

SPECIAL ORDER



Subject	Adult Protective Services
Number	SO-11-02
Effective Date	February 3, 2011
Rescinds:	Special Order 86-18 (Adult Protective Services Acts of 1984) Effective Date March 21, 1986

DISTRICT OF COLUMBIA

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I. BACKGROUND

The purpose of this order is to establish the policy and procedures governing the involvement of members of the Metropolitan Police Department (MPD) in carrying out the responsibilities required by the Adult Protective Services Acts of 1984, [(D.C. Law 5-156, D.C. Official Code § 7-1901 et. seq), (formerly § 6-2501 et seq.)]. This act was amended by the Karyn Barquin Adult Protective Services Self-Neglect Expansion Amendment Act of 2005. (D.C. Law 16-67)

The primary purpose of these Acts is to assist the District Government in providing an array of services to vulnerable adults who have been abused, neglected, self-neglected or exploited and remain highly vulnerable to continued abuse, neglect, self-neglect or exploitation, while at the same time respecting the interests of self-sufficiency and privacy.

The Acts requires that Adult Protective Service (APS) workers from the D.C. Department of Human Services (DHS), Family Services Administration (FSA) investigate reports which allege facts indicating an adult victim is in need of protective services, and that the DHS/FSA provide appropriate protective services to the adult, based either upon the adult's consent or, if the adult objects because of fear or intimidation, upon a protection order issued by the D.C. Superior Court.

II. DEFINITIONS

For the purpose of this order, the following terms shall have the meanings designated:

1. Abuse –
 - a. Intentional or reckless infliction of serious physical pain or injury;

- b. Use or threatened use of violence to force participation in "sexual conduct," defined in D.C. Official Code § 22-3101(5);
- c. Repeated, intentional imposition of unreasonable confinement or threats to impose unreasonable confinement, resulting in severe mental distress;
- d. Repeated use of threats or violence, resulting in shock or an intense, expressed fear for one's life or of serious physical injury; or
- e. Intentional or deliberately indifferent deprivation of essential food, shelter, or health care in violation of a caregiver's responsibilities, when that deprivation constitutes a serious threat to one's life or physical health.

NOTE: An adult shall not be considered abused under this chapter for the sole reason that he or she seeks, or his/her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.

- 2. Adult – Individual eighteen (18) years of age or older.
- 3. Adult in Need of Protective Services – Individual eighteen (18) years of age or older who:
 - a. Is highly vulnerable to abuse, neglect, self-neglect, or exploitation because of a physical or mental impairment, self-neglect, or incapacity;
 - b. Has recently been or is being abused, neglected, or exploited by another or meets the criteria for self-neglect; and
 - c. Has no one willing and able to provide adequate protection.

NOTE: An adult shall not be considered in need of protective services under this order for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.

- 4. Adult Protective Services Worker (APS Worker) – Employee of the District who conducts investigations or provides protective services under this chapter.

5. Caregiver – Person that, by law, contract, court order, or voluntary action, is charged with or has assumed the responsibility for an adult's essential food, shelter, or health-care needs.
6. Exploitation – Unlawful appropriation or use of another's "property," as defined in D.C. Official Code § 22-3201, for one's own benefit or that of a 3rd person.
7. Neglect –
 - a. Repeated, careless infliction of serious physical pain or injury;
 - b. Repeated failure of a caregiver to take reasonable steps, within the purview of his/her responsibilities, to protect against acts of abuse described in paragraph (1)(B) of D.C. Official Code § 7-1901;
 - c. Repeated, careless imposition of unreasonable confinement, or threats of unreasonable confinement resulting in severe mental distress; or
 - d. Careless deprivation of essential food, shelter, or health care in violation of a caregiver's responsibilities, when that deprivation constitutes a serious threat to one's life or physical health.

NOTE: An adult shall not be considered neglected under this order for the sole reason that he or she seeks, or his or her caregiver provides or permits to be provided, with the express consent or in accordance with the practice of the adult, treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.

8. Protective Services – Services or provisions reasonably calculated to remedy or substantially reduce the likelihood of abuse, neglect, or exploitation by another, or self-neglect, including, but not limited to: food, heat, shelter, clothing, health care, home care, counseling, legal assistance, and social casework.
9. Self-neglect – Failure of an adult, due to physical or mental impairments or incapacity, to perform essential self-care tasks, including:
 - a. Providing essential food, clothing, shelter, or medical care;
 - b. Obtaining goods or services necessary to maintain physical health, mental health, emotional well-being, and general safety; or
 - c. Managing his or her financial affairs.

NOTE: An adult shall not be considered to be committing self-neglect under this chapter for the sole reason that he/ she seeks treatment by spiritual means through prayer alone in accordance with a religious method of healing, in lieu of medical treatment.

III. DUTIES AND RESPONSIBILITIES

A. Responsibilities of First Responders

Members are mandated by D.C. Official Code § 7-1903 to report any instances to APS where they believe an adult is in need of protective services. This mandate is also applicable to numerous other professions enumerated in this law.

1. Members on the scene where an adult may be in need of protective services due to abuse, neglect, self-neglect or exploitation shall:
 - a. Contact Adult Protective Services [located at 645 H Street NE, 3rd Floor (0815-1645 hours)], the Twenty-Four (24) Hour Hotline can be reached by dialing (202) 541-3950.
 - b. Request an official respond to the scene.
 - c. Prepare a PD Form 251 (Incident-Based Event Report) with the classification of "Check on the Welfare." This report shall contain:
 - (1) The name, age, physical description, and location of the adult alleged to be in need of protective services.
 - (2) The name and location of the person(s) allegedly responsible for the abuse, neglect, or exploitation.
 - (3) The nature and extent of the abuse, neglect, or exploitation.
 - (4) The basis or source of the member's knowledge.
 - (5) Any other information the officer believes might be helpful to an investigation.
 - (6) The date and time the notification was made to the APS office.
 - (7) The name of the person at APS who received the notification.

NOTE: In the event an adult in need of protective services or any other person is at an immediate, substantial risk of life-threatening harm or that immediate police action is otherwise

warranted, the member shall take such prompt action as the circumstances may require.

NOTE: Though adults in need have the right to seek treatment by spiritual means, should a member encounter an adult in dire need of medical attention, yet he/she is refusing medical intervention for religious reasons, the member **must** summon an ambulance. Should medical personnel honor the subject's religious request, the member or the official shall contact the Watch Commander and request permission for an involuntary transport to Comprehensive Psychiatric Emergency Program (CPEP).

- d. Have the individual transported to the appropriate location, (e.g., residence, hospital).

NOTE: If the individual cannot or will not go to these locations and does not satisfy the criteria for an involuntary commitment, he/she may be transported to APS. If he/she refuses, and the member has no basis for detention, the individual is free to leave. If APS is closed, the individual may voluntarily be housed in the District's community room until APS opens.

NOTE: Individuals voluntarily transported to the District's community room are **not** under arrest and therefore free to come and go as they please.

2. Members on the scene where an adult may be in need of protective services due to abuse, neglect, self-neglect or exploitation **and** an APS worker is present shall:
 - a. Remain on the scene until the APS worker leaves or it is apparent MPD presence is no longer needed.
 - b. Prepare a PD Form 251 with the classification of "Check on the Welfare." This report shall contain the information enumerated in Part III.A.1.c of this order.

B. Accompanying APS

Members may be requested to accompany an APS worker to the scene of suspected abuse, neglect, self neglect or exploitation. Requests for MPD to accompany APS may include:

1. When a report received by the DHS alleges the existence of an immediate, substantial risk of life-threatening harm to an adult in need of protective services;
2. When an APS worker articulates to the police a basis for suspecting that an adult in need of protective service or the APS worker is in

danger of bodily harm or violence from any source;

3. When a court order has been issued which authorizes protective service, and the APS worker articulates a basis for suspecting resistance to the order or a threat to the APS worker or the client; or
4. When any other circumstances exist which a MPD official agrees would be appropriate.

NOTE: If, while in the company of an APS worker, a situation arises which involves an immediate, substantial risk of life-threatening harm to any person, it shall be the responsibility of the member to take appropriate action.

C. Investigations

APS shall be the lead agency in the investigations of adult abuse, neglect, self neglect and exploitation.

NOTE: This order does not prevent nor preclude members on the scene from taking appropriate police action. Additionally, the presence of an APS worker does not diminish the responsibilities of members dealing with individuals who may be in need of protective services.

IV. CROSS REFERENCES

- A. Special Order 10-02 (Check on the Welfare Calls for Service)
- B. D.C. Official Code § 7-1901 (Adult Protective Services)
- C. D.C. Official Code § 7-1903 (Reporting Requirements)
- D. D.C. Official Code § 22- 3101 (Sexual Performances Using Minors)
- E. D.C. Official Code § 22- 3201 (Theft; Fraud; Stolen Property; Forgery and Extortion)
- F. D.C. Law 16-67 (Karyn Barquin Adult Protective Services Self Neglect Expansion Act of 2005)



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