



HOWARD COUNTY DEPARTMENT OF POLICE

GENERAL ORDER OPS-72 VULNERABLE ADULTS POLICY

EFFECTIVE APRIL 21, 2007

This General Order contains the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. REPORTING PROCEDURES
- IV. INVESTIGATIVE PROCEDURES
- V. VICTIM ASSISTANCE
- VI. CANCELLATION

I. POLICY

The Howard County Department of Police (HCPD) shall ensure the safety and security of all citizens of Howard County, which includes elderly citizens, as well as other vulnerable adults. The HCPD shall coordinate the investigation of reported abuse and/or neglect of these citizens in collaboration with the Howard County Office on Aging and Department of Social Services-Adult Protective Services (APS).

II. DEFINITIONS

- A. Abuse - The sustaining of any physical injury by a vulnerable adult as a result of cruel or inhumane treatment or as a result of a malicious act by any person, which may include verbal and mental abuse.
- B. Assisted Living Facility- A licensed residential facility that provides twenty-four (24) hour care for vulnerable adults and are one of the following:
 - 1. Small Facility, usually a residential house that serves one (1) to sixteen (16) residents.
 - 2. Large Facility, a facility that serves seventeen (17) or more residents.
- C. Care Giver- A person under a duty to care for a vulnerable adult because of a contractual undertaking to provide care.
- D. Department of Mental Health & Hygiene, Office of Health Care Quality- Licenses nursing care facilities and assisted living facilities.
- E. Exploitation - Any action which involves the misuse of a vulnerable adult's funds, property, or person.
- F. Family Care Giver- A relative by blood, marriage, adoption, or the marriage of a child, who is responsible for the care of a vulnerable adult.
- G. Guardian- A person to whom guardianship of a vulnerable adult has been given by order of court, including a court other than a juvenile court.
- H. Neglect - The willful deprivation of a vulnerable adult of adequate food, clothing, essential medical treatment or therapy, shelter, or supervision.
- I. Nursing Care Facility- A licensed facility that admits patients suffering from diseases, disabilities, or advanced age, which require twenty-four (24) hour medical and nursing services, rendered by or under the supervision of a registered nurse.
- J. Ombudsman- A government official who is an advocate for residents in long term care facilities, such as nursing homes and assisted living facilities; investigates and resolves problems and complaints, such as abuse and neglect, in long term care facilities.

- K. Self-neglect- The inability of a vulnerable adult to provide himself with the services that are necessary for his physical and mental health and the absence of which, impairs or threatens the vulnerable adult's well-being.
- L. Vulnerable Adult- A person, over the age of eighteen (18), who lacks the physical or mental capacity to provide for the adult's daily needs, which may include the elderly.

III. REPORTING PROCEDURES

- A. An incident report shall be completed, consistent with the Annotated Code of Maryland, Family Law Article § 14-302, when any officer who contacts, attends or treats an alleged vulnerable adult, and who has reason to believe that he or she has been subjected to abuse, neglect, self-neglect, or exploitation.¹
- B. In any case where the alleged offense/incident involving a vulnerable adult is not known, the officer shall classify the report as "Vulnerable Adult Incident". In instances where the alleged offense/incident is known, (eg. assault, fraud) the secondary offense code will be "Vulnerable Adult Incident". This will help to ensure proper tracking and follow up.
- C. Officers shall respond, investigate and document all reports of vulnerable adult neglect, exploitation, self-neglect or abuse at an Assisted Living Facility, Nursing Care Facility or a private residence consistent with the Annotated Code of Maryland, Family Law Article, and this policy. The area supervisor shall be notified when the following exists:²
 - 1. Officers will assess the condition of the vulnerable adult, and if necessary, render aid and ensure that the victim is taken to a medical facility by requesting an ambulance respond to the scene. If the resident/victim needs to be removed from the residence/facility and taken to a hospital for medical treatment the following persons may authorize treatment:
 - a. Resident/Victim
 - b. Guardian or Relative
 - c. Resident/Victim's responsible party
 - 2. Officers shall document all cases of unsafe living conditions, unsanitary living conditions, unsupervised patients, an unlicensed facility, and/or an overcrowded facility that he recognizes while at any of the following:
 - a. Assisted Living Facility
 - b. Nursing Care Facility
 - c. Private Residence
- D. Resident care and/or environmental concerns shall be reported to the Ombudsman Program, Howard County Office on Aging.
- E. The officer's incident report should include the following at a minimum:³
 - 1. Name, age and home address of the vulnerable adult

¹ CALEA 82.2.1 a

² CALEA 82.2.1 a

³ CALEA 82.2.1 c

2. Name and home address of the care giver caring for the vulnerable adult
 3. Location of the vulnerable adult
 4. Nature of the vulnerable adult's incapacity
 5. Nature and extent of the vulnerable adult's abuse, neglect, exploitation, or self-neglect
 6. Prior call and medical history
 7. License information of the facility
 8. Photographs
 9. Description of the scene
 10. If person was transported and received medical treatment
 11. Attending physicians information (for a subpoena of medical records)
- F. The area supervisor, if notified, shall respond to the scene and determine if notifications need to be made to the on duty/call Criminal Investigations Bureau (CIB) supervisor and/or APS. The officer shall stand by at the scene, if there is a need for CIB and/or APS to respond.
- G. The Records Section shall be responsible for forwarding a copy of the incident report to each of the following:
1. Howard County Office on Aging, Ombudsman Program
 2. Department of Social Services-Adult Protective Services (APS)
 3. CIB
- H. The CIB Commander, or his designee, shall review the incident report, determine if a justified intervention is in order, determine case responsibility, and forward a copy to the States Attorney's Office, if the case is assigned to CIB or an arrest is made. The investigation, at the discretion of the CIB Commander, may be a collaborative effort between the above listed agencies.
- I. In the event a case is forwarded by another agency (eg. APS, Office on Aging), the CIB Commander, or his designee, will review and determine if a patrol or CIB response is required.

IV. INVESTIGATIVE PROCEDURES

- A. Physical Abuse Investigations
1. Physical abuse may consist of bruises, abrasions, lacerations, fractures, burns, or other physical trauma. Injuries may appear minor in nature, while others require medical treatment or hospitalization. Due to pre-existing medical conditions impacting elderly or disabled persons, it may not be apparent if injuries are accidental or intentionally inflicted. It may be necessary to review medical records and consult with trained professionals before a determination can be made. In those cases, it is still critical that officers document and photograph injuries as soon as possible.⁴ It may be necessary to return to the home after a few days to document and photograph the condition of bruises, as the appearance will change over time.

⁴ CALEA 42.2.1 a

2. It is important to interview the victim alone when possible.⁵ The presence of a family member or caregiver may inhibit the victim from providing information, particularly if the person is responsible for the abuse.⁶ While not necessarily an indication of abuse, officers should be alerted of a caregiver or family member who is reluctant to have vulnerable adult meet alone with police. Do not disregard statements made by a person believed to be suffering from dementia or Alzheimer's disease.⁷ They may have periods when they are lucid, particularly in the early stages of the disease.
3. Contact and interview all potential witnesses.⁸ If the location provides housing or temporary care for multiple vulnerable adults, look for signs indicating patterns of behaviors.⁹ All suspect(s) interviews should be recorded by audiotape and a written statement obtained. If the interview location is a police facility, a video recording is recommended. Be alert for inconsistencies or stories that don't seem plausible.¹⁰

B. Neglect Investigations

1. Neglect may include a failure to provide adequate food, clothing, medicine/medical treatment, shelter or supervision to a vulnerable adult. In a residential setting, check to see if there is an adequate supply of food in the refrigerator and/or cabinets and ask the adult how often they are fed.¹¹ Look for signs of malnourishment, such as vulnerable adult being severely underweight and dehydrated.
2. Interview neighbors to determine patterns of behavior, such as grocery shopping, lawn care and trash removal.¹²

C. Financial Exploitation Investigations

Financial exploitation is the illegal or improper act of an individual or caregiver using the resources of a vulnerable adult for personal gain or benefit. Officers and supervisors are encouraged to contact members of the Fraud Unit for guidance. Obtain bank account information, as subpoenas may be requested to verify account activity. Determine if the victim has been declared incompetent by a physician or the court. Conduct a financial profile on the suspect to determine assets and financial transactions, which may parallel monies being exploited from the victim. If assistance obtaining credit or bank information is needed contact a member of CID for assistance.

D. Evidence Collection¹³

1. In serious cases, contact Forensic Services to arrange for evidence collection and photographs.
2. The following may be collected as evidence:
 - a. Medical records
 - b. Financial records
 - c. Pharmacy records and/or medication logs
 - d. Communication recording (911 tapes)

⁵ CALEA 42.2.1 d

⁶ CALEA 42.2.1 d

⁷ CALEA 42.2.1 d

⁸ CALEA 42.2.1 b & d

⁹ CALEA 42.2.1 a

¹⁰ CALEA 42.2.1 d

¹¹ CALEA 42.2.1 a

¹² CALEA 42.2.1 b & d

¹³ CALEA 42.2.1 c

V. **VICTIM ASSISTANCE**¹⁴

In many cases, victims of abuse only want officers to stop the violence. Officers should make it clear to all parties that vulnerable adult abuse is a crime, regardless of their relationship with the suspect, and will be dealt with accordingly. Officers shall ensure that all victims are provided with the appropriate assistance consistent with HCPD General Order OPS-24 Victim Assistance.

- A. In the event a warrantless arrest cannot be lawfully affected, officers will review the charging process with the victims and are strongly encouraged to apply for the statement of charges or help facilitate the application process, if needed.
- B. Officers will provide victims with the victim assistance pamphlet regardless of whether an arrest occurred.
- C. Officers will explain the protective order application process to the victim.
- D. Officers will explain to the victim how to obtain a copy of the police report. The Records Section will provide copies of the police reports at no charge to victims.

VI. **CANCELLATION**

This General Order cancels and replaces Standard Operating Procedure 91-04 PAT-18, Care Home Facilities dated September 23, 1991.

Authority:


William J. McMahon
Chief of Police

¹⁴ CALEA 55.2.3