

Working with the Criminal Justice System eLearning Transfer of Learning (TOL)

Developed by Robin Myers, M.P.A.

February 2025. Contact APStraining@sdsu.edu for questions or feedback



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Objective:

This Transfer of Learning (TOL) is a supplemental tool designed to reinforce the knowledge and skills introduced during the [Adult Protective Services Workforce Innovations](#) (APSWI) *Working with the Criminal Justice System eLearning*. Some concepts are applicable to the [National Adult Protective Services Training Center](#) (NATC) *Working with the Criminal Justice System eLearning*. These scenario-based activities are designed to support you, the APS professional, in navigating the complexities of collaborating with law enforcement and related systems, while maintaining a client-centered, culturally responsive approach. Completing these activities can enhance your client outcomes, strengthen documentation practices, and promote effective cross-system collaboration. Activities in this TOL will support APS professionals' abilities to:

1. **Build client trust** by being mindful of cultural experiences, personal biases, and historical relationships with law enforcement while respecting client preferences.
2. **Align terminology with law enforcement** and legal standards while maintaining a client-centered approach that empowers clients.
3. **Strengthen cross-system collaboration** by effectively mediating between clients and criminal justice professionals, balancing client needs with legal requirements.
4. **Enhance problem-solving skills** through interactive activities, including case studies and group discussions, to practice culturally responsive and collaborative strategies.

How to Use:

This TOL is designed for facilitators, trainers, and supervisors to support APS professionals in applying key concepts from the eLearning module *Working with the Criminal Justice System* to real-world scenarios. It can be used in various learning contexts, including: Instructor-led training, team meetings, individual supervision or coaching.

Note to Facilitator: *Short on time? Focus on the bolded questions or assign discussion questions in small groups.*

Activity Structure at a Glance:

- **Activity 1: Documenting Risk and Legal Compliance**
(Case Study and Small Group Discussion – 45 minutes)
 - Case Study Review (10 min)
 - Small Group Discussion (20 min)
 - Group Presentations (10 min)
 - Facilitator Debrief (5 min)

- **Activity 2: Types of Evidence, Client Centered Engagement and Collaboration**
(Small Group Discussion and Group Presentations – 45 minutes)
 - Small Group Discussion Questions (30 min)
 - Group Presentations (10 mins)
 - Facilitator Debrief (5 min)

- **Activity 3: Terminology Alignment and Trust Building**
(Large Group Discussion – 45 minutes)
 - Introduction and Case Overview (10 min)
 - Large Group Discussion (30 min)
 - Facilitator Debrief (5 min)

Content Warning:

We recognize that APS work is both challenging and rewarding, and APS professionals are whole human beings who have their own experiences before and during APS work. Questions and discussion may activate feelings based on personal or professional experiences, including vicarious trauma, and we encourage everyone to do what they need to do to engage in this transfer of learning safely.

Documenting Risk and Legal Compliance

Activity #1: Maria and Law Enforcement: Balancing Safety and Client Preferences (45 minutes)

Case Study, Small Group Discussion, & Group Presentations

Description: Participants will engage in a case study analyzing how to document risk and legal compliance while addressing cultural responsiveness. The discussion will focus on accurate documentation, mitigating risks, and aligning APS practices with the client's preferences. There is an option to have participants review applicable criminal codes to familiarize themselves with each element of a criminal case.

Scenario:

You are assigned a case involving a 75-year-old woman, *Maria Lopez*. A neighbor reported concerns after Maria was found wandering outside her home in a confused state. Upon investigation, you discover that Maria lives alone in a predominantly Latin neighborhood with a history of strained relationships with law enforcement. Community members have expressed concerns about police being dismissive or unfair in cases involving older adults, and Maria shares these sentiments.

Maria lives in a modest, aging one-story home with safety hazards, including exposed electrical wiring, exits that are blocked with furniture and boxes, and significant clutter that makes it difficult to walk around the living spaces. She has some memory loss, poor hygiene, and is sometimes malnourished. Maria has an in-home caregiver who is responsible for ensuring Maria is bathed, groomed, and has access to adequate, healthy food options. Maria is adamant about staying in her home and is reluctant to involve law enforcement, stating, "*They don't understand us. They just want to take control.*" She is also concerned that her caregiver will be arrested, and she'll be left without proper care.

Discussion Questions:

1. What specific elements of documentation are needed in this case?
2. How should documentation reflect factual observations and Maria's cultural concerns about law enforcement?

3. How might community dynamics shape your collaboration with law enforcement in this neighborhood?
4. What strategies could you use to involve trusted community resources to bridge gaps between APS and law enforcement?
5. How would you prioritize Maria's preferences while balancing your legal obligations and adhering to APS professional standards?
6. Optional: Review your state's criminal codes as they pertain to caregiver neglect and any other possible criminal statutes. What are the elements of the crimes in Maria's case that must be proven beyond a reasonable doubt by a prosecutor?

Facilitator Support: Activity #1: Maria and Law Enforcement: Balancing Safety and Client Preferences

1. What specific elements of documentation are needed in this case?

- Review that each element of every crime needs to be documented, including who did what to whom, when, where, and how. Record your observations, witness statements for all relevant parties, and other possible explanations, justifications, or legal defenses for what happened.

1. How should documentation reflect factual observations and Maria's cultural concerns about law enforcement?

- Keeping documentation factual is important, focus on what you directly observe. Avoid adding assumptions or personal judgment into your notes. Instead of describing Maria as fearful of law enforcement, focus on what Maria said about her concerns.
- A good approach is to combine what Maria shares with what you observe. If she mentions struggling to keep up with household tasks due to memory issues, pair that with a description of the safety hazards present, like exposed wiring or blocked exits. This keeps the documentation clear, professional, and focused on the facts.

2. How might community dynamics shape how you approach collaboration with law enforcement in this neighborhood?

- It's important to recognize that Maria and her neighbors may have concerns about interacting with law enforcement, especially if there's a history of mistrust in the community. Taking the time to understand past events that may have shaped these feelings can help guide your approach. Let Maria know that APS is leading the case, and that law enforcement is there only as a support if needed.
- Bringing in a cultural liaison, interpreter, or even a trusted friend or family member Maria feels comfortable with can help build trust and improve communication between her, APS, and law enforcement.

3. What strategies could you use to involve trusted community resources to bridge gaps between APS and law enforcement?

- Partnering with local nonprofits that support older adults can be a great way to address safety concerns without needing immediate law enforcement involvement. Services like home safety improvements or mental health support can offer alternative solutions.
- Engaging trusted community leaders can help build trust with Maria while ensuring her safety. Faith leaders, cultural advocacy groups, and healthcare providers she trusts can serve as mediators, easing concerns and reinforcing APS's role in a way that aligns with her values. These trusted figures can help Maria feel more comfortable accepting assistance while respecting her cultural background and personal preferences.

4. How would you prioritize Maria's preferences while balancing your legal obligations and adhering to APS professional standards?

- Being clear about your role from the start is key. Let Maria know that APS's goal is to ensure her safety while respecting her wishes as much as possible. Work with her to find solutions she feels comfortable with.
- When documenting the case, ensure that Maria's preferences are clearly noted, such as her desire for APS-led interventions with minimal law enforcement involvement. At the same time, highlight any immediate safety concerns that need to be addressed, ensuring that all actions are taken collaboratively.

5. Optional: Review your state's criminal codes as they pertain to caregiver neglect and any other possible criminal statutes. What are the elements of the crimes in Maria's case that must be proven beyond a reasonable doubt by a prosecutor?

- This will depend on each state's statutes. Ensure the correct answers are available when reviewing with learners.
- Understanding elements of a crime helps APS professionals know what to look for and how to document cases that may rise to a criminal level.

Note to Facilitator: *The eLearning mentions the importance of being mindful not to impose our own cultural biases or assumptions on others. If appropriate, and if learners have taken trainings to support discussions about implicit bias, to include APSWI's Ethics, Values & Cultural Responsiveness eLearning, you may consider including the following questions:*

- How can we recognize and challenge our own biases regarding those who work in the criminal justice system?
 - What impact does this recognition (or process of recognizing our biases) have when it comes to ensuring a fair, client-centered investigation and service plan?

Types of Evidence, Client Centered Engagement and Collaboration

Activity #2: James and APS: Overcoming Mistrust, Addressing Financial Exploitation, and Identifying Types of Evidence (45 minutes)

Small Group Discussion & Group Presentations

Description: Participants will engage in a scenario focused on building trust with James Nguyen, a client with a history of challenging interactions with law enforcement. They will also have an opportunity to review applicable criminal codes to familiarize themselves with each element of a criminal case.

Scenario:

You are meeting with *James Nguyen*, a 68-year-old retired educator, during a scheduled home visit following a report of financial exploitation by a distant relative. James lives in a predominantly Vietnamese-American neighborhood where community members have expressed mistrust toward law enforcement due to historical and personal experiences. Reports indicate that a family member has been withdrawing money from James's bank account without permission.

James is hesitant to share details, citing a specific incident from five years ago where he called the police for a break-in, and the responding officers treated him dismissively.

James reports that a friend helped him go through recent bank statements and highlighted withdrawals made from an ATM, which James provides to you. James reports that he never goes to ATMs, and his family member must have stolen his bank card, which had the PIN written on a Post-it note.

Despite his mistrust, James acknowledges needing help and shares that the financial exploitation has left him unable to pay his bills. He admits, *"I feel like I can't trust anyone, but I don't know what to do. I just want my family to stop taking my money without a fight."*

Discussion Questions:

1. What strategies can help build trust with James during the visit?

2. How would you validate James's concerns about past law enforcement interactions while maintaining your role?
3. What should be documented to reflect both James's concerns and the facts of the case?
4. How might you address James's reluctance to involve law enforcement while ensuring APS requirements are met?
5. List the applicable types of evidence that are present in this case:
 - a. Physical evidence
 - b. Witness statements
 - c. Admissions and confessions
6. Optional: Review your state's criminal codes as they pertain to financial abuse and any other possible criminal statutes for James' case. What are the elements of the crimes in James' case that must be proven beyond a reasonable doubt by a prosecutor?

Facilitator Support: Activity #2: James and APS: Overcoming Mistrust, Addressing Financial Exploitation, and Identifying Types of Evidence

1. What strategies can help build trust with James during the visit?

- Start by acknowledging his feelings and showing empathy. Let him know you recognize this is a difficult situation and that your goal is to support him in a way that respects his concerns.
- Emphasize collaboration by making it clear that you're working together to find a solution that feels safe and comfortable for him

2. How would you validate James's concerns about past law enforcement interactions while maintaining your role?

- Acknowledge his past experiences and validate his feelings. If he has had negative interactions before, let him know you understand why that might make him hesitant.
- Reassure James that your role is to prioritize his safety and respect his wishes, and that you'll work with him to find the best path forward.

3. What should be documented to reflect both James's concerns and the facts of the case?

- Make sure to document James's concerns about law enforcement, including any past experiences that have shaped his mistrust.
- Include James's fears about possible retaliation from family members and his preference to handle things without police involvement, while also documenting any safety risks that need to be addressed.

4. How might you address James's reluctance to involve law enforcement while ensuring APS requirements are met?

- Help James see law enforcement as a resource rather than an outside force taking control. Emphasize that they are there to help protect his safety in a way that respects his needs.
- Offer alternative solutions first, like financial counseling or mediation, so that James feels he has options before taking any

further steps.

5. List the applicable types of evidence that are present in this case:

- **Physical evidence:** Bank statements
- **Witness statements:** James' statements, direct quotes when necessary
- **Admissions and confessions:** N/A

6. Optional: Review your state's criminal codes as they pertain to financial abuse and any other possible criminal statutes for James' case. What are the elements of the crimes in James' case that must be proven beyond a reasonable doubt by a prosecutor?

- This will depend on each state's statutes. Ensure the correct answers are available when reviewing with learners.
- Understanding elements of a crime helps APS professionals know what to look for and how to document cases that may rise to a criminal level

Terminology Alignment and Trust Building

Activity #3: Rosa and Cross-System Collaboration: Bridging Client Preferences and Legal Needs (45 minutes)

Large Group Discussion

Description: Participants will engage in a guided large group discussion on navigating terminology alignment and building trust between APS, law enforcement, and prosecutors. The discussion will center on Rosa Garcia, a client who is uncomfortable with the term 'victim' due to its disempowering connotations and the challenges of mediating between her preferences and the legal terminology requirements. Facilitators will guide participants through the case details, emphasizing strategies for building trust, cultural responsiveness, and effective cross-system collaboration.

Scenario:

APS and LE are collaborating on a case involving *Rosa Garcia*, a 72-year-old woman who reported emotional and physical abuse by her adult grandson, who lives with her. Rosa initially approached APS for help but was reluctant to involve law enforcement. Over time, she shared concerns about her grandson's increasing aggression. She admitted fearing for her safety. Rosa is hesitant to proceed with the APS investigation because she feels law enforcement might misinterpret the situation or escalate tensions in her household.

Rosa also expressed discomfort with the term *victim* used by law enforcement, saying, "*I'm not a victim. I need him to stop yelling and pushing me.*" The assigned prosecutor has requested additional evidence, including detailed documentation of Rosa's statements and any observed injuries, to support potential charges against the grandson. However, the prosecutor insists that the term *victim* be used in all official documentation to align with criminal justice terminology.

Discussion Questions:

1. How would you approach building trust with Rosa, considering her discomfort with certain legal processes and terminology?

2. What strategies can you use to explain the necessity of legal terminology requirements to Rosa without making her feel disempowered?
3. What collaborative strategies can strengthen collaboration between APS and the prosecutor while advocating for Rosa's needs?
4. How would you mediate between Rosa's preference not to be called a victim and the prosecutor's need to use the term *victim* to align with legal standards?
5. How should you document Rosa's concerns about terminology and the potential impact on her case?
6. Optional: Review your state's criminal codes as they pertain to physical abuse, emotional abuse/mental suffering, and any other possible criminal statutes for Rosa's case. What are the elements of the crimes in Rosa's case that must be proven beyond a reasonable doubt by a prosecutor?

**Facilitator Support: Activity #3: Rosa and Cross-System
Collaboration: Bridging Client Preferences and Legal Needs**

1. How would you approach building trust with Rosa, considering her discomfort with certain legal processes and terminology?

- Acknowledge Rosa's feelings and let her know that it's understandable that certain terms or processes might feel uncomfortable. Reassure her that you're there to support her and will work with her to ensure she feels heard and respected.
- Emphasize Rosa's strength in sharing her story and taking steps toward safety, highlighting that she has control over the process and her choices.

2. What strategies can you use to explain terminology requirements to Rosa without dismissing her concerns?

- Clarify that terms like victim are used for legal reasons and are not meant to define her.
- Reassure Rosa that while these terms may appear in official documents, she can choose language that feels more comfortable in discussions.
- Let her know that the focus is on her safety and well-being, and you will prioritize the words that make her feel empowered while ensuring the case meets legal requirements.

3. What collaborative strategies can strengthen the relationship between APS and the prosecutor while advocating for Rosa's needs?

- Build a strong relationship with the prosecutor by reinforcing APS's role in supporting Rosa's safety and emotional well-being while also meeting legal standards.
- Provide input backed by evidence, showing how Rosa's concerns align with APS's commitment to her well-being and how adapting the language in conversations could help maintain her engagement.

4. How would you mediate between Rosa's preference not to be called a victim and the prosecutor's need to use the term *victim* to align with legal standards?

- Suggest using the term "victim" in official documentation while referring to Rosa as a survivor or client in conversations to maintain a balance.
- Offer a compromise where the focus remains on the facts and evidence in reports while ensuring that Rosa's preferences are honored in person.

5. How should you document Rosa's concerns about terminology and the potential impact on her case?

- Document that Rosa has expressed discomfort with the term victim.
- Include any observed impacts, such as hesitation in participating further due to concerns that terminology might affect her sense of control over the situation.

6. Optional: Review your state's criminal codes as they pertain to physical abuse, emotional abuse/mental suffering, and any other possible criminal statutes for Rosa's case. What are the elements of the crimes in Rosa's case that must be proven beyond a reasonable doubt by a prosecutor?

- This will depend on each state's statutes. Ensure the correct answers are available when reviewing with learners.
- Understanding elements of a crime helps APS professionals know what to look for and how to document cases that may rise to a criminal level

References and Resources

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OUR WHY:

**REVOLUTIONIZE
THE WAY PEOPLE
WORK TO ENSURE
THE WORLD IS A
HEALTHIER PLACE.**



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6505 Alvarado Road, Suite 107; San Diego, CA 92120 (619) 594-3546