AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

AgendaTitle:
Adult Protective Services Cooperative Agreement between the Gunnison/Hinsdale County Department of Human Services and Gunnison County Attorney's Office, Gunnison County Sheriff, 7th Judicial District Attorney, Gunnison Police Department, Mt. Crested Butte Police Department, Crested Butte Town Marshall, Hinsdale County Sheriff, Colorado State Patrol

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Gunnison/Hinsdale Counties and LE and DA agencies

Term Begins: July 1, 2014 **Term Ends:** 6/30/2019 **Grant Contract #:**

Summary:
This is an update to the cooperative agreement between the county's Adult Protective Services and other agencies including:
Gunnison County Attorney's Office
Gunnison County Sheriff
District Attorney, 7th Judicial District
Gunnison Police Department
Mt. Crested Butte Police Department

Fiscal Impact: 0

Submitted by: Karin Stewart **Submitter's Email Address:** kstewart@gunnisoncunty.org

Finance Review: ○ Required ◉ Not Required

Comments:

Reviewed by: Discharge Date:

County Attorney Review: ◉ Required ○ Not Required

Comments:

Reviewed by: GUNCOUNTY1\atrezise Discharge Date: 9/18/2014 Certificate of Insurance Required Yes ○ No ◉

County Manager Review:

Comments:

Reviewed by: GUNCOUNTY1\mbirnie Discharge Date: 9/19/2014

◉ Consent Agenda ○ Regular Agenda ○ Worksession Time Allotted:

Agenda Date: 10/7/2014 Follow Up Agenda Date:

Revised April 2013

Adult Protective Services Cooperative Agreement

Between

The *Gunnison/Hinsdale* County Department of *Human* Services

And

Gunnison County Attorney's Office
Gunnison County Sheriff
District Attorney, 7th Judicial District
Gunnison Police Department
Mt. Crested Butte Police Department
Crested Butte Town Marshall
Hinsdale County Sheriff
Colorado State Patrol

I. SUBJECT: *Gunnison/Hinsdale* County Adult Protective Services Cooperative Agreement for investigation of reports involving possible mistreatment or self-neglect of at-risk adults.

II. PURPOSE: To clarify the coordinated duties and responsibilities of agencies involved in reporting, responding, and investigating reports regarding the mistreatment , exploitation and self-neglect of at-risk adults.

III. TERM OF AGREEMENT: This Agreement will commence upon the date of the final signature and will be in effect for no more than five (5) years. Changes in the Agreement may be made at any time by mutual consent of APS and *Law Enforcement.* Nothing in this Agreement shall substitute or represent a change in either agency's legally mandated responsibilities.

IV. BACKGROUND AND BASIS FOR THE AGREEMENT:

Colorado Revised Statute, Section 26-3.1-103 (1) states: In each county department, law enforcement agency, district attorney's office, other agency responsible under federal law or the laws of this state to investigate mistreatment, self-neglect or exploitation of at-risk adults shall develop and implement cooperative agreements to coordinate the investigative duties of such agencies. The focus of such agreement shall be to ensure the best protection for at-risk adults. The agreements shall provide for special requests by one agency for assistance from another agency and for joint investigations. The agreement shall further provide that each agency shall maintain the confidentiality of the information exchanged pursuant to such joint investigation"

V. PRINCIPLES OF THE AGREEMENT

In accordance with the above-cited statute, this agreement is made to ensure coordinated response during all hours, provide for special requests for assistance from one agency to another, and arrange for joint investigation(s) when needed to maximize the effectiveness of the civil and criminal investigative processes.

It is understood that joint investigations may be used as a means to coordinate the efforts of the involved agencies, and that each individual agency remains accountable to its own rules, policies, and statutes.

It is understood that all agencies involved in this agreement shall accept reports of known or suspected mistreatment or self-neglect of at-risk adults.

VI. BUSINESS AND NON-BUSINESS HOUR PROCESSES

County departments are required by APS program rule to have an established process to receive reports during business and non-business hours.

The *Gunnison/Hinsdale* County Department, herein known as Adult Protective Services (APS), receives reports during business hours at *970-641-3244.* Business hours are *Monday thru Friday 8 AM to 5 PM.*

Reports made during non-business hours are received by *Gunnison/Hinsdale Department of Human Services On-call Caseworker by calling 970-641-8200* and referred to the law enforcement agency having jurisdiction or APS. The agency receiving reports during non-business hours should fax/email the reports to APS within 24 hours at 970-641-3738.

VII. DISPOSITION OF REPORTS

A copy of all reports of criminal *exploitation, abuse, or neglect* made to APS shall be forwarded to *the law enforcement agency having jurisdiction* within twenty four of receipt of the report.

A copy of all reports of mistreatment and self-neglect made to law enforcement and the district attorney's office shall be forwarded to APS within twenty four of receipt of the report.

The report shall include: name, age, and address of the at-risk adult; the name and address of the at-risk adult's caretaker, if any; the suspected nature and extent of the at-risk adult's injury, if any; the nature and extent of the condition that will reasonably result in mistreatment or self-neglect; and other pertinent information.

Reports involving criminal allegations of mistreatment, including caretaker neglect shall be immediately referred to local law enforcement. When criminal allegations are not initially apparent, the caseworker shall refer to law enforcement *by calling 970-641-8200* as soon as there are reasonable suspicions that a crime has been committed.

Reports of abuse, caretaker neglect, and/or exploitation of at-risk elders, 70 years of age or older, must be reported to law enforcement. Law enforcement will forward all reports of abuse, caretaker neglect, or exploitation of at-risk elders to APS within 24 hours. APS will review and evaluate each report to determine if the at-risk elder meets the statutory requirements of an at-risk adult pursuant to C.R.S. 26-3.1-101 before protective services are rendered.

If a report is made to APS and it is later discovered that the person is 70 years of age or older, APS will notify law enforcement immediately. These are cases when the reporting party is not aware of the adult's age and makes the report to APS.

The report shall include: name, age, and address of the at-risk elder; the name and address of the at-risk elder's caretaker, if any; the suspected nature and extent of the at-risk elder's injury, if any; the nature and extent of the condition that will reasonably result in abuse, caretaker neglect, and/or exploitation; and other pertinent information.

VIII. AGENCY ROLES

Adult Protective Services is responsible for investigating reports of suspected mistreatment and/or self-neglect of at-risk adults.

The County Attorney's Office is responsible for reviewing reports of mistreatment of at-risk adults when a review is requested, when APS is considering filing for guardianship of an at-risk adult, and when an investigation involves complaints of alleged criminal activity.

Law enforcement agencies are primarily responsible for the coordination and investigation of criminal allegations involving at-risk adults and at-risk elders.

The District Attorney's Office is responsible for reviewing reports of criminal actions or threats of mistreatment of at-risk adults and at-risk elders to determine possibility of prosecution.

IX. JOINT INVESTIGATION PROCEDURE AND GUIDELINES

Some reports may need to be jointly investigated when time and resources allow. Any agency entering into this agreement may request assistance from another agency entering into this agreement in the investigation and assessment of the at-risk adult's safety and well-being. Additionally, any agency may request stand-by assistance from another agency.

When a joint investigation is required, the APS caseworker, law enforcement officer(s), and/or the District Attorney's Office may conduct joint interviews, compare notes, and clarify information following interviews. Law enforcement shall be considered the lead agency in criminal joint investigations. APS shall be considered the lead agency in non-criminal joint investigations. Developmental disability, ombudsman or mental health staff may be present as part of the joint investigative team.

When joint investigation is required, contact law enforcement by *calling 970-641-8200*, contact APS by *during business hours by calling 970-641-3244, or after business hours by calling the on-call case worker at 970-641-8200*.

Joint investigation or stand by assistance may be utilized when the following pertain to an at-risk adult:

1. There is pain and/or physical injury, as demonstrated by, but not limited to, substantial or multiple skin bruising, bleeding, malnutrition, dehydration, burns, bone fractures, poisoning, subdural hematoma, soft tissue swelling or suffocation.
2. Unreasonable confinement or restraint has been imposed.
3. There is nonconsensual sexual conduct or contact classified as a crime under Colorado law.
4. Caretaker neglect threatens the at-risk adult's safety or well-being.
5. Financial exploitation has occurred and/or is occurring and the exploitation is a crime under Colorado law.
6. Threats of violence, presence of firearms, intoxication, or any illegal activity is present and threatens the at-risk adult or APS caseworker's safety.
7. Specialized interviewing skills might be required.

X. CONFIDENTIALITY

Reports and investigative information shall be confidential. Disclosure of information, including the name and address of the at-risk adult, members of the adult's family, reporting party's name and address, or any other identifying information contained in reports shall be permitted only when authorized by law or ordered by the court, as outlined in Section 26-3.1-102(7), C.R.S.

Notwithstanding any provision of Section 24-72-204, C.R.S., or Section 11-105-110, C.R.S., or any other applicable law concerning the confidentiality of financial records to the contrary, agencies investigating the exploitation of an at-risk adult shall be permitted to inspect all records of the at-risk adult on whose behalf the investigation is being conducted, including the at-risk adult's financial records, upon execution of a prior written consent form by the at-risk adult, in accordance with Section 6-21-103, C.R.S pursuant to Section 26-3.1-103, C.R.S.

In addition, each agency shall maintain the confidentiality of the information exchanged pursuant to joint investigations as required by Section 26-3.1-103(2), C.R.S.

SIGNED BY:

Director, Gunnison/Hinsdale County Department of Human Services	Date
District Attorney, *7th* Judicial District	Date
Gunnison County Attorney's Office	Date
Chair, Board of County Commissioners, Gunnison County	Date
Chair, Board of County Commissioners, Hinsdale County	Date
Chief, *Gunnison* Police Department	Date
Gunnison County Sheriff	Date
Hinsdale County Sheriff	Date
Crested Butte Town Marshal	Date
Chief, Mt. Crested Butte Police Department	Date
Colorado State Patrol	Date