

## FEMALE RESIDENT RAPED, MDC STAFF FAIL TO CALL POLICE AND BOTCHED THE INVESTIGATION - AGAIN

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A Department of Justice Report dated November 12, 2014, and recently obtained by Disability Rights Montana, reveals that a female resident at Montana Developmental Center was raped on November 3<sup>rd</sup> by a male resident due to the neglect of the staff. The male resident was left unsupervised, forced the female resident into a staff bathroom, and locked the door behind them. The male resident pulled her pants down and raped her. Staff who came to her aid did not have and could not locate the keys to unlock the bathroom door.

Eight staff knew the woman was locked in the bathroom with the man within moments and no one took action. The door was opened from the inside by one of the residents. Staff immediately interviewed the man who denied any wrong doing but failed to interview the female.

Approximately an hour after the incident the victim reported the rape to a staff person. At that point MDC staff failed to follow its own policies that require immediate notification to the Boulder Police Department, transportation to St. Peter's Hospital for a rape exam, securing the victim and the scene, and notifying the Department of Justice. None of these steps were taken. Instead, the Director of Quality Assurance, the person at MDC most responsible for these protocols, asked an in-house RN, untrained in rape protocols to conduct a pelvic exam. Law enforcement was not notified and the scene was not secured.

Approximately two hours after the assault, an MDC nurse conducted an exam and determined to take the victim to St. Peter's hospital where a rape exam was completed. The nurse at St. Peter's Hospital contacted the Boulder Police. Even though MDC Superintendent, Gene Haire, was notified of the events, he too failed to contact the police, and failed to follow the facility's policy. No one at MDC secured the scene and housekeeping cleaned the bathroom.

Four years ago a woman was raped at MDC and a disbelieving staff failed to take proper measures to preserve the integrity of the crime scene and gather evidence. DPHHS Director Richard Opper assured Disability Rights Montana and the 2013 legislature that personnel and policies had changed and no such thing would happen again. Additionally the 2013 legislature passed a law effective October 2013 that all allegations of abuse and neglect are to be reported to and investigated by the Department of Justice. "Yet here we are again, MDC staff, including the facility Superintendent and the Director of Quality Assurance, failed to follow their own policy and sexual abuse allegation protocol, contaminated the evidence, and conducted an illegal internal investigation instead of immediately notifying the Boulder Police and Department of Justice," said Bernadette Franks-Ongoy, DRM Executive Director.