



Approved:  
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Subject:

# 534. Adult Abuse

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## 534.1: PURPOSE AND SCOPE

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 Albany Police Department members as required by law.

### 534.1.1: DEFINITIONS

**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 which would mandate reporting or notification to a social service agency or law enforcement.

**Dependent Adult** – A person 18 years of age or older with a developmental disability who is currently receiving services from a community program or facility or was previously determined eligible to receive such services as an adult, or who has a mental illness and is receiving services from a community program or facility ([ORS 430.735](#)).

## 534.2: POLICY

**It is the policy of the Albany Police Department to investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.**

## 534.3: MANDATORY NOTIFICATION

- a. Members of the Albany Police Department shall notify the Department of Human Services (DHS) when there is reasonable cause to believe that an elderly adult (age 65 years or older), dependent adult or resident of a long-term care facility with whom the member comes in contact has suffered abuse, or when a person with whom the member comes in contact has abused an elderly adult, dependent adult or resident of a long-term care facility ([ORS 124.060](#); [ORS 430.743](#); [ORS 441.640](#)).
- 1) All adult abuse and elder abuse cases reported to DHS should be forwarded to the Investigations Unit for review and submission to the [Linn County Vulnerable Adult Abuse Multi-Disciplinary Team](#).

- b. For purposes of notification, abuse includes physical injury, neglect, abandonment, verbal abuse, financial exploitation, sexual abuse, sexual offenses, involuntary seclusion and wrongful use of physical or chemical restraints as provided in ORS 124.050, ORS 430.735 and ORS 441.630.

### **534.3.1: NOTIFICATION PROCEDURE**

- a. Notification should occur as follows (ORS 124.065; ORS 403.743; ORS 441.645):
- 1) All notifications to DHS shall be made as soon as practical by telephone.
  - 2) Information provided to DHS shall include, if known:
    - A. Name, age, and address of the person abused;
    - B. Present location of the adult;
    - C. Name and address of the person responsible for the adult;
    - D. Identity of the perpetrator;
    - E. Nature and extent of the abuse and any evidence of previous abuse;
    - F. Any explanation given for the abuse;
    - G. Date of the incident;
    - H. Any other information which may be helpful in establishing the cause of the abuse.
- b. In cases where DHS has notified the Department of a possible crime relating to elder or dependent adult abuse, confirmation of receipt of notification shall be made to DHS.
- c. DHS shall also be notified whether (ORS 124.070(3); ORS 430.745(7)):
- 1) There will be no criminal investigation and the explanation of why no such investigation will occur;
  - 2) The investigative findings have been forwarded to the District Attorney for review;
  - 3) A criminal investigation will take place.
- d. In investigations that substantiate elderly abuse or abuse of a resident in a long-term care facility, DHS shall be notified in writing (ORS 124.070(2); ORS 441.650(2)).
- e. Upon completion of investigations for dependent adult abuse, DHS shall be provided a written report of the findings and supporting evidence (ORS 430.745(4)).

### **534.4: QUALIFIED INVESTIGATORS**

Qualified 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 all 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 ([ORS 430.739](#)).

### 534.5: INVESTIGATIONS AND REPORTING

- a. All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. The Department must begin investigations of abuse in a long-term care facility (ORS 441.650):
  - 1) Within two hours where a resident's health or safety is in imminent danger or the resident recently died, was hospitalized or was treated in an emergency room.
  - 2) Prior to the end of the next working day if circumstances exist that could result in abuse and place the resident's health or safety in imminent danger.
- b. Investigations and reports related to suspected cases of adult abuse should address, as applicable:
  - 1) 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;
  - 2) Any relevant statements the victim may have made and to whom they made the statements;
  - 3) 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;
  - 4) Documentation of any visible injuries or any injuries identified by the victim. This should include photographs of such injuries or the lack of injuries, if practical;
  - 5) Whether the victim was transported for medical treatment or a medical examination;
  - 6) 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;
  - 7) Identification of any prior related reports or allegations of abuse, including other jurisdictions, as reasonably known;
  - 8) Previous addresses of the victim and suspect;
  - 9) Other potential witnesses who have not yet been interviewed, such as relatives or others close to the victim's environment.

- c. All investigations into suspected cases of adult abuse shall include a personal visit to the elderly person suspected of being abused (ORS 124.070).
- d. Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

#### **534.6: PROTECTIVE CUSTODY**

- a. Before taking an adult abuse victim into protective custody when facts indicate the adult may not be able to care for themselves, the officer should make reasonable attempts to contact DHS.
- b. Removal of an adult abuse victim from their family, guardian or other responsible adult should be left to the welfare authorities when they are present or have become involved in an investigation.
- c. Members of this department should remove an adult abuse victim from their 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.
- d. 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 DHS.
- e. Whenever practical, the officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practical, officers should contact a supervisor promptly after taking the adult into protective custody.
- f. 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.

#### **534.6.1: DHS ASSISTANCE**

An officer shall cooperate with DHS when assistance is requested by written notice to gain access to an abused person and the officer believes that there is reasonable cause that a crime has been committed and an emergency exists which requires access to the person to ensure their safety ([ORS 124.065](#); [ORS 430.743](#); [OAR 411-020-0085](#)).

#### **534.7: INTERVIEWS**

##### **534.7.1: DETENTION OF VICTIMS**

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.

#### **534.7.2: PRELIMINARY INTERVIEWS**

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

#### **534.8: MEDICAL EXAMINATIONS**

- a. 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.
  - 1) The officer should also arrange for the adult's transportation to the appropriate medical facility.
- b. 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.
  - 1) 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.

#### **534.9: 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.

**534.9.1: 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:

- a. Document the environmental, medical, social and other conditions of the adult, using photography as appropriate.
- b. Notify the Detective Unit supervisor so an interagency response can begin.

**534.9.2: SUPERVISOR RESPONSIBILITIES**

The Detective Unit Supervisor should:

- a. Work with professionals from the appropriate agencies, including DHS, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.
- b. Activate any available interagency response when an officer notifies the Detective 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.

**534.10: TRAINING**

The Administrative Lieutenant should ensure that Department members receive training on best practices in adult abuse investigations to members tasked with investigating these cases. The training should include:

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

**534.11: STATE MANDATES AND OTHER RELEVANT LAWS**

- a. The Records Section is responsible for:
  - 1) Providing a copy of the adult abuse report to DHS as required by law;
  - 2) Retaining the original adult abuse report with the initial case file.

- b. Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law (ORS 124.090; ORS 430.763; ORS 441.671) and the [Records Maintenance and Release: Policy 0601](#).
- c. Current written protocols and procedures for adult abuse investigations are developed by the multidisciplinary adult abuse team and are available to all department members ([Linn County Vulnerable Adult Abuse Multi-Disciplinary Team Protocols](#)).