

Model Protocols to Guide the Criminal Justice Response to Victims with Disabilities



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National Center on
Criminal Justice & Disability

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Welcome!

- First time using webex?
 - You can communicate with other attendees or the host in the **Chat Box** and seek technical assistance if needed.
 - You can type questions about the material presented in the **Q&A** section.
- Today's webinar will be **recorded and archived** on the NCCJD website. Please keep this in mind when sharing information and experiences during the webinar.

Polling Question

In determining the need for an accommodation for a victim with a disability, an officer should:



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Polling Question

Course of conduct includes: Check all that apply



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Polling Question

A prosecutor tells you (parent, support staff, advocate) that no charges will be filed because the victim is not a credible witness, so you:



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Plan for our time together

- Words of survivors
- Why the protocols were developed
- Protocol development team
- Law enforcement protocol content
- Prosecutor protocol content
- Critical issues
- Desired Outcomes



Read Around

- In the words of people with disabilities...



In the beginning

- Statewide efforts to address sexual violence against people with disabilities
- The parameters did not include criminal justice
- Increased reporting and pressure on the system to respond more effectively

Building the Collaborative Team

- Nothing About Me Without Me
- Self-advocates
- Sexual Assault and Domestic Violence Unit
- Illinois Family Violence Coordinating Council
- Blue Tower Training
- Attorney General's Office—Disability Services Division
- Illinois Department of Aging

Building the Collaborative Team

- State Police
 - Community Detectives
 - Prosecutors
-
- Who would you want on your team?



Developing Trust

- A critical step
- Being able to listen to all sides of the issue was important. People with disabilities needed to be able to say what the problems have been in the past to help us move forward. Law Enforcement needed to be able to share their perspective. If we did not have mutual respect, no meaningful work could happen.

Law Enforcement Protocol-1

Introduction:

- Needs Statement
- Purpose of Protocol
- Criminal Statutes

Guidelines:

Policy Statement

Policy Components



Law Enforcement Protocol-2

Model Investigative Procedures:

- Response Procedures
- Law Enforcements Responsibility
- Mandated Reporting
- Evidence Collection
- Continuing Investigation
- Arrest
- Joint Investigations



Law Enforcement Protocol-3

Attachments:

- Communication Tips
- Accommodations
- Language and Sensitivity
- Indicators of sexual assault/physical violence
- Investigative Interview Techniques
- Capacity, Consent and Undue Influence

Law Enforcement Protocol-4

Attachments-continued:

- Mandated Reporting Entities and Definitions
- Hate Crimes
- Crime Victim Bill of Rights (plain language)
- ICJIA—Measuring Hate Crimes in Illinois
- Resource Directory
- Centers for Independent Living

Law Enforcement-Critical Issues

- Myths and attitudes
- Evidence Collection: Wheelchairs, communication devices
- Trauma-Informed Response
- Variation among different jurisdictions
- Finding ways to simplify the information
- Accommodations—cost and timeliness
- Increasing comfort and confidence
- Being proactive

Prosecutor's Protocol-1

Introduction:

- Needs Statement
- Purpose of Protocol
- Criminal Statutes of Crimes

Guidelines:

Policy Statement

Policy Components



Prosecutors' Protocol-2

Sexual Assault:

- Response Procedures
- General Considerations
- Charging Crimes of Sexual Violence
- Identifying Elements of the Crime
- Analysis of Evidence
- Prosecutorial Investigation

Prosecutor's Protocol-3

Preparing Sexual Assault Cases:

- Pre-Trial Motions
- Preparing the Victim to Testify

Trial of Sexual Assault Cases:

- Jury Selection
- Opening Statement
- Case in Chief
- Direct Examination of Victim
- Evidence-Based Prosecution
- Sample motion to exclude mental health records of victim
- Argument

Prosecutor's Protocol-4

Domestic Violence:

- Same outline as for sexual assault

Criminal Statutes:

- Case Law

Attachments:

- Communication Tips
- Accommodations
- ADA, Federal Laws



Prosecutor's protocol-5

Attachments-continued:

- Language and sensitivity
- Indicators of violence
- Interviewing Techniques
- Credibility, Consent and Undue Influence
- Mandated Reporting Entities and Definitions
- Crime Victim Bill of Rights (plain language)
- Hate Crimes

Prosecutor's protocol-6

Attachments-continued:

- Centers for Independent living
- Web-based resources
- Research Studies

Prosecution—Critical Issues

- Myths and Attitudes
- Accommodations
- Jury Selection
- Pre-Trial Motions
- Course of Conduct
- Evidence-Based Prosecution
- Vertical Prosecution

Statewide Implementation

- Buy in from Statewide entities
- Training of Trainers Model
- Who to include on training teams?
- Know these cases are winnable
- Care about equal justice
- Adapting training so can be done in smaller chunks (like at Roll Call)
- Continue to develop useable tools

Training of Trainers

- Role of self-advocates
- Centers for Independent Living
- Covered Myths vs. Facts
- Covered victim considerations
- Law Enforcement and Prosecutors Role
- Five regional trainings

Essential Training Areas

- Preparing for the Interview
- During the interview
- Factors influencing Communication
- What to do if you can't understand what a person is saying
- Expressive communication
- Increasing comfort and confidence
- Collaboration

Are you stereotyping?

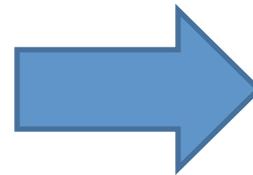
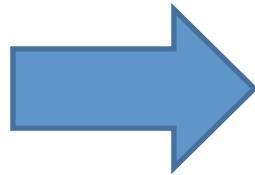
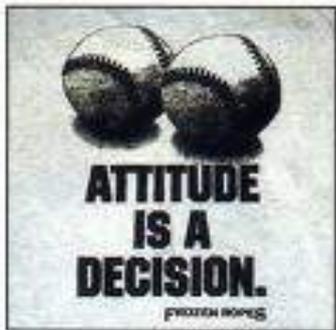
- It is important for each of us to evaluate our own ideas about people with disabilities. To be able to increase our knowledge we must be open to new ideas and to eliminating potentially dangerous assumptions. Let's consider some of the more common misunderstandings.

Myth vs. Fact –one sample

- People with disabilities are not credible witnesses
- Many people with disabilities are credible witnesses. Some may need supports.

Attitudes about older adults and people with disabilities

- Personal history
- Personal attitudes about crime victims
- Personal attitudes about older adults and people with disabilities
- Attitude---Behavior---Results



Accommodations

- Determine if the victim needs any accommodations in order to fully participate in the investigation
- The person is the expert on what they need; it is okay to ask
- In some situations, another person may need to explain the accommodation needed
- Check in to see if accommodations are working

Culture of Compliance

- Does the victim appear to want to give the right answer and please others? (This is a common pattern in people with disabilities)
- Assure person they are not in trouble.
- What strategies can be used to lessen this tendency, i.e. build trust, interview alone, re-asking question, asking general or 3rd person question?

Determining Needs: Questions to Ask

Determine the relationship between the victim and the offender.

Ask: What tasks does he/she do for you?

Ask: Do you have someone else who can do this for you?

If caregiver is the offender, discuss/arrange for daily needs to be met

Assess the Context

- 97% of the time, people with disabilities are victimized by people they know. It is critical to investigate the context of the relationship; response during assault and response following the assault.
- Pre-assault(s)
- Assault
- Post-assault

Desired Outcome



- Increase capacity of law enforcement and prosecutors to pursue justice when victim has a disability
- Hold offenders accountable when victim has a disability
- People with disabilities have equal access to criminal justice system.
- Decrease incidence of violence/abuse against people with disabilities

To access the protocols

- www.ifvcc.org

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.

Helen Keller



Communicating with the Speaker After Today

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Next Webinar

- Attend the next webinar on **June 26th!**
- Sign up to receive email alerts
- Use I&R/TA service, and refer others
- Share your story and raise awareness

Contact us at:

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Questions?

Survey:

- <http://fs8.formsite.com/thearcwebinar/form55/index.html>

Next Webinar:

- June 26th featuring self advocates Molly Kennedy and Kecia Weller on abuse issues.

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