

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

Alleged Victim: [REDACTED]

DPPC Case Number(s): 146386

Investigation Agency: DPPC

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Additional Individuals Interviewed or Contacted by Investigator

n/a	
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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

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Additional Facts Pertinent to the Allegation(s) Investigated

---Continued from Facts Pertinent to the Allegation section:

4) Allegations regarding Alab3, 4 and 5:

There is no dispute however that Alv was able to access and swallow Latex gloves in her residence on the overnight of 6/12/16-6/13/16, despite being a 1:1 student at the time. Subsequent to this, she was transported to the hospital [REDACTED] to remove three gloves. Alv told staff at the hospital that she had done this because of the allegations previously addressed in this report. There was insufficient evidence that any of those other alleged incidents had occurred, and Alv later recanted them in front of camera, according to I-3, who said that Alv also recanted her initial story of getting the gloves from a peer over the weekend, and said she had obtained them shortly before she swallowed them, from a first floor kitchen cabinet. There should not have been gloves in that location, and no one interviewed could say how they got there.

Alv has a clear history of swallowing inedible things, including gloves. This is addressed as a target behavior in her Program Description and notation of it included on her Current Status /Daily Log ("recording sheets") in the Residential Special Considerations section, "LATEX GLOVES: Staff should refrain from wearing these unless medically necessary as [Alv] has bitten them off staff's hands in order to ingest them. DO NOT LEAVE THEM ACCESSIBLE TO [ALV.] In the past, [Alv] has successfully swallowed latex (sic) gloves. Staff should not be wearing gloves around [Alv] as this is a LIFE THREATENING item for her to swallow," and also in the Safety Protocols section, "No access to items that can be easily ingested (i.e. batteries, pens/pencils, staples, Latex gloves", and Alv "CANNOT HAVE ACCESS TO OR BE IN THE PRESENCE OF LATEX GLOVES. If there are latex gloves in her environment please remove them."

In addition to this, Alv's current status/recording sheets clearly state, in "Unique Information to Client," "[Alv] will be 1:1 strict staffing during awake hours at the residence only." This was true of her status before the evening of the prom incident, 6/10/16. I-3, I-4, I-5, I-17 and I-15 confirmed that all staff who worked with Alv should read her current status. They also indicated that staff are expected to read email sent about students (such as the one sent by [REDACTED] on 6/10/16 after the prom reiterating that Alv was to be a strict 1:1 for 16 hours a day (across environments) and the one sent by [REDACTED] an hour later which indicated that Alv should be staffed 1:1 24 hours a day, rather than just her waking time 1:1 as already noted. I-3, I-4, I-5, I-17 and I-15 also confirmed that the waking hour 1:1 should be inclusive of all times that Alv is awake, not just typical waking hours. Also, staff noted that a strict 16 hour a day 1:1 is also commonly understood to be all time that a student is awake.

Although Alv had been staffed with a 24 hour 1:1 from Friday through Sunday 6/10/16-6/12/16, on the Sunday overnight (6/12/16-6/13/16) this did not continue. Staff gave various reasons as to why this occurred, referring to [REDACTED] email rather than [REDACTED] missing daily log sheets, too many emails to read, lack of access to read email, consultation of the 1:1 list without Alv's name on it, etc. This lack of clarity is concerning, not only for Alv, but for all students.

Alab5 was examined as a possible Alab for this case, as she had not included Alv's name on a 1:1 list that night, nor had she ensured that sufficient awake overnight staff remained in the residence to staff Alv 1:1 24 hours. In examining this issue, it became clear that the 1:1 list was not thought by all to be exhaustive list of 1:1 students (I-3 confirmed this with R-3). I-17 also confirmed this, apparently, although the list was titled 1:1 list, it was actually started to keep track of students with sexual acting out issues, and was not solely for 1:1 status.) Although the process by which Alv's status changed via email was typical, according to those interviewed Alab3, 4 and 5 all say they had not seen the email with the change. The exact time Alv's status changed back from 24 hour to 16 hour could not be found (it seems it occurred before Alv went to bed, but was only [REDACTED] when she did) and the staff responsible could not be determined, but there was still a clear expectation from Alv's current status that when Alv was awake, she was to be supervised within her residence.

Additionally, all staff who worked with Alv were to have special training and to be "[Alv] trained" before working with Alv. This investigation revealed that some staff were considered "[Alv] trained" although when they had only been "[REDACTED] trained." [REDACTED] is another high needs student, who has since left the program.

On the overnight of 6/12/16 into the morning of 6/13/16, Alab3 and Alab4 were the awake overnight staff. Alab4 was on the

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lower level of the residence, where Alv's bedroom was, and Alab3 was on the upper level.

Video footage shows Alv got out of bed at 4:22 a.m. on 6/13/16, and walked through the downstairs of the residence and up the stairs to main floor. This set off the bedroom alarm. Alab4 did not respond, though she was closer to Alv. Alab3 turns this alarm off from upstairs and meets Alv at the top of the stairs. Alv continues on to the hallway bathroom and Alab3 follows. No attempt at verbal or physical redirection by Alab3 is evident. Alab3 did not clear the bathroom first, but she did enter with Alv, as expected. Alv exits the bathroom and sits on the couch in the living room upstairs; Alab3 follows. Alv asks who [REDACTED] is and Alab3 responds, "Alab4." Alv stated that she wanted breakfast and Alab3 tells her that she can't cook right now. Alv goes to the kitchen, to the cabinet above the stove, and appears to take out a box, then put it back. Alab3 does not fully follow; as this occurs, Alab3 goes to the top of the stairs, a distance away, and turned away from Alv, to call for Alab4. Alv moves to another cabinet, gets a bag of chips, and goes back to the couch. As this occurs, Alab3 moves slightly down the stairs, and calls again for Alab4. Alab3 is off camera view for about 20 seconds. She returns with Alab4, who verbally redirects Alv back downstairs. Alv goes back to her room.

Alab4 stated that about half an hour later, Alv left her room to find staff again, and had a glove in her mouth. Alv gave this glove to Alab4, but said she had ingested others. Alab4 notified other staff, and this led to Alv being taken to the hospital.

Alv initially said she had gotten the gloves from another student over the weekend, although when confronted with video footage saying she had lied about when she got the gloves, Alv admitted she said that to get the other student in trouble. Alv then said she had gotten the gloves from the cabinet over the stove just shortly before she ingested them. Footage supports that this likely occurred, and a box of gloves was later found in this cabinet. Due to Alv's history with ingesting gloves, they are supposed to be kept locked up within the residence. It remained unclear how the gloves came to be over the stove. Neither Alab was aware Alv had gotten gloves on the overnight.

To get up the stairs Alv had to pass the area where Alab4 was in-- a darkened room where the sleep-aide staff usually sleep. Alab4 said that she did not see Alv leave her bedroom and did not hear the alarm. When questioned by I-4, Alab4 indicated that she was on break and she may have been sleeping at the time. I-4 stated that Alab4 did acknowledge to him that she should not have been sleeping, even on her break, as she is supposed to be ready to assist with crises, even when on break. I-21 stated that even if she was on break, had Alv passed her to go upstairs, she would have followed.

Alab4 told this Investigator she got to this residence around 2 a.m., after being bumped there from another residence. When she arrived, Alv was in bed. Staff present were Alab3, I-11, I-21 and [REDACTED] (one of which was I-14). Alab4 said that she got a verbal update from I-21, who left, and that I-11 was later bumped to another house. Alab4 said that Alab3 was upstairs and she told Alab3 that she'd be downstairs if she was needed. Alab4 said that she had not been specifically "[Alv] trained," but that she was "[REDACTED] trained" and aware that all "[REDACTED] trained" staff were considered to be "[Alv] trained." (Alab5 further explained that [REDACTED] had either 1:1 staffing or 2:1 staffing, so the needs would be similar.) Alab4 had worked with Alv off and on for about 3 years, and she was aware from recent weeks that gloves had to be locked up, specific to Alv. Alab4 acknowledged that she knew Alv would become a 1:1 when she woke up, regardless of whether she was a 16 hour or 24 hour 1:1 status. Alab4 said that she did not hear Alab3 calling her right away, however she stated Alab3 should have just called louder and stayed right with Alv. Alab3 stated that she believed that Alab4 must have dozed off, as she did not appear to hear the alarm, or Alab3 calling for her.

Alab3 stated that she had used her "loudest voice" when calling for Alab4. Footage shows this to be still somewhat soft, not typical yelling. Alab3 also stated she had been "[REDACTED] trained," and that she had previously worked with Alv.

Alab3 and Alab4 both noted that there were staff changes that evening, that they also had not seen Alv's recording sheets. Both acknowledged working with Alv in the past. Both also said that although they had not seen the email from [REDACTED] that had replaced the one from [REDACTED] they were aware of the strict 1:1 put in place by [REDACTED] as they each mentioned this in their responses to questions about the 24 hour 1:1. There was no definitive list of active 1:1 students, nor one clear way for a person to be documented as a 1:1 change. In addition to the confusion within the residence, I-21 had checked with the monitoring office and they also believed Alv to only be on 16 hour 1:1 status. These systemic issues were noted and recommendations made to address them. Initially JRC sent out a memo to all school supervisors to verbally contact Monitoring/DVR to notify in change of status.

While there could be speculation about what might have happened differently had Alv had a 24 hour 1:1 staff assigned, or had the gloves been secured as they should have, that would only be speculation, and it is still clear that Alab3 and Alab4

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were aware, or should have been aware of Alv's propensity to swallow gloves and need to be supervised. Alab3 and Alab4 failed to provide Alv with the level of supervision that they knew her to need, 16 hour, or waking hour 1:1. Alab4 failed to address Alv's initial walk out of her bedroom and did not respond until Alab3 called multiple times; Alab4 admitted she may have been sleeping. Alab3 failed to stay with Alv at all times, noting that she did not feel comfortable alone with Alv and went to get Alab4. It was in this unsupervised moment that Alv accessed the gloves.

Although there was systemic failures present in staff not knowing Alv's status, the direct omission that led to Alv obtaining the gloves that she later swallowed remains with Alab3 and Alab4.

Alv was treated at the hospital and later returned to JRC. She has since left the program for her home [REDACTED]

Seana Miller

Investigator Name

5/7/2018

Date Submitted to Supervisor

David Viens

Supervisor Name

5/8/2018

Date Approved by Supervisor

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Date of Incident: multiple

Allegation:

- 1) The ALV [REDACTED] stated to [REDACTED] that she says ALAB1 stands behind her, peeks under her dress, touched her inappropriately, and makes her feel uncomfortable."
- 2) The Alv stated that on 6/10/16 the ALAB2 punched her ALV in the mouth, and he also used the "F" word directed at her, and says "your mother doesn't love you."
- 3) The ALV adds also that OI touches her butt, and nobody does anything about it.
- 4) The ALV told [REDACTED] she purposely swallowed the Latex gloves, to get out of the school, so she could come to the hospital and tell someone what's going on at the residential school. [REDACTED] was afraid to allow the ALV to be discharged back to this residence.

► **The Alleged Victim (Alv) is a "Person with a Disability" as defined by M.G.L. Chapter 19C &/or 118 CMR? If Alv does not meet the definition, provide the facts that support this determination:**

[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 not meet the definition, provide facts that support this determination.

Alab1, Alab2, Alab3, Alab4 and Alab5 are all caretakers. OI is not a caretaker.

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.

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Serious physical injury(s) sustained by the Alleged Victim:

First: Impairment of a bodily system

Second: None

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

Serious emotional injury(s) sustained by the Alleged Victim:

First: None

Second: None

If Alleged Victim suffered a serious emotional injury describe the observable and measurable reduction in his/her ability to function:

Abuse Per Se of the Alleged Victim: None

118 CMR Definition: An Act or Omission of a Caretaker that includes or results in the following, regardless of whether a Serious Physical Injury or serious emotional injury is manifested: (a) Sexual Abuse; (b) the withholding of adaptive aids used by the Person with a Disability, provided that said withholding is unrelated to safety, care or treatment; (c) a pattern of touching neither required nor appropriate for tending to the safety and welfare of a Person with a Disability. For purposes of 118 CMR 2.02: Abuse Per Se(c) only, the term "pattern" shall mean "Two or more separate instances of touching"; (d) the intentional, wanton or reckless application of a physical force in a manner that inflicts physical pain or Serious Emotional Injury as determined by an evaluation of the totality of the circumstances.

► 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):

I-1, [redacted] Sturdy Memorial Hospital, 6/14/16*	I-11, [redacted] JRC, 6/28/16(with I-4)
I-2, [redacted] 6/14/16*	I-12, [redacted] JRC, 6/28/16 (with I-4)
I-3, [redacted] Judge Rotenberg Center (JRC), 6/13/16*, 6/15/16, 6/17/16, 6/23/16	I-13, [redacted] JRC, 6/28/16 (with I-4)
I-4, [redacted] JRC, 6/15/16, 6/17/16, 6/23/16	I-14, [redacted] JRC, 6/28/16 (with I-4)
R-1, [redacted] JRC	I-15, [redacted] JRC, 6/28/16(with I-4)
Alv, [redacted] Alleged Victim, 6/15/16 (with I-3 and R-1)	I-16, [redacted] JRC, 6/28/16 (with I-4)
I-5, [redacted] JRC, 6/15/16	I-17, [redacted] JRC, 6/28/16 (with I-4)
Alab1, [redacted] 6/17/16 (with I-4)	I-18, [redacted] JRC, 6/30/16 (with I-3)
Alab2, [redacted] JRC, 6/15/16 (with I-3)	I-19, [redacted] JRC, 6/30/16 (with I-3)
I-6, [redacted] JRC, 6/17/16 (with I-4)	I-20, [redacted] JRC, 6/30/16 (with I-3)
I-7, [redacted] JRC, 6/17/16 (with I-4)	I-21, [redacted] JRC, 6/30/16 (with I-3)
I-8, [redacted] JRC, 6/17/16 (with I-4)	I-22, [redacted] JRC, 6/30/16 (with I-3)
I-9, [redacted] JRC, 6/17/16 (with I-4)	R-3, [redacted] JRC
I-10, [redacted] JRC, 6/17/16 (with I-4)	
Alab3, [redacted] JRC, 6/23/16 (with I-3 and R-2)	
R-2, [redacted]	
Alab4, [redacted] JRC, 6/23/16(with I-3)	
Alab5, [redacted] JRC, 6/23/16 (with I-3)	

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Redaction Code Key

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Alab – Alleged Abuser or Abuser
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C - Denotes person contacted for collateral or expert/professional opinion
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▶ Required by 118 CMR
* - Telephone interview or contact
** - Email contact

▶ Facts pertinent to the allegation(s) investigated:

Alv told I-1 that she had swallowed the gloves to leave her facility due to the treatment she had received by Alab1, Alab2 and OI. Alv has a history of swallowing objects that was known to all who work with her. I-1 said that Alv had shown other staff small bruising to her left arm and slight scratches to her neck, but I-1 had not seen these.

The originally reported allegations, against Alab1, Alab2 and OI, will not be substantiated, as there is insufficient evidence that any have occurred as reported. In each of these cases, there was insufficient evidence of injury to Alv. That differs from the allegations with regard to Alab3 and Alab4, as Alv did require [redacted] to remove a glove she had swallowed, secondary to omission by those Alabs, 3 and 4. Alab5 was also looked at with regard to that allegation, but there was insufficient evidence of omission on her part. The allegation involving Alabs 3, 4 and 5 was the main focus of this investigation, however information on the aforementioned allegations and Alab1, Alab2 and OI follows first. All those complained of were restricted from working with Alv at the time of the investigation. When she returned to the program, she was staffed 2:1. Alv has since left the program and returned to her home [redacted].

1) Allegations regarding Alab1

Alv reported that Alab1 had made her feel uncomfortable by looking at her sexually, that he often touched her (on the shoulder) and that he once touched her close to her breast. Alv stated that she had disclosed all of this to I-5 previously, a couple of weeks prior.

I-5 reported only that Alv had complained that Alab1 had looked down her shirt. I-5 stated that on the day in question, Alv was wearing a shirt that "barely covered her nipples," and I-5 informed Alv that the shirt itself covered so little that everyone was likely to have their eyes drawn to Alv's chest. I-5 said that it was not a shirt that was appropriate for the program. Alv did not mention any touching, according to I-5. I-5 stated that she knows Alv to be attention-seeking, and that she had not had any reason to believe that any of these particular allegations was true.

Alab1 denied all of this. Alab1 said that he had worked with Alv in a group often, but as her 1:1 less frequently. Alab1 said that he did not recall touching her at all, even to do a supportive guide. Alab1 said the biggest issue he'd ever had with Alv was dress code related. He said he did not feel comfortable enforcing the dress code, noting that [redacted] had once had to address an issue with Alv's skirt being too short. Alab1 told I-4 that the only time he would have looked at Alv's clothing was when following her treatment program to ensure that she was not wearing clothing that could be a danger to herself (i.e. buttons, strings, zippers, etc.).

I-10 said that she is most often in the room with Alab1 and Alv and she has never seen any inappropriate staring or touching on Alab1's part. I-10 stated that Alv once vociferously objected to minor physical direction on Alab1's part (just brief touch on shoulder, that Alab1's done with many students), but that she has never seen anything that caused her concern. Further, she stated that Alv is quite capable of speaking out in the moment if anything upsets her, and that Alv had never complained of any sexual issues with Alab1. I-10 described that Alv had a love/hate relationship with Alab1, varying when he has to enforce her program.

There was insufficient evidence that Alab1 had touched Alv inappropriately or otherwise acted inappropriately with Alv.

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2) Allegations regarding Alab2

Alv said that Alab2 punched her in her closet. Alv said Alab2 was with I-12, whom she thought would lie for Alab2 because they are "best friends."

Alv had an incident at the prom on 6/10/16. She assaulted another student, after (she reports) that student ripped up photos of ██████████. Alv came back to the residence after some behavioral incidents. Alab2 assisted in physically prompting Alv into the house and to her room, where Alv became aggressive and attempted to hit him. Alab2 stated that also present with him at times were I-6, I-9, I-12, I-18, and I-21. Video footage shows Alab2 and I-21 physically prompt Alv into the bedroom from the hallway where she had been sitting on the floor. I-6, I-12 and I-18 were in the hall with Alv. When Alv enters the room, she stands on the mattress, attempts to grab staff and bangs her head on the wall. Staff intervene, and Alv grabs and kicks Alab2, while staff attempt to move her to the floor.

Alab2 said I-6, I-12 and I-18 were attempting to restrain Alv and that they all "fell into the closet." Alab2 said that he went to help and that Alv bit his hair. Alab2 said that at one point his head was near Alv's mouth, but Alab2 states that at that time he was attempting to release from her bite. Footage does not appear to show a punch, and none of the other staff interviewed report seeing anything improper on Alab2 or anyone else's part. Also, Alab2 denied saying anything about ██████████ during the restraint and no other staff reported hearing this, nor did the footage capture this.

I-9 assists, as a restraint ensues, with Alab2 holding Alv's right arm with his left hand. Alv has hold of Alab2's shirt. Alv says "get off my throat." It is not possible to get a full view of Alab2's complete hold of Alv, however the other staff present, I-9, I-12, I-6 and I-18 all stated that there was no inappropriate hold by Alab2, nor any punch. To the contrary actually-- I-6 said that Alv was targeting staff, that she had punched and kicked I-18, punched I-12 and went after Alab2. I-9 said he also saw Alv hit Alab2, and pull I-12's hair. I-9 noted that Alv struggled quite a bit, causing them to fall into the closet at one point.

I-18 recalled that at one point Alv said that Alab2 was hurting her arm, but I-18 did a safety check and this was not true. I-12 said also that Alv also complained at one point that Alab2 was choking her, but that she had full view of Alv and that this was also not true. Other staff noted that Alv clearly targeted Alab2. I-13 replaced Alab2 in the restraint, and Alv calmed. I-14 noted that Alv complained over the weekend that her jaw hurt and she was unable to chew, however I-14 noted Alv to be yelling and using her jaw just fine.

I-6 said she was working with Alv later that week and Alv told her that the allegations that she had made against Alab1 and Alab2 were false. I-6 said that Alv said she had wanted to get these Alabs, 1 and 2, into trouble.

Although the Alv may have had slight bruising and scratches, there was no connection to Alab2 made regarding this. All staff indicated Alv had struggled throughout her restraints. There is insufficient evidence that Alv was injured due to act or omission of Alab2.

3) Allegations regarding OI

Alv had complained in the past about OI, stating that he had pinched her and made sexual comments. Alv had a 1:1 staff at the time and that staff neither saw, nor heard these events. No one interviewed had any information to suggest that any touching or comments by OI had taken place. Alv gave no specifics as to the time and place this was to have occurred. ██████████

I-5 confirmed that Alv had complained about OI in the past, and that this was investigated internally and no evidence of it was found. At the time, as noted above, Alv had a 1:1 staff present who had neither heard nor witnessed any issue with OI. I-5 stated that a couple of weeks ago, Alv had told her that she and OI had "made up." Alv said, "we are all friends now." I-5 noted Alv had approached OI, and that OI had given her a DVD. I-5 had no reason to suspect abuse by OI.

Despite OI having a history of sexual acting out with peers, there is insufficient evidence that OI had done so with Alv.

---Continued on Additional Facts Pertinent to the Allegation section in Supplemental Information---

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Description of the act and/or omission of the Alleged Abuser that caused the injury sustained by the Alleged victim and/or the Abuse Per se:

There was insufficient evidence that any act or omission on the part of Alab1 or Alab2, or OI, or Alab5 had caused injury to Alv.

There was no testimony, other than Alv's, that Alab1 or OI had touched her or made her uncomfortable. There was also no testimony, other than Alv's and those she told the same to, that Alab2 had punched her. Alv did reportedly have slight bruising and scratches from the restraint that Alab2 was a part of, however there was no indication from others present that Alab2, or any staff, had acted inappropriately in this restraint. Footage shows Alv forcibly moving six staff around as she resisted the restraint.

Alab3 and Alab4 were [REDACTED] on duty in Alv's residence on the overnight shift on 6/12/16-6/13/16, during which it was clear that Alv had obtained gloves and swallowed them, [REDACTED]. Both Alab3 and Alab4 failed to provide strict 1:1 coverage of Alv that night while she was awake. Both were aware of her need for 1:1 supervision when up and about, and each should have remained with her at all times.

There were also systemic issues that led to Alv not having a 24 hour 1:1 staff assigned. Alab5 was responsible for making a 1:1 list, but this was not found to have been used exhaustively for all 1:1 students. Also, Alab5 did not leave the house with enough awake overnight staff to provide 24 hour 1:1 supervision of Alv and adequate supervision of the rest of the house. Although omission by Alab5 was present in this, only speculation exists about what might have been different had additional staff been present.

It was clear that Alabs failed to supervise Alv even as closely as they believed she needed. This failure is the omission most directly related to Alv's ingesting of the gloves [REDACTED].

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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) **3 and 4**

Therefore, the investigation(s) is/are **substantiated** for DPPC case number(s) **146386**

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

There was insufficient evidence to substantiate abuse regarding allegations made against Alab1, Alab2, OI, or Alab5.

Only Alab3 and Alab4 have abuse substantiated against them.

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► **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 and should be trauma informed when appropriate):**

Alabs were restricted from working with Alv during the investigation.

JRC should take appropriate disciplinary action with regard to Alabs 3, 4 and 5.

► **Additional Findings of Risk:**

Alv was placed on a 24 hour 1:1 status, yet not all staff who worked with her were aware of this or implementing it.

Alv told staff that she wanted to file a human rights complaint about Alab2, prior to her going to the hospital, yet no report was taken internally or filed with DPPC.

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

Staff gave various reasons for not being aware of Alv's 24 hour 1:1 status-- referring to the clinician's email over other documents, missing daily log sheets, too many emails to read, lack of access to read email. JRC should develop a clear and consistent way of making a student's change in supervision status known to all, so that such confusion does not occur again.

JRC should educate all involved staff so that they address student complaints in a timely and consistent way.

Alleged Victim (Alv) Information: [REDACTED]

Address: [REDACTED]

Telephone Number: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

Pertinent information regarding the Alleged Victim:

[REDACTED]

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

Guardian:
Name: [REDACTED]
Address: [REDACTED]
Telephone: [REDACTED]
Type: [REDACTED]

Co-Guardian:
[REDACTED]

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► Was the Alleged Victim interviewed? Yes No

If no, explain why not:

Other Individual (OI) Information:

Name: [REDACTED]

Address: [REDACTED]

Date of Birth: [REDACTED]

Social Security Number: [REDACTED]

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

OI Disability: DD

Pertinent information regarding the OI:

[REDACTED]

OI Guardian Information:

Does Other Client have a guardian? Yes No Unknown

Name: [REDACTED]

Address: [REDACTED]

Telephone Number: [REDACTED]

► **Alleged Abuser Information:**

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

► Was the Alab 1 interviewed? Yes No

Pertinent information about ALAB 1 (including caretaking responsibilities):

[REDACTED]

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

► Was the Alab 2 interviewed? Yes No

Pertinent information about ALAB 2 (including caretaking responsibilities):

[REDACTED]

Alleged Abuser 3 (Alab 3) Name: [REDACTED]

► Was the Alab 3 interviewed? Yes No

Pertinent information about ALAB 3 (including caretaking responsibilities):

[REDACTED]

Alleged Abuser 4 (Alab 4) Name: [REDACTED]

► Was the Alab 4 interviewed? Yes No

Pertinent information about ALAB 4 (including caretaking responsibilities):

[REDACTED]

Alleged Abuser 5 (Alab 5) Name: [REDACTED]

► Was the Alab 5 interviewed? Yes No

Pertinent information about ALAB 5 (including caretaking responsibilities):

[REDACTED]

Alleged Abuser 6 (Alab 6) Name: [REDACTED]

► Was the Alab 6 interviewed? Yes No

Pertinent information about ALAB 6 (including caretaking responsibilities):

[REDACTED]

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Alleged Abuser 7 (Alab 7) Name: _____

▶ Was the Alab 7 interviewed? Yes No

Pertinent information about ALAB 7 (including caretaking responsibilities):

Alleged Abuser 8 (Alab 8) Name: _____

▶ Was the Alab 8 interviewed? Yes No

Pertinent information about ALAB 8 (including caretaking responsibilities):

Did ALAB(s) Receive a Copy of the DPPC Notice of Alleged Abuser's Rights During a DPPC Investigation Form?

Yes No **If no, explain why not:**

▶ Were all Reporters interviewed? Yes No

If no, explain why not:

▶ Were all witnesses interviewed? Yes No

If no, explain why not.

▶ **Site of Alleged, Suspected or Confirmed Abuse:** _____ ATTLEBORO MA 02301

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

Type of Setting: RESIDENTIAL SCHOOL

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

Video footage of the site was viewed at the main Canton JRC building. Footage of 6/10/16 and 6/13/16 was seen.

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► **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 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 type="checkbox"/> Personnel File
<input type="checkbox"/> Discharge Summary	<input checked="" type="checkbox"/> Policies and Procedures
<input type="checkbox"/> Doctor's Orders/ Note	<input checked="" type="checkbox"/> Previous Abuse Investigation Report
<input type="checkbox"/> Facility Security Log	<input checked="" type="checkbox"/> Previous Hotline Report
<input checked="" type="checkbox"/> Hospital Record	<input 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 type="checkbox"/> Restraint/ Seclusion Form
<input type="checkbox"/> Individual Service Agency Record	<input checked="" 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:**

CD containing footage of 6/10/16 and Alv later discussing these events.

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: None

If other explain: _____

Prosecution result: No prosecution

If other explain: _____

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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

5/7/2018
Date Report Submitted to Supervisor

David Viens
Supervisor Name

5/8/2018
Date Report Approved by Supervisor

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