

**MEMORANDUM OF UNDERSTANDING
FOR THE REPORT AND INVESTIGATION OF ABUSE OR CRIMES
COMMITTED AGAINST A PERSON WITH A DISABILITY**

I.STATEMENT OF PURPOSE

The purpose of this Memorandum of Understanding is to provide a framework for the prompt and effective report and investigation of abuse or crimes committed against a person with a disability. This memorandum identifies the reporting and investigatory responsibilities of law enforcement personnel and persons and agencies providing services to a person with a disability. It applies to abuse or crimes committed against a person with a disability occurring in **HAMPDEN COUNTY**.

II.PARTICIPATING AGENCIES

Office of the Hampden District Attorney:

Name
District Attorney
Address
Phone

Disabled Persons Protection Commission (DPPC):

Nancy A. Alterio
Executive Director
300 Granite Street, Suite 404
Braintree, MA 02184
(617) 727-6465

Massachusetts State Police (MSP):

Colonel Kerry Gilpin
Superintendent
Massachusetts State Police
470 Worcester Road
Framingham, MA 01702
(508) 820-2300

Department of Developmental Services (DDS):

Jane Ryder
Commissioner
500 Harrison Avenue
Boston, MA 02118
(617) 727-5608

Department of Mental Health (DMH):

Joan Mikula
Commissioner
25 Staniford Street
Boston, MA 02114
(617) 626-8000

Massachusetts Rehabilitation Commission (MRC):

Toni A. Wolf
Commissioner
27 Wormwood Street
Boston, MA 02210-1616
(617) 245-6543

III. GOALS

Compliance with the terms of this Memorandum of Understanding achieves the following goals:

- A. To provide protection, treatment and continuity of care for a person with a disability who is a victim of abuse or crime;
- B. To ensure abuse or crimes committed against a person with a disability are promptly and effectively reported and investigated;
- C. To enhance communication and cooperation between law enforcement personnel and persons and agencies providing services to a person with a disability; and
- D. To increase awareness of abuse or crimes committed against a person with a disability.
- E. To encourage the utilization of a multidisciplinary approach in investigating crimes against persons with disabilities when appropriate and possible.

IV. THE REPORT AND INVESTIGATION OF ABUSE OR CRIMES COMMITTED AGAINST A PERSON WITH A DISABILITY

- A. For purposes of this Memorandum of Understanding, “*person with a disability*” shall mean a person between the ages of eighteen to fifty-nine, inclusive, who is a person with an intellectual or developmental disability as defined by section 1 of chapter 123B, or who is otherwise mentally or physically disabled and as a result of such mental or physical disability is wholly or partially dependent on others to meet his daily living needs. *G.L. c. 19C, § 1.*

Note: “Person with a disability” shall have the same definition as “disabled person” within Massachusetts statutory law.

- B. Mandated reporters under *G.L. c. 19C, §§ 1, 10 and 13* and *118 CMR 2.02* **MUST** report to DPPC all cases of abuse, defined by *G.L. c. 19C, § 1* as “an act or omission which results in serious physical or emotional injury to a [person with a disability]”. In addition to the cases of abuse, reports shall be filed for, but not limited to, the following:

1. All cases in which a person with a disability has died;
 2. All cases in which a person with a disability is the victim of crime under *G.L. c. 265*,
 - § 13A Assault or Assault and Battery,
 - § 13F Indecent Assault and Battery or Assault and Battery on a Person with an Intellectual Disability,
 - § 13H Indecent Assault and Battery on a Person Fourteen or Older,
 - § 13K Assault and Battery on a Person with a Disability (including neglect),
 - § 13M Assault and Battery on a Household Member,
 - § 14 Mayhem,
 - § 15 Assault to Murder or Maim,
 - § 15A Assault and Battery by Means of Dangerous Weapon,
 - § 15B Assault by Means of a Dangerous Weapon,
 - § 15D Strangulation or Suffocation,
 - § 17 Armed Robbery,
 - § 18 Armed Assault to Rob or Murder,
 - § 19 Unarmed Robbery,
 - § 20 Assault to Rob or Steal,
 - § 22 Rape,
 - § 24 Assault to Rape,
 - § 26 Kidnapping,
 - § 37 Violations of Constitutional Rights,
 - § 39 Assault or Battery for Purpose of Intimidation,
 - § 43 Stalking, and
 - § 43A Criminal Harassment;
 3. All cases in which a person with a disability is the victim of a crime under *G.L. c. 266*,
 - § 25 Larceny from a Person,
 - § 30 Larceny, and
 - § 37E Identity Theft;
 4. All cases in which a person with a disability is the victim of a crime under *G.L. c. 272*,
 - § 3 Drugging Persons for Sexual Intercourse,
 - § 7 Support from, or Sharing, Earnings of Prostitute, and
 - § 35 Unnatural and Lascivious Acts;
 5. All cases in which a person with a disability has suffered a serious bodily injury as a result of a pattern of actions or inactions by a caretaker, defined by *G.L. c. 19C, §5(5)*;
 6. All cases in which a person with a disability has been financially exploited, defined by *G.L. c. 19B, §§ 19(e)(17) and (m)(1)*; and
 7. All cases in which a person with a disability is the victim of any crime.
- C. A report of abuse or crime committed against a person with a disability shall be made to the **DPPC Hotline [(800) 426-9009]** for screening by DPPC and the DPPC State Police Detective Unit (DPPC SPDU), under *G.L. c. 19C, §§ 3(i) and 4(c)*, and may be made to other local law enforcement and emergency personnel, where appropriate.

- D. Upon receipt of a report of abuse or crime committed against a person with a disability, DPPC will make a determination as to whether the report will be assigned for an adult protective service (APS) investigation, under *G.L. c. 19C, § 4*, and will notify the DPPC SPDU and appropriate APS agency of its determination.
- E. Upon receipt of a report of abuse or crime committed against a person with a disability, the DPPC SPDU shall screen the report and notify the ADA (or designee), and/or local law enforcement and emergency personnel, where appropriate, under *G.L. c. 19C, § 5(5)* or in their discretion.
- **ADA (or designee) contact in XXXX County for notification of criminal investigation:** *insert ADA name, title, by email at insert email address_or by telephone at (xxx) xxx-xxxx (office) or (xxx) xxx-xxxx (cell) or by fax at (xxx) xxx-xxxx; and insert information on additional people to be notified of criminal investigation.*
- F. Upon receipt of a report of abuse or crime committed against a person with a disability, the ADA (or designee) shall determine whether the report requires criminal investigation. If so, the ADA (or designee) shall determine, first, what agency (*Insert County DA SPDU, DPPC SPDU or local police department*) will conduct the criminal investigation; and then, notify DPPC of the decision within twenty-four (24) hours upon receipt of a report of abuse or crime committed against a person with a disability. DPPC, in turn, will notify the respective APS agency of such decision. In those instances where the ADA (or designee) assigns for criminal investigation a report of abuse or crime committed against a person with a disability, the ADA (or designee) shall supervise the criminal investigation until a determination has been made to accept or decline the case for criminal prosecution.
- **DPPC contact for notification of criminal investigation:**
DPPC Criminal/APS Coordinator, by email at DPPC.LE.Liaison@massmail.state.ma.us or by telephone at (617) 727-6465 (office) or (xxx) xxx-xxxx (cell) [*insert name of SPDU Officer*]; or at (617) 727-6465 (office) or (xxx) xxx-xxxx (cell) [*insert name of Criminal Liaison Officer*].
- G. Upon receipt of a report of abuse or crime committed against a person with a disability that has been referred to an ADA (or designee), the APS agency directed by DPPC to conduct the APS investigation (DDS, DMH or MRC), first, shall assign an investigator to conduct that investigation; and then, will notify DPPC of the investigator's name and contact information within 24 hours upon the agency's receipt of the report of abuse or crime committed against a person with a disability. In those instances where the ADA (or designee) has assigned the same report of abuse or crime committed against a person with a disability for criminal investigation, DPPC will provide the APS investigator's contact information to the respective ADA (or designee) so that the civil and criminal investigations can be coordinated.
- **DPPC contact for notification of assigned APS investigator: DPPC Criminal/APS Coordinator, by email at DPPC.LE.Liaison@massmail.state.ma.us or by telephone at (617) 727-6465**

(office) or (xxx) xxx-xxxx (cell) [insert name of SPDU Officer]; or at (617) 727-6465 (office) or (xxx) xxx-xxxx (cell) [insert name of Criminal Liaison Officer]; and

- **ADA (or designee) contact in XXXX County for notification of assigned APS investigator:** *insert ADA name, title, by email at insert email address or by telephone at (xxx) xxx-xxxx (office) or (xxx) xxx-xxxx (cell) or by fax at (xxx) xxx-xxxx; and insert information on additional people to be notified of assigned APS investigator.*

- H. When the ADA (or designee) assigns, for criminal investigation, a report of abuse or crime committed against a person with a disability and DPPC assigns, for an APS investigation, that same report of abuse, the ADA (or designee) shall contact the APS investigator within 24 hours of receipt, from DPPC, of the APS investigator's contact information. As long as the District Attorney retains jurisdiction of the matter, the ADA (or designee) shall supervise the coordination of the criminal and APS investigations. The criminal investigator shall make every reasonable effort to include the APS investigator in all aspects of the criminal investigation. This shall include, but not be limited to, sharing information and conducting joint interviews (of the alleged victim, reporter, other witnesses or alleged abuser) and site visits. The APS investigator shall assist the ADA (or designee) with the interview of a person with a disability or other witness, share information concerning the services provided by his/her agency to all involved parties, and, where allowed by statute, obtain files and records from prior investigations involving the same alleged victim or alleged abuser. The APS investigator shall protect the alleged victim's or alleged abuser's privacy rights, as required by law, during the criminal investigation and recommend protective services in a timely manner.
- I. When the ADA (or designee) determines that the APS investigation should be deferred, based on the serious nature or unique circumstances of a report of abuse or crime committed against a person with a disability, the ADA (or designee) may request that DPPC defer its APS investigation for up to a forty-five (45) day period. All requests to DPPC for the deferral of an APS investigation shall be made within 24 hours of the ADA (or designee)'s receipt of a report of abuse or crime committed against a person with a disability and, in accordance with paragraph F of this Memorandum of Understanding, shall be included in the notification to DPPC of the ADA (or designee)'s intent to assign the report for a criminal investigation. The written request for the deferral of an APS investigation shall state the basis for the request. Deferral shall mean that the APS investigation will be postponed until the criminal investigation is sufficiently completed, so that completion of the APS investigation will not compromise the criminal investigation. Such instances may include, but are not limited to, cases in which criminal charges have been filed. When an APS investigation is deferred, all relevant DPPC procedural requirements regarding the safety of the alleged victim or other individuals remain in effect. Pursuant to *G.L. c. 19C § 4(c)* and *118 CMR 5.04*, a request for the deferral of an APS investigation shall be granted only where DPPC determines that:

- (a) Appropriate protective services have been provided to the alleged victim to ensure continued safety from further risk of harm;
- (b) The delay or deferral will not adversely affect the on-going provision of protective services or the health and safety of a person with a disability found at risk of harm;
- (c) DPPC's ability to conduct a later investigation will not be unreasonably impaired; and
- (d) All corrective action taken by another official or agency will be conducted in good faith, in an impartial manner and by qualified personnel.

Written requests for the deferral of an APS investigation must be forwarded to:

- **DPPC contact for request for the deferral of APS investigation:**
Criminal/APS Coordinator, by email at
DPPC.LE.Liaison@massmail.state.ma.us.

Within 24 hours of DPPC's receipt of a request for the deferral of an APS investigation, DPPC will notify the ADA (or designee), in writing, of DPPC's decision regarding the request. In cases in which DPPC agrees to defer its APS investigation, DPPC shall monitor the progress of the criminal investigation. If the ADA (or designee) determines that the APS investigation requires deferral beyond the initial 45 day period, prior to the expiration of such period, the ADA (or designee) shall request, in writing, that DPPC extend the deferral period and provide the basis for such request. Within 24 hours of DPPC's receipt of the request for the extension of the initial deferral period, DPPC will notify the ADA (or designee), in writing, of DPPC's decision regarding such request. DPPC, in turn, will notify the respective APS agency of all such decision(s) regarding deferrals.

- **DPPC contact for request for the extension of the initial deferral of APS investigation: DPPC Criminal/APS Coordinator, by email at**
DPPC.LE.Liaison@massmail.state.ma.us; and
- **ADA (or designee) contact in XXXX County for notification of DPPC decision on the request for the deferral (and extension of deferral) of APS investigation: *insert ADA name, title, by email at insert email address_or by telephone at (xxx) xxx-xxxx (office) or (xxx) xxx-xxxx (cell) or by fax at (xxx) xxx-xxxx; and insert information on additional people to be notified of DPPC decision on the request for the deferral (and extension of deferral) of APS investigation.***

The ADA (or designee) shall make every effort to limit the deferral period of an APS investigation so as to allow the APS investigation to be completed within the time standards set forth in *G.L. c. 19C § 5(1)* and *118 CMR 5.02(3)(a)*.

- J. When the ADA (or designee) has declined criminal investigation of a report of abuse or crime on a person with a disability and the APS investigator becomes aware of information that suggests that a crime has been committed against a person with a

disability, the APS investigator shall notify the DPPC SPDU to report the information for rescreening.

- **DPPC contact for notification of assigned APS investigator:**
DPPC Criminal/APS Coordinator, by email at DPPC.LE.Liaison@massmail.state.ma.us or by telephone at (617) 727-6465 (office) or (xxx) xxx-xxxx (cell) [insert name of SPDU Officer]; or at (617) 727-6465 (office) or (xxx) xxx-xxxx (cell) [insert name of Criminal Liaison Officer].

V. CRIMINAL INVESTIGATION LIAISONS

Recognizing the importance of cooperation and communication between the Office of the XXXX District Attorney *insert full name*, DPPC, DDS, DMH and MRC, the following individuals have been identified and designated to act as liaisons between the Office of the XXXX District Attorney *insert full name* and the respective agencies:

Office of the XXXX District Attorney:

Insert Name, Assistant District Attorney

Insert Title

Phone: (xxx) xxx-xxxx (Office)

Cell: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Insert names, titles and phone/fax numbers of other people to be contacted on these cases.

Insert District Attorney Office Address

XXXX DA SPDU:

Insert Name and Title of State Police Officer

Phone: (xxx) xxx-xxxx (Office)

Cell: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Disabled Persons Protection Commission (DPPC):

Primary Contact:

Insert Name

Director of Investigations

300 Granite Street, Suite 404

Braintree, MA 02184

Phone: (617) 727-6465 (office)

(800) 426-9009 (24-Hour Hotline)

(888) 822-0350 TTY

Cell: (xxx) xxx-xxxx

Fax: (617) 727-6469

Secondary Contact:

Insert Name

Law Enforcement Liaison

300 Granite Street, Suite 404

Braintree, MA 02184

Phone: (617) 727-6465 (office)

(800) 426-9009 (24-Hour Hotline)

(888) 822-0350 TTY

Cell: (xxx) xxx-xxxx

Fax: (617) 727-6469

DPPC SPDU:

Insert Name/Title of Officer
State Police Detective Unit
300 Granite Street, Suite 404
Braintree, MA 02184
Phone: (617) 727-6465 (office)
Cell: (781) 588-5444
Fax: (617) 727-6270

Department of Developmental Services (DMH):*Primary Contact:*

Insert Name
Senior Investigator
West Region
140 High St., Suite 301
Springfield, MA 01105
Phone: (413) 205-0856 (office)
Cell: (xxx) xxx-xxxx
Fax: (413) 205-1610

Secondary Contact:

Insert Name
Investigator
West Region
140 High St., Suite 301
Springfield, MA 01105
Phone: (413) 205-0802 (office)
Cell: (xxx) xxx-xxxx
Fax: (413) 205-1610

Department of Mental Health (DMH):*Primary Contact:*

Insert Name
Investigations Manager
Central & Western Areas
Hadley Building
167 Lyman Street
Westborough, MA 01581
Phone: (508) 616-2121 (office)
Cell: (xxx) xxx-xxxx
Fax: (413) 587-0258

Secondary Contact:

Insert Name
Director
DMH Office of Investigations
25 Staniford Street
Boston, MA 02114
Phone: (617) 626-8108 (office)
Cell: (xxx) xxx-xxxx
Fax: (617) 626-8156

Massachusetts Rehabilitation Commission (MRC):*Primary Contact:*

Insert Name
Director
Protective Services Unit
21 Spring Street
Taunton, MA 02780
Phone: (508) 823-2874 (office)
Cell: (xxx) xxx-xxxx
Fax: (508) 823-5186

Secondary Contact:

Insert Name
Supervisor
Investigations & Protective Services
21 Spring Street
Taunton, MA 02780
Phone: (508) 823-2874 (office)
Cell: (xxx) xxx-xxxx
Fax: (508) 823-5186

VI. UPDATE REQUIREMENTS

- A. All parties shall provide timely updates to DPPC of contact information contained within this Memorandum of Understanding;
- B. DPPC will maintain the Memorandum of Understanding and disseminate updates to all parties, as needed;
- C. DPPC will maintain records of the reports of abuse or crimes committed against a person with a disability made to the Office of the Hampden District Attorney;
- D. DPPC will provide data annually, and as requested to the Massachusetts District Attorneys Association (MDAA), regarding the reports of abuse or crimes committed against a person with a disability referred to the Office of the Hampden District Attorney; and
- E. The Office of the Hampden District Attorney will notify DPPC of all reports of abuse or crimes committed against a person with a disability that result in arrest, prosecution or both.

VII. AUTHORIZED SIGNATURES

OFFICE OF THE HAMPDEN DISTRICT ATTORNEY

Anthony D. Gulluni
Hampden District Attorney

Date: _____

DISABLED PERSONS PROTECTION COMMISSION (DPPC)

Nancy A. Alterio
Executive Director

Date: _____

MASSACHUSETTS STATE POLICE (MSP)

Colonel Kerry Gilpin
Superintendent

Date: _____

DEPARTMENT OF DEVELOPMENTAL SERVICES (DDS)

Jane Ryder
Commissioner

Date: _____

DEPARTMENT OF MENTAL HEALTH (DMH)

Joan Mikula
Interim Commissioner

Date: _____

MASSACHUSETTS REHABILITATION COMMISSION (MRC)

Toni A. Wolf
Commissioner

Date: _____