
Adult Abuse

320.1 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 Kalamazoo Department of Public Safety members as required by law.

320.1.1 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.

320.2 POLICY

The Kalamazoo Department of Public Safety will investigate all reported incidents of alleged adult abuse and ensure proper reporting and notification as required by law.

320.3 MANDATORY NOTIFICATION

Members of the Kalamazoo Department of Public Safety shall notify Adult Protective Services (APS) when they suspect or have reasonable cause to believe that an adult has been abused, neglected or exploited (MCL 400.11a).

If the abuse involves an adult in a nursing home facility, members should contact the Michigan Department of Community Health (MCL 333.21771).

For purposes of notification, adult means a person 18 years of age or older who is unable to protect him/herself from abuse, neglect or exploitation because of a mental or physical impairment or because of advanced age. Abuse means harm or threatened harm to an adult's health or welfare including, but not limited to, non-accidental physical or mental injury, sexual abuse or maltreatment of the adult by another person. Neglect means harm to an adult's health or welfare caused by the adult's inability to respond to a harmful situation or by the conduct of a caregiver, including the failure to provide adequate food, clothing, shelter or medical care. Exploitation means an action that involves the misuse of an adult's funds, property or personal dignity by another person (MCL 400.11).

320.3.1 NOTIFICATION PROCEDURE

Notification should occur by calling the APS telephone hotline immediately or as soon as practicable (MCL 400.11a). Notification shall contain, if known:

- (a) The name and age of the adult.
- (b) The names and addresses of the adult's guardian, next of kin or persons with whom the adult resides, including their relationship to the adult.

Adult Abuse

- (c) A description of the type of abuse, neglect or exploitation and the manner in which it occurred or is occurring.
- (d) Any other information available that may establish the cause of the abuse, neglect or exploitation.

320.4 QUALIFIED INVESTIGATORS

The Criminal Investigations Division Captain shall ensure there are an adequate number of trained detectives to conduct investigations in cases of adult abuse. In cases of aggravated adult abuse, the Criminal Investigations Division Captain shall be notified and a detective shall be assigned to assist with the investigation. 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 (MCL 400.11b).
- (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.

320.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated. If no criminal elements can be substantiated, a report should be written as "other assist calls (MICR code: 93950)" and forwarded to the Criminal Investigations Division.

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 public safety 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.

Adult Abuse

- (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.

320.6 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 public safety officer should make reasonable attempts to contact APS. 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 custody, the public safety 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 public safety officer shall ensure that the adult is delivered to APS.

Whenever practicable, the public safety officer should inform a supervisor of the circumstances prior to taking an adult abuse victim into protective custody. If prior notification is not practicable, public safety officers should contact a supervisor promptly after taking the adult into protective custody.

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.

320.7 INTERVIEWS

320.7.1 PRELIMINARY INTERVIEWS

Absent extenuating circumstances or impracticality, public safety officers should audio record the preliminary interview with a suspected adult abuse victim. In minor cases that do not require an immediate response from the Criminal Investigations Division (CID), officers shall conduct thorough interviews and route the case to the CID for follow-up. In cases involving aggravated circumstances of abuse Public Safety Officers should avoid multiple interviews with the victim and should attempt to gather only the information necessary to begin an investigation. Additional, more thorough interviews shall be completed by Adult Protective Services or the assigned detective.

Adult Abuse

320.7.2 DETAINING VICTIMS FOR INTERVIEWS

A public safety 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.

320.8 MEDICAL EXAMINATIONS

When an adult abuse investigation requires a medical examination, the investigating public safety officer should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the adult. The public safety 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, public safety officers should notify a supervisor before proceeding. In addition, Adult Protective Services should be contacted to assist in obtaining a medical examination of the victim. If exigent circumstances do not exist or if state law does not provide for public safety 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.

320.9 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.

320.9.1 SUPERVISOR RESPONSIBILITIES

The Criminal Investigations Division supervisor should ensure that, when necessary, a detective is assigned to the case and that the investigation, to include any follow-up, is completed. In addition, the Criminal Investigations Division supervisor shall act as a liaison to outside agencies, including CPS, other law enforcement agencies, medical service providers and local prosecutors.

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Kalamazoo Department of Public Safety

Policy Manual

Adult Abuse

320.9.2 PUBLIC SAFETY OFFICER RESPONSIBILITIES

Public Safety 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 Criminal Investigations Division Captain so that a detective can be assigned to assist in the investigation if necessary.

320.10 STATE MANDATES AND OTHER RELEVANT LAWS

Michigan requires or permits the following:

320.10.1 RECORDS DIVISION RESPONSIBILITIES

The Records Division is responsible for:

- (a) Providing a copy of the adult abuse report to APS as required by law (MCL 400.11a).
- (b) Retaining the original adult abuse report with the initial case file.

320.10.2 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.

320.11 TRAINING

The Department should provide training on best practices in 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 investigations.
- (f) Availability of victim advocates or other support.