

Investigation Findings Report

License #	Investigation ID	Date Investigation Received:	06/15/2011
909-14-001	18	Date Investigation Closed:	07/21/2011

Investigated by: Barry Lee

Investigation Description:

Specialist received a telephone call from Program Administrator reporting that at around 11 AM this morning they received an allegation from Resident #1 that Resident #2 forced them to have oral and anal sex while at school. Reporter indicated that one resident is from North Carolina (R#1) and one is from Washington DC (R#2). Reporter indicated Resident #2 denies that anything activity occurred between they and Resident #1. Reporter also advised that representatives from the Washington DC Referral Agency was on campus at time allegation was reported, and they were notified of the incident at that time. Reporter also indicated that the Portsmouth Police Department was notified and that a Detective was dispatched to the Children's Hospital of the King's Daughters (CHKD) to interview Resident #1 (victim). Reporter indicated they have initiated an investigation and are trying to run the video tape of the area but are having some difficulty at this time. Technicians are working on the problem. Reporter indicated the victim advised that the teacher was around the corner at the time of the incident working with other children in the class.

Inspection Date	Inspection Summary Description
07/18/2011	<p>Specialist reviewed PProgram Administrator; reviewed agency incident report data; reviewed internal investigation report; reviewed personnel record information pertaining to actions taken; contacted Portsmouth Police Detective Assigned to the case; reviewed record of both clients involved in incident. Blee</p> <p>Follow-up call received from Program Administrator. She indicated that Portsmouth DSS was notified at time of incident and Provided name of individual contacted. However, there was no documentation of this notification in documentation reviewed. Blee</p>

Regulations Cited

765.H.1	Discharge summaries-w/in 30 days
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6/16/11 - Specialist received telephone call from Program Director indicating that they have reviewed the tape and have suspended both the Teacher and the School Program Coordinator because evidence shows that something did occur between the residents. Program Director indicated that they have not heard anything more from the Police detective.

Hospital report from CHKD reflect that resident #1 did have some evidence of peri anal laceration and petechiae to the upper pallet.

Program Administrator advised that Critical Incident review revealed that Education Coordinator had failed to follow revised agency protocol of having MHT staff stationed inside classroom. Education Coordinator did not agree with changed policy and did not want MHT staff inside classroom. However they had been compliant, but failed to do so on date of incident. Teacher indicated they were working with differering groups of students and did not witness any incident.

Therefore, agency investigation concludes:

1. That there is sufficient evidence to conclude that some sort of sexual activity did occur between resident #1 and #2.
2. The incident has been referred to the Portsmouth Police Department to investigate whether the activity occurring involved criminal activity in the form of threats/intimidation/rape

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3. There was sufficient staff available to provide adequate supervision; however the Education Coordinator failed to ensure proper supervision occurred at time of incident by not assigning MHT staff to classroom as required. Therefore, the Education Coordinator was terminated for failure to proper supervision of residents.
4. The classroom teacher admitted to working with students around the corner and not witnessing anything occurring, therefore agency terminated teacher for failing to provide proper supervision.
5. There was no evidence that the Portsmouth Department of Social Services were notified of possible neglect of residents even though the incident was both investigated and founded for neglect by staff.