


Adult Abuse

314.1 POLICY HEADER

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<p>Authorization:</p>  <p>Jason Haberman Chief of Police</p>	

314.2 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 Mt. Lebanon Police Department members as required by law.

314.2.1 DEFINITIONS

Definitions related to this policy include:

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.

Facility - A facility designed to serve adults (35 P.S. § 10210.103) or older adults (35 P.S. § 10225.103).

314.3 POLICY

The Mt. Lebanon Police Department will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

314.4 MANDATORY NOTIFICATION

Members of the Mt. Lebanon Police Department should notify the [Pennsylvania Adult Protective Services](#) (APS) and the [Allegheny County Area Agency on Aging](#) (AAA) when the member has reason to believe that an adult or older adult is the victim of abuse and may require protective services. Notification should be made as soon as practicable by contacting APS via the Protective Services Hotline (35 P.S. § 10210.302; 35 P.S. § 10225.302).

For purposes of notification, abuse includes the infliction of injury, unreasonable confinement, intimidation or punishment resulting in physical harm, pain or mental anguish; the willful deprivation

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by a caretaker of goods or services that are necessary to maintain physical or mental health; sexual harassment; rape; exploitation; neglect; or abandonment by desertion of a caretaker (35 P.S. § 10210.103; 35 P.S. § 10225.103).

An adult is a resident of the Commonwealth between 18 and 59 years of age who has a physical or mental impairment that substantially limits one or more major life activities (35 P.S. § 10210.103). An older adult is a resident of the Commonwealth age 60 years or older (35 P.S. § 10225.103).

Members receiving a report that an adult or older adult is being abused in a facility must notify the administrator of the facility where the alleged abuse occurred as soon as practicable, unless notification would jeopardize the investigation or subject the adult or older adult to further risk. (35 P.S. § 10210.501; 35 P.S. § 10225.701).

Members having reasonable cause to believe that an adult or older adult has been sexually abused or suffered serious physical or bodily injury, or is the victim of a suspicious death in a facility, shall notify APS and the AAA. Notification may be delayed if it would jeopardize the investigation or subject the adult or older adult to further risk (35 P.S. § 10210.503; 35 P.S. § 10225.703).

314.5 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of adult abuse or older adult abuse (35 P.S. § 10210.503; 35 P.S. § 10225.703). These investigators:

- (a) Should conduct interviews in appropriate interview facilities.
- (b) Should be familiar with forensic interview techniques specific to adult abuse or older adult abuse investigations.
- (c) Should present all cases of alleged adult abuse or older adult abuse to the prosecutor for review.
- (d) Shall coordinate with other enforcement agencies, social service agencies and facility administrators as needed (35 P.S. § 10210.503; 35 P.S. § 10225.703).
- (e) Should provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.
- (f) Should participate in or coordinate with multidisciplinary investigative teams as applicable.
- (g) Shall treat all reporting sources (persons who made the report of abuse or cooperated with the investigation) as confidential information (35 P.S. § 10210.505; 35 P.S. § 10225.705).

314.6 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse or older 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 or older adult abuse should address, as applicable:

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- (a) The overall basis for the contact. This should be done by the investigating officer in all circumstances where a suspected adult abuse or older 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.
- (j) Appropriate agencies and facilities where the adult abuse or older adult abuse occurred shall be notified of a decision regarding criminal charges (35 P.S. § 10210.503; 35 P.S. § 10225.703).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse or older adult abuse and investigated similarly.

314.7 PROTECTIVE CUSTODY SERVICES

Before taking an adult abuse or older 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 APS and AAA. Generally, removal of an adult abuse or older 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 or older 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 or older 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 APS or AAA are contacted and alternative arrangements for custody are established.

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Whenever practicable, the officer should inform a Watch Commander of the circumstances prior to taking an adult abuse or older adult abuse victim into protective custody. If prior notification is not practicable, officers should contact a Watch Commander promptly after taking the adult into protective custody. A court order for protective services of an adult abuse or older adult abuse victim may occur when APS or AAA has obtained a court order to provide services necessary to remove the conditions creating the need (35 P.S. § 10210.307; 35 P.S. § 10225.307).

When adult abuse or older 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 have APS or AAA 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.

314.8 INTERVIEWS

314.8.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, officers should audio record the preliminary interview with a suspected adult abuse or older 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.

314.8.2 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.

314.9 MEDICAL EXAMINATIONS

When an adult abuse or older 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

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a Watch Commander 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 Watch Commander should consider other government agencies or services that may obtain a court order for such an examination.

314.10 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 or older adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

314.10.1 SUPERVISOR RESPONSIBILITIES

The Investigative Services Unit supervisor should:

- (a) Work with professionals from the appropriate agencies, including APS and AAA, other law enforcement agencies, medical service providers and local prosecutors to develop community-specific procedures for responding to situations where there are adult abuse or older 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 Investigative Services Unit supervisor that he/she has responded to a drug lab or other narcotics crime scene where an adult abuse or older adult abuse victim is present or where evidence indicates that an adult abuse or older adult abuse victim lives at the scene.
- (c) Develop a report format or checklist for use when officers respond to drug labs or other narcotics crime scenes. The [Endangered Adult or Elder Checklist](#) will help officers document the environmental, medical, social and other conditions that may affect the adult.

314.10.2 OFFICER RESPONSIBILITIES

Officers responding to a drug lab or other narcotics crime scene where an adult abuse or older adult abuse victim is present or where there is evidence that an adult abuse or older adult abuse victim lives should:

- (a) Document the environmental, medical, social and other conditions of the adult, using photography as appropriate and the checklist or form developed for this purpose.
- (b) Notify the Watch Commander so an interagency response can begin.

314.11 STATE MANDATES AND OTHER RELEVANT LAWS

Pennsylvania requires or permits the following:

314.11.1 RECORDS DEPARTMENT RESPONSIBILITIES

The Records Department is responsible for:

- (a) Providing a copy of the adult abuse or older adult abuse report to APS and AAA as required by law.
- (b) Retaining the original adult abuse or older adult abuse report with the initial case file.

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314.11.2 RELEASE OF REPORTS

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

314.12 TRAINING

The Department should provide training on best practices in adult abuse or older 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 interpretive services) related to adult abuse or older adult abuse investigations.
- (f) Availability of victim advocates or other support.

Attachments

Form 170 - Endangered Adult or Elder Checklist.pdf



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Endangered Adult / Elder Checklist



The following checklist is to be used as a guide for officers to document an endangered adult or elderly person's living conditions, health conditions and any exposure to any other hazardous conditions. This checklist is not to be attached to any offense or incident report.

Incident #: _____ Date: _____ Time: _____

Living Conditions / Environment

- Dangerous animals or observations related to animals, such as animal feces and filth
- Inoperable utilities and appliances
- Description of beds or sleeping areas or lack there of
- Available food
- Kitchen and bathroom sanitation
- Unsafe play areas or toys
- Choking hazards
- Fire hazards
 - Combustible materials
 - Inoperable smoke detectors
 - Unsafe heaters
 - Evidence of previous fires

Physical Description and Health of Adult

- Height, weight and reach measurement
- Wounds, punctures and/or bruises (including bottom of feet)
- Possible chemical burns, particularly to eyes, mouth, and nose
- Insect bites
- Known or obvious significant medical conditions, such as cancer, damage to the brain, liver, kidneys, spleen, immunologic system and/or birth defects
- Headache, nausea, dizziness, fatigue, shortness of breath or coughing
- Medical exam information, if available
- Indicators or alcohol or drug abuse



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Endangered Adult / Elder Checklist



Controlled Substances and Hazardous Materials

- Presence of any illegal or controlled substances
 - Description of location
- Presence of any hazardous materials
 - Description of any location
- Drains and sinks checked for contamination or drainage problems
- Smells that may indicate fumes, chemicals and/or vapors
- Improperly labeled and incompatible chemicals
- Kitchen surfaces and utensils examined or samples taken
- Presence and location of plastic containers that are indicative of drug manufacturing