



**M.G.L. c.19C Investigation Report Addendum**

**DPPC Case Number: 147465 Date: 1/20/17**

*THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION. UNLESS DULY AUTHORIZED/OR PERSONALLY IDENTIFIABLE INFORMATION IS ADEQUATELY REDACTED, FURTHER DISTRIBUTION OF THIS DOCUMENT, OR A COPY OF IT, BY YOU TO OTHERS COULD RESULT IN LEGAL PENALTIES.*

**Alleged Victim:** [REDACTED]

The purpose of this Addendum is to correct minor mistakes in the Report and to clarify the "Additional Findings of Risk" section of the Report so that the information is more clearly understood. This addendum does not change the findings of the report; however it does correct and clarify information on pages 1, 2 and 5.

Page 1: The section describing how Alabs meet the definition of caretaker was left blank, but should read, "Alab1 and Alab2 are [REDACTED] of Alv's residential program."

Page 2: The categories of emotional abuse all read none; however one should read "Diminished function."

Page 5: The "Additional Findings of Risk" section the last sentence in the first paragraph states, "This raises concern that there is a possible systemic issue beyond this one incident." The possible systemic issue identified in this investigation is that in addition to the actions of Alab1, none of the three staff present during the incident recognized or reported any abuse, mistreatment, or restraint of Alv, suggesting a possible systemic lack of understanding of reporting requirements among staff, as well as a possible systemic misunderstanding among staff as to how to implement behavioral treatment programs in the most therapeutic manner. The intent is to inform JRC Administration of the risk that lack of reporting and lack of adherence to clinical direction can place on individuals it serves.

**The assigned investigator and their supervisor certify that to the best of their knowledge the information contained in this M.G.L. c. 19C investigation report addendum is accurate.**

*Seana Miller*

1/20/17

Investigator

Date

*Rita DeLuca 2*

1/20/17

Reviewer

Date

**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

**Alleged Victim:** [REDACTED]

**Investigation Agency:** DPPC

**DPPC Case Number:** 147465

THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION. UNLESS DULY AUTHORIZED OR PERSONALLY IDENTIFIABLE INFORMATION IS ADEQUATELY REDACTED, FURTHER DISTRIBUTION OF THIS DOCUMENT, OR A COPY OF SAME, BY YOU TO OTHERS COULD RESULT IN LEGAL PENALTIES.

**Date of Incident:** multiple

**Allegation Investigated:**

ALV disclosed to [REDACTED] that on 6/21/16 ALAB1 hurt her.  
ALAB1 took away her flat iron and burned the back of her hand.  
ALAB1 threw her on the floor and bent back her fingers.  
ALAB2 snatches the phone from her and does not let her call [REDACTED].  
ALAB2 has been doing this since February of 2016.  
On 7/10/16 ALAB2 threw ALVs food on the floor.  
  
ALV stated they hate me because "I don't do behaviors".

**The Alleged Victim (Alv) is a "Person with a Disability" as defined by M.G.L. Chapter 19C &/or 118 CMR? If not, please explain:**

[REDACTED]

*118 CMR Definition: a person 18 through 59 years of age, who is a Person with an Intellectual Disability or a Person with a Developmental Disability, as used in M.G.L. c. 123B, § 1, or who is otherwise mentally or physically disabled, and, such mental or physical disability prevents or restricts the individual's ability to provide for his or her own Daily Living Needs; provided, however, that a person who is temporarily dependent upon a medically prescribed device or procedure to solely treat a transitory physical ailment or injury shall not be considered a Person with a Disability for the purposes of M.G.L. c. 19C unless that person otherwise meets the definition of a Person with a Disability.*

**Alleged Victim's Primary Disability:**

[REDACTED]

**▶ The Alleged Abuser (Alab) does meet the definition of a "caretaker" as defined by M.G.L. Chapter 19C &/or 118 CMR?**

**If Alab does meet the definition, provide at least one example of care provided. If Alab does not meet the definition, list facts that support this determination.**

[REDACTED]

*118 CMR Definition: Any State Agency or any individual responsible for the health and welfare of a Person with a Disability by providing for or directly providing assistance in meeting a Daily Living Need, which cannot otherwise be performed by the Person with a Disability without assistance, regardless of the location at which such assistance occurs. Minor children and adults adjudicated incapacitated by a court of law shall not be deemed to be Caretakers. Caregiver and Caretaker may be used interchangeably without changing the meaning of either.*



**Disabled Persons Protection Commission  
M.G.L. c. 19C / 118 CMR Investigation Report**

Category of abuse committed by the Alleged Abuser: None

**Injury sustained by the Alleged Victim:**

**Physical Injuries:**

First: None

Second: None

**Emotional Injuries:**

First: None

Second: None

Abuse Per Se: None

**If "Other" or more than two types of injury explain:**

**Description of the act and/or omission of the Alleged Abuser that caused the injury sustained by the Alleged victim?**

It was alleged that Alv was pushed to the ground, burned and her finger bent back by Alab1 during a 6/21/16 disagreement over a flat iron. The incident was recorded on video and reviewed for this investigation. It is not evident in the video that Alab1 has burned Alv with the flat iron, which appears to be on the window sill at the point at which Alab1 entered. Alab1 does take hold of Alv and appears to remove a brush from her hand. Alab1 does not appear to push Alv to the ground, she appears to drop herself there. Alab1's hands cannot clearly be seen, but all other staff present deny that they ever saw Alab1 physically injure Alv in any way. Other staff indicated that Alv did not report physical injury that day and they saw none. It is clear in the video that staff do clearly overcome Alv's active resistance and hold her for nearly 10 minutes, for at least half of which she is partially naked.

The video shows that Alv was calm prior to Alab1's arrival to the room and that least restrictive measures were not attempted when Alv became behavioral. It is clear that Alab1's action of taking hold of Alv and speaking so directly to her clearly caused a change in her calm demeanor and her fueled Alv's behaviors on 6/21/16, and that little attempt, if any, was made to follow her treatment plan. I-6 confirmed that staff had options, other than restraint, such as limiting eye contact, giving reminders and prompts. The totality of information shows sufficient evidence that the actions of Alab1, in his stern verbal and physical redirection of Alv, were the catalyst to a nearly 10-minute-restraint that was not documented. This event caused emotional injury to Alv in the form of increased behaviors, and clear emotional distress, in the moment and for weeks after. That the staff of the agency did not see this undocumented and clearly emotionally upsetting event to Alv as potential abuse points to a possible systemic issue beyond this one incident.

There was insufficient evidence that Alab2 had acted as reported, nor that Alv had been injured by her alleged actions. Alab2 did work on 7/10/16, but there were no known incidents that day. I-7 stated that it would have been impossible for Alab2 have restricted phone calls since February.



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

► **Facts pertinent to the allegation(s) investigated:**

According to I-2, during a regularly scheduled [REDACTED] appointment on 7/14/16, Alv disclosed that she had difficulties with staff at her residential placement. Alv said that she is restrained when she is angry and sometimes is pinched or hit by staff, hard. Alv described two specific staff she had issues with. Alv described an incident from 6/21/16 with a male staff who had taken away her flat iron after a female staff had told her that she could use it for ten minutes, then the male staff burned the back of her hand with the flat iron, threw her on the floor and bent back her fingers. Alv described that this male staff wanted her to have behaviors and take her clothes off. Alv also described a female staff person who had hurt her, by taking the phone from her in February and not allowing her to call [REDACTED] and also the prior Sunday (7/10/16) by throwing Alv's food on the floor. Alv told I-2 that nothing hurt her on 7/14/16 and he reports although she had some slight darkened areas of skin and possible slight abrasions on her arms, the areas were not tender and there was no evident swelling, bleeding or skin break. I-2 did not consider these serious injuries. Alv handed I-2 a note with Alabs names on it as she left his office, and he assumed that these two were the staff to whom she had referred. I-2 reported that although he does know Alv from seeing her in the past, he had no way to judge her ability to accurately report what had previously occurred. I-2 stated that he found with Alv it could be "hard to judge what is true."

I-6 [REDACTED] states that Alv is verbal and can describe her wants and needs, but that she struggles with daily living skills. I-6 stated that Alv's intellectual disability and "her rationalizing her thoughts in regard to her behaviors" interfere with her development and functioning. In particular, I-6 noted that Alv can be aggressive and/or disrobe when she is trying to access tangible items that she desires. I-6 described that Alv lacks insight and impulse control, and that at times Alv's aggressive behaviors can lead to restraints. I-6 described that Alv also tends to "make allegations against staff" when she is either denied an object she desires or is not able to spend as long as she wants with particular items. I-6 described that Alv does seem to really believe that staff are abusing her, when they may be redirecting her, or restraining her for safety. Alv was interviewed by C-1, but she did not want to discuss the allegations further.

When I-1 was contacted about the allegations, he had staff attempt to locate footage of the alleged 6/21/16 incident. Staff did find that there was an incident with a flat iron involving Alv and Alab1 on the day Alv had mentioned. The staff working with Alv that day were Alab1, I-3, I-4 and I-5. I-6 was asked and did not find it unusual that Alv would be able to recall dates and names from a past incident, I-6 stated that due to [REDACTED] Alv is good at remembering dates, names and times. Also, Alv often writes about incidents, but I-6 cautioned that you have to watch footage to clarify, as Alv can recall specific events and times, even if she "made up" her own details of the incidents. I-1 and I-6, after having seen footage of the incident, stated that Alv's behavior in the footage, crying out that staff was abusing her, and disrobing in response to staff actions, was typical for her. I-1 noted that he had seen Alv disrobe and hit staff, but state that staff was actually abusing her, at times when staff was not touching her.

Footage shows Alv getting her flat iron out of her night stand at 7:58 a.m. Alv walks around her room with the flat iron for a time, then sits on her bed and brushes her hair. Alab1 tells Alv she can't use the flat iron. I-4 tells Alv that she does not have time to do her hair with the iron that morning because the bus is there. Alv continues and may say something in response, to which I-4 says, "excuse me, if you do that you'll definitely lose your flat iron and your [REDACTED], so try it." Alab1 says, "then she's not going to have her preferred breakfast and she's not going to call [REDACTED] later on." I-4 tries to get Alv to go look to see the bus is there, as Alv states she does not believe it to be there. Alv starts to disrobe at 8:05 a.m. and I-4 states, "as soon as you take off that shirt you're going to lose that [REDACTED]." Alab1 states, "bring me her sheet so that I can mark it down so she can lose her breakfast option." (Alv has a behavioral contract that allows her an extra snack and drink of choice if she has none of certain specified behaviors.)

I-4 says that she will do Alv's hair that night when they return home, and another student who has come to encourage Alv says, "she does it nice." Alv goes back with the iron. Others are in and out, but at 8:08 a.m. I-4 returns and puts the flat iron in the night stand again, and again says she'll do it at night. I-4 puts clothes out for Alv and leaves again. At 8:10 a.m. Alab1 comes in and asks Alv, "why are you giving people such a hard time today?" Alv says she wasn't and Alab1 says "yes you were and you got pinpointed [the term the agency uses for a verbal behavioral consequence]." Staff leave, and Alv again walks around the room, shuts the door around 8:12 a.m.. At 8:14 a.m. I-4 opens door and goes in and out telling Alv not to shut the door again. At 8:15 a.m. Alv shuts the door again, then gets the flat iron out again. At 8:16 a.m. I-4 opens the door and says to Alv, "if you close your door one more time you are going to get pinpointed." Alv makes a motion to disrobe and says that Alab1 told her she was pinpointed already, but I-4 tells her she was not. I-4 walks out but says to Alv, "stop closing this door, you don't have independence in this house." Alab1 enters and says to Alv, "hurry up, hurry up, right now, put your stuff away." In response, Alv takes her shirt off. Alab1 says, "put your stuff away" and in response, Alv takes her bra off. Alab1 says, "she's doing the impossible."



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

Alab1 calls for I-3 or other female staff, as Alv stands naked and banging the window of the room. This continues for a few minutes, as Alab1 and the other student continue calling for female staff. I-3 responds at 8:20 a.m., and the others leave, I-3 pulls the door partly closed and hands Alv her clothes, and Alv puts them on. Alv then sits calmly brushing her hair for a number of minutes.

At 8:33 a.m. a staff off camera remarks that I-3 is letting Alv flat iron her hair, Alab1 is heard saying, "she can't do that." The staff off camera (who sounds to be I-4) says, "she's sitting on her bed fucking flat ironing her hair and I know as soon as we go in there she's going to disrobe." Alab1 then walks in and says to Alv, "we can't do that" and "let's go." In response, Alv takes off her top. Alab1, walks past the female staff present and takes Alv by the arm, in a hold that does not appear consistent with a supportive guide. Alv drops to the floor and Alab1 continues to try to move her forward. Alv begins verbalizing in a manner that appears distressed, repeating words over and over again. Alab1 holds Alv down and I-3 attempts to put clothes on her. Alv continues to appear distressed, to not willingly participate and to verbalize over and over something that sounds like, "you're abusing me, you're abusing me, you're abusing me." Another staff comes in and removes the flat iron from where it had been on the window sill. Alab1 continues to hold Alv by both arms from behind, while Alv is screaming and fighting his and I-3's movements. I-5 enters at about 8:35 a.m. Alv is pinpointed for scratching others, I-5 and Alab1 continue to hold Alv, while I-3 tries to put her clothing on. At 8:37 a.m. I-4 enters, and she and I-3 continue to try to dress Alv, as Alab1 and I-5 hold Alv by the arms. Alv is again pinpointed for scratching others. At 8:38 a.m., I-4 backs away and tells Alv to "step up," at which point Alab1 and I-5 hold Alv's arms up and I-3 continues to try to dress Alv, as Alv continues to vocalize in a distressed manner. At 8:40 a.m. Alab1 again pinpoints Alv for scratching and tells her she is going to school. I-4 speaks to the other staff telling them, "I hope you know we are all going to get a nice PIO [Performance Improvement Opportunity, JRC's staff warning/discipline] for this." At 8:42 a.m., while still holding Alv by the arms, and while Alv is still repeating, "you're abusing me," Alab1 and I-5 try to pull Alv up, at I-4's direction. Alv is not standing, and it appears that staff drags or carries her out of the room.

It is not evident at any point that Alab1 has burned Alv with the flat iron, which appears to be on the window sill at the point at which he entered. Alab1 does take hold of Alv and may remove a brush from her hand. Alab1 does not appear to push Alv to the ground, she appears to drop herself there. Alab1's hands cannot clearly be seen, but all other staff present deny that they ever saw him injure Alv in any way, including burning her hand or bending her fingers back. Other staff indicated that Alv did not report injury that day and they saw none. Staff do clearly overcome Alv's active resistance and hold her down for nearly 10 minutes, for at least half of which she is partially naked. This is not in keeping with her written behavior plan, which directs that Alv should be pinpointed with a "No" and staff should limit speaking and eye contact with Alv, and "only provide verbal prompts to go to school every 30 minutes." Additional portions of her daily recording sheets direct staff to use least restrictive methods and to only restrain in a supine floor hold when necessary. Alv was calm prior to Alab1's arrival to the room. Least restrictive measures were not attempted.

It is clear that staff action mostly added to Alv's behaviors on 6/21/16, and that little attempt, if any, was made to follow her treatment plan. I-6 confirmed that staff had other options, such as limiting eye contact, giving reminders and prompts. Also, I-6 stated that while items ( ) can be removed for safety reasons, threat of their removal is not an approved technique. A review of nursing notes for June shows entries only on the 2nd and the 28th, unrelated to this incident. A review of restraint forms for June shows that restraints of Alv were documented only on 6/17/16. Alab1's actions do clearly cause a change in Alv's previously calm demeanor, but there is no evidence that she was physically injured by his actions. Alv wrote of the 6/21 incident, asking that Alab1 and I-3 be given "big PIOs" for inappropriately restraining her in her room and carrying her down the stairs and onto the bus. I-7 stated that this note appeared on his desk after a 7/10-7/18/16 vacation.

I-7 stated that it is not uncommon for notes from Alv to appear on his desk like this; he states that Alv gives them to "random people" and asks them to deliver them to him.

-----Continued on the Supplemental Information Form, Additional Facts Pertinent to the Allegations Investigated Section-----



**Disabled Persons Protection Commission  
M.G.L. c. 19C / 118 CMR Investigation Report**

**M.G.L. c. 19C / 118 CMR Conclusion**

► Based on information gathered by the Investigator there is sufficient evidence to conclude that Alv is a victim of abuse, as it is defined by M.G.L. c. 19C and/or 118 CMR, by Alab(s) 1

Therefore, the investigation(s) is/are **substantiated** for DPPC case number(s) **147465**

**When there are multiple Alabs and allegations are substantiated on some of them, but not on others, explain:**

There was insufficient evidence that Alab2 had acted as reported, nor that Alv had been injured by her alleged actions.

Alab2 did work on 7/10/16, but there were no known incidents that day. I-7 stated that it would have been impossible for Alab2 have restricted phone calls since February.

► **Individuals Interviewed or Contacted by Investigator (Provide redaction code, name, title or relationship to Alleged Victim, method of contact and date for each person interviewed):**

Alv, [REDACTED], 7/20/16 (by C-1, with I-1)  
C-1, Michelle McCue, Investigator, DPPC  
I-1, [REDACTED], JRC, 7/20/16,  
11/18/16, 12/16/16  
I-2, [REDACTED] MGH, 12/1/16\*  
I-3, [REDACTED] JRC, 11/18/16 (with I-1)  
I-4, [REDACTED] JRC, 12/1/16\*  
I-5, [REDACTED] JRC, 8/4/16 (with I-1), 11/18/16 (with I-1)  
Alab1, [REDACTED] JRC,  
11/18/16 (with I-1)  
Alab2, [REDACTED] JRC, 12/1/16\*  
I-6, [REDACTED], JRC, 11/18/16 (with I-1),  
12/16/16 (with I-1)  
I-7, [REDACTED], JRC, 12/6/16\*

**Redaction Code Key**  
Alv – Alleged Victim or Victim  
Alab – Alleged Abuser or Abuser  
OI - Other Individual  
PC – Person Considered (someone, not an Alab, whose actions or inactions were examined)  
I - Denotes person interviewed during this investigation  
C - Denotes person contacted for collateral or expert/professional opinion  
R - Denotes person referred to in the report that was not questioned  
► Required by 118 CMR  
\* - Telephone interview or contact  
\*\* - Email contact

**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

► **It does not appear that the abuse report constitutes a malicious “False Report.”**

*118 CMR Definition: A report of Abuse which at the time it is made is known by the reporter not to be true and is maliciously made for: the purpose of harassing, embarrassing or harming another person; the personal financial gain of the reporter; acquiring custody of the Person with a Disability; or the personal benefit of the reporter in any other private dispute. A False Report does not include a report of Abuse of a Person with a Disability that is made in good faith to the Commission and subsequently is unsubstantiated or screened out for lack of jurisdiction under M.G.L. c. 19C.*

► **Protective Service Actions Taken and/or Recommended (required when abuse is substantiated):**

>The agency providing protective services to the Alv should ensure that the Alv is provided with access to trauma informed therapeutic supports that are appropriate to Alv’s individual situation and needs.

Alab1 was restricted from working with Alv during the course of the investigation, and it was recommended that he also have no contact with students during the investigation.

Alab1 and other staff involved on 6/21/16 should be disciplined as appropriate.

► **Additional Findings of Risk:**

-From viewing footage of the 6/21/16 incident, it is clear that staff (Alab1, I-3, I-4 and I-5) restrain Alv prior to attempting any less restrictive measures, as directed in Alv’s information. In addition to staff failing to attempt any less restrictive measures, the restraint is not documented as all staff involved failed to see the event as a restraint or possible abuse. This raises concern that there is a possible systemic issue beyond this one incident.

-Alv was noted to often complain about staff and frequently write notes about her concerns. Alv is clearly distressed in the 6/21 incident.

-At times on 6/21/16 staff threaten to take away Alv’s [REDACTED] (I-3), to limit her calls to [REDACTED] and to take away preferred foods (Alab1). These actions can only serve to instigate Alv and to undermine the behavioral treatment in use at the program.

-That the other JRC staff present during this incident or those that may have viewed it via video monitoring did not see this unnecessary, undocumented and clearly emotionally disturbing event for Alv as abuse points to a systemic issue beyond this one incident.

-The acuity of behavioral challenges exhibited by students at JRC places staff in situations where they are required to immediately react and address complex behaviors to protect themselves and students. Without in-depth clinical training and continual strong and consistent supervision and direction staff appear to sometimes develop informal patterns of response that are neither consistent with JRC program guidelines or safe for the students and staff involved. This potentially creates an atmosphere where neither students or staff are safe and allows for dangerous incidents to occur that lead to abuse. It appears that JRC is facing challenges that impact multiple areas of the organizational structure. For example, as is common in many residential treatment/educational programs, recruitment and retention of adequately trained and qualified staff is a consistent challenge; also, the isolation from the main campus of many JRC residences makes supervision and direction of staff difficult even with the video monitoring process.



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

**► Additional Recommendations and/or Actions Already Completed (required when additional risk is identified):**

-EEC is the licensing agency for the residence where this incident took place. DDS should work with EEC to ensure that restraints are documented when they occur, and that least restrictive measures are always tried. JRC should provide discipline, as appropriate, and retraining for all staff as necessary, to ensure that all staff follow behavior plans, employ least restrictive measures, restrain students only when appropriate and document all restraints appropriately. JRC should also ensure that staff are educated and empowered to report all treatment that is not in keeping behavior plans or agency guidelines.

-Alv's treatment team at JRC should ensure that all of Alv's complaints are treated seriously and shared with her funding agency. They should also continue to review with the funding agency whether this is an appropriate placement for Alv.

-All staff who used threats with Alv should be disciplined as appropriate, and retrained. In addition, JRC should ensure that staff are trained adequately to effectively carry out the behavioral treatment in use at the program.

-JRC should utilize internal and identify external resources to evaluate the current state of the program and to address the organization wide challenges that they appear to be confronting.

**Alleged Victim (Alv) Information:**

**Address:**

**Telephone Number:**

**Date of Birth:**

**Social Security Number:**

**Pertinent information regarding the Alleged Victim:**

[Redacted]

[Redacted]

[Redacted]

**Alleged Victim Guardian Information:** Guardian?  Yes  No  Unknown

**Guardian:**

**Name:**

**Address:**

**Telephone:**

**Type:**

**Co-Guardian:**

[Redacted]

[Redacted]

[Redacted]



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

► Was the Alleged Victim interviewed?  Yes  No

If no, explain why not:

Alv was interviewed by C-1 on 7/20/16, however at that time Alv did not want to discuss the allegations further.

**Other Individual (OI) Information:**

Name: n/a

Address:

Date of Birth:

Social Security Number:

Is the OI a person with a disability as defined by M.G.L. c. 19C?  Yes  No

OI Disability:

Pertinent information regarding the OI:

[Redacted area]

**OI Guardian Information:**

Does Other Client have a guardian?  Yes  No  Unknown

Name:

Address:

Telephone Number:

► **Alleged Abuser Information:**

Alleged Abuser 1 (Alab 1) Name: [Redacted]

► Was the Alab 1 interviewed?  Yes  No

ALAB 1 Information:

[Redacted area]



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

---

Alleged Abuser 2 (Alab 2) Name: [REDACTED] [REDACTED]

▶ Was the Alab 2 interviewed?  Yes  No

ALAB 2 Information:

[REDACTED]

Alleged Abuser 3 (Alab 3) Name: \_\_\_\_\_

▶ Was the Alab 3 interviewed?  Yes  No

ALAB 3 Information:

Alleged Abuser 4 (Alab 4) Name: \_\_\_\_\_

▶ Was the Alab 4 interviewed?  Yes  No

ALAB 4 Information:

Alleged Abuser 5 (Alab 5) Name: \_\_\_\_\_

▶ Was the Alab 5 interviewed?  Yes  No

ALAB 5 Information:

Alleged Abuser 6 (Alab 6) Name: \_\_\_\_\_

▶ Was the Alab 6 interviewed?  Yes  No

ALAB 6 Information:



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

Alleged Abuser 7 (Alab 7) Name: \_\_\_\_\_

▶ Was the Alab 7 interviewed?  Yes  No

ALAB 7 Information:

Alleged Abuser 8 (Alab 8) Name: \_\_\_\_\_

▶ Was the Alab 8 interviewed?  Yes  No

ALAB 8 Information:

Did ALAB(s) Receive a Copy of the DPPC Notice of Alleged Abuser's Rights Form?  Yes  No

If no, explain why not:

Alab1 received it, but Alab2 did not, as her interview was over the phone (also, no injury alleged from her actions).

▶ Were all Reporters interviewed?  Yes  No

If no, explain why not:

▶ Were all available witnesses interviewed?  Yes  No

If no, explain why not.

▶ Site of Alleged or Actual Abuse: \_\_\_\_\_

STOUGHTON MA

▶ Name of Vendor if Site is a Vendor: JUDGE ROTENBERG EDUCATIONAL CENTER (THE) / JRC

Type of Setting: RESIDENTIAL

▶ Date of Visit and Pertinent Information Regarding Risk at the Site:

The physical site of the incident was not visited, as video footage of the alleged incident was available and reviewed. Alv has since moved from this residence.



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

**► Documents Reviewed:**

<input type="checkbox"/> Accident Report	<input type="checkbox"/> Injury Report
<input type="checkbox"/> Activity Report	<input type="checkbox"/> Level of Supervision Form
<input checked="" type="checkbox"/> Admission Report	<input type="checkbox"/> Medical Examiner's Report
<input type="checkbox"/> Ambulance Log/ Trip Sheet	<input checked="" type="checkbox"/> Medical Record
<input type="checkbox"/> Audio Recording	<input type="checkbox"/> Medication Error Report/ Form
<input type="checkbox"/> Communication Book	<input type="checkbox"/> On-Call Record/ Schedule
<input type="checkbox"/> Death Report	<input checked="" type="checkbox"/> Personnel File
<input type="checkbox"/> Discharge Summary	<input type="checkbox"/> Policies and Procedures
<input checked="" type="checkbox"/> Doctor's Orders/ Note	<input type="checkbox"/> Previous Abuse Investigation Report
<input type="checkbox"/> Facility Security Log	<input type="checkbox"/> Previous Hotline Report
<input type="checkbox"/> Hospital Record	<input checked="" type="checkbox"/> Progress Notes
<input type="checkbox"/> Human Rights Complaint	<input type="checkbox"/> Police Report
<input type="checkbox"/> Human Rights Report	<input type="checkbox"/> Psychiatric Evaluation/ Report
<input type="checkbox"/> Incident Report	<input type="checkbox"/> Psychological Evaluation/ Report
<input type="checkbox"/> Individual Day Program Agency Record	<input type="checkbox"/> Psychosocial Evaluation/ Report
<input type="checkbox"/> Individual Educational Plan	<input type="checkbox"/> Quality Assurance Report/ Evaluation
<input checked="" type="checkbox"/> Individual Residential Agency Record	<input checked="" type="checkbox"/> Restraint/ Seclusion Form
<input type="checkbox"/> Individual Service Agency Record	<input type="checkbox"/> Staff Assignment Schedule
<input type="checkbox"/> Individual Service / Support Plan	<input type="checkbox"/> Staff Communication Log
<input type="checkbox"/> Individual Treatment Plan	<input checked="" type="checkbox"/> Video Recording

**Additional Documents Reviewed:**

n/a

**► Photographs /Physical / Other Evidence:**

-a CD containing footage of Al's bedroom from 6/21/16 is included in the Investigation file

**Criminal Investigation and Prosecution Status:**

Referred to District Attorney:  YES  NO

Was a criminal investigation conducted?  Yes  No

Were criminal charges filed?  Yes  No

Type of charge filed: \_\_\_\_\_

If other explain: \_\_\_\_\_

Prosecution result: \_\_\_\_\_

If other explain: \_\_\_\_\_



**Disabled Persons Protection Commission**  
**M.G.L. c. 19C / 118 CMR Investigation Report**

---

The assigned investigator and their supervisor certify that to the best of their knowledge the information contained in this M.G.L. c. 19C investigation report is accurate.

Seana Miller  
Investigator Name

12/15/2016  
Date Report Submitted to Supervisor

Emil DeRiggi  
Supervisor Name

12/16/2016  
Date Report Approved by Supervisor

CONFIDENTIAL



**M.G.L. c. 19C / 118 CMR Investigation Report  
Supplemental Information**

**Alleged Victim:** ██████████

**DPPC Case Number(s):** 147465

**Investigation Agency:** DPPC

THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION. UNLESS DULY AUTHORIZED OR PERSONALLY IDENTIFIABLE INFORMATION IS ADEQUATELY REDACTED, FURTHER DISTRIBUTION OF THIS DOCUMENT, OR A COPY OF SAME, BY YOU TO OTHERS COULD RESULT IN LEGAL PENALTIES.

**Additional Individuals Interviewed or Contacted by Investigator**

n/a	
-----	--

CONFIDENTIAL

**Redaction Code Key**  
Alv – Alleged Victim or Victim  
Alab – Alleged Abuser or Abuser  
PC – Person Considered (someone, not an Alab, whose actions or inactions were examined)  
I - Denotes person interviewed during this investigation  
C - Denotes person contacted for collateral or expert/professional opinion  
R - Denotes person referred to in the report that was not questioned  
▶ Required by 118 CMR  
\* - Telephone interview or contact  
\*\* - Email contact

**M.G.L. c. 19C / 118 CMR Investigation Report  
Supplemental Information**

**Additional Facts Pertinent to the Allegation(s) Investigated**

-----Continued from Facts Pertinent to the Allegations(s) Investigated-----

Alv also mentioned concerns that Alab2 had thrown her breakfast on the floor on 7/10/16 and had taken the phone from her and/or prevented calls to [REDACTED] since February. Alab2 stated that she had done neither of these things. She said that Alv often "lies" about staff if she does not get her way and that she tries hard to be on camera with Alv all of the time because of this. Alab2 said that she recalled no breakfast incident, except for one when Alv threw her food on the floor and then blamed another student for it. Also, with regard to the phone, Alab2 states that she has never removed it from Alv nor denied Alv a call. Alab2 states that only a supervisor can make decisions about calls, and that she is not a supervisor. Alab2 stated that she is often present for Alv's calls to [REDACTED] on Saturdays, but Sundays (like 7/10) are her day off. I-7 confirmed that Alab2 did work on 7/10, however he stated it is unclear if she worked with Alv that day, and no incidents were documented. I-7 stated it would have been impossible for Alab2 to restrict calls since February.

There was insufficient evidence that Alab2 had acted as reported, nor that Alv had been injured by her alleged actions. However, the totality of information shows sufficient evidence that the actions of Alab1, in his stern verbal and physical redirection of Alv, were the catalyst to a nearly 10-minute-restraint that was not documented. This event caused emotional injury to Alv in the form of increased behaviors, and clear emotional distress, in the moment and for weeks after. Therefore, abuse by Alab1 as it is defined by M.G.L. 19C and 118 CMR is substantiated.

That the other JRC staff present during this incident or those that may have viewed it via video monitoring did not see this unnecessary, undocumented and clearly emotionally disturbing event for Alv as abuse points to a systemic issue beyond this one incident.

**Seana Miller**

Investigator Name

**12/15/2016**

Date Submitted to Supervisor

**Emil DeRiggi**

Supervisor Name

**12/16/2016**

Date Approved by Supervisor