

PROTOCOL INVESTIGATION REVIEW

*****Example A is the initial investigation report used in training. Read through it first, note questions you would have if you were reviewing this report based on Appendix A requirements, and then read through Example B. Bold portions of Example B show the improvements.**

1. **ALLEGATION**

Residential Support Staff (RSS) Rashad Greene reported that co-worker Tony Steward forcefully shoved individual Jesse Drew to the floor, causing Drew to strike his head against a chair. Greene reported that Steward also yelled at Drew, but was not sure what he said. Steward was attempting to make Drew pick up grapes that Drew had thrown on the floor. Drew would not pick up the grapes, instead throwing a grape at another individual. Drew then started stepping on the grapes. Finally, Drew stuck his finger in Steward's face. Steward pushed Drew to the floor at that point. RSS Rachel O'Leary intervened and walked Drew back to his room. Nursing staff observed that Drew had redness and a small scratch on the side of his head upon examination following the incident. The redness soon faded away.

2. **DOCUMENTS REVIEWED**

1. ITS MUI Report 2010-092-0262
2. Best Care Inc. Unusual Incident Report, Jesse Drew, 6/21/10
3. Behavior Support Plan, Jesse Drew

3. **FINDINGS OF INVESTIGATION**

Best Care Program Director Lurna Lawrence

On 6/22/10 I contacted Best Care Program Director Lurna Lawrence to initiate the investigation. Ms. Lawrence noted that Mr. Drew's behavior was very unpredictable. He often became physically aggressive toward staff. Ms. Lawrence was not present at the home when the incident occurred. She received a telephone call from Mr. Greene describing the incident. Ms. Lawrence instructed Mr. Greene to fill out an incident report and placed PPI Steward on administrative leave pending the investigation.

Ms. Lawrence noted that Mr. Steward has been a good employee for Best Care over the past 2 years. Other staff often sought Steward's assistance when Mr. Drew's behavior got out of control. Lawrence felt Drew's behavior support plan was ineffective in addressing his problem behaviors. She felt the gist of this incident was that Drew initiated aggression toward Steward. She did not believe Steward would intentionally harm Drew or any resident of the home.

Incident Reporter/RSS Rashad Greene

Mr. Greene has worked as a RSS for Best Care for 1 ½ years. Mr. Greene reported that he was assigned to provide care to housemate Bobby Hart, and was assisting Mr. Hart with his shower when he heard a commotion in the kitchen. At first, he only heard Steward speaking sternly to Drew. But then suddenly Drew started yelling at Steward. Greene thought Steward must have said something to provoke Drew, as the pair had been getting into it with each other lately. As Greene walked into the kitchen, Drew was banging his fist on the table, and Steward appeared very angry. Drew then started throwing grapes on the floor. RSS O'Leary was attempting to reason with Drew, then Steward told Drew to pick up the grapes. Drew picked up and threw a grape that hit Hart in the arm. He then told Steward that he could pick up the grapes himself, and stepped on some grapes, mashing them into the floor. Drew and Steward then started arguing, calling each other names. Finally, Drew moved real close to Steward, putting his finger in Steward's face as they continued arguing. Steward then pushed Drew to the floor. As Drew fell, he appeared to hit his head on the side of the chair. O'Leary helped Drew to his feet. Steward told Greene and O'Leary that they could deal with the problem, and walked into the office to complete paperwork. Steward was angry, nearly knocking down individual Curtis Fulse on his way out of the kitchen. He remained there for the remainder of the shift. Greene said he understood that Drew was difficult to deal with. Nonetheless, he felt that Steward went too far this time.

RSS Rachel O'Leary

Ms. O'Leary provided an incident account very similar to that provided by Mr. Greene. She also reported that Steward pushed Drew to the floor. She felt Steward handled the situation very poorly. Steward spoke to Drew in a demeaning manner that only exacerbated an already volatile situation. O'Leary said she was unsure what would have happened if she hadn't stepped in between the men and helped Drew to his feet. In the past Steward had been successful dealing with Drew when he became upset. O'Leary thought that Drew respected Steward because he was the largest staff member and dealt with individuals in a stern, no-nonsense manner. However, lately Drew seemed to become combative whenever Steward was around. Steward should have just asked Drew to go to his room and calm down when he started throwing the grapes on the floor. Instead, he attempted to force him to pick up the grapes. O'Leary said there was no possibility Drew would pick up the grapes while still angry with Steward. Drew then started to mash the grapes into the floor, leading to the physical confrontation.

Housemate Bobby Hart

Mr. Hart is a talkative individual assessed with a mild developmental disability. He recalled that Steward and Drew were yelling at one another for a "long time." Drew knocked the grapes off the table onto the floor because he was mad at Steward. He then threw a grape that hit Hart in the arm. Drew and Steward bumped into each other. Drew fell to the ground. Steward yelled at Drew some more and then told O'Leary he was her problem. Hart could not remember anything else about the incident.

Individual Jesse Drew

Jesse Drew is a thirty-two year old individual assessed at the mild level of developmental disability. Mr. Drew has a behavior support plan that identifies target behaviors of physical aggression, verbal assaults, and inappropriate sexual comments. Over the past three months he has been involved in seven incidents of physical or verbal aggression toward either staff or peers.

I interviewed Mr. Drew on 6/29/10 at his residence. Mr. Drew initially seemed reluctant to talk about the incident, but eventually responded to my questions with some prompting. Drew admitted he threw grapes on the floor, but said he did so because PPI Steward did not respect him and was butting into his business. He acknowledged that he shouldn't have thrown the grape at Bobby Hart. Drew said he was just trying to stand up for himself, saying he was sick of Steward treating him like a child. Drew said Steward called him names and knocked him to the ground after he threw the grapes on the floor.

Primary Person Involved Tony Steward

Tony Steward has worked as a RSS for Best Care for two and ½ years. An ITS review revealed that Steward was named as the PPI in two prior physical abuse allegations and one prior verbal abuse allegation. One of the prior physical abuse allegations involved Mr. Drew. However, each allegation was unsubstantiated.

Steward asserted that he was the only person who could manage Mr. Drew's out of control behavior. Although Ms. O'Leary was specifically assigned as Mr. Drew's support staff, he had to intervene when O'Leary couldn't handle Drew. Drew called Steward a jackass. Steward denied that he called Drew names. He said he only explained to Drew that his behavior was unacceptable, and that he needed to respect all other staff and individuals in the home. Steward wouldn't listen, and eventually threw a grape at Bobby Hart. He then began knocking grapes on the floor and stepping on them. Steward said he calmly but firmly asked Drew to pick up the grapes. Drew kept cussing at Steward. He then bumped into Steward and attempted to hit him in the face. At that point, Steward stated that he placed his hands upon Drew's chest and moved him back out of his personal space while telling him that he needed to leave the kitchen and calm down. Steward said Drew stumbled and fell because he tripped over his own feet. Steward said he acted only to protect himself. Steward reported that he walked away from the situation at that point. He allowed O'Leary to deal with Drew for the remainder of the evening, which she should have done in the first place. He felt his presence would continue to provoke Drew's aggressive behavior.

Credibility Assessment

All witnesses appeared credible. PPI Steward has no history of substantiated allegations against him. He revealed no obvious signs of deception while answering my questions. Program Director Lawrence described Steward as a good employee of two years who often assisted his co-workers.

Co-worker/RSS Greene and O'Leary also appeared credible. They similarly reported that Steward forcibly pushed Drew to the ground. Consequently, Drew hit his head on the chair. There appeared to be no motivation for Greene or O'Leary to be untruthful in

reporting what they witnessed. This is particularly true for O'Leary, who has worked with Best Care for just seven weeks.

Individual Bobby Hart appeared credible. His report that Drew hit him in the arm with a grape was confirmed by all other witnesses.

Mr. Drew's ISP noted a history of making false allegations against staff that made him angry or whom he didn't like. However, in this instance, Drew's incident account was supported by staff witnesses.

4. CONCLUSION

The investigator substantiates the allegation that RSS Tony Steward physically abused individual Jesse Drew. Co-workers Rashad Greene and Rachel O'Leary each witnessed Steward push Drew to the ground after Drew threw grapes on the kitchen floor. Mr. Drew also reported that Steward knocked him to the ground. Drew sustained redness and a small scratch to the side of his head as a result of the incident. PPI Tony Steward denied that he pushed Drew to the floor. He stated that Drew fell when he stumbled over his own feet. However, Steward had motivation not to be forthcoming regarding the incident, as he was aware that a substantiated physical abuse MUI warranted disciplinary action.

Primary Causes: PPI Steward responded with physical aggression after Mr. Drew threw grapes on the floor and stuck his finger in Steward's face.

Secondary Factors: Mr. Drew's history of physical aggression and defiance of staff.

