

**MEMORANDUM OF UNDERSTANDING
FOR THE REPORTING AND INVESTIGATION OF FELONIES
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 reporting, investigation, and prosecution of crimes against individuals who are disabled. This document will identify the reporting and investigation responsibilities of persons and agencies providing services to persons with disabilities, their associates and law enforcement. This Memorandum shall apply to all felonies involving persons with disabilities occurring in **NORTHWESTERN DISTRICT**.

II. PARTICIPATING AGENCIES:

District Attorney:
CONTACT INFO

Disabled Persons Protection Commission (DPPC):
CONTACT INFO

State Police Detective Unit (SPDU) assigned to DPPC:
CONTACT INFO

Department of Mental Retardation (DMR):
CONTACT INFO

Department of Mental Health (DMH):
CONTACT INFO

Massachusetts Rehabilitation Commission (MRC):
CONTACT INFO

III. GOALS

Compliance with the terms of this Agreement of Understanding should achieve the following goals:

- A. To provide protection, treatment and continuity of care for persons with disabilities who are victims of a crime.
- B. To ensure crimes against persons with disabilities are promptly and effectively reported, investigated and prosecuted.
- C. To enhance communication and cooperation between law enforcement and professionals and agencies providing services to persons with disabilities.
- D. To increase awareness of crimes against persons with disabilities

IV. THE REPORTING AND INVESTIGATION OF FELONIES COMMITTED AGAINST PERSONS WITH DISABILITIES

- A. For purposes of this Memorandum of Agreement, a *disabled person* shall mean “A person between the ages of eighteen to fifty-nine, inclusive, who is mentally retarded, as defined by section one of chapter one hundred and twenty-three (MG.L. c.123B s. 1) 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.” [M.G.L. c. 19C s.1]. **Note** - *a person with disabilities* shall have the same definition as *disabled person*.
- B. Programs licensed, operated by or contracted for by the Department of Mental Health (DMH), Department of Mental Retardation (DMR), and the Massachusetts Rehabilitation Commission (MRC) and their employees, in furtherance of their duty as mandated reporters pursuant to M.G.L. Chapter 19C Sec.10 and Sec.13 to report conditions of death and abuse of persons with disabilities including but not limited to “an act or omission which results in serious physical or emotional injury to a disabled person,” **MUST** report the following to the Disabled Persons Protection Commission (DPPC):
1. All cases in which a person with a disability has **DIED**.
 2. All cases in which a person with a disability has been the victim of a violation of **M.G.L. Chapter 265**, Sections:
 - 13F Indecent Assault and Battery on a Mentally Retarded Person;**
 - 13H Indecent Assault and Battery on a person fourteen or older;**
 - 13K Assault and Battery upon an Elderly or Disabled Person;**
 - 22 Rape; and**
 - 24 Intent to Commit Rape**
 3. All cases in which a person with a disability has been the victim of a violation of **M.G.L. Chapter 272 Section 35 (Unnatural and Lascivious Acts)**
 4. All cases in which a person with a disability has been sexually exploited as defined in **M.G.L. Chapter 272 Sections 3 (Drugging persons for Sexual Intercourse) and Section 7 (Support from or Sharing Earnings of Prostitute)**
 5. All cases in which a person with a disability has suffered a serious bodily injury as a result of a pattern of repetitive actions or inactions by a caretaker [**M.G.L. Chapter 19C Section 5 (5) (c)**].
 6. All cases in which a person with a disability has been financially exploited as defined in **M.G.L. Chapter 266 Section 30 (Larceny)**.
 7. Discretionary referrals including but not limited to any felonies.
- C. Reports of criminal conduct shall be made to the **DPPC Hotline [(800) 426-9009]** for screening by the State Police Detective Unit assigned to the DPPC pursuant to **M.G.L. c. 19C Sections 3(i) and 4(c)**.
- D. Upon receipt of a report of criminal conduct, the DPPC State Police Detective Unit shall screen the report and when appropriate shall immediately report the incident pursuant to **M.G.L. Chapter 19C Section 5(5) to Assistant District Attorney or designee** in the Office of the District Attorney for Northwestern District:

- **A.D.A. CONTACT** may be contacted at (xxx) xxx-xxxx
- E. To ensure that both the DPPC and the District Attorney receive the report, the Human Services agency, (DMR, DMH, MRC) upon receiving the report shall immediately report the matter to the **DPPC Hotline [(800) 426-9009]** and to **Assistant District Attorney Frank Flannery or designee** in the Office of the District Attorney for the Northwestern District.
- **A.D.A. CONTACT** may be contacted at (xxx) xxx-xxxx
 - In an emergency contact **CONTACT** at (xxx) xxx-xxxx

NOTE: WHEN IT IS DETERMINED NECESSARY, THE NOTIFICATION OF OTHER LOCAL LAW ENFORCEMENT AGENCIES AND EMERGENCY PERSONNEL IS NOT PRECLUDED.

- F. The Office of the District Attorney for Northwestern District shall immediately, but in **no event longer than twenty four (24) hours**, upon receipt of said report of criminal conduct determine if the report warrants further criminal investigation and which entity shall conduct the investigation of the alleged crime. **ADA CONTACT or his designee shall notify the DPPC of her determination(s) within said twenty-four (24) hour period.** The District Attorney for Northwestern District shall retain supervision of any criminal investigation of the matter until said District Attorney's Office has determined that the matter is not appropriate for further criminal investigation or for criminal prosecution.
- G. In the event that the District Attorney determines that the matter is not appropriate for either criminal investigation or criminal prosecution, the District Attorney shall relinquish the matter to the DPPC for assignment of the initial civil investigation, pursuant to **M.G.L. Chapter 19C Section 4**. If such initial civil investigation reveals additional facts which may make further criminal investigation or criminal prosecution appropriate, these additional facts shall be immediately reported by the investigator to the DPPC and to **Assistant District Attorney CONTACT or designee** for a determination as to what further action is warranted. After completing the re-evaluation of the case in light of the additional information, the District Attorney's designated contact person shall communicate the results of the re-evaluation to both the DPPC and to the assigned investigator.
- H. Until such time as the District Attorney either assumes jurisdiction or declines jurisdiction of the matter, civil investigation by the DPPC or the Human Service Agency shall be deferred. As long as the District Attorney retains jurisdiction of the matter, the District Attorney shall supervise the coordination of any criminal and civil investigation.

V. HUMAN SERVICES CRIMINAL INVESTIGATIONS LIAISONS

Recognizing the importance of cooperation and communication between the Human Service Agencies and the Office of District Attorney CONTACT, the following individuals have been

identified and designated to act as liaisons between the respective Agencies and the Office of District Attorney CONTACT:

Northwestern District Attorney's Office:

CONTACT

Assistant District Attorney

or

CONTACT

Project Coordinator

Phone: (xxx) xxx-xxxx

Elders and Persons with

Pager: (xxx) xxx-xxxx

Disabilities Unit

(xxx) xxx-xxxx

CONTACT

Advocate (Franklin County)

(xxx) xxx-xxxx

CONTACT

Forensic Interviewer

(xxx) xxx-xxxx

CONTACT

Advocate (Hampshire County)

(xxx) xxx-xxxx

State Police Representative for the Northwestern District

CONTACT

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Disabled Persons Protection Commission

Primary Contact:

CONTACT

Director of Investigations and Oversight

50 Ross Way

Quincy, MA 02169

Phone: (617) 727-6465

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

Cell #: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Secondary Contact:

CONTACT

Investigations Mgr./ Criminal Liaison

50 Ross Way

Quincy, MA 02169

Phone: (617) 727-6465

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

Cell #: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

State Police Detective Unit at DPPC

CONTACT

Commander State Police Detective Unit

50 Ross Way

Quincy, MA 02169

Phone: (617) 727-6465

Department of Mental Retardation:

Primary Contact:

CONTACT

Investigator Liaison

Central West Region

171 State Ave.

Palmer, MA 01069

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Pager: (xxx) xxx-xxxx

Secondary Contact:

CONTACT

Senior Investigator

Central West Region

171 State Ave.

Palmer, MA 01069

Phone: (xxx) xxx-xxxx

Fax: (xxx) xxx-xxxx

Pager: (xxx) xxx-xxxx

Department of Mental Health:

CONTACT
Investigations Manager
Western Mass Area
Northampton State Hospital
P.O. Box 389
Northampton, MA 01601
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
Pager: (xxx) xxx-xxxx

Massachusetts Rehabilitation Commission:

Primary Contact:
CONTACT
Director
Protective Services Unit
21 Spring Street
Taunton, MA 02780
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
Pager: (xxx) xxx-xxxx

Secondary Contact:
CONTACT
Supervisor
Investigations & Protective Services
21 Spring Street
Taunton, MA 02780
Phone: (xxx) xxx-xxxx
Fax: (xxx) xxx-xxxx
Pager: (xxx) xxx-xxxx

The Agency Liaisons shall assist the Office of District Attorney CONTACT in guiding interviews with persons with disabilities, sharing information on the system of services provided by the agency, and where allowed by statute obtain files and records from prior investigations, involving the same victim, perpetrators or complainant. The Liaisons shall ensure that the rights and capacities of victims with disabilities are protected during the criminal investigation and prosecution and that appropriate protective services are provided in a timely manner.

VI. REVIEW AND EVALUATION

The Office of District Attorney CONTACT, and Human Service Agencies and the DPPC agree to meet within three (3) months to review this Memorandum of Agreement, assess its effectiveness and modify it as necessary. The parties agree to keep records of the reports made to the Office of District Attorney CONTACT pursuant to this Memorandum including but not limited to those reports that result in arrest, prosecution or both.

The parties to the agreement have identified the following as key factors to the success of this Memorandum of Understanding:

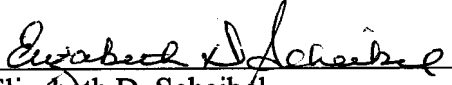
- Continued communication with a commitment to rapid response to inquiries
- Maintaining an updated and accurate list of contact people

The parties to the Agreement have identified the following issues as future topics or issues not otherwise addressed by this Memorandum which may be appropriate for them to jointly address:

- Establishing a training program for Law Enforcement and Human Service agency personnel.

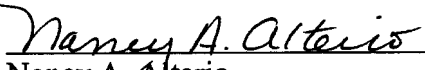
VII. AUTHORIZED SIGNATURES

DISTRICT ATTORNEY OFFICE OF NORTHWESTERN DISTRICT


Elizabeth D. Scheibel
Northwestern (Hampshire & Franklin) District Attorney

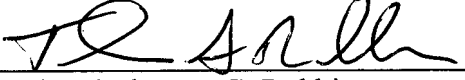
Date: 9/23/04

DISABLED PERSONS PROTECTION COMMISSION


Nancy A. Alterio
Executive Director

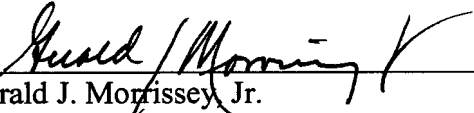
Date: 01/10/05

MASSACHUSETTS STATE POLICE


Colonel Thomas G. Robbins
Superintendent

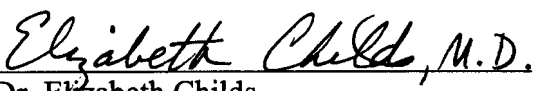
Date: 1/12/05

DEPARTMENT OF MENTAL RETARDATION


Gerald J. Morrissey, Jr.
Commissioner

Date: 12/13/04

DEPARTMENT OF MENTAL HEALTH


Dr. Elizabeth Childs
Commissioner

Date: 12/23/04

MASSACHUSETTS REHABILITATION COMMISSION


Elmer Bartels
Commissioner

Date: 01/04/05