

Adult Abuse

511.1 VERSION

| Review Date | Effective Date | Approving Authority |
|-------------|----------------|----------------------------------|
| 01/26/19 | 07/09/18 | Eric D. English, Chief of Police |

511.2 POLICY AND PURPOSE

The purpose of this policy is to provide guidelines for the investigation and reporting of suspected abuse of certain adults who may be more vulnerable than others. This policy also addresses mandatory notification for Harrisonburg Police Department members as required by law. The Harrisonburg Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law (Va. Code § 63.2-1606).

511.3 ACCOUNTABILITY STATEMENT

All employees are expected to fully comply with the guidelines and timelines set forth in this policy. Responsibility rests with the supervisor to ensure that any violations of policy are investigated and appropriate training, counseling and/or disciplinary action is initiated. This directive is for internal use only, and does not enlarge an employee's civil liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

511.4 DEFINITIONS

Abuse - the willful infliction of pain, injury or mental anguish, or unreasonable confinement.

Adult abuse - Any offense or attempted offense involving violence or neglect of an adult victim when committed by a person responsible for the adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

Exploitation - the illegal, unauthorized, improper or fraudulent use of a qualifying adult or his/her funds, property, benefits, resources or other assets for profit, benefit or advantage (Va. Code § 63.2-100; Va. Code § 63.2-1603; 22 VAC 30-100-10).

Qualifying Adult - a qualifying adult is a person 60 years of age or older, or any person 18 years of age or older who is impaired by reason of mental illness, intellectual disability, physical illness or disability, or other causes to the extent that the adult lacks sufficient understanding or capacity to make, communicate or carry out responsible decisions concerning his/her well-being.

511.5 MANDATORY NOTIFICATION

Employees of the Harrisonburg Police Department shall notify Adult Protective Services (APS) when a member has reason to believe that a qualifying adult has been the victim of abuse, neglect or exploitation (Va. Code § 63.2-1606; 22 VAC 30-100-15).

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511.5.1 NOTIFICATION PROCEDURE

Notification should occur as follows (Va. Code § 63.2-1606):

- (a) Notification shall be made as soon as practicable.
- (b) Notification should include specific information as to the adult's location and contact information.
- (c) The notification should describe the circumstances of the alleged abuse, neglect or exploitation.

511.6 INVESTIGATORS

Investigators should be available to investigate cases of adult abuse. These investigators should:

- (a) Conduct interviews in appropriate interview facilities.
- (b) Be familiar with forensic interview techniques specific to adult abuse investigations.
- (c) Present appropriate cases of alleged adult abuse to the prosecutor for review.
- (d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.
- (e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Participate in or coordinate with multidisciplinary investigative teams as applicable.
- (g) When so assigned, assist an adult fatality review team with their investigation of a related death (Va. Code § 32.1-283.5; Va. Code § 32.1-283.6).

511.7 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report.

Investigations and reports related to suspected cases of adult abuse should address, as applicable:

- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse victim is contacted.
- (b) Any relevant statements the victim may have made and to whom he/she made the statements.
- (c) If a person is taken into protective custody, the reasons, the name and title of the person making the decision, and why other alternatives were not appropriate.
- (d) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries, if practicable.
- (e) Whether the victim was transported for medical treatment or a medical examination.
- (f) Whether the victim identified a household member as the alleged perpetrator, and a list of the names of any other potential victims or witnesses who may reside in the residence.

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- (g) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known.
- (h) Previous addresses of the victim and suspect.
- (i) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

511.8 PROTECTIVE CUSTODY

Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for him/herself, the officer shall make reasonable attempts to contact APS. Generally, removal of an adult abuse victim from his/her family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.

Members of this department should remove an adult abuse victim from his/her family or guardian without a court order only when no other effective alternative is reasonably available and immediate action reasonably appears necessary to protect the victim. Prior to taking an adult abuse victim into protective custody, the officer should take reasonable steps to deliver the adult to another qualified legal guardian, unless it reasonably appears that the release would endanger the victim or result in abduction. If this is not a reasonable option, the officer shall ensure that the adult is delivered to APS.

Whenever practicable, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a supervisor promptly after taking the adult into protective custody.

Officers may request physicians and APS members to consider applying for a protective order under Va. Code § 37.2-1103 or Va. Code § 63.2-1609.

When adult abuse victims are under state control, have a state-appointed guardian or there are other legal holdings for guardianship, it may be necessary or reasonable to seek a court order on behalf of the adult victim to either remove the adult from a dangerous environment (protective custody) or restrain a person from contact with the adult.

511.9 INTERVIEWS

511.9.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should record the preliminary interview with a suspected adult abuse victim. Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. When practicable, investigating officers should defer interviews until a person who is specially trained in such interviews is available.

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511.9.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an adult involuntarily who is suspected of being a victim of abuse solely for the purpose of an interview or physical exam without his/her consent or the consent of a guardian unless one of the following applies:

- (a) Exigent circumstances exist, such as:
 - 1. A reasonable belief that medical issues of the adult need to be addressed immediately.
 - 2. A reasonable belief that the adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
 - 3. The alleged offender is a family member or guardian and there is reason to believe the adult may be in continued danger.
- (b) A court order or warrant has been issued.

511.10 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The officer should also arrange for the adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, agency or entity having legal custody and is refusing to give consent for the medical examination, officers should notify a supervisor before proceeding. If exigent circumstances do not exist or if state law does not provide for officers to take the adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

511.11 DRUG-ENDANGERED VICTIMS

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of an adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

511.11.1 SUPERVISOR RESPONSIBILITIES

The Major Crimes Unit Supervisor should activate any available interagency response when an officer notifies the Major Crimes Unit Supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse victim is present or where evidence indicates that an adult abuse victim lives at the scene.

511.11.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse victim is present or where there is evidence that an adult abuse victim lives should ensure that the Major Crimes Unit supervisor is notified so an interagency response can begin.

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511.12 STATE MANDATES AND OTHER RELEVANT LAWS

511.12.1 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for retaining the original adult abuse report with the initial case file.

511.12.2 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to commonwealth law and the Records Maintenance and Release Policy (Va. Code § 63.2-1605; 22 VAC 30-100-50).

511.12.3 POINT OF CONTACT

The Major Crimes Unit supervisor shall establish a point of contact to receive referrals of suspected adult abuse and shall provide the point-of-contact information to the appropriate local office of the Department of Social Services and the Adult Protective Services hotline (Va. Code § 63.2-1605).

511.13 TRAINING

The Department should provide training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

- (a) Participating in multidisciplinary investigations, as appropriate.
- (b) Conducting interviews.
- (c) Availability of therapy services for adults and families.
- (d) Availability of specialized forensic medical exams.
- (e) Cultural competence (including interpreter services) related to adult abuse investigations.
- (f) Availability of victim advocates or other support.