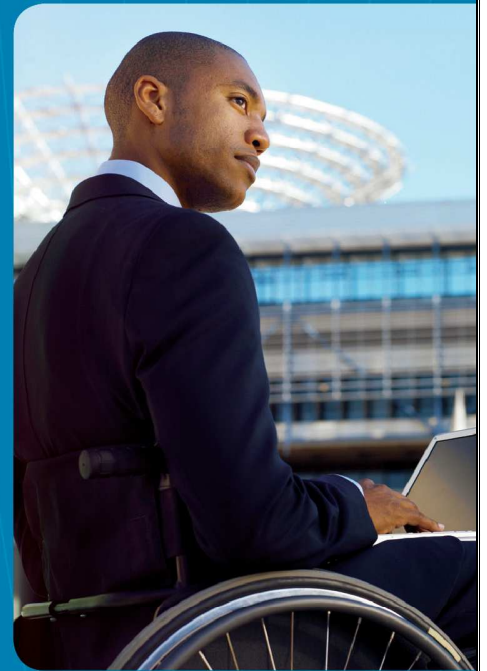
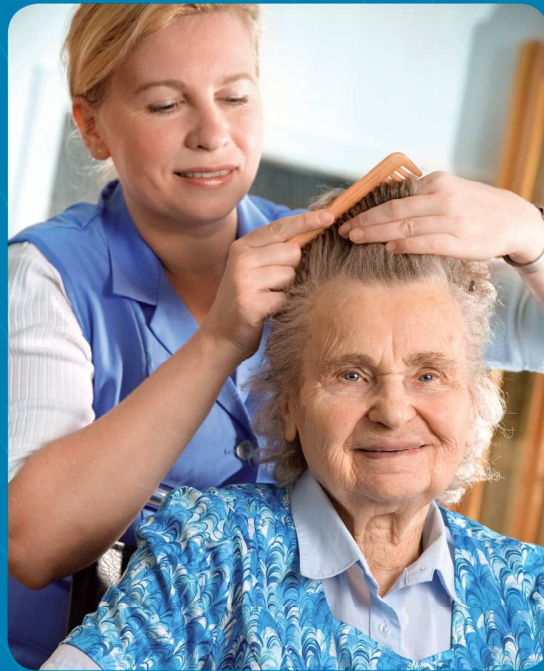



# Statewide Data Highlights



## **Adult Protective Services (APS) Community and Facility Annual Report 2010**

Compiled by  
Aging and People with Disabilities (APD)

 | Safety, health and independence for all Oregonians

# **Adult Protective Services (APS) Community and Facility Annual Report 2010**

## **Table of Contents**

<b>Letter from the Director.....</b>	<b>1</b>
<b>Introduction to APS .....</b>	<b>2</b>
<b>Community APS Annual Report.....</b>	<b>7</b>
<b>Facility APS Annual Report.....</b>	<b>17</b>
<b>Conclusion .....</b>	<b>31</b>

# Message from the Director

This is the first Oregon Department of Human Services Adult Protective Services (APS) data report, an important step to helping Oregon better understand our state's adult abuse trends more clearly so that we can target our abuse-prevention efforts to have the greatest impact.

Here are a few key facts about adult abuse in Oregon:

- In 2010, the Department of Human Services Adult Protective Services received more than 27,000 reports of potential abuse.
- 2,608 Oregon seniors and adults with physical disabilities were victims of abuse or self-neglect in 2010.
- Fewer than 2% of residents in licensed care facilities were found to have been victims of abuse in 2010 -- but even one victim of abuse is one too many. Neglect was the most common type of abuse experienced by seniors in Oregon facilities in 2010. Financial exploitation was the most common abuse found in community settings.
- 85 percent of founded abuse happened to seniors and adults with physical disabilities in their own homes, 15 percent of founded abuse happened in licensed care settings.
- In facilities, a direct caregiver was the most common perpetrator. In the community, family members or close friends were the most common perpetrators of adult abuse in 2010.

The safety and protection of our most vulnerable populations is among our most critical government functions. In partnership with the Governor, the Oregon Legislature, consumers, providers and community partners, the Department of Human Services is actively pursuing an adult abuse prevention and response agenda. Efforts are underway to strengthen protections for vulnerable adults in licensed care settings; develop better training and support for abuse prevention and early detection; improve the Department's response to reports of abuse; and strengthen relationships with local law enforcement to ensure accountability for abuse perpetrators. And there is more work to do.

DHS plans to issue this report annually as one way to track whether our improvement efforts are having an impact. All of us have a role to play to ensure that seniors and people with disabilities feel safe and are safe in our communities. My hope is that the information included in this report will raise awareness and inspire continued commitment to action on this important issue.

Erinn Kelley-Siel, Director  
Department of Human Services

# Introduction

As demonstrated by this report, Oregon Department of Human Services (DHS) continues to provide necessary assistance to thousands of vulnerable adult Oregonians who are unable to protect themselves from abuse or self-neglect. Vulnerable adults include residents of long-term care facilities, adults age 65 or older, and adults with a physical disability.

The community report relates to persons living in their own homes. The facility report contains information about residents in all state licensed nursing facilities, adult foster homes, assisted living facilities and residential care facilities. This report will provide information on how abuse is defined, self-neglect in the community, and common elements and distinctions between Community APS and Facility APS.

## What are adult protective services?

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APS Specialists in local county offices provide protective services throughout the state. APS Specialists investigate abuse and provide protective services for older adults and adults with physical disabilities in community settings and in licensed facilities. In order to protect victims, APS consistently and objectively performs the following standard activities:

- **Screening.** All contact involving the possibilities of abuse or self-neglect are reviewed.
- **Consultation.** When a complaint is received, but does not involve abuse, specialized APS information may be provided to the caller. This includes information and referral to other services.
- **Triage.** Once a complaint meets APS criteria, a response time is assigned based on the nature and severity of the complaint. Response times include within two hours, by the end of the next working day, or within five days.
- **On-site assessment.** APS Specialists visit the home or facility and see the reported victim in person to assess risk.
- **Investigation.** APS Specialists investigate all perpetrator-related abuse complaints. Investigations include interviewing witnesses, gathering evidence and making personal observations.
- **Intervention.** APS Specialists provide protective services to victims based on their assessed need. The victim is offered options to reduce harm.
- **Documentation.** A report is written after an objective analysis and weighing of the evidence, resulting in a conclusion.
- **APS Risk Management.** Under specific circumstances, a victim may need continued intervention to reduce risks and harm. In these cases, APS works with the victim providing case management and intervention with the goal of stabilizing the situation.

### APS authority

Oregonians are committed to protecting their most vulnerable citizens. Authority and responsibility is delegated through the following statutes to support the rights of older Oregonians and Oregonians with physical disabilities to be independent, healthy, and safe: ORS 410.020 (2); ORS 410.020 (3); ORS 410.070(1); ORS 124.050 to 124.095.

## What is abuse?

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Below are general descriptions of the eight types of abuse that Adult Protective Services investigates in Oregon. Detailed definitions are available at [http://arcweb.sos.state.or.us/pages/rules/oars\\_400/oar\\_411/411\\_020.html](http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_411/411_020.html).

“**Abuse**” means:

- “**Abandonment**”: A caregiver’s desertion places the adult in serious risk of harm.
- “**Emotional or verbal abuse**”: The infliction of anguish, distress or intimidation through verbal or non-verbal acts or threats.
- “**Financial exploitation**”: Illegal or improper use of an adult’s resources (including medications) through deceit, theft, coercion, fraud, undue influence or other means.
- “**Neglect**”: The failure to provide basic necessary care or services when such failure may lead to harm or risk of serious harm.
- “**Physical abuse**”: The use of physical force that may result in bodily injury, physical pain or impairment.
- “**Sexual abuse**”: Non-consensual sexual contact, sexual harassment, inappropriate sexual comments and threats. These activities are considered non-consensual if the person does not make, or is incapable of making, an informed choice.
- “**Involuntary seclusion**”: Confinement, restriction or isolation of an adult for the convenience of a caregiver or to discipline the adult.
- “**Wrongful restraint**”: The use of a physical or chemical restraint to limit the movement of an adult for the convenience of the caregiver or to discipline the adult..

## What is self-neglect?

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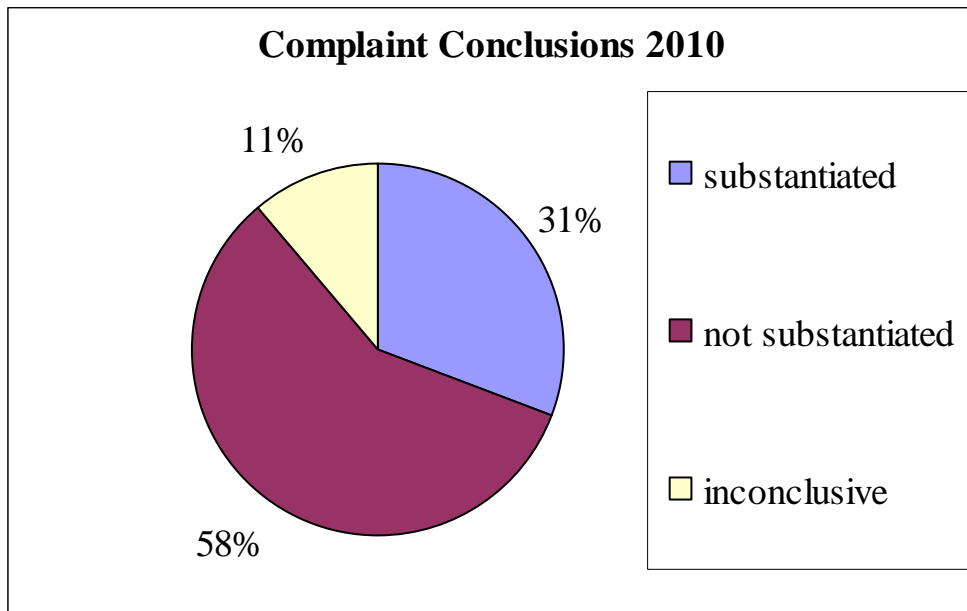
APS also provides assessment and intervention in cases of self-neglect, which do not involve a perpetrator. “**Self-neglect**” means the inability of an adult to understand the consequences of his or her actions or inaction when that inability leads to or may lead to harm or endangerment to self or others.

## Complaint Conclusions:

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APS Specialists objectively review the evidence and come to a conclusion. Each investigation results in one of the following:

- **“Substantiated”**: means the majority of the evidence indicates the complaint is true.
- **“Not Substantiated”**: means the majority of the evidence indicates the complaint is not true.
- **“Inconclusive”**: means that the evidence proving and disproving the complaint are equal and a determination of whether wrongdoing occurred cannot be reached.



## What happened to complaints that were not eligible for APS in 2010?

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APS received over 27,000 complaints. Of these, 11,998 were assigned for investigation or assessment. Additionally, if there is specific APS information that will help resolve an issue, this information is provided to the complainant and the call is documented as a consultation. APS provided consultation to 2,459 callers. APS works with a number of community partners to assure people are safe. When a complaint is received that does not fall within APS's jurisdiction to investigate, the local office will refer the complainant to another part of the agency or a different agency, if appropriate.

Complaints not eligible for APS were referred as follows:

DD	Developmental Disabilities program	404
MH	Mental Health program	460
CCMU	State survey agency	416
Licensing	Licensing boards	61
LTCO	Long-term care ombudsman	92
Community	Local partners	815
CM	Case management	1,629
Licenser	AFH licenser in the local office	273
LE	Law enforcement	473
DOJ/MFCU	Department of Justice/Medicaid Fraud	70
Legal Services	Legal Aid, Oregon State Bar	229
Other PS	Other protective services agency	314
CW	Child Welfare	49
Other	Other referrals	820
Screened out	Does not meet APS eligibility criteria	6,154



# Community Adult Protective Services

*"I felt trapped, scared, used and frustrated. Above all, I felt helpless. All I want to do is live a peaceful life, to regain my life and be happy. I pray each day to protect us, help us endure and guide others also suffering."*

**— Actor Mickey Rooney, March, 2011, testifying before Congress on being a victim of elder abuse**

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The Oregon Department of Human Services is responsible for providing adult protective services (APS) to adults age 65 or older and adults with physical disabilities who are in danger of being mistreated or neglected and are unable to protect themselves. Community APS generally provides protective services to Oregon citizens living in their private homes.

## **2010 Community APS fast facts**

### Abuse Facts:

- 5,965 abuse complaints investigated.
- 1,676 abuse complaints substantiated.
- 685 financial exploitation cases substantiated – which is 41% of all substantiated abuses in Oregon's communities.

### Self-Neglect Facts:

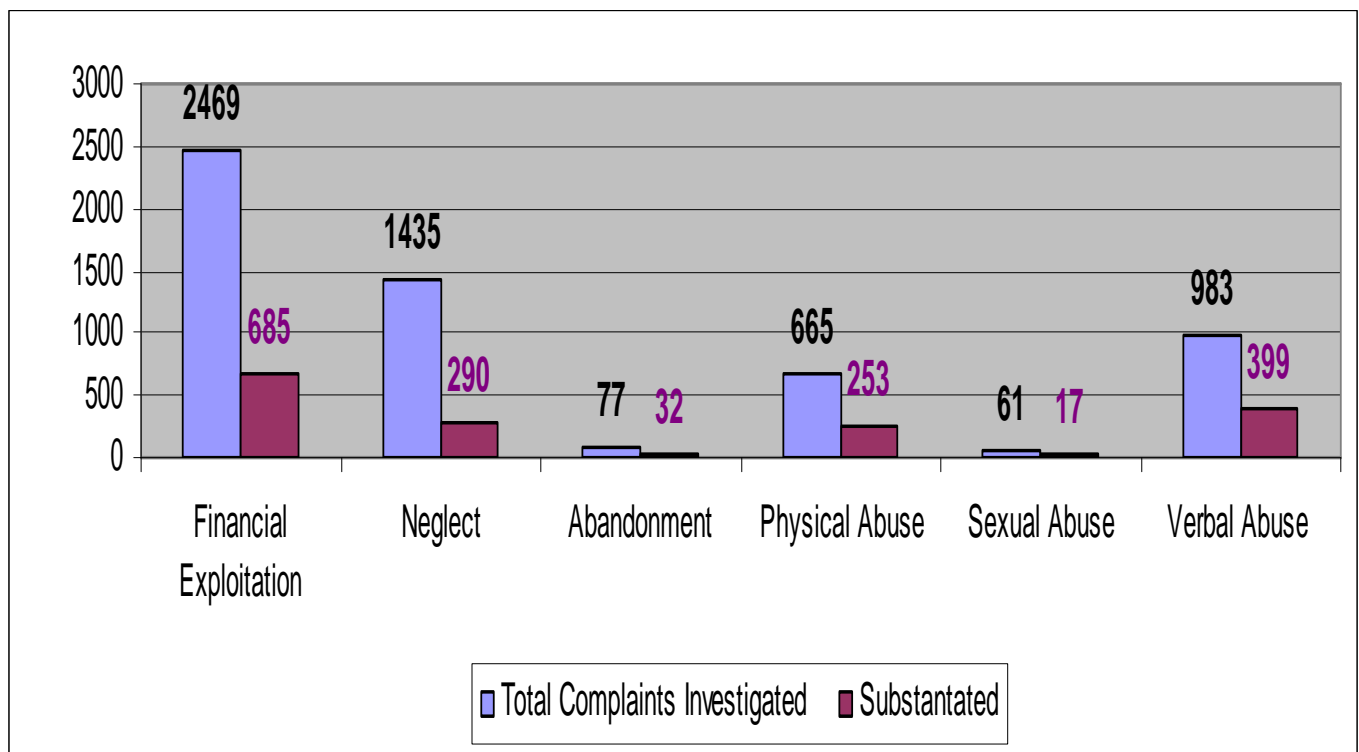
- 2,506 self-neglect assessments completed.
- 621 self-neglect assessments substantiated.

## Abuse

### 2010 Statewide Community APS Abuse Substantiation

Type of Abuse	Number of Complaints	Number Substantiated	Percent of Total Substantiated
Financial Exploitation	2469	685	41%
Neglect	1435	290	17%
Abandonment	77	32	2%
Physical Abuse	665	253	15%
Sexual Abuse	61	17	1%
Verbal Abuse	983	399	24%
<b>Total</b>	<b>5690</b>	<b>1676</b>	<b>100%</b>

### Complaints



NOTE: Involuntary Seclusion and Wrongful Restraint were types of abuse investigated in 2010, but due to limitations in the data system, these types were recorded within the categories provided.

## Self-neglect

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Self-neglect is different from abuse in the following ways:

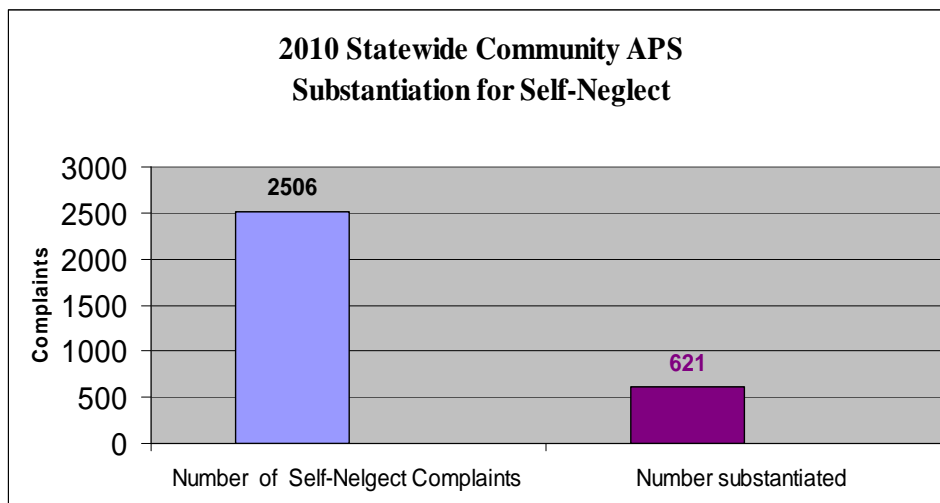
- There is no perpetrator;
- The means to the substantiation is assessment rather than investigation; and
- An assessment in a self-neglect case considers three areas:
  1. Whether there is harm or risk of serious harm;
  2. Whether the reported victim has the ability to understand the risk or harm; and
  3. The weight of the severity of risk and the reported victim's cognitive ability to protect his or her own interests.

A self-neglect case is substantiated when the reported victim does not recognize the risk or harm they face and cannot plan or carry out a plan to lessen the risk of harm.

The definition of self-neglect does not include the person who makes choices others may not make, as long as the person recognizes the risks and understands the potential consequences of their actions.

### Examples of self-neglect complaints:

- An 89-year-old man with advanced Alzheimer's disease is incapable of managing money, resulting in loss of utilities and home foreclosure.
- A 76-year-old woman starts stove fires due to loss of eyesight and memory.
- A 48-year-old man with traumatic brain injury repeatedly leaves home in his wheelchair and gets lost.

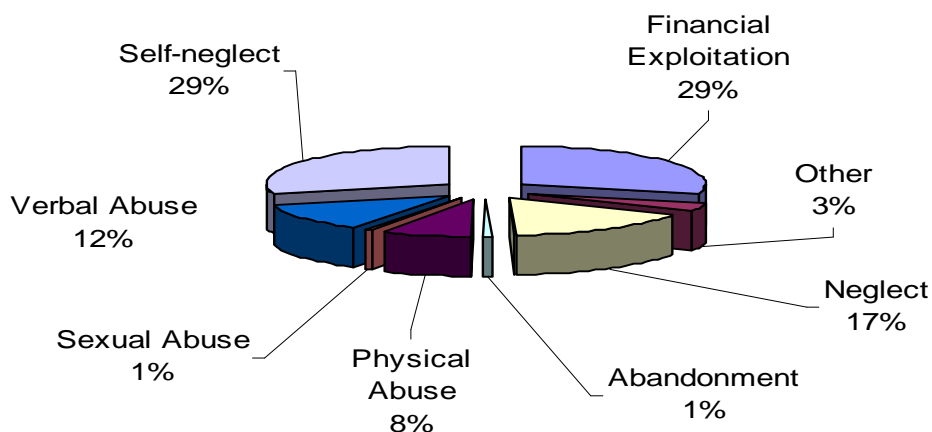


## Summary of Community APS Investigations

### 2010 Community APS Summary of all Substantiated and Unsubstantiated Investigations for Abuse and Self-Neglect

Types of Abuse	Number of Complaints	Percent of Total Investigations
Financial Exploitation	2469	29%
Neglect	1435	17%
Abandonment	77	1%
Physical Abuse	665	8%
Sexual Abuse	61	1%
Verbal Abuse	983	12%
Self-neglect	2506	29%
Other	275	3%
<b>Total Investigation</b>	<b>8471</b>	<b>100%</b>

### 2010 Community APS Percent of Abuse and Self-neglect for All Investigations



**Summary continued**

**2010 Community APS  
Three Year Trend of Complaints and Substantiations for Abuse and  
Self-neglect**

Types of Abuse	2008		2009		2010	
	Complaints	Substantiated	Complaints	Substantiated	Complaints	Substantiated
Financial Exploitation	2376	698	2153	612	2469	685
Neglect	1376	300	1347	301	1435	290
Abandonment	88	34	71	32	77	32
Physical Abuse	652	253	592	266	665	253
Sexual Abuse	70	13	62	16	61	17
Verbal Abuse	881	378	815	349	983	399
Self-neglect	2333	623	2297	581	2506	621
Other	286	64	251	54	275	62
<b>Total</b>	<b>8062</b>	<b>2393</b>	<b>7588</b>	<b>2211</b>	<b>8471</b>	<b>2356</b>

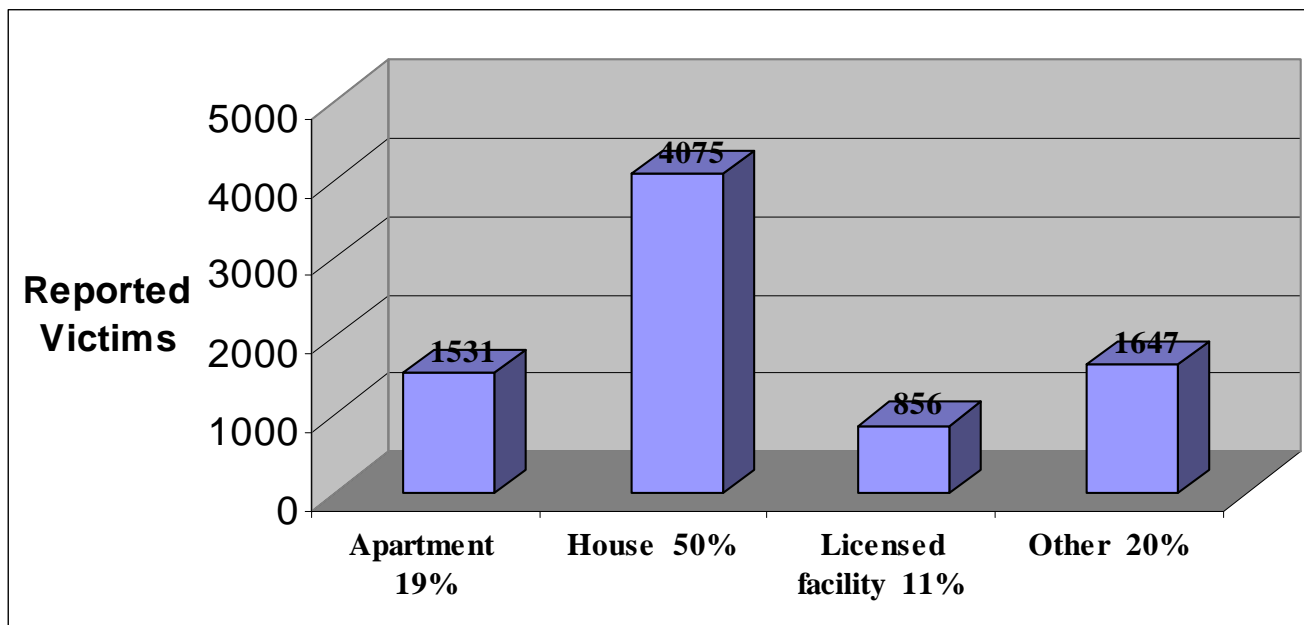
## Descriptions of reported victims

“**Reported victim**” is the individual for whom a complaint of abuse or self-neglect is reported to APS. In 2010, Community APS provided investigation or assessment to 7,186 reported victims.

Note: Some reported victims experience more than one type of abuse.

Characteristics of Reported Victims			
Gender		Age Categories	
Female	4343 (60%)	Age 65 and older	5317 (74%)
Male	2739 (38%)	Under 65 with Physical Disabilities	1668 (23%)
Other	104 (1%)	Unknown	201 (3%)

### Living situations of reported victims:



In a Community APS complaint, a reported victim may live in a licensed facility. Community APS investigates when the reported perpetrator is not an employee or volunteer of the facility.

Those counted as “other” include living situations such as someone else’s home, homelessness, or temporary housing.

## Complaint Outcomes

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Adult protective services offers a variety of interventions that may result in many different outcomes in a single case. The table below represents a compilation of the single most identifiable outcome in all Community APS complaints.

Outcomes	Number
Accepted other services	952
Entered care facility	532
Guardian/conservator appointed	158
Moved out of service area	157
Referral to the District Attorney	261
Problems resolved	2,085
Refused services/intervention	1,991
Risk significantly reduced	1,706
Services not available	199
Services no longer needed	203
Victim/client died*	227

\*“Victim/client died” captures reported victims that died from many causes, including natural causes, and does not represent the number of victims that died from abuse.



## **Relationship of the reported perpetrator to the reported victim**

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" **Reported perpetrator (RP)**" means any individual reported to have committed wrongdoing against an adult age 65 or older or a person with physical disabilities.

<b>Reported Perpetrators</b>	<b>Number of Complaints</b>
Son	1,205
Daughter	1,146
Spouse	671
Parent	107
Other family member/relative	853
Non-relative	882
Non-relative caregiver	1,878
Guardian/Conservator	31
Other/not available	1,472



## Who reported abuse and self-neglect in 2010?

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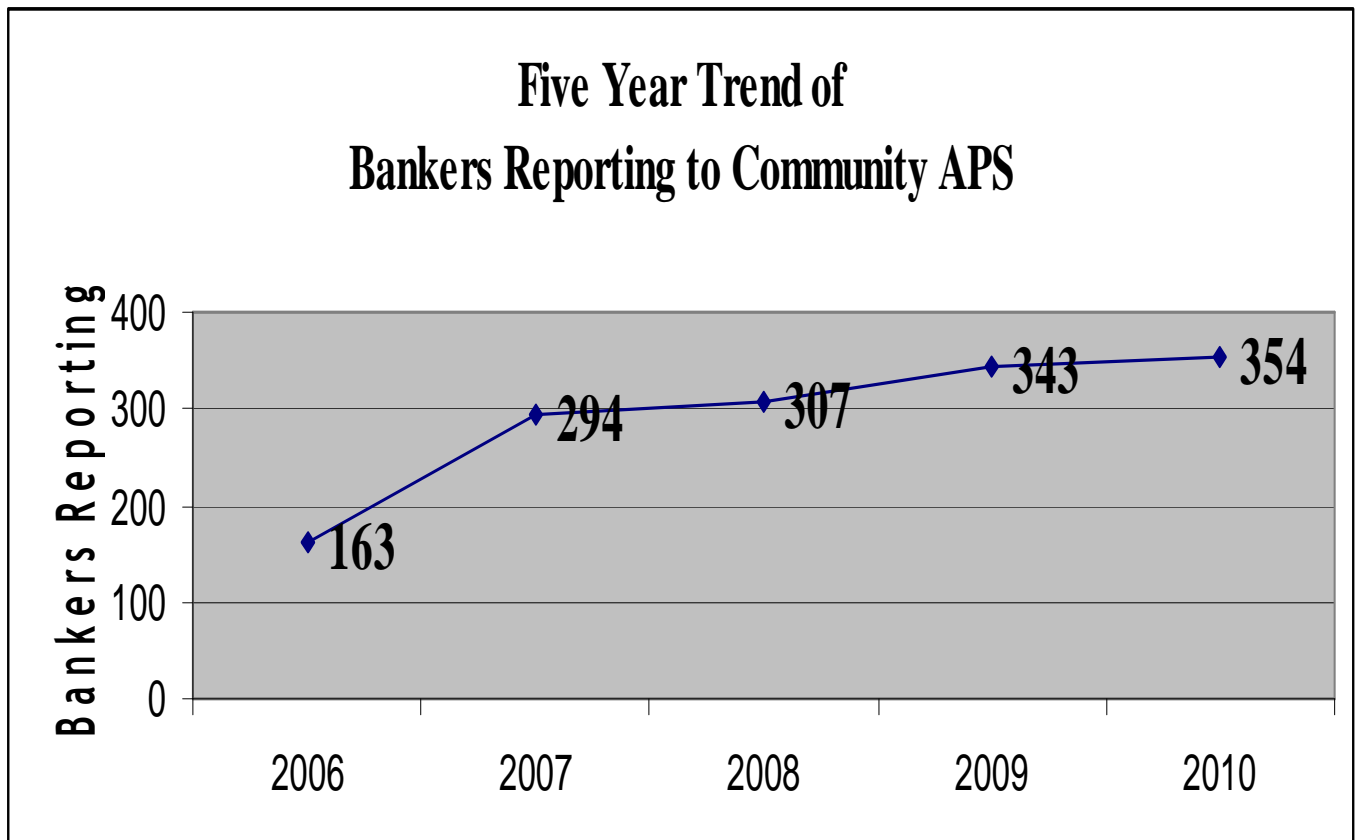
Complainants marked with an \* are mandatory reporters.

Source of Complaints		
Who reported?	Number	Percent
*Area Agency on Aging/ Senior and Disabled Services	882	10%
Anonymous	243	3%
Attorneys	34	<1%
Bankers	354	4%
*Clergy	7	<1%
Dentists	1	<1%
*EMT/fire fighters	134	2%
Facility staff	366	4%
Family members	1,371	16%
Friend/neighbors	817	9%
*Health care professionals	486	5%
*Home health personnel	330	4%
Hospital	439	5%
*Law enforcement officers	804	9%
Long-term care ombudsman	14	<1%
*Mental health workers	134	2%
Other	962	11%
Pharmacists	7	<1%
*Physicians	145	2%
*Public officials	62	<1%
Self/victims	503	6%
Social service staff	589	7%

## Bankers' reporting

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The chart below represents the number of bank employees reporting financial exploitation to Community APS. In 2006, the Oregon Bankers Association, Independent Banks of Oregon, and APS partnered to update a bank-focused financial exploitation awareness kit and provided training to bank employees throughout the state. The increased reporting of financial exploitation by bank employees is directly related to the training.



# Facility Adult Protective Services

*“Oregonians appropriately expect that their loved ones will be safe in licensed long-term care facilities and by foster and in-home providers. The safety and protection of our most vulnerable populations is among our most critical functions.”*

*— Erinn Kelley-Siel, DHS Director*

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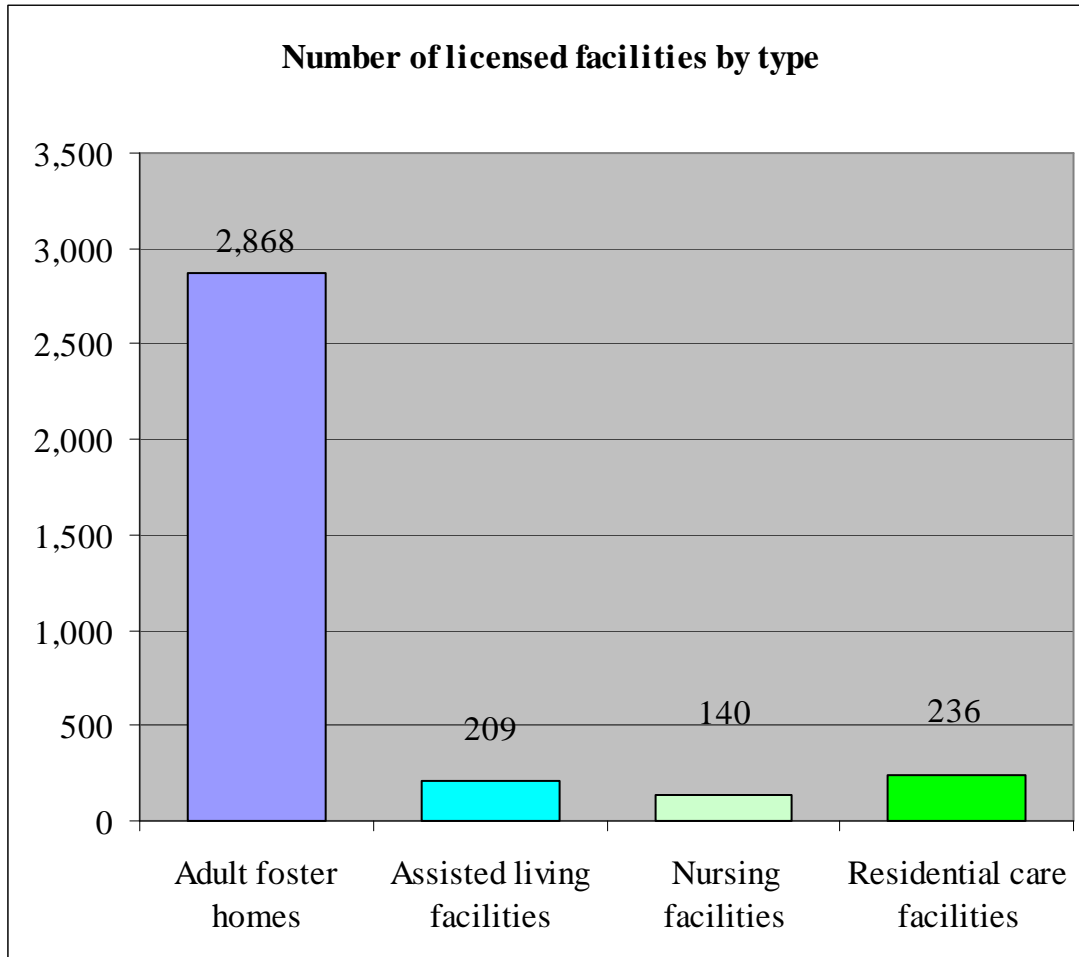
The Oregon Department of Human Services Office of Licensing and Quality of Care (OLQC) is responsible for improving and maintaining the quality of Oregon’s long-term care program and services, including services provided in adult foster homes (AFH), assisted living facilities (ALF), residential care facilities (RCF) and nursing facilities (NF). OLQC licenses and provides protective services in 3,453 Oregon facilities.

## **2010 Facility APS fast facts**

- 3,560 complaints of abuse were investigated.
- 474 complaints resulted in an abuse substantiation.
- 1,175 complaints resulted in non-abuse licensing violations.
- 2,661 neglect complaints were investigated, making neglect the most often reported abuse type.

## Licensed facilities by type

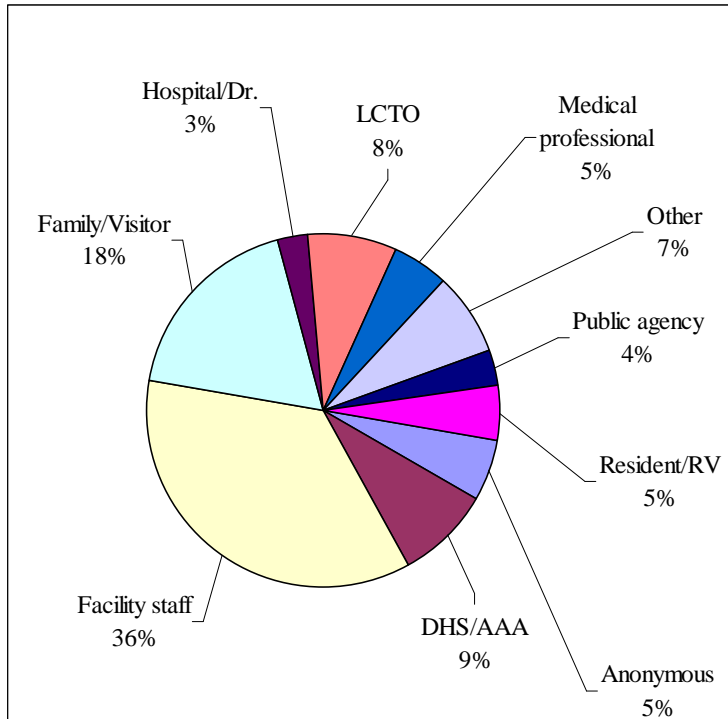
The Office of Licensing and Quality of Care and the local office staff license and monitor Oregon's long-term care and community-based care facilities.



Facility type	
Adult foster homes	2,868
Assisted living facilities	209
Nursing facilities	140
Residential care facilities	236

## Complainants

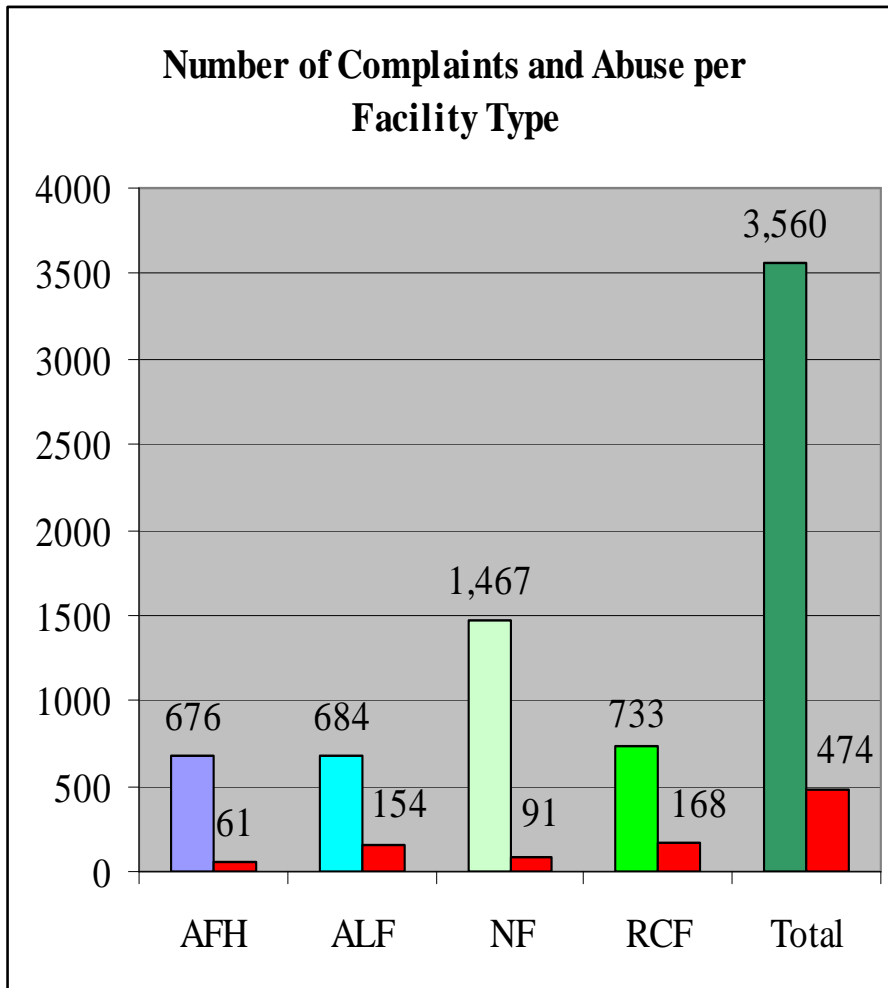
The person contacting APS to report abuse, neglect or exploitation is called the complainant. The facility (administrator, licensee or staff) is required to report abuse, neglect and exploitation to the local APS office. Therefore, facility staff is the largest group of complainants. The identity of the complainant is protected by law, but can be released to law enforcement or by a judicial order. There may be more than one complainant per complaint.



Complainant	
Anonymous	115
DHS/AAA	246
Facility staff	1,010
Family/visitor	510
Hospital/physician	82
LCTO	228
Medical professional	147
Other	209
Public agency	100
Resident/reported victim (RV)	138

## Complaints per facility type

Adult Protective Services investigates complaints of abuse in licensed facilities, including adult foster homes (AFH), assisted living facilities (ALF), nursing facilities (NF) and residential care facilities (RCF). The graph shows the number of complaints per facility type and the number of complaints that resulted in abuse (red).

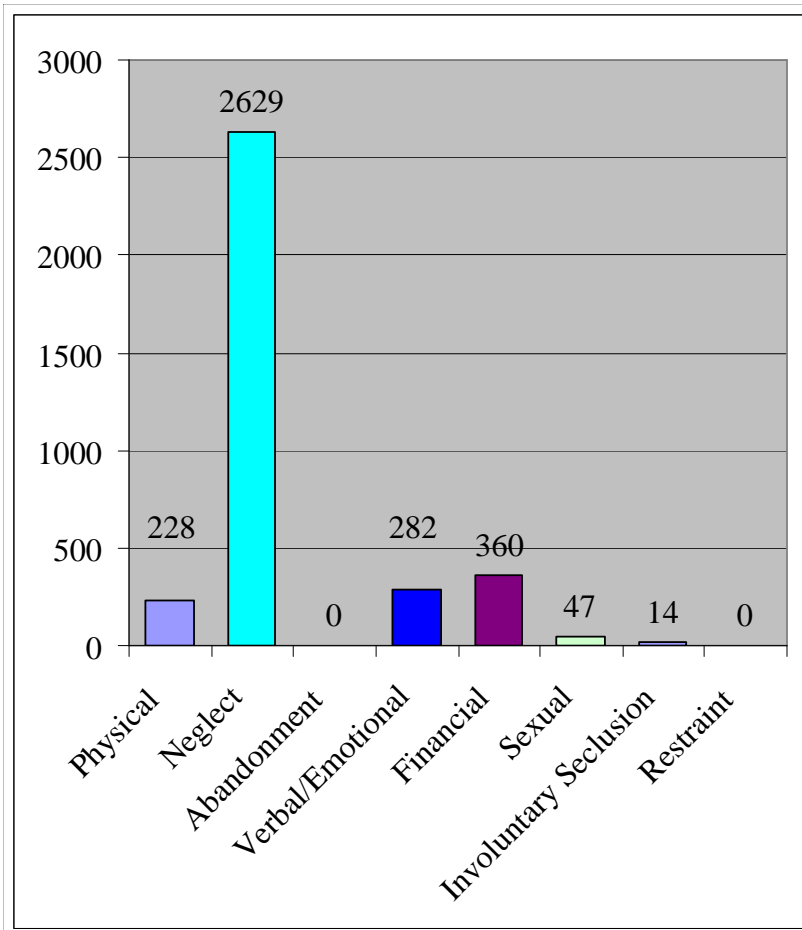


Abuse definitions in Nursing Facilities differ slightly from the abuse definitions listed above. The Nursing Facility abuse definitions are located at: [http://arcweb.sos.state.or.us/pages/rules/oars\\_400/oar\\_411/411\\_085.html](http://arcweb.sos.state.or.us/pages/rules/oars_400/oar_411/411_085.html)

Facility type	Complaints	Abuse
AFH	676	61
ALF	684	154
NF	1,467	91
RCF	733	168
<b>Total</b>	<b>3,560</b>	<b>474</b>

## Complaints per abuse type

Adult Protective Services investigates eight types of abuse in licensed facilities: physical abuse, neglect of care, abandonment, verbal/emotional abuse, financial exploitation, and sexual abuse; involuntary seclusion and wrongful restraint were added to the abuse types in 2010.

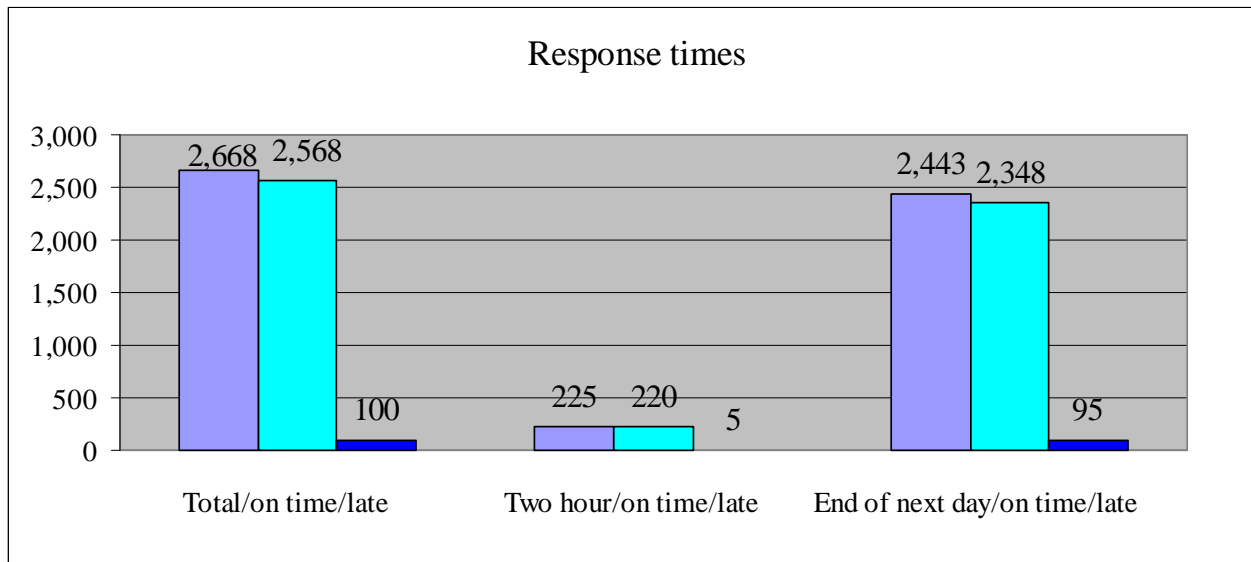


Abuse type	Number of complaints
Physical	228
Neglect	2,629
Abandonment	0
Verbal/emotional	282
Financial	360
Sexual	47
Involuntary seclusion	14
Restraint	0

Note: There were no complaints of abandonment or wrongful restraint in cases processed in 2010.

## Response times

Oregon Administrative Rule mandates that an investigation in a licensed facility is commenced within two hours of receiving the complaint or by the end of the next working day. These time frames are based on the nature and severity of risk to the reported victim and other residents in the facility and the immediacy of response required. In 2010, APS commenced the investigation on time in 96 percent of the cases.

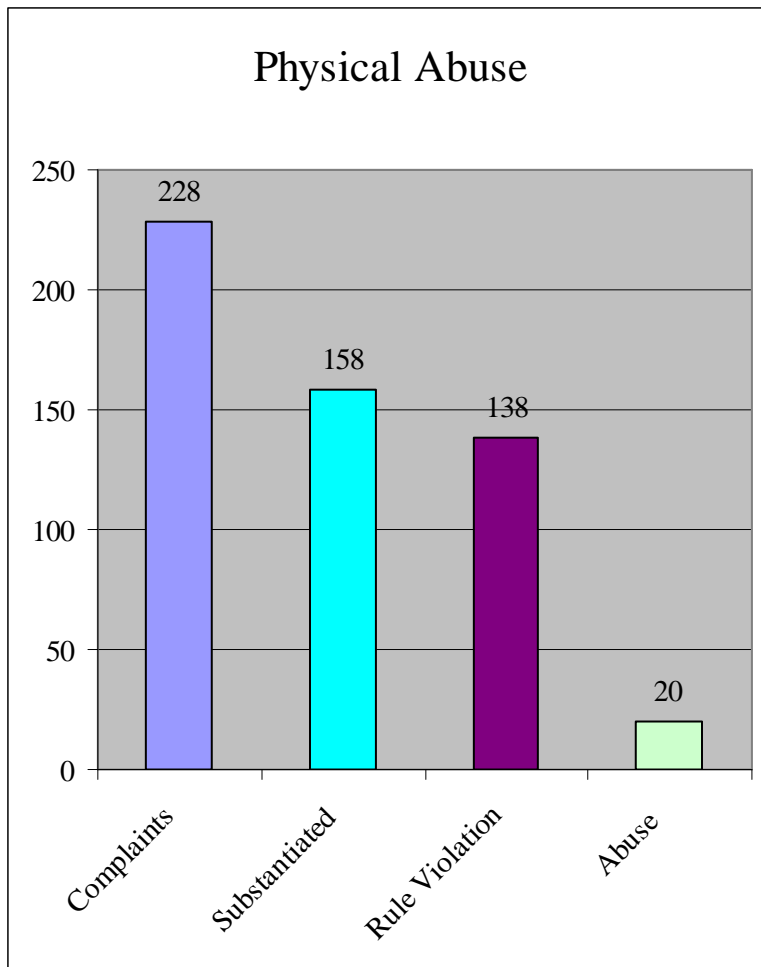


	<b>Total responses</b>	<b>Two hours</b>	<b>End of next working day</b>
Total	2,668	225	2,443
On time	2,568	220	2,348
Late	100	5	95
On time	96%	98%	96%



## Physical abuse

APS investigates complaints of abuse and uses a preponderance of the evidence standard to reach a substantiated, unsubstantiated or inconclusive finding. Upon completion of the investigation and report, the complaints are reviewed by corrective action coordinators, who determine if the substantiated complaint is abuse or a non-abuse rule violation..

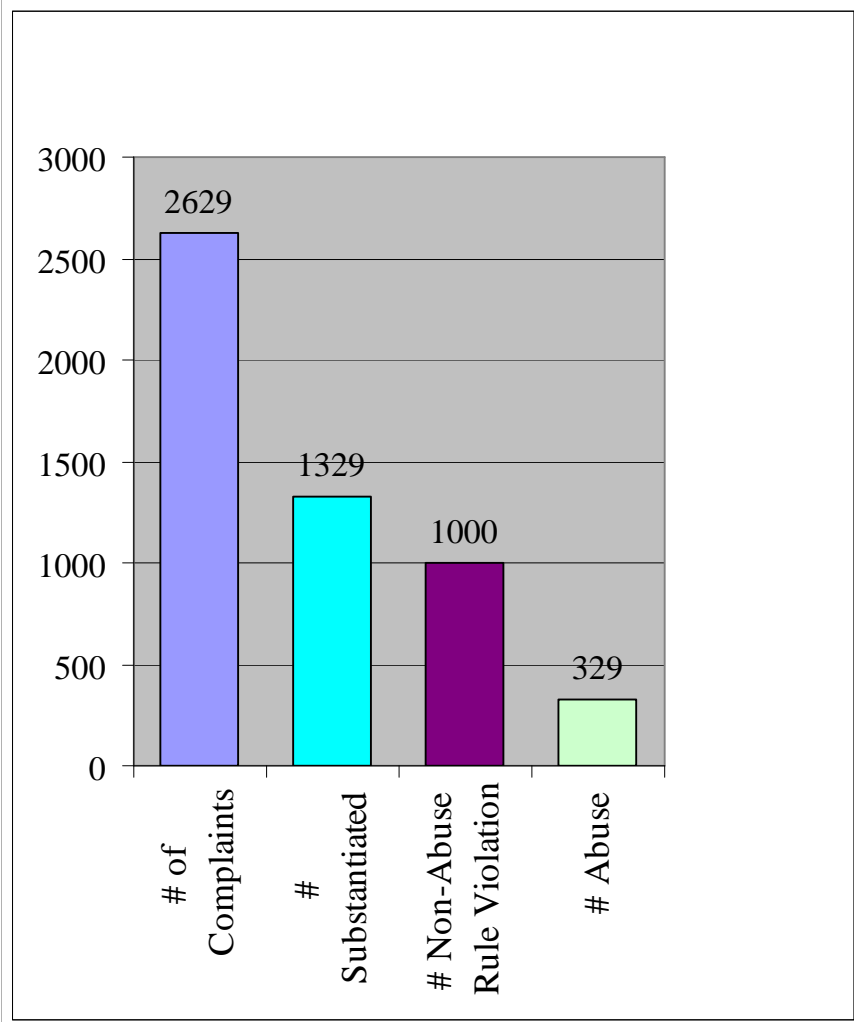


Physical abuse means the use of physical force that may result in bodily injury, physical pain or impairment. In addition, it may include any physical injury to an adult caused by other than accidental means.

<b>Physical Abuse</b>	
Complaints	228
Substantiated	158
Rule Violation	138
Abuse	20

## Neglect

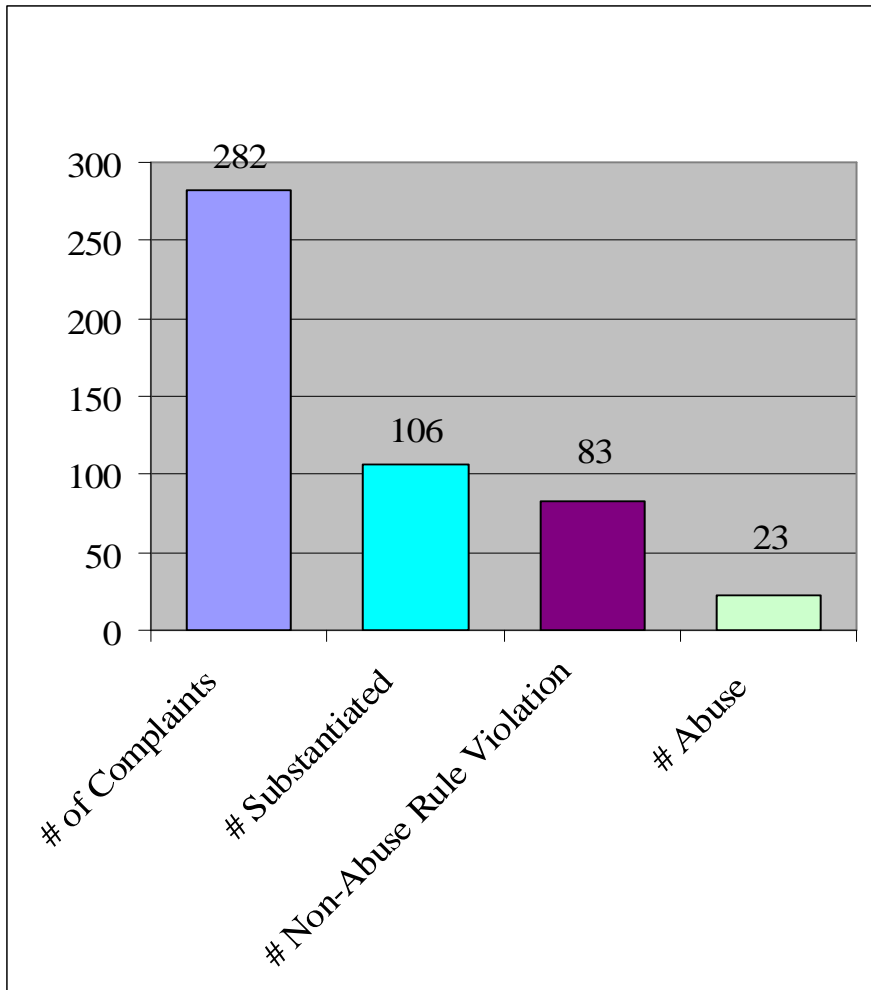
In a licensed facility setting, neglect is the most frequent complaint. APS looks at what the facility and/or facility staff failed to do that resulted in harm or risk of serious harm.



Neglect means the active or passive failure to provide the care, supervision or services necessary to maintain the physical health and emotional well-being of an adult. This creates a risk of serious harm or results in physical harm, significant emotional harm or unreasonable discomfort, or serious loss of personal dignity.

<b>Neglect</b>	
Complaints	2,629
Substantiated	1,329
Non-abuse rule violations	1,000
Abuse	329

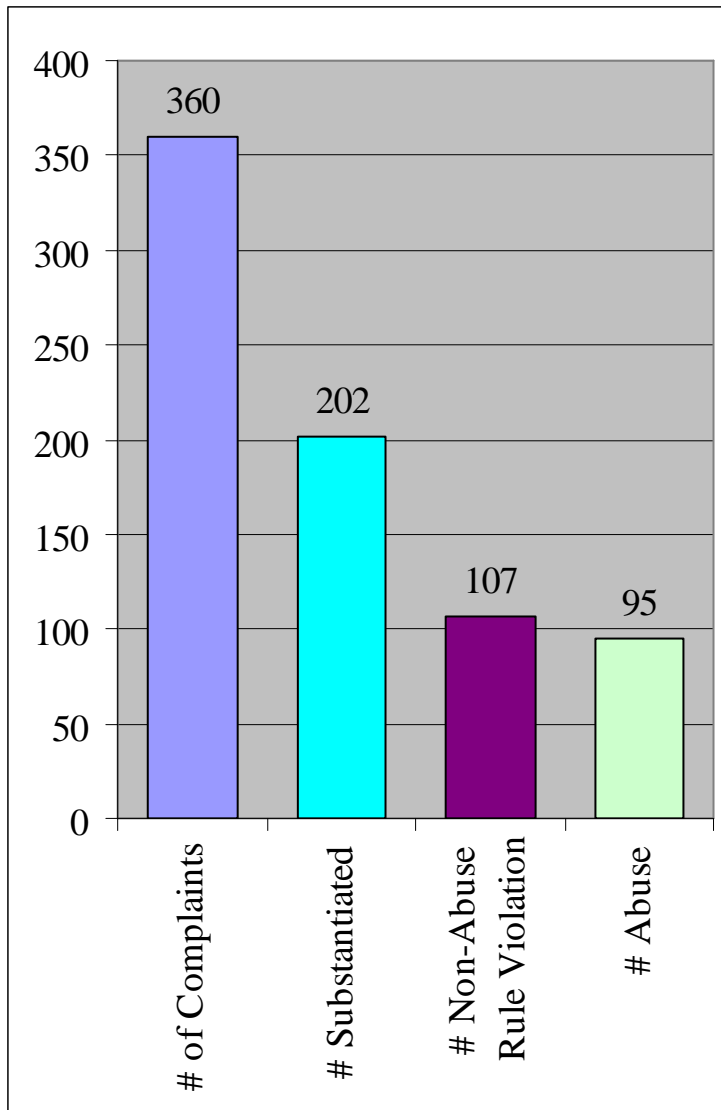
## Verbal or emotional abuse



Verbal or emotional abuse includes threatening significant physical harm or threatening or causing emotional harm to an adult through the use of derogatory or inappropriate names, insults, verbal assaults, profanity or ridicule. In addition, harassment, coercion, threats, intimidation, humiliation, mental cruelty or inappropriate sexual comments may constitute emotional or verbal abuse.

Verbal Abuse	
Complaints	282
Substantiated	106
Non-abuse rule violations	83
Abuse	23

## Financial exploitation

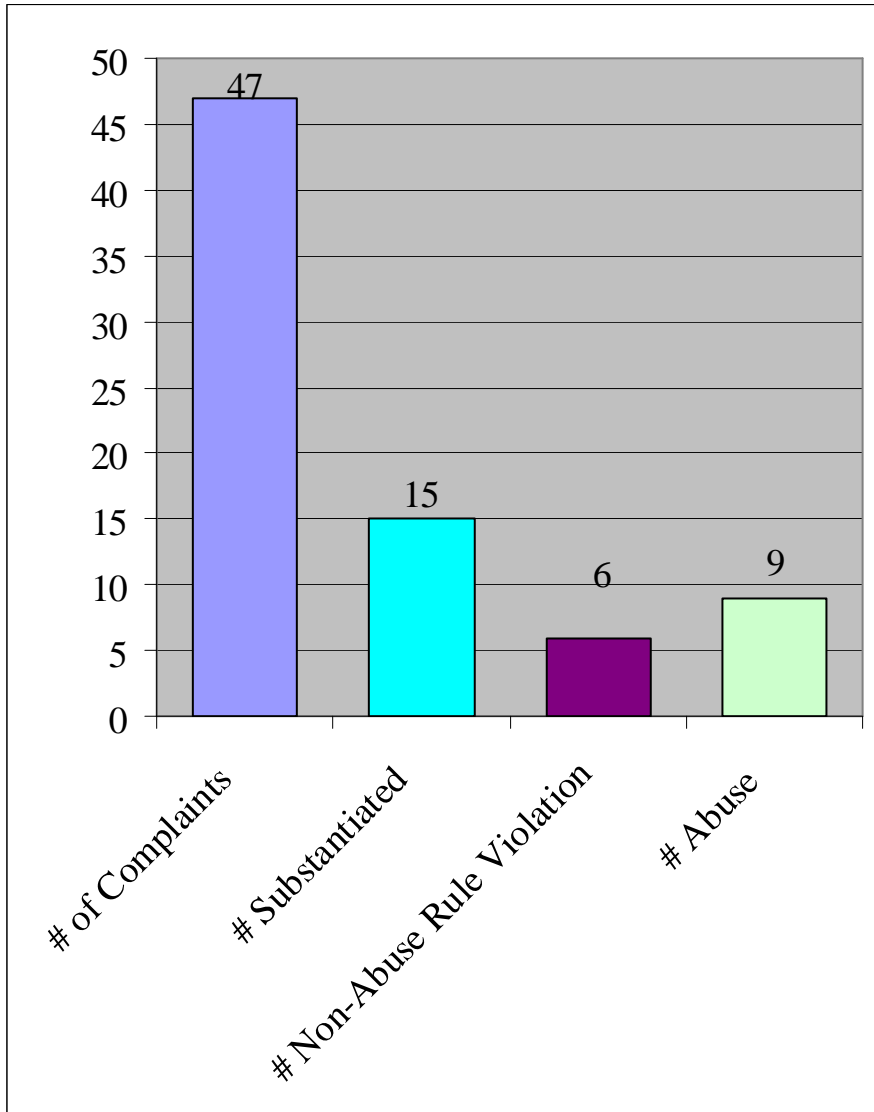


Financial exploitation includes the following:

- Wrongful taking of the assets, funds, property or medications belonging to or intended for the use of an adult; done by means not limited to deceit, trickery, coercion, harassment, duress or undue influence;
- Alarming an adult by conveying a threat to wrongfully take money or property if the adult would reasonably believe that the threat would be carried out;
- Misappropriating or misusing any money from an account held jointly or singly including the failure to use the income or assets of an adult for his or her benefit, support or maintenance.

<b>Financial Exploitation</b>	
Complaints	360
Substantiated	202
Non-abuse rule violations	107
Abuse	95

## Sexual abuse and exploitation

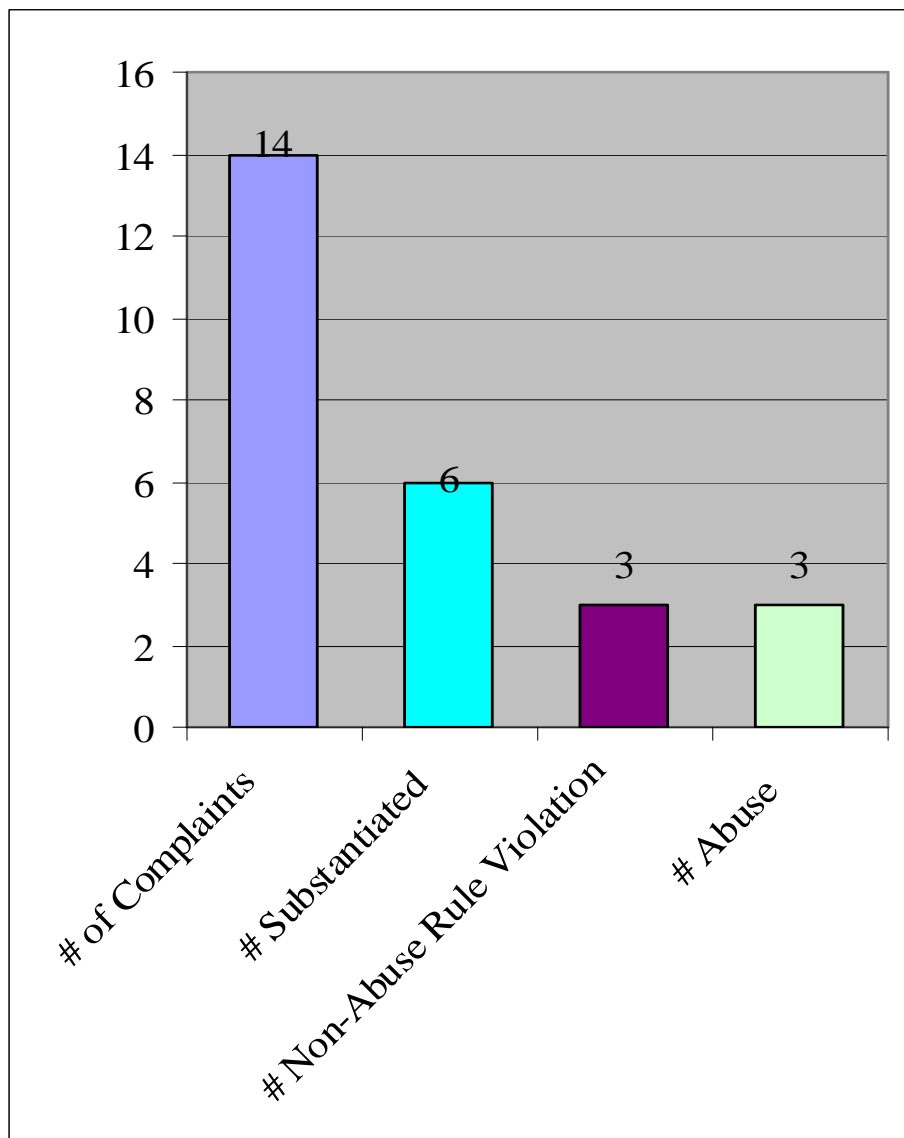


Sexual abuse includes:

- Sexual contact with a non-consenting adult or sexual contact with an adult considered incapable of consent, even if there is voluntary agreement or concurrence of wills;
- Sexual harassment or sexual exploitation including inappropriate exposure to sexually explicit material or language;
- Sexual contact between an employee of a facility and a resident or any sexual contact that is achieved through force, trickery, threat or coercion.

Sexual	
Complaints	47
Substantiated	15
Non-abuse rule violations	6
Abuse	9

## Involuntary seclusion

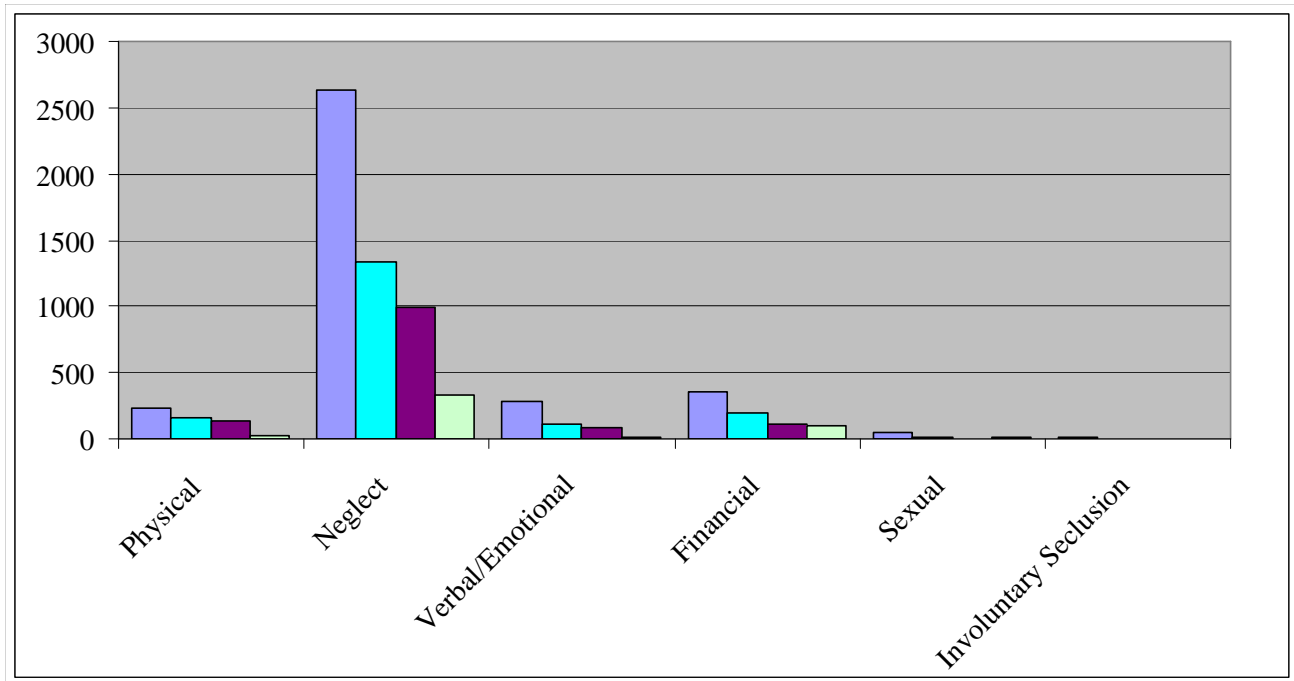


Involuntary seclusion means the seclusion of an adult for the convenience of a caregiver or to discipline the adult.

**Note:** Involuntary seclusion was added as a category of abuse in 2010.

Sexual Abuse	
Complaints	14
Substantiated	6
Non-abuse rule violations	3
Abuse	3

## Types of abuse in licensed facilities



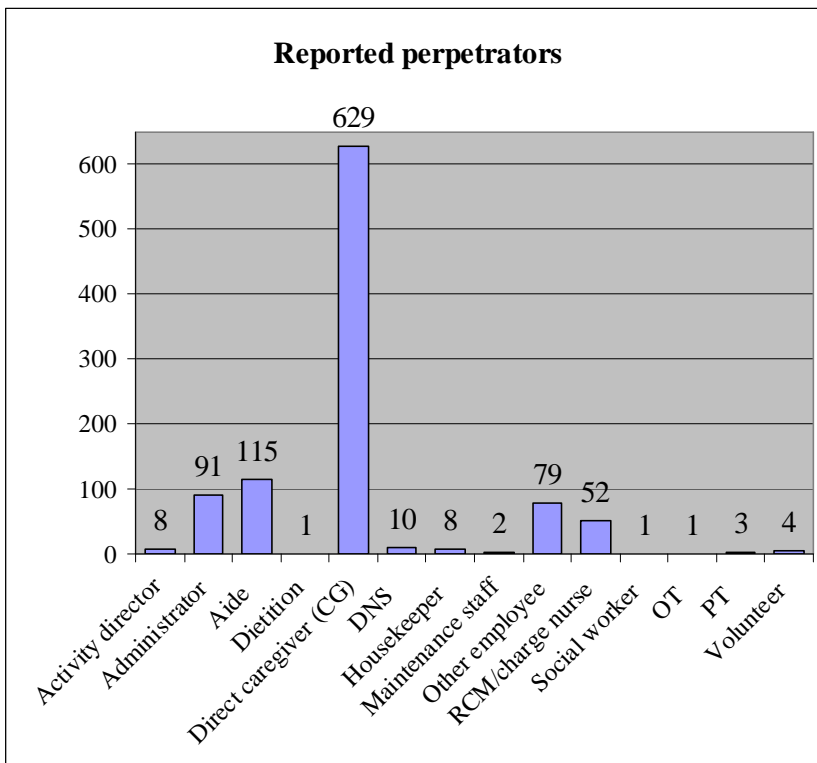
**Note:** In 2010 there were no complaints of abandonment or wrongful restraint in licensed facilities.

Abuse type	Complaints	Substantiated	Non-abuse rule violations	Abuse
Physical	228	158	138	20
Neglect	2,629	1,329	1,000	329
Verbal/emotional	282	106	83	18
Financial	360	202	107	95
Sexual	47	15	6	9
Involuntary seclusion	14	6	3	3

## Reported perpetrators

Reported perpetrator means the facility, an agent or employee of the facility, or any individual reported to have committed abuse. The numbers below represent the people reported to be perpetrators; however, not all reported perpetrators are found to be abusive.

Direct caregivers are the most common facility staff to be reported as a perpetrator.



Activity director	8
Administrator	91
Aide	115
Dietitian	1
Direct caregiver (CG)	629
DNS	10
Housekeeper	8
Maintenance staff	2
Other employee	79
RCM/charge nurse	52
Social worker	1
OT	1
PT	3
Volunteer	4

DNS= Director of nursing services

RCM= Resident care manager

OT= Occupational therapist

PT= Physical therapist



## **Conclusion**

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This report demonstrates the continued challenges that vulnerable adults face as well as the areas in which Oregonians must work together to create preventive solutions.

For example, neglect of residents in licensed facilities is a frequent complaint. Although DHS thoroughly investigates these complaints of neglect, all partners must be continually aware of this issue in order to reduce it's frequency.

Similarly, financial exploitation of our senior population is a growing problem. It requires the collective effort of community partners to better protect resources saved by Oregon's seniors over a lifetime of hard work.

DHS encourages you to use the information in this report to better understand the abuses that Oregon's vulnerable adults face, and to reflect on how you can partner with DHS in its vision of helping people become independent, healthy and safe.

For more information on elder abuse go to  
[www.oregon.gov/DHS/spwpd/abuse/index.shtml](http://www.oregon.gov/DHS/spwpd/abuse/index.shtml)