

## FROM CRIME SCENE TO SENTENCING

### Advocating for Crime Victims With Disabilities

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## Workshop Goals

- ▶ To develop a basic understanding of the criminal justice system
- ▶ Acquire general knowledge of Crisis Intervention
- ▶ Create a list of allied professionals to assist crime victims with a disability
- ▶ Expand services in your community to respond to crime victims with disabilities

## Disabilities

- ▶ Physical
- ▶ Developmental
- ▶ Mental
- ▶ Combination of the three

## Physical Disabilities

Sight Impairments

Hearing Impairments

Mobility Impairments

## Developmental Disabilities

- ▶ Chronic and severe
- ▶ Usually appears in childhood
- ▶ The impairment limits several major activities of daily living
- ▶ Can be a combination of physical and mental impairments

## The D.D. Population and Abuse

- ▶ Developmental Disabilities Include:
  - Learning and processing difficulties
  - Minor to severe mental retardation
  - FASD (fetal alcohol syndrome disorder)
  - Down Syndrome

## Statistics to Know About D.D.

- ▶ About 5% of Americans have a developmental disability
- ▶ 79% of this population overall has been a victim of sexual abuse
- ▶ 83% of women in this population have been the victim of a sexual assault at least once in their life

## Mental Health

Variety of *distinct brain disorders* which limits a persons ability to meet the ordinary demands of life

Requires a specific diagnosis that is made only by qualified professional

## Mental Illness Can

- ▶ Disrupt an individuals ability to process thoughts
- ▶ Impair memory
- ▶ Affect moods
- ▶ Can disrupt a person's ability to reason and relate to others
- ▶ Affect sensory perception

## Behavior Indicators

- ▶ Confusion
- ▶ Hallucination
- ▶ Unfounded anxiety, fright, agitation
- ▶ Memory loss
- ▶ Delusions and paranoia
- ▶ Unintelligible conversation

## Working with a Mentally Ill Crime Victim

- ▶ Try to limit distractions
- ▶ Do not touch the person without permission
- ▶ Speak directly to the person in a calm tone
- ▶ Understand that most mentally ill people are not dangerous
- ▶ Understand that some may become violent
- ▶ Have a safety plan in place in the event the person becomes agitated or aggressive

## PROFOUND IMPACT OF CRIME

Crime may have caused the disability, exaggerated an existing disability or caused an additional disability

Financial Impact

Threaten Independence

Impaired Communication

Isolation

# Criminal Justice System

- Crime
- Investigation
- Charging Instrument
- Arrest
- Arraignment
- Trial
- Verdict
- Sentencing

# Let's Start at the Beginning



## Call Out

Happens any time of the day or night.



## Best Practice

- ▶ Whenever possible dispatch an advocate who has additional training in working with crime victims with a disability.

## Who will be there?

### Crime Scene

- Victim
- Law Enforcement
- Medical (EMT)
- Forensics Investigators
- Family
- Caregiver
- Medical Examiner
- Prosecutor
- On Lookers

### Hospital

- Victim
- Law Enforcement
- Medical Staff
- Family
- Caregiver
- Forensics Examiner
- Other patients

## Upon Arrival

- Speak to the officer and gain as many facts as you can about the victim
- General information regarding the crime
- What is the victim's disability
- Is the victim alone or is there a support person with him/her
- Status of the suspect

## Meeting the Victim

- ▶ Find a quiet and private place to talk with the victim
- ▶ Introduce yourself
- ▶ Ask the crime victim if you can speak to him/her alone
- ▶ Tell the victim you are here to help him/her through this entire process
- ▶ Assess the victim's crisis level and respond accordingly.
- ▶ Provide appropriate crisis intervention

- Tell the victim you are sorry this happened to them
- What happened is NOT his/her fault
- Tell the victim he/she is safe now.
- ASK if there is anything the victim needs right now
- Answer the victim's questions honestly

## Building Trust

- ▶ Treat the victim with absolute respect
- ▶ Do not talk down to the victim but regularly check in to be sure they are tracking information being given
- ▶ Use CREDO:
  - ▶ Compassion
  - ▶ Respect
  - ▶ Empathy
  - ▶ Dignity
  - ▶ Openness

## The Investigation

Included in the investigation are:

- ▶ Road Officers
- ▶ Detectives
- ▶ Forensics Evidence Specialists
- ▶ Medical Examiner
- ▶ Forensic Medical Personnel
- ▶ State Crime Lab

## Interviews

- ▶ Responding officers
- ▶ Detective
- ▶ Medical personnel
- ▶ Children's center
- ▶ Social Services
- ▶ District Attorney
- ▶ Grand Jury
- ▶ Defense Attorney
- ▶ Trial

Whenever the victim is interviewed, the advocate should be present to provide support.

## Allied Professionals

- ▶ Ask victim to sign a Release of Information so you can coordinate assistance for the victim with other agencies
- ▶ Details of the crime are not necessary to obtain assistance for the victim
- ▶ If you are unfamiliar with the confidentiality policy of an agency be sure to ask about it before sharing any information

## Multidisciplinary Teams (MDT)

- ▶ Consist of
  - Law Enforcement
  - Social Services
  - Adult Protective Services
  - Social Workers from local hospitals
  - District Attorney
  - Victim Advocate
  - Mental Health
  - Nonprofit Agencies
  - Fire and Rescue
  - Private Attorney's

## MDT is helpful because

1. You are familiar with community resources
2. You already have an understanding of the kinds of services various agencies provide
3. You have developed a working relationship with allied professionals
4. Staff cases on a regular basis
5. There is already a confidentiality policy in place so the case can be staffed without using the victim's name

## General Crime Definitions

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### Misdemeanor

- ▶ a lesser crime punishable by a fine and/or county jail time for up to one year. Misdemeanors are distinguished from felonies, which can be punished by a state prison term. They are tried in the lowest local court such as municipal, police or justice courts.

### Example

- ▶ petty theft,
- ▶ disturbing the peace,
- ▶ simple assault and battery
- ▶ drunk driving without injury to others,
- ▶ drunkenness in public,
- ▶ various traffic violations
- ▶ public nuisances

## Felony

### Definition

- ▶ n. 1) a crime sufficiently serious to be punishable by death or a term in state or federal prison, 2) a crime carrying a minimum term of one year or more in state prison.
- ▶ Felonies are sometimes referred to as "high crimes" as described in the U.S. Constitution.

### Example

- ▶ Sex Crimes
  - Rape
  - Sodomy
  - Sex abuse
- ▶ Robbery
- ▶ Identity Theft
- ▶ Assault
- ▶ Arson
- ▶ Murder

Some crimes can be charged either as a felony or misdemeanor depending on the circumstances and the discretion of the District Attorney.

## Charging Instrument

- ▶ Grand Jury Indictment
- ▶ Information

## ARRAIGNMENT

- ▶ The defendant appears before the court and is told with which crimes he is being charged
- ▶ If he is not already in custody he may be arrested at this point
- ▶ The court will determine the amount of bail or if the defendant may be released on his own recognizance
- ▶ The court will set the date of the trial
- ▶ The victim is not required to be present at this hearing.

## Preliminary Hearing

- ▶ Defendant is arrested before the Prosecuting Attorney is able to bring the case before the Grand Jury
- ▶ Defendant appears before the court and is charged with the crimes for which he/she was arrested
- ▶ This allows the court to set bail
- ▶ Defendant is told the date and time of the next hearing.

## TRIAL PREPERATION

- ▶ As the trial draws near the prosecutor may want to meet with the victim.
- ▶ This may be the first time the victim and prosecutor have met
- ▶ It can be a difficult meeting because the victim may feel he/she is reliving the crime
- ▶ Can be exhausting for the victim

## TRIAL

Fears can include:

- ▶ Seeing the defendant
- ▶ Testifying
- ▶ Being blamed
- ▶ Not being believed
- ▶ Getting confused
- ▶ Having to talk about embarrassing things
- ▶ Issues surrounding the victim's disability

## TRIAL

- ▶ Includes:
  - Jury selection
  - Opening Statements
  - Prosecutor's Case In Chief
  - Defense's Case
  - Closing Arguments
  - Jury Instructions
  - Verdict
  - Sentencing

## Criminal Justice System

- ✓ Crime
- ✓ Investigation
- ✓ Charging Instrument
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**This can easily take up to a year or more to complete**