



GENERAL ORDER OPS-72 VULNERABLE ADULTS

EFFECTIVE OCTOBER 6, 2021

This General Order contains the following numbered sections:

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- II. DEFINITIONS
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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 and 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 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 may be a:
 - 1. Small facility, usually a residential house that serves one (1) to sixteen (16) residents; or
 - 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. Exploitation: Any action that involves the misuse of a vulnerable adult's funds, property, or person.
- E. 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.
- F. 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.
- G. Maryland Department of Health, Office of Health Care Quality: Body that licenses nursing care and assisted living facilities.
- 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 that 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, who investigates and resolves problems and complaints such as abuse and neglect.

- 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 his 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 has reason to believe that he has been subjected to abuse, neglect, self-neglect, or exploitation.
 - 1. In any case where the alleged primary offense or incident involving a vulnerable adult is not known, the officer shall classify the report as a "Vulnerable Adult Incident".
 - 2. In instances where the alleged offense or incident is known, eg. assault or fraud, the secondary offense code will be "Vulnerable Adult Incident".
- B. 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 private residence consistent with the Annotated Code of Maryland, Family Law Article, and this policy.
 - 1. The area supervisor shall be notified when officers 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 to 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; or
 - 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 while at an assisted living facility, nursing care facility, or a private residence.
- C. Resident care and/or environmental concerns shall be reported to the Ombudsman Program, Howard County Office on Aging.
- D. The incident report should include at a minimum:
 - 1. Name, age, and home address of the vulnerable adult;
 - 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 the person was transported and received medical treatment; and
 11. Attending physician's information, for a subpoena of medical records.
- E. The area supervisor, if notified, shall respond to the scene and determine if notifications need to be made to the Criminal Investigations Command supervisor and/or APS. The officer shall stand by at the scene if there is a need for CIB and/or APS to respond.
- F. Supervisors shall ensure copies of any report documenting vulnerable adult abuse are forwarded to the Senior Liaison in the Community Outreach Section.
1. Upon review of the report, the Senior Liaison shall forward the report to the Department of Social Services APS
 2. The Senior Liaison may also forward the report to additional resources, including but not limited to the Howard County Office on Aging, Ombudsman Program; and the Major Crimes Bureau; as appropriate.
- G. The Violent Crimes Section Supervisor 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 the Violent Crimes Section or an arrest is made.
1. The Violent Crimes Section Supervisor shall coordinate with other Criminal Investigations Command units, i.e. Domestic Violence, Financial Crimes, etc., as appropriate.
 2. The investigation, at the discretion of the Violent Crimes Section Supervisor, may be a collaborative effort between the above listed agencies.
- H. In the event a case is forwarded by another agency, eg. APS or the Office on Aging, the Violent Crimes Section Supervisor or his designee will review and determine if a patrol or Violent Crimes response is required.

IV. INVESTIGATIVE PROCEDURES

- A. Physical Abuse Investigations
1. Physical abuse may consist of but not be limited to bruises, abrasions, lacerations, fractures, burns, or other physical trauma. Some injuries may appear minor in nature, while others require medical treatment or hospitalization.
 2. 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.
 - a. In those cases, it is still critical that officers document and photograph injuries as soon as possible.
 - b. 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.
 3. It is important to interview the victim alone when possible. The presence of a family member or caregiver may inhibit the victim from providing information, particularly if the person is responsible for the abuse.

- a. 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.
 - b. Do not disregard statements made by a person believed to be suffering from dementia or Alzheimer's disease. They may have periods when they are lucid, particularly in the early stages of the disease.
4. Contact and interview all potential witnesses. If the location provides housing or temporary care for multiple vulnerable adults, look for signs indicating patterns of behaviors.
- a. All suspect interviews should be recorded by audiotape and a written statement obtained. If the interview location is a police facility, a video recording is recommended.
 - b. Be alert for inconsistencies or stories that don't seem plausible.
- B. Neglect Investigations
- 1. Neglect may include a failure to provide adequate food, clothing, medicine or medical treatment, or shelter or supervision to a vulnerable adult.
 - a. 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.
 - b. 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.
- C. Financial Exploitation Investigations
- 1. 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.
 - 2. 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.
 - 3. Officers and supervisors are encouraged to contact members of the Financial Crimes Section for guidance or assistance obtaining credit or bank information.
- D. Evidence Collection
- 1. In serious cases, contact the Forensic Sciences Division 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; and

d. 911 recordings.

V. VICTIM ASSISTANCE

- A. In many cases, victims of abuse only want officers to stop the violence. Officers should:
1. 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; and
 2. Ensure that all victims are provided with the appropriate assistance consistent with General Order OPS-24, Victim Assistance.
- B. 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.
- C. Officers will:
1. provide victims with the victim assistance pamphlet regardless of whether an arrest occurred;
 2. Explain the protective order application process to the victim; and
 3. 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 General Order OPS-72, Vulnerable Adult Policy, dated April 21, 2007.

Authority:


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Chief of Police