

Investigation uncovers little on SIDC rape

By RON DesJARLAIS
Advance Staff Writer

The Staten Island Developmental Center (SIDC) has wrapped up its investigation into the rape of a severely retarded patient without solving the crime, the Advance has learned.

A state investigator's terse two-page report, obtained under the Freedom of Information Act, offers no explanation of how the 31-year-old quadraplegic woman was attacked or who was responsible. The woman gave birth in January.

"No solid leads as to the identity of the rapist were developed," according to the report, which was filed by Hubert A. Clark, an investigator from SIDC's Legal Adviser Program.

"Every investigative resource at our disposal was utilized, every avenue of inquiry explored, without success," the report said. "The identity of the rapist remains unknown."

The report also did not address the seven-month lapse between the time the woman is believed to have been raped and the time SIDC officials learned of her pregnancy.

The report was obtained from the state Office of Mental Retardation and Developmental Disabilities (OMRDD), which administers the state institution.

Included with the report were three confidential memos sent to OMRDD Commissioner Arthur Y. Webb by Leonard Postiglione, assistant director of the Legal Adviser Program.

The woman, whose name was deleted from the report, is believed to have been raped last May. Her pregnancy was not discovered until Nov. 30.

The report said she has a history of irregular menstrual cycles and a distended stomach.

The 78-pound woman gave birth to a healthy 6-pound 5-ounce boy Jan. 10 in St. Vincent's Medical Center and now lives in an undisclosed state-run home in the city. The baby is up for adoption.

SIDC Director James Walsh said he still wants to determine the cause of the delay in discovering the pregnancy, a lapse he called "difficult to comprehend."

He has asked the state to send a medical team to determine whether the failure to discover the pregnancy was caused by the woman's condition or negligent medical supervision.

When asked whether a lack of supervision contributed to the rape, Walsh said, "Something had to be remiss for the incident to occur."

The ward where the woman lived, in Building 25, was sup-

posed to have at least one supervisor 24 hours a day, Walsh said. There were 18 or 19 residents living in the ward at the time, he said.

"She should have been visible to the staff practically 24 hours a day," Walsh said.

He speculated that one of three things could have happened: Either there was no supervision when the incident occurred, the supervisor did not report the incident or a supervisor committed the crime.

Because doctors could not pin down the date of the rape — it is believed to have occurred sometime during the first two weeks in May — the supervisor on duty could not be identified, Walsh said. During those two weeks, he said, "quite a number of staff" were on duty in the ward.

He said investigators interviewed all possible staff members and have "probably thrown out" the possibility that a staff member raped the woman.

Staff who had resigned or retired during the interim were tracked down and interviewed, according to the report.

Walsh said no new policies were instituted as a result of the rape. The supervision policies were "proper," he said, adding, however, that "implementation and follow-up" were lacking.

As a result, Walsh said, man-

agement of the institution will begin "insisting that policies be carried out." Random checks of supervisors have begun, he added.

Although he still wants to find out why it took seven months to detect the pregnancy, Walsh said, he does not fault the investigators for not addressing it in the report, because medical expertise would be needed.

The victim was described in the report as a Hispanic who contracted meningitis when she was 7 months old.

The illness caused her to become severely retarded and led to a host of other maladies, including hepatitis, severe curvature of the spine, convulsions, impaired vision, loss of her voice and spastic quadriplegia, according to the report.

She entered SIDC, formerly the Willowbrook State School, in 1959, the report said.

Last Nov. 30, the woman was examined by a doctor filling in for the staff physician, who was on vacation, the report said.

The substitute physician, identified as Dr. M. Hanna, was called to treat "what appeared to be constipation and resulting distension," the report continued.

"Upon abdominal examination, Dr. Hanna detected what she suspected were tumorous

growths and ordered X-rays," the report said. "The X-rays disclosed a fully formed fetus."

The woman was taken to Richmond Memorial Hospital, where doctors determined she was 31 weeks pregnant.

The police were notified. Detective Catherine Bertolino of the Sex Crimes Unit at the 122nd Precinct and Clark of the Legal Adviser Program then interviewed employees who worked in Building 25 between April 15 and May 30, according to a Dec. 13 memo sent to the OMRDD.

Ms. Bertolino and Dr. Anita Riska, a psychologist, also interviewed the SIDC resident who slept in the bed next to the victim during that period, the memo said.

The resident, whose name was deleted from the copy of the report obtained by the Advance, "is verbal and understood what has happened to her friend," the memo said, but "she maintains that she did not observe the sexual assault."

Some employees were then questioned again, the report stated.

"The names of male employees who had or could have had contact with (the victim) were run through the (Police Department) computer to determine whether any had been arrested for or had committed a sex

crime," the report said. "None had such a record."

Meanwhile, a court order was obtained to authorize birth by Caesarean section, which later proved to be unnecessary.

Walsh said police have kept the case open, although active investigation apparently has ended.

"I don't see that there's much more that needs to be included in the report," Assemblywoman Elizabeth A. Connelly said when asked about its results. "I think you have to rely on the people involved in the investigation."

The seven-month lapse between the rape and discovery of the pregnancy, she said, doesn't necessarily indicate negligence by medical staff. Given the victim's disabilities, she said, pregnancy would have been one of the last things doctors would have checked for.

The state Commission on Quality Care, a mental-health watchdog group, has not reviewed the results of the investigation and will have no comment until the report is inspected, according to Gary Masline, a spokesman for the panel.

The commission's director, Clarence Sundram, said earlier that the panel would conduct its own investigation if it found the SIDC investigation incomplete.