AGENDA ITEM or FINAL CONTRACT REVIEW SUBMITTAL FORM

Agenda Item: Cooperative Agreement; Adult Protective Services;

Action Requested: Board of County Commissioners' Signature

Parties to the Agreement: Law Enforcement District Attorney

Term Begins: **Term Ends:** **Grant Contract #:**

Summary:

This MOU reflects the most current language for mandated reporting for Intellectual and developmental disabilities.

Fiscal Impact: 0

Submitted by: Elizabeth Holena **Submitter's Email Address:** elizabeth.holena@state.co.us

Finance Review: (●) Required ( ) Not Required

Comments:
No concerns.ln

Reviewed by: GUNCOUNTY1\lNienhueser Discharge Date: 5/10/2017

County Attorney Review: (●) Required ( ) Not Required

Comments:
ok - gs

Reveiwed by: GUNCOUNTY1\gstuhr Discharge Date: 5/9/2017 Certificate of Insurance Required Yes ( ) No (●)

County Manager Review:

Comments:

Reveiwed by: GUNCOUNTY1\mbirnie Discharge Date: 5/11/2017

( ) Consent Agenda (●) Regular Agenda ( ) Worksession Time Allotted: 5

Agenda Date: 5/16/2017

Revised April 2015

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 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 the relevant *Law Enforcement*. Nothing in this Agreement shall substitute or represent a change in any agency's legally mandated responsibilities. .

IV. BACKGROUND AND BASIS FOR THE AGREEMENT:

Colorado Revised Statute, Section 26-3.1-103 (2) states: "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 or exploitation 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.

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 hours 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 hours 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; 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 case worker shall refer to law enforcement *by calling 970-641-8200* as soon as there are reasonable suspicions that a crime has been committed.

Pursuant to C.R.S. §26-3.1-102(1)(a.5), reports of abuse, caretaker neglect, and/or exploitation of at-risk elders, 70 years of age or older, or at-risk adults with an intellectual and developmental disability, must be reported to law enforcement. Law enforcement will forward all reports of abuse, caretaker neglect, or exploitation of at-risk elders and at-risk adults with an intellectual and developmental disability to APS within 24 hours. APS will review and evaluate each report to determine if the at-risk elder or at-risk adult with an intellectual and developmental disability 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 or an adult with an intellectual and developmental disability, APS will notify law enforcement immediately. These are cases when the reporting party is not aware of the adult's age or intellectual and developmental disability and makes the report to APS.

The report shall include: name, age, and address of the at-risk elder or at-risk adult; the name and address of the at-risk elder's or at-risk adult's caretaker, if any; the suspected nature and extent of the at-risk elder's or at-risk adult'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- *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.

SIGNED BY:

Joni Reynolds	4/28/17
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
Kirk Johnson	1/3/17
Chief, Gunnison Police Department	Date
Gunnison County Sheriff	Date
Hinsdale County Sheriff	Date

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SIGNED BY:

Director, Gunnison/Hinsdale County Department of Human Services	Date
District Attorney, 7th Judicial District	10/03/2016 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

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SEP 28 2016
GUNNISON COUNTY
DEPT. OF HUMAN SERVICES

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SIGNED BY:

Director, Gunnison/Hinsdale County Department of Human Services	Date
District Attorney, 7th Judicial District	Date
Gunnison County Attorney's Office	9/26/17 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
R.B.B. Hinsdale County Sheriff	9-25-2016 Date

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Chief, Gunnison Police Department	Date
Gunnison County Sheriff	Date
R.B.B. Hinsdale County Sheriff	9-25-2016 Date

_____	_____
Crested Butte Town Marshal	Date
_____	_____
Chief, Mt. Crested Butte Police Department	Date
_____	_____
Colorado State Patrol	Date

Crested Butte Town Marshal	Date
Chief, Mt. Crested Butte Police Department	Date
Colorado State Patrol	Date

9/29/16

Date

Crested Butte Town Marshal

Date

Chief, Mt. Crested Butte Police Department

Date

Colorado State Patrol

_____	_____
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Chair, Board of County Commissioners, Hinsdale County	Date
Chief, Gunnison Police Department	Date
Gunnison County Sheriff	09-27-16 Date
Hinsdale County Sheriff	Date

Crested Butte Town Marshal	Date
Chief, Mt. Crested Butte Police Department	9-8-16 Date
Colorado State Patrol	Date

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District Attorney, 7th Judicial District	10/03/2016 Date
Gunnison County Attorney's Office	Date
Chair, Board of County Commissioners, Gunnison County	Date
Chair, Board of County Commissioners, Hinsdale County	Date
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Crested Butte Town Marshal	Date
Chief, Mt. Crested Butte Police Department	Date
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Crested Butte Town Marshal	Date
Chief, Mt. Crested Butte Police Department	9-8-16 Date
Colorado State Patrol	Date