

How are abuse investigations conducted?

Investigators are trained to be objective, comprehensive and collect all relevant facts in a very specific manner. CMHP investigators usually begin by interviewing the person who made the abuse report, the alleged victim, alleged perpetrator and any other person who may have relevant knowledge of the facts to help the investigator find out what happened. Interviews are usually conducted with one person at a time in a quiet, private setting. Special arrangements can be made if the person making the report wants to remain anonymous. Investigators ask that during the investigation the interview discussion remain confidential. Most investigators take notes while interviewing.

Investigators also review all kinds of relevant documents and may make copies for their report. Sometimes investigators may take a photograph of the alleged victim to preserve evidence of the alleged abuse.

Investigations must begin within 24 hours of receiving a report of alleged abuse. Upon completion of the investigation and within 45 calendar days of the report alleging abuse, an Abuse Investigation and Protective Services Report is written. Sometimes an investigation is so complex, a report may be delayed. Usually the investigator will let the interested people know when the report will be completed.

Can anyone get a copy of the abuse investigation report?

Yes! However, only the public record sections of the Abuse Investigation and Protective Services Report is available upon written request. Underlying investigative notes are also available, but must be edited before release.

Who should I contact for a copy of an Abuse and Protective Services Report?

Requests for release of this information should be made directly to the CMHP. For more information regarding public records, contact ODDS and ask for the "Public Records" brochure and the Request for Release of Public Documents form.

Where can I get more information about Oregon's abuse reporting system?

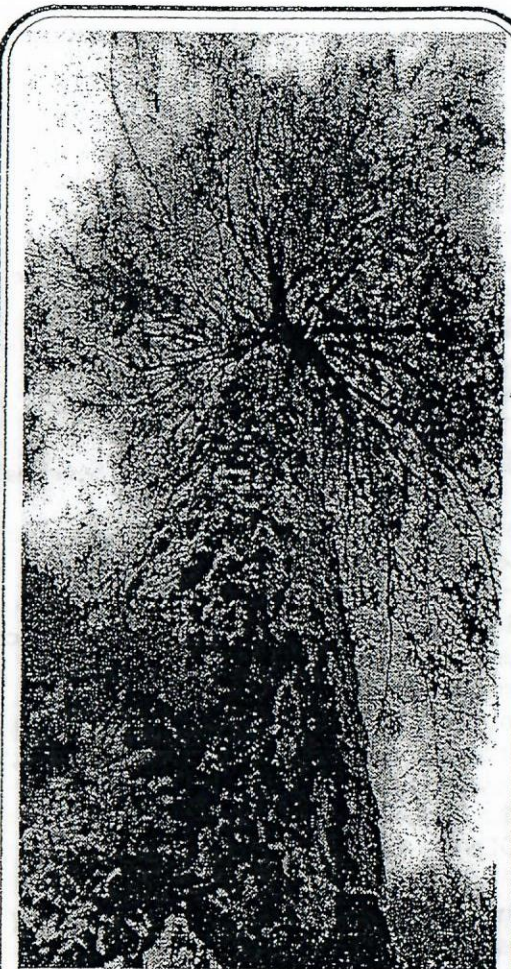
- To report suspected abuse of adults (18 years and older) with developmental disabilities in your county or for specific information about the abuse reporting system, contact your local CMHP directly.
- To report suspected abuse or for information regarding the children's abuse reporting system, contact your local Children Services Division office.
- To report suspected abuse of senior citizens or for more information regarding senior citizen's abuse reporting system, contact your local senior citizens agency.

See the government agency or social services section of your telephone book for these phone numbers.

For statewide information regarding adults with developmental disabilities and abuse issues, contact the OIT Abuse System Coordinator at (503) 945-5486 or write to:

Office of Investigations & Training  
2575 Bittern NE  
PO Box 14250  
Salem, OR 97310-0740

Contact the Oregon Advocacy Center (a federally funded organization) for information and referral services about Oregon's abuse and protective service system for people with mental illness and developmental disabilities residing in state institutions or community programs.



*Oregonians  
with Developmental Disabilities  
and*

**Reporting Abuse**

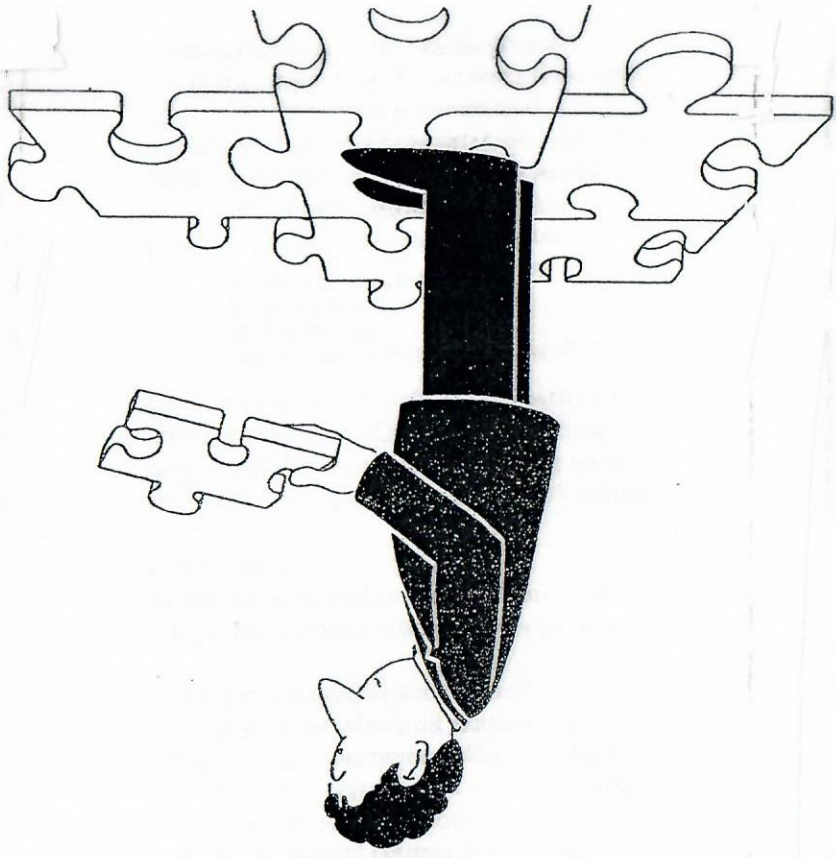
Prior to 1989, authority to protect vulnerable adults served in the Mental Health and Developmental Disability Services Division (MHDSD) system was transferred from Adult and Family Services (AFS) to Senior and Disabled Services Division (SDSD) since SDSD was the designated agency to receive federal Medicaid funds for Oregonians with disabilities. Thus, MHDSD's authority to conduct abuse investigations was unclear.

In June 1990, the "Case Management Services for Individuals with Developmental Disabilities and Their Families" rule was amended to include a section on Protective Services. Prior to this amendment the application of statute and rule authority to conduct abuse investigations for adults with developmental disabilities was inconsistent throughout the state. There was no standard training for investigators nor a formal reporting system between the counties and the Office of Developmental Disability Services (ODDS).

Many service providers treated allegations of abuse as personnel issues and conducted internal abuse investigations with or without the knowledge of Community Mental Health Programs (CMHP). Law enforcement involvement for criminal action was rare in many counties. Prior to 1990, only one county had a specialized unit who investigated abuse allegations.

On September 29, 1991, the "Abuse Reporting for Mentally Ill or Developmentally Disabled" law (ORS 430.745) was enacted. In September 1994, the "Abuse Reporting and Protective Services in Community Programs and Community Facilities" rule (OAR 309-40-100) became effective.

- Since 1990, implementation of the abuse reporting system for adults with developmental disabilities has resulted in:
  - Designating the statewide system of CMHPs to investigate allegations of abuse, provide protective services and notify ODDS of allegations of abuse on a county-by-county basis
  - Ongoing training for service provider staff about reporting abuse
  - Developing consistency in how abuse investigations are conducted
  - Initiating a MHDSD, SDSD and CSD interagency network of investigators
  - Providing protection for "whistle blowers" by including in the law a "no retaliation" for good faith reports of alleged abuse



What is abuse?

- 1. Any death caused by other than accidental or natural means;
- 2. Any physical injury caused by other than accidental means, or that appears to be at variance with the explanation given of the injury;
- 3. Willful infliction of physical pain or injury; Sexual harassment or exploitation, including but not limited to any sexual contact between an employee of a facility or community program and an adult.

Additional definitions of abuse are contained in the licensing and certification rules for residential and employment services. These rules define neglect, physical abuse, unauthorized restraint or restriction, financial exploitation and verbal abuse.

Who investigates allegations of abuse?

MHDSD has designated the CMHPs to conduct investigations in community based MHDSD funded services. Rarely, the Division may choose to conduct an investigation itself rather than the CMHP. MHDSD assigned the Office of Client Rights Training Center, state operated group homes and the State Hospitals. If there is reason to believe a crime has been committed, the local law enforcement agency is notified. CMHPs do not investigate criminal activities, although when asked, may help with law enforcement investigations.