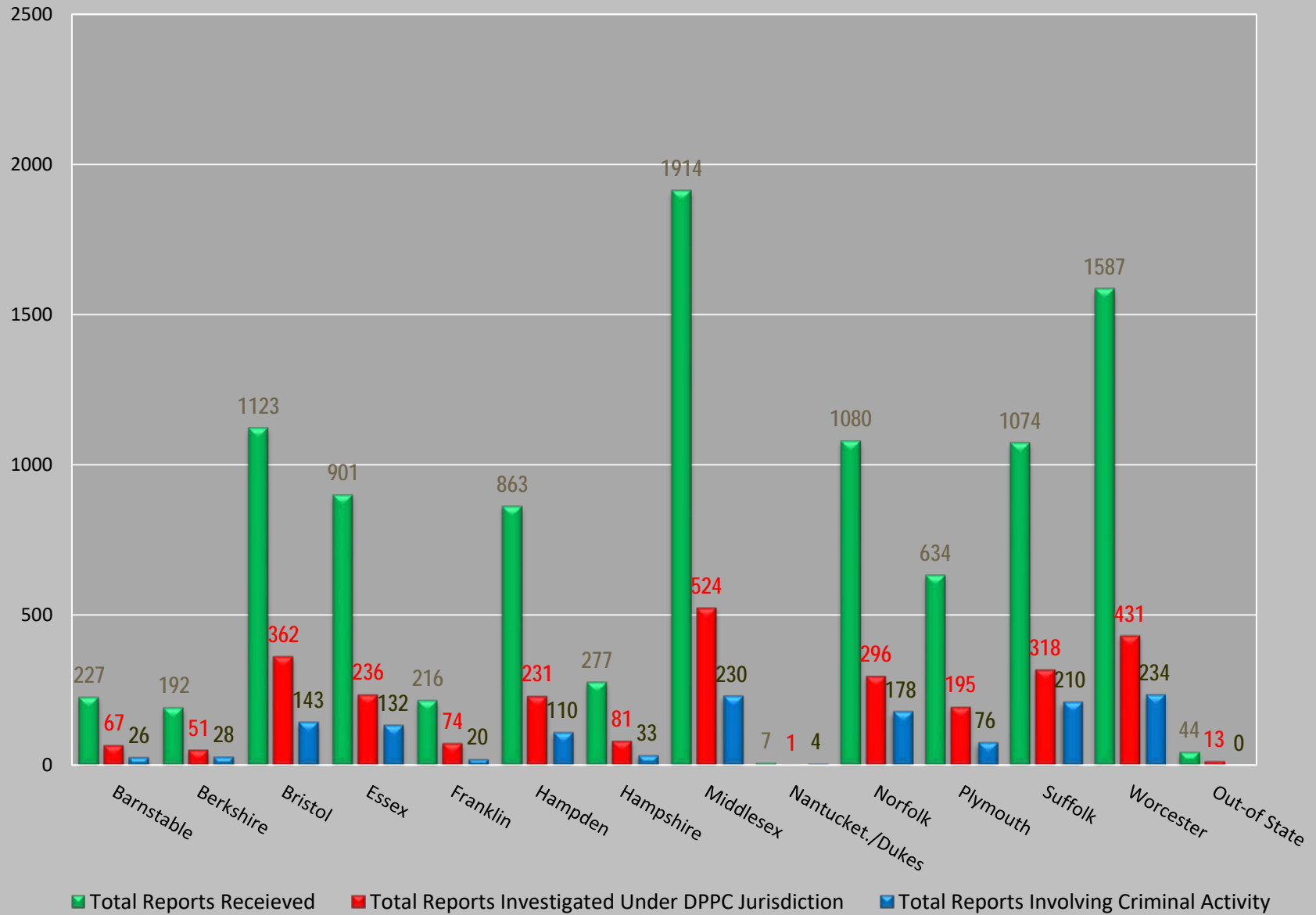
**DPPC**

**DDS**

**DMH**

**MRC**

## FY2016 19C Criminal Reports by County



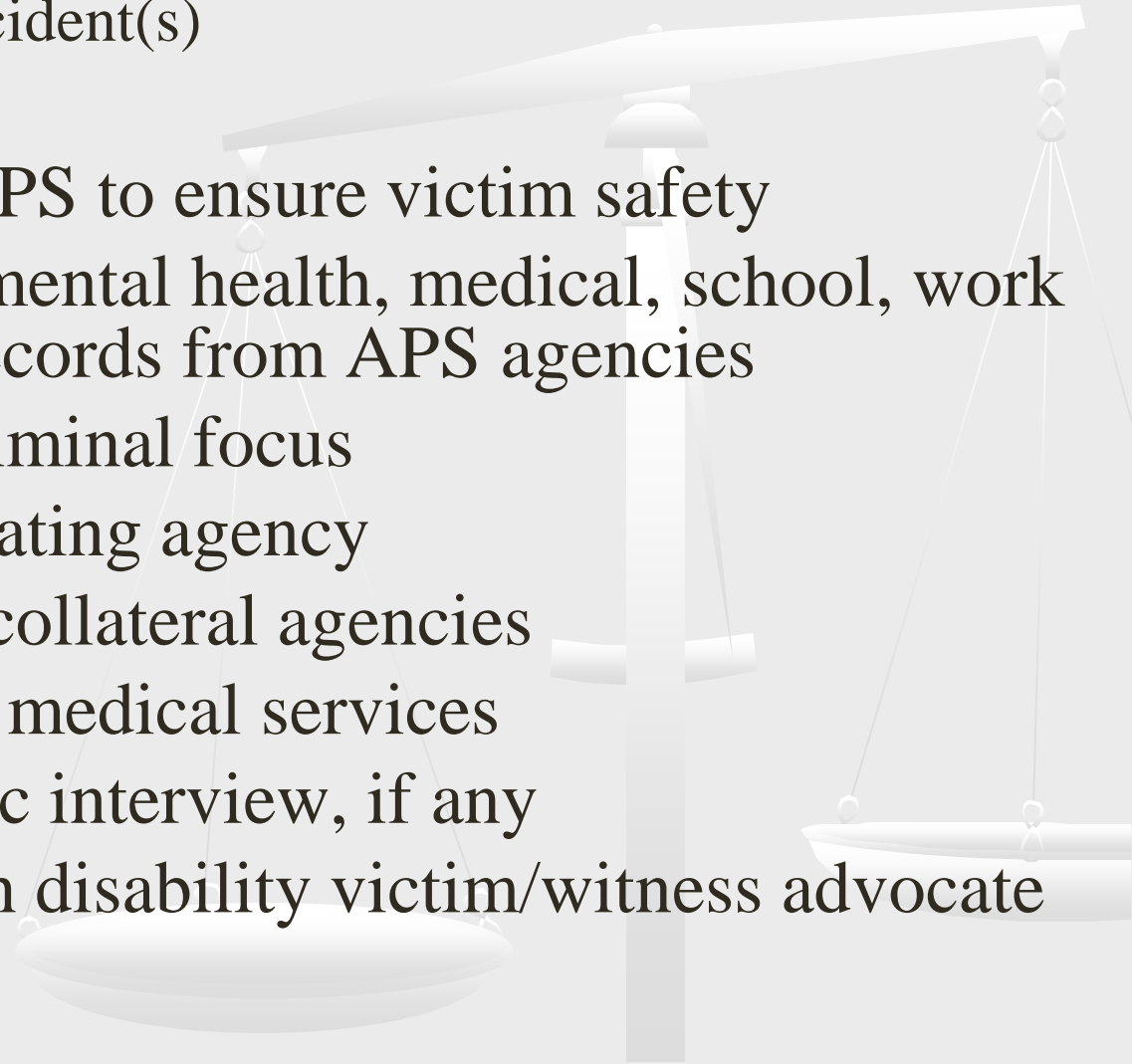
# DA's Role in BPI

## ➤ Notification from DPPC

- Identifies parties
- Details reportable incident(s)

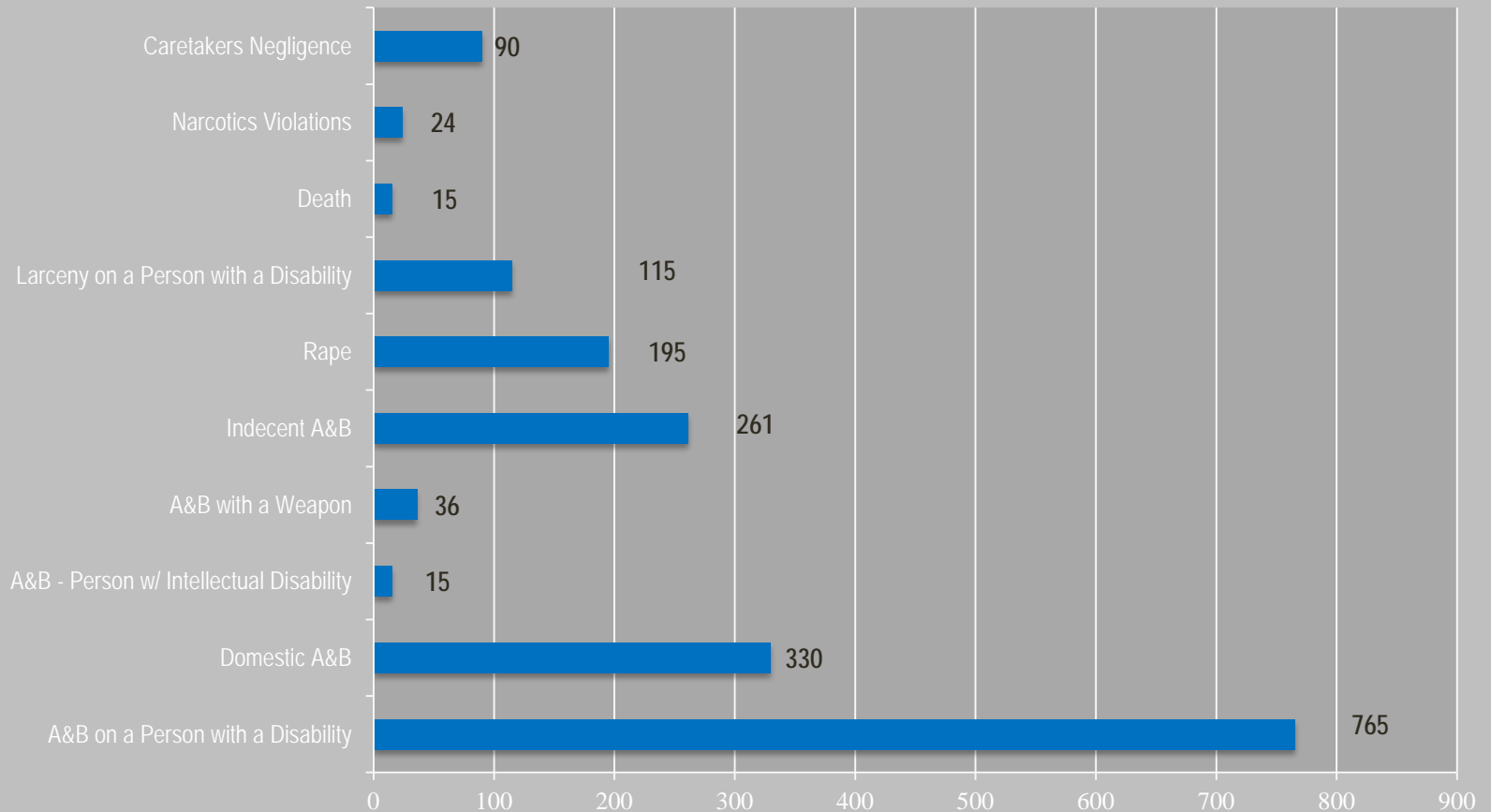
## ➤ Review by ADA

- 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



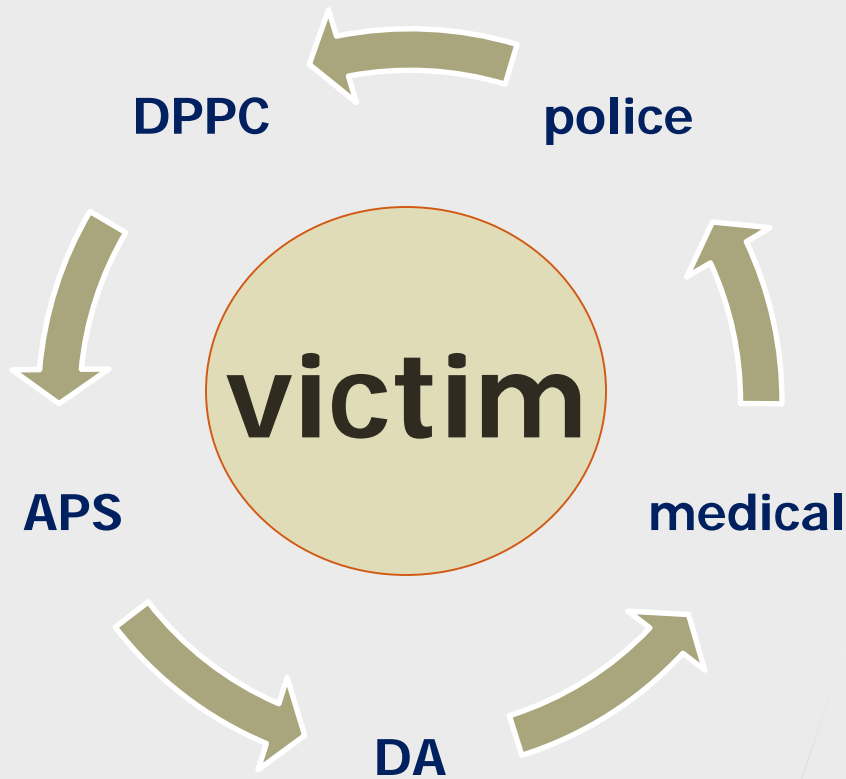
# Criminal Activity

## *DPPC Database FY 2016*





# 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



# Corroborating Evidence



*Commonwealth v. Williams*, 438 Mass. 678 (2003) citing *In the Matter of a Grand Jury Investigation*, 427 Mass. 221, (1998):

- Grand jury may request court to order blood/buccal DNA samples to be collected from individuals
- Standard: **Reasonable basis for believing** that blood/buccal DNA 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
- Court considers degree of bodily intrusion, relevance of evidence on question of guilt or innocence, and lack of an alternative source for evidence of such strength

# Admissibility of evidence

## Legality of Search(es)/Seizure(s)

### ➤ Warrant obtained?

No crime scene exception to warrant requirement, so if police become involved ....

- *Flippo v. West Virginia*, 528 U.S. 11 (1999)

### ➤ Valid warrantless exception available?

No search

Abandonment

- No reasonable expectation of privacy

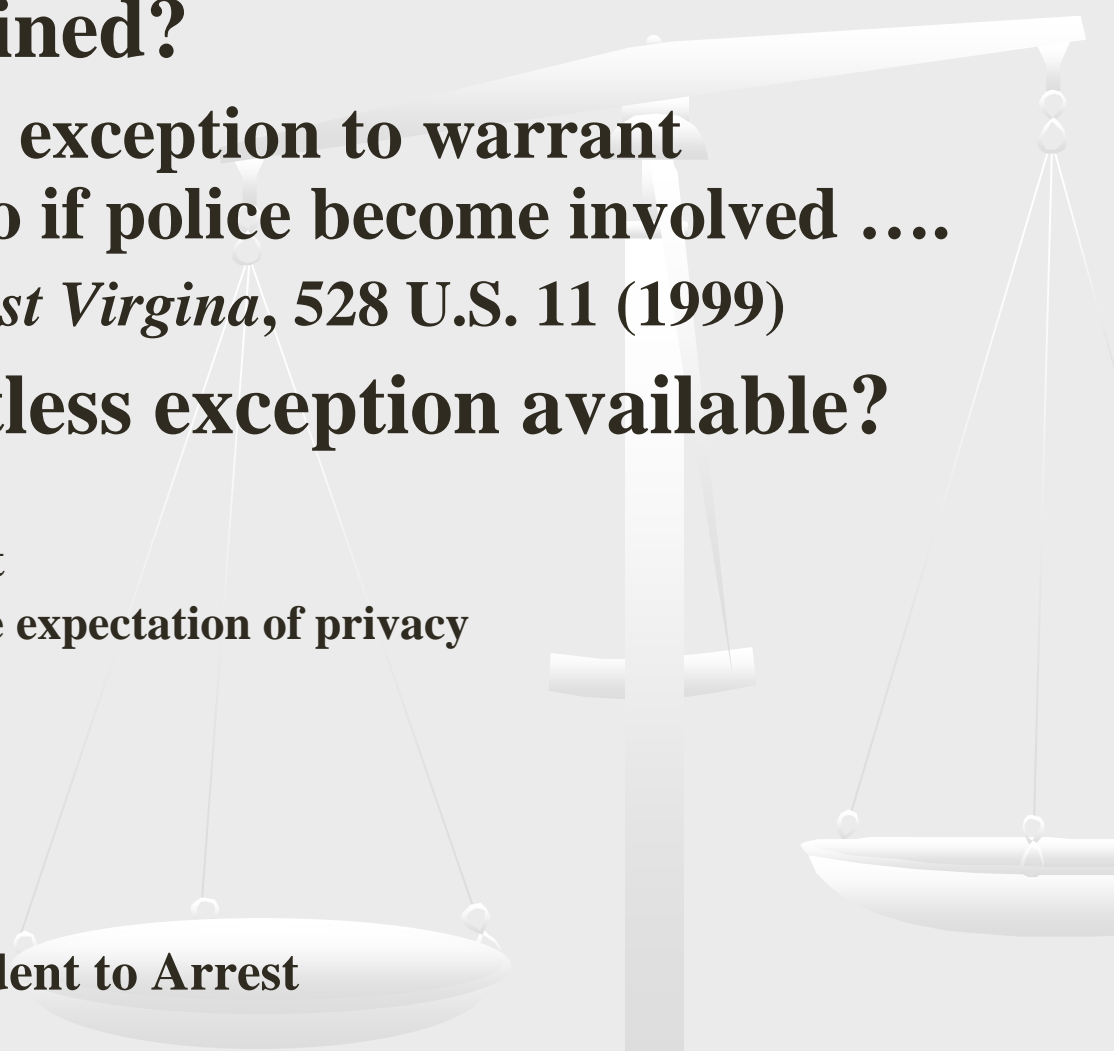
Consent

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”; **but**
- Failure to preserve evidence that may be “potentially useful” for a defendant is ground that may affect subsequent prosecution. **Standard:** Due process is not violated unless the failure to collect/preserve is based upon “bad faith” on the part of the police or “other” law enforcement agencies (In MA standard is negligence, not bad faith. *Commonwealth v. Olszewski*, 401 Mass. 749 (1988)).

**Has a crime been committed? .....**



**Does the scene match the story?**



**Make observations. Document what you see.**



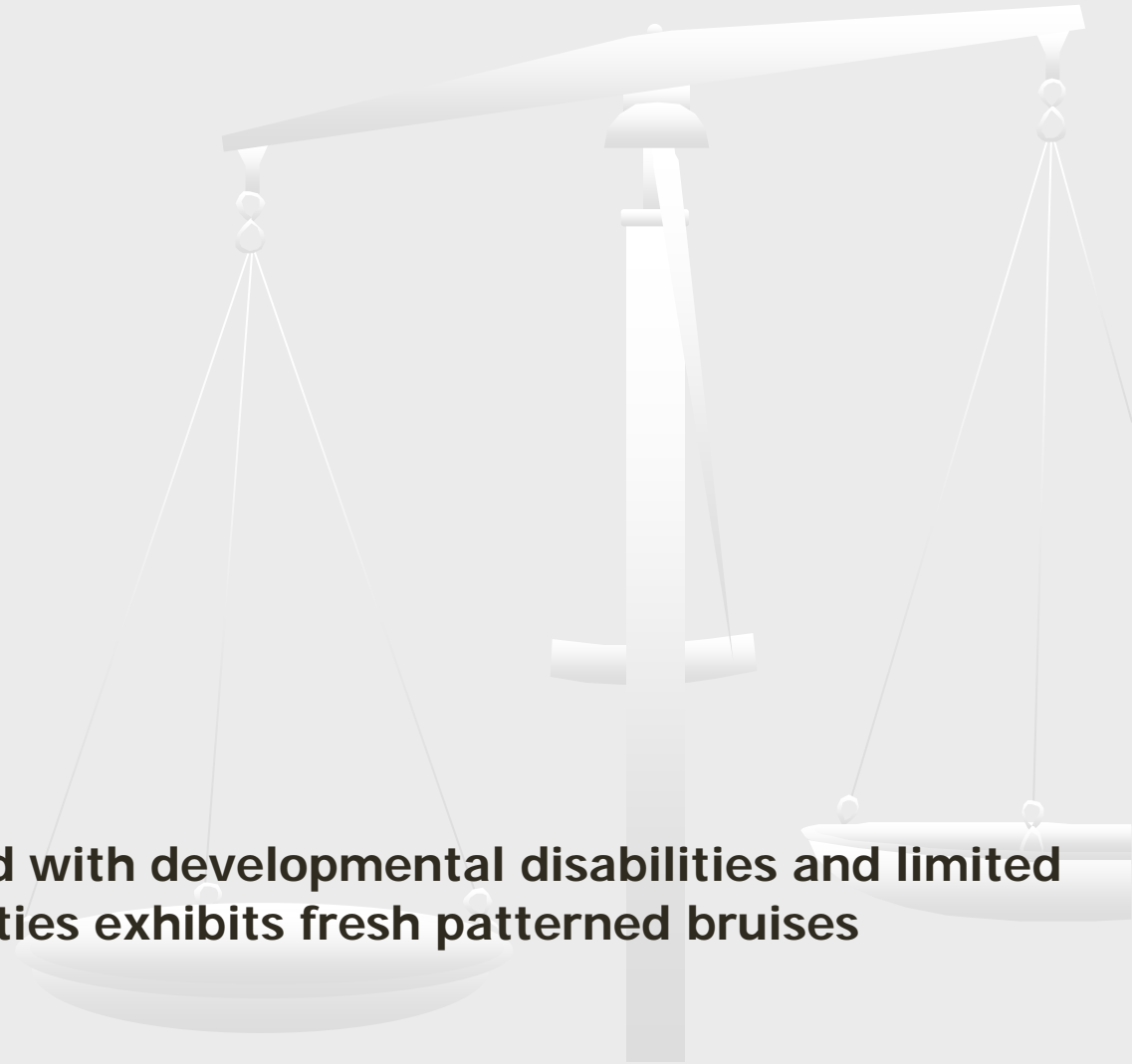


**One of three children in home, among other injuries,  
exhibits fresh and old patterned bruises**



**Search can reveal weapons**





**At scene, three year old child with developmental disabilities and limited communication abilities exhibits fresh patterned bruises**

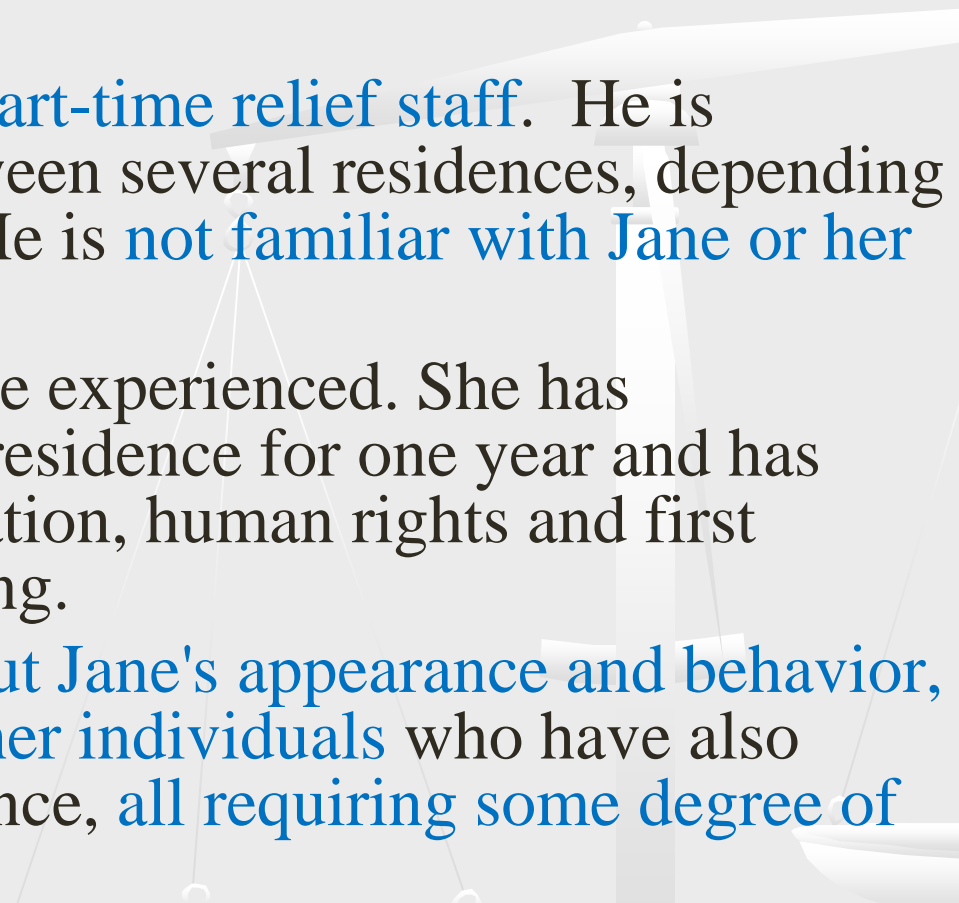


**Search can reveal weapons**

# “JANE” – The “mosquito bite” case

- A 45 year old female with developmental disabilities, named Jane, who is a person that 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?**

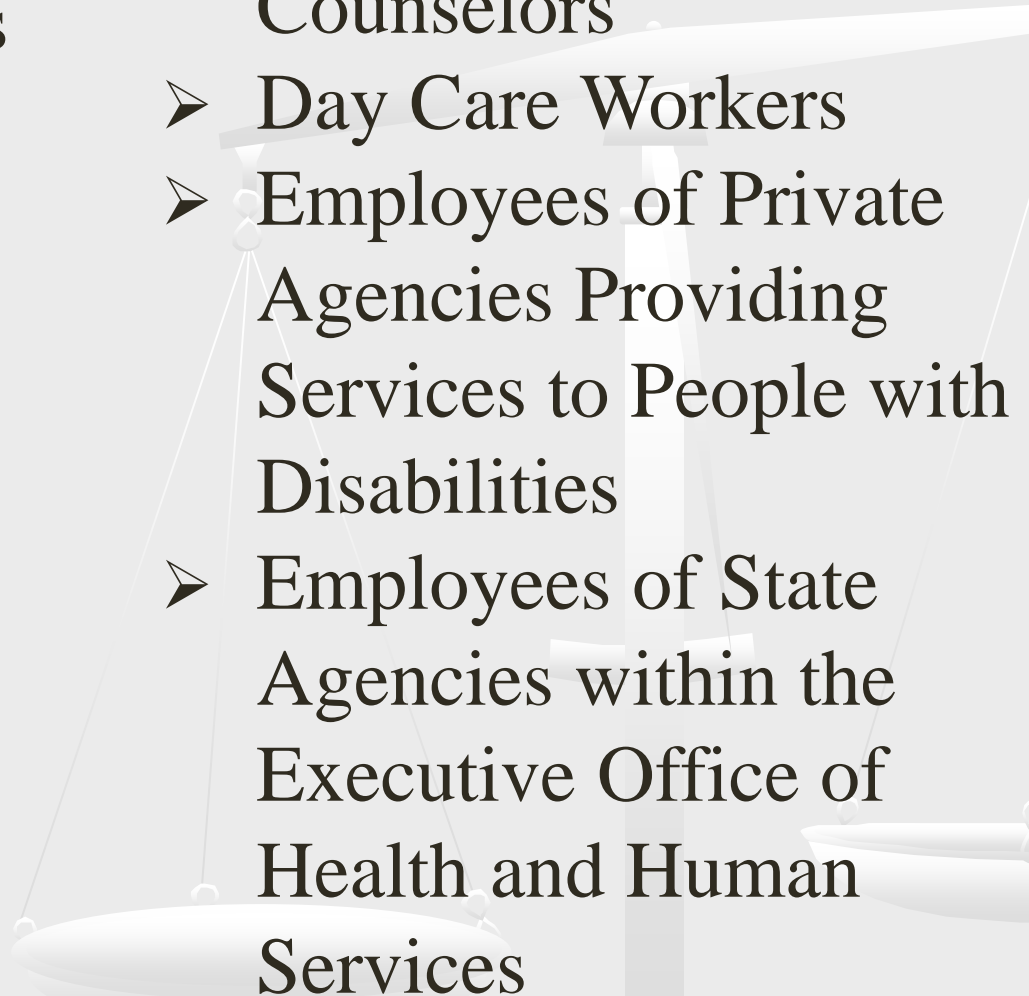


# Mandated Reporters



- A person, who as a result of their profession, is more likely to be aware of the abuse
- Mandated Reporters are required by law to report instances of **suspected** abuse to the DPPC Hotline

# Who are Mandated Reporters

- Medical Personnel
  - Medical Examiners
  - Social Workers
  - Foster Parents
  - Police Officers
  - Dentists
  - Public or Private School Teachers
  - Educational Administrators
  - Psychologists
  - Guidance or Family Counselors
  - Day Care Workers
  - Employees of Private Agencies Providing Services to People with Disabilities
  - Employees of State Agencies within the Executive Office of Health and Human Services
- 

# DPPC Intake Unit

## 24 HOUR HOTLINE

- Operates a 24-hour Hotline:
  - 1-800-426-9009
  - 1-888-882-0350 TTY
- Receives reports of suspected **physical, verbal, 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





# How to File an Abuse Report

- Call the DPPC 24-Hour Hotline at:

**1-800-426-9009**

**1-888-882-0350 TTY**

And file **WRITTEN REPORT** to the DPPC  
within 48 hours

- In case of an **Emergency** or a **Crime**, call

**911 or Local Police**

followed by a call to the DPPC

# DPPC/SPDU Criminal Screening

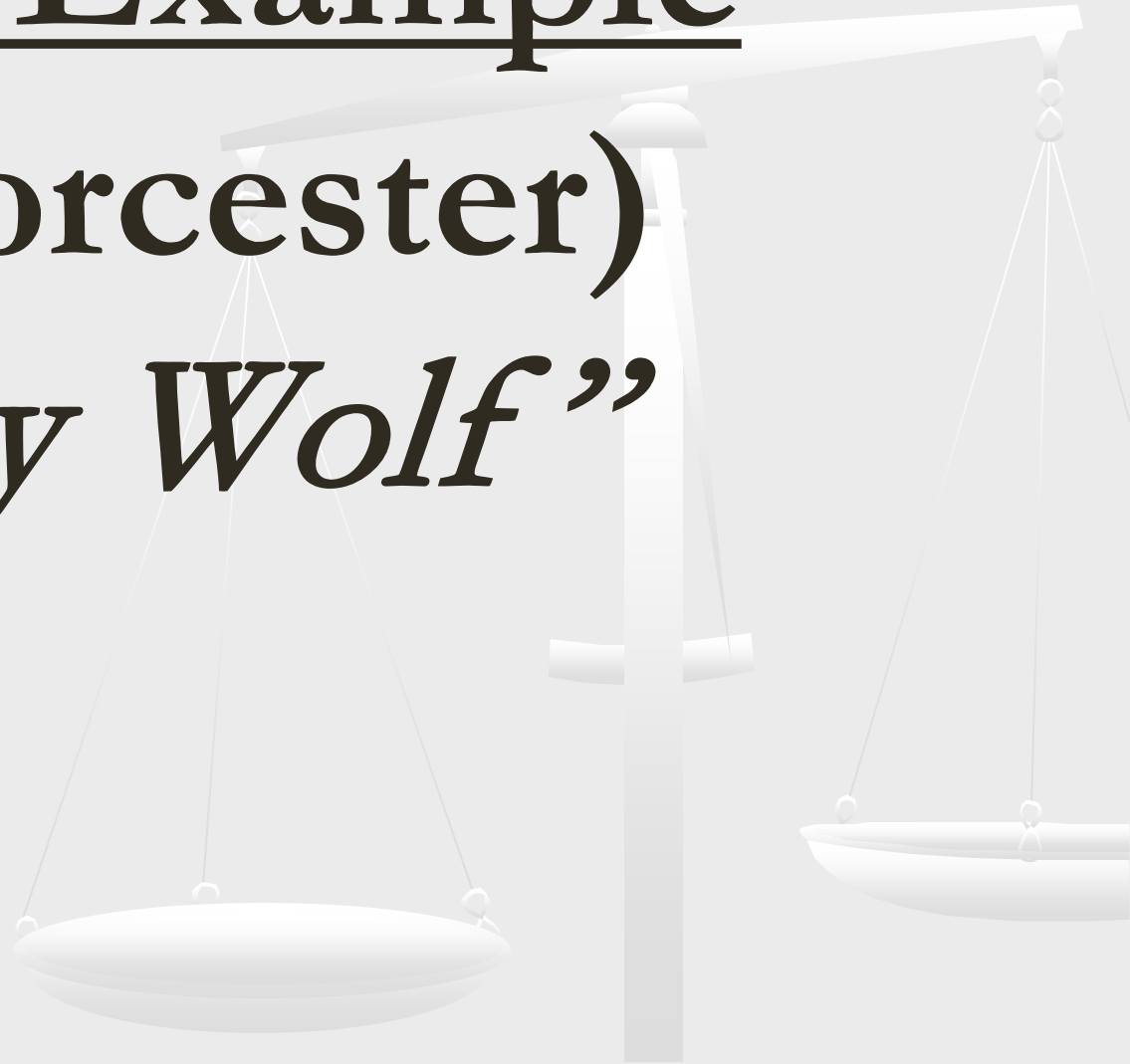
- District Attorney's office notified
- Designated assistant district attorney assigns criminal investigations to:
  - Local Police
  - DA's SPDU
  - DPPC's SPDU
- Human Service agency contacts notified
- Civil Investigator proceeds with protective services



# Case Example

(Worcester)

*“Cry Wolf”*



# Cases not Meeting DPPC Jurisdiction

**Disabled Persons  
Protection  
Commission  
(DPPC)**

**Executive Office of  
Health & Human  
Services  
(EOHSS)**

**DCF**

*Department  
of Children  
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Families*

**DDS**

*Department of  
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**MRC**

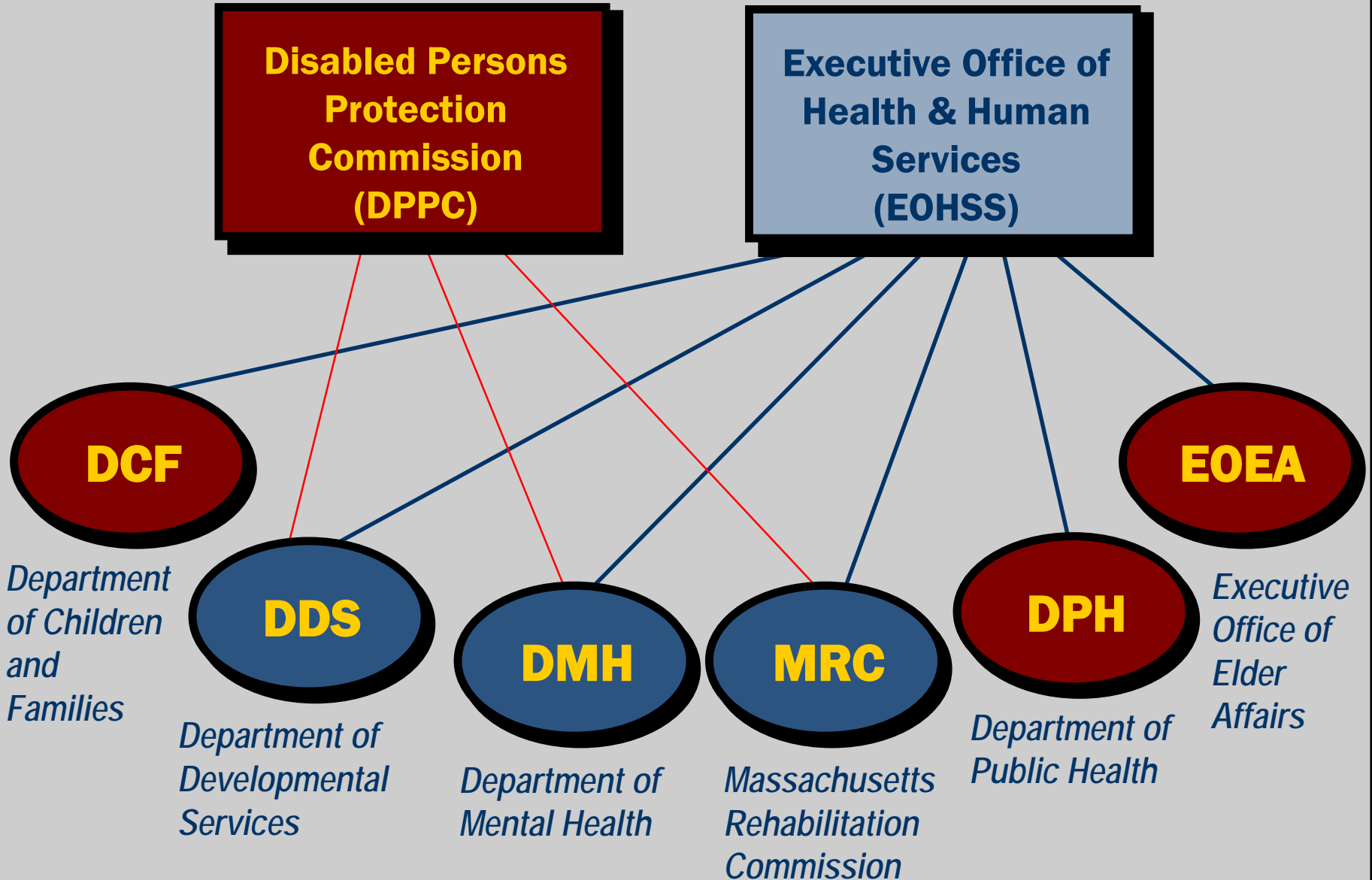
*Massachusetts  
Rehabilitation  
Commission*

**DPH**

*Department of  
Public Health*

**EOEA**

*Executive  
Office of  
Elder  
Affairs*



# **CASE ASSIGNMENT**

## **DPPC 19C APS Investigations**

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

**DPPC**

**DDS**

**DMH**

**MRC**

# 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



# 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



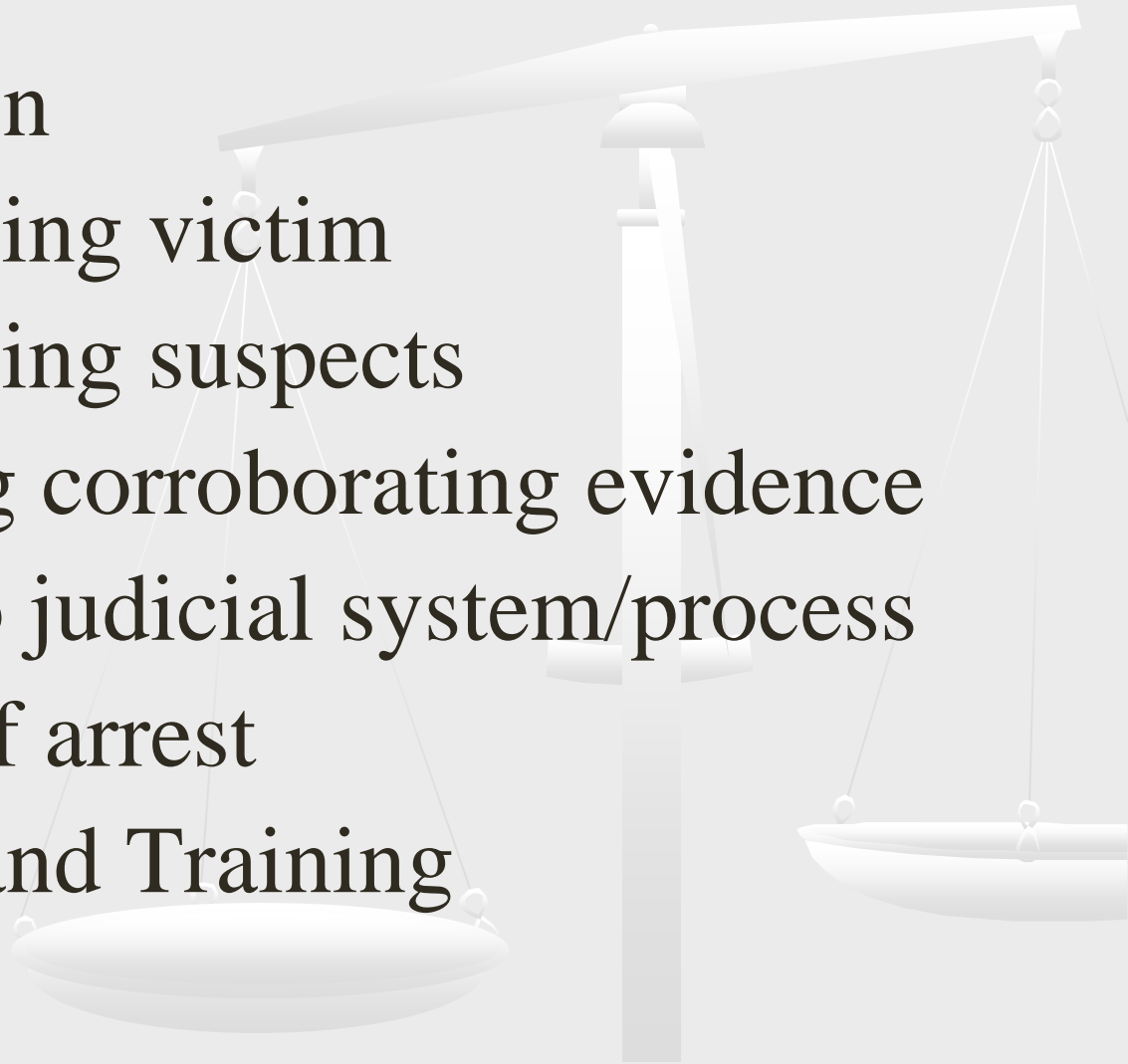


# Law Enforcement Role in BPI

## ➤ Investigation

- Interviewing victim
- Interviewing suspects
- Obtaining corroborating evidence
- Access to judicial system/process
- Powers of arrest

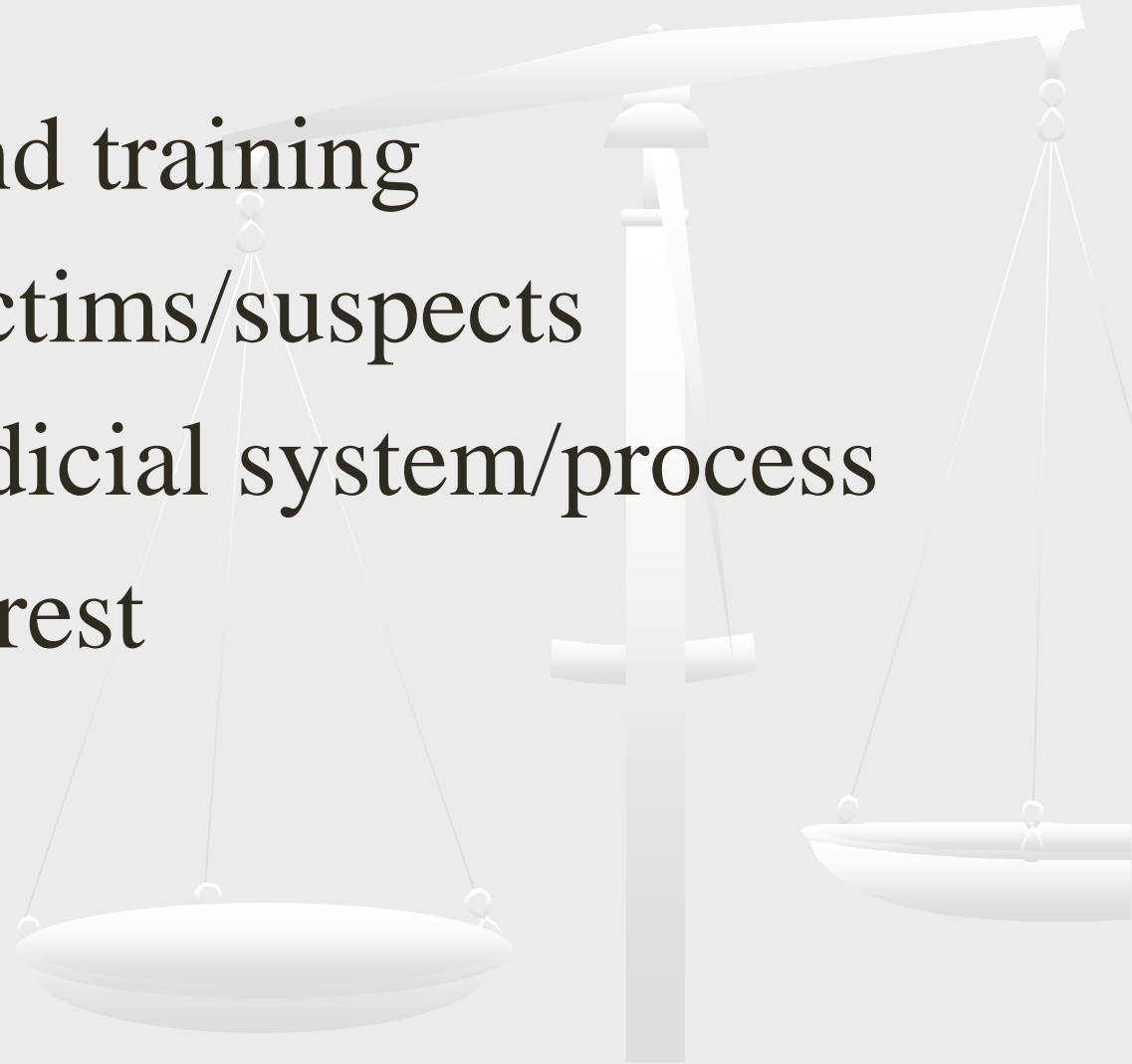
## ➤ Education and Training





# Law Enforcement Assistance to APS

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



# **Interviewing Persons with Intellectual Disabilities**

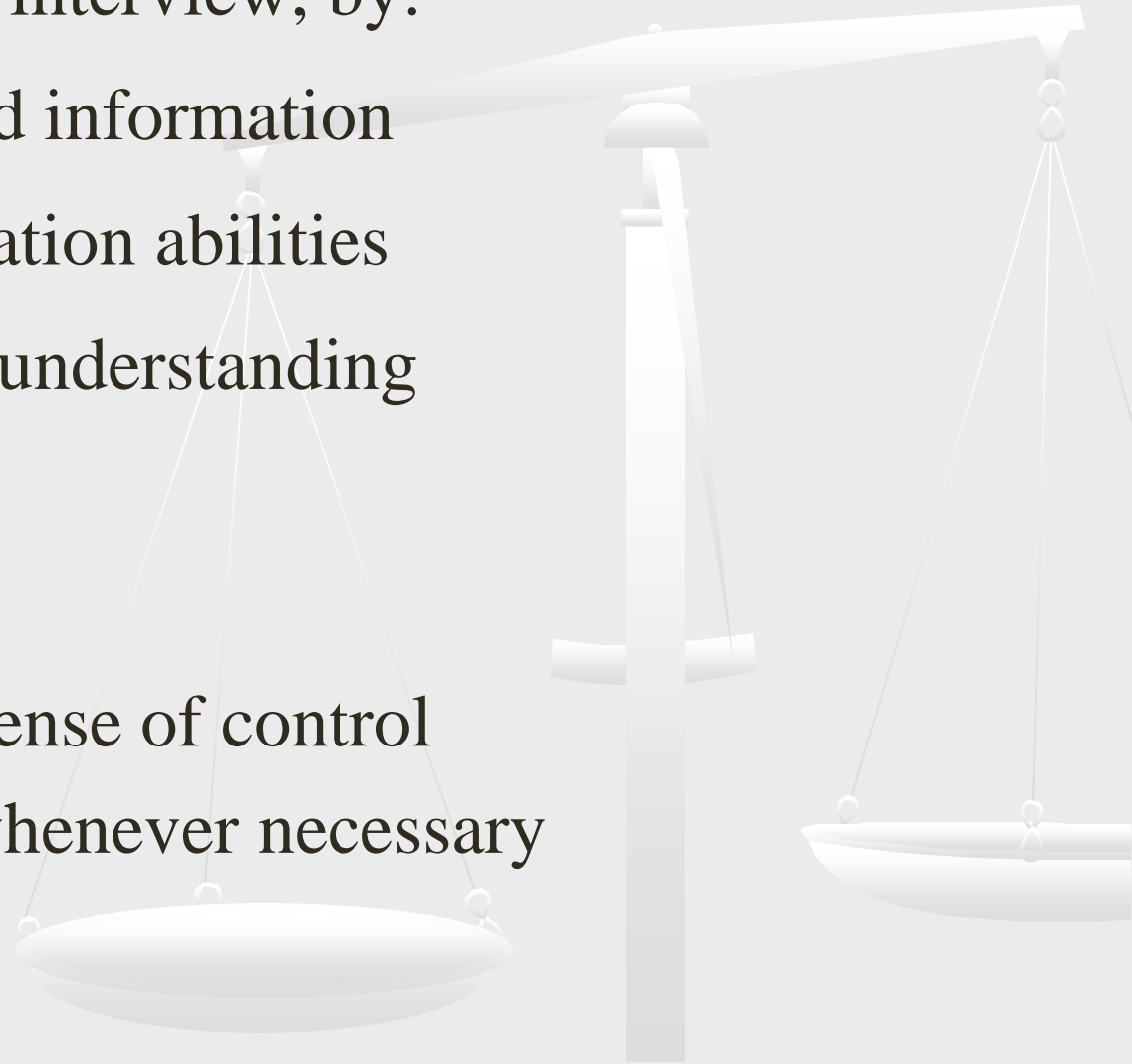
**The nature of the interview and the type of questions asked are critically important and can have significant impact upon the quality of the individual's responses.**

- **Set the Stage**
- **Prepare**
- **Conduct interview(s) according to the persons level of understanding**

# Tips for a Successful Victim Interview

Prepare for the victim's interview, by:

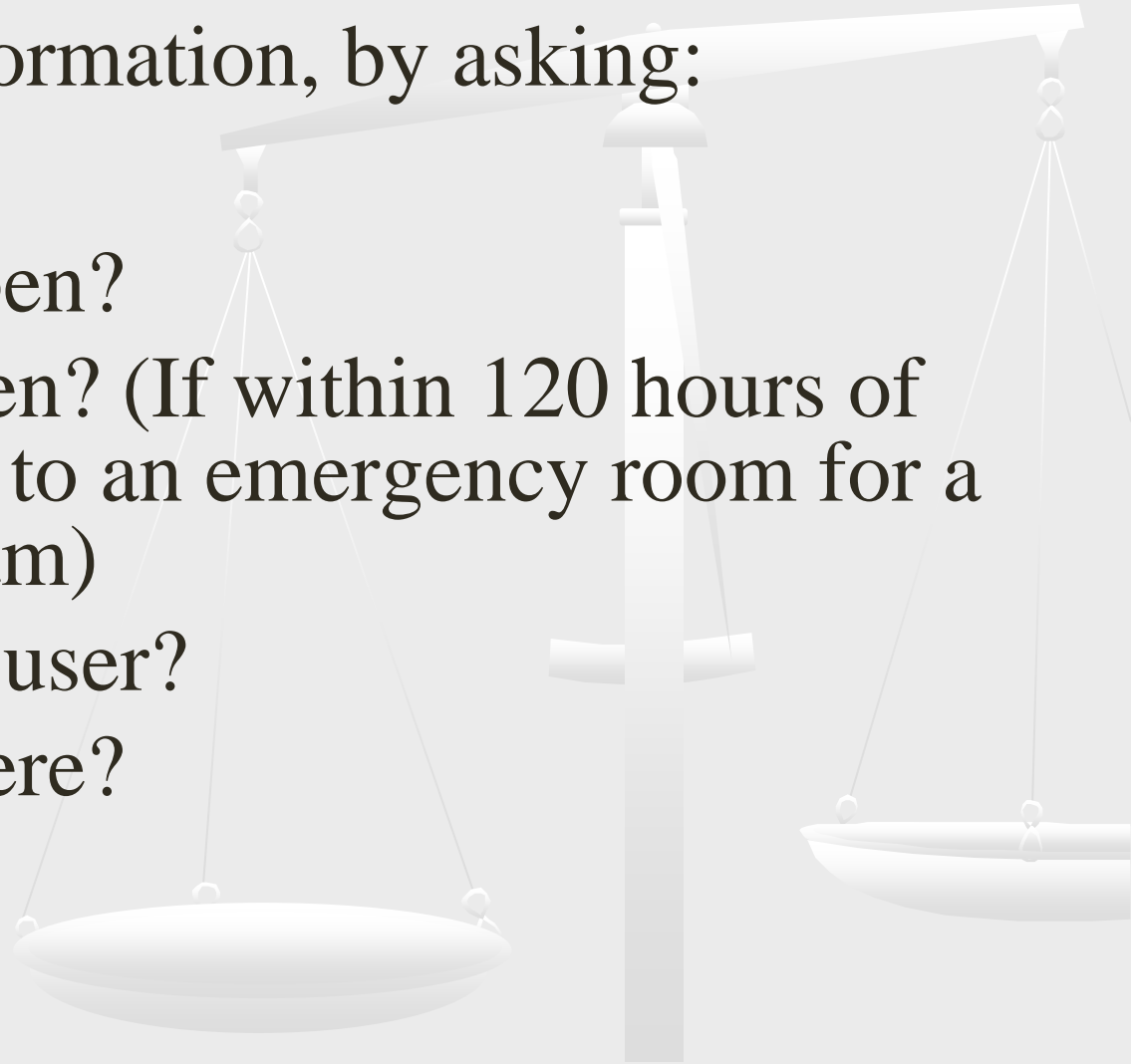
- Obtaining background information
- Assessing communication abilities
- Determining level of understanding
- Reducing stress
- Establishing rapport
- Giving the person a sense of control
- Seeking assistance, whenever necessary

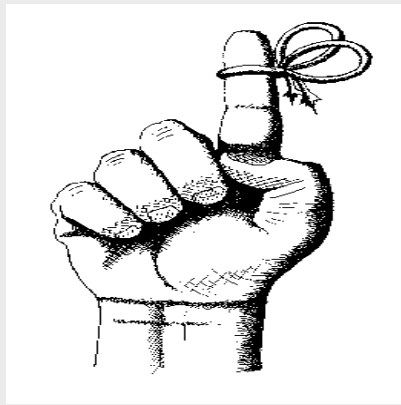


# Evidentiary Foundational Requirements

Gather essential information, by asking:

- What happened?
- Where did it happen?
- 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?
- Why were you there?





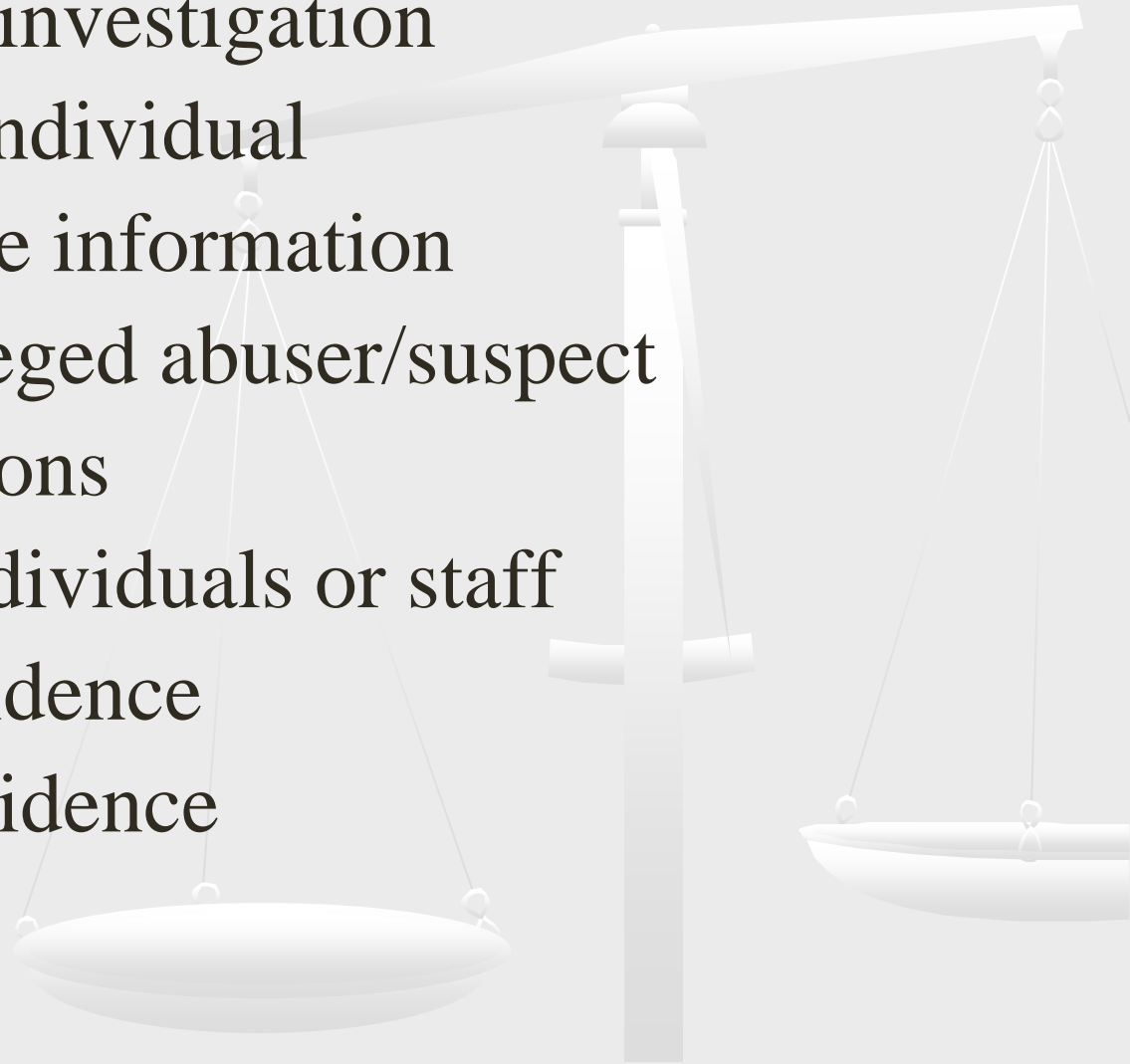
# Remember

- **Every person with an intellectual or other disability is unique and there may be broad differences in ability to think and communicate in interviews.**
- **The nature of the interview and type of questions asked are critically important and can have significant impact upon the quality of the individuals responses**

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

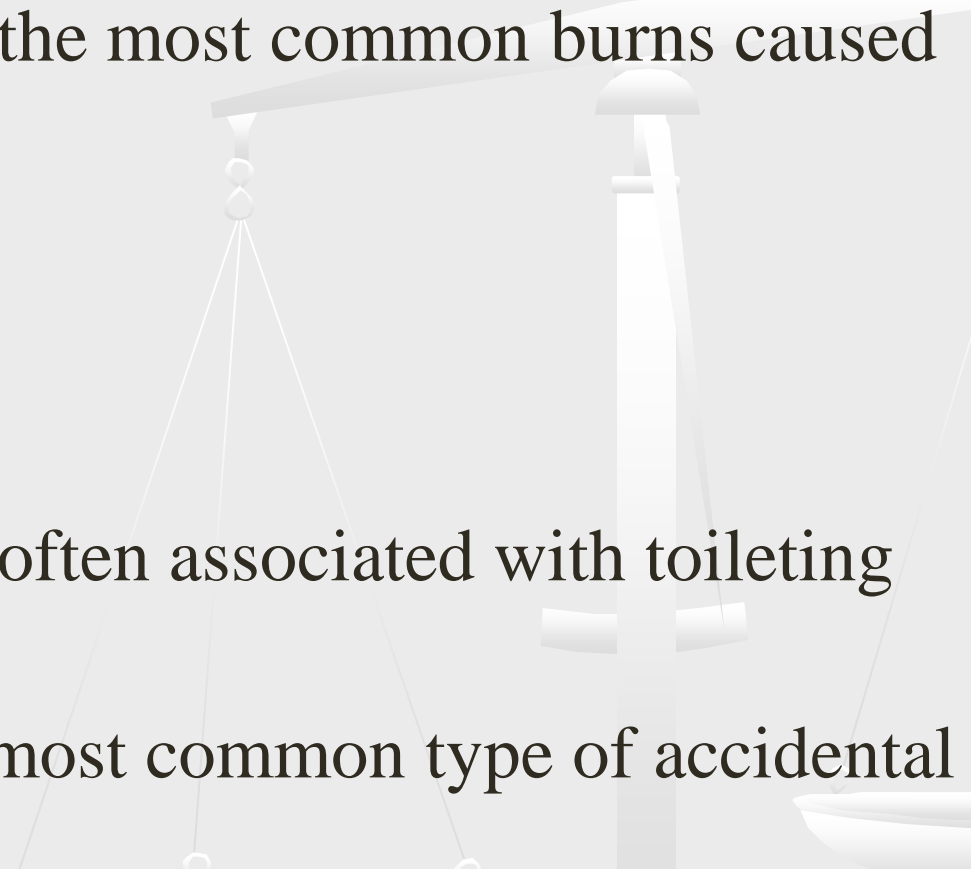
# Caregivers/providers should not:

- 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



# 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

# Bruising

- Rate of healing depends on location and depth of bruise
- Face and genital area heal faster than other parts of the body because excellent blood supply
- Color changes: **red**, **purple**, **blue**, **green**, **yellow**, brown
- Because of variability in this progression:
  - new - **red**, **purple**, **blue**
  - old - **green**, **yellow**, brown

**Middle aged  
woman with fresh  
bruises on left  
arm and torso,  
and....**



**... laceration and electrical cord marks on left arm and torso.**



# **Skin lesions caused by wire brush**



# **Human bite mark (with size standard)**



# Lesions from suction



# Oval grab marks (control marks)





# Consider Corroborating Evidence

- Suspect's interview
- Forensic evidence
  - DNA/CODIS
    - Crime scene(s)
    - Victim's injuries
- Other documentary evidence
  - photographs/charts
  - medical records
  - school/work records



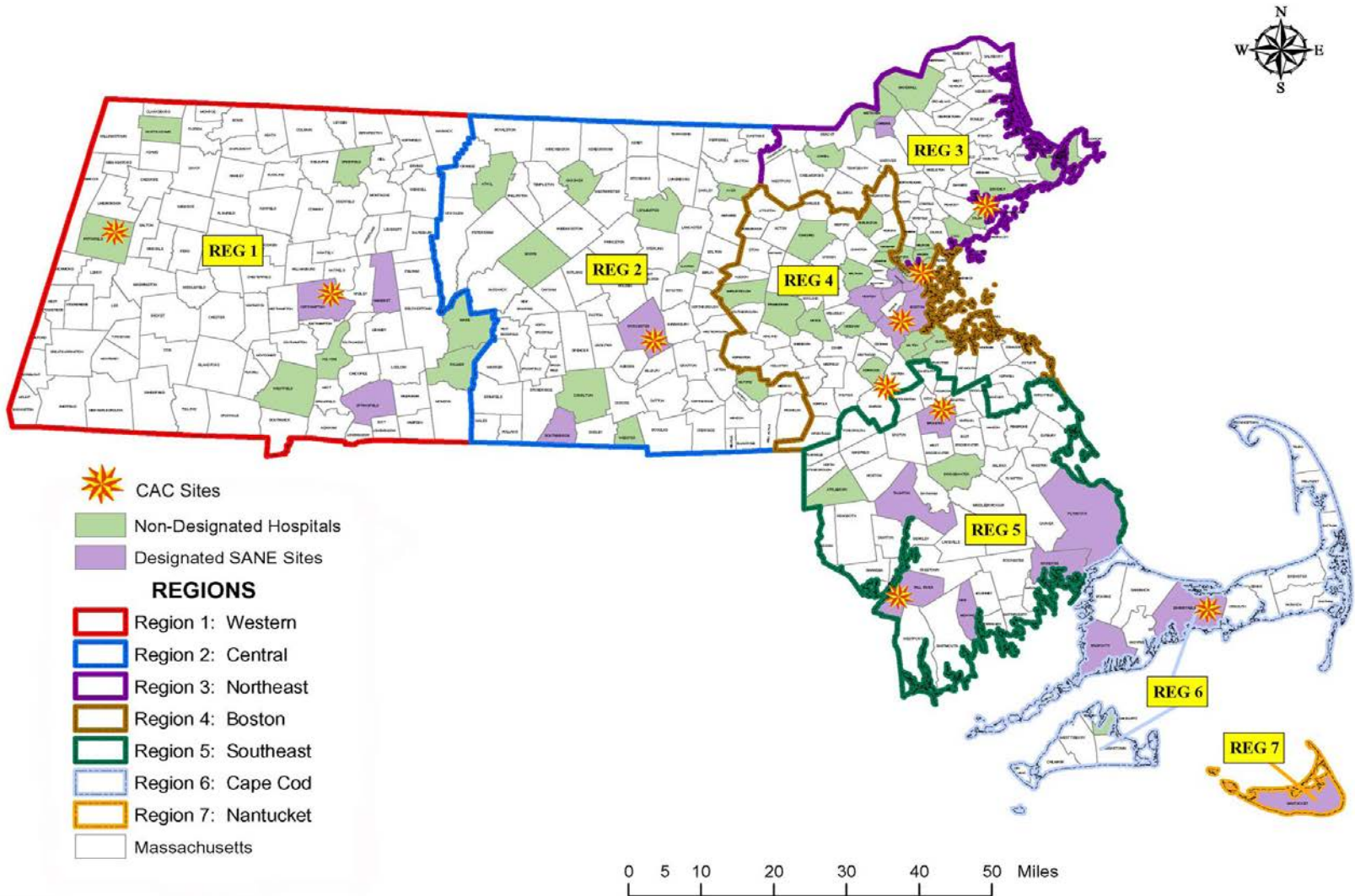
# SANE Role in BPI

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



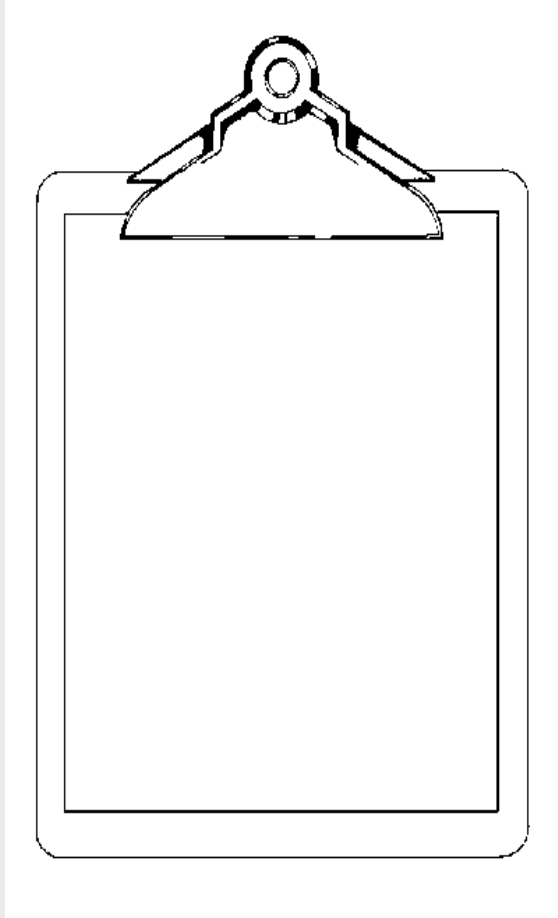


# Criteria for a SANE Exam

- 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!*

# Compiling a case file



- **Reports**
- **Statements**
- **Photos/Videos**
- **Electronic Recordings (911)**
- **Diagrams**





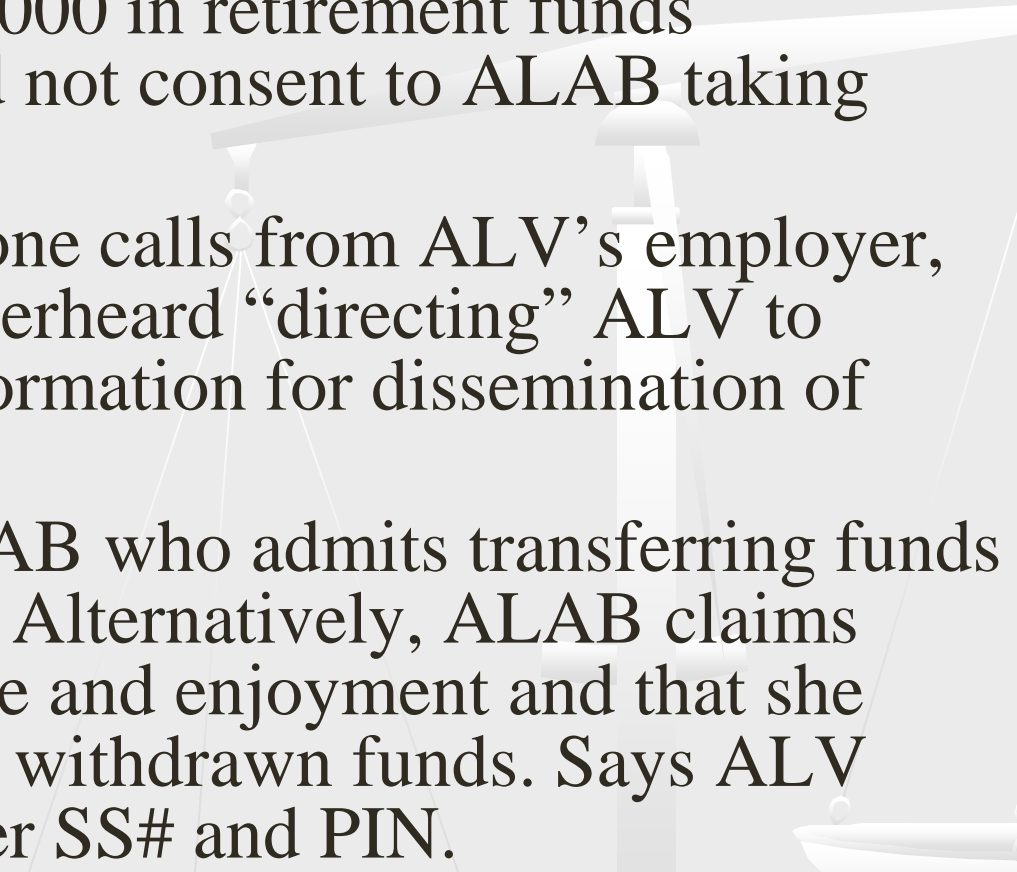
# Case Studies of BPI-MDT Referrals

- **Case #1** – Alleged Financial Abuse of adult male with an intellectual disability, by relative;
- **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).
- **Case #5** – Alleged Sexual Abuse of elder woman, with advanced dementia, at skilled nursing home by CNA.
- **Case #6** – Alleged neglect of female with physical and intellectual disabilities by family members.

# DPPC REFERRAL #1

- In talking about income tax and bank accounts with ALV, Reporter (ALV's relative) discovered that ALAB's name was added to ALV's bank account. ALV never gave permission for this. Reporter also observed that ALAB has been taking out \$500 from ALV's account for rent.
- Reporter also discovered that ALV had a deposit of \$64,000 from retirement fund 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 \$20,000 to another account. Bank was investigating how ALAB got her name on account and withdrew money. ALAB used to work at the bank and was fired.

# MDT Approach

- Police obtain ALV statement and background. ALV denies knowing \$86,000 in retirement funds disseminated and did not consent to ALAB taking money.
  - ADA obtains telephone calls from ALV's employer, wherein ALAB is overheard "directing" ALV to provide personal information for dissemination of funds.
  - Police interview ALAB who admits transferring funds to personal account. Alternatively, ALAB claims money for ALV's use and enjoyment and that she intended to pay back withdrawn funds. Says ALV "knowingly" gave her SS# and PIN.
- 



# RESULT

**ALAB charged with Larceny over \$250 from a Person with a Disability**

**Plea of guilty. Restitution of all monies to ALV.**

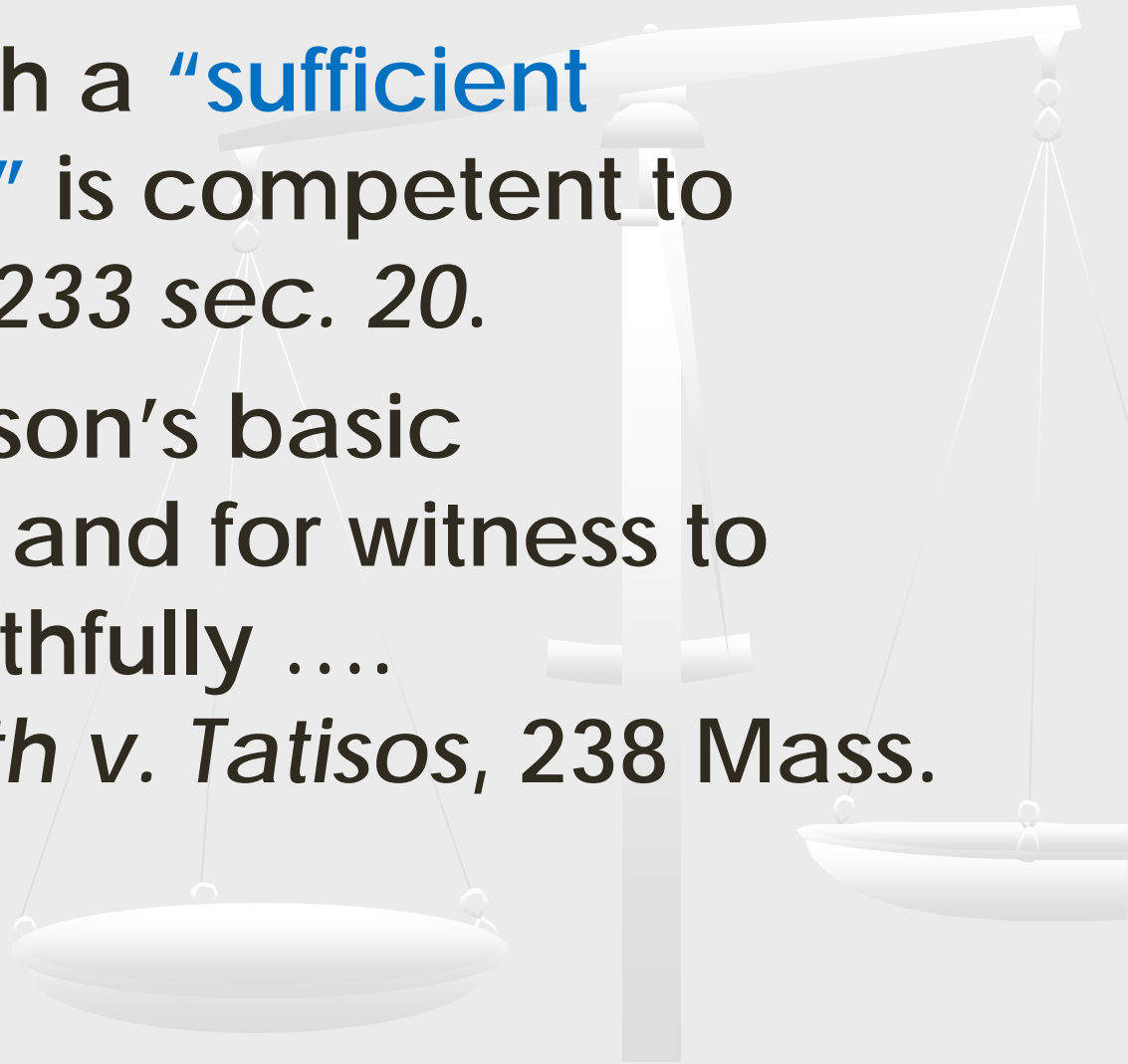
# Legal Issues relating to victim/witness



- **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

# Competency of Victim/Witness

- Any person with a “sufficient understanding” is competent to testify. *G.L. c. 233 sec. 20.*
- Refers to a person’s basic understanding and for witness to relate back truthfully ....  
*Commonwealth v. Tatisos, 238 Mass. 322, 325 (1921)*



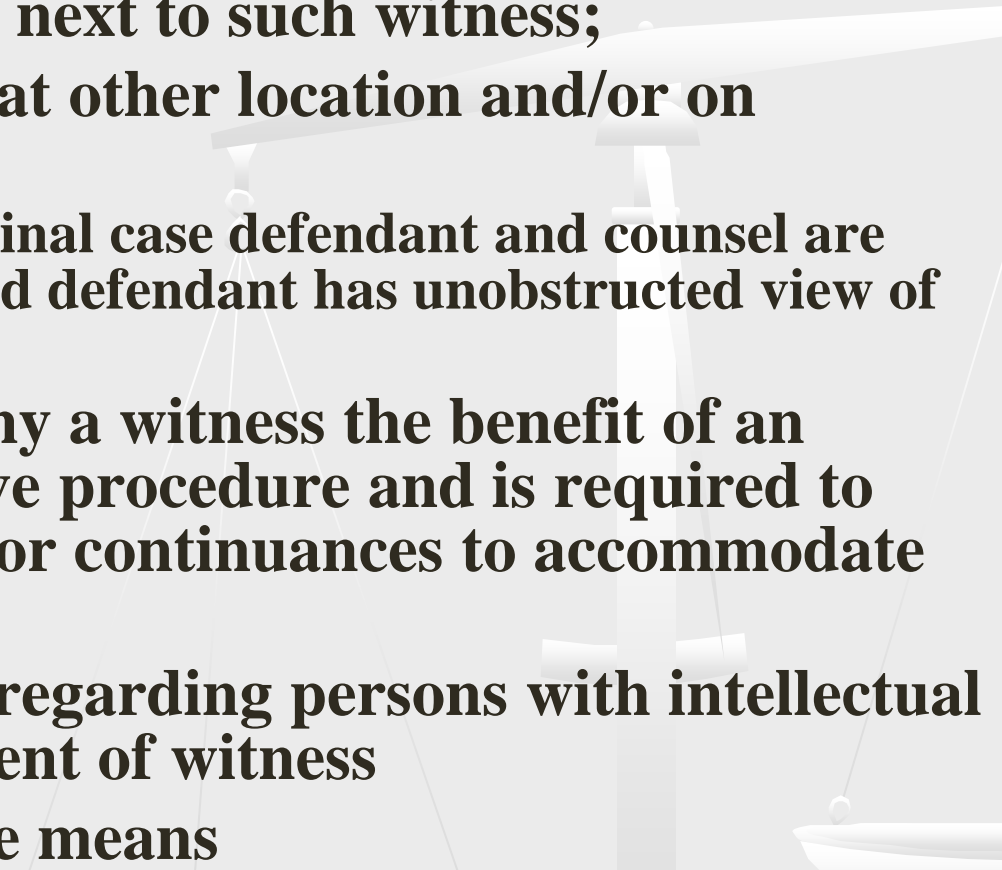
# Capacity



- **Question(s) of Fact**
- **Encompasses personal characteristics of an individual that assist/deter “understanding”**
- **Defined as to purpose of legal proceeding**

*Capacity is evidentiary fact(s) produced for factfinder;  
Competency is legal conclusion by factfinder from  
evidentiary facts of capacity presented*

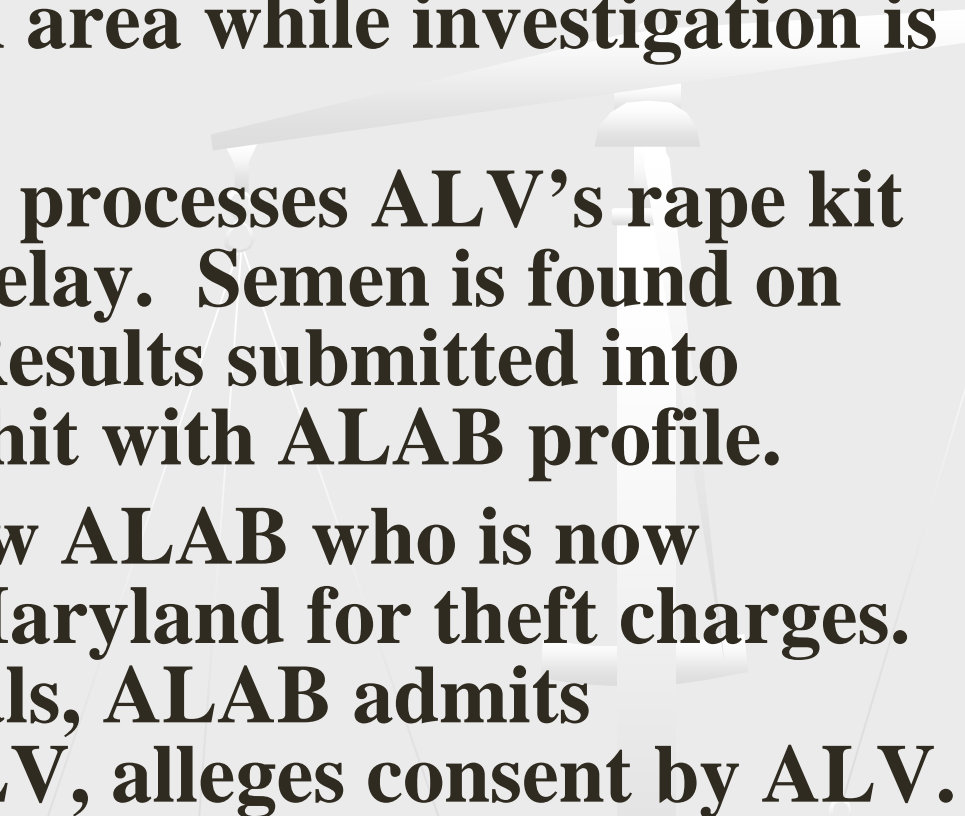
# Approved Alternative Procedures

- **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 after prolonged delay. 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, alleges consent by 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.*

# 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)

# **RESULT**

**ALAB charged with Rape and  
Indecent Assault and Battery on a  
Person Over Fourteen Years Old**

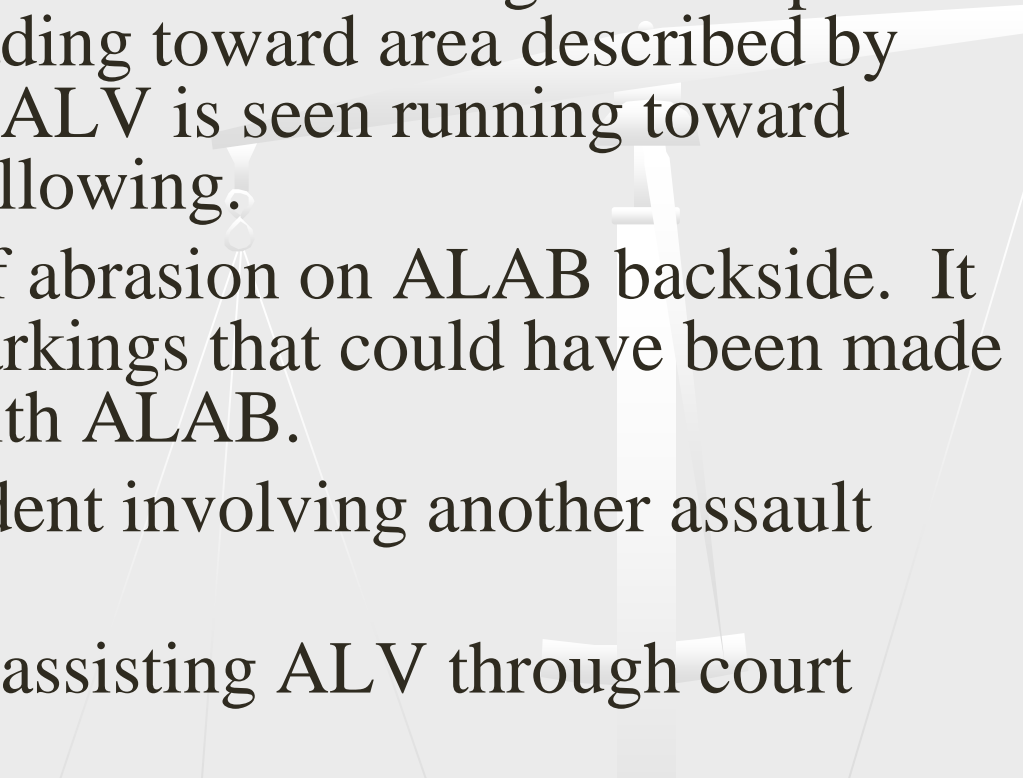
**Pleas of guilty. State Prison  
sentence imposed.**



# 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, briefly 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. Mom approached ALAB, who denied 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 following.
  - SANE makes note of abrasion on ALAB backside. It is consistent with markings that could have been made from watch found with ALAB.
  - ALAB had past incident involving another assault seven years earlier.
  - APS instrumental in assisting ALV through court process.
- 

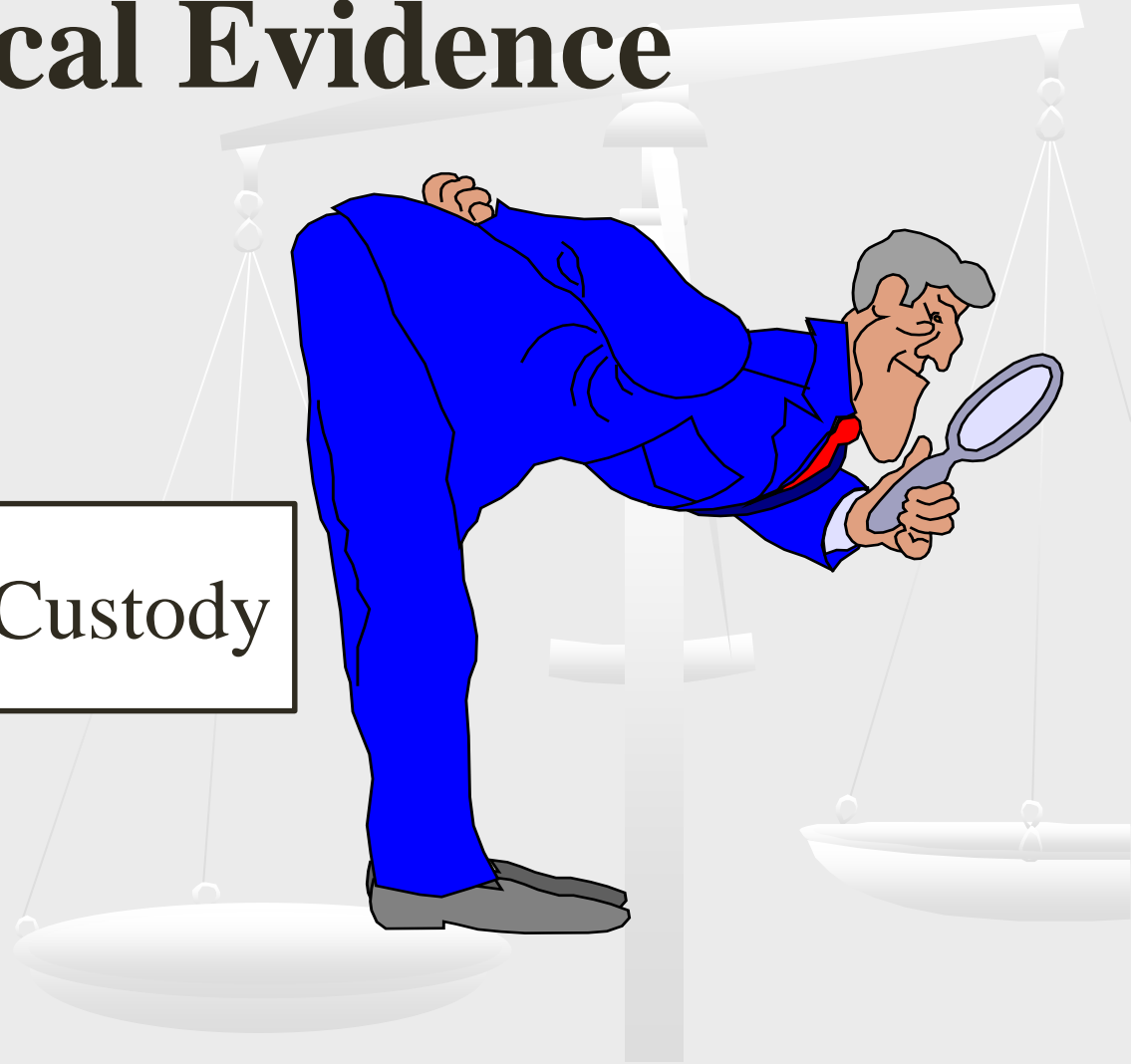
# **RESULT**

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

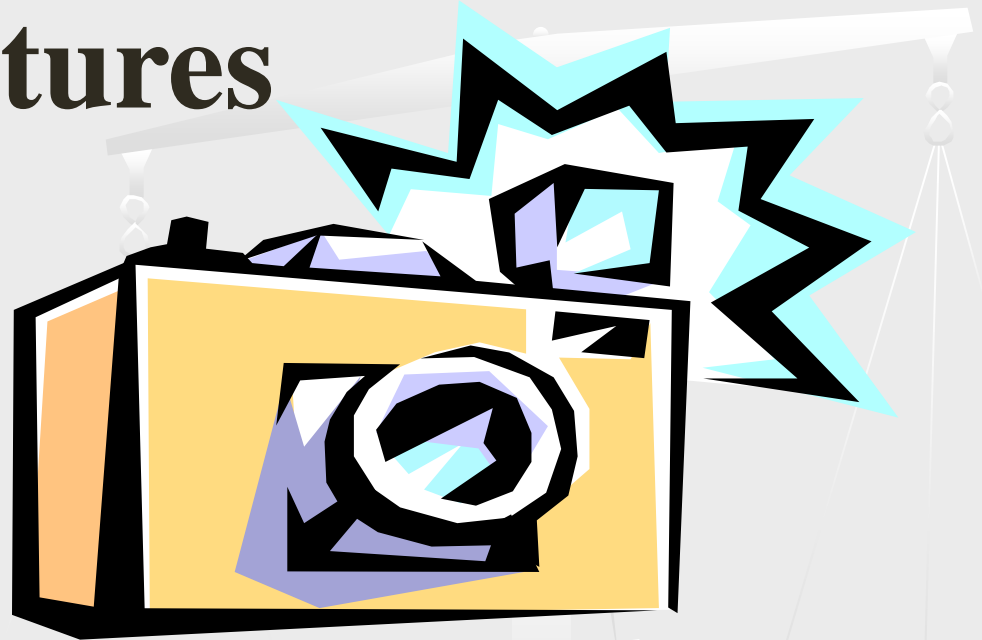
**Jury Trial. Verdicts of Guilty. State  
Prison sentence imposed.**

# □ Introduction of Physical Evidence

**Establish: Chain of Custody**



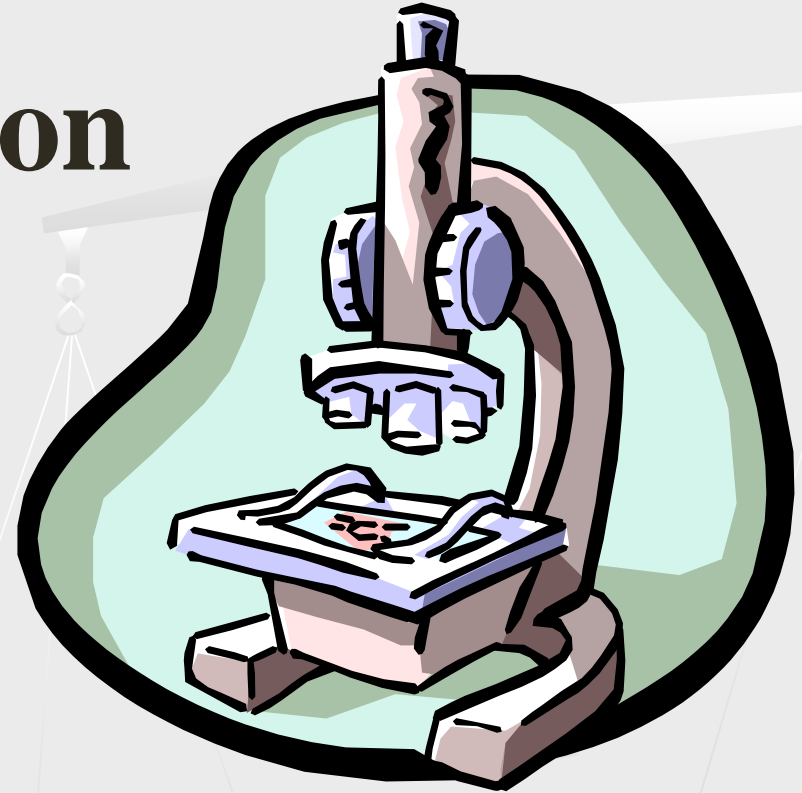
# □ Introduction of Pictures



**Foundation:** Fair and accurate representation



# □ Introduction of Opinion



**Foundation:** Training and experience in field

# 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

**Jury Trial. Verdicts of Not Guilty.**

# EOEA REFERRAL #5

- ALV, a sixty-nine year old woman with advanced dementia at skilled nursing home, was observed with her nightgown pulled up, her legs spread apart and her pubic area exposed (with her adult underwear removed). Standing next to her was a CNA, employed by the facility. The facility has rules that prohibit a male caregiver from being alone with a female patient.
- Police are notified. Reporter states ALAB, when discovered, appeared “startled” and stated “I’m sorry, I know this looks bad.”
- The scene is secured. Evidence is gathered, including ALV’s underwear. It is observed to have apparent red/brown staining consistent with blood.

# MDT Approach

- Police interview ALAB (recorded with *Miranda* warnings). ALAB admits to knowledge of facility rules but states that ALV's "brief was wet so he decided to change her". He admitted inserting two fingers, approximately one inch deep into her vagina, "to clean her." He also told police that he had done the same thing on a previous occasion when caring for ALV.
- ALV is transported to hospital where a SANE nurse performs a rape kit examination. External genital swabs are examined. Saliva and sperm cells are detected on swabs. ALAB's DNA profile is included as a contributor to the sperm cells detected.
- APS provide information related to ALV's level of understanding, re: consent/competency.



# RESULT

**ALAB** charged with multiple counts of  
**Rape on a Person with an  
Intellectual Disability**

**Jury Trial. Verdicts of  
Guilty. State Prison sentence imposed.**

# DPPC REFERRAL #6

- ALV, a fifty-nine year old woman, who suffered a brain aneurysm (speaks only in utterances and is non-responsive to questions) requires prompts to eat and is unable to attend to any of her personal care was reported as being neglected. She resided in the family home with her husband, the husband's girlfriend and three of her adult children.
- DPPC assigns case to APS investigator from MRC. MRC investigator finds ALV in third floor bedroom lying on a filthy mattress. Ambulance responds and transports ALV to hospital. At admission ALV weighs 69 pounds, is suffering from malnutrition and bedsores.
- DPPC has temporary guardian appointed for ALV. Following hospitalization, ALV is placed in long term care facility.

# MDT Approach

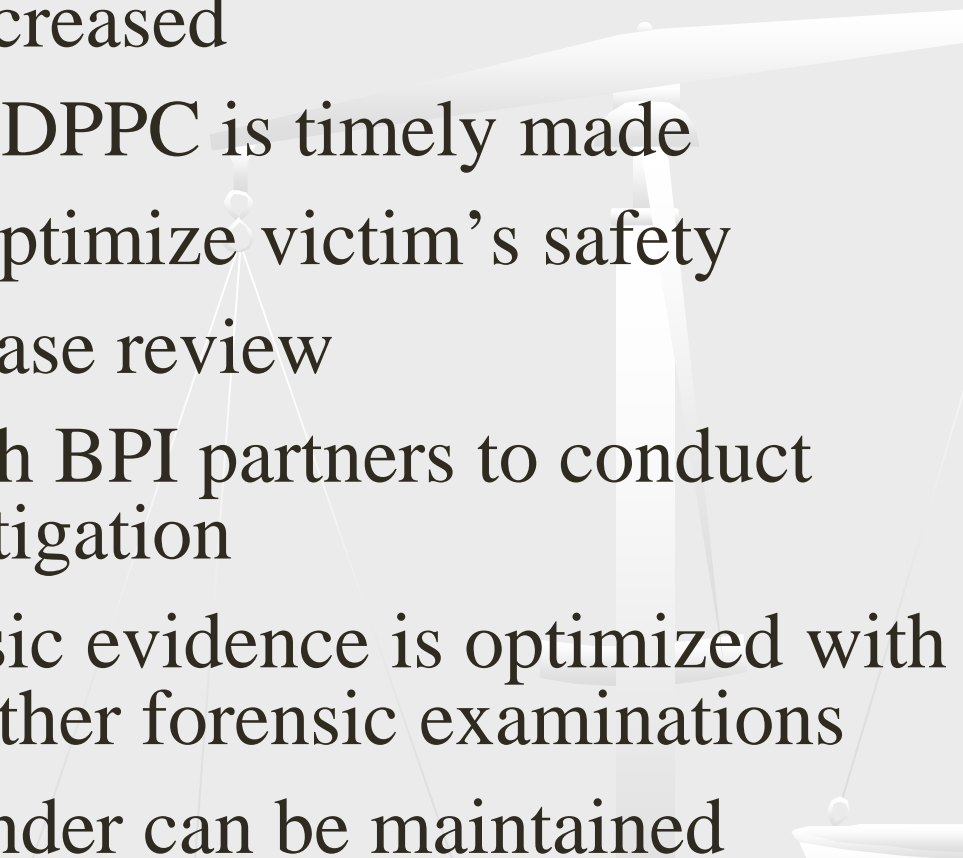
- DPPC investigation (through MRC) revealed one of the daughter's residing in the home was responsible for hiring a personal care attendant to provide for her mother's needs. ALV was not receiving this care, but the daughter had been collecting \$1,000 per month for this care. The daughter was signing and submitting time sheets for a PCA.
- ALV turned sixty years old during investigation. EOEA was contacted and served as a collaborating agency in investigation. Permanent guardianship is obtained for ALV. ALV continued to reside in long term care facility and had no contact with the family.
- Criminal investigation was conducted on issues of neglect and Medicaid fraud.

# Lessons Learned



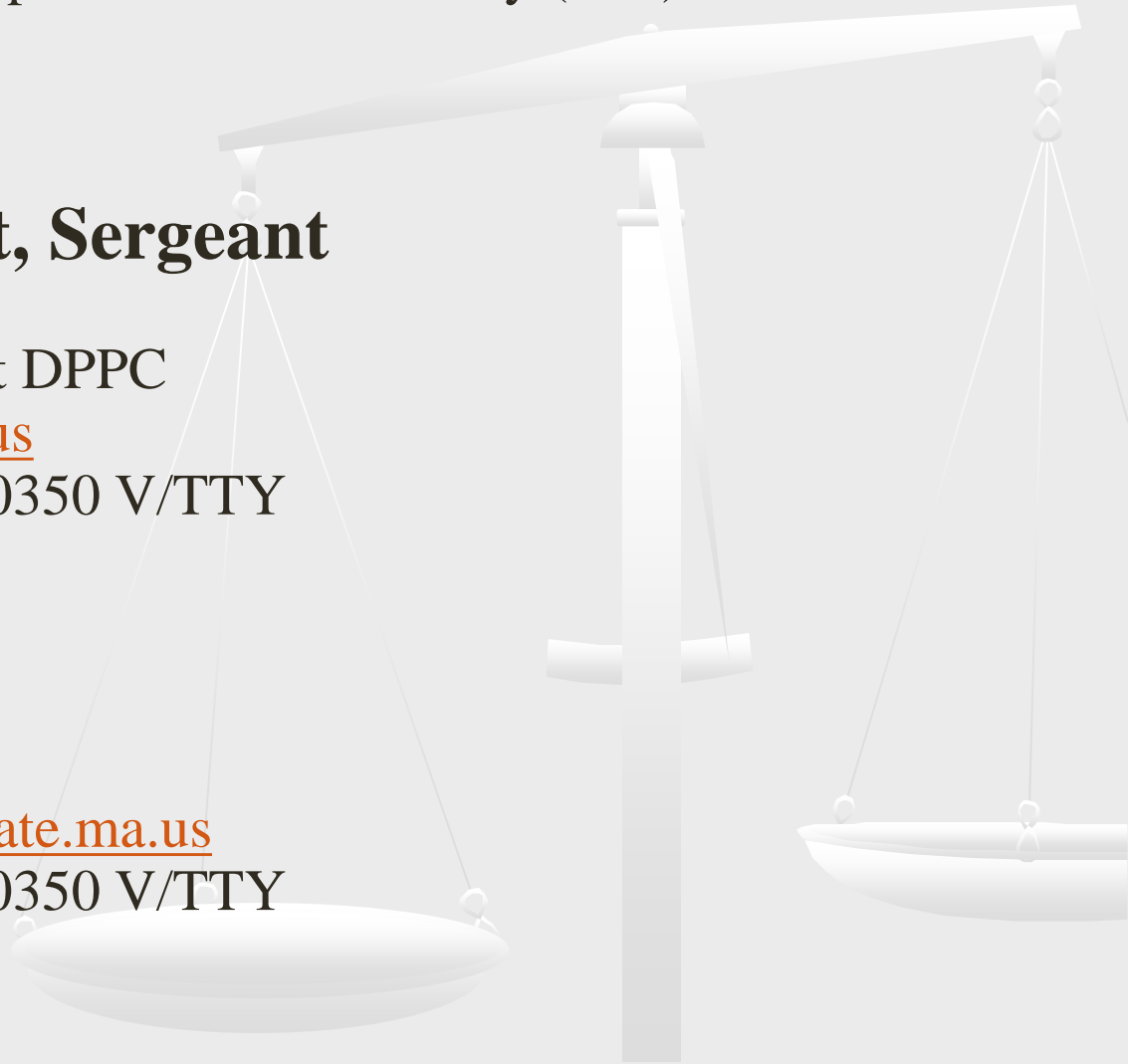
- No one person or agency possesses all of the skill, knowledge and resources necessary to respond to the complex problems of mistreatment and abuse;
- Each agency brings a different perspective and different information to the table; and
- In working together, crimes committed against persons with disabilities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

# 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

- **Elizabeth Dunphy Farris, Esq.**  
Legal Counsel to the Hampden District Attorney (MA)  
[beth.farris@state.ma.us](mailto:beth.farris@state.ma.us)  
(413) 505-5926
- **Timothy F.X. Grant, Sergeant**  
Massachusetts State Police  
State Police Detective Unit DPPC  
[Timothy.Grant@state.ma.us](mailto:Timothy.Grant@state.ma.us)  
(617) 727-6465; 888-822-0350 V/TTY
- **David Viens**  
Director of Investigations,  
DPPC  
[David.Viens@massmail.state.ma.us](mailto:David.Viens@massmail.state.ma.us)  
(617) 727-6465; 888-822-0350 V/TTY



**Questions?**



**THE END.**

