


Fort Collins Police Services

Policy Manual

 FORT COLLINS POLICE	POLICY	326
	TITLE	Abuse of At-Risk Adults/Elders

326.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of this Agency with direction and understanding of their role in the prevention, detection, and intervention in incidents of the abuse of an at-risk person. It is the policy of the Fort Collins Police Services to treat reports involving at-risk adults as high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect.

326.2 REPORTING REQUIREMENTS

Members shall make a report to the county department of social services within 24 hours under any of the following circumstances (CRS § 26-3.1-102(1)(a)):

- (a) The member observes mistreatment, self-neglect, or exploitation of an at-risk adult.
- (b) The member has reasonable cause to believe that an at-risk adult has been:
 - 1. Has been mistreated
 - 2. Is suffering from self-neglect
 - 3. Has been exploited and is at imminent risk of mistreatment, self-neglect, or exploitation
- (c) Any such mistreatment, self-neglect, or exploitation of an at-risk adult is reported to any member.
 - 1. If a member receives a report that an at-risk adult has been mistreated, exploited, or is suffering from self-neglect, the member shall prepare a written report as soon as reasonably practicable but no later than 48 hours (CRS § 26-3.1-102(1)(c)).
- (d) Not more than 24 hours after receiving a report of abuse or exploitation, members shall also provide a notification to the county department of social services where the person resides and to the District Attorney's office where the abuse or exploitation occurred. Notification should take place under the following circumstances (CRS § 26-3.1.102(1)(a.5); CRS § 18-6.5-108):
 - 1. The member observes abuse or exploitation of a person 70 or older.
 - 2. The member has reasonable cause to believe a person 79 or older has been abused or exploited.
 - 3. The member has reasonable cause to believe a person 79 or older is in imminent risk of being abused or exploited.
 - 4. Any abuse or exploitation of any person 70 or older is reported to any member.

326.2.1 RECORDS RESPONSIBILITIES

Records is responsible for (CRS § 26-3.1-102(3); CRS § 18-6.5-108):

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- (a) Providing a copy of the at-risk adult abuse report to the county department of social services and the District Attorney's office within 24 hours of the completion of the report. This requirement is applicable even if the initial call was received from a state agency.
- (b) Providing copies of any criminal investigation reports related to abuse of a person age 70 or older to the county department of social services where the person resides and to the District Attorney's Office where the abuse or exploitation occurred.
- (c) Retaining the original at-risk adult abuse report with the initial case file.

326.3 OFFICER'S RESPONSE

All incidents involving actual or suspected abuse of an at-risk person shall be responded to immediately, fully investigated and appropriately documented.

326.3.1 INITIAL RESPONSE

Officers may be called upon to affect a forced entry as the first responder to the scene of a suspected at-risk adult abuse. Entry should be immediate when it appears responsibly necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval. Officers must be prepared to provide emergency care pending the arrival of medical personnel, if medical personnel are not already present.

326.3.2 STABILIZE THE SITUATION

Officers must quickly assess the situation to ensure the immediate safety of all persons. Officers shall also consider the following:

- (a) Attempt to identify the victim, suspect, and witnesses as well as the roles and relationships of all parties. Parties should be interviewed separately when possible. Frequently, it is wrongfully assumed that elderly persons are incapable of accurately reporting the incident. Do not automatically discount the statement of an elderly or at-risk person.
- (b) Preserve the crime scene where evidence may be present. All persons should be removed from the scene until it has been photographed and processed. Any evidence, such as injuries that may change in appearance, should be photographed immediately.
- (c) Assess and define the nature of the problem. Officers should assess the available information to determine the type of abuse that may have taken place or the potential for abuse in the future that may be eliminated by law enforcement intervention.
- (d) Make on-scene arrests when appropriate. Immediate arrest of the abuser (especially when the abuser is a family member or caretaker) may leave the older or at-risk victim without necessary support and could result in institutionalization. The effect of an arrest on the victim should be considered and weighed against the assessed risk and the competent victim's desires. The present and future safety of the victim is of utmost importance.

326.3.3 SUPPORT PERSONNEL

The following persons may be consulted if it appears as in-depth investigation is appropriate:

- (a) Patrol supervisor;
- (b) Criminal Investigations Division (CID) personnel;
- (c) Forensic Services personnel;
- (d) County or State Protective Services Agency personnel;

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- (e) Ombudsman if the abuse is in a long-term care facility (CRS § 26-11.5-101-112); and
- (f) Victim advocates.

326.3.4 PROTECTIVE ORDERS AND EMERGENCY PROTECTIVE ORDERS

In any situation where an officer reasonably believes that a vulnerable person is in immediate and present danger of abuse based on an allegation of a recent incident of abuse or threat of abuse (other than financial abuse alone), the officer may contact the county court or Adult Protective Services and request a temporary restraining or protective order against the person alleged to have committed or threatened such abuse if that person is not in custody. If an offense is taken where it is clear there has been domestic violence against an elderly or at-risk adult, upon arrest or the suspect, the officer should seek an emergency court order.

326.4 AT-RISK ADULT ABUSE REPORTING

Every allegation of at-risk adult abuse shall be documented. Documentation of at-risk adult abuse cases should include, to the extent possible, at minimum (CRS § 26-3.1-102(2); CRS § 18-6.5-108):

- (a) The name, address, contact information, and approximately age of the at-risk adult.
- (b) The name, age, address, and contact information of the person making the report.
- (c) The name, age, and address, and contact information of the at-risk adult's caretaker, if there is one.
- (d) The name and address, if available, of the person who is alleged to have abused, neglected, or exploited the at-risk adult.
- (e) The nature and extent of the alleged abuse, neglect, or exploitation of the at-risk adult.
- (f) Any evidence of previous injuries.
- (g) The basis of the reporter's belief that the at-risk adult has been abused, neglected, exploited, or isolated.
- (h) Any other information that would assist in the investigation of the report.

Reporting cases of older person or at-risk adult abuse is confidential. Information regarding such cases will only be released as per the Records Release and Security Policy, or as necessary for the coordination of a multi-agency investigation of a report or for the provision of protective services to an at-risk adult (CRS § 26-3.1-102(7)).

326.5 AT-RISK ADULT ABUSE IN A CARE FACILITY

Officers shall investigate all allegations relating to the abuse, neglect, or exploitation of an at-risk adult in a care facility or under the care of the facility. Officers shall immediately notify the Adult Protective Services Unit of the Colorado Department of Human Services and notify the Department of Human Services and the District Attorney's Office within 24-hours after completing the investigation.

326.6 OBTAINING ARREST WARRANT

Officers should promptly seek a warrant for the arrest of any person for whom probable cause exists to believe the person is criminally responsible for the abuse, neglect, or exploitation of an at-risk adult.