

State of Oregon

Department of Human Services
Office of Investigations and Training



Report of Abuse and Neglect Allegations
For Adults and Children Who Receive
Mental Health and Developmental Disabilities Services

Year 2004 Statewide Results



October 2005

The Office of Investigations and Training

The Office of Investigations and Training (OIT) is located within the State of Oregon’s Department of Human Services. OIT is responsible for directly investigating or overseeing county investigations of allegations of abuse and neglect of people with mental illness or developmental disabilities who receive services. State and county staff also ensure the provision of necessary protective services to victims of abuse or neglect. OIT staff are also responsible for providing training on mandatory reporting requirements, investigations, and protective services.

OIT’s Mission Statement

The Office of Investigations and Training is committed to ensuring all investigations, protective services and trainings are conducted with integrity, fairness, and quality.

Authority

OIT and its designees (community mental health and developmental disability programs) are authorized to conduct investigations and provide protective services to alleged victims under Oregon Revised Statutes (ORS) 430.735 to 430.765 and the following Oregon Administrative Rules (OARs): “Abuse Reporting and Protective Services in Community Programs and Community Facilities” (OAR 410-009-0050 through 0160); “24-Hour Residential Services for Children and Adults with Developmental Disabilities” (OAR 411-325-0010 through 0480); “Employment and Alternatives to Employment Services for Individuals with Developmental Disabilities” (OAR 411-345-0010 through 0300); “Community Developmental Disability Program” (OAR 411-320-0010 through 0200); “Adult Foster Homes (OAR 309-040-0300 through 0330); “Adult Foster Homes for Individuals with Developmental Disabilities” (OAR 411-360-0010 through 0310); “Residential Treatment Facilities for Mentally or Emotionally Disturbed Persons” (OAR 309-035-0100 through 0190); “Residential Treatment Homes” (OAR 309-035-0250 through 0460); “Patient and Resident Rights” (OAR 309-116-000 through 100); and “Support Services for Adults with Developmental Disabilities” (OAR 411-340-0010 through 0180).

Definitions and Categories of Abuse

In addition to the statute, there are different OARs that apply depending on the type of service and the person's disability. The following list is an abbreviated listing of the definitions (complete definitions are available from OIT and can also be found on the internet at <http://arcweb.sos.state.or.us/banners/rules.htm>):

- A) Death: Any death caused by other than accidental or natural means or occurring in unusual circumstances;
- B) Physical Abuse: Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given. The willful infliction of physical pain or injury, etc;
- C) Sexual Abuse/Exploitation: Any sexual harassment or exploitation including, but not limited to, any sexual contact between a provider or provider employee and a client/patient;
- D) Financial Abuse/Exploitation: Any exploitation or inappropriate expending of client/patient funds including, but not limited to, theft, borrowing from or loaning money to clients/patients, commingling resident's funds with caregiver or other resident's funds, etc;
- E) Neglect: Neglect that leads to physical harm or significant mental injury through withholding of services necessary to maintain health and well-being;
- F) Restraint: Using physical restraints without a written physician's order, or as part of an Individual Support Plan, unless a resident's actions present an imminent danger to himself/herself or others, and only until appropriate action is taken by medical, emergency, or police personnel;
- G) Unauthorized Restriction: Placing restrictions on a resident's freedom of movement by seclusion in a locked room or restriction to a specific area;

H) Verbal Abuse/Mistreatment: Subjecting a patient/client to the use of derogatory names, phrases, profanity, ridicule, harassment, coercion or intimidation and threatening injury or withholding of services or supports, including implied or direct threat of termination of services;

I) Other: A form of abuse that does not clearly fit into one of the other categories of abuse.

Investigation Results

The following investigation conclusions are defined by OAR:

A) “Substantiated” means that the evidence supports a conclusion that there is reasonable cause to believe that abuse occurred.

B) “Inconclusive” means that the available evidence does not support a final decision that there was reasonable cause to believe that abuse occurred or did not occur.

C) “Not Substantiated” means that on the evidence does not support a conclusion that there is reasonable cause to believe that abuse occurred.

D) “Other Outcomes”: In addition to the investigation results defined above, there can be other outcomes of an investigation. The graphs on pages 5, 6, 12 and 13 refer to these “Other Outcomes”. Other Outcomes fall into three types: 1) Did Not Meet the Definition: These are allegations that were initially reported to state and county investigators, but upon preliminary screening and review it was determined that the allegation did not meet the definition of abuse. Under these conditions, a determination of “Not Substantiated” would not be appropriate because the alleged incident is not addressed under current abuse\neglect statutes and rules. 2) Closed without an Outcome: There was not enough information reported, and the subsequent investigation did not yield sufficient information to make a final determination. 3) Open Investigations: A very small number of investigations have not been closed, commonly due to active investigation and prosecution by law enforcement.

Terminology and Abbreviations (referred to in the following graphs and spreadsheets)

C – Children: Investigations conducted when the alleged victim is under 18 and receiving services from a DD children’s residential program.

SO – State Operated Community Program (SOCP): Investigations conducted when the alleged victim is receiving services from a state operated 24-hour residential program.

EOTC – Eastern Oregon Training Center (EOTC): Investigations conducted when the alleged victim is receiving services at EOTC.

OSH – Oregon State Hospital: Investigations conducted when the alleged victim is receiving services from the Oregon State Hospital.

EOPC – Eastern Oregon Psychiatric Center (EOPC): Investigations conducted when the alleged victim is receiving services at EOPC.

FTC – Fairview Training Center: While this facility has been closed and no investigations have been conducted there since 1999, this facility (for people with developmental disabilities) had investigations that are described in the “Comparison of Allegations and Incidents Investigated by or Reported to OIT and Counties” spreadsheet.

SDI – Special Department Investigation: Investigations that are normally undertaken by county staff (MH or DD) but are instead conducted by OIT staff due to possible conflict of interest, complexity, or other identified need.

SDIA – Special Department Investigation Assist: Investigations that are undertaken by county staff (MH or DD) and closely assisted by OIT staff due to possible conflict of interest, complexity, or other identified need.

Special – An investigation conducted by OIT when an individual who receives services is found to have unexplained injuries of concern. Also, no alleged perpetrator was identified at the time reported.

Review -- A review by a forensic specialist of an unexplained injury or series of injuries investigated by OIT or county staff.

County DD - Abuse and neglect investigations conducted by county DD program staff for individuals with developmental disabilities who receive services.

County MH – Abuse and neglect investigations conducted by county MH program staff for individuals with mental illness who receive services.

Critical Incident / Miscellaneous Information – A serious incident involving a client or patient, the nature of which did not meet the definition of abuse or neglect (for example, an accident or natural death).

OIT Training Program

The Office of Investigations and Training (OIT) is legally responsible to provide training to protective service investigators (PSI) statewide in how to conduct unbiased, thorough and culturally competent protective service investigations. To encourage reporting and reduce the risk of abuse, OIT also trains mandatory reporters, family members, advocates, clients and community partners. In 2004 OIT staff held a total of 75 training events for approximately 4000 individuals.

Training opportunities were provided on the following topics: Basic Investigations; Sorting and Mapping; Interviewing; Advanced Interviewing; Documents, Evidence and Exhibits; Mandatory Abuse Reporting; The Culturally Competent Investigator; Focus on Report Writing; Ethics and Values; Training the Facilitative Trainer (train the trainer); Coaching Skills; State Operated Community Homes Workforce Culture Shift; The Big Picture: Demystifying the New Rule; A Just Response: Improving Victim Safety and Offender Accountability; Conflict Management; and Disability Awareness; and Strategic Planning and Technical Assistance sessions to community partner agencies and non-profits (to build local abuse response infrastructure including multi-disciplinary teams).

Participants at OIT training programs represented protective service investigators from county developmental disability and county mental health programs; staff at Oregon State Hospital, Eastern Oregon Training Center, Eastern Oregon Psychiatric Center, State Operated Community Program; state protection and advocacy staff, members of law enforcement, judges, and district attorneys; case managers, service coordinators, self-advocates, mental health consumers, family members, agency administrators and senior protective services staff; adult care providers, vocational providers, residential providers; domestic violence shelter staff, community advocates for client populations, members of the Oregon Rehabilitation Association; and the State Attorney General's Sexual Assault Task Force members.

Additional Information

Due to budget considerations, this report has been printed without color. A colorized version of this report is available in electronic (.pdf) format. Additional explanation, information, or an electronic copy of this report may be obtained by calling OIT at 503-945-9495 or writing to PO Box 14250 Salem, OR 97309-0740.

This report and the 2003 Annual Report are also available on the Oregon Department of Human Services website <http://egov.oregon.gov/DHS/data>. Other information and publications related to DD and MH abuse reporting and warning signs can be found online at <http://www.oregon.gov/DHS/index.shtml>. A report entitled "Assessment and Recommendations for Abuse Training at Oregon State Hospital" can be found online at the following link: <http://www.oregon.gov/DHS/mentalhealth/osh/abuse-training-rec.pdf>.

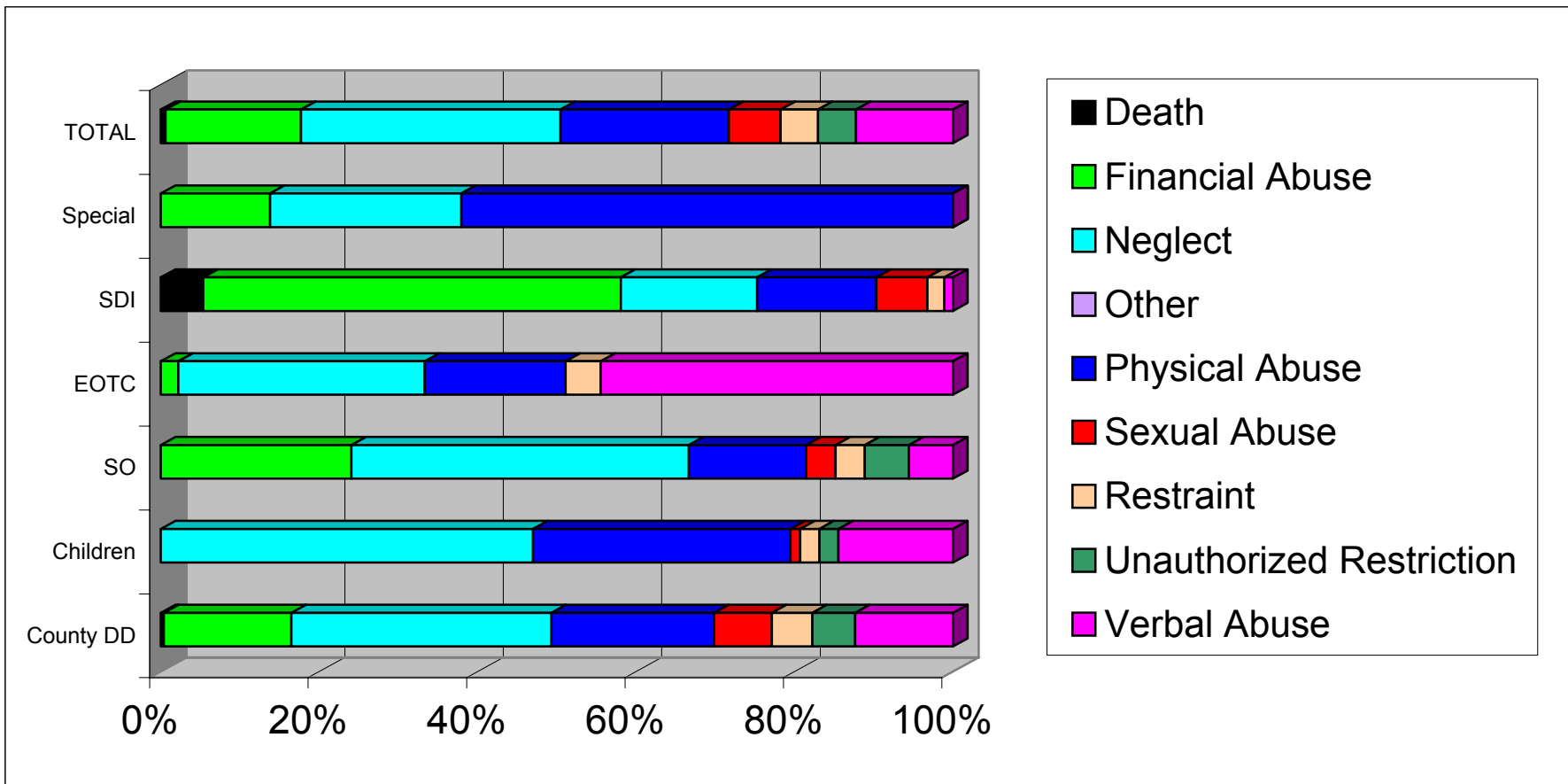
Comparison of Allegations and Incidents Investigated by or Reported to OIT and Counties

1994-1999 Data Derived From Previous Reports

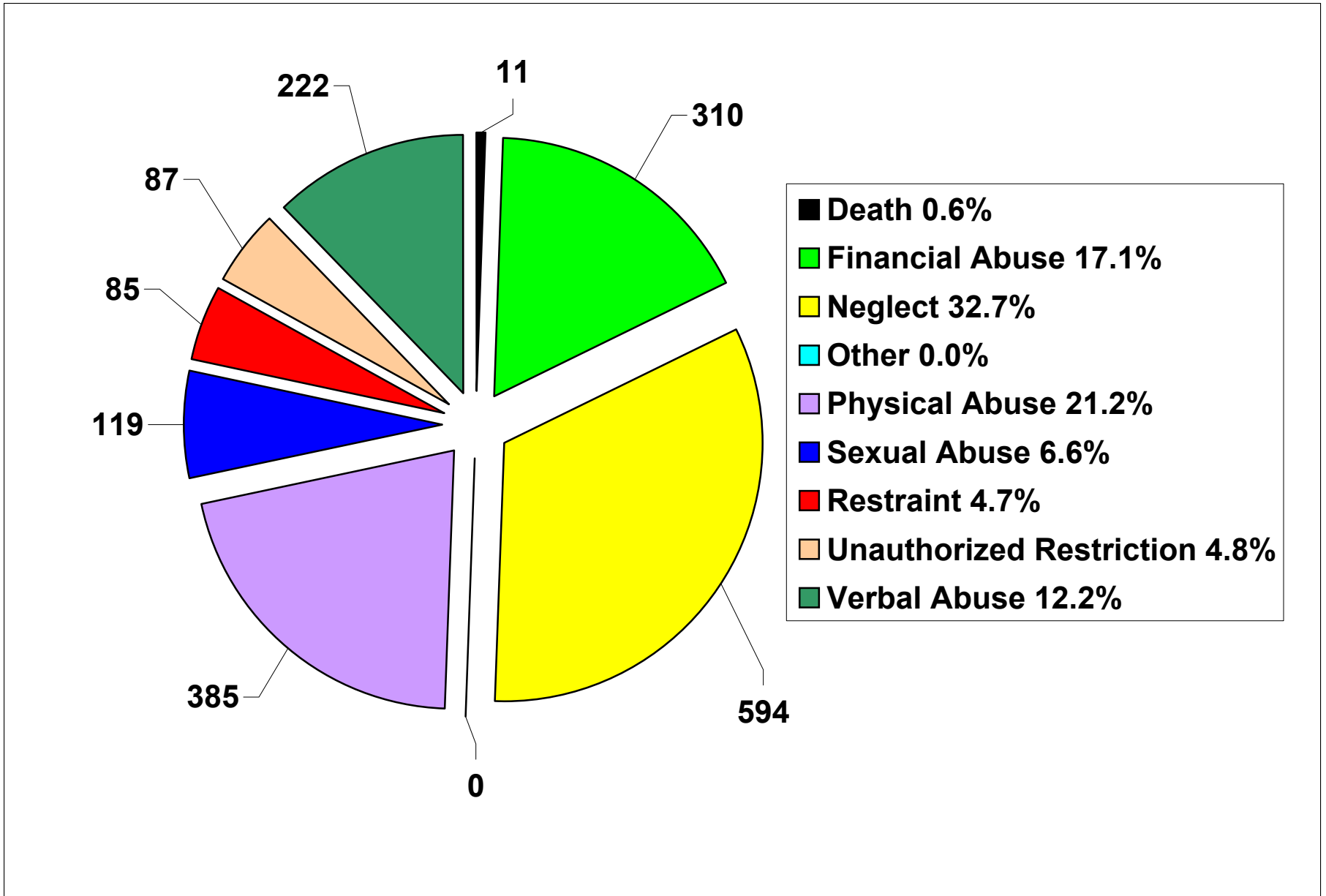
	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	
SO (DD)	12	8	16	56	27	31	100	51	56	75	54	SO (DD)
EOTC (DD)	12	19	35	32	44	64	36	32	29	19	45	EOTC (DD)
OSH (MH)	154	128	108	80	62	41	103	57	84	91	73	OSH (MH)
EOPC (MH)	6	8	9	21	3	7	0	8	3	12	6	EOPC (MH)
Children (DD)	0	0	0	0	19	98	154	138	169	252	83	Children (DD)
FTC (DD)	116	264	327	150	117	82	0	0	0	0	0	FTC (DD)
SDI (DD)	0	0	0	0	0	6	32	20	57	61	93	SDI (DD)
SDI (MH)	0	0	0	0	0	0	9	21	7	26	23	SDI (MH)
Special (MH)	0	0	0	0	0	0	1	9	0	2	8	Special (MH)
Special (DD)	0	0	0	0	0	0	35	13	27	10	29	Special (DD)
Review (DD)	0	0	0	0	0	0	25	16	9	9	28	Review (DD)
Review (MH)	0	0	0	0	0	0	0	0	1	4	0	Review (MH)
SDIA (DD)	0	0	0	0	0	0	0	2	28	67	51	SDIA (DD)
SDIA (MH)	0	0	0	0	0	0	0	2	1	10	1	SDIA (MH)
OIT Totals	300	427	495	339	272	329	495	369	471	638	494	OIT Totals
County DD						501	1293	1943	1646	1471	1509	County DD
County MH							139	251	387	351	428	County MH
OIT & County Totals	300	427	495	339	272	830	1927	2563	2504	2460	2431	OIT & County Totals
Information Not Available												

Types of DD All Program Allegations in 2004

	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse	TOTAL
County DD	6	243	495	0	310	110	77	82	186	1509
Children	0	0	39	0	27	1	2	2	12	83
SO	0	13	23	0	8	2	2	3	3	54
EOTC	0	1	14	0	8	0	2	0	20	45
SDI	5	49	16	0	14	6	2	0	1	93
Special	0	4	7	0	18	0	0	0	0	29
TOTAL	11	310	594	0	385	119	85	87	222	1813

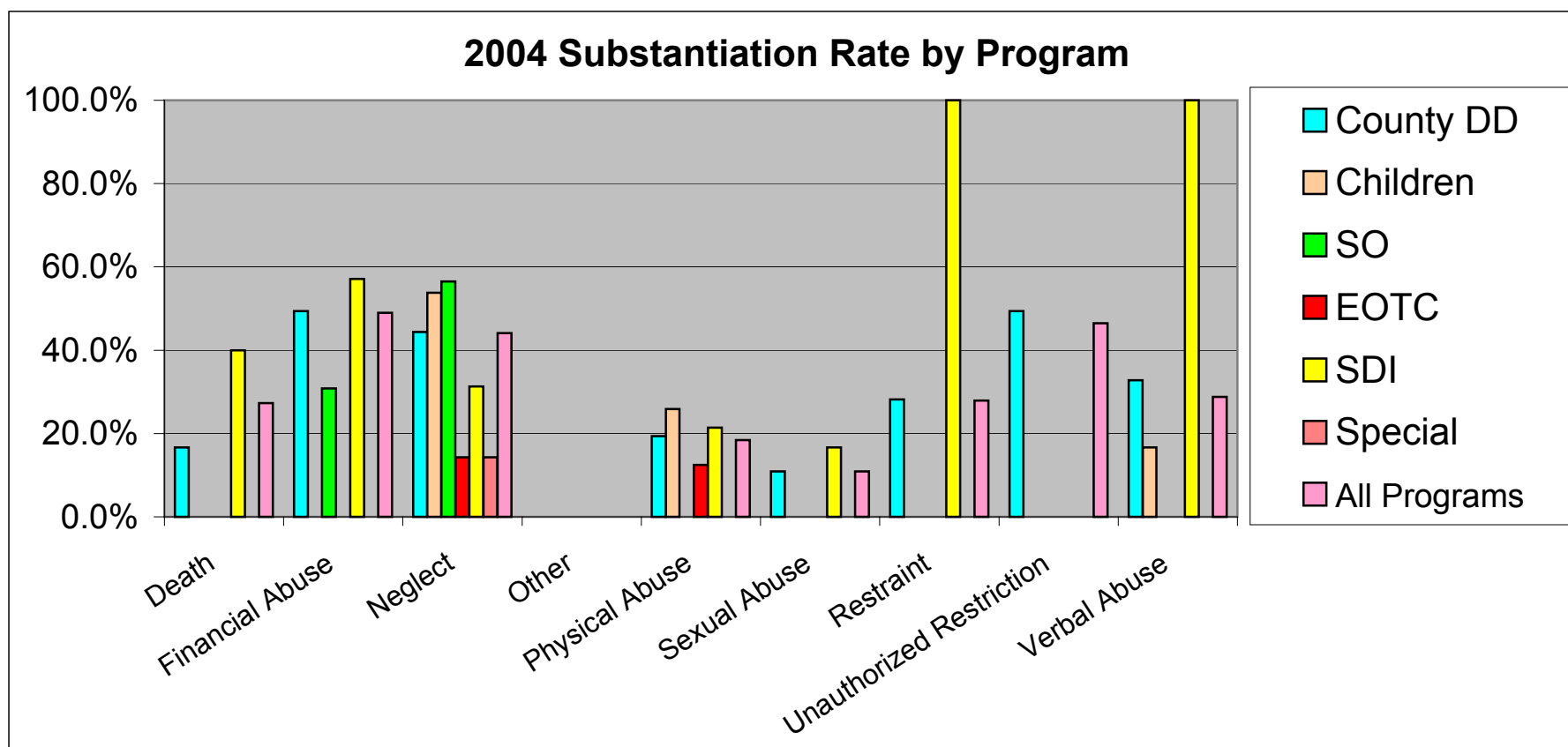


DD All Program Investigations in 2004
1813 Total Allegations



DD All Program Substantiation Rates in 2004

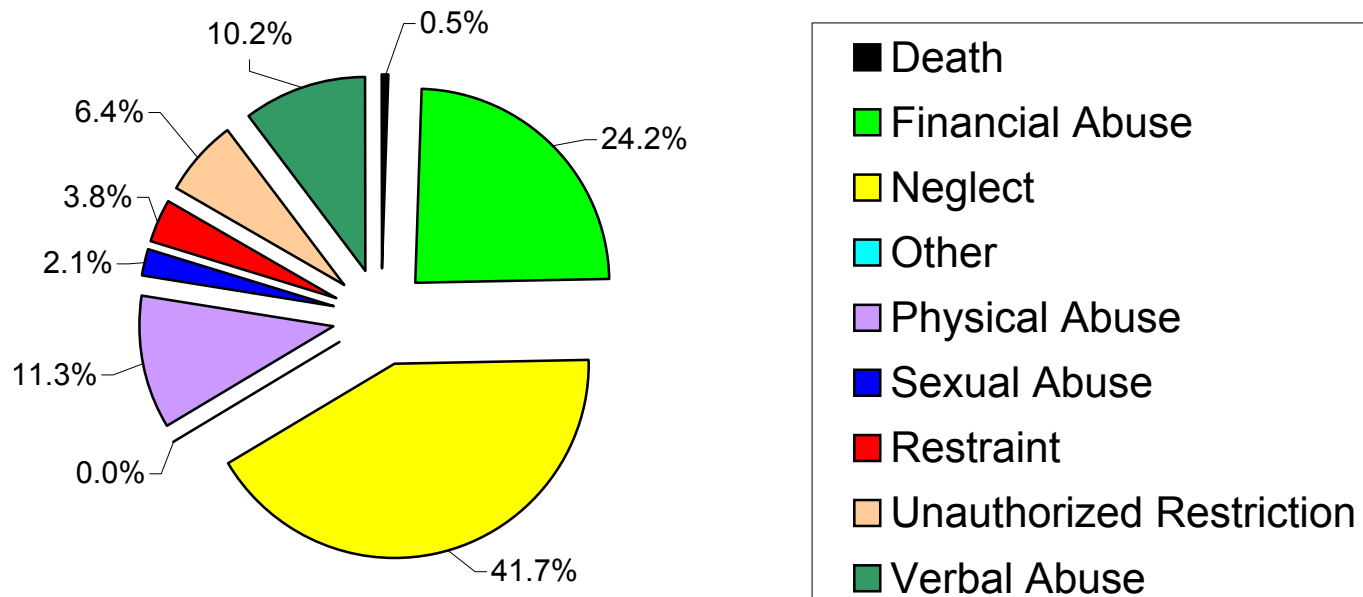
	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse
County DD	16.7%	49.4%	44.4%	0.0%	19.4%	10.9%	28.2%	49.4%	32.8%
Children	n/a	n/a	53.8%	n/a	25.9%	0.0%	0.0%	0.0%	16.7%
SO	n/a	30.8%	56.5%	n/a	0.0%	0.0%	0.0%	0.0%	0.0%
EOTC	n/a	n/a	14.3%	n/a	12.5%	0.0%	0.0%	n/a	0.0%
SDI	40.0%	57.1%	31.3%	0.0%	21.4%	16.7%	100.0%	n/a	100.0%
Special	n/a	0.0%	14.3%	n/a	0.0%	n/a	n/a	n/a	0.0%
All Programs	27.3%	49.0%	44.1%	0.0%	18.4%	10.9%	27.9%	46.5%	28.8%



2004 Substantiation Rates DD All Program

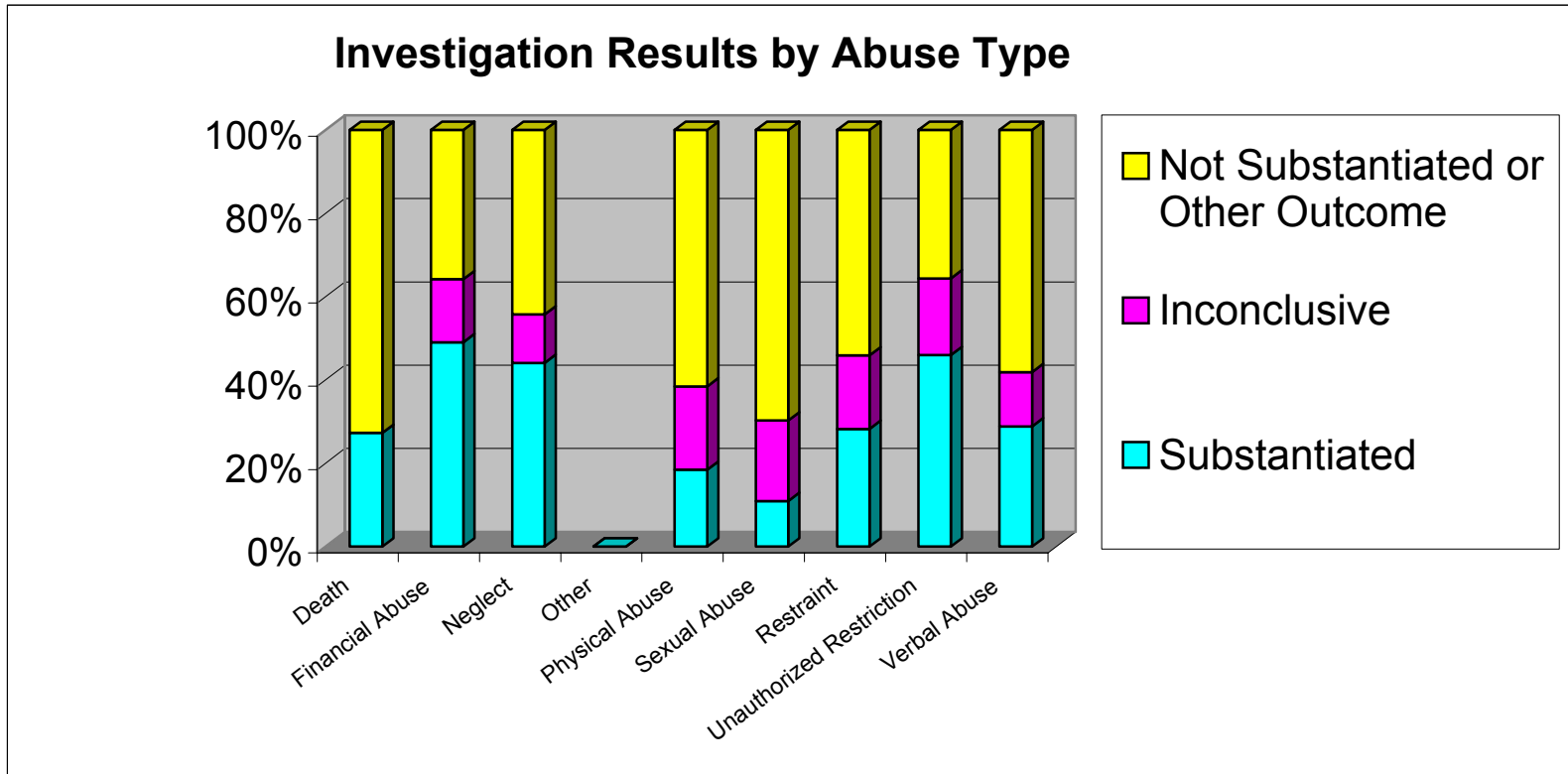
	Allegations	Substantiated	Inconclusive	Not Substantiated or Other Outcome	Substantiation Rate
Death	11	3	0	8	27.3%
Financial Abuse	310	152	47	111	49.0%
Neglect	594	262	69	263	44.1%
Other	0	0	0	0	0.0%
Physical Abuse	385	71	77	237	18.4%
Sexual Abuse	119	13	23	83	10.9%
Restraint	85	24	15	46	28.2%
Unauthorized Restriction	87	40	16	31	46.0%
Verbal Abuse	222	64	29	129	28.8%
Totals	1813	629	276	908	34.7%

629 Total Substantiated Allegations



2004 DD All Program Investigation Results

	Allegations	Substantiated	Inconclusive	Not Substantiated or Other Outcome	Substantiation Rate
Death	11	3	0	8	27.3%
Financial Abuse	310	152	47	111	49.0%
Neglect	594	262	69	263	44.1%
Other	0	0	0	0	0.0%
Physical Abuse	385	71	77	237	18.4%
Sexual Abuse	119	13	23	83	10.9%
Restraint	85	24	15	46	28.2%
Unauthorized Restriction	87	40	16	31	46.0%
Verbal Abuse	222	64	29	129	28.8%
Totals	1813	629	276	908	34.7%



County Investigated DD Allegations for 2004

Report Depicted Over Two Pages

County Name	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse	Total	# Clients Served in 2004	% Allegations to Clients Served	Total Substantiated Allegations	% Substantiated Allegations to Clients Served
Baker					1		4			5	89	5.62%	4	4.49%
Benton			10		1	1	5			17	354	4.80%	7	1.98%
Clackamas	1	5	42		27	8	21	2	34	140	1161	12.06%	32	2.76%
Clatsop		10	4		4	3	2	1	2	26	182	14.29%	5	2.75%
Columbia			6		1				1	8	213	3.76%	5	2.35%
Coos		1	23		4		2	3	7	40	277	14.44%	17	6.14%
Crook										0	53	0.00%	0	0.00%
Curry		11	9					2		22	111	19.82%	12	10.81%
Deschutes			9		5		2	1	2	19	394	4.82%	11	2.79%
Douglas		13	4		5	4	3		34	63	418	15.07%	29	6.94%
Gilliam - See Mid-Columbia										n/a	n/a	n/a	n/a	n/a
Grant		3	1							4	29	13.79%	0	0.00%
Harney					1					1	1	100.00%	0	0.00%
Hood River - See Mid-Columbia										n/a	0	n/a	n/a	n/a
Jackson		4	22		17	6	1	5	20	75	720	10.42%	26	3.61%
Jefferson					1					1	83	1.20%	0	0.00%
Josephine		2	2		5	1	1		1	12	376	3.19%	5	1.33%
Klamath	1		6		7			1	1	16	362	4.42%	3	0.83%
Lake										0	27	0.00%	0	0.00%
Lane		7	28		15	11	1	3	2	67	1425	4.70%	18	1.26%
Lincoln			2							2	205	0.98%	1	0.49%
Linn		1	1			2				4	534	0.75%	1	0.19%
Malheur		8	1		6	1				16	133	12.03%	2	1.50%
Marion		50	34		49	8	7	7	19	174	1644	10.58%	51	3.10%
Mid-Columbia		1	5		6	2		2	1	17	222	7.66%	4	1.80%
Morrow										0	27	0.00%	0	0.00%
Multnomah	1	56	172		100	34	14	20	44	441	3440	12.82%	164	4.77%
Polk	3	4	9		14	2	1	2	4	39	344	11.34%	4	1.16%
Sherman - See Mid-Columbia										n/a	0	n/a	n/a	n/a
Tillamook		1			2				1	4	141	2.84%	2	1.42%
Umatilla		15	17		8	2	1	1	4	48	269	17.84%	29	10.78%
Union		4	2		3		2	3	1	15	130	11.54%	7	5.38%
Unlisted or N/A										n/a	19	n/a	n/a	n/a
Wallowa										0	30	0.00%	0	0.00%

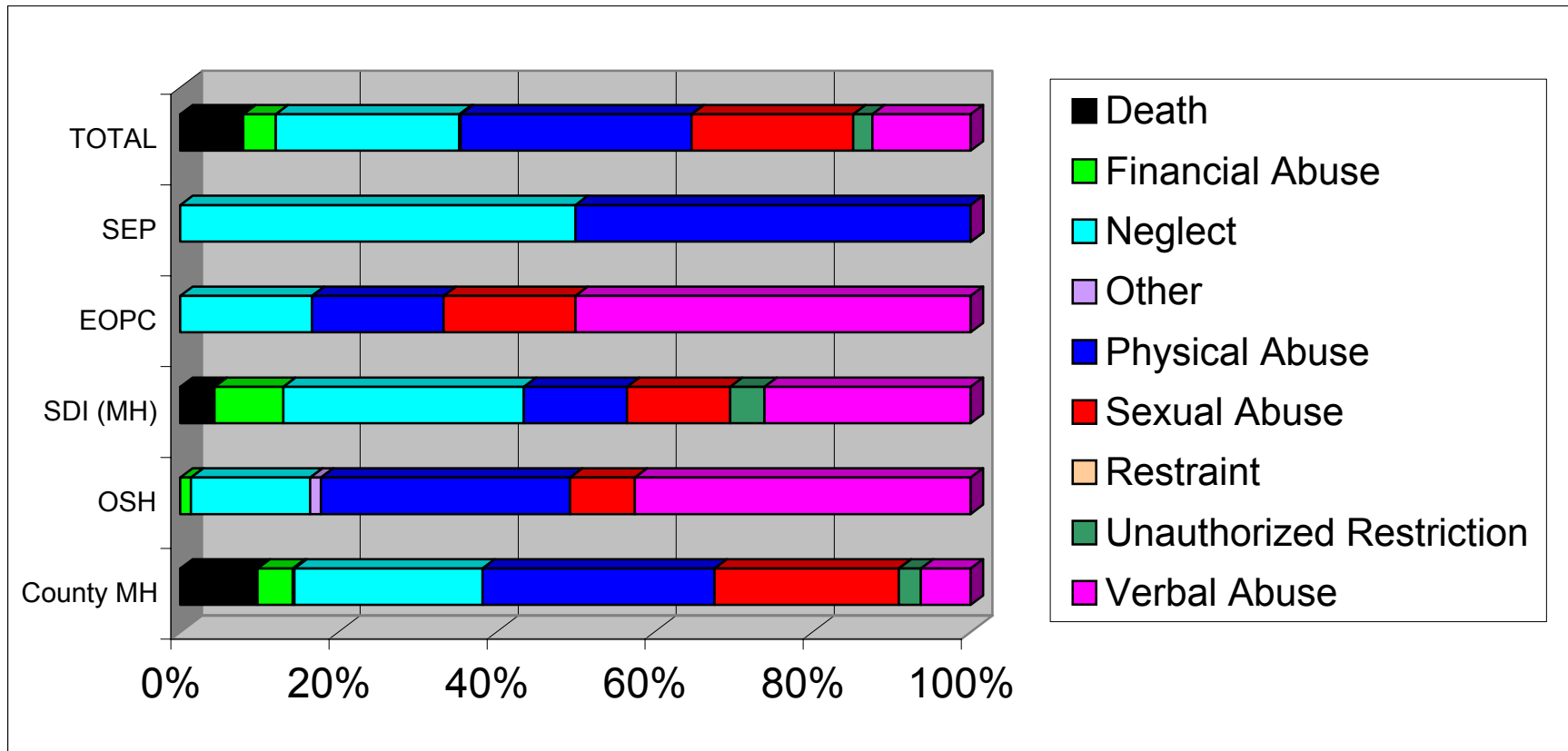
County Investigated DD Allegations for 2004

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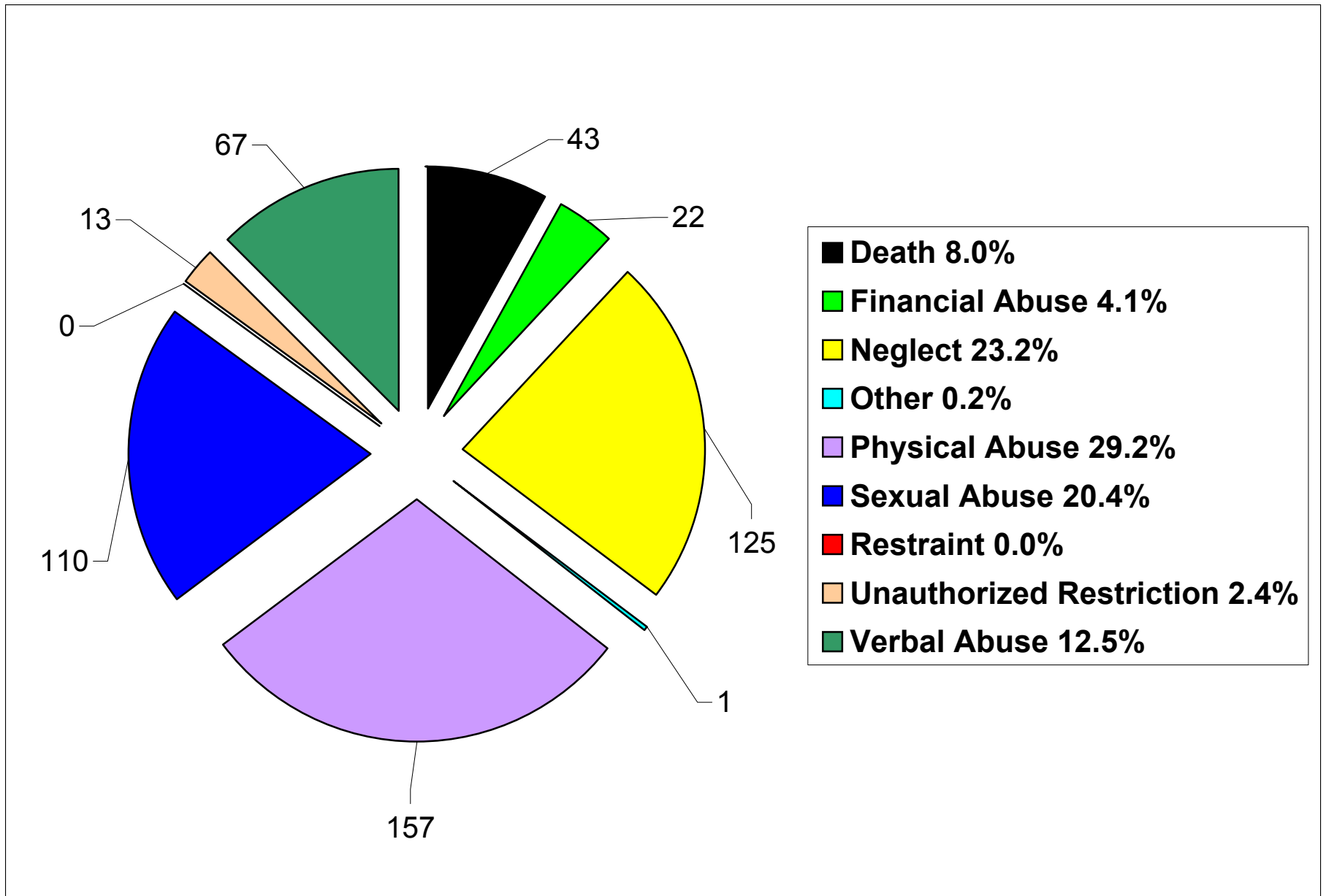
County Name	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse	Total	# Clients Served in 2004	% Allegations to Clients Served	Total Substantiated Allegations	% Substantiated Allegations to Clients Served
Warm Springs										0	49	n/a	0	0.00%
Wasco - See Mid-Columbia										n/a	0	n/a	n/a	n/a
Washington		34	70		17	20	10	28	3	182	1391	13.08%	84	6.04%
Wheeler										0	0	0.00%	0	0.00%
Yamhill		13	16		11	5		1	5	51	428	11.92%	14	3.27%
Totals	6	243	495	0	310	110	77	82	186	1509	15281	9.88%	537	3.51%
Percentages	0.4%	16.1%	32.8%	0.0%	20.5%	7.3%	5.1%	5.4%	12.3%					

Types of MH All Program Allegations in 2004

	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse	TOTAL
County MH	42	19	102	0	126	100	0	12	27	428
OSH	0	1	11	1	23	6	0	0	31	73
SDI (MH)	1	2	7	0	3	3	0	1	6	23
EOPC	0	0	1	0	1	1	0	0	3	6
SEP	0	0	4	0	4	0	0	0	0	8
TOTAL	43	22	125	1	157	110	0	13	67	538

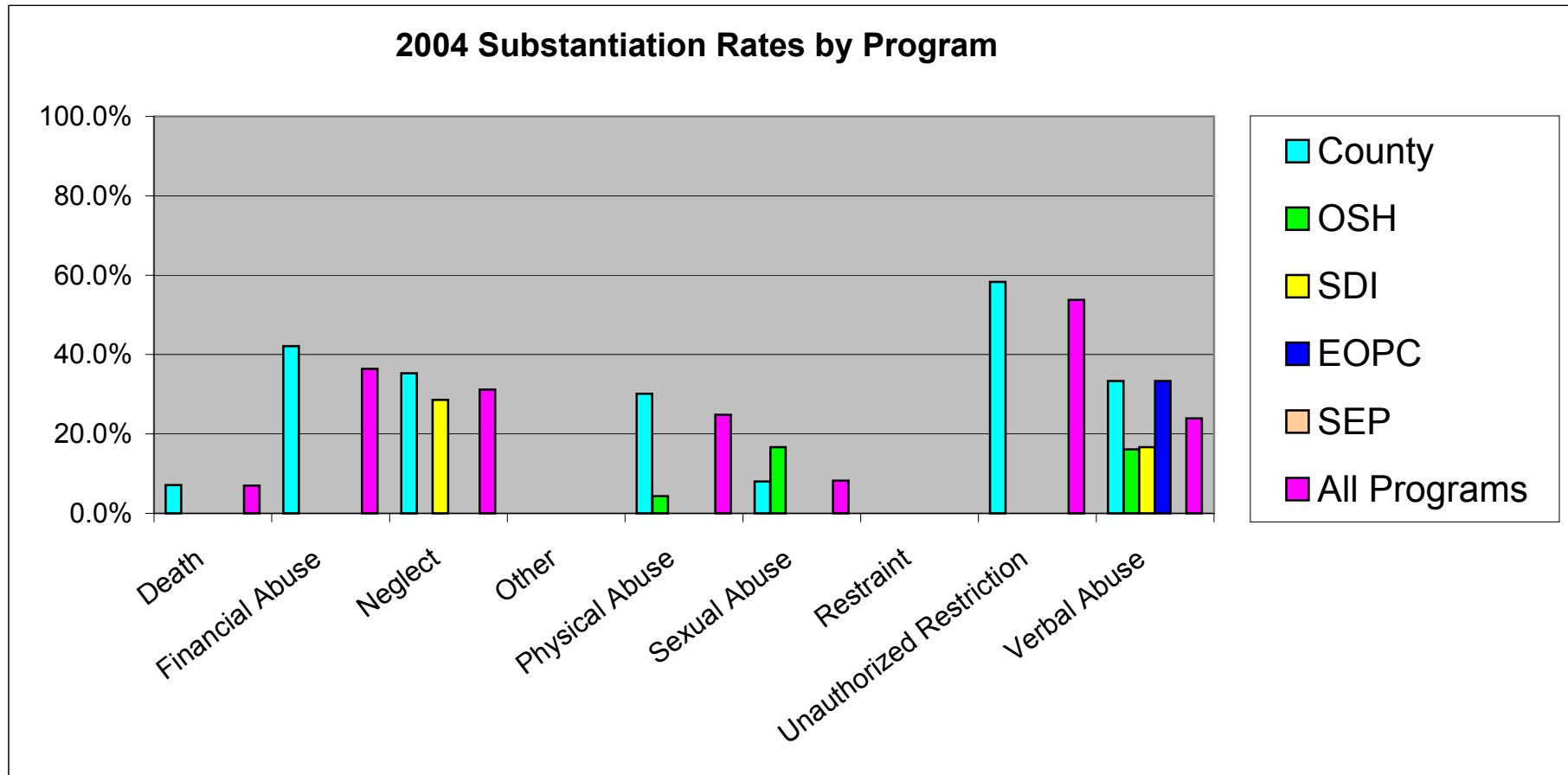


MH All Program Investigations in 2004
538 Total Allegations



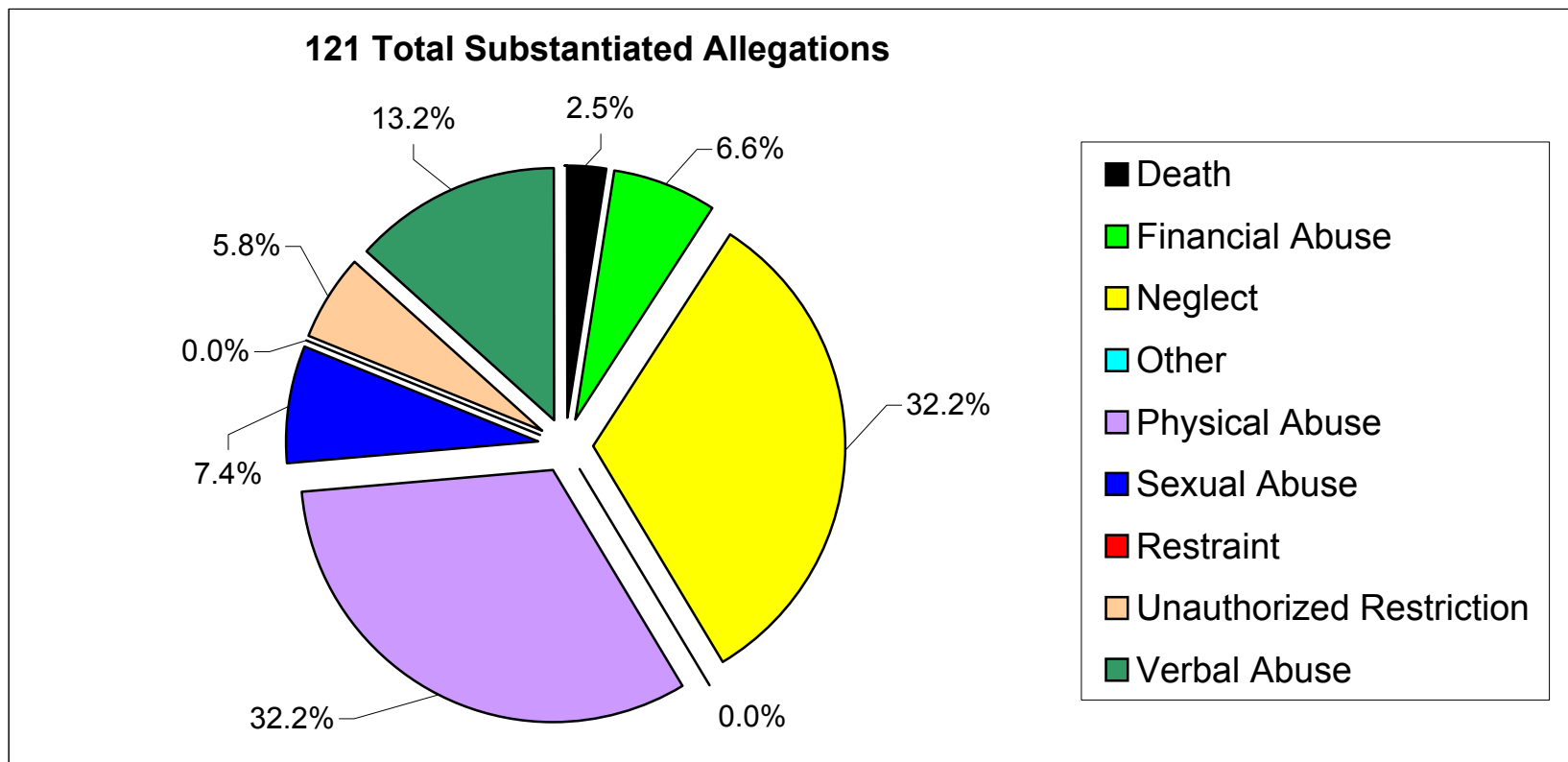
MH All Program Substantiation Rates in 2004

	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse
County	7.1%	42.1%	35.3%	n/a	30.1%	8.0%	n/a	58.3%	33.3%
OSH	0.0%	0.0%	0.0%	0.0%	4.3%	16.7%	n/a	n/a	16.1%
SDI	0.0%	0.0%	28.6%	n/a	0.0%	0.0%	n/a	0.0%	16.7%
EOPC	n/a	n/a	0.0%	n/a	0.0%	0.0%	n/a	n/a	33.3%
SEP	n/a	n/a	0.0%	n/a	0.0%	n/a	n/a	n/a	n/a
All Programs	7.0%	36.4%	31.2%	0.0%	24.8%	8.2%	n/a	53.8%	23.9%



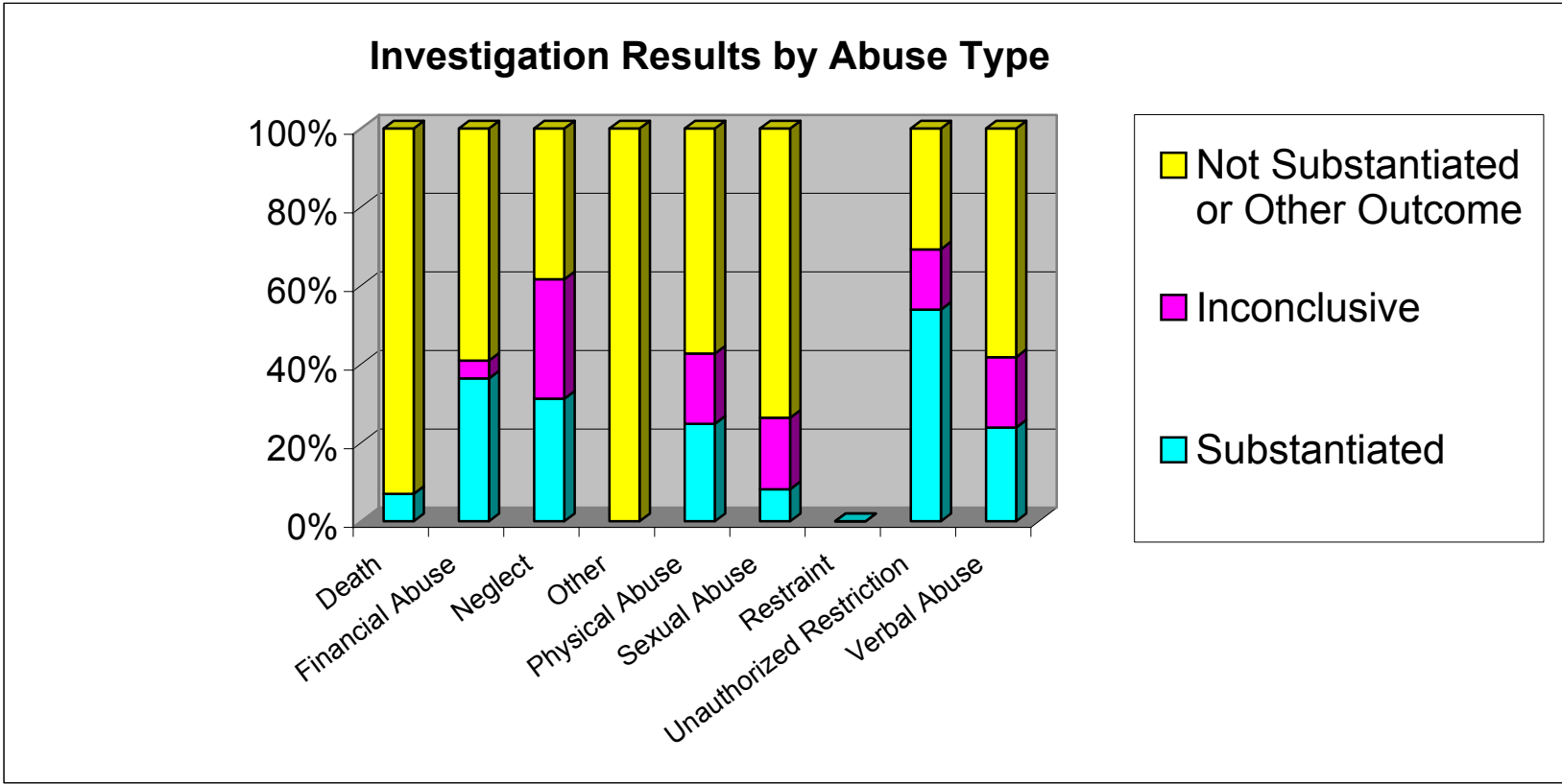
2004 Substantiation Rates MH All Program

	Allegations	Substantiated	Inconclusive	Not Substantiated or Other Outcome	Substantiation Rate
Death	43	3	0	40	7.0%
Financial Abuse	22	8	1	13	36.4%
Neglect	125	39	38	48	31.2%
Other	1	0	0	1	0.0%
Physical Abuse	157	39	28	90	24.8%
Sexual Abuse	110	9	20	81	8.2%
Restraint	N/A	N/A	N/A	N/A	N/A
Unauthorized Restriction	13	7	2	4	53.8%
Verbal Abuse	67	16	12	39	23.9%
Totals	538	121	101	316	22.5%



2004 Substantiation Rates MH All Program

	Allegations	Substantiated	Inconclusive	Not Substantiated or Other Outcome	Substantiation Rate
Death	43	3	0	40	7.0%
Financial Abuse	22	8	1	13	36.4%
Neglect	125	39	38	48	31.2%
Other	1	0	0	1	0.0%
Physical Abuse	157	39	28	90	24.8%
Sexual Abuse	110	9	20	81	8.2%
Restraint	N/A	N/A	N/A	N/A	N/A
Unauthorized Restriction	13	7	2	4	53.8%
Verbal Abuse	67	16	12	39	23.9%
Totals	538	121	101	316	22.5%



County Investigated MH Allegations for 2004

Report Depicted Over Two Pages

County Name	Critical Incident / Misc Info	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse	Total Allegations	# Clients Served CPMS	% Allegations to Clients Served	Total Substantiated Allegations	% Substantiated Allegations to Clients Served
Baker											0	565	0.0000%	0	0.000%
Benton	4										0	1374	0.0000%	0	0.000%
Clackamas	11	2	0	50		8	1			5	66	3637	1.8147%	26	0.715%
Clatsop	1	2				2	1			1	6	846	0.7092%	1	0.118%
Columbia		1					1				2	539	0.3711%	0	0.000%
Coos	1	1	3			2	1				7	1461	0.4791%	0	0.000%
Crook	3										0	589	0.0000%	0	0.000%
Curry											0	456	0.0000%	0	0.000%
Deschutes	19	3					1				4	2599	0.1539%	0	0.000%
Douglas	13	2	2	8		9	3		2	5	31	2757	1.1244%	7	0.254%
Gilliam - See Mid-Columbia											n/a	n/a	n/a	n/a	n/a
Grant	1										0	257	0.0000%	0	0.000%
Harney	1										0	174	0.0000%	0	0.000%
Hood River - See Mid-Columbia											n/a	n/a	n/a	n/a	n/a
Jackson	1	2		10		2	2		1	1	18	3526	0.5105%	4	0.113%
Jefferson	1										0	679	0.0000%	0	0.000%
Josephine	5	1		3		5	1			1	11	2393	0.4597%	2	0.084%
Klamath	5	4	1	1			3			1	10	1436	0.6964%	2	0.139%
Lake											0	131	0.0000%	0	0.000%
Lane	1										0	7707	0.0000%	0	0.000%
Lincoln	2	2				2	3				7	1542	0.4540%	3	0.195%
Linn	8	3		2		12	5				22	2705	0.8133%	1	0.037%
Malheur	1										0	686	0.0000%	0	0.000%
Marion	22	4	9	12		15	13		9	3	65	8406	0.7733%	30	0.357%
Mid-Columbia	6										0	1074	0.0000%	0	0.000%
Morrow	1	1									1	237	0.4219%	0	0.000%
Multnomah	58	7	1	13		56	58			10	145	23428	0.6189%	24	0.102%
Polk	5	2	1	2		1	1				7	1337	0.5236%	0	0.000%
Sherman - See Mid-Columbia											n/a	n/a	n/a	n/a	n/a
Tillamook											0	754	0.0000%	0	0.000%
Umatilla	11	1				4	1				6	1347	0.4454%	4	0.297%
Union						1					1	560	0.1786%	0	0.000%
Unlisted or N/A	1										0	775	0.0000%	0	0.000%

County Investigated MH Allegations for 2004

Report Depicted Over Two Pages

County Name	Critical Incident / Misc Info	Death	Financial Abuse	Neglect	Other	Physical Abuse	Sexual Abuse	Restraint	Unauthorized Restriction	Verbal Abuse	Total Allegations	# Clients Served CPMS	% Allegations to Clients Served	Total Substantiated Allegations	% Substantiated Allegations to Clients Served
Wallowa	2	1									1	185	0.5405%	n/a	n/a
Warm Springs											0	156	0.0000%	n/a	n/a
Wasco - See Mid-Columbia											n/a	n/a	n/a	n/a	n/a
Washington	12	2		1		2	1				6	6497	0.0924%	1	0.015%
Wheeler											0	0	0.0000%	0	0.000%
Yamhill	4	1	2			5	4				12	1865	0.6434%	0	0.000%
Totals	200	42	19	102	0	126	100	0	12	27	428	82680	0.5177%	105	0.127%
Percentages		9.8%	4.4%	23.8%	0.0%	29.4%	23.4%	0.0%	2.8%	6.3%					