MASS Collaboration
Movement for
Access, Safety, & Survivors

Guidance for Documentation Regarding Survivors with Disabilities
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Introduction

“To recognize that we move against a common enemy does not mean that we beat the same drum or play the same tune. It means that we are committed to a future.”

–Audre Lorde

The MASS Collaboration is a collaboration between:

● Boston Area Rape Crisis Center (BARCC)
● Boston Center for Independent Living (BCIL)
● Massachusetts Bay Transportation Authority (MBTA)
● MBTA Transit Police

The goal of our collaboration is to create lasting systemic change within and between our organizations. Our improvements will help survivors/victims of sexual violence with disabilities in the Boston area gain access to quality services that promote safety, empowerment, and healing.

Research has shown that the rate of sexual violence against people with disabilities is very high. A recent national study showed that persons with a disability of any kind have an age-
adjusted rate of rape or sexual assault that was more than twice the rate for persons without a disability (National Crime Victimization Survey, 2007). The 2010 Massachusetts Behavior Risk Factor Surveillance System also found that adults with a disability were more than twice as likely to experience sexual violence as adults without a disability (Massachusetts Department of Public Health, 2011).

Survivors/victims with disabilities experience many barriers to disclosing and reporting abuse, and obtaining services. Barriers include the fear of not being believed and/or being judged, retaliation, losing access to basic needs such as personal care or transportation, and concern that services will be inaccessible and/or that they will face discrimination.

Our project brings together an unconventional set of collaborators to create systemic change. In addition to challenges that exist at rape crisis and independent living centers for survivors/victims with disabilities, we recognize that there are unique risk factors specific to the transit system. Boston's public transportation system, with its own Transit Police force, is widely used by people with disabilities. Including Boston’s public transportation creates exciting possibilities for impacting broad change.

We are committed to gaining a greater understanding about the barriers that survivors/victims with disabilities encounter. We are
also committed to building on our existing strengths to address resource gaps and improve our responses and services.

**Focus of Our Work**

It is important to us that the focus of our work be consistent with our value of “nothing about us without us.” Based on the scope and expertise of the participating organizations, our collaboration decided to focus on people with disabilities who have experienced sexual violence.

**Vision Statement**

The MASS Collaboration envisions Boston as a city in which the culture within and between victim services, criminal justice, transportation, and disability advocacy and service systems promote the healing, empowerment, and safety of people with disabilities who have experienced sexual violence. Survivors/victims with disabilities will receive equal, responsive, safe, barrier-free services from compassionate professionals, staff, and volunteers who are knowledgeable about and comfortable with supporting survivors/victims with disabilities.
Mission Statement

Our mission is to change the culture within and between all collaborating organizations to enhance services to promote healing, empowerment and safety for people with disabilities who have experienced sexual violence.

We will accomplish this by incorporating the voices of survivors/victims with disabilities to:

- Build formal and informal connections between our organizations;
- Increase the knowledge, skills and confidence of professionals, staff, and volunteers;
- Enhance and develop policies and protocols based on best practices and current research about serving survivors/victims with disabilities to increase access to safe, responsive services.
Member Agencies

Boston Area Rape Crisis Center (BARCC)
The mission of the Boston Area Rape Crisis Center (BARCC) is to end sexual violence through healing and social change. BARCC offers free, comprehensive care to survivors of sexual violence and their families, and community awareness and prevention services. More information on BARCC can be found at www.barcc.org.

Boston Center for Independent Living (BCIL)
BCIL’s mission is to improve the lives of people with disabilities by providing services and advocating for consumer rights. Services include a personal care attendant (PCA) program, peer mentoring, advocacy work, and information and referral. More information on BCIL can be found at www.bostoncil.org.

Massachusetts Bay Transportation Authority (MBTA)
The MBTA is the nation's oldest and fifth largest public transportation agency. The MBTA consists of a network of fixed-route buses, subways, commuter rail trains and commuter ferries, as well as an extensive paratransit service.

Numerous departments comprise the MBTA, including The Department of System-Wide Accessibility, the Operations
Department (which contains THE RIDE) and the Transit Police Department—each of which has a role within the collaboration.

The MBTA's Department of System-Wide Accessibility (SWA), is committed to creating a fixed-route system that is safe, dependable and inclusive, thereby expanding the transportation options for all customers, including those with disabilities. The Department is involved with the development of policies, procedures and trainings related to improving accessibility, the review of all design plans, and oversight of an internal access monitoring program.

The Office for Transportation Access—THE RIDE is the MBTA’s door to door paratransit service.

More information on the MBTA can be found at www.mbta.com.

**MBTA Transit Police**
The MBTA Transit Police’s primary function is to protect the lives and safety of MBTA patrons, MBTA employees, and the public. Officers respond to and investigate possible criminal activity that occurs on the MBTA.

To request this document in alternative formats contact disability@barcc.org.
Importance of Thoughtful Documentation Practices

“A consumer was in danger of losing her mobile housing voucher, which would leave her and her young son homeless. The supervisor compiled all the records of the consumer and advocate’s attempts to contact the leasing agent and contacted the housing authority supervisor. When presented with all the evidence, the supervisor overturned the termination and allowed the consumer to retain her housing voucher.”

-Advocate, BCIL

“A fifteen-year-old BARCC client came to the United States with her family to escape continued sexual assault. Documentation helped support the client’s imminent safety concerns, which qualified her for asylum. She was then able to continue counseling services at BARCC and pursue higher education.”

-Counselor and Case Manager, BARCC

“A consumer and advocate had been working together to search for an affordable unit using a mobile voucher. At the appeal hearing for an extension, the advocate and consumer presented a detailed housing search log, as well as copies of application and responses from waitlists. With all this information, the extension was granted. During that extension, the consumer received a unit and was able to move out of his group home, the consumer’s goal for independent living.”

-Advocate, BCIL
“A client with an extensive history of childhood sexual assault sought services at BARCC because she was unable to work due to post traumatic stress disorder, depression related to trauma, and other medical needs. Because of this, she fell behind on her rent. Because of information documented about the client’s situation, we were able to help her apply for disability benefits for which she qualified and were able to create an action plan to ensure she would be able to pay her rent in the future.”

-Counselor and Case Manager, BARCC

These are just a few examples of the way documentation at BARCC and BCIL have helped survivors of sexual violence and people with disabilities. In BARCC and BCIL’s experience strong documentation can result in concrete benefits for BCIL consumers and BARCC clients, such as obtaining resources, ensuring continuity of services within our agencies and protections within the criminal justice system.
How We Developed Documentation Guidance

One of the overall goals of the collaboration is to use the connection between our agencies to increase access to both BARCC and BCIL’s services.

During the needs assessment survivors expressed concerns about:

- The confidentiality of what they share at BARCC or BCIL,
- The accessibility of services at BARCC,
- The ease of obtaining accommodations at BARCC, and
- The amount of knowledge BARCC staff have about disabilities.

BARCC expressed the importance of documenting disclosures in a way that would protect the survivor’s privacy in agency records as much as possible should they be subpoenaed. As a collaboration, we decided it would be important to review and enhance both BARCC and BCIL documentation policy and protocols to ensure that they followed best practices for documenting the needs of survivors with disabilities.

This document is meant to supplement these enhanced documentation policies and protocols by providing a brief guide about documenting disability and sexual violence with some sample language.
These policies and protocols and this guide were developed through conversations between BARCC and BCIL staff about our documentation processes. Representatives from each organization explained the reasoning behind their practices based on the experiences of survivors and people with disabilities. There were many areas of overlap and some specific considerations for documenting sexual violence and disability. We applied suggested best practices of each agency to the other agency’s role in documentation.

**Reasons for Documentation**

There are many reasons why it is important for agencies to maintain good documentation of their work. These include:

- Continuity of service if another staff person needs to support the individual or the person returns for services at a later time.
- Providing supporting evidence to help clients/consumers obtain benefits or proceed with legal action.
- Protecting staff and an organization from liability.
- Upholding licensure requirements for staff doing work under a mental health or social work license.
Principles of Thoughtful Documentation

Think about what you are documenting, the purpose of documenting it, and if you will need to report anything. If you do, make sure that you captured the situation. Documentation should help the organization in their effort to support survivors with disabilities.

Documentation can be tricky; too little information can mean that key facts are missing, while too much can unnecessarily compromise their privacy and hurt a survivor’s case if records are subpoenaed, or be a barrier to accessing additional resources. To help think about what to document ask yourself:

- Is this information needed to help the client/consumer reach their goals?
- If someone else had to take over the case what information would be needed to best support the individual seeking support?
- If the consumer/client requests their record what will they think of what is written?
- If a third party were to read this, is there anything that I (or the consumer/client) would wish was not included?
- What is the risk of documenting or not documenting?
General principles include:

- Keep to the facts and be neutral. Do not provide your opinions or interpretations. If you need to draw a conclusion back up your conclusion with facts. 
  
  Example: Record “Worked with consumer to refile after housing application was denied” rather than “Consumer was bitter about having their application denied.”

- Use language that models the words/terms that the client/consumer uses. This limits the possibility of imposing an interpretation onto the consumer’s situation and empowers the client/consumer by mirroring the way they describe their situation.

- Document more if there’s a concern around safety or liability. Follow agency protocols.

In addition, there are some specific considerations for documentation around disability and sexual violence.

Considerations around sexual violence

- Documentation practices need to protect the survivor from misinterpretation in a criminal case.
  
  Problems can arise in a case if there are multiple different accounts of the incident(s). Trauma can impact memory and survivors may remember different things at different times. Too much documentation of details
can result in seemingly different accounts of the incident. In addition, different perspectives from different people can result in different accounts.

Also, certain trauma responses such as substance use and self-blame could be used to question a survivor’s credibility in a criminal case and therefore care must be taken to determine whether it is necessary to document these. If they are documented, they need to be put in the context of the trauma.

- Focus on the impact of the trauma instead of the actual incident(s).

Considerations around disability

- Documentation of disability should be relevant to the goals and needs of the survivor with disability.
- Document disability and related experiences/needs in the client/consumer’s own words.
  - Documentation of how a disability impacts a consumer’s daily living should help a consumer obtain resources.
- It is important to document accommodations that were requested and provided. And, if accommodations were considered unreasonable, this fact needs to be documented in order to demonstrate compliance with the Americans with Disabilities Act (ADA).
Documentation Best Practices Charts

The charts on the following pages provide more specific guidance and language to use. Information about sexual violence documentation is provided for agencies serving people with disabilities. Information about disability documentation is provided for agencies serving survivors of sexual violence.
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<tr>
<th>Practice</th>
<th>Reason</th>
<th>Examples</th>
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<tr>
<td>Document the distress and impact of trauma</td>
<td>Documenting how the consumer reports being impacted by the trauma can help the consumer obtain better supports, and access resources and services. It could also be relevant in a criminal or civil case.</td>
<td>Record “Consumer reports that since the assault she hasn’t been able to concentrate and has been struggling to complete her PCA paperwork.”</td>
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<tr>
<td>Document impact of trauma in a general way when possible and connect behaviors to the trauma. Provide more detail if there is a safety issue.</td>
<td>Certain impacts of sexual violence including coping mechanisms, when taken out of context can result in a defense attorney in a criminal or civil case using this information to question the survivor’s credibility. Therefore, it is important, if you are documenting one of these situations to explain how this is connected to the trauma.</td>
<td>Record “Consumer talked about how trauma has been impacting him. I gave him resources.” Instead of “Consumer blames himself for the sexual assault.” Record “Consumer reports drinking more often on the weekends as a way to cope with their assault,” instead of “Consumer is abusing alcohol.”</td>
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<td>Do not include specific details about the incident, such as specifics about a consumer’s story or if they are unsure about an incident.</td>
<td>Details of an assault are not needed to provide services. The provider’s primary task is to assist the survivor with the services they need and not to conduct a factual investigation. Also, asking/requiring details of an incident could cause the survivor additional distress. Further, trauma can negatively impact memory. If there are different details provided in different accounts this could become a problem if the case goes to court.</td>
<td>Record “Consumer was assaulted and doesn’t feel safe staying in their home because the perpetrators know where they live” instead of “Consumer was assaulted by three perpetrators who are acquaintances of theirs and know where they live.”</td>
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<tr>
<td>Avoid direct quotation.</td>
<td>Different accounts of an incident could create problems in a criminal case. Trauma can impact memory and could result in differing details of the assault. In addition, if the consumer misspeaks or the provider misunderstands, these inaccurate notes could be different than later statements the survivor makes to law enforcement or in court statements.</td>
<td>Record “Consumer reports they were raped by a friend,” instead of “The consumer says, ‘I was raped by my friend.”</td>
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<td>Avoid documenting who else a consumer told and what they</td>
<td>This protects the consumer’s privacy and ability to speak freely with professionals as well as family and friends. It also respects the privacy of the other people the consumer may</td>
<td>Record “Consumer reports having family supports,” instead of “Consumer told her mother and brother</td>
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<td>may have shared.</td>
<td>have spoken to. Additionally, information shared with others may be used to contradict later statements to law enforcement or in court statements. Remember that the provider’s primary task is to assist the consumer with their goals and not to conduct a factual investigation.</td>
<td>about being assaulted.”</td>
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<td>For referrals to a rape crisis center, document type of service, rather than the name of the agency if possible. Avoid confirming whether the consumer is seeking services at the rape crisis center.</td>
<td>This respectfully protects consumer privacy. Note: The level of detail as to whom or where the consumer was referred may differ based on the circumstance of the referral. Documentation of referrals can be general (i.e., referred to outpatient counseling) in most situations. However, there may be situations, based on the provider’s professional discretion, when documenting the specific name of the referral is important.</td>
<td>Record “Referred consumer to trauma-focused counseling,” instead of “referred consumer to Sarah at BARCC.”</td>
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# For Sexual Violence Agencies: Documenting Disability

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<tr>
<th>Practice</th>
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<td>Document disability when it’s relevant.</td>
<td>By documenting disability only when it is relevant to the support you are providing you are respecting the client’s privacy and recognizing that the disability is only a part of the client and their experiences.</td>
<td>Record “A client said she was denied housing because they would not allow any pets, including her service animal.”</td>
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<td>Use client’s language</td>
<td>Paying attention to and using the client’s words relays their needs from their perspective. Their perspective is important because the point of services is to help them reach their own goals.</td>
<td>The client states that he doesn’t want to ask his employer for time off because he is worried about losing his job. He reported having trouble finding a job before because of discrimination by employers.</td>
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<td>Person first vs. identity first</td>
<td>Person first language (e.g. person with autism) is generally preferred. If someone prefers to be identified with their disability (e.g. an autistic person), empower them by mirroring their language.</td>
<td>Person first: “A client with autism explained that they need their friend to come with them to counseling sessions to help them speak.”</td>
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<td>Document what accommodations are requested, the process for obtaining the accommodation, and communications to the client.</td>
<td>This helps the provider remember the accommodations needed and also helps with continuity of services if another staff were to provide services. In addition, it protects the agency from complaints and liability.</td>
<td>Record, “Client informed intake coordinator that he is Deaf and needs an ASL interpreter. Called x agency to schedule an interpreter for intake. X agency said they will confirm in 2 days. Called client to provide update.”</td>
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<td>If an accommodation request is considered ‘unreasonable’, document why and other steps taken.</td>
<td>ADA requires best effort for reasonable accommodation without creating a hardship on the organization. Documentation shows efforts the agency made to comply with ADA and protects against liability.</td>
<td>Record “Client requested that the building be free of shellfish when they came into the office due to a severe allergy. We informed the client that we were unable to ensure this for the entire building, but will send emails to staff and clean counseling room before appointments.”</td>
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<td>Document the challenges a client faces because of their disability and the way people respond to their disability.</td>
<td>Documentation should include in the client’s words what obstacles the client is encountering due to their disability. Again, their perspective and language is needed to provide the best services.</td>
<td>Record “Client states they feel unsafe riding the T because of past sexual harassment. They report feeling especially unsafe because of limited vision and a physical disability.”</td>
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<td><strong>Document the difficulty in accessing services.</strong> Documentation should include who has been contacted.</td>
<td>This helps staff advocate for the client and best assist them in finding the resources needed. In addition, this is useful if another staff takes over the case.</td>
<td>Record “Client states they have called the following domestic violence shelters: x, y, z looking for help in finding a shelter that welcomes their PCA. They report that all of these shelters have told them that a PCA is not allowed at their shelter.”</td>
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<td><strong>Document what a client says they can or cannot do, rather than making an assumption based on observation. Use</strong></td>
<td>This prevents assumptions from being made based on someone’s disability and ensures that the client’s individual needs are being met.</td>
<td>Record “Client reports feeling unable to participate in trauma-informed yoga because of a physical disability. Worked with client to determine specific needs. Addressed**</td>
</tr>
</tbody>
</table>
| the client’s words. | concerns with yoga instructor with client’s permission.”
| | Instead of “The client uses a walker, so is not able to participate in the yoga group.” |