



# NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

## CHAPTER: 42.18

### TITLE: ADULT ABUSE

**EFFECTIVE: 12/10/2017**

**REVISED: Replaces Policy 326**

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#### PURPOSE

The purpose of this Chapter is to provide members of this department with direction and understanding of their role in the prevention, detection and intervention in incidents of adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm through action or inaction by themselves or by the individuals responsible for their care or by other parties.

#### POLICY STATEMENT

1. It is the policy of the New Orleans Police Department to treat reports involving at-risk adults as a high priority criminal activity that is to be fully investigated regardless of the relationship between the victim and the suspect (**R.S. 15:1501** et seq.).
2. The first responding officer is the initial source of information for the remainder of the investigative team and makes decisions that can deeply affect the investigation and the victim, setting the tone for the entirety of a case. This policy is intended to guide responding officers when responding to reports of adult abuse, neglect, maltreatment, and sexual-related incidents that are not handled by Sex Crimes. (See also: **Chapter 42.2 – Sexual Assault**).

#### DEFINITIONS

Definitions relevant to this Chapter include:

**Abandonment**—The desertion or willful forsaking of an adult by anyone having care or custody of that person under circumstances in which a reasonable person would continue to provide care and custody (**R.S.1503 (1)**).

**Abuse**—The infliction of physical or mental injury, or actions which may reasonably be expected to inflict physical injury, on an adult by other parties, including but not limited to such means as sexual abuse, abandonment, isolation, exploitation, or extortion of funds or other things of value (**R.S.1503 (2)**).

**Adult**—Any individual eighteen years of age or older, or an emancipated minor who, due to a physical, mental, or developmental disability or the infirmities of aging, is unable to manage his own resources, carry out the activities of daily living, or protect himself from abuse, neglect, or

exploitation (**R.S.1503 (3)**).

**Exploitation**—The illegal or improper use or management of an aged person's or disabled adult's funds, assets, or property, or the use of an aged person's or disabled adult's power of attorney or guardianship for one's own profit or advantage (**R.S.1503 (7)**).

**Extortion**—The acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority (**R.S.1503 (8)**).

**Isolation**—Intentional acts, including physical or chemical restraints or to restrict, place or confine an adult in a restricted area for the purpose of social deprivation, committed for the purpose of preventing, and which do serve to prevent, an adult from having contact with family, friends, visitors, concerned persons or from receiving mail or telephone calls. This shall not be construed to affect a legal restraining order or medical isolation prescribed by a licensed physician caring for the adult (**R.S.1503 (9)**).

**Neglect**—The failure, by a caregiver responsible for an adult's care or by other parties, to provide the proper or necessary support or medical, surgical, or any other care necessary for his/her well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused (**R.S.1503 (10)**).

**Sexual Abuse**—When the adult is forced, threatened, or otherwise coerced by a person into sexual activity or contact, or the adult is involuntarily exposed to sexually explicit material, sexually explicit language, sexual activity or contact, or the adult lacks the capacity to consent, and a person engages in sexual activity or contact with that adult (**R.S.1503 (13)**).

#### **MANDATORY REPORTING REQUIREMENTS**

3. Members of the New Orleans Police Department are considered mandatory reporters. If during the course of an investigation, an officer has reasonable cause to believe that an adult's physical or mental health or welfare has been or may be further adversely affected by abuse, neglect or exploitation, the officer shall take a report as soon as reasonably practicable (**R.S. 15:1504(A)**).
4. Upon receipt of an adult abuse report from an adult protection agency, the officer shall initiate an investigation, document it in an incident report and notify the referring adult protection agency of the disposition of the report (**R.S. 15:1506(C)**).
5. Any person who is required to report the abuse or neglect of an adult and who knowingly and willfully fails to report, obstructs the investigation, provides false information or who retaliates against a person who reports abuse may be guilty of a crime (**R.S. 14:403.2**).

#### **DOMESTIC VIOLENCE UNIT RESPONSIBILITIES**

6. The ISB – CID – SVS – Domestic Violence Unit is responsible for the following:
  - (a) Referring and providing a copy of the abuse report to the appropriate adult protection agency or as required by state law (**R.S. 15:1506(A)**).
  - (b) Retaining the original adult abuse report with the initial case file.

#### **RESPONSIBILITY OF THE PATROL OFFICER**

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

8. The patrol officer's responsibility is to:
  - (a) Provide an emergency response, including attending to medical needs;
  - (b) Inquire about the identity and location of the suspect;
  - (c) Preserve evidence;
  - (d) Request Communication Services contact a Domestic Violence detective if one is not already on scene; and
  - (e) Communicate observations and consult with the Domestic Violence detective who shall have the discretion to respond to the scene after hours.
9. Officers may be called upon to effect a forced entry as the first responder to the scene of suspected adult abuse or neglect. Entry should be immediate when it appears reasonably necessary to protect life or property. When the need for an emergency entry is not evident, officers should seek supervisory approval.

### INITIAL RESPONSE

10. Officers must quickly assess the situation to ensure the immediate safety of all persons. As part of the initial response, patrol officers shall:
  - (a) Make contact with the reporting person as soon as possible to address safety concerns and summon emergency medical assistance if needed;
  - (b) Evaluate the scene for people, vehicles, or objects involved as well as possible threats;
  - (c) Relay all vital information to responding officers, supervisors, and detectives, including any possible language barriers; and
- (d) When appropriate and necessary, patrol officers shall begin a search for the suspect and temporarily detain or arrest the suspect as appropriate based on evidence of probable cause.
11. Officers investigating instances classified as adult abuse shall notify Communications Services to contact members of the Domestic Violence Unit. Domestic Violence Unit personnel shall consult and assist responding officers in cases involving neglect and abuse of the elderly. It shall be at the discretion of the Domestic Violence Unit Commander if the Domestic Violence Unit will be called out after hours to assist district officers with cases involving adult abuse and neglect.

### NOTIFICATION

12. The responding / reporting / investigating officer shall notify the appropriate adult protection agency as soon as possible and make information regarding the investigation available if the Domestic Violence Unit member does not assume the investigation. **(R.S. 15:1506(A))**.
13. The Department of Health and Hospitals and Adult Protective Services shall be notified through Communications Services immediately when an incident occurs regarding Adult Abuse. (800-898-4910 or 225-342-9069).
14. The Domestic Violence Unit shall be notified in cases of adult abuse. Immediate response will be at the discretion of the Domestic Violence Unit detective. The following persons should be considered for notification, via Communications Services, if it appears an in-depth investigation is required and the Domestic Violence Unit member is not yet on scene or if it will be handled by the responding officer:
  - (a) District Patrol supervisor
  - (b) District Investigations Unit personnel
  - (c) Parish or State Adult Protective Services Agency personnel

(d) Victim advocate

15. Reporting / responding officers shall notify and forward all arrest and non-arrest cases of adult abuse and neglect to the Domestic Violence Unit via email to [Domestic\\_Violence\\_GRP@nola.gov](mailto:Domestic_Violence_GRP@nola.gov). It shall be the Domestic Violence Unit's responsibility to conduct any necessary follow-up investigation and consultation with the District Attorney's Office in arrest and non-arrest instances regarding cases involving adult abuse and neglect.

### COURT ORDERS

16. In any situation where an officer has reasonable cause to believe that an adult is at immediate and present risk of substantial harm or deterioration from abuse, neglect, or self-neglect, and the adult lacks the capacity to consent, or with the consent of an adult who has capacity, the handling officer shall contact the Department of Health and Hospitals and Adult Protective Services to petition the court to obtain an order to provide emergency protective services (**R.S. 15:1511(A)**).
17. If the Department of Health and Hospitals and Adult Protective Services is unwilling or unable to obtain a court order of protection, the Domestic Violence Unit member should attempt to obtain the court order on the victim's behalf when possible. Action taken by the DVU investigator shall be documented in any related report.
18. The officer may advise relatives, family members or friends to contact the Department of Health and Hospitals and Adult Protective Services or the District Attorney to file a petition to have a court hearing regarding the abused adult (**R.S. 15:1508(A)**).
19. A parent or grandparent who is being abused by an adult child or adult grandchild may file a petition in the district court seeking a court protective order (**R.S. 9:575**).

### ADULT ABUSE REPORTING

20. Every allegation of adult abuse shall be documented in an incident report. When documenting adult abuse cases, include, at minimum (**R.S. 15:1505(B)**):
- (a) The name, address and approximate age of the adult.
  - (b) The name and address of the person responsible for his/her care, if there is one.
  - (c) The name and address, if available, of the person who is alleged to have abused, neglected or exploited the adult.
  - (d) The nature and extent of the alleged abuse, neglect or exploitation.
  - (e) Any evidence of previous injuries.
  - (f) The basis of the reporting officer's belief that the adult has been abused neglected or exploited.
  - (g) The time and date the Department of Health and Hospitals and Adult Protective Services was notified.
  - (h) Whether the victim was removed from the location.
  - (i) Any other information that would assist in the investigation of the report.
21. Reporting cases of adult abuse is confidential and will only be released as per the Security and Release of Records Policy (**R.S. 14:403.2(B)**).

### ADULT ABUSE IN A CARE FACILITY

22. Officers shall investigate and report all allegations relating to the abuse, neglect or exploitation of an adult in a care facility or under the care of a facility to the Department of Health and Hospitals and Adult Protective Services.

**DHH ADULT PROTECTIVE SERVICES CONTACT INFORMATION**

23. To report adult or adult abuse, employees or the public may call the APS Statewide Hotline at 1-800-259-4990 (**for ages 60 and over**) or 1-800-898-4910 (**for ages 18-59**) or contact a regional APS office.
24. For questions or information, the public may call the Department of Health and Hospitals and Adult Protective Services at 800-898-4910 or 225-342-9069. Additional information may be found on the Internet at: <http://new.dhh.louisiana.gov/>.