

**Sexual Assault Incident
Management Model**

**A Statewide System
For Responding to Allegations
of Sexual Assault**

**Developed by the
Office of Quality Assurance, BHDDH
Day One
Developmental Disability Provider Organizations
The RI Attorney General's Office**

Sexual Assault Incident Management Model

The Sexual Assault Incident Management Model (SAIMM) has been a collaboration with representatives from the Department of Behavioral Healthcare Developmental Disabilities and Hospitals (BHDDH), The Developmental Disabilities Provider Organizations, Day One, and the Attorney General's Office. The model originated in 2000 with revisions occurring in 2002 and then revised in 2015. SAIMM utilizes a team approach in the investigation of the disclosure of sexual assault among the Developmentally Disabled (DD) population to ensure that all provider organizations, police departments, and the Office of Quality Assurance follow the same steps when responding to a disclosure of sexual assault among individuals with Developmental Disabilities.

The attached information is a description of the specific steps employees of agencies providing services to individuals with developmental disabilities and staff from BHDDH Division of Developmental Disabilities should follow with respect to sexual assault involving an adult with a developmental disability.

The purpose of this model is to establish a coherent and responsive process for responding to allegations of sexual assault by:

- Providing immediate support to the victim;
- Minimizing the number of times the victim has to be interviewed about what happened;
- Identifying the Office of Quality Assurance, Division of Developmental Disabilities (DDD), as providing a single point of contact through which to coordinate the Sexual Assault Incident Management Model (SAIMM);
- Providing staff from developmental disability organizations with a protocol to follow, so that "minimal facts" can be obtained and a "Minimal Facts form" can be completed on behalf of the person who disclosed a sexual assault.
- Utilizing the expertise of staff from Day One and Quality Assurance to collaborate with local police departments and the Attorney General's Office to conduct a criminal investigation and a forensic interview with the victim if necessary.

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AGENCY PROTOCOL

Note: The following steps generally occur within the first 24 hours of a disclosure of an alleged incident of sexual assault to any person or if an incident is suspected by staff. Some of these steps may be occurring simultaneously. Employees must respond as quickly as possible, in order to facilitate the process of ensuring that the victim is safe from any further harm. Formal action may be taken through an investigation to determine the facts of the incident.

Step 1: Sexual Assault is suspected

- If anyone has reason to know or suspect that a sexual assault has or may take place he/she should utilize the process detailed below per Rhode Island General Law (RIGL)

Step 2: Managing the Disclosure

- No one in your agency should conduct a detailed interview with the victim.
- Your role and responsibility is to obtain the minimal facts while maintaining a supportive, non-judgmental demeanor. This includes identifying an individual to approach the victim in a private space to initiate a brief discussion and listen to what he/she would like to disclose about what happened using the "MINIMAL FACTS PROTOCOL" (See attached).
- Inform the victim of your responsibility to report the disclosure to your supervisor and to the Division of Developmental Disabilities' Office of Quality Assurance.
- Involve the victim in the process to the extent possible.
- Inform the victim of what will happen next.
- Maintain confidentiality and contain the information about the disclosure *only to people who **MUST** know about it.*

Step 3: Staff Immediately Contacts Supervisor/Administrative Staff about the Disclosure

- The staff person involved in the disclosure should follow the internal policies of the agency for notification of supervisory/administrative staff regarding Serious Reportable Incidents.
- Document on your agency's incident report form a description of what the victim disclosed using the same exact language that the person used.
- Ask the victim if he/she would like to file a police report.
- Accompany and assist the individual in filing a police report.

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Step 4: Contact the Office of Quality Assurance (QA)

- During business hours the agency staff person involved in the disclosure, or his/her supervisor should immediately enter the incident into the BHDDH Office of QA database to report the allegation of sexual assault.
- The Office of Quality Assurance Hotline is (401) 462 - 2629, for after-hours and weekend coverage. The after-hours telephone number to contact will be listed on the QA hotline voicemail.
- A QA Investigator will be assigned as the primary contact person to assist throughout the process and provide ongoing communication with the agency designee on the status of the investigation and any guidance, as necessary. The QA Investigator will also be completing the Investigative Analysis on this incident, as necessary.

Step 5: Follow Medical Protocol

- All individuals should be encouraged to go to the hospital for a medical examination, as soon as possible, especially if the victim wishes to pursue criminal justice remedies.
- If the individual agrees to a medical exam an individual should be identified to take the victim to a hospital (Preferably Women and Infants for women, and Rhode Island Hospital for men).
- A call should be made to the hospital emergency room to notify them that the victim will be coming to the hospital in order to ensure privacy and expedite the process and examination that will occur.
- The Helpline can be contacted to access an advocate from Day One to meet the victim at the hospital, if needed. The number to call is 1-800-494-8100. The advocate is trained to assist victims by providing support.
- When the victim arrives at the hospital the victim will be encouraged to have the Sexual Assault Evidence Collection Kit done. All victims should be encouraged to complete the Sexual Assault Evidence Collection Kit, whether or not the victim would like to pursue criminal justice remedies, as it is available should the individual change his/her mind about talking to law enforcement.
- If the person will be going to the hospital, the staff person must bring a copy of the RI Department of Health's "Continuity of Care Form" (See Attached) to give to personnel at the emergency room so as to ensure documentation of the examination process and any follow up that may be necessary
- Prior to discharge, if there are concerns about the victim's safety please contact the QA hotline.

Step 6: Police Notification / Coordination

- If the police did not come to the hospital to take information from the victim, then the victim may need to go to the police department in the town in which the incident occurred to file a report, if he/she wants the incident to go forward as a possible criminal complaint. If the individual does not want to file a police report, agency staff should document the individual's exact response in an agency progress note. The individual may then be referred to Day One for counseling or follow up advocacy.
- The agency staff person / supervisor assigned will telephone the local police to establish a formal relationship, inform them of the incident, obtain specific information regarding the process, and identify the location to which the victim should go to file a police report.
- The QA person assigned will also follow up with the local police department after the incident is entered into the database. The QA investigator will inform the police about the relationship established with Day One and discuss the process, which may or may not be necessary, to videotape a more detailed interview with the victim at Day One. The QA investigator will provide the agency staff person with updated information on the next steps.
- The agency staff will assist the victim to file a formal complaint with the local police department. (*A "complaint" is factual information about the incident, which is provided by the victim to the police.*) A complaint must be filed by the victim in order for any possible criminal action to proceed. A complaint is assigned a complaint number. An officer is assigned to handle the case. This officer will work collaboratively with the QA investigator, as well as the staff from Day One if a more detailed interview with the victim is necessary. Also, a concerned person can report on a person's behalf; however if someone refuses then it should be documented and that individual may be referred for counseling.

Step 7: Administrative Action

Supervisory Staff should follow any internal policies of the agency or the following as listed below:

- Specific action to keep the person safe from any further harm and to develop a safety plan, as necessary
- Any administrative action that may be necessary;
- Securing the scene of the incident and preserving any possible evidence until the police arrive ("Establish Chain of Custody" per Investigative Training);
- Notification about the incident to (a) family member(s) with the victim's consent;
- Notification to other authorized individuals, i.e. Human Rights Committee Chairperson, etc.;

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- Identifying an individual to accompany the victim to Day One or local law enforcement to provide a more detailed interview about the incident, if necessary. Prior to the interview a multidisciplinary team meeting occurs to discuss background information on the victim and strategies for conducting the interview. The team generally includes the detective/police officer, prosecutor from the Attorney General's Office, QA investigator, and Day One staff.
- The QA investigator will contact the Division of Developmental Disabilities' Social Service Community Support Worker to discuss the victim's needs, and options for any immediate or ongoing counseling or supports as necessary. The agency staff will maintain ongoing communication with The Office of QA investigator to be informed on the status of the investigation process and for direction regarding further action that may be necessary.

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MINIMAL FACTS INTERVIEW PROTOCOL

When an adult with a developmental disability discloses to someone that he/she may have been involved in an incident that may be a sexual assault, it is important that basic information be obtained to provide immediate support to the person and to properly classify the incident. In order to do this a "Minimal Facts Interview" must take place. This interview may be followed by a more in depth forensic interview conducted by a trained forensic investigator.

A Minimal Facts Interview can be done by the person to whom the individual with a disability initially discloses the information (which in most situations is a direct support professional from the agency) or by someone else who is knowledgeable about this protocol.

Minimal Facts shall include obtaining as much of the following information from the person as you can:

- 1. What happened?**
- 2. Where did it happen? What city/town? (Important for police jurisdiction)**
- 3. When did it happen? (Important for medical attention and securing the scene)**
- 4. Who was involved? (Alleged perpetrator, witness or witnesses)**

It is important that the person who is collecting the Minimal facts understand that he/she should NOT get DETAILED information about the incident. (This will be collected by an investigator who is trained in this area such as a forensic interviewer from Day One, or the police)

The person should never ask the question "WHY" the incident occurred. This implies blame. In addition the person should be careful to only ask the "What, Where, When and Who" questions listed above and not ask the individual leading or suggestive questions.

The person who has gathered the information from the Minimal Facts Interview should document what the victim has disclosed and immediately contact his/her supervisor to share what the individual involved has said. The agency is responsible for ensuring the victim is safe from any further harm and for any other administrative action that may be necessary. The Division of Developmental Disabilities' Office of Quality Assurance (QA), should be immediately contacted to report that an alleged sexual assault may have occurred. QA will be responsible for coordinating the formal investigation process and providing any direction/guidance to the agency that may be necessary.

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Responsibilities of the Office of Quality Assurance, Division of Developmental Disabilities

Note: It is the role of QA to coordinate the process for Sexual Assault Incident Management by acting as a liaison with the various clinical, legal, and state agencies that are directly involved with investigations on allegations of sexual assault. QA staff will act as a resource to community agencies and work collaboratively with the Day One, police and AG's Office to initiate the investigation process and to provide support and guidance to staff within community agencies.

Step 1: Immediate action taken by Quality Assurance to coordinate:

- Providing direction and guidance to the community support agency staff on the necessary steps and process to follow to ensure the safety of the victim and to initiate a formal investigation, including:
- Notifying Department of the Attorney General, as appropriate; Human Rights Chair; and Division of Developmental Disabilities' Social Services/Community Support Worker;
- Establishing immediate contact with Day One to initiate referral and follow up with the police, etc. to be available to act as a resource and discuss the process of collaborating with Day One on the investigation.

Step 2: Prior to interviewing the victim, Quality Assurance will assist Day One to coordinate/schedule a team meeting, which may include ALL persons with a "need to know" that will include:

- Police, Department of the Attorney General, and Day One staff.
- Agency representative, Social Services/DDD, family and other significant person/people in the victim's life, as appropriate

Purpose of meeting:

- Get a better understanding of the victim, his/her background, language used, etc.
- Develop interview questions.
- Discuss ongoing treatment issues.
- Determine who will conduct the interviews with victim witness / witnesses, perpetrator.
- Identify resources, as necessary.

Step 3: Other interviews scheduled

- QA identifies, in collaboration with the police and/or AG's Office if additional interviewees are needed and who will conduct these interviews.
- Statements taken.

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Step 4: Communication with agency contact person

- QA staff person updates agency contact person re: status of the investigation process and whether or not the preliminary investigation findings will result in referral for criminal proceedings.

Step 5: Investigation process complete

- QA completes Final Investigative Analysis.
- Agency informed of outcome/status and any further action (criminal prosecution).
- Victim informed of outcome / status.