



Health & Safety Alert #25-11-04

Administrative Investigations of Alleged Sexual Abuse Red Flags

The purpose of this alert is to remind those who are involved in managing programs, investigating or overseeing the investigation of alleged sexual abuse cases about some potential red flags. The Ohio Department of MRDD (ODMRDD) has identified these red flags through the review of alleged sexual abuse cases and although they are not seen frequently, they are important enough to try and avoid entirely.

In addition to the red flags, some reminders are also included.

Red Flags

1. Due to other circumstances, the allegation of sexual abuse is not taken seriously.

- The individual is known as someone who makes up stories, and is not considered credible.
- The PPI (Primary Person Involved) is well known and has a good reputation.
- The PPI already has several unsubstantiated MUIs for sexual abuse.

Remember:

- Take every allegation seriously. It could be true.

2. Immediate medical attention is not provided.

- It was believed that because there was no penetration, there could not have been an exchange of body fluids.

Remember:

- All allegations that infer there was a potential for exchange of body fluids; oral, anal or vaginal contact require an immediate sexual assault assessment.
- The sexual assault assessment can be completed at the hospital emergency room or a physician's office.
- The facility that is staffed with a Sexual Assault Nurse Examiner (SANE) is the most desirable. SANE nurses are trained specifically in the sexual assault assessment with emphasis on a thorough forensic exam and emotional support for the victims.
- If there was exposure, be sure to follow up with additional testing as ordered by the physician. This should include testing for pregnancy for females, as well as, follow up testing for sexually transmitted diseases. Immediate testing will not account for the acquisition of sexually transmitted diseases that may not test positive in the blood for months after the exposure. Prophylactic treatment may be indicated and ordered at the physician's discretion.

3. Reporting to law enforcement is not timely.

- Staff become aware of an allegation of sexual conduct or contact, but don't notify law enforcement for several days.

Remember:

- Law enforcement is to be notified anytime there is an allegation of unlawful sexual contact or conduct.
- The lack of timely reporting to law enforcement results in destruction of physical evidence.
- Amended Senate Bill 178 added language to address failure to report abuse or neglect.

4. Coordination of administrative investigation with law enforcement investigation does not occur.

- The victim, PPI and witnesses are interviewed *before* law enforcement conducts interviews.
- The victim, PPI and witnesses are interviewed multiple times.

Remember:

- The investigative agent (or other administrative investigator) should not interview the individual and/or the PPI prior to law enforcement interviewing them or without coordination with law enforcement.
- The individual should not have to recount the incident over and over again.
- The Memorandum of Understanding (MOU) that each county board has with various agencies, including law enforcement, will help with addressing this problem.

5. Questioning of victim affects the responses.

- During the administrative interviews, questions are worded in a manner that suggests it is the individual's fault or that they should have done something differently.

Remember:

- *Stay away from "Why did you...?" or "Why didn't you...?" questions.*
- Use instead, "*Were you able to...?*" questions. Also, asking specific detail without leading the individual can be substituted and still gather the same, if not more information.
- Questions of general truthfulness may be addressed initially without interrupting or dissuading the individual from talking with you.
- Examples of inappropriate questions:
 - Did you like it?
 - Why didn't you scream?
 - Did you tell him to stop?
- Examples of inappropriate questions (continued):
 - Did you tell him "no"?
 - You've told lies before, haven't you?
 - Do you know you'll be in trouble with the police if you tell lies?
 - Why didn't you tell staff right then?
 - How many other people have you had sex with?

6. Victim assistance or counseling is not considered.

- The possibility of counseling or other victims' assistance is not considered. Resources in the area are not sought out.

~For further information regarding sexual assaults contact the Ohio Coalition on Sexual Assault (OCOSA) - log on to:

<http://www.ocosa.org>

7. Protecting the individual or other individuals from the possibility of future sexual assault is not initiated.

- Known risks to the individual with mental retardation or another developmental disability of future sexual assaults are not addressed (e.g, individual is not separated from the alleged PPI; PPI not reassigned or the PPI has access to an individual via keys to house; or PPI has alone time in vehicle with individual, etc.).

Remember:

- The PPI should not have contact with the victim.
- The PPI should not be in a situation where they are alone with other individuals.

Steps to Take

- Get the individual appropriate medical attention.
- Take *immediate* action to protect the person from further assault.
- Report *immediately* to law enforcement.
- Sexual assault assessment, when appropriate, should be sought immediately.
- Retain any potential evidence for law enforcement to collect.
- Emotionally support the alleged victim.
- Remember to *not* infer blame on the victim.
- Remember to refer the individual for counseling and victim's assistance as appropriate.
- Notify ODMRDD if the alleged PPI is a county board employee.
- Screen the individual for pregnancy and/or sexually transmitted diseases.

Remember:

“The sound a victim makes when sexually assaulted is often silence.”

For questions or comments regarding the above Alert, please contact the MUI/Registry Unit at (614) 995-3810.