



CLEVELAND DIVISION OF POLICE

GENERAL POLICE ORDER



EFFECTIVE DATE: JUNE 20, 2023	CHAPTER: 5- Field Investigations	PAGE: 1 of 3	NUMBER: 5.15.01
SUBJECT: REPORTING ABUSE, NEGLECT, OR MISAPPROPRIATION OF PROPERTY OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES			
<i>Dornat A. Drummond, Chief</i>			

This order has been revised in its entirety

PURPOSE: To provide compliance by the Cleveland Division of Police with Ohio Revised Code (ORC) 5123.61; Reporting Abuse, Neglect and other Major Unusual Incidents.

POLICY: It is the policy of the Cleveland Division of Police that its members shall investigate and appropriately report all observations and allegations of abuse, neglect or misappropriation of property of individuals with developmental disabilities.

DEFINITIONS:

Abuse - the use of physical force that can reasonably be expected to result in physical harm or serious physical harm; sexual abuse; verbal abuse.

Cuyahoga County Board of Developmental Disabilities (Cuyahoga DD) - the department responsible for investigating reports of abuse, neglect or misappropriating property of individuals with developmental disabilities.

Developmental Disability - a severe, chronic disability that is characterized by all of the following: It is attributable to a mental or physical impairment or a combination of mental and physical impairments; It is manifested before age twenty-two; It is likely to continue indefinitely; It results in one of the following: In a person under three years of age, at least one developmental delay, or a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay; In a person between three years of age but under six years of age, at least two developmental delays; In a person six years of age or older, a substantial functional limitation in at least three of the following areas of major life activity, as appropriate for the person's age: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and, if the person is at least sixteen years of age, capacity for economic self-sufficiency.

Misappropriation - depriving, defrauding, or otherwise obtaining the real or personal property of an individual by any means prohibited by the Revised Code, including violations of Chapter 2911 or 2913 of the Revised Code.

Neglect - when there is a duty to do so, failing to provide an individual with any treatment, care, goods, or services that are necessary to maintain the health and safety of the individual.

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PROCEDURES:

I. Member responsibilities

- A. Members who respond to, observe, or are made aware of abuse, neglect or misappropriation of property of an individual with developmental disabilities shall investigate, document, and report such incidents. The following procedures shall be followed:
1. Request EMS to respond if the individual has sustained physical injuries that require medical treatment or the caretaker has failed to provide medical treatment to the individual.
 2. Notify a supervisor.
 3. Notify the Cuyahoga County Board of Developmental Disabilities (Cuyahoga DD); Major Unusual Incidents (MUI) reporting line 24/7 for abuse, neglect, or misappropriation of property at (440) 333-6841.
 4. Create an incident report that shall include:
 - a. The basis of the officer's belief that the individual with a developmental disability has been abused, neglected, or was a victim of misappropriation of their property.
 - b. Nature and extent of suspected abuse, neglect, or misappropriation of property.
 - c. Name, address, age, date of birth, social security number, and phone number of victim if applicable.
 - d. Name, address and phone number of guardian, caretaker, or nearest family member.
 - e. A description of any potentially dangerous situations that may pose a threat to Cuyahoga DD personnel investigating the case.
 - f. Name of the Cuyahoga DD personnel that was notified.
 - g. A list of any other notifications made (e.g., agencies, hospitals, relatives, etc.).
 5. If the individual with developmental disabilities is under the age of twenty-two (22) years, and the offense involves suspected abuse and/or neglect, in addition to Cuyahoga DD, members shall notify the Department of Children and Family Services (DCFS) at (216) 696-KIDS and the report shall be forwarded via "ASSIGNED BUREAU" in Field Based Reporting (FBR) to the Sex Crimes/Child Abuse Unit. This information shall also be included in the narrative of the report.

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II. Supervisor Responsibilities

A. Supervisors shall:

1. Respond to the scene of apparent or suspected abuse or neglect of individuals with developmental disabilities to ensure appropriate actions are taken and notifications are made.
2. Determine if emergency removal is necessary.

III. Emergency Removal:

- A. Individuals with developmental disabilities shall not be removed from those who have guardianship of them unless, in the judgment of the supervisor, removal is necessary to safeguard the individual (i.e., signs of abuse or neglect are apparent). This does not infringe on an officer's duty to take proper police action in emergency or life-threatening situations. If emergency action is required, the officer shall contact the Cuyahoga DD and inform them that emergency action is being taken, and why.
- B. In instances where emergency removal is necessary, officers shall request EMS to transport the individual to a hospital for an evaluation.
- C. Once the individual is transported safely to a hospital, officers shall document the name of the hospital and the name of the medical staff member whose care they were left in. This information shall be noted in the incident report.

IV. Assisting Cuyahoga DD

- A. When representatives from the Cuyahoga DD determine it is necessary to remove individuals from unsafe or abusive situations, members shall provide assistance in safely removing those individuals.

V. Confidentiality:

Reports under ORC 5123.61 are not public record. These reports are only available to the individual or their legal counsel, to the court, and entities investigating the incident.

THIS ORDER SUPERSEDES ANY PREVIOUSLY ISSUED DIRECTIVE OR POLICY FOR THIS SUBJECT AND WILL REMAIN EFFECTIVE UNTIL RESCINDED OR SUPERSEDED.