

HONOLULU POLICE DEPARTMENT

POLICY LAW ENFORCEMENT OPERATIONS

May 21, 2019

Policy Number 4.19

VULNERABLE ADULT ABUSE

POLICY

Cases of abuse, neglect, and exploitation of vulnerable adults shall be handled in accordance with state law and the procedures outlined herein.

PROCEDURE

I. DEFINITIONS

- A. Abuse: Any of the following, separately or in combination: physical abuse, psychological abuse, sexual abuse, financial exploitation, caregiver neglect, or self-neglect as further defined in Section 346-222, Hawaii Revised Statutes (HRS).
- B. Vulnerable adult: A person eighteen years of age or older who, because of mental, developmental, or physical impairment, is unable to:
 - 1. Communicate or make responsible decisions to manage the person's own care or resources;
 - 2. Carry out or arrange for essential activities of daily living; or
 - 3. Protect oneself from abuse.

II. INVESTIGATION

- A. Initial Investigation
 - 1. When a report of vulnerable adult abuse is received, a beat officer shall be assigned to conduct the initial investigation.
 - 2. The officer shall investigate and prepare a written report.

3. The case shall be classified according to the applicable criminal act (e.g., abuse of family or household member, sexual assault, etc.).

If no other underlying criminal offense exists, the case may be classified as endangering the welfare of an incompetent person when the perpetrator "acts in a manner likely to be injurious to the physical or mental welfare of a person who is unable to care for himself or herself because of physical or mental disease, disorder, or defect" (see Section 709-905, HRS).

- B. When a case remains open after the initial investigation, it shall be forwarded in the Case Report System to the appropriate investigative detail. Refer to Policy 4.29, CRIME SCENE: INVESTIGATIVE RESPONSIBILITIES AND PROCEDURES.

III. NOTIFICATION PROCEDURES

- A. As required by Section 346-224, HRS, the initial officer shall telephonically report all cases of actual or suspected abuse to the Adult Protective Services (APS), Hawaii Department of Human Services, at the number listed on the attachment.
- B. The officer making the telephonic notification shall provide the following information to the APS: police report number; case classification; name of victim; why the victim is a vulnerable adult (e.g., bedridden or a person with an intellectual disability); the suspected perpetrator's name, address, and telephone number; and the same information (if available) for the reporting person.
- C. The officer making the telephonic notification to the APS shall also document the circumstances of the notification to the APS in his or her written report (i.e., the date, time, person contacted, and the response from the APS).

IV. POLICE ASSISTANCE IN RIGHT OF ENTRY

- A. Under Section 346-229, HRS, an APS employee engaged in a vulnerable adult abuse investigation is authorized to visit and communicate with the vulnerable adult. Any person who intentionally or knowingly obstructs or interferes with the APS employee's access or communication with the vulnerable adult is in violation of this section.

An officer who has probable cause may enforce this section with an arrest.

- B. Also under Section 346-229, HRS, if an APS worker engaged in an investigation has probable cause to believe that a vulnerable adult will be physically injured through abuse before a court order can be obtained, the APS employee may, without a warrant, enter the premises where the vulnerable adult may be found to ascertain that person's welfare.
1. Where a warrantless entry is authorized under Section 346-229, HRS, the APS employee may request the assistance of a police officer to gain entrance to the premises.
 2. In a case of this sort, the supervisor at the scene shall make a determination about the type and degree of force necessary to effect entry. This determination must be based on the totality of the circumstances, including the threat to the life of the vulnerable adult.

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3. If appropriate, the officer may recommend that the APS employee obtain the services of a locksmith in order to avoid property damage and trauma to the vulnerable adult.

A handwritten signature in black ink that reads "Susan Ballard". The signature is written in a cursive, flowing style.

SUSAN BALLARD
Chief of Police

Attachment

Post on bulletin
board for one week

Policy first issued
November 25, 1997

**May 21, 2019
Attachment**

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TELEPHONE CONTACT INFORMATION

Adult Protective Services (APS) 24-hour hotline

832-5115