

Module 22

APS-Working with the Criminal Justice System

Transfer of Learning (TOL) Activity
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The Topic: The Criminal Justice System and Adult Protective Services have different scopes of work and obligations. When there is an understanding of each party's role, it makes for a positive collaboration and outcome for the client. During the instructor-led course, participants uncovered the rules of the road within the criminal justice system and explored where their role as an APS Professional intersects. The training goal is to improve APS's ability to work with the criminal justice system and to help build cases that are more likely to be accepted for prosecution.

Training Learning Objectives:

1. Distinguish the role of Adult Protective Services from the role of Law Enforcement and Prosecution
2. Identify factors that make a provable case to take to the criminal justice system.
3. Explain APS's role when a case is accepted for prosecution
4. Identify rights of victims and defendants
5. Identify the elements of a crime when given the statute
6. Explain the importance of APS documentation to enhance credibility when testifying in a criminal case
7. Utilize a case scenario to develop 2 questions for cross examination

Overview of TOL Activity:

This activity should be completed after participation in the "APS-Working with the Criminal Justice" Core Competency, **preferably no more than 45 days after the in-person class**. It is intended to help the APS professional apply the elements structure of crimes to a real case the worker is handling.

The activity has 2 parts.

Part 1 is done by the APS Professional and consists of identifying a case the worker is handling and believes should be presented to the criminal justice system for prosecution followed by the worker's review of the legal elements of the crime of elder or vulnerable adult abuse, as defined by applicable law. The worker identifies the facts and witnesses available to establish each element of the crime. The "APS Professional Case Building Template", included with the activity, will assist the professional in linking the case information to the crime's elements.



Part 2 is completed by the APS Professional with their supervisor either during a unit meeting, one-on-one consultation with the supervisor, or at a multidisciplinary team meeting. The professional presents a brief overview of the case (not to exceed one minute unless case is very complex) which is then followed by a short presentation demonstrating that the elements of the case are provable beyond a reasonable doubt. The entire presentation by the APS Professional should not exceed five minutes (unless the case is unusually complex).

The supervisor or team is free to ask clarifying questions as needed. The supervisor or team should ensure that the presentation focuses only on establishing that a prosecutable case exists. Extraneous information such as the client's psycho-social history, support system, or care needs should **NOT** be included and the supervisor or team should promptly identify such information and refocus the worker on what is needed for the criminal justice system.



Directions for APS Professional:

1. Select a case you are handling or recently have handled that you believe is prosecutable under your criminal statutes related to elder or vulnerable adult abuse.
2. Select one or more crime(s) under your statutes that you think are provable beyond a reasonable doubt.
3. As to each crime, list the elements.
4. As to each elements, list the witnesses and evidence that proves that element.
5. Complete the “APS Professional Case Building Template” included in this activity for each crime.
6. At a meeting with a supervisor, unit, or team present a one minute synopsis of the key aspects of the case. Focus only on the crime and supportive facts. Think of this as a snapshot of the case and is also your opportunity to urge that your case be prosecuted.
7. After the one minute (or less) statement, briefly review each element of the charge and describe the witnesses and evidence that proves each element. Your case building framework chart will be helpful with this step. The entire case presentation should not exceed five minutes.
8. Identify any potential case weaknesses or problems with the criminal case; e.g.: some evidence might be interpreted in ways that do not point to guilt; alleged perpetrator has made statements which contradict the evidence you have collected; a critical witness is not likely to be available to testify; capacity issues of both your client and the alleged perpetrator, etc.
9. Your presentation should be **objective, reasoned, and balanced.**
10. Your supervisor, colleagues, or team may have some clarifying questions. You will have the opportunity to respond briefly to these.

APS Professional Case Building Framework Template

Reminder: this presentation is focused only on building a case for prosecution. You will have collected information about your client, living situation, and the alleged perpetrator which is important for other aspects of your work as an APS Professional. This information is not likely to be relevant to the criminal case. Therefore, the task here is to focus only on the items that you have learned from your APS investigation that is needed to prove a criminal case.

Review of Case of _____

Date of Presentation _____

Case Building Framework

The crime is: _____

The legal elements of the crime are:

Element 1: (List that element)

1. What facts will establish that element?
2. What witnesses will establish each of the facts?
3. What corroborating information exists for that fact?
4. What evidence supports that fact?
5. Are the facts supportive of any other interpretation from the one you have adopted?
6. Are there any weaknesses as to these facts or this element?

Element 2: (List that element)

1. What facts will establish that element?
2. What witnesses will establish each of the facts?
3. What corroborating information exists for that fact?
4. What evidence supports that fact?
5. Are the facts supportive of any other interpretation from the one you have adopted?
6. Are there any weaknesses as to these facts or this element?

Element 3 onward (same questions)

Directions for the APS Supervisor or others participating in the activity

1. You are an observer and a reviewer, **not** an advocate for or against sending the case to the criminal justice system. Please remain focused only on the criminal justice system aspects of the case.
2. If the presenter is unclear, you may need to ask clarifying questions. If the presenter offers information not relevant to the criminal justice case, please interrupt and redirect the presenter.
3. Please keep track of time, as the entire presentation should not exceed 5 minutes (unless case is especially complex).
4. Offer helpful comments for how the case and presentation might be strengthened and what was done well.

