

Assignment of Abuse Reports for Investigation

A. Purpose: To describe the criteria for assigning abuse reports for investigation following the screening decision made by the DPPC.

B. Operating Procedure:

The DPPC Intake/Oversight Manager(s) or designee(s) will make decisions regarding the assignment for investigation of "screened in" abuse reports according to the following procedure:

1. Each 19C intake that is "screened in" will be reviewed to determine how best the alleged victim may be protected. The assignment decision will be primarily based on this determination.
2. Factors that impact the assignment decision include, but are not limited to, the disability of the alleged victim, the type of allegation, multiple prior reports regarding the same victim, alleged abuser or program, conflict of interest, an indication of an on-going systemic problem with a vendor or agency, the need and availability of protective services and direct requests made by a party to the complaint for DPPC to conduct the investigation. All assignments will be made in a manner consistent with 118 CMR § 4.05.
3. The following assignment criteria will be utilized:

I. Abuse Reports Screened in Pursuant to M.G.L. c. 19C §(4b) (Internal Cases)

Internal Abuse Report Defined:

An Internal Abuse Report is one in which the abuse of a person with a disability occurs while the caretaker of the person with a disability is an agency of the Commonwealth, a contract provider or private facility licensed by or receiving reimbursement from an agency of the Commonwealth and providing services or treatment to a person with a disability.

Assignment of Internal Abuse Reports:

In assigning Internal Abuse Reports, in each of the following categories the complaint should be assigned to the DPPC; provided, however, that the DPPC has the necessary investigative resources to conduct the investigation:

- 1) Reports to the DPPC hotline that meet the minimum criteria to be investigated under M.G.L. c. 19C and that are being investigated by the DPPC State Police Detective Unit assigned to DPPC (SPDU). These reports may include information suggesting that either a felony or misdemeanor has been committed.

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- 2) Reports to the DPPC hotline that are screened in for 19C investigation and involve an incident that is alleged to have occurred in a Department of Corrections (DOC) or County Correctional facility (CCF); or that involve staff of DOC or CCF.
- 3) Reports to the DPPC hotline that are screened in for 19C investigation, and where it is requested that the investigation be conducted by the DPPC.
- 4) Reports to the DPPC hotline involving the death of an individual where based upon the information reported to and collected by the DPPC there is a reasonable cause to believe that abuse (act or omission by a caretaker) was a factor.
- 5) Reports to the DPPC hotline involving very serious physical injury to an individual as the result of a restraint by a caretaker. If there is a criminal investigation into the matter, regardless of the entity conducting the criminal investigation, the DPPC will conduct the 19C investigation.

For the purpose of this category, a very serious physical injury will include but not be limited to:

- Death
 - A fracture of any bone
 - An injury to an internal organ
 - An injury to the head, including bruising
- 6) Reports to the DPPC hotline involving injury inflicted by one client upon another client, including but not limited to, sexual contact not assented to by the alleged victim. This type of case may include client to client non-assented to contact where based upon the information reported to and collected by the DPPC there is a reasonable cause to believe that caretaker omission was a contributing factor.
 - 7) Multiple reports of suspected abuse made to the DPPC hotline. After two (2) previous complaints have been investigated and a third report is made, the DPPC should conduct the 19C investigation of the third report. The multiple nature of the report may include but is not limited to:
 - The same victim regardless of the injury
 - The same alleged abuser regardless of the identity of the victim
 - The same program regardless of the identity of the victim or the alleged abuser

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- 8) The Commission will re-investigate matters at the Commission's discretion.

II. Abuse Reports Screened in Pursuant to M.G.L. c. 19C §(4c) (External Cases)

External Abuse Reports Defined:

An External Abuse Report is one that alleges the occurrence of abuse to a person with a disability while their caretaker is other than an agency of the Commonwealth, a contract provider or private facility licensed by or receiving reimbursement from an agency of the Commonwealth and providing services or treatment to a person with a disability.

Assignment of External Abuse Reports:

- 1) In all External Abuse Reports, pursuant to M.G.L. c. 19C § 4(c), the assigned protective service agency, as designated by DPPC pursuant to M.G.L. c. 19C §3(d) will make all reasonable efforts to provide protective services to the alleged victim as recommended by the assigned investigator; and will insure the safety of the alleged victim during and subsequent to the investigation.
- 2) Subject to the availability of investigative resources, external abuse reports involving alleged victims with either mental illness or an intellectual disability should be assigned to the DPPC. However, when external abuse reports are assigned to DDS or DMH as a result of inadequate resources at DPPC, the following considerations will apply:
 - When an abuse report is assigned for 19C investigation, all statutory and regulatory requirements and relevant DPPC procedures must be followed, including timeframes, regardless of pending questions regarding the disability of the alleged victim
 - When the Reporter offers no suggestion regarding the disability of the alleged victim, unless to do so would place the alleged victim at additional risk of harm, the DPPC hotline staff will attempt to gather information until the disability of the alleged victim is determined. Once the disability of the alleged victim is determined, the investigation will be assigned to either the appropriate EOHHS agency or DPPC based on that determination
 - When the Reporter indicates that the alleged victim is an individual with an intellectual disability, DDS will be assigned the investigation and may have the individual assessed for services. When the Reporter indicates that the alleged victim is an individual with a mental illness, DMH will be assigned the investigation and may have the individual assessed for services. While the results of any assessment are pending, the investigation must proceed as required by M.G.L. c. 19C, 118 CMR and DPPC procedures. Most

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- importantly, risk to the alleged victim or other individuals must be assessed and appropriately addressed through the provision of protective services
- The assignment of an abuse report for investigation is made based on the disability of the alleged victim. Eligibility for services from an EOHHS agency is not a primary determining factor in the assignment. However, once an assessment of an alleged victim is completed there are additional assignment considerations:
 - When the alleged victim is deemed eligible for services from DDS or DMH, DDS or DMH will retain assignment of the investigation
 - When an alleged victim is determined not to be intellectually disabled in the case of DDS or mentally ill in the case of DMH, and is therefore deemed ineligible for services from DDS or DMH, the investigation, if not completed, will be reassigned to the next most appropriate EOHHS agency depending on the disability of the alleged victim or to DPPC. However, the investigation will not be reassigned if more than 10 working days have passed since the original screening and assignment. In situations when more than 10 days have passed from the date of the original screening and assignment, only the protective service agency designation will be changed.
 - When an alleged victim is reported to have more than one form of disability, the investigation will be assigned by DPPC to the agency that DPPC has determined has the most contact with the alleged victim and/or that will allow for the most effective investigation and most appropriate provision of protective services
 - When the alleged victim or guardian refuses to cooperate with an assessment for services by the assigned protective service agency, the DPPC Intake/Oversight Manager or designee should be contacted
 - When the alleged victim is eligible and receiving DDS or DMH services, DDS or DMH will conduct the investigation
 - When the alleged victim is eligible and refusing DDS or DMH services, DDS or DMH will conduct the investigation
- 3) External abuse reports involving alleged victims who are physically disabled are to be assigned to Massachusetts Rehabilitation Commission (MRC) and where appropriate as determined by the DPPC in its discretion to the DPPC.

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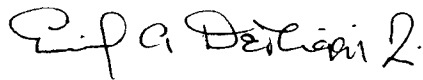
III. Complaints Screened in Pursuant to M.G.L. c. 19C sec. 11.

- 1) Retaliation Investigations conducted pursuant to M.G.L. c. 19C §11 are to be assigned to the DPPC.


IV. Investigations conducted pursuant to M.G.L. c. 19C sec. 9.

- 1) The DPPC will conduct all Commissioners' Investigations conducted pursuant to M.G.L. c. 19C §9.

BY THE DIRECTION OF:



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DISTRIBUTION: 19C Investigators, Investigator Supervisors, Oversight Officers, Directors, Managers and Legal Counsel
