

COLUMBIA POLICE DEPARTMENT

Policy and Procedure Manual

ADULT ABUSE INVESTIGATIONS AND REPORTING

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CALEA 6th Edition Standard: 42.2.1

326 ADULT ABUSE INVESTIGATIONS AND REPORTING

326.1 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 reporting/notifications by Columbia Police Department officers as required by law.

326.2 POLICY

The Columbia Police Department will investigate all reported incidents of alleged abuse, neglect, and exploitation of vulnerable individuals sixty (60) and older and people with disabilities between eighteen (18) and fifty nine (59) and ensure proper reporting and notification, as required by law, is completed in a timely manner.

326.3 DEFINITIONS

Definitions related to this policy include:

Abuse – The infliction of physical, sexual, or emotional injury or harm including financial exploitation by any person, firm, or corporation and bullying.

Bullying – Intimidation or harassment that causes a reasonable person to fear for his or her physical safety or property and may consist of physical actions including gestures; cyberbullying; oral, electronic, or written communication; and any threat of retaliation for reporting of such acts.

Eligible Adult - A person at least 60 years of age, or a person between the ages of 18 and 59 with a disability pursuant to Missouri law, who is unable to protect his/her own interests or adequately perform or obtain services necessary to meet essential human needs.

Neglect - The failure to provide services to an eligible adult by any person, firm or corporation with a legal or contractual duty to do so, when such failure presents either an imminent danger to the health, safety or welfare of the client or a substantial probability that death or serious physical harm would result.

326.4 MANDATORY REPORTING REQUIREMENTS

Officers of the Columbia Police Department are mandated reporters and shall immediately report or cause a report to be made to the Department of Health and Senior Services (DHSS) whenever they have reasonable cause to believe that an eligible adult has been subjected to abuse or neglect or observes the eligible adult being subjected to conditions or circumstances which would reasonably result in abuse or neglect (§ 192.2405, RSMo).

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In addition to a mandated report to DHSS, an offense report documenting suspected or alleged abuse will be completed.

326.4.1 MANDATORY REPORTING PROCEDURE (42.2.1)

Reports shall be made either orally or in writing as soon as practicable to the Missouri Department of Health and Senior Services (DHSS) toll-free Adult Abuse and Neglect Hotline at 1-800-392-0210. The hotline operates 365 days per year from 7 a.m. to 12 a.m. To make a mandated report between 12 a.m. and 7 a.m., the officer shall use the online reporting system at <https://health.mo.gov/safety/abuse/>

Mandated reports shall be made prior to the reporting officer's end of shift and shall include the following information:

- A. The eligible adults name, address, telephone number, sex, age, and general condition;
- B. The alleged perpetrator's name, address, sex, age, relationship to eligible adult and condition;
- C. Facility name and address if applicable;
- D. The circumstances which lead you to believe the eligible adult is being abused, neglected or financially exploited;
- E. Whether the eligible adult is in immediate danger, the best time to contact the eligible adult, if he or she knows of the report, and if there are any safety concerns for a DHSS worker responding to investigate;
- F. The name, daytime telephone number, and relationship of the reporter to the eligible adult;
- G. The names of others with information about the situation; and
- H. Any other relevant information.

The time and manner of the hotline report and, if applicable, the employee identification number of the DHSS employee receiving the report shall be documented in the officer's offense report.

326.5 INITIAL RESPONSE BY OFFICER

All incidents involving actual or suspected abuse or neglect shall be responded to immediately, fully investigated and appropriately documented.

Officers may be called upon to effect a forced entry as the first responder to the scene of suspected elder abuse or neglect. Entry should be immediate when it appears reasonably necessary to protect life. When the need for an emergency entry is not evident, officers should seek supervisory approval.

Officers must be prepared to stabilize the scene, and provide emergency care if medical personnel are not already present.

326.6 QUALIFIED INVESTIGATORS

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

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- 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.

326.7 INVESTIGATIONS AND REPORTING (42.2.1 a - d)

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated

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.
- 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.

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.

326.8 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 should make reasonable attempts to contact DHSS. 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.

Generally, 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

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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 DHSS.

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, the officer should contact a supervisor promptly after taking the adult into protective custody.

Protective custody of an adult abuse victim may only occur in the following situations (§ 192.2465, RSMo):

- A. Where there is probable cause to believe an eligible adult who is incapable of giving consent will suffer imminent physical harm if not immediately taken to a medical facility and it is not practicable for the DHSS to initiate guardianship or conservatorship proceedings.
 - 1. The officer shall notify the next of kin of the victim, if known, and the DHSS.
- B. Pursuant to a warrant to enter the premises and remove the victim.

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.

326.9 INTERVIEWS (42.2.1 d)

326.9.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers shall record the preliminary interview of a suspected adult abuse or neglect victim with a body worn camera or other available recording equipment. 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.

326.9.2 DETAINING VICTIMS FOR INTERVIEWS

An officer should not detain an eligible 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 eligible adult need to be addressed immediately.
 - 2. A reasonable belief that the eligible adult is or will be in danger of harm if the interview or physical exam is not immediately completed.

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3. The alleged offender is a family member or guardian and there is reason to believe the eligible adult may be in continued danger.

- B. A court order or warrant has been issued.

326.10 MEDICAL EXAMINATIONS (42.2.1 C)

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.

326.11 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.

326.11.1 SUPERVISOR RESPONSIBILITIES

The CID and/or VNOC supervisor should:

- A. Work with professionals from the appropriate agencies, including DHSS, 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 officer notifies the CID and/or CID 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.

326.11.2 OFFICER RESPONSIBILITIES (42.2.1 a and c)

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 eligible adult, using photography and other recording devices as appropriate.
- B. Notify the on duty supervisor so notifications may be made to the CID and/or VNOC supervisors and an interagency response can begin.

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326.12 RECORDS UNIT RESPONSIBILITIES

The Records Unit is responsible for the following:

- A. Providing a copy of any adult abuse report to the Department of Health and Senior Services or as required by law.
- B. Retaining the original report with the initial case file.

326.13 RELEASE OF REPORTS

Information related to incidents of adult abuse or suspected adult abuse shall be confidential and may only be disclosed pursuant to state law and the Records Maintenance and Release Policy.

326.14 TRAINING

The Department should provide training on best practices in adult abuse investigations to employees tasked with investigating these cases. The training should include a documented review of this policy and may include a test to demonstrate the transfer of knowledge. Training may also include instruction in areas such as:

- A. Participating in multidisciplinary investigations, as appropriate;
- B. Conducting victim centered interviews;
- C. Availability of therapy services for adults and families;
- D. Availability of specialized forensic medical exams;
- E. Cultural competence (including interpretive services) related to adult abuse investigations;
- F. Availability of victim advocates or other support.