



Most Adult Protection Working Agreements Signed, But Have Had Limited Effectiveness

at a glance

The Adult Protective Services Program investigates abuse, neglect, and exploitation and provides social services to protect vulnerable adults from harm. The program also coordinates with local law enforcement to secure the safety of the victim and adult protective investigator and to investigate possible criminal activity. To ensure proper cooperation and coordination, the Legislature required the program to establish working agreements with all jurisdictionally responsible county sheriff's offices and local police departments.

The program has signed working agreements with 342 of 346 law enforcement agencies, but the agreements have had limited effectiveness. Several problems relating to a lack of coordination between the program and local law enforcement continue to delay the provision of adult protective services and/or hinder criminal investigations.

To improve effectiveness, the program should work with local law enforcement to increase training at the local level, establish written local protocols, and conduct periodic meetings. The program also should improve coordination by designating a contact person at each local law enforcement agency and adult protection unit, and conducting periodic meetings with the Florida Sheriffs Association and Florida Police Chiefs Association.

Scope

As directed by the Legislature, OPPAGA studied the efficacy of working agreements between the Department of Children and Families' Adult Protective Services Program and all jurisdictionally responsible sheriffs' offices and local police departments that are the lead agencies when conducting criminal investigations arising from allegations of abuse, neglect, or exploitation of vulnerable adults.¹ In addition to reviewing the working agreements, we identified strategies to enhance the cooperation and coordination between the program and local law enforcement agencies.

Background

Department role in adult protection. The Department of Children and Families' Adult Protective Services Program provides services to protect vulnerable adults from being harmed. These services, which include protective investigations, case management, and referrals for long-term services, are provided to adults who may experience abuse, neglect, or exploitation by second parties or may fail to

¹ Chapter 2003-262, *Laws of Florida*.

take care of themselves adequately (self-neglect).²

The program's central office in Tallahassee is responsible for administrative and policy development functions, such as planning, budgeting, quality assurance, and maintaining the program's management information system. Program services are delivered locally through the department's SunCoast region and 13 district offices, which oversee units of adult protective investigators and supervisors.

Florida statutes require any person who knows or has reasonable cause to suspect any abuse, neglect, or exploitation of vulnerable adults to report that information to the Florida Abuse Hotline.³ Hotline employees screen these calls to determine whether the information meets the criteria for an abuse report, and refer such calls to the program.

Adult protective investigators are the program's initial responders and investigate all abuse reports to determine whether there is evidence that abuse, neglect, or exploitation occurred; whether there is an immediate and long-term risk to the victim; and whether the victim needs additional services to safeguard his or her well being. In Fiscal Year 2003-04, the program conducted 41,099 adult protective investigations. The Legislature appropriated \$27.3 million to the Adult Protective Services Program and authorized 546.5 full-time equivalent (FTE) positions for Fiscal Year 2004-05.

Law enforcement role in adult protection. Local law enforcement is also involved in certain adult protective investigations. Adult protective investigators may require assistance from law enforcement when a person interferes with the protective investigation, an investigator needs emergency access to a vulnerable adult, or a vulnerable adult must be removed from the

premises and transported to an appropriate facility and medical transportation is either unavailable or not needed.

In addition, the program is required to immediately notify law enforcement if, during the course of an investigation, staff have reason to believe that abuse, neglect, or exploitation is perpetrated by a second party. The law enforcement agency will then review the information to determine if a criminal investigation is warranted and take the lead in all criminal fact-finding activities. Both agencies must cooperate to allow the criminal investigation to proceed concurrently with, and not be hindered by, the protective investigation, and share information whenever possible. During Fiscal Year 2003-04, the program reports that it referred 7,977 (19.4%) of the 41,099 reports to law enforcement.⁴

Working agreements. To ensure that the program and law enforcement work cooperatively, the 2000 Legislature required the program to establish working agreements with all jurisdictionally responsible county sheriffs' offices and local police departments.⁵ These agreements were intended to facilitate consistent and thorough investigations through improved cooperation, coordination, and sharing of information throughout the investigative process.

However, the program was slow to implement the legislative mandate. A 2003 OPPAGA report found that the program had established local working agreements with only 129 of the 346 law enforcement agencies by January 2003.⁶ As a result, the 2003 Legislature placed a deadline of March 1, 2004, for the program to sign working agreements with all local law enforcement agencies, and required OPPAGA to review the efficacy of these agreements.⁷

² Section 415.102(26), *F.S.*, defines "vulnerable adult" as "a person 18 years of age or older whose ability to perform the normal activities of daily living or to provide for his or her own care or protection is impaired due to a mental, emotional, long-term physical, or developmental disability or dysfunctioning, or brain damage, or the infirmities of aging."

³ Section 415.1034, *F.S.*

⁴ The source of this data is the Florida Abuse Hotline Information System. Program officials stated that this data must be viewed with caution because the information system does not require investigators to enter data into this field, nor does the department have a method for validating this data.

⁵ Chapter 2000-349, *Laws of Florida*.

⁶ *Improvements Needed in the Department of Children and Families Adult Services Program*, [Report No. 03-08](#), January, 2003.

⁷ Chapter 2003-262, *Laws of Florida*.

Findings

Our evaluation of the efficacy of working agreements between the program and local law enforcement concluded that

- although working agreements have been signed, the agreements have had limited effectiveness in improving cooperation and coordination between the program and local law enforcement;
- increased training, written local protocols, and periodic meetings would improve the effectiveness of working agreements; and
- other strategies could enhance cooperation and coordination between the program and local law enforcement.

Most working agreements signed, but have had limited effectiveness

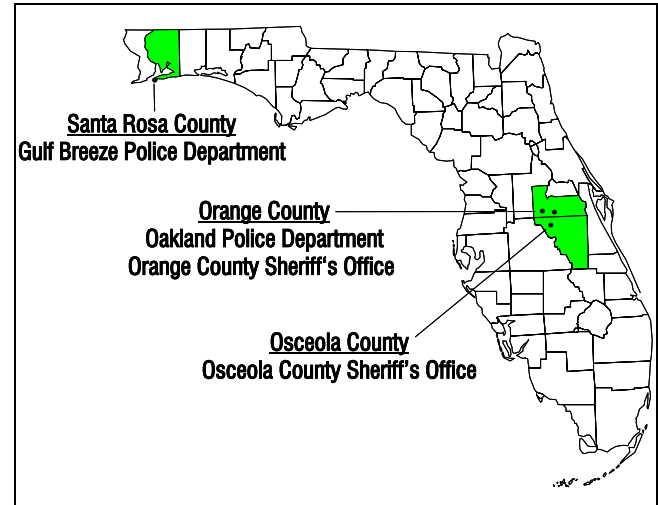
Coordination of services between the program and local law enforcement agencies is intended to facilitate consistent and thorough investigations, maximize resources through a joint investigative process, and ensure the provision of appropriate services when deemed necessary for vulnerable adults. Although the program and local law enforcement agencies have entered into working agreements to support these purposes, the agreements have had limited effectiveness in improving cooperation and coordination.

Agreements have been signed between the program and most law enforcement agencies. The program has substantially met the Legislature's requirement to enter into working agreements with all local law enforcement agencies. The program has entered into working agreements with 342 of 346 local sheriffs' offices and police departments. Orange, Osceola, and Santa Rosa counties are the only counties in which all law enforcement agencies have not yet signed a working agreement (see Exhibit 1). There are various reasons why the program has not entered into working agreements with some of the law enforcement agencies in these counties, including disagreement over wording and one police department's refusal to sign. The program continues to work with these agencies

to sign working agreements, as well as update working agreements that have expired or are close to expiration. As of September 15, 2004, 5 agreements have expired, and 14 more will expire by the end of Fiscal Year 2004-05.

Exhibit 1

The Program Has Not Signed Working Agreements with All Law Enforcement Agencies in Three Counties



Source: Department of Children and Families.

Program officials took two steps to expedite the signing of the working agreements. First, with the assistance of law enforcement organizations (e.g., Florida Department of Law Enforcement, the Florida Sheriffs Association, and the Florida Police Chiefs Association), the program developed a statewide model agreement for use in negotiating local level agreements. This initiative helped the districts develop agreements that met statutory guidelines and sped up negotiations with local law enforcement agencies. Second, the program required its districts to submit status reports on the implementation of the agreements every two weeks. Overall, 96.2% (333 of 346) of the required working agreements were signed by October 2003, well before the March 1, 2004 deadline.

Working agreements have had limited effectiveness. Although the working agreements have had some positive benefits, they have had limited effectiveness in improving cooperation and coordination. We

conducted focus groups and interviews with district program administrators, supervisors and investigators from 27 adult protection units, and officers from 26 law enforcement agencies throughout the state. Program supervisors and investigators told us that in some areas the working agreements raised awareness of abuse, neglect, and exploitation among law enforcement. Program staff and law enforcement officers also said that the working agreements helped clarify the roles and responsibilities of each agency in some areas. However, program staff and law enforcement officers indicated that most local working agreements have not affected cooperation and coordination. They stated that either the working relationships were already positive, or that the working relationships were negative and the agreement had not made a difference.

Participants in our focus groups and interviews gave us several examples of ongoing problems in cooperation and coordination between the program and local law enforcement. Although we could not readily obtain documentation of these incidents, numerous adult protective investigators and supervisors and law enforcement officers independently cited problems that have led to delays in the provision of adult protective services and/or hindered criminal investigations, even after local working agreements have been signed.

- Law enforcement is sometimes unwilling to enter a home in cases of emergency. When an adult protective investigator believes that a vulnerable adult is in need of immediate medical attention and cannot gain entry into the place of residence, he/she must contact law enforcement to forcibly enter the home and locate the vulnerable adult.⁸ Without help from law enforcement, the investigator cannot enter the home, and the vulnerable adult may be left in imminent danger. While most disagreements regarding emergency entry are resolved by the agencies' supervisors, some situations are not resolved and the investigator must find another way to enter the residence.

- Law enforcement is sometimes unwilling to transport a vulnerable adult to an appropriate facility. Chapter 415, *Florida Statutes*, requires law enforcement to provide transportation when medical transportation is not available or needed and the vulnerable adult presents a threat of injury to self or others.⁹ This law enforcement duty helps ensure the safety of the victim and, in many cases, the safety of the adult protective service investigator. However, investigators at several units told us that law enforcement officers have refused to transport a vulnerable adult when requested to do so. Without law enforcement cooperation, the investigator must find and pay for another mode of transportation, which may take several hours, or personally transport the vulnerable adult, which may be unsafe.
- The program sometimes does not refer possible criminal cases to law enforcement in a timely manner. Chapter 415, *Florida Statutes*, requires the adult protective investigator to provide immediate oral notification to law enforcement when he/she suspects that abuse, neglect, or exploitation by a second party has occurred.¹⁰ Within five working days of the oral report, the investigator shall provide a written report about the facts of the case. These requirements provide law enforcement with the opportunity to begin a criminal investigation as soon as possible and to work cooperatively with the investigator. However, officers from several law enforcement agencies told us that investigators do not notify them in a timely manner, sometimes waiting until after the adult protective investigation has been completed (which may take up to 60 days, the maximum number of days allowed by statute).¹¹ Such delays hinder law enforcement officers' ability to collect evidence needed to adequately determine if a criminal act has been committed and an arrest is warranted.

⁸ Section 415.1051(2)(a), *F.S.*

⁹ Section 415.1051(2)(b), *F.S.*

¹⁰ Section 415.104(1), *F.S.*

¹¹ Section 415.104(4), *F.S.*

- Adult protective investigators sometimes interview the alleged perpetrator without law enforcement's consent. Investigators are required by local working agreements to honor law enforcement's request not to interview the alleged perpetrator. This is to ensure that law enforcement can take the lead in the investigation and not reveal the intent of the investigation to the alleged perpetrator.¹² However, several law enforcement officers told us that some investigators have not followed this mandate. If this occurs, law enforcement is sometimes unable to locate the alleged perpetrator and most times cannot use the element of surprise when interviewing him/her.

Increased training, written local protocols, and periodic meetings would improve the effectiveness of working agreements

To address these problems and best protect vulnerable adults, the program and local law enforcement need to work together in a cooperative manner. The effectiveness of working agreements in promoting cooperation and coordination could be improved through increased local training, the establishment of written local protocols, and periodic meetings between the program and local law enforcement.

Increased local training would improve staff understanding of the working agreement's joint investigative protocols. Both the program and law enforcement agencies are responsible for creating training programs to ensure that their employees are qualified to provide client services. Although the agencies have developed pre-service training for new employees at the state level, additional local in-service training is needed to ensure that all adult protective investigators and law enforcement officers understand each other's roles and responsibilities and local investigative protocols.

At the state level, the program has established a pre-service training curriculum and operating procedures for new investigators. The pre-service training curriculum includes interviewing skills, investigative techniques, assessing client risks, and working with other agencies, such as local law enforcement. Operating procedures provide more detailed, up-to-date information on program protocols. Program supervisors and trainers at the district level provide instruction to new staff that covers both the curriculum and operating procedures.

The Florida Department of Law Enforcement (FDLE) develops state law enforcement training curricula and provides training to law enforcement officers in 39 academies throughout the state. FDLE recently has implemented training modules on crimes against vulnerable adults. FDLE developed a 14-hour curriculum for pre-service training and mandated that all academies use it by July 1, 2004. In addition, FDLE developed a post-basic training course in 2000 on crimes against vulnerable adults to be used for salary incentive training, mandatory retraining, or other in-service training. Since October 2000, 389 officers have taken the 40-hour course for salary incentives.

While the statewide training for adult protective investigators and law enforcement personnel is beneficial, most program and law enforcement staff we interviewed believed that additional in-service training at the local level would be helpful. In-service training should address each agency's roles and responsibilities and local investigative protocols.

- Training on each agency's statutory roles and responsibilities would help prevent misunderstandings during investigations. Currently, most investigators and officers are only trained on their own investigative roles. For example, in the case of emergency entry into a residence, officers need to know that investigators cannot enter the home without permission from the resident or help from law enforcement. In the same way, investigators need to understand that officers cannot force entry into a home without specific criteria being met.

¹² Section 415.104(s), *F.S.*, requires adult protective investigators to inform all vulnerable adults and alleged perpetrators named in the report of the purpose of the investigation and the right to obtain a copy of the report at the end of the investigation.

- Training on how these roles are carried out through local protocols would also help increase understanding. Each local area has established investigative protocols geared to local situations that cannot be effectively covered in statewide trainings. Without proper training, investigators and officers may have different expectations for how an investigation should be conducted. For example, some jurisdictions require investigators to personally deliver a copy of the abuse report to police headquarters, while others require the report to be faxed.

A few adult protection units and law enforcement agencies have provided in-service training on each other's responsibilities at the local level, resulting in better communication and coordination during investigations. For example, in 2003, Jacksonville's district program office and sheriff's office provided two joint in-service training sessions to detectives and adult protective investigators on how to conduct effective joint investigations and facilitated a roundtable discussion on improving coordination. Personnel from both agencies said that such training was helpful and should be continued.

If resources permit, in-service training should be conducted periodically due to worker turnover and be based upon the needs of each local community. Program and local law enforcement administrators should consider providing this in-service training jointly with adult protection and law enforcement workers participating together.

Establishing written local protocols in working agreements would help improve cooperation by addressing the unique needs of the jurisdiction. The program has developed a model agreement for districts to use as a starting point for negotiations with local law enforcement, and intended for each local working agreement to be customized to meet the specific needs of each county or law enforcement jurisdiction. Defining these local protocols in the working agreements can increase both agencies' understanding of how they are to communicate and collaborate as well as improve accountability.

However, only a few areas have added local protocols to their working agreements. While some program staff and local law enforcement staff expressed concern that defining these local protocols in the working agreements could inhibit flexibility in conducting investigations, program and law enforcement employees in the areas that have done so reported that it resulted in improved cooperation. For example, all law enforcement jurisdictions in Volusia and Flagler counties have defined criteria in their working agreements for how investigators should contact and work with law enforcement officers to initiate an investigation and the appropriate means to send an initial and final written report to law enforcement. The working agreements for Seminole and Brevard county jurisdictions require investigators to give an estimated time of arrival to law enforcement and for the adult protection unit to provide a monthly on-call list to law enforcement to be used by the on-scene officer for immediate response investigations. Both program and law enforcement staff in these areas told us that these protocols have improved cooperation and coordination between the agencies.

The adult protection units and local law enforcement agencies in other areas of the state could enhance their working agreements by defining similar local protocols in their working agreements. Although it may be impractical to include all local investigative protocols in working agreements, each area could include the protocols that are most important in enhancing cooperation and coordination.

Periodic meetings between the program and local law enforcement can help ensure that investigative procedures in working agreements are appropriately followed. Local working agreements were intended to provide a forum for ongoing communication and resolution of issues involving the safety of vulnerable adults and to foster an effective collaboration between the program, law enforcement, and other service agencies. Most program and law enforcement staff we interviewed told us that having periodic meetings could be helpful in improving communication and collaboration as well as ensuring that local working agreements are kept current and reflect the commonly accepted

investigative procedures. However, most areas of the state have not established such a mechanism.

Several counties use local triads for meetings between program and local law enforcement staff. Triads are three-way partnerships among law enforcement, senior citizens, and senior service provider agencies to develop and implement effective crime prevention and education programs for older citizens. Triads are active in 24 counties, and generally meet monthly to carry out local community efforts. The program and law enforcement in several counties have used these meetings as a way to communicate with one another about issues related to protecting vulnerable adults.

The program could also increase the use of adult protection team meetings as a mechanism for enhancing communication and understanding among program and local law enforcement staff. These multi-disciplinary teams are made up of people trained in the prevention, identification, and treatment of abuse of vulnerable adults.¹³ The team's role is to counsel adult protective investigators on cases and recommend and/or provide services that are necessary and appropriate to meet the needs of vulnerable adults. Nine districts have adult protection teams, but only one includes regular participation from law enforcement officers to provide input and informal training to the investigators on the proper procedures to follow. Other districts should seek regular participation from local law enforcement to provide criminal expertise in adult protection team meetings.

Other strategies also can improve cooperation and coordination between the program and local law enforcement

In addition to working agreements, two other strategies could improve the cooperation and coordination between the program and local law enforcement:

- designating a contact person at each local law enforcement agency and adult protection unit; and

- conducting periodic meetings between state-level stakeholders, including the program, Florida Sheriffs Association, and Florida Police Chiefs Association.

Designating a contact person at each law enforcement agency and adult protection unit improves the efficiency and effectiveness of investigations. Nearly all of the adult protection units we met with agreed that having at least one contact person at each local law enforcement agency enhances communication, especially regarding the status of an investigation and sharing of information. However, investigators in most areas said that the local law enforcement agencies had not given them a contact person.

In the areas in which law enforcement designated a contact person, the contact provides program investigators with up-to-date information on the status of cases referred for criminal investigation, such as the assigned investigator and the case number. The contact also provides expert advice to investigators on the criminal aspects of the investigation. In addition, investigators can ask the contact person to respond to the scene of an investigation in an emergency rather than having to go through dispatch to locate a patrol officer.

Law enforcement officers also benefit from having at least one designated contact person within their agencies for cases involving abuse, neglect, and exploitation. The contact person often provides in-service training on issues related to crimes against vulnerable adults to other detectives and patrol officers, both within his/her own agency and sometimes in other law enforcement agencies. Patrol officers also can call their contact person from the scene of an investigation to ask for advice on how to handle difficult situations. In addition, some areas we visited had a contact person at one law enforcement agency serving as the "go to" person for the entire county, assisting other law enforcement agencies.

¹³ Section 415.1102, F.S.

In a similar manner, designating at least one contact person at the local adult protection unit enhances investigations. The contact person can provide law enforcement officers with advice on the social work aspects of cases, as well as inform them about which investigator is assigned to a particular investigation. In addition, officers at several law enforcement agencies told us that calling a contact person immediately after making a report to the abuse hotline is helpful in emergency situations, especially after normal work hours. This method ensures that an adult protective investigator can respond to the abuse report immediately after it is received. However, some of the law enforcement officers we interviewed said that the local adult protection unit had not given them a contact person.

Periodic state-level stakeholder meetings could provide oversight and direction to local areas on the protection of vulnerable adults. In addition to local meetings between the program and law enforcement agencies, the program should periodically meet with statewide law enforcement organizations such as the Florida Sheriffs Association and the Florida Police Chiefs Association. Although response to abuse, neglect, and exploitation occurs at the local level, these organizations could establish policies and goals at the state level to guide local law enforcement and adult protection units in establishing their own protocols to protect vulnerable adults. Program staff met with these organizations in 2002 when it established the model agreement, but has not done so since that time. Periodic meetings with these critical stakeholder groups to discuss and implement statewide policies regarding the protection of vulnerable adults could help strengthen coordination between the groups.

The statewide triad could assist in these periodic stakeholder meetings. The Florida State Triad is part of the National Association of Triads, which was created by the American Association of Retired Persons, International Association of Chiefs of Police, and National Sheriffs Association to increase public awareness and decrease victimization of elders. The statewide triad was formed in December 2002 by the Governor's Office, Attorney

General's Office, Department of Elder Affairs, Department of Children and Families, Florida Department of Law Enforcement, Florida Sheriffs Association, Florida Police Chiefs Association, and other state agencies and organizations to address the issues and concerns of senior citizens, focusing on improving the quality of life and reducing crime against older Floridians.

Conclusions and Recommendations

The Adult Protective Services Program and local law enforcement coordinate efforts to conduct investigations of abuse, neglect, and exploitation of vulnerable adults. The 2000 Legislature required these agencies to enter into local working agreements to support this purpose. Although 342 of 346 working agreements have been signed, they have had limited effectiveness in improving cooperation and coordination between the program and local law enforcement.

We recommend that the program take several steps to improve the effectiveness of working agreements in promoting cooperation and coordination with local law enforcement.

- The program should sign working agreements with the remaining law enforcement agencies that do not currently have an agreement and continue with its efforts to ensure that all signed working agreements are kept up-to-date.
- Based on available resources, the program should coordinate with local law enforcement agencies to conduct in-service training for adult protective investigators and law enforcement patrol officers and detectives on each other's roles and responsibilities. This training could be conducted jointly or separately and should address investigative protocols established both in statute and at the local level through the working agreements.
- The program should consider defining local investigative protocols in its working agreements with law enforcement. These

investigative protocols should meet the needs of each community and can be established at the county level or at each law enforcement jurisdiction. Although it may be impractical to include all local investigative protocols in working agreements, each area could include the protocols that are most important in enhancing cooperation and coordination.

- The program should conduct periodic meetings with local law enforcement agencies. These meetings should be held at least annually and provide both district program administrators and law enforcement supervisors with a forum for ongoing communication and resolution of investigative issues involving the safety of vulnerable adults. The program should also consider using local triads and adult protection teams as means to facilitate discussion with local law enforcement agencies regarding joint investigative protocols.

In addition to working agreements, we identified two other strategies that the program should implement to improve its cooperation and coordination with local law enforcement agencies.

- Each adult protection unit and local law enforcement agency should establish at least one person or position to serve as a point of contact for investigations of abuse, neglect, and exploitation of vulnerable adults. The contact person should provide up-to-date information on the status of cases and other assistance when necessary.

- The program, Florida Sheriffs Association, and Florida Police Chiefs Association should meet periodically to discuss and implement statewide policies regarding the protection of vulnerable adults. These organizations should establish policies and goals at the state level to guide local law enforcement and adult protection units in their establishment of protocols to protect vulnerable adults. The organizations should consider using the statewide triad as a means to facilitate these meetings.

Agency Response

In accordance with the provisions of s. 11.51, *Florida Statutes*, a draft of our report was submitted to the Department of Children and Families, the Florida Police Chiefs Association and the Florida Sheriffs Association for each to review and respond. Their written responses have been reproduced in Appendix A.

OPPAGA supports the Florida Legislature by providing evaluative research and objective analyses to promote government accountability and the efficient and effective use of public resources. This project was conducted in accordance with applicable evaluation standards. Copies of this report in print or alternate accessible format may be obtained by telephone (850/488-0021 or 800/531-2477), by FAX (850/487-3804), in person, or by mail (OPPAGA Report Production, Claude Pepper Building, Room 312, 111 W. Madison St., Tallahassee, FL 32399-1475).

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Appendix A



Jeb Bush
Governor

Lucy D. Hadi
Interim Secretary

October 19, 2004

Mr. Gary R. VanLandingham
Interim Director
The Florida Legislature
Office of Program Policy and
Government Accountability
111 West Madison Street
Room 312, Claude Pepper Building
Tallahassee, Florida 32399-1475

Dear Mr. VanLandingham:

Enclosed is the department's response to the September 2004 preliminary findings and recommendations to OPPAGA's review entitled: **Most Adult Protection Working Agreements Signed, But Have Had Limited Effectiveness**. We appreciate the professionalism demonstrated during this review by your staff and believe the recommendations will enhance the cooperation and coordination between the Adult Protective Services program and local law enforcement agencies.

If you have any additional questions, please call Mr. Chris C. Shoemaker, Office of Adult Services, at (850) 488-2881.

Sincerely,

/s/
Lucy D. Hadi
Interim Secretary

Enclosure

cc: Samara Kramer, Acting Deputy Secretary, Community-Based Care
and Family Self-Sufficiency
Sheryl Steckler, Inspector General

1317 Winewood Boulevard, Tallahassee, Florida 32399-0700

The Department of Children and Families is committed to working in partnership with local communities to ensure safety, well-being and self-sufficiency for the people we serve.

DEPARTMENT OF CHILDREN AND FAMILIES
Response to Office of Program Policy Analysis and
Government Accountability (OPPAGA) Report on the
Efficacy of Working Agreements With Law Enforcement Agencies

RECOMMENDATION:

The program should sign working agreements with the remaining law enforcement agencies that do not currently have an agreement and continue with its efforts to ensure that all signed working agreements are kept up-to-date.

RESPONSE:

The Adult Services Program has entered into working agreements with 342 of 346 sheriffs' offices and local police departments, which represents a 98.8 percent success rate. As of the date of the draft Office of Program Policy Analysis and Government Accountability (OPPAGA) report, three of the four unsigned working agreements are in District 7. The three law enforcement agencies are Osceola County Sheriff, Orange County Sheriff and Oakland Police Department. District 7 Adult Services Program Office staff have made continuous efforts to work with these agencies to negotiate an agreement. The Central Office Adult Services Program Office has provided assistance to the district in reviewing proposed changes to the two unsigned Sheriffs' Department working agreements to ensure that the intent of Chapter 415, Florida Statutes is met. The Department's Office of General Counsel has also been involved in the review of the proposed changes to these two agreements.

The Osceola County Sheriffs working agreement has been reviewed and returned to District 7 with minor corrections cited by central office. The district made the changes and sent the revised agreement to Osceola County Sheriff's Office on October 12, 2004. Once these changes are agreed upon, the agreement should be ready for signature. We anticipate having this agreement executed by November 15, 2004.

The most recent proposed agreement with Orange County Sheriff's Office contains some suggested changes that appear to be different or in conflict with language in Chapter 415, Florida Statutes. District 7 Adult Services Program Office is in the process of scheduling a conference call to include central office staff and the attorney for the Orange County Sheriff's Office to discuss recommended changes in order to finalize the agreement. Upon completion of the call and concurrence by both agencies, the agreement can then be prepared for appropriate signatures.

District 7 staff is continuing to work with the Oakland Police Department to complete an agreement. This is a very small Police Department, consisting of a one-person operation. Efforts have been made by District 7 Adult Services Program Office staff to get an agreement negotiated and signed. So far, these efforts have not been successful.

The one remaining unsigned agreement is in District 1 with the Gulf Breeze Police Department. Efforts were made by the District 1 and Central Office Adult Services Program Office staff and the Office of General Counsel on several occasions to come to an agreement with the Gulf Breeze Police Department that

would not be in conflict with Chapter 415, Florida Statutes. These efforts proved to be unsuccessful. The last proposal made by the attorney for the Gulf Breeze Police Department to add a paragraph to the end of the working agreement was unacceptable to the Department. Adding this paragraph would have negated all other content in the agreement. After careful review by the Office of General Counsel in consultation with the District 1 Legal Counsel, the decision was made that the Department should not sign the agreement as proposed. Without this paragraph added, the attorney for the Gulf Breeze Police Department advised the Chief of Police not to sign the agreement. According to District 1 Adult Services staff, they have a very good working relationship with the Gulf Breeze Police Department. The District Administrator and the former Director of Adult Services made the decision not to pursue this issue any further as it would damage the cooperative working relationship between District 1 Adult Services staff and Gulf Breeze Police Department.

Since the publication of the draft OPPAGA report, the expired agreement for Glades County Sheriff's Office in District 8 has been signed. Three other District 8 expired agreements, Collier and Charlotte County Sheriffs' Offices and the Cape Coral Police Department are in the hands of each of these agencies awaiting approval and signatures. District 8 Adult Services Program Office staff are making concentrated efforts to get all expired agreements completed.

All districts that have agreements that will expire before the end of Fiscal Year 2004-2005 have been advised in writing by central office to have these agreements renegotiated and signed before the expiration date. Regular contacts are being made by central office to ensure completion of these new agreements.

RECOMMENDATION:

Based on available resources, the program should coordinate with local law enforcement agencies to conduct in-service training for adult protective investigators and law enforcement patrol officers and detectives on each other's roles and responsibilities. This training could be conducted jointly or separately and should address investigative protocols established both in statute and at the local level through the working agreements.

RESPONSE:

Districts 11, 12 and the SunCoast Region provide routine training to their local law enforcement agencies. The remaining districts will be encouraged to meet with their local law enforcement agencies and work together to develop training on responsibilities related to investigations of adult abuse, neglect and exploitation.

Assistance will be offered by the Central Office Adult Services Program Office specialist responsible for development and coordination of training to work with the districts to develop proposed training between Adult Protective Services and the law enforcement agencies' staff.

RECOMMENDATION:

The program should consider defining local investigative protocols in its working

agreements with law enforcement. These investigative protocols should meet the needs of each community and can be established at the county level or at each law enforcement jurisdiction. Although it may be impractical to include all local investigative protocols in working agreements, each area could include the protocols that are most important in enhancing cooperation and coordination.

RESPONSE:

The majority of the local law enforcement agencies utilized the model agreement with minor changes and no local protocols were added to the agreements. Districts will be encouraged to work with their local law enforcement agencies to develop local protocols to address communication, coordination, training and other areas identified by the Adult Protective Services staff or local law enforcement agency staff.

RECOMMENDATION:

The program should conduct periodic meetings with local law enforcement agencies. These meetings should be held at least annually and, provide both district program administrators and law enforcement supervisors with a forum for ongoing communication and resolution of investigative issues involving the safety of vulnerable adults. The program should also consider using local triads and adult protection teams as means to facilitate discussion with local law enforcement agencies regarding joint investigative protocols.

RESPONSE:

Each district that does not currently have a triad or regular established meetings with their local law enforcement agencies will be encouraged to schedule regular meetings to open a direct line of communication between Adult Protective Investigations and Law Enforcement agencies. All districts have an Adult Protection Team and should include local law enforcement agencies on those teams. Districts with effective triads already established can provide information and assist other districts in establishing local triads. A report on the progress of establishing these meetings or triads will be requested from each district six months after OPPAGA releases its final report.

RECOMMENDATION:

Each adult protection unit and local law enforcement agency should establish at least one person or position to serve as a point of contact for investigations of abuse, neglect and exploitation of vulnerable adults. The contact person should provide up-to-date information on the status of cases and other assistance when necessary.

RESPONSE:

All districts will be requested to designate a lead person to serve as the point of contact for the Adult Protective Investigations unit and to work with their local law enforcement agencies toward designating a similar person for their agencies. Progress reports on this issue will be due from each district six months after OPPAGA releases its final report.

RECOMMENDATION:

The program, Florida Sheriffs Association, and Florida Police Chiefs Association should meet periodically to discuss and implement statewide policies regarding the protection of vulnerable adults. These organizations should establish policies and goals at the state level to guide local law enforcement and adult protection units in their establishment of protocols to protect vulnerable adults. The organizations should consider using statewide triad as a means to facilitate these meetings.

RESPONSE:

Central Office Adult Protective Services will contact the Executive Directors of both organizations to discuss strategies to develop regular meetings at central office and district levels.

ADDITIONAL COMMENTS:

We would like to give special recognition and appreciation to the Florida Sheriffs Association, the Florida Police Chiefs Association, and the Florida Department of Law Enforcement for their cooperation and support in collaboratively working with the Department to create a working agreement that meets the intent of Chapter 415, Florida Statutes. As a result of this partnership, we anticipate improved communications, coordination and training between the Department and local law enforcement agencies.

The scope of OPPAGA's review focused on the efficacy of the working agreements as stipulated in Chapter 415, Florida Statutes. In addition to the development of these working agreements, the Department has partnered with the Office of the Attorney General, Medicaid Fraud Control Unit, to demonstrate the effectiveness of concurrent law enforcement investigations with Adult Protective Investigations. The Secretary of the Department of Children and Families and the Deputy Attorney General signed the statewide Project Abuse Neglect and Exploitation (PANE) agreement on April 20, 2004. This agreement between the Department of Children and Families and the Attorney General's Medicaid Fraud Control Unit was established to provide a law enforcement response concurrent with Adult Protective Service investigators to complaints of abuse, neglect and exploitation of vulnerable adults in healthcare facilities. A pilot project began May 14, 2004 in District 11. After much success, the project recently expanded to Pinellas County on September 24, 2004. Plans are currently being made between the two agencies to begin the PANE project in Districts 1 and 2 beginning in November 2004.

This law enforcement agreement accomplishes much, if not all, of the recommendations contained in the draft OPPAGA report on the efficacy of law enforcement agreements. The Department and Office of the Attorney General worked closely together at the state and local level to establish the joint agreement, provide local training, develop protocols and establish a positive working relationship. Through this cooperative effort, the Attorney General's Medicaid Fraud Control Unit investigators and Adult Protective Services investigators have conducted joint investigations that have resulted in better protection of vulnerable adults residing in healthcare facilities.

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Florida Police Chiefs Association

Quality Law Enforcement for the Sunshine State

October 20, 2004

Mr. Gary R. VanLandingham
Interim Director
Office of Program Policy Analysis
And Government Accountability
111 West Madison Street, Room 312
Claude Pepper Building
Tallahassee, Florida 32399-1475

Re; Most Adult Protection Working Agreements Signed, But Have Had Limited Effectiveness (OPPAGA Draft Report-September 2004)

Dear Mr. VanLandingham:

Thank you for forwarding the Draft report mentioned above for my review. As President of the Florida Police Chiefs Association, I appreciate the time and the effort that has been spent preparing this document and I agree with the recommendations.

The Florida Police Chiefs Association is happy to help facilitate periodic meetings with the statewide stakeholder groups to determine if there are additional best practices or policies regarding the protection of vulnerable adults. We agree with the Florida Sheriffs Association that, our role as a State Association is not to dictate or interfere with the internal policies and procedures of any local law enforcement agency. As clearly shown throughout the report, the relationships between the Department of Children and Families and local law enforcement must occur at the local level. We also agree that the statewide triad includes the majority of organizations whose focus is to improve the quality of life and reduce the likelihood of crime against older Floridians. This would appear to be the best place to discuss and disseminate best practices and other model policy initiatives since this is already an established group of stakeholders.

Florida Police Chiefs Association will gladly facilitate interaction between our members and the Florida Department of Children and Families. Please call me at (850) 219-3631 if you should have any questions or if I can assist you in any way.

Sincerely,

Chief Jay Romine
President

Cc: Amy Mercer, Executive Director

FLORIDA



SHERIFFS ASSOCIATION

October 14, 2004

Post Office Box 12519 • Tallahassee, Florida 32317-2519
Telephone (850) 877-2165 • FAX (850) 878-8665

Mr. Gary R. VanLandingham
Interim Director
Office of Program Policy Analysis
And Government Accountability
111 West Madison Street, Room 312
Claude Pepper Building
Tallahassee, Florida 32399-1475

**Re: Most Adult Protection Working Agreements Signed, But Have Had
Limited Effectiveness (OPPAGA Draft Report – September 2004)**

Dear Mr. VanLandingham:

Thank you for forwarding the Draft report titled Most Adult Protection Working Agreements Signed, But Have Had Limited Effectiveness to me for my review. On behalf of the Florida Sheriffs Association, I appreciate the work that has been done by your staff in preparing this document. The recommendations made appear to be reasonable and ones that would help ensure that elderly citizens of this state are provided protection in a comprehensive way.

The Florida Sheriffs Association is happy to help facilitate periodic meetings with the statewide stakeholder groups to determine if there are additional best practices or policies regarding the protection of vulnerable adults. As you know however, our role as an association is not to dictate or interfere with the internal policies and procedures of any local law enforcement agency or Sheriff's Office. As clearly shown throughout the report, the relationships between the Department of Children and Families and local law enforcement must occur at the local level. The statewide triad includes the majority of organizations whose focus is to improve the quality of life and reduce the likelihood of crime against older Floridians. This would appear to be the best place to discuss and disseminate best practices and other model policy initiatives since this is already an established group of stakeholders.

Rest assured that the Florida Sheriffs Association stands ready to facilitate interaction between our members and the Florida Department of Children and Families. Please call me at (850) 877-2165 should you have any questions or if I can help you in any way.

Sincerely,

Gary E. Perkins
Executive Director

GEP/MBP

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