

## ADULT PROTECTIVE SERVICES

### POLICY:

It is the policy of the Omaha Police Department (OPD) to promptly investigate reports of Vulnerable Adults who are suspected of being the victims of abuse, neglect, self-neglect, or exploitation, consistent with Nebraska Revised Statutes (NRS) [§28-348](#) through [§28-387](#) (Adult Protective Services Act) and NRS [§8-2904](#) through [§8-2909](#) (Protection of Vulnerable Adults from Financial Exploitation Act). Coordination of the investigation and services to the Vulnerable Adult will be made with the Adult Protective Services Unit of the Nebraska Department of Health and Human Services (NDHHS).

### DEFINITIONS:

Adult Abuse: Per NRS [§28-351](#); abuse means any knowing or intentional act on the part of a caregiver or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, or sexual exploitation of a Vulnerable Adult. Abuse may result from neglect by a caretaker or responsible person, or by means of self-neglect.

Essential Services: Per NRS [§28-357](#); this means services necessary to safeguard the person or property of a Vulnerable Adult, including but not limited to sufficient and appropriate food and clothing, temperate and sanitary shelter, treatment of physical needs (i.e. medical or psychiatric needs), and proper supervision.

Exploitation: Per NRS [§28-358](#); this includes the wrongful or unauthorized taking, withholding, appropriation, conversion, control, or use of money, funds, securities, assets, or any other property of a Vulnerable Adult or senior adult by any person by means of undue influence, breach of a fiduciary relationship, deception, extortion, intimidation, force or threat of force, isolation, or any unlawful means or by the breach of a fiduciary duty by the guardian, conservator, agent under a power of attorney, trustee, or any other fiduciary of a Vulnerable Adult or senior adult.

Financial Exploitation: Per NRS [§8-2905](#); this includes the wrongful or unauthorized taking, withholding, appropriation, or use of money, assets, or other property of an eligible adult; or any act or omission taken by a person, including through the use of a power of attorney, guardianship, or conservatorship of an eligible adult, to: (i) Obtain control, through deception, intimidation, or undue influence, over the eligible adult's money, assets, or other property to deprive the eligible adult of the ownership, use, benefit, or possession of his or her money, assets, or other property; or (ii) Convert money, assets, or other property of the eligible adult to deprive such eligible adult of the ownership, use, benefit, or possession of his or her money, assets, or other property.

Vulnerable Adult: Per NRS [§28-371](#); an adult eighteen (18) years of age or older who has a substantial mental or functional impairment or for whom a guardian or conservator has been appointed under the Nebraska Probate Code. This could include adults who suffer mental illness, mental retardation or cognitive conditions, or senility.

**NOTE:** NRS, as part of the Adult Protective Services Act also defines "Isolation" (NRS [§28-358.01](#)), "Neglect" (NRS [§28-361.01](#)), "Physical Injury" (NRS [§28-363](#)), "Proper Supervision" (NRS [§28-364](#)), "Self-Care" (NRS [§28-366](#)), "Senior Adult" (NRS [§28-366.01](#)), "Sexual Abuse" (NRS [§28-367](#)), "Sexual Exploitation" (NRS [§28-367.01](#)), "Substantial Functional Impairment" (NRS [§28-368](#)), "Substantial Mental Impairment" (NRS [§28-369](#)), and "Unreasonable Confinement" (NRS [§28-370](#)).

### PROCEDURE:

#### I. Warning Signs and Reporting – Vulnerable Adult Abuse/Neglect

- A. Employees who respond to a radio call or on-view complaint regarding a Vulnerable Adult who has been the victim of abuse, neglect, self-neglect, or exploitation will:

1. Render Aid. In an emergency, ensure the person receives appropriate medical assistance.
2. Observe the warning signs, which may include the following:
  - a. Physical Abuse: Observe the adult for signs of abrasions, bed sores, bruises, burns, dehydration, malnutrition, over sedation, welts, untreated old injuries, etc.
  - b. Psychological Abuse: Humiliation, intimidation, isolation, threats, and verbal assault.
  - c. Neglect: Lack of medication, clothing, shelter, house cleaning, heat, food, personal care, glasses, false teeth, supervision, etc.
  - d. Victim's Behavioral Signs: Confusion, depression, fear, inability to reach food, water or sanitary facilities, abandoned.
3. Complete an Incident Report and select the appropriate box (Adult Abuse, etc.). The Incident Report should document the following:
  - a. Name, address, age (of the Vulnerable Adult and the care person).
  - b. Nature and extent of the vulnerable person's incapacity and the specific abuse, neglect, or exploitation.
4. Email the OPD Adult Special Victims Unit, Domestic Violence Squad (email address listed in [Appendix A](#)) to notify them of the Incident Report. The email should include the PortalOne report number, the RB number, and the victim's name and date of birth.
  - a. The Domestic Violence Squad will print a copy of the Incident Report, write "Attention APS" on the top of the front page, and fax the report to APS.
5. Document any physical evidence and, when necessary, contact the Forensic Investigations for photographs.
6. Conduct a computer check via the Information Operator. This can determine when APS has been previously involved with an individual. Officers should determine if the adult has been in contact with APS to help coordinate services and obtain as much pertinent information that is available for a complete report on the adult.

## II. Referral to Adult Protective Services (APS)

- A. The APS Unit of the NDHHS is responsible for the investigation of cases of alleged abuse of Vulnerable Adults. Services may include arranging and coordinating information and referrals to community resources. The NDHHS may also initiate Board of Mental Health petitions, and reports to law enforcement and/or the County Attorney based on the results of their investigation.
  1. Adult Protective Services is located at 1313 Farnam Street and is available Monday through Friday, from 0800 to 1700 hours. APS will be contacted directly by the officer during normal business hours (See [Appendix A](#) for phone numbers).
  2. The APS Hotline number is 1-800-652-1999. It is a statewide 24-hour toll free number. Weekends and after hours, Hotline staff can take information and facilitate referrals to

the appropriate agency. In cases of emergencies, the Hotline can contact the APS Supervisor or an APS worker for advice. APS workers will not make an in-person visit; however, they may contact the officer by phone to discuss the situation, provide assistance, and commit to APS follow-up if the officer requests. Officers will contact the APS Hotline during non-business hours.

- B. An Incident Report will be completed. In addition to the normal submission of the Incident Report, officers will:
1. Call APS or the APS Abuse Hotline.
  2. Print a copy of the Incident Report, write "Attention APS" at the top of the front page, and fax the Incident Report to APS and the Domestic Violence Squad in all situations except for cases of Sexual Assault of a Vulnerable Adult. In cases of a Sexual Assault of a Vulnerable Adult, officers will:
    - a. Contact the Adult Special Victims Unit (ASVU), Monday through Friday, during "B" and "C" Shifts. However, during "A" shift and on weekends, holidays, and other non-business hours, officers will contact Field Investigations Detectives or weekend duty detectives. The Field Investigations Detectives/weekend duty detective will make appropriate notifications to the ASVU.
    - b. Refer to the PPM Policy "[Adult Sexual Assaults – Investigations](#)" for more guidance on how to handle these types of assaults.
    - c. Refer to Nebraska Revised Statute [28-1701](#) or the "[Adult Sexual Assaults – Investigations](#)" policy for information regarding immunity from arrest or prosecution for committing an eligible drug or alcohol offense for victims and/or witnesses of sexual assaults.
- C. Upon receipt of an Incident Report, APS will route a response form to the Domestic Violence Squad that indicates the action taken on that referral. Cases accepted for investigation will have the worker's name and number. Some reports will be handled without investigation, but will be referred and followed up by other agencies.
- D. All reports accepted for investigation and the results of the investigation are forwarded to the Central Abuse Registry in Lincoln and to the OPD Data Review Squad. At the Data Review Squad, they are input into the computer and then routed to the Adult Special Victims Unit, Domestic Violence Squad.

### III. Life Threatening or High-Risk Situations

- A. If an officer is at the scene with a Vulnerable Adult and believes the situation to be life threatening or at high risk to the adult's safety, APS may be contacted for assistance. After hours and weekends, call the Hotline.
1. An APS worker may arrange shelter or medical care, or may initiate legal intervention (ex parte order).
  2. APS may request an officer to provide transportation.
  3. This process does not always involve a voluntary committal, and it is an alternative to committal at a mental hospital when a person is not an active danger to themselves or to another but is mentally impaired to the point where they cannot care for themselves.

- B. In an emergency, a Vulnerable Adult may be involuntarily placed temporarily. An emergency exists concerning a Vulnerable Adult when other protective services are unavailable or insufficient for the adult's protection.
- C. APS may obtain an ex parte order authorizing short-term involuntary adult protective services or temporary placement by application filed to the County Attorney, who, in turn, files with the County Court.
- D. An officer accompanied by an APS worker may enter the Vulnerable Adult's premises with a court order. Forcible entry may be made only after the court order has been obtained, unless there is probable cause to believe that the delay of such entry would cause the Vulnerable Adult to be in imminent danger of life, threatening physical injury, or denial of essential services.
- E. If, from personal observations it appears that the adult is in imminent danger, then an officer may take the adult into custody and transport them to an appropriate medical or protective facility.
- F. APS will assist in making placement arrangements. Copies of the Incident Report will be immediately faxed to the APS and the Douglas County Attorney (See [Appendix A](#) for numbers).

#### **IV. Vulnerable Adult Financial Exploitation**

- A. Crimes of Vulnerable Adult Financial Exploitation often involve offenses such as fraud, impersonation, or theft, and therefore, the Burglary Unit is often the initial OPD unit contacted and/or assigned the case.
  - 1. Due to the nuances and difficulties of these cases, additional resources that may need to be consulted in these types of investigations may include, for example: OPD's Adult Special Victims Unit, Adult Protective Services, the Nebraska Department of Banking and Finance, the OPD Behavioral Health and Wellness Unit, the Vulnerable Adult's medical or mental health providers, caregivers, or financial agents or broker-dealers (as defined in the Protection of Vulnerable Adults from Financial Exploitation Act), or others.

#### **V. Nebraska Legislation**

- A. The Adult Protective Services Act is contained in NRS [§28-348](#) through [§28-387](#). The NRS provides the intent of the legislation ([§28-349](#)), procedures for reporting abuse ([§28-373](#)), and involuntary short-term protective placement of a Vulnerable Adult ([§28-387](#)).
- B. The Protection of Vulnerable Adults from Financial Exploitation Act is contained in NRS [§8-2904](#) through [§8-2909](#).

#### **REFERENCES:**

##### **I. Nebraska Revised Statutes**

- A. NRS [§28-348](#) through [§28-387](#) are referenced in this policy. NRS [§8-2904](#) through [§8-2909](#) are also applicable.

##### **II. Previous OPD Orders**

- A. Previous General Orders: #18-84, 7-91, 23-93, 10-04, 6-14, 19-15, 60-21, and 40-22.

##### **III. Other**

A. PPM Monthly Updates: #07-2018, 10-2019, and 08-2021.