

<b>PALM BEACH GARDENS POLICE DEPARTMENT</b>		
<b>VULNERABLE ADULT PROTOCOL</b>		
<b>POLICY AND PROCEDURE 4.2.1.35</b>		
<b>Effective Date :</b> 01/01/11	<b>Accreditation Standards:</b> CALEA CFA	<b>Review Date:</b> 01/01/2013

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**PURPOSE:** To ensure the provision of appropriate services when deemed necessary for the defined elderly and/or disabled vulnerable adults as set forth in F.S. 825.101 and F.S. 415.102.

**SCOPE:** This policy applies to all investigations of allegations of abuse, neglect, or exploitation of the elderly and/or disabled vulnerable adult.

**REVIEW RESPONSIBILITY:** Investigations and Patrol Operations Bureau Majors

**POLICY:** This Department shall follow the operational protocols for the joint investigation of abuse reports involving both criminal and adult protective allegations as addressed in the Memorandum of Understanding/Working Agreement with the law enforcement agencies within Palm Beach County, the State Attorney's Office, Adult Protective Services (APS) and the Florida Department of Children and Families (DCF).

## **1. OBJECTIVES**

The protocol is pursuant to Florida Statute, 415.1045(6) and is intended to:

- a. Facilitate standard, consistent and thorough investigations of allegations of abuse, neglect, or exploitation of the elderly and/or disabled vulnerable adult.
- b. Maximize resources through a joint investigative process.
- c. Coordinate wherever possible interviews of the elderly and/or disabled vulnerable adults who are victims of abuse, neglect, or exploitation to minimize unnecessary inconvenience to the victim.
- d. Facilitate the orderly collection of evidence in the criminal investigative process.
- e. Ensure the provision of appropriate services when deemed necessary for the elderly and/or disabled vulnerable adults.
- f. Provide a forum for on-going communication and resolution of issues involving the safety of the elderly and/or disabled vulnerable adults in this community and to foster an effective collaboration among:
  - i. Law Enforcement Agencies
  - ii. Office of the State Attorney/Elder Abuse Unit
  - iii. Judiciary
  - iv. Domestic Violence Providers

- i. Adult Protection Team
- ii. Florida Department of Children and Families' (DCF) Adult Protective Services Program, and the Substance Abuse & Mental Health Program and its providers

## 2. PROCEDURES

- a. The Chief of Police shall designate a "Vulnerable Adult Specialist". The designee should possess subject matter expertise and meet quarterly with the Interagency Implementation and Management Team to provide a forum for on-going communication, resolution of issues and development of additional training needs.
- b. The Department of Children and Families (DCF) Abuse Hotline is responsible, as required by Florida Statute 415, for accepting reports of abuse, neglect, or exploitation of elderly and/or disabled vulnerable adults and transmitting each report to the county where the elderly and/or disabled vulnerable adult (victim) is located.
- c. The assigned DCF Adult Protective Investigator (API) shall immediately orally notify and send a copy of the initial intake report, as required by Florida Statute 415, to the Palm Beach Gardens Police when DCF has reason to believe that the abuse, neglect, or exploitation has occurred within the City of Palm Beach Gardens.
- d. The API shall immediately notify, as required by Florida Statute 415, the Palm Beach Gardens Police in writing when there is reasonable cause to suspect that an elderly and/or disabled vulnerable adult (victim) died as a result of abuse, neglect, or exploitation that occurred in the City of Palm Beach Gardens.
- e. The shift Sergeant shall review the abuse report and determine whether a criminal investigation is warranted. The Patrol Sergeant may contact the Detective Sergeant to review the case and request a detective be assigned if warranted.
- f. If a criminal investigation is deemed warranted by the Sergeant(s) or assigned investigator, the Elder Abuse Prosecutor of the Office of the State Attorney shall be notified immediately. This will allow for issues including the victim's capacity to testify and evidence collection to be coordinated as early as possible in the investigative process.
- g. If the Sergeant(s) or assigned investigator determines that a criminal investigation is warranted as a result of the death of a vulnerable adult, the Major Violent Crimes Division of the Office of the State Attorney shall be contacted immediately. The assigned investigator from the Office of the State Attorney shall notify the designated Elder Abuse Prosecutor as necessary in a timely manner.
- h. If a criminal investigation is initiated, the criminal investigation shall be coordinated with the adult protective investigation to proceed concurrently with, and not be hindered by, the protective investigation.
- i. Evidence gathered in criminal investigations shall be handled according to the procedures of the agency having jurisdiction where the alleged offense occurred.
- j. During the course of joint investigations with DCF, the parties will share information whenever possible. Any information received from the Palm Beach Gardens Police by DCF shall become a permanent part of the case record and as such is confidential and shall be exempt from the production pursuant to s. 119.07 (1) and may not be disclosed except as specifically authorized by ss. 415.101-415.113 in accordance with s. 415.107(1), F.S.
- k. If the Palm Beach Gardens Police requests that the API not interview the possible responsible person (suspect), that request shall be honored. The API shall then document the date and the time of the request, the person making the request and the reason for the request. The Palm Beach Gardens Police agrees to advise the API when the interview may be conducted and shall, when appropriate, share the results of any interview conducted by the Palm Beach Gardens Police. Every effort shall be made to preserve the confidentiality of the criminal investigation.

- l. The Palm Beach Gardens Police shall facilitate transportation and any additional emergency services.
- m. The API shall be responsible for assessing the immediate safety of the elderly and/or disabled vulnerable adult. If the API determines the elderly and/or disabled vulnerable adult is in need of emergency protective services, Palm Beach Gardens Police may be contacted for assistance. If the API determines that Palm Beach Gardens Police assistance is needed, it shall be considered a priority call and an assigned officer/investigator shall meet the API at the location of the elderly and/or disabled vulnerable adult within 30 minutes. If it is more than 30 minutes, the assigned officer/investigator shall contact the API with the estimated time of arrival. It shall be the responsibility of the API to determine the need for services and request any social services deemed necessary to support the elderly and/or disabled vulnerable adult. The Palm Beach Gardens Police shall provide input and/or recommendations to the API.

### **3. SHARING INFORMATION**

- a. Pursuant to section 415.1045(6) F.S., the Palm Beach Gardens Police Department, while conducting any criminal investigation arising from an allegation of abuse, neglect, or exploitation of an elderly and/or disabled vulnerable adult, is authorized to share with API's Florida criminal history information accessed through the Florida Crime Information Center (FCIC). DCF agrees not to further disseminate this information in the absence of an order from a court of competent jurisdiction requiring it to do so.
  - i. Such information may be used only for the furtherance of a specific adult protective investigation, including the emergency placement of an elderly and/or disabled vulnerable adult.
  - ii. Such information shall be timely provided without charge.
  - iii. Such information may be provided by the assigned officer/investigator.
  - iv. The release of such information shall be documented in accordance with applicable Florida Department of Law Enforcement/FCIC procedures.
- b. Within statutory guidelines, the Palm Beach Gardens Police shall, upon request, provide to the designated API a copy of all initial law enforcement reports pertaining to an elderly and/or disabled vulnerable adult (victim) or possible responsible person (suspect) under investigation to the extent that the documents are public records and are not part of an active criminal investigation, including one relating to domestic violence. Narrative descriptions and any subsequent, supplemental, or related reports shall be provided.
- c. After the case has been closed or presented to the State Attorney, the Palm Beach Gardens Police shall, within five (5) working days after completing their investigation, provide to the designated API a report of the criminal investigation findings.
- d. Within statutory guidelines, the API shall provide copies of protective investigation reports to the Palm Beach Gardens Police to conduct the criminal investigation. Any reports shall be provided without cost to the Palm Beach Gardens Police. Copies of these reports shall include the identity of the reporter, which remains confidential pursuant to Florida Statute 41 ei.1 07.
- e. All information, reports, documents, etc., provided under the provisions of this agreement that become a part of DCF case record is confidential and shall be exempt from production pursuant to 119.07(1) and may not be disclosed except as specifically authorized by ss. 415.101-415.113, in accordance with s. 415.107(1), F.S.

### **4. COORDINATION OF PRELIMINARY VICTIM CONTACT**

- a. Because victims are sometimes found in a jurisdiction other than the jurisdiction in which an alleged offense occurred (such as a hospital emergency room, or a nursing home facility), the Palm Beach Gardens Police Department will coordinate initial inquiries and preliminary

investigations when the victim is located within Palm Beach Gardens. In these cases, the agency having jurisdiction where the victim is located (PBGPD) shall, if requested, have a law enforcement officer respond and conduct a preliminary inquiry to establish sufficient facts upon which the case may be evaluated, giving particular attention to the severity of the alleged offense, the availability of witnesses, and the existence of physical evidence which requires timely handling. Once the preliminary inquiry is conducted, an immediate notification shall be given to an on duty supervisor of the agency having jurisdiction where the alleged offense occurred. The agency where the alleged offense occurred is then responsible for further investigating the criminal act(s).

- b. The agency with jurisdiction where the alleged offense occurred shall promptly inform the agency having jurisdiction where the victim is located what type of response shall be made and when the response will occur. The agency with jurisdiction over the location of the offense may request the agency where the victim is located to conduct a preliminary interview of the victim and witnesses, and other activities associated with a preliminary investigation. If the agency with jurisdiction over where the victim is located does conduct an investigation, the investigating officer shall prepare a written report, "Assist Other Agency", and shall send it to the agency with jurisdiction over the location of the offense as soon as possible.

## 5. TRAINING

- a. Elderly and/or Disabled Vulnerable Adult Protocol training shall be the responsibility of the Training Section.
- b. Training should be provided to all PBGPD officers, investigators and communications operators initially, with review and updates as needed.

## 6. GLOSSARY

**Disabled Adult** - means a person 18 years of age or older who suffers from a condition of physical or mental incapacitation due to a developmental disability, organic brain damage, or mental illness, or who has one or more physical or mental limitations that restrict the person's ability to perform the normal activities of daily living. [Florida Statute 825.101]

**Elderly Person** - means a person 60 years of age or older who is suffering from the infirmities of aging as manifested by advanced age or organic brain damage, or other physical, mental, or emotional dysfunctioning, to the extent that the ability of the person to provide adequately for the person's own care or protection is impaired [Florida Statute 825.101]

**JV Agency** - Law enforcement Agency of Jurisdiction where a victim is located; also the law enforcement agency that assists the law enforcement agency of jurisdiction over the offense. JV Agency is PBGPD if it has jurisdiction of the victim's residence and the offense occurs outside of PBGPD's jurisdiction.

**JO Agency** - Law enforcement Agency of Jurisdiction over the offense; also the law enforcement agency which will conduct the criminal investigation. JO Agency is PBGPD if the offense occurs within its jurisdiction and the victim resides outside of PBGPD's jurisdiction.

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**APPROVED:**



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Stephen J. Stepp  
Chief of Police

04/01/2011  
Date