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The Arc
USING MODEL PROTOCOLS TO GUIDE CRIMINAL JUSTICE RESPONSE
TO DOMESTIC VIOLENCE AND SEXUAL ASSAULT VICTIMS WITH DISABILITIES
MAY 29, 2014

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>> KATHRYN WALKER: Hi. Good afternoon, everyone.

>> SHIRLEY PACELEY: Finally.

>>> KATHRYN WALKER: Yeah, so welcome, everyone, to the webinar. My name is Kathryn Walker. Before we begin our presentation, I'd like to go over a few housekeeping rules, especially for those of you that are new to WebEx. Because there so many of you, you'll be in listen-only mode. At any point during this presentation, if you need assistance, you can post a question to the chat box or call the WebEx support number that is listed in the chat box right now.

At the end of the session, there will be time for questions. You can either post them to the Q&A session or in the chat box. At the end, I'll ask those to Shirley Paceley. And you can also email questions. If we don't get to your questions during the presentation, we'll be sure to follow up with you afterwards.

This webinar is being recorded and will be posted on our website. We'll send you an email letting you know when that happens. After the webinar, please take five minutes to answer our survey. This webinar is supported with funding from the United States Bureau of Justice Assistance, and it's important for us to have a good understanding of what you learned and how you plan to use the information. The webinar today is the 5th in a series of mostly webinar sponsored by NCCJD, and features Shirley Paceley.

Today, we're going to start with a couple of poll questions to see where your knowledge is, and you'll get a second chance at those questions in the survey to show us what you've learned. We're going to go ahead and start right now with the first poll question.

So, if a prosecutor tells you, a parent, support staff, or advocate that no charges will be filed because the victim is not a credible witness, then you get to go through the questions there and let's see what you guys have to say.

Okay, two more questions. This next one, course of conduct includes. And if you don't know what that is, it's okay. Shirley Paceley is going to tell you all about it during the presentation.

And one last polling question for you. "In determining the need for an accommodation for a victim with a disability, an officer should..." And check all the appropriate responses.

All right, thank you all for participating. I'm going to turn it over to Shirley Paceley.

>> SHIRLEY PACELEY: Hi, thank you Kathryn. It's really good to be with everybody today. I'm trying to remember how to move the slides. Just a second here. Kathryn, help me out. I'm not able to move this slide.

>> KATHRYN WALKER: There are arrows across the top there.

>> SHIRLEY PACELEY: That's what I was using. It's not working.

>> KATHRYN WALKER: Okay, well, I can do them for you if you just want to let

me know when to move them. Next slide, please. I'm going to start this to give you an overview of what we're going to do. I'll be starting with words of survivors and disability to ground us in our work together to increase access in the criminal justice system for victims with disabilities.

And then I'm going to talk about the protocols that were developed, we have protocols for law enforcement and for prosecutors in responding to victims of domestic and sexual violence. We're going to talk about critical issues we identified, and our desired outcomes. Kathryn, has the screen changed? Kathryn?

>> KATHRYN WALKER: Right now, we're looking at read-around in the words of people with disabilities.

>> SHIRLEY PACELEY: I don't see anything on the screen, so I'm not sure I'm with you. So, we will just go with the audio, since I can't see, and we'll take it from there. So, we're going to do the read around now, and these are statements I was told from several different victims with disabilities.

When I was attacked on campus, the officer told me he couldn't take a report because I did not see the man. I know a lot about the man who attacked me. My blindness did not get in my way, but it got in the offer's way.

My wheelchair cost \$20,000, and it took a year to get. There is no way it is sitting locked up in an evidence room. The detect knew I was too traumatized to talk much. We went to the house where I was raped. She was a good detective. The man who hurt me went to prison for a long time. I talked to a police officer about what happened to me. I talked to my staff, too. I never heard back from anyone. I wonder if they believed me.

I was sexually assaulted in the emergency room. My staff told the police that I'm a liar, so they stopped the investigation. Later, an advocate told the police to keep investigating. The detective dugged into the situation, and the doctor disappeared. He worked in eight states in seven years. He was the liar, not me.

The man who raped me went away for 60 years. He hurt a lot of people. I was nervous, but I told what he did to me and now he can't hurt anyone. 60 years is a long time.

Listening to these words, we know there is hope for criminal justice access. From the other people, we hear how complicated some of these issues can be. Next slide, please.

(New slide.)

So in the beginning, we worked a lot in Illinois with the crisis centers. Every one of them has had training, is on collaborative teams to work with people with disability. We've done a lot of work in educating people with disabilities. We've done work with disability agencies, but, we hadn't done work with criminal justice. We were getting reporting and pressure on the system to respond more effectively. Next slide.

(New slide.)

So, what we did was we put together a collaborative team. I was asked to do that. Actually, in 2009 in the beginning. And always, in the middle of my heart, is this mantra, nothing about me without me. The people most affected by the decisions need to be at the table when the decisions are being made.

So, we recruited self-advocates, people with disabilities to serve on the team. We have the statewide sexual assault and domestic unit. In Illinois, we have a family violence coordinating council. I was on it. The attorney general's office has a disabilities service unit.

The department of aging -- next slide.

(New slide.)

We had state police, community detectives, and prosecutors on the team. And so, as we go through this, just be thinking about how you might want to have on a team if you decided to do something like this.

(New slide.)

One of the critical issues was we didn't trust each other very much. Everybody has preconceived notions about other people that were at the table. We had to spend some time getting to know each other, and we discovered being able to listen to every side of this issue was important. People with disabilities had to be able to say what problems they had encountered in the past, so we could turn that into an opportunity. Law enforcement needed to share their perspective, as well.

If we didn't have mutual respect, we wouldn't get anything done. We spent some time getting to know each other, understanding each other, and trying to always not be too judgmental, but also be able to speak our opinion openly.

(New slide.)

So, I want to cover what is the content in the law enforcement protocol, and I'm going to do this really fast because it's just like an outline. And then I want you to be able to understand what some of the critical issues were that we discovered as we were going through the process.

So, the protocol for law enforcement, there's a needs statement, including the prevalence of sexual assault, especially in people with disabilities. Why we dropped the protocol. It has every criminal statute in the state of Illinois related to this.

There's a policy statement, and policy component.

(New slide.)

We have response procedures, for the law enforcement officers. And what their specific responsibilities are. Of course, we included mandate of recording. Evidence collection. Continuing investigation, because there's different steps in the investigative process, we found out. There's the preliminary report, and then there is the next level of investigation. We have information about arrest and joint investigations. For example, if the police officers are going to work with the adult protective services and the entities

that are designated to investigate abuse in neglect.

(New slide.)

In the protocol we have a large attachment section. So, it has information about people first, language, communication checks for people with disabilities. How to work around accommodations. Indicators, investigating abuse techniques. Some issues around capacity, consent, and undue influence.

(New slide.)

And then we also have, the mandated reporting entities, in our state, it's complicated what those definition are. We put information in about hate crimes knowing that people with disabilities are one of the categories covered in the Federal hate crime statutes and in Illinois, we have an Illinois statute, as well. We also took the crime victim bill of rights at the federal level and revised it so it's in plain language, easier to understand.

There were words like restitution, a lot of people don't know what that means. We have criminal justice information authority had an article on measuring hate crimes in Illinois. And a resource directory and all of the independent living centers.

So, that's the content. I know it sounds like a lot, it's close to 200 pages. You have access to that, so I want to get into the critical issues, on the next slide.

(New slide.)

As we were working on the law enforcement protocol, this was my summary of the critical issues. I want to go in depth into two or three of those. Myths and attitudes of people with disabilities that law enforcement may have are huge. People with disabilities and others of us have and attitudes about law enforcement, as well.

But, we talked about the myth around -- we'll start with evidence collection. So, you heard me say earlier about the person who said their wheelchair cost \$27,000, and took a year to get. She was a self-advocate on our team. So, we had a lieutenant in the room, and we had her in the room, and he's talking about evidence collection and how they lock it up.

She's explaining, if you take away my wheelchair, I can't go to work, drive my van, I basically can't move. So, you can't take that. So, it was a beautiful meeting to watch the -- there, the light bulbs go off in discussion. They figured out a way to collect evidence and keep that chain of custody without taking the wheelchair into custody.

So, those things are written into the protocol. So, if there were to be evidence on a wheelchair or any kind of device the person needs to get along daily, then we have procedures for that now, which is really cool.

Also, I wanted to mention the trauma informed response. So, we were talking about how we ask people about, do they need an accommodation. One of the attorneys on the team had done employment law, and under the ADA, it's the person with the disability's responsibility to ask for the accommodation. Again, we had self-advocates

going, that's fine, but, I'm maybe not going to be thinking about that.

I may, you know, be just totally unresponsive, unless you ask me a question. So it was a really interesting conversation, again, thing time between an attorney and a self-advocate saying, yo ask me, we'll work it out together. You have to initiate the conversation, because that's the trauma-informed way to talk to someone.

So, that was really wonderful. Also wanted to talk about the last point, being proactive. And this really came to light, and I think it's happening now across the state. Location by location, slowly sometimes, not as fast as we want, but, it's happening. I'm very excited. This means, through this process we identified the centers for independent living as the point people for law enforcement.

So, if they were with somebody and they needed an American sign language interpreter right now to do an interview, if they -- typically they might have to wait three or four weeks before they could find out where's the list at, who are these people, how do I work with them, how do I set up payment. So, being proactive means they go to the center for independent living ahead of time and find out what all the kinds of resources are.

They have a list of interpreters with working agreements and phone numbers. They can contact them, and they don't have to wait three or four weeks to interview someone using the accommodation they need most. They have standard materials in large print or braille, they have some, very few, but some now have some pictures available so that they can interview people who communicate best with pictures.

So, we're really getting them to kind of think in a proactive manner what might people need that I can have available as a resource to help them communicate during the investigative process. Very, very excited about that. One of the biggest challenges, I think, is kind of -- not kind of, but, increasing the comfort and confidence level of the law enforcement officer who may not have had access to people with different kinds of disabilities, especially people with intellectual disabilities.

So, I forgot, we're trying to address that in a variety of ways, I'll talk more about that when we get to the training of trainers. On the next slide, we're going to go through the list of the topic areas within the prosecutors protocol.

(New slide.)

It's almost a hundred pages, too. Some are the same, some are different. We have a needs assessment, the purpose of the protocol, the criminal statute of all related crime, in the state. Policy statement, policy components.

(New slide.)

We have, again, response procedures. Some general consideration for prosecution, in addressing legal cases for people with disabilities. Charging crimes of sexual violence. Identifying the elements of that crime. Analysis of the evidence. Prosecutorial investigation. I can hardly say that one, it's such a big word. A lot of

prosecution, state's attorney's offices, district offices, have their own investigative units.

A lot of times, and it varies by jurisdiction, but, a lot of times once the police department, the detectives have things turned over to the state's attorney's office, then their investigative unit may take over. So, they've got to have some of that information, as well. Next slide.

(New slide.)

So, preparing sexual assault cases, we have pretrial motions and preparing the victim to testify. And then, in trial, sexual assault cases, the jury selection, the opening statement, the case in chief, the direct exam of the victim, evidence-based prosecution. We put in there sample motion to exclude mental health records of the victim.

Argument, next slide.

(New slide.)

And the domestic violence pretty much the same categories in that section, as what I just explained for the sexual violence section. We have all of the case law under the criminal statute. And case law are typically, from my understanding, are precedents, cases that have been -- gone to an appellate level, decision-making. Now there's a precedent, even if it's not in your own state, at least it's a precedent we can try to use in court.

The attachment, communication tips, accommodations. We have the Americans with Disabilities Act and other federal laws.

(New slide.)

And, again, language and sensitivity, indicators of violence, are extremely important for prosecution to understand. If they're talking to someone, they're not using disrespectful language. Interviewing techniques. Capacity. Credibility, consent, undue influence. Mandate of reporting again. And the victims bill of rights again, and hate crimes. Next slide.

(New slide.)

And again, you can tell, there's a lot of stuff in here. For independent living, some web-based resources and a few, a listing of resource studies. So, let's get into the critical issues on the next page.

(New slide.)

Again, the issue of myths and attitudes. First of all, let me say, it was a little difficult to find prosecutors to participate in our state-wide committee because there really wasn't one we could identify in the state that was an expert on this, or that felt really comfortable or confident. So, basically, when I was out doing training in different parts of the state and working with people with disabilities, if there were people in the audience who were prosecuting attorneys I would grab them at break or afterwards and talk to their supervisors and try to recruit people who seemed interested and willing to learn to be on the team.

And what -- I want to tell you the approach, it may be helpful to you. I would talk to a prosecutor and they'd say, I care about this but I'm not an expert. I've only had one case, or no cases. And I'd say, well, we have experts on disabilities. We have people who live with disabilities all their life. And a variety of disabilities. But, we don't know how to prosecute cases so together, we'll make the perfect team. So that's how we recruited the prosecutors to help us work on this.

There were a lot of myths and attitudes on both sides. One of the things we had to deal with, the issue of credible witnesses. I'm going to talk more about that in the training slide. Let's see. On the accommodations -- one of the things we did was we had one of our attorneys on the committee, he was -- he works for the attorney -- yeah, the Attorney General's Office Disabilities Services Bureau. He was an excellent resource. We had him research the cases nationwide at an appellate level, where someone with a disability was allowed to use an accommodation.

We found out, that people have been under appellate court decisions, allowed to testify. One person was tapping a pencil once for yes, and twice for no. That was their testimony in court. It was upheld. Some people are allowed to answer yes/no questions. Some people who use support animals in court. Again, all at appellate court decision level.

Those were great examples to use to help get over the myths and attitudes about who can and can't go to court. We did talk about pretrial motions. And just to give you a couple examples -- because I learned so much about some of this through this process. So, pretrial motion is when the district attorney, state attorney, prosecuting attorney, will take a motion to the judge to kind of get their permission ahead of time rather than surprise them or have something happen during the actual court proceedings.

So, it's a pretrial motion. A couple examples we have in the protocol, one is, oh, testimony by closed circuit television. One of the criteria is, if you have a developmental disability, it might be too difficult for you to testify in front of the person who hurt you. There's a possible, possible allowance that has to go to the judge first. But, all of that information is in there about how the prosecuting attorney could go to the judge ahead of time with a pretrial motion and get permission for the individual to be in a different room and be taped via closed circuit TV.

Another one, which is very complicated, was around outcry statements. So, we really filled the protocol with a lot of information for prosecutors with information that they can use to really increase the likelihood of getting prosecution and offender accountability. Course of conduct, this is to do with expanding how we investigate cases involving non-stranger sexual assault, most importantly.

So, it has three parts. One, of course, we always investigate the incident. But we're going to look at, this is non-strangers, the person has a relationship. We're going to look at pre-assault and post-assault. When did you meet the person? We're going to

look for grooming behavior. We're going to look for threats, bribes, all kinds of things prior to the actual act.

And then, during the act, we're going to look at how that victim did say no, for example, if it's sexual assault. So, did they close their eyes. Did they go to another place. Did they put their legs together. Did they push the person away. They may not have said, "N-O" out loud, but what were the indicators, sometimes, they're confirmed by the defendant even though he says it was consensual.

He might say, she just laid there like a log and looked away, and she might say, I stared at the lamp and went somewhere else to I could tolerate it. And it helps build the case. Post-assault, did the victim lose or gain weight, quit school, have crying spells. You can confirm a lot of that through interviews with the victim, of course, but also family members, staff members, and other people in the person's life.

(Coughing.) Excuse me. So, of course, the conduct is really an expansion of just looking at the actual incident, and best practices. I learned a lot about that from the international association of chiefs to the police. So, I think it's a wonderful thing to include in this type of protocol.

Evidence-based prosecution has to do with, with can prosecute a case even in the victim can't testify for whatever reason. So, if they're too traumatized. If they aren't deemed credible witness or able to. If they just can't for whatever reason. We can still proceed. I think a lot of times, from my history, people have looked at folks and said, well, I can't do anything because they're not a credible witness.

But, we can go to court and build the case with other kinds of corroborating evidence. We have murder trials all the time, there's no victim that testifies. Domestic violence cases now, the victim doesn't have to testify. We can build the case without that. Evidence-based prosecution is something we're really encouraging prosecutors to look at in these situations rather than saying there's nothing we can do.

So, if the prosecutor said, I'm sorry, your loved one or this person is not a credible witness, we can say, what additional evidence do you need? What do you need to file charges that you do not have? And so to get them to thinking, how can I get this corroborated evidence. And of course, we always try to keep the victim informed and support the victim all along so that they know what's happening.

In the beginning, I talked about a person who said, I talked to the police, I talked to my staff, no one ever got back with me. So, it's critical that we keep people informed. (Coughing.) Excuse me, I need a quick drink.

Vertical prosecution basically means that the same detectives or investigator will work with the person throughout the entire investigative process. The same district attorney, prosecuting attorney, will work with the victim throughout the investigative process. This is critically important for people with disabilities so that they're not having a different person talk to them all the time that has to get used to their way of

communication, but also, the victim has to get used to this person. Can I trust them, how do they treat me. It's like starting over every time.

So, we know you limit the number of people and have the same attorney and same investigator, only those two communicating with the person the whole time in terms of the legal aspects of this that things go better. So, vertical prosecution is something that we put in the protocol that I think is really, really important.

(New slide.)

So, what we wanted to do after we got these protocols developed was, how are we going to get this implemented across the state of Illinois? So, our first thing, getting buy-in from state-wide entities. So many of them were on the team, that wasn't a problem. We wanted to do a training of trainers model. There was a discussion of who to include on those teams. I'll talk more about that. Certainly, we wanted the people who helped with implementation to know these cases are winnable, if they don't believe that, we're wasting our time.

We wanted our leaders to know the cases are winnable and care about equal justice. We knew there would come a time when we would have to adapt the training into smaller chunks, because there's just -- depending on budgets in different parts of the state, they may only do training at roll call, so you may have 10 or 15 minutes, several days in a row, maybe or not.

Smaller chunks. Then we continue, day after day, to develop usable tools. We're trying to find an easy to use tool for law enforcement that can with kept in the squad -- can be kept in the squad car right there, so if they need the information on their way to the scene, they can access it very, very quickly. We're still working on that part a lot.

(New slide.)

So, training of trainers. We did five regional trainings. At the beginning, we wanted to say, we need people with disabilities to do the training. This will increase the comfort of people, they will see the person as an expert. So, that was really important. And then, we invited to all of the training of trainers, the centers for independent living. So we not only had law enforcement, prosecution, and victim services there, that could be from rape crisis center, from the domestic violence services and victim's witness coordinators at the court house, but, we invited centers for independent living.

There's 22 or 23 in Illinois, at every one of the five trainings. Of course, in some areas, other types of disability agencies were there, as well, agencies that serve people with intellectual and developmental disabilities were at many of them. We also had people in the audience with disabilities, so, may might be sitting at the same table with the prosecuting attorney.

So a lot of this was to get more of a community collaborative teams spirit going, and also to increase that comfort and confidence. We covered myths versus facts,

consideration, we talked about what's the role of law enforcement and prosecutors. We could not go through all 200 pages of the protocol, so we covered as much as we could.

(New slide.)

Some of the other areas included how to prepare for the interview. Seems like a really important thing for law enforcement to do once they have a little bit more information about the person before they actually go in and do an intensive interview. Not the first report, but a more intensive interview. What to do during the interview, how to interact with people and not touch them, those kind of things.

Different factors that might influence communication. What do you do if you can't understand what someone is saying? What are some of those strategies and tools that some of us automatically do now, we've worked with folks for a long time. But, for someone that hasn't, teaching them to how to do that and communicate to increase the likelihood that the person can understand you.

What are some things you can do to get more comfortable. We talked about the importance of collaboration. Law enforcement doesn't have to be an expert on people with disabilities, but, there's other people in the community that can help with that and vice versa.

(New slide.)

Part of our training was talking about stereotyping, and this is actually a slide right from the train that we did. It's important for each of us to evaluate our own ideas about people with disabilities. To be able to increase our knowledge we must be open to new ideas and to eliminating potentially dangerous assumptions. Let's consider some of the more common understandings.

(New slide.)

Here's one that we had in all of the trainings. People with disabilities are not credible witness is a myth. The fact is, many people with disabilities are credible witnesses. Some may need support. When we did this slide, we actually gave some examples and I'll share a really quick one. I had an officer tell me one time after an initial report, called me in the hall and said, I'm sorry, but she's not a credible witness.

And I said, what do you need that you don't have? He said, she doesn't know when this happened, we can't look for other evidence. I said, she doesn't do clocks and calendars well, but, she knows her schedule, can you talk with her about your activities. So he went in, and found out that she had been watching a specific TV show at that only came on Thursday nights at 7:00.

So, he knew when it happened, and was able to interview and look for evidence throughout the apartment building during that time, and was able to move the case forward. So, that's an example we shared during our work.

(New slide.)

This is a slide that I really like, and I forgot to take older adults out of this

because I've used it in training with adult protective services who work with adults. But, attitudes with people with disabilities. I love this slide. All of us, everything that happens to us up until this moment is our personal history.

And that includes attitudes. Attitudes about crime victims, attitudes about older adults, people with disabilities, and our attitudes lead to behavior, and that has results. Helping people to rethink their attitudes and be I aware of them, is a really cool part of our training.

People with disabilities did most of this part of the training because it made sense. So, the next slide.

(New slide.)

So, another really important part of the training was about accommodation, because, of course, many people with disabilities need an accommodation to participate equally and fully, so this is one of the slides. Determined if the victim needs accommodation so they can fully participate. And of course, the person is the expert on what they need and it's okay to ask.

We would roleplay people asking, is there anything you need so we can get along well, so you can feel more comfortable. Do you need any accommodation. People actually practiced different ways of saying that. In some situations, you may need another person to explain the accommodation. Maybe a family member of a staff member, a speech therapist could be someone involved in that person's life.

The other thing we found out from people with disabilities was, after you get an accommodation set up, check in to make sure it's working for them because sometimes it's not. You know, sometimes something just isn't working the way they thought it would work.

(New slide.)

We also did training on culture of compliance, and the whole issue was the issue around people who have been trained to be compliant and may get in trouble if they're not, or may get written up if they're not. We wanted to make sure the officers and anyone doing an investigation understood that this is very common pattern in people with disabilities, and they need to be able to kind of be aware of that so if someone else is in the room when you ask the victim a question, they always look at the other person, you may have an issue of compliance. They're wanting to see what the other person thinks they should say, or have them speak for them.

We talked about interviewing the person in private when possible. You want to en-- you want to assure the person they're not in trouble, you're there to help them, you want them to be safe and you need to know what happened and spend some time building trust. Interviewing the person alone really helps with this. And, re-asking questions, asking a general or third-person question.

If your best friend, you know, needed help with XYZ, or they had someone hurt

them, what would you want them to do. To get help, would the person get in trouble, you know, you just work through some of those feelings related to this whole compliance issue. Next slide.

(New slide.)

We also knew it was important for officers to understand that if, they arrest someone who's a caregiver, they may be leaving this person in a situation where they're not going to get their daily needs met. We wanted them to explore the relationship between the victim and offender. What tasks does that person do, do you have someone else who can do them, and figure out an arrangement for daily needs to be met. That was really important to be able to do with folks.

(New slide.)

This is back to assessing the context, and I think I covered this pretty well in course of conduct, it's the same thing. But, 97% of the time or so, people with disabilities are victimized by people they know. It's important to investigate the context of that relationship, and that's that course of conduct. Pre-assault, assault, and post-assault, we talked about that earlier. But, we spent a lot of time during the training of trainers on this. We also talked with them about -- well, we talked to them about judgments that are frequently made when any victim of a traumatic event, especially sexual assault, if you interview them pretty soon after that happens, there's going to be some memory issues because parts of the brain shut down in order to survive.

And so, until the person's had two sleep cycles, some nourishment and support, you're not going to get valid information, or full, complete information. So we talked with them about that, as well as, as the course of conduct. Is to wait and do a thorough investigation after two sleep cycles, after some nourishment, and after some support, very important. I think we're ready for the next slide.

(New slide.)

So, our desired outcome was to increase the capacity of law enforcement and prosecutors to pursue justice when the victim has a disability. That is so important. We know that victims with disabilities far too often don't get justice when they have crimes against their bodies. We know offenders are not held accountable very often, and that probably increases the incidence.

We want people with disabilities to have equal access to the criminal justice system and we feel when that happens, and as that is happening we will decrease the incidence of violence and abuse against people with disabilities because offenders will now.

(New slide.)

I don't believe you need this page, I think Kathryn set it up for you to have access. Thank you for doing that. I like to end with a quote, and this is Helen Keller. "I am only one, but still, I am one. I cannot do everything, but still I can do something. I will

not refuse to do the something I can do."

I know what I presented with you is one model, one way of doing things. And I don't expect you to go out and do this, but I wanted to show you a way that it can be done when people come together in collaboration and with respect, and where a -- with a willingness to learn and understand each other. We can make a difference. None of us can do this work alone. We have to come together and work as teams and communities and states.

So, I will open it up for questions now and we'll see where we're at.

>> KATHRYN WALKER: Sorry, I forgot to un-mute my mic. Thank you, Shirley, for a great presentation. Here in a minute I'm going to start reading some questions that you've submitted in the chat box. You can keep submitted those now if you come up with questions. If your question is not answered during the webinar, we'll follow up during email afterwards. It will not go unanswered.

After the webinar, there's a short survey for you to fill out, and a link to register for the June webinar. We'll be welcoming Molly Kennedy, a PSA about abuse of people with disabilities and why it's unacceptable, and they're going to give other self-advocates tips on how to stop abuse. That's coming up next month. And now to the questions.

This one is from Jean, and she says, I would be interested in knowing about -- more about the funding used to develop and sustain this program and how that funding was accessed. So, Shirley, I'm going to un-mute you and let you handle that one.

>> SHIRLEY PACELEY: That's a really, really good question. I do a lot of work with different grants, and this is one of them. And it was part of an arrest grant, which is a federal grant through the Office on Violence Against Women that focuses on increasing arrests and the use of orders of protection. The larger part of this grant was around developing state-wide protocols for domestic violence and for elder abuse.

And for the first time, they pulled in people with disabilities. So, the protocols were developed completely from scratch. There was not one word written. It took a really long time. Close to two years just to write them. Then, several months to do the training of trainers. The way we have it set up, though, is that it should be sustained without any funding. Because we have it set up so each circuit, there's 23 in Illinois. Each one has a collaborative team on all kinds of violence, and now it includes people with disabilities.

It's always included elder abuse and domestic violence, but now it includes people with disabilities, and that's the self-sustaining type of teams that happen in every community. It started out as a very small part of an arrest grant, very small part financially, not even 1/10. And so, but, hopefully, over time -- and most of the money went to people with disabilities and myself, that facilitated the whole thing, and people

with disabilities as consultants.

So, that's where the money was, and we hope it can continue to grow and be sustained now that the resources are out there. Does that make sense?

>> KATHRYN WALKER: Thank you. The next question --

>> SHIRLEY PACELEY: You're welcome.

>> KATHRYN WALKER: Is from Jessica. And she's wondering if you're familiar with facilitated communication, and if so, she's seen that used in criminal prosecution.

>> SHIRLEY PACELEY: I am familiar with it. I have not been involved in a case personally. I'm familiar with some of the pros and cons. We did include it in the protocols as an alternative communication tool. We didn't recommend it or not recommend it, we just put the information in there as a way that someone could, you know, may come across a person who uses facilitated communication and you want to make sure that you do your due diligence around making sure that the person who's the facilitative communicator is professional and qualified to do that.

We put some information in there, but I have not seen that personally. I've read some of the studies on it, but we did include it.

>> KATHRYN WALKER: All right, next question is from Tony Anderson. And he says, the topic of mandated reporters was touched on quickly. Are there components that encourage police to charge non-reporting mandated reporters?

>> SHIRLEY PACELEY: That wasn't part of the protocol. We were trying to get the mandated reporting, the police to know when they were mandated reporters, and work with mandated reporting investigators. One of the things I know that has happened a lot in Illinois is that, a lot of the police departments have a memoranda of understanding with the adult protective services. So, sometimes adult protective services may be called out to a home four or five times, but it hasn't reached a criminal level, or police weren't notified.

Then, it reaches a criminal level, police are noticed, they can sometimes access the previous reports of those visits to help build the pattern of abuse that was escalating. So, we did not approach it from that perspective. I would think that you'd have to look at each state's laws to do that. That's a good question. I'm going to write myself a note to take that to the team. (Chuckling.)

>> KATHRYN WALKER: There you go, thanks, Tony.

>> SHIRLEY PACELEY: Thanks.

>> KATHRYN WALKER: That question is from Leigh Ann Davis, she wants to know, what is the most important accommodation that seems the most common for people with IDD.

>> SHIRLEY PACELEY: I think the most common one, and we try to get people to do this in all of their interactions, is use of plain language. You know, not using acronyms. Not using big, complicated words. Talking slow, allowing the person time to

respond. Not doing the rapid-fire questioning. The active listening. And understanding, not to pretend that you can understand someone when you don't understand them. And helping law enforcement -- you may be uncomfortable saying, can you repeat that, but that's the respectful thing to do. Let the person know it's important what you're saying, I want to understand, can you repeat that.

And then, you know, the strategies that follow that, like repeat the words that you do understand. So, communication is the big one for people with intellectual developmental disabilities, I probably said more than you wanted me to, but, plain language is always important.

Anyone who's had a trauma, your mental processes are a little different. Using plain language only helps. Good question, Leigh Ann.

>> KATHRYN WALKER: The next question is from Bruce, and he wants to know, if you are involved in training for corrections at jails in prisons.

>> SHIRLEY PACELEY: No, I have not really had any of that.

(New slide.)

>> KATHRYN WALKER: Okay. Does anyone else -- I've covered all the questions so far in the Q&A and the chat box, so if there are no other questions -- if you think of them later, please feel free to email us. Let's get the email address up here. NCCJDinfo, if you come up with any questions.

>> SHIRLEY PACELEY: My email, and my phone number, if anybody has a question.

>> KATHRYN WALKER: Here's one more question. Does the defense attorney have to follow the same accommodations?

>> SHIRLEY PACELEY: That's a really good question. We recommend it in the protocols for the prosecuting attorneys that they file a pretrial motion for the accommodation. If they file a pretrial motion and the judge approves it, then the defense attorney has to do that. If there's not a pretrial motion, then they would not have to. If the court makes a ruling ahead of time that this accommodation must be followed, then they would have to. It's a good question.

>> KATHRYN WALKER: All right --

>> SHIRLEY PACELEY: Let me say one more thing about pretrial motions, because I learned this about a year ago talking to a attorney in Montana. He was working on a case about disabilities, and her mother very strongly did not want her to testify. And so, the prosecuting attorney had done a pretrial motion, to keep the mother out of the courtroom. He was interviewing the victim, she was looking at a window and getting nervous. The mother was looking through the little window of the door, so they had to call a recess and -- motion to exclude the mother from the building of the trial.

So, that's a really great example of how you can use pretrial motions, and that was all related to her trying to manipulate the daughter and say or not say. So, pretrial

motions I think are a great tool, and if the judge orders this, then it has to be followed.

>> KATHRYN WALKER: All right, and we've got another question here from Alicia Rayford, and she wanted to know, is the public defender's office using these protocols as well?

>> SHIRLEY PACELEY: No. I mean, they're not denied to anybody. Actually, one of the prosecutors that helped us write the protocols, right when we finished them left the state attorney's office and went into private practice. He said I'll probably be sorry I helped write these so well, because now it's going to make it harder for me to defend the bad guys. I told him he was going to the dark side and shame on him, but, yeah, they're not denied from anybody.

And it's not like it's mandated. It's a best practice. And a lot of -- what is happening is, the individual circuits are adopting them, so it's really prosecution and law enforcement. But, anyone can access them.

>> KATHRYN WALKER: All right, well, Shirley, I think we're going to wrap up. Do you have anything else to add today?

>> SHIRLEY PACELEY: I don't think so. I hope this has been helpful. It's one mod toll approach the issue of lack of access to criminal justice, and equal justice. I hope it's been helpful, and we really do make a difference. I appreciate all that all of you do.

>> LEIGH ANN DAVIS: Can you hear me?

>> KATHRYN WALKER: Yes.

>> LEIGH ANN DAVIS: I just wanted to say thank you so much to Shirley. She and I have been working together for many years on this issue, and she has become a wonderful resource and is an amazing trainer. She has done so much around this issue. So I just want to thank you, Shirley, for being on the webinar today and just giving all that you give on this issue. Thank you so much for spending your time with us.

>> SHIRLEY PACELEY: Thank you, Leigh Ann, it's a pleasure to work with you.

>> KATHRYN WALKER: Yes, I will second that. Thank you so much Shirley Paceley for the wonderful presentation, and thank you for participating today, and email us questions if you come up with them. Otherwise, we'll see you in June.